

ZONING CHANGE REVIEW SHEET

CASE: C14-2018-0031 – 3110 West Terrace Drive Rezoning

DISTRICT: 7

ZONING FROM: SF-2

TO: SF-3

ADDRESS: 3110 West Terrace Drive

SITE AREA: 0.2673 acres (11,644 sq. ft.)

OWNER & APPLICANT: Danielle Lesikar

CASE MANAGER: Scott Grantham (512-974-3574, scott.grantham@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends Family Residential (SF-3) district zoning.

For a summary of the basis of staff's recommendation, see case manager comments on page 2.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

May 15, 2018

Approved SF-3 zoning as staff recommended. [B. Evans, S. Lavani – 2nd], Vote 10 – 0, D. Breithaupt – absent

CITY COUNCIL ACTION:

June 14, 2018

Scheduled for City Council

ORDINANCE NUMBER:

ISSUES

The applicant is the owner of the property, and has requested the rezoning in order to construct a detached secondary unit to the rear of the existing house. She has stated that she would like her retired mother to live in the house. The case manager has spoken to and met with the Allandale Neighborhood Association. Neighbors had many questions about the proposed rezoning, and were concerned about setting a precedent for SF-3, and for the long term construction of duplexes in the neighborhood. Many were supportive of the applicant's goal of having her mother living on the property.

Some questions sought other ways for the applicant to achieve the preferred scenario. A rezoning to SF-3 is the only process which will allow for a detached secondary unit, to be occupied on a long term basis by another person(s), related or not. Other possibilities, under the property's current SF-2 zoning, would be construction of a Guest House for occasional nonpaying guests based on the lot size which exceeds 10,000 square feet [§25-2-893(D)], and the construction of an Attached Accessory Apartment for someone over 60 or disabled. [§25-2-901]. Neither of these possibilities would achieve the applicant's preferred scenario of a detached secondary unit, to be occupied by a full-time resident.

Other questions were related to a private restrictive covenant dating from the 1950s. The City is not a party to this agreement, nor can the City enforce it, however, the covenant specifies that Duplexes may be built on the property in question (Block D, Lot 15). (See Exhibit D, Plat, and Exhibit E, Private Restrictive Covenant). Neighbors have sent letters and emails to be included with the staff backup. (See Exhibit F, Correspondence from Interested Parties).

CASE MANAGER COMMENTS:

The subject property is approximately 1/4 of an acre, located on the north side of West Terrace Drive. It is currently occupied with a single family house, and has one driveway providing access to West Terrace Drive. The subject property is relatively flat and is not located in a flood plain.

Most of the neighborhood is comprised of Single Family uses. There are predominantly Single Family uses along West Terrace Drive to the south, and along Carlisle Drive to the north. There are Duplex uses on the west corners of West Terrace and Carlisle, with frontage on these streets and Great Northern Blvd, which is the frontage road for MoPac Loop 1. These Duplex uses are 50 – 75 feet to the west of the subject property.

BASIS OF RECOMMENDATION

Staff supports the requested rezoning to family residence (SF-3). The first basis of staff's recommendation is that zoning should allow for reasonable use of the property. Under the existing code, a Two-Family Residential use – a use that includes a secondary dwelling unit – is not permitted in SF-2. No application or process exists to meet the applicant's preferred scenario – a secondary detached dwelling unit – other than a zoning change. Although some property owners have opted to build an addition onto their home to accommodate a family member or other resident, this choice is a personal one; there are clear advantages to having a separate structure in terms of living space, privacy, and long term flexibility.

The second basis of the recommendation is that there is already some precedence for SF-3 in the neighborhood. There are a total of six SF-3 lots within 200 feet of the subject property, including one property two lots to the west, and another property four lots to the east. There are 99 total lots zoned SF-3 within the Allandale neighborhood.

The third basis of the recommendation is that zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character. A change from SF-2 to SF-3 conserves neighborhood character by allowing for one additional dwelling unit on a property without increasing physical development standards such as height or impervious cover. Development standards for SF-2 and SF-3 are identical, with the key difference being allowed uses. Intent statements for SF-2 and SF-3 in the Land Development Code are very similar; the substantive difference is that SF-3 states "A duplex use that is designated as an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics" [§ 25-2-57]. This definition underscores the idea that SF-3 is established to maintain single-family neighborhood characteristics, and would apply to all uses permitted under SF-3.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-2	Single Family
North	SF-2, then Carlisle Dr, then SF-2	Single Family, then Carlisle Dr, then Single Family
South	West Terrace Dr, then SF-2	West Terrace Dr, then Single Family
East	SF-2, SF-3	Single Family
West	SF-2, SF-3	Single Family, Duplex

NEIGHBORHOOD PLANNING AREA: Allandale (no neighborhood plan)

TIA: Not Required

WATERSHED: Shoal Creek

OVERLAYS: Scenic Roadways Overlay – partially within buffer for MoPac Loop 1

SCHOOLS: Gullett Elementary, Lamar Middle School, McCallum High School

NEIGHBORHOOD ORGANIZATIONS:

- | | |
|-------------------------------------|---|
| 5702 Wynona Neighbors | Northwest Austin Civic Association |
| Allandale Neighborhood Association | Northwest Austin Coalition |
| Austin Independent School District | NW Austin Neighbors |
| Austin Neighborhoods Council | Seltexas |
| Bike Austin | Shoal Creek Conservancy |
| Friends of Austin Neighborhoods | Sierra Club Austin Regional Group |
| Homeless Neighborhood Association | TNR BCP - Travis County Natural Resources |
| Lower District 7 Green | |
| Neighborhood Empowerment Foundation | |
| North Austin Neighborhood Alliance | |

NEARBY CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0088 Allandale Neighborhood VMU Zoning	CS-V	05-13-08, Apvd implementation of V regs on selected tracts	08-21-08, Apvd V for Tr 1, 4, 6, 11-13; Tr 2-3, 7-10 were excluded

RELATED CASES:

The property is Block D, Lot 15 in the Allandale Terrace Subdivision, Travis County Plat Volume 9, Page 159 (See Exhibit D, Plat).

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
West Terrace Drive	50 feet	27 feet	Local	none	Great Northern Blvd	none

OTHER STAFF COMMENTS:

Comprehensive Planning

This zoning case is located on the north side of W. Terrace Drive, which contains a house situated on a 0.26 acre lot. The property is located within the boundaries of Allandale, which does not have an adopted neighborhood plan. The property includes residential uses in all four directions. The proposed use is residential.

