

MEMORANDUM

TO:

Mayor and Council

FROM:

Greg Guernsey, Director

Planning and Development Review Department

DATE:

October 15, 2012

SUBJECT:

NPA-2012-0005.1

La Estancia Del Rio

C14-2012-0067

La Estancia Del Rio

City staff has received several requests for postponement of the public hearing from neighborhood representatives; the applicant does not concur with a postponement request (please see attached Exhibits labeled A).

Additionally, staff has received a valid petition against rezoning the property from abutting property owners and residents (please see attached Exhibits labeled B). Note, a petition from the Arbors at Riverside Condominiums is expected to be forthcoming, and would add approximately 3.38% to the petition. In the interim, individual unit owners' petitions are attached. Although Murpar Ltd. has submitted a petition for their two tracts, documents were not provided establishing authority to sign, and so this 9.59% has not been included.

Lastly, the additional conditions recommended by the Commission regarding building orientation, parking interior to the site, and provision of sidewalks and plantings noted in the staff report, will be incorporated into the restrictive covenant for the right-of-way reserve and are not included as conditional overlays in the zoning ordinance.

Greg Guernsey, Director

Planning and Development Review Department

x: Marc A. Ott, City Manager Sue Edwards, Assistant City Manager October 12, 2012

RE: C14-2012-0067 RE: NPA-2012-0005.01

Dear Mayor, City Manager, Council Member and Council Staff Staff

This is regarding the case scheduled to be heard by council on Oct 18th, C14-2012-0067 and NPA-2012-0005.01. On behalf of the families of the Montopolis neighborhood and the members of the Montopolis Community Alliance Community Alliance, , we are respectfully requesting that this case be postponed until a later date. Following are some of the reasons why we believe such a postponement is in order:

- 1) The pending/forthcoming council vote on Imagine Austin. We have been told the Imagine Austin Plan will be the City's blue print for the future. City Staff, Consultants and our volunteer Austin Citizens have spent hundreds if not thousand of hours on this project. To fail to take into consideration their hard work and their recommendations; is to demean the intent and spirit in and on which this project is based.
- 2)The pending/forthcoming council vote on "Affordable Housing Siting" (the geographic dispersion of affordable housing) working group. We have been told the Austin Housing Sitting Policy will be the City's blue print for the future of affordable housing in our wonderful City. City Staff, Consultants and our volunteer Austin Citizens have spent hundreds if not thousand of hours on this project. To fail to take into consideration their hard work and their recommendations; is to demean the intent and spirit in and on which this project is based
- 3) The pending/forthcoming council vote on the PC's resolution about contact teams.
- 4) The problems with the Montopolis Neighborhood Contact Team. By how you should be aware of many problems and defects with the MNPCT and its processes. The problems which this body has are so grave, and their misconduct has been so egregious, that it has been the impetus for the Planning and Zoning Commission to pass a resolution at their last meeting regarding city oversight and control of the neighborhood contact teams.
- 5) The fact that the ERCMP and Imagine Austin are shortly coming up for adoption by the city. We have pointed out several key areas where these proposed apartments conflict with the spirit and letter of these two city initiatives. With this in mind, we do not believe it is right or appropriate for an out-of-state developer/applicant, to bring forth an out-of-cycle zoning and FLUM change request, knowing that the city is imminently preparing to pass these two city initiatives, which city staff and volunteer citizens having had contributed countless man-hours and resources to. If this developer was conscientious about the needs of the city, wouldn't they want the city leadership to finalize these two initiatives, before trying to rush-through there project?

Respectfully,

Delwin Goss President
Montopolis Community Alliance (M.C.A.)
Vice President C.L.A.S.P.
Citizen Lead Austin Safety Partnershiphttp://clasp.weebly.com/
Recipient: Central Texas Crime Prevention Association 2011 Citizen Award
Texas Habitat for Humanity Leadership Conference 2010 Exceptional Service Award
Presidential Service Award for Community Service 2008, 2009, 2010, 2011
6410 Ponca Street
Austin, Texas 78741

From: Anthony

Sent: Friday, October 12, 2012 1:35 PM

To: Heckman, Lee

Cc:

Subject: Case NPA-2012-0005.01 and C14-2012-0067 - Request for Postponement

Case numbers: NPA-2012-0005.01 and C14-2012-0067

Dear Mr. Heckman:

The above referenced case is currently scheduled for its first reading before council on Oct 18th. On behalf of several Montopolis area neighborhood groups, homeowners associations and families, we are respectfully requesting that the first reading of this case be posted for postponement until the 12/6 council meeting.

