

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



**AGENDA ITEM NO.: Z-1
AGENDA DATE: Thu 06/23/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0026 - 1805 Frontier Valley - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1805 Frontier Valley Drive (Carson Creek Watershed) from single family residence standard lot-neighborhood plan (SF-2-NP) combining district zoning to multi-family moderate-high density neighborhood plan (MF-4-NP) combining district zoning. Planning Commission Recommendation: To grant multi-family medium density-neighborhood plan (MF-3-NP) combining district zoning. Property Owner: Marbella Corp. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET**CASE:** C14-05-0026**Planning Commission Date:** April 12, 2005**ADDRESS:** 1805 Frontier Valley Drive**OWNER:** Marbella Corp (Mitchell and Jan Davis)**APPLICANT:** City of Austin**AGENT:** Neighborhood Planning and Zoning Department**ZONING FROM:** SF-2-NP**TO:** MF-4-NP**AREA:** 9.939 acres**SUMMARY STAFF RECOMMENDATION:**

Staff recommends rezoning to Multi-Family Residence Medium Density-Neighborhood Plan (MF-3-NP) combining district zoning.

PLANNING COMMISSION RECOMMENDATION:

April 12, 2005: APPROVED STAFF'S RECOMMENDATION FOR MF-3-NP ZONING.
[JMC, D.S 2ND] (8-0)

DEPARTMENT COMMENTS:

The site is currently undeveloped. It has single family residence standard lot – neighborhood plan combining district zoning (SF-2-NP). The request is for Multi-Family Moderate-High Density district zoning (MF-4). Staff's recommendation is that Multi-family Medium Density (MF-3) is more appropriate.

The property is bounded by CS-NP and MF-3-NP zoned land to the west which is currently undeveloped. To the north lies a mobile home park on SF-3-NP zoned land. To the south is a self-storage facility zoned CS-NP and GR-MU-NP. To the east is a developing subdivision zoned SF-4A-NP for small lot single family residences.

A drainage easement runs along the eastern edge of the property, extending into the western boundary of the adjacent property. The total width of the drainage easement is 30 feet.

The request is in accord with the Montopolis Neighborhood Plan Future Land Use Map. During the neighborhood planning process this tract, along with several adjacent tracts, were broken out for further discussion and consideration. These tracts were not rezoned, excepting to the Neighborhood Plan overlay, with the neighborhood planning rezoning. It was agreed that these tracts would be reserved for residential uses including all single family zoning and multi-family zoning up to MF-4, and including the infill options of Small Lot Amnesty, Cottage Lot Infill, and Secondary Apartment.

This case is being initiated by the city as it was not included in the neighborhood plan rezoning. (Exhibit A)

The City has received a letter of opposition signed by six south east Austin neighborhood associations (Exhibit B).

On May 24, a community meeting was held at the Ruiz Library to discuss this case. Notices in English and Spanish were mailed out the Neighborhood Planning Interest list. At the meeting the property owner presented his proposal to a small group of four community members. The four residents in attendance were not supportive of the rezoning request.

On June 16, a second community meeting was held at the Montopolis Recreation Center. Residents, property owners and the interest list were notified of the meeting in English and Spanish. Roughly 3200 notices were mailed out. (Exhibit C) Eleven stakeholders attended the meeting and although it was not unanimous (one commercial property owner supported the request for MF zoning) the general consensus was to oppose the rezoning and to support single family zoning up to SF-4A.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|-------------------|------------------------------|
| <i>Site</i> | SF-2-NP | Undeveloped |
| <i>North</i> | SF-3-NP | Mobile Homes |
| <i>South</i> | SC and GR-MU-NP | Self-Storage and Undeveloped |
| <i>East</i> | SF-4A-NP | Small Lot Single Family |
| <i>West</i> | CS-NP and MF-3-NP | Undeveloped |

AREA STUDY: Montopolis Neighborhood Planning Area

TIA: May be required at site plan approval.

WATERSHED: Carson Creek **DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: No **HILL COUNTRY ROADWAY:** No

REGISTERED NEIGHBORHOOD ORGANIZATIONS:

- Southeast Austin Neighborhood Alliance
- The Crossing Gardenhome Owners' Association
- Terrell Lane Interceptor Association
- Barton Springs/ Edwards Aquifer Conservation District
- El Concilio
- Austin Neighborhood Council
- P.O.D.E.R.
- Montopolis Area Neighborhood Alliance

SCHOOLS: (Del Valle)

Smith or Hillcrest Elementary School – Ojeda Junior High School – Del Valle High School

ABUTTING STREETS:

| NAME | ROW | PAVEMENT | CLASSIFICATION |
|---------------------|-----|----------|----------------|
| Frontier Valley Dr. | 65' | 45' | Collector |

Capital Metro bus service is available along Riverside Dr.

CITY COUNCIL DATE:**ACTION:**

May 12, 2005:

Postponed until May 26, 2005

May 26, 2005:

Postponed until June 23, 2005

June 23, 2005

ORDINANCE READINGS:

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Robert Heil
e-mail address: robert.heil@ci.austin.tx.us

PHONE: 974-2330

A7-5

24

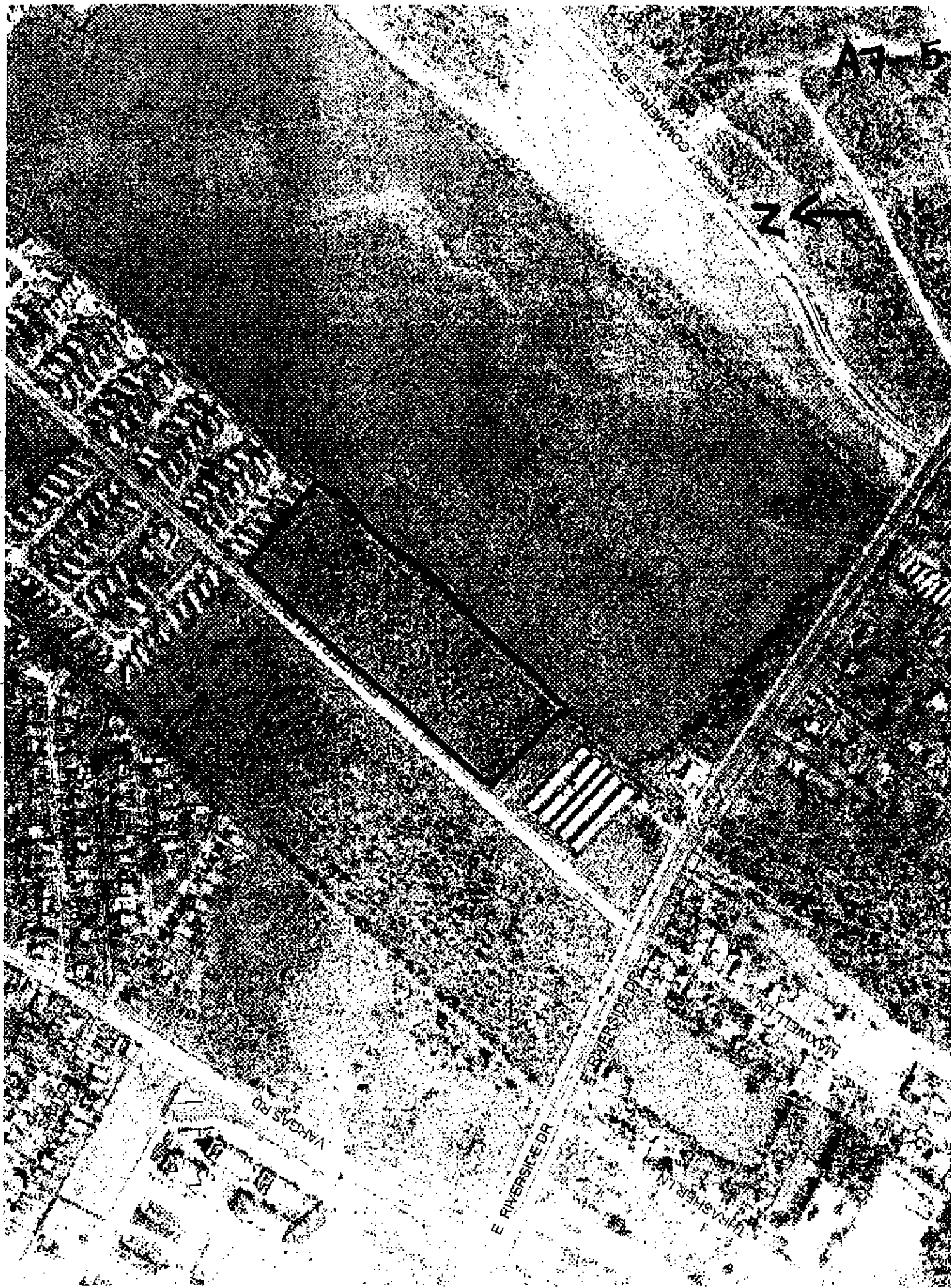
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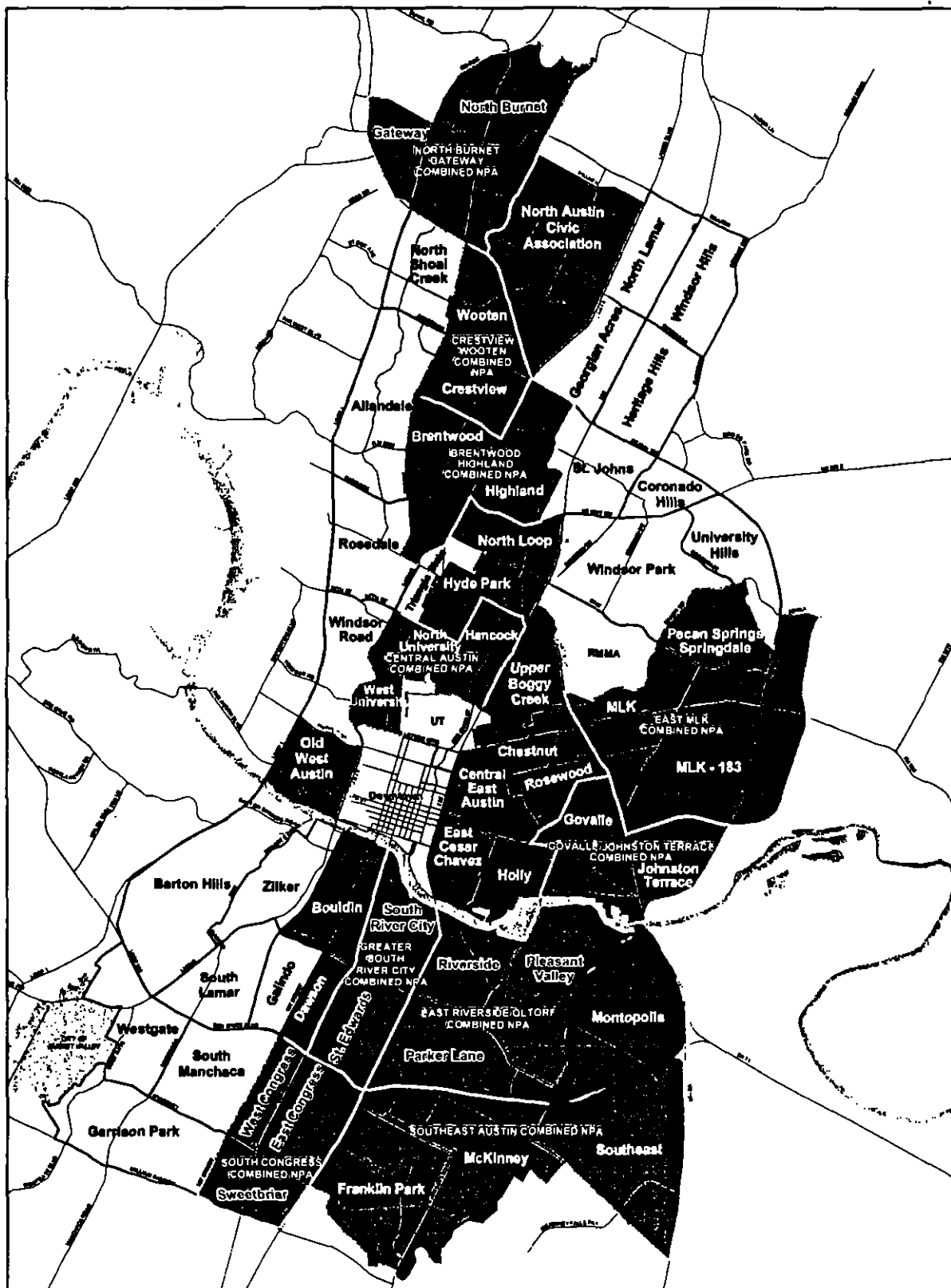
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MAXWELL LN
WILSON CO. MORGUE DR

