

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2012-0109  
Sunflower

**PC DATE:** February 26, 2013  
March 26, 2013

**ADDRESS:** 1201 Robert E Lee Road

**AREA:** 3.147 acres

**OWNER:** Joe Joseph, Jr. & Hazel Joseph

**AGENT:** Vinson Radke Investments, LLC (Steven Radke)

**ZONING FROM:** SF-3; Family Residence

**ZONING TO:** SF-6; Townhouse and Condominium Residence with conditions

**NEIGHBORHOOD PLAN AREA:** Zilker Neighborhood  
(South Lamar Combined Neighborhood Plan Area)

**SUMMARY STAFF RECOMMENDATION:**

To grant SF-6, Townhouse and Condominium Residence with the following conditions

- 1) The maximum number of dwelling units on the tract shall be limited to eighteen (18);
- 2) The maximum number of dwelling units per building shall be one (1) unit;
- 3) The maximum height of any building or structure shall be limited to thirty (30) feet;
- 4) The maximum impervious cover for the tract shall be forty percent (40%); and
- 5) Along the southeast, east, and south property lines adjacent to property zoned with a base district of SF-6:
  - a. No building may be built within 20' of the property line;
  - b. The maximum height of any building or structure within 25' of said property line shall be limited to 1 story or 15';

**PLANNING COMMISSION RECOMMENDATION:**

March 26, 2013 Recommended Denial for SF-6-CO district zoning  
(D. Chimenti, M. Smith – 2<sup>nd</sup>) 5-4 (R. Hatfield, A. Hernandez,  
S. Oliver, J. Nortey voted nay)

February 26, 2013 Postponed to March 26, 2013 at the Applicant's Request  
(Consent Motion by J. Stevens, A. Hernandez – 2<sup>nd</sup>); 7-0-0-2  
(R. Hatfield, B. Roark absent) Commissioner Roark Absent]

**ISSUES:****Petition Update – September 17, 2013**

Staff has received no update to the petition materials previously submitted. Petitions do not expire automatically, nor does staff automatically reevaluate submitted petitions. Nonetheless, staff has not received correspondence from abutting property owners indicating their desire to be removed from the petition. As such, a petition opposing the rezoning remains valid.

**Neighborhood Sentiment & Valid Petition**

The conditions of staff recommendation listed above were drawn liberally from limitations offered by the applicant as part of the rezoning request. Staff remains unaware of any agreement between neighbors or neighborhood representatives (such as the Zilker Neighborhood Association) and the applicant on these, or other, issues. Indeed, the latest proposal by the applicant to neighboring property owners was met with a counterproposal (see Exhibits G). Staff had been informed by the applicant that these self-imposed conditions were the result of back-and-forth proposals and feedback between the applicant and neighbors or neighborhood representatives. Staff can support the conditions offered by the applicant. At the same time, staff had been informed by a neighboring property owner that what was proposed and what was deemed acceptable was still far apart. At the time of the Planning Commission meeting, it was clear neighbors and neighborhood representatives did not support the rezoning request. Correspondence from neighborhood stakeholders has been attached (see Exhibit C).

Similarly, City staff had not been informed whether the Zilker Neighborhood Association (ZNA) had adopted a position on the rezoning request. A memo outlining ZNA's opposition was presented to the Commission, and has been incorporated into stakeholders' correspondence (see Exhibit C, starting at page 62)

A valid petition was submitted within 60 days of the application being filed. This petition, which indicates opposition of eligible property owners at nearly 75%, as of March 18, 2013 (see Exhibit P), undoubtedly reflects neighboring property owners' sentiment against the rezoning request. The status of the petition remains unchanged; there is a valid petition against the proposed rezoning.

Despite the lack of support and lack of agreement between the neighborhood, its representatives, and the applicant, the applicant continued to offer several other conditions to his request (see Exhibit G 3-4). These conditions include additional compatibility efforts or aesthetic concerns, such as screening along the adjoining SF-6 properties, shielded lighting, the use of non-reflective materials, and providing adequate and separate parking spots at each unit and for visitors. While zoning staff can support each of these items, our legal staff has advised these items cannot be mandated within a conditional overlay or public restrictive covenant. Staff has been informed by the applicant that he is amenable to pursuing a private restrictive agreement with the Zilker Neighborhood Association or adjoining neighbors that includes these items. However, the likelihood of negotiating and executing such a document in a timely manner prior to Council consideration of the zoning case is unknown.

