

**NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET**

**NEIGHORHOOD PLAN:** Southeast Combined Neighborhood Plan (Franklin Park)

**CASE#:** NPA-2016-0014.01.SH

**DATE FILED:** July 28, 2016 (In-cycle)

**PROJECT NAME:** Nuckols Crossing – S.M.A.R.T. Housing

**PC DATE:**

July 14, 2020	November 13, 2018	February 27, 2018
May 26, 2020	October 9, 2018	January 23, 2018
April 14, 2020	August 28, 2018	January 9, 2018
February 25, 2020	July 24, 2018	December 12, 2017
September 10, 2019	June 12, 2018	November 14, 2017
July 23, 2019	May 22, 2018	May 23, 2017
June 25, 2019	April 10, 2018	April 11, 2017
May 28, 2019	March 27, 2018	February 28, 2017
December 11, 2018	March 13, 2018	January 10, 2017

**ADDRESS:** 4400 Nuckols Crossing Road

**DISTRICT AREA:** 2

**SITE AREA:** 9.978 acres

**OWNER:** Angelos Angelou & John Sasaridis,

**APPLICANT:** McDowell Housing Partners (Ariana Brendle)

**AGENT:** Thrower Design (A. Ron Thrower)

**CASE MANAGER:** Maureen Meredith, Planning & Zoning Department

**PHONE:** (512) 974-2695

**EMAIL:** [maureen.meredith@austintexas.gov](mailto:maureen.meredith@austintexas.gov)

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Single Family

**To:** Multifamily

*(Application was revised on February 13, 2017. Original FLUM request was for Single Family, Multifamily and Recreation/Open Space to Multifamily and Recreation/Open Space)*

**Base District Zoning Change**

**Related Zoning Case:** C14-2017-0010.SH

**From:** SF-2-NP

**To:** MF-4-NP (as amended on February 10, 2020)

**NEIGHBORHOOD PLAN ADOPTION DATE:** October 10, 2002

**PLANNING COMMISSION RECOMMENDATION:**

***July 14, 2020 – (pending)***

***May 26, 2020*** – Postponed to July 14, 2020 at the request of Staff on the consent agenda. [C. Hempel – 1<sup>st</sup>; R. Schneider – 2<sup>nd</sup>] Vote: 12-0 [C. Llanes Pulido not present for the passage of the consent agenda].

***April 14, 2020*** – Postponed to May 26, 2020 at the request of Staff on the consent agenda. [R. Schneider – 1<sup>st</sup>; C. Kenny – 2<sup>nd</sup>] Vote: 12-0 [C. Llanes Pulido absent].

***February 25, 2020*** – Postponed to April 14, 2020 at the request of Staff on the consent agenda. [R. Schneider -1<sup>st</sup>; C. Kenny – 2<sup>nd</sup>] Vote: 12-0-1 [J. Shieh absent].

***September 10, 2019-*** Approved for indefinite postponement request by Staff on the consent agenda. [J. Thompson – 1<sup>st</sup>; J. Shieh – 2<sup>nd</sup>] Vote: 10-0 [R. Schneider and P. Seeger absent. T. Shaw no present for the passage of the consent agenda].

***July 23, 2019*** – Postponed to September 10, 2019 at the request of Staff was approved on the consent agenda. [P. Seeger – 1<sup>st</sup>; A. Azhar – 2<sup>nd</sup>] Vote: 10-0 [ R. Schneider, J. Thompson and Shaw absent].

***June 25, 2019*** – Postponed to July 23, 2019 on the consent agenda at the request of Staff. [A. Azhar – 1<sup>st</sup>; C. Kenny – 2<sup>nd</sup>, Vote: 11-0 [J. Shieh absent].

***May 28, 2019*** – Postponed to June 25, 2019 on the consent agenda at the request of Staff. [J. Shieh – 1<sup>st</sup>; P. Howard – 2<sup>nd</sup>] Vote: 12- 0 [K. McGraw absent].

***December 11, 2018-*** Postponed indefinitely on the consent agenda at the request of Staff. [K. McGraw – 1<sup>st</sup>; F. Kazi – 2<sup>nd</sup>] Vote: 11-0 [Y. Flores and C. Kenny absent].

***November 13, 2018*** – Postponed to December 11, 2018 on the consent agenda at the request of Staff. [P. Seeger – 1<sup>st</sup>; R. Schneider – 2<sup>nd</sup>] Vote: 12 – 0. [A. De Hoyos Hart absent].

**October 9, 2018** – Postponed to November 13, 2018 at the request of Staff on the consent agenda. [P. Seeger – 1<sup>st</sup>; K. McGraw – 2<sup>nd</sup>] Vote: 10 – 0 [J. Shieh and T. Witte absent. One vacancy]

**August 28, 2018** - Postponed to October 9, 2018 at the request of Staff on the consent agenda. [J. Schissler – 1<sup>st</sup>; C. Kenny – 2<sup>nd</sup>] Vote: 12-0 [One vacancy].

**July 24, 2018** – Postponed to August 28, 2018 at the request of Staff on the consent agenda. [G. Anderson – 1<sup>st</sup>; A. De Hoyos Hart – 2<sup>nd</sup>] Vote: 9-0 [ F. Kazi, J. Shieh, J. Thompson and T. White absent].

**June 12, 2018** – Postponed to July 24, 2018 at the request of Staff on the consent agenda. [J. Schissler – 1<sup>st</sup>; J. Shieh – 2<sup>nd</sup>] 12-0 [C. Kenny absent].

**May 22, 2018** – Planning Commission postponed to June 12, 2018 on the consent agenda. [P. Seeger – 1<sup>st</sup>; J. Schissler – 2<sup>nd</sup>] Vote: 13-0 [K. McGraw noted nay on Item C-11].

**April 10, 2018** – After discussion, postponed to May 22, 2018 leaving the public hearing open. [G. Anderson-1<sup>st</sup>; J. Schissler – 2<sup>nd</sup>] Vote:7- 4 [T. White and A. De Hoyos Hart absent. P. Seeger, K. McGraw, S. Oliver, T. Shaw voted nay].

**March 27, 2018** - Planning Commission postponed to April 10, 2018 on the consent agenda. [G. Anderson- 1<sup>st</sup>; J. Thompson – 2<sup>nd</sup>] Vote:12-0 [P. Seeger absent. J. Schissler abstain from Items C-23 & C-24. F. Kazi abstained from Item C-23. K. McGraw voted nay on Item C-19}.

**March 13, 2018** – Postponed on the consent agenda at the request of Staff to the March 27, 2018 hearing. [T. White – 1<sup>st</sup>; P. Seeger – 2<sup>nd</sup>] Vote: 8-0 [T. Nuckols, A. De Hoyos Hart, J. Shieh, and J. Thompson absent].

**February 27, 2018**- Postponed on the consent agenda at the request of Staff to the March 13, 2018 hearing. [J. Schissler – 1<sup>st</sup>; J. Shieh – 2<sup>nd</sup>] Vote: 12-0 [J. Thompson absent].

**January 23, 2018** – Postponed on the consent agenda at the request of Staff to the February 27, 2018 hearing. [P. Seeger – 1<sup>st</sup>; G. Anderson – 2<sup>nd</sup>] Vote: 10-0 [F. Kazi arrived after the consent agenda vote. A. De Hoyos Hart and J. Schissler absent].

**January 9, 2018** – Postponed on the consent agenda at the request of Staff to the January 23, 2018 hearing. [P. Seeger- 1<sup>st</sup>; A. De Hoyos Hart – 2<sup>nd</sup>] Vote: 11-0 [F. Kazi off the dais. T. Nuckols absent].

**December 12, 2017** – Postponed on the consent agenda at the request of Staff to the January 9, 2018 hearing. [J. Shieh – 1<sup>st</sup>; P. Seeger – 2<sup>nd</sup>] Vote: 12-0 [A. De Hoyos Hart absent].