VARGAS RD





City of Austin Neighborhood Planning Areas



Produced by City of Austin
Neighborhood Planning & Zoning Department
August 30, 2004

Combined Neighborhood
Planning Area

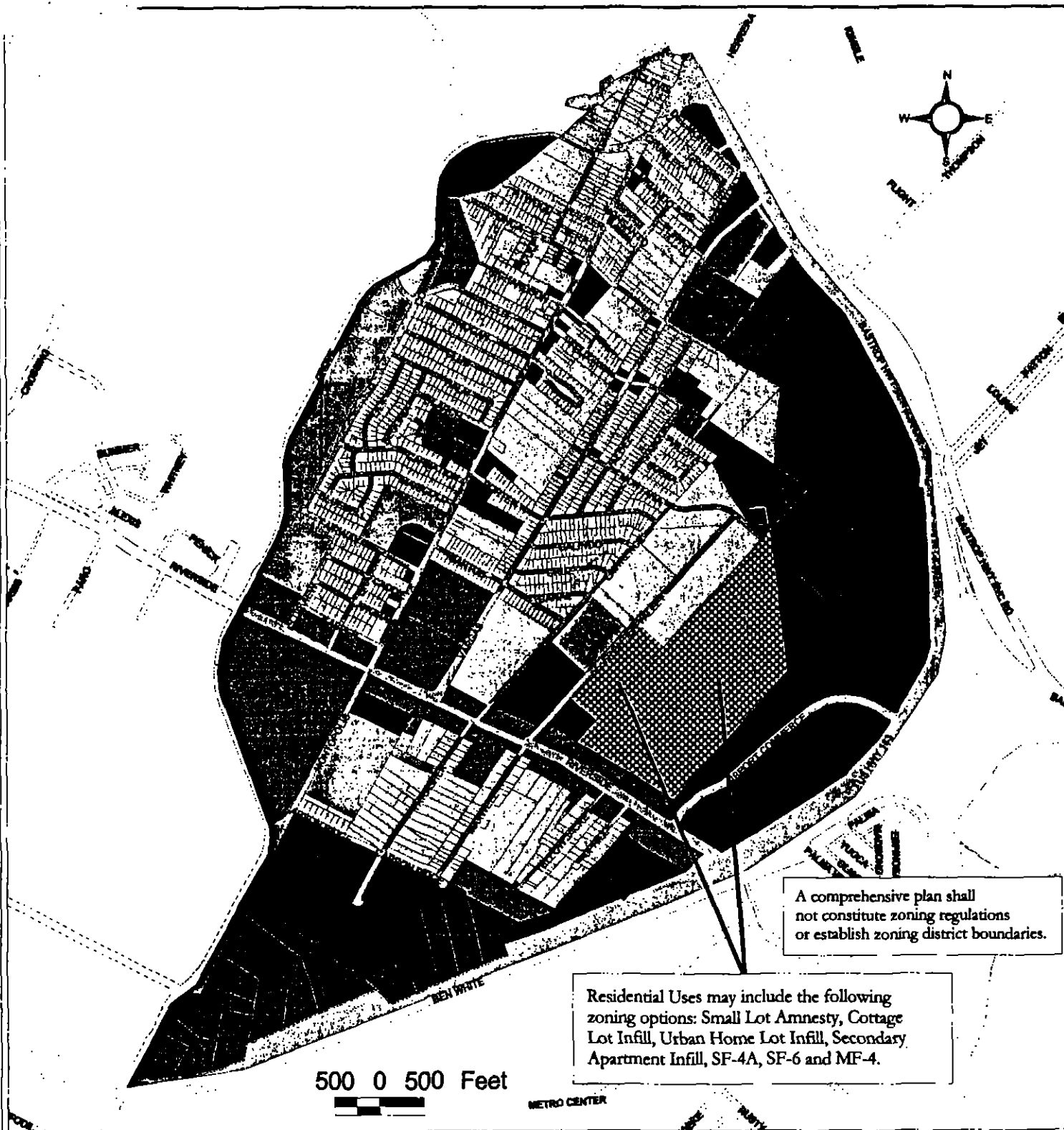
Neighborhood Plan Status

- Adopted Neighborhood Plan & Zoning
- Neighborhood Plan Underway
- Future Neighborhood Planning Area
- Non-Neighborhood Planning Area



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Montopolis Neighborhood Planning Area

Future Land Use Map: Updated 2-10-03



Neighborhood Planning
& Zoning Department

| | | | |
|--|---------------|--|-----------------|
| | Single Family | | Industry |
| | Multifamily | | Civic |
| | Commercial | | Open Space |
| | Office | | Utilities |
| | Mixed Use | | Residential Use |

SUMMARY STAFF RECOMMENDATION**C14-05-0126**

Staff recommends rezoning to Multi-Family Residence Medium Density-Neighborhood Plan (MF-3-NP) combining district zoning.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning should promote a transition between adjacent and nearby zoning districts, land uses and development intensities.*

MF-3 zoning on the subject tract would provide a transition from the CS zoning to the west and southwest, and the SF-4A zoned neighborhood to the east.

2. *Granting of the request should result in an equal treatment of similarly-situated properties.*

The granting of MF-3 zoning for the subject tract is consistent with the MF-3 zoning granted to the similarly situated tracts to the west, across Frontier Valley.

EXISTING CONDITIONS**Site Characteristics**

The site is currently undeveloped. A drainage easement runs along the eastern edge of the property, extending into the western boundary of the adjacent property. The total width of the drainage easement is 30 feet.

Site Plan

This site is within the South Lamar at La Casa Drive Capitol View Corridor. Height restrictions will be strictly enforced within the corridor at the time a site plan is submitted.

There is a site plan currently approved for this property (SP- 03-0244C is on lots 6&7) which provides for 34,934 square feet of single family and condo uses, along with associated parking and drainage facilities.

Compatibility Standards

The site is subject to compatibility standards. Along the north and east property line, the following standards apply:

- No structure may be built within 25 feet of the single family property lines.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the single family property lines.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the single family property lines.
- No parking or driveways are allowed within 25 feet of the single family property lines.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

This site is located in the Montopolis Neighborhood Plan. Site plan will should comply with the recommended design guidelines.

This site is within the Controlled Compatible Land Use Area of Austin-Bergstrom International Airport, but outside the Airport Overlay Zones. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Sections 25-13-23, are prohibited.

Transportation

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

The trip generation under the requested zoning is estimated to be 2,187 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). A Traffic Impact Analysis (TIA) will be required during the site plan review stage for any proposed land use that would generate over 2,000 vehicle trips per day. Additional ROW, participation in roadway improvements, and/or limitation on development intensity may also be recommended based on review of the TIA.

Capital Metro bus service is available along Riverside Dr.

Existing Street Characteristics:

| NAME | ROW | PAVEMENT | CLASSIFICATION |
|---------------------|-----|----------|----------------|
| Frontier Valley Dr. | 65' | 45' | Collector |

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or utility adjustment are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin utility design criteria and specifications.

The landowner must pay all required water and wastewater utility tap permit, impact, construction inspection, and utility plan review fees.

Environmental

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 (minimum lot size 5750 sq. ft.) | 50% | 60% |
| Other Single-Family or Duplex | 55% | 60% |
| Multifamily | 60% | 70% |
| Commercial | 80% | 90% |

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

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

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.

Brown | McCarroll
L.L.P.

