

SECOND / THIRD READINGS SUMMARY SHEET

CASE: C14-2022-0013 – 5410-5504 Viewpoint Drive

DISTRICT: 2

ADDRESSES: 5410, 5412, 5500, 5502, and 5504 Viewpoint Drive

PROPERTY OWNERS: Jason Martin and Marshall Fleniken

AGENT: Drenner Group, PC (Leah Bojo)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

REQUEST:
Approve Second and Third Readings
From single family residence-standard lot – neighborhood plan (SF-2-NP)
To family residence – neighborhood plan (SF-3-NP)

CITY COUNCIL ACTION:

June 16, 2022:

June 9, 2022: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO JUNE 16, 2022. VOTE: 11-0.*

May 19, 2022: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO JUNE 9, 2022. VOTE: 10-0, COUNCIL MEMBER RENTERIA WAS OFF THE DAIS*

April 21, 2022: *APPROVED SF-3-NP DISTRICT ZONING AS THE PLANNING COMMISSION RECOMMENDED, ON FIRST READING.*
VOTE: 10-0, COUNCIL MEMBER POOL WAS OFF THE DAIS

ORDINANCE NUMBER:

ISSUES:

The ordinance reflects Council action taken on First Reading.

The Applicant has met with the Los Arboles Homeowners Association.

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0013 – 5410-5504 Viewpoint Drive

DISTRICT: 2

ZONING FROM: SF-2-NP

TO: SF-3-NP

ADDRESS: 5410, 5412, 5500, 5502, and 5504 Viewpoint Drive

SITE AREA: 1.59 acres

OWNERS / APPLICANTS: Jason Martin and Marshall Fleniken

AGENT: Drenner Group, PC (Leah Bojo)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant family residence – neighborhood plan (SF-3-NP) combining district zoning. *For a summary of the basis of Staff's recommendation, see case manager comments on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

March 22, 2022: *APPROVED SF-3-NP DISTRICT ZONING, AS STAFF RECOMMENDED, BY CONSENT*

[A. AZHAR; C. HEMPEL – 2ND] (10-0) S. PRAXIS – NOT PRESENT FOR PASSAGE OF THE CONSENT AGENDA; J. CONNOLLY; J. MUSHTALER – ABSENT

CITY COUNCIL ACTION:

June 16, 2022:

June 9, 2022: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO JUNE 16, 2022. VOTE: 11-0.*

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ORDINANCE NUMBER:

ISSUES:

The ordinance reflects Council action taken on First Reading.

The Applicant has met with the Los Arboles Homeowners Association.

CASE MANAGER COMMENTS:

The subject five platted, undeveloped lots are located along Viewpoint Drive east of its intersection with Nuckols Crossing Road, and zoned single family residence - standard lot – neighborhood plan (SF-2-NP) district. Viewpoint Drive is one of two primary access points for single family residences in the Viewpoint at Williamson Creek Phases I and II subdivision (which includes the Los Arboles HOA) to the south (SF-2-NP). There are large heavily treed, undeveloped tracts on the north side of Viewpoint Drive and the St. Elmo Tributary of Williamson Creek is further north (SF-2-NP; SF-2-CO-NP; DR-NP). ***Please refer to Exhibits A (Zoning Map), A-1 (Aerial Exhibit), and B (Recorded Replat).***

The Applicant has requested family residence – neighborhood plan (SF-3-NP) district zoning in order to build either two-family residences or duplexes on the lots.

BASIS OF RECOMMENDATION:

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

The family residence (SF-3) district is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots or to new development of family housing on lots that are 5,750 square feet or more. A two-family residence allows for one single family residence, plus a second detached unit not to exceed 1,100 square feet or a floor-to-area ratio of 0.15 : 1, whichever is smaller on each lot. The detached unit is limited to 2 stories or 30 feet in height, and 550 square feet on the second story, if any. A duplex use that is designated in an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

