

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2016-0045 – Austin River Oaks Apartments    **Z.A.P. DATE:** May 17, 2016  
June 7, 2016

**ADDRESS:** 6607 Brodie Lane

**DISTRICT AREA:** 5

**OWNER:** CPF River Oaks Austin, LLC  
(John R. Wooten)

**AGENT:** Graves, Dougherty, Hearon  
& Moody (Peter J. Cesaro)

**ZONING FROM:** I-RR

**TO:** MF-2

**AREA:** 39.673 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant multi-family residence – low density (MF-2) district zoning.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

May 17, 2016: *APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO JUNE 7, 2016*

*[A. DENKLER; D. BREITHAUPT – 2<sup>ND</sup>] (7-3) T. WEBER; S. HARRIS; B. EVANS – NAY; A. AGUIRRE – ABSENT*

June 7, 2016: *APPROVED MF-2 DISTRICT ZONING, AS STAFF RECOMMENDED*

*[B. EVANS; G. ROJAS – 2<sup>ND</sup>] (8-0) J. KIOLBASSA; S. LAVANI; D. BREITHAUPT – ABSENT*

### **ISSUES:**

The recorded Restrictive Covenant on file with the City of Sunset Valley included a preliminary site plan and established a 100-foot wide undisturbed landscape buffer along the northern property lines and showed a 10-foot high fence along a portion of the northern property lines. Please refer to Exhibit B.

### **DEPARTMENT COMMENTS:**

The subject zoning area is an unplatted tract that contains a 290 unit apartment development, has access to Brodie Lane and is zoned interim – rural residence (I-RR) district. The tract was originally part of the City of Sunset Valley's extra-territorial jurisdiction and the apartments were constructed in the mid-to-late 1990s. The tract was subsequently annexed into the City's full purpose jurisdiction in April 2003. There are single family residences on large lots to the north within the City of Sunset Valley; Kincheon Branch of Williamson Creek, undeveloped land and single family residences to the southeast (SF-2; RR-CO); a

restaurant, service station with food sales, and auto washing at the northeast intersection with William Cannon Drive (GR); and a grocery store and home improvement center across Brodie Lane to the west (GR; CS-CO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).

The Applicant purchased the property in July 2015 and requests multi-family residence-low density (MF-2) district zoning in accordance with the existing development. Additional development on the site is not planned.

Staff thinks the rezoning request is consistent and appropriate in the context of the surrounding zoning and land uses, buffering from adjacent single family residences, and roadway. The property has access to a major arterial roadway, provides a transition from the commercial uses at the intersection and single family residences to the north and southeast, and is consistent with the existing development.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	I-RR	Apartments
<i>North</i>	N/A	Single family residences on large lots in the City of Sunset Valley
<i>South</i>	GR; SF-2	Service station with food sales; Restaurant (limited); Auto washing; Kincheon Branch of Williamson Creek; Single family residences within the Western Hills at Cherry Creek subdivision
<i>East</i>	SF-2; RR-CO; N/A	Kincheon Branch of Williamson Creek (City of Austin and City of Sunset Valley)
<i>West</i>	GR; CS-CO	Food sales; Construction sales and services

**AREA STUDY:** N/A

**TIA:** Is not required

**WATERSHED:** Williamson Creek – Barton Springs Zone – Recharge Zone

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**SCHOOLS:**

Sunset Valley Elementary School      Covington Middle School      Crockett High School

**NEIGHBORHOOD ORGANIZATIONS:**

12 – Brodie Lane Homeowners Association  
 298 – Oak Hill Association of Neighborhoods (OHAN)  
 384 – Save Barton Creek Association  
 511 – Austin Neighborhoods Council      627 – Onion Creek Homeowners Association

742 – Austin Independent School District  
 779 – Oak Hill Neighborhood Plan – COA Liaison  
 943 – Save Our Springs Alliance  
 1228 – Sierra Club, Austin Regional Group  
 1340 – Austin Heritage Tree Foundation  
 1363 – SEL Texas  
 1424 – Preservation Austin  
 1429 – GO! Austin/Vamos! Austin (GAVA)-78745  
 1528 – Bike Austin  
 1530 – Friends of Austin Neighborhoods  
 1550 – Homeless Neighborhood Association

### **CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-96-0139 – M-Tract (HEB Grocery) – NW corner of W William Cannon Dr and Brodie Ln	LI-PDA to GR	To Grant GR with conditions in a Restrictive Covenant.	Apvd GR w/two RCs: 1) for impervious cover limits and design and maintenance standards, and 2) the conditions of the Traffic Impact Analysis (4-24-1997).
C14-05-0196A and C14-05-0196B – Lowe's on Brodie Lane – City Initiated – Brodie Lane and Ben Garza Ln	I-RR to CS-CO	To Grant CS-CO w/CO for list of prohibited and conditional uses	Apvd CS-CO as Commission recommended (12-15-2005).

