ZONING CHANGE REVIEW SHEET

CASE: C14-2017-0010 – 4500 Nuckols Crossing Road Rezoning **P.C. DATE:** July 25, 2017
November 14, 2017
December 12, 2017
January 9, 2018
January 23, 2018
February 27, 2018
March 13, 2018
March 27, 2018
April 10, 2018

ADDRESS: 4500 Nuckols Crossing Road

DISTRICT AREA: 2

OWNER: Angelos Angelou and John Sasaridis **APPLICANT:** Thrower Design (Ron Thrower)

ZONING FROM: SF-2-NP **TO:** MF-3-CO-NP

AREA: 9.978 acres

NEIGHBORHOOD PLANNING AREA: Southeast Combined (Franklin Park)

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to deny the Applicant's request for multi-family residence-medium density conditional overlay-neighborhood plan (MF-3-CO-NP) district zoning.

PLANNING COMMISSION RECOMMENDATION:

July 25, 2017: *APPROVED AN INDEFINITE POSTPONEMENT REQUEST BY THE APPLICANT*
[J. SHIEH, P. SEEGER – 2ND] (12-0) N. ZARAGOZA – ABSENT

November 14, 2017: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO DECEMBER 12, 2017*
[J. SHIEH, P. SEEGER – 2ND] (12-0) A. DE HOYOS HART – ABSENT

December 12, 2017: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO JANUARY 9, 2018*
[J. SHIEH, T. WHITE – 2ND] (13-0)

January 9, 2018: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO JANUARY 23, 2018*

[P. SEEGER; A. DE HOYOS HART – 2ND] (11-0) F. KAZI – NOT PRESENT FOR PASSAGE OF THE CONSENT AGENDA; T. NUCKOLS – ABSENT

January 23, 2018: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO FEBRUARY 27, 2018*

[P. SEEGER; G. ANDERSON – 2ND] (10-0) A. DE HOYOS HART, J. SCHISSLER – NOT PRESENT FOR PASSAGE OF THE CONSENT AGENDA; K. MCGRAW – ABSENT

February 27, 2018: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO MARCH 13, 2018*

[J. SCHISSLER; J. SHIEH – 2ND} (12-0) J. THOMPSON – ABSENT

March 13, 2018: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO MARCH 27, 2018*

[T. WHITE; P. SEEGER – 2ND] (8-0) A. DE HOYOS HART, T. NUCKOLS, J. SHIEH, T. SHAW, J. THOMPSON – ABSENT

March 27, 2018: *APPROVED A POSTPONEMENT TO APRIL 10, 2018*

[G. ANDERSON; J. THOMPSON – 2ND] (12-0) P. SEEGER – ABSENT

April 10, 2018:

ISSUES:

On February 13, 2017, the Southeast Combined Neighborhood Plan Contact Team met with the Agent at the Southeast Community Branch Library to discuss this rezoning case. One year later, on February 12, 2018, the Contact Team met with the Applicant with City zoning and transportation staff in attendance. The Contact Team has provided correspondence in opposition to the rezoning and related Neighborhood Plan Amendment requests. Please refer to correspondence attached at the back of this report.

DEPARTMENT COMMENTS:

The subject undeveloped tract is located on Nuckols Crossing Road, a neighborhood collector, is undeveloped and has single family residence-standard lot – neighborhood plan (SF-2-NP) zoning. The St. Elmo tributary of Williamson Creek, classified as an intermediate waterway, runs along and in close proximity to the north property line. City maps show there are at least three wetlands and one spring/seep on the north and west portions of the property. An Environmental Resource Inventory undertaken by the Applicant in January 2018 indicates four additional wetlands and one additional spring/seep on the property, bringing the total to 9 critical environmental features (CEFs). The wetlands and spring are located on the western portion of the property.

There are single family residences on large lots to the north (SF-2-CO-NP with the –CO requiring a ½ acre minimum lot size), an undeveloped 9.86 acre tract and the Los Arboles single family residential community across Nuckols Crossing Road to the east (SF-2-NP), an undeveloped lot and the Woodway Village apartments to the south (SF-2-NP; MF-2-CO-NP with the –CO for a maximum of 160 units / 12.27 units per acre), and undeveloped land to the west (SF-2-NP; RR-CO-NP, LO-CO-NP). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant proposes to rezone the property to the multi-family residence-medium density conditional overlay-neighborhood plan (MF-3-CO-NP) district and develop it with 125 apartment units. The proposed density is 12.52 units per acre, which is approximately that which could be achieved under SF-6 zoning and equivalent to that approved for the adjacent Woodway Village apartments. Under MF-3 zoning, the maximum floor-to-area ratio is 0.75 to 1.

