

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2015-0083 (River Place)**Z.A.P. DATE:** December 15, 2015**ADDRESS/PROJECT LOCATION:** Milky Way Drive

January 19, 2016

July 5, 2016

September 20, 2016

**DISTRICT AREA:** 6 & 10

October 18, 2016

November 15, 2016

**OWNER/APPLICANT:** Berta Bradley

December 20, 2016

January 17, 2017

**AGENT:** McLean & Howard, LLP (Jeff Howard)

February 21, 2017

**ZONING FROM:** DR**TO:** SF-2-CO\***AREA:** 42.064 acres

\* 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 (Please see Attachment B).

**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 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.

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.

**ZONING & PLATTING COMMISSION RECOMMENDATION:**

12/15/15: Approved staff's request for a postponement to January 19, 2016 by consent (7-0);  
B. Evans-1<sup>st</sup>, S. Lavani-2<sup>nd</sup>.

01/19/16: Approved staff's request for an indefinite postponement by consent (10-0); T. Weber-1<sup>st</sup>,  
S. Lavani-2<sup>nd</sup>.

07/05/06: Approved staff's request for postponement to September 20, 2016 on consent agenda (10-0,  
T. Weber-absent); A. Denkler-1<sup>st</sup>, S. Harris-2<sup>nd</sup>.

9/20/16: Postponed to October 18, 2016 at the staff's request (8-0, S. Harris and D. Breithaupt-absent,  
A. Denkler-arrive late); G. Rojas-1<sup>st</sup>, S. Lavani-2<sup>nd</sup>.

10/18/16: Approved staff/applicant's request for a postponement to November 15, 2016 by  
consent (10-0, J. Kiolbassa-absent); G. Rojas-1<sup>st</sup>, S. Lavani-2<sup>nd</sup>.

11/15/16: Postponed to December 20, 2016 at the applicant's request (6-3, D. Breithaupt and  
G. Rojas-absent); S. Harris-1<sup>st</sup>, B. Evans-2<sup>nd</sup>.

12/20/16: Postponed to January 17, 2017 at the neighborhood's request (8-0, D. Breithaupt, A. Denkler, S. Harris-absent); T. Weber-1<sup>st</sup>, G. Rojas-2<sup>nd</sup>.

1/17/17: Postponed to February 21, 2017 at the applicant's request (10-0, D. Breithaupt-absent); A. Denkler-1<sup>st</sup>, G. Rojas-2<sup>nd</sup>.

#### **DEPARTMENT COMMENTS:**

The subject property is approximately 42 acres of undeveloped land located in the limited purpose jurisdiction boundary of the City of Austin. The property 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 applicant has requested a rezoning to SF-2 so that the 42 acres may be subdivided into 125 lots for single family residential use.

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. SF-1-CO zoning will permit the applicant to develop single-family residential lots that are consistent with the approved residential densities to the west of this site along Milky Way Drive.

#### **ISSUES:**

The Riverplace Home Owners Association and the residents on Milky Way Drive are strongly opposed to the density that the SF-2 zoning district would allow primarily due to concerns that additional traffic will only add to the traffic problems that are associated with the intersection of FM 2222 and Riverplace Boulevard. Representatives of the HOA and residents of Milky Way Drive have met with staff to express their concerns relating to traffic and connectivity in the general area.

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

	<b>ZONING</b>	<b>LAND USES</b>
<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 Watershed

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation  
 Friends of Austin Neighborhoods  
 Steiner Ranch Community Association  
 River Place HOA  
 Sierra Club, Austin Regional Group  
 Bike Austin  
 Long Canyon Phase II & III Homeowners Assn. Inc.  
 Long Canyon Homeowners Assn.  
 2222 Coalition of Neighborhood Associations Inc  
 Bull Creek Foundation  
 Glenlake Neighborhood Association  
 Leander ISD Population and Survey Analysts  
 Lake Austin Collective  
 The Real Estate Council of Austin, INC.  
 SELTEXAS

**SCHOOLS:** Leander I.S.D. Schools

River Place Elementary School  
 Four Points Middle School  
 Vandergrift High School

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2015-0037 – 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,	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.

BLOCK B, LOTS 8 & 9; RESUBDIVISION; Milky Way Drive			
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:** C14-2015-0084

