

## ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0138 – TCR McKinney Falls      DISTRICT: Contiguous to District 2

ZONING FROM: Unzoned

ZONING TO: SF-6

ADDRESS: 8201 Thaxton Road

TOTAL SITE AREA: 24.268 acres

PROPERTY OWNER: Philip Boghosian, as Trustee of the Philip Boghosian Living Trust

AGENT: Husch Blackwell LLP (Micah King)

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

STAFF RECOMMENDATION:

**The Staff recommendation is to grant townhouse and condominium residence (SF-6) district zoning.** *The basis of Staff's recommendation is provided on page 2.*

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**January 19, 2021: *APPROVED SF-6 DISTRICT ZONING, AS STAFF RECOMMENDED***

***[H. SMITH; C. ACOSTA – 2<sup>ND</sup>] (11-0)***

January 5, 2021: *APPROVED A POSTPONEMENT TO JANUARY 19, 2021*

*[A. AGUIRRE; N. BARRERA-RAMIREZ – 2<sup>ND</sup>] (7-1) B. EVANS – NAY; C. ACOSTA, T. BRAY – ABSTAINED; D. KING – ABSENT*

CITY COUNCIL ACTION:

**March 25, 2021:**

February 18, 2021: *MEETING CANCELLED DUE TO INCLEMENT WEATHER; RENOTIFICATION REQUIRED*

ORDINANCE NUMBER:

ISSUES:

None at this time.

CASE MANAGER COMMENTS:

The subject property to be zoned is currently in unincorporated Travis County and proposed for annexation into the City's full purpose jurisdiction. Other than a water tank and related outbuilding that is operated by the Creedmoor-Maha Water Supply Company (a private water

company), the property is used for agricultural purposes. It contains moderate vegetation cover and a segment of Marble Creek along the west side. To the north is undeveloped land (County, MF-2; GR-MU-CO), to the east is undeveloped land (SF-4A-CO) and a recently annexed portion of Easton Park (also known as Pilot Knob PUD), to the south are a few single family residences on large tracts (County), and to the west across Alum Rock Drive are single family residential subdivisions on standard size lots. ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).***

The Applicant proposes to zone the property to the townhouse and condominium residence (SF-6) district as the first step in constructing up to 105 single family residences on a single site. Access to McKinney Falls Parkway and Thaxton Road is proposed.

#### BASIS OF RECOMMENDATION:

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

The townhouse and condominium residence (SF-6) district is intended as an area for moderate density single family, duplex, two-family, townhouse and condominium use.

- 2. Zoning changes should promote an orderly and compatible relationship among land uses.*  
*3. Zoning should be consistent with approved and existing residential densities.*

SF-6 zoning is a reasonable option for multiple-acre parcels to be developed in a lower density residential area. SF-6 zoning also allows for the ability to introduce a different type of housing to the area, yet the proposed project will consist of and have a single family appearance, and be compatible with the existing single family residences in the vicinity. Furthermore, the SF-6 zoning district also allows for clustering of units given moderate tree coverage on the property and the Marble Creek floodplain which covers the western portion of the property.

#### EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	Unzoned	Agricultural; Water tank for a water supply company and related outbuilding
<i>North</i>	County; MF-2; GR-MU-CO	Undeveloped
<i>South</i>	County	Scattered single family residences on large tracts
<i>East</i>	PUD	Undeveloped portions of Easton Park
<i>West</i>	I-RR; SF-2; SF-3	Single family residences in the Bend at Nuckols Crossing and Springfield subdivisions

NEIGHBORHOOD PLANNING AREA: Not Applicable

TIA: Deferred to the site plan application when land uses and intensities will be finalized

WATERSHED: Marble Creek – Suburban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

The subject property is within the Del Valle Independent School District.

COMMUNITY REGISTRY LIST:

511 – Austin Neighborhoods Council	627 – Onion Creek Homeowners Association
742 – Austin Independent School District	774 – Del Valle Independent School District
1228 – Sierra Club, Austin Regional Group	1258 – Del Valle Community Coalition
1363 – SEL Texas	1408 – Go Austin Vamos Austin 78744
1528 – Bike Austin	1530 – Friends of Austin Neighborhoods
1550 – Homeless Neighborhood Association	
1616 – Neighborhood Empowerment Foundation	
1745 – Easton Park Master Community	1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2020-0001 – 6917 Colton Bluff Springs Road	RR; SF-4A, SF- 4A-CO and LR- MU to MF-3 for Tract 1; GR-MU for Tract 2	To Grant MF-2 for Tract 1 and GR-MU for Tract 2 w/r-o-w dedication for McKinney Falls Pkwy	Apvd MF-2 for Tract 1 and GR-MU-CO w/CO for max 40’ height and limit commercial building structures within 300’ of property for Tract 2, w/Street Deed for McKinney Falls Pkwy (4-9-2020).
C814-2012-0152.02 – Pilot Knob PUD – 2 <sup>nd</sup> Amendment – Addresses on Colton-Bluff Springs Rd, Hillock Terrace, Thaxton Rd and Sassman Rd	Unzoned to PUD	To Grant an amendment to the PUD, to add approximately 165 acres and 800 dwelling units to the Mixed Residential area and 40 acres to the Open Space area for a revised total of 2,382.88 acres	Apvd as Commission recommended (1-31-2019).

RELATED CASES:

The subject property is in the process of being annexed into the City limits (C7a-2020-0001).

