

## NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

**NEIGHBORHOOD PLAN:** Montopolis

**CASE#:** NPA-2015-0005.03

**DATE FILED:** July 22, 2015 (In-cycle)

**PROJECT NAME:** 2407/2409 Montopolis Zoning change

**PC DATE:** November 10, 2015

**ADDRESSES:** 2407 & 2409 Montopolis Drive

**DISTRICT AREA:** 3

**SITE AREA:** Approx. 2.766 acres

**OWNER/APPLICANT:** Petree Rental (Elizabeth & Larry Petree)

**AGENT:** Permit Partners (David Cancialosi)

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Commercial

**To:** Mixed Use

**Base District Zoning Change**

**Related Zoning Case:** C14-2015-0099

**From:** CS-NP

**To:** CS-MU-CO-NP

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

**PLANNING COMMISSION RECOMMENDATION:**

**November 10, 2015** - Approved on the consent agenda. [Zaragoza – 1<sup>st</sup>; Seeger-2<sup>nd</sup>]  
Vote:10-0-2 [F. Kazi and J. Steven absent; one vacancy]

**STAFF RECOMMENDATION:** Recommended

**BASIS FOR STAFF'S RECOMMENDATION:** Staff supports the applicant's request to change the future land use map from Commercial to Mixed Use land use because the Montopolis Neighborhood Plan supports the creation of homes for all stages of life and of varied intensities. The mixed use land use would be on property that currently has residential

uses and could allow retail and office uses as well, which the plan supports, especially along Montopolis Drive.

## LAND USE

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

**Objective 1:** Support the role Montopolis Drive has historically played as the heart of the neighborhood, especially from Riverside Drive to the River.

**Action 1:** Preserve the existing mix of zoning along Montopolis Drive, which allows for a variety of business and residential uses. (Please refer to the Proposed Future Land Use Map for the specific land uses and zoning.)

### 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.)

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

**Action 16:** Allow "Small Lot Amnesty" throughout the entire Montopolis neighborhood as described in the Smart Growth Infill proposals, permitting new single-family development on existing lots of 2,500 square feet or greater.

**Action 17:** Allow garage apartments and secondary residential units throughout the Montopolis neighborhood on lots of 5,750 square feet or greater with MF-6 or less restrictive zoning. Other site development standards would apply, as specified in the Smart Growth Infill "Secondary Apartment" option.

**Action 18:** Allow "Cottage Lot" development - single-family units on lots of 2,500 square feet or greater with MF-6 or less restrictive zoning. Other site development standards would apply, as specified in the Smart Growth Infill "Cottage Lot" option.

**Action 19:** Allow "Urban Home" development - single-family units on lots of 3,500 square feet or greater with MF-6 or less restrictive zoning. Other site

## **LAND USE DESCRIPTIONS**

### ***EXISTING LAND USE ON THE PROPERTY***

**Commercial** - Lots or parcels containing retail sales, services, hotel/motels and all recreational services that are predominantly privately owned and operated for profit (for example, theaters and bowling alleys). Included are private institutional uses (convalescent homes and rest homes in which medical or surgical services are not a main function of the institution), but not hospitals (see *Civic*).

#### **Purpose**

1. Encourage employment centers, commercial activities, and other non- residential development to locate along major thoroughfares; and
2. Reserve limited areas for intense, auto-oriented commercial uses that are generally not compatible with residential or mixed use environments.

#### **Application**

1. Focus the highest intensity commercial and industrial activities along freeways and major highways; and
2. Should be used in areas with good transportation access such as frontage roads and arterial roadways, which are generally not suitable for residential development.

### ***PROPOSED LAND USE ON THE PROPERTY***

**Mixed Use** – An area that is appropriate for a mix of residential and non-residential uses.

#### **Purpose**

1. Encourage more retail and commercial services within walking distance of residents;
2. Allow live-work/flex space on existing commercially zoned land in the neighborhood;
3. Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic uses (with the exception of government offices) to encourage linking of trips;
4. Create viable development opportunities for underused center city sites;
5. Encourage the transition from non-residential to residential uses;
6. Provide flexibility in land use standards to anticipate changes in the marketplace;

7. Create additional opportunities for the development of residential uses and affordable housing; and
8. Provide on-street activity in commercial areas after 5 p.m. and built-in customers for local businesses.