We have several compelling reasons for requesting this postponement, but our primary reason is that the "East Riverside Corridor Master Plan" is imminently forthcoming before council and requires study prior to the consideration of a rezoning request within the boundarles of the ERCMP. The above referenced zoning and land use change request is unequivocally linked and relevant to the guidelines, rules and spirit of the ERCMP, and therefore we believe it to be in the best interest of the surrounding neighborhood stakeholders and the city at large to grant this postponement until 12/6, which should allow time for council to review and vote on the ERCMP, before addressing this particular rezoning request.

Thank you for your time and consideration.

Respectfully submitted,

Anthony Golden Frontier at Montana HOA

Mayra Briones
Frontier at Montana HOA

Rhonna Robles
The Arbors at Riverside HOA

Kai Jai Conner The Arbors at Riverside HOA

Caitlin Harris Moore President Frontier at Montana HOA Stefan Wray Frontier at Montana HOA Co-founder – Montopolis Greenbelt Association

Pam Thompson Frontier at Montana HOA Co-founder – Montopolis Greenbelt Association

Rae Wallace Property Manager Frontier Valley Mobile Home Park

Delwin Goss
President
Montopolis Community Alliance
Vice-President
Citizen Lead Austin Safety Partnership

From: Kai Jai Conner

Sent: Saturday, October 13, 2012 6:10 PM

To: [Mayor and Councilmembers]

Cc: Heckman, Lee; Meredith, Maureen; greg.gurnsey@ci.austin.tx.us

Subject: Re: Case NPA-2012-0005.01 and C14-2012-0067 - Request for Postponement

At the Planning Commission meeting last week, there was a 'discussion' and a resolution passed with regard to the conduct of neighborhood contact teams. As most of you are surely aware by now, the Montopolis contact team has gone awry, too much inappropriate behaviour to catalogue here, and no need. The Planning Commission has publicly admitted that they did not consider the contact team vote in their decision, and with good reason. Unfortunately for us, the neighborhood and the stakeholders, that contact team vote reflects our opinions of the zoning change. The contact team is also supposed to educate the neighbors and stakeholders with regard to how certain zoning categories will affect Montopolis. The contact team, at the October 4th meeting, only gave us a 10 minute question and answer period with the applicant because in the words of the president, Susanna Almanza, "the contact team has already approved the project and the change to the FLUM", so no need for too much discussion. The applicant had changed their zoning request to MF-3 since the July 30th meeting that she was referring to, and there had been no other discussion of the ramifications from the change to the neighborhood. So the neighbors have had no education about MF-3 zoning and our vote regarding the zoning change has been effectively rendered unimportant, virtually meaningless. I have lived in Austin a long time and have always known the City of Austin government to care deeply what neighbors think about land uses in their neighborhoods. This recent chain of events seems to fly in the face of that sentiment and it feels wrong to me. Hopefully, we can bring our contact team back into compliance so that it can shortly provide the functions that it's supposed to do, the functions that were so eloquently stated at the Planning Commission meeting last week.

We are asking for a postponement until December 6th so that we can understand the effects of a zoning change to MF-3 before the Council considers the change in application. The applicant has stated many times that they are approaching many hard deadlines and that if we don't rush the application and the zoning change through, the 'deal' may fall apart. To us, this is not a 'deal' -- it is a monolithic structure that we will look at every day that we live across the street and it will bring factors that we will live with. I feel that lack of planning on their part does not constitute an emergency on our part and if the Council kowtows to this developer over the needs and wants of the neighborhood, I wonder who they are working for as it will be a morally bankrupt action. We have no objection to housing of any kind in our neighborhood, we just want the opportunity to understand the ramifications and the look and feel to the neighborhood before the Council votes on it. I hope you will consider my request.



