

## THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2009-0031 – The Moore Redbird Project

REQUEST:

Conduct a public hearing and approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 313 Red Bird Lane (Williamson Creek Watershed) from single family residence standard lot – neighborhood plan (SF-2-NP) combining district zoning to family residence – conditional overlay – neighborhood plan (SF-3-CO-NP) combining district zoning. The Conditional Overlay limits development to 0.4 gross floor area.

DEPARTMENT COMMENTS:

A valid petition of 24.82% has been filed by the adjacent property owners in opposition to this rezoning request.

The Applicants have agreed to the Neighborhood's request to a Conditional Overlay that would limit development to 0.4 gross floor area and would like to proceed with SF-3-CO-NP zoning.

Transportation Review staff has agreed to defer right-of-way dedication on Red Bird Lane to the resubdivision process.

OWNER: Leslie M. Moore.

AGENT: Thrower Design (Ron Thrower).

DATE OF FIRST READING: July 23, 2009, approved SF-3-NP district zoning with conditions, on First Reading (4-3, Mayor Leffingwell, Morrison and Riley voted Nay).

DATE OF SECOND READING: November 5, 2009, approved SF-3-CO-NP combining district zoning, on Second Reading (4-3, Mayor Leffingwell, Morrison and Riley voted Nay).

CITY COUNCIL HEARING DATE: January 14, 2010

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Rhoades  
e-mail: wendy.rhoades@ci.austin.tx.us

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2009-0031 – The Moore Redbird Project

**P.C. DATE:** April 14, 2009

**ADDRESS:** 313 Red Bird Lane

**OWNER & APPLICANT:** Leslie M. Moore

**AGENT:** Thrower Design  
(Ron Thrower)

**ZONING FROM:** SF-2-NP

**TO:** SF-3-NP

**AREA:** 0.48 acres  
(20,908 square feet)

### **SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant family residence – neighborhood plan (SF-3-NP) combining district zoning.

If the requested zoning is recommended for this site, 28 feet of right-of-way should be dedicated from the centerline of Red Bird Lane in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site.

### **PLANNING COMMISSION RECOMMENDATION:**

April 14, 2009: *APPROVED SF-3-NP DISTRICT ZONING WITH CONDITIONS OF RIGHT-OF-WAY DEDICATION ON RED BIRD LANE.*

*[J. REDDY; P. HUI – 2<sup>ND</sup>] (8-0) D. ANDERSON – ABSENT*

### **ISSUES:**

The Applicants have agreed to the Neighborhood's request to a Conditional Overlay that would limit development to 0.4 gross floor area and would like to proceed with SF-3-CO-NP zoning.

Transportation Review staff has agreed to defer right-of-way dedication on Red Bird Lane to the resubdivision stage.

Staff has met with both the Applicants and Neighborhood representatives on separate occasions to discuss allowable development scenarios with SF-2-NP and SF-3-NP zoning, and explain how the McMansion ordinance could be applied. The Applicant and Neighborhood representatives also met to discuss the rezoning case on Monday, July 13<sup>th</sup>. The Neighborhood requested that the Applicant limit development to 0.4 gross floor area for subdivided lots, which is based on a regulation that applies inside the McMansion boundary, and could be accomplished by way of a Conditional Overlay. Please refer to attached correspondence at the very back of this packet.

Under the existing SF-2-NP zoning, the existing lot could be resubdivided to create three lots. One lot could have a single family residence, while two others could accommodate both a single family residence and a secondary apartment use, for a total of five residential units on the property. Under the proposed SF-3-NP zoning, the existing lot could be resubdivided to create one additional lot and both lots could accommodate one duplex, for a total of four residential units.

A valid petition of 24.82% has been filed by the adjacent property owners in opposition to this rezoning request. In addition, six comment response forms from adjacent residents in opposition to SF-3-NP district zoning are attached.

### **DEPARTMENT COMMENTS:**

The subject property located on Red Bird Lane is developed with one single family residence, and zoned single family residence – neighborhood plan (SF-2-NP) combining district. There is a two-family residence adjacent to the east (SF-3-NP), one single family residence to the west (SF-2-NP), single family residences and a two-family residence to the north (SF-2-NP; SF-3-NP) and a single family residence, child care facility and beauty salon located on West Stassney Lane to the south (GO-MU-NP).

The Applicant has requested a zoning change to the family residence – neighborhood plan (SF-3-NP) district in order to resubdivide the property into two duplex lots, for a total of four units. Staff recommends the Applicant's request as SF-3 zoning is compatible with the mix of existing residential zoning and housing types in this neighborhood.

