

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0101 – 406 and 428 E. Alpine Road Rezoning DISTRICT: 3

ZONING FROM: GO-CO-NP

ZONING TO: GO-MU-CO-NP

ADDRESS: 406 and 428 East Alpine Road

SITE AREA: 1.982 acres

PROPERTY OWNER: Austin Memorial Home of Austin, Texas (Donald P. Dorsey)

AGENT: DuBois, Bryant & Campbell, L.L.P. (David Hartman)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATION (*amended on January 5, 2023*):

The Staff recommendation is to grant general office – mixed use – neighborhood plan (GO-MU-NP) combining district zoning. *For a summary of the basis of Staff's recommendation, see pages 2 – 3 of this report.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

January 10, 2023: APPROVED GO-MU-NP DISTRICT ZONING, AS STAFF RECOMMENDED

[A. AZHAR; J. THOMPSON – 2ND] (9-0) C. LLANES PULIDO; J. MUSHTALER – ABSTAIN; P. HOWARD – OFF THE DAIS; ONE VACANCY ON THE DAIS

December 13, 2022: *MEETING CANCELLED*

November 8, 2022: *APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO DECEMBER 13, 2022*

[C. HEMPEL; J. SHIEH – 2ND] (11-0) R. SCHNEIDER – ABSENT; ONE VACANCY ON THE DAIS

CITY COUNCIL ACTION:

February 9, 2023:

December 1, 2022: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO FEBRUARY 9, 2023. VOTE: 11-0.*

ORDINANCE NUMBER:

ISSUES:

The Greater South River City Combined Neighborhood Plan Contact Team requested postponement to December 13, 2022 and the Applicant does not object. The December 13th meeting was cancelled because it was an Election Day and City Council recently approved a Resolution establishing a formal City policy to avoid scheduling Boards and Commissions

meetings on an election day. The rezoning and correlating neighborhood plan amendment cases were renotified for the January 10th Planning Commission meeting.

The Applicant has met with the South River City Citizens Neighborhood Association and the Greater South River City Citizens Combined Neighborhood Plan Contact Team. Correspondence from representatives of South River City Citizens, Inc. and Blunn Creek Partnership is attached at the back of this report.

In mid-December 2022, HPD staff received feedback from Watershed Protection Department staff as it relates to removing the existing Conditional Overlay for a 50-foot vegetative setback beginning at the centerline of Blunn Creek that was established for the subject property (Tract 121) at the time of the neighborhood plan rezonings in September 2005.

Please refer to attached correspondence. Based on WPD staff's cursory review of the site, it appears that the City's existing environmental regulations may be greater than the setback described in the -CO. Therefore, WPD recommends removing the creek setback entirely so that it does not conflict with current environmental regulations set forth in Chapter 25-8 (*Environment*). WPD staff also expressed concerns about creek setbacks being negotiated via a Conditional Overlay when WPD has no process for evaluating the request. As information, environmental regulations are not typically modified through zoning unless part of PUD, planned unit development zoning. Although the Staff report prepared for the November 8, 2022 Planning Commission meeting included the -CO that carried over the 50' vegetative setback from the 2005 Neighborhood Plan rezoning ordinance, the amended Staff recommendation does not include it.

As information, the area within the Critical Water Quality Zone is not excluded from zoning impervious cover calculations, which are based on an overall gross site area of the tract.

CASE MANAGER COMMENTS:

The subject rezoning area consists of a platted lot on East Alpine Road that contains a vacant VFW post as well as undeveloped, unplatted acreage to the east. Although right-of-way has been dedicated, East Alpine Road is unpaved east of the existing VFW post. Blunn Creek flows through the eastern portion of the site and contains a documented creek buffer. The property was zoned general office – conditional overlay – neighborhood plan (GO-CO-NP) district through the Greater South River City Citizens Neighborhood Plan rezonings approved by Council in September 2005. The -CO, conditional overlay is for a 50-foot wide vegetative buffer beginning at the centerline of Blunn Creek (C14-05-0138, Tract 121).

There are apartments (a large complex on Willow Springs Road and four-plexes on Willow Run Drive) to the north (MF-2-NP), a detention pond to the east (P-NP), a detention pond and an AISD warehouse to the south (P-NP), and a warehouse for a parts, distribution and supply company to the west at the intersection of East Alpine and Willow Springs. ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).***

The Applicant has filed a request to rezone the property to the general office – mixed use – conditional overlay – neighborhood plan (GO-MU-CO-NP) district in order to build up to 40

townhouse units or up to 90 multifamily residential units. ***Please refer to Applicant's correspondence and proposed development standards.***

BASIS OF RECOMMENDATION:

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

The general office (GO) district is intended for offices and selected commercial uses predominantly serving community or City-wide needs, such as medical or professional offices. A building in a GO district may contain more than one use. The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development. The Conditional Overlay (CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The requested zoning would allow for a range of residential, office and civic uses to be conducted on-site by right. Staff recommends GO-MU-NP because the location is appropriate for a mixed-use designation given its proximity to major arterials, existing residential uses and St. Edwards University. Public transit options including a Metro Rapid bus stop are available within 1,500 linear feet (approximately one-third of a mile) to the west along South Congress Avenue and a Project Connect metro rail station is in the planning stages. To that end, a new project funded by the 2018 Mobility Bond and TxDOT's Highway Safety Improvement Program consisting of a traffic signal, bike and pedestrian safety improvements, and additional signage at the East Alpine / South Congress intersection is currently under construction. Given the existing development pattern, the proposal would be compatible with the land uses in the vicinity.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO-CO-NP	Club / lodge; Undeveloped
<i>North</i>	MF-2-NP	Apartments (Woodwillow Townhomes and four-plexes on Willow Run Drive)
<i>South</i>	P-NP	AISD warehouse; Water quality pond
<i>East</i>	P-NP	Detention pond
<i>West</i>	LI-CO-NP	Warehouse for a parts, supply and distribution company

NEIGHBORHOOD PLANNING AREA: Greater South River City Combined (St. Edward's)

TIA: Is not required

WATERSHED: Blunn Creek – Urban

CAPITOL VIEW CORRIDOR: NoSCENIC ROADWAY: NoSCHOOLS:

Galindo Elementary School

Lively Middle School

Travis High School

COMMUNITY REGISTRY LIST:

74 – South River City Citizens Assn.

