

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0127 / PRJ Development, LLC **P.C. DATE:** October 28, 2014

ADDRESS: 1007 & 1011 Montopolis Drive

AREA: 4.801 acres

NEIGHBORHOOD PLAN AREA: Montopolis Neighborhood Planning Area

OWNER: PRJ Development, LLC (Joe Stafford)

APPLICANT: Thrower Design (Ron Thrower)

ZONING FROM: LO-CO-NP, Limited Office-Conditional Overlay-Neighborhood Plan

ZONING TO: LO-MU-CO-NP, Limited Office-Mixed Use-Neighborhood Plan

SUMMARY STAFF RECOMMENDATION:

To grant LO-MU-CO-NP, Limited Office-Mixed Use-Neighborhood Plan, with conditions. The conditions include:

- 1) Prohibition of all office uses except Administrative and Business Office uses, and Medical Office. Medical Office use shall be limited to a maximum of 1,500 square feet;
- 2) Vehicle trips per day shall remain limited to less than 2,000;
- 3) All structures on the property shall be limited to a maximum of 2 stories; and
- 4) A fence with a minimum height of 6' shall be constructed along the northern property line.

PLANNING COMMISSION RECOMMENDATION:

To be considered October 28, 2014

DEPARTMENT COMMENTS:

The subject tract is located on the east side of Montopolis Drive, approximately halfway between East Riverside Drive to the south and US Highway 183 to the north; it is outside the boundary of the East Riverside Corridor Plan (see Exhibits A).

The property was rezoned from SF-3-NP to LO-CO-NP in 2005 to facilitate construction of a 31,143 square foot church, along with associated parking and drainage facilities. Though allowed in the SF-3 zoning district, the parking requirements necessitated the rezoning (for increased impervious cover). A site plan (SP-04-0954C) was approved, and construction commenced. While initial site improvements were made, such as the parking area and detention ponds, the primary structure was never built. Remnants of that earlier work remain on site.

The existing CO prohibits a number of office uses, including communications services, professional office software development, and medical offices; it also limits vehicle trips per day to less than 2,000. The current proposal is to add the Mixed Use (MU) combining district to allow for development of the site under a residential option. The proposal would also modify the CO to allow medical offices up to a maximum of 1,500 square feet, but otherwise further prohibit office uses with the exception of administrative and business office uses. In addition, all structures would be limited to two (2) stories, and a fence six (6) feet or higher would be required along the northern property line.

Correspondence from stakeholders has been attached (see Exhibit C).

ABUTTING STREETS & TRANSIT:

Street Name	ROW Width	Pavement Width	Classification	Bicycle Route/Plan	Bus Service	Sidewalks
Montopolis Drive	Varies (~73')	Varies (40' - 44')	Arterial	Route 65	Yes	Yes

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	LO-CO-NP	Vacant
North	PUD-NP; SF-3-NP; GR-NP	Single-family residential; Single-family residential; Restaurant & retail
East	SF-3-NP	Single-family residential; Vargas
South	SF-3-NP; LO-NP; GR-NP	Single-family residential, religious assembly; convent; convenience store and auto sales
West	SF-3; P-NP	Montopolis Drive; single-family residential; Montopolis Recreation and Community Center

TIA: Not Required

WATERSHED: Country Club East and Carson Creek (both urban)

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ASSOCIATIONS & COMMUNITY ORGANIZATIONS:

COMMUNITY REGISTRY NAME	COMMUNITY REGISTRY ID
Crossing Garden Home Owners Association	299
El Concilio Mexican-American Neighborhoods	477
Austin Neighborhoods Council	511
Montopolis Area Neighborhood Alliance	634
Austin Independent School District	742
Del Valle Independent School District	774
PODER	972
Homeless Neighborhood Organization	1037
Bike Austin	1075
Carson Ridge Neighborhood Association	1145
Vargas Neighborhood Association	1179
Larch Terrace Neighborhood Association	1181
Super Duper Neighborhood Objectors and Appealers Organization	1200
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236

Pleasant Valley	1255
Del Valle Community Coalition	1258
Vasquez Fields Neighborhood Association	1313
Montopolis Tributary Trail Association	1321
Montopolis Neighborhood Association	1339
Austin Heritage Tree Foundation	1340
Montopolis Neighborhood Association	1357
SEL Texas	1363
Montopolis Neighborhood Association – El Concilio	1394
Preservation Austin	1424
East Austin Conservancy	1444
Friends of the Emma Barrientos MACC	1447

