ZONING CHANGE AND RESTRICTIVE COVENANT AMENDMENT REVIEW SHEET

CASES: C14-2014-0172 & C14-85-288.36(RCA) – Cottages of Lantana

P.C. DATE: April 14, 2015
May 12, 2015

ADDRESS: 5610 and 5804 Wier Hills Road

DISTRICT AREA: 8

OWNERS/APPLICANTS: EuroAmerican Holdings, Ltd. (Jean Peliserro) – (Tract 1)
Janet Wier Rourke; Linda Kay Wier – (Tract 2)

AGENT: Smith, Robertson, Elliott & Douglas, L.L.P. (Mary Stratmann)

ZONING FROM: LO-NP **TO:** SF-6-NP

TRACT 1: 6.589 acres **TRACT 2:** 2.31 acres **TOTAL AREA:** 8.8 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant townhouse and condominium residence – neighborhood plan (SF-6-NP) combining district zoning and to amend the Restrictive Covenant in accordance with the memo from the Environmental Officer dated April 29, 2015, and provided as Exhibit E.

If the requested zoning is recommended for this site, 30 feet of right-of-way should be dedicated from the centerline of Wier Hills Road in accordance with the Transportation Criteria Manual [LDC, 25-6-55; TCM, Tables 1-7, 1-12].

ENVIRONMENTAL BOARD RECOMMENDATION:

May 6, 2015: *APPROVED THE ENVIRONMENTAL ASPECTS OF THE RESTRICTIVE COVENANT AMENDMENT.*

[R. DEEGAN; R. REDMOND – 2ND] (5-0) M. NEELY – ABSENT; J. SCHISSLER – RECUSED

PLANNING COMMISSION RECOMMENDATION:

April 14, 2015: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO MAY 12, 2015, BY CONSENT*

[N. ZARAGOSA; R. HATFIELD – 2ND] (8-0) A. HERNANDEZ – ABSENT

May 12, 2015:

ISSUES:

All correspondence received is located at the back of the Staff packet.

DEPARTMENT COMMENTS:

The rezoning area contains one single family residence, has frontage on Wier Hills Road and limited office – neighborhood plan (LO-NP) district zoning. Tract 1, the larger of the two tracts, is platted as Eads Acres, a subdivision recorded in 1980. In addition, Tract 1 is subject to a Restrictive Covenant that accompanied the original 1987 zoning ordinance which establishes a maximum of 65 percent impervious cover, a maximum 0.25 to 1 floor-to-area ratio, prohibits development on slopes greater than 15 percent, and establishes certain sections of the Williamson Creek Watershed regulations that apply to the property. Tract 2 is unplatted.

Wier Hills Road terminates north of this property and connects with Rialto Boulevard which serves the Lantana community. There are condominiums to the north (MF-2-NP); undeveloped land in Lantana across Wier Hills Road to the east (LR-NP, GR-NP, CS-NP, RR-NP, P-NP); undeveloped land, a single family residence and a manufactured home park to the south (MH-CO-NP, RR-NP); and single family residences to the west (SF-2-CO-NP). Please refer to Exhibits A (Zoning and Restrictive Covenant Amendment maps) and A-1 (Aerial View), Exhibit B (Recorded Plat), and Exhibit C (1987 Zoning Ordinance and Restrictive Covenant).

The Applicant requests townhouse and condominium residence – neighborhood plan (SF-6-NP) combining district zoning as the first step in developing Tracts 1 and 2 with 38 unit detached condominiums. The Applicant also requests an amendment of the Restrictive Covenant that applies to Tract 1 to remove the maximum floor-to-area ratio restriction. Staff and the Applicant have had several discussions centered on applying more current environmental and water quality regulations to Tract 1. (As information, Tract 2 is subject to current Code.) These include: 1) the application of current tree requirements, 2) keeping development, including detention, retention/irrigation and associated stormwater improvements, out of the critical water quality zone, 3) providing native landscaping, 4) providing water quality design that meets Save Our Springs ordinance standards, 5) reducing the amount of allowable impervious cover from 65% to 33% gross site area (40% net site area), and 6) establishing areas by map where development on slopes can occur. The Applicant's proposal for condominium use, along with a memo from the City's Chief Environmental Officer is provided as Exhibits D and E, and includes the Applicant's conceptual plan showing the site's environmental and drainage features and one vehicular access point to Wier Hills Road, in addition to a slope map.

Staff recommends the Applicant's requests based on the following considerations: 1) the area supports a variety of housing types including condominiums, multi-family, single family and manufactured home residences, 2) a more restrictive zoning district is being sought, and 3) the restrictive covenant amendment would result in a suite of environmental and water

quality regulations that significantly improve on the 1980s watershed regulations that currently apply to Tract 1.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LO-NP	Undeveloped (Tract 1); Single family residence (Tract 2)
North	MF-2-NP	Sierra Vista Condominiums (52 units)
South	MH-CO-NP; RR-NP	Undeveloped; Manufactured home park within the Country Aire II subdivision; Single family residence
East	CS-NP; RR-NP; P-NP; SF-2-NP; MF-2-NP	Undeveloped; Single family residences within the Lantana subdivision
West	SF-2-CO-NP	Single family residences within the Travis Country West Section Two subdivision

NEIGHBORHOOD PLAN AREA: Oak Hill Combined (West Oak Hill) **TIA:** Is not required

WATERSHED: Williamson Creek – Barton Springs Zone – Contributing Zone **DESIRED DEVELOPMENT ZONE:** No

CAPITOL VIEW CORRIDOR: No **HILL COUNTRY ROADWAY:** Yes

NEIGHBORHOOD ORGANIZATIONS:

298 – Oak Hill Association of Neighborhoods (OHAN)
605 – City of Rollingwood
712 – Travis Country West Home Owners Association
742 – Austin Independent School District
779 – Oak Hill Neighborhood Plan-COA Liaison
943 – Save Our Springs Alliance
1075 – Bike Austin
1166 – Oak Hill Neighborhood Plan Contact Team
1228 – Sierra Club, Austin Regional Group
1236 – The Real Estate Council of Austin, Inc.
1261 – Lantana Southwest Homeowners Association, Inc.
1340 – Austin Heritage Tree Foundation
1343 – Oak Hill Trails Association
1363 – SEL Texas
1470 – Aviara HOA

SCHOOLS:

Oak Hill Elementary School Small Middle School Austin High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-01-0098 – 5317 Southwest	LR; GR; CS to MF-2	To Grant	Apvd MF-2 (09-27-2001).

Parkway			
C14-99-2144 – Travis Country West – Sunset Ridge Dr and Old Bee Caves Rd	IP, LR, GR to SF-2	To Grant SF-2-CO	Apvd SF-2-CO w/CO for 2.139 units per acre, and 1 curb cut to Old Bee Caves Rd (10-05-2000).
C14-98-0091 – Country Aire II – Old Bee Caves Rd at Wier Loop	I-RR to MH	To Grant MH-CO	Apvd MH-CO w/CO for 3.5 units per acre, 2,000 trips/day and require up to 30' r-o-w dedication on Wier Hills Rd (12-10-1998).
C14-94-0113 – Lantana – Rialto Blvd near Wier Hills Rd	CS to MF-2	To Grant MF-2; RR	Apvd MF-2-CO and RR-CO w/CO for max. 180 mf units and IPM Plan; RC for (01-04-1996).

