

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



**AGENDA ITEM NO.: Z-17  
AGENDA DATE: Thu 10/06/2005  
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.

**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 2<sup>ND</sup>] (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:**

	<b>ZONING</b>	<b>LAND USES</b>
<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:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
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:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
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 <sup>st</sup> RDG); 02/03/00: Approved 2 <sup>nd</sup> & 3 <sup>rd</sup> 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 <sup>nd</sup> & 3 <sup>rd</sup> 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)

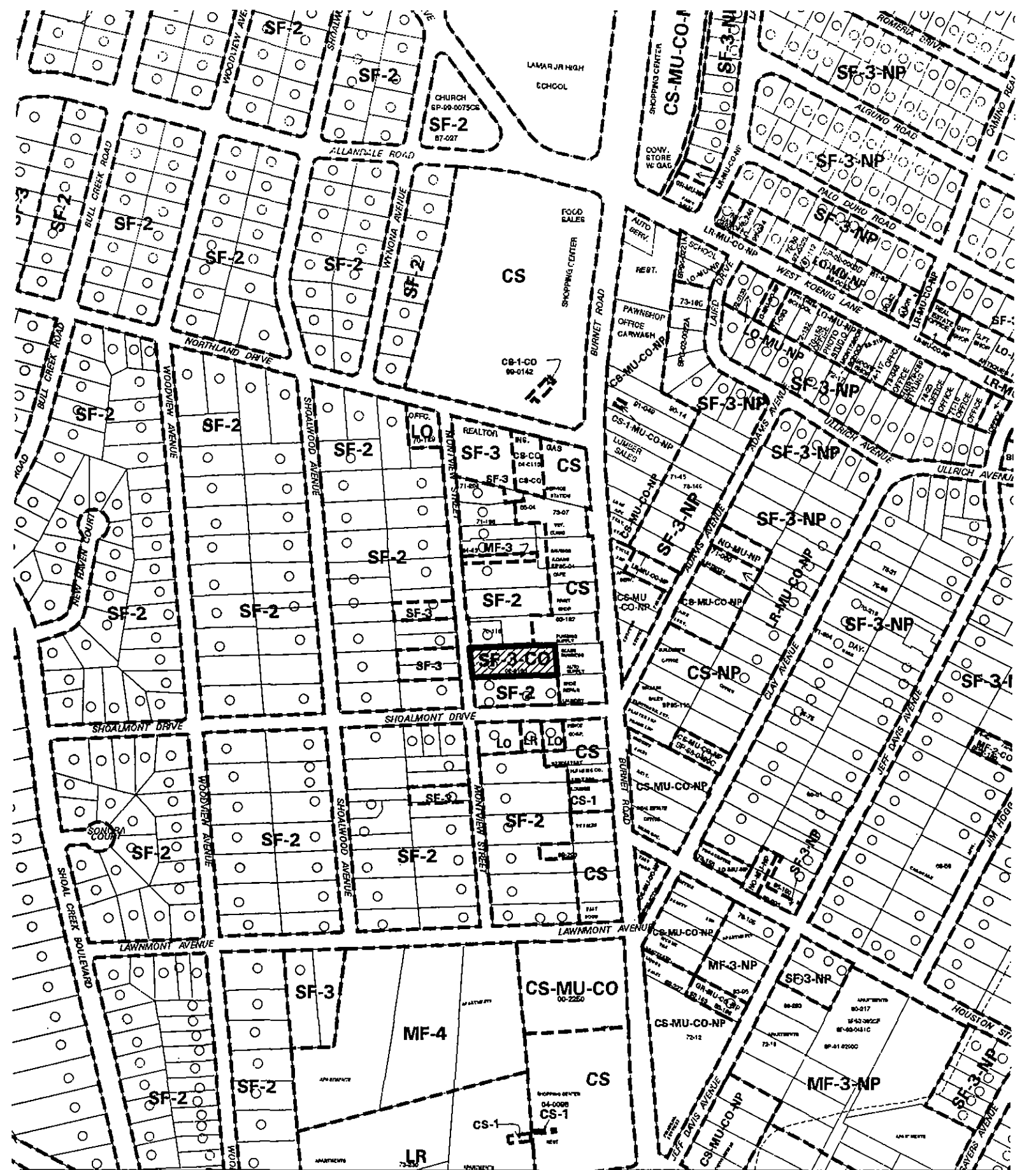
**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION
Montview Street	40'	30'	Local

