

**Zoning Ordinance Approval**  
**CITY OF AUSTIN**  
**RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 65**  
**AGENDA DATE: Thu 11/17/2005**  
**PAGE: 1 of 1**

**SUBJECT:** C14-05-0095 - Alcance de Restauracion - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1007 Montopolis Drive (Carson Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning. First reading approved on October 20, 2005. Vote: 7-0. Applicant: Alcance de Restauracion. Agent: Oscar Gonzales. City Staff: Robert Heil, 974-2330.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-05-0095

REQUEST:

Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1007 Montopolis Drive (Carson Creek Watershed from family residence-neighborhood plan (SF-3-NP) combining district to limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district.

DEPARTMENT COMMENTS:

Allows the expansion of an existing church.

Related to NP amendment NPA-05-0005.01, changing the future land use map from single family to civic.

APPLICANT/AGENT: Oscar Gonzales

OWNER: Alcance de Restauracion

DATE OF FIRST READING: 10/20/05 Approved LO-CO-NP on first reading on consent

CITY COUNCIL HEARING DATE: November 17, 2005.

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Robert Heil, e-mail: robert.heil@ci.austin.tx.us

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

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED IN THE MONTOPOLIS NEIGHBORHOOD PLAN AREA  
3 AT 1007 MONTOPOLIS DRIVE FROM FAMILY RESIDENCE-  
4 NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO LIMITED  
5 OFFICE-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN  
6 (LO-MU-CO-NP) COMBINING DISTRICT.

7  
8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

9  
10 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
11 change the base district from family residence-neighborhood plan (SF-3-NP) combining  
12 district to limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-  
13 NP) combining district on the property described in Zoning Case No. C14-05-0095, on file  
14 at the Neighborhood Planning and Zoning Department, as follows:

15  
16 A 4.7992 acres tract of land, more or less, out of the Santiago del Valle Grant,  
17 Travis County, the tract of land being more particularly described by metes and  
18 bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

19  
20 locally known as 1007 Montopolis Drive, in the City of Austin, Travis County, Texas, and  
21 generally identified on the map attached as Exhibit "B".

22  
23 **PART 2.** Except as specifically provided in Part 3 and Part 4, the Property may be  
24 developed and used in accordance with the regulations established for the neighborhood  
25 limited office (LO) base district and other applicable requirements of the City Code.

26  
27 **PART 3.** The Property within the boundaries of the conditional overlay combining district  
28 established by this ordinance is subject to the following conditions:

29  
30 1. The following uses are prohibited uses of the Property:

31  
32 Communications services

33 Professional office

34 Software development

35 Medical offices (exceeding 5000 sq. ft. of gross floor area)

36 Medical offices (not exceeding 5000 sq. ft. of gross floor area)

37

1 2. A site plan or building permit for the Property may not be approved, released, or  
2 issued, if the completed development or uses of the Property, considered cumulatively  
3 with all existing or previously authorized development and uses, generate traffic that  
4 exceeds 2,000 trips per day.  
5

6 **PART 4.** The Property is subject to Ordinance No. 010927-28 that established the  
7 Montopolis neighborhood plan combining district.  
8

9 **PART 5.** This ordinance takes effect on \_\_\_\_\_, 2005.  
10

11 **PASSED AND APPROVED**  
12

13 \_\_\_\_\_, 2005  
14

15 §  
16 §  
17 §  
18 Will Wynn  
19 Mayor  
20

21 **APPROVED:**  
22

23 David Allan Smith  
24 City Attorney

**ATTEST:**

Shirley A. Brown  
City Clerk

**CRICHTON AND ASSOCIATES, INC.**  
**LAND SURVEYORS**  
**107 NORTH LAMPASAS**  
**ROUND ROCK, TEXAS**  
**512-244-3395**

**FIELD NOTES**

**FIELD NOTES FOR 4.7992 ACRES OF LAND OUT OF THE  
SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY,  
TEXAS AND BEING TWO TRACTS CONVEYED TO  
ALCANCE DE RESTAURACION, INC., TRACT ONE BEING A  
1.911 ACRE TRACT CONVEYED IN DOCUMENT NO.  
2001251963 AND TRACT TWO BEING A 2.888 ACRE TRACT  
CONVEYED IN DOCUMENT NO. 2003007173, OFFICIAL  
PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, AND BEING  
MORE PARTICULARLY DESCRIBED BY METES AND  
BOUNDS AS FOLLOWS:**

