

ZONING CHANGE REVIEW SHEET

CASE: C14-2018-0124 (River Place)

Z.A.P. DATE: March 19, 2019
April 2, 2019
June 18, 2019
July 16, 2019

ADDRESS/PROJECT LOCATION: Milky Way Drive

DISTRICT AREAS: 6 & 10

APPLICANT: Milestone Community Builders, LLC; Milky Way Holdings GP, LLC
(Garrett S. Martin)

AGENT: McLean & Howard, LLP (Jeff Howard)

ZONING FROM: DR

TO: ~~SF-1-CO~~
SF-6-CO*

AREA: 42.064 acres
(1,832,307.84 sq. ft.)

***On May 8, 2019, the applicant submitted a letter amending their rezoning request to SF-6-CO. The applicant is proposing a conditional overlay (CO) that limits development on the property to 1,362 vehicular trips per day (Please see Amendment Request Letter – Attachment E).**

~~The applicant is proposing a conditional overlay (CO) that will limit the maximum number of residential units to 45 dwelling units and will limit the development intensity for the entire site to less than 2,000 vehicle trips per day (Please see Applicant Request Letter – Attachment A).~~

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant SF-1-CO, Single-Family Residence-Large Lot-Conditional Overlay Combining District, zoning. The conditional overlay will limit the maximum number of residential units to 45 dwelling units, will limit the size of each lot on the property to a minimum of 21,000 sq. ft. and will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

In addition, the results of the neighborhood traffic analysis for this site (NTA Memorandum– Attachment B) shall be included in a public restrictive covenant that will be recorded prior to third reading of this case at City Council.

ZONING & PLATTING COMMISSION RECOMMENDATION:

3/19/19: Granted neighborhood request for postponement to April 2, 2019 (6-0); A. Denkler-1st, D. King-2nd.

4/02/19: 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: (5-4, N. Barrera-Ramirez, S. Lavani, A. Tatkow and B. Evans-No). Motion failed.

Vote on the primary motion: (4-5, D. King, A. Denkler, A. Aguirre, J. Kiolbassa, J. Duncan-No). Motion failed.

Forward to City Council without a recommendation.

6/18/19: Postponed to July 16, 2019 at the applicant's request by consent (7-0, N. Barrera-Ramirez, J. Kiolbassa and A. Tatkov-absent; A. Denkler-arrived late); B. Evans-1st, D. King-2nd.

7/16/19: Motion to approve applicant's request of SF-6-CO zoning made by H. Smith-1st, B. Evans-2nd.

Substitute motion for neighborhood's request of SF-1-CO zoning, with a minimum of 30,000 sq. ft. lots and a maximum of 25 residential dwelling units made by A. Denkler-1st, D. King-2nd. Vote: (3-4, H. Smith, E. Goff, A. Tatkov and B. Evans-No). Motion failed.

Vote on the primary motion: (3-3, A. Denkler, J. Duncan and D. King -No, A. Tatkov-recused). Motion failed.

Forward to City Council without a recommendation.

ISSUES:

This case is scheduled to be heard by the City Council on August 8, 2019, in conjunction with a related item for approval of the full purpose annexation of this property.

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.*

DEPARTMENT COMMENTS:

The subject property is approximately 42 acres of undeveloped land located in the limited purpose jurisdiction boundary of the City of Austin. This tract of land is mostly surrounded by undeveloped and/or preserve land with the exception of the single family homes located to the west and along Milky Way Drive. The property has access to public right-of-way by a stub out from Milky Way Drive.

The staff recommends SF-1-CO zoning at this location because the site under consideration meets the intent of the Single-Family Residence-Large Lot zoning district. The property is heavily wooded and has topographical constraints that may be challenging to development on this tract of land. The proposed SF-1-CO zoning will permit the applicant to develop single-family residential lots with a minimum lot size of 21,000 sq. ft. The staff's recommendation is double the requirement of the minimum 10,000 sq. ft. lot size stipulated by the SF-1 zoning district. These larger lots will be consistent with the existing residential patterns to the west of this site along Milky Way Drive. The property is in an environmentally sensitive area that has not been identified for an increase in density in the Imagine Austin Comprehensive Plan. This tract of land is located next to preserve land (Balcones Preserve Land). The access from this site will be to Milky Way Drive, a local road that ends in a cul-de-sac, which connects to River Place Boulevard that provides primary access for the residential developments in the River Place neighborhood to FM 2222 Road.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR	Undeveloped
<i>North</i>	DR	Undeveloped
<i>South</i>	DR	Undeveloped
<i>East</i>	DR	Undeveloped – City of Austin -Balcones Preserve Land
<i>West</i>	DR and SF-1-CO	Undeveloped and Residential (Preserve of River Place)

NEIGHBORHOOD PLANNING AREA: N/A**NTA:** Yes**WATERSHED:** West Bull Creek**CAPITOL VIEW CORRIDOR:** No**HILL COUNTRY ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

Canyon Creek H.O.A.
Friends of Austin Neighborhoods
Bull Creek Foundation
Glenlake Neighborhood Association
Leander ISD Population and Survey Analysts
Long Canyon Homeowners Assn.
Neighborhood Empowerment Foundation
River Place HOA
SELTEXAS
Sierra Club, Austin Regional Group
Steiner Ranch Community Association

TNR BCP-Travis County Natural Resources
 2222 Coalition of Neighborhood Associations Inc.
 Westminster Glen HOA

SCHOOLS: Leander I.S.D. Schools

River Place Elementary School
 Four Points Middle School
 Vandergrift High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2015-0083 (River Place: Milky Way Drive)	<p>DR to SF-2-CO*</p> <p>* On October 7, 2016, the applicant stated in an e-mail that they are proposing a conditional overlay to limit the property to a maximum of 82 residential dwelling units. In addition, the applicant submitted a letter on February 15, 2017 stating that they would like to amend this rezoning case to limit the vehicular trips per day to 2,000 and the maximum total dwelling units to 82, which is less than 2 units per acre.</p> <p>Tract 1: SF-1-CO** Tract 2: GO-MU-CO** **On April 27, 2017, the applicant submitted a letter requesting to consolidate/combine zoning cases C14-2015-0083: River Place-Milky Way and C14-2015-0084: River Place-Autism Center (please see Attachment C). The applicant is now requesting to rezone Tract 1 (a 27.764 acre portion the original 42.064 acre case C14-2015-0083) to SF-1-CO with a</p>	<p>2/21/17: Approved the staff's recommendation for SF-1-CO zoning: The conditional overlay will limit the size of each lot on the property to a minimum of 30,000 sq. ft. and will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.</p> <p>In addition, the results of the neighborhood traffic analysis for this site (NTA Memorandum– Attachment A) shall be included in a public restrictive covenant that will be recorded prior to third reading of this case at City Council.</p> <p>(6-4, S. Lavani, G. Rojas, T. Weber and B. Evans-No); J. Kiolbassa-1st, J. Duncan-2nd.</p>	<p>5/04/17: This item was indefinitely postponed at the request of staff on Council Member Troxclair's motion, Council Member Renteria's second on a 10-0 vote. Council Member Garza was absent.</p> <p>November 1, 2017: Case expired per LDC Section 25-2-246(A)(2) as the case was not scheduled before the 181st day after the City Council granted an indefinite postponement.</p>

	conditional overlay to limit development to 42 residential units. For the rest of the 54.305 acre property (14.3 acres from case C14-2015-0038 and 40.005 acres from case C14-2015-0084) now known as Tract 2, the applicant would like to rezone it to GO-MU-CO. On Tract 2, the applicant is asking to develop the autism center as well as a 200 unit apartment complex/multifamily use.		
C14-2015-0084 (River Place – Autism Center: East of River Place Boulevard)	<p>DR to GO-CO*</p> <p>*The applicant submitted a letter on February 15, 2016 stating they would like to amend the rezoning request to include a conditional overlay to restrict development to the regulations associated with the Neighborhood Office (NO) district, limit the vehicular trips per day to 2,000 and permit only those primary and accessory uses required to operate the Autism Center and those required by the City to comply with Fair Housing and other legal requirements. The primary and accessory uses required to operate the Autism Center include, but are not limited to: congregate and group living, family visitation and overnight stays, therapeutic equestrian and gardening, medical offices for visiting physicians, nursing facilities,</p>	<p>2/21/17: Approved the staff's recommendation of GO-CO zoning: The conditional overlay will:</p> <ol style="list-style-type: none"> 1. Prohibit the following uses: <ul style="list-style-type: none"> Business or Trade School Business Support Services Communication Services Medical Offices (exceeding 5,000 sq. ft. gross floor area) Medical Offices (not exceeding 5,000 sq. ft. gross floor area) Off-site Accessory Parking Personal Services Printing and Publishing Restaurant (Limited) Club or Lodge Cultural Services Hospital Services (general) Hospital Services (limited) 2. Make the following uses conditional: <ul style="list-style-type: none"> College or University Facilities Private Secondary Educational Facilities, 3. Limit the development intensity for the entire site to less than 2,000 vehicle trips per day 4. Prohibit access to Milky Way Drive for Office (Administrative and Business 	5/04/17: This item was withdrawn without objection.

	classrooms and studios and an onsite cafe for residents, employees and visitors.	Offices or Professional Office) uses. (10-0, D. Breithaupt-absent); J. Duncan-1 st , A. Denkler-2 nd .	
C14-2015-0037 – Coelho Living Trust; 5833 Riverplace Boulevard	I-RR to SF-2	4/21/2015 – Approved SF-2 zoning.	5/14/2015 – Approved SF-2 zoning.
C14-06-0184 – Austin Christian Fellowship Phase II; 6401 Riverplace Boulevard	DR to NO	10/3/2006 – Approved NO-CO zoning.	11/2/2006 – Approved NO zoning.
C14-06-0095 – Lot 9-A, The Preserve at Riverplace, Section 2, Block B, Lots 8&9; Resubdivision – Milky Way Drive	DR to SF-1	6/6/2006 – Approved SF-1-CO zoning.	7/27/2006 – Approved SF-1-CO, with CO limiting vehicle trips to 2,000 per day.
C14-06-0094 - LOT 8-A; THE PRESERVE AT RIVERPLACE, SECTION 2, BLOCK B, LOTS 8 & 9; RESUBDIVISION ; Milky Way Drive	DR to SF-1	6/6/2006 – Approved SF-1-CO zoning.	7/27/2006 – Approved SF-1-CO, with CO limiting vehicle trips to 2,000 per day.
C14-02-0156 – River Place Two; Riverplace Boulevard	SF-5 to SF-6	12/3/2002 – Approved SF-6 zoning.	1/9/2003 – Approved SF-6 zoning.
C14-01-0121 – Austin Christian Fellowship; 6401 Riverplace Boulevard	RR to NO	9/25/2001 – Denied NO-CO zoning request.	12/6/2001 – Approved NO-CO, with CO limiting vehicle trips to 2,000 per day.
C14-99-2130 – Austin Christian Fellowship; 6401 Riverplace Boulevard	DR to GR	9/26/2000 – Approved NO-CO zoning.	10/26/2000 – Approved NO-CO, with CO limiting vehicle trips to 2,000 per day.