SCHOOLS:

Austin Independent School District:

Allison Elementary

Martin Middle School

Eastside Memorial High School at Johnston

ZONING CASE HISTORIES FOR THE TRACT:

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
1007-1011 Block of Montopolis C14-87-144	SF-3 to GR & LI	Recommended; 09/29/1987	Approved First; 10/29/1987; Denied; 05/25/1989
1007 Montopolis C14-05-0095	SF-3-NP to LO-CO- NP	Recommended; 09/13/2005	Approved LO- CO-NP; 11/17/2005

ZONING CASE HISTORIES IN THE AREA:

The Montopolis Neighborhood Plan was adopted in September 2001. At the time, the property at the corner of Montopolis and Ponca (about 1200 to the north) was rezoned from one base district to another as were some tracts at Vargas and Felix (about 900 feet to the northeast), and one at Vargas and Montana (to the east).

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
EAST of MONTOPOLIS (south to north)			
805 Montopolis C14-03-0117	SF-3-NP to GR-MU- NP	Recommended; 12/09/2003	Approved; 01/15/2004
903 Montopolis C14-71-253	"A" Residence to "B" Residence (2260 sf footprint)		Approved; 01/20/1972
900 Block Montopolis C814-97-0002	SF-3 to PUD (Mary Vice Estates PUD aka Habitat for Humanity PUD)	Recommended; 10/28/1997	Approved; 11/20/1997
1207 Montopolis C14-79-250	"A" Residence to "O" 1 st H&A		Approved; 08/07/1980

Neighborhood Plan Rezoning			
Vargas & Felix 6506 & 6601 Felix 809 Vargas Avenue 900 Vargas Avenue	GR to GR-MU-NP LR to LR-MU-NP CS to CS-MU-NP	Recommended; 08/07/2001	Approved; 09/27/2001
6601 Felix 903 Vargas	SF-3; GR to GR-NP SF-3 to GR-NP		
6602 Montana (aka 1013 Vargas)	LR to LR-MU-NP		
WEST of MONTOPOLIS (south to north)			
1200 Montopolis C14-87-079 (Rec Center)	SF-3 to P		Approved 05/26/1988

As can be determined from the above, other than the rezonings associated with the Montopolis Neighborhood Plan in 2001, there have not been any recent rezoning applications within the area.

CITY COUNCIL ACTION: Scheduled for November 20, 2014

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Lee Heckman
e-mail address: lee.heckman@austintexas.gov

PHONE: 512-974-7604

SUMMARY STAFF RECOMMENDATION

BACKGROUND/PURPOSE STATEMENTS

The current base zoning is limited office-conditional overlay-neighborhood plan. Limited office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

The current zoning also includes a conditional overlay (CO). COs are intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties. Lastly, the current and proposed zoning includes Neighborhood Plan (NP), which denotes a tract located within the boundaries of an adopted Neighborhood Plan and subject to requirements or allowances adopted with the Plan. The current CO prohibits a number of office uses, include communications services, professional office software development, and medical offices (large and small); it also limits vehicle trips per day to less than 2,000.

The proposal includes addition of Mixed Use (MU) combining district zoning. The purpose of a MU combining district is to allow office, retail, commercial, and residential uses to be combined in a single development. When combined with an office base district, the mixed use option would allow for vertical mixed use buildings, as well as townhouse, multifamily, single-family, duplex, condominium, and other forms of residential development, separate from any office development. Granting MU to a site means mixed use is an option; a mix of uses either within a building or across a site, not a requirement.

BASIS FOR RECOMMENDATION

Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character; and

Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

The property is currently zoned office (limited office). Office use along an arterial is entirely acceptable and expected. At the same time, there is residential zoning and land use to the north, east, south, and across the road west of Montopolis Drive. Office zoning, especially limited office, is generally accepted to be compatible with adjacent and nearby residential. The current proposal would not alter the office zoning district, but add Mixed Use, thereby allowing the property to be developed with either a mix of office and residential uses, or only one of those uses.