498 – South Central Coalition

511 – Austin Neighborhoods Council

742 – Austin Independent School District

1185 – Greater South River City Combined Neighborhood Plan Contact Team

1228 – Sierra Club, Austin Regional Group

1360 – South River City Citizens Planning and Zoning Committee

1363 – SEL Texas

1424 – Preservation Austin

1530 – Friends of Austin Neighborhoods

1550 – Homeless Neighborhood Association

1558 – South Austin Commercial Alliance

1616 – Neighborhood Empowerment Foundation

1774 – Austin Lost and Found Pets

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0169 – Warehouse Row Water Quality Pond #2 – 3700 and 3708 Warehouse Row	LI-CO-NP to P-NP	To Grant	Apvd (11-20-2008).
C14-2007-0224 – Greater South River City Vertical Mixed Use Building Rezoning – Lady Bird Lake (north), IH 35 (east), Ben White Blvd (south) and S Congress Ave (west)	Apply -V to 26 tracts on 142.22 acres	To Grant with conditions	Apvd (12-13-2007 and 1-10-2008).

RELATED CASES:

The subject property is located within the boundaries of the Greater South River City Combined (St. Edward's) Neighborhood Planning Area (C14-05-0138 – Ordinance No. 20050929-Z002). There is a corresponding neighborhood plan amendment case to change the land use designation on the Future Land Use Map (FLUM) from Office land use to Mixed Use land use on the property (NPA-2022-0022.01).

The VFW lodge is located on Lot 1, VFW Post 856, a plat recorded in December 1991 (C8-91-0084.0A.). The remainder of the property is unplatted. There are no related site plan cases in process.

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Existing Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
East Alpine Road	83'	84'	21'	Level 2 (Residential Collector)	No	Not Applicable	No

ADDITIONAL STAFF COMMENTS:

Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Impervious Cover

The maximum impervious cover allowed by the *GO* base zoning district would be 80%, which is based on the more restrictive zoning regulations.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Blunn 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 a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within 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 s.f. cumulative is exceeded, and on site control for the two-year storm.

PARD – Planning & Design Review

Parkland dedication will be required for the new applicable use proposed by this development, 40 residential townhomes, 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).

At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed. Please request an early determination through the online request portal available at austintexas.com/PEDrequest or contact this reviewer at paul.books@austintexas.gov.

Site Plan and Compatibility Standards

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

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

Compatibility Standards

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations. Compatibility compliance will be required due to the proximity of the SF-3-NP district to the north.

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, height limitation is 60 feet.

- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from property in an SF-5 or more restrictive zoning district.

Additional design regulations from LDC 25-2-1067 include the following:

- Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent property:
 - (1) in an urban family residence (SF-5) or more restrictive district
 - (2) on which a use permitted in an SF-5 or more restrictive zoning district is located
- The noise level of mechanical equipment may not exceed 70 decibels at the property line.
- A permanently placed refuse receptacle, including a dumpster, may not be located 20 feet or less from property:
 - (1) in an SF-5 or more restrictive zoning district; or
 - (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

The Applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

Austin Transportation Department – Engineering Review

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 application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

Austin 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.

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 AND ATTACHMENTS TO FOLLOW:

Exhibit A: Zoning Map

Exhibit A-1: Aerial Map

Exhibit B: 2005 Neighborhood Plan Rezoning ordinance

Applicant's correspondence

Correspondence received

Watershed Protection Department correspondence



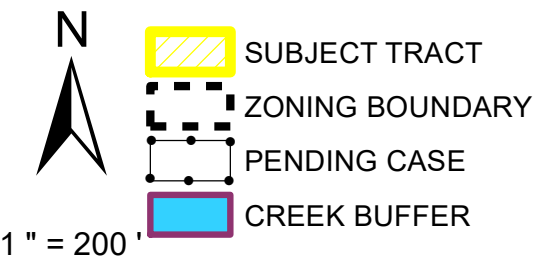
406 and 428 E. Alpine Road Rezoning

Exhibit A - 1

ZONING CASE#: C14-2022-0101
 LOCATION: 406 and 428 East Alpine Road
 SUBJECT AREA: 1.982 Acres
 GRID: H18
 MANAGER: Wendy Rhoades



Created: 8/3/2022
 by: MeekSS



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ORDINANCE NO. 20050929-Z002

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP TO ADD A NEIGHBORHOOD PLAN COMBINING DISTRICT TO THE BASE ZONING DISTRICTS ON APPROXIMATELY 750 ACRES OF LAND GENERALLY KNOWN AS THE ST. EDWARD'S NEIGHBORHOOD PLAN AREA AND TO CHANGE THE BASE ZONING DISTRICTS ON 26 TRACTS OF LAND.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to add a neighborhood plan (NP) combining district to each base zoning district within the property and to change the base zoning districts on 26 tracts of land within the property described in Zoning Case No. C14-05-0138, on file at the Neighborhood Planning and Zoning Department, as follows:

Approximately 750 acres of land in the City of Austin, Travis County, Texas, more particularly described and identified in the attached Exhibit "A" incorporated into this ordinance (the "Property"),

generally known as the St Edward's neighborhood plan combining district, locally known as the area bounded by Oltorf Street on the north, IH-35 on the east, Ben White Boulevard on the south, and South Congress Avenue on the west, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

Except as provided in this ordinance, the existing base zoning districts and conditions remain in effect.

