

ZONING CHANGE REVIEW SHEET

CASE: C14-2011-0070 – Bergstrom Duplex Rezoning **Z.A.P. DATE:** August 2, 2011

ADDRESS: 2508 Mitchell Lane

OWNER: Cara Griswold

AGENT: Land Answers, Inc.
(Jim Wittliff)

ZONING FROM: DR; SF-2

TO: SF-3-CO

AREA: 2.27 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant family residence – conditional overlay (SF-3-CO) combining district zoning. The Conditional Overlay limits development of Lot 27 to one duplex residential use and all SF-2 district uses, and Lot 26 to one (1) two-family residence use and all SF-2 district uses.

ZONING & PLATTING COMMISSION RECOMMENDATION:

August 2, 2011: *TO GRANT SF-3-CO DISTRICT ZONING AS STAFF RECOMMENDED*
[G. BOURGEOIS; G. ROJAS – 2ND] (5-1; B. BAKER – NAY) C. BANKS – ABSENT

ISSUES:

None at this time.

DEPARTMENT COMMENTS:

The subject two lots are located on the cul-de-sac of Mitchell Lane is developed with one duplex and a garage that straddles the common lot line. Lot 27, the western lot that contains the duplex is zoned development reserve (DR) district and Lot 26, the eastern lot is zoned single family residence standard lot (SF-2) district. There is a single family residence on a large tract to the north (DR), single family residences to the east and south (SF-2), and single family residences to the west within the Bauerle Ranch subdivision (SF-2-CO).

The Applicant has requested a zoning change to the family residence – conditional overlay (SF-3-CO) district in order to bring the existing duplex on Lot 27 which was brought to the property in January 1997 (prior to annexation) into conformance with the Code, and would also allow all permitted SF-2 uses. Lot 26 is proposed to allow for the development of one (1) two-family residence use on Lot 26, and would also allow for all permitted SF-2 uses. A two-family residence use allows for a single family residence in addition to an unconnected second dwelling unit that may not exceed a gross floor area of 850 square feet (or 550 square feet on a second story), and is limited to 30 feet and two stories in height (LDC Section 25-2-774). Duplex residential use would be prohibited on Lot 26. The Applicant also intends to prepare an amended plat to relocate the common property line so that the existing garage serving the duplex would be entirely situated on Lot 27.

Staff recommends the Applicant's request as SF-3-CO zoning brings a non-conforming use into compliance with the Zoning Code (Lot 27) and a two-family residence on Lot 26 is compatible with the existing single family residences and represents an incremental change over what the current zoning allows.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR; SF-2	One duplex
<i>North</i>	DR	One single family residence
<i>South</i>	DR; SF-2-CO	Undeveloped; Single family residences
<i>East</i>	SF-2	Single family residence
<i>West</i>	SF-2-CO	Single family residence within the Bauerle Ranch subdivision

AREA STUDY: N/A

TIA: Is not required

WATERSHED: Slaughter Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

742 – Austin Independent School District
 786 – Home Builders Association of Greater Austin
 943 – Save Our Springs Alliance
 1037 – Homeless Neighborhood Association 1075 – League of Bicycling Voters
 1113 – Austin Parks Foundation
 1200 – Super Duper Neighborhood Objectors and Appealers Organization
 1214 – Bauerle Ranch Homeowners Association
 1224 – Austin Monorail Project 1228 – Sierra Club, Austin Regional Group

SCHOOLS:

Kocurek Elementary School

Bailey Middle School

Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0171 – Page Rezoning – 10318 Old Manchaca Road	SF-2 to SF-3-CO	To Deny SF-3-CO	Approved SF-3-CO (2-13-03).
C14-01-0122 – Hidden Forest – 2507 Mitchell Lane	DR to SF-2	To Grant SF-2-CO with the CO for a minimum one acre lot size	Approved SF-2-CO (10-25-01).

C14-99-2059 – Bauerle Development – 2700-3300 Squirrel Hollow	I-RR to SF-2	To Grant RR for Tract 1 and SF-2 for Tract 2 with conditions of the TIA	Approved RR-CO for Tract 1 and SF-2-CO for Tract 2 with the CO for the conditions of the TIA and restricting access to Squirrel Hollow to emergency access (2- 1-01).
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RELATED CASES:

The rezoning area is platted as Lots 26 and 27 of Ford Oaks Annex, a subdivision recorded on June 1954 (C8-54-020). Please refer to Exhibit B.

Lot 26 was annexed on November 15, 1984. Lot 27 was annexed on December 31, 1997.

