

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-8  
AGENDA DATE: Thu 02/26/2004  
PAGE: 1 of 1**

**SUBJECT:** C14-03-0154.SH - Steiner Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7300-7320 Riverside Drive and 900 Bastrop Highway (Carson Creek Watershed) from townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO) combining district zoning, multi-family residence medium density-conditional overlay-neighborhood plan (MF-3-CO) combining district zoning, and general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to single-family residence small lot (SF-4A) district zoning. Planning Commission Recommendation: To be considered by the Commission on February 24, 2004. Applicant: Robert Steiner. Agent: Minter, Joseph, and Thornhill, P.C. (John Joseph, Jr.). City Staff: Annick Beaudet, 974-2975.

|                    |                       |  |
|--------------------|-----------------------|--|
| <b>REQUESTING</b>  | Neighborhood Planning | <b>DIRECTOR'S</b>                          |
| <b>DEPARTMENT:</b> | and Zoning            | <b>AUTHORIZATION:</b> <u>Greg Guernsey</u> |

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-03-0154.SH

**PC DATE:** December 23, 2003  
January 13, 2004  
January 27, 2004  
February 10, 2004  
February 24, 2004

**ADDRESS:** 7300-7320 Riverside Drive and 900 Bastrop Highway

**OWNER/APPLICANT:** Robert Steiner

**AGENT:** Minter, Joseph, and Thornhill, P.C. (John Joseph, Jr.)

|                            |                     |                   |                |                     |                           |
|----------------------------|---------------------|-------------------|----------------|---------------------|---------------------------|
| <b><u>ZONING FROM:</u></b> | Tract 1: SF-6-CO-NP | <b><u>TO:</u></b> | Tract 1: SF-4A | <b><u>AREA:</u></b> | Tract 1: 37.09 acres      |
| (Amended 1-28-04)          | Tract 2: MF-3-CO-NP |                   | Tract 2: SF-4A |                     | Tract 2: 28.37 acres      |
|                            | Tract 3: CS-CO-NP   |                   | Tract 3: SF-4A |                     | Tract 3: 17.23 acres      |
|                            | Tract 4: CS-MU-NP   |                   | Tract 4: SF-4A |                     | Tract 4: 3.37 acres       |
|                            | Tract 5: CS-MU-NP   |                   | Tract 5: SF-4A |                     | <u>Tract 5: .52 acres</u> |
|                            |                     |                   |                |                     | <b>Total = 86.5 acres</b> |

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends a postponement to March 4, 2004 due to the re-notification needed for the additional acreage that was added to the application on January 28, 2004.

Staff's alternate recommendation is to recommend single family residence small lot-neighborhood plan combining district (SF-4A-NP) for Tract 1, 2, and 4 and to recommend denial of SF-4A district zoning for Tract 3 and 5.

### **PLANNING COMMISSION RECOMMENDATION:**

December 23, 2003: Postponed to January 13, 2004. (staff's request)

January 13, 2004: Postponed to January 27, 2004. (applicant's request)

January 27, 2004: Postpone to February 10, 2004 (applicant request). Vote: 7-0.

February 10, 2004: Postpone to February 24, 2004 (applicant's request; need to renotify due to application amendment to add additional land, Tracts 4 & 5).

February 24, 2004:

### **ISSUES:**

On January 26, 2004 a hardship request for Tract 3, to submit a neighborhood plan amendment out of cycle, was approved by the Director of the Neighborhood Planning & Zoning Department.

The applicant is in partial agreement with the staff's alternate recommendation. The applicant does not agree with the staff recommendation for Tract 3, but does agree with the staff recommendation for Tracts 1, 2, 4 and 5.

Currently, new residential and/or school development is prohibited in the Airport Overlay Buffer Zone Three (AO-3) (LDC 25-13-45), with certain exceptions including one for areas that had an adopted neighborhood plan-combining district on December 31, 2001. The subject tract is located in such an area, and therefore meets the criteria of being exempt from the prohibition of residential and school uses via 25-13-45(B)(3). However, it is staff's recommendation to not recommend new residential development for Tract 3 of the property (17 of 91 acres) as the

Montopolis Neighborhood Plan, as adopted, acknowledged the Airport Overlay Buffer Zones and did not allow residential uses in the AO-3 zone (therefore, a neighborhood plan amendment is required). It is the intent of the neighborhood plan to not permit residential or school uses within the AO-3 zone as the adopted Future Land Use Map (FLUM) shows only industrial, commercial, and public uses permitted in the AO-3 zone.

