### ZONING CHANGE REVIEW SHEET

CASE:	C14-2013-0141 Montopolis Rec	•	r Tank	PC DATE	: <u>.</u> January 14, 2014	
ADDRESS:	2801 Montopol	lis Drive		<b>AREA:</b> 2.	005 acres	
NEIGHBORHOOD PLAN AREA: Montopolis						
OWNER:	City of Austin/A	ustin Water I	Utility			
AGENT:	Austin Water Utility (Dan Pedersen, P.E.)					
ZONING REC		FROM:	LI-NP	<u>TO:</u>	P-NP	

### SUMMARY STAFF RECOMMENDATION:

To grant P-NP zoning, contingent on approval of the associated Neighborhood Plan Amendment

### PLANNING COMMISSION ACTION:

January 14, 2014 Recommend Public – Neighborhood Plan (P-NP) combining district zoning as recommended by staff (Consent Motion: J. Stevens; Seconded: A. Hernandez; 8-0; Absent: R. Hatfield).

#### **DEPARTMENT COMMENTS:**

This approximate 2-acre tract is located between East Ben White Boulevard and Montopolis Drive, in the middle of 55-plus acres zoned limited industrial service (see Exhibits A). The subject tract, and its immediately surrounding properties, are undeveloped or – for those along Ben White, have recently been vacated.

The property is outside the boundaries of the East Riverside Corridor Regulating Plan, but is within the limits of the Montopolis Neighborhood Plan. Because that Plan's Future Land Use Map designates this area as Industry, a Neighborhood Plan Amendment (NPA) is required. That application (NPA-2013-0005.02) is to be considered concurrently with this zoning application. The subject tract is beyond the limits of the Scenic Roadway Corridor Overlay, associated with Ben White Boulevard frontage, and is beyond the limits of the Airport Overlay Zone.

The request for the NPA and rezoning is driven by the desire to develop the site with a reclaimed water tank and associated pump station. As part of the growing reclaimed water program, the Austin Water Utility would use this site to serve neighboring properties and the Roy G. Guerrero Colorado River Park.

Although a site plan has not been submitted, it is anticipated that the site would include two primary facilities: a tank and pump station. The reclaimed water would be stored in a ground-level tank, approximately 40 feet in height with a diameter of about 130 feet. The pump station would be housed in an adjacent building about 70 feet in length by 65 feet in width. Because the site is more than one acre in size, approval of a conditional use site plan is required. Access to this land-locked site would be by means of an easement to Montopolis.

	ZONING	LAND USES
Site	LI-NP	Undeveloped
West	LI-NP	Undeveloped; Light Manufacturing; Vacant (formerly VA); Restaurant & Service Station
East	LI-NP; CS- MU-NP	Undeveloped/Vacant (formerly home sales)
South	LI-NP	Undeveloped/Vacant (formerly home sales); Ben White Blvd
North	LI-NP; CS-NP	Undeveloped; Single-Family Residential

### <u>TIA:</u> Not required <u>DESIRED DEVELOPMENT ZONE:</u> Yes <u>CAPITOL VIEW CORRIDOR</u>: No

WATERSHED: Carson Creek

### SCENIC ROADWAY: No

### **NEIGHBORHOOD ASSOCIATIONS & COMMUNITY ORGANIZATIONS:**

COMMUNITY REGISTRY NAME	<b>REGISTRY ID</b>
Crossing Garden Home Owners Association	299
Austin Neighborhoods Council	511
Montopolis Area Neighborhood Alliance	634
Del Valle Independent School District	774
PODER	972
Homeless Neighborhood Organization	1037
Bike Austin	1075
Carson Ridge Neighborhood Association	1145
Super Duper Neighborhood Objectors and Appealers Organization	1200
Austin Monorail Project	1224
Montopolis Neighborhood Plan Contact Team	1227
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Pleasant Valley	1255
Del Valle Community Coalition	1258
Montopolis Tributary Trail Association	1321
Montopolis Neighborhood Association	1339
Austin Heritage Tree Foundation	1340
Montopolis Community Alliance	1357
SEL Texas	1363
Montopolis Neighborhood Association – El Concilio	1394
Go! Austin/Vamos! Austin	1408
Preservation Austin	1424

### SCHOOLS:

Del Valle Independent Schoo	ol District:	
Smith Elementary	John P. Ojeda Middle School	Del Valle High School

### CASE HISTORIES:

This tract was part of a 1,413-acre tract annexed into Austin's full-purpose jurisdiction in 1976 (C7A-76-005). At the time, the majority of the property was industrial in nature, primarily large tracts comprising the Missouri Pacific Industrial Park. Single-family properties to the north, along Montopolis, Thrasher and Maxwell were within full-purpose limits by 1951. There may have been some delay in annexing this larger industrial area because it was, at that time, within the "high noise contour" of the Bergstrom Air Force Base. Per Council minutes, City and base officials had discussed land use controls, and recommended that most of the land use should not be residential in nature.