111 Congress Avenue, Suite 1400, Austin, Texas 78701-4043
512-472-5456 fax 512-479-1101

December 23, 2004

VIA REGULAR MAIL AND E-MAIL

Greg Guernsey, Manager NPZD
Ricardo Soliz, Manager NPZD
505 Barton Springs Rd.
Austin, TX 78704

Re: Jan & Mitchell Davis-Rezoning of property located on Frontier Valley Drive in Austin, Texas within the Montopolis Neighborhood Planning Area

Dear Greg and Ricardo:

The purpose of this letter is to request that the rezoning case to be initiated by the City of Austin, as part of the Montopolis Neighborhood Plan rezonings, be initiated for multifamily residence moderate-high density (MF-4) district designation. While we understand that your Department has not yet made a final zoning recommendation for the site, we wanted to verify the information that Ricardo provided this past Monday. That being that these particular neighborhood stakeholders (Jan and Mitchell Davis), and City Staff, Planning Commission, and City Council were to be afforded the opportunity to explore all the zoning options listed per the approved Montopolis Future Land Use Map (FLUM). Within the Mixed Residential (Blue) designation that was approved for this site zoning up to the intensity of MF-4 is permitted. At this time, the owner is requesting MF-4 zoning for the property (see Enclosure of Montopolis FLUM).

The zoning directly west of this site is CS-NP and MF-3-NP and is undeveloped. The zoning to the east is SF-4-NP and is undeveloped. The zoning to the north is SF-3 and used as a mobile home park. The zoning to the south is CS-MU-NP and GR-MU-NP. The CS portion is undeveloped and the GR portion is used as warehousing. Please note that if the GR-MU portion adjacent to the subject tract is redeveloped as apartments, the density permitted via the GR-MU designation is that of MF-4 or MF-3 zoning, depending on unit size. We believe that the request for multifamily zoning at this location will serve as a buffer, or transition of zoning, between the commercial zoning to the west and the small lot single family to the east (see Zoning Map enclosure).

As you know, the Montopolis Neighborhood Planning Team, in September 2001, recommended zoning of this tract within the range of SF-3 to MF-4 based on the team's desire for the development of a mix of residential uses and to also provide home ownership

Greg Guernsey, Manager NPZD
December 23, 2004
Page 2

opportunities. Consistent with the team's vision, the conditions in the area since 2001 have certainly progressed toward mixed residential development while also providing home ownership opportunities. Specifically, the adjacent land was rezoned to MF-3-CO and SF-6-CO on January 30, 2003, then rezoned to SF-4A-CO on March 4, 2004. Evident by the recent zoning approvals on the adjacent properties, the area is appropriate for at least SF-4 through MF-3 district zoning. In addition, since the adoption of the Montopolis neighborhood plan a major planning initiative took place in Austin (Envision Central Texas), and the end result vision for Austin per that process was more density within the urban core to accommodate growth within the Austin area. We believe that the owner's request for MF-4 for this site is reasonable and ask that you consider the change in conditions, the Envision Central Texas results, and planning principals such as transition of zoning intensity and like treatment of similarly situated property upon forming your recommendation. Lastly, we also understand that a major outcome of the Montopolis neighborhood planning process was the desire for home ownership opportunities and would like to point out that single family residential as well as townhouse and condominium residential would also be permitted in an MF-4 district designation.

Respectfully submitted,



Nikelle Meade

Enclosures

cc: Sonya Lopez, Senior Planner

Hell, Robert

From: LindaJWatkins@netscape.net
Sent: Tuesday, June 14, 2005 9:53 AM
To: Heil, Robert
Cc: poder@austin.rr.com
Subject: C14-05-0026

June 9, 2005

Robert Heil, Case Manager
Neighborhood Planning & Zoning Dept.
505 Barton Springs Road
P. O. Box 1088
Austin, TX 78767

Re: C14-05-0026
1805 Frontier Valley Drive

Dear Robert:

We, the undersigned neighborhood groups in the Southeast part of the City, wish to register our opposition to the above referenced case. We support the efforts of other neighborhood groups in the Montopolis Neighborhood Planning area in their opposition to this proposed change in zoning. There should not be arbitrary changes to an adopted neighborhood plan? The Montopolis Neighborhood worked hard on this plan and wanted SF zoning for this tract for very valid reasons, and we agree with them.

As residents of this area in Southeast Austin, we are very concerned about the current density and proposed increases in Multi-family projects in our area. We have dense areas of multi-family developments stretching from IH-35, east past Pleasant Valley, Wickersham, and on past Montopolis. This tract is designated Single Family in the Montopolis Neighborhood Plan and should remain so. Additional residential density and increased traffic are primary concerns to all of us living in the southeast area of Austin.

This area does not need more MF zoning. To those of us who actually live in the area this is apparent every day, as we try to go to work, to the grocery store, to the gas station, etc.

Therefore, we oppose the rezoning of this application. Thank you for your consideration.

Regards,

Riverside Farms Road Neighborhood Assoc.
Linda Watkins
2407 Riverside Farms Road, Austin, TX 78741
512-385-5959

Southeast Austin Neighborhood Alliance
Jan Long
2411 Riverside Farms Road, Austin, TX 78741
512-385-0473

The Crossing Garden Homeowners Association
Barb Fox, Civic Representative
1615 Whitney Way, Austin, TX 78741
512-389-1615

Sunridge Neighborhood Association
Malcolm Yeatts
4811 Allison Cove, Austin, TX 78741
512-385-1958

Burleson Heights Neighborhood Association

Carl Braun
2506 Douglas, Austin, TX 78741
512-444-8761

South River City Citizens
Toni House, Vice President
1503 Inglewood Street, Austin, Texas 78741

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Neighborhood Planning & Zoning Department

505 Barton Springs Road
P.O. Box 1088
Austin, TX 78767

There has been a request for rezoning of the property located at **1805 Frontier Valley Drive**. You are invited to a meeting to discuss this case:

**Thursday, June 16, 2005
6:00-7:00pm
at Montopolis Recreation Center
1200 Montopolis Dr.**

At this meeting the property owner will make a presentation and answer questions about the rezoning request. City of Austin staff will also be present to answer questions.

The site is currently undeveloped and is zoned single family residence standard lot –neighborhood plan combining district zoning (**SF-2-NP**). The request is for multi-family medium density neighborhood plan combining district zoning (**MF-3-NP**).

After this meeting, the case will proceed to City Council for public hearing and final consideration.

For more information please call 974-2330, or email
Robert.Heil@ci.austin.tx.us.

Se ha hecho una petición para rezonificar la propiedad localizada en el **1805 Frontier Valley Drive**. Usted esta invitado(a) a una junta para discutir este caso:

**Jueves, Junio 16 del 2005
6:00 – 7:00 PM
Centro de Recreación Montopolis
1200 Montopolis Dr.**

En esta junta, el propietario hará una presentación y discutirá preguntas sobre la petición de rezonificación. Oficiales de la ciudad también estarán presentes para discutir cualquier pregunta.

El sitio actualmente no esta desarrollado y esta zonificado para residencia unifamiliar con lotificación común – zona con distrito combinado y plan de vecindad (**SF-2-NP**). La petición es para densidad media – zona con distrito combinado y plan de vecindad (**MF-3-NP**).

Después de esta junta, el caso procederá al Cabildo Municipal para una audiencia pública y consideración final.

Para mas informacion favor llámeme al 974-3524, o puede mandar correo electrónico a
Ricardo.Soliz@ci.austin.tx.us

Closed Caption Log, Council Meeting, 05/26/05 [Exerpt]

Note: Since these log files are derived from the Closed Captions created during the Channel 6 live cablecasts, there are occasional spelling and grammatical errors. **These Closed Caption logs are not official records of Council Meetings and cannot be relied on for official purposes.** For official records or transcripts, please contact the City Clerk at 974-2210.

Mayor Wynn: THANK YOU VERY MUCH. WE'VE GOT A BUNCH OF FOLKS WAITING AND WE HAVE ONE MORE ZONING CASE, WITH ONLY THREE PEOPLE SIGNED UP WISHING TO SPEAK. WE'LL BE THROUGH WITH ZONING. I'D LIKE TO ANNOUNCE NOW, JUST TO GIVE PEOPLE SOME HEAD'S UP, COUNCIL, THAT MY RECOMMENDATION WOULD BE THAT WE THEN TAKE SOME OF OUR LATER EVENING ITEMS OUT OF SEQUENCE. AND I WOULD RECOMMEND AND PREFER THAT WE DIDN'T TAKE UP ITEM NUMBER 35, WHICH IS OUR PRESENTATION OF THE GROUP SOLUTION REPORT IMMEDIATELY AFTER ZONING AND THEN COME BACK AND TAKE UP THE REST OF THOSE PUBLIC HEARINGS. WE HAVE A BIG CROWD HERE TONIGHT. FRANKLY, I'D LIKE TO SEE AS MUCH OF THIS PRESENTATION AS POSSIBLE. SO WITH THAT LET'S TAKE UP OUR LAST ZONING CASE, ITEM Z-2. MISS GLASGO, WELCOME.