PART 2. The base zoning districts for the 26 tracts of land are changed from family residence (SF-3) district, multifamily residence medium density (MF-3) district, limited office (LO) district, limited office-conditional overlay (LO-CO) combining district, neighborhood commercial (LR) district, community commercial (GR) district, general commercial services (CS) district, general commercial services-conditional overlay (CS-CO) combining district, commercial-liquor sales (CS-1) district, limited industrial services (LI) district, limited industrial services-conditional overlay (LI-CO) combining district, and unzoned property (UNZ), to rural residence-neighborhood plan (RR-NP) combining district, multifamily residence low density-neighborhood plan (MF-2-NP) combining district, multifamily residence medium density-neighborhood plan (MF-3-NP) combining district, multifamily residence moderate high density-neighborhood plan (MF-4-NP)

combining district, general office-neighborhood plan (GO-NP) combining district, general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district, general commercial services-neighborhood plan (CS-NP) combining district, general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district, general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district, general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district, commercial-liquor sales-mixed use-neighborhood plan (CS-1-MU-NP) combining district, limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district, and public-neighborhood plan (P-NP) combining district, as more particularly described and identified in the chart below:

Tract	Address	From	To
101	101-303 E OLTORF ST; 2401-2501 S CONGRESS AVE; 400 LONG BOW LN	CS	CS-NP
102	2601-2713 S CONGRESS AVE	CS, CS-CO	CS-MU-NP
103	3405-3615 S CONGRESS AVE; 111 WOODWARD ST; 118 E ALPINE RD	LI, LO, MF-3	CS-MU-CO-NP
104	3615 S CONGRESS AVE	CS-1	CS-1-MU-NP
105	230 E ALPINE RD	LI	LI-CO-NP
106	121 & 125 WOODWARD ST	LI, LO	MF-4-CO-NP
107	321 WOODWARD ST	LO-CO	MF-4-CO-NP
108	439 WOODWARD ST	LR	MF-4-CO-NP
109	511 & 521 WOODWARD ST	LR	MF-4-CO-NP
110	3503-3601 WILLOW SPRINGS RD	LO, SF-3	MF-2-NP
111	3615 WILLOW SPRINGS RD	LI	LI-CO-NP
112	3708-4004 WOODBURY DR; 211 & 213 E ALPINE RD	LI, LI-CO	LI-CO-NP
113	3701-4007 WOODBURY DR; 304-321 E BEN WHITE BLVD; 301 E ALPINE RD	LI	LI-CO-NP
114	3700-3918 WAREHOUSE ROW; 410 & 412 E BEN WHITE BLVD	LI	LI-CO-NP
115	3701-4005 WAREHOUSE ROW	LI	LI-CO-NP
116	600 E BEN WHITE BLVD; 4001 PAYLOAD PASS	LI	LI-CO-NP
117	500 & 502 E BEN WHITE BLVD	LI	CS-CO-NP
118	606-714 E BEN WHITE BLVD; 3909 PAYLOAD PASS	LI	CS-CO-NP
119	401 E ALPINE RD	SF-3	P-NP
120	0 E ALPINE RD (ABS 8 SUR 20 DECKER I ACR .777)	SF-3	RR-NP
121	406 E ALPINE RD	CS-1, SF-3	GO-CO-NP
122	3903 S CONGRESS AVE	LI	P-NP
123	3910 & 3920 S IH-35	LR, SF-3	GO-NP
124	1401 ST EDWARDS DR	GR, MF-3, SF-3	MF-3-NP
125	1211 & 1301 E OLTORF ST	UNZ	P-NP
126	501 E OLTORF ST	GR	MF-4-CO-NP

PART 3. The following applies to a single-family residential use, a duplex residential use, or a two-family residential use within the boundaries of the NP combining district:

1. Front porch setback applies as set forth in Section 25-2-1602 of the Code.
2. Impervious cover and parking placement restrictions apply as set forth in Section 25-2-1603 of the Code.
3. Garage placement restrictions apply as set forth in Section 25-2-1604 of the Code.
4. Front or side yard parking restrictions apply as set forth in Section 25-2-1406 and Section 12-5-29 of the Code.

PART 4. Tracts 102-105 may be developed as a neighborhood mixed use building special use as set forth in Sections 25-2-1502 through 25-2-1504 of the Code.

PART 5. Tract 101 may be developed as a neighborhood urban center special use as set forth in Sections 25-2-1521 through 25-2-1524 of the Code.

PART 6. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. The following uses are prohibited uses of Tracts 105 and Tracts 111-116:

Basic industry	Recycling center
Resource extraction	Scrap and salvage

2. The following uses are prohibited uses of Tract 117:

Bail bond services	Campground
Commercial off-street parking	Construction sales and services
Drop-off recycling collection facility	Equipment repair services
Pawn shop services	Vehicle storage
Transitional housing	Transportation terminal
Adult oriented businesses	

3. The maximum height of a structure or building is 40 feet from ground level on Tracts 106-109 and 126.

4. The maximum impervious cover is 80 percent on Tracts 117 and 118.
5. A 50-foot wide vegetative buffer beginning at the centerline of Blunn Creek on Tract 121 shall be provided and maintained on the tract. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
6. Vehicular access from Tract 103 to Braeswood Road is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.

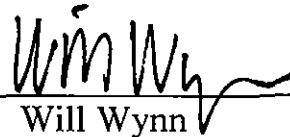
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

PART 7. This ordinance takes effect on October 10, 2005.

PASSED AND APPROVED

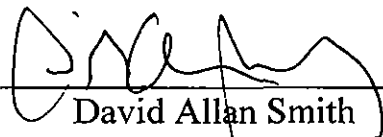
September 29, 2005

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§
§



Will Wynn

Mayor

APPROVED:

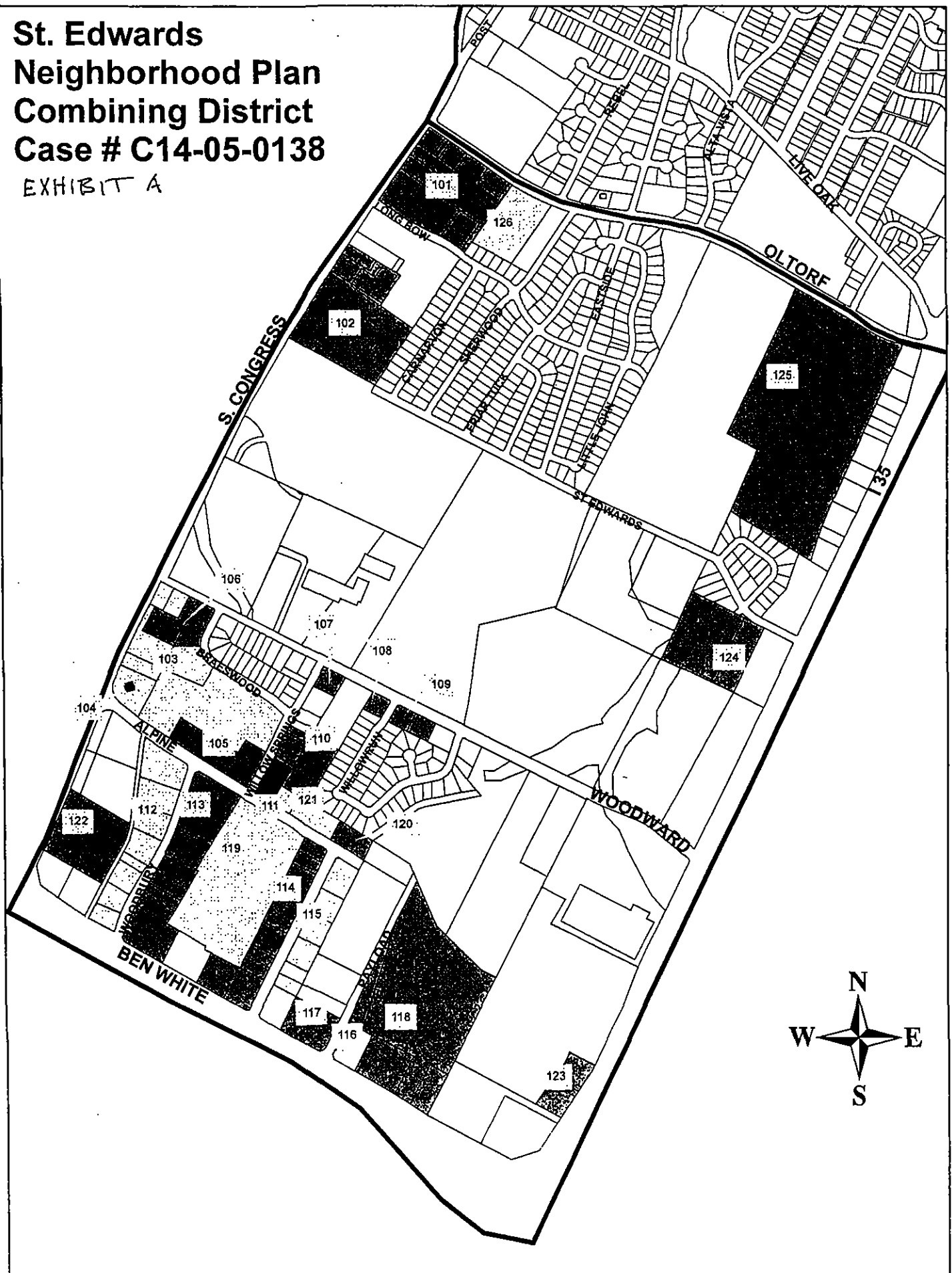

David Allan Smith
City Attorney

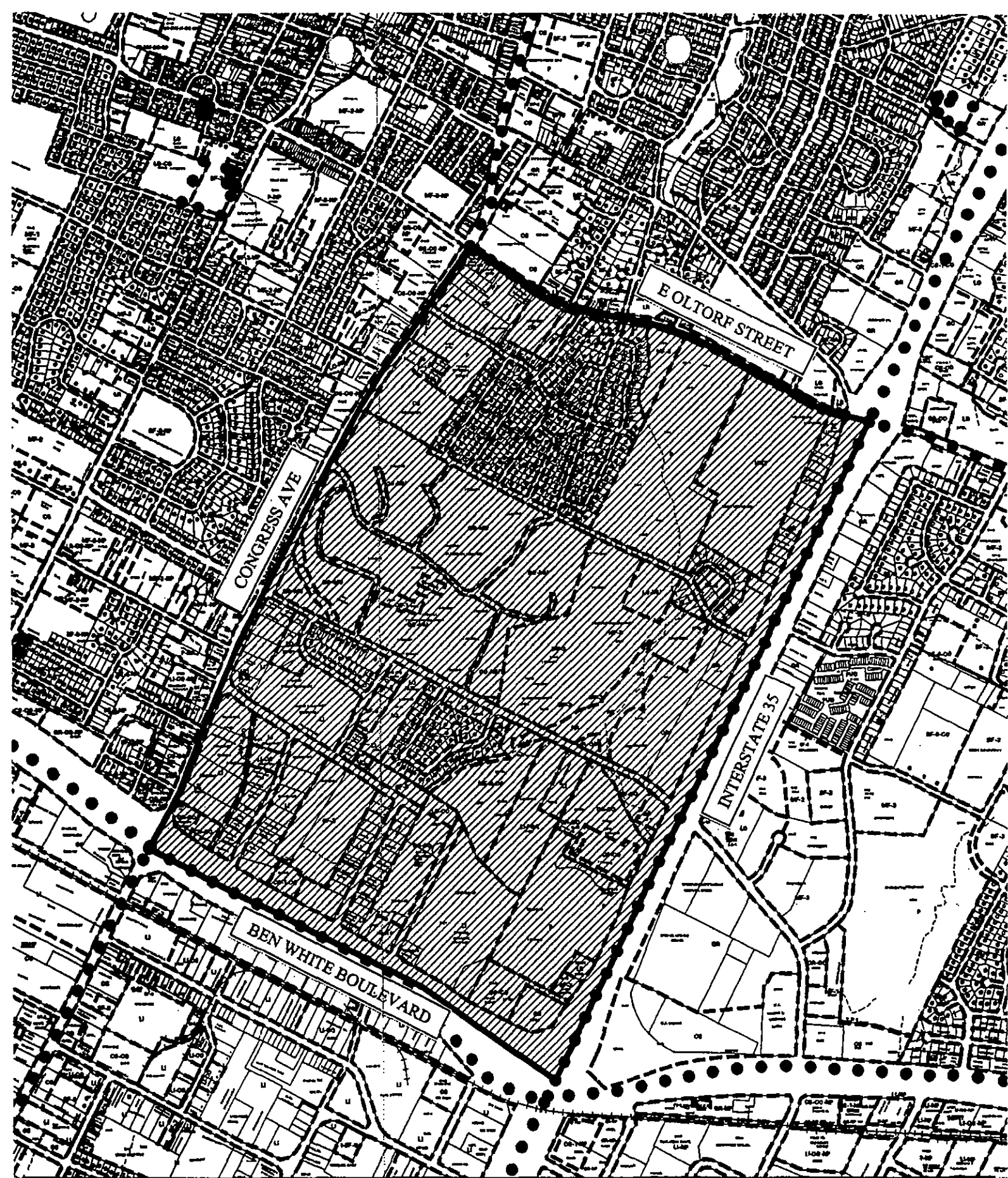
ATTEST:


Shirley A. Brown
City Clerk

**St. Edwards
Neighborhood Plan
Combining District
Case # C14-05-0138**

EXHIBIT A





SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: S. SIRWAITIS



CASE #: C14-05-0138

ADDRESS: ST EDWARD'S

NEIGHBORHOOD PLANNING AREA

SUBJECT AREA (acres): N/A

ZONING EXHIBIT B

DATE: 05-08

INTLS: SM

CITY GRID
REFERENCE
NUMBER

H & J18-19

1" = 1200'

July 18, 2022

Rosie Truelove
Director, Housing and Planning Department
City of Austin
1000 E. 11th Street, Suite 200
Austin, Texas 78702

Re: 406 and 428 E. Alpine Road - Rezoning and Neighborhood Plan Amendment Applications for
1.982 acres located at 406 and 428 E. Alpine Rd., Austin, Texas ("Property")

Dear Ms. Truelove:

We respectfully submit the enclosed Zoning and Neighborhood Plan Amendment applications for 406 and 428 E. Alpine Road as representatives of the owners of the above stated Property.

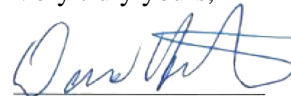
The Property consists of two lots totaling 1.982 acres, of which 1.440 acres is currently undeveloped. The current zoning of the Property is GO-CO-NP, and we are requesting GO-CO-MU-NP zoning for the entire Property. Our zoning application seeks to continue the existing Conditional Overlay providing for a 50-foot wide vegetative buffer beginning at the centerline of Blunn Creek along the eastern Property line. Surrounding zoning includes LI-CO-NP, MF-2-NP, and P-NP. The purpose of the rezoning is to authorize townhome uses on the Property. This rezoning request is consistent with surrounding land uses including townhome and/or multifamily residential to the northwest, north, and northeast.

The Property is located within Greater South River City Combined Neighborhood Plan. The Future Land Use Map shows the Property as Office, therefore the Neighborhood Plan Amendment application is also requested to change the FLUM designation to "Mixed Use." We met with the Greater South River City Combined Neighborhood Plan Contact Team on July 7, 2022, and they voted to consent to file this application out-of-cycle.

A Traffic Impact Analysis has been waived per the TIA Determination Worksheet dated 6-30-2022 from Justin Good, P.E., stating that a TIA is not required because the traffic generated by the proposed development does not exceed the thresholds established in the City of Austin Land Development Code.

If you have any questions about the rezoning application or need additional information, please do not hesitate to contact me at your convenience. Thank you for your time and attention to this project.

Very truly yours,



David Hartman

cc: Maureen Meredith, Housing and Planning Department (via electronic delivery)
Wendy Rhoades, Housing and Planning Department (via electronic delivery)
Sam Fenwick (via electronic delivery)



South River City Citizens Inc.
P O Box 4063
Austin TX 78704
www.srccatx.org

Wendy Price Todd, President
Noah Balch, Vice President
Ken Burnett, Co-Vice President
Will Andrews, Treasurer
Dan Fredine, Secretary
Mary Friedman, Membership

November 1, 2022

Re: 406-428 East Alpine
Case Numbers NPA-2022-0022.01 and C14-2022-0101

Dear Ms. Fox and Ms. Rhoades,

South River City Citizens (SRCC) Neighborhood Association is writing to express concerns about the referenced case prior to a vote at the next SRCC General Membership meeting on Tuesday, November 15, 2022. The two outstanding matters for this site at the headwaters of Blunn Creek, northwest of the intersection of IH-35 and SH-71, immediately downstream of two City of Austin water quality controls and upstream of St. Edward's, Sherwood Oaks, Travis Heights, and Fairview Park are:

1. Determination of whether changes to Future Land Use Map and Zoning would be necessary following results of recommendation from Planning Commission (November 8, 2022) and action from City Council (December 1, 2022) for Resolution 20211209-56 (allowing residential in commercial properties).
2. Modifications to the Conditional Overlay to significantly increase the 50' buffer from the centerline of Blunn Creek in order to accommodate green stormwater management. Specifically, SRCC is asking for rain gardens no deeper than 12" that would capture a minimum of the first 0.5" of rainfall as well as using rainwater harvesting to capture 20% of additional rainfall to be drawn down over 5 days. The applicant has not agreed to these requested climate resilience modifications for this site along the floodplain of Blunn Creek once considered for recreational use.

Thank you for your consideration,

Wendy Price Todd

From:
To: [Fox, Kathleen](#); [Rhoades, Wendy](#)
Cc: [Rivera, Andrew](#); [Champlin, Kaela](#);
Subject: 406 and 428 East Alpine
Date: Tuesday, November 1, 2022 3:02:29 PM

*** External Email - Exercise Caution ***

Dear Ms. Fox and Ms Rhoades,

I write on behalf of a non-profit group, the Blunn Creek Partnership (<https://blunncreekpartnership.org/>), an organization founded over 15 years ago to protect and restore the Blunn Creek watershed.

I've become aware of two pending cases, NPA-2022-0022.01 and C14-2022-0101, regarding development of a site at 406 and 428 East Alpine, abutting Blunn Creek and located in the headwaters of the Creek.

I wanted to make it clear to you, and as a filing to include in the record of these cases, that we are very concerned about development's impact there on downstream water quality and flood risk, and hope that you will do all possible to mitigate any effects.

Over the years, we and other friends and neighbors have invested a good deal of time working and meeting with representatives from Parks and Recreation, Watershed Protection, the Austin Parks Foundation, the Austin Parks Board, the Children in Nature Collaborative of Austin, Families in Nature, Austin ISD (which owns the adjacent property), and others to protect Blunn Creek, using detention basins, restrictive covenants, buffer zones and easements.