C14-98-0068 – Riverplace Estates; Riverplace Boulevard		7/7/1998 – Approved RR zoning.	9/3/1998 – Approved SF-1-CO zoning with CO for no more than 49 residential units may be developed on the property. Each lot must be a minimum of 30,000 sq. ft. (.688 acres)
C14R-87-073 – City of Austin W & WW (Four Points Reserve); Bonaventure Drive	RR to P	8/4/1987 – Approved P zoning.	11/12/1987 – Approved P zoning.

RELATED CASES: C14-2015-0083
C14-2015-0084

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Milky Way Drive	50 ft.	30 ft.	Local	Yes	No	No

CITY COUNCIL DATE: April 11, 2019

ACTION: Postponed to May 9, 2019 at the
applicant's request on consent (11-0);
J. Flannigan-1st, P. Renteria-2nd.

May 9, 2019

ACTION: Postponed to August 8, 2019 at
the staff's request.

August 8, 2019

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 512-974-3057

EMAIL: sherri.sirwaitis@austintexas.gov

STAFF RECOMMENDATION

The staff's recommendation is to grant SF-1-CO, Single-Family Residence-Large Lot-Conditional Overlay Combining District, zoning. The conditional overlay will limit the maximum number of residential units to 45 dwelling units, will limit the size of each lot on the property to a minimum of 21,000 sq. ft. and will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

In addition, the results of the neighborhood traffic analysis for this site (NTA Memorandum–Attachment B) shall be included in a public restrictive covenant that will be recorded prior to third reading of this case at City Council.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be 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.

The property in question meets the intent of the SF-1 district as there are topographical constraints that may be challenging to development on this tract of land.

2. *Zoning should be consistent with approved and existing residential densities.*

The staff's recommendation for SF-1-CO zoning at this location is consistent with the existing residential patterns adjacent to this site. The proposed SF-1-CO zoning will permit the applicant to develop single-family residential lots with a minimum lot size of 21,000 sq. ft. These larger lots are appropriate in an environmentally sensitive area that has not been identified for an increase in density in the Imagine Austin Comprehensive Plan.

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

The staff's recommendation of SF-1-CO zoning will permit the applicant to develop this tract of land with up to a maximum of 45 single family residential units, without accounting for topography, impervious cover limitations, right-of-way and improvements and utility extensions. The property will take access to Milky Way Drive to the east, which is considered a local street.

EXISTING CONDITIONS

Site Characteristics

The subject tract is approximately 42 acres of undeveloped land that is heavily wooded and has topographical constraints.

Comprehensive Planning

Please note, a compliance report was submitted on this same property in July 2015, which called for a 110 unit single family subdivision. The amended request calls for a 45 unit large lot single family subdivision.

This zoning case is located on the eastern terminus of Milky Way Drive, on an undeveloped parcel that is approximately 42.06 acres in size. The property is located in an area of Austin without an adopted neighborhood plan. Surrounding land uses includes vacant land to the north; to the south is vacant land and a single-family subdivision; to the east is vacant land; and to the west is large lot single family housing, a church and an autism center. The River Place Elementary School is located a mile away. The proposed use is a 45 unit single family subdivision, and includes a Conditional Overlay that would limit the trips per day to 2,000.

Connectivity

The Walkscore for this area is **2/100, Car Dependent**, meaning almost all errands require a car. Public sidewalks are located along Milky Way Drive. There are no urban trails, or public transit stops available in the area. Bike lanes and public sidewalks are available along River Place Boulevard, a residential collector.

Imagine Austin

The property is not located along an Activity Corridor or Center according to the Imagine Austin Growth Concept Map. The overall goal of the Imagine Austin Comprehensive Plan (IACP) is to achieve ‘*complete communities*’ across Austin, where housing, services, retail, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another. Page 107 of the IACP states, “*While most new development will be absorbed by centers and corridors, development will happen in other areas within the city limits to serve neighborhood needs and create complete communities. Infill development can occur as redevelopment of obsolete office, retail, or residential sites or as new development on vacant land within largely developed areas. New commercial, office, larger apartments, and institutional uses such as schools and churches, may also be located in areas outside of centers and corridors. The design of new development should be sensitive to and complement its context. It should also be connected by sidewalks, bicycle lanes, and transit to the surrounding area and the rest of the city. It should also be connected by sidewalks, bicycle lanes, and transit to the surrounding area and the rest of the city.*”

The following Imagine Austin policies specifically supports the development of a variety of types of housing throughout Austin:

- ☐ **LUT P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- ☐ **HN P1.** Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin’s diverse population.
- ☐ **HN P10.** Create complete neighborhoods across Austin that have a **mix of housing types** and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

While this area is not located along an Activity Center or Corridor, based on the comparative scale of this site relative to other residential subdivisions in the vicinity, but a lack of mobility options outside the development, as well as lack of goods, services, civic uses and employment opportunities within a quarter of a mile of this area, this project appears to only partially support the policies of the Imagine Austin Comprehensive Plan.

Environmental

The site is located over the Edwards Aquifer Recharge Zone. The site is in the West Bull Creek Watershed of the Colorado River Basin, which is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection 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.

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 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.

Impervious Cover

The DR zoning district allows up to 15,000 sq. ft. of impervious cover. The SF-6 zoning district allows a maximum of 55% impervious cover. However, the subject tract is located in the Drinking Water Protection Zone and is classified as a Water Supply Suburban Watershed. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Development within a Water Quality Transition Zone is limited to 18%.

Therefore, the impervious cover limits for this particular property are governed by the watershed regulations rather than by the zoning district.

Note: The most restrictive impervious cover limit applies.

Site Plan

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

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

Storm Water 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 storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Storm water Management Program if available.

Transportation

A Neighborhood Traffic Analysis is required for this project. The NTA requires three (3) consecutive 2- hour tube counts, preferably on Tuesday, Wednesday, and Thursday, during a non-holiday week when school is in session. Staff will contact Scott James (Scott.James@austintexas.gov) to discuss the location of the tube counts. Results will be provided in a separate memo (Please see Attachment B).

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 25-6113]

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

Janae Spence, Urban Trails, Public Works Department, Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

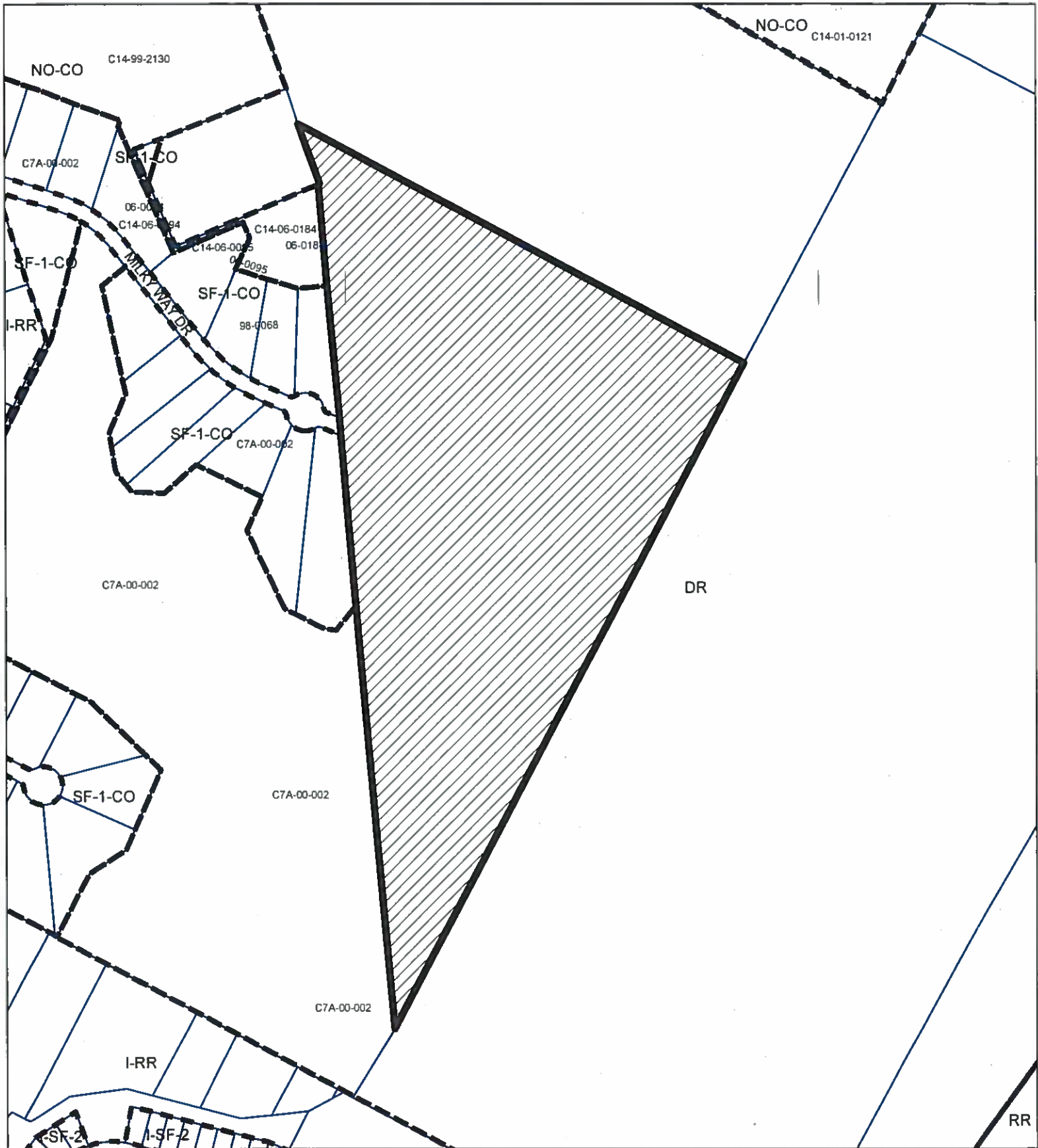
FYI – staff recommends providing right-of-way stub out(s) to the north to provide future connectivity to Sitio Del Rio Boulevard in accordance with the City of Austin Comprehensive Plan, Imagine Austin.

FYI – staff recommends pedestrian and bicycle trails to and along the eastern property line (to the north and south property lines) to provide connectivity and recreational uses for the neighborhood.