There are no subdivision or site plan applications on the property.

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
McKinney Falls Parkway	116 feet	60 feet	Level 3 (14,450 vpd, 2018)	Yes	Bike Lane	Yes
Thaxton Road	72 feet	25 feet	Level 2 (4,740 vpd, 2015)	No	Wide Curb	Yes (Routes 318 and 333)

OTHER STAFF COMMENTS:

Comprehensive Planning

This zoning case is located on the northwest corner of Thaxton Road and McKinney Falls Parkway. The parcel is 24.268 acres in size, is not located within the boundaries of a neighborhood planning area and is located **2,300 linear feet north of the Slaughter Lane Activity Corridor**. Surrounding land uses include undeveloped land, a large single-family subdivision and a park to the north; to the south are two homesteads and undeveloped land; to the east is undeveloped land and to the west is another park and a large single family subdivision. The proposed use is 105 residential units (1,190 to 1,330 square foot, three and four-bedroom single family units.)

**Connectivity**

There are public sidewalks located along both sides of McKinney Falls Parkway but there are no public sidewalks along Thaxton Road. One side of McKinney Falls Parkway has an unprotected bike lane. There is a public transit stop located approximately 400 feet away near the northwest corner of Alum Rock Drive and Broad Brook Drive but there is no public sidewalk located along Thaxton Road to reach it. (Thaxton Road has metal fencing along it and does not have a berm for a pedestrian to walk alongside this road to the public transit stop). The Grand Meadow Neighborhood Park is 2,000 linear feet from the subject property and the Marble Creek Neighborhood Park is 1,200 linear feet away.

**Imagine Austin**

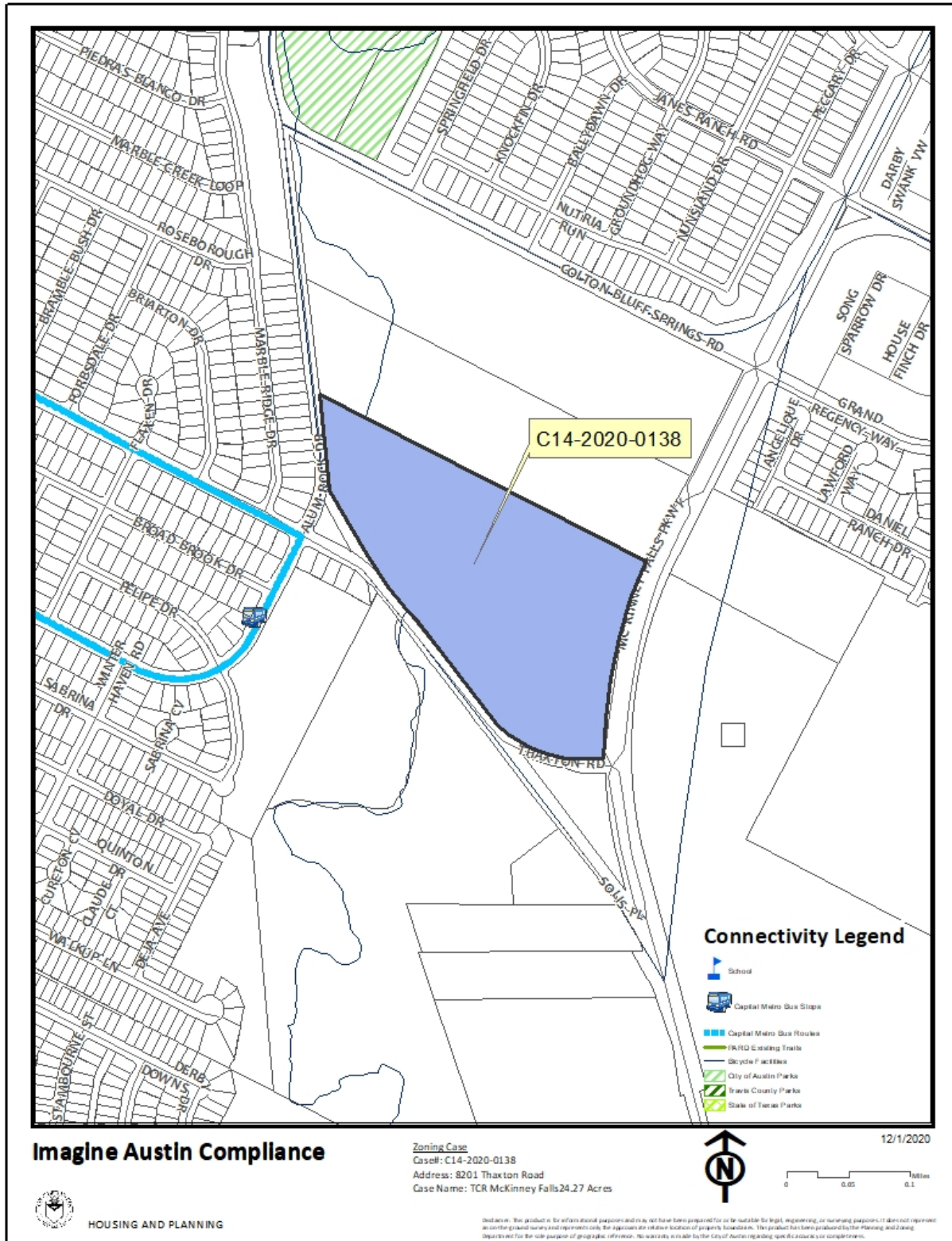
The property is not located along an Activity Center or Corridor. The following Imagine Austin policies are applicable to this case:

- **LUT P4.** Protect neighborhood character by directing growth to areas of change that include designated redevelopment areas, corridors and infill sites. Recognize that

different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.