In addition to individual rezonings listed below, the Montopolis Neighborhood Plan (C14-01-0060), adopted September 2001, and appended existing zoning districts with the NP designation. Properties on the west side of Montopolis Drive are covered with the Pleasant Valley Neighborhood Plan, adopted in November 2006 (C14-05-0113).

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL		
North and West of Site (north to south)					
East of Montopolis	1				
6300-6503 Carson Ridge C14-85-287	SF-3 to CS	Dismissed; 11/17/1987	Dismissed; 12/3/1987		
6503 Carson Ridge C14-2009-0092	CS-NP to GR- MU-CO-NP	Recommended; 10/13/2009	Approved; 01/28/2010 (CO limits to 1500 vtd)		
2800 Block Montopolis C14-00-2046	LI to MF-2	Recommended; 05/09/2000	Approved MF-2 on 1 <sup>st</sup> Reading; Expired		
2713-2517 Montopolis (approx 40 acres) C14-78-220	Interim "A" 1 <sup>st</sup> H&A to "DL" Light Industrial 1 <sup>st</sup> H&A		Approved; 04/05/1979		
2801 Montopolis C14-85-117	Interim SF-2 to LI, as amended	Denied CS;07/02/1985; Recommended LI w/conditions; 08/06/1985	Approved; 02/27/1986 (RC limits certain uses; lists site dev. standards)		
West of Montopolis					
Systems Control Center (COA) 2500 Montopolis C14-2009-0018	LI-NP to P-CO- NP	Recommended P-CO- NP; 09/22/2009	Approved P-CO-NP; 10/15/2009 (CO limits certain uses)		
2700 Montopolis (approx. 100 acres) C14-78-010	Interim "A" 1 <sup>st</sup> H&A to "D" Industrial 1 <sup>st</sup> and 3 <sup>rd</sup> H&A	Recommended	Approved; 03/02/1978		
2706 Montopolis (COA Substation) C14-90-0041	"MI" Major Industry to P	Recommended; 09/11/1990	Approved; 10/04/1990		
3000 Montopolis C14-05-0111.06	SF-2 to CS	Recommended; 01/10/2006	Approved; 01/26/2006		

3004 Montopolis C14-00-2265	SF-2 to CS	Recommended GR- CO; 01/23/2001	Approved GR-CO; 03/01/2001(CO limits vtd to less than 2000)
East of Site			
7016 E Ben White (approx. 30 acres) C14-2011-0169	LI-NP & CS-NP to CS-MU-NP	Recommended; 02/28/2012	Approved; 04/16/2012 (also terminated a 1979 RC that required a PDA for industrial use and limited uses to sales or lease of mobile & modular homes & GR uses)

As might be determined from the above, there has been relatively little rezoning in the immediate area. The immediate area is zoned LI (limited industrial service) or MI (major industry). There is some commercial zoning at the intersection of Montopolis and Ben White, and further north on Montopolis and east on Ben White. But with the exception of the Montopolis/Ben White intersection, the larger GR-MU, CS, and CS-MU tracts remain undeveloped.

### ABUTTING STREETS & TRANSIT:

Street Name	ROW Width	Pavement Width	Classification	Bicycle Plan	Capital Metro	Sidewalks
Montopolis Drive	Varies	MAD 4	Arterial	Yes	Yes	Yes

Scheduled for February 13, 2014

CITY COUNCIL DATE: CITY COUNCIL ACTION: ORDINANCE READINGS: ORDINANCE NUMBER: CASE MANAGER:

Lee Heckman / 512-974-7604 / e-mail lee.heckman@austintexas.gov

### STAFF RECOMMENDATION

### SUMMARY STAFF RECOMMENDATION

To grant public-neighborhood plan (P-NP) combining district zoning.

