



## MEMORANDUM

**TO:** Mayor and City Council

**FROM:** Jerry Rusthoven, Chief Zoning Officer  
Housing and Planning Department

**DATE:** October 13, 2021

**SUBJECT:** C14-2020-0151 – 8401-8407 South 1<sup>st</sup> Street  
(District 2)  
Valid Petition

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A Valid Petition has been submitted in response to the above-referenced rezoning case opposing any rezoning the property. The updated petition includes 38.76% of eligible signatures which meets the 20% threshold.

If you need additional information, please contact Jerry Rusthoven, at 512-974-3207.

**Jerry Rusthoven, Chief Zoning Officer**  
**Housing and Planning Department**

xc: Spencer Cronk, City Manager  
J. Rodney Gonzales, Assistant City Manager

Case Number:  
**C14-2020-0151**

## PETITION

Date: 10/13/2021  
Total Square Footage of Buffer: 651049.9857  
Percentage of Square Footage Owned by Petitioners Within Buffer: 38.76%

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

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0425130807	8402 BEAVER BROOK LN 78748	8402 BEAVER BROOK LANE LLC	no	7854.52	0.00%
0427170511	8411 ROMNEY RD AUSTIN 78748	BARBER JAMES & BRITNEY	yes	9454.71	1.45%
0425130801	8304 BEAVER BROOK LN AUSTIN 78748	BARNARD DALE & DENISE PRENDERGAST	yes	13417.27	2.06%
0424000734	8302 S 1 ST	BEACONRIDGE BAPTIST CHURCH	no	31205.03	0.00%
0424000414	8207 ALCORN CIR AUSTIN 78748	BORMAN BARBARA F	yes	13009.31	2.00%
0424000410	8204 ALCORN CIR AUSTIN 78748	BREAZEL CHRISTOPHER J	no	1562.29	0.00%
0424000422	8311 S 1 ST	BUHRDORF ROGENE K & TOMMY R COATS	yes	24129.36	3.71%
0425130727	8307 BEAVER BROOK LN 78748	CHIU LAI CHAN & PHILIP W	yes	4442.82	0.68%
0428110122	500 RALPH ABLANEDO DR 78757	CITY OF AUSTIN	no	1853.87	0.00%
0428110102	8501 S 1 ST 78748	CLAY MAE KATHERINE RICH	no	125121.07	0.00%
0424000411	8206 ALCORN CIR AUSTIN 78748	CRUZ JUSTO JR	yes	8570.58	1.32%
0425130729	8303 BEAVER BROOK LN 78748	DAYRIT DANIEL T	no	3509.03	0.00%
0425130725	8311 BEAVER BROOK LN 78748	DIEKEMA KRISTINA JO &	yes	3485.71	0.54%
0425130802	8306 BEAVER BROOK LN AUSTIN 78748	DODD ANDREW & MARCIE	no	8915.21	0.00%
0424000416	8203 ALCORN CIR AUSTIN 78748	FRITZ JOHN ERIC &	no	5111.82	0.00%
0427170509	8501 ROMNEY RD AUSTIN 78748	GLEASON RICKY VERNON III	yes	9358.95	1.44%
0427170513	8407 ROMNEY RD AUSTIN 78748	GLIDEWELL ROBERT	yes	9355.94	1.44%
0424000420	8302 ORR DR AUSTIN 78748	GOVEA ERIC	no	9862.90	0.00%
0425130803	8308 BEAVER BROOK LN AUSTIN 78748	GUAJARDO ERICA & DAVID & JO L	yes	8010.02	1.23%
0424000423	8305 S 1 ST 78748	HINOJOSA CARLOS & MIGUEL A HIN	yes	4124.81	0.63%
0425130804	8310 BEAVER BROOK LN AUSTIN 78748	HOUGH MICHAEL & ALEXIS K ROCKWAY	yes	7666.84	1.18%
0425130724	428 BALDRIDGE DR 78748	JONES JOHANNA I &	yes	7960.84	1.22%
0424000736	602 GREAT BRITAIN BLVD AUSTIN 78748	KEHOE PATRICIA	no	7904.63	0.00%
0425130728	8305 BEAVER BROOK LN AUSTIN 78748	KINGSBURY BRANDON MICHAEL	yes	4348.20	0.67%
0427170516	603 GREAT BRITAIN BLVD AUSTIN 78748	LANCON FEBRONIO & MARTA	yes	6737.18	1.03%
0427170506	8507 ROMNEY RD AUSTIN 78748	LESKE-TOLIUSIS PATRICIA A & MATTHEW W TOLIUSIS	no	614.75	0.00%
0425130626	BALDRIDGE DR 78748	LOPERFIDO LISA RUTH	yes	4089.06	0.63%
0425130606	429 BALDRIDGE DR AUSTIN 78748	LOPERFIDO LISA RUTH	yes	7841.40	1.20%
0427170514	8405 ROMNEY RD 78748	LOPEZ ALFREDO & OLIVIA OBREGON	no	10922.82	0.00%
0425130805	8312 BEAVER BROOK LN 78748	MACDONALD SCOTT I & HAILEY H	yes	7883.63	1.21%
0427170510	8413 ROMNEY RD 78748	MAKI MARY KAY	yes	9518.77	1.46%
0424000735	600 GREAT BRITAIN BLVD AUSTIN 78748	MEZA RICHARD C & ANNIE H	yes	19817.67	3.04%
0425130726	8309 BEAVER BROOK LN 78748	MOORE THOMAS BURNETT	no	3817.18	0.00%
0424000415	8205 ALCORN CIR AUSTIN 78748	NORTH PAUL H	yes	9724.72	1.49%
0424000417	8201 ALCORN CIR 78748	NOWOTNY MICHAEL	yes	189.90	0.03%
0428110103	8409 S 1 ST 78704	RICH ROGER MARK	no	103699.73	0.00%
0427170515	8403 ROMNEY RD 78748	ROSENBERG DIVYA HYLE	yes	11003.09	1.69%
0427170517	601 GREAT BRITAIN BLVD AUSTIN 78748	SAUCEDO RACHEL	no	17880.05	0.00%
0424000418	8208 BEAVER BROOK LN 78748	SECKRETTAR GERRY	no	5861.24	0.00%
0425130730	8301 BEAVER BROOK LN 78748	SHAW EVA	no	875.71	0.00%
0427170508	8503 ROMNEY RD AUSTIN 78748	STEIN LEAH E	no	8504.60	0.00%
0425130806	8400 BEAVER BROOK LN AUSTIN 78748	THOMPSON EMILY WASHINGTON	yes	7941.24	1.22%
0427170507	8505 ROMNEY RD 78748	WARD CHERYL & PATRICK R	yes	5500.74	0.84%
0424000419	8300 BEAVER BROOK LN AUSTIN 78748	WATKINS WILLIAM M	yes	15543.44	2.39%
0424000413	8210 ALCORN CIR AUSTIN 78748	WOLFERMANN VERONICA I PENALOZA	yes	9628.06	1.48%
0427170512	8409 ROMNEY RD AUSTIN 78748	ZAVALA JOSE	yes	9609.44	1.48%
0424000412	8208 ALCORN CIR AUSTIN 78748	ZUMWALT LISA & DARWIN & MARY ANN STATON	no	12901.59	0.00%
				1.28	0.00%
<b>Total</b>				<b>620343.02</b>	<b>38.76%</b>

