

**ZONING CHANGE REVIEW SHEET**CASE: C14-2021-0100 (Luby's Site)DISTRICT: 10ADDRESS: 8176 North MoPac ExpresswayZONING FROM: LRTO: MF-6SITE AREA: 2.38 acresPROPERTY OWNER: Luby's Fuddruckers Restaurants, LLC (Bill Gordon)AGENT: Armbrust & Brown, PLLC (Michael Whellan)CASE MANAGER: Sherri Sirwaitis (512-974-3057, [sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov))STAFF RECOMMENDATION:**Staff recommends MF-6, Multifamily Residence-Highest Density district, zoning.**ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:**August 3, 2021: Motion to reopen the public hearing and postpone the case to August 17, 2021 (8-0); H. Smith-1st, R. Woody-2nd.****August 17, 2021**ORDINANCE NUMBER:CITY COUNCIL ACTION:ISSUES:

The applicant has provided new information related to the conditions for this property (*Please see Horizon Environmental Report - Luby's Site - Exhibit F*). This information was shared with the Watershed Protection Department for an initial consultation in May. The Watershed Protection Department staff has stated that they are aware of the environmental constraints associated with the Luby's site. The Watershed Protection staff will review the conditions on this property to insure compliance with the City's Land Development Code regarding protection of any critical environmental features, such as a cave, that are present on the site during the site plan review process.

In addition, the applicant has executed a private restrictive covenant with the Northwest Austin Civic Association. The restrictive covenant includes provisions concerning Exterior Materials, Garage Screening, Building Height, Monument Signage, Affordable Housing, Parkland Dedication fees in-lieu, and water quality (*Please see private RC with NWACA - Exhibit G*).

CASE MANAGER COMMENTS:

The property in question is a 2.38 acre lot that contains a restaurant use (Luby's Cafeteria) located on the southwest corner of the Mopac Expressway Service Road and Steck Avenue. The tracts of land to the north and south are zoned LO/LR and are developed with office complexes. To the east is a highway, North MoPac Expressway. The lot to the west is developed with a multifamily use (La Montreaux Apartments). In this application, the applicant is requesting to rezone this property from LR, Neighborhood Commercial district, zoning to MF-6, Multifamily Residence-Highest Density district, zoning to redevelop this site with a 275-unit multifamily apartment complex, which would include 10 percent of total units (28 units) available as long-term Affordable housing units at 80 percent of Median Family Income (MFI) (*Please see Applicant's Request Letter – Exhibit C*).

The staff recommends MF-6, Multifamily Residence-Highest Density district, zoning because the site under consideration meets this intent of the MF-6 district as it is located at the southwest corner of the intersection of an arterial roadway, Steck Avenue, and a highway, North MoPac Expressway and is near a designated 'Neighborhood Activity Center' in the Image Austin Comprehensive Plan. The proposed MF-6 zoning would be compatible and consistent with the surrounding uses because this property is adjacent to office and commercial zoning to the north and south and multifamily zoning to the west. The surrounding zoning permits office and commercial services that can be utilized by the residents of this proposed residential development. MF-6 district zoning will provide for additional housing opportunities in this area of the city.

The applicant agrees with the staff's recommendation.

BASIS FOR RECOMMENDATION:

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

Multifamily Residence (Highest Density) district is intended to accommodate multifamily and group residential use. This district is appropriate for highest 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 highest density multifamily use is desirable.

*2. The proposed zoning should promote consistency and orderly planning.*

MF-6 zoning would be compatible and consistent with the surrounding uses because this property is located adjacent to LO and LR zoning to the north and south and MF-2 zoning to the west. The surrounding zoning permits office and commercial services that can be utilized by the residents of this proposed development. In addition, the site fronts onto the service road for North MoPac Expressway and there is a bus stop is located directly in front of the subject property, on Steck Avenue.

3. *Intensive multi-family zoning should be located on major arterials and highways.*

The property in question is located at the southwest corner of the intersection of an arterial roadway, Steck Avenue, and a highway, North MoPac Expressway. The site is also located near, a 'Neighborhood Activity Center' (the Anderson Lane Neighborhood Center), as identified on the Imagine Austin's Growth Concept Map, found in the Image Austin Comprehensive Plan.

EXISTING ZONING AND LAND USES:

|              | ZONING | LAND USES                                      |
|--------------|--------|--|
| <i>Site</i>  | LR     | Restaurant (General)                           |
| <i>North</i> | LO, LR | Office (Oak Point Office Complex)              |
| <i>South</i> | LO     | Office (Westpark Office Complex)               |
| <i>East</i>  | ROW    | North MoPac Expressway                         |
| <i>West</i>  | MF-2   | Multifamily (Le Montreaux Concierge Community) |

AREA STUDY: N/A

TIA: Deferred to Site Plan

WATERSHED: Shoal Creek

SCHOOLS: Austin I.S.D.

Hill Elementary School  
Murchison Middle School  
Anderson High School

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District  
Austin Lost and Found Pets  
Austin Neighborhoods Council  
Friends of Austin Neighborhoods  
Friends of North Shoal Creek  
Homeless Neighborhood Association  
Lemontrux of Spicewood Forest  
Neighborhood Empowerment Foundation  
Northwest Austin Civic Association  
North Austin Neighborhood Alliance  
North Shoal Creek Neighborhood Association  
North Shoal Creek Neighborhood Plan Contact Team  
NW Austin Neighbors  
SELTEXAS

Shoal Creek Conservancy  
 Sierra Club, Austin Regional Group  
 TNR BCP – Travis County Natural Resources

AREA CASE HISTORIES:

| NUMBER  | REQUEST     | COMMISSION   | CITY COUNCIL  |
|---|-------------|--|---|
| C14-2015-0056<br>(8240 N. Mopac Rezoning)   | LO to LR    | 7/07/15: Approved staff's recommendation of LR zoning on consent (9-0, D. Breihaupt-1 <sup>st</sup> and S. Lavani-absent); L. Brinsmade-1 <sup>st</sup> , A. Denkler-2 <sup>nd</sup> .   | 8/13/15: Approved LR zoning on consent on all 3 readings (11-0); L. Pool-1 <sup>st</sup> , D. Zimmerman-2 <sup>nd</sup> . |
| C14-2012-0149<br>(8200 North MoPac Rezoning: 8200 North Mopac Expressway South Bound) | LO to LR    | 1/15/13: Approved the staff's recommendation of LR zoning by consent (6-0, P. Seeger-absent); G. Rojas-1 <sup>st</sup> , S. Compton-2 <sup>nd</sup> .  | 2/14/13: Approved LR zoning on consent on all 3 readings (7-0); S. Cole-1 <sup>st</sup> , B. Spelman-2 <sup>nd</sup> .    |
| C14-2010-0164<br>(8610 North Mopac Expressway South Bound)                            | LR-CO to GR | 11/16/10: Approved GR-CO zoning on consent, with the following additional conditions offered by the applicant: No Pawn Shop Services use and a public restrictive covenant to state that business will be closed during the hours of 10:00 p.m. to 6:00 a.m. (6-0, Banks-absent); P. Seeger-1 <sup>st</sup> , D. Tiemann-2 <sup>nd</sup> . | 12/09/10: Approved GR-CO zoning on consent on all 3 readings (7-0); Spelman-1 <sup>st</sup> , Martinez-2 <sup>nd</sup> .  |

RELATED CASES:

C8J-2008-0107.0A – Subdivision Case

EXISTING STREET CHARACTERISTICS:

| Name                     | Existing ROW | ASMP Required ROW | Pavement | ASMP Classification | Sidewalks | Bicycle Route | Capital Metro (within ¼ mile) |
|--------------------------|--------------|-------------------|----------|---------------------|-----------|---------------|-------------------------------|
| Mopac Expressway SRVG SB | 190'         | Defer to TxDOT    | 47'      | 4                   | Yes       | Yes           | Yes                           |
| Steck Avenue             | 80'          | 64'               | 48'      | 2                   | Yes       | Yes           | Yes                           |



## OTHER STAFF COMMENTS:

### Comprehensive Planning

This zoning case is located on the southwest corner of the Mopac Expressway Service Road and Steck Avenue on a 2.38 acre site, which contains a restaurant. The property is located adjacent to the Anderson Lane Neighborhood Center, which is to the south and is not in a small area planning area. Surrounding uses include an office building to the north; to the south are office buildings and a shoe repair shop; to the east is the Mopac Expressway; and to the west is a large apartment complex. The proposed use is a 275 unit multifamily apartment complex, which would include 10 percent of total units (28 units) available as long-term Affordable housing units at 80 percent of Median Family Income (MFI).

### **Connectivity**

A public sidewalk is located partially along this portion of Steck Avenue and along the Mopac Expressway frontage road. Unprotected bikes lanes are located along Steck Avenue. There is also a signalized crosswalk at Steck and the Mopac frontage road. A bus stop is located directly in front of the subject property, which is on Steck Avenue. Mobility options are average while connectivity options are fair, due to the lack of parks, schools and goods and services within a half a mile radius of the site.

### **Imagine Austin**

This project is located near a Neighborhood Activity Center. A Neighborhood Center is the smallest Center in the Imagine Austin Comprehensive Plan, which is supposed to have a more local focus. Neighborhood Centers are intended for doctors and dentist offices, retail shops, branch libraries, dry cleaners, hair salons, coffee shops, restaurants, and other small and local businesses to generally serve the center and surrounding neighborhoods. Imagine Austin Centers are represented by a circle or globular shape that reflects the general location where a 'center' should be located in the future. The center's actual boundaries would need to be refined and clarified through a small area planning process. Regional, town, and neighborhood centers are supposed to be walkable, bikeable, and supported by transit.

The following IACP policies are also relevant to this case:

- **LUT P3.** Promote development in **compact centers, communities, or along corridors** that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing, and transportation costs.
- **LUT P5.** Create healthy and family-friendly communities through development that includes a **mix of land uses and housing types** and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- **HN P10.** Create complete neighborhoods across Austin that have a **mix of housing types and land uses**, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

The project is located near a **Neighborhood Center**, which supports multifamily uses. There are also average mobility options in the area (public sidewalks, unprotected bike lanes,

signalized crosswalks and a public transit stop) but the area lacks nearby civic uses and retail and commercial uses in the vicinity. Based upon a Neighborhood Center supporting multifamily uses, average mobility options, setting aside 10 percent of the units as an affordable housing component, but below average connectivity options in this area, this project partially supports the policies of the Imagine Austin Comprehensive Plan.

### Environmental

The site is located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification. According to floodplain maps there is no 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 and/or redevelopment.

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 sq. ft. cumulative is exceeded, and on site control for the two-year storm.

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.

### Fire

No comment.

### Parks and Recreation

Parkland dedication will be required for the new residential units proposed by this development, multifamily with MF-6 zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov).

### Site Plan

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

The site is subject to compatibility standards along the south property line.

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

### Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies sufficient right-of-way for Steck Avenue and Mopac Expressway.

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan/subdivision application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

### Water Utility

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, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at [ser@austintexas.gov](mailto:ser@austintexas.gov).

The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

### INDEX OF EXHIBITS TO FOLLOW

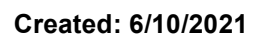
- A: Zoning Map
- B. Aerial Map
- C. Applicant's Request Letter
- D. Education Impact Analysis
- E. Correspondence from Interested Parties
- F. Horizon Environmental Study - Luby's Site
- G. Private RC with NWACA



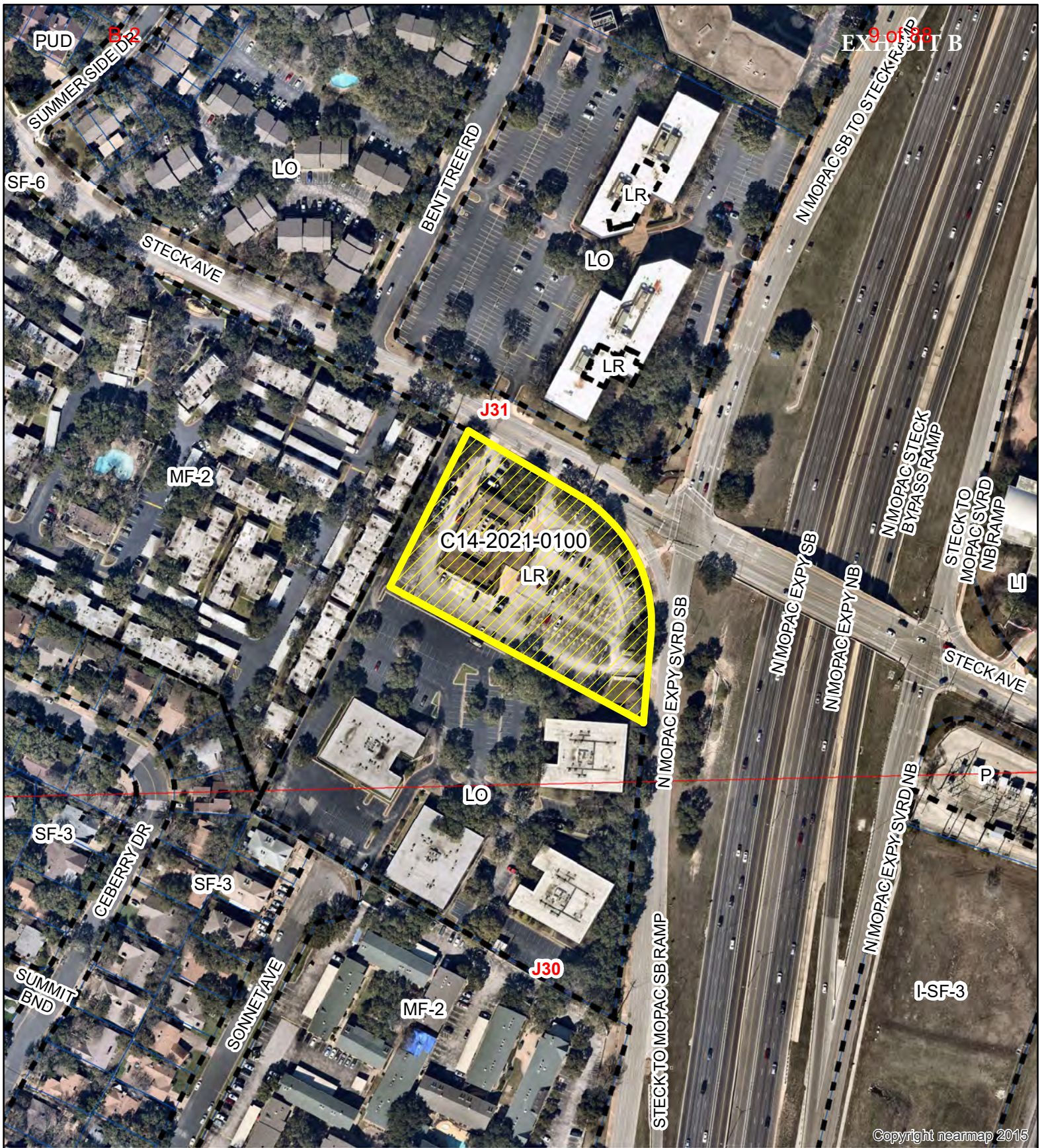
ZONING BOUNDARY

ZONING CASE#: C14-2021-0100

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$$1'' = 400'$$





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SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

1" = 200'

### Luby's Site

ZONING CASE#: C14-2021-0100  
 LOCATION: 8176 N. MoPac Expy SR SB  
 SUBJECT AREA: 2.3792 Acres  
 GRID: J31  
 MANAGER: Sherri Sirwaitis



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



**ARMBRUST & BROWN, PLLC**

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300  
AUSTIN, TEXAS 78701-2744  
512-435-2300

FACSIMILE 512-435-2360

April 14, 2021

Jerry Rusthoven, Assistant Director  
City of Austin  
Housing and Planning Department  
1000 E. 11th St.  
Austin, Texas 78702

Re: Rezoning application for TCAD Parcel No. 0242020462 (the "Property")

Dear Mr. Rusthoven:

I am submitting an application to rezone the Property to MF-6 in order to develop a multi-family project with roughly 275 total units, including 10 percent of total units available as long-term Affordable housing units at 80 percent of Median Family Income (MFI).

The Property is located along MoPac Expressway, at its intersection with Steck Avenue, and is surrounded by sites zoned for office and multi-family. It is currently zoned for Neighborhood Commercial ("LR") and operates as a Luby's restaurant.

We believe that the Property is an appropriate location for a multi-family project including income-restricted Affordable units. It is in a high-opportunity area with access to Hill Elementary School, Murchison Middle School, and Anderson High School, and would meaningfully contribute to Affordable housing capacity within District 10. The Austin Strategic Housing Blueprint establishes a goal of 8,456 Affordable units up to 80 percent MFI in District 10 by 2028, though there are only 24 such units available to date, according to city figures. This project would provide 10 percent of total units at 80 percent MFI, or roughly 28 new Affordable units – more than the total number of Affordable units currently available in District 10.

To deliver on this vision, we are requesting MF-6 zoning, which would allow a multi-family project as well as the additional height and units needed to commit to the affordability levels outlined above. Approving MF-6 at this location would maintain the same impervious cover limitation already allowed today, while also allowing additional height at an appropriate location along the MoPac corridor. The Property is surrounded by office and multi-family sites as well as MoPac Expressway, all which provide buffers between the Property and interior neighborhoods. The project would also be built in full compliance with compatibility standards, further ensuring that the additional height is accomplished in an appropriate manner.

I appreciate your consideration and look forward to answering any questions and providing further details.

Respectfully,



Michael J. Whellan

# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin  
Independent  
School District



**PROJECT NAME:** Luby's Site

**ADDRESS/LOCATION:** 8176 N. MoPac Expwy.

**CASE #:** C14-2021-0100

☐ NEW SINGLE FAMILY

☐ DEMOLITION OF MULTIFAMILY

☒ NEW MULTIFAMILY

☐ TAX CREDIT

# SF UNITS: \_\_\_\_\_ STUDENTS PER UNIT ASSUMPTION  
Elementary School: \_\_\_\_\_ Middle School: \_\_\_\_\_ High School: \_\_\_\_\_

# MF UNITS: 275 STUDENTS PER UNIT ASSUMPTION  
Elementary School: 0.02 Middle School: .014 High School: 0.02

## IMPACT ON SCHOOLS

The student yield factor of 0.054 (across all grade levels) for apartment homes was used to determine the number of projected students. This factor was provided by the district's demographer.

The proposed 275-unit multifamily development is projected to add approximately 15 students across all grade levels to the projected student population. It is estimated that of the 15 students, 6 will be assigned to Hill Elementary School, 4 to Murchison Middle School, and 5 to Anderson High School.

The percent of permanent capacity by enrollment for School Year 2025-26, including the additional students projected with this development, would be over the optimal utilization target range of 85-110% at Hill ES (130%), within the target range at Murchison MS (87%), and below the target range at Anderson HS (78%). In August 2021, an addition with eight new classrooms will be opening at Hill ES to address overcrowding at the campus.

## TRANSPORTATION IMPACT

Students attending Hill ES and Anderson HS will not qualify for transportation unless a hazardous route is identified. Students attending Murchison MS qualify for transportation and no additional buses would be needed.

## SAFETY IMPACT

There are not any identified safety impacts at this time.

**Date Prepared:** 07/28/2021

**Executive Director:**

DocuSigned by:

*Ben Wilson*

38E0989C305B4F8...

# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin  
Independent  
School District



## DATA ANALYSIS WORKSHEET

### ELEMENTARY SCHOOL: Hill

ADDRESS: 8601 Tallwood Drive

PERMANENT CAPACITY: 690

MOBILITY RATE: +2.5%

#### POPULATION (without mobility rate)

| ELEMENTARY SCHOOL STUDENTS | 2020-21 Population | 5- Year Projected Population (without proposed development) | 5-Year Projected Population (with proposed development) |
|----------------------------|--------------------|---|---|
| Number                     | 852                | 871   | 877   |
| % of Permanent Capacity    | 123%               | 126%  | 128%  |

#### ENROLLMENT (with mobility rate)

| ELEMENTARY SCHOOL STUDENTS | 2020-21 Enrollment | 5- Year Projected Enrollment (without proposed development) | 5-Year Projected Enrollment (with proposed development) |
|----------------------------|--------------------|---|---|
| Number                     | 873                | 892   | 898   |
| % of Permanent Capacity    | 127%               | 129%  | 130%  |

### MIDDLE SCHOOL: Murchison

ADDRESS: 3700 N. Hills Drive

PERMANENT CAPACITY: 1,301

MOBILITY RATE: -3.6%

#### POPULATION (without mobility rate)

| MIDDLE SCHOOL STUDENTS  | 2020-21 Population | 5- Year Projected Population (without proposed development) | 5-Year Projected Population (with proposed development) |
|-------------------------|--------------------|---|---|
| Number                  | 1,294              | 1,181   | 1,185   |
| % of Permanent Capacity | 99%                | 91%   | 91%   |

#### ENROLLMENT (with mobility rate)

| MIDDLE SCHOOL STUDENTS  | 2020-21 Enrollment | 5- Year Projected Enrollment (without proposed development) | 5-Year Projected Enrollment (with proposed development) |
|-------------------------|--------------------|---|---|
| Number                  | 1,247              | 1,127   | 1,131   |
| % of Permanent Capacity | 96%                | 87%   | 87%   |



# EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin  
Independent  
School District



## HIGH SCHOOL: Anderson

ADDRESS: 8403 Mesa Drive

PERMANENT CAPACITY: 2,478

MOBILITY RATE: 3.4%

### POPULATION (without mobility rate)

| HIGH SCHOOL STUDENTS    | 2020-21 Population | 5- Year Projected Population (without proposed development) | 5-Year Projected Population (with proposed development) |
|-------------------------|--------------------|---|---|
| Number                  | 2,168              | 1,862   | 1,867   |
| % of Permanent Capacity | 87%                | 75%   | 75%   |

### ENROLLMENT (with mobility rate)

| HIGH SCHOOL STUDENTS    | 2020-21 Enrollment | 5- Year Projected Enrollment (without proposed development) | 5-Year Projected Enrollment (with proposed development) |
|-------------------------|--------------------|---|---|
| Number                  | 2,242              | 1,935   | 1,940   |
| % of Permanent Capacity | 90%                | 78%   | 78%   |

**From:** Liz Petropoulos  
**To:** [Sirwaitis, Sherri](#)  
**Subject:** Case Number: C14-2021-0100  
**Date:** Thursday, July 15, 2021 6:36:49 PM

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

Hello Sherri Sirwaitis,

I am a resident of The Arbors located at 8210 Bent Tree Road in Austin, TX, essentially across the street from the subject property.

As a longtime resident, specifically at 8215 Summer Side Drive, I am very familiar with the traffic in the area included in the subject case. When I return home from work from 4:20 to 5:00 PM on weekdays when Anderson High School is in session, Steck Avenue is a parking lot (going to MoPac from Mesa Drive). It did not used to be that way but over the last two years that is what has developed by way of traffic. Adding 275 units at the intersection of the MoPac frontage road and Steck Avenue corner would be a colossal mistake as traffic would surge and make an already busy intersection worse. The ingress and egress to the subject property would need to be changed or a light put in similar to Far West and MoPac.

The long and the short of this is that there are already too many cars on Steck Avenue and adding 275 units would not only be detrimental to existing residents but difficult for the residents of the 275 units.

I appreciate your consideration in this matter.

Thank you,

Elizabeth Petropoulos

812-604-5102

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**From:** Patricia Bancroft  
**To:** [Sirwaitis, Sherri](#)  
**Subject:** Case #C14-2021-0100  
**Date:** Monday, June 28, 2021 10:04:33 AM

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

Good morning.

My concern for this application is traffic impact. Steck Avenue at that location is already difficult to access and high density residential will only increase that traffic.

I understand there will be a hearing and I will be very interested to know how this will be addressed, during construction and upon completion as well.

Thank you

Patricia Bancroft

Sent from my iPhone

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## B-2 PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted online and you have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for information on how to participate in the public hearings online. 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 (16 of 88 contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2020-0100

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: August 3, Zoning and Platting Commission

HUGH HIGGINS

Your Name (please print)

8115 E. COURT, 78759

Your address(es) affected by this application

☒ I am in favor  
☒ I object

[Signature]

Signature

7-24-21

Date

Daytime Telephone: 512-775-9872

Comments:

I DO NOT OPPOSE/OBJECT  
TO THE NEW ZONING.

HOWEVER, MY APPROVAL IS  
SUBJECT TO HAVING ALL  
INGRESS AND EGRESS VEHICLE  
TRAFFIC BE LIMITED TO THE  
MO PAC SERVICE ROAD = NOT STECK

If you use this form to comment, it may be returned to:  
City of Austin, Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)

City of Austin

JUL 27 2021

NHCD / AHFC



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**Case Number: C14-2020-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: August 3, Zoning and Platting Commission**

SALVATORE GALATI

Your Name (please print)

8210 BENT TREE RD #130

Your address(es) affected by this application

S. Sirwaitis

Signature

☐ I am in favor  
☒ I object

7/24/21  
Date

Daytime Telephone: 512 584 5312

Comments: I am AFRAID this is a  
speculative development proposal,  
that may lower the quality of  
the neighborhood

DAVE TO 1971 @ GMAIL . com

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

City of Austin, Planning & Zoning Department

**Sherri Sirwaitis**

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

**sherri.sirwaitis@austintexas.gov**



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**Case Number: C14-2020-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: August 3, Zoning and Platting Commission**

HANID NIZOUMAND-RAD

Your Name (please print)

☐ I am in favor  
☒ I object

8210 BENT TREE Rd. #125

Your address(es) affected by this application

Hind Rad

Signature

7/23/21

Date

Daytime Telephone: 512-587-9400

Comments: already crowded

intersection of Steak &  
MO-Pac. too many cars  
making it unsafe for  
all of us.

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City of Austin, Planning & Zoning Department

**Sherri Sirwaitis**

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

**sherri.sirwaitis@austintexas.gov**

**JUL 27 2021**

**NHCD / AHFC**



## B-2 INFORMACIÓN DE AUDIENCIA PÚBLICA

Esta petición de zonificación / rezonificación será revisada y se tomarán medidas en dos reuniones públicas diferentes: antes de la Comisión de Usos Urbanos y el consejo municipal. Aunque se espera que solicitantes y/o su(s) agente(s) se presenten en una audiencia pública, usted no está obligado de atender. Esta reunión se llevará a cabo en línea a través de internet y tiene la oportunidad de hablar A FAVOR o EN CONTRA del propuesto desarrollo o cambio. Póngase en contacto con el administrador de casos para información sobre cómo participar en la audiencia pública en línea a través de internet. Usted también puede contactar organizaciones ambientales o asociaciones de vecinos que han expresado interés en una aplicación que afecta a su vecindario.

Durante la audiencia pública, la comisión podría postergar o continuar audiencia del caso en una fecha futura, o puede evaluar la recomendación de los oficiales municipales y las del público al mismo tiempo mandando su recomendación al cabildo municipal. Si la comisión anuncia una fecha y hora específica para postergar o continuar discusión, y no se extiende más de 60 días, no tendrá obligación de otra notificación pública.

El cabildo municipal, durante su audiencia pública, puede otorgar o negar una petición de zonificación, rezonificar el terreno a una clasificación de zonificación menos intensiva que lo que es pedida. En ningún caso se otorgará una clasificación de zonificación más intensiva de la petición.

Para otorgar un desarrollo de usos urbanos mixtos, el cabildo municipal puede agregar la designación USO MIXTO (MU) DISTRITO COMBINADO, *Mixed-use (MU) Combining District*, a ciertos usos urbanos de comercio. La designación MU- Distrito Combinado simplemente permite usos urbanos residenciales en adición a los usos ya permitidos en los siete distritos con zonificación para comercio. Como resultado, la designación MU- Distrito Combinado, otorga la combinación de oficinas, comercio, y usos urbanos residenciales en el mismo sitio.

Para más información acerca del proceso de desarrollo urbano de la ciudad de Austin, por favor visite nuestra página de la Internet: [www.austintexas.gov/planning](http://www.austintexas.gov/planning).

Comentarios escritos deberán ser sometidos a la comisión ~~19 of 88~~ persona designada en la noticia oficial) antes de la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, y el número de caso de la persona designada en la noticia oficial.

Numero de caso: C14-2021-0100

Persona designada: Sherri Sirwaitis, 512-974-3057

Audiencia Publica: Agosto 3, 2021, Comisión de Zonificación y Platting

Su nombre (en letra de molde)

|                                     |               |
|-------------------------------------|---------------|
| <input type="checkbox"/>            | I am in favor |
| <input checked="" type="checkbox"/> | I object      |

Su domicilio(s) afectado(s) por esta solicitud

Firma

Fecha

Daytime Telephone: \_\_\_\_\_

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

Si usted usa esta forma para proveer comentarios, puede retornarlos:

City of Austin, Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767-8810

O por correo electrónico a:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)



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**Case Number: C14-2020-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: August 3, Zoning and Platting Commission**

GAYLON O. DAVIDSON

Your Name (please print)

8107 CLUB COURT, AUSTIN, TX 78759

☐ I am in favor  
☒ I object

Your address(es) affected by this application

Gaylon O. Davidson

Signature

1/24/21  
Date

Daytime Telephone: 512 291-2273

Comments: I OBJECT TO MIF DESIGNATION  
FOR THIS PROPERTY

City of Austin

JUL 28 2021

NHCD / AHFC

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

City of Austin, Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)



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**Case Number: C14-2020-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: August 3, Zoning and Platting Commission**

*John Fisher*

Your Name (please print)

*8210 Bent Tree Rd. 222<sup>nd</sup> Austin TX 78759*

Your address(es) affected by this application

*[Signature]*

Signature

☐ I am in favor  
☒ I object

*7-25-2021*

Date

Daytime Telephone: \_\_\_\_\_

Comments: *Don't Change the Zoning.*

*City of Austin*

*JUL 28 2021*

*NHCD / AHFC*

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

City of Austin, Planning & Zoning Department

**Sherri Sirwaitis**

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

**[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)**

**From:** Marianne Ross  
**To:** [Sirwaitis, Sherri](#)  
**Subject:** RE: Case No. C-14-2021-0100; Rezoning 8176 N MoPac  
**Date:** Thursday, July 29, 2021 10:30:25 AM

---

Dear Ms. Sirwaitis:

Please submit the following comments and objection for the rezoning application referenced above:

I am a resident of Summerwood, a neighborhood community consisting of several free-standing homes and townhomes located just a half mile west of the property at issue. I strongly oppose the rezoning application of this property to MF-6. The City has already decreased vehicular traffic movement by increasing the volume of the bike lanes on Steck and other areas around town. Adding a large, highly dense community at that particular intersection would make traffic all that much worse than it already is. During Covid and the quarantine it may *appear* there is not a lot of traffic around Steck & Mopac, but there is. During normal times, the traffic is already unbearable at that intersection. Also, we have a number of senior citizens living in our neighborhood and surrounding areas, in addition to the numerous students who attend Anderson High School farther west on Steck. Please do not make it any more difficult for them to maneuver than it already is.

Thank you,

Marianne Ross  
8330 Summerwood Dr.  
512-751-5177 cell

---

**From:** Judy Briscoe  
**To:** [Sirwaitis, Sherri](#)  
**Subject:** Proposed Zoning Change for current Luby's Restaurant  
**Date:** Monday, August 2, 2021 10:59:04 AM

---

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

Dear Ms. Sirwaitis –

My husband, Gary Briscoe, and I, Austin natives, have lived in Summerwood for 30 years. As the population density of Austin has increased exponentially, traffic has become a nightmare. Trying to get onto Steck Avenue from Summerwood Drive has become increasingly more difficult. The light at MoPac and Steck Avenue can cause a delay of several minutes and multiple light changes to get onto MoPac from Steck, either going north or south.

Putting in a multi-unit apartment complex will only exacerbate an already untenable situation. Please reconsider the potential zoning change. We don't need the additional residents, potentially increased crime, and unbearable traffic congestion.

Thank you for your consideration.

Judy and Gary Briscoe  
8302 Summerwood Drive  
Austin, TX 78759  
512-338-1916

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**Case Number: C14-2020-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: August 3, Zoning and Platting Commission**

*Leo H. + Teresa J White*

Your Name (please print)

*8111 West Court, 78759*

Your address(es) affected by this application

*See Attached [Signature]*

Signature

☐ I am in favor  
☒ I object

Date

Daytime Telephone: *210-349-2450*

Comments: *We oppose any structure more than 2 stories in height.*

City of Austin

AUG 01 2021

NHCD / AHFC

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City of Austin, Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)



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**Case Number: C14-2020-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: August 3, Zoning and Platting Commission**

ANN WARD

Your Name (please print)

3604 BRANIGAN Lane

Your address(es) affected by this application 78159

Ann Ward

Signature

8/2/2021

Date

Daytime Telephone: 512-338-1623

Comments: I oppose changing this zoning to a multifamily residence highest density district. It will increase traffic on Steck Ave, and it is almost impossible to turn left off of Summer Side & Bent Tree onto Steck now. This will make it worse. A high rise doesn't fit our neighborhood & will make the Steck/HofAC intersection more dangerous.

☐ I am in favor  
☒ I object

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City of Austin, Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)

**From:** Susan Summers  
**To:** [Sirwaitis, Sherri](#)  
**Subject:** Objections to zoning change  
**Date:** Monday, August 2, 2021 3:39:20 PM

---

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

Dear Ms. Sirwaitis,

I write to record my opposition to the proposed zoning change for the Luby's property at the Mopac-Steck intersection.

I believe that a combination of decreased business for Luby's and diminished traffic due to the pandemic have caused a false picture of traffic conditions in the area.

I have been familiar with this area for 33 years. Ingress and egress at this property have always been extremely problematic.

My first point: when Luby's was a "going" business, people going west on Steck would turn left across eastbound traffic to enter the parking lot. This caused long and frustrating waits for people in the cars behind them. A densely populated apartment house will once again make this a problem.

Second, at peak times one can wait through 2 traffic lights in the left lane when headed east on Steck, wishing to turn left onto the northbound access road to enter 183 or northbound Mopac. Traffic backs up a considerable distance. This problem will be enormously exacerbated when dozens of apartment residents want to be in this lane as well for their northbound commute.

Third, the east side entrance/exit presents a problem. There is very little "space" to exit the property and cross three lanes of traffic to enter southbound Mopac. Again, imagine when other dozens of residents want to do this as they begin a commute southward.

In addition to these considerations, I ask that you consider the implications of the impact a high-density dwelling will have on the student populations at Hill Elementary and Murchison Middle School.

There are aesthetic issues as well. The corner is considerably higher than the areas to the north and east. What will surely be a high rise building will be out of scale for its surroundings.

Obviously something will replace Luby's. In the best interests of public safety and community well-being, I urge you to deny any plan that proposes high-density use.

My husband asks that you know he also believes the proposed change is a bad idea aesthetically or practically.

Yours sincerely,  
Susan S. Summers  
8332 Summerwood Dr.

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City of Austin  
Planning Department  
Public Hearing Form

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Case Number: C14-2020-0100

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: August 3, Zoning and Platting Commission

Debby Waltham

Your Name (please print)

3703 Claborn Austin 78754

Your address(es) affected by this application

Debby Waltham

Signature

Daytime Telephone: (512) 799 5902

Date

8/2/2021

Comments: The recommendation to change the zoning to a higher density will adversely affect the traffic in the area and increase accidents. Residential and Businesses in the area include: Summerwood, Villa Serena, LT Watorex, the Park (businesses), the Arbors, Bent Tree Apartments and Hampton Park. Street is currently only a 2 lane road and it does not appear there room to expand.

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

City of Austin, Planning & Zoning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

sherri.sirwaitis@austintexas.gov



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**Case Number: C14-2020-0100**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: August 3, Zoning and Platting Commission**

*Thomas D Carter*

Your Name (please print)

*3803 Cima Serena Drive 78759*

Your address(es) affected by this application

*TD Carter*

Signature

☐ I am in favor  
☒ I object

*8-2-21*

Date

Daytime Telephone: 512-418-0869

### Comments:

- Current zoning has been/is well suited to adjacent businesses & residences locating during past 50 years.
- Public schools which serve students of this area are already at/above capacity. Adding students of MR (hd.) will only lower levels of education for all students.
- MR (hd.) housing would be of highest disparity from existing businesses and residents
- Forcing MR (hd.) housing will disaccomodate existing majority businesses and residences for sake of accommodating a small minority of new and, disparate residents.
- MR (hd.) is incompatible with existing housing density.
- More people, more, more traffic, more noise—all damaging to existing, surrounding residents and businesses.

P. O. Box 1088, Austin, TX 78767-8810

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)

**From:** Mark Walsh  
**To:** [Sirwaitis, Sherri](#)  
**Subject:** Case No. C-14-2021-0100; Rezoning 8176 N MoPac Expressway  
**Date:** Monday, August 2, 2021 10:23:08 PM

---

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

Subject: Case Number C14-2020-0100, Re-Zoning Request  
Contact: Sherri Sirwaitis  
Public Hearing: August 3, Zoning and Platting Commission

Good afternoon Ms. Sirwaitis,

I received the Notice of Public Hearing for Rezoning on the above-referenced case. I am not able to attend the hearing but would like to register my objection to this rezoning application.

I have lived at 8228 Summer Place Drive for over 30 years and am aware of the traffic patterns and problems surrounding the property at 8176 N. Mopac Expressway SVRD SB. I feel re-zoning this property from LR (Neighborhood Commercial district) to MF-6 (Multifamily Residence (Highest Density)) is inappropriate.

I want to thank the Zoning and Platting Commission for soliciting input from residents within the area. I think this is a wise and important step in the evaluation process. In conclusion, **I object to the rezoning and want to urge the Zoning and Platting Commission to deny the request.**

Respectfully yours,

Mark Walsh  
8228 Summer Place Dr.  
Austin, Tx, 78759  
Daytime telephone: 512-343-1414

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**From:** Mario L Garcia  
**To:** [Sirwaitis, Sherri](#)  
**Subject:** Case # C14-2020-0100 Public Hearing: August 3, Zoning and Platting Commission:  
**Date:** Tuesday, August 3, 2021 2:44:38 PM

---

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

To: Sherri Sirwaitis

From: Mario L. Garcia  
8210 Bent Tree Rd. #212  
Austin, TX 78759

Dear Sherri,

I strongly object to the rezoning of 8176 North Mopac Expressway from LR - Neighborhood district to MF-6 Multifamily Residence (High Density) district. I object because this would dramatically increase traffic on Steck Avenue and make it even more dangerous. Two of my neighbors have been hit cars and one the ladys was killed on Steck Ave and Summerside Drive.

