

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2014-0050  
Westrock Rezoning

**P.C. DATE:** August 26, 2014

**ADDRESS:** 2311 Westrock Drive **AREA:** 5.43 acres  
**NEIGHBORHOOD PLAN AREA:** Barton Hills Neighborhood Planning Area  
(South Lamar Combined Neighborhood Plan)

**OWNER:** Arthur D. Stone  
**APPLICANT:** Law Office of Terrence L. Irion (Terrence L. Irion)

**ZONING FROM:**

Tract 1: 2.06 acres, RR, Rural Residence district  
Tract 2: 3.37 acres, SF-5-CO, Urban Family Residence-Conditional Overlay

**ZONING TO:**

SF-5-CO, Urban Family Residence-Conditional Overlay in which the conditional overlay would limit residential uses to 5 detached, condominium units, and prohibit civic uses.

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends SF-5-CO, Urban Family Residence-Conditional Overlay, in which the Conditional Overlay would limit residential development to 5 units and prohibit all otherwise allowed Civic uses.

Staff is not opposed to limiting residential development to detached condominium units in the conditional overlay, as requested by the applicant.

**PLANNING COMMISSION RECOMMENDATION:**

August 26, 2014 Recommend to Grant SF-5-CO as recommended by Staff with the additional Detached Structures & Condominium Use Conditions Requested by the Applicant (Motion: A. Hernandez; Second: N. Zaragoza) 8-1-1 (Nay: J. Steven; Absent: D. Chimenti)

**DEPARTMENT COMMENTS:**

The subject tract is located west of South Lamar Boulevard, between Loop 360 to the south and Barton Skyway to the north; specifically, the subject tract is located between Westrock Drive and Barton Creek (see Exhibits A). The subject tract is surrounded by residential zoning and land uses, including rural residence, interim SF-2, SF-3, and SF-6. On the opposite side of Barton Creek is the Horseshoe Bend Park.

The property has unique environmental characteristics. The 2.06-acre RR portion of the property is thought to be entirely within the Critical Water Quality Zone (CWQZ) of Barton Creek, whereas a significant portion of the 3.37-acre SF-5 tract is within the Water Quality Transition Zone, according to City data (see Exhibit A-3). In addition, although the property is relatively flat on the western half abutting Westrock, it also contains a bluff that falls away to Barton Creek (see Exhibit A-4).

The existing SF-5-CO zoning on the 3.37-acre tract was granted in 1994, with the condition that any residential development be restricted to 3 detached condominium units. The RR designation was established in 2000, as part of a larger 8.4 acre rezoning case initiated by the City of Austin (see zoning history below).

The current request is to combine the 2.06-acre RR tract and the 3.37-acre SF-5-CO tract into one tract, with a combined residential unit maximum of 5 units in a condominium regime and accessed by a shared driveway. If granted, the new zoning would result in a density of just over 1 acre per unit. However, owing to the environmental constraints on the combined property, these 5 residential units would be clustered outside the CWQZ.

Stakeholder correspondence received by staff has been attached (see Exhibit C).

#### **ABUTTING STREETS & TRANSIT:**

<b>Street Name</b>	<b>ROW Width</b>	<b>Pavement Width</b>	<b>Classification</b>	<b>Bicycle Facilities/ Plan</b>	<b>Bus Service</b>	<b>Sidewalks</b>
Westrock Drive	50 feet	30 feet	Local Street	No	No	No

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	RR & SF-5-CO	Undeveloped and multiple single family residential
<i>North</i>	RR & SF-3	Single family and duplex residential
<i>East</i>	SF-3	Single family residential
<i>South</i>	SF-3, SF-6-CO, I-SF-2	Single family residential
<i>West</i>	SF-3	Horseshoe Bend Park

**TIA:** Not required

**WATERSHED:** Barton Creek – Barton Springs Zone and West Bouldin Creek Watersheds

**DESIRED DEVELOPMENT ZONE:** Partially  
(that portion within Bouldin Creek, an Urban Watershed)

#### **NEIGHBORHOOD ASSOCIATIONS & COMMUNITY ORGANIZATIONS:**

<b>COMMUNITY REGISTRY NAME</b>	<b>COMMUNITY REGISTRY ID</b>
Barton Hills-Horseshoe Bend (Barton Hills NA)	7
Save Barton Creek Assn.	384
South Central Coalition	498
Austin neighborhoods Council	511
Austin Independent School District	742
Save Our Springs	943
Homeless Neighborhood Assn.	1037
Bike Austin	1075
Perry Grid 614	1107
Super Duper Neighborhood Objectors and Appealers Organization	1200
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Austin Heritage Tree Foundation	1340
SELTexas	1363

Preservation Austin  
Friends of the Emma Barrientos MACC

1424  
1447

### **ZONING CASE HISTORIES FOR THIS TRACT:**

#### **Tract 1**

The 2.06-acre RR tract was part of an approximate 8.4-acre tract rezoned from I-RR to RR. That case (C14-99-2104) was initiated by the City, in order to provide permanent zoning. To elaborate, any property brought into the City's zoning jurisdiction through annexation is zoned in accordance with the procedures required by State law and the City's Land Development Code. From the effective date of annexation until the property is permanently zoned, an interim zoning classification is assigned to the property. Typical designations are I-SF-2 and I-RR.

