

## **ZONING CHANGE REVIEW SHEET**

CASE: C14-2023-0083 (Ladera Vista by Stature Homes)    DISTRICT: 10

ADDRESS: 11622 Ladera Vista

ZONING FROM: SF-2

TO: SF-3

SITE AREA: 0.3043 acres (13,255.308 sq. ft.)

PROPERTY OWNER: Stature Liberators, LLC (Derek and Emily Keith)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, [sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov))

STAFF RECOMMEDATION:

**Staff recommends SF-3, Family Residence District, zoning.**

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**September 19, 2023: Approved staff's recommendation of SF-3 zoning (8-0, S. Boone, L. Stern and C. Thompson-absent); C. Acosta-1st, A. Flores-2nd.**

CITY COUNCIL ACTION:

**October 19, 2023**

ORDINANCE NUMBER:

ISSUES:

On August 1, 2023, the neighbors filed a petition to oppose anything other than SF-2 zoning for this property. The petition is currently valid at 25.41% (*Please see Petition Submittal - Exhibit C*).

The excerpt below is from the City of Austin's Land Development Code and explains when the City Council is subject to the three-fourths vote.

Sec. 25-2-284 REQUIREMENT FOR APPROVAL BY THREE-FOURTHS OF COUNCIL.

(A) The affirmative vote of three-fourths of the members of Council is required to approve a proposed rezoning if:

- (1) the Land Use Commission recommends denial of an application to rezone property to a planned unit development; or
- (2) the proposed rezoning is protested in writing by the owners of not less than 20 percent of the area of land:
  - (a) included in the proposed change; or
  - (b) immediately adjoining the area included in the proposed rezoning and extending 200 feet from the area.

CASE MANAGER COMMENTS:

The property in question is currently a 0.3043 acre vacant lot that fronts onto Ladera Vista Drive. There are single-family residences to the north, south and west that are zoned SF-2. To the east, across Ladera Vista Drive, there is an office use and a condominium development zoned LO and SF-6 respectively. The applicant is requesting a rezoning to SF-3 to construct a new duplex residential use on the site under consideration.

BASIS OF RECOMMENDATION:

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

Family Residence district is intended as an area for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. Duplex use is permitted under development standards which maintain single-family neighborhood characteristics. This district is appropriate for existing single-family neighborhoods having typically moderate sized lot patterns, as well as for development of additional family housing areas with minimum land requirements.

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

The proposed zoning is consistent with development in this area as there are other properties in the immediate vicinity that are zoned for residential development at various densities. There are existing single-family residential uses to the north, south and west of

this site zoned SF-2. To the east, directly across Ladera Vista Drive, there are condominium residences that are zoned SF-6. Further to the south there is SF-3 zoning along Taylor Draper Lane.

The applicant agrees with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Vacant Lot
<i>North</i>	SF-2	Single-Family Residences
<i>South</i>	SF-6	Condominiums (Arboretum Village)
<i>East</i>	SF-2, LO	Medical Office (Jollyville Dental Professionals)
<i>West</i>	SF-2	Single-Family Residences

AREA STUDY: U.S. 183/Jollyville Road Area Study

(The U.S. 183 Study was approved by the City Council in November of 1978. The Area Study recommended that a 120-foot deep strip of land along Jollyville Road be zoned "O" Office zoning (which was converted to LO, Limited Office, in 1985) and that a 200 foot strip of land along the west side of Jollyville Road be zoned "A" Residence (which was converted to SF-3, Family Residence, in 1985). The policy of a 120-foot strip buffer of LO zoning along the east side of Jollyville Road has been consistently applied to date. The policy of SF-3 on the west side of Jollyville Road was never approved or implemented, and today the west side of Jollyville Road is primarily zoned office and multi-family, with the majority of office zoning being LO zoning. The recommendation for a 120-foot strip of LO zoning along the eastern portion of Jollyville Road was incorporated into the Jollyville Road Study, which was adopted in 1984).

WATERSHED: Bull Creek

SCHOOLS: Austin I.S.D.

NEIGHBORHOOD ORGANIZATIONS:

Austin Lost and Found Pets  
 Bull Creek Foundation  
 Friends of Austin Neighborhoods  
 Long Canyon Homeowners Assn.  
 Mountain Neighborhood Association (MNA)  
 Neighborhood Empowerment Foundation  
 North Oaks Neighborhood Association  
 SELTexas  
 Sierra Club, Austin Regional Group  
 TNR BCP - Travis County Natural Resources

