

ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0099

Z.A.P./ P.C. DATE:

November 10, 2015

ADDRESS: 2407-2409 Montopolis Drive

DISTRICT AREA: 3

OWNER/APPLICANT: Petree Rentals, Elizabeth and Larry Petree

AGENT: Permit Partners, LLC, David Cancilosi

ZONING FROM: CS-NP

TO: CS-MU-CO-NP

AREA: 2.76 acres

SUMMARY STAFF RECOMMENDATION:

Recommend CS-MU-CO-NP

The property is located on the east side of Montopolis Boulevard at the intersection with Grove Boulevard. It is currently used for residential purposes with multiple single family and duplex structures. The area was annexed in nineteen hundred seventy six and has maintained the residential use since that time. In 2001, the zoning was changed from SF-3 to CS-NP as part of the Montopolis Neighborhood Plan adoption.

To the north is undeveloped property zoned GR-MU-CO-NP. To the east and south is CS-NP zoned properties with a mixture of undeveloped, single family and commercial uses. Across Montopolis to the west is the Austin Energy Control Center zoned P-CO-NP (Exhibit 2). During the Neighborhood Plan amendment meeting the neighborhood members requested prohibiting the following uses which staff supports:

Adult-Oriented Business
Automotive – Washing/Sales/Services
Service Station Repairs
Construction Sales/Services
Pawn Shops
Bail Bonds
Theater
Exterminating Services
Recycle Facility
Equipment Repair Services
Pet Services
Vehicle Storage
Outdoor Entertainment
Plant Nursery (conditional)
Scrap/Salvage
Telecommunications Tower
Maintenance and Services Facility
Drive-thru component of Restaurant (conditional)

PLANNING COMMISSION RECOMMENDATION:

November 10, 2015 - Approved staff's recommendation of CS-MU-CO-NP with the Conditional Overlay provisions above by Consent. Vote: (10-0, motion by N. Zaragoza, 2nd P. Seeger).

DEPARTMENT COMMENTS: Staff supports the zoning request to add mixed-use to the existing commercial services zoning. The property consists of 2.766 acres with 6 single family and duplex residences, a barn and a shed. The existing structures were constructed prior to annexation. The property takes access to Montopolis Boulevard just south of its intersection with Grove Blvd. Montopolis is designated as a major arterial. The addition of mixed-use to the CS-NP will make the property compliant with the existing uses.

This area was annexed in May of 1976. Residential development is increasing in the area supplanting the predominant industrial uses because of the area's land costs, proximity to the central core and transit service. Adjacent to the north is an undeveloped GR-MU-CO-NP zoned tract, to the north across Montopolis a site plan for a multi-family development has been approved (SP-2012-0413C). To the east, between Thrasher Lane and Ben White Boulevard, a large multi-family development is nearing completion. To the south is zoned CS with an existing martial arts gym. To the west across Montopolis is the Austin Energy Service Center which is zoned P-CO-NP.

Because of the existing and proposed added density in the surrounding area it is appropriate for this property to retain its commercial services zoning to provide services to the new and existing residents in the area should it be redeveloped.

ISSUES:

This request requires a Neighborhood Plan Amendment (NPA-2015-0005.03). During the neighborhood meeting for the NPA, residents requested a prohibition on commercial uses (listed at the top of this report). Staff supports this and will include them in a Conditional Overlay. The Montopolis Neighborhood Planning Contact Team does not support the NPA or zoning change and has recommended SF-5 (letter attached).

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|---------------|---|
| <i>Site</i> | CS-NP | Single family and duplex |
| <i>North</i> | GR-MU-CO-NP | Undeveloped |
| <i>North</i> | ERC | Undeveloped (approved site plan for MF) |
| <i>South</i> | CS-NP | Martial Arts gym and single family |
| <i>East</i> | CS-NP | Single family and undeveloped |
| <i>West</i> | P-NP | Industrial - Austin Energy Control Center |

NEIGHBORHOOD PLANNING AREA: Montopolis

TIA or NTA: NO

WATERSHED: Suburban, East Country Club Creek & Carson Creek Watersheds.

