

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2008-0242 / Mueller Austin Energy Substation

**P.C. DATE:** September 22, 2009  
August 11, 2009  
May 12, 2009  
March 24, 2009  
February 24, 2009  
February 10, 2009

**ADDRESS:** 2403 E 51<sup>st</sup> Street

**OWNER:** Austin Energy (Dorthy Kester), 512-505-7000

**AGENT:** Stanley Consultants, Inc. (Charles Steinman), 512-427-3600

**ZONING FROM:** GR-NP

**TO:** P-NP

**SITE AREA:** 4.426 acres (192,796.56 sq. ft.)

**SUMMARY STAFF RECOMMENDATION:** The staff recommendation is to grant the change from GR-NP (Community Commercial – Neighborhood Plan) district zoning to P-NP (Public – Neighborhood Plan) zoning district.

**SUMMARY PLANNING COMMISSION RECOMMENDATION:** Pending. This case is scheduled for the Planning Commission meeting of September 22, 2009.

(This case was postponed by the Neighborhood and Applicant on February 12, 2009; by the Neighborhood on February 24, 2009; by the Applicant on March 24, 2009 and an indefinite postponement was granted by the request of the Applicant on May 12, 2009; and by the Neighborhood on August 11, 2009).

**ISSUES:** On May 12, 2009, Austin Energy requested an indefinite postponement. The purpose of the indefinite postponement request was to allow additional time to consider an alternate site, and for Austin Energy to continue to meet with the neighborhood and other stakeholders. An alternate site was proposed by Austin Energy, however, all stakeholders did not support this proposition, so the applicant is moving forward with the original location. This case was re-noticed.

Austin Energy met with the Windsor Park Contact Team on February 9, the Robert Mueller Municipal Airport Plan Implementation Advisory Committee on March 10, and with the Mueller New Construction Council Team on March 11.

**DEPARTMENT COMMENTS:** The 4.42-acre site is currently zoned GR-NP (Community Commercial – Neighborhood Plan) district and is located at the northeast corner of Old Manor Road and E 51<sup>st</sup> Street. The proposed development will have driveway access from both streets, to which both ingress and egress access will be taken. The site lies within the University Hills/Windsor Park Combined Neighborhood Plan and is surrounded by Private Secondary Educational Facilities to the north, Communication Services to the south and multifamily to the east and west.

The subject property is currently undeveloped. Austin Energy, the property owner, is requesting P-NP, Public-Neighborhood Plan zoning to build a 138 kV substation by the summer of 2010. This substation is necessary to serve the redevelopment of Mueller (which includes the Dell Children's Hospital, offices, retail, and residential) and to solve other reliability issues in the surrounding area. The proposed substation will serve load within the 720 acre Mueller Redevelopment and the surrounding residential Windsor Park area. The applicant states that there will be a 10' tall concrete masonry wall and landscaping around the substation. Less than two acres will be used for the substation and the remainder will be left in its natural state.

The staff recommendation is to approve the requested zoning change because the proposed substation is 1) considered a civic use, and will provide electric service to the Mueller redevelopment and to the surrounding residential area of Windsor Park; 2) access is taken to an arterial and a collector street; and 3) it is the City Council's general policy that all City-owned or leased land be zoned Public (P) district.

In the P zoning district, any use on a site larger than one acre requires a conditional use site plan. The purpose of this requirement is to establish site development regulations such as building height, scale, setbacks and drainage. It also allows public comment at a hearing to ensure compatibility in terms of access, traffic circulation, bulk, open space and landscaping.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR-NP	Undeveloped
<i>North</i>	CS-V-CO-NP	Private Educational Facilities (Austin Peace Academy)
<i>South</i>	GO-NP / GO-MU-V-CO-NP	Detention pond / Communication Services (Trouble Maker Studio)
<i>East</i>	MF-3-NP	Multifamily – Apartments
<i>West</i>	LR-MU-V-NP	Multifamily – Apartments

**NEIGHBORHOOD PLAN AREA:** University Hills/Windsor Park Combined

**TIA:** A traffic impact analysis was not required for this case.

**WATERSHED:** Tannehill Branch

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Parks Foundation  
 PODER People Organized in Defense of Earth & Her Resources  
 Anberly Airport Assn.  
 League of Bicycling Voters  
 Windsor Park Neighborhood Plan Contact Team  
 University Hills/Windsor Park NPA Staff Liaison  
 Mueller Property Owners Association  
 Mueller Neighborhoods Coalition  
 Mueller Community Association  
 Mueller Master Community Inc  
 Austin Neighborhoods Council

Homeless Neighborhood Organization  
Home Builders Association of Greater Austin  
Keep the Land

**SCHOOLS:**

Blanton Elementary School

Pearce Middle School

Reagan High School

**RELATED CASES:**

The University Hills/Windsor Park Combined rezonings were approved on August 9, 2007. (C14-2007-0006).

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0044 – City Initiated for Multiple Tracts	The applicant is requesting Vertical Mixed Use Zoning.	4/9/2008 PC Apvd V (9-0); see PC minutes for additional details	5/27/2008 Apvd Ord. 20080522-041 for V excluding Tr 15-16, 26 (& 30); (7-0); 2nd/3rd rdgs
C14-2007-0070 - 4800 Manor Road	From PUD to GO-MU.	6/22/2007 PC APVD staff rec of GO-MU by consent (9-0)	Apvd Ord 20070621-133 for GR-MU (7-0); all 3 rdgs
C14-07-0003 – 4611 Manor Road	from PUD-NP to GR-MU-CO-NP	5/15/2007 PC APVD staff rec of GR-MU-CO-NP (8-0)	6/11/2007 Apvd Ord 20070524-045 for GR-MU-CO-NP (6-0); all 3 rdgs

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Old Manor Rd	85'	25'	Collector	No	No	No
E 51 <sup>st</sup> St	80'	44'	Arterial	No	PR 1	Yes

**CITY COUNCIL DATE:**

March 12, 2009

**ACTION:**

This item was postponed to April 2, 2009 at the staff's request on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

April 2, 2009

This item was postponed to May 21, 2009 at the applicant's request on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote.