RELATED CASES:

Tract 1 is platted as Eads Acres, a subdivision recorded in March 1980 (C8s-80-001). Tract 2 is unplatted.

The property was annexed into the full-purpose City limits on December 19, 1985 (C7a-85-010 – Ordinance No. 851219-R).

The property was part of the Oak Hill Area Study and zoned LO on April 30, 1987 (C14-85-288.36). A Restrictive Covenant that accompanied the zoning case establishes a maximum impervious cover of 65 percent, a maximum F.A.R. of .25 to 1, prohibits development on slopes with a gradient of 15 percent or greater, and establishes sections of the Williamson Creek Watershed ordinance that apply to the property.

The subject property is within the boundaries of the Oak Hill Combined (West Oak Hill) Neighborhood Planning Area and is designated as Mixed Use / Office on the adopted Future Land Use Map (NP-2008-0025). The –NP combining district was appended to the existing LO base district (C14-2008-0125 – Ordinance No. 20081211-097).

EXISTING STREET CHARACTERISTICS:

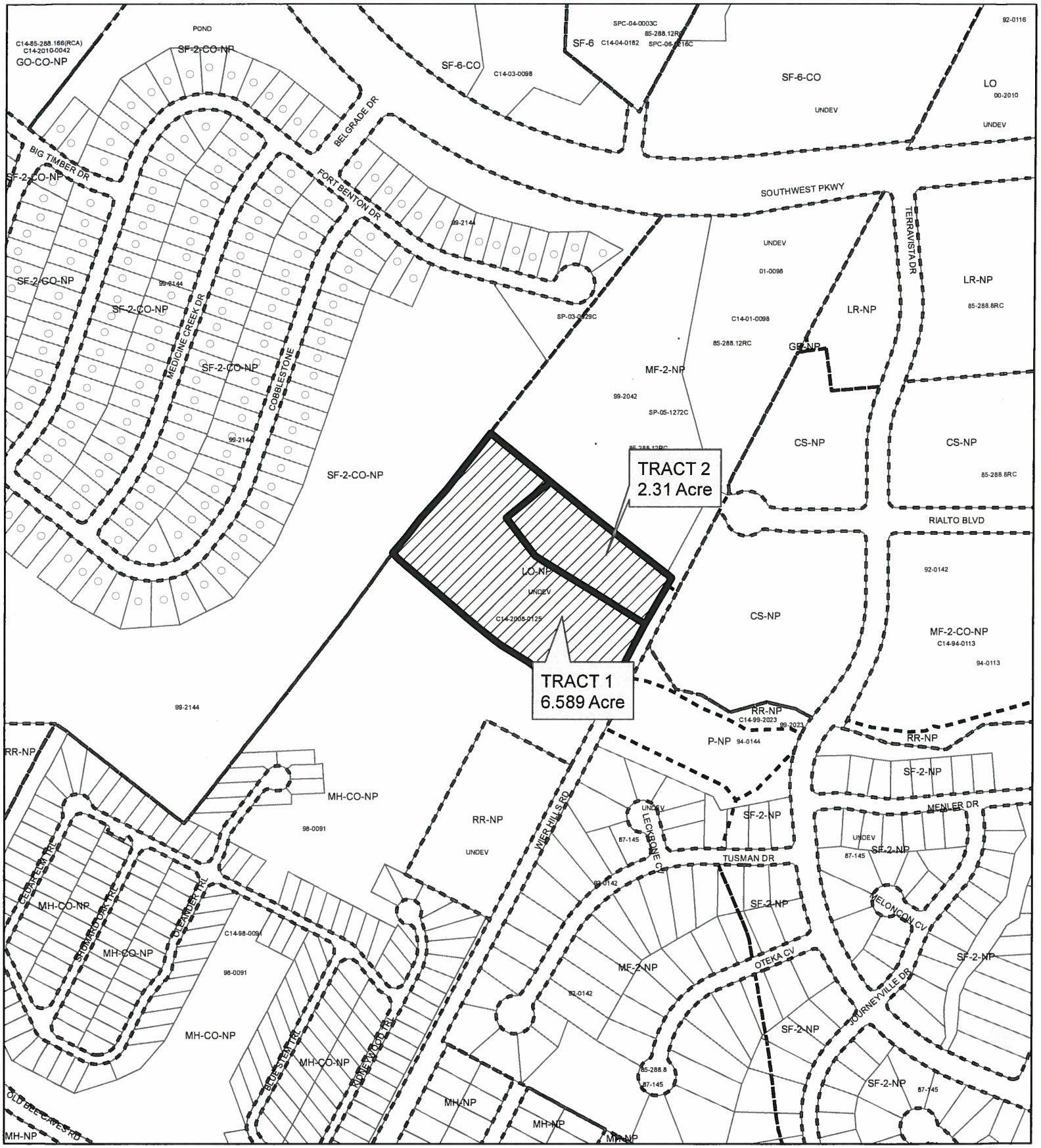
Name	ROW	Classification / Pavement Width	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Wier Hills Road	Varies	Collector, 20 feet	No	No	No

CITY COUNCIL DATE: May 14, 2015 **ACTION:**

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades **PHONE:** 512-974-7719
e-mail: wendy.rhoades@austintexas.gov



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 400 '