**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:**

**ACTION:**

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

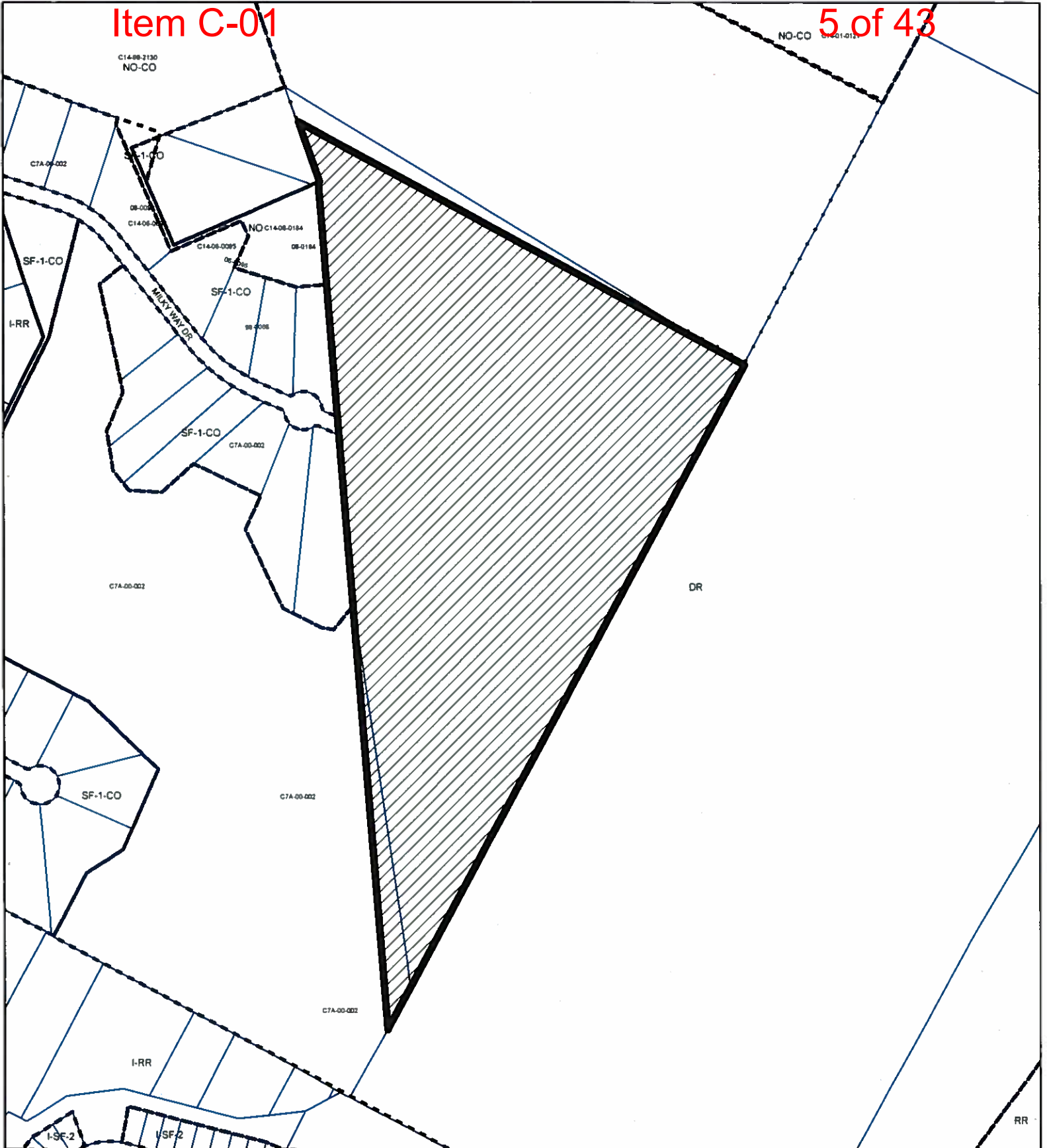
3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 512-974-3057

**EMAIL:** [sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)



## ZONING

Zoning Case: C14-2015-0083



SUBJECT TRACT

PENDING CASE

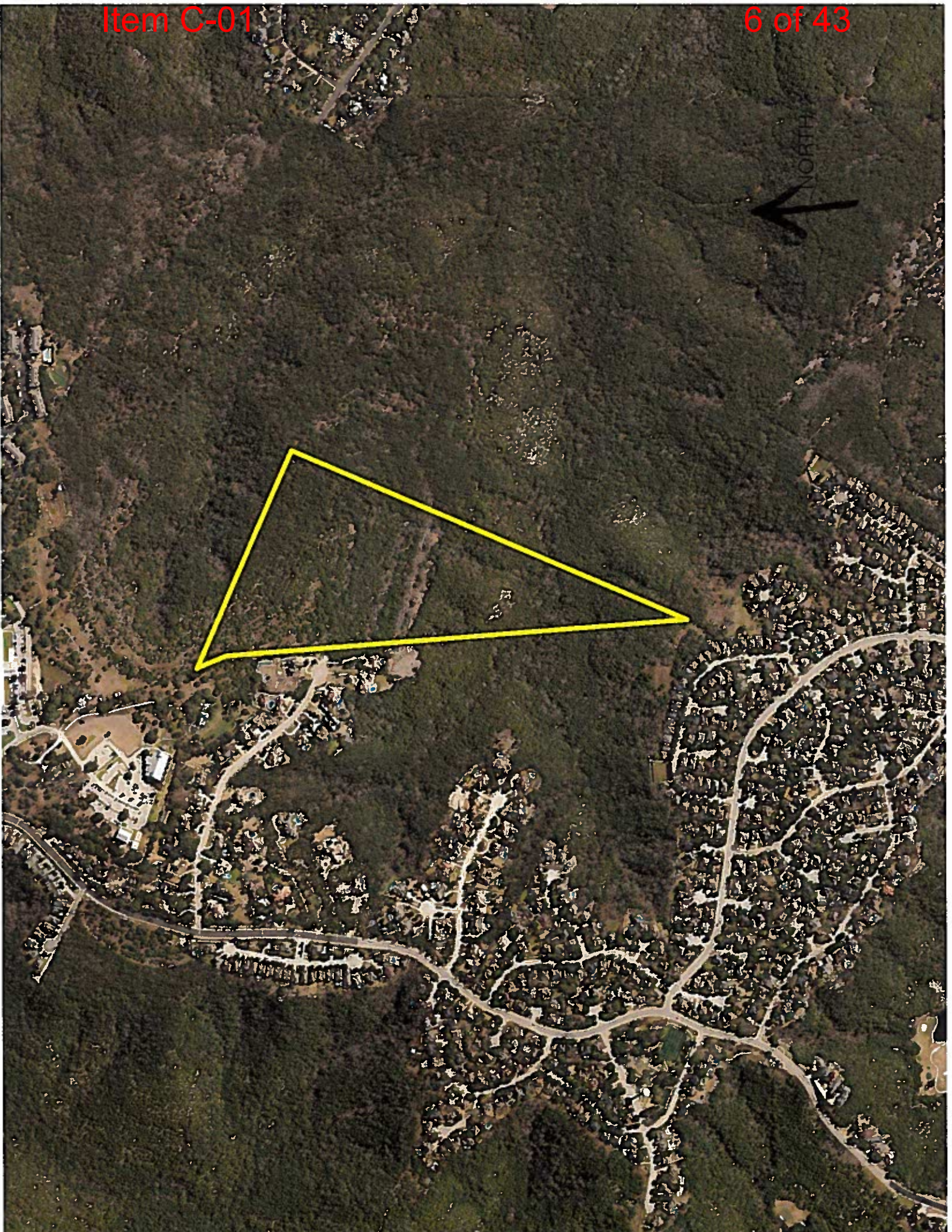
ZONING BOUNDARY

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.

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.





**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 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.

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.

**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 approved residential densities surrounding this site. The existing lots developed along Milky Way Drive to the west were zoned SF-1-CO through case C14-98-0068 and are subject to the same 30,000 minimum square footage size limitation.

