

ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0054 – Chisholm Lane

DISTRICT: 5

ZONING FROM: DR

TO: SF-2

ADDRESS: 9110 Chisholm Lane

SITE AREA: 1.5 acres

PROPERTY OWNER: Paula Lantz

AGENT: Spyglass Realty & Investments
(Matthew Edwards)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant single family residence (standard lot) (SF-2) district zoning. *For a summary of the basis of Staff's recommendation, see case manager comments.*

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

May 7, 2019: *APPROVED A POSTPONEMENT TO JUNE 4, 2019*

*[D. KING; A. TATKOW – 2ND] (9-0) N. BARRERA-RAMIREZ – ABSENT; 1
VACANCY ON THE COMMISSION*

June 4, 2019:

CITY COUNCIL ACTION:

June 6, 2019:

ORDINANCE NUMBER:

ISSUES:

The Applicant has requested postponement of this case to June 18, 2019. Please refer to correspondence attached at the back of this packet.

The Owner and Agent plan to discuss the proposed rezoning with residents of Chisholm Lane. A valid petition of 84.93% has been filed by the adjacent property owners in opposition to this rezoning request. Petition materials and comment response forms are located at the back of the Staff report.

CASE MANAGER COMMENTS:

The subject property is developed with one single family residence, is located on Chisholm Lane and has been zoned development reserve (DR) district since its annexation into the City limits in November 1984. Chisholm Lane consists of unplatted tracts and subdivided lots that range between approximately 0.18 acres and 1.5 acres in size. In general, the smaller platted lots have SF-2, single family residence-standard lot zoning (approximately 35% of all residential lots on Chisholm Lane) and the larger tracts / lots have DR zoning (approximately 65%). There are no rezoning case histories on Chisholm Lane which indicates that the existing DR and SF-2 zonings were assigned upon annexation and have remained unchanged since that time. There are standard sized single family residential lots to the west in the Texas Oaks subdivision and east of Chisholm Lane in the Buckingham Estates subdivision (SF-2). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant has requested rezoning to the single family residence – standard lot (SF-2) district in order to subdivide the property and create up to three single family residential lots. SF-2 zoning is compatible with the single family residential character of Chisholm Lane, and with the adjacent properties which have SF-2 zoning.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR	One single family residence
<i>North</i>	DR; SF-2	Single family residences
<i>South</i>	DR; SF-2	Single family residences
<i>East</i>	DR; SF-2	Single family residences
<i>West</i>	SF-2	Single family residences in the Texas Oaks subdivision

NEIGHBORHOOD PLANNING AREA: Not Applicable TIA: Is not required

WATERSHED: Slaughter Creek – Suburban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Casey Elementary School Paredes Middle School Akins High School

NEIGHBORHOOD ORGANIZATIONS:

242 – Slaughter Lane Neighborhood Association 511 – Austin Neighborhoods Council
 627 – Onion Creek Homeowners Association
 742 – Austin Independent School District 1228 – Sierra Club, Austin Regional Group
 1363 – SEL Texas 1424 – Preservation Austin
 1528 – Bike Austin 1530 – Friends of Austin Neighborhoods
 1531 – South Austin Neighborhood Alliance 1550 – Homeless Neighborhood Organization
 1578 – South Park Neighbors 1616 – Neighborhood Empowerment Foundation

AREA CASE HISTORIES:

No recent case histories.

RELATED CASES:

The property was annexed into the City limits on November 15, 1984.

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Chisholm Lane	46 feet	16-18 feet	Local	No	No	No

OTHER STAFF COMMENTS:Comprehensive Planning

This rezoning case is located on the west side of Chisholm Trail on a 1.50 acre tract, which contains a single family residence. The subject property is not located within the boundaries of a neighborhood planning area. Surrounding land uses include single family housing to the north and south; to the south is also two day care centers; to the east is single family housing and a meditation center; and to the west is single family housing and Casey Elementary School. The proposal is to obtain single family zoning for the existing residential use and subdivide the property for up to 3 residential lots.

