

## **SECOND/THIRD READINGS SUMMARY SHEET**

**ZONING CASE NUMBER:** C14-2017-0085 (Charles Ford Rezoning)

**REQUEST:**

Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 12101 ½ Conrad Road (Walnut Creek Watershed) from single family residence-standard lot (SF-2) district zoning to family residence (SF-3) district zoning.

The ordinance reflects the City Council's action at 1<sup>st</sup> reading.

**DISTRICT AREA:** 6

**PROPERTY OWNER:** Charles Ford

**DEPARTMENT COMMENTS:**

The property in question is currently undeveloped. The applicant is requesting SF-3 zoning because they would like to develop a single family residence with an accessory dwelling unit (ADU) or a two family residential use on the site. The staff recommends applicant's request for SF-3, Family Residence District, zoning because the property meets the intent of the SF-3 district designation as it fronts onto a local residential street and is located within an existing single-family neighborhood on a moderately sized lot. In addition, the property is surrounded by SF-2 zoning and is adjacent to SF-3 zoning. There is existing single-family residential development to the north, south, east and west of the site.

The applicant agrees with the City Council's motion at 1<sup>st</sup> reading.

**DATE OF FIRST READING/VOTE:** October 12, 2017

**ACTION:** Approved the staff's recommendation for SF-3 zoning (10-1, L. Pool-No);  
J. Flannigan-1<sup>st</sup>, D. Garza-2<sup>nd</sup>.

**CITY COUNCIL DATE:** November 9, 2017

**CITY COUNCIL ACTION:**

**ASSIGNED STAFF:** Sherri Sirwaitis

**PHONE:** 512-974-3057

sherri.sirwaitis@austintexas.gov

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2017-0085 (Charles Ford Rezoning)

**Z.A.P. DATE:** September 5, 2017

**ADDRESS:** 12101 ½ Conrad Road

**DISTRICT AREA:** 6

**OWNER/APPLICANT:** Charles Ford

**ZONING FROM:** SF-2

**TO:** SF-3

**AREA:** 0.3992 acres (17,389 sq. ft.)

### **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is grant SF-3, Family Residence District, zoning.

### **ZONING AND PLATTING COMMISSION:**

9/05/17: Motion to approve staff's recommendation of SF-3 zoning made by S. Lavani-1<sup>st</sup>, B. Evans-2<sup>nd</sup>.

Substitute motion to approve SF-3 zoning, with a conditional overlay to prohibit Duplex Residential use and to provide on-site parking for accessory dwelling units made by A. Denkler, B. Evans-2<sup>nd</sup>.  
Vote: (5-6, D. King, A. Aguirre, J. Duncan, J. Kiolbassa, B. Greenberg, Y. Flores-No). The motion failed.

Returned to the original motion to approve staff's recommendation of SF-3 zoning (4-7, D. King, A. Denkler, A. Aguirre, J. Duncan, J. Kiolbassa, B. Greenberg, Y. Flores-No). The motion failed.

Case sent forward to the City Council without a recommendation.

### **DEPARTMENT COMMENTS:**

The property in question is currently undeveloped. The applicant is requesting SF-3 zoning because they would like to develop a single family residence with an accessory dwelling unit (ADU) or a two family residential use on the site. The staff recommends applicant's request for SF-3, Family Residence District, zoning because the property meets the intent of the SF-3 district designation as it fronts onto a local residential street and is located within an existing single-family neighborhood on a moderately sized lot. In addition, the property is surrounded by SF-2 zoning and is adjacent to SF-3 zoning. There is existing single-family residential development to the north, south, east and west of the site.

The applicant agrees with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-2	Undeveloped
<i>North</i>	SF-2	Single-Family Residence
<i>South</i>	SF-2, SF-3, GR, CS	Undeveloped Lot, General Retail Sales (Cash America Pawn), Office Building
<i>East</i>	LI, LI-CO	Undeveloped Area, 3M Buildings
<i>West</i>	SF-2	Single-Family Residence

**AREA STUDY:** N/A**TIA:** N/A**WATERSHED:** Walnut Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**REGISTERED NEIGHBORHOOD ORGANIZATIONS:**

Angus Valley Area Neighborhood Association  
Austin Heritage Tree Foundation  
Austin Independent School District  
Friends of Angus Valley  
Friends of Austin Neighborhoods  
Homeless Neighborhood Association  
Long Canyon Homeowners Association  
North Oaks Neighborhood Association  
Northwest Austin Coalition  
NW Austin Working Group  
Raintree Estates  
SELTEXAS  
Sierra Club, Austin Regional Group  
TNR BCP-Travis County Natural Resources