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Montopolis Neighborhood Association
Montopolis Contact Team
Del Valle Community Coalition
Friends of Austin Neighborhoods
Bike Austin
Austin Heritage Tree Foundation
Montopolis Community Alliance
Austin Neighborhood Council
Montopolis Area Neighborhood Alliance
Southeast Austin Neighborhood Alliance
Carson Ridge Neighborhood Association
Crossing Gardenhome Owners Association
Friends of the Emma Barrientos MACC
Preservation Austin
Sierra Club
Riverside Farms Road Neighborhood Association
East Riverside/Oltorf Neighborhood Plan Contact Team
Montopolis Tributary Trail Association
Real Estate Council of Austin

SCHOOLS: Del Valle HS, Ojeda MS, Smith Elementary

CASE HISTORIES FOR THIS PROPERTY

| NUMBER | REQUEST | PLANNING COMMISSION | CITY COUNCIL |
|-------------|---|---------------------|--------------|
| C14-01-0060 | Montopolis Neighborhood Plan SF-2 to CS-NP | CS-NP | CS-NP |

CASE HISTORIES FOR SURROUNDING PROPERTIES

| NUMBER | REQUEST | PLANNING COMMISSION | CITY COUNCIL |
|---------------------------------------|--------------------------|---------------------|--------------|
| C14-2009-0092 6503 Carson Ridge | CS-NP to GR- MU-CO-NP | GR-MU-CO-NP | GR-MU-CO-NP |
| C14-2011-0129 2200 Montopolis | MF-3-CO-NP to ERC | ERC | ERC |
| C14-2009-0018 2500 Montopolis | LI-NP to P | P-CO-NP | P-CO-NP |
| C14-01-0060 2601 Montopolis | SF-2 to CS-NP | CS-NP | CS-NP |

ABUTTING STREETS:

| NAME | ROW | PAVEMENT | CLASSIFICATION |
|------------------|-----------|----------|----------------|
| Montopolis Drive | 157'-200' | 62' | Major Arterial |

CITY COUNCIL DATE:**ACTION:****ORDINANCE READINGS:****1st****2nd****3rd****ORDINANCE NUMBER:****CASE MANAGER:**

Andrew Moore

PHONE: 512-974-7604**EMAIL:** andrew.moore@austintexas.gov**STAFF RECOMMENDATION****CS-MU-CO-NP**

Conditional Overlay to include the following prohibited uses:

Adult-Oriented Business

Automotive – Washing/Sales/Services

Service Station Repairs

Construction Sales/Services

Pawn Shops

Bail Bonds

Theater

Exterminating Services

Recycle Facility

Equipment Repair Services

Pet Services

Vehicle Storage

Outdoor Entertainment

Plant Nursery (conditional)

Scrap/Salvage

Telecommunications Tower

Maintenance and Services Facility

Drive-thru component of Restaurant (conditional)

BASIS FOR RECOMMENDATION

The addition of mixed-use to the CS-NP will make the property compliant with the existing uses. The applicant is currently not able to pull permits for improvements to the structures because the current zoning does not allow a residential use. Land development pressures in this area are changing the uses from commercial and light-industrial to residential.

EXISTING CONDITIONS**Site Characteristics**

The property is located on the east side of Montopolis Boulevard at the intersection with Grove Boulevard in the Montopolis Neighborhood Planning Area. It is currently used for residential purposes with six single family and duplex structures. The area was annexed in nineteen hundred seventy six and has maintained the residential use since that time. To the north is undeveloped property zoned GR-MU-CO-NP. To the east and south is CS-NP zoned properties with a mixture of

undeveloped, single family and commercial uses. Across Montopolis to the west is the Austin Energy Control Center zoned P-CO-NP.

Montopolis Boulevard is considered a major arterial and is also served by two Capital Metro bus routes (311, 331).

Montopolis Neighborhood Plan

Please see associated Neighborhood Plan Amendment Case (NPA-2015-0005.03).

NPZ Environmental Review - Mike McDougal 512-974-6380

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Country Club East Watershed and the Carson Creek Watershed of the Colorado River Basin, which are classified as Suburban Watersheds by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.
2. 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 Gross Site Area</i> | <i>% of Gross Site Area 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% |

Note: The most restrictive impervious cover limit applies.

3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

DSD Transportation Review - Bryan Golden - 512-974-3124

TR1. Additional right-of-way maybe required at the time of subdivision and/or site plan.

