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# **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2013-0098

**Z.A.P. DATE:** September 3, 2013

**ADDRESS:** 9900 Mandeville Circle

**OWNER/APPLICANT:** Balcones Country Club Membership Association (David Dew)

**AGENT:** Hutson Land Planners (Duane Hutson)

**ZONING FROM:** RR

**TO:** SF-1

**AREA:** 0.7292 acres (31,764 sq. ft.)

## **SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant SF-1, Single Family Residence-Large Lot District, zoning.

## **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

## **DEPARTMENT COMMENTS:**

The property in question is currently undeveloped tract of land. The applicant is requesting a rezoning from RR to SF-1 to construct a single family residence on the property. The staff recommends the applicant's request for SF-1 zoning because the property fronts meets the intent of the SF-1 district and fronts onto a local residential street, Mandeville Circle. The site is located adjacent to existing SF-1 zoning and single family residential uses to the south, east and west.

The applicant agrees with the staff's recommendation.

## **EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	RR	Undeveloped
<i>North</i>	RR	Golf Course
<i>South</i>	SF-1	Single Family Residence
<i>East</i>	SF-1	Single Family Residence
<i>West</i>	SF-1	Single Family Residence

**AREA STUDY:** N/A

**TIA:** Not Required

**WATERSHED:** Bull Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

## **NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation  
Austin Monorail Project  
Balcones Village-Spicewood Home Owners Association  
Bike Austin

Bull Creek Foundation  
 Homeless Neighborhood Association  
 Long Canyon Homeowners Association  
 Long Canyon Phase II & III Homeowner Association Inc.  
 SELTEXAS  
 Sierra Club, Austin Regional Group  
 Super Duper Neighborhood Objectors and Appealers Organization  
 The Real Estate Council of Austin, Inc.

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**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-98-0011 (Hidden Forest: 9907 Anderson Mill Road)	DR to SF-1	3/03/98: Approved SF-1 on consent (7-0)	3/26/98: Approved PC re. of SF-1 (6-0); all 3 readings