Imagine Austin

Based on the comparative scale of this site relative to other nearby residential uses in this area, as well as the site not being located along an Activity Corridor or within an Activity Center, this project 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 not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

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.

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.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

Site Plan

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

Any new development is subject to Subchapter E. Design Standards and Mixed Use. If a site plan is required (see comment above), additional comments will follow.

Transportation

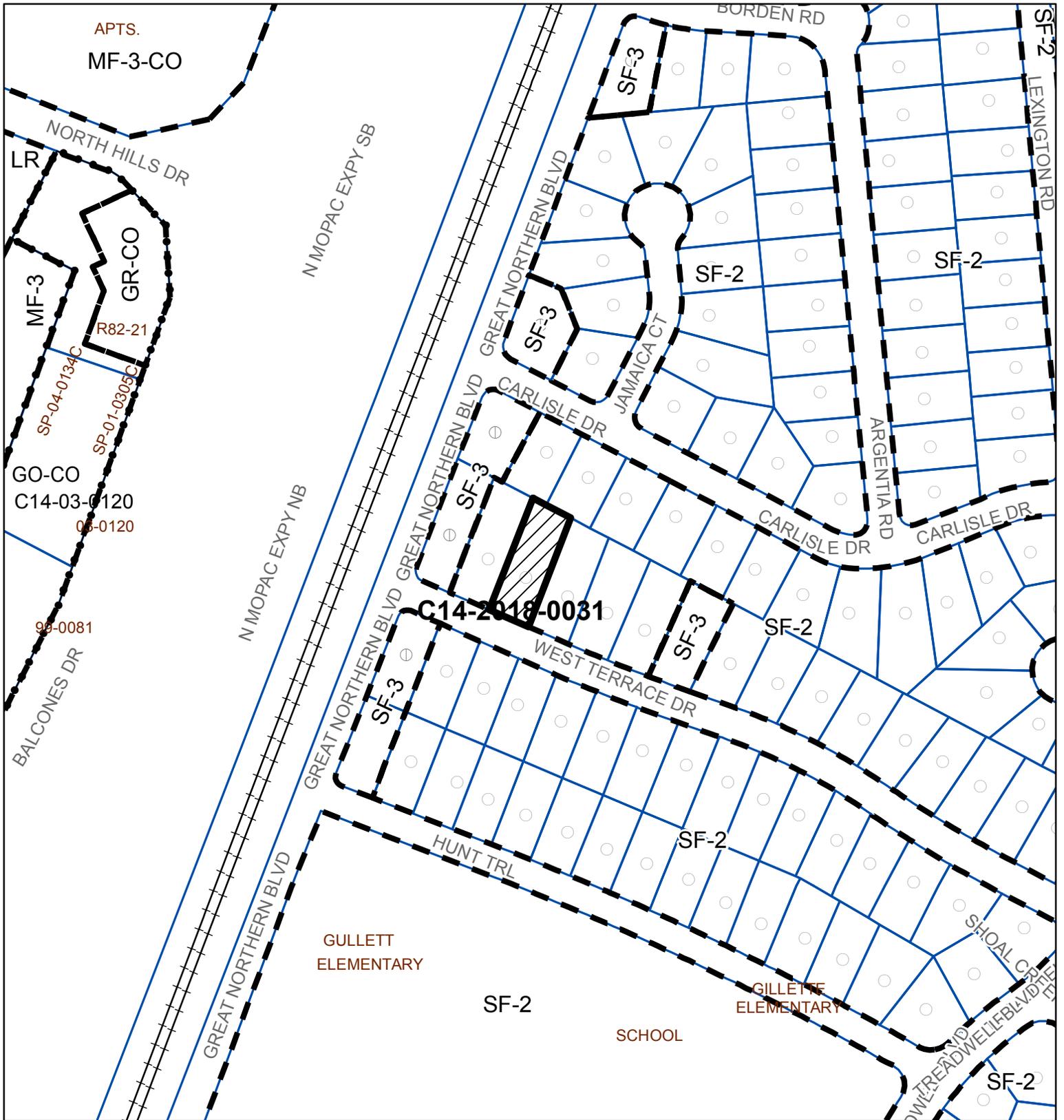
A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC 25-6-113]

Austin Water Utility

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.

INDEX OF EXHIBITS TO FOLLOW

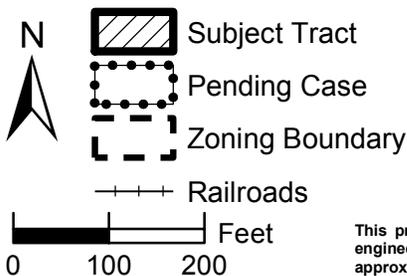
- A: Zoning Map
- B. Aerial Map
- C. Survey
- D. Plat
- E. Private Restrictive Covenant / Deed Restriction
- F. Correspondence from Interested Parties



