ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0070 / Brown-Valdez **P.C. DATE**: July 22, 2014

ADDRESS: 2309 Montopolis Drive & 6500 Carson Ridge **AREA:** 1.00 acre (approx.)

NEIGHBORHOOD PLAN AREA: Montopolis Neighborhood

OWNER: Simon Brown-Valdez and Ronaldo Brown-Valdez

APPLICANT: Simon Brown-Valdez and Ronaldo Brown-Valdez

ZONING FROM: SF-3-NP; Family Residence – Neighborhood Plan

ZONING TO: SF-5-NP; Urban Family Residence – Neighborhood Plan

SUMMARY STAFF RECOMMENDATION:
To grant SF-5-NP; Urban Family Residence – Neighborhood Plan, combining district zoning, with the condition that the following civic uses shall be prohibited by means of a conditional overlay: club or lodge, college and university facilities, communication service facilities, community events, community recreation (public and private), cultural services, day care services (all sizes), and primary and secondary education facilities (private and public).

PLANNING COMMISSION RECOMMENDATION:

July 22, 2014	Recommend to Grant Staff Recommendation (Motion: J. Nortey; Second: N. Zaragosa) 5-0 (Absent: D. Chimenti, R. Hatfield, A. Hernandez, B. Roark).
July 8, 2014	Postponed at the Request of the Montopolis Neighborhood Association and the Montopolis Neighborhood Plan Contact Team, with Applicant Consent (Consent Motion: S. Oliver; Second: J. Nortey) 8-0-1 (Absent: J. Stevens)
June 24, 2014	Postponed at the Request of the Applicant (Motion: B. Roark; Second: A. Hernandez) 5-0 (Absent: Nortey, S. Oliver, and J. Stevens).

STATUS OF PETITION:
On June 24, 2014 a petition was emailed to staff; original signatures were provided to staff on July 22, 2014 (see Exhibit P). The validity of the petition remains under review; as of July 30, 2014, the petition stands at 10.02%. Staff is awaiting documentation from the Carson Ridge Condominium Association regarding the petition they have provided. If the appropriate documentation is provided, the petition could stand at 23.09% and be considered valid.

DEPARTMENT COMMENTS:
This site is located on the east side of Montopolis Drive approximately 1500' south of Riverside Drive, just north of the Montopolis/Carson Ridge intersection (see Exhibits A). It is composed of 2 parcels, each of which has single-family residential uses. A stand of trees separates the existing residences, one of which takes access from Montopolis and the other to Carson Ridge by means of an existing driveway across an undeveloped lot.

Multifamily residential abuts the property to the north, while a series of duplex residential and undeveloped lots abut the property to the south. Larger lot single-family residential abuts the property on the east. Across Montopolis Drive, on a large tract zoned ERC (Neighborhood Mixed Use), signage indicates residential coming soon; an approved site plan (SP-2012-0413C) indicates 156 residential condominium units in a series of multistory buildings. Further north, at the southwest corner of Montopolis and Riverside, another apartment complex with 144 units, in a series of eight 3-story buildings, has been approved (SP-2007-0212C.SH).

The request is driven by the stated desire to redevelop the property with additional residential units. Located between multifamily to the north, and duplexes to the south, this redevelopment with additional housing is proposed as a textbook example of residential infill.

Correspondence from stakeholders, including a response from the applicant, has been attached (see Exhibit C).

ABUTTING STREETS & TRANSIT:

Street Name	ROW Width	Pavement Width	Classification	Bicycle Route/Plan	Bus	Sidewalks
Montopolis Drive	65 feet	50 feet	City Collector	Yes (Rte. 65) Shared Lane; Bike Lane Rec'd)	Yes (within ¼ mile)	Yes

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3-NP	Single-family residential
North	ERC (NMU)	Multi-family residential
East	SF-3-NP	Single-family residential
South	SF-3-NP	Condominium residential; undeveloped
West	ERC (NMU)	Undeveloped (multifamily residential approved)

TIA: Not Required
WATERSHED: Country Club East and Carson Creek (both Suburban)
DESIRED DEVELOPMENT ZONE: Yes
CAPITOL VIEW CORRIDOR: No **HILL COUNTRY ROADWAY:** No

NEIGHBORHOOD ASSOCIATIONS & COMMUNITY ORGANIZATIONS:

COMMUNITY REGISTRY NAME	COMMUNITY REGISTRY ID
Southeast Austin Neighborhood Alliance	189
Crossing Garden Home Owners Association	299
Austin Neighborhoods Council	511
Montopolis Area Neighborhood Alliance	634
Austin Independent School District	742
East Riverside/Oltorf Neighborhood Plan Contact Team	763
Del Valle Independent School District	774
Riverside Farms Road Neighborhood Assn.	934

PODER	972
Homeless Neighborhood Organization	1037
League of Bicycling Voters	1075
Carson Ridge Neighborhood Association	1145
Super Duper Neighborhood Objectors and Appealers Organization	1200
Austin Monorail Project	1224
Montopolis Neighborhood Plan Contact Team	1227
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Pleasant Valley	1255
Del Valle Community Coalition	1258
Montopolis Tributary Trail Association	1321
Montopolis Neighborhood Association	1339
Austin Heritage Tree Foundation	1340
Montopolis Neighborhood Association	1357
SEL Texas	1363
Montopolis Neighborhood Association – El Concilio	1394
Preservation Austin	1424
Friends of the Emma Barrientos MACC	1447

SCHOOLS:

Del Valle Independent School District:

Smith Elementary John P. Ojeda Middle School Del Valle High School

ZONING CASE HISTORIES FOR THIS TRACT:

This property has been within the full purpose city limits since at least December 1951. Other than the neighborhood plan combining district zoning added in 2001, there is no rezoning application on record.

ZONING CASE HISTORIES IN THE AREA:

In addition to individual rezonings listed below, the Montopolis Neighborhood Plan (C14-01-0060) was adopted September 2001, and appended existing zoning districts with the NP designation while changing the base district and appending on others. Properties on the west side of Montopolis Drive are covered with the Pleasant Valley Neighborhood Plan, adopted in November 2006 (C14-05-0113).