**November 14, 2017** – Postponed to December 12, 2017 at the request by Staff on the consent agenda. [J. Shieh – 1<sup>st</sup>; T. White – 2<sup>nd</sup>] Vote: 13-0. [J. Schissler recused from item C-21. N. Zaragoza recused from item C-16].

**May 23, 2017**- Approved Applicant's request for an indefinite postponement on the consent agenda. [P. Seeger- 1<sup>st</sup>; N. Zaragoza – 2<sup>nd</sup>] Vote: 8-0 [Chair Kazi absent for consent agenda. Commissioners De Hoyos Hart, J. Schissler, J. Thompson and T. White absent].

**April 11, 2017**- Postponed on the consent agenda at the request of the Applicant to May 23, 2017. [N. Zaragoza – 1<sup>st</sup>; P. Seeger – 2<sup>nd</sup>] Vote: 11-0 [S. Oliver and T. White absent].

**February 28, 2017** – Postponed on the consent agenda at the request of the Applicant to April 11, 2017. [P. Seeger – 1<sup>st</sup>; A. DeHoyos – 2<sup>nd</sup>] Vote: 11-0 [Commissioners Thompson and White absent].

**January 10, 2017** – Postponed on the consent agenda at the request of the Applicant to February 28, 2017. [N. Zaragoza- 1<sup>st</sup>; F. Kazi – 2<sup>nd</sup>] Vote: 13-0

**STAFF RECOMMENDATION:** Recommended.

**BASIS FOR STAFF'S RECOMMENDATION (Revised on June 29, 2020).**: Staff recommends the applicant's request for multifamily land use because the land use is appropriate in this location where multifamily already exists and the request will provide additional housing choices for the area.

Below are sections of the Southeast Combined Plan document that supports the applicant's request.

### **Land Use Goals**

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

**Objective 1.1** *Explore opportunities for the development of a variety of housing and commercial options.*

Action Item 2 Rezone residentially-used properties inappropriately zoned for their current use to provide a stable supply of housing options. *(Implementer: NPZD)*

Action Item 3 Support the rezoning of undeveloped land in residential areas to make future development compatible with the prevailing residential land use scheme. *(Implementer: NPZD)*

### **TRANSPORTATION**

**Objective 14.2** *Enhance the connectivity of the sidewalk network.*

**Local or collector streets in order of neighborhood priority (Action Items 82-87):**

Action Item 81 Fill sidewalk gaps on both sides of Nuckols Crossing Rd. in front of and south of Widen Elem. and Mendez Middle Schools. (Implementer: TPSD)

- a.) East side of Nuckols Crossing Road from Parell Street to half a block past Palo Blanco Lane (in front of Widen Elementary).
- b.) West side of Nuckols from the endpoint of the sidewalk in front of Mendez Middle School to the Nuckols Crossing Rd. intersection with Pleasant Valley Rd

**Goal 16** Improve safety and the flow of automobile traffic with solutions that complement the City Transportation Department's operational (standard) traffic improvements.

## **LAND USE DESCRIPTIONS**

### ***EXISTING LAND USE ON THE PROPERTY***

**Single family** - Detached or two family residential uses at typical urban and/or suburban densities

### **Purpose**

1. Preserve the land use pattern and future viability of existing neighborhoods;
2. Encourage new infill development that continues existing neighborhood patterns of development; and
3. Protect residential neighborhoods from incompatible business or industry and the loss of existing housing.

### **Application**

1. Existing single-family areas should generally be designated as single family to preserve established neighborhoods; and
2. May include small lot options (Cottage, Urban Home, Small Lot Single Family) and two-family residential options (Duplex, Secondary Apartment, Single Family Attached, Two-Family Residential) in areas considered appropriate for this type of infill development.

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***PROPOSED LAND USE ON THE PROPERTY***

**Multifamily** Higher-density housing with 3 or more units on one lot

**Purpose**

1. Preserve existing multifamily and affordable housing;
2. Maintain and create affordable, safe, and well-managed rental housing; and
3. Make it possible for existing residents, both homeowners and renters, to continue to live in their neighborhoods.
4. Applied to existing or proposed mobile home parks.

**Application**

1. Existing apartments should be designated as multifamily unless designated as mixed use;
2. Existing multifamily-zoned land should not be recommended for a less intense land use category, unless based on sound planning principles; and
3. Changing other land uses to multifamily should be encouraged on a case-by-case basis.

***IMAGINE AUSTIN PLANNING PRINCIPLES***

1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and

have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.

- ***The Applicant's request for multifamily will provide a mix of housing types for the area and the City.***
2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
    - ***The property is located within the southeast edge of the Dove Springs Neighborhood Activity Center as Identified on the Imagine Austin Growth Concept Map, but is not located on an Activity Corridor.***
  3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
    - ***The property is located within the southeast edge of the Dove Springs Neighborhood node as identified on the Imagine Austin Growth Concept Map, and south of the McKinney Jobs Center.***
  4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
    - ***The applicant proposes to build apartment dwelling units, which would provide housing choices for the planning area and the city.***
  5. Ensure harmonious transitions between adjacent land uses and development intensities.
    - ***To the northwest and south of the property are with apartments with multifamily zoning and land use on the future land use map.***
  6. Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.
    - ***The property is located in the Desired Development Zone. Please see the zoning case report C14-2017-0010.SH for more information.***
  7. Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.
    - ***Not applicable.***
  8. Protect, preserve and promote historically and culturally significant areas.
    - ***Not applicable.***
  9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.



- *Not applicable.*

10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.

- *Not applicable.*

11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.

- *Not applicable.*

12. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.

- *Not applicable.*

## IMAGINE AUSTIN GROWTH CONCEPT MAP

### *Definitions*

**Neighborhood Centers** - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

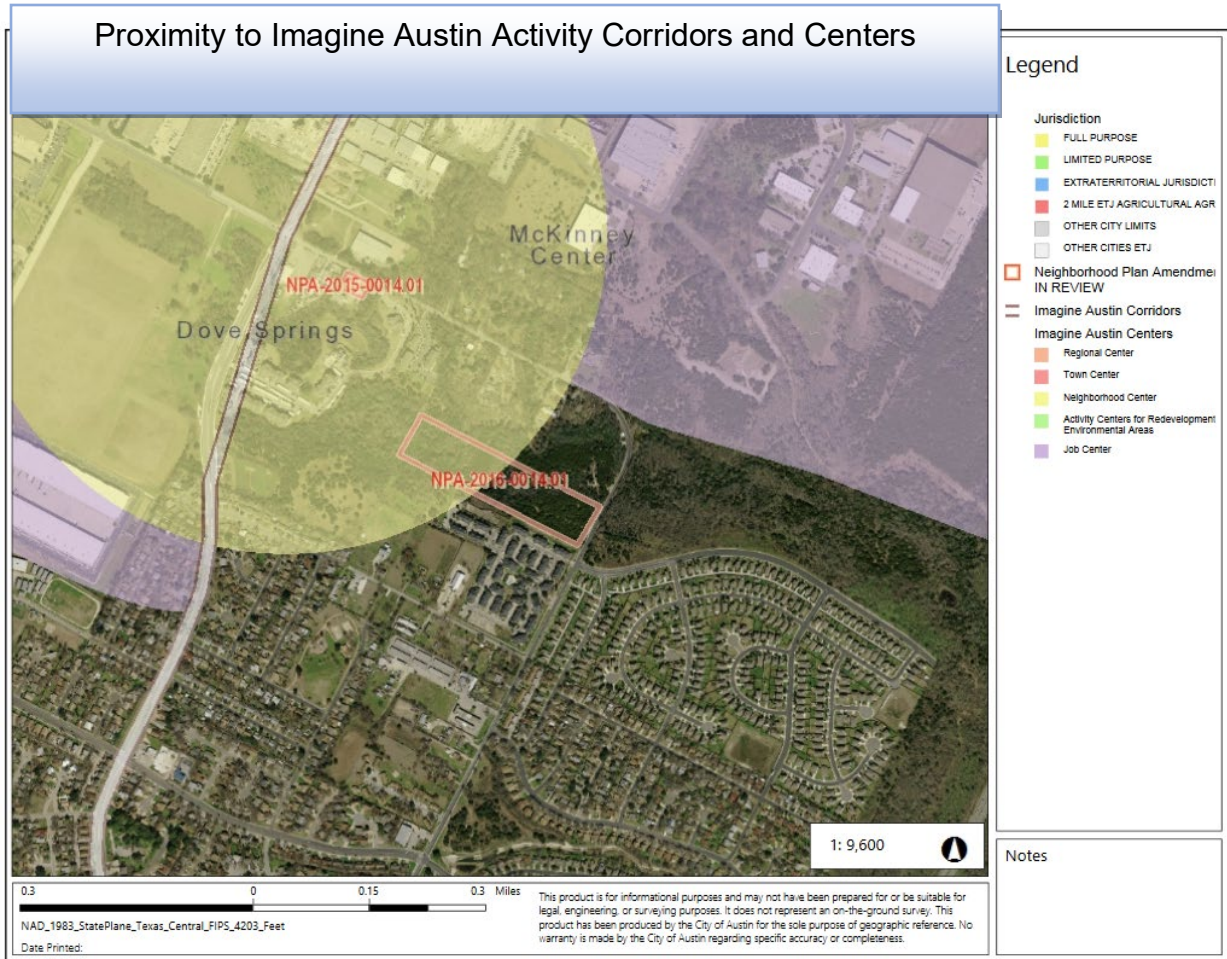
**Town Centers** - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