In the late 1990s, the Council requested that several cases be initiated to permanently zone all interim zoned properties. The intent of the zoning was not to change uses or districts, but rather to remove the interim designation. This was one such case. The 8.4-acre property had been annexed into the Full Purpose limits of the City in December 1992. At the time rezoning was initiated in 1999 there was one single-family residence on the property.

Oddly, there remains an I-SF-2 tract to the north, at the end of Westhill Drive, and south of this 2.06-acre tract. Perhaps owing to different owners, those properties, one a residence and the other a warehouse, were not included in the 1999 case or subsequent permanent/rezonings.

#### **Tract 2**

In July 1994 rezoning from I-RR to SF-5 was granted to the then-called 3.46-acre property (case C14-94-0075). That rezoning came with the following conditional overlay:

*Residential development on the Property shall be restricted to three detached condominium residential units.*

According to Council minutes, when the case was recommended for approval by the Planning Commission, the CO was to limit density to 1.15 units per acre. While the math is consistent ( $3.46/1.15 = 3$  units), it is unknown how the condition was revised to specify detached condominiums.

### **ZONING CASE HISTORIES IN THE AREA:**

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
3400 S Lamar (Westland Drive) C14-96-0077	I-SF-2 to GO-CO, I-SF-2 to NO-CO, & I-SF-2 to SF-6-CO	Recommended 7/09/1996	Approved 08/22/1996 (CO limits to 2000 vtd, prohibits vehicular access to Westland, & required ROW dedication on Lamar)
3300-3314 S Lamar C14-69-196	GR 6 <sup>th</sup> H&A to C 6 <sup>th</sup> H&A	Not Recommended	Postponed 09/11/1969
3422 S Lamar C14-83-079	I-SF-2 to GR and RR	Recommended 01/07/0986	Approved 12/18/1986

3500 S Lamar C14-85-209	I-SF-2 to GR	Recommended 09/03/1985	Approved 06/19/1986
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As might be determined, there has been little rezoning activity in the immediate area since the 1980s, and what has occurred has been limited to properties along S. Lamar. Prior to the two most recent cases for the World of Beer at 3109 S. Lamar (C14-2012-0165 and C14-2013-0127), properties along S. Lamar were rezoned in 2008 with the vertical mixed use building combining district zoning. Five tracts on the west side of S. Lamar between Barton Skyway and Capital of Texas Highway were designated with the vertical mixed use building designation with the Barton Hills opt-in process (C14-2008-0043); the South Lamar planning area, stretching from Oltorf to Ben White Boulevard, designated fifteen such tracts along the east side of Lamar Boulevard (C14-2008-0019).

**SCHOOLS:**

Austin Independent School District

Barton Hills Elementary School

O Henry Middle School

Austin High School

**CITY COUNCIL DATE:**

Scheduled to be considered September 25, 2014

**CITY COUNCIL ACTION:**

**ORDINANCE READINGS:**

1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Lee Heckman

e-mail address: lee.heckman@austintexas.gov

**PHONE:** 974-7604

## **SUMMARY STAFF RECOMMENDATION**

Staff recommends SF-5-CO, Urban Family Residence-Conditional Overlay, in which the Conditional Overlay would limit residential development to 5 units and prohibit all otherwise allowed Civic uses. Staff is not opposed to limiting residential development to detached condominium units in the conditional overlay, as requested by the applicant.

## **BACKGROUND**

The property is currently zoned RR and SF-5-CO. The Rural Residence (RR) district is intended as an area for very low density residential use, with a minimum lot size of one acre. This district is appropriate for selected locations where rural characteristics are desired, or where terrain or public service capacities necessitate very low densities. The western 2.06 acres of the property is zoned RR.

Urban Family Residence (SF-5) district is intended as an area predominately for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. In appropriate locations, limited two family, duplex, townhouse, and condominium residential use is permitted under standards which maintain single-family neighborhood characteristics. The SF-5 district is appropriate to facilitate the implementation of the city's adopted affordable housing programs. The eastern 3.37 acres of the property is zoned SF-5-CO.

A Conditional Overlay (CO) 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. The current CO limits residential development to 3 residential units on the 3.37-acre tract.

The request is to rezone the entire 5.43 acres to SF-5 and limit residential development to 5 detached condominiums.

## **BASIS FOR RECOMMENDATION**

### ***Zoning should allow for a reasonable use of the property.***

This tract is limited in development potential due to environmental constraints. As noted above, it is in the Barton Springs Zone and over the Edwards Aquifer Recharge Zone. Within the Barton Springs Zone, the critical water quality zone is established along waterways based on the classification of that waterway. The boundaries coincide with the fully developed 100-year flood plain, except the zone is between 50-100 feet for minor waterways, 100-200 feet for intermediate waterways, and 200-400 feet for major waterways. However, for the main channel of Barton Creek, the boundaries of the CWQZ are located 400 feet from the centerline of the creek. The width of a water quality transition zone (WQTZ), which is adjacent and parallel to the outer boundary of the CWQZ, is 300 feet for a major waterway.

