

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2017-0010.SH – Nuckols Crossing Road  
Rezoning – SMART Housing

**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  
May 22, 2018  
June 12, 2018  
July 24, 2018  
August 28, 2018  
October 9, 2018  
November 13, 2018  
December 11, 2018  
May 28, 2019  
June 25, 2019  
July 23, 2019  
September 10, 2019  
February 25, 2020  
April 14, 2020  
May 26, 2020  
July 14, 2020

**ADDRESS:** 4400 Nuckols Crossing Road

**DISTRICT AREA:** 2

**OWNERS:** Angelos Angelou and John Sasaridis

**APPLICANT:** McDowell Housing Partners  
(Ariana Brendle)

**AGENT:** Thrower Design  
(Ron Thrower)

**ZONING FROM:** SF-2-NP

**TO:** MF-4-NP, as amended

**AREA:** 9.978 acres

**NEIGHBORHOOD PLANNING AREA:** Southeast Combined (Franklin Park)

**SUMMARY STAFF RECOMMENDATION (*Revised on June 29, 2020*):**

The Staff recommendation is to grant multifamily residence – low density – neighborhood plan (MF-2-NP) combining district zoning.

The Restrictive Covenant includes all recommendations listed in the Neighborhood Traffic Analysis memo, dated June 16, 2020, as provided in Attachment A.

**PLANNING COMMISSION RECOMMENDATION:**

July 25, 2017: *APPROVED AN INDEFINITE POSTPONEMENT REQUEST BY THE APPLICANT*

*[J. SHIEH, P. SEEGER – 2<sup>ND</sup>] (12-0) N. ZARAGOZA – ABSENT*

November 14, 2017: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO DECEMBER 12, 2017*

*[J. SHIEH, P. SEEGER – 2<sup>ND</sup>] (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 – 2<sup>ND</sup>] (13-0)*

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

*[P. SEEGER; A. DE HOYOS HART – 2<sup>ND</sup>] (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 – 2<sup>ND</sup>] (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 – 2<sup>ND</sup>] (12-0) J. THOMPSON – ABSENT*

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

*[T. WHITE; P. SEEGER – 2<sup>ND</sup>] (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 – 2<sup>ND</sup>] (12-0) P. SEEGER – ABSENT*

April 10, 2018: *APPROVED A POSTPONEMENT TO MAY 22, 2018; PUBLIC HEARING REMAINS OPEN*

*[G. ANDERSON; J. SCHISSLER – 2<sup>ND</sup>] (7-4) CHAIR OLIVER AND COMMISSIONERS MCGRAW, SEEGER AND SHAW VOTED NAY; A. DE HOYOS HART – LEFT EARLY; T. WHITE – ABSENT*

May 22, 2018: *APPROVED A POSTPONEMENT TO JUNE 12, 2018, BY CONSENT*  
*[P. SEEGER; J. SCHISSLER – 2<sup>ND</sup>] (13-0)*

June 12, 2018: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO JULY 24, 2018*  
*[J. SCHISSLER; J. SHIEH – 2<sup>ND</sup>] (12-0) C. KENNY – ABSENT*

July 24, 2018: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO AUGUST 28, 2018*  
*[D. ANDERSON; A. DE HOYOS HART – 2<sup>ND</sup>] (8-0) J. SHIEH, F. KAZI, J. THOMPSON, T. WHITE – ABSENT; ONE VACANCY ON THE COMMISSION*

August 28, 2018: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO OCTOBER 9, 2018*  
*[J. SCHISSLER, C. KENNY – 2<sup>ND</sup>] (12-0) 1 VACANCY ON THE COMMISSION*

October 9, 2018: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO NOVEMBER 13, 2018*  
*[P. SEEGER; K. MCGRAW – 2<sup>ND</sup>] (10-0) J. SHIEH, T. WITTE – ABSENT; 1 VACANCY ON THE COMMISSION*

November 13, 2018: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO DECEMBER 11, 2018*  
*[P. SEEGER, R. SCHNEIDER – 2<sup>ND</sup>] (12-0) A. DE HOYOS HART – ABSENT*

December 11, 2018: *APPROVED AN INDEFINITE POSTPONEMENT REQUEST BY THE STAFF*  
*[K. MCGRAW; F. KAZI – 2<sup>ND</sup>] (11-0) Y. FLORES, C. KENNY – ABSENT*

May 28, 2019: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO JUNE 25, 2019*  
*[J. SHIEH; P. HOWARD – 2<sup>ND</sup>] (12-0) K. MCGRAW – ABSENT*

June 25, 2019: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO JULY 23, 2019*  
*[P. HOWARD; C. KENNY – 2<sup>ND</sup>] (11-0) P. SEEGER; J. SHIEH – ABSENT*

July 23, 2019: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO AUGUST 27, 2019*  
*[P. SEEGER; A. AZHAR – 2<sup>ND</sup>] (10-0) R. SCHNEIDER, T. SHAW, J. THOMPSON – ABSENT*

September 10, 2019: *APPROVED AN INDEFINITE POSTPONEMENT REQUEST BY STAFF*  
*[J. THOMPSON; J. SHIEH – 2<sup>ND</sup>] (10-0) T. SHAW – NOT PRESENT FOR PASSAGE OF THE CONSENT AGENDA; R. SCHNEIDER, P. SEEGER – ABSENT*

February 25, 2020: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO APRIL 14, 2020*

*[R. SCHNEIDER; C. KENNY – 2<sup>ND</sup>] (12-0) J. SHIEH – ABSENT*

April 14, 2020: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO MAY 26, 2020*

*[R. SCHNEIDER; C. KENNY – 2<sup>ND</sup>] (12-0) C. LLANES PULIDO – ABSENT*

May 26, 2020: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO JULY 14, 2020*

*[C. HEMPEL; R. SCHNEIDER – 2<sup>ND</sup>] (12-0) C. LLANES PULIDO – NOT PRESENT  
FOR PASSAGE OF THE CONSENT AGENDA*

July 14, 2020:

### **ISSUES:**

The Applicant wishes to discuss the Staff recommendation.

The Kensington Park Homeowners Association is opposed to the proposed rezoning. Please refer to attached correspondence located at the back of this packet.

#### *Amendments to the Rezoning Application*

On February 10, 2020, the application was amended for a second time to change the rezoning request from MF-3-CO-NP to MF-4-NP and increase the rezoning area from 9.978 acres to 16.721 acres. This amendment added a 6.615 acre SF-2-CO-NP zoned tract to the north under a different ownership. An amended Notice of Filing was mailed out for the revised area. On May 19, 2020, the Applicant removed the north 6.615 acre tract from the rezoning area, returning it to 9.978 acres.