Imagine Austin

The property is located 1,200 ft. from an Activity Corridor and well within an existing single family neighborhood in South Austin. Based on comparative scale of this site relative to other residential uses in this area, which furthers consistency along the block, and the property not being located along an Activity Corridor, this case falls below the scope of Imagine Austin, and consequently the plan is neutral on the proposed rezoning.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Slaughter Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

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

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

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

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

Site Plan and Compatibility Standards

Site plans will be required for any new development other than single-family residential. FYI: Additional design regulations will be enforced at the time a site plan is submitted.

Transportation

Chisholm Lane requires 50 feet of right-of-way in accordance with the Transportation Criteria Manual. 25 feet of right-of-way should be dedicated from the centerline of Chisholm Lane at the time of subdivision plat in accordance with LDC 25-6-55; TCM, Tables 1-7, 1-12.

Austin Water Utility

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide adequate service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7th Floor. Ph: 512-972-0211.

The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

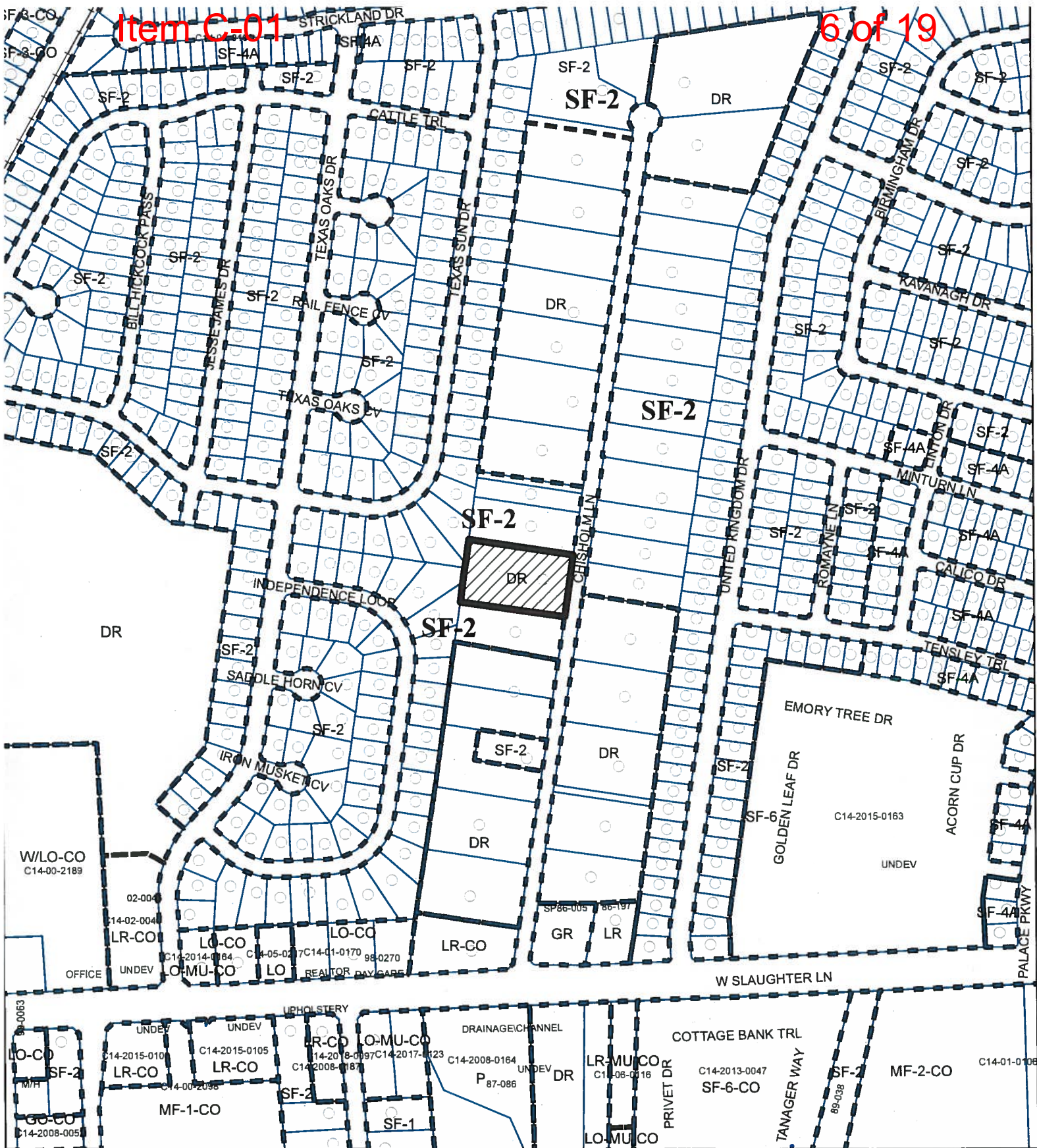
INDEX OF EXHIBITS TO FOLLOW

A: Zoning Map

A-1: Aerial Map

Zoning Petition and Petition Results

Correspondence Received



ZONING

ZONING CASE#: C14-2019-0054

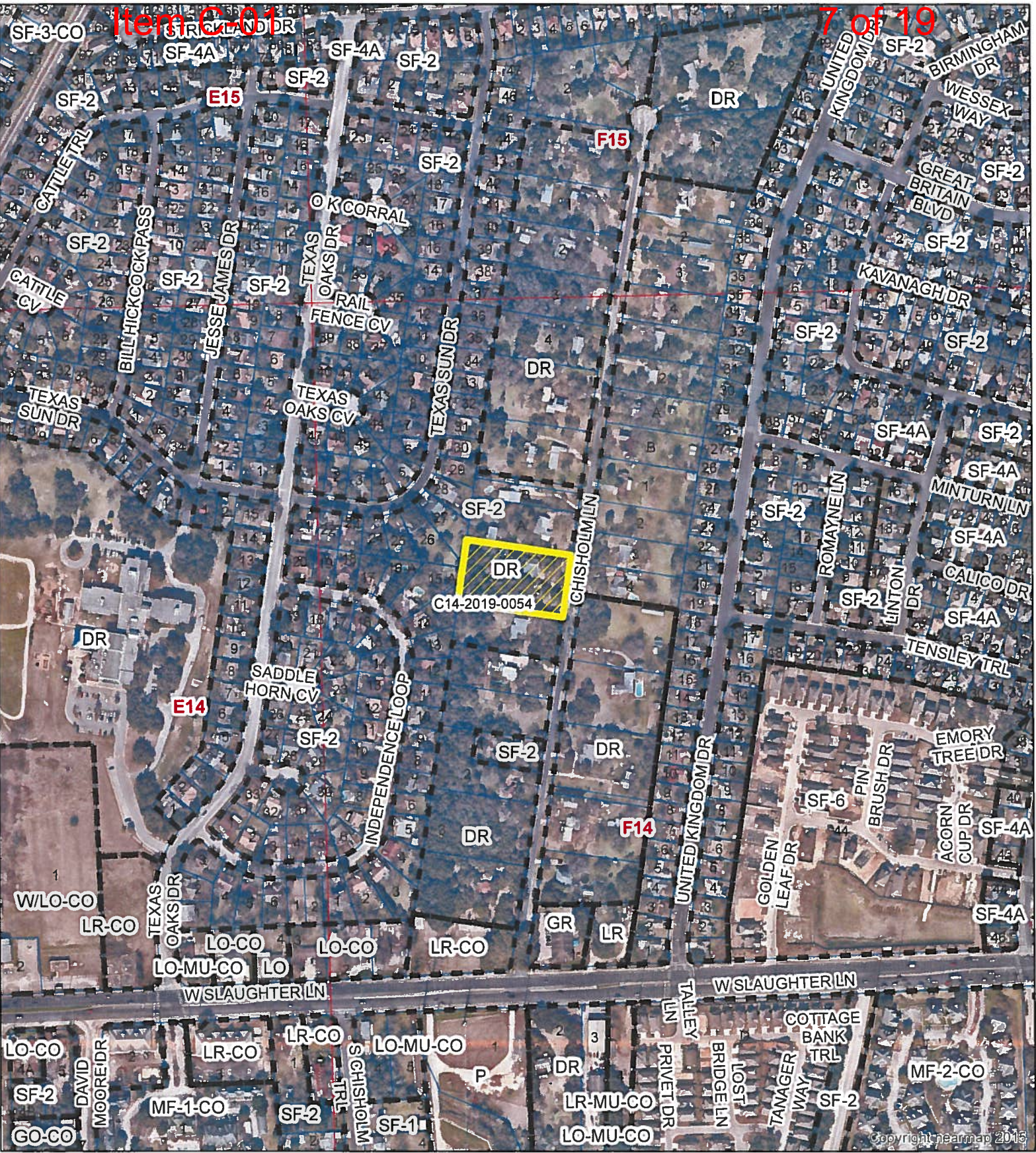
EXHIBIT A



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

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

Created: 5/10/2019



N



1" = 400'



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY



CREEK BUFFER

CHISHOLM LANE

ZONING CASE#: C14-2019-0054

LOCATION: 9110 CHISHOLM LANE

SUBJECT AREA: 1.5 ACRES

GRID: F15

MANAGER: WENDY RHOADES

Exhibit A-1



PETITION

Date: May 18, 2019

File Number: C14-2019-0054

Address of Rezoning

Request: 9110 Chisholm Lane

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 DR.

The Chisholm Lane property owners feel that the proposed zoning change would negatively impact neighborhood safety and the residents' well-being. Chisholm Lane is a narrow street (average width is 16') without curbs. There is no paved shoulder and there are no sidewalks. There are simple bar ditches running on either side of the road. This makes it