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2013-0079 (Summit Oaks Lot C Block B Resubdivision : 11720 Bell Avenue)	SF-2 to SF-3	8/06/13: Approved staff's recommendation of SF-3 zoning by consent (5-0, B. Baker & C. Banks-absent); R. McDaniel-1 <sup>st</sup> , S. Compton-2 <sup>nd</sup> .	8/29/13: Approved SF-3 zoning  all 3 readings (7-0); B. Spelman-  S. Cole-2 <sup>nd</sup> .
C14-2012-0013 (Jollyville Rezoning: 11602 Jollyville Road)	LO to LR	3/20/12: Approved LR zoning by consent (7-0); P. Seeger-1 <sup>st</sup> , C. Banks-2 <sup>nd</sup> .	4/26/12: Approved LR district zoning on consent on all 3          (7-0); B. Spelman-1 <sup>st</sup> , C. Riley-
C14-2007-0148 (Beaver Brook Children Center: 11726 Jollyville Road)	SF-2, LO to LO	10/02/07: Approved staff's recommendation for LO-CO zoning, with a 2,000 vtpdl, adding a 35' height limit (6-0, C. Hammond, B. Baker-absent); J. Shieh-1 <sup>st</sup> , K. Jackson-2 <sup>nd</sup> .	11/08/07: Approved LO-CO zoning (7-0); all 3 readings
C14-2007-0123 (11701 Jollyville Road)	SF-2 to GR-MU * The applicant amended their rezoning request to LR-MU-CO. The applicant offered a conditional	10/02/07: Approved staff's recommendation for LO-MU-CO zoning, , with a 2,000 vtpdl (6-0, B. Baker, C. Hammond-absent); K. Jackson-1 <sup>st</sup> , T. Rabago-2 <sup>nd</sup> .	11/08/07: Approved ZAP recommendation of LO-MU-CO zoning (6-1, J. Kim-No); 1 <sup>st</sup> reading 11/29/07: Approved LO-MU-CO zoning by consent (5-0, J. Kim, M. Martinez-off dais); 2 <sup>nd</sup> /3 <sup>rd</sup> readings.



	overlay to prohibit Food Sales, Off-Site Accessory Parking, Restaurant (Limited), Restaurant (General), and Service Station uses on the site.		
C14-2007-0082 (11603 Jollyville Road)	LO, LR to GR-MU	7/17/07: Approved staff's recommendation of GR-MU-CO zoning, with a 2,000 vtpdl, adding prohibition of Automotive Sales, Automotive Rentals, Automotive Repair, Automotive Washing (of any type) and Pawn Shops uses (8-0), J. Martinez-1 <sup>st</sup> , S. Hale-2 <sup>nd</sup> .	8/23/07: Approved GR-MU-CO zoning on all 3 readings (7-0); L. Leffingwell-1 <sup>st</sup> , M. Martinez-2 <sup>nd</sup> .
C14-2007-0081 (11625 Jollyville Road)	LR-CO to Tract 1: LO, Tract 2: GR-MU	7/17/07: Approved staff's recommendation of LO-CO zoning for Tract 1 and GR-MU-CO zoning for Tract 2, with a 2,000 vtpdl, adding prohibition of Automotive Sales, Automotive Rentals, Automotive Repair, Automotive Washing (of any type) and Pawn Shops uses (8-0), J. Martinez-1 <sup>st</sup> , S. Hale-2 <sup>nd</sup> .	8/23/07: Approved LO-CO for Tract 1 and GR-MU-CO for Tract 2 (7-0); all 3 readings
C14-06-0172 (Arboretum Retirement Community: 11601 Jollyville Road)	LO to Tract 1(1.570 acres): GR-MU (for 866 to 896 ft above sea level) and MF-6 (for 896 to 986 ft above sea level) Tract 2 (0.424 acres): LO-MU (an area 120 ft in depth on the site from the property line	10/17/06: Approved GR-MU-CO zoning on Tract 1 for an area 866 to 896 ft above sea level and MF-6-CO zoning for an area 896 to 926 ft above sea level; with conditions of a 60-foot height limit and 2,000 vehicle trip limit and approved LO-MU-CO zoning on Tract 2; with conditions of 2,000 vehicle trip limit, limit site to 'LO' district uses and residential accessory uses (prohibiting dwelling units). Vote: 9-0; K. Jackson-1 <sup>st</sup> , J. Martinez-2 <sup>nd</sup> .	1/25/07: Approved GR-MU-CO for Tract 1 and LO-CO for Tract 2 (6-0); all 3 readings