If developed entirely as residential, which is one current proposal, the minimum site standards would approximate an MF-2 style of development, in terms of density. However, the applicant's proposed 2-story limit on buildings, in contrast to the 3-stories or 40 feet height normally allowed under LO zoning, would help ensure the residential units are of a more residential, and thus compatible, scale. The PUD to the north has a similar height maximum of 35 feet, although most homes are currently single story.

At the same time, the fact LO-MU could provide for development more dense than varieties of single-family zoning, means that the project could provide an appropriate transition between Montopolis Drive and the single-family to the north or along Vargas Road to the east. If the property immediately to the south, currently zoned SF-3-NP, were to further develop as residential, the LO-MU style of residential would remain compatible.

Of note, the existing residential development to the north is zoned PUD, and would likely be considered multifamily development at the time of site planning for the current subject tract. Although developed as a Habitat For Humanity project with 25 individual lots, the PUD contains a land use plan depicting several open or common space lots. Site planning, rather than individual residential building permits, was required for development of that tract. The density of this PUD is also higher than that of traditional single-family. If the PUD is treated as multifamily, compatibility requirements would not be triggered by the PUD. Staff supports the applicant's proposal of a fence, of a minimum height of 6', to be provided along that property line to provide privacy and screening to the existing residents to the north. This proposal has been incorporated as a condition of staff's recommendation, along with the 2-story maximum height for structures.

Granting a request for zoning should result in an equal treatment of similarly situated properties; and

Zoning should allow for a reasonable use of the property.

Office zoning along an arterial is reasonable, and as noted above, is thought to be compatible with adjacent and nearby residential. A mixed-use option, to develop all or a portion of the site as residential, is also appropriate and reasonable, especially given the existing residential on all sides.

At the same time, Austin as a city is facing a need for additional housing. The demand for more and affordable housing has translated into residential infill proposals, and their associated rezoning requests are becoming commonplace. While each rezoning request has and will be considered on the basis of its own merits, staff thinks a request for residential uses of (some or all of) this property is reasonable. Furthermore, if there are similarly situated properties elsewhere in the neighborhood or throughout the City that are surrounded by residential uses and have easy access to transit options, staff would likely recommend considering them for residential infill too.

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

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

This property is covered by the Montopolis Neighborhood Plan, adopted in 2001. That document's Future Land Use Map (FLUM) designates this property civic, and so this rezoning request is accompanied by a neighborhood plan amendment to designate the property mixed use. The recommendation to rezone the property from is contingent on the FLUM amendment (NPA-2014-0005.02).

It is thought that the Imagine Austin Comprehensive Plan (IACP), generally, and specifically as regards housing policies, would support this mixed use or, more likely, residential development. One of the overall goals of the Plan to is to achieve compact and connected communities across

Austin, where housing, services, retail, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another. Montopolis Drive is a high transit roadway with multiple bus routes serving the neighborhood. The site is within ½ mile of the ACC Riverside campus, and though outside the boundary of the East Riverside Corridor, it is within ¾ mile of an identified Hub boundary (the boundary around proposed transit stops).

This site could work well for office, residential, or a mix thereof. One current proposal, for residential condominiums, involves some 50 units dispersed throughout the site. Such an infill project, on a major roadway, serves both the compact and connected goals of the IACP. A project with detached residential units, as proposed, also reflects the IACP's goal of providing various and diverse options of housing styles and price points throughout the city. Additionally, as part of the development of the site, the owner is responsible for improvements in the existing right-of-way extending from the property's east property line to Vargas. Given that the property would not be gated, these improvements and the driveway traversing the site would provide another connection between Vargas and Montopolis,

The Montopolis Neighborhood Plan lists several objectives and action items related to residential development, redevelopment, and the preservation of existing residences. As relates to the current proposal, one of the Plan's objectives cites the creation of multiple housing types of varied intensities. The objective follows from the goal of creating affordable homes for all stages of life within Montopolis.

Unlike a recent proposal for residential condominium development, which was thought too interior to existing single-family neighborhoods to have neighborhood stakeholder or Planning Commission support, the current request, which could result in residential units fronting and accessing Montopolis Drive, is thought by staff to support the Neighborhood Plan's intent of protecting existing single-family housing. Consequently, staff thinks the current LO-MU request, with conditions, satisfies the goals and objectives of both the Imagine Austin and Montopolis Neighborhood Plans.