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

The requested SF-3-NP zoning would allow for up to two residential units on the property. Staff recommends the Applicant's request because the property meets the intent of the SF-3 district as it fronts on a local residential street and is located within an existing single family residential neighborhood.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2-NP	Undeveloped
<i>North</i>	SF-2-NP; SF-2-CO-NP; DR-NP	Undeveloped (under private ownership)

<i>South</i>	SF-2-NP	Single family residences in the Viewpoint at Williamson Creek Phases I & II subdivision
<i>East</i>	DR-NP	Undeveloped (under private ownership)
<i>West</i>	SF-2-NP	Undeveloped (under private ownership)

NEIGHBORHOOD PLANNING AREA: Southeast Combined (McKinney)

TIA: Is not required

WATERSHED: Williamson Creek – Suburban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: This property is served by the Del Valle Independent School District.

NEIGHBORHOOD ORGANIZATIONS:

176 – Kensington Park Homeowners Assn. 511 – Austin Neighborhoods Council
 627 – Onion Creek Homeowners Association 742 – Austin Independent School District
 774 – Del Valle Independent School District 1071 – Los Arboles Homeowner’s Association
 1228 – Sierra Club, Austin Regional Group 1258 – Del Valle Community Coalition
 1316 – Southeast Combined Neighborhood Plan Contact Team 1363 – SEL Texas
 1408 – Go!Austin/Vamos!/Austin (GAVA)-78744
 1441 – Dove Springs Proud 1530 – Friends of Austin Neighborhoods
 1550 – Homeless Neighborhood Association 1614 – Caracol Southeast
 1616 – Neighborhood Empowerment Foundation 1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2017-0010.SH – Nuckols Crossing Road Rezoning – SMART Housing – 4400 Nuckols Crossing Rd	SF-2-NP to MF-4-NP, as amended	To Grant MF-4-CO-NP w/the -CO for MF-2 development standards except for height, and the conditions of the Neighborhood Traffic Analysis	Apvd MF-4-CO-NP with a Restrictive Covenant for the conditions of the Neighborhood Traffic Analysis memo and Addendum (8-27-2020).
C14-03-0029 – Southeast Combined Creek Setback, South of Burleson Rd, East of Stassney Ln	Add a CO to establish a development setback for unclassified waterways	To Grant the add’l CO for a setback that prohibits development for 50’ in both directions from the centerline of an open waterway. Exceptions include utility crossings, hike & bike trails, driveway crossings and roadway	Apvd as Commission recommended (6-5-2003).

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
		crossings	
C14-01-0041 – Woodway Village Apartments – 4500- 4510 Nuckols Crossing Rd	SF-2 to MF-3- CO on 16.592 acres	To Grant MF-2-CO on 13.226 acres w/CO for SF-6 density (remainder to be left as SF-2); and conds for r-o-w on Maufrais and Nuckols Crossing Rd	Apvd MF-2-CO as Commission recommended (9-27-2001; corrective ord. 01-30-2003).
C14-87-093 – Viewpoint at Williamson Creek Phase I & II Section A - 4515 - 4707 Blk of Nuckols Crossing Rd at Viewpoint Dr	SF-2 to SF-3	To Grant SF-3, subject to conditions	Case Expired.

RELATED CASES:

The subject property is located within the boundaries of the Southeast Combined (McKinney) Neighborhood Planning Area and the –NP combining district was appended to the SF-2 zoning at that time (C14-02-0128.02 – Ordinance No. 021010-12b). The property is designated as Single Family and Transportation land uses on the Future Land Use Map (FLUM) and an amendment to the FLUM is not required.

The property is platted as Lots 1, 2, 3, 4, and 5, Block L of the Replat of the Viewpoint at Williamson Creek Phases I & II, a subdivision recorded in September 2003 (C8-03-0078.0A.SH).

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Viewpoint Drive	66 feet	42 feet	Level 1 (Local)	No	None	No
Nuckols Crossing Road	70 feet	25 feet	Local Collector (7,155 vpd north of Viewpoint Dr; 5,326 vpd south of Viewpoint Dr – 2020)	No	Yes	No

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a bike lane is recommended for Nuckols Crossing Road.