### **EXISTING ZONING AND LAND USES:**

|              | <b>ZONING</b>    | <b>LAND USES</b>   |
|--------------|------------------|--|
| <i>Site</i>  | SF-2-NP          | Single family residence  |
| <i>North</i> | SF-2-NP; SF-3-NP | Single family residence; Two family residence                    |
| <i>South</i> | GO-MU-NP         | One single family residence; Child care facility; Beauty salon   |
| <i>East</i>  | SF-3-NP          | Two family residence; Single family residence; Manufactured home |
| <i>West</i>  | SF-2-NP          | Single family residence; Undeveloped                             |

**NEIGHBORHOOD PLANNING AREA:** West Congress      **TIA:** Is not required

**WATERSHED:** Williamson Creek      **DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No      **SCENIC ROADWAY:** No

### **NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association  
300 – Terrell Lane Interceptor Association

428 – Barton Springs / Edwards Aquifer Conservation District  
 511 – Austin Neighborhoods Council  
 627 – Onion Creek Homeowners Association 742 – Austin Independent School District  
 786 – Home Builders Association of Greater Austin  
 1037 – Homeless Neighborhood Association 1075 – League of Bicycling Voters  
 1108 – Perry Grid 644 1113 – Austin Parks Foundation  
 1164 – Austin Southwest Association 1168 – E-mail Notification Test Group  
 1173 – South Congress Combined Neighborhood Plan Contact Team

### **SCHOOLS:**

Pleasant Hill Elementary School      Bedichek Middle School      Crockett High School

### **CASE HISTORIES:**

| <b>NUMBER</b>  | <b>REQUEST</b>             | <b>COMMISSION</b> | <b>CITY COUNCIL</b>   |
|--|----------------------------|-------------------|---|
| C14-05-0106.02 –<br>West Congress<br>NPA Rezoning –<br>404-414 West<br>Stassney Lane | SF-3-NP to GO-<br>MU-CO-NP | To Grant          | Approved GO-MU-<br>CO-NP with CO<br>specifying that if<br>property is developed<br>for non-residential<br>uses then access from<br>Hummingbird shall be<br>by a limited-function<br>driveway that allows<br>right-turn out only (11-<br>14-05). |
| C14-00-2115 –<br>Mockingbird – 205<br>& 207 Mockingbird<br>Lane                      | SF-2 to SF-4A              | To Grant          | Approved SF-4A (2-<br>15-01).   |

### **RELATED CASES:**

The rezonings associated with the West Congress Neighborhood Plan Area were approved by Council on August 18, 2005 (C14-05-0106). The base district of the subject property did not change, and the NP combining district was added. This property is located within the Pleasant Hill Subdistrict. Within this Subdistrict, single family residential, duplex residential, and two family residence uses are subject to the front porch setback as set forth in Section 25-2-1602 and garage placement restrictions as set forth in Section 25-2-1604 of the Code. Secondary apartment special use is also permitted in residential districts of the Pleasant Hill Subdistrict as set forth in Sections 25-2-1462 and 25-2-1463 of the Code (C14-05-0106 - Ordinance 20051006-036).

The subject zoning area is platted as Lot 7, Block 2 of the Pleasant Hill Addition, a subdivision recorded in November 1937 (C8-1937-1514). Please refer to Exhibit B.

**ABUTTING STREETS:**

| Name          | ROW     | Pavement | Class | Sidewalk? | Bus Route? | Bike Route? |
|---------------|---------|----------|-------|-----------|------------|-------------|
| Red Bird Lane | 50 feet | 20 feet  | Local | No        | No         | No          |

**CITY COUNCIL DATE:** May 14, 2009**ACTION:** Approved a Postponement request by the Neighborhood to May 21, 2009 (7-0).

May 21, 2009

Approved a Postponement request by the Staff to June 11, 2009 (7-0).

June 11, 2009

Approved a Postponement request by the Applicant to June 18, 2009 (6-0, Cole off the dais).

June 18, 2009

Postponed by the Council to July 23, 2009 (7-0).

**Note:** Direction given to Staff to assist the Applicant and the Neighborhood in drafting agreeable parameters for a potential development in the future.

July 23, 2009

Approved SF-3-NP district zoning with conditions of right-of-way dedication on Red Bird Lane; Public Hearing remains open (4-3, Mayor Leffingwell, Morrison, Riley – Nay).

November 5, 2009

Approved SF-3-CO-NP district zoning with the CO limiting development to 0.4 gross floor area, on Second Reading; Public Hearing remains open (4-3, Mayor Leffingwell, Morrison, Riley – Nay).

November 19, 2009

Approved a Postponement request by the Applicant to December 10, 2009 (7-0).

December 10, 2009

Approved a Postponement request by the Applicant to January 14, 2010 (6-0, Mayor Pro Tem Martinez – Absent).