This rezoning case has been approved to participate in the City's S.M.A.R.T. (Safe, Mixed-Income, Accessible, Reasonably-priced, Transit-Oriented) Housing expedited review program. ***Please refer to Attachment B.***

#### *Staff Meetings with the Applicant, Contact Team and Neighborhood Representatives*

On July 8, 2020, PAZ Staff hosted a virtual meeting with the Applicant, Agent, members of the Contact Team, neighborhood representatives, and the Austin Transportation Department. The purpose of the meeting was to relay the basis for changing Staff's recommendation of denial that was presented to Planning Commission on April 10, 2018. Staff was previously unable to recommend the Applicant's request for MF-3-CO-NP based on traffic safety concerns, and recommended maintaining the existing SF-2-NP zoning.

On June 6, 2018, the property owners, Applicant, neighborhood representatives and Staff from the Austin Transportation Department and the Planning and Zoning Department attended a meeting to discuss vehicular access to the site. The need for a follow-up meeting was discussed and planned to occur after the Applicant pursued safer access option to

Nuckols Crossing Road through consultation with a traffic engineer and Staff reviewed the engineer's work. This work took approximately two years to complete.

Staff has also looked into the possibility of taking access from this tract through the adjacent multi-family development to the west that has frontage on St. Elmo Road and Pleasant Valley Road. Driveway access to the tract addressed as 4400 Nuckols Crossing could occur to South Pleasant Valley Rd via the adjacent tracts (owned by Smith County Affordable Housing Ltd as well as Pleasant Valley Courtyards Housing LP). Since the driveway would serve the proposed multifamily development, it would require rezoning from SF-2-NP and RR-CO-NP to MF-2-NP and a related NPA application to change the FLUM to multifamily. Extending a driveway to South Pleasant Valley Road would likely encounter development constraints due to a number of documented environmental features, as shown in the ***Environmental Resource Inventory Map provided in Attachment B.***

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 Development Services Department transportation staff in attendance. The Contact Team, the Dove Springs Proud association and the Los Arboles Homeowners Association have provided correspondence in opposition to the rezoning and related Neighborhood Plan Amendment requests. Please refer to the correspondence attached at the back of this report.

#### **DEPARTMENT COMMENTS:**

The subject undeveloped tract is located on Nuckols Crossing Road, a neighborhood collector, 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 springs 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), A-1 (Aerial View) and A-2 (Environmental Resource Inventory Map dated January 2018).***

The Applicant proposes to rezone the property to the multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) district and develop it with up to 180 apartment units. The proposed density is approximately 18.03 units per acre. Under the MF-4-NP base district, the maximum floor-to-area ratio is 0.75 to 1 and the maximum height is 60 feet.

An initial look at the zoning map 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. 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). The Applicant has worked with Austin Transportation Department (ATD) engineering staff to identify a driveway location that satisfies minimum site distance requirements and is acceptable for vehicle safety and operations. In addition, ATD also requires dedicated right-turn and left-turn lanes into the site and the Applicant has secured preliminary approval for a conceptual design of the turn lanes. Finally, ATD recommends exploring additional improvements at the time of subdivision construction or site plan: reconstruction of Nuckols Crossing to urban standards with curb and gutter, bicycle facilities and sidewalks.

Staff recognizes the challenges in developing the site given the environmental and transportation-related constraints, and with the updated Neighborhood Traffic Analysis, offers an alternate recommendation of multifamily residence-low density-neighborhood plan (MF-2-NP) which has a maximum density of 23 units per acre. The Staff recommendation is based on the zoning patterns in the area, including adjacent SF-2 base district properties to the north and across Nuckols Crossing Road to the east, and the MF-2-CO-NP zoned property with apartments to the south.

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:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-2-NP	Undeveloped
<i>North</i>	SF-2-CO-NP	Single family residences on large lots
<i>South</i>	MF-2-CO-NP; SF-2-NP	Apartments; Undeveloped
<i>East</i>	SF-2-NP	Undeveloped; Single family residences in the Los Arboles community
<i>West</i>	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 – Suburban

**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 E St. Elmo Rd	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. Exceptions include utility crossings, hike & bike trails, driveway crossings and roadway crossings	Apvd as Commission recommended (6-05-2003; 7-17-2003; 10-02-2003).
C14-02-0155.SH – Pleasant Valley	RR-NP; LO-NP; CS-NP to	To Grant MF-3-CO-NP w/CO for max. 163 units	Apvd RR-NP and MF-3-CO-NP. The CO



NUMBER	REQUEST	COMMISSION	CITY COUNCIL
Courtyards (SMART Housing) – 4503-4511 E St. Elmo Rd.	MF-3-CO-NP	and 2,000 trips/day, and requiring setbacks from creek centerlines.	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 first 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 and updated between February 25 – February 27, 2020.

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.

<b><u>CITY COUNCIL DATE:</u></b>	December 14, 2017	<b><u>ACTION:</u></b> 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	Approved a Postponement request by Staff to May 24, 2018 (6-0, Mayor Adler, Mayor Pro Tem Tovo, and Council Members Garza and Troxclair were off the dais).
	May 24, 2018	Approved a Postponement request by Staff to June 28, 2018 (10-0, Council Member Troxclair – off the dais).

June 28, 2018	Approved a Postponement request by Staff to August 23, 2018 (11-0).
August 23, 2018	Approved a Postponement request by Staff to October 18, 2018 (11-0).
October 18, 2018	Approved a Postponement request by Staff to December 13, 2018 (10-0, Council Member Pool was off the dais).
December 13, 2018	Approved an Indefinite Postponement request by Staff (9-0, Mayor Adler, Council Member Renteria were off the dais).
June 20, 2019	Approved a Postponement request by Staff to August 8, 2019 (11-0).
August 8, 2019	Approved a Postponement request by Staff to October 3, 2019 (11-0).
October 3, 2019	Approved an Indefinite Postponement request by Staff (10-0, Council Member Harper-Madison was off the dais).
March 26, 2020	Approved a Postponement request by Staff to May 21, 2020 (11-0).
May 21, 2020	Approved a Postponement request by Staff to June 11, 2020 (11-0).
June 11, 2020	Approved a Postponement request by Staff to July 30, 2020 (11-0).
July 30, 2020	

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

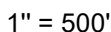
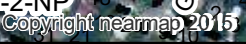
**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)