ZONING

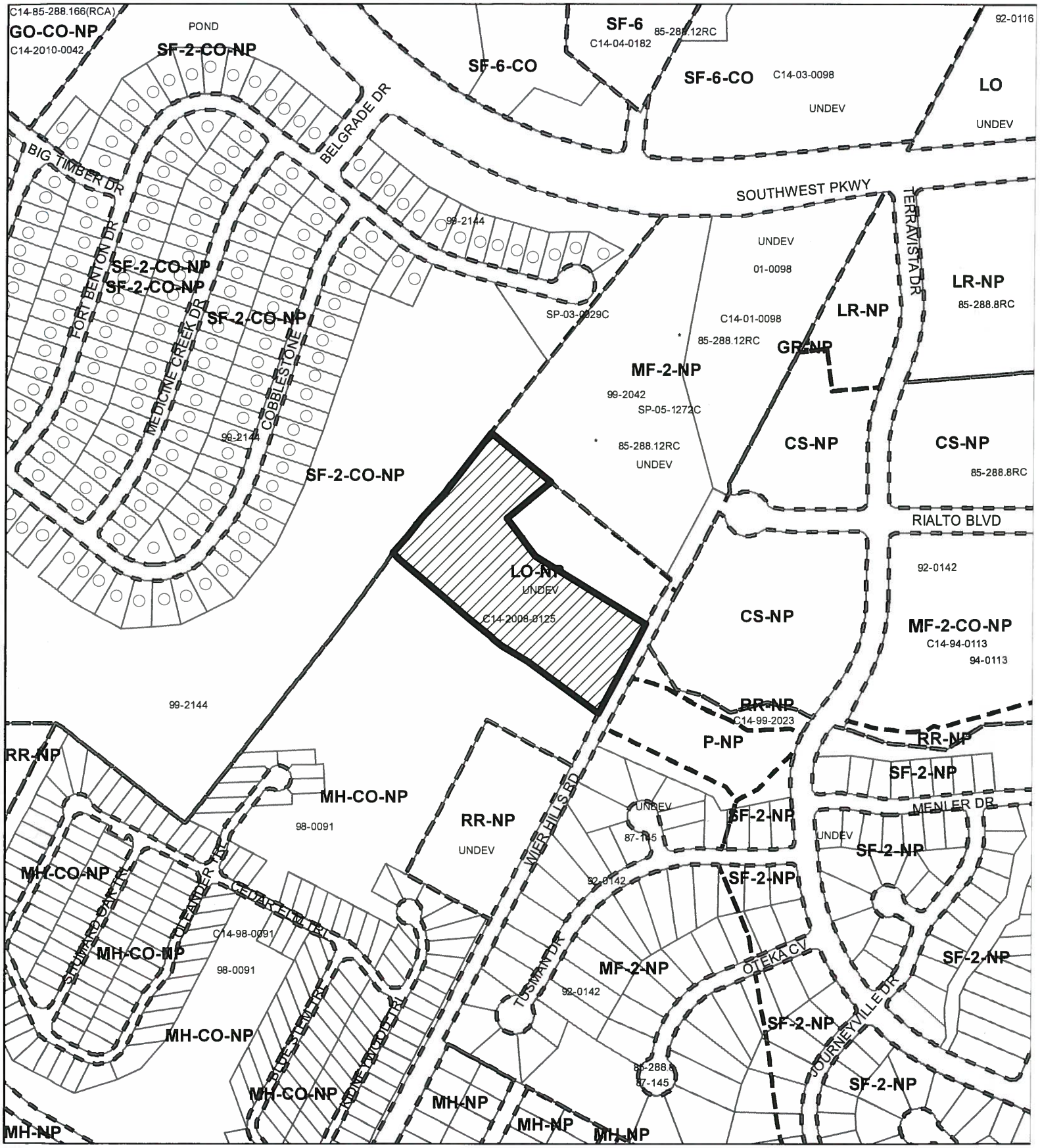
EXHIBIT A

ZONING CASE#: C14-2014-0172

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.

CITY OF AUSTIN
FOUNDED 1839



ZONING

CASE#: C14-85-288.36(RCA)

EXHIBIT A

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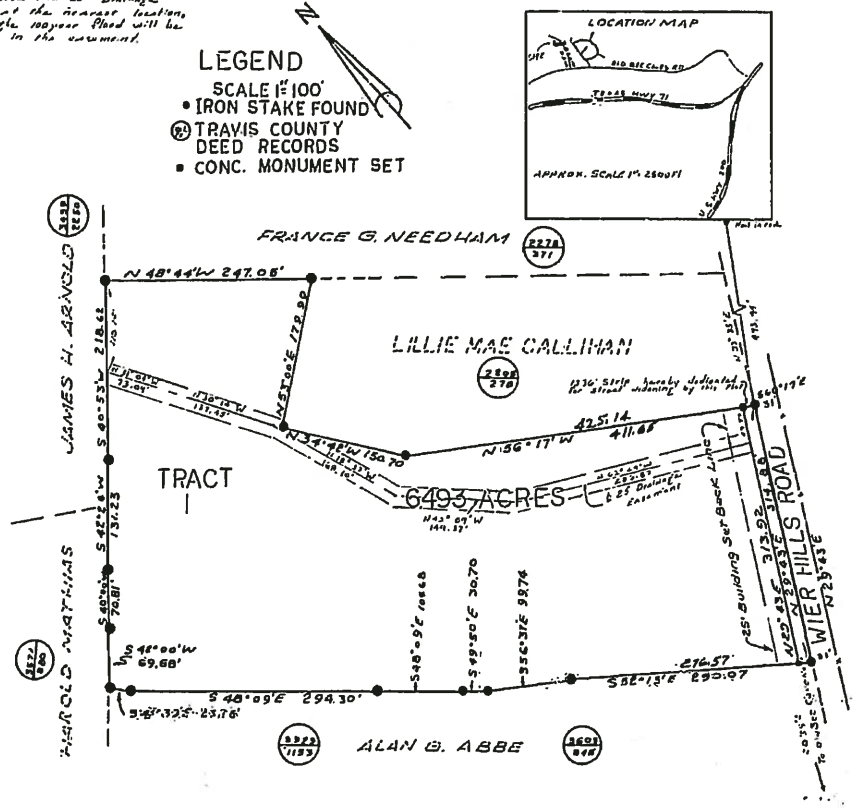
GO-CO-NP
99-2144
UNDEVELOPED
04-0182
85-288.12RC
POND
SF-2-CO-NP
SF-6
SF-6-CO
UNDEV
SOUTHWEST PKWY
99-2144
SF-2-CO-NP
UNDEV
01-0023
99-2144
SP-03-0029C
LR-NP
85-288.12RC
GR-NP
MF-2-NP
99-2042
SP-05-0272C
TERRAVISTA DR
99-2144
SF-2-CO-NP
85-288.12RC
UNDEV
CS-NP
SF-2-CO-NP
RIALTO BLVD
LO-NP
UNDEV
CS-NP
RR-NP
MF-2-CO-
99-2144
MH-CO-NP
P-NP
99-2024
94-0144
RR-NP
RR-NP
SF-2-NP
RR-NP
UNDEV
SF-2-NP
MENLER DR
98-0091
93-2015
UNDEV
87-145
UNDEV
87-145
92-0142
SF-2-NP
SF-2-NP
MH-CO-NP
MF-2-NP
98-0091
92-0142
SF-2-NP
MH-CO-NP
MH-CO-NP
85-288.8
87-145
MH-NP

EADS ACRES

Minimum slab elevations shall be 1.5' above the 25' Drainage easement at the drainage location, whereas the 100year flood will be contained in the easement.

LEGEND
SCALE 1" 100'
• IRON STAKE FOUND
(%) TRAVIS COUNTY DEED RECORDS
• CONC. MONUMENT SET



THE STATE OF TEXAS:
THE COUNTY OF TRAVIS:

KNOW ALL MEN BY THESE PRESENTS that we, Dwight Eads, and wife, Robin Williamson Eads, owners of 6.589 acres of land out of the August Herold Survey 859 in Travis County, Texas, and conveyed to us by deed of record in Volume 6519, Page 1670 through Volume 6519, Page 1674, Travis County, Texas Deed Records, do hereby adopt this map or plat as our subdivision to be known and designated as "EADS ACRES" and we do hereby dedicate to the public all streets and easements as shown hereon.

WITNESS MY HAND this the 20th day of FEB A.D. 1980.

