

## **SECOND/THIRD READINGS SUMMARY SHEET**

CASE: C814-97-0002.01

DISTRICT: 3

(Mary Vice Estates PUD Lot 27 Amendment #1)

ADDRESS: 6301 Circulo de Amistad

APPLICANT: Austin Habitat for Humanity, Inc. (Andy Alarcon)

AGENT: Husch Blackwell LLP (Stacey L Milazzo)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, [sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov))

### REQUEST:

Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 6301 Circulo de Amistad to rezone from planned unit development-neighborhood plan (PUD-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change a condition of zoning.

### PREVIOUS CITY COUNCIL ACTION:

4/07/21: Approved the Planning Commission's recommendation for the PUD amendment, with conditions, on 1<sup>st</sup> reading by consent (10-0) Council Member Harper-Madison off the dais.

ISSUES: N/A

## ZONING CHANGE REVIEW SHEET

CASE: C814-97-0002.01  
(Mary Vice Estates PUD Lot 27 Amendment #1)

DISTRICT: 3

ZONING FROM: PUD-NP

TO: PUD-NP\*

\*Nature of Amendment: The applicant is proposing an amendment to Lot 27 of the Mary Vice Estates PUD to increase the maximum building square footage, to reduce building setbacks and to allow for townhouse, condo and duplex uses within the existing Planned Unit Development (PUD) zoning. In addition, the applicant is requesting Code modifications to the allowable watershed impervious cover limit for multifamily use (*please see the Applicant's Amended Request Letter and Redlined Land Use Plan – Exhibit C and Exhibit D*).

ADDRESS: 6301 Circulo de Amistad

SITE AREA: 0.61 acres

APPLICANT: Austin Habitat for Humanity, Inc. (Andy Alarcon)

AGENT: Husch Blackwell LLP (Stacey L Milazzo)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, [sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov))

STAFF RECOMMENDATION:

**Staff recommends the 1st amendment to the Mary Vice Estates PUD, with the following condition: 70% impervious cover on a net site area calculation shall be allowed rather than the 65% currently allowed for multifamily use within the Suburban Watersheds.**

ENVIRONMENTAL COMMISSION ACTION / RECOMMENDATION:

**March 2, 2022: Approved the staff's recommendation for the PUD amendment, with conditions (8-0, R. Scott-absent); J. Bristol-1st, P. Bedford-2nd. (*Please see Environmental Commission Motion- Exhibit G*).**

PLANNING COMMISSION ACTION / RECOMMENDATION:

**March 8, 2022: Approved the staff's recommendation for the PUD amendment, with conditions (10-0, J. Mushtaler, J. Shieh and J. Thompson-absent); R. Schneider-1st, A. Azhar-2nd.**

CITY COUNCIL ACTION:

**April 7, 2022: Approved PUD amendment on 1st reading only by consent (11-0).**

**April 21, 2022**

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is a 0.61 acre lot (Lot 27) that is part of an approved Planned Unit Development, the Mary Vice Estates PUD, located at the southeast corner of Montopolis Drive and Circulo de Amistad. The rezoning area is approximately halfway between East Riverside Drive to the south and US Highway 183 to the north. The lots to the north and east are part of the PUD and are developed with single-family residences. The tract of land to the south is zoned LO-MU-CO-NP and is vacant. There are remnants of a parking area and detention pond for an approved Religious Assembly use that was never constructed on the site. The lots to the west, across Montopolis Drive, contain single family residences. The applicant in this case, Austin Habitat for Humanity, Inc., is asking for an amendment to the PUD to develop approximately 6 duplex residences/12 townhome dwelling units at this location. The proposed townhouses would be 100% affordable at 80% of AMFI or below (*please see SMART Housing Certification Letter – Exhibit E*).

In this rezoning request, the applicant is specifically asking to amend Ordinance No. 971120-L and the accompanying PUD land use plan for Area 1 to increase the allowable maximum building square footage from 6,000 square feet to 30,000 square feet, to reduce the building setbacks from 25 feet to 15 feet along Montopolis Drive and Circulo de Amistad and to 10 feet along the rear and side property lines and to add townhouse, condominium and duplex residential uses as permitted uses on the property. On January 20, 2022, the applicant amended their request to add proposed Land Development Code modifications to Sections 25-2-492 (Site Development Regulations) and 25-8-392(C)(3)(a) (Suburban Watershed Requirements) to increase the maximum impervious cover in Area 1 from 65% to 70%.

The staff supports the applicant's request for a 1st amendment to the Mary Vice Estates PUD. The proposed changes to the land use plan exhibit will permit the applicant to develop additional affordable housing units in this residential area. The property is located along Montopolis Drive, a high transit arterial roadway with multiple bus routes serving the neighborhood. The site is within ½ mile of the ACC Riverside campus. There are commercial services to the north and south along Montopolis Drive and a neighborhood park and community center (Montopolis Recreation and Community Center) to the southwest.

The applicant agrees with the staff's recommendation.

BASIS OF RECOMMENDATION:

1. *The Planned Unit Development District (PUD) is intended for large or complex developments under unified control planned as a single contiguous project. The PUD is intended to allow single or multi-use projects within its boundaries and provide greater flexibility for development proposed within the PUD.*

The proposed 1st amendment to the Mary Vice Estates PUD will permit additional residential uses (townhouse, condominium and duplex residential uses) to be

constructed on this undeveloped area (Lot 27) of the PUD. Thereby, allowing for the development of new affordable housing units along Montopolis Drive, a high transit arterial roadway with multiple bus routes and with available supporting commercial and civic services.

