

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~~

AMENDED REQUEST: CS-DB90-NP for Tract 1; LR-DB90-NP for Tract 2, and to modify the DB90 ordinance ground floor Pedestrian-Oriented Commercial Spaces requirement per Section 25-2-652 (F)(3)(e)

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)

The Staff recommendation is to grant general commercial – conditional overlay – density bonus 90 – neighborhood plan (CS-CO-DB90-NP) combining district zoning for Tract 1 and neighborhood commercial – density bonus 90 – neighborhood plan (LR-DB90-NP) combining district zoning for Tract 2. Staff recommends granting the modification request to not provide ground floor Pedestrian-Oriented Commercial Space (to provide 0% of the requirement).

The 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, 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%. For a summary of the basis of Staff's recommendation, please see pages 3 - 5.

PLANNING COMMISSION ACTION / RECOMMENDATION:

June 11, 2024: APPROVED CS-CO-DB90-NP COMBINED DISTRICT ZONING FOR TRACT 1 and LR-DB90-NP COMBINED DISTRICT ZONING FOR TRACT 2.

[C. Hempel; A. Woods – 2nd] (7-0) G. Anderson, A. Phillips, A. Haynes, J. Mushtaler, – Off the dias; N. Barrera-Ramirez, G. Cox – Absent

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 – 2ND] (12-0) Y. FLORES – ABSENT

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

*March 14, 2023: Approved a staff postponement request to March 28, 2023
[R. Schneider; C. Hempel – 2nd] (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 – 2nd] (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 – 2nd] (10-0) A. Azhar, R. Schneider – Absent; One vacancy on the dais*

CITY COUNCIL ACTION:

October 23, 2025:

*May 8, 2025: APPROVED AN INDEFINITE POSTPONEMENT REQUEST BY THE APPLICANT.
VOTE: 11-0.*

*November 21, 2024: APPROVED AN INDEFINITE POSTPONEMENT REQUEST BY THE APPLICANT.
VOTE: 11-0.*

*October 10, 2024: APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO NOVEMBER 21, 2024
VOTE: 9-0. Council Member R. Alter was off the dais. Council Member Harper-Madison was absent.*

*August 29, 2024: APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO OCTOBER 10, 2024.
VOTE: 9-0. Council Member A. Alter was off the dais. Council Member Harper-Madison was absent.*

July 18, 2024: *APPROVED A POSTPONEMENT REQUEST BY STAFF TO AUGUST 29, 2024.*

VOTE: 11-0.

April 4, 2024: *APPROVED AN INDEFINITE POSTPONEMENT REQUEST BY THE APPLICANT.*

VOTE: 10-0. Council Member A. Alter was off the dais.

February 29, 2024: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO APRIL 4, 2024.*

VOTE: 11-0.

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 was off the dais. Council Members A. Alter, Harper-Madison, and Pool were absent.

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:

On April 11, 2023, the Planning Commission made the recommendation of (CS-MU-CO-NP) with added conditions for Tract 1 and (LR-MU-NP) combining district zoning for Tract 2 of the subject property. The applicant requested an Indefinite Postponement at City Council on April 4, 2024. Subsequently, the applicant has amended their rezoning application to request the new (DB90) combining district and to modify the (DB90) ordinance ground floor Pedestrian-Oriented Commercial Spaces requirement per Section 25-2-652 (F)(3)(e) to provide 0% of this requirement. ***Please see Attachment A.***

Currently the newly created density bonus 90 (DB90) combining district ordinance requires that when a site abuts a principal street, 75 percent of the ground floor of the building must contain one or more commercial uses. However, the ordinance allows for modifying this requirement if the site abuts an urban roadway, suburban roadway, highway, or hill country roadway. The subject property abuts both a highway and two urban roadways, both of which are eligible roadways to request this modification.

The site has frontage on US Hwy 183 which is a high traffic and high speed highway. There are not any traffic lights or pedestrian oriented uses along this section of frontage road. The property is also adjacent to Vargas Road and Saxon Lane which are both surrounded by single family residences. Vargas Road connects to US Hwy 183 while Saxon Road is a low traffic residential collector that is a dead end street.

This site is not located in an area that has existing ground floor assets or enough household density to support the amount of ground floor commercial required by the code. Further, this site is not within a geographic area where the City is actively promoting or enhancing small business development. Therefore, Staff recommends granting the applicant's modification request to not require pedestrian-oriented commercial space.

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 Hwy 183 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.

There are some commercial uses to the north (GR-NP); however, single family residences surround both tracts to the north, west and south (SF-3-NP); townhouse / condominium residences and neighborhood commercial are also to the west across Saxon Lane (SF-6-NP; LR-NP). Directly to the east across Vargas Road are a neighborhood park and a learning center (SF-3-NP). An elementary school and pre-school are also in the area. ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial).***

The applicant has amended their request to (CS-DB90-NP) for the larger Tract 1 and to (LR-DB90-NP) for Tract 2. Future access is proposed for both Vargas Road and Saxon Lane. Currently there is not a proposed conceptual plan.

Staff is recommending (CS-CO-DB90-NP) for Tract 1 with a Conditional Overlay that consists of prohibited uses listed above and (LR-DB90-NP) for Tract 2. When Planning Commission previously made their recommendation, this Conditional Overlay was included. The Applicant is in agreement with the Conditional Overlay that has been incorporated in the Staff recommendation.

BASIS OF RECOMMENDATION:

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

The proposed general commercial services (CS) district zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments.

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

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 such as Automotive, Bail Bond Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Pawn Shop Services, Adult Oriented Businesses, Agricultural Sales & Services, Commercial Blood & Plasma Center, Construction Sales & Services, Kennels, and Vehicle Storage on this property as these uses are not compatible with residential uses or near a public school.

