

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2018-0019  
(Eubank Acres Section Four Lots 16 thru 21 Rezoning)

**ZAP DATE:** April 17, 2018

**ADDRESS:** Cherokee Street and Cedar Valley Cove

**DISTRICT AREA:** 7

**APPLICANT/OWNER:** CMST Development, LLC (Charles S. Nichols, Jr.), Jennifer Bristol, Thomas Nilles, Brannon Benjamin Taylor and Linda Pennington Taylor

**AGENT:** Garrett-Ihnen Civil Engineers, Inc. (Norma Raven Divine)

**ZONING FROM:** RR                      **TO:** SF-1                      **AREA:** 3.89 acres (169,448 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:**

4/17/18: Approved staff's recommendation of SF-1 zoning (9-1, B. Greenberg-No, A. Denkler-absent); S. Lavani-1<sup>st</sup>, A. Aguirre-2<sup>nd</sup>.

### **DEPARTMENT COMMENTS:**

The property in question is an undeveloped 3.89 acre area located along Cherokee Street and Cedar Valley Cove. These lots were annexed in 1984 and zoned with the RR, Rural Residence District, through zoning case C14-85-0149 (The North Lamar Area Study). The applicant is requesting to rezone this property to SF-1 to allow for additional single family homes to be built within this residential subdivision (please see Applicant's Letter – Attachment A).

The staff recommends the applicant's request for SF-1, Single Family Residence-Large Lot District, zoning at this location. The property is surrounded by SF-1 zoning to the north, south, east and west. The City no longer maintains a policy of zoning properties with floodplain with the RR zoning designation. The City of Austin Geographic Information System (GIS) shows the northernmost portion of the project to be located in the Critical Water Quality Zone. Development within the Critical Water Quality Zone is limited per LDC 25-8-261 and 262 (Please see Critical Water Quality Zone Development - Attachment B).

This property is located within the North Lamar Area Study, which was completed in May of 1985. The Area Study recommends Single Family as the future land use designation for these lots (Please see North Lamar Area Study Recommended Land Use – Attachment C).

The applicant agrees with the staff's recommendation.

## **ISSUES:**

The property owner has submitted a Chapter 245 Vested Rights application requesting grandfathering to 1960 development regulations. That application is under review. Also, the property is characterized by steep slopes across much of the tract, is heavily treed, and the northern portion intersects the Critical Water Quality Zone (CWQZ) for Walnut Creek. Current development regulations limit or prohibit develop on steep slopes and within the CWQZ and requires protection of large trees.

After this rezoning request was filed, the applicant/owner, CMST Development, LLC, sold portions of this property to adjacent neighbors who wanted to add the land to their existing lots. The new owners were not aware that their properties were part of this rezoning case (Please see the zoning case map with new ownership clarification – Attachment D). Before the Zoning and Platting Commission meeting, the applicant contacted the new owners Jennifer Bristol and Thomas Nilles and Ben and Linda Taylor to ask them to consider joining the rezoning request. The new property owners submitted signed letters adding their signatures to this rezoning application and stating that they do not oppose the zoning change from RR to SF-1 on their properties off of Cherokee Street or on the remaining lots off of Cedar Valley Cove (Please see New Ownership Letters – Attachment E). They also note in their letters that they do not have the intent to sell their properties for development now or in the foreseeable future. The original applicant, CMST Development LLC, still owns the northern 1.0398 acres (45,292 sq. ft. area) along Cedar Valley Cove.

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

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	RR	Undeveloped
<i>North</i>	SF-1	Single Family Residences
<i>South</i>	SF-1	Single Family Residences
<i>East</i>	SF-1	Single Family Residences
<i>West</i>	SF-1	Single Family Residences

**AREA STUDY:** North Lamar Area Study

**TIA:** Not required

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**SCENIC ROADWAY:** N/A

## **NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
Austin Neighborhoods Council  
Bike Austin  
Friends of Austin Neighborhoods  
Homeless Neighborhood Organization  
North Growth Corridor Alliance  
Pflugerville Independent School District  
Sierra Club, Austin Regional Group  
SELTEXAS  
Walnut Creek Neighborhood Association, Inc.  
Yager Planning Area

### CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2017-0004 (Lease Preparations of 704 Sandpiper)	LO to GR	5/16/17: Closed the public hearing and recommended staff's recommendation for denial of GR zoning (11-0); A. Denkler, A. Aguirre-2 <sup>nd</sup> .	6/08/17: Denied the rezoning request on consent (9-0, Council Member Garza and Council Member Kitchen-off the dais); P. Renteria-1 <sup>st</sup> , J. Flannigan-2 <sup>nd</sup> .
C14-2012-0009 (11711 North Lamar Re-Zoning)	LO to LO-MU-CO	2/21/12: Approved staff recommendation for LO-MU-CO zoning, with a CO to will limit the MU Combining District to single-family residential uses, on consent (6-0, G. Bourgeios-absent); S. Baldrige-1 <sup>st</sup> , G. Rojas-2 <sup>nd</sup> .	3/22/12: Approved LO-MU-CO zoning on consent on all 3 readings (6-0, L. Morrison-absent); B. Spelman-1 <sup>st</sup> , M. Martinez-2 <sup>nd</sup> .
C14-2009-0162 (AAA Limousine: 11902 North I.H.-35 Service Road South Bound )	LO to GR* * Applicant amend their request to GR-CO zoning, limiting the property to Automotive Rentals as the only permitted GR district use and all other LR district uses.	3/02/10: Approved the staff's recommendation of GR-CO zoning, with Automotive Rentals as the only permitted GR district use, allowing all other LR district uses and the following additional conditions: 1) no 24 hours uses permitted on the site, 2) a 25-foot vegetative buffer along the western property line adjacent to the residential neighborhood, 3) The placement of new trees within the 25-foot vegetative buffer as recommended by the City arborist, and 4) the preservation of tree wells on the site by removing pavement or asphalt within the drip line area for the existing trees on the property (with the City arborist is to sign off on the required area for the tree wells). Vote: 7-0; S. Baldrige-1 <sup>st</sup> , P. Seeger-2 <sup>nd</sup> .	4/08/10: Approved ZAP rec. of GR-CO zoning (6-0, Cole-off dais), with the following amended conditions agreed to by the applicant: Establish a natural/vegetative buffer with a minimum of eight evergreen or class one or two trees that are utility compatible trees along the western perimeter of the property. Enhance the care and longevity of large oaks. Establish, in the middle of the lot, a natural preserved area that is at least a ten foot radius that will be maintained along the northern and eastern portion from the tree trunks. The natural buffer shall be extended to the property line on the southern and western portions from the tree trunks. In the situation where a ten foot buffer is allowed to be encroached upon (for example: an area used for sidewalk or parking spaces), no canopy and root zone impacts should be allowed. Encroached upon areas should be limited (through the tree permitting process) in a manner where canopy area is not removed and where any ground disturbance is limited to construction above grade. Staff was directed to include a

