

ZONING CHANGE REVIEW SHEET

CASE: C14-2018-0124 (River Place)

Z.A.P. DATE: March 19, 2019
April 2, 2019

ADDRESS/PROJECT LOCATION: Milky Way Drive

DISTRICT AREAS: 6 & 10

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

AGENT: McLean & Howard, LLP (Jeff Howard)

ZONING FROM: DR

TO: SF-1-CO*

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

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

SUMMARY STAFF RECOMMENDATION:

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

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

ZONING & PLATTING COMMISSION RECOMMENDATION:

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

DEPARTMENT COMMENTS:

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

The staff recommends SF-1-CO zoning at this location because the site under consideration meets the intent of the Single-Family Residence-Large Lot zoning district. The property is heavily wooded and has topographical constraints that may be challenging to development on this tract of land. The proposed SF-1-CO zoning will permit the applicant to develop single-family residential lots with a minimum lot size of 21,000 sq. ft. The staff's recommendation is double the requirement of the minimum 10,000 sq. ft. lot size stipulated by the SF-1 zoning district. These larger lots will be

consistent with the existing residential patterns to the west of this site along Milky Way Drive. This property is in an environmentally sensitive area that has not been identified for an increase in density in the Imagine Austin Comprehensive Plan. This tract of land is located next to preserve land (Balcones Preserve Land). The access from this site will be to Milky Way Drive, a local road that ends in a cul-de-sac, which connects to River Place Boulevard that provides primary access for the residential developments in the River Place neighborhood to FM 2222 Road.

EXISTING ZONING AND LAND USES:

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

NEIGHBORHOOD PLANNING AREA: N/A

NTA: Yes

WATERSHED: West Bull Creek

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Canyon Creek H.O.A.
 Friends of Austin Neighborhoods
 Bull Creek Foundation
 Glenlake Neighborhood Association
 Leander ISD Population and Survey Analysts
 Long Canyon Homeowners Assn.
 Neighborhood Empowerment Foundation
 River Place HOA
 SELTEXAS
 Sierra Club, Austin Regional Group
 Steiner Ranch Community Association
 TNR BCP-Travis County Natural Resources
 2222 Coalition of Neighborhood Associations Inc.
 Westminster Glen HOA

SCHOOLS: Leander I.S.D. Schools

River Place Elementary School
 Four Points Middle School
 Vandergrift High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2015-0083 (River Place: Milky Way Drive)	<p>DR to SF-2-CO*</p> <p>* On October 7, 2016, the applicant stated in an e-mail that they are proposing a conditional overlay to limit the property to a maximum of 82 residential dwelling units. In addition, the applicant submitted a letter on February 15, 2017 stating that they would like to amend this rezoning case to limit the vehicular trips per day to 2,000 and the maximum total dwelling units to 82, which is less than 2 units per acre.</p> <p>Tract 1: SF-1-CO** Tract 2: GO-MU-CO**</p> <p>**On April 27, 2017, the applicant submitted a letter requesting to consolidate/combine zoning cases C14-2015-0083: River Place-Milky Way and C14-2015-0084: River Place-Autism Center (please see Attachment C). The applicant is now requesting to rezone Tract 1 (a 27.764 acre portion the original 42.064 acre case C14-2015-0083) to SF-1-CO with a conditional overlay to limit development to 42 residential units. For the rest of the 54.305 acre property (14.3 acres from case C14-2015-0038 and 40.005 acres from case C14-2015-0084) now known as Tract 2, the applicant would like to</p>	<p>2/21/17: Approved the staff's recommendation for SF-1-CO zoning: The conditional overlay will limit the size of each lot on the property to a minimum of 30,000 sq. ft. and will limit the development intensity for the entire site to less than 2,000 vehicle trips per day.</p> <p>In addition, the results of the neighborhood traffic analysis for this site (NTA Memorandum– Attachment A) shall be included in a public restrictive covenant that will be recorded prior to third reading of this case at City Council.</p> <p>(6-4, S. Lavani, G. Rojas, T. Weber and B. Evans-No); J. Kiobassa-1st, J. Duncan-2nd.</p>	<p>5/04/17: This item was indefinitely postponed at the request of staff on Council Member Troxclair's motion, Council Member Renteria's second on a 10-0 vote. Council Member Garza was absent.</p> <p>November 1, 2017: Case expired per LDC Section 25-2-246(A)(2) as the case was not scheduled before the 181st day after the City Council granted an indefinite postponement.</p>