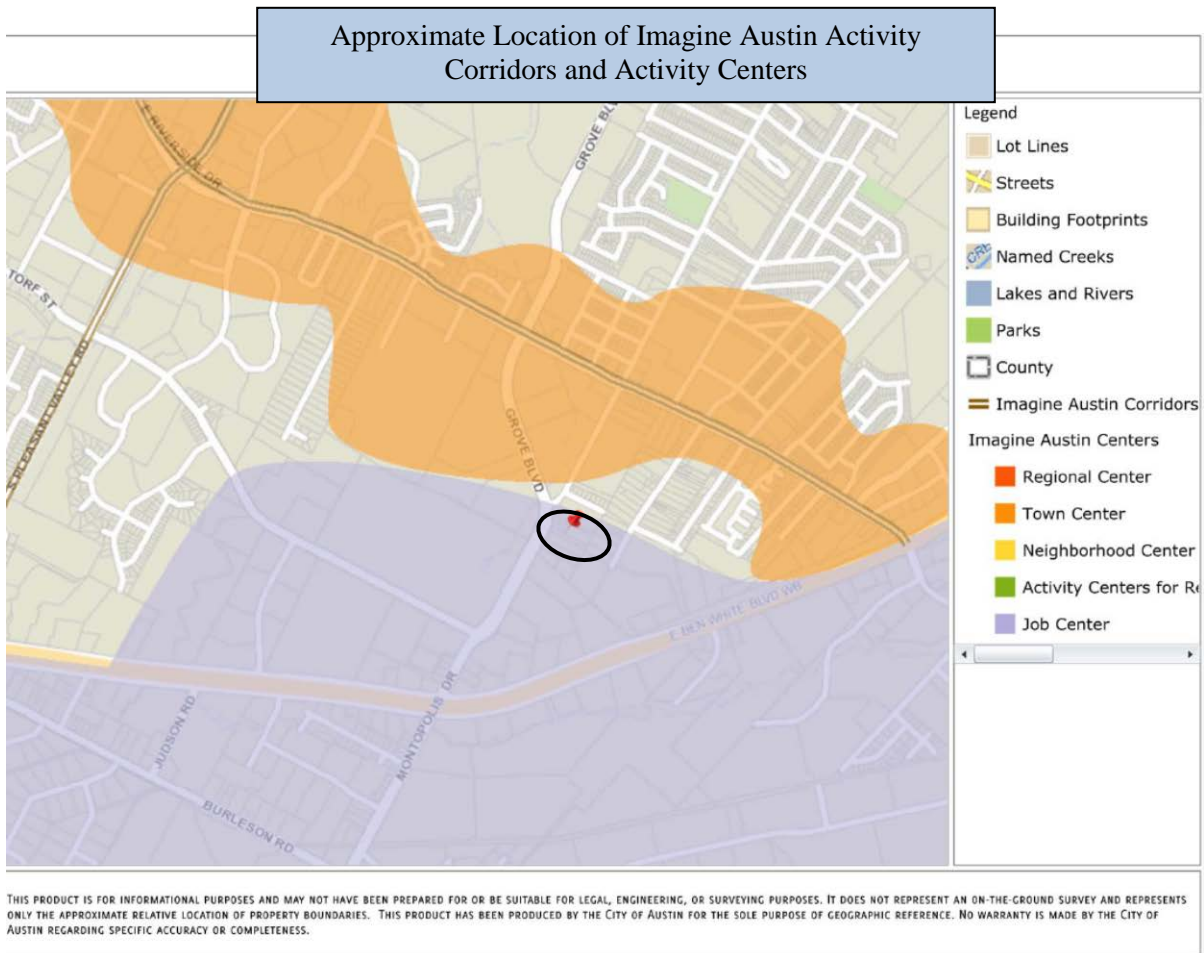
### **Application**

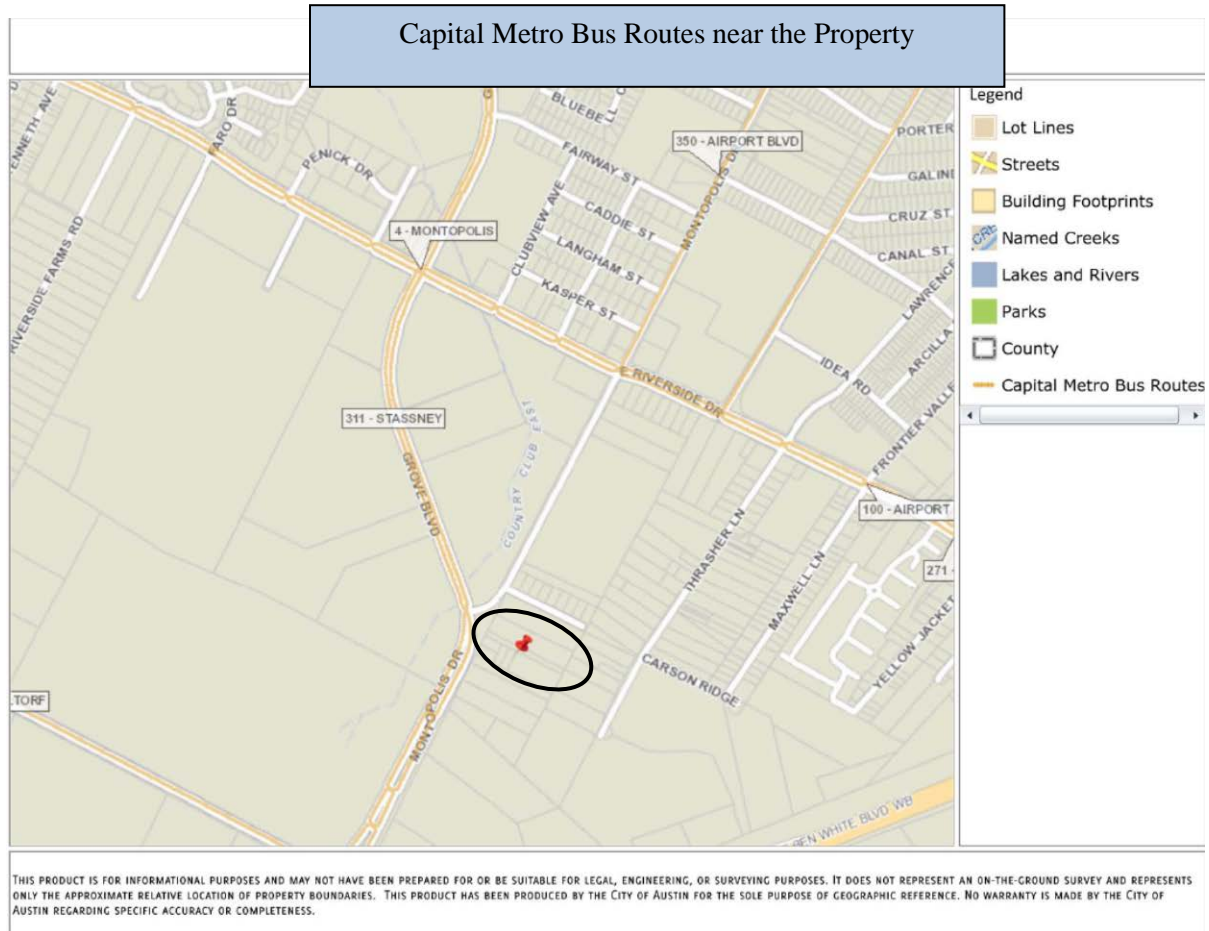
1. Allow mixed use development along major corridors and intersections;
2. Establish compatible mixed-use corridors along the neighborhood's edge
3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood Mixed Use Building, Neighborhood Urban Center, Mixed Use Combining District);
4. Mixed Use is generally not compatible with industrial development, however it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;
5. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating or maintaining a non-conforming use; and
6. Apply to areas where vertical mixed use development is encouraged such as Core Transit Corridors (CTC) and Future Core Transit Corridors.