The Density Bonus 90 (DB90) combining district, in exchange for providing affordable housing units and in combination with commercial base zoning districts, allows a mixture of office, retail, commercial, and residential uses with modifications of compatibility standards and site development regulations including increased building height.

The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

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

Staff recommends CS-CO-DB90-NP and LR-DB90-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 CS-CO-DB90-NP and LR-DB90-NP zoning will permit the applicant to redevelop the property for future residential use. Although a modification to the required ground floor commercial space is being requested, office, civic and low intensity commercial uses and services can still be provided to the surrounding community.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	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; CS-MU-CO-NP; LR-MU-CO-NP	Civitan Neighborhood Park; Pre-school; Multi-family
<i>West</i>	LR-NP; SF-3-NP; 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	Austin Independent School District
SEL Texas	Sierra Group, Austin Regional Group
Preservation Austin	Austin Lost and Found Pets
Friends of Austin Neighborhoods	Homeless Neighborhood Association
Carson Ridge Neighborhood Association	Crossing Gardenhome Owners Assn. (The)
Del Valle Community Coalition	East Austin Conservancy
Montopolis Community Alliance	Montopolis Neighborhood Association
Montopolis Tributary Trail Association	Pleasant Valley
Vargas Neighborhood Association	Neighborhood Empowerment Foundation
Montopolis Neighborhood Association Plan Contact Team (MNPCT)	
Montopolis-Ponca Neighborhood Association	
Montopolis Community Development Corporation	
El Concilio Mexican-American Neighborhoods	

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2020-0044 – Saxon Acres Residential Zoning – 316 Saxon Ln & 6328 El Mirando St.	SF-3-NP to SF-6-NP	To Grant SF-6-NP	Apvd SF-6-NP as Commission recommended (12-10-2020).

C14-2014-0176 – Cuellar Rezoning – 617 Thrasher Ln	SF-3-NP to SF-4A-NP	To Grant SF-4A-CO- NP, w/CO limiting the floor-to-area ratio to 0.4:1	Apvd SF-4A-NP (4-16-2015).
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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)

ADDITIONAL 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 (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.

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. 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].

The adjacent street characteristics table is provided below:

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

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].

Please see Attachment D.

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.

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 ATTACHMENTS TO FOLLOW:

Exhibit A: Zoning Map

Exhibits A-1: Aerial Maps (2)

Exhibit B: Zoning Application Map

Attachment A: Applicant's (DB90) Commercial Modification Request Letter

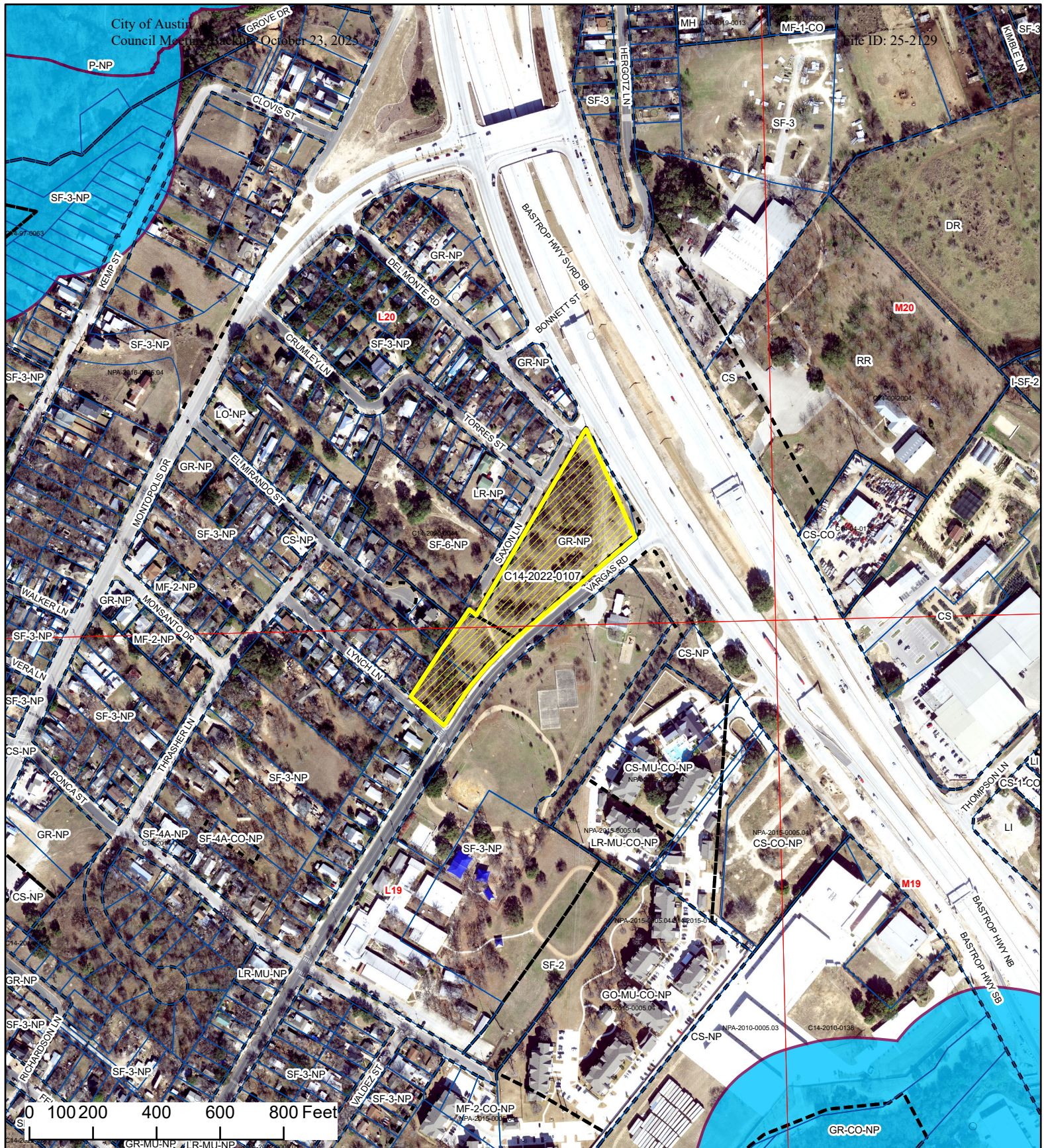
Attachment B: Applicant's Indefinite Postponement and Amendment Request Letter