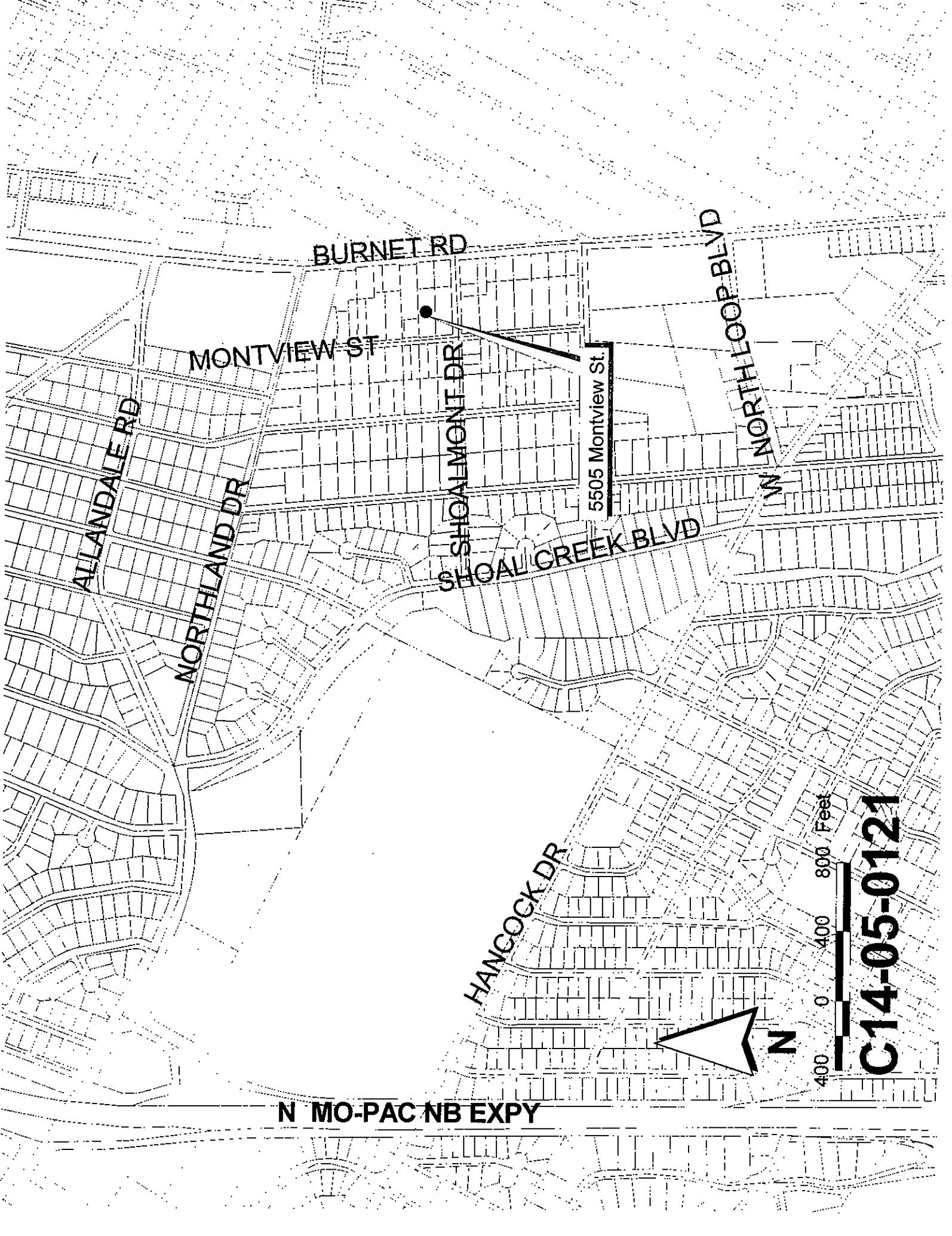
**LIST OF ATTACHMENTS:**

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:****The applicant has requested a postponement to October 27, 2005.****ORDINANCE READINGS:**            1<sup>st</sup>                      2<sup>nd</sup>                      3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E. Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** [jorge.rousselin@ci.austin.tx.us](mailto:jorge.rousselin@ci.austin.tx.us)



