

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0124 / 737 Montopolis Rezoning **P.C. DATE:** October 28, 2014

ADDRESS: 737 Montopolis Drive

AREA: 0.536 acre (approx. 23,538 square feet.)

NEIGHBORHOOD PLAN AREA: Montopolis Neighborhood Planning Area

OWNER: Jose and Gloria Perez

APPLICANT: Thrower Design (Ron Thrower)

ZONING FROM: GR-NP, Community Commercial – Neighborhood Plan

ZONING TO: SF-3-NP, Family Residence – Neighborhood Plan

SUMMARY STAFF RECOMMENDATION:

To grant SF-3-NP, Family Residence – Neighborhood Plan

PLANNING COMMISSION RECOMMENDATION:

October 28, 2014 Recommend to Grant as Recommended by Staff (Consent Motion: J. Stevens; Second: A. Hernandez) 8-0 (Absent: B. Roark).

DEPARTMENT COMMENTS:

The subject tract is located on the east side of Montopolis Drive, between East Riverside Drive to the south and US Highway 183 to the north; it is approximately one-half mile south of US 183 and approximately 9/10ths of a mile north of Riverside (see Exhibits A). It is not within the boundary of the East Riverside Corridor Plan.

The subject tract is on a section of Montopolis that has commercial zoning and some commercial uses; yet, to the east and especially to the west, are established single-family neighborhoods. The proposed rezoning and accompanying neighborhood plan amendment (NPA-2014-0005.01) are steps in the process to develop the property as single-family residential. Specifically, the subject zoning tract is one-half of a 1.2-acre parcel that is currently under review for subdivision (C8-2014-0115). As proposed in that application, the 1.20-acre parcel would be divided into 12 lots, each fronting and accessing Richardson Lane (see Exhibit S).

The Montopolis Neighborhood Plan, adopted in 2001, provided for small lot amnesty and a suite of infill options, including cottage lot infill, urban home lot infill, and secondary apartment infill. In addition, SF-4A, SF-6, and MF-4 zoning districts were identified, along with the infill options, as allowing for the development of affordable housing options, which supported to goal of promoting the existing neighborhood pattern of development with new and then-called Smart Growth Infill development.

As pertains to the current proposal, the urban home option allows for lots on SF-3-zoned properties in which each lot need only contain 3,500 square feet. The proposed subdivision, if the zoning request is granted, would result in lots averaging approximately 4,356 square feet, which exceeds the minimum required.

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 feet)	Varies (40'-44')	Arterial	Route 65	Yes	Yes
Richardson Lane	50'	30'	Local	No	No	No

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	GR-NP	Undeveloped
North	CS-NP & CS-1-NP; GR-NP	Assorted retail, including liquor sales, and personal services; undeveloped; auto sales
East	SF-3-NP	Undeveloped (single-family residential proposed on this parcel and to northeast)
South	GR-NP; GR-MU-NP; SF-3-NP	Richardson Lane; religious assembly, automotive repair; single-family
West	GO-CO-NP; SF-3	Montopolis Drive; religious assembly; cemetery (north); single-family residential (south)

TIA: Not Required

WATERSHED: Country Club East (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
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
Bonnett Neighborhood Association	1314
Montopolis Tributary Trail Association	1321
Montopolis Neighborhood Association	1339
Austin Heritage Tree Foundation	1340
Montopolis Neighborhood Association	1357
SEL Texas	1363
Montopolis-Ponca Neighborhood Association	1365
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 IN THE AREA:

The Montopolis Neighborhood Plan was adopted in September 2001. At the time, the property at the corner of Montopolis and Ponca (to the north) was rezoned from one base district to another, but no other properties in the immediate area were rezoned with the planning effort.