**Environmental Update – September 17, 2013**

Throughout the subdivision review process (see below) the applicant has been working with City environmental staff to determine whether a critical environmental feature (CEF) exists, and if so, to what extent such existence may impact development of the site. For example, the typical buffer around a CEF is 150 feet; the design implications of such a buffer are different to an SF-6 proposal, with its inherent flexibility, than with an SF-3 proposal, which is more restricted because of lot size and configuration requirements.

An environmental assessment (see Exhibit R) is currently under review by City staff. City staff is waiting for results of a UT study pertaining to underground water flow from Melridge to this site; surface water flow that then follows an underground wastewater pipe could explain pooling water on the subject tract. Recent information indicates this pooling water

could also be the result of a old, abandoned hand-dug well. Additional field research is recommended by city environmental staff. In the interim, however, staff's position is that there is a natural spring on site.

City staff has also determined the site is to be considered within the Lady Bird Lake watershed, which is classified as an urban watershed. The recharge zone status of this site will matter to the Texas Commission on Environmental Quality, but not for determining the City's watershed regulations, which in this case is urban. Even if the site were to be classified as a contributing zone, the City's code has no provision for regulating a contributing zone within an urban watershed.

### **Subdivision Update – September 17, 2013**

A subdivision application for a final plat was submitted to the City for review. Submitted on March 6, 2013 (Case # C8-2013-0039.0A), the application is known as Blue Bonnet Hills and consists of 9 lots. The application passed the "completeness review" and a full, formal application was submitted April 9, 2013. The application was statutorily disapproved by the Planning Commission (as is standard procedure for all subdivision applications) and staff review comments were issued May 8, 2013.

An update was submitted in June 2013 and staff review comments were subsequently issued in July, which required another formal update. A second update was submitted in August, and staff review comments were issued September 17, 2013. Another formal update is required.

### **Environmental Concerns**

Many of the stated concerns expressed to staff reflect a concern over environmental matters. Specifically, these include the site's location on the Edwards Aquifer Recharge Zone, and the natural channel/drainage way on the eastern side of the property. There is a 35' wide drainage easement along the northeastern property line, and the area abutting the channel is identified as a critical water quality zone. Neighbors have recently begun to refer to this channel in their correspondence as "Little Zilker Creek." Assertions have been made by abutting property owners that there is a critical environmental feature on the property. City environmental staff and the applicant are currently working to assess the validity of this claim.

There is additional concern about drainage, especially to Robert E. Lee, with the concern that such runoff would then flow into the Barton Creek Watershed (rather than directly into Lady Bird Lake). This concern may be the result of a staff environmental review standard comment that stated:

According to watershed maps, this site lies on or very close to the divide between the Barton Creek Watershed (Barton Springs Zone; Drinking Water Protection Zone) and the Ladybird Lake Watershed (Urban Watershed; Desired Development Zone). A geological and / or topographical analysis of the site may be needed to determine the exact boundaries of the aforementioned watersheds and zones.

Additional criteria for development in urban watersheds and the Barton Creek zone are listed in staff review comments. These review comments were issued September 10, 2012, and nothing further was required of the applicant at that time for the rezoning application. Since then the City's digital maps have been updated, and this data shows the site to be within the Lady Bird Lake (Town Lake) watershed. Nevertheless, the project engineer would

still need to examine the topography and map the drainage boundary for the site prior to development. The City's watershed data is mostly based on modeling; a project engineer could demonstrate a different watershed boundary line using a more detailed site survey.

In addition, section 25-8-2(C) of the Land Development Code requires that "For property within 1500 feet of a boundary, the director may require that an applicant provide a certified report from a geologist or hydrologist verifying the boundary location." Obviously this property is within the 1500-foot evaluation buffer, but a rezoning application is not the appropriate time to request a certified report. If there were a request for such a report, it would be at the time of site planning or subdivision.