Within a CWQZ, almost all development is prohibited. Fences, open space, utility lines, detention and floodplain controls, and water quality controls may be allowed, but only if such items meet the specific criteria for such development. Even then, critical environmental features, wetlands, or steep slopes could preclude such limited development.

As pertains to this zoning case, the 2.06-acre RR tract is thought to be entirely, or nearly entirely, encumbered by the CWQZ. At the same time, the RR zoning on this tract would allow for development of 1 residential unit per acre, for a total of 2 residences. Meanwhile, the 3.37-acre

piece is currently limited to 3 residential units. Rezoning the two tracts into one 5.43-acre tract and limiting residential development to 5 has the same net result of allowing 1 unit per acre, which on paper, exists today.

The difference, of course, is that the 5 units would be clustered outside the CWQZ on the 3.37-acre portion of the tract.

The Land Development Code, and the particular sections applying to Water Quality regulations, have been amended a number of times, most recently in 2013. The Save Our Springs (SOS) Ordinance was adopted in 1992. Together, the SOS ordinance and current watershed protection ordinances dictate how property can be developed or redeveloped. At the same time, limited exceptions are provided such that homes exist in both the CWQZ and WQTZ (as can be seen in Exhibit A-3). Whether the owner of the 2.06-acre tract is entitled to construct 2 homes (1 per acre) under allowed exceptions (since this was a larger tract with an existing single-family home when rezoned) or other constitutional reasons is somewhat of a moot point. The owner is essentially taking those 2 units off the table by combining them with the 3.37-acre piece.

At the same time, staff thinks 5 units on a 3.37-acre property, which is a density of 1 unit per 29,360 square feet (or 0.674 acres) is reasonable given the surrounding residential is primarily SF-3. While SF-3 allows for lots of 5,750 square feet, the majority of lots along Westrock, Westworth Circle and Westland Drive are larger, ranging from 7826 to 13455 square feet, and average 9452.

***Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character;***

***Granting of the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city; and***

***Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.***

Given that the request is for 5 units on 5 acres - or even 5 residences on 3.37 acres and clustered as described above - the proposed clustered, low density residential is redevelopment in an area of existing residential development. Staff thinks the proposed SF-5 with the 5 unit cap is in keeping with the limited development desired in environmental sensitive areas. At the same time, this zoning district is appropriate next to other single-family districts such as SF-3, and provides a transition to the SF-6-zoned property to the south.

SF-5 as a transition between lower-density SF-3 and higher-density SF-6 is appropriate. But in this case, it will likely not be such an obvious transition because the development will appear as single-family homes, due to the detached nature of the houses. Clearly the SF-5 with conditions, as proposed here, is compatible with adjacent and nearby uses. It is almost more of a reflection of what exists than a transition. Because it is expected to be so similar with the surrounding homes, both in terms of density and a detached style, it also clearly does not set an undesirable precedent.

To be clear, the applicant has consistently maintained a desire for the 5 residential units to be detached units, rather than some combination of units in 1 or more structures. Such an intent was expressed with the initial application (see Exhibit B-1) and recently reaffirmed after meeting with neighborhood stakeholders (see Exhibit B-3). While staff typically does not support the

prohibition of certain residential uses (i.e., single-family attached, duplexes, etc.), staff recognizes detached residences are the primary residential form in this neighborhood. As the applicant and stakeholders have reached agreement on this idea, staff certainly does not oppose it.

One note on the shared driveway and condo nature of the project: the site has approximately 50' of frontage on Westrock. Meanwhile, the Land Development Code requires a minimum frontage for all residential lots (varying from 20' for townhomes to 50' for SF-3 and SF-5). There is a need for a single, shared driveway. Such a shared amenity, and any others, may be easily maintained by a condominium homeowners association. At the same time, there will not be multiple driveways connecting to Westrock, and with only 5 residences, there is no expectation of a queuing problem turning in and out of this single driveway.

## **EXISTING SITE CHARACTERISTICS AND REVIEW COMMENTS**

### **Site Characteristics**

The tract is partially developed with existing residences. The western 2.06-acre portion of the property, Tract 1, is undeveloped; it is characterized by steep slopes, a bluff, and heavily treed. Currently zoned RR, rural residence, the property would be very problematic to develop (if even feasible or permitted) as it is thought to be entirely in the Critical Water Quality Zone established by the main channel of Barton Creek. The eastern 3.37-acre portion, Tract 2, has at least a couple of residences and some storage buildings. This portion is currently zoned SF-5-CO, urban-family conditional overlay, in which the condition limits residential development to 3 detached condominium units.

Located over the Edwards Aquifer Recharge Zone, the majority of the tract is within the Barton Creek Watershed, Barton Springs Zone, and therefore limited in terms of impervious cover. The remainder of the property is located within the West Bouldin Creek, an urban watershed. Lastly, the site has approximately 50 feet of frontage on Westrock, which necessitates both a condo regime (because of single-family lot requirements) and the use of a shared driveway.

Clearly, design and layout of the proposed five detached homes and shared drive will need to account for these environmental constraints when the site is redeveloped.

