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

September 9, 2014: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO OCTOBER 28, 2014*

[S. OLIVER; J. STEVENS – 2ND] (6-0) A. HERNANDEZ, J. NORTEY, L. VARGHESE – ABSENT

NOTE: THIS CASE WAS DIVIDED INTO C14-2014-0011A AND C14-2014-0011B AND RE-NOTIFIED FOR OCTOBER 14, 2014

October 14, 2014: *PULLED – NO ACTION TAKEN; TO BE RE-NOTICED FOR OCTOBER 28, 2014*

October 28, 2014: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO NOVEMBER 12, 2014*

[J. STEVENS; A. HERNANDEZ – 2ND] (8-0) B. ROARK – ABSENT

November 12, 2014: *APPROVED A POSTPONEMENT REQUEST BY THE SAVE OUR SPRINGS ALLIANCE TO DECEMBER 9, 2014*

[N. ZARAGOSA; J. STEVENS – 2ND] (6-2) R. HATFIELD; B. ROARK – NAY; L. VARGHESE – ABSENT

December 9, 2014: *TO DENY GR-MU-CO-NP DISTRICT ZONING*

[N. ZARAGOSA; J. STEVENS – 2ND] (4-1) R. HATFIELD – NAY; A. HERNANDEZ, B. ROARK; J. NORTEY – ABSENT; S. OLIVER – NOT YET ARRIVED
MOTION FAILED

COMMISSIONER R. HATFIELD MADE ANOTHER MOTION TO APPROVE GR-MU-CO-NP DISTRICT ZONING, AS STAFF RECOMMENDED, BUT DID NOT RECEIVE A SECOND

COMMISSION FORWARDED THIS ITEM TO COUNCIL WITHOUT A RECOMMENDATION

ISSUES:

The original rezoning case, C14-2014-0011 has been divided into two cases, in order to account for the unvacated Ben Garza Lane right-of-way.

The Oak Hill Association of Neighborhoods has submitted correspondence in support of the proposed rezoning case. The Save Our Springs Alliance, the Western Oaks Property Owners Association, concerned Oak Hill residents, and Westcreek Neighborhood Association have submitted correspondence in opposition to the proposed rezoning case. All correspondence is located at the back of the Staff packet.

The Site-Specific Amendments ordinance for Garza Ranch was approved by Council on September 26, 2013 and included an exhibit that identified a number of prohibited land uses. In reviewing the list contained in Exhibit E, there are four land uses that are currently

permitted by the community commercial – mixed use – conditional overlay neighborhood plan (GR-MU-CO-NP) combining district zoning on the property. These uses are:

Custom manufacturing
Drop off recycling collection facility
Outdoor sports and recreation
Plant nursery

The above-referenced uses are eligible to be added to the list of prohibited land uses for the two Garza Ranch rezoning ordinances. This would provide greater consistency between the list of prohibited uses contained in the Site-Specific Amendment ordinance and that in the proposed Garza Ranch ordinances for GR-MU-CO-NP zoning. The Applicants are agreeable to adding these four uses to the draft ordinance, and the draft ordinances reflect this addition.

DEPARTMENT COMMENTS:

The subject rezoning area consists of undeveloped land adjacent to un-built right-of-way for Ben Garza Lane and is zoned community commercial – mixed use – conditional overlay – neighborhood plan (GR-MU-CO-NP) combining district zoning. The area under consideration previously consisted of three rezoning cases approved by Council in May 2007. For each of the three cases, the CO consists of a list of prohibited uses and limits the number of daily vehicle trips to 2,000. The rezoning area is surrounded to the north and east by a small apartment building, undeveloped land (MF-2-CO-NP; DR-NP), to the south by financial services, restaurant uses and food sales uses (GR-CO-NP; GR-NP). Access to the property is taken from the northbound frontage road of MoPac Expressway. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The Applicant has proposed to change the CO in order to remove the 2,000 daily vehicle trip limit that was approved in 2007. The proposed uses include 566,450 square feet of general office; 87,450 square feet of shopping center; 27,725 square feet of high turnover (sit down) restaurant); and 208 apartment units. Access to the property is proposed via Ben Garza Lane, an unpaved road extending east / west in close proximity to the north side of the property and connects with a paved section of Ben Garza Lane that intersects with Brodie Lane, and also via a driveway near the south property line. An internal driveway will also connect the subject property to the financial services use to the south. Staff supports the removal of the 2,000 daily vehicle trip limit as the traffic impacts from the development described above has been addressed, and will be referenced in a public Restrictive Covenant that covers the conditions of a Traffic Impact Analysis. The list of prohibited uses of the property would remain unchanged.

Staff recommends the Applicant's request for GR-MU-CO-NP district zoning based upon the following: 1) the property's frontage on MoPac Expressway and proximity to its intersection with West William Cannon Drive, as well as existing commercial zoning and uses to the south and east; 2) the conditional overlay will continue to prohibit more intensive GR uses, consistent with that applied to other commercial zoned properties in the general vicinity, 3) a limitation on the number of multi family residential units across the three properties provides

an incentive for a non-residential component to occur, and 4) the traffic impacts from the development described above has been addressed, and will be referenced in a public Restrictive Covenant that covers the conditions of a Traffic Impact Analysis.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	GR-MU-CO-NP	Undeveloped
North	MF-2-CO-NP; RR-NP; DR-NP	Undeveloped; Four single family residences
South	GR-CO-NP; GR-NP	Financial services; Restaurants (general and limited); Food sales
East	CS-CO-NP	Apartments; Construction sales and services
West	N/A	MoPac Expressway

NEIGHBORHOOD PLANNING AREA: Oak Hill NPA (East Oak Hill) **TIA:** Is required – Please refer to Attachment A

WATERSHED: Williamson Creek – Barton Springs Zone – Recharge Zone **DESIRED DEVELOPMENT ZONE:** No

CAPITOL VIEW CORRIDOR: No **SCENIC ROADWAY:** Yes, MoPac Expy

NEIGHBORHOOD ORGANIZATIONS:

298 – Oak Hill Association of Neighborhoods
384 – Save Barton Spring Association
627 – Onion Creek Homeowners Association
742 – Austin Independent School District
779 – Oak Hill Neighborhood Plan COA Liaison
943 – Save Our Springs Alliance
1037 – Homeless Neighborhood Association
1075 – Bike Austin
1166 – Oak Hill Neighborhood Planning Contact Team
1224 – Austin Monorail Project
1228 – Sierra Club, Austin Regional Group
1230 – Western Oaks Property Owners Association
1340 – Austin Heritage Tree Foundation
1343 – Oak Hill Trails Association
1363 – SEL Texas
1424 – Preservation Austin

SCHOOLS:

An Educational Impact Statement is required. Please refer to Attachment B.

Sunset Valley Elementary School
Patton Elementary School
Covington Middle School
Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-06-0137 – CVS William Cannon – 4001 W	LO-CO to LR	To Grant LR-CO with CO for 2,000 trips and 50' undisturbed	Approved LR-CO as Commission recommended (9-28-

William Cannon Dr		vegetative buffer along the east property line	06).
C14-05-0196 A & B – Lowe's on Brodie – Brodie Ln at Ben Garza Ln	I-RR to CS-CO	To Grant CS-CO with CO for list of prohibited and conditional uses	Approved CS-CO as Commission recommended (12-15-05).
C14-96-0139 – M-Tract – HEB Grocery – 1500' from Brodie at William Cannon, N Side	LI-PDA to GR	To Grant GR with conditions in a Restrictive Covenant	Approved GR (4-24-97).
C14-93-0042 – Garza Ranch Block E – S MoPac Expy NB	LR to MF-2	To Grant MF-2-CO	Withdrawn by the Applicant
C14-88-0068 – Garza Place – Intersection of MoPac Expy and William Cannon Dr	DR; SF-2 to GR; MF-2; P (for r-o-w)	To Grant with conditions	Approved RR; MF-2-CO; LO-CO; GR-CO. Conditional Overlays pertain to permitted uses, fence, buffer, access, F.A.R. and number of dwelling units. Restrictive Covenant for hours of operation, and conditions for gas station storage sites (3-9-89).

RELATED CASES:

The southwest corner of the property is platted as Tract A of Garza Place Section 1, a subdivision that was recorded in September 1968 (C8-64-065). The west portion of the property is platted as Lot 1, Block E Garza Ranch, a subdivision recorded in September 1991 (C8-91-0019.0A).

The area covered by the subject two rezoning cases was previously zoned GR-MU-CO-NP by three rezoning cases approved by Council on May 3, 2007 (C14-06-0181 – McComis Estate; C14-06-0197 – McComis Estate / Garza Estate; and C14-06-0199 – Garza Estate). On each case, the CO prohibits automotive rentals, automotive repair services, automotive sales, automotive washing (of any type), exterminating services, funeral services, pawn shop services and service station, and also limits the number of vehicle trips to 2,000 per day. A Restrictive Covenant across all three cases limits the number of units in stand-alone multi-family structures to 450. The rezoning area was included within the East Oak Hill

Neighborhood Plan Area rezoning case. The base district of the subject property did not change, and the NP combining district was added (C14-2009-0128).

An ordinance to the Garza Ranch was also approved by Council (Ordinance No. 20130926-051).

A request to vacate the Ben Garza Lane right-of-way which separates the two rezoning cases is also in process (Case No. 9357-1404).

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
South MoPac Expressway	400'	Varies	Arterial	No	No **	No
Ben Garza Lane	70'	Not Constructed*	Collector	No	No **	No

*Currently Ben Garza is constructed from Brodie Lane west 1,200'. Ben Garza is not constructed where it abuts this property.

**Capital Metro bus service is not available within 1/4 mile of this property.

CITY COUNCIL DATE: August 28, 2014 **ACTION:** Approved a Postponement request by Staff to September 25, 2014 (7-0).

September 25, 2014 Approved a Postponement request by Staff to October 23, 2014 (7-0).

October 23, 2014 Not on the agenda due to a delay in mail-out notification; Case re-noticed for November 6, 2014.

November 6, 2014 Approved a Postponement request by Staff to November 20, 2014 (6-0) Council Member Spelman was off the dais.