While staff recognizes that certain exceptions do exist to the prohibition of new residential and/or school uses within the AO-3 zone (with restrictions that mandate noise mitigation), the nuisances, noise and adverse affects created by the airport would still exist. The purpose of the Airport Hazard and Compatible Land Use ordinance, which is authorized by the Texas Local Government Code Chapter 241, is to protect the public investment in the airport by acknowledging its need to expand, and protecting the community from the adverse health, welfare, and safety affects created by airports. The creation of the AO-3 buffer zone was to prevent the introduction of new non-compatible residential and school uses in and around high noise areas near the airport. According to the Aviation department, not only does the AO-3 buffer zone protect the airport from future non-compatible development, it likewise protects neighborhoods from aircraft noise. The AO-3 buffer zone is necessary to protect the future development of the airport, as by the year 2020 the airport forecasts 372,670 annual aircraft operations, compared to 219,000 annual aircraft operations in the year 2002.

In the summer the 2001 the Planning Commission and City Council considered a similar rezoning case (the subject property was located in the Airport Overlay Zone Two (AO-2) and Three (AO-3). In this case, the subject tract was also exempt from the prohibition of new residential and school uses (with restrictions that mandate noise mitigation). The staff recommended against the requested residential zoning (SF-3) that would have increased the density/number of residential that could be built. The Planning Commission and City Council both agreed with the staff and denied the requested SF-3 zoning; setting precedent in upholding the intent of the Aviation Ordinance.

#### **DEPARTMENT COMMENTS:**

If the Commission or the City Council wishes to rezone this property to a new zoning district the neighborhood-combining district (NP) should be added so that the property remains within the boundaries of the neighborhood plan-combining district (NPCD).

On December 18, 2003, a meeting was organized by the Neighborhood Planning and Zoning Department (NPZD) inviting the Montopolis Neighborhood Planning Team members, neighborhood association leaders, and property owners within 300 feet of this tract to hear a presentation from the applicant regarding the applications for a plan amendment and rezoning. The goal of this meeting was to get a letter from the Planning Team expressing support or lack of support for the proposal. Nine members of the Montopolis community attended the meeting and they expressed the need for a subsequent meeting in order to be able to make a recommendation for Tract 3. They requested that a representative of the proposed builder be present to answer specific questions about the homes to be built. To date staff has not received any information from the applicant regarding whether or not such a meeting has been held.

The S.M.A.R.T Housing Certification letter (Exhibit B) for Tracts 1, 2, 4 and 5, but not 3, states that the applicant is proposing 255 residential units for Tracts 1 and 2 combined. With a rezoning to SF-4A for Tracts 1, 2, and 4 as recommended by staff, approximately 624 units could be built (gross amount would be 832; staff estimated a 25% loss in units once roads, easements, and impervious cover are accounted for). The proposed housing units appear possible without the rezoning of Tract 3 and Tract 5, Tract 3 being located in the Austin-Bergstrom Airport Overlay

Buffer Zone (AO-3). The applicant's agent has indicated that the rezoning of Tract 3 is for a future phase of development. The applicant is in agreement with not rezoning Tract 5.

**EXISTING ZONING AND LAND USES:**

|              | <b>ZONING</b>                              | <b>LAND USES</b>                                      |
|--------------|--|---|
| <i>Site</i>  | SF-6-CO-NP, MF-3-CO-NP, CS-CO-NP, CS-MU-NP | Undeveloped   |
| <i>North</i> | LI-NP, P-NP                                | Manufactured home sales, manufactured home residences |
| <i>South</i> | GR-MU-NP, LR-MU-NP, CS-MU-NP               | Warehouses, undeveloped, single family homes          |
| <i>East</i>  | CS-CO                                      | Undeveloped   |
| <i>West</i>  | SF-3-NP, SF-2-NP, GR-MU-NP, CS-NP          | Undeveloped, mobile home residences                   |

**AREA STUDY:** Montopolis Neighborhood Plan, Austin-Bergstrom Airport Overlay Study

**TIA:** Waived

**WATERSHED:** Carson Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No.

**HILL COUNTRY ROADWAY:** No.

**NEIGHBORHOOD ORGANIZATIONS:**

Montopolis Area Neighborhood Improvement Council  
 Southeast Austin Neighborhood Alliance  
 Crossing Gardenhome Owners Assn. (The)  
 Terrell Lane Interceptor Assn.  
 Greater East Austin Neighborhood Assn.  
 Barton Springs/ Edwards Aquifer Conservation Dist.  
 El Concilio, Coalition of Mexican American Neigh. Assn.  
 Austin Neighborhoods Council  
 Montopolis Area Neighborhood Alliance  
 PODER People Organized in Defense of Earth & Her Resources

**CASE HISTORIES:**

| <b>NUMBER</b>   | <b>REQUEST</b>   | <b>PLANNING COMMISSION</b>   | <b>CITY COUNCIL</b>  |
|---|--|--|--|
| C14-01-0060<br>Montopolis<br>Neighborhood Plan<br>(MNP) | Tract 47 (subject property): Applicant in negotiations w/City of Austin, zoning staff recommendation pending further research. | 7-31-01: For Tract 47 to recommend staff future land use map recommendation which would allow for a mix of commercial, office, single family and multifamily uses. | 9-27-01: To approve plan with changes, excluding Tract 47. Vote: 6-1, RA-No. |
| C14-01-0010   | SF-2 to MF-3-CO, CS-CO   | Aug 6, 2002: To grant MF-3-CO-NP for Tracts 1 and 2 w/conditions and CS-CO-NP w/conditions.  | 11-21-03: To Approve SF-6-CO (Tract 1), MF-3-CO (Tract 2), CS-CO (Tract 3)   |