THANK YOU, MAYOR, COUNCILMEMBERS. ITEM NUMBER Z- 2 IS CASE NUMBER C-14-05-0026. THIS IS A CASE THAT PERTAINS TO THE MONTOPOLIS NEIGHBORHOOD PLAN. I'M STANDING HERE CLOSER TO THE MAP BECAUSE THIS PLAN WAS ADOPTED IN SEPTEMBER OF 2001, SO I NEED TO TAKE YOU BACK TO 2001 TO GIVE YOU A LITTLE BACKGROUND SO YOU KNOW WHAT HAPPENED. THE MONTOPOLIS NEIGHBORHOOD PLAN WAS OUR FIRST PLAN WHERE WE COMBINED ZONING WITH A PLAN, WITH A PLAN THAT ADOPTED TODAY. AT THAT TIME IN FRONT OF YOU YOU HAD THE JOKE TRACT. IT WAS A TRACT I'M POINTING OUT HERE. THE BLUE SHOWN IN HERE THAT EXTENDS INTO THE RED AND ALL THE WAY UP TO ED BLUESTEIN COMPRISED THE JOCKEY TRACT. THE JOCKEY TRACT REZONING APPLICATION WAS FILED AT A TIME WHEN THE NEIGHBORHOOD PLAN WAS IN PROGRESS AND AT THE TIME THERE WAS OPPOSITION TO UP ZONING THAT PROPERTY TO COMMERCIAL TO ALLOW THE JOCKEY TRACT PROCESS TO PROCEED TO ALLOW HORSE RACING. GIVEN THAT POSITION, THE NEIGHBORHOOD HOUSING DEPARTMENT CONSIDERED PURCHASING THE PROPERTY, BUT THOSE NEGOTIATIONS DID NOT WORK OUT AND AS A RESULT WE NEGOTIATED ON HOW TO HANDLE THE PROPERTY THAT WAS REFERRED TO AS THE JOCKEY TRACT. THE COMPROMISE WAS THAT THE PROPERTY THAT'S REFERRED TO AS THE JOCKEY TRACT WOULD BE DESIGNATED ON THE FUTURE LAND USE MAP IN THIS BLUE COLOR SIMPLY BECAUSE WE WANTED A VARIETY OF RESIDENTIAL USES TO BE CONSIDERED. THE NEIGHBORHOOD HAD EXPRESSED AN INTEREST THROUGH THE NEIGHBORHOOD PLANNING PROCESS TO HAVE RESIDENTIAL USES, SPECIFICALLY AT THAT TIME MORE DETACHED HOUSING, HENCE WHY THE NEIGHBORHOOD HOUSING DEPARTMENT WAS CONSIDERING ACQUIRING THE PROPERTY TO DEVELOP SMART HOUSING. SINCE THE NEGOTIATIONS DID NOT ALLOW THE CITY TO ACQUIRE THE PROPERTY, THE OWNERS AT THAT TIME ASKED THAT WE DESIGNATE THE PROPERTY WITHOUT CHANGING THE ZONING TO ALLOW FOR FLEXIBILITY AT A TIME WHEN THE OWNERS KNEW EXACTLY WHAT TO DO AND THAT THE STAFF WOULD INITIATE

APPROPRIATE ZONING. WE ADDED A NOTE TO THE FUTURE LAND USE MAP WHICH READS AS FOLLOWS: THE MAP -- NOTE UP THERE IS RATHER SMALL, SO I AM GOING TO READ IT TO YOU FROM THE MAP. THE NOTE WHICH WE ATTACHED AND WHICH YOU ADOPTED IN SEPTEMBER OF 2001 READS AS FOLLOWS: RESIDENTIAL USES MAY INCLUDE THE FOLLOWING ZONING OPTIONS, SMALL LOT AMNESTY, LOT INFILL, SECONDARY APARTMENT INFILL, SINGLE-FAMILY 4-A, WHICH IS THE SMALLEST LOTS, SINGLE-FAMILY 6, AND MULTI-FAMILY 4. THOSE WERE THE OPTIONS THAT COULD BE CONSIDERED FOR REZONING. WE HAVE SINCE THEN -- I AM GOING TO CHANGE FROM THIS MAP AND SHOW YOU THE ZONING THAT EXISTS TODAY. SINCE YOU ADOPTED THE PLAN YOU HAVE REZONED SEVERAL TRACTS. THE JOCKEY TRACT SINCE THEN HAS BEEN REZONED. TO THE SOUTH YOU HAVE SINGLE-FAMILY 4-A, WHICH WAS REZONED AFTER A RESIDENTIAL DEVELOPER ACQUIRED THIS PROPERTY. TO THE NORTH YOU HAVE THE SUBJECT TRACT THAT IS CURRENTLY ZONED SINGLE-FAMILY 2 WITH A NEIGHBORHOOD PLAN COMBINING DISTRICT. THE OWNER OF THE PROPERTY WOULD LIKE TO BUILD APARTMENTS. HE IS SEEKING MULTI-FAMILY 4. STAFF AND THE PLANNING COMMISSION HAVE RECOMMENDED MULTI-FAMILY 3. THE APPLICANT'S REQUEST IS CONSISTENT WITH A NOTE WE ATTACHED TO THE PLAN, WHICH WAS TO ALLOW ANY OF THOSE OPTIONS. SO COUNCIL MAY CONSIDER ANY ZONING DISTRICT THAT WAS CALLED UP ON THIS PLAN. THIS IS THE REASON WHY WE HAVE NOT PROPOSED A PLAN AMEND SIMPLY BECAUSE THE PLAN OUTLINES WHAT OUGHT TO BE SOUGHT AT THE TIME WHEN THE OWNERS WERE WILLING TO SEEK ZONING CHANGES. I WILL BRIEFLY JUST HIGHLIGHT THE DIFFERENCES IN THE STAFF RECOMMENDATION AS FAR AS DENSITY GOES. IF YOU WERE TO GRANT MULTI-FAMILY 3 ZONING, THE PROPERTY CAN BE DEVELOPED FOR MULTI-FAMILY USES OR FOR SINGLE-FAMILY IF THE OWNER CHOOSES TO DO THAT; HOWEVER, MULTI-FAMILY 3 ZONING WOULD ALLOW A NET DENSITY OF 286 UNITS. THAT'S WHAT THE APPLICANT CAN NET ONCE PARKING IS CONSIDERED, DETENTION, LANDSCAPING AND ALL OTHER ON SITE REQUIREMENTS. THAT'S THE NET DENSITY. I WILL PAUSE HERE AND ANSWER YOUR QUESTIONS AFTER YOU HEAR FROM SPEAKERS.

Mayor Wynn: THANK YOU, MS. GLASGO. SO TECHNICALLY THE APPLICANT -- IS THE APPLICANT OR AGENT HERE?

THE CITY OF AUSTIN IS THE APPLICANT, SO THE OWNER OF THE PROPERTY WOULD BE SPEAKING AS AN OWNER, BUT NOT -- SIMILAR TO THE OTHER CASE. SO WE ARE THE APPLICANT IN THIS PARTICULAR CASE, MAYOR.

Alvarez: MAYOR? CAN YOU EXPLAIN THAT TO US, PLEASE, WHY THE CITY IS THE APPLICANT?

WE ARE THE APPLICANT BECAUSE THE COMMITMENT WE MADE WHEN THE PLAN WAS ADOPTED IS THAT FOR WHAT WAS CALLED THEN THE JOCKEY TRACT. SINCE WE INITIATED ZONING FOR ALL THE OTHER TRACTS, THAT WE WOULD THEN COME IN AND INITIATE THE ZONING AS STAFF IN ORDER TO IMPLEMENT THE OTHER TRACTS AS PART OF THE AGREEMENT FOR -- AS PART OF THE AGREEMENT FOR PUTTING IN ABAY ENS OF THE REZONING AT THE TIME WHEN WE REZONED EVERYTHING ELSE IN 2001.

Alvarez: AND I HAVE IN MY FILE FOR THIS NEIGHBORHOOD PLANNING AREA THE ZONING CHANGE THAT WAS APPROVED IN OCTOBER OF 2002, ABOUT A YEAR OR MORE LATER. AND SO -- WHICH THE CITY INITIATED. AND I THOUGHT WE HAD KIND OF LAID SOME OF THESE ISSUES TO REST AT THAT TIME. I WAS KIND OF SURPRISED TO SEE THAT THE CITY WAS THE APPLICANT HERE, BUT I'LL GET TO SOME OF THE SPECIFICS ABOUT THE HISTORY OF THIS. FROM THE INFORMATION I HAVE IN MY FILES, I'LL LET THE APPLICANT AND COMMUNITY MEMBERS SPEAK TO THE ISSUE FIRST.

Mayor Wynn: THEN COUNCIL, WITHOUT OBJECTION, WHY DON'T WE HEAR FROM THE PERSON HERE IN FAVOR OF THIS CASE, MS. ANNETTE BODAY. IS JAN DAVIS HERE? WELCOME. I THINK YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT. THEN YOU WILL BE FOLLOWED BY SUSANA ALMANZA.

GOOD EVENING, COUNCIL, COUNCILMEMBERS, AND MAYOR. I'M REPRESENTING THE PROPERTY OWNERS OF THIS PROPERTY. AND ALICE DID A GREAT JOB ON RECAPPING THE HISTORY OF THIS SITE AND I'M GOING TO TRY TO GIVE ANOTHER OVERVIEW, ANOTHER PERSPECTIVE. IT'S QUITE COMPLICATED, BUT HOPEFULLY THIS WILL HELP ANSWER COUNCILMEMBER ALVAREZ'S QUESTION AS TO WHY THE CITY IS THE APPLICANT. THIS TRACT WAS -- THERE WAS AN ACTIVE ZONING CASE ON THIS TRACT, WHICH IS THE ENTIRE BLUE AREA. AND IF YOU LOOK AT THE SITE I THINK YOU CAN SEE IT ON YOUR SCREEN, THERE'S A RECTANGULAR PIECE TO THE WEST. THAT IS THE SUBJECT TRACT THAT'S BEFORE YOU TONIGHT. AND THAT WHOLE BLUE AREA, THE RECTANGULAR PIECE AND THE BIGGER BLUE PIECE, WAS WHAT WAS KNOWN AS THE JOCKEY TRACT. WHEN THE PLANS FELL THROUGH FOR THE HORSE RACING TRACT VENUE, THERE WAS ALWAYS TWO OWNERS. THERE WAS A SEPARATE OWN FOUR THE RECTANGULAR TRACT AND THE BIGGER TRACT. TC STEINER OWNED THE BIGGER TRACT AND A MR. WAGNER OWNED THE SMALLER REC TANK GAW LAR TRACT. MR. WAGNER SOLD THE SUBJECT TRACT THAT'S BEFORE YOU TONIGHT, THE SMALLER RECTANGULAR TRACT TO MY CLIENT, JAN DAVIS. SO IN 2003 THE BIGGER PORTION, THE CITY INITIATED ZONING ON THE BIGGER PORTION ON BEHALF OF MR. STEINER TO COMPLETE THE NEIGHBORHOOD PLANNING PROCESS FOR MONTOPOLIS. AND WHAT WAS APPROVED IN 2003 WAS -- OOPS, EXCUSE ME. WAS MF 3, WHICH IS THE ORANGE PORTION, AND SF 6, WHICH IS THE DARK YELLOW PORTION. THAT WAS DONE IN 2003. TC STEINER THOUGHT THAT WAS A REASONABLE MIXED RESIDENTIAL, IT CONFORMED WITH THE NEIGHBORHOOD PLAN, FUTURE LAND USE MAP THAT WAS DESIGNATED FOR THE TRACT. SOON AFTER THIS ZONING WAS APPROVED -- KEEP IN MIND THAT BECAUSE OF THE SEPARATE OWNERSHIP, OUR SMALL TRACT WAS NOT INCLUDED AS PART OF THIS ZONING CASE. IT WAS GOING TO COME BACK LATER, WHICH IS HERE TONIGHT. THE CITY WAS GOING TO INITIATE ON THE SMALLER PIECE. SOON AFTER THIS WAS ZONED MF-3, I'LL POINT OUT THAT THE ORANGE PORTION IS 28 ACRES AND THE YELLOW PORTION IS 37 ACRES. SO YOU HAVE 28 ACRES OF MF-3 AND 30 ACRES OF MF-6. SOON AFTER THIS WAS DONE TC STEINER WAS APPROACHED BY CENTEX HOMES AND THEY HAD A PRODUCT THAT WAS A SINGLE-FAMILY DETACHED PRODUCT THAT FIT IN SINGLE-FAMILY 4-A ZONING. THEY INITIATED A DOWN ZONING ON THEIR OWN THAT WAS APPROVED BY BY COUNCIL. SO THIS IS WHAT YOU HAVE THERE