difficult for cars to pass and impossible for large trucks and vans to maneuver without driving the length of the street and using the cul de sac at the termination of the street to turn around. There are 33 houses on Chisholm Lane at present. A zoning change would allow additional homes to be built and until the City upgrades the street it is unsafe to add additional traffic flow.

Note: Property owners are indicated by an asterisk - those within 500' of proposed zoning change marked with a circled asterisk (*). All other signatures are residents (care-takers of property or rental occupants)

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
(*) <u>K. Wolffe</u>	Karen Wolffe	9203 Chisholm Lane
<u>Terry Hirsch</u>	TERRY HIRSH	9203 Chisholm Ln.
<u>Robert Bayless</u>	ROBERT BAYLESS	8710 CHISHOLM LN
<u>Guz Garcia</u>	GUZ GARCIA	8808 Chisholm
(*) <u>L.H. White</u>	L.H. WHITE	8806 CHISHOLM LA.
<u>Frances Garcia</u>	FRANCES GARCIA	8808 N. Chisholm Ln.
<u>Margie White</u>	Margie White	9006 Chisholm Ln.
<u>Steve Stone</u>	STEVE STONE	9001 CHISHOLM LN.

Signature

Printed Name

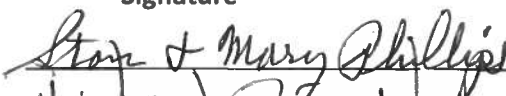




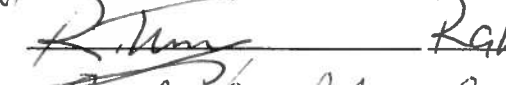
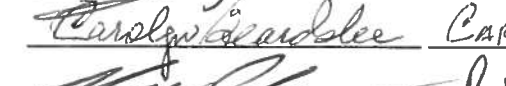



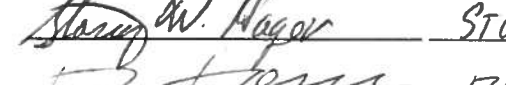
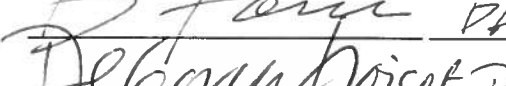
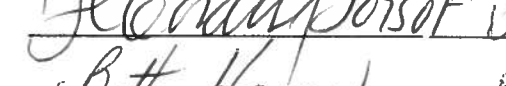