ABUTTING STREETS:

Name	ROW	Pavement	Class
Mitchell Lane	50 feet	18 feet	Local Street
Wommack Road	Varies	20 feet	Local Street
Riddle Road	Varies	24 feet	Collector Street, 2,987 vpd

- Riddle Road is classified in the Bicycle Plan as Bike Route No. 25.
- Capital Metro bus service (Routes No. 3 and No. 10) is available along Slaughter Lane.
- There are no existing sidewalks along Mitchell Lane, Riddle Road and Wommack Road.

CITY COUNCIL DATE: August 25, 2011

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

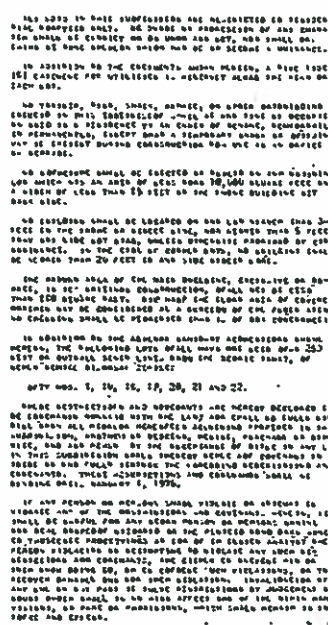
CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us

PHONE: 974-7719



EXHIBIT A
NORTH

4-24-77 Guy wire Linc



Drainage Element

row	row = 1			
	4040.0	4040.0	4040.0	4040.0
1	54.50	23.30	25.60	25.36
2	54.50	15.00	25.60	25.36
3	54.50	206.00	21.60	240.60
4	54.50	112.70	-1.30	111.40
5	54.50	111.70	25.60	137.30
6	54.50	111.70	25.60	137.30
7	54.50	23.30	25.60	49.10
8	54.50	23.30	25.60	49.10
9	54.50	23.30	25.60	49.10
10	54.50	23.30	25.60	49.10
11	54.50	23.30	25.60	49.10
12	54.50	23.30	25.60	49.10
13	54.50	23.30	25.60	49.10
14	54.50	23.30	25.60	49.10
15	54.50	23.30	25.60	49.10
16	54.50	23.30	25.60	49.10
17	54.50	23.30	25.60	49.10
18	54.50	23.30	25.60	49.10
19	54.50	23.30	25.60	49.10
20	54.50	23.30	25.60	49.10
21	54.50	23.30	25.60	49.10
22	54.50	23.30	25.60	49.10
23	54.50	23.30	25.60	49.10

[illegible]

STATE OF TEXAS
COUNTY OF TARRANT
I, WILLIAM LINDSEY, County Clerk of Tarrant County, Texas, do hereby certify that the within and foregoing instrument, bearing date and hour of execution as above appearing, is the true and correct of the said party, and came into being and was duly executed in my presence, in accordance with the Statute in that behalf made, in Book 1-14 of Page 14 of the Official Public Records of said County, in Book 1-14 of Page 14 of the Official Public Records of said County.

IN WITNESS WHEREOF, I HAVE HEREunto set my hand and seal of office, this 14th day of March, A.D. 1934.

WILLIAM LINDSEY, County Clerk
Tarrant County, Texas

(S.EAL) W. H. Lindsey
Tarrant County, Texas

**B
ED PLAT**

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COUNTY OF TARRANT
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WILLIAM LINDSEY, County Clerk
Tarrant County, Texas

(S.EAL) W. H. Lindsey
Tarrant County, Texas

EXHIBIT B
RECORDED PLAT



SUMMARY STAFF RECOMMENDATION:

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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 compatibility with adjacent and nearby uses.*

Staff recommends the Applicant's request as SF-3-CO zoning brings a non-conforming use into compliance with the Zoning Code (Lot 27) and a two-family residence on Lot 26 is compatible with the existing single family residences and represents an incremental change over what the current zoning allows.

EXISTING CONDITIONS**Site Characteristics**

The rezoning area is developed with one duplex. There appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the SF-3 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 Slaughter 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 (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 no floodplain within or adjacent to the project boundary.

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

Numerous 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

No additional right-of-way is needed at this time.

A traffic impact analysis is not required for this case because the traffic generated by the proposed land use will not exceed the threshold of 2,000 vehicle trips per day. LDC, 25-6-113.

Water and Wastewater

The property is in the City's water and wastewater service area. 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 by the proposed land use. Water and wastewater utility plans 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

There are no Site Plan Review comments for this rezoning case.