ZONING

Case#: C14-2018-0031

EXHIBIT A



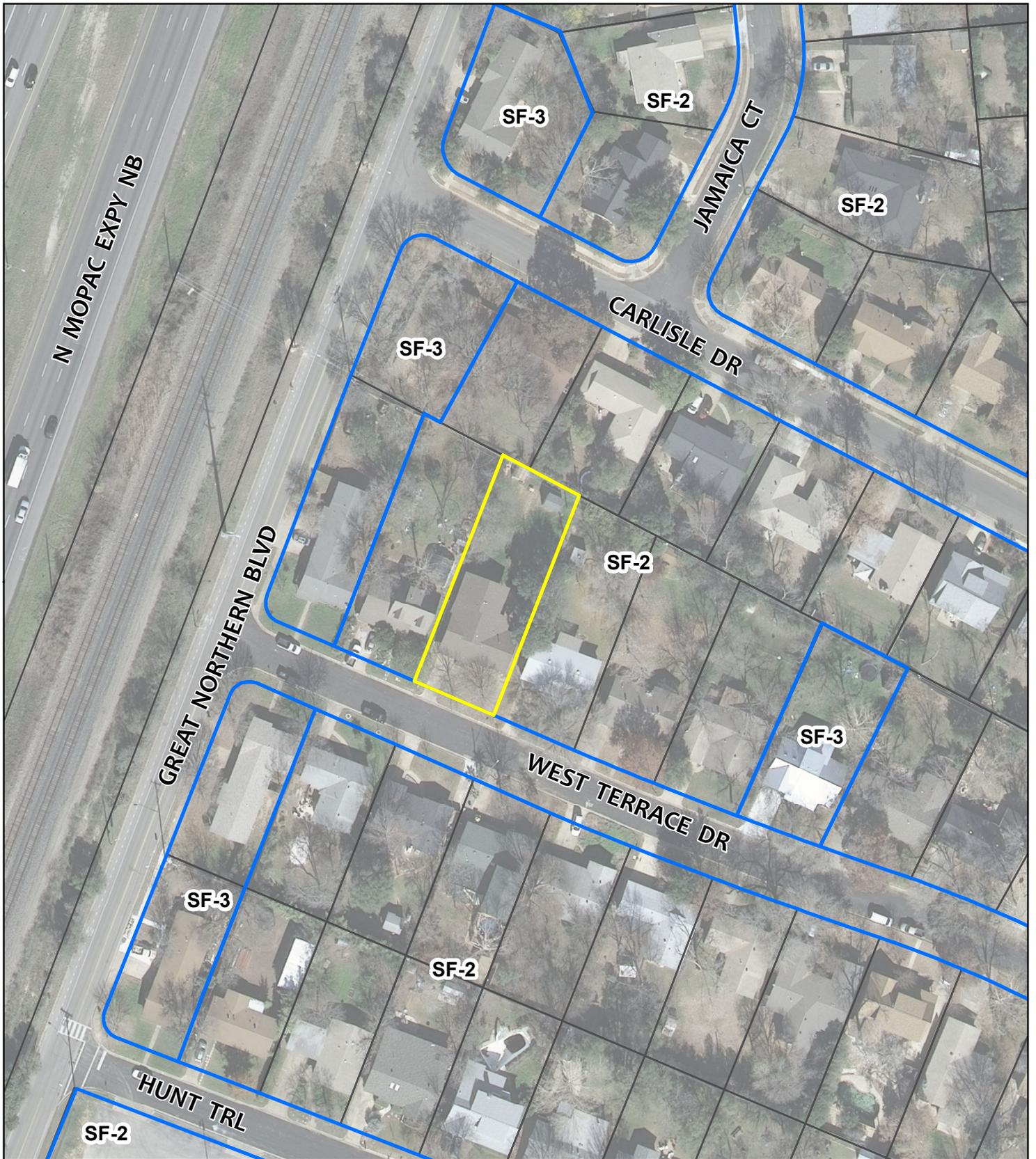
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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.



1" = 200'

Created: 4/6/2018



- Subject Property
- Zoning Boundary

1 inch = 100 feet



ZONING & VICINITY

Zoning Case: C14-2018-0031
 Address: 3110 West Terrace Drive
 Rezoning
 Subject Area: 0.2673 Acres
 Case Manager: Scott Grantham

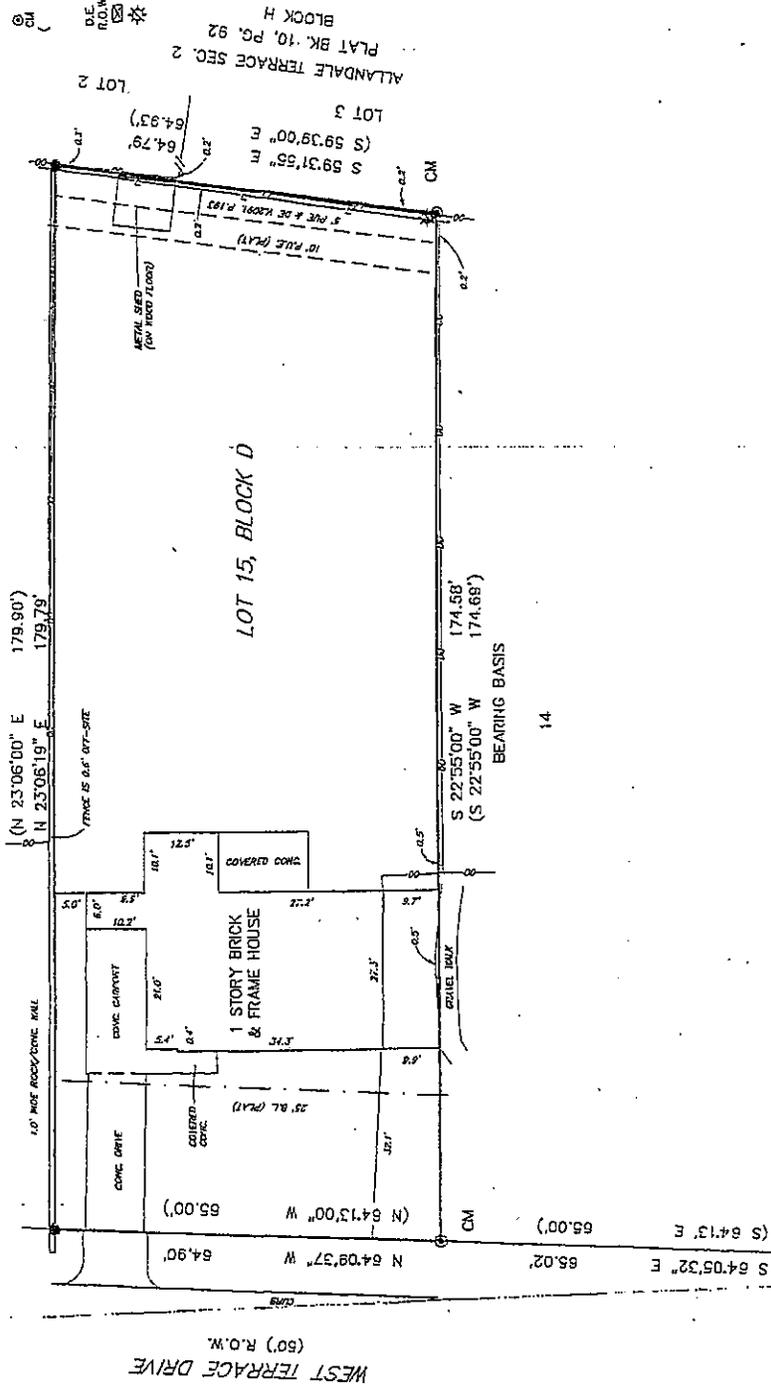
This map has been produced for the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



