

### THIRD READING SUMMARY SHEET

CASE: C14-2022-0107 – Vargas Mixed Use

DISTRICT: 3

ADDRESS: 400 Vargas Road and 6520 Lynch Lane

PROPERTY OWNER: Vargas Properties I LTD & Jayco Holdings I LTD (Jay Chernosky)

AGENT: Thrower Design, LLC (A. Ron Thrower)

CASE MANAGER: Nancy Estrada (512-974-7617, [nancy.estrada@austintexas.gov](mailto:nancy.estrada@austintexas.gov))

REQUEST:

**Approve third reading of an ordinance amending City Code Title 25 by rezoning property locally known as 400 Vargas Road and 6520 Lynch Lane (Country Club East and Colorado River Watersheds). Applicant's Request: To rezone Tract 1 from community commercial-neighborhood plan (GR-NP) district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning, and to rezone Tract 2 from neighborhood commercial-neighborhood plan (LR-NP) district zoning to neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning.**

CITY COUNCIL ACTION:

**February 29, 2024:**

January 18, 2024: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO FEBRUARY 29, 2024.*

*VOTE: 11-0.*

November 30, 2023: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO JANUARY 18, 2024.*

*VOTE: 10-0. Council Member R. Alter was absent.*

October 19, 2023: *SECOND READING APPROVED AS PLANNING COMMISSION RECOMMENDED.*

*VOTE: 10-0. Council Member Harper-Madison was absent.*

September 14, 2023: *FIRST READING APPROVED AS PLANNING COMMISSION RECOMMENDED.*

*VOTE: 7-0. Mayor Pro Tem Ellis, Council Members Harper-Madison, A. Alter, and Pool off the dais.*

July 20, 2023: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO SEPTEMBER 14, 2023.*

*VOTE: 10-0. Council Member Fuentes was off the dais.*

## ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0107 – Vargas Mixed Use

DISTRICT: 3

ZONING FROM: GR-NP for Tract 1  
LR-NP for Tract 2

TO: CS-MU-NP for Tract 1  
LR-MU-NP for Tract 2

ADDRESS: 400 Vargas Road &  
6520 Lynch Lane

SITE AREA: 4.31 acres

PROPERTY OWNER: Vargas Properties I LTD & Jayco Holdings I LTD (Jay Chernosky)

AGENT: Thrower Design, LLC (A. Ron Thrower)

CASE MANAGER: Nancy Estrada (512-974-7617, [nancy.estrada@austintexas.gov](mailto:nancy.estrada@austintexas.gov))

### STAFF RECOMMENDATION:

**The Staff recommendation is to grant community commercial – mixed use – conditional overlay – neighborhood plan (GR-MU-CO-NP) combining district zoning for Tract 1 and neighborhood commercial – mixed use – neighborhood plan (LR-MU-NP) combining district zoning for Tract 2. The CO, Conditional Overlay prohibits Automotive Rentals, Automotive Repairs & Services, Automotive Sales, Automotive Washing (of any type), Bail Bond Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Off-Site Accessory Parking, and Pawn Shop Services. For a summary of the basis of Staff's recommendation, please see pages 2 - 3.**

### PLANNING COMMISSION ACTION / RECOMMENDATION:

**April 11, 2023: APPROVED CS-MU-CO-NP COMBINED DISTRICT ZONING FOR TRACT 1, with ADDED CONDITIONS and LR-MU-NP COMBINED DISTRICT ZONING FOR TRACT 2. The Conditional Overlay prohibits the following uses on Tract 1: Automotive Rentals, Automotive Repairs & Services, Automotive Sales, Automotive Washing (of any type), Bail Bond Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Off-Site Accessory Parking, Pawn Shop Services, Adult Oriented Businesses, Agricultural Sales & Service, Commercial Blood & Plasma Center, Construction Sales & Service, Kennels, Vehicle Storage and limits the Impervious Cover to 80%.**

**[G. COX; J. MUSHTALER – 2<sup>ND</sup>] (12-0) Y. FLORES – ABSENT**

March 28, 2023: Approved a postponement request by the neighborhood to April 11, 2023  
[J. Thompson; C. Hempel – 2<sup>nd</sup>] (13-0) G. Anderson – Nay on Item 34

March 14, 2023: *Approved a staff postponement request to March 28, 2023*  
*[R. Schneider; C. Hempel – 2<sup>nd</sup>] (9-0) Y. Flores, J. Mushtaler, J. Shieh, and J. Thompson – Absent*

February 28, 2023: *Approved a staff postponement request to March 14, 2023*  
*[R. Schneider; P. Howard – 2<sup>nd</sup>] (11-0) Y. Flores – Absent; One vacancy on the dais*

January 24, 2023: *Approved a staff postponement request to February 28, 2023*  
*[C. Hempel; J. Shieh – 2<sup>nd</sup>] (10-0) A. Azhar, R. Schneider – Absent; One vacancy on the dais*

**CITY COUNCIL ACTION:**

**February 29, 2024:**

January 18, 2024: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO FEBRUARY 29, 2024.*  
*VOTE: 11-0.*

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September 14, 2023: *FIRST READING APPROVED AS PLANNING COMMISSION RECOMMENDED.*  
*VOTE: 7-0. Mayor Pro Tem Ellis, Council Members Harper-Madison, A. Alter, and Pool off the dais.*

July 20, 2023: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO SEPTEMBER 14, 2023.*  
*VOTE: 10-0. Council Member Fuentes was off the dais.*

**ORDINANCE NUMBER:**

**ISSUES:**

The neighborhood requested a postponement to April 11, 2023 in order to have the applicant provide information to the Montopolis Neighborhood Plan Contact Team at their meeting on March 27, 2023.

CASE MANAGER COMMENTS:

The subject undeveloped and un-platted tracts are located west of US-Hwy 183, between Vargas Road and Saxon Lane. The property is two tracts that total 4.31 acres. The larger Tract 1 is 3.76 acres with frontage along US-183 Hwy. and is north of Vargas Road and south of Saxon Lane. The smaller Tract 2 is 0.55 acres and is located north of the intersection at Vargas Road and Lynch Lane. Tract 1 fronts both Vargas Road and Saxon Lane and is zoned GR-NP. Tract 2 fronts Vargas Road and Lynch Lane and is zoned LR-NP. Both tracts are located within the Montopolis Neighborhood Planning Area.