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
EAST of MONTOPOLIS (south to north)			
2800 Block Montopolis C14-00-2046	LI to MF-2	Recommended; 05/09/2000	Approved MF-2 on 1st Reading; Expired
2801 Montopolis C14-85-117	Interim SF-2 to LI, as amended	Denied CS;07/02/1985; Recommended LI	Approved; 02/27/1986 (RC limits certain

		w/conditions; 08/06/1985	uses; lists site dev. standards)
2801 Montopolis (portion) C14-2013-0141	LI-NP to P-NP	Recommended; 01/14/2014	Approved; 02/13/2014
Montopolis at Grove C14-86-108			
6503 Carson Ridge C14-2009-0092	CS-NP to GR-MU-CO-NP	Recommended; 10/13/2009	Approved; 01/28/2010 (CO limits to 1500 vtd)
6300-6503 Carson Ridge C14-85-287	SF-3 to CS	Dismissed; 11/17/1987	Dismissed; 12/3/1987
Carson Ridge at Thrasher C14-2011-0169; C14-79-074RCT; & C14-79-285RCT	LI-NP & CS-NP to LI-MU-NP & CS-MU-NP RC req'd PDA for industrial use; limited use to promotion, sales or lease of mobile or modular homes	Recommend CS-MU-NP; 02/28/2012 Recommend termination; 02/28/2012	Approved CS-MU-NP; 04/05/2012 Approved termination; 04/05/2012
Montopolis at Carson Ridge C14-2009-0092	CS-NP to CS-MU-NP	Recommended GR-MU-CO-NP; 10/13/2009	Approved GR-MU-CO-NP 01/28/2010 (CO limits to 1500 vtd; RC references NTA)
2209 Maxwell C14-2011-0158	SF-3-NP to SF-6-NP	Recommended; 01/24/2012	Approved; 03/22/2008 (RC provides ped access point)
2713-2517 Montopolis (approx.. 40 acres) C14-78-220	Interim "A" 1st H&A to "DL" Light Industrial 1st H&A		Approved; 04/05/1979
2201 Montopolis C14-00-2264	LO to MF-3	Recommended; 02/27/2001	Approved MF-3-CO; 03/29/2001 (CO limits to 312 units)
Montopolis and East Riverside C14-2012-0112	East Riverside Corridor Regulating Plan	Recommended; 10/23/2012	Approved; 05/09/2013
Riverside at Vargas & Thrasher C14-2013-0110	ERC (Neighborhood Residential to Corridor Mixed Use)	Indefinite Postponement; 04/22/2014	Indefinite Postponement; 05/15/2014
WEST of MONTOPOLIS (south to north)			
3004 Montopolis C14-00-2265	SF-2 to CS	Recommended GR-CO; 01/23/2001	Approved GR-CO; 03/01/2001(CO limits vtd to less than 2000)
3000 Montopolis	SF-2 to CS	Recommended;	Approved; 01/26/2006

C14-05-0111.06		01/10/2006	
2706 Montopolis (COA Substation) C14-90-0041	"MI" Major Industry to P	Recommended; 09/11/1990	Approved; 10/04/1990
2700 Montopolis (approx. 100 acres) C14-78-010	Interim "A" 1st H&A to "D" Industrial 1st and 3rd H&A	Recommended	Approved; 03/02/1978
Systems Control Center (COA) 2500 Montopolis C14-2009-0018	LI-NP to P-CO-NP	Recommended P-CO-NP; 09/22/2009	Approved P-CO-NP; 10/15/2009 (CO limits certain uses)
5901-6229 Riverside C14-01-0059 (SH)	46 acres: LI-PDA, SF-2, & SF-3 to GR-MU-CO; 3 acres: LI-PDA, SF-2 & SF-3 to RR	Recommended; 06/26/2001	Approved; 08/30/2001 (CO requires TIA compliance)
Montopolis and East Riverside C14-2012-0112	East Riverside Corridor Regulating Plan	Recommended; 10/23/2012	Approved; 05/09/2013

CITY COUNCIL DATE: Scheduled for public hearing on August 7, 2014

CITY COUNCIL ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Lee Heckman **PHONE:** 974-7604
e-mail address: lee.heckman@austintexas.gov

CC: 2014-08-07

SUMMARY STAFF RECOMMENDATION

BACKGROUND

The current base zoning is family residence (SF-3), which is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots or to new development of family housing on lots that are 5,750 square feet or more. A duplex use that is designated as an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics.

The proposed base zoning is Urban Family Residence (SF-5) district, which is intended for moderate density single-family residential use on a lot that is a minimum of 5,750 square feet. A duplex, two-family, townhouse, or condominium residential use is permitted in an SF-5 district under development standards that maintain single family neighborhood characteristics. An SF-5 district designation may be applied to a use in an existing family residential neighborhood in a centrally located area of the City. An SF-5 district may be used as a transition between a single family and multifamily residential use or to facilitate the implementation of City affordable housing programs.

BASIS FOR RECOMMENDATION

Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character; and

Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

This is another classic case of residential infill next to existing residential uses. The recommended zoning will allow additional residential uses on a property surrounded by residential uses. The surrounding residential is a mix of duplexes (to the south), multifamily (to the north), single-family (to the east), and future single-family style residential (to the west).

The proposed SF-5 zoning, when developed as condominiums, is limited to a maximum of 10 residential units. Given the configuration of this 1-acre property (narrow and long), open space, and space per unit requirements, it is unknown if this maximum number is feasible. Even if this number is achievable, resulting in a density of about 10 units per acre, it would be far less intense then the existing multifamily to the north (280 units at a density of 18.6 units per acre). This would be an appropriate transition to the 8 existing duplexes (subsequently joined in condominium regime) to the south (at a density of 8.93 units per acre), or the 10 potential duplexes (at a density of 9.2 units per acre).

SF-5 with its 10 unit maximum on this tract is also in line with the residential condominium approved for construction across Montopolis Drive, which is proposed to have 156 residential units (at a gross site density of approximately 9.2 units per acre). The tract for that condo project is bisected by Country Club East Creek, and because of associated setbacks, floodplain, and drainage easements on the property, the actual buildable acreage results in a net density that is significantly higher (at 15.1 units per acre). Lastly, SF-5 and its cap of 10 condo units provides a lower intensity transition, and a more appropriate one, to the existing single-family residential to the east than would a higher density SF-6 or multifamily zoning.

Further, as noted in the purpose statement above, SF-5 site development standards are such that they maintain single family neighborhood characteristics and may be used as a transition between a single family and multifamily residential use.

Zoning should satisfy a public need and not constitute a grant of special privilege to an individual owner;

Granting a request for zoning should result in an equal treatment of similarly situated properties; and

Granting of the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city.

These principles are related, if one considers the site in the context of the neighborhood, and the site in the context of a growing and redeveloping Austin. If Austin is to grow and evolve as a compact and connected city, as envisioned in the recently adopted Imagine Austin Comprehensive Plan (IACP), then residential infill that provides additional housing units is necessary. Indeed, one of the primary mechanisms for achieving compact growth will be development, or redevelopment, of tracts such as this.

That this tract is located on a roadway that may, in the future, have dedicated bike lanes furthers the connectivity goals of this recently adopted IACP. Bike lanes along Montopolis (Route 65) would parallel those anticipated on Grove (Route 63), and connect with several neighborhood east-west routes. Likewise, bus service at Montopolis and Riverside is a relatively short distance away.

