

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0161 – West William Cannon Housing DISTRICT: 5

ZONING FROM: LO-CO

ZONING TO: MF-4

ADDRESS: 3101 West William Cannon Drive

SITE AREA: 8.977 acres

PROPERTY OWNER: Jubilee Christian Center (Jimmy R. Seal)

AGENT: Armbrust & Brown, PLLC (Michael J. Whellan)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant multifamily residence – moderate-high density (MF-4) district zoning. *For a summary of the basis of Staff's recommendation, see page 2.*

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

February 1, 2022:

January 18, 2022: *APPROVED A POSTPONEMENT TO FEBRUARY 1, 2022*
[H. SMITH; C. ACOSTA – 2ND] (10-0) R. WOODY – OFF THE DAIS

January 4, 2022: *APPROVED A POSTPONEMENT REQUEST BY THE ADJACENT PROPERTY OWNER WITH THE APPLICANT IN AGREEMENT, TO JANUARY 18, 2022, BY CONSENT.*

[A. DENKLER; H. SMITH – 2ND] (10-0) T. BRAY – OFF THE DAIS

December 21, 2021: *APPROVED A POSTPONEMENT TO JANUARY 4, 2021*
[H. SMITH; R. WOODY – 2ND] (9-0) C. THOMPSON – OFF THE DAIS; J. KIOLBASSA – ABSENT

December 7, 2021: *MEETING CANCELLED; RENOTIFICATION REQUIRED*

CITY COUNCIL ACTION:

March 3, 2022:

ORDINANCE NUMBER:

ISSUES:

The Applicant and the adjacent property owner have submitted a joint postponement request to February 1, 2022. Please refer to correspondence attached at the back of the Staff report.

The rezoning area is subject to a public Restrictive Covenant for Unified Development and Maintenance of Drainage Facilities which was executed in 2005 prior to final approval and release of a Site Plan (SP-04-0757C – Jubilee Christian Center). The existing buildings and parking area are located on the adjacent Lots 56-58, and is presently occupied by Impact Family Church. The water quality and detention / irrigation ponds are shown on Lots 53 and 54 which is part of the rezoning area. An additional building and parking area (unbuilt, associated with the church) is shown on Lot 55 and 56.

The Applicant has met with representatives of the Persimmon Hollow Condominiums on William Cannon, the adjacent community to the west.

Petition information is attached and the results will be certified upon receipt of original signatures from adjacent property owners. All correspondence received from adjacent residents is attached at the back of the Staff report.

CASE MANAGER COMMENTS:

The subject undeveloped property consists of six platted lots and a vacated right-of-way with approximately 1,450 linear feet of frontage on West William Cannon Drive. The westernmost lot has frontage on Stage Coach Trail, a 200-foot long public street that provides vehicular access to the Persimmon Hollow Condominiums to the west. Two 1995-1996 rezoning cases (which occurred prior to the right-of-way vacation) covered the west and east portions of the property and Council approved the limited office – conditional overlay (LO-CO) district for each case. The Conditional Overlay limits the number of vehicle trips to 2,000 per day on each case, and prohibits vehicular access to Stage Coach Trail on the western case.

City maps show a creek buffer area running in a northerly to southerly direction through the western portion of the site and continuing to the 147 acre Stephenson Preserve to the south. Creek Buffers are unbuildable areas.

There are single family residences in the Western Hills at Cherry Creek subdivision and apartments across William Cannon to the north (SF-3; SF-2; MF-2-CO), undeveloped land and a church to the east (LO-CO; LO); the Stephenson Preserve to the south (PUD), and attached condominiums across Stage Coach Trail to the west that also have frontage on William Cannon (SF-3). The Imagine Austin Growth Concept Map identifies West William Cannon Drive as an Activity Corridor which is a reflection of both land uses along a roadway and the available transportation options. ***Please refer to Exhibits A and A-1 – Zoning Map and Aerial Exhibit.***

The Applicant's request is to rezone the property to the multifamily residence – moderate-high density (MF-4) district so that it may be developed with up to 300 apartment units. The Applicant's conceptual plan shows that development will be located on the eastern portion of the site opposite existing apartments, and vehicular access would be taken to West William Cannon Drive. ***Please refer to Exhibit B – Applicant's Conceptual Plan.***

BASIS OF RECOMMENDATION:

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

The multi-family residence – moderate-high density (MF-4) district is intended for residential and multi-family use with a maximum density of up to 54 units per acre, depending on unit size and mix. This district is appropriate for multi-family residential areas located near supporting transportation and commercial facilities, generally in more centrally located areas.

The property has access to West William Cannon Drive, an arterial and frontage on Stage Coach Trail, a local street which serves a condominium community.

2. *Intensive multi-family zoning should be located on highways and major arterials.*
3. *Zoning changes should promote compatibility with adjacent and nearby uses.*

Staff recommends MF-4 zoning for the property based on the following considerations: 1) multifamily residential development is appropriate on William Cannon Drive, an arterial (Level 4) road and designated Activity Corridor, 2) it is suitable for residential development, consistent with multifamily residential developments to the north and east on William Cannon, and a multifamily development would assist towards accomplishing housing goals, and 3) the proposed development will be compact due to impervious cover restrictions within the Barton Springs Zone.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LO-CO	Undeveloped
<i>North</i>	SF-3; SF-2; RR-CO; MF-2-CO	Single family residences in the Western Hills at Cherry Creek subdivision; Undeveloped; Apartments
<i>South</i>	PUD	Stephenson Preserve
<i>East</i>	LO-CO; LO; GR	Church; Apartments
<i>West</i>	SF-3	Persimmon Hollow Condominiums

NEIGHBORHOOD PLANNING AREA: Not Applicable

TRAFFIC IMPACT ANALYSIS: Is not required

WATERSHED: Williamson Creek Watershed – Barton Springs Zone (Recharge Zone)

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

An Educational Impact Statement is required. ***Please refer to Attachment A.***

Sunset Valley Elementary School Covington Middle School Crockett High School

COMMUNITY REGISTRY LIST:

12 – Brodie Lane Homeowners Association 384 – Save Barton Creek Association
 511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 742 – Austin Independent School District 943 – Save Our Springs Alliance
 1228 – Sierra Club, Austin Regional Group 1343 – Oak Hill Trails Association
 1363 – SEL Texas 1424 – Preservation Austin
 1429 – Go Austin Vamos Austin 78745 1530 – Friends of Austin Neighborhoods
 1531 – South Austin Neighborhood Alliance (SANA)
 1550 – Homeless Neighborhood Association 1559 – Palomino Park HOA
 1596 – TNR BCP – Travis County Natural Resources
 1616 – Neighborhood Empowerment Foundation
 1714 – East Oak Hill Neighborhood Association 1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2014-0128 – The Vistas of Western Hills – 2910 West William Cannon Dr	SF-2 to MF-2	To Grant MF-2-CO w/CO for 2,000 vehicle trip limit / day, and Street Deed for r-o-w on W William Cannon	Apvd MF-2-CO as Commission recommended (2-12-2015).
C814-98-0001 – The Forum PUD (Tract 4 / Parcel G and Tract 5 / Parcel H) – south of W William Cannon Dr	SF-2 to PUD for approx 147 acres	To Grant PUD with conditions	Apvd PUD for the Preserve which is to be undeveloped except for trails, trail markers and development incidental to educational use (4-8-1999).
C14-95-0109 – 2900-3200 Block of W William Cannon Dr	SF-2 to RR	To Grant RR-CO	Apvd RR-CO w/CO prohibiting community recreation (private and public), club or lodge, kennels, safety services, stables and telecommunications tower (6-27-1996).
C14-94-0147 – Cherry Creek – 2900-3200 William Cannon Dr (even #s).	SF-2 to MF	Apvd MF-2-CO w/conds & direct Staff to initiate rezoning on adjacent greenbelt area zoned SF-2 (see C14-95-0109)	Apvd MF-2-CO w/CO for 12.44 units per acre (8-3-1995).
C14-78-242 – City of Austin Planning	Interim A Residence, First Height and Area		Apvd BB Residence, First Height and Area (4-12-1979). Note:

	to AA Residence, First Height and Area		This converted to SF-2 zoning in 1984.
C14-73-240 – Cannon West Shopping Center (Both sides of William Cannon)	Interim A Residence, First Height and Area to BB Residence, First Height and Area (Tract B, located at 2809 W William Cannon, to the east)		Apvd BB Residence, First Height and Area (6-20-1974). Note: This converted to MF-2 zoning in 1984.

RELATED CASES:

The rezoning area is platted as Lots 50-55, Western Hills, a subdivision recorded in 1953 (C8-1953-2104). The City acquired right-of-way for the expansion of William Cannon Drive in 1972 and 1977. The Ranch Road right-of-way located between Lots 53 and 54 was vacated by a vote of the Planning Commission on April 4, 2000 and recorded at the Travis County Clerk on April 6, 2000.

On April 11, 1996, Council approved LO-CO zoning with the Conditional Overlay for a 2,000 daily vehicle trip limit for the eastern portion of the rezoning area (C14-95-0106 – Jubilee Christian Center). Also on April 11, 1996, Council approved LO-CO zoning with the Conditional Overlay for a 2,000 daily vehicle trip limit and prohibiting vehicular access to Stage Coach Trail for the western portion of the rezoning area (C14-95-0107 – Jubilee Christian Church / Wilke-Amey-Clay Funeral Home).

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
West William Cannon Drive	95 – 100 feet	43 feet	Level 4	Yes	Shared Lane	Yes
Stage Coach Trail	49 feet	43 feet	Level 1	No	None	Yes

As information, there are not any current or planned Capital Improvement Projects along William Cannon Drive between MoPac Expressway and Menchaca Road. However, William Cannon is part of the Corridor Construction Program, and mobility and safety improvements work has begun on the corridor east of IH 35, near the Onion Creek Soccer Fields, Rockridge Drive, and McCarty Lane. Below are links to the corridor page and the 2016 Mobility Bond improvement project for William Cannon Drive for mobility, safety and connectivity improvements between Southwest Parkway and McKinney Falls Parkway:

<https://data.austintexas.gov/stories/s/William-Cannon-Corridor/njh3-ee8j/>

[William Cannon_3 \(austintexas.gov\)](#)

OTHER STAFF COMMENTS:

Comprehensive Planning

This rezoning case is located on the south side of West William Cannon Drive on a 8.97 acre property that is undeveloped. It is also located along the **William Cannon Road Activity Corridor** and outside the boundaries of a small area plan. Surrounding land uses include a multifamily apartment complex and single-family houses to the north; to the south is Stephenson Nature Preserve and Outdoor Education Center; to the east is a church; and to the west are attached (two-unit) condominiums. The proposed land use is a 300-unit multifamily mid-rise apartment complex.

Connectivity

There are public sidewalks located along both sides of this portion of William Cannon Drive. A public transit stop is located directly in front of the property but there are no bike lanes located along this portion of William Cannon Drive. Retail uses and a park are located within a quarter of a mile radius. A grocery store is located a half mile to the west. The mobility and connectivity options in the area are average.

