ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0113 DISTRICT: 10
4206 & 4208 Rivercrest Rezoning

ZONING FROM: LA TO: SF-2

ADDRESS: 4206 and 4208 Rivercrest Drive, as amended (09/29/2022)

SITE AREA: 0.437 Acres

PROPERTY OWNER: AGENT:
Lauren Thomson 1998 Trust (Lauren Scott) Thrower Designs (A. Ron Thrower)

CASE MANAGER: Heather (512-974-2122) heather.chaffin@austintexas.gov

STAFF RECOMMENDATION:
Staff supports the Applicant's request of SF-2 zoning. *A summary of the basis of staff's recommendation, see page 2.*

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:
January 17, 2023:

CITY COUNCIL ACTION:
February 23, 2023:

ORDINANCE NUMBER:

ISSUES:
The rezoning request was initially filed for 4208 Rivercrest Drive; 4206 Rivercrest Drive was added to the request at a later date. Both tracts of have the same owner and the request remains to rezone the properties from LA to SF-2 because the lots do not meet the 1-acre minimum area requirement of the LA zoning district.

CASE MANAGER COMMENTS:
The subject property is comprised of two lots located on the west side of Rivercrest Drive. 4208 Rivercrest is currently developed with a single family residence and a detached garage. The subject property is bounded by Lake Austin on the west. Properties in the area are zoned LA, SF-2-CO, I-RR and I-SF-2. Most lots are developed with single family residential use but a townhouse/condominium development is also in the area. This area is in the Lake Austin Overlay. A portion of the property is located in the 100-year floodplain, and the majority of the property is within a water quality zone (CWQZ/WQTZ) and is in the Drinking Water Protection Zone. The site is also constrained with areas of slope exceeding 15%. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***
A nearby property at 4200 Rivercrest Drive was zoned from LA to SF-2-CO in 2013. The CO included the following conditions:

1. A 25-foot wide shoreline setback shall be established parallel to and measured from the west property line.
2. Development of the Property may not exceed one residential unit, including all accessory structures allowed in the single family residence standard lot (SF-2) district zoning.
3. A permanent improvement on the Property is prohibited in the shoreline setback area, except for a retaining wall, pier, wharf, boat-house or marina or a driveway to a structure of building. Page 1 of 2
4. Not more than 30 percent of the woody vegetation within the shoreline setback area may be removed.
5. Except for surveying or testing, vegetation within the shoreline setback area may not be removed before a building permit is issued. For surveying or testing, areas up to 15 feet wide may be cleared, and trees smaller than six inches in diameter may be removed.
6. On slopes of 15% or less, development of the Property may not exceed 35 percent impervious coverage.
7. Development of the Property shall comply with the front yard, street side yard, interior side yard and rear yard setback requirements applicable in an SF-2 district.

These items were also codified in a public restrictive covenant (RC). The 2013 rezoning was supported by the Upper Rivercrest Homeowners Association but opposed by some individual residents in the area. ***Please see Exhibits C and D—4200 Rivercrest Ordinance and Restrictive Covenant.***

The property owner proposes demolition of the existing house and garage to redevelop the site. They intend to redevelop the site with one single family home on one lot and locating the related

septic drain field on the other lot. Staff supports the rezoning request. The existing structures were built in 1970 and predate current Code for environmental and residential development standards. Rezoning to SF-2 will allow the property to be redeveloped with a suitable use and density for the area in compliance with current Code. ***Please see Exhibit E- Applicant Summary Letter.***

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*
2. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*
3. *Zoning should allow for reasonable use of the property.*
4. *Zoning should be consistent with approved and existing residential densities.*
5. *Granting of the request should result in an equal treatment of similarly situated properties.*

EXISITING ZONING AND LAND USES

	Zoning	Land Uses
Site	LA	Single family residential
North	LA	Single family residential
South	LA, SF-2-CO	Single family residential
East	LA, I-SF-2, I-RR	Single family residential, Townhouse/Condominium residential
West	Lake Austin	N/A

TIA: N/A

WATERSHED: Lake Austin

OVERLAYS: Lake Austin Overlay

NEIGHBORHOOD ORGANIZATIONS

Aqua Verde Homeowners Association
Austin Independent School District
Austin Lost and Found Pets
BRNA ASSOCIATION INC.
City of Rollingwood
Friends of Austin Neighborhoods
Glenlake Neighborhood Association
Neighborhood Empowerment Foundation
River Place HOA
SELTexas
Save Our Springs Alliance
Sierra Club
Travis County Natural Resources
The Creek at Riverbend Neighborhood Association

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2013-0045 4200 Rivercrest	LI to SF-2-CO	6/4/2013: To grant SF-2-CO. (See ordinance for conditions)	11/21/2013: To grant SF-2-CO as rec. by ZAP

RELATED CASES:
No related cases.