Water and Wastewater

FYI: 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, 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 will 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.



ZONING

ZONING CASE#: C14-2018-0124



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

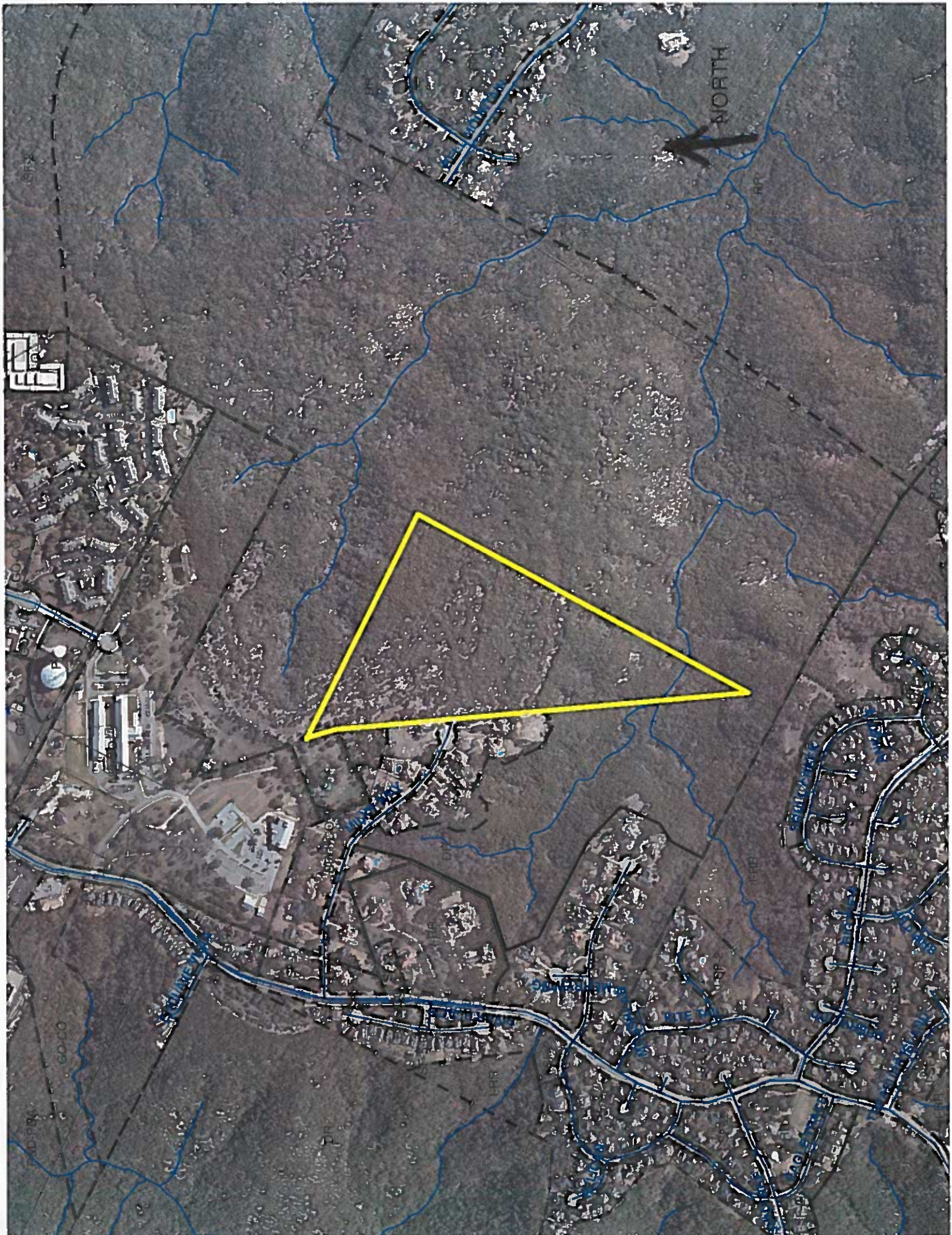
1" = 400'

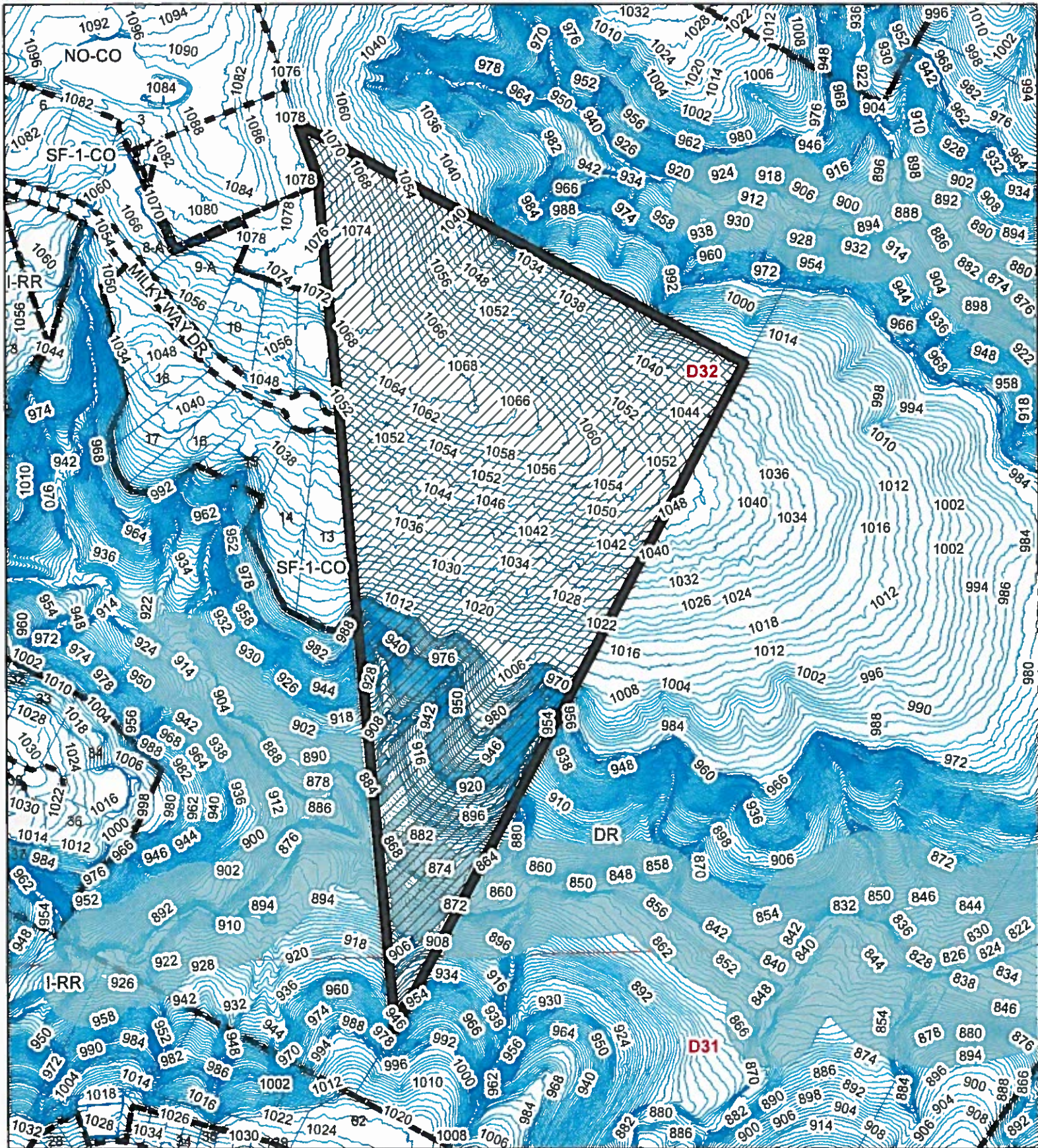
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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Created: 10/11/2018





RIVER PLACE

ZONING CASE#: C14-2018-0124

LOCATION: TERMINUS OF MILKY WAY DR.

SUBJECT AREA: 42.064 ACRES

GRID: D32

MANAGER: Sherri Sirwaitis



N



SUBJECT TRACT



ZONING BOUNDARY



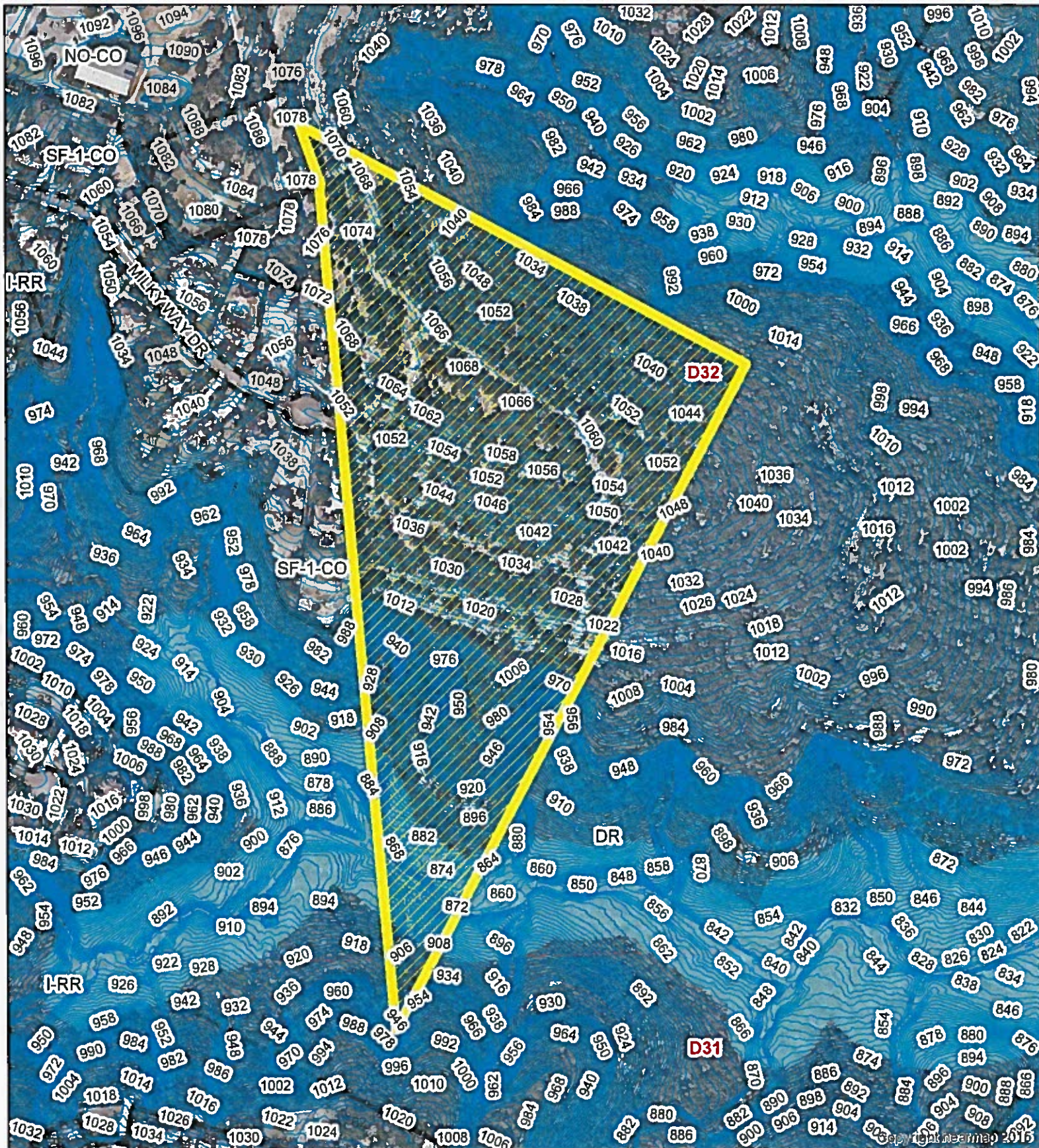
PENDING CASE



CREEK BUFFER

1" = 400'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made



1" = 400'

- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE
- CREEK BUFFER

RIVER PLACE

ZONING CASE#: C14-2018-0124

LOCATION: TERMINUS OF MILKY WAY DR.