- TR2. If the requested zoning is granted, it is recommended that joint access be provided for the 2 lots along Montopolis Drive.
- TR3. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]
- TR4. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility on Montopolis is indicated to be upgrade to a separate bike lane.
- TR5. Existing Street Characteristics:

| Name | ROW | Pavement | Classification | Sidewalks | Bike Route | Capital Metro (within ¼ mile) |
|------------------|-----------|----------|----------------|-----------|------------|-------------------------------|
| Montopolis Drive | 157'-200' | 62' | Major Arterial | Yes | Yes | Yes |

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Storm Water Detention

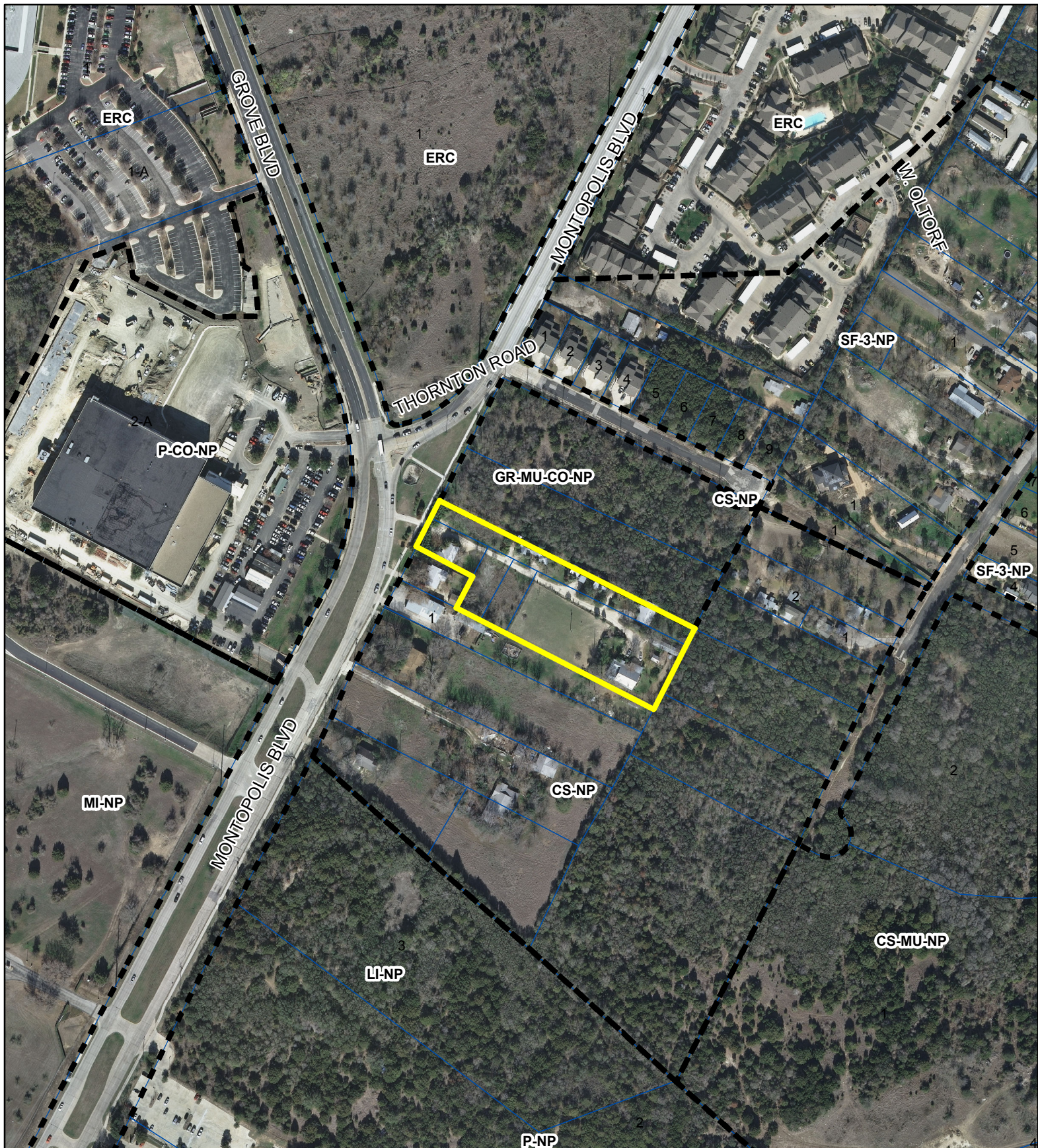
At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Storm water Management Program if available.

NPZ Site Plan Review - Donna Galati 512-974-2733

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Subchapter E building placement and sidewalk compliance required for all development, residential, commercial, or mixed use.