An initial look indicates the tract would seem well-suited as a transition between the apartments to the south and the single family residences on large lots to the north. However, as outlined in Attachment A, the Neighborhood Traffic Analysis memo identifies that the existing traffic volumes on Nuckols Crossing Road exceed the desirable thresholds established by the Land Development Code (based on pavement width), and the Applicant would be required to provide mitigation of the site traffic associated with the proposed development for access and safety purposes. At this time, the City does not have any planned or proposed improvements to Nuckols Crossing. Without specific details to mitigate the vehicle trips created by the proposed development, Staff does not support the Applicant's requested change to MF-3-CO-NP zoning and recommends maintaining the existing SF-2-NP zoning. Under the existing SF-2-NP zoning, the tract could be subdivided to create single family residential lots by extending a road from Nuckols Crossing.

As information, the environmental features generally located on north and west sides of the site will require a 200-foot wide buffer from the centerline (hence a full buffer of 400 feet, with the remaining portion to be achieved on adjacent property) of this intermediate waterway [LDC 25-8-261 – *Critical Water Quality Zone Development*]. In the buffer area, development is limited to fences and open space, under certain conditions. There will be additional buffer zones (generally 150 feet) from the wetlands and spring which will further limit development of this 9.9 acre property.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-2-NP	Undeveloped
North	SF-2-CO-NP	Single family residences on large lots
South	MF-2-CO-NP; SF-2-NP	Apartments; Undeveloped
East	SF-2-NP	Undeveloped; Single family residences in the Los Arboles community
West	SF-2-NP; RR-CO-NP; SF-6-CO-NP; LO-CO-NP	Undeveloped; Condominiums; Stormwater pond

NEIGHBORHOOD TRAFFIC ANALYSIS: Is required – Please refer to Attachment A

WATERSHED: Williamson Creek **DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: No **SCENIC ROADWAY:** No

NEIGHBORHOOD ORGANIZATIONS:

96 – Southeast Corner Alliance of Neighborhoods (SCAN)
176 – Kensington Park Homeowners Association
511 – Austin Neighborhoods Council
627 – Onion Creek Homeowners Association
742 – Austin Independent School District
774 – Del Valle Independent School District
753 – Paisano Mobile Home Park Neighborhood Association
1071 – Los Arboles Homeowner's Association
1228 – Sierra Club, Austin Regional Group
1258 – Del Valle Community Coalition
1316 – Southeast Combined Neighborhood Plan Contact Team
1340 – Austin Heritage Tree Foundation
1363 – SEL Texas
1408 – Go!Austin / Vamos!Austin – Dove Springs
1438 – Dove Springs Neighborhood Association
1441 – Dove Springs Proud
1528 – Bike Austin
1530 – Friends of Austin Neighborhoods
1550 – Homeless Neighborhood Association
1578 – South Park Neighbors

SCHOOLS:

Rodriguez Elementary School Mendez Middle School Travis High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0176.SH – Pleasant Valley Courtyards (SMART Housing) – 4503 – 4511 E St. Elmo Rd	MF-3-CO to MF-3-CO, to amend uses allowed on Tract One	To Grant MF-3-CO to allow multi-family residence units on Tract One, development of the property may not exceed 7 residential units, the units shall be contained in a single building not to exceed 2 stories/40' in height.	Apvd as Commission recommended (02-05-2004).
C14-03-0026, C14-03-0027; C14-03-0121; C14-03-0122; & C14-03-0123 – All cases were addressed on	Add a CO to establish a development setback for unclassified waterways	To Grant the add'l CO for a setback that prohibits development for 50' in both directions from the centerline of an open waterway.	Apvd as Commission recommended (6-05-2003; 7-17-2003; 10-02-2003).

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
E St. Elmo Rd		Exceptions include utility crossings, hike & bike trails, driveway crossings and roadway crossings	
C14-02-0155.SH – Pleasant Valley Courtyards (SMART Housing) – 4503-4511 E St. Elmo Rd.	RR-NP; LO-NP; CS-NP to MF-3-CO-NP	To Grant MF-3-CO-NP w/CO for max. 163 units and 2,000 trips/day, and requiring setbacks from creek centerlines.	Apvd RR-NP and MF-3-CO-NP. The CO establishes a max of 163 units (10.038 u.p.a.); 2,000 trips, 50' creek setback; prohibits community rec (private) use on Tracts 1 & 2, and prohibits residential units on Tract One (10-31-2002).
C14-01-0041 – Woodway Village Apartments – 4500-4510 Nuckols Crossing Rd	SF-2 to MF-3-CO on 16.592 acres	To Grant MF-2-CO on 13.226 acres w/CO for SF-6 density (remainder to be left as SF-2); and conds for r-o-w on Maufrais and Nuckols Crossing Rd	Apvd MF-2-CO as Commission recommended (9-27-2001; corrective ord. 01-30-2003).
C14-01-0032(SH) – Kingfisher Creek Townhomes – 4601 E St Elmo Rd	RR; LO to SF-6	To Deny	Denied (5-10-2001).
C14-86-025(RCA) – 4503, 4511, 4601 E St. Elmo Rd – Pleasant Valley Courtyards	Request to terminate Item 1 of the Restrictive Covenant so that residential access may be taken from both E St Elmo and S Pleasant Valley Rd	To forward the request without a recommendation	Apvd vehicular access for a residential or civic use to E St Elmo Rd from Tract Two only to occur from specific location; access to St. Elmo shall be entrance only after Pleasant Valley Rd is open to the public; prohibits access from Tract Two to St. Elmo if it is used for commercial or industrial use (01-09-2003).

