

ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0012 (Plaza Volente Residential)

DISTRICT: 6

ADDRESS: 11405, 11409 and 11411 North FM 620 Road

ZONING FROM: DR

TO: MF-2

SITE AREA: 9.392 acres

PROPERTY OWNER: Judy and Fred Helms, Kathy and Donald Gross

AGENT: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, sherri.sirwaitis@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends MF-2, Multifamily Residence-Low Density District, zoning.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

March 31, 2020: Meeting canceled.

May 5, 2020: Approved the staff's recommendation for MF-2 zoning by consent (8-0, N. Barrera-Ramirez and J. Kiolbassa-absent); B. Evans-1st, H. Smith-2nd.

CITY COUNCIL ACTION:

April 23, 2020: Postponed to June 4, 2020 at the staff's request by consent (11-0).

June 4, 2020

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question consists of three parcels that are currently developed with two single-family residences that access North FM 620 Road. To the north, there is a commercial retail center (Plaza Volente: HEB, Panda Express, Starbucks Coffee, Chase Bank, etc.). The tract of land to the south contains a vacant Construction Sales and Services use and an undeveloped area. To the east, there are single family residences located along Antler Lane (Oak Deer Park Subdivision). The properties to west, across FM 620, are developed with a Convenience Storage use (U-Haul) and an Outdoor Recreation use (Woodland Green's Golf Center). The applicants in this case are requesting to rezone the property to MF-2 zoning and are proposing to construct approximately 120 multifamily residential units on the site (Please see Applicant's Request Letter – Exhibit C).

The staff supports the applicant's request for MF-2, Multifamily Residence-Low Density District, zoning. The property meets the intent of the MF-2 zoning district designation as it will provide a transition from the single family uses to the east to the commercial uses fronting FM 620 to the west. The property takes access to an arterial roadway, North FM 620 Road, and is located adjacent to commercial uses/services to the north and west. The proposed zoning will provide for a mixture of housing opportunities in this area of the city.

The applicant agrees with the staff's recommendation.

BASIS FOR RECOMMENDATION:

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

Multifamily Residence (Low Density) district is intended to accommodate multifamily use with a maximum density of up to 23 units per acre, depending on unit size. This district is appropriate for multifamily residential areas located near single-family neighborhoods, and in selected areas where low density multifamily use is desirable.

2. *Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.*

The proposed MF-2 zoning will provide a transition in the intensity of uses from the single family uses to the east to the commercial uses fronting FM 620 to the west.

3. *Zoning should allow for reasonable use of the property.*

The MF-2 zoning district will permit the applicant to redevelop this site with additional residential uses and will provide for a mixture of housing opportunities in this area of the city.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	DR	Single Family Residences, Undeveloped Area
<i>North</i>	GR-CO, CS, CS-1, LR-CO, DR	Retail Center (Plaza Volente: HEB Plus, Austin Smile Center, Jersey Mike's Subs, Papa John's Pizza, Panda Express, Starbucks Coffee, Torchy's Tacos, Chase Bank, Palm Beach Tan, etc.), Medical Office (Wildflower Pediatrics), Single Family Residences
<i>South</i>	County	Vacant, Undeveloped, Automotive Sales (Apple Imports)
<i>East</i>	DR	Single-Family Residences
<i>West</i>	County	Convenience Storage (U-Haul), Outdoor Recreation (Golf Practice Range)

AREA STUDY: N/ATIA: Not RequiredWATERSHED: Bull CreekHILL COUNTRY ROADWAY:

This site is part of a larger tract of land that is located within a designated Hill Country Roadway corridor (A hill country roadway corridor is the land within the City's zoning jurisdiction located 1,000 feet or less from each side of the right-of-way of RM 620, from SH 71 to Anderson Mill Road).

SCHOOLS: Austin I.S.D.

Pillow Elementary School
Burnet Middle School
Anderson High School

NEIGHBORHOOD ORGANIZATIONS:

Bike Austin
Bull Creek Foundation
Canyon Creek H.O.A.
Friends of Austin Neighborhoods
Leander ISD Population and Survey Analysts
Long Canyon Homeowners Association
Long Canyon Phase II & LLL Homeowners Association Inc.
Mountain Neighborhood Association (MNA)
Neighborhood Empowerment Foundation
SELTEXAS
Sierra Club, Austin Regional Group
The Parke HOA

TNR BCP – Tavis County Natural Resources
 2222 Coalition of Neighborhood Associations, Inc.
 Volente Neighborhood Association

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2015-0031.SH (Azul 620: 11411 North FM 620 Road)	DR to MF-1	4/21/15: Postponed to July 7, 2015 at the applicant's request (6-0, S. Compton-absent); G. Rojas-1 st , P. Seeger-2 nd . 7/06/15: Case withdrawn by the applicant. No action required by the Zoning and Platting Commission on July 7, 2015.	5/14/15: Postponed on consent to August 015 at the staff's request (11-0); D. Zimmerman-1 st , L. Pool-2 nd . N/A
C14-2011-0120 (Shops at Volente, Ltd.: 11416 North FM 620 Road)	I-RR to Tract 1: GR, Tract 2: CS-1	11/15/11: Approved staff's recommendation of GR-CO zoning for Tract 1 and CS-1-CO zoning for Tract 2, with 2,000 vtpd limit (6-0, G. Bourgeois- absent); G. Rojas-1 st , P. Seeger- 2 nd .	12/08/11: Approved GR-CO zoning for Tract 1 and CS-1-CO zoning for Tract 2 on consent on all 3 readings (6-0, S. Cole-off dais); B. Spelman-1 st , L. Morrison-2 nd .
C14-2009-0097 (11505 Anderson Mill Road Rezone)	DR to LR	02/02/10: Approved LR-CO zoning by consent (7-0); D. Tiemann-1 st , S. Baldrige-2 nd , with the following conditions from the applicant's agreement with the neighborhood: 1) Limit the site the 1,333 vehicle trips per day; 2) Prohibit the following uses on the site: Consumer Convenience Services, Restaurant (Limited), Service Station; College and University Facility Facilities, Day Care Services (Commercial), Day Care Services (General), Day Care Services (Limited), Private Primary Educational Facilities, Private Secondary Educational Facilities, Public Primary Educational Facilities, Public Secondary Educational Facilities, Safety Services, Group Home, Class I (General), Group Home, Class II, Drive-In Services; 3) Prohibit buildings greater than 1-story to be located	2/11/10: Approved LR-CO zoning on consent (6-0, Cole-off dais); Spelman-1 st , Morrison-2 nd . 7/06/10: Approved LR-CO zoning by consent (7-0); 2 nd /3 rd readings