October 12, 2012

Mr. Lee Heckman
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

RE:

1700 1/2 Frontier Valley Drive

Dear Mr. Heckman:

We have received a a copy of the request to postpone city council action on 1700 ½ Frontier Valley Drive, Case Numbers NPA 2012-0005.1 and C14-2012-0067. We are not in agreement with this request. Any action to further delay our cases puts our project in jeopardy.

Please consider our request to move forward with City Council action. Should you have any questions or desire additional information, feel free to contact Amelia Lopez or me.

Sincerely,

Amelia Lopez Principal From: PODER Austin, Texas

Sent: Monday, October 15, 2012 10:59 PM

To: Leffingwell, Lee; Cole, Sheryl; Martinez, Mike [Council Member]; Morrison, Laura; Tovo, Kathie; Spelman,

William; Riley, Chris; Heckman, Lee; Golbabai, Justin; Guernsey, Greg; Amelia Lopez

Subject: No Postponement for 1700 1/2 Frontier Valley

October 15, 2012

Mayor Lee Leffingwell and Mayor Pro Tem Cole And City Council Member Martinez, Morrison, Tovo, Spelman, and Rilev

Re: NO Postponement for Case C14-2012-0067 & NPA-2012-0005.01 -

1700 ½ Frontier Valley Drive (La Estancia Del Rio)

Dear Mayor Leefingwell, Mayor Pro Tem Cole and City Council Members:

The Montopolis Neighborhood Contact Team (MNPCT) is requesting that <u>you not postpone</u> Case C14-2012-0067 & NPA-2012-0005.01. The Applicants for this case, MWM Design Group has held six meetings with Montopolis residents. One specific meeting was held between MWM Design Group and Frontier at Montana HOA. This case was first heard by Montopolis residents at the Montopolis Neighborhood Contact Team meeting on May 21st, 2012. Montopolis residents have been involved in the case for six (6) months and have had sufficient time to ask questions and receive responses.

The case was <u>approved twice</u> by the MNPCT, once for the zoning change from CS-NP to CS-MU-NP, which also included the FLUM change (June 14, 2012). The case was later amended and went before the MNPCT for a zoning change from CS to MF-3-NP (October 4th, 2012). This case has been voted for approval twice by the MNPCT and supported by five (5) Montopolis Neighborhood Associations and countless of individuals. The Planning Commission has also approved the zoning change twice. This case is also recommended for approval by the planning staff.

There is a small group of individuals that are fairly new to the Montopolis community that continue to oppose affordable housing. The irony is that most of these new Montopolis residents live in affordable housing. They continue to oppose affordable housing for various reasons. Some of their reasoning is their belief that 50% - 60% MFI housing will bring crime, that only 30% of the new residents will speak English, that affordable units will not attract higher quality retail, flooding, traffic etc. Some have stated that this is a poverty project. This small new group will never be satisfied and is willing to use any excuse and/or action to derail and/or stop affordable housing.

We have lost over 1,700 units of affordable housing in the East Riverside Corridor, and we could lose many more. Long time Montopolis residents understand the need for affordable housing and we request your support in this case.

Sincerely,

Susana Almanza, President MNPCT and Montopolis Neighborhood Association 512/428-6990

PODER
P.O. Box 6237
Austin, TX 78762-6237
www.poder-texas.org



People Organized in Defense of Earth and her Resources

Mayor Lee Leffingwell and Mayor Pro Tem Cole And City Council Member Mike Martinez, Laura Morrison, Kathie Tovo, Bill Spelman, and Chris Riley October 16, 2012

Re:

NO Postponement for Case C14-2012-0067 & NPA-2012-0005.01 -

1700 ½ Frontier Valley Drive (La Estancia Del Rio)

Dear Mayor Leefingwell, Mayor Pro Tem Cole and City Council Members:

PODER (People Organized in Defense of Earth & her Resources) requesting that **you not postpone** Case C14-2012-0067 & NPA-2012-0005.01. PODER members have been working with the applicants for this case, MWM Design Group, for over six months.

The applicants have listened to Montopolis residents, staff and Planning Commissioners. The applicants for the Cesar Chavez Foundation have made numerous modifications to their project. This zoning case will allow the construction of 252 affordable housing at 50% - 60% MFI. As we all know, the East Riverside Corridor area has lost over 1,700 affordable units and the City of Austin needs over 39,000 affordable units to meet the needs of so many.