If Austin is to develop a diversity of housing types and choices under the policy of creating complete communities that recognize diverse financial and lifestyle needs, then this type of residential infill is an appropriate addition in this and other neighborhoods. At the same time, the style of development allowed in SF-5 may further the IACP's goal of family-friendly communities in which existing neighborhood character is protected while providing diversity and options in both building style and price points.

In the broader city-wide context, SF-5 is a reasonable option for parcels developed or redeveloped as residential infill. As indicated in the purpose statement of the district, duplex, two-family, townhouse, or condominium residential use in the district follows development standards that maintain single family neighborhood characteristics. Since SF-5 zoning is considered appropriate for infill, it would be supported by staff for similarly situated properties elsewhere in the city, or even elsewhere in this neighborhood, all other things being equal.

Site-specific contextual variables will, of course, factor in to any staff recommendation. In the local context, the subject tract abuts already zoned and developed single-family, duplex, and multifamily residences. It should be noted that SF-5 zoning, if developed for condominium use - as is the proposal here - must be a minimum of 300 feet from other condo sites in an SF-5 zoning district. The same proximity requirement applies to townhouse use of an SF-5 site.

Granting SF-5 zoning to this subject tract hardly sets an undesirable precedent or inevitable pattern for other properties in this neighborhood. Spacing requirements, and the fact that an SF-5 tract is limited to 10 residential condo or townhouse units, ensures that there will be no domino effect. If granted, the zoning would result in treating this property the same as similarly-situated

tracts have been treated elsewhere in the City, would not set an undesirable precedent, and in fact, would serve the public need for additional housing and housing options.

Zoning should be consistent with an adopted study, the Future Land Use Map (FLUM) or an adopted neighborhood plan; and

The rezoning should be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission.

This property is covered by the adopted Montopolis Neighborhood Plan. That document's Future Land Use Map (FLUM) designates this property "single-family" residential. Unlike subsequent neighborhood plans, this 2001 neighborhood plan did not differentiate between density levels on single-family land use (e.g., higher-density single-family). As such, the proposed rezoning to SF-5 is consistent with the FLUM and a neighborhood plan amendment is not required.

It is further thought that the IACP, generally, and specifically as regards housing policies, would support this residential development. One of the overall goals of the Plan to is to achieve complete communities across Austin, where housing, services, retail, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another. The IACP notes that development will happen not just along corridors and centers, but in other areas within the city limits to serve neighborhood needs and create complete communities. Infill development can occur as redevelopment of obsolete office, retail, or residential sites or as new development on vacant land within largely developed areas.

This is such a site. In addition, the IACP depicts this area as near or within the boundaries of a Town Center. These centers are envisioned as offering a variety of housing types, including 3-story homes, duplexes, townhouses or row houses. While the final style and design of the condominiums is unknown at this time, the proposal is aligned with the diversity of housing types supported by the IACP.

In addition, the Montopolis Neighborhood Plan lists several objectives and action items related to residential development, redevelopment, and the preservation of existing residences. As relates to the current proposal, one objective cites the creation of multiple housing types of varied intensities. This objective was implemented with the Plan's inclusion of small lot amnesty, garage apartment, cottage lot, and urban home infill options. The objective itself follows from the goal of creating homes for all stages of life within Montopolis.

Detached residential condominiums, as are proposed for this SF-5 project, are not for everyone. But they do provide an alternative to those who wish to downsize, those who may no longer want the responsibility of yard and other household maintenance, or those who may be purchasing their first home. An SF-5 condominium project on this site would satisfy the goals and objectives of both the Imagine Austin and Montopolis Neighborhood Plans.

EXISTING SITE CHARACTERISTICS AND REVIEW COMMENTS

Site Characteristics

This site is located on the east side of Montopolis Drive approximately 1500' south of Riverside Drive, just north of the Montopolis/Carson Ridge intersection. It is composed of 2 parcels, each of which has residential uses. A stand of trees separates the existing residences, one of which takes access from Montopolis and the other to Carson Ridge by means of an existing driveway across an undeveloped lot.

Other than the stand of trees, which may or may not include protected trees, there are no known environmental constraints to redevelopment. The site slopes from east to west, with an average slope of approximately 7% (see Exhibit A-3). The eastern third of the site is within the Controlled Compatible Land Use Area of Austin-Bergstrom International Airport, but outside the Airport Overlay Zones; as such, redevelopment will likely not be impacted by regulations for land uses, height limits, or other hazard limitations.

PDRD Comprehensive Planning Review (05/07/2014) (KF)

This zoning case is located on the east side of Montopolis Drive and is situated on a lot that is approximately 1 acre in size and contains a house and other buildings. This project is located within the boundaries of the Montopolis Neighborhood Planning Area. Surrounding land uses includes a large sized apartment complex to the north, single family houses to the south and east, and vacant land to the west. The proposed use is a townhouse/condo project.

Montopolis Neighborhood Plan
The Montopolis Future Land Use Map classifies this portion of Montopolis Drive as single family. For all plans adopted prior to January 2002 (the Montopolis Plan was adopted in 2001), zones SF-5 and SF-6 are permitted in the "Single Family" land use designation. The following goal, objections and actions are taken from the Montopolis Plan.

Goal 2: Create Homes for all Stages of Life within Montopolis. (p 14)

Objective 4: Enhance and protect existing single family housing.

- **Action 12**: Preserve the existing Single Family uses and zoning in the older, established areas of Montopolis
- **Action 13**: Preserve residential zoning in the interior of East Montopolis to **allow for new homes to be built.**
- **Action 14**: Preserve Single Family zoning in the interior of South Montopolis.

Objective 5: Create **multiple housing types of varied intensities.**

Based on the goal, objectives and actions above, this project appears to be supported by the Montopolis Neighborhood Plan because it promotes new housing of varied intensities.

Imagine Austin
The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP) identifies this project as being partially within the boundaries of a **Town Center**. These centers will have a variety of housing types. The buildings found in a town center will range in

size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. The following policies are relevant to this case:

- **N P1.** Create complete neighborhoods across Austin that have **a mix of housing types** and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.
- **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.

Conclusion:
The Growth Concept Map, and policies found in both the Montopolis Neighborhood Plan and Imagine Austin supports a mix of housing types, and based on the above staff believes that this housing project promotes the Imagine Austin Comprehensive Plan.

PDRD Environmental Review (05/19/2014) MM)

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Country Club East and Carson Creek Watersheds of the Colorado River Basin, which are both classified as Suburban Watersheds by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

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

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

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

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

5. Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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

7. 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.

PDRD Site Plan Review (05/07/2014) (DG)

Site Plan Review of Zoning Application

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

2. Any new residential development will be subject to Residential Design and Compatibility Standards (Subchapter F).

3. Proposed development of condominium residential use under an SF-5 zoning district is not subject to compatibility requirements triggered by adjacent residential uses (Subchapter C, Article 10).