			<p>prohibition on auto washing and auto repair as accessory uses in the final ordinance.</p> <p>5/27/10: Approved GR-CO zoning, with conditions on consent on 2<sup>nd</sup>/3<sup>rd</sup> readings (6-0, Spelman-off dais); Morrison-1<sup>st</sup>, Riley-2<sup>nd</sup>.</p>
C14-2009-0071 – Arrow A/C	LR to CS	<p>10/20/09: Approved staff's recommendation of CS-CO, making Construction Sales and Services a conditional use, adding no outdoor storage to the proposed public restrictive covenant, permit all other 'LR' district uses, and limit the development intensity on the site to less than 2,000 vehicle trips per day.</p> <p>The public restrictive covenant will state that the applicant will provide signage on the site to prohibit heavy commercial vehicles with a loaded weight limit of 10 tons from entering the site from the Meadowlark Avenue driveway (7-0); G. Bourgeois-1<sup>st</sup>, P. Seeger-2<sup>nd</sup>.</p>	<p>11/05/09: Approved ZAP Commission rec. of CS-CO district zoning on 1<sup>st</sup> reading, with the following additional permitted uses: auto rentals and auto sales. There was a friendly amendment made by Council Member Riley to prohibit drive through service. Council Member Spelman's motion, Mayor Leffingwell's second (5-2, Morrison and Shade-Nay).</p> <p>12/10/09: Approved SC-CO zoning (6-0, M. Martinez-absent); 2<sup>nd</sup>/3<sup>rd</sup> readings</p>
C14-2008-0229 – Walnut Forest Motel	GO to GR-CO	<p>1/06/09: ZAP approved GR-CO. The CO prohibits the following uses: A DRIVE-THROUGH USE AS AN ACCESSORY USE, AUTOMOTIVE RENTALS, AUTOMOTIVE REPAIR SERVICES, AUTOMOTIVE SALES, AUTOMOTIVE WASHING (OF ANY TYPE), BAIL BOND SERVICES, COMMERCIAL BLOOD PLASMA CENTER, COMMERCIAL OFF-STREET PARKING, COMMUNITY RECREATION (PRIVATE), COMMUNITY RECREATION (PRIVATE), CONGREGATE LIVING, CONSUMER CONVENIENCE SERVICES, FOOD SALES, FUNERAL SERVICES, GENERAL RETAIL SALES (GENERAL), GUIDANCE SERVICES, INDOOR ENTERTAINMENT, OUTDOOR SPORTS AND RECREATION, PAWN SHOP SERVICES, RESIDENTIAL TREATMENT AND SERVICE STATION; LIMITING</p>	<p>2/12/09: Approved ZAP Commission rec. of GR-CO zoning (7-0); on all 3 readings</p>

		HEIGHT TO 35 FEET, AND LIMITING VEHICLE TRIPS TO 2,000 PER DAY.	
C14-2008-0214 – Tex-Tar	LR to LI-CO (Amended to CS-CO)	1/06/09: Approved staff's rec. to deny LI zoning (6-1, T. Rabago-No); D. Tiemann-1 <sup>st</sup> , B. Baker-2 <sup>nd</sup> .	2/12/09: Postponed to February 26, 2009 at the neighborhood's request (7-0)  2/26/09: Approved CS-CO zoning, with Construction Sales and Services as the only permitted CS use and permitting all other LR uses, on 1 <sup>st</sup> reading only (5-0); S. Cole'-1 <sup>st</sup> , B. McCracken-2 <sup>nd</sup> .  3/26/09: Approved CS-CO zoning on 2 <sup>nd</sup> /3 <sup>rd</sup> readings (7-0); L. Morrison-1 <sup>st</sup> , W. Wynn-2 <sup>nd</sup> .

**RELATED CASES:**

C8-60-6 (Subdivision Case)

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Cherokee St	Not constructed	Not constructed	Local street	no	no	Lamar/Caddo 4896
Cedar Valley	50ft	27ft	Local street	no	no	Lamar/Caddo 4896

**CITY COUNCIL DATE:** May 10, 2018

**ACTION:**

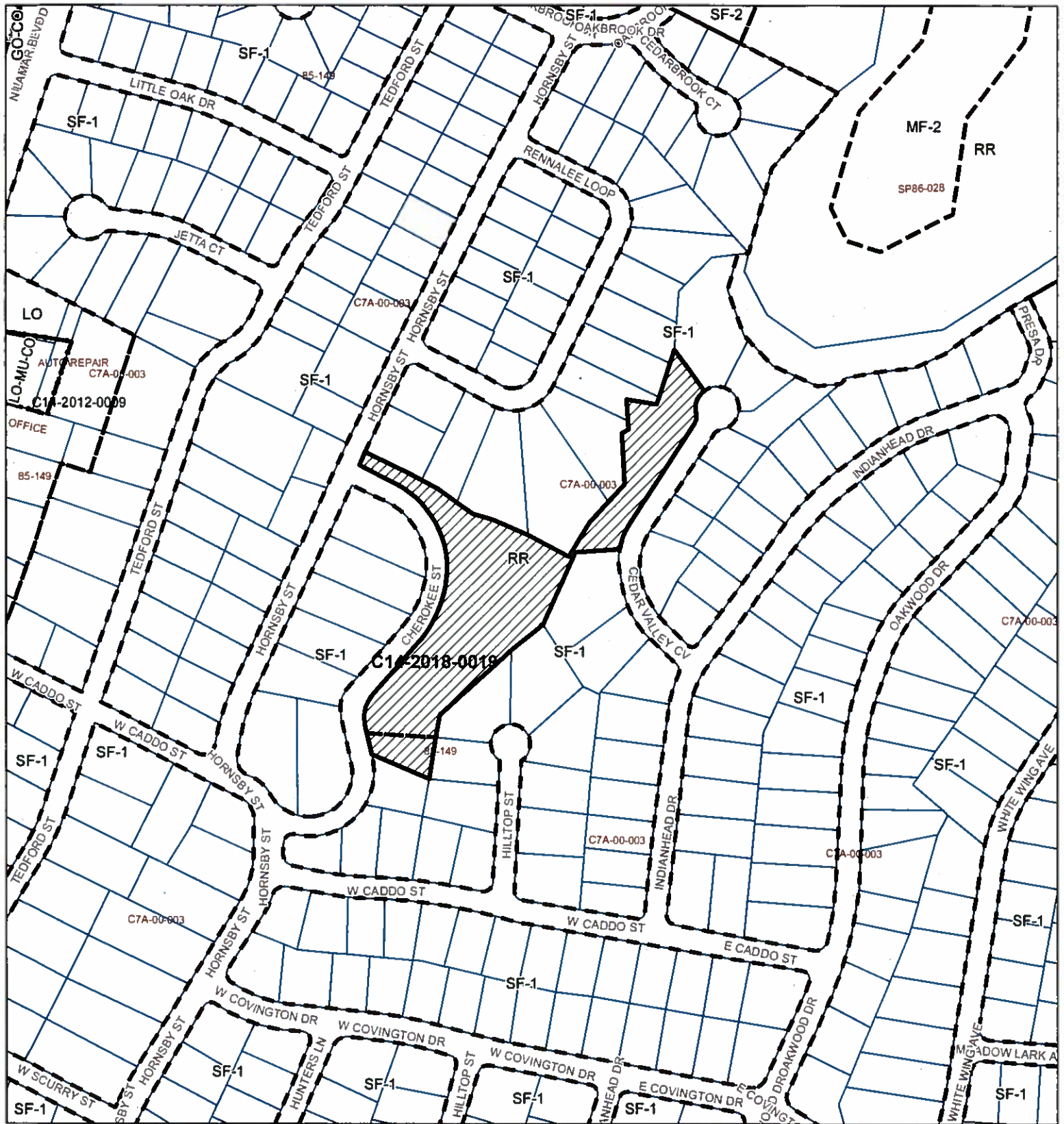
**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