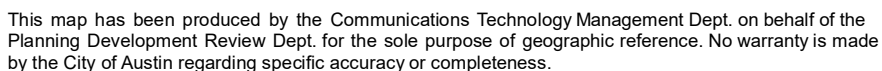
**PHONE:** 512-974-7719



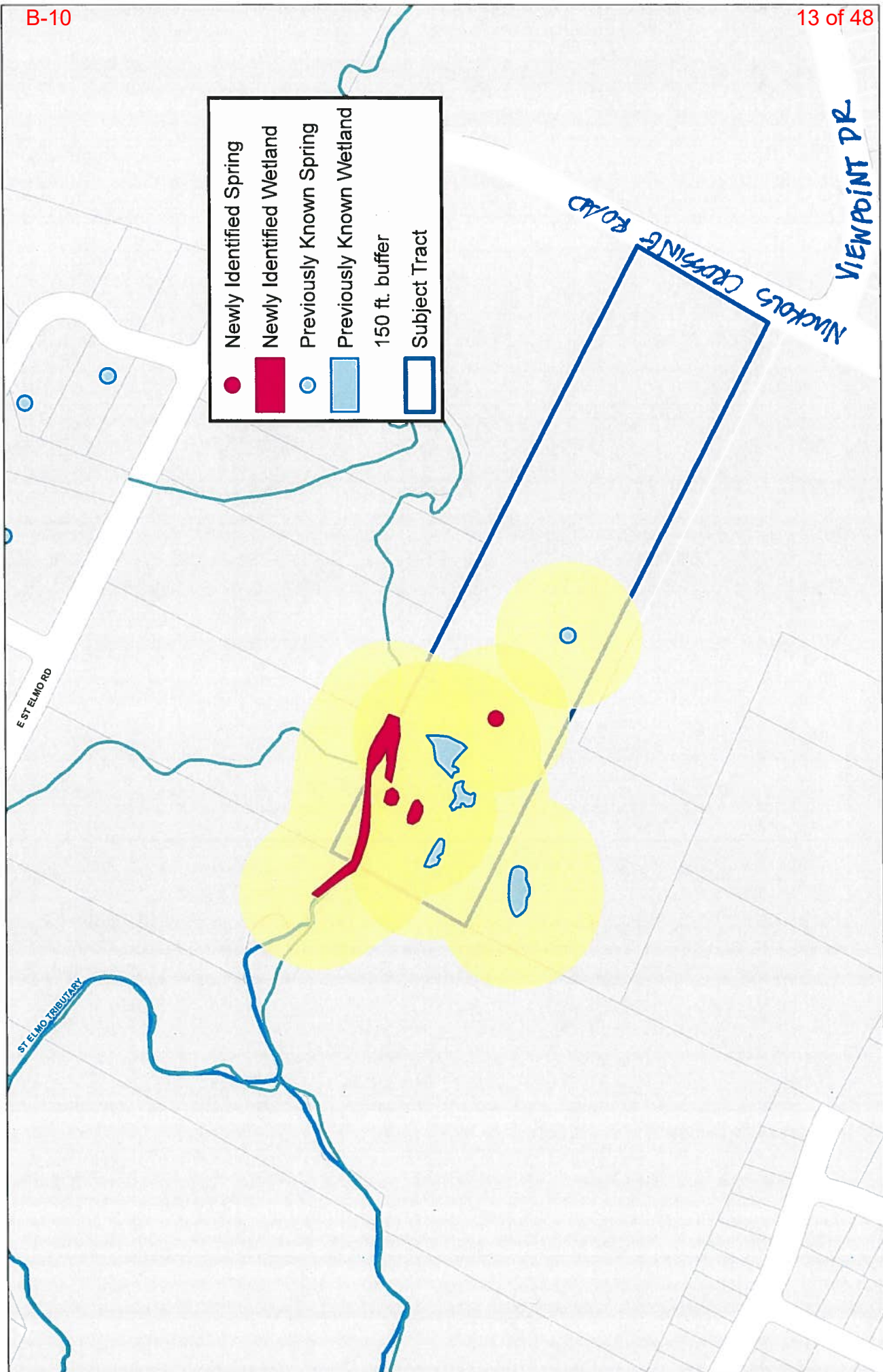




ZONING CASE#: C14-2017-0010.SH  
LOCATION: 4400 NUCKOLS CROSSING RD.  
SUBJECT AREA: 9.978 Acres  
GRID: J16  
MANAGER: Wendy Rhoades










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## MEMORANDUM

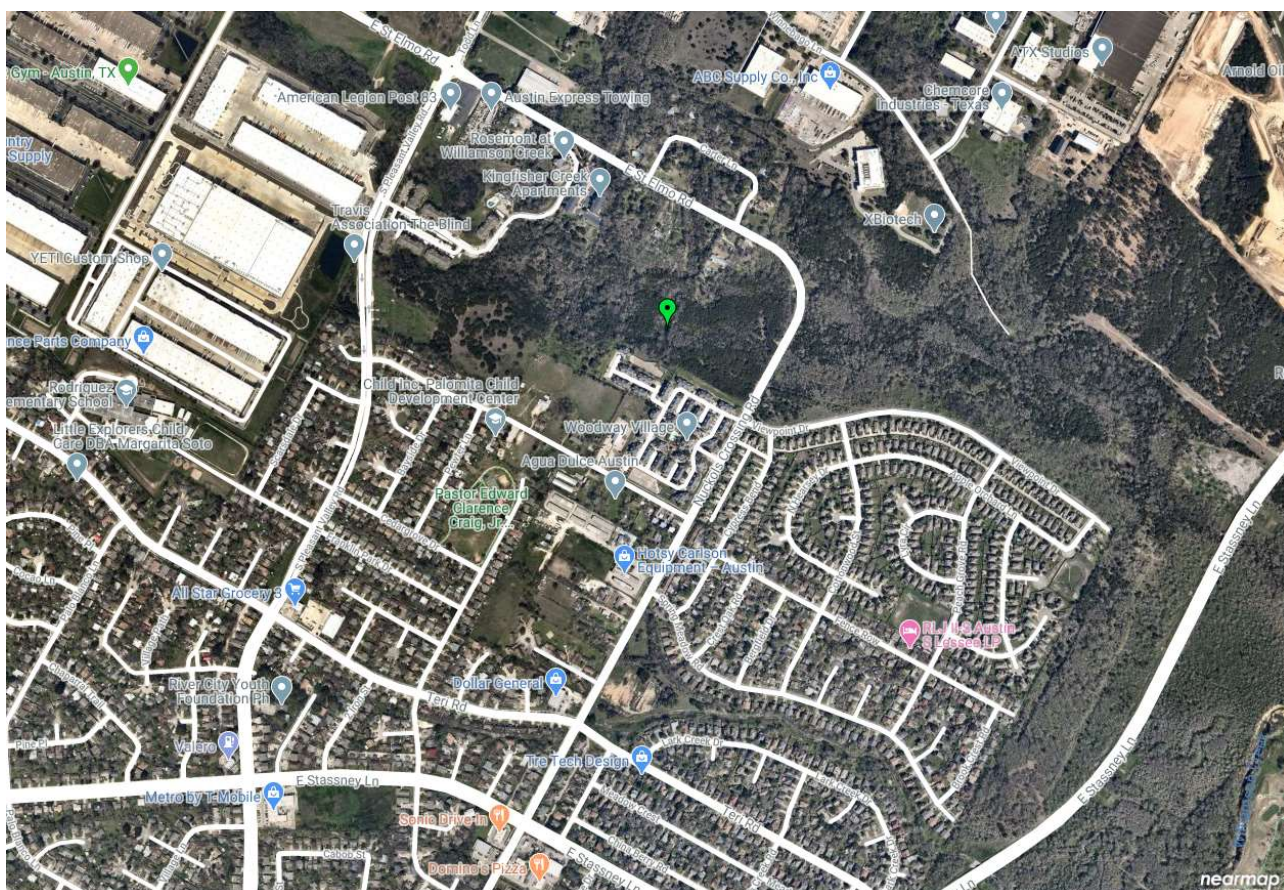
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**To:** Wendy Rhoades, Case Manager  
**CC:** Victoria Haase; Dan Hennessey, P.E.; Curtis Beaty, P.E.; Amber Mitchell  
**FROM:** Justin Good, P.E.  
**DATE:** June 16, 2020  
**SUBJECT:** Neighborhood Traffic Analysis for 4400 Nuckols Crossing  
 Zoning Case # C14-2017-0010.SH