Per staff in Watershed Protection, because of the 1500-ft verification zone, the most current geologic map for this area and 2-ft topographic data indicates that the site is within the contributing zone of Barton Spring Edwards Aquifer, because the surface runoff from the site drains down gradient of site to the recharge zone. Since watershed and recharge zone boundaries do not necessarily coincide, this is a site that is technically an urban contributing zone.

Perhaps adding to the watershed status question is relatively recent run-off and flooding, as reported by neighbors and assigned to the new construction of an SF-6 project adjacent and uphill from this site at the corner of Robert E Lee and Melridge Place (see Exhibit A-3). The combination of watershed identification, and its implications to development, along with recent flooding, may have heightened awareness of potential environmental constraints and impacts regarding development of this site.

City staff is equally concerned about protecting the environment. One of the City's adopted zoning principles is that zoning should promote the goal of environmental protection. At the same time, zoning or rezoning of a site establishes the use and development standards of a site in general...as if the site were unencumbered by any constraints. Zoning sets the parameters of use and development, but lets the site's characteristics – including its environmental features – dictate the final use of and construction on a site.

Real world constraints – be they protected heritage trees, drainage ways, steep slopes, or critical environment features, among others – will limit actual on-the-ground development. Acknowledging and responding to such constraints is part of the site-planning and building permitting process. In other words, just because a site might be entitled to a certain number of residential units or density by means of zoning does not mean that gross number or density per acre is feasible given an ultimate buildable area and other standards, such as setbacks and height. In similar fashion, a site may become entitled to a specified maximum impervious cover by means of rezoning, but constructed below that allowance because of floodplain or the vagaries of topography.

In the end, staff can – and does – recognize this site may have environmental constraints that do not encumber a flat and barren tract; but the identification and accommodation of such environmental constraints occurs at the site planning, subdivision, or building construction stage, and does not preclude staff from recommending SF-6 base district zoning as the use for this site. An assessment of the site's environmental characteristics is currently under review by City staff.

An argument might be made that the proposed SF-6, with its proposed condition of a maximum of 40% impervious cover, including the primary driveway, is more environmentally

sensitive than SF-6 without a stated limit, which for the district defaults to 55%. One could also assert an SF-6 request is environmentally superior to a straightforward subdivision of the site, which could be developed with individual lots at 45% impervious cover, and public roadways serving the lots that increase that percentage over the site because right-of-way is not counted. Perhaps developing the site under a condo regime and SF-6 zoning offers more environmental protection than similar development under subdivided SF-3 lots, given the inherent flexibility of spacing and location requirements in SF-6. If there is merit to this argument, staff welcomes it in this case, for staff recognizes that both SF-6 and SF-3 can be protective, or disruptive, of an existing environment.

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### **Bus Service**

Staff would like to acknowledge and thank two neighborhood residents for the update on Capital Metro bus service along Robert E Lee Road. Service on Route 29 has been suspended; therefore, there is no bus service in front of the site at this time, as was indicated in an earlier draft version of this report.

**DEPARTMENT COMMENTS:**

The subject tract is located on Robert E Lee Road approximately 300 feet south of the intersection of Meldridge Place and Rabb Road, or about ½ mile north of Barton Springs Road (see Exhibit A). Property to the south and southeast is zoned and developed as single-family condominiums; properties to the north and northeast are zoned and used as single-family residences. On the west side of Robert E Lee the properties are a mix of single-family, duplex, triplex, and condominiums, although all are zoned single-family (see Exhibit A-1 and A-2).

This property has been in the City limits since at least 1946. Most of the single-family homes in the immediate area date from the Fifties, although there has been some redevelopment by means of new construction. Apartments further west between Trailside Road and Barton Hills Drive date from the early Seventies. Duplexes are mixed in with single-family residences, and are mostly vintage Sixties and Seventies.

