

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: Montopolis

CASE#: NPA-2016-0005.04

DATE FILED: July 27, 2016 (In-cycle)

PROJECT NAME: 500 Montopolis Drive

PC DATES:

September 12, 2017

March 28, 2017

August 8, 2017

February 28, 2017

July 25, 2017

January 20, 2017

June 27, 2017

May 23 2017

ADDRESS: 500 Montopolis Drive

DISTRICT AREA: 3

SITE AREA: 2.0558 acres

OWNER/APPLICANT: Keep Investment Group, L.L.C.

AGENT: Drenner Group (Amanda Swor)

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Single Family

To: Mixed Use

Base District Zoning Change

Related Zoning Case: C14H-2017-0055

From: SF-3-NP

To: GR-MU-H-NP and GR-MU-NP

NEIGHBORHOOD PLAN ADOPTION DATE: Montopolis

PLANNING COMMISSION RECOMMENDATION:

September 12, 2017-

August 8, 2017 – Postponed to the September 12, 2017 hearing on the consent agenda at the request of staff. [N. Zaragoza – 1st; P. Seeger – 2nd] Vote: 10-0 [K. McGraw, J. Vela, and T. White absent. J. Schissler and F. Kazi recused from Item C-21].

July 25, 2017 – Postponed to the August 8, 2017 hearing on the consent agenda at the request of staff. [J. Shieh- 1st; P. Seeger – 2nd] Vote: 13-0

June 27, 2017 –Postponed to the July 25, 2017 hearing on the consent agenda at the request of staff. [J. Schissler – 1st; J. Shieh – 2nd] Vote: 7-0 [F. Kazi, A. De Hoyos Hart, P. Seeger, Jose Vela, T. White, and N. Zaragoza absent].

May 23 2017 – Postponed to the June 27, 2017 hearing on the consent agenda at the request of the Applicant. [P. Seeger – 1st; N. Zaragoza – 2nd] Vote: 8-0 [F. Kazi absent for consent agenda. A. De Hoyos Hart, J. Thompson, J. Schissler and T. White absent].

March 28, 2017- Postponed to the May 23, 2017 hearing on the consent agenda at the request of staff. [K. McGraw – 1st; P. Seeger – 2nd] Vote: 12-0 [Commissioner White absent].

February 28, 2017- Postponed to the March 28, 2017 hearing date on the consent agenda at the request of staff. [P. Seeger – 1st; A. De Hoyos Hart – 2nd] Vote: 11-0 [Commissioners J. Thompson and T. White absent].

January 20, 2017 – Postponed to the February 28, 2017 hearing date on the consent agenda at the request of staff. [N. Zaragoza – 1st; F. Kazi – 2nd] Vote:13-0.

STAFF RECOMMENDATION: Neighborhood Mixed Use

BASIS FOR STAFF’S RECOMMENDATION: Staff recommends the Neighborhood Mixed Use land use instead of the Mixed Use requested by the applicant because the Neighborhood Mixed Use land use is more compatible with the surrounding land uses. Across the street is commercial zoning with a church on the property zoned LO- Limited Office and undeveloped property zoning GR-Community Commercial.

The Montopolis Neighborhood plan recognizes that Montopolis Drive has a mix of commercial and residential zoning.

LAND USE

Goal 1: Improve the Quality of Life in Montopolis through Land Use and Zoning Decisions.

Objective 1: Support the role Montopolis Drive has historically played as the heart of the neighborhood, especially from Riverside Drive to the River.

Action 1: Preserve the existing mix of zoning along Montopolis Drive, which allows a for a variety of business and residential uses. (Please refer to the Proposed Future Land Use Map for the specific land uses and zoning)

LAND USE DESCRIPTIONS

EXISTING LAND USE ON THE PROPERTY

Single family - Detached or two family residential uses at typical urban and/or suburban densities

Purpose

- 1. Preserve the land use pattern and future viability of existing neighborhoods;
2. Encourage new infill development that continues existing neighborhood patterns of development; and
3. Protect residential neighborhoods from incompatible business or industry and the loss of existing housing.

Application

- 1. Existing single-family areas should generally be designated as single family to preserve established neighborhoods; and
2. May include small lot options (Cottage, Urban Home, Small Lot Single Family) and two-family residential options (Duplex, Secondary Apartment, Single Family Attached, Two-Family Residential) in areas considered appropriate for this type of infill development.

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PROPOSED LAND USE ON THE PROPERTY

Mixed Use - An area that is appropriate for a mix of residential and non-residential uses

Purpose

1. Encourage more retail and commercial services within walking distance of residents;
2. Allow live-work/flex space on existing commercially zoned land in the neighborhood;
3. Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic uses (with the exception of government offices) to encourage linking of trips;
4. Create viable development opportunities for underused center city sites;
5. Encourage the transition from non-residential to residential uses;
6. Provide flexibility in land use standards to anticipate changes in the marketplace;
7. Create additional opportunities for the development of residential uses and affordable housing; and
8. Provide on-street activity in commercial areas after 5 p.m. and built-in customers for local businesses.

Application

1. Allow mixed use development along major corridors and intersections;
2. Establish compatible mixed-use corridors along the neighborhood's edge
3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood Mixed Use Building, Neighborhood Urban Center, Mixed Use Combining District);

4. Mixed Use is generally not compatible with industrial development, however it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;
5. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating or maintaining a non-conforming use; and
6. Apply to areas where vertical mixed use development is encouraged such as Core Transit Corridors (CTC) and Future Core Transit Corridors.