Best Regards.

Mario L. Garcia  
512 961 8535

PS: resident of NW Hill since 1981

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Environmental Services, Inc.

14 May 2021

Mr. Brett Denton  
Ardent Residential  
5453 Burnet Road, Suite 203  
Austin, Texas 78746

**RE: Draft Comprehensive Report – Luby’s Site at Steck and MoPac  
8176 North MoPac Expressway  
Austin, Travis County, Texas  
HJN 21048.001**

Dear Mr. Denton:

Per your request, Horizon has summarized the tasks listed below related to karst features/caves located at the Luby’s restaurant site (subject site) and/or the immediate site vicinity. In addition, the information/reports for each listed task are attached to this letter report.

#### **KARST SURVEY**

The objective of the karst survey was to evaluate the structural development, subgrade extent, and habitat potential for endangered karst invertebrates at approximately 1 geologic feature (F-1). This feature is a subsurface void covered by a storm sewer lid located along the eastern property boundary of Luby’s along the southbound service road for the MoPac Expressway.

Based on the results of the karst survey, feature F-1 meets the requirements to be classified as a cave based on it being a natural underground open space formed by the dissolution of limestone that is large enough for an average-sized person to enter. Horizon staff surveyed/mapped the feature, which has been named **Luby’s Cave** for identification purposes. The total footprint of the cave extends 21 feet from southeast to northwest and 14 feet from east to west, with a total depth of approximately 15 feet. Additionally, Luby’s Cave does not appear to provide habitat for endangered terrestrial karst invertebrates (TKIs) based on its small size and highly variable and/or unstable temperatures/humidity. The karst survey letter report is presented in Attachment A.

#### **TEXAS SPELEOLOGICAL SURVEY FORMAL DATA REQUEST**

Additionally, Horizon submitted a formal written data request to the Texas Speleological Survey (TSS) on 16 April 2021. A formal data request is used where the volume of sensitive data requested is potentially significant and/or where a greater degree of assurance is desired from the requestor that the data will not be misused. This type of request is used in karst areas to obtain further information on caves that may occur in the area.

The results of the TSS data export request showed no apparent cave (entrances) located within the Luby’s site and approximately 4 cave entrances located outside the Luby’s site but within the requested area of interest (i.e., <0.25-mile radius) (see Figures 1 and 2 in Attachment B). The four listed caves are Dead Dog Cave No. 2 (SE driveway entrance into Luby’s), Dead Dog Cave No. 1 (Trap Door Spider Cave, outside western Luby’s property boundary), Dead Dog Cave No. 6 (north of NW entrance into Luby’s under Steck



Boulevard), and Dead Dog Cave No. 4 (due west of Luby's under existing apartment complex). According to TSS, all the cave entrances have been covered by area development. TSS provided cave maps for only Dead Dog Cave No. 2 and Dead Dog Cave No. 1 (Trap Door Spider Cave) (see Attachment B). TSS also provided a written summary and a spreadsheet of data findings (see Attachment B). Luby's Cave (F-1) was not documented by the TSS.

## **EMAILS AND PERSONAL TESTIMONIES**

During the investigation of the subject site, Horizon has corresponded with various individuals via email and phone concerning karst features/caves at the subject site. Select emails from Scott Hiers, PG (City of Austin) are presented in Attachment C. As for phone calls, Horizon contacted Mike Warton (ACI Consulting, Inc.) concerning caves at/near the subject site. Mr. Warton stated that the entrance to Dead Dog Cave No. 2 was located within the southeastern driveway into the Luby's and a manhole was placed over the cave entrance to provide future access into the cave. However, he stated that this manhole was paved over during construction of the Luby's. In addition, Mr. Warton stated that Trap Door Spider Cave (Dead Dog Cave No. 1) was filled/sealed with concrete during construction of the Luby's.

## **GROUND PENETRATING RADAR STUDY**

Based on the results of the TSS formal data request and conversation with Mr. Warton, Horizon recommended conducting a ground penetrating radar (GPR) survey to accurately locate the entrance to Dead Dog Cave No. 2. On 30 April 2021, Round Rock Geophysics of Round Rock, Texas conducted a GPR survey along the southeastern driveway into Luby's. The GPR survey was conducted using an SIR 4000 system from Geophysical Survey Systems, Inc. (GSSI) with a 270-megahertz antenna for maximum resolution and depth. The GPR survey provided details of the subject cave entrance area to an approximate depth of 20 feet below surface grade. GPR field data were collected along several profile lines spaced at 2-foot intervals that crossed the driveway in approximate east-west directions (see Attachment D).

Interpretation of the GPR survey results indicate an asphalt and concrete-covered driveway, several buried utility lines, and the location of a possible manhole with an apparent connected cave passage extending towards the MoPac access road. The manhole is located off-site within a Texas Department of Transportation (TxDOT) right-of-way (ROW) approximately 70 feet from the start of GPR profile lines 1, 3, and 5. Additionally, the location of the manhole was marked on the ground with spray paint by the GPR survey crew (see Attachment D). Based on the results of the GPR study, the former entrance to Dead Dog Cave No. 2 is located off-site within the southeastern driveway entrance into Luby's; however, it has been paved over with concrete and is not accessible in its present condition. The manhole location, according to the GPR survey, is very close to where TSS shows the original entrance to Dead Dog Cave No. 2.

## **CONCLUSIONS AND RECOMMENDATIONS**


Based upon the results of the karst feature investigation, Luby's Cave (F-1) does not provide habitat for endangered karst invertebrates and no biological collections are recommended. It is Horizon's opinion that Luby's Cave (F-1) would not qualify as a critical environmental feature (CEF) with an associated setback buffer due to its nature (i.e., interstitial, apparently encountered during previous City of Austin utility construction), current developed site conditions, the fact that its surface expression was covered with a City of Austin manhole, and the presence of an underground City of Austin wastewater line within the feature.

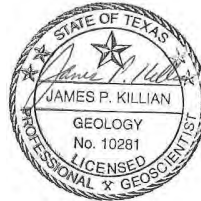
Based on the results of the TSS data request and the GPR survey, the entrance to Dead Dog Cave No. 2 is located off-site within the southeastern access driveway to the Luby's site. It is Horizon's opinion that Dead Dog Cave No. 2 would not qualify as a CEF with an associated setback buffer due to current site conditions (i.e., it has been entirely paved over with concrete for the past 40 years and there is a manhole within the TxDOT ROW). Horizon does not recommend any further action since this location has been verified by three reliable sources (TSS, Mr. Warton, and Round Rock Geophysics).

Based on the results of the TSS data request and conversation with Mr. Warton, the entrance to Dead Dog Cave No. 1 (Trap Door Spider Cave) is located off-site from the Luby's site. It is Horizon's opinion that Dead Dog Cave No. 1 (Trap Door Spider Cave) does not qualify as a CEF with an associated setback buffer due to its reported status (i.e., concrete filled/sealed during past construction) and current developed site conditions (it has been covered by an asphalt driveway for the past 40 years).

Horizon appreciates the opportunity to be of service to you and provide this comprehensive letter report. Please contact us if you have any questions or require additional information.

For Horizon Environmental Services, Inc.  
Registered TBPG Firm No. 50488

  
James Killian, P.G.<sup>1</sup>  
Senior Geologist – Horizon



## ATTACHMENTS

- Attachment A: Karst Survey Letter Report – F-1 (Luby's Cave)
- Attachment B: Texas Speleological Survey (TSS) Data – Luby's
- Attachment C: Email correspondence - Karst features/caves at Luby's
- Attachment D: Ground Penetrating Radar (GPR) Report – Luby's (SE driveway entrance)

---

<sup>1</sup> Registered Professional Geologist, State of Texas

**ATTACHMENT A**  
**KARST SURVEY REPORT**



Environmental Services, Inc.

27 April 2021

Mr. Brett Denton  
Ardent Residential  
5453 Burnet Road, Suite 203  
Austin, Texas 78746

**RE: Environmental Resource Inventory – Luby’s at Steck and MoPac  
Austin, Travis County, Texas  
HJN 21048.001**

Dear Mr. Denton:

Per your request, Horizon has investigated 1 geologic feature that was apparently covered by a storm sewer lid at the subject site.

## **KARST SURVEY METHODOLOGY**

The objective of this exploration was to evaluate the structural development, subgrade extent, and habitat potential for endangered karst invertebrates at approximately 1 geologic feature (F-1).

Tasks included surveying/mapping of any subgrade void space and determining habitat potential for endangered karst invertebrates.

## **KARST SURVEY RESULTS**

The investigations of the subject feature occurred 26 April 2021. The feature is described as follows:

Geologic feature F-1 is a subsurface void covered by a storm sewer lid located along the eastern property boundary of Luby’s along the southbound service road for the MoPac Expressway (Loop 1). Inside the void and below the lid, there is no associated stormwater infrastructure, such as a manhole and/or stormwater line. The feature was likely interstitial with no connection to the surface prior to the utility (wastewater line) construction in the unpaved right-of-way area. After entering through the opening, the feature enlarges into one small room about 5 to 6 feet high with a lowering of the ceiling towards the west. The east side of the void is completely walled off by concrete from an existing wastewater line and associated fill material. Along the wastewater line, the void extends approximately 5 feet to the south and 7.5 feet to the north. Across the entire length of the room near the wastewater line (azimuth: N351W) are two 2-inch-diameter steel pipes that appear to be additional underground utility lines. The furthest lateral extent of the void is approximately 14 feet to the northwest (azimuth: N331W) where the ceiling lowers at a headwall and continues for another 3 feet before becoming too low to follow. Approximately 11.5 feet due



west from the entrance is a rimrock dam with constant dripping water entering through a small cavity opening from the west. This apparent inflow of water drains down underneath a headwall into what appears to be another low bedding plane void, but is inaccessible due to large boulders and breakdown blocking the pathway. Any potential dig leads found within the room were inaccessible due to large breakdown and/or low ceiling heights. This feature meets the requirements to be classified as a **cave** based on it being a natural underground open space formed by the dissolution of limestone that is large enough for an average-sized person to enter. On 26 April 2021, Horizon staff conducted a short survey and map of the feature, which has been named **Luby's Cave** for identification purposes. The total footprint of the cave extends 21 feet from southeast to northwest and 14 feet from east to west, with a total depth of approximately 15 feet.

## KARST FEATURE ASSESSMENT

In Central Texas, cave development and potential karst invertebrate species habitat usually occur within the more porous and/or solutioned stratigraphic members of the Edwards Formation. Caves that have developed within the Edwards via a natural entrance path (i.e., sinkhole, solution cavity, or solution-enlarged fracture) frequently provide more suitable conditions for karst invertebrates. However, if a cave develops within the Edwards and does not have a natural connection to the surface (i.e., interstitial), the cave or void is usually a sterile environment (void of organisms). Unsuitable habitat occurs because there is no surface connection that allows organic materials into the cave to sustain any invertebrate life forms. Caves that do have a surface connection also require sufficient depth and/or extent to provide stable temperature and humidity. All these factors are examined and reviewed in determining the potential for karst invertebrate species habitat in the subgrade.

The results of the Karst Survey have identified 1 geologic feature (F-1) at the subject site that has sufficient subsurface development to be classified as a **cave**. The standards established by the Texas Speleological Survey (TSS) require a karst feature to have, at a minimum, 15 feet of human-traversable subterranean passage to be properly classified as a cave. This distance may be vertical, horizontal, or a combination of both.

During exploration of the cave, a constant search for biological life forms was made; however, no troglobitic or endangered cave-dwelling species (invertebrates) were found. Cave feature F-1 (**Luby's Cave**) does not appear to provide habitat for endangered terrestrial karst invertebrates (TKIs) based on highly variable or unstable temperatures and humidity. This cave feature was closely inspected and contained sufficient moisture input to provide potential habitat for endangered TKIs; however, its existing configuration severely limits favorable conditions in which additional subgrade development would occur. Feature development appears to have been massively infilled with soils and/or restrictive to the shallow subsurface and, as a result, is subjected to radical seasonal temperature and moisture changes.

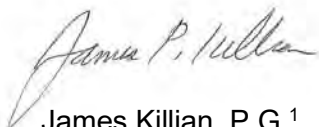
## RECOMMENDATIONS

Based upon the results of the karst feature investigation, no biological collections (i.e., Phase III Karst Survey) are recommended for this cave feature (F-1). In addition, further consultation with the City of Austin is recommended to determine if this feature would qualify as a critical environmental feature (CEF) with an associated setback buffer, if applicable, due to current site conditions and/or existing underground utility infrastructure.

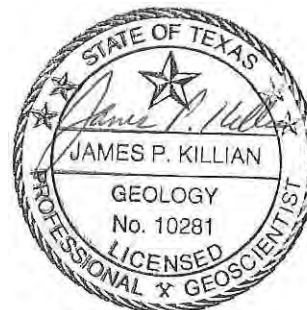
Based on the identified geologic information, a moderate potential exists that subsurface voids may be encountered during any proposed construction or grading activities. If such voids are encountered, excavation should stop immediately, and a qualified karst geologist should be contacted to perform an inspection of the voids.

Horizon appreciates the opportunity to be of service to you and provide this letter report. Please contact us if you have any questions or require additional information.

For Horizon Environmental Services, Inc.  
Registered TBPB Firm No. 50488



James Killian, P.G.<sup>1</sup>  
Senior Geologist – Horizon



## REFERENCES

(Nearmap) Nearmap US PhotoMaps. Created by Nearmap\_Engineering 20 April 2017. Imagery date 16 April 2021.

(OSM) OpenStreetMap contributors. Open Street Map, <<http://www.openstreetmap.org>>. Available under the Open Database License ([www.opendatacommons.org/licenses/odbl](http://www.opendatacommons.org/licenses/odbl)). Accessed 16 April 2021.

(UT-BEG) The University of Texas at Austin Bureau of Economic Geology; C.V. Proctor, Jr., T.E. Brown, J.H. McGowen, N.B. Waechter, and V.E. Barnes. *Geologic Atlas of Texas*, Austin Sheet. Francis Luther Whitney Memorial Edition. Revised 1995.

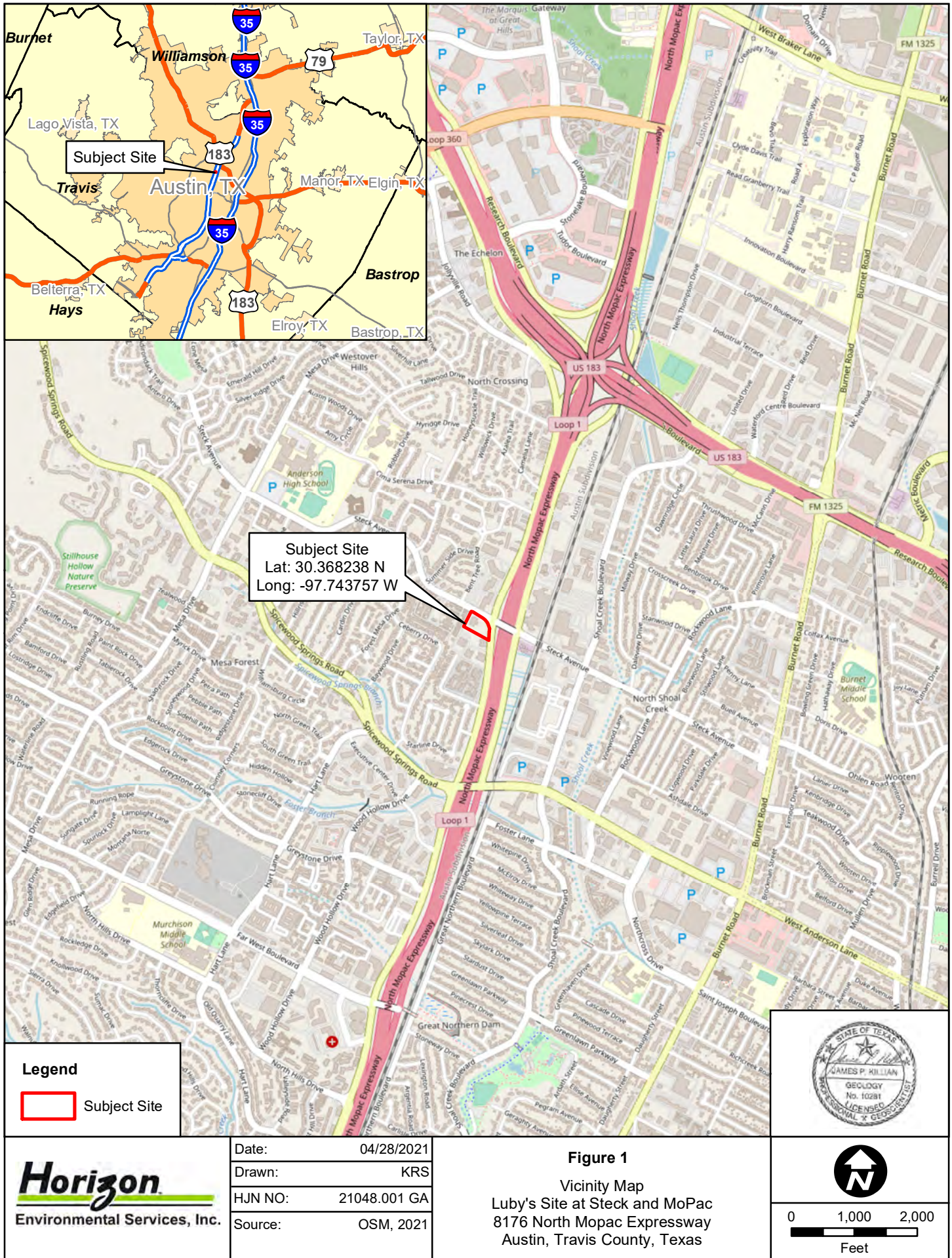
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<sup>1</sup> Registered Professional Geologist, State of Texas