In 1977, a parcel at Trailside Drive and Robert E Lee was resubdivided, creating 7 individual lots. In 1981 the northern 2.3 acres of the subject tract, along with 4 acres along Meldridge Place was subdivided into a three-lot subdivision. The 4-acre tract was simultaneously rezoned to A-2, Condominium. Ten years later the 4-acre lot was vacated and replatted, and subsequently developed as the Zilker Skyline Condominiums. Most recently, the 1.6-acre tract to the south was rezoned SF-6 and developed as the Zilker Terrace Condominiums. Other than these three-examples of higher-density infill, the residential infill and redevelopment that has been occurring in the area has been accomplished on existing SF-3 zoned lots.

This rezoning request is driven by a proposed condominium project that will include 18 single-family detached residences on 3.147 acres. Although the applicant could feasibly subdivide the tract and achieve nearly the same number of residences under the existing SF-3 zoning (9 lots with duplexes), the applicant thinks the requested SF-6 zoning, with the conditions or limitations offered, will allow for a better community outcome – both in terms of the existing neighbors and future residents – than 18 duplex units. When comparing the two options for developing the site (see Exhibit B), the end result is similar, although the applicant has stated the SF-6 option is more aesthetically pleasing and environmentally sensitive.

The applicant has included a comparison of the current SF-3 zoning with resubdivision and propose SF-6 scenarios in his presentation, a copy of which is attached per his request (see Exhibit S).

**EXISTING ZONING AND LAND USES:**

|                              | <b>ZONING</b> | <b>LAND USES</b>  |
|------------------------------|---------------|---|
| <b>Site</b>                  | SF-3          | Vacant single-family residence  |
| <b>North &amp; Northeast</b> | SF-3          | Existing single-family residences   |
| <b>South &amp; Southeast</b> | SF-6; SF-6-CO | Existing single-family condominiums   |
| <b>West</b>                  | SF-3          | Robert E Lee Road; Existing single-family, duplex, triplex and condominiums |

**AREA STUDY:** No  
**TIA:** Not Required  
**CAPITOL VIEW CORRIDOR:** No

**WATERSHED:** Lady Bird Lake  
**DESIRED DEVELOPMENT ZONE:** Yes  
**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

|   |      |
|---|------|
| Barton Hills-Horseshoe Bend (Barton Hills NA)                 | 7    |
| Zilker Neighborhood Assn.                                     | 107  |
| South Central Coalition                                       | 498  |
| Austin Neighborhoods Council                                  | 511  |
| Austin Independent School District                            | 742  |
| Home Builders Association of Greater Austin                   | 786  |
| Save Our Springs Alliance                                     | 943  |
| Save Town Lake.Org  | 1004 |
| Homeless Neighborhood Organization                            | 1037 |
| League of Bicycling Voters                                    | 1075 |
| Perry Grid 614  | 1107 |
| Austin Parks Foundation                                       | 1113 |
| Super Duper Neighborhood Objectors and Appealers Organization | 1200 |
| Austin Monorail Project                                       | 1224 |
| Sierra Club, Austin Regional Group                            | 1228 |
| The Real Estate Council of Austin, Inc.                       | 1236 |
| Austin Heritage Tree Foundation                               | 1340 |
| SEL Texas   | 1363 |

**SCHOOLS:**

Austin Independent School District  
 Zilker Elementary School                      O. Henry Middle School                      Austin High School

**ABUTTING STREETS:**

| STREET            | RIGHT-OF-WAY / PAVEMENT WIDTH | CLASSIFICATION | DAILY TRAFFIC | BICYCLE PLAN | CAPITAL METRO* | SIDEWALKS |
|-------------------|-------------------------------|----------------|---------------|--------------|----------------|-----------|
| Robert E Lee Road | Varies / 37 feet              | Collector      | 3070          | Yes          | No             | No        |