Staff's Recommendation

Neighborhood Mixed Use - An area that is appropriate for a mix of neighborhood commercial (small-scale retail or offices, professional services, convenience retail, and shopfront retail that serve a market at a neighborhood scale) and small to medium-density residential uses.

Purpose

1. Accommodate mixed use development in areas appropriate for a mix of residential uses and neighborhood commercial uses that serve surrounding neighborhoods; and
2. Provide transition from residential use to high intensity commercial or mixed use.

Application

1. Appropriate for areas such as minor arterials and collectors, small parcels along major arterials that abut single-family residential development, and areas in environmentally sensitive zones where high intensity commercial uses are discouraged; and
2. May be used as a transition from high intensity commercial and residential uses to single-family residential uses.

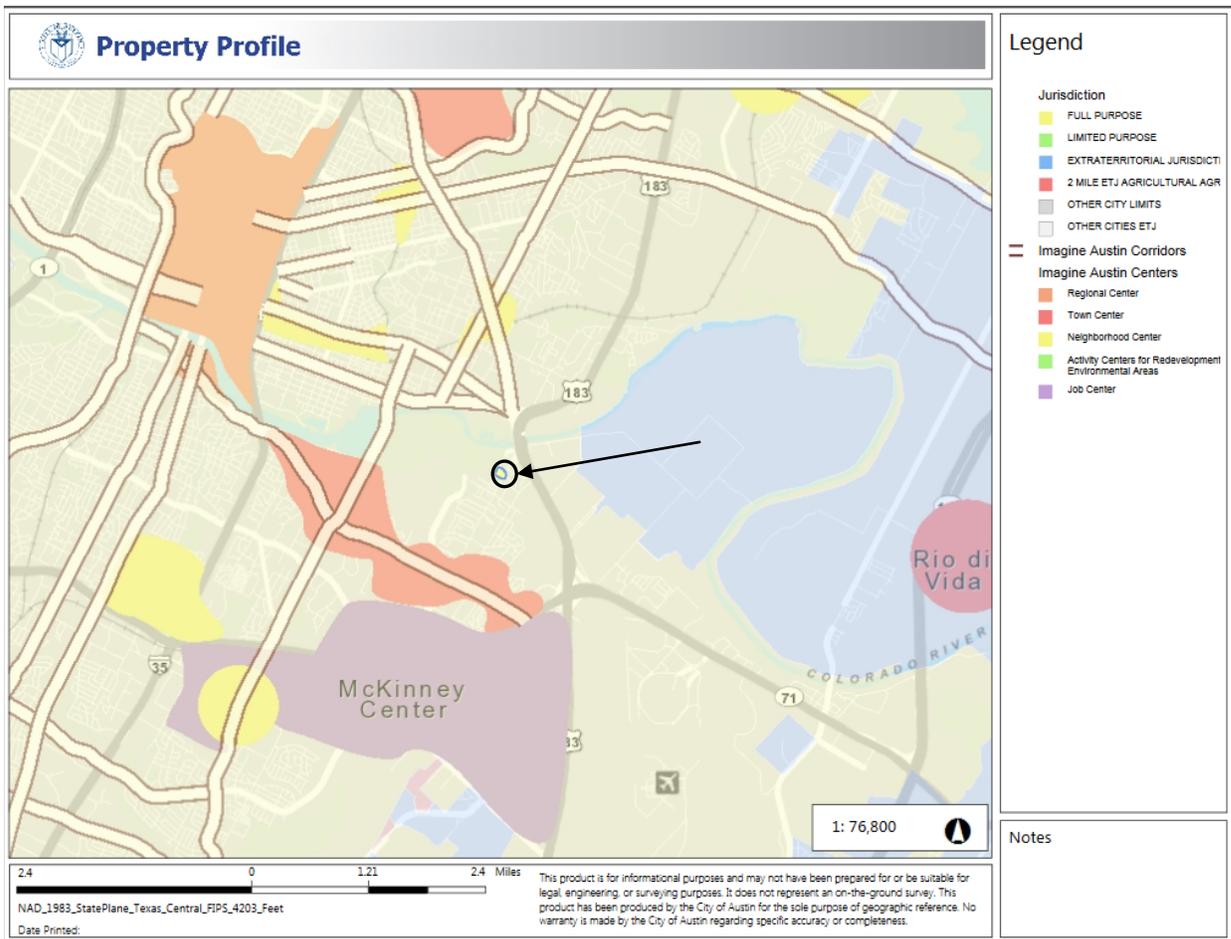
IMAGINE AUSTIN PLANNING PRINCIPLES

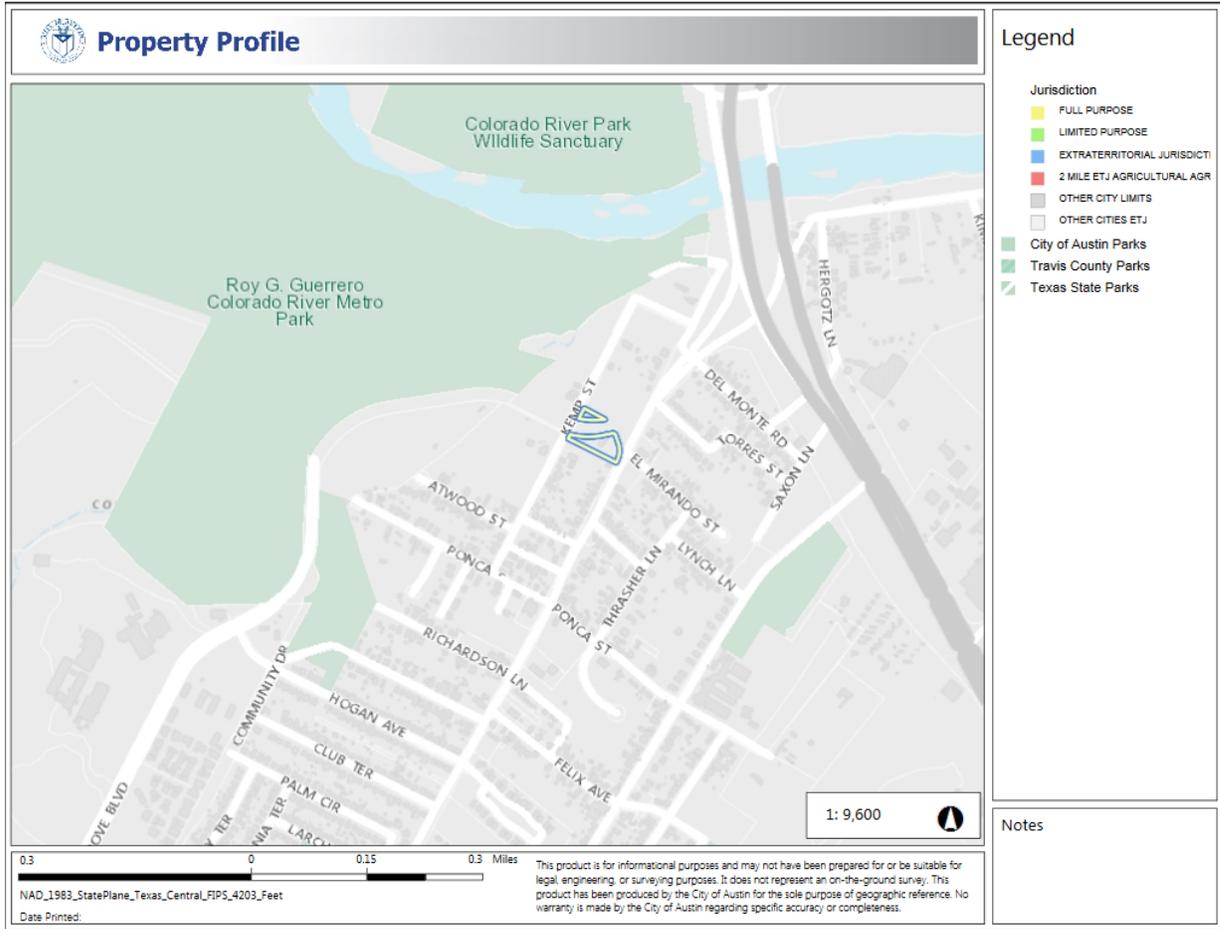
1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
 - ***The applicant proposes a development with a mix of commercial and residential uses. The property is approximately 1.2 miles north of a neighborhood center***

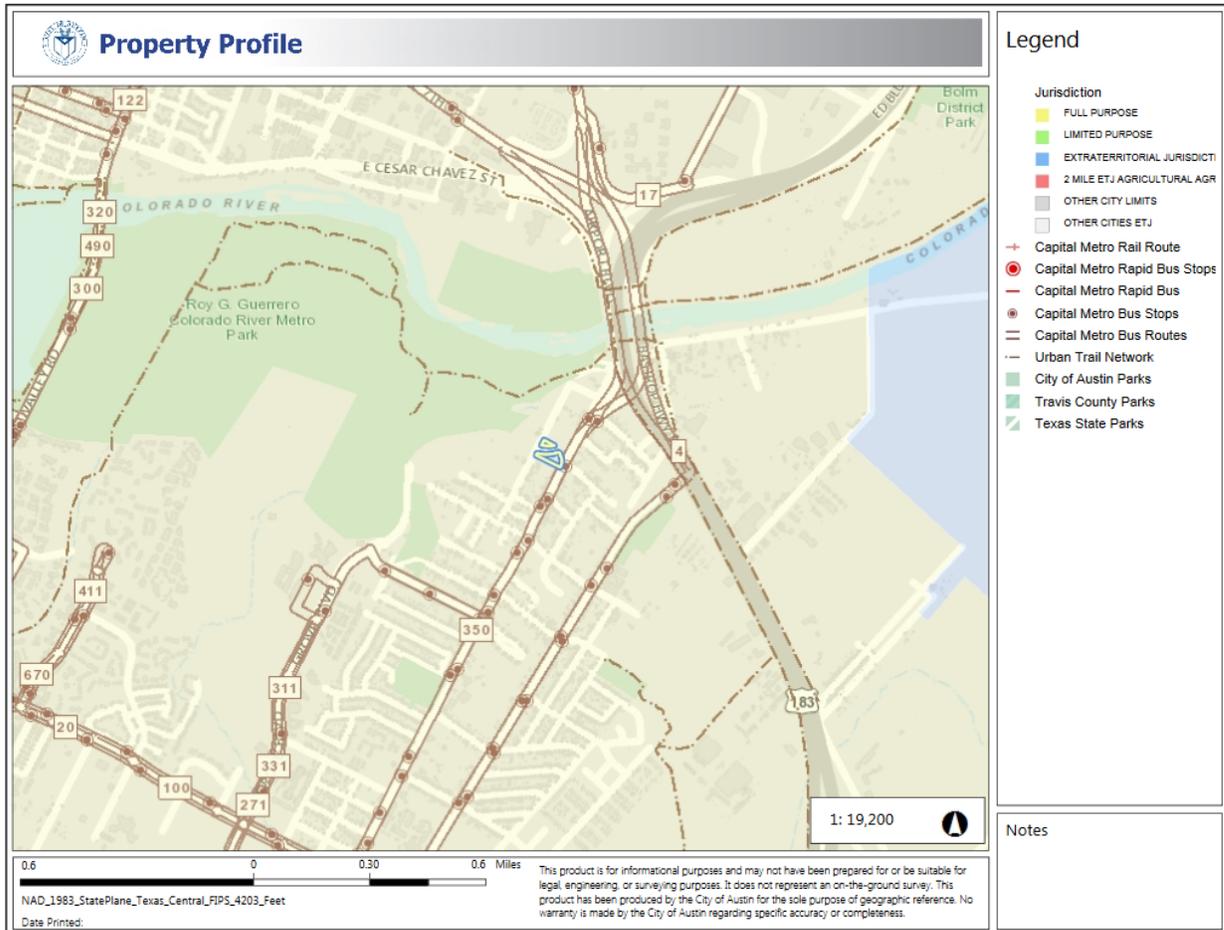
located along E. Riverside Drive. Montopolis Drive is not an Activity Corridor; however, there are bus routes within walking distance to the property and the property is within walking distance to small-scale commercial uses and near residential uses