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



BURNET RD

MONTVIEW ST

S SHOALMONT DR

5505 Montview St.

SHOAL CREEK BLVD

W NORTH LOOP BLVD

NORTHLAND DR

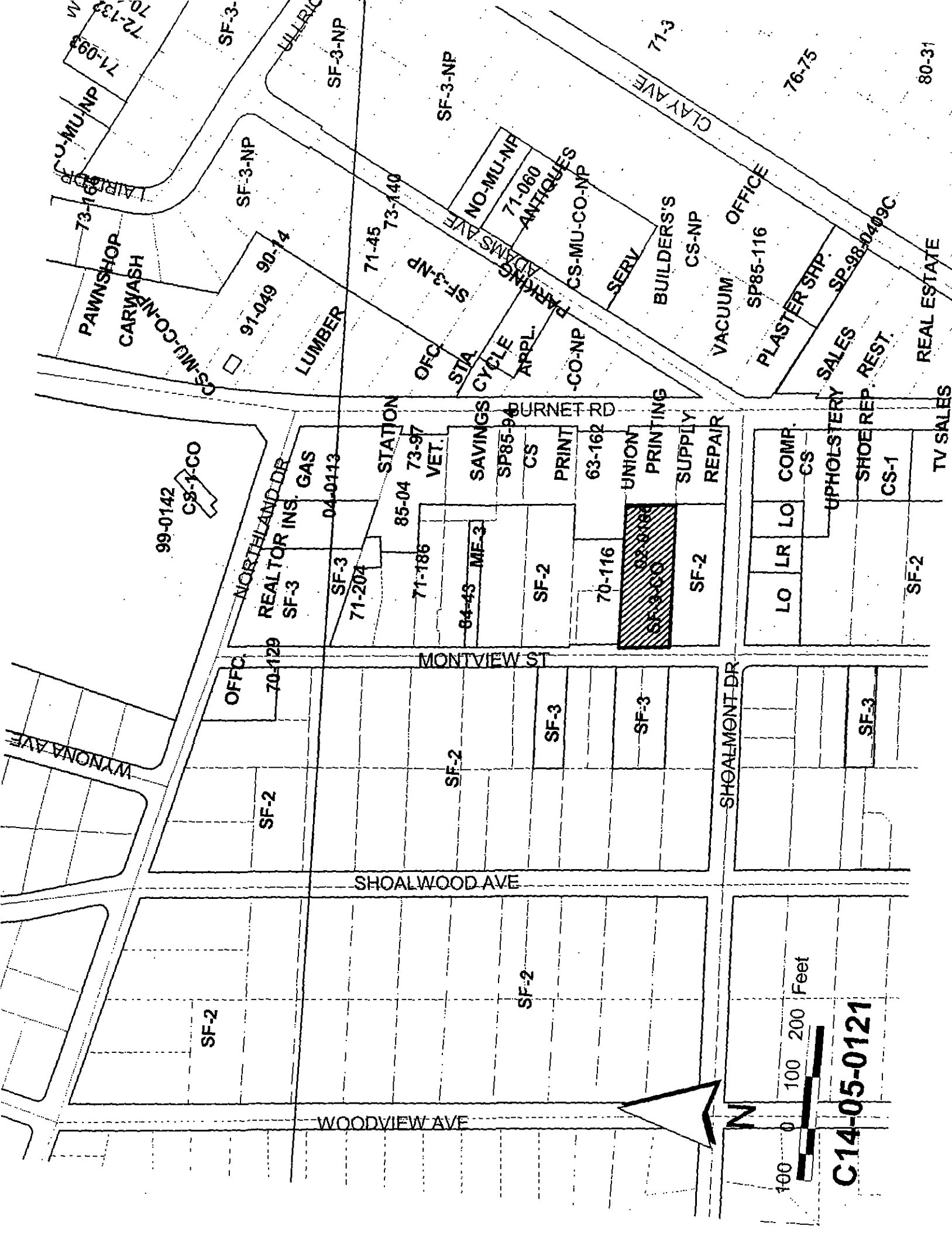
ALLANDALE RD

HANCOCK DR

N MO-PAC NB EXPY



C14-05-0121



C14-05-0121

0 100 200 Feet

N

WOODVIEW AVE

SHOALWOOD AVE

MONTVIEW ST

SHOALMONT DR

SF-2

SF-2

SF-2

SF-2

OFFC

70-129

SF-3

REALTOR INS. GAS

99-0142

CS-1-CO

SF-3

71-204

04-0143

STATION

85-04

73-97

VET.

84-43

ME-3

SF-2

SAVINGS

SP85-94

CS

PRINT

70-116

SF-3-CO

UNION

PRINTING

SUPPLY

REPAIR

SF-2

LO

LR

LO

COMP.

CS

LO

LR

LO

COMP.

UPHOLSTERY

SALES

SHOE REP. REST.

CS-1

SF-2

TV SALES

REAL ESTATE

80-31

76-75

71-3

CLAY AVE

OFFICE

SP85-116

VACUUM

PLASTER SHP.