### **RELATED CASES:**

The zoning area is unplatted. A site plan was approved during the time the property was in the extra-territorial jurisdiction of the City of Sunset Valley.

The property was annexed into the City's Full Purpose Jurisdiction on April 14, 2003 (C7a-03-005).

### **EXISTING STREET CHARACTERISTICS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Brodie Lane	130 feet	65 feet	Major Arterial Divided (MAD4)	Yes	Yes	Yes, Route #333

**CITY COUNCIL DATE:** June 16, 2016

**ACTION:**

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

2<sup>nd</sup>

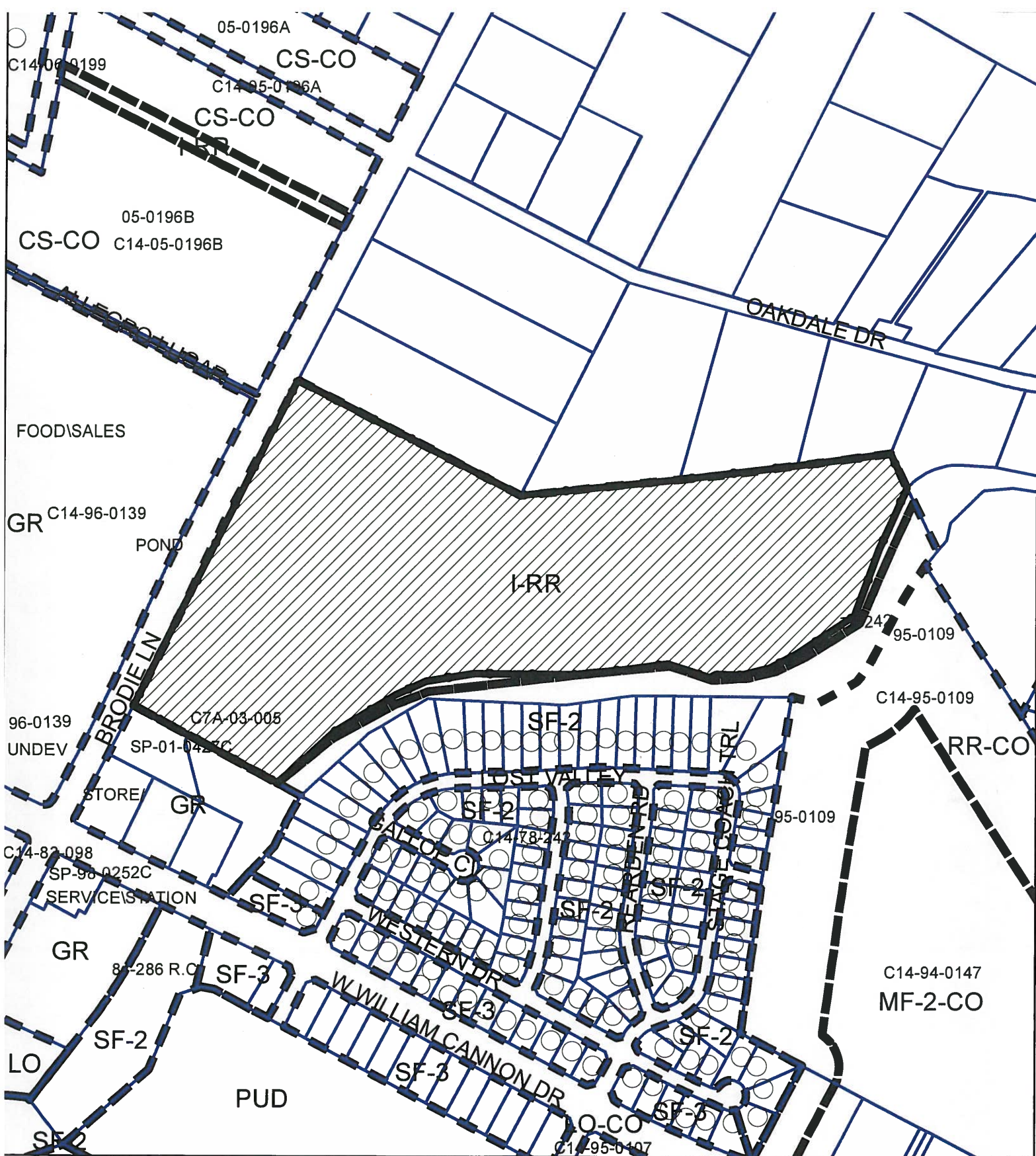
3<sup>rd</sup>




**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)

**PHONE:** 512-974-7719





-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 417'

### ZONING

Zoning Case: C14-2016-0045

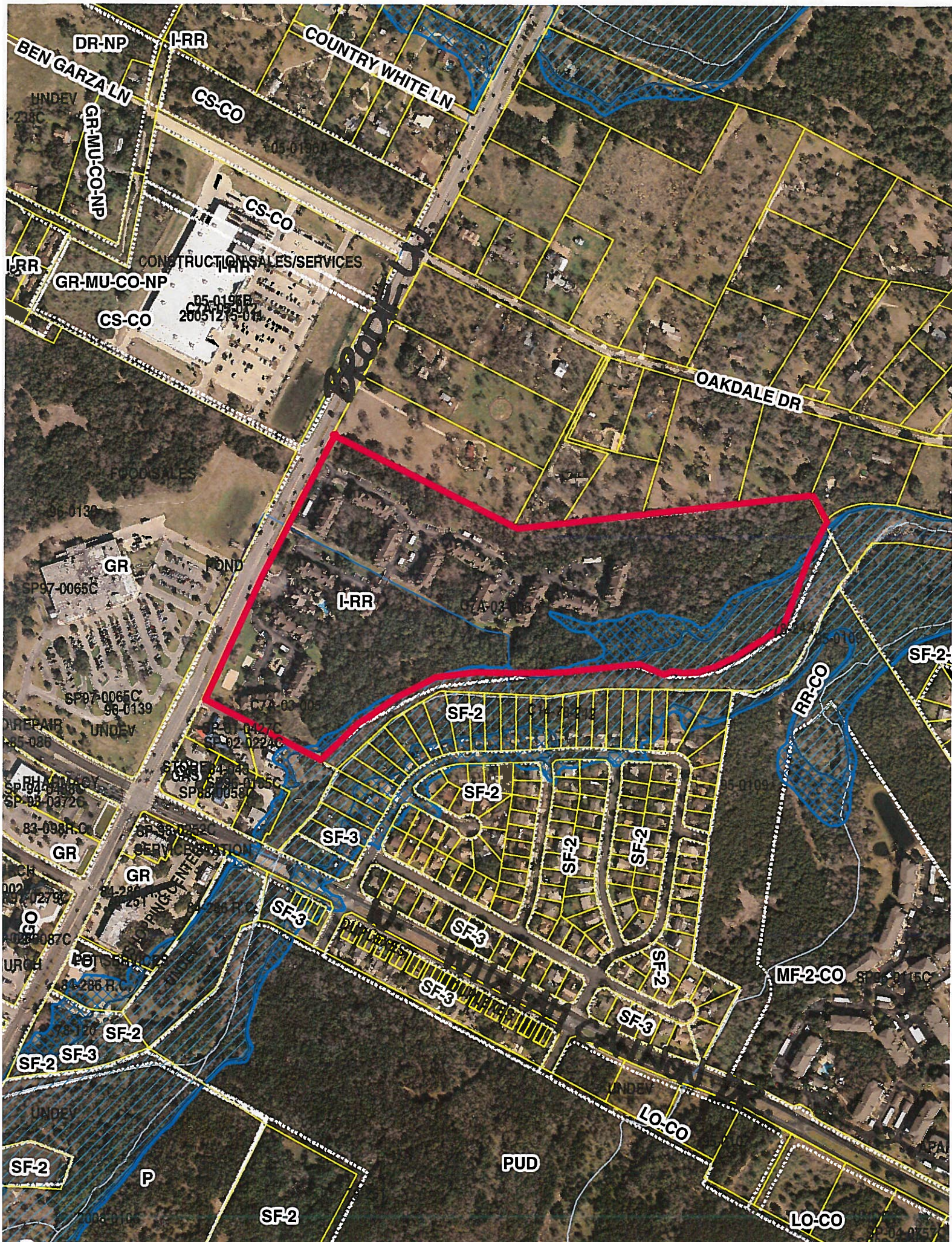
*Exhibit A*

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.