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
EAST of MONTOPOLIS (south to north)			
701 & 717 Montopolis (C14-01-0060)	CS to GR (as part of neighborhood plan)	Recommended; 08/07/2001	Approved; 09/27/2001
757 Montopolis C14-71-241	"C" to "C-2" (footprint)		Approved; 11/11/1971
C14-2011-0043	CS-NP to CS-1-NP and CS1-NP to CS-NP (exchange)	Recommended; 06/28/2011	Denied; 08/18/2011
801 Montopolis C14-72-028	"A" Residence to "GR" General Retail		Approved 06/08/1972
803 Montopolis C14-72-033	"A" Residence to "GR" General Retail		Approved 07/26/1972
805 Montopolis C14-03-0117	SF-3-NP to GR-MU-NP	Recommended; 12/09/2003	Approved 01/15/2004
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		
700 & 702 Vargas	LR to LR-MU-NP		
WEST of MONTOPOLIS (south to north)			
716 Montopolis C14-97-0068	SF-3-NP CO-CO-NP	Recommended; 07/22/1997	Approved 06/11/1998 (CO limits uses)

As can be determined from the above, there has not been recent or substantial rezoning within this area. The GR and CS/CS-1 zoning on the east side of Montopolis, of which the subject tract is a part, was largely established in the early 1970s. Even the subject tract has been GR since 1972, being rezoned with the property at 801 Montopolis noted above (C14-72-028). At that time, Richardson Lane did not extend east of Montopolis, and the current subject tract was part of a larger rezoning tract.

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 GR. Community commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways

The proposed base zoning is SF-3. Family residence (SF-3) district is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots or to new development of family housing on lots that are 5,750 square feet or more. A duplex use that is designated as an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics.

The tract also carries the NP, Neighborhood Plan combining district, designation. This means that any development is subject to regulations, conditions, or options allowed with the 2001 Montopolis Neighborhood Plan.

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 subject tract is currently adjacent to two roadways and SF-3, GO, GR, and CS/CS-1 base zoning districts. However, both the GO to the west and GR to the south are currently used for religious assembly. The CS/CS-1 to the north contains two buildings with a mix of retail and personal services. The one-half acre SF-3 piece to the east is, along with the subject tract, proposed to be resubdivided into a total of 12 lots. The larger 4.8-acre SF-3 piece to the east/northeast is also proposed to be subdivided; according to an application under review (C8-2014-0083), 15 lots are proposed, with access from Ponca Street to the north. It is unclear if those lots would be single-family or duplex lots, or a combination.

Just as CS/CS-1 or even GR is typically not recommended adjacent to single-family residential, so to single-family is typically not recommended next to existing CS/CS-1 zoned properties. This is especially the case for property that is at an intersection. The request normally seen would be from SF-3 to GR, not the other way around.

But Richardson Lane, which would provide frontage to the proposed single-family lots, terminates when it connects to Felix, a few hundred feet away. At this time the church to the south accesses Montopolis and only one single-family property on Richardson takes access from it. To the west, Richardson serves a couple dozen residences and then dead ends after about 1,000 feet. Richardson Lane is rightly considered a local street as it only extends east and west from Montopolis. In contrast, Montopolis is an arterial. It is unknown, if the case were reversed (i.e., a request from SF-3 to GR), whether GR would be recommended; although the tract is at an intersection, it is not the collectors/arterials that typically support GR. The point here though, it that Richardson is a short, unused roadway that is appropriate for single-family homes to front and access.

Beyond this stretch of Montopolis, extending from Ponca southward to Felix, the surrounding neighborhood is primary residential. Even within this stretch, the GR and CS zoning is only partially utilized. A couple of auto sales and repair shops on either side of the intersection notwithstanding, this intersection has single-family residential use on one corner and churches on the other two.

That is not to say either of the churches or the CS/CS-1 property to the north won't be redeveloped. Rather, it is to acknowledge that though this property abuts an arterial (Montopolis), its primary interface is a lightly trafficked road. While CS/CS-1 is next door, and GR across the street, if combined with the eastern half of the parcel and subdivided as proposed, the proposed land use certainly does not present compatibility issues to the existing land uses or present detrimental impacts. Indeed, this residential infill could provide a nice transition and buffer to the single-family planned to the north and east, as well as existing single-family and duplexes to the east.