	along Jollyville Road)	1/09/07: Approved staff rec. of GR-MU-CO zoning for Tract 1 and LO-CO zoning for Tract 2, with a 2,000 vehicle trip limit per tract (6-0, B. Baker, S. Hale, J. Martinez-absent); J. Pinnelli-1 <sup>st</sup> , C. Hammond-2 <sup>nd</sup> .	
C14-06-0013 (Pavilion Condominiums: 11819 Pavilion Boulevard)	GR, SF-2 to MF-6* *On 4/27/06, the agent requested to amend the case to allow for a 65 foot strip of SF-3 zoning along the southeast property line.	5/02/06: Motion to approve MF-6-CO zoning, with a 60 foot height limit, and SF-3 zoning for an area 65 feet from the southeastern property line (5-3, B. Baker, M. Hawthorne, C. Hammond-No, J. Martinez-absent); K. Jackson-1 <sup>st</sup> , B. Baker-2 <sup>nd</sup> . Motion made to rescind and reconsider previous action (8-0, J. Martinez-absent); K. Jackson-1 <sup>st</sup> , B. Baker-2 <sup>nd</sup> .  Motion to deny the applicant's request for MF-6 zoning (6-2, J. Gohil, S. Hale-No, J. Martinez-absent); K. Jackson-1 <sup>st</sup> , J. Pinnelli-2 <sup>nd</sup> .	6/22/06: Case withdrawn by applicant
C14-02-0088 (Ghodsi Tract: 11820 Jollyville Road)	LO to LR-CO	6/18/02: Approved staff's recommendation of LR-CO zoning, by consent (8-0, A. Adams-absent)	7/18/02: Approved LR-CO, prohibiting the following uses as offered by the applicant: Restaurant (Drive-in, Fast Food), Service Station, Counseling Services, Guidance Services, and Safety Services(7-0); all 3 readings
C14-01-0160 (11851 Jollyville Road)	LO to GO	Withdrawn by applicant on 12/14/01	N/A

RELATED CASES:

C8-2018-0008.0A – Subdivision Case

OTHER STAFF COMMENTS:Comprehensive Planning

**Project Name and Proposed Use:** 11622 LADERA VISTA DR. C14-2023-0083. Project: Ladera Vista by Stature Homes. 0.30 acres from SF-2 to SF-3. Vacant to townhouse/condo

Yes	Imagine Austin Decision Guidelines
	<b>Complete Community Measures</b>
Y	<b>Imagine Austin Growth Concept Map:</b> Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. <b>Names of Activity Centers/Activity Corridors/Job Centers: 0.03 Miles from Jollyville Road Activity Corridor</b>
	<b>Mobility and Public Transit:</b> Located within 0.25 miles of public transit stop and/or light rail station.
	<b>Mobility and Bike/Ped Access:</b> Adjoins a public sidewalk, shared path, and/or bike lane.
Y	<b>Connectivity, Good and Services, Employment:</b> Provides or is located within 0.50 miles to goods and services, and/or employment center.
	<b>Connectivity and Food Access:</b> Provides or is located within 0.50 miles of a grocery store/farmers market.
	<b>Connectivity and Education:</b> Located within 0.50 miles from a public school or university.
Y	<b>Connectivity and Healthy Living:</b> Provides or is located within 0.50 miles from a recreation area, park or walking trail.
Y	<b>Connectivity and Health:</b> Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.)
Y	<b>Housing Choice:</b> Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	<b>Housing Affordability:</b> Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	<b>Mixed use:</b> Provides a mix of residential and non-industrial uses.
	<b>Culture and Creative Economy:</b> Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	<b>Culture and Historic Preservation:</b> Preserves or enhances a historically and/or culturally significant site.
	<b>Creative Economy:</b> Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	<b>Workforce Development, the Economy and Education:</b> Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	<b>Industrial Land:</b> Preserves or enhances industrial land.
5	<b>Total Number of "Yes's"</b>

### Environmental

The site is located over the Edwards Aquifer Recharge Zone.

The majority of this site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The Suburban area of the site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on the portion of this site that is classified as Suburban 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%

A portion in the southern corner of the site is in the Bull Creek Watershed of the Colorado River Basin, which is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code. This portion is in the Drinking Water Protection Zone, which is not included in the Desired Development zone.

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

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Development within a Water Quality Transition Zone is limited to 18%.

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.

### Fire

No comments.

### Parks and Recreation

Parkland dedication will be required for the new applicable uses proposed by this development, single family with SF-3 zoning, at the time of subdivision or site plan, per City Code § 25-1-601. The requirement may be met with fees in-lieu as determined using the criteria in City Code Title 25, Article 14, as amended. Those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov). At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

### Site Plan

No comments for SF-3 zoning.

### Transportation

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Ladera Vista Dr. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Bell Ave. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The adjacent street characteristics table is provided below:

<b>Name</b>	<b>ASMP Classification</b>	<b>ASMP Required ROW</b>	<b>Existing ROW</b>	<b>Existing Pavement</b>	<b>Sidewalks</b>	<b>Bicycle Route</b>	<b>Capital Metro (within ¼ mile)</b>
Ladera Vista Dr.	Level 1	58'	64'	21'	No	No	Yes
Bell Ave	Level 1	58'	63'	35'	No	No	Yes

#### Water Utility

No comments on zoning change.

FYI: 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.