2508 Mitchell Lane, Austin TX 78748•
E-Mail: Griswold.cara@gmail.com

Date: June 2, 2011
City of Austin Zoning Department
505 Barton Springs Rd # 175
Austin, TX 78704-1245

To Whom It May Concern:

We are neighbors living within 500 feet of 2508 Mitchell Lane, Austin TX 78748 (lot 26 and 27 of the Ford Oaks Annex). We understand that the owner of this property, Carrie (Cara) Griswold is requesting that this property be re-zoned from DR and SF-1 to SF-3. We have had no complaints about this property, which has functionally been a duplex during the 14 years that this structure has occupied lot 27. We have no objection to this zoning change.

Sincerely,

- BRENDA J. WATSON
[Signature] 2505 Mitchell Lane, Lot 24
- H. L. BAKER 2504 Mitchell Lane, Lot 25
H. L. Baker
- BRIAN WINTERUND 2507
GARYL WINTERUND ~~2509~~ Mitchell Lane, Lot 28
[Signature]
- Charles E. Clinger 2503 Mitchell Lane, Lot ____
Charles E. Clinger 6/2/11

2508 Mitchell Lane, Austin TX 78748•
E-Mail: Griswold.cara@gmail.com

- Patricia M Hohertz 2500 Mitchell Lane, ~~2500~~

Patricia M. Hohertz

- _____ 2513 Mitchell Lane, Lot 30

- _____ 2515 Mitchell Lane, Lot 31

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

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.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

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: C14-2011-0070

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing: August 2, 2011, Zoning and Platting Commission

August 25, 2011, City Council

Bessieann Dobson

Your Name (please print)

10404 WOMMACK, Austin, TX, 78748

Your address(es) affected by this application

Bessieann Dobson

Signature

Date

Daytime Telephone: 512-280-0241

Comments:

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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Public Hearing: August 2, 2011, Zoning and Platting Commission

August 25, 2011, City Council

Willis A. Oakley

Your Name (please print)

☐ I am in favor
☒ I object

10300 WDM Maple Rd Austin, TX 78748

Your address(es) affected by this application

Willis A. Oakley

Signature

28 July 2011
Date

Daytime Telephone: 512 282 4536 / 512 513 5054

Comments:

Already has a duplex on it.

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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Contact: Wendy Rhoades, (512) 974-7719

Public Hearing: August 2, 2011, Zoning and Platting Commission
August 25, 2011, City Council

MICHAEL L LACARZ

Your Name (please print)

10405 BEAVER AVE.

Your address(es) affected by this application

Michael L. Lacarz

Signature

Date

Daytime Telephone: **587 8245**

Comments:

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

City of Austin
Planning & Development Review Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2011-0070

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing: August 2, 2011, Zoning and Platting Commission
August 25, 2011, City Council

Charles E. Clinger
Your Name (please print)

☐ I am in favor
☒ I object

2503 Mitchell Ln, Austin, TX 78748

Your address(es) affected by this application

Charles E. Clinger
Signature

29 July 2011
Date

Daytime Telephone: 512. 282. 1374

Comments: Subject property includes lots
26 & 27. Recommend both lots be
zoned as SF-2. Changing to SF-3-CO
will possibly disturb single-family
neighborhood characteristics - allowing
3 families to live in a home AND
duplex per lot.

Thanks.

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

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Austin, TX 78767-8810

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Public Hearing: August 2, 2011, Zoning and Platting Commission

August 25, 2011, City Council

DWIGHT WYMORE
Your Name (please print)

☐ I am in favor
☒ I object

10228 BEARD STREET, AUSTIN
Your address(es) affected by this application

7-21-2011
Date

Signature

Daytime Telephone: 310 780 6937

Comments: ALMOST ALL surrounding
zoning is SP 2. Some lots are
even SP-1 to the north,
Object to increasing
density by allowing duplexes.
Reduces quality of living
and home value
Am 2 lots from zone
where change is opposed

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

City of Austin
Planning & Development Review Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

Rhoades, Wendy

From: billy-judy1@juno.com

Sent: Monday, August 01, 2011 6:15 PM

To: Rhoades, Wendy

Cc: Rhoades, Wendy

The subject tract that is referred to is actually two lots. Lot 26 & 27. The way it is written up I think the neighbors think Cara Griswold is trying to just rezone lot 27 which is far from the truth.

They are calling the house on lot 27 a duplex and it is built like one, but it has one electric meter and one sewer tap and one water meter. I think if this is rezoned they will call it a house and proceed to build another house on the lot in the back part of the lot.

I don't want to change zoning to do that.

I don't want the any changes on lot 26.

