

Late Backup

#52  
RGP

**Haase, Victoria [Tori]**

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**Subject:** FW: postponement request on case C14-2015-0160

**From:** Marisa Lipscher]  
**Sent:** Friday, June 10, 2016 12:08 PM  
**To:** Haase, Victoria [Tori]  
**Subject:** Re: postponement request on case C14-2015-0160

Aug. 11 should be fine, Tori. Thank you.

Marisa Lipscher

On Thu, Jun 9, 2016 at 4:48 PM, Haase, Victoria [Tori] <[Tori.Haase@austintexas.gov](mailto:Tori.Haase@austintexas.gov)> wrote:

Marisa,

Your request has been received. The next public hearing for zoning cases with City Council is August 11<sup>th</sup>. Please confirm that this is the date you are requesting postponement to.

Thank you,

Victoria Haase

Planner  
City of Austin – Planning & Zoning Department  
505 Barton Springs Road, 5<sup>th</sup> Floor  
Austin, Texas 78704  
[512-974-7691](tel:512-974-7691)  
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**From:** Marisa Lipscher [mailto:]  
**Sent:** Thursday, June 09, 2016 1:03 PM  
**To:** Haase, Victoria [Tori]  
**Subject:** postponement request on case C14-2015-0160

Hello Tori,

Shepherd Mountain NA needs more time to prepare for this case and would like to request a postponement on the hearing scheduled for Thursday, June 16 before City Council. We know that the council does not meet in July, so could we please postpone until an August meeting?

Thank you.

Marisa Lipscher

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Marisa Lipscher

## Haase, Victoria [Tori]

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**Subject:** FW: Postponement Request Champions Tract III - reply  
**Attachments:** C14-2015\_0160\_TIA\_staff\_memo\_June6.pdf; C14-2015\_0160\_TIA\_staff\_memo\_05-16-2016.pdf

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**From:** James, Scott  
**Sent:** Tuesday, June 14, 2016 2:47 PM  
**To:** Susan Kimbrough  
**Cc:** Haase, Victoria [Tori]; Rusthoven, Jerry; Naranjo, Ivan; Marisa Lipscher; Carol Lee; Linda Bailey; Gallo, Sheri; Chase, Suzie; Guernsey, Greg; Gibbs, Carol  
**Subject:** RE: Postponement Request Champions Tract III - reply

Hello,

As this email exchange appears to address the staff TIA memoranda for this application, I would like to comment.

The TIA submitted for this zoning case is dated April 20, 2016. No other TIA or analysis has been provided: all staff memoranda have referenced this TIA.

The staff memorandum dated May 13, 2016 was prepared for the public hearing held on May 17<sup>th</sup>. The ZAP Commission motion included additional conditions (beyond those presented by staff) in their recommendation on to City Council.

No additional analysis is required for staff to prepare for the first reading before Council and I drafted a revised TIA memorandum to reflect the additional conditions (and with minor edits) resulting from the Commission action. This memorandum is dated June 6, 2016. Copies of both memoranda are attached for your use.

Therefore, I support Victoria's interpretation that no change was made to either the TIA document, nor transportation staff's interpretation of it. The only substantive change is the addition of condition #4 on page 5, which is a result of the ZAP Commission action and is reserved until the time of site plan review.

I hope this helps to explain the reasoning behind the revision and I would be happy to answer any questions you may have on the changes made.

Thank you.

Sincerely,

Scott

Scott A. James, P.E., PTOE  
Land Use Review | Transportation  
Development Services Department  
505 Barton Springs Road, 4<sup>th</sup> Floor  
Desk line (512) 974 – 2208

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**From:** Susan Kimbrough [  
**Sent:** Tuesday, June 14, 2016 12:32 PM  
**To:** Haase, Victoria [Tori]  
**Cc:** Gallo, Sheri; Linda Bailey; Carol Lee; Marisa Lipscher; Chase, Suzie; Rusthoven, Jerry; Guernsey, Greg; James, Scott; Naranjo, Ivan; Gibbs, Carol  
**Subject:** Re: Postponement Request Champions Tract III

Tori,  
The new TIA memo does contain language changes.

The citation in question is intended to cover visibility of process. It is not specific to staff action. That is your *ex post facto* interpretation, and is not borne out by the way the law is written.

Section C was not intended to obfuscate this process. It was clearly intended to make it visible to all parties.

Uniform interpretation of ambiguity falls to the benefit of the appellant not the writer of the law. The appellant is the neighborhood groups who seek only the appropriate transparency in the permitting analysis process. This is only fair.

Since this transparency assurance has not been followed which would have given the neighborhoods a reasonable time to participate in equitable action associated with this matter, I am requesting you make this right with a postponement of this case before Council on June 16, 2016, consistent with Section C as referenced below. I calculate no earlier than July 5, 2016.