SALES

SP-98-0409C

BUILDERS'S

CS-NP

SERV

CS-MU-CO-NP

ANTIQUE'S

71-060

NO-MU-NP

SF-3-NP

73-140

SF-3-NP

SF-3-NP

SF-3-NP

90-14

91-049

LUMBER

71-45

PAWN SHOP

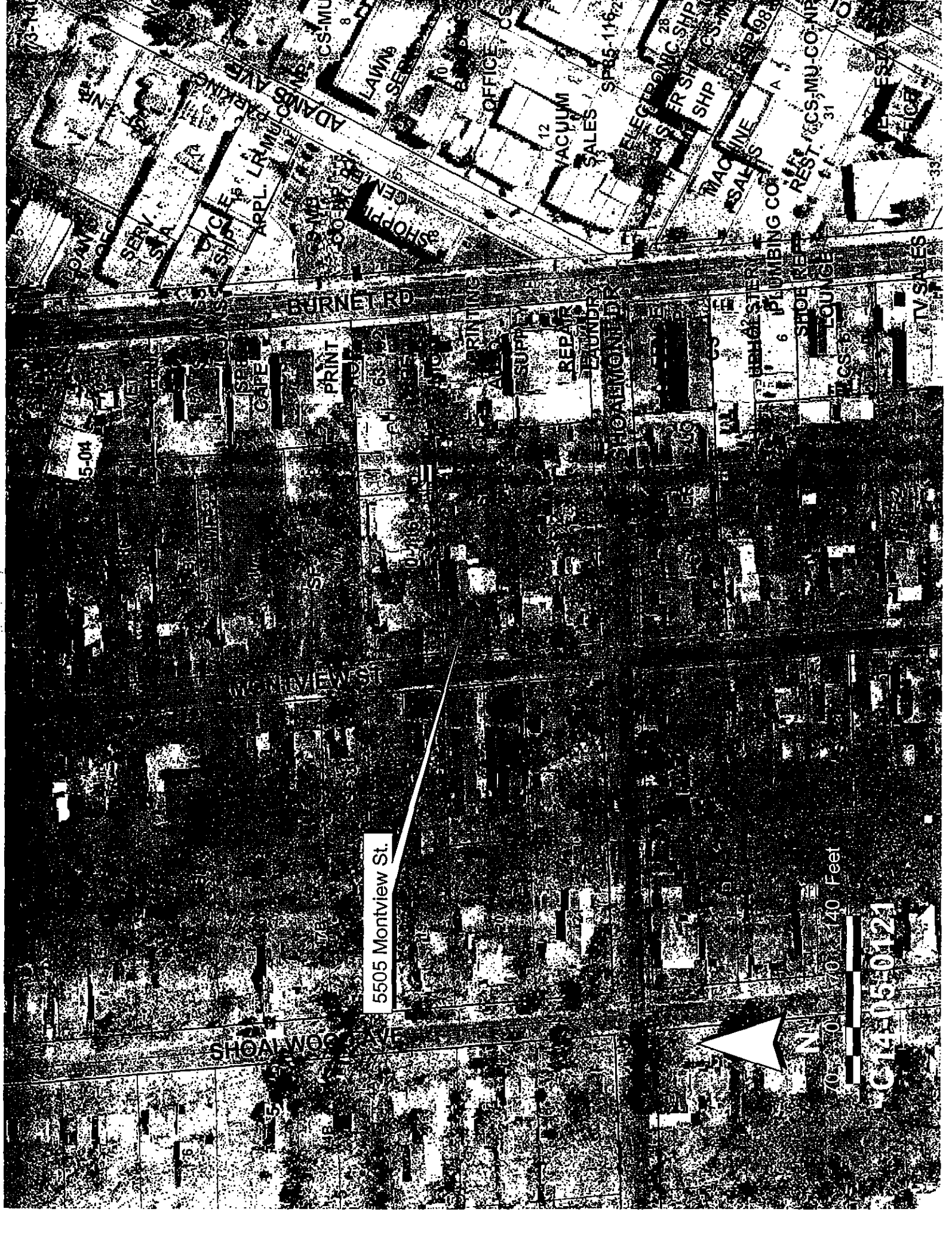
CARWASH

CS-MU-CO-NP

73-165

71-098

72-133



5505 Montview St.



N

70 0 70 140 Feet

14-05-0121

## 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

§  
§  
§  
§  
§  
Gustavo L. Garcia

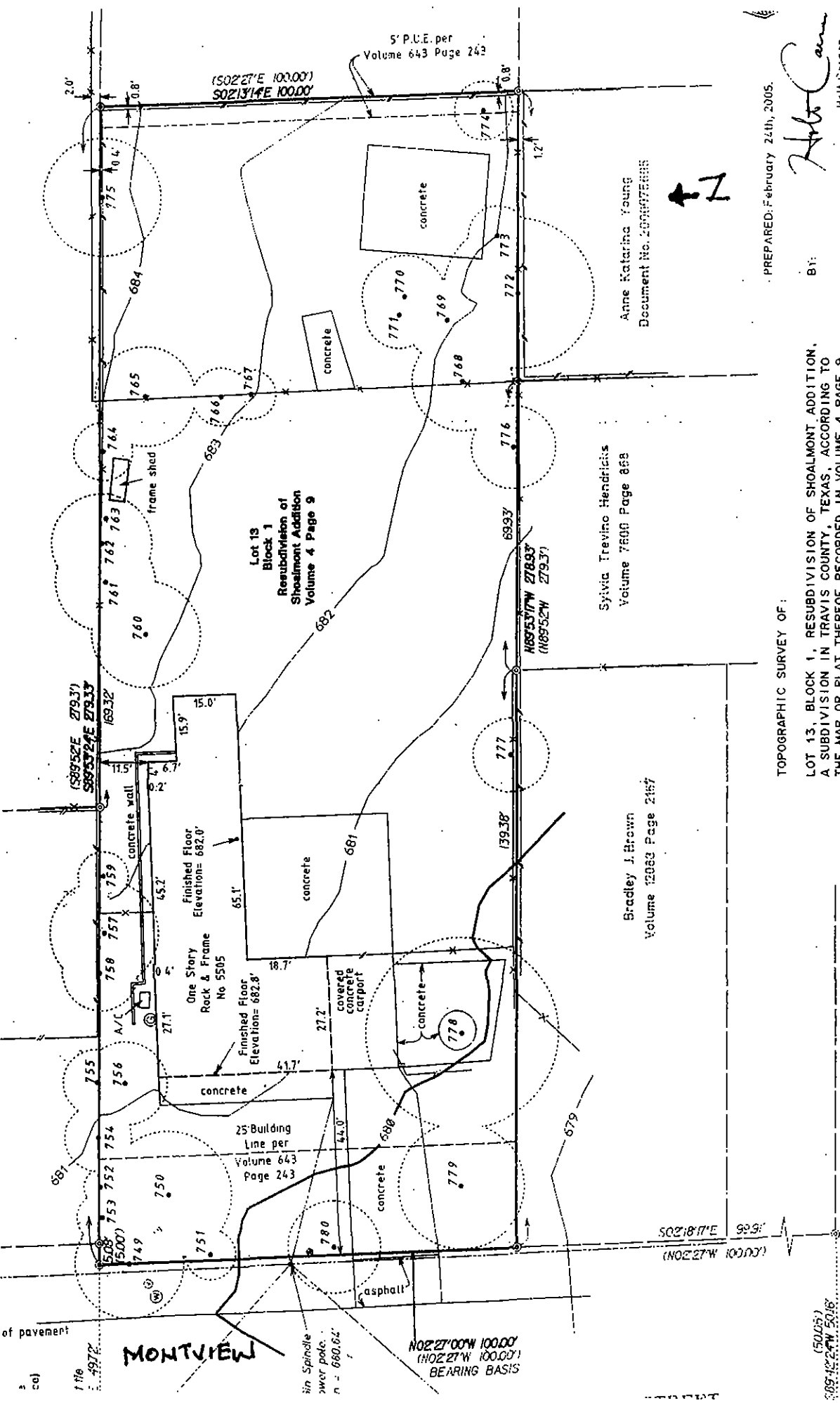
Gustavo L. Garcia  