	rezone it to GO-MU-CO. On Tract 2, the applicant is asking to develop the autism center as well as a 200 unit apartment complex/multifamily use.		
C14-2015-0084 (River Place – Autism Center: East of River Place Boulevard)	<p>DR to GO-CO*</p> <p>*The applicant submitted a letter on February 15, 2016 stating they would like to amend the rezoning request to include a conditional overlay to restrict development to the regulations associated with the Neighborhood Office (NO) district, limit the vehicular trips per day to 2,000 and permit only those primary and accessory uses required to operate the Autism Center and those required by the City to comply with Fair Housing and other legal requirements. The primary and accessory uses required to operate the Autism Center include, but are not limited to: congregate and group living, family visitation and overnight stays, therapeutic equestrian and gardening, medical offices for visiting physicians, nursing facilities, classrooms and studios and an onsite cafe for residents, employees and visitors.</p>	<p>2/21/17: Approved the staff's recommendation of GO-CO zoning: The conditional overlay will:</p> <ol style="list-style-type: none"> 1. Prohibit the following uses: Business or Trade School Business Support Services Communication Services Medical Offices (exceeding 5,000 sq. ft. gross floor area) Medical Offices (not exceeding 5,000 sq. ft. gross floor area) Off-site Accessory Parking Personal Services Printing and Publishing Restaurant (Limited) Club or Lodge Cultural Services Hospital Services (general) Hospital Services (limited) 2. Make the following uses conditional: College or University Facilities Private Secondary Educational Facilities, 3. Limit the development intensity for the entire site to less than 2,000 vehicle trips per day 4. Prohibit access to Milky Way Drive for Office (Administrative and Business Offices or Professional Office) uses. (10-0, D. Breithaupt-absent); J. Duncan-1st, A. Denkler-2nd. 	5/04/17: This item was withdrawn without objection.
C14-2015-0037 – Coelho Living Trust; 5833 Riverplace Boulevard	I-RR to SF-2	4/21/2015 – Approved SF-2 zoning.	5/14/2015 – Approved SF-2 zoning.

C14-06-0184 – Austin Christian Fellowship Phase II; 6401 Riverplace Boulevard	DR to NO	10/3/2006 – Approved NO-CO zoning.	11/2/2006 – Approved NO zoning.
C14-06-0095 – Lot 9-A, The Preserve at Riverplace, Section 2, Block B, Lots 8&9; Resubdivision – Milky Way Drive	DR to SF-1	6/6/2006 – Approved SF-1-CO zoning.	7/27/2006 – Approved SF-1-CO, with CO limiting vehicle trips to 2,000 per day.
C14-06-0094 - LOT 8-A; THE PRESERVE AT RIVERPLACE, SECTION 2, BLOCK B, LOTS 8 & 9; RESUBDIVISION ; Milky Way Drive	DR to SF-1	6/6/2006 – Approved SF-1-CO zoning.	7/27/2006 – Approved SF-1-CO, with CO limiting vehicle trips to 2,000 per day.
C14-02-0156 – River Place Two; Riverplace Boulevard	SF-5 to SF-6	12/3/2002 – Approved SF-6 zoning.	1/9/2003 – Approved SF-6 zoning.
C14-01-0121 – Austin Christian Fellowship; 6401 Riverplace Boulevard	RR to NO	9/25/2001 – Denied NO-CO zoning request.	12/6/2001 – Approved NO-CO, with CO limiting vehicle trips to 2,000 per day.
C14-99-2130 – Austin Christian Fellowship; 6401 Riverplace Boulevard	DR to GR	9/26/2000 – Approved NO-CO zoning.	10/26/2000 – Approved NO-CO, with CO limiting vehicle trips to 2,000 per day.
C14-98-0068 – Riverplace Estates; Riverplace Boulevard		7/7/1998 – Approved RR zoning.	9/3/1998 – Approved SF-1-CO zoning with CO for no more than 49 residential units may be developed on the property. Each lot must be a minimum of 30,000 sq. ft. (.688 acres)
C14R-87-073 – City of Austin W & WW (Four Points Reserve); Bonaventure Drive	RR to P	8/4/1987 – Approved P zoning.	11/12/1987 – Approved P zoning.