The proposed zoning is GR-MU-CO-NP on the larger Tract 1 and LR-MU-NP on Tract 2. Access is proposed to Vargas Road and Saxon Lane.

There is community commercial (GR-NP) to the north; family residence (SF-3-NP) to the west and south; townhouse and condominium residence (SF-6-NP) and neighborhood commercial (LR-NP) to the west; Civitan Neighborhood Park is directly to the east; multi-family (LR-MU-CO-NP; CS-MU-CO-NP) is to the east. An elementary school and pre-school are also in the area. ***Please see Exhibits A and A-1 – Zoning Map and Aerial Exhibits.***

The Applicant's summary letter proposed a possible mixed-use development that could accommodate up to 149 multi-family dwelling units; however, at this time there is not a proposed conceptual plan.

BASIS OF RECOMMENDATION:

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

The proposed community commercial (GR) 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 neighborhood commercial (LR) district is intended for providing business services and office facilities for the residents of a neighborhood.

The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development. Staff supports the addition of the (MU), Mixed Use Combining district, as this would allow for additional residential development in this area.

The Conditional Overlay (CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties. The staff recommends prohibiting the more intensive commercial uses of Automotive Sales, Bail Bond Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Off-Site Accessory Parking, and Pawn Shop Services on this property as these uses are not compatible with residential uses or near a public school.



This site does not meet the intent of the general commercial (CS) district as it is not located at a major intersection. This designation has operating characteristics or traffic service requirements that are incompatible with residential environments.

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

Staff recommends GR-MU-CO-NP and LR-MU-NP zoning given its access to an arterial street, US-Hwy 183, and collector streets, Vargas Road and Saxon Lane, as well as its adjacency to residential, multifamily, and civic properties.

3. *The proposed zoning should allow for a reasonable use of the property.*

The proposed GR-MU-CO-NP and LR-MU-NP zoning will permit the applicant to redevelop the property with residential, office, civic and low intensity commercial uses that will provide services to the surrounding community.

EXISTING ZONING AND LAND USES:

|              | ZONING                                      | LAND USES  |
|--------------|---|--|
| <i>Site</i>  | GR-NP; LR-NP                                | Undeveloped  |
| <i>North</i> | GR-NP; SF-3-NP                              | Single family residences; Religious assembly; US-183 Hwy |
| <i>South</i> | SF-3-NP; SF-4A-NP                           | Single family residences; Elementary school              |
| <i>East</i>  | SF-3-NP; CS-NP;<br>CS-MU-CO-NP; LR-MU-CO-NP | Civitan Neighborhood Park; Pre-school; Multi-family      |
| <i>West</i>  | LR-NP; SF-3-NP;<br>SF-6-NP                  | Single family residences                                 |

NEIGHBORHOOD PLANNING AREA: Montopolis

WATERSHED: Country Club East Creek – Suburban; Colorado River Creek - Urban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

Allison Elementary School

Martin Middle School

Eastside Memorial High School

COMMUNITY REGISTRY LIST:

Austin Neighborhoods Council

SEL Texas

Preservation Austin

Friends of Austin Neighborhoods

Carson Ridge Neighborhood Association

Austin Independent School District

Sierra Group, Austin Regional Group

Austin Lost and Found Pets

Homeless Neighborhood Association

Crossing Gardenhome Owners Assn. (The)

Del Valle Community Coalition  
 Montopolis Community Alliance  
 Montopolis Tributary Trail Association  
 Vargas Neighborhood Association  
 Montopolis Neighborhood Association Plan Contact Team (MNPCT)  
 Montopolis-Ponca Neighborhood Association  
 Montopolis Community Development Corporation  
 El Concilio Mexican-American Neighborhoods

East Austin Conservancy  
 Montopolis Neighborhood Association  
 Pleasant Valley  
 Neighborhood Empowerment Foundation

AREA CASE HISTORIES:

| NUMBER   | REQUEST                | COMMISSION   | CITY COUNCIL  |
|--|------------------------|--|---|
| C14-2020-0044 –<br>Saxon Acres<br>Residential<br>Zoning – 316<br>Saxon Ln & 6328<br>El Mirando St. | SF-3-NP to<br>SF-6-NP  | To Grant SF-6-NP   | Apvd SF-6-NP as<br>Commission<br>recommended<br>(12-10-2020). |
| C14-2014-0176 –<br>Cuellar Rezoning –<br>617 Thrasher Ln   | SF-3-NP to<br>SF-4A-NP | To Grant SF-4A-CO-<br>NP, w/CO limiting the<br>floor-to-area ratio to<br>0.4:1 | Apvd SF-4A-NP<br>(4-16-2015).                                 |

RELATED CASES: NPA-2022-0005.01

The Montopolis Neighborhood Plan Area was adopted on September 27, 2001 (NP-05-0020;  
 C14-05-0105 – Ordinance No. 010927-05

EXISTING STREET CHARACTERISTICS:

| Name           | ASMP<br>Classification                | ASMP<br>Required<br>ROW | Existing<br>ROW | Existing<br>Pavement | Sidewalks | Bicycle<br>Route     | Capital<br>Metro<br>(within<br>¼ mile) |
|----------------|---------------------------------------|-------------------------|-----------------|----------------------|-----------|----------------------|--|
| Vargas<br>Road | Collector –<br>Level 2                | 72'                     | 54'             | 39'                  | Yes       | N/A                  | Yes                                    |
| Saxon<br>Lane  | Residential<br>Collector –<br>Level 1 | 64'                     | 56'             | 30'                  | No        | Wide<br>Curb<br>Lane | Yes                                    |

OTHER STAFF COMMENTS:Drainage

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

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Country Club East Creek Watershed classified as a Suburban Watershed and Colorado River Creek Watershed of the Colorado River Basin classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site within the suburban watershed will be subject to the following impervious cover limits:

| <i>Development Classification</i>                | <i>% of Gross Site Area</i> | <i>% of Gross Site Area with Transfers</i> |
|--|-----------------------------|--|
| Single-Family<br>(minimum lot size 5750 sq. ft.) | 50%                         | 60%  |
| Other Single-Family or Duplex                    | 55%                         | 60%  |
| Multifamily                                      | 60%                         | 70%  |
| Commercial                                       | 80%                         | 90%  |

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

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

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2-year storm on site.