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

The rezoning request is consistent with the goals and objectives of the Montopolis Neighborhood Plan:

**Goal 2: Create Homes for all Stages of Life within Montopolis.**

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

In addition, the proposed PUD amendment meets the Imagine Austin Comprehensive Plan's goals of providing various and diverse options of housing styles and price points throughout the city.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
<i>Site</i>	PUD-NP	Undeveloped
<i>North</i>	PUD-NP	Single Family Residences, Automotive Sales, Vacant Structure, Retail
<i>South</i>	LO-MU-CO-NP	Vacant (Remnants of a parking area and detention pond built through site plan case SP-04-0954C), Religious Assembly use (Nuestra Senora de los Delores Catholic Church)
<i>East</i>	PUD-NP	Single Family Residences
<i>West</i>	SF-3-NP	Vacant, Single-Family Residences

**NEIGHBORHOOD PLAN AREA:** Montopolis Neighborhood Plan

**TIA:** Deferred



WATERSHED:

Carson Creek,  
Country Club East

SCHOOLS: Austin I.S.D.

Allison Elementary School  
Martin Middle School  
Eastside Memorial High School at  
Johnston

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District  
Austin Intercity Alliance  
Austin Neighborhoods Council  
Bike Austin  
Carson Ridge Neighborhood Association  
Del Valle Community Coalition  
Del Valle Independent School District  
East Austin Conservancy  
El Concilio Mexican-American Neighborhoods  
Friends of Austin Neighborhoods  
Homeless Neighborhood Association  
Larch Terrace Neighborhood Association  
Montopolis Community Alliance  
Montopolis Neighborhood Plan Contact Team (MNPCT)  
Montopolis-PONCA Neighborhood Association  
Montopolis Tributary Trail Association  
Neighborhood Empowerment Foundation  
Pleasant Valley  
Preservation Austin  
SELTEXAS  
Sierra Club, Austin Regional Group  
Tejana Bilingual Community  
The Crossing Garden Home Owners Association  
Vargas Neighborhood Association

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2014-0127 (PRJ Development, LLC: 1007 & 1011 Montopolis Drive)	LO-CO-NP to LO-MU-CO-NP	11/12/14: Motion to grant LO-MU-CO-NP zoning, with conditions as recommended by staff	12/11/14: The public hearing was conducted and the motion to close the public hearing and adopt

		<p>(Vote: 5-3-0, B. Roark, J. Stevens, N. Zaragosa- No; L. Verghese- Absent); A. Hernandez-1<sup>st</sup>, J. Nortey-2<sup>nd</sup>.</p> <p>Motion to deny LO-MU-CO-NP zoning, with conditions (3-5-0, D. Chimenti; R. Hatfield; A. Hernandez, J. Nortey, S. Oliver- No; L. Verghese- Absent); B. Roark-1<sup>st</sup>, J. Stevens-2<sup>nd</sup>.</p> <p>Forward to Council without a recommendation.</p>	<p>Ordinance No. 20141211-156 for LO-MU-CO-NP combining district zoning, with conditions was approved with additional conditions on Council Member Riley's motion, Mayor Pro Tem Cole's second on a 5-1 motion. Council Member Morrison voted nay. Council Member Martinez was off the dais.</p> <p>The prohibited uses were:</p> <p><input type="checkbox"/> All office use (Except: administrative business; office land uses; and medical offices, medical office use will be limited to 1,500 square feet.)</p> <p><input type="checkbox"/> Vehicle trips per day limited to less than 2,000</p> <p><input type="checkbox"/> All structures on the property would be limited to a maximum of 2 story</p> <p><input type="checkbox"/> Maximum fence height of 6' that would be constructed along the northern property line.</p>
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RELATED CASES:

NPA-2018-0005.02.SH (Neighborhood Plan Amendment)  
C814-97-0002 (Mary Vice Estates PUD)

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Circulo De Amistad	Level 1	50'	50'	22'	North side	None	Yes
Montopolis Dr	Level 3	80'	56' -73'	42'	Yes	Shared Lane	Yes

OTHER STAFF COMMENTS:Environmental

The current multi-family allowance is 65% impervious cover for Area 1.

Environmental Officer

As the applicant's proposed residential development will be over the allowable watershed impervious cover limit for multifamily, the request will need a code amendment. However, the applicant has agreed to reduce Area 1 to 70% from 80% so the Watershed Protection Department is in support of the proposed Code modifications to increase impervious cover on Lot 27/Area 1 to a maximum of 70%.

Fire

No comments.

Parks and Recreation

Per Part 2 of Ordinance 971120-L ("Mary Vice Estates PUD"): "Except as otherwise specifically provided by this ordinance, all other rules, regulations and ordinances of the City of Austin in effect on the effective date of this ordinance shall apply to the Mary Vice Estates PUD." As such, the 1985 Parkland Dedication Ordinance (85 0725-M) applies to this case. Additional units will be subject to the Payment in Lieu of Land Provision (Sec. 13-3-118) of that ordinance.

That said, PARD will work with its legal team to determine whether there is the option to forgo fees, given this is for affordable housing (unfortunately, no affordable housing provisions are in the 1985 ordinance).

The original note 13 specifies that approximately 1 acre of parkland was dedicated as part of this development; it is unclear how or where the dedication and satisfaction of parkland requirements have been met for the existing development. Please provide documentation that parkland dedication has been satisfied for the PUD, barring this amendment.

If documentation can be provided that parkland dedication was satisfied as described in the existing note 13, then revise note 28 to the following:

Parkland dedication has been satisfied for 24 single family units with the dedication of 1 acre of parkland. Any increase in units will be subject to Land Development Code Section 25-1-601, as amended, for all property within the PUD.

Delete the applicant's proposed note 13 and replace with note 28.

### 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 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 a site plan is submitted.

The site is subject to residential compatibility standards along the north and eastern property lines:

- 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 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 landscape area at least 25 feet wide is required along the eastern 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.

### Transportation

Remove notes 8 under both general notes and additional site regulations. Development should comply with current City regulations for parking and loading.

Revise note 18 regarding access. All access to the development should be limited to public loop road. No access should be permitted to Montopolis Drive.