		within 75 feet of the eastern property line; 4) Restrict the Food Sales, General Retail Sales (Convenience) and General Retail Sales (General) uses to hours of operation from 7:00 a.m. to 8:00 p.m. and limit these uses to ground/1st floor occupancy within a structure on the site.	
C14-2009-0038	DR to LR (On May 8, 2009, the agent for this case sent the staff an e-mail amending the requested zoning from GR to LR)	5/19/09: Approved staff's recommendation of LR-CO zoning with conditions by consent (7-0); K. Jackson-1 st , T. Rabago-2 nd .	6/11/08: Approved LR-CO with conditions on all 3 readings (6-0, Cole-absent); B. McCracken-1 st , L. Morrison-2 nd .
C14-04-0028 (Jack Brown Cleaners: 11521 RM 620 Road North)	GR-CO to CS	3/16/04: Approved staff's recommendation of CS zoning by consent (8-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd .	4/15/04: Approved ZAP recommendation of CS zoning (7-0); 1 st reading 4/22/04: Approved CS zoning (6-0, McCracken-off dais); 2 nd /3 rd readings
C14-04-0027 (Twin Liquors: 11521 RM 620 Road North)	GR-CO to CS-1	3/16/04: Approved staff's recommendation of CS-1 zoning by consent (8-0, K. Jackson-absent); J. Martinez-1 st , J. Gohil-2 nd . 5/4/04: Approved staff's recommendation of CS-1 zoning by consent (5-0, J. Martinez, J. Pinnelli, C. Hammond-absent); J. Gohil-1 st , J. Donisi-2 nd .	4/15/04: Pulled off agenda. Case re-noticed and sent back to ZAP Commission. 6/10/04: Granted CS-1 (7-0); all 3 readings
C14-03-0146 (Plaza Volente: 11521 R.R. 620 North)	GR-CO to GR-CO	10/28/03: Approved the staff's recommendation for GR-CO zoning with conditions: 1) Limit the site development to conditions of TIA, 2) the area 300' (depth) x 400' parallel to R.R. 620 (Tract 2) will have 'LR' uses only, 3) prohibit the Pawn Shop Services, Adult Oriented uses and Automotive uses on the entire site, by consent (8-0, J. Martinez-	11/06/03: Granted ZAP Commission recommendation of GR-CO zoning, by consent (7-0); 1 st reading 11/20/03: Approved GR-CO (6-0, Goodman-off dais); 2 nd /3 rd readings

		absent); J. Gohil-1 st , J. Donisi-2 nd .	
C14-03-0111	DR to GR-CO	8/26/03: Approved staff's recommendation of GR-CO zoning by consent (8-0, K. Jackson-absent)	9/25/03: Approved GR-CO & RC-for TIA recommendations (7-0); all 3 readings
C14-02-0041	SF-2, DR to GR	11/19/02: Approved staff's recommendation of GR-CO zoning with conditions of: <ul style="list-style-type: none"> • 300' (depth) x 400' parallel to FM 620, will have 'LR' uses only (Tract 2); • conditions set out by staff in the T.I.A.; • No Pawn Shop Services; • No Adult Oriented Businesses; • No Automotive Uses (Vote: 7-0, A. Adams-absent) 	1/30/03: Granted GR-CO on 1 st reading (7-0) 3/6/03: Approved (7-0); 2 nd /3 rd readings
C14-95-0167	SF-2 to MF-2	Approved GR-CO, LO-CO, and LR-CO w/ conditions (8-0)	Approved GR-CO, LO-CO, & LR-CO subject to conditions (5-0); 1 st reading Approved GR-CO (SW area); LO-CO (NE 300'); LR-CO (NW 300') (7-0); 2 nd /3 rd readings
C14-94-0124	DR to SF-2	Approved SF-2-CO w/ conditions (9-0)	Approved SF-2-CO w/ conditions (5-0); 1 st reading Approved SF-2-CO (5-0); 2 nd /3 rd readings
C14-93-0032	SF-2, DR to GR	Approved GR-CO as recommended	Approved GR-CO w/ conditions (5-0), 1 st reading Approved GR-CO (7-0); 2 nd /3 rd readings

RELATED CASES:EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
North FM 620	145'	MAD 4	Arterial	No	No	No

OTHER STAFF COMMENTS:

Comprehensive Planning

This zoning case is located on the east side of FM 620 (a major arterial) on a 9.4 acre flag lot property (that combines three parcels) and contains two houses. The property is not located within the boundaries of a neighborhood planning area, nor is it located along an Activity Corridor or within or near an Activity Center. Surrounding land uses includes single family housing and a large shopping center to the north; to the south is vacant land, single family housing (on large lots); to the east are large lot single family houses and a single family subdivision; and to the west is a large shopping center with several restaurants and retail uses and a large grocery store. The proposal is an up to 150-unit multi-family apartment complex.

Connectivity

There are no public sidewalks, urban trails or public transit stops or public transit stops along this portion of FM 620. A wide paved area on either side of FM 620 in this area appears to act as a bike lane, although most of paved lane is not identified by signage and does not include a bike symbol or identifying signage. While the mobility options are below average, there are a number of connectivity options in the area (commercial uses and employment centers).

Imagine Austin

The property is not situated along an Activity Corridor or by an Activity Center according to the Imagine Austin Growth Concept Map. The following Imagine Austin policy is applicable to this case:

- **LUT P3** Promote development in compact centers, communities or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.
- **LUT P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

Based on the surrounding commercial uses (retail shopping center) and office uses in the area but the lack of multimodal access along FM 620, including a public sidewalk and transit, this request appears to only partially support the policies of the Imagine Austin Plan. It is hoped in the near future that the property owners in the area consider installing a shared path or public sidewalk along FM 620 to connect residents to nearby commercial, office and residential uses in the vicinity.

Environmental

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

Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Development within a Water Quality Transition Zone is limited to 18%.

According to floodplain maps there is no floodplain within or adjacent to 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.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Fire

AFD did not review the site for adequate fire department access or available water and hydrants.

AFD cannot search for hazards in areas that are out of the Austin Full Purpose or Limited Purpose area.

2/19/20, Update "0"- APPROVED WITH COMMENTS

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

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

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

FYI: Additional design regulations will be enforced at the time a site plan is submitted

FYI: The subject property is included in an approved site plan SP-2014-0416D.

SCREENING REQUIREMENTS

FYI: Screening is required for off-street parking, the placement of mechanical equipment, storage, and refuse collection if a person is constructing a building (25-2-1066).

COMPATIBILITY STANDARDS

The site is subject to compatibility standards due to proximity of SF-1 to the east. The following standards apply:

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- For a structure more than 300 feet but not more than 540 feet from property zoned SF- 5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
- No parking or driveways are allowed within 25 feet of the property line.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from property in an SF-5 or more restrictive zoning district.

SCENIC ROADWAYS

This site is within the Scenic Roadway Sign District. All signs must comply with Scenic Roadway Sign District regulations. Contact Viktor Auzenne at (512) 974-2941 for more information.

HILL COUNTRY ROADWAY

A portion of the site is located within 1,000 feet of RM 620 and within a Hill Country Roadway Corridor. The site is located within the moderate intensity zone of RM 620. The site may be developed with the following maximum floor-to-area ratio (FAR):

<u>Slope</u>	<u>Maximum FAR</u>
0-15%	0.25
15-25%	0.10
25-35%	0.05

Except for clearing necessary to provide utilities or site access, a 100-foot vegetative buffer will be required along the N FM 620 Right of Way. At least 40% of the site (excluding dedicated right-of-way) must be left in a natural state. The allowable height is as follows: Within 200 feet of N FM 620 Right of Way, the maximum height is 28 feet, and beyond 200 feet the maximum height is 40 feet.

Prior to the issuance of a building permit for the proposed use, a site plan must be approved by the Zoning and Platting Commission.

DEMOLITION AND HISTORIC RESOURCES

The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

Transportation

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC 25-6-113] A TIA may be required at the time of site plan if the proposed development intensity changes.