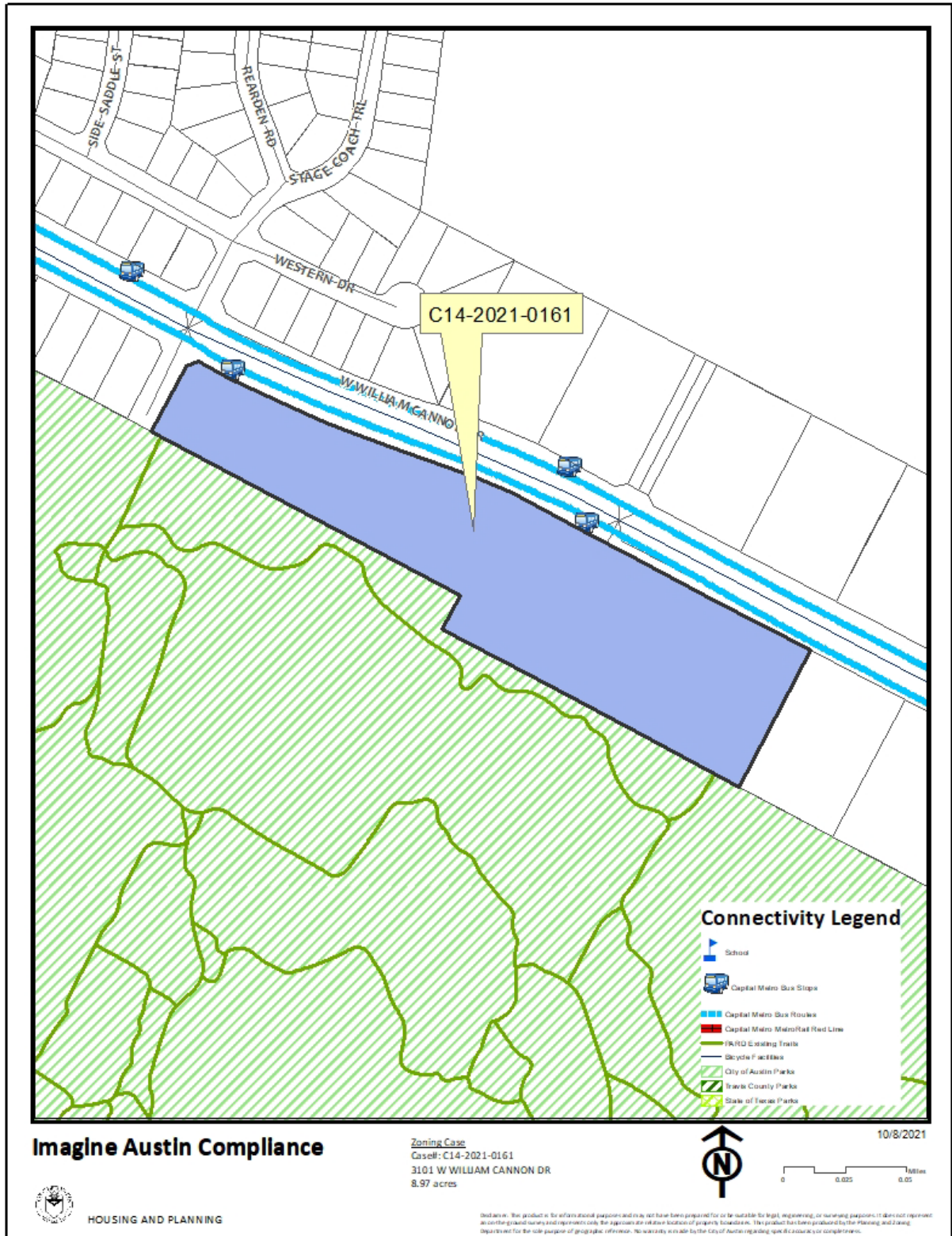
Imagine Austin

The Imagine Austin Comprehensive Plan (IACP) identifies this section of **West William Cannon Drive as an Activity Corridor**. Activity Corridors are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. They are 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.

The following Imagine Austin policies are applicable to this case:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- **HN P10.** Create **complete neighborhoods** across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on this property: (1) being situated along an **Activity Corridor**, which supports multifamily uses; (2) other residential uses, including multifamily, being located within a quarter mile radius of this site; (3) adding new residential units in support of the Strategic Housing Blueprint; and (4) the connectivity and mobility strengths available in the area, this project supports the policies of the Imagine Austin Comprehensive Plan.



Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties. There is a regional water quality / detention facility that will serve this site, therefore onsite drainage facilities will not be provided.

Environmental

This site is located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.

Project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the Recharge Zone.

A Water Quality Transition Zone / Critical Water Quality Zone exist within the project location.

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

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2-year storm on site. Runoff from the site is required to comply with pollutant load restrictions as specified in Land Development Code.

Impervious Cover

Within the Barton Springs Zone portion of the Williamson Creek watershed, the maximum impervious cover allowed by the *MF-4 zoning district is 15%*, which is based on the more restrictive *watershed* regulations.

PARD – Planning & Design Review

Parkland dedication will be required at the time of subdivision or site plan application for new residential units, per City Code § 25-1-601, as amended. The proposed development meets the criteria for land dedication in City Code Title 25, Article 14. As such, a partial land dedication will be required, as well as any remaining fees in-lieu.

The development is adjacent to Stephenson Preserve, and includes a segment of a Williamson Creek tributary, thereby meeting several of the criteria for dedication per § 25-1-605 (B). The development as proposed will require parkland dedication for the new residential units that will serve the surrounding neighborhood through the additional park investment. The Parks and Recreation Department (PARC) would consider a connection along the creek toward satisfying the requirement at time of permitting (whether subdivision or site plan). Such a connection would improve neighborhood connectivity, and satisfy a connection with Williamson Creek, a recommendation identified in the Parks and Recreation Department's Long Range Plan.

Should there be any remaining fees in-lieu, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

Should the applicant wish to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARC can provide an early determination letter of the requirements as stated in this review.

Site Plan and Compatibility Standards

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

The site is subject to compatibility standards. Along the north and west property lines, the following standards apply:

- a. No structure may be built within 25 feet of the property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- d. No parking or driveways are allowed within 25 feet of the property line.
- e. A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations from LDC 25-2-1067 include the following:

- Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent property:
 - (1) in an urban family residence (SF-5) or more restrictive district
 - (2) on which a use permitted in an SF-5 or more restrictive zoning district is located
- The noise level of mechanical equipment may not exceed 70 decibels at the property line.
- A permanently placed refuse receptacle, including a dumpster, may not be located 20 feet or less from property:

- (1) in an SF-5 or more restrictive zoning district; or
- (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

Density limits for MF-4

For sites zoned MF-4, the minimum site area for each dwelling unit is:

- (1) 800 square feet, for an efficiency dwelling unit;
- (2) 1,000 square feet, for a one-bedroom dwelling unit; and
- (3) 1,200 square feet, for a dwelling unit with two or more bedrooms.

Austin Transportation Department*ASMP Assessment*

The Austin Strategic Mobility Plan (ASMP) calls for 120 feet of right-of-way for W William Cannon Drive and 50 feet of right-of-way for Stage Coach Trail. It is recommended that 60 feet of right-of-way from the existing centerline should be dedicated for W William Cannon Drive and 25 feet of right-of-way from the existing centerline should be dedicated for Stage Coach Trail according to the Transportation Plan with the first subdivision or site plan application [LDC 25-6-51 and 25-6-55].

Transportation Assessment

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

Austin Water Utility

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

INDEX OF EXHIBITS, ATTACHMENT, AND CORRESPONDENCE TO FOLLOW:

Exhibit A: Zoning Map

Exhibit A-1: Aerial Map

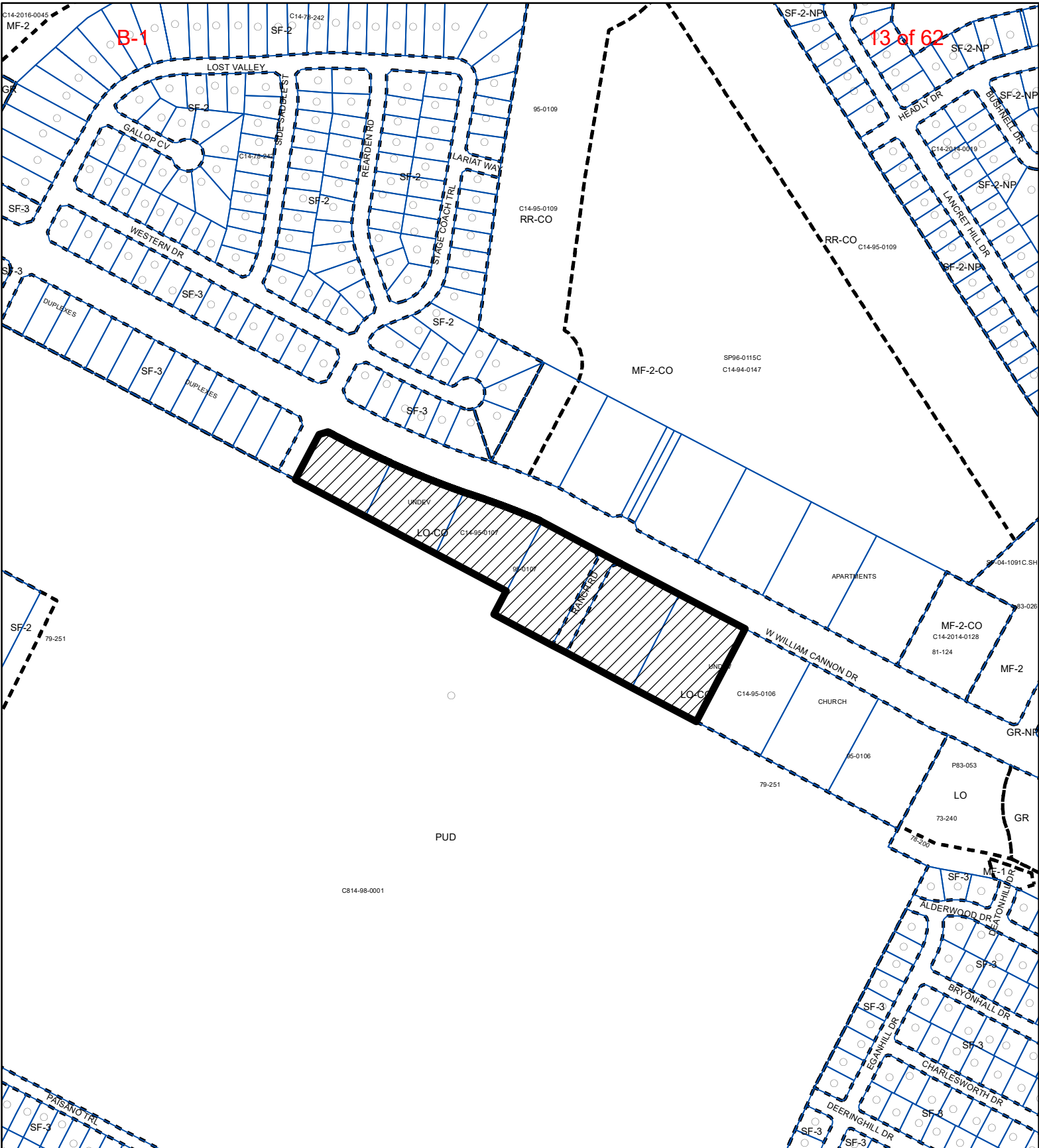
Exhibit B: Applicant's Conceptual Plan




Attachment A: Educational Impact Statement

Correspondence Received

Petition Materials

Questions and Answers



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

Exhibit A

ZONING CASE#: C14-2021-0161

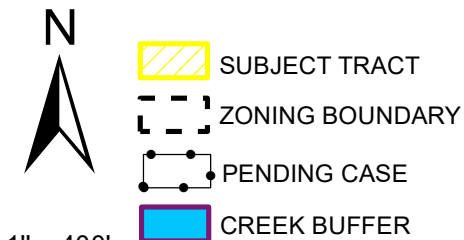
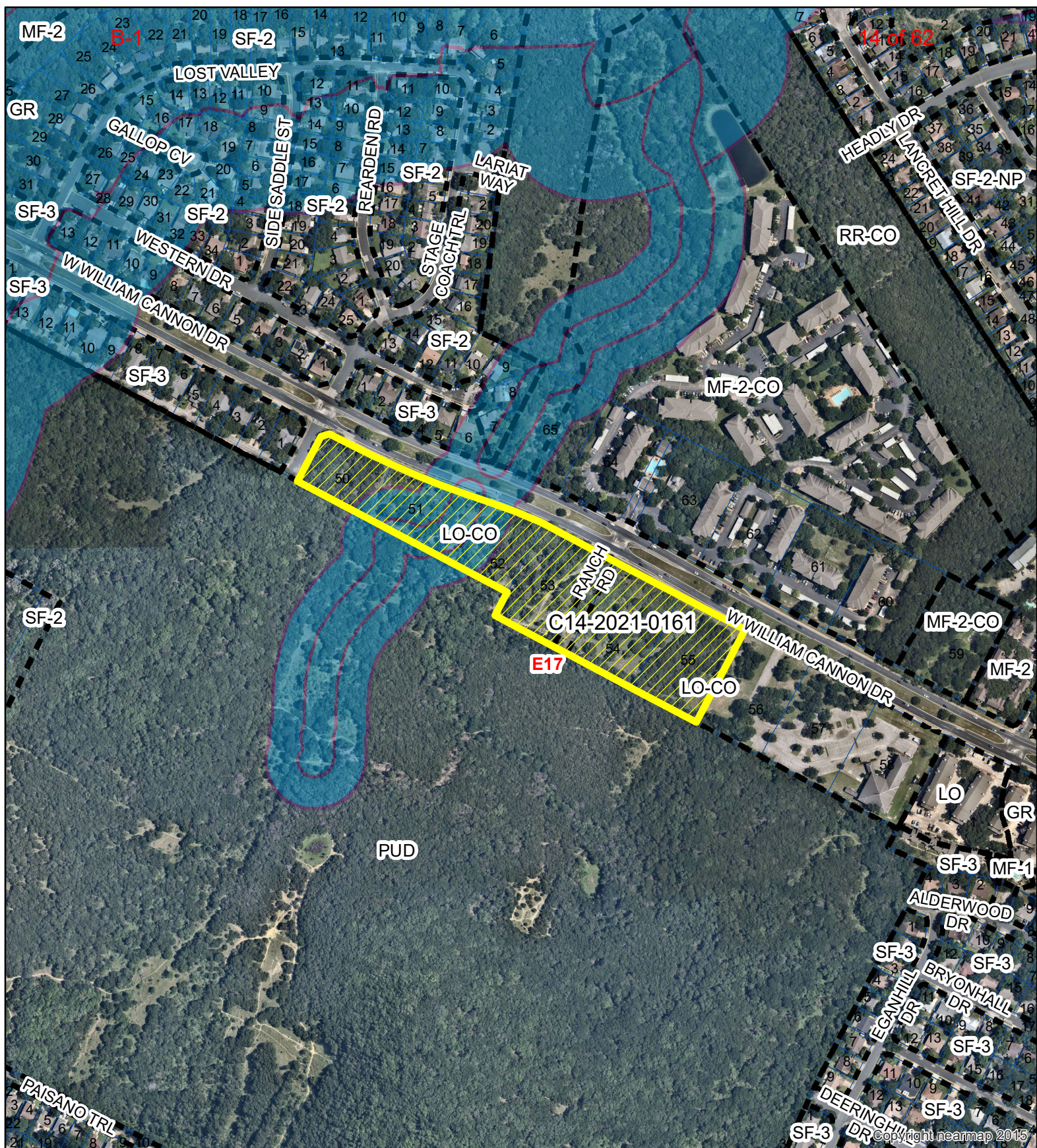
1" = 400'