### **IMAGINE AUSTIN PLANNING PRINCIPLES**

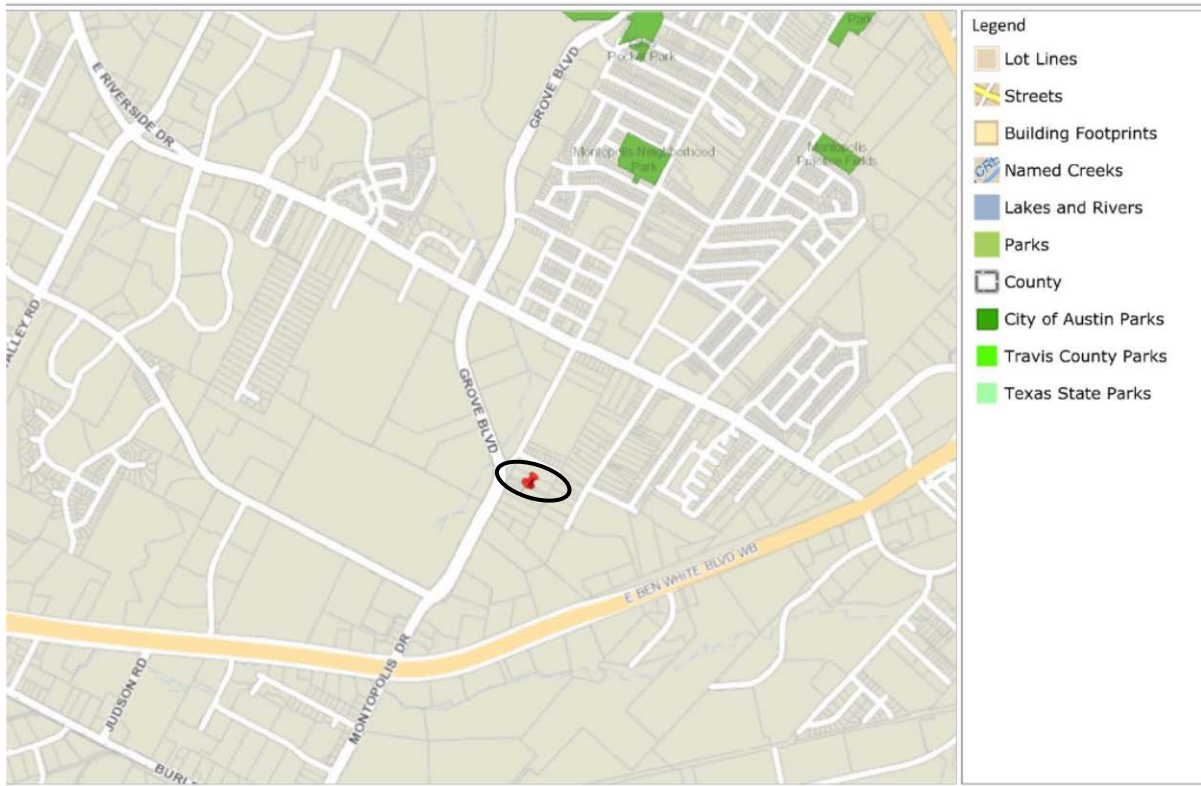
1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
  - *The proposed Mixed Use land use and CS-MU-CO-NP zoning would allow for residential and commercial uses, near bus routes and commercial establishment, although there are not any parks in the near vicinity of the property.*
2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
  - *The property is near an area of the city identified on the Imagine Austin Comprehensive Plan as a Jobs Center, but is also near a Town Center Activity Center. There are Capital Metro bus routes in the vicinity and is near commercial establishments.*
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.

- ***The property is near an area of the city identified on the Imagine Austin Comprehensive Plan as a Jobs center, but is also near a Town Center Activity Center. A mixed of residential, office, and retails uses would be appropriate here.***
4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
    - ***The proposed Mixed Use land use could provide an opportunity for new residential uses, in addition to sustaining the existing residential uses on the property.***
  5. Ensure harmonious transitions between adjacent land uses and development intensities.
    - ***The proposed Mixed Use land use is appropriate for this area and for it's location fronting Montopolis Drive, which is a busy arterial road.***
  6. Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.
    - ***The property is not located within an environmentally sensitive area.***
  7. Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.
    - ***Not applicable.***
  8. Protect, preserve and promote historically and culturally significant areas.
    - ***Not applicable.***
  9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
    - ***Not directly applicable.***
  10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
    - ***Not directly applicable.***
  11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.
    - ***Not applicable.***
  12. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.
    - ***Not applicable.***





Parks within the Vicinity of the Property



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## IMAGINE AUSTIN GROWTH CONCEPT MAP

### Definitions

**Neighborhood Centers** - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

**Town Centers** - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although

fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

**Job Centers** - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

**Corridors** - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

**BACKGROUND:** The application was filed on July 22, 2015, which is in-cycle for neighborhood planning areas located on the east side of IH-35.

The applicant proposes to change the land use on the future land use map from Commercial to Mixed Use. The proposed zoning change is from CS-NP to CS-MU-CO-NP for mixed use/residential uses. There are existing residential uses on the property that the applicant says became non-conforming uses when the property was rezoned from SF-3 to CS-NP during the neighborhood planning process. The new property owners are seeking MU zoning to allow them the ability to renovate the existing residential uses. Please see the applicant's detailed summary letter on page 12 for more information.

For more information on the proposed zoning case, see case report C14-2015-0099.

**PUBLIC MEETINGS:** The ordinance required community meeting was held on October 5, 2015. Approximately 83 meeting notices were mailed to property owners and utility account holders who live within 500 feet of the property, in addition to neighborhood associations and environmental groups who requested notification for the area. Four people attended the meeting, in addition to the applicant's agent and one city staff member.

After city staff made a brief presentation about the applicant's plan amendment request and the planning process, the applicant's agent made the following presentation.

David Cancialosi, the applicant's agent, said the owners purchased the property early this year. There are five oddly shaped parcels of land. Two properties have legal land status, but we were not able to find legal status of one of them, which is not uncommon for this area where land was purchased and sold by quick claim deed without a formal subdivision process.

The houses were built around 1950's with additions built in 1970's. The area was annexed into the city in the 1980's, when the property was rezoned to SF-2. In 2001, during the Montopolis Neighborhood Planning process, the properties were rezoned to CS-NP, probably because they thought the area would change to commercial over the years, but that hasn't happened.

The new owners are from north Texas, they are not developers. They don't have any plans to sell the property. They don't want to build any commercial uses. However, they want to remodel the homes, such as add a kitchen, but they can't because the homes are legal non-conforming uses. There are 4 to 5 duplexes, a single family home, and a trailer. They would like to have their kids live in one home and rent out others. Their goal is to create cool Austin residential uses in south Austin. I don't know what the owners plan to do with the property in the future, they could sell it, but I don't know.

After his presentation, the following questions were asked:

Q. Why not rezone to residential and not just add the MU to the CS?

A. There's no value in downzoning the property. Mixed Use allows flexibility with the opportunity for both commercial and residential uses for the neighborhood.

Q. You're asking us to trust you because if you get the CS zoning, they could build a 60 foot building.

A. The Montopolis PCT's recommendation when we met with them was for a maximum of 40 feet or four stories. They also wanted a traffic limit lower than 2000 trips a day, so if it were to be sold to a developer there would be some protections. This is your opportunity to tell us what you don't want because we could put it in an ordinance, if it doesn't inhibit us too much. Nothing is off the table.

Q. My view of downtown would be destroyed if you built a 60 foot building. Height is my biggest concern. I understand the desire for flexibility.

A. Flexibility is the key, there is such a hodge-podge of uses there already.

At this point, the attendees the David Cancialosi and the attendees reviewed the allowable uses within the CS-Commercial Service district and made recommendation as to which uses could be prohibited. This list was sent to the zoning planner. For more information see the zoning case report C14-2015-0099.

The Montopolis Planning Contact Team letter of recommendation is on page 14. The Carson Ridge Neighborhood Association letter is on page 15.

**CITY COUNCIL DATE:** December 10, 2015      **ACTION:**

**CASE MANAGER:** Maureen Meredith      **PHONE:** (512) 974-2695

**EMAIL:**    maureen.meredith@austintexas.gov

Summary Letter Submitted by the Applicant

*From the office of*  
**PERMIT PARTNERS, LLC**  
**105 W. Riverside, Suite 225**  
**Austin, Texas 78704**  
David C. Cancialosi  
512.593.5361 o  
512.213.0261 f  
david@permit-partners.com

July 15, 2015

City of Austin  
Planning Department  
505 Barton Springs Road  
Austin Texas 78704  
Attention: Maureen Meredith

RE: 2407 -2409 Montopolis Dr. Future Land Use Change Request

Maureen,

In keeping with LDC section 25-1-810 *Recommendation Criteria* for neighborhood plan amendments, please see the below findings that accompany our zoning and NPA application packets.