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The Transportation Development Services (TDS) division has performed a Neighborhood Traffic Analysis (NTA) for the above referenced case and offers the following comments.

The 9.97-acre tract is located in south Austin at 4400 Nuckols Crossing Road (see below). The site is currently zoned SF-2-CO-NP and the zoning request is for MF-4-NP.





### **Roadways**

The tract proposes access to Nuckols Crossing Road (named East St Elmo Road to the north), which is classified as a collector and currently has 70 feet of right-of-way with 28 feet of pavement. Nuckols Crossing Road has two travel lanes and is lacking curb and gutter, bicycle facilities, and sidewalks. The average 24-hour count traffic volume was 8,978 vehicles per day just east of the Todd Lane/St Elmo Road intersection and 5,951 vehicles per day just north of the Nuckols Crossing Road/Stassney Lane intersection. Traffic counts were collected from February 25, 2020 to February 27, 2020.

### **Trip Generation and Traffic Analysis**

This zoning case assumes 180 mid-rise multifamily dwelling units (ITE Code 221). Based on the Institute of Transportation Engineer's Trip Generation Manual, 10<sup>th</sup> Edition, the proposed development will generate 979 vehicle trips per day. See Table 1 for a detailed breakdown of the trip generation.

<b>Table 1 - Trip Generation</b>		
<b>Land Use</b>	<b>Size</b>	<b>Unadjusted Trip Generation</b>
Residential (Mid-Rise Multifamily Housing)	180 DU	979
<b>TOTAL</b>		<b>979</b>

Table 2 provides the expected distribution of the site trips to the north and south.

<b>Table 2 - Trip Distribution</b>	
<b>Intersection</b>	<b>Traffic Distribution by Percent</b>
Todd Lane/East St Elmo Road	60%
Nuckols Crossing Road/East Stassney Lane	40%

Table 3 represents a breakdown of traffic on Nuckols Crossing Road: existing traffic, proposed site traffic, total traffic after development, and percentage increase in traffic.

<b>Table 3 - Traffic Summary</b>				
<b>Intersection</b>	<b>Existing Traffic (vpd)</b>	<b>Proposed New Site Traffic to Roadway</b>	<b>Overall Traffic</b>	<b>Percentage Increase in Traffic</b>
Todd Lane/East St Elmo Road	8,978	587	9,565	6.5%
Nuckols Crossing Road/East Stassney Lane	5,951	392	6,343	6.6%

According to Section 25-6-116 of the Land Development Code, streets which have pavement width less than 30 feet are considered to be operating at an undesirable traffic level if the average daily traffic volume for such roadway exceeds 1,200 vehicles per day. Nuckols Crossing Road is currently operating at an undesirable level and will continue to do so with the addition of site traffic.



**Recommendations/Conclusions**

1. The horizontal and vertical alignment of Nuckols Crossing Road near the subject tract presents several safety issues related to sight distance. The applicant has coordinated with ATD to identify a driveway location that is acceptable for vehicle safety and operations. Should the driveway location change, further review will be required to ensure that it still meets sight distance and other safety requirements.
2. Although the driveway location satisfies minimum sight distance requirements, the addition of another driveway in this area introduces speed differentials that could cause unsafe conditions. To ensure the safety of both existing drivers on Nuckols Crossing Road and new motorists entering the proposed development, ATD will require dedicated right-turn and left-turn lanes into the site. The applicant has coordinated with ATD regarding the conceptual design of these turn lanes and has received preliminary approval; final design and approval shall be deferred to site plan with ongoing coordination with ATD.
3. To improve vehicular safety near this development and encourage pedestrian connectivity in the area, it is recommended that the following improvements be explored at the time of subdivision construction or site plan: reconstruction of Nuckols Crossing Road to urban standards with curb and gutter, construction of all ages and abilities bicycle facilities, and construction of sidewalks. Additional mitigations or improvements may be required.
4. The City Council may deny an application if the neighborhood traffic analysis demonstrates that the traffic generated by the project combined with existing traffic exceeds the desirable operating level established on a residential local or collector street in the neighborhood traffic analysis study area.

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If you have any questions or require additional information, please contact me at 974-1449.



Justin Good, P.E.  
Transportation Development Engineer – Lead: South  
Austin Transportation Department



## City of Austin

P.O. Box 1088, Austin, TX 78767  
[www.cityofaustin.org/housing](http://www.cityofaustin.org/housing)

### Neighborhood Housing and Community Development Department

June 29, 2020 (Revision to letter dated February 4, 2020)

#### S.M.A.R.T. Housing Certification

#### McDowell Housing Partners – City Heights – (Project ID 655)

TO WHOM IT MAY CONCERN:

McDowell Housing Partners (development contact: Ariana Brendle: (o) 786-257-2793; [abrendle@mcdhousing.com](mailto:abrendle@mcdhousing.com)) is planning to develop the City Heights, a **179-unit multi-family** development at approximately 4400 Nuckols Crossing Road, Austin TX 78744. The project is subject to a minimum 5-year affordability period after issuance of certificate of occupancy, unless project funding requirements are longer.

**This revision changes the total unit count from 152– 200 to 179 units and the unit mix to the updated numbers below.**

The applicant has submitted evidence of contacting the Southeast Combined Neighborhood Plan Contact Team advising them of their project. The applicant has indicated they will address any legitimate concerns of the neighborhood residents.