January 14, 2010

**ORDINANCE READINGS:** 1<sup>st</sup> July 23, 2009 2<sup>nd</sup> November 5, 2009 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: [wendy.rhoades@ci.austin.tx.us](mailto:wendy.rhoades@ci.austin.tx.us)

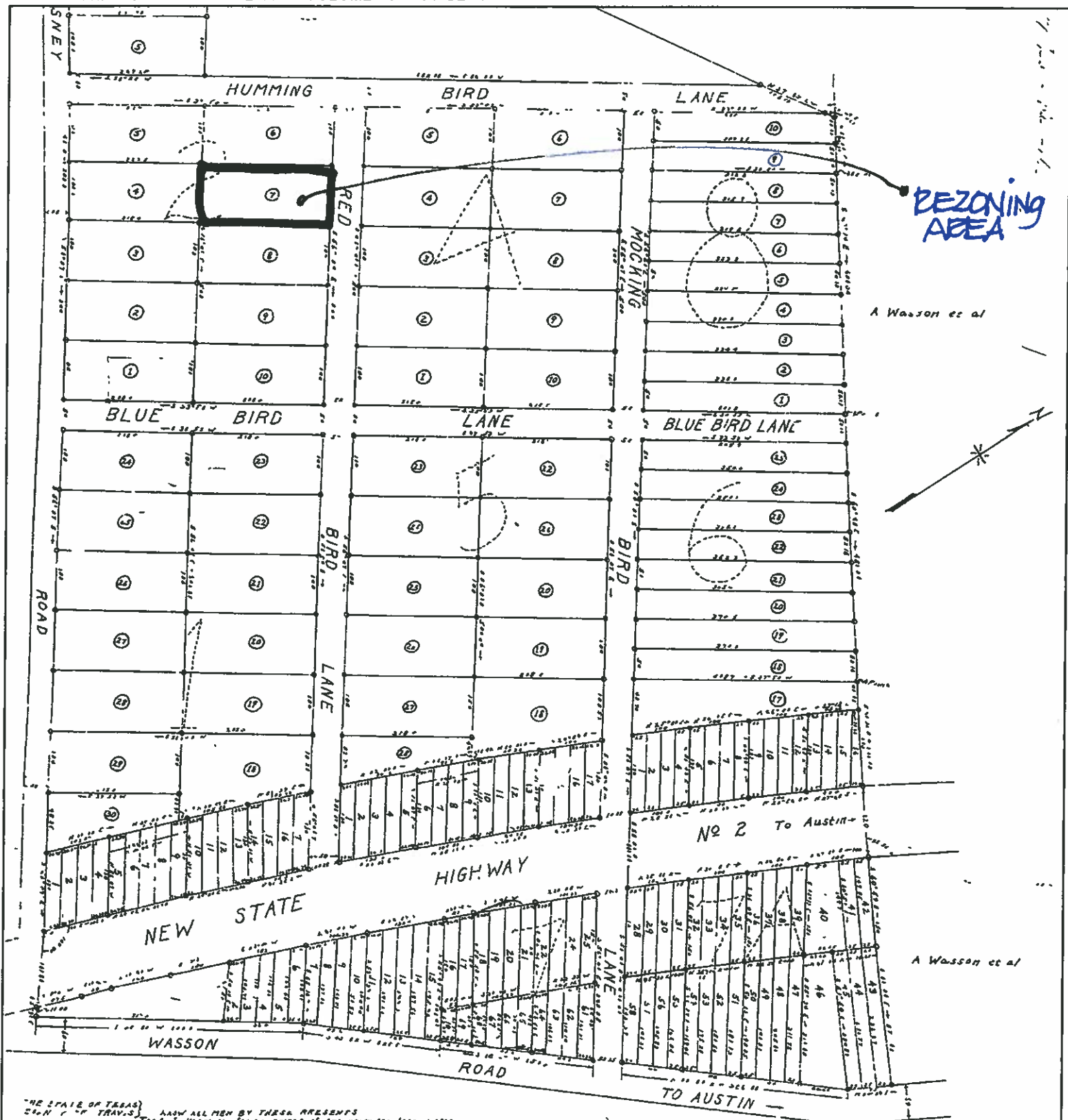
**PHONE:** 974-7719

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







[illegible][illegible]

PLEASANT HILL ADDITION

15. A SUBORDINATE OF TWO (2) AND THREE (3) OF THE  
C. J. V. HOMELEAD TEAM. NO TWO (2) OF THE  
WILLIAM JAYSON LEAD. C. J. V. HOMELEAD TEAM  
GO TO (2) RATES LESS THE AMOUNT SAVED IN 30 DAYS  
W/OUT DEDUCTIBLE FOR A RIB, AND GO TO THE BANK FOR  
EVEN RECORDED IN A DEED FROM R. JAYSON TO 1554 N  
N. JAYSON ON FEBRUARY 23, 1968. V. 20. 10 PAGE  
1288.