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

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



Created: 10/6/2021



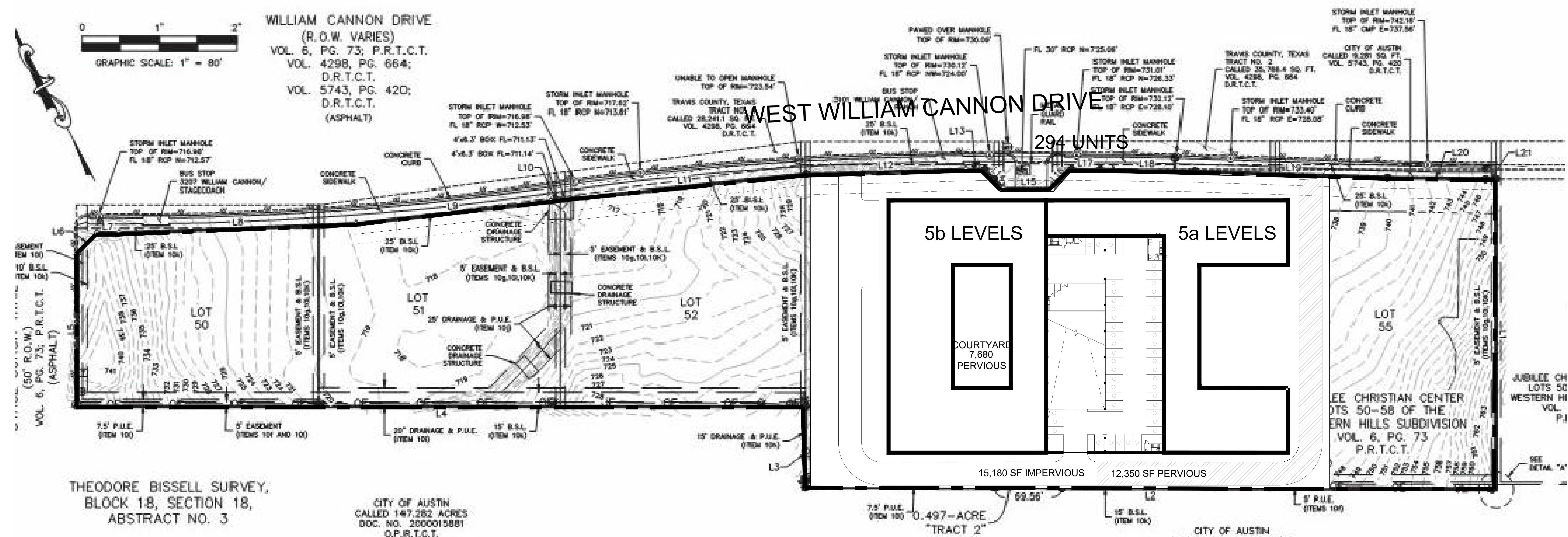
West William Cannon Housing

Exhibit A - 1

ZONING CASE#: C14-2021-0161
 LOCATION: 3101 West William Cannon Drive
 SUBJECT AREA: 8.977 Acres
 GRID: E17
 MANAGER: Wendy Rhoades

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





SITE TABULATIONS:				
SITE AREA	BLDG AREA	PAVING AREA	IMPERVIOUS	%
412,687 SF	89,045 SF	15,180 SF	104,225 SF	25.2

BLDG TABULATIONS:					
LVL	SF/LVL	GROSS SF	NET SF	UNITS TOTAL	UNIT SF AVE.
5a	26,540	132,700	104,830	126	832
5b	35,290	176,450	139,390	168	830
TOTAL		309,150	244,220	294	831

PARKING TABULATIONS:			
	6 LVL		6 LVL PKG RATIO
	465 SP		1.58 SP/UNIT

NOTE: THIS PLAN IS FOR PRELIMINARY PLANNING PURPOSES ONLY. ALL DIMENSIONS AND PROPERTY LINES ARE ESTIMATES AND DO NOT REFLECT ANY SURVEY. PLAN MAY NOT MEET ALL CITY REQUIREMENTS.

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



PROJECT NAME: _____

ADDRESS/LOCATION: 3101 William Cannon Drive

CASE #: C14-2021-0161

☐ NEW SINGLE FAMILY

☐ DEMOLITION OF MULTIFAMILY

☒ NEW MULTIFAMILY

☐ TAX CREDIT

SF UNITS: _____ STUDENTS PER UNIT ASSUMPTION
Elementary School: _____ Middle School: _____ High School: _____

MF UNITS: 300 STUDENTS PER UNIT ASSUMPTION
Elementary School: 0.026 Middle School: 0.01 High School: 0.023

IMPACT ON SCHOOLS

The student yield factor of 0.059 (across all grade levels) for apartment homes was used to determine the number of projected students. This was determined by the district's demographer by looking at similar projects in the area.

The proposed 300-unit multifamily development is projected to add approximately 18 students across all grade levels to the projected student population. It is estimated that of the 18 students, 8 will be assigned to Sunset Valley Elementary School 3 to Covington Middle School, and 7 to Crockett Early College High School.

The percent of permanent capacity by enrollment for School Year 2025-26, including the additional students projected with this development, would be within the utilization target range of 85-110% at Sunset Valley ES (106%), and below the target range at Covington MS (60%), and Crockett ECHS (75%). The projected additional students at Covington MS and Crockett ECHS would not offset the anticipated decline in student enrollment.

TRANSPORTATION IMPACT

Students attending Sunset Valley ES and Crockett ECHS will qualify for transportation, however, there will be no impact. Students at Covington MS will not qualify for transportation unless a hazardous route condition is identified.

SAFETY IMPACT

There are not any identified safety impacts at this time.

Date Prepared: 12.07.2021

Executive Director: _____

DocuSigned by:

Ben Wilson

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EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



DATA ANALYSIS WORKSHEET

ELEMENTARY SCHOOL: Sunset Valley

ADDRESS: 3000 Jones Road

PERMANENT CAPACITY: 561

MOBILITY RATE: +36.0%

POPULATION (without mobility rate)

ELEMENTARY SCHOOL STUDENTS	2020-21 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	358	442	450
% of Permanent Capacity	64%	79%	80%

ENROLLMENT (with mobility rate)

ELEMENTARY SCHOOL STUDENTS	2020-21 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	487	586	594
% of Permanent Capacity	87%	104%	106%

MIDDLE SCHOOL: Covington

ADDRESS: 3700 Convict Hill Road

PERMANENT CAPACITY: 1,125

MOBILITY RATE: +0.3%

POPULATION (without mobility rate)

MIDDLE SCHOOL STUDENTS	2020-21 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	793	675	678
% of Permanent Capacity	70%	60%	60%

ENROLLMENT (with mobility rate)

MIDDLE SCHOOL STUDENTS	2020-21 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	795	670	673
% of Permanent Capacity	71%	60%	60%

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin
Independent
School District



HIGH SCHOOL: Crockett

ADDRESS: 5601 Manchaca Road

PERMANENT CAPACITY: 2,163

MOBILITY RATE: +8.0%

POPULATION (without mobility rate)

HIGH SCHOOL STUDENTS	2020-21 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	1,440	1,257	1,264
% of Permanent Capacity	67%	58%	58%

ENROLLMENT (with mobility rate)

HIGH SCHOOL STUDENTS	2020-21 Enrollment	5- Year Projected Enrollment (without proposed development)	5-Year Projected Enrollment (with proposed development)
Number	1,555	1,612	1,619
% of Permanent Capacity	72%	75%	75%

From:
To: [Rhoades, Wendy](#)
Subject: 3101 W. William Cannon Drive Project
Date: Friday, November 12, 2021 4:15:03 PM

*** External Email - Exercise Caution ***

Hello Ms. Rhoades,

I live on William Cannon very close to the multifamily residence intended to be built at 3101 W. William Cannon Drive. (Case number C14-2021-0161)

I am extremely troubled by this plan for a multifamily resident, or any building, to be built there. This part of William Cannon is already so congested. The traffic would make it almost impossible for me to turn left out of my apartment; it's already very difficult as it is. I'm additionally troubled by the noise and light pollution the construction would cause.

Even more importantly, we cannot afford to continue building apartments in these untouched green spaces. We are losing too many and this once beautiful green city is turning into a concrete parking lot with plywood condos shoved in every corner. We are in the middle of a climate emergency and we cannot just build projects like this wherever we want without major, irrevocable damage and cost to our environment -- for us and future generations.

This space is so beautiful and sacred. I've been walking to it for 11 years to watch the sunsets. It would be absolutely devastating and extremely troubling to have yet another apartment complex built here. We need more green spaces. I, along with my neighbors and fellow residents, will do everything possible to stop this. I am urging you to as well.

Thank you,

Eva Lorini
(412) 260 - 7791

--

Eva Lorini, LPC

Goes by she/her/hers

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From:
To: [Rhoades, Wendy](#)
Subject: 3101 W. William Cannon Drive Project CASE: C14-2021-0161
Date: Sunday, December 5, 2021 10:42:17 AM

*** External Email - Exercise Caution ***

Dear Ms. Rhoades,

Thank you for this opportunity. I strongly oppose the rezoning of this urban forest property contiguous with Stephenson Nature Preserve to high density unaffordable housing. The real estate developer proposes to destroy a rich urban forest and nature preserve negatively impacting a wildlife population that includes gray foxes, rabbits and deer. This property is the sole wildlife bridge and a posted wildlife crossing for an extended urban green belt and the only access to Stephenson Nature Preserve. The Ranch Road right-of-way is the only access to the hiking trails of Stephenson Nature Preserve for local citizens and will be eliminated. Tens of thousands of oxygen generating carbon dioxide absorbing trees and vegetation will be destroyed and replaced with with hundreds of automobiles and trucks degrading air quality and exacerbating already dense and often life threatening traffic along West William Cannon which is already effectively off-limits to bicycle traffic. This month alone one of our female gray foxes and a young deer were killed. Last week a speeding pickup truck drove across the sidewalk and into a home. This property owner has been a terrible neighbor allowing illegal dumping, trash, shopping cart accumulations and public sidewalks to become overgrown and impassable. Clean-up has been largely left to the local citizens. I have personally arranged four shopping cart returns to HEB and picked up many bags of garbage on this property. The property owner continues to demonstrate indifference and contempt for the neighborhood. This property was originally part of black owned land farmed as part of Kincheonville supplying food for Tillotson College. In 1928 The City of Austin denied these black and hispanic land owners access to water, electricity and education forcing them into East Austin "negrotown." The property contains remnants of stone walls and a remarkably preserved well. Historic or archeologic survey should be required before any further zoning considerations.

Please don't rezone this forest for destruction and profit of a wealthy developer at the expense of the community. Such rezoning would result in worsening air quality, traffic safety, public access to the nature preserve and urban wildlife diversity & safety.

Respectfully,

Rick Davis
3014 West William Cannon Dr.
415-298-1967



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From:
To: [Rhoades, Wendy](#)
Subject: Re: For ZAP 12-7-2021 C14-2021-0161 - West William Cannon Housing
Date: Monday, December 6, 2021 1:08:22 PM

*** External Email - Exercise Caution ***

Hello Ms. Rhoades,
My list of objections and concerns is below. Thank you very much for the opportunity to comment on this.

Zoning and Platting Commission, Comments for Public Hearing Dec 7, 2021
Zoning Case C14-2021-0161
LO-CO to MF-4

My neighbors and I in the Persimmon Hollow duplexes don't want a new development that would access Stagecoach Trail, as this would then allow access to the private street that our HOA maintains. Our backyards face towards William Cannon; we have excessive vehicular traffic already. If this zoning change passes, we must have the explicit language of the previous zoning case (C14-95-0107) carried forward that prohibits vehicular access to Stage Coach Trail.

