

ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0039 – Clovis and Kemp Rezone DISTRICT: 3

ZONING FROM: SF-3-NP TO: SF-6-NP

ADDRESS: 6201 Clovis Street and 301 Kemp Street

SITE AREA: 1.167 acres

PROPERTY OWNER:
3SC Venture LLC (Gary O'Dell)

AGENT:
Thrower Design (A. Ron Thrower)

CASE MANAGER: Kate Clark (512-974-1237, 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 14th. Their postponement request is attached in *Exhibit C: MNPCT Postponement Request*.

Staff has received communication in opposition to this rezoning case, please refer to *Exhibit D: Correspondence Received*.

CASE MANAGER COMMENTS:

The subject property consists of two undeveloped lots approximately 1.167 acres in size. They are located at the southeast corner of Kemp Street and Clovis Street. Adjacent to the east and

south of the subject property are tracts zoned SF-3-NP containing single-family residential buildings. Directly the north across Clovis Street and west across Kemp street are tracts zoned SF-3-NP and P-NP which are undeveloped. The P-NP zoned property is the northeast section of Roy Guerrero Metropolitan Park. Across Clovis Street to the northeast are tracts zoned SF-3-NP containing a mixture of single-family residential buildings. See attached *Exhibit A: Zoning Map* and *Exhibit B: Aerial Map*.

BASIS OF RECOMMENDATION:

- 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 over an acre in size and located on the periphery of the neighborhood. It is also half a block from the Bastrop Highway Montopolis Ramp and right-of-way of the US Highway 183. The majority of properties adjacent to this highway right-of-way are zoned with a commercial base district. Rezoning this property to SF-6-NP would provide a transition in use between the highway right-of-way to the east and residential zoning to the west and south.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	SF-3-NP	Undeveloped
North	SF-3-NP and P-NP	Undeveloped and Single-Family Residences
South	SF-3-NP	Single-Family Residences
East	SF-3-NP	Single-Family Residences
West	SF-3-NP and P-NP	Undeveloped and Single-Family Residences

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

TIA: 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.

WATERSHED: Country Club East (suburban)

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
Del Valle Independent School District	River Bluff Neighborhood Assoc.
East Austin Conservancy	SELTexas
East Riverside/Oltorf Neighborhood Plan	Sierra Club, Austin Regional Group
El Concilio Mexican-American Neighborhoods	Southeast Austin Neighborhood Alliance
Friends of Austin Neighborhoods	Vargas Neighborhood Association
Homeless Neighborhood Association	

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2020-0044 Saxon Acres Residential Zoning	SF-3-NP to SF-6-NP	In review	In review
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
C14H-2017-0055 NPA-2016-005.04 500 Montopolis	SF-3-NP to GR-MU-H-NP and GR-MU-NP	HLC: to grant GR-MU-H-CO-NP and GR-MU-CO-NP PC: to grant SF-3-H-NP	Granted an indefinite postponement request by staff on 6/20/19.

Number	Request	Commission	City Council
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 rezoned from CS to SF-3-NP during this process.

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Clovis St	53'	26'	Level 1	None	None	Yes
Kemp St	50' – 60'	28'	Level 1	None	None	Yes

OTHER STAFF COMMENTS:Comprehensive Planning

This zoning case is located on the southeast corner of Kemp Street and Clovis Street and is situated on two vacant parcels that are approximately 1.167 acres in size and is located in the Montopolis Neighborhood Planning area. The subject property for this rezoning case is not located near or along an Activity Corridor or Center. Surrounding land uses include the Roy Guerrero Metropolitan Park to the north and west, and single family housing to the south and east. The proposed use is a 14-condo unit project.

Connectivity

There are no public sidewalks on Kemp Street. The only public sidewalk is located in front of the residences along Clovis Street. A CapMetro Transit Stop is located approximately 700 feet from the subject property. The Roy Guerrero Metropolitan Park is located immediately across the street, along with two bike trails. While there is park close by, the mobility and connectivity options are fair and lacks neighborhood serving goods and services in the area.

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. (pg. 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.

