THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2013-0045 Huber Family Tract

REQUEST: Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code rezoning the property locally known as 4200 Rivercrest Drive (Lake Austin Watershed) from Lake Austin (LA) district zoning to Single Family Residential, Standard Lot, Conditional Overlay (SF-2-CO) combining district zoning.

DEPARTMENT COMMENTS:

The conditions imposed by City Council on First and Second Reading have been incorporated into the ordinance and attachments.

APPLICANT: Brian Huber

AGENT: Land Answers (Jim Wittliff)

DATE OF FIRST READING: June 27th, 2013, Approved SF-2-CO combining district zoning on First Reading (5-1) Council Member Morrison voted nay, Council Member Spelman off the dais.

DATE OF SECOND READING: September 26th, 2013, Approved SF-2-CO combining district zoning on Second Reading (7-0).

CITY COUNCIL HEARING DATE: August 8th, 2013 – Postponed to August 22nd by the staff
August 22nd, 2013 – Postponed to August 29th by the applicant.
August 29th, 2013 – Postponed to September 26th by the staff.
November 21st, 2013

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Clark Patterson
ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0045 Huber Family Tract
ADDRESS: 4200 River Crest Drive
APPLICANT: Brian Huber
NEIGHBORHOOD PLAN AREA: N/A
T.I.A.: No
WATERSHED: Lake Austin

ZONING FROM: LA – Lake Austin Residence
ZONING TO: SF-2 Single Family Residential, Standard Lot

Z. P. C. DATE: 06-04-13
AREA: 0.432 acres
AGENT: Land Answers (Jim Wittliff)
CAPITOL VIEW: No
HILL COUNTRY ROADWAY: No
DESIRED DEVELOPMENT ZONE: No

SUMMARY STAFF RECOMMENDATION:
Staff recommends SF-2-CO, Single Family Residential, Standard Lot – Conditional Overlay zoning. The conditional overlay would limit the lot to one (1) single family residence and require a twenty five foot (25’) setback from the west property line.

ZONING AND PLATTING COMMISSION RECOMMENDATION:
The motion to Deny staff’s recommendation for SF-2 district zoning, was made by Commissioner Jason Meeker, Commissioner Patricia Seeger seconded the motion on a vote of (3-3); Commissioners Cynthia Banks, Betty Baker and Sean Compton voted against the motion (nay), Commissioner Gabriel Rojas was absent. MOTION FAILED.

2nd Motion: The motion to approve SF-1-CO district zoning, was made by Chairwoman Betty Baker, Commissioner Sean Compton seconded the motion on a vote of (3-3); Commissioners Jason Meeker, Patricia Seeger and Rahm McDaniel voted against the motion (nay), Commissioner Gabriel Rojas was absent. MOTION FAILED. No action taken, forward to City Council with no recommendation from the commission.

DEPARTMENT COMMENTS:
The lot is currently undeveloped. This lot was platted as part of the Aqua Verde Subdivision and the plat was recorded at the Travis County Courthouse on September 10th, 1965 and part of the McDett State Subdivision recorded at the Travis County Courthouse on January 1st, 1973. The average lot size for all of the lots in the Aqua Verde subdivision is 6,500 approximately 37,000 square feet short of the minimum one acre, or 43,560 square feet of land needed to comply with the Lake Austin Residence (LA) zoning designation. In 1983, the City initiated the Lake Austin Area Study under case number C14-83-003. The Lake Austin Area Study included over 270 properties and gave these properties the opportunity to adjust their interim and/or permanent zoning to either Lake Austin Residence (LA), Single Family Residence, Standard Lot (SF-2) or Single Family Residence (SF-3). This property was not included in the study. The subject property contains 0.432 acres or 18,850 square feet of land, 24,710 square feet short of the minimum needed to comply with the Lake Austin Residence (LA) zoning designation. The Upper Rivercrest Homeowners Association has submitted a letter in support of this zone change request (see attached).
EXISTING ZONING AND LAND USES:

<table>
<thead>
<tr>
<th></th>
<th>ZONING</th>
<th>LAND USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>LA</td>
<td>Undeveloped Single Family Residential</td>
</tr>
<tr>
<td>North</td>
<td>LA</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>South</td>
<td>LA</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>East</td>
<td>LA</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>West</td>
<td>LA</td>
<td>Lake Austin</td>
</tr>
</tbody>
</table>

CASE HISTORIES:

<table>
<thead>
<tr>
<th>NUMBER</th>
<th>REQUEST</th>
<th>COMMISSION</th>
<th>CITY COUNCIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>C14-91-0064 2301 Big Horn Drive</td>
<td>From LA to SF-2</td>
<td>Approved SF-2. Vote: (7-0)</td>
<td>Approved SF-2. Vote: (7-0)</td>
</tr>
</tbody>
</table>

BASIS FOR RECOMMENDATION:

1. **Zoning changes should promote compatibility with adjacent and nearby uses.**

Granting SF-2 zoning for the subject tract will be compatible with adjacent uses and adjacent zoning in the area to the north and west.