We want to assure you that we view 406/428 East Alpine as a very important tract of land, deserving the utmost thought and caution in how it is developed.

Thank you very much for your consideration of our views, and for your work on these cases.

David

.....

David Todd
1304 Mariposa Drive, #211
Austin, Texas 78704-4404
512-416-0400

From:
To: [Rhoades, Wendy](#)
Cc:
Subject: NPA-2022-0022.01 and 14-2022-0101
Date: Wednesday, January 4, 2023 4:16:42 PM
Attachments: [EastAlpine_ContextMap_Closeup.png](#)
[EastAlpine_ContextMap_BlunnWatershed.png](#)
[406-428 E Alpine \(2\).pdf](#)

*** External Email - Exercise Caution ***

Ms. Rhoades,

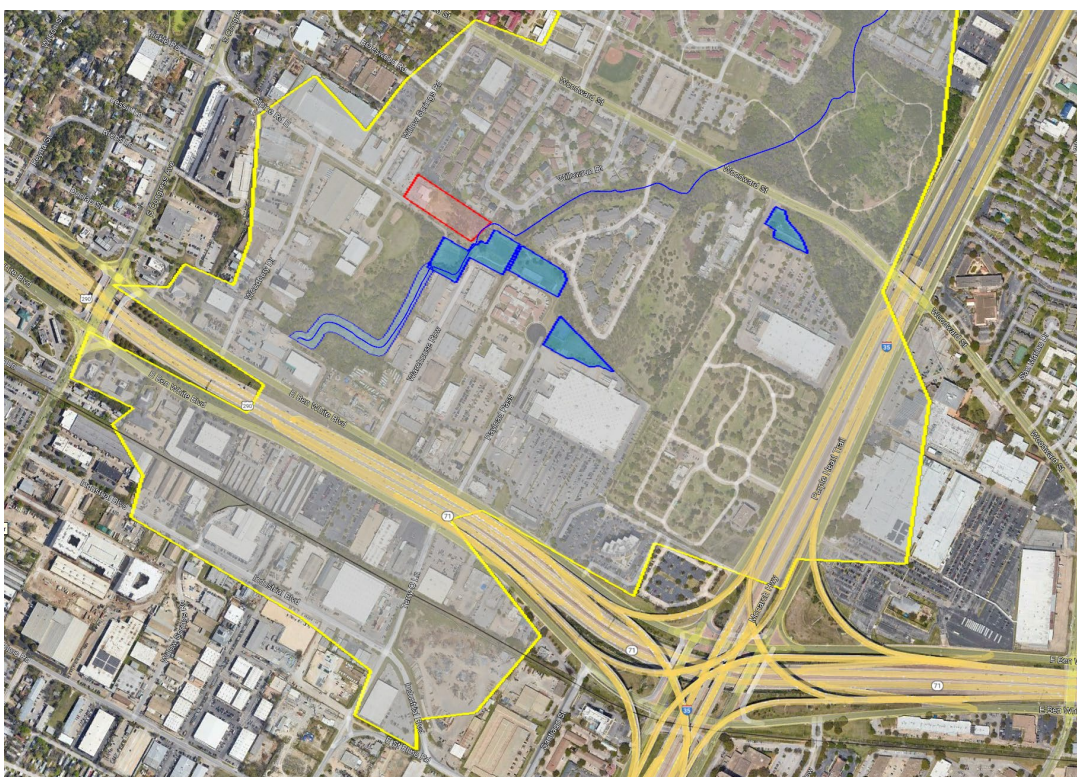
South River City Citizens has not received any new information from the applicant regarding environmental mitigation and climate resilience requests for the proposed project located at 406 and 428 East Alpine Road, per the attached 11/1/22 correspondence.

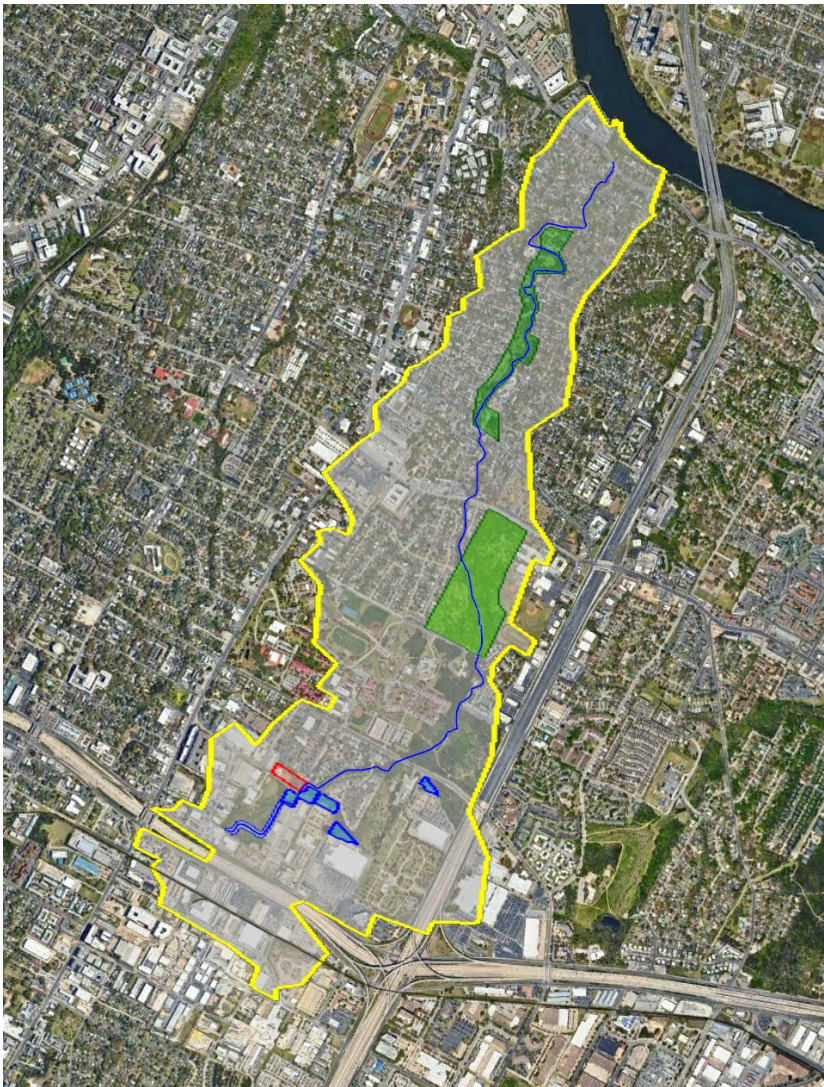
Without a modification to the Restrictive Covenant to increase the setback from the centerline of Blunn Creek, as well as a combination of rain gardens and rainwater capture, this project will likely be the cause of further downstream flooding.

