

**ZONING CHANGE REVIEW SHEET**

CASE: C14-2022-0211 (909 Montopolis)

DISTRICT: 3

ADDRESS: 907, 909, & 913 Montopolis Drive

ZONING FROM: MF-3-NP, SF-3-NP

TO: SF-6-NP

SITE AREA: 2.6 acres

PROPERTY OWNER: Montopolis Real Estate Holdings, LP (Gerald S. Webberman)

AGENT: Jackson Walker, LLP (Pamela Madere)

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

STAFF RECOMMENDATION:

**Staff recommends SF-6-NP, Townhouse and Condominium Residence-Neighborhood Plan Combining, district zoning.**

PLANNING COMMISSION ACTION / RECOMMENDATION:

**October 11, 2022: Postponed to November 8, 2022 at the neighborhood's request by consent (11-0, C. Llanes-Pulido-absent); A. Azhar-1st, C. Hempel-2nd.**

**November 8, 2022**

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is currently undeveloped. There is a retail sales use, zoned GR-NP, and single-family and duplex residences, zoned SF-3-NP, to the north. The lots to the south are zoned PUD-NP and are developed with single-family residences. To the east, there is an undeveloped area, zoned SF-3-NP and LR-NP zoning. The properties directly to the west contain an automotive sales use and a vacant lot, zoned GR-NP. Further to the west, across Montopolis Drive, there are single-family residences that are zoned SF-3-NP. The applicant is requesting SF-6-NP zoning to develop a 32-unit condominium project at this location.

The staff recommends SF-6-NP, Townhouse and Condominium Residence-Neighborhood Plan Combining, district zoning. The site under consideration meets the intent of the SF-6 base district as it takes access to Montopolis Drive, a Level 3 roadway. The proposed zoning will provide for a transition from the SF-3-NP zoning to the north to the PUD-NP zoning to the south. SF-6-NP zoning is consistent with the recently approved amendment to the Mary Vice Estates PUD which allowed for townhouse, condo and duplex uses. The site under consideration is located along Montopolis Drive, a high transit arterial roadway with multiple bus routes serving the neighborhood. In addition, the property 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 proposed zoning should be consistent with the purpose statement of the district sought.*

Townhouse and Condominium Residence district is intended as an area for moderate density single family, duplex, two family, townhouse, and condominium use, without the spacing and locational requirements for townhouses and condominiums that apply in SF-5. This district 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.

Neighborhood Plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

2. *The proposed zoning should promote consistency and orderly planning.*

The proposed SF-6 zoning is consistent with the recently approved amendment to the Mary Vice Estates PUD to the south. In Amendment #1 to the PUD, the applicant requested and was granted an increase the maximum building square footage, a reduction

in building setbacks and the addition of townhouse, condo and duplex residences as permitted uses. Therefore, the proposed zoning on this property will provide for a transition in uses from the SF-3-NP zoning to the north and west to the PUD-NP zoning to the south.

3. *Zoning should allow for reasonable use of the property.*

SF-6-NP zoning will permit the applicant to develop these tracts of land with a condominium project that will expand the housing opportunities in this area of the city.

4. *The proposed zoning should be consistent with the goals and objectives of the City Council.*

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.**

The Future Land Use Map in the neighborhood plan designates this tract for Single Family land use.

The site under consideration is within a half mile of the Riverside Station Town Center, as identified the Growth Concept Map of the Imagine Austin Comprehensive Plan. The proposed zoning supports the goals in the Imagine Austin Comprehensive Plan and the Strategic Housing Blueprint.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-3-NP, SF-3-NP	Undeveloped Area
<i>North</i>	GR-NP, SF-3-NP	Retail Sales (Happy Clouds Smoke Shop), Single-Family and Duplex Residences
<i>South</i>	PUD-NP	Single Family Residences
<i>East</i>	SF-3-NP, LR-MU-NP	Single Family Residences
<i>West</i>	GR-NP, SF-3-NP	Automotive Sales, Vacant Lot, Single-Family Residences

NEIGHBORHOOD PLANNING AREA: Montopolis Neighborhood Plan

TIA: Deferred to the time of Site Plan

WATERSHED: Carson Creek and Country Club East Watersheds

SCHOOLS: Austin I.S.D.