**RELATED CASES:** C7L-98-007 (Annexation – December 21, 1998)

**ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Mandeville Cir	50	27	Local	No	No	No

**CITY COUNCIL DATE:** September 26, 2013

**ACTION:**

**ORDINANCE READINGS:** 1st

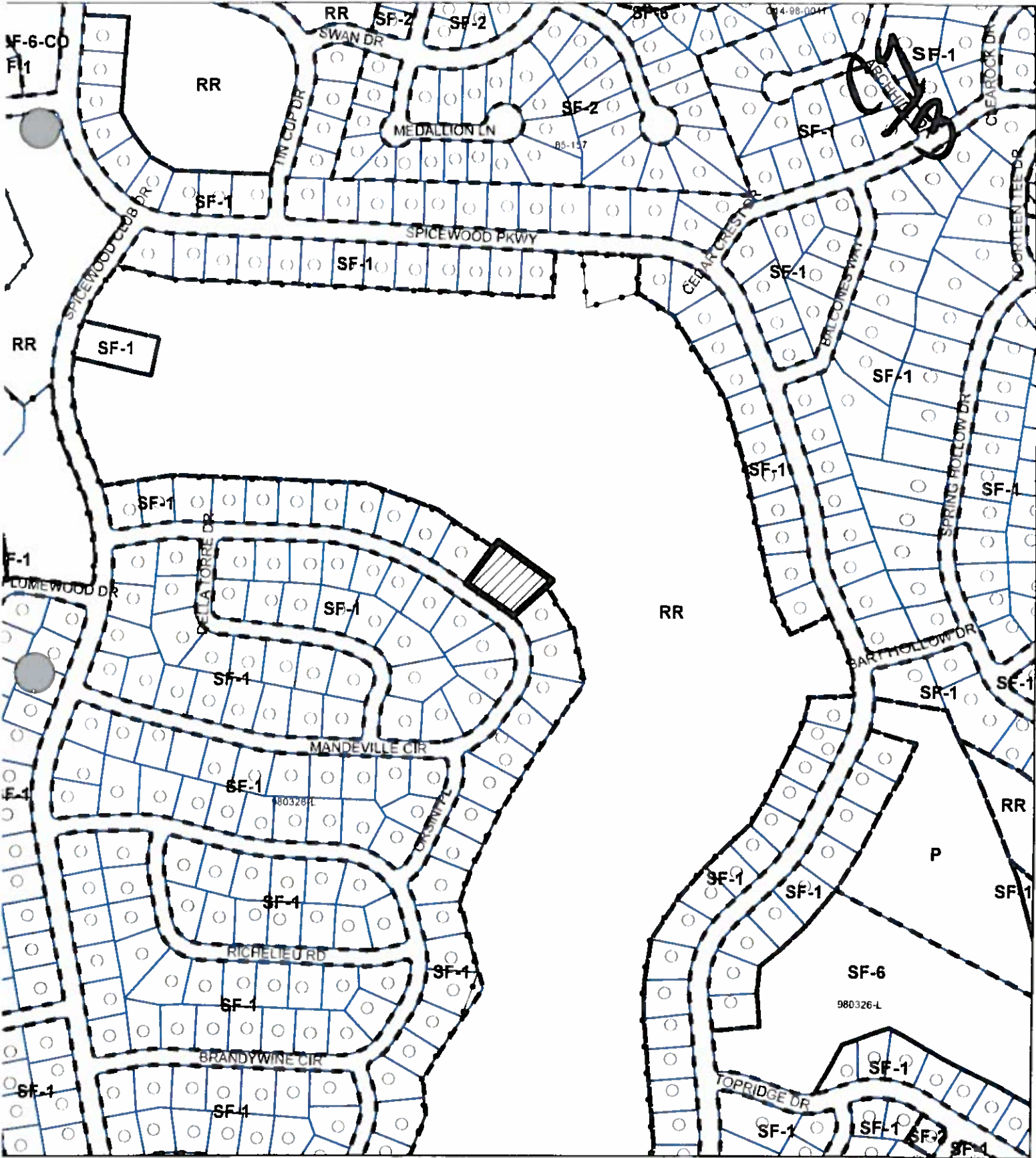
2<sup>nd</sup>





3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057,  
[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)



-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

## ZONING

CASE#: C14-2013-0098

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.



1" = 400'











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## STAFF RECOMMENDATION

The staff's recommendation is to grant SF-1, Single Family Residence-Large Lot District, zoning.

## BASIS FOR RECOMMENDATION

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

Single-family residence large lot (SF-1) district is the designation for a low density single-family residential use on a lot that is a minimum of 10,000 square feet. An SF-1 district designation may be applied to a use on land with sloping terrain or environmental limitations that preclude standard lot size or to a use in an existing residential development on a lot that is 10,000 square feet or more.

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

The proposed zoning promotes consistency and orderly planning because there are existing single family residential uses to the south, east and west of this site. The property in question is located adjacent to SF-1 zoning and fronts onto a local residential street, Mandeville Circle.

## EXISTING CONDITIONS

### Site Characteristics

The site under consideration is currently an undeveloped tract of land. The Balcones Country Club golf course is located to the north. There are single family homes to the south, east and west.

### Comprehensive Planning

RR to SF-1 (Single Family Large Lot)

This zoning case is located on a .72 acre vacant lot on the north side of Mandeville Circle and is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes a golf course to the north, and single family houses to the east, west and south. The developer wants to build a single family house on the property.

### Imagine Austin

The site is located over the Edwards Aquifer Recharge Zone, as identified on the Imagine Austin's Environmental Resources Map, found in the Image Austin Comprehensive Plan (IACP). An aquifer contributing zone is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and "contribute" water to the aquifer.

The overall goal of the IACP is to achieve '*complete communities*' across Austin, where housing, services, retail, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another. Page 107 of the IACP states, "*While most new development will be absorbed by centers and corridors, development will happen in other areas within the city limits to serve neighborhood needs and create complete communities. Infill development can occur as redevelopment of obsolete office, retail, or residential sites or as new*

*development on vacant land within largely developed areas. New commercial, office, larger apartments, and institutional uses such as schools and churches, may also be located in areas outside of centers and corridors. The design of new development should be sensitive to and complement its context. The Growth Concept Map not only guides where Austin may accommodate new residents and jobs but also reflects the community intent to direct growth away from environmentally sensitive areas including, but not limited to, the recharge and contributing zones of the Barton Springs segment of the Edwards Aquifer, and to protect the character of neighborhoods by directing growth to areas identified by small area plans."*

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses the promotion of a variety of housing types and building over environmentally sensitive lands:

- **LUT P22** Protect Austin's natural resources and environmental systems by limiting land use and transportation development in sensitive environmental areas and preserving areas of open space.
- **CE P2.** Conserve Austin's natural resources systems by limiting development in sensitive environmental areas, including the Edwards Aquifer, its contributing and recharge zones, and endangered species habitat.
- **H P1.** Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin's diverse population.

