

**PUBLIC HEARING INFORMATION**

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**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:

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

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\*\*\* 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

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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

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Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

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☐ 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

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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:

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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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Wendy Rhoades

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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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P. O. Box 1088, Austin, TX 78767

Or email to:

[wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@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 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 will be published online.

Case Number: C14-2020-0151

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.

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)