### **PDRD Comprehensive Planning Review (KF) (2014-06-25)**

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This zoning case is located on the west side of Westrock Drive and is located within the boundaries of a Barton Hills Neighborhood Planning area, which does not have an adopted neighborhood plan. This tract contains a house and several out-buildings. Surrounding land uses include single family housing to the northeast, east and south and the Barton Creek Greenbelt to the north/northwest. The proposed use is detached condominiums.

### **Imagine Austin**

The comparative scale of the site relative to nearby housing, as well as the site not being located along an Activity Corridor (Westrock Drive is located off S. Lamar Blvd, which is an activity corridor) or within an Activity Center, falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning. However, due to the site's location over the Edwards Aquifer and the Barton Springs Overlay Zone, which is an environmentally sensitive area, there will be during the site planning stage if this property is redeveloped, an environmental review to determine if any critical environmental features are located on the site. If any are located on the site, mitigation and setbacks necessitated by the land development code will be required.

### **PDRD Environmental Review (MM) (2014-07-01)**

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1. This site is located over the Edwards Aquifer Recharge Zone. The site is in the Barton Creek and West Bouldin Creek Watersheds of the Colorado River Basin, which are classified as a Barton Springs Zone Watershed and an Urban Watershed, respectively, by Chapter 25-8 of the City's Land Development Code. A geologic, topographic, and / or drainage analysis might be necessary to accurately determine the watershed boundary.
2. Development located within this portion of the Barton Springs Zone Watershed is limited to 15% impervious cover. Zoning district impervious cover limits apply in the Urban Watershed classification.



3. According to floodplain maps there is a floodplain within or adjacent to 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.
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 512-974-1876. 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 requires water quality control with increased capture volume and control of the 2 year storm on site. Runoff from the site is required to comply with pollutant load restrictions as specified in Land Development Code.
7. 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.
8. The applicant is advised that LDC 25-8-265 limits the diversion of stormwater from one watershed to another.

**PDRD Site Plan Review (RA) (2014-07-10)**

1. Any new residential development will be subject to the Residential Design Standards Overlay. Because the proposed development is SF-5 residential, it does not require compliance with Subchapter E, Design Standards and Mixed Use.
2. The proposed SF-5 development is not subject to compatibility standards.
3. The proposed development is not subject to any additional design guidelines or requirements of the Barton Hills Neighborhood Plan (South Lamar Combined Neighborhood Plan), which has been suspended.

**PDRD Transportation Review (IN) (2014-07-16)****ZONING COMMENTS**

1. No additional right-of-way is needed at this time.
2. 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]




3. TR3. Westrock Drive is not classified in the Bicycle Plan.
4. TR4. Capital Metro bus service is not available along Westrock Drive.
5. TR5. There are no existing sidewalks along Westrock Drive.
6. TR6. Eric Dusza in the Neighborhood Connectivity Division may provide additional comments regarding mobility enhancement and pedestrian facilities. [None provided].
7. TR7. Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
Westrock Drive	50'	30'	Local	N/A

#### **PDRD Water Utility Review (NK) (2014-04-04)**

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, 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 be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility 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 fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.



 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.