**SCHOOLS:**

North Oaks Elementary School  
Canyon Vista Middle School  
Anderson High School

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2007-0228 11722 Bell Avenue)	SF-2 to SF-3	12/18/07: Approved staff recommendation of SF-3 zoning by consent (8-0); K. Jackson-1 <sup>st</sup> , J. Shieh-2 <sup>nd</sup> .	1/17/08 : Approved SF-3 zoning by consent (7-0); all 3 readings
C14-00-2008 (Summit Oaks Office Park: Howlett Ct.)	SF-2 to LO	2/29/00: Approved staff recommendation of LO zoning, with prohibition on Medical Office uses and a 2,000 vehicle trip per day limit (7-0)	3/30/00: Approved LO-CO zoning, with conditions as recommended by Planning Commission on all 3 readings (6-0)
C14-98-0155 (Tweed Court: 12000 Block of Bell Avenue and Tweed Court)	LO, GR to LO-CO	11/10/98: Approved staff rec. of LO-CO, with conditions for no vehicular access to Bell Avenue, access to Tweed Court is permitted only if TxDoT prohibits access to U.S. 183 and a 2,000 vehicle trip per day limit (7-0)	1/14/99: Approved PC rec. of LO-CO zoning, with conditions (7-0); 1 <sup>st</sup> reading  3/25/99: Approved LO-CO zoning with conditions (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-89-0009 (Wilson Tract: 11805-11841 Block of North U.S. Highway 183)	LO to LI	6/27/89: Approved LI-CO zoning with conditions: 1) 40 foot height limit, 2) prohibit Scrap and Salvage Services, Convenience Storage, Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing, Resource Extraction, Hotel-motel, Basic Industry and Vehicle Storage uses, 3) prohibit the following uses on the rear portion of the property for a depth of 150 feet: General Warehousing and Distribution, Equipment Sales, Equipment Repair Services and Kennels, and 4) the property is subject to TIA conditions.	7/27/89: Approved LI zoning, with conditions, on 1 <sup>st</sup> reading  1/18/90: Approved LI-CO zoning, with conditions, on 2 <sup>nd</sup> /3 <sup>rd</sup> readings

**RELATED CASES:** N/A**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Conrad Road	60 ft.	20 ft.	Local	No	No	No

**CITY COUNCIL DATE:** September 28, 2017

**ACTION:** Postponed to October 12, 2017 at the applicant's request (9-0, P. Renteria, O. Houston and E. Troxclair-off the dais)

October 12, 2017

**ACTION:** Approved the staff's recommendation for SF-3 zoning (10-1, L. Pool-No); J. Flanningan-1<sup>st</sup>, D. Garza-2<sup>nd</sup>.

November 9, 2017

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup> 10/12/17

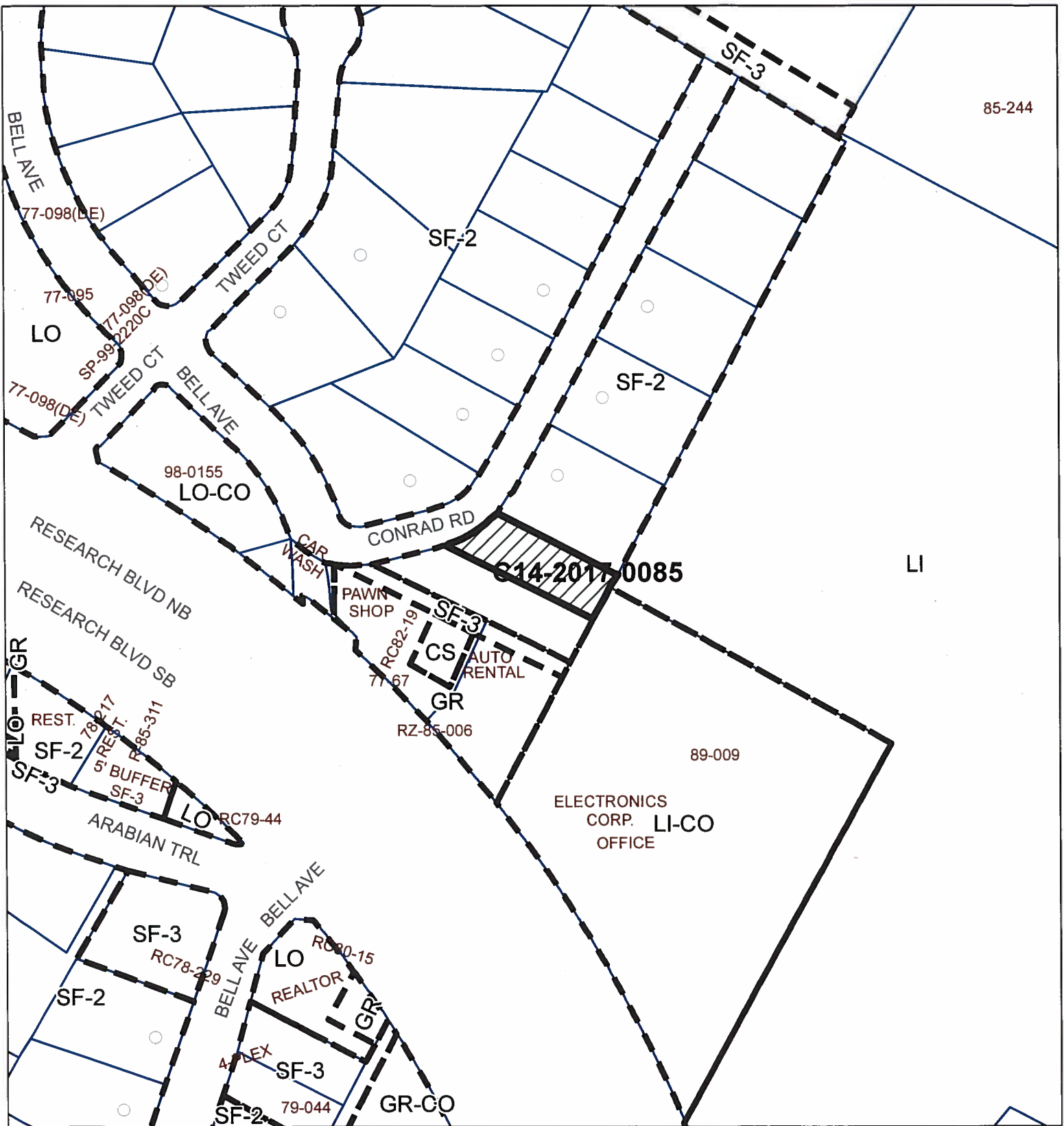
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