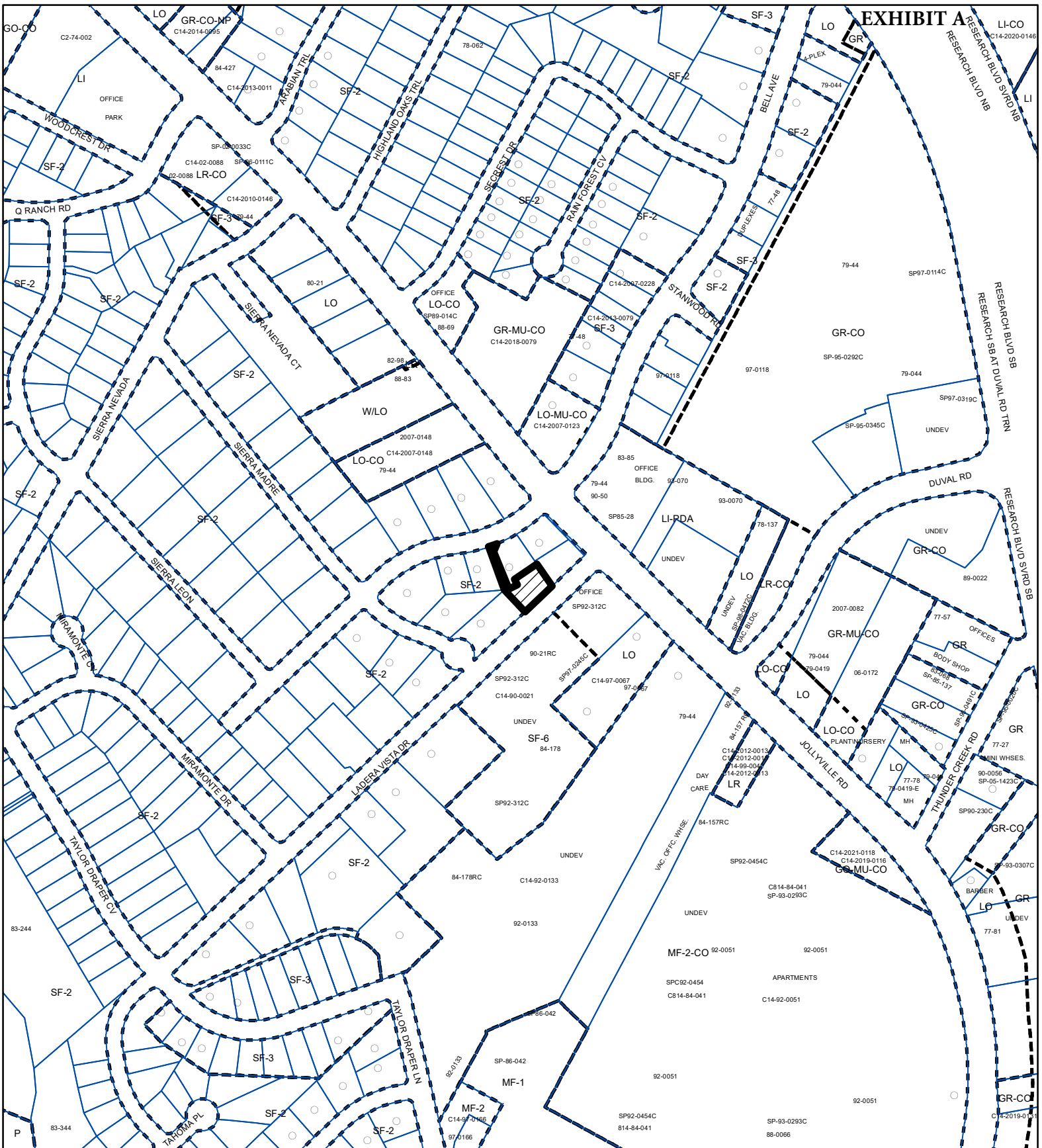
Depending on the development plans submitted, water and or wastewater service extension requests may be required.

All new development within the proposed project will be subject to City Code Chapter 25-9 and any future amendments relating to reclaimed water connections, water benchmarking, and mandatory onsite water reuse.

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

#### INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Petition Submittal
- D. Comments Received



## ZONING

ZONING CASE#: C14-2023-0083



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

1" = 400'