## Exhibit A - Zoning Map



# C14-2014-0050 / Westrock Rezoning



Aerial: 2012-01

Exhibit A-1  
Aerial

0 200 400 800 Feet  
1 inch = 400 feet N

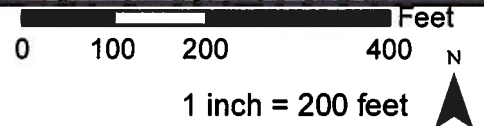


# C14-2014-0050 / Westrock Rezoning

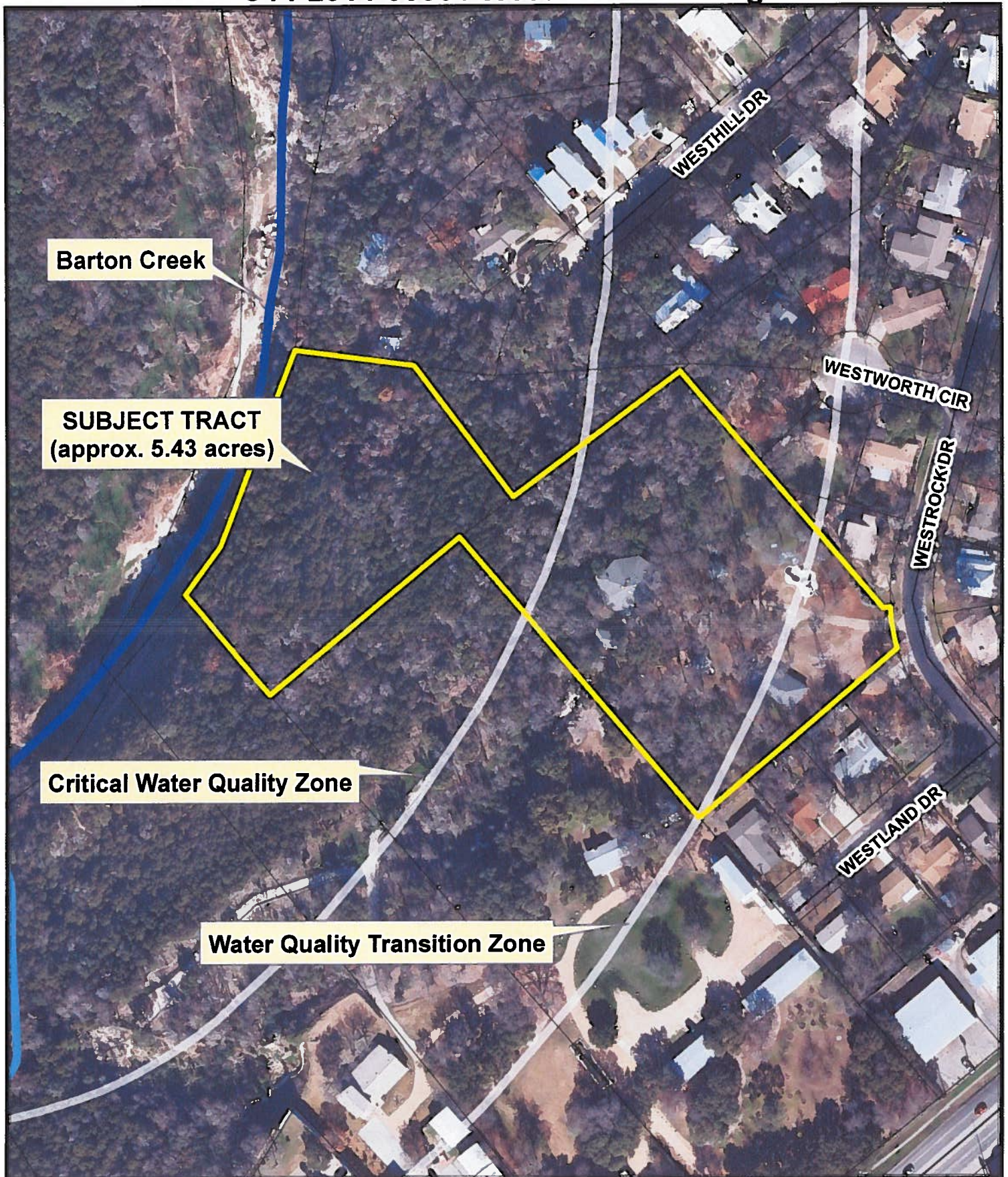


Aerial: 2012-01

**Exhibit A-2**  
**Aerial & Zoning**

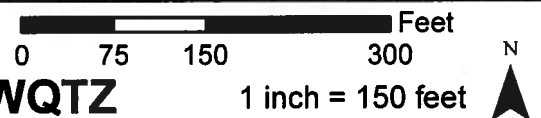






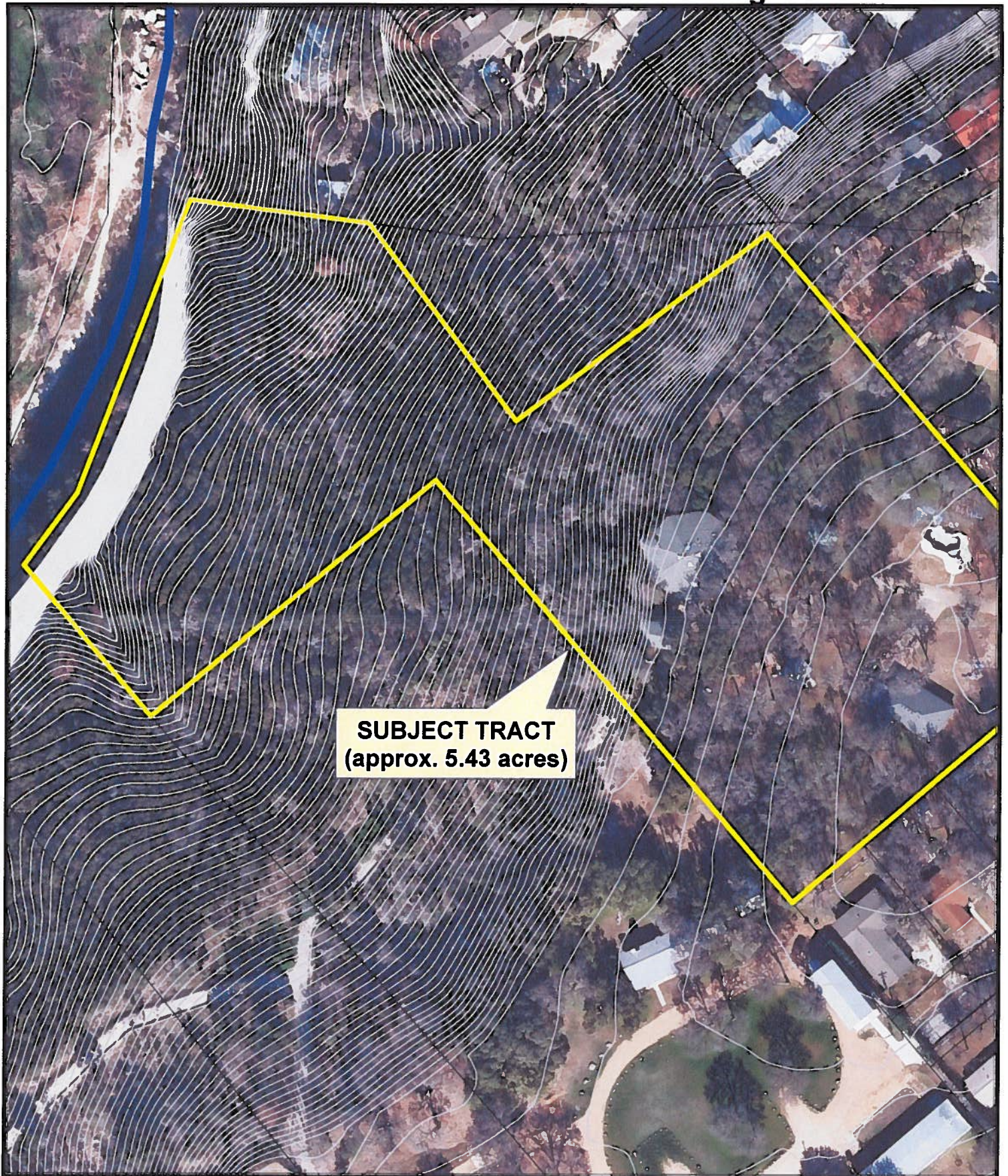
Aerial: 2012-01

**Exhibit A-3**  
**Barton Creek CWQZ and WQTZ**  
**(approximate)**






# C14-2014-0050 / Westrock Rezoning



Aerial: 2012-01  
Contours: 2003; 2-feet

**Exhibit A-4**  
**Contours**

0 50 100 200 Feet  
1 inch = 100 feet 



**LAW OFFICE OF TERRENCE L. IRION**

1250 S. Capital of Texas Highway  
3 Cielo Center, Suite 601  
Austin, Texas 78746

**Terrence L. Irion**

*Attorney at Law*

(512) 347-9977

(512) 306-8903-FAX

[tirion@tirionlaw.com](mailto:tirion@tirionlaw.com)

June 17, 2014

Mr. Lee Heckman  
Zoning & Planning  
Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

RE: Tax Parcel 0402110710 (2.06 acres) and Tax Parcel 0402110711  
(3.37 acres)  
Amendment to Rezoning Application

Dear Mr. Heckman:

Attached please find the amended Zoning Application for 2311 Westrock Drive, Austin, Texas. This amended Zoning Application corrects the legal description of the called 2.63 acre "RR" zoned parcel to 2.06 acres based upon the new survey, a copy of which is attached hereto as Exhibit A for your reference. Also, attached is the field note description for the 2.06 acres being all of Exhibit B, save and except the parcel described in Exhibit C.

This application also includes rezoning of the 3.37 acre parcel which was zoned "SF-5-CO" by Ordinance 94-0728-P. The conditional overlay on this parcel limited the residential development on the property to three detached condominium residential units.

The purpose of the rezoning on the 3.37 acre parcel is to amend the development conditional overlay to not more than five detached condominium residential units located on the combined tracts which are all part of one legal tract. The reason for this is because the setback requirements from Barton Creek and the bluff will push all of the development on the 2.06 acre parcel onto the 3.37 acre parcel. No increase in overall density is requested and the average density will remain less than 1 unit per acre with this zoning amendment.