Sidewalks on Montopolis shall be constructed following Subchapter E design guidelines. Please add note to Exhibit.

Note 20 states that a pedestrian and bicycle connection to Vargas Street is intended if the owner obtains the adjoining lot. Has this lot been purchased? If so, the connection should be shown as required.

Additional comments may be provided as more complete information is obtained.

## Water Utility

FYI: 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 uses.

It is recommended that Service Extension Requests be submitted to Austin Water at the early stages of project planning. Current water infrastructure may not support fire demand greater than 1,500 GPM.

Water and wastewater utility plans must be reviewed and approved by Austin Water in compliance with Texas Commission on Environmental Quality rules and regulations, the City's Utility Criteria Manual, 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 fees 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.

Typical water system operating pressures in the area are above 65 psi. Pressure reducing valves reducing the pressure to 65 psi (552 kPa) or less to water outlets in buildings shall be installed in accordance with the plumbing code.

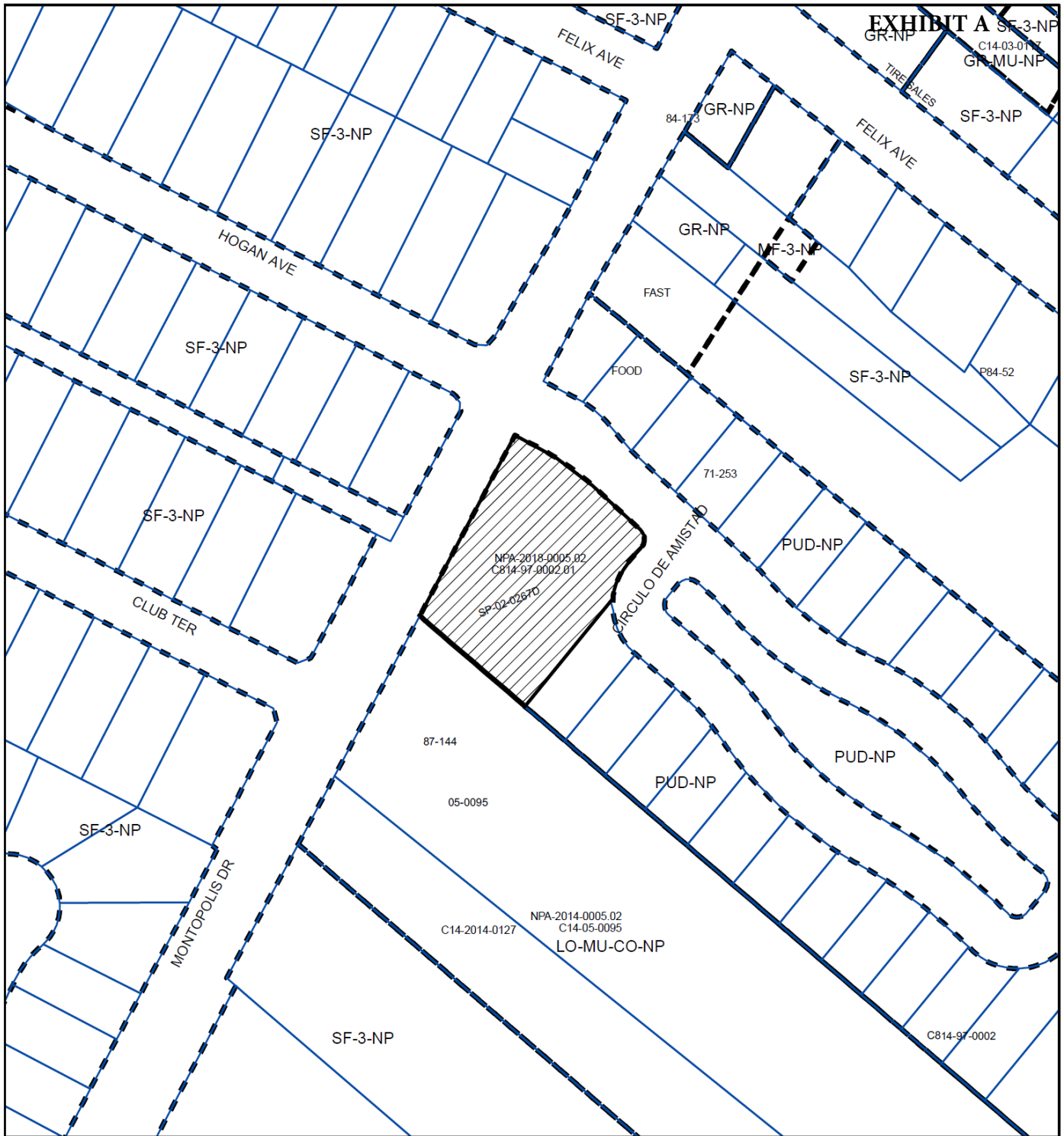
All AW infrastructure and appurtenances must meet all TCEQ separation criteria. Additionally, AW must have adequate accessibility to safely construct, maintain, and repair all public infrastructure. Rules & guidelines include:

1. A minimum separation distance of 5 feet from all other utilities (measured outside of pipe to outside of pipe) and AW infrastructure;
2. A minimum separation distance of 5 feet from trees and must have root barrier systems installed when within 7.5 feet;
3. Water meters and cleanouts must be located in the right-of-way or public water and wastewater easements;
4. Easements AW infrastructure shall be a minimum of 15 feet wide, or twice the depth of the main, measured from finished grade to pipe flow line, whichever is greater.
5. A minimum separation of 7.5 feet from center line of pipe to any obstruction is required for straddling line with a backhoe;
6. AW infrastructure shall not be located under water quality or detention structures and should be separated horizontally to allow for maintenance without damaging structures or the AW infrastructure.
7. The planning and design of circular Intersections or other geometric street features and their amenities shall include consideration for access, maintenance, protection, testing, cleaning, and operations of the AW infrastructure as prescribed in the Utility Criteria Manual (UCM).
8. Building setbacks must provide ample space for the installation of private plumbing items such as sewer connections, customer shut off valves, pressure

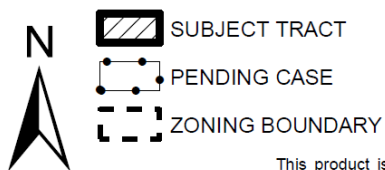
reducing valves, and back flow prevention devices in the instance where auxiliary water sources are provided.

#### INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Applicant's Revised Request Letter
- D. Redlined Land Use Plan
- E. S.M.A.R.T. Housing Certification Letter
- F. Correspondence from Interested Parties
- G.Environmental Commission Motion Sheet



## Zoning



Zoning Case: C814-97-0002.01

1" = 125'

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.







## Mary Vice Estates PUD Lot 27 Amendment

ZONING CASE#: C814-97-0002.01  
 LOCATION: 6301 Circulo de Amistad)  
 SUBJECT AREA: .61 Acres  
 GRID: L19  
 MANAGER: SHERRI SIRWAITIS



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.



**HUSCH BLACKWELL**

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August 9, 2018

**VIA HAND DELIVERY**

Mr. Gregory I. Guernsey  
Director  
Planning and Zoning Department  
City of Austin  
505 Barton Springs Road, 5<sup>th</sup> Floor  
Austin, Texas 78704

Re: PUD Zoning Amendment: Mary Vice Estates PUD Lot 27;  
C814-97-0002; 6301 Circulo de Amistad, Austin, Texas 78741  
(the “**Property**”)

Dear Mr. Guernsey:

As agent for Austin Habitat for Humanity, Inc. (“**Habitat**”) in connection with the above referenced matter, we respectfully submit the enclosed PUD amendment application for your consideration.

The Property is a 0.61-acre site located at the corner of Montopolis Drive and Circulo de Amistad and is part of a subdivision developed by Habitat in the late 90s. At that time, Habitat’s vision for the future development of the Property was to build four or five townhomes consistent with its buildable limit of up to 6,000 square feet.

Habitat now believes that it would be beneficial to increase the number of housing units to be built on the Property to approximately a dozen townhomes, all of which would be 100% affordable at 80% of AMFI or below. A SMART Housing letter is attached to the application.

The following amendments to the PUD’s Land Use Plan are requested:

- To increase the allowable maximum building square footage from 6,000 SF to 30,000 SF;
- To reduce the building setbacks from 25’ to 15’ along Montopolis Drive and Circulo de Amistad and to 10’ along the rear and side property lines; and
- To allow townhouse, condominium and duplex residential uses in addition to the existing uses.

The Property is covered by the Montopolis Neighborhood Plan (the “**Plan**”) which was adopted in 2001. Because the Plan’s Future Land Use Map (the “**FLUM**”) designates the Property as “Commercial,” we submitted an application for a neighborhood plan amendment on July 31<sup>st</sup> to change the FLUM designation to a higher-density residential use, but I understand from Maureen Meredith that she discussed the matter with you and it was determined that the FLUM designation should be changed to “Mixed Use.”

Mr. Gregory I. Guernsey  
August 9, 2018  
Page 2

The photo below shows the Property outlined in red:



Attached is a copy of Ordinance 971120-L (the “**Ordinance**”) which includes the PUD Land Use Plan (the “**LUP**”) as Exhibit “C”. Also attached is an 11”x17” copy of the LUP which is more legible than the one attached as Exhibit “C” to the Ordinance, and it has been marked in red to show the changes we are requesting.

Development of the Property is to comply with the standards for the PUD district as set forth in the City Code on the effective date of the Ordinance, except as modified by the LUP.

**In addition, we are requesting the following amendment, proposing to amend the LUP and proposing to add the following note:**

**Sections 25-2-492 (Site Development Regulations) and 25-8-392(C)(3)(a) (Suburban Watershed Requirements) of the LDC are amended to increase the maximum impervious cover in Area 1 to 70%.**

Please let me know if you have any questions or comments.

Very truly yours,

A handwritten signature in blue ink that reads 'Stacey L. Milazzo'.