TODAY, GROUND IS BREAKING ON 278 DETACHED SMALL LOT SINGLE-FAMILY HOMES. IT'S ON THE WAY TO THE AIRPORT. THEY'LL PROBABLY BE FINISHED OUT WITHIN THE YEAR. SO WHAT WE'RE ASKING FOR, THIS AREA WAS APPROPRIATE FOR 28 ACRES OF MF-3 LESS THAN TWO YEARS AGO. WE'D LIKE TO MOVE 10 ACRES OF THAT PREVIOUSLY APPROVED 28 ACRES TO THE WEST. OUR TRACT IS THERE IN THE ORANGE. 500 FEET AND PROVIDE 10 ACRES OF MULTI-FAMILY HOUSING, WHICH IS CONSISTENT WITH THE FUTURE LAND USE MAP. AND THE NEIGHBORHOOD STILL GAINS A NET OF 18 ACRES OF SINGLE-FAMILY BECAUSE THEY'RE GETTING THAT WHOLE AREA NOW, THAT 65 ACRES, THE 37 PLUS THE 28, OF SF-4-A, AND OUR CLIENT SEES A NEED FOR MULTI-FAMILY THERE. THERE'S BEEN A BRAND NEW MULTI-FAMILY PROJECT THAT JUST BROKE GROUND ON GROVE AVENUE. THERE WAS A RIBBON CUTTING ABOUT TWO MONTHS AGO FOR SOME SMART HOUSING DOWN THE ROAD, AND OUR CLIENT SEES A MIX OF HOUSING HERE JUST LIKE THE FUTURE LAND USE MAP DESIGNATED. THERE WAS CONSENSUS FOR THE MF-3 IN 2003. MS. ALMANZA AND PODER DID SUPPORT THE SF-6 AND MF-3. AND IN FEBRUARY I DID APPROACH PODER AND MS. ALMANZA, KNOWING THAT SHE LIVES IN THE AREA, TO DISCUSS THIS PROPOSAL FOR MF-3. AND I GAVE HER MAPS AND SOME INFORMATION AND LETTING HER KNOW THE CITY WAS GOING TO INITIATE THIS CASE AND ASKED HER TO PLEASE GET BACK WITH ME WITH MY CONCERNS OR QUESTIONS THAT SHE MIGHT HAVE. SHE DIDN'T. I THEN CALLED HER FEBRUARY 24TH AND SHE HAD SAID SHE HADN'T HAD TIME, SHE WAS OUT OF TOWN, TO POLL THE NEIGHBORHOOD AND SHE WOULD GET BACK TO ME. SHE DIDN'T. QUITE FRANKLY I WAS SURPRISED TO HEAR THERE WAS OPPOSITION. MAYBE I'M NAIVE, BUT I THOUGHT THAT BECAUSE SHE DIDN'T CONTACT ME BACK AND BECAUSE SHE SUPPORTED THE MF-3 PREVIOUSLY THAT THERE WAS NO OPPOSITION. I FEEL LIKE -- WE AGREE WITH THE STAFF RECOMMENDATION OF MF-3. WE FEEL LIKE WE CAN MAKE THAT WORK. BECAUSE IT'S ACROSS THE STREET FROM MF-3 LIKE ZONING AND LIKE USAGE THAT FACE EACH OTHER. IT PROVIDES A TEXTBOOK BUFFER BETWEEN THE STRAIGHT COMMERCIAL AND MIXED USE ON RIVERSIDE AND THE SINGLE-FAMILY NORTH ON FRONTIER VALLEY. SO WE ARE IN AGREEMENT WITH THE STAFF RECOMMENDATION. WE HAD A UNANIMOUS VOTE BY THE PLANNING COMMISSION FOR MF-3. AND WE HOPE FOR YOUR SUPPORT TONIGHT TO HELP PROVIDE A -- SOME MORE MIX OF HOUSING IN THIS AREA, WHICH, YOU KNOW, IT'S GREAT TO SEE THAT THE AREA IS BUILDING OUT AS THE NEIGHBORHOOD PLAN FUTURE LAND USE PLAN DESIGNATED, A MIXED USE RESIDENTIAL. THE NEIGHBORHOOD PLAN WAS VERY SUCCESSFUL IN NOT GETTING A HORSE RACING TRACK VENUE AND PROVIDING QUALITY HOUSING IN THIS AREA, AND THAT'S WHAT IS HAPPENING AND THEY SHOULD BE APPLAUDD FOR THAT. AND WE WOULD LIKE TO ADD TO THAT MIX. WITH THAT I'LL BE HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE. THE NEXT SLIDE I HAVE ACTUALLY IS A PROGRESSION OF WHAT'S HAPPENED. 2003, COUNCIL APPROVED MF-3. 2004 THEY APPROVED SF-4-A. AND THEN THE SCENARIO, THE LAST SCENARIO IS THE LAND USE PATTERN THAT WOULD OCCUR WITH THE APPROVAL OF MF-3 TODAY AND IT'S A TEXTBOOK EXAMPLE OF GOOD PLANNING. THANK YOU.

Mayor Wynn: THANK YOU. SO THAT'S THE SPEAKER IN FAVOR OF THE ZONING CASE. WE NOW GO TO A COUPLE OF FOLKS WHO WISH TO SPEAK IN OPPOSITION. SUSANA ALMANZA, WELCOME. IS CORAZEN --

[INAUDIBLE - NO MIC].

Mayor Wynn: SO YOU WILL HAVE UP TO SIX MINUTES, SUSANA. AND YOU WILL BE FOLLOWED BY PAT JOHNSON.

GOOD EVENING, MAYOR AND CITY COUNCILMEMBERS, I'M SUSANA ALMANZA WITH THE VARGAS NEIGHBORHOOD ASSOCIATION. AND I JUST WANT TO SAY, TOO, I DID MEET WITH HER AND I TOLD HER, WE'LL FIGHT YOU ALL THE WAY IF YOU TRY TO DO MULTI-FAMILY ZONING TO UP ZONE FROM SINGLE-FAMILY TO MULTI-FAMILY BECAUSE WHEN WE HAD THE NEIGHBORHOOD PLAN, REGARDLESS OF WHAT SHE'S PUT IN AT THE END, YOU ALWAYS SNEAK THESE LITTLE THINGS AT THE END, THE COMMUNITY SAID WHAT THEY WANTED WAS THEY WANTED TO RETAIN THE INNER CORE OF MONTOPOLIS, THE SINGLE-FAMILY RESIDENTIAL. AND AROUND IT COULD BE THE MULTI-FAMILY HOUSING PUT IN THERE. THE OTHER THING I WANTED TO SAY IS THAT THE PROCESS OF THE NEIGHBORHOOD PLAN WAS NOT ADHERED TO. THE FIRST THING YOU DO IF YOU'RE GOING TO DO A ZONING CHANGE, I DON'T CARE WHAT KIND OF AGREEMENT YOU MADE IN THE PAST, THE FACT IS THIS IS A ZONING CHANGE. THIS CASE HAD TO GO TO THE COMMUNITY FIRST FOR THE MEETING, THEN PROCEED TO THE PLANNING COMMISSION AND THEN THE CITY COUNCIL. THAT IS NOT WHAT HAPPENED IN THE PROCESS. I CALLED WHEN I GOT THE NOTICE AND TOLD THEM, HEY, WHAT'S GOING ON, THIS HASN'T COME BEFORE THE COMMUNITY PLAN. HE SAID I'D GET BACK TO YOU. YES, I WAS OUT OF TOWN. I'VE BEEN DOING A LOT OF TRAVELLING. I TOOK IT FOR GRANTED THAT THE CASE WOULD BE PULLED BECAUSE IT HADN'T COME BEFORE THE COMMUNITY. THE NEXT THING I KNOW, THERE IS SET FOR CITY COUNCIL. AND OF COURSE I BEGAN THE PROCESS. WE DID HAVE A COMMUNITY MEETING WITH THE COMMUNITY. THEY ALL STATED THEY DIDN'T WANT THE MULTI-FAMILY. YOU HAD A LOT OF VALID PETITIONS WITH YOU WHICH ARE NOT VALID IN YOUR TERM BECAUSE WE DON'T OWN THE LAND SURROUNDING IT, BUT THE PEOPLE WHO LIVE IN THE NEIGHBORHOOD PLAN DON'T WANT THE MULTIPLE FAMILY ZONING. AND I'M GOING TO GO NOW -- I DIDN'T KNOW IT WAS ALREADY ON THE ZONING CASE, SO LET ME JUST SHOW YOU. ON THE GROVE PLACE THAT YOU JUST SAW HER TALK ABOUT, THERE'S 184 UNITS DONE. THAT YOU CAN SEE, 184. SAFE PLACE HAS 25 UNITS ON GROVE BOULEVARD. THE BOULEVARD HAS BUILT 20 AND IS GOING TO BUILD 120. THE COUNTRY CLUB TOWNHOMES HAS 40 UNITS ON GROVE BOULEVARD. THE FAIRWAY APARTMENTS HAS 128 UNITS. RIVERSIDE MEDICINE ALS HAS 240 UNITS ON MONTOPOLIS DRIVE. TOWN VISTA APARTMENT HAS 280 UNITS. AND THIS IS A SITE OF 1805 FRONTIER VALLEY DRIVE, ZONED SINGLE-FAMILY 2, AND IF YOU LOOK DIRECTLY DOWN THERE, YOU CAN SEE THE HOUSING BACK THERE. I DON'T KNOW IF -- RIGHT HERE IS THE CENTEX HOMES. IT'S GOING TO BE ADJACENT -- IF YOU LOOK, THERE'S A CEMENT TRUCK THERE ADJACENT TO THIS PARTICULAR PROPERTY. SHE SAYS WE NEED MIXED HOUSING IN THE AREA. WELL, HELLO, WE HAVE 1,517 UNITS OF MULTI-FAMILY HOUSING IN OUR COMMUNITY. CAN YOU UNDERSTAND WHY OUR COMMUNITY