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

ABUTTING STREETS:

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

CITY COUNCIL DATE: April 11, 2019

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER: N/A

CASE MANAGER: Sherri Sirwaitis

PHONE: 512-974-3057

EMAIL: sherri.sirwaitis@austintexas.gov

STAFF RECOMMENDATION

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

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

BASIS FOR RECOMMENDATION

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

Single-family residence large lot (SF-1) district is the designation for a low density single-family residential use on a lot that is a minimum of 10,000 square feet. An SF-1 district designation may be applied to a use on land with sloping terrain or environmental limitations that preclude standard lot size or to a use in an existing residential development on a lot that is 10,000 square feet or more.

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

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

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

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

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

EXISTING CONDITIONS

Site Characteristics

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

Comprehensive Planning

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

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

Connectivity

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

Imagine Austin

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

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

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

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

Environmental

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

According to floodplain maps there is a floodplain within the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Water Quality Transition Zone / Critical Water Quality Zone exist within the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2-year storm on site.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Impervious Cover

The DR zoning district allows up to 15,000 sq. ft. of impervious cover. The SF-1 zoning district allows a maximum of 40% impervious cover. However, the subject tract is located in the Drinking Water Protection Zone and is classified as a Water Supply Suburban Watershed. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

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

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

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

Note: The most restrictive impervious cover limit applies.

Site Plan

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

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

Storm Water Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Storm water Management Program if available.

Transportation

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

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC 25-6113]

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

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

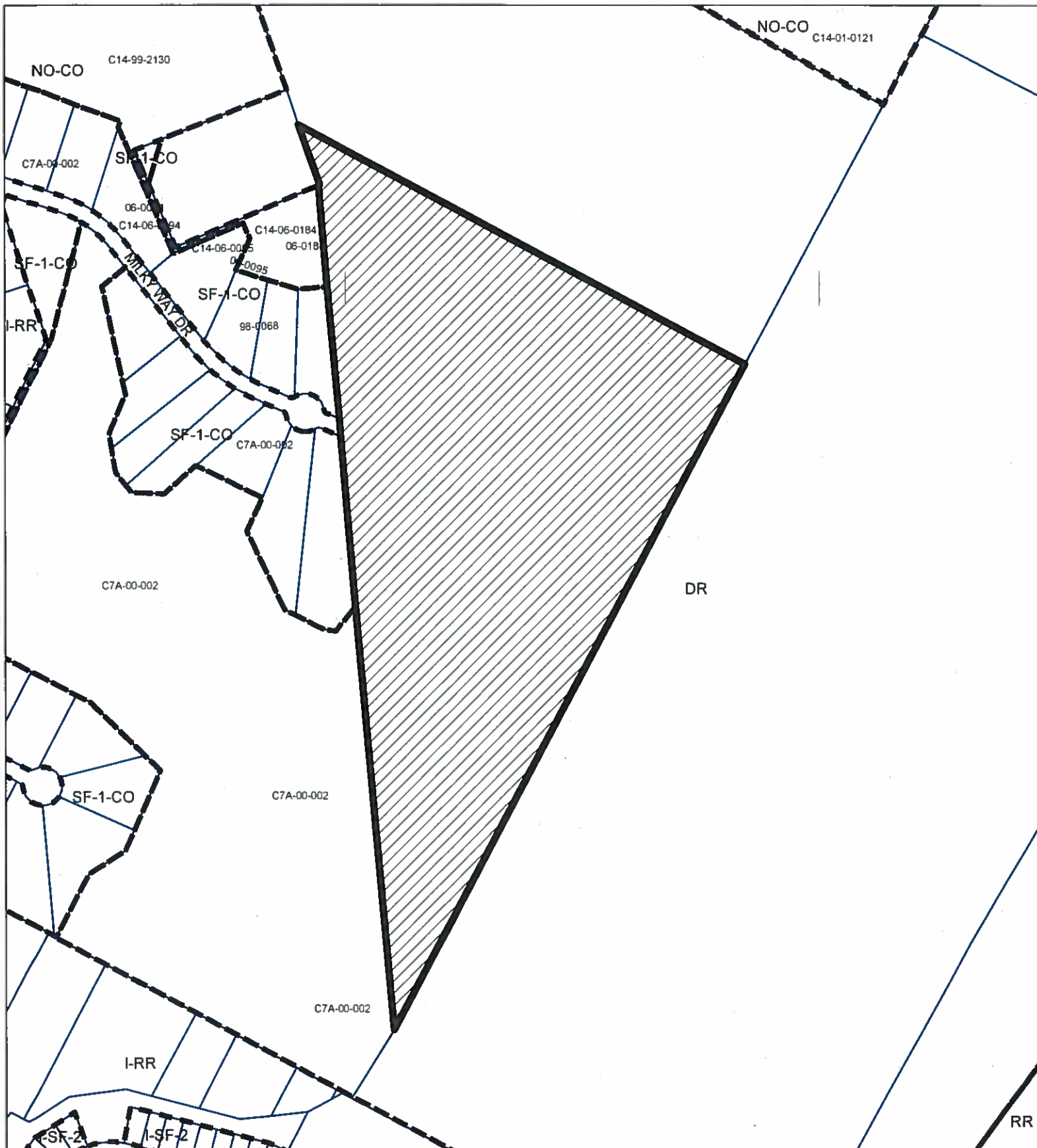
FYI – staff recommends providing right-of-way stub out(s) to the north to provide future connectivity to Sitio Del Rio Boulevard in accordance with the City of Austin Comprehensive Plan, Imagine Austin.