May 21, 2009

This item was postponed indefinitely on consent at the applicant's request on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 7-0 vote. (Under City Code, items postponed indefinitely are withdrawn from the active

agenda and must be re-noticed before being placed back on the council agenda.)

September 24, 2009

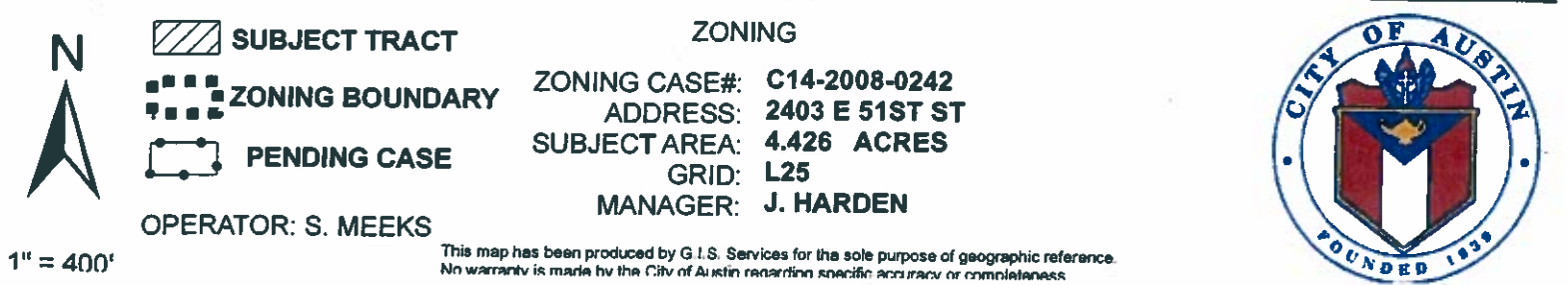
**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Joi Harden

**PHONE:** 974-2122

**E-MAIL:** [joi.harden@ci.austin.tx.us](mailto:joi.harden@ci.austin.tx.us);







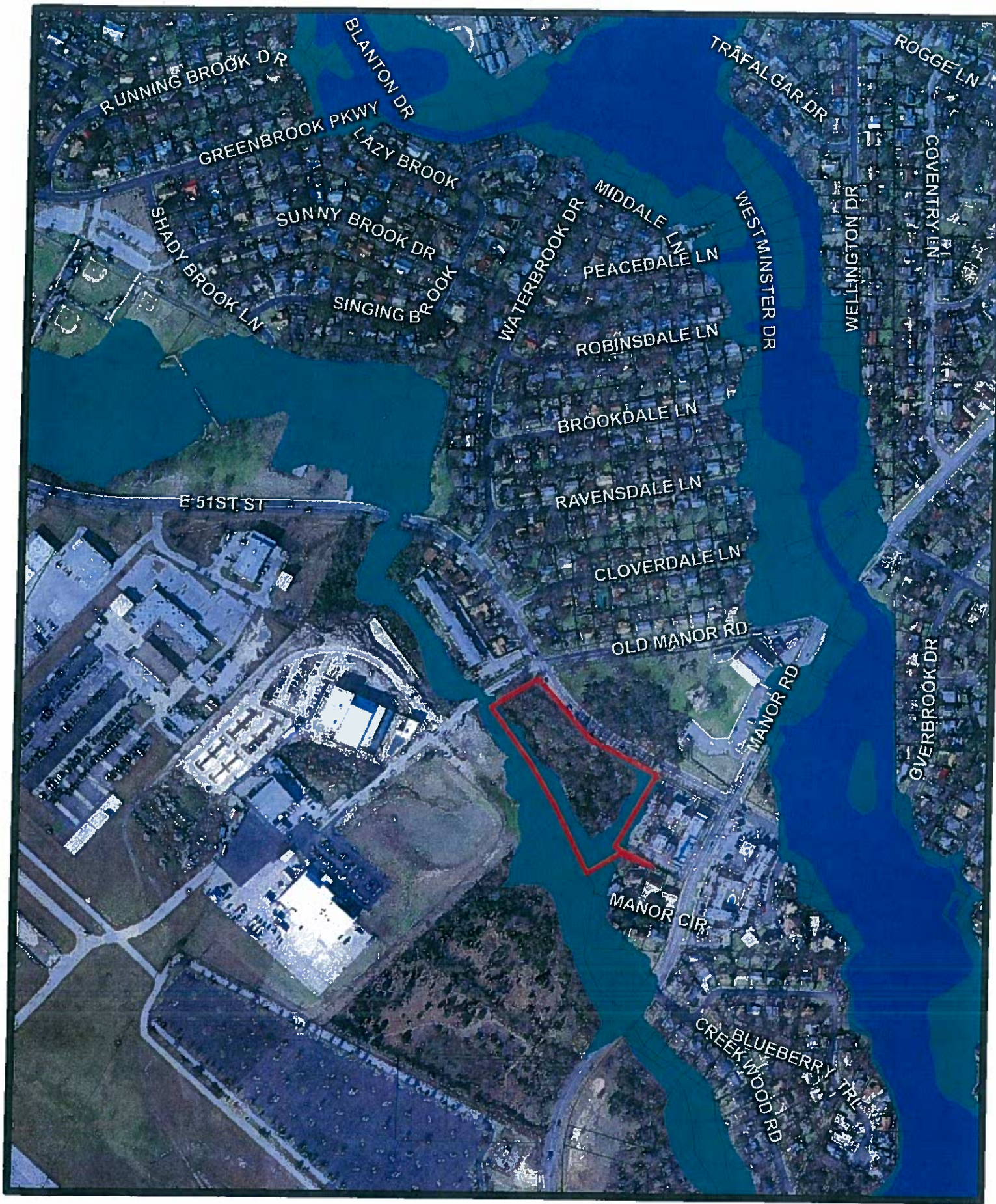
**C14-2008-0242 2403 E. 51st ST.**



**From Community Commercial - Neighborhood Plan (GR-NP)  
to Public-Neighborhood Plan (P-NP) District Zoning**







**C14-2008-0242 2403 E. 51st ST.**



**From Community Commercial - Neighborhood Plan (GR-NP)  
to Public-Neighborhood Plan (P-NP) District Zoning**



**100 Year Flood Plain**



## **SUMMARY STAFF RECOMMENDATION**

The staff recommendation is to grant the change from GR-NP (Community Commercial – Neighborhood Plan) district zoning to P-NP (Public – Neighborhood Plan) zoning district.