The purpose of this rezoning is to achieve uniform zoning over the entire legal tract.

The property is in the Barton Springs Zone and is limited to 15% impervious cover. The surrounding neighborhood has been fully developed at approximately 45% impervious cover with roughly 3.5 units per acre. By clustering the detached residential condominium units on the 3.37 acre portion of the legal tract (outlined in yellow on the tax map), the development will be set back from the bluffs over Barton Creek and outside of the Critical Water Quality Zone of the Barton



Mr. Heckman  
June 17, 2014  
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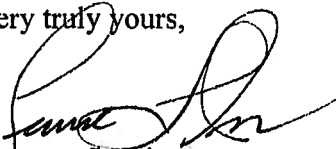
Creek Watershed Ordinance. Impervious cover will be limited to 15%.

Also enclosed is a check in the amount of \$1,281.28 as the additional zoning application fee for the inclusion of the 3.37 acre parcel and the renotification fee.

Please find a copy of the Tax Parcel maps and Tax Certificates, which are identical to the originals that were previously submitted.

If you have any questions regarding this matter, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Terrence L. Irion", written over the typed name.

Terrence L. Irion

TLI:lm  
Enclosures  
Cc: Arthur D. Stone

**LAW OFFICE OF TERRENCE L. IRION**

1250 S. Capital of Texas Highway  
3 Cielo Center, Suite 601  
Austin, Texas 78746

**Terrence L. Irion**

*Attorney at Law*

(512) 317-9977

(512) 306-8903-FAX

[tirion@tirionlaw.com](mailto:tirion@tirionlaw.com)

August 19, 2014

Mr. Lee Heckman  
Zoning & Planning  
Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704


RE: Re-Zoning Case C14-2014-0050; 2311 Westrock Drive

Dear Lee:

We met with and have heard some of the concerns of the adjacent property owners with regard to the above referenced property and would accept a conditional overlay which would specifically prohibit duplexes or any type of attached residential; prohibit bed and breakfast, short term rentals, daycare facilities and civic uses. The Buyer/Developer is willing to agree to all of these conditional overlays.

