

ZONING AND PLATTING COMMISSION SUMMARY SHEET

ZONING CASE: C14-2018-0124 (River Place)

REQUEST:

Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as Milky Way Drive (West Bull Creek Watershed). Applicant Request: To rezone from development reserve (DR) district zoning to single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning. Staff Recommendation: To grant single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To forward without a recommendation. Owner/Applicant: Milky Way Holdings GP, LLC (Garrett S. Martin). Agent: McLean & Howard, LLP (Jeff Howard). City Staff: Sherri Sirwaitis, 512-974-3057.

DISTRICTS: 6 & 10

DATE: April 2, 2019

ZONING AND PLATTING COMMISSION ACTION:

Motion to approve staff's recommendation of SF-1-CO zoning, with the NTA conditions and the addition of new condition to allow for a secondary Fire/EMS emergency access, made by S. Lavani-1st, N. Barrera-Ramirez-2nd

Amendment offered to the motion to add a limit to the size of each lot on the property to a minimum of 30,000 sq. ft. made by D. King-1st, J. Kiolbassa-2nd.

VOTE ON AMENDMENT: (5-4, N. Barrera-Ramirez, S. Lavani, A. Tatkow and B. Evans-No). Motion failed.

VOTE ON PRIMARY MOTION: (4-5, D. King, A. Denkler, A. Aguirre, J. Kiolbassa, J. Duncan-No). Motion failed.

ACTION: Forward to City Council without a recommendation.

ISSUES:

On March 28, 2019, the staff received a petition from adjacent property owners who are opposed to any zoning classification other than SF-1-CO zoning with a required 30,000 sq. ft. minimum lot size and a limit of 25 residential units (Please see Attachment C -Petition). The GIS staff evaluated the petition and found that it was initially valid at 34.12%.

At the Zoning and Platting Commission meeting, the staff received a letter from Autism Trust USA stating the removal of their signatures from the petition (Please see Attachment D). Therefore, the petition is now considered **invalid** and stands **at 10.26%**.

The excerpt below is from the City of Austin's Land Development Code and explains when the City Council is subject to the three-fourths vote.

Sec. 25-2-284 REQUIREMENT FOR APPROVAL BY THREE-FOURTHS OF COUNCIL.

(A) The affirmative vote of three-fourths of the members of Council is required to approve a proposed rezoning if:

- (1) the Land Use Commission recommends denial of an application to rezone property to a planned unit development; or*
- (2) the proposed rezoning is protested in writing by the owners of not less than 20 percent of the area of land:*
 - (a) included in the proposed change; or*
 - (b) immediately adjoining the area included in the proposed **rezoning** and extending 200 feet from the area.*