SAYS WE WANT TO SUSTAIN OURSELVES, WE WANT TO MAKE SURE THAT WE BUILD OUR COMMUNITY AND NOT HAVE SO MUCH TRANSITION, THAT WE GET TO KNOW EACH OTHER AND WE KEEP IT THAT WAY WHEN WE ALREADY HAVE 1,017 UNITS, WE NEED TO MAKE SURE THAT WE KEEP THAT SINGLE-FAMILY ZONING IN OUR COMMUNITY. THAT'S WHY WE FOUGHT THE HORSE RACE TRACK. AND WHEN SHE SAYS WE AGREED TO MULTI-FAMILY 3, YOU KNOW WHAT, IF YOU'VE GOT YOUR BACK AGAINST THE WALL, YOU WANT SINGLE-FAMILY HOUSING, BUT HELL, YOU DON'T OWN THE PROPERTY, DO YOU? YOU HAVE TO THEN SAY, OKAY, WE'VE GOT TO MAKE A EXROPTION. I THANK THE CREATOR BECAUSE THE CREATOR BOUGHT 17 TOX HOMES AND AT LEAST WE'RE HAVING SINGLE-FAMILY DETACHED HOUSING, BUT I THINK IT WOULD BE WRONG FOR US TO UP ZONE SINGLE-FAMILY HOUSING. THE OTHER THING I WANT TO SAY IS IF YOU GO BACK TO THAT MAP THAT ALICE GLASGO WAS PUTTING ON, THIS ONE RIGHT HERE, THE OTHER COLOR MAP. ALSO, SHE TALKED ABOUT WHAT'S ADJACENT TO THIS PARTICULAR PROPERTY. WELL, THIS PARTICULAR PROPERTY WERE TWO SEPARATE PROPERTIES FROM THE HORSE RACE TRACK. BUT IF YOU LOOK TO THAT YELLOW, THAT SINGLE-FAMILY ZONING NEXT TO IT. ALL THAT BLUE IS YELLOW NOW. ALL OF IT IS YELLOW. THE THING IS THAT THAT WAS SINGLE-FAMILY ZONING BEFORE WE WENT IN TO THE NEIGHBORHOOD PLAN PROCESS. IT WAS ALREADY SINGLE-FAMILY ZONING. SO THAT IS A CHANGE THAT IS HAPPENING. THERE'S SINGLE-FAMILY ADJACENT TO IT, SINGLE-FAMILY ACROSS, AND -- OKAY. AND IF YOU LOOK, RIGHT HERE, DOWN HERE WHERE THE CITY IS GOING TO -- WAS SUPPOSED TO BUILD THE ENERGY EFFICIENT HOMES AND THE MOBILE HOMES ARE DOWN HERE. SO IT'S NOT AS IF WE DON'T HAVE -- ALREADY GOING TO HAVE MORE SINGLE-FAMILY HOMES. AND IT ONLY MAKES SENSE IF WE HAVE 1,017 MULTI-FAMILY UNITS, WE DON'T NEED ANOTHER UNIT. THAT PARTICULAR PROPERTY COULD DEVELOP 60 MORE HOUSES IN THE AREA, AND THAT'S WHAT THE NEIGHBORHOOD PLAN, THE PEOPLE WHO LIVE THERE, NOT THE PEOPLE WHO OWN THE PROPERTY, NOT THE PEOPLE WHO ARE ABSENT LANDLORDS WHO DON'T GIVE A DAMN ABOUT WHAT GOES THERE, BUT THE PEOPLE THAT LIVE THERE EVERYDAY, THEY WANTED SINGLE-FAMILY HOUSING IN THAT PARTICULAR AREA, AND THAT'S WHY WE AGREED WITH THIS. SO WHAT I'M ASKING YOU TODAY IS NOT TO UPZONE THIS AREA. WE HAVE 1,017 MULTI-FAMILY. WE'VE GOT OUR SHARE. DOWN THE STREET THERE'S MORE OF A SHARE, THERE'S APARTMENT CITY. I THINK ALL OF YOU KNOW THAT. WE HAVE OUR SHARE. SO I'M ASKING DO NOT UPZONE THIS PROPERTY. THANK YOU.

Mayor Wynn: THANK YOU. PAT JOHNSON? WELCOME. YOU WILL HAVE THREE MINUTES. YOU'RE OUR LAST SPEAKER.

THE YOUNG LADY WAS UP HERE THE FIRST TIME AROUND, SHE WORKED IN THE PLANNING DEPARTMENT FOR SEVERAL YEARS. I GUESS THIS IS THE GOING AWAY PRESENT THE CITY GIVES HER, REZONES HER PROPERTY FOR WHAT SHE WANTS. YOU KNOW, I GOT INVOLVED IN THIS WHEN THE FIRST NOTICE WENT OUT FOR THE PUBLIC HEARING. WITHIN THE 300 FEET OR THE 900 FEET, THE MOST IMMEDIATE PEOPLE THAT THIS REZONING AFFECTS DON'T SPEAK ENGLISH, DON'T UNDERSTAND ENGLISH AND DON'T READ ENGLISH, BUT YET THE NOTICE FOR THE PUBLIC HEARING WAS IN ENGLISH. AND NOTHING ON THERE SAID ANYTHING ABOUT SPANISH. NOW, IF

THAT ISN'T A VIOLATION OF SOMEONE'S CIVIL RIGHTS OF NOTIFYING THEM OF A PUBLIC HEARING THAT AFFECTS THEM DIRECTLY, I DON'T KNOW WHAT IS? WE DON'T WANT AN APARTMENT COMPLEX ON FRONTIER VALLEY, PERIOD. CAN YOU IMAGINE CENTEX SELLING THOSE BRAND NEW HOMES OVER THERE UNDER DEVELOPMENT WITH A THREE-STORY APARTMENT COMPLEX LOOKING DOWN THOSE PEOPLE'S BACKYARDS? WOULD YOU WANT THAT IN YOUR BACKYARD, MAYOR, TO HAVE AN APARTMENT COMPLEX BACKED UP TO YOUR HOME? NO. WE DON'T WANT THE EXTRA TRAFFIC. WE DON'T WANT THE EXTRA CRIME. I DON'T CARE IF YOU PUT SENIOR CITIZENS IN THOSE PLACES. THE CRIME IS GOING TO COME TO THOSE PEOPLE. THAT'S HOW IT IS WITH CRIME. WE DON'T WANT THE TRAFFIC, DON'T WANT THE EXTRA CRIME, AND THIS LADY OVER HERE WHEN I CALL HER HUSBAND WHEN I GOT THAT FIRST ZONING NOTICE, WHEN I IDENTIFIED MYSELF TO HIM, HE SAID, OH, I'VE ALREADY HEARD ABOUT YOU FROM THE CITY MANAGER. YOU'VE GOT AN AXE TO GRIND. YES, I DO, TOBY, I GOT AN AXE TO GRIND WHEN THE CITIZENS ARE BEING ABUSED. ASK MR. DAVIS. HE'S THE ONE WHO SAID THAT. AND I SAID, WELL, I GET ALONG REAL WELL WITH THE CITY MANAGER. WHAT MAKES YOU THINK THAT SHE THINKS I HAVE AN AXE TO GRIND? IS IT CONSIDERING ME HAVING AN AXE TO GRIND WHEN I COME UP HERE AND ADDRESS MY COUNCIL DURING GENERAL CITIZEN COMMUNICATION ON ISSUES THAT AFFECT OUR CITIZENS.

Mayor Wynn: WE WERE DISAPPOINTED YOU DIDN'T SHOW UP TODAY ACTUALLY.

I KNOW. I COME UP HERE ALL THE TIME. [LAUGHTER] BUT THE ISSUE HERE IS NOTIFYING THE PEOPLE. YOU'VE GOT TO SEND THE NOTICE OUT IN SPANISH AND ENGLISH. I WENT TO THAT -- I WENT TO THE PLANNING COMMISSION AND I GAVE THEM A GOOD EARFUL AND I TOLD THEM DURING THAT COMMITTEE MEETING, I SAID, HOW IS PEOPLE IN SPANISH SUPPOSED TO KNOW THERE'S A PUBLIC HEARING? WELL, THERE'S A LINE DOWN ON THE BOTTOM, THE DOCUMENT WAS TYPED IN 12 FONTS AND THE LITTLE LINE ON THE BOTTOM WAS IN FOUR FONTS. SPANISH PEOPLE GET IT, THEY OPEN IT, DON'T UNDERSTAND IT, THEY DON'T LOOK AT THE BOTTOM AND THEY THROW IT AWAY. SO THE PEOPLE THAT THIS ZONING AFFECTS DIDN'T EVEN RECEIVE PROPER NOTIFICATION OF THE PUBLIC HEARING IN THE FIRST PLACE. IF THIS HAD BEEN A CUT AND DRIED DEAL BECAUSE THIS WOMAN WORKED IN THE PLANNING COMMISSION, THEY DIDN'T PAY NO FEES LIKE EVERYBODY ELSE, AND APARTMENT COMPLEXES ON FRONTIER VALLEY IS NOT WHAT WE WANT. THANK YOU.