This project is located more than one-half mile walking distance from a local public transit route and has received a Transit Oriented Waiver since the applicant/developer is applying for Low Income Housing Tax Credits. (See Attachment 1)

Neighborhood Housing and Community Development (NHCD) certifies the proposed project meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since **100%** of the units will serve households at or below **80% MFI**, the development will be eligible for 100% waiver of fees listed in Land Development Code, Chapter 25-1-704, as amended or other fees waived under a separate ordinance. The unit mix is as follows: **6%** of the units (**10** units) will serve households at or below **30%** Median Family Income (MFI); **61%** of the units (**110** units) will serve households at or below **50%** MFI; **33%** of the units (**59** units) will serve households at or below **80%** MFI. The expected fee waivers include, but are not limited to, the following fees:

AWU Capital Recovery Fees  
 Building Permit  
 Concrete Permit  
 Electrical Permit  
 Mechanical Permit  
 Plumbing Permit  
 Site Plan Review

Misc. Site Plan Fee  
 Construction Inspection  
 Subdivision Plan Review  
 Misc. Subdivision Fee  
 Zoning Verification  
 Land Status Determination  
 Building Plan Review

Parkland  
 Dedication (*by separate ordinance*)  
 Neighborhood Plan  
 Amendment Fee

**Attachment B**

**Prior to issuance of building permits and starting construction, the developer must:**

- ◆ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Contact Austin Energy Green Building: 512-482-5300 or [greenbuilding@austinenergy.com](mailto:greenbuilding@austinenergy.com)).
- ◆ Submit plans demonstrating compliance with the required accessibility or visitability standards.

**Before a Certificate of Occupancy will be granted, the development must:**

- ◆ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy).
- ◆ Pass a final inspection to certify that the required accessibility or visitability standards have been met.
- ◆ An administrative hold will be placed on the building permit, until the following items have been completed: 1) the number of affordable units have been finalized and evidenced through a sealed letter from project architect and/or engineer, 2) a Restrictive Covenant stating the affordability requirements and terms has been filed for record at the Travis County Clerk Office.

The applicant must demonstrate compliance with S.M.A.R.T. Housing standards after the after the certificate of occupancy has been issued or repay the City of Austin, in full, the fees waived for this S.M.A.R.T. Housing certification.

Please contact me by phone 512.974.2108 or by email at [alex.radtke@austintexas.gov](mailto:alex.radtke@austintexas.gov) if you need additional information.

Sincerely,



Alex Radtke, Senior Planner  
Neighborhood Housing and Community Development

Cc: Kristin Martinez, AE

Ellis Morgan, NHCD

Jonathan Orenstein, AWU

Mashell Smith, ORS

**SUMMARY STAFF RECOMMENDATION (Revised on June 29, 2020):**

The Staff recommendation is to grant multifamily residence – low density – neighborhood plan (MF-2-NP) combining district zoning.

The Restrictive Covenant includes all recommendations listed in the Neighborhood Traffic Analysis memo, dated June 16, 2020, as provided in Attachment A.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

*Applicant request (as amended):* The MF-4, Multifamily Residence (Moderate-High Density) district is intended for multifamily developments with a maximum density of 36 to 54 units per acre, depending on unit size. This district 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. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

*Staff recommendation:* The MF-2, Multifamily Residence (Low Density) district is intended for multifamily developments with a maximum density of up to 23 units per acre, dependent on unit size. This district is appropriate for multifamily residential areas near single family neighborhoods, and in selected areas where low density multifamily use is desirable. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

- 2. Zoning changes should promote compatibility with adjacent and nearby uses.*  
*3. Zoning should allow for reasonable use of the property.*

An initial look at the zoning map 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. 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). The Applicant has worked with Austin Transportation Department (ATD) engineering staff to identify a driveway location that satisfies minimum site distance requirements and is acceptable for vehicle safety and operations. In addition, ATD also requires dedicated right-turn and left-turn lanes into the site and the Applicant has secured preliminary approval for a conceptual design of the turn lanes. Finally, ATD recommends exploring additional improvements at the time of subdivision construction or site plan: reconstruction of Nuckols Crossing to urban standards with curb and gutter, bicycle facilities and sidewalks.

Staff recognizes the challenges in developing the site given the environmental and transportation-related constraints, and with the updated Neighborhood Traffic Analysis, offers an alternate recommendation of multifamily residence-low density-neighborhood plan (MF-2-NP) which has a maximum density of 23 units per acre. The Staff recommendation is based on the zoning patterns in the area, including adjacent SF-2 base district properties to the north and across Nuckols Crossing Road to the east, and the MF-2-CO-NP zoned property with apartments to the south.

## **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 the *MF-4 and MF-2 zoning districts* is 60%, which is based on the more restrictive *watershed* regulations.

### **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:

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

Commercial	80%	90%
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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. He 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 13<sup>th</sup> 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](http://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**

Shahin Naghawi  
Your Name (please print)

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

[Signature] 7/2/11  
Signature Date

☒ I am in favor  
☐ I object

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 Maunula Lane  
Your address(es) affected by this application

[Signature]  
Signature

July 24, 2017  
Date

Daytime Telephone: 512-656-0783

Comments: Increase in traffic, St. Elmo is not  
a street for large trucks & cannot be  
changed. Location is so 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.

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



## PUBLIC HEARING INFORMATION

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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 Hearings: November 14, 2017, Planning Commission

December 14, 2017, City Council

José L. Rodriguez  
 Your Name (please print)

☐ I am in favor  
☒ I object

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

[Signature]  
 Signature

11/08/2017  
 Date

Daytime Telephone: 512-656-0783

Comments: ① St Elmo on Knuckles Crossing are not equipped to handle the volume 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.

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

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 Hearings: November 14, 2017, Planning Commission  
December 14, 2017, City Council**

Your Name (please print)

ANITA M. Westbner

☐ I am in favor  
☒ I object

Your address(es) affected by this application

4600 Nuckols Crossing Rd apt 2205 11/9/17  
Signature Anita M. Westbner Date

Daytime Telephone: 512-424-9056

Comments: I object to the multi unit  
apartments. It will mean more  
traffic on Nuckols Crossing there is  
a need for sidewalks - no sidewalks  
on new arrival, planned units - also it  
will mean more trucks littered on the  
street which will cause many flat  
tires. I wanted a commercial bldg  
at site - 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

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.

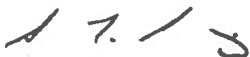
With this in mind, the SCNPCT met on Monday, February 12, 2018, to hear a presentation on the two following requests pertaining to the property located at 4500 Nuckols Crossing: 1) Neighborhood Plan Amendment to change the land use designation on the FLUM from single-family to multifamily land use; and 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. 21<sup>st</sup>.

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





## Dove Springs Proud

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April 10, 2018

To City Planning Commission:

Dove Springs Proud (DSP) is pleased to submit this letter to support our Southeast Combined Neighborhood Plan Contact Team (SCNPCT) opposition to the Case # C14-2017-0010 to change zoning from SF-2 to MF-3. We oppose this due to our concerns Public Safety, Traffic, Pedestrian, Environmental, and Flooding.