Sen 'a I'-100  
o Denoteb Iron pipe

RECOMMENDED FOR APPROVAL  
OCTOBER 22 1937

CITY ENGINEER MUSTY VEJNS

APPROVED BY CITY PLAN COMMISSION  
OCTOBER 22 1917

W.F. Kellogg  
Colleges, Stacy  
J.M. Ramsey

EXHIBIT B  
RECORDED PLAT

**SUMMARY STAFF RECOMMENDATION:**

The Staff's recommendation is to grant family residence – neighborhood plan (SF-3-NP) combining district zoning.

If the requested zoning is recommended for this site, 28 feet of right-of-way should be dedicated from the centerline of Red Bird Lane in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

*1. The proposed zoning should be consistent with the purpose statement of the district sought.*

The family residence (SF-3) zoning district is intended as an area for moderate density single family residential use, with a minimum lot size of 5,750 square feet. This district is appropriate for existing single-family neighborhoods having typically moderate sized lot patterns, as well as for development of additional family housing areas with minimum land requirements.

*2. Zoning changes should promote an orderly and compatible relationship among land uses.*

Staff recommends the Applicant's request as SF-3 zoning is compatible with the mix of existing residential zoning and housing types in this neighborhood.

**EXISTING CONDITIONS****Site Characteristics**

The subject property is developed with one single family residence. The site is relatively flat and there appear to be no significant topographical constraints on the site.

**Impervious Cover**

The maximum impervious cover allowed by the SF-3-NP zoning district would be 45%, which is based on the more restrictive zoning regulations.

**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

| <i>Development Classification</i>                | <i>% of Net Site Area</i> | <i>% with Transfers</i> |
|--|---------------------------|-------------------------|
| Single-Family<br>(minimum lot size 5750 sq. ft.) | 50%                       | 60%                     |
| Other Single-Family or Duplex                    | 55%                       | 60%                     |
| Multifamily                                      | 60%                       | 70%                     |
| Commercial                                       | 80%                       | 90%                     |

According to flood plain maps, there is a floodplain adjacent to the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone should be limited to 30%.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

### **Transportation**

If the requested zoning is recommended for this site, 28 feet of right-of-way should be dedicated from the centerline of Red Bird Lane in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site. FYI- Currently, there is 25 feet of right-of-way available on Red Bird Lane. LDC, 25-6-55; TCM, Tables 1-7, 1-12.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments



required. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

#### **Site Plan and Compatibility Standards**

Rezoning from SF-2 to SF-3 does not trigger the application of compatibility standards.

The applicable building standards are outlined below:

Breakdown by square footage for living area/garage/patio/porch is required on duplex residential site plans.

Setbacks for duplex residential:

- Anything that juts more than 5 feet into a setback must be fireproofed. Standard side setback is 5 feet with a maximum allowable 2 foot overhang. The overhang cannot have any openings, soffit vents, windows, etc.
- Setbacks between buildings is 10 feet (5 feet on each side). Any encroachment into this setback must be fireproofed.
- Nothing can encroach into a 2 foot setback.

## PUBLIC HEARING INFORMATION

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During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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**Case Number: C14-2009-0031**

**Contact:** Wendy Rhoades, (512) 974-7719

**Public Hearing:**

April 14, 2009 Planning Commission

May 14, 2009 City Council

☐ I am in favor  
☒ I object

Joe M. Donaldson

Your Name (please print)

305 W. Mockingbird La.

Your address(es) affected by this application

Joe M. Donaldson

Signature

4-9-09

Date

Comments: 1. SF 3 would allow four living units when the historic use for this property has been one single family home.

2. This change would violate the recently accepted neighborhood plan.

3. Under the current SF 2, the developer could build two single family houses - a more reasonable density increase for this area.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Rhoades}

P. O. Box 1088

Austin, TX 78767-8810

Tax 9/14-6057

e-mail

wendy.rhoades@ci.austin.tx.us

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Case Number: C14-2009-0031

Contact: Wendy Rhoades, (512) 974-7719

## Public Hearing:

April 14, 2009 Planning Commission

May 14, 2009 City Council

☐ I am in favor

☒ I object

Andrea McCartney

Your Name (please print)

309 Red Bird Ln

Your address(es) affected by this application

Andrea McCartney

Signature

Date

4/13/09

Comments:

Property owner wants to get this zoning so he/she can re-subdivide & put 2 duplexes up. Duplexes are not in character with this single family neighborhood.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Rhoades}

P. O. Box 1088

Austin, TX 78767-8810



Tax 4/14/09

email wendy.rhoades@austin.tx.us

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Case Number: C14-2009-0031
Contact: Wendy Rhoades, (512) 974-7719
Public Hearing: April 14, 2009 Planning Commission May 14, 2009 City Council