## PETITION

Date: July 15, 2021




File Number: C14-2020-0151

Address of Rezoning Request: 8401-8407 S 1<sup>st</sup> St, Austin, TX 78748

To Austin City Council:

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would re-zone the property at this time.

The Beacon Ridge East and West communities have unmet infrastructure needs. Without assurances from both the developer and the city (on top of the conditional overlays), the addition of a 4-story 290-unit complex at 8401-8407 S 1<sup>st</sup> St is irresponsible. This development will only increase the pressure, strain, and undue burden on the current infrastructure if there are no plans to address the needs of the community before substantially increasing the population. The East and West communities want to see the necessary infrastructure needs addressed in order to accommodate a dramatic increase in additional residents.

	Signature	Printed Name	Address
1.		Carlos Hinojosa	8305 S 1st St
2.		Johanna Jones	428 Baldrige Ln.
3.		Robert Glencoe	8407 Rother
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Date: \_\_\_\_\_

Contact Name: Robin Nelson

Phone Number: 617-947-4206

**PETITION**

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To Austin City Council:

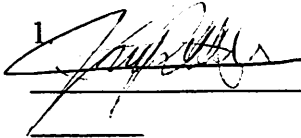
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Signature

Printed Name

Address

1. 

Veronica Penabaza W


8210 Alcorn Cir

2. 

Lisa Loperfido

429 Baldridge

Drive 78748

3. 

Lisa Loperfido

6226 Baldridge Dr  
(Back lot)

4.

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5.

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	Signature	Printed Name	Address
1.	<i>William Michael Watkins</i>	WILLIAM M. WATKINS	8300 Brook
2.	<i>Rogene K Bahrdorf</i>	Rogene K Bahrdorf	8317 Silver
3.	<i>Tommy R. Cook</i>	Tommy R. Cook	8317 Silver Cove
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8311 S. 1st St

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	Signature	Printed Name	Address
1.	<u>PAUL NORTH</u>	<u>PAUL NORTH</u>	<u>8205 ALCORN CIR</u>
2.	<u>Richard Tello</u>	<u>Richard Tello</u>	<u>8208 ALCORN CIR</u>
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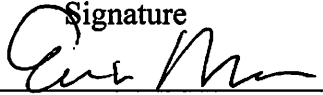
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	Signature	Printed Name	Address
1.		Erica Moreno	8308 Beaver Brook Ln
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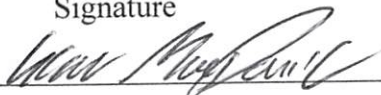
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	Signature	Printed Name	Address
1.		Scott MacDonald	8312 Beaver Brook
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Signature

Printed Name

Address

- |     |   |   |
|-----|---|---|
| 1.  |  | Philip W Chiu 8307 Beaver Brook Lane, Austin TX |
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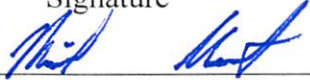
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	Signature	Printed Name	Address
1.		MICHAEL NOWOTNY	8201 ACCORN CIRCLE AUSTIN TX 78748
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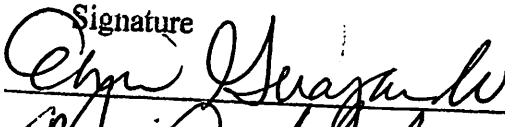
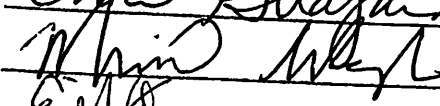
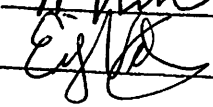
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1.		Ena Guayardo	8308 Beaver Brook
2.		Michael Hough	Austin TX 78748
3.		Emily Vessells	8310 Beaver Brook Ln. Austin TX 78748
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Phone Number: 617-947-4206

**We understand that not all of these asks will be met; however, we are expecting that you will seriously consider all of them and analyze what works best for both the project and the neighborhood. We encourage the applicant/developer to consider creative solutions and use out-of-the-box-thinking.** (Note: we had 21 responses. 7 do not want multifamily housing, they only want single family housing.)