Attachment C: Applicant's Summary Letter

Attachment D: Neighborhood Traffic Analysis (NTA)

Correspondence





Vargas Mixed Use

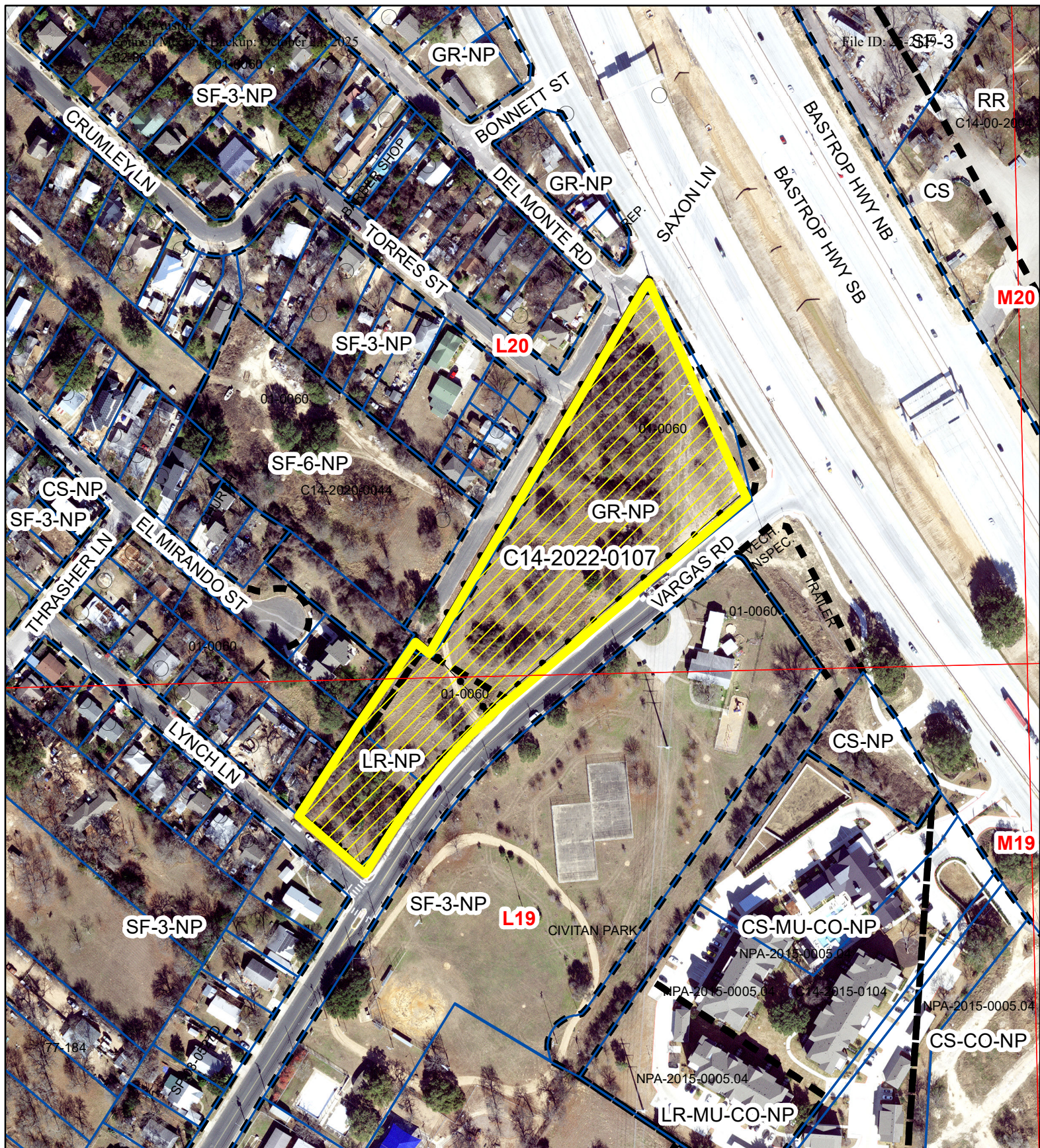
EXHIBIT A-1

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

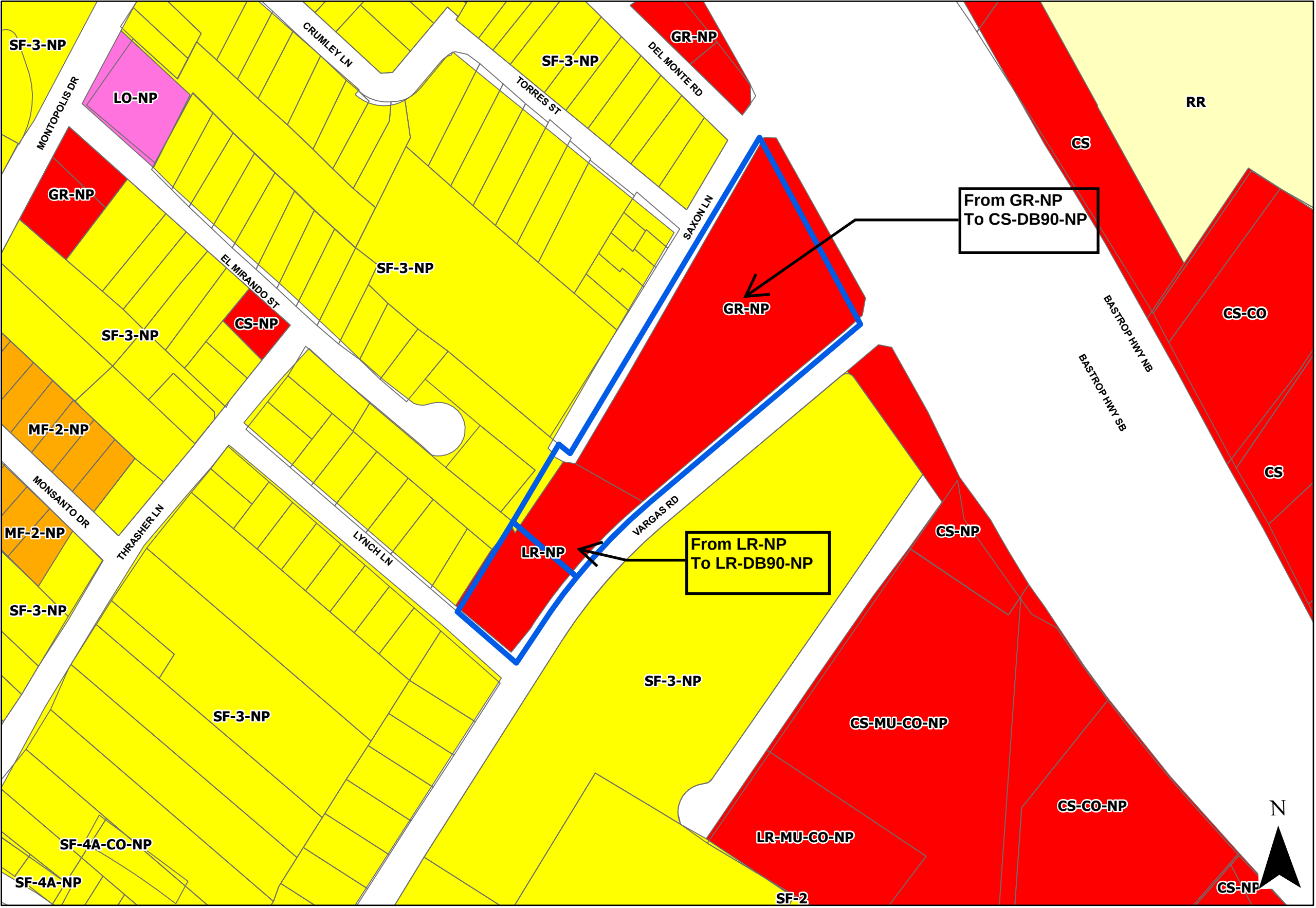


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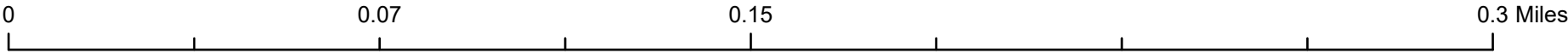
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1" = 200'

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



- 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





June 6, 2024

Ms. Lauren Middleton-Pratt, Director
Planning Department
City of Austin
1000 E. 11th Street
Austin, Texas 78702

RE: C14-2022-0107 - Vargas Mixed Use Rezoning –
DB90 Commercial Waiver

Dear Ms. Middleton-Pratt,

We respectfully request consideration to waive the requirements for ground floor commercial uses with this rezoning of the subject property. While the granting of this waiver does not eliminate potential ground floor commercial use, a granting of this waiver will provide the most flexibility to accommodate any recognized demand for commercial space at the time of development.

Pursuant to Section 25-2-652(F)(3)(2), the City is authorized to waive ground floor commercial requirements with the rezoning to include the DB90 Overlay along roadways that are designated as (i) Urban Roadway and (iii) Highway.

The subject property has frontage on three roadways / classifications –

US 183 Frontage Road – Highway

Saxon Lane – Urban Roadway

Vargas Road – Urban Roadway

Taking these roadways individually for the context along the roadway type with the area development and the justifications for the waiver request, we provide as follows:

US 183 Frontage Road – This is a mile-long, high-traffic, high-speed roadway with this section connecting Montopolis Drive with the Toll Road of US 183 / SH 71 / Ben White Blvd. There are not any traffic lights along this segment of frontage road and the only through street connecting US 183 to E. Riverside Drive is Vargas Road (which abuts the subject property). The US 183 Frontage Road does not have any pedestrian oriented uses today and the only commercial uses

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found along the roadway today are a small roofing company, a large self-storage, and a contractor yard. Other uses include apartments, a church, a school, a small day care, and a park. US 183 is a recent roadway redeveloped in Austin and was not planned well for future growth with assumptions for mixed-use development. Important to note is that no commercial uses are found at the intersection of Montopolis and US 183. This is a very busy intersection and is the prime node for commercial space and the market is clearly not demanding commercial space for this intersection at this time.



Our position is that this roadway ‘could’ support commercial uses in the future, but a requirement for ground-floor, pedestrian oriented uses are not conducive along a roadway that is high-traffic and high-speed with little connectivity. Therefore, we respectfully request consideration to not mandate ground-floor pedestrian oriented commercial space with this rezoning and allow for the building to organically include those uses at the time of development should the area find demand for such uses.

