



## MEMORANDUM

**TO:** Mayor and Council

**FROM:** Chuck Lesniak, Environmental Officer  
Watershed Protection Department

**DATE:** November 9, 2016

**SUBJECT:** Item 46 - Champion Tract 3

This memo is to address some of the issues that were raised during the November 3, 2016 public hearing regarding the proposed rezoning and amendment to the settlement agreement for the Champion Tract 3. This tract, which is currently zoned general office-conditional overlay (GO-CO) combining district zoning, is proposed to be rezoned to multifamily residence-moderate-high density-conditional overlay (MF-4-CO) combining district zoning. The applicant has also proposed an amendment to an existing settlement agreement to allow additional building height and construction on slopes and set aside approximately 30 acres of the 45 acre tract in a conservation easement and protect several critical environmental features (CEFs) on the property. This memo focuses on issues related to the City's watershed regulations and related environmental issues.

### Existing Entitlements

The property is one of several properties subject to a Council approved 1996 settlement agreement and is zoned GO-CO and would allow office development. Following are the pertinent development regulations and entitlements under the agreement and the zoning that have environmental implications:

- Watershed regulations – The settlement agreement entitles the property to be developed under the pre-1993 Lake Austin Watershed Ordinance (LAWO), which do not include CEF protection and limits impervious cover to 40% overall with stricter limits within slope categories up to 35% slope.
- Hill Country Roadways Ordinance (HCRO) – The site is subject to the current regulations except that the settlement agreement modifies the road setback from RR2222 to 25 feet rather than the typical 100 feet.
- Limited office size – The current zoning ordinance (GO) passed in 2004 limits office to 30,000 square feet. However, other uses within the GO category (civic, school, hospital, etc.) may exceed that limitation.

There are no other limitations on the amount of development on the property as long as it complies with the current zoning regulation and the LAWO. A hypothetical land plan created by a professional land planning firm that was provided to Council by a citizen during the November 3<sup>rd</sup> public hearing showed extensive development to the entire tract with a driveway crossing a steep ravine connecting the two developable areas of the property. While there are challenges to developing the eastern

portion of the property it appears to be developable particularly if there is a driveway connection between the eastern and western halves.

#### Proposed Settlement Agreement Amendment

The applicant originally proposed a multi-family development that included rezoning and an amendment to the settlement agreement. The original proposal included:

- Three apartment buildings located to minimize visual impact to adjacent, uphill residential development.
- Access to City Park Road by filling in an unclassified tributary of Bull Creek.
- Access to RR2222 with right in and right out only.
- Additional cut and fill beyond that allowed by the LAWO.
- Increased impervious cover within specific slope categories.
- Increased building height if the HCRO density bonus provisions are met.
- Setting aside the portion of the tract east of the draw that bisects the property in a conservation easement.

Staff has since negotiated an agreement that includes the above with the following changes:

- Replacement of the uppermost apartment building and associated surface parking with a small leasing office. My understanding is this resulted in a loss of approximately 20 units.
- Reconfiguring one of the remaining apartment buildings to provide a more compact overall footprint, reducing the encroachment on steeper slopes and reducing cut and fill.
- Requiring protection of the CEFs on the property with a defined buffer consistent with current regulations.
- Shift the conservation easement area west of the draw to provide additional protected area and further protect the CEF and tributary of Bull Creek. Approximately 30 acres of the 45-acre tract are to be protected.
- Require a clear span bridge across the tributary adjacent to City Park Road. Fill would be prohibited within the tributary.
- Require rigorous construction phase environmental controls to minimize environmental impact of construction, particularly on steep slopes, and avoid problems experienced by similar, nearby development.

In summary, it is staff opinion that the proposed development provides substantial environmental benefits over a development that could be done under the existing zoning and settlement agreement. Hopefully, this information provides some clarity regarding existing entitlements and the current proposal. If you have any questions, please contact me at 512-974-2699 or by e-mail at [chuck.lesniak@austintexas.gov](mailto:chuck.lesniak@austintexas.gov).

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