1. Modify any restrictive covenants to conditional overlays (that are allowed by City Code).
2. Modify restrictive covenants that cannot be turned into conditional overlays prior to the first City Council reading.
3. Rezone to a multifamily residence with more appropriate density: MF-1-CO.
  - a. Maximum 150 dwelling units.
  - b. Maximum 40' height and 3 stories and low-profile roofs.
  - c. Locate 3 story buildings along the commercial property line.
  - d. No 2<sup>nd</sup> or 3<sup>rd</sup> floor balconies facing single family zoned areas.
  - e. Minimum of 75' setbacks to the first building 20' and 2 stories in height.
  - f. Minimum 9' privacy wall along single family zoned areas made of materials approved by the adjacent property owners. 3' retaining rock wall and 6' fence on top of retaining rock wall.
4. Minimum 25' wide vegetative buffer.
  - a. Tree survey.
  - b. To be installed prior to building to ease construction and noise disturbance and dust.
  - c. Specific variety of trees found in the Grow Green Native and Adapted Landscape Plants booklet (specific requests ask for no Cedar or Arizona Ash Trees).
  - d. Tree canopy minimum height 15' above ground level at time of planting.
  - e. Shade Trees that will mature to a height of at least 16'.
  - f. A two-year establishment plan that includes irrigation and structural pruning by a certified arborist. If the tree is not properly established the tree will be replanted. Two years after replanting the tree will be inspected again for establishment by a certified arborist and replaced if needed. Diseased or dead trees will be replanted.
  - g. Developers will provide adjacent homeowner options for at least three varieties of trees from the list (developers will retain some say in which varieties they can get and are willing to plant).
  - h. Removal of hackberries (and other "weed" and/or "invasive" species) growing along the fence line.
  - i. Minimum of 75% of heritage trees should be retained or relocated, the 75% will exclude hackberries (and other "weed" and/or "invasive" species) growing along the fence line.
5. Mitigation plans to control storm water runoff will need to include the following:
  - a. Requirement for all drainage plans submitted to the City for approval to be forwarded to neighbors by September 1<sup>st</sup>.

- b. Neighbors to review plans with city staff/developer before September 10<sup>th</sup> to clarify any questions.
  - c. Specifics of agreed upon drainage plans to be included in restrictive covenant and will include drainage pipe size, pipe material and installation, where sheeting flow is directed, retaining walls, velocity studies, estimated flow off development property into neighborhood yards, which way the grading will be done, size of retention pond, velocity studies etc. Plan should also include and be addressed with specifics in the restrictive covenants:
    - i. Address downstream diversion of storm water proposed at Orr, Beaver Brook, and Alcorn Circle into residential streets. No waivers. Development property not permitted to overflow retention pond and water from drainage easement into residential streets.
    - ii. Update drainage drop inlets.
    - iii. Proposal of containing water flowing through the property alongside south 1<sup>st</sup> street and backing up into the Alcorn Circle residents will need to be included in the drainage plan.
  - d. Installation of permeable pavers in parking areas adjacent to residences to decrease impermeable cover near flood prone residences.
6. In addition to promised traffic signal at Great Britain and S 1<sup>st</sup> St as well as widening of the road and northbound and southbound left turn lanes.
- a. Installation of speed bumps on Great Britain Blvd
  - b. Traffic Impact Study by Austin Transportation Department to determine the safety of:
    - i. Mairo and S 1<sup>st</sup> St pedestrian crossing for children on their way to William Elementary School.
    - ii. driveways along S 1<sup>st</sup> St for residents leaving their homes
  - c. Vehicular access to Orr Dr is prohibited and only allows for access limited to emergency ingress and egress only. Beaver Brook Ln, Baldrige Ln, Belclaire Ln & Cir, Beaconcest Dr, and Peaceful Hill Ln are narrow and congested streets that cannot accommodate additional traffic.
  - d. Traffic lights with left turn signals at
    - i. East Ditmar and Congress.
    - ii. Ralph Ablanedo and Congress.
  - e. At time of completion of the development there will be completed sidewalk connecting the development to the existing sidewalk on northbound and southbound S 1st St, open to public-private construction program.
7. Property Management Company during construction.
- a. All complaints related to development will be addressed within 2 business days.
  - b. Representative from property management to be present at any/all neighborhood meetings with reports of complaints and resolution status.
  - c. Dust mitigation
8. Neighborhood access to walking trails, parks, and pools.

**From:**  
**To:** [Rhoades, Wendy](#)  
**Subject:** Fwd: postponement - (8401 S. 1st Street) mtg. Sunday 8/29/21, including revised Proposed Development Standards attached  
**Date:** Monday, September 20, 2021 4:15:39 PM  
**Attachments:** [image001.png](#)  
[Combined Asks from feedback.docx](#)  
[Redline, Proposed Dev. Stds. 8401 S. 1st Street - 8-29-21 Mtg. \(00229437x9FFDD\).docx](#)  
[Combined Asks from feedback.pdf](#)

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

Wendy-

Can you include the attached "Combined Asks from feedback" document as well as my email below to the Zoning Case Packet?

Thanks.  
~Robin Nelson

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

**From:** **Robin Nelson**  
**Date:** Fri, Aug 27, 2021 at 2:22 PM  
**Subject:** Re: postponement - (8401 S. 1st Street) mtg. Sunday 8/29/21, including revised Proposed Development Standards attached  
**To:** David Hartman  
**Cc:** Emily Thompson, [Noreen Quisenberry](#), [Barbara Borman](#), Veronica Peñaloza-Wolfermann, [John B. Stokes](#), [Coronado, Jessica](#)  
<[jessica.coronado@austintexas.gov](mailto:jessica.coronado@austintexas.gov)>, Wendy Rhoades <[Wendy.Rhoades@austintexas.gov](mailto:Wendy.Rhoades@austintexas.gov)>

David-

The feedback I gathered from neighbors based on the 08/14 proposal is attached (Combined Asks from feedback.docx). Note: 21 people submitted responses to my inquiries on 08/25 & 08/26.

I want to highlight the opening of the document that says:

"We understand that not all of these asks will be met; however, we are expecting that you will seriously consider all of them and analyze what works best for both the project and the neighborhood. We encourage the applicant/developer to consider creative solutions and use out-of-the-box-thinking."

I look forward to discussing the things included in your Redline Proposed Dev Stds. document (also attached) as well as the neighborhood asks at our meeting on Sunday, August 29th from 7:00PM-8:30PM at the William Elementary Breezeway. I believe that CM Fuentes' staff person, Jessica Coronado, will also be in attendance.

Please let me know if you have any questions.

Thanks.

~Robin Nelson

Rezone Petition Organizer

On Thu, Aug 26, 2021 at 9:51 AM David Hartman wrote:

Robin:

Thanks for the update. We appreciate everyone's efforts on this rezoning case and look forward to receiving tomorrow the additional neighborhood feedback you are gathering so we can review and discuss at our 8/29/21 meeting.