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

Water and Wastewater

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may will be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction.

The landowner must pay the tap and impact fees once the landowner makes an application for Austin Water utility tap permits.



ZONING

ZONING CASE#: C14-2018-0124



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

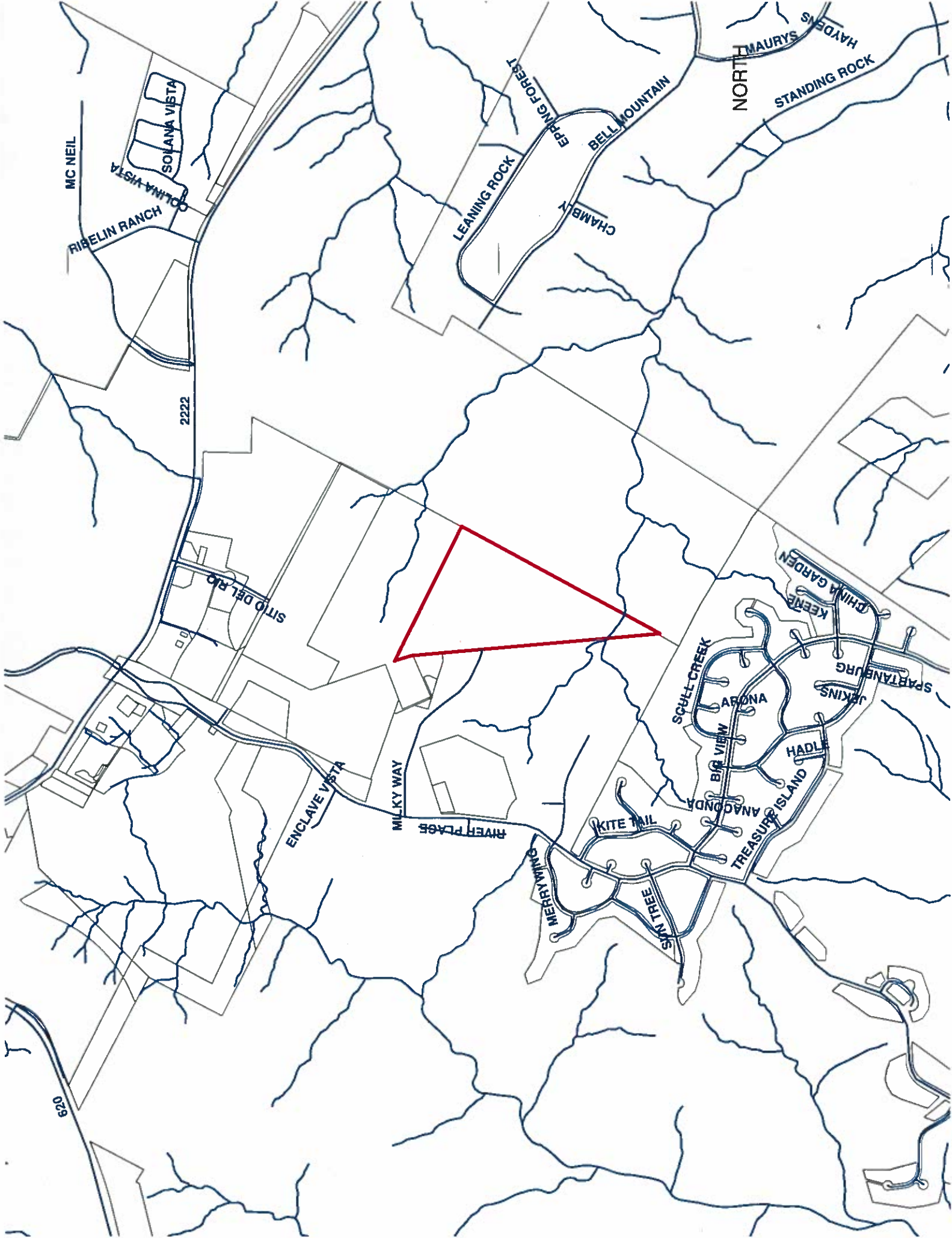
1" = 400'

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

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.