**ABUTTING STREETS:**

| <b>STREET</b>       | <b>RIGHT-OF-WAY</b> | <b>PAVEMENT WIDTH</b> | <b>CLASSIFICATION</b> | <b>DAILY TRAFFIC</b> |
|---------------------|---------------------|-----------------------|-----------------------|----------------------|
| US Hwy 183          | Varies              | Varies                | Major Arterial        | N/A                  |
| E. Riverside Dr.    | Varies              | 2 @ 30'               | Arterial              | 13,280               |
| Frontier Valley Dr. | 60'                 | 40'                   | Collector             | 3,500                |

**CITY COUNCIL DATE:** February 26, 2004

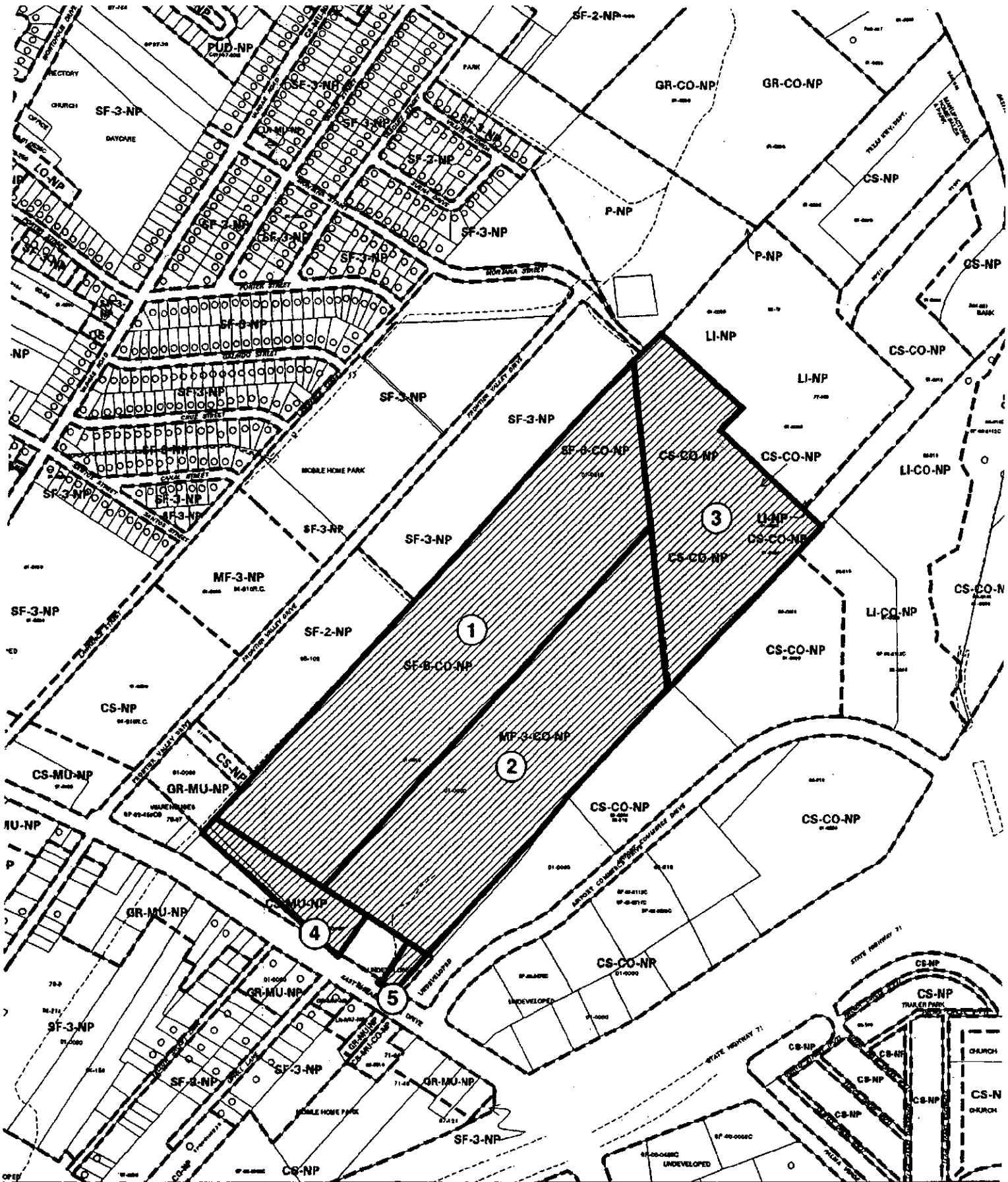
**ACTION:** January 15, 2004: To postpone to January 29, 2004. Vote: 6-0, McCracken off dais.  
January 29, 2004: Postponed to 02-26-04, staff request. Vote: 5-0-Wynn off dais and Thomas absent)