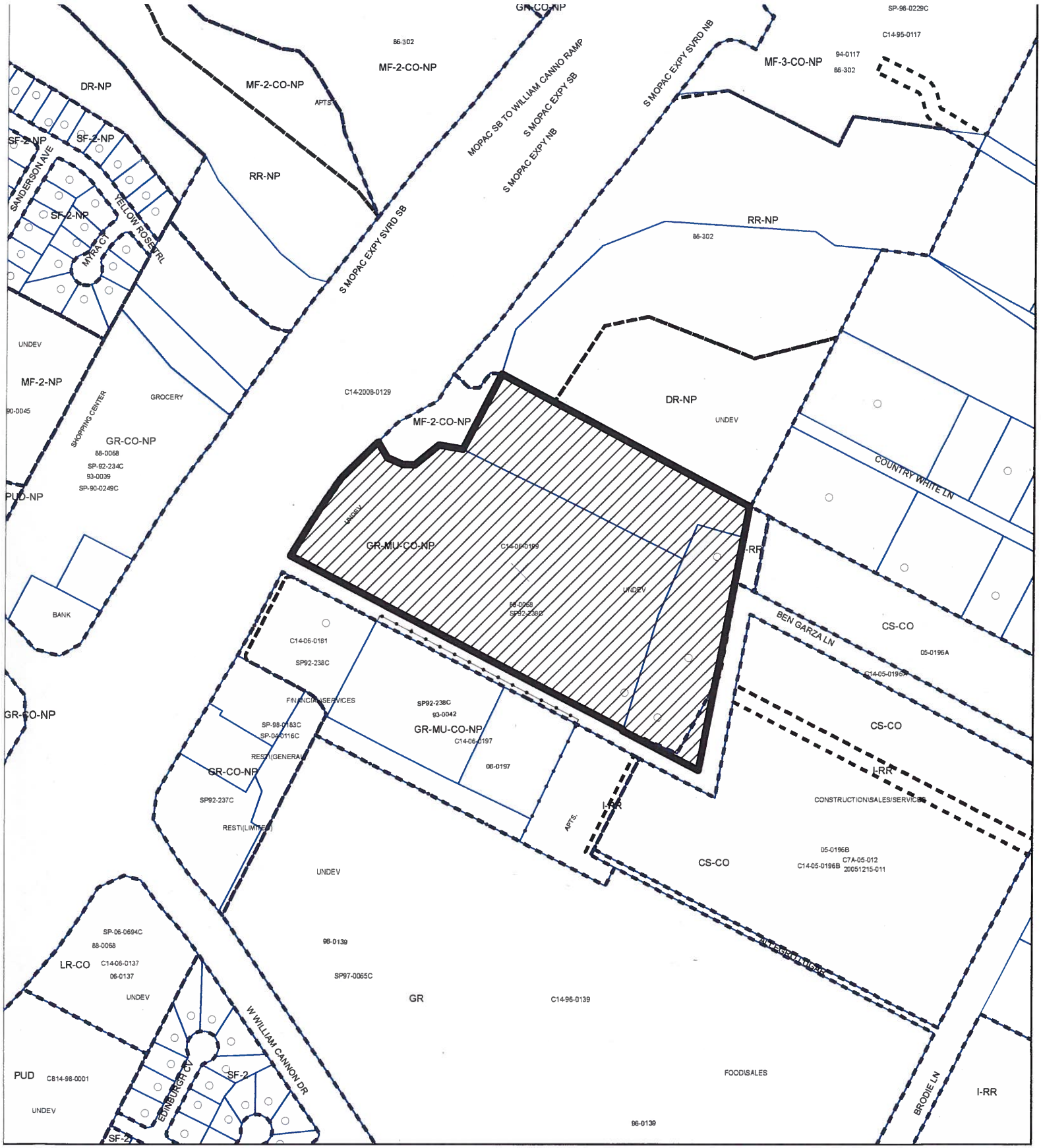
November 20, 2014 Approved a Postponement request by Staff to December 11, 2014 (7-0).

December 11, 2014	Approved a Postponement request to January 29, 2015 by the Save Our Springs Alliance, Save Barton Creek Association and the Sierra Club (5-2, Mayor Leffingwell, Council Member Martinez voted nay).
January 29, 2015	Approved a Postponement request by Staff to February 12, 2015 (11-0).
February 12, 2015	Postponed by Council to February 26, 2015 (11-0).
February 26, 2015	

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades **PHONE:** 512-974-7719
e-mail: wendy.rhoades@austintexas.gov



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 400 '

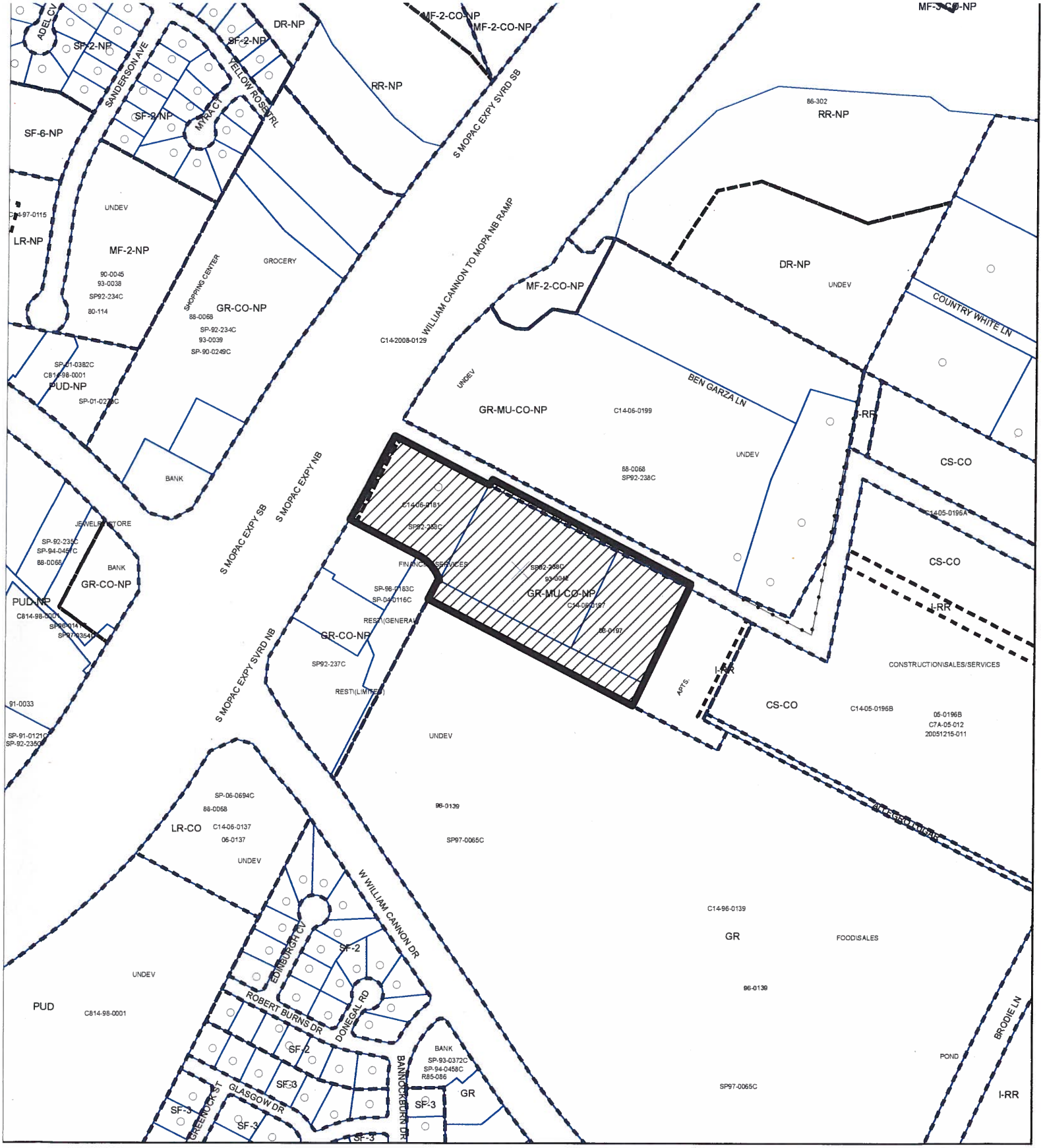
ZONING

EXHIBIT A

ZONING CASE#: C14-2014-0011A

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



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SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING

Exhibit B

ZONING CASE#: C14-2014-0011B

1 " = 400 '

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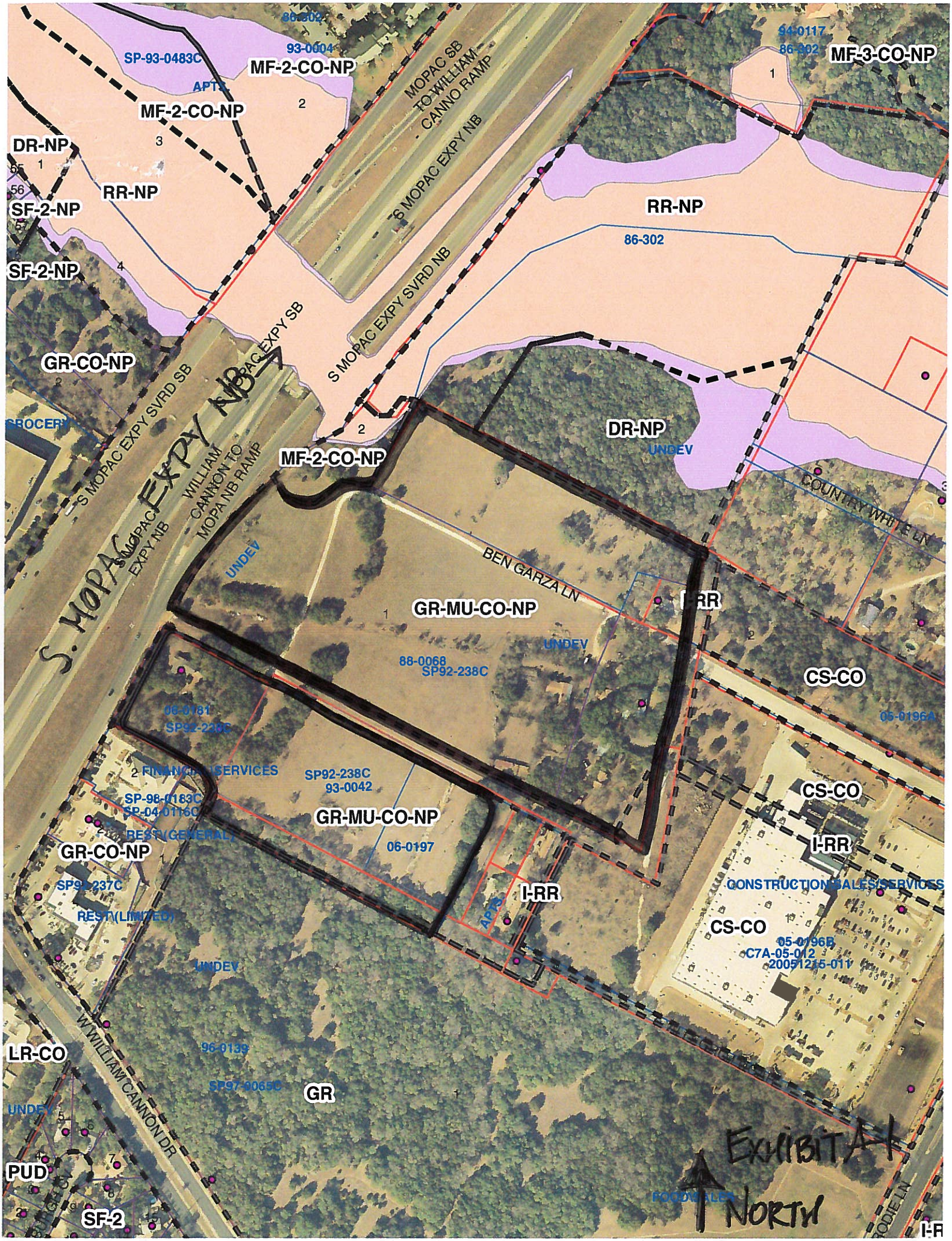
CITY OF AUSTIN FOUNDED 1839