## **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

P- Public district is the designation for a governmental, civic, public service, or public institution use. A P zoning district designation may be applied to a use located on property used or reserved for a civic or public institutional purpose or for a major public facility, regardless of ownership of the land on which the use is located. The proposed Mueller Austin Energy substation is consistent with this purpose statement.

- 2. Zoning should be consistent with the proposed Future Land Use Map (FLUM) or adopted neighborhood plan.*

The property lies within the University Hills/Windsor Park Combined Neighborhood Plan adopted on August 9, 2007. The current land use on the Future Land Use Map (FLUM) shows the subject property is designated as “Utilities” which is for land used or dedicated for public or private utilities including pipelines, utility lines, water and wastewater facilities, substation and telephone facilities consistent with the proposed zoning request and development.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently undeveloped and heavily wooded. The property slopes from 51<sup>st</sup> Street toward the rear of the property where there is a floodplain.

### **Impervious Cover**

The maximum impervious cover allowed by the P zoning district is established by a conditional use site plan. The maximum impervious cover allowed by the GR zoning district is 90%.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Tannehill Branch Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

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

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. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.



According to flood plain maps, there is a flood plain within the project area.

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.

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

### **Transportation**

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

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, 25-6-113]

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required. 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.

### **Site Plan Review**

This site is over 1 acre. Any development of land on "P" public zoning over 1 acre requires a Conditional Use Permit. Once all site plan reviewers' comments are cleared, the site plan must then have a public hearing at Planning Commission, and can only be approved after Planning Commission approval.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

**Harden, Joi**

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**From:** Kester, Dorothy [Dorothy.Kester@austinenergy.com]  
**Sent:** Wednesday, August 19, 2009 7:33 AM  
**To:** Harden, Joi  
**Cc:** Poole, Sonny  
**Subject:** Mueller Sub Layout  
**Importance:** High  
**Attachments:** MU-Layout.pdf

Joi,

Attached is the layout for Mueller. There was a comment from the Planning Commission about allowing for commercial development or park-like features around the substation. We have constraints on the property that have made it difficult to position our equipment and still allow required electrical safety clearances and accessibility to the equipment. Here are some of the obstacles with the property that we have addressed:

1. Running parallel to 51st Street is Boggy Creek, which creates a Critical Water Quality Zone (CWQZ) and has flood plain implications. We have pushed the substation as close to the CWQZ as possible.
2. There is a 100-year flood plain that runs along Boggy Creek and through the eastern side of the property along 51st Street. The property to the east of the substation along 51st Street is quite steep and also borders the flood plain. We had to align the proposed sidewalk with the curb in this area to avoid the flood plain and building retaining walls.
3. Since we have to route a transmission circuit on either side of 51st Street, we must place a transmission structure between the curb and the substation wall to transition into one of the substation terminations.
4. We are installing a decorative screening wall around the substation. By setting the wall boundaries as far off the road as possible, we tried to provide visibility at the intersection of 51st and Old Manor Road for vehicular traffic. Between the wall and the road, we plan to install utility-compatible landscaping.
5. The property to the east of the substation that is undeveloped will have the underbrush cleared as much as City permitting allows, but will be maintained in its natural state for a vegetative filter strip.

If there are any other questions about the available space in the property, please contact me.

*Dorothy Kester, PE, PMP*  
*Project Manager*  
*Austin Energy*  
*512-505-7041*

8/19/2009



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ELECTRIC SERVICE DELIVERY  
SUBSTATION ENGINEERING

**MUELLER SUBSTATION  
PROPOSED LAYOUT**

MU-LAYOUT	
CITY: [redacted]	
MU-LAYOUT Desc	
Inv. No.	
1" = 30'	
Plot	to 6/10/00

**Harden, Joi**

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**From:** [REDACTED]  
**Sent:** Monday, August 10, 2009 7:03 AM  
**To:** sully.jumpnet@sbcglobal.net; jay\_reddy@dell.com; saundra\_kirk@sbcglobal.net; dchimenti@austin.rr.com; dave.anderson.07@gmail.com; AMDealey@aol.com; clint\_small@hotmail.com; kbtovo@earthlink.net  
**Cc:** [REDACTED]; [REDACTED]; [REDACTED] Hefner, Pam; Harden, Joi; Nathan, Mark; Coleman, Glen; Riley, Chris; Cole, Sheryl; Morrison, Laura; Martinez, Mike [Council Member]; Spelman, William  
**Subject:** Mueller Substation (agenda item 3)  
**Attachments:** AesubstationSwap.pdf

Dear Planning Commissioners,

Tomorrow night, Austin Energy will be bringing a rezoning for 2403 E. 51st Street before you. The Windsor Park N'hood Plan FLUM shows this property as utility, and we discussed it at length during the planning process and believed that the "utility" was a flood plain. No one advised us otherwise. Reconsidering it again during the VMU process since E. 51st is a core-transit corridor (making the site inappropriate for an electric substation unless it's designed to be extremely pedestrian friendly!), we again wished to maintain the heavily treed site as green space. AE will cut down all the trees on the western end of the site.

I fault ROMA Design and AE for not coordinating a site *on* Mueller for the substation to service the redevelopment, but that's in the past and we must deal with the current reality. I also fault AE for not making earlier efforts to work with the community about this substation, but they did a much better job after both Windsor Park NA and the Windsor Park Contact Team objected to this rezoning. Both groups still have standing votes against that change from GR-NP to P-NP, which should be in the backup materials.

AE has gone as far as it can in pursuing an alternate site that is immediately adjacent to this proposed site, but is owned by the State of Texas and is leased to Robert Rodriguez's Troublemaker Studio. It is an unused portion of the property, and City staff/ROMA proposed a land-swap between the State and the City's CTECC (Emergency Call Center) that is quite brilliant (I've attached a drawing), but was rejected by State General Land Office and CTECC staffers.

