

SECOND AND THIRD READINGS SUMMARY SHEET

CASE: C14-2019-0109 – Messinger Tract Rezoning DISTRICT: 5

ADDRESS: 9900 David Moore Drive; 9800 Swansons Ranch Road

PROPERTY OWNER:
Milton A. Messinger Exempt Family Trust

AGENT:
McLean & Howard, L.L.P.
(Jeffrey S. Howard)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

REQUEST: **Approve Second / Third Readings
From rural residence (RR) and interim – rural residence (I-RR)
To townhouse and condominium residence (SF-6), with
conditions**

CITY COUNCIL ACTION:
August 27, 2020:

February 6, 2020: *APPROVED SF-6 DISTRICT ZONING, WITH A RESTRICTIVE COVENANT FOR A NEIGHBORHOOD TRAFFIC ANALYSIS, ON FIRST READING. VOTE: 10-0, COUNCIL MEMBER CASAR – OFF THE DAIS.*

NOTES: PUBLIC HEARING REMAINS OPEN. THE APPLICANT AND THE NEIGHBORHOOD ARE STILL WORKING ON A PRIVATE RESTRICTIVE COVENANT. SECOND AND THIRD READINGS WILL OCCUR WHEN THE PARTIES HAVE CONCLUDED NEGOTIATIONS, AND THE REZONING ORDINANCE AND RESTRICTIVE COVENANT FOR THE CONDITIONS OF THE NEIGHBORHOOD TRAFFIC ANALYSIS HAVE BEEN PREPARED.

January 23, 2020: *APPROVED A POSTPONEMENT REQUEST BY THE STAFF TO FEBRUARY 6, 2020. VOTE: 9-0, MAYOR ADLER – ABSENT; COUNCIL MEMBER FLANNIGAN – OFF THE DAIS*

December 5, 2019: *APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO JANUARY 23, 2020. VOTE: 11-0.*

ORDINANCE NUMBER:

ISSUES:

The ordinance and public Restrictive Covenant reflect Council action taken on First Reading. The Applicant and the Texas Oaks Neighborhood Association are working towards agreement on a private Restrictive Covenant.

ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0109 – Messinger Tract Rezoning DISTRICT: 5

ZONING FROM: RR; I-RR ZONING TO: SF-6

ADDRESSES: 9900 David Moore Drive; 9800 Swansons Ranch Road

SITE AREA: 27.03 acres

PROPERTY OWNER: Milton A. Messinger Exempt Family Trust

APPLICANT / AGENT: Thrower Design (Ron Thrower)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant townhouse and condominium residence (SF-6) district zoning. *The basis of Staff's recommendation is provided on page 2.*

The Restrictive Covenant includes all recommendations listed in the Neighborhood Traffic Analysis memo, dated June 19, 2020, as provided in Attachment A.

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

November 19, 2019: TO FORWARD TO COUNCIL WITH NO RECOMMENDATION DUE TO LACK OF AN AFFIRMATIVE VOTE

November 5, 2019: *APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO NOVEMBER 19, 2019*

[H. SMITH; B. EVANS – 2ND] (9-0) J. DUNCAN – ABSENT; 1 VACANCY ON THE COMMISSION

CITY COUNCIL ACTION:

August 27, 2020:

February 6, 2020: *APPROVED SF-6 DISTRICT ZONING, WITH A RESTRICTIVE COVENANT FOR A NEIGHBORHOOD TRAFFIC ANALYSIS, ON FIRST READING. VOTE: 10-0, COUNCIL MEMBER CASAR – OFF THE DAIS*

NOTES: *PUBLIC HEARING REMAINS OPEN. THE APPLICANT AND THE NEIGHBORHOOD ARE STILL WORKING ON A PRIVATE RESTRICTIVE COVENANT. SECOND AND THIRD READINGS WILL OCCUR WHEN THE PARTIES HAVE CONCLUDED NEGOTIATIONS, AND THE REZONING ORDINANCE AND RESTRICTIVE COVENANT FOR THE CONDITIONS OF THE NEIGHBORHOOD TRAFFIC ANALYSIS*

HAVE BEEN PREPARED.

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ORDINANCE NUMBER:

ISSUES:

The ordinance and public Restrictive Covenant reflect Council action taken on First Reading. The Applicant and the Texas Oaks Neighborhood Association are working towards agreement on a private Restrictive Covenant.

Staff met with the representatives of the Neighborhood Association on December 19, 2019 to answer follow-up questions.

The Applicant and Texas Oaks Neighborhood Association have discussed the case on several occasions.

CASE MANAGER COMMENTS:

The subject zoning and rezoning area consists of one platted lot zoned rural residence (RR) and a large tract of land that contains two occupied single family residences and one vacant single family residence zoned interim – rural residence (I-RR) district. To the north, Swanson’s Ranch Road contains a mixture of commercial, office, and several single family residences (SF-1, NO-MU, CS-CO, GO-CO), across David Moore Drive to the east is an apartment complex and an AISD middle school (MF-1-CO, I-RR), to the south is a church, and a branch of Slaughter Creek (SF-2; I-RR), and to the west are several duplexes, a single family residential neighborhood and a church (SF-3; SF-4A; SF-6). *Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plat).*

The Applicant proposes to rezone the property to the townhouse and condominium residence (SF-6) district as the first step in constructing up to 185 stand-alone condominium units. Please note that a previous plan for development of the property to include a charter school is no longer being pursued. Access to Swansons Ranch Road is not proposed.

SF-6 zoning allows for the ability to introduce a different type of housing to the area, yet condominiums, including those recently constructed with access to South Chisholm Trail to the east (SF-6-CO) can have more of a single family appearance, and be compatible with the existing single family residences in the vicinity. The results of a neighborhood traffic analysis require the Owner to provide separate left-turn lanes for vehicles entering the site at

each driveway along Bilbrook Place, to be constructed with the associated site plan. The purpose is to ensure safer access and circulation for the residents.

BASIS OF RECOMMENDATION:

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

The townhouse and condominium residence (SF-6) district is intended as an area for moderate density single family, duplex, two-family, townhouse and condominium use. The Applicant intends to develop the property with a condominium project consisting of stand-alone condominium units per structure and a public primary educational facility.

- 2. Zoning changes should promote an orderly and compatible relationship among land uses.*
- 3. Zoning should be consistent with approved and existing residential densities.*

This is a case of residential infill in a lower density residential area. There will be an impact on David Moore Drive and Bilbrook Place with additional vehicle trips, and the Owner will be responsible for separate left-turn lanes for entering site traffic.

In the broader city-wide context, SF-6 zoning is a reasonable option for multiple-acre parcels developed or redeveloped as residential infill. As indicated in the purpose statement of the district, SF-6 can be a transition to single-family residential – reflecting it is an appropriate and compatible use.