I am in favor
I object

ANDREA R. HENDRIX
Your Name (please print)

306 RED BIRD LANE, AUSTIN 78745
Your address(es) affected by this application

Signature
Date 4/14/09

Comments:

If you use this form to comment, it may be returned to:
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Neighborhood Planning and Zoning Department
Wendy Rhoades}
P. O. Box 1088
Austin, TX 78767-8810

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**Case Number:** C14-2009-0031

**Contact:** Wendy Rhoades, (512) 974-7719

**Public Hearing:**

April 14, 2009 Planning Commission

May 14, 2009 City Council

☐ I am in favor  
☒ I object

ANN E. HARRIS

Your Name (please print)

307 RED BIRD LN. AUSTIN, TX 78745

Your address(es) affected by this application

Ann Harris

Signature

April 13 2009

Date

Comments: I object to the requested zoning change due to the potential for a development density which would be out of character and disruptive to our neighborhood. I am also concerned with the danger of increased traffic, for our children and pedestrians.

If you use this form to comment, it may be returned to:

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Wendy Rhoades}

P. O. Box 1088

Austin, TX 78767-8810

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Contact: Wendy Rhoades, (512) 974-7719

Public Hearing:

April 14, 2009 Planning Commission

May 14, 2009 City Council

☐ I am in favor  
☒ I object

William Hendrix

Your Name (please print)

300 Red Bird LN 78745

Your address(es) affected by this application

Wendy Rhoades

Signature

2/13/2009

Date

Comments:

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Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810



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Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2009-0031

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing:

April 14, 2009 Planning Commission

May 14, 2009 City Council

Rachael McDaniel (Shaw)

Your Name (please print)

309 W. Mockingbird Ln, Austin

Your address(es) affected by this application

Rachael McDaniel 4/14/09

Signature

Date

Comments: BUILDING MULTI-FAMILY

(2 duplexes at one address) WILL  
INCREASE TRAFFIC, DISRUPT NEIGH-  
BORS' PRIVACY AND CHANGE  
THE CHARACTER OF THE NEIGHBORHOOD.  
FURTHER, AFFECTED BY THE PROPERTY  
OWNER REGARDING HIS PLANS TO BUILD  
TWO DUPLEXES (4 non-owner tenants).

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Rhoades}

P. O. Box 1088

Austin, TX 78767-8810

## Rhoades, Wendy

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**From:** Andrea [Andrea@ci.austin.tx.us]  
**Sent:** Wednesday, May 13, 2009 10:24 AM  
**To:** Rhoades, Wendy  
**Subject:** RE: Petition results

Dear Wendy,

We, the neighborhood of the Bird Streets, request to postpone the hearing until May 21st for Case C14-2009-0031, 313 Red Bird Lane. Can you please let me know by email if this request has been honored?

Thank you,  
Andrea

-----Original Message-----

**From:** Rhoades, Wendy [mailto:Wendy.Rhoades@ci.austin.tx.us]  
**Sent:** Wednesday, May 13, 2009 10:07 AM  
**To:** Andrea [mailto:Andrea@ci.austin.tx.us]  
**Subject:** FW: Petition results

Here are the petition results and map, for your information.

Wendy

-----Original Message-----

**From:** mfp@ci.austin.tx.us [mailto:mfp@ci.austin.tx.us]  
**Sent:** Wednesday, May 13, 2009 4:12 AM  
**To:** Rhoades, Wendy  
**Subject:** Scan from a Xerox WorkCentre

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Attachment File Type: PDF

WorkCentre Location: machine location not set Device Name: OTC05Nocona

For more information on Xerox products and solutions, please visit  
<http://www.xerox.com>

Leslie Moore & Magdalena Rood  
1003 South 2<sup>nd</sup> St  
Austin, Texas 78704

June 11, 2009

Mayor and City council members,

Re: The Moore-Redbird Zoning case (agenda item #66 ).

Due to a scheduling conflict, we are requesting a postponement of the hearing of this case until the next council meeting on June 18, 2009.

Your consideration would be greatly appreciated.

Sincerely,

Leslie Moore & Magdalena Rood  
512-917-8734



## Rhoades, Wendy

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**From:** Andrea [REDACTED]  
**Sent:** Tuesday, July 14, 2009 9:58 AM  
**To:** Rhoades, Wendy; Harden, Joi; McDonald, John  
**Cc:** [REDACTED]  
**Subject:** Red Bird

Hello,

We met with Leslie and Magdalena last night. We asked for the conditional overlay of the McMansion ordinance and they balked so then we asked for just a conditional overlay with .4 FAR for Gross Floor Area for all their subdivided lots (in combination with the standard duplex ordinance). If they accept this we will withdraw the petition. They will be contacting you with questions. If they agree, it is my understanding that the developers and the neighborhood together will meet with the zoning dept. and then the conditional overlay will be written up.

