

ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0045 Huber Family Tract

Z. P. C. DATE: 06-04-13

ADDRESS: 4200 River Crest Drive

AREA: 0.432 acres

APPLICANT: Brian Huber

AGENT: Land Answers (Jim Wittliff)

NEIGHBORHOOD PLAN AREA: N/A

CAPITOL VIEW: No

T.I.A.: No

HILL COUNTRY ROADWAY: No

WATERSHED: Lake Austin

DESIRED DEVELOPMENT ZONE: No

ZONING FROM: LA – Lake Austin Residence

ZONING TO: SF-2 Single Family Residential, Standard Lot

SUMMARY STAFF RECOMMENDATION:

Staff recommends SF-2, Single Family Residential, Standard Lot – Conditional Overlay zoning. The conditional overlay would limit the lot to one (1) single family residence and require a twenty five foot (25') setback from the west property line.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

The motion to Deny staff's recommendation for SF-2 district zoning, was made by Commissioner Jason Meeker, Commissioner Patricia Seeger seconded the motion on a vote of (3-3); Commissioners Cynthia Banks, Betty Baker and Sean Compton voted against the motion (nay), Commissioner Gabriel Rojas was absent. MOTION FAILED.

2nd Motion: The motion to approve SF-1-CO district zoning, was made by Chairwoman Betty Baker, Commissioner Sean Compton seconded the motion on a vote of (3-3); Commissioners Jason Meeker, Patricia Seeger and Rahm McDaniel voted against the motion (nay), Commissioner Gabriel Rojas was absent. MOTION FAILED. No action taken, forward to City Council with no recommendation from the commission.

DEPARTMENT COMMENTS:

The lot is currently undeveloped. This lot was platted as part of the Aqua Verde Subdivision and the plat was recorded at the Travis County Courthouse on September 10th, 1965 and part of the McDett State Subdivision recoded at the Travis County Courthouse on January 1st, 1973. The average lot size for all of the lots in the Aqua Verde subdivision is 6,500 approximately 37,000 square feet short of the minimum one acre, or 43,560 square feet of land needed to comply with the Lake Austin Residence (LA) zoning designation. In 1983, the City initiated the Lake Austin Area Study under case number C14-83-003. The Lake Austin Area Study included over 270 properties and gave these properties the opportunity to adjust their interim and/or permanent zoning to either Lake Austin Residence (LA), Single Family Residence, Standard Lot (SF-2) or Single Family Residence (SF-3). This property was not included in the study. The subject property contains 0.432 acres or 18,850 square feet of land, 24,710 square feet short of the minimum needed to comply with the Lake Austin Residence (LA) zoning designation. The Upper Rivercrest Homeowners Association has submitted a letter in support of this zone change request (see attached).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LA	Undeveloped Single Family Residential
North	LA	Single Family Residential
South	LA	Single Family Residential
East	LA	Single Family Residential
West	LA	Lake Austin

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-91-0064 2301 Big Horn Drive	From LA to SF-2	Approved SF-2. Vote: (7-0)	Approved SF-2. Vote: (7-0)

BASIS FOR RECOMMENDATION:

- Zoning changes should promote compatibility with adjacent and nearby uses.*

Granting SF-2 zoning for the subject tract will be compatible with adjacent uses and adjacent zoning in the area to the north and west.

NEIGHBORHOOD ORGANIZATION:

- Austin Neighborhoods Council
- Bunny Run HOA
- Glenlake HOA
- Rob Roy HOA

SCHOOLS:

- Bridge Point Elementary School
- West Ridge Middle School
- West Lake High School

SITE PLAN:

No site plan is required for single-family use.

A site plan is required for a boat dock or shoreline improvements.

ENVIRONMENTAL:

- The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Lake Austin 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. According to floodplain maps there is a floodplain in or within close proximity of the project location. Based upon the close proximity of the floodplain, 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. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. 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.
6. 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.
7. 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:

No additional right-of-way is needed at this time.

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].