In conclusion, Staff believes the proposed SF-6 zoning and condominium development is compatible with the single-family character of the area that includes single family residential subdivisions, duplexes, stand-alone condominiums and apartments.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	RR; I-RR	Three single family residences; Pond
<i>North</i>	SF-2; NO-MU; SF-1; LO-CO; GO-CO; RR	Several single family residences; Wood flooring company; Undeveloped; Office; Manufactured home; Roofing / Contractor’s office; Plumbing company (vacant); Warehouse
<i>South</i>	SF-2; I-RR; I-SF-2	Church; Undeveloped; Single family residences in the Texas Oaks subdivision
<i>East</i>	MF-1-CO; I-RR	Apartments; AISD Middle School (Paredes)
<i>West</i>	SF-3; SF-4A; SF-6-CO	Duplexes; Single family residences in the Hollow at Slaughter Creek subdivision; Church

AREA STUDY: Not Applicable

NTA: Is required – Please refer to Attachment A

WATERSHED: Slaughter Creek – Suburban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

- 242 – Slaughter Lane Neighborhood Association
- 360 – Texas Oaks South Neighborhood Association
- 627 – Onion Creek Homeowners Association
- 742 – Austin Independent School District 1228 – Sierra Club, Austin Regional Group
- 1363 – SEL Texas 1528 – Bike Austin
- 1530 – Friends of Austin Neighborhoods 1531 – South Austin Neighborhood Alliance
- 1616 – Neighborhood Empowerment Foundation

SCHOOLS:

Casey Elementary School Paredes Middle School Akins High School

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2019-0048 – The Avalon N Holdings, LLC – 9606 Swansons Ranch Rd	SF-2 to CS	To Grant CS-CO w/CO for list of prohibited uses	Apvd CS-CO as Commission recommended (6-20-2019).
C14-2009-0098 – Apogee Workshop – 9704 Swansons Ranch Rd	SF-1 to NO-MU	To Grant, as requested	Apvd (12-17-2009).
C14-2008-0052 – TJG – Swansons Ranch Road – 9609 Swansons Ranch Rd	SF-2 to CS	To Grant GO-CO w/CO for personal services use and all NO uses and dev’t regs, parking to be located offsite, 150 trips per day and conditions of NTA. Encourage Applicant to petition City for no parking signs on David Moore Dr	Apvd GO-CO w/ Restrictive Covenant for the NTA, as Commission recommended (1-15-2009).
C14-00-2027 – Texas Oaks Baptist Church – 9910 Bilbrook Pl	I-RR to LO	To Grant SF-6	Apvd SF-6-CO w/CO for 2,000 trips/day (9-7-2000).
C14-97-0031 – St. Paul's Catholic Church – 10000	I-RR to SF-2	To Grant, as requested	Apvd (6-26-1997).

David Moore Dr			
C14-96-0073 – Texas Oaks 4B – 9931 Bilbrook Pl	I-RR to SF-3	To Grant, as requested	Apvd (8-8-1996).
C14-95-0121 and C14-95-0122 – City of Austin-City Initiated – 9702-9800 and 9703-97091 Block of Swansons Ranch Rd, and 9800 David Moore Dr	DR; SF-2 to RR; SF-1	To Grant RR; SF-1; SF-2	Apvd RR; SF-1 (11-16-1995).
C14-95-0121 – City of Austin-City Initiated – 9600 – 9899 Block of Swansons Ranch Rd	DR; SF-2 to RR; SF-1	To Grant RR; SF-1; SF-2	Apvd RR; SF-1; and Tract 1 stays SF-2 (11-16-1995).
C14-00-2098 – Blackhawk Apartments – 1200 West Slaughter Ln	SF-1 to MF-1-CO and LR-CO	To Grant MF-1-CO and LR-CO, w/conditions	Apvd MF-1-CO and LR-CO, with CO for Traffic Impact Analysis; 13.24 u.p.a. (300 units); 15' vegetative buffer along David Moore Rd; list of prohibited uses (1-25-2001).

RELATED CASES:

The RR portion of the property was annexed into the City limits on November 15, 1984 (C7A-83-017 A). The I-RR portion was annexed on December 31, 1995 (C7a-95-001).

The RR portions of the rezoning area were approved by Council on November 16, 1995 (C14-95-0121 and C14-95-0122 – City of Austin-City Initiated).

The west RR portion of the rezoning area is platted as Lot 1 of Swanson's Ranchettes No. 3, recorded in July 1969 (C8s-69-058). Please refer to Exhibit B. The remainder of the zoning area is unplatted.

A site plan is in review for condominium use (SP-2020-0091C – Messinger Tract).

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
David Moore Drive	60 feet	20 feet	ASMP Level 1 (Local Roadway, 551 vpd, 8/2019)	Only on east side	No	No
Bilbrook Place	70 feet	40 feet	ASMP Level 1 (Residential Collector, 8,022 vpd, 8/2019)	Only on west side	Yes	No
Swansons Ranch Road	60 feet	20 feet	ASMP Level 1 (Local Roadway)	None	No	No

OTHER STAFF COMMENTS:Comprehensive Planning

This zoning case is bracketed by David Moore Drive to the west and Bilbrook Place to the east, on a 27.03 acre parcel, which consists of three single family houses and undeveloped land. The subject property is not located within the boundaries of a neighborhood planning area. Surrounding land uses include a plumbing business, a church, single family housing and a multi-building apartment complex to the north; to the south is a church, undeveloped land and a single family subdivision; to the east Paredes Middle School and Mary Moore Searight Metropolitan Park; and to the west is a single family subdivision, a shopping center, commercial uses and undeveloped land.

Connectivity

The Walkscore for this site is **16/100, Car Dependent**, meaning almost all errands require a car. There are no public sidewalks along Bilbrook Place, but a public sidewalk is located along the east side of David Moore Drive (adjacent to an existing apartment complex). There are no bike lanes. A CapMetro transit stop is located 1,100 linear feet away on West Slaughter Lane.

Imagine Austin

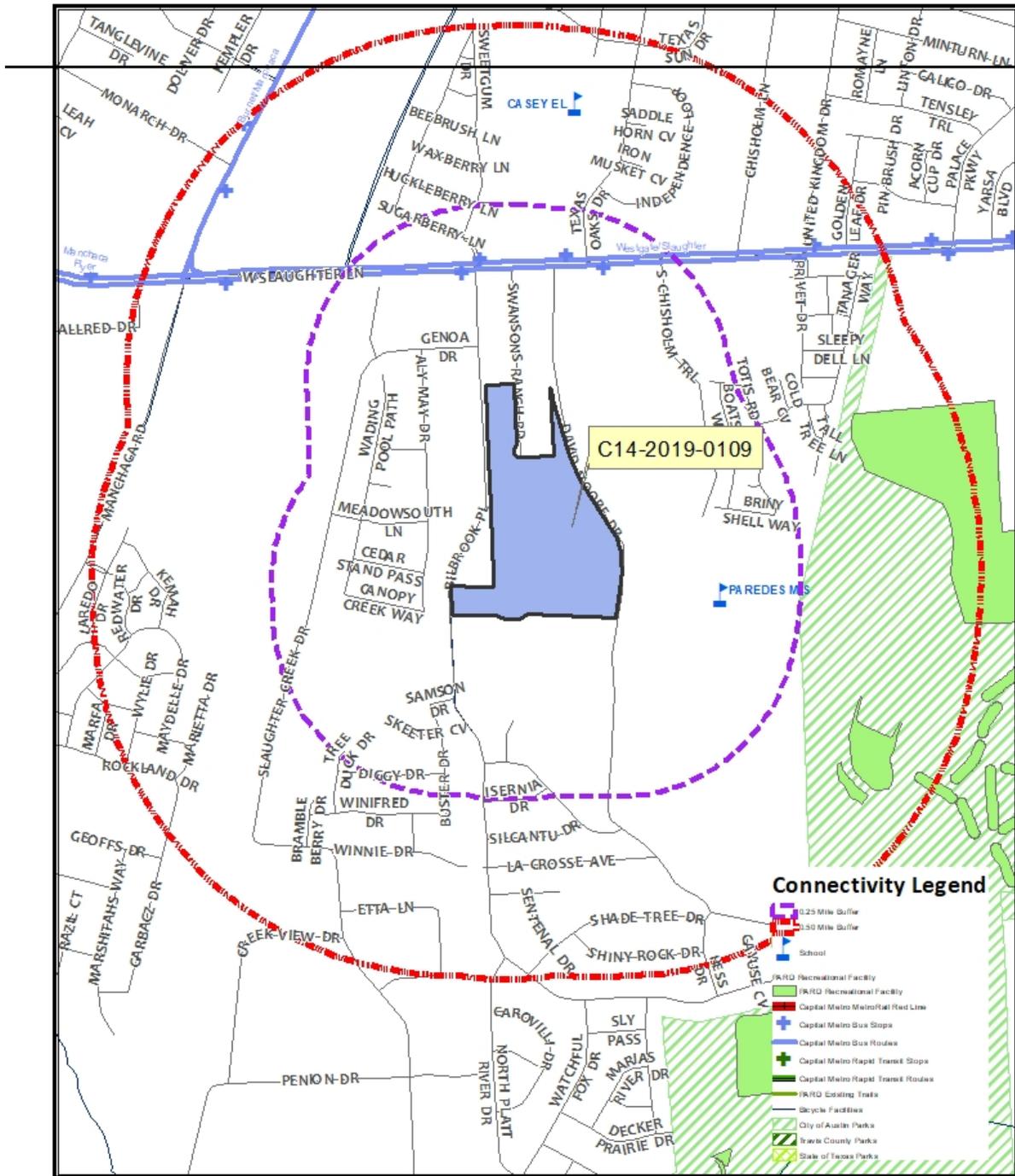
The property is located by the **Slaughter Lane Station Neighborhood** as identified on the Imagine Austin Growth Concept Map. The Map defines a Neighborhood Center as highly walkable, bikable and supports transit, but is less dense and have a more local focus than town centers. They have community-serving retail and services that include a variety of mostly small businesses such as dry cleaners, hair salons, coffee shops, and restaurants, along with moderately dense housing types such as small-lot single family, duplexes, townhouses, and apartments, and mixed use buildings. Neighborhood centers are concentrated on several