It is now a political issue, and both WPNA and the WPNPCT are pursuing the City Council and State elected officials to intervene. If the land swap isn't feasible, the Council could negotiate a site on Mueller with Catellus, as the economy has significantly slowed its redevelopment. Either way, Mueller should take more ownership of its utilities, and Windsor Park has been negatively impacted by the redevelopment more than any other adjacent neighborhood. ("Jug-handle" access, water tower, water lines tearing up streets for LONG periods, etc.) Drive the perimeter of Mueller and it's amazing to see public art, parks and green space on every edge but Windsor Park's.

I don't exactly know what the Planning Commission can do, but as I will not be present for your August 11th meeting since the Mueller Commission (for whom I am not speaking in this e-mail) meets that same night, I hope you can consider a delay or make some other ruling so that we can continue to pursue an alternative site. Since the proposed site is not on Mueller, it's out of the Mueller Commission's purview and we can do little to act on it.

Thanks, and I'll be happy to answer any questions.

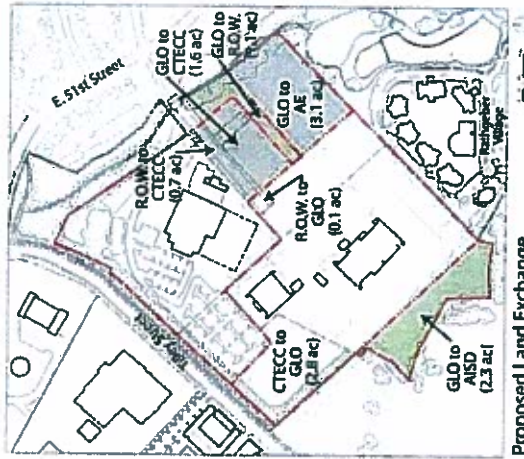
Rick Krivoniak  
 h: 926-0733  
 c: 468-7700

8/10/2009



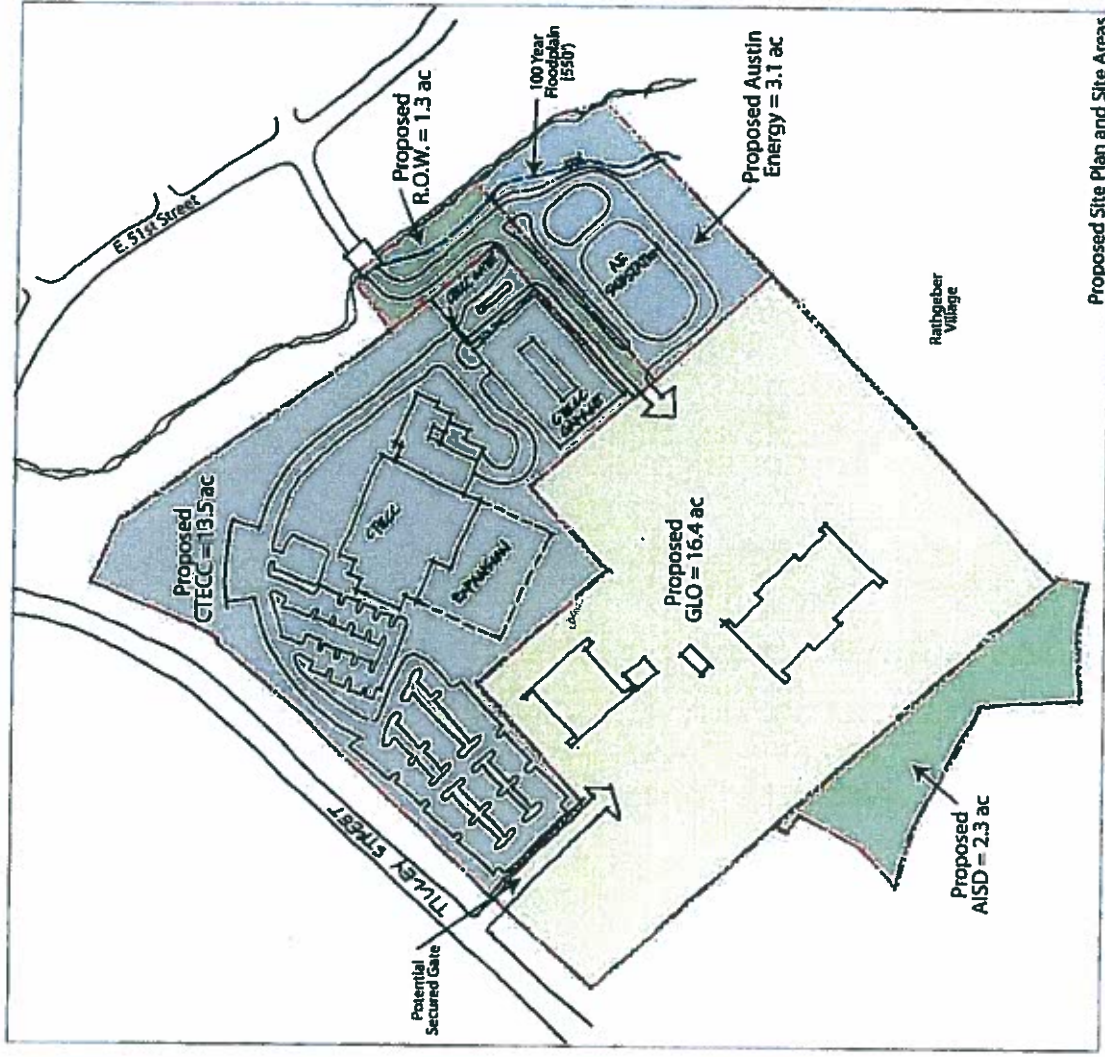


Existing Property Lines and Site Areas



Proposed Land Exchange  
(Note: Acres are approximate.)