**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

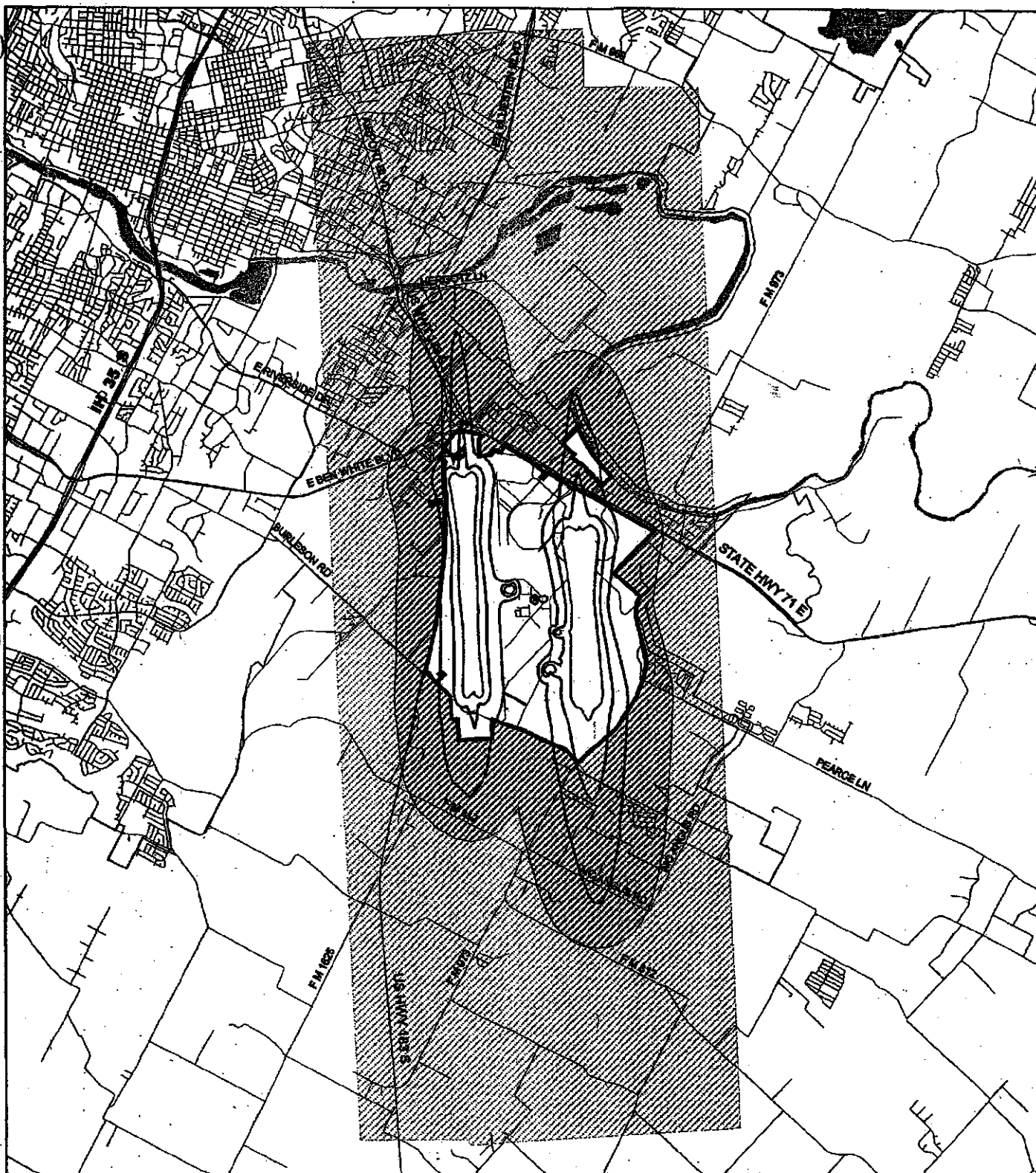
**ORDINANCE NUMBER:**

**CASE MANAGER:** Annick Beaudet

**PHONE:** 974-2975



|               |                      |  |   |                              |  |
|---------------|----------------------|--|---|------------------------------|--|
| <br>1" = 600' | SUBJECT TRACT        |  | <b>ZONING</b><br><br>CASE #: C14-03-0154.SH<br>ADDRESS: 7300-7320 E RIVERSIDE<br>DR & 900 BASTROP HWY<br>SUBJECT AREA (acres): 66.518 | DATE: 04-01<br><br>INTLS: SM | CITY GRID<br>REFERENCE<br>NUMBER<br><br>'M18-19 N18-1<br>9 |
|               | PENDING CASE         |  |   |                              |  |
|               | ZONING BOUNDARY      |  |   |                              |  |
|               | CASE MGR: A. BEAUDET |  |   |                              |  |