Created: 10/11/2018



MC NEIL

SOLANA VISTA

RIBELIN RANCH

2222

SITIO DEL RIO

ENCLAVE VISTA

MILKY WAY

RIVER PLACES

LEARNING ROCK

EPPING FOREST

BELL MOUNTAIN

CHAMBERLY

NORTH MAURYS

HAYDEN

STANDING ROCK

SCULL CREEK

ARONA

BIG VIEW

ANACONDA

TREASURE ISLAND

HADLEY

JENKINS

SPARTANBURG

CHINA GARDEN

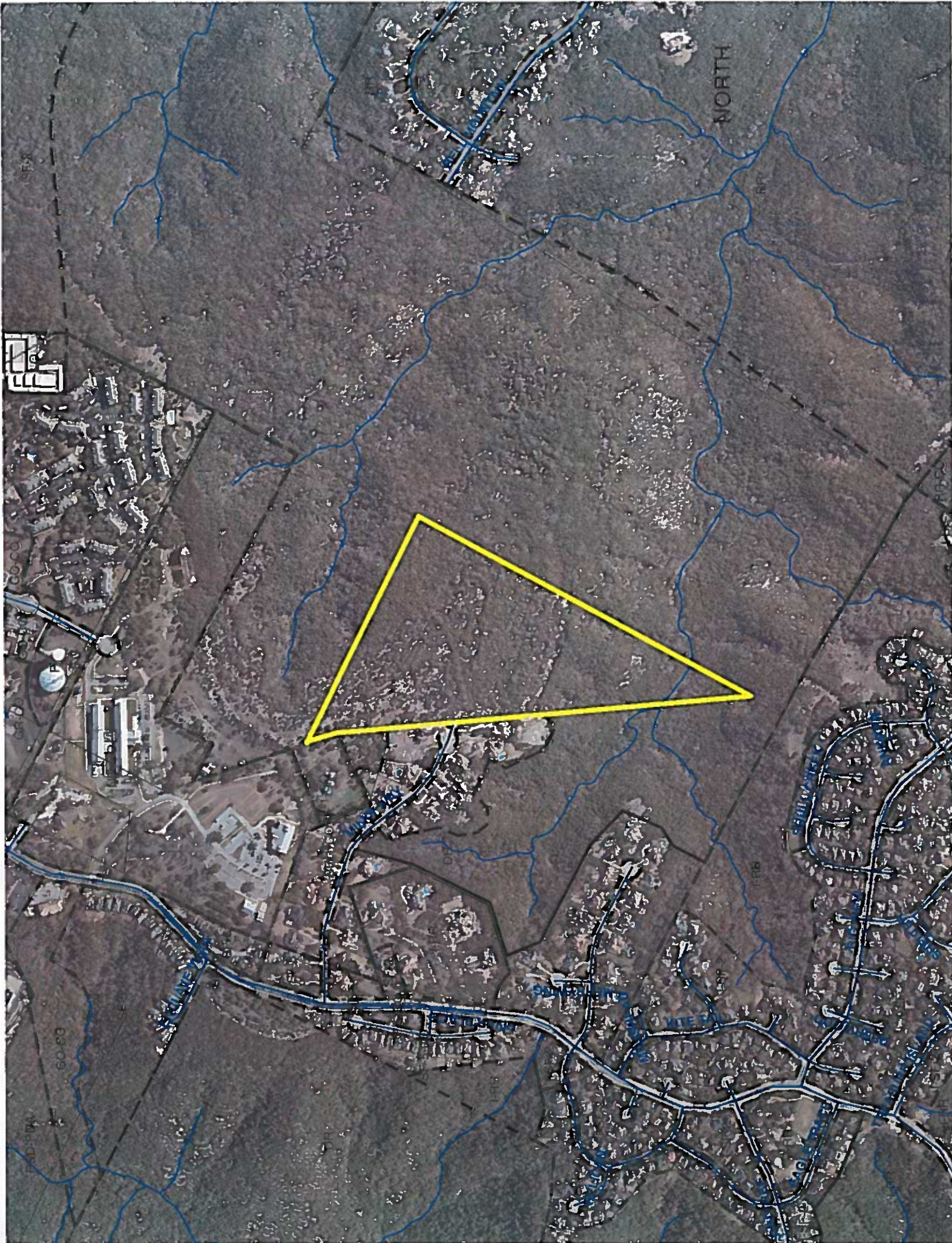
KEENE

KITE TAIL

SUN TREE

MIMMIEHILL

620



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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.

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

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

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

Water and Wastewater

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may will be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction.

The landowner must pay the tap and impact fees once the landowner makes an application for Austin Water utility tap permits.

October 9, 2018

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

via hand delivery

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

Dear Mr. Gonzales:

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

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

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

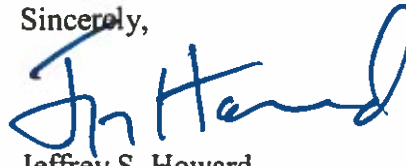
(1:11:16 of the video recording posted at <https://austintx.swagit.com/play/02212017-1071>).

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

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

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

Sincerely,

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

Jeffrey S. Howard
McLean & Howard, LLP



MEMORANDUM

TO: Sherri Sirwaitis, Case Manager
Planning & Zoning Department

CC: Jeffrey Howard, McLean & Howard, LLP

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

DATE: March 13, 2019

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

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

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

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

Roadways

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

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

Trip Generation and Traffic Analysis

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

Table 1		
Zoning	Intensity	Trip Generation
SF – 1	42.064 acres, Approx. 183 d.u.	1,813
SF – 1 – CO	45 d.u.	499
TOTAL		499

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

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

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

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

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

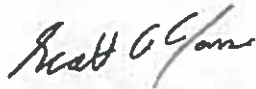
According to Section 25 – 6 – 116 of the Land Development Code, local streets are operating at a desirable level if it does not exceed the following levels:

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

Conclusions and Recommendations

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

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



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

Sirwaitis, Sherri

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

From: Brenda Langford <>

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

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

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

Ms. Sirwaitis,

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

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

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

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

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

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

Thank you for your time and consideration of this matter.

Best regards,
Brenda Langford
10500 Milky Way

Sirwaitis, Sherri

Subject: FW: Zoning case C14-2018-0124

From: Brian Showers <>

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