Kind regards,  
Susan  
Sent from my iPad

On Jun 14, 2016, at 11:34 AM, Haase, Victoria [Tori] <[Tori.Haase@austintexas.gov](mailto:Tori.Haase@austintexas.gov)> wrote:

Susan,

I spoke with Carol Gibbs this morning as she wanted to follow up with me after conversing with you yesterday. In conversation with Carol, it occurred to me that I did not address your comment about the TIA changing in the back up for Thursday's hearing. To clarify, the TIA has not changed since the latest submittal on April 20<sup>th</sup>. However, the TIA memo that was prepared by Staff was amended in order to capture/address some of the items from the Commission's motion on May 17<sup>th</sup>. Nothing has changed in the TIA document and nothing has changed in Staff's recommendation.

Kind regards,

Victoria Haase  
Planner  
City of Austin – Planning & Zoning Department  
505 Barton Springs Road, 5<sup>th</sup> Floor  
Austin, Texas 78704

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**From:** Haase, Victoria [Tori]  
**Sent:** Monday, June 13, 2016 11:01 PM  
**To:** Susan Kimbrough  
**Cc:** Gallo, Sheri; Linda Bailey; Carol Lee; Marisa Lipscher; Chase, Suzie; Rusthoven, Jerry; Guernsey, Greg; James, Scott  
**Subject:** Re: Postponement Request Champions Tract III

Susan,

After review, I believe the following is the portion of the code that you are referencing:

**§ 25-6-113 - TRAFFIC IMPACT ANALYSIS REQUIRED.**

(A)

Except as otherwise provided in Section 25-6-117 (Waiver Authorized), a person submitting a site plan application or a zoning or rezoning application must submit a traffic impact analysis to the department if the expected number of trips generated by a project exceeds 2,000 vehicle trips per day.

(B)

If the director determines that the traffic impact analysis does not comply with the requirements of this article, the director may require the applicant to supplement the traffic impact analysis to address a deficiency.

(C)

An applicant required to supplement an analysis under Subsection (B) must submit the required supplemental material before the 27th day before the date on which the application is scheduled for action.

Source: Sections 13-5-43, 13-5-44(b), and 13-5-46(a); Ord. 990225-70; Ord. 031211-11.

If you recall, the initial TIA identified development of office uses and 325 dwelling units of which the Applicant later amended to remove the office uses. The revised TIA that was submitted on April 20th was requested by Staff to reflect the reduction in intensity with the removal of office uses in the proposed development. The code referenced above is meant to allow Staff adequate time to conduct further analysis of additional data. In this particular scenario, Staff's request for a revised TIA involved a reduction in intensity and impact. Therefore, this code section above was not referenced in this scenario. Instead, Staff's decision is independent of data; additional data was not a condition of Staff support or future Council action.

As of last Thursday, a postponement request was submitted by the Shepherd Mountain Neighborhood Association (Marissa Lipscher). Marissa indicated that she will be seeking postponement of the hearing to the August 11, 2016 Council hearing. The Applicant is agreeable to a postponement to June 23rd but nothing more. Therefore, this case will, first and foremost, be a discussion about whether to postpone the hearing on June 16th and if so, to what date?

Kind regards,

Victoria Haase

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**From:** Susan Kimbrough <>  
**Sent:** Monday, June 13, 2016 4:27:43 PM  
**To:** Haase, Victoria [Tori]  
**Cc:** Gallo, Sheri; Linda Bailey; Carol Lee; Marisa Lipscher; Chase, Suzie; Rusthoven, Jerry; Guernsey, Greg  
**Subject:** Re: Postponement Request Champions Tract III

Can you recommend an expert in posting law who could respond tomorrow? I would be happy to forward the question.

Thanks,  
Susan

Sent from my iPhone

On Jun 13, 2016, at 4:25 PM, Haase, Victoria [Tori] <[Tori.Haase@austintexas.gov](mailto:Tori.Haase@austintexas.gov)> wrote:

Susan,

I apologize that I have not been able to respond quickly. I was hoping to have time to looking into the provisions of the code that you referenced but have not been able to thus far. I have a big case on the PC agenda for tomorrow that has kept my attention for most of the day.

Thank you for your patience. I will respond with answers to your questions as soon as I am able.

Kind regards,

Victoria Haase

Planner

City of Austin – Planning & Zoning Department

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**From:** Susan Kimbrough [mailto: ]  
**Sent:** Monday, June 13, 2016 4:20 PM  
**To:** Haase, Victoria [Tori]  
**Cc:** Gallo, Sheri; Linda Bailey; Carol Lee; Marisa Lipscher; Chase, Suzie  
**Subject:** Postponement Request Champions Tract III

Tori,

Could I please have an ack-back that you received this email and will reply soon.

Thanks, Susan

Hi Tori,

I noticed a change to the TIA in the backup materials for the 6/16/16 Council meeting.

I would like to have the meeting postponed based on the following. I am looking at the municode. Am I reading this correctly or missing something?

An applicant required to supplement an analysis under Subsection (B) must submit the required supplemental material before the 27th day before the date on which the application is scheduled for action.

Source: Sections 13-5-43, 13-5-44(b), and 13-5-46(a); Ord. 990225-70; Ord. 031211-11.

I do not believe the TIA submitted on April 20, 2016 met this posting requirement either for the May 3 or 17, 2016 ZAP meeting.

This would allow time for the neighborhoods to thoroughly review changes and prepare for the Council meeting.