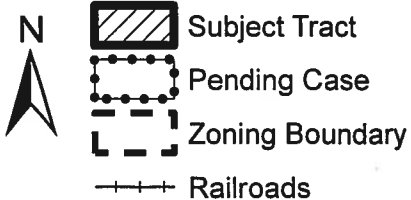
**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 512- 974-3057,  
[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)



## ZONING

Case#: C14-2017-0085



0 100 200 Feet

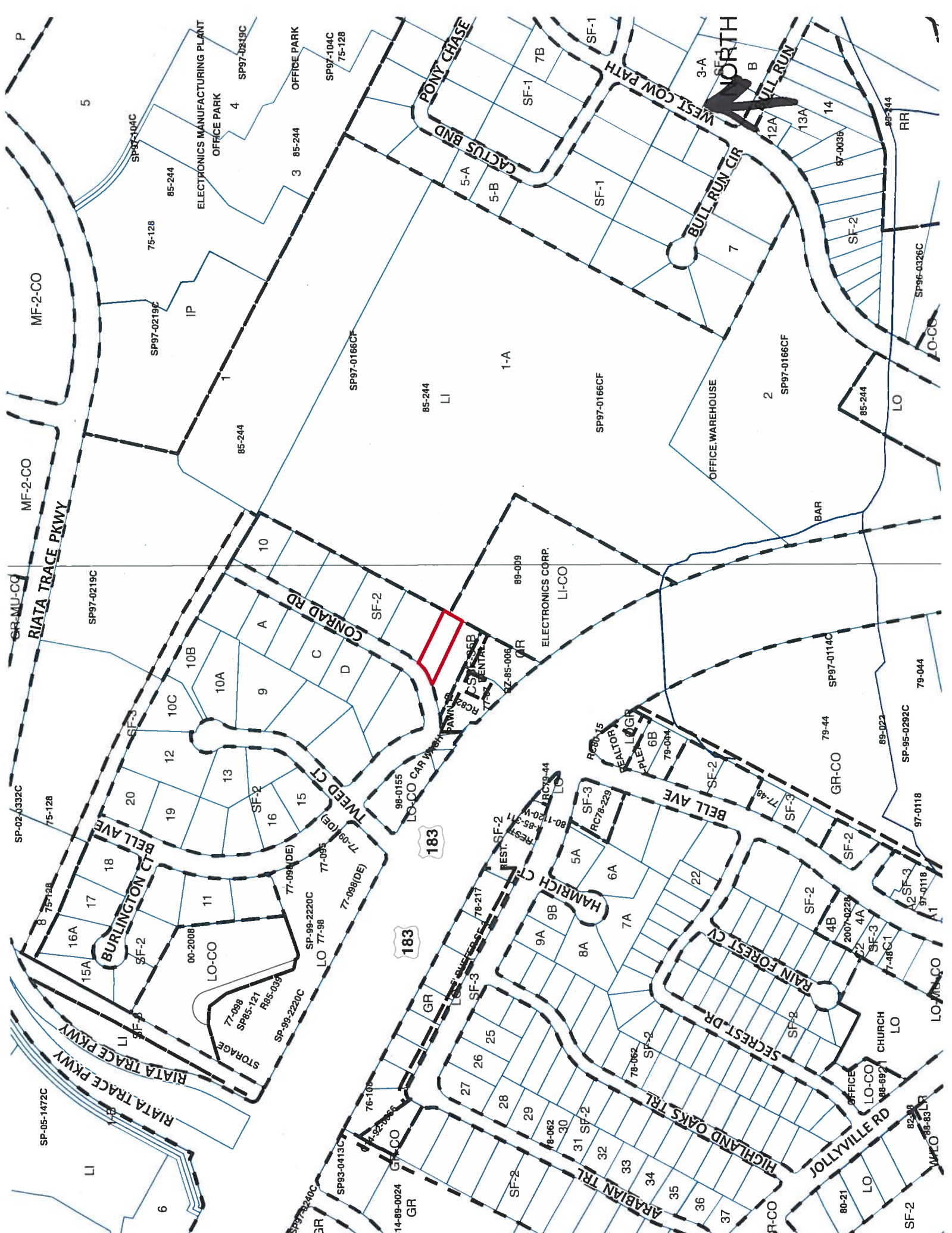
1" = 200'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 7/19/2017









## **STAFF RECOMMENDATION**

The staff's recommendation is grant SF-3, Family Residence District, zoning.