blocks or around one or two intersections. Neighborhood centers range in size between approximately 5,000-10,000 new people and 2,500-7,500 new jobs. In summary, a Neighborhood Center is intended to have a more local focus, businesses and services and will generally serve the center and surrounding neighborhoods. A Neighborhood Center allows additional housing.

LUT P5. Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- **HN P1.** Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin's diverse population.

Based on the project: (1) being located within walking distance to a public park, a public school and a Cap Metro transit stop; (2) being close to a variety of local goods and services and two shopping centers; (3) being located by a Neighborhood Center, and (4) providing much needed missing housing, the proposed project appears to support the policies of the Imagine Austin Comprehensive Plan.



Imagine Austin Compliance

Zoning Case
 Casell: C14-2019-0109
 9900 David Moore Road
 27.03 acres

8/8/2019



PLANNING AND ZONING

Disclaimer: The product is for informational purposes and may not have been prepared for or be suitable for legal engineering, or planning purposes. It does not represent the official record and is not to be used for any legal or planning purposes. The product has been produced for the Planning and Zoning Department for the sole purpose of providing information. No warranty is made by the City of Austin regarding specific accuracy or compliance.

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 Slaughter Creek Watershed of the Colorado River Basin, which is classified as a Suburban 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 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 (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to floodplain maps there is a floodplain adjacent to the project location. When Atlas 14 is approved the boundary of the floodplain may shift onto the property.

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.

Impervious Cover

The maximum impervious cover allowed by SF-6 zoning district is 55%, a consistent figure between the *zoning and watershed* regulations.

Site Plan and Compatibility Standards

Site plans will be required for any new development other than single-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.

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

FYI: Additional design regulations will be enforced at the time a site plan is submitted.

COMPATIBILITY STANDARDS

The site is subject to compatibility standards due to adjacency of SF-3 to the west, SF-2 to the south, and SF-1 and SF-2 to the north. The following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- Landscaping or screening is required along the property lines requiring compatibility in accordance with the screening requirements (Section 25-2-1006 and ECM 2.9.1.), Parking Design Standards (Section 25-6-563) and/or Screening Standards (Section 25.2.1066) to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from property in an SF-5 or more restrictive zoning district.

DEMOLITION AND HISTORIC RESOURCES

The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

Transportation

A Neighborhood Traffic Analysis is required and has been performed for this project by the Austin Transportation Department [LDC 25-6-114].

- If the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 vehicle trips per day; or

- The application is for a public primary or secondary educational facility.

“A Neighborhood Traffic Analysis is required for this project. The 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. Please contact Justin Good (Justin.Good@austintexas.gov) to discuss the location of the tube counts. Results are provided in Attachment A.

A Traffic Impact Analysis (TIA) shall be required at the time of site plan should the site's trip generation exceed 2,000 vehicle trips per day. Additional right-of-way may be required at the time of subdivision and/or site plan.

Water and Wastewater

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, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. SERs 4542 and 4556 are currently in review for this site. The SERs propose 2 single family residential lots, 116 condominiums and a school with 1,500 students. Water and wastewater utility plans must be reviewed and approved by Austin Water 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 fees once the landowner makes an application for Austin Water utility tap permits.

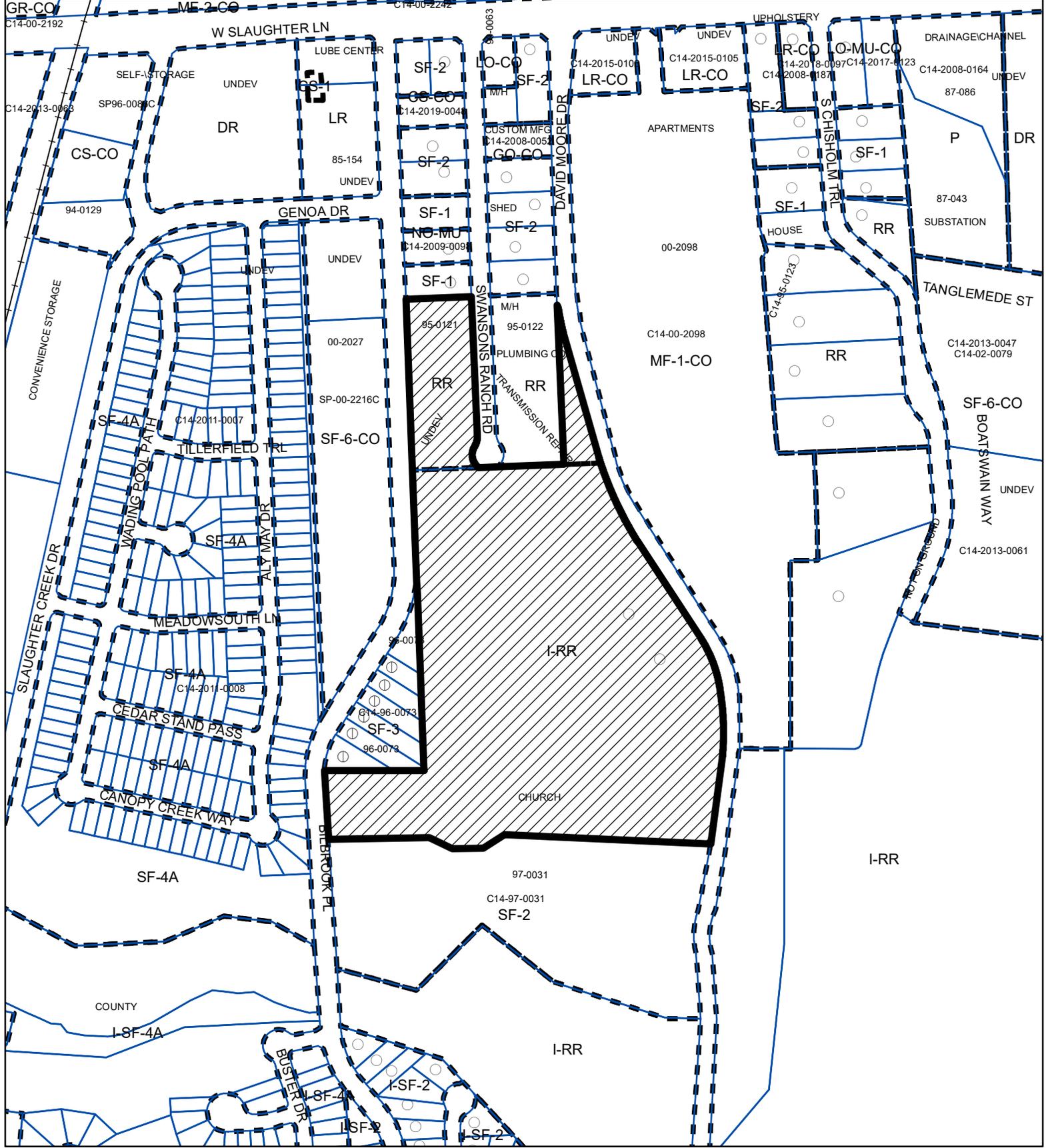
INDEX OF EXHIBITS, ATTACHMENT AND CORRESPONDENCE TO FOLLOW

