

## NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

**NEIGHBORHOOD PLAN:** Montopolis Neighborhood Plan

**CASE#:** NPA-2011-0005.01

**PC DATE:** April 12, 2011

**ADDRESS/ES:** 6716 East Riverside Drive

**SITE AREA:** 22.231 Acres

**APPLICANT:** Carlson, Brigance, Doering, Inc (Charles R. Brigance, Jr., P.E.)

**OWNER:** Equity Secured Capital, L.P.

**AGENT:** Charles R. Brigance, Jr. P.E.

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Commercial

**To:** Multifamily

**Base District Zoning Change**

**Related Zoning Case:** C14-2010-0204 (SR)

**From:** CS-NP & MF-3-NP

**To:** SF-4A-NP

**NEIGHBORHOOD PLAN ADOPTION DATE:** September 27, 2001

**PLANNING COMMISSION RECOMMENDATION:** On April 12, 2011, the motion to approve staff's recommendation for higher density single family on tracts 1 & 2 and mixed use on tract 3; was approved by Commissioner Danette Chimenti's motion, Commissioner Sandra Kirk seconded the motion on a vote of 7-2; Commissioners Alfonso Hernandez and Jay Reddy voted against the motion (nay).

**STAFF RECOMMENDATION:** To NOT support the FLUM change to Multifamily, but to support a FLUM change to Higher Density Single Family on Tracts 1 & 2.

**BASIS FOR STAFF'S RECOMMENDATION:** The plan amendment and zoning request meets the following Goals, Objectives, and Recommendations in the Montopolis Neighborhood Plan:

## LAND USE

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

**Objective 2:** Continue to promote the existing neighborhood pattern of development with new and Smart Growth Infill development.

**Action 4:** The properties north of Riverside and east of Lawrence should be built out with commercial uses along the corridors of Riverside and 183. Residential uses are recommended on the remaining undeveloped land where permissible. Residential uses may include Smart Growth infill options and zoning designations that would allow the development of affordable housing. Appropriate residential zoning designations may include the following zoning options: Small Lot Amnesty, Cottage Lot Infill, Urban Home Lot Infill, Secondary Apartment Infill, SF-4A, SF-6, and MF-4. (Please refer to the Proposed Future Land Use Map for specific land uses and locations.)

**Action 5:** Create new streets, where possible, to enhance community access and connectivity.

Where possible, reconnect discontinuous streets and dead-ends, to improve neighborhood accessibility. Specifically:

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

**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. (Please refer to the Proposed Future Land Use Map, for specific land uses and locations.)

**Action 13:** Preserve residential zoning in the interior of East Montopolis to allow for new homes to be built. (Please refer to the Figure 4: Future Land Use Map, for specific land uses and locations.)

**Action 14:** Preserve Single Family zoning in the interior of South Montopolis. (Please refer to the Proposed Future Land Use Map, for specific land uses and locations.)

However, the request does not support this action item, because the request proposes to rezone MF-3-NP to SF-4A-NP.

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

**Action 22:** Preserve the existing multi-family zoning throughout the neighborhood. (Please refer to the Proposed Future Land Use Map, for specific land uses and locations.)

**Staff Analysis:** Although request does not meet all the action items, the request is largely consistent with the goals and objections of the plan to provide a range of housing types in the planning area.

**BACKGROUND:** The plan amendment application was filed out-of-cycle on February 14, 2011. The Montopolis Planning Contact Team submitted a letter allowing the out-of-cycle application.

The 22.231 acre property is an undeveloped tract of land.

The applicant proposes to rezone the property from CS-NP and MF-3-NP to SF-4A-NP to build 117 single family homes. The lot sizes are 40 feet by 115 feet (4,600 sq. ft. lots)

The applicant proposes to change the future land use map from Commercial to Multifamily. There is no proposed change to the Multifamily and Mixed Use part of the property.

The Montopolis Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on September 27, 2001. The boundaries for the planning area are Grove Boulevard on the north and west, Bastrop Highway on the east, and Ben White on the south.

**PUBLIC MEETINGS:** The city-facilitated plan amendment meeting was held on Monday, March 14, 2011. Seven hundred twenty-five notices were mailed to people who live within 500 feet of the property, in addition to members of the Montopolis Planning Contact Team and organizations registered with the City. Nineteen people attended the meeting including city staff, the applicant and his agent.

Jay Byler from KB Homes and Charles Brigrance the applicant's agent gave a brief presentation outlining the proposed project. After the presentation, the following questions were asked:

**Question: So you proposed to build the homes on small lots?**

Answer: Yes, the same size lots at the Centex Homes in Riverside Meadows to the east.

**Q: Why are you keeping the front of the property commercial?**

A. We are not opposed to rezoning the property to SF-4A along with the rest of the property, but the City's East Riverside Corridor staff suggested we keep that portion commercial because it is consistent with the plan goals.

**Q. It appears all your entrances and exits are off Frontier Valley. Frontier Valley is a busy street and that's too much traffic.**

A. There is also access to Santos Street, not only Frontier Valley. This is a conceptual plan, it is not final. We could provide access off of East Riverside Drive.

**Q. Will you do a Traffic Impact Analysis? A traffic study was recently done for Frontier Valley, you should look at that.**

A. Yes, we will do one. We are in the process of hiring a traffic engineer to do that. We will look at the Frontier Valley traffic study.

**Q. We want the homes to last. We want Five Star Green Building homes.**

A. The homes will be One Star Green Building homes and will be submitted for review by the City of Austin.

**Q. Where will the water drain?**

A. The water will be channeled to the north.

**Q. Will the detention pond be wet or dry?**

A. It will be a dry pond. The area is not big enough for a wet pond.

**Q. The storm water on Frontier Valley is bad because it flows uphill. Will your project make this even worse?**

A. We cannot add water to what is already there. Our Engineer will look at this drainage issue on Frontier Valley.

**Q. What about the wildlife that lives on the property, such as foxes?**

A. We will trap and relocate the animals.

**Q. Will you provide landscaping between the back fences of the home along Frontier Valley?**

A. Yes.

**Q. Will you build a bike path along Frontier Valley?**

A. I don't know if there will be space, but we will build a sidewalk.

**Q. Will you retain the water on site during construction?**

A. Yes. We must also pre-treat the water before it enters the pipes.

After the City-Facilitated meeting, the Montopolis Planning Contact Team began their meeting to discuss the case.

Stefan Wray, a member of the PCT, made a motion to support the zoning change to SF-4A-NP on the whole property (Tracts 1, 2, & 3), even the front portion that is currently zoned CS-MU-NP, which is not part of the zoning or plan amendment applications. His motion included the condition that the Riverside Gardens be built to meet the action items of the neighborhood plan. (See his handout with the Goals on page 11 in this report). The motion passed on a vote of 14 to 0, with no abstentions

The Montopolis Planning Contact Team's letter of support is provided on page 12.