# **Austin-Bergstrom International Airport**

**Controlled Compatible  
Land Use Area**

Produced by: Infrastructure  
Support Services



Date Plotted: August 16, 2001

- Airport Overlay Zone AO-1
- Airport Overlay Zone AO-2
- Airport Overlay Zone AO-3
- Controlled Compatible Land Use Area

City Of Austin

- 65 DNL Contour
- 70 DNL Contour
- 75 DNL Contour
- Airport Property Boundary

***Airport Overlay***





### **SUMMARY STAFF RECOMMENDATION:**

Staff's alternate recommendation is to recommend single family residence small lot-neighborhood plan combining district (SF-4A-NP) for Tract 1, 2, and 4 and to recommend denial of SF-4A district zoning for Tract 3 and 5.

### **BASIS FOR RECOMMENDATION**

1. Zoning should be consistent with an adopted area study or neighborhood plan.

The rezoning request for Tract 3 is not consistent with an adopted Neighborhood Plan and the Aviation Ordinance. The goals of the Montopolis Neighborhood Plan recommends a mix of housing opportunities and home ownership opportunities and to "ensure compatibility and encourage a complimentary relationship between adjacent land uses". The recommendation against new housing in the AO-3 zone upholds the Aviation Ordinance (airport area study) by protecting the general health, welfare, and safety of residents of the City of Austin by not subjecting them to the possible nuisances of airport noise and by protecting the public investment in the airport by not hindering future expansion of the airport as forecasted for the year 2020 (see Issues section of this report).

2. Zoning should promote compatibility with nearby and adjacent uses, promote and orderly relationship among land uses, and provide a transition between zoning districts and development intensities.

Goal number one of the Montopolis neighborhood plan is "to improve quality of life in Montopolis through land use and zoning." The proposed SF-4A district zoning for Tract 3 is not compatible with the adjacent land to north zoned LI-NP and shown as proposed for future industrial uses via the FLUM. The existing CS-CO zoning provides a transition of zoning intensities between the proposed SF-4A zoning and existing LI-NP zoning. Also, Tract 5 is situated between CS-MU-NP zoning and CS-CO-NP zoning and therefore not situated in a location to create an orderly relationship among land use districts and development intensities.

Staff' support of SF-4A for Tract 1, 2, and 4 is because the area is compatible with the surrounding mixed use, single-family, and commercial zoning and uses.

3. The proposed zoning should be consistent with the purpose statement of the district sought.

The SF-4A district purpose is for the designation of "moderate density single family residential use on a lot that is a minimum of 3,600 square feet... and is subject to development standards that maintain single family neighborhood characteristics." Tracts 1, 2, and 4 meet this purpose statement in that they are located within the urban core and in an area with an adopted neighborhood plan where consensus was reached on the desire for residential and/or mixed uses on these tracts. Tract 3 does not meet this purpose statement by being located within the AO-3 buffer zone where new residential uses are currently prohibited (unless criteria for exemption are met) and by being situated adjacent to land zoned LI-NP and designated as such via the FLUM adopted by City Council. Even though Tract 3 may qualify for exemption from the prohibition against residential uses in the AO-3 zone, development on Tract 3 will still be subject to aircraft overflights and aircraft-generated noise.

However, Tract 3 does meet the purpose statement of the existing zoning. The CS-CO-NP, General Commercial Services-Conditional Overlay-Neighborhood Plan, district is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with a residential environment. Tract 3 is adjacent to industrial and commercial districts with access located on a major highway (Bastrop Highway/US 183) and therefore would not likely contribute to degradation to any nearby residential areas. In addition the CO, Conditional Overlay, further restricts the man made boundary of the 138,000 KV Electrical Transmission Line by providing an additional 100 foot buffer between the residential zoning to the south (area now proposed for SF-4A zoning) and the Transmission Line, further contributing to the compatibility between the residential and commercial zones.

4. Zoning should promote clearly identified community goals including employment opportunities and providing for affordable housing.

Staff supports the rezoning of Tracts 1, 2, and 4 based on the certification of these Tracts for the City S.M.A.R.T Housing program, which guarantees affordable housing opportunities. Tract 3 is not certified as S.M.A.R.T housing and should not be certified as such based on the AO-3 zone (see attached Memorandum of Understanding, Exhibit A).

5. Residential land use should not be located adjacent to property zoned and/or used for industrial uses or planned for future industrial use per a Neighborhood Plan FLUM. Tract 3 was zoned CS-CO and designated for commercial land use on the Montopolis FLUM to create a buffer between the residential zoning and land use designation to the south and the industrial land use designation to the north. In addition, based on the same planning principal, Tract 5 is situated between to commercially zoned properties making the existing CS-MU-NP zoning more appropriate than the requested SF-4A residential district.