**BEGINNING** at an iron pin found on the East R.O.W. of Montopolis Drive, said point being the Northwest corner of a 3.13 acre tract conveyed to Guadalupe and Carlos Fabian, (No Deed Record Found), also being the Southwest corner of said Tract One, and the Southwest corner of this tract and the **POINT OF BEGINNING**.

**THENCE** N 29° 37' 01" E, with the East R.O.W. of Montopolis Drive at about 100 feet pass the West common corner of said Tracts One and Two, continuing along said Tract Two, in all a distance of 251.29 feet to an iron pin found at the Northwest corner of said Tract Two; said point also being the Southwest corner of Mary Vice Estates a subdivision of record in Vol. 101, Pg. 321, Plat Records, Travis County, Texas, for the Northwest corner of this tract.

**THENCE** S 46° 57' 32" E, with the North line of said Tract Two, and the South line of said Mary Vice Estates, 862.83 feet to an iron pin found at the Southeast corner of said Mary Vice Estates; on the West line of Chernosky Subdivision Number 15, a subdivision recorded in Book 5, Page 92, of the Travis County, Texas Plat Records, for the Northeast corner of said Tract Two, and the Northeast corner of this tract.

**THENCE** S 33° 49' 22" W, with the West line of Chernosky Subdivision Number 15 and the East line of this tract at 148.58 feet pass the East common corner of said Tracts Two, and One, in all a distance of 248.87 feet to an iron pin found at the Northeast corner of said Fabian 3.13 acre tract for the Southeast corner of said Tract One and the Southeast corner of this tract.

**THENCE** N 46° 52' 32" W, with the North line of said Fabian 3.13 acre tract, and the South line of said Tract One, 844.36 feet to the **POINT OF BEGINNING** and containing 4.7992 acres of land more or less.

I hereby certify that the foregoing field notes were prepared from a survey on the ground under my supervision and are true and correct to the best of my knowledge and belief.