2. Support 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.
 - *The property is approximately 1.2 miles north of a Town Center located on E. Riverside Drive. Montopolis Drive is not an Activity Corridor; however, there are multiple bus routes near the property and the property is within walking distance to small-scale commercial uses and near residential uses.*
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
 - *The property is located along Montopolis Drive, which is a busy north/south commercial corridor. The Neighborhood Mixed Use land use is an appropriate land use for this location and is compatible with the adjacent residential uses.*
4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
 - *The applicant proposes a mixed use development with residential unit, which could provide housing choices in the area and the City.*
5. Ensure harmonious transitions between adjacent land uses and development intensities.
 - *The property is located along Montopolis Drive, which is a busy north/south commercial corridor. The Neighborhood Mixed Use land use is an appropriate land use for this location and is compatible with the adjacent residential uses.*
6. Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.
 - *The property is not located in an environmentally sensitive area, but is within the Desired Development Zone.*
7. Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.
 - *Not applicable.*
8. Protect, preserve and promote historically and culturally significant areas.
 - *On the property is an historic building that is going through the process of getting the Historic designation.*
9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.

- *Not directly applicable.*
10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
- *Not directly applicable.*
11. Sustain and grow Austin’s live music, festivals, theater, film, digital media, and new creative art forms.
- *Not applicable.*
12. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.
- *Not applicable.*







IMAGINE AUSTIN GROWTH CONCEPT MAP

Definitions

Neighborhood Centers - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

Town Centers - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. 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. These centers will also be important hubs in the transit system.

Job Centers - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

Corridors - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

BACKGROUND: The application was filed on July 27, 2016 which is in-cycle for neighborhood planning areas located on the east side of I.H.-35.

The applicant proposes to change the future land use map from Single Family to Mixed Use for a mixed use development. When the application was filed in July 2016, no zoning case was filed. However, on April 24, 2017, the City of Austin, Planning and Zoning Department initiated a Historic Zoning case to preserve the Montopolis Negro School building which is

located on the property. For information on the zoning case, please see case report C14-2017-0055.

PUBLIC MEETINGS: The ordinance required community meeting was held on July 26, 2017. Approximately 200 meeting notices were mailed to people to live or own property within 500 feet of the property, in addition to neighborhood and environmental groups registered on the Community Registry who requested notification for the area. Approximately 75 people attended the meeting including four staff members.

Assistance Director Jerry Rusthoven provided the attendees a timeline of the both the neighborhood plan amendment and zoning change application starting with the dates the applications were filed and the various public hearing dates for the Planning Commission, Historic Landmark Commission and City Council dates the cases had been postponed from and the date the cases are proposed to postponed to.

Mr. Rusthoven described the proposed FLUM change from Single Family to Mixed Use land use said the owner proposes a zoning change from SF-3-NP to GR-MU-NP and GR-MU-H-NP for a small retail and office uses with a possible restaurant where the existing school building is located and possibly five homes on the property.

After his presentation, the following questions were asked:

Q. What is a “small” office?

A. We are still in discussions with the owner, but small would be in the range of 3,000 to 4,000 square feet of space. I don’t know how many stories the building would be at this time.

Q. So it sounds like the school will be restored for a commercial use but not an historic use?

A. Yes, we need to allow a use that will help pay for the restoration of the building. If the zoning is approved for the H- Historic designation it could be torn down. The owner has a demolition permit so he could tear it down, but he says he won’t. The City prefers for historic building stay where they are. The second choice would be to move it somewhere else on the property.