EXISTING SITE CHARACTERISTICS AND REVIEW COMMENTS

Site Characteristics

Construction activities on the site in 2005 included improvements for a planned church, parking facilities, and detention ponds. The construction was incomplete and the site contains the remains of a detention pond on the east end, and parking areas on the west end. The site is relatively flat, has few trees, and has no floodplain or other environmental features. Further redevelopment should not be constrained by environmental features. Although the site is within the Controlled Compatible Land Use Area of Austin-Bergstrom International Airport, it is outside the Airport Overlay Zones; as such, redevelopment will likely not be impacted by regulations for land uses, height limits, or other hazard limitations.

PDRD Environmental Review (08/08/2014) MM)

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Carson Creek and Country Club East Watersheds of the Colorado River Basin, which are classified as Suburban Watersheds 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:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area 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%

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. 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 512-974-1876. 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.

PDRD Site Plan Review (08/13/2014) (RA)

1. Site plans will be required for any new development other than single-family or duplex residential.
2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.
3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
4. The site is subject to compatibility standards. Along the all property lines, 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 landscape area at least 25 feet wide is required along 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.
5. Additional design regulations will be enforced at the time a site plan is submitted.
6. 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.

PDRD Transportation Review (08/14/2014) (AC)

1. If the requested zoning is granted, it is recommended that joint access be provided for the 2 lots along Montopolis Drive.
2. A traffic impact 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 2,000 vehicle trips per day. [LDC, 25-6-117]
3. In line with Imaging Austin land use and transportation policies (LUT P1& LUT P3), and Complete Street Ordinance (# 20140612-119 exhibit 1, A, 2.), dedicate frontage of adjacent ROW (extending from Montana Street) along the southwestern edge of the property for future connection of Montana Street to Montopolis Drive.
4. Chad Crager in the Public Works Department and Eric Bollich in the Austin Transportation Department may have additional comments regarding multi-modal facility enhancements. (note further comments issued)

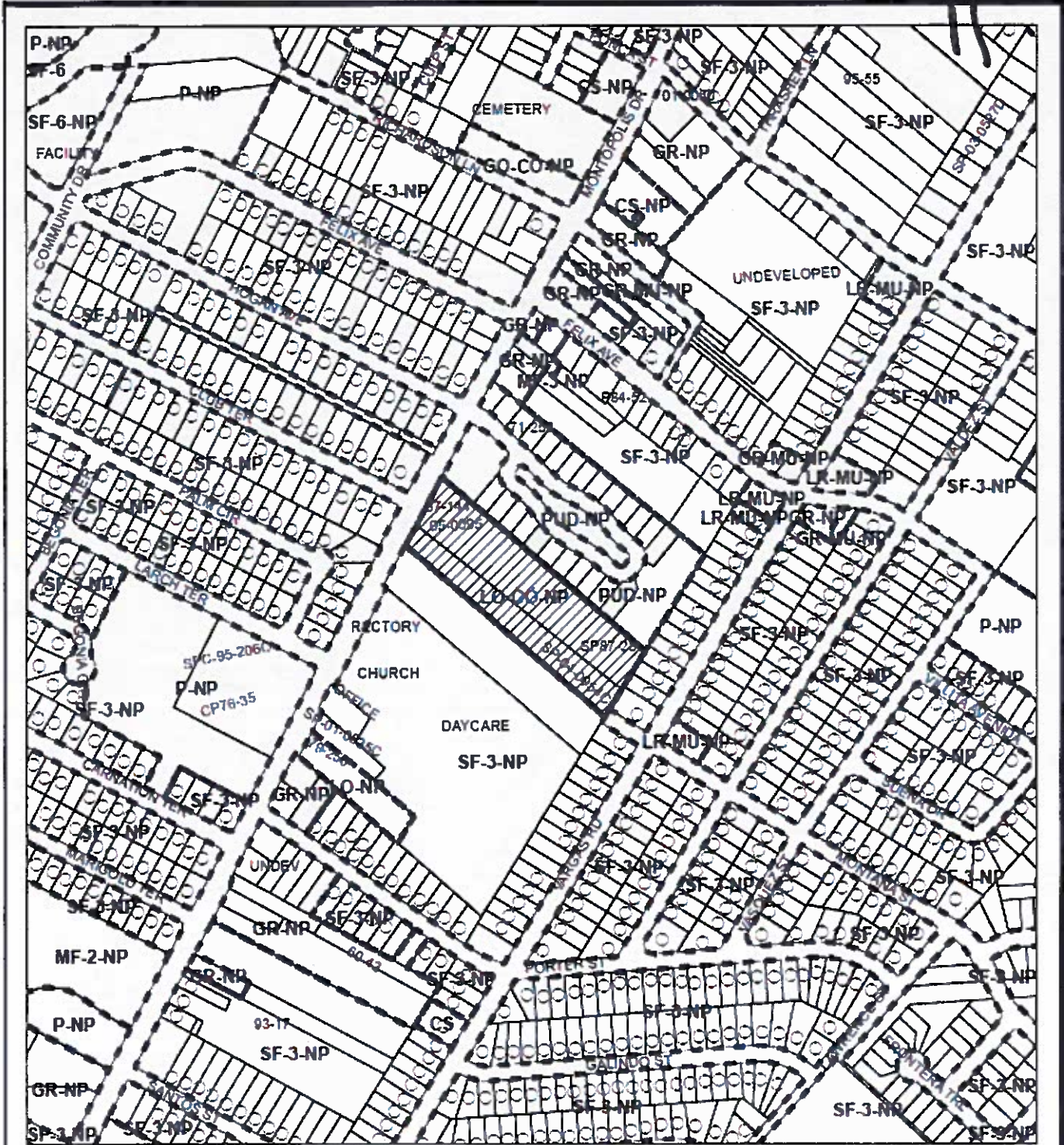
5. Existing Street Characteristics:




Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Montopolis Drive	Varies (~ 73')	40'	Arterial	Yes	Yes	Yes

Water Utility Review (08/01/2014) (NK)

FYI: 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, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Be advised that there are existing wastewater capacity issues with this area and an SER will most likely be required for wastewater service and should be submitted as soon as possible to avoid delays in the formal review process once development plans are submitted. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. 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.

C-7
11



 **SUBJECT TRACT**
 **PENDING CASE**
 **ZONING BOUNDARY**

ZONING CASE
C14-2014-0127



1" = 400'

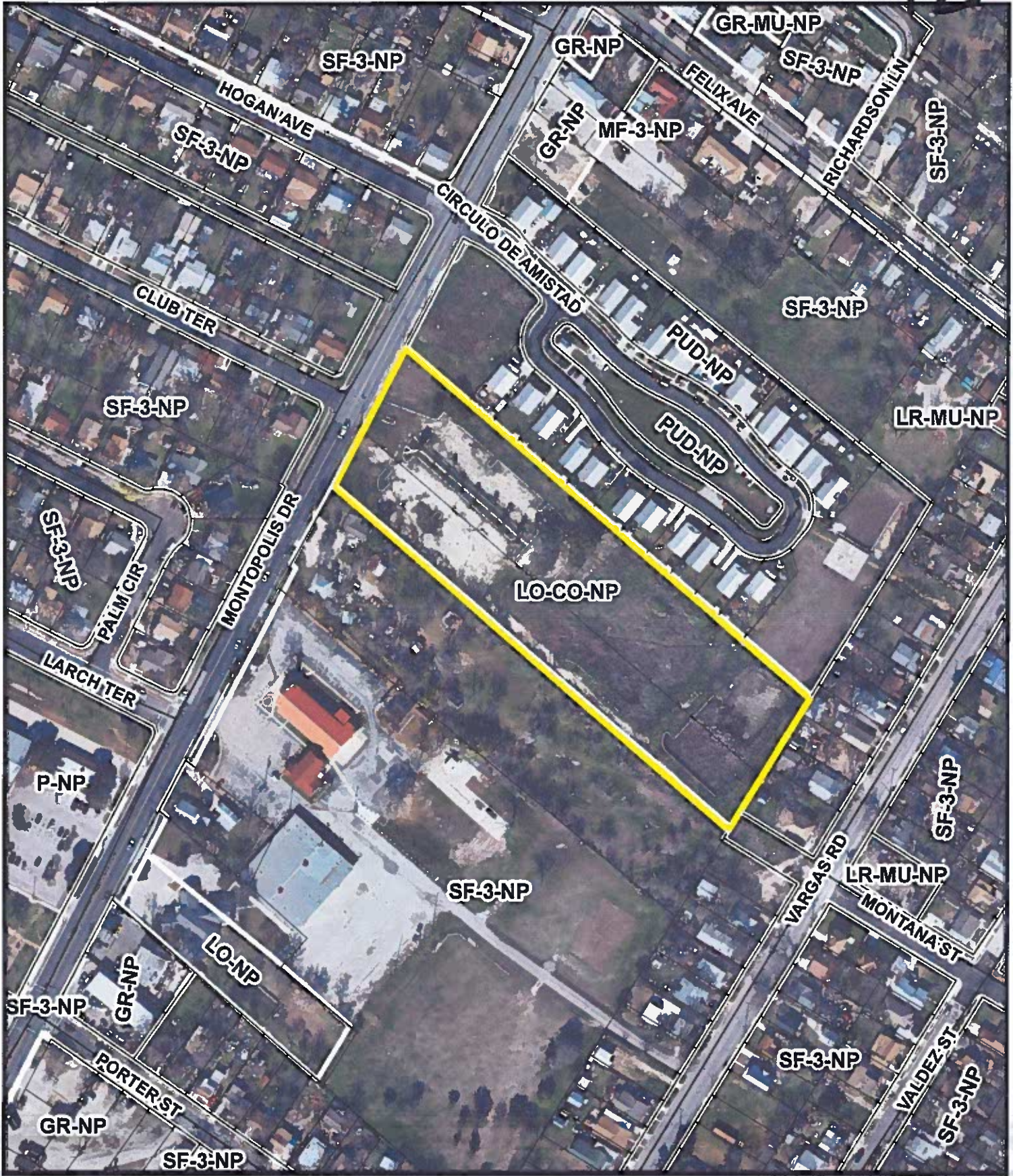
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Exhibit A - Zoning Map

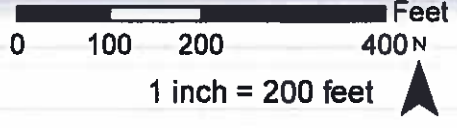
C14-2014-0127 / 1007 & 1011 Montopolis Resoning

C-7
12



Aerial: 2012-01

Exhibit A - 1
Aerial & Zoning



C-7
13

From: Dr. Fred McGhee
Sent: Sunday, September 07, 2014 9:11 AM
To: Meredith, Maureen
Cc: Ron Thrower
Subject: 737, 1007 & 1011 Montopolis Drive

Hello Maureen,

Since I am on the campaign trail I will not be able to attend the meeting on Thursday, September 18 2014. But I would like to register my organization's (the Carson Ridge NA) and my personal support for these zoning changes. I look forward to working with Mr. Thrower's client to produce high quality, greenbuilt mixed use real estate in this part of our neighborhood.