EXHIBIT B

EXHIBIT C

- MAP SYMBOLS:**
- X BARBED WIRE FENCE
 - CHAIN LINK FENCE
 - WOOD BOARD FENCE
 - PUBLIC UTILITY EASEMENT
 - BUILDING LINE
 - 1/2" REBAR FOUND
 - CAPTIVE GRANT 1919
 - CONCRETE FOUND
 - CONCRETE FOUND
 - RECORD DATA FROM
 - PLAT, INC. 9, P. 6, 139
 - METAL SHED ERECT FROM
 - METAL SHED ERECT FROM
 - DRAINAGE EASEMENT
 - RIGHT-OF-WAY
 - AIR CONDITIONER
 - POWER POLE



I, THE UNDERSIGNED, HAVE THIS DATE, MADE A CAREFUL AND ACCURATE SURVEY OF THE PROPERTY LOCATED AT 3110 WEST TERRACE DRIVE, AUSTIN, TEXAS, BEING DESCRIBED AS FOLLOWS: LOT 15, BLOCK D, ALLANDALE TERRACE, AN ADDITION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT HERETOBY REFERRED TO IN VOLUME 9, PAGE 159, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

REFERENCE: OF NO. 2421002284
 BUYER: CLIFFORD WHEELER, W & ELIZABETH M. WHEELER
 SELLER: FRANKLIN E. ACCEPTANCE
 TITLE CO.: CHICAGO TITLE
 UNDERWRITER: CHICAGO TITLE INSURANCE COMPANY

NOTES: 1. FOR RESTRICTIONS, SEE 9/158 (PLAT REC.) & 2091/193 (DEED REC.).



THE UNDERSIGNED DOES HEREBY CERTIFY TO TITLE COMPANY, UNDERWRITER, BUYER, SELLER, AND LENDER ABOVE-NAMED THAT THIS SURVEY, THIS DAY MADE, ON THE GROUND OF THE PROPERTY DESCRIBED HEREON AND IS ACCURATE, AND THAT THERE ARE NO VISIBLE DISCREPANCIES, CONFLICTS, OR OVERLAPPING OR IMPROPERMENTS, VISIBLE UTILITY EASEMENTS OR ROADWAYS, EXCEPT AS SHOWN HEREON, AND THE SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED HIGHWAY, EXCEPT AS SHOWN HEREON. THIS PLAT IS NOT MADE BY RALPH HARRIS SURVEYING, INC. 1408 TETTER, AUSTIN, TEXAS 78704 (512) 444-1791

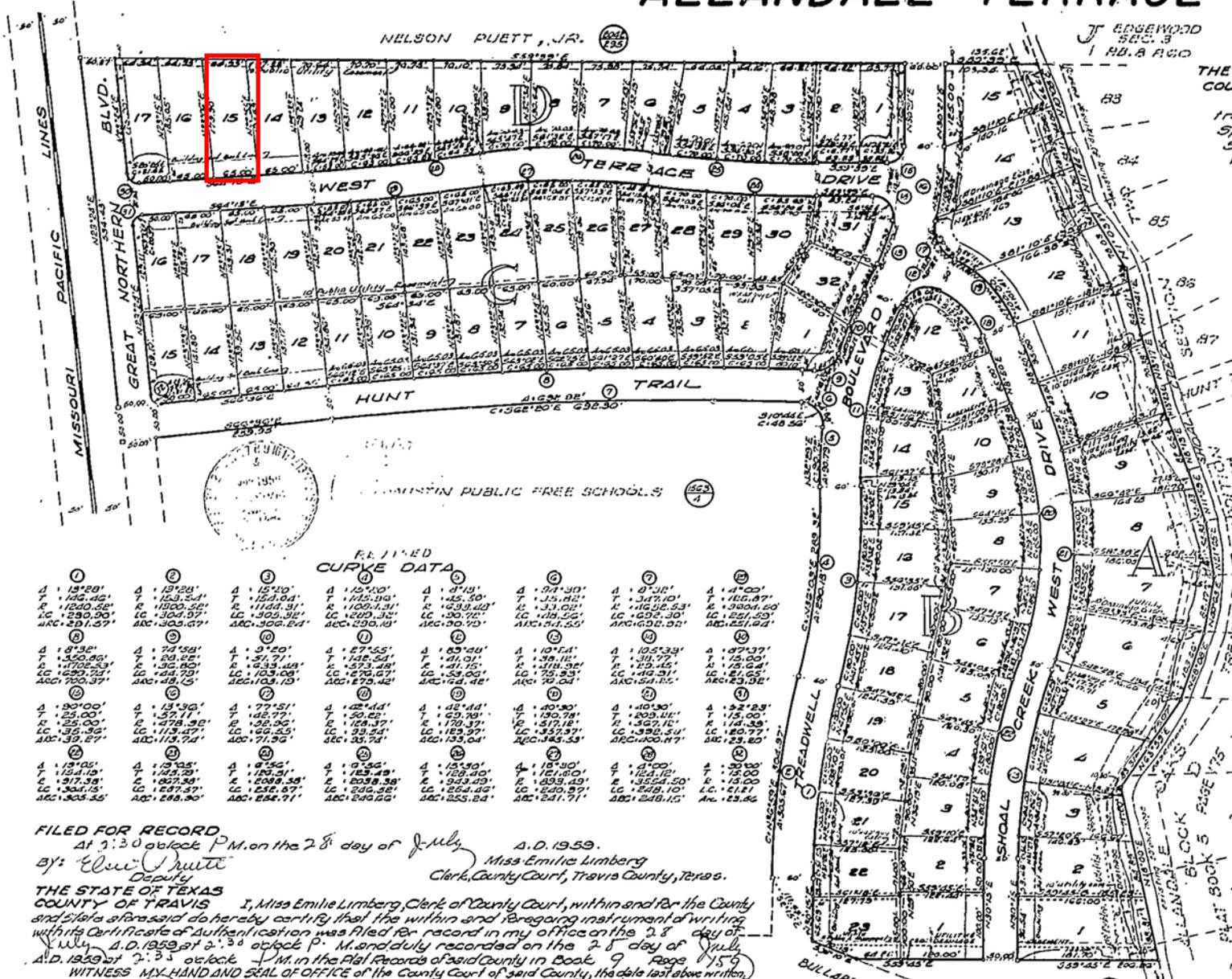
James M. Grant
 Surveyor

JAMES M. GRANT P.P.L.S. NO. 1919 AUGUST 2, 2004
 LICENSE NO. 11610 SURVEY ORDER NO. 10220

FLOOD NOTE:
 I HAVE EXAMINED THE FEMA'S FLOOD INSURANCE RATE MAP AND THAT MAP INDICATED THAT THIS PROPERTY IS WITHIN FLOOD ZONE X (DETERMINED TO BE SPECIAL HAZARD AREA) AND IS LOCATED WITHIN THE FLOOD ZONE X (DETERMINED TO BE SPECIAL HAZARD AREA) OF SAID MAP. HOWEVER, THIS SITE IS NOT WITHIN FLOOD ZONE X (DETERMINED TO BE SPECIAL HAZARD AREA) OF SAID MAP. STATEMENT DOES NOT MEAN THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. BUYER AND LENDER ARE ADVISED THAT ALL LOCAL AND FEDERAL AGENCIES MUST BE NOTICED BY MAIL OF ANY FLOOD CHANGES. THE FLOOD STATEMENT SHALL NOT BE THE LIABILITY OF THE PART OF THE SURVEYOR.

