

ZONING CHANGE REVIEW SHEET

CS
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CASE: C14-2011- 0043 – 753 Montopolis

P.C. DATE: June 14, 2011

ADDRESS: 753 Montopolis Drive

OWNER/APPLICANT: Babubhai Mohammad

AGENT: Rafiq B. Mohammad

ZONING FROM: CS-NP and CS-1-NP

TO: CS-1-NP and CS-NP

AREA: 0.041 acres (1,792 ft²)

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of CS-1-NP (General Commercial Services – Liquor Sales – Neighborhood Plan) and CS-NP (General Commercial Services-Neighborhood Plan) district zoning.

DEPARTMENT COMMENTS: This property is currently developed with two commercial businesses; a liquor sales establishment and a convenience store/salon. The building currently utilized for the liquor sales does not have the correct zoning for the use. The applicant seeks to exchange the zoning of the two similarly sized buildings to come into compliance with city and state guidelines regulating liquor stores.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-NP, CS-1-NP	Liquor sales, convenience store, salon
<i>North</i>	GR-NP	Undeveloped, Auto sales
<i>South</i>	GR-NP	Undeveloped, Church
<i>East</i>	SF-3-NP	Undeveloped, Single Family
<i>West</i>	GO-CO-NP	Church, Single Family

NEIGHBORHOOD PLAN: Montopolis Neighborhood Plan

TIA: Waived

WATERSHED: Carson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

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NEIGHBORHOOD ORGANIZATIONS:

- Vargas Neighborhood Association
- El Concilio coalition of Mexican American Neighborhood Associations
- Montopolis Neighborhood Association
- Montopolis Area Neighborhood Alliance
- Southeast Austin Neighborhood Alliance
- Riverside Meadows Homeowners Association
- Crossing Garden Homeowners Association

CASE HISTORIES

NUMBER	REQUEST	COMMISSION	COUNCIL
CI4-01-0060	Montopolis Neighborhood Plan	Approved (7-2); 8/7/2001	Approved (6-1); 9/27/2001

BASIS FOR RECOMMENDATION

1. Zoning should allow for reasonable use of the property.

The existing zoning categories on the property will remain unchanged and allow the current uses to continue operating under compliance with regulatory requirements.

2. No change in conditions has occurred within the area indicating that there is a basis for changing the originally established zoning and/ or development restrictions for the property.

The existing zoning and uses are not requested to change and will continue operation under existing standards.

EXISTING CONDITIONS

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Country Club East 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%

08/3

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.

No trees are located on this property. 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.

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.

Water and Wastewater

If 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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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.

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.

Transportation:

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
Montopolis Drive	70'	40'	Collector	Not Available

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

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].

CR/H

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There are existing sidewalks along Montopolis Drive.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows:

Street Name	Existing Bicycle Facilities	Recommended Bicycle Facilities
Montopolis Drive	Shared Lane	Bike Lane

Capital Metro bus service (route no. 350) is/are available along Montopolis Drive.

CITY COUNCIL DATE: June 23, 2011

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:





CASE MANAGER: Stephen Rye

PHONE: 974-7604
stephen.rye@ci.austin.tx.us

08/15



ZONING

-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING CASE#: C14-2011-0043
 LOCATION: 753 MONTOPOLIS DR
 SUBJECT AREA: 0.41 ACRES
 GRID: L19
 MANAGER: STEPHEN RYE

*STEW B
 FARRON
 5-5-11*



1" = 200'

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.



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PROPOSED
**ZONING
 CHANGE**
 PUBLIC HEARING
 FOR FURTHER INFORMATION
 CONTACT:
 PLANNING & DEVELOPMENT
 REVIEW DEPARTMENT
 ZONING REVIEW SECTION
 974-7668
 Please reference file number...
C14-2011-0043
 City of Austin
 DO NOT REMOVE

51512011



08/8



5/5/2011

Rye, StephenC8
/9

From: Gibbs, Carol
Sent: Monday, May 09, 2011 3:42 PM
To: Rye, Stephen
Subject: FW: C14-2011-0043 753 Montopolis Drive

Stephen,

I see Del mistyped your email address... so in case he didn't re-send it, here it is...

