

Rhoades, Wendy

Late Backup

#157 &
158

From: Lesniak, Chuck
Sent: Thursday, December 11, 2014 11:20 AM
To: Guernsey, Greg; Rusthoven, Jerry; Rhoades, Wendy
Subject: Fwd: Please postpone or vote No on Garza Ranch proposed removal of trip cap, Items 157 and 158

----- Forwarded message -----

From: Bill Bunch <[REDACTED]>
Date: Dec 11, 2014 11:08 AM
Subject: Please postpone or vote No on Garza Ranch proposed removal of trip cap, Items 157 and 158
To: "Cole, Sheryl" <sheryl.cole@austintexas.gov>, "Spelman, William" <bill.spelman@austintexas.gov>, "Morrison, Laura" <laura.morrison@austintexas.gov>, "Martinez, Mike [Council Member]" <mike.martinez@austintexas.gov>, "Riley, Chris" <chris.riley@austintexas.gov>, "Tovo, Kathie" <kathie.tovo@austintexas.gov>
Cc: "Rush, Barbara" <barbara.rush@austintexas.gov>, "Halley, Shannon" <shannon.halley@austintexas.gov>, "Tiemann, Donna" <Donna.Tiemann@austintexas.gov>, "Bojo, Leah" <leah.bojo@austintexas.gov>, "Anderson, Greg" <Greg.Anderson@austintexas.gov>, "Lesniak, Chuck" <chuck.lesniak@austintexas.gov>, roy waley <[REDACTED]>, Steve Beers <[REDACTED]>, 'David Foster' <[REDACTED]>, Mary Arnold <[REDACTED]>, roy waley <[REDACTED]>, Dale Bull <dale.bull@qbox.com>, 'kelly' <[REDACTED]>, kelly davis <[REDACTED]>, Jennifer Walker <[REDACTED]>, Colin Clark <[REDACTED]>, Lauren Ross <[REDACTED]>, Luke Metzger <luke@[REDACTED]>, Brian Rodgers <[REDACTED]>, Marisa Perales <[REDACTED]>, Paul Robbins <[REDACTED]>, Ann Kitchen <[REDACTED]>

Dear Mayor Pro Tem Cole and Members of Council:

The proposed lifting of previously approved car trips per day limits on the remaining "Garza Ranch" property should be postponed to the next council. This is a very important issue that deserves greater attention than you will be able to give to it at today's meeting.

If you consider the items, please vote no.

This property, and other pieces of the "Garza Ranch" that have already been developed have a long and difficult history of litigation by the owners against the City of Austin, as well as multiple threats of seeking "Austin bashing" legislation that would further erode Austin's home rule powers. They matters were thought to be "settled" on several occasions, including most recently in 2013. But now the owners of the 34 acres remaining undeveloped seek yet another and much greater level of development that, if approved, would result in far more car trips per day and toilets flushing over the Edwards Aquifer.

The requests are to lift previously approved conditions of zoning that limit trip generation to moderate levels so that a development generating up to an extra 16,000 'unadjusted' car trips a day could be

built. If approved, this would snarl intersections on South Mopac, US 290, William Cannon, and Brodie Lane, meanwhile promoting yet more unsustainable development with the potential to pollute Barton Springs.

Following passage of SOS in 1992, more than 100 acres of the original Garza Ranch became exempt from SOS by a combination of a City clerical mistake; court rulings favoring the developer; and enactment of State “grandfathering” laws. The fight was bitter and long, but the Garza interests won.

A 16-acre parcel still indisputably fell under the SOS ordinance, however, because it had not been platted and had no development plans on file. The presence of floodplain land and a large sinkhole further limited the building potential for this site. This is part of the 34 acres now subject of this current zoning case.

In 2007 zoning on this remaining Garza Ranch property was changed to mixed use office/ apartment/ retail from RR [Rural Residential] and MF [multifamily] capped at 400 units. This first zoning change—at applicant’s request—was granted with a trip cap of 2,000 vehicles per day. The presumption was that the overall scale of development would be further restrained by the SOS impervious cover limits still applicable to half of the tract.

In 2013 attorneys Dan Wheelus and Terry Irion set about knocking down the remaining restrictions. With no actual pending requests before City authorities, they went to the State Legislature claiming that their property rights had been violated by the City. In the face of this legislative threat, City of Austin staffers agreed to “settle” disputes over the last undeveloped Garza Ranch parcels. Those anti-environmental bills died in the waning days of the session.