RELATED CASES:

The subject property is located within the boundaries of the Southeast Combined (Franklin Park) Neighborhood Planning Area and the –NP combining district was appended to the SF-2 zoning at that time (C14-02-0128.01 – Ordinance No. 021010-12a). There is a corresponding neighborhood plan amendment case to change the land use designation on the Future Land Use Map (FLUM) from Single Family land use to Multifamily land use (NPA-2016-0014.01).

The rezoning application originally contained 27.413 acres and included SF-2-NP zoned land to the south and west. Approximately 17 acres of this total is subject to a 2001 private Restrictive Covenant (filed as a Zoning Modification Agreement) that involved multiple parties and outlined that it be zoned SF-2. On September 27, 2017, the NPA and rezoning applications were amended to remove the 17 acres identified above which reduced the total to current 9.978 acres. Traffic counts for Nuckols Crossing Road were submitted to the City on October 25, 2017.

The property is unplatted and there are no related subdivision or site plan cases in process.

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Nuckols Crossing Road	70 feet	25 feet	Local Collector (7,155 vpd north of Viewpoint Dr; 5.326 vpd south of Viewpoint Dr)	No	Yes	No

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a bike lane is recommended for Nuckols Crossing Road.

CITY COUNCIL DATE: December 14, 2017 **ACTION:** Approved a Postponement request by Staff to February 1, 2018 (11-0).

February 1, 2018 Approved a Postponement request by Staff to March 8, 2018 (11-0).

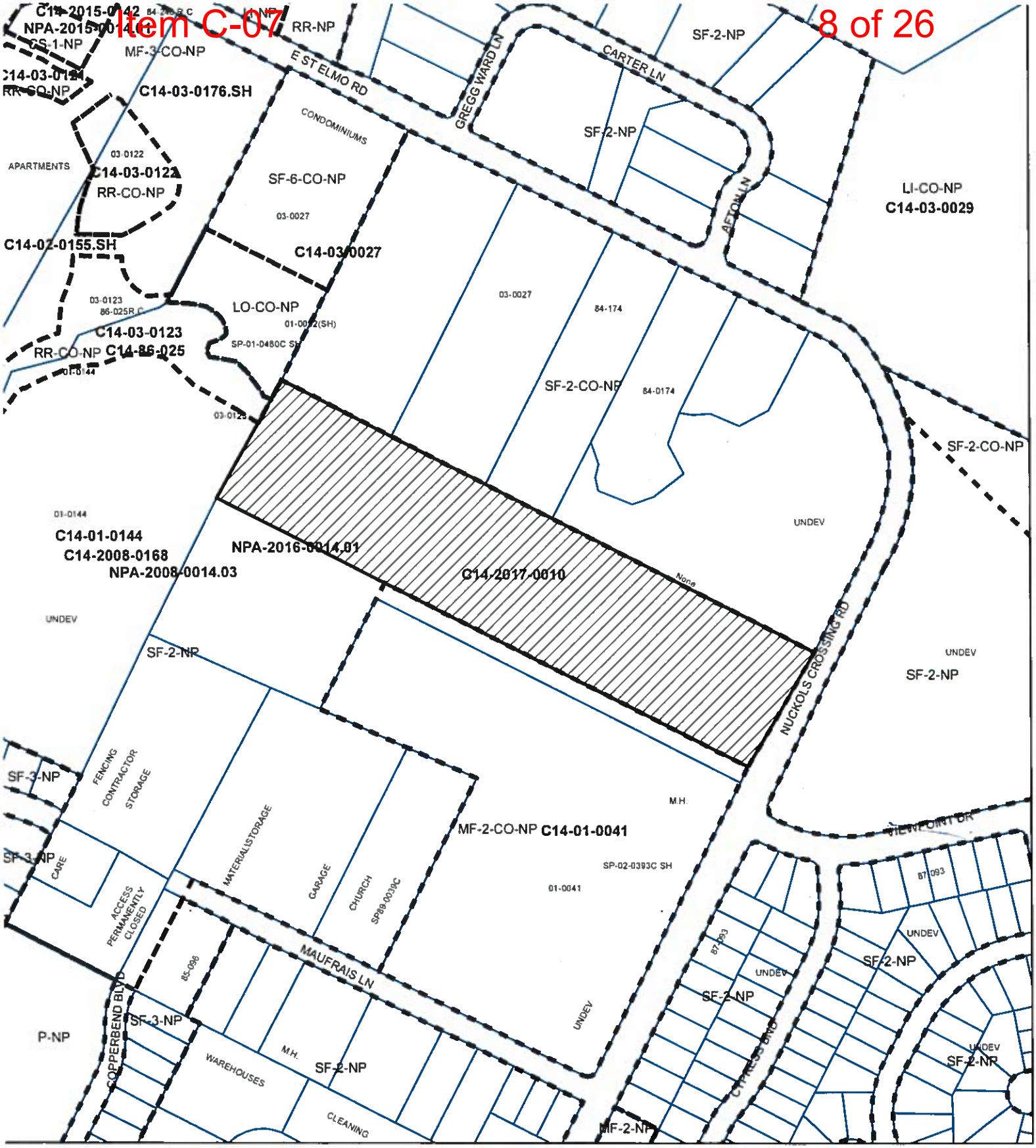
March 8, 2018 Approved a Postponement request by Staff to April 12, 2018 (11-0).