## **BASIS FOR RECOMMENDATION**

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

Family residence (SF-3) district is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots or to new development of family housing on lots that are 5,750 square feet or more. A duplex use that is designated as an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics.

2. *The proposed zoning should promote consistency and orderly planning.*

The proposed zoning is consistent and compatible with the surrounding SF-2 zoning, adjacent SF-3 zoning and with the overall single family residential development in this area.

3. *The proposed zoning should allow for a reasonable use of the property.*

The SF-3 zoning district will permit the applicant to construct a single family residence with an accessory dwelling unit or a two family residential use on the site on this site which will provide for an additional residential housing at this location.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site under consideration is currently undeveloped. There are single-family homes to the north and west. There is undeveloped land directly to the south and east.

### **Comprehensive Planning**

#### **SF-2 to SF-3**

This zoning case is located on the east side of Conrad Road, on a 0.39 acre property, which is undeveloped. The property is not located within the boundaries of a neighborhood planning area. Surrounding land uses include single family housing to the north and west; and vacant land to the east and south. The proposed use a single family house with an ADU (accessory dwelling unit) as an accessory use.

#### **Connectivity**

There are no public sidewalks on either side of Conrad Road but there is a public transit stop within walking distance from this property. The Walkscore for this property is 29/100, meaning most errands require a car.

#### **Imagine Austin**

The comparative scale of this site relative to other nearby residential uses in this area, as well as the site not being located by an Activity Corridor or within an Activity Center falls below the scope of

Imagine Austin, which is broad in scope, and consequently the plan is neutral on this proposed rezoning.

### **Environmental**

The site is located over the Edwards Aquifer Recharge Zone. The site is in the Walnut 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. The site is in the Desired Development Zone.

According to floodplain maps there is no floodplain within or adjacent to the project location.

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 512-974-1876. 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 requires water quality control with increased capture volume and control of the 2 year storm on site.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

### **Hill Country Roadway**

The site is not within a Hill Country Roadway Corridor.

### **Impervious Cover**

The maximum impervious cover allowed by the SF-3 zoning district would be 45%. However, because the Watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

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 Gross Site Area</i>	<i>% of Gross Site Area 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%

### **Site Plan**

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

### **Transportation**

Staff recommends providing one driveway to the site to reduce the number of curb cuts to Concord Road.

Janae Ryan, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

FYI – Sidewalks shall be required at the time of Subdivision and Residential Permit Application.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Conrad Road	60 ft.	20 ft.	Local	No	No	No

### **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 by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.





**Sirwaitis, Sherri**

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**Subject:** FW: c14-2017-0085. I need information - deadline is Tuesday Sept 5

**From:** WARREN Cullar []

**Sent:** Tuesday, September 05, 2017 9:51 AM

**To:** Sirwaitis, Sherri

**Subject:** Re: c14-2017-0085. I need information - deadline is Tuesday Sept 5

Hi Sherri

Thank you for your prompt response. I am now clear about the "duplex". I object to changing the zoning. We don't want the neighborhood to be composed of any duplexes.

He paid over \$3,000 for a request to change the zoning, that most of the neighbors don't want. I am sorry he has lost cost in the \$3,000+ zoning fee. He has a lot and can build a house on it with the existing zoning. I am ok with him building a house on his lot but to change the zoning so he can build two houses under one roof. No. Then the neighborhood is open to do the same thing because all the neighbors have large lots. No duplexes

Please

Do I need to file the actual form?

Thank you

On Tue, Sep 5, 2017 at 9:40 AM, Sirwaitis, Sherri <[Sherri.Sirwaitis@austintexas.gov](mailto:Sherri.Sirwaitis@austintexas.gov)> wrote:

Hi Mr. Cullar,

Here is the definition of the SF-3 (Family Residence) district in the Code:

**§ 25-2-57 - FAMILY RESIDENCE (SF-3) DISTRICT DESIGNATION.**

Family residence (SF-3) district is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots or to new development of family housing on lots that are 5,750 square feet or more. A duplex use that is designated as an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics.

• **§ 25-2-3 - RESIDENTIAL USES DESCRIBED.**

(B) Residential use classifications are described as follows:

(4) DUPLEX RESIDENTIAL use is the use of a site for two dwelling units within a single building, other than a mobile home.

I have also included the Permitted Use Chart and the Site Development Standards for the zoning districts for your review.

Please let me know if you have questions.

Thank you,

***Sherri Sirwaitis***

*City of Austin*

*Planning & Zoning Department*

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)

[512-974-3057](tel:512-974-3057)(office)

**From:** WARREN Cullar []

**Sent:** Monday, September 04, 2017 8:37 AM

**To:** Sirwaitis, Sherri

**Subject:** c14-2017-0085. I need information - deadline is Tuesday Sept 5

Good morning Sherri - please help

I do not understand the proposed zoning change. Charlie Ford wants to change from sf-2 to a sf-3. I know he can build on his lot and I support that building project of a single family home.