DSP is a recognized City of Austin Civic group #1441, Travis County #2014131628 and holds a IRS EIN with the sole mission to support the youth and residents of 78744. Our 500 members include residents and alumni as well as:

- Community Chairs/Presidents-Dove Springs Recreation Advisory Board, Southside Sunday, SCNPCT
- Non-Profit Executive Directors- Impact Now Dove Springs, GAVA
- City of Austin Advisory Commissioners-Community Development, Asian American Quality of Life, Hispanic/Latino Quality of Life Resource, Zero Waster
- Pastors-Teri Road Baptist, 1<sup>st</sup> Independent Baptist, Springs Community
- AISD Advisory Board member-Boundary Committee, Budget and Finance
- PTA Presidents/VP, Teachers & Principals-Mendez, Perez, Widen, Langford, Blazier, Houston, Rodriguez, Hillcrest, Smith, REAL Learning Academy, KIPP, IDEA, Harmony,

Thank you for your time and consideration. We look forward to hearing your thoughts on addressing our concerns. Should you have any questions please contact us at [dovespringsproud@yahoo.com](mailto:dovespringsproud@yahoo.com).

Sincerely,

*Ricardo Zavala*

Ricardo Zavala DSP President

**Rhoades, Wendy**

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**From:** Anna Searles <[REDACTED]@austinguard.com>  
**Sent:** Thursday, July 19, 2018 11:05 AM  
**To:** Rhoades, Wendy  
**Cc:** Lee Sloan; Laurel Francel; Jack Howison; Sebastian Miles; Ana Aguirre  
**Subject:** Re. 4500 Nukols Crossing rezoning case

**TO WHOM IT MAY CONCERN**

I, along with my neighbors are deeply CONCERNED about this proposed aggressive violation of the Barton Springs area equivalent in this less affluent area of East Austin.

Many of us have spent years doing everything in our power to to do the right thing to preserve and protect this biologically diverse and multiple Springs-fed region of our City.

Lee Leffingwell himself walked through this area with me before he became Mayor and declared it biologically sensitive.

From inadequate infrastructure, to a multitude of sensitive environmental features, to health and overcrowding this project is inappropriate.

As a property owner (4611 E. St. Elmo) immediately adjoining this precious area who has a deep love of Nature and Right Action I request that you as guardians of our much loved City do not cave to greed and unethical proposals.

I join with everyone in this region of Austin to ask you sincerely to stand for Morality and Truth to not allow multi family zoning in any of this precious region.

Thank you  
Please do the right thing.  
Anna Searles

Sent from my iPhone

May 14, 2019

RE: C14-2017-0010 - 4500 Nuckols Crossing Road Rezoning  
NPA-2016-0014.01 Plan Amendment - 4500 Nuckols Crossing Road Rezoning  
Updated statement after traffic analysis done by Big Red Dog Engineering/Consulting for owners of 4500 Nuckols Crossing, John Sasaridis, and Angelos Angelou.

To Whom It May Concern,

The Los Arboles neighborhood consists of 313 homes in an area bordered by Nuckols Crossing Road to the west, Viewpoint Drive to the north, Fence Row to the south (Fence Row is not part of Los Arboles), and a greenbelt to the east. There is a required homeowners' association (HOA) with a board of directors made up of three homeowners elected annually by a quorum of the homeowners in Los Arboles. The HOA is managed by Associa Hill Country. The main road in and out of Los Arboles is Viewpoint Drive which intersects Nuckols Crossing Road potentially within 300 feet south of where a driveway to 4500 Nuckols Crossing Road could be located.

The Los Arboles HOA Board of Directors has voted to oppose changing the zoning and the neighborhood combined plan on 4500 Nuckols Crossing Road to accommodate a multi-family development. Members of Los Arboles HOA, along with City staff, Southeast Combined Neighborhood Planning Contact Team (SCNPCT), and Dove Springs Traffic Safety Committee met with 4500 Nuckols Crossing's owners, John Sasaridis and Angelos Angelou, and agent, Ron Thrower, numerous times to discuss options and express our concerns with traffic safety. We requested a traffic analysis on Nuckols Crossing Road and a sight distance assessment for the proposed driveway for 4500 Nuckols Crossing Road.

The City's traffic analysis showed that Nuckols Crossing Road/East St. Elmo Road is already 10 times over its rated capacity and City staff recommended not approving the zoning change. The owners and agent of 4500 Nuckols Crossing Road had Big Red Dog Engineering/Consulting perform an analysis of the speed of vehicles and the number and nature of crashes on Nuckols Crossing Road from East St. Elmo Road to Teri Road. That analysis did not include the information from the City on how many vehicles Nuckols Crossing could adequately support.

The sight distance assessment conducted by the City found that there is not enough distance from Viewpoint Drive for a driveway to be added at 4500 Nuckols Crossing Road. City staff recommended not approving the zoning change. The sight distance assessment conducted by Big Red Dog Engineering/Consulting stated that the exact connection location for 4500 Nuckols Crossing Road driveway has not been proposed so several locations were tested to determine if there were areas with appropriate sight distance. They concluded "no single location was observed to meet all sight distance requirements."

The traffic analysis and sight distance assessment by Big Red Dog Engineering/Consulting was completed in August 2018. The owners and agent of 4500 Nuckols Crossing Road had committed to meeting with

the neighbors after they had completed their traffic analysis; however, they did not make any effort to do that and recently homeowners within 500 feet of 4500 Nuckols Crossing Road received a letter from McDowell Housing Partners (MHP) that MHP is planning on building a multi-family development at 4500 Nuckols Crossing Road. The letter stated that the financing and construction permitting process has been initiated with the City of Austin and construction is estimated to begin in February 2020. They have applied for S.M.A.R.T. Housing certification and have stated that they are within a half mile walking distance from public transportation. MHP is a new buyer and may not be aware that walking or biking from 4500 Nuckols Crossing Road to public transportation would be extremely dangerous and should not be considered an option. Nuckols Crossing Road and St. Elmo Road do not have bike lanes nor sidewalks and City engineers have determined sidewalks and/or bike lanes can't be added due to the layout of the land, including low water bridges over environmentally sensitive springs. When a resident of Los Arboles contacted MHP with our concerns, MHP said they had not been told of any neighborhood issues such as inaccessibility of this property and the lack of adequate sight distance for the driveway.

Los Arboles HOA asks that the City staffs' recommendations on two counts to not approve the re-zoning request for 4500 Nuckols Crossing Road be accepted. A driveway at 4500 Nuckols Crossing would cause a major traffic hazard for residents of Los Arboles who use Viewpoint Dr to exit and enter our neighborhood. This project should not be approved unless safety improvements can be made or an alternative entrance/exit, other than Nuckols Crossing Road, can be secured. We appreciate your consideration for the safety of our neighborhood.