Exhibits A and A-1: Zoning Map and Aerial View
Exhibit B: Recorded Plat

Attachment A: Neighborhood Traffic Analysis memo

Questions and Answers

Correspondence Received



ZONING

Exhibit A

ZONING CASE#: C14-2019-0109

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

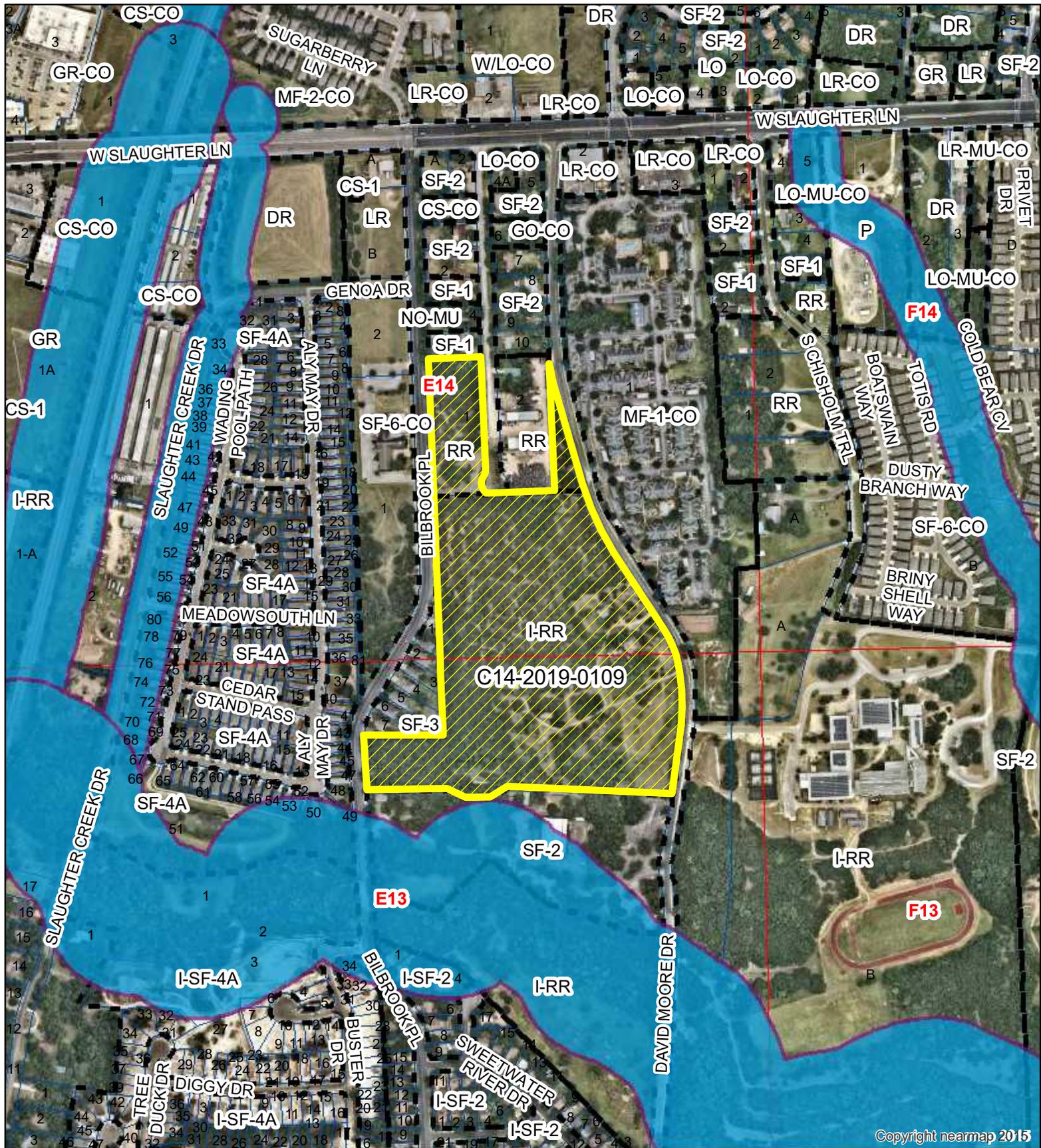
1" = 400'

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.

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Created: 8/6/2019



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MESSINGER TRACT REZONING Exhibit A - 1

ZONING CASE#: C14-2019-0109
 LOCATION: 9900 DAVID MOORE AND
 9800 SWANSON RANCH ROAD
 SUBJECT AREA: 27.03 Acres
 GRID: E13 & E14
 MANAGER: Wendy Rhoades



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

1" = 500'

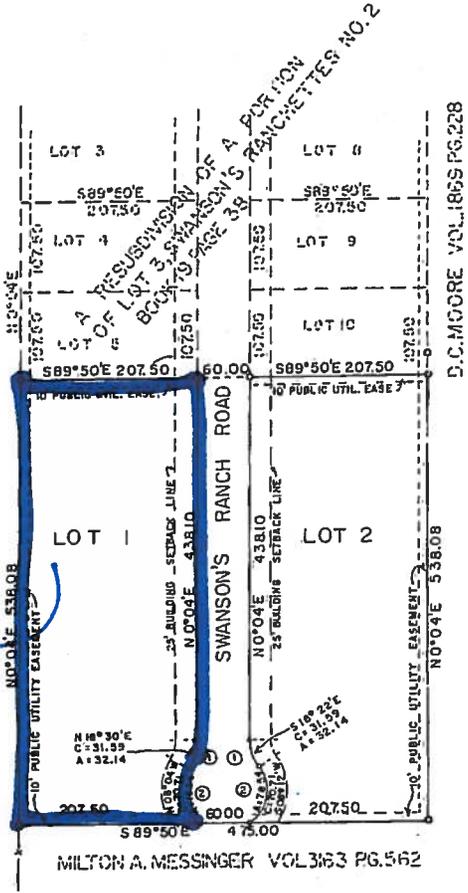
This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

SWANSON'S RANCHETTES NO. 3

Jul 14-69 Re-CH-A 124 750

CURVE	DATA
①	②
Δ 36°52'	Δ 90°00'
T 16.65	T 50.00
R 49.95	R 50.00
LC 31.59	LC 70.71
ARC 32.14	ARC 78.54

REZONING AREA



RECORDED PLAT EXHIBIT B

LEGEND

Each house constructed in this Subdivision shall be connected to a septic tank with a capacity of not less than 500 gallons and with a drain field of not less than 150 feet and shall be installed in accordance with the regulations of the City-County Health Officer and shall be inspected and approved by such Officer. This restriction is enforceable by the City of Austin-Travis County Health Unit and/or the subdivider.

No lot in this subdivision shall be occupied until water satisfactory for human consumption is available from a source on the land, a community source or a public utility source in adequate and sufficient supply for family use and operation of a septic tank and system.

