

AGENDA



Recommendation for Council Action

AUSTIN CITY COUNCIL

Regular Meeting: September 20, 2018

Item Number: **093**

Public Hearing and Possible Action

Conduct a public hearing and consider an appeal by David Knapp, represented by Nikelle Meade, of the Zoning and Platting Commission's denial of a preliminary plan and associated environmental variance for Live Oak Springs preliminary plan, located at 9406 Morninghill Drive.

Lead Department	Development Services Department
Fiscal Note	This item has no fiscal impact.
For More Information	Development Services Department - Andrew Linseisen, (512) 974-2239; Don Perryman, (512) 974-2786; Watershed Protection Department - Chris Herrington (512) 974-2840
Council Committee, Boards and Commission Action	August 7, 2018 - Denied by the Zoning and Platting Commission on a 8-1 vote with Commissioner Denkler voting nay and Commissioner Evans absent with one vacancy. A request for a variance from section 30-5-262(B) (1) of the Land Development Code for a street crossing the Critical Water Quality Zone. The associated preliminary plan was dependent on the variance.

Additional Backup Information:

Appellant David Knapp is appealing the Zoning and Platting Commission's denial of an environmental variance and denial of the associated preliminary plan for Live Oak Springs under

review as City of Austin Subdivision Case Number C8J-2016-0228 located at 9406 Morninghill Drive.

The applicant applied for approval of a preliminary plan containing a total of 92 lots, (82 single-family lots, 10 open space, drainage, and water quality lots). The application is located in southwest Travis County within the City's 2-mile ETJ and was reviewed under Title 30 of the Land Development Code by the Single Office, the Joint City of Austin - Travis County Single Subdivision Office. The original request by the applicant was for a residential subdivision with one single outlet street via Morninghill Drive. This proposal necessitated a variance from the Travis County Commissioner's Court for a single outlet street. The applicant requested the variance from 30-2-158(B) for a single outlet street, however, the Travis County Commissioner's Court considered the variance request on June 27, 2017, took no action and suggested the applicant to seek secondary alternative access. The only additional available public access to the site is from Derecho Dr.; however, this access point requires a crossing of the Critical Water Quality Zone of Slaughter Creek with a non-arterial street which requires a variance from 30-5-262(B) (1) of the Land Development Code. The applicant applied for the required variance which was presented to the Environmental Commission but was not recommended by staff. The Environmental Commission considered the item at their June 20, 2018 meeting but failed to obtain a majority vote (5-3), and the variance was forwarded to the Zoning and Platting Commission without a recommendation from the Environmental Commission. The Zoning and Platting Commission held a public hearing and subsequently voted 8-1 to deny the variance and the preliminary plan at their August 7, 2018 meeting.

Staff recommends denial of the environmental variance and preliminary plan appeal.