4. At least 3500 square feet of site area is required for each condominium.

5. If the sites are condominium with fewer than 10 units, open space requirements shall be in compliance with LDC 25-2-776.G (Private personal Open Space. If 10 or more units are developed, then open space requirements of Subchapter E, Section 2.7 (Private Common Open Space and Pedestrian Amenities) are applicable.

6. The proposed development is subject to Ordinance No. 010927-28 that established the Montopolis Neighborhood Plan combining district.

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

PDRD Transportation Review (05/07/2014) (BG)

1. No additional right-of-way is needed at this time.

2. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows: Montopolis.

3. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

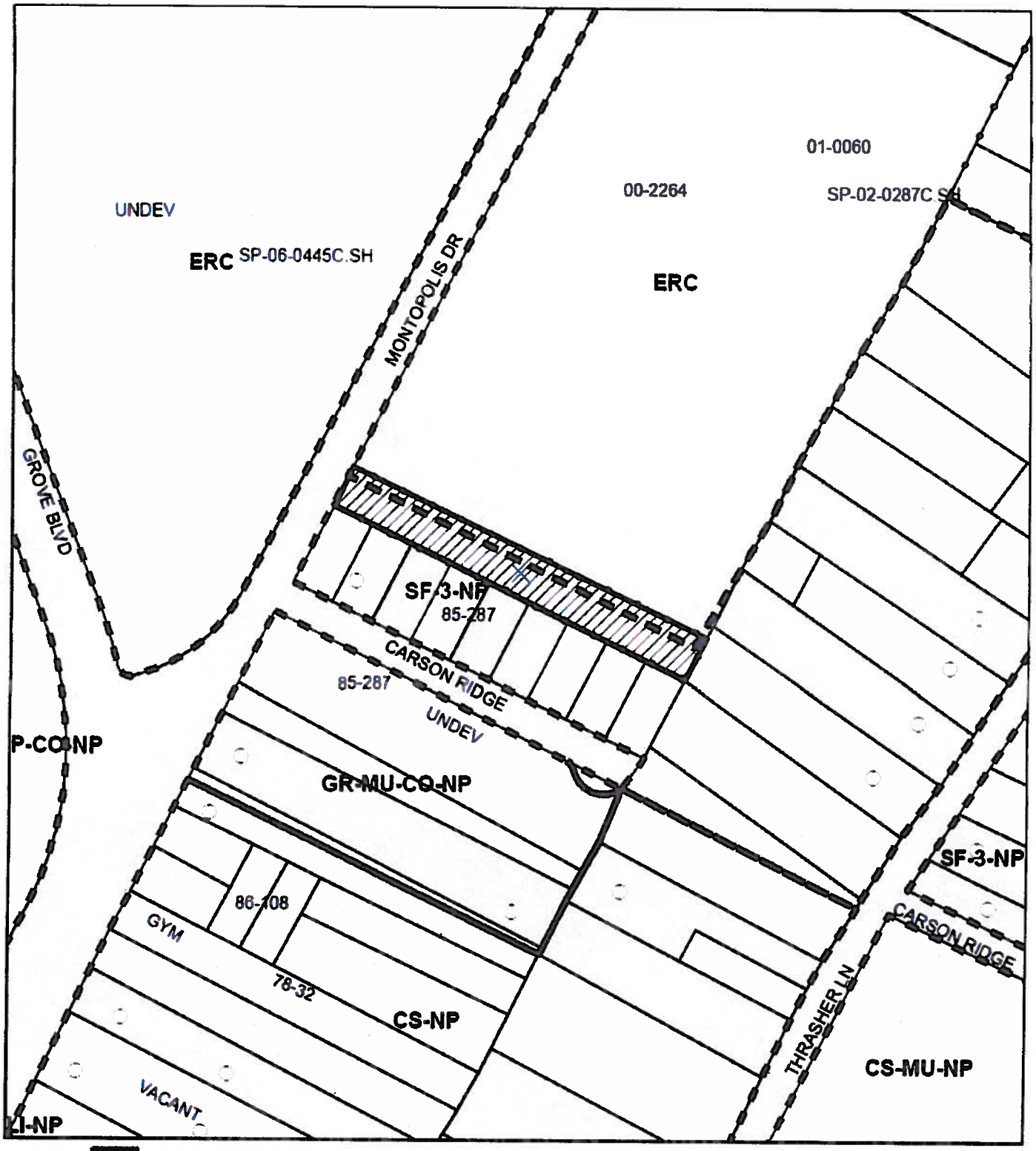
4. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Montopolis	65'	50'	City Collector	Yes	Yes	Yes within ¼ mile

5. The plan complies with all applicable transportation requirements.

Water Utility Review (05/07/2014) (NK)

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. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING CASE

C14-2014-0070

1 " = 200 '