For context, the attached images show the project site in red with existing structural water quality and detention areas in blue.

Thank you for your consideration.

Wendy Price Todd
President
South River City Citizens NA
president@srccatx.org
<http://www.srccatx.org/>





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From:
To:
Subject:
Date:

[Rhoades, Wendy](#)
Fwd: C14-2022-0101-406 and 428 E. Alpine Road
Wednesday, January 4, 2023 5:03:32 PM

*** External Email - Exercise Caution ***

Hi Wendy,

Here's the last from our NPCT as well as what Wendy Todd sent you this afternoon. They have not been contacted by the applicants either.
Sarah

From: Kim Lanzillotti
Subject: Re: C14-2022-0101-406 and 428 E. Alpine Road
Date: December 11, 2022 at 6:44:36 PM CST
To: "Fox, Kathleen" <Kathleen.Fox@austintexas.gov>
Cc: "todd.shaw@austintexas.gov" <todd.shaw@austintexas.gov>, "jeffery.thompson@austintexas.gov" <jeffery.thompson@austintexas.gov>, "Rhoades, Wendy" <Wendy.Rhoades@austintexas.gov>, "Meredith, Maureen" <Maureen.Meredith@austintexas.gov>, president@srccatx.org, Sarah Campbell

Hi Kathleen,

Our understanding is that the December 20th Planning Commission meeting will be only a discussion of the two cases related to 406-428 E. Alpine, and they won't be scheduled for votes by PC until January 10th. The NPCT and SRCC NA are working together toward a position on this proposed zoning and FLUM amendment.

From our first meeting with David Hartman, agent, and the applicants for this project, we stated that a primary concern is protection of Blunn Creek. The creek's headwaters are immediately south of the project location. Over the past 15 or so years, the SRCC NA has worked successfully with other developers around the headwaters - Walmart, Home Depot and AISD - to establish protection measures for the creek.

When we last met with the applicants, SRCC NA requested a 200-foot setback from the centerline of Blunn Creek (based on a site visit to view the actual floodplain) and water quality controls in excess of what is required by code. That was a month or so ago. We had not heard back from the applicants until December 5th when the SRCC Planning and Zoning Chair initiated an email exchange with Mr. Hartman, in which he stated that they would be getting back to us most likely after the holidays. We are now waiting for the applicants to get back to us for further discussion.

Thank you,

Kim Lanzillotti
Acting Chair, GSRCC NPCT

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From:
To: [Fox, Kathleen](#)
Cc: [Rhoades, Wendy](#); [Meredith, Maureen](#)
Subject: C14-2022-0101-406 and 428 E. Alpine Road and NPA-2022-0022.01
Date: Wednesday, November 2, 2022 6:51:33 PM

*** External Email - Exercise Caution ***

Kathleen,

The Greater South River City Combined NPCT would like to request a postponement to Dec 13th for the E. Alpine case.

Thank you,

Acting Chair, GSRCC NPCT
Kim Lanzillotii

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From: [Johnston, Liz](#)
To: [Rhoades, Wendy](#); [Fox, Kathleen](#); [Clement, John](#)
Cc: [Wood, Erin](#)
Subject: RE: 406 and 428 E. Alpine Rd - neighborhood demanding to increase buffer from 50 to 200 ft on blunn creek
Date: Tuesday, December 13, 2022 11:06:27 AM
Attachments: [image001.png](#)
[image002.png](#)

Thanks Wendy! Some creek setbacks did expand to include creeks with 64 acres of drainage or more with the passage of the WPO in 2013. However, CWQZs were established down to 64 acres of drainage for Urban Creeks (including Blunn), so this parcel should have had a CWQZ back in 2005 when the CO was approved.

Liz

From: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Sent: Monday, December 12, 2022 2:46 PM
To: Johnston, Liz <Liz.Johnston@austintexas.gov>; Fox, Kathleen <Kathleen.Fox@austintexas.gov>; Clement, John <John.Clement@austintexas.gov>
Cc: Wood, Erin <Erin.Wood@austintexas.gov>
Subject: RE: 406 and 428 E. Alpine Rd - neighborhood demanding to increase buffer from 50 to 200 ft on blunn creek

Hi Liz,

Thank you for your detailed response. The property was zoned general office – conditional overlay – neighborhood plan (GO-CO-NP) district through the Greater South River City Citizens Neighborhood Plan rezonings approved by Council in September 2005. The existing -CO was placed on the property via the rezonings and is for a 50-foot wide vegetative buffer beginning at the centerline of Blunn Creek (C14-05-0138, Tract 121, see page 4 of Ordinance No. 20050929-Z002).

My recollection is that (at the time) waterways with a drainage area *less than* 64 acres did not have the same setbacks prescribed for creeks that waterways with a drainage area *greater than* 64 acres had by Code, and that the -CO was an opportunity to provide the same setbacks to these smaller waterways. My second recollection is that the Code was amended a few years later to make the waterway setbacks equal regardless of drainage area (Jean Drew was involved), but by then Council had approved several zoning cases with this kind of setback.

Nonetheless, I understand WPD's position and will include the basis for your recommendation to remove the setback in the zoning case report.