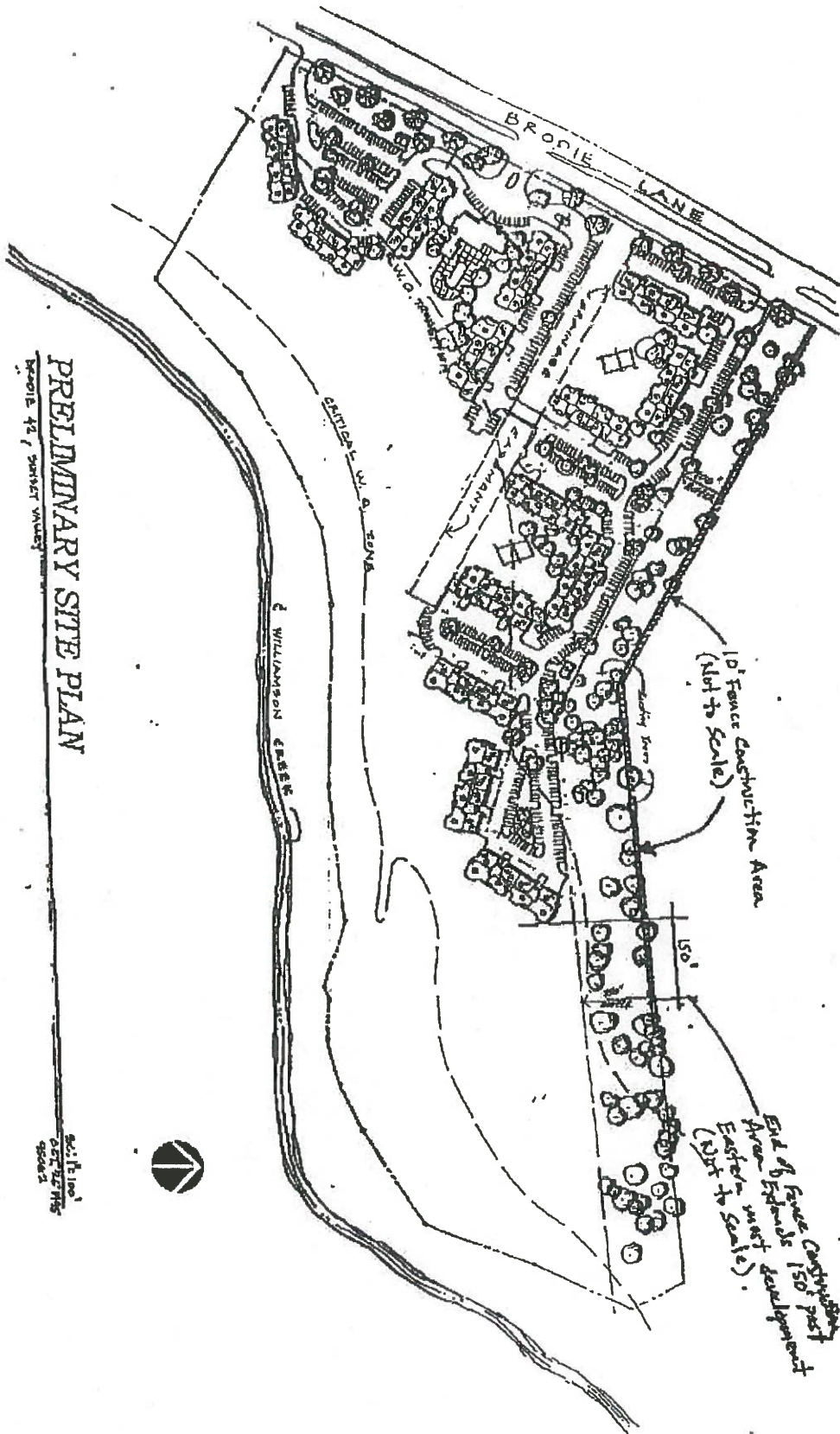
This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.