Allison Elementary School

Martin Middle School

Eastside Memorial High School at

Johnston

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District

Austin Lost and Found Pets

Austin Neighborhoods Council

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

Neighborhood Empowerment Foundation

Pleasant Valley

Preservation Austin

SELTEXAS

Sierra Club, Austin Regional Group

The Crossing Garden Home Owners Association

Vargas Neighborhood Association

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C814-97-0002.01 (Mary Vice Estates PUD Lot 27 Amendment #1: 6301 Circulo de Amistad)	PUD-NP to PUD-NP	3/08/22: 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.	4/07/22: Approved PUD amendment on 1st reading only by consent (11-0).  4/21/22: Approved PUD amendment by consent on 2nd/3rd readings (10-0, CM L. Pool-off dais); N. Harper-Madison-1st, P. Renteria-2nd.
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 rec. by staff (Vote: 5-3-0, B. Roark, J. Stevens, N. Zaragosa- No;	12/11/14: The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20141211-

		<p>L. Verghese- Absent); A. Hernandez-1st, J. Nortey-2nd. Motion to deny LO-MUCO-NP zoning, with conditions (3-5-0, D. Chimenti; R. Hatfield; A. Hernandez, J. Nortey, S. Oliver- No; L. Verghese- Absent); B. Roark-1st, J. Stevens-2nd.</p> <p>Forward to Council without a recommendation.</p>	<p>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. 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>
--	--	---	---

RELATED CASES:

C14-01-0060 – Montopolis Neighborhood Plan Rezoning

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within $\frac{1}{4}$ mile)
Montopolis Drive	3	80'	59'	42'	Yes	Shared Lane	Yes

OTHER STAFF COMMENTS:Comprehensive Planning

**Project Name and Proposed Use:** 907, 909 and 913 Montopolis Dr. C14-2022-0211. 2.6 acres from MF-3-NP and SF-3-NP to SF-6-NP. 32 condo units.

Yes	Imagine Austin Decision Guidelines
	<b>Complete Community Measures</b>
Y	<b>Imagine Austin Growth Concept Map:</b> Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. <b>Name(s) of Activity Center/Activity Corridor/Job Center: 0.50 miles from the Riverside Station Town Center</b>
Y	<b>Mobility and Public Transit:</b> Located within 0.25 miles of public transit stop and/or light rail station.
Y	<b>Mobility and Bike/Ped Access:</b> Adjoins a public sidewalk, shared path, and/or bike lane.
Y	<b>Connectivity, Good and Services, Employment:</b> Provides or is located within 0.50 miles to goods and services, and/or employment center.
Y	<b>Connectivity and Food Access:</b> Provides or is located within 0.50 miles of a grocery store/farmers market.
Y	<b>Connectivity and Education:</b> Located within 0.50 miles from a public school or university.
Y	<b>Connectivity and Healthy Living:</b> Provides or is located within 0.50 miles from a recreation area, park or walking trail.
	<b>Connectivity and Health:</b> Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.)
	<b>Housing Affordability:</b> Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
Y	<b>Housing Choice:</b> Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	<b>Mixed use:</b> Provides a mix of residential and non-industrial uses.
	<b>Culture and Creative Economy:</b> Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	<b>Culture and Historic Preservation:</b> Preserves or enhances a historically and/or culturally significant site.
	<b>Creative Economy:</b> Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	<b>Workforce Development, the Economy and Education:</b> Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	<b>Industrial Land:</b> Preserves or enhances industrial land.
8	<b>Total Number of "Yes's"</b>

Environmental

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

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 or adjacent to 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.

### Fire

No comments.

### Parks and Recreation

Parkland dedication will be required for the new applicable uses proposed by this development, townhome and condominium with SF-6 zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov). At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

### 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 northeast property line, 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**

FYI – 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

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

The Austin Strategic Mobility Plan (ASMP) calls for 80 feet of right-of-way for Montopolis Drive. It is recommended that 40 feet of right-of-way from the existing centerline should be dedicated for Montopolis Drive according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The adjacent street characteristics table is provided below:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Montopolis Drive	3	80'	59'	42'	Yes	Shared Lane	Yes