On behalf of the Los Arboles Homeowners' Association,  
Laurel Francel  
Los Arboles HOA Vice President/Secretary  
5609 Apple Orchard Lane  
Austin, TX 78744

~~lfrancel@yahoo.com~~

Tony Hall  
Los Arboles HOA President  
4609 Nuckols Crossing Drive  
Austin, TX 78744

~~tonyhall1@gmail.com~~



**Rhoades, Wendy**

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**From:** ~~mls4598@aol.com~~  
**Sent:** Wednesday, May 15, 2019 11:05 AM  
**To:** Rhoades, Wendy  
**Subject:** Fwd: Iteration of OPPOSITION to Zoning Change for the 4500 Nuckols Case from Lee Sloan  
**Attachments:** KENSINGTON PARK HOMEOWNERS Official Position.pdf

Sorry -- Had an out-of-date email address! Lee

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

From: mls4598@aol.com <mls4598@aol.com>  
To: wendy.walsh <wendy.walsh@ci.austin.tx.us>  
Cc: l.francel <l.francel@yahoo.com>; a-aguirre <a-aguirre@prodigy.net>; JACK <JACK@PRISMNET.COM>  
Sent: Wed, May 15, 2019 10:48 am  
Subject: Re-Iteration of OPPOSITION to Zoning Change for the 4500 Nuckols Case from Lee Sloan

Wendy --

Kensington Park continues its firm and unwavering opposition to any change in zoning for the tracts of land in the 4500 Nuckols Crossing Road case.

In addition to previous arguments, I would point out that there is **NO** pedestrian access from the tract to bus stops over on E. St. Elmo that you would **ever** want to send children along. This should be a show-stopper in and of itself.

Attached for your files is the formal Statement of Opposition from Kensington Park. Please see that it is included in your document packets to Council and Planning Commission.

Sincerely,

M. L. Sloan  
President  
Kensington Park Homeowners Association

**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 undesirable 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

## 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](http://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 Hearings: May 28, 2019, Planning Commission;  
June 20, 2019, City Council**

Billy Baschnagel  
Your Name (please print)

4607 Cypress Bend, Austin 78744  
Your address(es) affected by this application

Billy Baschnagel 5/21/19  
Signature Date

Daytime Telephone: 512-472-1502

☐ I am in favor  
☒ I object

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

## PUBLIC HEARING INFORMATION

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**Case Number:** C14-2017-0010

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

**Public Hearings:** May 28, 2019, Planning Commission;  
June 20, 2019, City Council

Jose L. Rodriguez  
Your Name (please print)

☐ I am in favor  
☒ I object

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

[Signature]  
Signature

5/22/2019  
Date

Daytime Telephone: 512-656-0783

Comments: See attached Statement and for.

1. Traffic - high volume on roads not  
meant for that amount of traffic

2. entrance too close to curve & hill

3. No sidewalks - increase foot traffic

4. not needed - as Two/3-complexes  
already exist

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



## Planning and Zoning Department

Case Number C14-2017-0010

In regards to the rezoning amendment for 4500 Nuckols Crossing Road

**I Object** to the rezoning :

Jose. L Rodriguez  
4910 Maufrais Lane (78744)  
512-656-0783

## Comments:

Changing the lot to Multifamily will increase the traffic on Nuckols Crossing Rd as well as on St. Elmo rd. Both roads were not designed to handle the high volume of traffic already in the area. By adding a Multifamily unit, (120 units proposed), will not only make it difficult for those of use living in the neighborhood, it will also affect the individuals moving in to the proposed unit, increasing the already high volume of traffic in the roads that were not meant to hold that amount of traffic. Secondly, since the only entry exit option to the unit would have to be on Nuckols Crossing, it will create a very dangerous situation. One way in, one way out. There is a curve (where St. Elmo and Nuckols Crossing meet) and a hill, obstructing the view of traffic entering and or exiting the proposed lot. Cars would have to stop, immediately after the curve and onto the hill, which would increase the potential for accidents.

There are no sidewalks on that area of Nuckols Crossing nor are there on St. Elmo. If I am not mistaken, St. Elmo cannot be improved, adding sidewalks, just maintained. This will increase the number of foot traffic in the area, making it dangerous for the individuals in the neighborhood.

There is a creek, (Williamson) near the property, which helps in the flood control of the area. Changing the zone to multifamily and building 120 units, would only increase the flooding potential for the areas. Furthermore, there are already two low-income properties nearby, available for housing. The area does not need a third apartment complex.

For the safety of the residents in our neighborhood, I respectfully ask the planning commission and the city council to vote against the zoning change and leave it as a single family unit.

Respectfully,  
Jose Luis Rodriguez



**Rhoades, Wendy**

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**From:** Laurel Francel [mailto:lafrancel@yahoo.com]  
**Sent:** Wednesday, June 12, 2019 3:43 PM  
**To:** Rhoades, Wendy  
**Cc:** Harkins, Sandra; Laurel Francel  
**Subject:** Re: Case # C14-2017-0010-4500 Nuckols Crossing

Wendy,

I didn't realize the City hadn't received the traffic study until March, I assumed it had been submitted soon after the August completion date on the report. I appreciate you sending the report to me after you received it.

Thank you for confirming that the applicant must meet with the Neighborhood before the item is discussed in the Planning Commission. I'm sorry that I don't trust the applicant, I'm afraid that they'll find more loopholes to get around Neighborhood concerns. I'll share with the other concerned neighborhood groups that this case will be postponed at the June 25th Planning Commission meeting and that a joint meeting will definitely be scheduled before this case can go to the Planning Commission.

Thanks,  
Laurel

On Tuesday, June 11, 2019, 4:31:46 PM CDT, Rhoades, Wendy <Wendy.Rhoades@austintexas.gov> wrote:

Ms. Francel,

I would like to provide additional information in response to your email below.

The Applicant first discussed the driveway study with ATD staff in August 2018, however, the City first received the Applicant's study on March 22, 2019. Depending on the level of analysis, it is not unusual for transportation-related studies to take up to a few months for Staff review. Also, as mentioned in previous emails, a meeting with Staff, the Applicant and the Neighborhood still needs to occur before the item is discussed at the Planning Commission. For these reasons, Staff will request another postponement at the June 25<sup>th</sup> Planning Commission meeting to a future date, so that Staff review can conclude and a joint meeting can occur.