- **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.
- **HN P1.** Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin's diverse population.

Based on this project providing much needed missing middle housing, nearby mobility options (public sidewalks, bike lanes and a public transit stop) and the above referenced policies, this project appears to support 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.

### Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Marble Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

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

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists 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.

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.

### Impervious Cover

The maximum impervious cover allowed by SF-6 zoning district is 55%, a consistent figure between the *zoning and watershed* regulations. The proposed amount of impervious cover is approximately 26% which will preserve the undevelopable area near the creek and retain its natural state.

### PARD – Planning & Design Review

Should the proposed development be annexed into the full purpose jurisdiction, 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 property and some of the surrounding neighborhood areas are currently park deficient, defined as being outside walking distance to existing parks. The development as proposed will require parkland dedication for the new residential units that will serve this neighborhood through the additional park investment. The Parks and Recreation Department (PARD) would consider a connection along Marble Creek toward satisfying the requirement at time of permitting (whether subdivision or site plan). Such a connection would improve neighborhood connectivity, and satisfy trail needs for Marble 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](mailto:thomas.rowlinson@austintexas.gov). At the applicant's request, PARD can provide an early determination letter of the requirements as stated in this review.

### Site Plan and Compatibility Standards

Compatibility may be triggered by adjacent land uses and zoning districts, which would impact setbacks and allowable heights.

Additional comments will be made at site plan submittal.

### Transportation

#### *ASMP Assessment*

The Austin Strategic Mobility Plan (ASMP) adopted April 11, 2019, calls for 120 feet of right-of-way for McKinney Falls Parkway and 78 feet of right-of-way for Thaxton Road. It is recommended that 60 feet of right-of-way from the existing centerline McKinney Falls and 39 feet of right-of-way from the existing centerline Thaxton Road be dedicated according to



the Transportation Plan with the first subdivision or site plan application [LDC 25-6-51 and 25-6-55].

There is a proposed Tier II Urban Trail through the western side of this site along Marble Creek.

#### *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.

Service Extension Requests (SER) 4929 (Water) and 4930 (Wastewater) have been submitted to provide service to this tract. For SER status, contact Brett Ueno at 512-972-0187.

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.

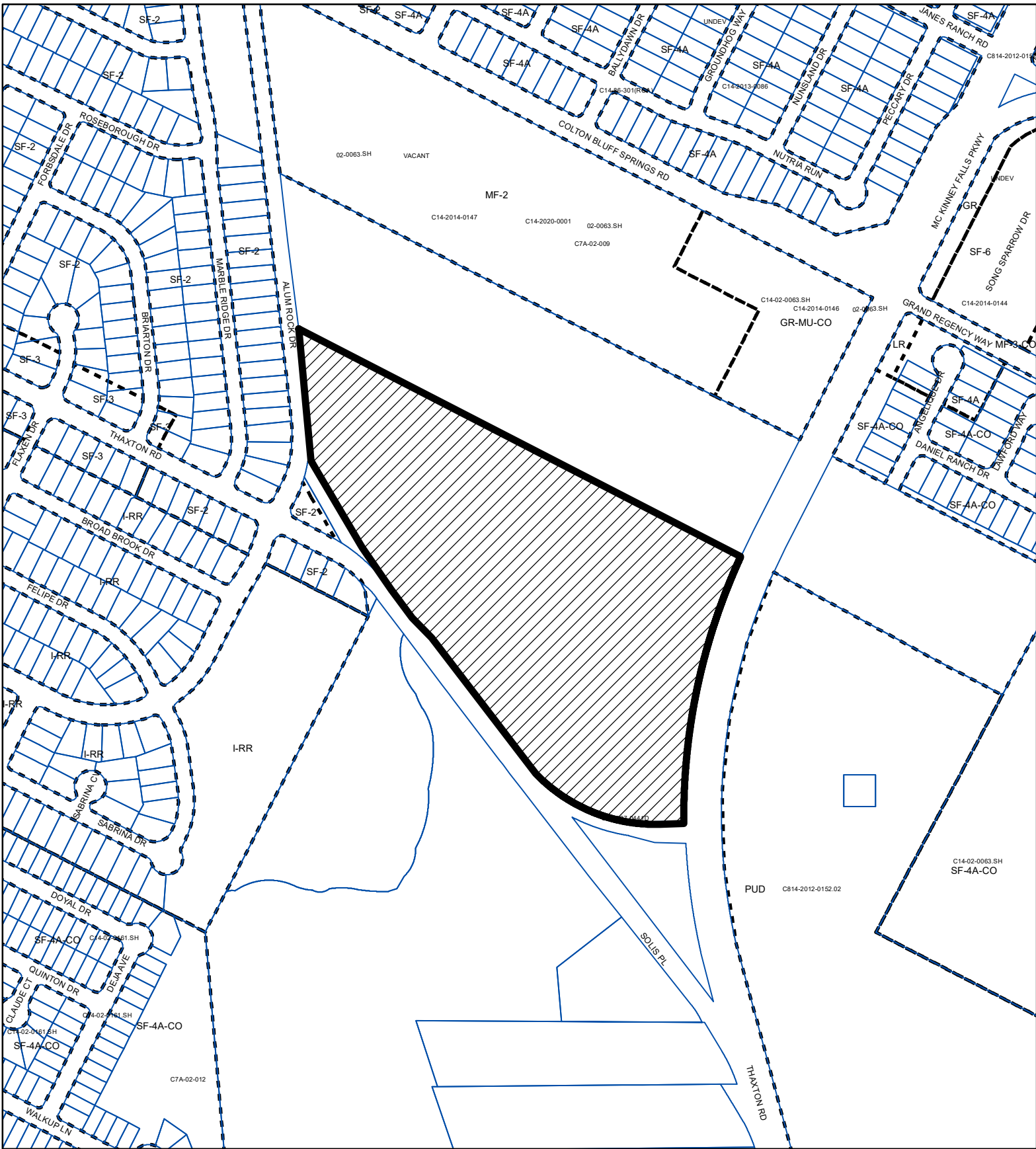
#### INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW




A: Zoning Map

A-1: Aerial Map

Correspondence Received

Questions and Answers



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

## ZONING

### ZONING CASE#: C14-2020-0138

Exhibit A

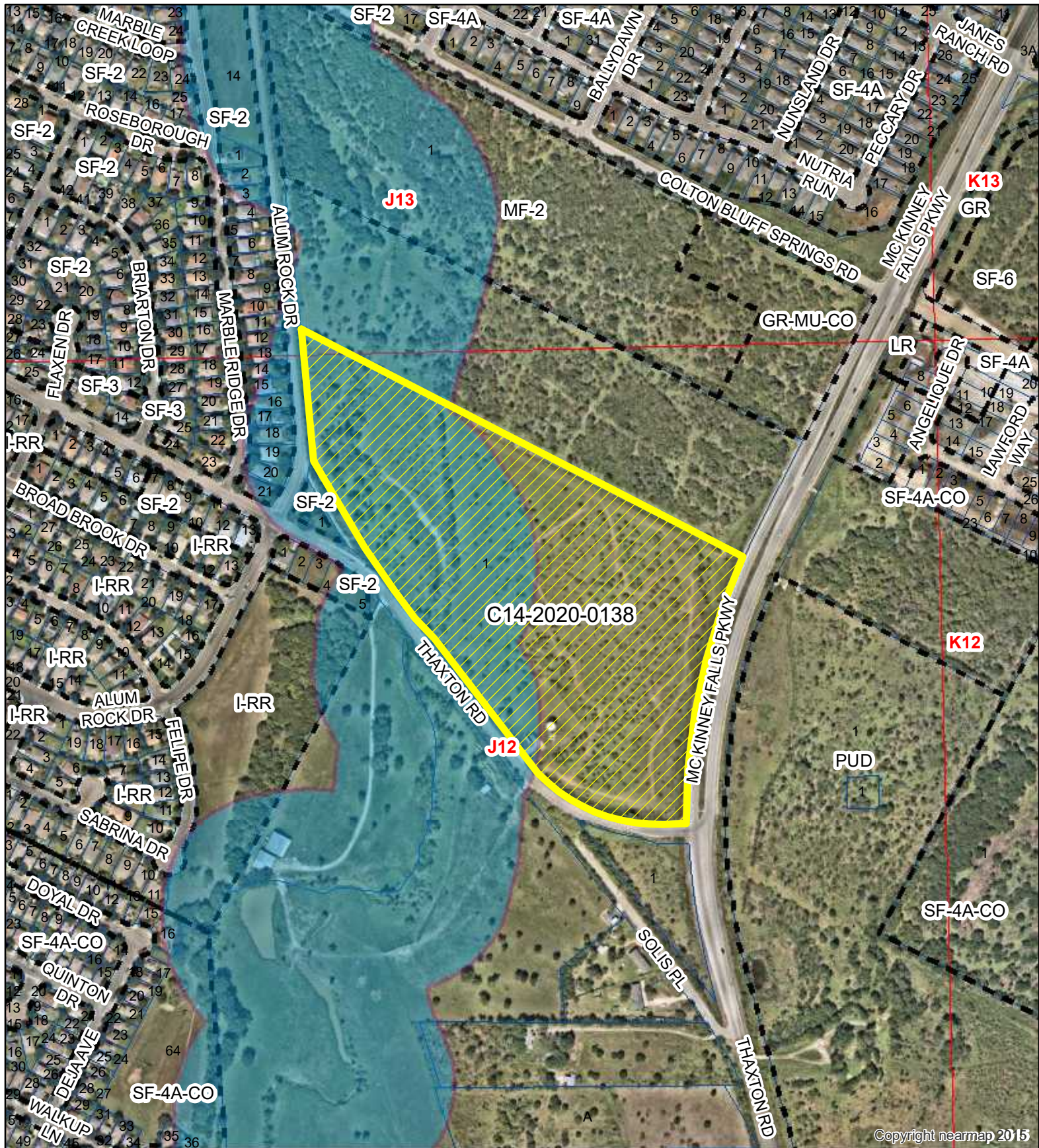
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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: 11/30/2020**





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1" = 400'

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

**TCR MCKINNEY FALLS**      **Exhibit A - 1**

ZONING CASE#: C14-2020-0138  
 LOCATION: NW of the intersection of Thaxton Rd and McKinney Falls Pkwy  
 SUBJECT AREA: 24.268 Total Acres  
 GRID: J12  
 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.