S. MOPAC EXPY NB
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MOPAC SB TO WILLIAM CANNO RAMP
WILLIAM CANNON TO MOPA NB RAMP
W WILLIAM CANNON DR
BEN GARZA LN
COUNTRY WHITE LN
MF-2-CO-NP
MF-3-CO-NP
RR-NP
DR-NP
SF-2-NP
GR-CO-NP
GR-MU-CO-NP
CS-CO
I-RR
LR-CO
GR
PUD
SF-2
UNDEV
APTS
FINANCIAL SERVICES
REST(GENERAL)
REST(LIMITED)
CONSTRUCTION SALES/SERVICES
FOOD SALES
SP-93-0483C
93-0004
86-302
94-0117
88-0068
SP92-238C
93-0042
06-0197
06-0196A
05-0196B
C7A-05-012
96-0139
SP97-0065C
EXHIBIT A
NORTH

FIGURE 2

CONCEPTUAL SITE PLAN
(Subject to Change)

(X) **Site Driveway**

Date: November 6, 2014

To: Wendy Rhoades, Case Manager

CC: Kathy Smith, P.E., HDR Engineering, Inc.

Reference: Garza Ranch TIA (Zoning Case: C14-2014-0011)

The Transportation Review Section has reviewed the Traffic Impact Analysis (TIA) for the Garza Ranch (Zoning Case C14-2014-0011), dated November 6, 2014, prepared by HDR Engineering, Inc., and offers the following comments:

TRIP GENERATION

The Garza Ranch development is a 34.62-acre site located in southwest Austin on the east side of the Mopac Expressway NB Frontage Road just north of William Cannon Drive.

The property currently consists of single-family, detached houses and is zoned GR-MU-CO-NP. The proposed development is to consist of 566,450 SF of general office building, 27,725 SF of high turnover (sit-down) restaurant, 87,450 SF of shopping center, and 208 apartment dwelling units. The estimated completion of the project is expected in the year 2017.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE, Trip Generation, 9th Edition), the development will generate approximately 16,204 unadjusted average daily trips (ADT). The table below shows the unadjusted trip generation by land use for the proposed development:

Table 1. Trip Generation

			AM Peak		PM Peak	
LAND USE	**Size**	**ADT**	**Enter**	**Exit**	**Enter**	**Exit**
General Office Building (ITE Code 710)	566,450 SF	5,071	661	90	121	592
High Turnover (Sit-down) Restaurant (ITE Code 932)	27,725 SF	3,525	166	153	182	127
Shopping Center (ITE Code 820)	87,450 SF	6,224	87	55	285	297
Multi-family Apartments (ITE Code 220)	208 Units	1,384	21	85	86	46
Total		**16,204**	**935**	**383**	**674**	**1,062**

ASSUMPTIONS

1. Background traffic volumes for 2017 included estimated traffic volumes for the following projects:

   Zion Rest Missionary Baptist Church (SP-2011-0306C)
   Lot 1, Pointe at Gaines Ranch (SP-2011-0201CS)
   Shop at Arbors Walk (SP-2009-0106C)
   Waterloo Car Wash (SP-2009-0198C)
   3515 Day Care (SP-2009-0309A)
   Western Oaks Retail Center (SP-2007-0439C[XT2])

ATTACHMENT A

2. Pass-by reductions of 43% and 34%, respectively, were assumed for the high turnover (sit-down) restaurant, and the shopping center during the PM peak period based on data provided in ITE Trip Generation, 9th Edition. No pass-by reductions were assumed during the AM peak period and no pass-by reductions were assumed for the other land uses.
3. A 10% reduction was taken for internal capture for the high turnover (sit-down) restaurant and the shopping center during the PM peak periods based on data provided in ITE Trip Generation, 9th Edition. A 10% reduction was taken for internal capture for the high turnover (sit-down) restaurant during the AM peak period. No internal capture reductions were assumed for the other land uses.
4. No reductions were taken for transit use during any period of the analysis as there is limited Capital Metro service in the vicinity of the Garza Ranch.
5. Based on the TIA's scope of work, traffic counts were taken at various key locations to establish the circulation characteristics of the roadways in the study area. The traffic counts taken in conjunction with data from the City of Austin and TxDOT formed the basis for the future traffic assumptions in the study area. A 1.0% annual growth rate was assumed for this project.

EXISTING AND PLANNED ROADWAYS

Mopac Expressway (Loop 1) – This roadway forms the western boundary of the site. The Austin Metropolitan Area Transportation Plan (AMATP) and the CAMPO 2035 Mobility Plan classify Mopac Expressway as a six-lane major divided arterial from William Cannon to US 290. The CAMPO Transportation Plan recommends the construction of one managed lane in each direction on Mopac Expressway by 2017. According to TxDOT traffic counts, the traffic volume in 2010 on Mopac Expressway was 82,000 vehicles per day (vtd) between William Cannon and US 290 (W).

W. William Cannon Drive – This roadway is classified as a six-lane major divided arterial by the Austin Metropolitan Area Transportation Plan (AMATP) and the CAMPO Mobility Plan from US 290 (W) to Brodie Lane. According to CAMPO data, the 2010 traffic counts for W. William Cannon Drive was 40,150 vpd between Mopac Expressway and Brodie Lane. The AMATP recommends to upgrade William Cannon Drive to a s six-lane major divided arterial from Brodie Lane to Manchaca Road by 2025. The City of Austin 2009 Bicycle Plan recommends upgrading the facilities on Bike Route 80 with dedicated bike lanes along the entire corridor.

Brodie Lane – The Austin Metropolitan Area Transportation Plan (AMATP) and the CAMPO 2035 Mobility Plan classify Brodie Lane as a four-lane major divided arterial, from US 290 (W) to Slaughter Lane. According to CAMPO data, the 2010 traffic volume for Brodie Lane was 31,330 vpd just north of William Cannon Drive. The City of Austin 2009 Bicycle Plan recommends upgrading the facilities for Bike Route 17 on Brodie Lane with dedicated bike lanes along the entire corridor.

Ben Garza Lane/Oakdale Drive – Ben Garza Lane is currently a two-lane divided collector west of Brodie Lane that mainly serves the Lowe's development and ends at approximately ¼-mile west of Brodie Lane. Based on traffic counts collected by HDR, approximately 1,100 vpd are estimated on Ben Garza Lane west of Brodie Lane. As part of the Garza Ranch development, Ben Garza Lane is proposed to be extended to the west, through the development, and terminate at a T-intersection with Mopac Expressway (Loop 1) NB Frontage Road.

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed 5 intersections, 3 of which are currently signalized.

Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built:

Table 2. Level of Service						
Intersection	2014 Existing		2017 Site + Forecasted (with Improv.)		2017 Site + Forecasted (w/o Improv.)	
	AM	PM	AM	PM	AM	PM
Mopac Expressway and William Cannon Drive*	F	F	F	F	F	F
Brodie Lane and William Cannon Drive*	E	E	D	E	E	F
Brodie Lane and Ben Garza Lane/Oakdale Dr.*	A	B	B	D	B	E
Mopac Expressway East Frontage Road and proposed Ben Garza Lane			A	A	A	A
Mopac Expressway East Frontage Road and Driveway A			A	A	A	A

* = SIGNALIZED

RECOMMENDATIONS

1) Please see Table 3 for a summary of the traffic improvements recommended with the TIA:

Table 3. Summary of Traffic Improvements	
Intersection	**Recommended improvement**
Brodie Lane and William Cannon Drive	Optimize signal timing
Brodie Lane and Ben Garza Lane/Oakdale Dr.	Optimize signal timing
Mopac Expressway Frontage Roads and William Cannon Drive	1) Optimize signal timing 2) Construct NB right-turn lane 3) Construct SB right-turn lane 4) Construct EB channelized right-turn lane

2) The right-of-way for Ben Garza Lane/Oakdale Drive, a proposed collector roadway within the development, will be determined and dedicated during the subdivision stage. In addition, a NB right-turn lane into the proposed Ben Garza extension is to be installed with the project during the subdivision construction stage.

3) All driveways should be constructed as recommended in the approved TIA and in accordance with the Transportation Criteria Manual.

4) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

5) Prior to 3rd Reading of the zoning case, fiscal is required to be posted based on a pro-rata share of the listed improvements in the TIA.

If you should have any questions or require additional information, please contact me at 974-7649.

Ivan J. Naranjo
Sr. Planner ~ Transportation Review Staff
City of Austin – Planning and Development Review Department

Date: February 5, 2015

To: Wendy Rhoades, Case Manager

CC: Kathy Smith, P.E., HDR Engineering, Inc.

Reference: Garza Ranch Trip Generation

The Transportation Review Section has been asked to provide additional information regarding the trip generation for the Garza tract.

The Garza Ranch development is a 34.62-acre site located in southwest Austin on the east side of the Loop 1/Mopac Expressway NB Frontage Road just north of William Cannon Drive.

The property currently consists of single-family, detached houses and is zoned GR-MU-CO-NP. The proposed development is to consist of 566,450 SF of general office building, 27,725 SF of high turnover (sit-down) restaurant, 87,450 SF of shopping center, and 208 apartment dwelling units. The estimated completion of the project is expected in the year 2017.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE, Trip Generation, 9th Edition), the development will generate approximately 16,204 unadjusted average daily trips (ADT) as shown in Table 1.

However, ITE Trip Generation, 9th Edition, allows adjusted rates for internal-capture trips and pass-by traffic which are applicable to the proposed land uses for this development. As shown in Table 2, the traffic analysis indicates that the proposed development is expected to generate 13,906 adjusted ADT during the 24-hour period which will result in 1,286 trips during the AM peak and 1,348 trips during the PM peak.

Furthermore, the data assumptions included in the TIA for this development are consistent with the approved TIA Scope that was prepared by city staff with the Austin Transportation Department and the Planning and Development Review Dept. plus with additional assistance from TxDOT engineers.