Ron Thrower's postponement request to the June 23, 2011 Council date is on page 26 and 27.

Girard Kinney's postponement request is on page 28.

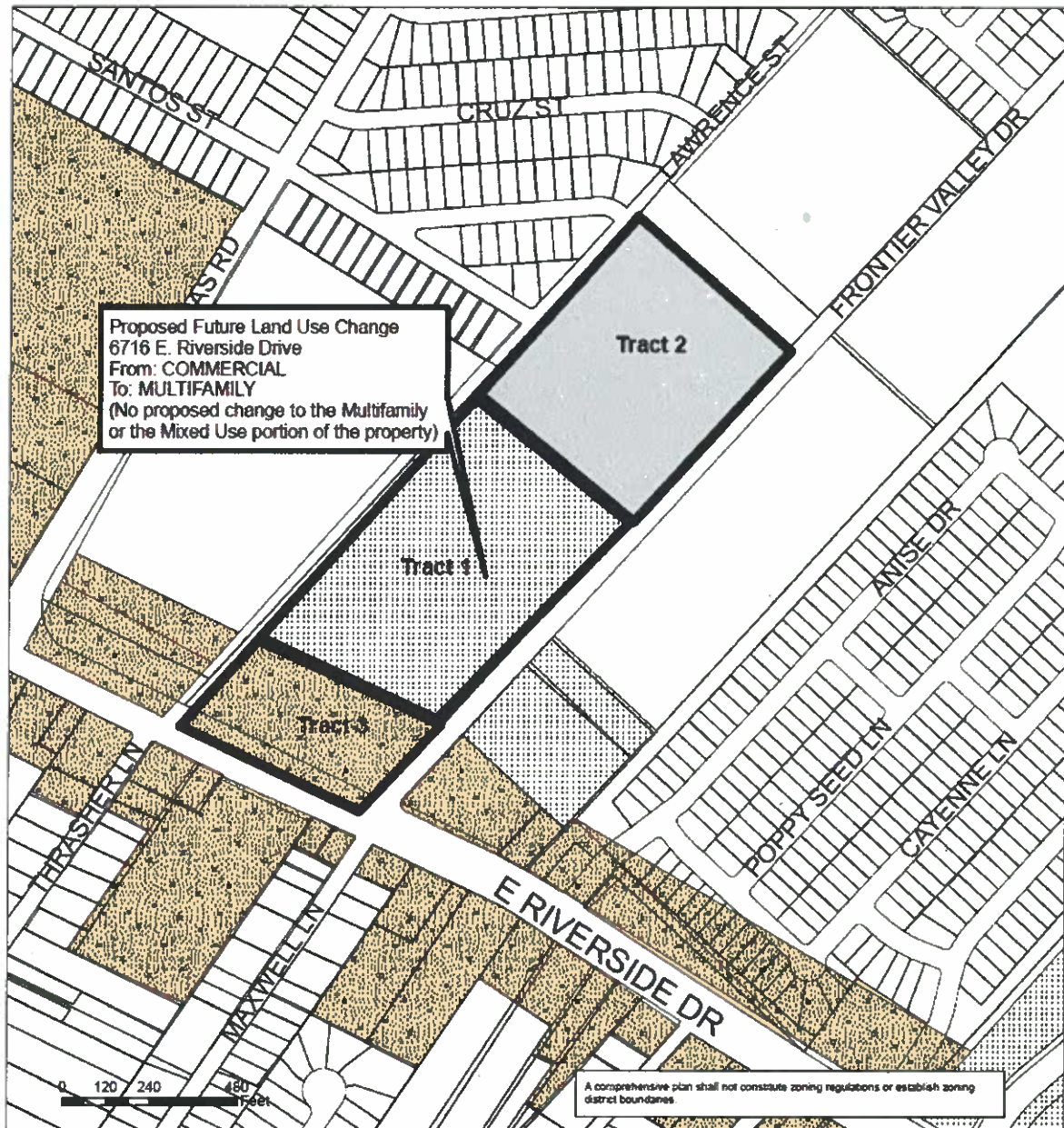
**CITY COUNCIL DATE:** May 26, 2011

**ACTION:** Pending

**CASE MANAGER:** Maureen Meredith, Senior Planner

**PHONE:** 974-2695

**EMAIL:** Maureen.meredith@ci.austin.tx.us



# **Montopolis Neighborhood Plan NPA-2011-0005.01**

This map has been produced by the City of Austin Planning and Development Review Department for the sole purpose of assisting in neighborhood planning discussions and decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.