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

### Impervious Cover

Within the Country Club East Creek watershed, the maximum impervious cover allowed by the *GR-MU-CO-NP zoning district* is 80% (90% with transfers), which is based on the more restrictive *watershed* regulations. Zoning district impervious cover limits apply in the Colorado River Creek Watershed.

### PARD – Planning & Design Review

Parkland dedication will be required at the time of subdivision or site plan application for new residential units, per City Code § 25-1-601, as amended. The proposed development meets the criteria for land dedication in City Code Title 25, Article 14. As such, a partial land dedication may be required, as well as any remaining fees in-lieu.

The Parks and Recreation Department (PARD) would consider a connection to Civitan Neighborhood Park from Saxon Lane and possibly El Mirando Street toward satisfying the requirement at time of permitting (whether subdivision or site plan). Such a connection would improve neighborhood connectivity to parkland, a criterion for dedication per City Code Title 25, Article 14.

Should there be any remaining fees in-lieu, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

Should the applicant wish to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov). At the applicant's request, PARD can provide an early determination letter of the requirements as stated in this review.

### Site Plan and Compatibility Standards

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

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations. The site is subject to compatibility standards due to the adjacent SF-3 district to the west.

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

### Airport Overlay

The site is located within Austin-Bergstrom Overlay {Controlled Compatible Land Use Area}. No use will be allowed that creates electrical interference with navigational signals or

radio communications between airport and aircraft, makes it difficult for pilots to distinguish between the airport lights and others, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, creates bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircrafts intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance. Airport Hazard Zoning Committee review may be required prior to Planning Commission Hearing.

#### ATD Engineering Review

##### *ASMP Assessment*

The Austin Strategic Mobility Plan (ASMP) calls for 72 feet of right-of-way for Vargas Road. It is recommended that 36 feet of right-of-way from the existing centerline should be dedicated for Vargas Road according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 64 feet of right-of-way for Saxon Lane. It is recommended that 32 feet of right-of-way from the existing centerline should be dedicated for Saxon Lane according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

##### *Transportation Assessment*

A TIA is not required. A Neighborhood Traffic Analysis is required and will be performed for this project by ATD staff. Results will be provided in a separate memo. LDC 25-6-114. NTA requires three (3) consecutive 24-hour tube counts, preferably on Tuesday, Wednesday, and Thursday, during a non-holiday week when school is in session. Staff will contact the applicant to discuss the location of the tube counts. Results will be provided in a separate memo. LDC 25-6-114. NTA fees will be added in AMANDA. This comment will be cleared once the Memo is approved and the fees are paid.

#### Austin Water Utility

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

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

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

INDEX OF EXHIBITS AND CORRESPONDENCE TO FOLLOW:

Exhibit A: Zoning Map

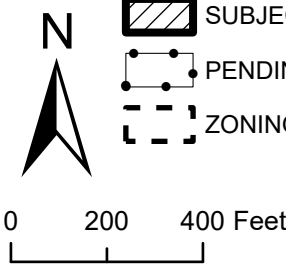
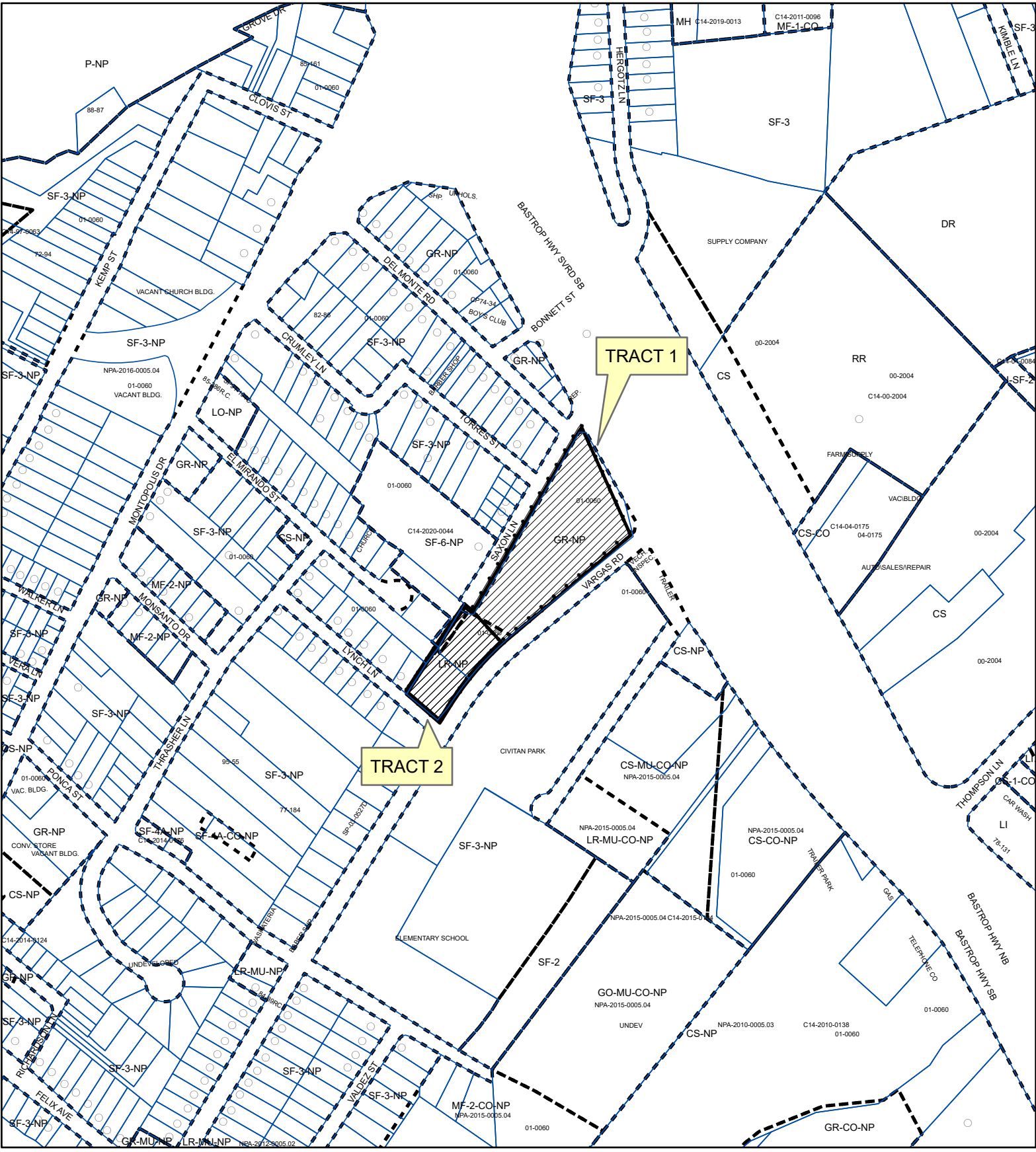
Exhibits A-1: Aerial Maps (2)