As you know we've already made adjustments to the initial rezoning application filed in December 2020, all of which are the result of constructive feedback from residents over the last several months. Those adjustments include:

1. Increasing our building setbacks along the north, west, and east boundary lines from 25' (allowed under current SF-6 zoning as well as under the proposed MF-4) to what is now 45'.
2. Going above and beyond the previous applicant's drainage plan (which called for 10% over-detention, regrade, and a berm wall along the northern property line), in the following ways:
  - a. Incorporating an underground stormwater system along the south and east property lines that captures upstream flows that otherwise compound flooding conditions for northerly and easterly neighbors.
  - b. As stated in our 8/22/21 meeting, providing a berm wall along the east property line.
3. Constructing a 6' tall wooden fence on top of the north and eastern berms (rather than alongside them) to create approximately 9' of solid screening along our north and east property lines.
4. Divert all applicable street impact fees to the construction of a traffic light at the intersection of South 1<sup>st</sup> and Great Britain Drive, associated turn lanes, and sidewalk along our South 1<sup>st</sup> St. frontage.
5. Provide an 8' vegetative buffer (as opposed to nothing) that includes minimum 4" caliper evergreen trees planted every 30' along the north and east property lines.
6. Set aside 10% of the units to families making 80% or less of the median family income per the City of Austin.

At our 8/29/21 meeting we can discuss the following additional adjustments that are proposed to garner adequate neighborhood support and eliminate the valid petition:

- A. Maximum 50' height and 4 stories must be located a minimum 170' from the north and east property line.
- B. Maximum 40' height and 3 stories in the area within 170' from the north and east property line.
- C. Maximum 33 units/acre (Note: Maximum density of MF-3=36 units/acre).
- D. We are coordinating with Councilwoman Fuentes to add a CO to the zoning ordinance pertaining to the 45' dwelling unit setback along the west property line.

These Proposed Development Standards summarized on the attached document tailor our proposed development based on neighborhood feedback since our first meeting 3/6/21. Moreover, they are consistent with proximate apartment projects approved by City Council in recent years that are also located on a corridor, and are also consistent with the goals and policies of the City set forth in 2012 Imagine Austin Comprehensive Plan, 2017 Strategic Housing Blueprint, and 2019 Austin Strategic Mobility Plan.

Again, thanks for everyone's efforts on this rezoning and we look forward to our meeting this Sunday.

Regards, David

---

**From:** Robin Nelson  
**Sent:** Wednesday, August 25, 2021 2:24 PM  
**To:** David Hartman  
**Cc:** Emily Thompson; [Noreen Quisenberry](#); [Barbara Borman](#); [Veronica Peñaloza-Wolfermann](#); [John B. Stokes](#); [Coronado, Jessica](#) <[jessica.coronado@austintexas.gov](mailto:jessica.coronado@austintexas.gov)>  
**Subject:** Re: [postponement](#)

---

David-

At our meeting on Sunday I offered to gather some feedback from the neighborhood and send it to you by noon on Wednesday regarding the S 1st St development rezone.

I had a bunch of things come up at work early this week. I was not able to send out the meeting summary and request people email me their feedback until yesterday. I need to give neighbors time to absorb the information and respond back before I can forward to you.

I will send you the neighborhood feedback no later than close of business on Friday.

For Sunday's agenda I would like to hear about what things you have adjusted in your proposal based on the various feedback you've heard over the last 8-10 months. After we've discussed what you are bringing to the table we can discuss the neighborhood feedback further.

Please let me know if you have any questions.



Thanks.

~Robin Nelson

Rezone Petition Organizer

On Mon, Aug 23, 2021 at 9:05 AM David Hartman wrote:

Robin: I appreciate all yours/others efforts on this project, including more hours spent last night. I sent the emails earlier, let me know if any questions about that aspect. David

---

**From:** Robin Nelson  
**Sent:** Monday, August 23, 2021 8:34 AM  
**To:** David Hartman  
**Subject:** Re: postponement

David-

Thank you and your team's time last night. When I see the email I will let Wendy (our case manager) know that the neighborhood is in agreement with the postponement to September 30, 2021.

~Robin Nelson

Rezone Petition Organizer

On Mon, Aug 23, 2021 at 8:31 AM David Hartman wrote:

Hi Robin:

FYI, I'm about to email zoning case manager about postponement (that applicant is in agreement with postponement request) and copy you, so she has an email that she can forward to the people managing this Thursday's Council agenda etc. I'm going to copy you on this email, so you can weigh in that you are also in agreement if you choose to do so. The question in these situations primarily is whether the applicant is in

agreement with postponement (neighborhoods are typically assumed to be in agreement with postponements) but like I said feel free to weigh in. If it helps, you'll see similar email correspondence to Wendy in the backup for the 1 month postponement at ZAP.

Will send similar email to Jessica, copy you.

David

David Hartman, Partner  
SMITH|ROBERTSON  
1717 West Sixth Street, Suite 295  
Austin, Texas 78703  
Direct Line: (512) 225-1704  
Direct Fax: (512) 225-1714

Cell: (512) 297-5640  
Email:

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## PETITION

Date: August 22, 2021

File Number: C14-2020-0151

Address of Rezoning Request: 8401-8407 S 1<sup>st</sup> St, Austin, TX 78748

To Austin City Council:

We, the undersigned, residents in the East and West Beacon Ridge communities do hereby protest against the rezoning of the area to MF-4-CO.

Although, we are outside of the 200 feet boundary for a valid petition, the impact of a zoning change will affect our neighborhood and homes. This development will only increase the pressure, strain, and undue burden on the current infrastructure if there are no plans to address the needs of the community before substantially increasing the population. The East and West communities want to see the necessary infrastructure needs addressed in order to accommodate a dramatic increase in additional residents. We oppose rezoning the area to MF-4-CO.