Stacey L. Milazzo,  
Paralegal

Enclosures

cc: Ms. Nikelle S. Meade  
Husch Blackwell LLP



GENERAL NOTES

1. The owner shall bear full responsibility for all costs and provisions of improvements to the City of Austin Water and Wastewater systems required as a result of this development.
2. Tree survey information shall be provided as required at the time of site plan and site development permitting.
3. Any required easements shall be provided at the time of site development permitting and will be dedicated by separate instrument.
4. Prior to construction, drainage plans will be submitted to the City of Austin for review.
5. Prior to construction, site plan approval by the City of Austin staff is required.
6. Water and wastewater systems will connect to the City of Austin systems.
7. Cut and fill information will be provided at the time of site development permitting.
8. Off-street parking and loading requirements will be provided in accordance with Sections 13-5-95 through 13-5-107 of the Land Development Code. Residential Lots (Area 2) shall conform to 13-5-107, Part I for Single Family Residential and require "2 spaces per dwelling unit" minimum off-street parking, and "None" for off-street loading requirements.
9. The responsibility for maintenance of storm water drainage facilities lies with the owner, or successor in title of the land.
10. Fire hydrants will be installed in accordance with guidance and standards furnished by the Austin Fire Department at the time of site development permitting.
11. All signs will comply with the Sign Ordinance of the City of Austin Land Development Code Chapter 13-2 Article VII. Area 1 will comply with the ordinance based on the Neighborhood Commercial Sign District, Area 2 will comply with the ordinance as defined for Low Density Residential Sign District.
12. The home owners association shall be responsible for all maintenance and taxes relating to common areas, including Area 3.
13. The required parkland dedication for the proposed P.U.D. is a maximum of .336 acres based on the following calculation:  
**SINGLE FAMILY**  
Proposed max. 24 units X 2.8 X 5/1000 = .336 acres  
(actual dedicated parkland of P.U.D. approx. 1.0 acre)
14. Prior to final plat approval, a parkland dedication fee equivalent to the required parkland acreage or actual dedication of the required land will occur. Any land within this P.U.D. dedicated to the City of Austin may continue to be counted as gross and net site area for site development purposes.
15. The proposed landscape on the P.U.D. will meet or exceed the landscape ordinance of the City of Austin.
16. No Critical Environmental Features such as point recharge features, canyon rimrock, caves, springs, sinkholes or bluffs are on or within 150 feet from the project. A certification that no CEF's are present will be submitted at the time of site development permitting.
17. No wetlands are on or within 150 feet from the project. A certification that no wetlands are present will be submitted at the time of site development permitting.
18. Access to Montopolis Drive will be limited to the public loop road and as required for access to the commercial lot.
19. The design concept for the Single Family Residential Housing will be a modification of the Austin Land Development Code Chapter 13-2 Article IV Subdivision Regulations. The criteria for minimum lot area, minimum lot widths and frontage, minimum setbacks, minimum street width, and other standards are varied from the subdivision regulations and are in keeping with the design standards of the Traditional Neighborhood Development (TND) Code.
20. A pedestrian and bicycle path connection is intended from the P.U.D. to Vargas Street. The owner obtain and purchase the adjoining lot. Only emergency vehicular access will be allowed from Vargas Street to the P.U.D.
21. Compatibility Standards shall be amended from the City of Austin Land Development Code 13-2-734 (Area 1 to Area 2):  
A.) No structure shall be erected within 25 feet of a property used or zoned for SF-5 or more restrictive (Single Family Residential, Area 2).  
B.) No structure shall exceed 40 feet in height within 25 feet of a property used or zoned SF-5 or more restrictive (Single Family Residential, Area 2).
22. Area 1, the "Commercial Site" will be included for water quality and detention calculations for the entire site assuming topographical surveys allow.
23. Pedestrian sidewalks will comply with A.D.A. requirements and will be constructed in accordance with the City of Austin standard specifications. Curb ramps will be provided wherever an accessible route crosses a curb. Minimum width of the accessible route is 36 in. These sidewalks shall be in place prior to the lot being occupied. Failure to construct the required sidewalks may result in withholding of Certificates of Occupancy or utility connections by the governing body or utility company.
24. Water quality pond and detention must be contained within a water quality easement. Operation and maintenance of the ponds shall be conducted by the owner of the commercial lot. Until the commercial lot is purchased by another owner, Habitat for Humanity will take responsibility for and maintain all ponds.
25. If public sidewalks on Montopolis Drive enter the P.U.D., city easements will be required at the time of site plan and site development permitting.
26. Construction is limited to Areas 1, 2, and 3 with the exception of water control features.
27. In the event that lot No. 8, Chernosky Subdivision No. 15, Book 1, Page 41 is obtained by the owner, an emergency access/ pedestrian path shall be provided to connect with Vargas Street.
28. A declaration of covenants, easements, and restrictions will be recorded to address site development restrictions and provide for maintenance and use easements required by the P.U.D. land use plan for the residential properties.
29. Sidewalks adjacent to Area 1 shall be designed and constructed in compliance with 25-2, Article 2, Subchapter E Design Standards and Mixed Use of the Land Development Code in effect on August 13, 2018.
30. Sections 25-2-492 (Site Development Regulations) and 25-8-392(C)(3)(a) (Suburban Watershed Requirements) of the LDC are amended to increase the maximum impervious cover in Area 1 to 70%.

MARY VICE ESTATES SITE DEVELOPMENT REGULATIONS

COMMERCIAL SITE

AREA 1	Gross Site Area	Net Site Area	Max. Sq. Ft. Bldg.	Min. Setback	Max. Height
	0.81 AC.	0.81 AC.	30,000 SF 6000 SF	15 FT. ALONG MONTOPOLIS DRIVE 25 FT. AND CIRCULO DE AMISTAD 10 FT. ALONG REAR AND SIDE PROPERTY LINES	40 FT.

TYPES OF USES:

- RESIDENTIAL USES:**  
8. Off-street parking and loading requirements will be in accordance with Section 13-5-95 through Section 13-5-107 of the Land Development Code in effect on the date the original application for PUD was submitted (9/3/1997), except that development of Area 1 of the PUD shall comply with the parking and loading requirements set forth in Chapter 25-6 of the Land Development Code.
- COMMERCIAL USES:**  
ACCESSORY DWELLING UNIT  
MULTIFAMILY LOW DENSITY  
TOWNHOUSE, CONDOMINIUM AND DUPLEX  
ADMINISTRATIVE AND BUSINESS OFFICES  
ART AND CRAFT STUDIO (GENERAL)  
ART AND CRAFT STUDIO (LIMITED)  
BUSINESS SUPPORT SERVICES  
COMMUNICATIONS SERVICES  
FINANCIAL SERVICES  
MEDICAL OFFICES  
PERSONAL SERVICES  
PROFESSIONAL OFFICE  
SOFTWARE DEVELOPMENT

CIVIC USES:

- ADMINISTRATIVE SERVICES  
CLUB OR LODGE  
DAY CARE SERVICES (COMMERCIAL)  
DAY CARE SERVICES (GENERAL)  
DAY CARE SERVICES (LIMITED)

INDUSTRIAL USES:

- AGRICULTURAL: NONE  
NONE

SINGLE FAMILY RESIDENTIAL

AREA 2	Gross Site Area	Net Site Area	Number of Units	Density	Min. Setback	Max. Height
	4.37 AC.	4.37 AC.	24 units	5.5 U/AC.	Front 10 FT. Side 5 FT. Rear 5 FT.	35 FT.