Saxon Lane – This very low traffic road is a dead-end street with only single-family homes today, though a small-yield multifamily development is planned across the street from the subject property. There are two roadways, Del Monte Street and Torres Street, that connect Saxon Lane to Montopolis Road, and both are narrow roadways with single-family homes. Torres Street has two sharp bends in the middle of the roadway segment that eliminate all visibility from Montopolis Drive. Del Monte Street intersects Saxon Lane very close to the intersection with US 183 due to the state acquisition of land creating a substandard traffic condition.



Our position is that Saxon Lane lacks the connectivity requirements to support ground-floor pedestrian oriented commercial space, the traffic along this roadway is very low, and the necessary visibility to attract these uses is non-existent. Therefore, we respectfully request consideration to not mandate ground-floor pedestrian oriented uses with this rezoning.

Vargas Road – This road is a neighborhood collector and is the only road that connects US 183 with Montopolis Road. Directly across Vargas Road from the subject property is a small day care and a city park. Next to the park is Allison Elementary School. Both sides of Vargas Road have single-family homes with the exception of two areas – 1) Closer to E. Riverside Drive are more dense apartments and an Idea School – all of which are proximate to the future Blue Line of Project Connect, 2) The intersection of Vargas Road and Felix Avenue is a node for very small, neighborhood oriented commercial spaces. The buildings are one-story, small in size and on small parcels. Most of these buildings are boarded up with no commercial activity. Most older neighborhoods were developed with these types of nodes interior to the neighborhood, and this is how pedestrian oriented uses should be planned – interior to the neighborhood with

neighborhood serving uses. However, it is clear that there is simply not enough economic viability for the uses to survive with most of the spaces having been vacant for many years.



Our position is that if pedestrian oriented commercial spaces were to be viable in the area, the intersection of Vargas Road and Felix Avenue is the prime spot for those commercial uses and that intersection should be maintained as an option for those types of uses to come back in the future. Therefore, we respectfully request consideration to not mandating ground-floor pedestrian oriented uses with this rezoning as a hope to bring back the much coveted, interior neighborhood serving commercial space which should be a priority.

South-West Corner



North-West Corner



North-East Corner



South-East Corner



For the reasons above with the context provided, we respectfully request that commercial space of any type should not be a requirement of this rezoning of the subject property. While a

development of the subject property could include commercial space, the market can better ascertain the need at the time of development. It is quite possible that some commercial space may be located on the ground floor, though it may not be pedestrian oriented commercial spaces due to the lack of connectivity, the high-speed traffic of the highway, and the hope that the interior commercial node may come back to life in the future.

Please let us know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "A. Ron Thrower".

A. Ron Thrower



March 29, 2024

Ms. Lauren Middleton-Pratt, Director
Planning Department
City of Austin
1000 E. 11th Street
Austin, Texas 78702

RE: C14-2022-0107 - Vargas Mixed Use Rezoning –
Application amendment for DB90 Overlay & Postponement Request

Dear Ms. Middleton-Pratt,

Pursuant to Ordinance 20240229-073, adopted by the Austin City Council on February 29, 2024, with an effective date of March 11, 2024, the City of Austin is directing additional housing development in areas of Austin where appropriate through the DB90 Overlay. Our position is that this project meets the requirements to receive the DB90 Overlay and therefore, on behalf of the Landowners, we respectfully amend the application to request the addition of the DB90 Overlay. More specifically, the amended request is follows:

Tract 1 – From GR-NP (existing) to CS-DB90-NP (requested)

Tract 2 – From LR-NP (existing) to LR-DB90-NP (requested)

Further, under Section 25-2-652(F)(3) within the DB90 Ordinance, there is a Mix of Uses requirement related to DB90 projects. While a mix of uses certainly makes for an active street, not all properties can have a mix of uses for varying reasons. Pursuant to Section 25-2-652(F)(3)(e), the rezoning to add DB90 can modify Section 25-2-652(F)(3)(b) that requires the Pedestrian Oriented uses along certain Principal Streets. In this case, the project is located on 2 Urban Roadways – Vargas Road and Lynch Lane, both of which are qualifying Principal Roadways to waive the requirement. The justification to waive the requirement is that these roadways are interior to a single-family zoned subdivision where the level of commercial activation envisioned with DB90 may not be appropriate or successful. However, the Hwy 183 frontage is appropriate and therefore, we are not requesting to waive the requirement from this frontage.

**P . O . B O X 4 1 9 5 7 , A U S T I N , T E X A S 7 8 7 0 4
1 5 0 7 I N G L E W O O D S T . , A U S T I N , T E X A S 7 8 7 4 1**

For all the reasons here, we submit the amended request to add the DB90 Overlay and respectfully request to waive the requirement for the mix of uses for the Vargas Road and Lynch Lane frontages. Further, we are also requesting an indefinite postponement of the rezoning case to allow Staff and Planning Commission to review the amended rezoning request.

Please let us know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "A. Ron Thrower".

A. Ron Thrower



July 26, 2022

Ms. Rosie Trulove
Housing & Planning Department
City of Austin
1000 E 11th 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

P.O. BOX 41957, AUSTIN, TEXAS 78704

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*)



MEMORANDUM

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)

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, 11th 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

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

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

Table 2 – Trip Distribution

Street	Traffic Distribution by Percent
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

Street	Existing Traffic (vpd)	Proposed New Site Traffic to Roadway	Overall Traffic	Percentage Increase in Traffic
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



April 15, 2025

Ms. Nancy Estrada
Ms. Maureen Meredith
Planning Department
City of Austin

RE: C14-2022-0107 & NPA-2022-0005.01 - Vargas Mixed Use

Dear Ms. Estrada and Ms. Meredith,

We are requesting an indefinite postponement of these cases from the May 8th, 2025, City Council agenda.

Sincerely,

A handwritten signature in black ink that reads "A. Ron Thrower". The signature is written in a cursive, flowing style.