Q. Why was the demolition permit sought?

A. The owner didn’t know it was an historic building, but staff researched it and found it.

Q. Why doesn’t the city move the building to the part of the property that it owns and then use the building as a community use?

A. The best option is to leave the building where it is. The owner could decide to sell the building, but it’s up to City Council. It’s not something staff would decide. Old buildings are fragile and are difficult to move.

If the City agrees to vacate the right-of-way, he is obligated to pay fair market value. There is no proposal for a land swap on the sale of the ROW.

Q. Has an engineer been hired to determine if it can be moved?

A. No, and engineering has not been hired.

Q. The city could use the hotel tax to pay for this.

A. Possibly, but I'm not 100% sure.

Q. Why would the city sell public property?

A. The City owns the Grove ROW, but not the entire property. The Transportation Department decided they don't need the ROW anymore, but it's up to the City Council. The property would be difficult to develop otherwise.

Q. If they get the Mixed Use overlay, could they be building apartments?

A. Yes, but staff could recommend a conditional overlay to prohibit it.

Q. Has the City appraised the vacated ROW?

A. Yes, but I don't know the value.

Q. Will the Mixed Use increase the value of the entitlements?

A. This is a question for an appraiser, but the value is based on other factors, not just the zoning.

Q. I want to thank the City for filing the zoning application for the Historic designation. Does the City have historic value for black history?

A. Yes, we have five criteria. I'm not sure I can remember them all, but there is Architecture, Archeology, Historic Association, and Community Value.

Q. Where is the owner from?

A. I don't know.

Q. Why isn't this packet of information provided in Spanish?

A. We could have it translated. The zoning public hearing notice is in English and Spanish.

Q. Have you performed a cultural landscape beyond the historic research?

A. Steve Sadowsky performed the research on the property.

Q. This area has historic gentrification. The City is focusing on structures, not the community. The process flies in the face of social unity.

A. There are larger issues that can't be solved with one zoning case. Gentrification is beyond my abilities with this case. I'm trying to save the building.

Q. We moved here many years ago because of the strong black history. Saving the school building, even if it is with a commercial/office use, could be attractive to people who live here.

A. I'm sure many people who drive down the street may not know what that building is, but if it's restored there could be a plaque on the building that would let people know what it is.

Q. The City government hasn't been valuing the community. We need to hold developers accountable for what they do in communities.

A. We can't solve large issues such as gentrification issues today. Our job is to discuss this property.

Q. The current zoning allows a 40% impervious cover. The proposed GR zoning allows a 90% impervious cover. That's a big change.

A. Staff could negotiate a lower impervious cover or a lower zoning district. We would not recommend a 90% impervious cover.

Q. Can I be in the meeting when you meet with the owner to negotiate this?

A. Yes, contact Maureen or Heather. Other people can attend as well.

Q. Gentrification is the biggest threat to the community. You need to involve the voices of the people from the community. The City doesn't involve community members.

A. That's why we're here tonight.

Q. We need to sit in on the negotiation meeting so we can have input. We want to be involved in the process.

A. Staff generally makes a recommendation based on professional planning. This case is different. I can ask the property owner if you can go to the meeting. I want you to be part of the process. City Council has yet to decide. This is not a done deal.

Q. Could the City use Imminent Domain?

A. There are legal limitations and maybe a court battle. The City would have to prove a public use.

Q. When people buy property, is it unusual that people don't know what was there before?

A. Yes, that is not unusual.

Q. The City is losing their African American people. What is the role of staff in this decision?

A. We think it's an important part of the African American history and we want to preserve the building.

Q. How can we prevent this?

A. The Planning Department would like to do a more comprehensive historic survey like we did with East Austin, but the City Council did not approve this in the budget this time.

Q. Saving the building doesn't preserve the community's value.

A. The property owner needs to balance economic value of property so he can save the building.

Q. The City doesn't have to make his property valuable.

A. My concern is to save the building. It's private property and he has to be able to have money to save the building.

Q. What could he build under the current SF-3-NP zoning?

A. The applicant’s agent responded that he could build 11 single family homes.

Q. Is the city aware that there are slave houses on property within the City?

A. I would encourage you to contact the Historic Office so staff can research this.

Comments:

- We don’t want the school used for a commercial use.
- The owner said he won’t use the demolition permit, but he has one to use as long as we work with him. I working with him and doing everything I can to preserve the building.
- The structure hasn’t been used in 35 years. People shouldn’t come in here and turn our community into LA and raise our taxes.
- We’ve been burned many times. People have said stuff to us and didn’t do it. City should’ve known better. We appreciate that you’re here to listen to us.

CITY COUNCIL DATE:

August 31, 2017

ACTION: Postponed to September 28, 2017 at the request of staff.