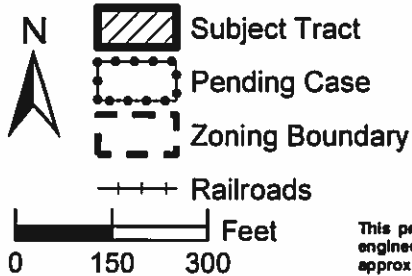
**ORDINANCE NUMBER:** N/A





## ZONING

Case#: C14-2018-0019



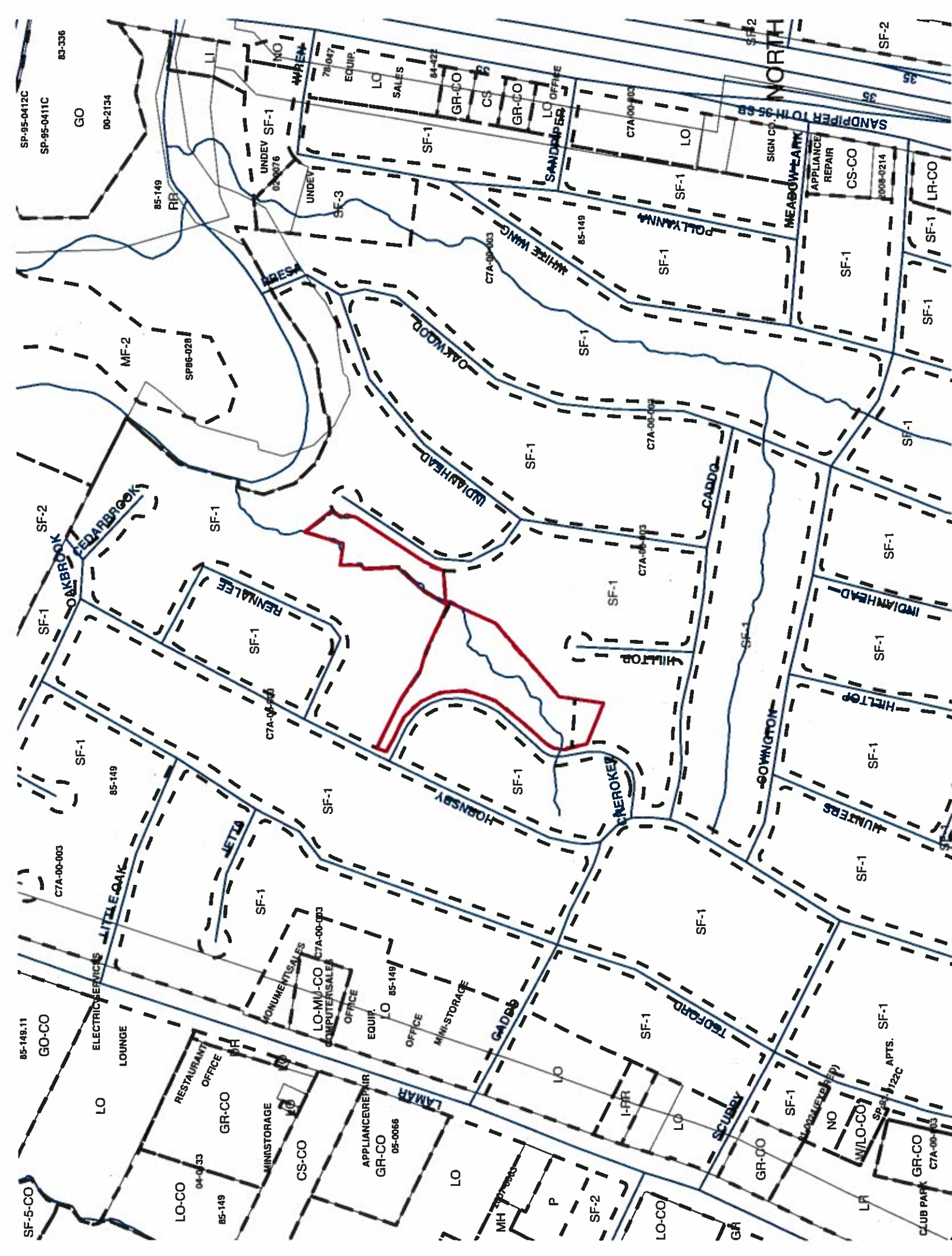
1" = 300'

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.