A. Ron Thrower

P.O. BOX 41957, AUSTIN, TEXAS 78704
1507 INGLEWOOD ST., AUSTIN, TEXAS 78741



November 20, 2024

Ms. Nancy Estrada
Ms. Maureen Meredith
Planning Department
City of Austin

RE: C14-2022-0107 & NPA-2022-0005.01 - Vargas Mixed Use

Dear Ms. Estrada and Ms. Meredith,

We are requesting an indefinite postponement of these cases from the November 21, 2024, City Council agenda.

Sincerely,

A handwritten signature in black ink that reads "A. Ron Thrower". The signature is written in a cursive, flowing style.

A. Ron Thrower

P.O. BOX 41957, AUSTIN, TEXAS 78704
1507 INGLEWOOD ST., AUSTIN, TEXAS 78741

From: Victoria

Sent: Thursday, October 10, 2024 1:49 PM

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

Cc: Ron Thrower; Harden, Joi <Joi.Harden@austintexas.gov>; Thomas, Eric
<Eric.Thomas@austintexas.gov>; Hall, Victoria <Victoria.Hall@austintexas.gov>

Subject: RE: CC 10/10/24 / NPA-2022-0005.01 & C14-2022-0107 - Vargas Mixed Use

External Email - Exercise Caution

All, since the December 12th is beyond the 60day time window for postponing without having to renotece, we are amending our request to postpone the cases to the November 21, 2024 City Council hearing.

Please and thank you,

V

Victoria Haase



www.throwerdesign.com

512-476-4456 Office

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

From: Susana Almanza

Sent: Wednesday, July 17, 2024 10:25 AM

To: Estrada, Nancy <Nancy.Estrada@austintexas.gov>; Velasquez, Jose <Jose.Velasquez@austintexas.gov>; Middleton-Pratt, Lauren <Lauren.Middleton-Pratt@austintexas.gov>; Watson, Kirk <Kirk.Watson@austintexas.gov>; Coleman, Kellee <Kellee.Coleman@austintexas.gov>; Jasso, Amanda <Amanda.Jasso@austintexas.gov>

Cc: Jose Elias; Fred McGhee; Jonathan Davidson; Eric Paulus; Anita Villalobos; Monica Allen; YOLANDA N. PENA; Corazon Renteria; Israel Lopez corpezcontracting; Peter Simonite; Goddard Lisa; Barbara McArthur; Doug Becker; egomez

Subject: MNPCT Postponement Request C14-2022-0107 -400 Vargas Road

External Email - Exercise Caution

The Montopolis Neighborhood Plan Contact Team is requesting a **postponement for 400 Vargas Road (C14-2022-0107)**. This zoning case with the new designated zoning request of CS-DB90-NP and LR-DB90, has not been presented nor reviewed by the Montopolis Neighborhood Plan Contact Team.

The Austin City Council must abide by its rules in establishing neighborhood plan contact teams. Neighborhood Plan Contact Teams under the city's contact team process, have the right to review all neighborhood plan amendments and zoning cases for their neighborhood plan area. Lately certain developers/agents are side-stepping the process developed by the Austin City Council for neighborhood plan contact teams.

The Montopolis Neighborhood Plan Contact Team demands equity in the process involving our neighborhood plan contact team's right to review the above zoning case.

Again, we request a postponement for the above case.

Sincerely,
Susana Almanza, President Montopolis Neighborhood Plan Contact Team (MNPCT)

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PODER
P.O. Box 6237
Austin, TX 78762-6237
www.poderaustin.org

CAUTION: This is an EXTERNAL email. Please use caution when clicking links or opening attachments. If you believe this to be a malicious or phishing email, please report

From: Victoria

Sent: Tuesday, June 11, 2024 12:09 PM

Cc: Ron Thrower; Estrada, Nancy <Nancy.Estrada@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Harden, Joi <Joi.Harden@austintexas.gov>; Middleton-Pratt, Lauren <Lauren.Middleton-Pratt@austintexas.gov>; Velasquez, Jose <Jose.Velasquez@austintexas.gov>; Hall, Victoria <Victoria.Hall@austintexas.gov>; Valero, Jaelyn <Jaelyn.Valero@austintexas.gov>; Thomas, Eric <Eric.Thomas@austintexas.gov>

Subject: RE: Planning Commission Agenda - Vargas Mixed Use - #2, #3, #29

External Email - Exercise Caution

Correction, items #2 and #3 started in August of 2022.

We are not in agreement with postponing and would like the public hearing to take place this evening for items #2, #3 and # 29.

Thank you for giving attention and time on these challenging cases.

Victoria Haase
The logo for Thrower Design Land Planners features the name "Victoria Haase" in a simple font above "Thrower Design" in a stylized script, with "LAND PLANNERS" in a red box below.

www.throwerdesign.com

512-476-4456 Office

Mail: P.O. Box 41957

Austin, Texas 78704

From: Victoria

Sent: Tuesday, June 11, 2024 9:53 AM

Cc: Ron Thrower; Estrada, Nancy <Nancy.Estrada@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Harden, Joi <Joi.Harden@austintexas.gov>; Lauren.Middleton-Pratt@austintexas.gov; Jose Velasquez <jose.velasquez@austintexas.gov>; Hall, Victoria <Victoria.Hall@austintexas.gov>; Valero, Jaelyn <Jaelyn.Valero@austintexas.gov>

Subject: Planning Commission Agenda - Vargas Mixed Use - #2 & #3

Dear Commissioner,

This NPA and Re-zoning case have been in the works since August of 2024.

Thrower Design attended three separate meetings with the Neighborhood to which there has not been a change in the information shared or the Neighborhood's position.

Planning Commission approved CS-MU-CO-NP and LR-MU-CO-NP in April 2023.

