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MEMORANDUM

TO: Betty Baker, Chairperson
Zoning and Platting Commission Members

FROM: Clark Patterson, AICP
Planning and Development Review

DATE: October 11, 2010

RE: Greenshores Annexation Zoning

The Greenshores Annexation Zoning cases were on the September 21st, Zoning and Platting Commission agenda for action. Prior to the meeting, each Commissioner received an email from a concerned citizen (see attached email) regarding certain improvements that were to take place in the Greenshores subdivision. In particular the improvements were to be made to the water system. It was alleged that these improvements had not been completed. I submit to you with this memo the cover sheet to a twenty three page site plan for the improvements to the water system. The City site plan number is SP-2008-0164D. The site plan was approved by the City on July 28th, 2008. The email also questioned the lack of a letter certifying the completion of the improvements. I have attached an engineer's letter from the firm of Carlson, Brigance & Doering, Inc. certifying the water improvements are completed and ready for city acceptance.

C1
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From: Carol Lee [mailto:carolee@cityofaustin.com]
Sent: Monday, September 20, 2010 12:41 PM
To: bbaker5@austin.rr.com; sbald@sbcglobal.net; gbourgeois@jonescarter.com; trabago@austin.rr.com; 'Patricia Seeger'; crbanks@hotmail.com; 'Donna Tiemann'
Subject: Greenshores Zoning---Items 6 through 14

Madam Chair and Commissioners,

As you consider formalizing entitlements for property within the Greenshores development--- items 6 through 14 on your agenda for tomorrow's ZAP meeting---please be aware that the developer has not complied with the terms of the development agreement. With the Greenshores Annexation and Development Agreement the City agreed to delay the collection of property taxes from residents of Greenshores until after 2015, and from the Woods of Greenshores until after 2017, and the developer agreed to upgrade the water system to meet City of Austin drinking and fire flow standards by 24 January 2007.

In response to a PIR in April 2010, James Candelas of Austin Water Utility could find no evidence that the developer has complied with the terms of the Greenshores Annexation and Development Agreement. The developer was supposed to submit plans for upgrading the water system to the City by 9 April 2005, and was supposed to submit a letter sealed by a professional engineer by 24 January 2007 that the constructed facilities comply with the City's approved plans. There is no evidence that these obligations have been met.

I was told that the City is not concerned about enforcing development contracts until the property is in Full Purpose jurisdiction. But the Greenshores Annexation and Development Agreement only provides the City leverage during the build-out, by ceasing water and wastewater connections until the developer completes his obligations. There's been much discussion of how much property tax the City is "loosing" with exemptions for Historic homes---that amount is a drop in the bucket compared to how much property tax the City is giving up with the delay of property taxes on these hundreds of \$1M+ homes, and the impending infrastructure repairs that the City will inherit because the Developer is not living up to their terms of the Development Agreement.

Currently there may be enough undeveloped lots within Greenshores to provide incentive for the developer to meet its obligations of the Agreement, if the City was inclined to enforce the terms. Proceeding to give entitlements to this property without requiring the developer to meet their obligations sets up the taxpaying public to subsidize this infrastructure at a later date.

I am not able to attend the Tuesday ZAP hearing, but please don't hesitate to contact me if you have questions or want further information before your meeting.

Sincerely,
Carol Lee

[Redacted Signature]
794-8250

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A: AMANDA 4.4.27.9092310 - User: Clark Patterson Signed on to AMANDA at AMANDA_prod1

File Data Search Edit Actions Reports Window Help

Close Update Plot Accept Refresh Detail Story Exit To-Do List Reports Folder Property People Location People List Log Off Profiles View Data Print

Greenshores on Lake Austin RAW Water Line [SP]

Folder: Property (1) People (8) Info (199) Fee/Charge (5) Process (45) Document (44) Comment (3) Clock Attachment (41)