# PRELIMINARY SITE PLAN

Parcel 42, Barker Valley

Scale: 1" = 150'

EXHIBIT C

1 OF 1

EXHIBIT B

11 OF 11

EXHIBIT B  
SITE PLAN ON FILE

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant multi-family residence – low density (MF-2) district zoning.

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

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

The multi-family residence low density (MF-2) district is intended to accommodate multifamily use with a maximum density of 23 units per acre, depending on unit size. This district is appropriate for multifamily residential areas located near single family neighborhoods or in an area for which low density multifamily use is desired.

- 2. The proposed zoning should allow for a reasonable use of the property.*

Staff thinks the rezoning request is consistent and appropriate in the context of the surrounding zoning and land uses, buffering from adjacent single family residences, and roadway. The property has access to a major arterial roadway, provides a transition from the commercial uses at the intersection and single family residences to the north and southeast, and is consistent with the existing development.

**EXISTING CONDITIONS****Site Characteristics**

The zoning area contains an apartment development and has dense vegetative cover.

**Impervious Cover**

Based on the zoning regulations, the maximum impervious cover allowed by the MF-2 zoning district is 60%. However, due to the site's location within the Recharge Zone portion of the Barton Springs Zone, the watershed regulations restrict the amount of impervious cover to 15%. Based on the City's planimetric layer from January 2012, City staff has estimated the amount of impervious cover on this site is 21.69%.

**Comprehensive Planning**

This zoning case is located on the west side of Brodie Lane, on 39.7 acre tract of land that contains an existing multi-family apartment complex. The property is located outside the boundaries of a neighborhood planning area. Surrounding land uses includes single family residences to the north; commercial uses, a creek and single family residences to the south; undeveloped land to the east, and grocery store and home improvement center to the west. The proposal is to obtain multi-family zoning for the existing multifamily use.



**Connectivity:** There is a public sidewalk located along the eastern side of Brodie Lane, and a transit stop located less than a third of mile away. A transit stop is located less than 100 ft. walking distance from this project area. The Walkscore for this is 43/100, meaning most errands require a car.

### **Imagine Austin**

Based on the comparative scale of this existing multi-family property to other existing multifamily and residential uses along this heavily travelled corridor, as well as the site not being located along an Activity Corridor or within an Activity Center, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on this proposed rezoning.

### **Environmental**

This site is located over the Edwards Aquifer Recharge 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 15% impervious cover in the recharge zone.

According to floodplain maps there is a floodplain within the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Water Quality Transition Zone / Critical Water Quality Zone exist within the project location.

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

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 controls 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.

### **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.

Site is in the Barton Springs Zone. Any future site plan will be subject to the development standards of the Barton Springs Zone.

Development on this site will be subject to Subchapter E: Design Standards. The Principal Street will be classified as Suburban Roadway. Additional comments will be provided upon submittal of site plans by the applicant.

Compatibility standards are triggered by the row of SF-2-zoned properties adjoining the subject tract to the south. These standards include height and setback provisions, and other design regulations as indicated in Article 10: Compatibility Standards in the City of Austin Land Development Code.

### **Transportation**

Additional right-of-way may be required at the time of subdivision and/or site plan.

While this particular section is not called out in the Urban Trail Master Plan, aerial photographs appear to show an existing trail at the back of the property. A recreational easement or constructed trail on this property could connect to existing and planned trails in the vicinity. This would meet the goals of the IACP for connected, healthy, affordable Austin.

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].

Additional comments may be provided when more complete information is obtained.

### **Water / Wastewater**

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, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.



## 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: C14-2016-0045

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: May 17, 2016, Zoning and Platting Commission

June 16, 2016, City Council

*George Richardson*

Your Name (please print)

*6706 Lost Valley 78745*

Your address(es) affected by this application

*5/10/2016*

Date

Signature

Daytime Telephone: *512 892 5772*

Comments:

*The buffer zone between my house and the already considerable traffic noise on Bradie is minimal, during the summer pool parties at the complex are very noisy. The wildlife will be cut off from a continuous stretch of greenbelt. Deer, owls, vultures, wild turkey, hawks, crows, fox, coyotes and watershed will be endangered, plus extra traffic. Study it don't rubber stamp it out of greed.*

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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**Contact: Wendy Rhoades, 512-974-7719**

**Public Hearing: May 17, 2016, Zoning and Platting Commission  
June 16, 2016, City Council**

*Fred W Wright Jr*

Your Name (please print)