	Signature	Printed Name	Address
1.	<u>Harrison Smith</u>	<u>Harrison Smith</u>	<u>734 Wales Way</u>
2.	<u>Norma Ruiz</u>	<u>Norma Ruiz</u>	<u>712 Wales Way</u>
3.	<u>Joe Gonzales</u>	<u>Joe Gonzales</u>	<u>710 Wales Way</u>
4.	<u>Albert Blanco</u>	<u>ALBERT BLANCO</u>	<u>700 WALES WAY</u>
5.	<u>Garrus Brown</u>	<u>Garrus S. Brown</u>	<u>721 Dulwich St.</u>
6.	<u>Harley Kadel</u>	<u>Harley Kadel</u>	<u>721 Dulwich St.</u>
7.	<u>Joseph Black</u>	<u>Joseph Black</u>	<u>721 Dulwich St.</u>
8.	<u>Tracy Jane Brown</u>	<u>Tracy Jane Brown</u>	<u>721 Dulwich St</u>
9.	<u>Ross Waur</u>	<u>Ross Waurble</u>	<u>800 Dulwich</u>
10.	<u>Valerie Morris</u>	<u>Talein Morris</u>	<u>802 Great Britain</u>
11.	<u>Darla Morgan</u>	<u>DARLA MORGAN</u>	<u>722 Great Britain</u>
12.	<u>Tony Lopez</u>		
13.	<u>Ben Jacobson</u>	<u>Ben Jacobson</u>	<u>8605 Scho Dr</u>

Date: \_\_\_\_\_

Contact Name: Robin Nelson

Phone Number: 617-947-4206

FOR RESIDENTS outside the 200-feet.

## PETITION

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	Signature	Printed Name	Address
1.		Allen Daniel	8564 Romney Rd
2.		Melissa Velasquez	8502 Romney Rd
3.		Albert Pacheco	8500 Romney Rd
4.		Angela Adams	8402 Romney Rd
5.		Yolanda Martinez	611 Great Britain
6.	LORENA RODRIGUEZ	Lorena Rodriguez	8400 Cornwall Dr.
7.		Ryan Boerner	8500 Cornwall Drive
8.			
9.		Tanya	821 Cornwall Dr
10.		Seth Goldberg	8513 Cornwall Dr
11.		PAUL LANNON	8403 CORNWALL DR
12.		Ruben Gacias	714 Great Britain
13.		Emma Garcia	746 Wales Way

Date: \_\_\_\_\_

Contact Name: Robin Nelson

Phone Number: 617-947-4206

FOR RESIDENTS outside the 200 feet.

## PETITION

Date: August 22, 2021


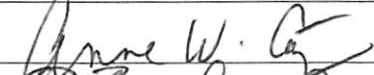



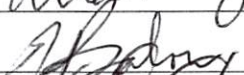

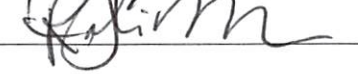

File Number: C14-2020-0151

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	Signature	Printed Name	Address
1.		Sheryl L. Brewster	705 Hyde Park CT Austin TX 78748
2.		Anne W. Cottingham	710 Hyde Park CT " " 78748
3.		Ed Burchard	712 Hyde PARK CT Austin
4.		Lee Lopez	8513 Rindolington dr
5.		Robert Bejarano	8510 Croydon loop
6.		Anais Cruz	<del>8615</del> 8616 Croydon Loop
7.		JACK BALOW	8622 CROYDON LOOP
8.		Kaleigh P. Smith	8615 Croydon Loop
9.		Robin Nelson	8203 Beaver Brook Ln
10.			
11.			
12.			
13.			

Date: \_\_\_\_\_

Contact Name: Robin Nelson

Phone Number: 617-947-4206

FOR RESIDENTS outside the 200-feet



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	Signature	Printed Name	Address
1.		Talia Stewart	8203 Beaver Brook, 78748
2.		MARINA RAMIREZ	8113 Boggly Ridge Dr. 78748
3.		RALPH BOND	8007 Boggly Ridge Dr. 78748
4.		Chris Elsberry	0005 boggly Ridge Dr 78748
5.		Jesse Cortez	8001 Boggly Ridge Dr 78748
6.		Karen Zimmermann	619 Blue Valley Dr 78748
7.		Richard Jordan	673 Mairo St 78748
8.		LORIE KUHLE	673 MAIRO ST 78748
9.		Mayela and Roberto Castro	665 mairo st 78748
10.		Seth Hamilton	657 mairo st 78748
11.		Anita L Franz	655 Mairo St 78748
12.		Monica L. Sanchez	655 Mairo St 78748
13.		Leigh Harris	637 Mairo St.

Date: \_\_\_\_\_

Contact Name: Robin Nelson

Phone Number: 617-947-4206

**FOR RESIDENTS outside the 200-feet.**

## PETITION

Date: August 22, 2021


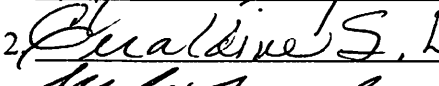

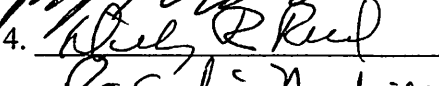
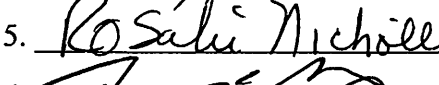
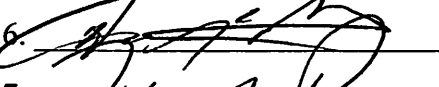
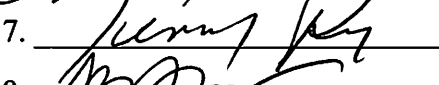

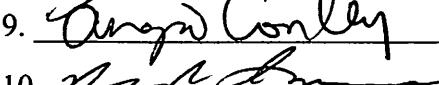
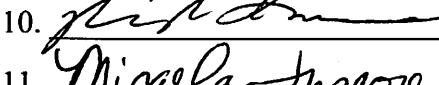

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Signature	Printed Name	Address
1. 	CHARLES Oliver	633 MAIRO
2. 	Geraldine S. Lee	660 MAIRO St
3. 	Bayne E Woods	8106 Bagg Ridge
4. 	Dicky R. Reed	625 MAIRO
5. 	Rosalie Nicholls	8207 Belclaire Ln.
6. 	DAVID P. PEDERSON	8213 BELLAIR LN
7. 	TERRENCE Ryan	8223 Belclaire
8. 	Bria Jones	8222 Belclaire
9. 	Angie Conley	421 Baldrige DR
10. 	Richard R. Inscore	426 BALDRIDGE DR
11. 	Micaela Inscore	426 Baldrige Dr
12. _____		
13. _____		

Date: \_\_\_\_\_

Contact Name: Robin Nelson

Phone Number: 617-947-4206

FOR RESIDENTS outside the 200-feet.