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

Subject: RE: Zoning case C14-2018-0124

Hi Ms. Sirwaitis,

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

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

Thank you,
Brian Showers

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

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

To: Brian Showers <>

Subject: RE: Zoning case C14-2018-0124

Hi Mr. Showers,

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

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

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

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

Thank you,

Sherri Sirwaitis

City of Austin

Planning & Zoning Department

sherri.sirwaitis@austintexas.gov

512-974-3057(office)

From: Brian Showers <>

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

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

Subject: Zoning case C14-2018-0124

Ms. Sirwaitis,

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

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

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

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

Thank you,
Brian Showers

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

Sirwaitis, Sherri

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

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

Ms. Sirwaitis,

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

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

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

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

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

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

Respectfully,
Brenda Langford

Case number: C14-2018-0124
24 March 2019

To the Land Use Commission members,

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

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

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

A handwritten signature in dark ink, appearing to read "Stuart Damore".

Stuart Damore
10301 Milky Way Dr.
Austin, Texas 78730



NOTICE OF PUBLIC HEARING FOR REZONING

Mailing Date: March 8, 2019

Case Number: C14-2018-0124

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

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

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

Proposed Zoning Change:

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

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

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

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

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

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

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

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2018-0124
Contact: Sherri Sirwaitis, 512-974-3057
Public Hearing: March 19, 2019, Zoning and Planning Commission
April 11, 2019, City Council

STUART DAMORE
Your Name (please print)

☐ I am in favor
☒ I object

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

Stuart Damore
Signature

24 Mar 19
Date

Daytime Telephone: 512 751 0566

Comments:

SEE ENCLOSED LETTER

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810



River Place Homeowners Association

March 25, 2019

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

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

Dear Ms. Sirwaitis,

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

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

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

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

March 25, 2019

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

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

Sincerely,

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

Scott Crosby

President – River Place Homeowners Association

Cc: 2222 CONA

COA City Council