## EXISTING CONDITIONS

### Site Characteristics

The subject tract is undeveloped.

### Impervious Cover

The maximum impervious cover allowed by the SF-4A zoning district would be 65%. The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Carson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

| <i>Development Classification</i>                | <i>% of Net Site Area</i> | <i>% with Transfers</i> |
|--|---------------------------|-------------------------|
| Single-Family<br>(minimum lot size 5750 sq. ft.) | 50%                       | 60%                     |
| Other Single-Family or Duplex                    | 55%                       | 60%                     |
| Multifamily                                      | 60%                       | 70%                     |
| Commercial                                       | 80%                       | 90%                     |

Note: The most restrictive impervious cover limit applies.

### **Environmental**

According to flood plain maps, there is floodplain within, or adjacent to the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone should be limited to 30%.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

### **Transportation**

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 10,627 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

The traffic impact analysis for this site was waived because the trip generation under the requested zoning results in a reduction of trips per day based on the trip generation under the existing zoning, which is estimated to be 58, 440 trips per day.

There are existing sidewalks along East Riverside Drive.

Capital Metro bus service is available along East Riverside Drive.

East Riverside Drive is classified in the Bicycle Plan as a Priority (\*) bike route.

### **Water and Wastewater**

The landowner intends to serve the site and each lot with City water and wastewater utilities. Water and wastewater utility improvements, offsite main extension, and system upgrades are required. The landowner will be responsible for all costs and providing. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria.

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site

stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

**Compatibility Standards**

The proposed zoning case does not trigger compatibility standards.

**DEPARTMENT COMMENTS:**

If the Commission or the City Council wishes to rezone this property to a new zoning district the neighborhood-combining district (NP) should be added so that the property remains within the boundaries of the neighborhood plan-combining district (NPCD).

On December 18, 2003, a meeting was organized by the Neighborhood Planning and Zoning Department (NPZD) inviting the Montopolis Neighborhood Planning Team members, neighborhood association leaders, and property owners within 300 feet of this tract to hear a presentation from the applicant regarding the applications for a plan amendment and rezoning. The goal of this meeting was to get a letter from the Planning Team expressing support or lack of support for the proposal. Nine members of the Montopolis community attended the meeting and they expressed the need for a subsequent meeting in order to be able to make a recommendation for Tract 3. They requested that a representative of the proposed builder be present to answer specific questions about the homes to be built. To date staff has not received any information from the applicant regarding whether or not such a meeting has been held.

The S.M.A.R.T Housing Certification letter (Exhibit B) for Tracts 1, 2, 4 and 5, but not 3, states that the applicant is proposing 255 residential units for Tracts 1 and 2 combined. With a rezoning to SF-4A for Tracts 1, 2, and 4 as recommended by staff, approximately 624 units could be built (gross amount would be 832; staff estimated a 25% loss in units once roads, easements, and impervious cover are accounted for). The proposed housing units appear possible without the rezoning of Tract 3 and Tract 5, Tract 3 being located in the Austin-Bergstrom Airport Overlay Buffer Zone (AO-3). The applicant's agent has indicated that the rezoning of Tract 3 is for a future phase of development. The applicant is in agreement with not rezoning Tract 5.



Exhibit A  
page 1 of 2

## MEMORANDUM

**TO:** Paul Hilgers, Community Development Officer  
Alice Glasco, Director of Neighborhood Planning and Zoning

**FROM:** Jim Smith, Executive Director of Aviation

**DATE:** April 24, 2001

**SUBJECT:** Montopolis Neighborhood Plan and Airport Compatible Use Zoning

The memorandum shall confirm our agreement and understanding concerning the staff position on the Montopolis Neighborhood plan that will be presented to the Planning Commission on May 1, 2001.

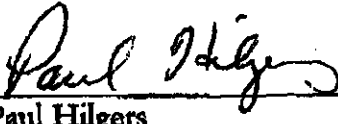
The Aviation Department will be shortly bringing forward a new Airport Compatible Land Use Overlay Zoning Ordinance that will establish a revised overlay zone extending out one half mile from the 65 DNL contour in all directions. Given the close proximity to the airport, aircraft flight tracks, and noise levels, residential uses are prohibited in the overlay zone. This zone includes part, but not all, of the area covered by the proposed Montopolis Neighborhood plan. Also within that area of Montopolis affected by the proposed Airport overlay zone are a 100 foot wide electric utility easement for a 138kV electric transmission line that services AMD and other high technology companies, as well as several natural gas and other pipelines.

Members of our respective departments and other responsible city departments have met to extensively discuss these issues. A consensus was reached that the City staff position would be to support the Department of Aviation, and oppose residential uses in that portion of the area covered by the Montopolis Neighborhood plan affected by the proposed new Airport overlay zone. Under the proposed ordinances, most commercial, industrial, and public uses are permitted.