FB.16, PG.15
PLAN-1077

SCALE 1"=100'

STATE OF TEXAS: COUNTY OF TRAVIS: KNOW ALL MEN BY THESE PRESENTS:

That I Ted A. Swanson, Sr., owner of that south 532.02 feet of Lot 3 of Swanson's Ranchettes No. 2 in Travis County, Texas, according to a map or plat of record in Book 17, Page 22, of the Plat Records of Travis County, Texas, conveyed to me by deed as recorded in Volume 2405, Page 636, of the Deed Records of Travis County, Texas, do hereby plat this portion of Lot 3 as my subdivision, to be known as "SWANSON'S RANCHETTES NO. 3" and do hereby dedicate to the public all streets and easements shown hereon.

WITNESS MY HAND this the 16 day of June A. D. 1969.
By Ted A. Swanson Sr.
Ted A. Swanson, Sr.

STATE OF TEXAS: COUNTY OF TRAVIS: Before me, the undersigned authority, on this day personally appeared Ted A. Swanson, Sr., known to me to be the person whose name is subscribed to the foregoing instrument and he acknowledged to me that he executed the same for the purpose and consideration herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 18 day of June A. D. 1969.
William M. Brooks
Notary Public in and for Travis County, Texas

APPROVED FOR ACCEPTANCE: Under July 11, 1969 By Howe M. Eschew
Mayor H. Osborn, E. D. J.
Director of Planning

ACCEPTED AND AUTHORIZED FOR RECORD: By the Planning Commission of the City of Austin, this the 11th day of July, A. D. 1969.

FILED FOR RECORD: At 11:15 o'clock A. M. on the 14 day of July A. D. 1969.
Miss Emille Limberg, Clerk, County Court, Travis County, Texas.

By Emilie Limberg
Deputy

STATE OF TEXAS: COUNTY OF TRAVIS: I, Miss Emille Limberg, Clerk of the County Court, within and for the County and State aforesaid do hereby certify that the within and foregoing instrument of writing with the certificate of authentication was filed for record in my office on the 14 day of July A. D. 1969 at 11:15 o'clock A. M. and duly recorded on the 14 day of July A. D. 1969 at 11:35 o'clock A. M. in the Plat Records of said County in Book 47, Page 37.

WITNESS MY HAND AND SEAL OF COURT of said County the date last written above.
Miss Emille Limberg, Clerk, County Court, Travis County, Texas.
By Bantha Jack
Deputy

STATE OF TEXAS: COUNTY OF TRAVIS: I, Miss Emille Limberg, County Clerk of Travis County, Texas, do hereby certify that on the 14 day of July, A. D. 1969 the Commissioners Court of Travis County, Texas, passed an order authorizing its filing for record of this plat and that said order has been duly entered in the minutes of said Court in Book 3, Page 371.

WITNESS MY HAND AND SEAL OF COURT, this the 16 day of July A. D. 1969.
Miss Emille Limberg, Clerk, County Court, Travis County, Texas.
By L. Ramsey
Deputy

In approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all Streets, Roads or other Public Thoroughfares shown on this plat or any bridges or culverts necessary to be placed in such Streets, Roads or other Public Thoroughfares or in connection therewith shall be the responsibility of the owner and/or the developer of the tract of land covered by this plat in accordance with plans and specifications prescribed by the Commissioners Court of Travis County, Texas, and the Commissioners Court of Travis County, Texas, assumes no responsibility to build any of the Streets, Roads or other Public Thoroughfares shown on this plat or any of the bridges or culverts in connection therewith.

This is to certify that Austin City Code Chapter 23.27 of 1954 has been complied with.

SURVEYED JUNE 12, 1969
BY William M. Brooks
WILLIAM M. BROOKS
REG. PUBLIC SURVEYOR
NO. 1358



C-8-69-058



MEMORANDUM

To: Wendy Rhoades, Case Manager
CC: Victoria Haase; Dan Hennessey, P.E.; Joan Jenkins, EIT; Amber Mitchell
FROM: Justin Good, P.E.
DATE: June 19, 2020
SUBJECT: Neighborhood Traffic Analysis for Messinger Tract Zoning
Zoning Case # C14-2019-0109

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

The 27.03-acre tract is located in southwest Austin at 9900 David Moore Drive. The site is currently zoned Interim Rural Residence (I-RR) and Rural Residence (RR). The tract is predominately zoned I-RR with the RR zone located west and adjacent to Swanson Ranch Road. The zoning request is for Townhouse and Condominium residence (SF-6).

Roadways

The tract proposes access to Bilbrook Place and David Moore Drive. Bilbrook Place is classified as a residential collector and David Moore Drive as a local roadway; both segments would provide access to the site. Bilbrook Place currently has 70 feet of right-of-way and 40 feet of pavement. David Moore Drive currently has 60 feet of right-of-way and 20 feet of pavement. Bilbrook Place has two-traffic lanes, two-bicycle lanes, a parking lane, sidewalks, and curb and gutter. David Moore Drive is an unmarked roadway with sidewalks and without curb and gutter. The average 24-hour count traffic volume on Bilbrook Place was 8,022 vehicles per day and on David Moore Drive 551, based on data collected from August 27, 2019 to August 29, 2019.

Trip Generation and Traffic Analysis

This zoning case assumes 185 single-family dwelling units (ITE Code 210). Based on the Institute of Transportation Engineer's Trip Generation Manual, 10th Edition, the proposed development will generate 1,831 vehicle trips per day. See Table 1 for a detailed breakdown of the trip generation.

Table 1 - Trip Generation		
Land Use	Size	Unadjusted Trip Generation
Residential (Single-Family Housing)	185 DU	1,831
TOTAL		1,831

Table 2 provides the expected distribution of the site trips. Note that Bilbrook Place has a higher distribution of trips due to better access to Slaughter Lane.

Table 2 - Trip Distribution	
Street	Traffic Distribution by Percent
Bilbrook Place	85%
David Moore Drive	15%

Table 3 represents a breakdown of traffic on Bilbrook Place and David Moore Drive: existing traffic, proposed site traffic, total traffic after development, and percentage increase in traffic at both segments.

Table 3 - Traffic Summary				
Street	Existing Traffic (vpd)	Proposed New Site Traffic to Roadway	Overall Traffic	Percentage Increase in Traffic
Bilbrook Place	8,022	1,556	9,578	19.4%
David Moore Drive	551	275	826	49.9%

According to Section 25-6-116 of the Land Development Code, streets which have pavement width of 40 feet or wider are considered to be operating at an undesirable traffic level if the average daily traffic volume for such roadways exceeds 4,000 vehicles per day. Bilbrook Place is currently operating at an undesirable level and will continue to do so with site traffic. Streets which have pavement width 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. David Moore Drive is currently operating at a desirable level and will continue to do so with the addition of site traffic.

Recommendations/Conclusions

1. At time of subdivision or site plan, the applicant shall provide separate left-turn lanes for vehicles entering the site at each driveway along Bilbrook Place. The applicant should submit schematic drawings with dimensions and construction cost estimates signed and sealed by an engineer for ATD staff review. It is recommended that these improvements be implemented by the applicant to assure safer access and circulation into the residential subdivision. The roadway improvements should be included with the site plan application and be designed according to the Transportation Criteria Manual.

2. A TIA Determination Worksheet was postponed until site plan. A Traffic Impact Analysis (TIA) shall be required at the time of site plan should the site's trip generation exceed 2,000 vehicle trips per day. To mitigate the increase of traffic on Bilbrook Place and David Moore Drive and to encourage pedestrian connectivity in the area, it is recommended that the following improvements be explored at the time of subdivision or site plan: restriping of Bilbrook Place to provide a two-way left-turn lane, widening of Bilbrook Place to provide a four-lane cross-section with shared-use path (ROW dedication may be required), reconstruction of David Moore Lane to urban standards with curb and gutter, construction of all ages and abilities bicycle facilities on David Moore Drive, and construction of sidewalks and pedestrian crossings along Bilbrook Place and David Moore Drive. Based on the results of the traffic analysis additional mitigations or improvements may be required.
3. The City Council may deny an application if the neighborhood traffic analysis demonstrates that the traffic generated by the project combined with existing traffic exceeds the desirable operating level established on a residential local or collector street in the neighborhood traffic analysis study area.

