

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-5
AGENDA DATE: Thu 10/27/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0121 - 5505 Montview - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5505 Montview Street (Shoal Creek Watershed) from family residence-conditional overlay (SF-3-CO) combining district zoning to family residence-conditional overlay (SF-3-CO) combining district zoning in order to modify a condition of zoning. Zoning and Platting Commission Recommendation: To deny family residence-conditional overlay (SF-3-CO) combining district zoning in order to modify a condition of zoning. Applicant: Anthony Delmonico. Agent: Mike McHone Realty (Mike McHone). City Staff: Jorge Rousselin, 974-2975. A valid petition has been filed in opposition to this rezoning request.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING REVIEW SHEET**CASE:** C14-05-0121**Z.A.P. DATE:** August 16, 2005
September 6, 2005**ADDRESS:** 5505 Montview Street**OWNER:** Anthony Delmonico**AGENT:** Mike Mchone Realty
(Mike Mchone)**REZONING FROM:** SF-3-CO (family residence conditional overlay)**TO:** SF-3-CO (family residence conditional overlay); Change to existing conditional overlay**AREA:** 27,878.40 square feet (0.64 Acres)

Proposed Lot 13a: 12,458.16 square feet (0.286 Acres)

Proposed Lot 13b: 15,420.24 square feet (0.354 Acres)

ZONING AND PLATTING COMMISSION RECOMMENDATION:

September 6, 2005:

**DENIED STAFF'S RECOMMENDATION TO CHANGE THE EXISTING
CONDITIONAL OVERLAY.****[J.M; K.J 2ND] (9-0)****SUMMARY STAFF RECOMMENDATION:**

Staff recommends family residence - conditional overlay (SF-3-CO) combining district zoning to change the conditional overlay to limit the property to two duplex units and four residential dwellings on the site.

DEPARTMENT COMMENTS:

On October 21, 2002, a rezoning request on the subject property was filed requesting a change from SF-2 to SF-3. The applicant and the neighborhood agreed to a conditional overlay yielding the following conditions:

- 1. Development of the property may not exceed two residential dwelling units.*
- 2. Development of the property may not exceed one duplex unit.*

The rezoning request with the recommended conditional overlay was approved by City Council on January 9, 2003 by Ordinance No. 030109-Z-10 (Please see Attachment A).

The subject property is currently a duplex unit with two residential dwelling units for a total lot area of 27,878 square feet (0.64 Acres) including a building area of approximately 2,514 square feet. (Please see Attachment C). Access is proposed via one common driveway access on Montview Street at the southern portion of the property.

Furthermore, the applicant has submitted a resubdivision application to yield two lots including Lot 13a: 12,458.16 square feet and Lot 13b: 15,420.24 square feet respectively including a flag lot for access to the rear lot. This resubdivision is in accordance with the rezoning request. (Please see Attachments D and E).

The property owner now proposes to modify the conditional overlay to increase the number of lots and dwelling units as follows:

1. *Development of the property may not exceed four (4) residential dwelling units.*
2. *Development of the property may not exceed two (2) duplex units.*

Staff recommends the proposed rezoning from SF-3-CO to SF-3-CO and changing the conditional overlay to limit the property to two duplex units and four residential dwellings on the site.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-CO	Duplex unit
<i>North</i>	SF-2 / CS	Single-family residence / Plumbing supply business
<i>South</i>	SF-2	Single-family residences
<i>East</i>	CS	Glass business
<i>West</i>	SF-3	Single-family residences

AREA STUDY: N/A

TIA: Not required

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

3--Allandale Neighborhood Association
 283--North Austin Neighborhood Alliance
 511--Austin Neighborhoods Council
 742--Austin Independent School District

SCHOOLS:

Austin Independent School District

- Gullet Elementary School
- Lamar Middle School
- McCallum High School

RELATED CASES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0166	SF-2 to SF-3-CO	11/19/02: ZAP Approved staff recommendation by consent of SF-3-CO with conditions. CO: Development of the property may not exceed two residential dwelling units; Development of the property may not exceed one duplex unit. (7-0);	01/09/03: Approved SF-3-CO on all 3 RDGS

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-99-0142	CS to CS-1 and CS-1 to CS	11/09/99: PC Approved staff recommendation of CS-1 with conditions. Prohibit sale of beer, sexually oriented businesses, and lottery ticket sales. R.C. to roll back to CS if use ceases. (6-0-1 BH-ABSTAIN);	12/16/99: Approved CS-1 with conditions (TR 1) and CS with conditions (TR 2); (7-0 – 1 st RDG); 02/03/00: Approved 2 nd & 3 rd RDGS
C14-00-2250	CS to CS-MU-CO	02/13/01: PC Approved staff alternate recommendation of CS-MU-CO with conditions. Prohibit adult oriented businesses, automotive rentals, automotive repair services, automotive sales, automotive washing, building maintenance services, monumental retail sales, pawnshop services, personal improvement services, restaurant (drive-in, fast food), service station, limited warehousing and	03/22/01: Approved CS-MU-CO on all 3 readings. (7-0).

		distribution, congregate living, and residential treatment. (9-0 by consent);	
C14-04-0098	CS to CS-1	07/20/04: ZAP Approved staff's recommendation of CS-1 by consent. (8-0)	09/30/04: Approved CS-1 on 2 nd & 3 rd readings. (7-0)
C14-04-0113	LR to LI	08/17/04: ZAP Approved staff's recommendation of CS-CO. (8-0)	09/02/04: Approved CS-CO all 3 readings. (7-0)

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Montview Street	40'	30'	Local

LIST OF ATTACHMENTS:

Attachment A: Ordinance No. 030109-Z-10 establishing SF-3-CO zoning
Attachment B: Site plan portraying site conditions prior to demolition of duplex
Attachment C: Site plan portraying site conditions with new duplex construction
Attachment D: Proposed resubdivision of Shoalmont Addition, Block 1, Lot 13
Attachment E: Layout of duplex units on proposed subdivided lots

CITY COUNCIL DATE: October 6, 2005;

ACTION: Postponement to October 27, 2005

The applicant has requested a postponement to October 27, 2005.
A valid petition has been filed at 51.85% opposition.