April 12, 2018

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades **PHONE:** 512-974-7719
e-mail: wendy.rhoades@austintexas.gov



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 292 '

ZONING

Zoning Case: C14-2017-0010

EXHIBIT A

N

1" = 300'

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CREEK BUFFER

4500 NUCKOLS CROSSING ROAD REZONING

ZONING CASE#: C14-2017-0010
LOCATION: 4500 NUCKOLS CROSSING ROAD
SUBJECT AREA: 28.30 ACRES
GRID: J16
MANAGER: WENDY RHOADES

Exhibit A-1

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.

CITY OF AUSTIN FOUNDED 1839

MEMORANDUM

TO: Wendy Rhoades, Case Manager
Planning and Zoning Department

CC: Members of the Planning Commission
Anna Martin, P.E., PTOE, Austin Transportation Department
Katie Wettick, Development Services Department

FROM: Scott A. James, P.E., PTOE
DSD/ Land Use Review - Transportation

DATE: March 15, 2018

SUBJECT: Neighborhood Traffic Analysis for 4500 Nuckols Crossing Road
Zoning Case # C14 – 2017 – 0010

The Land Use Review/Transportation staff has performed a Neighborhood Traffic Impact Analysis (NTA) for the above referenced case and offers the following comments.

The 10 acre site is located in south Austin, at the northwest corner of Nuckols Crossing Road and Viewpoint Drive. Vehicular access to the site shall be to and from Nuckols Crossing Road. Nuckols Crossing Road bounds the east side of the subject property, which is border by the residential neighborhood to the west. The zoning application is to permit for the construction of one hundred and twenty-five (125) residential apartment units.

Roadways

Nuckols Crossing Road is classified as a local collector roadway measuring twenty-five (25) feet in pavement width and serves primarily residential and neighborhood land uses. The posted speed limit adjacent to the subject property is 40 miles per hour (MPH). No sidewalks are provided on Nuckols Crossing Road. There are no marked bicycle facilities along Nuckols Crossing Road and the City of Austin Bicycle Master Plan rates Nuckols Crossing as 'low comfort' to 'extremely low comfort' for cyclists.

ATTACHMENT A

Viewpoint Drive is classified as a local street. Viewpoint Drive measures forty (40) feet in width, and is stop controlled at its intersection with Nuckols Crossing Road. The posted speed limit is 30 MPH. There are sidewalks on the south side of Viewpoint Drive. The City of Austin Bicycle Map rates Viewpoint Drive as a "low-comfort" road.

Trip Generation and Traffic Analysis

The City Council may deny an application if the neighborhood traffic analysis demonstrates that the traffic generated by a project combined with existing traffic, exceeds the desirable operating level established on a residential local or collector street in the study area.

Based on the Institute of Transportation Engineer's publication Trip Generation Manual, 9th Edition, the one hundred and twenty-five (125) proposed apartment units would generate approximately 881 daily trips (summarized in Table 1 below). However, the requested MF – 3 zoning could allow for a greater development intensity, for the 10 acre tract.

Table 1 – Trip Generation

TRACT NUMBER	ACRES	INTENSITY	ZONING	LAND USE	TRIPS PER DAY
1	10.00	*125 DU	MF-3	**Apartments (220)**	881

*This is the proposed development intensity; not the maximum intensity allowed.

According to the applicant, approximately 57% of the outbound trips will use Nuckols Crossing Road (north of Viewpoint Drive) and 43% of the outbound trips will exit onto Nuckols Crossing Road (south of Viewpoint Drive). The returning trips would be divided as 58% use north and 42% use the south access from Nuckols Crossing Road. Table 2 presents the expected distribution of the 881 daily trips to and from the site:

Table 2 – Trip Distribution Percentages

Street	Outbound	Inbound	Totals
Nuckols Crossing Road (north of Viewpoint Drive)	247 (28%)	255 (29%)	502 (57%)
Nuckols Crossing Road (South of Viewpoint Drive)	193 (22%)	186 (21%)	379 (43%)
Totals	**440 (50%)**	**441 (50%)**	**881 (100%)**

According to the traffic data collected during the days of October 3-5, 2017, the current average daily volumes on Nuckols Crossing Road north of Viewpoint Drive are 7,155 vehicles

per day. South of Viewpoint Drive, Nuckols Crossing Road serves 5,326 vehicles per day. As shown in Table 3 below, the projected daily trips from the site development would increase the observed volumes on Nuckols Crossing Road by approximately 7% in both directions.