Table 1. Unadjusted Trip Generation

			AM Peak		PM Peak	
LAND USE	**Size**	**ADT**	**Enter**	**Exit**	**Enter**	**Exit**
General Office Building (ITE Code 710)	566,450 SF	5,071	661	90	121	592
High Turnover (Sit-down) Restaurant (ITE Code 932)	27,725 SF	3,525	166	153	182	127
Shopping Center (ITE Code 820)	87,450 SF	6,224	87	55	285	297
Multi-family Apartments (ITE Code 220)	208 Units	1,384	21	85	86	46
Total		**16,204**	**935**	**383**	**674**	**1,062**

Table 2. Adjusted Trip Generation						
			AM Peak		PM Peak	
LAND USE	**Size**	**ADT**	**Enter**	**Exit**	**Enter**	**Exit**
General Office Building (ITE Code 710)	566,450 SF	5,071	661	90	121	592
High Turnover (Sit-down) Restaurant (ITE Code 932)	27,725 SF	2,490	149	138	93	65
Shopping Center (ITE Code 820)	87,450 SF	4,961	87	55	169	176
Multi-family Apartments (ITE Code 220)	208 Units	1,384	21	85	86	46
Total		**13,906**	**918**	**368**	**469**	**879**

ASSUMPTIONS

1. Pass-by reductions of 43% and 34%, respectively, were assumed for the high turnover (sit-down) restaurant, and the shopping center during the PM peak period based on data provided in ITE Trip Generation, 9th Edition. No pass-by reductions were assumed during the AM peak period and no pass-by reductions were assumed for the other land uses.
2. A 10% reduction was taken for internal capture for the high turnover (sit-down) restaurant and the shopping center during the PM peak periods based on data provided in ITE Trip Generation, 9th Edition. A 10% reduction was taken for internal capture for the high turnover (sit-down) restaurant during the AM peak period. No internal capture reductions were assumed for the other land uses.
3. No reductions were taken for transit use during any period of the analysis as there is limited Capital Metro service in the vicinity of the Garza Ranch.

If you should have any questions or require additional information, please contact me at 974-7649.

Ivan J. Naranjo

Ivan J. Naranjo, MBA, Senior Planner
Land Use Review Division ~ Transportation Review
City of Austin ~ Planning & Development Review Dept.

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin Independent School District

PROJECT NAME: Garza Ranch
ADDRESS/LOCATION: 3800 Ben Garza Lane
CASE #: C14-2014-0011

☐ NEW SINGLE FAMILY
☒ NEW MULTIFAMILY
☐ DEMOLITION OF MULTIFAMILY
☐ TAX CREDIT

SF UNITS:
MF UNITS: 208 (1-3 bedrooms)
STUDENTS PER UNIT ASSUMPTION:
STUDENTS PER UNIT ASSUMPTION: 0.23

IMPACT ON SCHOOLS

At a rate of 0.23 (district average) students per multi-family unit, the proposed development is projected to add approximately 48 AISD students over all grade levels to the projected student population. The proposed development is located within two elementary school attendance zones, Patton and Sunset Valley. The layout and number of units per attendance zone is unknown at this time; this EIS assumes 2/3 of the students will be assigned to Patton and 1/3 will be assigned to Sunset Valley.

It is estimated that of the projected 48 students, 16 will be assigned to Patton Elementary School, 8 to Sunset Valley Elementary School, 10 to Covington Middle School and 14 to Crockett High School. Although the additional students would increase the population at all of the schools, the 5-year student population is projected to decrease in these areas off-setting the projected increase of the proposed development. The resulting projected percent of permanent capacity will be 98% at Patton, 91% at Sunset Valley, 57% at Covington, and 78% at Crockett. The existing permanent capacity at all four schools will be able to accommodate the additional student population.

TRANSPORTATION IMPACT

All students from the proposed development will qualify for transportation. Although Covington Middle School and Sunset Valley Elementary School are within the 2-mile walk zone, due to the lack of sidewalks in the area for walking to school, students would qualify for transportation. If new sidewalks were constructed in the area of the proposed development, it may be possible for students to walk to Sunset Valley ES and Covington MS.

The existing number of buses and routes will be able to accommodate the projected students at each school.

SAFETY IMPACT

There is a lack of sidewalks in the area from the proposed development to Sunset Valley Elementary School and Covington Middle School.

Date Prepared: June 3, 2014

Director's Signature: Paul Turner

ATTACHMENT B

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin Independent School District

DATA ANALYSIS WORKSHEET

ELEMENTARY SCHOOL: Patton RATING: Met Standard

ADDRESS: 6001 Westcreek Drive PERMANENT CAPACITY: 920

% QUALIFIED FOR FREE/REDUCED LUNCH: 27% MOBILITY RATE: 1.9%

ELEMENTARY SCHOOL STUDENTS	Current Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	946	886	902
% of Permanent Capacity	103%	96%	98%

ELEMENTARY SCHOOL: Sunset Valley RATING: Met Standard

ADDRESS: 3000 Jones Road PERMANENT CAPACITY: 561

% QUALIFIED FOR FREE/REDUCED LUNCH: 69% MOBILITY RATE: -0.2%

ELEMENTARY SCHOOL STUDENTS	Current Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	519	502	510
% of Permanent Capacity	93%	89%	91%

MIDDLE SCHOOL: Covington RATING: Met Standard

ADDRESS: 3700 Convict Hill Road PERMANENT CAPACITY: 1,260

% QUALIFIED FOR FREE/REDUCED LUNCH: 68% MOBILITY RATE: -20.1%

MIDDLE SCHOOL STUDENTS	Current Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	842	713	723
% of Permanent Capacity	67%	57%	57%

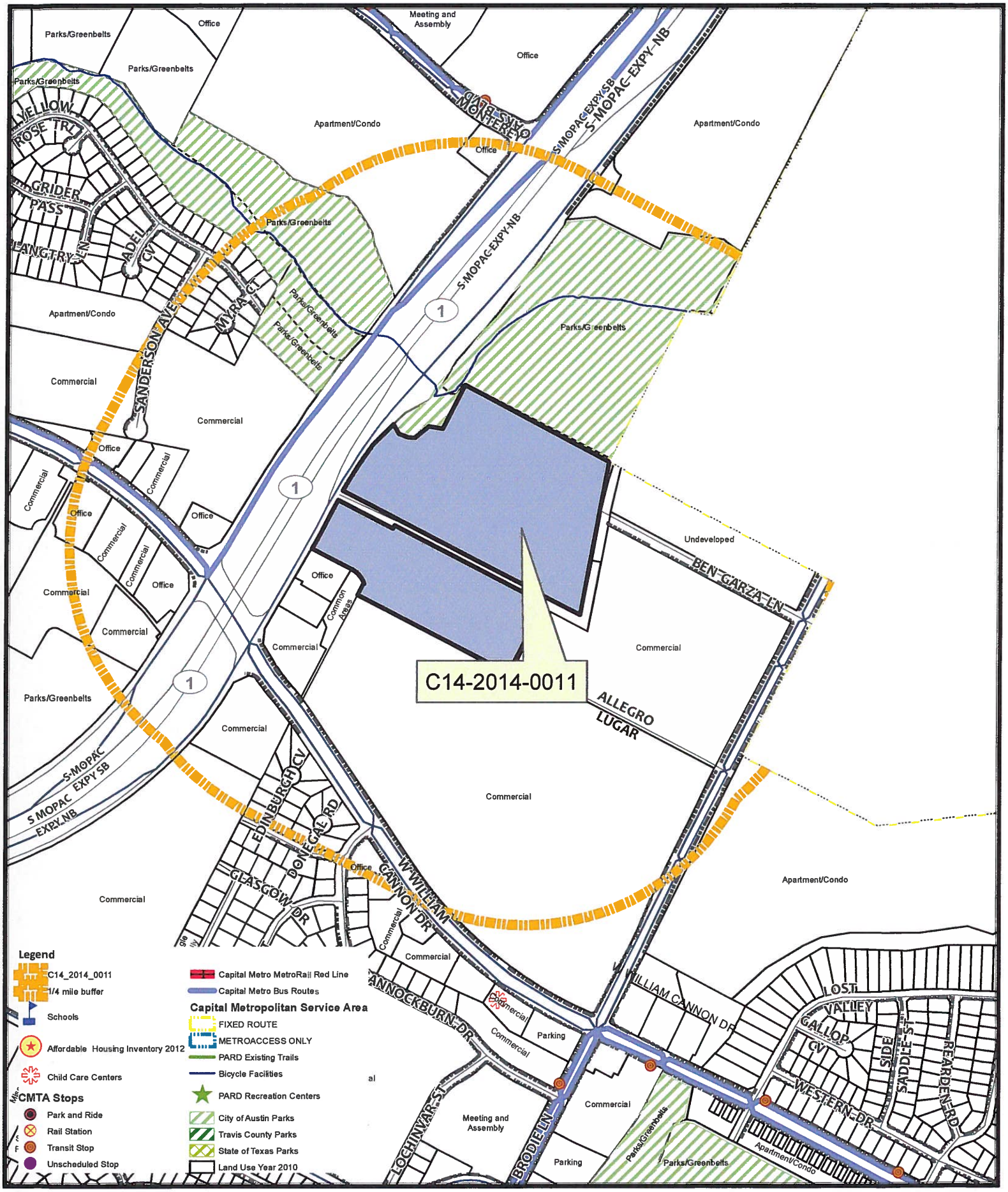
EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin Independent School District

HIGH SCHOOL: Crockett	RATING: Met Standard
ADDRESS: 5601 Manchaca Road	PERMANENT CAPACITY: 2,142
% QUALIFIED FOR FREE/REDUCED LUNCH: 74%	MOBILITY RATE: -10.4%

HIGH SCHOOL STUDENTS	Current Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	1,758	1,650	1,664
% of Permanent Capacity	82%	77%	78%



Zoning Case
Case#: C14-2014-0011
Address: 3800 Ben Garza
Case Name: Garza Ranch
34.62 Acres

Neighborhood Planning Area: Yes
School District: Austin ISD
Manager: Wendy Rhoades

0 0.065 0.13 Miles

Educational Impact Assessment

3/26/2014

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 October 30, 2014, as provided in Attachment A, accompany the zoning change.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The GR, Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways. The mixed use (MU) combining district is intended to allow for office, retail, commercial and residential uses to be combined in a single development. The CO, Conditional Overlay 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 NP, neighborhood plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

The property will have access to MoPac Expressway.

2. Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.
3. Public facilities and services should be adequate to serve the set of uses allowed by a rezoning.

Staff recommends the Applicant's request for GR-MU-CO-NP district zoning based upon the following: 1) the property's frontage on MoPac Expressway and proximity to its intersection with West William Cannon Drive, as well as existing commercial zoning and uses to the south and east; 2) the conditional overlay will continue to prohibit more intensive GR uses, consistent with that applied to other commercial zoned properties in the general vicinity, 3) a limitation on the number of multi family residential units across the three properties provides an incentive for a non-residential component to occur, and 4) the traffic impacts from the development described above has been addressed, and will be referenced in a public Restrictive Covenant that covers the conditions of a Traffic Impact Analysis.