Exhibit B: Zoning Application Map

Summary Letter

Attachment A: Neighborhood Traffic Analysis

Correspondence



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

**ZONING**  
**ZONING CASE#: C14-2022-0107**

**EXHIBIT A**

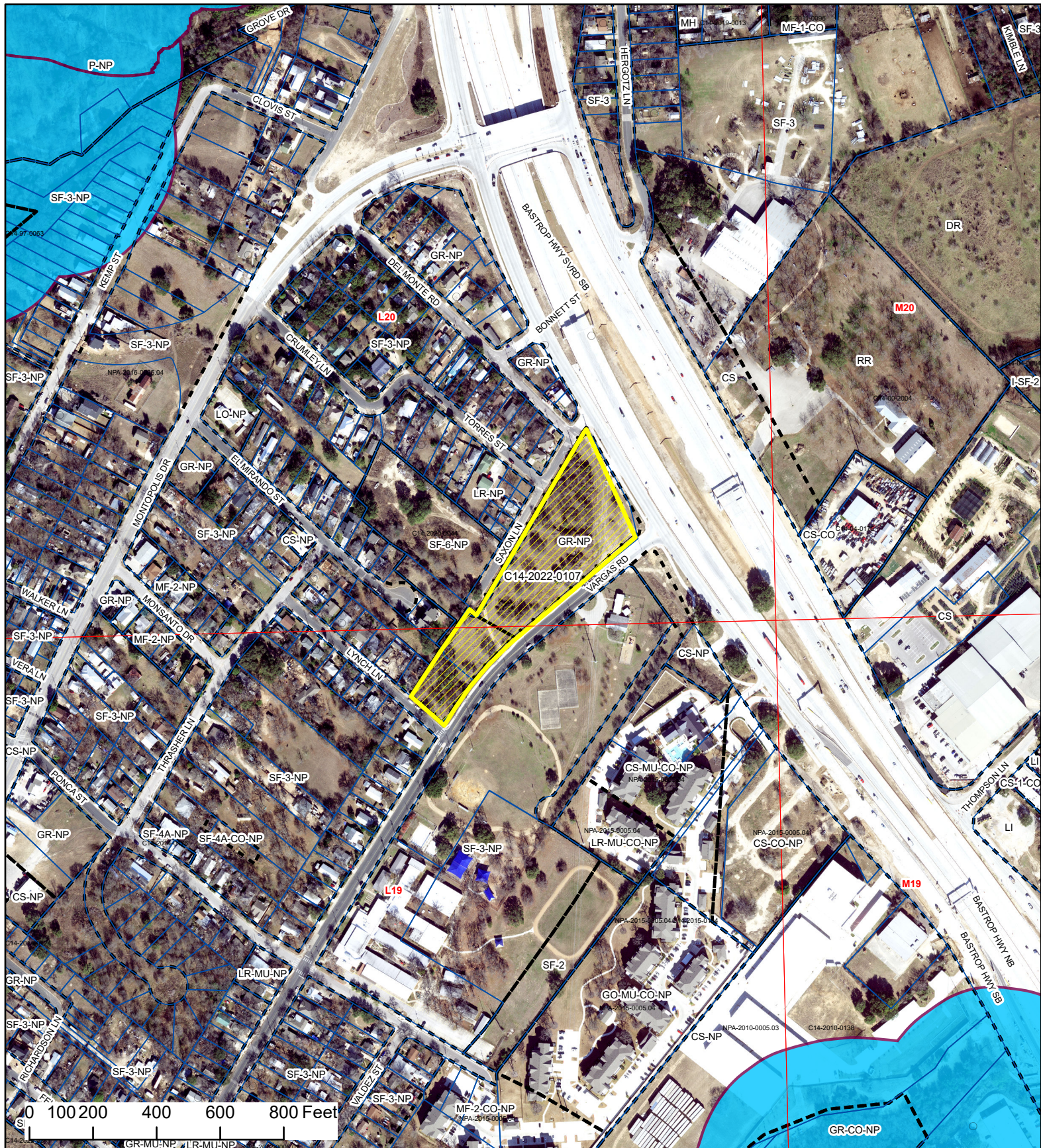


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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

