Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-3
AGENDA DATE: Thu 07/29/2004
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 (Tract 3) (Carson Creek Watershed) from 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 deny single-family residence small lot (SF-4A) district zoning. Applicant: Robert Steiner. Agent: Minter, Joseph, and Thornhill, P.C. (John Joseph, Jr.). City Staff: Annick Beaudet, 974-2975.

REQUESTING DEPARTMENT:	Neighborhood Planning and Zoning	**DIRECTOR'S AUTHORIZATION:** Greg Guernsey

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RCA Serial#: 5018 Date: 07/29/04 Original: Yes
Disposition: Postponed~THU 07/29/2004

Published: Fri 03/26/2004
Adjusted version published:

ZONING CHANGE REVIEW SHEET

CASE: C14-03-0154.SH (PART)

PC DATE: December 23, 2003
January 13, 2004
January 27, 2004
February 10, 2004
February 24, 2004
March 23, 2004 (Tract 3 only)
April 13, 2004 (Tract 3 Only)

ADDRESS: 7300-7320 Riverside Drive and 900 Bastrop Highway

OWNER/APPLICANT: Robert Steiner

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

ZONING FROM: (Amended 1-28-04)	**TO:**	**AREA:**
Tract 1: SF-6-CO-NP	Tract 1: SF-4A	Tract 1: 37.09 acres
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	Tract 5: .52 acres
		Total = 86.5 acres

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.

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: To recommend the staff recommendation for Tracts 1, 2, 4 & 5. To postpone Tract 3 to March 23, 2004.
March 23, 2004: Postpone to April 13, 2004 (applicant's request).
April 13, 2004: To recommend denial of SF-4A zoning for Tract 3. Vote: 6-2-1 (Riley, Moore-Nay, Galindo-abstain)

ISSUES:

Single-family residence small lot-neighborhood plan combining district (SF-4A-NP) zoning was approved by City Council for Tracts 1, 2, 4 & 5 on March 4, 2004.

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:

	ZONING	LAND USES
Site	SF-6-CO-NP, MF-3-CO-NP, CS-CO-NP, CS-MU-NP	Undeveloped
North	LI-NP, P-NP	Manufactured home sales, manufactured home residences
South	GR-MU-NP, LR-MU-NP, CS-MU-NP	Warehouses, undeveloped, single family homes
East	CS-CO	Undeveloped
West	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:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-01-0060 Montopolis Neighborhood Plan (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:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
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: July 29, 2004 (Tract 3 only)

ACTION: January 15, 2004: To postpone to January 29, 2004. Vote: 6-0, McCraken off dais.

January 29, 2004: Postponed to 02-26-04, staff request. Vote: 5-0-Wynn off dais and Thomas absent)

February 26, 2004: Postponed to the public hearing on Tracts 1,2,4 and 5 to March 4, 2004, and the public hearing on Tract 3 to April 1, 2004. Vote: 7-0.

March 4, 2004: Granted SF-4A for Tracts 1, 2 & 4; Denied SF-4A for Tract 5. Vote: 6- 0-McCracken absent.

