

Rhoades, Wendy

**Item # 50
& # 51**

From: [redacted] on behalf of Westcreek Neighborhood Association
[redacted]
Sent: Tuesday, February 24, 2015 4:48 PM
To: Troxclair, Ellen; Info (Ellen for Austin)
Cc: Rhoades, Wendy; Searle, Michael; WNA Board
Subject: Case # C14-2014-0011 A/B (Garza Tract) - Westcreek Neighborhood Follow-up Letter (Council Agenda 2/26/15)
Attachments: GarzaTract_Feb23_2015_letter to Council from SW Neighborhoods.pdf;
GarzaTract_Backup_Attachments_Feb23_2015 Letter_SW Neighborhoods.pdf

Re: Case # C14-2014-0011 A/B (Garza Tract)

Dear Ellen,

The Westcreek Neighborhood Association (WNA) continues to oppose lifting the trip limits for the above-referenced Garza zoning case. While we do support a reasonably sized office development at the site, we have many concerns about the traffic generated by such a large development.

As mentioned in my email this past Sunday, Westcreek board members along with several area neighborhood representatives have met and spoken with the Garza representatives (including Dan Wheelus and Amelia Lopez) on several occasions. We appreciated the opportunity to have an open dialogue with those representatives and the Westcreek board wishes to continue such dialogue as the case and the development moves through the process.

Yesterday, representatives from several neighborhoods, including a WNA board member, met with aides for several of the council members, including an aide from your office. I am hopeful that you are in receipt of the hard copy letter and attachments, delivered during yesterday's meeting, which specifically addresses the group's concerns. I have attached an electronic version for your convenience.

One of the main issues that specifically affects the Westcreek neighborhood is that increased traffic congestion in the area will undoubtedly increase the already heavy cut-through traffic in our neighborhood via Brush Country and Summerset Trail and Hill Forest Drive and Westcreek Drive (in front of an elementary school, a daycare and a regional soccer field playing area). Each time there is a development at/near William Cannon and Mopac, Westcreek experiences substantial increases in cut-through traffic and all area residents experience heightened congestion at already failing intersections.

We look forward to your support in addressing our input as key stakeholders in this case.

Best regards,

Jennifer

Jennifer Voss, president
Westcreek Neighborhood Association

DATE: February 23, 2015

TO: Mayor Adler, Mayor Pro Tem Tovo

Council Members Houston, Garza, Renteria, Casar, Kitchen, Zimmerman, Pool,
Troxclair and Gallo

FROM: Concerned residents of Southwest Austin

RE: Please vote "no" on #C14-2014-0011 A/B re: the Garza tract

We request that City Council vote "no" on the request to remove the limit on trips per day (#C14-2014-0001 A/B).

Extensive research, consideration, meetings and conversations with the owner's representatives led to this conclusion: **The current request is unacceptable for the following reasons:**

1. It creates and exacerbates the failure of roads and intersections in the area, many of which are already at or approaching an "F" rated level of service.
2. It includes a poorly conceived plan for ingress and egress on an already congested access road, and has the potential to create dangerous crossover merges to a highway entrance ramp currently snarled with traffic from the "F" rated intersection at William Cannon & MoPac, the Texas Turnaround under MoPac, and the exits of several adjacent businesses.
3. The request lacks a defined proposal, and permits City staff to make final decisions about actual density and trip limits in the future with no public notice or input, and no oversight by elected City Council members.

We request that the following be completed prior to consideration of this case:

Conduct an independent traffic study on these affected roads and intersections:

1. MoPac main lanes in the vicinity of the north and south MoPac entrance and exit ramps at William Cannon, including a careful review of the proposed south driveway exit from the Garza tract in close proximity to the already congested northbound on-ramp to ensure compliance with TxDot safety standards.
2. The intersection of Highway 290 and the MoPac frontage road, including all signalized frontage road intersections that will be impacted by an increase in trips per day.
3. The intersection of Southwest Parkway and the MoPac frontage roads.
4. The intersection of Brodie Lane and Highway 290 (to study the effects of traffic coming from the proposed development via the exit(s) on the northbound MoPac frontage road, and from the exit at Ben Garza and Brodie Lane).
5. Cut-through traffic impact on adjacent neighborhoods.

The TIA for this case is incomplete* and the traffic count projections are underestimated and outdated. TIA data has not been updated since the report was released in May, 2012, and the TIA does not accurately reflect the Austin's growth rate**.