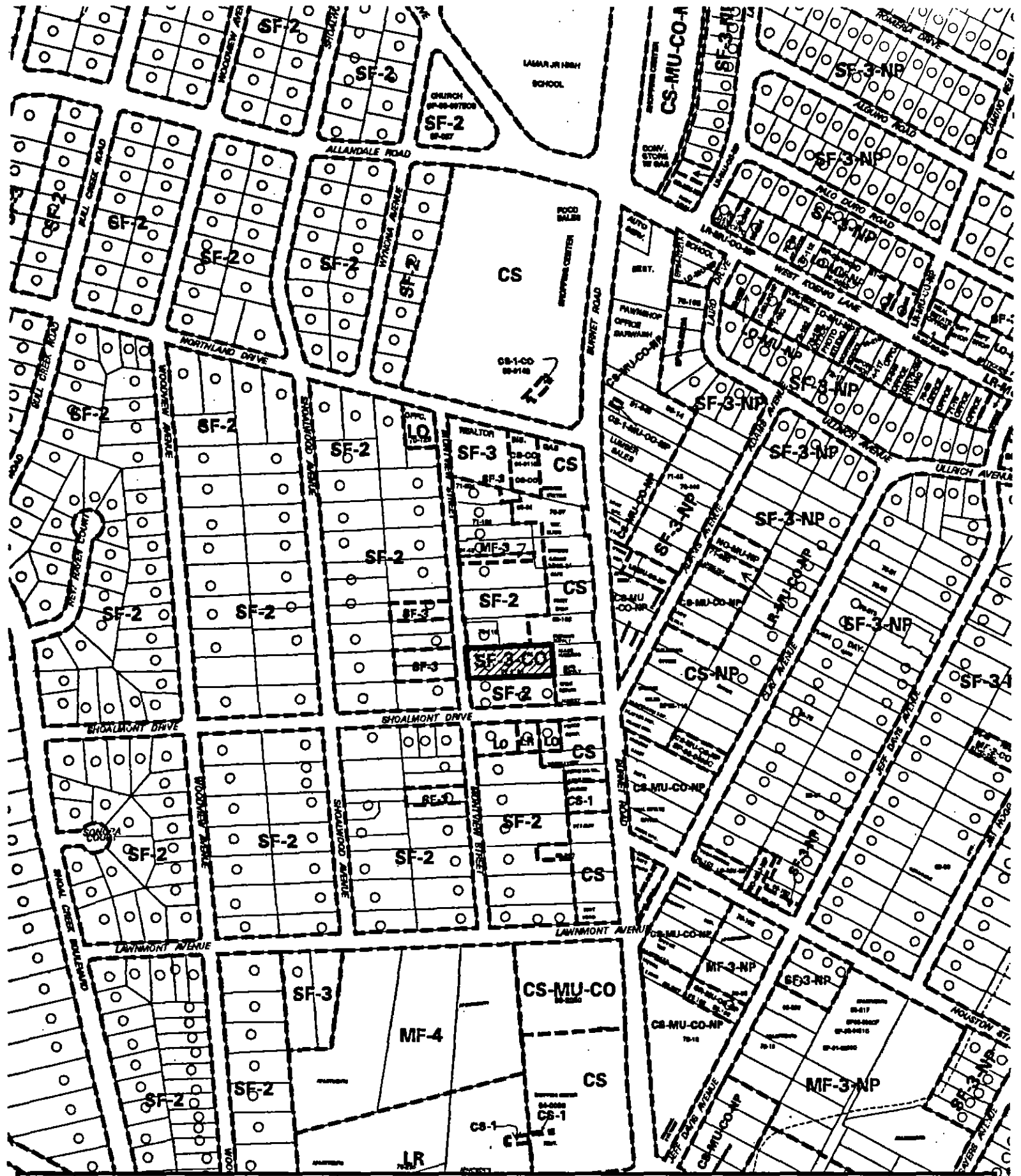
ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

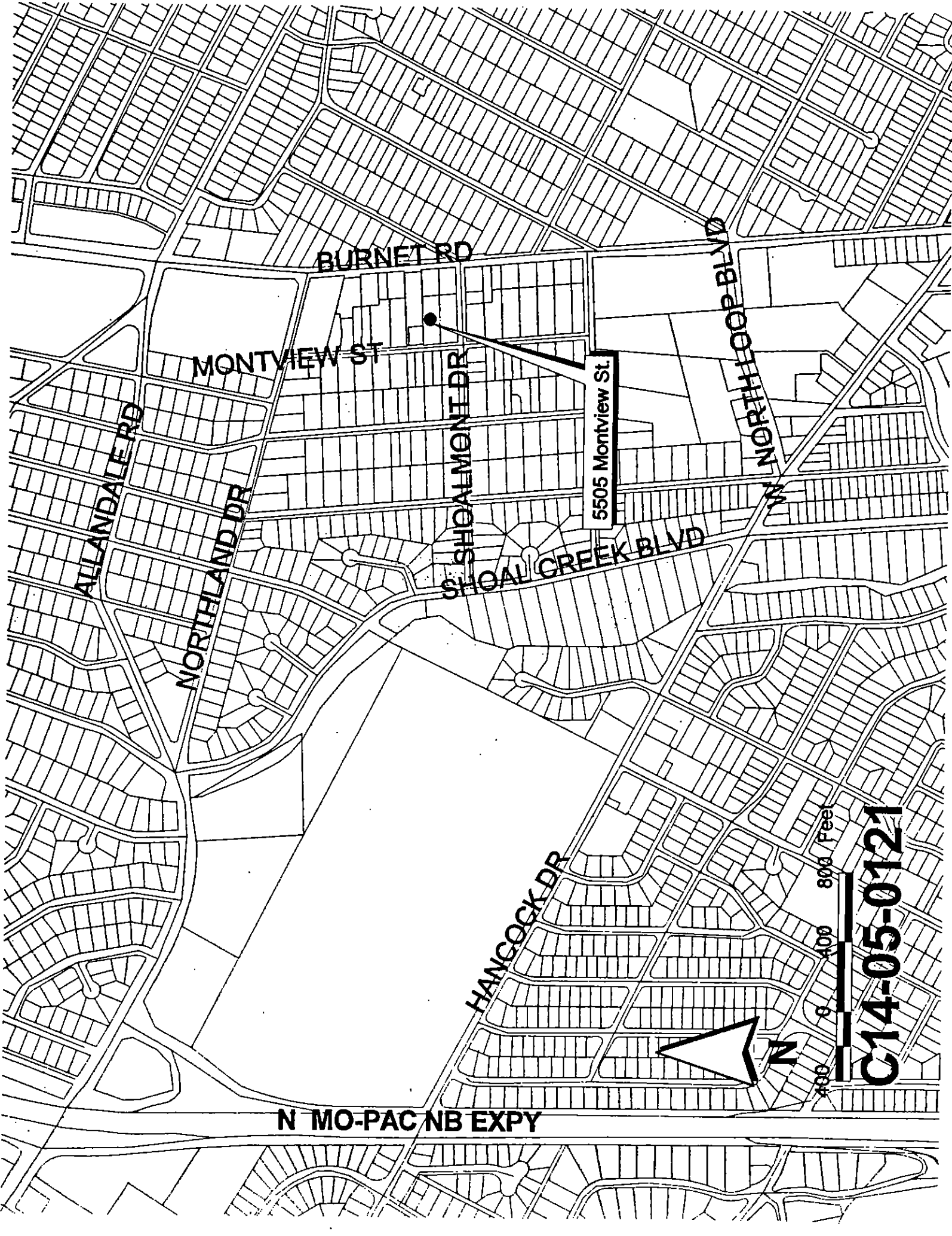
CASE MANAGER: Jorge E. Rousselin, NPZD

PHONE: 974-2975

E-MAIL: jorge.rousselin@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT		ZONING CASE #: C14-05-0121 ADDRESS: 5505 MONTVIEW ST SUBJECT AREA (acres): 0.640	DATE: 05-08 INTLS: SM	CITY GRID REFERENCE NUMBER J27
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: J. ROUSSELIN				