We ask that you please sign this memorandum in the space below to acknowledge your agreement. Should you have any questions please do not hesitate to call me at 530 7510.

proposed ordinances, most commercial, industrial, and public uses are permitted.

We ask that you please sign this memorandum in the space below to acknowledge your agreement. Should you have any questions, please do not hesitate to call me at 530-7518.



Paul Hilgers  
Community Development Officer



Alice Glasco  
Director of Neighborhood Planning and Zoning

Cc: Jesus Garza, Stuart Hersch, John Almond P.E.

page 2 of 2



# City of Austin

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

## Neighborhood Housing and Community Development Department

Gina Copic, S.M.A.R.T. Housing Program Manager  
(512) 974-3180, Fax: (512) 974-3112, [regina.copic@ci.austin.tx.us](mailto:regina.copic@ci.austin.tx.us)

October 9, 2003

**S.M.A.R.T. Housing Certification**  
**Riverside Meadows Subdivision**  
Centex Homes: John Harris 795-0170

TO WHOM IT MAY CONCERN:

Centex Homes is proposing to develop a 255 unit single-family subdivision located on Riverside Drive between Frontier Valley Drive and Ben White Boulevard in the Montopolis Neighborhood Planning Area. NHCD conditionally certifies that the proposed development meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since 40% of the homes will serve families at 80% Median Family Income (MFI) or below, the development will be eligible for 100% waiver of the fees listed in Exhibit A of the S.M.A.R.T. Housing Resolution adopted by the City Council. The expected fee waivers include, but are not limited to, the following:

|                              |                   |
|------------------------------|-------------------|
| Zoning Fees                  | Building Permit   |
| Subdivision Fees             | Concrete Permit   |
| Construction Inspection Fees | Electrical Permit |
| Traffic Impact Analysis Fees | Mechanical Permit |
| Capital Recovery Fees        | Plumbing Permit   |
| Building Plan Review         |                   |

**Prior to commencement of construction, the developer must:**

- ◆ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Shirley Muns, Austin Energy, 322-6453).

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

- ◆ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Note: this inspection is separate from any other inspections required by the City of Austin or Austin Energy).
- ◆ Pass a final inspection by NHCD to certify that Visitability standards have been met.

Please contact me at 974-3180 if you need additional information.

Gina Copic, S.M.A.R.T. Housing Manager  
Neighborhood Housing and Community Development Department

|     |                             |                              |                      |
|-----|-----------------------------|------------------------------|----------------------|
| Cc: | Javier Delgado, NHCD        | Janet Gallagher, WPDR        | Steve Barney, NHCD   |
|     | Robby McArthur, WWW Taps    | Stuart Hersh, NHCD           | Ricardo Soliz, NPZD  |
|     | Shirley Muns, Austin Energy | Nathan Doxsey, Austin Energy | Marzia Volpe, WPDR   |
|     | Anthony Fryer, WPDR         | Marisol Claudio-Ehalt, WPDR  | Steve Rossiter, NPZD |
|     | Jim Lund, PW                | Shaw Hamilton, WPDR          |                      |

**Exhibit B**

*The City of Austin is committed to compliance with the American with Disabilities Act.  
Reasonable modifications and equal access to communications will be provided upon request.*

## Beaudet, Annick

---

**From:** Lopez, Sonya  
**Sent:** Wednesday, January 21, 2004 4:52 PM  
**To:** Beaudet, Annick  
**Subject:** FW: Montopolis Neighborhood Plan Amendment - Steiner Tract

Annick,  
Another comment from a Montopolis planning team member opposing the plan amendment.

Sonya Lopez

Sonya Lopez, Neighborhood Planner  
City of Austin  
Neighborhood Planning and Zoning Department  
One Texas Center  
505 Barton Springs Road, 5th Floor  
P.O. Box 1088 - NPZD  
Neighborhood Planning Webpage  
Austin, Texas 78767-8810  
Phone: (512) 974-7694  
Fax: (512) 974-7654  
E-Mail: [sonya.lopez@ci.austin.tx.us](mailto:sonya.lopez@ci.austin.tx.us)

**Neighbor  
Comment**

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

**From:** Chela Rodriguez [mailto:[GRodriguez@casey.org](mailto:GRodriguez@casey.org)]  
**Sent:** Wednesday, January 21, 2004 4:32 PM  
**To:** [Sonya.Lopez@ci.austin.tx.us](mailto:Sonya.Lopez@ci.austin.tx.us)  
**Cc:** [podar\\_tx@sbcglobal.net](mailto:podar_tx@sbcglobal.net)  
**Subject:** RE: Montopolis Neighborhood Plan Amendment - Steiner Tract

Thank you for keeping me informed on the issue. I am always for single family housing and housing development. However, after thinking about the information presented at the December meeting on the piece of property in question on the Steiner Tract, I must inform you that I am in total support of the City of Austin staff in denying the request for rezoning said 26 acres in the tract. This request for rezoning would only serve to benefit the developer not the future homebuyers or anyone else. As a resident of the Montopolis neighborhood initially involved in the Neighborhood Plan meetings, I cannot support changing the tract in question for the Plan was approved in the interest of the neighborhood keeping in mind the potential growth in the area. The housing development will be welcomed if it takes into account and adheres to the Neighborhood Plan in place. A good neighbor would do just that.