The adjacent street characteristics table is provided below:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
N FM 620 RD	145'	80'	ASMP Level 5	None	No	None

Austin Water Utility

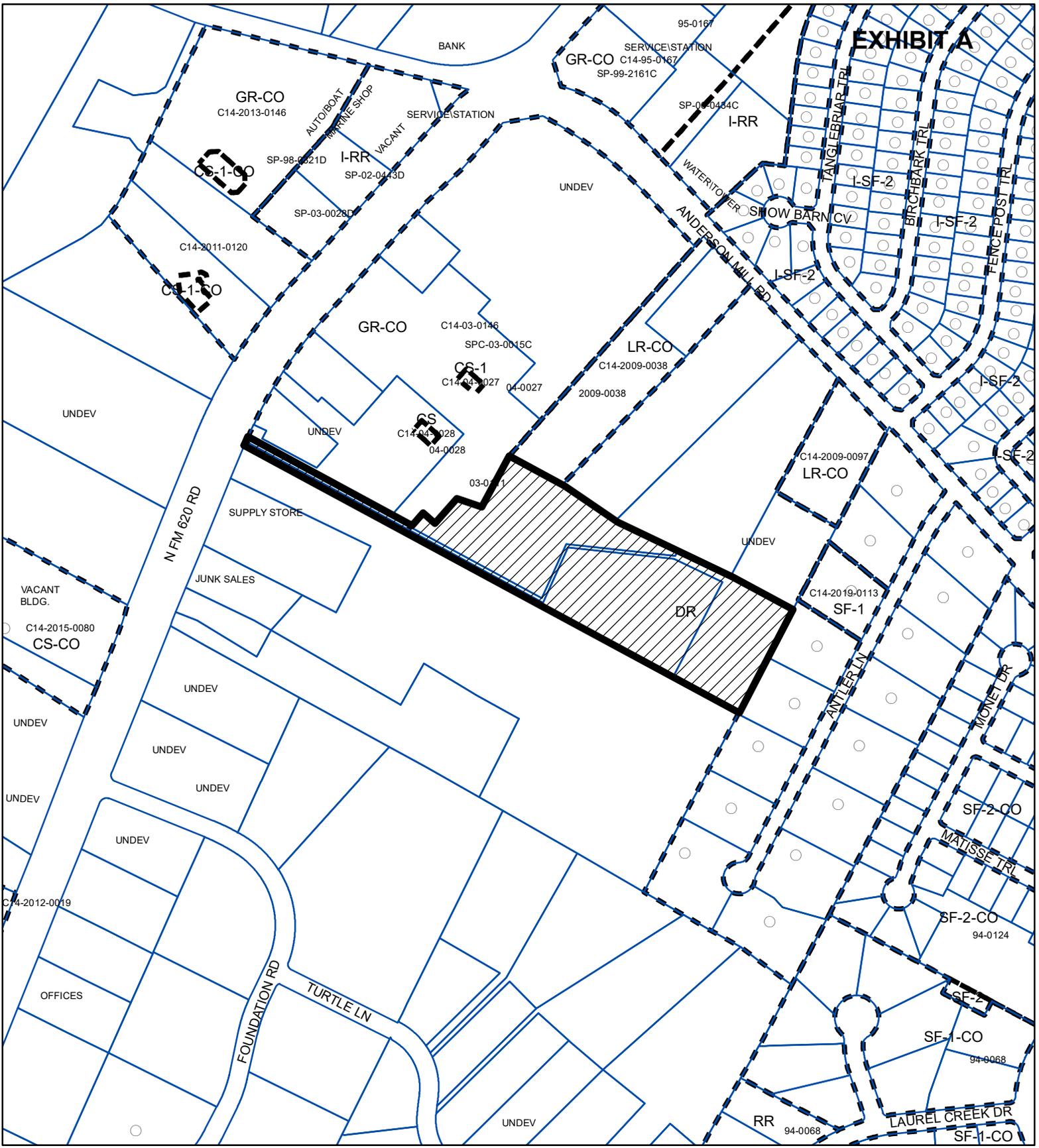
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water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

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. City Council approval of the SER is required due to the property's location within the Drinking Water Protection Zone and outside the full purpose corporate limits (LDC 25-9-35). For more information pertaining to the Service Extension Request process and submittal requirements contact Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7th floor. Ph: 512-972-0211.

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 TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Applicant's Rezoning Request
Letter
- D. Land Status Determination
- E. Correspondence from Interested
Parties



ZONING

ZONING CASE#: C14-2020-0012



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

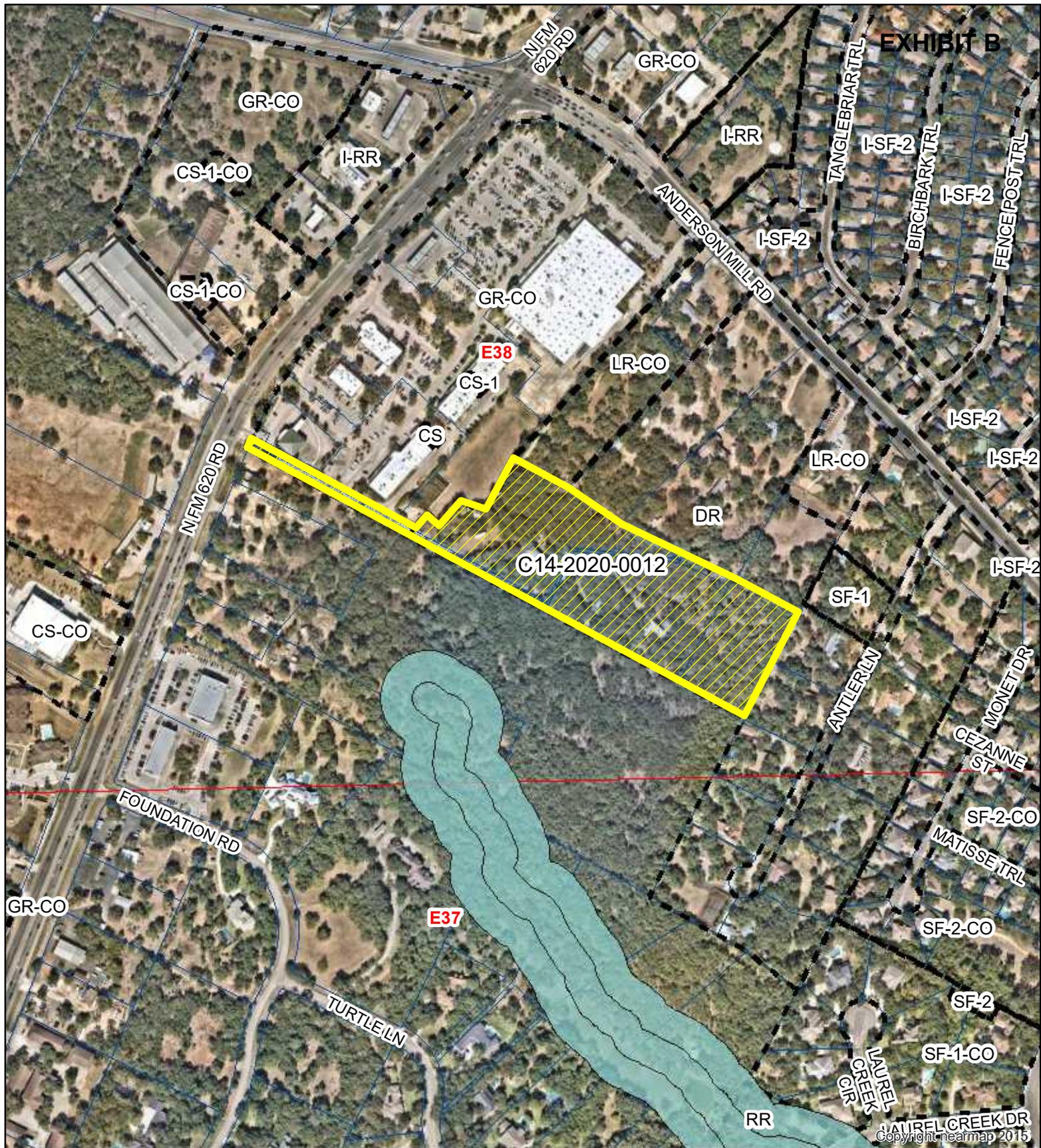
1" = 400'

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



Created: 2/4/2020



1" = 400'

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

PLAZA VOLENTE RESIDENTIAL

ZONING CASE#: C14-2020-0012
 LOCATION: 11405, 11409, 11411 N. FM 620 RD.
 SUBJECT AREA: 9.4 ACRES
 GRID: E38
 MANAGER: Sherri Sirwaitis



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.

