

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



**AGENDA ITEM NO.: Z-9  
AGENDA DATE: Thu 01/15/2004  
PAGE: 1 of 1**

**SUBJECT:** C14-03-0117 - Raissedonna - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 805 Montopolis Drive (Country Club Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Applicant: Farhad & Sherry Raissedonna. Agent: Farhad & Sherry Raissedonna. City Staff: Annick Beaudet, 974-2975.

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

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## ZONING CHANGE REVIEW SHEET

**CASE:** C14-03-0117

**PC DATE:** December 9, 2003

**ADDRESS:** 805 Montopolis Drive

**OWNER/APPLICANT:** Farshad & Sherry Raissedonna

**AGENT:** Farshad & Sherry Raissedonna

**ZONING FROM:** SF-3-NP      **TO:** GR-MU-NP      **AREA:** .313 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends community commercial-mixed use-neighborhood plan combining district (GR-MU-NP) zoning.

### **PLANNING COMMISSION RECOMMENDATION:**

December 9, 2003: Approved staff recommendation of community commercial-mixed use-neighborhood plan combining district (GR-MU-NP) zoning by consent. Vote. 7-0, L.O. on leave.

### **ISSUES:**

None at this time. Staff has received no letters or comments for or against the rezoning.

### **DEPARTMENT COMMENTS:**

A City staff facilitated meeting was held on September 18, 2003, per the neighborhood plan amendment process. The meeting was not well attended therefore it was the consensus of staff and members present to forward the zoning case and associated plan amendment case to the Planning Commission and City Council with no recommendation from the Montopolis Planning Team. Standard notification procedures regarding rezoning and plan amendments will continue as planned and scheduled.

### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NP	Undeveloped
<i>North</i>	GR-NP	Undeveloped, church
<i>South</i>	GR-NP	Tire sales
<i>East</i>	SF-3-NP	Back yards of single family homes
<i>West</i>	SF-3-NP	Commercial uses/single family homes

**AREA STUDY:** Montopolis Neighborhood Plan, Airport Overlay (Controlled Compatibility Area)

**TIA:** Not required.

**WATERSHED:** Country Club Creek

**DESIRED DEVELOPMENT ZONE:** Yes.

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

**NEIGHBORHOOD ORGANIZATIONS:**

Southeast Austin Neighborhood Alliance  
The Crossing Gardenhome Owners Assn.  
Terrell Lane Interceptor Assn.  
Barton Springs/Edwards Aquifer Conservation District  
El Concilio, Coalition of Mexican American Neighborhoods  
Austin Neighborhoods Council  
River Bluff Neighborhood Association  
Montopolis Area Neighborhood Alliance  
PODER

**CASE HISTORIES:**

NUMBER	REQUEST	ZONING AND PLATTING COMMISSION	CITY COUNCIL
C14-01-0060	Montopolis Neighborhood Plan	8-7-01: Approved Neighborhood Plan w/conditions.	9-27-01: Approved Neighborhood Plan w/conditions.

**RELATED CASES:**

There are no related subdivision or site plan applications currently under review by the City of Austin.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
Montopolis Drive	67'	40'	Arterial	10,210 ('97)