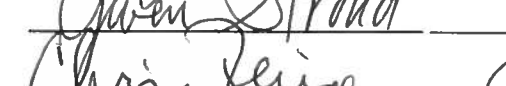
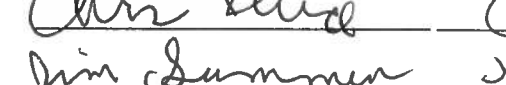
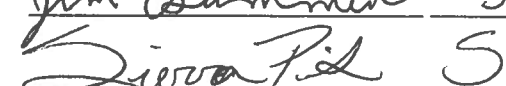
Address

	Kim Stone	Kim Stone	9001 Chisholm La.
*	Robert F. Beardlee	Robert F. Beardlee	9109 Chisholm Lane
*	David D. Kott	DAVID D KOTT	9200 Chisholm La
*	Bruce Van Wart	Bruce Van Wart	9106 Chisholm Lane
*	Maya Farnsworth	Maya Farnsworth	9106 Chisholm Lane
*	Thea B. Pierce	Thea B. Pierce	9000 Chisholm Lane
*	Mark A. Pierce	Mark A. Pierce	9000 Chisholm Lane
	Karen Traylor	Karen Traylor	8904 Chisholm Lane
	Randall E. Zimmerman	Randall E. Zimmerman	8904 Chisholm Lane
*	Jeffrey T. Bennett	Jeffrey T. Bennett	9003 Chisholm Lane
	Betha E. Bennett	Betha E. Bennett	9003 Chisholm Lane
	Susan Lippman	SUSAN LIPPMAN	8903 Chisholm Ln
	Tina Phifer	Tina Phifer	9301 Chisholm Ln
	Liz Piggim	LIZ PIGGIM	9301 CHISHOLM LN
*	Andrew Pfullmann	Andrew Pfullmann	9210 Chisholm
	Rosa Pfullmann	Rosa Pfullmann	9210 Chisholm Ln
	Maria Teresa Aguillo	MARIA TERESA AGUILLO	8900 Chisholm Lane
	Anna M. Aguillo	Anna M. Aguillo	8900 Chisholm Ln
	Dawn Rush Dotson	Dawn Rush Dotson	8717 Chisholm Ln
	Paul Stephenson	Paul STEPHENSON	8809 Chisholm DI
	Manda Freytag	Manda Freytag	8809 Chisholm Lane

Signature

Printed Name

Address

	STAN & MARY PHILLIPS	8804 CHISHOLM LN 78748
	STEPHAN J. HOCK	8714 CHISHOLM LN 78748
	CINDY CARRAS	9007 CHISHOLM LN AUSTIN 78748
	REBECCA GREEN	8905 CHISHOLM LANE AUSTIN, TX 78748
	Rahime Tunc	8903 Chisholm Lane Austin, TX, 78748
	CAROLYN BEARDSLEE	9109 CHISHOLM LN
	Robert Kellmann	9212 Chisholm Ln
	MARK CARDER	9104 CHISHOLM LN
	Gary Stroud	9206 Chisholm Lane
	Stacey W. Hager	9215 Chisholm Ln.
	DAVID A. TONER	9207 CHISHOLM LN
	DEBORAH POISOT	9207 CHISHOLM LN 78748
	Betty Hager	9215 Chisholm Ln 78748
	Gwen Stroud	9206 Chisholm Ln
	Chris Reina	8805 Chisholm Lane
	JIM SUMMERS	8901 CHISHOLM LANE
	Sierra Pilgrim	9216 Chisholm Lane

Date: May 18, 2019

Contact Name: Karen Wolfe

Phone Number: 512.799.2666



1" = 400'

- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2019-0054

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Created: 3/8/2019

PETITION

Date: May ²⁴18, 2019

File Number: C14-2019-0054

Address of Rezoning




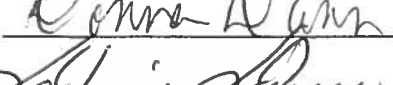

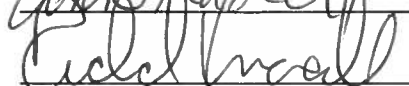


Request: 9110 Chisholm Lane

To: Austin City Council

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The Chisholm Lane ^{and surrounding} property owners feel that the proposed zoning change would negatively impact neighborhood safety and the residents' well-being. Chisholm Lane is a narrow street (average width is 16') without curbs. There is no paved shoulder and there are no sidewalks. There are simple bar ditches running on either side of the road. This makes it difficult for cars to pass and impossible for large trucks and vans to maneuver without driving the length of the street and using the cul de sac at the termination of the street to turn around. There are 33 houses on Chisholm Lane at present. A zoning change would allow additional homes to be built and until the City upgrades the street it is unsafe to add additional traffic flow.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
	Eric Palczek	9015 Texas Sun Drive
	Jesse Aleman	9013 Texas Sun Drive
	Stephanie Rodriguez	9013 Texas Sun Drive.
	DONNA DUNN	9011 Texas Sun Dr
	DENNIS DUNN	9011 Texas Sun Dr
	Ann Kwoedl	9017 Texas Sun Dr.
	Richard Kwoedl	9017 Texas Sun Dr
	AARON CAPPS	9211 Independence Loop

Signature	Printed Name	Address
	Erin Capps	9211 Independence Loop Austin 78748
	Suzanne K. Fawcett	9212 Independence Loop 78748
	MARY HOUSTON	9405 TEXAS OAKS DR.,
	CHARLES R. Schach	9223 INDEPENDENCE Loop 78748
	ROBERT KARSTENS	9221 INDEPENDENCE Loop 78748
	Casey Ball	9219 Independence Loop 78748
	Aaron Ball	9219 Independence Loop 78748
	Chase Bearden	9008 Texas Sun Dr. 78748
	Bethany Bearden	9008 Texas Sun Dr 78748
	Robert F. Beardslee	9109 Chisholm Ln. 78748
	Robert F. Beardslee	9105 Chisholm Ln 78748
	John K. Beardslee	9105 Chisholm Ln 78748
	DARLA JACKSON	9209 Independence Loop 78748
	DARLA JACKSON	9209 Independence Loop 78748

Date: May 24, 2019

Contact Name: Karen Wolff

Phone Number: 512.799.2666

PETITION

Case Number:

C14-2019-0054

Date:

5/29/2019

Total Square Footage of Buffer:

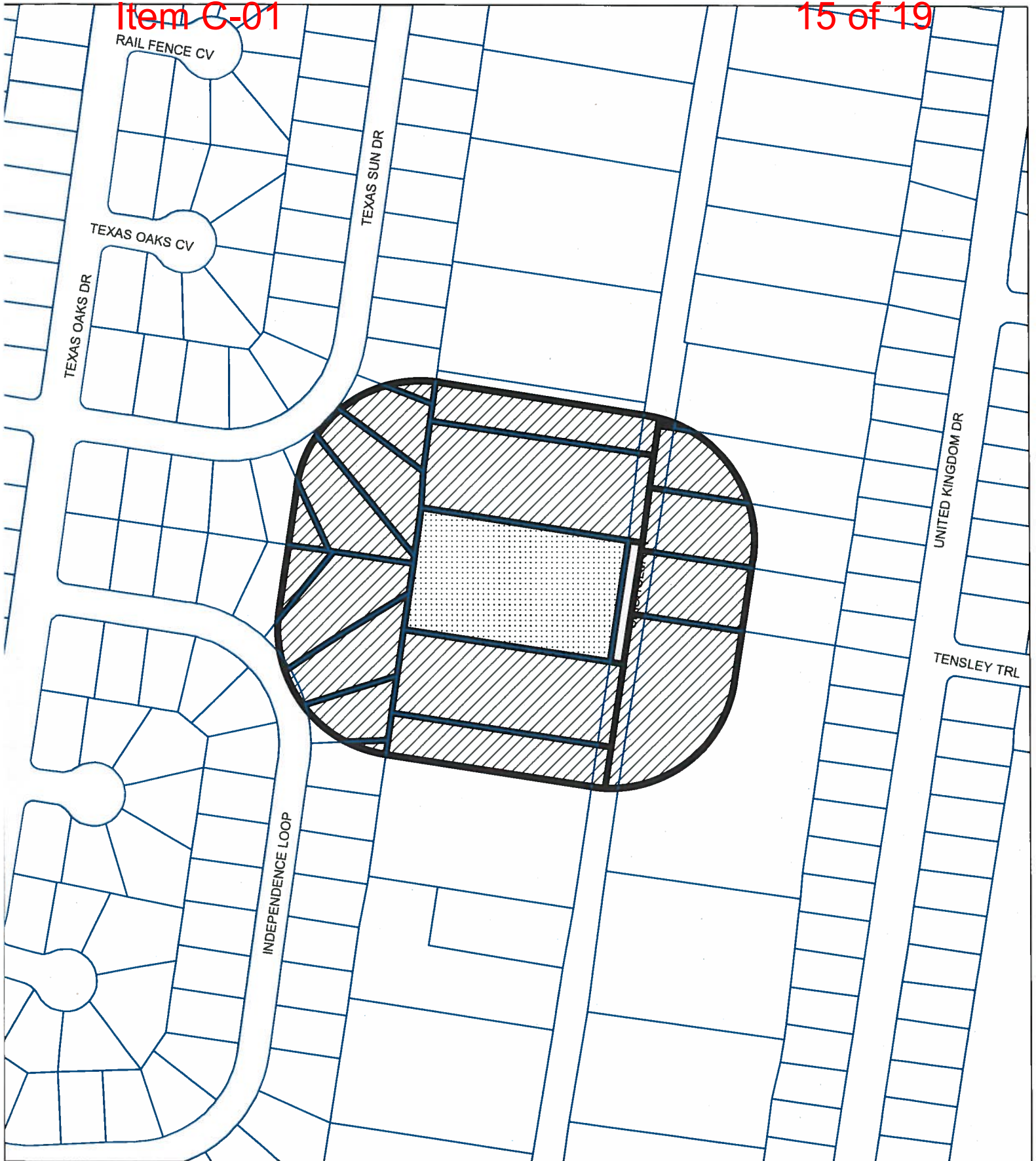
336910.5293

Percentage of Square Footage Owned by Petitioners Within Buffer:

84.93%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0428150140	9013 TEXAS SUN DR 78748	ALEMAN JESSE DANIEL & STEPHANIE RODRIGUEZ	yes	16447.57	4.88%
0428150206	9109 CHISHOLM LN 78748	BEARDSLEE ROBERT F	yes	18080.94	5.37%
0428150208	CHISHOLM LN 78748	BEARDSLEE ROBERT FRANK	yes	11855.56	3.52%
0428150207	9105 CHISHOLM LN 78748	BURCHARD JOHN KENNETH	no	17308.25	0.00%
0428150128	9211 INDEPENDENCE LOOP 78748	CAPPS AARON & ERIN	yes	21063.42	6.25%
0428150105	9104 CHISHOLM LN 78748	CARDER MARK D & EMILY C CARDER	yes	22227.01	6.60%
0428150141	9011 TEXAS SUN DR 78748	DUNN DENNIS & DONNA	yes	10380.39	3.08%
0428150106	9106 CHISHOLM LN 78748	FARNSWORTH MAYA & BRUCE GARRET VAN WART	yes	49657.24	14.74%
0428150125	9217 INDEPENDENCE LOOP 78748	GREENE THOMAS E	no	850.00	0.00%
0428150129	9209 INDEPENDENCE LOOP 78748	JACKSON DENNIS JOE & DARLA MAR DARLA MARIE	yes	4388.12	1.30%
0428150138	9017 TEXAS SUN DR 78748	KNOEDL RICHARD F	yes	3322.15	0.99%
0428150209	9007 CHISHOLM LN 78748	LEACH PAUL L	no	365.39	0.00%
0428150108	9200 CHISHOLM LN 78748	NORDBY DAVID O & KAREN L	yes	47082.03	13.97%
0428150139	9015 TEXAS SUN DR 78748	PALECEK ERIC	yes	16721.01	4.96%
0428150127	9213 INDEPENDENCE LOOP 78748	RAMSEY ROBERT L & LINDA S	no	16803.14	0.00%
0428150126	9215 INDEPENDENCE LOOP 78748	SCIOTO PROPERTIES SP-16 LLC	no	9506.54	0.00%
0428150142	9009 TEXAS SUN DR 78748	STEARNS WILLIAM	no	1573.29	0.00%
0428150109	9206 CHISHOLM LN 78748	STROUD GARY B	yes	23649.18	7.02%
0428150204	9203 CHISHOLM LN 78748	WOLFFE KAREN E	yes	41276.68	12.25%
Total				332557.91	84.93%