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

SF-1-CO zoning will permit the applicant to develop this tract of land with up to 60 single family residential units. The property will take access to Milky Way Drive to the east, which is considered a local collector 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**

This zoning case is located on the east end of Milkyway Drive, on an undeveloped parcel that is approximately 42 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, south, and east, and

single family subdivision and a large church to the west. The River Place Elementary School is located a mile away. The proposed use is a 110 unit single family subdivision, with the price as presented by the developer being between \$700,000 to \$900,000 per unit. The proposed subdivision will include a pool, clubhouse, pocket parks, trails, recreation areas, with 14.9 acres of open space. This proposed subdivision is also located within one mile of a CapMetro bus stop.

### **Imagine Austin**

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 site is also located over the Edwards Aquifer Recharge Zone. An aquifer contributing zone is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and “contribute” water to the aquifer.

Based on the comparative scale of this site relative to other residential subdivisions in the vicinity, as well as the site not being located along an Activity Corridor or within an Activity Center, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on this proposed rezoning. However, due to the site’s location within an environmentally sensitive area (over the Edwards Aquifer), there will be at the site planning stage if this property is ever redeveloped, an environmental review to determine if any critical environmental features are located on the site.

### **Environmental**

The site is partially 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-2 zoning district allows a maximum of 45% 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**

No comments.

### **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 traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. Please provide the traffic counts. Contact the Transportation Reviewer if you have any questions. LDC, Sec. 25-6-114. Results will be provided in a separate memo (Please see Attachment A).

If the requested zoning is granted, it is recommended at the time of Subdivision or Residential Permitting Review, for the right-of-way of Milky Way Drive to be extended through the property and stub out to the north property line. This provides future connectivity in accordance with the City of Austin Complete Streets Policy Ordinance #20140612-119.

If the requested zoning is granted, it is recommended as part of the conditions, to dedicate a minimum of 15 ft. public pedestrian, bicycle, multi-purpose easements every 900 feet that will connect to the north, east, south, and west of the property for future pedestrian connection. The exact location and dimension of the easement(s), if it shall be required per zoning, shall be determined at the time subdivision or site plan, whichever comes first.

Nadia Barrera, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

### **Water and Wastewater**

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. There are currently no City mains within 100 feet of this property. As such water and or wastewater service extension request applications would be required to determine the required improvements by the landowner to obtain City service. 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.

**INTERNAL MEMORANDUM**

**TO:** Sherri Sirwaitis, Case Manager  
Planning & Zoning Department

**CC:** Jeffrey Howard, McLean & Howard, LLP

**FROM:** Natalia Rodriguez, Planner II  
Development Services Department

**DATE:** October 10, 2016

**SUBJECT:** Neighborhood Traffic Analysis for River Place  
Zoning Case # C14-2015-0083

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The Transportation Review section 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 is development reserve (DR), however, it is currently under review for a zoning change to general office (GO). To the west, zoning is single family residence large lot (SF-1) and to the east and south is development reserve (DR). The zoning request is for Single Family Residence Standard Lot – Conditional Overlay (SF-2-CO) to allow for the construction of single family residences.

24-hour traffic counts were taken on Wednesday, September 2, 2015. The traffic volume on Milky Way Drive was 407 vehicles per day. The applicant has agreed to a Conditional Overlay (CO) limiting the site to a maximum 82 dwelling units. The NTA will be conducted under the assumption that no more than 82 dwelling units will be constructed on the site.

**Roadways**

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

### Trip Generation and Traffic Analysis

Based on the Institute of Transportation Engineer's publication Trip Generation Manual, 9<sup>th</sup> Edition, the proposed 42.064 acre development, with the requested zoning of SF-2, could potentially generate up to 3,053 trips at maximum build out, excluding all setbacks and impervious cover limits. However, the applicant has agreed to limit the density to 82 dwelling units; therefore the trip generation has been adjusted.

Table 1.		
Zoning	Size	Trip Generation
SF-2	42.064 acres, 304 d.u.	2,921
	82 d.u.*	875
<b>TOTAL</b>		<b>875*</b>

\*Per the Conditional Overlay a maximum of 82 dwelling units shall be allowed. Per the ITE Trip Generation Manual, 9<sup>th</sup> Edition, 82 dwelling units will generate approximately 875 daily trips.

Table 2 presents the expected distribution of the generated trips:

Table 2.	
Street	Traffic Distribution by Percent
Milky Way Drive	100%
<b>TOTAL</b>	<b>100%</b>

Table 3 presents a comparison of existing traffic on the adjacent roadways, proposed site traffic, total traffic after development and percentage increase.

Table 3.				
Street	Existing Traffic (vpd)	Proposed New Site Traffic to each Roadway	Overall Traffic	Percentage Increase in Traffic
Milky Way Drive	407	875	1,282	315%

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

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.

**Recommendations/Conclusions**

1. The neighborhood traffic analysis was required because the projected number of vehicle trips generated by the project exceeds 300 trips per day, and the project has access to a local or residential collector street where at least 50 percent of the site frontage has an SF-5 or more restrictive zoning designation.
2. The potential trips generated by a maximum of eighty-two (82) single family residential units, in combination with the existing traffic of Milky Way Drive, respectively, do not exceed the thresholds set forth in the LDC 25-6-116.
3. To mitigate the increased traffic on Milky Way Drive and to encourage pedestrian and bicycle connectivity to the surrounding uses in the area, staff recommends, and applicant agreed, to dedicate a minimum 15 ft. pedestrian and bicycle public access easement connecting Milky Way Drive to the north property line.
4. To mitigate the increase of traffic on Milky Way Drive and 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.
5. The intensity and uses for this rezoning are limited to less than 82 dwelling units.

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If you have any questions or require additional information, please contact me at [Natalia.Rodriguez@austintexas.gov](mailto:Natalia.Rodriguez@austintexas.gov) or (512) 974 – 3099.



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



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phone 512.328.2008  
fax 512.328.2409  
www.mcleanhowardlaw.com

February 15, 2017

Greg Guernsey, Director  
Planning & Development Review Department  
505 Barton Springs Road  
4<sup>th</sup> Floor  
Austin, Texas 78704

via email delivery

RE: Disregard Request Regarding Zoning Case C14-2015-0083 and C14-2015-0084;  
Amend Zoning Cases to Included Conditional Overlay

Dear Mr. Guernsey:

This letter is to request the withdrawal and disregard of the previous letter dated February 14, 2017 regarding the revision of Zoning Case No. C14-2015-0083 and the withdrawal of Zoning Case No. C14-2015-0084. Please continue for consideration the two cases in their current form under the two separate above-referenced zoning case numbers with amendments to the language of the conditional overlays provided below.