Mayor

**APPROVED:**

Sedora Jefferson  
Sedora Jefferson  
City Attorney

**ATTEST:**

Shirley A. Brown  
Shirley A. Brown  
City Clerk



PREPARED: February 24th, 2005.

*Holt Carr*  
 Holt Carr  
 Registered Professional Land  
 CARSON AND BUCH PROFESSIONAL

BY:

Anne Katarina Young  
 Document No. 2004075885

Sylvia Trevino Hendricks  
 Volume 7600 Page 868

Bradley J. Brown  
 Volume 12063 Page 2157

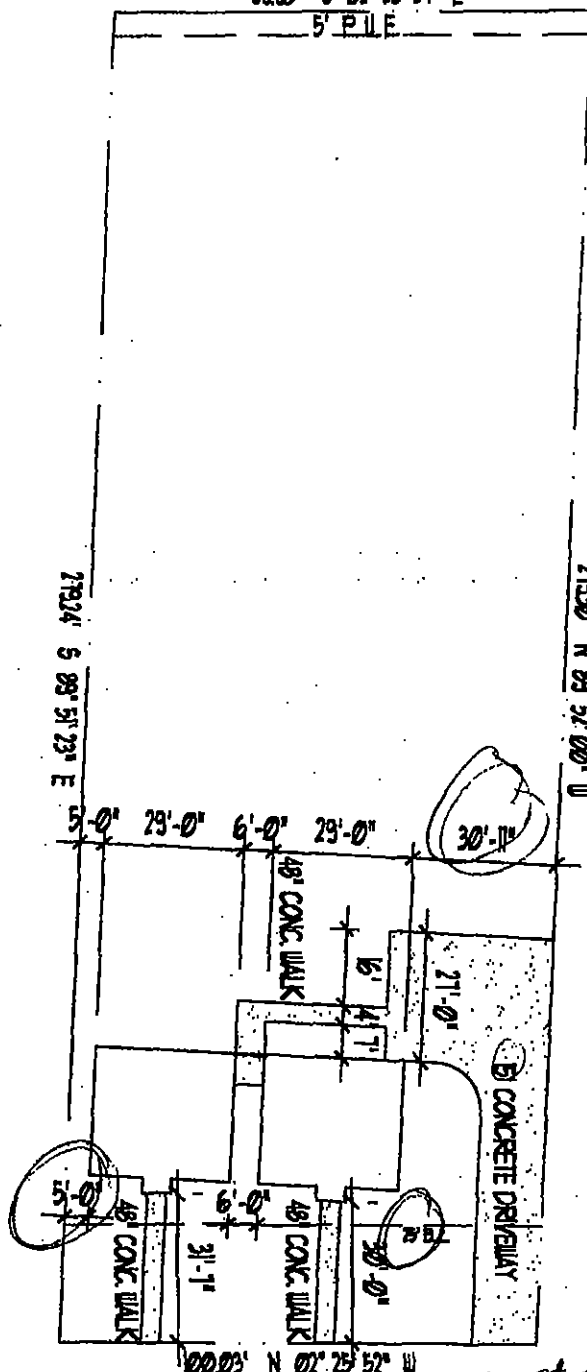
TOPOGRAPHIC SURVEY OF:

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 5605 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 during all construction. No tree measuring more than 19" in diameter and 10' in height may be removed without a TREE OFFICIAL's permit from the City of Los Angeles. Call the Tree Warden's Office at (213) 473-6300 for more information.

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

no storm  
drains DE

**REVIEWED FOR ZONING ONLY**

**SITE PLAN**  
**SCALE: 1"=40'-0"**  
**SHOALMONT SUBDIVISION**  
**TRAVIS COUNTY**  
**AUSTIN, TEXAS**  
**LOT-13**  
**BLOCK-1**  
**5505 MONTVIEW STREET**

  
**NORTH**

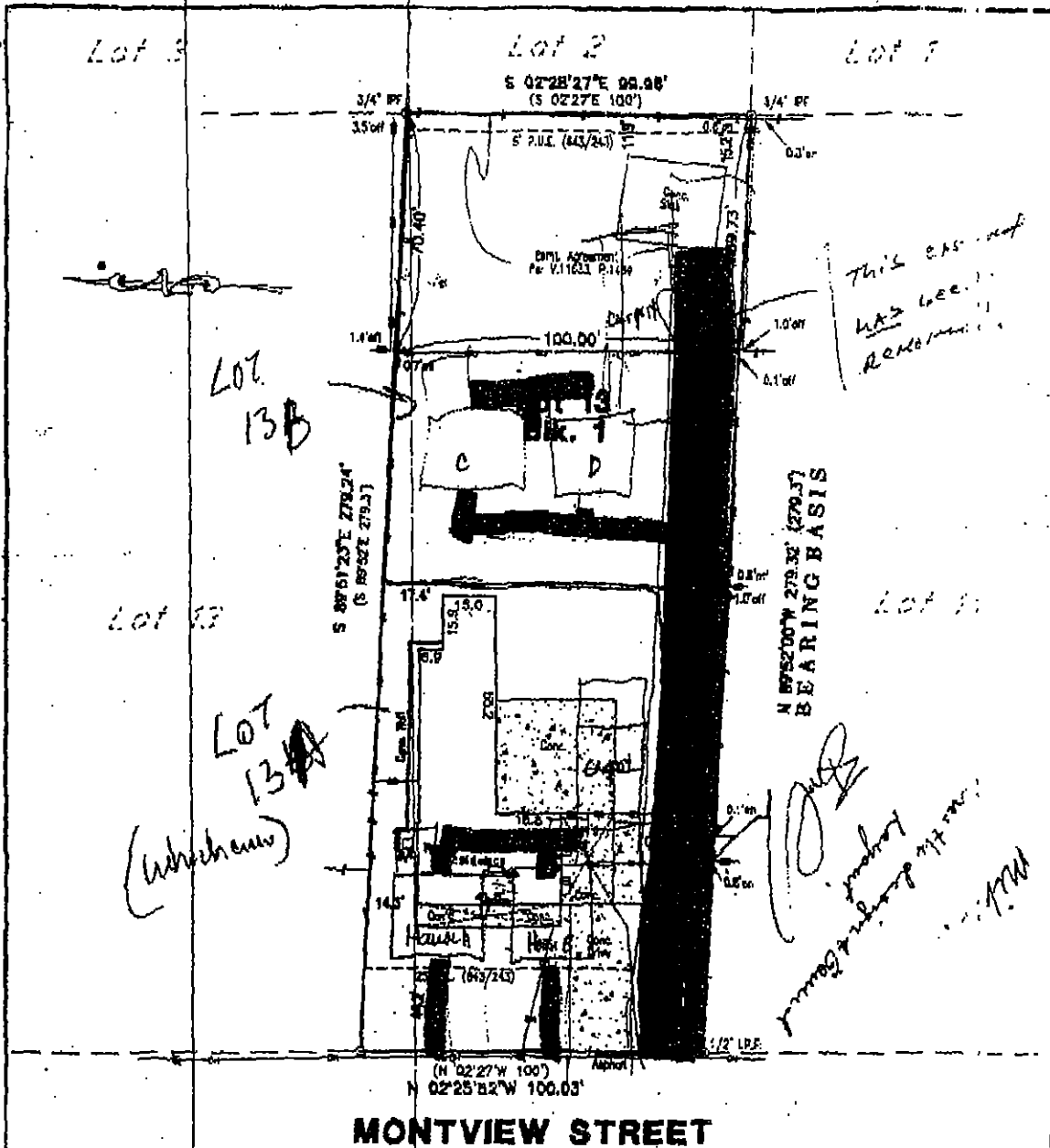


CITY OF AUSTIN  
APPROVED FOR PERMIT  
Joseph G. Pantalone PE  
Watershed Protection & Development Review Department  
By [Signature] Date: 3-20-20  
The granting of a permit for the approval of these plans and specifications shall not be construed to be a permit for, or an approval of, any violation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

# ATTACHMENT C

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





# MONTVIEW STREET

Subject to Restrictions as Stated in Vol. 643,  
Pg. 243; Vol. 7884, Pg. 1;  
and Per Plot in Vol. 4, Pg. 8.

## LEGEND

- 3/4" IRON PIPE FOUND
- 1/2" REBAR FOUND
- 1/2" REBAR SET
- 600 MAIL FOUND
- 600 MAIL SET
- SPINDLE FOUND
- BARB WIRE FENCE
- CHAIN LINK FENCE
- WOOD FENCE
- METAL FENCE
- BUILDING LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- P.E. PLUMBING EASEMENT
- S.D.E. SURFACE DRAINAGE EASEMENT
- E.E. ELECTRIC EASEMENT
- W/W/W WATER/WASTEWATER
- W/O/W RECORD INFORMATION
- P.O. POWER POLE
- O.U. OVERHEAD UTILITIES

## RESUBDIVISION OF SHERMONT ADDITION

LOT 13 BLOCK 1 HOME 4 PLOT 8  
 TRAMS STATE OF TEXAS FIRST ADJUDIC 8505 MONTVIEW STREET  
 CITY AUSTIN REFERENCE MAP MICHAEL A. DEMONICO AND ANTHONY S. DELMI

Dewey M. Burris & Associates, Inc.  
 Land Surveying Services

1404 WEST HORN LANE Blvd. D114458-0080  
 Austin, Texas 78756 Fax D114458-0046



TO THE SURVEYOR AND / OR ENGINEER OF THE PROPERTY SURVEYED AND TO

## AUSTIN TITLE COMPANY

LAWYERS TITLE INSURANCE CORPORATION  
 I do hereby certify that the survey and the plat made on the  