Dwight Eads
Dwight Eads
8222 North Lamar #40A Austin, Texas 78753

Robin Williamson Eads
Robin Williamson Eads

THE STATE OF TEXAS:
THE COUNTY OF TRAVIS:

BEFORE ME, the undersigned authority, on this day personally appeared Dwight Eads and wife Robin Williamson Eads, known to me to be the persons whose names are subscribed to the foregoing instrument and they acknowledged to me that they have executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE the 20th day of Feb A.D. 1980.

Bill Ellison
Notary Public in and for Travis County, Texas
Bill Ellison

EXHIBIT B RECORDED PLAT

APPROVED FOR ACCEPTANCE:

FEBRUARY 26, 1980
Date

Richard Lillie
Richard R. Lillie, Director of Planning

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION, CITY OF AUSTIN, TEXAS, this the 26TH day of FEB, 1980, A.D.

Maty A. Schechter
Maty A. Schechter, Secretary

Miguel A. Guerrero
Miguel A. Guerrero, Chairman

FILED FOR RECORD at 3:40 o'clock, P.M., this 10 day of March 1980 A.D.

Linda Kleemeier
Deputy LINDA KLEEMEIER

Doris Shropshire
Doris Shropshire, Clerk, County Court
Travis County, Texas

THE STATE OF TEXAS:
THE COUNTY OF TRAVIS:

I, Doris Shropshire, Clerk of the County Court, within and for the County and State aforesaid do, hereby certify that the foregoing instrument of writing with its Certificate of Authentication was filed for record in my office on the 10 day of March, 1980, A.D. at 3:40 o'clock P.M., and duly recorded on the 20 day of March, 1980, A.D. at 3:45 o'clock, P.M., in the Plat Records of said County and State in Plat Book 79, Page 166.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF SAID COUNTY the date last written above.

Linda Kleemeier
Deputy LINDA KLEEMEIER

Doris Shropshire
Doris Shropshire, Clerk County Court,
Travis County, Texas

THE STATE OF TEXAS:
THE COUNTY OF TRAVIS:

I Doris Shropshire, County Clerk, Travis County, Texas, do hereby certify that on the 10th day of March 1980, A.D., the Commissioners Court of Travis County, Texas, passed an order authorizing the filing for record of this plat and that said order has been duly entered in the minutes of said Court in Book 9, Page 415.

WITNESS MY HAND AND SEAL OF OFFICE this the 10th day of March, 1980, A.D.

Susan Clark
Deputy SUSAN CLARK

DORIS SHROPSHIRE
Doris Shropshire, Clerk, County Court,
Travis County, Texas

"I, Alan G. Abbe, an authorized under the laws of the State of Texas to practice the profession of Engineering and hereby certify that this plat complies with Chapter 41 of the Austin City Code; is true and correct; and was prepared from an actual survey of the property made under my supervision on the ground."

Alan G. Abbe 2/19/80
Alan G. Abbe, P.E. Date
Registration No. 26997

In approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all streets, roads, and other public thoroughfares delineated and shown on this plat and all bridges and culverts necessary to be constructed or placed in such streets, roads, or other public thoroughfares or in connection therewith shall be the responsibility of the owner and/or developer of the tract of land covered by this plat in accordance with plans and specifications prescribed by the Commissioners Court of Travis County, Texas, and said Court assumes no obligation to build the streets, roads or other public thoroughfares shown on this plat, or constructing any bridges or culverts in connection therewith. The acceptance for maintenance by Travis County, Texas, of the roads or streets in this subdivision does not obligate the county to install street marking signs as this is considered to be a part of the developer's construction; but that erecting signs for traffic control, such as for speed limits and STOP and YIELD signs, shall remain the responsibility of the County.

NO OCCUPANCY RESTRICTIONS:

1. No structure in this subdivision shall be occupied until connection has been made to a public sewer system or to a septic tank which has been approved by the Austin-Travis County Health Department.
2. No structure in this subdivision shall be occupied until connection has been made to a potable water supply source or in adequate supply for family use and operation of an approved septic system.
3. There must be a minimum separation of 150' between wells and any absorption drain field.

This Subdivision has been approved by the Austin-Travis County Health Department for septic tank.

These restrictions are enforceable by the Austin-Travis County Health Department and/or the lot owners or developer.

Tommy F. Green, P.E.
Tommy F. Green

2-19-80

CBS-80-001

CITY OF AUSTIN, TEXAS

ORDINANCE NO. 87 0430-E

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2A OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS: LOT 1, EADS ACRES SUBDIVISION, LOCALLY KNOWN AS 5804 WIER HILLS ROAD, FROM INTERIM "RR" RURAL RESIDENCE DISTRICT TO "LO" LIMITED OFFICE, SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. CHAPTER 13-2A of the Austin City Code of 1981 is hereby amended to change the base zoning district from Interim "RR" Rural Residence District to "LO" Limited Office on the property described in File C14-85-288.36, to-wit:

> Lot 1, Eads Acres Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 79, Page 166, Plat Records of Travis County, Texas

locally known as 5804 Wier Hills Road in the City of Austin, Travis County, Texas.

PART 2. It is hereby ordered that the Zoning Map accompanying Chapter 13-2A of the Austin City Code of 1981 and made a part thereof shall be changed so as to record the change ordered in this ordinance.

PART 3. The requirement imposed by Section 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three (3) separate days shall be waived by the affirmative vote of five (5) members of the City Council to pass this ordinance through more than one reading on a single vote.

PART 4. This ordinance shall be effective ten (10) days following the date of its final passage.

PASSED AND APPROVED §
§
April 30, 1987 §
§

Frank C. Cooksey
Mayor

APPROVED
Barney L. Knight
City Attorney

ATTEST: James E. Aldridge
James E. Aldridge
City Clerk

SJS:saf
288#036

EXHIBIT C
1987 ZONING ORDINANCE
RESTRICTIVE COVENANT

Zoning Case No. C14-85-288.36

RESTRICTIVE COVENANT

Owner: Dwight Eads and Robin Eads, as husband and wife

Owner's Address: 5804 Wier Hills Road, Austin, TX 78735

Consideration: One and No/100 Dollars ($1.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

Property: Lot 1, Eads Acres Subdivision, of record in Book 79, Page 166 of the Plat Records of Travis County, Texas.

Owner of the Property, for the consideration, impresses the Property with these covenants and restrictions running with the land:

1. Maximum impervious coverage of the Property shall be 65 percent.

2. No development shall occur on slopes with a gradient of 15 percent or greater.

3. The Property shall be limited to a maximum of .25 to 1 floor to area ratio as defined by Section 1212 of Chapter 13-2A of the Austin City Code.

4. Should subdivision occur, the Property shall be in compliance with Sections 9-10-171 through 9-10-230 and Sections 13-3-401 through 13-3-475 of the Austin City Code, which regulate site development and subdivisions in the Williamson Creek Watershed.

5. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law or in equity, against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.

6. If any part of this agreement or covenant shall be declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.

7. If at any time the City of Austin, its successors or assigns, fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

8. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and (b) by the owner(s) of the Property at the time of such modification, amendment or termination.