NEIGHBORHOOD ORGANIZATION:

- Austin Neighborhoods Council
- Bunny Run HOA
- Glenlake HOA
- Rob Roy HOA

SCHOOLS:

- Bridge Point Elementary School
- West Ridge Middle School
- West Lake High School

SITE PLAN:

No site plan is required for single-family use.

A site plan is required for a boat dock or shoreline improvements.

ENVIRONMENTAL:

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Lake Austin Watershed of the Colorado River Basin, and is classified as a Water Supply Rural Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:
<table>
<thead>
<tr>
<th>Development Classification</th>
<th>% of Net Site Area</th>
<th>% NSA with Transfers</th>
<th>Allowable Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>One or Two Family Residential</td>
<td>n/a</td>
<td>n/a</td>
<td>1 unit/2 acres net site area</td>
</tr>
<tr>
<td>Multifamily Residential</td>
<td>20%</td>
<td>25%</td>
<td>n/a</td>
</tr>
<tr>
<td>Commercial</td>
<td>20%</td>
<td>25%</td>
<td>n/a</td>
</tr>
</tbody>
</table>

2. Single family or duplex development within a Water Quality Transition Zone may not exceed a density of one unit per three acres, exclusive of land within a 100-year floodplain, and must have a minimum lot size of 2 acres.

3. According to floodplain maps there is a floodplain in or within close proximity of the project location. Based upon the close proximity of the floodplain, onsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone shall be limited to 18%.

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

5. 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.

6. 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.

7. 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.

**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:**

<table>
<thead>
<tr>
<th>Name</th>
<th>ROW</th>
<th>Pavement</th>
<th>Class</th>
<th>Sidewalk?</th>
<th>Bus Route?</th>
<th>Bike Route?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rivercrest Drive</td>
<td>50</td>
<td>24</td>
<td>Local</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>
COMPREHENSIVE PLAN:

LA (Lake Austin) to SF-2 (Single Family Residence – Standard Lot). This zoning case is located along the western shore of Lake Austin, is vacant and is approximately 0.432 acres in size. The property is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes single family houses to the north, south, and east. The property is completely surrounded by the 100 year floodplain. The Imagine Austin Comprehensive Plan (IACP) Growth Concept Map 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. Page 107 of the Imagine Austin Comprehensive Plan discusses how the design of new development should be sensitive to and complement its context. It should also be connected by sidewalks, bicycle lanes, and transit to the surrounding area and the rest of the city. This intent of these concepts can be found in the following IACP policies:

- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing, and transportation costs.

- **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.

- **HN P11** Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

Although *Imagine Austin* is largely supportive of the proposed land use, the proposed residential zoning designation would not offer the same environmental protections that the existing LA zoning designation requires, including the percentage of property that should be left in its natural state and calculation the impervious surface coverage based on gradients.

Based on the property being surrounded by other residential uses, and the Growth Concept Map and the IACP 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 considered and enforced.

**CITY COUNCIL DATE:** June 27th, 2013  
August 8th, 2013  

**ACTION:** Approved first reading.

**ORDINANCE READINGS:** 1ST  2ND  3RD

**ORDINANCE NUMBER:**

**PHONE:** 974-7691

**CASE MANAGER:** Clark Patterson

Clark.patterson@ci.austin.tx.us
SKETCH TO ACCOMPANY DESCRIPTION

PROPERTY ADDRESS
4200 RIVERCREST DRIVE

OWNER
BRIAN G. HUBER

LEGEND

O = SET 1/2" IRON ROD WITH CAP STAMPED WESTAR
  = FND 1/2" IRON ROD
  = RECORD INFORMATION
  = BUILDING SETBACK
X = CONTROLLING MONUMENT
  = SET "X" ON CONCRETE
  = POwer POLE
  = WATER METER
  = TREE

5' AND 10' PUBLICUTILITY EASEMENTS TO BE VACATED

BEING THOSE CERTAIN 5 AND 10 FOOT WIDE PUBLIC UTILITY EASEMENTS ALONG AND WITH THE REAR AND SIDES OF SAID LOTS FIRST RECORDED IN LOTS 6 AND 7, BLOCK "C" OF AQUA VERDE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 25, PAGE 20, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND THE CONTINUATION OF SAID EASEMENTS IN THE SUBSEQUENT REPLAT OF LOTS 6 AND 7 INTO LOT K, OF IREDDY ESTATE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 63, PAGE 23, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS: SAID EASEMENTS TO BE RELEASED FROM SAID LOTS 6-7 AND K AS SHOWN HERETO AND THE METES AND BOUNDS ATTACHED HERETO AND MADE A PART HEREOF.