OTHER STAFF COMMENTS:Inclusive Planning

Project Name and Proposed Use: 5410-5504 Viewpoint Drive. 1.59 acres. Undeveloped to 10 Single Family Houses and / or Duplexes.

Yes	Imagine Austin Decision Guidelines
Compact and Connected Measures	
Y	Imagine Austin Growth Concept Map: Located close to, within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified on the Growth Concept Map. Name(s) of Activity Center/Activity Corridor/Job Center: 0.12 miles from McKinney Job Center and 0.26 miles from Dove Springs Neighborhood Center
	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station.
Y	Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane (across the street).
	Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market.
	Connectivity and Education: Is located within 0.50 miles from a public school or university.
	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreational area, park and/or walking trail.
	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, specialized outpatient care.)
	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable house.
	Housing Choice: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Mixed Use: Provides mixed use development (minimum 10% residential and 10% non-residential floor area).
	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
2	Total Number of "Yes's"
Imagine Austin Priority Program Bonus Features (Extra Points)	
Y	Small Area Plan Policies: Supports applicable Small Area Plans, including the Future Land Use Map, goals, objectives, actions and text. List three small area plan policies that relate to this project. Name of Small Area Plan: Southeast Combined Neighborhood Plan Area (McKinney NP)
	Culture and Historic Preservation: Preserves or enhances a historically and/or

	culturally significant site.
	Culture and Creative Economy: Expands Austin’s creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially an industry that is currently not represented in particular area or that promotes a new technology.
	Workforce Development, the Economy and Education: Promotes educational opportunities or workforce development training.
3	Total Number of “Yes’s” on Top and Under Bonus Features

Applicable Small Area Plan Policies:

Goal 1 Provide a balance of mixed-income housing options that will contribute to the neighborhood’s vitality and stability and encourage the development of land uses that promote the interaction between residential and non-residential uses. P. 54

Action Item 2 Rezone residentially-used properties inappropriately zoned for their current use to provide a stable supply of housing options.

Action Item 3 Support the rezoning of undeveloped land in residential areas to make future development compatible with the prevailing residential land use scheme.

Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City’s Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

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

At this time, site specific information is unavailable regarding 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.

Impervious Cover

The maximum impervious cover allowed by the *SF-3-NP* zoning district would be 45%, which is based on the more restrictive zoning regulations.

PARD – Planning & Design Review

Parkland dedication will be required for the new residential units proposed by this development, single family with SF-3 zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the Applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan and Compatibility Standards

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.

Rezoning from SF-2-NP to SF-3-NP does not trigger the application of compatibility standards.

The applicable building standards are outlined below:

Breakdown by square footage for living area/garage/patio/porch is required on duplex residential site plans.

Setbacks for duplex residential:

- Anything that juts more than 5 feet into a setback must be fireproofed. Standard side setback is 5 feet with a maximum allowable 2-foot overhang. The overhang cannot have any openings, soffit vents, windows, etc.
- Setbacks between buildings is 10 feet (5 feet on each side). Any encroachment into this setback must be fireproofed.
- Nothing can encroach into a 2-foot setback.

Transportation

Transportation Assessment

Assessment of required transportation mitigation, including the potential dedication of right-of-way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

Austin Water Utility

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin.