All citations to the Austin City Code shall refer to the Austin

City Code of 1981, as amended from time to time, unless otherwise specified.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED this 14th day of April, 1987.

Dwight Eads
DWIGHT EADS

Robin Eads
ROBIN EADS

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 14th day of April, 1987 by DWIGHT EADS.

Shirley Ford
Notary Public, State of Texas

Shirley Ford
Notary's name (printed)

My Commission Expires: 3-26-89

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 14th day of April, 1987 by ROBIN EADS.

Shirley Ford
Notary Public, State of Texas

Shirley Ford
Notary's name (printed)

My Commission Expires: 3-26-89

85288.36

THE COTTAGES AT LANTANA
WIER HILLS ROAD, ADJACENT TO SOUTHWEST PARKWAY & RIALTO BLVD

Request: Environmental Board approval of rezoning and restrictive covenant amendment applications for The Cottages at Lantana single family condominium development.

Background/Project Information: The Cottages at Lantana consists of two adjacent tracts: Tract 1 approximately 6.49 acres, and Tract 2 approximately 2.31 acres (8.8 acres total) located at 5804 and 5610 Wier Hills Road, south of the intersection of Southwest Parkway and Rialto Blvd. The City annexed the property in December 1985 (Ordinance #851219-R). In April 1987, Council approved LO (Limited Office) zoning for Tract 1 (Ordinance #870430-E). A related zoning public Restrictive Covenant (V 10252, P 0079) recorded in May 1987 covering Tract 1 states in part that development of Tract 1 is subject to the following: (1) maximum impervious coverage is 65% based on gross site area, (2) maximum FAR is 0.25:1, and (3) the property will be developed in accordance with the Williamson Creek Watershed regulations as then-codified in the Code (Sections 9-10-171 through 9-10-230, and Sections 13-3-401 through 13-3-475). The 2008 Oak Hill Combined Neighborhood Plan (Ord. # 20081211-096) Future Land Use Map designates Tract 1 and Tract 2 as "Mixed Use/Office."

Proposal for Single-Family Condominium – The Cottages at Lantana: The applicant will agree to the following in connection with approval of rezoning and restrictive covenant amendment applications authorizing development of approximately 40 single-family condominium residential units:

- Water quality controls for development of Tracts 1 & 2 will comply with current water quality regulations (SOS).
- Limit impervious coverage to maximum 33% gross site area on Tract 1. Tract 2 will comply with current code impervious coverage regulations (maximum of 25% net site area).
- No development is allowed in Critical Water Quality Zone Tracts 1 & 2.
- Construction may occur on slopes greater than 15%, up to a maximum 25% slope on an approximately 6,000 maximum square foot area of Tract 1 as shown on Exhibit A. Development in all other areas must comply with current regulations for construction on slopes (Sections 25-8-301 through 25-8-302 of the City of Austin Land Development Code).
- Pond and associated storm sewer improvements are authorized to be located in the Water Quality Transition Zone on Tract 1.
- Pond re-irrigation area is authorized to be located within the CEF buffer areas on Tracts 1 & 2.
- Comply with current City Tree Ordinance Tracts 1 & 2.
- Comply with current City Landscape Ordinance Tracts 1 & 2.
- Use native plants Tracts 1 & 2.

EXHIBIT D

MEMORANDUM

TO: Chair and Environmental Board Members

FROM: Chuck Lesniak, Environmental Officer
Watershed Protection Department

DATE: April 29, 2015

SUBJECT: Recommendation on Zoning Cases C14-2014-0172 & C14-85-288.36(RCA)

The Environmental Board will receive for review and recommendation the referenced zoning cases for the Cottages at Lantana project located at 5610 and 5804 Wier Hills Road. The property is currently zoned light office – neighborhood plan (LO-NP).The applicant is requesting a zoning change to townhouse and condominium residence – neighborhood plan (SF-6-NP), along with amendments to the restrictive covenant that is part of the current zoning ordinance for one of the tracts. The Zoning Staff Report included in your agenda backup provides more detail about the project so I will focus on the specific environmental issues related to the proposal.

Background

The property consists of two tracts totaling 8.8 acres. The property is in the Barton Springs Zone and within the Edwards Aquifer Contributing Zone. Tract 1, the larger of the two tracts at 6.5 acres, has an existing restrictive covenant (RC) from a 1980s zoning case that was part of the Oak Hill Zoning Study. The applicant applied for vesting and was denied Ch. 245 vesting, but informed that the current zoning and associated covenant apply. The RC allows development under the 1980s Williamson Creek ordinance, which grants a higher level of impervious cover (65%) and lower standard of water quality treatment (sedimentation/filtration) than current code, and does not include protection for critical environmental features (CEFs). Tract 2 is subject to current code, including the SOS ordinance, which limits impervious cover on this tract to 25% and requires SOS water quality treatment.

The property has an existing wetland CEF on tract 1. Tract 1 also has a small area of slope between 15% and 25% gradient.

Proposed Environmental Protection

As a condition of re-zoning the property, City staff has recommended amending the RC to reduce the allowable impervious cover, improve water quality treatment, provide protection for the on-site critical environmental features (CEFs), and provide additional creek setback. The applicant has agreed to these conditions, and has requested to be allowed to develop on the area of 15-25% slope (see Exhibit A). The details of the proposed RC amendments are described below in Table 1 and compared to current code

EXHIBIT E

requirements. The proposed conceptual plan showing water quality controls as well as CEF and creek buffers is shown on Exhibit B.

Table 1

	Restrictive Covenant Allowance for LO Use	**Current Code**	**Proposed Covenant Amendment for SF-6 Use**
Impervious cover	65% gross site area (4.2 ac.)	25% net site area (1.3 ac.)	33% gross site area (2.1 ac.)
Water quality treatment	Sedimentation/filtration	SOS non-degradation	SOS non-degradation
CEF buffer	None	150'	50' and variable per approval by WPD biologist
Creek buffer	100' CWQZ	100' CWQZ, 100' WQTZ	100' CWQZ, only WQ controls in 100' WQTZ
Const. on >15% slopes	None allowed	Limited on 15-25%	Allow up to 6,000 sq. ft. on 15-25% as shown on Exh. A

Recommendation

The applicant is proposing to reduce the amount of impervious cover that could be built under the current zoning by over 50%, agreeing to provide SOS water quality for the entire tract, and limiting development in the Water Quality Transition Zone. I believe these conditions provide significant environmental benefit over what could be built under the current zoning and I recommend that the proposed rezoning and modifications to the restrictive covenant be approved.