SUBJECT AREA: 42.064 ACRES

GRID: D32

MANAGER: Sherri Sirwaltis



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October 9, 2018

Rodney Gonzales, Director
Development Services Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

via hand delivery

RE: Application to rezone 42.064 acres located at the end of Milky Way Drive (the "Property") from DR to SF-1-CO

Dear Mr. Gonzales:

As agent for the owner of the above-referenced Property, we are hereby submitting the enclosed application to request a rezoning of the Property from DR to SF-1-CO (the "New Application"). As you may recall, an application was previously filed for this Property and assigned Zoning Case No. C14-2015-0083 ("Original Application"). In accordance with staff comments and neighborhood feedback, this New Application requests a less intensive zoning designation and a lower number of total residential units than the Original Application.

The new proposed development and use for the Property is for low-density single-family residential units. The request includes a conditional overlay that (i) limits the vehicular trips per day to 2,000 and (ii) restricts the maximum total dwelling units to forty-five (45). The New Application aligns with the neighborhood's publicly asserted desire to cap the number of units. As stated by Mark Banta, a Milky Way Drive resident, on behalf of the neighborhood during consideration of the Original Application at the Regular Meeting of the Zoning and Platting Commission held on February 21, 2017:

"We understand that there's a compromise and we're willing to accept a significant concession in this. We're not just looking for a perfect world or a small number of homes. In calculation of the staff recommendation we find it comes down to just about 45 homes, give or take, depending on how it's platted out. We think that's probably appropriate, and we're willing to accept that, but along with some additional considerations."

(1:11:16 of the video recording posted at <https://austintx.swagit.com/play/02212017-1071>).

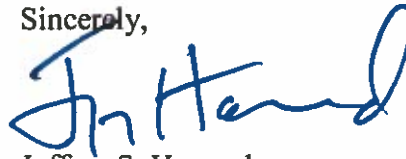
Additionally, in conjunction with the Original Application a Neighborhood Traffic Analysis ("NTA") was performed for 82 single family homes, and the results were approved and outlined in the Internal Memorandum from Natalia Rodriguez, Planner II, to Sherri Sirwaitis, Case

Rodney Gonzales, Director
October 9, 2018
Page 2

Manager, dated October 10, 2016 (Attachment A to the Agenda Backup). The NTA is less than three (3) years old, and considering the new proposal is for a significantly less maximum number of units, is sufficient to determine the impact to traffic by the proposed development. A new NTA is unnecessary.

Please let me know if any additional information or documents are necessary to complete this request. Should you have any questions regarding this information, please contact me at 512-328-2008.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Howard", written over the word "Sincerely,".


Jeffrey S. Howard
McLean & Howard, LLP



MEMORANDUM

TO: Sherri Sirwaitis, Case Manager
Planning & Zoning Department

CC: Jeffrey Howard, McLean & Howard, LLP

FROM:  Natalia Rodriguez
Scott A. James, P.E., PTOE
Development Services Department

DATE: ~~March 13, 2019~~ Revised July 22, 2019

SUBJECT: Neighborhood Traffic Analysis for River Place
Zoning Case # C14-2018-0124

The Transportation Review Section of the Land Use Review Division has performed a Neighborhood Traffic Impact Analysis for the above referenced case and offers the following comments.

The 42.064-acre tract is located in northwest Austin at the end of Milky Way Drive. The site is currently zoned Development Reserve (DR) and is vacant. Zoning to the immediate north, east and south is development reserve (DR), and to the west, zoning is single family residence large lot (SF-1). The zoning request is for ~~Single Family Residence Conditional Overlay (SF-1-CO)~~ **Townhouse & Condominium Residence Conditional Overlay (SF-6-CO)** to allow for the construction of up to ~~forty-five (45)~~ **one hundred and thirty four (134)** single family residences.

In support of this rezoning request, the applicant provided summary traffic counts taken on Wednesday, September 2, 2015.¹ The traffic volume on Milky Way Drive was shown as 407 vehicles per day. The NTA will be conducted under the assumption that no more than 45 dwelling units will be constructed on the site.

Roadways

The tract has access to Milky Way Drive which is classified as a Local Road and the sole access to the site. The roadway currently has curb and gutter and 30 feet of pavement within 50 feet of right-of-way. Sidewalks are present for the majority of developed property and sidewalks are required for the proposed development.

¹ Traffic counts were taken for a prior rezoning application (C14 – 2015 – 0083) and as the land uses have not changed, review staff determined new traffic counts were not required.

Trip Generation and Traffic Analysis

Based on Transportation Review staff evaluation the proposed 42.064 acre development with the requested zoning of ~~SF-1~~ SF - 6, could accommodate up to 304 523 dwelling units at maximum build out, excluding all setbacks and impervious cover limits. However, the applicant has agreed to a conditional overlay limiting the development to 45 134 dwelling units.

Table 1		
Zoning	Intensity	Trip Generation
SF-1	42.064 acres,	1,813
SF - 6	Approx. 183 523 d.u.	4,764
SF-1-CO	45 d.u.	499
SF - 6 - CO	134 d.u.	1,361
TOTAL		1,361*

*This is the total trip generation estimate for the proposed land uses and intensities, not the maximum allowable by the requested zoning category.

Table 2 presents the expected distribution of the trips to the surrounding roadways.

Table 2	
Street	Traffic Distribution
Milky Way Drive	100%
TOTAL	100%

Table 3 presents the determined existing traffic volume, the estimated site traffic volume, and the total estimated daily traffic volume after development.

Table 3.				
Street	Existing Traffic (vpd)	Site Traffic	Estimated Total Traffic	Percentage Increase
Milky Way Drive	407	499	906	123
		1,361	1,768	334%

The City Council may deny an application if the neighborhood traffic analysis demonstrates that the traffic generated by a project combined with existing traffic, exceeds the desirable operating level established on a residential local or collector street in the neighborhood traffic study area.

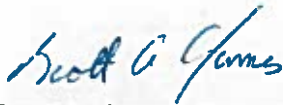
According to Section 25 - 6 - 116 of the Land Development Code, local streets are operating at a desirable level if it does not exceed the following levels:

Pavement Width	Vehicles Per Day
Less than 30'	1,200
30' to less than 40'	1,800
40' or wider	4,000

Conclusions and Recommendations

1. The estimated total number of daily trips generated by a maximum of ~~forty-five (45)~~ **one hundred and thirty-four (134)** single family residential units, in combination with the existing traffic of Milky Way Drive, does not exceed the thresholds set forth in the LDC 25 – 6 – 116.
2. To encourage pedestrian and bicycle connectivity to the surrounding uses in the area, it is recommended that a minimum 15 ft. pedestrian and bicycle public access easement and sidewalk be dedicated and constructed connecting Milky Way Drive to the north property line.
3. To comply with the Land Development Code block length standards, it is recommended that vehicular stub out connections be made to the north and south property lines. The connection location is to be reviewed during subdivision review process.
4. The intensity and uses for this rezoning application are limited to no more than ~~45~~ **134** single family dwelling units.
5. The findings of this memorandum remain valid until ~~March 13, 2024~~ **July 22, 2024**, at which time a revised neighborhood traffic analysis or staff memorandum may be required.

If you have any questions or require additional information, please contact me (512) 974 – 2208.



Scott A. James, P.E., PTOE
Development Services Department/Land Use Review - Transportation

PETITION

Date: March 22, 2019

File Number: C14-2018-0124

Address of Rezoning Request: ABS 2269 SUR 2 PREECE R L ACR 40.000 (1-D-1)

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-1 CO with a required 30,000 sq.ft. minimum lot size, and a limit of 25 homes.

We understand that the current land zoning of DR is something that will need to be changed, and we welcome the development of the property if it is done consistently with the existing zoning parameters that shaped Milky Way Drive originally. Milky Way and this area known as The Preserve were originally created from a 103 acre piece of land, that was zoned as SF-1 CO, 30,000 sq.ft. minimum lot size, and a maximum of 49 homes. That effectively resulted in a overall density of 1 home per 2 acres of total land and an average lot size of 1 acre for each home.

We simply ask that the Milestone development follow the same zoning established by Milky Way.

The proposed zoning change by Milestone seeks to establish 45 homes on 42 acres. The zoning request states 14.2 acres of non-buildable open/drainage and 3.8 acres of roads and access, which leaves 23.9 acres for new home lots.

The 24 homes on Milky Way Drive creates a wonderful location that shares the benefits of larger 1+ acre lots, custom homes, in a safe and quiet location free of excess traffic. Children are able to play ball in the cul-de-sac and ride bikes down the street. Neighborhoods and streets are generally not designed so that a street leads from low density to high density, as that places most of the burden from traffic and access to the higher density areas on the lower density ownership.

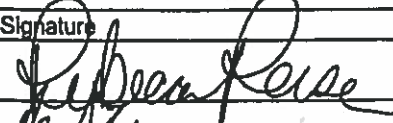




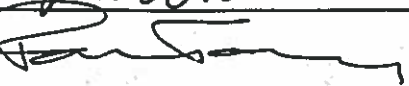
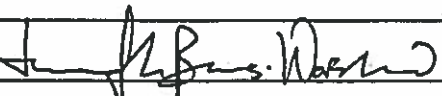
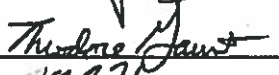


The project's traffic adds directly to a growing, and painful problem with all of River Place entrance and egress via the 2222 and River Place Boulevard intersection – which has the longest wait times during peak times. Being that River Place is surrounded by natural woods, and there is only 1 main entrance and 1 back exit, we are especially sensitive to any increases in density and extra homes that could impact the community safety and ability to escape during disasters such as a wildfire.