 ground of the property hereby described herein, and that there  
 are no visible boundary line conflicts, encroachments, overlapping  
 of irremovable, or roads in place, except as shown hereby, and  
 certify only to the legal description and easements of record  
 on the referenced title commitment.

DATE 06/04/05  
 TITLE CO. AUSTIN TITLE  
 G.F. # 2002 85 23067-B  
 JOB # 050102.7A  
 SCALE 1" = 30'

MP-TRK 1 050102.7A  
 FIELD INDEX 2 050102.7A  
 DRAFTING 3 050102.7A  
 TITLE CHECK 4 050102.7A  
 CORRECTED 5 050102.7A  
 UP 050102.7A

## ATTACHMENT E

Attachment E: Layout of duplex units on proposed subdivided lots

## 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](http://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

<input checked="" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Anthony Dill  
Your Name (please print)

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

Anthony 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

<input checked="" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Anthony Nill  
Your Name (please print)

5510 Burnell Road  
Your address(es) affected by this application

[Signature]  
Signature

8-26-05  
Date

Comments: I am in favor. It  
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. Pelly

Andrea E. Pelly

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 9<sup>th</sup>, 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 16<sup>th</sup>, 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 16<sup>th</sup> 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 6<sup>th</sup>, 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](http://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 6<sup>th</sup>, 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:

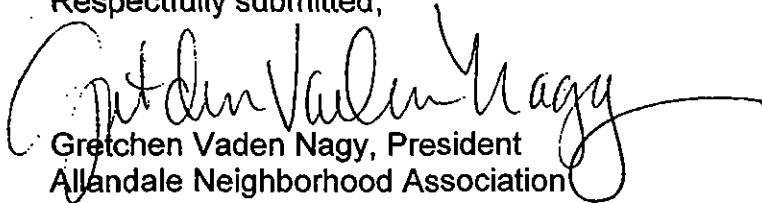
- The applicant has already asked for and been granted a zoning change for the subject tract. We were informed that in January of 2003, a negotiated agreement between the immediate neighbors and the owner allowed the owner to expand from single family residence (SF-2) to duplex (SF-3-CO) zoning. Two 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