ZONING

ZONING CASE#: C14-2015-0099
 LOCATION: 2407 Montopolis Blvd.
 SUBJECT AREA: 1.766 ACRES
 MANAGER: Andrew Moore



N



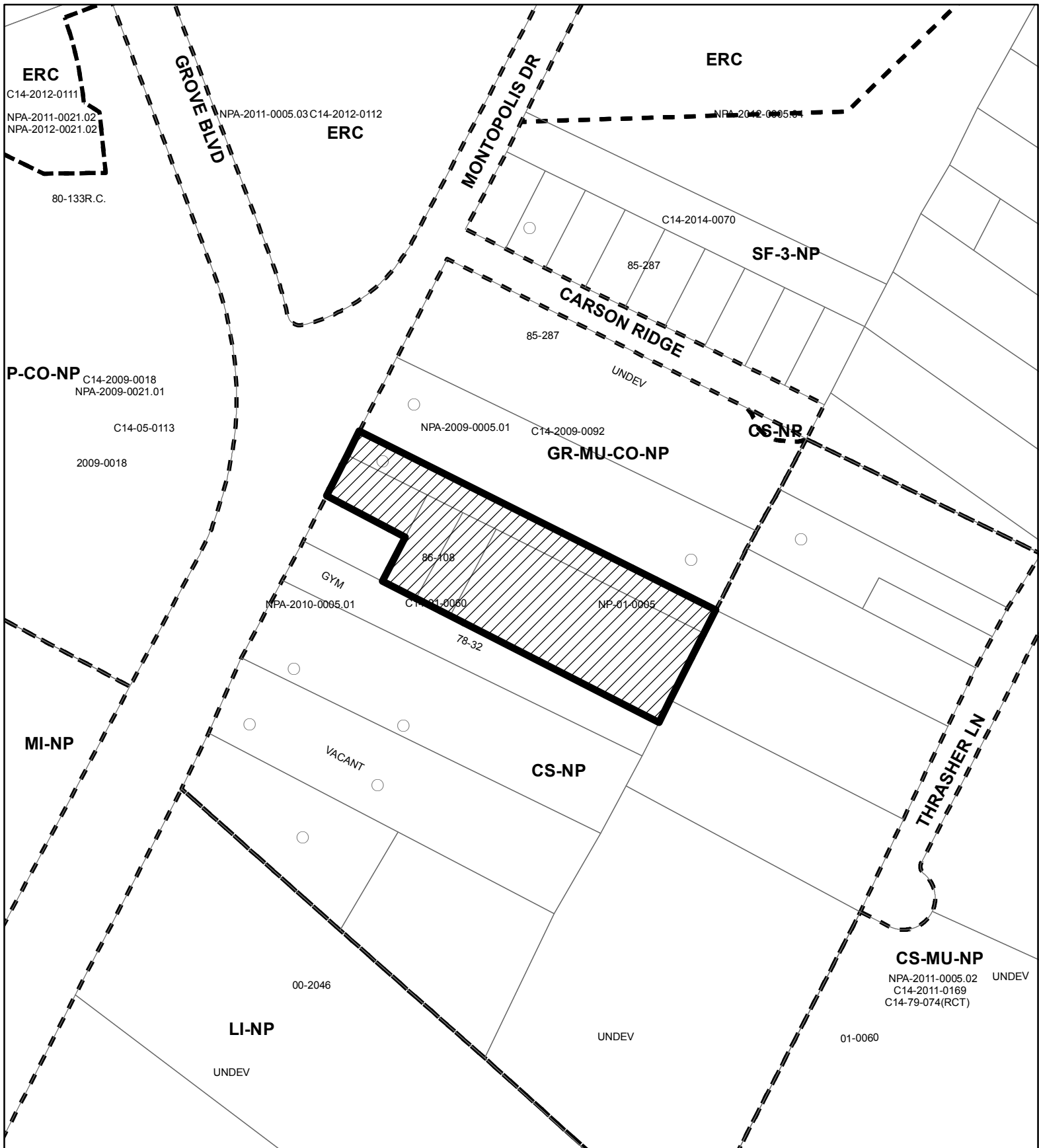
SUBJECT TRACT



ZONING BOUNDARY

1" = 400'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



ZONING

CASE#: C14-2015-0099



- SUBJECT TRACT**
- PENDING CASE**
- ZONING BOUNDARY**

1" = 200'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Carson Ridge NA

2316 Thrasher Lane
Austin, TX 78741-6622

T 512-275-6027

F 512-716-8001

October 15, 2015

RE: 2407-2409 Montopolis Drive land use change request

Dear Ms. Meredith,

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

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

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

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

Fred L. McGhee, Ph.D.

President

Montopolis Neighborhood Plan Contact Team

To: Andrew Moore, Senior Planner, Planning & Zoning Department

From: Susana Almanza, President Montopolis Neighborhood Plan Contact Team; 512/401-3311

Date: November 3rd, 2015

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

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

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