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Rivercrest Drive	50	24	Local	No	No	No

COMPREHENSIVE PLAN:

LA (Lake Austin) to SF-2 (Single Family Residence – Standard Lot)

This zoning case is located along the eastern shore of Lake Austin, is vacant and is approximately 0.432 acres in size. The property is not located within the boundaries of a neighborhood planning area. Surrounding land uses includes single family houses to the north, south, and east. The property is completely surrounded by the 100 year floodplain. The Imagine Austin Comprehensive Plan (IACP) Growth Concept Map guides where Austin may accommodate new residents and jobs but also reflects the community intent to direct growth away from environmentally sensitive areas including, but not limited to, the recharge and contributing zones of the Barton Springs segment of the Edwards Aquifer, and to protect the character of neighborhoods by directing growth to areas identified by small area plans. Page 107 of the Imagine Austin Comprehensive Plan discusses how 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. This intent of these concepts can be found in the following IACP policies:

- **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- **LUT P22** Protect Austin's natural resources and environmental systems by limiting land use and transportation development in sensitive environmental areas and preserving areas of open space.
- **HN P11** Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

Although *Imagine Austin* is largely supportive of the proposed land use, the proposed residential zoning designation would not offer the same environmental protections that the existing LA zoning designation requires, including the percentage of property that should be left in its natural state and calculation the impervious surface coverage based on gradients.

Based on the property being surrounded by other residential uses, and the Growth Concept Map and the IACP policies referenced above that supports a variety of housing types throughout Austin, staff believes that the proposed residential use is consistent with the Imagine Austin Comprehensive Plan as long as environmental ordinances are considered and enforced.

CITY COUNCIL DATE: June 27th, 2013

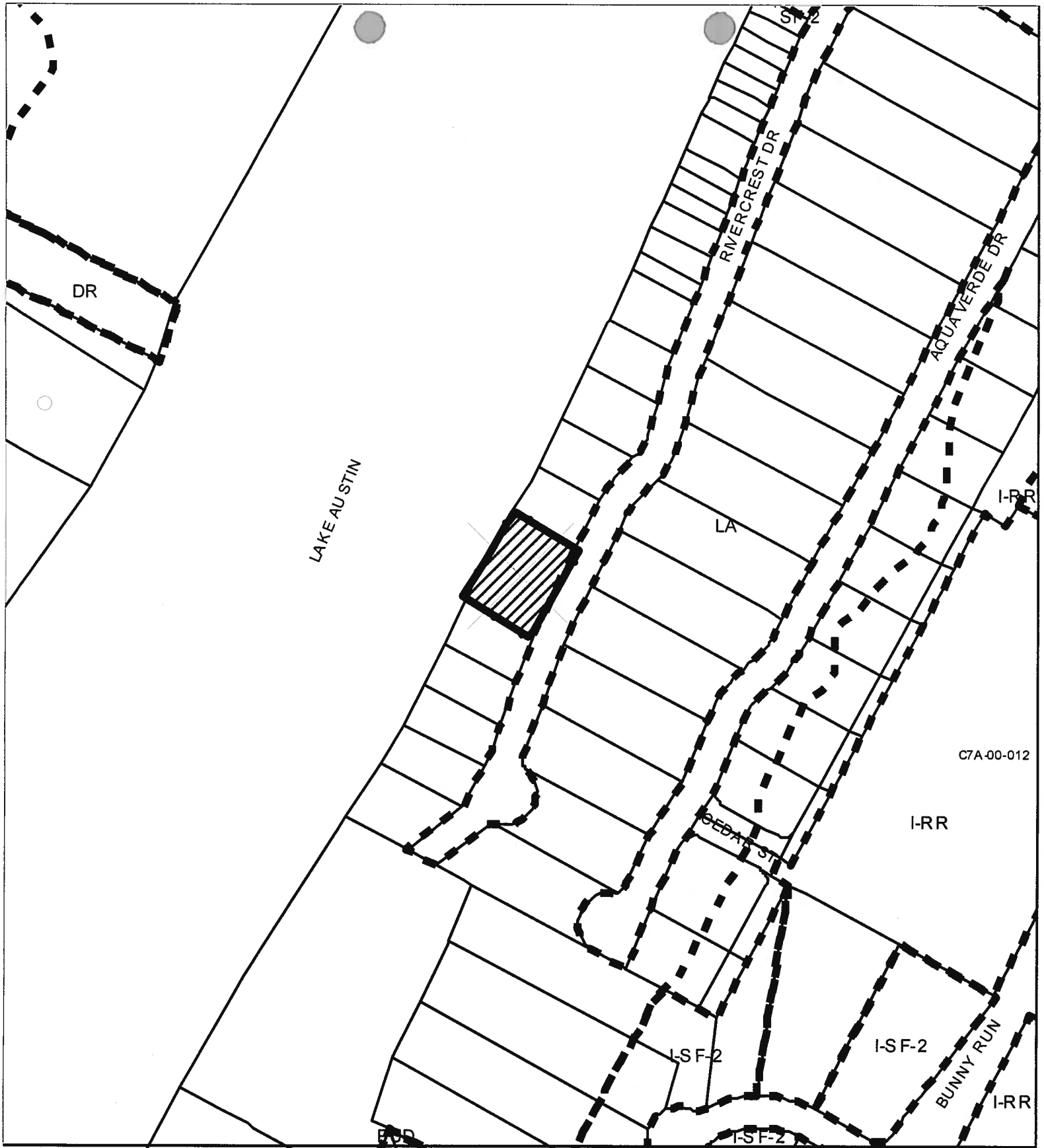
ACTION:

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

CASE MANAGER: Clark Patterson

PHONE: 974-7691

Clark.patterson@ci.austin.tx.us



C7A-00-012

ZONING CASE **C14-2013-0045**



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

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.



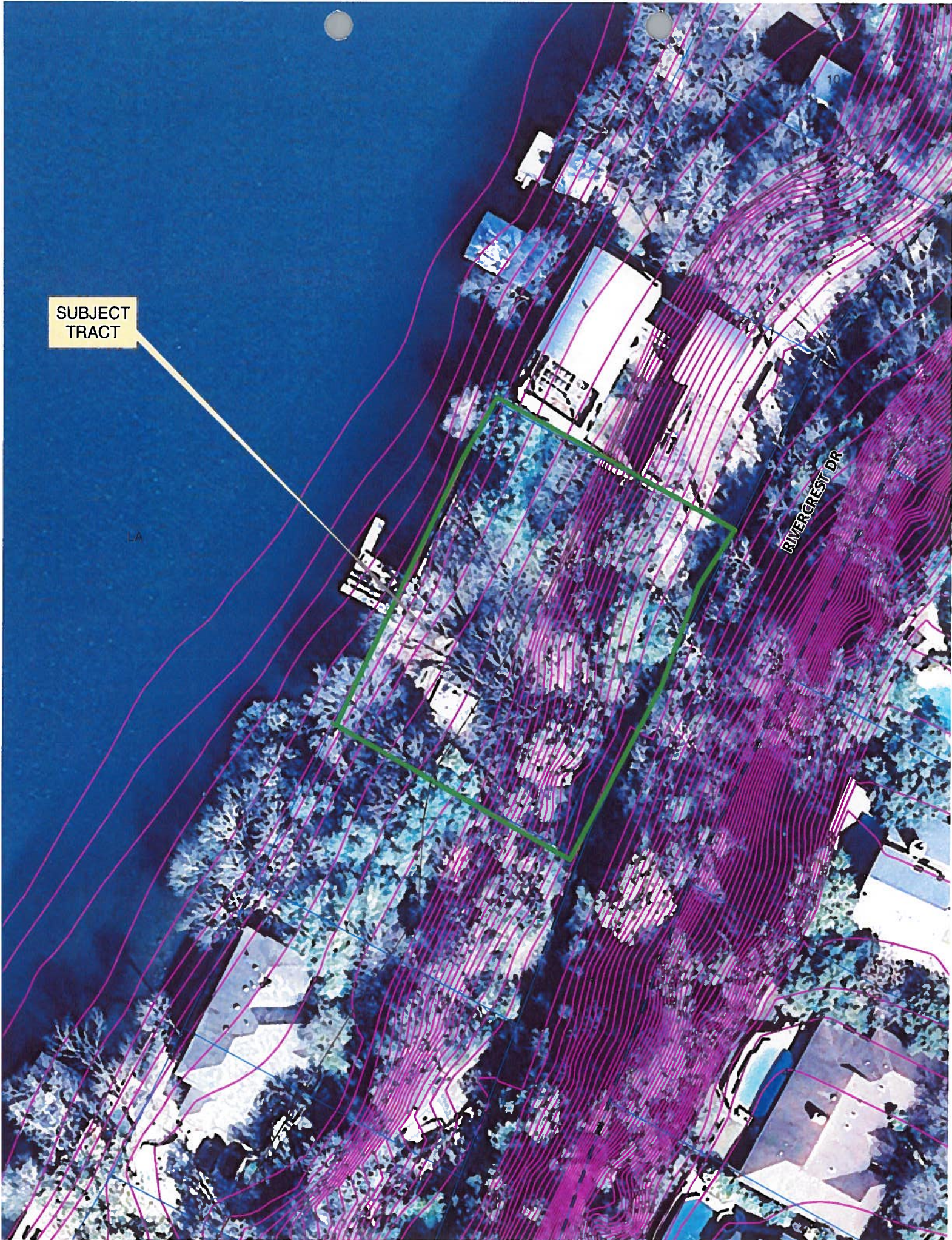


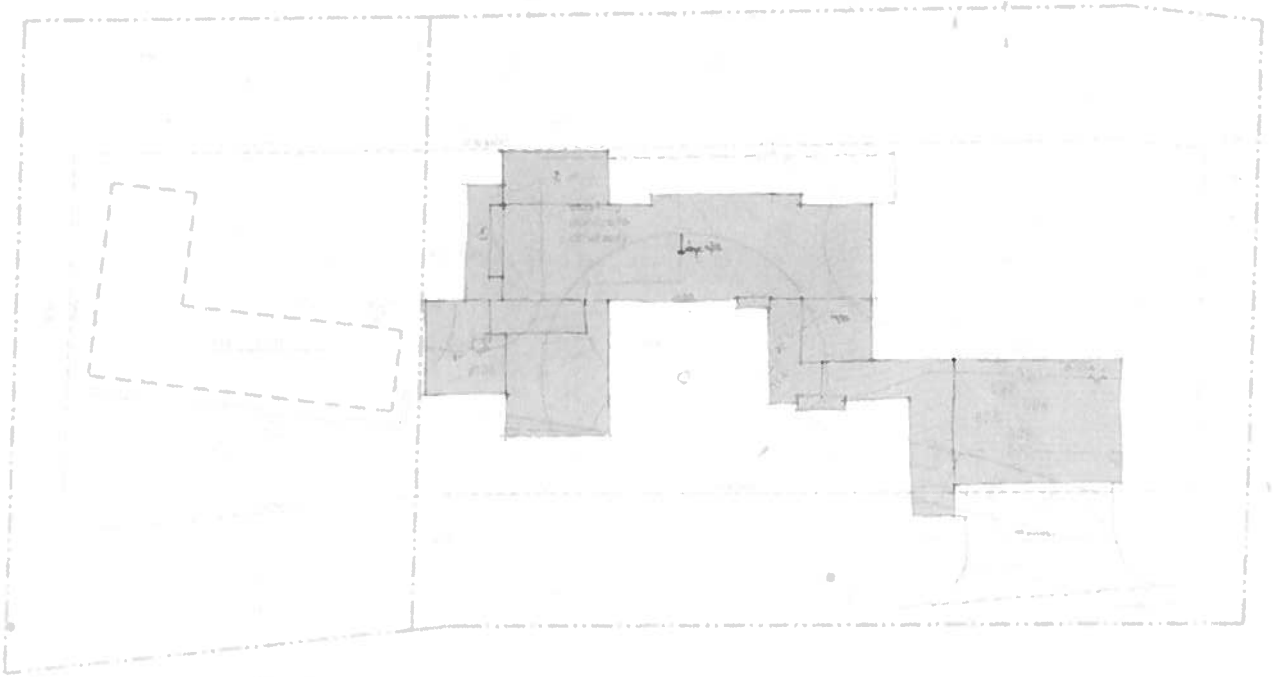
SUBJECT
TRACT

LA

RIVERCREST DR

10





the huber residence : 4200 rivercrest drive

site plan

0' 8' 16' 32'

LARUE ARCHITECTS

1000 10th St. N. Suite 100, Minneapolis, MN 55412
612.338.1111

LEGAL DESCRIPTION-- TOPOGRAPHIC AND TREE SURVEY OF --
LOT K, MCDUFF ESTATE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN BOOK 63, PAGE 23, PLAT RECORDS, TRAVIS COUNTY, TEXAS
LOT 5, BLOCK C, AQUA VERDE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN BOOK 25, PAGE 50, OF THE PLAT PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

THE PROPERTY SURVEYED IS SUBJECT TO:
RESTRICTIONS AND EASEMENT RIGHTS OF RECORD.