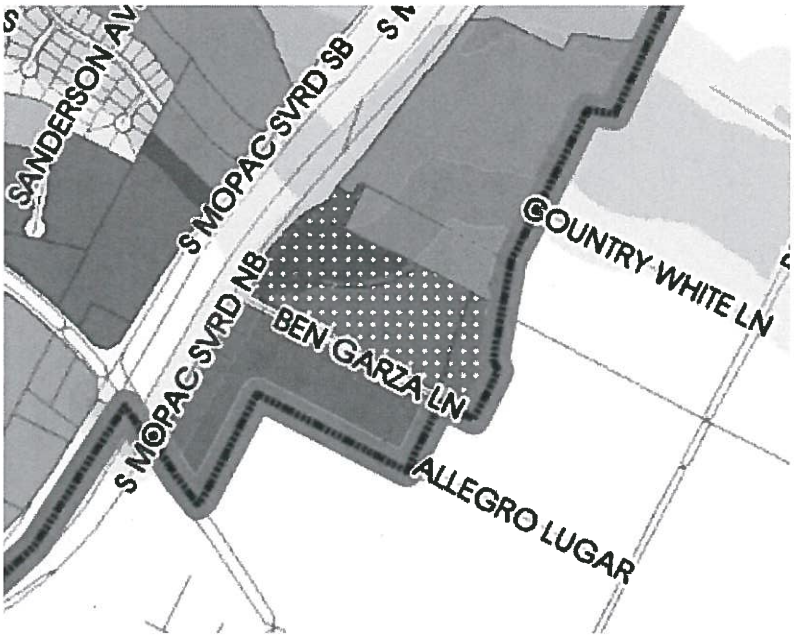
EXISTING CONDITIONS

Site Characteristics

The rezoning area is undeveloped.

Comprehensive Planning

This rezoning case is located at the terminus of Ben Garza Lane on a 34.6 acre parcel. The property is also located within the boundaries of the Oak Hill Combined Neighborhood Plan and is partially located over the Williamson Creek West Greenbelt, an open space area, which also extends to the north. Surrounding land uses include the Williamson Creek West Greenbelt to the north, a small shopping center with a fast food restaurant and vacant land to the south, the Mopac frontage road to the west, and single family houses to the east, along Garza Lane. The proposal is to amend the existing conditional overlay to allow more trips per day but not to amend the uses of the conditional overlay, which still does not permit automobile uses (rentals, repair, sales, washing, service stations), exterminating services, funeral services, and pawn shops, keeping the neighborhood commercial uses intact. There is also a restrictive covenant on the property that limits the number of multi-family residences to 450 units for the entire project area. The proposed use is a neighborhood mixed use center.



Oak Hill Combined Neighborhood Plan (OCNP)
The OCNP Future Land Use Map designates this section of Garza Road as both as Neighborhood Mixed Use (the north side of Garza Road) and Commercial (on the south side of Garza Road). Neighborhood Mixed Use is appropriate for a mix of neighborhood commercial (small-scale retail or offices, professional services, convenience retail, and shopfront retail that serve a market at a neighborhood scale) and small to medium density

residential uses. A Commercial designation is intended to include retail sales, services, hotels/motels, and recreationally services that are predominantly privately owned and operated for profit. Focus of the highest intensity commercial uses should be along freeways and major highways, and with good transportation access such as frontage roads and arterial roadways.

The goals, objectives and text below are taken from the OCNP and seem supportive attracting high quality commercial development, while at the same time protecting the environment:

Goal 4.A: Preserve and enhance environmental resources including watersheds, air quality, and wildlife corridors. (p 36)

> **Objective: 4.A.1** Preserve the water quality of area aquifers, streams, rivers, and springs and protect endangered species dependent on the quality of those water resources.

Goal 4.B. Provide opportunities for high-quality new development and redevelopment. (p 37)

> Objective 4.B.1: Minimize the ecological footprint of development in the Oak Hill planning area to help achieve environmental goals, particularly the preservation of water quality.

- Excerpt from pg 50, taken from Chapter 4: Some property owners are concerned about land use or zoning changes that would restrict the use of their property; they are concerned that their investments in land and existing businesses would be unnecessarily harmed. These stakeholders oppose any zoning overlays that would prohibit land uses on their property. However, other stakeholders and City staff support conditional overlays intended to restrict land uses that pose risks to water quality. (p 50)

Goal 6.A. Provide opportunities for high-quality new development and redevelopment.

> **Objective 6A.1:** Ensure quality of new construction and renovations. (p 66)

Goal 6.B. Balance development and environmental protection by maintaining a vibrant residential and commercial community that demonstrates caring stewardship of the environment. (p 66)

> **Objective 6.B.1**: Encourage zoning to be compatible with existing and neighboring land uses and seek optimal and most appropriate use of land activity areas) at strategic locations. (p 66)

Goal 6.C: Create a mix of uses in existing corridors of commercial development that will provide a diversity of local services convenient to neighborhoods and establish commercial "nodes" (concentrated) (p 67)

Goal 6.E: Encourage locally-owned businesses to locate in the Oak Hill area and find ways for local businesses and employers to prosper. (p 67)

> **Objective 6.E.1:** Oak Hill stakeholders desire more small-scale businesses with less strip commercial establishments

Conclusion:

The Oak Hill Combined Neighborhood Plan Future Land Use Map designates this portion of Garza Drive as both Neighborhood Mixed Use and Commercial, and the many of the goals and objectives above seem to support providing more local businesses and retail. However,

the property is located over environmentally sensitive land and any new commercial or residential development would have to ensure all environmental ordinances are enforced.

Imagine Austin

The Imagine Austin Growth Concept Map identifies this property as being partially within one of the five '**Activity Centers for Redevelopment (located) in an Environmentally Sensitive Area'** as identified on the Imagine Austin Growth Concept Map, found in the Image Austin Comprehensive Plan. This property is also situated within the boundaries of the **Barton Springs Zone**, which is an area where runoff from precipitation flows to the recharge zone of an aquifer. This property is also located within the **Edwards Aquifer Recharge Zone**. Page 106 of the Imagine Austin Comprehensive Plan states, "*Five centers are located over the recharge or contributing zones of the Barton Springs Zone of the Edwards Aquifer or within water-supply watersheds. These centers are located on already developed areas and, in some instances, provide opportunities to address long-standing water quality issues and provide walkable areas in and near existing neighborhoods. State-of-the-art development practices will be required of any redevelopment to improve stormwater retention and the water quality flowing into the aquifer or other drinking water sources. These centers should also be carefully evaluated to fit within their infrastructural and environmental context. One of the Land Use and Transportation policies, LUT P21 (p. 102), clarifies the intent, "Ensure that redevelopment in the Edwards Aquifer's recharge and contributing zones maintains the quantity and quality of recharge of the aquifer.*"

Based upon Imagine Austin policies referenced above, staff believes that the proposed development is supported by the Imagine Austin Comprehensive Plan.

The following IACP policies are applicable to this case:

- **LUT P3** Promote development in compact centers, communities or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.

- **LUT P21**. Ensure that redevelopment in the Edwards Aquifer's recharge and contributing zones maintains the quantity and quality of recharge of the aquifer.

- **LUT P22** Protect Austin's natural resources and environmental systems by limiting land use and transportation development in sensitive environmental areas and preserving areas of open space.

- **HN P11**. Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

Based on this property being: (1) located along a major highway (Mopac), and adjacent to two major arterial corridors (Brodie Lane and William Cannon Blvd.); (2) located adjacent to an existing shopping center along the Mopac frontage road; (3) the Oak Hill Combined Neighborhood Plan, which seems to support Neighborhood Mixed Use and Commercial uses as long as environmental considerations are enforced; and (4) the Imagine Austin policies referenced above, which encourages complete communities and infill development, staff believes that the proposed neighborhood mixed use center is supported by the Imagine

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.

Site Plan

Development on this site will be subject to *Subchapter E: Design Standards and Mixed Use*. Additional comments will be provided upon submittal of a site plan.

Rhoades, Wendy

From: Bill Bunch [redacted]
Sent: Tuesday, December 09, 2014 12:15 PM
To: bc-Danette.Chiment@austintexas.gov; Hernandez, Alfonso - BC; Nortey, James - BC; Stevens, Jean - BC; Jack, Jeff - BC; Roark, Brian - BC; Varghese, Lesley - BC; Zaragoza, Nuria - BC
Cc: Rhoades, Wendy; Steve Beers; roy waley
Subject: Please vote NO on Garza Ranch items 10 and 11 on tonight's agenda
Attachments: Garza Ranch TIA.odt

December 9, 2014 – Via Email

Re: Garza Ranch condition of zoning change requests; December 9th Items C 10 and C 11

Dear Chair Chimenti and Planning Commission Members,

Save Our Springs Alliance respectfully requests that you vote "no" on the request to lift trip limits on the Garza Ranch tracts before you this evening.

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 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.

OHAN

OAK HILL ASSOCIATION OF NEIGHBORHOODS

December 4, 2014

Mr. Greg Guerney, Director
Neighborhood Planning and Review Department
505 Barton Springs Road, 5th Floor
Austin, TX 78704

RE: Garza Tract Zoning Request
C14-2014-0011A

Dear Greg:

Oak Hill Association of Neighborhoods (OHAN) was contacted by the agent for the Garza Tract regarding a request to amend the current ordinance for additional traffic generation. Our organization supported the prior rezoning of the tract and provided you a letter dated July 12, 2006 stating our support.

OHAN supports the latest request for amending the prior zoning ordinance and restrictive covenant for the project to incorporate the latest finding of the Traffic Impact Analysis. We were aware that the original zoning case did not have sufficient information to provide a TIA and therefore a maximum of 2,000 trips was assumed. Now that the project is further along and the TIA was provided for the project, the zoning ordinance is being amended to incorporate the findings of the TIA. The project will remain in conformance to the Oak Hill Neighborhood Plan and FLUM.

We ask for your favorable consideration to support the approval of the applicant's request to change the zoning as indicated above. Please feel free to contact me at 512-496-6481 if you have any questions.

Sincerely,

James Schissler

James Schissler, President
Oak Hill Association of Neighborhoods
PO Box 90906
Austin, TX 78709-0906

Rhoades, Wendy

From: Bill Bunch <[redacted]>
Sent: Wednesday, November 12, 2014 2:54 PM
To: danette; danette.chimenti@[redacted]; Rhoades, Wendy
Cc: Halley, Shannon; Tiemann, Donna; Rush, Barbara; Tovo, Kathie; Morrison, Laura; roy waley; Steve Beers
Subject: Request to postpone PC Items 9 and 10, Garza Ranch, or in the alternative to vote "no"

Ms. Rhoades and Ms. Chimenti,

Save Our Springs Alliance respectfully requests that the Garza Ranch rezoning items on tonight's Planning Commission agenda be postponed to the next PC meeting, at minimum.

The case was repeatedly postponed at the request of staff because their analysis was not complete. Now that it is complete, it has only been made available for a short period of time on a complicated case with a very long history. The item is also scheduled on top of important business for SOS Alliance at tonight's Water and Wastewater Commission meeting concerning water rates.

We have repeatedly inquired on when this case would actually go forward and were unable to find out a reliable time.