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

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

CITY OF AUSTIN FOUNDED 1839

Exhibit A – Zoning Map

C14-2014-0070 / Brown-Valdez

Aerial: 2012-01

Exhibit A-1
Aerial & Zoning

Feet
0 100 200 400
N
1 inch = 200 feet

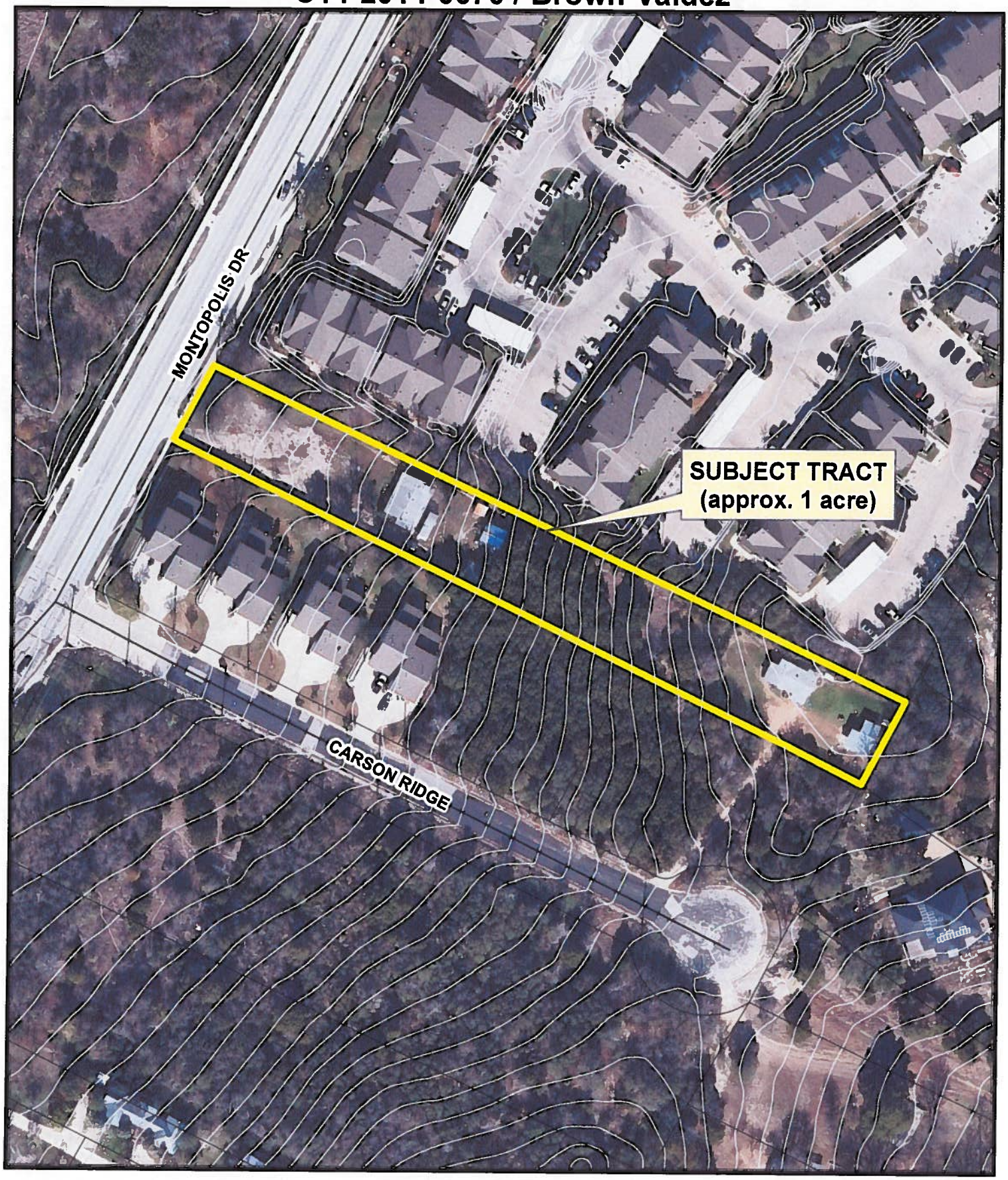
C14-2014-0070 / Brown-Valdez

Aerial: 2012-01

Exhibit A-2
Aerial & Zoning

Feet
0 50 100 200
1 inch = 100 feet
N

C14-2014-0070 / Brown-Valdez



Aerial: 2012-01

Exhibit A-3
Contours

Feet
0 50 100 200
1 inch = 100 feet
N

-----Original Message-----
From: Dr. Fred McGhee
Sent: Saturday, May 17, 2014 3:00 PM
To: Heckman, Lee
Subject: Zoning Case C14-2014-0070, 2309 Montopolis Drive and 6500 Carson Ridge

Dear Mr. Heckman,

The Carson Ridge NA does not support changing the zoning of 2309 Montopolis Drive and 6500 Carson Ridge from SF-3 to SF-6 and will oppose this request via a valid petition if necessary.

While we are generally supportive of development in our region of the Montopolis neighborhood, the area character that was established in 2004 when the City of Austin permitted the Lofts at Carson Ridge as one of the city's first Smart Housing developments is decidedly SF-3 and not SF-6. We can support the installation of duplexes similar to the Lofts at Carson Ridge; these would be in keeping with the area character and the desire our our membership, several of whom have families with small children.

Moreover, the infrastructure of this part of Montopolis can not yet accommodate development at a SF-6 level of intensity. There are lots further south along Montopolis Drive that are vacant that would be far better suited for SF-6 type development. We would support such development.

We would also like to inform the applicant that he should have chosen to work with our association before deciding to de-vegetate his lots. His operation caused impacts along Carson Ridge, environmental impacts, traffic impacts, and was disrespectful of present residents.

Lastly, the zoning case map we were sent shows that the area to the north of 2309 as "UNDEV." That area is not undeveloped; it is the current location of the Towne Vista Section 8 housing development.

Regards,

flm

President, Carson Ridge NA
Past President, Carson Ridge HOA
(512) 275-6027

Exhibit C - 1

-----Original Message-----
From: Brown Valdez
Sent: Wednesday, July 23, 2014 3:14 PM
To: Heckman, Lee
Subject: vegetation removal

Dear Mr Heckman,

I would like to clarify an issue raised at the July 23 Planning Commission meeting last night regarding our Zoning Request Case C14-2014-0070. In an email sent to you on May 17, Dr. McGhee stated that we "...should have chosen to work with (his) Association before deciding to de-vegetate (our) lots".

I would like to put on record that Dr. McGhee made a mistake and confused our property with our neighboring property. We have not removed any vegetation from our property. In fact, just like Dr McGhee, we are upset about the loss of trees on our neighbors property.

We have clarified this matter with Dr. McGhee during one of our phone conversations.

Thank you,

Simon Brown-Valdez

Exhibit C - 2

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

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: C14-2014-0070
Contact: Lee Heckman, 512-974-7604
Public Hearing: Jun 24, 2014, Planning Commission
Aug 7, 2014, City Council

JOE STAFFORD for Forehart Investments LLC
Your Name (please print)

☒ I am in favor
☐ I object

6502 CARLSON BLVD AUSTIN 78741
Your address(es) affected by this application

Signature

July 29, 2014
Date

Daytime Telephone: 512-751-7357

Comments: We are in support of the Rezoning To SF-5.

Thank You

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Exhibit C - 3

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.

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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: C14-2014-0070
Contact: Lee Heckman, 512-974-7604
Public Hearing: Jun 24, 2014, Planning Commission
Aug 7, 2014, City Council

JOE STAFFORD for Big Spring Properties LLC
Your Name (please print)

☒ I am in favor
☐ I object

6412 CARSON RD6 Austin TX 78741
Your address(es) affected by this application

Signature

July 29 2014
Date

Daytime Telephone: 512-751-7357

Comments: We Approve the Property Being Rezoned And Support the Rezone to SF-5. We would like to See New Construction that ADD Value to the AREA.

Thank you

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

Exhibit C - 4

-----Original Message-----

From: Fred McGhee
Sent: Tuesday, June 24, 2014 3:45 PM
To: Heckman, Lee
Cc: Jack Jeff; Nortey James; Anderson Dave; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Oliver, Stephen - BC; Roark, Brian - BC; Smith Myron; Lazarus, Howard
Subject: Valid Petition for case C14-2014-0070, 2309 Montopolis Drive & 6500 Carson Ridge

Dear Mr. Heckman,

The Carson Ridge NA and adjoining property owners object to the rezoning of this property via valid petition. Please see attached. Under normal circumstances I would be at tonight's meeting to present our case in person, but alas I am also a candidate for the Austin City Council and am unable to come to tonight's Planning Commission meeting. We have written to you about this case previously and hope that our previous opposition has been furnished to the Planning Commissioners.

