

January 3, 2021

TO: Kate Clark, Housing & Planning Department kate.clark@austintexas.gov
Planning Commission
Paige Ellis, paige.ellis@austintexas.gov

RE: City Rezoning CASE # C14-2020-0130
Public Hearing Date: January 26, 2021

FROM: Oak Park Subdivision Association Executive Committee
Sandi Causey, crcausey@sbcglobal.net
Nancy Baker Jones, enbeja@austin.rr.com
Brett Schwab, b_d_schwab@yahoo.com

CC: Oak Hill Neighborhood Planning Contact Team (Oak Hill NPCT),
oak.hill.npct@gmail.com; East Oak Hill Neighborhood Association (OHAN),
eastOakHill@yahoo.com

PURPOSE: WE OBJECT TO THIS REZONING REQUEST

Issue:

The Oak Park Subdivision is located between Highway 290 West and Southwest Parkway, adjacent to St. Andrews School (SAS) campus. The school is selling a portion of its property (bordered by Patton Ranch Road, School Road, and Vega Avenue) for dense residential development. The property (hereafter referred to as the parcel in question) is currently zoned for Limited Density (MF-1-NP). St. Andrews School has requested that the zoning be revised to MF-4-NP to allow for construction of a 295-unit apartment development.

We, the Oak Park Subdivision Association Executive Committee, represent affected property owners.

We have substantial concerns regarding the proposed rezoning for the following reasons:

- 1. SAS has provided no planning proposal to the Oak Park Subdivision.**
- 2. This rezoning request contradicts the existing Oak Hill Combined Neighborhood Plan.**
- 3. Existing flooding risks will grow.**
- 4. Excessive traffic congestion and safety concerns are likely.**
- 5. Further overcrowding of Oak Hill Elementary School is likely. No educational impact study has been conducted.**
- 6. Environmental impact of the planned development has not been assessed.**
- 7. Historic Landmark buildings on the parcel in question are in peril.**

See discussion of each reason below.

1. SAS has provided no planning proposal to the Oak Park Subdivision.

In the past, the Oak Park Subdivision Association Executive Committee has communicated closely with SAS about several issues, including flooding and flood mitigation, the Harper Park Subdivision, and the sale and rezoning of the parcel in question to Rawson-Saunders School, which was sold back to SAS and on which this development is now proposed to be built.

Rezoning to MF-4-NP greatly impacts our community, but SAS did not communicate with us. We heard belatedly from the Oak Hill Neighborhood Association about these plans. We have not been provided any plans, maps, conceptual designs, schematics, or other data.

2. This rezoning request contradicts our existing Oak Hill Combined Neighborhood Plan.

The city of Austin mandated in the mid-1990s that urban areas draft Neighborhood Plans to allow for the right kind of growth. The stakeholders in our Oak Hill Combined Neighborhood Plan (<https://www.facebook.com/oak.hill.neighborhood.plan/>) are homeowners, renters and business owners who worked with city planners to zone the parcel in question as MF-1-NP to allow for a buffer between dense development and our single-family residences. We are now surrounded by high-density complexes, and the rezoning of this SAS parcel would *eliminate* the buffer provided by MF-1-NP.

We respectfully insist that you respect our existing neighborhood plan by rejecting this rezoning request.

3. Existing flooding risks will grow.

Our subdivision is immediately adjacent to the parcel in question and is subject to flooding during heavy rains. Increased density adjacent to our Oak Park Subdivision will exacerbate flooding and the attendant risks that our subdivision has contended with for many years and will also add to the millions of dollars the city has spent as part of an ongoing flood mitigation project designed specifically for our subdivision.

The City of Austin's existing flood mitigation program for our neighborhood ([Oak Park / Oak Acres Flood Risk Reduction | AustinTexas.gov](#)) has already demolished and removed five homes. We are still about two years away from start of construction on the abatement project itself, which will fund extensive measures to control the water that comes off the hills west of us (beyond Vega Avenue then east and downhill through SAS property) to flow into our yards, homes, streets, and inadequate existing drainage. Neighbors have already spent time, money, and sleepless nights attempting to protect themselves and their property. This mitigation project is in the design phase; completion is projected for 2022 or later, given no additional delays.

We are rightfully concerned that the proposed zoning change will exacerbate the flooding risk that our subdivision has contended with for years. As a neighborhood we are seriously concerned about any re-zoning that increases density so close to us. A 300+-

unit apartment complex, different from the one intended for the parcel in question, is already under construction on land, also formerly owned by SAS, at Vega Avenue and Southwest Parkway. Adding the proposed second apartment complex on the same road above our subdivision will impact the flood mitigation project.

We respectfully insist that this rezoning request be denied. To our knowledge, no detailed study has been done to assess the impact of both the current and proposed apartment developments on flood mitigation in the Oak Park Subdivision.

4. Excessive traffic congestion and safety concerns are likely.

The entrance/exit to the proposed development on the parcel in question will be on the narrow, curving, two-lane, Patton Ranch Road, which lacks sidewalks and curbs and is about one block from Oak Hill Elementary School. Drivers already use Patton Ranch Road to reach 290 West in one direction or Vega Ave. in the other direction to get to Southwest Parkway or William Cannon. The added traffic of a high-density development will significantly increase traffic congestion and decrease safety in all directions from the development's entrance/exit.