In consequence, last year the Austin City Council voted to “settle” by waiving SOS and allowing 43 percent impervious cover; building in the floodplain buffer; and irrigating polluted stormwater next to the sinkhole.

The word “settle” is in quotes because there were actually no pending court cases or City actions to settle.

Now Garza Ranch representatives seek to build 566,450 square feet of offices, an 87,450-square foot shopping center, a large high turnover restaurant, and 208 apartments. To do so, they must lift the existing trip cap.

The City staff memo suggests that lifting the existing trip cap is a

change "compatible" with surrounding property, citing some former Garza properties: Lowe's on the east, and an existing strip mall /fast food/ bank to the south. With the subject property fronting South Mopac, why not allow building as much as the roads can handle? However, the staff's reasoning is faulty.

First, the other adjoining and nearby affected properties are not uniformly commercial. To the north and east, the property is bordered by Austin's Williamson Creek greenbelt, the planned Violet Crown Trail, and homes on Country White Lane in Sunset Valley. It was precisely due to anticipated negative affects on neighboring residential property and water quality that litigation over Lowe's was first pursued by the City of Sunset Valley.

Second, all nearby commercial properties were permitted under higher water quality standards. HEB was built in full compliance with SOS. Forum PUD gave off-site mitigation lands in return for building shopping centers south of William Cannon (Whole Foods, Costco, Lifetime Fitness) at higher impervious cover.

Lowe's on Brodie Lane agreed to a 40 percent impervious cover limit, contributed \$2 million towards buying off-site mitigation property, and offered additional on-site water quality controls, while making the terms perpetually binding and not subject to further, endless changes in law and zoning.

Third, the proposed trip generation is far out of scale of other nearby tracts, as shown below:

Project

Land Acres

Building Square Feet

Traffic trips/day

Trips per acre

LIFETIME FITNESS

(Forum PUD tract 3)

37.54

105,662

3,642

97

LOWE'S

31.20

135,086

4,932

158

HEB GROCERY STORE

59.94

82,792

9,972

166

GARZA RANCH (Proposed)

34.89

681,350 + 208 apts

16,205

464

In summary, the compatibility argument fails because comparable nearby properties achieve a higher standard than applicants now propose. Their plans also don't offer any buffers for intense commercial land uses affecting adjacent lower density residential, park, and water quality lands.

The applicants have not offered to fund any improvements to surrounding roadways and critical intersections. Their own traffic study shows a PM peak hour traffic increase in 2017 of anywhere from 26 to 93 percent over existing (2012) conditions. Studied locations are Mopac and Brodie Lane north of William Cannon, including the intersections of those roads with William Cannon.

Since the principal exit from the property onto the Mopac northbound frontage road sits 'upstream' of the nearest freeway entrance ramp, it is a glaring flaw of this study that it fails to examine the next intersection north at US 290 and Mopac. Likewise, the US 290/Brodie Lane intersection is another likely traffic hotspot that is totally unaddressed by the TIA.

A more detailed analysis of the TIA, prepared by Save Barton Creek Assn. President Steve Beers, follows below.

Thank you for your consideration and please postpone or vote no on these requests.

Bill Bunch

Save Our Springs Alliance

New Ben Garza Lane Fosters Major Headaches

In light of the substance of disputes behind the long and bitter battle over Lowe's, the City of Sunset Valley should at least be noticed of this case and asked to submit comments if they have not already.

While an attorney representing Garza Ranch claimed that extension of Ben Garza from its present western terminus at Lowe's to Mopac was something that Sunset Valley actually wanted, there is reason to think that this step will subject nearby existing residential, park, and commercial areas to far more negative vehicle impacts.

First, the Garza Lane extension encroaches on both the critical water quality zone and CEF buffer for the large sinkhole just north of the Garza Ranch property. It will also cross a proposed route for the Violet Crown Trail.

Second, the traffic at the intersection of Brodie Lane with Ben Garza/Oakdale (a residential street in Sunset Valley east of Brodie Lane) absolutely explodes as a result of this project.

The TIA's Table 9, "Traffic Volumes and Roadway Capacity LOS—Ben Garza Lane," shows volume in the AM Peak period growing from 58 cars per hour to 1,014, all generated exclusively by this new development!! In the PM peak hour, it is just as bad: traffic without the development is assumed to remain at 113 cars entering and leaving Lowe's, but with the new extension, it swells to 1,094.