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Rivercrest Drive	Level 1	58	52		No	No	No

OTHER STAFF COMMENTS:

COMREHENSIVE PLANNING

Yes	Imagine Austin Decision Guidelines
	Complete Community Measures
	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. **Name(s) of Activity Center/Activity Corridor/Job Center:**
	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station.
	Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane.
	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: Located within 0.50 miles from a public school or university.
1	**Connectivity and Healthy Living**: Provides or is located within 0.50 miles from a recreation area, park 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, and/or 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 housing.
	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 a mix of residential and non-industrial uses.
	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	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 in industries that are currently not represented in particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
1	**Total Number of "Yes's"**

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Lake Austin Watershed of the Colorado River Basin, which is classified as a Water Supply Rural Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.

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

Development Classification	*% of Net Site Area*	*% NSA with Transfers*	*Allowable Density*
One or Two Family Residential	n/a	n/a	1 unit/2 acres net site area
Multifamily Residential	20%	25%	n/a
Commercial	20%	25%	n/a

3. Single family or duplex development within a Water Quality Transition Zone may not exceed a density of one unit per three acres, exclusive of land within a 100-year floodplain.

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

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

6. 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.

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

SITE PLAN

SP1. In the event that demolition of existing buildings is proposed, the applicant is responsible for requesting demolition permits. The Historic Preservation Office will review all proposed building demolitions and may initiate a historic zoning case if a building meets city historic criteria., may not be constructed 50 feet or less from adjoining SF-3 property.

TRANSPORTATION

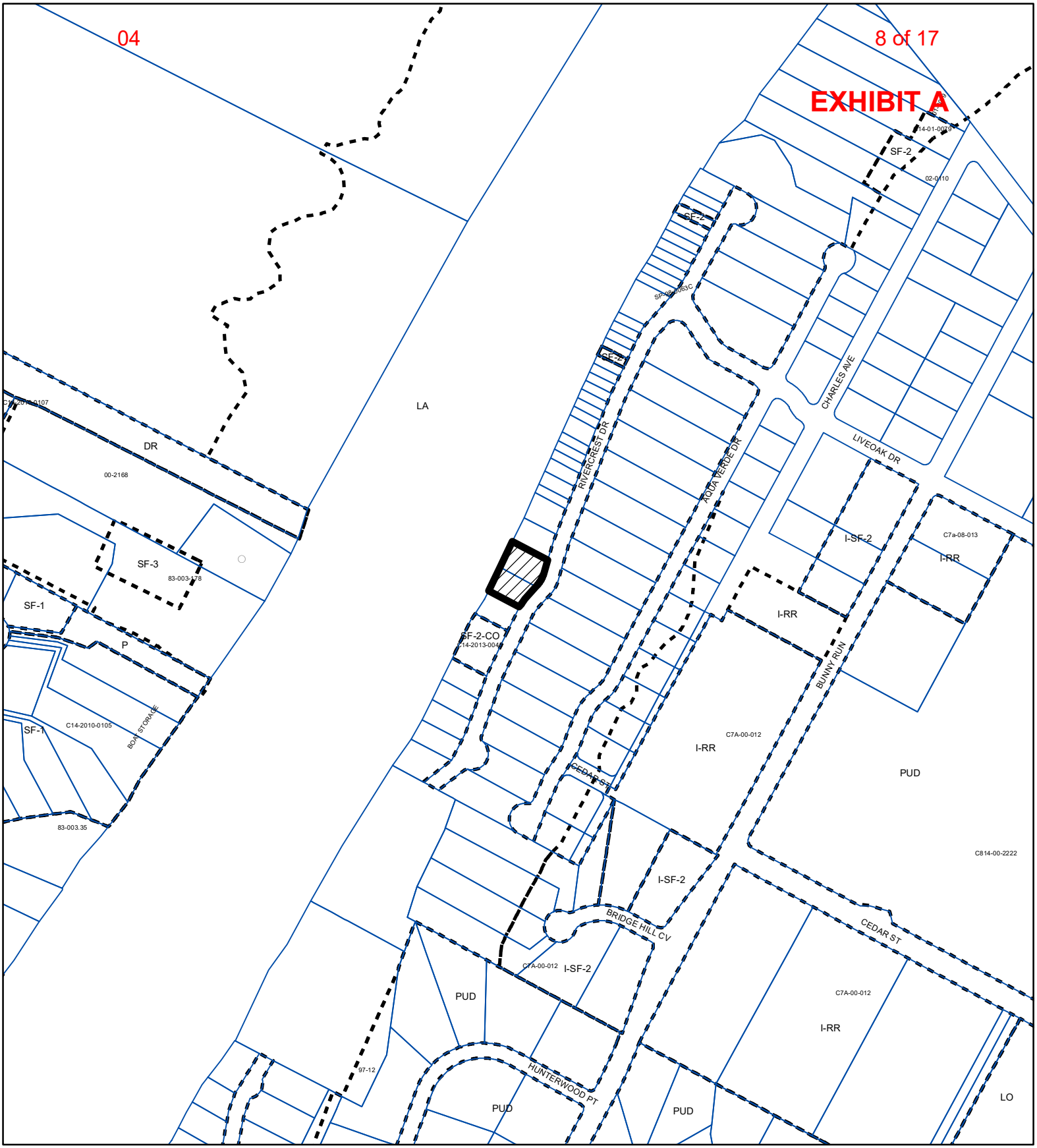
Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. Transportation assessment/traffic impact analysis and transportation demand management plan shall be required at the time of site plan if triggered per LDC 25-6 and TCM 10.2.1.

