

4-22-04
Z-1

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: Montopolis **CASE#:** NPA-03-0005.03

ADDRESS: 900 Bastrop Hwy/7300-7320 Riverside Dr. (Tract 3)

APPLICANT/OWNER: Steiner & Son, Ltd. (Robert Steiner)

AGENT: Minter, Joseph & Thornhill, P.C. (John Joseph Jr.) **PHONE:** 512-478-1075

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Commercial **To:** Single Family Residential

Base District Zoning Change (Refer to table)

From: CS-CO-NP **To:** SF-4A
Related Zoning Case #: C14-03-0154.SH

Case Details

(This plan amendment application has been accepted out of cycle since the project does meet the plan amendment exemption criteria for a hardship case. The letter from the director of the Neighborhood Planning & Zoning Dept. outlining the rationale behind supporting this case as a hardship is included with the backup.)

The Montopolis Neighborhood Plan was adopted on September 27, 2001. The boundaries of the Planning Area are US Hwy 183 to the north and east, Ben White to the south, and Grove Blvd. and Montopolis Dr. to the west.

The property in question (a.k.a. Tract 3) is surrounded by undeveloped land to the east, west and south and is bordered on the north by an existing industrial use with industrial zoning. This property was adopted with a commercial land use category on the future land use map and the surrounding properties have either a residential, commercial or industrial designation. This property is located within the AO-3 airport overlay zone, which was created in 2001 when the aviation ordinance was adopted. This means that residential uses are prohibited unless a property meets one of the exemption criteria stipulated in the ordinance. Technically, properties within the Montopolis Neighborhood Planning Area are exempt from the aviation ordinance. As the neighborhood plan was being taken forward for adoption around the same time as the aviation ordinance, it was determined that the Montopolis plan would not be subject to it, and that Council would have the discretion to adopt future land uses and zoning districts for properties within the overlay zone. As stated earlier, this particular property was adopted by Council with a future land use designation of commercial.

Applicant Request

The applicant's proposal is to change the land use category on the future land use map for Tract 3 from commercial to single-family residential. The plan amendment has been requested to accommodate a single-family housing development on this property and the large tract of land to the south.

Public Meeting & Community Input

A meeting was organized by NPZD inviting the Montopolis Neighborhood Planning Team members, neighborhood association leaders, and property owners within 300 feet of this tract to conduct a presentation from the applicant regarding the proposed plan amendment and rezoning. The goal of this meeting was to present the applicant's request and to identify the Planning Team's position regarding the proposal. It was held on December 18, 2003 at the Montopolis Recreation Center. As of this date, the only responses staff has received have been to deny the request for a plan amendment to residential on Tract 3. The Neighborhood Plan is very supportive of adding more single-family housing to the Montopolis area and the community expressed as much during and after this meeting. Residents strongly support the SMART Housing project being proposed for the remainder of the property. However, with respect to Tract 3, residents raised quality of life concerns about locating homes within an area so close to the airport and the proximity of this tract to the industrial property to the north.

STAFF RECOMMENDATION:

Staff does not recommend the proposed amendment to a residential category for Tract 3 for two main reasons:

- One, even though the Montopolis Neighborhood Plan does encourage the development of single-family housing within the planning area, it does not recommend any type of residential uses within Tract 3 due to the fact that it lies within the airport overlay zone. Planning staff agrees that due to the proximity of the property to the airport, and statements from Aviation staff regarding the projected increase in airport operations, residential development within the AO-3 zone is not advisable. A memorandum of understanding (refer to related zoning case #C14-03-0154 backup) was signed between the Aviation Dept., Neighborhood Planning & Zoning Dept., and the Neighborhood Housing and Community Development Dept. stating that residential development within the AO-3 overlay zone is not supported.
- Second, Tract three abuts a large tract of land to the north that is currently used for the manufacturing of modular homes. The future land use map shows it as suitable for industrial uses now and in the long-range future. It is a departmental policy to not support adjacent incompatible land uses unless efforts are made to mitigate potential adverse impacts between the uses. The information thus far provided by the applicant does not indicate that that has been done.

PLANNING COMMISSION RECOMMENDATION:

December 23, 2003 – Postponed per staff request

January 13, 2004 – Postponed per applicant request.

January 27, 2004 – Postponed per applicant request.

February 24, 2004 – Public hearing closed. Decision deferred to March 23, 2004

March 23, 2004 – Postponed to April 13, 2004 per applicant request

April 13, 2004 – Planning Commission recommended to support staff recommendation in denial of the proposed plan amendment (6-2-1)

NEIGHBORHOOD ORGANIZATIONS:

Southeast Corner Alliance of Neighborhoods (SCAN)

Southeast Austin Neighborhood Alliance

Penick Place Neighborhood Assn.

Crossing Gardenhome Owners Assn.
 Terrell Lane Interceptor Assn.
 Barton Springs/ Edwards Aquifer Conservation Dist.
 El Concilio, Coalition of Mexican American Neigh. Assn.
 Austin Neighborhoods Council
 River Bluff Neighborhood Assoc.
 Onion Creek Homeowners Assoc.
 Montopolis Area Neighborhood Alliance
 Riverside Farms Road Neighborhood Assn.
 PODER People Organized in Defense of Earth & Her Resources

CASE HISTORIES (Zoning and/or Neighborhood Plan Amendments):

NUMBER	ITEM/REQUEST	CITY COUNCIL
C14-01-0010	From SF-2-NP and SF-3-NP to CS-CO-NP	Approved 1-30-2003
NP-01-0005	Montopolis Neighborhood Plan	Approved 9-27-01
C14-01-0060	Montopolis Neighborhood Plan Combining District Rezoning	Approved 9-27-01

CITY COUNCIL DATE: April 22, 2004

ACTION:

CASE MANAGER: Sonya Lopez (plan amendment)
 Annick Beaudet (zoning case)

PHONE: 974-7694
 974-2975

EMAIL: sonya.lopez@ci.austin.tx.us
annick.beaudet@ci.austin.tx.us