

## ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0044 – Saxon Acres Residential Zoning      DISTRICT: 3

ZONING FROM: SF-3-NP      TO: SF-6-NP

ADDRESS: 316 Saxon Lane & 6328 El Mirando Street

SITE AREA: 2.9 acres

PROPERTY OWNER:  
Saxon Acres LLC (Danny Walker)

AGENT:  
Thrower Design (A. Ron Thrower)

CASE MANAGER: Kate Clark (512-974-1237, [kate.clark@austintexas.gov](mailto:kate.clark@austintexas.gov))

### STAFF RECOMMENDATION:

**Staff recommends townhouse and condominium residence – neighborhood plan (SF-6-NP) combining district zoning.** *For a summary of the basis of staff's recommendation, see page 2.*

### PLANNING COMMISSION ACTION / RECOMMENDATION:

**June 23, 2020      Scheduled for Planning Commission**

### CITY COUNCIL ACTION:

**July 30, 2020      Planned to be scheduled for City Council**

### ORDINANCE NUMBER:

### ISSUES

On May 26, 2020 the Montopolis Neighborhood Planning Contact Team (MNPCT) held their monthly meeting to discuss zoning cases in their area. They were not able to discuss this case at their meeting and have requested to postpone it to the next Planning Commission meeting on July 14<sup>th</sup>. Their postponement request is attached in *Exhibit C: MNPCT Postponement Request*.

Staff has received communication from neighboring properties in opposition to this rezoning. For all communication, please see *Exhibit D: Correspondence Received*.

### CASE MANAGER COMMENTS:

This property is approximately 2.9 acres in size and is accessed by either Saxon Lane or El Mirando Street. It is currently zoned SF-3-NP and is not developed. Adjacent to the north, west

and south of the property are tracts zoned SF-3-NP with a mixture of single family and duplex residential buildings. Across Saxon Lane to the east and south east are tracts zone GR-NP and LR-NP. Both of these are undeveloped. See *Exhibit A: Zoning Map* and *Exhibit B: Aerial Map* for visual context.

**BASIS OF RECOMMENDATION:**

- 1. The proposed zoning should be consistent with the purpose statement of the district sought. Zoning changes should promote compatibility with adjacent and nearby uses.*

The applicant is requesting a base zoning district of SF-6. This district is intended as an area for moderate density single family, duplex, two family, townhouse and condominium use. It is appropriate for areas in which unusually large lots predominate with access to other than minor residential streets, and in selected areas where a transition from single-family to multifamily use is appropriate. The subject property is 2.9 acres in size and on the periphery of the neighborhood. It is also approximately 465 feet (0.08 miles) from the US Highway 183 right-of-way and next to existing properties zoned GR-NP and LR-NP. Rezoning this property to SF-6-NP would provide a transition in use between the existing commercial zoning to the south and east, and residential zoning to the west and north.

**EXISTING ZONING AND LAND USES:**

	Zoning	Land Uses
Site	SF-3-NP	Undeveloped
North	SF-3-NP	Residential
South	SF-3-NP	Residential
East	GR-NP and LR-NP	Undeveloped
West	SF-3-NP	Residential

**NEIGHBORHOOD PLANNING AREA:** Montopolis Neighborhood Plan (NP Ordinance No. 010927-05)

**TIA:** A traffic impact analysis is not triggered at this time and should be deferred until the time of site plan when final land uses and intensities are known.

**WATERSHED:** Country Club East (suburban) Colorado River Watershed (urban)

**OVERLAYS:** Airport Overlay (Controlled Compatible Land Use Area) and Residential Design Standards.

SCHOOLS: Allison Elementary, Martin Middle and Eastside Memorial High Schools

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District	Montopolis Community Alliance
Austin Neighborhoods Council	Montopolis Neighborhood Plan Contact Team
Bike Austin	Montopolis Tributary Trail Association
Bonnett Neighborhood Association	Montopolis-Ponca Neighborhood Association
Carson Ridge Neighborhood Association	Neighborhood Empowerment Foundation
Crossing Gardenhome Owners Assn. (The)	Pleasant Valley
Del Valle Community Coalition	Preservation Austin
East Austin Conservancy	SELTexas
El Concilio Mexican-American Neighborhoods	Sierra Club, Austin Regional Group
Friends of Austin Neighborhoods	Vargas Neighborhood Association
Homeless Neighborhood Association	

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2020-0030 200 Montopolis Rezoning	SF-3-NP to SF-6-NP	In review	In review
C14-2020-0038 508 Kemp Street	SF-3-NP to SF-6-NP	In review	In review
C14-2020-0039 Clovis and Kemp Rezoning	SF-3-NP to SF-6-NP	In review	In review
C14-2013-0107 600 Kemp Street Rezoning	SF-3-NP to SF-6-NP	Denied request	Denied request (3/20/14) (Valid petition)

RELATED CASES:

C14-01-0060: Montopolis Neighborhood Plan rezoning (Ordinance No. 010927-28). This property was not rezoned during this process.