The NPA application is requesting amendment to the Montopolis Neighborhood Plan in order to allow a mixed use (MU) designation at a site formally known as 2407 and 2409 Montopolis Dr. and is part of the Santiago Del Valle Grant subdivision. The parcels in question are a mixture of legal tracts that the City applied CS-CO-NP zoning to despite clear recognition by the City Development Services Department of existing residential starting with water extension in 1958 then wastewater service extension in 1971. However, the existing mixture of single family and duplex uses on these commercially zoned tracts is, in fact, residential and not commercial.

When the city applied CS zoning to the site it created a legal non-conforming scenario since the structures are residential. The current owner cannot expand or improve the residential nature of the property as they are now limited to simple remodeling of the existing structures. The residential structures have been in existence since the late 1950's and have been recognized by the City as late as 1998 (per the City permit data base). The site has been taxed by Travis county as a residential site continuously since the late 1950's.

The property owner is requesting the city amend the FLUM to allow MU in order to correct this non-conforming issue, but also provide an avenue that allows future development to incorporate much needed residential uses in this area near East Riverside and East Ben White Blvd / Hwy 71.

This request is appropriate because the area in which the site is located is evolving. There is a patchwork of commercial and residential uses that are allowed by right; and some appear to be allowed via vested right status due to their existence prior to annexation into the City of Austin. This amendment allows the CS tract to incorporate a mixture of both residential and commercial

zoning uses. A denial of this request would force the site to remain strictly commercial despite several surrounding tracts having a MU designation. And, it would require the property owner to maintain a legal non-conforming use, which can be very difficult to do in the fact of multiple, complex permitting requirements.

I believe denial of the NPA request would result in a hardship to the property owner because it would force them to develop commercial uses, when in fact, the area is in dire need of a mixture of residential *and* commercial uses. The MU overlay allows a more flexible development plan that matches the evolving nature of market forces as well as the objectives outlined in the Montopolis Neighborhood Plan Document.

Although there are no certain development plans as of the date of this letter, it is expected the existing or future property owner(s) would develop the site in a manner that implements high-quality best management practices, on site detention facility as needed, and an overall superior application of modern construction techniques. Further, if the MU designation is approved the potential development would, by definition, allow both residential and commercial uses. The commercial uses would promote employment and housing in an area that at the moment fails to supply both uses on a single, condensed site. Thus, I believe the MU would allow a potential development to achieve and possibly exceed the goals and objectives outlined in the Montopolis Neighborhood Plan.

Last, it is fully expected that any future development entitlements pursued under the CS-MU NPA would comply with all zoning and building regulations.

Thank you for your attention to this case and I look forward to discussing it with City Council.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. C. Cancialosi', with a long horizontal flourish extending to the right.

David C. Cancialosi

Letter from the Montopolis Planning Contact Team

**Montopolis Neighborhood Plan Contact Team**

To: Andrew Moore, Senior Planner, Planning & Zoning Department  
From: Susana Almanza, President Montopolis Neighborhood Plan Contact Team;  
512/401-3311

Date: November 3<sup>rd</sup>, 2015

Subject: 2407-2409 Montopolis Drive – Case#C14-2015-0099 & NPA #2015-0005-03 Zoning Change to CS-MU

This letter is to inform the Planning & Zoning Department, Planning Commission and City Council that the Montopolis Neighborhood Contact (MNPCT) has reviewed the zoning case for 2407-2409 Montopolis Drive. After a lengthy review and discussions and special attention to neighbors of the Carson Ridge Neighborhood Association, the MNPCT has decided to support the zoning of the above property to Single Family-5 (SF-5). The proposed zoning of SF-5 will preserve the surrounding residential character of the adjoining areas. Also, this property is currently being used as single family zoning. The SF-5 zoning will allow for repairs and expansion of residential on the property.

We also support the FLUM change to reflect SF-5 zoning.

Letter from the Carson Ridge Neighborhood Assn.

Carson Ridge NA  
2316 Thrasher Lane  
Austin, TX 78741-6622  
T 512-275-6027  
F 512-716-8001

October 15, 2015

RE: 2407-2409 Montopolis Drive land use change request

Dear Ms. Meredith,

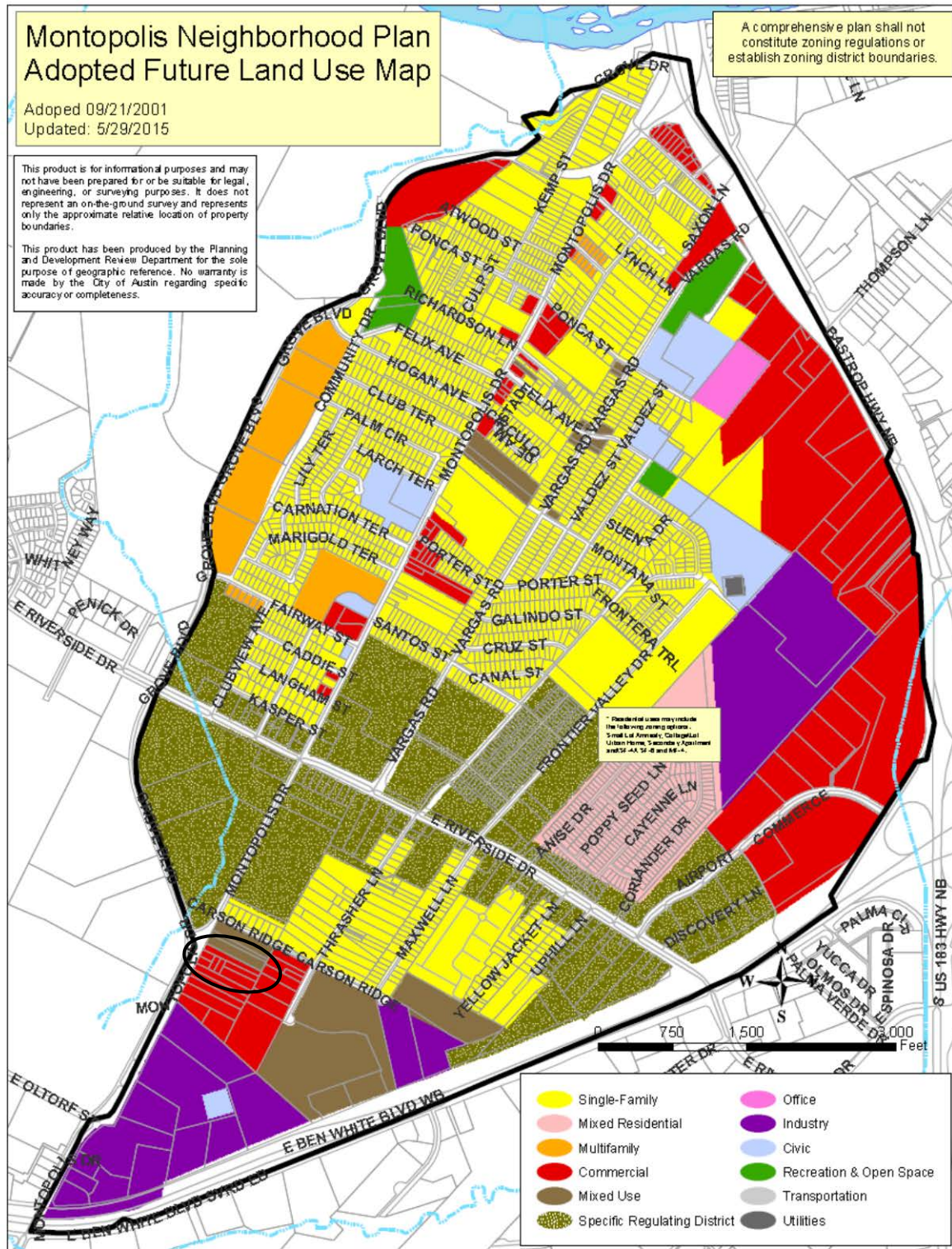
The Carson Ridge Neighborhood Association welcomes appropriate residential development in our section of the Montopolis planning area. We do not support CS-MU zoning or the land use map changes requested by the applicant.