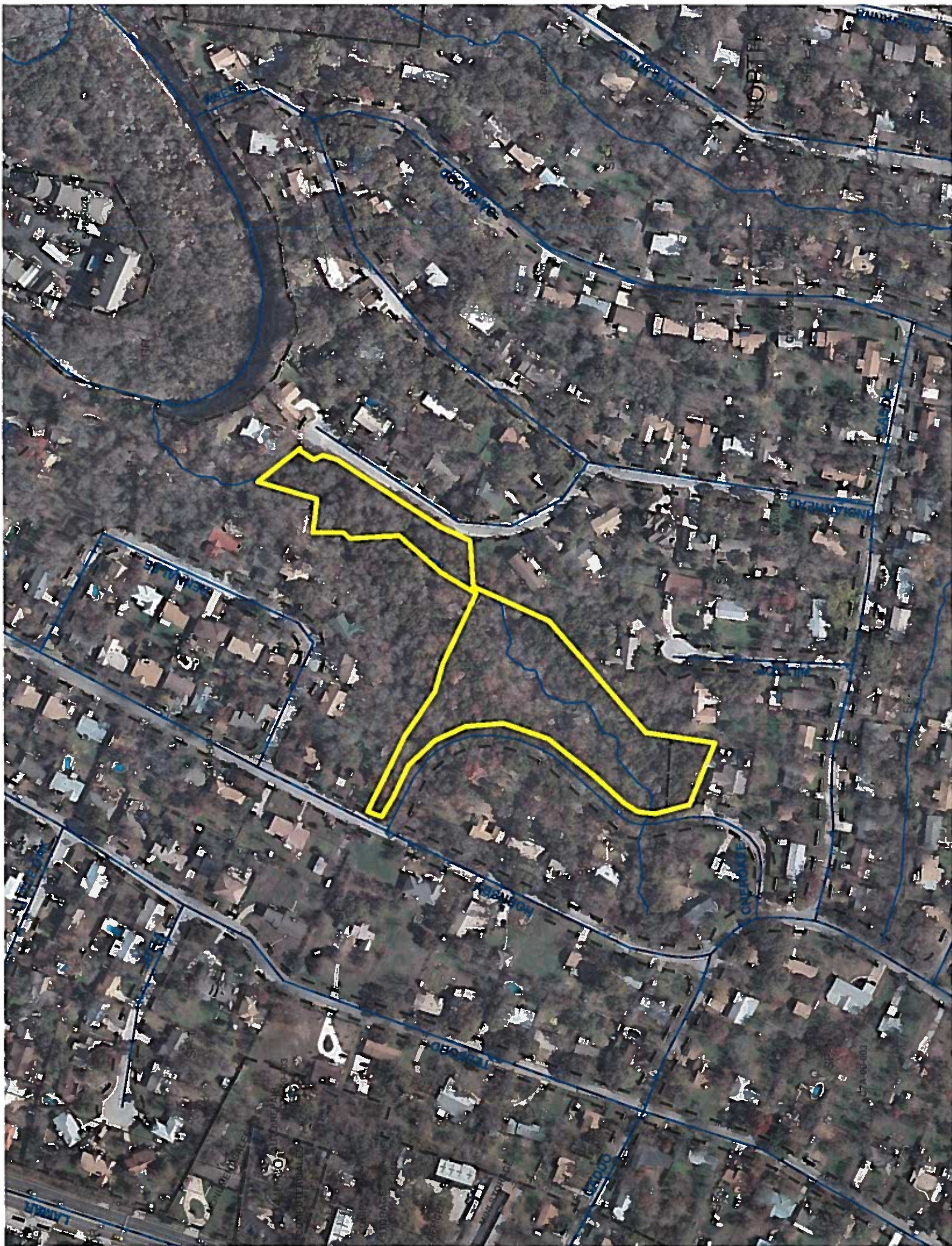
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Created: 2/26/2018









## **SUMMARY STAFF RECOMMENDATION**

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

## **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

1. *The proposed zoning is 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. *Granting of the request should result in an equal treatment of similarly situated properties.*

The property is surrounded by SF-1 zoning to the north, south, east and west. It is located within the North Lamar Area Study, which was completed in May of 1985. The Area Study recommends Single Family as the future land use designation for this particular tract of land

3. *Zoning should allow for reasonable use of the property.*

The proposed SF-1 zoning will permit the applicant to develop additional single family residences within this area. The City no longer maintains a policy of zoning properties with floodplain with the RR zoning designation. The City of Austin Geographic Information System (GIS) shows the northernmost portion of the project to be located in the Critical Water Quality Zone. Therefore, development within the Critical Water Quality Zone is limited per conditions of the Land Development Code.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site under consideration is an undeveloped area within heavy tree coverage within a single family residential neighborhood.

### **Comprehensive Planning**

This zoning case is located on the northeast side of Cherokee Street, on 3.88 acre lot. The subject property is not located within the boundaries of a neighborhood planning area and is surrounded by single family housing to the east, west and south, and vacant land to the north. The proposal is to obtain residential zoning to construct 6 single family houses.

Based on the comparative scale and proposed residential use of this site relative to adjoining residential uses, and not being situated along an Activity Center or Corridor as specified on the Imagine Austin Growth Concept Map, this case falls below the broad scope of Imagine Austin, and consequently the plan is neutral on this proposed rezoning.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

According to floodplain maps there is a floodplain adjacent to the project location. Additionally, COA GIS shows the northernmost portion of the project to be located in the Critical Water Quality Zone. Development within the Critical Water Quality Zone is limited per LDC 25-8-261 and 262.

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.

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

### **Hill Country Roadway**

The site is not within a Hill Country Roadway Corridor.

### **Impervious Cover**

The maximum impervious cover allowed by the SF-1 zoning district is 40%. However, because the watershed impervious cover is more restrictive than zoning district's allowable impervious cover, the impervious cover is limited by watershed regulations as shown in the table below.

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

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family		
(minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%



### **Site Plan**

Site plans will be required for any new development other than single-family or duplex residential.

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.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

### **Compatibility Standards**

The site is subject to compatibility standards. Along the North 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.
- ☐ For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- ☐ An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- ☐ A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

### **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 stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

### **Transportation**

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]

If the requested zoning is granted, the applicant shall construct Cherokee St. along property frontage according to City of Austin standards.

**Existing Street Characteristics:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bike Route</b>	<b>Capital Metro (within ¼ mile)</b>
Cherokee St	Not constructed	Not constructed	Local street	no	no	Lamar/Caddo 4896
Cedar Valley	50ft	27ft	Local street	no	no	Lamar/Caddo 4896

**Water and Wastewater**

FYI: The landowner intends to serve the lots 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. Water and wastewater utility plans must be reviewed and approved by Austin Water 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 fees once the landowner makes an application for Austin Water utility tap permits.



January 22, 2018

512.454.2400  
866.512.4423

Ms. Jolene Kiolbassa, Chair  
Zoning and Platting Commission  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767

Re: Rezoning Request for Eubank Acres Section Four Lots 16 thru 21

Dear Ms. Kiolbassa,

On behalf of CMST Development, LLC ("CMST"), enclosed please find the application to rezone Eubank Acres Section 4 Lots 16 thru 21 from Rural Residence ("RR") District to Single Family – Large Lot ("SF-1") District. We believe that this request is consistent with the surrounding zoning/land uses adjacent to this tract of land.

The property subject to this request (the "Property") is a 3.89-acre tract of land in Austin, Travis County, Texas, as shown on the field notes and map attached as Exhibit A. The property lies just east of I.H.-35 North, just west of North Lamar Boulevard, and just north of West Braker Lane. CMST intends to develop the Property, which is currently undeveloped.

The area was annexed as limited purpose annexation in 1984 and given interim zoning. The area was rezoned on October 3, 1985 by Ordinance No. 851003-K, City of Austin Case No. C14-85-149. In conjunction with that rezoning, the property was zoned RR.

CMST does not seek to change the permitted single-family use for the Property. Rather, CMST requests Council to rezone the Property in order to allow a slight increase in the number of homes from 4 to 6 to match an existing Preliminary Plan for Eubank Acres Section 4 approved by the Planning Commission on April 5, 1960, City of Austin Case No. C8-60-6, as shown on the Planning Commission Meeting Minutes attached as Exhibit B. The plan reflects an approved density of 6 units. CMST requests that the zoning be modified to allow a total of 6 single-family units for the area of Eubank Acres Section 4 Lots 16 thru 21 by rezoning the Property to SF-1.

This modest increase in proposed density falls within the range of the density previously approved. The approved preliminary plan, actually on file with the City under Case No. C8-60-6, shows a configuration of 6 lots. See Exhibit C. Housing affordability is a critical issue in Austin, and the high housing cost is driven in part by the high land cost per unit. The requested rezoning will allow CMST to deliver housing units at a slightly lower land cost per unit.