The analysis may undercount the extra traffic seeking to use this extension of Ben Garza Lane as a new short cut to Mopac. The TIA says they assume 400 (AM) and 250 (PM) background vehicles will be rerouted to the proposed new Ben Garza Lane. What that could mean for nearby neighborhoods and activity centers (shops and schools) located east and north of the intersection is not discussed.

Does a Shrinking Site Area Hide a Growing Project?

Existing zoning entitlements are somewhat ambiguous. City documents seemed to represent a 2,000 trip per day cap for a 34 acre property, but it can also be read as 2,000 on each of three parcels, for a total of 6,000 tpd. That, of course, was how the applicants interpreted it at the last Planning Commission discussion of the matter.

An earlier Planned Unit Development application submitted but withdrawn in 2012 listed a total area of 34 acres for this project. The specific breakdown of the PUD's land uses and building square feet are exactly identical for this new zoning application. A 2013 "settlement" waived SOS water quality rules, allowing 43 percent impervious cover on an identical 34 acre site.

Yet, this new application lists 22 acres as the total site for the same buildings. Where are the missing 12 acres?

The discussion around the PUD submission and water quality ordinance said some existing older buildings would be removed as the project gets built. The conceptual site plan still seems to show this, but the zoning maps may now depict these parcels as falling outside of project boundaries. The graphics are unclear and contradictory on this point. The area of existing apartments and houses, included in the water quality ordinance, is now excluded from the proposed zoning plan. However, these small parcels don't sum to 12 acres. The trip generation from these existing land uses, probably minimal, also gets ignored in the current TIA.

The new application references an abandoned road right-of-way that will also be legally vacated, and therefore is excluded from the project area. This could account for the remaining acreage, although it is hard to say.

These loose ends with the property descriptions not matching up with the controlling water quality ordinance should be tied up prior to any approvals of this project. Failure to address such ambiguities now will surely lead to more entitlement disputes in the future.

What's Missing in Intersection & Traffic Analysis

The traffic impact analysis (TIA) is incomplete and flawed, ignoring some important potential impacts to nearby intersections that should be included. The only two ways in and out of this property are Mopac on the west (northbound frontage road), and Brodie Lane on the east (through Lowe's property).

First, there's no estimates supplied for travel on the main Mopac freeway lanes to the west. While this may be a small enough fraction

of total traffic to safely disregard, the omission of an estimate does not prove this point.

Second, traffic turning from Ben Garza Lane onto the one-way Mopac frontage road has nowhere to go but to the next intersection north, Mopac and US 290. Therefore, estimates should be supplied for traffic impacts there, as well as for the next intersection east, of Brodie Lane with US 290.

Hazards for Mopac Frontage Road & Freeway On-Ramp

Of more consequence, a planned driveway intersects with the northbound frontage road only a scant few feet south of an entrance ramp to Mopac. A future extension of Ben Garza Lane also intersects with the frontage road a few yards past this same ramp. This arrangement is fraught with potential hazards.

Drivers would likely cut from the driveway over three lanes of frontage road to enter Mopac—rather than driving two miles north through three signal lights to reach the next on-ramp.

Likewise, at Ben Garza Lane drivers might be tempted to cut laterally across the frontage road and disregard some solid painted lines in order to get on the entrance ramp. Or they could chance driving a few feet illegally the wrong way down the one-way road before turning onto the ramp.

Even if such risky behavior doesn't occur, traffic inevitably will slow or halt while making turns at Ben Garza Ln and the driveway. Through-traffic on the frontage road could back up, interfering with the ramp operation.

These driving maneuvers aren't physically separated enough to avoid likely conflicts. The applicants should take steps to responsibly address these serious problems.

More Traffic at Peak Hours

AM Peak Hour Trips

INTERSECTION

Existing (2012)

2017 Forecast + Site Generated

Difference

Percent Over Existing

William Cannon Drive & Mopac south bound frontage rd

2,786

3,636

850

30%

William Cannon & Mopac north bound frontage road

3,934

4,590

656

17%

NBFR & Gaza Ranch Driveway A

2,222

3,009

787

35%

NBFR & Ben Garza Lane

1,371

2,140

769
 56%
 Brodie Lane & Ben Garza Ln / Oakdale Drive
 2,213
 3,344
 1,131
 51%
 Brodie & William Cannon Dr
 4,847
 5,879
 1,032
 21%

PM Peak Hour Trips

INTERSECTION

Existing (2012)