I don't understand the following: Duplex use is permitted under development standards which maintains single-family neighborhood characteristics. Please take the lawyer out of this and tell me exactly what this sentence means.

How is duplex defined? I need to know before I can make the correct response.

Thank you in advance and hope you enjoyed your holiday

--

Warren Cullar, Artist

Cullar Gallery 12102 Conrad Rd Austin, TX 78727

[512-589-6717](tel:512-589-6717)

"Today I am going to create something the world has never seen."



**Sirwaitis, Sherri**

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**From:** Dale McConnell [REDACTED]  
**Sent:** Tuesday, September 05, 2017 2:47 PM  
**To:** Sirwaitis, Sherri  
**Subject:** Objection to re-zoning Charlie Ford 12101 and 1/2 Conrad Summit Oaks Subdivision

Hello

My name is Dale McConnell, also an owner of a residence and a vacant lot in Summit Oaks. I want to be a good neighbor and a good steward of the neighborhood. My intention is to build a very nice home on the vacant lot I own with a total investment of approximately \$600,000. With the other home that I own, I will have around a million dollars invested in our neighborhood. I am doing this expecting that the neighborhood of Summit Oaks will become revitalized as have many older neighborhoods in Austin. My worst fear is that the character and complexion of the neighborhood being transformed from its current estate type subdivision into area with multi-family rentals.

It is also my hope that Mr. Fords zoning change request will be disallowed. If the city were to approve this request, the effects would be felt by everyone in the neighborhood. An approval would also set a precedent for SF 3 rezoning and beyond in this old neighborhood. The best neighborhood attributes are the large lots and the serenity/privacy enjoyed by the low population density. By setting a precedent that would encourage future zoning changes in the neighborhood, the character and desirability of Summit Oaks would be in danger. With the likely probability of future rezoning request, the precedent established would encourage greedy developers an opportunity to erase the charm and character from our subdivision. Below I have provided the restrictive language from the survey plat of Mr. Fords lot.

The survey plat of the property has a covenant that reads as follows:

**The Frontage of this lot along the street is an arc distance of 92.62 feet, paragraph x of the restrictive covenants as recorded in volume 1889, page 154 of the real estate property records of Travis County Texas sates:**

**"No residence shall be erected on any lot or portion of a lot unless the building area fronts at least 100 feet on the street which the residence faces, provided that this shall not apply if only one residence is placed on a full designated lot as shown on the subdivision plat, and the platted frontage is less than 100 feet."**

Therefore, the lot is subject to restrictions in building and setback lines as per vol 1889, page 154 and blanket type easement to PEC per vol 2125, page 507 of real property records of Travis County, Texas. It is my understanding that violations of covenants and restrictions are 100% enforceable by those affected, irrespective of any zoning changes. I don't think the neighbors that I've heard from will be agreeable to changing the covenants, and are at the same time are willing to present a legal challenge to any activity that violates the covenants.

I want to avoid an expensive waste of time and money not only for the HOA members and neighbors, but for Mr Ford as well. Please consider not approving this request until the HOA and members of this subdivision agree to any development or zoning changes to Mr Fords property at 12101 & 1/2 Conrad Austin Texas

Sincerely,  
Dale Mcconnell

12106 and 12107 Bell avenue

**Sirwaitis, Sherri**

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**Subject:** FW: Case #C14-2017-0085

**From:** Michael O'Reilly []  
**Sent:** Tuesday, September 05, 2017 4:04 PM  
**To:** Sirwaitis, Sherri  
**Subject:** Case #C14-2017-0085

Sherri,

My apologies for the late feedback on this case, but I hope it can be heard for the Zoning and Platting Commission meeting this evening. I am writing in regard to Charlie Ford's request to rezone his currently vacant lot from SF-2 to SF-3.

I am the president of the Summit Oaks Neighborhood Association, and we had a neighborhood meeting last week during which we heard from Charlie about his plan and had feedback from others in attendance. Other than Charlie, no neighbor in attendance expressed support for this rezoning plan, and all expressed opposition to it. As president of SONA, I can say that the association as a whole is opposed to this zoning change, on the grounds that the entire neighborhood is composed of single-family, singly-unit residences by zoning and by history/custom. All of us moved into this neighborhood knowing and welcoming this situation, and have worked hard over the years to maintain our neighborhood spirit. We fear that rezoning one lot in the neighborhood opens the door to similar action in the future for other lots, and that over time the nature of the neighborhood would change, to all our detriment. Additionally, though Charlie says that his plans for the lot would not impact the neighborhood in that way, we recognize that if ownership changed from him to someone else the zoning change would remain and that new owner might not be bound by Charlie's sense of commitment to the neighborhood.

Charlie is a great guy, my next door neighbor, and I like him a lot and have nothing against him. He's been a great neighbor for 22 years now. It's my great hope that we all come through this situation without hard feelings or bad blood. However, I recognize that the unanimous feedback of our neighborhood is against this proposal, and I feel I must convey that to the Commission and through them to the City Council.