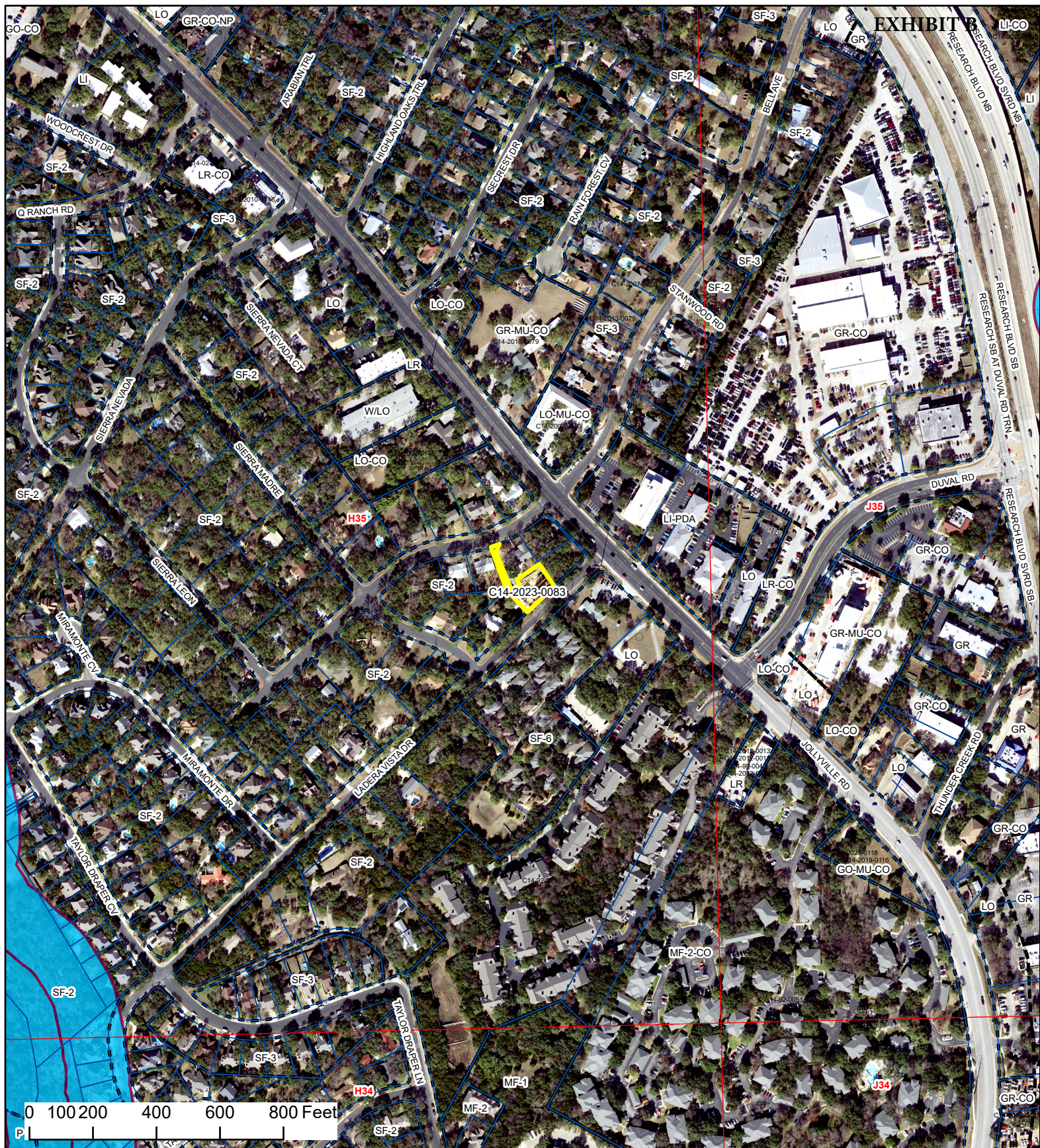
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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







Created: 7/14/2023





### Ladera Vista by Stature Homes

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

ZONING CASE#: C14-2023-0083  
 LOCATION: 11622 Ladera Vista Drive  
 SUBJECT AREA: 0.3 Acres  
 GRID: H35  
 MANAGER: Sherri Sirwaitis