The rezoning, NPA, and subdivision are all part of a proposed Urban Home development. There are specific site development standards for Urban Home use, and it is thought that these requirements are more restrictive than those required for other single-family development, in large part to ensure the infill special use is designed well and is compatible with the neighborhoods.

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 commercial, and so this rezoning request is accompanied by a neighborhood plan amendment. The recommendation to rezone the property from GR-NP to SF-3-NP is contingent on the FLUM amendment.

It is thought that the IACP, generally, and specifically as regards housing policies, would support this residential development. One of the overall goals of the Plan 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. The IACP notes that development will happen not just along corridors and centers, but in other areas within the city limits to serve neighborhood needs and create complete communities. Infill development can occur as redevelopment of obsolete office, retail, or residential sites or as new development on vacant land within largely developed areas.

This is such a site. It is residential infill near potential office and commercial development. Montopolis also offers bus service, a plus for mobility and connectivity options, and is designated as a high capacity activity corridor.

What is unique with this rezoning request, however, is that the proposed residential infill is not condominiums developed under an SF-5 or SF-6 scenario, which has been prevalent as of late. This request is for single-family zoning to facilitate single-family lots. Single-family residential is supported by the IACP, not just in terms of preserving existing neighborhoods, but also as one of

the various and diverse options of housing styles and price points that can be offered throughout the city.

Lastly, but no less important, 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. This objective was implemented with the Plan's inclusion of small lot amnesty, garage apartment, cottage lot, and urban home infill options. The objective itself follows from the goal of creating affordable homes for all stages of life within Montopolis.

Urban home lots, as is proposed for this SF-3 tract, if so granted, may not be the traditional single-family home. But it would provide an alternative to those who wish to downsize, those who may no longer want the responsibility of maintaining larger yards and homes, or those who may be purchasing their first home. Such a project on this site, or even more traditional single-family homes on standard-sized lots, would satisfy the goals and objectives of both the Imagine Austin and Montopolis Neighborhood Plans.

EXISTING SITE CHARACTERISTICS AND REVIEW COMMENTS

Site Characteristics

The subject tract, at just over one-half acre, is at the corner of Montopolis and Richardson Lane. Though currently vacant, remnants of a driveway and foundation or surface parking remain. The site is relatively flat with minimal trees. Redevelopment should not be unduly 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 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. 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 (08/12/2014) (MS-S)

No site plan comments.

PDRD Transportation Review (10/10/2014) (IN)