**Created: 8/16/2022**





## Vargas Mixed Use

EXHIBIT A-1

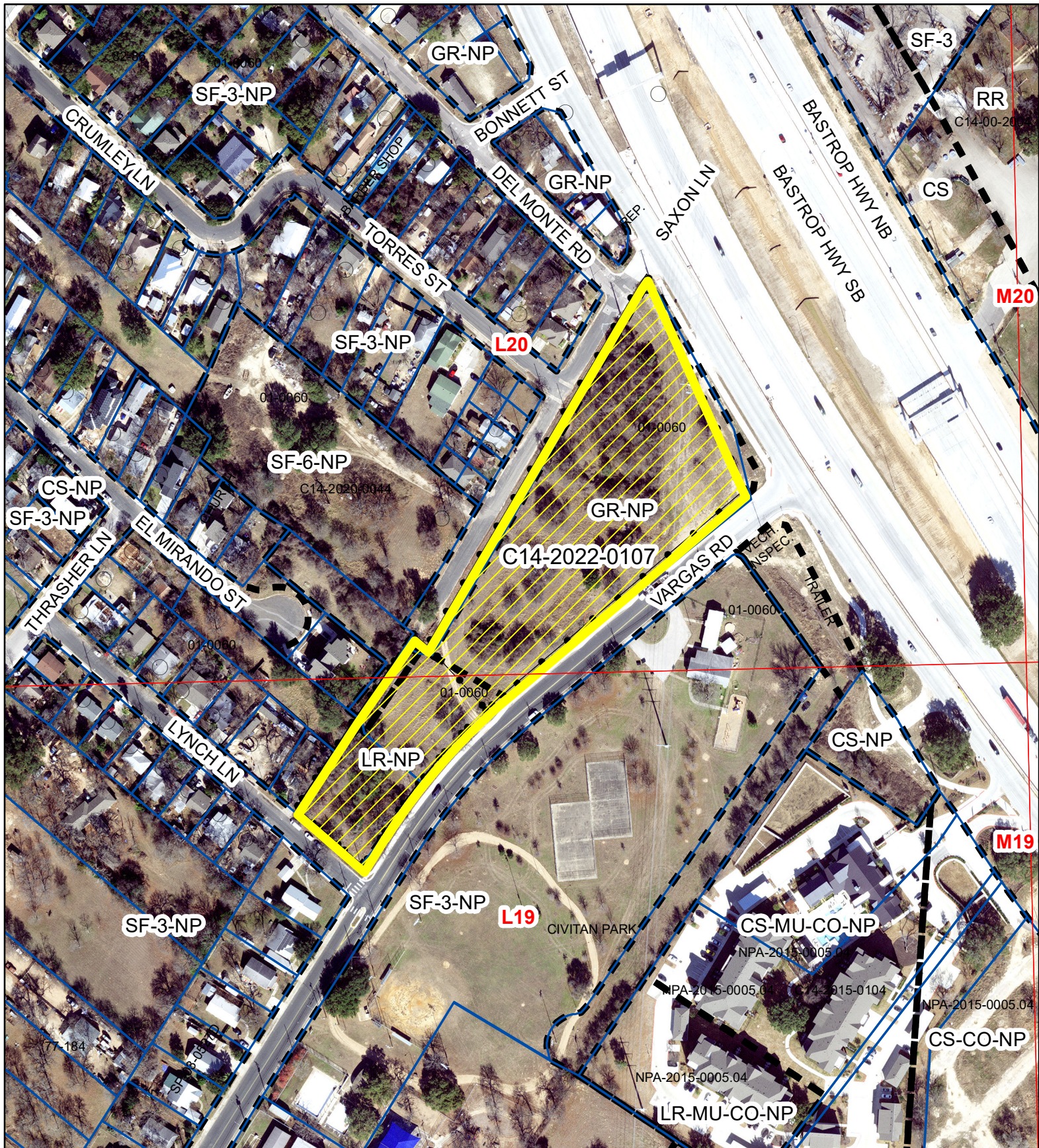
ZONING CASE#: C14-2022-0107  
 LOCATION: 400 Vargas Rd; 6520 Lynch Ln  
 SUBJECT AREA: 4.3 Acres  
 GRID: L19, L20  
 MANAGER: Nancy Estrada



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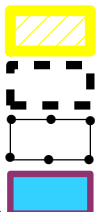
Created: 3/14/2023





## Vargas Mixed Use

EXHIBIT A-1



SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

CREEK BUFFER

ZONING CASE#: C14-2022-0107  
 LOCATION: 400 Vargas Rd & 6520 Lynch Ln  
 SUBJECT AREA: 4.30 Acres  
 GRID: L19, L20  
 MANAGER: Nancy Estrada

1" = 200'

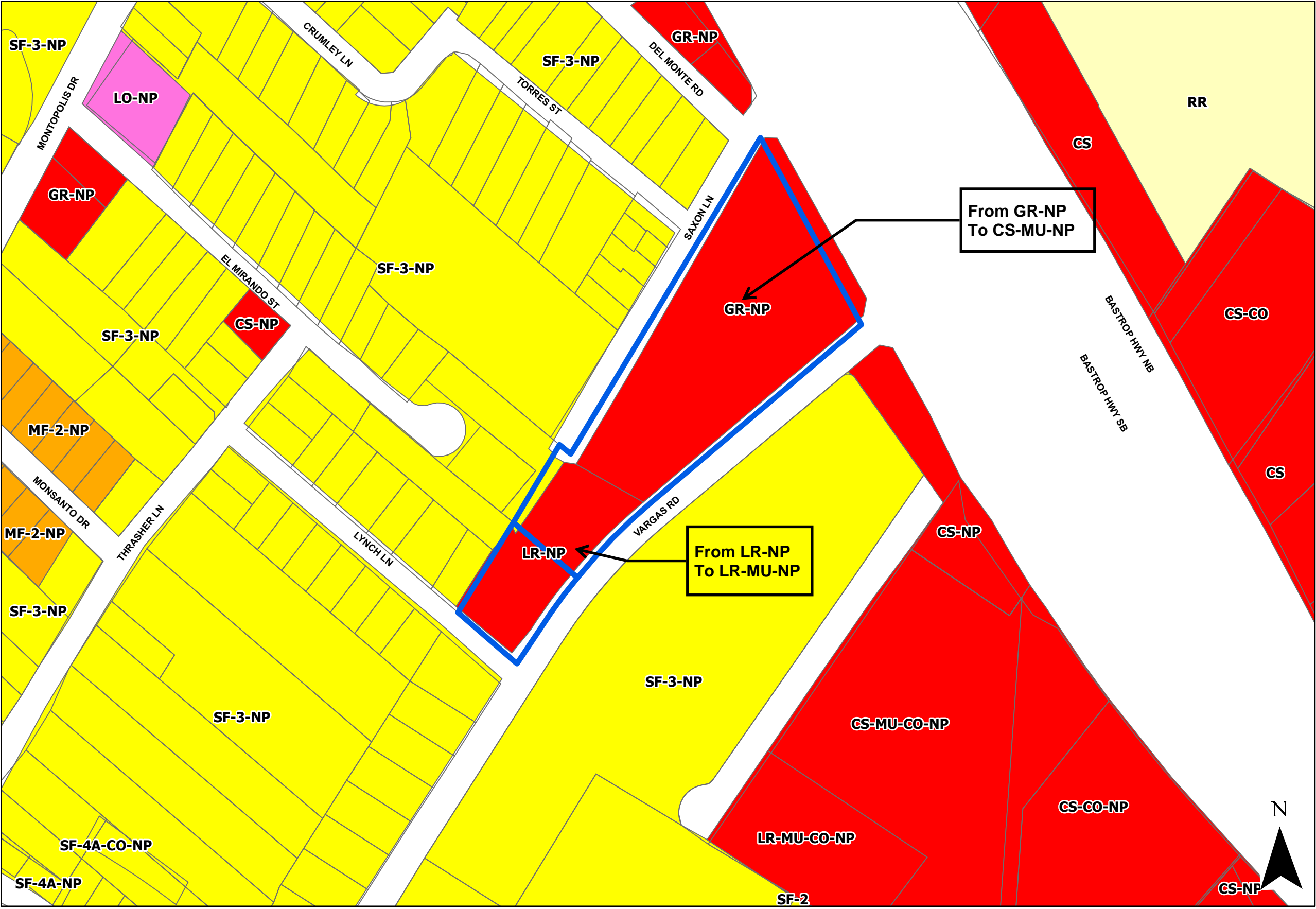
This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Created: 9/1/2022  
 by: MeekSS