BURNET RD

MONTVIEW ST

5505 Montview St.

ALLANDALE RD

NORTHLAND DR

S SHOAL MONT DR

S SHOAL CREEK BLVD

HANGCOCK DR

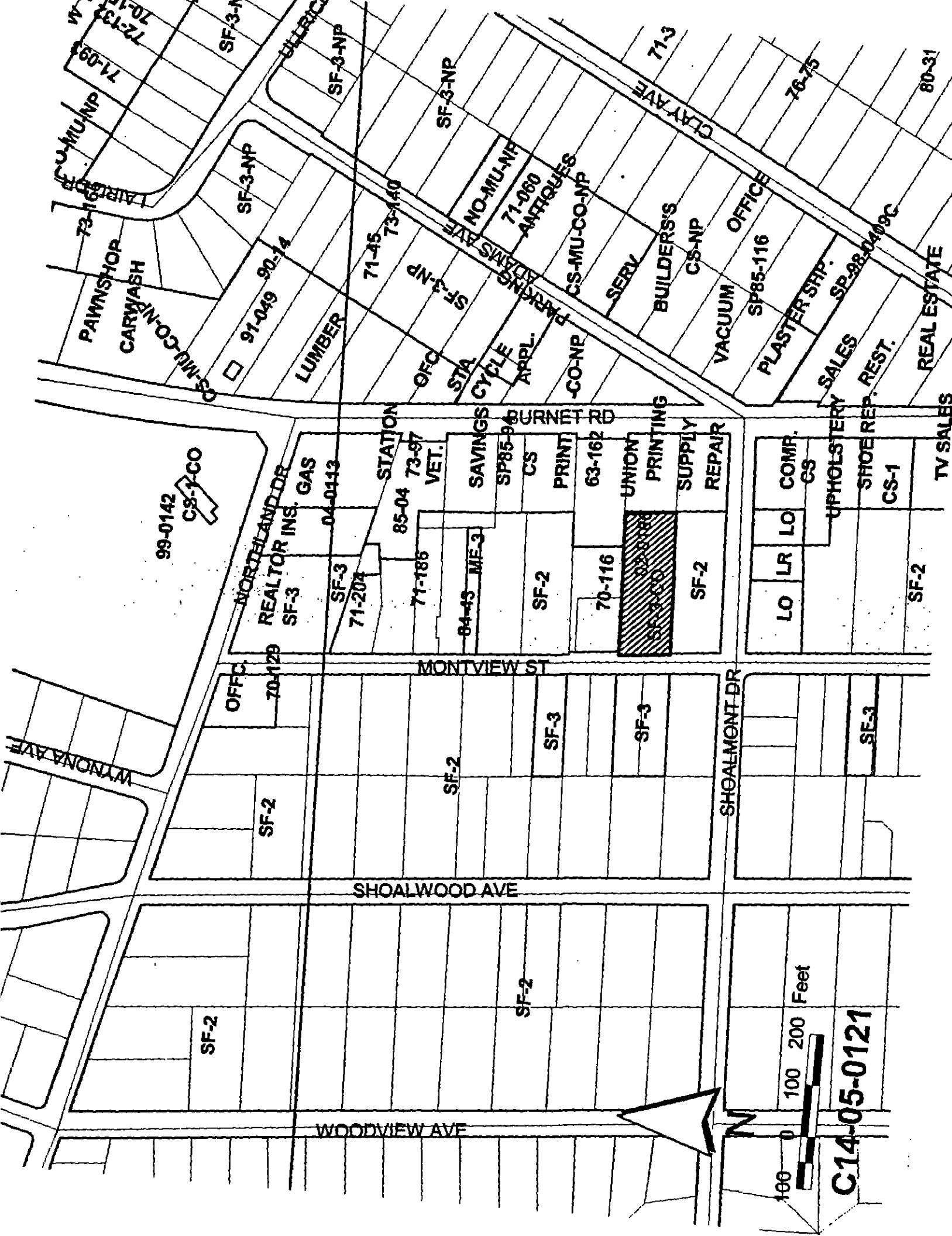
NORTH HOOP BLVD

N MO-PAC NB EXPY



0 400 800 Feet

C14-05-0121





STAFF RECOMMENDATION

Staff recommends the proposed rezoning from SF-3-CO to SF-3-CO and changing the conditional overlay to limit the property to two (2) duplex units and four (4) residential dwellings on the site.

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. This district is appropriate for existing single-family neighborhoods with moderate sized lots as well as for new development of family housing on lots that are 5,750 square feet or more. Duplex uses in the SF-3 district are subject to development standards of Chapter 25-2-773 and maintain single-family neighborhood characteristics.

The proposed change meets the purpose statement set forth in the Land Development Code. The subject property is proposed to be resubdivided into two lots with an average area of approximately 13,939 square feet. Furthermore, there are abutting lots with multiple dwellings which are compatible to the proposed two duplex development.

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

The proposed change is compatible with the surrounding area. Adjacent properties in the area are zoned SF-2 and SF-3, which are compatible with the proposed development. Furthermore, the underlying zoning will not be changed.

Single-family residences exist to the north, south, and east with multiple dwelling units existing to the south and east having access to Montview Street.

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

The proposed change to the conditional would allow for a fair and reasonable use of the site as the existing lot is approximately 27,878.40 square feet (0.64 Acres) and will accommodate the minimum development standards of the SF-3 zoning district.

EXISTING CONDITIONS

Site Characteristics

A previous existing duplex located on the subject property was removed and a new duplex unit constructed. The site currently has a duplex unit with (2) residential dwellings for a total land area of 27,878 square feet (0.64 Acres) including the dwelling structure at approximately 2,514 square feet Access is via Montview Street.

Impervious Cover

Under Chapter 25-2-773, Duplex Residential Use, the minimum lot area is 7,000 square feet with a minimum building cover of 40%. Maximum impervious cover is 45%. Furthermore, not more than one parking space may be located behind another required parking space.

Transportation

1. No additional right-of-way is needed at this time.
2. The trip generation under the requested zoning is estimated to be 64 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).
3. 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]
4. Capital Metro bus service is available along Burnet Road which is within ¼ mile of the site.

Environmental

1. 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.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Water and Wastewater

The site is currently served with City water and wastewater utilities. If water or wastewater utility improvements, offsite main extension, system upgrades, utility relocation, or adjustments are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

Compatibility Standards

The property will not be subject to compatibility standards as it is surrounded by SF-2, SF-3 and CS zoning.

ORDINANCE NO. 030109-Z-10

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5505 MONTVIEW STREET FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO FAMILY RESIDENCE-CONDITIONAL OVERLAY (SF-3-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from single family residence standard lot (SF-2) district to family residence-conditional overlay (SF-3-CO) combining district on the property described in Zoning Case No.C14-02-0166, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 13, Block 1, Resubdivision of Shoalmont Addition Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 4, Page 9, of the Plat Records of Travis County, Texas, (the "Property")

locally known as 5505 Montview Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. Development of the Property may not exceed two residential dwelling units.
2. Development of the Property may not exceed one duplex unit.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the family residence (SF-3) base district and other applicable requirements of the City Code.

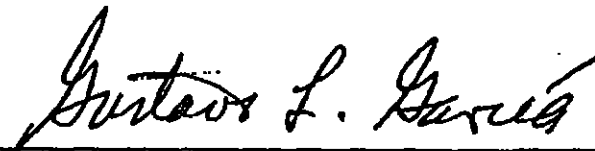
PART 3. The Council waives the requirements of Sections 2-2-3 and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on January 20, 2003.