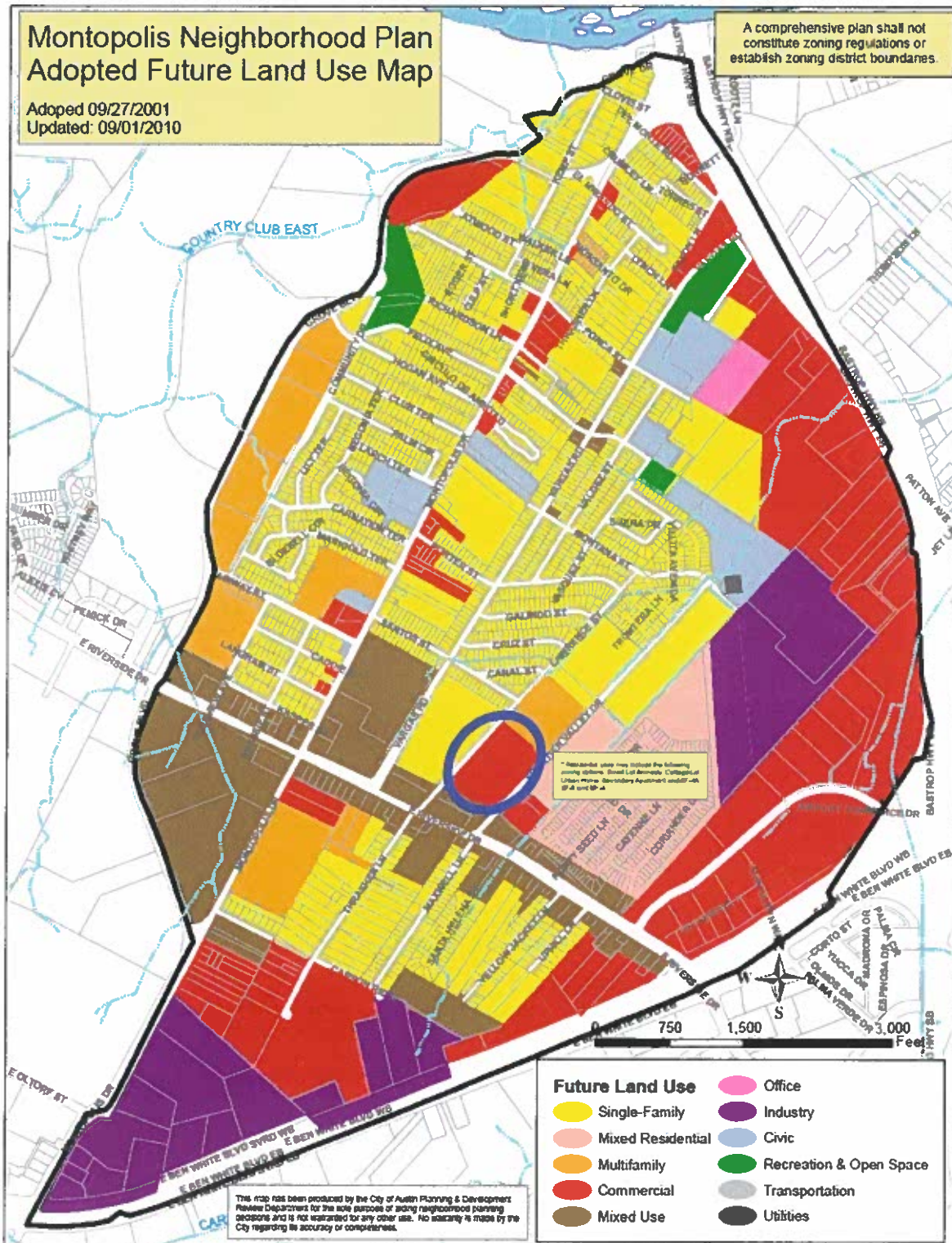
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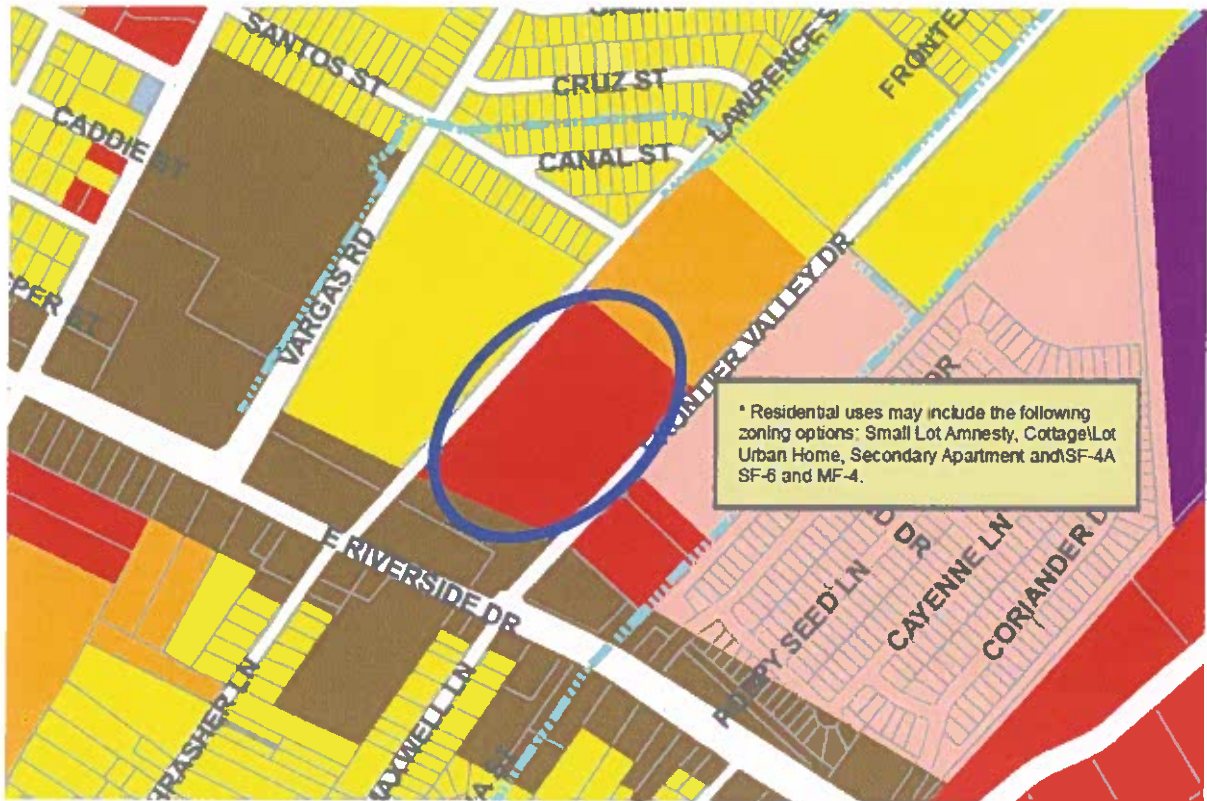