\* Updated March 14, 2013

**CASE HISTORIES:**

| NUMBER                             | REQUEST | PC or ZAP COMMISSION | CITY COUNCIL |
|------------------------------------|---------|----------------------|--------------|
| <b>South</b>                       |         |                      |              |
| 1303 Robert E Lee (Zilker Terrace) |         |                      |              |

|   |  |   |  |
|---|--|---|--|
| C8-2009-0025.0A   | Plat 1.586 acres into 6 single family lots   | Approved 01/12/2010 [not recorded; withdrawn]                               | n/a  |
| C14-2010-0126   | (SF-3 to SF-6)   | Approved SF-6-CO with conditions (# of units, ht., & imp. cover) 10/16/2010 | Approved SF-6-CO with conditions; 11/18/2010 |
| <b><i>Southeast</i></b>   |  |   |  |
| 1200 Melridge (Zilker Skyline)  |  |   |  |
| C14-81-087  | From "A" 1 <sup>st</sup> H&A to "A-2" (Condominium) 1 <sup>st</sup> H&A                  |   | Approved 03/11/1982                          |
| C8S-81-184  |  |   |  |
| C14-81-087  | Plat 6.3 acres into 3 lots   | Approved 12/15/1981   | n/a  |
|   | Amend Site Plan  | Approved 01/08/1991   | Approved 05/09/1991                          |
| C8-91-0021.0A   | Replat 3.9 acres into 1 lot  | Approved 01/14/1992   | n/a  |
| <b><i>Northeast</i></b>   |  |   |  |
| South Lund Park Section 1   | Plat 27.39 acres into 95 lots  | Approved 11/20/1952   | Approved 11/26/1952                          |
| <b><i>West of Robert E Lee</i></b>  |  |   |  |
| CP14-72-030<br>Barton Hills Dr and Trailside DR                                   | 252-Unit Site Plan   | Approved 07/11/1972   | n/a  |
| C14-64-13<br>1004-1208 & 1210-1326 Barton Hills Drive & 2602-2612 Trailside Drive | From I-A 1 <sup>st</sup> H&A to "LR" 1 <sup>st</sup> H&A and "B" 1 <sup>st</sup> H&A and |   | Approved 04/23/1964                          |
| C14-68-18<br>1100-1004 & 1106-1126 Robert E Lee                                   | From I-A 1 <sup>st</sup> H&A to B 1 <sup>st</sup> H&A                                    |   | Approved 07/15/1970                          |
| C14-69-095<br>1126-1316 Barton Hills Dr   | 1: From "I-A" to "B"   |   | Approved 07/10/1969                          |
| 1240-1316 Barton Hills Drive & 2600-2612 Trailside                                | 2: From "LR" to "B"  |   |  |



transition between the single-family east of Robert E Lee and the mix of residential to the west, and still promote the existing single-family character of the surrounding neighborhood.

In addition, if the limitations or conditions offered by the applicant are adopted by the Commission and Council, staff believes this furthers compatibility for abutting neighbors and promotes the single-family character of the neighborhood. The new condo project to the south (Zilker Terrace) consists of 14 units on approximately 1.6 acres; the condo project to the southeast (Zilker Skyline) consists of 13 units on approximately 3.9 acres. At approximately 3.1 acres, if the subject tract was limited to 18 units as proposed, the resulting density is approximately 5.81 units/acre, almost midpoint between the two existing condos (at 8.75 and 3.33, respectively). Such a level of development also nearly approximates standard SF-3 density of 7.5 units/acre – not accounting for infrastructure, topographic, or environmental constraints.

Obviously there will be an impact on transportation. While ridership on existing bus service may increase in number, and more residents might choose to use the available bicycle lanes, there will also be more vehicles on Robert E Lee. However, given that the number of residential units, if capped as proposed, is approximately the same as could be developed under the existing zoning with duplex development, the difference in impact is likely minimal, any differences in vehicle ownership rates between renters and owners notwithstanding.

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

Given the abutting SF-6 zoning to the south and southeast, this is clearly not a case of spot zoning, nor does it grant a special privilege. If Austin is to grow and evolve as a compact and connected city, as envisioned in the recently adopted comprehensive plan, then residential infill that provides additional housing units is necessary. Indeed, one of the primary mechanisms for achieving compact growth will be development, or redevelopment, of larger tracts such as this into higher density residential. That this tract is located on a roadway that has bike lanes only furthers the connectivity goals of this recently adopted plan. Unfortunately, a bus route traversing Robert E. Lee Road was recently suspended; there is, however, bus service nearby (Route 30, which travels Barton Springs Road).