* "For a shopping center greater than 100,000 s.f. or office park with more than 500 employees, suggested study area is all signalized intersections and freeway ramps within 2 MILES of a property line." TIA Guidelines, Institute of Transportation Engineers

** The census shows Austin's growth rate is $\geq 3\%$, but the growth factor applied to the 2012 TIA data was only 1%.

A report including a cost estimate, schedule and diagram outlining how and when the City of Austin will address the failing roads and intersections to a level of service better than "F", including, if necessary, the cost of condemnation of private property or removal of existing buildings. This report should include an estimate of the percentage of the costs that will be covered by the \$44,000 the applicant has proposed to contribute toward traffic mitigation.

A study of the impact of the proposed gate at the conceptual south exit on the northbound MoPac access road, and the proposed closure of the gate for two hours during peak morning rush hour. If the proposed gate is inadequate, unlikely to remain closed, or ineffective in preventing dangerous crossover merges onto the nearby MoPac on-ramp, the south exit should be eliminated and prohibited by ordinance, restrictive covenant or conditional overlay without the possibility of an administrative variance.

Draft and approve an operation and enforcement plan for the gate which does not include any administrative variance, if the conceptual gated south exit can be proven to be safe during all times of day including evening peak rush hour (when the gate will not be closed). According to TxDot, operation and maintenance of the gate is wholly the responsibility of the developer, not TxDot, and closure of the gate is "a local enforcement issue" which is the responsibility of the City of Austin, not TxDot. This City of Austin operation and enforcement plan should include a diagram which clearly and accurately depicts the location of all entrances and exits from the tract and their proximity to intersections and the MoPac entrance and exit ramps.

Prohibit restaurant, retail, and multi-family uses which generate a disproportionate number of trips per day. The area has a surplus of restaurant, multi-family and retail establishments already. The surrounding neighborhoods and the applicant agree that offices would be appropriate for this site. If the case is brought back to City Council it should include a cap on trips per day at 6,000 combined trips for all three lots with **no administrative variance** (there is currently no administrative variance, which is appropriate). The current GO zoning allows limited restaurant use appropriate for this location. This provides certainty and predictability, and is more flexible and valuable than a cap of *2,000 trips per day for the entire tract (the current cap), or 2,000 trips per day for each lot for a total of 6,000 combined trips per day (the liberal interpretation by City staff). **This quantitative cap on trips per day to 6,000 total, to be shared by the three lots that make up the tract, will provide the applicant with greater flexibility** and at least 85% of the developed space and 85% of the additional value they are seeking in their request to City Council to add the additional entitlement of unlimited trips per day, and carte blanche administrative variances for future increases. 6,000 trips per day are ample for a **reasonably scaled office complex similar to many nearby on MoPac.**

*"applicant has agreed to limit the intensity of this development and keep trips at 2000/day."
Garza Tract rezoning, 2007

With this additional information, a request for approval of development at an appropriate known and quantitatively defined density can be presented to City Council, rather than one that completely reverses the ordinance adopted by Council and agreed to by the owners in 2007.

Thank you for being the voice of Austin neighborhoods on City Council.

Sincerely,

Jennifer Voss, Pam Rogers, Karen and Jack Sperry, Siobhan Kenna , Jerry Spoor, Claudia Corum,
Lydia Fiedler, Beki & Richard Halpin, Pat Murphree , Kathi Clough Miller, Rebecca Matthews,
Anne Kenna, Cynthia Wilcox
Residents of: The Villages at Western Oaks, Twin Creeks, Maple Run, Westcreek, Travis Country, Circle C,
Scenic Brook, Woodstone Village, Wheeler Creek

ORDINANCE NO. 20070503-057

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 3510 AND 4003 BEN GARZA LANE FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO) COMBINING DISTRICT.