Table 3 – Estimated increase in daily traffic volumes				
Street	Existing Traffic (vpd)	Site Traffic (vpd)	Totals	Percentage Increase
Nuckols Crossing Road (north of viewpoint Drive)	7,155	502	7,657	7%
Nuckols Crossing Road (south of viewpoint Drive)	5,326	379	5,705	7%

According to Section 25 – 6 – 116 of the Land Development Code, neighborhood residential streets are operating in a desirable manner if the daily volumes do not exceed the following thresholds:

Pavement Width	Vehicles Per Day
Less than 30'	1,200
30' to less than 40'	1,800
40' or wider	4,000

Nuckols Crossing Road measures twenty-five (25) feet in width, and therefore per Section 25 – 6 – 116 of the LDC, mitigation of site traffic is required.

Conclusion and Recommendations

1) At this time, no planned or proposed improvements to Nuckols Crossing Road have been identified. Therefore, staff is unable to support this zoning application and will recommend denial, pursuant to the conditions set forth in LDC – 25 – 6 – 116.

If you have any questions or require additional information, please contact me at (512) 974 – 2208. Thank you.

Scott A. James, P.E., PTOE
Land Use Review Division/Transportation
Development Services Department

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to deny the Applicant's request for multi-family residence-medium density conditional overlay-neighborhood plan (MF-3-CO-NP) district zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Applicant request: The MF-3, Multifamily Residence (Medium Density) district is intended for multifamily developments with a maximum density of up to 36 units per acres located near supporting transportation and commercial facilities. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

Staff recommendation: The single family residence standard lot (SF-2) district is intended for a moderate density single-family residential use on a lot that is a minimum of 5,750 square feet. This district is appropriate for existing single-family neighborhoods having moderate sized lots or to new development of single-family housing areas with minimum land requirements.

2. Public facilities and services should be adequate to serve the set of uses allowed by a rezoning.
3. No change in conditions has occurred within the area indicating there is a basis for changing the originally established zoning.

As outlined in Attachment A, the Neighborhood Traffic Analysis memo identifies that the existing traffic volumes on Nuckols Crossing Road exceed the desirable thresholds established by the Land Development Code (based on pavement width), and the Applicant would be required to provide mitigation of the site traffic associated with the proposed development for access and safety purposes. At this time, the City does not have any planned or proposed improvements to Nuckols Crossing. Without specific details to mitigate the vehicle trips created by the proposed development, Staff does not support the Applicant's requested change to MF-3-CO-NP zoning and recommends maintaining the existing SF-2-NP zoning. Under the existing SF-2-NP zoning, the tract could be subdivided to create single family residential lots by extending a road from Nuckols Crossing.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area is undeveloped and is heavily treed. Slopes on the site range from 582 to 618 feet above sea level and it drains in a south-to-north direction towards Williamson

Creek. Vegetation within the subject site consist of native and invasive woodland species with a thick understory, including American elm, cedar elm, hackberry and Ashe juniper.

Impervious Cover

The maximum impervious cover allowed by MF-3 zoning district would be 65%, which is based on the more restrictive watershed regulations described below.

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 Williamson 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 on this site will be subject to the following impervious cover limits:

Development Classification	*% of Gross Site Area*	*% of Gross Site Area with Transfers*
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.

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

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876.

According to GIS, there are several wetland critical environmental features on the property. The site will be subject to protection of these features per 25-8-281.

According to GIS, there is a critical water quality zone on the property. Only certain types of development are allowed within these areas per 25-8-281 and 25-8-262.

Under current watershed regulations, development 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.

According to GIS it appears that slopes over 15% exist on the property and will be subject to 25-8-301 *[Construction of a Roadway or Driveway]* and 25-8-302 *[Construction of a Building or Parking Area]*.

Site Plan

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

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

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

Compatibility Standards

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

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

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

Transportation

A Neighborhood Traffic Analysis is required for this project. The NTA requires three (3) consecutive 24 hour tube counts, preferably on Tuesday, Wednesday, and Thursday, during a non-holiday week when school is in session.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].

FYI: If the requested zoning is granted, it is recommended that gates be prohibited on all driveways to this site in order to allow for connectivity between the proposed property and the existing neighborhood. This will be considered at the site plan stage.

FYI: If the requested zoning is granted, it is recommended to provide sidewalks along both sides of the private drives, streets, and internal circulation routes connecting to the public right-of-way to improve walkability and connectivity. The sidewalk dimensions shall comply with the Transportation Criteria Manual and shall be constructed in accordance with the latest ADA standards. This will be considered at the site plan stage.

FYI: If the requested zoning is granted, it is recommended that all sidewalks, private drives, streets, and internal circulation routes be provided within public access easements. This will provide vehicular and pedestrian access and connectivity to this site from the surrounding neighborhood. This will be considered at the site plan stage.

FYI: If the requested zoning is granted, it is recommended that the property be limited to one driveway access on Nuckols Crossing Road. This will be considered at the site plan stage.

Water / Wastewater

FYI: 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, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fees once the landowner makes an application for Austin Water utility tap permits.