## 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 both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. 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. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and may be published online.

**Case Number: C14-2020-0151**

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

**Public Hearing: July 29, 2021, City Council**

CHAD SITAR

Your Name (please print)

400 Baldrige Dr

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



Signature

☐ I am in favor  
☒ I object

08/18/2021  
Date

Daytime Telephone (Optional): 512-944-7132

Comments: \_\_\_\_\_

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

City of Austin, Housing & Planning Department

Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

Or email to:

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



**From:**  
**To:** [Rhoades, Wendy](#)  
**Subject:** rezoning case C14-2020-0151 - OPPOSE  
**Date:** Tuesday, October 12, 2021 2:59:45 PM  
**Attachments:** [9-19-21 mtg. Beacon Ridge neighbors - D. Hartman Statement-notes \(00229840x9FFDD\).pdf](#)

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

Wendy,

Please include this email and the attachment in the "late back-up" for the city Council Meeting on Thursday, October 14th.

RE: rezoning case C14-2020-0151 - OPPOSE

Honorable City Council Member,

I, Robin Nelson, a member of the Beacon Ridge East community, recognize that the City of Austin is growing and needs more housing. Therefore the planned responsible, respectful development of the lots on S 1<sup>st</sup> St are vital to connecting our communities and ensuring that this area of South Austin is a desirable place to live.

I am against the proposed rezone of the lots on S 1st St to MF-4-CO. A moderate-to-high density neighborhood does not fit in with the surrounding SF-2 and SF-3 zones. I acknowledge that more multifamily housing is needed near transportation hubs, and I am asking for a rezone of the lots on S 1st St to a less dense multifamily residence such as MF-1-CO or MF-2-CO. Additionally, I am concerned that if these lots are rezoned to such a high density that it will set a precedent for developers to purchase multiple SF-2 lots/home to create other high-density communities which will lead to single family homeowners being priced out of their neighborhoods.

I am excited for neighbors living in or around Great Britain because their intersection with S 1st St will become safer with the installation of a stop light. I am also concerned about the impacts of a development on the intersection of Mairo Street and S 1st St. Currently there is only a pedestrian crosswalk and we have concerns that it will become an area that is more difficult to navigate and will be dangerous for pedestrians to cross without a light. I am specifically concerned about the school children making their way to school at Williams Elementary.

I want to emphasize that City staff admits that the mobility and connectivity options in the area are only "fair-- due to the lack of a complete public sidewalk system and bike lanes, which limits access to the nearby goods and services beyond using a car" and further states that "the incomplete mobility options in the area that makes it difficult to safely walk or bike to access nearby goods, services, parks, and school in the area by bike or on foot, this project only partially supports the Imagine Austin Comprehensive Plan." Simply hoping that a complete public sidewalk system will be installed does not make this a more complete community.

I am particularly concerned about the rush to rezone the area. The applicant refused a second ZAP postponement (despite it not impacting when it would be placed on the agenda for City Council). The second ZAP postponement could have given the neighbors and applicant additional time to meet and discuss concerns before the first reading at City Council. I was heartbroken that ZAP had approved the staff recommendation by a narrow margin when the neighborhood had not had

adequate time to review and respond to the developer's proposal.

I have spent more than 200 hours learning about zoning, educating others about zoning, running meetings, leaving information about the project and neighborhood meetings on people's door, and knocking on neighbors' doors and talking with them about the development. I have done all of this because I have a sense of connection and pride in my community.

We have repeatedly asked to see the promised conditional overlays and public restrictive covenants or private restrictive covenants. We were given one set and those lacked many of the promises that had previously been made to the neighborhood.

Additionally, despite attending multiple neighborhood meetings where neighbors repeatedly brought up drainage, traffic, setbacks, height of the buildings, etc on 08/22 the development team said that they did not understand what the neighbors wanted and requested written feedback on their plan.

I submitted a document "Combined Asks from feedback" to the development team noting at the top **"We understand that not all of these asks will be met; however, we are expecting that you will seriously consider all of them and analyze what works best for both the project and the neighborhood. We encourage the applicant/developer to consider creative solutions and use out-of-the-box-thinking."** I'd like to highlight that it requested a rezone to a multifamily residence with more appropriate density: MF-1-CO and a minimum of 75' setbacks to the first building 20' and 2 stories in height.

We considered this a reasonable request because Austin LDC says that MF-4 is "appropriate for moderate-high density housing in centrally located areas near supporting transportation and commercial facilities, in areas adjoining downtown Austin and major institutional or employment centers, and in other selected areas where moderate-high density multifamily use is desirable." Whereas "An MF-1 district designation may be applied to a use in a residential neighborhood that contains a mixture of single family and multifamily uses or in an area for which limited density multifamily use is desired. An MF-1 district may be used as a transition between a single family and higher intensity uses."

Furthermore, the developer has provided incomplete, if not misleading information. They say that they met our request for 75' setbacks. Note: this is not the whole story. We requested a minimum of 75' setbacks to the first 2-story building. The developer responded with a plan for 45' setbacks to 2- and 3-story structures or 75' setbacks to 3- and 4-story structures.

Our community has further amended our request to meet the developer halfway to:

- 45' setbacks on the west border (S 1st St) before the first 3-story building,
- 75' setbacks on the north and east borders before the first 2-story building for areas that are zoned SF,
- 100' setbacks on the north and east borders before the first 3-story building for areas that are zoned as SF,
- 200' setbacks on the north and east borders before the first 4-story building for areas that are zoned as SF.

I am asking that the City Council realize that our existing neighborhoods have characteristics that make them unique, and any new and infill development needs to be sensitive to the predominant character of these communities.