Thank you,

Michael O'Reilly  
12111 Conrad Rd.  
Austin, TX 78727  
(512) 258-2596  
President  
Summit Oaks Neighborhood Association

## 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.austintexas.gov/planning](http://www.austintexas.gov/planning).

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: C14-2017-0085  
Contact: Sherri Sirwaitis, 512-974-3057  
Public Hearing: Sept 5, 2017, Zoning and Platting Commission  
Sept. 28. City Council

Steven W. Schrader  
Your Name (please print)

12108 Conrad Rd

Your address(es) affected by this application

Steven W. Schrader

Signature

Daytime Telephone: 512 250 5635

8/29/2017  
Date

Comments: I object to the rezoning request because I feel that the type of development allowed under the proposed SF-3 zoning will change the character of the neighborhood, which is large-lot with single family homes. In addition rezoning one lot to SF-3 will set a precedent for lots throughout the neighborhood to be rezoned.

Please note that the exhibit included with the Notice for

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

City of Austin  
Planning & Zoning Department  
Sherri Sirwaitis  
P. O. Box 1088  
Austin, TX 78767-8810

Public Hearing contain  
Two errors; there are  
no Ear Wash or  
Auto Rental businesses  
at the locations marked on  
the map.



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**Case Number: C14-2017-0085**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: Sept 5, 2017, Zoning and Platting Commission  
Sept. 28. City Council**

Charles Ford

*Your Name (please print)*

12101 1/2 Conrado Rd

*Your address(es) affected by this application*

(Handwritten signature) 8.28.17

*Signature*

*Date*

Daytime Telephone: 512.442.1862

Comments:

This is the property in question. Lot A is vacant and down the lot next door

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

City of Austin

Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2017-0085  
Contact: Sherri Sirwaitis, 512-974-3057  
Public Hearing: Sept 5, 2017, Zoning and Platting Commission  
Sept. 28. City Council

Rudolph & Gloria Munquía  
Your Name (please print)

5905 Burlington Ct

Your address(es) affected by this application

*[Signature]*  
Signature

Daytime Telephone: 512-258-6553

8/31/2017  
Date

☐ I am in favor  
☒ I object

Comments: My wife Gloria and I wish to voice objection to changing the zoning in our Summit Oaks neighborhood. The proposed change will allow a duplex structure to be built on the particular property in question but more importantly, it would open the door to other such structures to be built by other property owners. The integrity of our neighborhood as single-family units will be permanently affected. My wife Gloria and I oppose the zone change.

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

City of Austin  
Planning & Zoning Department  
Sherri Sirwaitis  
P. O. Box 1088  
Austin, TX 78767-8810

## PUBLIC HEARING INFORMATION

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**Case Number: C14-2017-0085**  
**Contact: Sherri Sirwaitis, 512-974-3057**  
**Public Hearing: Sept 5, 2017, Zoning and Platting Commission**  
**Sept. 28. City Council**

Charlie Ford  
*Your Name (please print)*

12103 Concord Rd  
*Your address(es) affected by this application*

Charlie Ford  
*Signature*

8-28-17  
*Date*

Daytime Telephone: 512.422.1862

Comments: There is a vacant lot next door and I am on the other!

☒ I am in favor  
☐ I object

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

City of Austin  
 Planning & Zoning Department  
 Sherri Sirwaitis  
 P. O. Box 1088  
 Austin, TX 78767-8810

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**Case Number: C14-2017-0085**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: Sept 5, 2017, Zoning and Platting Commission  
Sept. 28. City Council**

WILLIAM CLIFFORD

*Your Name (please print)*

12106 TWEEB COURT, AUSTIN, TX, 78727

*Your address(es) affected by this application*

W.D. Caffel

*Signature*

30 AUG 2017

*Date*

Daytime Telephone: 512-258-3609

Comments: SEE ATTACHED

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

City of Austin  
Planning & Zoning Department  
Sherri Sirwaitis  
P. O. Box 1088  
Austin, TX 78767-8810

**Comments from W.D. Clifford on C14-2017-0085**  
**30AUG2017**

I may not be able to attend any of the public hearings for this case, but I want to register my opposition.

OVERVIEW

My position is that this rezoning would only benefit the applicant (Charlie Ford), not the neighborhood. In fact, I believe this rezoning would be detrimental to the neighborhood. Thus I am opposed to the rezoning. I moved here, live here, and plan to continue living here because this is a quiet, SINGLE FAMILY neighborhood. Allowing even one SF-3 lot (which permits a duplex use) would, in my view, violate this single family environment and open the door for more rezoning within Summit Oaks.

DETAILS – NO BLANK CHECK

Mr. Ford, the applicant, met with the neighbors on Sunday, 27AUG2017. We asked him what he was planning to build on the subject property. He said he wanted to build two structures, one for each of his two sons. However, Mr. Ford offered no further details. And he was asked what restrictions of the current SF-2 zoning were interfering with his plans. Again, he had a very vague answer (because he has no plans for what he wants to construct). Mr. Ford admits he cannot define/describe what he wants to build, or why SF-2 is not sufficient.

To me, he is asking the neighborhood to support the re-zoning request and trust him to fill in the details. This is no different than giving someone a signed, blank check. I am strongly opposed to this.