This survey was performed without the benefit of a title commitment and other restrictions and/or exemptions may apply.

FREE LIST

[illegible]

P.U.E. VACATED
DOC# 2000212585
0.0583 ACRE

P.U.E. VACATED
DOC# 2009212585
0.0351 ACRE

LEGEND
RECORD CALL ()
WATER METER ●
OVERHEAD ELECTRIC —●—●—●—
UTILITY POLE LP ●
PUBLIC UTILITY EASTMENT P.U.E.

TRUE
DRIP EDGE

SCALE

RIVERCREST DRIVE

State of Texas
County of Travis

The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct, and this survey substantially complies with the current Texas Society of Professional Surveyors Standards and

Specifications for a Category 6 Condition II Survey

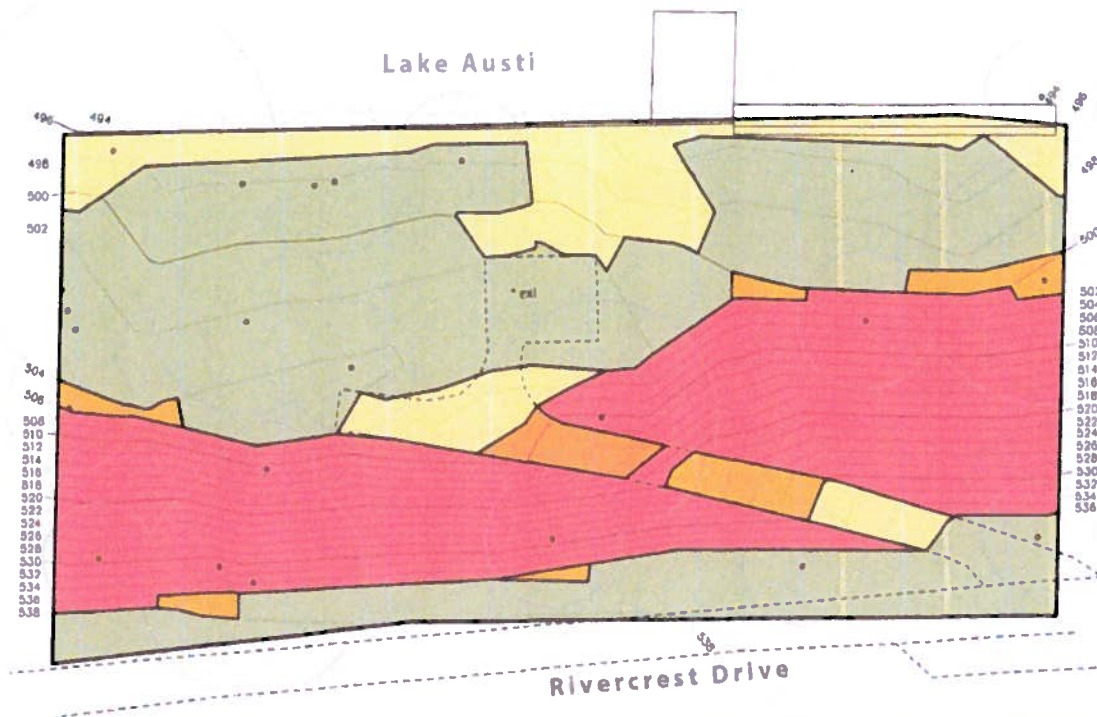
Dated this the 12TH day of JULY 2000

And I certify that the property shown herein is within a special flood hazard area as identified by the Federal Insurance Administration of HUD Flood hazard boundary map revised as per map Number: 4845300-4354