GLO to AISD = 2.3 ac  
 GLO to CTECC = 1.6 ac  
 GLO to AE = 3.1 ac  
 GLO to R.O.W. = 1.1 ac  
 R.O.W. to GLO = 0.1 ac  
 R.O.W. to CTECC = 0.7 ac  
 CTECC to GLO = 2.8 ac  
 GLO to AISD = 2.3 ac  
 GLO to AE = 3.1 ac  
 GLO to R.O.W. = 1.1 ac  
 R.O.W. to GLO = 0.1 ac  
 R.O.W. to CTECC = 0.7 ac



Proposed Site Plan and Site Areas

DRAFT

# PROPOSED LAND EXCHANGE Mueller Northeast Quadrant

Prepared by ROMA for the City of Austin

MAY 27, 2009

**Harden, Joi**

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**From:** [REDACTED]  
**Sent:** Monday, August 10, 2009 9:42 AM  
**To:** [REDACTED]; sully.jumpnet@sbcglobal.net; jay\_reddy@dell.com; saundra\_kirk@sbcglobal.net; dchimenti@austin.rr.com; dave.anderson.07@gmail.com; AMDealey@aol.com; clint\_small@hotmail.com; kbtovo@earthlink.net  
**Cc:** [REDACTED]; Hefner, Pam; Harden, Joi; Nathan, Mark; Coleman, Glen; Riley, Chris; Cole, Sheryl; Morrison, Laura; Martinez, Mike [Council Member]; Spelman, William  
**Subject:** RE: Mueller Substation (agenda item 3)  
**Attachments:** RMMA PIAC electric substation letter.pdf



RMMA PIAC electric  
substation ...

All,

I've attached the March, 2009 letter approved by the Mueller Commission on the substation siting and rezoning request.

I want to echo Rick's overall comments and especially note that since March, AE did a great job of investigating an alternative site (thanks to Judy and Dorothy, probably more). The alternative appeared to be a win all around, but it was quietly killed. Lacking any public discussion of why it was unacceptable to some, we are at a loss to further discuss how to make it work and be a win for everyone. The Mueller Commission would welcome a public discussion of this alternative site or others that are more closely associated with Mueller than the 51st St. corridor site.

As stated in the letter, this is not directly a zoning issue, but more a siting issue.

I would like to add here that another avenue worth exploring by City Council is going with a gas-insulated substation (GIS) instead of the currently planned traditional, open air substation. The main advantage is that a GIS has a hard, secure footprint of about 1/2 acre or less, plus access, whereas a traditional substation is 1.5 to 2 acres hard footprint, plus access. This smaller footprint would surely expand our options for siting it on Mueller lands/off of 51st. The main disadvantage is that a GIS costs more than a traditional substation, perhaps up to 3 times more. I believe the City's best example of both the smaller footprint and cost is the Fiesta substation at 38 1/2 St. The GIS is much more in keeping with the overall Mueller design principles and I find it hard to believe we couldn't find a Mueller-specific way to finance the higher cost.

Thanks,

Jim Walker  
Chair, Mueller Commission  
499-0526

-----Original Message-----

**From:** KRIVON@aol.com [mailto:KRIVON@aol.com]  
**Sent:** Monday, August 10, 2009 7:03 AM  
**To:** sully.jumpnet@sbcglobal.net; jay\_reddy@dell.com; saundra\_kirk@sbcglobal.net; dchimenti@austin.rr.com; dave.anderson.07@gmail.com; AMDealey@aol.com; clint\_small@hotmail.com; kbtovo@earthlink.net  
**Cc:** wpnpc@yahooogroups.com; executivecommittee@windsorpark.info; jhwalker@grandecom.net; pam.hefner@ci.austin.tx.us; joi.harden@ci.austin.tx.us; Mark.Nathan@ci.austin.tx.us; Glen.Coleman@ci.austin.tx.us; Chris.Riley@ci.austin.tx.us; Sheryl.Cole@ci.austin.tx.us; Laura.Morrison@ci.austin.tx.us; Mike.Martinez@ci.austin.tx.us; Bill.Spelman@ci.austin.tx.us



Subject: Mueller Substation (agenda item 3)

Dear Planning Commissioners,

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Thanks, and I'll be happy to answer any questions.

Rick Krivoniak

h: 926-0733

c: 468-7700



# City of Austin

City Hall, 301 W. 2<sup>nd</sup> Street, Suite 2030, Austin, TX 78701

[www.ci.austin.tx.us](http://www.ci.austin.tx.us)

Jim Walker  
(CM Morrison)  
Chair

Rick Krivoniak  
(Mayor Wynn)  
Vice-Chair

Ashley Fisher  
(MPT McCracken)

Corky Hilliard  
(CM Shade)

Celia Israel  
(CM Leffingwell)

Michael Jones  
(CM Cole)

Kevin Ludlow  
(CM Martinez)

Pam Hefner  
Staff Liaison  
EGRSO

## Robert Mueller Municipal Airport Plan Implementation Advisory Commission

### MEMORANDUM

**TO: Mayor and Council, Planning Commission**

**DATE: March 10, 2009**

**RE: Mueller Austin Energy Substation**

Mayor and Council Members, Planning Commission members,

Since the earliest plans for the redevelopment of Mueller, we have all known the redevelopment would require a new substation be built in the area. In the late 1990's the site for this substation was roughly settled to be adjacent to the Central Texas Emergency Command Center, well within the Mueller site boundaries. This siting was ideal in adherence to one of the guiding principles of the Mueller Masterplan – Compatibility with Surrounding Neighborhoods. Because of this Masterplan principle, and because the substation is only being built because Mueller is being built, the Mueller Commission feels compelled to weigh in on the siting of the substation.

Sometime around 2000, the CTECC site became unfeasible for compatibility reasons – both real and perceived – with the substation and its transmission lines. Alternative sites were reviewed, eventually resulting in the current site being proposed for rezoning to allow a substation. But public communications broke down as these compatibility issues began to surface. Looking back, the Mueller Commission regrets both that we were not engaged by Austin Energy and the City at this time, and equally that we did not proactively seek updates on the substation from Austin Energy. No one was actively hiding information, there was simply a breakdown in communications all around.

However, several principles remain to be addressed. While no one wants a substation or transmission lines near them, the Mueller substation is necessitated by Mueller and should not be forced into an adjacent neighborhood; ideally it should be on the Mueller site.