DETAILS – SETTING THE WRONG PRECEDENT

The fear of having other property owners in the neighborhood filing a re-zoning request for SF-3 if Mr. Ford's zoning request is granted is VERY real. There are several properties in the neighborhood that are being used as duplexes, thanks to a loophole in the City's regulations that allow the rental of a portion of a building (including kitchen, bathroom, bedroom, outside entrance/exit) as long as the two portions are connected by a doorway

In 2007, I was involved in an effort by the neighborhood association to investigate and stop (if possible) these "duplexes". My neighbor, Bill Boulton, and I spoke at the Citizen's Communication portion of a City Council meeting to register our surprise at the legal definition of SF-2 zoning that allowed a "duplex use" of a residential property. There was interest from the Council Members who were present, but to my knowledge, no change was made to the zoning definition. At our request, the City did inspect each of the suspect properties and proclaimed that they were in compliance with SF-2 zoning. This was a huge disappointment to the neighborhood. In my view, if it looks like a duplex, and acts like a duplex, then it IS a duplex.

Today, it is my belief that all the suspect properties are still operating as duplexes and some of the owners would jump upon the opportunity to rezone their property to SF-3. Among other things, this would allow them to remove the common doorway and replace it with a wall. I believe approving Mr. Ford's rezoning request will open the door to additional rezoning requests. Thus I am strongly opposed to this rezoning.

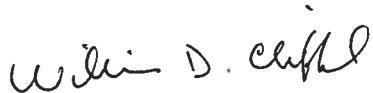
#### HISTORICAL NOTES

- There is a narrow SF-3 zoned area south of the applicant's lot shown on the notice the City sent to some of us. This SF-3 area is not a separate lot. It is a buffer zone on the retail lot, created by the City Council, to protect the residential neighborhood from the commercial property. In my mind, this SF-3 parcel does NOT provide an argument in favor of the applicant's request.
- Our neighborhood (Summit Oaks) has about 36 lots/houses. There are 4 streets, all dead-end. There is only one entrance/exit to the neighborhood, Tweed Court. It is a very quiet, unique place to live.
- My wife and I have lived in Summit Oaks for more than 40 years. Many of our neighbors have been here for decades.
- The map sent by the City to some of the property owners in the neighborhood, shows a car wash and an auto rental business. This information is over 20 years old. There is no longer any car wash. The building previously occupied by the auto rental business is now occupied by a different business.

#### SUMMARY

This zoning request from Mr. Ford may solve a problem for Mr. Ford, but it has the high probability of inflicting significant damage to our neighborhood. Please deny the rezoning.

Respectfully,



William Clifford  
12106 Tweed Court  
Austin, Texas 78727  
512-258-3609



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**Contact: Sherri Sirwaitis, 512-974-3057**  
**Public Hearing: Sept 5, 2017, Zoning and Platting Commission**  
**Sept. 28. City Council**

LEONARD SCHLUTER  
*Your Name (please print)*

☒ I am in favor  
☐ I object

*Your address(es) affected by this application*

12107 COND RD 9-4-2017  
*Signature* *Date*

Daytime Telephone: 512-258-6290

Comments: GET A NEW MAP

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

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 Planning & Zoning Department  
 Sherri Sirwaitis  
 P. O. Box 1088  
 Austin, TX 78767-8810

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**Case Number: C14-2017-0085**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: Sept 5, 2017, Zoning and Planning Commission  
Sept. 28. City Council**

*Richard Bean*  
Your Name (please print)

*12106 Conrad Rd*

Your address(es) affected by this application

*Richard Bean*

Signature

Date

*2017.09.10*

Daytime Telephone: *512-918-8727*

Comments:

*I think the higher density rezoning would hurt my neighborhood, where I have lived for 23 years.*

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

City of Austin  
Planning & Zoning Department  
Sherri Sirwaitis  
P. O. Box 1088  
Austin, TX 78767-8810



Ken  
Herman  
Commentary

## The man who had to have a carousel

Retired granddad snags old ride from Kiddie Acres, is rebuilding it.

For me and Charlie Ford, it was instant connection at first email. At least it was on my end. I don't want to speak for Charlie, but I knew I was going to like this guy when he contacted me with an email with the subject line "kiddie acres carousel or merry-go-round."

OK, so maybe Charlie's not the best speller. But he more than made up for that with his email message: "Buying this was the easy part."

"This" was the carousel from Kiddie Acres. I told you about Kiddie Acres back when it closed in June after 38 years of delighting kids with its simple, old-fashioned amusement park rides, all of which now have been auctioned off.

Ford, 65, retired owner of a local air-conditioning company, was the high-bidder for the carousel, which he plans to reassemble on a vacant lot he owns next to his home. Fees and all, he says he paid north of \$13,000 for it. You've got to really love carousels to pay that much for an old one. Or you've got to really want more grandkids.

After getting his email, I called Ford to ask what you'd ask: "What was it at this point in your life that convinced you what you needed was a carousel?"

Ford, already four days into what turned out to be a hot, sweaty, greasy five days of dismantling and moving the carousel, laughed and said, "I've been here well over 40 years and was very familiar with Kiddie Acres, because I raised four children here. And I'm tired

E4 AUSTIN AMERICAN-STATESMAN

Sunday, September 10, 2017

## INSIGHT

### Herman

continued from E1

of watching stuff like the Armadillo go and not getting it – and other things go and me not getting it. So, I wanted a little bit of Austin to keep. And I have a big lot next door. So, I had room."