N



BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

Case#: C14-2019-0054



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1" = 200'

Rhoades, Wendy

From: ~~jlantz5821@aol.com~~
Sent: Wednesday, May 22, 2019 6:02 PM
To: Rhoades, Wendy
Cc: Matt@spyglassrealty.com
Subject: 9110 Chisholm

Ms. Rhoades,

I would respectfully like to request a postponement of the Public Hearing for rezoning 9110 Chisholm Lane from June 4 to June 18, 2019.

It has come to my attention that a number of the neighbors are opposed to the rezoning, and I would like additional time to address their concerns.

Sincerely,

Paula Lantz

Property owner and Applicant

PUBLIC HEARING INFORMATION

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

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

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

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

For additional information on the City of Austin's land development process, visit our website:
www.austintexas.gov/planning.

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

Case Number: C14-2019-0054

Contact: Wendy Rhoades, 512-974-7719

Public Hearings: May 7, 2019, Zoning and Platting Commission;
June 6, 2019, City Council

Your Name (please print) Andrew Pullmann

9210 + 9212 Chisholm Ln
Your address(es) affected by this application

John Pullmann 5/20/19
Signature Date

Daytime Telephone: 512-785-9017

Comments: With three children, we
are concerned with the safety decreased
additional cars will bring to our
narrow street.

We also want to preserve the
character of our Chisholm Ln
neighborhood that we have
loved for the past 18 years.

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

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

☐ I am in favor
☒ I object

Rhoades, Wendy

From: Donna Dunn <~~rachugh@gmail.com~~>
Sent: Tuesday, May 28, 2019 9:38 AM
To: Rhoades, Wendy
Subject: C14-2019-0054

Hi Wendy, I need a do-over, I should always compose elsewhere and then insert into mail. Spell check screws it up every time. Thanks

Dear Ms. Wendy Rhodes,

We received a notice on the case numbered C14-2019-0054. I live on 9011 Texas Sun Dr. The concern that me and my neighbors on Texas Sun have is regarding increased rainwater runoff from properties on Chisholm Lane. These properties, which back up to our properties, sit on higher ground. Any additional impervious surface as a result of this zone change will add runoff of rainwater onto our properties. This increase of rainwater runoff should be retained on the subject property so as not to cause any possible flooding in heavy and sustained events as we have experienced this spring. Thank you for the notice of this zone change and your attention to this concern. I will be out of town on the day of this hearing, otherwise, I would attend. If for any reason, you would like to contact me, I can be reached at 505-259-9398 or at ~~rachugh@gmail.com~~

Regards,

Donna Dunn

Rhoades, Wendy

From: ~~j.lantz5821@aol.com~~
Sent: Wednesday, May 22, 2019 6:29 PM
To: Rhoades, Wendy
Cc: Matt@spyglassrealty.com
Subject: 9110 Chisholm, City Council Public Hearing

Ms. Rhoades,

I respectfully request to postpone the June 6th City Council Public Hearing from June 6th to June 20th. It has come to my attention that some of the neighbors are opposed to rezoning the property, and I would like some additional time to address their concerns.

Paula Lantz

Property owner and Applicant