## **Future Land Use Legend**

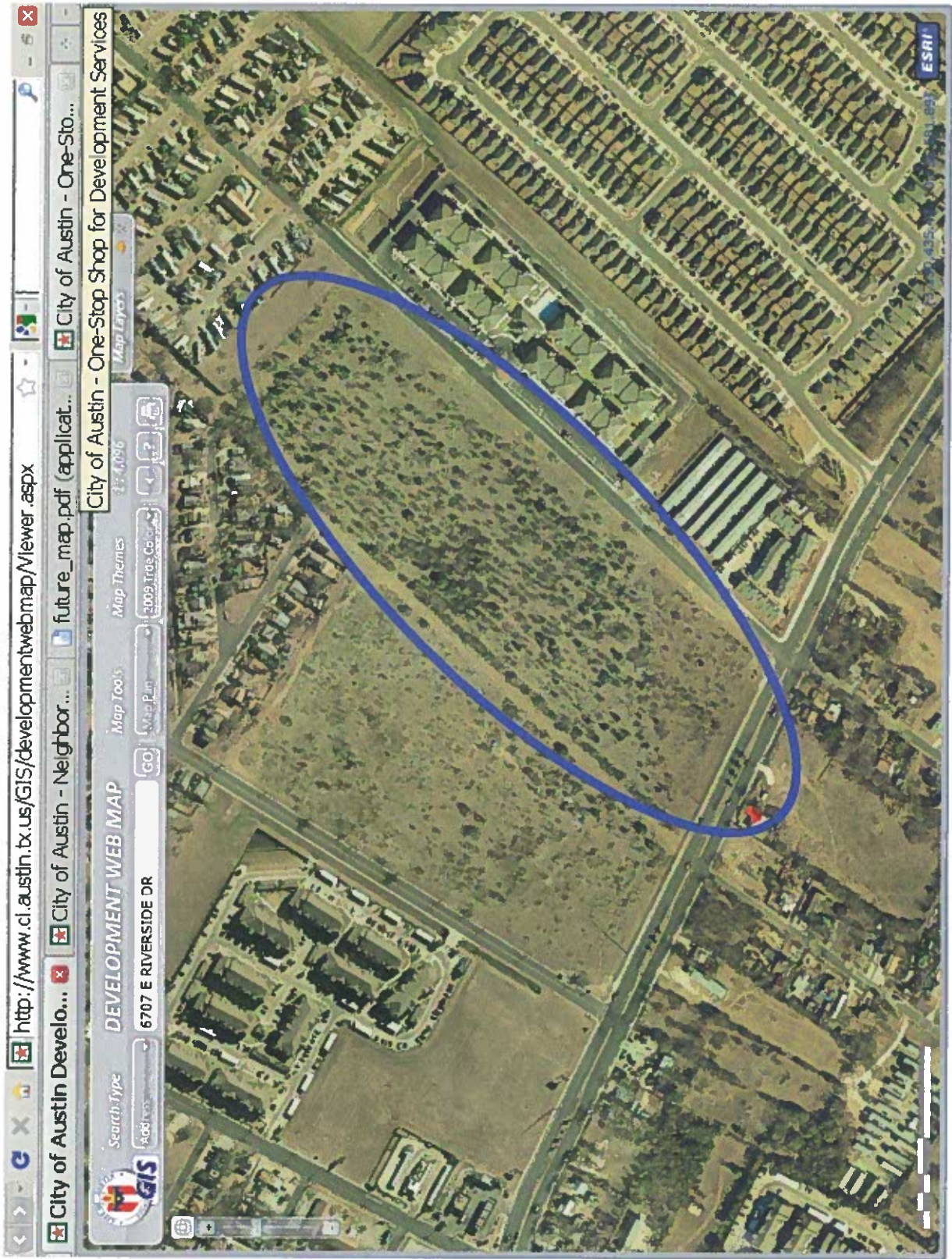
<b>SDE.flum_combined</b>		Mixed Use/Office
<b>FLU</b>		Multi-family
		Office
		Recreation & Open Space
		Single Family