Folder #	R#	Gen. Yr	Sequence	Sec.	Rev.	Type	Status
2008 022394 D 00	SP-2008	20	08	022394	D	00 SP	Site Plan Approved and
2008 059045 000 00	EV						
2008 085715 000 00	SC						
2008 093149 000 00	SC						

Property

House	Prefix	Street	Type	Direction	Unit Type	Unit
Address	3905-4033	PEARCE	ROAD			
City	Postal Code	Roll	Property Row ID	Folder Unit		
			3.194,667			

Indicators

Violations	<input checked="" type="checkbox"/>
Properties	<input type="checkbox"/>
Parent	<input type="checkbox"/>
Child	<input checked="" type="checkbox"/>
Due	\$ 00

In Date: Mar 31, 2008 Issue/Approval: Jul 28, 2008 Expires: Mar 31, 2011

Reference File #: SP-2008-0164D By: Kevin Seimidge Final Date:

Sub: Site Plan Administrative Work: Utility Line

Name: Greenshores on Lake Austin RAW Water Line Priority:

Description: The applicant is proposing 6.250 linear feet of 6" raw water line.
3rd submittal

Conditions: This project was previously submitted as a small project, but it isn't.
ADDRESSING REVIEW-3905-4033 BLOCK OF PEARCE RD-KMD-4-7-2008

Group: Lend Development Parent ID: Row ID: 10130438

ListView Related View Copy Create Child Print Re-Default Email GIS Summary Process Activity

Show no. of rows on tabs Back Forward Pull Info From GIS

attachment: attachmentdesc

Calendar ... MWS radar ... POSTPCONE ... C14-2008 ... AMANDA ... 3:09 PM

GREENSHORES ON LAKE AUSTIN RAW WATER LINE IMPROVEMENTS & FIRE SYSTEMS IMPROVEMENTS

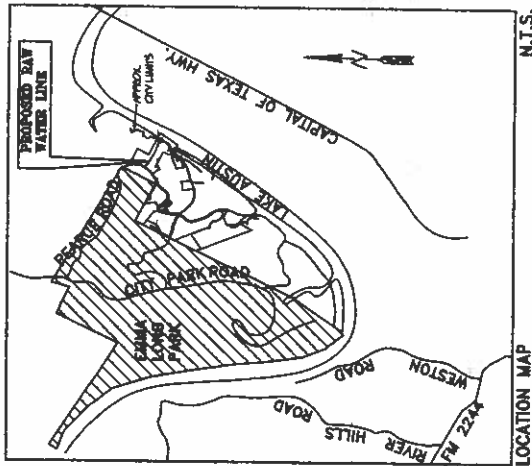


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WATERSHED STATUS - THIS PROJECT IS LOCATED IN THE LAKE AUSTIN WATERSHED AND IS CLASSIFIED AS WATER SUPPLY. THE DEVELOPED, CONSTRUCTED AND MAINTAINED IN CONFORMANCE WITH SECTION 25 OF THE AUSTIN LAND DEVELOPMENT CODE. NO PORTION OF THIS SITE IS LOCATED OVER THE EDWARDS AQUIFER RECHARGE ZONE.

NOTE: A PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF THE 100 YEAR FLOOD PLAIN OF THE FEDERAL FLOOD INSURANCE ACT. REFER TO THE FIRM PANEL NO. 484463C 0215Q, FOR TRAVIS COUNTY, TEXAS DATED JANUARY 19, 2000



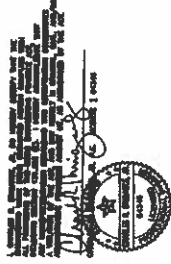
LOCATION MAP
MAPSCO GRID #MD27 & ME27
MAPSCO PAGE #552 & 553
N.T.S.

NOTE: A Permit has been issued by T.C.E. # 200805-182.