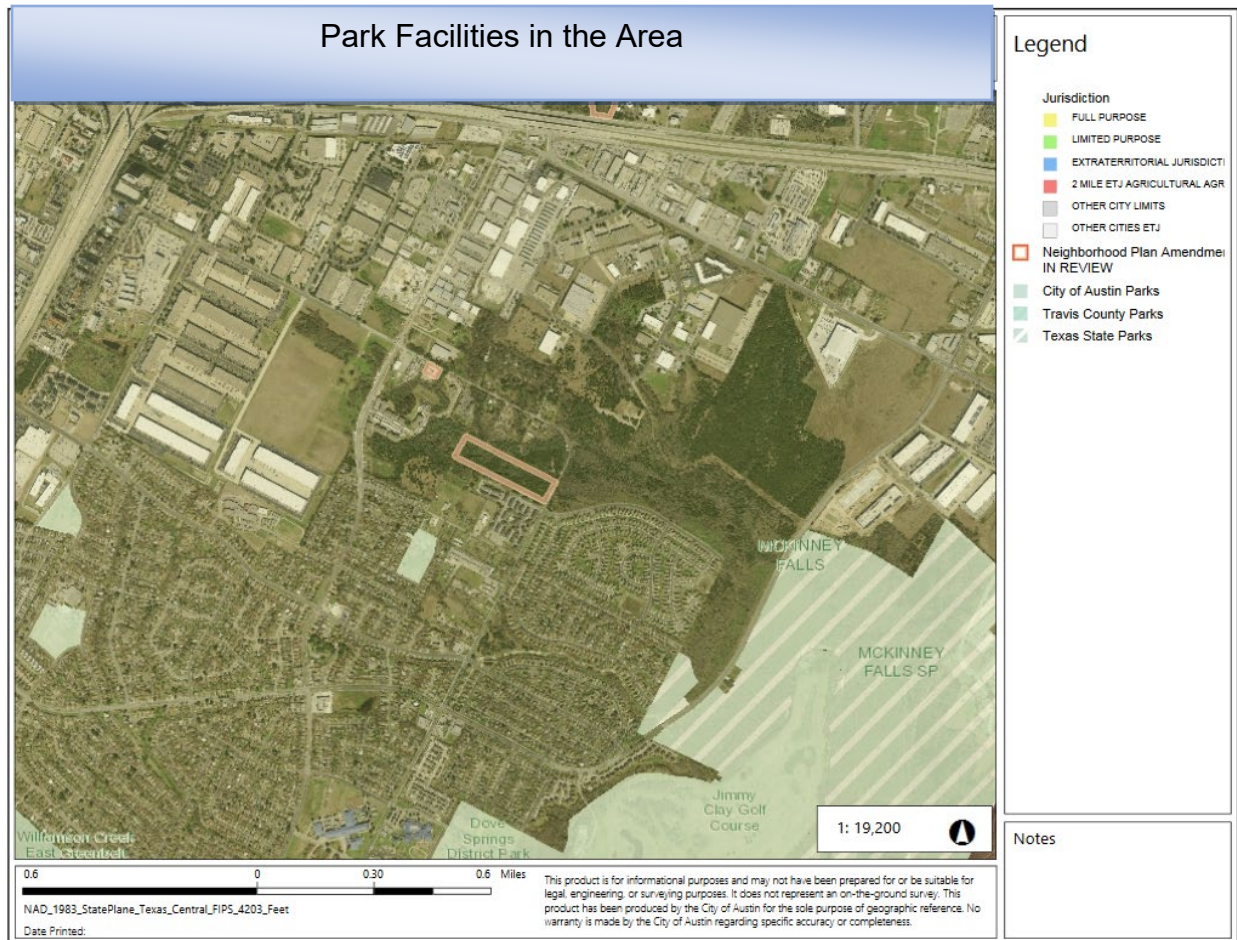
**Job Centers** - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation



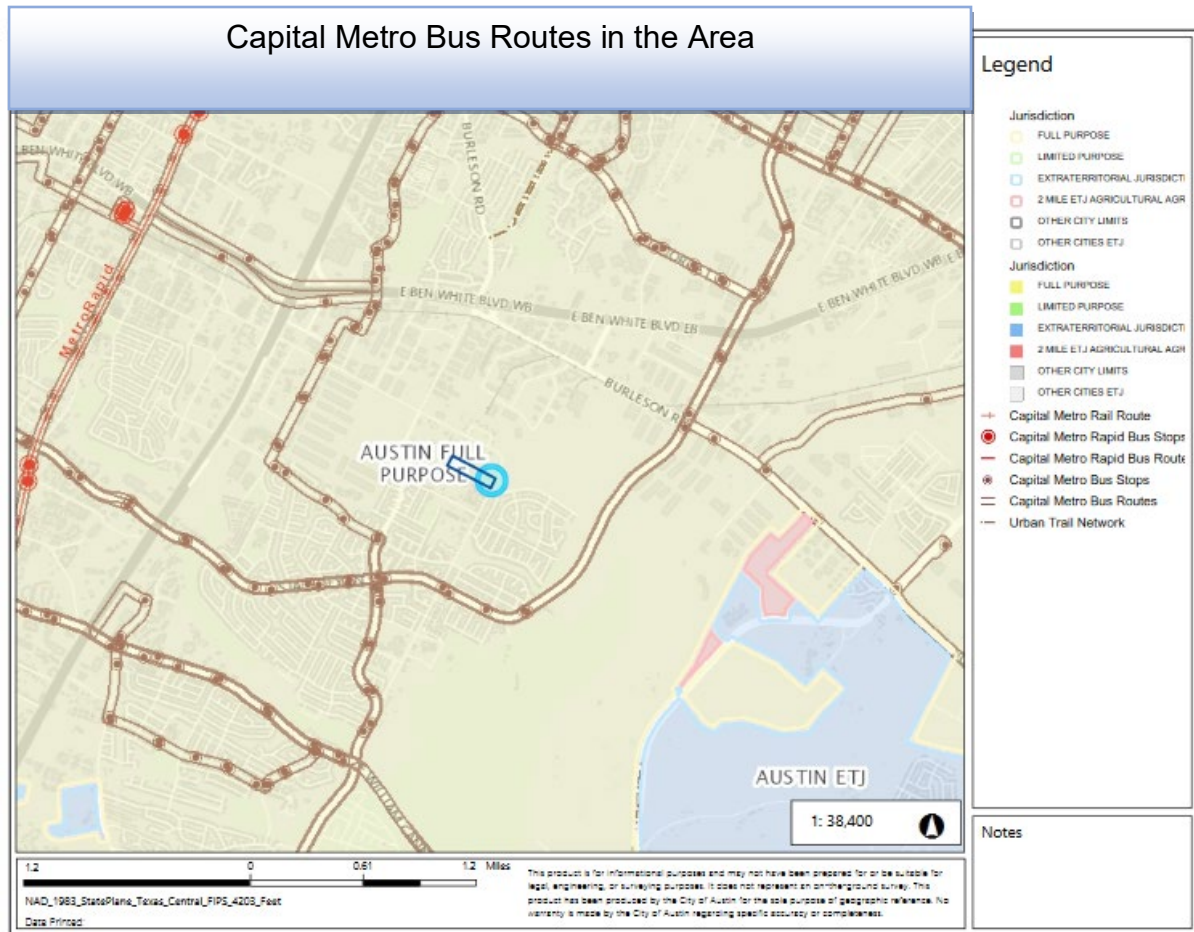
infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