The requested rezoning will not cause any perceptible increase in traffic or work any change in quality to the surrounding neighborhoods. In fact, infrastructure improvements in the area would support much higher densities. When the preliminary plan was approved in 1960,

central wastewater service was not available and septic systems were the only wastewater option available. Since then, central sewer has been provided when the Property was full purpose annexed on November 2, 2000 by Ordinance No. 001102-51.

Between the times the Property received an approved preliminary plan in 1960 and when the property was annexed for limited purposes in 1984, the North Lamar Area Study was conceived and enacted. The North Lamar Area Study had developed two priorities for this area. One priority was to assign a zoning classification of RR, Rural Residential, to all lands located within the 100-year flood plain in order to promote preservation. The second priority was the acquisition and development of flood plain areas for public greenbelts, either along Walnut Creek or appropriately situated tributaries. These areas identified in the North Lamar Area Study were to be pursued aggressively by the City. Tributaries in residential areas were also to be earmarked for acquisition, with areas dedicated for public greenbelts being a minimum of 100 feet wide. At the time, at least 100 acres of non-flood plain neighborhood parkland was needed to meet park needs in the study area.

Given this historical context, CMST contacted Lauraine Rizer, Officer for the Office of Real Estate Services for the City of Austin, in June of 2017. An offer was extended to the City to purchase the property before CMST proceeded with the continuation of the approved preliminary plan for Eubank Acres Section 4 Lots 16 thru 21. CMST received notification from Michael Tamaz, City of Austin Office of Real Estate Services, on July 6, 2017 that the City had no interest in acquiring the property for parkland purposes.

In the North Lamar Area Study, the use of the term “permanent zoning” meant zoning that had been assigned based on a comprehensive study, but which may be changed in the future by a rezoning application should conditions change, or should the assigned classification be shown to have been inappropriate because new information becomes available. Both Map 7 – Existing Land Use Map and Map 10 – Environmental & Flood Map were in error. Map 7 – Existing Land Use Map indicated “Vacant” for the subject Property when in fact it should have been labeled “Committed Vacant” because of the 1960 approved preliminary plan. Map 10 – Environmental & Flood Map indicates a flood plain where no flood plain currently exists.

The adopting ordinance language stated “where the boundary of an “RR” Rural Residential or “P” Public zoning district is intended to be the boundary of the 100-year flood plain as shown on [North Lamar Area Study] Exhibit “A,” and a discrepancy exists between the boundaries of the 100-year flood plain shown on [North Lamar Area Study] Exhibit “A” and on a preliminary subdivision plan approved prior to the effective date of this Ordinance [851003-K], the boundary shown on the approved preliminary subdivision plan shall be controlling and the Zoning Map accompanying Chapter 13-2A of the Austin City Code of 1981 shall be changed to conform with such boundary.



January 22, 2018

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The existing Preliminary Plan for Eubank Acres Section 4 approved by the Planning Commission on April 5, 1960, City of Austin Case No. C8-60-6, shows no flood plain. Also, the property has been determined to be outside of zone "AE", areas determined to be within the 1% annual chance flood plain, as shown on F.I.R.M. Panel Number 48453C0270J, Travis County, Texas dated August 18, 2014. Furthermore, the property has been determined to be outside of the fully developed upstream area flood plain since the contributing upstream drainage area is less than the 64 acre threshold.

We request that this application for rezoning be processed and the proposed area for rezoning be placed on the City Council agenda at the earliest opportunity. If you have any questions or need any additional information in order to process the request, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Norma Raven Divine".

Norma Raven Divine  
Garrett-Ihnen Civil Engineers

## ORDINANCE NO. 851003-K

AN ORDINANCE ORDERING INITIAL PERMANENT ZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2A OF THE AUSTIN CITY CODE OF 1981 AS FOLLOWS: CERTAIN PROPERTY LOCATED WITHIN THE BOUNDARIES OF THE NORTH LAMAR AREA STUDY (ZONING CASE NO. C14-85-149) AS IDENTIFIED ON THE MAP ATTACHED AND INCORPORATED INTO THIS ORDINANCE AS EXHIBIT "A," FROM VARIOUS EXISTING INTERIM ZONING DISTRICT CLASSIFICATIONS AND BOUNDARIES TO THE DESIGNATED ZONING DISTRICTS AND BOUNDARIES NOTED ON SAID ATTACHED EXHIBIT; 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 districts and boundaries on certain property described in the North Lamar Area Study (File C14-85-149) identified on the map attached and hereby incorporated into this Ordinance as Exhibit "A" from the various existing interim zoning districts and boundaries to the permanent zoning districts and boundaries designated on Exhibit "A." Property designated on Exhibit "A" with a triangle or an asterisk are not intended to be zoned hereby and shall retain their respective existing interim or permanent zoning classification, as applicable, until otherwise zoned or rezoned.

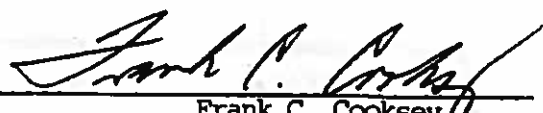
PART 2. It is hereby ordered that the Zoning Map accompanying Chapter 13-2A of the Austin City Code of 1981 and made a part thereof shall be changed so as to record the change ordered in this ordinance. Where the boundary of an "RR" Rural Residential or "P" Public zoning district is intended to be the boundary of the 100-year flood plain as shown on Exhibit "A," and a discrepancy exists between the boundaries of the 100-year flood plain shown on Exhibit "A" and on a preliminary subdivision plan approved prior to the effective date of this Ordinance, the boundary shown on the approved preliminary subdivision plan shall be controlling and the Zoning Map accompanying Chapter 13-2A of the Austin City Code of 1981 shall be changed to conform with such boundary.

PART 3. The rule requiring that ordinances shall be read on three separate days is hereby suspended, and this ordinance shall become effective ten (10) days following the date of its passage.

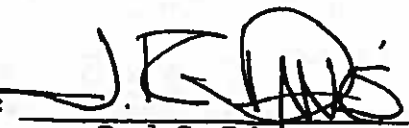
PASSED AND APPROVED

October 3, 1985

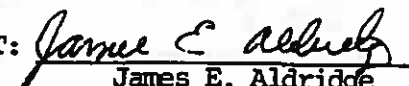
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Frank C. Cooksey  
Mayor

APPROVED:

  
Paul C. Isham  
City Attorney

ATTEST:

  
James E. Aldridge  
City Clerk



• **§ 25-8-261 - CRITICAL WATER QUALITY ZONE DEVELOPMENT.**

In all watersheds, development is prohibited in a critical water quality zone except as provided in this Division. Development allowed in the critical water quality zone under this Division shall be revegetated and restored within the limits of construction as prescribed by the Environmental Criteria Manual.