### Water Utility

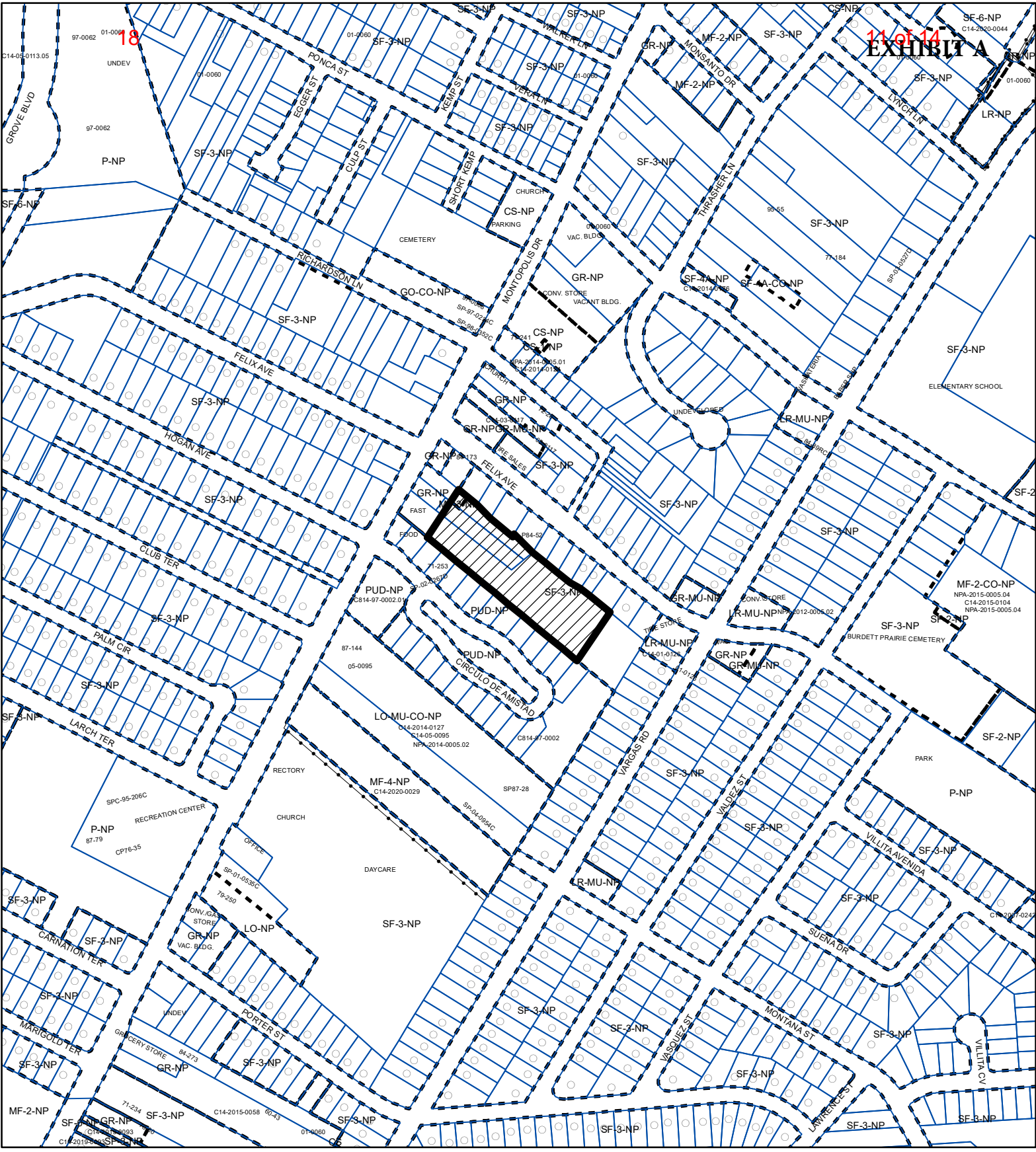
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.




Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at [ser@austintexas.gov](mailto:ser@austintexas.gov).

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

- A: Zoning Map
- B. Aerial Map
- C. Applicant's Request Letter
- D. Postponement Request from Montopolis Neighborhood Contact Team



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

## ZONING

ZONING CASE#: C14-2022-0211

1" = 400'