**Corridors** - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.









**BACKGROUND:** The application was filed July 28, 2016, which is in-cycle for neighborhood planning areas located on the east side of I.H.-35.

The application that was originally filed in July 2016 contained approximately 27.413 acres, but the application was revised on September 28, 2018 to reduce the area to a 9.978 acre tract that is zoned SF-2-NP with the existing future land use of Single Family land use. The proposed land use is Multifamily.

The plan amendment application has an associated zoning case, C14-2017-0010.SH, which the applicant is requesting a change in zoning from SF-2-NP to MF-4-NP to build apartments.

**PUBLIC MEETINGS:** The ordinance-required community meeting was held on February 13, 2017. Approximately 560 meeting notices were mailed to property owners and utility account holders who live within 500 feet of the property, in addition to the neighborhood and environmental groups who have requested notification for the area.

***Note: Since this community meeting was conducted, the applicants' amended their plan amendment and zoning change applications to request Multifamily land use and MF-4-NP zoning. Please see the associated zoning case, C14-2017-0010.SH, for updated proposed development information.***

After city staff gave an overview of the applicant's plan amendment and zoning request and an overview of the process, the person renting the property made the following presentation.

Agents: Ron Thrower and Victoria Haase with Thrower Design

Property Owners: Angelos Angelou and John Sasaridis

City Planner: Kathleen Fox, Senior Planner

Audience Attendees: 39

Ana Aquirre, the Chair of the Southeast Combined Neighborhood Plan Contact Team asked everyone to introduce themselves to the room.

Kathleen Fox, the City of Austin's project manager for this Neighborhood Plan Amendment case explained that applicants were requesting a change to the Future Lane Use Map for the Southeast Combined Neighborhood Plan from Single Family to Multifamily to build a multifamily project. The applicant had also amended their rezoning and neighborhood plan amendment case that morning and were removing the MF-2 portion from the case and asking to rezone the RR zone, to zone MF-3.

Ron Thrower gave presentation on the proposed project, which called for:

- Rezoning approximately 27 acres of the property from RR and SF-2 to MF-3. Mr. Thrower acknowledged the expansion of the boundaries of the flood plain on the property, which had grown over the years. He stated that his clients would also honor the boundaries of the floodplain. The proposal called for the construction of 308 multifamily units, at a density of approximately 11 units per acre, although zone MF-3 would allow up to a density of 36 units per acre. The project concept called for attached and detached one and two bedroom units, which would be two stories tall with garages. No variances were being requested for in this project. He highlighted how this project was near a CapMetro stop; an elementary school; and commercial uses.

**Citizen Question/Comment:** Would access and associated road improvements being only off Nuckols Crossing Road?

Thrower: Yes

**Citizen Question/Comment:** How can Nuckols Crossing Road sustain additional traffic, especially when we have no sidewalks? Do your clients intend to not only improve their frontage along Nuckols Crossing Road with a sidewalk and entranceway but further down Nuckols Crossing Road to mitigate the traffic impact of this project?

Thrower: The developer will only improve the frontage along their property according to City regulations. He mentioned that the City of Austin was looking at improving Nuckols Crossing Road in the near future.

**Citizen Question/Comment:** Why even ask for Multifamily zoning on the wetlands portion of the property?

Thrower: There is more flexibility to design the property if everything just under one zone. The wetland area would also not be touched. They are also not going to get rid of the flood plain or ask for any variances to this development.

Haase: There are city regulations that prohibit anyone from developing in the floodplain area. They will not be developing in the floodplain.

Thrower: He explained that in the past, Zone RR was applied to all property in the flood plain and that flood plains were designated in neighborhood plans as 'Recreation and Open Space' but that was not the case anymore. Only public property is supposed to have that land use designation.

**Citizen Question/Comment:** An audience member expressed concern that this new development would push water onto surrounding properties.

Thrower: He stated that detention would be provided onsite and that the developer would have to comply with City ordinances regarding water detention.

**Citizen Question/Comment:** How large is the wetland/flood plain area on the site?

Thrower: Approximately 5 acres.

**Citizen Question/Comment:** Why is the request to go from MF-2 to MF-3 and not fully using the zoning (entitlements)?

Thrower: He explained that they removed the MF-2 portion from this request and would only be asking for MF-3 zoning on the SF-2 and RR zoned portions of the property.

**Citizen Question/Comment:** Why zone the property to MF-3 instead of MF-2 if they only wanted 11 units per acre? They stated that 36 units per acre was too much.

Thrower: He said his client might be receptive to agreeing to a conditional overlay to limit the number of units per acre for this project. Also, the 11 units an acre did not include the 5 acres in the flood plain, which meant the buildable portion of the site would have more than 11 units per acre.

**Citizen Question/Comment:** They are serious concerns with traffic access going on and off this property due to the blind spot along Nuckols Crossing Road; the amount of rush hour traffic; and getting out onto Nuckols Crossing Road from private drives. Traffic issues are difficult now and will only worsen with traffic coming from an additional 300 plus residential units. They asked the developer to include a dedicated lane going to and from this development so that vehicles would exit/enter directly onto Nuckols Crossing Road.

**Citizen Question/Comment:** Would the MF-3 zoning also cover the flood plain area?

Thrower: They are seeking MF-3 zoning for the entire site for design purposes. The flood plain area would not have any buildings on it but would be included in the overall density of the site of 11 units per acre (meaning the flood plain area would have no units on it while the buildable portion would have more than 11 units per acre to make up for the 5 acres lost in the floodplain.)

**Citizen Question/Comment:** A woman explained that she inherited property, which was due north of the subject property and was one of the most beautiful properties in Austin. The area is a nature reserve and she stated that people needed to downsize, and listen to the animals. She said that this town needs something for the kids and a park, and that there are already problems with water runoff in the area. She said money talks but we have voices. It's (the project) too much.

**Citizen Question/Comment:** Will there be a second exit to allow emergency vehicles to get onto the property besides Nuckols Crossing Road?

Thrower: There will be no second exit.

**Citizen Question/Comment:** What are the proposed types of units on the property?

Angelou: Approximately 30 percent of the units will be 1 bedroom, 60 percent would be 2 bedroom units, and maybe there will be some three bedroom units. The market rate for this area was \$650 to \$850 for one bedroom and \$950 to \$1100 for 2 bedrooms. The asking price for an apartment in this area averaged \$978 per unit according to the American Community Survey.

**Citizen Question/Comment:** Where did you get this data?

Angelou: He stated from a city website and looked it up and it was from the American Community Survey, which is data supplied by the U.S. Census.

**Citizen Question/Comment:** Would you be willing to put in writing that the detention would be onsite?

Thrower: He said they could do that.

**Citizen Question/Comment:** What about the issue of affordable housing; is the developer providing any affordable units? That same person reiterated that they wanted to see a certain percentage of the units be designated as affordable units.