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Saxon Lane	~55'	Existing	24'	1	No	No
El Mirando St.	~95'	Existing	76'	1	No	No

OTHER STAFF COMMENTS:

Comprehensive Planning

This rezoning case is located on the north side of the El Mirando Street cul-de-sac and south terminus of Saxon Lane, on vacant parcel that is approximately 2.92 acres in size. The property does not abut nor is it close to an Activity Corridor or Center. This project is located within the boundaries of the Montopolis Neighborhood Planning Area. Surrounding land uses includes single family housing and vacant land to the north; to the south is single family housing; to the east is a duplex, vacant land, the Citivan Neighborhood Park and Pool, and the Montopolis Community Center; and to the west are single family housing and a food processing business, located within a converted house. The proposal is to build an unknown number of condo units, at 13 dwelling units per acres.

*Connectivity*

A CapMetro bus stop is located 850 feet from the subject property. There are no public sidewalks located along Saxon Lane but there is an intermittent public sidewalk system along El Mirando Street. A community pool and park, a public school, a community center and a variety of retail uses are located within a half of a mile from the subject property. While mobility options are fair, the connectivity options in the area are good.

*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), zone SF-6 is 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.

The Montopolis neighborhood has a mix of single-family houses and larger apartment complexes. Based on the policies above, this proposed townhouse/condo project supports the Montopolis Neighborhood Plan because it provides new housing and housing choice of a varied intensity.

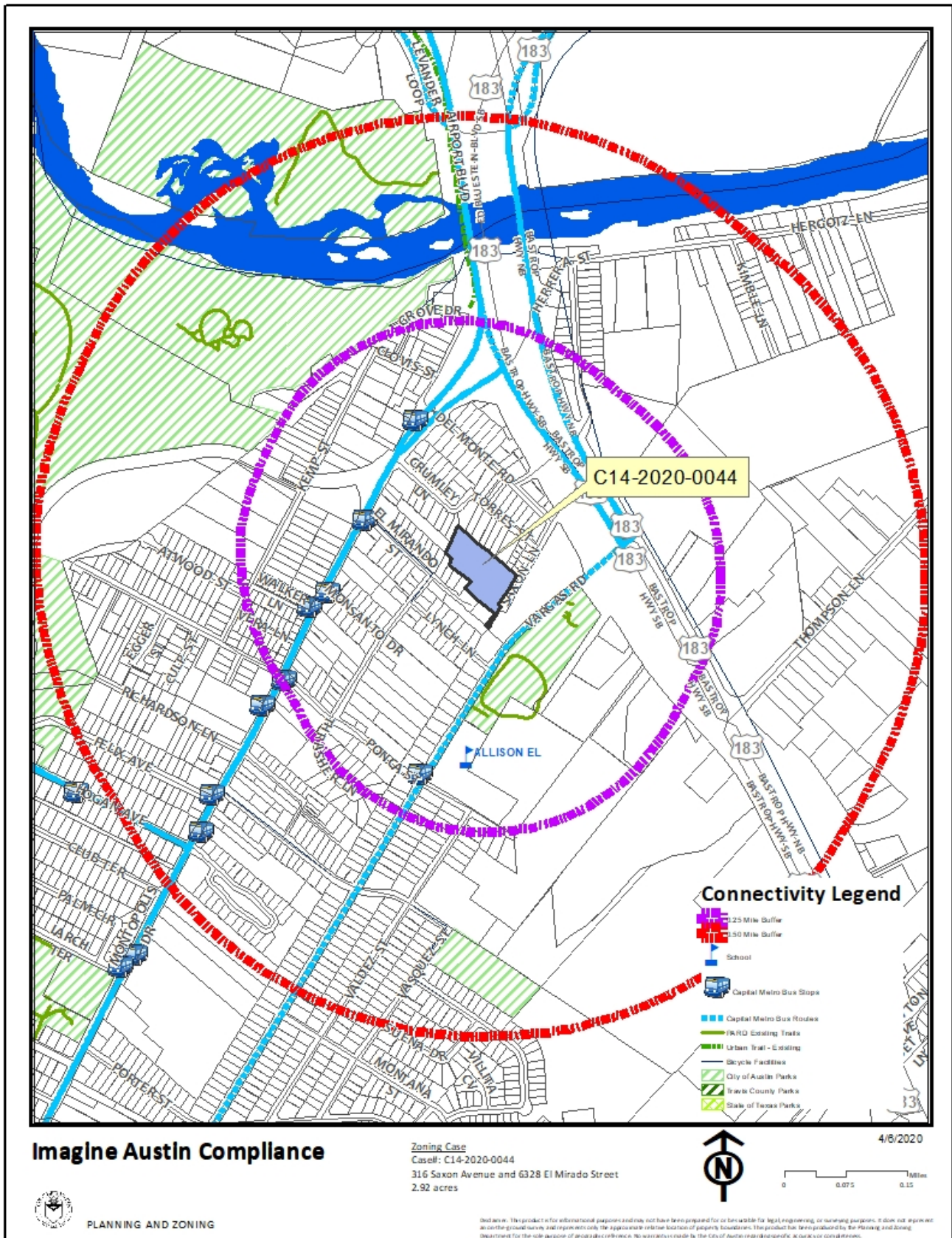
#### *Imagine Austin*

The following Imagine Austin policies support the zoning change:

- 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.
- HN P5. Promote a diversity of land uses throughout Austin to allow a variety of housing types including rental and ownership opportunities for singles, families with and without children, seniors, persons with disabilities, and multi-generational families.
- HN P10. 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.