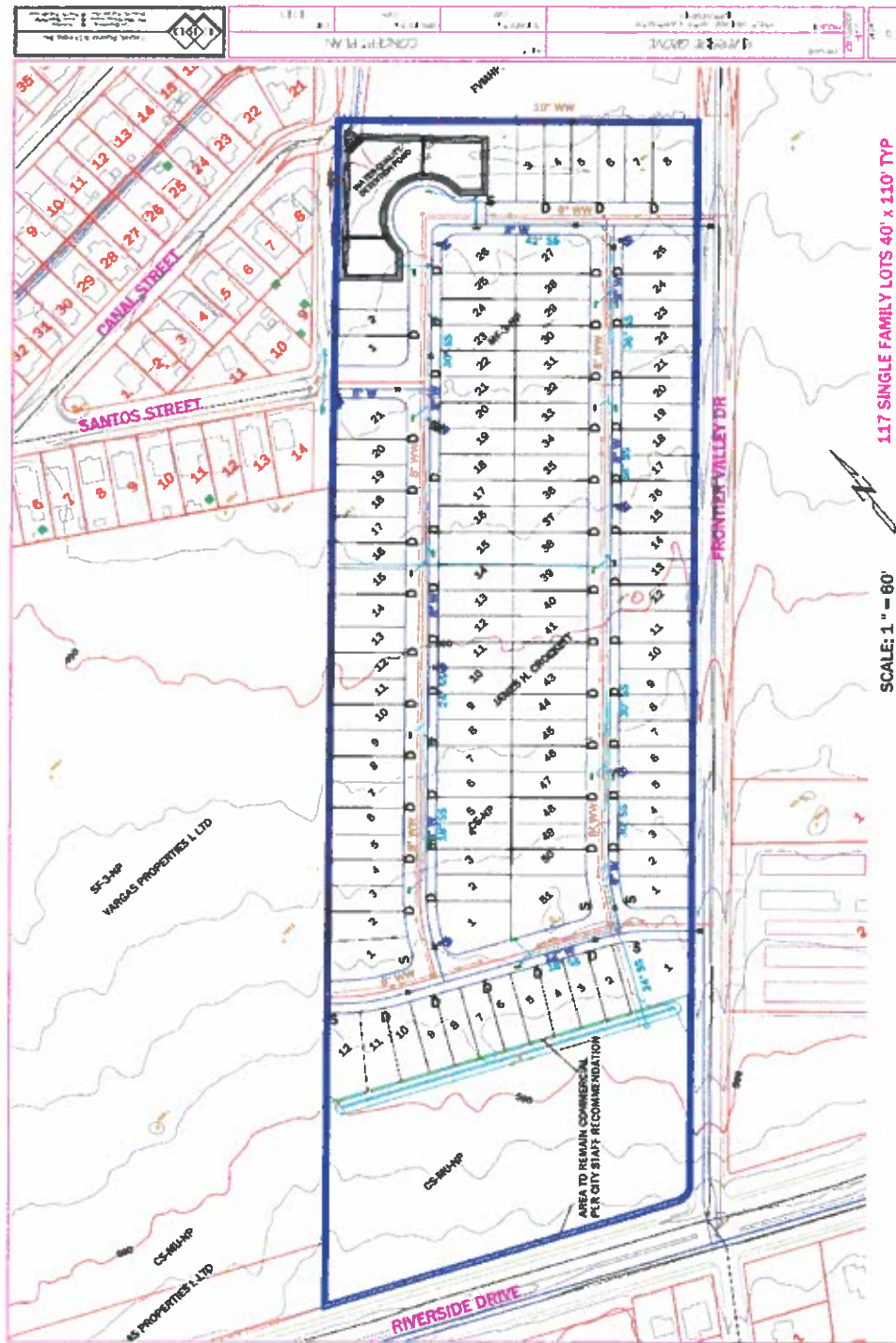


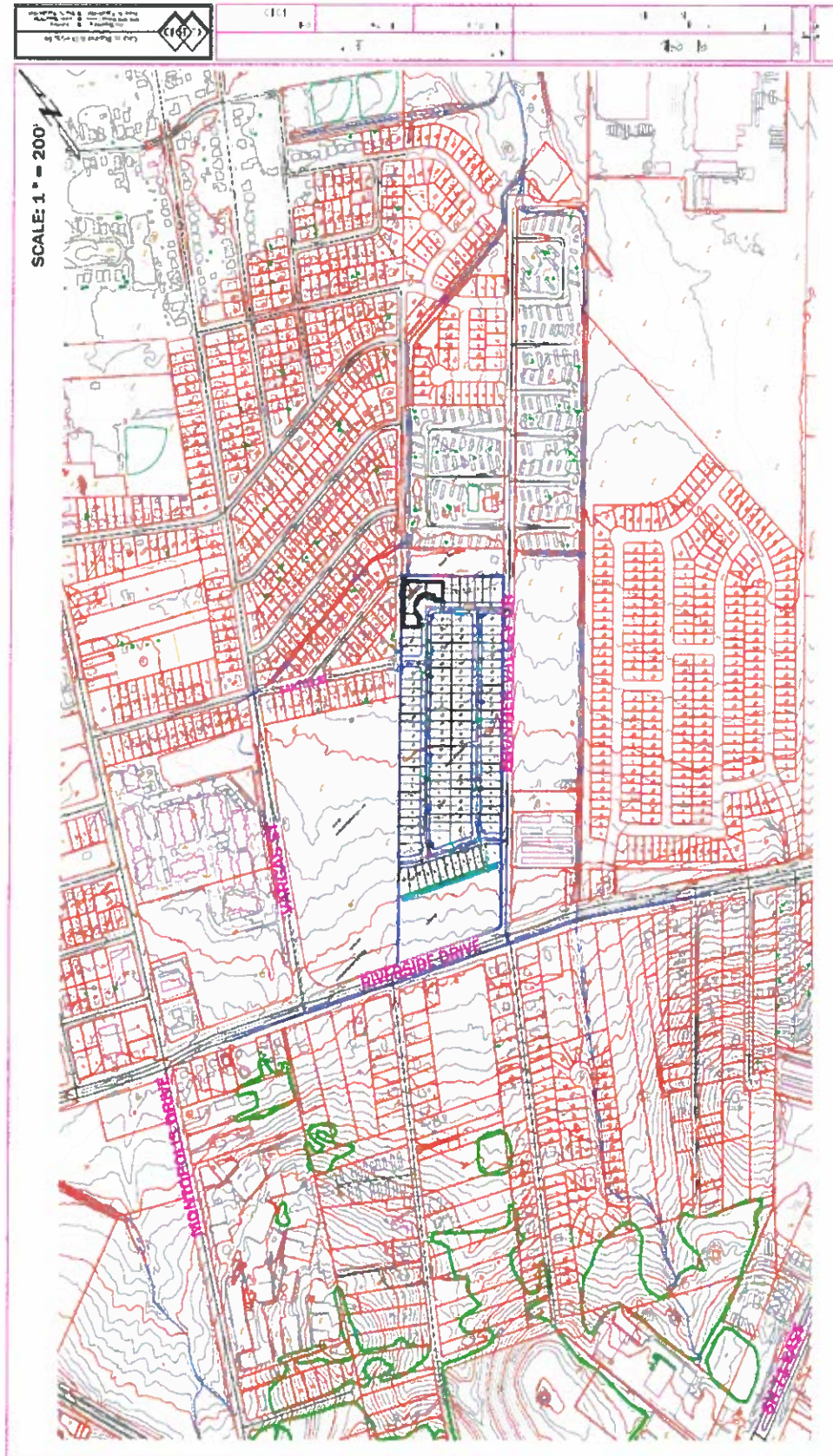












March 14, 2011  
NOA mtg - Given to Staff  
From Stefan Wray

Riverside Gardens C14-2010-0204 and NPA-2011-0005

**#1 PROPOSED ADDITION TO THE AMENDMENT**

The Riverside Gardens subdivision shall be built to comply with Montopolis Neighborhood Plan's (MNP) Objectives and Actions, including specifically MNP Action 5, MNP Objective 8, MNP Action 46, and MNP Action 47.

**#2 PROPOSED ADDITION TO THE AMENDMENT**

The 4 acres between the Riverside Gardens site and E. Riverside Drive shall also be converted to Single Family zoning.

#####

MNP Action 5 states: "Create new streets, where possible, to enhance community access and connectivity. Where possible, reconnect discontinuous streets and dead-ends, to improve neighborhood accessibility."

MNP Objective 8 states: "Improve traffic flow throughout the neighborhood."

MNP Action 46 states: "Insure that the future street network in South and East Montopolis allows for the development of interconnected street networks that provide access to neighborhood collectors while preserving the existing residential character of the neighborhood."

MNP Action 47 states: "The developing street network's design should consider issues of connectivity for pedestrians and for other modes of transportation (bicycle, transit, vehicular)."



Montopolis Neighborhood Plan Contact Team

March 31, 2011

Mr. Stephen Rye  
Neighborhood Planning & Zoning Department  
P O Box 1088  
Austin, TX 78767

RE: Case Number: NPA-2011-0005.01 Plan Amendment and  
C14-2010-0204 - Zoning Change

Dear Mr. Rye,

The Montopolis Neighborhood Plan Contact Team (MNPCT) held its meeting on March 14, 2011 at Dan Ruiz Library to review a Montopolis Plan Amendment and zoning change for property located at 6716 E. Riverside Drive, Austin, Texas 78741. The case we reviewed and discussed was for a Neighborhood Plan Amendment (NPA-2011-0005.01) and zoning change Case Number C14-2010-0204 located at 6716 E. Riverside Drive, with a zoning change from CS-MP and MF-3-NP to SF-4A.

At this meeting, the MNPCT members and other neighborhood residents heard and reviewed the presentation by Maureen Meredith, Senior Planner, Planning & Development Review Dept. City of Austin and from agent, Charles R. Brigance, representing applicant Carlson, Brigance & Doering, Inc.

After an extensive discussion, members of the MNPCT voted to approve the change for the Future Land Use Map (FLUM) request on the property at 6716 Riverside Drive and the zoning change from CS-NP & MF-3-NP to SF-4A-NP. The vote was to approve the entire property with a FLUM and zoning change to SF-4A.

This Plan Amendment and zoning recommendation is compatible with the Montopolis Neighborhood's Plan Objective 2: Continue to promote the existing neighborhood pattern of development with new and Smart Growth Infill development. Action 4:....Residential uses are recommended on the remaining undeveloped land where permissible.....Appropriate residential zoning designations may include the following zoning options: Small Lot Amnesty, Cottage Lot Infill, Urban Home Lot Infill, Secondary Apartment Infill, SF-4A,..... This zoning request complies with the Montopolis Neighborhood Plan. Action 5: "Create new streets, where possible, to enhance community access and connectivity. Where possible, reconnect discontinuous streets and dead ends, to improve neighborhood accessibility." Objective 8: "Improve traffic flow throughout the neighborhood." Action 46: "Insure that the future street network in South and East Montopolis allows for the development of interconnected street networks that provide access to neighborhood collectors whiled preserving the existing residential character of the neighborhood." Action 47: "The developing street network's design should consider issues of connectivity for pedestrians and for other modes of transportation (bicycle, transit, vehicular)."