We requested postponement at City Council to allow time to bring surety for affordable units. In April 2024 we modified the rezoning request to remove the -MU- overlay and replace it with the -DB90- overlay to get surety for affordable units instead of engaging in a private agreement for those units.

The only thing that has changed is the way that the affordable units are ensured.

The Montopolis Neighborhood Planning Contact Team is requesting postponement of this case on the basis that we have not met with them, yet we have met with them 3 times and have had email exchanges to confirm information.

There isn't anything that is changed from the information we have shared to date.

Below is a comprehensive, although not exhaustive, timeline for these two cases and interactions with the Neighborhood.

The Neighborhood Planning Contact Team is charged with reviewing and providing their input on changes to their Future Land Use Map (FLUM) and it is found that the NPCT is not in good standing with the City because they have not submitted their annual Officers and Membership information as required by Code. Further, the FLUM amendment request of "Mixed Use" remains the same from the original submittal of the application.

August 4, 2022 - NPA & Zoning application filed.

August 23, 2022 – Susana emails Ron to request our attendance at their NPCT on August 29th or September 26th.

September 8, 2022 – Maureen emails Susana and others that the City hosted NPCT meeting will be on September 19th.

September 19, 2022 – City Hosted NPA meeting (no-one from the NPCT attended)

September 28, 2022 – Susana emails Commissioners requesting a postponement of the case – even though the case was not set for hearing. Even so, Ron responds, in agreement to her request.

September 30, 2022 – I email Susana requesting the time and location of their meeting on October 24th.

October 6, 2022 – Susana responds with details, and I confirm that we will be in attendance on October 24th.

October 7, 2022 – Staff requests traffic data collection for an NTA.

October 24, 2022 – Traffic data submitted to City Staff

October 24, 2022 – Meeting NPCT at Montopolis Recreation Center.

December 7, 2022 – Follow up email to Susana regarding questions asked at the October 24th meeting.

January 10, 2022 – Staff postpones PC hearing due to NTA not complete.

January 24, 2023 – Staff postpones PC hearing due to NTA not complete.

February 28, 2023 – Staff postpones PC hearing due to NTA not complete.

March 1, 2023 – ATD produces the NTA report.

March 14, 2023 – Staff postpones PC hearing due to notification error.

March 20, 2023 – Susana emails requesting our "presentation for the development proposal."

March 22, 2023 – We respond that there isn't any new information to share.

March 28, 2023 – PC hearing – Neighborhood postponement. Thrower Design agrees.

April 11, 2023 – PC hearing – no-one from neighborhood attended. **PC approved CS-MU-CO-NP**

June 27, 2023 – Susana emails Staff that we never attended a NPCT meeting.

July 20, 2023 – City Council hearing – Applicant request postponement, followed by Susana also requesting postponement to September 14th.

August 27, 2023 – Susana emails at 5:30pm inviting us to the NPCT meeting the next day, August 28th.

August 28, 2023 – MNPCT meets but Thrower Design cannot attend at last-minute notice. Thrower Design emails Susana clarifying information for potential development of property to share with NPCT.

September 14, 2023 – City Council approves 1st reading of PC recommendation.

October 19, 2023 – City Council approves 2nd reading of PC recommendation.

October 30, 2023 – Thrower Design attends MNPCT meeting and D3 Staff are present.

November 30, 2023 – Thrower Design requests PP to work on a private agreement for affordable housing.

January 18, 2024 - Thrower Design requests PP to work on a private agreement for affordable housing.

February 29, 2024 - Thrower Design requests PP to work on a private agreement for affordable housing.

April 4, 2024 - Thrower Design requests indefinite PP allow for modification of application to request removal of MU overlay and addition of DB90 overlay.

Victoria Haase



www.throwerdesign.com

512-476-4456 Office

Mail: P.O. Box 41957

Austin, Texas 78704

From: Susana Almanza

Sent: Monday, June 10, 2024 1:05 PM

To: Victoria

Cc: Ron Thrower; Estrada, Nancy <Nancy.Estrada@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>; Ramirez, Nadia - BC <BC-Nadia.Ramirez@austintexas.gov>; Velasquez, Jose <Jose.Velasquez@austintexas.gov>; Hall, Victoria <Victoria.Hall@austintexas.gov>; Middleton-Pratt, Lauren <Lauren.Middleton-Pratt@austintexas.gov>

Subject: Re: Vargas Mixed Use

External Email - Exercise Caution

Hello Victoria- This is the first time we have heard about this new zoning request. It has never come before the MNPCT as CS-DB90. This a new zoning category request. The MNPCT requested a postponement to discuss this new zoning designation and what is your complete proposal for this tract.

On Mon, Jun 10, 2024 at 12:34 PM Victoria wrote:

Hello Susana,

We are aware that you have asked for a postponement of this case because the MNPCT has not had a chance to review the case.

Y'all have reviewed this case before. The request is the same except that the -MU- overlay has been replace by the -DB90- overlay which ensures income restricted/affordable units will be part of the development if it is to include residential use – something that the MNPCT desires. The previous request that included the -MU- overlay did not bring that level of assurance. Nothing else has changed about this site or request and therefore meeting again is not likely to result in productive discussion.

I am happy to speak by phone with you if you would like to discuss the DB90 overlay aspects. To help, the DB90 overlay ordinance is attached. Please call my cell phone below.

Thank you!