## 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 participate in a public hearing, you are not required to participate. This meeting will be conducted online and you have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for information on how to participate in the public hearings online. 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](http://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.

Case Number: C14-2020-0138

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: January 5, 2021, Zoning and Platting Commission

Monte Warden

Your Name (please print)

78747

☐ I am in favor  
☒ I object

8007 MARBLE Ridge Austin

Your address(es) affected by this application

Monte Warden

Signature

12/18/20

Date

Daytime Telephone: 512-282-1441

Comments: I STRONGLY OBJECT TO THIS  
ZONING CHANGE! THE AMOUNT OF RUNOFF  
& POLLUTION IN THE CREEK WOULD BE CATASTROPHIC  
THE ENVIRONMENTAL IMPACT TO THE  
CREEK AND THE LAND AROUND IT WOULD  
BE DEVASTATING - NO TO MENTION  
DANGEROUS CONSIDERING HOW OFTEN THE  
CREEK FLOODS. I HAVE LIVED HERE  
24 YEARS AND THE FLOODS ARE DANGEROUS

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

City of Austin, Planning and Zoning Department

Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

Or email to:

[wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)

**Case Number: C14-2020-0138**

**Contact: Wendy Rhoades, 512-974-7719**

**Public Hearing: January 5, 2021, Zoning and Platting Commission**

Delia Hernandez  
8008 Briarton Drive  
Austin, TX 78747

**I Object**



December 31, 2020

Daytime Telephone: 512-757-4173

**Comments:**

I highly object to the zoning of 8201 Thaxton Rd to SF-6-Townhouse and Condominium Residence district.

Twenty years ago, I was fortunate to be able to purchase a house in the area as a single woman on a public-school teacher salary. The area was at the edge of the city so that I was able to afford to buy a house there and enjoy the rural view while still having a city address.

The McKinney Falls area has already seen a lot of growth and development, which has increased my property taxes. My property taxes will only increase more with another SF-6 zoning to the point where I won't be able to afford to keep my home. I see this happening now on Montopolis where I grew up and all-over East Austin.

Also, the information online states that no Traffic Impact Analysis was required. How is that even allowed? The traffic has increased exponentially with the extension of Slaughter to McKinney Falls, the building of Easton Park, a new apartment complex near DG Collins, the building of another residential community next to Easton Park, the expansion of Easton Park, the development across from the 8201 Thaxton Road, and not to mention the apartments and neighborhood next to and across from Hillcrest Elementary on Wm. Cannon at McKinney Falls Pkwy. Let's not forget the building taking place on the Slaughter extension and the empty land there that will no doubt soon be developed.

One side note, but an important one, vehicle insurance premiums will also increase for those that live in the 78747-area due to road conditions and population density.

Twenty years ago, I wanted to live in an area that had the feel of the suburbs without actually having to move out to the suburbs. This neighborhood is losing that feel with the continued development of McKinney Falls/Thaxton Road.

## Rhoades, Wendy

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**From:** [REDACTED]  
**Sent:** Thursday, January 7, 2021 5:03 PM  
**To:** Rhoades, Wendy  
**Subject:** Zoning Case Comments

\*\*\* External Email - Exercise Caution \*\*\*

Sent from AOL Mobile Mail  
Get the new AOL app: [mail.mobile.aol.com](mailto:mail.mobile.aol.com)

On Thursday, January 7, 2021, wendy.rhoades@austin.texas.gov <wendy.rhoades@austin.texas.gov> wrote:

I am submitting my comments for the Zoning and Platting Commission Public Hearing rescheduled for January 19, 2021 for Zoning Case Number C14-2020-0138 for the project at 8201 Thaxton Road.

I object to the proposed zoning change from unzoned to SF-6 for the following reasons.

1. This property is a hillside that contains the Marble Creek at its base. The Marble Creek Watershed area is prone to flooding. As a 26 year resident at 8103 Marble Ridge Drive, Marble Creek flood waters have reached my back fence many times causing the closure of Alum Rock Dr., Colton Bluff Springs Road and more recently, the extension of Thaxton Road. When Onion Creek floods, William Cannon from Pleasant Valley to Salt Springs closes as well. After the Thaxton Rd. extension was completed, the flooding of the drainage area at the corner of Alum Rock Dr. and Thaxton Rd. has increased. I am concerned that a SF-6 Townhouse and Condominium Residence district will substantially increase the amount of impervious ground cover and therefore cause more flooding of Marble Creek and the surrounding area. In times of flooding, the only access to this property would be from McKinney Falls Parkway.
2. If this property is annexed into the city limits or not, there have been no new Fire Stations added to service the needs of southeast Austin. The only nearby stations are at Nuckols Crossing and another on Burleson Rd. As the Zoning and Platting Commission allows property development in southeast Austin, particularly of the land from East William Cannon Dr. to East Slaughter Lane, no additional Fire Stations have been added southeast of IH-35.
3. The Creedmoor-Maha Water Supply Corp has a water tank located on this property. I am concerned that this proposed zoning change could effect the water quality.

Please list me as an interested party in this zoning case.  
Thank you.