Thrower: He stated that they had not discussed an affordable housing component and that many neighborhoods were against affordable housing. He also stated that he could talk more about affordable housing with the neighborhood at the March 13<sup>th</sup> neighborhood meeting.

**Citizen Question/Comment:** There is a huge demand three bedroom apartment units and a lot of pressure coming from households in the 30 to 50 MFI. They hoped the developer would consider offering more three bedroom units and consider household affordability for this income bracket and larger families.

**Citizen Question/Comment:** What is the price point for these units?

Angelou: He stated they were still analyzing this issue. He explained that he wanted to build high quality development in this area of Austin and go beyond the minimum.

**Citizen Question/Comment:** There is a push not to develop more than 2 bedroom units but now there is a push to develop more units per acre.



**Citizen Question/Comment:** Will the detention pond be located in the wetlands area?  
 Thrower: No.

**Citizen Question/Comment:** Person stated that they hoped they could make this project both beautiful and include affordability (component).

**Citizen Question/Comment:** How is the project going to be laid out? Where are you going to put the detention pond? We want to see the layout of the project.  
 Angelou: He stated they had not picked a developer yet or completed a site plan.

**Citizen Question/Comment:** What are the amenities you are going to have for the children?  
 Angelou: He stated they had not decided on what amenities to offer at this time.

**Citizen Question/Comment:** They discussed the beauty of the wetlands. They wanted to know if a conditional overlay would run with the property unless the zone changed. They said they were concerned the developer/owner will get rid of the conditional overlay or change the zoning in the future and wanted a restricted covenant that would run with the land. This man then went over the history of the parcel, the existing apartment complex, a land swap, and switching the zoning from multifamily for this property to enable the existing apartment complex to be rezoned from single family to multifamily.  
 Angelou: He stated that an environmental feature on his property triggered the restricted covenant.

**Citizen Question/Comment:** An audience member asked City staff if they had a staff recommendation on this case and to share it with them.

Fox: Ms. Fox explained that the planning department had not discussed this case yet or developed a group recommendation as of yet. The staff recommendation would be a group decision based on the policies taken from the neighborhood plan, and the merits of the case.

**Citizen Question/Comment:** How many trees will be cut down for this project?  
 Thrower: They didn't know right now.  
 Angelou: He stated that most of the trees on the property were cedar trees and small oaks.

### **CITY COUNCIL DATES:**

**December 14, 2017**

**ACTION:** Postponed to the February 1, 2018 at the request of staff. [D. Garza – 1<sup>st</sup>; E. Troxclair – 2<sup>nd</sup>] Vote: 11-0

**February 1, 2018**

**ACTION:** Postponed to March 8, 2018 at the request of staff. [O. Houston – 1<sup>st</sup>; P. Renteria – 2<sup>nd</sup>] Vote: 11-0.

**March 8, 2018**

**ACTION:** Postponed to April 12, 2018 at the request of staff. [S. Adler – 1<sup>st</sup>; D. Garza – 2<sup>nd</sup>] Vote: 11-0.

**April 12, 2018**

**ACTION:** Postponed to May 24, 2018 at the request of staff. [L. Pool – 1<sup>st</sup>; A. Kitchen – 2<sup>nd</sup>] Vote: 6-0 [G. Casar off the dais. Mayor Adler, Mayor Pro Tem Tovo, D. Garza and E. Troxclair absent].

**May 24, 2018**

**ACTION:** Postponed to June 28, 2018 at the request of staff. [O. Houston – 1<sup>st</sup>; D. Garza – 2<sup>nd</sup>] Vote 10-0 [E. Troxclair absent].

**June 28, 2018**

**ACTION:** Postponed to August 23, 2018 at the request of staff. [E. Troxclair – 1<sup>st</sup>; D. Garza – 2<sup>nd</sup>] Vote: 11-0.

**August 23, 2018**

**ACTION:** Postponed to October 18, 2018 at the request of staff. [G. Casar – 1<sup>st</sup>; P. Renteria – 2<sup>nd</sup>] Vote: 11-0.

**October 18, 2018**

**ACTION:** Postponed to December 13, 2018 at the request of staff. [D. Garza – 1<sup>st</sup>; O. Houston – 2<sup>nd</sup>] Vote: 10-0 [L. Pool absent].

**December 13, 2018**

**ACTION:** Indefinitely postponed at the request of staff. [A. Alter – 1<sup>st</sup>; G. Casar – 2<sup>nd</sup>] Vote: 9-0 [Mayor Adler off the dais. P. Renteria absent].

**June 20, 2019**

**ACTION:** Postponed to August 8, 2019 at the request of staff.

**August 8, 2019**

**ACTION:** Approved a Postponement request by Staff to October 3, 2019 (11-0).

**October 3, 2019**

**ACTION:** Approved an Indefinite Postponement request by Staff (10-0, Council Member Harper-Madison was off the dais).

**March 26, 2020**

**ACTION:** Approved a Postponement request by Staff to May 21, 2020 (11-0).

**May 21, 2020**

**ACTION:** Approved a Postponement request by

**June 11, 2020**

Staff to June 11, 2020 (11-0).

**ACTION:** Approved a Postponement request by Staff to July 30, 2020 (11-0).

**July 30, 3030**

**ACTION:** (Pending)

## Summary Letter Submitted by the Applicant

*Thrower Design*

510 S. Congress Avenue, Ste. 207  
P. O. Box 41957  
Austin, Texas 78704  
(512) 476-4456

July 27, 2016

Mr. Greg Guernsey  
Director  
Planning and Zoning Department  
City of Austin  
PO Box 1088  
Austin, Texas 78767

This firm represents the owners of the property associated with the application for this Plan Amendment application. We respectfully request positive consideration of this Plan Amendment to bring a multifamily development to the subject property.

The 28.271 acre property is located in SE Austin, in City Council District <sup>7</sup>, and within the St. Elmo tributary of the Williamson Creek Watershed. Current Land Use designation is Multifamily and Single Family as well as an undefined Recreation and Open Space designation. Proposed Land Use designation is for Multifamily and the definition of the Recreation and Open Space designation will be better defined as we go through the process. It is our intention to honor the Recreation and Open Space designation upon further refinement of the boundary as we go through the process of a Plan Amendment and subsequent rezoning.

The property has only frontage on Nuckols Crossing Road on the east property line. Continuing clockwise from the frontage along Nuckols Crossing are the following existing uses and their existing zoning and FLUM designation:

- 1) A Multifamily development with MF-2-CO-NP zoning district and Multifamily Land Use designation. This apartment development is known as Woodway Village Apartments.
- 2) A nearby church with SF-2-NP zoning and Single Family Land Use designation. The church only has frontage and access to a dead-end portion of Maufrais Lane.
- 3) Three homes on two large acreage properties along this segment of Maufrais Lane with SF-2-NP zoning district and Single Family Land use designation. The City GIS system reflects commercial operations of Materials Storage and Fencing Contractor Storage on these properties, however, a site visit did not find these commercial operations to be in existence.
- 4) A series of Single Family Homes within the Franklin Park Subdivision with SF-3-NP zoning district and Single family Land Use designation.
- 5) On the west is an undeveloped property with frontage on S. Pleasant Valley Road. This property has MF-2-NP zoning district and Multifamily Land Use Designation.
- 6) A small area of MF-3-NP zoning and Multifamily Land Use designation.
- 7) The creek area with RR zoning and Recreation and Open Space. However, the City GIS linework for RR zoning and Recreation / Open Space are not congruent, therefore leading to the inability of accuracy in determining the exact boundary of the Parks / Open Space Land Use designation on the Future Land use Map. In fact, the Parks / Open Space linework does not align with flood plain or Critical Water Quality Zone (CWQZ) information either.
- 8) A larger property developed as apartments with MF-3-CO-NP zoning and Multifamily Land Use designation. This property is known as Rosemont at Williamson Creek and has access to S. Pleasant Valley Road and E. St. Elmo Road.
- 9) Continuing along E. St. Elmo Road is a Condominium project with SF-6-CO zoning district and Single Family Land Use designation. Between this condominium project and the subject

L A N D P L A N N E R S

property is a small, undeveloped LO-CO-NP zoned property that is largely in the CWQZ, yet has Multifamily Land Use designation.