**CITY COUNCIL DATE:** January 15, 2003.

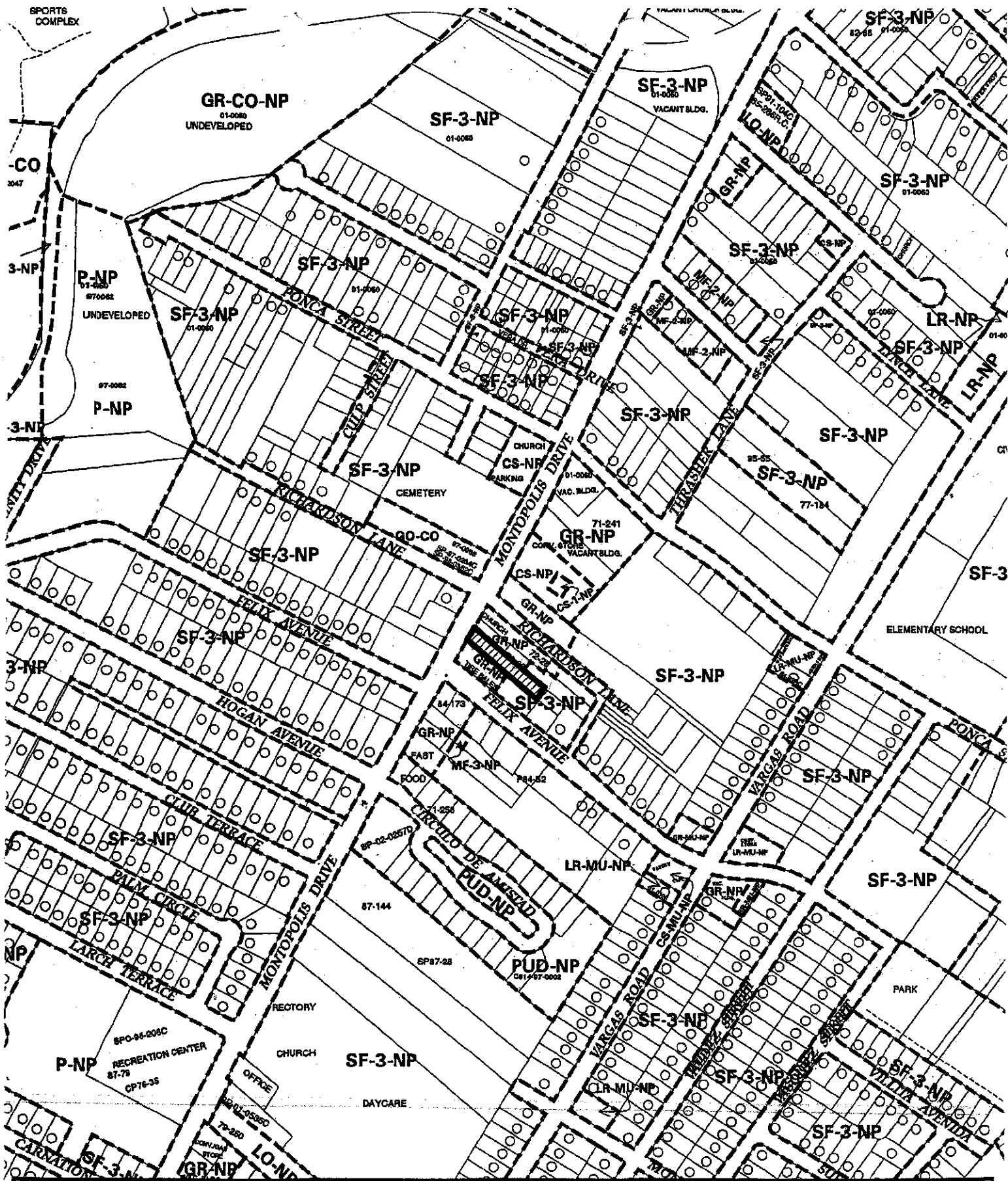
**ACTION:**

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

**ORDINANCE NUMBER:**

**CASE MANAGER:** Annick Beaudet

**PHONE:** 974-2975



 1" = 400'	<b>SUBJECT TRACT</b> 	<b>ZONING</b>  <b>CASE #:</b> C14-03-0117 <b>ADDRESS:</b> 805 MONTOPOLIS DR. <b>SUBJECT AREA (acres):</b> 0.313		<b>DATE:</b> 03-08  <b>INTLS:</b> TRC	<b>CITY GRID REFERENCE NUMBER</b>  L19
	<b>PENDING CASE</b> 				
	<b>ZONING BOUNDARY</b> 				
	<b>CASE MGR:</b> A.BEAUDET				



## STAFF RECOMMENDATION

C14-03-0117

Staff recommends community commercial-mixed use-neighborhood plan combining district (GR-MU-NP) zoning.

## BASIS FOR RECOMMENDATION

1. Rezoning should be consistent with an adopted area study or neighborhood plan and promote compatibility with adjacent and nearby uses.

A neighborhood plan amendment request has been submitted along with this rezoning request. The staff also recommends the plan amend request form single family residential to mixed use. The basis for both recommendations is that Montopolis Drive is a major transportation corridor that supports both residential and commercial land uses.

The requests also are consistent with Land Use Goal 1, Objective 1, Action 1 of the Montopolis Neighborhood Plan that states:

“To preserve the existing mix of zoning along Montopolis Drive, which allows for a variety of business and residential uses.”

2. Zoning should result in equal treatment of similarly situated properties.

There is GR-NP zoning directly adjacent to the subject tract and in the immediate area. There is also CS-NP and GO-NP zoning in the immediate area, making GR a compatible zoning district.

## EXISTING CONDITIONS

### Site Characteristics

The site is currently undeveloped with no significant, naturally occurring vegetation.

### Impervious Cover

The maximum impervious cover allowed by the GR zoning district would be 90%. The site is in the Desired Development Zone. The site is in the Country Club 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%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

Note: The most restrictive impervious cover limit will apply.

### **Environmental**

The site is not located over the Edward's Aquifer Recharge Zone.

According to flood plain maps, there is no 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 rim rock, 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 1,893 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 was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

There are existing sidewalks along Montopolis and Capital Metro bus service is available along Montopolis Drive.