# Vargas Mixed Use - 400 Vargas Rd. & 6520 Lynch Lane

Zoning Application  
July 26, 2022



- Zoning Boundary**
- Mobile Home Residence
  - Commercial
  - Office
  - Industrial
  - CBD; Downtown Mixed Use
  - Special Districts
  - Agriculture; Development Reserve
  - Aviation; Unzoned; Public
  - Multifamily Residence
  - Planned Unit Development
  - Lake Austin Residential; Residential Low Density
  - Single Family Residence
  - Unclassified
  - Subject Properties

EXHIBIT B

N

Thrower Design  
LAND PLANNERS

0 0.07 0.15 0.3 Miles

July 26, 2022

Ms. Rosie Trulove  
Housing & Planning Department  
City of Austin  
1000 E 11<sup>th</sup> Street  
Austin, TX 78702

***Via Electronic Delivery***

Re: Rezoning of 4300 Vargas Rd. & 6520 Lynch Lane, Austin, 78741 – Vargas Mixed Use

Dear Ms. Trulove:

On behalf of the Owner(s) of the property referenced above, we respectfully submit the enclosed package including Neighborhood Plan Amendment and Rezoning applications. The subject lands are comprised of Tract 1 at 4300 Vargas Road & Tract 2 at 6520 Lynch Lane – both are un-platted and undeveloped. The Tracts are located within Council District 3, represented by “Pio” Renteria and are within the Montopolis Neighborhood Planning Area.

Both Tract 1 & 2 are designated as *Commercial* on the Future Land Use Map (FLUM). Tract 1 is zoned *GR-NP (Community Commercial – Neighborhood Plan)* and Tract 2 is zoned *LR-NP (Neighborhood Commercial – Neighborhood Plan)*. The request is to amend the FLUM to *Mixed Use* for Tracts 1 & 2 and to rezone Tract 1 to *CS-MU-NP (General Commercial Services – Mixed Use – Neighborhood Plan)* and to rezone Tract 2 to *LR-MU-NP (Neighborhood Commercial – Mixed Use – Neighborhood Plan)*. The site is contemplating a mixed-use development that could accommodate up to 149 multifamily dwelling units.

With frontage on three roadways, Saxon Lane, Vargas Road and Hwy 183, the site offers a good opportunity for a mixed-use development that could bring variety of dwelling types as well as neighborhood serving commercial uses, within in walking or biking distance. Vargas Lane has existing bus service with a stop that is less than a ¼ mile south. Montopolis Drive, an ASMP Transit Priority Network, is within a ¼ mile, by walking path. The request for infill density at this location is supported by several Imagine Austin Principles:

1. Creating complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offering a variety of transportation options, and having easy

access to daily needs such as schools, retail, employment, community services, and parks and recreations options.

2. Supporting the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
3. Protecting neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers, corridors, redevelopment, and infill site.
4. Expanding the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
5. Ensuring harmonious transitions between adjacent land uses and development intensities.
6. Protecting Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserving open space and protecting the function of the resource.
7. Encouraging active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.

Please contact our office or me directly should you have need for additional information. Thank you for your time and attention to this application.

Kind regards,

A handwritten signature in black ink, appearing to be 'Victoria Haase', with a stylized, flowing script.

Victoria Haase

cc: Heather Chaffin, Housing & Planning Department (*via electronic delivery*)



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## MEMORANDUM

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**To:** Victoria Haase (Thrower Design)  
**CC:** Amber Hutchens; Maria Cardenas  
**FROM:** Nathan Aubert, P.E. (ATD)  
**DATE:** March 1, 2023  
**SUBJECT:** Vargas Mixed Use NTA (C14-2022-0107)

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The Transportation Development Services (TDS) division has performed a Neighborhood Traffic Analysis (NTA) for the above referenced case and offers the following comments.

The zoning case for Vargas Mixed Use is in south Austin at 400 Vargas Rd and 6520 Lynch Ln (see Figure 1); the total area of both these tracts is 4.3 acres. The site is currently zoned GR-NP, LR-NP. The applicant is looking to rezone this tract to CS-MU-NP, LR-MU-NP.



*Figure 1: Site Location*

## **Roadways**

Given that the details of the project were not available City staff while conducting the NTA, it was inferred that the proposed site would be accessible via Vargas Rd and Saxon Ln. It is important to note that without a clear understanding of the project details, this assumption may need to be re-evaluated as more information becomes available.

**Vargas Rd** is classified as a Level 2 roadway and varies between 45 and 50 feet of right-of-way and 31 to 35 feet of pavement width. Vargas Rd has two striped lanes, curb and gutter, sidewalks on both sides of the street. There is no bicycle infrastructure on either side of the street. The current ASMP calls for 72 feet of right-of-way to satisfy the improvements identified for future bicycle and pedestrian facilities. The 24-hour counts collected October 2022 show that Vargas Rd experiences an average daily volume of 1,669 vehicles per day (vpd).