For Reliance of Protection See Vol. 2172, page 1
For Restrictions See Vol. 2091, 1
Self-protection. Emily Limberg

ALLANDALE TERRACE



THE STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS, That I, Nelson Puett, Jr., do hereby subdivide a portion of a 103.06 acre tract, a portion of Spear League Survey #7 and a portion of the Survey #15 in Travis County, Texas, as conveyed to Wilbur C. Treadwell, Sr., et al, to Nelson Puett Book 2009, pages 147-151, Travis County Deed Record to be known and designated as ALLANDALE of streets and easements according to the plat shown hereon.

and do hereby dedicate to the public all streets shown hereon.

WITNESS MY HAND this the 9th day of July, A.D. 1959.

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, on this day personally appeared Nelson Puett, Jr., known to me to be the person whose name is subscribed to the foregoing instrument, and he executed the same for the purposes therein expressed.

Given under my hand and seal of office this 9th day of July, A.D. 1959.

APPROVED FOR ACCEPTANCE
Date: July 27th 1959

ACCEPTED AND AUTHORIZED
THE CITY PLANNING COMMISSION
Date:

FILED CURVE DATA

1. 13°20'	4. 13°24'	7. 12°20'	10. 10°10'	13. 4°15'	16. 0°11'30"	19. 1°11'30"	22. 1°11'00"
T. 142.46'	T. 153.34'	T. 124.04'	T. 115.194'	T. 25.50'	T. 1.5.42'	T. 3.47.10'	T. 116.87'
E. 1120.58'	E. 1143.91'	E. 1143.91'	E. 1203.431'	E. 103.423'	E. 31.021'	E. 112.22.53'	E. 1304.66'
LC. 129.05'	LC. 304.57'	LC. 130.31'	LC. 149.31'	LC. 103.71'	LC. 149.55'	LC. 103.50'	LC. 124.53'
ARC. 201.57'	ARC. 303.67'	ARC. 306.64'	ARC. 290.13'	ARC. 30.72'	ARC. 14.55'	ARC. 60.32'	ARC. 25.64'
2. 18°32'	5. 74°18'	8. 9°20'	11. 27°55'	14. 6°10'	17. 10°15'	20. 1°07'33"	23. 1°07'33"
T. 152.861'	T. 371.31'	T. 142.54'	T. 142.54'	T. 21.01'	T. 39.11'	T. 129.77'	T. 129.77'
E. 1702.53'	E. 136.83'	E. 136.83'	E. 136.83'	E. 141.15'	E. 153.15'	E. 153.15'	E. 153.15'
LC. 1290.71'	LC. 44.79'	LC. 103.09'	LC. 276.67'	LC. 53.00'	LC. 75.33'	LC. 149.31'	LC. 149.31'
ARC. 750.37'	ARC. 48.15'	ARC. 113.13'	ARC. 279.42'	ARC. 19.41'	ARC. 19.41'	ARC. 64.15'	ARC. 64.15'
4. 13°00'	6. 13°30'	9. 17°51'	12. 12°14'	15. 4°10'	18. 1°07'33"	21. 1°07'33"	24. 1°07'33"
T. 125.00'	T. 142.77'	T. 142.77'	T. 142.77'	T. 130.71'	T. 130.71'	T. 130.71'	T. 130.71'
E. 125.00'	E. 178.32'	E. 178.32'					
LC. 136.32'	LC. 113.47'	LC. 166.25'	LC. 93.24'	LC. 113.47'	LC. 136.32'	LC. 136.32'	LC. 136.32'
ARC. 39.27'	ARC. 113.74'	ARC. 71.36'	ARC. 33.74'	ARC. 133.04'	ARC. 100.17'	ARC. 100.17'	ARC. 100.17'
3. 13°05'	5. 13°35'	8. 10°50'	11. 19°55'	14. 12°30'	17. 1°10'30"	20. 1°10'30"	23. 1°10'30"
T. 124.15'	T. 142.77'	T. 142.77'	T. 142.77'	T. 128.40'	T. 128.40'	T. 128.40'	T. 128.40'
E. 1317.38'	E. 107.34'	E. 107.34'					
LC. 1304.13'	LC. 123.37'	LC. 123.37'					
ARC. 305.35'	ARC. 248.90'	ARC. 254.71'	ARC. 249.22'	ARC. 255.24'	ARC. 241.71'	ARC. 241.71'	ARC. 241.71'

EXHIBIT D

FILED FOR RECORD
At 2:30 o'clock P.M. on the 28th day of July, A.D. 1959.
By: *Elvis Puett* Deputy
Miss Emily Limberg
Clerk, County Court, Travis County, Texas.

I, Miss Emily Limberg, Clerk of County Court, within and for the County and State aforesaid do hereby certify that the within and foregoing instrument of writing with its Certificate of Authentication was filed for record in my office on the 28th day of July, A.D. 1959 at 2:30 o'clock P.M. and duly recorded on the 28th day of July, A.D. 1959 at 2:30 o'clock P.M. in the Plat Records of said County in Book 9, Page 159.

WITNESS MY HAND AND SEAL OF OFFICE of the County Court of said County, the date last above written.

Miss Emily Limberg
Clerk, County Court, Travis County, Texas

This plat back requirement for all buildings shall be twenty feet from street lines except lots 17, Block D, and lots 14 and 12, Block C, which shall have ten feet back requirements on the street streets, and twenty feet back requirements on the front streets.

F.B. 408 P. 1
PLAN 5859

W. H. BULLARD
Area in lots 22.00 Acres
Area in Blocks 3.80 Acres
Total Area in Subdivision 25.84 Acres

LEGEND
Iron Stake Set
Concrete Monument Found
Travis County Deed Record
Scale 1" = 100 Feet

This is to certify that the requirements of Section 11 of the Subdivision Ordinance dated Sept. 10, 1953 have been complied with.