The River Place Home Owners Association formally identifies the same concerns, in addition to concerns about a lack of support for increased density that will overburden existing shortages in infrastructure for schools and police.

There are also environmental concerns about this sensitive land area, and how the higher density of Milestone's development will stress natural resources, run-off, and impact on natural animal habitat. Federally protected species on the endangered list, such as the Golden Cheeked Warbler, exist and thrive on and near this land. Milestone will be disrupting this natural habitat. Further, the building area is in the Edwards Aquifer Recharge Zone and West Bull Creek Watershed of the Colorado River Basin. Building on these slopes will certainly impact the area with run-off water.

Signature Pages for Petition AGAINST zoning request C14-2018-0124

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Printed Name	Signature	Address	Lot ID
Mike and Becky Reese		10205 Milky Way Dr	497251
Irene and Robert Williams		10209 Milky Way Dr	497275
Alan and Tracey Schalscha		10200 Milky Way Dr	497253
Stephan and Amanda Romney		10208 Milky Way Dr	497711
David and Courtney Yeager		10216 Milky Way Dr	497712
Polly Tommey, The Autism Trust USA		6507 River Place Blvd	153165, 153164
Austin Christian Fellowship, Will Davis Jr		6401 River Place Blvd	755356, 867787
Barnes Estate (Executor) Kennifer Barnes Worsham		6507 River Place Blvd	542309
Ted and Catherine Gaunt		10219 Milky Way Dr	497274
Michael Hurd		10300 Milky Way Dr	731133
Brian Showers		10223 Milky Way Dr	497273
David Reiter		10201 Milky Way Dr	497252

Date: March 22, 2019

Contact Name: Ted Gaunt

Phone Number: 248-974-5257

Attachment D

AUTISM TRUST-USA
6507 River Place Boulevard
Austin, Texas 78730

April 1, 2019

Greg Guernsey, Director
Planning & Zoning Department
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

via hand delivery and email
at greg.guernsey@austintexas.gov

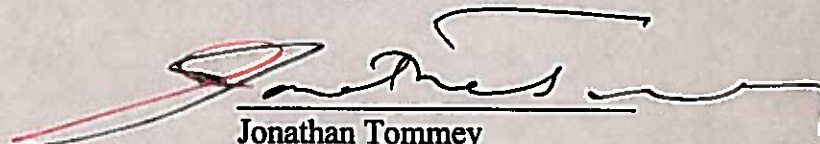
RE: Withdraw of Protest Petition Signature
Case No. C14-2018-0124 ("Zoning Case")

Dear Mr. Guernsey:

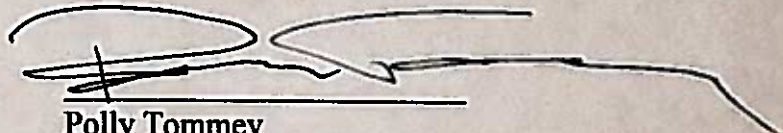
We, the undersigned owners of the property identified as Travis County Appraisal District ID #151370406, being 40 acres adjacent to the property in the Zoning Case, hereby withdraw our protest of and opposition to the above-referenced Zoning Case and request removal of our signature from the Protest Petition dated March 22, 2019 associated with the Zoning Case.

It is our understanding that the prior zoning case for the subject property requested 82 single family lots and that the current Zoning Case will limit the project to a maximum of 45 single family lots. It is also our understanding that the City of Austin staff supports the proposed density of 45 single family lots. With this information, we are no longer opposed the Zoning Case and hereby support the applicant's request. Please remove our property from the petition calculations.

Sincerely,



Jonathan Tommey
Autism Trust-USA



Polly Tommey
Autism Trust-USA

cc: Sherri Sirwaitis, Zoning Case Manager at sherri.sirwaitis@austintexas.gov

Case Number:

C14-2018-0124**PETITION**

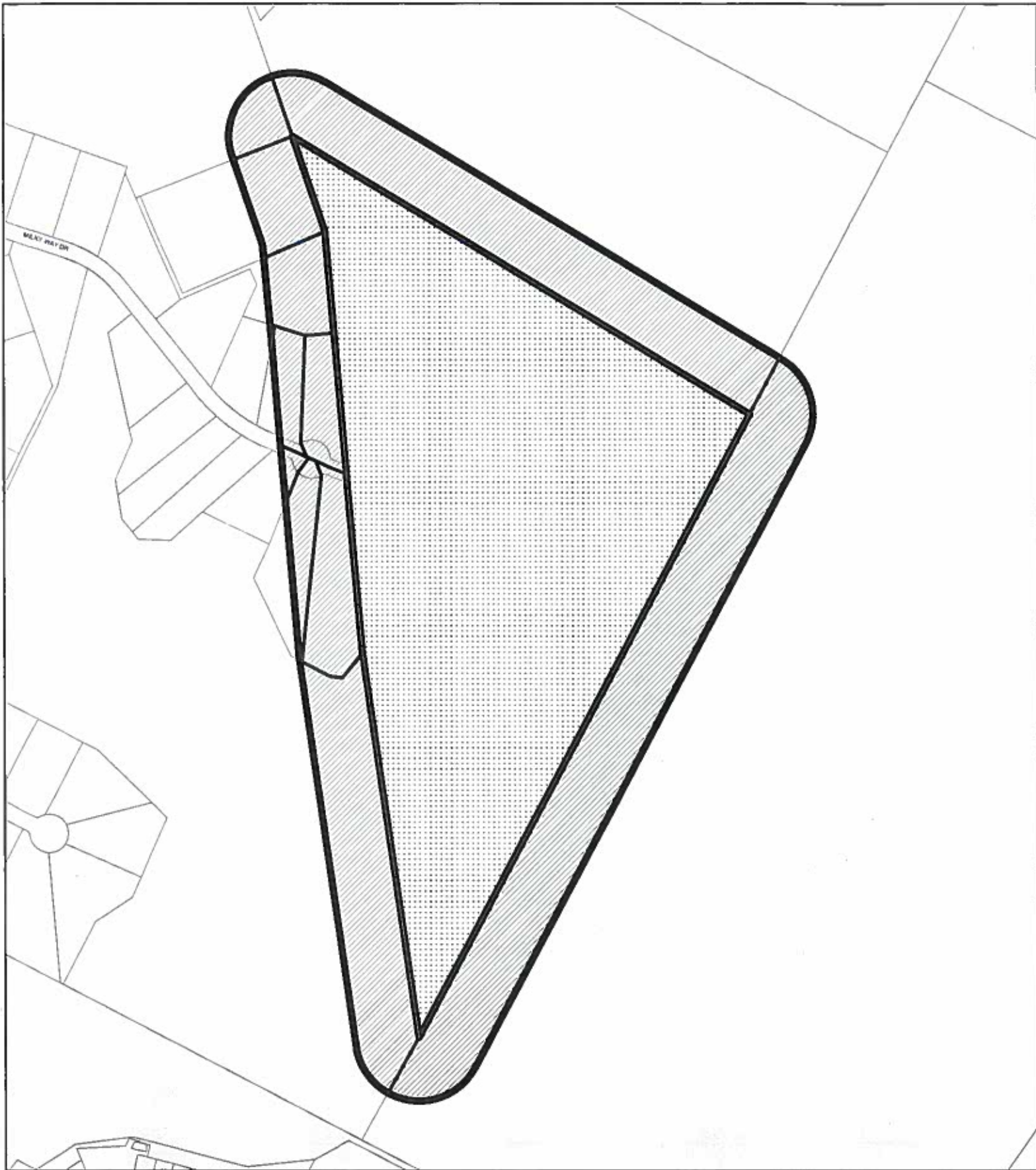
Date: 4/3/2019

Total Square Footage of Buffer: 1481393.198

Percentage of Square Footage Owned by Petitioners Within Buffer: 10.26%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0152300207	6401 RIVER PLACE BLVD AUSTIN 78730	AUSTIN CHRISTIAN FELLOWSHIP % WILL DAVIS JR	no	32325.00	0.00%
0150300221	6401 RIVER PLACE BLVD 78730	AUSTIN CHRISTIAN FELLOWSHIP % WILL DAVIS JR	no	55069.58	0.00%
0150300213	6507 RIVER PLACE BLVD 78730	BARNES EUGENE MARCUS III	yes	64188.46	4.33%
0151370406	RANCH RD 2222 78730	BRADLEY BERTA	no	353520.32	0.00%
0142370103	RIVER PLACE BLVD 78730	CITY OF AUSTIN	no	508147.16	0.00%
0147300603	10209 MILKY WAY DR 78730	MANAUTOU IRENE & ROBERT A WILLIAMS	yes	6877.56	0.46%
0147280102	10201 MILKY WAY DR 78730	REITER DAVID S	no	86756.28	0.00%
0150300201	10208 MILKY WAY DR 78730	ROMNEY STEPHEN & AMANDA	yes	32350.58	2.18%
0151370426	6201 RIVER PLACE BLVD 78730	RP PRESERVE LTD % BLAKE MAGEE COMPANY	no	255321.92	0.00%
0147280201	10200 MILKY WAY DR 78730	SCHALSCHA ALAN & TRACEY	yes	48072.19	3.25%
0150300202	10216 MILKY WAY DR 78730	YEAGER DAVID & COURTNEY	yes	448.91	0.03%
0150280101	Address Not Found		no	38315.17	0.00%
Total				1481393.13	10.26%



N



BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

Case#: C14-2018-0124

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.



1" = 400'

Recipient: City of Austin Councilmembers, City of Austin Zoning Commissioners

Letter: Greetings,

This petition is regarding a 42 acre lot adjacent to the River Place neighborhood, at the end of the Milky Way Drive.

Milestone Builders has applied for a zoning change (C14-2018-0124) that seeks to build 45 homes, with lot sizes that can be less than a quarter acre. They intend to do this at the back end of Milky Way Drive, which is one of the last buildable areas in the neighborhood. They won't be immediately joining our home owners association, and so they won't be accountable to the same rules as the rest of the neighborhood. Traffic from this new development all flows down Milky Way and to the intersection with River Place Blvd.

We understand that some development is appropriate, and we support the neighborhood's position that the zoning be no more dense than what already exists on Milky Way Drive. Fair zoning would therefore require SF-1 CO that has a minimum lot size of 30,000 sqft. (~ ¾ acre), with a maximum of 25 homes.