Leann Bourque  
8103 Marble Ridge Drive  
Austin, Texas 78747  
512-740-9009

## Rhoades, Wendy

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**From:** Rhoades, Wendy  
**Sent:** Tuesday, January 5, 2021 3:26 PM  
**To:** Rivera, Andrew  
**Subject:** RE: AguirreQ010521 B-2 Flooding, Wastewater Line and Affordable Housing

Hi Andrew,  
Please find responses below.

Wendy

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

**From:** Rivera, Andrew <Andrew.Rivera@austintexas.gov>  
**Sent:** Tuesday, January 5, 2021 11:44 AM  
**To:** Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>  
**Subject:** FW: AguirreQ010521 B-2 Flooding, Wastewater Line and Affordable Housing

Hi Wendy,

Please see questions from Commissioner Aguirre.

Thank you,  
Andrew

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

**From:** Aguirre, Ana - BC <BC-Ana.Aguirre@austintexas.gov>  
**Sent:** Tuesday, January 5, 2021 11:22 AM  
**To:** Rivera, Andrew <Andrew.Rivera@austintexas.gov>  
**Subject:** AguirreQ010521 B-2 Flooding, Wastewater Line and Affordable Housing

Hello Andrew,

Just doing a quick followup on this case.

1. The concerns of the surrounding neighborhoods is flooding along Marble Creek, including downstream properties, which have experienced increased flooding.  
Will the applicant continue to work with WPD to ensure measures are taken to mitigate flooding and ensure no adverse impact is experienced to properties adjacent to and downstream of this property?

RESPONSE FROM APPLICANT: Yes, absolutely. While we cannot control what happens on other properties, the applicant and developer for this zoning case, Trammell Crow Residential, and its engineers, will be working closely with the Watershed Protection Department and the City's professional watershed, floodplain, and environmental reviewers to ensure that our proposed homes have no down-stream impact. The project is planned for only 26.3% impervious cover, which is less than half of what would be allowed under SF-6 zoning, and the plans call for water quality and detention ponds to capture >100% of new impervious cover runoff, even during a 100-year flood event under updated Atlas 14 rainfall data. We will also submit a floodplain model for City review at the time of site plan review to show no impact to the existing floodplain, and all new runoff will be conveyed via an underground drainage system into the ponds. We are also not proposing any development within the floodplain or Critical Water Quality Zone, we do not need and will not



request any environmental variances and will comply with all Drainage and Environmental Criteria Manual requirements.

2. Residents have voiced concerns regarding flooding. Will applicant continue to stay in close communication with neighborhood residents to gain input from them and inform residents of efforts the applicant, with WPD input, are taking to mitigate flood safety concerns.

RESPONSE FROM APPLICANT: Yes. The applicant has heard from one resident regarding flooding concerns. We promptly responded to him and he has our contact information, and we would be happy to meet with him and any other residents at any time. The registered neighborhood associations were provided public notice of our zoning application, and we would also be happy to meet with any group that requests a meeting. The property is contiguous to Council District 2, and so we will also be requesting a meeting with Council Member-Elect Vanessa Fuentes and her Staff to address any questions or concerns that she or her constituents might have.

3. Will the applicant agree to not place any wastewater line(s) along Marble Creek.

RESPONSE FROM APPLICANT: Trammell Crow will not be placing any wastewater lines along Marble Creek. There is a planned line going through our property, but the line is intended to serve multiple additional other nearby properties and we do not control that line, which is currently under review by the City and County. Prior to our contract to purchase the property, the seller had requested environmental variances to construct a wastewater line in the Critical Water Quality Zone. The variance request was presented to the Zoning Platting Commission on March 3, 2020. The Commission voted 6-2 to deny the variance request, prompting the line's builder to revise the design to negate the need for a variance. Per the City's Environmental Reviewer, two of three areas prompting the variance were removed from their application and will be permitted in a future site plan application that proposes a lift station and force main, and the third area was revised, and the planned alignment was placed further away from the creek centerline in order to comply with Code requirements. This change of plans and new alignment resolved the need for a Land Use Commission variance, and the current version of the site plan has also been revised to require that there not be any site disturbance whatsoever in the Critical Environmental Feature buffer around the creek. The environmental comments for that plan have been cleared. Our plan is to submit a Service Extension Request to connect to the line, thereby removing the need for us to request permission to cross the creek to connect to a separate, already-existing main in the area, and we are designing our entire project to meet all City Code requirements.

4. What level of affordable housing will the applicant consider providing?

RESPONSE FROM APPLICANT: While we are not participating in a formal affordable housing program, our overall business plan and platform addresses affordability. The rental homes planned will be accessible at a price point that is approximately \$780 below the monthly cost for a homeowner to occupy a comparable new for-sale home in the area. Our rental rates represent a 23% discount to homeownership offering an attainable cost of living that is otherwise unavailable in the area for a new construction single-family home. Renters will also benefit from shorter commute times and proximity to downtown.

5. What efforts are being made to increase access to public transportation?

RESPONSE FROM STAFF AND APPLICANT: The Applicant has a Development Assessment meeting scheduled with the City Staff on Thursday, January 7, 2021 which will include staff from the Austin Transportation Department to discuss access to public transportation and conformance with the City's Transportation Plan. The Applicant will also be working with the City to provide new sidewalks on the adjacent Thaxton Road in order to provide access to the nearest Capital Metro bus stop, which is approximately 400' southwest of the zoning area near the northwest corner of Alum Rock Drive and Broad Brook Drive. The referenced bus stop is served by MetroBus Routes 318 (Westgate / Slaughter) and 333 (William Cannon). The Applicant will also be coordinating with the City on the construction of the Marble Creek Trail, which is a planned Tier II Urban Trail that will run through the western side of our property, and will dedicate any additional right-of-way or easements that may be required by the City. The Applicant is also submitting a request to



PARD for a Parkland Early Determination and will be requesting that the City allow us to satisfy our Parkland Dedication Requirements by providing new, on-site public parkland adjacent to the planned trail.