CE-53-53

EXHIBIT E

VOL 2081 PAGE 193

THE STATE OF TEXAS ::

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS ::

WHEREAS, Nelson Puett, Jr., being the owner, and Wilbur C. Treadwell, Sr., Trustee, being the lienholder of that certain subdivision known as Allandale Terrace, a subdivision in Travis County, Texas, according to the map or plat of record in Vol. 9 Page 157, of the Travis County Plat Records, hereby impose the following covenants, conditions and restrictions upon all of said property.

LAND USE AND BUILDING TYPE: No lot shall be used except for residential purposes, except that one sales office may be erected and maintained by the subdivider or his agents for the exclusive sale of lots and homes in this subdivision. All lots in this subdivision shall be used for single family dwellings only, except Lots 5 through 26, Block C, and Lots 7 through 17, Block D, which can be used for duplexes. No dwelling constructed elsewhere shall be moved to any lot in this subdivision.

EASEMENTS: Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear five feet of each lot.

TEMPORARY STRUCTURES: No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuildings shall be used on any lot at any time as a residence either temporarily or permanently.

NUISANCES: No noxious and offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

SIGNS: No sign of any kind shall be displayed to public view on any lot or house except one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

SIGHT DISTANCE AT INTERSECTIONS: No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting

them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight-line limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

DWELLING COST, QUALITY AND SIZE: No dwelling, exclusive of open porches, garages, carports, and patios, shall be permitted on any lot at a cost of less than \$10,000.00 for a single family dwelling or \$14,000.00 for a duplex based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of the covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost stated herein for the minimum permitted dwelling size. The ground floor area of the main structure, exclusive of open porches and garages, for lots 11 through 20, block C, and lots 13 through 17, block D, shall not be less than 1100 square feet for a one story single family dwelling, nor less than 1300 square feet for a duplex. Lots 5 through 10 and 21 through 26, block C and lots 7 through 12, block D, shall have a ground floor area, exclusive of open porches and garages, of not less than 1200 square feet for a single family dwelling, nor less than 1400 square feet for a duplex. The ground floor area of the main structure, exclusive of open porches and garages, for the remaining lots in Blocks C and D, shall not be less than 1300 square feet. In addition, all dwellings erected on all lots in Blocks C and D shall contain at least twenty-five percent (25%) masonry construction.

The ground floor area of the main structures, exclusive of open porches and garages, for lots 1 through 12, Block B, shall not be less than 1500 square feet for a one story, single family dwelling. Lots 13 through 23, Block C, shall have a ground floor area, exclusive of open porches and garages, of not less than 1300 square feet. All dwellings erected on lots in Block B, shall contain at least fifty percent (50%) masonry construction.

The ground floor area of the main structure, exclusive of open porches and garages, for all lots in Block A, shall not be less than 1700 square feet for a one story single family dwelling. In addition, all lots erected on lots in Block A shall contain at least fifty percent (50%) masonry construction.

BUILDING LOCATION: No building shall be located on any lot nearer to the front line or nearer to the side street line than the minimum building setback lines shown on the recorded plat. In no event, no building shall be located on any lot nearer than 25 feet nor more than 35 feet from the front lot line, or nearer than 10 feet to any side street line. No building shall be located nearer than 5 feet to an interior lot line, except that no side yard shall be required for a garage or other permitted accessory building located 45 feet or more from the minimum building setback line. No dwelling shall be located on any lot nearer than 25 feet to the rear lot line. For the purpose of this covenant, eaves, steps and open porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any part of a building on a lot to encroach upon another lot. No fence, wall or hedge shall be built or maintained forward of the front wall line of the respective house.

ARCHITECTURAL CONTROL: No building shall be erected, placed, or altered on any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the architectural control committee as to quality or workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum building setback line unless similarly approved. Approval shall be as provided in "Procedure."

MEMBERSHIP: The architectural control committee is composed of Nelson Puett, Jr., V. G. Mann, and A. S. Duncan, of 5425 Burnet Road, Austin, Texas. A majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor.

Neither the members of the committee, nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. At any time, the then record owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or restore to it any of its powers and duties.

PROCEDURE: The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee, or its representative, fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

LOT AREA AND WIDTH: No dwelling shall be erected or placed on any lot having a width of less than 65 feet at the minimum building setback line nor shall any dwelling be erected or placed on any lot having an area of less than 6,500 square feet.

OIL AND MINING OPERATIONS: No oil drilling operations by way of development, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

LIVESTOCK AND POULTRY: No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose.

GARBAGE AND REFUSE DISPOSAL: No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

These restrictions and covenants are hereby declared to be covenants running with the land and shall be binding upon all persons acquiring title

to property in this subdivision, whether by descent, devise, purchase or in any manner whatsoever and any person or persons in accepting title to any lot or plat in this subdivision shall thereby agree and covenant to abide by and fully perform the restrictions and covenants herein set out.

If any person or persons shall violate any of the restrictions and covenants herein, it shall be lawful for any other person or persons owning real property in this subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any restriction or covenant stated herein and either prevent him or them from so doing or to correct such violation or to recover damages or other dues for such violation.

These restrictions and covenants shall be binding until January 1, 1985.

On and after January 1, 1985, these restrictions and covenants shall be automatically extended for successive periods to ten (10) years each, unless by a vote of 3/4ths majority of the then owners of the lots or plots in this subdivision, it is agreed to amend or change these restrictions in whole or in part.

Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

EXECUTED this the 20th day of August 1959.

Nelson Puett, Jr.
Nelson Puett, Jr.

William C. Treadwell, Sr.
William C. Treadwell, Sr.

THE STATE OF TEXAS :
COUNTY OF TRAVIS :

BEFORE ME, the undersigned authority, on this day personally appeared Nelson Puett, Jr., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 20th day of August 1959.



William C. Treadwell, Sr.
Notary Public in and for Travis County, Texas

Vol. 2091 NEE 196

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared Wilbur C. Treadwell, Sr., Trustee, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

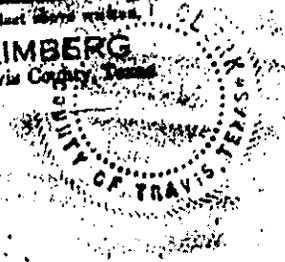


GIVEN UNDER MY HAND AND SEAL OF OFFICE this 22nd day of August 1959.