The core of the Garza Ranch request is that a condition of zoning previously approved (and the subject of multiple rounds of compromise and negotiation , subsequent to "grandfathering" litigation) that limits the trips per day to be generated by the tract to no more than 2,000 be erased so that the proposed development that would generate over 16,000 trips per day may go forward.

At this point, the Garza's should live with the bargain previous struck. There is no right to the increased trips per day, and the area is already suffering substantial congestion.

We request additional time to be able to review the staff's analysis of the traffic impacts so that we may be able to provide informed comment on the potential impacts of yet again giving the Garza tract owners more development rights to which they simply are not entitled.

Thank you for your consideration,

Bill Bunch
SOS Alliance

Rhoades, Wendy

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 <bill@sosalliance.org>
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 Bulla <[redacted]>,'kelly' <[redacted]>,kelly davis <[redacted]>,Jennifer Walker <[redacted]>,Colin Clark <[redacted]>,Lauren Ross <[redacted]>,Luke Metzger <[redacted]>,Brian Rodgers <[redacted]>,MarisaPerales <[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

January 14, 2015

Western Oaks Property Owners Association
Woodcreek Rd.
Austin, Texas 78749

Ms. Wendy Rhoades
City of Austin
505 Barton Springs Rd.
One Texas Center, 5th Floor
Austin, Texas 78704

RE: C14-2014-0011A and C14-2014-0011B

Dear Ms. Rhodes,

Western Oaks Property Owners Association (WOPOA) is a party to zoning cases numbered C14-2014-0011A and C14-2014-0011B.

WOPOA opposes any change to the zoning, conditional overlays or restrictive covenant which removes the limits on the number of daily vehicle trips. The current zoning and encumbrances allow for 6,000 vehicular trips per day. The applicant wants to increase the number by almost 3 times to 16,000 trips. This is unacceptable on roadways that are overcrowded and a major intersection (MOPAC access and Wm. Cannon) that already operates at a level "F".

A change in the land use of this property, and the traffic it would generate, should not be considered until such time that the roadways and intersections are improved to handle the additional number of daily vehicular trips. A policy of adding development without infrastructure has created historic gridlock in Southwest Austin and cannot continue. Adding 16,000 more vehicular trips per day is inappropriate, unsustainable and hazardous.

Regards,

Tracy Watson
President, Western Oaks Property Owners Association
4910 Woodcreek Rd.
Austin, Texas 78749
(512) 917-6345
Bldoff@aol.com

Rhoades, Wendy

From: Mary Castetter <[redacted]>
Sent: Tuesday, January 27, 2015 4:21 PM
To: Rhoades, Wendy; Wells, Johnnie
Cc: Summers, Sara S.; Tracy Watson
Subject: RE: Updated backup for Garza Ranch cases

That is fine.

Mary Lee Castetter
Sr. VP of Administration

Texas Association of Builders
313 E. 12th St., Suite 210
Austin, Texas 78701

512-476-6346 (phone)
512-476-6427 (fax)

-----Original Message-----
From: Rhoades, Wendy [mailto:Wendy.Rhoades@austintexas.gov]
Sent: Tuesday, January 27, 2015 3:57 PM
To: Mary Castetter; Wells, Johnnie
Cc: Summers, Sara S.; Tracy Watson
Subject: RE: Updated backup for Garza Ranch cases

Ms. Castetter,
I have relayed the request for postponement to the Applicant, however they are only agreeable to a postponement until the next Council meeting date of February 12th. Could you let me know if this date is agreeable to your group?

Thank you,
Wendy

-----Original Message-----
From: Mary Castetter [[redacted]]
Sent: Monday, January 26, 2015 11:39 AM
To: Rhoades, Wendy; Wells, Johnnie
Cc: Summers, Sara S.; Tracy Watson
Subject: RE: Updated backup for Garza Ranch cases

Thursday, February 26. 2015

Mary Lee Castetter
-----Original Message-----
From: Rhoades, Wendy [mailto:Wendy.Rhoades@austintexas.gov]
Sent: Monday, January 26, 2015 11:38 AM
To: Mary Castetter; Wells, Johnnie
Cc: Summers, Sara S.; Tracy Watson

Subject: RE: Updated backup for Garza Ranch cases

The Garza Ranch zoning cases are scheduled for 2 p.m. on January 29th (items 38 and 39). Does the Neighborhood wish to request postponement of these cases to a subsequent Council meeting date?
WR

-----Original Message-----
From: Mary Castetter [redacted]
Sent: Monday, January 26, 2015 11:35 AM
To: Rhoades, Wendy; Wells, Johnnie
Cc: Summers, Sara S.; Tracy Watson
Subject: RE: Updated backup for Garza Ranch cases

We were told that it was on the docket for January 29th. When is the item on the City Council docket?

Mary Lee Castetter
Sr. VP of Administration

Texas Association of Builders
313 E. 12th St., Suite 210
Austin, Texas 78701

512-476-6346 (phone)
512-476-6427 (fax)

-----Original Message-----
From: Rhoades, Wendy [mailto:Wendy.Rhoades@austintexas.gov]
Sent: Monday, January 26, 2015 11:33 AM
To: Mary Castetter; Wells, Johnnie
Cc: Summers, Sara S.; Tracy Watson
Subject: RE: Updated backup for Garza Ranch cases

Dear Ms. Castetter,
Thank you for your email. Could you please confirm which Council date you are requesting postponement of the Garza Ranch cases? As information, the next two Council meeting dates are Thursday, February 12th and Thursday, February 26th. Once I receive this, I will inform the Applicant of the Neighborhood's request.

Thank you,
Wendy
512-974-7719

-----Original Message-----
From: Mary Castetter [redacted]
Sent: Monday, January 26, 2015 9:43 AM
To: Rhoades, Wendy; Wells, Johnnie
Cc: Summers, Sara S.; Tracy Watson
Subject: RE: Updated backup for Garza Ranch cases
Importance: High

Dear Ms. Rhoades,

On behalf of the Western Oaks Property Owners Association, we request that the cases C14-2014-0011A and C14-2014-0011B - Garza Ranch be postponed for hearing and action before the Austin City Council on January 29, 2015. Please let us know if we should take further action or notice other City of Austin staff to have this request considered.

Regards,

Land Development Committee
Western Oaks Property Owners Association

-----Original Message-----
From: Rhoades, Wendy [mailto:Wendy.Rhoades@austintexas.gov]
Sent: Wednesday, December 31, 2014 11:10 AM
To: Wells, Johnnie
Cc: Mary Castetter; Summers, Sara S.
Subject: FW: Updated backup for Garza Ranch cases

Hello All and Happy New Year,
I am attaching the most up to date version of the staff report for the Garza Ranch rezoning cases which have been postponed until the January 29, 2015 Council meeting. It contains all of the correspondence I've received to date and is located at the back of this packet. If there are specific transportation-related questions, I will need to coordinate a response with Mr. Ivan Naranjo, who reviewed the Applicant's transportation impact analysis and prepared the staff memo summarizing its findings and recommendations (please refer to Attachment A which begins on page 10 of this document).

Sincerely,
Wendy Rhoades
512-974-7719

OHAN

OAK HILL ASSOCIATION OF NEIGHBORHOODS

January 29, 2015

Via email to Jerry.Rusthoven@austintexas.gov and Greg.Guernsey@austintexas.gov

Mr. Greg Guernsey
Director, Planning and Development Review
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas 78701

RE: Garza Tract—C14-2014-0011A and C14-2014-0011B

Dear Mr. Guernsey:

I am the newly-elected President of OHAN for 2015.

The above-referenced zoning cases are set on Council agenda for today at 2pm. My understanding is that Mr. Rusthoven has confirmed with Tracy Watson that the Western Oaks Property Owners Association ("Western Oaks POA") and the applicant are in agreement to postpone these items to February 12, 2015.

As you are aware, OHAN provided a letter of support back in 2006. You have recently received a letter dated December 4, 2014, from the then-President of OHAN, James Schissler. That letter was written by the previous President based on the facts as they existed at that time (no member of OHAN had raised any issue regarding these zoning cases).

While OHAN continues to support the zoning cases, it appears that a couple of neighborhood groups who are OHAN members, including Western Oaks POA, have some concerns about vehicle trip generation and the transportation issues those trips raise. As President, I have facilitated a meeting between the owner group and Western Oaks POA's Land Development Committee. The owner group was forthcoming and has committed to providing additional information to Western Oaks POA's Land Development Committee. I am committed to facilitating meetings between our member groups and the owner group to continue to work through these issues.

If you have any questions, please feel free to contact me at (512) 263-2666 x103.

/s/ Darryl W. Pruett
Darryl Pruett, President
Oak Hill Association of Neighborhoods

cc:

ellen.troxclair@austintexas.gov

steve.adler@austintexas.gov
ora.houston@austintexas.gov
delia.garza@austintexas.gov
pio.renteria@austintexas.gov
greg.casar@austintexas.gov
ann.kitchen@austintexas.gov
don.zimmerman@austintexas.gov
leslie.pool@austintexas.gov
kathie.tovo@austintexas.gov
sheri.gallo@austintexas.gov
amelia.lopez@lopezconsulting.com

DATE: February 6, 2015
TO: Mayor Adler, Mayor Pro Tem Tovo
Council Members Houston, Garza, Renteria, Casar, Kitchen,
Zimmerman, Pool, Troxclair and Gallo
FROM: Concerned Oak Hill Residents
RE: **C14-2014-0011 A & B Garza Tract**

We respectfully request that Council postpone this case until a more comprehensive traffic impact study of the affected area can be completed, and an evaluation of the effects of the proposed development on downstream properties can be made. **If the case is not postponed, please vote "no".**

The surrounding community is currently experiencing increased flooding, excessive traffic, over-burdened infrastructure, and "F" rated intersections. Taxpayers are currently funding the buyout of homes downstream of this property on Williamson Creek due to development-related flooding. Buyouts increase taxes, fees, and cost of living for every Austin resident, and flooding endangers lives and destroys private property. Council has not reviewed this case since the October 2013 floods, and they should be taken into consideration in evaluating this case. **Proposals that strain or exceed the capacity of existing infrastructure should not be approved.**

This case requests an 800% increase in trips per day (from 2,000 to 16,000) with the number estimated to be between 16,204* – 40,000** unadjusted trips per day. This would impact not only the adjacent neighborhoods, but all South and Southwest Austin residents, and anyone who utilizes the main arterial roads of Brodie Lane, William Cannon and Mopac. The limited traffic study that has been completed indicates:

- The Brodie Lane/William Cannon intersection would fail, going from an "E" to an "F".
- The Mopac/William Cannon intersection would go from an "F" to worse than an "F".
- The traffic that is attributed to Ben Garza Lane would actually be traffic that is added to Brodie Lane which is already experiencing extreme congestion - adding over 1,000 trips at peak afternoon rush hour.