Sincerely,  
*Susana Almanza*  
Susana Almanza  
Chair- Montopolis Neighborhood Contact Team  
1406 Vargas Road  
Austin, TX 78741  
512/472-9921

CC: Charles R. Brigance



Stefan Wray  
6911 Villita Avenida  
Austin, TX 78741

February 21, 2011

Stephen Rye and Maureen Meredith  
Neighborhood Planning & Zoning Department  
City of Austin  
P.O. Box 1088  
Austin, TX 78767

RE: C14-2010-0204 and NPA-2011-0005 (Riverside Gardens)

Dear Stephen Rye and Maureen Meredith:

I am a resident of Montopolis, an active member of the Montopolis Neighborhood Plan Contact Team, the Board Secretary of the Frontier at Montana Residents' Association, and a Co-Founder of the Montopolis Tributary Trail Association.

I have some concerns regarding the proposed Riverside Gardens development at 6716 E Riverside Drive that I believe I share with others in all the above-mentioned groups.

**1) The first concern is with Traffic.**

From reading the attachments for C14-2010-0204, I see that the applicant has claimed that a Traffic Impact Analysis is not required. However, we do know that the addition of 117 lots with access only to Frontier Valley Drive is going to increase traffic on Frontier Valley Drive in two directions:

- Heading south toward E. Riverside Drive
- Heading north toward Montana Street

More vehicles will be backed up exiting and entering the neighborhood at the intersection of Frontier Valley Drive and E. Riverside Drive.

And there will be more vehicle traffic on Montana Street and streets connected to Montana Street for people wanting to get to 183 and the Montopolis Bridge.

I notice in the Land Development Code that in addition to a Traffic Impact Analysis there is also a provision for a Neighborhood Traffic Analysis that is required if at least 300 vehicle trips per day are expected to be added as the result of a development.

With 117 home lots, it is not unreasonable to assume that this will generate at least 300 vehicle trips per day.  $117 \text{ homes} \times 2 \text{ drivers} \times 2 \text{ trips} = 468 \text{ vehicle trips}$

**Questions:** Shouldn't a Neighborhood Traffic Analysis be conducted? If not, is there another way to address community concerns regarding this expected increase in traffic?

Also, with respect to traffic, I notice parts of the Montopolis Neighborhood Plan (MNP) has Objectives and Actions that pertain to the Riverside Gardens proposal

**MNP Action 5 states** “Create new streets, where possible, to enhance community access and connectivity. Where possible, reconnect discontinuous streets and dead-ends, to improve neighborhood accessibility.”

**Question:** With an entry and exit only on Frontier Valley Drive, the Riverside Gardens plan does not enhance community access and connectivity. How can the plan be revised so that it does?

**MNP Objective 8 states:** “Improve traffic flow throughout the neighborhood.”

**Question:** The Riverside Gardens plan doesn’t improve traffic flow throughout the neighborhood. It simply adds more traffic. How can the plan be revised to improve traffic flow?

**MNP Action 46 states:** “Insure that the future street network in South and East Montopolis allows for the development of interconnected street networks that provide access to neighborhood collectors while preserving the existing residential character of the neighborhood.”

**Question:** The Riverside Gardens does not seem to comply with Action 46. How can the plan be revised so that it does?

**MNP Action 47:** “The developing street network’s design should consider issues of connectivity for pedestrians and for other modes of transportation (bicycle, transit, vehicular).”

**Question:** With entry and exit only on Frontier Valley Drive, it does appear that the planned street network will consider connectivity for pedestrians and other modes of transportation expect to only get to Frontier Valley Drive. How can the plan be revised with the consideration of this connectivity goal stated in Action 47?

## **2) Another concern is with storm water management.**

The now empty lot where Riverside Gardens will be built does an excellent job of absorbing rainwater. With the addition of 117 40 ft x 120 ft lots (about 13 acres), along with the street infrastructure (unknown acres), there is going to be a considerable increase in the amount of impervious cover and in the volume of storm water that flows downstream.

Some of the existing homes in Frontier at Montana are literally right next to the 100-year flood plain. The Montopolis Tributary, and other parts of Carson Creek watershed, is known for flooding problems.

We downstream residents are very concerned that the storm water retention ponds need to be sized to be more than adequate to handle future storm events.

**Questions:**

- Will Watershed Protection be involved any modeling or analysis to size the retention ponds and determine the best management practices for this site?
- Will storm water from the retention pond flow directly into the creek channels, or will that water enter into a storm drain and be carried underground and exit into the creek farther downstream?

**3) Another concern is the use of the Neighborhood Park and Recreation Fund.**

This may be farther down the road, but I want to go on record to state that if the developer is required to pay into the Neighborhood Park and Recreation Fund that some of us would like to track those dollars to see that they are spent in accordance with the Land Development code: i.e. "the acquisition or improvement of neighborhood parks that will benefit the residents of the subdivision or site plan and that are located in the service area defined by the Parks and Recreation Department."

There is to be new parkland adjacent to the Montopolis Practice Field at 901 Vasquez. This fund could be used for that.

**Questions:**

- Will the developer be required to pay into this fund?
- What is an estimate of the dollar amount the developer will have to pay?
- How can the neighborhood ensure those dollars are spent locally?

Please add me to the notification list for any further action on this Zoning and this Neighborhood Plan Amendment case, and for any future cases within the Montopolis Tributary of the Carson Creek watershed.

Thank you,

*Stefan Wray*

Stefan Wray

Cc: Greg Guernsey

-----Original Message-----

From: Rye, Stephen  
Sent: Friday, March 04, 2011 1:58 PM  
To: 'Stefan Wray'; maureen.mereditu@ci.austin.tx.us  
Cc: Jain, Sangeeta; Rhoades, Wendy  
Subject: RE: Followup to Riverside Gardens

Stefan,

I have been working with staff to address your questions. The only applicable traffic question in regards to the current application and staff review is the requirement for a Neighborhood Traffic Analysis. According to the reviewer, Sangeeta Jain, an NTA was not required. I cannot elaborate on the basis of that determination and would defer to her for a more detailed response. The remainder of the traffic questions refer to how the applicant could revise his subdivision plan to improve traffic and street networks. These are issues that must be addressed by the applicant at subsequent subdivision or site planning stages.

The drainage issues will be addressed by the applicant at the site planning process. The project will be required to meet the provisions of the city code. Without further information given to Watershed staff via a site plan, staff cannot make a determination on drainage patterns and retention ponds.

The developer will be required to pay into the parkland dedication fee at a rate of 650 dollars per residential unit within the development, and the funds must be allocated within a one-mile radius of the project. Since a site plan or subdivision has yet to be filed, I do not have the exact number of units to provide you with an estimate.