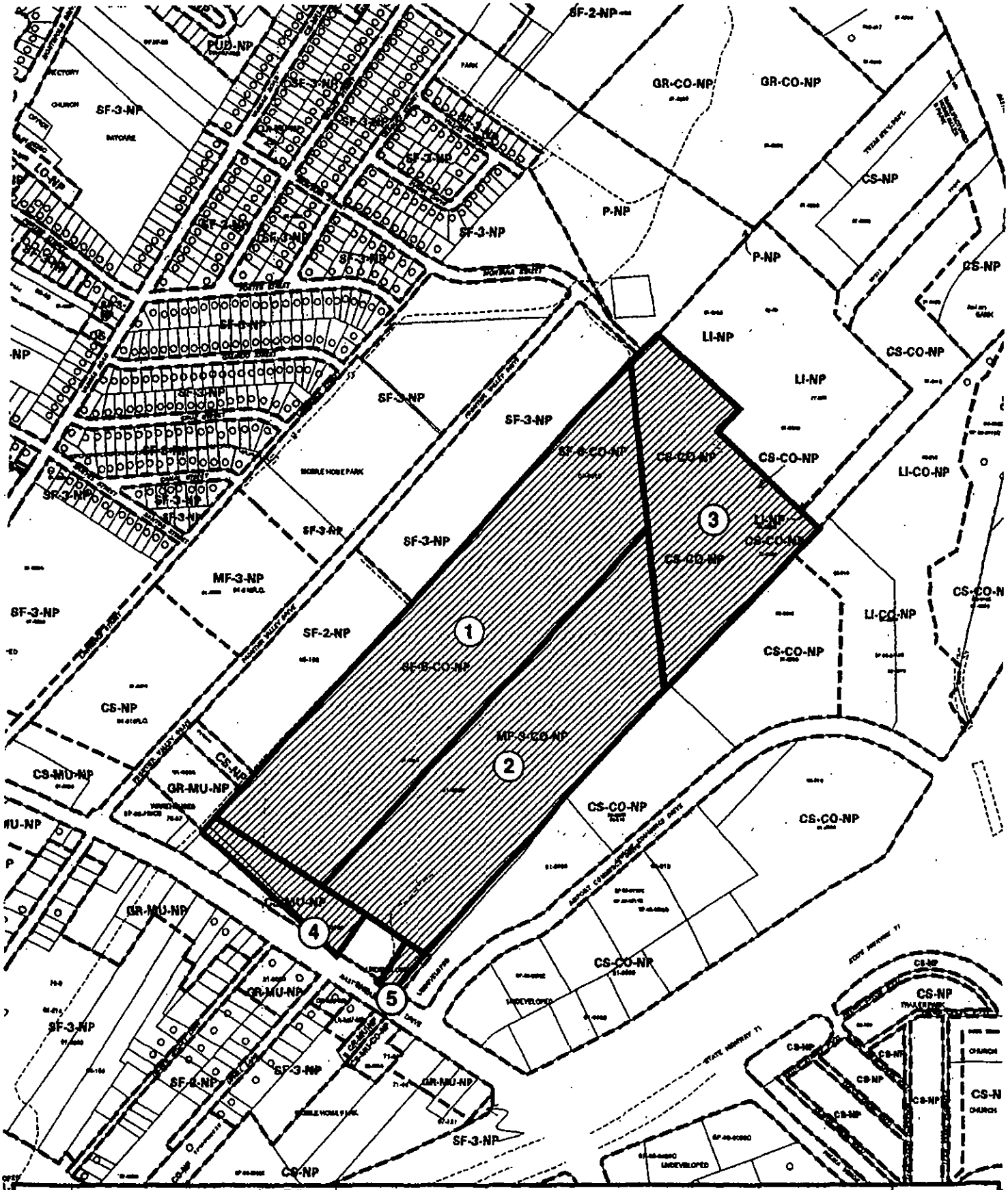
April 22: 2004: (Tract 3 only) Postponed to 5-27-04 by council (7-0).

5-27-04: (Tract 3 only) Postponed to 7-29-04 by council (6-0)

ORDINANCE READINGS: 1st March 4, 2004 (Tracts 1, 2, & 4)
2nd March 4, 2004 (Tracts 1, 2, & 4)
3rd March 4, 2004 (Tracts 1, 2, & 4)

ORDINANCE NUMBER:

CASE MANAGER: Annick Beaudet, NPZD **PHONE:** 974-2975



N

1" = 600'