The Austin Strategic Housing Blueprint, which is an amendment to Imagine Austin, includes goals for affordable housing in every City Council district. While this applicant has not identified this as an affordable housing project, it will provide additional missing middle housing. Based on Imagine Austin and Montopolis Neighborhood Plan policies that supports a variety of housing types and new housing, this project supports the Imagine Austin Comprehensive Plan.





### Environmental

This site is located over two watersheds. It is primarily in the Suburban Watershed with a portion in the Urban Watershed. Below are the two different regulations for each watershed.

#### *Suburban Watershed:*

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Country Club East Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.
2. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

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

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. 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.
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.

#### *Urban Watershed:*

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Colorado River Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
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. 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.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 square feet cumulative is exceeded, and onsite control for the two-year storm.
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.

### Site Plan

Site plans will be required for any new development other than single-family or duplex residential. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

### *Compatibility Standards*

The site is subject to compatibility standards. Along the northern, western, and southern property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of property zoned SF-5 or more restrictive.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
- For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.



- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

#### *Airport Overlay*

This site is located within the Austin-Bergstrom Airport Controlled Compatible Land Use Area Overlay. No use will be allowed that can create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft 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. Additional comments may be generated during the site plan review process.

#### Transportation

The Austin Strategic Mobility Plan (ASMP) adopted 04/11/2019, identifies existing right-of-way as sufficient for Saxon Lane, but will be reviewed at the time of site plan. A traffic impact analysis is not triggered at this time and should be deferred until the time of site plan when final land uses and intensities are known.

#### 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.

Depending on the development plans submitted, water and or wastewater service extension requests (SER) may be required. Be advised that this site is in an area of wastewater capacity concern and will require SER for wastewater service to evaluate capacity. 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.

#### INDEX OF EXHIBITS TO FOLLOW

- Exhibit A: Zoning Map
- Exhibit B: Aerial Map
- Exhibit C: MNPCT Postponement Request
- Exhibit D: Correspondence Received









**Clark, Kate**

---

**From:** Susana Almanza  
**Sent:** Wednesday, June 10, 2020 9:59 AM  
**To:** Clark, Kate  
**Subject:** MNPCT Postponement Request

\*\*\* External Email - Exercise Caution \*\*\*

Hello Kate Clarek: The Montopolis Neighborhood Plan Contact Team is requesting a postponement for the following Cases. These case will be reviewed at our next scheduled MNPCT meeting scheduled for June 29th, 2020 at 6 pm at the Southeast Health and Wellness Center.

1. 6328 El Mirando Street from SF-3 to SF-6 Applicant Ron Thrower
2. 200 Montopolis Dr. from SF-3 to SF-6 Applicant Ron Thrower
3. 1013 Montopolis Dr. from SF-3 to SF-6 Applicant Ron Thrower
4. 6201 Clovis & 301 Kemp St. from SF-3 to SF-6 Applicant Ron Thrower

I had a series of email discussions with Ron Thrower's representative, Victoria Hasse. She did not want to come to Montopolis due to COVID-19. On May 18th, I requested that she email the materials of the zoning cases so that the MNPCT could review them and have a discussion at the May 26th scheduled meeting. and then send questions. I didn't receive the materials until the day of the meeting on May 26th at 4:13 pm.

I was in meetings in the afternoon that day, and didn't see her email to late a night. Sending the materials a couple of hours before our meeting is not acceptable.

Sincerely, Susana Almanza, President MNPCT

PODER  
P.O. Box 6237  
Austin, TX 78762-6237  
[www.poder-texas.org](http://www.poder-texas.org)

**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 [CSIRT@austintexas.gov](mailto:CSIRT@austintexas.gov).

**Clark, Kate**

---

**From:** Sofia Ojeda  
**Sent:** Friday, June 12, 2020 6:50 PM  
**To:** Clark, Kate  
**Subject:** Case Number C14-2020-0044

\*\*\* External Email - Exercise Caution \*\*\*

The owner's at 6321 Crumley Lane, Austin Tx 78741 **OBJECT** to the subject property being re-zoned.

Case Number: C14-2020-0044

Contact: Kate Clark

Public hearing: June 23, 2020, Planning Commission

**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 [CSIRT@austintexas.gov](mailto:CSIRT@austintexas.gov).