*6723*

*Lost Valley*

☐ I am in favor  
☒ I object

Your address(es) affected by this application

*5-10-16*

Signature

Date

Daytime Telephone: *972-505-8941*

Comments:

*There are at least 6 parks,*

*Nature areas & conservation areas*

*surrounding this zoning area.*

*more traffic, pollution & noise*

*will further degrade Austin's*

*green beauty. there are already*  
*enough condos in town.*

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: C14-2016-0045**

**Contact: Wendy Rhoades, 512-974-7719**

**Public Hearing: May 17, 2016, Zoning and Platting Commission**

**June 16, 2016, City Council**

AARON GUIDRY  
Your Name (please print)

6708 LOST VALEY

Your address(es) affected by this application

[Signature]

Signature

5/10/16  
Date

Daytime Telephone: 309.648.4556

Comments:

Very much opposed.

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

Louis Rene' Barrera

6808 Lost Valley,  
Austin, Texas 78745



May 17, 2016

Ms. Wendy Rhoades

Dear Wendy,

We reside at 6808 Lost Valley, and would like to request a post postponement for case number: C14-2016-0045. We would like more time to ensure that changing the existing I-RR to MF-2 does not have any adverse impacts on our community. In order to do this we would like more time to review previous site plan(s) which I understand are in route from the city of Sunset to your office.

We are also in the process of establishing a neighborhood association that will greatly serve collective interest of our community. With this in mind, we understand that the River Oaks Austin, LLC does not plan on building additional units on their property and we hope that this can be codified perhaps in a restrictive covenant with our community.

Previous ad hoc planning mishaps have impacted the quality of life in our immediate area and continue to be a nuisance for both River Oaks and for neighbors that live near the Palms carwash. We hope that we can develop a stronger community fabric once this case is resolved.

In closing, as a former Ist Vice President of Austin Neighborhoods Council and as former four term president of the South River City Citizen's Neighborhood Association, I would like to respectfully ask for a postponement to have more time to establish a dialogue with representatives of the applicant and analyses of the site plan.

June 7, 2016

Warm regards,

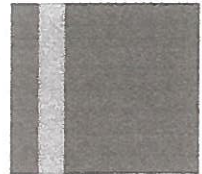
Louis Rene' Barrera

512 775-2228





Louis Rene' Barrera  
6808 Lost Valley,  
Austin, Texas 78745



June 7, 2016

Case number: C14-2016-0045.

Dear Commissioners,

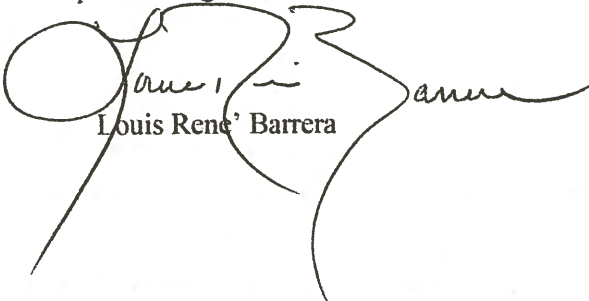
Thank you for providing our community with the recent postponement.

My family resides at 6808 Lost Valley, which backs up to the River Oaks Austin, Apartments. The Kincheon Branch of Williamson creek is our common boundary. This branch of Williamson creek has a Karst sinkhole known as Dry Fork Sink and therefore deserves preservation of appropriate critical setback. We would like to respectfully request the opportunity to establish a restrictive covenant similar to the one granted by Sunset Valley. Your backup indicates that the original covenant provided for a 100 foot landscape buffer.

We understand that the River Oaks Austin, LLC, does not plan on building additional units on their property and we hope that this can be codified with the land in perpetuity so that we may continue to enjoy the natural and functional values of this delicate ecosystem. Previous zoning on the creek has impacted the quality of life of our immediate area and continue to be a nuisance for both River Oaks and for neighbors that live near the Palms carwash. We are in the process of establishing the Western Hills at Cherry Creek Neighborhood Association, and hope through this case that we can work together to develop a stronger community fabric.

In closing, as a former Ist Vice President of Austin Neighborhoods Council and as former four term president of the South River City Citizen's Neighborhood Association, I would like to respectfully ask your consideration to grant language that helps our community preserve the same socio-economic and environmental considerations that were granted to our neighbors to the north by Sunset Valley.

Warm regards,

  
Louis Rene' Barrera