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: A. BEAUDET

ZONING

CASE #: C14-03-0154.SH

ADDRESS: 7300-7320 E RIVERSIDE DR & 900 BASTROP HWY

DATE: 04-01

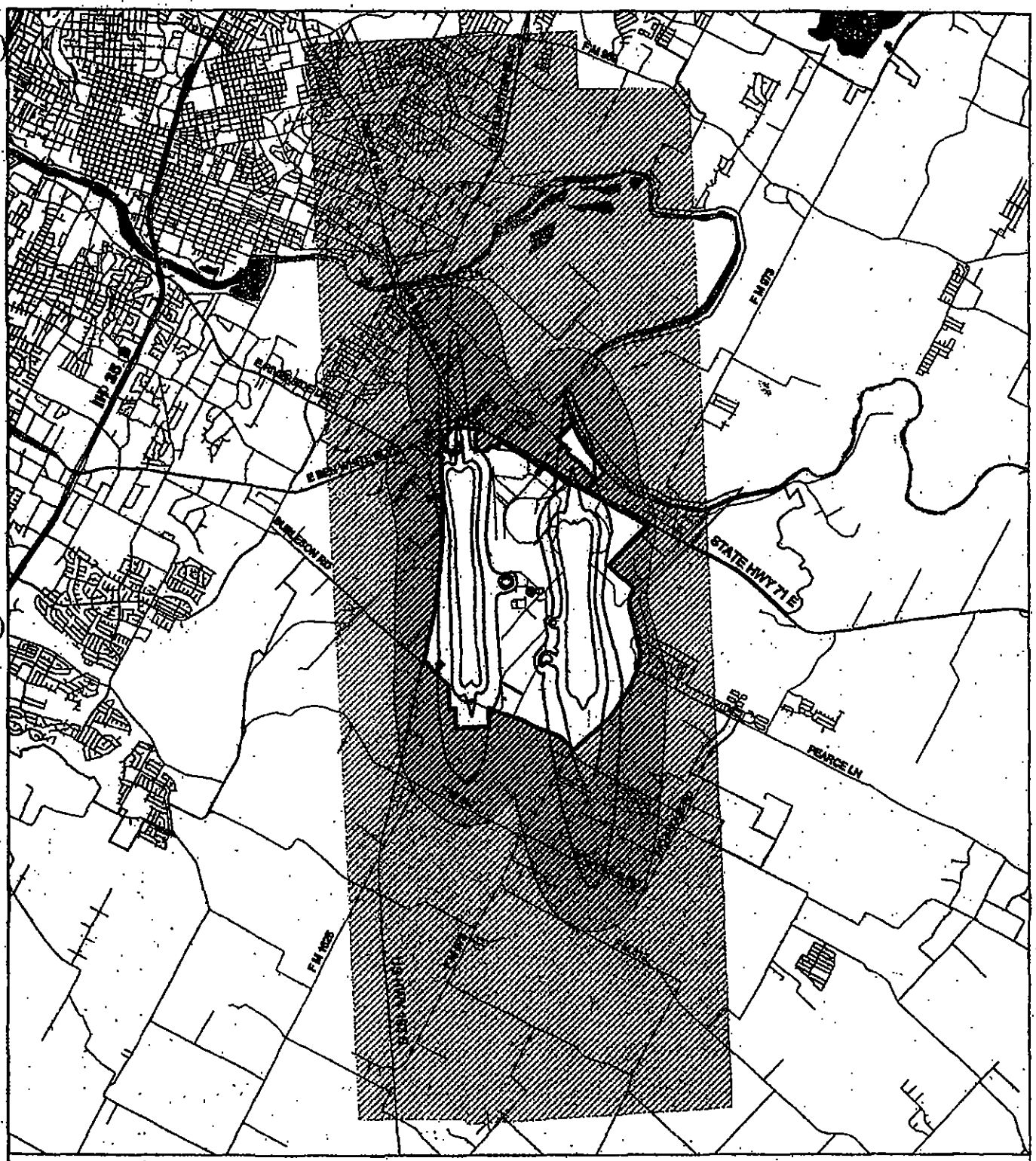
SUBJECT AREA (acres): 88.518

INTLS: SM

CITY GRID REFERENCE NUMBER

'M18-19 N18-1

9



Austin-Bergstrom International Airport