- 10) A series of very large single family homes with SF-2-CO zoning district and Single Family Land Use designation. The 400' wide CWQZ for the St. Elmo Tributary divides the developable portions of the subject property from the developable portions of these SF properties creating a perpetual natural buffer between these two land uses.

We believe that the Land Use designation change to Multifamily will bring additional housing opportunities to the area and to permit additional residential density to the area to support Imagine Austin Goals and Policies.

We look forward to discussion on this project request and if you have any comments, concerns or questions, please contact me at my office.

Sincerely,



A. Ron Thrower

## Letter of Recommendation from the Southeast Combined Neighborhood Plan Contact Team

February 20, 2018

Greg Guernsey, Director  
Planning and Zoning Department  
City of Austin  
PO Box 1088  
Austin, Texas 78705

RE: Neighborhood Plan Amendment Case Number: NPA-2016-0014.01  
Application for Rezoning Case Number: C14-2017-0010

Dear Mr. Guernsey:

The Southeast Combined Neighborhood Plan Contact Team (SCNPCT) has a history of supporting responsible development. Our Future Land Use Map (FLUM) area consists of single-family, multifamily, mixed use, commercial, office, civic, warehouse/limited office, and industry zones. With Austin Bergstrom International Airport (ABIA) being so close, we also have to consider the Airport Overlay.

With this in mind, the SCNPCT met on Monday, February 12, 2018, to hear a presentation on the two following requests pertaining to the property located at 4500 Nuckols Crossing: 1) Neighborhood Plan Amendment to change the land use designation on the FLUM from single-family to multifamily land use; and 2) Rezoning from single family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning. The SCNPCT took into consideration input from neighborhood associations representing residents immediately adjacent or across the street from the property as well as residents who use and are familiar with public safety (traffic and pedestrian) concerns on Nuckols Crossing. City staff was invited and also present. Staff reported the traffic report analysis memo was still being worked on, but was not ready and would be issued by Wednesday, Feb. 21<sup>st</sup>.

With a quorum present, and based on the information provided, the SCNPCT membership voted to oppose the applicant's requests to amend the Neighborhood Plan and change the zoning from SF-2 to MF-3. The oppositions for the requests are based on the following concerns voiced by the SCNPCT membership:

- Public Safety Concerns
- Traffic Concerns
- Pedestrian Concerns
- Environmental Concerns
- Flooding Concerns

The membership's primary concerns are based on the current substandard road infrastructure provided to residents who use Nuckols Crossing. It certainly will get much worse if the NP amendment and zoning changes are approved considering the additional vehicle trips resulting from the proposed additional housing units. We respectfully request the Planning Commission not approve the neighborhood plan amendment and zoning change requests unless the community's public safety concerns are addressed. We hope to have the opportunity to review the traffic report and the staff's recommendation as it relates to the public's safety. Although we were not provided a copy of the completed Environmental Resource Inventory Study, the additional critical environmental features discovered, are a secondary concern.

Respectfully submitted,



Ana Aguirre, Chair  
Southeast Combined Neighborhood Plan Contact Team (SCNPCT)

CC: Maureen Meredith, Planning and Zoning Department  
Wendy Rhoades, Planning and Zoning Department



Neighborhood Assn. Letter – Updated July 7, 2020

07July 2020

RE: **Plan Amendments File Number: NPA-2016-0014.01.SH**  
**Zoning Case Number: C14-2017-0010.SH**

Members of the City of Austin Planning Commission:

The Kensington Park Neighborhood Association **opposes** the proposed amendment to the SE Combined Neighborhood Plan from SF-2-NP to MF-4-NP, as well as the accompanying requested zoning change.

This is an attempt by the owner to nullify all the hard work of citizens as well as city staff in devising the SE Combined Plan. In that effort, the special environmental character of this little piece of Austin was recognized and zoning was subsequently limited to low density development and minimum traffic to provide protection of the fragile ecosystem of springs and creeks in the immediate area.

In line with the SE Combined Neighborhood Plan objectives and protections, we raise two specific concerns:

1. The change to higher density MF-4-NP zoning will adversely affect sensitive environmental features and add to the already tangled traffic of our SE Austin area. The portion of E. St. Elmo between Nuckols Crossing and Todd Lane cannot be widened without lasting detrimental effects on the springs and wetlands along that roadway. City has long recognized the special character of this section of E. St. Elmo, dating back to the City of Austin authorized "ST. ELMO ROAD AREA STUDY" of July, 1984.

Increased traffic from this project would therefore likely flow down Nuckols Crossing to Pleasant Valley Road, a major arterial. Such traffic would have a profound and undesirable effect on the los Arboles neighborhood and adjacent residential areas, which already suffer significant traffic congestion problems.

2. Planning Commission members need to be aware that there already some 6 major SH and affordable housing units with a 1 ½ mile radius of this proposed development. Namely:

Woodway Square  
 Rosemont at Williamson Creek  
 Kingfisher  
 Woodway Village  
 Eastern Oaks  
 Villas of Cordoba



These developments contribute significantly to the traffic congestion problem of our area. We do not need more.

Members of the City of Austin Planning Commission: Neighborhood Plans should ***not*** be changed without good and compelling reasons. We see no such compelling reasons for a change in the Plan or zoning for this tract ----- Other than to improve its marketability.

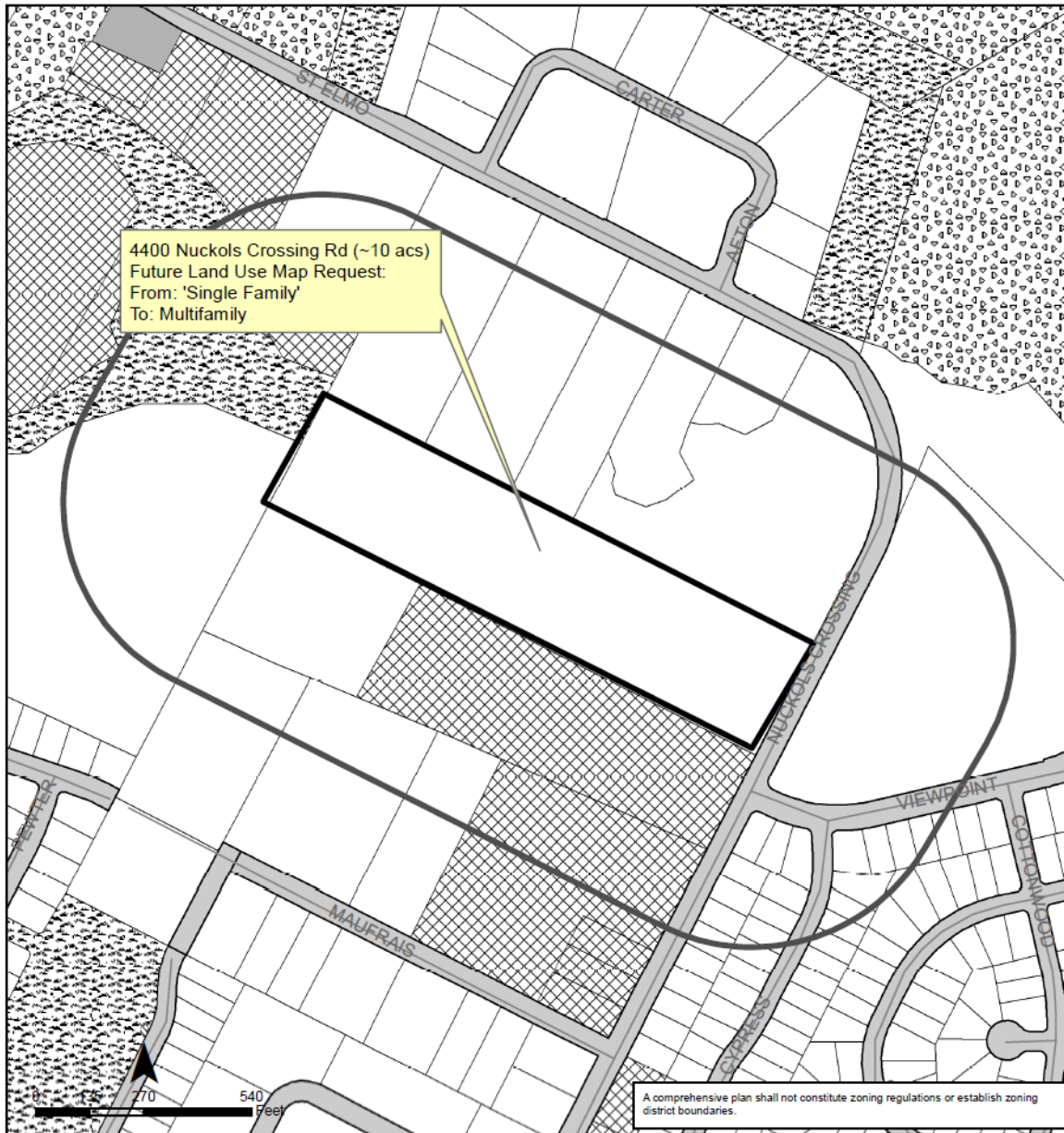
Kensington Park consequently stands in **opposition** to any such changes.