- (A) A fence that does not obstruct flood flows is permitted in a critical water quality zone.
- (B) Open space is permitted in a critical water quality zone if a program of fertilizer, pesticide, and herbicide use is approved by the Watershed Protection Department, subject to the conditions in this Subsection.
- (1) In a water supply rural watershed, water supply suburban, or the Barton Springs Zone, open space is limited to sustainable urban agriculture or a community garden if the requirements in subsection (B)(4) are met, multi-use trails, picnic facilities, and outdoor facilities, excluding stables, corrals for animals and athletic fields.
- (2) A master planned park that is approved by the council may include recreational development other than that described in Subsection (B)(1).
- (3) A hard surfaced trail may cross the critical water quality zone pursuant to [Section 25-8-262](#) ( *Critical Water Quality Zone Street Crossings* ). A hard surfaced trail that does not cross the critical water quality zone may be located within the critical water quality zone only if:
- (a) designed in accordance with the Environmental Criteria Manual;
  - (b) located outside the erosion hazard zone unless protective works are provided as prescribed in the Drainage Criteria Manual;
  - (c) limited to 12 feet in width unless a wider trail is designated in the Urban Trails Master Plan adopted by Council;
  - (d) located not less than 25 feet from the centerline of a waterway if within an urban watershed;
  - (e) located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway if within a watershed other than an urban watershed;
  - (f) located not less than 50 feet from the shoreline of Lake Travis, Lake Austin, Lady Bird Lake, and Lake Walter E. Long, as defined in [Section 25-8-92](#); and
  - (g) located not less than 100 feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam.
- (4) Open space may include sustainable urban agriculture or a community garden only if:
- (a) in an urban watershed and located not less than 25 feet from the centerline of a waterway, or in a watershed other than an urban watershed and located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway;
  - (b) located not less than 50 feet from the shoreline of Lake Travis, Lake Austin, Lady Bird Lake, and Lake Walter E. Long, as defined in [Section 25-8-92](#);
  - (c) located not less than 100 feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam;
  - (d) designed in accordance with the Environmental Criteria Manual; and
  - (e) limited to garden plots and paths, with no storage facilities or other structures over 500 square feet.
- (5) In a suburban or urban watershed, open space may include an athletic field only if:
- (a) in an urban watershed and located not less than 25 feet from the centerline of a waterway, or in a suburban watershed and located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway;

- (b) located not less than 50 feet from the shoreline of Lady Bird Lake and Lake Walter E. Long, as defined in [Section 25-8-92](#);
- (c) located not less than 100 feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam; and
- (d) the owner of the athletic field submits to the Watershed Protection Department a maintenance plan to keep the athletic field well vegetated and minimize compaction, as prescribed in the Environmental Criteria Manual.

(C) The requirements of this subsection apply along Lake Travis, Lake Austin, or Lady Bird Lake.

- (1) A dock, public boat ramp, bulkhead or marina, and necessary access and appurtenances, are permitted in a critical water quality zone subject to compliance with [Chapter 25-2](#), Subchapter C, Article 12 ( *Docks, Bulkheads, and Shoreline Access* ). For a single-family residential use, necessary access may not exceed the minimum area of land disturbance required to construct a single means of access from the shoreline to a dock.
- (2) Disturbed areas must be restored in accordance with the Environmental Criteria Manual and the following requirements:
  - (a) Within a lakefront critical water quality zone, or an equivalent area within 25 feet of a shoreline, restoration must include:
    - (i) at least one native shade tree and one native understory tree, per 500 square feet of disturbed area; and
    - (ii) one native shrub per 150 square feet of disturbed area; and
  - (b) Remaining disturbed areas must be restored per standard specifications for native restoration.
- (3) Within the shoreline setback area defined by [Section 25-2-551](#) ( *Lake Austin (LA) District Regulations* ) and within the overlay established by [Section 25-2-180](#) ( *Lake Austin (LA) Overlay District* ), no more than 30 percent of the total number of shade trees of 8 inches or greater, as designated in the Environmental Criteria Manual, may be removed.
- (4) Before a building permit may be issued or a site plan released, approval by the Watershed Protection Department is required for chemicals used to treat building materials that will be submerged in water.
- (5) Bank erosion above the 100-year-flood plain may be stabilized within a lakefront critical water quality zone if the restoration meets the requirements of Subsection (B) (2) of this section.

(D) A utility line, including a storm drain, is prohibited in the critical water quality zone, except as provided in subsection (E) or for a necessary crossing. A necessary utility crossing may cross into or through a critical water quality zone only if:

- (1) the utility line follows the most direct path into or across the critical water quality zone to minimize disturbance;
- (2) the depth of the utility line and location of associated access shafts are not located within an erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual; and
- (3) in the Barton Springs Zone, is approved by the director of the Watershed Protection Department.

(E) In the urban and suburban watersheds, a utility line may be located parallel to and within the critical water quality zone if:

- (1) in an urban watershed and located not less than 50 feet from the centerline of a waterway, or in a watershed other than urban and located not less than 50 feet from the centerline of a minor waterway, 100 feet from the centerline of an intermediate waterway, and 150 feet from the centerline of a major waterway;
- (2) located not less than 50 feet from the shoreline of Lady Bird Lake and Lake Walter E. Long, as defined in [Section 25-8-92](#);

- (3) located not less than 100 feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam;
- (4) designed in accordance with the Environmental Criteria Manual;
- (5) located outside the erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual; and
- (6) the project includes either riparian restoration of an area within the critical water quality zone equal in size to the area of disturbance in accordance with the Environmental Criteria Manual, or payment into the Riparian Zone Mitigation Fund of a non-refundable amount established by ordinance.

(F) In-channel detention basins and in-channel wet ponds are allowed in the critical water quality zone only if designed in accordance with the Environmental Criteria Manual.

(G) Floodplain modifications are prohibited in the critical water quality zone unless:

- (1) the floodplain modifications proposed are necessary to address an existing threat to public health and safety, as determined by the director of the Watershed Protection Department;
- (2) the floodplain modifications proposed would provide a significant, demonstrable environmental benefit, as determined by a functional assessment of floodplain health as prescribed by the Environmental Criteria Manual; or
- (3) the floodplain modifications proposed are necessary for development allowed in the critical water quality zone under [Section 25-8-261](#) ( *Critical Water Quality Zone Development* ), [Section 25-8-262](#) ( *Critical Water Quality Zone Street Crossings* ), or [Section 25-8-367](#) ( *Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long* ).

(H) In the urban and suburban watersheds, vegetative filter strips, rain gardens, biofiltration ponds, areas used for irrigation or infiltration of stormwater, or other controls as prescribed by rule are allowed in the critical water quality zone if:

- (1) in an urban watershed and located not less than 50 feet from the centerline of a waterway, or in a watershed other than urban and located no less than 50 feet from the centerline of a minor waterway, no less than 100 feet from the centerline of an intermediate waterway, and no less than 150 feet from the centerline of a major waterway;
- (2) located not less than 50 feet from the shoreline of Lady Bird Lake and Lake Walter E. Long, as defined in [Section 25-8-92](#);
- (3) located not less than 100 feet from the ordinary high water mark of the Colorado River downstream from Longhorn Dam;
- (4) located outside the 100-year floodplain; and
- (5) located outside the erosion hazard zone, unless protective works are provided as prescribed in the Drainage Criteria Manual.