CASE MANAGER: Maureen Meredith

PHONE: (512) 974-2695

EMAIL: maureen.meredith@austintexas.gov

Applicant's Summary Letter

Amanda Swor
direct dial: (512) 807-2904
aswor@drennergroupp.com

DRENNER
GROUP

July 27, 2016

Mr. Greg Guernsey
Planning and Zoning Department
City of Austin
505 Barton Springs Road
Austin, TX 78704

Via Hand Delivery

Re: 500 Montopolis Drive– Neighborhood Plan Amendment application for the 1.3198 acre piece of property located at 500 Montopolis Drive in Austin, Travis County, Texas (the “Property”)

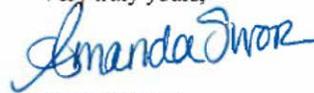
Dear Mr. Guernsey:

As representatives of the owner of the above stated Property, we respectfully submit the enclosed neighborhood plan amendment application package. The project is titled 500 Montopolis Drive, consists of 1.3198 acres, and is located on the west side of Montopolis Drive across from the intersection of El Mirando Street. The Property is currently owned by KEEP Investment Group, LLC and is designated as single family on the Montopolis Future Land Use Map. This request is to change the designation of the Property from Single Family to Mixed Use on the Montopolis Future Land Use Map to allow for future development of the property. This amendment supports the Montopolis Neighborhood Plan’s call for a mix of uses.

The Property is located in the Full Purpose Jurisdiction of the City of Austin. A rezoning application will be submitted to run concurrently with this neighborhood plan amendment.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,



Amanda Swor
Drenner Group

cc: Jerry Rusthoven, Planning and Development Review Department (*via electronic delivery*)
Andrew Moore, Planning and Development Review Department (*via electronic delivery*)
Austin Stowell, KEEP Investment Group (*via electronic delivery*)

200 Lee Barton Drive, Suite 100 | Austin, Texas 78704 | 512-807-2900 | www.drennergroupp.com

Letter of Recommendation from the Montopolis NPCT

To: Maureen Meredith, Planning & Zoning Department
From: Montopolis Neighborhood Plan Contact Team, Susana Almanza-President
Date: July 25th, 2017
Subject: Deny Zoning Change and NPA for 500 Montopolis Drive – C14H-2017-0055 & NPA-2016-0005.04

The Montopolis Neighborhood Contact Team request that the above zoning case and Neighborhood Plan Amendment for the property at 500 Montopolis Drive be denied.

The Montopolis Neighborhood Plan has zoned this property SF-3 since its inception. The property is also one of the most important African-American historic sites in the city. The Montopolis Negro School, is an important artifact of segregated education in Austin and Travis County. The school functioned not only as a place for education, but also as a social and cultural center for the community, especially in rural Montopolis, where opportunities for socialization were limited due to distances between houses, and the constant burdens of work.

GR-MU-H-NP zoning at this location is not appropriate nor compatible with the Montopolis neighborhood community's vision for what this property could be and should be.

The 1.8-acre property at 500 Montopolis Drive, site of the historic Negro School, should be designated as a historic area and established as a community park and museum dedicated to the Montopolis area's role in local African American history. City should commit resources to return this whole parcel to the community.

Susana Almanza, President, MNPCT

Monica Allen, Secretary-Executive Member MNPCT
Montopolis Neighborhood Association

Pedro Hernandez, Out Reach Coordinator-Executive Member MNPCT
Montopolis Little League Director