The case has been approved <u>twice</u> by the Montopolis Neighborhood Plan Contact Team (MNPCT) and twice by the Planning Commissioners and recommended by Planning Staff. This case is supported by the MNPCT, five (5) Montopolis Neighborhood Associations, PODER and countless of individuals.

There is a small group of individuals that are fairly new to the Montopolis community that continue to oppose affordable housing. The irony is that most of these new Montopolis residents live in affordable housing. They continue to oppose affordable housing for various reasons. This small new group has postponed this case once at the Planning Commission but failed to convince the Planning Commission and staff that this is not a good project. Now they want to postpone it in hopes that the project will not meet deadlines for funding and/or tax credits.

Long time Montopolis residents understand the need for affordable housing and we request your support in this case. Let's make Austin available for people of all incomes. We ask for your continued support.

Sincerely, Janie Rangel Janie Rangel, Board Chair PODER 512/386-5921

PODER P.O. Box 6237 Austin, TX 78762 512/428-6990 email:

From: Isreal Lopez

Sent: Tuesday, October 16, 2012 9:26 AM

To: Leffingwell, Lee; Cole, Sheryl; Martinez, Mike [Council Member]; Morrison, Laura; Tovo, Kathie;

Spelman, William; Heckman, Lee

Subject: No Postponement of 1700 Frontier Valley Case

October 15, 2012

Mayor Lee Leffingwell and Mayor Pro Tem Cole And City Council Member Mike Martinez, Laura Morrison, Kathie Tovo, Bill Spelman, and Chris Riley

Re: NO Postponement for Case C14-2012-0067 & NPA-2012-0005.01 -

1700 ½ Frontier Valley Drive (La Estancia Del Rio)

Dear Mayor Leefingwell, Mayor Pro Tem Cole and City Council Members:

The Vasquez Fields Neighborhood Association is requesting that <u>you not postpone</u> Case C14-2012-0067 & NPA-2012-0005.01. Montopolis residents have held six meeting with the Applicants for this case, MWM Design Group. MWM even held a private meeting with Frontier at Montana HOA. This case was first heard by Montopolis residents at the Montopolis Neighborhood Contact Team meeting on May 21st, 2012. Montopolis residents have been involved in the case for over six (6) months.

The case was <u>approved twice</u> by the MNPCT, once for the zoning change from CS-NP to CS-MU-NP, which also included the FLUM change (June 14, 2012). The case was later amended and went before the MNPCT for a zoning change from CS to MF-3-NP (October 4th, 2012). This case has been voted for approval twice by the MNPCT and supported by five (5) Montopolis Neighborhood Associations and countless of individuals. The Planning Commission has also approved the zoning change twice. This case is also recommended for approval by the Planning staff.

There is a small group of individuals that are <u>fairly new</u> to the Montopolis community that continue to oppose affordable housing. Most of these new Montopolis residents live in affordable housing. They continue to oppose affordable housing for various reasons and no answer will satisfy them unless it means no affordable housing for Montopolis.

We have lost over 1,700 units of affordable housing in the East Riverside Corridor, and we could lose a lot more. Long time Montopolis residents understand the need for affordable housing and we request your support in this case.

Sincerely,

Israel Lopez, President
Vasquez Fields Neighborhood Association
President Montopolis Little League

PETITION

Case Number: C14-2012-0067

Date: 9/28/2012

Total Square Footage of Buffer:

646498,18

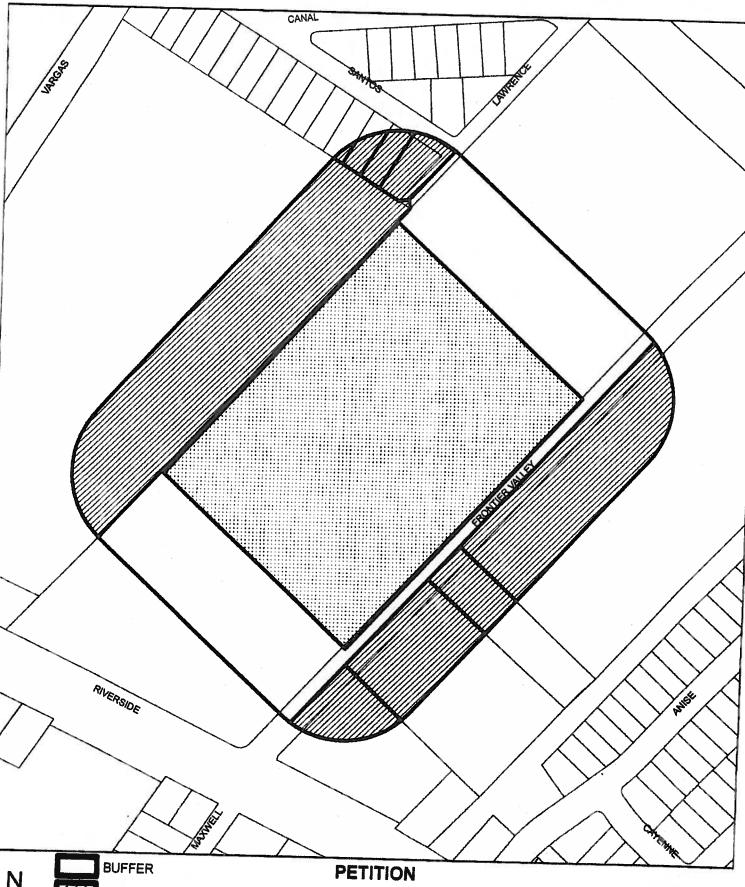
Percentage of Square Footage Owned by Petitioners Within Buffer:

30.99%



Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for buffer does not include the subject tract.

#	TCAD ID	Address	Owner	Signature	Petition Area	· Percent
1	0308160611		CHAGOYA MIGUEL	no	753.02	
2	0308160612	6803 SANTOS ST 78741	GATICA HIAM		100.02	0.00%
	4	6807 SANTOS	GATICA JUAN	no	4,251.38	0.00%
3	0308160614	ST 78741 E 6900	MILES RETHA	yes	12598.98	1.95%
4	0310180901	RIVERSIDE DR	MULTIPLE OWNERS	no	21840.77	0.00%
5	0310180104	1805 FRONTIER VALLEY DR 78741	MURPAR LTD			0.0076
		5	MOTO ATTEM	no	45018.46	0.00%
	a	1749 FRONTIER VALLEY DR				
6	0310180105	78741	MURPAR LTD	no	16999.99	0.00%
		1705 FRONTIER VALLEY DR				
7	0310180106	78741 6805 SANTOS	SANTORA VILLAS LP	no	96722.42	0.00%
8	0308160613	ST 78741 VARGAS RD	SHERBURN JUSTIN	yes	6646.68	1.03%
9	0309160107	78741	VARGAS PROPERTIES	yes		
10	0000100510	6806 SANTOS		yes	181128.12	28.02%
11	0308160510	ST 78741	ZAMORA CELINA	no	59.30	0.00%
12						0.00%
13 14						0.00%
15						0.00% 0.00%
16						0.00%
17						0.00%
18						0.00%
19						0.00%
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21						0.00%
22						0.00%
23 -						0.00%
24						0.00%
-						0.00%
						Total %
						30.99%





PROPERTY_OWNER
SUBJECT_TRACT

CASE#: C14-2010-0067

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 boundaines.



PETITION TO REZONING

DATE:

PROJECT NAME:

CASE #:

ADDRESS:

October 9, 2012

La Estancia Del Rio

C14-2012-0067

1700-1/2 Frontier Valley Drive

TO:

Mayor Lee Leffingwell

Mayor Pro Tem Mike Martinez Council Member Chris Riley Council Member Laura Morrison Council Member Kathie Tovo Council Member Sheryl Cole Council Member Bill Spelman

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than "CS-NP".