Victoria Haase

Thrower Design
LAND PLANNERS

www.throwerdesign.com

512-476-4456 Office

Mail: P.O. Box 41957

Austin, Texas 78704



March 29, 2024

Ms. Lauren Middleton-Pratt, Director
Planning Department
City of Austin
1000 E. 11th Street
Austin, Texas 78702

RE: C14-2022-0107 - Vargas Mixed Use Rezoning –
Application amendment for DB90 Overlay & Postponement Request

Dear Ms. Middleton-Pratt,

Pursuant to Ordinance 20240229-073, adopted by the Austin City Council on February 29, 2024, with an effective date of March 11, 2024, the City of Austin is directing additional housing development in areas of Austin where appropriate through the DB90 Overlay. Our position is that this project meets the requirements to receive the DB90 Overlay and therefore, on behalf of the Landowners, we respectfully amend the application to request the addition of the DB90 Overlay. More specifically, the amended request is follows:

Tract 1 – From GR-NP (existing) to CS-DB90-NP (requested)

Tract 2 – From LR-NP (existing) to LR-DB90-NP (requested)

Further, under Section 25-2-652(F)(3) within the DB90 Ordinance, there is a Mix of Uses requirement related to DB90 projects. While a mix of uses certainly makes for an active street, not all properties can have a mix of uses for varying reasons. Pursuant to Section 25-2-652(F)(3)(e), the rezoning to add DB90 can modify Section 25-2-652(F)(3)(b) that requires the Pedestrian Oriented uses along certain Principal Streets. In this case, the project is located on 2 Urban Roadways – Vargas Road and Lynch Lane, both of which are qualifying Principal Roadways to waive the requirement. The justification to waive the requirement is that these roadways are interior to a single-family zoned subdivision where the level of commercial activation envisioned with DB90 may not be appropriate or successful. However, the Hwy 183 frontage is appropriate and therefore, we are not requesting to waive the requirement from this frontage.

**P . O . B O X 4 1 9 5 7 , A U S T I N , T E X A S 7 8 7 0 4
1 5 0 7 I N G L E W O O D S T . , A U S T I N , T E X A S 7 8 7 4 1**

For all the reasons here, we submit the amended request to add the DB90 Overlay and respectfully request to waive the requirement for the mix of uses for the Vargas Road and Lynch Lane frontages. Further, we are also requesting an indefinite postponement of the rezoning case to allow Staff and Planning Commission to review the amended rezoning request.

Please let us know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "A. Ron Thrower".

A. Ron Thrower

From: Victoria
Sent: Tuesday, February 20, 2024 3:06 PM
To: Estrada, Nancy <Nancy.Estrada@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Cc: Harden, Joi <Joi.Harden@austintexas.gov>
Subject: RE: Vargas Mixed Use - NPA-202-0005.01 & C14-2022-0107

External Email - Exercise Caution

Hello Ladies,

We need more time and therefore are requesting a postponement of these cases from the February 29th meeting to the April 4th CC hearing date.

Please confirm receipt of this request.

Thank you,

V

Victoria Haase



www.throwerdesign.com

512-476-4456 Office

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

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 18th CC agenda to the February 29th 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

512-476-4456 Office

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

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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


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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


www.throwerdesign.com

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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 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.

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 Hearing: July 18, 2024, City Council

CARLOS PINTON

Your Name (please print)

☐ I am in favor
☒ I object

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

Carlos Pinton

Signature

08/26/2024
Date

Daytime Telephone (Optional):

Comments:

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

PUBLIC HEARING INFORMATION

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Case Number: C14-2022-0107
Contact: Nancy Estrada, 512-974-7617
Public Hearing: July 18, 2024, City Council

Marian Sanchez

Your Name (please print)

☐ I am in favor
☒ I object

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

Nancy Estrada

Signature

8-26-24

Date

Daytime Telephone (Optional): _____

Comments: _____

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

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Case Number: C14-2022-0107

Contact: Nancy Estrada, 512-974-7617

Public Hearing: May 28, 2024, Planning Commission

Marion Sanchez

Your Name (please print)

☐ I am in favor
☒ I object

405 & 401 Kemp Street

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

Marion Sanchez

Signature

May 25, 2024

Date

Daytime Telephone (Optional): 512-899-1010

Comments:

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

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Case Number: C14-2022-0107

Contact: Nancy Estrada, 512-974-7617

Public Hearing: July 18, 2024, City Council

Adrian Macias

Your Name (please print)

1406 Vargas RD.

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

Ann

Signature

8/20/2024

Date

☐ I am in favor
☒ I object

Daytime Telephone (Optional):

Comments:

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

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Case Number: C14-2022-0107

Contact: Nancy Estrada, 512-974-7617

Public Hearing: July 18, 2024, City Council

Pedro E Hernandez Jr.
Your Name (please print)

☐ I am in favor
☒ I object

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

Pedro E Hernandez Jr.
Signature

8/26/24
Date

Daytime Telephone (Optional):

Comments:

ND DB 901

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

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nancy.estrada@austintexas.gov

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Case Number: C14-2022-0107

Contact: Nancy Estrada, 512-974-7617

Public Hearing: July 18, 2024, City Council

Claudia Ortiz
Your Name (please print)

☐ I am in favor
☒ I object

508 Vargas Rd.
Your address(es) affected by this application (optional)

Cesar Ortiz
Signature

7/17/2024
Date

Daytime Telephone (Optional): (512) 586-1266

Comments:

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City of Austin, Planning Department
Nancy Estrada
P. O. Box 1088, Austin, TX 78767
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Case Number: C14-2022-0107

Contact: Nancy Estrada, 512-974-7617

Public Hearing: July 18, 2024, City Council

Criselda Valencia

Your Name (please print)

☐ I am in favor
☒ Object

524 Vargas Rd Austin TX 78741

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

Criselda Valencia

Signature

7-17-24

Date

Daytime Telephone (Optional):

Comments:

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

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 ***

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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

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

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

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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

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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 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

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City of Austin, Planning Department

Nancy Estrada

P. O. Box 1088, Austin, TX 78767

Or email to:

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.

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)

☐	A favor
☒	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