Thank you! Ana

Ana Aguirre

Sent from my iPhone

Ana Aguirre  
Boards and Commissions

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Scheduled Meeting Disclosure Information: Written disclosure is required by visitors when attending a scheduled meeting with a City Official regarding a municipal question for compensation on behalf of another person. Anyone scheduling or accepting a meeting invitation with a City Official must either acknowledge that the disclosure requirement does not apply or respond to the following survey:

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.surveymonkey.com%2F%2FBCVisitorLog&data=04%7C01%7CWendy.Rhoades%40austintexas.gov%7C6d5e98250bd54dd5f03108d8b1a18b86%7C5c5e19f6a6ab4b45b1d0be4608a9a67f%7C0%7C0%7C637454654669938050%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6Ik1haWwiLCJXVCi6Mn0%3D%7C1000&sdata=2hGI4KANW3QLi173UyH4PFVJBcKL3ECcpbueN3wW3EQ%3D&reserved=0>

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IMPORTANT NOTICE: The City of Austin provides e-mail addresses for members of its boards and commissions for their use as board members. This address should not be used for private or personal messages. The views expressed in e-mail messages reflect the views of the authors alone, and do not necessarily reflect the views of any board or commission of which the author may be a member. In particular, the views expressed here do not necessarily reflect those of the City of Austin, or any of its departments, employees or officials. E-mail messages may be subject to required public disclosure under the Texas Public Information Act.

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## Rhoades, Wendy

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**From:** Rhoades, Wendy  
**Sent:** Tuesday, January 19, 2021 2:48 PM  
**To:** Denkler, Ann - BC; Rivera, Andrew  
**Cc:** King, Micah  
**Subject:** RE: TCR McKinney Falls Rezoning Questions  
**Attachments:** 4832-8181-1672.1 8201 Thaxton Road Site Layout.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

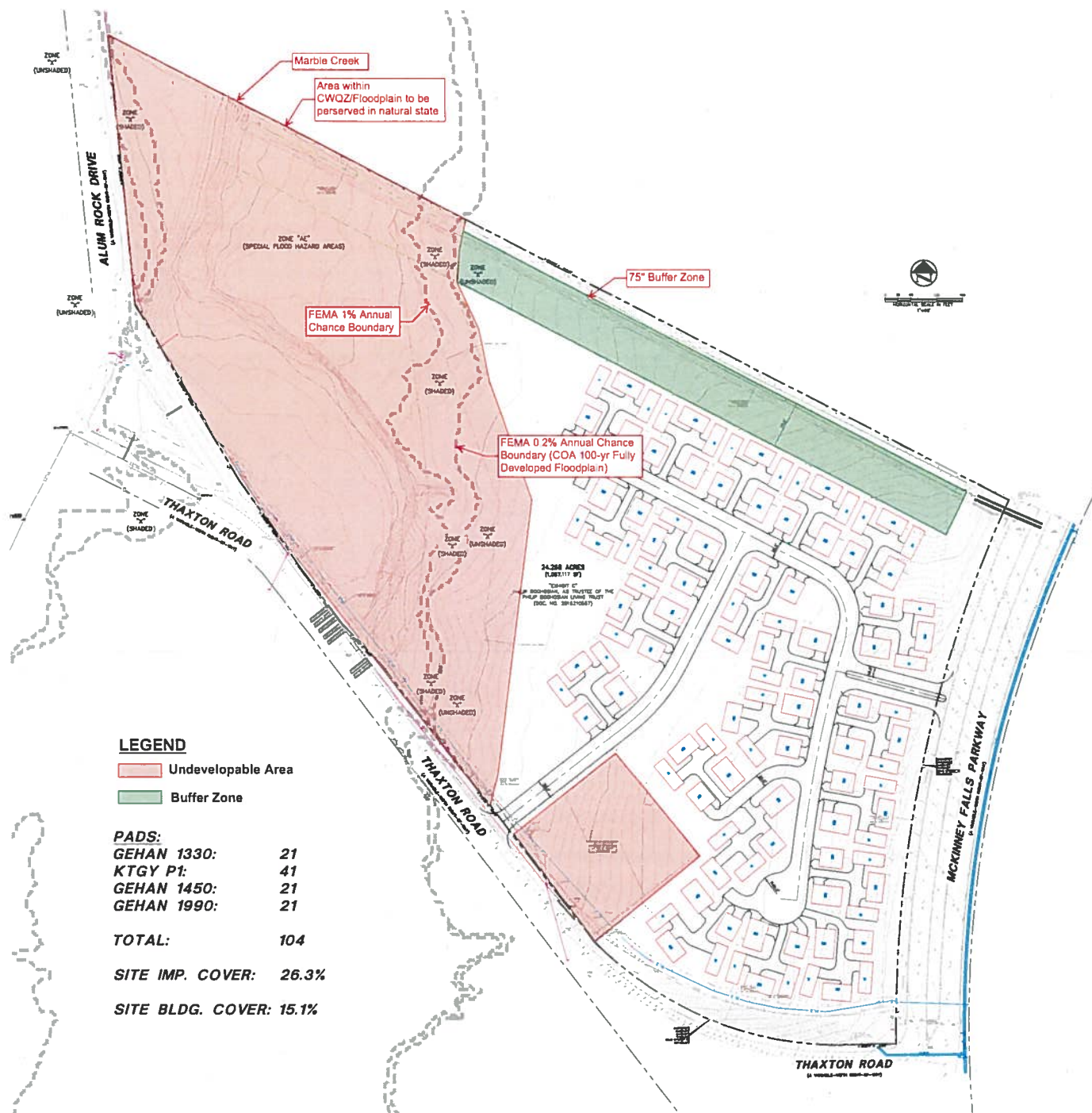
Commissioner Denkler,  
Please see our combined responses below.  
Wendy Rhoades