[Signature]
Notary Public in and for Travis County,
Texas

Filed Aug 26 1959 at 8:00 AM
Recorded Aug 27 1959 at 2:00 PM

THE STATE OF TEXAS }
County of Travis } I, MISS EMILIE LIMBERG, Clerk of the County Court
within and for the County and State aforesaid, do hereby certify that the within and foregoing Instrument of Writing, with its Certificate of Authentication, was filed for record in my office on the 26 day of Aug A.D. 1959 at 8:00 o'clock AM, and duly recorded on the 27 day of Aug A.D. 1959 at 2:00 o'clock PM in the DEED Records of said County, in Book No. 2091 Pages 193 to 198 inclusive.
WITNESS MY HAND and seal of the said County Court of said County, the date last above written.
By [Signature] Deputy.
MISS EMILIE LIMBERG
Clerk County Court, Travis County, Texas



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.

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: C14-2018-0031
 Contact: Scott Grantham, 512-974-3574
 Public Hearing: May 15, 2018, Zoning and Platting Commission
 June 14, 2018, City Council

Kari A Brandon Harvey
 Your Name (please print)

3112 W. Terrace Dr. Austin 78757
 Your address(es) affected by this application

[Handwritten Signature]
 Signature

I am in favor
 I object

Daytime Telephone: (512) 743-6216
 Date

Comments: We understand the request to rezone is to allow our neighbors to build additional living quarters for their family member. We have no objections to this. Their lot card several lots on our street for that matter) are large enough to accommodate an additional unit with care.

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

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

Grantham, Scott

From: Grantham, Scott
Sent: Tuesday, May 08, 2018 12:26 PM
To: 'Caroline Reynolds'
Cc: AMC Company; Todd W Shaw
Subject: RE: Here is a copy of 3110 West Terrace subdivision document

Caroline,

Thank you for taking the time to email and be involved in the process. I will include this in the official staff backup for the ZAP Commissioners.

Just a few clarifications regarding the application and process:

1. The request is for a rezoning to SF-3, not a subdivision.
2. The document you included is a deed restriction from the original neighborhood. The City is not a party to deed restrictions, nor does it enforce them – they fall under the purview of the groups that came to an agreement – in this case Allendale Terrace.
3. Zoning and deed restrictions are two very different things – zoning is administered by the City, and deed restrictions would need to be administered by the parties that signed the agreement.

Please let me know if you have any additional questions.

Take care!

Best - Scott

Scott Grantham

Senior Planner

City of Austin | Planning and Zoning Department

505 Barton Springs Road | 5th floor | Austin TX | 78704

Tel | 512.974.3574

Email | scott.grantham@austintexas.gov

From: Caroline Reynolds []
Sent: Saturday, May 05, 2018 5:44 PM
To: Grantham, Scott <Scott.Grantham@austintexas.gov>
Cc: AMC Company ; Todd W Shaw
Subject: Here is a copy of 3110 West Terrace subdivision document

Dear Mr. Grantham,

I am very disappointed that you did not admit to having read the prior subdivision document, signed by Nelson Puett, Jr.; it comprised about 35% of Ms. Lasikar's Subdivision application.

As the Case Manager, you should have read the complete application before making up your mind to recommend the subdivision to ZAP. You should have read that document before you came before the Allandale NA Exec. Board and recommended the subdivision.

Ms. Lasikar must have known the import of the document as well as you did and yet you both pretended to know nothing about the import of the document in the CoA Development files.

You abused your position as Senior Planner to recommend the subdivision, when You could have and should have known there were deed restrictions that militate against it.

It was plain as the nose on your face that Ms. Lasikar could have added on to the back of the current structure or put on a second story over the garage or master suite.

You had reached rock bottom and started to dig when you said there were no deed restrictions that made any difference. It was clear that you did not know your audience. We are all used to working at a higher level and being prepared when we speak before a group. We expected better.

You drag down other City of Austin employees and shred the City's good will and trust with Austin residents and taxpayers when you behave like that.

Lying is never an option if you plan to maintain a good reputation.

Sincerely,
Caroline Reynolds
CR Solutions
2611 West 49th St
Austin, Texas 78731
512-454-8880

Grantham, Scott

From: Earl Greer <>
Sent: Tuesday, April 10, 2018 5:01 PM
To: Grantham, Scott
Subject: Re: Case Number C14-2018-0031

Thanks for the new information. **I must withdraw my objections.**
Thanks again for clarifying what is actually going on.

Earl Greer

Grantham, Scott wrote:

Earl,

Good afternoon, and thanks for taking the time to comment on this case!

If you have received the Public Hearing announcement, it will have a form that you can fill out and mail back to me, or simply scan and email. This will be shared with the Zoning and Platting (ZAP) Commissioners prior to the hearing. If you haven't received it yet, it should be arriving by the end of this week.

The applicant in this case is the homeowner, Danielle Lesikar. She is proposing to build an accessory dwelling unit (ADU) on her lot, and she informed me that she would like to have her mother stay in this unit. The existing SF-2 zoning does not allow for an ADU, and SF-3 does.

To your point, SF-3 allows for duplex, though that is not the homeowner's stated plan. Regarding house size and height, the development standards are the same for SF-2 as they are for SF-3, so they would not be able to build a larger house under SF-3.

Please let me know if you have any additional questions.

Take care!

Best - Scott

Scott Grantham

Senior Planner

City of Austin | Planning and Zoning Department

505 Barton Springs Road | 5th floor | Austin TX | 78704

Tel | 512.974.3574

Email | scott.grantham@austintexas.gov

From: Earl Greer
Sent: Tuesday, April 10, 2018 2:36 AM
To: Grantham, Scott <Scott.Grantham@austintexas.gov>
Subject: Case Number C14-2018-0031

Mr. Grantham,

The City has notified me that a developer is requesting a rezone of 3110 West Terrace Drive, 78757 from SF-2 to SF-3. The developer intends to bulldoze the existing single-family home and replace it with a duplex.

I live less than one block away from this site, and the rezone would affect me greatly. I strongly oppose it, because this rezone, and those that would naturally follow, will eventually cost me first money, then my privacy, then my home.

Please don't tell me that the new duplex will lower housing costs: the old duplex at the south corner of Great Northern and Carlisle was recently bulldozed and rebuilt, and one side was sold for half a million dollars!

So my property taxes, already exorbitant, will increase dramatically. The new duplexes will be two-story, with windows peeking down into the neighbor's yards and windows. They will block the sunlight, killing the fig trees and the flowers. Finally the property taxes will become so high that I and my neighbors will be forced to leave the neighborhood we built (I've been here since 1979) and say goodbye to where we've raised our children and their children.