My objections on the zoning change request are:

- a) These lots are too shallow to create a pleasant multifamily complex. The units would be situated fairly close to the street. They would have constant noise and air quality issues due to the heavy traffic on William Cannon. Factor in the inability to make a safe left turn in or out of the complex, and the residents would likely move out after their first or second lease is over. This constant churn of residents would destabilize our neighborhood, as few people would stay long enough to develop a sense of community in such a development.
- b) Apartments don't provide ownership opportunities, which is a cornerstone to a stable middle class. We need to restrict zoning change requests to only those developments that provide the 'missing middle' (condos, duplexes, quads, townhomes etc.). This requested zoning change doesn't help our City's housing situation in the long run.
- c) If the rezoning to MF is granted, then the only entity that will make money on this property is a real estate corporation, not future owners.
- d) The LO-CO zoning offers small business opportunities, is naturally suited to the shallow depth of these lots, and should stand as-is.

My concerns on the development of the property, regardless of what is built, are:

- e) The wooded areas left on their property need maintenance by the owner for invasive species. They have chinaberry trees and ligustrum that will continue to spread into

the Stephenson Nature Preserve if left unmanaged.

f) Our Nature Preserve system needs funding from the developer for the Preserve master plan and future capital improvements. There's plenty of trail work, signage, and 'dodge gates' that need to be planned and then implemented to help improve the biodiversity and health of the Stephenson.

g) I'd like to request that the future tenants are provided information on good neighbor practices/use & stewardship of the Preserve, i.e., write it into their rental agreements that they won't use the Preserve to walk their dogs, ride bicycles, play paintball or ride motorcycles in the Preserve. Unfortunately I've witnessed all these activities happening; very few folks are aware of the rules or reasons why a nature preserve doesn't allow the same recreation activities as a city park.

h) The construction should allow no impact whatsoever to the historic rock walls that were part of the Stephenson ranch. These cultural artifacts need protection and monitoring during construction.

i) Over the years, we've lost a number of trees in the William Cannon medians due to drunken driving/speeding crashes. While the fences and homes have been repaired, the trees have never been replaced. The applicant should contribute to replacing street trees in the area to help improve the canopy coverage. There's a road widening project in the works for William Cannon, so shade will be even more essential in the future.

j) This development will possibly destroy a small group of redbud trees that have hung over the sidewalk for a number of years. When they're in bloom, they provide us pedestrians a small relief from speeding traffic. I'd like to see the applicant include a few new redbuds to mitigate the loss of that delightful species.

k) Future development of the site must keep trash dumpsters away from existing homes. It would be unkind to have existing residents to have to listen to commercial dumpsters being serviced early in the mornings, or deal with odors and varmints they tend to attract.

l) Lastly, I'd like to request that the applicant be required to switch the existing overhead lines along the back of their lots to underground services so that the neighborhood can perhaps better withstand the next ice storm.

I recognize that development is going to happen, but I don't want the applicant to get a new lucrative zoning designation without being required to go above and beyond for the greater good of the neighborhood that they're about to permanently impact.

I want this neighborhood (and the City) to be just as desirable in 40 years as it is now.

My sincerest thanks to City staffs and the Zoning and Platting Commission members for their work on this matter.

Regards,
Joelynn Barclay

3213A West William Cannon
Austin TX 78745

On Fri, Dec 3, 2021 at 12:14 PM Rhoades, Wendy <Wendy.Rhoades@austintexas.gov> wrote:

All,

The finalized Zoning and Platting Commission agenda is provided in the link below and the Staff report with all correspondence received to date is attached. The West William Cannon Housing rezoning case (Item B-11) will be a discussion item. Please refer to page 8 for a link to register in advance of the meeting to address the Commission as well as parking validation information. Page 9 includes information about Speaker testimony time allocation.

ZAP agenda: [Font Size: 12 \(austintexas.gov\)](#)

Please note, all public hearings at this time are being conducted with in-person participation only (no remote/telephone option available).

I look forward to meeting you next Tuesday evening at 6 p.m. in the Council Chambers.

Sincerely,

Wendy Rhoades

--

Joelynn Barclay, PLA, LEED-AP

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PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:
www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2021-0161

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: December 7, 2021, Zoning and Platting Commission

PATRICK QUEEN

Your Name (please print)

3303-B William Cannon

Your address(es) affected by this application (optional)

Patrick Queen

☐ I am in favor
☒ I object

11/29/2021

Signature

Date

Daytime Telephone (Optional): 832-541-2885

Comments: IF Approved there MUST-NOT
Be access to proposed
development from Stage Coach Rd.

ACCESS FROM Stage Coach Rd will
negatively impact our property
value and will reduce security
and safety to all residents of
Persimmon Hollow Condos.

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

City of Austin, Housing & Planning Department

Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

Or email to:

wendy.rhoades@austintexas.gov

City of Austin

DEC 9 2 2021

NHCD / AHFC

From:
To: [Rhoades, Wendy](#)
Subject: 3101 W. William Cannon Drive Project
Date: Monday, December 20, 2021 8:42:04 PM

*** External Email - Exercise Caution ***

Hello Ms. Rhoades,

I live on William Cannon very close to the multifamily residence intended to be built at 3101 W. William Cannon Drive. (Case number C14-2021-0161) We emailed about this project last month when I wrote to you to submit my correspondence to the Zoning and Platting meeting on 12/7, which I appreciated you doing.

I recently received another letter for another hearing tomorrow and am wondering if you could submit my comments below. I'm sorry for the late notice -- I just received the letter today.

This is what I am requesting to be said:

I am extremely troubled by this plan for a multifamily resident, or any building, to be built at 3101 W. William Cannon Drive. This part of William Cannon is already so congested. The traffic would make it almost impossible for me to turn left or right out of my apartment across the street; it's already very difficult as it is. I'm additionally troubled by the noise, light, and air pollution the construction would cause.

Even more importantly, I am very disturbed and troubled at the idea of continuing to build apartments and other commercial buildings in these beautiful, untouched green spaces. We are losing too many and this once green city is turning into a concrete parking lot with plywood condos in every corner. We are in the middle of a climate emergency and we cannot afford to build projects like this wherever we want without major, irrevocable damage and cost to our environment -- for us and future generations.

This space is so beautiful and sacred. I've been walking to it for 11 years to watch the sunsets. It would be absolutely devastating and extremely troubling to have yet another apartment complex built here. We need more green spaces. I, along with my neighbors and fellow residents, will do everything possible to stop this. I am urging you to as well.

Thank you,

Eva Lorini

--

Eva Lorini, LP

Goes by she/her/hers

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Zoning and Platting Commission, Comments for Public Hearing January 4, 2022
Zoning Case C14-2021-0161
LO-CO to MF-4

In addition to my first set of objections, I'd also like to voice my concerns for the ability to fight fires in and around this tall structure being adjacent to the Stephenson Preserve on such shallow lots.

Our duplexes have the buffer of our front yards and our private street to allow room to defend the Preserve if a fire starts in our structures or vice versa- protecting our duplexes if a fire starts in the Preserve. (Heaven forbid either scenario!)

The applicant's proposed 'Texas donut' or 'wrap' building around a parking garage **adjacent to the nature preserve** needs serious consideration and a thorough review from the fire department. Case studies have indicated that fighting fires in these wraps can present tactical challenges, such as limited courtyard access, autos burning in the parking garage, and long hallways requiring additional hoses **(1)**. A tall multi-story structure with only a narrow fire lane between the building and the Preserve may present serious issues. There may not be enough room on the backside of the structure to defend the Preserve or protect the people living in the structure.

Again, the current office zoning is the most appropriate zoning for these lots. One or two story office buildings would be less likely to spread fire into the Preserve, and would be more defensible if a fire should start in the Preserve. The current LO-office zoning should stand as-is.

Thank you again for your consideration,

Joelynn Barclay
3213A West William Cannon

(1) Montgomery County Maryland Fire Rescue & Rescue Service, see tactical concerns slide 15: https://www.montgomerycountymd.gov/frs-gl/Resources/Files/psta/stp/doughnut_construction.pdf

From:
To: [Rhoades, Wendy](#)
Subject: RE: For ZAP 12-21-2021 C14-2021-0161 - West William Cannon Housing
Date: Friday, December 31, 2021 5:35:19 PM
Attachments: [image001.png](#)
[image003.png](#)
[Scan.pdf](#)

Dear Ms Rhoades,

Thank you for your assistance and time on the phone. We have found where the city had our incorrect mailing address and have provided the correct address.

As discussed on the phone, I am the Senior Pastor of Impact Family Church, which owns the property adjacent to 3101 West William Cannon Drive ("Subject Property") which I understand is the subject of zoning change application C14-2021-0161.

On behalf of Impact Family Church, I oppose the zoning application. First and foremost, from what I can tell from the proposed plans, the Subject Property cannot be developed as proposed and still be in compliance with the obligations owed to Impact Family Church under the attached Restrictive Covenant Regarding Unified Development and Maintenance of Drainage Facilities.

The owner of the Subject Property contacted me seeking a waiver of the Restrictive Covenant, and I refused as such would not be in the best interest of our church. The Restrictive Covenant includes various restrictions on the Subject Property, including the requirement of unified development and the maintenance of a specific area of joint access. Without a waiver by the church of its rights under the Restrictive Covenant I have been advised that the Subject Property cannot be independently developed into a multi-family complex, as proposed.

In addition, as an adjacent property owner, we are very concerned about traffic flow, safety and the density proposed for the Subject Property in such close proximity to the church. There is simply not sufficient room to provide safe access for 300 families to and from the Subject Property, given the already high traffic count in this area, and the needs of access for the church during services and other activities on our property.

We ask the City to deny the zoning application.

Thank you very much.

Sincerely,

Pastor John S. Larkam
Impact Family Church

P.O. BOX 151810
Austin, TX 78715
512.444.5550



From: Pastor John Larkam
Sent: Friday, December 17, 2021 6:44 PM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Cc: Pastor John Larkam
Subject: RE: For ZAP 12-21-2021 C14-2021-0161 - West William Cannon Housing

Wendy,

Thank you! Yes, we will most certainly do that.

Sincerely,

Pastor John S. Larkam
Impact Family Church

P.O. BOX 151810
Austin, TX 78715
512.444.5550



From: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Sent: Friday, December 17, 2021 5:51 PM
To: Pastor John Larkam
Subject: RE: For ZAP 12-21-2021 C14-2021-0161 - West William Cannon Housing

John,

I will change the PO Box for this rezoning case. You may wish to call Austin Energy at 512-494-9400 (connect with billing for a commercial – rather than a residential – property) and be sure that they have the correct PO Box number, since that is where the address data that is used to generate City notices is derived.

Sincerely,

Wendy Rhoades

From: Pastor John Larkam
Sent: Friday, December 17, 2021 5:34 PM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>

Cc: Pastor John Larkam

Subject: RE: For ZAP 12-21-2021 C14-2021-0161 - West William Cannon Housing

*** External Email - Exercise Caution ***

Wendy,

Thank you for the email. I see the problem.

Our address is:
PO Box 151810.

The mail has been going to:
PO Box 15810.

Please make the correction for future mailings.

Thank you so much for your assistance.

Sincerely,

Pastor John S. Larkam

Impact Family Church

P.O. BOX 151810
Austin, TX 78715
512.444.5550



From: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>

Sent: Friday, December 17, 2021 5:30 PM

To: Pastor John Larkam

Subject: FW: For ZAP 12-21-2021 C14-2021-0161 - West William Cannon Housing

John,

Thank you for your call earlier and I've added your name and email address to the interest list that I'm maintaining for this case. As a follow up, I'm attaching the three notices sent by the City for this rezoning case. The Notice of Filing was mailed in mid-October, approximately two weeks after the rezoning case was filed with the City. The two Notices of Public Hearing were

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mailed approximately 11 days prior to the December 7 and 21 Zoning and Platting Commission meetings. Below is the address label for the envelopes mailed to Impact Family Church.

C14-2021-0161 WR 0416210630
IMPACT FAMILY CHURCH
Or Current Resident
PO BOX 15810
AUSTIN TX 78715

Please let me know if you have any further questions.

Sincerely,
Wendy Rhoades
512-974-7719

From: Rhoades, Wendy
Sent: Friday, December 17, 2021 3:18 PM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Subject: For ZAP 12-21-2021 C14-2021-0161 - West William Cannon Housing

All,

The Zoning and Platting Commission (ZAP) agenda is provided in the link below and the updated Staff report is attached. Please note that the West William Cannon Housing rezoning case (Item B-5) is slated to be postponed to January 4th because it will likely be a discussion item. Therefore, there is no need to appear at next Tuesday's ZAP meeting. I will send out another email on Thursday, December 30th which includes the January 4th ZAP agenda and backup material.