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 change the base district from single family residence standard lot (SF-2) district to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district on the property described in Zoning Case No C14-06-0181, on file at the Neighborhood Planning and Zoning Department, as follows

Tract A, Garza Place Section 1 Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 43, Page 21, of the Plat Records of Travis County, Texas (the "Property").

locally known as 3510 and 4003 Ben Garza Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A"

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions

A The following uses are prohibited uses of the Property

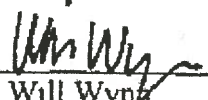
Automotive rentals	Automotive repair services
Automotive sales	Automotive washing (of any type)
Exterminating services	Funeral services
Pawn shop services	Service station


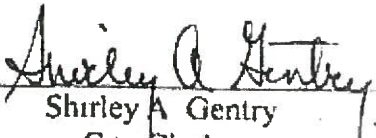
B A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district and other applicable requirements of the City Code

PART 3. This ordinance takes effect on May 14, 2007

PASSED AND APPROVED

_____, May 3 _____, 2007 §
§
§ _____ 
Will Wynne
Mayor

APPROVED:  ATTEST: 
David Allan Smith
City Attorney Shirley A. Gentry
City Clerk

Excerpts from
Zoning Change Review Sheet
included as backup
to May 3, 2007 Agenda Item

Attachment B

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0197

P.C. DATE: February 27, 2007

ADDRESS: 3801 - 4001 Block of Ben Garza Lane

OWNERS: The Earl McComis Revocable
Living Trust Agreement
(Marcy Calhoun, Teresa Touchstone
and Sheila Otterpohl)

AGENT: Lopez-Phelps & Associates
(Amelia Lopez-Phelps)

Rancho Garza, Ltd. and Rancho Garza II, Ltd. (Ron White)

ZONING FROM: I-RR; DR; SF-2 **TO:** GR-MU

AREA: 9.245 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning. The Conditional Overlay: 1) limits the number of daily trips to 2,000; 2) prohibits the following uses: automotive rentals; automotive repair services; automotive sales; automotive washing (of any type); exterminating services; funeral services; pawn shop services and service station.

A Restrictive Covenant limits the number of multi-family residences to 450 units across the 33.673 acres contained in this rezoning case, C14-06-0181 and C14-06-0199.

PLANNING COMMISSION RECOMMENDATION:

February 27, 2007: *APPROVED STAFF'S RECOMMENDATION FOR GR-MU-CO DISTRICT ZONING WITH A RESTRICTIVE COVENANT THAT THE SUM OF MULTI-FAMILY RESIDENTIAL UNITS IS LIMITED TO 450 IN STAND-ALONE BUILDINGS; BY CONSENT.*

* NOTE: THIS RESTRICTIVE COVENANT WILL COVER C14-06-0181; C14-06-0197 AND C14-06-0199.

[J. REDDY, M. DEALEY 2ND] (9-0)

ISSUES:

A letter from the Applicants' agent is attached at the back of the Staff report.

DEPARTMENT COMMENTS:

The subject rezoning area consists of undeveloped land and apartments adjacent to un-built right-of-way for Ben Garza Lane and is zoned development reserve, single family residence – standard lot and interim – rural residence (DR; SF-2 and I-RR). The property is surrounded to the north and east by undeveloped land (MF-2-CO; DR), to the south by

watershed and 25% impervious cover in the Contributing zone. This tract lies in the *Recharge Zone*.

According to flood plain maps, there is no flood plain within the project location.

The site is located within the endangered species survey area.

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 existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code regulations.

Transportation


No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 16,795 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

★ A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustments, and relocation. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the City inspect fee with the utility construction.

AGENDA			
Recommendation for Council Action			
Austin City Council	Item ID	41388	Agenda Number 50.
Meeting Date:	2/26/2015	Department:	Planning and Development Review
Subject			
<p>C14-2014-0011A – Garza Ranch – (District 8) – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3800 Ben Garza Lane (Williamson Creek Watershed-Barton Springs Zone) from community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning, to change a condition of zoning, with conditions. Planning Commission Recommendation: To forward to Council without a recommendation. Owner/Applicant: Rancho Garza, Ltd. (Ron White). Agent: Cunningham-Alletti, Inc. (Jana Rice). City Staff: Wendy Rhoades, 512-974-7719.</p>			
Amount and Source of Funding			
			
Fiscal Note			
Purchasing Language:	<p>To lift previously agreed upon trip limits with no funding sources committed to address intersection improvements as outlined in Traffic Impact Analysis</p>		
Prior Council Action:			
For More Information:			
Boards and Commission Action:			
MBE / WBE:			
Related Items:			
Additional Backup Information			

Excerpts from
Zoning Change Review Sheet **Attachment D**
included as backup to
Feb. 26, 2015 Agenda Item

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0011A & C14-2014-0011B
-- Garza Ranch