Based on the property being located within the boundaries of an existing residential subdivisions, and the Imagine Austin policies referenced above that supports a variety of housing types throughout Austin, staff believes that the proposed residential use is consistent with the Imagine Austin Comprehensive Plan as long as environmental ordinances are enforced over this environmentally sensitive area.

### **Environmental**

The site is located over the Edwards Aquifer Recharge Zone. The site is in the Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no flood plain in or within close proximity of 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.

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.



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Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

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

### **Impervious Cover**

The maximum impervious cover allowed by the SF-1 zoning district would be 40%. However, because the Watershed impervious cover is more restrictive than the GR zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

Under the current watershed regulations, development or redevelopment on 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%

Note: The most restrictive impervious cover limit applies.

### **Site Plan**

No site plan comments.

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

### **Transportation**

No additional right-of-way is needed at this time.

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].

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Mandeville Cir	50	27	Local	No	No	No

### **Water and Wastewater**

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 the Austin Water Utility for compliance with City criteria. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

**Sirwaitis, Sherri**

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From: [REDACTED]  
Sent: Wednesday, August 28, 2013 8:32 AM  
To: Sirwaitis, Sherri  
Subject: Comments: Case Number C14-2013-0098

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August 28, 2013

**Case Number: C14-2013-0098**  
**Contact: Sherri Sirwaitis, 512-974-3057**  
**Public Hearing: Sep 3, 2013, Zoning and Platting Commission**  
**Sep 26, 2013, City Council**

From: Jerry Moon                      I object  
9830 Mandeville Circle  
Austin, Tx 78750  
512 258 4583; 512 851 6420 cell

**Comments:**

I ask that the rezoning be denied as I believe it is completely counter to the intent that the golf course land is to be used for perpetuity as golf and recreation land and the rezoning is illegally breaking a covenant restriction to that effect in the current deed. In my case, the land at 9900 Mandeville was represented to me as greenbelt in a 1972 plat map that was instrumental in my purchase of the adjacent home at 9830 Mandeville.

**Further, the rezoning and subsequent development:**

- Would result in downgrade of the natural balance, attractiveness, and value of the Spicewood Balcones neighborhood
- Would reduce value of homes that were built/purchased based on the presence of a functioning golf course and greenbelt areas
- Would create watershed issues (i.e. due to excessive slopes and increased impervious cover) that are so severe that development cannot be made to comply with the city Land Development Code

The watershed issue is illustrated by the 9900 Mandeville parcel. It is at the bottom of a dip in the street where the lot slopes greater than 35%. The dip collects runoff from both the north and south legs of Mandeville Circle which slope all the way to Spicewood Club drive. Further, a culvert under the road collects all runoff from Del Torre road which intersects both legs of Mandeville circle. During storms, the water is turbulent, over the curb and with whitecaps. In addition to roadway runoff, the entire lot at 9900 Mandeville is even more excessively sloped. 76% of the lot has greater than 15% slope and 40% has greater than 25% slope. Water has eroded the hillside of the lot and gouged a drainage creek bed at the bottom.

As an example of the impact on affected homeowners, the home at 9830 Mandeville was built in 1976 and we purchased in 1986. We purchased with the full expectation and understanding that the plat of Spicewood at Balcones Village was final, and that the deed covenant and restrictions on the greenbelt land and waterway as well as Spicewood Country Club would continue to be honored to preserve the natural and traditional character of the neighborhood. Now the golf course has been closed, greatly affecting property values, and now forced construction in excessively sloped land further threatens value and the sustained beauty of the neighborhood as well as our property at 9830 Mandeville.