Thanks I hope this is considered. Billy Boyd on lot 28 531-9533 C14-2011-0070

57 Year Old Mom Looks 27!

Mom Reveals \$5 Wrinkle Trick That Has Angered Doctors!

ConsumerLifestyles.org

8/2/2011

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Contact: Wendy Rhoades, (512) 974-7719

Public Hearing: August 2, 2011, Zoning and Platting Commission

August 25, 2011, City Council

Herman L. Baker
Your Name (please print)

☐ I am in favor
☒ I object

2504 MITCHELL LN (LOT 25)
Your address(es) affected by this application

AUSTIN, TX 78748

Signature

Date

Daytime Telephone: 282-1150

Comments: THIS REZONING REQUEST INVOLVES
TWO SEPARATE LOTS & ADDRESSES
LOTS 26 & 27 AT 2506 & 2508 MITCHELL
LN. I AGREE WITH REZONING LOT 27
TO LEGALIZE THE DUPLEX THAT IS ALREADY
THERE. I THINK LOT 26 @ 2506
MITCHELL LN SHOULD REMAIN SF-2.

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Austin, TX 78767-8810

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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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www.ci.austin.tx.us/development

Zoning & Platting Commission on Aug. 2, 2011

City Council August 25, 2011

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: C14-2011-0070

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing: August 2, 2011, Zoning and Platting Commission

August 25, 2011, City Council

Billy & Judy Boyd
Your Name (please print)

☐ I am in favor
☒ I object

2509 Mitchell LN Lot 28
Your address(es) affected by this application

Billy Boyd
Signature

7/30/11
Date

Daytime Telephone: *512-531-9533*

Comments: *We object to lot 28 being rezoned SF-3-CO. for the simple reason it would be two rentals just as the duplex is two rentals. It may not be called a duplex but the details are the same - two rentals. We bought our lot for our retirement home after checking with the neighbors & found it to be a nice street. The duplex was the only problem. They would not keep it as an expense. So why would we want another double rental? Would you want to live next door to four rentals? Two is already too much. If you use this form to comment, it may be returned to:*

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

We hope you take this into consideration.

Please keep it simple family. Thanks

In reference to Case Number C14-2011-007, project location 2508 Mitchell Lane, owner Cara Griswold, applicant Land Answers, Inc.:

I am writing in opposition to the proposed change in zoning for this case. As a homeowner living within 500 feet of the proposed change, I not only feel such a change would adversely affect my own property values, but I feel this is an inappropriate designation for the following reasons.

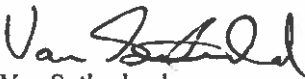
Within three-quarters of a mile of the property identified in this case, there are already 289 lots zoned SF-3, representing 578 duplex units. This to me is a rather high proportion for a neighborhood, and could present a safety hazard. I can provide photographs showing multiple vehicles parked in the drives of the existing duplex units, along with additional vehicles parked along both sides of the street. Most of the families occupying these units seem to have multiple vehicles, and by doubling the lot occupancy, the increase in vehicles is substantial.

While the current SF-3 housing is along wider streets (approximately 40' width), the property identified in this case sits at the end of a much narrower (approximately 16' width) lane. My own neighborhood has streets only about 20' across, and with cars parked along both curbs it is difficult for an automobile to get through. Unless the city intends to widen the street network, I would question how first responders such as firefighters would be able to negotiate a potentially crowded roadway with their larger vehicles.

Those who occupy the nearby duplexes do so at least partly out of financial necessity, being unable to afford to purchase a single-family home. Automobile ownership represents a large percentage of a family's budget, therefore it should be a priority for the city to consider the availability of public transit whenever approving such changes to zoning. Given that the nearest full service bus stop (all-day service) is located one mile away, and requires walking narrow streets lacking sidewalks, and crossing either Slaughter Lane or Manchaca Bouvelard, I feel that you are forcing an undo hardship on any future occupants of the proposed area.

The area should not be rezoned for anything higher than single-family, and there should be no provision allowing duplexes.

Sincerely,



Van Sutherland
10232 Beard Ave
Austin, TX 78748

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Case Number: C14-2011-0070

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing: August 2, 2011, Zoning and Platting Commission
August 25, 2011, City Council

Van Sutherland

Your Name (please print)

10232 Beard Ave Austin TX 78748

Your address(es) affected by this application

Van Sutherland

Signature

Daytime Telephone: (512) 369-6296

Date

8/15/2011

Comments: see attached sheet

☐ I am in favor
☒ I object

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

City of Austin
Planning & Development Review Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810