Southeast Combined Neighborhood Plan Community Meeting Notes

February 13, 2017

Southeast Community Branch Library

7 PM to 8:30 PM

PLAN AMENDMENT CASE NUMBER: NPA-2016-14.10 – 4500 Nuckols Crossing Rd.

ZONING CASE NUMBER: C14-2017-0010

Agents: Ron Thrower and Victoria Haase with Thrower Design

Property Owners: Angelos Angelou and John Sasaridis

City Planner: Kathleen Fox, Senior Planner

Audience Attendees: 39

Ana Aquirre, the Chair of the Southeast Combined Neighborhood Plan Contact Team asked everyone to introduce themselves to the room.

Kathleen Fox, the City of Austin's project manager for this Neighborhood Plan Amendment case explained that applicants were requesting a change to the Future Lane Use Map for the Southeast Combined Neighborhood Plan from Single Family to Multifamily to build a multifamily project. The applicant had also amended their rezoning and neighborhood plan amendment case that morning and were removing the MF-2 portion from the case and asking to rezone the RR zone, to zone MF-3.

Ron Thrower gave presentation on the proposed project, which called for:

- Rezoning approximately 27 acres of the property from RR and SF-2 to MF-3. Mr. Thrower acknowledged the expansion of the boundaries of the flood plain on the property, which had grown over the years. His stated that his clients would also honor the boundaries of the floodplain. The proposal called for the construction of 308 multifamily units, at a density of approximately 11 units per acre, although zone MF-3 would allow up to a density of 36 units per acre. The project concept called for attached and detached one and two bedroom units, which would be two stories tall with garages. No variances were being requested for in this project. He highlighted how this project was near a CapMetro stop; an elementary school; and commercial uses.

Citizen Question/Comment: Would access and associated road improvements being only off Nuckols Crossing Road?

Thrower: Yes

Citizen Question/Comment: How can Nuckols Crossing Road sustain additional traffic, especially when we have no sidewalks? Do your clients intend to not only improve their frontage along Nuckols Crossing Road with a sidewalk and entranceway but further down Nuckols Crossing Road to mitigate the traffic impact of this project?

Thrower: The developer will only improve the frontage along their property according to City regulations. He mentioned that the City of Austin was looking at improving Nuckols Crossing Road in the near future.

Citizen Question/Comment: Why even ask for Multifamily zoning on the wetlands portion of the property?

Thrower: There is more flexibility to design the property if everything just under one zone. The wetland area would also not be touched. They are also not going to get rid of the flood plain or ask for any variances to this development.

Haase: There are city regulations that prohibit anyone from developing in the floodplain area. They will not be developing in the floodplain.

Thrower: He explained that in the past, Zone RR was applied to all property in the flood plain and that flood plains were designated in neighborhood plans as 'Recreation and Open Space' but that was not the case anymore. Only public property is supposed to have that land use designation.

Citizen Question/Comment: An audience member expressed concern that this new development would push water onto surrounding properties.

Thrower: He stated that detention would be provided onsite and that the developer would have to comply with City ordinances regarding water detention.

Citizen Question/Comment: How large is the wetland/flood plain area on the site?

Thrower: Approximately 5 acres.

Citizen Question/Comment: Why is the request to go from MF-2 to MF-3 and not fully using the zoning (entitlements)?

Thrower: He explained that they removed the MF-2 portion from this request and would only be asking for MF-3 zoning on the SF-2 and RR zoned portions of the property.

Citizen Question/Comment: Why zone the property to MF-3 instead of MF-2 if they only wanted 11 units per acre? They stated that 36 units per acre was too much.

Thrower: He said his client might be receptive to agreeing to a conditional overlay to limit the number of units per acre for this project. Also, the 11 units an acre did not include the 5 acres in the flood plain, which meant the buildable portion of the site would have more than 11 units per acre.

Citizen Question/Comment: They are serious concerns with traffic access going on and off this property due to the blind spot along Nuckols Crossing Road; the amount of rush hour traffic; and getting out onto Nuckols Crossing Road from private drives. Traffic issues are difficult now and will only

worsen with traffic coming from an additional 300 plus residential units. They asked the developer to include a dedicated lane going to and from this development so that vehicles would exit/enter directly onto Nuckols Crossing Road.

Citizen Question/Comment: Would the MF-3 zoning also cover the flood plain area?

Thrower: They are seeking MF-3 zoning for the entire site for design purposes. The flood plain area would not have any buildings on it but would be included in the overall density of the site of 11 units per acre (meaning the flood plain area would have no units on it while the buildable portion would have more than 11 units per acre to make up for the 5 acres lost in the floodplain.)

Citizen Question/Comment: A woman explained that she inherited property, which was due north of the subject property and was one of the most beautiful properties in Austin. The area is a nature reserve and she stated that people needed to downsize, and listen to the animals. She said that this town needs something for the kids and a park, and that there are already problems with water runoff in the area. She said money talks but we have voices. It's (the project) too much.

Citizen Question/Comment: Will there be a second exit to allow emergency vehicles to get onto the property besides Nuckols Crossing Road?

Thrower: There will be no second exit.