### BACKGROUND

The tract is currently zoned limited industrial service – neighborhood plant (LI-NP). LI district is the designation for a commercial service use or limited manufacturing use generally located on a moderately-sized site, and is one of four industrial base districts.

The proposed zoning is public-neighborhood plan (P-NP). P is considered a special purpose base district, and is the designation for a governmental, civic, public service, or public institution use. A P district designation may be applied to a use located on property used or reserved for a civic or public institutional purpose or for a major public facility, regardless of ownership of the land on which the use is located. A P district designation may not be applied to government-owned property that is leased to a nongovernmental agency for a use other than a governmental service or for a use that supports a primary civic or public institutional use.

The NP combining district designation denotes a tract located within the boundaries of an adopted Neighborhood Plan, in this case, Montopolis.

### BASIS FOR RECOMMENDATION

# Zoning should be consistent with an adopted study, the Future Land Use Map (FLUM) or an adopted neighborhood plan.

A Neighborhood Plan Amendment (NPA) application accompanies this rezoning request (NPA-2013-0005.02). Staff and the Neighborhood Plan Contact Team recommend approval of the Future Land Use Map change from Industry to Civic. The staff recommendation to rezone the property to P-NP is contingent on the Planning Commission recommending, and City Council approving, the NPA.

#### Zoning should promote the goal of environmental protection; and

### The rezoning should be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission.

Water supply and quality will be two of the most critical issues facing Austin as it adds population, according to the Imagine Austin Comprehensive Plan (IACP). The City's top water conservation priorities, per the IACP, include water restrictions, reclaimed water use, utility water rate structuring, and reducing water losses. Reclaimed water use saves 4 million gallons a day. In a typical year, the City currently treats and reuses 3% of its wastewater; that's almost 1.5 billion reclaimed gallons a year. Clearly, managing how water it is used, conserved, and reused, is a top policy concern of the Commission and Council.

Austin Water Utility's Water Reclamation Initiative provides non-potable water, which protects the drinking water supply, recycles water, and can save money. Efforts to expand the water reclamation network rely on the construction of additional facilities, such as the proposed tank and pump station on the subject tract. This specific tract was chosen both for the Utility's technical needs, as well as the neighborhood's preferences. Staff from the

Austin Water Utility (AWU) have consulted with the Montopolis Neighborhood Plan Contact Team (MNPCT) for a few years and this location was selected.

# Zoning should satisfy a public need and not constitute a grant of special privilege to an individual owner; and

# Granting of the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city.

Reclaimed water satisfies a public need; any reclaimed water that can be used for irrigation or other purposes is less water that must be drawn from our drinking water supply.

The subject tract is surrounded by industrial-zoned property, some of it used, some undeveloped. This location was selected after discussing with the MNPCT and other stakeholders. Given this consultation with local stakeholders, staff thinks locating a tank and pump station at this location is acceptable to those who live or work within the immediate area. While some may think a tank is undesirable, it is being located away from existing residential uses and does not remove developable space from Ben White or Montopolis – both arterials that will likely see development and redevelopment in the future. Even so, the tank is anticipated to be only 40 tall; it will not loom over existing residents or employees. Moreover, there is no need for a concern about precedent in the neighborhood; this facility will support the use of reclaimed water in the Montopolis area, including the Roy. G. Guerrero Colorado River Park and neighboring properties. Another water tank is not anticipated in this area.

### The proposed zoning should be consistent with the purpose statement of the district sought.

The use of the site for a water reclamation tank and pump station is clearly a public endeavor; the property is owned by the City and the facilities constructed thereon will be operated and maintained by the Austin Water Utility. Obviously, the proposed use of the site is consistent with the purposes of the public zoning district.

### **EXISTING CONDITIONS & REVIEW COMMENTS**

### Site Characteristics

This is an undeveloped tract in the middle of an industrially-zoned district. The site is heavily treed; however, a preliminary engineering report determined that these are mostly cedars, and there are no heritage or protected trees on the site. The site is relatively flat; sloping from north to south, the change in elevation is approximately 20 feet over a 400 feet long run. There are no known topographic or environmental constraints to development of the site. Similarly, the location is beyond the limits of the Scenic Roadway Corridor Overlay, associated with Ben White Boulevard frontage, and is beyond the limits of the Airport Overlay Zone.