Trans AE Date: 08/28/08

Thomas P. Dixon R.P.L.B. 4524

P.O. Box 160175, Austin, Texas 78716 Phone: 481-8602



James D. LaRue Archi
the huber resi

July 12, 2012

4200 Rl

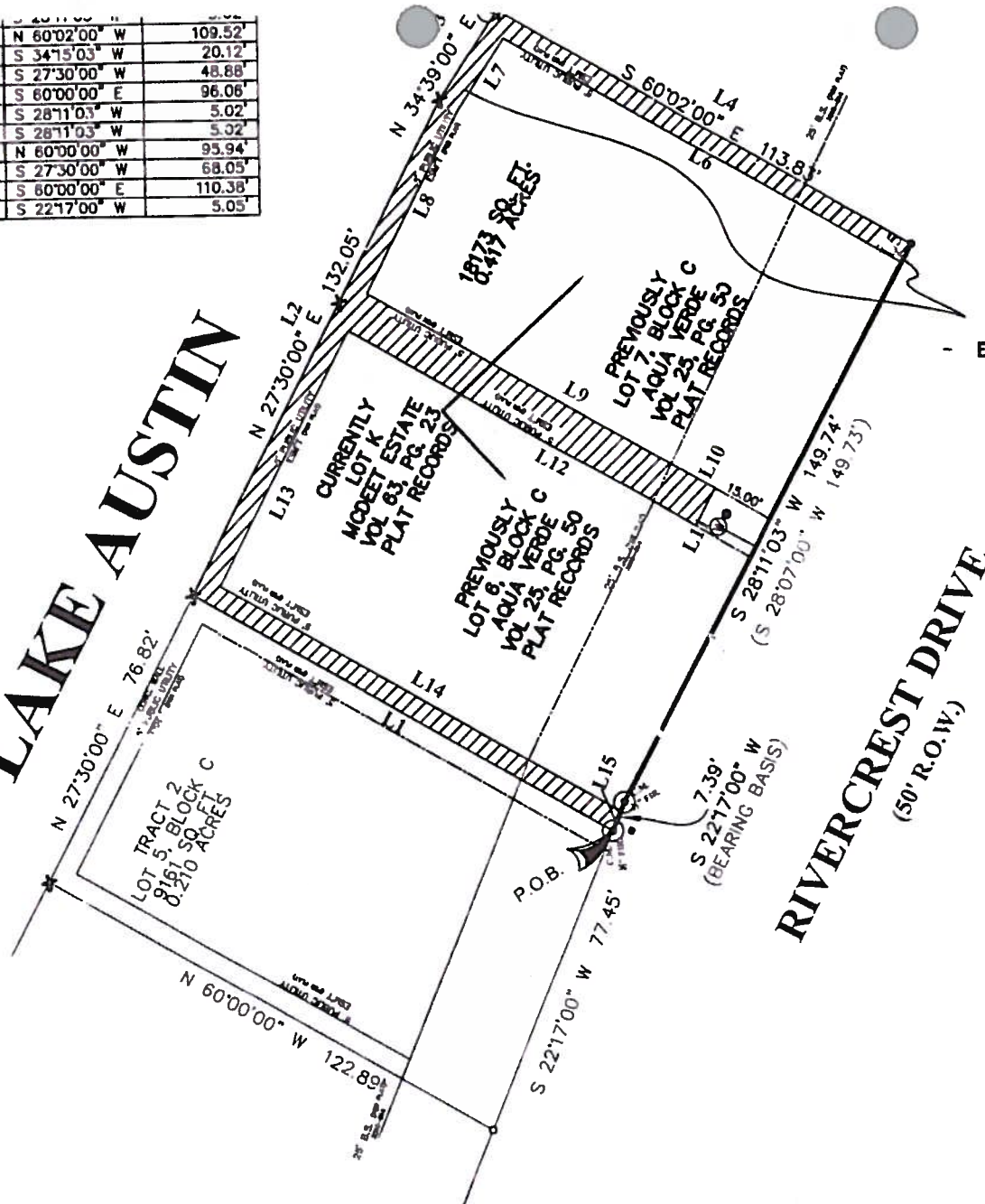
746

slope category	area (sf)	percentage (%)	allowable I.C. (%)	aval
0%-15%	12,833	46.9%	35%	4,492
15%-25%	3,727	13.6%	10%	373
25%-35%	1,197	4.4%	5%	60
35%-Over	9,605	35.1%	-	-
TOTAL	27,362	n/a	n/a	4,925