WATER UTILITY
Not within Austin waster's CCN. Within Austin Waters jurisdiction for OSSF.

INDEX OF EXHIBITS TO FOLLOW:

A: Zoning Map
B. Aerial Exhibit
C. 4200 Rivercrest Ordinance
D. 4200 Restrictive Covenant
E. Applicant Summary Letter

EXHIBIT A



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SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2022-0113

1 " = 400 '

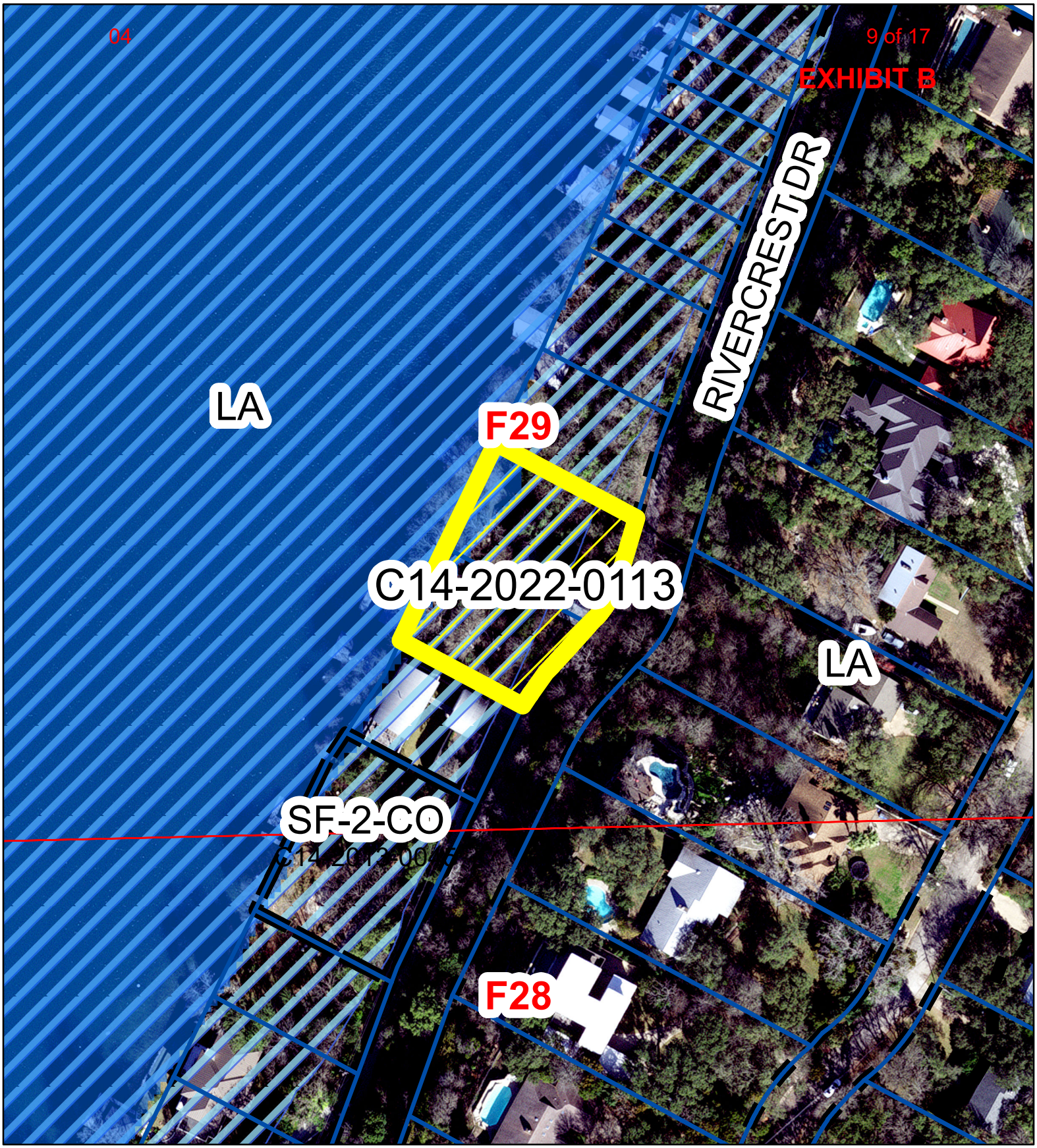
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by 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

CITY OF AUSTIN FOUNDED 1839

Created: 11/14/2022

EXHIBIT B



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SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

FULL DEVELOP FLOODPLAIN

CREEK BUFFER

1 " = 100 '

ZONING CASE#: C14-2022-0001
MANAGER: Heather Chaffin

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Created: 1/12/2023
by: meekss

EXHIBIT C

ORDINANCE NO. 20131121-083

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4200 RIVERCREST DRIVE FROM LAKE AUSTIN RESIDENCE (LA) DISTRICT TO SINGLE FAMILY RESIDENCE STANDARD LOT-CONDITIONAL OVERLAY (SF-2-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from lake austin residence (LA) district to single family residence standard lot-conditional overlay (SF-2-CO) combining district on the property described in Zoning Case No. C14-2013-0045, on file at the Planning and Development Review Department, as follows:

Lot K, McDett Estate Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 63, Page 23 of the Plat Records of Travis County, Texas; and,

Lot 5, Block C, Aqua Verde Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 25, Page 50 of the Plat Records of Travis County, Texas;

locally known as 4200 Rivercrest Drive in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

A. A 25 foot wide shoreline setback shall be established parallel to and measured from the west property line.

B. Development of the Property may not exceed one residential unit, including all accessory structures allowed in the single family residence standard lot (SF-2) district zoning.

C. A permanent improvement on the Property is prohibited in the shoreline setback area, except for a retaining wall, pier, wharf, boat-house or marina or a driveway to a structure of building.

D. Not more than 30 percent of the woody vegetation within the shoreline setback area may be removed.

E. Except for surveying or testing, vegetation within the shoreline setback area may not be removed before a building permit is issued. For surveying or testing, areas up to 15 feet wide may be cleared, and trees smaller than six inches in diameter may be removed.

F. On slopes of 15% or less, development of the Property may not exceed 35 percent impervious coverage.

G. Development of the Property shall comply with the front yard, street side yard, interior side yard and rear yard setback requirements applicable in an SF-2 district.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the single family residence standard lot (SF-2) base district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on December 2, 2013.