Please note that both tracts are under common ownership. Development of each tract is intensely tied to the other in that the rezoning for both tracts must be approved for development of the properties to progress. Pursuant to Section 25-2-245 of the Austin Code of Ordinances, consideration of the two zoning cases is required to occur concurrently. However, contrary to previous assurances from staff that consolidation of the two cases would not create any notice issues, the previous attempt to ensure the cases are considered together have resulted in such issues. Therefore, I respectfully request the previous consolidation request be disregarded.

Additionally, please amend each of the zoning cases to include the following conditional overlays:

**C14-2015-0083:** 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.

**C14-2015-0084:** Restrict development to the regulations associated with the Neighborhood Office district (NO), 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: (i) congregate and group living, (ii) family visitation

and overnight stays, (iii) therapeutic equestrian and gardening, (iv) medical offices for visiting physicians, (v) nursing facilities, (vi) classrooms and studios, and (vii) onsite café for residents, employees and visitor.

Please consider the zoning requests for each tract to be amended accordingly and disregard the previous letter dated February 14, 2017. Should you have any questions regarding this information, please contact me at 512-328-2008.

Sincerely,

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

Jeffrey S. Howard  
McLean & Howard, LLP

## 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](http://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: C14-2015-0083

Contact: Victoria Haase, 512-974-7691

Public Hearing: Jul 5, 2016, Zoning and Platting Commission

*Heather Haase*  
Your Name (please print)

☐ I am in favor  
☒ I object

*10044 Scull Creek Dr*  
Your address (affected by this application)

*Heather Haase*  
Signature

Date

*7-5-16*

Daytime Telephone:

*512-544-7970*

Comments:

*The area you are wanting to build in will decrease our property value by ~~the~~ obstructing and interfering with our current view.*

*This is also very close to OR is the current preserve area that we thought was protected from expansion.*

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

City of Austin  
Planning & Zoning Department  
Victoria Haase  
P. O. Box 1088  
Austin, TX 78767-8810

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Case Number: C14-2015-0083

Contact: Victoria Haase, 512-974-7691

Public Hearing: Jul 5, 2016, Zoning and Platting Commission

Matthew Ache

Your Name (please print)

10044 Scull Creek

Your address(es) affected by this application

*[Signature]*

Signature

Daytime Telephone: 512-615-4321

Date

7-5-16

Comments:

The area you are looking to build in will decrease the value of our lot by changing & interfering with our view.

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

City of Austin

Planning & Zoning Department

Victoria Haase

P. O. Box 1088

Austin, TX 78767-8810

## PUBLIC HEARING INFORMATION

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Case Number: C14-2015-0083

Contact: Victoria Haase, 512-974-7691

Public Hearings: Jul 5, 2016, Zoning and Platting Commission

Kyle Lehart

Your Name (please print)

10048 Skull Creek Dr.

Your address(es) affected by this application

Kyle Lehart

Signature

7-29-16

Date

Daytime Telephone: (512) 589-9479

Comments: We purchased the home on the

premise that types of rezoning, such as these,

would not occur.

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

City of Austin

Planning & Zoning Department

Victoria Haase

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2015-0083

Contact: Victoria Haase, 512-974-7691

Public Hearing: Jul 5, 2016, Zoning and Platting Commission

Kayla Kephart  
Your Name (please print)

10048 Scull Creek Drive  
Your address(es) affected by this application

☐ I am in favor  
☒ I object

6-29-16  
Date

Signature

(512) 755-3749  
Daytime Telephone

Comments:

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

City of Austin  
Planning & Zoning Department  
Victoria Haase  
P. O. Box 1088  
Austin, TX 78767-8810

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Case Number: C14-2015-0083

Contact: Victoria Haase, 512-974-7691

Public Hearing: Jul 5, 2016, Zoning and Platting Commission

Kendra Anita Kede  
Your Name (please print)

☐ I am in favor  
☒ I object

10208 Milky Way Drive  
Your address(es) affected by this application

Victoria Kede  
Signature

6/28/16  
Date

Daytime Telephone: 512-331-2020

Comments: We have responded to this request previously with the case that is being requested and the density of homes requested is not supported with the poor over crowded road infrastructure as well as the existing density in the nearby area of homes

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

City of Austin  
Planning & Zoning Department  
Victoria Haase  
P. O. Box 1088  
Austin, TX 78767-8810

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Case Number: C14-2015-0083

Contact: Victoria Haase, 512-974-7691

Public Hearings: Jul 5, 2016, Zoning and Platting Commission

Joyce Chris

Your Name (please print)

10040 Scull Creek Dr

Your address(es) affected by this application

Joyce M. Corin

Signature

Daytime Telephone: (512) 349-7033

Date

6/28/16

Comments: WE CANNOT HANDLE THE

NO ADDITIONAL TRAFFIC. WE HAVE

OVER 40 VEHICLES AS IT IS.

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

City of Austin

Planning & Zoning Department

Victoria Haase

P. O. Box 1088

Austin, TX 78767-8810

**2222 Coalition of Neighborhood Associations, Inc.****10601 FM 2222, Suite R #11****Austin, TX 78730**

February 1, 2016

Delivery Via Email

To: City of Austin: Attn: Tori Haase (email: [Tori.Haase@austintexas.gov](mailto:Tori.Haase@austintexas.gov))

RE: Case: C14-2015-0083 (Milky Way)

Dear Ms. Haase:

2222 Coalition of Neighborhood Associations (2222 CONA) supports River Place HOA (RP HOA) in opposition to the subject rezoning application as it has been presented to date. 2222 CONA is not opposed to development of the subject property. Quite the contrary, we would like to assist both the RP HOA and the owner's developer, Milestone Community Builders, in exploring all options and hopefully finding a mutually acceptable compromise that would allow the development of an appropriate number of homes on the property.