TYPES OF USES:

- RESIDENTIAL USES:**  
SINGLE FAMILY RESIDENTIAL

COMMON AREA

AREA 3	Gross Site Area	Net Site Area
	.77 AC.	.77 AC.

TYPES OF USES:

- COMMUNITY RECREATION (PUBLIC)  
COMMUNITY RECREATION (PRIVATE)

WATER QUALITY AND DETENTION

AREA 4	Gross Site Area	Net Site Area
	1.26 AC.	1.26 AC.

TYPES OF USES:

- WATER QUALITY CONTROL FEATURES

IMPERVIOUS COVER

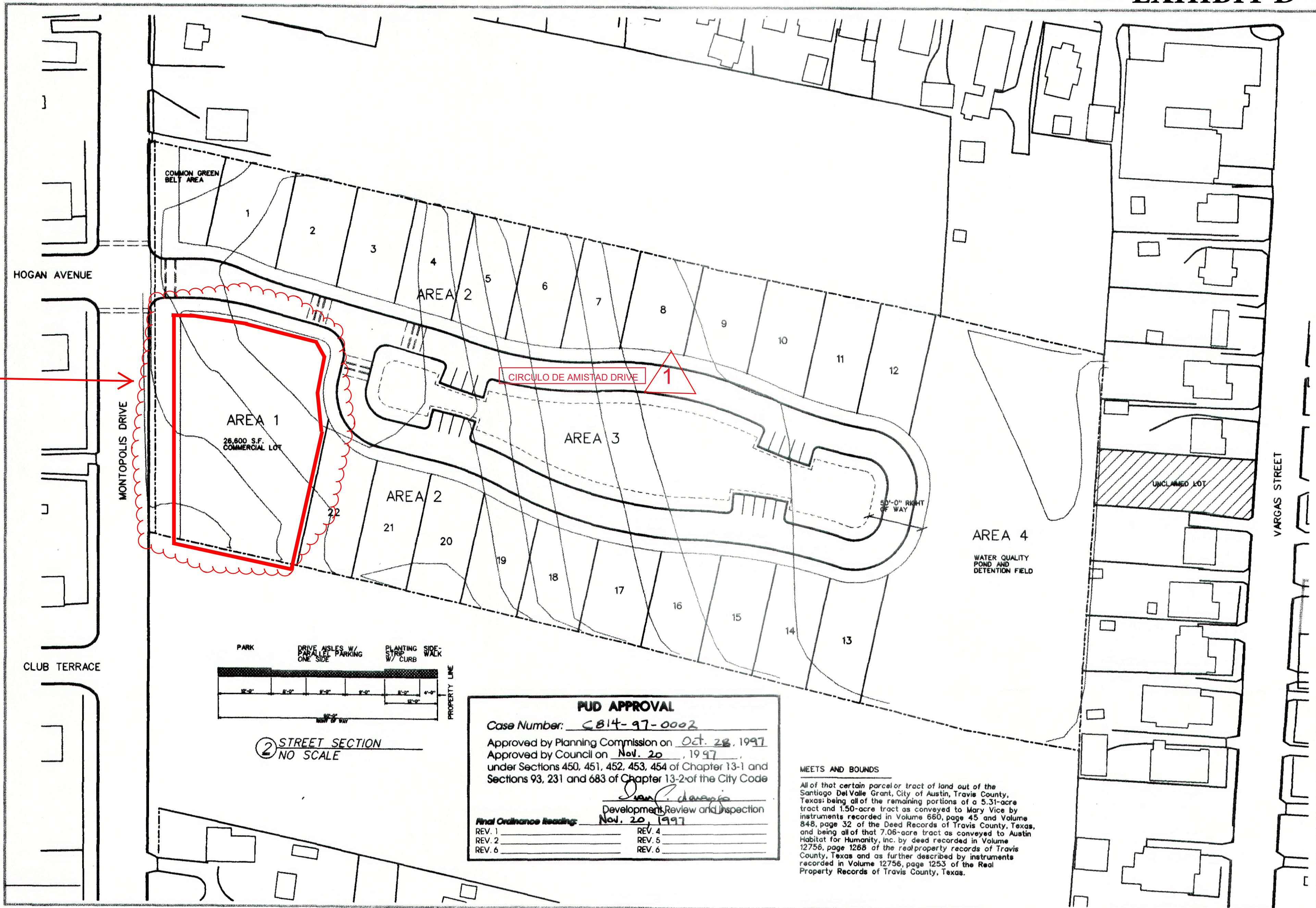
AREA 1:	70%
AREAS 2, 3, 4:	85%

ADDITIONAL SITE REGULATIONS

1. The minimum area for single family residential lots shall be 5000 SQ. FT.
2. The minimum width for single family lots shall be 50 FT. fronting dimension, and the minimum depth shall be 85 FT. The small lot single family use is permitted under standards which maintain single family neighborhood characteristics.
3. The minimum front yard setback for any single family residential lot shall be 10 FT. from property line.
4. The minimum side yard setback for single family residential lots shall be 5 FT.
5. The minimum distance between dwellings on adjoining lots shall not be less than 10 FT.
6. No single family residential lot shall have more than one dwelling unit.
7. The maximum height of any residential building shall be 35 FT.
8. Two off-street parking spaces will be required for each dwelling unit.
9. Public utility easements may be established along the rear, front, or side lot lines, and underground utility service to all lots is required.
10. The minimum street width for all two-way vehicular streets is 26 FT., including one parallel parking lane 8 FT. in width, in keeping with the Traditional Neighborhood Development (TND) Code.
11. The maintenance of all common areas and access easements shall be the responsibility of the abutting property owners or homeowners association, as such responsibility is established in the declaration of covenants, easements, and restrictions.