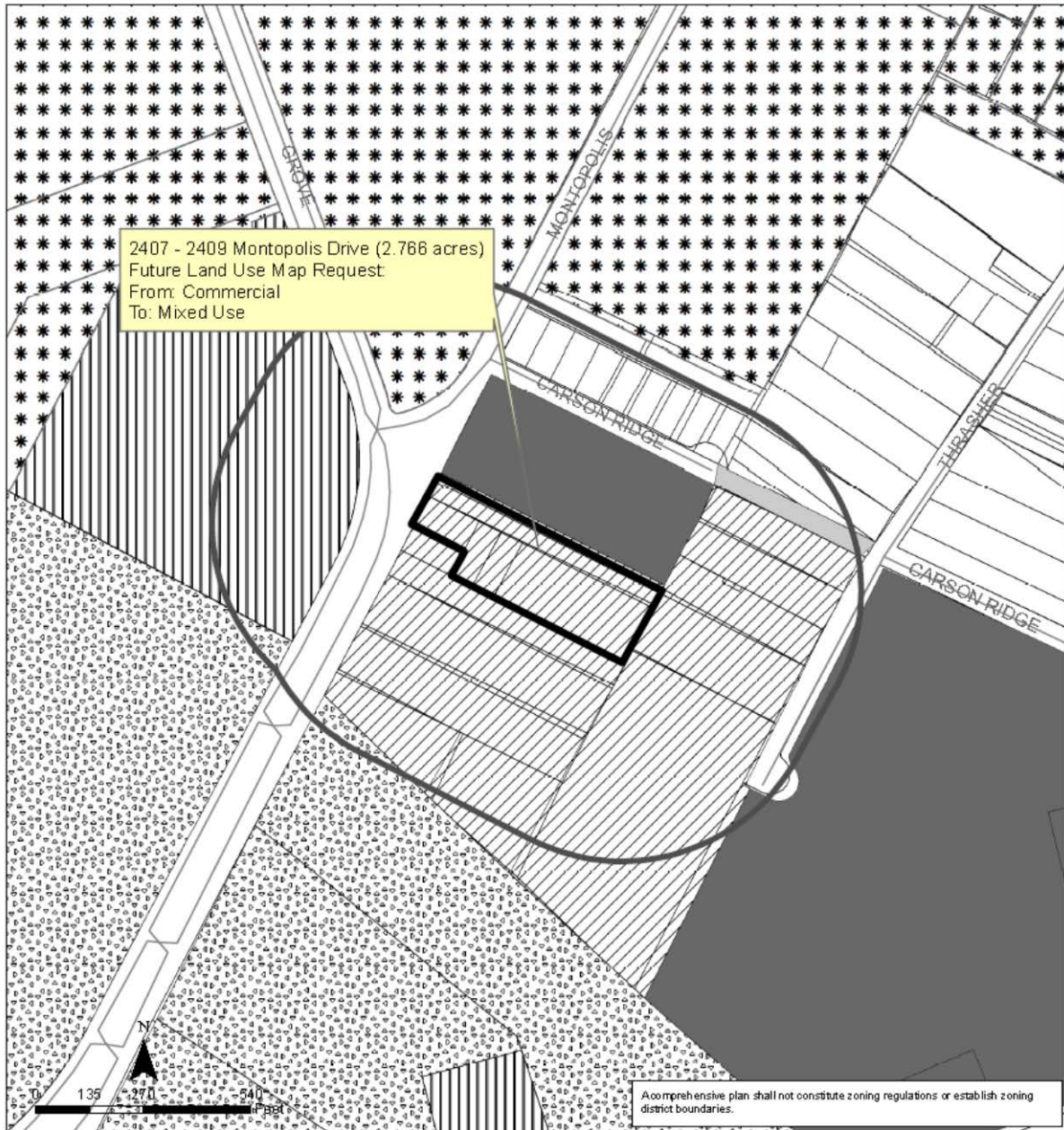
The Montopolis planning area contains one of the highest concentrations of CS zoning in Austin. These lots, which contained existing residential structures housing families, should have never been zoned commercial. The zoning of people's homes as commercial property is not uncommon in Montopolis, but that does not make it any less wrong or unjust.

How do we fix such an environmental injustice? By admitting the mistake and undoing the damage. An overlay or restrictive covenant are not the proper fix here.

While we would prefer SF-3 zoned property, SF-5 zoned land is something that we can live with. This allows for the owner to develop his property at a density that is over twice the current density, but it also ensures that development will be compatible with the neighborhood.