If you have any questions or require additional information, please contact me at 974-1449.



Justin Good, P.E.
Transportation Development Engineer – Lead: South
Austin Transportation Department

Rhoades, Wendy

From: Michelle Adams <~~michelle@airpropertygroup.com~~>
Sent: Thursday, October 31, 2019 11:53 AM
To: Kiolbassa, Jolene - BC
Cc: Rhoades, Wendy; Mark Maloney; Bill Meacham; Patricia Michael; Denise Geleitsmann
Subject: Request C14-2019-0109 Postponement

*** External Email - Exercise Caution ***

Hello Jolene,

The Texas Oaks Neighborhood Association would like to request a postponement of the case - C14-2019-0109 zoning meeting, which is currently set to occur on November 5th.

We are making this request in an effort to fully understand the impact to the neighborhood, study the zoning request, arrange a meeting with the developer, and to share our extensive knowledge of the area with the developer, as well as the issues that could arise and our suggestions for those issues.

Can you please confirm the postponement?

If possible, we'd prefer to post pone to the December 17th meeting, as that would give us time to coordinate these meetings and discussions.

Thank you for your attention to this matter,

Michelle Adams
Texas Oaks Neighborhood Association Co President

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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 attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a 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.

Case Number: C14-2019-0109
Contact: Wendy Rhoades, 512-974-7719
Public Hearings: November 5, 2019, Zoning and Platting Commission;
December 5, 2019, City Council

Michele Christophic

Your Name (please print)

9608 Swansons Ranch Rd

Your address(es) affected by this application

Michele Christophic 10-28-19

Signature

Date

Daytime Telephone: 512 769-1258

Comments: I am against rezoning in my area because I want to keep my neighborhood quiet and continue to feel safe in my area. We do not have a lot of traffic flow through our street + with raising 3 children I have come to appreciate that. Our neighborhood has been quite peaceful + feeling safe with kids playing in the yard or being outdoors is a comfort to our family. When we purchased our home this was a big factor + I wish for it to remain this way.

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

City of Austin
Planning & Zoning Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

Case # C14-2019-0109
Contact: Wendy Rhoades
11-5-19 Zoning + Platting Comm
12-5-19 City Council

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

Zoning and Platting Commission November 5, 2019 Agenda Question and Answer Report

B. PUBLIC HEARINGS

2. Zoning and Rezoning: C14-2019-0109 - Messinger Tract Rezoning; District 5

Location: 9900 David Moore Drive and 9800 Swansons Ranch Road,
Slaughter Creek Watershed
Owner/Applicant: Milton A. Messinger Tax Exempt Family Trust
Agent: Thrower Design (Ron Thrower)
Request: I-RR; RR to SF-6
Staff Rec.: **Recommended, with conditions**
Staff: Wendy Rhoades, 512-974-7719
Planning and Zoning Department

Question: Commissioner Denkler:

Will a TIA be required or not?

Is ITE 210 used for SF-6 zoning? They could do condos rather than single family, correct?

Answer: Staff the site's trip generation exceeds 2,000 vehicles per day, a TIA will be required when the site plan is submitted. Regarding trip generation, the Applicant is currently proposing detached residential housing, and even though the proposal is for condominiums on the same lot, ITE 210 is still the most appropriate trip code. Should the site plan propose attached housing, Multifamily Code 220 will be used and the assessment will need to be updated at that time. I hope this addresses your questions.

5. Rezoning: C14-2019-0131 - Covert Ford; District 10
Location: 11514 Research Boulevard Southbound Service Road, Bull Creek Watershed
Owner/Applicant: D.R. Brothers Management, LLC (Rox B. Covert, Duke M. Covert, and Danay C. Covert)
Agent: Alice Glasco Consulting (Alice Glasco)
Request: LO to GR
Staff Rec.: **Not Recommended**
Staff: Sherri Sirwaitis, 512-974-3057
Planning and Zoning Department

Question: Commissioner Barrera-Ramirez

Rhoades, Wendy

From: Rhoades, Wendy
Sent: Tuesday, November 12, 2019 4:39 PM
To: King, David - BC
Cc: Rivera, Andrew
Subject: RE: Item B-1 - C14-2019-0109 - Messinger Tract Rezoning; District 5

Commissioner King,
Please see my responses below.

Wendy Rhoades

From: King, David - BC
Sent: Tuesday, November 05, 2019 11:03 AM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Cc: Tiemann, Donna <Donna.Tiemann@austintexas.gov>; Kitchen, Ann <Ann.Kitchen@austintexas.gov>; Kiolbassa, Jolene - BC <bc-Jolene.Kiolbassa@austintexas.gov>; Duncan, Jim - BC <BC-Jim.Duncan@austintexas.gov>; michelle@airpropertygroup.com
Subject: Item B-1 - C14-2019-0109 - Messinger Tract Rezoning; District 5

Hello, Wendy,

I support the neighborhood postponement request but I have a few questions regarding this case.

1. How many residential units exist on this site? **RESPONSE:** The site is developed with a total of three residences; one is occupied and two are vacant. The owners live on the property and will not be displaced. Their existing homes will be moved to another part of the property and thus, they will continue to live on the property.
2. How many low-income and middle-income families live on this site? **RESPONSE:** None. The owners of the property are the occupants of the property.
3. How many low-income and middle-income families will be displaced or evicted by this development? **RESPONSE:** None. The owners of the property will continue to occupy part of the property.
4. How many of the proposed 144 condos will be affordable to families of four earning an annual median family income of \$84,000? **RESPONSE:** Unknown.
5. How many of the proposed 144 condos will be income restricted in perpetuity for families earning at or below 60% of the median family income for Austin? **RESPONSE:** Unknown.
6. Will the proposed charter school be required to comply with the same development and code requirements that apply to Austin Independent School District schools? **RESPONSE:** The property is within the AISD boundaries, and the LDC defines open enrollment charter schools as public primary educational facilities and public secondary educational facilities. Charter schools within AISD boundaries are subject to the same regulations as AISD school sites by Ordinance No. 20160623-090.
7. Will the charter school need any variances, exceptions, or waivers? If so, will the variances, exceptions, or waivers require public hearings or will they be handled administratively? **RESPONSE:** The Applicant is not aware of any variances, exceptions, or waivers for the school site.

8. What is the proposed zoning for this site under the new land development (LDC) zoning map? How will this rezoning request impact the proposed new zoning for this site under the new LDC zoning map. **RESPONSE:** Under the proposed LDC zoning map, the site is zoned (permanent) RR, Rural Residential district. If the requested SF-6 zoning is approved, it would be converted to any newly adopted LDC zoning map.
9. If this rezoning request is approved, would this site qualify for the Affordability Unlocked Density Bonus program or other density bonus programs? **RESPONSE:** Yes, the properties qualify now and after the zoning change to SF-6.
10. How many heritage trees will be removed? How many heritage trees will be transplanted? **RESPONSE:** Unknown; to be determined at subsequent stages of development.
11. How many trees will be removed? How many new native trees will be planted? **RESPONSE:** Unknown; to be determined at subsequent stages of development.
12. Are there any environmentally sensitive areas on the site? **RESPONSE:** There is an existing pond near the south property line, in the "notch" area, and it has been identified as a CEF.
13. Will any environmental variance, exceptions, or waivers be requested for this site? If so, will the variances, exceptions, or waivers require public hearings or will they be handled administratively? **REPNSE:** The Applicant is unaware of any environmental variances, exceptions or waivers for this site.

Thank you for your assistance with these questions!