Carol Gibbs / Neighborhood Advisor / Neighborhood Assistance Center
 City of Austin Planning & Development Review Dept.
 505 Barton Springs Rd., Rm. 530 Austin, TX 78704
 Phone: 512-974-7219 Fax: 512-974-2269
www.ci.austin.tx.us/neighborhood
Carol.Gibbs@ci.austin.tx.us

Please note: E-mail correspondence to and from the City of Austin is subject to requests for required disclosure under the Public Information Act

From: DElwingoss@aol.com [REDACTED]
Sent: Monday, May 09, 2011 3:37 PM
To: Setephen.Rye@ci.austin.tx.us
Cc: JAdams8384@aol.com; Gibbs, Carol
Subject: C14-2011-0043 753 Montopolis Drive

I am contacting you to register my opposition to this proposed zoning change to permit the sale of liquor from this location. Just looking at the small map provided, the back of that liquor store will be right across the street from a Church. There are three churches adjacent to this location.

The St Edwards Baptist Church at the S.E. Corner of Ponca and Montopolis, another church at the south east corner of Richardson and Montopolis directly behind the proposed location for liquor store and another church at the north east corner of Richardson and Montopolis.

The largest empty tract of land east of this location has been purchased by Austin Habitat for Humanity and in the near future will be built out with homes for lower income families. This proposed zoning change would allow a liquor store right in the middle of three churches and in the heart of this neighborhood

I realize the Planning and Zoning Department doesn't concern itself with the crime in our neighborhood but as a Montopolis resident, I do. I look at the crime reported over a 48 hour period and most of it is drug and alcohol related, family violence, assault, aggravated assault, burglary of a vehicle, burglary of a residence, theft, DWI, robbery by assault, etcetera. While I understand that liquor is legal and a personal choice, I think the positioning of a liquor store is better suited along the East Riverside Corridor, Hwy 71 and/or Hwy 183 and not in the heart of what is a residential district.

Respectfully,

Delwin Goss
 6410 Ponca Street
 Austin, Texas 78741
 [REDACTED]

512-389-2133 H
 512-507-7615 C

"The world is moved along not only by the mighty shoves of its heroes, but also by the aggregate of the tiny pushes of each honest worker." - Helen Keller 1880-1968,

5/9/2011

Rye, StephenC8
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From: Gregory McDaniel [REDACTED]
Sent: Friday, May 06, 2011 11:37 AM
To: Rye, Stephen
Subject: Ref Case # C14-2011-0043
Attachments: Why I do not want the liquor store.png

Mr Rye.

I live on the corner of Ponca St and Thrasher Lane. There is a small open field between my home and the proposed liquor store that Mr Mohammad wants to open. There is a well worn path from the side walk in front of my home that leads directly to the area where he wants to sell liquor. (see the attachment) I already have a problem with the cans and bottles that are being discarded onto my side walk and thrown over my fence from persons that walk to the convenience store, purchase items, walk out of the store, open and consume the product as they walk back into the neighborhood and then throw the empty containers down onto the ground. People driving to the store often cut through the open field driving recklessly goint to the store, with their boom boom musci blasting and disrupting our neighborhood. Allowing liquor to be sold here will only add more traffic and problems.

My two teen age boys play foot ball and throw frizbies in our yard with their cousin and when the balls or disk go over the fence they have to go and get them. I have on 2 occasions in the last month found syringes with needles attached discarded onto the cities right of way between the street and my fence on the corner of Ponca St. Thrasher Lane. I have had to clean broken glass from the bottles that were smashed on the curb. I don't not want these items around us, and feel like allowing a liquor stor to open in this location will only add to my cleaning problems.

I am attaching a Ariel picture from google maps to show where my home is, and where the store it proposed to be located. PLEASE do not add to my problems by allowing a liquor store to open right in my front yard.

The file was modified with microsoft paint, so it should open with out a problem

Sincerely,

Greg McDaniel
617 Thrasher Lane
Austin, TX
78741
512-618-2349

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Greg McDaniel
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Greg McDaniel

5/9/2011

CS-1 ^{operating} out of zoning, or

w/in 1000' of church?

why not tagged?

CS
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