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Created: 7/26/2023



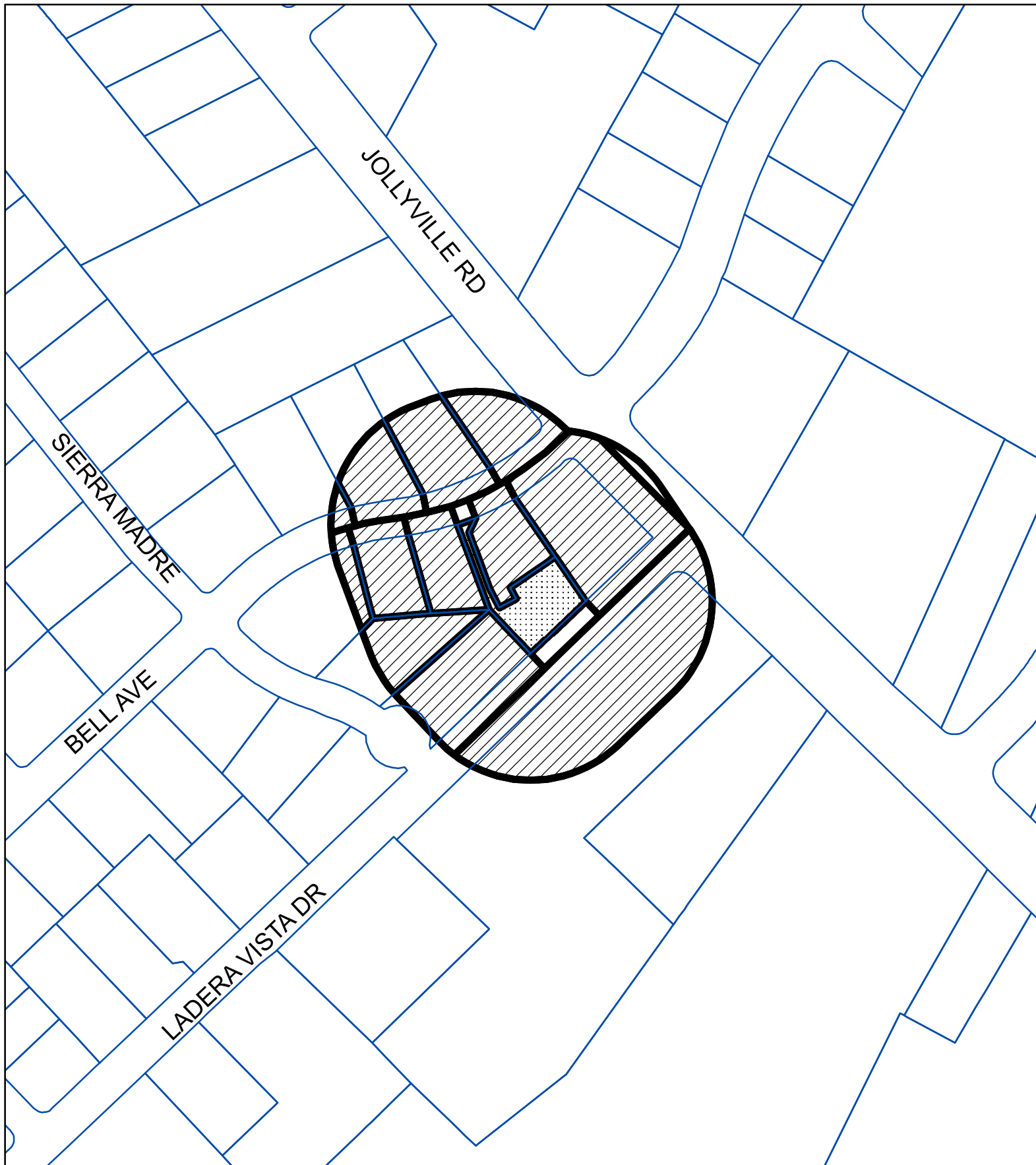
Case Number:  
**C14-2023-0083**

## PETITION

Date: 9/12/2023  
Total Square Footage of Buffer: 269651.9742  
Percentage of Square Footage Owned by Petitioners Within Buffer: 25.41%

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
0162010503	5700 SIERRA MADRE 78759	BAUGH ELWOOD O & MARY E	yes	26223.85	9.73%
0162010507	11603 1/2 BELL AVE AUSTIN 78759	BOOZARI AKBAR	yes	13737.68	5.09%
0162010403	11606 BELL AVE AUSTIN 78759	CONFIDENTIAL OWNER	no	18196.03	0.00%
0162010510	11605 BELL AVE 78759	COVEY RICHARD & DEREK V KEITH	no	14661.46	0.00%
0162010405	11602 BELL AVE AUSTIN 78759	FRICK SALLY I	yes	1826.62	0.68%
0162010402	11608 BELL AVE AUSTIN	HAILEY WILLIAM MORGAN & DARIA MITENOVA	no	15710.13	0.00%
0162010506	11603 BELL AVE AUSTIN 78759	HUDSON JAMES	yes	13684.28	5.07%
0162010404	11604 BELL AVE AUSTIN 78759	KEK TRUST	no	13709.66	0.00%
0162010505	11601 BELL AVE	MUNOZ YVONNE & ADAM MICHAEL BUSH	no	4464.07	0.00%
0162010504	5704 SIERRA MADRE 78759	SANDERS ROLLAND CARAWAY &	yes	13035.96	4.83%
0162010501	11607 BELL AVE	YEUNG RAYMOND & XIAOPING DAI	no	43836.04	0.00%
0162011201	Address Not Found		no	70250.25	0.00%
<b>Total</b>				<b>249336.04</b>	<b>25.41%</b>



BUFFER

PROPERTY\_OWNER

SUBJECT\_TRACT

## PETITION

Case#: C14-2023-0083

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1" = 200'

P E T I T I O N

Date: AUG 16<sup>th</sup>

File Number: C14

CASE # C14-2023-0083

Address of

Rezoning Request: 11622 LADERA VISTA  
AUSTIN TX 78759

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-2 Single Family Residence  
(STANDARD LOT DIST)

(STATE REASONS FOR YOUR PROTEST)

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

<u>Lisa Baugh</u>	<u>Lisa Baugh</u>	<u>5700 SIERRA MADRE</u>
<u>Brett Baugh</u>	<u>Brett Baugh</u>	<u>5700 Sierra Madre</u>
<u>AKBAR BAZZARI</u>	<u>AKBAR BAZZARI</u>	<u>11603 1/2 Bell Ave</u>
<u>Mrs. &amp; Mr. Kenny Hageman</u>	<u>KENNY + ERICA HAGEMAN</u>	<u>11604 BELL AVE</u>
<u>JAMES HUNSON</u>	<u>JAMES HUNSON</u>	<u>11603 BELL AVE</u>
<u>Cynthia Florez</u>	<u>Cynthia Florez</u>	<u>5704 Sierra Madre</u>
<u>Roland Sanders</u>	<u>Roland Sanders</u>	<u>5704 Sierra Madre</u>
<u>Sally Frick</u>	<u>Sally Frick</u>	<u>11602 Bell Ave, Austin</u>

Date: 8-16-2023

Contact Name: Lisa Baugh

Phone Number: 956-372-5837



#3 There is also a concern for the safety of many pedestrians who routinely walk, jog, run or bike with increased traffic on Ladera Vista. Ladera Vista is 1 of 2 Roads that the community uses to gain access to the main road when driving a vehicle.