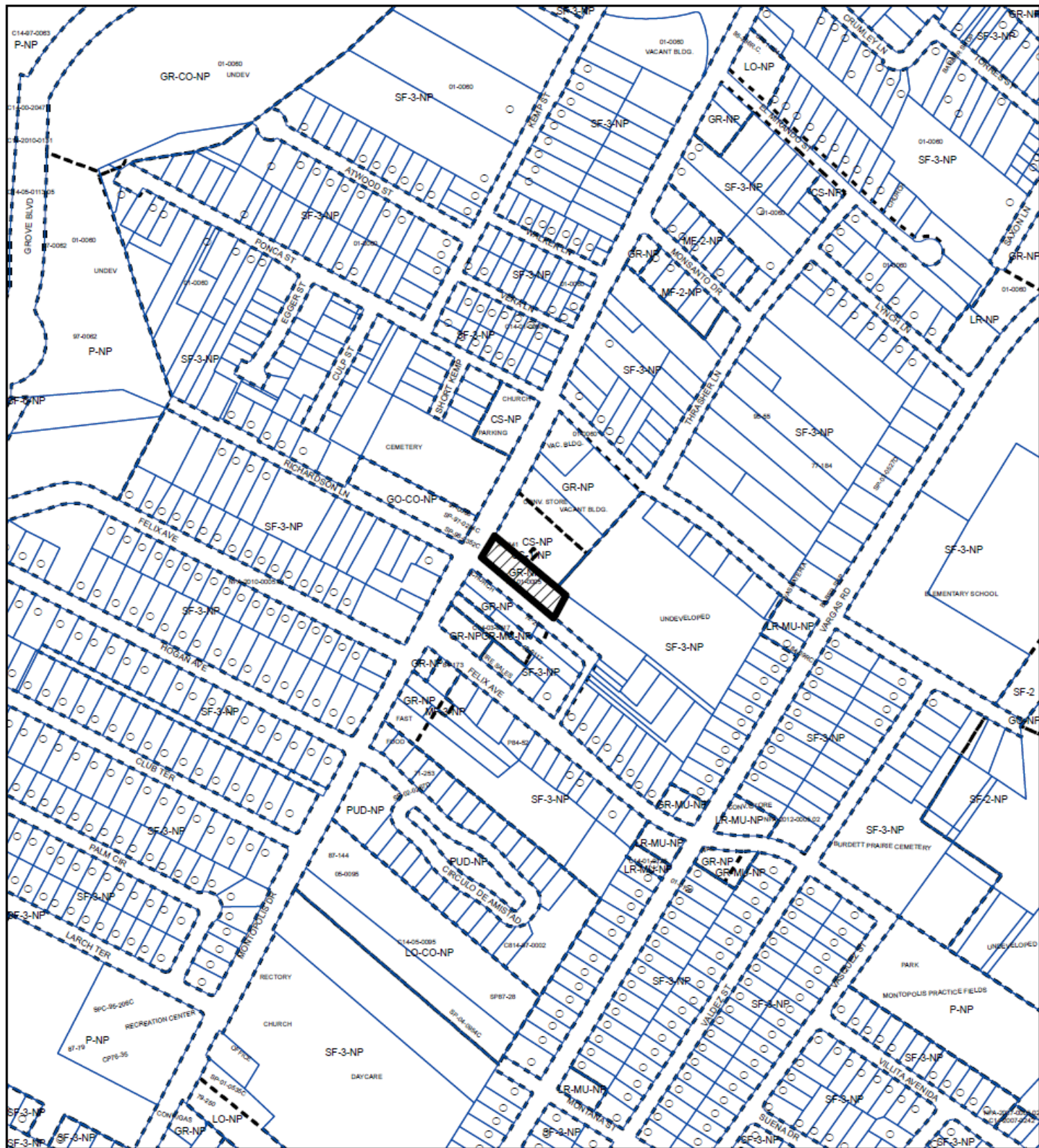
ZONING COMMENTS

1. No additional right-of-way is needed at this time.
2. 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].
3. Montopolis Drive is classified in the Bicycle Plan as Bike Route No. 65.
4. Capital Metro bus service (Route No. 350 NB) is available along Montopolis Drive.
5. There are existing sidewalks along Montopolis Drive. There are no sidewalks along Richardson Lane
6. Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
Montopolis Dr.	Varies (~73)	44'	Arterial	15,030
Richardson Lane	50'	30'	Local	N/A

Water Utility Review (07/29/2014) (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. 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.