Regards,

flm



6.7
14

From: PODER Austin, Texas
Sent: Wednesday, October 01, 2014 5:24 PM
To: Meredith, Maureen
Cc: Anita Villalobos; A Noyola; Corazon Renteria; Israel Lopez; Librado A; Monica Allen; Eusebia Ulloa; Dave Cortez; Fred McGhee
Subject: Susana Almanza, MNPCT President

Hello Mureen Meredith- Several members of the Contact Team and area residents will not be able to attend tonight's meeting. Several members are out of town. Also, we just had the Ethics Commission & League of Women's Voters Candidate Forum for District 3 at the Montopolis Recreation Center last night. This was a major event for the community.

The MNPCT is in support of the zoning change for 737 Montopolis Drive from GR-NP to SF-3-NP, even though we are concerned about the gentrification in the heart of the Montopolis community.

The MNPCT is not in agreement with the zoning change for 1007 & 1011 Montopolis Drive from Civic to Mix Use. We want the Civic Use zoning to stay on the present property. Again, we will be opposing the zoning change for 1007 & 1011 Montopolis Drive.

Sincerely,

Susana Almanza, President

Montopolis Neighborhood Plan Contact Team

--
PODER
P.O. Box 6237
Austin, TX 78762-6237
www.poder-texas.org