The Mueller Commission fully realizes a lot of work and money has gone into the current site, however, **the Mueller Commission recommends that Austin Energy re-look at alternative sites, with the Mueller Commission and other stakeholders, in a timely fashion, that do not impact adjacent neighborhoods (in this case, Windsor Park) as much as does the current site.** While this recommendation is neutral to the rezoning request, we feel the site location is the core issue.

As we emphasized during the reclaimed water tower discussions, and now must emphasize again, as our major utilities – electric, cooling, water, wastewater, etc. – continue to build to meet demand in the urban core, then the City must provide each utility greater guidance and resources for community process, design and construction.

We will retain this issue on our monthly agenda and seek additional opportunities to weigh in as appropriate or as requested. We invite you to contact your appointees on the Mueller PIAC with any specific concerns, hopes or expectations.

Sincerely,

  
Jim Walker, Chair

Robert Mueller Municipal Airport Plan Implementation Advisory Commission

cc: Planning Commission

**Harden, Joi**

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**From:** [REDACTED]  
**Sent:** Monday, August 10, 2009 9:30 PM  
**To:** sully.jumpnet@sbcglobal.net; jay\_reddy@dell.com; saundra\_kirk@sbcglobal.net; dchimenti@austin.rr.com; dave.anderson.07@gmail.com; AMDealey@aol.com; clint\_small@hotmail.com; kbtovo@earthlink.net  
**Cc:** Morrison, Laura; Spelman, William; Nathan, Mark; Harden, Joi; Cole, Sheryl; Riley, Chris; Martinez, Mike [Council Member]; Hefner, Pam; Coleman, Glen  
**Subject:** No to rezoning for Mueller Substation (agenda item 3)

Dear Planning Commissioners,

Please reject Austin Energy's rezoning request for the proposed Mueller electric substation at 2403 E. 51st Street. (Case C14-2008-0242).

On the face of it, the zoning change from GR-NP to P-NP may seem reasonable. However, it is the Windsor Park neighborhood's only protection from the construction of an electrical substation destined to serve primarily the Mueller Development, not our neighborhood. It is one of several projects, such as the reclaimed water tower, that impact the quality of our neighborhood environment to better serve other areas near and far. The substation is in direct conflict with our neighborhood plan and with the designation of East 51st Street as a Core Transit Corridor. Its construction will serve as an additional barrier between Windsor Park and the Mueller Development. I would prefer to see a concerted effort to mitigate the current and potential barriers between our neighborhoods.

As a member of both the Windsor Park Neighborhood Association and the Windsor Park Neighborhood Plan Contact Team, I have participated in meetings concerning the zoning, have met with representatives of Austin Energy, and am aware of attempts to arrange a land swap that would have resulted in a more equitable conclusion for our neighborhood. Please encourage the concerned parties to continue negotiations by not recommending the proposed zoning change.

Many thanks for your attention,

Teresa Howard  
1415 Ridgehaven, 78723

8/11/2009



**Harden, Joi**

---

**From:** B [REDACTED]  
**Sent:** Tuesday, August 11, 2009 12:14 PM  
**To:** sully.jumpnet@sbcglobal.net; jay\_reddy@dell.com; vskirk@att.net; dchimenti@austin.rr.com; dave.anderson.07@gmail.com; amdealey@aol.com; clint\_small@hotmail.com; kbtovo@earthlink.net; gerardo.castillo.austin@gmail.com  
**Cc:** [REDACTED]; Hefner, Pam; Harden, Joi; Nathan, Mark; Coleman, Glen; Riley, Chris; Cole, Sheryl; Morrison, Laura; Martinez, Mike [Council Member]; Spelman, William  
**Subject:** RE: Austin Energy Substation (agenda item 3)

Dear Planning Commissioners,

I am unable to attend the meeting tonight. I respectfully request that you not approve AE's zoning change request and that you grant a postponement in order that the Windsor Park Neighborhood Plan Contact Team can continue its study of the appropriateness of this site and also pursue an alternative site for all of the parties concerned.

Thank you.

Sincerely,

Margi Bienemann

8/11/2009

## Harden, Joi

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**From:** [REDACTED]  
**Sent:** Tuesday, August 11, 2009 11:51 AM  
**To:** Harden, Joi  
**Subject:** Fw: Case No. C14-2008-0242; Austin Energy

--- On Mon, 8/10/09, RUTH MARIE [REDACTED] wrote:

> From: RUTH MARIE <[REDACTED]>  
> Subject: Case No. C14-2008-0242; Austin Energy  
> To: "David Sullivan" <sully.jumpnet@sbcglobal.net>, "Jay Reddy"  
> <jay\_reddy@dell.com>, "Saundra Kirk" <saundra\_kirk@sbcglobal.net>,  
> "Mandy Dealey" <amdealey@aol.com>, "Clint Small"  
> <clint\_small@hotmail.com>, dchimenti@austin.rr.com,  
> dave.anderson.07@gmail.com, kbtovo@earthlink.net,  
> gerado.castillo.austin@gmail.com  
> Date: Monday, August 10, 2009, 9:54 PM  
>  
> As I will be in Dallas for my first check-up after coming home  
> following a stem cell transplant for Lymphoma, I won't be able to  
> attend the hearing this evening. So I want to register my support for  
> the Proposed Zoning Change from GR-NP to P-NP in the request by Austin  
> Energy mentioned above.  
>  
> I do not agree with the NIMBY votes that both the Windsor Park  
> Neighborhood Association and the Windsor Park Neighborhood Planning  
> Contact Team will present to you. While I deplore the planned  
> complete destruction of the vegetation on the site, most of the trees,  
> shrubs and vines located there can be considered trash trees, et al.  
> It would be advantageous if some of the desirable trees, such as  
> pecans, could be saved by modifying the site plan somehow.  
>  
> Also, the ground surface is quite irregular making it an unlikely spot  
> to develop as a picnic area or greenspace for school children to  
> utilize without some major modifications to the surface of this  
> low-lying, possibly spring-fed location.  
>  
> Granted that 51st Street has been designated a Core Transit Corridor,  
> but this section of 51st consists of a definite change in the height  
> of the street as it goes around a rather tight curve making it a highly  
> unlikely property for future commercial, much less residential,  
> development. The wall proposed by Austin Energy paralleling 51st  
> Street might actually be a deterrent to the speeding that occurs on  
> that stretch of 51st. You may recall the recent death at the  
> intersection of 51st and Old Manor Road of a woman who had just left  
> work at C-Pak.  
>  
> Austin Energy did meet with both neighborhood groups, corrected some  
> original misstatements, and followed up on their promise to look into  
> possible trades with some entities close by such as Troublemaker  
> Studios. Granted that it is highly questionable as to why this  
> sub-station was not included in the PUD for Mueller, but it will  
> benefit surrounding neighborhoods such as Windsor Park.  
>  
> Therefore, I encourage you to vote for this proposed zoning change.  
>  
> Ruth Marie  
> 2103-B Wheless Lane  
> Austin 78723  
> 512-927-9504