Fred L. McGhee, Ph.D.  
President





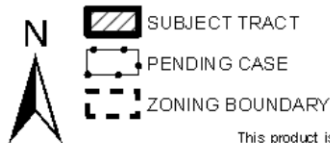
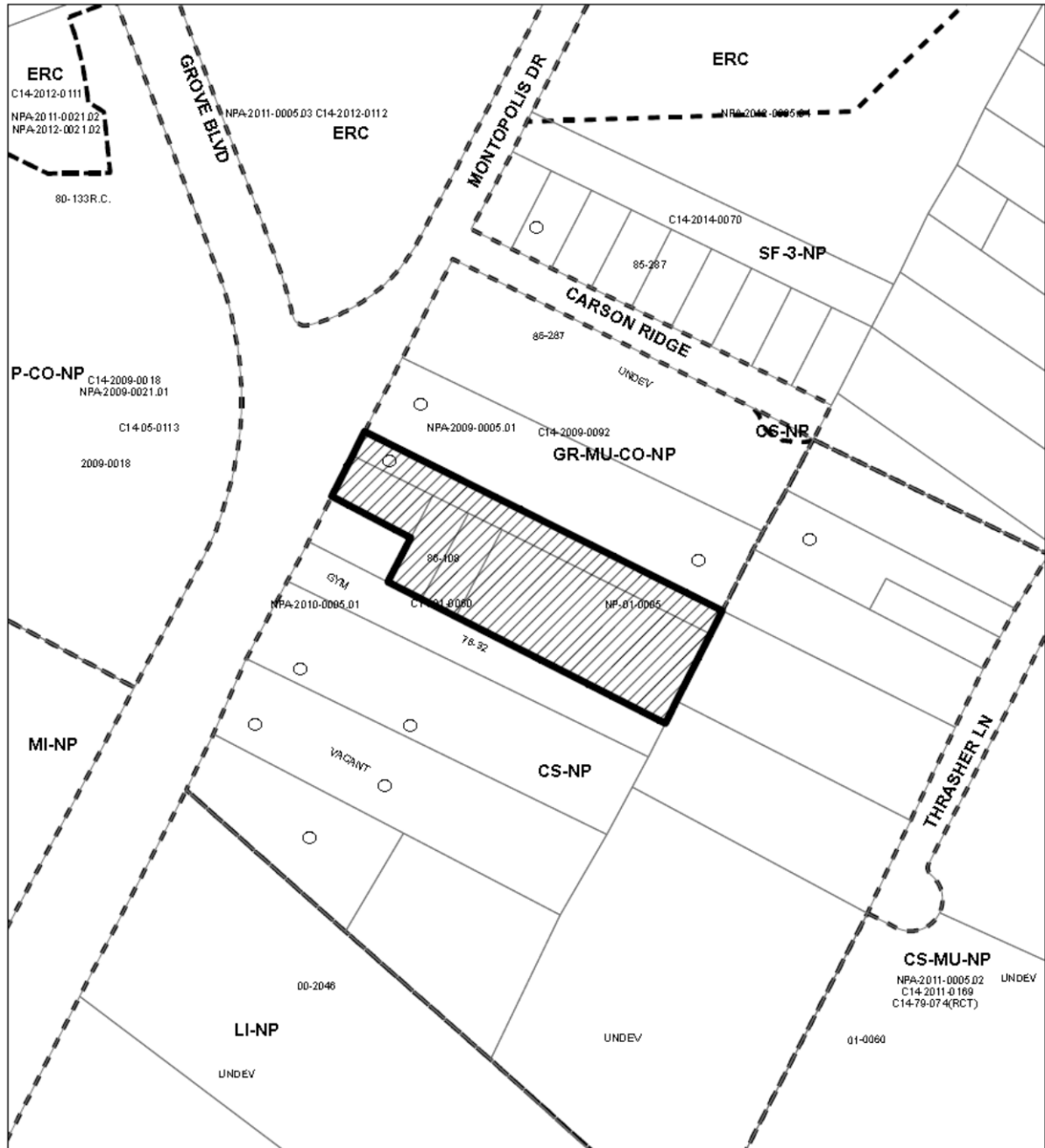
## Montopolis Neighborhood Planning Area NPA-2015-0005.03

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City of Austin  
Planning and Development Review Department  
Created on 7/29/2015, by: meredithm



1" = 200'

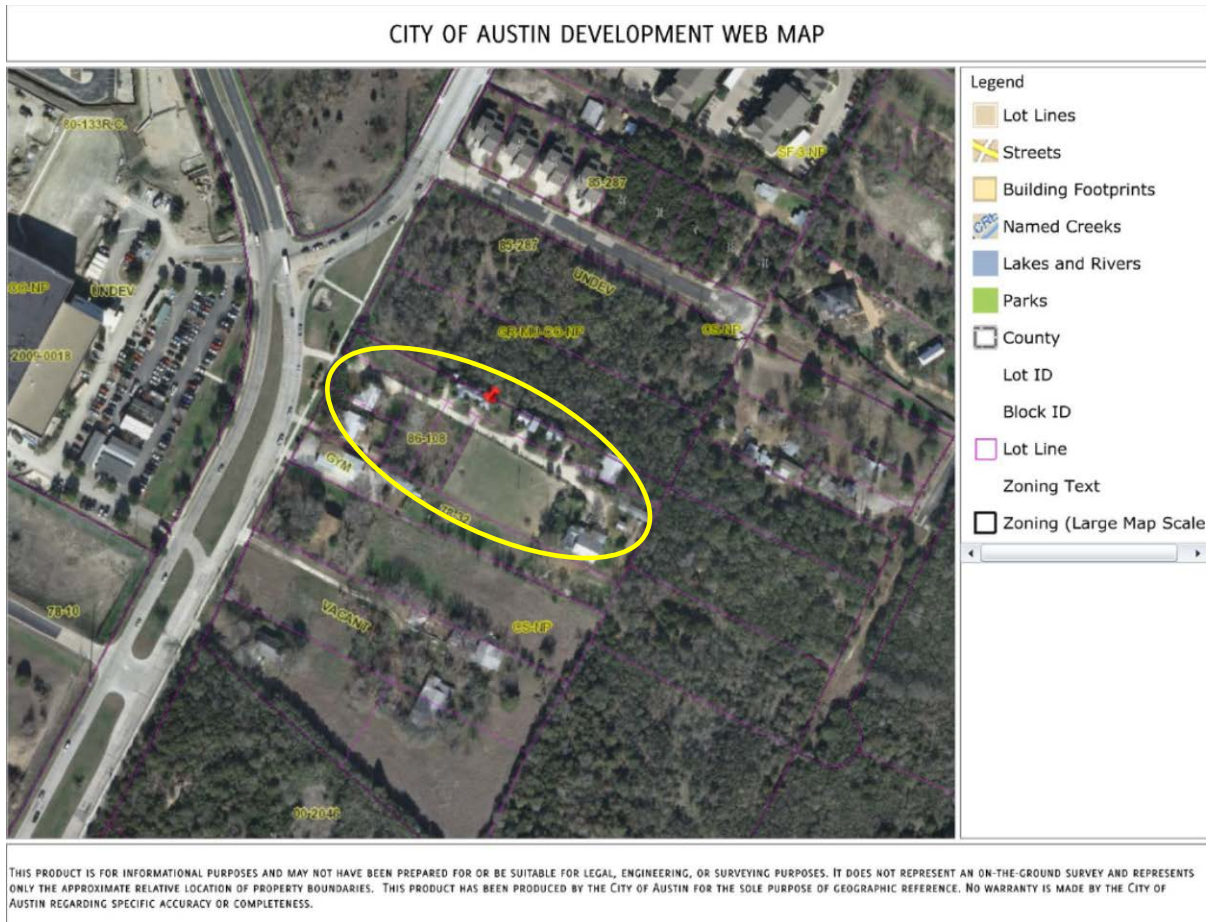
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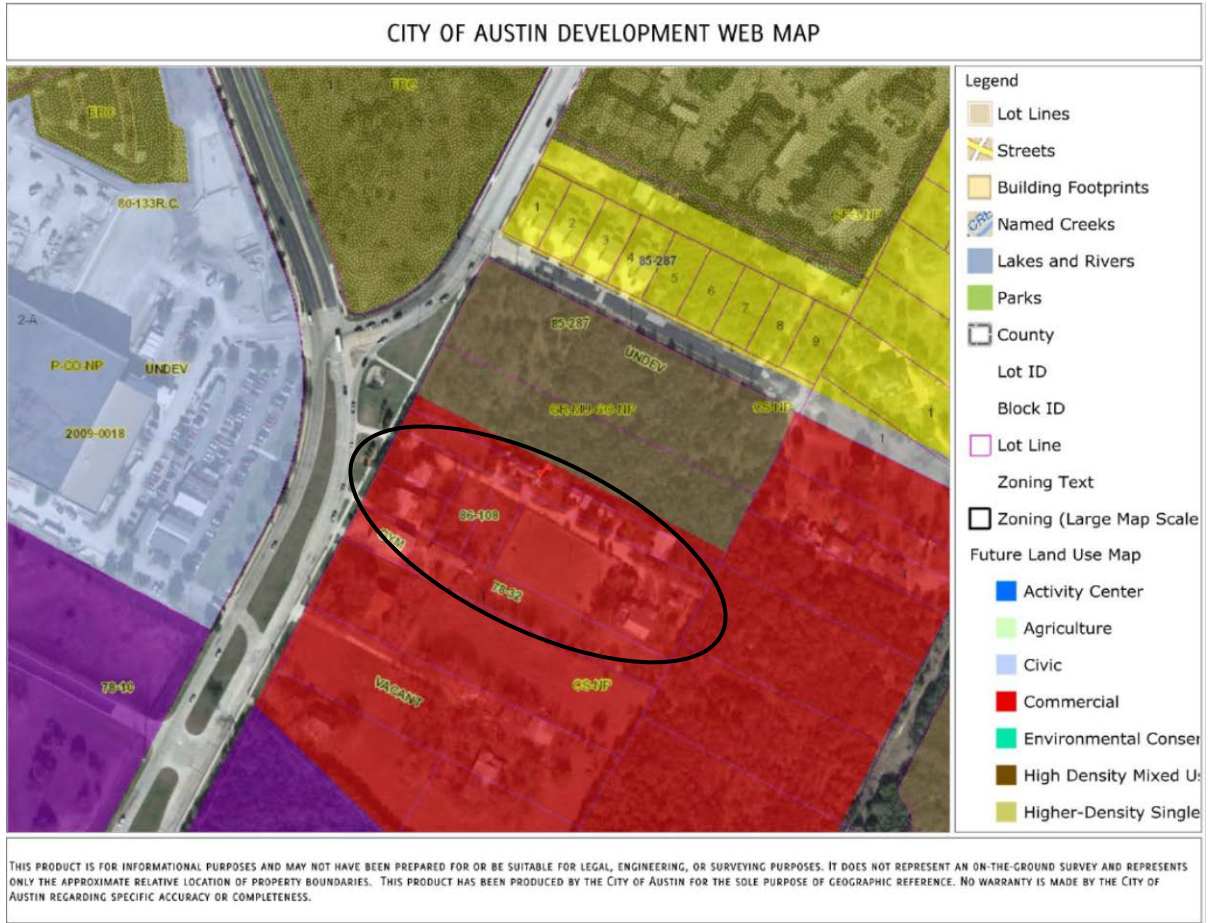
CASE#: C14-2015-0099