PASSED AND APPROVED

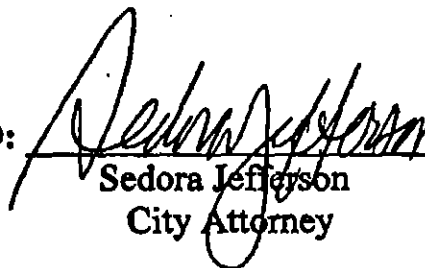
January 9, 2003

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§
§

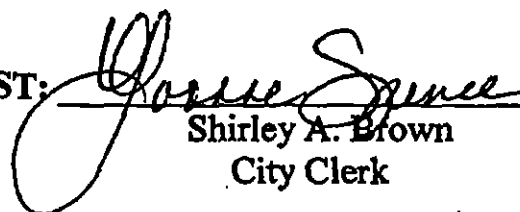


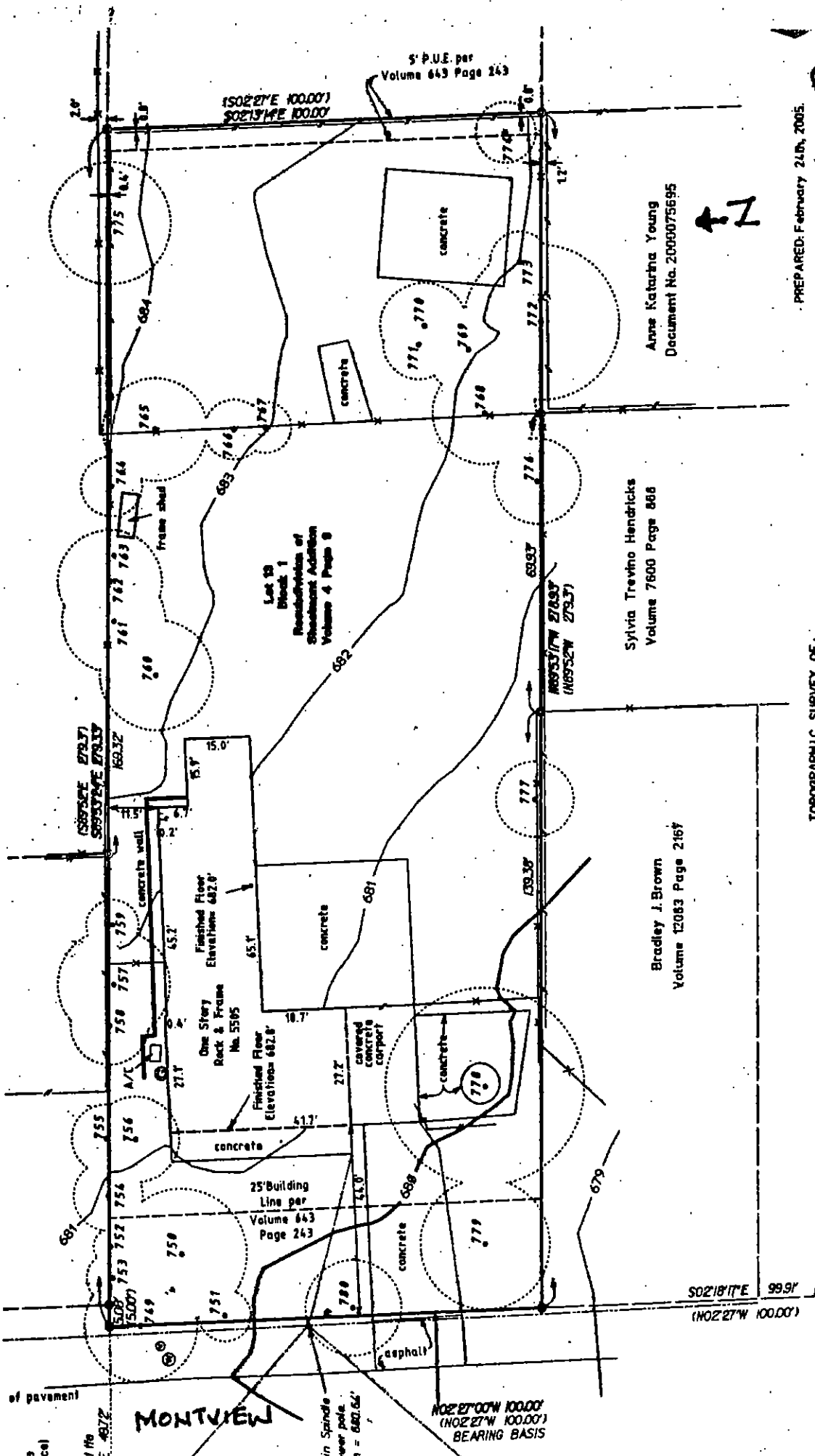
Gustavo L. Garcia
Mayor

APPROVED:


Sedora Jefferson
City Attorney

ATTEST:


Shirley A. Brown
City Clerk



PREPARED: February 24th, 2005.

BY:

Handwritten signature

Halt Carson
Registered Professional Land
CARSON AND BUSH PROFESSIONAL

Anne Katarina Young
Document No. 2000075695

Sylvia Trevino Hendricks
Volume 7800 Page 888

Bradley J. Brown
Volume 12083 Page 2167

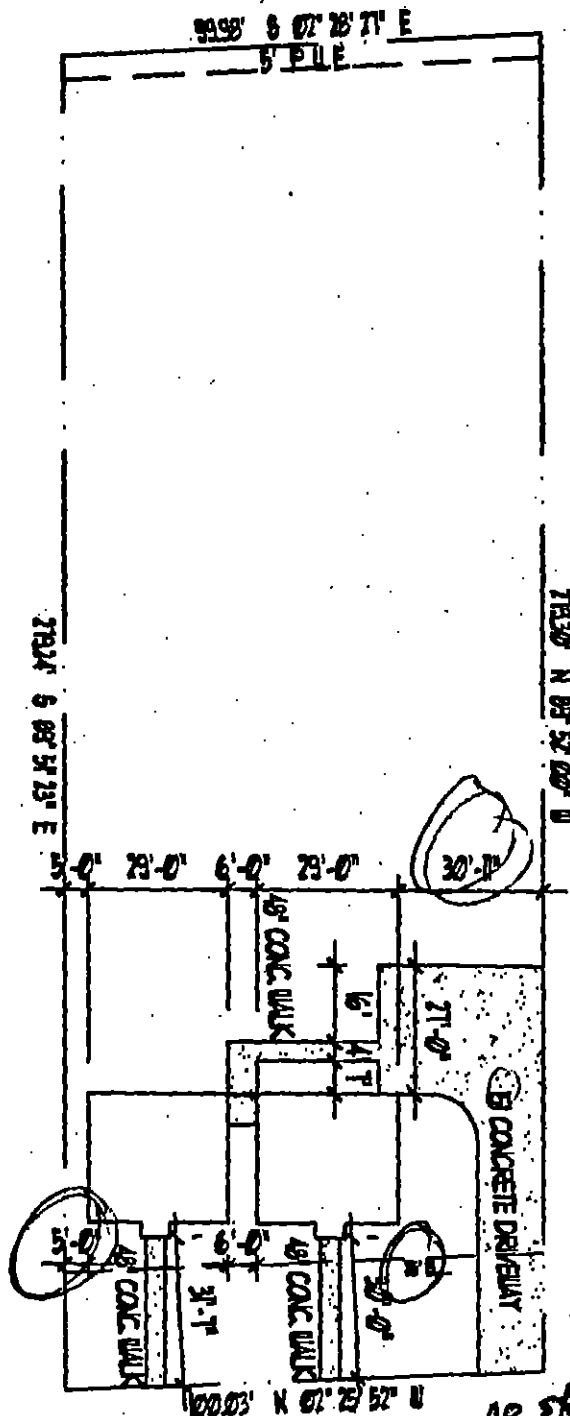
TOPOGRAPHIC SURVEY OF:

LOT 13, BLOCK 1, RESUBDIVISION OF SHOALMONT ADDITION,
A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO
THE MAP OR PLAT THEREOF RECORDED IN VOLUME 4 PAGE 9
OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.
LOCATED AT 5505 MONTVIEW STREET.

SHOALMONT DRIVE (50' R.O.W.)

ATTACHMENT B

Attachment B: Site plan portraying site conditions prior to demolition of duplex



The dripline of protected trees (19" dia. or greater measured at 4.5' above grade), must be enclosed with protective fencing before and through construction. No tree measuring 19" in diameter or greater may be removed without a TREE CROPPING PERMIT from the City of Austin. Call the City of Austin at 311 for more information.