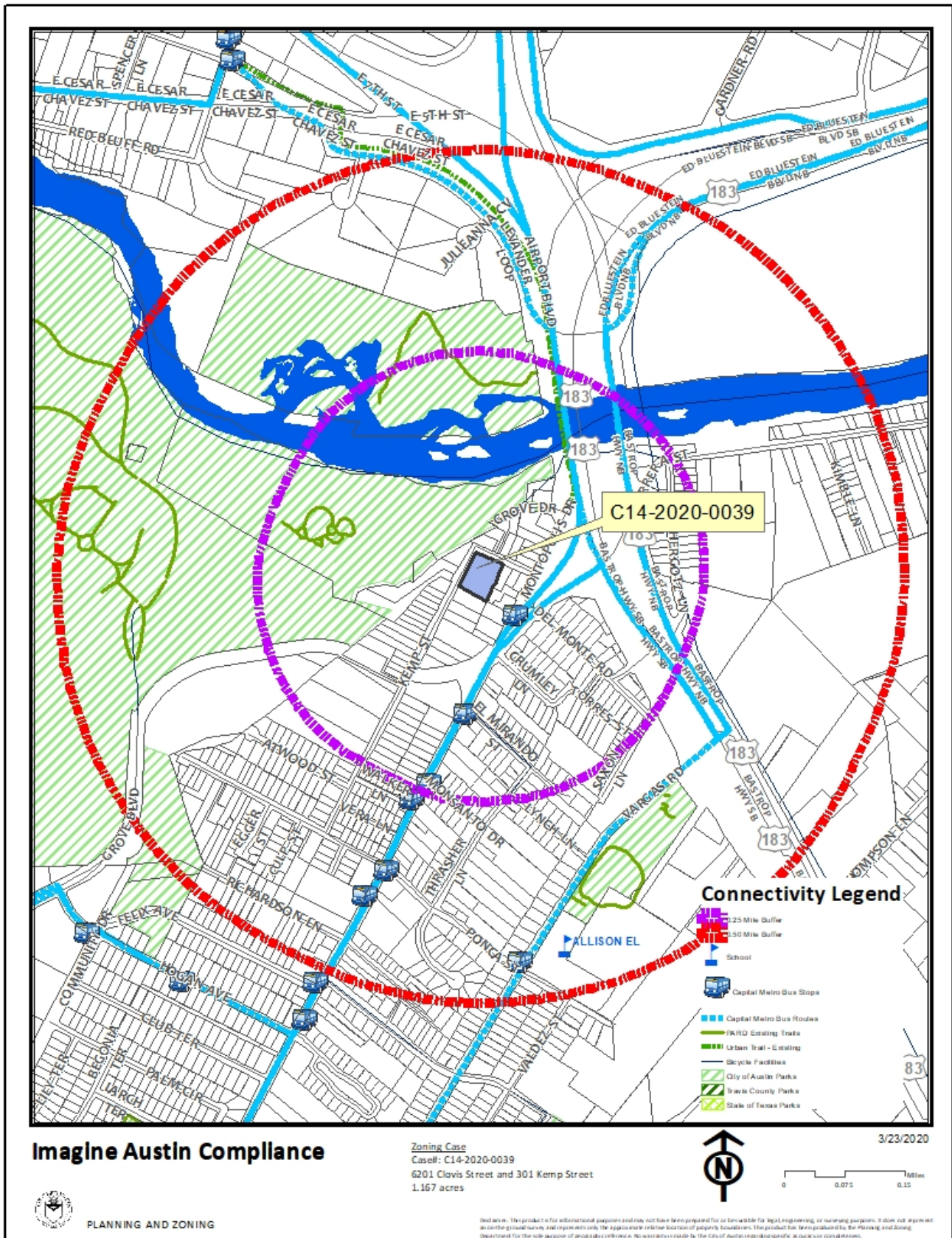
Based on the policies above, this proposed townhouse/condo project supports the Montopolis Neighborhood Plan because it provides new housing and housing choice of a varied intensity.

Imagine Austin

The following policies are relevant to this case:

- 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 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

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

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

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

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

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Site Plan

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

Subchapter E

Any new development is subject to Subchapter E Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted. This site is located on two Urban Roadways, corner lot standards.