ZAP agenda: [Font Size: 12 \(austintexas.gov\)](#)

Sincerely,
Wendy Rhoades

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**RESTRICTIVE COVENANT REGARDING UNIFIED DEVELOPMENT
AND MAINTENANCE OF DRAINAGE FACILITIES**

This Restrictive Covenant regarding unified development and maintenance of drainage facilities for Jubilee Christian Center Inc. a Non-Profit corporation, (the "Restrictive Covenant"), is executed this 4th of January 2005, by Jubilee Christian Center, Inc. ("Developer") and is as follows:

RECITALS

A. Developer is the owner of land, more particularly described as Lots 50 through 58 of the Western Hills Subdivision, a subdivision in the City of Austin, Travis County, Texas according to the map or plat of record in Plat Book 6, Page 73, of the Plat Records of Travis County Texas. Tracts 50, 51, 52, 53, 54, 55, 56, 57, 58, are herein referenced collectively as the "Property".

B. Definitions:

Owners. The term "Owner" means, individually, and the term "Owners" means, collectively, Developer and all future owners of the fee interest or any portion of the Property (whether such fee interest is obtained through a purchase from Developer or through a purchase at a foreclosure sale or trustee's sale or through a deed in lieu of foreclosure) and their successors and assigns.

Facilities. The term "Facilities" means those drainage facilities that convey and receive stormwater runoff from the Property and that are described on **EXHIBIT A**, attached hereto and incorporated by reference.

C. Developer has agreed to impose upon the Property these covenants and conditions for the benefit of the Property in accordance with the terms hereof.

NOW, THEREFORE, it is hereby declared that the Property be subject to the following covenants, conditions and restrictions which shall run with the Property and shall be binding upon all parties having right, title, or interest in or to such portion of the Property or any part, their heirs, successors, and assigns and shall inure to the benefit of each Owner. Each contract, deed or conveyance of any kind conveying all or a portion of such Property shall conclusively be held to have been executed, delivered, and accepted subject to the following covenants, conditions and restrictions, regardless of whether or not the same are set out in full or by reference in said contract, deed or conveyance.

SPECIFIC AGREEMENTS AND RESTRICTIONS:

1. Recitals Incorporated. The above Recitals and all terms defined therein are incorporated into this Restrictive Covenant for all purposes.
2. Unified Development. For purposes of site plan review, modification, or approval by the City of Austin, the Property shall be constructed as a unified development/single site. Any proposed modifications to the Property or any portion of the Property shall be construed as a modification to a single site, requiring review of the Property in accordance with the provisions of the Land Development Code of the City of Austin. This section applies to, but is not limited to, the extent of impervious coverage, parking, and landscaping of the site area.
3. Maintenance. The Owners shall maintain the Facilities in accordance with the requirements of the City and in a good and functioning condition. The portion of the Property on which the Facilities are located may not be used for any purpose inconsistent with or detrimental to the proper operation of the Facilities. Each Owner shall be jointly and severally liable for the maintenance of the Facilities.
4. Joint Access. Joint access must be provided within the Property on Site Plan No. SP-04.07577C, over an area more particularly described in **EXHIBIT B**, attached and incorporated by reference. The joint access must allow pedestrian and/or vehicular traffic to move freely to the adjacent public right-of-way or between the Property area. Any change of any aspect of the Property may not interfere with this joint access. Each Owner shall be responsible and liable for maintaining the Owner's property contained within the access area described in **EXHIBIT B** in such a manner as to provide the required joint access.
5. Parking. All parking for developments within Site Plan No. SP-04.07577C must be reciprocal. In this Restrictive Covenant, "reciprocal parking" means that the parking within Site Plan No. SP-04.07577C must serve the Property. Any change of any aspect of the Property may not interfere with the reciprocal parking agreement between the Property. Each Owner shall be responsible and liable for maintaining the Owner's property to allow the required reciprocal parking.
6. Breach Shall Not Permit Termination. Notwithstanding anything to the contrary contained herein, no breach of this Restrictive Covenant shall entitle the Owners to cancel, rescind or otherwise terminate this Restrictive Covenant, but such limitations shall not affect in any manner any other rights or remedies which the Owners may have hereunder by reason of any breach of this Restrictive Covenant.

7. Excusable Delays. Whenever performance is required of the Owners, the Owners shall use all due diligence to perform and take all reasonable and necessary measures in good faith to perform within a reasonable time; provided, however, that if completion of performance is delayed at any time by reasons of acts of God, war, civil commotion, riots, strikes, picketing, or other labor disputes, unavailability of labor or material, damage to work in progress by reason of fire or other casualty, or any other cause beyond the reasonable control of the Owner (financial inability, imprudent management or negligence excepted), then the time for performance as herein specified will be extended by the amount of delay actually so caused.
8. Conveyance. This Restrictive Covenant does not convey interest in real property to the public or any governmental body.
9. General Provisions.
 - A. Inurement. This Restrictive Covenant and the restrictions created hereby shall inure to the benefit of and be binding upon the Owners, and their successors and assigns. If the Developer conveys all or any portion of the Property, the Developer shall thereupon be released and discharged from any and all further obligations, if any, under this Restrictive Covenant that it had in connection with the property conveyed by it from and after the date of recording of such conveyance, but no such sale shall release the Developer from any liabilities, if any, actual or contingent, existing as of the time of such conveyance.
 - B. Duration. Unless terminated in accordance with Paragraph 9(K) below, this Declaration shall remain in effect in perpetuity.
 - C. Non-Merger. This Restrictive Covenant shall not be subject to the doctrine of merger, even though the underlying fee ownership of the Property, or any parts thereof, is vested in one party or entity.
 - D. Severability. The provisions of this Restrictive Covenant shall be deemed independent and severable, and the invalidity or partial invalidity of any provision or portion hereof shall not affect the validity or enforceability of any other provision.

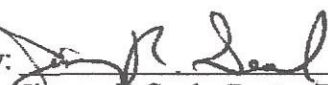
- E. Entire Agreement. This Restrictive Covenant and the exhibits attached hereto contain all the representations and the entire agreement between the parties to this Restrictive Covenant with respect to the subject matter hereof. Any prior correspondence, memoranda or agreements are superseded in total by this Restrictive Covenant and the exhibits attached hereto. The provisions of this Restrictive Covenant shall be construed as a whole according to their common meaning and not strictly for or against any Owner.
- F. Captions. The captions preceding the text of each section and subsection hereof are included only for convenience of reference and shall be disregarded in the construction and interpretation of this Restrictive Covenant.
- G. Governing Law; Place of Performance. This Restrictive Covenant and all rights and obligations created hereby shall be governed by the laws of the State of Texas. This Restrictive Covenant is performable only in the county in Texas where the Property is located.
- H. Notices. Any Notice to the Owners or the City shall be in writing and given by delivering the same to such party in person, by expedited, private carrier services (such as Federal Express) or by sending the same by registered or certified mail, return receipt requested, with postage prepaid to the intended recipient's last known mailing address. All notices under this Restrictive Covenant shall be deemed given, received, made or communicated on the date personal delivery is effected or, if mailed, on the delivery date or attempted delivery date shown on the return receipt.
- I. Negation of Partnership. None of the terms or provisions of this Restrictive Covenant shall be deemed to create a partnership between or among the Developer, any Owner, or the City of Austin in their respective businesses or otherwise; nor shall it cause them to be considered joint ventures or members of any joint enterprise.
- J. Enforcement. If any person, persons, corporation, or entity of any other character shall violate or attempt to violate this Restrictive Covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law, or in equity, against said person, or entity violating or attempting to violate such covenant and to prevent said person or entity from violating or attempting to violate such covenant. The failure at any time to enforce this Restrictive Covenant by the City of Austin, its successors and assigns, whether any violations hereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

- K. Modification and Amendment. This Restrictive Covenant may only be modified, amended or terminated upon the filing of such modification, amendment or termination in the Official Records of Travis County, Texas, executed, acknowledged and approved by (a) the Director of the Watershed Protection and Development Review Department of the City of Austin; and (b) all of the Owners of the Property at the time of the modification, amendment, or termination.

Executed to be effective this 28th day of November, 2004.

DEVELOPER:

Jubilee Christian Center, Inc.

By: 
Jimmy R Seal - Pastor/President

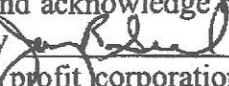
STATE OF TEXAS

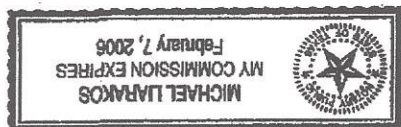
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COUNTY OF TRAVIS

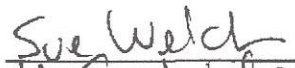
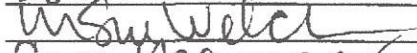
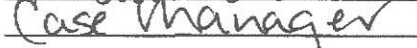
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This instrument was sworn to, subscribed and acknowledged before me on this the 10 day of January, 2004, by  Pastor Jimmy R. Seal of Jubilee Christian Center, Inc. non profit corporation, on behalf of said corporation.





Notary Public - State of Texas

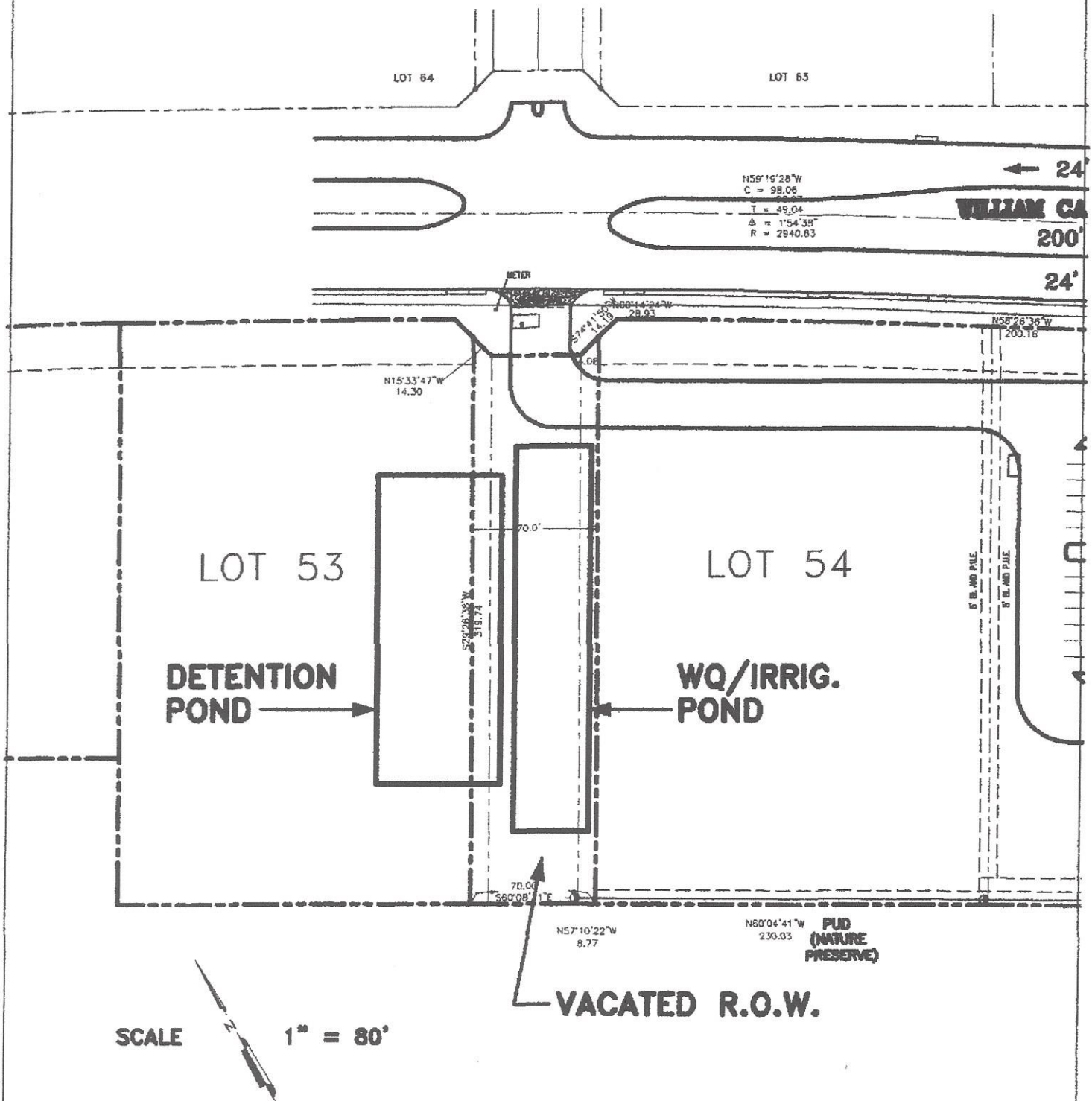
ACCEPTED: CITY OF AUSTIN

By: 
Name: 
Title: 

APPROVED AS TO FORM:

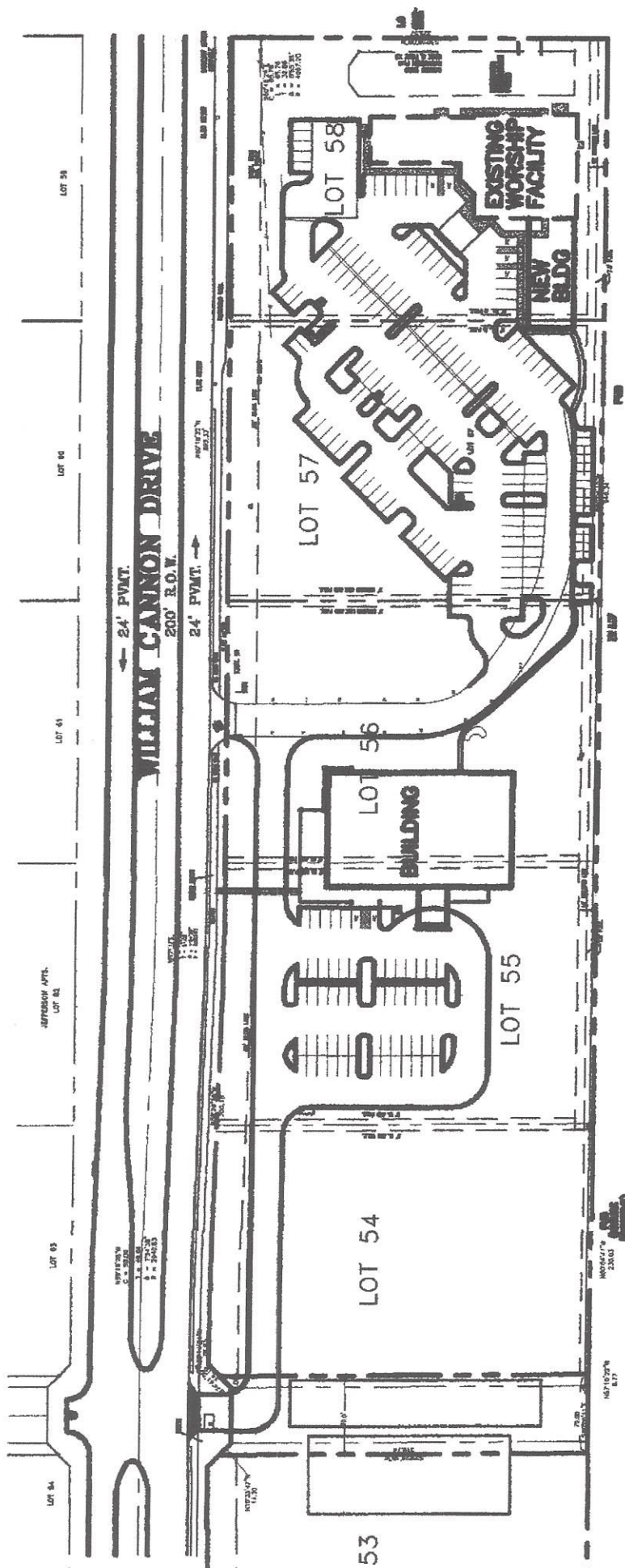
By: 

JUBILEE CHRISTIAN CENTER



WATER QUALITY & DETENTION PONDS EXHIBIT "A"

JUBILEE CHRISTIAN CENTER



SCALE N.T.S.

JOINT USE DRIVEWAYS EXHIBIT "B"

COMPLETE THIS FORM FOR EACH LIENHOLDER

Lienholder Consent to Grant of Restrictive Covenants

STATE OF TEXAS §
COUNTY OF TRAVIS §

Recitals:

Jubilee Christian Center, Inc., is the Owner (called "Owner", whether one or more) of the following property:

That tract of land situated in Travis County, Texas described in the attached and incorporated EXHIBIT "A" ("Property").

Wells Fargo Bank, N. A. ("Lienholder") holds a lien against the Property under the following described documents:

Deed of Trust** dated February 18, 2003, from Jubilee Christian Center, to William Goertz, Trustee, securing the payment of one promissory note of even date in the original principal amount of \$1,271,000.00, payable to Lienholder*, of record in Document Number TRV 2003038990, of the Official Public Records of Travis County, Texas.

***If multiple Lienholders call each Lienholder-Bank Name. **If multiple liens only need one lienholder but multiple Deed of Trust recitals. Instructional only delete from final doc.**

Owner has granted to the City of Austin ("City") a Restrictive Covenant against and running with the Property.

Agreement

In consideration of \$10, and other good and valuable consideration, the receipt of which is acknowledged, the Lienholder agrees as follows:

1. Wells Fargo Bank, N. A. consents to the grant of Restrictive Covenants against and running with the Property enforceable by the City, which is executed contemporaneously herewith.

2. Lienholder subordinates all of its liens on this Property to the rights and interests of the City, its successors and assigns, and any foreclosure of its liens will not extinguish City's rights and interests in the Restrictive Covenants or the Property.

3. Lienholder affirms that the undersigned has the authority to bind the Lienholder, and that all corporate acts necessary to bind the Lienholder have been taken.

Executed on January 7, 2005.

Wells Fargo Bank, N. A.

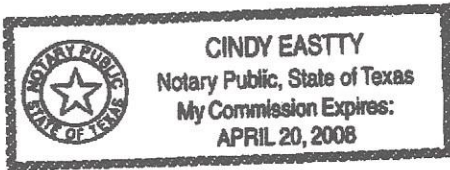
By: Dan H. Kline
Name: Dan H. Kline
Title: Vice President

ACKNOWLEDGMENT

STATE OF Texas §
COUNTY OF Travis §

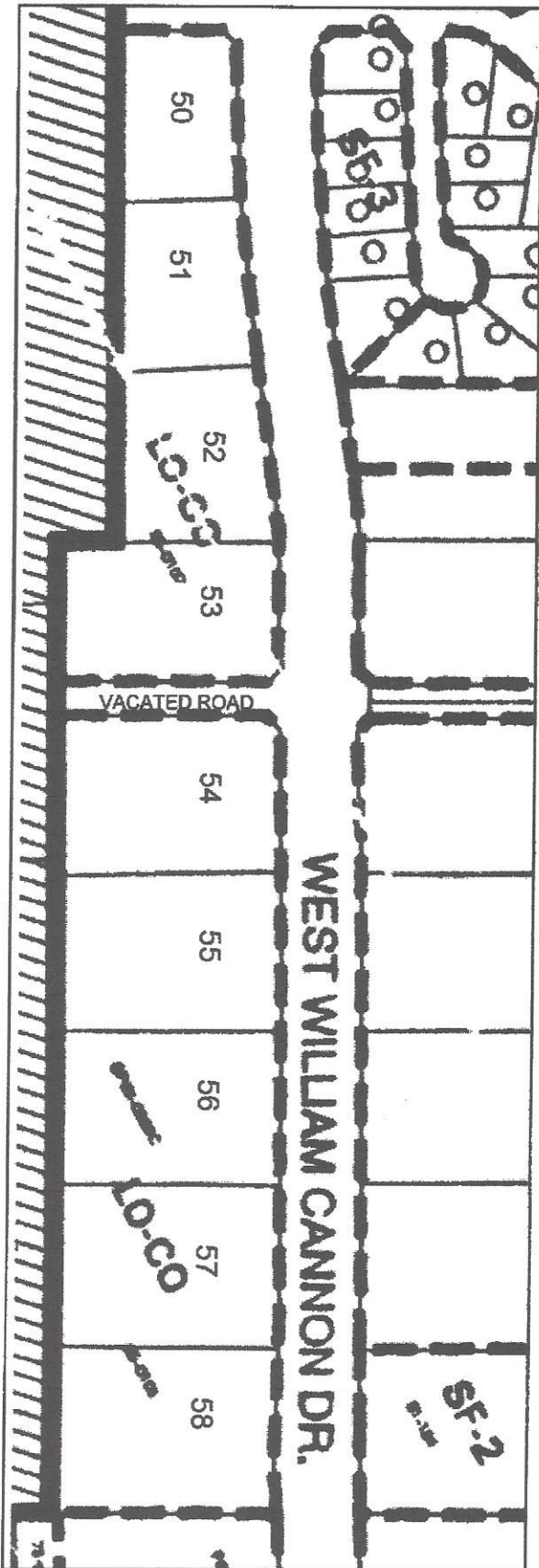
Before me Cindy Eastty, Notary Public, on this day personally appeared Dan H. Kline, Vice President of Wells Fargo Bank, N. A. a National Association, known to me personally to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 7 day of January, 2005



Cindy Eastty
Notary Public, State of Texas

JUBILEE CHRISTIAN CENTER



LOTS 50,51,52,53,54,55,56,57,58
WESTERN HILLS SUBDIVISION

EXHIBIT - A

AFTER RECORDING, RETURN TO:

City of Austin

Watershed Protection and Development Review Department

P.O. Box 1088

Austin, Texas 78767

Project Name: Jubilee ChristianAttn: Sue Welch [Project Manager]Case No. SP-04-0757C**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS



2005 Jan 25 11:55 AM 2005012401

LONDAGINB \$34.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

From:
To: [Rhoades, Wendy](#)
Subject: Development plan for w WM Cannon
Date: Monday, January 3, 2022 11:55:00 AM

*** External Email - Exercise Caution ***

I am writing to protest the housing development
Proposed for the area west of Jubilee Church. This is a Preserve and will also impact the Edwards Aquifer. There are fewer and fewer green areas in our city; we need to protect those that are left.

Sharon Buckley
McKinney Falls Pkwy Resident
A former resident of Cherry Creek

Sent from my iPhone

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From:
To: [Rhoades, Wendy](#)
Subject: Apartment Complex at the Stephenson Nature Preserve
Date: Tuesday, January 4, 2022 10:56:05 AM

*** External Email - Exercise Caution ***

Dear Wendy,

I'm writing you to voice my concern about an apartment complex being built at 3101 W. William Cannon, at the Stephenson Nature Preserve. Spaces like this preserve are becoming rare, and this one in particular is special. Many of us in the 78745 area have spent many hours in those woods, hiking, running, cleaning trash, exercising dogs, and taking our kids on walks to experience the outdoors.

It is the same story all over the city that has been accelerating over the last decade or so. I understand it is business, but the constant development over the wild spaces that make Austin a great place to live will eventually transform the city into a sterilized suburban corporate copy pasted sims land like any other metroplex in Texas.

I know the preserve is big, and the apartment complex would only take up a portion of it, but the increased traffic, light pollution, garbage, and plumbing/electric would damage the ecology of the area, including numerous visible sink holes that recharge the Edwards aquifer. Not to mention, it is only the beginning of a sad process. As the foot traffic increases, the trails will get widened, some will get paved, the foliage will get thinner and thinner, the wildlife will leave, sooner or later there will be a food court, and next thing you know it is the next southwark meadows.

I hope we can keep the Stephenson Preserve the way it is, thanks for your time.

Sincerely,

John McNeff
Attorney at Law
O: 512-804-7277 F: 512-443-6501

135 W Slaughter Lane, Ste A • Austin • TX • 78748

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PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:
www.austintexas.gov/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2021-0161

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: December 21, 2021, Zoning and Platting Commission

JANE BEDFORD

Your Name (please print)

3209 B WEST WILLIAM CANNON

Your address(es) affected by this application (optional)

Jane Bedford

Signature

Date

☐ I am in favor
☒ I object

Daytime Telephone (Optional): _____

Comments:

I live across from the nature preserve next to the most commonly used entrance. Over the years I have observed that increased use by visitors has resulted in a litter problem and some degradation of natural surroundings. Whatever can be done to protect this precious natural resource for the future is vital. Thank you -

If you use this form to comment, it may be returned to:
 City of Austin, Housing & Planning Department

Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

Or email to:

wendy.rhoades@austintexas.gov

P E T I T I O N

Date: December 4, 2021

Case File Number: C14-2021-0161

Address of Rezoning Request: 3101 West William
Cannon Drive

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than the existing zoning code of LO-CO – Limited Office district with Conditional Overlay, and certain single family residence zoning options such as SF-3, for single family residence.

As members of the relevant surrounding neighborhood, we write to express our protest and concern over the moderate-high density proposed housing district for the plot at 3101 West William Cannon Drive. The zoning category in question is an unnecessary departure from the typical zoning for the surrounding neighborhood, which is nearly universally within the single family home category. While we, the petitioners, are not opposed to denser housing, we believe any rezoning should weigh the strains that a major development will likely have on (1) the difficult section of William Cannon the units are proposed to be built on, (2) the impact to one of the few contiguous greenspaces in this section of the city, and (3) additional challenges created by such a building to a difficult flood zone.

The section of William Cannon in question was built for single family homes and the traffic they generate in mind. You can see this in the construction of the winding road that connects into quick turnoffs. The situation on William Cannon is already dangerous in this area. Just within the last two weeks, a driver slammed directly into the fence line of several neighbors, luckily hurting no one but impressing the point that the section of road in question is complex to navigate today. Adding a building the traffic demands equivalent to an entirely new neighborhood may push safety over the edge. However, we can see from duplexes adjacent to William Cannon today that a less dense housing structure creates fewer problems.