Thanks.

~Robin Nelson

8203 Beaver Brook Ln, Austin, TX 78748

617-947-4206

Rezone Petition Organizer

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9/19/21 Mtg. with Beacon Ridge neighbors – D. Hartman introductory statement.

Thanks. We recognize that issues involved proposed development are important, very emotional. We have had ~ dozen mtgs. Proud of our work together, neighbors feedback resulted in better project than when we started meeting 3/6/21. Project Team thoughtfully responded to issues raised. Project Enhancements at time of ZAP approval: Traffic signal & dual turn lanes, drainage plans, enhanced 45' buffering, construction management, affordable housing – approximately \$2M infrastructure.

Project Enhancements/Benefits since 7/29/21 & 8/22/21 Council postponements

New: Agreed to ~75% of 8/27/21 Beacon Ridge Requests:

- Enhanced 25' vegetative buffer, commit to 4" caliper trees every 30', new Vegetative Buffer Tree Plan
- More detailed construction management, dust mitigation, commit to use SIF towards sidewalk gaps, possible enhanced buffering to a minimum 75' setback.

Outcomes from 9-9-21 Mtg. coordinated by CM. Fuentes with ATD, WPD (Floodplain Manager, Localized Flooding staff).

- CM Fuentes focus on flood resilience, ongoing discussion with WPD Dir. Morales what City can do in this area.
- In response to CM Fuentes suggestion to consider reevaluating metric (currently complaint-based for City Project Prioritization/Ranking Floodplain projects). Kevin Shunk: City is changing process evaluate local floodrisk moving away from complaint based towards flood risk based staff currently modeling storm drains will guide staff addressing risk not complaints.
- Per ATD:
  - Ralph Ablenado & S. Congress. New signal with left turn lane. includes pedestrian signals, crossing walks, ramps. Fall 2020.
  - Dittmar & S. Congress. ATD reviewing signal requests. This signal is in Roadway Capacity Plan, so Street Impact Fees by other new development can fund it.

Where we are currently at:

I've worked on dozens of MF rezoning and variety of neighborhoods, including many rezonings with Mac McElwrath. We have a demonstrated track record of gaining consensus/support from neighbors. However, it sometimes winds up being the case that reasonable minds can differ, and the time comes for City Council/policymakers to decide.

Project Team Goal: Our project team goal has been to accommodate reasonable requests by neighbors that still result in a viable project that meets City goals for (affordable) housing, and helps fund ~ \$2M infrastructure needs required for development of this property. On Sunday 8/29 we stated we can agree to one of two alternatives and we hoped we would reach consensus on either our Min. 75' Setback Concept Plan, or Max. 3 Story Concept Plan. We provided actual plans on Wednesday 9/1/21. Those two Concept Plans were our best/final offer. Recent requests last Thursday for (i) increased setbacks to 100' (and corresponding lowering first tier of apartments from 3 story to 2 story as compared to 75' Min. Setback Concept Plan), and (ii) reduced density to 200 units max. don't result in viable project that meets City goals. **Therefore we will bring both Concept Plans to Council 9/30/21 and provide the opportunity for City Council to decide.**

Having said that, we understand from Robin's 9/16/21 email that neighbors consensus is that neighbors prefer the Concept Plan that has parking (rather than buildings) closer to the SF zoned areas. The 75' Min. Setback Concept Plan has parking adjacent to buildings, and I believe also most closely meets Council policies (more affordable units than maximum 3 story Concept Plan). We remain open to other suggestions from neighbors regarding our project that don't negatively affect project viability/density or negatively impact important City goals.

Adjacent MF projects recently approved by City Council (note: 8401 S. 1<sup>st</sup> Street is ~ 30 units/acre)

Cullen & Ralph Ablenado – GR-MU 34 units/ac. Note: GR-MU zoning is equivalent to MF-4 zoning.

6311 S. 1<sup>st</sup> St. – GR -VMU – 66 units/ac

Bridge at Turtle Creek – LR VMU (40) & GO VMU (60) – 93 units/acre.

- Note, this project is an approved Affordability Unlocked Project (so increased height + compatibility waived).

October 12, 2021

Wendy Rhoades  
City of Austin  
Planning and Development  
505 Barton Springs Road, #175  
Austin, Texas 78704

Regarding the proposed rezoning/redevelopment of 8401 South 1<sup>st</sup> Street  
(Zoning Case C14-2020-0151)

Dear Ms. Rhoades:

I am writing in opposition of the rezoning case for 8401 South 1<sup>st</sup> Street.

My wife and I own and live on an adjoining property at 8304 Beaver Brook Ln at Orr Drive along the northern border of the proposed multifamily development. We met with the developer and neighbors many times while trying to reach a reasonable solution. After a great effort, we cannot support this specific rezoning case.

Over the months, the developer met with us and listened carefully to our flooding concerns. They came up with a plan that significantly improves the sheet-flow problem for adjoining land owners.

The development would add impervious cover. Even with the proposed over-retention, it will increase overall runoff. Currently—even without a dense apartment complex—storms regularly overwhelm the storm drain on Orr Drive. To avoid making a bad situation worse, the city should improve the downstream storm-drain capacity before permitting increased impervious cover.

After studying nearby dense developments, it is clear that the proposed rezoning is unprecedented in this area. Single family homes surround this property on most of three sides. An abrupt change to four-story multifamily apartments will change the character of the area. The only option for overflow parking outside the gated community is our neighborhood. Privacy in our backyards will decline.

Originally, we appreciated how the developer listened to us. They went out of their way to explain the rezoning process to us. They made a good attempt to address our flooding concerns. Since buying our home, my wife and I have anticipated a multifamily project going in behind our house. We do not oppose increased density in general. Austin needs it.

As we and our neighbors became more savvy to the development process, it became clear that this developer in several instances deceived or attempted to manipulate us into supporting their project. It is thanks to some astute neighbors that these instances were exposed. It was a shock. Over the months, they provided several versions of conditional overlays and private restrictive covenants. Just before this city council meeting, they muddied the waters by providing two misleading drawings that do not correspond to the negotiated documents.