Compatibility Standards

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

The site is subject to compatibility standards along the all property lines.

- No structure may be built within 25 feet of the trigger SF property lines.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- 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 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, 40 feet plus one foot for each 10 feet of distance in excess of 100 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.

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

Transportation

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]

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 may be required. 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.

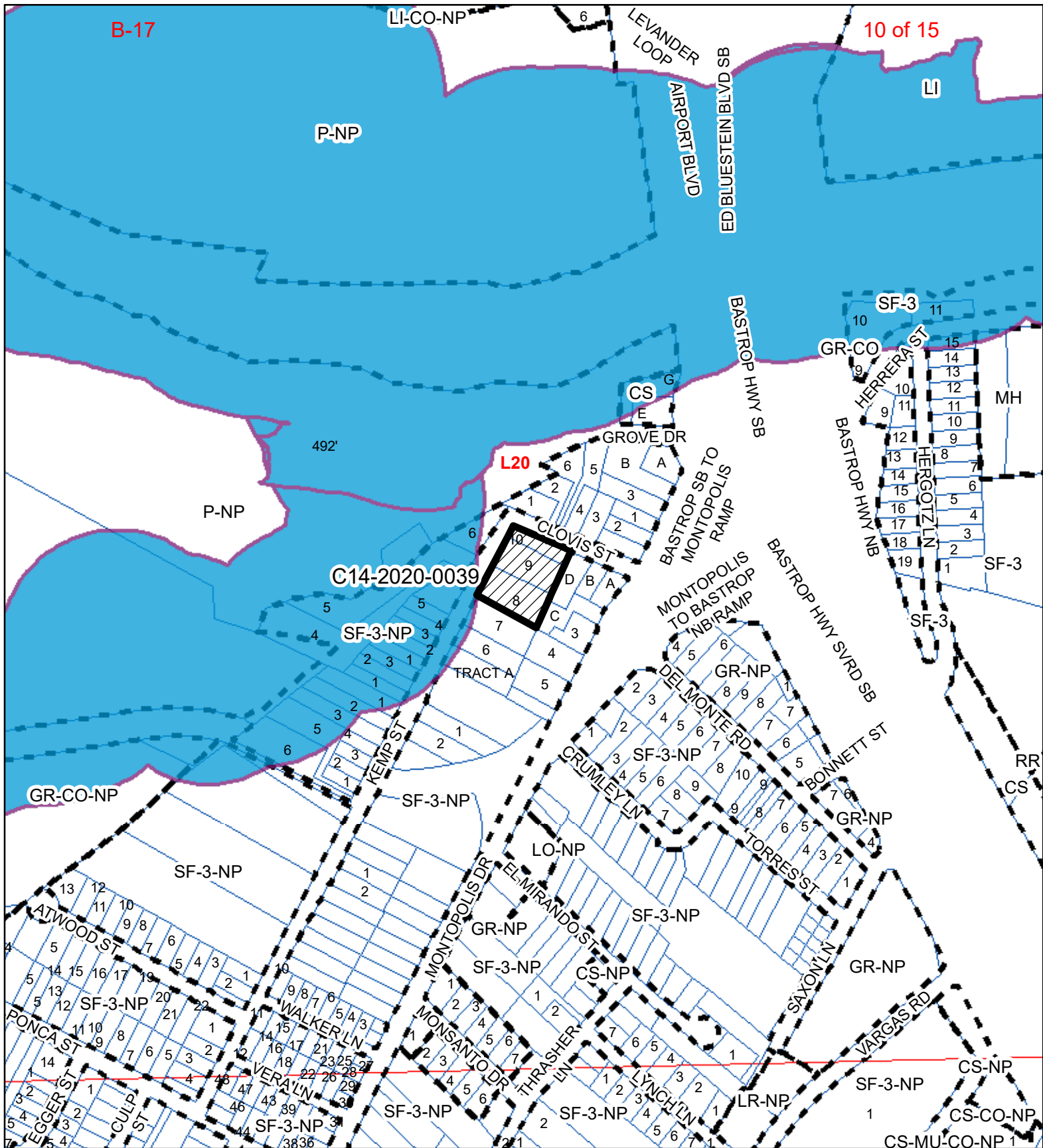
INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map