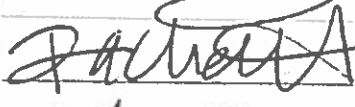

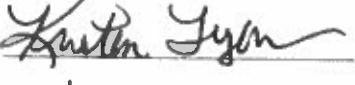
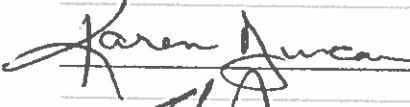

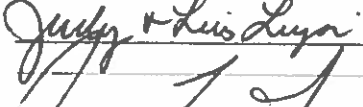
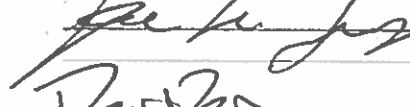

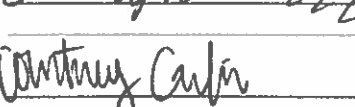



In addition, some residents here remain concerned about the environmental impact these buildings will have to a section of the city in need of protected green space. The area of land to be developed comprises one of the few connective corridors between the Stephenson Nature Preserve and the South Hills Conservation Area. Stephenson has become a needed wildlife area in this section of the city, and the fact that the green space is one of the longest stretches of connected space is a value that will become increasingly difficult to replicate with the City's expansion. In addition, the Preserve has long been neglected, with additional public access points near William Cannon being effectively non-existent. The petitioners would submit that a less dense zoning would materially mitigate the impact to the preserve, preventing a level of activity that will adversely affect the wildlife, while still allowing the City to meet its needs for greater housing in the area.

Finally, the petitioners would like the city to consider the possible challenging impact of this development on the nearby flood zone. The neighborhoods directly adjacent and north of this proposed complex are highly prone to flooding and have been severely impacted by floods in the area previously. Residents still recall the Halloween flood several years ago that left sections of William Cannon in this exact location effectively impassable. With such a large amount of impervious ground cover created by a building of this size, it appears inevitable that the damage to the surrounding area from future flooding could be augmented materially.

We appreciate the opportunity to offer our perspective as actual neighbors to the lot in question. While we would welcome appropriate uses of the land, some of which could add needed housing, the undersigned believe the current proposed rezoning asks too much of a unique and sensitive location. Consequently, we hereby protest the change and ask city officials to consider a more appropriate designation for this location.

(PLEASE USE BLACK INK WHEN SIGNING PETITION TO FACILITATE REPRODUCTION)

Signature	Printed Name	Address
Randi Polster	Randi Polster	3203 Western Drive
Trenton Horter	Trenton Horter	3203 Western Dr
Vivian Abagiu	Vivian Abagiu	3202 Western Dr.
Catalin Abagiu	CATALIN ABAGIU	2202 WESTERN DR.
Isaac Guerrero	Isaac Guerrero	3205 Western Dr
Debbie Guerrero	Debbie Guerrero	3205 Western Dr
Dennis Tooley	Dennis Tooley	3209 Western Dr.
Idalia Tooley	Idalia Tooley	3209 Western Dr.
Edna Stenquist	EDNA STENQUIST	3209 Western Dr.
Matthew Law	MATTHEW LAW	3210 Stage Coach
Kelly Simmons	KELLY SIMMONS	3200 Western Dr.
Sandra Simmons	Sandra Simmons	3200 Western Dr.
Matthew Lozano	MATTHEW LOZANO	3204 Western Dr.
Kassi Longoria	KASSI LONGORIA	3204 Western Dr.
Sheridan Guest	Sheridan Guest	3206 Western Dr.
max skisberger	max skisberger	3206 Western Dr.
Guadalupe MORA	Guadalupe MORA	3306 Guller Cv.
Voe MORA	Voe MORA	3306 Guller Cv.
Amanda Kartun	Amanda Kartun	3308 Western Dr
Alex Johnson	Alex Johnson	3364 Western Dr
CHARLES ARMSTRONG	CHARLES ARMSTRONG	6812 Side Saddle St
TELENA DROBNIAKOVIC	TELENA DROBNIAKOVIC	6808 Side Saddle St
Jovana Ivic	Jovana Ivic	6808 Side Saddle St
Laura R. Lopez	Laura R. Lopez	3301 Western Dr.
Lillian Garza	Lillian Garza	3309 Western Dr.
Till Paropli	Till Paropli	3316 Western Dr.
Juan Gutierrez	Juan Gutierrez	3308 Western Drive

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
	Curtis Hering	3306 Western Dr
	Rachel Hering	3306 Western Dr
	Nik Tybor	6805 Stage Coach Trl
	Kristen Tybor	6805 Stage Coach Trail
	Karen Duncan	6703 Stage Coach Trl
	Edward Duncan	6703 Stage Coach Trl
	Judy Lujan Edward Lujan Ed Lujan	6730 Lost Valley
	Jose Luis Lujan	6730 Lost Valley
	Rob Robinson	6810 Lost Valley
	Martha B. Whitelaw	6862 Stage Coach Trl.
	Courtney Carlin	3207 Western Drive
	Matthew Carlin	3207 Western Drive
	Mandi LeBlanc	6702 Lost Valley

Address

James E. Doggett	3307 James E. Doggett	3307 Western Dr.
Rachel Devillier	Rachel Devillier	6701 Side Saddle St.
Donna	DANIEL JASON	6809 REARDEN RD
Delma S. Doggett	Debra S. Doggett	3307 Western Dr.
Eduardo Trevino	EDUARDO TREVINO	6804 LOST VALLEY
Marina D. Trevino	Marina D. Trevino	6804 Lost Valley
Ashley Myir	Ashley Myir	7103 Dan Jean Dr
Susan Barnard	Susan Barnard	6700 Rearden Rd
Daniel Hunter	Daniel Hunter	3313 Western Dr.

Signature

Printed Name

Address

1
John Doughty
Rachel Doughty
Wom Jan
Delia Doughty
Edmund Trevino
Maurice P. Fleming
G. Muir
Susan Barnard
Dora Hite
Ann Collins
Ann Collins
ford Jane Bedford

~~Jeff~~ James E. Doggett
Rachel Devillier
DANIEL JASON
Debra S. Doggett
EDUARDO TREVIÑO
Maria D. Trevino
Ashley Myir
Susan Barnard
Daniel Hunter
Steven Lodico
Steven Lodico
Jane Bedford

3307 Western Dr.
6701 Side Saddle St.
6809 REARDEN RD
3307 Western Dr.
6804 LOST VALLEY
6844 Lost Valley
7103 Dan Jean Dr
6700 Rearden Rd
3313 Western Dr.
3211 A W William Cannon
3211 B W. William Cannon
3209 B W. William Cannon

Case Number:
C14-2021-0161

PETITION

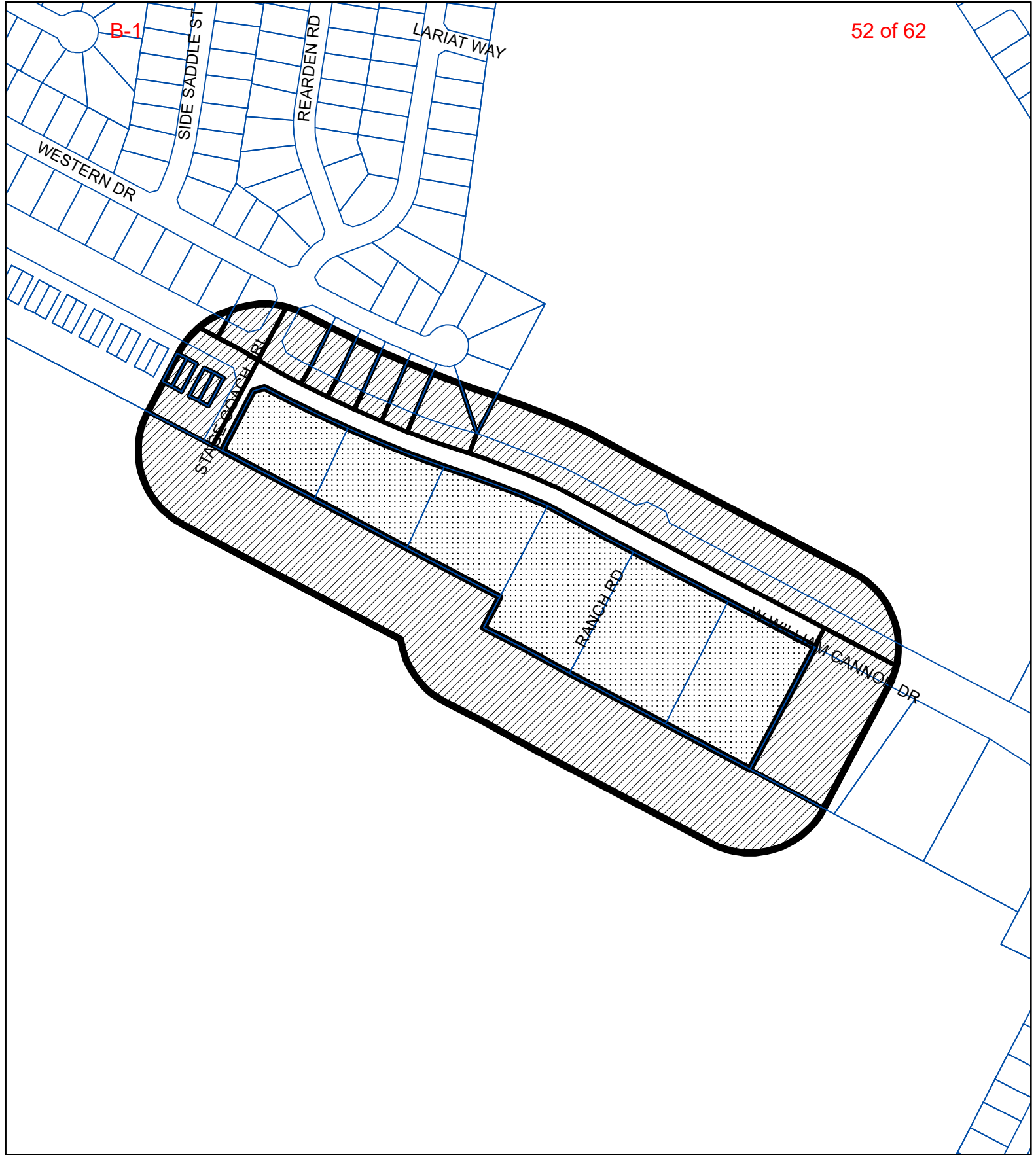
Date: 12/15/2021
Total Square Footage of Buffer: 823356.5574
Percentage of Square Footage Owned by Petitioners Within Buffer: 0.00%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

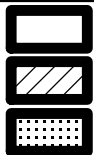
TCAD ID	Address	Owner	Signature	Petition Area	Percent
0416210621	3209 B W WILLIAM CANNON DR 78745	BEDFORD JANE A	no	1997.89	0.00%
0416210403	3211 WESTERN DR AUSTIN 78745	BLOMQUIST GARY L & EDNA MAY	no	10514.72	0.00%
0416210401	3014 W WILLIAM CANNON DR 78745	BMEF HIGHLANDS LIMITED PARTNERSHIP	no	163969.50	0.00%
0416210405	3207 WESTERN DR AUSTIN 78745	CARLIN PEGGY & RODOLFO XAVIER	no	10497.82	0.00%
0416230514	BRODIE LN	CITY OF AUSTIN	no	365973.34	0.00%
0416210622	3209 A W WILLIAM CANNON DR 78745	DAILEY NATALIE WILKINSON	no	1962.51	0.00%
0416210402	3213 WESTERN DR 78745	EQUITY TRUST COMPANY	no	17558.88	0.00%
0416210406	3205 WESTERN DR AUSTIN 78745	GUERRERO BETTY A & ISAAC & JOSEPHINE O	no	10060.97	0.00%
0416210629	W WILLIAM CANNON DR 78745	IMPACT FAMILY CHURCH	no	76076.61	0.00%
0416210620	3211 A W WILLIAM CANNON DR 78745	LODICO STEVEN	no	1962.51	0.00%
0416210619	3211 B W WILLIAM CANNON DR 78745	LODICO STEVEN	no	1772.66	0.00%
0416210408	3201 WESTERN DR AUSTIN 78745	LOPEZ LOLA R	no	4549.99	0.00%
0416210511	3217 WESTERN DR AUSTIN 78745	MORSE ALEX	no	2225.65	0.00%
0416210407	3203 WESTERN DR 78745	POLSTER RANDI &	no	19352.12	0.00%
0416210404	3209 WESTERN DR AUSTIN 78745	TOOLEY DENNIS R & IDALIA S	no	10292.31	0.00%
0416210512	3215 WESTERN DR 78745	WIRTH STEVEN C	no	12924.82	0.00%
0416230509	Address Not Found		no	32948.25	0.00%
Total				744640.54	0.00%

B-1

52 of 62



N



BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

Case#: C14-2021-0161

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

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



1" = 300'

From:
To: [Rhoades, Wendy](#)
Subject: Support for 3101 W. William Cannon
Date: Sunday, January 2, 2022 6:40:16 PM

*** External Email - Exercise Caution ***

Zoning and Platting Committee,

The proposed development of 3101 W. William Cannon is exactly the type of development that Austin needs in order to make housing more affordable. Although I would love to see an even denser development (less parking spaces), as long as the local environmental considerations are taken into account, this location is a prime example of where we should start to build more densely (along a major corridor). We need this kind of density in order to encourage use of public transit that will help the city reach its environmental goals. This increased density will also help fill the giant void of affordable housing (missing middle) that the city is in desperate need of in order to make the city affordable for our teachers, musicians, and other public servants. I fully support this development and would love to see more developments like it in South Austin.