Citizen Question/Comment: What are the proposed types of units on the property?

Angelou: Approximately 30 percent of the units will be 1 bedroom, 60 percent would be 2 bedroom units, and maybe there will be some three bedroom units. The market rate for this area was $650 to $850 for one bedroom and $950 to $1100 for 2 bedrooms. The asking price for an apartment in this area averaged $978 per unit according to the American Community Survey.

Citizen Question/Comment: Where did you get this data?

Angelou: He stated from a city website and looked it up and it was from the American Community Survey, which is data supplied by the U.S. Census.

Citizen Question/Comment: Would you be willing to put in writing that the detention would be onsite?

Thrower: He said they could do that.

Citizen Question/Comment: What about the issue of affordable housing; is the developer providing any affordable units? That same person reiterated that they wanted to see a certain percentage of the units be designated as affordable units.

Thrower: He stated that they had not discussed an affordable housing component and that many neighborhoods were against affordable housing. He also stated that he could talk more about affordable housing with the neighborhood at the March 13th neighborhood meeting.

Citizen Question/Comment: There is a huge demand three bedroom apartment units and a lot of pressure coming from households in the 30 to 50 MFI. They hoped the developer would consider offering more three bedroom units and consider household affordability for this income bracket and larger families.

Citizen Question/Comment: What is the price point for these units?

Angelou: He stated they were still analyzing this issue. He explained that he wanted to build high quality development in this area of Austin and go beyond the minimum.

Citizen Question/Comment: There is a push not to develop more than 2 bedroom units but now there is a push to develop more units per acre.

Citizen Question/Comment: Will the detention pond be located in the wetlands area?

Thrower: No.

Citizen Question/Comment: Person stated that they hoped they could make this project both beautiful and include affordability (component).

Citizen Question/Comment: How is the project going to be laid out? Where are you going to put the detention pond? We want to see the layout of the project.

Angelou: He stated they had not picked a developer yet or completed a site plan.

Citizen Question/Comment: What are the amenities you are going to have for the children?

Angelou: He stated they had not decided on what amenities to offer at this time.

Citizen Question/Comment: They discussed the beauty of the wetlands. They wanted to know if a conditional overlay would run with the property unless the zone changed. They said they were concerned the developer/owner will get rid of the conditional overlay or change the zoning in the future and wanted a restricted covenant that would run with the land. This man then went over the history of the parcel, the existing apartment complex, a land swap, and switching the zoning from multifamily for this property to enable the existing apartment complex to be rezoned from single family to multifamily.

Angelou: He stated that an environmental feature on his property triggered the restricted covenant.

Citizen Question/Comment: An audience member asked City staff if they had a staff recommendation on this case and to share it with them.

Fox: Ms. Fox explained that the planning department had not discussed this case yet or developed a group recommendation as of yet. The staff recommendation would be a group decision based on the policies taken from the neighborhood plan, and the merits of the case.

Citizen Question/Comment: How many trees will be cut down for this project?

Thrower: They didn't know right now.

Angelou: He stated that most of the trees on the property were cedar trees and small oaks.

PUBLIC HEARING INFORMATION

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

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

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

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

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

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a 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: C14-2017-0010
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: July 25, 2017, Planning Commission

Shanin Naghavi
Your Name (please print)

☒ **I am in favor**
☐ **I object**

NUCKOLS crossing Rd
Your address(es) affected by this application

[signature] 7/21/17
Signature *Date*

Daytime Telephone:_____

Comments:_____

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2017-0010
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: July 25, 2017, Planning Commission

Jose Luis Rodriguez
Your Name (please print)

☐ I am in favor
☑ I object

4910 Manfred Lane
Your address(es) affected by this application

Signature

July 24, 2017
Date

Daytime Telephone: 512-656-0789

Comments: Increase in traffic, St. Elmo is not a street for large trucks & cannot be changed. Location is to set back, access to the area is limited. There are already 3 apartment complexes in the area. There is a creek nearby that helps in the flow of water, thus helping in flood control.

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Planning & Zoning Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2017-0010
Contact: Wendy Rhoades, 512-974-7719
Public Hearings: November 14, 2017, Planning Commission
December 14, 2017, City Council

Jose L. Rodriguez
Your Name (please print)

☐ I am in favor
☒ I object

4910 Maufrais lane
Your address(es) affected by this application

Signature 11/08/2017 *Date*

Daytime Telephone: 512-656-0783

Comments: ① St. Elmo on Knucklas Crossing are not equipped to handle the volumn of Traffic ② There are already 3 Apartment complex in the area. ③ clearing out the land would cause flooding to the nearby Creek. ④ The way the property is situated, there would only be one way in and one way out. ⑤ Access to property is too close to a curve & hill causing traffic congestion or accidents.