Controlled Compatible Land Use Area

Produced by: Infrastructure Support Services

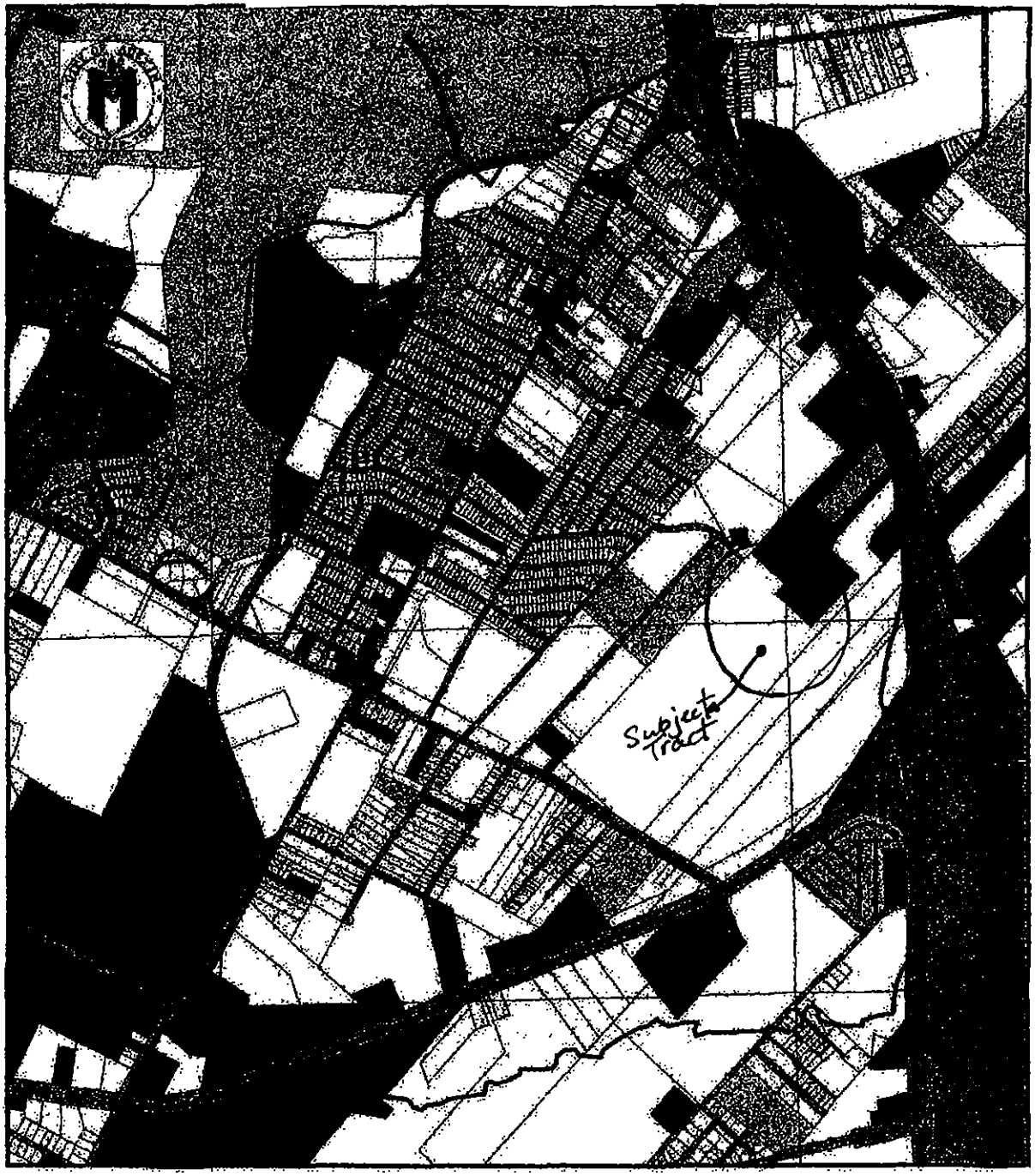
Date Plotted: August 16, 2001

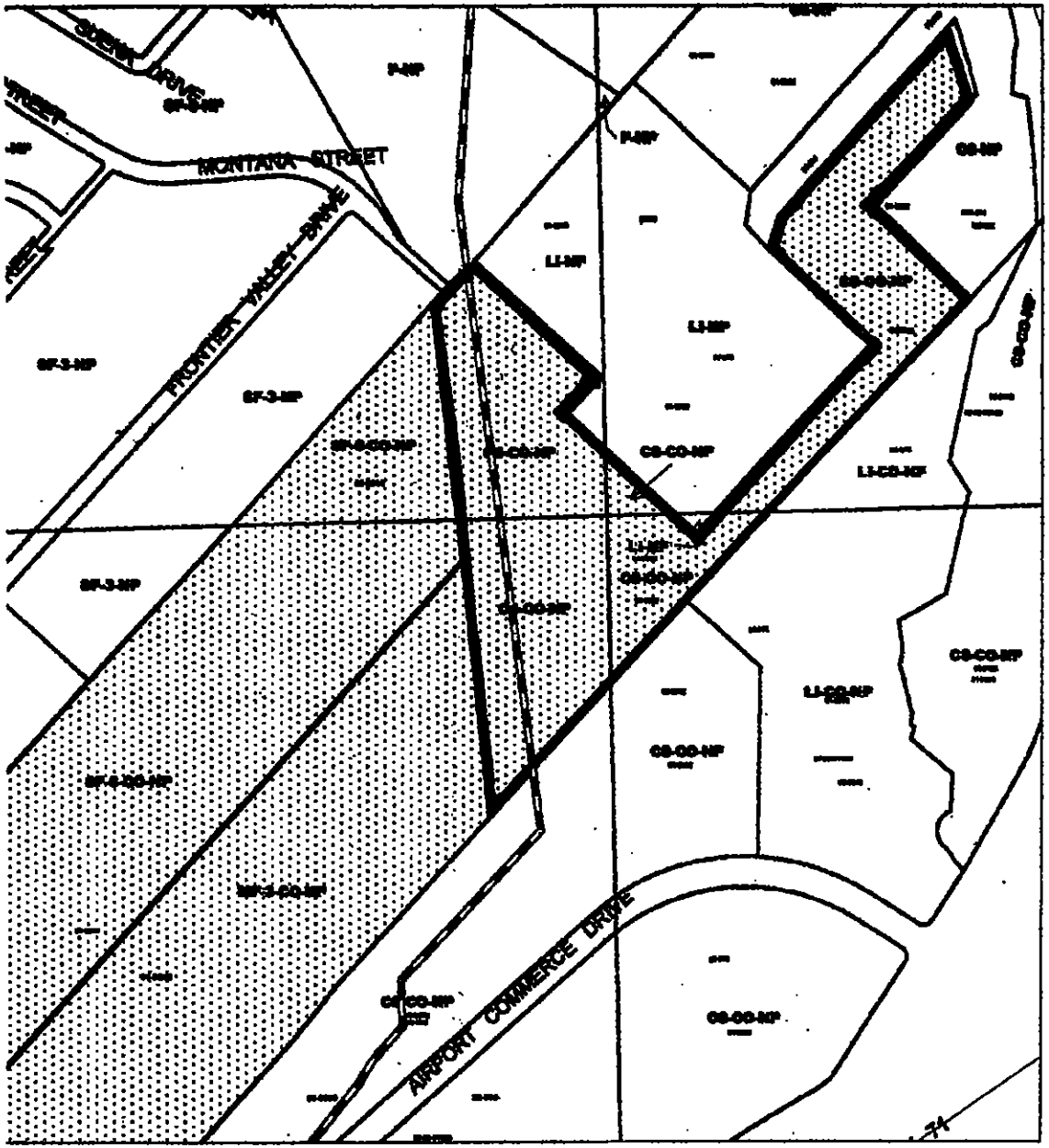
City Of Austin

- Airport Overlay Zone AO-1
- Airport Overlay Zone AO-2
- Airport Overlay Zone AO-3