Sincerely,

Wendy Rhoades

**From:** Laurel Francel [mailto:[REDACTED]]  
**Sent:** Friday, June 07, 2019 2:04 PM  
**To:** Harkins, Sandra <Sandra.Harkins@austintexas.gov>  
**Cc:** Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>  
**Subject:** Re: Case # C14-2017-0010-4500 Nuckols Crossing

I appreciate your answer. Los Arboles HOA and other neighborhood associations have already sent letters of opposition for this project to Wendy. We have been waiting for another meeting with the applicants and the neighbors since the last meeting in the summer of 2018 when the applicant said they were going to pursue other options for access to their project. Their traffic and driveway sight line assessments were concluded in August 2018 but I only received them recently when I asked Wendy for them after we got notice that McDowell Housing Partners plan to start construction on this project in February 2020. We are concerned that this case is scheduled for the Planning Commission without additional meetings. We are also concerned that the applicants are using S.M.A.R.T. Housing certification to bypass the issues we have about this project which is why I reached out to you. It seems like this experienced developer knows how to use the City's rules to get what they want whether it's really good for our community or not.

Thanks,

Laurel

On Thursday, June 6, 2019, 9:26:59 AM CDT, Harkins, Sandra <[Sandra.Harkins@austintexas.gov](mailto:Sandra.Harkins@austintexas.gov)> wrote:

Good morning Ms Francel,

I have included the City of Austin's case manager, Wendy Rhoades, in this email so you can reach out to her regarding your opposition of the project. However, it does appear the project is still pursuing a zoning change and neighborhood plan amendment. The project was to go before the City of Austin's Planning Commission meeting on May 28, 2019, but was postponed until June 25, 2019. This postponement appears to have been a result of a driveway access study. Staff requested the postpone to allow time to evaluate the study's findings and hold additional meetings with the applicant and the neighborhood. Go to this link to view the postponement memorandum: <http://www.austintexas.gov/edims/document.cfm?id=320100>. You would need to contact Ms. Rhoades to find out where they are at in that process.

In regards to the walkability of the project, this project received a transit-waiver which is allowed under the S.M.A.R.T. Housing Ordinance NO. 20141106-124. This Ordinance allows the Director of Neighborhood Housing and Community Development to waive the transit-oriented requirement if the project meets one of four criteria. Go to this link to view this Ordinance: <https://www.austintexas.gov/edims/document.cfm?id=221428>.

Thanks,

## Sandra Harkins

Project Coordinator, Real Estate and Development

Neighborhood Housing and Community Development

Street-Jones Building

1000 E 11<sup>th</sup> Street, Ste 200, 78702

Tel: 512-974-3128

Office Hours: Mon – Thurs 7:30 am – 6:00 pm, Out on Friday's.

TODAY I CHOOSE JOY!!!!

---

**From:** Laurel Francel [mailto:[laurelfrancel@yahoo.com](mailto:laurelfrancel@yahoo.com)]  
**Sent:** Wednesday, June 05, 2019 5:38 PM  
**To:** Harkins, Sandra <[Sandra.Harkins@austintexas.gov](mailto:Sandra.Harkins@austintexas.gov)>  
**Cc:** Laurel Francel <[laurelfrancel@yahoo.com](mailto:laurelfrancel@yahoo.com)>  
**Subject:** Project ID 655

Re: S.M.A.R.T. Housing Certification

McDowell Housing Partners – City Heights Apartments – (Project ID 655)

4500 Nuckols Crossing, Austin, TX 78744

Ms Harkins,

I'm contacting you in regards to McDowell Housing Partners application for S.M.A.R.T. Housing certification. I live in the neighborhood, Los Arboles, across Nuckols Crossing from the proposed development at 4500 Nuckols Crossing. We are opposed to the rezoning of that property from single family to multi-family and the change in the Southeast Combined Neighborhood Plan. Our main concern is that a driveway at 4500 Nuckols Crossing would create a safety issue. The sight distance assessments by both the City of Austin and an independent engineering/consulting firm contracted by the current owner and agent of 4500 Nuckols Crossing determined that there is not enough distance from Viewpoint Dr for a driveway to a 4500 Nuckols Crossing development. Viewpoint Dr is the street leading into Los Arboles, so a driveway at 4500 Nuckols Crossing less than 500 ft from Viewpoint Dr creates a safety issue for both developments. I have attended



numerous meetings with the current owner and agent and other concerned neighborhood groups in the last couple years to discuss how this can be resolved. The current owner and agent of 4500 Nuckols Crossing agreed to meet with the concerned neighborhood groups again before going forward with their project. However we have now received notice of McDowell Housing Partners going forward with a multi-family project without approved zoning change and change in the Southeast Combined Neighborhood Plan and no neighborhood input.

Our other concern is the lack of walkability from 4500 Nuckols Crossing to public transportation. McDowell's application for S.M.A.R.T. Housing certification states that the walking distance to public transportation is .7 miles. The distance is correct, but walking that stretch of road is extremely dangerous due to the nature of Nuckols Crossing/E. St Elmo. It's a 2 lane road with no shoulders, wooded on both sides with 3 bridges over low water crossings. The City of Austin has determined there's no way to improve this road or add sidewalks and bike lanes. So using a walking distance of .7 miles on this application is misleading. If this certification is based on a walkability criteria, please look into the actual conditions of that .7 miles.

If you would like additional information or have any questions, please feel free to contact me.

Thanks,

Laurel Francel

~~Laurel Francel~~

VP/Secretary, Los Arboles HOA

and

Voting member of the Southeast Combined Neighborhood Plan Contact Team

07July 2020

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

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-4-NP, as well as the accompanying requested zoning change.

This is an attempt by the owner to nullify all the hard work of citizens as well as city staff 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.

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

1. The change to higher density MF-4-NP 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 Nuckols 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, dating back to the City of Austin authorized "ST. ELMO ROAD AREA STUDY" of July, 1984.

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

2. Planning Commission members need to be aware that there already some 6 major SH and affordable housing units with a 1 ½ mile radius of this proposed development. Namely:

Woodway Square  
Rosemont at Williamson Creek  
Kingfisher  
Woodway Village  
Eastern Oaks  
Villas of Cordoba

07July 2020

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

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-4-NP, as well as the accompanying requested zoning change.

This is an attempt by the owner to nullify all the hard work of citizens as well as city staff 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.

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

1. The change to higher density MF-4-NP 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 Nuckols 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, dating back to the City of Austin authorized "ST. ELMO ROAD AREA STUDY" of July, 1984.

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

2. Planning Commission members need to be aware that there already some 6 major SH and affordable housing units with a 1 ½ mile radius of this proposed development. Namely:

Woodway Square  
Rosemont at Williamson Creek  
Kingfisher  
Woodway Village  
Eastern Oaks  
Villas of Cordoba

These developments contribute significantly to the traffic congestion problem of our area. We do not need more.

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*

M. L. Sloan  
President  
Kensington Park Homeowners Association