EXHIBIT A

Cottages at Lantana
Approximately 6,000 Sq. Ft. Area of Construction Authorized on Maximum 25% Slopes

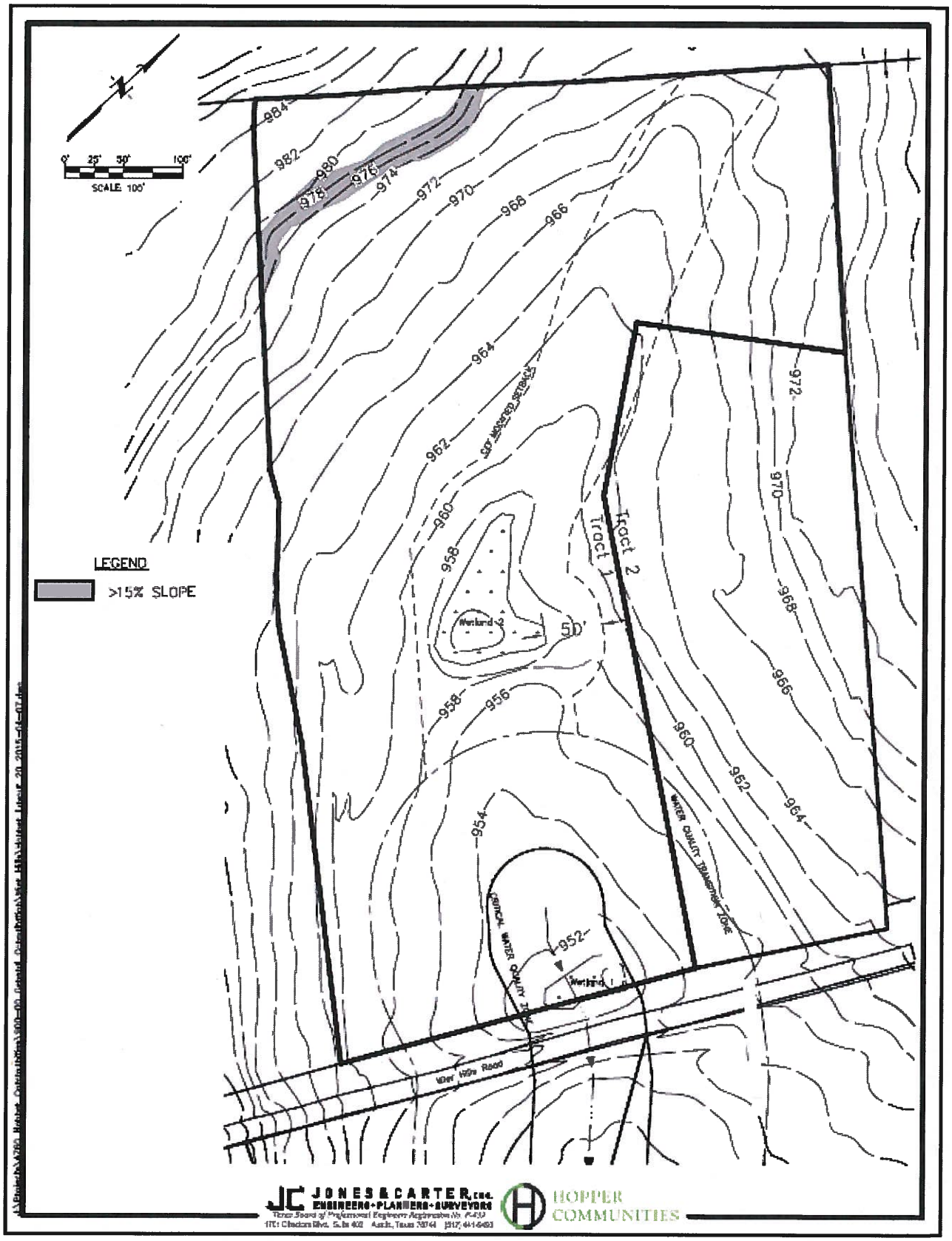
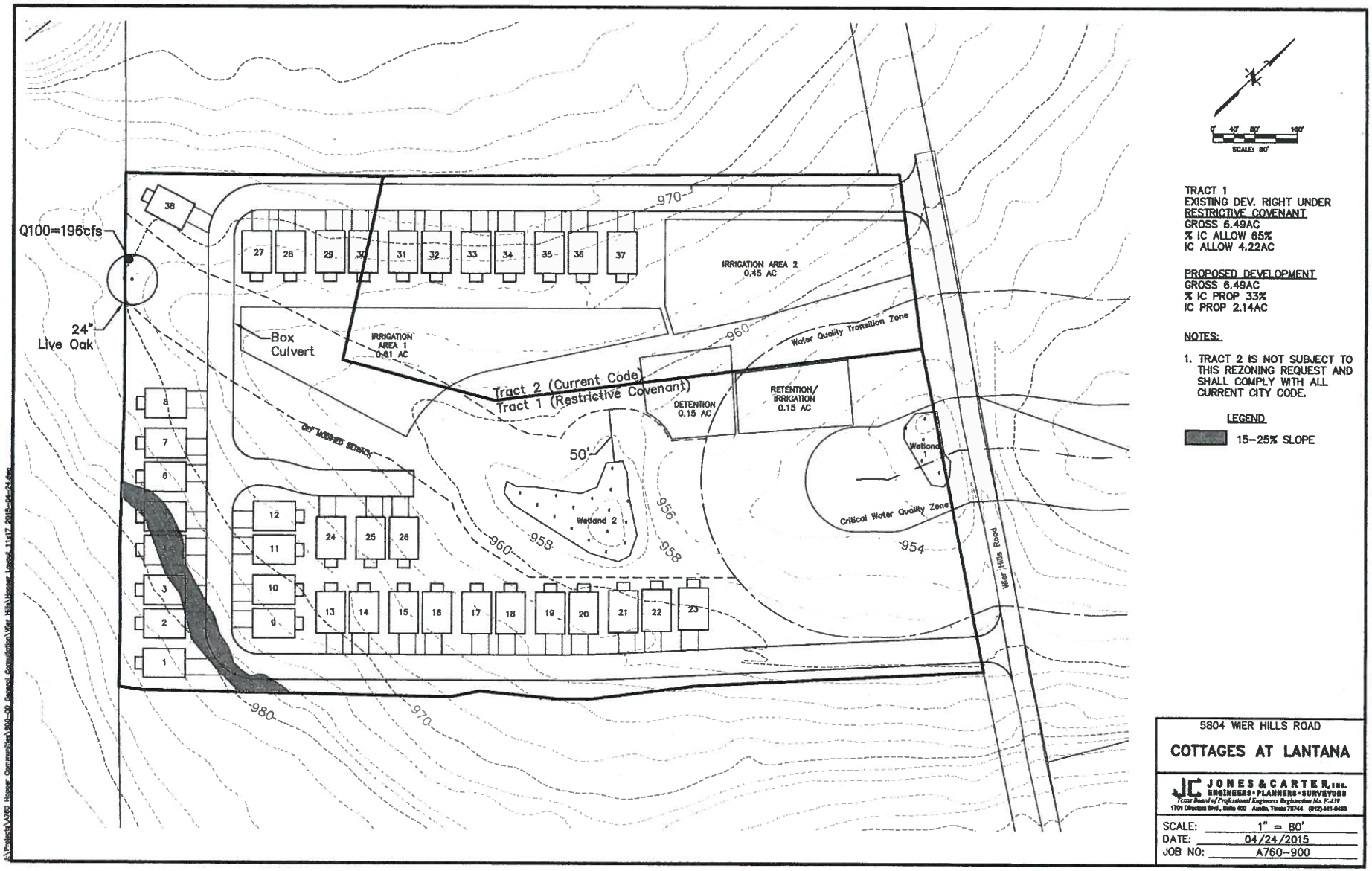


EXHIBIT B

Cottages at Lantana Conceptual Plan



SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant townhouse and condominium residence – neighborhood plan (SF-6-NP) combining district zoning and to amend the Restrictive Covenant in accordance with the memo from the Environmental Officer dated April 29, 2015, and provided as Exhibit E.