Thank you for all your help.

Andrea McCartney  
925-5214

7/16/2009

## Rhoades, Wendy

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**From:** Magdalena Rood [mailto:Magda@rood.com]  
**Sent:** Thursday, July 16, 2009 8:22 AM  
**To:** Rhoades, Wendy  
**Cc:** [redacted]; Leslie Moore  
**Subject:** Red Bird

Good morning Wendy,

In our opinion the neighbors' request for a restrictive overlay on our property at 313 Red Bird, should we pursue SF-3 zoning, is not in our best interest. We had hoped the neighbors would come to understand that SF-3 zoning with a subdivision of the land into 2 large lots would retain the "open spaces" feel of the neighborhood.

We believe the neighbors' offer of .4 FAR is an unfair imposition of restrictions on our property when those restrictions do not exist on any other property in the area, and that will in fact restrict our options for the property. As our purpose was to expand those options, their offer is contrary to our goals.

The neighbors have said that they would be willing to put those same restrictions on their own residences but there is no way for them to guarantee they will do that. We would be stuck with the restrictions while they wouldn't.

We believe that we can create an attractive and compatible community on the property under the current SF-2 zoning. We'll proceed to a first reading on July 23, but should the request not pass on that reading, we won't be unhappy to keep SF-2.

Leslie & Magdalena

C14-2009-0031 Moore Red Zoning Project 313 Red Bird Lane.

Dear Mayor and City Council members,

I will remove my name from the petition providing the developers agree to a Conditional Overlay limiting development to a 0.4 gross floor area. I am willing to have the .4FAR extended to my property, too. We have spoken to many of the neighbors on the "Bird" Streets and the consensus is to extend the .4FAR to all the Bird Streets. That includes Red Bird, Hummingbird, Mockingbird and Blue Bird. That way, every time a zoning case comes up in our neighborhood we won't have to go to City Council to deal with it.

I want to be clear that everyone, including myself, prefer that the McMansion Ordinance be extended to the all the Bird Streets but the developers would not agree to it.

Sincerely,



Andrea L. McCartney

309 Red Bird Lane

512-925-5214

[andrea@quorumreport.com](mailto:andrea@quorumreport.com)

Wendy Rhoades

P E T I T I O N

Date: 5/10/09

File Number: C14-2009-0031

Address of

Rezoning Request: 313 Red Bird Ln.

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF2.

The reason for opposing the zoning change is to preserve and protect current land use consistent with the most recent adoption of the South Congress Neighborhood Plan. Current SF3 in this neighborhood consists of two single family homes, not duplexes, with the owners living on the property. The applicant's plan for two duplexes with four families is an unacceptable increase in the density of this area.

Under SF2 either one home or two single family (if subdivided) homes could be built, allowing for significant increase in the value of the property and enhancing the neighborhood.

| <u>Signature</u>       | <u>Printed Name</u>    | <u>Address</u>             |
|------------------------|------------------------|----------------------------|
| Andrea McCartney       | Andrea McCartney       | 309 Red Bird Ln            |
| Mary Kay Hendrix       | Mary Kay Hendrix       | 304 Red Bird Lane          |
| Reagan Terrier         | Reagan Terrier         | 307 Red Bird Lane          |
| Elizabeth A. Dickerson | Elizabeth A. Dickerson | 5504 Humming Bird Lane     |
| Rachael Horner         | Rachael Horner         | 314 Red Bird Lane          |
| Andrea Hendrix         | Andrea Hendrix         | 306 Red Bird Lane          |
| GARY MCINTYRE          | GARY MCINTYRE          | 5501 Humming Bird Lane     |
| Michelle C. Waldron    | Michelle C. Waldron    | 5501 Humming Bird Ln 78145 |

Date: 5/11/09

Contact Name: Andrea McCartney

Phone Number: 925-5214  
445-5915



**P E T I T I O N**

Date: 5/10/09

**File Number: C14-2009-0031**

**Address of  
Rezoning Request: 313 Red Bird Ln.**

**To: Austin City Council**

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF2.

The reason for opposing the zoning change is to preserve and protect current land use consistent with the most recent adoption of the South Congress Neighborhood Plan. Current SF3 in this neighborhood consists of two single family homes, not duplexes, with the owners living on the property. The applicant's plan for two duplexes with four families is an unacceptable increase in the density of this area.