(I) Development associated with power generation, transmission, or distribution at the Decker Creek Power Station is allowed in the critical water quality zone.

(J) A residential lot that is 5,750 square feet or less in size may not include any portion of a critical water quality zone.

Source: Sections 13-7-23(e) and (h); Ord. 990225-70; Ord. 010329-18; Ord. 010607-8; Ord. 031211-11; Ord. 20131017-046; [Ord. No. 20140626-113, Pt. 20, 7-7-14](#); Ord. No. [20160922-048](#), Pt. 5, 10-3-16; [Ord. No. 20170615-102](#), Pt. 17, 6-15-17.



• **§ 25-8-262 - CRITICAL WATER QUALITY ZONE STREET CROSSINGS.**

(A) In an urban watershed, an arterial, collector, or residential street may cross a critical water quality zone of any waterway.

(B) This subsection applies in a watershed other than an urban watershed.

(1) A major waterway critical water quality zone may be crossed by an arterial street identified in the Transportation Plan.

(2) An intermediate waterway critical water quality zone may be crossed by an arterial or collector street, except:

(a) a collector street crossing must be at least 2,500 feet from a collector or arterial street crossing on the same waterway; or

(b) in a water supply suburban or water supply rural watershed, or the Barton Springs Zone, a collector street crossing must be at least one mile from a collector or arterial street crossing on the same waterway.

(3) A minor waterway critical water quality zone may be crossed by an arterial or collector street, except:

(a) a collector street crossing must be at least 900 feet from a collector or arterial street crossing on the same waterway; or

(b) in a water supply suburban or water supply rural watershed, or the Barton Springs Zone, a collector street crossing must be at least 2,000 feet from a collector or arterial street crossing on the same waterway.

(4) A minor waterway critical water quality zone may be crossed by a residential or commercial street if necessary to provide access to property that cannot otherwise be safely accessed.

(C) In all watersheds, multi-use trails may cross a critical water quality zone of any waterway.

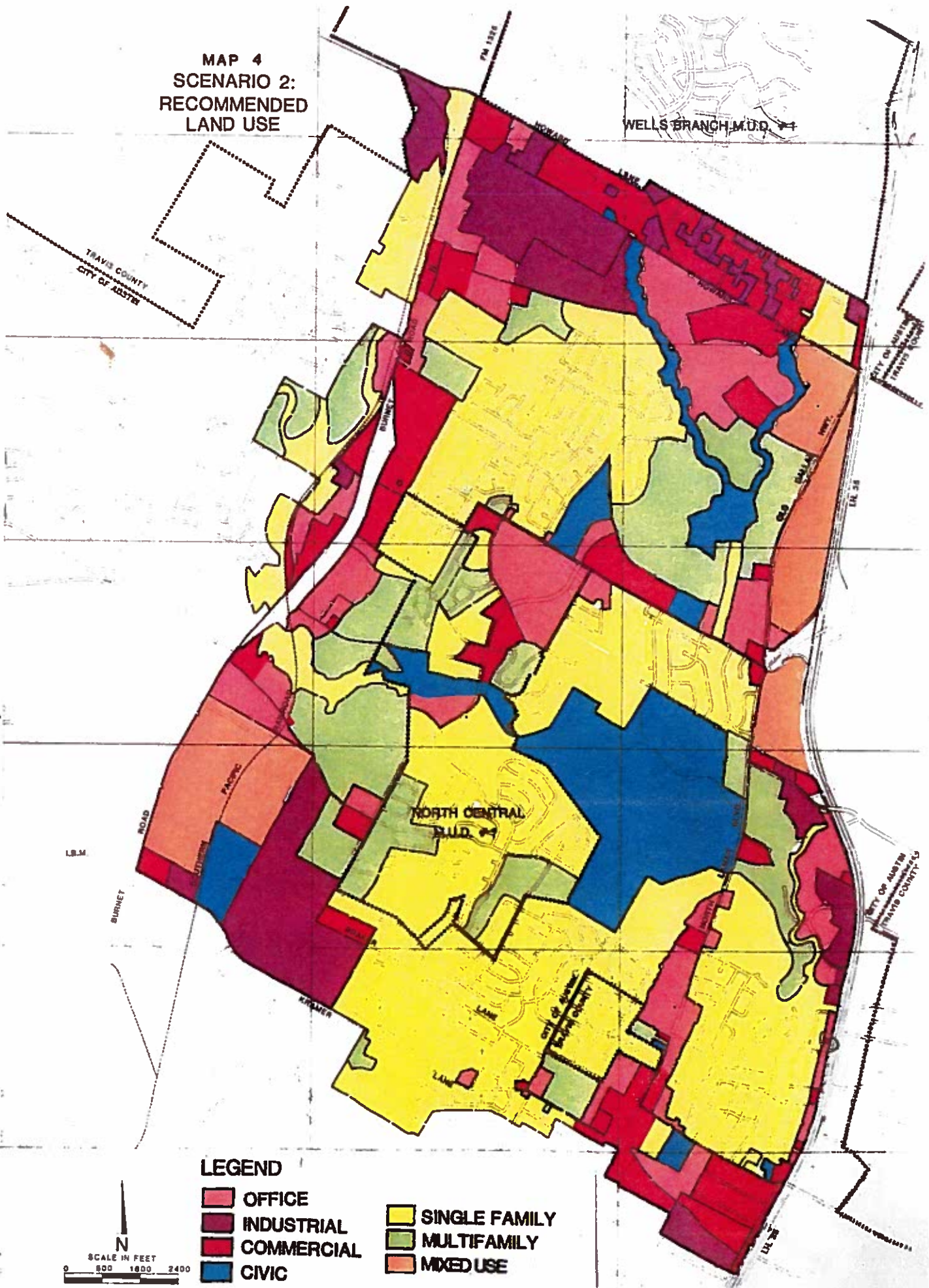
(D) Notwithstanding subsections (A) and (B) and except in the Barton Springs Zone, a street or driveway may cross the critical water quality zone if the street or driveway is located in a center or corridor as identified on the growth concept map of the Imagine Austin Comprehensive Plan, as adopted by Ordinance No. 20120614-058, and if the proposed crossing:

(1) is necessary to facilitate the development or redevelopment of a designated corridor or center as recommended in the Imagine Austin Comprehensive Plan, Chapter 4 ( *Shaping Austin: Building the Complete Community* ), growth concept map and related definitions; and

(2) maintains the quality and quantity of recharge if located in a center or corridor designated as a sensitive environmental area in the Edwards Aquifer recharge zone, Edwards Aquifer contributing zone, or the South Edwards Aquifer recharge zone, as determined by the director of the Watershed Protection Department.