### Environmental Review

November 14, 2013 (MM)

- The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Carson 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. 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:

Development Classification	% of Gross Site Area	% of Gross Site Area with Transfers
Single-Family	50%	60%
(minimum lot size 5750 sq. ft.)		
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

- 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. Numerous 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 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.

### PDR Site Plan Review

November 20, 2013(CBH)

SITE PLAN REVIEW OF ZONING CASES

- SP 1 When a site plan is filed, because this site is zoned P (Public), and is greater than one acre in size, a Conditional Use Permit required, according to the Land Development Code {Section 25-2-625}.
- SP 2 This site is located in the Montopolis Neighborhood Plan. Please see the City's website http://www.austintexas.gov/department/neighborhood-planning for a copy of the recommended design guidelines.

### PDR Transportation Review

December 4, 2013 (IN)

ZONING COMMENTS

- TR1: No additional right-of-way is needed at this time.
- TR2. 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]
- TR3. Montopolis Drive is classified in the Bicycle Plan as Bike Route No. 65.
- TR4. Capital Metro bus service (Bus Route No. 331) is available along Montopolis Drive.
- TR5. There are existing sidewalks along Montopolis Drive.

TR6. Eric Dusza in the Neighborhood Connectivity Division may provide additional comments regarding mobility enhancement and bicycle/pedestrian facilities.

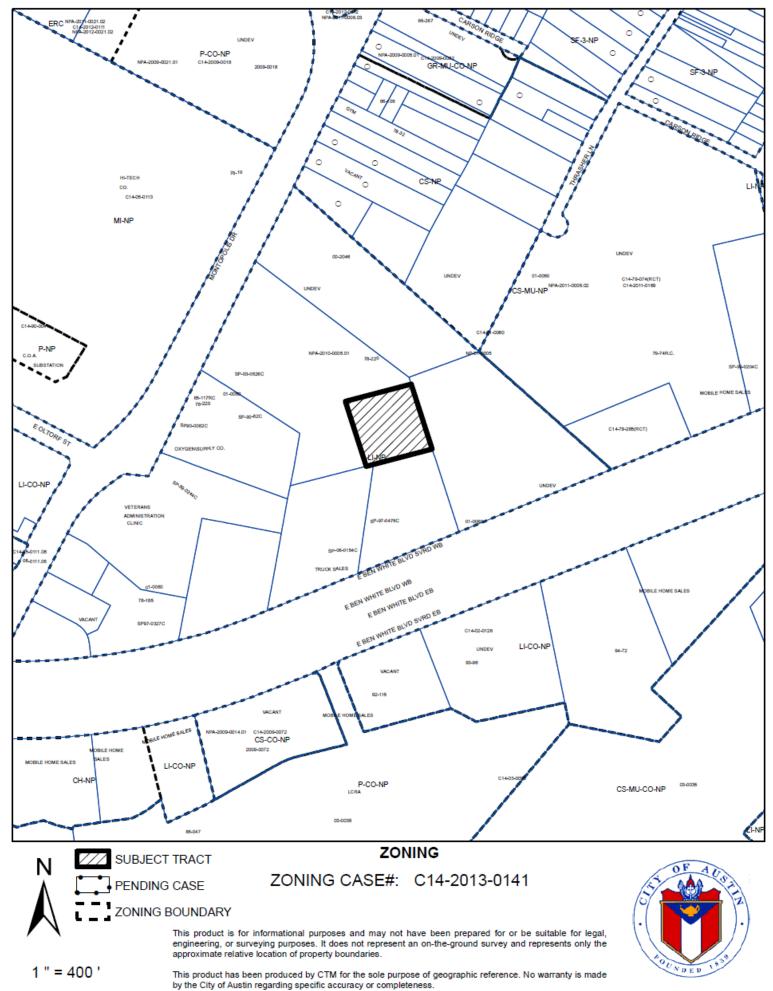
TR7. Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
Montopolis Drive	Varies	MAD-4	Arterial	15,030

### Austin Water Utility Review

October 31, 2013 (BB)

WW1. 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. 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.