David

David King
Zoning and Platting Commission - District 5

Scheduled Meeting Disclosure Information:

Written disclosure is required by visitors when attending a scheduled meeting with a City Official regarding a municipal question for compensation on behalf of another person. Anyone scheduling or accepting a meeting invitation with a City Official must either acknowledge that the disclosure requirement does not apply or respond to the following survey:

<https://www.surveymonkey.com/r/BCVisitorLog>

David King
Boards and Commissions

Scheduled Meeting Disclosure Information: Written disclosure is required by visitors when attending a scheduled meeting with a City Official regarding a municipal question for compensation on behalf of another person. Anyone scheduling or accepting a meeting invitation with a City Official must either acknowledge that the disclosure requirement does not apply or respond to the following survey:

<https://www.surveymonkey.com/r/BCVisitorLog>

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Rhoades, Wendy

From: Rhoades, Wendy
Sent: Tuesday, November 19, 2019 2:51 PM
To: Denkler, Ann - BC
Cc: Rivera, Andrew
Subject: FW: Nov. 19th ZAP Staff Proposed Actions Agenda
Attachments: EarlyDet_SwansonsRanchRd_10_29_19signed (002).pdf

Just received an answer to #9 ...

From: Rhoades, Wendy
Sent: Tuesday, November 19, 2019 2:41 PM
To: Denkler, Ann - BC <bc-Ann.Denkler@austintexas.gov>
Cc: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Subject: RE: Nov. 19th ZAP Staff Proposed Actions Agenda

Commissioner Denkler:
Please see our combined responses below.
Wendy Rhoades

From: Denkler, Ann - BC
Sent: Tuesday, November 19, 2019 8:33 AM
To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>
Cc: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>; Good, Justin <Justin.Good@austintexas.gov>
Subject: Re: Nov. 19th ZAP Staff Proposed Actions Agenda

Apparently, my questions regarding the Messinger tract rezoning didn't go through yesterday morning.

1) How many acres for parkland, public school and condos? **RESPONSE:** According to the bubble plan, parkland comprises 1.92 acres; the public school site covers 10.23 acres, and the condo residential covers 11.83 acres over 3 parcels.

2) Does the applicant have to follow the bubble plan? **RESPONSE:** No, the plan is conceptual in nature and non-binding.

3) How much parkland is required for 120 du. **RESPONSE:** Parkland is not required with this development at this location. Please refer to the attached Early Parkland Determination from the Parks and Recreation Department dated October 29, 2019.

4) Is the parkland going to be dedicated. **RESPONSE:** No, parkland is not proposed to be dedicated due to the property's proximity to Mary Moore Searight Metropolitan Park.

5) The applicant has told staff they're building an elementary school. The neighborhood has been told they're building a K-12 school. Can transportation provide numbers which reflect the maximum that can be generated. IE if the 120 dwelling units were attached, rather than detached. Don't high schools generate more traffic than elementary schools. **RESPONSE:** The Applicant notified ATD staff that the school would be K-12 and the NTA reflects that use. The ITE Trip Generation Manual code used to estimate trips for charter elementary schools can be applied to charter high schools based on the

characteristics of the use. The trip generation for 120 attached units is 866 vehicles per day, 364 less than detached condos. The NTA is based on proposed improvements, not maximum potential and another NTA will be required if the site plan submitted does not match the NTA approved with this zoning case.

6) Why isn't ROW being required? IE ROW SHALL be provided at time of site plan if needed. RESPONSE: The Austin Strategic Mobility Plan identifies both streets as Level 1 streets that do not require further right of way. Additional right-of-way can be requested at the time of site plan if it is needed as part of identified mitigation.

7) The neighborhood seemed to believe the applicant was going to be required to build a road through the tract connecting Bilbrook and David Moore Road. Is there discussion to this affect? RESPONSE: According to the bubble plan provided in the case back-up, there appears to be a roadway connecting David Moore Drive and Bilbrook Place. This is in agreement with the conceptual plan the Applicant provide to us when ATD staff was deciding where traffic counts should be performed.

8) Please provide an education impact statement from AISD or comments regarding the impact on Paredes Middle School. RESPONSE: Staff has forwarded an Educational Impact Statement to AISD in late-August, but has not yet received a response.

9) What assumptions were assumed in the service extension requests for water/wastewater. RESPONSE: According to Austin Water, the SERs under review assume 2 single family residential lots, 116 condominiums and a 1,500 student school.

I'm sorry that my questions, didn't go through. If it's easier to call me with this info, I can be reached at 512 905-2992.

Ann

From: Rivera, Andrew <Andrew.Rivera@austintexas.gov>

Sent: Monday, November 18, 2019 5:25 PM

To: Kiolbassa, Jolene - BC <bc-Jolene.Kiolbassa@austintexas.gov>; Duncan, Jim - BC <BC-Jim.Duncan@austintexas.gov>

Subject: Nov. 19th ZAP Staff Proposed Actions Agenda

Dear Chair Kiolbassa, Vice-Chair Duncan and Members of the Zoning and Platting Commission:

No changes have been made to the staff proposed actions agenda. No questions have been submitted at this time for the Q&A report.

Draft minutes from Nov. 5th will be sent tomorrow.

Thank you,

Andrew

Andrew D. Rivera
Land Use Commissions Liaison

Assistant to Assistant Director / Interim Lead Jerry Rusthoven
City of Austin - Planning & Zoning Department



City of Austin

Parks and Recreation Department
200 South Lamar Blvd, Austin, TX 78704

October 29, 2019

Ron Thrower
Owner
ront@throwerdesign.com

Dear Mr. Thrower:

Thank you for contacting the City of Austin Parks and Recreation Department (PARD) regarding future parkland needs. We appreciate the opportunity to coordinate with you prior to filing a development application.

This letter concerns the properties at **9800 Swanson's Ranch Road** and **9900 David Moore Drive**. You have provided the following details about the property:

- The gross site area is 27.03 acres
- The current land use is largely undeveloped and heavily wooded. There are between 1-4 residents.
- The proposed development includes 120 residential dwelling units (and a charter school with 1,200 students).

The PARD staff has reviewed the site and determined that it does not meet the criteria for parkland dedication under City Code 25-1-605(B) due to the proximity to Mary Moore Searight Metro Park via Paredes Middle School. Therefore, PARD will allow payment of a fee in-lieu of parkland dedication and park development. PARD intends to work with Paredes Middle School to improve access from your development and charter school to the metro park.

This letter qualifies as an Early Determination for fees in-lieu of parkland dedication under City Code 25-1-605 (C) and is valid for one year, provided that the number of units does not change by more than 10%.

Best regards,

Randal R. Scott
Park Planning Program Manager



**Texas Oaks South
Neighborhood Association**

611 Kingfisher Creek Dr.

Austin, TX 78748

512-574-2969

michelle@airpropertygroup.com

November 26th, 2019

Dear Mayor Adler & City Council Members,

The Texas Oaks South Neighborhood Association formally requests a postponement regarding item #93, regarding the rezoning of the Messinger Tract.

The current date selected is December 5th, 2019.

We request a postponement to January 23rd, 2020.

This request will allow TOSNA and the adjacent neighborhoods, schools and businesses reasonable time to perform the required due diligence necessary to offer recommendations and solutions.

This postponement would also allow TOSNA to meet with council members to discuss the issues, possible solutions and recommendations as well as to meet with the applicant, to further explore traffic solutions for the area, to apply planning principles to our proposed solutions and get an update on our open records requests with COA.

It would also allow us time to evaluate and create a master plan for TOSNA and the adjacent neighborhoods, businesses, and churches that occupy the pocket of land that is completely enclosed, except to the north (created by having only one major entrance and exit to neighborhoods, consisting of over 1,200 homes, two churches and dozens of businesses) as well as to meet with the neighboring school administrators, PTAs, churches, and involved businesses near the Messinger Tract.

Due to the response of the ZAP commission being “No Recommendation” and the upcoming Thanksgiving holiday, it is important the item be postponed to allow time for the proper due diligence.

We appreciate your time and consideration for this postponement request.