**Saxon Ln** is classified as a Level 1 roadway. North of Torres St, the right-of-way measures 45 feet, while south of Torres St, it measures 40 feet. The pavement width is approximately 25 feet, with two unstriped lanes. Saxon Lane currently has no sidewalks or bike facilities on either side of the street. The current ASMP calls for 58 or 64 feet of right-of-way to accommodate future pedestrian facilities and on street parking. According to the 24-hour counts collected February 2023, Saxon Ln experiences an average daily volume of 872 vpd.

## **Trip Generation and Traffic Analysis**

This zoning case assumes 149 low-rise multifamily dwelling units (ITE Code 220). Based on the Institute of Transportation Engineer's Trip Generation Manual, 11<sup>th</sup> Edition, the proposed development will generate 1,030 vehicle trips per day. See Table 1 for a detailed breakdown of the trip generation.

**Table 1 – Trip Generation**

| <b>Land Use</b>                            | <b>Size</b> | <b>Unadjusted Trip Generation</b> |
|--|-------------|-----------------------------------|
| Residential (Low-Rise Multifamily Housing) | 149 DU      | 1,030                             |
| <b>TOTAL</b>                               |             | <b>1,030</b>                      |

Table 2 provides the expected distribution of site trips throughout the study area.

**Table 2 – Trip Distribution**

| <b>Street</b> | <b>Traffic Distribution by Percent</b> |
|---------------|--|
| Vargas Rd     | 65%                                    |
| Saxon Ln      | 35%                                    |

Table 3 represents a summary of traffic on Vargas Road and Saxon Lane: existing traffic, proposed site traffic, total traffic after development, and percentage increase in traffic.

**Table 3 – Traffic Summary**

| <b>Street</b> | <b>Existing Traffic (vpd)</b> | <b>Proposed New Site Traffic to Roadway</b> | <b>Overall Traffic</b> | <b>Percentage Increase in Traffic</b> |
|---------------|-------------------------------|---|------------------------|---------------------------------------|
| Vargas Road   | 1,669                         | 670   | 2,339                  | 40.1%                                 |
| Saxon Lane    | 872                           | 360   | 1,232                  | 41.2%                                 |

According to Section 25-6-116 of the Land Development Code, streets which have a pavement width of less than 30 feet are considered to be operating at an undesirable traffic level if the average daily traffic volume for such roadway exceeds 1,200 vehicles per day. Saxon Lane is currently operating at a desirable level and without roadway widening, will operate at undesirable levels with the addition of site traffic.

Streets which have a pavement width between 30 and 40 feet are considered to be operating at an undesirable level if the average daily traffic volume for such a roadway exceeds 1,800 vehicles per day. Vargas Road is currently operating at desirable levels and will operate at undesirable levels with the addition of site traffic.

### **Recommendations/Conclusions**

Based on the results of the NTA, ATD has the following recommendations and conclusions.

1. Saxon Lane is missing sidewalk along the frontage of the site. At the time of site plan, this development will be required to complete gaps in the sidewalk network to adhere to ASMP standards.
2. At the time of site plan, the development can further reduce its impact on the transportation network by enacting Transportation Demand Management (TDM) measures that incentivize the use of alternative methods of transportation. Enacting TDM measures is a proven way to reduce the vehicular trip generation of a site.
3. If the development of this property should deviate from the approved intensities and estimated traffic generation within the finalized NTA document, including the assumed access points, TDS may be required to reassess the NTA.
4. The City Council may approve a zoning application if it is determined that the applicant has satisfactorily mitigated adverse traffic effects on the residential collector street.
5. Street Impact Fee (SIF) Ordinances 20201220-061 and 20201210-062 have been adopted by City Council and are effective as of December 21, 2020. The City has started collecting street impact fees with all building permits issued on or after June 21, 2022. For more information, please visit the City's Street Impact Fee website. Street Impact Fee calculation shall be performed at the time of the Site Plan submission to be collected at the time of building permit.
6. Any building permit(s) associated with this development issued on or after June 22, 2022, will be subject to the Street Impact Fee (SIF) program. During site plan review, the Applicant's engineer shall draft a SIF Offset and Allocation Agreement for all eligible improvements to memorialize how offsets are to be applied throughout the

development. The SIF will be calculated and invoiced for each building permit and any required SIF payments shall be made prior to building permit issuance.

The site development permit for the above noted site shall not be released until any required improvements are shown in the site plan. Please contact me at (512) 974-7136 if you have questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Nate Aubert". The signature is fluid and cursive, with the first name "Nate" and last name "Aubert" clearly distinguishable.

Nathan Aubert, P.E.

Austin Transportation Department



**From:** [Martha Collins](#)  
**To:** [Estrada, Nancy](#)  
**Subject:** Re: Magdalena S Hernandez response to CASE C14-2022-0107  
**Date:** Thursday, March 23, 2023 1:24:14 PM

You don't often get email from marthacollins15704@gmail.com. [Learn why this is important](#)

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

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code:  
<https://bit.ly/ATXZoningComment>

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: [www.austintexas.gov/planning](http://www.austintexas.gov/planning)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2022-0107  
Contact: Nancy Estrada, 512-974-7617  
Public Hearings: March 28, 2023, Planning Commission  
May 4, 2023, City Council

Magdalena S Hernandez  
Your Name (please print)

6407 Lynch St.  
Your address(es) affected by this application (optional)

*Magdalena S Hernandez*  
Signature

3.22.23  
Date

Daytime Telephone (Optional): 512-296-9899

Comments: Continue in our neighborhood.

If you use this form to comment, it may be returned to:  
City of Austin, Housing & Planning Department  
Nancy Estrada  
P. O. Box 1088, Austin, TX 78767

On Thu, Mar 23, 2023 at 8:54 AM Martha Collins wrote:

I am forwarding this for my mom , Magdalena S Hernandez wt 6407 Lynch Tx 78741

Thanks  
Martha Collins

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**Case Number: C14-2022-0107**

**Contact: Nancy Estrada, 512-974-7617**

**Public Hearings: March 28, 2023, Planning Commission  
May 4, 2023, City Council**

Saturnina Monreal-Ojeda

Your Name (please print)

6321 Torres Street

Your address(es) affected by this application (optional)

Saturnina M. Ojeda

Signature

☐ I am in favor  
☒ I object

March 21, 2023

Date

Daytime Telephone (Optional): \_\_\_\_\_

Comments: Our community needs  
affordable housing and this particular  
property would be ideal for such  
purpose. Commercial zoning does  
not fit in a residential area.