Montopolis Drive is classified in the Bicycle Plan as a Priority 1 bike route.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
Montopolis Drive	67'	40'	Arterial	10,210 ('97)

### **Water and Wastewater**

The landowner intends to serve the tract with City of Austin water and wastewater utility service. If water or wastewater utility improvements are required, the landowner will be responsible for all cost and for providing the utility improvements.

### **Stormwater Detention**

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

### **Compatibility Standards**

This property is within the Controlled Compatible Land Use Area defined by Chapter 241 of the Local Government Code. 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. For more information, contact Shane M. Harbinson, Noise Abatement Officer at (512) 530-6652.

The site is subject to compatibility standards, along the back portion. Along the north, south and east property line adjacent to the SF-3 zoning, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.

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.

### **DEPARTMENT COMMENTS**

A City staff facilitated meeting was held on September 18, 2003, per the neighborhood plan amendment process. The meeting was not well attended therefore it was the consensus of staff and members present to forward the zoning case and associated plan amendment case to the Planning Commission and City Council with no recommendation from the Montopolis Planning Team. Standard notification procedures regarding rezoning and plan amendments will continue as planned and scheduled.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 805 MONTOPOLIS DRIVE FROM FAMILY RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-NEIGHBORHOOD PLAN (GR-MU-NP) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from family residence-neighborhood plan (SF-3-NP) combining district to community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district on the property described in Zoning Case No.C14-03-0117, on file at the Neighborhood Planning and Zoning Department, as follows:

A 0.313 acre tract of land, more or less, out of the Santiago Del Valle Grant in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

locally known as 805 Montopolis Drive, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

**PART 2.** The Property is subject to Ordinance No. 010927-28 that established the Montopolis neighborhood plan combining district.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2004.

**PASSED AND APPROVED**

\_\_\_\_\_, 2004      § \_\_\_\_\_  
§ \_\_\_\_\_  
§ \_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
David Allan Smith      Shirley A. Brown  
City Attorney      City Clerk

# EXHIBIT A

C14-03-0117

FIELD NOTES  
FOR  
FARSHAD RAISSENDONNA

0.313 ACRE TRACT

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING THAT SAME TRACT OF LAND CONVEYED TO FARSHAD RAISSENDONNA AND WIFE, SHERRY RAISSENDONNA BY QUITCLAIM DEED RECORDED IN DOCUMENT NO. 1999030659, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a carriage bolt found at the most Westerly corner of that tract of land conveyed to Farshad Raissedonna and wife, Sherry Raissedonna by Quitclaim Deed recorded in Document No. 1999030659, Official Public Records, Travis County, Texas, being in the Southeast r.o.w. line of Montopolis Drive, being the most Southerly corner of that tract of land conveyed for street purposes by deed recorded in Volume 3944, Page 466, Deed Records, Travis County, Texas, being in the Northeast line of that certain tract of land conveyed to J.F. Plumley by deed recorded in Volume 7960, Page 818, Deed Records, Travis County, Texas, for the most Westerly corner hereof, and from which carriage bolt found, an iron rod found at the intersection of the Southeast r.o.w. line of Montopolis Drive with the Northeast r.o.w. line of Felix Avenue bears S 33°30'W for a distance of 76.24 feet,

THENCE with the Southeast r.o.w. line of Montopolis Drive, N 33°30'E for a distance of 46.00 feet to a mag-nail set in concrete at the most Easterly corner of that tract of land described in Volume 3944, Page 466, Deed Records, Travis County, Texas, being the most Southerly corner of that tract of land conveyed for street purposes by deed recorded in Volume 3948, Page 326, Deed Records, Travis County, Texas, being the most Westerly corner of that tract of land conveyed for street purposes by deed recorded in Volume 4373, Page 82, Deed Records, Travis County, Texas, for the most Northerly corner of the said Raissedonna tract, for the most Northerly corner hereof,

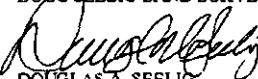
THENCE S 48°14'E for a distance of 299.56 feet to an iron rod set at the most Easterly corner of the said Raissedonna tract, being the most Northerly corner of that tract of land conveyed to Remigio Menchaca and wife, Pilar Menchaca by deed recorded in Volume 744, Page 51, Deed Records, Travis County, Texas, for the most Easterly corner hereof,

THENCE S 31°51'W for a distance of 46.00 feet to an iron rod set at the most Southerly corner of the said Raissedonna tract, being the most Westerly corner of the said Menchaca tract, being the most Northerly corner of that tract of land conveyed to Joe Cordoba and Mary Louise Herrera by Quitclaim Deed recorded in Volume 4949, Page 150, Deed Records, Travis County, Texas, being the most Easterly corner of that tract of land conveyed to Guadalupe Sifuentes by deed recorded in Volume 11755, Page 856, Real Property Records, Travis County, Texas, for the most Southerly corner hereof,

THENCE N 48°16'W for a distance of 135.00 feet to an iron rod found at the most Northerly corner of the said Sifuentes tract, being the most Easterly corner of the said Plumley tract,