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

RICHARD T. SUTTLE, JR.
(512) 435-2310
rsuttle@abaustin.com

January 27, 2020

Jerry Rusthoven
Planning and Development Review Department
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: Plaza Volente Residential Rezoning (the "Application"); 11405, 11409 and 11411 N. FM 620 Road, Austin, Texas 78726, also known as Travis County Parcel No. 0174230112, 0174230113 and 0175270309 (the "Property")

Dear Mr. Rusthoven:

This letter is submitted on behalf of CWS Capital Partners, LLC who has contracted with the owners to purchase the Property in the above referenced Application. The site is comprised of three parcels totaling ±9.39 acres of land located at 11405, 11409 and 11411 N. FM 620 Road. A copy of the metes and bounds describing the properties are included with the Application. The Land Status Determination for the properties were approved on December 7, 2019 and are included in the submittal package.

The Property is currently developed with two single family residences. This Application is being filed to rezone the Property from DR to MF-2 to allow for the redevelopment of the site as a multifamily project.

A Traffic Impact Analysis (TIA) has been deferred until site plan application. The TIA Determination signed by Amber Mitchell on January 7, 2020 is included in the submittal package.

ARMBRUST & BROWN, PLLC

Page 2

Thank you for your time and consideration in this matter. If you have any questions, comments, or need additional information, please do not hesitate to contact me or Jewels Cain at (512) 435-2318.

Respectfully,

ARMBRUST & BROWN, PLLC



Richard T. Suttle, Jr.

cc: Sherri Sirwaitis, City of Austin
Jarrett Sullivan, CWS Capital Partners, LLC
Jewels Cain, Armbrust & Brown, PLLC



**Development Services Department
Land Status Determination
Legal Tract Platting Exception
Certification**

December 07, 2019

File Number: C8I-2019-0308

Address: 11405 & 11409 N FM 620 RD

Tax Parcel I.D. #0175270309 & 0174230113 Tax Map Date: 11/26/2019

The Development Services Department has determined that the property described below and as shown on the attached tax map:

Is a LEGAL TRACT consisting of tract 2: 3.42 acres, more or less situated in the W. P. Rutledge Survey No. 603, the S.A. & M.G.R.R Company Survey No. 800, and the J. Grimes Survey No. 25. tract 3: 2.427 acres, more or less, situated in the W.P Rutledge Survey No. 603, the S.A. & M.G.R.R. Company survey No. 800, and the J. Grimes Survey No. 25, created prior to (Grandfather Date) as evidenced by deed recorded in Volume , Page of the Travis County Deed Records on Jan 24, 2008 being the same property as currently described in deed recorded in Document #2008035941 of the Travis County Deed Records on Mar 06, 2008 and is eligible to receive utility service.

Additional Notes/Conditions:

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivision and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: Michelle Casillas
**Michelle Casillas, Representative of the Director
Development Services Department**

Map Attachment



Property Profile





**Planning and Development Review
Land Status Determination
Legal Tract Platting Exception
Certification**

October 06, 2011

File Number: **C8I-2011-0222**

Address: **11411 N FM 620 RD**

Tax Parcel I.D. # **0174230112** Tax Map Date: **03/24/2010**

The Watershed Protection and Development Review Department has determined that the property described below and as shown on the attached tax map:

Is a LEGAL TRACT consisting of all of that certain tract or parcel of land containing 3.542 acres, more or less, situated in the W.P. Rutledge Survey, the S.A. & M.G.R.R. Company Survey, and the J. Grimes Survey, being the same property as currently described in deed recorded in Document #2008035941 of the Travis County Deed Records on Mar 6, 2008 and is eligible to receive utility service.

Additional Notes/Conditions:

Tract is a result of a judicial partition, described in Exhibit "A" in Cause No. D-1-GN-06-003616, 53rd Judicial District, Travis County, Texas. Tract is recognized per Attorney General's Opinion No. 0-5150 (1943).

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivision and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: _____

**Daniel Word, Representative of the Director
Planning and Development Review**

Map Attachment

Travis Central Appraisal District
 P.O. Box 148612
 Austin, Texas 78714
 Internet Address: www.travisad.org
 Main Telephone Number (512) 674-5317
 Appraisal Information (512) 674-5318
 8014 Cross Park Drive
 Austin, Texas 78754
 TDD (512) 674-5328

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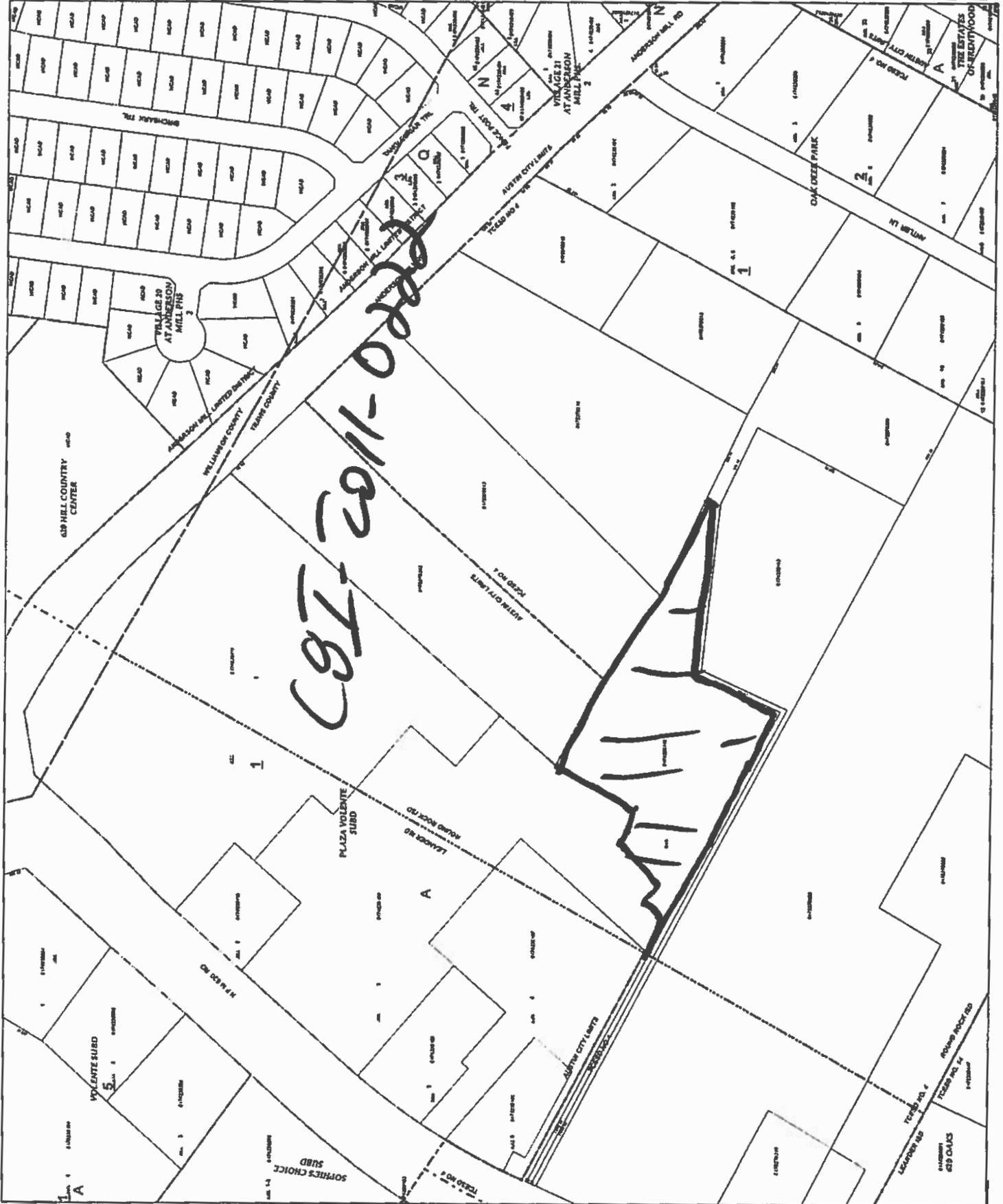
NAD 1983 StatePlane, Texas Central FIPS 4203 Feet
 Projection: Lambert Conformal Conic
 Date: 1/20/10
 This: 1/20/10
 File: 1/20/10