Exhibit B: Aerial Map

Exhibit C: MNPCT Postponement Request

Exhibit D: Correspondence Received



1" = 400'

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

CLOVIS AND KEMP REZONING

Exhibit A

ZONING CASE#: C14-2020-0039
 LOCATION: 6201 Clovis St and 301 Kemp St
 SUBJECT AREA: 1.167 ACRES
 GRID: L20
 MANAGER: KATE CLARK



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



1" = 400'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

CLOVIS AND KEMP REZONING

Exhibit B

ZONING CASE#: C14-2020-0039

LOCATION: 6201 Clovis St and 301 Kemp St

SUBJECT AREA: 1.167 ACRES

GRID: L20

MANAGER: KATE CLARK



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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 Clark: 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

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Clark, Kate

From: Eric Dillaman
Sent: Tuesday, June 16, 2020 10:10 AM
To: Clark, Kate
Subject: Re: Case Number C14-2020-0039

I am writing in **opposition** to [C14-2020-0030 \(200 Montopolis Rezoning\)](#), [C14-2020-0038 \(508 Kemp Street\)](#), and [C14-2020-0039 \(Clovis and Kemp Rezone\)](#).

I am somewhat shocked to learn of the scope of the proposed zoning changes for our neighborhood; it feels like a concerted and coordinated effort by developers to shred the very fabric of our community in order to maximize their return on investment. Those of us who bought homes or land in the area, investing a life's worth of savings, did so knowing that this would be an SF-3 zoned residential neighborhood. The three streets in question: Kemp St, Clovis St, and the small offshoot of Montopolis apart from the main thoroughfare of the same name are narrow, have no city sidewalks, and I already worry about the safety of pedestrians and bikers. There is a blind hill that exists right next to [C14-2020-0039](#) which was almost the scene of a serious accident a year ago when a car came over the top when my young son and I were walking back to our house and almost hit us (again, no continuous sidewalks). By increasing the density of these lots, we will be substantially increasing the vehicle traffic on infrastructure that is not designed to handle it.

I realize that the staff has recommended rezoning of [C14-2020-0030](#) and [C14-2020-0039](#), but I wonder if they have come out and understood what this neighborhood is like, short of looking at it on paper. This type of dense development is extremely out of character with the reality on the ground. I think it would only take a quick drive around the neighborhood to see that this type of zoning is not in the character, design, and function of this neighborhood.

Additionally, the new construction on Montopolis & 183 was conceived poorly for those of us on the west side of Montopolis Dr. We used to be able to turn north onto Montopolis Dr. towards 183 from the Clovis/Montopolis intersection. However, the new design has put a median in the way to block a left turn. That means the only way out of the neighborhood to go north of the river is through Clovis and Kemp Sts. All of the traffic from these new dense condo builds would, therefore, be routed onto our streets. In morning traffic, it is already very difficult to turn north onto Montopolis from the streets that feed out of our neighborhood. There is one long light that backs up (Ponca), but has no protected left turn. Frequently only one car can make the turn out of our neighborhood in a light cycle. There are some mornings when it takes about *ten minutes* just to turn out of the neighborhood when traffic is heavy! This is without the added density that this new zoning would inflict upon us.

Lastly, this type of development is out of touch and character with the socioeconomics of the neighborhood. Montopolis is one of the last places in Austin where there is real ethnic and socioeconomic diversity. That is because people have not yet been priced out of their homes by large developments such as this, and the increasing tax burdens that they bring. In a time where we are beginning, as a city, to come to grips with some of the racist policy and zoning decisions that have plagued the city's development decisions in the past (think Clarksville & the East of I-35 plan), this type of development is anathema to real community need, desire, want, or benefit. A development that would spring from a zoning change like this benefits few people-- the owner and developer-- at the expense of all other people in the neighborhood.