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**From:** Denkler, Ann - BC <bc-Ann.Denkler@austintexas.gov>  
**Sent:** Monday, January 18, 2021 6:26 PM  
**To:** Rivera, Andrew <Andrew.Rivera@austintexas.gov>  
**Cc:** Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>; King, Micah <Micah.King@huschblackwell.com>  
**Subject:** TCR McKinney Falls Rezoning Questions

- 1) Is there a concurrent site plan filed or a conceptual plan that can be shared with the Commission? **RESPONSE:** The Applicant has not yet filed a site plan application, but a draft site layout is attached.
- 2) What is the latest trip count for McKinney Falls Road and Thaxton Road? When and where were the counts taken? **RESPONSE:** Thaxton Road – 4,740 daily vehicles directly adjacent to the site, taken in 2015; McKinney Falls Parkway – 14,450 daily vehicles counted at the McKinney Falls Parkway / Colton Bluff Springs Road intersection just north of the site, taken in 2018.
- 3) Are there any plans for roadway improvements on Thaxton Road adjacent to the site by the applicant or the city? **RESPONSE:** ATD is not aware of any roadway improvements from the City or any Applicant for this section of Thaxton Road.
- 4) When is annexation proposed to occur? **RESPONSE:** Annexation into the full purpose jurisdiction is scheduled to occur at the City Council meeting of February 18, 2021, concurrent with the zoning case.
- 5) Can ZAP recommend a public restrictive covenant requiring annexation? **RESPONSE:** Annexation must begin with Owner consent and an accompanying application. A Restrictive Covenant would not be enforceable and would not be a recommendation that could be acted upon by City Council.

Thanks



## Rhoades, Wendy

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**From:** Monte Warden [REDACTED]  
**Sent:** Wednesday, February 3, 2021 4:03 PM  
**To:** Rhoades, Wendy  
**Subject:** Re: Case # C14-2020-0138  
**Attachments:** MWCityPlanningObjectionFeb2021.jpg

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

\*\*\* External Email - Exercise Caution \*\*\*

Ms. Rhoades,

Please find attached my objection to the above case development. I am even MORE opposed and feel to allow this is unsafe.

One of the Commissioners mentioned I was 'frustrated' at the hearing, I am not, I AM concerned for the safety of the incoming residents as well as we already in the area.

Run-off, the dangerous flow of Marble Creek when it rains, the water tank on Thaxton, as well as woefully inadequate Fire and EMS to service such a large area.

Thank You,

Monte Warden  
512.282.1491

**CAUTION:** This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to [cybersecurity@austintexas.gov](mailto:cybersecurity@austintexas.gov).

## 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 participate in a public hearing, you are not required to participate. This meeting will be conducted online and you have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for information on how to participate in the public hearings online. 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](http://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.

Case Number: C14-2020-0138

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: February 18, 2021, City Council

Monte Warden  
Your Name (please print)

8007 Marble Ridge 78777

Your address(es) affected by this application

[Signature]

Signature

2-3-2021

Date

Daytime Telephone Number:

512-282-1441

Comments:

I AM EVEN MORE CONCERNED  
AND STRONGLY OPPOSE THIS DEVELOPMENT.  
THERE IS COMPLETELY INADEQUATE  
FIRE AND EMS PERSONNEL AND STATIONS FOR  
THIS NEW DEVELOPMENT.

THE DANGER OF FLOODING IS STILL NOT  
PROPERLY ADDRESSED AND THE WATER TANK  
ON THE LOT HAS NOT BEEN PROPERLY  
ADDRESSED

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

City of Austin, Planning and Zoning Department

Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

Or email to:

[wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)



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**Case Number: C14-2020-0138**

**Contact: Wendy Rhoades, 512-974-7719**

**Public Hearing: February 18, 2021, City Council**

Clifton & Dana Fricke

Your Name (please print)

Austin

8001 Marble Ridge Dr. TX 78747

Your address(es) affected by this application

Dana Fricke / Clifton Fricke

Signature

Feb 12, 2021

Date

Daytime Telephone Number: 512 280-4181

Comments:

Nothing should be built on the West side of Marble Creek. When we have the flooding rains, half of our back yard is full of water. We also do not want the trouble that comes with Multi-Flex housing. We all want to keep the green space behind us. It is tranquility to many of us.

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

City of Austin, Planning and Zoning Department

**Wendy Rhoades**

P. O. Box 1088, Austin, TX 78767

Or email to:

**wendy.rhoades@austintexas.gov**

☐ I am in favor  
☒ I object