If the requested zoning is recommended for this site, 30 feet of right-of-way should be dedicated from the centerline of Wier Hills Road in accordance with the Transportation Criteria Manual [LDC, 25-6-55; TCM, Tables 1-7, 1-12].

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The townhouse and condominium residence (SF-6) district is intended as an area for moderate density single family, duplex, two-family, townhouse and condominium use.

2. Zoning changes should promote an orderly and compatible relationship among land uses.
3. Zoning should be consistent with approved and existing residential densities.

Staff recommends the Applicant's requests based on the following considerations: 1) the area supports a variety of housing types including condominiums, multi-family, single family and manufactured home residences, 2) a more restrictive zoning district is being sought, and 3) the restrictive covenant amendment would result in a suite of environmental and water quality regulations that significantly improve on the 1980s watershed regulations that currently apply to Tract 1.

EXISTING CONDITIONS

Site Characteristics

The subject property contains one single family residence, portions are heavily vegetated and has some rolling topography.

Impervious Cover

The maximum impervious cover allowed by the SF-6-NP zoning district is 65%, based on the 1987 restrictive covenant. On Tract 1, the Applicant is agreeable to reducing the amount of impervious cover to 33% gross site area (40% net). On Tract 2, impervious cover is limited to 25%. Impervious cover cannot be blended across Tracts 1 and 2; each tract must stand on its own.

Comprehensive Planning

The zoning and restrictive covenant case is located on the west side of Wier Hills Road, and is located within the boundaries of the West Oak Hill Combined Neighborhood Planning Area. The property is approximately 8.8 acres in size and is undeveloped. Surrounding land uses include condiminiums to the north, and undeveloped land to the south, east and west. The proposed use is a condo project.

Oak Hill Combined Neighborhood Plan (OHCNP)
The Oak Hill Combined Neighborhood Plan Future Land Use Map (FLUM) designates this portion of the planning area as **'Mixed Use/Office'** which is intended for a mix of residential and office uses and is supposed to provide a transition from residential uses to non-residential or mixed uses. SF-6 zoning is permitted under this FLUM category. The property is also located within the boundaries of the Barton Springs Contributing Zone, as identified on the Imagine Austin's Growth Concept Map.
The following text, goals, objectives and recommendations are taken from the OHCNP and are relevant to this case:
Goal 4.A: Preserve and enhance environmental resources including watersheds, air quality, and wildlife corridors. (p 36)

> **Objective: 4.A.1** Preserve the water quality of area aquifers, streams, rivers, and springs and protect endangered species dependent on the quality of those water resources.

Goal 4.B. Provide opportunities for high-quality new development and redevelopment. (p 37)

> **Objective 4.B.1**: Minimize the ecological footprint of development in the Oak Hill planning area to help achieve environmental goals, particularly the preservation of water quality.

Goal 6.B. Balance development and environmental protection by maintaining a vibrant residential and commercial community that demonstrates caring stewardship of the environment. (p 66)

> **Objective 6.B.1**: Encourage zoning to be compatible with existing and neighboring land uses and seek optimal and most appropriate use of land activity areas) at strategic locations. (p 66)
> **Objective 6.B.2** Provide business and residential expansion without creating urban sprawl.

Goal 8.A. Balance development and environmental protection by maintaining a vibrant residential and commercial community (p 120)

> **Objective 8.A2c**—Whenever possible, new housing developments should be located where existing services and infrastructure exist. Their appearance and density should be appropriate to its environment and compatible with surrounding uses. (p 126)
> **Objective 8.B**. Preserve neighborhood identity, character, affordability, and diversity.

Goal 9.C. Balance development and environmental protection by maintaining a vibrant residential and commercial community that demonstrates caring stewardship of the environment. (p 140)

> **Objective 9.C.2 b**—Encourage developers to explore clustered development as an option, since it provides sufficient housing units while maintaining and preserving considerable amounts of open space. (p 135)

The Oak Hill Combined Neighborhood Plan Future Land Use Map designates this portion of West Oak Hill as 'Mixed Use/Office' and the goals and objectives taken from this plan appears to support highly quality residential uses, as long as environmental regulations are enforced.

Imagine Austin
The property is located within the boundaries of the Barton Springs Contributing Zone, as identified on the Imagine Austin's Growth Concept Map, found in the Image Austin Comprehensive Plan (IACP). Based on the comparative scale of the site relative to nearby residential subdivisions located within walking distance of this area, as well as the site not being located along an Activity Corridor or within an Activity Center, this project falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning. However, due to the site's location over an environmentally sensitive area, there will be during the site planning stage if this property is redeveloped, an environmental review to determine if any critical environmental features are located on the site. If any are located on the site, mitigation and setbacks necessitated by the land development code will be required.

Environmental

This site is located in the Edwards Aquifer Contributing Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.

Project applications at the time of this report are subject to the SOS Ordinance that allows 25% impervious cover in the contributing zone.

According to floodplain maps there is no floodplain within or adjacent to the project location. However, COA GIS indicates a Water Quality Transition Zone and a Critical Water Quality Zone within the project location. Development within these areas is limited per LDC 25-8.

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 512-974-1876. 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.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site. Runoff from the site is required to comply with pollutant load restrictions as specified in Land Development Code.

Transportation

If the requested zoning is recommended for this site, 30 feet of right-of-way should be dedicated from the centerline of Wier Hills Road in accordance with the Transportation Criteria Manual [LDC, 25-6-55; TCM, Tables 1-7, 1-12].

Water and Wastewater

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, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. There is no water or wastewater service currently within 100 feet of tract 2. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. 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.

Site Plan and Compatibility Standards

Site plans will be required for any new development other than single-family or duplex residential. Any new development is subject to Subchapter E. Design Standards and Mixed Use. This site is located in the Barton Springs Zone. Additional comments will be made when the site plan is submitted.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

The site is subject to compatibility standards. Along the northwest property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.

- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

A portion of the site is located within a Hill Country Roadway Overlay. The site is located within the low intensity zone of the Hill Country Roadway. The site may be developed with the following maximum floor-to-area ratio (FAR):

	Slope	Maximum FAR
i.		
ii.	0-15%	.20:1
iii.	15-25%	.08:1
iv.	25-35%	.04:1

Except for clearing necessary to provide utilities or site access, a 100 foot vegetative buffer may be required along Wier Hills Road. At least 40% of the site (excluding dedicated right-of-way) must be left in a natural state. The maximum building height is 28 feet.