Thanks,

Susan

Sent from my iPad

**Haase, Victoria [Tori]**

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**Subject:**

FW: Rezoning Request 6409 City Park Rd -- Please vote NO

**From:** Jenny []

**Sent:** Tuesday, June 07, 2016 2:17 PM

**To:** Haase, Victoria [Tori]

**Subject:** Rezoning Request 6409 City Park Rd -- Please vote NO

RE: Rezoning Request of 6409 City Park Road, Case C14-2015-0160 - Champion's Tract #3

Dear Representative,

I am a voting constituent with a major concern regarding the recent request for zoning change to the property located at RM 2222 and City Park Road. First let me say how much I appreciate the attention given to this important issue as I know you are often pulled in many directions. One of the many reasons I love Austin is that we have been more careful than many cities in our zoning and city planning. This helps protect our families, communities and property values. Not many people expected Austin to get this big this fast, and there are many challenges associated with its growth. One of the most challenging, frustrating and long-term issues we must face and continue to address is our traffic issues.

I am concerned about the validity and applicability of the traffic study performed. I understand that the traffic study was done in the summer of 2014 and does NOT include studies of the intersection of W. Courtyard and 360 or the intersection of W. Courtyard and City Park Road.

My concerns are four-fold. One, the population of Austin has exploded since 2014 and continues to grow each and every day. The study, therefore, is stale and fails to include accurate and timely information.

Two, the study did not include all relevant and affected intersections and traffic issues. As previously stated, the traffic study failed to review other intersections which would be directly impacted by any development on this property. Specifically, the traffic plan did not include the intersections of West Courtyard and 360 and West Courtyard and City Park Road. I live within the Courtyard subdivision and most business days with "normal" traffic conditions it takes me 20 minutes just to get through the left turn light into the subdivision. Twenty minutes for ONE intersection. Of course, the timing is different if it's raining (much longer) or school is out (much shorter).

The timing of the traffic study is my third concern. Because the study appears to have been conducted during the summertime, it does not reflect the actual traffic burden on this area during the other nine months of the year when both UT and other schools are in session. At a minimum, the traffic study should be repeated during the school year, while school is in session, and during a normal weekday (non-holiday) to obtain more accurate information.

As you know, the intersection of RM 2222 and 360 was recently revamped to prevent flooding at Bull Creek and to ease traffic congestion in that area. Because of the terrain in this area (lake, hills, rock and already developed properties) neither RM 2222 nor 360 can be expanded/widened/reconfigured to accommodate additional traffic lanes. Any increase to traffic and congestion created by this development must be absorbed by

the current infrastructure. It is therefore imperative that the traffic study be both timely and accurate.

I understand some properties have been rezoned with a certain traffic allowance only to have the developer agree, then come back to sue the city for an increase. In this case we know that the traffic study is already out of date and incomplete which exposes the city unnecessarily to risks of misunderstanding and possible litigation.

The fourth concern I have with the proposed site is the addition of Section 8 housing without any nearby bus routes. While everyone agrees that affordable housing is a major concern for Austin, the current proposal to include Section 8 housing without any available bus routes or other means of public transportation is impractical and unworkable. In addition to no bus routes, there is no space available for bus stops or transit centers as currently configured. Without available buses, these residents will have no choice but to drive and add to the road congestion.

I ask you to carefully consider these issues vote NO to the rezoning of 6409 City Park Road, Case C14-2015-0160 - Champion's Tract #3. At the very minimum, I ask that any rezoning request be postponed until such time as a valid and appropriate traffic study is submitted by the developer.

Please help protect our families and communities from the excess traffic and other issues that come with these unqualified and inappropriate zoning changes.

Thank you for all that you do to keep our city a beautiful, safe place.

Sincerely,

Jenny Peloquen



June 15, 2016

Austin City Council  
301 W. 2<sup>nd</sup> Street  
Austin, TX 78701

Board of Directors  
Glenlake Neighborhood Association  
9811 Glenlake Drive  
Austin, TX 78730

Re: C14-2015-0160, Champion Tract 3, zoning request from GO-CO to GO-CO-MU (agenda item 52)

Honorable Mayor, Mayor Pro Tem, and Council Members,

Please know that we are strongly opposed to adding the Mixed Use (MU) conditional overlay to the existing GO-CO zoning of this Champion Tract 3.

If the prospective buyer/developer wants to build apartments, we do not oppose re-zoning the property to Multi Family (MF) to accommodate the development, if the existing conditions and the conditions recommended by the Zoning & Platting Commission on 17 May 2016 are included with the approval. The MF-4 zoning category seems intense for this property and the area, but we have been assured by Transportation Staff and Council Member Gallo that traffic safety will be carefully scrutinized when a Site Plan with details is submitted. We also have been assured by Council Member Gallo that she expects the development to comply with the Hill Country Roadway regulations and will oppose requests for variances to those regulations, which relieves our opposition to the more intense multi-family zoning category.

We appreciate your consideration of our input.

Sincerely,

Michael Reitzel  
President, Glenlake Neighborhood Association

Cc: GNA Board of Directors  
City Council Policy Aides  
City of Austin Case Manager Tori Haase