P.C. DATE: June 24, 2014
August 12, 2014
September 9, 2014
October 14, 2014
October 28, 2014
November 12, 2014
December 9, 2014

ADDRESS: 3800 Ben Garza Lane; 3510 – 4003 Ben Garza Lane

DISTRICT AREA: 8

OWNER: Rancho Garza, Ltd.
(Ron White)

AGENT: Cunningham-Allen Inc
(Jana Rice)

ZONING FROM & TO: GR-MU-CO-NP, to change a condition of zoning

TOTAL AREA: 32.815 acres;
Area covered by C14-2014-0011A – 22.779 acres; C14-2014-0011B – 10.036 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – mixed use – conditional overlay – neighborhood plan (GR-MU-CO-NP) combining district zoning. The Conditional Overlay prohibits the following uses: automotive rentals; automotive repair services; automotive sales; automotive washing (of any type); exterminating services; funeral services; pawn shop services and service station.

If the Applicant's request for GR-MU-CO-NP district zoning is granted, then it is recommended that a Restrictive Covenant which includes all recommendations listed in the Traffic Impact Analysis memorandum, dated November 6, 2014, as provided in Attachment A, accompany the zoning change.

PLANNING COMMISSION RECOMMENDATION:

June 24, 2014: APPROVED A POSTPONEMENT REQUEST BY STAFF TO AUGUST 12, 2014

[R. HATFIELD; B. ROARK – 2ND] (5-0) J. NORTEY, S. OLIVER; J. STEVENS – ABSENT; 1 VACANCY ON THE COMMISSION

August 12, 2014: APPROVED A POSTPONEMENT REQUEST BY STAFF TO SEPTEMBER 9, 2014 (8-0)

[S. OLIVER; N. ZARAGOSA – 2ND] B. ROARK – ABSENT

These staff recommendations were included in the ordinance adopted by the City Council on May, 3, 2007 (attached)

NEW Recommendation

Austin Comprehensive Plan as long as environmental ordinances are carefully considered and enforced over this environmentally sensitive area.

Environmental

This site is located over the Edwards Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.

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 Water Quality Transition Zone / Critical Water Quality Zone exist 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.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Transportation

A traffic impact analysis is required and has been received. Additional right of way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA [LDC, Sec. 25-6-142]. Comments are provided in Attachment A.

Water and Wastewater

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and/or abandonments required by the proposed land use. Depending on the development plans submitted, water and/or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

**Restrictive Covenant
Referred to in
Zoning Change Review Sheet
for Feb. 26, 2015**

Attachment E

Zoning Case No. C14-2014-0011A
C14-2014-0011B

RESTRICTIVE COVENANT

OWNER: Rancho Garza, Ltd., a Texas limited partnership

ADDRESS: 17830 Serene Hills Pass, Austin, Texas 78738

CONSIDERATION: Ten and No 100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: 22.779 acre tract of land out of the Thomas Anderson Survey No. 17, Abstract No. 2, said 22.779 acre tract of land being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant; and,

10.036 acre tract of land out of the Thomas Anderson Survey No. 17, Abstract No. 2, said 10.036 acre tract of land being more particularly described by metes and bounds in Exhibit "B" attached and incorporated into this covenant (cumulatively referred to as the "Property").

WHEREAS, the Owner (the "Owner", whether one or more), of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions:

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions, impressed upon the Property by this restrictive covenant ("Agreement"). These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

This is
2007
language

New
language
here.

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by HDR Engineering, Inc., dated November 6, 2014, or as amended and approved by the Director of the Planning and Development Review Department. All development on the Property is subject to the Planning and Development Review Department, Transportation Review Section's staff memorandum ("memorandum") and any amendments to the memorandum that address subsequent TIA updates for the Property. The TIA and memorandum shall be kept on file at the Planning and Development Review Department.

↑
Reversal of position adopted in 2007
Ordinance Adopted by City Council
on May 3, 2007, leaving open-ended approval
of trip limits to City staff.

2. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this Agreement is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Agreement, and such remaining portion of this Agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this Agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This Agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 14th day of DECEMBER, 2014.