* area of existing driveway =

L6	N 60°02'00" W	109.52'
L7	S 34°15'03" W	20.12'
L8	S 27°30'00" W	48.88'
L9	S 60°00'00" E	96.06'
L10	S 28°11'03" W	5.02'
L11	S 28°11'03" W	5.02'
L12	N 60°00'00" W	95.94'
L13	S 27°30'00" W	68.05'
L14	S 60°00'00" E	110.38'
L15	S 22°17'00" W	5.05'

LAKE AUSTIN



SKETCH TO ACCOMPANY DESCRIPTION

PROPERTY DESCRIPTION

BEING THOSE CERTAIN 5 AND 10 FOOT WIDE PUBLIC UTILITY EASEMENTS ALONG AND WITH THE REAR AND SIDES OF SAID LOTS FIRST RECORDED IN LOTS 6 AND 7, BLOCK "C" OF AQUA VERDE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 25, PAGE 50, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND THE CONTINUATION OF SAID EASEMENTS IN THE SUBSEQUENT REPLAT OF LOTS 6 AND 7 INTO LOT K, OF MCDETT ESTATE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 63, PAGE 23, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS: SAID EASEMENTS TO BE RELEASED FROM SAID LOTS 6-7 AND K AS SHOWN HEREON AND THE METES AND BOUNDS ATTACHED HERETO AND MADE A PART HEREOF.

PROPERTY ADDRESS

4200 RIVERCREST DRIVE

OWNER

BRIAN G. HUBER

Westar Alamo
LAND SURVEYORS, LLC.

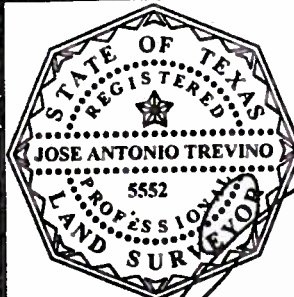
P.O. BOX 1036 HELOTES, TEXAS 78023-1036
PHONE (210) 372-9500 FAX (210) 372-9999

LEGEND

- = SET 1/2" IRON ROD WITH CAP STAMPED WESTAR
- = END 1/2 IRON ROD
- () = RECORD INFORMATION
- B.S. = BUILDING SETBACK
- C.M. = CONTROLLING MONUMENT
- X = SET "X" ON CONCRETE
- = POWER POLE
- ⊙ = WATER METER
- = TREE

DRAWN BY: JW/DH

TITLE COMPANY: HERITAGE TITLE CO.



I, JOSE ANTONIO TREVINO, Registered Professional Land Surveyor, State of Texas, do hereby certify to all parties that the above plat represents an actual survey made on the ground under my supervision, and there are no discrepancies, conflicts, shortages in area or boundary lines, or any encroachment or overlapping of improvements, to the best of my knowledge and belief, except as shown herein.

JOSE ANTONIO TREVINO
Registered Professional Land Surveyor
Texas Registration No. 5552

G.F. NO. 00082724

JOB NO. 43294

DATE: 08/07/2009

May 8, 2013

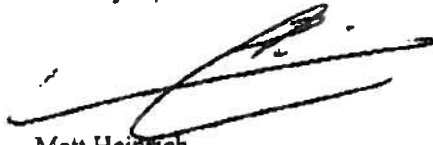
Mr. Clark Patterson, Case Manager
City of Austin
Neighborhood Planning Department
P.O. Box 1088
Austin, TX. 78767

RE: File # C14-2013-0045, Rezoning for 4200 Rivercrest Drive

Dear Mr. Patterson:

The Upper Rivercrest Homeowners Association wishes to issue its support for the proposed rezoning of 4200 Rivercrest Drive from LA-Lake Austin zoning to SF-2-Single Family Residence, Standard Lot zoning. We feel this rezoning is appropriate because of the small size of this property (less than 2/3 acre), the steep slopes that cover more than half of the property, and the limited depth of the lot, which is only approximately 120 feet from the Rivercrest Drive right-of-way to the shoreline of Lake Austin.