Frank Monreal, Executive Member MNPCT
Bonnett Neighborhood Association

Millie Muniz, Executive Business Member MNPCT
Muniz Independent Insurance

Anita Villalobos, Executive Member MNPCT
Larch Terrace Neighborhood Association

Corazon Renteria, Executive Member MNPCT
Vargas Neighborhood Association

Fred McGhee, Executive Member MNPCT
Carson Ridge Neighborhood Association

Raymond Lopez, Member MNPCT
Sadie Lopez, Member MNPCT

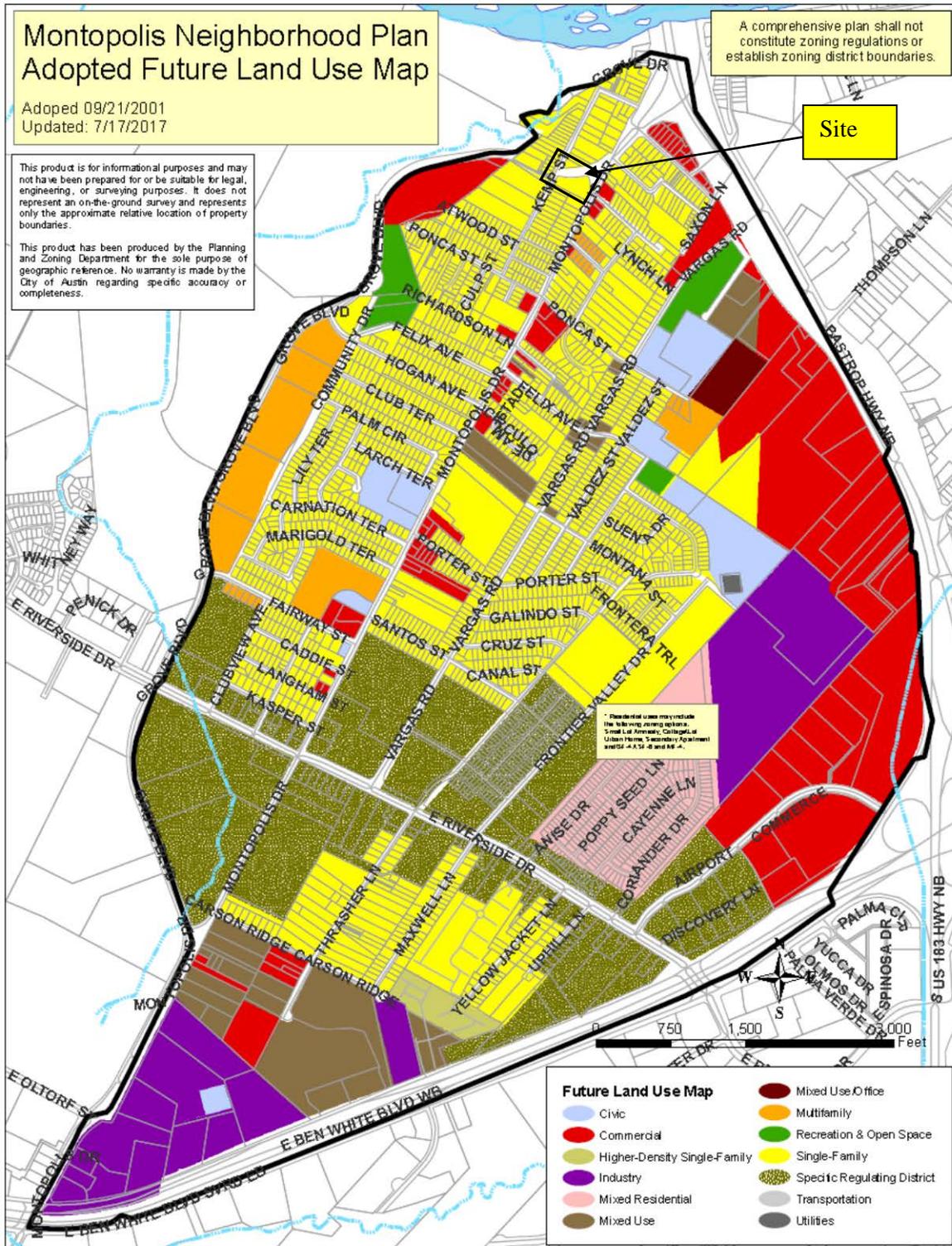
Georgia Steen, Member MNPCT
Tasha Banks, Member MNPCT

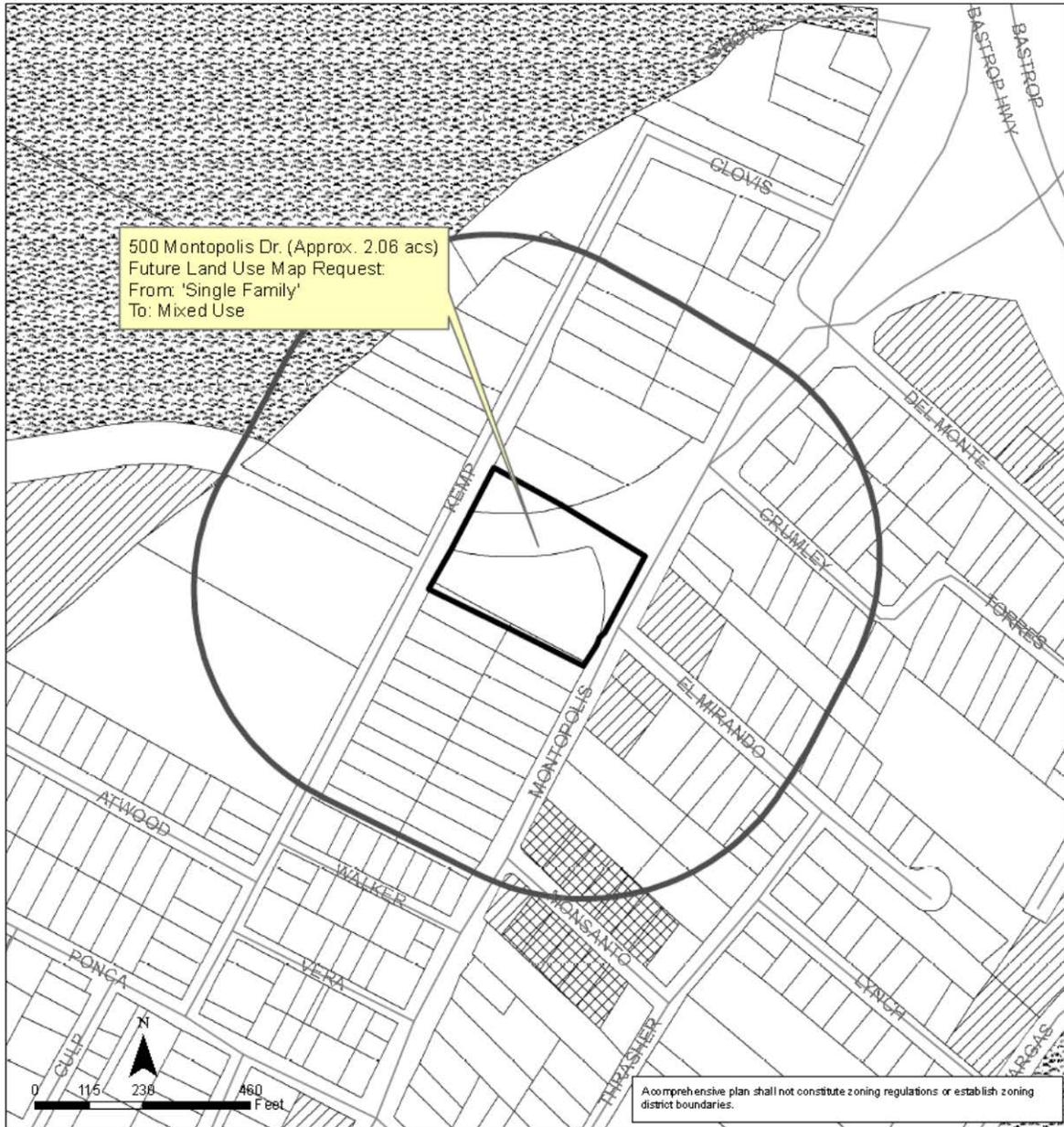
Rosa Ellison, Member MNPCT
Town Villa Apartments