Mayor Wynn: THANK YOU, MR. JOHNSON. COUNCIL, THAT'S ALL OF OUR SPEAKERS. LET'S SEE, FERNANDEZ SIGNED UP NOT WISHING TO SPEAK, ALSO IN OPPOSITION. COMMENTS, QUESTIONS? COUNCILMEMBER ALVAREZ. YOU KNOW IT'S SERIOUS WHEN THE COUNCILMEMBER GOES DOWN TO THE FLOOR.

Alvarez: THANK YOU, MAYOR. IT SEEMS LIKE EVERYBODY HAS GOT THEIR OWN MAPS, SO I BROUGHT MY OWN TO DESCRIBE AT LEAST, AGAIN, THE -- TO DESCRIBE MY RECOLLECTION OF THE EVENTS OR THE VARIOUS CASES WE HAVE. AND SO THIS IS WHAT MS. GLASGO SHOWED EARLIER AS THE CURRENT FUTURE LAND USE MAP. AND I WANTED TO PLACE HERE, JUST FOR COMPARATIVE PURPOSES, AND COUNCIL, YOU

HAVE A COPY OF THAT ONE DATED MAY 5TH, 2005. AND THIS IS A DRAFT, FUTURE LAND USE MAP FROM 2001. AND YOU'LL NOTICE THAT THIS IS VERY DIFFERENT COLOR SCHEME HERE, AND I WON'T SAY THIS WAS THE FIRST MAP BECAUSE THAT WAS DEVELOPED THROUGH THE NEIGHBORHOOD PLANNING PROCESS BECAUSE THE AREA ON RIVERSIDE DRIVE IS A BROWN SHADE, FORMERLY WAS JUST COMMERCIAL, BUT IT WAS CHANGED TO COMMERCIAL MIXED USE AS IT MOVED THROUGH THE NEIGHBORHOOD PLANNING PROCESS. BUT YOU SEE THAT THE INTENT OR THE RECOMMENDATION, HAVING GONE THROUGH THE NEIGHBORHOOD PLANNING PROCESS, WAS TO TRY TO PRESERVE AS MUCH OF THAT LAND AS POSSIBLE AS A SINGLE-FAMILY -- FOR SINGLE-FAMILY DEVELOPMENT. NOW, YOU'LL NOTICE THE SHADED AREA IN BLUE, WHICH WAS SOMETHING THAT WAS PROVIDED BY OUR AVIATION DEPARTMENT TOWARD THE END OF THE NEIGHBORHOOD PLANNING PROCESS, AND SO THEY RAISED CONCERNS THAT THESE WERE THEIR LONG RANGE PROJECTIONS FOR NOISE, SO THEY DIDN'T WANT SINGLE-FAMILY HOUSING DEVELOPED IN THAT SHADED AREA. AND SO -- THE NEXT MAP. YOU'LL NOTE IN THAT SHADED AREA, ALL THE LAND COLORED YELLOW FOR SINGLE-FAMILY DEVELOPMENT WAS CHANGED TO RED FOR COMMERCIAL DEVELOPMENT BECAUSE, AGAIN, WE DIDN'T WANT TO HAVE A SITUATION WHERE WE DEVELOPED SINGLE-FAMILY PROPERTY OR SINGLE-FAMILY HOMES AND THEN AT SOME POINT IN THE FUTURE HAD TO BUY THEM OUT BECAUSE OF NOISE PROBLEMS ASSOCIATED WITH THE AIRPORT. SO YOU SEE, AT LEAST A THIRD, IF NOT MORE OF THE LAND THAT WAS RECOMMENDED INITIALLY FOR SINGLE-FAMILY DEVELOPMENT WAS CHANGED ALMOST INSTANTANEOUSLY. AND THEN YOU'LL NOTICE THE BLUE PORTION, WHICH FORMERLY WAS YELLOW AND WHICH WAS THE LAND ASSOCIATED WITH THE AUSTIN JOCKEY CLUB TRACT -- AND AGAIN AS MS. GLASGO MENTIONED, THIS WAS -- WHEN THIS CASE FIRST STARTED, THIS WAS PLANNED FOR A HORSE RACE TRACK RIGHT IN THE MIDDLE OF MONTOPOLIS. AND SO THE NEIGHBORHOOD REALLY MOBILIZED AGAINST THAT PROPOSAL AND REALLY GOT BEHIND THE IDEA OF SINGLE-FAMILY DEVELOPMENT. AND WHEN WE STARTED DISCUSSING THE POSSIBILITY RIGHT HERE OF MOVING OR CHANGING THAT FROM YELLOW TO BLUE TO HAVE DIFFERENT HOUSING OPTIONS, THEN THE APPLICANT HAD PROVIDED A MAP FOR THE PURPOSE OF DEMONSTRATING WHAT THEIR INTENT WAS. I'LL TRY TO GET AS MUCH OF THIS ON THE SCREEN AS POSSIBLE. BUT HERE WOULD BE RIVERSIDE DRIVE ON THE LEFT-HAND SIDE. AND YOU'LL NOTICE THAT THAT NOTE ON THE NEIGHBORHOOD FUTURE LAND USE MAP THAT SAID WE WANTED THESE TYPES OF RESIDENTIAL USES WAS ACTUALLY PREMISED ON THIS MAP RIGHT HERE. AND WHAT IT SHOWED WAS WE WANT TO TRY TO RESPECT THE CORE OF THE NEIGHBORHOOD OR RESPECT THE DEVELOPMENT OF THAT AS SINGLE-FAMILY DEVELOPMENT AND MAYBE IN ORDER TO MAKE THE PROJECT WORK IN TERMS OF PROVIDING AFFORDABLE HOUSING, THEY ON THE EDGES WANTED TO PROVIDE THE MULTI-FAMILY. SO YOU SEE AT THE VERY TOP THAT TRACT THAT'S SHOWN IN SF-4-A IS ACTUALLY ZONED SF-4-A, I BELIEVE, AND THAT'S ACTUALLY THE TRACT THAT WE'RE TALKING ABOUT. SO IT REALLY -- AGAIN, THE INTENT OF -- THE REASON THAT WE HAD INCLUDED THIS BLUE AREA IN THE FUTURE LAND USE MAP, WHICH I THINK IS AN ANOMALY BECAUSE I DON'T THINK WE DID THAT IN ANY OTHER NEIGHBORHOOD PLAN. IT WAS SUPPOSED TO BE A TEMPORARY THING THAT WAS NEVER RECTIFIED, BUT THE INTENT WAS TO TRY TO

MAXIMIZE SINGLE-FAMILY DEVELOPMENT AND THEN HAVE MULTI-FAMILY, IF THERE WAS GOING TO BE ANY, ON THE PERIPHERY. AND SO I THINK THAT THAT'S STILL THE INTENT OR SHOULD BE THE GOAL THAT WE TRY TO ACHIEVE. AND IF YOU TAKE INTO ACCOUNT THE FACT THAT THE AREA TO THE EAST OF THE TRACT IN QUESTION IS GOING TO BE SINGLE-FAMILY DEVELOPMENT, IT REALLY DOESN'T SEEM LIKE ZONING THAT ADJACENT TRACT OR THE SUBJECT TRACT TO MULTI-FAMILY WOULD REALLY WORK VERY WELL IN THAT SITUATION. AND SO I WANTED TO JUST KIND OF RUN THROUGH THAT BECAUSE THERE WAS -- I DON'T KNOW. THERE'S A LOT OF HISTORY HERE, AS EVERYONE SAID, AND THIS IS AT LEAST MY RECOLLECTION OF THE HISTORY. AND I REALLY THINK THAT WE SHOULD TRY TO PRESERVE THE SINGLE-FAMILY PROPERTIES IN THIS NEIGHBORHOOD PLANNING AREA. AND AS MS. ALMANZA HAD STATED, YOU CAN'T TRAVEL DOWN RIVERSIDE DRIVE WITHOUT NOTICING THAT THERE IS AN ABUNDANCE OF MULTI-FAMILY DEVELOPMENT DEVELOPMENT, AND ACTUALLY IN THAT -- ONE OF THE GOALS IN THE PLAN WAS TO -- THE PLAN DID SPEAK TO MULTI-FAMILY DEVELOPMENT IN IS SENSE OF WANT TO FOCUS SINGLE-FAMILY DEVELOPMENT IN THIS CORE AREA OF MONTOPOLIS AND HAVE THE MULTI-FAMILY ON THE PERIPHERY SOUTH OF RIVERSIDE ESSENTIALLY. AND SO THE LAST THING I WOULD NOTE IS THAT RIGHT AT MONTOPOLIS DRIVE AND RIVERSIDE DRIVE, THIS TRACT RIGHT HERE, IN THE ORIGINAL MAP THAT I SHOWED FROM 2001 WAS ZONED YELLOW. BECAUSE AGAIN THAT'S IN THE CORE OF THE MONTOPOLIS NEIGHBORHOOD AND THAT WAS PROPOSED AS -- FOR SINGLE-FAMILY DEVELOPMENT IN THE NEIGHBORHOOD PLAN. I BELIEVE THAT LITERALLY ON THE DAY WE APPROVED THE NEIGHBORHOOD PLAN, WE ALSO APPROVED A CHANGE OF THAT SINGLE-FAMILY TRACT TO MULTI-FAMILY, AND NOW WE HAVE A PRETTY SIGNIFICANT MULTI-FAMILY DEVELOPMENT ON THAT TRACT. SO WE ALREADY SEE HOW THIS ONE DECISION HERE WENT AGAINST THE INTENT OR SPIRIT OF THE NEIGHBORHOOD, AND THAT WAS THE SMART HOUSING, AFFORDABLE HOUSING PROJECT THAT DID GET APPROVED. AND SO I SEE THIS AS ANOTHER THING THAT WOULD CHANGE THE SPIRIT OF WHAT THE NEIGHBORHOOD WAS TRYING TO ACCOMPLISH. SO MAYOR, I PERSONALLY WON'T BE SUPPORTIVE OF THE CHANGE, BUT I'LL OPEN IT UP TO QUESTIONS OR COMMENTS FROM OTHER FOLKS.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS, QUESTIONS, COUNCIL? COUNCILMEMBER THOMAS.