ZONING

ZONING CASE#: C14-2014-0124



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

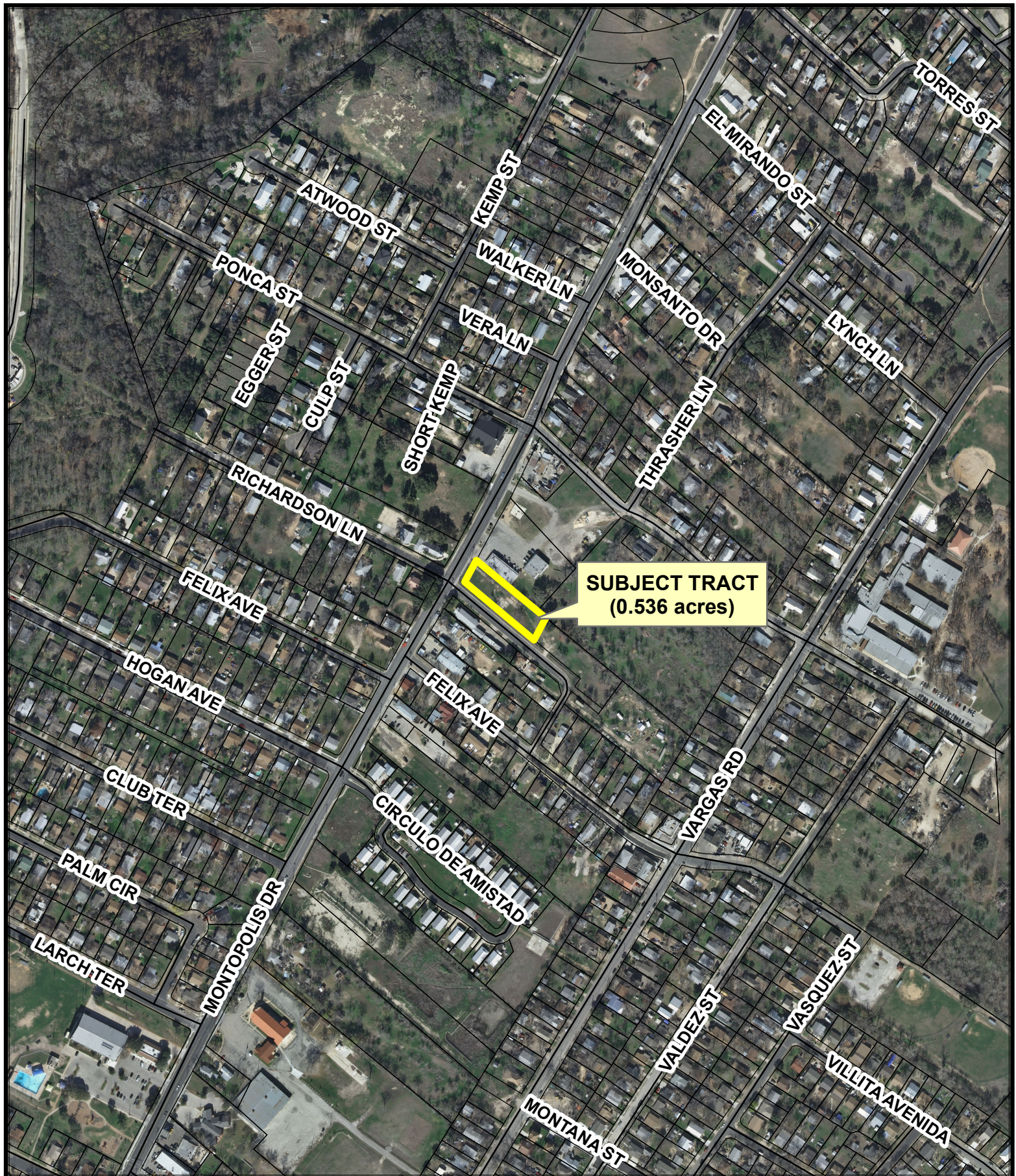
1" = 400'