NO.	DESCRIPTION	DATE	BY	REVISIONS AND CORRECTIONS
C1	Revised plan to show utility changes	01/14/08	24	
C2	Revised plan to show utility changes	01/14/08	24	

1. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE UNLESS OTHERWISE SPECIFIED.
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25. ALL UTILITIES SHALL BE DEEPENED TO A MINIMUM OF 48" BELOW FINISHED GRADE UNLESS OTHERWISE SPECIFIED.

DESIGNED BY: *David H. Smith* DATE: 3/21/08
 CHECKED BY: *David H. Smith* DATE: 7/25/08
 CITY OF AUSTIN DATE: 07/17/2008
 REVIEWED BY: *David H. Smith* DATE: 08-07-08
 TRAVIS COUNTY DATE: 7/15/08
 DATE: 7/15/08
 DATE: 7/15/08



DESIGNED BY: *David H. Smith*
 CHECKED BY: *David H. Smith*
 CITY OF AUSTIN
 TRAVIS COUNTY
 DATE: 7/15/08

APPROVED: *David H. Smith*
 OCT 11 2008
 CIVIL ENGINEER
 STATE OF TEXAS
 LICENSE NO. 10000

APPROVED: *David H. Smith*
 OCT 11 2008
 CIVIL ENGINEER
 STATE OF TEXAS
 LICENSE NO. 10000

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Carlson, Brigance & Doering, Inc.

Civil Engineering ♦ Surveying

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ENGINEER'S CONCURRENCE FOR PROJECT ACCEPTANCE

PROJECT: Greenshores on Lake Austin Raw Water Line and Fire System Improvements

SCOPE OF WORK: W _____ WW S/D _____ ALL X

Owner's Name and Address

Consultant Engineer's Name and Address

PK-RE, INC.
c/o Development Associates of Central Texas
Mr. Russell Parker, President
4705 Spicewood Springs Road, Suite 200
Austin, Texas 78759

Carlson, Brigance & Doering, Inc.
5501 W. William Cannon Drive
Austin, Texas 78749

This is to certify that I, the undersigned professional engineer, or my representative, have reviewed non-City construction progress reports, logs, shop drawings, and test reports. On this date, I made an on-site inspection of the referenced project. No discrepancy or deviation from the approved construction plans exist which may materially affect the usefulness of the work for the purpose and life intended for the project by design, except those listed below. I, therefore, recommend acceptance of this project by the City of Austin, upon satisfactory correction of the following items:

N/A



Steven P. Cates

Steven P. Cates, P.E.

5/20/10
Date

93648
Texas Registration Number

Seal

ZONING CHANGE REVIEW SHEET

C1
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CASE: C14-2010-0102
Greenshores Annexation Zoning #1

Z. P. C. DATE: 09/21/10, 10/19/10

ADDRESS: Greenshores Subdivision
@ Pearce Road and Oak Shores

AREA: Various

APPLICANT/AGENT: City of Austin (Clark Patterson)

NEIGHBORHOOD PLAN AREA: N/A

CAPITOL VIEW: No

T.I.A.: No

HILL COUNTRY ROADWAY: No

WATERSHEDS: Connors Creek, Hog Pen Creek, Lake Austin

DESIRED DEVELOPMENT ZONE: No

ZONING FROM: I-SF-1 - Interim Single Family Residence, Large Lot, and I-RR – Interim Rural Residence.

ZONING TO: RR - Rural Residence, (Green Tracts)
P – Public, (Purple Tracts)
SF-1 - Single Family Residence, Large Lot, (Remaining lots)

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of SF-1 - Single Family Residence, Large Lot, LA - Lake Austin Residence, RR - Rural Residence and P- Public.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

DEPARTMENT COMMENTS:

On January 24, 2005 the owners of the Greenshores GLA and EC Area and the City of Austin entered into an agreement regarding annexation and development. The Greenshores Annexation and Development Agreement provides for annexation of the Greenshores GLA and EC Area for the limited purposes of planning and zoning pursuant to Section 43.129 of the Texas Local Government Code.