Our neighborhood has few choices for safe access to major arteries near us as it is. *The traffic from this development will complicate our own lives and needlessly endanger residents, school students, their parents, and their teachers, who all currently use these narrow roads to walk as well as to drive on. This is a serious safety concern.*

In addition, the recommended [YBC \(Y at Oak Hill to Barton Creek\) Trail](#) is to run down Vega Ave. This will increase foot and bike traffic on the narrow road and decrease safety exponentially. And remember that a 300+-unit apartment complex is *currently* under construction on Vega Ave. near Southwest Parkway.

The current application is for a proposed 295-unit development producing an estimated 1,606 auto trips per day, but the number of bedrooms in the units has not been specified, so this number of trips per day is seriously underestimated. *Yet the Traffic Impact Analysis was waived – deferred until site plan application.*

We respectfully insist that this rezoning request be denied. Another high-density development is too large for this area and should not be approved. Denying this rezoning request should prevent its construction.

5. Further overcrowding of Oak Hill Elementary School is likely.

Oak Hill Elementary School was at 114% capacity in the 2018-2019 school year (using five portables), and Small Middle School and Austin High School were at 103%. A 300+-unit apartment complex is currently under construction on Vega Ave., and the proposed development built on this rezoned parcel would strain the schools' capacity and quality.

We respectfully insist that this rezoning request be denied. No educational impact study has been conducted.

6. Environmental impact has not been studied.

According to Watershed Protection, the parcel in question is in both the recharge and contributing zones of the Edwards Aquifer ([https://www.austintexas.gov/GIS/Property Profile](https://www.austintexas.gov/GIS/Property_Profile)) and is subject to the “Save Our Springs” (SOS) ordinance, which restricts the amount of impervious cover on a site (<https://www.austintexas.gov/faqsave-our-springs-sos-water-quality-initiative>). Based on *Drainage Criteria Manual* requirements, any development within the City of Austin must limit the amount of runoff from its site to be equal to or less than the existing conditions. The only exemptions to this would be if the property has vested rights, which is a project-specific, not land-specific, variable. These determinations are made by the Development Services Department (DSD).

According to DSD’s Brent Lloyd, in a 12/20/2020 email to our Oak Park Subdivision Association, vested rights cannot be assessed without looking at the full permit history for a proposed development, at the request of the applicant, and if the applicant identifies prior applications for the same project which they believe entitle it to vesting. Mr. Lloyd said he was unaware of any pending permit applications for the area in question and has not been asked to determine vested rights.

However, he also said that in 2015, vested rights were approved for the proposed platting of the St. Andrews school property *and denied for the balance of the area that is now included in the proposed rezoning application, meaning that the development of both the vested and non-vested project would have been subject to SOS.*

Therefore, we respectfully insist that this rezoning request be denied. The degree to which the parcel in question is now subject to SOS must be determined, and the consequence(s) of that information must be described and forwarded to the parcel owners and to the Oak Park Subdivision Association.

In addition, our neighborhood is home to caves and endangered birds.

We respectfully insist that this rezoning request be denied. A survey of caves must be conducted according to the U.S. Fish and Wildlife Service and the Texas Commission of Environmental Quality guidelines, and the Texas Commission on Environmental Quality, U.S. Fish and Wildlife Service, and the Texas Parks and Wildlife Department must conduct a habitat assessment and survey of Golden-cheeked Warblers and Black-capped Vireos in the parcel in question

7. Historic Landmark buildings on the parcel in question are in peril.

The parcel in question is part of the historic Patton Ranch, which was identified in the Travis County Historical Commission’s 2015 survey as a high-preservation priority and a rare example of a farmstead associated with pioneer settlement patterns. On this parcel is a log cabin that is believed to have been constructed in 1870 by James A. Patton. Additions were made to the log cabin in the 1930s. Today, the complex consists of small agricultural outbuildings and a barn. Although the house has been altered, the alterations occurred in the historic period and only slightly diminish the integrity of design,

materials, and workmanship. Integrity of setting and association are slightly diminished because the property is no longer used for agricultural purposes. However, the diminished integrity is not to such a degree the property can no longer convey its significance. Therefore, it was recommended eligible for listing in the National Register of Historic Places under Criterion A in the area of Settlement and Exploration for its association with the earliest settlement of the Oak Hill area.

The Historic Landmark Commission met on December 14, 2020 to discuss the proposal to demolish/remove the historic buildings from the property (Historic Case # GF 20-171534, [Permit/Case 2020-159810](#)). After discussion, the Commission did NOT approve the demolition of the buildings but postponed the decision until the January meeting so they could investigate further because of its historic significance. No one in our neighborhood was able to speak at this meeting because we were informed after the deadline for speaker signup. We are hopeful we can sign up once the January meeting has been scheduled.

We respectfully insist that this rezoning request be denied. The fate of the historic property on the parcel must be determined. This issue would not exist if the property remained in its current zoning.

Conclusion:

The seven issues discussed above are vitally important to the residents of the Oak Park Subdivision.

In addition, the City of Austin's own [Guide To Zoning](#) says that city staff, stakeholders, and property owners should use its principles on page five to evaluate all zoning requests. We agree. It appears that none of them has been addressed to the degree that the zoning established in the existing Oak Hill Combined Neighborhood Plan should be overridden by the existing rezoning request.

We therefore respectfully insist that this rezoning request be denied.

Thank you for your consideration of this request and your work to create compatible land uses, ensure proper design and construction standards, and promote the overall public good.