Additionally, if Austin is to develop a diversity of housing types and choices under the policy of creating complete communities that recognize diverse financial and lifestyle needs, then this type of residential construction is an appropriate addition to this and nearly every other neighborhood. At the same time, the detached single-family style development proposed can further the comprehensive plan's goal of family-friendly communities in which existing neighborhood character is protected.

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

In the broader city-wide context, SF-6 is a reasonable option for multiple-acre parcels developed or redeveloped as residential infill. As indicated in the purpose statement of the district, SF-6 can be a transition to single-family residential. Given a large lot surrounded by existing SF-6 and SF-3, and an abutting collector street, SF-6 zoning is considered appropriate and therefore would be supported by staff for similarly situated properties

elsewhere in the city, or elsewhere in this neighborhood, all other things being equal. Site-specific contextual variables will, of course, factor in to any staff recommendation.

In the local context, the subject tract abuts already zoned and developed SF-6 properties that also were once larger, family-residence parcels. These properties were provided the same treatment, by grant of rezoning to SF-6, that the current property requests.

When the adjoining Zilker Terrace project was rezoned in 2010, a number of conditions were adopted with the rezoning ordinance, conditions that had been negotiated with and agreed to by the neighborhood association. These conditions included a limitation on the number of units and maximums for height and impervious cover. The applicant in this case has modeled his offered conditions on that case, but is doing so without the benefit of neighborhood agreement.

In the case of Zilker Terrace, the maximum height adopted by ordinance was 2 stories and 35' feet, the impervious cover was capped at 50% and the number of units capped at 14, resulting in a density of 8.75 units/acre. The applicant is offering a similar set of conditions for a similarly situated property. In this case the applicant is offering a maximum height of 30 feet, an impervious cover limit of 40%, and a cap of 18 detached units. So the proposal is similar to the Zilker Terrace project approved for rezoning in 2011, but actually includes more stringent height, impervious cover, and density limits. By further way of comparison, Zilker Skyline was developed with a density of 3.33 units/acre, but when rezoned to "A-2" (Condominium), 1<sup>st</sup> Height and Area in 1981, there were, apparently, no other conditions or limitations imposed by ordinance.

Consequently, the request for rezoning to SF-6, if granted, would result in treating this property as similarly-situated, larger lots, have been treated elsewhere in the City, and in this very neighborhood. By adopting the conditions proposed, the property would be treated somewhat unequally when compared with basic SF-6 zoning and no conditions, but nearly identically as compared with the recently rezoned condo property adjacent to this tract.

***Zoning should be consistent with an adopted study, the Future Land Use Map (FLUM) or an adopted neighborhood plan.***

The South Lamar Combined Neighborhood Plan effort has been suspended. As such, there is no neighborhood plan or future land use map to consult in developing the staff recommendation. The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan, does not identify anything specific for Robert E. Lee Road.

## EXISTING CONDITIONS & REVIEW

### Site Characteristics

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The subject tract is a 3.147-acre parcel with approximately 440 feet of frontage along Robert E. Lee Road. Other than the conversion from interim residential following annexation, the property has not been rezoned; it has only been partially platted. There is an existing 2750 square feet single-family house on the property, dating from the early 1950s. The property is characterized with abundant trees, and slopes to the north and east. Along the more eastern east property line that separates this tract from single-family, is a natural channel, 35-foot wide drainage easement, and critical water quality zone.

### PDR Comprehensive Planning Review

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The zoning case is located on the east side of Robert E Lee Road and is not located within the boundaries of a neighborhood planning area. Surrounding land uses include single family houses and vacant land to the south, single family houses to the north and east, and high density single family and apartments to the west. Robert E. Lee Road is the major residential arterial into this area of central Austin. The developer wants to build condos on this approximately 3 acre site.

The Growth Concept Map identifies nothing specific for Robert E Lee Road, however 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. On page 107, found in Chapter 4 of the IACP it 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.*”

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses the promotion of different 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.
- **H 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.
- **H P5.** Promote a diversity of land uses throughout Austin to allow a variety of housing types including rental and ownership opportunities for singles, families with and without children, seniors, persons with disabilities, and multi-generational families.