The Greenshores Annexation and Development Agreement between the owners of the Greenshores GLA and EC Area and the City sets out the process under which the limited purpose annexation area will be annexed for full purposes. In the Agreement, the owners have waived the requirements of Sec. 43.123 (d) (2) of the Texas Local Government Code that the property be annexed for full purposes within three years of the effective date of its limited purpose annexation.

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Full purpose annexation of the area that has limited purpose annexation will take place after January 24, 2015 in accordance with the Greenshores Annexation and Development Agreement approved by the Austin City Council 01/13/05.

The limited purpose annexation and future conversion to full purpose status will be of economic advantage to residents and landowners within the area through the establishment of land use controls and building standards not otherwise available. Currently, there are approximately 291 residents in the annexation area. There is no business activity in the annexation area. The annexation and the imposition of City zoning and development standards will benefit residents and property owners in the area surrounding the Greenshores GLA and EC Area by requiring higher quality development than would otherwise occur.

Annexation of the area for the limited purposes of planning and zoning will extend the full range of City regulatory authority regarding development, construction, land use, and environmental quality to the area. This authority includes the application of all regulations pertaining to planning and zoning including but not limited to, regulations within the City's Land Development Code including Title 30 Austin/Travis County Subdivision Regulations and related technical manuals, and all rules adopted pursuant thereto. The limited purpose annexation will protect the local environment by ensuring that future development will be in compliance with the City's zoning and Title 30 development standards.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	I-SF-1 & I-RR	Single Family Residential/Open Space
North	P	Undeveloped
South	SF-1	Single Family Residential
East	SF-1	Single Family Residential/Open Space
West	Unzoned	Single Family Residential

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
		No recent histories	

BASIS FOR RECOMMENDATION:

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

Granting the requested zoning would be in keeping with the intended use as per the subdivision plat.

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NEIGHBORHOOD ORGANIZATION:

- Homeless Neighborhood Association
- Glenlake Neighborhood Association
- 2222 Coalition of Neighborhood Assos.
- Austin Neighborhoods Council
- Long Canyon HOA
- Lake Austin Collective
- Courtyard HOA
- Steiner Ranch HOA
- Long Canyon HOA, II

SCHOOLS:

- Highland Park Elementary School
- Lamar Middle School
- McCallum High School

SITE PLAN:

No comments.

ENVIRONMENTAL:

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Connors Creek Watershed, the Lake Austin Watershed, and the Hog Pen Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Rural Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone. 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>	<i>Allowable Density</i>
One or Two Family Residential	n/a	n/a	1 unit/2 acres net site area
Multifamily Residential	20%	25%	n/a
Commercial	20%	25%	n/a

2. Single family or duplex development within a Water Quality Transition Zone may not exceed a density of one unit per three acres, exclusive of land within a 100-year floodplain, and must have a minimum lot size of 2 acres.
3. Based upon the close proximity of the flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone shall be limited to 18%.
4. The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.

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- 5. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
- 6. 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.
- 7. Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.
- 8. At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code requirements.

TRANSPORTATION:

- TR1. No additional right-of-way is needed at this time.
- TR2. 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]
- TR3. Existing Street Characteristics:

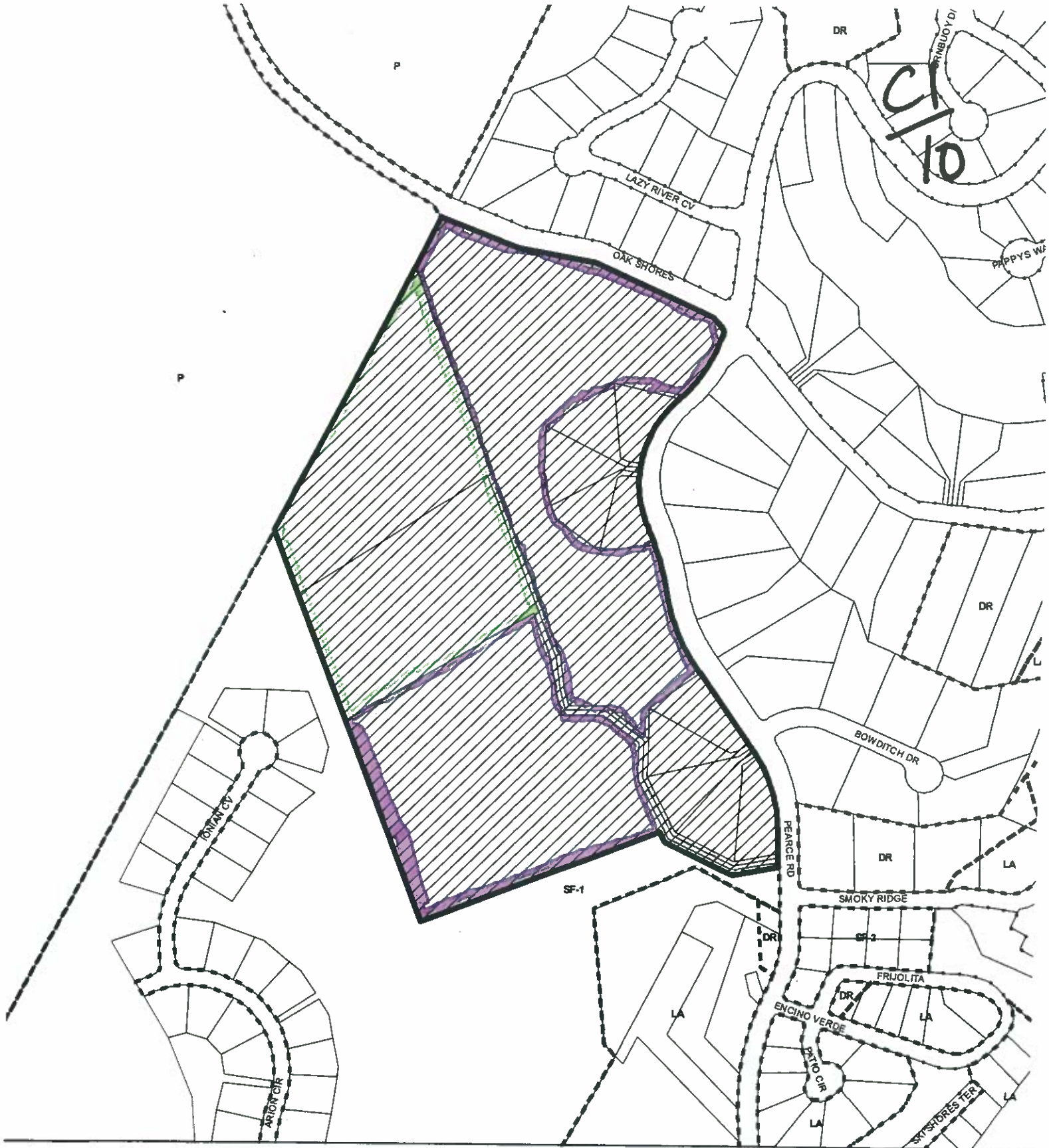
Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Oak Shores Drive	64'	24'	Local	No	No	No
Pearce Rd	60'	24'	Local	No	No	No

CITY COUNCIL DATE: October 28th, 2010





ACTION:

ORDINANCE READINGS: 1ST 2ND 3RD **ORDINANCE NUMBER:**

CASE MANAGER: Clark Patterson Clark.patterson@ci.austin.tx.us **PHONE:** 974-7691



ZONING

-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING CASE#: C14-2010-0102
 LOCATION: PEARCE RD & OAK SHORES DR
 SUBJECT AREA: 0.00 ACRES
 GRID: E28
 MANAGER: CLARK PATTERSON



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 by the City of Austin regarding specific accuracy or completeness.

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SUBJECT
TRACT