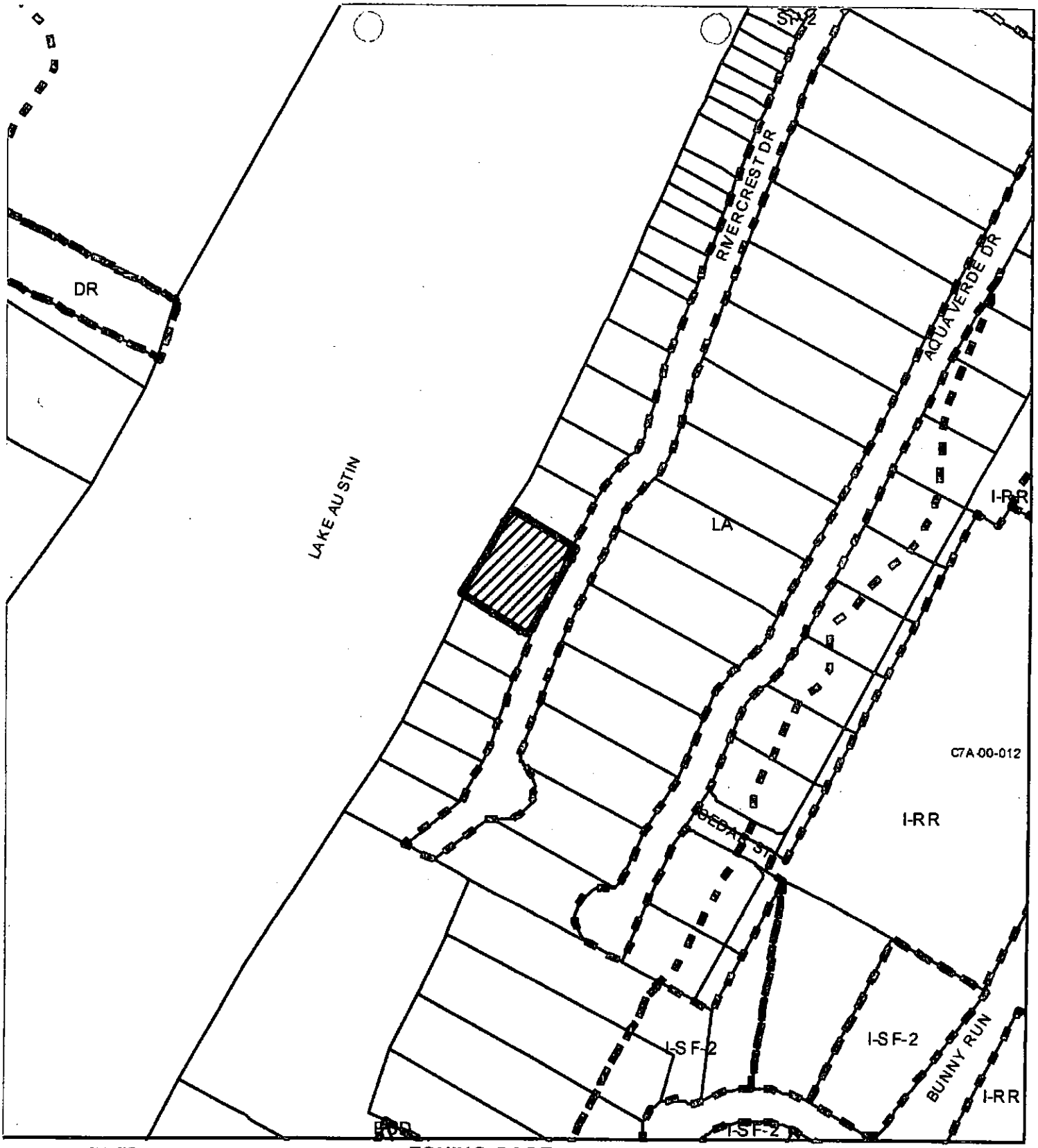
PASSED AND APPROVED

§
§
November 21, 2013 §

Lee Leffingwell
Mayor

APPROVED:
Karen M. Kennard
City Attorney

ATTEST:
Jannette S. Goodall
City Clerk



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SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING CASE

C14-2013-0045

1" = 200'

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This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Exhibit A