The rezoning application that has been submitted to the city requests to change the zoning from DR to SF-2. 2222 CONA believes that SF-1 zoning is more appropriate since SF-1 is the predominant zoning for the surrounding neighborhood, including the existing 23 homes on Milky Way Drive which are on lots of at least one acre in size and are zoned SF-1.

Based on the information in the zoning application, the clear intent is to place large homes on very small lots. This is at variance with the style of the neighboring homes on Milky Way Drive and other nearby portions of River Place. The minimum lot size should be 35,000 square feet to comfortably accommodate the large houses and maintain some compatibility with the existing neighborhood.

Milky Way Drive is a narrow residential street appropriate for access to a relatively small neighborhood. It cannot provide safe access to the scale of development implicit in SF-2 zoning of a large tract. However, Milky Way is the only public street to which the subject property has access as it is otherwise surrounded by other private tracts and Balcones Canyonlands Preserve property.

Additionally Milky Way Drive has only one intersection with another public street – River Place Blvd. Our understanding is that no improvements to this intersection are contemplated by the prospective property owner to safely handle the increased traffic, both vehicular and pedestrian, generated by an SF-2 zoned development. This intersection provides the only pedestrian access from the proposed neighborhood to the nearby River Place Elementary School.

The proposed SF-2 development would add 4 to 5 times as much traffic exiting from Milky Way Drive to River Place Blvd. as currently exists. At peak hours, the intersection of River Place Blvd. and RM 2222 is one of the most congested intersections in Texas. A development of this size would place considerable increased strain on an intersection that already operates at an unacceptable level.

Because of the above compatibility, access and traffic impact issues, 2222 CONA requests that this property be zoned at an intensity of no more than SF-1 with an additional restriction on minimum lot size (35,000 square feet.) We thank you in advance for your consideration of our concerns as well as those of the River Place community.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Torgimson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Peter Torgimson  
President

# COATS | ROSE

*A Professional Corporation*

JOHN M. JOSEPH

jmjoseph@coatsrose.com  
Direct Dial  
512.541.3593

November 23, 2015

***Via Email and Regular Mail***

Milestone Community Builders  
c/o Jeff S. Howard  
MCLEAN & HOWARD, LLP  
Barton Oaks Plaza, Building II  
901 S. Mopac Expressway, Suite 225  
Austin, TX 78746

Milky Way Home Owners  
c/o Steve O. Drenner  
DRENNER GROUP, PC  
200 Lee Barton Drive, Suite 100  
Austin, TX 78704

Re: Zoning Case Number C14-2015-0083 and  
Zoning Case Number C14-2015-0084

Dear Jeff and Steve.

As you are aware we represent the Austin Christian Fellowship, the "Fellowship," an owner of real property adjacent to a proposed single family development and a proposed residential treatment facility for the care of persons suffering with autism. Many members of the Fellowship congregation are acutely aware of these proposed developments. And, the proposed development will have a profound and long lasting effect on the property of the Fellowship.

The Fellowship has been asked to variously support and oppose the proposed single family project. The Fellowship has taken these requests very seriously and has engaged in efforts to educate the board of the Fellowship as to the benefits and burdens that both projects will have on the operations of the Fellowship and the property of the Fellowship.

Although the Fellowship feels that the single family development can be a valuable and compatible part of the River Place community, and that the autism center will definitely be an asset to our community and the mission of the Fellowship, there are unresolved variables outstanding that make it impossible for the Fellowship to unqualifiedly support the pending applications.

Barton Oaks Plaza, 901 South MoPac Expressway, Building 1 Suite 500, Austin, Texas 78746

Phone: 512-469-7987 Fax: 512-469-9408

Web: [www.coatsrose.com](http://www.coatsrose.com)

HOUSTON | CLEAR LAKE | AUSTIN | DALLAS | SAN ANTONIO | NEW ORLEANS  
4819-2718-6219.v1

November 23, 2015

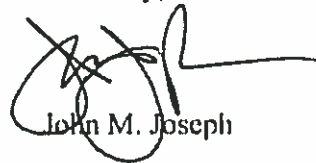
Page 2

For these and other reasons the Fellowship will not be able to support the pending applications in their current form.

Please understand that the Fellowship wishes to be a bridge and not a wall between the developer and the neighborhood. The Fellowship wishes to serve the function, as much as possible, of a facilitator. The Fellowship wishes that your representative sides will come together with a plan that accommodates the desires of the neighborhood and the development.

But, be aware that the Fellowship reserves the unilateral right, in the event it feels that either interest is not acting in good faith, to either join in the opposition petition or indicate to the City of Austin its support for the zoning applications. This said, the Fellowship encourages the applicant, the Milky Way home owners and the River Place Home Owners Association to continue to work with the Fellowship and each other in good faith to resolve the outstanding unsettled issues.

Sincerely,



John M. Joseph

cc:   Tori Haase, Case Manager  
      City of Austin  
      Development Services Dept.  
      *Via Email and Regular Mail*

Dear Ms. Haase,

Pertaining to the City of Austin Planning & Zoning Department, Case Number: C14-2015-0083 at a public hearing on Tuesday, December 15, 2015, Zoning and Platting Commission with Victoria Haase

Strongly Opposed to the Development and Rezoning as Proposed

I have been a resident on Milky Way in River Place for the last nearly eight years. During this time traffic congestion on River Place Boulevard and at the intersection of FM 2222 has increased to the point that the intersection has become a bottleneck with severe backups of traffic most dramatically during rush hour time.

With the traffic burden as serious as it is at this point, it will only get worse as a result of homes, hotels, and apartments that are online to be developed within the next 6 to 12 months. With the proposed development of the Bradley tract, exponentially increasing congestion through River Place would significantly add to the time and aggravation of driving through River Place Boulevard and the FM 2222 intersection. The congestion would obviously be worse during rush hour and would be especially dangerous in times of any natural disaster like a fire.

I would strongly recommend that the density of the Bradley tract development by Milestone Builders be similar to the density already present on Milky Way Boulevard or at least that of the River Place community. If this is not possible, then I believe that the main entrance/exit on to FM 2222 should be the Sitio del Rio exit to 2222, thus preventing the excessive congestion at the intersection of River Place and FM 2222.