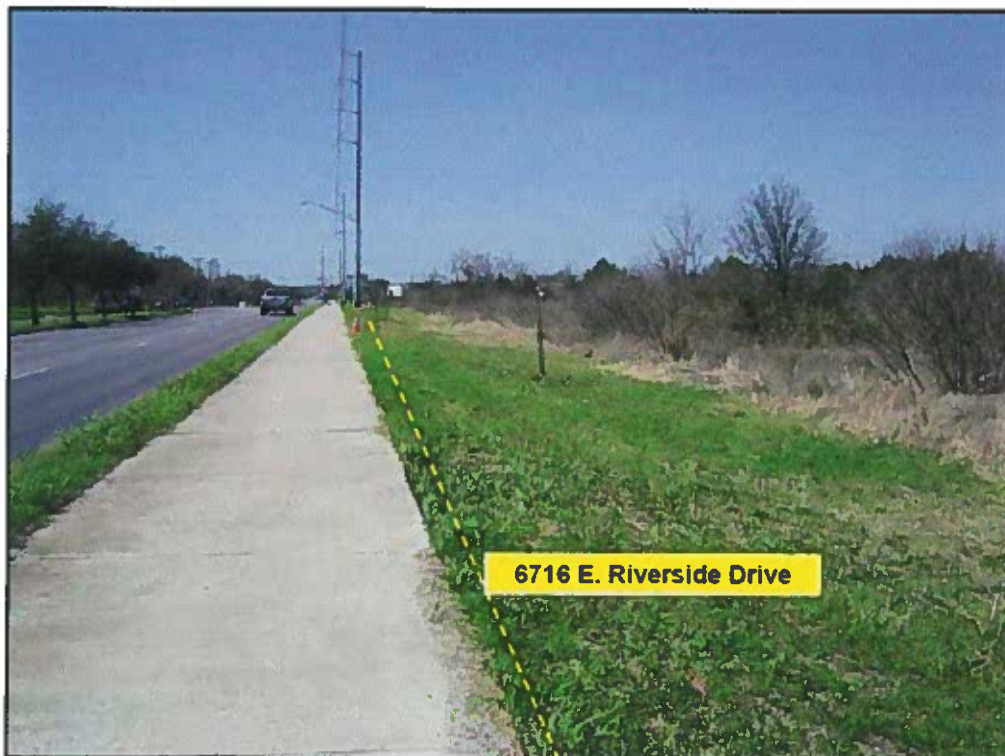
The majority of the questions you submitted are questions that must be answered by the applicant as this project proceeds through the site plan and subdivision phases. The current zoning and neighborhood plan cases filed are for the determination of appropriate land-use decisions only. The details you are seeking will be explored through the subsequent application processes. I would encourage you to contact the applicant for more information regarding the details outlined in your prior email.

Please let me know if I can be of any further assistance.

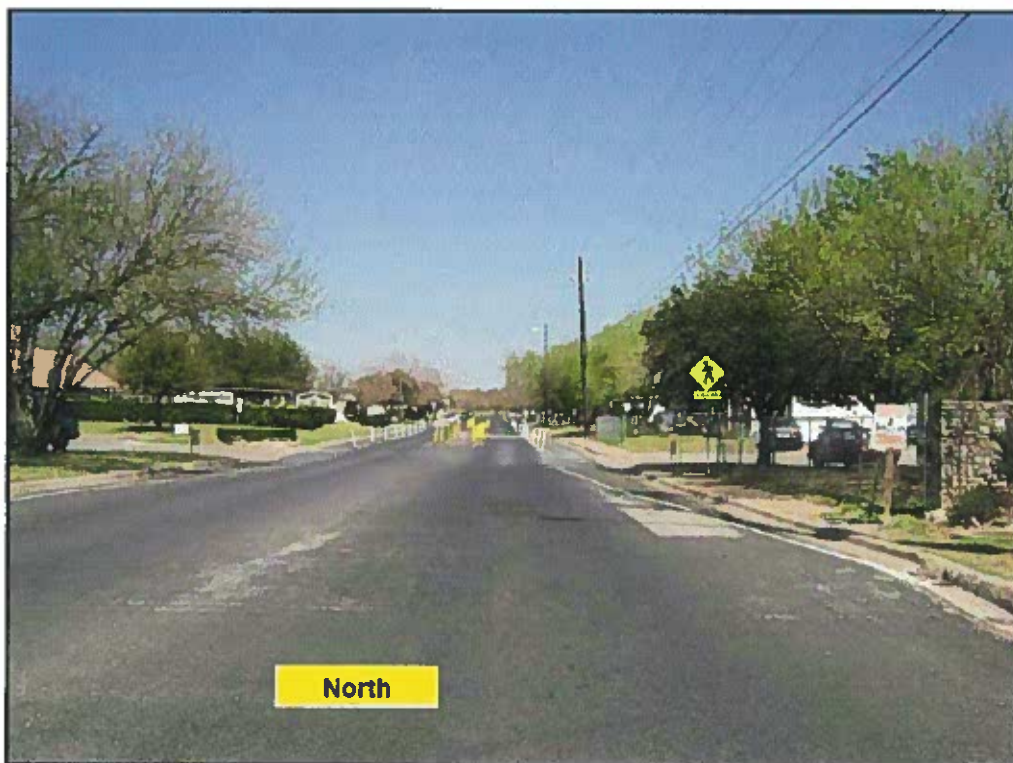
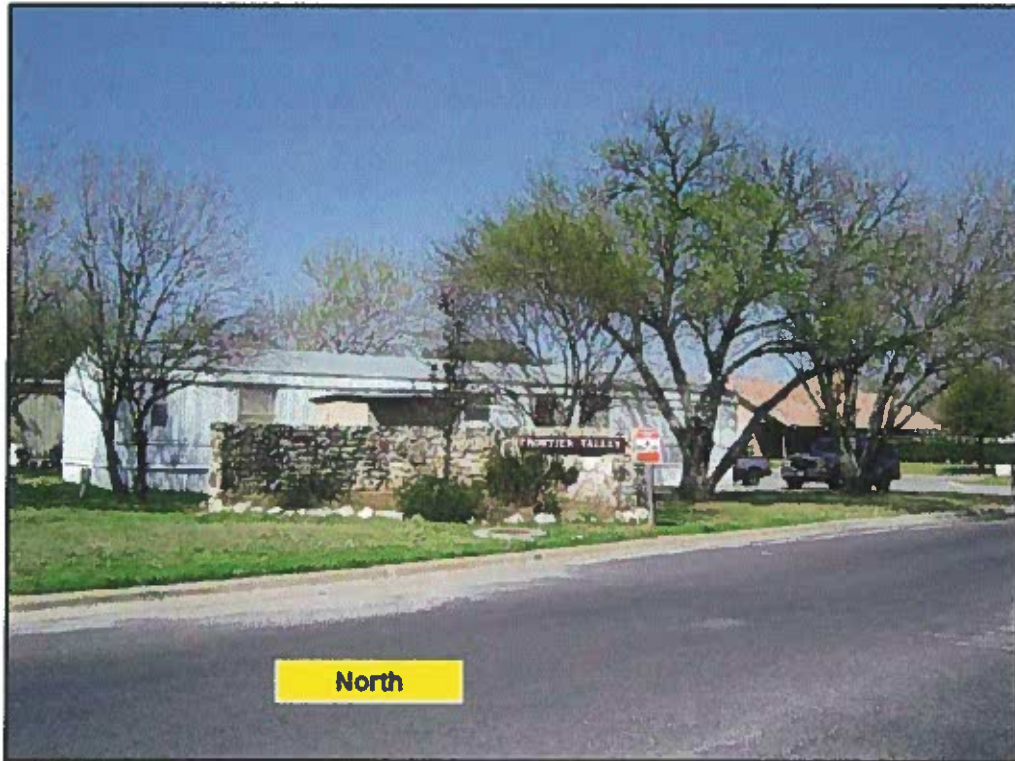
Thank you,