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NPA- 2015- 0005.03  
2407- 2409 Montopolis Dr.

Provide this information with your plan amendment application for the pre-application meeting with staff and also when you formally submit the application to the In-Take Division.

Taken From: Article 16: Neighborhood Plan Amendment Ordinance

§ 25-1-810 - RECOMMENDATION CRITERIA.

(A) The director may not recommend approval of a neighborhood plan amendment unless the requirements of Subsections (B) and (C) are satisfied.

(B) The applicant must demonstrate that:

- (1) the proposed amendment is appropriate because of a mapping or textual error or omission made when the original plan was adopted or during subsequent amendments;

Does this criterion apply to your proposed plan amendment application? \_\_\_Yes \_\_\_X No

If there was a mapping error, explain here and provide documentation: N/A

- (2) the denial of the proposed amendment would jeopardize public health, safety, or welfare;

Does this criterion apply to your application? \_\_\_Yes \_\_\_X No

If this condition applies, explain here:

Although there would be no direct jeopardy to public health, safety, and welfare it is believed that a mixed use overlay would further the land use goals stated in the neighborhood plan which promote density and infill development.

- (3) the proposed amendment is appropriate:

(a) because of a material change in circumstances since the adoption of the plan; and

(b) denial would result in a hardship to the applicant;

Does this criteria apply to your application? X Yes \_\_\_No

If yes, explain here:

The Montopolis Neighborhood Plan was adopted in 2001. That document serves as a planning guide for the area as a whole; however, it is a living, breathing document that must evolve with the area it encompasses.

Substantial evolution has occurred in this area since adoption of the plan in 2001. The area surrounding the tract is a mixture of residential and commercial uses as well as vacant land. Thus, the area is ripe for change and if guided properly will allow a mixture of commercial and residential uses that will continue to allow the area to flourish with mixed use infill development opportunities. Further, the subject site has an existing mixture of single family and duplex residential uses. The owner proposes to keep those or similar uses, and also implement commercial uses in the future. The subject site is adjacent to a tract zoned GR-MU-CO-NP and the owner of 2407 & 2409 Montopolis Dr. is requesting the same mixed use allowances on their tract. Approving an MU overlay is the highest and best use for the CS zoned site and provides consistent land use patterns in the area.

- (4) the proposed project:

- (a) provides environmental protection that is superior to the protection that would otherwise be achieved under existing zoning and development regulations;

Does this criterion apply to your application? ☒ Yes ☐ No

If yes, explain here:

Currently, the site is a mixture of a non-conforming single family and duplex uses. Given the age of the water and wastewater extensions, the residential structures, and the associated improvements such as driveways etc, there are no environmental controls in place. There are no specific development plans at this time; however, it is fully expected that any proposed site plan would include a mixture of both residential and commercial uses. To the extent required by current City code(s), any new development applications approved by the City would integrate highest and best use best management practices to ensure there is no adverse impact on adjacent properties.

or

- (b) promotes the recruitment or retention of an employment center with 100 or more employees;

Does either one of these criterion apply to your application? ☒ Yes ☐ No

If yes, explain here:

As stated in Section 4(a), the site would utilize the MU overlay to implement a mixture of residential and commercial uses.

- (5) the proposed amendment is consistent with the goals and objectives of the neighborhood plan;

List the goals and objectives from the plan that you feel support your plan amendment request, along with your rationale for why it meets these goals/objectives. Use separate document if necessary: \_\_\_\_\_

The Montopolis NP Land Use Goals action #1 provides direction on neighborhood preservation but also allowing a variety of residential and business uses.

Action #4 directs to promote existing neighborhood pattern development with new and smart growth infill development.

Action #10 directs to work with the City of Austin, Chamber of Commerce and other agencies to encourage infill development of vacant commercial land.