Sincerely,  
Stuart Damore

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Case Number: C14-2015-0083

Contact: Victoria Haase, 512-974-7691

Public Hearing: Dec 15, 2015, Zoning and Platting Commission

STUART DAMONE

Your Name (please print)

10301 Wilby Way Dr

Your address(es) affected by this application

AUSTIN, TX

Signature

Daytime Telephone: 512-751-0566

Comments: Please read attachment.

Thank you.

Date

6/Dec 2015

☐ I am in favor  
☒ I object

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

City of Austin

Planning & Zoning Department

Victoria Haase

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2015-0083

Contact: Victoria Haase, 512-974-7691

Public Hearing: Dec 15, 2015, Zoning and Platting Commission

Sarah and John Valenzuela  
Your Name (please print)

10216 Milky Way Drive  
Your address(es) affected by this application

Sarah Valenzuela  
Signature

12/7/15  
Date

Daytime Telephone: 512-567-7698

Comments:

We object due to safety concerns and significant traffic impacts into the very congested Four Points area.

Adding more cars to an existing busy, high traffic area in walking distance to an elementary school and only outlet for neighborhood could result in serious risk to residents. Why not use other alternative pathways.  
If you use this form to comment, it may be returned to:

City of Austin  
Planning & Zoning Department  
Victoria Haase  
P. O. Box 1088  
Austin, TX 78767-8810

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Case Number: C14-2015-0083

Contact: Victoria Haase, 512-974-7691

Public Hearing: Dec 15, 2015, Zoning and Platting Commission

William Swetlik

Your Name (please print)

1040 Scum Creek Dr.

Your address(es) affected by this application

Carly Swetlik

Signature

Daytime Telephone: (512) 348-7033

Date

12/2/15

Comments: THE INTERSECTION OF 2222

AND RIVER PLACE BLVD WOULD

BE OVERWHELMED!

THERE WILL BE MORE BAD

ACCIDENTS THAN WE HAVE NOW.

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

City of Austin

Planning & Zoning Department

Victoria Haase

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2015-0083

Contact: Victoria Haase, 512-974-7691

Public Hearing: Dec 15, 2015, Zoning and Platting Commission

Irene Manantou

Your Name (please print)

10209 Milky Way

Your address(es) affected by this application

[Signature]

Signature

Date

Daytime Telephone: 512 417 5029

Comments:

allowing SFZ would  
create a tragic density in  
this community. It would  
create unsafe traffic  
conditions; impossible exits and  
ingress in cases of emergencies;  
negative impacts to environmentally  
precious land; and compounding  
already unsafe intersections of

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

City of Austin

Planning & Zoning Department

Victoria Haase

P. O. Box 1088

Austin, TX 78767-8810

2222

River Place

Blvd. This

will create liability  
for the city if approved.

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Case Number: C14-2015-0083

Contact: Victoria Haase, 512-974-7691

Public Hearing: Dec 15, 2015, Zoning and Platting Commission

Kevin + Anita Keck  
Your Name (please print)

☐ I am in favor  
☒ I object

10208 Milky Way Drive  
Your address(es) affected by this application

Kevin Keck 11/30/15  
Signature Date

Daytime Telephone: 512-809-9151

Comments: We object to the project of  
changing the zoning to SF-2  
off of Milky Way Dr. This zoning  
is not consistent with the  
neighborhood density, nor consistent  
with the area off Milky Way Dr.  
Also, the burden that this means the  
houses in area would increase the  
traffic burden in this area that is  
already maxed out.

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

City of Austin  
Planning & Zoning Department  
Victoria Haase  
P. O. Box 1088  
Austin, TX 78767-8810



## **River Place Homeowners Association**

July 10, 2015

Planning and Development Review Department

505 Barton Springs Road

One Texas Center

Austin, TX 78704

Attn: Torie Haase

Re: Rezoning application C14-2015-0083 - 40.005 Acres abutting Milky Way Drive

Dear Ms. Haase,

The River Place Homeowners Association representing the 1146 homes is in opposition to the proposed rezoning and development of the 40.005 acres abutting Milky Way Drive (C14-2015-0083) until the COA provides approved plans and immediate funding for the following infrastructure projects.

1. Police – Currently COA Police are dispatched to our area from the office at Braker Lane and Mopac. Approved plans and funding must be provided for an office in the Four Points Area.
2. Schools – Volume 5 Issue 12 of the Impact News sites the explosive growth in the Four Points area. The addition of the 344 apartment homes and 146 single family homes approved in the last year, along with the 125 apartment Cardinal Point development, three other residential

project along 620, and this proposed development all of which are zoned to LISD and Vandegrift High School, create an overcrowding issue that will impact the quality of our schools. Vandegrift High School has recently announce that they are adding out-building classrooms to accommodate the increased student population. Additional residential rezoning cannot be allowed in the Four Points Area.

3. Traffic - The application shows that the only access to this property is through an extension of Milky Way Drive which may add up to an additional 2000 trips per day to this street and River Place Blvd. Our HOA currently spends more than \$20,000 per year on additional police patrols including monitoring the intersection of 2222 and River Place Boulevard which is often blocked by cars during the morning rush hour and preventing exit from River Place. TxDot readily admits that traffic on 620 and 2222 exceeds roadway capacity yet there is no approved plan or funding identified for a solution. COA traffic engineers admit the traffic light at 2222 and River Place Boulevard has the longest cycle time in the state. Traffic coming from the proposed site onto 2222 can often wait 5 to 10 minutes at this intersection because the Northbound and Southbound River Place traffic signals cycle on and off separately. The only legal exit from River Place onto westbound 2222 is the three lane exit on River Place Boulevard which is inadequate to handle our existing 1146 homes, eight office buildings, a 100 room-plus hotel and various retail establishments. This needs to be re-engineered yet the COA states that no funds are available. While certainly not a solution to the traffic on River Place Blvd and 2222, we suggest any development of this land require an alternative exit onto 2222 including potentially access to Sitio Del Rio.

We must respectfully submit that approval and funding of necessary infrastructure projects including those listed above must be included with this and future developments in the Four Points area.