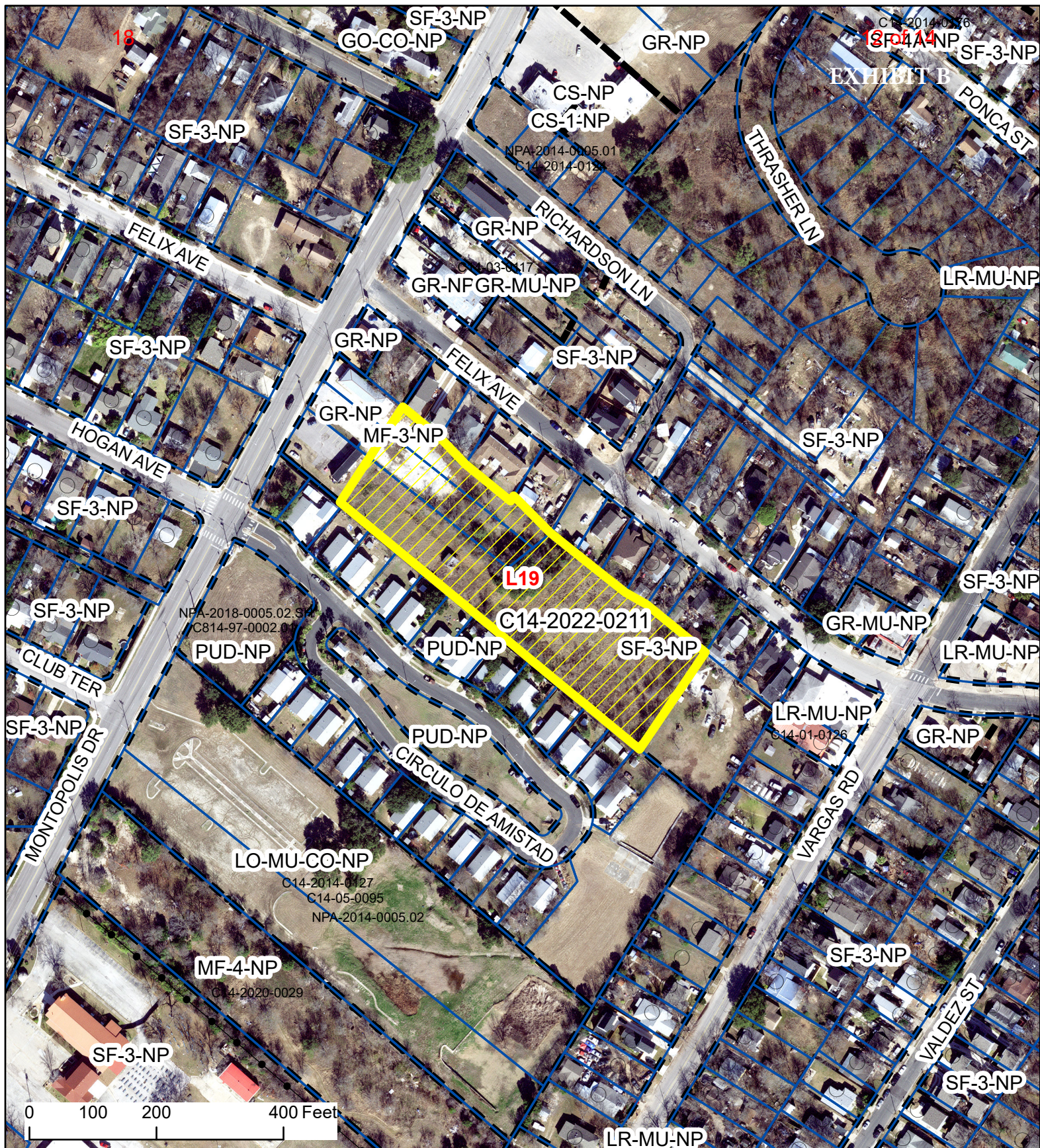
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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



Created: 8/25/2022





## 909 Montopolis



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

ZONING CASE#: C14-2022-0211  
 LOCATION: 907, 909 & 913 Montopolis Drive  
 SUBJECT AREA: 2.6 Acres  
 GRID: L19  
 MANAGER: Sherri Sirwaitis



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

**Created: 10/5/2022**





Pamela Madere  
(512) 236-2048 (Direct Dial)  
(512) 236-2002 (Direct Fax)  
pmadere@jw.com

July 28, 2022

Rosie Trulove, Director  
Housing and Planning Department  
City of Austin  
1000 East 11<sup>th</sup> Street, Suite 200  
Austin, TX 78702

Re: 907, 909 and 913 Montopolis Drive., Austin, TX. – Zoning Application  
for approximately 2.6 acres out of the ABS 24 Del Valley Survey, Travis  
County, Texas known as 909 Montopolis (*the “Property”*)

Dear Ms. Trulove:

As authorized by Montopolis Real Estate Holdings LP and 720 Lamar Place LC, (*the “Owners”*), we are submitting this zoning application for “SF-6” Townhouse & Condominium Residence zoning district in order to develop the Property for a condominium project.

The Property is currently undeveloped and is zoned SF-3-NP and MF-3-NP; GR Community Commercial zoning is in front of the Property. The Property is within the Montopolis Neighborhood Plan and does not require a FLUM amendment with the proposed zoning change.

Please contact me should you have any questions regarding this zoning request.

Sincerely,

A handwritten signature in blue ink that reads 'Pam Madere'.

Pamela Madere

**From:** Susana Almanza  
**To:** [Shaw, Todd - BC](#); [Sirwaitis, Sherri](#)  
**Subject:** Postponement Request 907, 909, & 913 Montopolis Drive  
**Date:** Wednesday, September 28, 2022 9:18:16 PM

---

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

Dear Planning Commission Chair Todd Shaw - The Montopolis Neighborhood Contact Team is requesting a **postponement** for 907,909,913 Montopolis Drive/C14-2022-0211 until November 2022. This zoning case has **not** been reviewed by the Montopolis Neighborhood Plan Contact Team.

The Montopolis Contact Team meets the last Monday of each month. Our next meeting is scheduled for October 24th, instead of October 31st. The Montopolis Recreation Center will be hosting a Halloween Carnival for children on October 31st. Thank you for your assistance, Susana Almanza, President Montopolis Neighborhood Plan Contact Team

--

--

PODER  
P.O. Box 6237  
[Austin, TX 78762-6237](#)  
[www.poderaustin.org](http://www.poderaustin.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 [cybersecurity@austintexas.gov](mailto:cybersecurity@austintexas.gov).