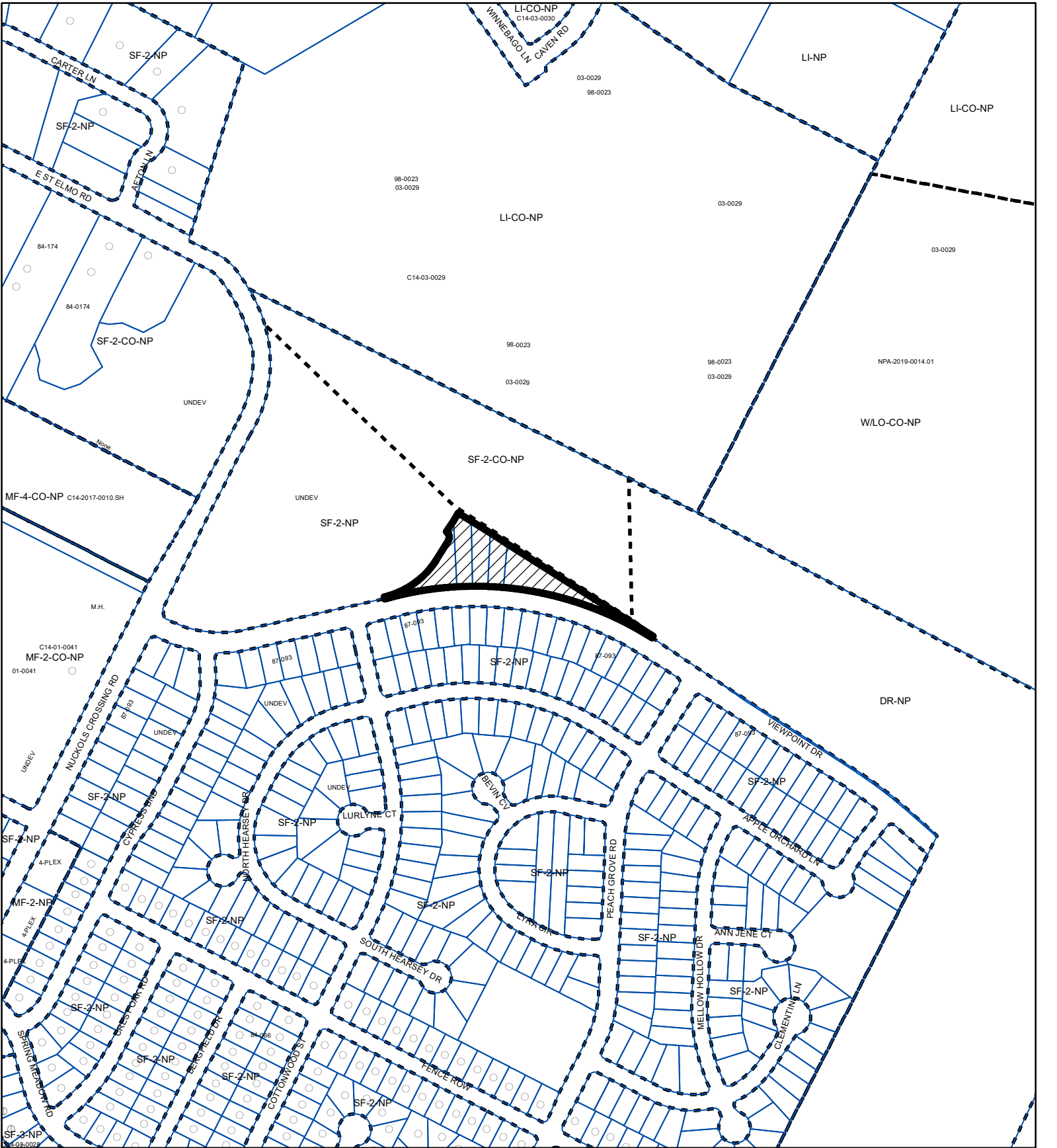
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS AND ATTACHMENT TO FOLLOW:

A: Zoning Map
A-1: Aerial Map

B: Recorded Replat

Correspondence Received



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

1" = 400'