The principal entrance and exit to the project is on a one-way northbound access road of MoPac, but the effects on the very next intersection on MoPac at Hwy 290 have not been studied. **A study of the traffic impact on the intersections of Highway 290 and MoPac, Brodie Lane and Highway 290, Southwest Parkway and Mopac frontage road, and the MoPac main lanes should be completed and made available to City Council and the surrounding community prior to making a decision.** The most recent rezoning of the Garza tract permits 2,000*** combined trips per day for the three lots that make up the tract; but the developer's agent has proposed to City staff that the 2,000 combined trips per day should be interpreted as 2,000 trips per day per lot for a total of 6,000 trips per day for the tract. Even this new interpretation of the existing rezoning of the property will overburden already congested and failing roads and intersections around MoPac, Highway 290, Brodie Lane and William Cannon.

This is the third request by developers to the City of Austin since 2007 to add additional valuable entitlements and drastically alter what is permitted on this property by passing an ordinance to change the zoning laws. **This creates an unstable and unpredictable environment for area homeowners, business owners and commuters, and threatens to devalue existing private property purchased and occupied under the assumption that the zoning laws and neighborhood plans already on the books would be respected and enforced.** Developers are not being held accountable – either to comply with zoning laws, impervious cover restrictions; or to pay for damages caused to people, property and infrastructure by development-related flooding, traffic congestion, school overcrowding ,or infrastructure failure or expansion.

We respectfully request that you either vote "no" or postpone this case in order to permit the necessary information to be gathered and reviewed so an informed decision about whether it is appropriate to again increase entitlements on this property can be made.

Upon request from member neighborhoods, the OHAN board has added this issue to their February 11 agenda, which is just hours prior to the February 12 City Council meeting. OHAN's membership will be able to discuss this new zoning case for the first time at next week's meeting, and the membership will be allowed to weigh in on whether they support the new zoning change in light of the new/increased trip limits and other changes which were not a part of the 2006 zoning application. We ask that you take into serious consideration the outcome of that discussion.

Sincerely,

Cynthia Wilcox, Claudia Corum, Pam Rogers, Jennifer Voss, Becki & Richard Halpin, Lydia Fiedler
Concerned Oak Hill Residents of:
Village at Western Oaks, Westcreek, Maple Run, Scenic Brook, Travis Country, Circle C Ranch

*City of Austin Staff report, 2007
**Zoning Review Sheet and as reported here.
*** http://www.austintexas.gov/edims/document.cfm?id=101954

Links and Citations
Feb 6 Letter to Mayor Adler & Council Members
Re: C14-2014-0011 A & B Garza Tract

The links and citations in the attached letter are as follows in the order in which they appear:

buyout of homes [downstream on Williamson Creek]
http://www.mystatesman.com/interactive/news/onion-williamson-creek-buyout-proposal/

2,000 [2,000 trips per day currently approved by the ordinance currently in effect]
http://www.austintexas.gov/edims/document.cfm?id=101954

16,204* [unadjusted trips per day]
City of Austin Staff Report, 20007

40,000** [unadjusted trips per day]
See the "Zoning Change Review Sheet"
here: https://www.austintexas.gov/devreview/b_showpublicpermitfolderdetails.jsp?FolderRSN=277148
http://www.austinmonitor.com/stories/2015/01/council-postpone-weeks-zoning-cases/

2,000*** combined trips per day total for the tract (the tract is comprised of three lots)
http://www.austintexas.gov/edims/document.cfm?id=101954

Westcreek Neighborhood ASSOCIATION

P.O. Box 91373
Austin, TX 78709-1373

February 9, 2015
(with minor edits and clarifications)

Subject: Case #s C14-2014-001 A and B (Ben Garza Lane Tracts) - Council's Thursday, February 12, 2015 Agenda

Dear Mayor Adler, Mayor Pro Tem Tovo, and Council Members Houston, Garza, Renteria, Casar, Kitchen, Zimmerman, Pool, Troxclair, and Gallo:

The Westcreek neighborhood is directly affected by any development on the above-referenced Garza tracts. On behalf of the Westcreek Neighborhood Association Board, we ask that you either postpone a decision about this zoning change/trip limit increase OR vote against the owner's request entirely.

We understand that this item has been long-standing and controversial and is one that the current council has inherited with certain approvals already in place and perhaps irreversible. However, we believe certain elements can and must be addressed going forward.

We are strongly opposed to:

1. The property owner's current request and staff recommendation to lift the 2000 trip per day limit, allowing substantial increases anywhere from 16,204 to other estimates ranging from 30-40,000 car trips per day, in an area where over-burdened intersections are already graded in the D, E, and F (Failing) ranges.

2. Approval of a theoretical "reduced" trip per day total of 13,906 (lowered from 16,204) based on "pass-by" and "internal capture" reductions, which seem arbitrary and speculative, considering that the current proposal is based on a "conceptual site plan".

Trip limits

- A proposed conditional overlay increasing trips above the 2000 daily limit is contradictory to the ordinance approved by the Council on May 3, 2007 when the zoning was upgraded to GR-MU-CO.
- It is inaccurate to interpret the limit as 2000 for each of three tracts (6000 car trips per day) considering the ordinance language clearly states to consider it "cumulatively."

> *"A site plan or building permit for the Property may not be approved, released or issued if the completed development or use of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2000 trips per day."*

AND in the Zoning Change Review Sheet provided by staff, on page 6 of 7 it states:

> *"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 for 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 of 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]*

Were the trip limits in the 2007 Council-approved ordinance ever intended to be revisited?

- In reviewing the 2007 Council-approved zoning change, we find no evidence in documents, transcripts or meeting videos that there was any type of placeholder or intent to revisit the 2000 daily vehicle trip limit or the potential need for a Traffic Impact Analysis.
- In 2013 when the Environmental Board, Planning Commission and City Council were asked to approve a resolution pertaining to various code amendments for development of the site, there was again no mention of traffic nor the need to lift the daily trip limit, even though the Traffic Impact Analysis (TIA) as referenced in the current council item was already completed and dated May 21, 2012, as summarized by staff in the November 8, 2014 memo provided to Council.

What are trips per day at nearby businesses?

- As a basis for comparison, the 2012 TIA provides that trips per day for Lifetime Fitness = 3,642; Lowes Home Improvement Center = 4,932; HEB = 9,972.
- Trips/day at 16,000+ is more than 300% higher than Lowe's trips per day.

What will increasing trip limits do to nearby intersections?

- Does the Traffic Impact Analysis (TIA) referred to in the November 6, 2014 staff memo adequately address all of the major intersections in the vicinity that would be significantly impacted by the proposed level of development and associated increase in vehicle trips per day?
    - We note that several critical intersections addressed are already graded D-F and will be further compromised with the development or stay at generally the same low grades for level of service, even with recommended improvements.
    - We also note that at least two intersections that will undoubtedly be impacted (290 and Mopac and Brodie and 290) were not included in the TIA.

Traffic Impact Analysis

- The May 21, 2012 TIA, completed more than two ½ years ago, is not included in the backup materials for the current agenda item.
    - It is only referenced and summarized in a November 6, 2014 memorandum from staff.
    - Are City Council members privy to the full 2012 TIA since it contains relevant information related to this item?
- Although the 2012 TIA includes recommendations for improvements to intersections, we believe these recommendations deserve closer scrutiny regarding the existence of required right-of-ways, funding, and impact. And, we are concerned that there is no evidence that the recommended improvements would significantly change the low grades (D-F) of these intersections.
    - There is no mention of scheduling or allocated funding for these improvements.
    - Inclusion of these recommendations in a Restrictive Covenant, as proposed by staff, will not adequately address the challenges brought about as a result of the significantly increased car trips that are projected, and unverified, with this level of development.

Oak Hill Area Neighborhood and Citizen Concerns

- Many neighborhood associations (including Westcreek) have not received notice of the proposed changes by either the City of Austin or via OHAN.

- As a result of concerns recently expressed by Oak Hill residents and neighborhoods, it is our understanding that an item related to the Garza tract has been added to the OHAN agenda for this week on Wednesday, February 11. This will allow Oak Hill member neighborhoods to discuss the current proposals for trip limit increases and weigh in with any concerns.
- We understand that our District 8 representative, Ellen Troxclair, has been invited to attend the Feb. 11 OHAN meeting and we look forward to the opportunity to engage with her at this meeting and on future issues of importance to Southwest Austin and the City as a whole.

Conclusion and Solution Proposed

Given all of the above, we respectfully request that the City Council either vote to oppose or postpone this item until alternate types of developments that do not increase the already agreed upon number of car trips per day can be considered, and until current challenges and potential remedies for the all of the overburdened intersections in the vicinity can be addressed.

As most of Austin can attest, traffic congestion is a critical challenge and we are all highly interested in managing growth within reason and with citizens' protection in mind. Please consider how we can manage and come up with solutions to our overburdened infrastructure and refrain from allowing unabated development that exceeds the true capacity of our infrastructure.

We also appreciate council's time-intensive efforts to conduct a "deep-dive" or "policy forums" and address Austin's major issues such as traffic congestion, unsustainable development, flooding, and citizen disenfranchisement. We ask that Council consider the public's written comments just as strongly as you would consider in-person testimony. Most Austin citizens are very concerned about traffic and development in our city; however, the majority work and have full-time commitments which prevent them from speaking out about concerns and/or attending public input meetings.

Thank you for your time and consideration of this communication.

/s/ Jennifer Voss /s/ Karen Sperry

Westcreek Neighborhood Association
Jennifer Voss, President and Karen Sperry, Member-at-Large
On behalf of the Board
board@westcreekna.org

Cc: Wendy Rhoades, Case Manager
Greg Guernsey, Director of the Planning and Development Review Department

Westcreek Neighborhood
ASSOCIATION

P.O. Box 91373
Austin, TX 78709-1373

February 12, 2015

Subject: Items 68/69 on Council's Thursday, February 12, 2015 Agenda
Case #s: C14-2014-001 A and B (Ben Garza Lane Tracts)

Dear Council Member Troxclair,

First, I want to thank you for the time you took to attend our meeting, to provide such an open and informative report on your early days as our District 8 Representative, and for the interest and time you took to hear the Oak Hill Association of Neighborhoods (OHAN) discussion regarding the trip limit increase at the Garza tract development.

I especially appreciated that you took the time to stay after the meeting to engage with neighborhood representatives, including me, to understand how we interpreted the Garza tract discussion and to hear our thoughts about the appropriate path forward. This is the sort of district-based representation we had hoped for in a 10-1 system and your presence and concern is certainly appreciated.

Since the meeting, I have been able to reflect more on last night's discussions and to further engage with representatives of our Westcreek Board, our Westcreek residents who serve as our neighborhood representatives to OHAN, and with residents of similarly situated neighborhoods who have felt overlooked and omitted from the notification and engagement processes associated with the most recent requests for council action on the changes to the conditions and "Restrictive Covenant" proposed for this development, most notably, the request to lift the trip limits to approximately 14,000-16,000 vehicle impacts per day.