And he has one grandkid and wants more. Ford figures having a carousel plays into that.

"We're down to just the pole over there," he said of what was left to move, referring to the center pole of the carousel, "which is no small matter. It's like half of a telephone pole that somehow we've got to get laid down and into the back of a trailer and (dragged) home."

Sensing entertainment here, I headed out to now-defunct Kiddie Acres on West Howard Lane to catch the final day of moving, disappointed that I missed the previous four days.

On site, I re-asked the big question: Why, Charlie?

"It spoke to me," he said after carrying a heavy, greasy gear into his trailer.

(You're going to hear a lot about grease. Apparently, it takes a lot of grease to keep a carousel carouseling. Or at least the former owners of this one thought so. And I'm proud to say the Austin American-Statesman was involved in the moving of the carousel. Turns



Charlie Ford sits astride one of the carousel horses he bought from Kiddie Acres, the recently closed North Austin amusement park. "I wanted a little bit of Austin to keep," he said. PHOTOS BY KEN HERMAN, AMERICAN-STATESMAN

out newspapers are handy for wiping grease off stuff. Folks, we're not insulted. We don't mind what you do with the paper once you've bought it.)

I asked Ford what the carousel said to him when it spoke to him. Ford answered: "You'll be the only man on the block with one."

Ford's crew, including his greasy own self, varied between five and seven people while I was there. I tried to stay out of the way. I lobbed the occasional question as I watched, including jumping ahead a bit and asking Ford if he'd know how to put this thing back together.

"I do not know that answer," he said.

An hour or so later, I took another swipe at what seemed to me to be the core question: You got an instruction manual for this thing?

"We've got something that says, 'two men, one hour,'" he joked.

I asked if anybody in his family had questioned his sanity.

"I'm getting a lot of support, actually," said Ford, who self-identifies as happily divorced. "They think it's real cool. Of course, they're not taking it down and putting it back up."

Not quite right. Son Ray, 29 and deeply greased by the time I showed up to kibitz while others engaged in heavy labor, was part of the crew. Ray said things were going pretty well, though Charlie did note, "My son and I almost got divorced yesterday."

Ray, who went to Kiddie Acres as a kiddie, said he came across the rides while looking at an auction of welding supplies. "I went home and told my dad about them – and he had coincidentally already

12,101 1/2 Conrad Rd

Herman continued on E4

over →



From left: Anthony Tabira, Charlie Ford, Nolan Davis, Ray Ford and Patrick Rocha work with a gear unit for the Kiddie Acres carousel. Charlie Ford is reassembling the ride on a lot he owns next to his Northwest Austin home.

begun bidding on things," he said.

Charlie says the only other thing he bid on was the Ferris wheel.

Not knowing anyone with a carousel at their house, I asked him what kind of permits he'd need.

"Permits? Permits? Permits?" he said, feigning ignorance of such things. "I think if I do something for hire, then the rides get inspected. But as far as construction and stuff like that, I didn't hear you ask that question."

As we chatted, I noticed that the guy who bought the Kiddie Acres train was nearby and removing some of it. He said it was for hobby use and asked for privacy. Somewhere, I'm thinking, there might be a spouse about to get the surprise of a lifetime.

Back at the remains of the carousel, Ford (wearing a heavily greased Eeyore's Birthday T-shirt from

2007) and crew were trial-and-erroring their way toward getting the final heavy, heavily greased parts on the trailer for the trip to his house for reunification with the other parts for reconstruction at an undetermined date in the undetermined future.

Ford, whose whimsical manner is informed by reality-be-damned optimism, had this prediction when I asked him when this again would be a working carousel: "Oktoberfest."

We have a better chance of world peace by then. So I asked what the chances are that his some-assembly-required toy might still be scattered around as parts a couple of years from now.

"Probably pretty good chances," he said.

Still not fully buying into his optimism, I asked whether the unreconstructed parts someday

could be part of his estate.

Ford, father of four, was OK with the notion and said, "There you go. Yeah, I assume all my kids will fight over it."

Left unclear was whether they'd be fighting for or against that particular inheritance from dear ol' Dad.

A few hot, greasy hours after I showed up to watch, the final parts were loaded on the trailer and I followed on the few-mile trip to Ford's home. All went well until a big part flipped off the trailer when it hit a low-hanging branch at his house. There didn't seem to be any damage, and carousel crew members Patrick Rocha, Nolan Davis and Anthony Tabira enjoyed the moment.

Rocha celebrated the end of the move by striking a cowboy-on-a-bucking-bronco pose on one of the 20 carousel ponies.

Ford showed me the parts arrayed on the lot and where the carousel will stand when reassembled, which, infected by Ford's optimism, I now believe actually could happen sometime this century.

So far, Ford said, the project has been "10 times" harder than he'd imagined.

But Ford was dead right about what the carousel had said when it spoke to him: Best I could tell, nobody else on his block has one.

khernan@statesman.com.  
512-445-3907