Our reasoning is simple: the applicant can build the spec housing he wishes to construct under the existing SF-3 zoning. We would welcome development substantially similar to the lofts at Carson Ridge, one of the city's original SMART Housing projects. We have suggested this course of action to the applicant in two telephone conversations, but it appears that he wishes to offend his future neighbors instead.

We also wish to point out that our portion of the Montopolis neighborhood is generally receptive to additional residential development, despite the fact that we are surrounded by one of the highest concentrations of industrial and commercial zoning in Austin. So this is not a case of NIMBY-ism.

We respectfully request that you reject this zoning change,

flm

Exhibit P - 1

PETITION

Date: 6-17-14

File Number: C14-2014-0070

Address of
Rezoning Request: 2309 Montopolis + 6500 Carson Ridge

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-3.

(STATE REASONS FOR YOUR PROTEST)

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
	Fred McGhee	2316 Thrasher Ln.
	KAREN KOPECKI	Carson Ridge HOA
	Benito Ramirez + Juan + Mary	2312 Thrasher Ln.

Date: 6-17-14

Contact Name: Fred McGhee

Phone Number: (512) 275-6027

Exhibit P - 2

NOTICE OF PUBLIC HEARING FOR REZONING

Mailing Date: 06/10/2014 **Case Number: C14-2014-0070**

Este aviso le informa de una audiencia pública tratando de un cambio de zonificación dentro de una distancia de 500 pies de su propiedad. Si usted desea recibir información en español, por favor llame al (512) 974-7668.

The City of Austin has sent this letter to inform you that we have received an application for rezoning of a property. We are notifying you because City Ordinance requires that all property owners within 500 feet, residents who have a City utility account address within 500 feet, and registered environmental or neighborhood organizations whose declared boundaries are within 500 feet be notified when the City receives an application.

Project Location:	**2309 Montopolis Drive & 6500 Carson Ridge**
Owner:	**Simon & Ronaldo Brown-Valdez, (512) 983-1673**
Applicant:	**Simon & Ronaldo Brown-Valdez, (512) 983-1673**

Proposed Zoning Change:

From: SF-3 – Family Residence district is intended as an area for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. Duplex use is permitted under development standards which maintain single-family neighborhood characteristics. This district is appropriate for existing single-family neighborhoods having typically moderate sized lot patterns, as well as for development of additional family housing areas with minimum land requirements.

To: SF-5 – Urban Family Residence district is intended as an area predominately for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. In appropriate locations, limited two family, duplex, townhouse, and condominium residential use is permitted under standards which maintain single-family neighborhood characteristics. The SF-5 district is appropriate to facilitate the implementation of the city's adopted affordable housing programs.

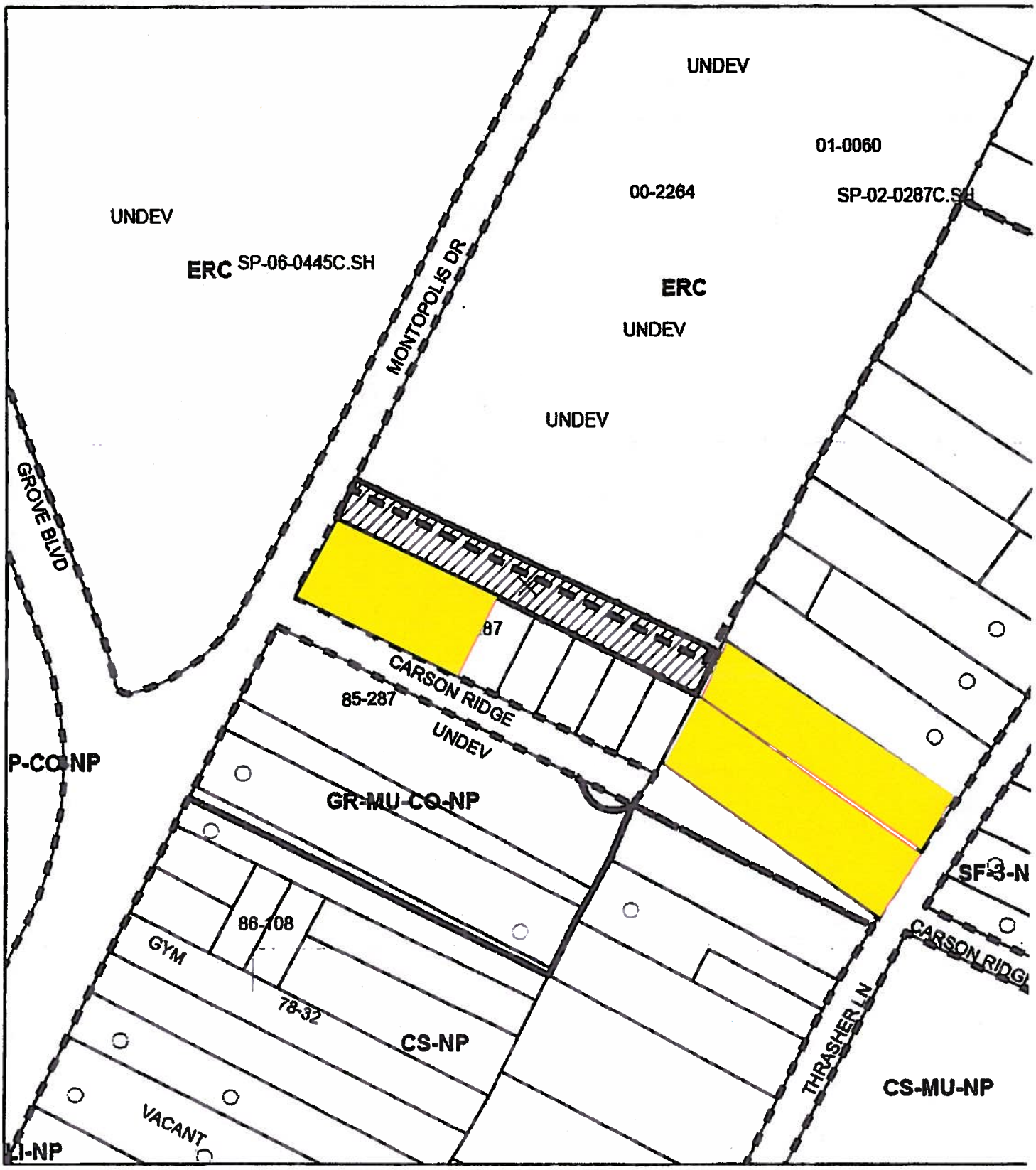
This application is scheduled to be heard by the **Planning Commission** on **Jun 24, 2014.** The meeting will be held at City Hall Council Chambers, 301 West 2nd Street beginning at **6:00 p.m.**

This application is scheduled to be heard by the **City Council** on **Aug 7, 2014** at the Commissioners Courtroom, Travis County Administration Building, 700 Lavaca Street, Austin, beginning at **2:00 p.m.**

You can find more information on this application by inserting the case number at the following Web site: https://www.ci.austin.tx.us/devreview/a_queryfolder_permits.jsp. **If you have any questions concerning the zoning change application please contact, Lee Heckman of the Planning and Development Review Department at 512-974-7604 or via email at lee.heckman@austintexas.gov and refer to the Case Number at the top right of this notice.** The case manager's office is located at One Texas Center, 5th Floor, 505 Barton Springs Road, Austin, Texas. You may examine the file at One Texas Center between the hours of 7:45 a.m. and 4:45 p.m., Monday through Friday.