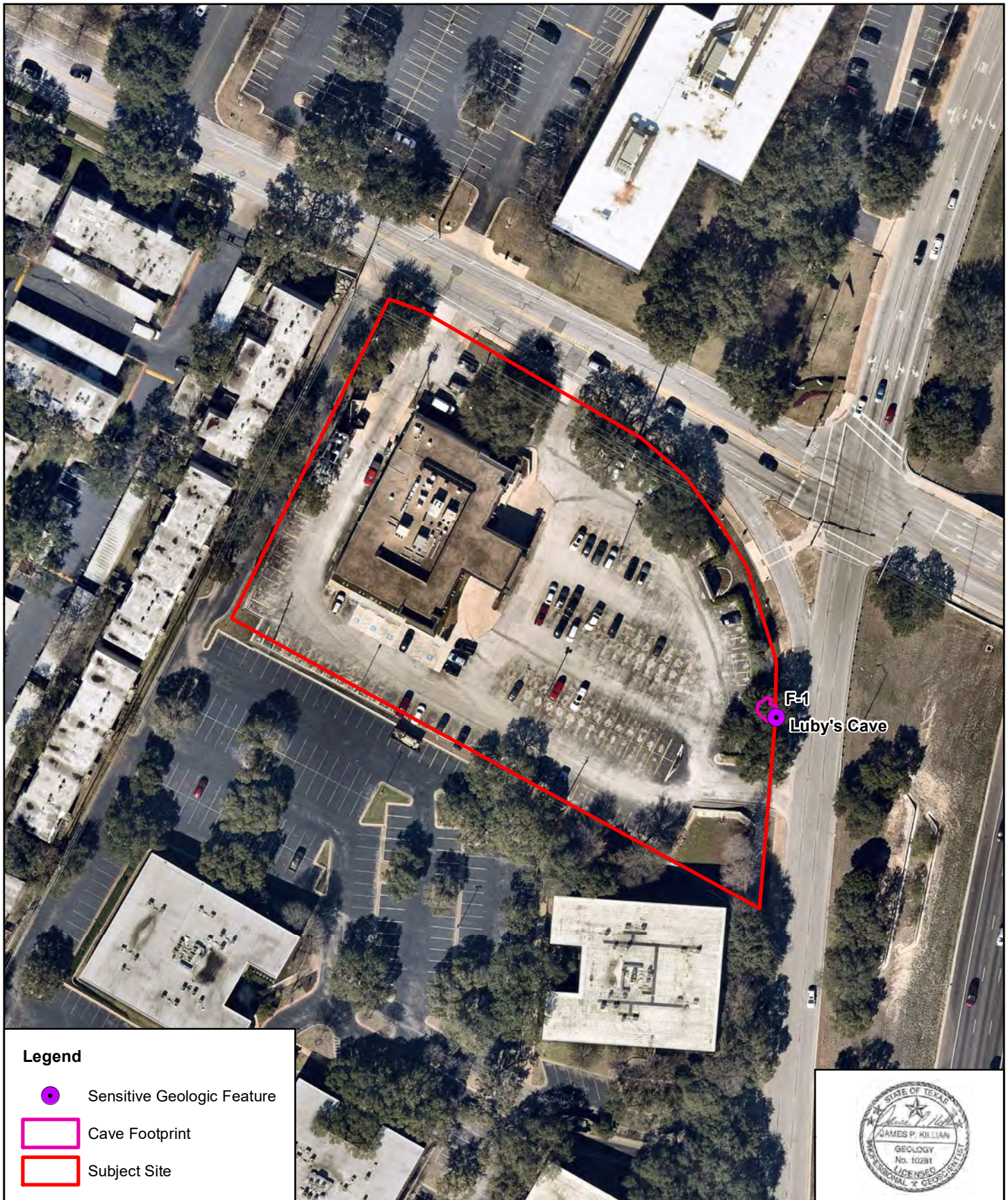
## APPENDIX A

### FIGURES












### Legend

-  Sensitive Geologic Feature
-  Cave Footprint
-  Subject Site

**Horizon**  
Environmental Services, Inc.

|         |               |
|---------|---------------|
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| Drawn:  | KRS           |
| HJN NO: | 21048.001 GA  |
| Source: | Nearmap, 2021 |

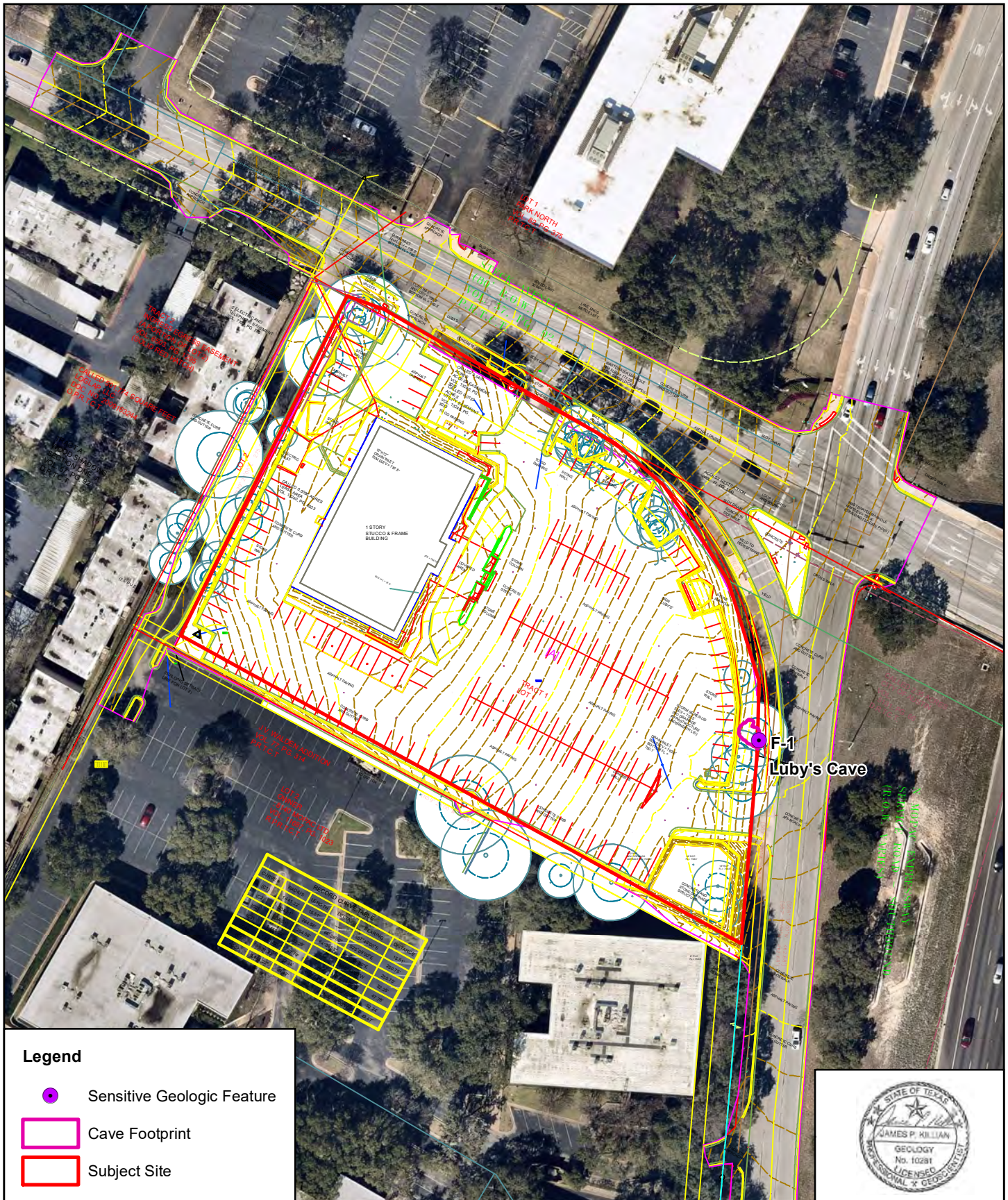
### Figure 2

Geologic Feature Map  
Luby's Site at Steck and MoPac  
8176 North Mopac Expressway  
Austin, Travis County, Texas



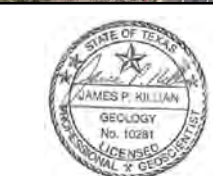
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Feet





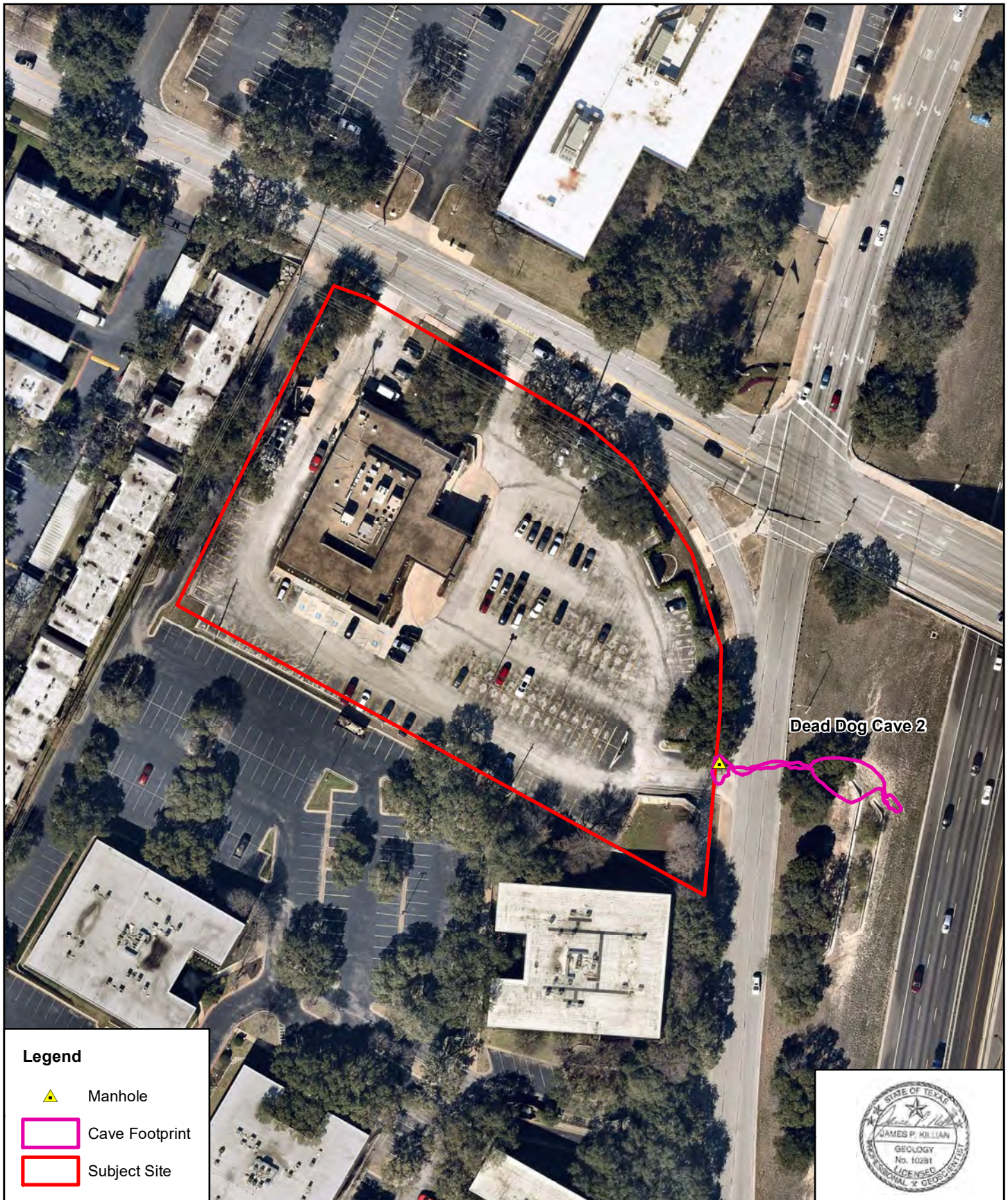
**Horizon**  
Environmental Services, Inc.

Date: 04/28/2021  
 Drawn: KRS  
 HJN NO: 21048.001 KS  
 Source: Nearmap, 2021



0 50 100  
Feet





**Horizon**  
Environmental Services, Inc.

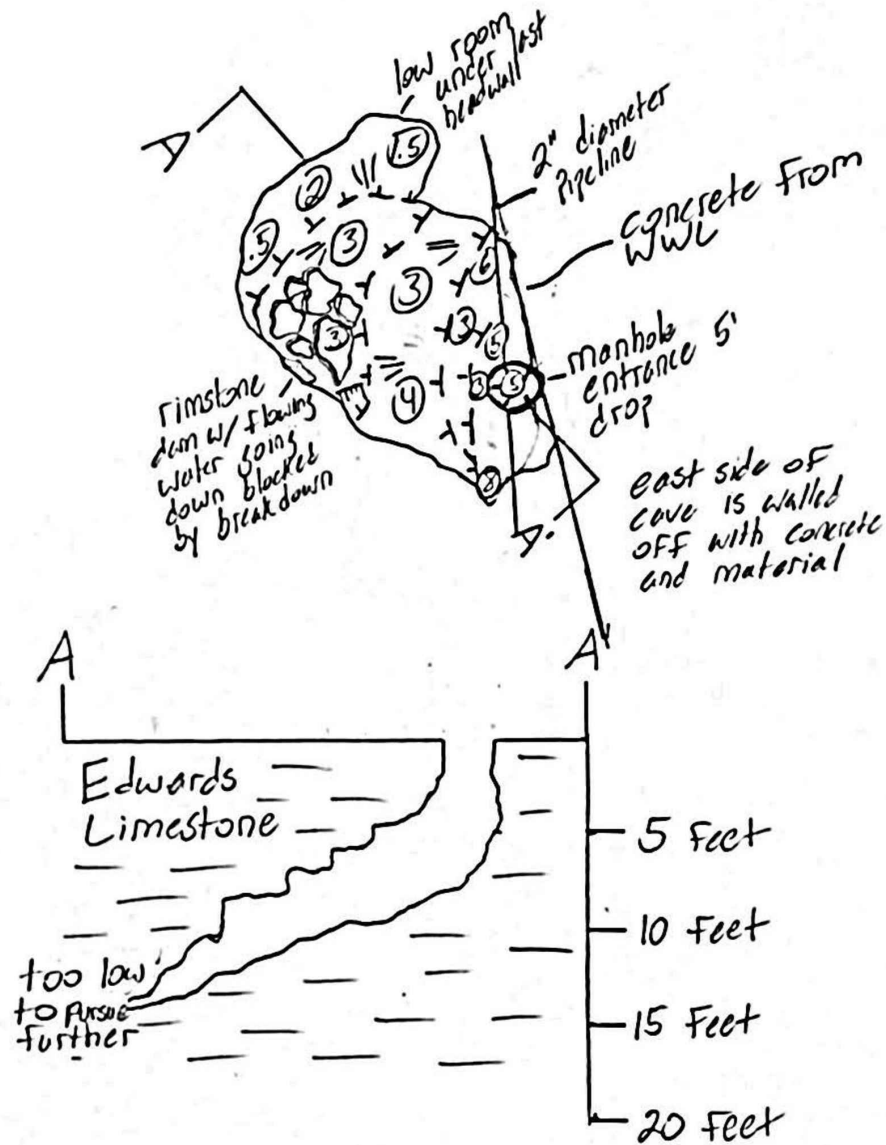
Date: 05/14/2021  
 Drawn: KRS  
 HJN NO: 21048.001 GA  
 Source: Nearmap, 2021

**Figure 4**  
 Dead Dog Cave Footprint and  
 Manhole Location Map  
 Luby's Site at Steck and MoPac  
 8176 North Mopac Expressway  
 Austin, Travis County, Texas



0 50 100  
 Feet







**APPENDIX B**  
**PHOTOGRAPHS**



**PHOTO 1**  
View of geologic feature F-1 (cave), facing north



**PHOTO 2**  
View of F-1 entrance covered by storm sewer lid, facing down



**PHOTO 3**  
View of geologic feature F-1 (cave entrance), facing up



**PHOTO 4**  
View of eastern side of cave walled off by concrete from wastewater line (WWL), facing east





**PHOTO 5**  
View of rimstone dam with dripping water, facing west



**PHOTO 6**  
Closer view of rimstone dam with water draining under flowstone headwall, facing west



**PHOTO 7**  
View of southern wall of cave, facing south



**PHOTO 8**  
View of 2-inch-diameter buried steel piping running through cave next to WWL, facing north



**PHOTO 9**  
View of northern wall of cave, facing north



**PHOTO 10**  
View of low bedding plane room to the northwest underneath final headwall, facing northwest



**ATTACHMENT B**

**TSS DATA**

Summary of TSS data export for Horizon Environmental Services 4-16-21 data request.

The data export includes 4 caves located inside or on the edges of the indicated interest area. All of the cave entrances have been covered by development.

The included shape file contains location data.

The included Excel file contains memo fields for feature description and biological data. Copy cell contents into a text editor such as MSWord for improved readability. Note that the description for Dead Dog Cave #4 more closely matches the location of Dead Dog Cave #6.

Three map pages were found in our files. No photos were found.

Marvin Miller





### Legend

- TSS Cave Data
- Subject Site

**Horizon**  
Environmental Services, Inc.

|         |                            |
|---------|----------------------------|
| Date:   | 05/02/2021                 |
| Drawn:  | SBF                        |
| HJN NO: | 21048.001 PA               |
| Source: | Nearmap, 2021<br>TSS, 2021 |

**Figure 1**

Texas Speleological Survey Data  
Luby's Site at Steck and MoPac  
8176 North MoPac Expressway  
Austin, Travis County, Texas



0 75 150  
Feet



**ATTACHMENT C**  
**EMAIL CORRESPONDENCE**

**From:** [Hiers, Scott](#)  
**To:** [James Killian](#)  
**Cc:** [Sydow, Lindsey](#); [Markowski, Michael](#); [Andrews, Alan](#); [Rice, Radmon](#); [Brown, Eric](#)  
**Subject:** Dead Dog Cave  
**Date:** Monday, April 19, 2021 1:35:31 PM  
**Attachments:** [Trails and Tales of Old Austin and Travis County - Dead Dog Cave!.pdf](#)  
[TSS Dead Dog Cave 2 map \(Fieseler 1972\).tif](#)  
[TSS Dead Dog Cave 2 map \(Kastning 1983\).tif](#)

---

**[EXTERNAL EMAIL]**

Hi James,

The City of Austin Watershed Protection Department does not have an location for Dead Dog Cave. The only information we have is the attached cave map and article from Trails and Tales of Old Austin. Sounds like a manhole cover was installed to permit access to the cave, but was paved over when the Luby's was built. I would recommend reaching out the Texas Speleological Society (TSS). Perhaps, they have more information. Any information that you find on the cave, please pass it along to me.

Thanks!

Scott E. Hiers, P.G.  
City of Austin – Watershed Protection Dept.  
505 Barton Springs Rd.  
Austin, TX 78704  
512-974-1916  
512-217-5047

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B-2

Sunday, September 2, 2018

## Dead Dog Cave!

This is an expanded post of my history article for the September 2018 issue of the Northwest Austin Civic Association (NWACA) newsletter (<http://nwaca.org/newsletter/>)

Recently the world held its breath as boys and coach of a Thai soccer team were stranded in a cave. Our neighborhood had its own cave drama, albeit not on the scale of the Thai soccer team. I'm referring to Dead Dog Cave[1], its entrance now buried beneath Luby's parking lot near Steck and Mopac Service Road.

The cave was first brought to the attention of cavers about 1958. A gentleman exploring a sink hole crossed a ledge which gave way, climber and rock falling to the bottom of the sink. Subsequent exploration and removal of dirt, rocks, and dog bones (hence the name) revealed a cave 175 feet long, with a depth of 91 feet.

The cave features tight crawl spaces only 8 inches wide; not for the claustrophobic! At one point a narrow vertical passage opens in the ceiling of a walking-size passage. The walking passage extends 15 feet to a six-foot drop into the "Big Room," a room 60 feet long, 30 feet wide, and 30 feet high. Big by Travis County cave standards. The drop into the Big Room is undercut and unclimbable without climbing aids. Inside the Big Room, from a fissure issues a small stream creating a waterfall which falls to the floor creating an area of flowstone. The water flows to a small drain at the lowest point in the cave, 91 feet below the surface.

Even though relatively few braved the difficult path to the Big Room, the cave had a reputation among cavers. The cave also had a reputation among teens!

July 5, 1978, three teenagers from the neighborhood decided to visit the cave. The trip was uneventful until the three attempted to exit. The boy in the lead became pinned in a two-foot-wide passage, 25 feet from the surface by a cave-in, rocks crushing his legs several inches below his hips. The exit thus blocked, his friends behind him were trapped as well. It was about 8:30 pm when the call went out for help from an adult who had gone with the teens, staying near the entrance, presumably for just this reason.