Tasha Banks, Member MNPCT
Southwest Key Program

Christino Herrera
Austin Community College Student

Dave Cortez, Member MNPCT
Sierra Clu



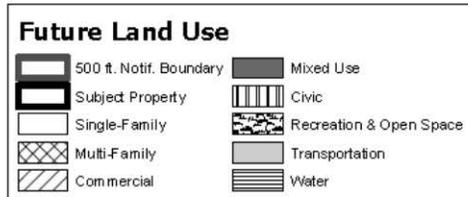


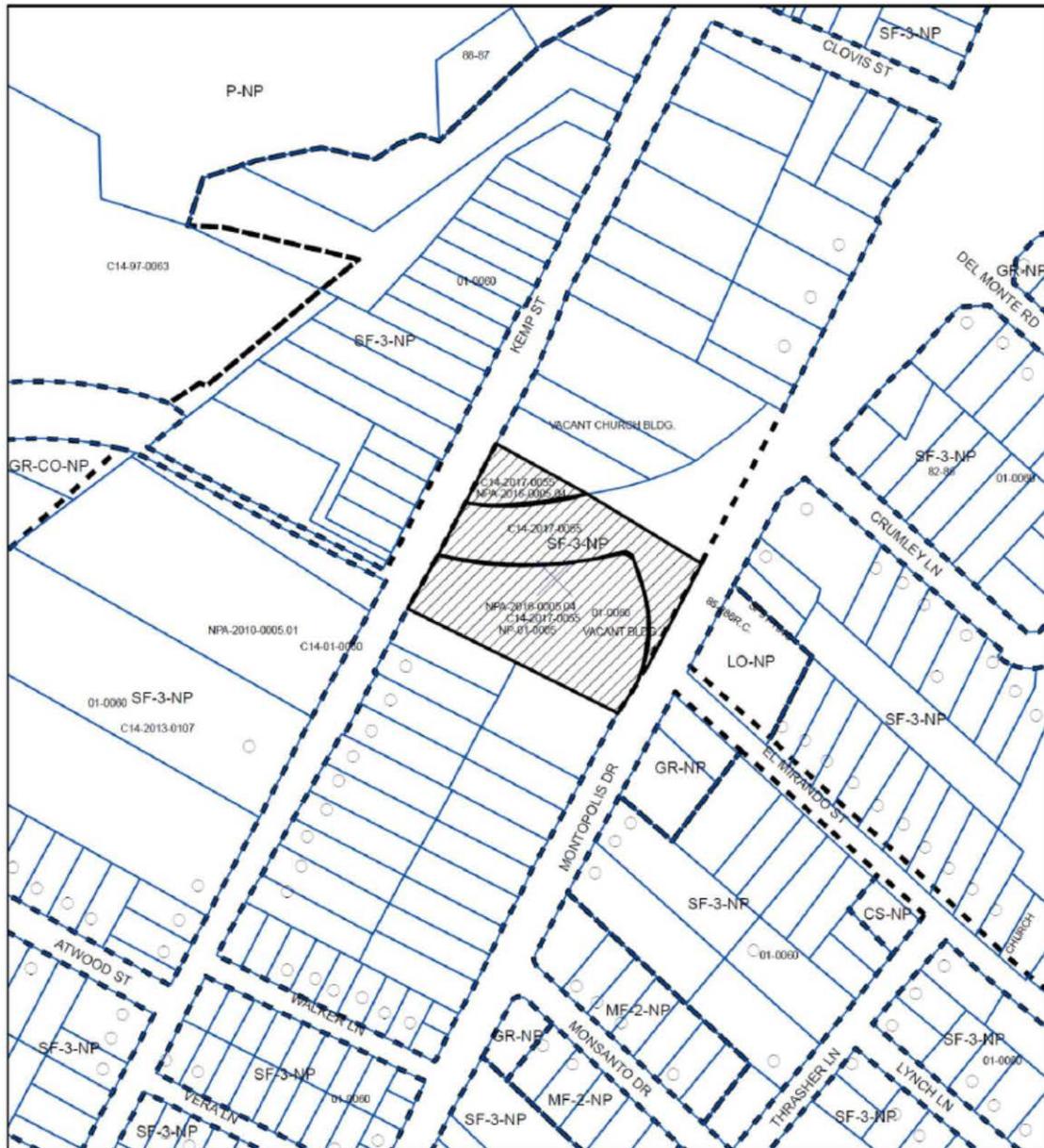
**Montopolis Neighborhood Planning Area
NPA-2016-0005.04**

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City of Austin
Planning and Zoning Department
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 SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY

ZONING
Zoning Case: C14-2017-0055



1" = 200'

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