Thank You  
I strongly oppose this rezoning request.

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

City of Austin, Housing & Planning Department

Nancy Estrada

P. O. Box 1088, Austin, TX 78767

Or email to:

[nancy.estrada@austintexas.gov](mailto:nancy.estrada@austintexas.gov)



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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<https://bit.ly/ATXZoningComment>.



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**Case Number:** C14-2022-0107

**Contact:** Nancy Estrada, 512-974-7617

**Public Hearing:** July 20, 2023, City Council

FRANK T. MONREAL

Your Name (please print)

209 Bonnett St Austin, TX 78741

Your address(es) affected by this application (optional)

Frank T. Monreal

Signature

7-10-23

Date

Daytime Telephone (Optional): 512-636-6807

Comments: NO INDUSTRIAL ZONING IN  
THIS AREA AND IT SHOULD STAY  
THAT WAY!

☐ I am in favor  
☒ I object

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

City of Austin, Planning Department

Nancy Estrada

P. O. Box 1088, Austin, TX 78767

Or email to:

[nancy.estrada@austintexas.gov](mailto:nancy.estrada@austintexas.gov)

## INFORMACIÓN DE AUDIENCIA PÚBLICA

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

El personal está llevando a cabo un programa piloto para recibir comentarios en línea sobre el caso, al que se puede acceder a través de este enlace o código QR: <https://bit.ly/ATXZoningComment>.



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

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

Para otorgar un desarrollo de usos urbanos mixtos, el cabildo municipal puede agregar la designación USO MIXTO (MU) DISTRITO COMBINADO, *Mixed-use (MU) Combining District*, a ciertos usos urbanos de comercio. La designación MU- Distrito Combinado simplemente permite usos urbanos residenciales en adición a los usos ya permitidos el los siete distritos con zonificación para comercio. Como resultado, la designación MU- Distrito Combinado, otorga la combinación de oficinas, comercio, y usos urbanos residenciales en el mismo sitio. Para más información acerca del proceso de desarrollo urbano de la ciudad de Austin, por favor visite nuestra página de la Internet: [www.austintexas.gov/planning](http://www.austintexas.gov/planning).

Comentarios escritos deberán ser sometidos a la comisión (o a la persona designada en la noticia oficial) antes de la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, y el número de caso de la persona designada en la noticia oficial. La correspondencia y la información enviada a la Ciudad de Austin están sujetas a la Ley de Información Pública de Texas (Capítulo 552) y serán publicadas en línea.

Numero de caso: C14-2022-0107

Persona designada: Nancy Estrada, 512-974-7617

Audiencia Publica: 20 de julio de 2023, Cabildo Municipal

Marion Sanchez

Su nombre (en letra de molde)

1000 East Cesar Chavez 1715E THS  
1002 East Cesar Chavez

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

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

Firma

Fecha

Número de teléfono durante el día (Opcional): 512-899-1018

Comentarios:

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

City of Austin, Planning Department

Nancy Estrada

P. O. Box 1088, Austin, TX 78767

O por correo electrónico a:

[nancy.estrada@austintexas.gov](mailto:nancy.estrada@austintexas.gov)

**From:** [Estrada, Nancy](#)  
**To:** [Estrada, Nancy](#)  
**Subject:** FW: Vargas Mixed Use - NPA-2022-0005.01 & C14-2022-0107  
**Date:** Thursday, January 4, 2024 5:57:52 PM

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**From:** Victoria  
**Sent:** Monday, July 17, 2023 2:28 PM  
**To:** Estrada, Nancy <Nancy.Estrada@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>  
**Cc:** Ron Thrower; Harden, Joi <Joi.Harden@austintexas.gov>  
**Subject:** Vargas Mixed Use - NPA-2022-0005.01 & C14-2022-0107

External Email - Exercise Caution

Hello Ladies,

We are requesting postponement of the Vargas Mixed Use NPA and rezoning cases to September 14, 2023.

Please confirm receipt of this request.

Thank you, all.

V

Victoria Haase

*Thrower Design*  
LAND PLANNERS  
[www.throwerdesign.com](http://www.throwerdesign.com)

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**From:** [Estrada, Nancy](#)  
**To:** [Estrada, Nancy](#)  
**Subject:** Vargas Mixed Use - NPA-2022-0005.01 & C14-2022-0107  
**Date:** Thursday, January 4, 2024 5:50:17 PM

---

**From:** Victoria  
**Sent:** Monday, November 27, 2023 3:52 PM  
**To:** Estrada, Nancy <Nancy.Estrada@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>  
**Cc:** Ron Thrower; Rivera, Andrew <Andrew.Rivera@austintexas.gov>; Harden, Joi <Joi.Harden@austintexas.gov>  
**Subject:** Vargas Mixed Use - NPA-2022-0005.01 & C14-2022-0107

External Email - Exercise Caution

Nancy and Maureen,

On behalf of the landowners of the Vargas properties, we request a postponement of the NPA and Rezoning cases to January 18, 2024.

Thank you,  
V

Victoria Haase

  
[www.throwerdesign.com](http://www.throwerdesign.com)

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---

**From:** Victoria

**Sent:** Tuesday, January 9, 2024 10:56 AM

**To:** Estrada, Nancy <Nancy.Estrada@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>

**Cc:** Harden, Joi <Joi.Harden@austintexas.gov>; Ron Thrower

**Subject:** Vargas Mixed Use - NPA-202-0005.01 & C14-2022-0107

**External Email - Exercise Caution**

Hello Nancy, Maureen, and Joi -

We request a postponement of these cases from the January 18<sup>th</sup> CC agenda to the February 29<sup>th</sup> CC agenda. We are working on possible details for a private agreement related to the development of the property.

Please confirm receipt of this email.

Thank you & Happy New Year!

V

*Victoria Haase*

  
[www.throwerdesign.com](http://www.throwerdesign.com)

512-476-4456 Office

Mail: P.O. Box 41957  
Austin, Texas 78704

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