First on the scene was the Fire Department but they were unable to free the boy using a rope, at which time cavers from the Austin Cave Club were called in for assistance. The plan then was to dig out the loose rocks holding the boy in the narrow passage. The most effective implement was a coffee can from the Red Cross truck that had arrived to provide refreshment for the rescuers. After hours of digging the boy was freed about 12:30 am as applause rang out from a crowd of

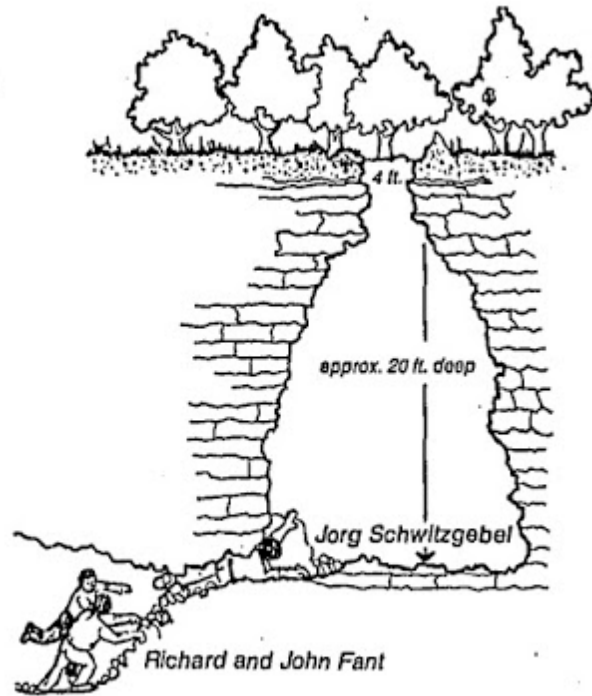


**B-2**  
hundreds of onlookers. "All I could think of," said the boy "was that if the rest came down I would be dead."

That was not the first incident at Dead Dog Cave. Another gentleman told me he got stuck in 1959 when he was a 10th grader at McCallum High; once again cavers came to the rescue. But speculation on the 1978 incident was that construction activities for the extension of MoPac had destabilized the cave leading to the cave-in that pinned the teen. State highway engineers made plans to close the cave with concrete. Cavers talked with engineers, and they agreed to include a manhole cover to permit access to the cave. Unfortunately, when Luby's was built, the significance of that manhole was not appreciated and was paved over, cutting off access to the infamous Dead Dog Cave!

## Photos





**3 youths were trapped nearly 4 hours in cave.**

Graphic depicting the three trapped youth, *The Austin American Statesman*, July, 7, 1978

## Footnote, References

[1] The cave is officially known as Dead Dog Cave #2 (yes, there is a Dead Dog Cave #1), and also as Steck Cave. Here I'll refer to it simply as Dead Dog Cave. My thanks to Jerry Atkinson for his help on this article, and William Russell for use of his write-up, "Major and significant caves and karst features of Travis County, Texas." Texas Speleological Survey, Austin, Texas (in publication 2018).

Kelly, Lee. "Cave-in won't stop teens: Better preparation planned for next exploration", *The Austin American Statesman*, Nov 19, 1978

Turner, Allan. "Youngsters avoid injury in cave-in; entrance sealed", *The Austin American Statesman*, July 6, 1978

Turner, Allan. "Cave where 3 trapped one of hundreds here", *The Austin American Statesman*, July, 7, 1978

Drafted By  
Ronnie Fieseler





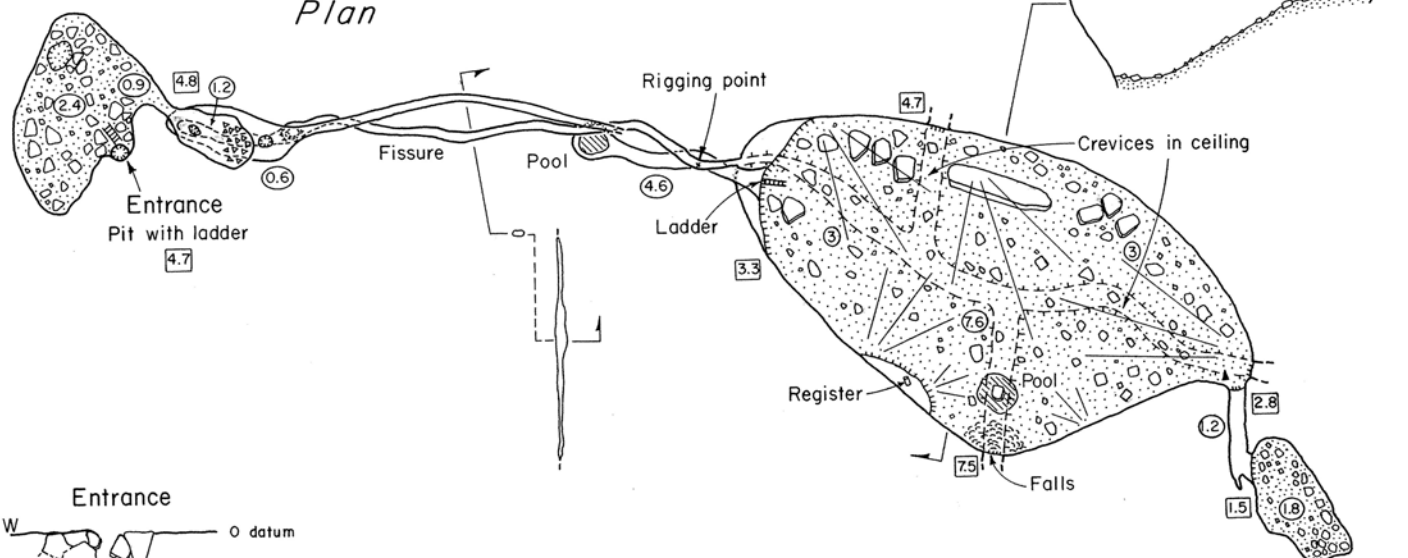
# DEAD DOG CAVE No. 2

TRAVIS COUNTY, TEXAS

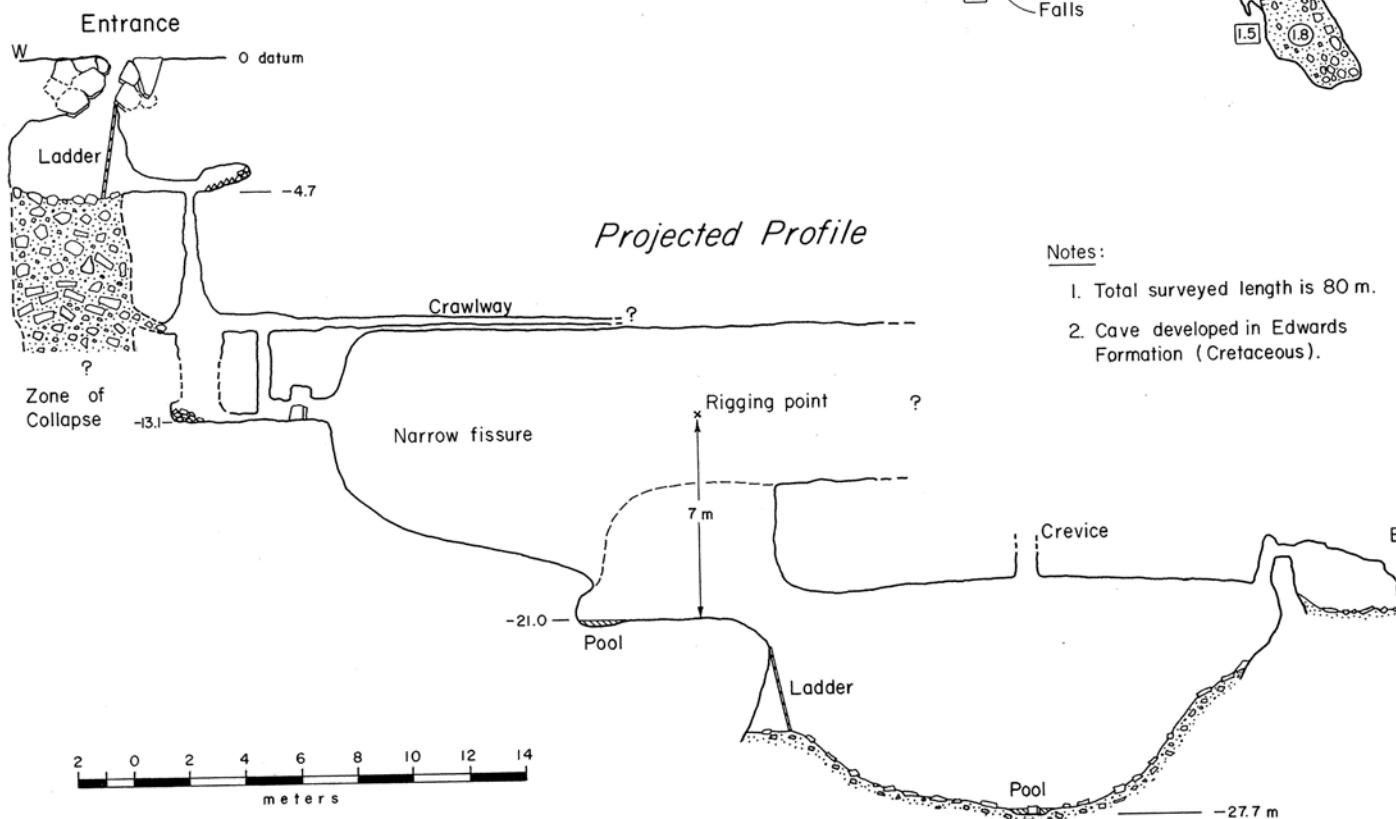
Suunto compass and tape survey  
9 September 1972 by R. Fieseler,  
C. Bittinger, and S. Lillie.  
Redrafted 22 October 1983 by  
E. Kastning from original draft by  
R. Fieseler.



*Plan*



*Projected Profile*



## Notes:

1. Total surveyed length is 80 m.
2. Cave developed in Edwards Formation (Cretaceous).

**From:** [Hiers, Scott](#)  
**To:** [James Killian](#)  
**Cc:** [Sydow, Lindsey](#); [Markowski, Michael](#); [Andrews, Alan](#); [Rice, Radmon](#); [Brown, Eric](#); [Hauwert, Nico](#)  
**Subject:** RE: Dead Dog Cave  
**Date:** Monday, April 19, 2021 3:29:56 PM  
**Attachments:** [Dead Dog Cave 06 Jul 1978, 1 - Austin American-Statesman at Newspapers.com.pdf](#)  
[Dead Dog 19 Nov 1978, 28 - Austin American-Statesman at Newspapers.com.pdf](#)  
[16 Mar 1989, 25 - Austin American-Statesman at Newspapers.com.pdf](#)  
[Dead Dog Cave Austin American Statesman Thu Mar 16 1989 page 2 .pdf](#)

---

**[EXTERNAL EMAIL]**

All,

I found this Austin American Stateman articles.

Scott E. Hiers, P.G.  
City of Austin – Watershed Protection Dept.  
505 Barton Springs Rd.  
Austin, TX 78704  
512-974-1916  
512-217-5047

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---

**From:** Hiers, Scott  
**Sent:** Monday, April 19, 2021 1:35 PM  
**To:** James Killian <james\_killian@horizon-esi.com>  
**Cc:** Sydow, Lindsey <Lindsey.Sydow@austintexas.gov>; Markowski, Michael <Michael.Markowski@austintexas.gov>; Andrews, Alan <Alan.Andrews@austintexas.gov>; Rice, Radmon <Radmon.Rice@austintexas.gov>; Brown, Eric <Eric.Brown@austintexas.gov>  
**Subject:** Dead Dog Cave

Hi James,

The City of Austin Watershed Protection Department does not have an location for Dead Dog Cave. The only information we have is the attached cave map and article form Trails and Tales of Old Austin. Sounds like a manhole cover was installed to permit access to the cave, but was paved over

when the Luby's was built. I would recommend reaching out the Texas Speleological Society (TSS). Perhaps, they have more information. Any information that you find on the cave, please pass it along to me.

Thanks!

Scott E. Hiers, P.G.  
City of Austin – Watershed Protection Dept.  
505 Barton Springs Rd.  
Austin, TX 78704  
512-974-1916  
512-217-5047

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Jorg Schwitzgebel, left, and John Fant at Dead Dog Cave.

## Cave-in won't stop teens

Better preparation planned for next exploration

By LEE KELLY

Austin American-Statesman

Despite some severe bruising, minor cuts and scrapes and a massive rescue effort, two modern-day Flint Kids trapped for five hours in a Northwest Tarrant cave last July say they are ready to explore the subterranean depths again.

But this time the youths say they'll climb into a safer cave—and they'll be better prepared.

Jorg Schwitzgebel, 14, and John Fant, 15, can still recall the terror of the cave-in. They say that danger exists in the small limestone caves that are tucked under the surface of Central Texas and they plan to follow the advice of professional cavers on future trips.

The two teenagers, and Paul's younger brother, Richard, 13, were climbing out of Dead Dog Cave four months ago when a portion collapsed, immobilizing Jorg and cutting off their exit. A friend outside the cave brought a team of fire, police and medical personnel who spent hours rescuing the trio.

Today, with two-year intervals, the two older boys say they weren't frightened as they lay amidst the stalactites, stalagmites and jagged ledges listening to workers scrape away mud and rocks to free the cave's entrance.

"We weren't scared. We were bored," John says.

Really?

"Well, Jorg at first was yelling, 'I'm the rescuer.' 'Please tell me if I'm going to die. But he was really just worried he would lose his legs,' John says.

Jorg adds in confirmation:

"And I was worried for a bit if they just packed Jorg out, the 125-pounder, right on him would fall down on me." John says. "Richard was asleep in another part of the cave most of the time."

Jorg's legs were purple and swollen for three days but all three boys were released safely and without permanent injury.

The cave they were trapped in was sealed with a boulder shortly after their accident, but on a visit to the site recently the youths discovered a new opening in the cave had been made. They hoped a photographer could see the new entrance.

Now, another cave is on the scene surrounded by brush and trees not far from their houses has aroused their curiosity, they say.

And this time they say they'll follow advice offered by the University Speleological Society, a cavers' organization at the University of Texas, whose members were instrumental in their rescue.

"We'll be cautious," Jorg says. "It's not near a recreation area and we'll be wearing helmets like the others."

"We'll be prepared," John says. "Last time we weren't. We didn't have ropes, water or strong flashlights and I had on a summer short. It got cold."

They did have a third person stationed above ground who alerted rescue workers to their plight, but this time they say they'll follow all the safety rules of cave exploring.

According to Speleological Society member Ernest Bantling, "Cave exploring is safe if the proper techniques and safety procedures are learned."

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July 6, 1978

# Austin American-Statesman

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hot

Partly cloudy and continued  
high temperatures. High, upper  
90s. Low, upper 70s. Dews, 42°

## Nurses show special session inn sight

• Tax (does pour in, B1)

By JIM BAKER

American-Statesman Staff

When the state's 181 legislators descend on the Capitol next week for the special session, they may be spending more time looking for lodging than worrying about tax relief.

There's no room in the hotel of Austin.

You see, there will be 4,300 nurses and 180 members of the Texas Medical Association in town, plus several hundred officials and contractors who normally come here for the annual meeting of every month to attend the legislative departmental meetings.

"It's tight," said Chamber of Commerce executive director V. M. Mather. "Any time you have 4,300 people come to town, there just isn't any hotel space left."

John Bogardus, manager of the Driskill Hotel, said the timing of the special session "usually" have been here for the hotel business in Austin. "It's not that the nurses, who come to town annually at this time for a battery of exams, have had trouble at times in finding rooms."

"We never turn anyone away," Bogardus said. "We find them accommodations somewhere or arrange for transfer at our expense."

"This just points up the need for more hotel rooms in Austin. We just don't have enough rooms to handle large gatherings. You find the conventional traffic going the Dallas-Houston-San Antonio triangle and starting all over again. They're like to come to Austin, but we just don't have the rooms."

Out-of-town legislators may not be aware of the room crunch yet. Few calls have been made in either the House or Senate offices for help in finding rooms or apartments.



Firefighter climbs into hole where three teens were trapped.

## Trapped for 4 hours 3 youths rescued after cave ordeal

By RON POWELL, KIM TYSON

American-Statesman Staff

Three youths were trapped inside a cave in Northwest Austin for about four hours Wednesday night after a portion of the underground passageway collapsed as they were climbing out.

Although one of the youths was injured by rocks on his leg, complicating the rescue efforts, none seemed to be seriously injured as they were lifted from the deep opening, about 10 yards west of the Block Avenue-Salmon Drive intersection, at 12:15 a.m. today.

The cave in and rescue efforts drew a swarm of fire, police and medical personnel to the cave entrance, about 8 1/2 p.m. A crowd of 100 to 200 spectators lined the fringe of the area as the drama unfolded past midnight.

Although one of the youths was injured by rocks on his leg, complicating the rescue efforts, none seemed to be seriously injured as they were lifted from the deep opening, about 10 yards west of the Block Avenue-Salmon Drive intersection, at 12:15 a.m. today.

Schwartzkopf had been trapped near the entrance by rocks, authorities said. The other two were further back in the bowels of the tunnel.

Schwartzkopf had been trapped near the entrance by rocks, authorities said. The other two were further back in the bowels of the tunnel.

"Stiff," the youth responded. "I'm going to need a pair of shoes."

Spectators, who helped authorities clear up the cave opening and rescue the youths, speculated that the youths had been trapped by loose limestone inside the cave, probably shaken by repeated 20-minute blasting in the area, where McFarlin Expressway is under construction.

When the three youths went inside the cave Wednesday evening, they left a 30-year-old relative of the Fatts, who did not want to be identified, at the cave entrance. He was able to escape the cave in and came out by 11 p.m.

"These youths (exploring the cave) was to have one in the main room. They didn't go out for them this time," explained former Mayor Fatts.

According to the spectators at the scene, the deep opening is well-known locally as "Dead End Cave."

Authorities spent several hours removing much of the earth trapping young Schwartzkopf, but his feet still were stuck at midnight. When his feet were freed, his room was almost over, authorities explained.

Police had been called to the scene after a fireman had fallen by a head man, Melvin Pick of 1810 Braverman Lane, who said he was driving on Stock when he was stopped by a truck driver who had hit him at the cave.

The truck driver "said he had been some kids playing and the next thing he saw was dust flying," said Pick. "He looked like he'd been digging. His clothes were scratched from rocks. Three of them were bleeding."

## Jail controversy

### Audit turned up commission, company link

Second of four parts

"I personally feel that the conflict of interest finding is legitimate and is the most serious finding that resulted from the audit. Any report should address this finding fully."

—From a memo by Justice Stanley

Within the day he resigned.

By DICK STANLEY

American-Statesman Staff

Marion Whitson told his biographical integrity as a certified public accountant was at stake when he resigned from the governor's Criminal Justice Division July 13, 1977. It was either that or sign, at the request of Executive Director Robert Powers, a revised version of his audit of the Texas Commission on Jail Standards.

Whitson resigned because the revision threw out the audit's central conclusion: that Gov. Dan Briscoe's commission appointee, David Hall Voughtland, had not limited the commission as to whether to promulgate jail construction standards susceptible to defeat in court. Voughtland is chairman and president of Southern Steel Co., for 30 years a San Antonio manufacturer and exporter of jail equipment.