**Exhibit** A

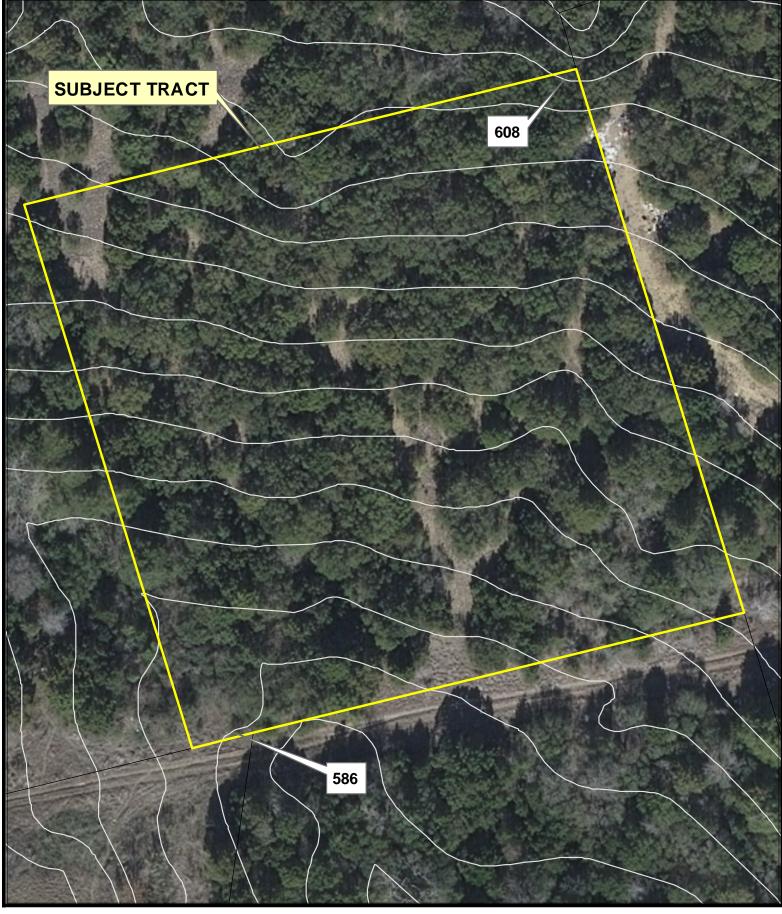
### C14-2013-0141 / Montopolis Reclaimed Water Tank



Exhibit A - 1 Aerial & Zoning

1 inch = 400 feet

### C14-2013-0141 / Montopolis Reclaimed Water Tank



Imagery: 01-2012 Contours: 2003 Exhibit A-2 Contours

			Fe <u>e</u> t
0	25	50	100
1 ir	nch = 50	) feet	

### ORDINANCE NO.

### AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 2801 MONTOPOLIS DRIVE IN THE MONTOPOLIS NEIGHBORHOOD PLAN AREA FROM LIMITED INDUSTRIAL SERVICE-NEIGHBORHOOD PLAN (LI-NP) COMBINING DISTRICT TO PUBLIC-NEIGHBORHOOD PLAN (P-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 limited industrial service-neighborhood plan (LI-NP) combining district to public-neighborhood plan (P-NP) combining district on the property described in Zoning Case No. C14-2013-0141, on file at the Planning and Development Review Department, as follows:

2.0 acre tract of land, more or less, out of the Santiago Del Valle Grant, Abstract No. 24 the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 2801 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. 01092-28 that established the Montopolis neighborhood plan combining district.

	rdinance takes effect on			20
PASSED AND	APPROVED			
	, 2014	§ § §		
			Lee Leffingwell Mayor	
APPROVED: _		_ATTEST:		
	Karen M. Kennard City Attorney		Jannette S. Goodall City Clerk	



MACIAS & ASSOCIATES, L.P. LAND SURVEYORS

EXHIBIT "

WILSON OXYGEN AND SUPPLY COMPANY TO CITY OF AUSTIN (WATER TANK EASEMENT)