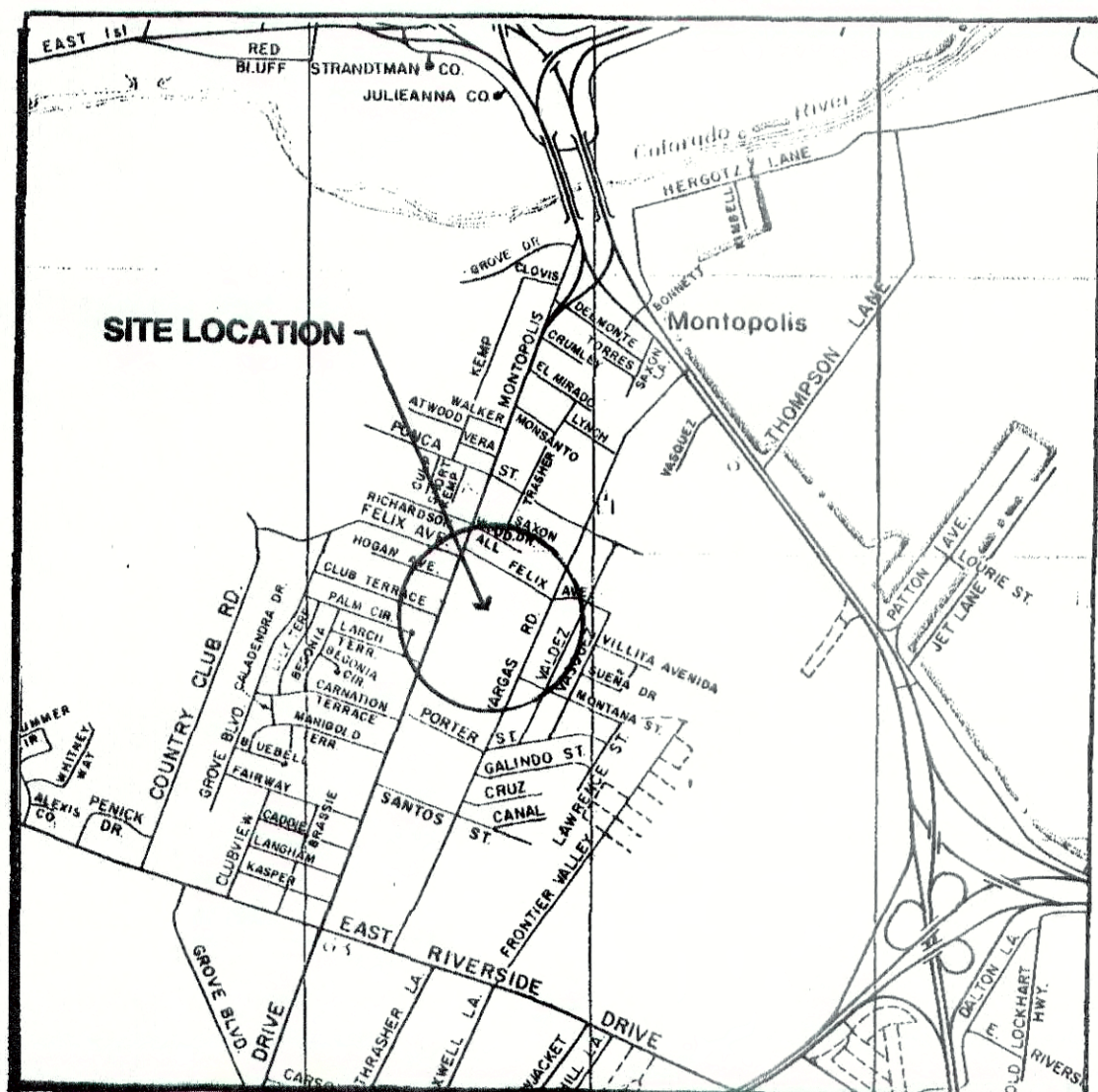
8. Off-street parking and loading requirements will be in accordance with Section 13-5-95 through Section 13-5-107 of the Land Development Code in effect on the date the original application for PUD was submitted (9/3/1997), except that development of Area 1 of the PUD shall comply with the parking and loading requirements set forth in Chapter 25-6 of the Land Development Code.

EXHIBIT D



**PUD APPROVAL**  
Case Number: C814-97-0002  
Approved by Planning Commission on Oct. 28, 1997  
Approved by Council on Nov. 20, 1997  
under Sections 450, 451, 452, 453, 454 of Chapter 13-1 and Sections 93, 231 and 683 of Chapter 13-2 of the City Code  
Development Review and Inspection  
Final Ordinance Reading: Nov. 20, 1997  
REV. 1 \_\_\_\_\_ REV. 4 \_\_\_\_\_  
REV. 2 \_\_\_\_\_ REV. 5 \_\_\_\_\_  
REV. 3 \_\_\_\_\_ REV. 6 \_\_\_\_\_

**MEETS AND BOUNDS**  
All of that certain parcel or tract of land out of the Santiago Del Valle Grant, City of Austin, Travis County, Texas, being all of the remaining portions of a 9.31-acre tract and 1.50-acre tract as conveyed to Mary Vice by instruments recorded in Volume 660, page 45 and Volume 848, page 32 of the Deed Records of Travis County, Texas, and being all of that 7.06-acre tract as conveyed to Austin Habitat for Humanity, Inc. by deed recorded in Volume 12756, page 1568 of the real property records of Travis County, Texas and as further described by instruments recorded in Volume 12756, page 1253 of the Real Property Records of Travis County, Texas.