For additional information on the City of Austin's land development process, please visit our web site at: **www.austintexas.gov/development.**

Exhibit P - 3



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

ZONING CASE

C14-2014-0070

1 " = 200 '

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CITY OF AUSTIN · FOUNDED 1839 ·

Exhibit P - 4


GROVE BLVD
MONTOPOLIS DR
CARSON RIDGE
THRASHER LANE
MAXWELL LN
725369
290508
290501
290503
290502
290539
290531
290504
572916
572917
572915
572914
290496
290510
290548
290512
290506
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290494
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291568

Exhibit P - 5

Carson Ridge HOA Resolution by the Board of Directors

The Board of Directors took action on June 17th to direct the President, Karen Kopecki, to sign a petition on behalf of the homeowners and the Board of Directors of Carson Ridge to oppose a change in the zoning of the property located at 2309 Montopolis and 6500 Carson Ridge from SF3 to SF5zoning. The case number is C14-2014-0070.

Board of Directors

_____ 7.21.2014

Karen Kopicki, President — Date

Carson Ridge Board of Director

_____ 7.21.14

Fred McGhee, PhD. — Date

Board Member, Carson Ridge HOA

Exhibit P - 6

PETITION

DATE: 7-14-14
FILE NUMBER: C14-2014-0070

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change in the Land Development Code which would rezone the property to any classification other than SF-3.

We do not feel that the condominium development the applicant proposes to construct is in keeping with the area character that has been established in this part of the Montopolis neighborhood. Moreover, the density the applicant wishes to build at is inappropriate for this very narrow and markedly sloped lot. We can support duplex development that is substantially similar to the existing Lofts at Carson Ridge, but not something more intensive.

Our neighborhood already lies adjacent to one of the highest concentrations of commercial and industrial zoned property in the city. We are raising our families in this environmentally sensitive part of Austin and would welcome more compatible residential development.

Any suggestion by staff that it would be appropriate to rezone the property in question to SF-5 since the Lofts at Carson Ridge were mistakenly kept as SF-3 property back in 2004 and 2005 is simply a pretext. While it is true that the developer of the property created a condominium regime in 2005 prior to selling the units to individual homeowners, the reality on the ground is as follows: the Lofts at Carson Ridge are duplexes.

Signature	Printed Name	Address
	Fred L. McGhee	2316 Thrasher Ln. + 6340 Carson Rdg.
Jean Mendez	Jean Mendez	2312 Thrasher Lane 78741
	KAREN KOPICKI	6304B CARSON RIDGE AUSTIN 78741

Date: 7-14-14

Contact Name: Fred L. McGhee
Contact Phone: (512) 275-6027

Exhibit P - 7

Case Number:

C14-2014-0070

PETITION

Date: 7/30/2014

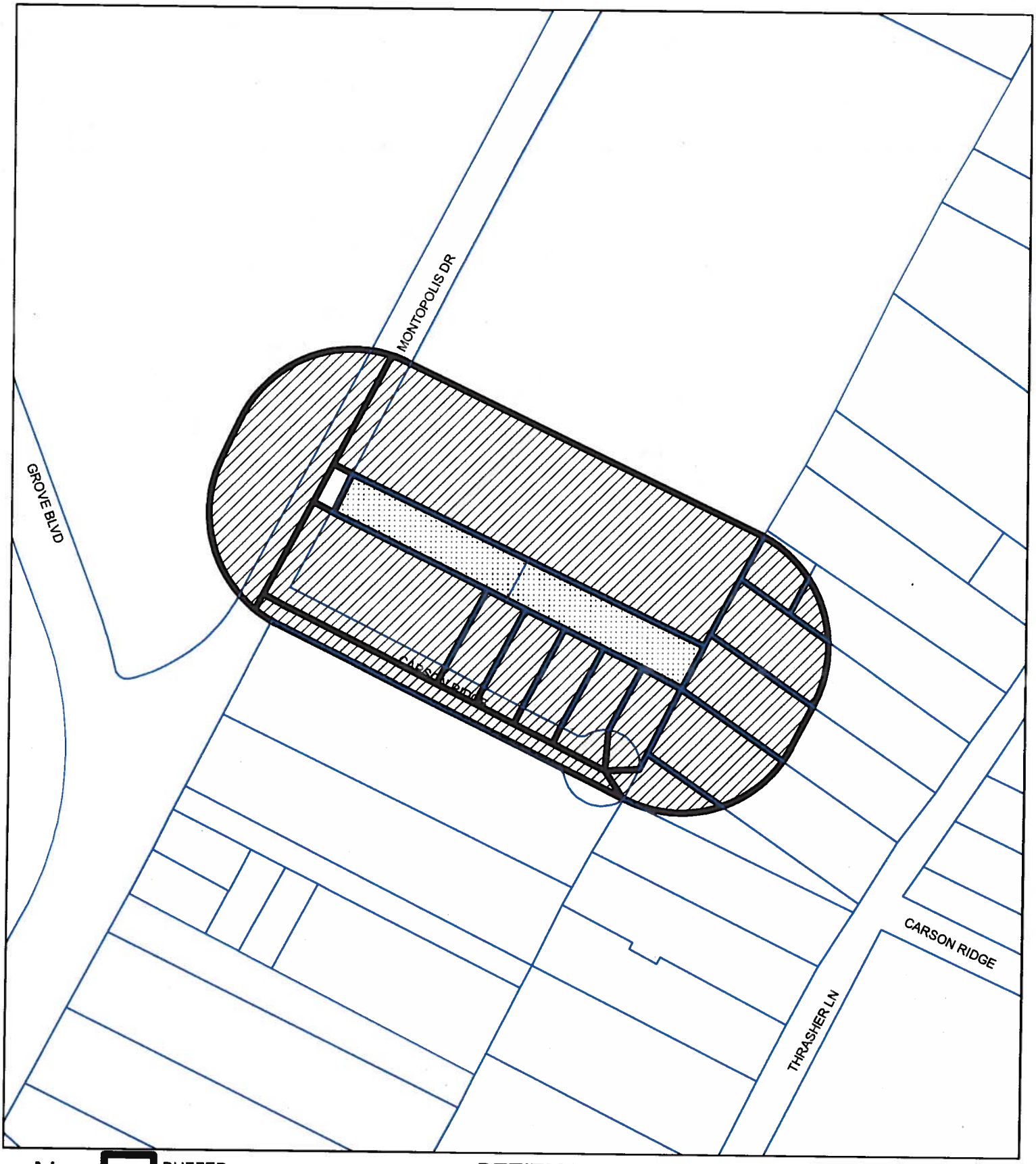
Total Square Footage of Buffer: 406124.2324