Powers said he considered the issue dead since Voughtland resigned the month before. But if Voughtland was no longer commission vice chairman nor on his hiring and construction standards subcommittee, he was still in contact with the federally funded agency.

Powers accepted his resignation with one hand and the other resuspended him as

the governor's personal adviser on Texas jail. Today, Voughtland still attends commission meetings.

"The standards have been adopted," said Whitson from his new home in Fort N.M., "and they call for more close supervision from the federal guidelines." Southern Steel will go on getting the business simply because no other manufacturer can afford the freight rates to get the steel equipment to Texas.

Despite Whitson's protest, the criminal justice division shelved the audit. Powers said recently, however, that the auditing commission quietly took care of the problems the audit surfaced. Powers called that giving "an instant agency a chance to get on its feet." The audit, he said, is being rewritten and will be released shortly.

Even if that is true, the standards commission will have a long way to go before it even partially can erase the picture painted of it by Whitson's audit. Backed by two sets of cross-indexed working papers containing letters, hearing transcripts, travel vouchers and other commission documents, the audit materials show a very relationship from day

See Justice, A12

## LEAA reorganization planned

See Law, A10

WASHINGTON — The Carter administration and key congressional leaders have agreed on a plan to reorganize the troubled Law Enforcement Assistance Administration, hoping to increase grants and eliminate state government voices on how localities can spend the federal money.

The program is scheduled to be announced by President Carter Monday in the presence of key congressional leaders. They will include Rep. Peter W. Rodino Jr., the New Jersey Democrat who chairs the House Judiciary Committee, and Sen. Edward R. Kennedy, the Massachusetts Democrat who will be the chairman of the Senate Judiciary Committee next year when the measure will come up for action.

The administration has labored over how to improve the agency, which Carter attacked during his presidential campaign, saying that "waste, poor coordination and widespread mismanagement has enabled LEAA to spend \$2.5 billion while making almost no contribution to reducing crime."

Major elements of the plan, according to a summary circulating on Capitol Hill, are reductions in red tape and measures to reduce greatly the amount of anti-crime grants that have been spent on police hardware and construction of fences ranging from dog runs to helicopter pads.

The criticism of excessive spending on equipment, and constant controversies within many states about who should get how much, has alarmed congressional enthusiasm for the agency. With an authorized spending level of \$30 million, it gets an appropriation of only \$15 million.

The problem of allocation is addressed in the plan by providing that counties of more than 250,000 population and cities of more than 100,000 would get three times as much as smaller cities. States, no longer could win their plans for spending, but if the states continued their waste, the dispute could go to arbitration. Now the administrator of the agency can veto the state veto, but the power rarely is used.

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## Nuts and bolts

The workers didn't speak a word, not once pausing to light a cigarette, take a break for lunch, or even, they worked 16 hours a day without pay. The auto industry is experimenting with robots on assembly lines, simple humans, they said, about them in Friday's American-Statesman.



Charles (Bud) McDaniel and son Brad

## Government forecasts

### 7 percent inflation rate

Washington Post Staff

WASHINGTON — The Carter administration has revised its economic forecast, and the news is bad. The president's economic outlook for this year is revised at 7 percent, and an economic growth is barely sufficient to keep unemployment from rising.

In its midyear review of the economy, the administration will forecast a 7.2 percent increase in consumer prices in 1978, percentage point higher than the president predicted in his January budget message.

The administration has lowered its growth projection, reporting a 1 percent increase in consumer output this year, 1 percentage point less than it predicted in January.

## Dad arrested looking for son lost in crowd

By JAMES NEFF

American-Statesman Staff

A father who lost his 7-year-old child and found him on the Texas Lake Fourth of July festival Tuesday night found himself arrested before he found his son.

"I had just thought, 'This would be a bad place to lose Brad,'" said Charles (Bud) McDaniel. Then McDaniel's wife, Kathy, noticed that her son had wandered off.

McDaniel said he saw "a little bit out of my mind" when he and his wife realized their son was lost in the crowd of more than 2,000 persons, who were leaving the fireworks show.

McDaniel said he heard his son had wandered into the heavy traffic, "looking into headlights." Brad is attracted to light because that is all he can see, McDaniel explained.

McDaniel sought help from a police officer who was directing traffic while his wife and several persons searched for the small, blond-haired boy, who wears thick-lens glasses.

McDaniel said he ended up pleading with a traffic policeman for help, only to be arrested on two counts of assaulting an officer and one count of disobeying an officer. He was released after midnight on \$100 bond. (Brad was found safely.)

McDaniel said he asked the officer, Gary Morrison, to help find his son. The officer replied that he had

to direct traffic first and then he could help find the boy, McDaniel said.

McDaniel said he persisted, asking Morrison to call for help on a walkie-talkie. Morrison refused, McDaniel said. He continued pleading and begging for assistance.

McDaniel said, with Morrison told him to get out of the road so he could push him back with his arm.

McDaniel said he grabbed at the flashlight Morrison was holding and ended up pulling off the red traffic cone.

"I was just pleading for attention," McDaniel said. "Please, just help me find my son," he remembers saying.

At that point Morrison told him he was under arrest and threw him to the ground, McDaniel said.

McDaniel said he struggled to avoid "any law being thrown into the concrete." Another police officer who was directing traffic came and helped put handcuffs on McDaniel, police said.

But McDaniel said he never saw that officer nor did he strike the officer.

Morrison, 27, and Gerald Seiff, 24, the policemen whom McDaniel is charged with assaulting, say McDaniel struck Morrison. Seiff said he was scratched and suffered some

See Arrest, A12



WEEK

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# NEIGHBOR

Serving West and Central Austin,  
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Thursday, March 16, 1989 Austin American-Statesman

## On the West Side

By Martin Hobradsch

### Her Irish cake brings smiling

Four years ago, Gayle Browne began selling her Irish whiskey cakes in her antique store on Kerbey Lane. Since then, Browne's Killkinney Cakes has expanded and sells its wares via mail order. This weekend, Browne said she hopes to impress even more people with her cakes at the Texas Irish Festival in San Antonio.

"The biggest thing about this for us is that it's a chance to reach a larger spectrum of people who wouldn't get a chance to find out about us because they don't live in Austin," Browne said.

Killkinney Cakes started with a recipe Browne found while she was living in Ireland during the late 1960s.

"I had been making them for friends for years, and then about four years ago I saw an article in the newspaper about locally produced food gifts," said Browne. "So, I looked into what I had to do to sell my cakes."

Browne said she chose the name Killkinney because it was something that "would remind people of Ireland but not be associated with other Irish things, like the Blarney Stone."

"The cakes are baked in a shop on East Avenue, and Browne sells them in her store and through mail order catalogs. Although she sells several different flavors of liquor cakes, by far the best seller is the Irish whiskey cake. Especially around St. Patrick's Day.

"We send quite a few to people's Irish friends, and even friends who aren't Irish," said Browne.

### McCallum tradition

Lending a helping hand has become a tradition at McCallum High School, where each grade level does a service project to help out the school and community.

This year, the freshman class is planning to collect clothes for a Clothes Closet to help out the needy, said freshman class counselor Blondell Smith.

"We decided that these days there are some people who can't afford the clothes they need, but there are enough people at McCallum who are generous that we could start a clothes closet," said Smith.

The students are organizing for the collection, which will take place throughout April.

"We're going to have a box out in the morning for people to leave the clothes in," she said. "We're hoping to talk to some local cleaners who might offer to clean the clothes for free."

Smith said the drive will focus on students and the McCallum faculty.

"If someone from the community wants to donate something, we certainly won't discourage them," she said.

Smith said the clothes closet will operate on a word-of-mouth basis. "If we hear of someone who needs the clothes, we will get in touch with them," she said.

### Youth government



Austinite Bill Russell, near the opening of Whirlpool Cave in Southwest Austin, is one of several Central Texas cave explorers. "We like to call ourselves 'cavers,'" Russell says. "We're the serious ones." Russell is often called upon by local emergency rescue teams to help free amateur explorers who become trapped in area caves. Staff photo by Marc Fort

# THE UNDERGROUND

Austin area  
has multitude  
of small caves

Story by Steve Weingarten  
American-Statesman Staff

John Schweitzgebel and Bill Russell met in a cave near Schweitzgebel's Northwest Austin home in 1978.

Schweitzgebel, then 14, had gone with neighbor kids into Dead Dog Cave, one of the 200 or so caves in the limestone formations that underlie most of Travis County west of the Balcones Fault, a geologic formation that runs through the western part of Austin.

Others in the neighborhood had been in the cave several times before, but that day in 1978 Schweitzgebel and John and Richard Fant became trapped under rubble loosened by construction work on the nearby MoPac Boulevard expressway.

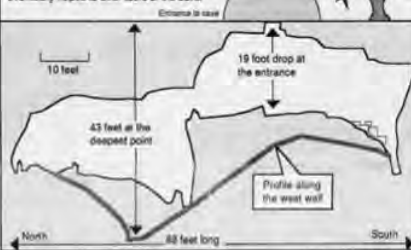
Dead Dog Cave, which has since been paved over, was one of those holes in the ground of western Travis County that help recharge aquifers and that may shelter bats or endangered troglodytes — such as spiders and millipedes — that spend their lives underground.

Russell is familiar with many of these caves. It was his expertise that led to his 1978 encounter with Schweitzgebel and the Fants.

When a relative at the mouth of Dead Dog Cave realized the three

## Goat Cave

Goat Cave is on a 10-acre city preserve off the 8600 block of Coastal Drive in the Maple Run subdivision in Southwest Austin. The Parks and Recreation Department plans to build a limestone "grotto" over the mouth of the cave to prevent vandalism. Bats, which the department hopes will return to the cave, will be able to fly through the grotto. The parks department eventually hopes to offer tours of the cave.



boys were trapped, police were summoned, and they sent for Russell and fellow caver Peter Strickland to free the boys.

Russell was also among those called last year when five Southwest Austin boys became lost in a cave called Maple Run Cave near their neighborhood. In both cases, the rescues were successful.

"I was a very lucky human being," Schweitzgebel recalled last week. "It could have been much worse. The circulation in my legs was cut off and I could have lost them."

Schweitzgebel, now 25 and a doctoral student of chemical engineering at the University of Texas, said he never again ventured into a cave.

"I went off into above-ground exploration since then. Right after that I got into soccer, and now I have my nose in the books."

Russell, on the other hand, still crawls around underground nearly every weekend. And officials still call the 52-year-old IRS employee when they need help with a cave rescue.

Russell said dedicated subterranean of the Texas Speleological Society chapter in Austin avoid the term "spelunker."

"We like to call ourselves 'cavers.' We're the serious ones. We think of spelunkers as Boy Scouts with flashlights," he said.

Russell said the longest of the

nearly 200 caverns he estimates are around Austin, is Airmen's Cave, a two-mile-long chamber with an entrance in the Barton Creek Greenbelt. That cave extends southeast under the Westgate Mall.

He said a half-dozen caves in Travis, Williamson and Hays counties are inhabited by colonies of Mexican brown bats, and even an amateur can tell which they are — the smell of ammonia from guano is overpowering. Inside, the decomposing guano pushes temperatures above 100 degrees and nourishes scorpions, pseudoscorpions, beetles, spiders, mites and ticks.

"There are usually very few animals in caves, and they tend to be very small because there are almost no food sources. Maybe a leaf or two will blow in," he said. "But in a bat cave, there is tremendous energy from the guano. There is probably more life per square-foot of guano than any place else on Earth."

Leo Stone, preserves manager for Austin's Parks and Recreation Department, said vandals have driven away thousands of bats that once roosted in Goat Cave, near the Maple Run subdivision in southwest Austin.

"We've had neighborhood children throw tar paper in and set fire to it, filling the whole room with smoke," Stone said.

Last year, homebuilder Bill Milburn donated Goat Cave and 10 surrounding acres to the city for a nature preserve after Russell and fellow caver Craig Bittinger rescued five boys lost in Maple Run Cave, another cavern on the 10 acres. Besides Goat Cave and Maple Run Cave, the plot includes two large

See Caves, Page 5





From: [Hick, Scott](#)  
To: [Austin ERM](#)  
Subject: Dead Dog Cave Entrance Photo  
Date: Tuesday, April 20, 2021 1:22:42 PM  
Attachments: [DeadDogCave.jpg](#)

[EXTERNAL EMAIL]

James,

The WPD GDS staff stop by the Luby's site and located the manhole entrance for Dead Dog Cave. Looks like someone has already found it.



Scott E. Hick, P.G.  
City of Austin – Watershed Protection Dept.  
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**ATTACHMENT D**

**GPR REPORT**





## **The use of Ground Penetrating Radar to locate Possible Cave Entrance**

**8176 North Mopac Expressway, Austin, TX**

**Project No. 218189**

---



**May 12, 2021**

## Summary

Round Rock Geophysics was contracted to perform Ground Penetrating Radar (GPR) surveys as part of an effort to locate the possible access to the famous Dead Dog cave. The survey area is located at 8176 North Mopac Expressway, Austin, TX and is shown in Figure 1 below.



Figure 1: Location map of the GPR Survey Area.

## Background

As detailed in the request for proposal, the historic Dead Dog cave is believed to have its access close to the intersection of Steck Ave. and MoPac as shown in Figure 1. Presently, this possible access (Manhole) is covered with reinforced concrete and is part of the access road to Luby's Restaurant. There is no sign of it from the surface except historical evidence showing it to be close to the North Eastern corner of the driveway to the Restaurant.

## Scope

The main scope of the GPR survey was to locate this Manhole and to guide the effort to expose it by excavation and/or other means. In doing so, the GPR survey is expected to provide some details of the cave entrance to an approximate depth of 20-ft.

## The GPR Survey

The GPR survey was done with SIR 4000 system from Geophysical Survey System (GSSI) and 270-MHz antenna for maximum possible resolution and depth of investigation. The limits of the survey area include the possible location of the Manhole entrance to the cave as shown in

Figure 1. Field data was collected along profile lines spaced at 2-ft interval and crossing the driveway in the nearly East-West direction. Preliminary observation of the field data has confirmed the good data quality, but it didn't reveal any details of the target Manhole.

In addition to the GPR survey along the pre-planned grids, a survey profile was completed along the southern sidewalk of the driveway.

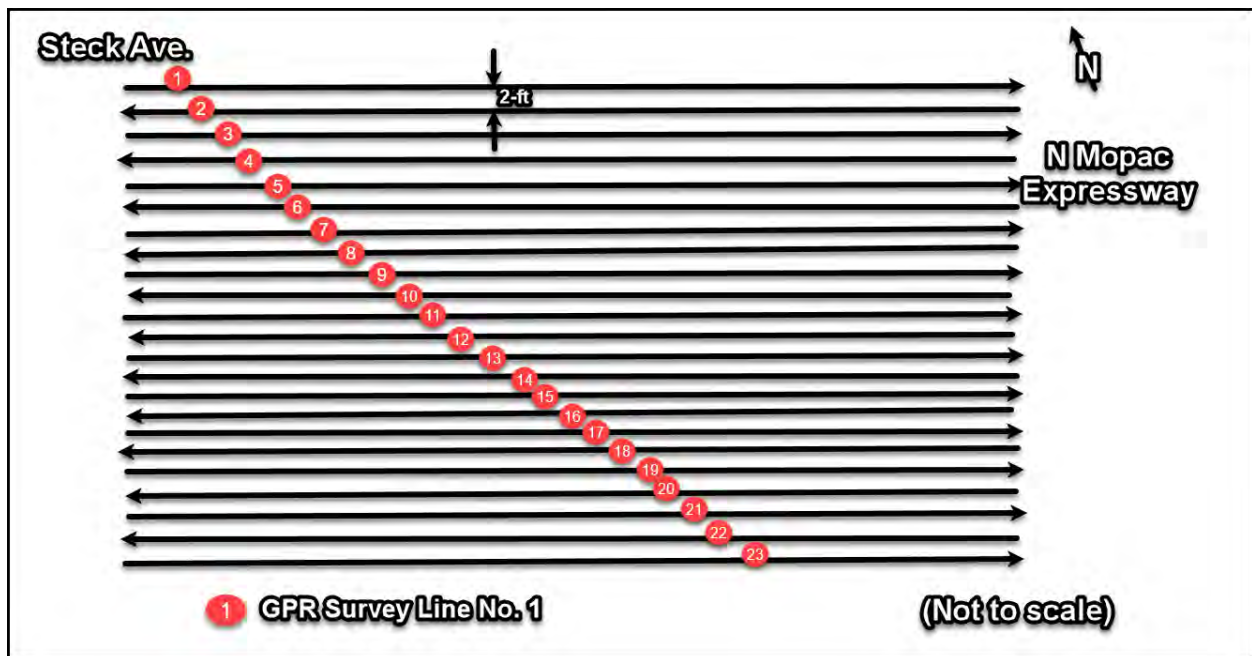


Figure 2: Location and orientation of GPR survey Lines.

## GPR Results and Discussion

The raw field data was processed using the appropriate software packages and following standard procedures to produce the results. These final results are shown both as 2 and 3-dimensional cross sections and depth slices as Figures 3 to 7 below.

Interpretation of the results have shown the details of the asphalt and concrete covered driveway with the location of the possible Manhole and several utility lines.

This possible Manhole is located at an approximate distance of 70-ft from the start of the profile lines 1,3, and 5. There is an indication of a possible Cave entrance connected to this Manhole and extending towards Mopac access road. This entrance slopes towards the Western side of the driveway with an approximate angle of 45-Degrees. The details of this possible feature are beyond the scope of the current GPR survey.



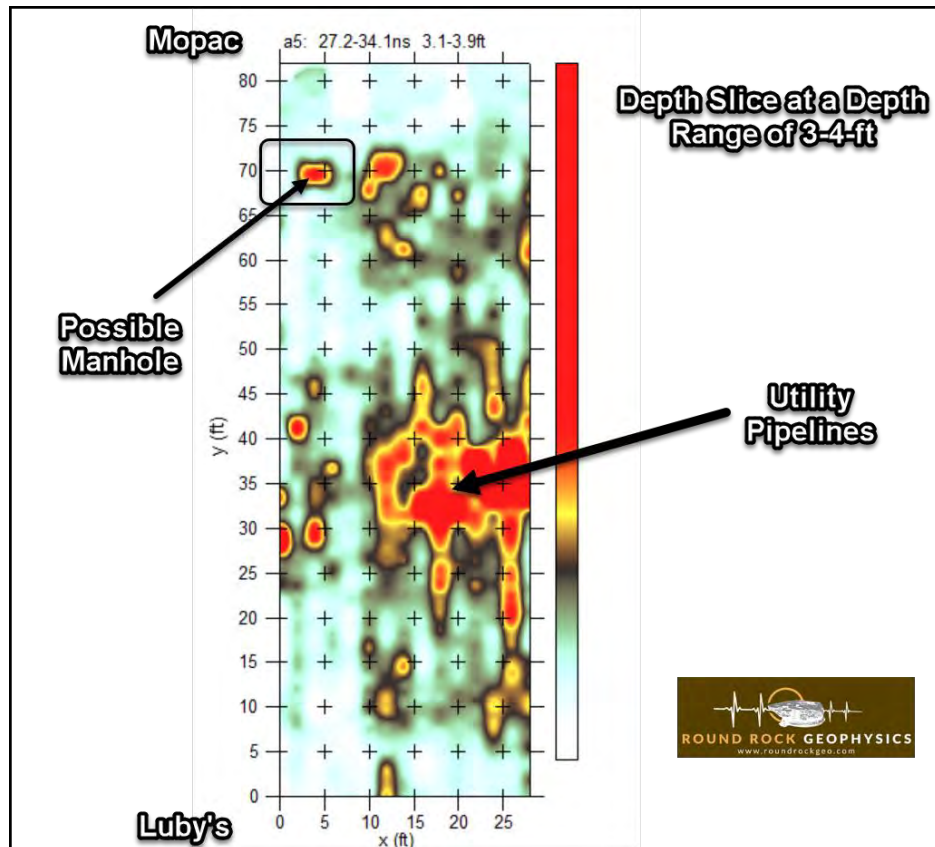


Figure 3: Representative depth slice of the processed GPR survey data.