1 P.U.D. SITE PLAN  
SCALE: 1" = 60'-0"

MARY VICE ESTATES  
AUSTIN HABITAT FOR HUMANITY  
P.U.D. LAND USE PLAN

23 NOVEMBER, 1997

CLOVIS HEIMSATH ARCHITECTS  
605 BRAZOS AUSTIN, TEXAS 78701 (612) 478-1621 477-7269 FAX

CIVCON ENGINEERS  
702 SPOFFORD AUSTIN, TEXAS 78703 (612) 448-1400

CFX ENGINEERS  
3901 SOUTH LAMAR, SUITE 450 AUSTIN, TEXAS 78704 (612) 448-9888

JAMES E. GARON & ASSOCIATES  
2312 WESTERN TRAILS BOULEVARD, BUILDING D, SUITE 404  
AUSTIN, TEXAS 78745 (612) 707-8087

LAND DESIGN STUDIO  
8711 BURNET ROAD, SUITE F-70  
AUSTIN, TEXAS 78757 (612) 467-7767



# City of Austin

P.O. Box 1088, Austin, TX 78767  
[www.cityofaustin.org/housing](http://www.cityofaustin.org/housing)



## Housing and Planning Department

April 27, 2021 (Update to letter dated December 18, 2019)

**S.M.A.R.T. Housing Certification**  
**Austin Habitat for Humanity**  
**6301 Circulo de Amistad (ID#286)**

TO WHOM IT MAY CONCERN:

Austin Habitat for Humanity - (development contact: Andy Alarcón: 512.472.8788x247 (o); [aalarcon@ahfh.org](mailto:aalarcon@ahfh.org)) is planning to develop **6 duplexes, 12-units**, ownership development at 6301 Circulo de Amistad, Mary Vice Estates P.U.D, Commercial Site Area 1. The project will be subject to a 99-year affordability period.

The Housing and Planning Department (HPD) certifies that the proposed construction meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since that 100% of the units of this project will serve households at 80% MFI, the development will be eligible for a **100%** waiver of the fees listed in Exhibit A of the S.M.A.R.T. Housing Resolution adopted by the City Council.

AWU Capital Recovery Fees	Site Plan Review	Zoning Verification
Building Permit	Misc. Site Plan Fee	Land Status Determination
Concrete Permit	Construction	Building Plan Review
Electrical Permit	Inspection	Parkland Dedication
Mechanical Permit	Subdivision Plan Review	<i>(by separate ordinance)</i>
Plumbing Permit	Misc. Subdivision Fee	

**Prior to issuance of building permits and starting construction, the developer must:**

- ◆ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Contact Austin Energy Green Building: 512-482-5300 or [greenbuilding@austinenenergy.com](mailto:greenbuilding@austinenenergy.com)).
- ◆ Submit plans demonstrating compliance with the required accessibility or visitability standards.

**Before a Certificate of Occupancy will be granted, the development must:**

- ◆ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy).
- ◆ Pass a final inspection to certify that accessibility standards have been met.
- ◆ An administrative hold will be placed on the building permit, until the following items have been completed: 1) the number of affordable units have been finalized and evidenced through a sealed letter from project architect and/or engineer, 2) a Restrictive Covenant stating the affordability requirements and terms has been filed for record at the Travis County Clerk Office

The applicant must demonstrate compliance with the reasonably-priced standard after the completion of the units, or repay the City of Austin in full the fees waived for this S.M.A.R.T. Housing certification.

Please contact me by phone 512.974.2108 or by email at [alex.radtke@austintexas.gov](mailto:alex.radtke@austintexas.gov) if you need additional information.

Sincerely,

A handwritten signature in black ink that reads "Alex Radtke". The signature is written in a cursive, slightly slanted style.

Alex Radtke, Senior Planner  
Housing and Planning Department

Cc: Kristin Martinez, AE   Jonathan Orenstein, AWU   Mashell Smith, ORS

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code:  
<https://bit.ly/ATXZoningComment>.



During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: [www.austintexas.gov/planning](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

**Case Number: C814-97-0002.01**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: February 8, 2022, Planning Commission**

John T. Duvall ETAL

Your Name (please print)

6103 Ponca St Austin Tx 78741

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

John T. Duvall

Signature

2-8-2022

Date

☒ I am in favor  
☐ I object

Daytime Telephone (Optional): \_\_\_\_\_

Comments: \_\_\_\_\_

City of Austin

FEB 17 2022

NHCD / AHFC

If you use this form to comment, it may be returned to:

City of Austin, Housing & Planning Department

Sherri Sirwaitis

P. O. Box 1088, Austin, TX 78767

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)



**ENVIRONMENTAL COMMISSION MOTION 20220302 004b**

**Date:** March 2, 2022

**Subject:** Case No. C814-97-0002.01; Mary Vice Estates PUD Lot 27 Amendment

**Motion by:** Jennifer Bristol

**Seconded by:** Perry Bedford

**RATIONALE:**

**WHEREAS**, the Environmental Commission recognizes the applicant is requesting to amend a Planned Unit Development (PUD).

**WHEREAS**, the Environmental Commission recognizes the site is located in the Carson Creek, Suburban Watershed; and

**WHEREAS**, the Environmental Commission recognizes that staff recommends this variance, (with two staff conditions) having determined the required Findings of Fact have been met.

**THEREFORE**, the Environmental Commission recommends the variance request with the following:

**Staff Conditions:**

1. This application completes the project established by the PUD such that any further development or redevelopment is subject to current code at the time of site development permit application.
2. This project shall comply with current code, except for the following exceptions:
  - a. 70% impervious cover on a net site area calculation shall be allowed rather than the 65% currently allowed for multi-family use.

**VOTE 8-0**

For: Bedford, Qureshi, Thompson, Aguirre, Brimer, Barrett Bixler, Ramberg, Bristol

Against: None

Abstain: None

Recuse: None

Absent: Scott

Approved By:

A handwritten signature in dark ink that reads "KEVIN RAMBERG". The letters are slightly slanted and connected in a cursive-like fashion.

Kevin Ramberg, Environmental Commission Chair