We are a residents or home owners in River Place neighborhood or otherwise directly affected by this zoning change.

We believe that the Milestone zoning change request is unfair as it generates too high of density, that isn't fully compatible with the existing neighborhood.

Overbuilding will create an additional strain on emergency and policy response in an already limited coverage area.

River Place must carefully limit growth due to sensitive risks associated with wildfire and other emergencies. The neighborhood is surrounded on all sides by natural canyon lands, with only a single primary entrance and a single back exit, which already supports over 1000 homes.

We're concerned about the impact of additional traffic. The exit times from River Place are already high due to traffic light allocation times and increases in commercial growth.

We're concerned about increased safety risk to children who walk to school near this road and impacted intersections.

Signatures

Name	Location	Date
Ted Gaunt	Austin, TX	2019-03-22
Andy Valenzuela	Austin, US	2019-03-24
Brian Showers	Austin, TX	2019-03-24
Blake Robinson	Austin, TX	2019-03-24
Robert Warren	Austin, US	2019-03-25
Erin Koval	Austin, TX	2019-03-25
Robert Williams	Austin, US	2019-03-25
Zeina Aboumatar	Austin, US	2019-03-25
Sally Banta	Austin, TX	2019-03-25
Sarah Smith Franks	Austin, US	2019-03-25
stephen yanoff	Austin, TX	2019-03-25
Steve Romney	Austin, TX	2019-03-25
WILLIAM SCHWARTZ	Austin, US	2019-03-25
Todd Gage	Austin, TX	2019-03-25
Chris Hurst	Austin, US	2019-03-25
Dimpal PATEL	Austin, TX	2019-03-25
Diane Hurst	Austin, TX	2019-03-25
Chelle Warren	Austin, US	2019-03-25
Terry Berke	Austin, US	2019-03-25
Lynda Conway	Austin, TX	2019-03-25

Name	Location	Date
Lisa Pfluger	Austin, TX	2019-03-25
Nicole McGee	Austin, TX	2019-03-25
Heather Ruschitzko	Austin, TX	2019-03-25
Chris Mansour	Austin, TX	2019-03-25
Charu Aggarwal	Austin, US	2019-03-25
Gloria Johnson	Austin, US	2019-03-25
Jason McGee	Austin, US	2019-03-25
Shawn Olsen	Austin, TX	2019-03-25
Sarah Valenzuela	Belton, US	2019-03-25
Krystal Patel	Austin, TX	2019-03-25
Winnie Whitaker	Austin, TX	2019-03-25
Dianna Cavanaugh	Austin, TX	2019-03-25
M Vaught	Austin, TX	2019-03-25
Barry Minor	Austin, TX	2019-03-25
aaron iacobucci	Austin, TX	2019-03-25
Keith Howanitz	Austin, TX	2019-03-25
Stuart Damore	Austin, US	2019-03-25
Sami Aboumatar	Austin, US	2019-03-25
Julie Novak	Austin, TX	2019-03-25
Peggy Fenimore	Kokomo, IN	2019-03-25
Wesley Brown46712	Helotes, US	2019-03-25
Varunya Srisupornwichai	Candler, US	2019-03-25

Name	Location	Date
Karee Barker	Austin, TX	2019-03-25
Christy Drew	Austin, US	2019-03-25
Jeff Arsenault	Austin, TX	2019-03-25
Scott Dickson	Austin, US	2019-03-25
Janet Jamieson	Austin, TX	2019-03-25
Ursula Conterno	Austin, TX	2019-03-25
Elizabeth Wells	Austin, TX	2019-03-25
Catherine Gaunt	Austin, TX	2019-03-25
Christine Moore	Austin, TX	2019-03-25
Kristin Whitcomb	Austin, TX	2019-03-25
Ann Burns	Woburn, US	2019-03-25
Campbell Patton	Austin, TX	2019-03-25
Chrissy Mattox	Austin, TX	2019-03-25
Eric Femrite	Austin, TX	2019-03-25
Tina S	Austin, TX	2019-03-25
Sara Shepherd	Austin, TX	2019-03-25
Deepa Patel	Austin, TX	2019-03-25
Dan Mohan	Austin, TX	2019-03-25
Adrian Bean	Austin, TX	2019-03-25
Sofia Martinez	Austin, TX	2019-03-25
Fanny Hyder	Austin, TX	2019-03-25
A Hiale	Chantilly, VA	2019-03-25

Name	Location	Date
Jessica White	Austin, TX	2019-03-25
Denise Aziz	Austin, TX	2019-03-25
Efraim Klein	Austin, TX	2019-03-25
Jinelle Lawson	Austin, TX	2019-03-25
Jean-Sebastien Ronchi	Austin, TX	2019-03-25
Carrie Locke	Austin, TX	2019-03-25
Scott or Crosby	Buda, TX	2019-03-25
Chris Whitcomb	Austin, TX	2019-03-25
David Mccann	Austin, US	2019-03-25
Joan Geiger-Dow	Austin, TX	2019-03-25
David Uhl	Austin, US	2019-03-25
John Schumann	Austin, TX	2019-03-25
Angelique Dale	Austin, TX	2019-03-25
Christopher Garvey	Austin, TX	2019-03-25
Claire Mansour	Austin, TX	2019-03-25
Sandy Kovar	Austin, US	2019-03-25
Kelly Gaither	Waikoloa, HI	2019-03-25
Robert Wagner	San Marcos, TX	2019-03-25
Robert House	Austin, US	2019-03-25
Richard Griffith	Austin, TX	2019-03-25
Christie Griffith	Austin, TX	2019-03-25
Linda Baker	Austin, US	2019-03-25

Name	Location	Date
Naomi House	Austin, TX	2019-03-25
Karen Orth	Austin, TX	2019-03-25
Xiaowei Sun	Austin, US	2019-03-25
Liei Keith	Austin, US	2019-03-25
Julie Corne	Austin, TX	2019-03-25
Steven Root	Austin, US	2019-03-25
EDWARD SUMNER	Austin, US	2019-03-25
Adrienne Chagoly	Austin, TX	2019-03-25
Elizabeth Revere	Austin, TX	2019-03-25
Tim Wolter	Austin, TX	2019-03-25
Rachel Brightwell	Austin, US	2019-03-25
Dolores Gurney	Austin, US	2019-03-25
Erika Gonzalez-Lima	Austin, TX	2019-03-25
Jared Legazpy	Bell, US	2019-03-25
Britney Myers	Austin, TX	2019-03-25
Amy Haddock	Austin, TX	2019-03-25
Rebekah Kellams	Austin, US	2019-03-25
Randy Myers	Austin, US	2019-03-25
Melva Gonzales	Austin, US	2019-03-25
Aylin Iacobucci	Austin, TX	2019-03-25
Bethany Doan	Austin, TX	2019-03-25
Courtney Berkowitz	Austin, TX	2019-03-25

Name	Location	Date
Lisa Gilbert	Austin, US	2019-03-25
Shannon Raper	Kingston, Jamaica	2019-03-25
Wesley Raper	Kingston, Jamaica	2019-03-25
Laurie Moore	Austin, TX	2019-03-25
Meredith Moreira	Austin, US	2019-03-25
Kelsey Fitzgerald	Austin, TX	2019-03-25
Raylene Moening	Austin, US	2019-03-25
Thomas W. Hendricks	Austin, US	2019-03-25
Cortney Zieky	Austin, TX	2019-03-26
Elisabeth Koren	Austin, TX	2019-03-26
Brenda Langford	Austin, TX	2019-03-26
Elmer Yuslove	Sioux Falls, US	2019-03-26
Gene Hayden	Austin, TX	2019-03-26
Mary Scherer	Austin, TX	2019-03-26
Terri Brigham	Cedar Park, TX	2019-03-26
John Graff	Austin, TX	2019-03-26
Savannah Cavanaugh	Austin, TX	2019-03-26
Tom Harrison	Austin, TX	2019-03-26
David Brigham	Four Points, US	2019-03-26
María Azqueta	Austin, US	2019-03-26
Lisa Gilbert	Austin, TX	2019-03-26
David Yeager	Austin, US	2019-03-26

Name	Location	Date
John Odette	Austin, US	2019-03-26
Maureen Mccann	Austin, US	2019-03-26
DY Basch	Pottstown, US	2019-03-26
Carolyn Sumner	Austin, US	2019-03-26
Amy Brossette	Austin, TX	2019-03-26
Margie Schmidt	West Palm Beach, US	2019-03-26
Anita Keck	Austin, TX	2019-03-26
Melanie Sanders	Austin, TX	2019-03-26
Michael Wilson	Austin, TX	2019-03-26
Kevin Stone	Godfrey, US	2019-03-26
Robert Graham	Houston, US	2019-03-26
Andrew Strockis	Austin, US	2019-03-26
Eric Barkin	Austin, US	2019-03-26
Adriana almand	Austin, TX	2019-03-26
Nish Modi	Austin, US	2019-03-26
Augustin Montemayor	Pleasanton, TX	2019-03-26
Patrick Fitzgerald	Austin, US	2019-03-26
Robert Almand	Austin, US	2019-03-26
William Sullivan	Austin, TX	2019-03-26
Christopher Santos	Providence, US	2019-03-26
Liz Pyeatt	Austin, US	2019-03-26
Kyle Baker	Austin, TX	2019-03-26

Name	Location	Date
Mary Shanahan	Austin, TX	2019-03-26
Kristin West	Tellico Plains, US	2019-03-26
Imran Siddique	New York, US	2019-03-26
Luann Holmes	Paris, France	2019-03-26
Fabian Elias	US	2019-03-26
Steve Semelsberger	Austin, TX	2019-03-26
Jodi Semelsberger	Austin, US	2019-03-26
D Wise	Austin, TX	2019-03-26
Susanna Lukas	Temple, US	2019-03-26
Jay Pyeatt	Austin, TX	2019-03-26
Jay Peterson	Austin, US	2019-03-26
Delilah Adams	New York City, US	2019-03-26
Brandy Jones	Austin, TX	2019-03-26
Fikir G Fikir	US	2019-03-26
Michael Hurd	Austin, US	2019-03-26
Kendra Hays	Austin, TX	2019-03-26
Jeff Ball	Austin, US	2019-03-26
Marley Erickson	Langley, US	2019-03-26
Ken Mayes	AUSTIN, TX	2019-03-26
Alana Nonsant	Salem, US	2019-03-26
Steve Collins	Helotes, TX	2019-03-27
Kathy Verduzco	Evans, US	2019-03-27