#4 In addition, Increased Noise pollution, Physical pollution and the possibility of higher crime levels as well as the displacement of wildlife. Habitat that continue to be forced out of their natural environment are also areas of concern. Lastly the zone should not change to accommodate special interests of an individual owner wanting to expand his portfolio.

Trading very little positive beneficial economic impact for disrupting the life and well being of community members that want to preserve and maintain its culture.

Homeowners choose to purchase their property in this area based largely on its character & surroundings.

Rezoning would change the tri sector forever after the nature of the summit oaks subdivision in a negative manner. I hope and trust that the Council will take the issues into consideration with the communities seed back + mind.

Thank you, Sincerely  
 Lisa Baugh  
 Brett Baugh



Brett Baugh 737 333 0275  
Lisa Baugh 956 372-5837  
Home 512-828-7713  
5700 Sierra Madre Austin TX

July 30 2023

Case# CH-2023-0083

Dear City Council,

We, the undersigned owners 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 Zone SF-2 = Single family residence (standard lot) district.

We, the beneficiaries of the property held in the "Baugh Family Trust" located at 5700 Sierra Madre Austin TX 78759 by Elewood & May Baugh who are now deceased; have been notified of an application by a developer requesting rezoning of the property at 11622 Ladera Vista Austin TX 78759 which is part of the sunset acres subdivision.

Respectfully we would like to express our strong opposition to allowing the change in zoning of the property which we share 100ft of property line ~~with~~ <sup>with</sup> with the following reasons:

#1 OUR Subdivisions Deed Restrictions; Specifically articles III, IX & XI

State that No Structure except out Building Reasonably appropriated and incidental to the personal enjoyment of the residents shall be erected on the premises.

#2 Building a residential structure on the applicants proposed site would be detrimental to the well being of ~~my~~ property for the reasons listed below. → A The land preparation that has already occurred has raised the land slope/<sup>LP</sup> ~~Grade~~ <sup>Grade</sup> causing substantial Flooding and erosion of my property each time it rains. If the existing land is again additionally raised to properly build a structure, will cause an increase in the degradation that currently already exists on my property.

continued →

Parcel  
Number  
0162 010503  
0000

**From:** [rchavezr](#)  
**To:** [Sirwaitis, Sherri](#)  
**Subject:** Case # C14-2023-0083  
**Date:** Wednesday, September 13, 2023 2:05:55 PM

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External Email - Exercise Caution

Ms. Sirwaitis,

I am in favor of the proposed development regarding the above case number. Thank you.

Sincerely,  
Rita Chavez-Riley

Sent from my iPhone

CAUTION: This is an EXTERNAL email. Please use caution when clicking links or opening attachments. If you believe this to be a malicious or phishing email, please report it using the "Report Message" button in Outlook or forward to [cybersecurity@austintexas.gov](mailto:cybersecurity@austintexas.gov).

**From:** [Daria Mitenova](#)  
**To:** [Sirwaitis, Sherri](#)  
**Subject:** Case # C14-2023-0083  
**Date:** Wednesday, September 13, 2023 1:50:50 PM

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External Email - Exercise Caution

Hello Sherri,

My husband and I are in favor of rezoning.  
Our address 11608 Bell Ave, Austin, TX 78759  
Daria Mitenova & William Hailey.

Feel free to reach me at 512-577-2757

Sincerely, Daria Mitenova  
Sent from my iPhone

CAUTION: This is an EXTERNAL email. Please use caution when clicking links or opening attachments. If you believe this to be a malicious or phishing email, please report it using the "Report Message" button in Outlook or forward to [cybersecurity@austintexas.gov](mailto:cybersecurity@austintexas.gov).

**From:** [Tanzola, Michelle](#)  
**To:** [Sirwaitis, Sherri](#)  
**Subject:** Re: URGENT: Proposed zoning change  
**Date:** Monday, September 18, 2023 9:04:07 AM

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Okay, thank you. Please consider this email as my family's input to DENY this zoning change request. My home address is 5801 Taylor Draper Cove, 78759.

Thanks!

Best,

Michelle Tanzola  
Public Information and Marketing Manager  
Austin Fire Department

Check out our website: [www.austinfiredpartment.org](http://www.austinfiredpartment.org)

On Sep 18, 2023, at 9:00 AM, Sirwaitis, Sherri  
<Sherri.Sirwaitis@austintexas.gov> wrote:

Hi Ms. Tanzola,

As required by law, a Notice of Public Hearing was sent out to all property owners, renters and registered neighborhood associations within 500 feet of the proposed zoning change (please see attached). A petition application only applies to the property owners within 200 feet of the rezoning case. Anyone can send in the return comment form from the notice or e-mail me, the case manager, comments that will be included with the backup material for the case.