If you have any questions please feel free to contact me.

Griselda G. Rodriguez

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

**From:** [Sonya.Lopez@ci.austin.tx.us](mailto:Sonya.Lopez@ci.austin.tx.us) [mailto:[Sonya.Lopez@ci.austin.tx.us](mailto:Sonya.Lopez@ci.austin.tx.us)]  
**Sent:** Wednesday, January 07, 2004 12:01 PM  
**To:** [Meichner@austin.rr.com](mailto:Meichner@austin.rr.com); [jrstratton@strattonlawfirm.com](mailto:jrstratton@strattonlawfirm.com);  
[k.hatcher@msn.com](mailto:k.hatcher@msn.com); [Redlduke@swbell.net](mailto:Redlduke@swbell.net); Chela Rodriguez;  
[podar\\_tx@sbcglobal.net](mailto:podar_tx@sbcglobal.net)  
**Subject:** Montopolis Neighborhood Plan Amendment - Steiner Tract

Dear Montopolis Resident and/or Property Owner,  
Thank you for attending the meeting on December 15th at the Montopolis Recreation Center to discuss the proposed plan amendment and rezoning for the Steiner Tract at 7300 E. Riverside Dr. The purpose of this letter is to clarify how the airport overlay ordinance applies to this property (as there was some confusion between city staff and the applicant during the presentation) and to explain in more detail staff's position. The confusion related to whether or not new residential uses are prohibited or merely restricted (meaning permitted as long as noise insulation is part of the new



construction) for this property as a portion of it lies within the AO-3 airport overlay buffer zone. City staff has confirmed that new residential uses are restricted, not prohibited, on this property since the Aviation Ordinance contains exceptions to regulations in the ordinance, which the Montopolis Neighborhood Plan area meets. However, it is staff's recommendation that the plan amendment and rezoning requests for new residential development for the portion of the property that lies within the AO-3 zone should be denied (26 out of 91 total acres). One reason for this recommendation is that the airport overlay ordinance was created so that increases in airplane take offs and landings, predicted at more than 372,000 for the year 2020 (up from 219,000 annual operations in 2002), will not be restricted by surrounding land uses. Another reason is to protect neighborhoods from airport noise and activity. Lastly, planning principles do not support a residential zoning category adjacent to an industrial category (the property directly to the north of this 26 acre property is zoned industrial and indicated for industrial land uses on the Montopolis Future Land Use Map), unless conditions are met to minimize adverse impacts. We encourage you all to communicate your position to us regarding this matter, especially if you will not be attending the Planning Commission or City Council public hearings. It will be very important for the Commission and Council to know how neighborhood planning team members feel with respect to this proposal. The Planning Commission hearing is scheduled for January 13, 2004 at 6:00pm at 505 Barton Springs Rd. on the 3rd floor and the City Council hearing (first reading) is scheduled for January 15, 2004 at 1:00pm at the LCRA building on Lake Austin Blvd. Please contact either of us if you have further questions or comments. Sincerely,

Sonya Lopez  
974-7694  
sonya.lopez@ci.austin.tx.us <mailto:sonya.lopez@ci.austin.tx.us>  
annick.beaudet@ci.austin.tx.us

Annick Beaudet  
974-2975

**Beaudet, Annick**

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**From:** Lopez, Sonya  
**Sent:** Tuesday, January 13, 2004 10:22 AM  
**To:** Beaudet, Annick  
**Subject:** Steiner Tract: Planning team member response

This is from Susana Almanza of PODER...

**Sonya Lopez**

Sonya Lopez, Neighborhood Planner  
City of Austin  
Neighborhood Planning and Zoning Department  
One Texas Center  
505 Barton Springs Road, 5th Floor  
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*Neighbor  
Comment*

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

**From:** poder\_tx@sbcglobal.net [mailto:poder\_tx@sbcglobal.net]  
**Sent:** Sunday, January 11, 2004 2:04 PM  
**To:** Sonya.Lopez@ci.austin.tx.us  
**Subject:** Steiner Tract  
**Importance:** High

Hello Sonya- Thank you for your update on the Steiner Tract. The file number C14-03-0154.SH is for rezoning the current residential zoning of SF-6-CO-NP to SF-4A, which I support. But I don't have a zoning case number for the additional tract that was zoned CS-CO-NP to rezone to residential - which I am not in agreement with. Is there a case number for that rezoning? I want to send a written response to Planning Commissioners and City Council. Thanks, Susana Almanza

1/13/2004