OWNER:

RANCHO GARZA, LTD., a Texas limited partnership

By: RANCHO GARZA INVESTMENTS, INC., a Texas corporation its general partner

By: Ron White
RON WHITE
President

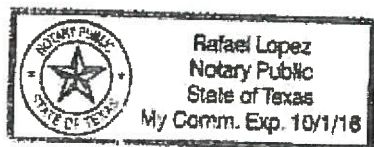
APPROVED AS TO FORM:


Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 4 day of December, 2014, by Ron White, President of Rancho Garza investments, Inc., a Texas corporation, general partner of Rancho Garza, Ltd., a Texas limited partnership, on behalf of the partnership.





Notary Public, State of Texas

Attachment F

Letter from Garza Representative
Contradicts Previous 2007 agreements and
recent statements that the 2000 trip limit was
always intended as a placeholder



Cunningham | Allen

January 22, 2014

To Whom It May Concern:
Neighborhood Planning and Zoning Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

RE: Request for Zoning Change
Garza Ranch
CAI No. 390-0301

To Whom It May Concern:

Please allow this letter to serve as a summary of the proposed change to the conditions of the zoning for the Garza Ranch outlined in Ordinances 20070503-057, 058 and 059. The subject site is 34.62 acres located at 6313 S Mopac Expressway within the full purpose area of the City of Austin, and is currently zoned GR-MU-CO-NP (Community Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan). The tract is situated in the Thomas Anderson League, Abstract 2, Travis County, Texas, and is comprised of seven tracts described as follows:

- being all of that tract of land (3.07 acres) described in a deed recorded in Volume 6512, Page 1843, of the deed records of Travis County, Texas;
- all of Lot 1 (13.648 acres), Block E, Garza Ranch, a subdivision recorded in Volume 90, Page 004, of the plat records of Travis County, Texas;
- all of "Tract 1", being Lot 1 (2.358 acres), Amended Plat of Garza/McComis Subdivision Recorded in Document No. 200800187, of the Official Public Records of Travis County, Texas;
- all of "Tract 2" (6.33 acres), and all of "Tract 3" (1.36 acres), as described in Special Warranty Deed recorded in Document No. 2008175061, of the Official Public Records of Travis County, Texas;
- all of the 5.4 acres described in a General Warranty Deed recorded in Document No. 2004018557, of the Official Public Records of Travis County, Texas;
- 1.83 acres being a part of that fifty (50) foot wide right-of-way conveyed to Travis County in Volume 3513, Page 459, of the Deed Records of Travis County, Texas;
- 0.63 of one acre being a remainder of 134.7 acres described in a deed recorded in Volume 460, Page 564 of the Deed Records of Travis County, Texas.

Presently the site is vacant with the exception of a residential house on the northeast corner of the site and several unused, small buildings on the eastern property line, however the recent Ordinance No. 20130926-05, approved October 7, 2013, adopted several site specific amendments to the City Code and provided variances to certain sections of the Land Development Code which would allow the development of the property. The enclosed Site Development Agreement incorporates the remaining terms negotiated by the City of Austin and the Garza Team.

Our client would like to modify the above referenced zoning cases to delete Part 2 B of each ordinance, which "does not allow the approval of a site plan for the property if the completed development or uses on the property, considered cumulatively with all existing or previously authorized development and

Interpretation

uses, generates traffic that exceeds 2000 trips per day". The three zoning cases each allow a maximum of 2000 trips per day; therefore the zoning request will be to allow total trips per day to exceed 6000.

This property is bordered on west by the Mopac Service Road, on the north by the Williamson Creek West Greenbelt, on the east by a Lowe's Home Improvements Center, and on the south by a commercial shopping center and some undeveloped land.

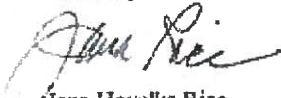
The site is within Barton Creek Watershed. Allowable impervious cover for this property has been approved at 43.5% of the site area. Topography of the site is all within the 0-15% category and there is minimal tree cover with sparse vegetation.

The property has few topographical constraints, has access to Mopac Boulevard Southbound, the Mopac Access Road, and Brodie Lane, has utility availability, and is presently zoned for Vertical Mixed Use. It is for these reasons that we request that the restriction to the existing zoning ordinances limiting the trips per day be removed.

In addition to copies of all the previously referenced ordinances and the Site Development Agreement, copies of a Traffic Impact Analysis are included in this application for review.

If there are any further questions regarding this request, or if any additional information is required, please do not hesitate to call.

Sincerely,


Jana Havelka Rice
Land Planner