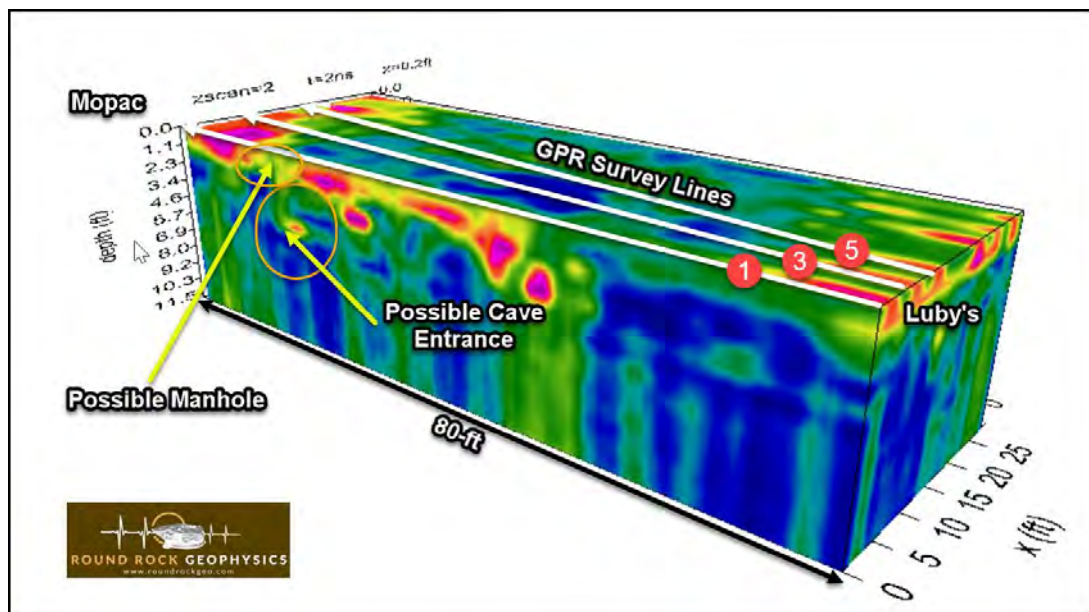


Figure 4: 3-Dimensional view of the processed GPR data and its interpretation.

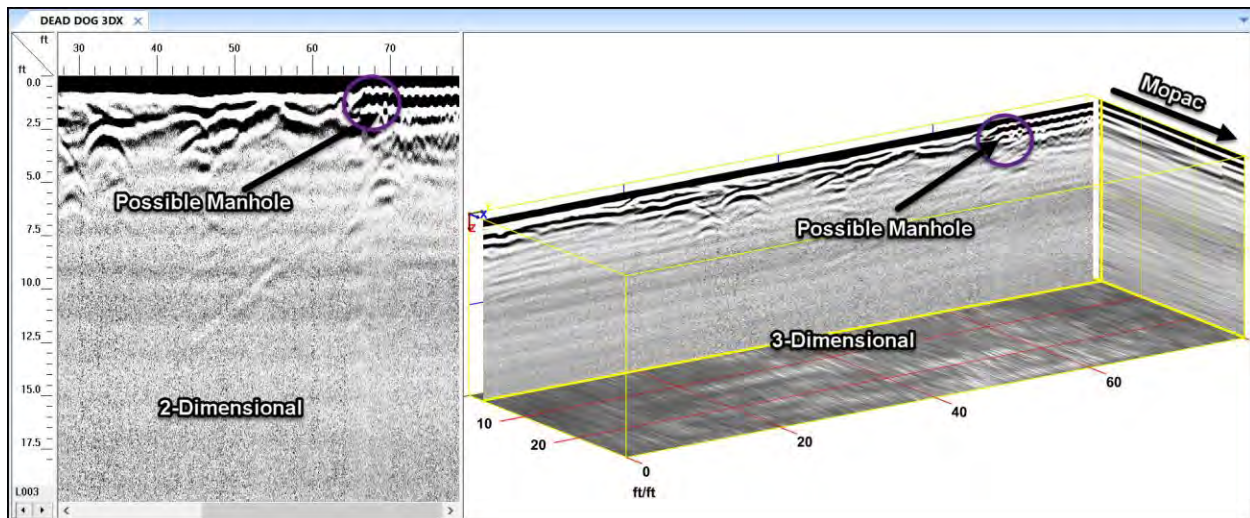


Figure 4: 2 and 3-Dimensional views of the processed GPR data.

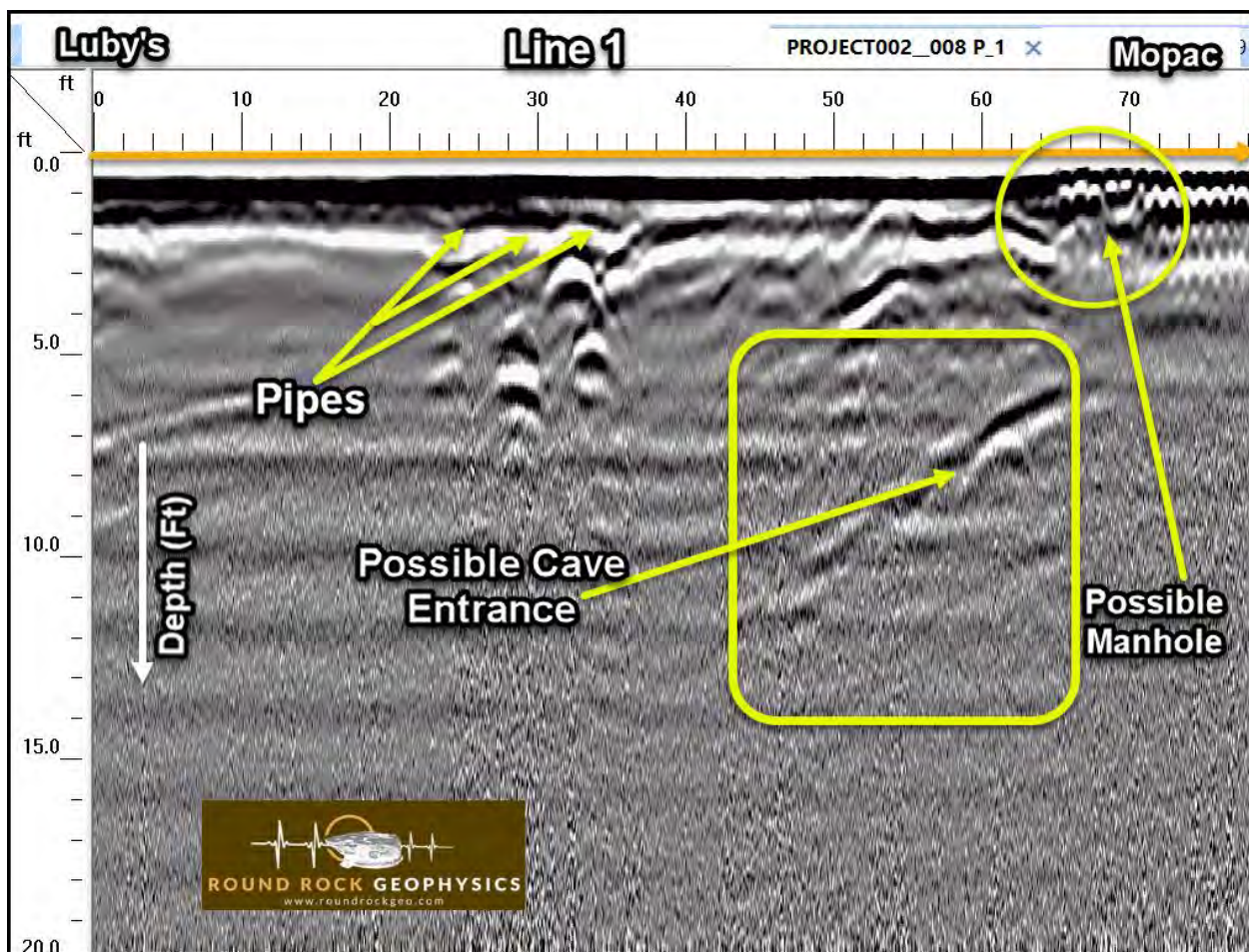


Figure 5: Cross-sectional view of the GPR survey result along Line 1.



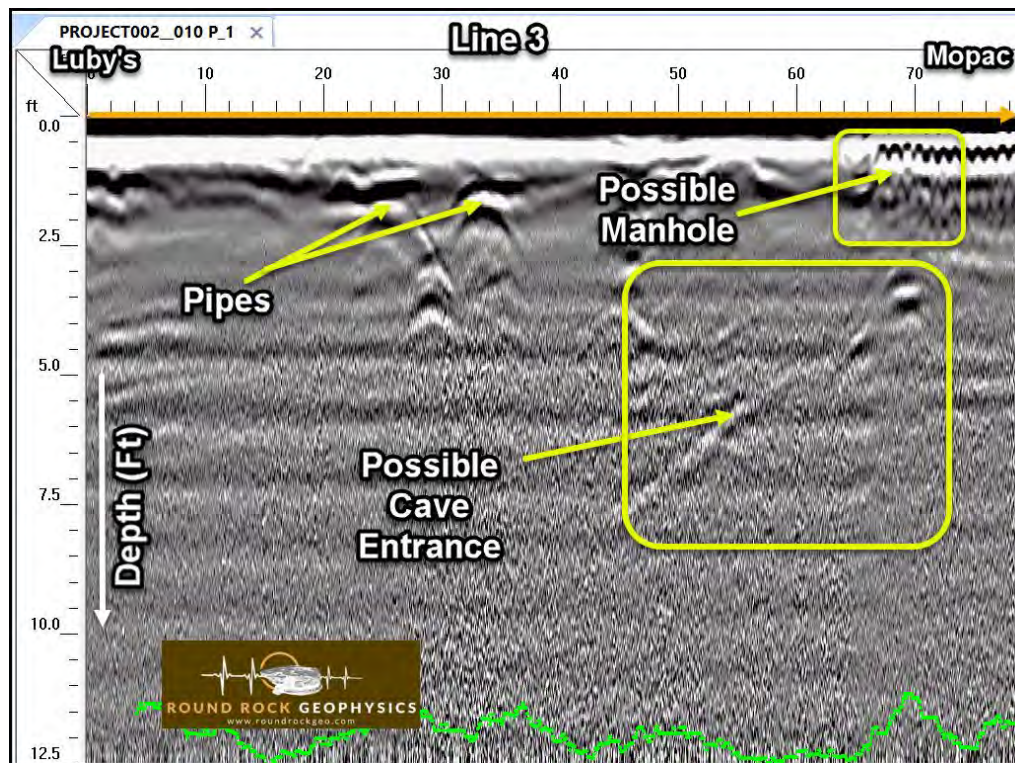


Figure 6: Cross-sectional view of the GPR survey result along Line 3.

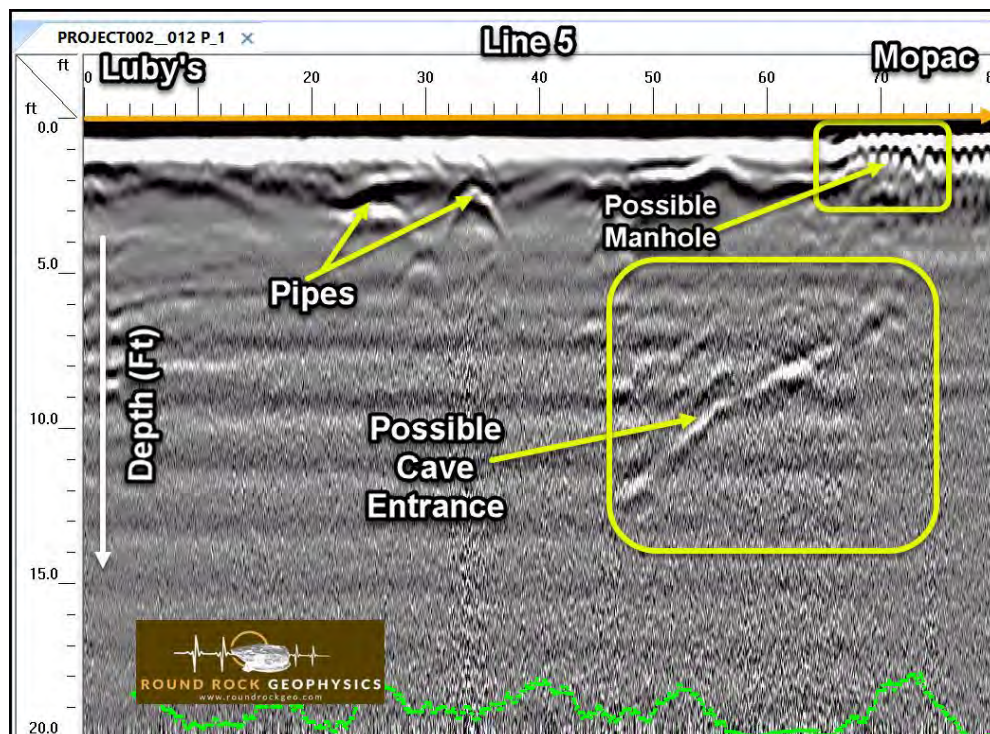


Figure 7: Cross-sectional view of the GPR survey result along Line 3.



## Conclusion

The GPR survey was successful in showing the details of the possible Manhole cover and associated features. The location of this possible feature is marked on the ground with spray paint. It is understood that there is a planned excavation of this location for confirmation. It needs to be noted that different objects of related physical nature can produce similar GPR signatures. Since our survey was all non-intrusive, all interpretations of the results are made based on our previous experiences in similar situations and other historical evidence. Therefore, we cannot claim that our interpretation is absolute and the excavation may produce results different from our interpretation.

## Closure

This report was prepared in accordance with generally accepted geophysical survey practices. No other warranty is expressed or implied. The data and analysis presented in this report are based on the available project information.

We appreciate the opportunity to provide you our services. For any question or comments about this report, please contact us with the following:

Round Rock Geophysics, LLC  
Email: [Info@RoundRockGeo.com](mailto:Info@RoundRockGeo.com)  
[www.RoundRockGeo.com](http://www.RoundRockGeo.com)  
Phone: 512 496 8728

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**To:** James Killian  
**Subject:** RE: Luby's, Manhole Location

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**From:** Brett Denton <[brett@ardent-residential.com](mailto:brett@ardent-residential.com)>  
**Sent:** Friday, May 14, 2021 10:03 AM  
**To:** James Killian <[jkillian@horizon-esi.com](mailto:jkillian@horizon-esi.com)>; Scott Flesher <[sflesher@horizon-esi.com](mailto:sflesher@horizon-esi.com)>  
**Cc:** Art Carpenter <[art@ardent-residential.com](mailto:art@ardent-residential.com)>; Greg Smyrl <[greg@ardent-residential.com](mailto:greg@ardent-residential.com)>; Brett Denton <[brett@ardent-residential.com](mailto:brett@ardent-residential.com)>; Joseph Longaro <[jlongaro@lja.com](mailto:jlongaro@lja.com)>; Eva Wong <[ewong@lja.com](mailto:ewong@lja.com)>  
**Subject:** Luby's, Manhole Location

[EXTERNAL EMAIL]

Hi James and Scott:

Please see attached photos and measurements of the location of the manhole. Let me know if you need anything else.