NO ROOF OVERHANGS ARE ALLOWED IN PUBLIC UTILITY EASEMENTS OR DRAINAGE EASEMENTS

no storm drains

REVIEWED FOR ZONING ONLY

SITE PLAN
SCALE: 1"=40'
SHOALMONT SUBDIVISION
TRAVIS COUNTY
AUSTIN, TEXAS
LOT-13
BLOCK-1
5505 MONTVIEW STREET

CITY OF AUSTIN	
APPROVED FOR PERMIT	
Joseph G. Pantaloni, P.E.	
Watershed Protection & Development Review Department	
By <i>[Signature]</i>	Date <i>3-20-2005</i>
The granting of a permit for or approval of these plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.	

ATTACHMENT C

Attachment C: Site plan portraying site conditions with new duplex construction

PUBLIC HEARING INFORMATION

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

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

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

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

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

www.ci.austin.tx.us/development

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

Case Number: C14-05-0121

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

August 16, 2005 Zoning and Platting Commission



Arthur Dill
Your Name (please print)

5505 Burnell Road
Your address(es) affected by this application

Arthur Dill
Signature

8-26-05
Date

Comments: It will improve the

Area directly behind me. I would
be interested in purchasing this
property to turn it commercial
instead.

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

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-05-0121

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

August 16, 2005 Zoning and Platting Commission

Anthony Nikl

Your Name (please print)

5510 Livett Road

Your address(es) affected by this application

[Signature]

Signature

8-26-05

Date

Comments: I can feel the neighborhood

will improve the neighborhood.

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

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810



Aug. 11, 2005

To the Zoning + Platting Commission :

This letter is to request that case C14-05-0121 to be heard on Aug. 16, 2005 be open for discussion. I will attend this meeting to make several points and discuss this case.

Thank you,

Andrea E. Pully
Andrea E. Pully

August 15, 2005

ZONING AND PLATTING COMMISSION

City of Austin

P.O. Box 1088

Austin, TX 78767-8810

Attention: Jorge Rousselin
Neighborhood Planning and Zoning Department
City of Austin

Re: Rezoning Case Number C14-05-0121

Property address: 5505 Montview (Lot 13)

Hearing Date: August 16, 2005

SUBJECT: POSTPONEMENT OF PUBLIC HEARING

Dear Chairwoman Baker and Commission Members:

On August 9th, 2005, owners of the properties surrounding 5505 Montview (subject tract) received a mailed notification from the City of Austin. The notification was a "Notice of Filing of Application For A Public Hearing On Rezoning" for the subject tract. Prior to receipt of the Notice, the surrounding property owners had no knowledge of the impending zoning change request or of the associated development plans for the subject tract. In fact, to date, the owner of subject tract (applicant) has made no attempt to communicate with the affected neighbors.

Yet despite this lack of neighborhood knowledge and despite the zoning agreement reached less than three years ago for this same tract, the applicant has proceeded to file for a resubdivision of the subject tract, a zoning change allowing less restrictive uses, and a building permit for the next two structures that the applicant proposes to construct on the subject tract. The filings of the resubdivision and the building permit are not included in the Notice. This information has only become available to the affected property owners through discussions with City of Austin staff over the past few days.

The proposed public hearing date listed on the Notice is August 16th, 2005. The five working days that were available to the affected property owners between their receipt of the Notice and the hearing date of the 16th are simply not enough to adequately prepare an effective petition protesting the rezoning of the subject tract and the associated development. We, the undersigned affected neighbors, respectfully request a postponement of this public hearing.

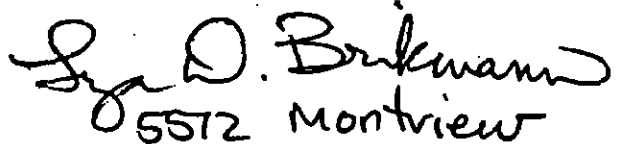
Please consider our request for postponement of this public hearing until the regularly scheduled Commission meeting on September 6th, 2005. Though the applicant has been unwilling up to this point to communicate with the affected property owners, this slight delay will allow additional time for such communication to occur. In the event that this communication does not take place or that it does not result in actions that satisfy the affected neighbors, the additional time should be sufficient for the neighborhood group (Allandale Neighborhood Association) to become involved and actively support the protest petition. Efforts to reach the group's representatives have been unsuccessful due to the short amount of time before the public hearing. However, the zoning committee chairperson for the Association is expected to return to Austin at the end of the month and should be able to assist the affected property owners to respond effectively to the rezoning request.

Please note that each of the immediately adjacent residential neighbors has signed this request for postponement of the public hearing.

Thank you for considering our request.



Andrea Pully
5511 Montview
(adjacent neighbor)



5512 Montview



Brad Brown
5503 Montview
(adjacent neighbor)



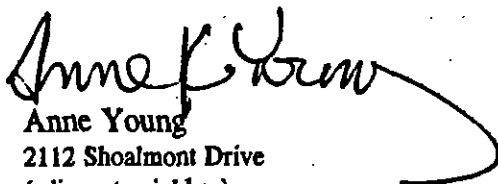
5519 Montview



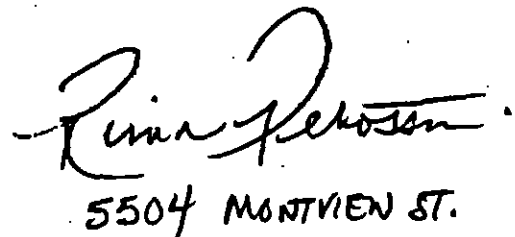
Sylvia Hendricks
2114 Shoalmont Drive
(adjacent neighbor)



5508 Montview



Anne Young
2112 Shoalmont Drive
(adjacent neighbor)



5504 MONTVIEW ST.

Allandale Neighborhood Association

www.allandalereporter.org

August 30, 2005

Zoning And Platting Commission
City of Austin
P.O. Box 1088
Austin, TX 78767-8810

Attention: Chairwoman Betty Baker

Copy to : Jorge Rousselin
Neighborhood Planning and Zoning Department
City of Austin

Re: Rezoning Case Number C14-05-0121
Property address: 5505 Montview (Lot 13)
Hearing Date: September 6, 2005

Subject: Allandale Neighborhood Association's
Opposition To Zoning Change Request

Dear Chairwoman Baker and Commission Members:

On September 6th, 2005, the rezoning case listed above is scheduled to be heard by your commission. The Executive Committee of the Allandale Neighborhood Association discussed the issues involved with this case on August 30, 2005 and **unanimously voted to request that the Zoning and Platting Commission deny the applicant's request for rezoning.**

We request that the Commission deny the applicant's rezoning request for the following reasons:

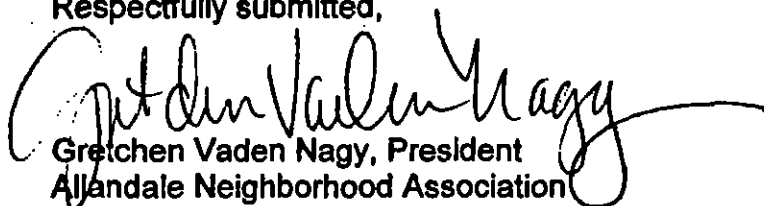
- The applicant has already asked for and been granted a zoning change for the subject tract. We were informed that in January of 2003, a negotiated agreement between the immediate neighbors and the owner allowed the owner to expand from single family residence (SF-2) to duplex (SF-3-CO) zoning. Two specific conditions were agreed to at that time: restricting the expansion of development to a single duplex and a total of two dwelling units.