17423	17423	17423	17423
17423	17423	17423	17423
17423	17423	17423	17423
17423	17423	17423	17423

0 100 Feet

Revision Date
 3/24/2010

17423



Canyon Creek Homeowners Association, Inc

April 28, 2020

To the Honorable Zoning and Platting Commission and City of Austin Staff

Re: Plaza Volente Residential (Case # C14-2020-0012)

The Canyon Creek Homeowners Association represents the 1293 homeowners of the Canyon Creek subdivision located in Northwest Austin, less than one mile from the proposed apartment development site of the above referenced case. On behalf of the Association and its elected Board of Directors, I am pleased to offer this **Letter of Support** for the above referenced rezoning case.

Our Association's Board of Directors has worked closely with the developer, CWS Apartment Homes LLC, and its representatives to ensure that the proposed apartment development project meets important criteria such as being environmentally compatible with our rustic hill country area and also offers mitigation of certain traffic related issues in our area. We therefore ask that you support this project and **vote to recommend approval** on this rezoning case.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brett Funderburg', with a long horizontal flourish extending to the right.

Brett Funderburg

President,

Canyon Creek Homeowners Association, Inc.

From: Terri Randall
To: [Sirwaitis, Sherri](#)
Subject: Case Number: C14-2020-0012
Date: Monday, March 23, 2020 5:25:56 PM

*** External Email - Exercise Caution ***

Dear City of Austin,

My name is Terrilyn HubbardRandall (AKA Terri Randall) and I am a principle member of the Camp Randall LLC and the property owner at 11505 Anderson Mill Road, Austin TX. I understand that there has been an application for a change of zoning for a property under contract with Armbrust & Brown. I am writing to notify you of my complete and total endorsement of this change. I am in favor.

Thank you,

Terri Randall

512-769-7996

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From: John Akin
To: [Sirwaitis, Sherri](#)
Cc: [Jarrett Sullivan](#)
Subject: C14-2020-0012;
Date: Wednesday, April 29, 2020 11:35:01 AM

*** External Email - Exercise Caution ***

Ms Sirwaitis:

The apartment project involved in this case includes an aggregate of 34.4 acres, being the 9.4 acres area subject of the application for zoning change and an adjoining 25 acres in the ETJ, lying generally behind (southwest of) the HEB anchored shopping center at Anderson Mill Road and FM 620. I am the president of the Oak Deer Park Subdivision, a one street (Antler Lane) residential subdivision which backs up to the subject area (sharing a boundary extending for about .25 mile, from one end of the proposed project to the other on its south side. Oak Deer Park Subdivision consists of fifteen homes (with one more planned) on twenty acres. Since its development in 1972 the residents on our little street have enjoyed some of the most appealing natural surroundings in or around Austin, featuring lots of an acre or more and many large trees. Almost all of the acreage to the northwest of our subdivision (the subject of the application) has generally been left in its virgin natural state with dense tree cover. It includes two spring-fed ponds that feed in to a tributary of Bull Creek just south of the proposed project area. The project would extend into the Water Quality Transition Zone and a Critical Water Quality Zone.

We have received correspondence from Mr. Jarratt Sullivan on behalf of the applicant indicating that the project would involve construction of some 372 apartments, of up to three stories in height. Mr. Sullivan had courteously offered to meet with us to discuss things but of course that possibility has been rendered not possible by the current circumstances. However, it would seem to be unavoidable that a development anywhere near as large and dense as that proposed would fundamentally alter the nature and character of life for the home owners in our subdivision, some of whom having been there since the 1970s.

To the degree possible, my neighbors and I will oppose the zoning change application and the construction of the project as it is presently planned.

Please make note of my contact information below and include me as a person requesting information concerning any scheduled meetings or other developments concerning this matter.

Thank you.

John Akin

John H. Akin
Akin & Akin LLP
3307 Northland Drive, Suite 185
Austin TX 78731
phone 512.476.6258
fax 512.469.0212

Find a local lawyer and free legal information at [FindLaw.com](#).

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From: John Akin
To: [Sirwaitis, Sherri](#)
Cc: [Jarrett Sullivan](#)
Subject: C14-2020-0012;
Date: Wednesday, April 29, 2020 11:35:01 AM

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Ms Sirwaitis:

The apartment project involved in this case includes an aggregate of 34.4 acres, being the 9.4 acres area subject of the application for zoning change and an adjoining 25 acres in the ETJ, lying generally behind (southwest of) the HEB anchored shopping center at Anderson Mill Road and FM 620. I am the president of the Oak Deer Park Subdivision, a one street (Antler Lane) residential subdivision which backs up to the subject area (sharing a boundary extending for about .25 mile, from one end of the proposed project to the other on its south side. Oak Deer Park Subdivision consists of fifteen homes (with one more planned) on twenty acres. Since its development in 1972 the residents on our little street have enjoyed some of the most appealing natural surroundings in or around Austin, featuring lots of an acre or more and many large trees. Almost all of the acreage to the northwest of our subdivision (the subject of the application) has generally been left in its virgin natural state with dense tree cover. It includes two spring-fed ponds that feed in to a tributary of Bull Creek just south of the proposed project area. The project would extend into the Water Quality Transition Zone and a Critical Water Quality Zone.