- Controlled Compatible Land Use Area
- 65 DNL Contour
- 70 DNL Contour
- 75 DNL Contour
- Airport Property Boundary

Airport Overlay

Montopolis Future Land Use Map





City of Austin Infrastructure Support Services

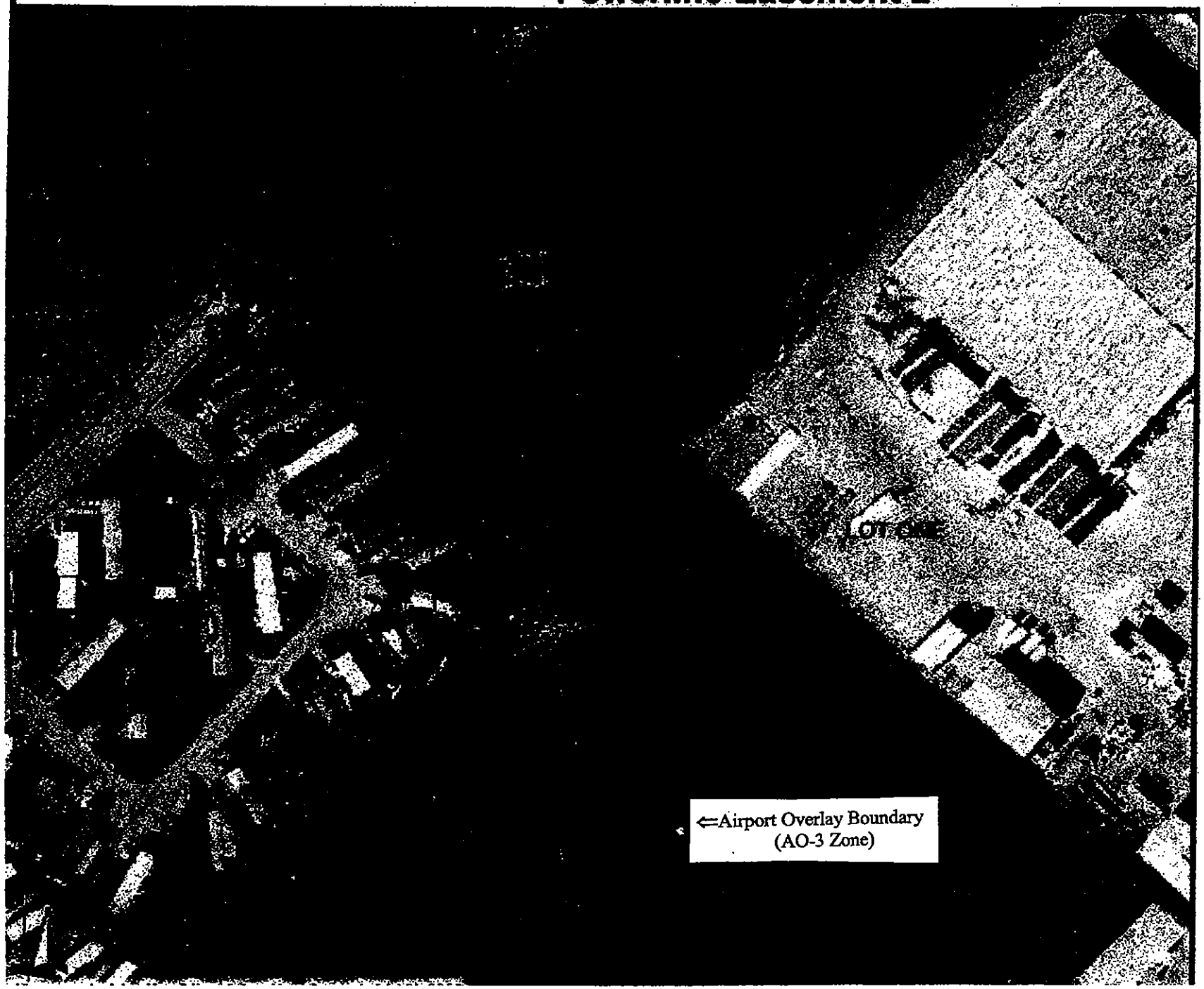
Noise-buffer.shp (AO-3)
Zoning
Zoning Cases
Major Roads