Under SF2 either one home or two single family (if subdivided) homes could be built, allowing for significant increase in the value of the property and enhancing the neighborhood.

| Signature          | Printed Name       | Address                 |
|--------------------|--------------------|-------------------------|
| Ann Harris         | Ann Harris         | 307 Red Bird Lane       |
| Kenneth D. Hendrix | KENNETH D. HENDRIX | 304 RED BIRD LANE       |
| Douglas J Fields   | DOUGLAS J FIELDS   | 310 RED BIRD LANE       |
| Luis Pinheiro      | Luis Pinheiro      | 312 428th Sasseney Lane |
| Richard Horner     | RICHARD HORNER     | 314 RED BIRD LN         |

Date: 5/13/09

Contact Name: Andrea McClartney

Phone Number: 925 5214

Please add this to the already submitted petition. Some of the people who signed the 1st one were not on TCAD & their spouses had to sign this one.

## P E T I T I O N

Date: 5/10/09

File Number: C14-2009-0031

Address of  
Rezoning Request: 313 Red Bird Ln.

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF2.

The reason for opposing the zoning change is to preserve and protect current land use consistent with the most recent adoption of the South Congress Neighborhood Plan. Current SF3 in this neighborhood consists of two single family homes, not duplexes, with the owners living on the property. The applicant's plan for two duplexes with four families is an unacceptable increase in the density of this area.

Under SF2 either one home or two single family (if subdivided) homes could be built, allowing for significant increase in the value of the property and enhancing the neighborhood.

Signature

Printed Name

Address

Michelle C Clayton Michelle C Clayton 5505 Hummingbird Austin Tx 78745  
4 W 314 Stasney Austin Tx 78745

Date: 6/17/09

Contact Name: Andrea McCartney

Phone Number: 925-5214

*Please add this to our petition*

307 Red Bird Lane  
Austin, TX 78745  
October 29, 2009

Re: C14-2009-0031 Moore Red Zoning Project 313 Red Bird Lane

Mayor and City Council members:

I am willing to remove my name from the petition on the condition that the developers have a .4FAR on their property. I am willing to also extend the .4FAR to my property also.

Thank you,

A handwritten signature in cursive script, appearing to read "Ann Harris".

Ann Harris

C14-2009-0031 Moore Red Zoning Project 313 Red Bird Lane

To Whom It May Concern,

I will remove my name from The Petition providing the developers agree to a Conditional Overlay Limiting development to a 0.4 Gross Floor area. I Am willing to have a or the .4 FAR extended to my property too.

My Name is Michelle C. Waldron my property ID number is: 325753

Ownership %: 100.00

REF102: 04160902110000

DBA

Legal: Lot 5 \* Less 656 Sq Feet Bk 2  
Pleasant Hill ADD.

Legal Acres: 0

Situs: 314 W. Stassney Ln TX 78745

Owner ID: 288573

I want to be on record: I prefer that The McMansion Ordinance be extended to include all The Bird Streets for and in the future

Sincerely

*Michelle C. Waldron*

Michelle C. Waldron

5505 Humming Bird Lane

Austin TEXAS 78745

(512) 300-0264



C14-2009-0031 Moore Red Zoning Project 313 Red Bird Lane.

Dear Mayor and City Council members,

<sup>WE</sup> ~~we~~ will remove <sup>OUR</sup> ~~my~~ names from the petition providing the developers agree to a Conditional Overlay limiting development to a 0.4 gross floor area. <sup>WE ARE</sup> ~~I am~~ willing to have the .4FAR extended to <sup>OUR</sup> ~~my~~ property, too. We have spoken to many of the neighbors on the "Bird" Streets and the consensus is to extend the .4FAR to all the Bird Streets. That includes Red Bird, Hummingbird, Mockingbird and Blue Bird. That way, every time a zoning case comes up in our neighborhood we won't have to go to City Council to deal with it.

<sup>WE</sup> ~~we~~ want to be clear that everyone, including <sup>OURSELVES</sup> ~~myself~~, prefer that the McMansion Ordinance be extended to the all the Bird Streets but the developers would not agree to it.

*Alexa Hendrix*  
DERAL HENDRIX  
304 RED BIRD LN  
AUSTIN, TX 78745

*Mary Kay Hendrix*  
MARY KAY HENDRIX  
304 RED BIRD LN  
AUSTIN, TX 78745

*Evan A. Hendrix*  
EVAN A. HENDRIX  
306 RED BIRD LN  
AUSTIN, TX 78745

*Andrea Hendrix*  
ANDREA HENDRIX  
306 RED BIRD LN  
AUSTIN, TX 78745

# PETITION

Case Number:

**C14-2009-0031**

Date:

November 5, 2009

**313 RED BIRD LANE**

Total Area Within 200' of Subject Tract

251,881.74

|    |                   |                         |                 |              |
|----|-------------------|-------------------------|-----------------|--------------|
| 1  | <u>0415080309</u> | <u>FIELDS DOUGLAS J</u> | <u>17897.29</u> | <u>7.11%</u> |
| 2  | <u>0415080310</u> | <u>HORNER RICHARD</u>   | <u>19379.81</u> | <u>7.69%</u> |
|    |                   | <u>DICKERSON</u>        |                 |              |
| 3  | <u>0416090102</u> | <u>ELIZABETH ANNE</u>   | <u>5527.59</u>  | <u>2.19%</u> |
|    |                   | <u>PINHEIRO LUIS</u>    |                 |              |
| 4  | <u>0416090210</u> | <u>ALBERTO</u>          | <u>19734.03</u> | <u>7.83%</u> |
| 5  |                   |                         |                 | <u>0.00%</u> |
| 6  |                   |                         |                 | <u>0.00%</u> |
| 7  |                   |                         |                 | <u>0.00%</u> |
| 8  |                   |                         |                 | <u>0.00%</u> |
| 9  |                   |                         |                 | <u>0.00%</u> |
| 10 |                   |                         |                 | <u>0.00%</u> |
| 11 |                   |                         |                 | <u>0.00%</u> |
| 12 |                   |                         |                 | <u>0.00%</u> |
| 13 |                   |                         |                 | <u>0.00%</u> |
| 14 |                   |                         |                 | <u>0.00%</u> |
| 15 |                   |                         |                 | <u>0.00%</u> |
| 16 |                   |                         |                 | <u>0.00%</u> |
| 17 |                   |                         |                 | <u>0.00%</u> |
| 18 |                   |                         |                 | <u>0.00%</u> |
| 19 |                   |                         |                 | <u>0.00%</u> |
| 20 |                   |                         |                 | <u>0.00%</u> |
| 21 |                   |                         |                 | <u>0.00%</u> |
| 22 |                   |                         |                 | <u>0.00%</u> |
| 23 |                   |                         |                 | <u>0.00%</u> |
| 24 |                   |                         |                 | <u>0.00%</u> |
| 25 |                   |                         |                 | <u>0.00%</u> |
| 26 |                   |                         |                 | <u>0.00%</u> |
| 27 |                   |                         |                 | <u>0.00%</u> |

Validated By:

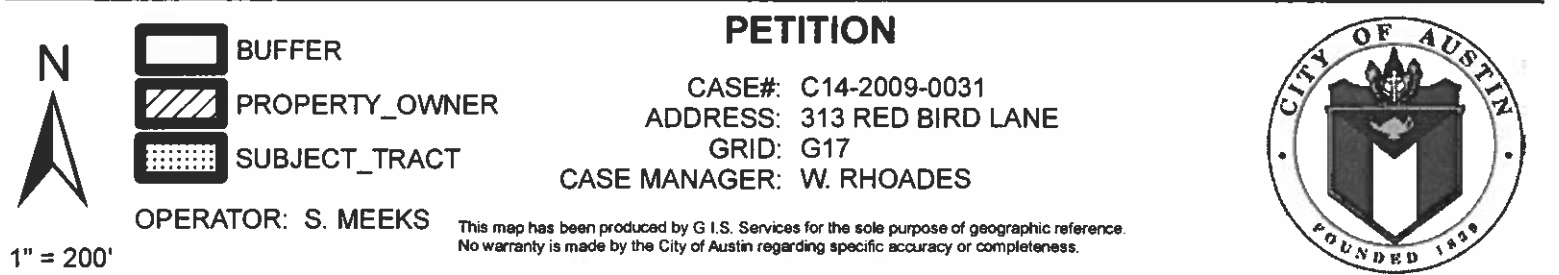
Total Area of Petitioner:

Total %

Stacy Meeks

62,538.72

24.83%



## Rhoades, Wendy

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**From:** Ron Thrower [Ron@throwerdesign.com]  
**Sent:** Monday, November 16, 2009 12:43 PM  
**To:** Leffingwell, Lee; Martinez, Mike [Council Member]; Shade, Randi; Morrison, Laura; Cole, Sheryl; Spelman, William; Riley, Chris  
**Cc:** Williams, Nancy; Moore, Andrew; Coleman, Glen; Levinski, Robert; McDonald, Stephanie; Gerbracht, Heidi; Ballas, Marisa; Guernsey, Greg; Rhoades, Wendy; Rusthoven, Jerry; ~~andrea@austinmag.com; andrea@quorumreport.com~~  
**Subject:** The Moore Red Bird Project Rezoning - C14-2009-0031

Mayor, Mayor Pro Tem, Council members,

Please accept this email as a request to postpone the above referenced zoning case. I believe that time for all of us can be better spent honoring Mayor Roy Butler as his funeral coincides with this zoning case. Therefore, we respectfully request a postponement of this item to the December 17<sup>th</sup> Council meeting.

**Ron Thrower**

*Thrower Design*

4608-A South Lamar Blvd.  
Austin, Texas 78745  
512/476-4456  
512/476-4454 fax

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11/16/2009