At the time of the ZAP meeting, we supported the rezoning. I submitted a letter of support to that effect. After a review of other nearby developments and reduced confidence in the integrity of this developer, we cannot find grounds to support this rezoning case. I revoke my previous letter of support and submit this letter in its place.

I appreciate your consideration on this rezoning case. I will be happy to work with a future rezoning case that better respects the neighborhood of which it would be a part.

Sincerely,

Dale Barnard

**From:**  
**To:** [Rhoades, Wendy](#)  
**Subject:** C14-2020-0151  
**Date:** Tuesday, September 21, 2021 9:03:03 AM

---

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

Dear Council,

I live on Romney Road—within walking distance to the property in question. I would like to go on record IN OPPOSITION to the request for a change in zoning to MF-4. Having grown up in Houston, I am very aware of what a lack of attention to zoning can result in. I am NOT a NIMBY who opposes the development of this property. I absolutely welcome smart growth and believe a developer interested in a MIXED USE development here can add much value to our community.

At the moment my neighbors and I must get in our cars and drive to reach retail and restaurants. The last thing we need is many more people and cars who we can sit next to on our “new” highway/parking lot of S. 1st street while we attempt to get to desirable destinations in other peoples neighborhoods! No. We need our own appealing destinations—places we can meet with our neighbors without getting into our cars. Once we have more foot traffic, there will be more demand to make the area safer for pedestrians. Once it is safer and more pedestrians, even more people will feel comfortable walking and taking public transit. Not only will this result in less automobile traffic, it has a net positive affect on the mental health of the community. Our adolescents need places to work that they can get to on foot. Right now our neighborhood is not as quiet as Kyle nor as convenient as neighborhoods in the urban core. We are neither here nor there and a decision was made a long time ago to make this a mixed use space and I agree with that decision because it was right for Austin.

This town will not stop growing, so trying to make it more “suburban” isn’t going to work. Let the developer go to Kyle if they want a bedroom community where everyone must get in their cars to drive to desirable food and culture. I live in the city because I want to live in a city. Give this community the mixed use development that was originally intended for this area so we can realize our potential as a thriving, colorful component of the urban core of Austin.

Thank you,

Stacy A. Evans

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).

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Case Number: C14-2020-0151  
Contact: Wendy Rhoades, 512-974-7719  
Public Hearing: September 30, 2021, City Council

Elias Gonzalez

Your Name (please print)

627 Maico St.

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

Elias M. Gonzalez

Signature

09-22-21

Date

Daytime Telephone (Optional): 512-282-5218

Comments: As stated before: (1) Too much traffic traveling North on this section of S. 1st (2) Traffic speed is more like 45mph vs. 35mph posted speed (3) Traffic accidents at S. 1st + Great Britain (4) Daily frustration taking a left turn (to head North on S. 1st) from my neighborhood - I live on Maico St. (west of S. 1st) (5) Several instances where I've witnessed at the crosswalk on Maico + S. 1st where pedestrians crossing with the Red Light for traffic have closely been run down by cars speeding through the Red Light !!! We

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

City of Austin, Housing & Planning Department

Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

Or email to:

wendy.rhoades@austintexas.gov

☐ I am in favor  
☒ I object

need a Traffic Light if the city is to allow more multifamily building to take place just up the street from said intersection!



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Case Number: C14-2020-0151

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: September 30, 2021, City Council

PAUL LANMON

Your Name (please print)

8403 CORNWALL DRIVE

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

*[Signature]*

Signature

9/16/21

Date

Daytime Telephone (Optional): 512-762-2324

Comments: we already HAVE enough of  
This Type ZONING Here.

☐ I am in favor  
☒ I object

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

City of Austin, Housing & Planning Department

Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

Or email to:

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



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Case Number: C14-2020-0151

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: October 14, 2021, City Council

PAUL LANMON

Your Name (please print)

8403 EORNWALL DRIVE

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

*[Signature]*

Signature

☐ I am in favor  
☒ I object

9/25/21  
Date

Daytime Telephone (Optional): 512-762-2224

Comments: WE DO NOT NEED MORE  
TRAFFIC ON SOUTH FIRST STREET.

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

City of Austin, Housing & Planning Department

Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

Or email to:

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

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Case Number: C14-2020-0151

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: September 30, 2021, City Council

ROGER H. HANSEN

Your Name (please print)

☐ I am in favor  
☒ I object

8207 BERCLAIR CIRCLE

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

[Signature]

Signature

Date

Daytime Telephone (Optional): \_\_\_\_\_

Comments: I AM AN ORIGINAL OWNER IN  
THIS AREA (OCT 1977) - I RETIRED FROM THE  
USAF HERE - MY KIDS WENT TO SCHOOL  
HERE - MY DAUGHTER & WIFE TAUGHT AT WILLIAMSON  
THE MONEY GRUBBING DEVELOPERS WILL  
DESTROY THE QUIET SINGLE FAMILY HOME  
ENVIRONMENT HERE - THIS WILL NO LONGER  
BE A PLACE MADE TO LIVE.

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Case Number: C14-2020-0151

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: September 30, 2021, City Council

VINCENT J. TOBOLA

Your Name (please print)

☐ I am in favor  
☒ I object

614 GREAT BRITAIN BULD

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

Vincent J. Tobola

Signature

9-12-2021

Date

Daytime Telephone (Optional):

254 709 5795

Comments:

I do not support the change to MF-4 Multifamily Residence district zoning. The surrounding long standing development is single lot homes. Do not need more traffic & change in density.

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Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

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Contact: Wendy Rhoades, 512-974-7719

Public Hearing: October 14, 2021, City Council

VINCENT J. TOBOLA

Your Name (please print)

☐ I am in favor  
☒ I object

614 GREAT BRITAIN BLVD

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

Vincent J Tobola

Signature

9-27-2021

Date

Daytime Telephone (Optional): 254 709 5795

Comments:

I do not agree with changing to MF-4 Multi Family Residence (Med-High Density) the surrounding properties are single homes, so these to me is not compatible. I bought my house because in single residence house setting. Do not need more traffic in area.

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City of Austin, Housing & Planning Department

Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

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