J. JOSE ANTONIO TREVINO, Registered Professional Land Surveyor, State of Texas, do hereby certify to all parties that the above plat represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachments or overlapping of improvements, to the best of my knowledge and belief, except as shown herein.

JOSE ANTONIO TREVINO
Registered Professional Land Surveyor
Texas Registration No. 5552
May 8, 2013

Mr. Clark Patterson, Case Manager
City of Austin
Neighborhood Planning Department
P.O. Box 1088
Austin, TX 78767

RE: File # C14-2013-0045, Rezoning for 4200 Rivercrest Drive

Dear Mr. Patterson:

The Upper Rivercrest Homeowners Association wishes to issue its support for the proposed rezoning of 4200 Rivercrest Drive from LA-Lake Austin zoning to SF-2-Single Family Residence, Standard Lot zoning. We feel this rezoning is appropriate because of the small size of this property (less than 2/3 acre), the steep slopes that cover more than half of the property, and the limited depth of the lot, which is only approximately 120 feet from the Rivercrest Drive right-of-way to the shoreline of Lake Austin.

Thank you,

Matt Heinrich
President
Upper Rivercrest HOA
Chair Baker and Commissioners,
I urge you to DENY the request to upzone the four lots adjacent to Lake Austin, as is being requested in cases C14-2013-0048 and C14-2013-0045 on your 4 June 2013 agenda.

In the case of C14-2013-0048, the applicant states intention to replace the existing single-family residence with a new residence on the combined 1.3 acres. TCAD records show this address to already be one tax parcel of 1.3667 acres. There is no reason to upzone both of these lots to accommodate a single-family residence as they have 1.3667 acres of land to work with, which exceeds the minimum lot size for LA development. For case C14-2013-0045, please note that the Zoning Change Review Sheet shows a lot size of .432 acres whereas the TCAD records show it to be .6285 acres with 234 feet of shoreline, which also seems adequate for developing a single-family residence.

Since residential development is not reviewed or inspected for compliance with environmental regulations (see Ordinance 20060126-069), the LA zoning regulations are the only method for applying environmental regulations to property within the sensitive 1000 feet of the Lake Austin shoreline. Our Chief Environmental Officer, Chuck Lesniak, stated at a 13 May 2013 Lake Austin Task Force meeting that the LA Zoning District regulations were the single most important factor in maintaining the water quality of Lake Austin.

LA Zoning district regulations provide generous exceptions for lots in subdivisions that were platted before April 22, 1982, as is the case for the subject properties in the Aqua Verde and the Lakeshore Addition subdivisions. These exceptions, already built into the LA Zoning, reduce the shoreline setback to 25 feet, reduce the other setbacks to SF-2 standards, and increase the amount of impervious cover allowed on slopes less than 35%. No other residential zoning categories consider the shoreline vegetation, construction on steep slopes, or placement of onsite septic facilities.

You need to ask yourself why these applicants cannot develop or re-develop these properties within the LA Zoning District regulations, especially the less stringent regulations that apply to these properties. If there is a justification for construction on steep slopes, onsite septic facilities near the shoreline, or other environmental variances, let that be determined on a case-by-case basis when there is a specific site plan that can prove the findings of fact for a unique situation.

The environmental protections buried within the LA District Zoning should have been implemented as an Overlay that applies regardless of the underlying zoning, as was done for Lady Bird Lake and Barton Springs. The Lake Austin Task Force has been discussing this as a recommendation to Council, so you may see a rash of requests for upzoning from LA as a way to gain blanket exemption from the only environmental regulations that protect Lake Austin and our drinking water supply. Please do not be party to these efforts to gain blanket exemption from the Lake Austin environmental protections.

Please don't hesitate to contact me if you need additional information or have questions.

Thank you,
Carol Lee
Glenlake Resident
Vice Chair, Lake Austin Task Force
Vice President, Lake Austin Collective

clee.austin512@gmail.com
512-794-8250
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

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: C14-2013-0045
Contact: Clark Patterson, 512-974-7691
Public Hearing: Jun 4, 2013, Zoning and Platting Commission
Jun 27, 2013, City Council

M.D. THOMSON

Your Name (please print)

4208 RIVER CRESCENT

Your address(es) affected by this application

Signature:

Date: 6/29/13

Daytime Telephone: 512 447 3397

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Clark Patterson
P. O. Box 1088
Austin, TX 78767-8810
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Case Number: C14-2013-0045
Contact: Clark Patterson, 512-974-7691
Public Hearing: Jun 4, 2013, Zoning and Platting Commission
Jun 27, 2013, City Council

[Signature]
Date 6/4/13

Daytime Telephone: (512) 793-9122

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Clark Patterson
P. O. Box 1088
Austin, TX 78767-8810