#### **DESCRIPTION FOR PARCEL NO. 4710.01 TANK**

LEGAL DESCRIPTION OF A 2.005 ACRE (87,347 SQUARE FOOT) TRACT OF LAND IN THE SANTIAGO DEL VALLE GRANT, ABSTRACT NO. 24, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 11.413 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO WILSON OXYGEN AND SUPPLY COMPANY, EXECUTED ON AUGUST 21, 1994, AND RECORDED IN VOLUME 12257, PAGE 1837 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, ALSO DESCRIBED IN A PARTITION DEED TO RPC INVESTMENTS, INC., AND ROBERTA P. CRENSHAW AND CARTER INVESTMENTS, EXECUTED DECEMBER 23, 1988, AND RECORDED IN VOLUME 10793, PAGE 501 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.005 ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 60d nail set in the northeast line of said 11.413 acre tract and the southwest line of Lot 2, Block A, Montopolis - Ben White Subdivision, a subdivision of record in Doc. No. 200100029 of the Official Public Records of Travis County, Texas, having Texas Coordinate System (Central Zone-4203, NAD83, U.S. Survey Feet) values of N=10,052,073.53, E=3,126,356.75, for the north corner and **POINT OF BEGINNING** of the herein described tract, from which a <sup>1</sup>/<sub>2</sub>" iron rod found at an angle point in the southeast right-of-way line of Montopolis Drive (right-of-way width varies) and the northwest line of said 11.413 acre tract, bears N17°06'36"W, a distance of 30.81 feet, N52°07'56"W, a distance of 835.61 feet and S28°02'43"W, a distance of 117.50 feet;

**THENCE,** S17°06'36"E, with the northeast line of said 11.413 acre tract and the southwest line of said Lot 2, a distance of 295.80 feet to a  $\frac{1}{2}$ " iron rod found at the east corner of said 11.413 acre tract, and the common north corner of Lot 2 and Lot 1 of said Montopolis – Ben White Subdivision, for the east corner of this tract;

**THENCE**, S76°15'23"W, with the southeast line of said 11.413 acre tract and the northwest line of said Lot 1, at a distance of 262.93 feet pass a ½" iron rod found at the common corner of said Lot 1, and Lot 1 Block "A", Circle "B" Homes Subdivision, a subdivision of record in Volume 100, Page 289 of the Plat Records of Travis County, Texas, continuing in all a distance of 295.80 feet to a 60d nail set for the south corner of this tract, from which a ½" iron rod found in the southeast line of a 4.15 acre tract described in Volume 12407, Page 2589 of the Real Property Records of Travis County, Texas, at the south corner of said 11.413 acre tract and the northwest corner of said Lot 1, Block "A", of said Circle "B" Homes Subdivision, bears S76°15'23"W, a distance of 339.83 feet;

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THENCE, over and across said 11.413 acre tract, the following two (2) courses:

- 1) N17°06'36"W, a distance of 295.80 feet to a 60d nail set for the west corner of this tract;
- 2) N76°15'23"E, a distance of 295.80 feet to the **POINT OF BEGINNING**, containing 2.005 acre (87,347 square feet) of land.

#### **BEARING BASIS NOTE**

The coordinates and bearings shown hereon are based on the Texas State Plane Coordinate System (Central Zone-4203, NAD83, Combined Scale Factor = 1.000023). All distances shown are surface distances.

THE STATE OF TEXAS	§ §	KNOW AL
COUNTY OF TRAVIS	§	

KNOW ALL MEN BY THESE PRESENTS:

That I, Todd Blenden, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 8th day of August, 2012, A.D.