Witness my hand and seal this 10th day of September, 2002

Herman Crichton, R.P.L.S. 4046

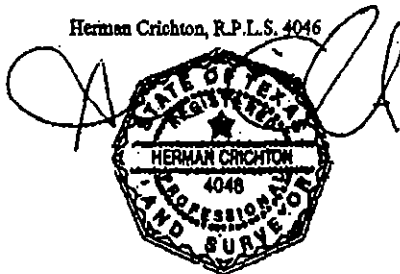
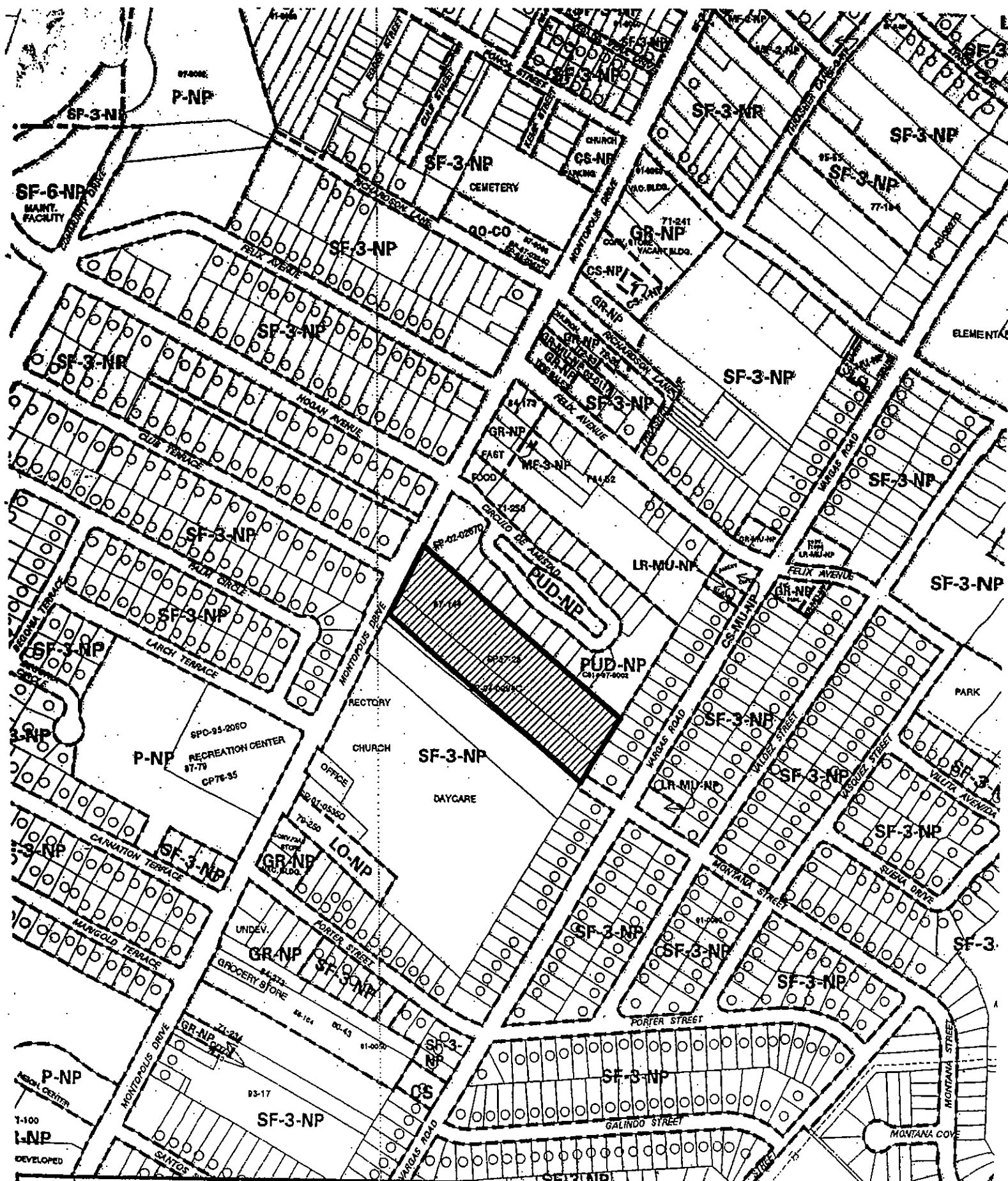



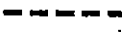


EXHIBIT A



 1" = 400'	SUBJECT TRACT		<b>ZONING EXHIBIT B</b>  CASE #: C14-05-0095 ADDRESS: 1007 MONTOPOLIS DR SUBJECT AREA (acres): 4.799	DATE: 05-06  INTLS: SM	CITY GRID REFERENCE NUMBER  L19
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: R. HEIL				

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-05-0095

**Planning Commission Date:** September 13, 2005

**ADDRESS:** 1007 Montopolis Drive

**OWNER/APPLICANT:** Alacance de Restauracion

**AGENT:** David Weiss

**ZONING FROM:** SF-3-NP

**TO:** LO-CO-NP

**AREA:** 4.799 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends Limited Office-Conditional Overlay-Neighborhood Plan (LO-CO-NP) combining district zoning. The suggested Conditional Overlay would make the following used prohibited:

- Communications Services
- Medical Offices --exceeding 5000 sq. ft. gross floor area
- Medical Offices --not exceeding 5000 sq. ft. gross floor area
- Professional Office
- Software Development

### **PLANNING COMMISSION RECOMMENDATION:**

**September 13, 2005: MOTION: APPROVE BY CONSENT**

**VOTE: 8-0 (JMC-1<sup>ST</sup>, DS-2<sup>ND</sup>; KJ-ARRIVED LATER)**

### **DEPARTMENT COMMENTS:**

There is a site plan that was recently approved for this property (SP-04-0954C) which provides for 31,143 square feet of church uses, along with associated parking and drainage facilities.