N

C14-03-0154.SH (PART)

Mon Apr 19 14:31:31 2004

Powerline Easement 2



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 and 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:

Development Classification	*% of Net Site Area*	*% with Transfers*
Single-Family (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 7519.

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.

City of Austin

P.O. Box 1088, Austin, TX 78767
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

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

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

Exhibit B

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) 974-6054
E-Mail: Sonya.lopez@ci.austin.tx.us

Neighbor Comment

-----Original Message-----
From: Chela Rodriguez [mailto:GRodriguez@casey.org]
Sent: Wednesday, January 21, 2004 4:32 PM
To: Sonya.Lopez@ci.austin.tx.us
Cc: poder_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 requst 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]
Sent: Wednesday, January 07, 2004 12:01 PM
To: Meichner@austin.rr.com; jrstratton@strattonlawfirm.com; khatcher@msn.com; Redlduke@swbell.net; Chela Rodriguez; poder_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 10th 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
974-2975
annick.beaudet@ci.austin.tx.us

Beaudet, Annick

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
P.O. Box 1088 - NPZD
Neighborhood Planning Webpage
Austin, Texas 78767-8810
Phone: (512) 974-7694
Fax: (512) 974-6054
E-Mail: sonya.lopez@ci.austin.tx.us

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

MEETING SUMMARY
Pending PC Approval

CITYPLANNINGCOMMISSION
April 13, 2004
One Texas Center
505 Barton Springs Road
Conference Room 325

CALL TO ORDER – 6:00 P.M. ***COMMENCE 6:10PM, ADJOURN ~1:45AM***
ALL PRESENT

_____Maggie Armstrong, Secretary	_____Jerome Newton
_____Cynthia Medlin, Asst. Secretary	_____Chris Riley, Vice Chair
_____Matthew Moore	_____Niyanta Spelman
_____John-Michael Cortez	_____Dave Sullivan, Parliamentarian
_____Cid Galindo	

Commissioner Galindo said he has not been sworn in, so he will be abstaining from the votes this evening.

Marty Terry suggested recessing the meeting to swear in Cortez.

MOTION: Recess meeting (after reading consent agenda).
VOTE: 7-0 (DS-1st, NS-2nd; CG, JC- ABSTAIN)

Readjourned.

A. REGULAR AGENDA

EXECUTIVE SESSION (No public discussion)
The Planning Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Planning Commission may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

CITIZEN COMMUNICATION:

1. The first four (4) speakers signed up to speak will each be allowed a three-minute allotment to address their concerns regarding items *not* posted on the agenda.

Gloria Moreno- She read from her letter asking the Commission to direct staff to downzone property at 515 Pedernales Street from CS-1 to CS.