2017 Forecast + Site Generated

Difference

Percent Over Existing

William Cannon Drive & Mopac south bound frontage rd

4,359

5,750

1,393

32%

William Cannon & Mopac north bound frontage road

4,127

5,212

1,085

26%

NBFR & Gaza Ranch Driveway A

1,176

1,949

773

66%

NBFR & Ben Garza Lane

722

1,395

673

93%

Brodie Lane & Ben Garza Ln / Oakdale Drive

2,493

3,886

1,393

56%

Brodie & William Cannon Dr

6,005

7,991

1,986

33%

Congestion Claims & Cures Are Suspect

Applicants assert that more than 40 percent of traffic generation from the shopping center and restaurant at peak hours originate from "pass-by" or "internal capture," which reduces the apparent effects on adjacent roads.

Any traffic stopping at the center or restaurant could be considered "pass-by" on a one-way frontage road. There is also a quandary about whether or not such arbitrary reductions were applied to reduce estimates of traffic entering and leaving the development, which they

should not be. These assumed reductions for both pass-by and internal capture should be halved as a conservative measure.

There are certain off-site improvement upgrades advanced to deal with increasing traffic. However, these seem rather small and non-specific.

The TIA proposes to “optimize signal timing” at the intersections of Brodie Lane with William Cannon; Brodie at Ben Garza; and the Mopac frontage roads at William Cannon.

At this last intersection, they propose to build a “NB right-turn lane,” “SB right-turn lane,” and “EB channelized right-turn lane.” However, graphics and text describing the number of lanes and their designations exactly matches what is already there at the intersection. It is unclear just what additional construction would occur.

Moreover, “The interchange continues to operate at LOS [Level of Service] F under 2017 site plus forecasted traffic conditions during both the AM and PM peak periods, assuming the following improvements...” [emphasis added] In other words, there are no timetables or commitments made by the applicants to fund the improvements.

The most problematic intersection is Brodie Lane with William Cannon Drive. According to a City staff memo, current 2014 conditions are LOS E (near failure) for both AM and PM peak hours.

The TIA states the intersection will operate at LOS D and E, “assuming the following improvements... [of signal optimization and] [c]onstruction of an additional left-turn lane on the northbound approach of Brodie Lane.” [emphasis added] This would produce slight improvement in the morning and keep evening at the same LOS.

Yet, the TIA notes parenthetically in the same passage: “Review of this intersection indicates that there is no available right-of-way to construct this improvement; therefore this improvement is not likely to occur. Without this improvement, the intersection operates at LOS E and F during the AM and PM peak periods, respectively.”

With this more realistic caveat, the AM peak stays just as bad, while the PM peak moves from near-failure to failure with the addition of Garza Ranch plus forecast growth.

Recommendations

First, Ben Garza Lane should simply not be extended, at least on the present alignment. If it is to be extended through the property, then a zig-zag route connecting through parking lots or a broken route with speed bumps and stop signs, or the like, should be used to discourage through-travel.

The request for development allowing 10,000 to 14,000 more unadjusted trips per day should be denied.

If there is implied commitment already by the City to allow applicants to make full use of their present impervious cover and height limits within a normal minimum parking ratio, then a different mix of land uses can yield up an equivalent value with far less trip generation. Housing is the most acute need, and it generates much less travel per each building square foot than either the office, retail or restaurant uses.

While a 'new urbanist' philosophy can be used to justify “mixed use” projects it is clear that this project will produce a large amount of traffic entering and leaving the site, with minimal “internal capture.” Retail should only be allowed sufficient to serve apartment residents' needs and be incorporated into the ground floors of the multifamily buildings.

If feasible, entry should be from the existing small commercial center to the south, on the side fronting on William Cannon. Exit should be to Mopac frontage road north of the entrance ramp and channelized to merge with existing lanes in a northbound direction beyond the property's north boundary. This will avoid the hazards

and congestion for the Mopac corridor inherent in this current plan.

Any zoning decision must be tied to a binding commitment through deed restrictions that affirms the water quality restrictions, overall building entitlements, and apply to the entire 34 acres of Garza Ranch.

Certain improvements to the overall deal not directly related to -- but affected by -- traffic should be applied: a meaningful building setback from greenbelts, neighboring residential property, the Country White sinkhole, and the Violet Crown Trail would lessen pollution and traffic impacts on these areas. Also, covering parking areas for more pollution and runoff source control and using the resulting cleaner captured rainfall for irrigation in appropriate areas and amounts should be considered.

Bill Bunch
SOS Alliance