Thank you,

***Sherri Sirwaitis***

*City of Austin*

*Planning Department*

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

*512-974-3057(office)*

Please note: E-mail correspondence to and from the City of Austin is subject to required disclosure under the Texas Public Information Act.

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**From:** Tanzola, Michelle <>  
**Sent:** Monday, September 18, 2023 8:21 AM  
**To:** Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>



**Subject:** Re: URGENT: Proposed zoning change

Thanks for the info. I have two questions:

1. Why weren't neighbors contacted about this proposed zoning change? I realize the dozen or so immediately surrounding the area in question were and that about half of those said "no" to the proposed change, but the rest of us who have to get to our houses by way of Ladera Vista were not and (b) how do we go about expressing our "no" vote to the powers that be before the hearing tomorrow?

Best,

Michelle Tanzola  
Public Information and Marketing Manager  
Austin Fire Department

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\_\_\_\_\_

Check out our website: [www.austinfireddepartment.org](http://www.austinfireddepartment.org)

On Sep 18, 2023, at 7:42 AM, Sirwaitis, Sherri  
<[Sherri.Sirwaitis@austintexas.gov](mailto:Sherri.Sirwaitis@austintexas.gov)> wrote:

Hi Ms. Tanzola,

Here is the zoning case report that was posted online for the Zoning and Platting Commission and the public's review (please see attached):

[https://www.austintexas.gov/cityclerk/boards\\_commissions/meetings/54\\_1.htm](https://www.austintexas.gov/cityclerk/boards_commissions/meetings/54_1.htm)

Please let me know if you have any questions.

Thank you,

***Sherri Sirwaitis***

*City of Austin*

*Planning Department*

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

*512-974-3057 (office)*

Please note: E-mail correspondence to and from the City of Austin is subject to required disclosure under the Texas Public Information Act.

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**From:** Tanzola, Michelle <>

**Sent:** Friday, September 15, 2023 9:08 PM

**To:** Sirwaitis, Sherri <[Sherri.Sirwaitis@austintexas.gov](mailto:Sherri.Sirwaitis@austintexas.gov)>

**Subject:** URGENT: Proposed zoning change

Hi Sherri! What can you tell me about this? See photo.

<image001.jpg>

Best,

Michelle Tanzola

Public Information and Marketing Manager

Austin Fire Department

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Check out our website: [www.austinfiredepartment.org](http://www.austinfiredepartment.org)

<Backup for C14-2023-0083 (Ladera Vista) Revised.pdf>

<mime-attachment>

**From:** [Jack Zuhosky](#)  
**To:** [Sirwaitis, Sherri](#)  
**Subject:** Case# C14-2023-0083 (Hearing date: Sept. 19, 2023)  
**Date:** Monday, September 18, 2023 11:49:57 PM

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External Email - Exercise Caution

ATTN: Sherri Sirwaitis

To: Land Use Commission and Austin City Council

Gentlemen:

I am the owner of real property at 5701 Sierra Madre, Austin, TX 78759 and I have an interest in this case. I have lived in the neighborhood here since 1972 and am familiar with the subject property (it was the local football field for children in the neighborhood) and so I can attest that the property is subject to flooding in heavy rains (more so than other houses in the area.)

I am opposed to any change in zoning of the subject property that alters the use of such tract from single-family residential use. I am opposed because (1) change to any other use would have a negative impact on my property value, and (2) because adding impermeable cover at that location will force even more rain water and runoff into drainage infrastructure that cannot support the added burden. At the present time, there is already limited flooding around the culvert running across Sierra Madre at Ladera Vista, carrying rain runoff in the bar ditch down the hill to the south.

The drainage issue will exist whether the improvements there are single or multi-family properties, but I presume a multi-family structure would include additional pavement than single-family use, which will only further aggravate the issue.

Additionally, as the rest of the neighborhood is single-family use, multi-family use at the subject location would not be in keeping with the prevailing character of the neighborhood, and would serve to depress the value of surrounding properties.

I appreciate your consideration of this matter and urge you to deny the requested variance.

Sincerely,  
John Alan Zuhosky, JD  
Property owner and interested party

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## 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 participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.



Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code: <https://bit.ly/ATXZoningComment>.

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

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

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

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

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the 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. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2023-0083

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: September 19, 2023, Zoning and Platting Commission

GILBERT HERBANDUZ  
Your Name (please print)

☐ I am in favor  
☒ I object

11603 LAPEKA VISTA, W.R. 26, 78754

Your address(es) affected by this application (optional)

Gilbert 20230912  
Signature Date

Daytime Telephone (Optional):

Comments:

Proposed zoning change to SF-3 will set a precedent for increased density that this neighborhood retains existing zoning.

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

City of Austin, Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

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