Thomas: QUESTION FROM STAFF. SOME OF THE ALLEGATIONS ABOUT THE MEETINGS, CAN YOU EXPLAIN WHAT HAPPENED? YOU MET WITH THE COMMUNITY AFTER YOU CAME BACK WITH THE PROPOSAL TO DO THE MF?

YES, I'LL BE GLAD TO EXPLAIN THAT.

Futrell: ALICE, ALSO, BECAUSE I WANT TO GET THE QUESTION ANSWERED ALSO, WOULD YOU GIVE AN EXPLANATION ON THE SPANISH LANGUAGE AND THE ERROR THAT OCCURRED THERE AND WHAT WE'VE DONE TO CORRECT THAT?

YES. I'LL BE GLAD TO. COUNCILMEMBER THOMAS, THIS IS A ZONING CHANGE IN OUR NEIGHBORHOOD PLAN AMENDMENT. YOU MAY REMEMBER THAT TWO YEARS AGO COUNCIL ADOPTED AN ORDINANCE THAT PRESCRIBES HOW A NEIGHBORHOOD PLAN AMENDMENT OCCURS. THAT'S THE PROCESS BY WHICH BEFORE YOU COME TO THE PUBLIC HEARING PROCESS THAT AN OWNER GOES TO THE NEIGHBORHOOD CONTACT TEAM ON A NEIGHBORHOOD PLAN AMENDMENT. WHEN IT'S A REZONING THAT IS CONSISTENT WITH THE NEIGHBORHOOD PLAN, THAT PROCESS DOES NOT APPLY; HOWEVER, IN RETROSPECT, GIVEN THE AGE OF THIS CASE, WE SHOULD HAVE DONE THAT, AND THAT'S WHY WE HAD THE SECOND MEETING. SO TECHNICALLY UNDER THE ORDINANCE THERE IS NO PLAN AMENDMENT BEFORE YOU, WHICH HAS A SEPARATE PROCEDURE AS FAR AS GOING TO THE CONTACT TEAM, BUT JUST FOR INFORMATIONAL PURPOSES, THAT SHOULD HAVE OCCURRED AND SO I AGREE WITH MS. ALMANZA THAT GIVEN THE AGE OF THE CASE, JUST AS A COURTESY THAT SHOULD HAVE OCCURRED, AND THAT OCCURRED LATER. NOW, BACK TO THE NOTICE. WHEN WE DO NEIGHBORHOOD PLANS, WE OBVIOUSLY, ALL OUR DOCUMENTATIONS ARE TRANSFERRED INTO SPANISH. THE REZONING PROCESS, WE HAVE INDIVIDUAL ZONING CASES LIKE THIS ONE THAT DO NOT COVER A LARGER AREA. THE NOTICE ITSELF HAS A STATEMENT AT THE BOTTOM, AT LEAST IT DID. NOW WE'VE REVERSED IT TO THE TOP SO WHEN YOU OPEN YOUR MAIL THE FIRST THING YOU SEE IS IN SPANISH AND IT TELLS YOU IN SPANISH TO CALL A NUMBER TO EXPLAIN WHAT IS BEING CHANGED. WE ARE ALSO GOING TO SINCE THEN WE REALIZED THAT WE DID HAVE A TRANSLATION THAT SOMEHOW GOT THROUGH SOME CHANGES. SO WE HAVE REINSTITUTED THAT PROCESS, AND SO THAT WAS ANOTHER ADJUSTMENT IN OUR STREAMLINING PROCESS THAT HAS BEEN CORRECTED.

Thomas: AFTER THE FIRST READING IF THIS PASSES ON THE FIRST READING, HAD YOU PLANNED TO GO BACK WITH THE COMMUNITY?

STAFF HAD A MEETING THIS MONDAY.

Thomas: THIS PAST MONDAY?

YES, THIS PAST MONDAY. AND THERE WERE ABOUT THREE PEOPLE IN ATTENDANCE ACCORDING TO THE REPORT STAFF.

Thomas: COULD THAT BE BECAUSE OF THE NOTICES? I DON'T KNOW WHY THE LOW TURNOUT, WHETHER IT WAS THE NOTICE OR NOT. I CAN'T GIVE AN ANSWER AS TO WHY THERE WAS A LOWER TURNOUT.

Thomas: OKAY. I WOULD FEEL COMFORTABLE IF WE WOULD GO BACK AND COMMUNICATE BETTER THAN WE DID BEFORE I WOULD BE ABLE TO -- I DON'T THINK I CAN SUPPORT THE MF-3. I WOULD STILL CONSIDER IT BECAUSE OF THE NEIGHBORHOOD PLAN -- SORRY, I'M LOOKING AT THE WRONG CASE. LIKE COUNCILMEMBER ALVAREZ SAID, SINGLE-FAMILY. I STILL FEEL MORE COMFORTABLE IF WE WOULD GO BACK AND COMMUNICATE WITH THE COMMUNITY A LITTLE BIT BETTER BEFORE I WOULD BE WILLING TO SUPPORT ANYTHING BEFORE WE COME TO

COUNCIL AGAIN. THAT'S WHERE I'M AT. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

Mayor Wynn: COUNCILMEMBER ALVAREZ?

Alvarez: I WILL SECOND IT FOR THE POSTPONEMENT. I DON'T THINK THAT I COULD VOTE FOR IT ON EVENING FIRST READING. BUT WHAT I WOULD ASK IS -- IS THAT WE HOWEVER THIS IS GOING TO GET RESOLVED IS THAT WE GO BACK, WE ACTUALLY CHANGE THIS LAND USE MAP, SO THAT WE DON'T HAVE THIS BLUE RESIDENTIAL DESIGNATION BECAUSE THAT WAS SUPPOSED TO BE A TEMPORARY DESIGNATION. WE HAVE BEEN FAR ENOUGH ALONG NOW THAT WE KNOW WHAT THESE ZONING CATEGORIES SHOULD BE, WE HAVE ALREADY REZONED THE VAST MAJORITY OF THIS TRACT SO I THINK WE SHOULD ALSO THEN GO BACK AND MAKE SURE THAT THE -- THAT THE LAND USE MAP REFLECTS THE ZONING AND BE CONSISTENT WITH THE ZONING THAT WE CURRENTLY HAVE. AND SO THEN WE INITIATE THAT PROCESS TO -- TO MAKE THE -- THE LAND USE MAP CONSISTENT WITH THE CURRENT ZONING. BECAUSE AGAIN YOU CAN CORRECT ME IF I'M WRONG, BUT I REALLY DON'T THINK THAT WE HAVE THIS BLUE DESIGNATION, RESIDENTIAL DESIGNATION ON ANY OTHER FUTURE LAND USE MAP. BUT I COULD -- I COULD BE CORRECTED AT SOME POINT IN THE FUTURE. BUT, YOU KNOW, THAT -- BUT THIS WAS, I THINK, INTENDED TO BE A TEMPORARY DESIGNATION ONCE WE WERE ABLE TO WORK THROUGH SOME ISSUES WITH THE OWNERS OF THE STEINER TRACT AND I THINK WE ARE WELL BEYOND THAT NOW. WE SHOULD HAVE A FUTURE LAND USE MAP THAT REFLECTS THE EXISTING ZONING AND WHAT SEEMS TO BE DEVELOPING NATURALLY WHICH I THINK, YOU KNOW, IS ACTUALLY FAIRLY CONSISTENT WITH THE -- WITH THE NEIGHBORHOOD VISION AS ORIGINALLY ARTICULATED. THANKS, MAYOR.

COUNCILMEMBERS, WE ARE -- IF YOU ARE GOING TO POSTPONE THIS CASE, OUR INTENT WAS OBVIOUSLY ONCE YOU CONCLUDED ON REZONING OF EVERYTHING IN BLUE, THEN THAT WOULD HAVE US COME BACK TO YOU WITH A PLAN TO CLEAN IT UP. SO DEPENDING ON HOW LONG YOU WANT TO POSTPONE THIS ITEM, WE CAN COME BACK WITH THE FUTURE LAND USE MAP THAT REFLECTS WHAT YOU HAVE ALREADY ZONED THUS FAR AND WHATEVER YOU PLAN TO DO ON THE SUBJECT TRACT, TOO. SO WE CAN ACCOMPLISH THAT.

THANK YOU, MS. GLASGO. COUNCILMEMBER ALVAREZ, COUNCILMEMBER THOMAS' SUGGESTION I THINK WAS ABOUT A MONTH.

30 DAYS ON THE POSTPONEMENT.

Mayor Wynn: WHICH WOULD TAKE US TO A JUNE 23rd MEETING. WOULD YOU -- WOULD YOU THINK AS WELL? COUPLE, MY RECOMMENDATION WOULD BE THAT WE NOT CLOSE THE PUBLIC HEARING, LEAVE THE PUBLIC HEARING OPEN. THEN WE HAD THREE OR FOUR SPEAKERS -- WE ONLY HAD THREE OR FOUR SPEAKERS AS IT WAS. MOTION BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER ALVAREZ TO

POSTPONE OR CONTINUE THIS CASE ON JUNE 23rd, 2005. FURTHER COMMENTS?
MAYOR PRO TEM?

Goodman: JUST BECAUSE I WON'T BE HERE IN A MONTH, I DO WANT TO SAY ONE OF THE VERY FIRST PLANNING IMPLEMENTATION STUDIES THAT WE DID WAS THE SOUTH AUSTIN STUDY. IT WAS OF A PROLIFERATION OF MULTI-FAMILY. THAT WAS BACK IN THE REAL ESTATE BOOM. THE ONLY THING APPARENTLY THEY COULD THINK OF TO DEVELOP IN SOUTH AUSTIN WAS APARTMENTS AND SO THEY DID. SO WE HAD A STEADY -- COUNCILMEMBER ROGER DUNCAN SPONSORED THAT STUDY FOR US. WE WERE RIGHT. THOSE NUMBERS WERE JUST ABOUT THE SAME AS THE ONES WE ARE SEEING HERE. IT IS TOO MUCH. SO IF I WAS HERE TO VOTE, SUZANNA, [LAUGHTER], I WOULD GO FOR SF. THANKS, MAYOR.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. MOTION AND SECOND ON THE TABLE TO CONTINUE THIS CASE ON JUNE 23rd, 2005. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU ALL VERY MUCH.