ZONING
ZONING CASE#: C14-2022-0013

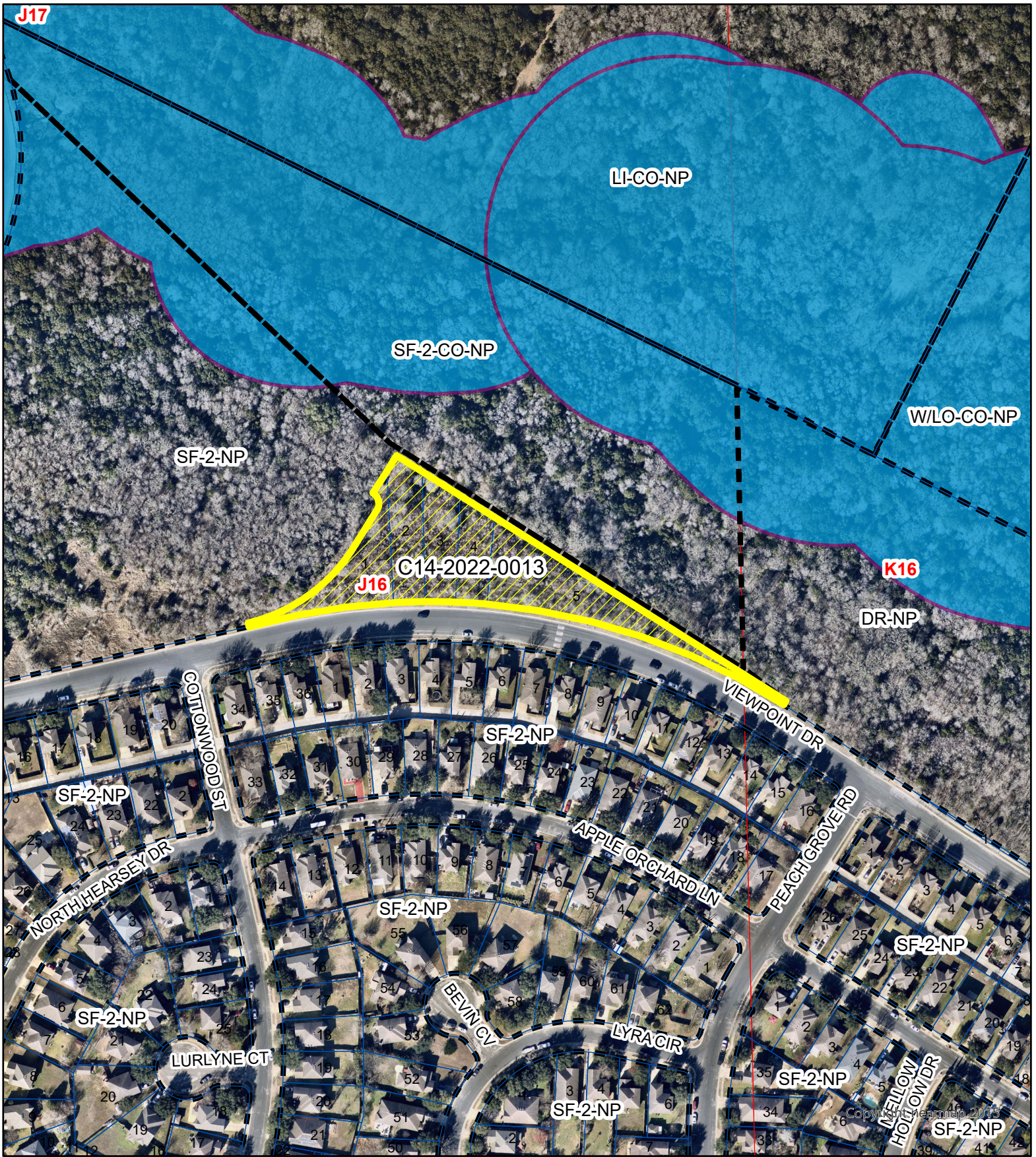
Exhibit A

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 the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



Created: 2/8/2022



N



1" = 200'

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

5410-5504 Viewpoint Drive

Exhibit A - 1

ZONING CASE#: C14-2022-0013

LOCATION: 5410-5504 Viewpoint Drive

SUBJECT AREA: 1.59 Acres

GRID: J16

MANAGER: WENDY RHOADES



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

SITE

Scale: 1"=100'

LEGEND

- = Iron Stake Found
- = Iron Stake Set
- = Conc. Monument Set
- B.L. = Building Setback Line
- () = Record Information
- ▪ ▪ ▪ = Sidewalk
- E. & T.E. = Electric & Telecommunications Easement

SUBMITTAL DATE: APRIL 16, 2003

CHUANG'S INVESTMENTS, INC.
VOLUME 12688 PAGE 1691

TEXAS PARKS & WILDLIFE DEPARTMENT
VOLUME 12649 PAGE 737

LOCATION MAP
(NOT TO SCALE)