Jerry Moon  
Austin, Tx 78750  
T +1 512 258 4583 | C +1 512 851 6420  


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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 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](http://www.austintexas.gov)

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: C14-2013-0098

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Sep 3, 2013, Zoning and Platting Commission

Sep 26, 2013, City Council

Veronica Tony  
Your Name (please print)

11203 Della Torre Dr  
Your address(es) affected by this application

[Signature]  
Signature

Aug 26, 2013  
Date

Daytime Telephone: 512-257-0938

Comments: Wildlife protection:

-We currently have major flooding problems during storms. The affected lot acts as a drainage of excess water. Any build up of this natural flood zone will cause issues for other lots, such as mine. I object the rezoning without additional water/drainage planning

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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## PUBLIC HEARING INFORMATION

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Case Number: C14-2013-0098

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Sep 3, 2013, Zoning and Platting Commission

Sep 26, 2013, City Council

*Bonnie GRATAKS*

Your Name (please print)

*9823 Mandeville Circle*

Your address(es) affected by this application

*5125 Giff*

Signature

*9/27/13*

Date

Daytime Telephone: *(512) 250-9155*

Comments: *This lot has steep slopes and limited sit-back area - and is used as a drainage way for the surrounding neighborhood. If it is changed in any way would have to be in order to be developed it would mean that mature trees would need to be removed and the integrity of the area removed. No longer divided as drainage in the event of a heavy storm.*

If you use this form to comment, it may be returned to: *(confidential or enclosure)*

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

*12/17*



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The original covenants and restrictions prohibit development of this lot for any use other than greenway and drainage. Modification or change of these covenants and restrictions is inconsistent with the community master plan and the overall Austin Regional Master plan approved by the city at the time of annexation. The master plan would have to be modified if the zoning commission believes that this rezoning is appropriate.

This lot, with its numerous trees and rocks, is also home to Rock Squirrels and possibly to protected species like the Barton Springs Salamander, the Austin Blind Salamander and the Jollyville Plateau Salamander.

Thank you for your consideration.

Bonnie Fayalis  
9833 Mandeville Cir.  
Austin 78750

**P E T I T I O N**

Date: August 25, 2013

File Number: C14-2013-0098

Address of

Rezoning Request: 9900 Mandeville Circle

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 RR – Golf Course.

It has been our understanding that the Golf Course properties were to be used for golf or recreational purposes in perpetuity. The land in issue is a part of the Golf Course properties. We believe the applicant in this case intends to develop this land, perhaps constructing a homestead (although a bed and breakfast appears to be a permitted use under the requested SF-1 zoning), which is in direct contravention of our understanding and the decades-old deed restrictions which are currently in place covering and protecting the Golf Course properties from this sort of development.

Rezoning this property to SF-1 is contradictory to the deed restrictions as it allows residential development, which is neither golf nor recreational use. Allowing the rezoning will open the buyer up to potential litigation filed by the beneficiaries of these deed restrictions (current homeowners in the area) down the road. Allowing the re-zoning could be misleading to the buyers and others.

Prior to its abolition by the City of Austin, the Northwest Travis County MUD #2 (MUD) transferred the Golf Course properties, including the land in issue, with a restriction that the transferred properties would be used as a golf course, a restriction it stated would run with the land. The properties were then deeded to the Balcones Country Club Membership Association, which the restriction that the properties be used for golf and recreational purposes.

The City of Austin, per Ordinance dated December 4, 1997, abolished and assumed the obligations of the MUD. The City has the ability, and perhaps the obligation, to enforce the deed restriction, pursuant to its takeover of the MUD. Allowing re-zoning implies that the land can be used for other purposes, which is inconsistent with the restriction the City now holds the right to enforce.

Allowing re-zoning of the land in issue, although it is a small parcel in and of itself, could open the door to broader development of the Golf Course properties, which will be detrimental to the current homeowners in the neighborhood. It is especially troubling to those who have maintained homesteads adjacent to the Golf Course properties, with the assumption that the deed restrictions in place would protect the Golf Course properties from development and protect the investment made in this community.

Last, we believe that the land in issue may be in the flood zone. Allowing its development may cause erosion or flooding concerns for the adjacent properties, with a potential impact on wildlife.