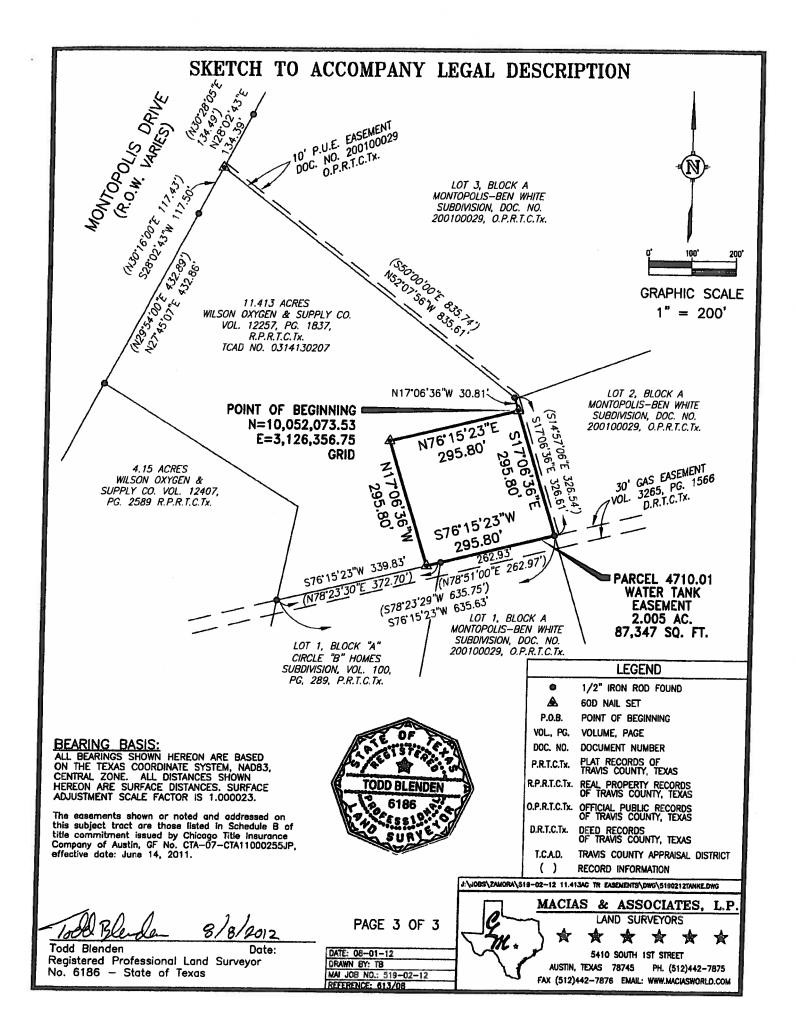
Macias & Associates, L.P. 5410 South 1<sup>st</sup> Street Austin, Texas 78745 512-442-7875

Todd Blenden Registered Professional Land Surveyor No. 6186 – State of Texas



REFERENCES MAPSCO 2009, 646-E AUSTIN GRID NO. L-18 TCAD PARCEL ID NO. 03-1413-0207 MACIAS & ASSOCIATES, L.P., PROJECT NO. 519-02-12

Page 2 of 3



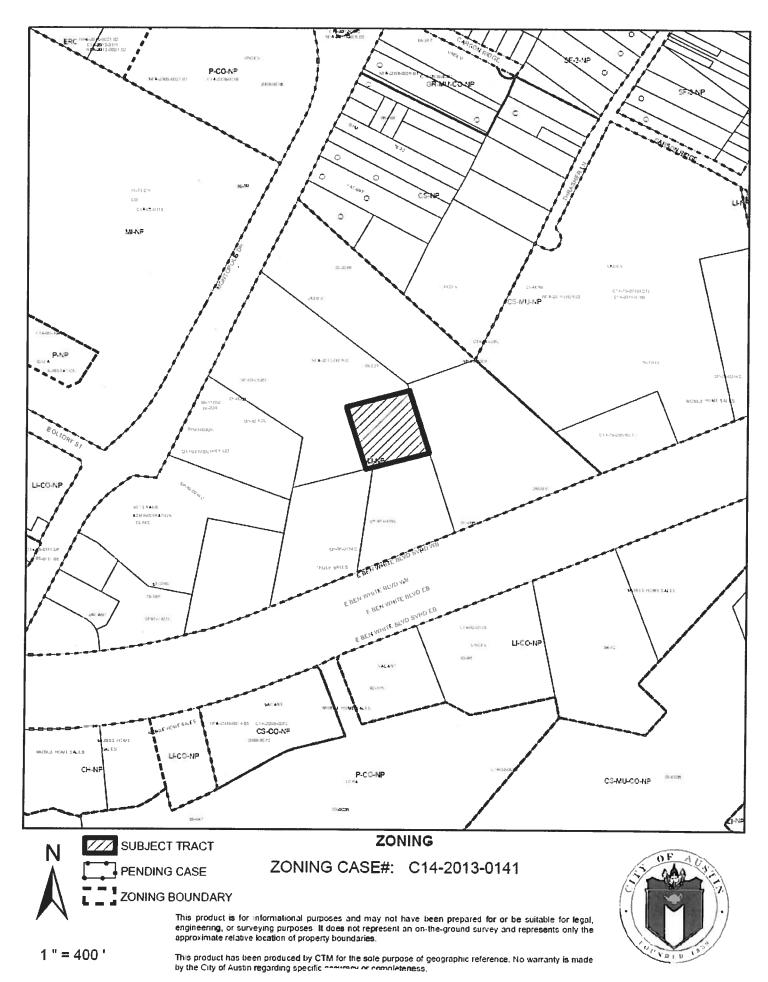


Exhibit B