BENCHMARKS:

- 1) 2-600 NAILS SET IN POWER POLE IN THE EAST R.O.W. 21
OF NUCKOLS CROSSING ROAD, 245'+/- NORTH OF THE
INTERSECTION OF NUCKOLS CROSSING ROAD WITH VIEWPOINT
DRIVE ELEV.= 617.09'
- 2) "X" CUT ON TOP OF CURB @ END OF EXISTING CURB 20
PEACH GROVE ROAD, NEAR NORTHWEST CORNER OF LOT 1,
BLOCK "H", WILLIAMSON CREEK SUBDIVISION SECTION ONE- A
PLAT BOOK 82, PAGES 127-129 ELEV.= 573.96'

PLAT SUMMARY

OWNER: STASSMEY CROSSING L.P.,
ACTING BY AND THROUGH
FELIPE VON INC., ITS GENERAL PARTNER
TY CUNNINGHAM, PRESIDENT
248 ADDIE ROY ROAD, SUITE B-101
AUSTIN, TEXAS 78746

ACREAGE: 10.747 AC.

SUBMITTAL DATE: APRIL 16, 2003

LOTS: 38 SINGLE-FAMILY + 1 DRAINAGE = 39

LENGTH OF STREETS: 929 LF

JURISDICTION: FULL-PURPOSE CITY OF AUSTIN

SURVEYED BY: TRIMBLE LAND SURVEYING, INC.
7793 BURNET RD. # 63
AUSTIN, TEXAS 78757

ENGINEERED BY: LOCKWOOD ENGINEERS, INC.
8000 ANDERSON SQUARE LANE
SUITE 101
AUSTIN, TEXAS 78757

C8-03-0078.0A.SH
SHEET 1 OF 3

12 BLOCK "D" 13

BLOCK "E"

BLOCK 'F'		
9	10	11

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the 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. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2022-0013

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: March 22, 2022, Planning Commission

Laurel Francel

Your Name (please print)

☒ I am in favor
☐ I object

5609 Apple Orchard Ln

78744

Your address(es) affected by this application (optional)

Laurel Francel

3-17-2022

Signature

Date

Daytime Telephone (Optional):

Comments:

If you use this form to comment, it may be returned to:
City of Austin, Housing & Planning Department
Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

Or email to:

wendy.rhoades@austintexas.gov

Leah M. Bojo

512-807-2918

DRENNER GROUP

May 18, 2022

Ms. Rosie Truelove
Housing and Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

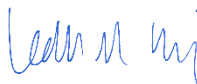
Re: 5410-5504 Viewpoint Drive (C14-2022-0013) - Postponement request for the zoning application associated with the property located at 5410, 5412, 5500, 5502, and 5504 Viewpoint Drive, Austin, Texas (the "Property")

Dear Ms. Truelove:

As representatives of the owner of the Property, we respectfully request a postponement of zoning case no. C14-2022-0013 on the May 19, 2022, City Council agenda to the June 9, 2022, City Council agenda. This postponement request is to allow us to continue to work with the adjacent homeowner's association.

Please let me know if you have any questions or if we can provide any additional information. Thank you for your time and attention to this matter.

Sincerely,



Leah M. Bojo
Drenner Group

cc: Wendy Rhodes, Housing and Planning Department (*via electronic delivery*)
Joi Harden, Housing and Planning Department (*via electronic delivery*)
Jerry Rusthoven, Housing and Planning Department (*via electronic delivery*)

Leah M. Bojo
lbojo@drennergroupp.com
512-807-2918

DRENNER GROUP

June 6, 2022

Ms. Rosie Truelove
Housing and Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

Re: 5410-5504 Viewpoint Drive (C14-2022-0013) - Postponement request for the zoning application associated with the property located at 5410, 5412, 5500, 5502, and 5504 Viewpoint Drive, Austin, Texas (the "Property")

Dear Ms. Truelove:

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Please let me know if you have any questions or if we can provide any additional information. Thank you for your time and attention to this matter.

Sincerely,



Leah M. Bojo
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