Name	Location	Date
Kameron Wallace	Concord, US	2019-03-27
Najia Sultan	Missouri City, US	2019-03-27
Jenny Widing	Austin, US	2019-03-27
Tamany Brown	Austin, US	2019-03-27
Roger Brown	Austin, TX	2019-03-27
Annabel Brightwell	Austin, TX	2019-03-27
Tiffany Boggess	Austin, TX	2019-03-27
Michael Patton	Austin, US	2019-03-27
Ragini Niwargi	South Brunswick Township, US	2019-03-27
Neeca Leitaο	Austin, TX	2019-03-27
Gabriella Williams	Chicago, US	2019-03-27
Aaron Blizzard	Seattle, US	2019-03-27
fredrick myles	Houston, US	2019-03-27
The Arnie States Show	US	2019-03-27
Robert Koval	Austin, TX	2019-03-27
Aneta Costa	Austin, US	2019-03-27
Donna Tarrant	Eugene, US	2019-03-27
Stephanie Wilson	Muncie, US	2019-03-27
James Rinn	Austin, US	2019-03-27
Tim Moncrief	Austin, TX	2019-03-27
dgznbv retraghstjdfghkfmhnf	Houston, US	2019-03-27
kripa patel	Arlington, US	2019-03-27

Name	Location	Date
Joy Rasul	Austin, TX	2019-03-28
Puneeta Rajan	Austin, TX	2019-03-28
David Revere	Austin, US	2019-03-28
Alma Morgan	Portland, US	2019-03-28
Chris Sanchez	Prosper, US	2019-03-28
Kelly Croxton	Austin, US	2019-03-28
Meagan Moll	Austin, TX	2019-03-28
John McCabe	Chicago, US	2019-03-28
michael Silvestri	Revere, MA	2019-03-28
Samantha Jones	Floyds Knobs, US	2019-03-28
Anthony Acevedo	Woodland Hills, US	2019-03-28
Maribel Marulanda	New York, US	2019-03-28
Lynn Quinones	Clover, US	2019-03-28
John Burnam	Austin, TX	2019-03-28
Renee Liccion	Academy, US	2019-03-28
bryan vaughn	decatur, US	2019-03-28
Nate Warner	Austin, US	2019-03-28
Rivka Gribov	Brooklyn, US	2019-03-28
Beau Rivers	Fairview, NJ	2019-03-28
Vanessa Kartsanis	Elk Mound, NJ	2019-03-28
Melissa Heithaus	Mckinney, US	2019-03-28
Isabel Ospina	Hollywood, US	2019-03-28

Name	Location	Date
Arlene Zuckerman	Jamaica, US	2019-03-28
Josh Shergill	Redmond, US	2019-03-28
lindsay bjorn	Manchester, US	2019-03-28
Daniela Rybak	Garfield, NJ	2019-03-28
Carrie Gleason	Littleton, CO	2019-03-28
Cameron Christopherson	Phoenix, US	2019-03-28
Maria Melgar	Milpitas, US	2019-03-28
Phoenix Miller	Mount Olive, US	2019-03-29
Danny Rogers	Houston, US	2019-03-29
Ryan Moore	Austin, TX	2019-03-29
Gail Vittori	Elgin, TX	2019-03-29
Wendy Elder	Austin, TX	2019-03-29
Jonathan Kelley	Mount Pleasant, US	2019-03-29
David Ferguson	Austin, TX	2019-03-29
Kimberly Wade	Malverne, US	2019-03-29
Patrick Lesh	Austin, US	2019-03-30
Jessa Bustamante	Austin, TX	2019-03-30
Suzette Hendrick	Austin, TX	2019-03-30
Wayne Creager	Victoria, US	2019-03-30
Matthew Crawford	Austin, TX	2019-03-30
Julie Crawford	Austin, TX	2019-03-30
Susan Grandi	Austin, US	2019-03-30

Name	Location	Date
Kari Showers	Austin, TX	2019-03-30
Kelly Eichorn	Austin, TX	2019-03-30
Elaina Eichorn	Austin, TX	2019-03-30
Peter Eichorn	Austin, TX	2019-03-30
Emily Bostic	Austin, TX	2019-03-30
Natalie Eichorn	Austin, TX	2019-03-30
Melinda Floyd	Austin, TX	2019-03-30
Rachel Schnee	Austin, TX	2019-03-31
Sarah Kenoyer	Austin, US	2019-03-31
Jackie Myers	Austin, US	2019-03-31
Samantha matthews	beaumont, US	2019-03-31
Laura Peterson	Austin, US	2019-03-31
Chad Callas	Austin, TX	2019-03-31
Janine Jacobson	Austin, TX	2019-03-31
Shelane Perrone	Las Cruces, US	2019-03-31
Mark Banta	Austin, US	2019-04-01

Sirwaitis, Sherri

Subject: FW: Comments on Case Number C14-2018-0124 on Milky Way Drive

From: Brenda Langford <>

Sent: Tuesday, October 30, 2018 4:56 PM

To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>

Subject: Comments on Case Number C14-2018-0124 on Milky Way Drive

Ms. Sirwaitis,

I cannot find a place online to submit comments on the pending application for rezoning of the land on Milky Way recently submitted by Garrett Martin of Milky Way Holdings (MileStone Community Builders).

I am hoping that this can suffice and be submitted to the file.

On the previous zoning application, the Milky Way residents were very vocal that we felt equivalent zoning to what was already established on the street was only fair to the current residents. When MileStone first submitted their previous application, it was initially for 110 homes. After several compromises, they whittled that down to approximately 45 homes. While this was not equivalent, we believed it was the best compromise we were going to get and considering that MileStone was offering aid to the Autism Trust and was talking of working with Austin Christian Fellowship to bring in utilities from the north, so as not to tear up the entirety of our street. Those additional perceived community benefits made that number tolerable.

However, the current Milky Way zoning is SF-1-CO. The CO however, limited not the number of homes per total acres....it limited the number of homes to DEVELOP-ABLE ACRES. This means that even though "The Preserve" as the entire development is called was approx. 100 acres, only approx 50 acres were develop-able, so the cap on home sites was set at the 50 number. If this precedent is carried over to the current piece of land requesting rezoning this would result in approximately 27 develop-able acres and 27 home sites.

That number may not be much different to some, but for the Milky Way residents who have only one egress out on to River Place Boulevard, it brings the increased traffic down from 200% to approx. 100%, which is a significant number.

We ask that the ZAP staff and commission consider what is fair and equitable to the current residents rather than what is most profitable for the developer.

Thank you for your time and consideration of this matter.

Best regards,
Brenda Langford
10500 Milky Way

Sirwaitis, Sherri

Subject: FW: Zoning case C14-2018-0124

From: Brian Showers <>

Sent: Monday, November 12, 2018 11:48 AM

To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>

Subject: RE: Zoning case C14-2018-0124

Hi Ms. Sirwaitis,

For the surrounding area on Milky Way and Merrywing, the zoning includes two different conditions in the CO that affect density. First is a limit on the total number of homes and the second requires a minimum lot size. One condition controls overall density while the other governs how evenly that density is distributed. We believe that both of these conditions are important and I would request that staff include both types of condition on this tract.

Limiting the total number of homes to 45 and requiring a minimum lot size to between 30,000 sqft and 1 acre will keep the new parcel zoned and developed consistently with the surrounding area.

Thank you,
Brian Showers

From: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>

Sent: Thursday, November 8, 2018 3:45 PM

To: Brian Showers <>

Subject: RE: Zoning case C14-2018-0124

Hi Mr. Showers,

The applicant's request letter is attached for your review. The applicant is requesting SF-1-CO zoning for this property, with a conditional overlay that will limit the maximum number of residential units to 45 dwelling units and will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.

The staff's recommendation in the previous zoning case for this property (C14-2015-0083) was for SF-1-CO zoning, with a conditional overlay that would limit the size of each lot on the property to a minimum of 30,000 sq. ft. and would limit the development intensity for the entire site to less than 2,000 vehicle trips per day. The applicant's request is more restrictive than the staff's recommendation in the previous zoning case. The applicant is proposing to limit development on the property to a maximum of 45 dwelling units. The staff's/ZAP Commission's recommendation in case C14-2015-0083 would allow for up to 61 dwelling units on this 42.064 acre site (1,832,307.84 sq. ft./30,000 sq. ft. = 61.076928 dwelling units). Even if you account for infrastructure requirements (42.064 acres/20%), such as water/wastewater lines and street extensions, the maximum number of residential units that could be achieved by the staff's previous recommendation on the property would be 48.8598 dwelling units. So the applicant's request is still less intensive.

I spoke with David Ryder this morning about and this said that sometimes the maximum number of dwelling units on the property can also be defined by units per acre. The applicant's request for a max of 45 units/42.064 acres would permit up to 1.0698 units per acre on this property.

The staff just recently received the case file for this rezoning application. Therefore, the case is still under review. Many of the reviewers have not submitted their comments on this case yet. The staff has up to 28 days/a month to make comments and compile a recommendation before we schedule the case for public hearing dates.

Thank you,

Sherri Sirwaitis

City of Austin

Planning & Zoning Department

sherri.sirwaitis@austintexas.gov

512-974-3057(office)

From: Brian Showers <>

Sent: Thursday, November 08, 2018 2:51 PM

To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>

Subject: Zoning case C14-2018-0124

Ms. Sirwaitis,

We met last year to discuss this zoning case at the end of Milky Way Drive. I'm a resident on Milky Way and helping to coordinate the questions and communications for several members of our neighborhood. While we appreciate that Milestone has asked for zoning that less dense than the SF-2 they requested in 2016, we continue to believe that the zoning and conditional overlay of this parcel should match that of Milky Way Drive. Specifically, we believe that the prior staff recommendation of a CO including a minimum lot size of 30,000 sqft is critical.

As a neighborhood, we believe that the parcel at the end of the Milky Way cul-de-sac should be developed consistently with the rest of the street. That zoning was done with both lot size limitations as well as a limit on the number of homes. The effect is that the surrounding area is developed at a density of one home per buildable acre and lot sizes that are all one acre minimum.

We are also concerned that in Milestone's filing, they misrepresented the neighborhood position by editing down statement in a misleading way. Their representation of our position is fundamentally incorrect and appears to be deliberately misleading to conform to their biased narrative.

Given those concerns, we'd like to schedule something next week to discuss the concerns that our neighborhood has about the proposal, and the specific targets that the neighborhood is willing to suggest. Can you provide a few days/times of availability for you and your team?

Thank you,
Brian Showers

10223 Milky Way Drive
Austin, TX 78730
(512) 826-4002

Sirwaitis, Sherri

To: Brenda Langford
Subject: RE: Zoning Case C14-2018-0124

From: Brenda Langford <>
Sent: Tuesday, February 05, 2019 3:35 PM
To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>
Subject: Zoning Case C14-2018-0124

Ms. Sirwaitis,

I'm not sure of the process, but wanted to send in a letter of opposition to the SF-1 zoning with NO CO on Case C14-2018-0124. After reading through the application and it's attachments, the applicant seems to imply that the Milky Way residents were accepting of the 45 home limit and therefore this case should be a slam dunk. That information is being taken completely out of context with relation to the current development vs. the development previously imposed.