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

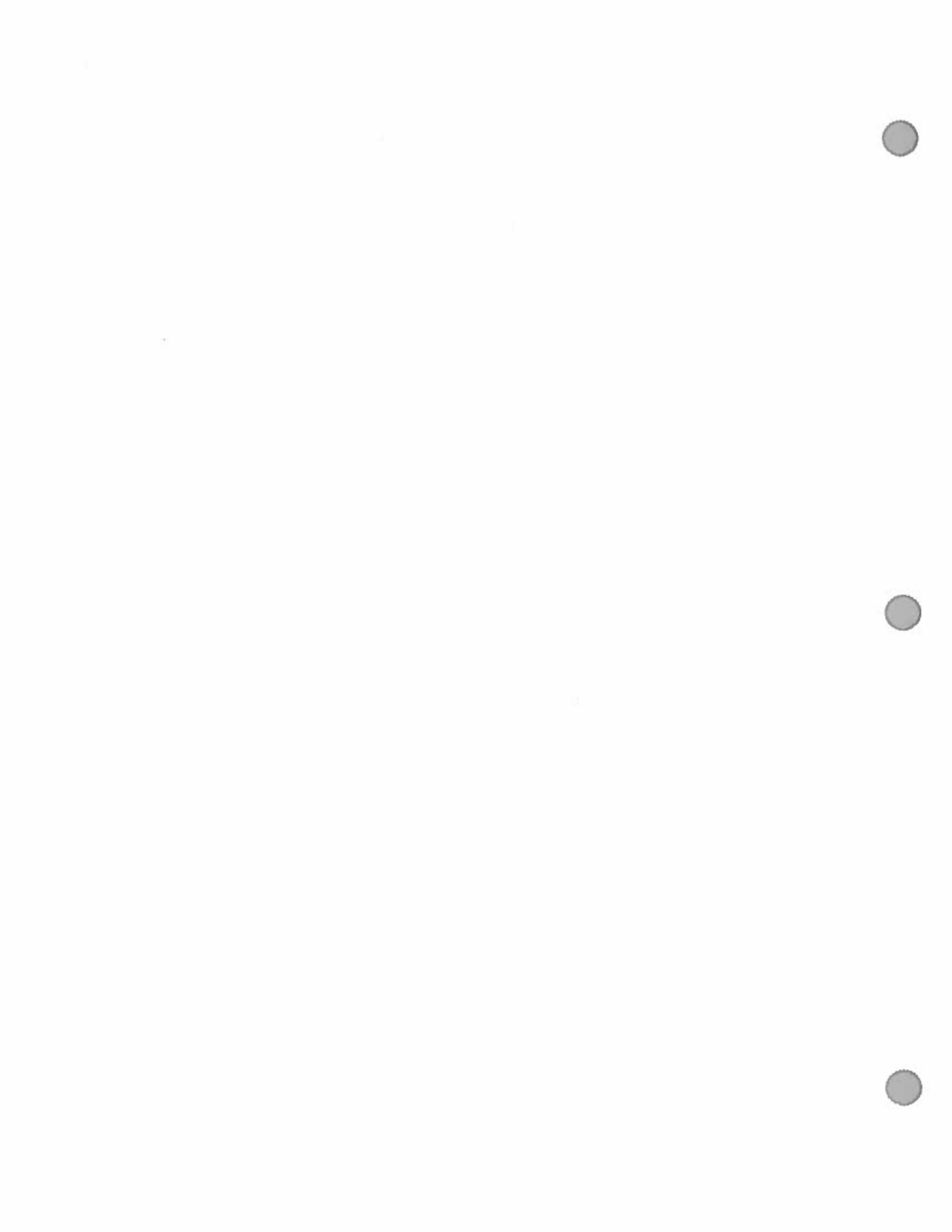
<u>Buddy E. Tripp</u>	<u>Buddy E. Tripp</u>	<u>9828 Mandeville Circle</u> <u>Austin, TX 78750-2855</u>
<u>Emma Tripp</u>	<u>EMMA TRIPP</u>	<u>9828 Mandeville Circle</u> <u>Austin, TX 78750-2855</u>