- Allandale Neighborhood Association asks that substantial zoning changes NOT be granted before the neighborhood has completed the Neighborhood Planning Process which other parts of the city are using to make judicious choices about how and where development proceeds. Allandale is still waitlisted for this process.
- In the meantime, our Association is consistently promoting the preservation of single family residences in our neighborhood. The Applicant has already built two small units on the subject parcel that share a single driveway. Allowing more units onto this single parcel would create the "look and feel" of a multifamily development sandwiched between two single family homes.
- We were told that all of the owners of adjacent residential properties have united in opposition to this request for further change. We ask you to seriously consider the negative impact of this zoning change in the immediate vicinity of their homes and to respect the investment they are making in our city.

Allandale Neighborhood Association is well aware that we are positioned in what has become a central part of Austin. Changes in the density and the type of construction are important considerations for us. We ask only that we be able to participate in this process in a fashion that best serves the needs of our citizens and our city.

Once again, we strongly urge you to deny this rezoning request.

Respectfully submitted,



Gretchen Vaden Nagy, President
Allandale Neighborhood Association

PUBLIC HEARING INFORMATION

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

www.ci.austin.tx.us/development

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Case Number: C14-05-0121

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

August 16, 2005 Zoning and Platting Commission



L. P. Roy
Your Name (please print)

5514 Montview

Your address(es) affected by this application

Jorge Rousselin
Signature

Date

Comments: Do not believe

this type of request will
maintain a negative local
character of the
object

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

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-05-0121

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

August 16, 2005 Zoning and Platting Commission

☐ I am in favor
☒ I object

Jeffrey D. Talmadge
Your Name (please print)

5501 Montview PHONE 512-446

Your address(es) affected by this application

1996
8.11.05

Signature

Date

Comments:

I am told the driveway for the subject property would run adjacent to my property. If it were placed on the other side of the lot, it would be next to a property that has already been rezoned or subdivided. The house on 5501 is very close to the driveway on 5505. If the proposed change is approved, the

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

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

if the driveway is placed next to a property that has also been subdivided.

no - zoning

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Case Number: C14-05-0121

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

August 16, 2005 Zoning and Platting Commission

☐ I am in favor

Jeff: Amanda Morris

Your Name (please print)

5519 Montview

Your address(es) affected by this application

Dr. M. L. L. L. alalos Date

अप्युक्तः

三

Comments: I object to the reasoning -

the property has already been

reopened to accommodate the

Property owner, Moreso, the

Reasoning does not fit with the

SF 2 neighborhood or the

Single family character

Please do not grant his reasoning

request for a second time.

Meet you Monday, Jeff

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

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-03-0121
Contact: Jorge Rosencina, (512) 974-2975
Public Hearing:
August 16, 2005 Zoning and Planning Commission
Johannes Brinkmann
Your Name (please print)

5512 Montview
Your address(es) affected by this application

J. Brinkmann 8/15/05
Signature Date

Comments: I believe the proposed
amendment will reduce the quality
and value of my property and the
neighborhood. I believe the
applicant intended this dense develop-
ment all along, and the first re-
zoning request was mis-leading.
Please reject the rezoning
request.

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

Abstract

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

Austin, TX 78767-8810

Austin, TX 78767-8810

RE: C 14-05-0121

Attachment to COA form
Contact: J. Rousselin

The Neighborhood Zoning and Platting Commission is encouraged to enforce Ordinance 030109-Z-10 that establishes a conditional overlay to two residential dwelling units (Attachment A to Zoning Review Sheet) as passed and ratified on January 9, 2003, effective date January 20, 2003.

The proposed conditional overlay zoning variance request is incompatible with the existing zoned lots as diagramed on Grid Ref #J-27. The overwhelming majority of land in this neighborhood is zoned SF-2, for reasons of quality neighborhood living. The present density of living structures on Montview between Shoalmont and Northland cannot absorb 4 - 8 more living units. The infrastructure is too weak to accommodate future-generated traffic, utilities demand, and consequences of increased impervious cover.

N. Neirada

09-02-2005

PUBLIC HEARING INFORMATION

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Case Number: C14-05-0121

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

August 16, 2005 Zoning and Planning Commission

Andrea Pully
Your Name (please print)

5511 Montview St.
Your address(es) affected by this application

Andrea Pully 9/2/05
Signature Date

Comments: In 2003 I was led to believe Mr. Delmonico would limit density on this property to 2 dwelling units. At this point I question the good faith agreement made less than 3 years ago. What was the purpose of the previous negotiation? I am disappointed in the way this was handled. I am requesting that the City please reject this request.

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

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I am against

September 29, 2005

Hon. Mayor and City Council of Austin
C/O Neighborhood Planning and Zoning
Jorge Rousselin, Zoning Case Manager
C-14-05-0121 (5505 Montview)
P.O. Box 1088
Austin, TX 78767-8810

RECEIVED
OCT 03 2005
Neighborhood Planning & Zoning

Hon. Mayor Winn and City Council Members,

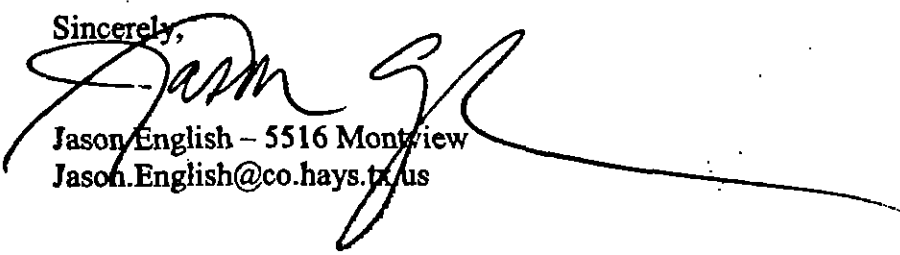
I would like to express my support of the recommendation of the P/Z Committee regarding the above referenced case number. **I want you to deny the request of the Developer/Owner of property located at 5505 Montview St. to change zoning restrictions and build two more single family units behind the duplex unit already on site.**

If the Developer/Owner receives approval, we will end up having four residences on that piece of property. As a homeowner, I support revitalization and remodeling projects in our neighborhood. However, my support does not extend to building four units on the property in question.

Building such would not keep with the spirit or feel of our neighborhood, as most lots have a single family residence built upon them. The real effect would be to turn Montview Street into the border, separating the nice single family homes in our neighborhood from the duplexes and fourplexes. Further, it would lower the value of our property and deter future revitalization/rebuilding projects; just ask the next door neighbor, immediately south of this property – he has understandably stalled his remodel because of fears of no return on his investment.

Two years ago I fled the same problem - I moved from E. 47th Street after a large duplex was built directly across the street from me. There was not enough room in the neighborhood or street for all of the people and their cars. There were many nights that I had to drive through my front yard to get in or out of driveway, as all of the cars continually blocked my driveway. In addition to the cars, the property brought on more noise and more problems. We can only assume that the proposed change would only have the same effect, multiplied by two. Essentially, the approval of the requested change would outweigh our Neighborhood's recent improvements of the many remodels and the addition of Amy's Ice Cream.

Sincerely,


Jason English – 5516 Montview
Jason.English@co.hays.tx.us

Rousselin, Jorge

From: Anne Young [Argyle_Anne@att.net]
Sent: Thursday, September 01, 2005 10:19 PM
To: Rousselin, Jorge
Subject: 5505 Montview Street

Jorge:

Thank you for sending the ZAP packet information to me via e-mail earlier today. I have not had the time to review it in detail, but I checked the two letters of support from Anthony Dill. One is for 5505 Burnet Road, and one is for 5510 Burnet Road.