The prior development was originally proposing 110 homes AND additional support towards a charitable endeavor. In light of the reduction from of total home sites AND the community benefit to the charity we were open to those discussions. However, there was an additional CO being discussed at that time that has now been taken off of the table, which is a detriment to the existing homes subject to prior, more restrictive zoning.

For the surrounding area on Milky Way and Merrywing, the zoning includes two different conditions in the CO that affect density. First is a limit on the total number of homes and the second requires a minimum lot size. One condition controls overall density while the other governs how evenly that density is distributed. We believe that both of these conditions are important and I would request that staff include both types of condition on this tract.

Limiting the total number of homes to 45 and requiring a minimum lot size to between 30,000 sqft and 1 acre will keep the new parcel zoned and developed consistently with the surrounding area.

Zoning should be applied consistently and fairly to all participants; both the party requesting new zoning and the existing neighbors with contiguous tracts.

If there is some more formal action needed to voice opposition, please let me know. Thank you and the staff for consideration of these points in considering this application.

Respectfully,
Brenda Langford

Case number: C14-2018-0124
24 March 2019

To the Land Use Commission members,

With all due respect, I must object to the rezoning of this parcel of land to accommodate mixed use development because the density of the development is too high. This zoning change has been brought before the zoning board in the recent past and was rejected for various reasons, but mostly because of improperly building a high-density development in an area that requires exit through lower density developments. With the last attempt at rezoning this land the River Place community overwhelmingly rejected the zoning proposal with over a thousand signatures objecting to the high-density development.

This high-density development would negatively affect the already congested River Place Blvd. which is the main entrance and exit to all River Place homes and businesses.

It seems logical and reasonable to build this high-density project on this proposed site only if the exits and entrances are built to the north and do not impact the traffic on River Place Blvd.



Stuart Damore
10301 Milky Way Dr.
Austin, Texas 78730



NOTICE OF PUBLIC HEARING FOR REZONING

Mailing Date: March 8, 2019

Case Number: C14-2018-0124

Este aviso le informa de una audiencia pública tratando de un cambio de zonificación dentro de una distancia de 500 pies de su propiedad. Si usted desea recibir información en español, por favor llame al (512) 974-3531.

The City of Austin has sent this letter to inform you that we have received an application for rezoning of a property. We are notifying you because City Ordinance requires that all property owners within 500 feet, residents who have a City utility account address within 500 feet and registered environmental or neighborhood organizations whose declared boundaries are within 500 feet be notified when the City receives an application.

Project Location:	Milky Way Drive
Owner:	Milky Way Holdings GP, LLC, Garrett S. Martin, (512) 686-4986
Applicant:	McLean & Howard, LLP, Jeffrey Howard, (512) 328-2008

Proposed Zoning Change:

From: DR – Development Reserve district is intended to prevent isolated, inappropriate, or premature uses from locating on lands for which adequate public services and facilities are unavailable, or for which a determination of the most appropriate zoning district is precluded by a lack of data customarily utilized in establishment of permanent district classifications, or for which land use and urban development policies have not been completed.

To: SF-1-CO - SF-1 – Single-Family Residence (Large Lot) district is intended as an area for low density single-family residential use, with a minimum lot size of 10,000 square feet. This district is appropriate for locations where sloping terrain or environmental limitations preclude standard lot sizes, or where existing residential development has lots of 10,000 square feet or greater. **CO – Conditional Overlay** combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

In this request, the applicant is proposing a conditional overlay (CO) that limits the vehicular trips per day to 2,000 and that restrict the maximum total dwelling units to forty-five (45).

This application is scheduled to be heard by the **Zoning and Platting Commission** on **March 19, 2019**. The meeting will be held at City Hall Council Chambers, 301 West 2nd Street beginning at 6:00 p.m.

This application is scheduled to be heard by the **City Council** on **April 11, 2019** at City Hall Council Chambers, 301 West 2nd Street beginning at 2:00 p.m.

You can find more information on this application by inserting the case number at the following Web site: https://www.austintexas.gov/devreview/a_queryfolder_permits.jsp. If you have any questions concerning the zoning change application please contact, Sherri Sirwaitis of the Planning and Zoning Department at 512-974-3057 or via email at Sherri.Sirwaitis@austintexas.gov and refer to the Case Number at the top right of this notice. The case manager's office is located at One Texas Center, 5th Floor, 505 Barton Springs Road, Austin, Texas. You may examine the file at One Texas Center between the hours of 7:45 a.m. and 4:45 p.m., Monday through Friday.

For additional information on the City of Austin's land development process, please visit our web site at: www.austintexas.gov/planning.

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.

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: C14-2018-0124

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: March 19, 2019, Zoning and Planning Commission
April 11, 2019, City Council

STUART DAMORE
Your Name (please print)

☐ I am in favor
☒ I object

10301 MILKY WAY
Your address(es) affected by this application

Sherry Sirwaitis
Signature Date 24 Mar 19

Daytime Telephone: 512 751 0566

Comments: SEE ENCLOSED LETTER

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



River Place Homeowners Association

March 25, 2019

Planning and Development Review Department
505 Barton Springs Road
One Texas Center
Austin, TX 78704
Attn: Sherri Sirwaitis

Re: Rezoning applications C14-2018-0124 (River Place)

Dear Ms. Sirwaitis,

On December 12, 2016 the River Place Homeowners Association representing 1146 homes submitted a letter regarding the zoning case report for C14-2015-0083 stating our support of the Staff Recommendations to grant SF-1-CO, Single-Family Residence-Large Lot-Conditional Overlay Combining District zoning which will limit the size of each lot to a minimum of 30,000 sq. feet and limit the entire site to less than 2000 vehicle trips per day.

We affirm our agreement with this recommendation for Case C14-2018-0124 (River Place) which is simply a reapplication for the same development. Our reasoning for support for a minimum size lot of 30,000 sq. feet and limiting vehicle trips to less than 2000 are

- Milestone's proposal to develop 45 houses violates a basic zoning principle not to increase density the farther you are from a major road.
- No other area in River Place has 68 homes with only one exit

Re: Rezoning applications C14-2018-0124 (River Place)

March 25, 2019

- Fire safety concerns related to the topography of the proposed development support a less dense development
- A recommendation for a minimum lot size of 30,000 sq. feet is consistent with that on Milky Way Drive and the Preserve area
- The HOA supports the recommendation of the residents on Milky Way who have been fighting this proposed development since 2015 for a minimum lot size of 30,000 sq. feet

We wish to thank the Staff for their work on this case and listening to the concerns of the community.

Sincerely,

A handwritten signature in blue ink, appearing to read "SCOT CROSBY", with a large, stylized flourish at the end.

Scott Crosby

President – River Place Homeowners Association

Cc: 2222 CONA

COA City Council



Barton Oaks Plaza, Building II
901 South MoPac Expy | Ste 225
Austin, Texas 78746
phone 512.328.2008
fax 512.328.2409
www.mcleanhowardlaw.com

May 7, 2019

Greg Guernsey, Director
Planning & Zoning Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

via email

RE: Amendment to Zoning Case No. C14-2018-0124

Dear Mr. Guernsey:

As an agent for the Applicant of the above-referenced zoning case, I respectfully submit this request to amend the zoning application in this case to (i) change the requested zoning designation and (ii) change the conditional overlay. The zoning is hereby amended to request as follows:

- 1) Change the current zoning designation of DR, Development Reserve, to SF-6-CO, Townhouse and Condominium Residence District-Conditional Overlay.
- 2) The Conditional Overlay is offered as limiting the number of vehicle trips per day to 1,362. The trip limitation is based on the remaining number of trips after deducting the existing trips per day on Milky Way Drive from the roadway capacity of Milky Way Drive as established in the approved City NTA for this Zoning Case.

We understand, that by amending the application to a more intensive zoning request, the Zoning and Platting Commission will need to reconsider the Zoning Case and that the current item scheduled for consideration by City Council on May 9, 2019 will be pulled so that the Zoning Case can be re-notified.

As such, the Applicant also requests that the annexation case associated with this property is postponed. The annexation case is contingent on the Applicant's consent to the annexation and agreement to the service plan, which is tied to the zoning request. Therefore, the Applicant would like final adoption of the annexation to be at the same meeting as the Zoning Case.

Please let me know if any additional information or documents are necessary to complete this request. Should you have any questions regarding this information, please contact me at 512-328-2008.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Howard", with a stylized flourish at the end.

Jeffrey S. Howard
McLean & Howard, LLP

cc: Jerry Rusthoven
Joi Harden
Sherri Sirwaitis
Virginia Collier
Garrett Martin
Ron Thrower



River Place Homeowners Association

June 12, 2019

Planning and Development Review Department
505 Barton Springs Road
One Texas Center
Austin, TX 78704
Attn: Sherri Sirwaitis

Re: Rezoning applications C14-2018-0124 (River Place)

Dear Ms. Sirwaitis,

On December 12, 2016 the River Place Homeowners Association representing 1146 homes submitted a letter regarding the zoning case report for C14-2015-0083 stating our support of the Staff Recommendations to grant SF-1-CO, Single-Family Residence-Large Lot-Conditional Overlay Combining District zoning which will limit the size of each lot to a minimum of 30,000 sq. feet and limit the entire site to less than 2000 vehicle trips per day.

We affirmed that position for Case C14-2018-0124 (River Place) which was simply a reapplication for the same development. We now once again reaffirm that position for Case C14-2018-124 (River Place) which requests SF-6 zoning Townhome and Condos and appears to allow up to 185 dwelling units.

Re: Rezoning applications C14-2018-0124 (River Place)

June 12, 2019

Our reasoning for support for a minimum size lot of 30,000 sq. feet and limiting vehicle trips to less than 2000 are

- Milestone's proposal for SF6 zoning once again violates a basic zoning principle not to increase density the farther you are from a major road.
- No other area in River Place has 68 homes with only one exit
- Fire safety concerns related to the topography of the proposed development support a less dense development
- A recommendation for a minimum lot size of 30,000 sq. feet is consistent with that on Milky Way Drive and the Preserve area
- The HOA supports the recommendation of the residents on Milky Way who have been fighting this proposed development since 2015 for a minimum lot size of 30,000 sq. feet

We wish to thank the Staff for their work on this case and listening to the concerns of the community.

Sincerely,



Scott Crosby

President – River Place Homeowners Association

Cc: 2222 CONA

COA City Council