If you have any questions regarding this matter, please feel free to contact me.

Very truly yours,



Terrence L. Irion

TLI:lm

Cc: Arthur D. Stone

**ROBERT M. SCHMIDT & SUSAN H. DENN**  
**3422 SOUTH LAMAR BLVD.**  
**AUSTIN, TEXAS 78704**  
**mail@schmidt-denn.net**

May 20, 2014

SENT VIA E-MAIL  
[lee.heckman@austintexas.gov](mailto:lee.heckman@austintexas.gov)

SENT VIA U. S. MAIL  
The Honorable Members of the City of Austin Planning Commission  
c/o Lee Heckman, Senior Planner  
City of Austin Planning and Development Review Department  
P. O. Box 1088  
Austin, TX 78767-1088

**Re.: Case # C14-2014-0050**  
**2311 Westrock Drive**  
Dear Ladies/Gentlemen:

With this letter we wish to express our opposition to this proposed zoning change. We own the adjacent property outlined in green on the attached map.

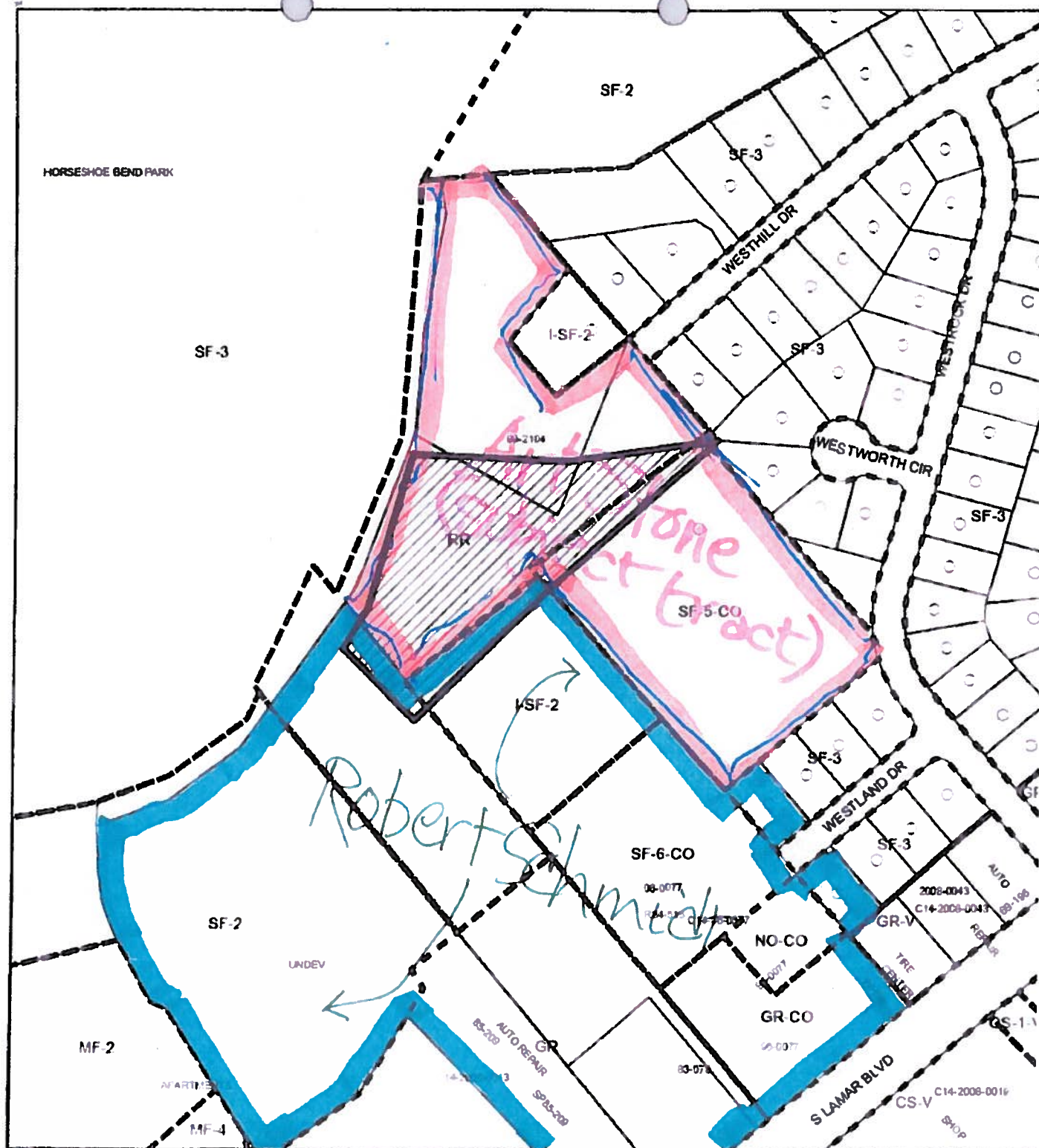
If any zoning or use changes are adopted that result in additional new building footprints in the Critical Water Quality Zone, (that is, additional new buildings which would not otherwise have been permitted under the present Barton Creek Watershed Protection ordinances), it will set a dangerous precedent. Such changes would weaken and undermine the existing ordinances generally and set new de facto standards for the several similar undeveloped tracts in the immediate area.