Date: 8/28/2013

Contact Name: Buddy E. Tripp

Phone Number: 512-258-0978





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August 30, 2013

**Case Number: C14-2013-0098**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: Sep 3, 2013, Zoning and Platting Commission  
Sep 26, 2013, City Council**

From: Jerry Moon                      I object  
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512 258 4583; 512 851 6420 cell

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Further, the rezoning and subsequent development:

- Would result in downgrade of the natural balance, attractiveness, and value of the Spicewood Balcones neighborhood
- Would reduce value of homes that were built/purchased based on the presence of a functioning golf course and greenbelt areas
- Would create watershed issues (i.e. due to excessive slopes and increased impervious cover) that are so severe that development cannot be made to comply with the city Land Development Code

The watershed issue is illustrated by the 9900 Mandeville parcel. It is at the bottom of a dip in the street where the lot slopes greater than 35%. The dip collects runoff from both the north and south legs of Mandeville Circle which slope all the way to Spicewood Club drive. Further, a culvert under the road collects all runoff from Del Torre road which intersects both legs of Mandeville circle. During storms, the water is turbulent, over the curb and with whitecaps. In addition to roadway runoff, the entire lot at 9900 Mandeville is even more excessively sloped. 76% of the lot has greater than 15% slope and 40% has greater than 25% slope. Water has eroded the hillside of the lot and gouged a drainage creek bed at the bottom.

As support of the impossibilities created by the excessive slopes on 9900 parcel, consider that the Country Club has found that due to excessive slopes it could not comply with watershed requirements based on its original real estate listing, and in an attempt to comply has extended the depth of the parcel for sale by 25 feet. This will not cure the watershed issues. What's more, there is power line above what would now be the heart of the parcel and its easement setback will severely limit the buildable area. Adding to this, the attempt to develop will likely mean excavating and dynamite risks as the contractor positions a foundation as close as possible to the home and swimming pool at 9830 Mandeville.

Related to the watershed issues are the complicating factors that protected and even heritage trees, as well as many other medium size trees are critical to managing runoff. The extensive cuts and fills required to provide a flat surface for any building would not only be impossible at

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the outset and out of code, but would soon be washed away by raging rain water. Further, development will destroy the habitat of abundant wildlife on the 9900 Mandeville parcel.

As an example of the impact on affected homeowners, the home at 9830 Mandeville was built in 1976 and we purchased in 1986. We purchased with the full expectation and understanding that the plat of Spicewood at Balcones Village was final, and that the deed covenant and restrictions on the greenbelt land and waterway as well as Spicewood Country Club would continue to be honored to preserve the natural and traditional character of the neighborhood. Now the golf course has been closed, greatly affecting property values, and now forced construction in excessively sloped land further threatens value and the sustained beauty of the neighborhood as well as our property at 9830 Mandeville.



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August 29, 2013

Sherri Sirwaltis  
Planning & Development Dept  
City of Austin, Texas

Dear Ms. Sirwaltis,

This correspondence is being sent in connection with the following rezoning cases in the Balcones/Spicewood neighborhood:

Number C14-2013-0097 for property at 11300 Spicewood Parkway, Austin, TX 78750  
Number C14-2013-0096 for property at 11512 Spicewood Parkway, Austin, TX 78750  
Number C14-2013-0098 for property at 9900 Mandeville Circle, Austin, TX 78750  
Number C14-2013-0095 for property at 9405 Fourteen Tee Drive, Austin, TX 78750

Balcones Club Management LP (Balcones Club) has entered into a 99 year lease with Balcones Country Club Membership Association (BCCMA), the owner of Balcones Country Club and the parcels subject to the action above. Balcones Club is responsible for the successful operations of the Country Club.

We agree to the removal of the parcels identified above from our lease upon their successful sale. The parcel sales will not impact operations at the Country Club and funds generated from these sales will be reinvested into the facility of the Country Club, which will in turn have a positive impact on the community.

Regards,

Ken Story

Partner

Balcones Club Management LP  
an affiliate of Arnold Palmer Golf Management

5430 LBJ Freeway  
Three Lincoln Centre  
Suite 1400  
Dallas, Texas 75240  
T 972 419 1400  
F 972 419 1450  
[www.centurygolf.com](http://www.centurygolf.com)  
[www.palmergolf.com](http://www.palmergolf.com)