Sincerely,



Scott Crosby

President – River Place Homeowners Association

Cc: 2222 CONA

COA City Council

<http://www.riverplacezoning.org/> and Petition on Change.org



**Dear Austin City Council, and Zoning and Platting,**

This petition is regarding a 40 acre lot adjacent to the River Place neighborhood in the Four Points Area. Milestone Builders has applied for a zoning change that seeks to increase the density of homes between 5 times and 7 times what is already on the Milky Way Drive cul-de-sac, and this will negatively impact the entire neighborhood.

We are asking that you say **NO** to this SF-2 zoning request (Case # C14-2015-0083.)

We are asking that the proposed home density and character be consistent with existing residences in the Preserve of River Place, if this street is to be extended. The nearest 40 homes to this section are all 1+ acre lots, and zoned for SF-1 with Conditional Overlay that limits development to 1 acre lots.

Increasing the zoning to SF-2 will have the following devastating effects:

- Increase traffic a minimum of 5x on a local street
- Add over 1,200 additional car trips per day through the highly congested River Place Blvd/ 2222 intersection.
- Increase safety risk to children who walk and ride to school near this road and traffic.
- Cause the entirety of Milky Way to be torn up to upgrade home water and sewer needs beyond current capacity. (Note: existing capacity would carry 30 more homes so an SF-1 with CO zoning would avoid this and still allow development)

- Environmental impacts, yet unstudied, to endangered species, watershed, and pollution.
- Additional strain on emergency response in a limited police coverage area
- Decrease property values in the area by flooding the market with what could be 110 to 189 homes
- Create an unequal and unfair burden on current Milky Way homeowners with increased traffic and decrease in property value (projected -20%.)

We understand that the land has existing zoning for residential development and we recognize that the landowner has a right to develop sensibly. However, we ask that Milestone be **responsible** in their land use. It is deeply unfair to drop 5 to 7 times the density onto the end of a neighborhood street – which severely impacts our use, value, and enjoyment. We need compatible development, that which maintains the integrity of the current River Place community, both in terms of quality, density and consideration of traffic.

The River Place HOA recently passed a resolution opposing the proposed zoning change. The 2222 CONA organization is working to coordinate with the neighborhood and make sure that any development follows the rules. All of the homes closest to this proposed development are united in opposition.

The City's documented zoning and land-use principles support the neighborhood's position. The Milestone zoning request does not fit with good zoning or neighborhood design.

There are many other housing and commercial ventures coming online in the nearby area. We ask you to look at traffic data related to vehicle deaths and accidents on River Place Blvd and at the 2222 intersection. Projections show a possible 10,000 car trips per day coming soon from sources just within 1000 feet of the 2222 intersection. Residents are deeply concerned about continued zoning for density without the necessary planning and investment to address the infrastructure needed by this growth. We need to make sure we understand the full depth of impact on traffic, school, emergency response, parks and recreation, and safety of residents. Responsible zoning can help achieve this.

**For these reasons, we ask that you say no to Milestone's SF-2 to zoning request**

Sincerely,

Concerned Four Points area residents

**Questions and Answers****Are residents trying to block development of the mentioned property?**

- No. We are trying to shape the development to match adjacent zoning and minimize negative impacts to the neighborhood.

**What is the current zoning of adjacent residents?**

- The current zoning is SF-1 with a Conditional Overlay, limiting the development to one house per acre lot.
- The densest part of River Place is only 2.8 homes per acre. Milestones proposal is much denser than any similar sized portion of the neighborhood.

**What is the difference between the SF-2 zoning applied for and the SF-1 CO that residents are asking for?**

- SF-2 zoning would allow a minimum lot (not home size) size of 5,750 sqft. This is approximately 75 feet by 75 feet.
- For visual comparison, if you applied SF-2 zoning to a football field, then you could build about 10 homes per field!
- SF-2 zoning would allow for upwards of 180 densely packed homes on this property. Milestone suggests that their target is around 110, but that is not a proper limit, and is subject to change.
- SF-2 allows upwards of 7.5 homes per acre. Compare that with the 1 home per acre in surrounding lands.

**Where can I find out more?**

Please visit our website for the latest information: [www.RiverPlaceZoning.org](http://www.RiverPlaceZoning.org)

**Quoted Zoning Principles directly from City of Austin Zoning Land Use Recommendation**

1. *Zoning should satisfy a public need and not constitute a grant of special privilege to an individual owner; the request should not result in spot zoning.*

The proposed residential development is surrounded by uses and residential development intensities of SF-1-CO. There are no SF-2-CO uses adjacent to or in the immediate area of the proposed residential development. Development intensities should transition towards arterial roadways to promote orderly planning.

2. *Granting a request for zoning should result in equal treatment of similarly situated properties.*

All similarly situated properties directly adjacent to or in the immediate area of the proposed residential development are zoned SF-1-CO.

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

The proposed residential development would set an undesirable precedent for other properties in the neighborhood by locating a more intensive residential use directly adjacent to a less intensive residential use, with a sole source of access via a local road designed to accommodate the less intensive local SF-1-CO traffic. There is no precedent throughout the existing River Place development for locating uses in this manner.

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

The proposed residential development will rely solely upon Milky Way Drive for ingress and egress. Milky Way Drive is a local cul de sac presently serving approximately 21 residential lots, all zoned SF-1-CO. § 25-4-157 of the LDC requires new subdivisions to have 2 access streets. The proposed subdivision does not meet this requirement or the criteria for an administrative variance.

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

The proposed residential development is surrounded by uses and residential development intensities of SF-1-CO. There are no SF-2-CO uses adjacent to or in the immediate area of the proposed residential development.

6. *Zoning should promote the policy of locating more intensive zoning near intersections of arterial roadways or at the intersections of arterial and major collectors.*

The existing development pattern of the immediate area transitions from commercial zoning at intersections of arterial roadways (2222 and River Place) to residential at the intersection of major collectors (River Place and Milky Way Drive), and culminates in SF-1-CO zoning along Milky Way Drive. The requested zoning of SF-2-CO would place a more intensive use farther away from intersections of arterial roadways and arterial and major collectors.



### **River Place Homeowners Association**

July 10, 2015

Planning and Development Review Department

505 Barton Springs Road

One Texas Center

Austin, TX 78704

Attn: Torie Haase

Re: Rezoning application C14-2015-0083 - 40.005 Acres abutting Milky Way Drive

Dear Ms. Haase,

The River Place Homeowners Association representing the 1146 homes is in opposition to the proposed rezoning and development of the 40.005 acres abutting Milky Way Drive (C14-2015-0083) until the COA provides approved plans and immediate funding for the following infrastructure projects.