**Harden, Joi**

---

**From:** Rodney Ahart [REDACTED]  
**Sent:** Tuesday, February 10, 2009 10:20 AM  
**To:** sully.jumpnet@sbcglobal.net  
**Cc:** jay\_reddy@dell.com; jhwalker@grandecom.net; executivecommittee@windsorpark.info; scootercheatham@usefulwildplants.org; GTGarcia@grandecom.net; saundra\_kirk@sbcglobal.net; Hefner, Pam; Harden, Joi  
**Subject:** Re: [WPNA-EC] 2403 E. 51st Street

Commissioner Sullivan,

I will not be able to attend the Planning Commission meeting scheduled for tonight due to a work conflict. I want to clarify that the postponement request submitted on behalf of WPNA and WPNPCT for the Mueller Austin Energy Substation will not be rescinded and is still valid.

We respectfully request that the Mueller Austin Energy Substation Item #9 on this evening's agenda be postponed until the Planning Commission meeting scheduled for February 24.

If you would like to discuss further, please do not hesitate to contact me.

Thanks,  
Rodney Ahart  
WPNA, President  
512-587-3442

--- On Tue, 2/10/09, KRIVON@aol.com <KRIVON@aol.com> wrote:

> From: [REDACTED]  
> Subject: [WPNA-EC] 2403 E. 51st Street  
> To: sully.jumpnet@sbcglobal.net  
> Cc: jay\_reddy@dell.com, [REDACTED]  
> [REDACTED]  
> [REDACTED] g, [REDACTED]  
> saundra\_kirk@sbcglobal.net, pam.hefner@ci.austin.tx.us  
> Date: Tuesday, February 10, 2009, 8:50 AM Commissioner Sullivan,  
>  
> I won't be able to attend tonight's Planning Commission as the Mueller  
> Commission meets at the same time. The Windsor Park Neighborhood  
> Association and the Windsor Park Neighborhood Plan Contact Team intend  
> to have representatives at your meeting tonight to make sure the  
> hearing on agenda item 9, Case C14-2008-0242, the rezoning of 2403 E.  
> 51st Street for the Mueller Austin Energy Substation, is postponed per  
> Austin Energy's request.  
>  
> WPNA and WPNPCT should have pulled their requests for postponement so  
> that, if need be, we can request one on the rescheduled date of  
> February 24th. I've tried to contact Joi Harden to make sure any  
> communication that I had with her did not constitute a postponement  
> request, either personally or for any group.  
>  
>  
> Last night, Austin Energy did present to the WPNPCT, and afterwards,  
> the Team voted to oppose the zoning change for some of the following  
> reasons:  
>  
> • AE's failure to include the community in to making so many decisions  
> on this project • The site was presumed to be a drainage easement  
> during the neighborhood planning process • The site was excluded from  
> the VMU overlay because it is heavily wooded • AE noted they could not



> mitigate the tree removal on site • The substation is needed because  
> of Mueller's redevelopment, but is located in Windsor Park • A  
> substation and reclaimed water tower, 1400 ft. apart, are improper on  
> a Core Transit Corridor  
>  
> Additionally, I have spoken with Pam Hefner, the City's project  
> manager for Mueller, who indicated that she would talk to AE about  
> presenting to the Mueller Commission before this case came to the  
> Planning Commission. Though I'm skeptical it will happen, AE should  
> withdraw the application until they have presented to the Mueller  
> Commission and the Windsor Park Neighborhood Association.  
>  
> Any help you might lend on this would be greatly appreciated. Thanks  
> for your time,  
>  
> Rick Krivoniak  
> h: 926-0733  
> c: 468-7700  
> krivon@aol.com  
>  
>  
> \*\*\*\*\*  
> Nothing says I love you like flowers! Find a florist near you now.  
> ([http://yellowpages.aol.com/search?query=florist&](http://yellowpages.aol.com/search?query=florist&ncid=emlcntusyelp000000001)  
> [ncid=emlcntusyelp000000001](http://yellowpages.aol.com/search?query=florist&ncid=emlcntusyelp000000001))  
> -----  
> -  
> WPNA Executive Committee  
> -----  
> - Hey, we like you being here, but if you want to modify your  
> subscription, visit the e-mail list web page:  
> [http://windsorpark.info/mailman/listinfo/executivecommittee\\_windsorpar](http://windsorpark.info/mailman/listinfo/executivecommittee_windsorpark.info)  
> [k.info](http://windsorpark.info/mailman/listinfo/executivecommittee_windsorpark.info)  
>  
> Send questions or comments to the list owner:  
> [executivecommittee-owner@windsorpark.info](mailto:executivecommittee-owner@windsorpark.info)  
> -----  
> -

**Harden, Joi**

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**From:** [REDACTED]  
**Sent:** Tuesday, February 24, 2009 12:10 PM  
**To:** sully.jumpnet@sbcglobal.net; jay\_reddy@dell.com; dave.anderson.07@gmail.com; gerardo.castillo.austin@gmail.com; amdealey@aol.com; chris@brandocular.com; paulahui16@yahoo.com; saundra\_kirk@sbcglobal.net; clint\_small@hotmail.com  
**Cc:** Guernsey, Greg; Harden, Joi; Hefner, Pam; [REDACTED] 'Whelan, Matt'; 'Deanne Desjardin'; 'Jim Walker'  
**Subject:** Request for postponement of Item 8: C14-2008-0242

Planning Commissioners,

I would like to request a postponement of this item, related to an Austin Energy substation, to Tuesday March 24.