Wendy

From: Johnston, Liz <Liz.Johnston@austintexas.gov>

Sent: Monday, December 12, 2022 12:22 PM

To: Fox, Kathleen <Kathleen.Fox@austintexas.gov>; Clement, John <John.Clement@austintexas.gov>

Cc: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>; Wood, Erin <Erin.Wood@austintexas.gov>

Subject: RE: 406 and 428 E. Alpine Rd - neighborhood demanding to increase buffer from 50 to 200 ft on blunn creek

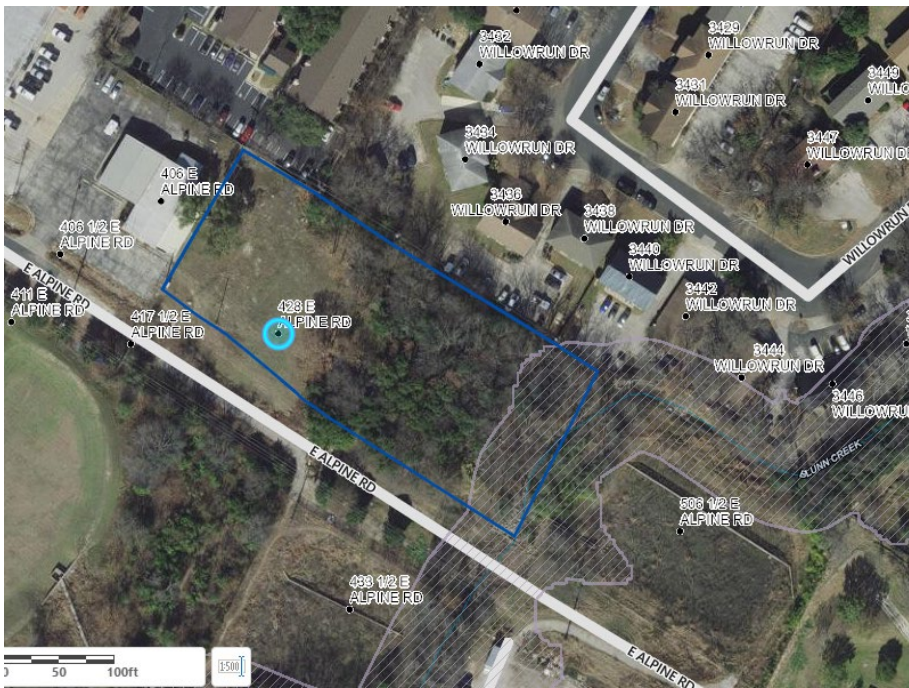
Hi Kathleen!

Thanks for reaching out.

The existing Critical Water Quality Zone (CWQZ) along Blunn Creek is established as the limits of the 100-year fully developed floodplain, with a minimum setback of 50' from the centerline and a maximum setback of 400' from the centerline. Therefore it appears that existing environmental regulations are already greater than the setback described in the zoning CO. I would recommend updating the zoning CO to remove the creek setback entirely so that it does not conflict with current environmental regulations set forth in Chapter 25-8.

While I appreciate the neighborhood's concern for the creek and am typically in favor of expanded creek setbacks, I do have concerns about creek setbacks being negotiated via a zoning overlay when WPD has no process for evaluating the request. Environmental regulations are not typically modified through zoning unless part of a PUD. The reasons for this are multiple:

- I am not aware of creek setbacks being modified through zoning overlays and so this would set a precedent that could have negative unintended consequences in the future.
- A CWQZ buffer does not prohibit all development. Necessary development such as utility line crossings, stormwater discharge outfalls, trail crossings, etc, are sometimes allowed in the CWQZ...would the zoning setback prevent those activities from occurring?
- In general, existing environmental regulations are adequately protective. If they aren't adequately protective then the process to amend those regulations is to update the code through a public process through City Council. WPD is in the process of updating our strategic plan and will be taking a close look at potential inequities in environmental regulations, but we don't have recommendations formulated yet.
- There are processes set forth to allow for variances to the Critical Water Quality Zone in Chapter 25-8. Those processes would no longer be valid in a zoning ordinance because the Land Use Commission cannot change zoning ordinances.
- WPD does not review zoning ordinances unless it is a PUD or PDA. We have no fees and we have no processes to evaluate zoning requests.



I hope that helps!

Thanks,

Liz Johnston

(she/her/hers)

Deputy Environmental Officer – Environmental Policy & Review
City of Austin | Watershed Protection Department

O: (512) 974-2619 | C: (512) 350-6024

www.austintexas.gov/watershed



From: Wood, Erin <Erin.Wood@austintexas.gov>

Sent: Monday, December 12, 2022 11:45 AM

To: Fox, Kathleen <Kathleen.Fox@austintexas.gov>; Johnston, Liz <Liz.Johnston@austintexas.gov>; Clement, John <John.Clement@austintexas.gov>

Cc: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>

Subject: RE: 406 and 428 E. Alpine Rd - neighborhood demanding to increase buffer from 50 to 200 ft on blunn creek

Looping in Liz Johnston (our Deputy Environmental Officer) and John Clement who lead

Environmental Policy and development-related requests for our department. I defer to them on this question.

From: Fox, Kathleen <Kathleen.Fox@austintexas.gov>

Sent: Monday, December 12, 2022 11:29 AM

To: Wood, Erin <Erin.Wood@austintexas.gov>

Cc: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>

Subject: 406 and 428 E. Alpine Rd - neighborhood demanding to increase buffer from 50 to 200 ft on blunn creek

Importance: High

Good Morning Erin,

I'm the case manager for an NPA located at the above referenced property, which contains a VFW hall and some vacant property on the end of the dead end street (E. Alpine Road).

The SRCC NA is demanding that the existing CO, which prohibits any development from 50 ft from Blunn Creek (25 ft from center on each side), now go to 200 ft (the SRCC NA requested a 200-foot setback from the centerline of Blunn Creek -- based on a site visit to view the actual floodplain, and water quality controls in excess of what is required by code.)

The subject property is 533 ft wide, and the developer wants to build either apartments or townhouses on the property. I was wondering if the demand by the neighborhood association to increase the development setback from Blunn Creek from 50 ft to 200 ft (4 times what it currently is) is necessary or reasonable from the WPDs perspective.

This case is scheduled to be heard by the Planning Commission on January 10th.

Any input on this issue would be much appreciated.

Thank you,

Kathleen Fox

City of Austin | Street Jones Building

Housing & Planning Department

PO Box 1088

Austin, TX 78767

Tel | 512.974.7877

Email | kathleen.fox@austintexas.gov