Thank you,

Tommy Vinyard

Resident of Southwood Neighborhood

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From:
To: [Smith, Hank - BC](#)
Cc: [Rhoades, Wendy](#)
Subject: Fwd: Happy New Year, Neighbors!
Date: Monday, January 3, 2022 10:28:06 AM

*** External Email - Exercise Caution ***

Dear Commissioner Smith,

Thank you for your service to our city.

I was alerted to your discussion of the potential development on William Cannon Dr. this week via NextDoor (see below). I was glad to receive this notice as I wouldn't otherwise have understood the opportunity to comment.

I am a homeowner in the nearby Wheeler Creek neighborhood, and a frequent user of this stretch of William Cannon for commuting and shopping.

I am strongly in favor of this development, and urge you to use your position to quickly advance its approval so long as it meets the goals outlined in the Imagine Austin plan.

Housing affordability is the number one issue facing our city, and a major driver of other top-tier issues like traffic, wealth inequality and racial inequity. The problem is largely being driven by restricted supply. We need to build more housing everywhere in our city, and we need to do it quickly if we wish to maintain our character as a welcoming place for all. [According to Community Impact News](#), our district in particular has not kept up with its commitment to siting more housing, and we need to catch up.

Thank you for your consideration.

JC Dwyer
3905 Holt Drive, 78749
512-294-1040

----- Forwarded message -----

From: **Your Wheeler Creek neighbors**
Date: Sun, Jan 2, 2022 at 3:59 PM
Subject: Happy New Year, Neighbors!
To:



20

Happy New Year, Neighbors! Did you know that yet another developer is trying to build yet another apartment complex at 3101 W. William Cannon? Right in the middle of the... [See](#)

December 7, 2021 Zoning and Platting Commission Question and Answer Report

B-11 C14-2021-0161 - West William Cannon Housing; District 5

Commissioner King / Staff Response:

1. Is staff recommending removal of the existing conditional overlay that prohibits access to Stage Coach Trail and limits the number of vehicle trips to 2,000 per day for this site? **RESPONSE:** Staff has not recommended prohibiting vehicular access to Stage Coach Trail and the Applicant does not propose to take access to Stage Coach. Vehicular access to Stage Coach would entail crossing a drainageway in the Barton Springs Zone which significantly restricts the percentage and location of impervious cover.

A 2,000 daily vehicle trip limit is not proposed because Austin Transportation Department (ATD) staff assesses transportation-related mitigation and improvements at the time of site plan application, when the specific land use and intensity has been finalized. As information, the Applicant prefers to align the site's driveway access to William Cannon with the existing median opening located at the vacated Ranch Road right-of-way.

2. Has the applicant indicated that this site is subject to Chapter 245 vested rights? **RESPONSE:** No.
3. Is this site subject to Chapter 245 vested rights that override current city code? **RESPONSE:** No. Any development on the site would result in the application of current Code requirements.
4. What is the maximum impervious cover allowed for this site based on current city code? **RESPONSE:** The maximum amount of impervious cover for this undeveloped property located within the Recharge Zone of the Barton Springs Zone is 15%, as shown on the City's Property Profile website.
5. What percentage of the site is developable based on current city code? **RESPONSE:** Under current City Code, the maximum amount of impervious cover on this site is 15%.
6. Given that this site is undeveloped, is it subject to city code 25-2-567 (Special Requirements For Affordable Housing in Certain Multifamily Districts)? According to this city code:
"This section applies in a multifamily residence low density (MF-2) district, multifamily residence medium density (MF-3) district, multifamily residence moderate-high density (MF-4) district, or multifamily residence high density (MF-5) district on property that either has not been developed or that has been developed only with an agricultural use." **RESPONSE:** The rezoning case does not have a pending SMART Housing application on file with the Housing and Planning Department, hence it is not subject to this Code section.

From: [Rhoades, Wendy](#)
To: [Kiolbassa, Jolene - BC](#); [Rivera, Andrew](#)
Subject: RE: West William Cannon
Date: Tuesday, December 7, 2021 2:58:00 PM

Vice-Chair Kiolbassa,

Please see my responses below.

Sincerely,
Wendy Rhoades

From: Kiolbassa, Jolene - BC <bc-Jolene.Kiolbassa@austintexas.gov>
Sent: Tuesday, December 7, 2021 11:59 AM
To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>; Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Subject: West William Cannon

Will the intersection of Stagecoach Trail and West William Cannon get a stoplight if access to this development is through Stagecoach Trail? Or will access to Stagecoach Trail be prohibited as it is as part of the existing LO zoning? **RESPONSE:** Due to the limited amount of impervious cover available on the Property, the Applicant does not propose to take vehicular access to Stage Coach Trail. As information, the Applicant's conceptual plan shows the proposed driveway is approximately 1,000 linear feet east of Stage Coach Trail.

Staff does not object to maintaining the Conditional Overlay that prohibits vehicular access to Stage Coach Trail. In the absence of taking vehicular access to Stage Coach Trail, Staff does not believe that a stoplight would be installed in connection with development of the subject property.

Will an archeologist be required to review the site because of its possible historic significance and features? **RESPONSE:** The Applicant reports that additional studies about the site's characteristics will be prepared at the time of site plan, and all rules and regulations regarding any archeological findings onsite will be followed.

Will access to Stephenson Preserve be maintained via the old Ranch Road? **RESPONSE:** The vacated Ranch Road right-of-way functions as an informal private access to Stephenson Preserve. The Applicant reports that he will work with PARD staff regarding the location of any proposed access to the preserve.

Will some of the property be dedicated as parkland? **RESPONSE:** The property is adjacent to a preserve and the Applicant reports that he will work with PARD staff to make this determination at the time of site plan application.

What is the history of localized flooding in that area and on that stretch of West William Cannon? **RESPONSE:** This question would need to be answered by the Watershed Protection Department. At the time of site plan application, a drainage study of the property prepared a Professional Engineer showing pre- and post-development conditions is required.

Jolene Kiolbassa
Boards and Commissions

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From:
To: [Rhoades, Wendy](#)
Subject: RE: Subject: RE: For ZAP 12-21-2021 C14-2021-0161 - West William Cannon Housing; request to reschedule
Date: Tuesday, January 4, 2022 3:42:35 PM

*** External Email - Exercise Caution ***

Ms. Rhodes, my client was just received a notice about the reset to 1/18 and is upset because the notice says that Impact Family Church requested a reset to January 18th and he has asked that I let you know that such was not our request, since neither he nor I are available that date, and that we had asked for a reset to February. We agreed to a conditional reset to January 18th at the request of the property owner pending discussions between him and Impact Family Church. We agreed to that with the express understanding that the matter would likely have to be moved to February 1, 2022. I told him I would bring this clarification to your attention. Thank you.

Sincerely,

Molly Mitchell

Molly Mitchell
Almanza, Blackburn, Dickie & Mitchell, LLP
2301 S. Capital of Texas, Bldg. H 101
Austin, Texas 78746
Direct: 512-628-9225
Office 512-474-9486
Fax 512-478-7151

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

From: Michael Whellan
Sent: Tuesday, January 4, 2022 3:30 PM
To: Molly Mitchell
Cc: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>; Michael Whellan
Subject: Re: Subject: RE: For ZAP 12-21-2021 C14-2021-0161 - West William Cannon Housing; request to reschedule

Yes. Agreeable.

MJW.

Sent from my iPhone

On Jan 4, 2022, at 2:16 PM, Molly Mitchell wrote:

Ms. Rhoades,

As you may recall I represent the adjacent property owner, Impact Family Church. The property owner/applicant and Impact Family Church have agreed to meet (by phone or in person) to see if there is some way to amicably resolve Impact Family Church's opposition to the proposed zoning change reflected in C14-2021-0161, West William Cannon Housing ("Application"). The parties have agreed to have the Application removed from this evening's ZAP agenda. The three dates you provided to me for a possible reset are January 18, February 1 and February 15. My client is not available on January 18th and I am to be out of state on January 18th, so that date will not work for me or my client to have the Application considered. Even so, at the applicant's agent's request, we have agreed to have the Application put on the January 18th agenda, so that if the parties are able to resolve Impact Family Church's concerns by that time the application can move forward in January. The parties have agreed that if they do not come to some amicable resolution about the Application by mid-January, they will jointly contact you to seek a further reset to February 1. Since I already know that January 18th will not work for my schedule, I want to be clear about the need for a reset to February 1st if the parties do not resolve their differences, and make sure this arrangement does not raise any concerns for the ZAP Commission. I am copying Michael Whelan (agent for the applicant) on this email to confirm the parties' agreement about a reset of this matter to January 18th, as well as the possible need for an additional reset to February 1.

Thank you for your assistance with this matter.

Sincerely,

Molly Mitchell

<image001.jpg>

Molly Mitchell

Almanza, Blackburn, Dickie & Mitchell, LLP

2301 S. Capital of Texas, Bldg. H 101

Austin, Texas 78746

Direct: 512-628-9225

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From:
To: [Rhoades, Wendy](#)
Subject: RE: Subject: RE: For ZAP 12-21-2021 C14-2021-0161 - West William Cannon Housing; request to reschedule
Date: Wednesday, January 12, 2022 9:32:41 AM

*** External Email - Exercise Caution ***

Agreed.

MJW.

From: Molly Mitchell
Sent: Wednesday, January 12, 2022 9:15 AM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Cc: Michael Whellan
Subject: RE: Subject: RE: For ZAP 12-21-2021 C14-2021-0161 - West William Cannon Housing; request to reschedule

Good morning Ms. Rhoades,

The Applicant and Impact Family Church have not had an opportunity to meet to discuss the proposed zoning change reflected in C14-2021-0161, West William Cannon Housing ("Application"). As reflected in my email to you of January 4, 2022 (below), my client and the Applicant had agreed that if the Church's opposition to the Application was not resolved in short order, they would jointly request that the Application be removed from the January 18th agenda and reset to the February 1st ZAP Commission meeting. This email is our joint request for a reset until February 1, 2022 for consideration of the Application. I am copying Michael Whellan (agent for the applicant) on this email to confirm the parties' agreement about a reset of this matter to February 1st. Thank you for working with us on this.

Sincerely,

Molly Mitchell



Molly Mitchell
Almanza, Blackburn, Dickie & Mitchell, LLP
2301 S. Capital of Texas, Bldg. H 101
Austin, Texas 78746

Direct: 512-628-9225
Office 512-474-9486
Fax 512-478-7151

From: Molly Mitchell
Sent: Tuesday, January 4, 2022 2:17 PM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Cc: Michael Whellan
Subject: RE: Subject: RE: For ZAP 12-21-2021 C14-2021-0161 - West William Cannon Housing; request to reschedule

Ms. Rhoades,

As you may recall I represent the adjacent property owner, Impact Family Church. The property owner/applicant and Impact Family Church have agreed to meet (by phone or in person) to see if there is some way to amicably resolve Impact Family Church's opposition to the proposed zoning change reflected in C14-2021-0161, West William Cannon Housing ("Application"). The parties have agreed to have the Application removed from this evening's ZAP agenda. The three dates you provided to me for a possible reset are January 18, February 1 and February 15. My client is not available on January 18th and I am to be out of state on January 18th, so that date will not work for me or my client to have the Application considered. Even so, at the applicant's agent's request, we have agreed to have the Application put on the January 18th agenda, so that if the parties are able to resolve Impact Family Church's concerns by that time the application can move forward in January. The parties have agreed that if they do not come to some amicable resolution about the Application by mid-January, they will jointly contact you to seek a further reset to February 1. Since I already know that January 18th will not work for my schedule, I want to be clear about the need for a reset to February 1st if the parties do not resolve their differences, and make sure this arrangement does not raise any concerns for the ZAP Commission. I am copying Michael Whellan (agent for the applicant) on this email to confirm the parties' agreement about a reset of this matter to January 18th, as well as the possible need for an additional reset to February 1.

Thank you for your assistance with this matter.

Sincerely,

Molly Mitchell



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