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From: Jarrett Sullivan
To: [Sirwaitis, Sherri](#)
Cc: [Jewels Cain; j](#)
Subject: Re: {Ext Email} ____ C14-2020-0012;
Date: Thursday, April 30, 2020 9:14:48 AM

*** External Email - Exercise Caution ***

Good Morning Sherri,

To follow-up on Mr. Akin's email below, it is important to clarify that our proposed development does not encroach into the Water Quality Transition Zone or Critical Water Quality Zone within our subject property. It's difficult to tell whether Mr. Akin is implying that or not based on the wording in his email. Nonetheless, as part of our presentation to ZAP this will clearly be shown on a conceptual site plan exhibit.

As additional background, I provided Mr. Akin along with Mr. Ron Beard who is a registered architect that lives on Antler Lane a PDF site plan exhibit clearly showing no encroachment into the aforementioned areas on March 13, 2020 along with an AutoCAD file of the same site plan to Mr. Beard on March 26, 2020 for his own professional analysis. I have been trying to have a meaningful dialogue with these gentlemen for over 45 days now regarding our proposed site plan but there has been no feedback provided to me in response to follow-up phone calls and emails until Mr. Akin's email to you and I yesterday.

In response to Mr. Akin's email below I have provided additional ideas for the Antler Lane residents to consider as means to help preserve the integrity of the Antler Lane neighborhood and it seems a meaningful dialogue is about to be underway. I hope that we are able to report back that positive solutions have been agreed to and that Mr. Akin and the Antler Lane residents he represents have changed their position on our project prior to next Tuesday's ZAP meeting.

Regards,

Jarrett J. Sullivan
Vice President, Development
CWS Capital Partners, LLC
office 512-485-2529
mobile 512-576-8844

>>> "John Akin" <> 4/29/2020 11:34 AM >>>

Ms Sirwaitis:

The apartment project involved in this case includes an aggregate of 34.4 acres, being the 9.4 acres area subject of the application for zoning change and an adjoining 25 acres in the ETJ, lying generally behind (southwest of) the HEB anchored shopping center at Anderson Mill Road and FM 620. I am the president of the Oak Deer Park Subdivision, a one street (Antler Lane) residential subdivision which backs up to the subject area (sharing a boundary extending for about .25 mile, from one end of the proposed project to the other on its south side. Oak Deer Park Subdivision consists of fifteen homes (with one more planned) on twenty acres. Since its development in 1972 the residents on our little street have enjoyed some of the most appealing natural surroundings in or around Austin, featuring lots of an acre or more and many large trees. Almost all of the acreage to the northwest of our subdivision (the subject of the application) has generally been left in its virgin natural state with dense tree cover. It includes two spring-fed ponds that feed in to a tributary of Bull Creek just south of the proposed project area. The project would extend into the Water Quality Transition Zone and a Critical Water Quality Zone.

We have received correspondence from Mr. Jarratt Sullivan on behalf of the

applicant indicating that the project would involve construction of some 372 apartments, of up to three stories in height. Mr. Sullivan had courteously offered to meet with us to discuss things but of course that possibility has been rendered not possible by the current circumstances. However, it would seem to be unavoidable that a development anywhere near as large and dense as that proposed would fundamentally alter the nature and character of life for the home owners in our subdivision, some of whom having been there since the 1970s.

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Please make note of my contact information below and include me as a person requesting information concerning any scheduled meetings or other developments concerning this matter.

Thank you.

John Akin

John H. Akin
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From: Christy F. Hulin
To: [Sirwaitis, Sherri](#); [John Akin](#); [Leo Hulin](#)
Subject: Plaza Volente Residential (Case #C14-2020-0012)
Date: Thursday, April 30, 2020 9:57:57 AM

*** External Email - Exercise Caution ***

Dear Ms. Sirwaitis,

My husband and I are residents at 11207 Antler Lane, the street backing the proposed apartment construction on 620. We purchased our home just 2 short years ago. We chose to live on this property and street due to the spacious natural feel it has. We have wildlife and all the amazing benefits of living in an wooded area. I do have concerns for all the wildlife in our area as the natural space around us gets taken.

The properties on our street have mature trees and an all natural country feel. It is still close in to all conveniences the City has to offer with space and beauty to raise our children. That is almost becoming impossible to achieve within Austin these days. We needed to be close in for our Jobs but needed space which made our street ideal. We paid for that space and feel which will devalue if taken away. I realize growth happens and land get developed overtime. My hope is whatever ends up being developed of the space that backs our street, that mindful consideration is taken seriously of the reason we all love and live on Antler Lane. I would like to preserve all that is natural and nature filled with our properties. I don't want to lose the look and feel of what we have on our street nor would I want our property values to be impacted. If a large apartment complex is in view from our homes it cancels out what we are trying to achieve and therefore loses value in our homes/resale values.

My additional concern is that area of 620 is already over congested and adding that number of units with all the tenants and traffic to that space at this time without the road infrastructure to divert pass through traffic seems almost imaginable. I understand they are discussing a pass over for Anderson Mill since it bottle necks but my guess is this development would be complete before a road solution is completed.

Thank you for your time and consideration of our concerns in this development and zoning.

Sincerely,
Christy Hulin

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From: Fiona McNally
To: [Sirwaitis, Sherri](#)
Cc: ["Neal Broome"; j](#)
Subject: Objection to Zoning Application C-14-2020-0012
Date: Thursday, April 30, 2020 10:30:02 AM

*** External Email - Exercise Caution ***

C-14-2020-0012

Dear Ms. Sirwaitis:

My husband, Neal Broome and I are writing to notify the City Planning Zoning Department of our objection to the zoning application C-14-2020-0012. This application has been submitted regarding the rezoning of more than 9 acres of land that is currently natural habitat.

Once rezoned, the applicant intends to add this 9 acres to an existing 25 acre plot to support the development of yet another large apartment complex on the Northwest perimeter of Austin.

Our property, 11400 Antler Lane backs up to these 9.4 acres. We have multiple concerns about flooding, light pollution, noise pollution and the huge increase to traffic capacity near one of the busiest and dangerous intersections in Northwest Austin (Anderson Mill and 620). These changes would not only affect our property but would impact our entire neighborhood.

I understand the zoning meeting on May 5th will be a virtual meeting. Please send us the connection details so that we will have an opportunity to share our concerns about this zoning application.

Thank you,

Fiona McNally
512-769-1014

Listen to my [TEDx talk on Poverty](#)
Support [The Wild Hope](#)

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From: Asha Jane
To: [Sirwaitis, Sherri](#)
Cc: [j](#)
Subject: Objection to Zoning Application C-14-2020-0012
Date: Thursday, April 30, 2020 12:36:33 PM

*** External Email - Exercise Caution ***

Dear Ms. Sirwaitis:

My husband, Chris Bennett and I are writing to notify the City Planning Zoning Department of our objection to the zoning application C-14-2020-0012. This application has been submitted regarding the rezoning of more than 9 acres of land that is currently natural habitat. Once rezoned, the applicant intends to add this 9 acres to an existing 25 acre plot to support the development of yet another large apartment complex on the Northwest perimeter of Austin.

Our property, [11300 Antler Lane](#) is in the residential neighborhood most impacted by this project. We have many serious concerns about the impact this project would have on the local ecology as well as the human ecology, especially that of displacing native species as well as increasing light and noise pollution. We are a small but older neighborhood with canopied oaks overhanging our 1 block street. Most notably, it is quiet and dark on our street when the bustle of daily life dies down for the day. We would like to preserve as many of the characteristics that make our neighborhood neighborly, but it is increasingly difficult. I daily observe (or hear) two species of hawk, owls, a pack of coyotes, armadillos, skunk, and an array of snakes. I have found bird nests on my property built by golden-cheeked warblers. Development of the proposed property will greatly destabilize the natural habitat that is so rapidly vanishing in Austin. And on the human side the proposed project will continue to generate an increase in traffic at the already overly busy, backed up intersection at FM 620 x Anderson Mill Rd.