Civic uses are permitted uses in the current zoning (SF-3). However, there is a cap on the allowable parking for civic uses in SF-3 or more restrictive districts equal to the minimum allowable parking spots. That is, in residential districts, civic uses must build the minimum required parking, but may build no more.

The applicant has requested a zoning change to allow for the construction of roughly an additional 20 parking spaces for the church. Staff supports the request, provided a conditional overlay limiting the uses is included.

There is an associated neighborhood plan amendment, to change the Montopolis Future Land Use Map from Single Family to Public use.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3 NP	Church (Under Construction)
<i>North</i>	PUD-NP	Single Family Homes
<i>South</i>	SF-3-NP	Church
<i>East</i>	SF-3-NP	Single Family Homes
<i>West</i>	SF-3-NP	Single Family Homes

**AREA STUDY:** Montopolis Neighborhood Planning Area **TIA:** N/A

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

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

**REGISTERED NEIGHBORHOOD ORGANIZATIONS:**

- Southeast Austin Neighborhood Alliance (189)
- Crossing Garden Home Owners Association (299)
- Terrell Lane Interceptor Association (300)
- Barton Springs / Edwards Aquifer Conservation District (428)
- Austin Neighborhoods Council (411)
- Montopolis Area Neighborhood Alliance (634)
- Riverside Farms Road Neighborhood Association (934)
- P.O.D.E.R. (People Organized in Defense of Earth and her Resources (972)

**SCHOOLS: (AISD)**

Allison Elementary School      Martin Middle School      Johnston High School

**ABUTTING STREETS:**

<b>NAME</b>	<b>ROW</b>	<b>PAVEMENT</b>	<b>CLASSIFICATION</b>
Montopolis Drive	75'	40'	Collector

- There are existing sidewalks along Montopolis Drive.
- Montopolis Drive is classified in the Bicycle Plan as a Priority 1 bike route.
- Capital Metro bus service is available along Montopolis Drive.



**CITY COUNCIL DATE:** 11/17/05

**ACTION:**

**ORDINANCE READINGS**

1<sup>st</sup> 10/20/05

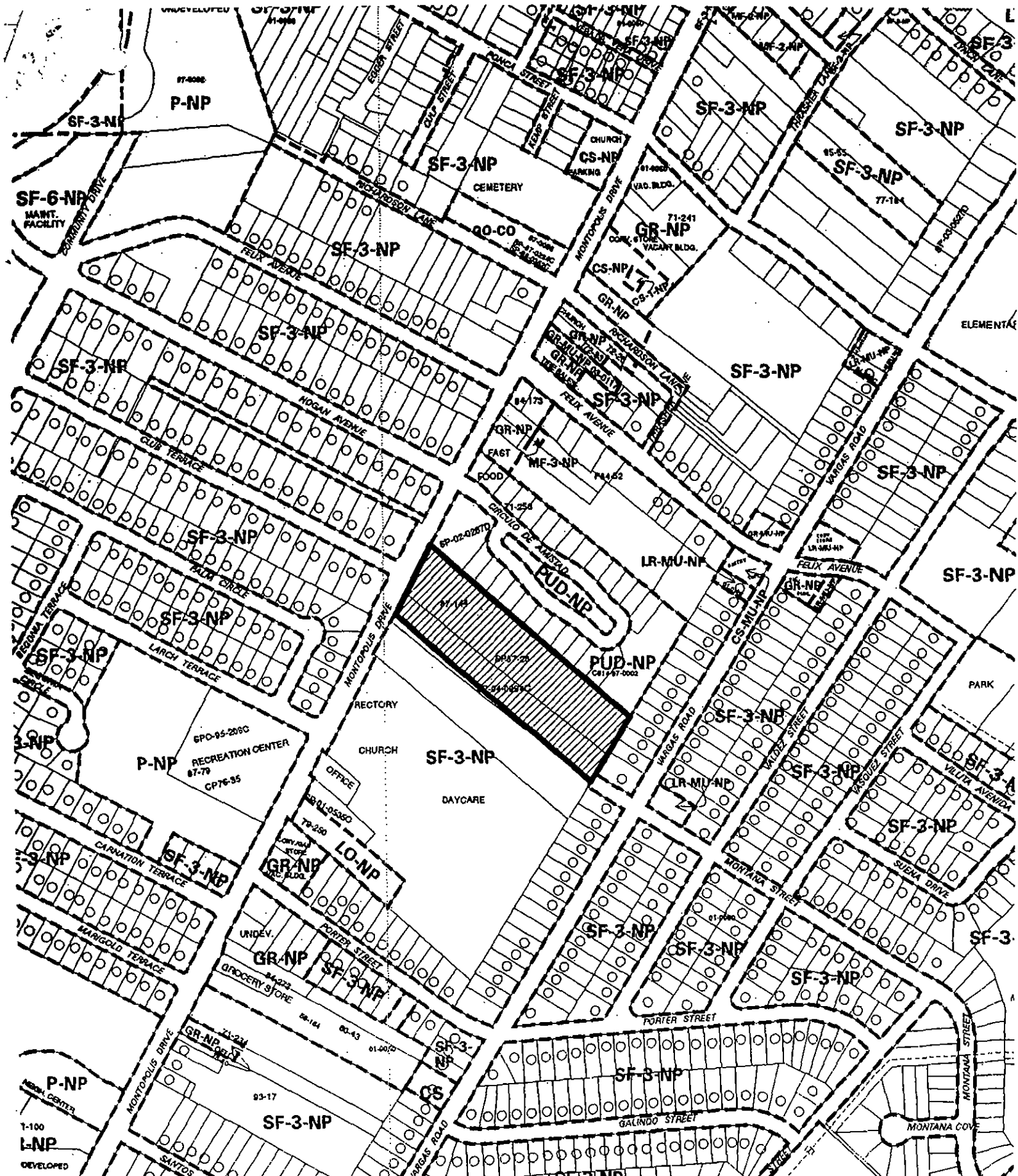
2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