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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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[www.ci.austin.tx.us/development](http://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

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

Your Name (please print) LEROY PIPER

5514 Montview

Your address(es) affected by this application

Jorge Rousselin Signature

Date

8/6/05

Comments:

No more believe

this type of request will

maintain our neighborhood

characteristics

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

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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 512-496

Your address(es) affected by this application

1996

[Signature]

Signature

Date

8.11.05

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 charge is approved, the

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City of Austin

5501 can be

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 - zoned.

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Case Number: C14-05-0121

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

August 16, 2005 Zoning and Platting Commission

Jeff & Amanda Morris

Your Name (please print)

5519 Montview

Your address(es) affected by this application

[Signature]

Signature

9/2/05

Date

Comments:

I object to the rezoning -  
the property has already been  
rezoned to accommodate the  
property owner. Moreso, the  
rezoning does not fit with the  
SF2 neighborhood or the  
single family character.  
Please do not grant his rezoning  
request for a second time.  
Thank you, Amanda & 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

☐ I am in favor  
☒ I object

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Case Number: C14-85-0121

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

August 16, 2005 Zoning and Planning Commission

Johannes Brinkmann

Your Name (please print)

SS12 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 development all along, and the first rezoning request was misleading. 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 Rousselin  
P.O. Box 1088  
Austin, TX 78767-8810

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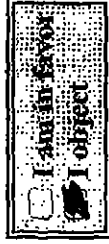
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Case Number: C14-05-0121

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

August 16, 2005 Zoning and Platting Commission



Your Name (please print)

N. Nerada

5506 Montview

Your address(es) affected by this application

Signature

Date

09 02 2005

Comments:

(See attached document)

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

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. Neradz

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 Platting Commission

Andrea Pully  
Your Name (please print)

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

Andrea Pully  
Signature

9/2/05  
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?

My understanding is that the agreement was made

in 2003 and that the agreement was to

limit density to 2 dwelling units.

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

**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

**Rousselin, Jorge**

---

**From:** Anne Young [Argyle\_Anne@att.net]  
**Sent:** Saturday, September 03, 2005 3:30 PM  
**To:** Rousselin, 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

# 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>	<u>Bradley Brown</u>	<u>5503 Montview</u>
<u>Andrea Pully</u>	<u>Andrea Pully</u>	<u>5511 Montview St.</u>
<u>Anne K. Young</u>	<u>Anne K. Young</u>	<u>2112 Shoalmont Drive</u>
<u>Sylvia T. Hendricks</u>	<u>Sylvia T. Hendricks</u>	<u>2114 Shoalmont Dr.</u>
<u>Katherine Thompson</u>	<u>Katherine Thompson</u>	<u>2111 1/2 Shoalmont</u>
<u>KATHRYN ADAMS</u>	<u>KATHRYN ADAMS</u>	<u>2111 SHOALMONT DR.</u>
<u>Stephen Greene</u>	<u>Stephen Greene</u>	<u>2205 Shoalmont Dr.</u>
<u>Catherine Davis</u>	<u>Catherine Davis</u>	<u>5422 Montview St.</u>
<u>Christina S. Currie</u>	<u>Christina S. Currie</u>	<u>2121 Shoalmont</u>
<u>DAVID DORMAN</u>	<u>DAVID DORMAN</u>	<u>2113 Shoalmont Drive</u>
<u>Joya Dormany</u>	<u>Joya Dormany</u>	<u>2113 Shoalmont Drive</u>
<u>Aaron Ryan</u>	<u>Aaron Ryan</u>	<u>2117 Shoalmont Dr.</u>
<u>Lera Piper</u>	<u>Lera Piper</u>	<u>5514 Montview</u>

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Case Number: C14-05-0121

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

<u>Kenneth Picon</u>	<u>Kenneth Picon</u>	<u>5508 Montview</u>	<u>78756</u>
<u>Rina Petrossian</u>	<u>Rina PETROSSIAN</u>	<u>5504 MONTVIEW</u>	<u>78756</u>
<u>Ken Glasgow</u>	<u>KEN GLASGOW</u>	<u>5510 MONTVIEW</u>	<u>78756</u>
<u>Nancy Nerada</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.

~~J. 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

[illegible]

## 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 29, 2005

Dear Mr. Rousselin,

I am hereby requesting a postponement of this case from October 6<sup>th</sup> to October 27<sup>th</sup>. 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: 512-481-1002 •  
mchone1234@sbcglobal.net  
mailing address: P.O. Box 8142, Austin, TX, 78713