Please forward us information so that we might be able to attend the May 5th virtual meeting.

Thank you,

Asha Jane & Chris Bennett

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From: Boyd, Jennifer
To: [Sirwaitis, Sherri](#)
Cc:
Date: Thursday, April 30, 2020 12:37:52 PM

*** External Email - Exercise Caution ***

C-14-2020-0012

Dear Ms. Sirwaitis:

My husband, Bill Boyd, and I reside at 11304 Antler Lane. This email is to notify the City Planning Zoning Department of our objection to the zoning application C-14-2020-0012. This application has been submitted regarding the rezoning of more than 9 acres of land that is currently natural habitat. Our property is adjacent to these 9.4 acres.

One of our chief concerns is how the rezoning will impact and diminish wildlife in the area and the subsequent impact on our own way of life. A variety of wildlife makes this area its home and we routinely enjoy owls, hawks, deer, civet cats, coyotes, turkeys, wild birds, raccoons, possums, and many other types of animals.

Recent rezoning in the area allowed the establishment of an events business that backs up to Antler Lane. The noise level from that one business alone keeps our windows closed and can be clearly heard all throughout the neighborhood until late at night. Saturating the area with light, noise, and structures eradicates yet another safe haven for our shrinking wildlife population.

Additional development will absolutely have a detrimental effect on traffic. My husband and I currently work 5 miles from our residence, but under normal rush hour conditions it can easily take 20 to 30 minutes to get to work. Anderson Mill is not constructed to handle the number of cars that will queue up for access to and from Hwy. 183. Our street does not have a school bus stop because of the danger of stopping on Anderson Mill, and frequently we have to turn right out of the neighborhood to avoid making left turns due to the volume of traffic.

We'll look forward to the meeting on May 5th.

Thank you,

Jennifer and Bill Boyd
512-466-7516

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From: Susan von Rosenberg
To: [Sirwaitis, Sherri](#); [John Akin](#)
Subject: Rezoning
Date: Thursday, April 30, 2020 4:27:11 PM

*** External Email - Exercise Caution ***

My husband, Bill von Rosenberg and I are writing to notify the City Planning Zoning Department of our objection to the zoning application C-14-2020-0012. This application has been submitted regarding the rezoning of more than 9 acres of land that is currently natural habitat.

Originally, it was our assumption that the development was only concerning the original 25 acre plot, now, we discover that the developer has added an additional 9.4 acres. This massive project was disturbing to us as homeowners and as neighbors in already crowded HWY 620 corridor, but with the additional units, it has become even more disconcerting.

Our property, 11404 Antler Lane backs up to the additional acreage. Our concerns center around the additional road traffic that these units bring to our area, but also the possibility of foot traffic through our property. We have many beautiful trees and foliage and that would probably be destroyed when these units are constructed. The 620/Anderson Mill Road intersection is an extremely busy and dangerous intersection and we can only imagine what the additional traffic from these units would bring to our small neighborhood. Noise and light pollution are also huge concerns, not to mention flooding.

I understand that the zoning commission virtual meeting is May 5 Please send us the connection details so that we will have an opportunity to share our concerns about this zoning application.

Thank you for your consideration,
Susan and Bill von Rosenberg

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From: Jarrett Sullivan
To: [Ray Thomasian](#)
Cc: [Jewels Cain](#); [Bailey Harrington](#); [Dan Hennessey](#); [Jill Tarleton](#)
Subject: Plaza Volente Apartment Project Near HEB
Attachments: [620 Anderson Mill Color Site Plan 2020-03-13.pdf](#)

Ray,

Thank you for the engagement in preliminary discussions surrounding our proposed apartment development near RM 620 & Anderson Mill. We are now aligned that the southernmost proposed driveway on the attached site plan should be restricted to right-in/right-out only.

Based on our coordination with the Canyon Creek Homeowner's Association during the zoning process, I would like to formally request that TxDOT assist with implementing the following two items during our future permitting process:

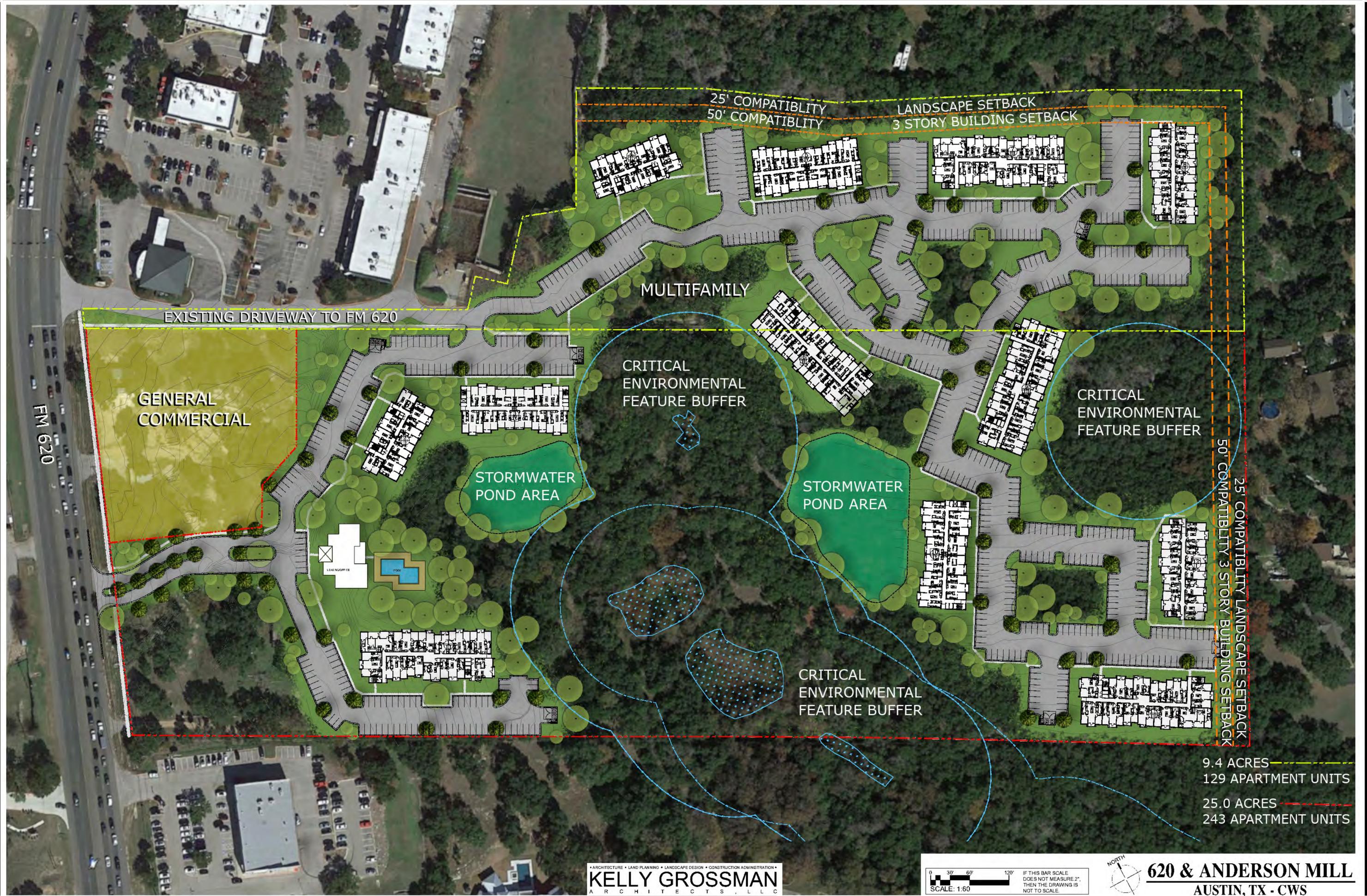
- 1) Restrict the southernmost proposed driveway on the attached site plan to right-in/right-out only.
- 2) As part of our project, allow for the expansion of the northern driveway (HEB side street/signal light) from two lanes to a minimum of three lanes to help avoid traffic back-ups and excessive queuing at peak hours.