1. Police – Currently COA Police are dispatched to our area from the office at Braker Lane and Mopac. Approved plans and funding must be provided for an office in the Four Points Area.
2. Schools – Volume 5 Issue 12 of the Impact News sites the explosive growth in the Four Points area. The addition of the 344 apartment homes and 146 single family homes approved in the last year, along with the 125 apartment Cardinal Point development, three other residential

project along 620, and this proposed development all of which are zoned to LISD and Vandegrift High School, create an overcrowding issue that will impact the quality of our schools. Vandegrift High School has recently announce that they are adding out-building classrooms to accommodate the increased student population. Additional residential rezoning cannot be allowed in the Four Points Area.

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We must respectfully submit that approval and funding of necessary infrastructure projects including those listed above must be included with this and future developments in the Four Points area.

Sincerely,

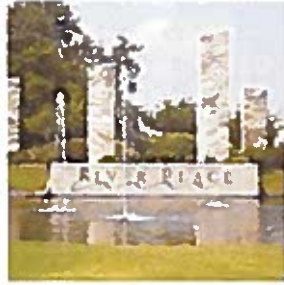


Scott Crosby

President – River Place Homeowners Association

Cc: 2222 CONA

COA City Council



## **River Place Homeowners Association**

December 14, 2016

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

Re: Rezoning applications C14-2015-0083 (River Place Milky Way) and C14-2015-0084

Dear Ms. Sirwaitis,

On July 10, 2015 the River Place Homeowners Association representing the 1146 homes submitted a letter in opposition to the proposed rezoning and development of the 40.005 acres abutting Milky Way Drive (C14-2015-0083) until the COA provides approved plans and immediate funding for several infrastructure improvements.

We are in receipt of the zoning case report for this project and are in 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. ft. and limit the entire site to less than 2000 vehicle trips per day. While this recommendation does not provide immediate funding for the infrastructure improvements in our July 15, 2015 letter, the proposed zoning, CO and limitation on vehicle trips per day provide an acceptable compromise for this proposed development.

Re: Rezoning applications C14-2015-0083 (River Place Milky Way) and C14-2015-0084

December 14, 2015

We have also reviewed and are in support of the zoning case report for project C14-2015-0084 specifically the conditional overlay prohibiting or making conditional certain uses outlined in the report, limiting vehicle trips per day and prohibiting access to Milky Way drive.

We wish to thank the Staff for their work on these cases listening to the concerns of the community.

Sincerely,

A handwritten signature in blue ink, appearing to read "SCROSBY", with a large, stylized flourish extending from the end.

Scott Crosby

President – River Place Homeowners Association

Cc: 2222 CONA

COA City Council

Sirwaitis, Sherri

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**Subject:** FW: Concerns about Milestone zoning request for Milky Way Drive

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**From:** Brian Showers < >  
**Sent:** Wednesday, February 15, 2017 10:29 AM  
**To:** Weber, Thomas - BC  
**Subject:** Concerns about Milestone zoning request for Milky Way Drive

Dear Commissioner Weber,

My name is Brian Showers, and I'm a resident on Milky Way Drive. I'm writing you concerning the Milestone zoning case for Milky Way Drive ([C14-2015-0083](#)). I had hoped to speak with you at the public hearing. Unfortunately, while I was ready to speak at the last several scheduled dates, a prior family commitment means that I cannot be in town on February 21. I'm hoping that I can express my thoughts to you ahead of time and that they might be considered in your decision.

For background, the proposed development will be at the end of Milky Way Drive. Milky Way is a cul-de-sac, zoned SF-1 with a CO effectively allowing for one home per acre. As a neighborhood, we asked for the new zoning to match that of the adjacent parcel. In this case, consistent zoning is all the more important since the adjacent neighborhood on Milky Way Drive will be the only way in or out of the new development. While we would have preferred the zoning to match, we find that the staff's recommendation of less dense zoning (SF-1 with a CO allowing for one home per 30,000 sq/ft) is a reasonable compromise.

Recent statements [from the Autism Trust](#) and Milestone indicate that they would like you to think our wish for fair and consistent zoning equates to an attempt to stop the Autism Center. Nothing could be further from the truth. Despite being personally uncomfortable with the anti-vaccination stance of the Autism Trust founders, I encourage you to approve the zoning request for the Autism Center. They have a right to that zoning, it's consistent with the principles of good zoning, and I personally hope that it will benefit our community.

What the neighborhood and I find unacceptable is Milestone's request for SF-2 zoning for the Milky Way Drive development. That request is not compatible with the city's zoning goals for fire safety, traffic or consistent zoning. The same factors that lead to the existing zoning on Milky Way apply just as much to the new development. Milestone is requesting SF-2 zoning simply to increase their profit.

Furthermore, the supporters of the Autism Trust have attempted to erroneously tie these two cases together. They have been vocal that the reason they support SF-2 zoning not because it's the right thing to do from a zoning perspective, but because Milestone has pledged a portion of the increased profits to the Autism Center. While I appreciate that the Autism Trust would like to shortcut the effort of traditional fundraising, subverting the tenants of zoning is not a valid way to raise money for their cause. To do so effectively uses our city zoning code to issue an irrevocable tax on the current and future residents of the surrounding neighborhoods. Worse, [under the advertised structure](#), the vast majority will go straight to the developer's bottom line and only a small portion will go towards the charitable cause. It's not a charitable donation if it's quid-pro-quo to gain support for inconsistent zoning.

I believe our city's [principles of zoning](#) are an excellent guide for decisions. Increasing a builder's profit margin and subsidizing fundraising for the Autism Trust are simply not one of those principals. The decision for accurate and fair zoning is critical. Don't permanently trade off security, value, safety and consistent design. I hope you will vote to

approve the staff's recommendation on both cases, and that you will not be swayed by attempts to intertwine these two cases for the financial benefit of the developers.

Thank you for your time and consideration.

Sincerely,

Brian Showers

10223 Milky Way Drive  
Austin, TX 78730

Thomas Weber  
Boards and Commissions

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