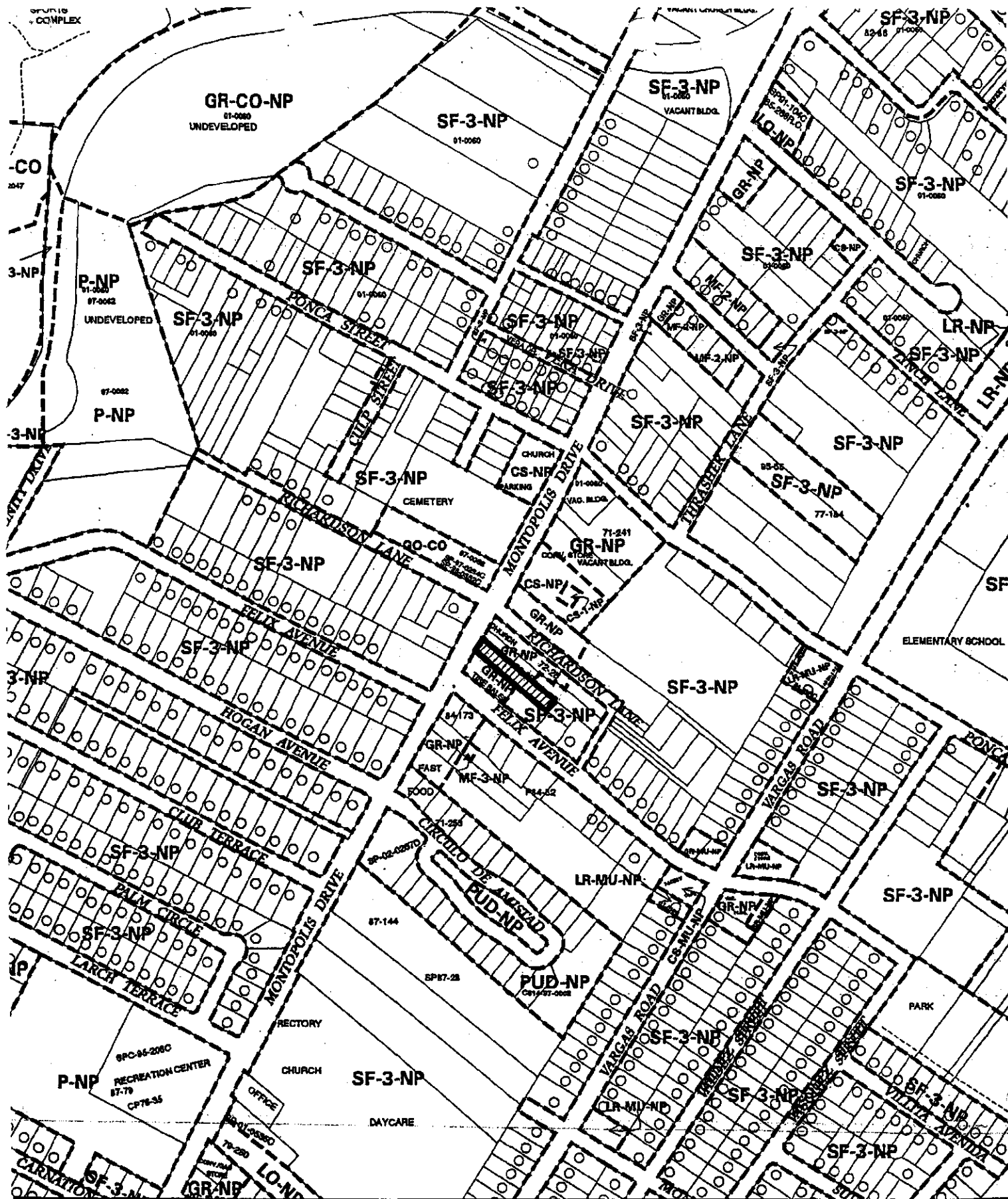
THENCE N 48°16'W for a distance of 165.87 feet to the PLACE OF BEGINNING, and containing 0.313 acre of land, more or less.





AS SURVEYED BY:  
DOUGLAS A. SEELIG LAND SURVEYORS, P.C.

  
DOUGLAS A. SEELIG  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1908  
3802 MANCHACA ROAD  
AUSTIN, TEXAS 78704  
July 29, 2003

Work Order No. 20822





 1" = 400'	SUBJECT TRACT  PENDING CASE  ZONING BOUNDARY  CASE MGR: A.BEAUDET	ZONING EXHIBIT B CASE #: C14-03-0117 ADDRESS: 805 MONTOPOLIS DR. SUBJECT AREA (acres): 0.313		DATE: 03-08 INTLS: TRC	CITY GRID REFERENCE NUMBER L19
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