Prior to the issuance of a building permit for the proposed use, a site plan must be approved by the Planning Commission

May 5, 2015

Ms. Wendy Rhoades
City of Austin
Neighborhood Planning & Zoning Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

RE: Rezoning Case No. C14-2014-0172/Cottages of Lantana, rezoning of approximately 8.8 acres located at 5804 and 5610 Wier Hills Road to "Townhouse and Condominium Residence – Neighborhood Plan" (SF-6-NP); Restrictive Covenant Amendment Application Case No. C14-85-288.36 (RCA)/Cottages of Lantana

Dear Wendy:

I am writing to express the strong support of Lantana Tract 4 LP for rezoning the property located at 5804 and 5610 Wier Hills Road (the "Property") to "Townhouse and Condominium Residence – Neighborhood Plan" (SF-6-NP) as requested by the landowner.

The undersigned owns an approximately 9.10-acre tract of land located at the intersection of Terravista Drive and Southwest Parkway, which is near the Property, and we are proposing a commercial use for our land. We believe the proposed development of the Property provides a reasonable and fair project intensity that offers an appropriate, compatible land use transition from our property and adjacent land uses. In addition, construction of a quality residential development would provide a much more desirable neighbor than the current situation that involves many of the negative consequences inherent in being located adjacent to the existing vacant land.

As one of the impacted adjacent landowners, we offer our strong support of the landowner's rezoning request. Please contact me with any questions you might have.

Sincerely,

LANTANA TRACT 4 LP

By: Mike Crockett

Name: MIKE CROCKETT

Title: VP

{059.00130810.1}

PUBLIC HEARING INFORMATION

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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:
http://www.austintexas.gov/development.

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

Case Number: C14-85-288.36(RCA)
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: April 14, 2015, Planning Commission
May 14, 2015, City Council

Travis County West Owners Association, Inc.
Your Name (please print)

☐ **I am in favor**
☒ **I object**

c/o Ascension Property Management, Po Box 6527
Your address(es) affected by this application Round Rock, Texas 78683

Timothy Shelhamer, Director — 4/9/2015
Signature — *Date*

Daytime Telephone: 512-255-1671

Comments: See Attached

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

Comments to rezoning request
Case Number: C14-2014-0172
Planning Commission, April 14, 2015
City Council, May 14, 2015

The following comments are respectfully presented to the Planning Commission and City Council by the Travis County West Owners Association, Inc., a neighborhood organization whose declared boundaries are within 500 feet of the property subject to the rezoning request.

Travis County West Owners Association, Inc. ("TCW") objects to the proposed zoning change for the following reasons:

- The rezoning request will disallow the development of a mixed use, pedestrian-friendly corridor contemplated by the Oak Hill Combined Neighborhood Plan adopted December 11, 2008 (the "Neighborhood Plan"); and
- The rezoning request will increase traffic and intensify land use along narrow two-lane roadways.

The rezoning request will disallow the development of a mixed use, pedestrian-friendly corridor.

The Neighborhood Plan (on page 79) notes that the Neighborhood Mixed Use node is the dominate land use recommendation in the area in which the subject property is located. The Neighborhood Plan further notes (page 87) that this designation allows the development of small stores that serve the basic needs of residents along the corridor allowing people to walk or take a short drive to get a loaf of bread or a gallon of milk. There are currently limited tracts of property zoned for small stores serving neighborhood or community needs in the area surrounding the subject property. Changing the zoning of the subject property to SF-6-NP would disallow the development of the mixed use, pedestrian-friendly corridor contemplated by the Neighborhood Plan.

The rezoning request will increase traffic and intensify land use along narrow two-lane roadways.

The subject property is primarily located along Weir Hills Road, which is a feeder road to Old Bee Caves Road. Both Weir Hills Road and Old Bee Caves Road are narrow two-lane roadways with no sidewalks, curbs, or gutters subject to short site-distances. The Neighborhood Plan (on page 108) specifically identifies Old Bee Caves Road as a narrow two-lane roadway with no sidewalks, curbs, or gutters and notes that because it is partly within water quality buffers and the 100-year floodplain, the City has no funds or plans to widen Old Bee Caves Road. The existing LO-NP zoning is more appropriate because the traffic associated with offices predominately serving neighborhood or community needs is more appropriate for the existing and planned traffic infrastructure than the traffic associated with moderate density housing associated with a SF-6-NP designation. Current multi-family construction along the Old Bee Caves road corridor will already lead to increased traffic on this roadway. This proposed zoning change would create additional unnecessary congestion. As the Neighborhood Plan notes (on page 87) further intensifying land use along the Old Bee Caves Road corridor is not recommended.

Rhoades, Wendy

From: Chaoming Zhang <chaoming@gmail.com>
Sent: Sunday, April 12, 2015 11:09 PM
To: Rhoades, Wendy
Subject: Fwd: C14-2014-0172, and C14-85-288.36(RCA)
Attachments: rezone_c14-2014-0172.pdf; rezone_c14-85-288-36.pdf

Dear Wendy,

I am replying to the Case C14-2014-0172, and C14-85-288.36(RCA) regarding the rezoning besides my home, as attached.

I object both of them after discussion with our HOA. They may submitted another separate comment, while, I am forwarding the same here.

Thank,
Chaoming Zhang

"

Comments to rezoning request

Planning Commission, April 14, 2015

City Council, May 14, 2015

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Case Number: C14-2014-0172
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: April 14, 2015, Planning Commission
May 14, 2015, City Council

CHAOMING ZHANG
Your Name (please print)

☐ **I am in favor**
☑ **I object**

9021 Cobblestone
Your address(es) affected by this application

Signature — 04/12/15 *Date*

Daytime Telephone: 512-466-4076

Comments: See HOA comment from the forwarded email to wendy.rhoades@austintexas.gov

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

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Case Number: C14-85-288.36(RCA)
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: April 14, 2015, Planning Commission
May 14, 2015, City Council

CHAOMING ZHANG
Your Name (please print)

☐ **I am in favor**
☑ **I object**

8001 Cobblestone
Your address(es) affected by this application

Signature

04/12/15
Date

Daytime Telephone: 512-466-4076

Comments: Our HOA has submitted objection comment to wendy.rhoades@austintexas.gov

If you use this form to comment, it may be returned to:
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Planning & Zoning Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2014-0172
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: April 14, 2015, Planning Commission
May 14, 2015, City Council

BURKE NICHOLSON
Your Name (please print)

☐ **I am in favor**
☑ **I object**

5809 LECKRONE COVE
Your address(es) affected by this application

Signature — 4/8/14 *Date*

Daytime Telephone:_____

Comments:_____

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

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Case Number: C14-85-288.36(RCA)
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: April 14, 2015, Planning Commission
May 14, 2015, City Council

Burke Nicholson
Your Name (please print)

☐ I am in favor
☑ I object

5809 Lakelone Cove
Your address(es) affected by this application

Signature — 4/18/14 *Date*

Daytime Telephone:_____

Comments:_____

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