Respectfully,

*M. L. Sloan*

M. L. Sloan  
President  
Kensington Park Homeowners Association





### Southeast Combined (Franklin Park) Neighborhood Planning Area NPA-2016-0014.01.SH

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.

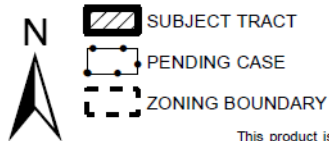
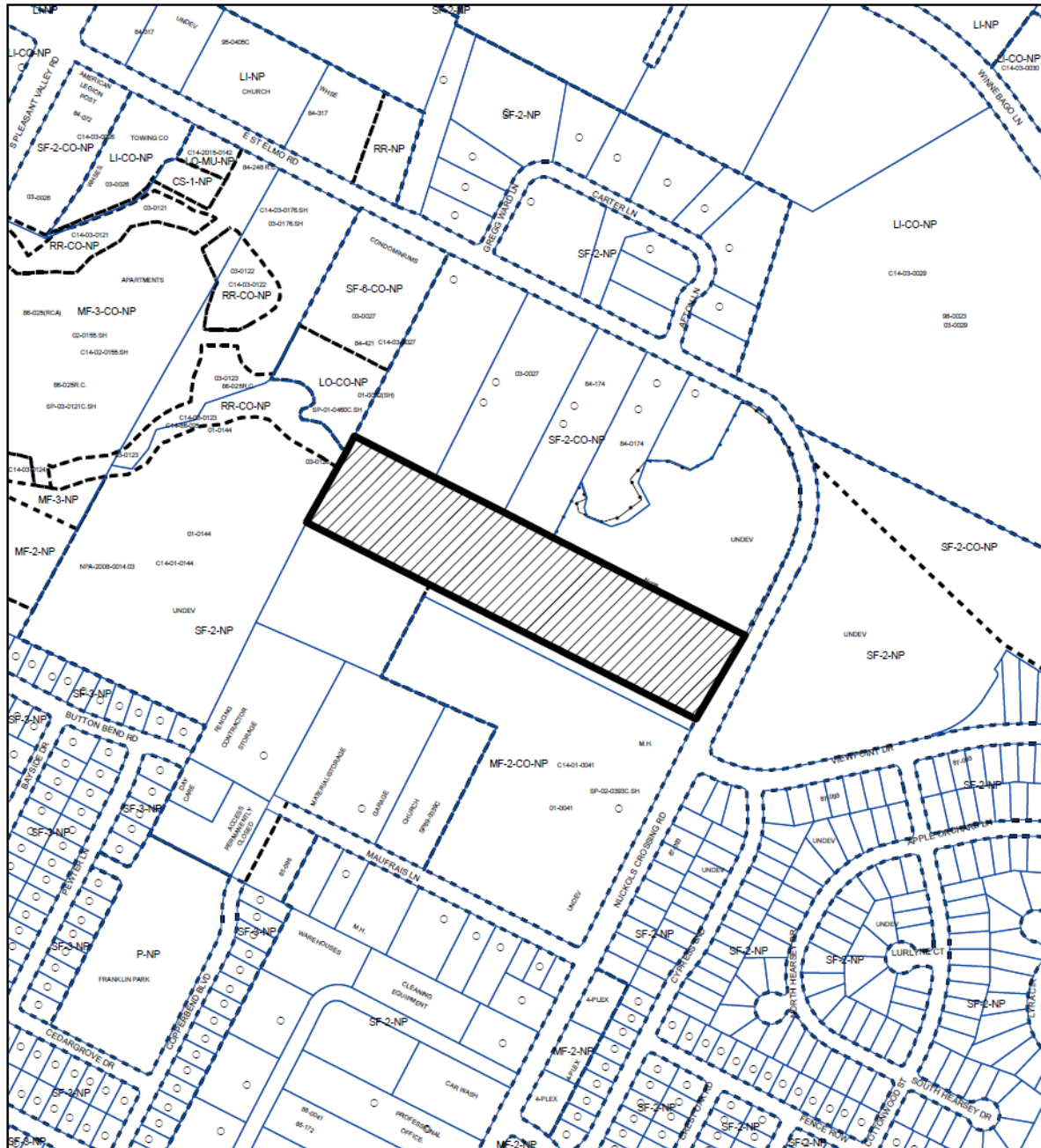
This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



City of Austin  
Planning and Zoning Department  
Created on 6/29/2020, by: meredithm

#### Future Land Use

500 ft. notif. boundary	Subject Property	Office
Single-Family	Multi-Family	Mixed Use/Office
Commercial	Mixed Use	Industry
Warehouse/Limited Office		Civic
		Recreation & Open Space
		Transportation



1" = 400'

