

Lost Creek Civic Organization Board

Position on CodeNEXT V2

The Lost Creek Civic Organization's board and advisers oppose the implementation of the Second version of CodeNEXT and the zoning map for the following reasons:

- The predominant zoning of R1B (residential) and mapping does not represent the character of the Lost Creek neighborhood, and together are in opposition to many deed restrictions in existence for almost 40 years. Examples include ADUs, short term rentals, business in home, ability to subdivide, etc.
- Implementation of CodeNEXT V2 and zone mapping would establish a litigious environment within Lost Creek. The City of Austin does not recognize the deed restrictions running with the land and will not defend them. A land owner wishing to use the entitlements in CodeNEXT V2 could get approval from the City and the neighbors would have to file a lawsuit to defend the deed restrictions.
- If CodeNEXT V 2 were to be implemented as mapped, the result would be a degradation in the neighborhood environment. This would be in conflict with the “equal or superior” clause of the Texas Local Government Code, Title 2. Organization Of Municipal Government, Subtitle C. Municipal Boundaries And Annexation, Chapter 43. Municipal Annexation, Sec. 43.056.
- Incorrect zoning of seven (7) properties owned by the Lost Creek Limited District (LCLD): Property IDs 109598, 111543, 111593, 113595, 847203, 108419, 113620. They are zoned RR (Rural Residential) and should be zoned in a manner that protects them as open or preserved land. The Limited District is a legal construct permitted by City law and zoning equivalent to Open Space or Park should be permitted. The citizens of Lost Creek, who own these lands through the LCLD, do not want these lands to be developed ever.
- The Lost Creek commercial zone is zoned in CodeNEXT V2 map as MU2A and MU2B (mixed use zones that allows residential, low intensity office,service and retail uses). Access to these areas is either through Loop 360 or Lost Creek Blvd. Densification of the Lost Creek commercial zone would result in more traffic on both roads, neither of which can handle more volume.
- The Marshall Tract (Property ID 109592) is zoned R1B. Three recent attempts to develop the land for office buildings have not succeeded. As the office zoning no longer exists, the land would have to be given a mixed use zoning. This would aggravate an already impossible situation. Lost Creek stands absolutely in opposition to a mixed use development of the Marshall Tract with access to Lost Creek. Access to Las Cimas and Loop 360 have already also been denied.
- The changes to the compatibility standard are unacceptable. With the Marshall Tract still available to be developed, compatibility with the existing homes is an issue. The Marshall Tract, under the new compatibility standard proposed in CodeNEXT V2 would allow the

- placement of a 120 feet high building 100 feet from a residence.
- The condos at the entrance to Lost Creek (Property ID 841066) is zoned F25¹. The change in zoning that allowed the construction of these condos was very controversial. The uncertainty of this zoning is inexplicable and unsatisfactory.
 - There is no mention of wildfires. Austin is a city with the second highest risk in the country for wildfire loss. Standards should exist for new construction in the WUI (wildland urban interface), and new subdivision development. Standards should exist for the maintenance of land owned by the City in the WUI. Standards should exist for the maintenance of homes within the WUI. Lost Creek is a Firewise community working to become a wildfire adapted community.
 - There is no mention of Dark Skies. Lost Creek is a Dark Skies community.
 - CodeNEXT V2 has increased to 1,388 pages. It is overly large and complicated. It is impossible for a single citizen to comprehend, and without a guide indicating the mapping of the old code to the new code, it is impossible to know what may have changed that affects Lost Creek.
 - It is our opinion that CodeNEXT V2 will not create the necessary number of affordable residences. Moreover, the addition of ADUs to Lost Creek will not create any new affordable residences. The economics will not favor that solution.
 - The impacts on education, infrastructure, traffic, and wildfires, among many other important factors, have not been determined.
 - There is insufficient time to engage a neighborhood of 1,250 homes in this complicated issue.

¹ The F25 zone is for parcels that will carry forward the regulations in Title 25. Title 25 will remain in effect for several properties within unique, specially-negotiated districts, such as Planned Unit Developments and Neighborhood Conservation Combining Districts, as well as a defined subset of Conditional Overlays. Draft 3 will include a new zone specifically for these properties, as well as accompanying text that more fully explains how existing Title 25 will apply within this zone. A fuller description will be included in Draft 3.