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Planning & Zoning Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2017-0010
Contact: Wendy Rhoades, 512-974-7719
Public Hearings: November 14, 2017, Planning Commission
December 14, 2017, City Council

Your Name (please print)

ANITA M Werbner

☐ I am in favor
☒ I object

Your address(es) affected by this application

4600 Nuckols Crossing Rd apt 3205

Signature Anita M. Werbner *Date* 11/9/17

Daytime Telephone: 512-426-9056

Comments: I object to the multi unit apartments. It will mean more traffic on Nuckols Crossing. There is a need for sidewalks - we already have an area around planned units. Also it will mean more nails littered on the street which will cause many flat tires. I wanted a commercial bldg outside - like a Walgreens or CVS.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Zoning Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

RE: Plan Amendments File Number: NPA-2016-0014.01
Zoning Case Number: C14-2017-0010

Members of the City of Austin Planning Commission:

The Kensington Park Neighborhood Association opposes the proposed amendment to the SE Combined Neighborhood Plan from SF-2-NP to MF-3, as well as the accompanying requested zoning change.

This is an attempt by the owner to nullify all the hard work and input from citizens to the city in devising the SE Combined Plan. In that effort, the special environmental character of this little piece of Austin was recognized and zoning was subsequently limited to low density development and minimum traffic to provide protection of the fragile ecosystem of springs and creeks in the immediate area.

We note that **the current owner was the owner back when the SE Neighborhood Plan was developed and the current zoning put in place**. The owner raised **no objections** at that time. If there were concerns, they should have been brought forward then.

In line with the SE Combined Neighborhood Plan objectives and protections, we raise two specific concerns:

1. The change to higher density MF-3 zoning will adversely affect sensitive environmental features and add to the already tangled traffic of our SE Austin area.

The portion of E. St. Elmo between Knuckols Crossing and Todd Lane cannot be widened without lasting detrimental effects on the springs and wetlands along that roadway. City has long recognized the special character of this section of E. St. Elmo.

Increased traffic would therefore likely flow down Nuckols Crossing to Pleasant Valley Road, a major arterial. Such traffic would have a profound and undesireable effect on the los Arboles neighborhood and adjacent residential areas, which already suffer significant traffic congestion problems.

2. There is a **large critical environmental feature setback** that cuts across the entire width of this tract, rendering the back (western) part of this property effectively inaccessible by street or road.

At SCNPCT meetings with Thrower Design (the agent), Kensington Park homeowner Jack Howison has repeatedly asked the developer the question of how they plan to deal with this issue. That request has been just as repeatedly ignored!

Members of the City of Austin Planning Commission: **Neighborhood Plans should not be changed without good and compelling reasons.** We see no such compelling reasons for a change in the Plan or zoning for this tract ----- Other than to improve its marketability.

Kensington Park consequently stands in **opposition** to any such changes.

Respectfully,

M. L. Sloan
President
Kensington Park Homeowners Association

February 20, 2018

Stephen Oliver, Chair
Planning Commission Members
Planning Commission
City of Austin

RE: Neighborhood Plan Amendment Case Number: NPA-2016-0014.01
Application for Rezoning Case Number: C14-2017-0010

Dear Commissioner Oliver and Planning Commissioners:

The Southeast Combined Neighborhood Plan Contact Team (SCNPCT) has a history of supporting responsible development. Our Future Land Use Map (FLUM) area consists of single-family, multifamily, mixed use, commercial, office, civic, warehouse/limited office, and industry zones. With Austin Bergstrom International Airport (ABIA) being so close, we also have to consider the Airport Overlay.

With this in mind, the SCNPCT met on Monday, February 12, 2018, to hear a presentation on the two following requests pertaining to the property located at 4500 Nuckols Crossing: 1) Neighborhood Plan Amendment to change the land use designation on the FLUM from single-family to multifamily land use; and 2) Rezoning from single family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning. The SCNPCT took into consideration input from neighborhood associations representing residents immediately adjacent or across the street from the property as well as residents who use and are familiar with public safety (traffic and pedestrian) concerns on Nuckols Crossing. City staff was invited and also present. Staff reported the traffic report analysis memo was still being worked on, but was not ready and would be issued by Wednesday, Feb. 21st.

With a quorum present, and based on the information provided, the SCNPCT membership voted to oppose the applicant's requests to amend the Neighborhood Plan and change the zoning from SF-2 to MF-3. The oppositions for the requests are based on the following concerns voiced by the SCNPCT membership:

- Public Safety Concerns
- Traffic Concerns
- Pedestrian Concerns
- Environmental Concerns
- Flooding Concerns

The membership's primary concerns are based on the current substandard road infrastructure provided to residents who use Nuckols Crossing. It certainly will get much worse if the NP amendment and zoning changes are approved considering the additional vehicle trips resulting from the proposed additional housing units. We respectfully request the Planning Commission not approve the neighborhood plan amendment and zoning change requests unless the community's public safety concerns are addressed. We hope to have the opportunity to review the traffic report and the staff's recommendation as it relates to the public's safety. Although we were not provided a copy of the completed Environmental Resource Inventory Study, the additional critical environmental features discovered, are a secondary concern.

Respectfully submitted,

Ana Aguirre, Chair
Southeast Combined Neighborhood Plan Contact Team (SCNPCT)

CC: Maureen Meredith, Planning and Zoning Department
Wendy Rhoades, Planning and Zoning Department