**ZONING**  
ZONING CASE#: C14-2017-0010.SH

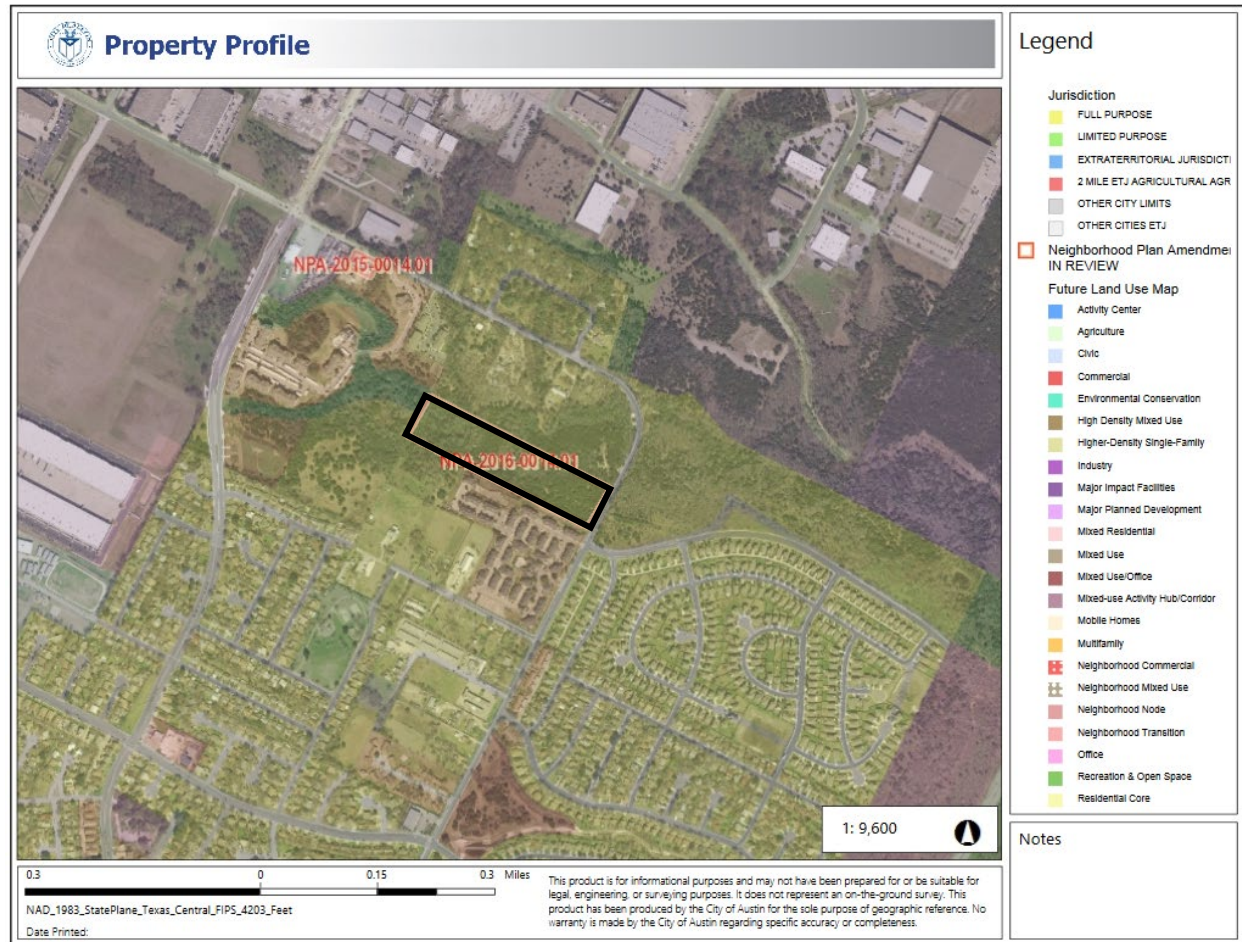
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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



Created: 5/21/2020





## PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:

City of Austin  
Planning and Zoning Department  
Maureen Meredith  
P. O. Box 1088  
Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2016-0014.01

Contact: Maureen Meredith, Phone: 512-974-2695

Public Hearings: November 14, 2017, Planning Commission  
December 14, 2017, City Council

☐ I am in favor  
☒ I object

Anita M. Werboer  
Your Name (please print)

4600 Nuckola Crossing Rd apt 2205  
Your address(es) affected by this application

Anita M. Werboer 11/9/17  
Signature Date

Comments: I object to the multi-unit  
apartments. It will mean more traffic  
on Nuckola Crossing. There is need for  
sidewalks - no sidewalks on area around  
planned units - also more mail letters  
on street which caused many flat  
tires. I wanted a commercial  
bldg & fire - like a Walgreens or CVS.

**PUBLIC HEARING COMMENT FORM**

If you use this form to comment, it may be submitted to:

City of Austin  
Planning and Zoning Department  
Kathleen Fox  
P. O. Box 1088  
Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

**Case Number: NPA-2016-0014.01**

**Contact: Kathleen Fox, phone: 512-974-7877**

**Public Hearing: Jan 10, 2017, Planning Commission**

Cathy Fry

Your Name (please print)

☐ I am in favor  
☒ I object

4616 Button Bend

Your address(es) affected by this application

Cathy Fry

Signature

1-3-17

Date

Comments:

Our houses are already too easily  
accessible to robbers without  
moving them closer to our  
property - animals who can go  
in their back yards will also  
be in more jeopardy of being  
poisoned just for some degenerates  
horrible pleasure.

Cathy Fry 512-917-4559



Planning Commission: July 14, 2020

## PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:

City of Austin  
Planning and Zoning Department  
Maureen Meredith  
P. O. Box 1088  
Austin, TX 78767-8810

RECEIVED  
5/24/19

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2016-0014.01.SH  
Contact: Maureen Meredith, Ph: 512-974-2695  
Public Hearings: May 28, 2019, Planning Commission  
June 20, 2019, City Council

Andrew Miranda  
Your Name (please print)

☐ I am in favor  
☒ I object

5301 Westpoint Dr. Austin, TX 78744  
Your address(es) affected by this application

Andrew Miranda  
Signature  
5/20/19  
Date

Comments:

Traffic is already too bad. There have also been several accidents at Nueces Crossing and Westpoint, especially where recently, while traffic has increased in the area. Even just last week there was a 4-car pile up. This is a dangerous spot to build with family dwellings upon.

## PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:

City of Austin  
Planning and Zoning Department  
Maureen Meredith  
P. O. Box 1088  
Austin, TX 78767-8810

RECEIVED  
5/14/19

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2016-0014.01.SH  
Contact: Maureen Meredith, Ph: 512-974-2695  
Public Hearings: May 28, 2019, Planning Commission  
June 20, 2019, City Council

Iose L. Rodriguez  
Your Name (please print)

☐ I am in favor  
☒ I object

4910 Maufrais Ln. Austin TX 78744  
Your address(es) affected by this application

Iose L. Rodriguez  
Signature  
5/22/2019  
Date

Comments:

→ See attached Comments.

Planning Commission: July 14, 2020

## PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:

City of Austin  
 Planning and Zoning Department  
 Maureen Meredith  
 P. O. Box 1088  
 Austin, TX 78767-8810



If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2016-0014.01.SH

Contact: Maureen Meredith, Ph: 512-974-2695

Public Hearings: May 28, 2019, Planning Commission

June 20, 2019, City Council

Billy Bochnagel  
 Your Name (please print)

☐ I am in favor  
☒ I object

4607 Cypress Bend Austin, TX 78744  
 Your address(es) affected by this application

Billy Bochnagel  
 Signature

5/21/19  
 Date

Comments:

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## PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:

City of Austin  
Planning and Zoning Department  
Maureen Meredith  
P. O. Box 1088  
Austin, TX 78767-8810

RECEIVED  
7/2/20

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

**Case Number:** NPA-2016-0014.01.SH  
**Contact:** Maureen Meredith, Ph: 512-974-2695  
**Public Hearings:** Feb 25, 2020 - Planning Commission  
Mar 26, 2020 - City Council

Shirley M. Collins - Paula Rayna Baker with me  
I stay with my daughter + grandson + grand  
my mail should be P.O. Box 19647 - Austin, TX  
78760-9647

☒ I am in favor  
☐ I object

Your Name (please print)

SHIRLEY M. COLLINS

Your address(es) affected by this application

P.O. Box 19647 AUSTIN, TEXAS 78760-9647 - Shirley M. Collins  
Signature Date - 2-22-2020

Comments: The owner of the dog named - 2-22-2020 Mary Jo the  
Past office dog named Hank also they have a kid. Went back  
around the other way to the Past office. The board on Highway had a  
Wider 50 ft. Road. People can walk on the Road. These people with the dog named  
to please Austin and go back where they came from. If they were not born  
here in Austin, don't know the address of the property. It's not their  
house on the left. The traffic noise is not their. It's not people walk-  
ing.



## PUBLIC HEARING COMMENT FORM

If you use this form to comment, it may be submitted to:

City of Austin  
Planning and Zoning Department  
Maureen Meredith  
P. O. Box 1088  
Austin, TX 78767-8810

RECEIVED

2/26/18

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

**Case Number:** NPA-2016-0014.01.SH

**Contact:** Maureen Meredith, Ph: 512-974-2695

**Public Hearings:** Feb 25, 2020 - Planning Commission  
Mar 26, 2020 - City Council

☐ I am in favor  
☒ I object

Jeremy Sanderson

Your Name (please print)

5203 Viewpoint Dr Austin, TX 78744

Your address(es) affected by this application

[Signature]

Signature

2-24-20

Date

Comments:

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