Rezoning, especially as a tool to get around the voters' opposition to CodeNext, is not progress, it is greed. High density achieved by wiping away a beautiful, established neighborhood is destructive of Austin. It merely feeds the developers lust for profit. It is not something Austin will be proud of.

Thank you,
Earl Greer

Grantham, Scott

From: Grantham, Scott
Sent: Tuesday, April 10, 2018 2:45 PM
To: 'Joyce Greer'
Subject: C14-2018-0031 3110 West Terrace Drive Rezoning

Joyce,

Good afternoon, and thanks for taking the time to comment on this case!

If you have received the Public Hearing announcement, it will have a form that you can fill out and mail back to me, or simply scan and email. This will be shared with the Zoning and Platting (ZAP) Commissioners prior to the hearing. If you haven't received it yet, it should be arriving by the end of this week.

The applicant in this case is the homeowner, Danielle Lesikar. She is proposing to build an accessory dwelling unit (ADU) on her lot, and she informed me that she would like to have her mother stay in this unit. The existing SF-2 zoning does not allow for an ADU, and SF-3 does. Other development standards - SF-2 vs. SF-3 - are the same.

Feel free to share and discuss via Next Door; I did try to access the link, but was unable to (it took me to a page that asked for your password). If neighbors have questions or comments, they may get in touch with me directly via phone or email.

Thanks again!

Best - Scott

Scott Grantham

Senior Planner

City of Austin | Planning and Zoning Department

505 Barton Springs Road | 5th floor | Austin TX | 78704

Tel | 512.974.3574

Email | scott.grantham@austintexas.gov

From: Joyce Greer [
Sent: Tuesday, April 10, 2018 12:56 PM
To: Grantham, Scott <Scott.Grantham@austintexas.gov>
Subject: the Nextdoor train of events

Regarding C14-2018-0031

This is what I posted on Nextdoor and all the comments it has elicited. I think you should give this information to the owner of that lot:

I have been in many homes that had a mother-in-law suite so that the grandmother could be close to her grandchildren and family. That wouldn't require a zoning change. Also, there's a house on Carlisle that has a second structure on it for someone else's living space that didn't require a zoning change to build. Why don't they go that route instead of working to change existing zoning regulations? There's a reason for the zoning regulations that are already here. We suggest you know the reasoning for the zoning regulation that exists and honor that reason. Changing them for one house could bring more of the same.

Joyce Greer

--

We are all actors in a terrific drama which Heaven has given us to play upon this earth. G. K. Chesterton

Grantham, Scott

From: Grantham, Scott
Sent: Tuesday, April 10, 2018 3:05 PM
To: 'Susan Marone'
Subject: RE: Case #C14-2018-0031

Susan,

Good afternoon, and thanks for taking the time to comment on this case!

If you have received the Public Hearing announcement, it will have a form that you can fill out and mail back to me, or simply scan and email. This will be shared with the Zoning and Platting (ZAP) Commissioners prior to the hearing. If you haven't received it yet, it should be arriving by the end of this week.

The applicant in this case is the homeowner, Danielle Lesikar. She is proposing to build an accessory dwelling unit (ADU) on her lot, and she informed me that she would like to have her mother stay in this unit. The existing SF-2 zoning does not allow for an ADU, and SF-3 does. This is the main difference between SF-2 and SF-3 - the latter allows for a two-family dwelling.

To your question, the development standards are the same for SF-2 as they are for SF-3, so they would not be able to build a larger house or have a larger cumulative footprint under SF-3.

Please let me know if you have any additional questions.

Take care!

Best - Scott

Scott Grantham
Senior Planner
City of Austin | Planning and Zoning Department
505 Barton Springs Road | 5th floor | Austin TX | 78704 Tel | 512.974.3574 Email | scott.grantham@austintexas.gov

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

From: Susan Marone []
Sent: Tuesday, April 10, 2018 8:41 AM
To: Grantham, Scott <Scott.Grantham@austintexas.gov>
Subject: Case #C14-2018-0031

I am protesting the applicants(#C14-20180031) request for the zoning change from SF2 to SF3.

My biggest concern is having a much larger dwelling on a this lot. This area has the potential to flood;and with more land taken up by a structure; can cause flooding to the surrounding areas.ie my property.

Please consider carefully when reviewing this property.

Thank you, Susan Marone

3101 Carlisle dr

Austin 78757

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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: C14-2018-0031

Contact: Scott Grantham, 512-974-3574

Public Hearing: May 15, 2018, Zoning and Platting Commission
June 14, 2018, City Council

Susan Marone
Your Name (please print)

I am in favor
 I object

3101 Carlisle Drive

Your address(es) affected by this application

Susan Marone 5-14-2018
Signature Date

Daytime Telephone: 512-497-9344

Comments:

I object mainly due
to the concern of
flooding. Our backyard
after a heavy rain floods.
The fear of a large structure
being built will or may cause
an increase of flooding.
Less impervious cover is needed

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

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

Virginia Banks

May 10, 2018

Mr. Scott Grantham
City of Austin
Planning and Zoning Department
505 Barton Springs Road, 5th Floor
Austin, TX 78704

Re: Application for Rezoning Case Number C14-2018-0031
3110 West Terrace Drive, Austin, TX 78757

Dear Mr. Grantham,

I have the great good fortune to be the next door neighbor of Danielle and Keith Lesikar on the east side of their home. I fully and wholeheartedly support and endorse their application for their property to be rezoned.

Since 1976 I've lived at 3108 West Terrace Drive. For many years before the Lesikars bought the home it was a rental property. As a result, many neighbors have lived there. I won "the lottery" when the Lesikars bought the home in 2007. They are very thoughtful, take excellent care of their property, and look out for their neighbors.

The thoughtfulness of the Lesikars was very tangibly demonstrated when they undertook a large remodeling project during 2011. Thankfully, they were dedicated to ensuring the design of the house was in keeping with the character of the neighborhood. They succeeded fantastically.

Caring is at the heart of the Lesikars' rezoning application. Their motivation is to provide a home for Danielle's Mom so she can be close to her seven-year-old grandson and Danielle and Keith can be her Mom's caretakers as she ages. What could be more thoughtful, caring (or noble!) than that?

I'm grateful the Lesikars want to expand their living quarters with the thought they will remain in our neighborhood and as my next door neighbors for years to come. I have absolutely no doubt their building project will be handled with great attention and care.

If I can provide any further information, please don't hesitate to let me know.

Sincerely,



Virginia Banks