Action #20 direct so allow Neighborhood Mixed Use development along E. Riverside; however, given the areas rapid development in the prior 15 years it is the applicant's position that Mixed Use should be promoted within other corridors of the Montopolis neighborhood.

Approving Mixed Use on this tract allows the neighborhood to evolve in a smart manner consistent with both the neighborhood plan's goals but also the market demand of the surrounding area.

(You can find the plan document here: <http://austintexas.gov/page/adopted-neighborhood-planning-areas-0>.) or

- (6) the proposed amendment promotes additional S.M.A.R.T. Housing opportunities.

Is this a S.M.A.R.T. Housing project? ☒ Yes ☐ No

If yes, explain here and provide the letter from Neighborhood Housing and Community Development:

There are no certain development plans at this time; however, approval of a MU overlay certainly provides the opportunity for a SMART housing development.

(C) The applicant must demonstrate that:

- (1) the proposed amendment complies with applicable regulations and standards established by Title 25 (Land Development), the objectives of Chapter 25-2 (Zoning), and the purposes of the zoning district proposed for the subject property; and

([https://www.municode.com/library/tx/austin/codes/code\\_of\\_ordinances?nodeId=TIT25LADE](https://www.municode.com/library/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE))

- (2) the proposed amendment is consistent with sound planning principles. (See attached)

**Yes. See answers in subsequent document responses.**

**LAND USE PLANNING PRINCIPLES**

*You can find the Guide to Land Use Standards here:*

*<http://www.austintexas.gov/department/neighborhood-planning-resources>*

If you believe a principle does not apply to your proposed plan amendment application, write "Not applicable".

**1. Ensure that the decision will not create an arbitrary development pattern;**

Provide your analysis here:

The area has a mixture of commercial and residential zoning patterns. The adjacent tract is zoned GR-MU-CO-NP. This application is requesting the same via adding an MU to the existing CS zoning. Approving the MU overlay on this site decreases the degree of different zoning and related land use patterns in the area. MU overlay on the subject site provides consistent land use pattern in an area where there is little consistency.

**2. Ensure an adequate and diverse supply of housing for all income levels;**

Provide your analysis here:

The city applied the CS zoning via the 2001 NP. The site has had residential uses since as early as the late 1950's. The City and the Neighborhood Plan document created a non-conforming site when it zoned a site with residential uses as commercial (CS). The property owner is seeking the MU overlay in order to use the land to it's highest and best use, which is to serve both residential and commercial uses. That includes offering an adequate and diverse housing supply for all income levels.

**3. Minimize negative effects between incompatible land uses;**

Provide your analysis here:

The site is near a confluence of Grove Blvd, Montopolis Dr, and E. Riverside Dr. There are many different zonings and uses in this area. The adjacent tract is zoned GR-MU-CO-NP. That tract will most likely include residential and commercial uses. The subject site is currently prohibited from having any residential uses. Several tracts to the east are also zoned CS and the tract to the east of those is zoned LI. The tracts across Montopolis Dr. are zoned P-CO-NP, MI (high tech), and CS. There's a large amount of vacant land in the area that will probably be developed in the coming years. Allowing a MU option on this site will provide a way to better manage the growth and what is built in this area.

**4. Recognize suitable areas for public uses, such as hospitals and schools that will minimize the impacts to residential areas;**

Provide your analysis here:

Although these uses are not planned at this time, the property does not want to discourage or rule out the possibility of these uses on this site at a future time.

**5. Discourage intense uses within or adjacent to residential areas;**  
Provide your analysis here:

The site is adjacent to several different zoned sites, but does not abut an established residential neighborhood that would be disrupted by a mixed use development (on the subject site).

**6. Ensure neighborhood businesses are planned to minimize adverse effects to the neighborhood;**  
Provide your analysis here:

There are no certain plans at this time, but the property owner wants to include as many locally owned businesses as possible in order to serve local needs.

**7. Minimize development in floodplains and environmentally sensitive areas;**  
Provide your analysis here:

There are no certain plans at this time, but any entitlements approved by the City would reflect code-compliant development that will not adversely impact surrounding environmental areas which may exist on or near the site.

**8. Promote goals that provide additional environmental protection;**  
Provide your analysis here:

There are no certain plans at this time, but any entitlements approved by the City would reflect code-compliant development that will not adversely impact surrounding environmental areas which may exist on or near the site.

**9. Consider regulations that address public safety as they pertain to future developments (e.g. overlay zones, pipeline ordinances that limit residential development);**  
Provide your analysis here:

There are no certain plans at this time, but any entitlements approved by the City would reflect code-compliant development that will not adversely impact surrounding areas. The property owner is open to any suggestions from the City which may further protect public safety above the existing requirements outlined in multiple City codes.

**10. Ensure adequate transition between adjacent land uses and development intensities;**  
Provide your analysis here:

At the appropriate time that any site plan is proposed, any proposed MU development would ensure adequate transition between adjacent properties by instituting a mixture of traffic calming devices, turn lanes or ROW width increase, vegetative screening, complying with compatibility setback requirements, and other methods necessary to address concerns from surrounding neighbors.

**11. Protect and promote historically and culturally significant areas;**

Provide your analysis here:

There are no known historic or cultural significant areas on this tract or surrounding tracts.

**12. Recognize current City Council priorities; (Look at the Imagine Austin Comprehensive Plan Document found here: <http://austintexas.gov/department/imagine-austin-download-center>. Appendix E. Framework for Decision Making, pages A-57 through A-58.)**

Provide your analysis here:

Allowing an MU overlay on this site promotes housing, jobs, density, reduced traffic, and creative solutions in an evolving market place.

**13. Avoid creating undesirable precedents;**

Provide your analysis here:

Allowing MU on this site would not create any undesirable precedents. The council approved MU on the adjacent tract. Allowing MU on the subject tract creates consistent land use patterns.

**14. Promote expansion of the economic base and create job opportunities;**

Provide your analysis here:

The MU overlay would allow the creation of jobs by building a mixed use development. This includes the local contracting firms hired to build the development to the end user who will own a housing unit to the business owner or employee that work in a local business on this site.

**15. Ensure similar treatment of land use decisions on similar properties;**

Provide your analysis here:

The adjacent tract is zoned GR-MU and allowing MU on this site would create a consistent land use pattern in an area where there is not a lot of consistency.

**16. Balance individual property rights with community interests and goals;**

Provide your analysis here:

**Allowing MU on this site balances property rights with community goals by allowing flexible development plans which may address the larger goals identified in the Montopolis NP and the Imagine Austin Plan.**

**17. Consider infrastructure when making land use decisions;**

Provide your analysis here:

**Any infrastructure associated with any proposed development would be installed and utilized in a manner consistent with the required codes.**

**18. Promote development that serves the needs of a diverse population.**

Provide your analysis here:

**The MU overlay would indeed allow development that serves a diverse population. East Austin is an eclectic mixture of new and old development. And allowing MU overlays in an area laden with inconsistent land use patterns allows developers to propose creative solutions to a creative, thriving, and diverse population.**