Percentage of Square Footage Owned by Petitioners Within Buffer: 10.02%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0310140401	**CARSON RIDGE - MULTIPLE**	**CARSON RIDGE CONDOMINIUM ASSOCIATION**	no	**53056.45**	**0.00%**
0310140106	6402 CARSON RDG 78741	GH ARC CARSON RIDGE LLC	no	11953.09	0.00%
0310140105	6404 CARSON RDG 78741	GH ARC CARSON RIDGE LLC	no	11995.61	0.00%
0310140104	6408 CARSON RDG 78741	BIG SPRING PROPERTIES LLC	no	12034.24	0.00%
0310140103	6412 CARSON RDG 78741	BIG SPRING PROPERTIES LLC	no	12807.68	0.00%
0310140102	6502 CARSON RDG 78741	BARLIN PETER E	no	11065.70	0.00%
0310140101	6503 CARSON RDG 78741	BARLIN PETER	no	18888.45	0.00%
0315111004	GROVE BLVD 78741	CONTINENTAL HOMES OF TEXAS LP	no	60035.97	0.00%
0310140155	2201 MONTOPOLIS DR	TOWN VISTA L P	no	132807.32	0.00%
0310140162	2304 THRASHER LN 78741	GONZALES FRANCES	no	7203.38	0.00%
0310140163	2304 THRASHER LN 78741	GONZALES FRANCES	no	2931.70	0.00%
0310140139	2306 THRASHER LN 78741	CASTRO PEDRO J % TRINIDAD CASTRO	no	19191.64	0.00%
0310140134	**2312 THRASHER LN 78741**	**RAMIREZ BENITO & JUAN & MARIA JUAN & MARIA MENDEZ**	**yes**	**19807.74**	**4.88%**
0310140150	**2316 THRASHER LN 78741**	**MCGHEE THERESIA**	**yes**	**20906.01**	**5.15%**
0310140169	2400 THRASHER LN 78741	ROMAN FRANCISCO J ONOFRE & CHRISTINA PINA DE ONOFRE	no	8943.86	0.00%
Total				**290716.06**	**10.02%**

Exhibit P - 8



N

BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

CASE#: C14-2014-0070

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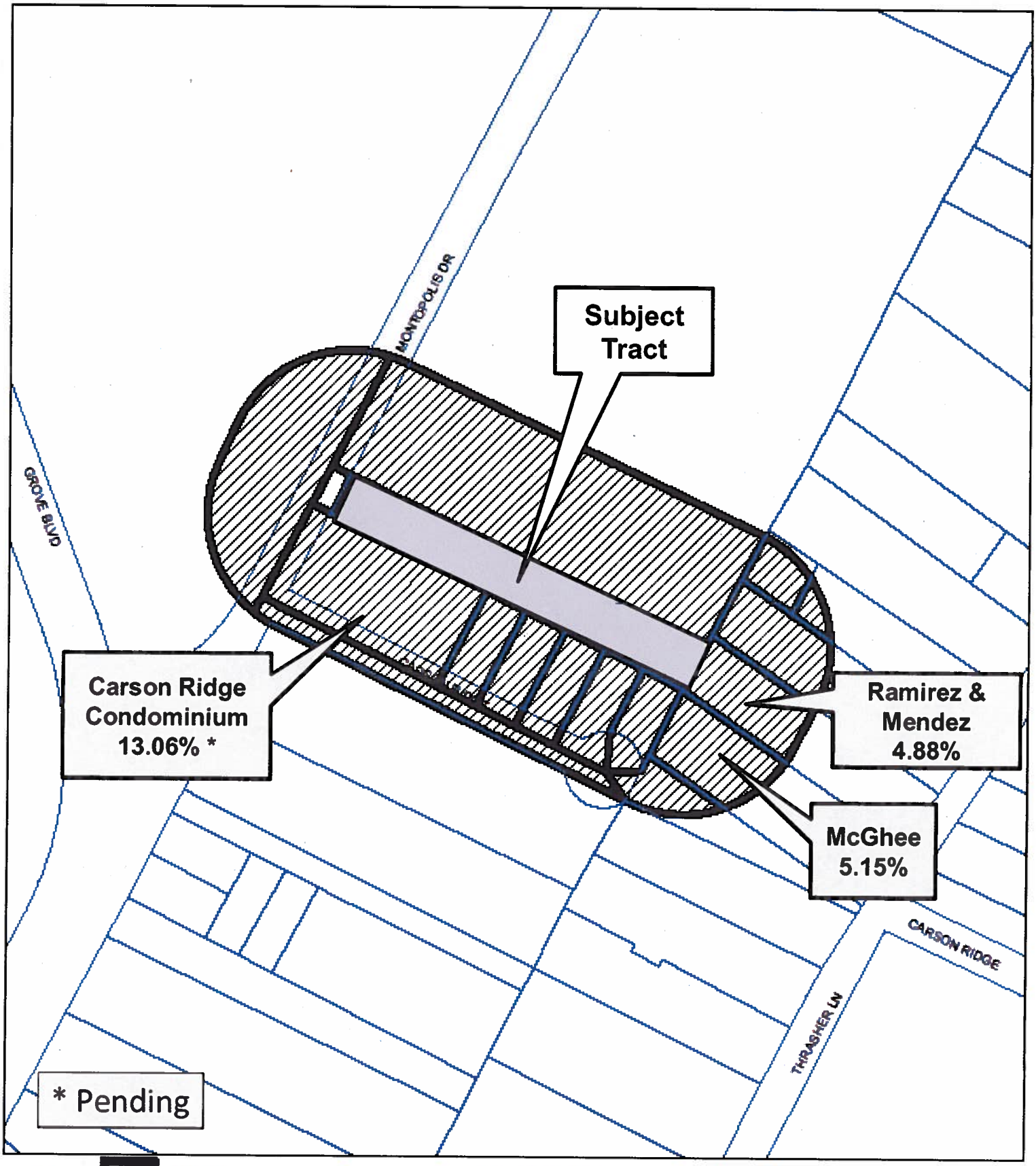
1 " = 200 '

Exhibit P - 9 - GIS Staff Map



N

BUFFER
PROPERTY_OWNER
SUBJECT_TRACT

PETITION

CASE#: C14-2014-0070

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Exhibit P - 10 – PDRD Annotated Map