We look forward to continuing our coordination efforts with TxDOT after receiving zoning approval which is tentatively scheduled to occur on June 4th.

Regards,

Jarrett J. Sullivan
Vice President, Development
CWS Capital Partners, LLC
office 512-485-2529
mobile 512-576-8844

[j](#)



EXISTING DRIVEWAY TO FM 620

GENERAL
COMMERCIAL

MULTIFAMILY

CRITICAL
ENVIRONMENTAL
FEATURE BUFFER

STORMWATER
POND AREA

LEAD OFFICE

POOL

STORMWATER
POND AREA

CRITICAL
ENVIRONMENTAL
FEATURE BUFFER

CRITICAL
ENVIRONMENTAL
FEATURE BUFFER

25' COMPATIBILITY
50' COMPATIBILITY

LANDSCAPE SETBACK
3 STORY BUILDING SETBACK

25' COMPATIBILITY LANDSCAPE SETBACK
50' COMPATIBILITY 3 STORY BUILDING SETBACK

9.4 ACRES
129 APARTMENT UNITS

25.0 ACRES
243 APARTMENT UNITS

From: Guy Dudley
To: [Sirwaitis, Sherri](#)
Cc: [Jarrett Sullivan](#)
Subject: Support for zoning case C14-2020-0012
Date: Saturday, May 2, 2020 2:52:15 PM

*** External Email - Exercise Caution ***

Sherri:

Please accept this email as my support for zoning case C14-2020-0012. As the land owner of 11609 Anderson Mill Road (directly adjacent to the 9.4 acre tract being rezoned), I fully support the rezoning to a low-density multifamily (MF-2).

Please let me know if you have any questions, or need further information.

Regards,

Guy Dudley

Stone Development Group, Inc.
6500 Riverplace Blvd, Building 7, Suite 250
Austin, Texas 78730
www.stonedevdevelopmentgrp.com
(512) 900-2212 office
(512) 582-8360 fax

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From: John Akin
To: [Rivera, Andrew](#); [Sirwaitis, Sherri](#)
Cc: [Jarrett Sullivan](#); [Ron Beard](#); [Fiona McNally](#); [Neal Broome](#); [Neil Broome](#); [Susan and Bill von Rosenberg](#)
Subject: C-14-2020-0012; Plaza Volente Residential
Date: Tuesday, May 5, 2020 1:37:26 PM

*** External Email - Exercise Caution ***

Ms Sirwaiti and Mr. Rivera:

This message confirms that the owners of homes in the Oak Deer Park Subdivision shown above as receiving copies of this message (and I) who have filed objections to the subject application do withdraw such objections and withdraw their requests to speak in opposition thereto.

If there are any questions, please contact me.

Thank you.

John Akin

John H. Akin
Akin & Akin LLP
3307 Northland Drive, Suite 185
Austin TX 78731
phone 512.476.6258
fax 512.469.0212

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9.541-ACRE 11411 AND 11409 N FM620 ROAD TRACT CRITICAL ENVIRONMENTAL FEATURE MEMO

TRAVIS COUNTY, TEXAS

Date: December 9, 2019

Project: 9.541-acre 11411 and 11409 N FM 620 Road Tract

To: CWS Capital Partners | Jarrett Sullivan

From: aci Group, LLC - TBPG License No. 50260 | Mark Adams

Subject: Critical Environmental Feature (CEF) Memo

Mr. Sullivan,

The City of Austin considered Critical Environmental Features (CEFs) as “features that are of critical importance to the protection of environmental resources and include bluff, springs, canyon rimrocks, caves, sinkholes, and wetlands.” **aci consulting** has preformed a CEF survey on the 9.541-acre 11411 and 11409 N FM 620 Road Tract in accordance with Section 25-8-121 of the City of Austin Land Development Code (LCD).

Site reconnaissance investigations were conducted by Luke Rome, P.G. and Kara Posso, G.I.T. of **aci consulting** on November 20, 2019. The field investigation identified three features related to karst geology. After thorough evaluation, these three features were determined to be non-sensitive regarding the potential to serve as a source of point recharge. There were no CEFs identified within the limits of the subject area. Included in this memorandum are the photographs, descriptions, and recommended buffers (when applicable) for each of the features. A map of the site and findings are displayed in **Figure 1**.

KJ-01

GPS: N. 30.450567 W. -97.824118

KJ-01 is solution-cavity within epikarst limestone. The feature consists of two connected apertures that appear to have been enhanced by animal burrowing. The first aperture is 1.5 feet in diameter and 3 feet deep. The second larger aperture is approximately 3 feet by 2 feet and extends downwards 3 feet as well. The infill materials consist of roots from a nearby persimmon as well as moderately compacted organic and clay rich soils, spines from ashe juniper, and loose leaf litter. The feature is located along a gentle hillside and has a catchment area less than 1.6 acres. Consistent with the rest of the site, the immediate area around the feature consisted of large limestone boulders and slabs suspended in soils that were detached from the underlying bedrock, as epikarst generally is in this area. Due to the lack of subsurface connection to bedrock and a direct pathway or conduit for point recharge, the feature is not considered a Critical Environmental Feature as defined by the City of Austin and does not warrant protective buffering.



View of KJ-01

KJ-02

GPS: N. 30.450516 W. -97.824246

KJ-02 is an epikarst feature with limited subsurface development influenced by root heave (ashe juniper). The opening of the feature exists along the edge of a one-foot thick limestone slab that extends 10 feet along a trend of 120°. The opening and edges of the feature were lightly excavated by hand to investigate the origin of the feature. As a result of the light excavation the feature was determined to be a product of root heave where several large roots of an ashe juniper uplifted the limestone slab. Infill material below the slab consisted of loose leaf litter, moderately compacted soils rich in clay, and organic matter. As the feature lacked a subsurface connection to bedrock and a direct pathway or conduit for point recharge, it is not considered a Critical Environmental Feature as defined by the City of Austin and does not warrant protective buffering.



View of KJ-02

KJ-03

GPS: N. 30.451667 W. -97.825218

KJ-03 is a solution cavity in epikarst limestone with limited subsurface development. The dimensions of the feature are 2 feet by 1 foot by 3 feet deep. The infill materials consist of loose leaf litter, dark soils rich in clay, and organic material. The feature is located along a hillside and has small catchment area that is less than 1.6 acres. Due to the lack of subsurface connection to bedrock and a direct pathway or conduit for point recharge, it is not considered a Critical Environmental Feature as defined by the City of Austin and does not warrant protective buffering.



View of KJ-03