Stephen

Stephen Rye  
City of Austin  
Planning and Development Review Department Current Planning Division  
(512) 974-7604  
(512) 974-6054 fax







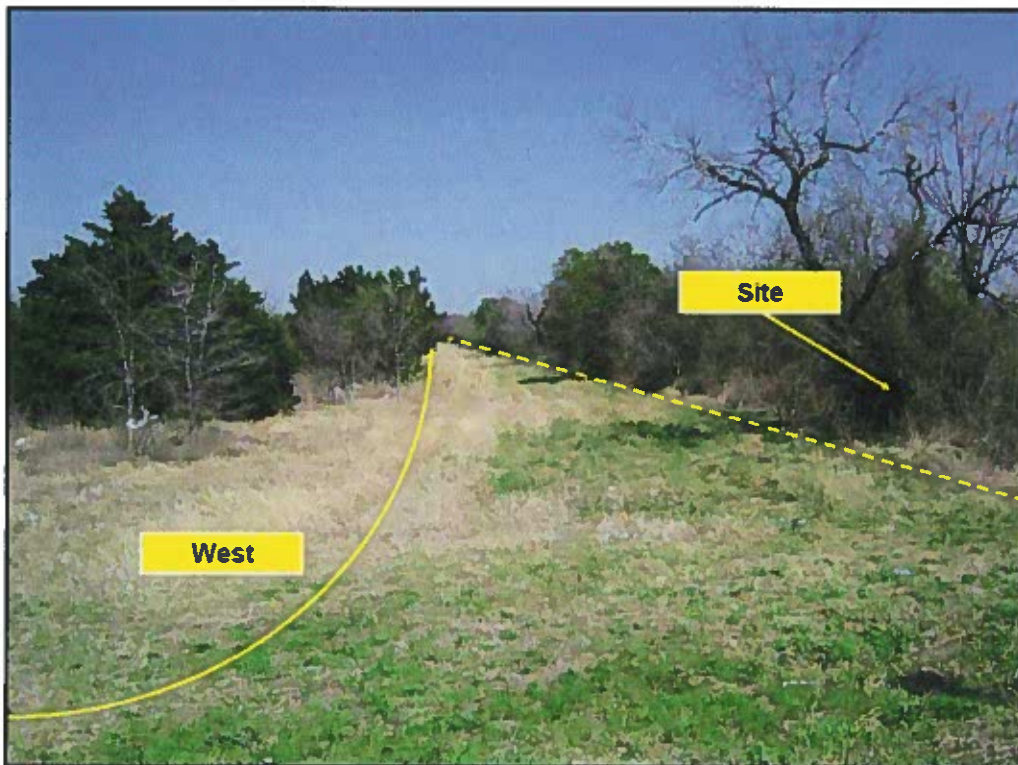


















## Thrower Design

P. O. Box 41957  
Austin, Texas 78704  
(512) 476-4456

May 4, 2011

Honorable Mayor Lee Leffingwell  
Mayor Pro Tem Mike Martinez  
Council Member Sheryl Cole  
Council Member Bill Spelman  
Council Member Laura Morrison  
Council Member Randi Shade  
Council Member Chris Riley  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767

RE: Riverside Gardens – 6716 East Riverside Drive  
Zoning Case # C14-2010-024  
Plan Amendment Case # NPA-2011-0005.01

Dear Mayor, Mayor Pro Tem, and Council Members,

My firm is representing Vargas Properties I, LP in their endeavors of participation in the East Riverside Corridor planning efforts. We are aware of a Neighborhood Plan Amendment and Zoning case (referenced above) that is filed on property abutting the Vargas Properties I, LP land. These proposed changes will have a negative effect on the Vargas Properties I, LP land and the East Riverside Corridor planning efforts. Time is necessary to explore the full extent of the negative impacts on my client's property and the East Riverside Corridor Plan which is underway with a Regulating Plan process that is not in final draft form.

L A N D P L A N N E R S

These two cases are scheduled for hearings at the May 12, 2011 City Council meeting. For the above reasons, we respectfully request a postponement to June 23, 2011 on the hearings for these two above referenced cases so that these negative impacts can be studied by my client and the direct effect that these will have on bringing transit options to the East Riverside Corridor.

Should you have any questions, please contact me at my office.

Sincerely,

A handwritten signature in blue ink that reads "A. Ron Thrower". The signature is written in a cursive, flowing style.

A. Ron Thrower

-----Original Message-----

From: Girard Kinney [<mailto:girard@kinneyarchitects.com>]

Sent: Thursday, May 05, 2011 11:43 AM

To: Rye, Stephen

Cc: Sally Ann Fly

Subject: Riverside Gardens cases

Mr. Rye;

I understand that the Riverside Gardens cases is scheduled for action by the City Council next Thursday, 12 May. This note is to request postpone action by the City Council with regard to these projects. I, and other architects who have a keen interest in the success of the Riverside Drive Corridor have followed this case and would like the opportunity to be present and to testify when it is heard and Action is taken, but it is happening at the same time as the AIA National Convention in New Orleans, so I and others will be at this annual convention.

Please convey my request to the Council. Thanks.

--

Girard Kinney, AIA  
Owner/Principal  
Kinney& Associates  
1008 East Sixth [78702]  
P.O. Box 6456  
Austin, Texas 78762-6456

O. 512.472.5572

F. 512.476.9956

C. 512.657.1593

H. 512.478.5042

Please submit emails with large file attachments to:  
[kadwgs@kinneyarchitects.com](mailto:kadwgs@kinneyarchitects.com)