EXHIBIT D

TRV 2013210040 3 PGS

Zoning Case No. C14-2013-0045RC

RESTRICTIVE COVENANT

FILED IN THE OFFICE OF CITY CLERK
ON 16th DAY OF Dec 20 13
AT 9:00AM
VG
CITY CLERK

OWNER: Brian G. Huber

ADDRESS: P.O. Box 30496, Austin, Texas 78755

CONSIDERATION: Ten and No/100 Dollars ($10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Lot K, McDett Estate Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 63, Page 23 of the Plat Records of Travis County, Texas; and,

Lot 5, Block C, Aqua Verde Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 25, Page 50 of the Plat Records of Travis County, Texas.

WHEREAS, the Owner (the "Owner", whether one or more), of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant ("Agreement"). These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. Owner agrees to impose a Unified Development Agreement on the Property. The agreement will allow the Property to be developed with one single family residence, including all permitted accessory structures that are allowed in the single family residence-standard lot (SF-2) zoning district.

2. Development of the Property shall not exceed an impervious coverage of 10.7 percent on slopes greater than 35 percent.

3. No development on the Property is allowed on greater than 35 percent slopes, except for a driveway, garage and walkway to the main residence. The walkway may be an enclosed heated and cooled space for safety purposes, and support piers shall be allowed, per the design team's structural engineer's discretion. The walkway may encompass up to 700 square feet of impervious cover, to allow for compliance with the City of Austin Fire Code requirements. All walkway impervious cover located on

11-21-13 On Agenda #83

greater than 35% slopes shall count towards the maximum 10.7 percent maximum impervious cover that is allowed on the Property's greater than 35 percent slope areas. No portion of the main residence is allowed on greater than 35 percent slope areas. Owner shall restore remaining portion of the existing driveway with vegetation (native 609S spec) to a stable, non-erosive condition.

4. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such actions, and to collect damages for such actions.

5. If any part of this Agreement is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Agreement, and such remaining portion of this Agreement shall remain in full effect.

6. If at any time the City of Austin fails to enforce this Agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

7. This Agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 21st day of NOVEMBER, 2013.

OWNER:

Brian G. Huber

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 21 day of November, 2013, by Brian G. Huber.

Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Law Department
P. O. Box 1088
Austin, Texas 78767
Attention: J. Collins, Paralegal

NOTARY PUBLIC STATE OF TEXAS
MARGARITA ACUNA
My Commission Expires
June 19, 2016

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Nov 22, 2013 03:33 PM 2013210040
BENAVIDESV: $34.00
Dana DeBeauvoir, County Clerk
Travis County TEXAS

Thrower Design LLC
LAND PLANNERS

September 29, 2022

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

Via Electronic Delivery

Re: Rezoning of 4208 Rivercrest Drive, Austin, 78746
C14-2022-0113

Dear Ms. Trulove:

On behalf of the Owner(s) of the properties referenced above, we submit amendments to the application of case C14-2022-0113. The amendment is made to add the adjacent property, addressed as 4206 Rivercrest Drive, legally platted as Lot 9, Block C of the Aqua Verde Subdivision, in the City of Austin Full Purpose Jurisdiction.

Both tracts of have the same owner and the request remains to rezone the properties from *Lake Austin* (LA) district zoning to *Single Family – Standard Lot* (SF-2) because the lots do not meet the 1-acre minimum area requirement of the LA zoning district and the landowner desires to redevelop the site with a new single-family home for which will be extremely challenging, if not impossible, under the LA zoning district site development requirements. Rezoning of the second tract is necessary to accommodate land area needed for the septic drain field associated with the redevelopment.

Per the staff report of case C14-2013-0045, the City conducted a study of the Lake Austin area in 1983 and it was determined at that time that SF-2 zoning was appropriate and acceptable for this area. Therefore, landowners were given the opportunity to seek permanent zoning to LA, SF-2 or SF-3. We respectfully ask for the same treatment and opportunity for this subject tract. The rezoning will allow for development that is compatible and consistent with long-standing

and newer development/redevelopment in the area. Please contact our office should additional information be needed.

Kind regards,

Victoria Haase

cc: Wendy Rhoades, Housing & Planning Department *(via electronic delivery)*