- **HN P11.** Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.
- **N P1.** 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.

Based upon Imagine Austin policies referenced above that supports a variety of housing types being located throughout Austin, and the project being located along a major residential arterial road, staff believes that the proposed residential use is supported by the Imagine Austin Comprehensive Plan.

### **PDR** Environmental Review

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1. The site is located over the Edwards Aquifer Recharge Zone. According to watershed maps, this site lies on or very close to the divide between the Barton Creek Watershed (Barton Springs Zone; Drinking Water Protection Zone) and the Ladybird Lake Watershed (Urban Watershed; Desired Development Zone). A geological and / or topographical analysis of the site may be needed to determine the exact boundaries of the aforementioned watersheds and zones.
2. According to flood plain maps there is no flood plain within the project area.
3. 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.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code regulations.
6. The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.

Following are watershed classification specific comments:

#### Urban

- a. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

- b. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

**Barton Springs Zone**

- a. Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the Edwards Aquifer Recharge Zone.
- b. Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

**PDR Site Plan Review**

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SP 1. Any new development is subject to *Subchapter E: Design Standards and Mixed Use*. Additional applicable comments will be made when the site plan is submitted.

SP 2. The site is subject to compatibility standards as per Article 10. Along the north, west and east property lines that adjoin or are across the street from properties zoned SF-5 or more restrictive, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each ten feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- No parking or driveways are allowed within 25 feet of the property line of an adjoining property zoned SF-5 or more restrictive.
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

**PDR Transportation Review**

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TR1: No additional right-of-way is needed at this time.

TR2: A traffic impact analysis is not required for this case because the traffic generated by the proposed land use will not exceed the threshold of 2,000 vehicle trips per day. LDC, 25-6-113.

TR3: Robert E. Lee Road is classified in the Bicycle Plan as Bike Route No. 25.

TR4: Capital Metro bus service (Route No. 29) is available along Robert E. Lee Road.\*

TR5: There are no existing sidewalks along Robert E. Lee Road.

TR6: Existing Street Characteristics:

| <b>Name</b>        | <b>ROW</b> | <b>Pavement</b> | <b>Classification</b> | <b>ADT</b> |
|--------------------|------------|-----------------|-----------------------|------------|
| Robert E. Lee Road | Varies     | 37'             | Collector             | 3,070      |

*\* Route 29 has been suspended and bus service is currently unavailable along Robert E. Lee Road [Confirmed with Capital Metro on March 14, 2013; see attached].*

### **PDR Austin Water Utility Review**

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WW1. 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 the Austin Water Utility for compliance with City criteria. 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.

**From:** Williams, Sondra  
**Sent:** Thursday, March 14, 2013 10:38 AM  
**To:** Heckman, Lee  
**Subject:** Your Comment Dated 3/11/2013

March 14, 2013

Dear Mr. Heckman:

Thank you for contacting Capital Metro. In your comments, you wanted to know if the #29 - Barton Hills route still existed.

Unfortunately, the #29 - Barton Hills route no longer exists. The #30 Barton Creek Square route travels near the Barton Lee area.

In the future, if you ever have questions about our rail, buses and trip plans, please feel free to contact the Go Line at 512.474.1200 and one of our representatives will gladly assist you. The hours of operation for the Go Line are Monday thru Friday from 7 AM to 8 PM and Saturdays and Sundays from 8AM to 5 PM.

Once again, thank you for taking the time to contact us and thank you for riding Capital Metro. Please feel free to contact us in the future if you have any concerns, questions or suggestions regarding our service. You may reach our Customer Relations Department at 512-385-0190 or via our website at [www.capmetro.org](http://www.capmetro.org).

Respectfully,

**Sondra Williams**

Customer Service Representative  
Capital Metro. Transportation Auth.  
512.474.1200 ext. 7629  
[sondra.williams@capmetro.org](mailto:sondra.williams@capmetro.org)

CCR SWILLIAMS/3359  
cc: VRIVERA