I sincerely hope that you take Staff's recommendation to deny the zoning change to [C14-2020-0038](#), and break with Staff's recommendation by denying the change to [C14-2020-0030 \(200 Montopolis Rezoning\)](#) and [C14-2020-0039 \(Clovis and Kemp Rezone\)](#).

Thanks for you time,

Eric Dillaman

On Mon, Jun 15, 2020 at 11:46 AM Clark, Kate <Kate.Clark@austintexas.gov> wrote:

Good Afternoon Mr. Dillaman,

Below is a list of cases that are within the Montopolis Neighborhood Area that are planned to be heard next Tuesday, June 23rd at Planning Commission and their status. I have also included a PDF of the maps for each case for your reference. If you would like to oppose the rezoning of any of these cases, please send me an email (can be one email, doesn't have to be separate ones) stating the case number and your opposition. My case backup is due tomorrow and I would like to include it in my backup.

- C14-2020-0029 (Montopolis Acres Rezoning)
 - Applicant Request: SF-3-NP to SF-6-NP;
 - Staff Recommendation: To recommend the rezoning request;
 - Montopolis Neighborhood Plan Contact Team Recommendation: Pending, requested a postponement of this case to July 14th; and
 - City Council Meeting: Planned to be scheduled for July 30th.
- C14-2020-0030 (200 Montopolis Rezoning)
 - Applicant Request: SF-3-NP to SF-6-NP;
 - Staff Recommendation: To recommend the rezoning request;
 - Montopolis Neighborhood Plan Contact Team Recommendation: Pending, requested a postponement of this case to July 14th; and
 - City Council Meeting: Planned to be scheduled for July 30th.
- C14-2020-0038 (508 Kemp Street)
 - Applicant Request: SF-3-NP to SF-6-NP;
 - Staff Recommendation: To recommend denial of the rezoning request;
 - Montopolis Neighborhood Plan Contact Team Recommendation: Pending; and
 - City Council Meeting: Planned to be scheduled for July 30th.
- C14-2020-0039 (Clovis and Kemp Rezone)
 - Applicant Request: SF-3-NP to SF-6-NP;
 - Staff Recommendation: To recommend the rezoning request;
 - Montopolis Neighborhood Plan Contact Team Recommendation: Pending, requested a postponement of this case to July 14th;
 - City Council Meeting: Planned to be scheduled for July 30th.
- C14-2020-0044 (Saxon Acres Residential Zoning)
 - Applicant Request: SF-3-NP to SF-6-NP;
 - Staff Recommendation: To recommend the rezoning request;
 - Montopolis Neighborhood Plan Contact Team Recommendation: Pending, requested a postponement of this case to July 14th; and
 - City Council Meeting: Planned to be scheduled for July 30th.

I verified with staff that you cannot sign up to speak on an item for next week's Commission meeting until the agenda is posted. This should be sometime on Friday morning, usually around 10:00 AM. **You must register to speak by noon on Monday, June 22nd.** I will send you information on how to sign up on Friday after the agenda is posted.

As for the statistics you requested, we do not track how often Council approves a rezoning case when there is a valid petition, nor do we track how often Planning Commission recommends something different than Staff. We do track the approval of Council cases to the number of cases Staff recommends. This fiscal year (started October 1, 2019) Council has approved 92.6% of the cases that Staff has recommended. For the last fiscal year, the percentage of Council approved cases to Staff recommended cases was 88.89%.

I have also attached some information on Zoning Petitions. If you wish to start one I suggest contacting Susana Almanza ([REDACTED]) prior to doing so. She requested this same information from me last week. These petitions can sometimes take time and effort to coordinate, I wouldn't want you to duplicate the effort if she has already started one.

I understand that this is a lot of information. If you would like to have another call later this week if you have any questions after reading through it, please let me know.

Kate Clark, AICP, LEED AP

Senior Planner

City of Austin | Planning and Zoning Department

Mailing Address: P.O.Box 1088, Austin, Texas 78767

Physical Address: [505 Barton Springs Rd, 5th floor, Austin, Texas 78704](#)

Tel: 512-974-1237

Email: kate.clark@austintexas.gov