What we hope the City Council will realize, is that although we all know the Garza Ranch negotiations have represented a long-standing debate with a great deal of both legislative and legal involvement, the most recent requests to lift the previously agreed upon trip limits were only publicly raised in early 2014 and many impacted neighborhoods were, for a variety of reasons, not informed of the changed recommendations nor given time to process the potential impacts. As a result, residents of the most directly impacted neighborhoods were forced under a very short timeline to engage in a review to learn more about the history and the facts related to previous agenda items, discussions and agreements by previous city councils. And as a result, there is still a great deal of discomfort related to specific language of previous agreed-upon ordinances (one of the three is attached) in relation to what some refer to as "always understood placeholders" for change. It seems that the ordinance language should be changed to reflect the owner has only agreed to temporarily hold the trip limits at this time. That would be transparent and I would think that any owner would feel more comfortable with it in writing anyway. Additionally, if it is widely known that limits are merely placeholders and an applicant is planning on/is likely planning on coming back to increase trip limits that staff will end up concurring with, then staff reports should not contain language such as, "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]." (attached)

To add, a January 22, 2014 letter (attached) from Jana Rice, owner's representative, requesting to modify the case in no way states that the owner ever intended for this 2000/day trip limit cap to be a placeholder. In fact, it conveys just the opposite...that the owner changed their mind and now wants to "un-do" the agreement. And we do understand that the owner has that prerogative, but we also believe that the community has good reason to question intentions when what we see in writing (ordinances, staff reports, and letters, etc.) is not what is actually going on behind the scenes. That leads us back to the question of what the community in general has been led to believe regarding the owner's intentions and the eventual and real traffic impact of this development. The general public thinks it will be up to 6,000 trips/day but those with insider knowledge of how the system works are aware it will

eventually be markedly increased. Although people who work in the development business and city staffers may say that this is the way it is done, the community members only have publicly available information to go on and what we see in writing is all we have. Communication, inclusiveness and transparency on everyone's parts would go a long way to address this.

While efforts to persuade many OHAN attendees that any challenges presented with the new development will be offset by the quality and the positive impact of having coveted office space in Austin that would allow those employees and their associated clients to avoid travel downtown, reducing the general congestion on Mopac, these selling points are obviously more compelling to residents who could pass by on existing freeways than to those who live in the more adjacent neighborhoods and who utilize the impacted intersections on a daily basis.

Last night, the current OHAN president agreed to schedule an additional meeting, within the next week, for neighborhoods to meet with representatives of the Garza development to more fully understand the impact of the proposed changes in allowable trip limits and the associated increases to the already failing intersections as well as the commitment to realistic, improvements to the already low-graded intersections in the immediate area. We appreciate this effort.

While the conversation ran long and an actual vote on a proposed resolution asking the City Council to postpone the item to the February 26 City Council meeting did not occur, we hope that your observation of the meeting and understanding of the complexities and difficulties involved will convince you that it would be best after all to allow the subsequent conversation to occur, prior to council consideration and action.

As was mentioned at the end of the meeting, this has been a most unique and difficult case for all involved and the most recent evolution should serve as a valuable learning experience for all of us on many levels. I believe there is an opportunity to improve our approach to handling any similar cases moving forward.

Thank you again for your kind attention and to our interests and concerns.

Best regards,

Jennifer Voss, President
Westcreek Neighborhood Association

cc: Wendy Rhoades, Case Manager
Greg Guernsey, Director of the Planning and Development Review Department

Attachments: 2007 Ordinance, excerpt from 2/27/2007 Zoning Change Review Sheet, 1/22/2014 letter from owner's representative

Agenda Item #58

ORDINANCE NO 20070503-058

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 3801-4001 BLOCK OF BEN GARZA LANE AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT, DEVELOPMENT RESERVE (DR) DISTRICT; AND 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 interim rural residence (I-RR) district, development reserve (DR) district, and 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 C14-06-0197, on file at the Neighborhood Planning and Zoning Department, as follows

A 7 695 acre tract of land, more or less, out of the Thomas Anderson League, Survey No 17, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, and

A 1 55 acre tract of land, more or less, out of the Thomas Anderson League, Survey No 17, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance (the "Property"),

locally known as 3801-4001 Ben Garza Lane, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C"

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

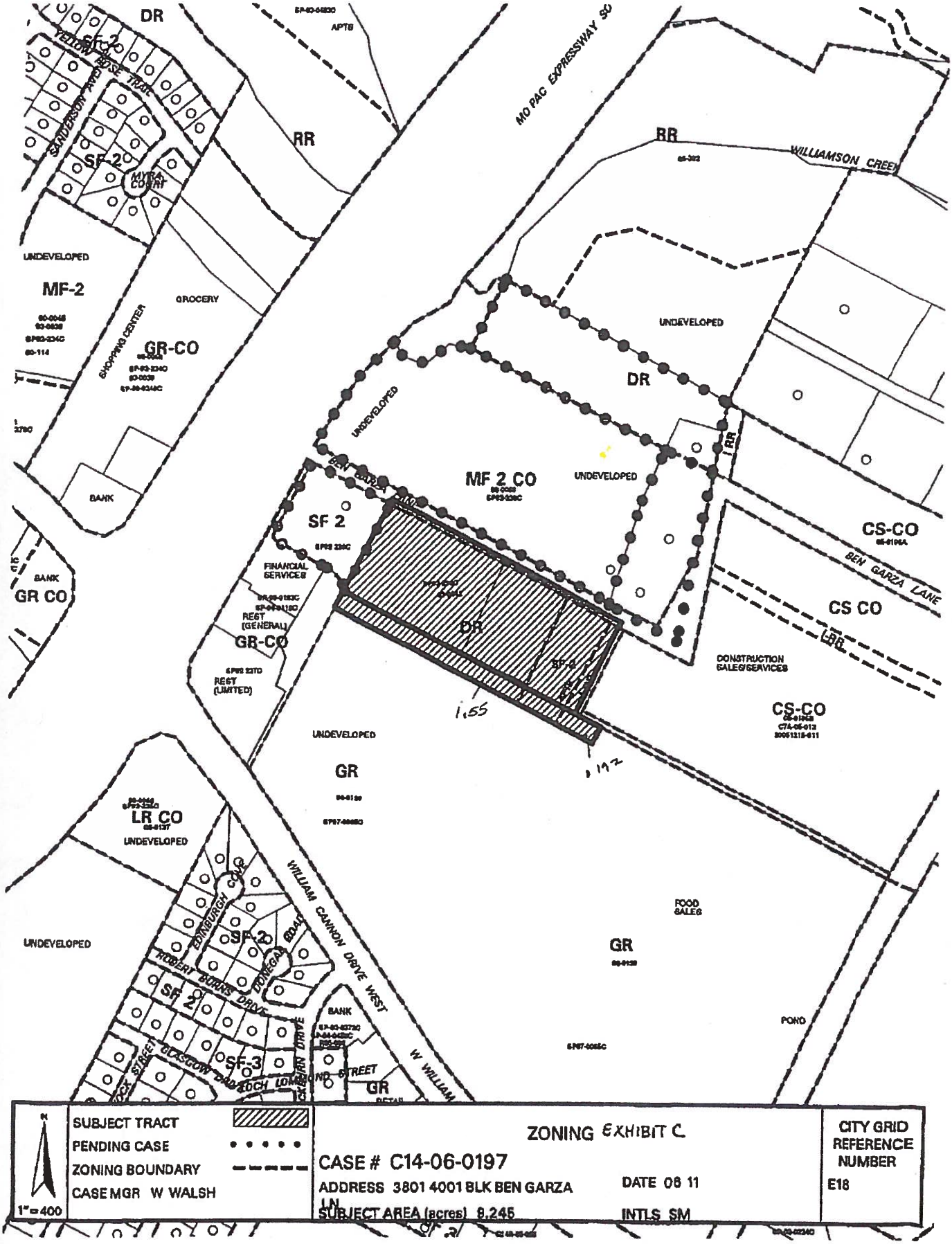
PART 3 This ordinance takes effect on _____, 2007

PASSED AND APPROVED

§
§
_____, 2007 § _____
Will Wynn
Mayor

APPROVED _____ **ATTEST** _____
David Allan Smith
City Attorney

Shirley A Gentry
City Clerk


DR
APTS
MO PAC EXPRESSWAY SO
SF-2
YELLOW ROSE TRAIL
SANDERSON AVENUE
SF-2
MYRA COURT
RR
RR
WILLIAMSON CREEK
UNDEVELOPED
MF-2
GROCERY
SHOPPING CENTER
GR-CO
BANK
UNDEVELOPED
DR
UNDEVELOPED
BEN GARZA LANE
MF 2 CO
UNDEVELOPED
RR
SF 2
FINANCIAL SERVICES
REST (GENERAL)
GR-CO
REST (LIMITED)
BANK
GR CO
DR
SF-2
CS-CO
BEN GARZA LANE
CS CO
LBR
CONSTRUCTION SALES/SERVICES
CS-CO
1.55
1.192
UNDEVELOPED
GR
LR CO
UNDEVELOPED
WILLIAM CANNON DRIVE WEST
UNDEVELOPED
EDINBURGH COURT
SF-2
DONEGAL ROAD
ROBERT BURNS DRIVE
SF-2
BANK
SF-3
GLASGOW DRIVE
LOCH LOMOND STREET
GR
RETAIL
FOOD SALES
GR
POND
W WILLIAM
SF-2
SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR W WALSH
1" = 400
ZONING EXHIBIT C
CASE # C14-06-0197
ADDRESS 3801 4001 BLK BEN GARZA
SUBJECT AREA (acres) 8.245
DATE 06 11
INTLS SM
CITY GRID REFERENCE NUMBER
E18

20% impervious cover in the Barton Creek watershed and 25% impervious cover in the Contributing zone. This tract lies in the Recharge Zone.

According to flood plain maps, there is flood plain within the project location.

Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists 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.

For the platted portion of this rezoning area, additional information is necessary to evaluate 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 30,348 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 utility service. The landowner, at his own expense will be responsible for providing the water and wastewater utility improvements, offsite main extension, and system upgrades. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The

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 of uses on the property, considered cumulatively with all existing or previously authorized development and

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

e:\3900301_documents\zoning\zoning letter.doc

TRAVIS COUNTRY CSA, INC.

4504 Travis Country Circle, Austin, TX 78735
Phone: 512-892-2256 Fax: 512-891-9554
E-mail:

Date February 20, 2015

To: Mayor Adler and the Austin City Council

From: Travis Country Community Service Association

Leonard Saenz, President

Re: Please vote "no" on case # C14-2014-001 A & B, the Garza tract

Dear Mayor Adler, Mayor Pro Tem Tovo, and Council Members Houston, Garza, Renteria, Casar, Kitchen, Zimmerman, Pool, Troxclair and Gallo,

Due to the impact on surrounding intersections, and the main lanes and northbound access road of MoPac, we ask that you vote "no" on the request to remove the limit on the trips per day currently permitted on the Garza tract.

Sincerely,

Leonard Saenz, President
TCCSA