- The following is a summation of the issues associated with this petition: There is an ongoing East Riverside Corridor Regulating Plan underway that will be in front of Planning Commission in October and City Council in November for approval. The ERC Plan specifically entails the ability to gain additional transit options along this corridor. A major part of the equation to gain additional transit options is the capability to add more density and more workers to the corridor area. The existing zoning allows for Multi Family for part of the property and allows for the most intense commercial development on a large portion of property which translates to the ability to have more people and more jobs in the corridor area. The requested zoning is for less density and development intensity than the current zoning allows. Once you hear the presentations of the East Riverside Corridor Regulating Plan, you will find that in order for the transit hubs to function, that greater density is necessary. Less density means the transit hubs and other transit opportunities are prone to fail before they even get started.
- The ERC Plan can only be successful as a walkable urban environment with transit opportunities if greater density and development is brought to the area with incentives to have this greater density and development. The subject property and our property are currently undeveloped. These greenfield developments are the more vulnerable areas for low density and low development intensity in that they are easier to develop than projects with existing development. These greenfield properties are of large enough scale to bring the much needed greater density and developments necessary to warrant the transit opportunities envisioned with the proposed ERC Plan.
- The opportunities to create walkable urbanism and urban places are

- cripplingly dependent on proficient transit. Without greater density and development intensity in prime areas supportive of the walkable urbanism goals of the ERC Plan, transit opportunities are lost.
- Connectivity for projects located inside the ERC Plan boundary should be a requirement. Greater density and development intensity incentives are vital for the construction of the connectivity for projects inside the ERC Plan boundary. Rezonings for properties located inside the ERC Plan boundary that do not warrant the construction should not be considered to further the goals of the ERC Plan.
- The East Riverside Corridor Regulating Plan entails more options for development to the area which should be explored to help bring greater density and development intensity to the corridor.

For these reasons, and many more, we strongly object to the rezoning of the La Estancia Del Rio property.

Vargas Properties I, Ltd.

By: Vargas Properties, Inc., General Partner

Signature

Marvin E. Chernosky, Jr. President

Printed Name

6600 E. Riverside Drive & Vargas Road

Address

0309160102 & 030916107

Tax Parcel Numbers

Signature	Printed Name	Address	Phone	
	Justin Shor	bun 10805 C	Pents St (512)	<u> 964</u> -7979
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Signature	Printed Name Yaulın Ramırsız	Address GAOOE Elversde Or	Phone (5/2)560-7099
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Signature	Printed Name Address	Phone
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Signatur	2	Prin	ted Name	Address	1000	Phone ERiverside Dr. Unit 6	Carles and
7	90		Deiglo	VALCEITAMA	6400	BRINGSONDER UNIT 6	<u>(512)69</u> 3-729 [

Signature	Printed Name	Address	Phone
100	Jared Galaway	6900 E Riverside Da Unit 32	512-694-9780
Mus	Brenda Rodriguez	6700 E Riverido Da Unit 32	361-649-2471

Signature Pensi	Printed Name Maria Pensicae	Address 6900 C. Riversider Dr.	Phone 956789-1740
for They	Bryan Wulft	6900 F Liversitle Dr	850-960-0165
Jeana Eviston	Jeana Eviston	6900 ERiverside Dr	260-609-2525

9-17-2012

PETITION AGAINST ZONING CHANGE FOR 1700 1/2 FRONTIER VALLEY DRIVE

Signature	Printed Name	Address	Phone
Danas	aussi Al. N	Dana Higgins	6900 E. Riverside Dr. unit
forder	Thegain'	Souls things	ins Austin, Tx. 78741
	A.3	7.	(512) 6807 7454

Signature	Printed Name	Address	Phone
An Co	it Amand	a (Ami) Smith	(979) 220 - 0195
00			Dr., Unif 28
	Au	stin, TX 7874	fl

Signature	Printed Name	Address		Phone	
Morkewi	lem Erooke	WILLIAMS	LAUDE.	Civersolo Du	1. H5
				512-925-	

Signature	Printed Name	Address	Phone
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Sandra	Higgins .	Sandra Higgins	s (512).345-1565
6900 E	a Riverside	Dr. Unity	
<i>Flusti</i>	F87, XT, ~	4/	

Signature	Printed Name	Address	Phone	
Mall Inga	Michael Drages	6700 G. Riuns idi Da. A-st. w. Tx 78741	572-680-3678	

Signature	Printed Name She, a Slev in	Address 6960	ERiversido	Phone	600-0215