Commissioner Riley asked Ms. Moreno to contact staff about her request.

Facilitator: Katie Larsen, 974-6413
katie.larsen@ci.austin.tx.us

6.	**Annexation:**	**C12m-04-001 - Annexation of approximately one acre into River Place MUD**
	Location:	end of Big View Drive, Lake Austin Watershed
	Owner/Applicant:	Michelle & Steve Turnquist and Aubry Smith
	Request:	ANNEXATION
	Staff Rec.:	**Recommended with Conditions**
	Staff:	Ben Luckens, 974-2695, ben.luckens@ci.austin.tx.us Transportation, Planning & Sustainability Department

MOTION: APPROVE BY CONSENT
VOTE: 7-0 (DS-1st, MA-2nd; JC, CG- ABSTAIN)

7.	**Neighborhood Plan Amendment:**	**NPA-03-0005.03.SH - Steiner Tract - Montopolis Neighborhood Plan Amendment**
	Location:	7300-7320 Riverside Dr. & 900 Bastrop Hwy, Carson Creek Watershed, Montopolis NPA
	Owner/Applicant:	Robert Steiner
	Agent:	Minter, Joseph & Thornhill, P.C. (John Joseph, Jr.)
	Request:	Amend the future land use map designation for a portion of this property from commercial to residential.
	Staff Rec.:	**Not Recommended**
	Staff:	Sonya Lopez, 974-7694, sonya.lopez@ci.austin.tx.us Annick Beaudet, 974-2975, annick.beaudet@ci.austin.tx.us Neighborhood Planning and Zoning Department

SEE ITEM #8 FOR DISCUSSION, MOTION and VOTE.

8.	**Zoning:**	**C14-03-0154.SH - Steiner Tract**
	Location:	7300-7320 Riverside Dr. & 900 Bastrop Hwy, Carson Creek Watershed, Montopolis NPA
	Owner/Applicant:	Robert Steiner
	Agent:	Minter, Joseph & Thornhill, P.C. (John Joseph, Jr.)
	Request:	Tract 3: CS-CO-NP to SF-4A
	Staff Rec.:	**Tract 3- Not Recommended**
	Staff:	Annick Beaudet, 974-2975, annick.beaudet@ci.austin.tx.us Neighborhood Planning and Zoning Department

PRESENTATION

Sonya Lopez presented the staff recommendation. She noted that the residents have indicated a reluctance to support residential uses on the proposed tract, though they do support the plans for the remainder of the tract. The Montopolis Neighborhood Plan was going forward concurrently with the Airport Overlay ordinance, and so it was decided that Council would have discretion for properties within the Montopolis Neighborhood Plan and the Airport Overlay.

Annick Beaudet presented the staff recommendation for the rezoning request.

PUBLIC HEARING

John Joseph, Jr., representing the applicant, admitted that it is something to consider about staff's concerns about the compatibility of residential next to LI. He said it is routinely seen, and you address it with setbacks, strip zoning or vegetative buffer. The other argument by staff is related to the A03 zone. The FAA regulations say any construction can occur, but staff is saying that A03 must be treated like A02 zone, even though the ordinance states residential construction can occur in the A03 zone. He stressed that this is an affordable housing project. He said that though the airport could grow, that should not be a reason to deny the rezoning request, because roadways could be widened. Growth will occur, but the FAA regulations say that residential can be permitted in this zone.

Commissioner Moore asked about the maximum predicted decibel level in the A03 zone. Mr. Joseph said that it is less than 65 decibels. Commissioner Moore followed up clarifying with Mr. Joseph that the FAA doesn't differentiate between 0 and 65 decibels.

Commissioner Armstrong asked about the feasibility of residential and Mr. Joseph said that this is a viable project because of a combination of factors, including interest rates. Commissioner Armstrong asked if there are access problems. Mr. Joseph said yes there are expensive access problems to make the property commercial. He said that there is hard access, but the issue is not whether commercial can be done, but rather that this is an affordable housing project.

Commissioner Sullivan said that in many cases there is a much more substantial offer for setbacks between residential and industrial zoning. He asked if the lots could be made smaller to accommodate a larger setback. Mr. Joseph said that setback burden is on the LI side, but he admits a setback on the residential side is also appropriate. The 25 foot setback proposed by the applicant is in addition to the 25 foot LI compatible setback.