Can you clarify for me where 5505 Burnet Road is located? I tried to find it tonight, and I can't. I believe that 5506/5508/5510 Burnet Road is his commercial lot, with the glass company in the front and the residential units behind it. It is listed in TCAD as 5510 Burnet Road, and it is the only property owned by a person named Dill on Burnet Road. TCAD also lists the actual owner of 5510 Burnet Road as "Dill, Charles Robert &", not Anthony. Since Mr. Dill indicates that he thinks commercial use for the property directly behind my house is appropriate, I want to make sure that I understand exactly which properties he owns.

Please let me know when you return from your Labor Day vacation.

Anne Young

9/6/2005

Rousselln, Jorge

From: Anne Young [Argyle_Anne@att.net]
Sent: Saturday, September 03, 2005 3:30 PM
To: Rousselln, Jorge
Subject: 5505 Montview Street; ZAP packet

Jorge:

I finally made the time to skim the ZAP packet this afternoon, and I've got a couple of questions for you.

- **Staff Recommendation, page 5 of 7, item 3, Site Characteristics:** This section begins with the statement "A previous existing duplex located on the subject property was removed...", and that statement is incorrect. The structure that was removed was a single family residence. Can you make sure that this item is corrected for the commission members prior to the hearing?
- **Attachment E:** As you know, a group of three residents met with the agent, Mike McHone at the site on Wednesday, August 31st. I was one of the three residents selected to attend the meeting and report back to the other signers of the postponement letter. At that meeting Mr. McHone verbally described the proposed site plan for the new duplex structure(s), though he stated that a site plan was not available to show us. Mr. McHone stated that the back of the duplex structure(s) would be located at the building setback from the north property line and that the duplex structure(s) would face south. He was unclear about the location of the parking and the layout of the driveway extension along the southern property line, though he indicated that many of the existing trees would have to be removed in order to accommodate them. This description of the proposed site plan does NOT match the site plan titled Attachment E, which was included in the ZAP packet. Are you aware of this discrepancy? Please call me to discuss it.
- **Anthony Dill support form representing 5505 Burnet Road:** You are already aware of my confusion regarding this street address, and I still can find no record of it on the main City or TCAD web sites. (Of course, I am not a computer guru!) Were you able to locate it? I'd like to view the site before the hearing on Tuesday.

I'm sorry to burden you with these questions, but I would appreciate knowing your responses by the time of the hearing on the 6th.

Thanks again for all of your help -

Anne Young

9/6/2005

Mike McHone Real Estate

Jorge Rousselin
Case Manager
Neighborhood Planning and Zoning Department
One Texas Center
505 Barton Springs Rd.
Austin, Texas 78704

Re: C14-05-0121; 5505 Montview Street

September 21, 2005

Dear Mr. Rousselin,

I am hereby requesting a postponement of this case from October 6th to October 27th. I have just received a copy of the petition and would like the opportunity to once again meet with the neighbors to see if I can resolve their concerns. For your information Mr. Delmonico and his family now resides in unit A and a family that owns a business on Burnett Road is living in the other unit.

Thanks,



Mike McHone, applicant

1904 Guadalupe "On the Drag" • ph: 512-481-9111 • fax: 512-481-1032 •
mchone1234@sbcglobal.net
mailing address: P.O. Box 8142, Austin, TX, 78713

PETITION

Case Number:

C14-05-0121

Date:

Oct. 3, 2005

5505 MONTVIEW STREET

Total Area within 200' of subject tract: (sq. ft.)

276,040.97

1	02-2903-0109	YOUNG ANNE K	8,817.01	3.19%
		TALMADGE JEFFREY		
2	02-2903-0111	D	11,877.51	4.30%
3	02-2903-0112	BROWN BRADLEY J	7,991.36	2.89%
4	02-2903-0114	PULLY ANDREA	10,708.34	3.88%
5	02-2903-0116	MORRIS JEFFREY	2,887.04	1.05%
6	02-2903-0601	DAVIS CATHERINE C	6,239.48	2.26%
		GREENE STEPHEN		
7	02-2903-0629	HERBERT & HEATH	859.92	0.31%
8	02-2903-0727	CURRIE CHRISTINA S	7,159.01	2.59%
9	02-2903-0728	RYAN AARON H	4,533.44	1.64%
		DORMADY JOYCE		
10	02-2903-0729	TRUSTEE OF THE	6,159.80	2.23%
11	02-2903-0734	ADAMS KATHRYN L &	5,248.02	1.90%
		BRINKMANN		
12	02-3002-0311	JOHANNES & LIZA	6,561.27	2.38%
13	02-3002-0314	ILLE EMILIE LOUISE	20,342.43	7.37%
		BELL DAVID J & KEN W		
14	02-3002-0330	GLASGOW	7,531.26	2.73%
		PICOU KENNETH		
15	02-3002-0331	STEPHEN	8,902.74	3.23%
16	02-3002-0334	NERADA NANCY	9,356.00	3.39%
17	02-3002-0335	PETROSSIAN RIMA	9,317.54	3.38%
		HENDRICKS SYLVIA		
18	02-2903-0110	TREVINO	8,638.78	3.13%
19				0.00%
20				0.00%
21				0.00%
22				0.00%
23				0.00%
24				0.00%
25				0.00%
26				0.00%
27				0.00%
28				0.00%

Validated By:

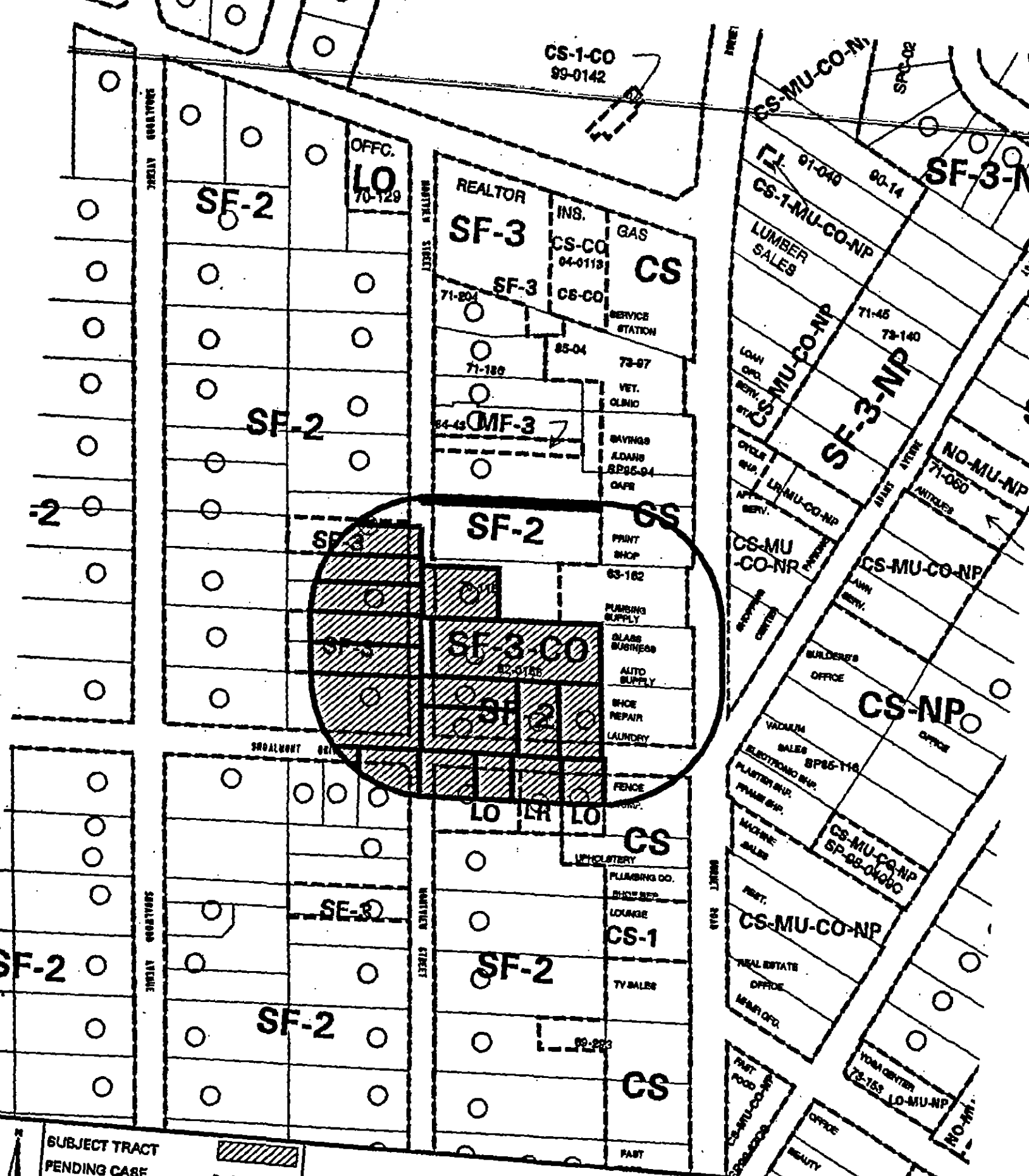
Stacy Meeks

Total Area of Petitioner:

143,130.96

Total %

51.85%



<p> SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: J. ROUSSELIN </p>	<p> CASE #: C14-05-0121 ADDRESS: 8805 MONTVIEW ST SUBJECT AREA (acres): 0.040 </p>	<p> PETITIONS DATE: 05-10 INTLS: 6M </p>	<p> CITY GRID REFERENCE NUMBER J27 </p>
--	--	--	--

RECEIVED

SEP 29 2005

Neighborhood Planning & Zoning

PETITION

Date: 9/29/05
Case Number: C14-05-0121

Address of
Rezoning Request: 5505 Montview St.

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-3-CO Family Residential Conditional Overlay Combining District without modification, change, or alteration to the existing conditional overlay.

We protest the proposed zoning change for numerous reasons, including the following:

- A. The subject tract was rezoned in January of 2003 from single family residence standard lot (SF-2) to family residence-conditional overlay (SF-3-CO) combining district, with two specific conditions:
- (1) Development of the property may not exceed two residential dwelling units.
 - (2) Development of the property may not exceed one duplex unit.
- B. The design of the current two dwelling units and their position on the subject tract are atypical of the single family character of the surrounding neighborhood. Each of the residential structures adjacent to the subject tract are single family residences.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
<u>Bradley Brown</u>	Bradley Brown	5503 Montview
<u>Andrea Pully</u>	Andrea Pully	5511 Montview St.
<u>Anne K. Young</u>	Anne K. Young	2112 Shoalmont Drive
<u>Sylvia T. Hendricks</u>	Sylvia T. Hendricks	2114 Shoalmont Dr.
<u>Katherine Thompson</u>	Katherine Thompson	2111 1/2 Shoalmont
<u>KATHRYN ADAMS</u>	KATHRYN ADAMS	2111 SHOALMONT DR.
<u>Stephen Greene</u>	Stephen Greene	2205 Shoalmont Dr.
<u>Catherine C. Davis</u>	Catherine Davis	5422 Montview St.
<u>Christina S. Currie</u>	Christina S. Currie	2121 Shoalmont
<u>DAVID DORMERY</u>	DAVID DORMERY	2113 Shoalmont Drive
<u>Jaya Dormery</u>	Jaya Dormery	2113 Shoalmont Drive
<u>Aaron Ryan</u>	Aaron Ryan	2117 Shoalmont Dr.
<u>LESA PIPER</u>	LESA PIPER	5514 Montview

PETITION

Date: 9/29/05
Case Number: C14-05-0121

Address of
Rezoning Request: 5505 Montview St.

To: Austin City Council

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

<u>[Signature]</u>	<u>Keneth Picon</u>	<u>5508 Montview</u>	<u>78756</u>
<u>[Signature]</u>	<u>Rina Petrossian</u>	<u>5504 Montview</u>	<u>78756</u>
<u>[Signature]</u>	<u>KEN GLASGOW</u>	<u>5510 MONTVIEW</u>	<u>78756</u>
<u>[Signature]</u>	<u>Nancy Nerada</u>	<u>5506 Montview</u>	<u>78756</u>

Case Number: C14-05-0121
Address of
Rezoning Request: 5505 Montview St.

~~Heather Green~~ Heather Greene 2205 Shoalmont Dr.

~~Johannes Brinkmann~~ Johannes Brinkmann 5512 Montview

~~Elizabeth Brinkmann~~ Elizabeth Brinkmann 5512 Montview

~~Emilie Louise Ille~~ Emilie Louise Ille 5500 Montview ST.

Date: 9/29/05

Contact Name: Anne Young
Phone Number: 657.5323

OCT 03 2005
Neighborhood Planning & Zoning

Date: 10/3/05
Case Number: C14-05-0121

Address of
Rezoning Request: 5505 Montview St.

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-3-CO Family Residential Conditional Overlay Combining District without modification, change, or alteration to the existing conditional overlay.

A. The subject tract was rezoned in January of 2003 from single family residence standard lot (SF-2) to family residence-conditional overlay (SF-3-CO) combining district, with two specific conditions:

- (1) Development of the property may not exceed two residential dwelling units.**
- (2) Development of the property may not exceed one duplex unit.**

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Page 1 of 2

Supplement

Case Number: C14-05-0121
Address of
Rezoning Request: 5505 Montview St.

Date: 10/3/05

Contact Name: Aime Young
Phone Number: 657-5323

**Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 29
AGENDA DATE: Thu 10/27/2005
PAGE: 1 of 1**

SUBJECT: Conduct a public hearing relating to the adoption of an ordinance amending Section 9-4-13 (*Aggressive Solicitation Prohibited*), Section 9-4-14 (*Sitting or Lying Down on Public Sidewalks in the Downtown Area Prohibited*), Section 9-4-22 (*Solicitation between Certain Hours Prohibited*), and Section 12-1-27 (*Solicitations Between an Occupant of a Motor Vehicle and a Pedestrian*) of the City Code.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Management Services
DEPARTMENT:

DIRECTOR'S
AUTHORIZATION: Rudy Garza

FOR MORE INFORMATION CONTACT: Rudy Garza, Assistant City Manager/974-7789; Jennifer Gilchrist, Division Chief, Law Department/974-2508

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

PURCHASING: N/A

MBE / WBE: N/A

On October 20, 2005, City staff presented a series of proposed amendments to the City's public order ordinances, specifically:

1. Section 9-4-13: Aggressive Solicitation Prohibited
2. Section 9-4-14: Sitting or lying down on public sidewalks in the downtown area prohibited
3. Section 9-4-22: Solicitation between certain hours prohibited
4. Section 12-1-27: Solicitations between an occupant of a motor vehicle and a pedestrian

This is the first of two public hearings. The second hearing will take place on November 17, 2005.