Thanks, Brett







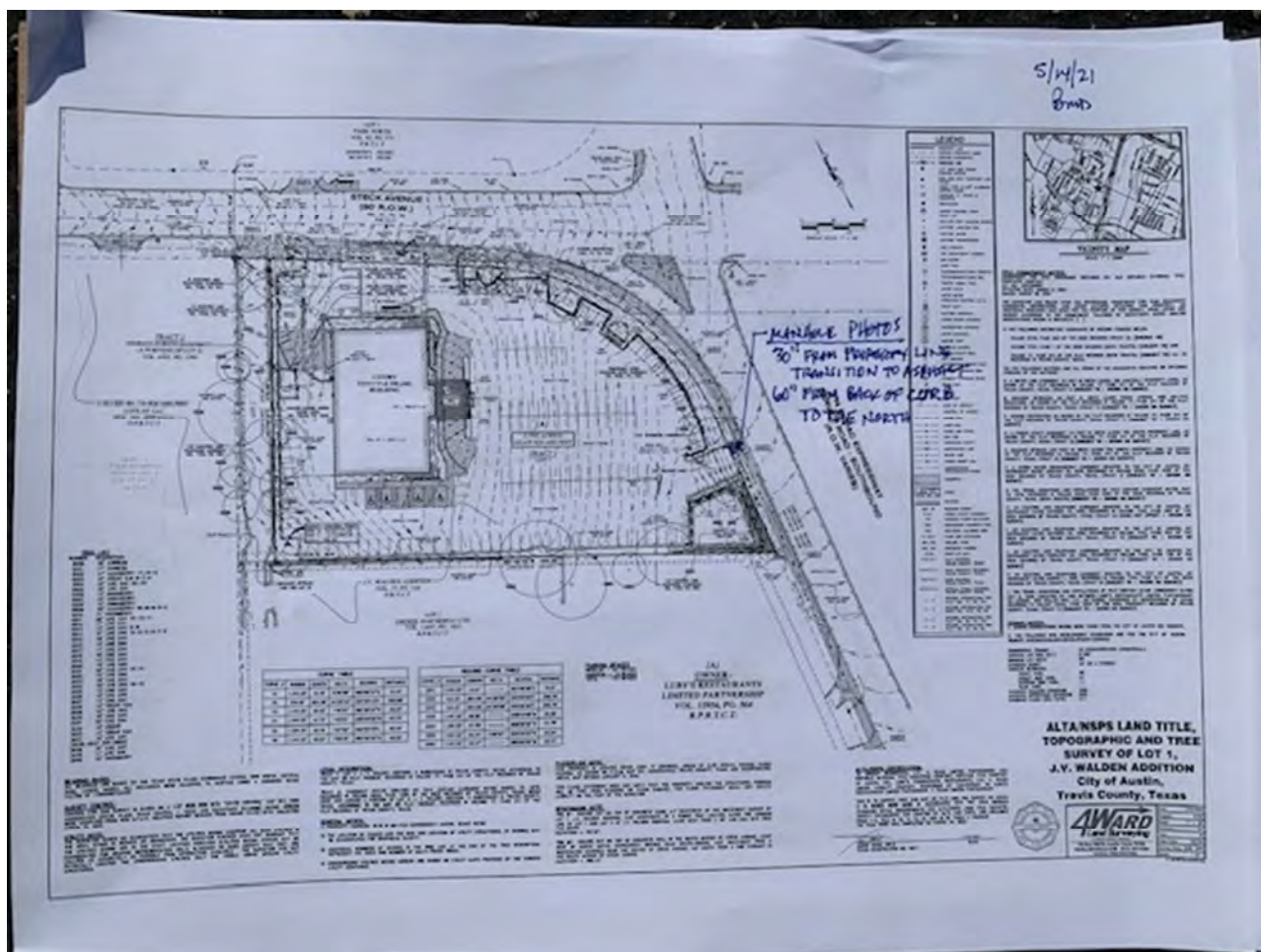


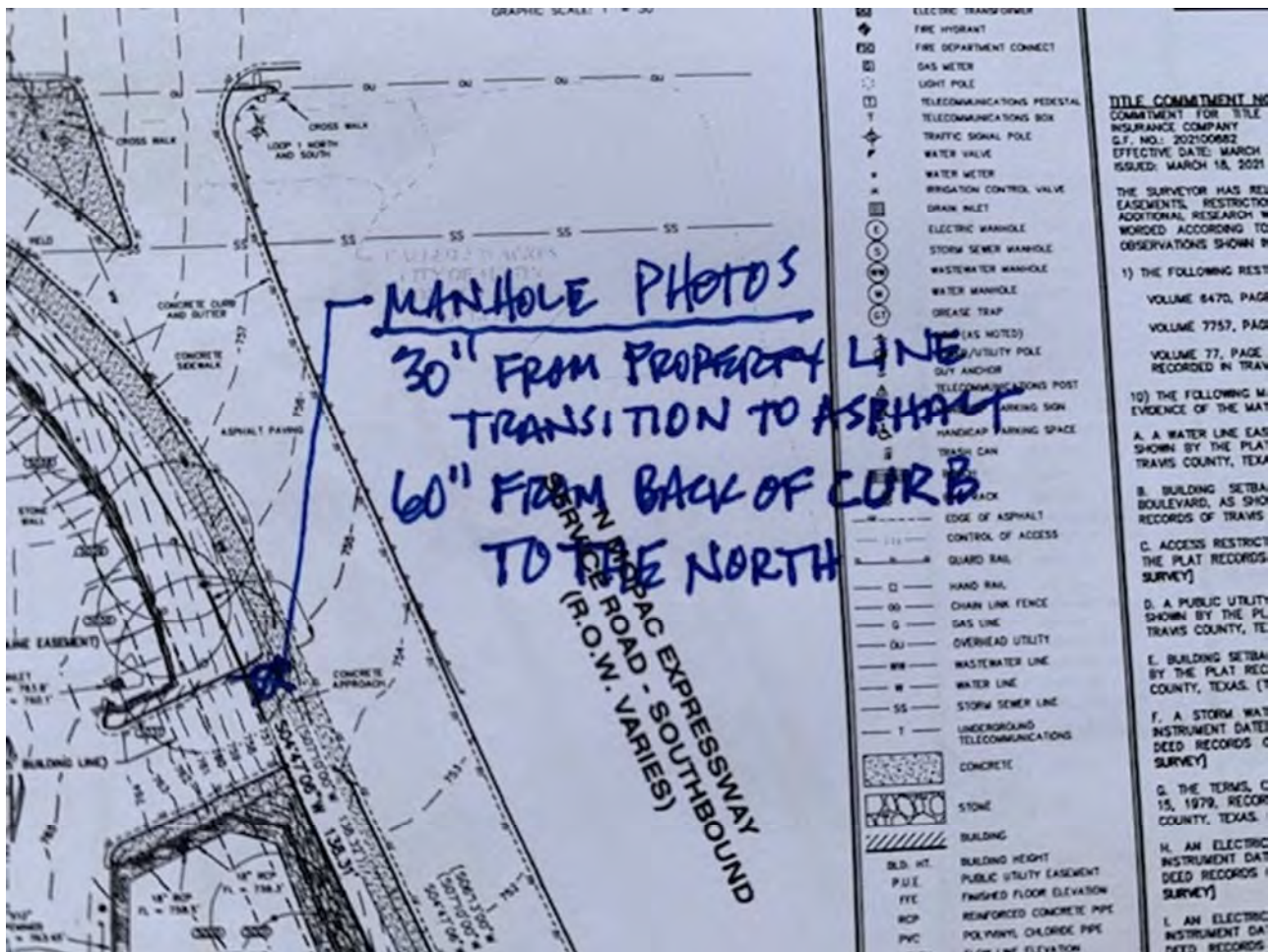












Sent from my iPhone

[EXTERNAL EMAIL] Exercise caution. Do not open attachments or click links from unknown senders or unexpected email

**RESTRICTIVE COVENANT****C14-2021-0100****8176 N. MoPac Expressway**

This Restrictive Covenant ("**Restrictive Covenant**"), is executed as of 7/20, 2021, by **Luby's Fuddruckers Restaurants, LLC**, a Texas limited liability company, successor by conversion to Luby's Restaurants Limited Partnership, a Texas limited partnership ("**Declarant**") and its successors and assigns, for the benefit of Northwest Austin Civic Association, a Texas nonprofit corporation ("**NWACA**") and is as follows:

**RECITALS**

- A. Declarant owns that certain tract of real property located at 8176 N. MoPac Expressway, being more particularly described as Lot 1, J.V. WALDEN ADDITION, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded in Volume 77, Page 314, Plat Records of Travis County, Texas (the "**Property**").
- B. Declarant has filed a zoning application with the City of Austin under in File No. C14-2021-0100 (the "**Zoning Case**") to rezone the Property to permit development and use of the Property for a multifamily residential apartment project (the "**Multifamily Project**").
- C. NWACA is a Texas nonprofit corporation which exists to preserve, promote, and enhance the exceptional and unique character of the neighborhood by monitoring key municipal and county issues and advocating for the neighborhood, addressing fire safety, transportation, crime prevention, oak wilt and other environmental concerns, wildlife management, zoning and planning, and other matters as they arise, keeping residents informed of relevant news and happenings, and sponsoring neighborhood events and working to build a strong sense of community.
- D. In consideration of NWACA's support of the Zoning Case, Declarant has agreed to impose upon the Property these covenants and conditions for the benefit of NWACA, provided that the effectiveness of this Restrictive Covenant shall be conditioned on final approval of the Zoning Case as set forth below.

**AGREEMENT**

NOW, THEREFORE, Declarant declares that the Property is subject to the following covenants, conditions and restrictions, and agrees as follows:

- 1. Recitals Incorporated. The above Recitals and all terms defined therein are incorporated into this Restrictive Covenant for all purposes.
- 2. Multifamily Project. If the Multifamily Project is developed and constructed on the Property, Declarant agrees as follows:



- (a) ***Exterior Materials.*** The exteriors of the multifamily apartment buildings will utilize materials such as brick, stone, glass and/or metal panels. Hardi-plank siding is prohibited.
  - (b) ***Garage Screening.*** Declarant will install vegetation and/or fencing to screen the Multifamily Project parking garage from view from public right of way, except where the parking garage is already screened from view by multifamily apartment buildings.
  - (c) ***Building Height.*** The building is expected to consist of five (5) stories of residential units plus three (3) levels of parking. Regardless, the height of the Multifamily Project will not exceed 860 feet above mean sea level.
  - (d) ***Monument Sign.*** Declarant, at its expense, will install a neighborhood entry monument sign on the Property facing the southwest corner of Steck Ave. and the MoPac Blvd southbound frontage road. The monument sign will display the words "Northwest Hills". Declarant will be responsible for maintaining the sign in good condition and repair.
  - (e) ***Affordable Housing.*** The Multifamily Project will voluntarily include affordable housing (10% of the units at 80% MFI) for 40 years.
  - (f) ***Parks and Recreation Department ("PARD") Fees.*** Declarant will support NWACA's efforts to have PARD fees spent within NWACA boundaries.
  - (g) ***Water Quality.*** The Multifamily Project will comply with applicable City of Austin code requirements for water quality and detention.
3. **Term.** Unless sooner terminated in accordance with Paragraph 8 below, the term of this Restrictive Covenant shall be a period of twenty (20) years commencing on the date hereof. Upon expiration of the term, this Restrictive Covenant shall expire and be of no further force or effect.
  4. **Binding Effect; Enforcement.** This Restrictive Covenant and the restrictions, covenants, benefits and obligations created hereby are benefits and servitudes running with the Property and are binding on future owners of all or any portion of the Property. However, the benefits hereunder (and the right to enforce this Restrictive Covenant) inure solely to the benefit of NWACA and are not assignable. This Restrictive Covenant may be enforced by NWACA by action at law or in equity, including, without limitation, action for specific performance or injunctive relief. In no event shall Declarant be liable for punitive or consequential damages resulting from any violation or breach of this Restrictive Covenant.
  5. **No Dedication.** Nothing in this Restrictive Covenant shall ever constitute or be construed as a dedication of any interest herein described to the public or give any member of the

public any right whatsoever. The sole beneficiary of this Restrictive Covenant is NWACA.

6. Severability. The provisions of this Restrictive Covenant must be deemed to be independent and severable, and the invalidity or partial invalidity of any provision or portion hereof does not affect the validity or enforceability of any other provision.
7. Amendment; Modification. This Restrictive Covenant may only be modified, amended or terminated upon the filing of a written modification, amendment or termination document in the Official Records of Travis County, Texas, executed, acknowledged and approved by the President of NWACA and the owner of the Property at the time of the modification, amendment, or termination.
8. Effectiveness. The effectiveness of this Restrictive Covenant is conditioned upon final approval of the Zoning Case by the City of Austin City Council with no additional restrictions not agreed to by Declarant. If such zoning approval does not occur, then this Restrictive Covenant shall expire and be of no further force or effect. An affidavit executed by the owner of the Property and recorded in the Official Public Records of Travis County, Texas, certifying the facts supporting the expiration or ineffectiveness of this Restrictive Covenant pursuant to this paragraph shall be prima facie evidence that this Restrictive Covenant has terminated and no longer encumbers the Property. Any potential purchaser, lender, investor or tenant of the Property and any other third parties shall have the right to rely on such affidavit without any further investigation or inquiry.

Executed to be effective as of July 20, 2021.

EXECUTED to be EFFECTIVE as of the date first set forth above.

**Declarant:**

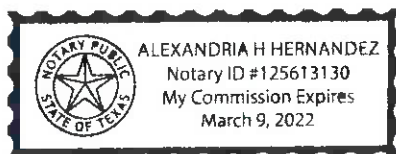
**Luby's Fuddruckers Restaurants, LLC**, a  
Texas limited liability company, successor  
by conversion to Luby's Restaurants  
Limited Partnership, a Texas limited  
partnership

By: Bill Gordon  
Name: Bill Gordon  
Title: Vice President

THE STATE OF TEXAS     §  
                                      §  
COUNTY OF Harris     §

This instrument was acknowledged before me this 20<sup>th</sup> day of July, 2021, by  
Bill Gordon, \_\_\_\_\_ of Luby's Fuddruckers Restaurants, LLC, a  
Texas limited liability company, on behalf of said limited liability company.

(seal)



Alexandria H. Hernandez  
Notary Public, State of Texas



**Zoning and Platting Commission Meeting, August 3, 2021 (Postponed to August 17, 2021)**  
**Luby's Rezoning, ZAP Case No. C14-2021-0100**  
**Response to Commissioner and Speaker Questions and Comments**

**HOUSING AND AFFORDABILITY**

**What is the project's affordability commitment?**

The applicant is voluntarily offering affordability provisions equivalent to those that the City requires for Vertical Mixed-Use (VMU) projects in this area: 10% of total units at 80% of Median Family Income for 40 years. This will produce an estimated 28 affordable units, doubling the number of income-restricted units produced in District 10 over the first two years of tracking the City's affordable housing goals (24 new units total provided in 2018-19).

The additional height allowed by MF-6 – with no additional impervious cover and in full compliance with compatibility – is what allows this project to voluntarily provide long-term affordable housing. According to the Council-adopted *Strategic Housing Blueprint*, leveraging a “density bonus” of additional height and density to obtain affordable units is “one of the few tools the City has to create income-restricted affordable units without monetary subsidy.”

**How will this affordability commitment be enforced?**

The applicant is entering into an enforceable restrictive covenant with HomeBase (part of Habitat for Humanity), a local nonprofit with prior experience entering into similar monitoring and enforcement agreements. This private restrictive covenant will run with the land for the full 40-year affordability term and will provide HomeBase with the rights and funding needed to monitor the project for compliance.

**What would new 80% MFI units in District 10 mean for Austin residents?**

The 80% MFI commitment will provide meaningful affordability in District 10, making new housing units available to Austinites who earn less than *half* of the average District 10 family's income.

It is important to note that affordable housing standards are based on the Austin-Round Rock region, *not* on District 10 incomes. As a result, 80% MFI units are reserved for families with incomes that are *significantly* lower than the District 10 average. HousingWorks reports that the Median Family Income in District 10 is currently \$159,523. In contrast, affordable housing standards require that 80% MFI units have an income level affordable to a family earning \$55,400 (for one person) and \$79,100 (for a family of four).

In other words, by locking in units at 80% of the region's Median Family Income, the project ends up providing units to families making less than 50% of District 10's Median Family Income (See Figure 1).

**Figure 1. Affordability in District 10**

| Subject                               | District 10        | Luby's Site Affordable Units |
|---------------------------------------|--------------------|------------------------------|
| Affordable Units                      | 24 units (2018-19) | 28 units                     |
| Median Family Income (Percentage)     | 160%               | 80%                          |
| Median Family Income (Dollars)        | \$159,523          | \$55,400 to \$79,100         |
| Income Level, as % of the D10 Average | 100%               | 50%                          |

Additionally, any increases in monthly rent for affordable units are regulated by the U.S. Department of Housing and Urban Development and the City of Austin. For reference, while market rents in the Northwest Hills submarket increased by more than 13% in the last 12 months, allowable rents for income-restricted rents in Austin have risen annually by roughly 5%.

## ENVIRONMENTAL AND CAVES

### **What reviews are typically done during the zoning process vs. the site plan process?**

In general, the City regulates land use in two main ways. First, it establishes citywide rules to ensure that all development (other than those in special regulating districts) is held to a high standard; this includes rules for environmental protection, water quality, and transportation improvements, among other things. Second, the City applies specific zoning to individual properties – allowing it to regulate a property's use and intensity in relation to other nearby properties.

The zoning process establishes a high-level vision for what *ideally* could be allowed on a site in the absence of other constraints. In contrast, the site plan process focuses on addressing site-specific factors and constraints – especially those related to citywide standards such as environmental quality; these reviews are often highly technical, labor-intensive, and contingent upon having a full site plan submittal.

The Luby's case is currently at the rezoning stage in the development process. We believe that, from a zoning perspective, MF-6 with an affordability component *is* appropriate at the intersection of MoPac and Steck. Regardless, under any circumstance, an applicant developing on this site will remain responsible for meeting the City's environmental, transportation, and other requirements – and City staff will retain the authority to reject any projects that do not fully comply with City code.

### **What work has the applicant done on environmental concerns to date?**

The applicant has undertaken an environmental study above and beyond that which normally occurs during rezoning. The applicant first became aware of potential caves near the site prior to completing intake on the rezoning case. In response, they immediately placed a hold on case intake and engaged Horizon Environmental Services to investigate and provide a report on the area.

Horizon Environmental Services issued its report in May 2021. After reviewing the report's findings, the applicant determined that a project on this site was still appropriate and feasible, and completed intake on their rezoning request. The applicant also provided the City of Austin's environmental staff with the report and has proactively engaged with them to ensure they are fully informed regarding its findings.

### **Where are the caves located?**

There are two cave entrances adjacent to the site, known in the environmental assessment as the Luby's Cave and Dead Dog Cave No. 2. The Luby's Cave is a relatively small, 21 ft.-long cave along the eastern edge of the property. It is covered by a manhole with a steel and concrete structure as well as a City of Austin wastewater line and other utilities running through it.

Dead Dog Cave No. 2 is also located along the eastern edge of the site and extends east, away from the property and toward MoPac. The entrance to this cave is covered by a manhole that has been covered by concrete for over 40 years. The applicant's development will not disturb the existing concrete and manhole cover.

Both entrances are located in the right-of-way, and there is minimal on-site cave area. No caves are located near or under building area, nor will any caves be modified in any way.

### **What does the report indicate about the potential for species within the caves?**

Horizon Environmental Services explored the Luby's Cave and reported that, in their professional opinion, it "does not provide habitat for endangered karst invertebrates." The report also notes that Dead Dog Cave No. 2 "has been entirely paved over with concrete for the past 40 years."

### What environmental impact would the project have on the site?

The existing development and surrounding highway infrastructure were built decades ago under outdated environmental laws. As a result, the site is currently developed with roughly 85% impervious cover and one of the caves entrances – located in TXDOT right-of-way – has been paved over for 40 years. Other caves in the area noted in the applicant’s report are not located on the property and have been filled with concrete and/or paved over for more than 40 years.

This project will *reduce* impervious cover from the existing 85% down to the 80% required by both the existing LR and proposed MF-6 zoning (See Figure 2), thereby improving drainage and water quality. The project will also be subject to an extensive staff review that ensures full compliance with current water quality and environmental standards.

**Figure 2. Impervious Cover Comparison**

| Impervious Cover       | Percentage |
|------------------------|------------|
| Existing Development   | 85%        |
| Existing Zoning (LR)   | 80%        |
| Proposed Zoning (MF-6) | 80%        |

### Would approving MF-6 change how environmental standards apply to the site?

No. The City’s environmental standards will apply to this site regardless of the requested MF-6 zoning or multifamily use and, as noted, MF-6 zoning will maintain the same impervious cover entitlement that the current zoning allows (80%) and provide a reduction from the current level of impervious cover.

## TRANSPORTATION AND NEIGHBORHOOD ITEMS

### How will the site access Steck Avenue?

The site currently features two driveways accessing Steck Avenue. The proposed project will reduce this to only one driveway. Currently, the site features a driveway close to Steck’s intersection with MoPac. This driveway will be removed, leaving only one driveway farther west. Access to Steck Avenue is important for providing circulation for site residents. Removing access to Steck Avenue altogether would force site residents to first drive a ½-mile south in order to travel north, east, or west (unless the driver were to cut through the neighborhood), lengthening drive times and worsening overall traffic flow.

### Has the applicant attempted to obtain access to the adjacent office property’s driveway?

Yes. Early on, the applicant sought to obtain the neighboring office site’s agreement to share a driveway in order to consolidate the number of driveways accessing Steck Avenue. However, to date the office site has not been willing to provide such access, though the office driveway will be used to provide a fire lane that can serve both properties in an emergency.

### What has the applicant committed to in the neighborhood restrictive covenant?

Separate from the HomeBase restrictive covenant concerning affordable housing, the applicant is also entering into a private restrictive covenant with the Northwest Austin Civic Association (NWACA) in order to address neighborhood feedback.

The site features a significant slope: the grade drops by roughly 40 ft. across the site. As a result, the restrictive covenant establishes a height limit according to Mean Sea Level, which provides certainty as to the ultimate height allowed on the site regardless of slope. The restrictive covenant also establishes requirements for garage screening and exterior materials, and commits to providing (and maintaining) a “Northwest Hills” monument sign at the entry to the neighborhood.



Note: Should additional backup be submitted after the online publishing of this staff report, it may be found at the following link:

[https://www.austintexas.gov/cityclerk/boards\\_commissions/meetings/54\\_1.htm](https://www.austintexas.gov/cityclerk/boards_commissions/meetings/54_1.htm)