Thank you,



Matt Heinrich
President
Upper Rivercrest HOA

Patterson, Clark

From: Carol Lee <clee.austin512@gmail.com>
Sent: Monday, June 03, 2013 1:45 PM
To: Baker, Betty - BC; Rojas, Gabriel - BC; Banks, Cynthia - BC; Meeker, Jason - BC; Seeger, Patricia - BC; Compton, Sean - BC; McDaniel, Rahm - BC
Cc: Patterson, Clark; Rusthoven, Jerry; Lesniak, Chuck
Subject: LA Rezoning: C14-2013-0048 and C14-2013-0045

Chair Baker and Commissioners,

I urge you to DENY the request to upzone the four lots adjacent to Lake Austin, as is being requested in cases C14-2013-0048 and C14-2013-0045 on your 4 June 2013 agenda.

In the case of C14-2013-0048, the applicant states intention to replace the existing single-family residence with a new residence on the combined 1.3 acres. TCAD records show this address to already be one tax parcel of 1.3667 acres. There is no reason to upzone both of these lots to accommodate a single-family residence as they have 1.3667 acres of land to work with, which exceeds the minimum lot size for LA development. For case C14-2013-0045, please note that the Zoning Change Review Sheet shows a lot size of .432 acres whereas the TCAD records show it to be .6285 acres with 234 feet of shoreline, which also seems adequate for developing a single-family residence.

Since residential development is not reviewed or inspected for compliance with environmental regulations (see Ordinance 20060126-069), the LA zoning regulations are the only method for applying environmental regulations to property within the sensitive 1000 feet of the Lake Austin shoreline. Our **Chief Environmental Officer, Chuck Lesniak, stated at a 13 May 2013 Lake Austin Task Force meeting that the LA Zoning District regulations were the single most important factor in maintaining the water quality of Lake Austin.**

LA Zoning district regulations provide generous exceptions for lots in subdivisions that were platted before April 22, 1982, as is the case for the subject properties in the Aqua Verde and the Lakeshore Addition subdivisions. These exceptions, already built into the LA Zoning, reduce the shoreline setback to 25 feet, reduce the other setbacks to SF-2 standards, and increase the amount of impervious cover allowed on slopes less than 35%. **No other residential zoning categories consider the shoreline vegetation, construction on steep slopes, or placement of onsite septic facilities.**

You need to ask yourself why these applicants cannot develop or re-develop these properties within the LA Zoning District regulations, especially the less stringent regulations that apply to these properties. If there is a justification for construction on steep slopes, onsite septic facilities near the shoreline, or other environmental variances, let that be determined on a case-by-case basis when there is a specific site plan that can prove the findings of fact for a unique situation.

The environmental protections buried within the LA District Zoning should have been implemented as an Overlay that applies regardless of the underlying zoning, as was done for Lady Bird Lake and Barton Springs. The Lake Austin Task Force has been discussing this as a recommendation to Council, so you may see a rash of requests for upzoning from LA as a way to gain blanket exemption from the only environmental regulations that protect Lake Austin and our drinking water supply. Please do not be party to these efforts to gain blanket exemption from the Lake Austin environmental protections.

Please don't hesitate to contact me if you need additional information or have questions.

Thank you,

Carol Lee
Glenlake Resident
Vice Chair, Lake Austin Task Force
Vice President, Lake Austin Collective

clee.austin512@gmail.com
512-794-8250

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

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: C14-2013-0045

Contact: Clark Patterson, 512-974-7691

Public Hearing: Jun 4, 2013, Zoning and Platting Commission

Jun 27, 2013, City Council

M.D. THOMPSON
Your Name (please print)

☐ I am in favor
☒ I object

4208 RIVER CREST

Your address(es) affected by this application

[Signature]
Signature

Date

6/29/13

Daytime Telephone: *512 4473397*

Comments:

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Clark Patterson
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2013-0045

Contact: Clark Patterson, 512-974-7691

Public Hearing: Jun 4, 2013, Zoning and Platting Commission

Jun 27, 2013, City Council

Eric Matthew Heinrich

Your Name (please print)

4404 Rivercrest Dr. Austin, TX 78746

Your address(es) affected by this application



Signature

6/4/13

Date

Daytime Telephone: (512) 773-9122

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810