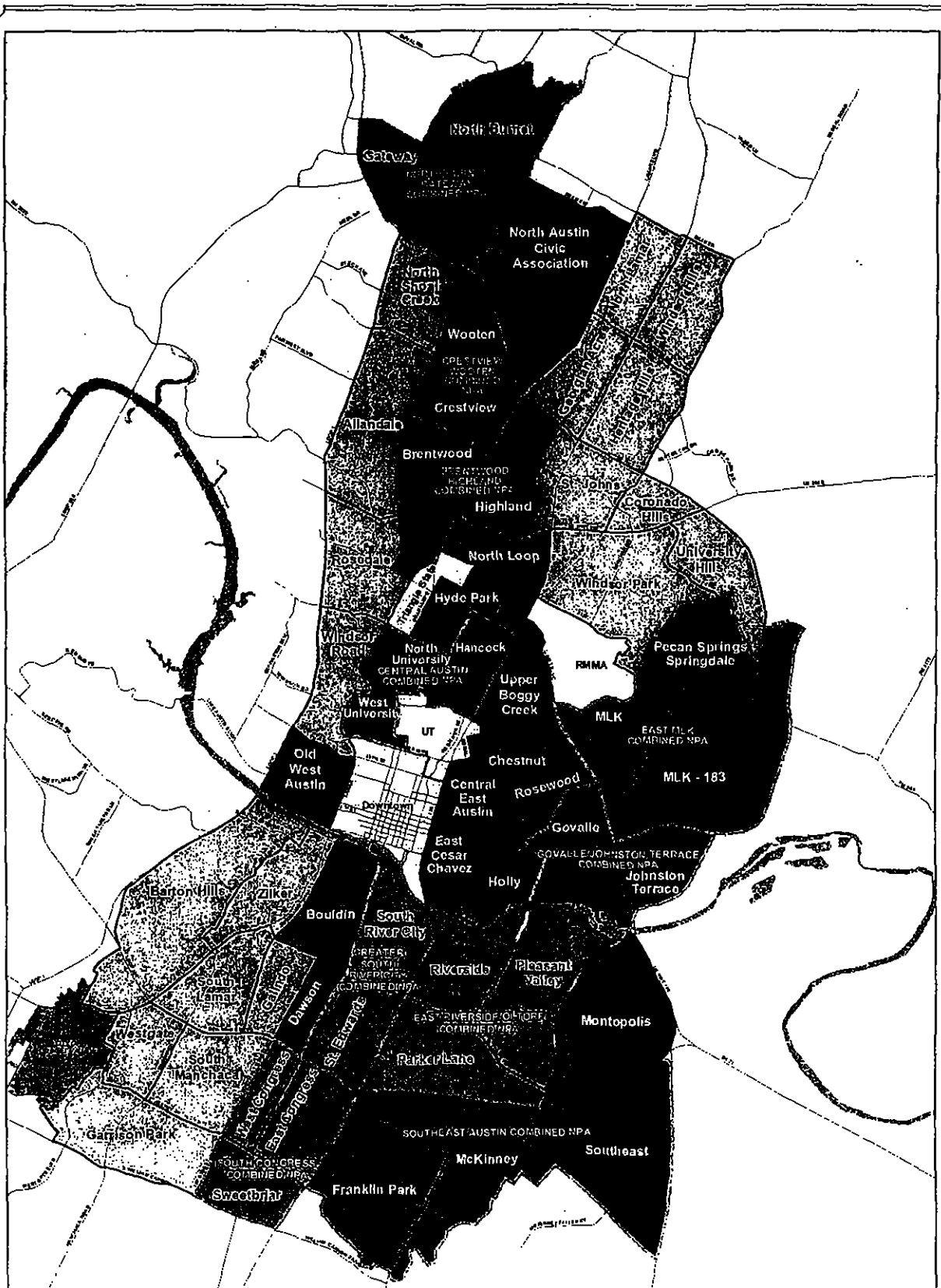
**CASE MANAGER:** Robert Heil  
e-mail address: robert.heil@ci.austin.tx.us