I realize there has been one postponement request granted already, and that while Austin Energy has had one neighborhood meeting, they are amenable to this second postponement request, as is City planning staff.

The postponement will allow further discussions with both Windsor Park NA and the Mueller Plan Implementation Commission on March 10, but most importantly with Catellus.

I will attend tonight's meeting to explain the concerns of the Mueller Commission in greater detail or answer questions if needed.

Thank you,

Jim Walker  
499-0526

**Harden, Joi**

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**From:** Harden, Joi  
**Sent:** Wednesday, March 18, 2009 10:58 AM  
**To:** Fowler, Judy  
**Cc:** Kester, Dorthy; [REDACTED]; [REDACTED]  
**Subject:** RE: Mueller Substation zoning

Judy,

The case is scheduled for the Planning Commission meeting of March 24, 2009. Only the Planning Commissioners can grant the postponement, so I will submit your postponement request to the Planning Commission for May 12.

Thanks,  
Joi

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**From:** Fowler, Judy [mailto:Judy.Fowler@austinenergy.com]  
**Sent:** Wednesday, March 18, 2009 8:43 AM  
**To:** Harden, Joi  
**Cc:** Kester, Dorthy; rodahart@yahoo.com; krivon@aol.com  
**Subject:** RE: Mueller Substation zoning

Joi:  
Please place the zoning case on the May 12<sup>th</sup> agenda. I appreciate your help with this matter.  
Judy

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**From:** Harden, Joi [mailto:Joi.Harden@ci.austin.tx.us]  
**Sent:** Tuesday, March 17, 2009 2:21 PM  
**To:** Fowler, Judy  
**Cc:** Kester, Dorthy; rodahart@yahoo.com; krivon@aol.com  
**Subject:** RE: Mueller Substation zoning

Judy,

You may request postponement of the item to the Planning Commission hearing of May 12, 2009, and the City Council hearing of May 21, 2009, to allow for more time to meet with Catellus and others. If the Commission and Council announces a specific date for a postponement or continuation that is not later than 60 days from the announcement, renotification is not required. The dates mentioned above are within 60 days. If before the 12th of May, your group desires more time to discuss the case, additional postponement requests can be made.

Please let me know what you decide.

Thanks,  
Joi

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**From:** Fowler, Judy [mailto:Judy.Fowler@austinenergy.com]  
**Sent:** Tuesday, March 17, 2009 12:16 PM  
**To:** Harden, Joi  
**Cc:** Kester, Dorthy; rodahart@yahoo.com; krivon@aol.com  
**Subject:** RE: Mueller Substation zoning

8/5/2009



Joi:

After talking with you yesterday about the possibilities, Dorthy and I would like to push out the zoning hearing as far out as possible without going to an indefinite postponement. It will give us enough time to meet with Catellus and others to discuss options.

Thanks for your assistance.

Judy

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**From:** Fowler, Judy  
**Sent:** Monday, March 16, 2009 4:30 PM  
**To:** Harden, Joi  
**Cc:** Kester, Dorthy; 'rodahart@yahoo.com'; 'krivon@aol.com'  
**Subject:** Mueller Substation zoning

Joi:

Dorthy and I met with Windsor Park Neighborhood Association on Saturday morning, March 14, and because Matt Whelan with Catellus is out of town until March 23 and it is doubtful that we will have a meeting prior to the proposed hearing on the 24<sup>th</sup>, Austin Energy would like to postpone the zoning case. We don't have a proposed date to suggest at this point.

Thank you for your help.

Judy

**Harden, Joi**

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**From:** Kester, Dorthy [Dorthy.Kester@austinenergy.com]  
**Sent:** Monday, May 04, 2009 4:31 PM  
**To:** Harden, Joi  
**Cc:** Fowler, Judy  
**Subject:** MU Zoning

Joi,

Austin Energy is requesting a postponement of the Mueller Zoning request. We should have our issues resolved on the substation site within six months. Thanks for explaining the options.

*Dorthy Kester, PE, PMP  
Project Manager  
Austin Energy  
512-505-7041*

8/5/2009

**Harden, Joi**

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**From:** Rodney Ahart [REDACTED]  
**Sent:** Tuesday, May 12, 2009 1:29 AM  
**To:** Dave Sullivan  
**Cc:** Harden, Joi; gtgarcia8  
**Subject:** C14-2008-0242 - Mueller Austin Energy Substation

Dear Chairman Sullivan,

The Windsor Park Neighborhood Association (WPNA) and the Windsor Park Neighborhood Plan Contact Team (WPNPCT) support the indefinite postponement request of the applicant for the Mueller Austin Energy Substation.

We have attended three productive meetings with the applicant and are hopeful that the additional time will allow a thorough review of an alternative site(s) for construction.

If we can provide additional information, please feel free to contact us.

Sincerely,

Rodney Ahart  
WPNA, President  
[REDACTED]

Gary Garcia  
WPNPCT, Chair  
[REDACTED]



**Harden, Joi**

---

**From:** Rodney Ahart [REDACTED]  
**Sent:** Tuesday, August 11, 2009 12:22 PM  
**To:** David Sullivan; Jay Reddy; Sandra Kirk; Mandy Dealey; Clint Small;  
dchimenti@austin.rr.com; dave.anderson.07@gmail.com; kbtovo@earthlink.net;  
gerado.castillo.austin@gmail.com  
**Cc:** Kester, Dorthy; Poole, Sonny; Harden, Joi  
**Subject:** C14-2008-0242: Mueller Austin Energy Substation

Dear Chair Sullivan and Planning Commission Members,

The Windsor Park Neighborhood Association (WPNA) would like to request a postponement of agenda item C14-2008-0242 until the Planning Commission meeting scheduled for September 22. The additional time is requested to allow our neighborhood association the opportunity to discuss and review the alternative site with the General Land Office and other stakeholders.

If the postponement request is granted, the agenda item would still be able to meet the scheduled council hearing date of September 24. Austin Energy is not opposing this postponement request.

If you have any questions, please do not hesitate to contact me via email or mobile.

Sincerely,  
Rodney Ahart  
WPNA, President  
[REDACTED]  
512-587-3442 mobile