Overall, it is a worthwhile objective to help mitigate urban sprawl by permitting, in select parts of Austin, some increased density. However, we believe it is not in the best long-term interests of the city to encourage such increased density in the environmentally sensitive Upper Edwards Aquifer Recharge Zone.

Thank you so much for your kind and careful consideration of this very important issue.

Yours very truly,

  
Robert Schmidt and Susan Denn



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

**ZONING**  
**ZONING CASE#: C14-2014-0050**

1" = 200'

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**From:** Travis Somerville  
**Sent:** Friday, August 22, 2014 4:35 PM  
**To:** Heckman, Lee  
**Subject:** Case C14-201400050 - official feedback

Lee,

We spoke for 1 hour on the phone about the SF5 rezoning case.

I went to the case folder to add comments / concerns for the case online at [https://www.austintexas.gov/devreview/b\\_showpublicpermitfolderdetails.jsp?FolderRSN=11116306](https://www.austintexas.gov/devreview/b_showpublicpermitfolderdetails.jsp?FolderRSN=11116306), but I did not see where to add my comments.

Time is short, so I'd like to officially send you my comments to have them added to the file via this email.

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1) I am concerned about civil uses (both conditional and unconditional) that SF5 can bring. Any civic use will likely bring more traffic to my street, and I specifically live next door. The noise and unsettling nature of additional traffic is just one concern. Of even greater concern is that my children play nearby, and cross the street to reach other neighborhood kid's houses. Therefore any civic uses pose a safety issue to my immediate family.

You stated that if the appropriate language about a conditional overlay were put into the recommendation, that civic use could be guaranteed to not be allowed.

What guarantee do I have that the new builder will decide to skip residential development and instead build a civic building. Or even build very large residential units that he later begin to use for civic purposes?

2) What is the size limit on the houses? I am concerned that extremely large single family houses will actually turn into frat houses with large amounts of people living there.

3) Is the lower lot going to be developed? if so, how much of it? will any trees be cut down? will runoff be increased? will the skyline from the creek be maintained? These are all concerns as well.

Cheers,  
Travis

## 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.

R 08/25/14

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:  
<http://www.austintexas.gov/development>.

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: C14-2014-0050

Contact: Lee Heckman, 512-974-7604

Public Hearing: Aug 26, 2014, Planning Commission

Sept 25, 2014, City Council

RONALD NAUERT

Your Name (please print)

2328 WESTROCK DRIVE

Your address(es) affected by this application

Ronald Nauert

Signature

Date

Daytime Telephone: 512 443 9490

Comments: THIS "DEVELOPMENT"

WILL ADD TO MUCH TRAFFIC

TO A NEIGHBORHOOD NEIGHBORHOOD

STREET. THE STREET (WESTROCK)

CANNOT NOT BE ENLARGED AND

CANNOT HANDLE ADDITIONAL

TRAFFIC

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

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

3315 Westhill Dr  
Austin Tx 78704  
9/17/14

re: Zoning case C14-2014-0050 ("Westrock Rezoning")

Dear Mayor and Council-

I'm a neighbor of 2311 Westrock Drive, adjoining the property corner-to-corner, directly to the north. I'm writing for two reasons:

1) I support the rezoning as approved by the Planning Commission on Aug 26. It seems to me that we could hardly do better, as neighbors of the property, than 5 free-standing houses.

2) I'm concerned about the future of the lower tract. Per the Department Comments: *The 2.06-acre RR portion of the property is thought to be entirely within the Critical Water Quality Zone (CWQZ) of Barton Creek... (This) portion of the property, Tract 1, is undeveloped; it is characterized by steep slopes, a bluff, and heavily treed... [also] Fences, open space, utility lines, detention and floodplain controls, and water quality controls may be allowed...*

This piece of land fronts directly on Barton Creek for over 300 feet. It is entirely native, with only one or two neighborhood hiking trails traversing it and connecting to the official Barton Creek Greenbelt trail system. It hasn't been cleared, fenced, or excavated, ever. Hikers would have no idea this was privately owned and not a part of the Greenbelt. The sad idea that this untouched land could be fenced, cleared, or excavated to be used for runoff detention, is the reason for my concern. I would like to ask that the new owners give the same respect and care to this land that the current owner, Art Stone, has for all his many years of stewardship. My request of the Council is to stipulate in the Overlay that this lower acreage remain untouched so that it will be preserved for future generations. Two other neighbors have wondered whether a permanent easement could be dedicated, or if the new owners could consider having the Nature Conservancy purchase this land.

Thank you very much for your help-  
Glen Chappell, Architect and Neighbor