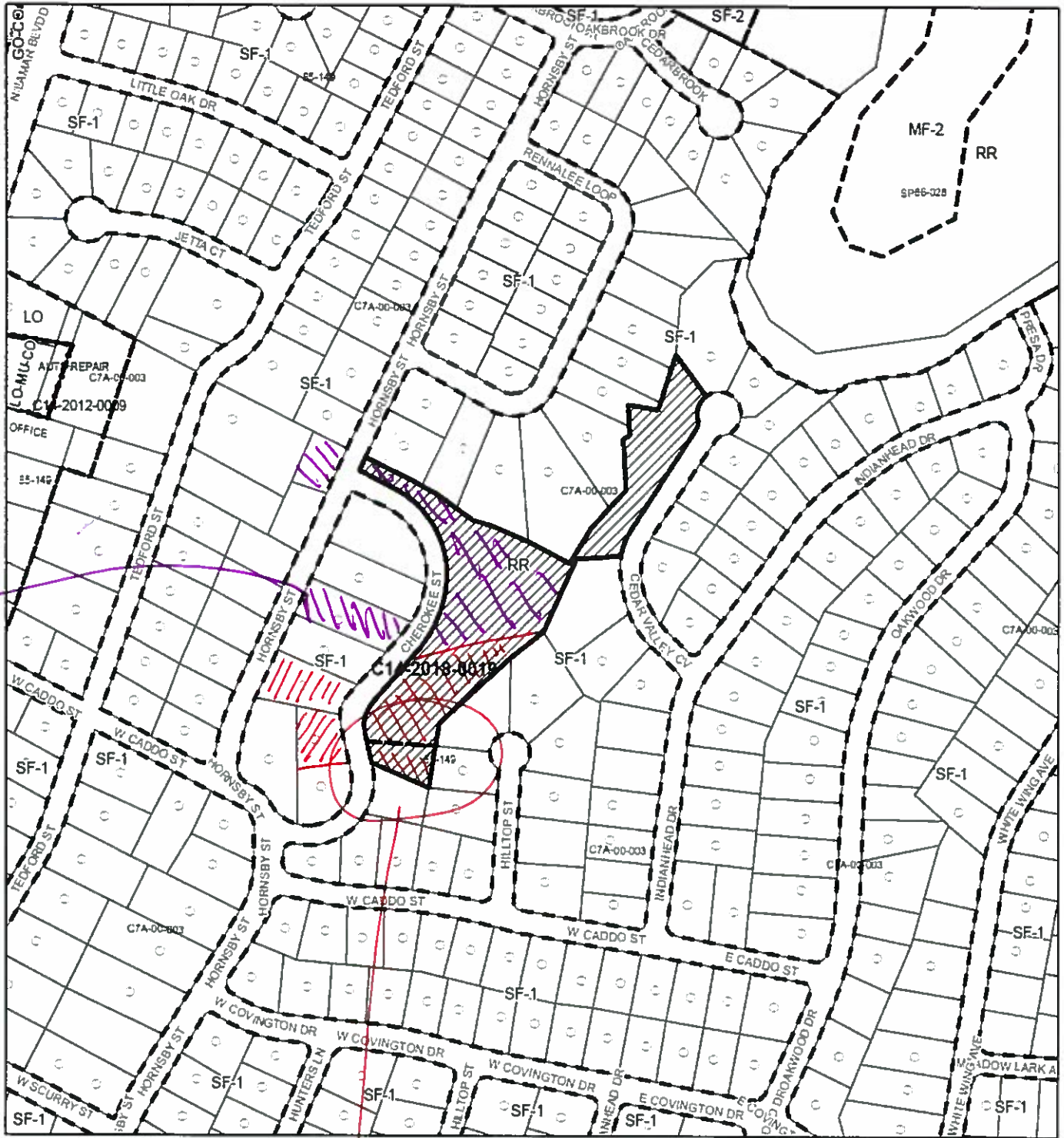
Source: Sections 13-7-23(e) and (h); Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 20131017-046; [Ord. No. 20170615-102](#), Pt. 18, 6-15-17.

MAP 4  
SCENARIO 2:  
RECOMMENDED  
LAND USE





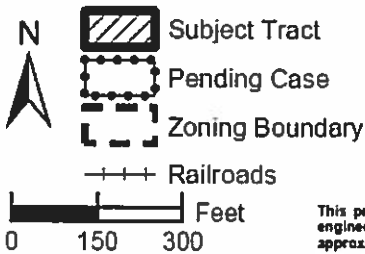
Ben and Linda Taylor own these lots



## ZONING

Case#: C14-2018-0019

Please explain the zoning boundary and subject track



1" = 300'

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

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



Created: 2/26/2018

Everything in Red /// is owned by Jennifer Brzobol and Thomas Nilles



**Sirwaitis, Sherri**

**Subject:** FW: Case C14-2018-0019 (Warranty deed as Proof of Cherokee Street New Ownership)

**From:** Jennifer Bristol []

**Sent:** Tuesday, April 17, 2018 2:09 PM

**To:** Norma Divine

**Cc:** Sirwaitis, Sherri;

**Subject:** Re: Case C14-2018-0019 (Warranty deed as Proof of Cherokee Street New Ownership)

*Sherri Sirwaitis  
City of Austin  
Planning & Zoning Department  
512-974-3057 (office)*

*April 17, 2018*

We were informed that in order for case # C14-2018-0019 move forward we would need to supply a letter stating that we do not oppose the rezoning from RR to SF-1 and would add our names to the zoning case. This letter is intended to add our property off Cherokee Street to the rezoning request submitted by Garrett (hnen Civil Engineers.

Please note that we do not have intent to develop or sell the property for development or division at this time or foreseeable future.

Thank you.

  
Jennifer Bristol and Thomas Nilles  
11705 Hoensby Street  
Austin, TX 78753

**Sherri Sirvaitis**  
City of Austin  
Planning & Zoning Department  
512-974-3057 (office)

*April 17, 2018*

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Please note that we do not have intent to develop or sell the property for development or division at this time or foreseeable future.

Thank you,

*Brannon Benjamin Taylor*  
*Linda Pennington Taylor*

Brannon Benjamin Taylor  
Linda Pennington Taylor  
11801 Hornsby  
Austin, Texas 78753

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

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before 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: C14-2018-0019

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: April 17, 2018, Zoning and Planning Commission  
May 10, 2018, City Council

Cathy Brigham  
Your Name (please print)

11905 Rennelee Loop, 78753  
Your address(es) affected by this application

☐ I am in favor  
☒ I object

[Signature] 4/12/2018  
Signature Date

Daytime Telephone: 512-698-8869

Comments: The zoning request for  
this fragile landscape would  
allow for more homes to be  
built than the current zoning.  
Current (RR) zoning is appropriate  
due to on-off issues, flooding  
issues, and the potential to  
block existing underground  
watershed routes.

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

City of Austin  
Planning & Zoning Department  
Sherri Sirwaitis  
P. O. Box 1088  
Austin, TX 78767-8810