Thank you,

Michelle Adams

Co-President Texas Oaks South Neighborhood Association (TOSNA)

W. Charles Akins High School

10701 South First Street Austin, TX 78748

Phone 841-9900 Fax 841-9903



Eagles

W. Charles Akins High School PTSA

Brooke Maudlin
10701 S 1st Street
Austin, TX 78748

Date: December 18, 2019

Re: Messinger tract rezoning - C14-2019-0109

Dear Council,

It has come to our attention that an IDEA Public School is being considered as part of the Messinger tract rezoning. We, the **Akins Parent, Teacher, Student Association**, **are opposed to the charter school and ask that it is removed from the application.**

If approved, the K-12 charter school would be located approximately 890 feet from Paredes Middle School, 2,600 feet from Casey Elementary, 1.4 miles from Kocurek Elementary, and 2.7 miles from Akins High School. Casey, Kocurek, and Paredes are all currently under capacity and can accept additional students. As we are all painfully aware, AISD recently closed four schools due to low enrollment. The IDEA school will compete with the surrounding public schools for both students and funding.

We are also concerned about student and parent safety. Slaughter Lane between Bilbrook Place and Texas Oaks Drive already receives considerable traffic at critical times of the day from Casey and Paredes. The proposed 1,600-student charter school would cause further congestion, increase frustration, and reduce safety.

Please support our existing public schools and vote no against this charter.

Sincerely,

A handwritten signature in black ink that reads "Brooke Maudlin". The signature is fluid and cursive.

Brooke Maudlin
W. Charles Akins High School PTSA President



PAREDES
MIDDLE SCHOOL
AUSTIN Independent School District

Paredes Middle School

Paredes PRIDE See it Believe it Achieve it...Enough Said

Paredes Middle School PTA
10100 S. Mary Moore Searight Dr.
Austin, TX 78748

January 6, 2019

Re: Messinger Tract Rezoning - C14-2019-0109

Dear Council:

It has come to our attention that an IDEA Public School is being considered as part of the Messinger tract rezoning. We are opposed to the charter school and ask that it is removed from the application.

If approved, the K-12 charter school would be located approximately 890 feet from Paredes Middle School, 2,600 feet from Casey Elementary, 1.4 miles from Kocurek Elementary, and 2.7 miles from Akins High School. Casey, Kocurek, and Paredes are all currently under capacity and can accept additional students.

As we are all painfully aware, AISD recently closed four schools due to low enrollment. The IDEA school will compete with the surrounding public schools for both students and funding, without bringing anything to the table. The drive to take over the Austin ISD by privatizers is based on the unproven notion that education will improve if it is run like a private business. IDEA will only be a hinderance to AISD's work toward bettering the education for Austin children.

We are also concerned about student and parent safety. Slaughter Lane between Bilbrook Place and Texas Oaks Drive already receives considerable traffic at critical times of the day from Casey and Paredes. The proposed 1,600-student charter school would cause further congestion, increase frustration, and reduce safety.

Please support our existing public schools and vote no against this charter.

Sincerely,

Shenise Ramdeen, President
Paredes Middle School PTA
sdramdeen@gmail.com



Casey Elementary PTA

Casey Elementary PTA
Dwayne Hidalgo
9400 Texas Oaks Drive

January 8, 2020

Re: Messinger tract rezoning - C14-2019-0109

Dear Council,

It has come to our attention that an IDEA Public School is being considered as part of the Messinger tract rezoning. We are opposed to the charter school and ask that it is removed from the application.

If approved, the K-12 charter school would be located approximately 890 feet from Paredes Middle School, 2,600 feet from Casey Elementary, 1.4 miles from Kocurek Elementary, and 2.7 miles from Akins High School. Casey, Kocurek, and Paredes are all currently under capacity and can accept additional students. As we are all painfully aware, AISD recently closed four schools due to low enrollment. The IDEA school will compete with the surrounding public schools for both students and funding.

We are also concerned about student and parent safety. Slaughter Lane between Bilbrook Place and Texas Oaks Drive already receives considerable traffic at critical times of the day from Casey and Paredes. The proposed 1,600-student charter school would cause further congestion, increase frustration, and reduce safety.

Please support our existing public schools and vote no against this charter.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Hidalgo", is written over the name "Dwayne Hidalgo".

Dwayne Hidalgo

Casey Elementary PTA President



MEMORANDUM

TO: Mayor and City Council 

FROM: Jerry Rusthoven, Assistant Director/Interim Lead
Planning and Zoning Department

DATE: January 21, 2020

SUBJECT: Item # 79 January 23rd Council Agenda C14-2019-0109 Messinger

The Planning and Zoning Department would like to request a postponement of the above mentioned cases to February 6, 2019.

If you need additional information, please contact Jerry Rusthoven, Assistant Director of the Planning and Zoning Department, at 512-974-3207.

**Jerry Rusthoven, Assistant Director/Interim Lead
Planning and Zoning Department**

xc: Rodney Gonzales, Assistant City Manager
Spencer Cronk, City Manager

Rhoades, Wendy

From: Jeff Howard <[REDACTED]>
Sent: Tuesday, February 04, 2020 6:04 PM
To: Rhoades, Wendy; Rivera, Andrew
Cc: Garrett Martin; Andrew Cortes, P.E.; Ron Thrower; Laci M. Ehlers
Subject: Messinger Tract - Neighborhood Discussions

*** External Email - Exercise Caution ***

Wneddy,

My client has had productive conversations with Texas Oaks and have agreed upon several items to enhance pedestrian safety, connectivity, and reduce traffic generation through unit limitations. **Items 1-4 below summarize terms that we are in agreement on. Items 5 and 6 are part of ongoing discussions.**

Item #5 we're agreeing to in principal, but we would like to provide a private road through the project (with a public easement on the road) simply to avoid filing two site plans and managing two separate sites through the development proceed (and possible a 3rd roadway construction plan). The road would generally meet City standards except as noted below.

Item 6 requires is the only substantive outstanding item. We don't believe that ATD will allow for dual left turn lanes onto Slaughter, and the intersection will perform with a residential only project at an acceptable level of service. However, we understand there may be additional discussion on this matter.

In short, we agree with the list below, with the modification in #5 and except for item #6.

1. Limit site use to residential, cultural services, community recreation, or park (excluding school).
2. Adoption of the SF-6 Zoning standards to avoid higher density MF-1 zoning with the adoption of the new land development code.
3. Limit the number of units to 302 to limit residential traffic generation and intensity.
4. Deposit funds with COA to construct +/- 1200 linear feet of sidewalk along the west side of Billbrook between Texas Oaks Baptist Church and Buster Lane to enhance pedestrian safety and connectivity to transit.
5. Neighborhood Request- Publicly dedicate ROW and construct a through street to connect Billbrook and David Moore.
 - a. Milestone agrees to construct a private through street to public standards (28' Pavement Width with 5' Sidewalks on each side) and dedicate a Permanent Public Access Easement through the site to provide connectivity.
 - b. Milestone is also constructing left turn lanes on Billbrook Lane and David Moore at the common drive into the site per the NTA.
 - c. I believe we are meeting the intent of the neighborhood's request with Item 5, while simplifying the development process and maintaining the site's integrity. Bifurcating the tract with public dedication of ROW would require multiple site plans, license agreements, development agreements, separate common improvements, and additional setbacks etc.
6. Neighborhood Request- Construct second northbound protected left turn lane from Billbrook onto Slaughter (heading west).

We will continue our dialogue with the neighborhood in anticipation of our hearing Thursday, but please let us know if we can answer any questions in the meantime. Please upload this information to the back-up for Council consideration. Thank you.

Jeffrey S. Howard
Partner

jhoward@mcleanhowardlaw.com

Barton Oaks Plaza, Building II
901 South MoPac Expy | Ste 225
Austin, Texas 78746
512.328.2008 phone
512.328.2409 fax
www.mcleanhowardlaw.com



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