Kenny Dryden, an engineer for the applicant, said that the buffer can be 50 feet, but the burden falls on the ultimate owners of the housing because someone has to maintain that buffer. It would require extra homeowner dues, and an increase is critical in a situation to provide affordable housing. One of the reasons Centex has an interest to develop the balance of the tract is because there are fixed costs associated with the overall development, so the more the fixed costs can be extended over more lots, it lowers the cost of the housing.

Commissioner Armstrong asked for the depth of the lots. Mr. Dryden said about 110-120 feet, in addition to a buffer.

Mr. Dryden added that the widening of 183 will make access to the site a safety issue.

Commissioner Medlin asked about the plans for the property at the time of the zoning. Mr. Steiner said that the current owners have owned it for 200 years, and have had residential zoning until the rezoning during the Montopolis Neighborhood Planning. Centex does not own the property, the Steiners still own the property. Commissioner Medlin asked why Centex can't develop just the residential on the other tracts. Mr. Joseph said that the issue is how affordable those houses can be without the additional houses on tract 3.

Commissioner Newton asked what affordable is for the proposed project. Mr. Joseph said the range will be between $95,000 to $125,000.

Commissioner Armstrong asked if the green around the parcels is a setback and Mr. Joseph said yes, some are for drainage. Commissioner Armstrong asked about the maintenance of the drainage area, and Mr. Joseph said that it would be costly to re-engineer to accommodate a larger setback.

Commissioner Spelman said that there was a request for a postponement at a previous meeting, and Mr. Joseph said there was to give the applicant time to show compatibility.

MOTION: CLOSE PUBLIC HEARING
VOTE: 7-0 (DS-1st, NS-2nd)

MOTION: APPROVE STAFF RECOMMENDATION
VOTE: 5-2 (NS-1st, DS-2nd; CG- abstaining)

Commissioner Spelman said that from what is in the current ordinance, the expected growth of the airport and the fact that the states and local governments can have more restrictive regulations, she wants to deny the request. They should consider the long-term impacts instead of just the short-term.

Commissioner Sullivan said it is a difficult case, and can see it both ways. Affordable housing should not be applied willy-nilly though. With regard to noise issue, noise may increase quicker due to freight airlines. In addition, mitigation of the house is not satisfactory for when outside or the windows are cracked.

Commissioner Moore said he will not support the motion. He said he met with two neighbors that said they were not bothered by the noise. There will be growth over time, but the planes will also become quieter due to technology.

Commissioner Cortez said that this will be his first vote against affordable housing, but he favors the motion because it does appear that the City does not think the FAA regulations are good enough for Austin. Quality of life is definitely an issue, and the growth of the airport is certain. It would be poor planning to put people near the airport and the City in the same situation again.

Commissioner Armstrong will support the motion. She is bothered by the minimal setback from industrial zoning.

Commissioner Riley said he will not support the motion, because it seems the noise issues were hashed out at the time the ordinance was drafted. He thinks it is unfair to change the rules. It seems remiss to allow the developer to not allow him to move forward to construct affordable housing. He noted that the regulations are already more restrictive than around the country and the FAA regulations. In terms of the setback, the developer said he is willing to setback more so there is an opportunity to provide a larger setback, and an improved quality of life.

Facilitator: Katie Larsen 974-6413
katie.larsen@ci.austin.tx.us

Commissioner Spelman clarified that there are two things indicating that the request for residential zoning may not be appropriate: a plan amendment and a rezoning request. Just because there is an ordinance that states residential could be developed, the property currently does not have the zoning to develop residential so it is not an issue of unpredictability. The applicant knows that residential is currently not permitted.

9.	**Neighborhood Plan:**	**Central Austin Combined Neighborhood Plan**
	Location:	The Central Austin Combined Neighborhood Planning Area is bounded by 38th Street and 45th Street to the north, Dean Keeton Street, 27th Street and Martin Luther King Jr. Blvd. to the south, Lamar Blvd. To the west and IH-35 to the east.
	Owner/Applicant:	City of Austin-NPZD
	Agent:	City of Austin-NPZD
	Request:	Conduct a public hearing to consider adopting the Central Austin Combined Neighborehood Plan, encompassing West University, North University and the Hancock Neighborhoods
	Staff Rec.:	**Recommended**
	Staff:	Tom Bolt and Glenn Rhoades, 974-2755 974-2775, thomas.bolt@ci.austin.tx.us Neighborhood Planning and Zoning Department

MOTION: POSTPONE TO APRIL 27, 2004 BY CONSENT
VOTE: 7-0 (DS-1st, MA-2nd; JC, CG- ABSTAIN)