**PHONE:** 974-2330



 1" = 400'	SUBJECT TRACT 	<b>ZONING</b>  CASE #: C14-05-0095 ADDRESS: 1007 MONTOPOLIS DR SUBJECT AREA (acres): 4.799		CITY GRID REFERENCE NUMBER  L19
	PENDING CASE 			
	ZONING BOUNDARY 	DATE: 05-06		
	CASE MGR: R. HEIL	INTLS: SM		





# City of Austin Neighborhood Planning Areas







Produced by City of Austin  
Neighborhood Planning & Zoning Department  
August 19, 2006



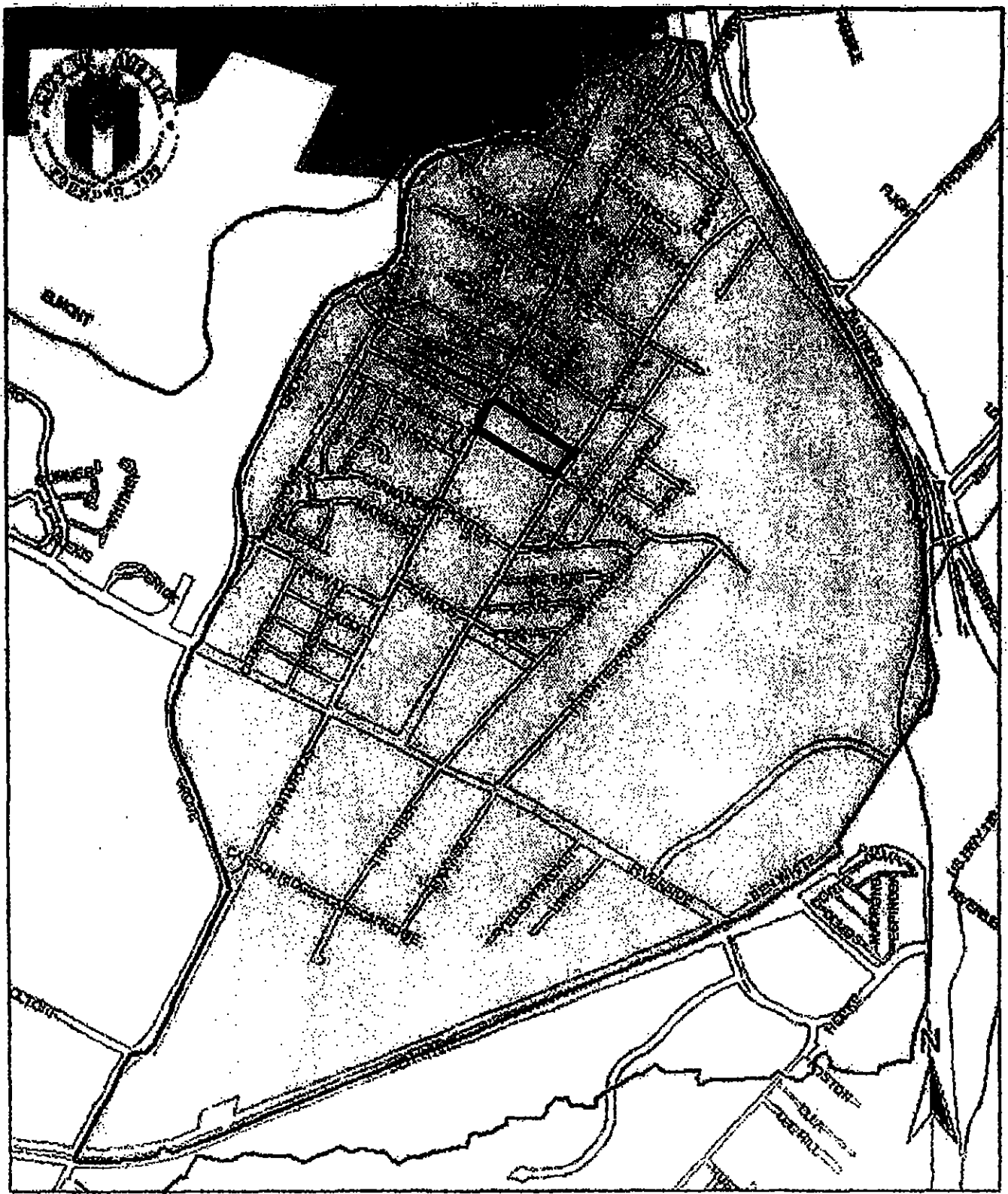
Combined Neighborhood  
Planning Areas

## Neighborhood Plan Status

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

0 5,100 10,200 Feet

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Montopolis Neighborhood Planning Area

 Parks



## **SUMMARY STAFF RECOMMENDATION**

**C14-05-0095**

Staff recommends Limited Office-Conditional Overlay-Neighborhood Plan (LO-CO-NP) combining district zoning. The suggested Conditional Overlay would make the following used prohibited:

- Communications Services
- Medical Offices --exceeding 5000 sq. ft. gross floor area
- Medical Offices --not exceeding 5000 sq. ft. gross floor area
- Professional Office
- Software Development

## **BASIS FOR LAND USE RECOMMENDATION**

- 1. Civic uses are appropriate along Montopolis Drive, and have been historically located there.*
- 2. The conditional overlay will help ensure the intended use of the property is maintained.*

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is located along Montopolis Blvd, in the heart of the Montopolis Neighborhood. It lies just to the south of a single family development built by Habitat for Humanity, and just to the north of Delores Catholic Church. It is a large lot, with out significant constraints, and suitable for the construction of a church.

### **Site Plan**

There is a site plan that was recently approved for this property (SP-04-0954C) which provides for 31,143 square feet of church uses, along with associated parking and drainage facilities.

The site is subject to compatibility standards. Along the north, south, east and west property line, 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.

- 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 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 Joe Medici, Noise Abatement Officer at (512) 530-6652.

### **Transportation**

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

The trip generation under the requested zoning is estimated to be 5,770 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 and neighborhood traffic 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 300 vehicle trips per day. [LDC, 25-6-117] The proposed use as a 30,000sf church will generate approximately 273 trips per day.

There are existing sidewalks along Montopolis Drive.

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

Capital Metro bus service is available along Montopolis Drive.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
Montopolis Drive	75'	40'	Collector

### **Water and Wastewater**

The site is currently served with City of Austin 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, at own expense, will be responsible for providing. Also, 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 design

criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated City 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 and Country Watersheds of the Colorado River Basin, which are 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.

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.