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

C14-2014-0124 / 737 Montopolis Rezoning



Aerial: 2012-01

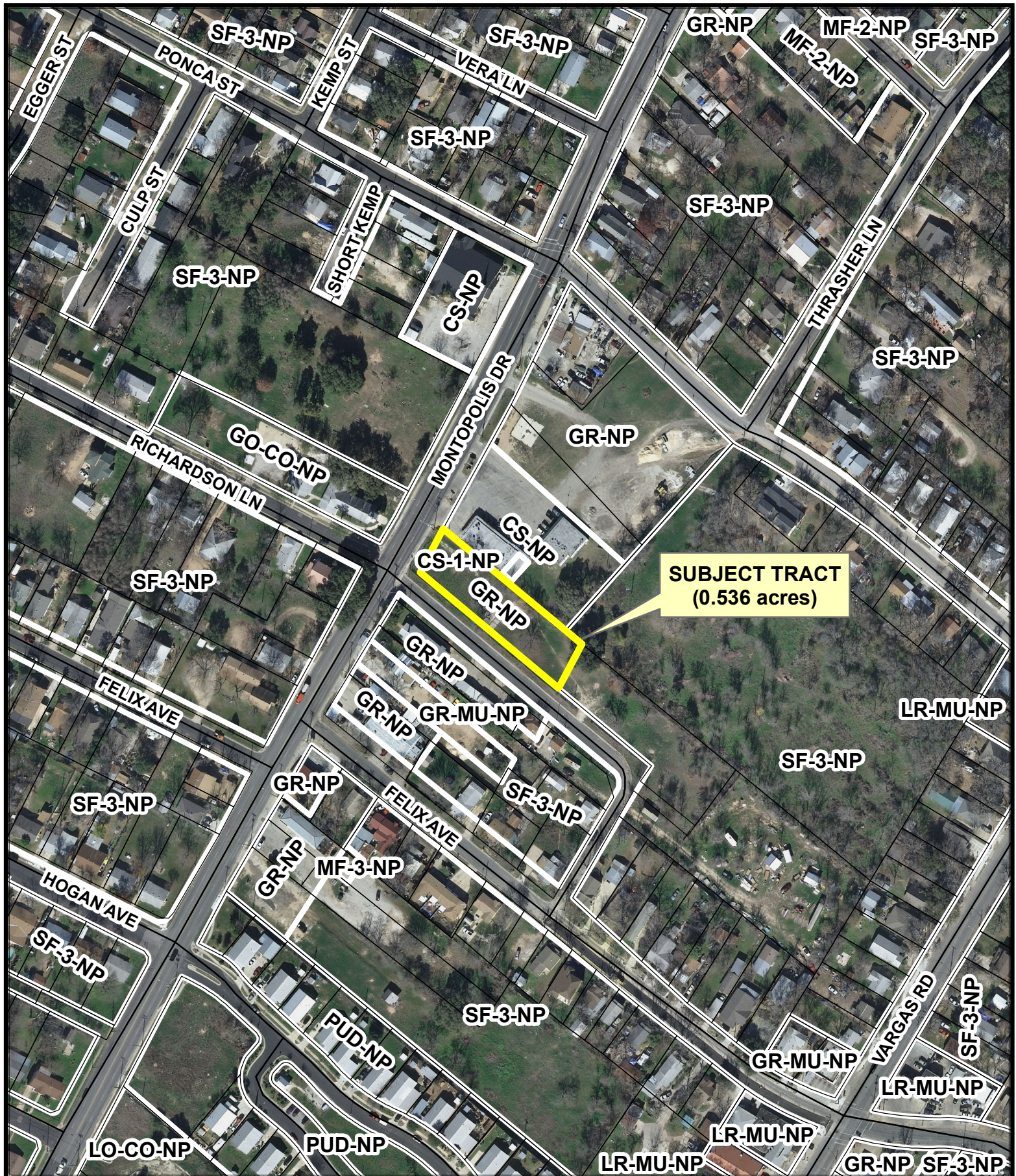
Exhibit A-1
Aerial

0 100 200 400 Feet

1 inch = 400 feet

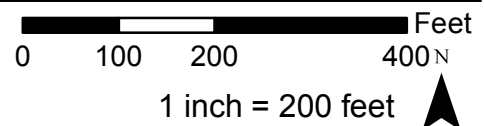


C14-2014-0124 / 737 Montopolis Rezoning



Aerial: 2012-01

Exhibit A-2 Aerial & Zoning



C14-2014-0124 / 737 Montopolis Rezoning



Aerial: 2012-01

Exhibit A-3
Aerial, Zoning & Proposed Subdivision

0 50 100 200 Feet
1 inch = 100 feet

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



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

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PODER

P.O. Box 6237

Austin, TX 78762-6237

www.poder-texas.org

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

R 10/22/14

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

<http://www.austintexas.gov/development>.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2014-0124

Contact: Lee Heckman, 512-974-7604

Public Hearing: Oct 28, 2014, Planning Commission

Nov 20, 2014, City Council

Min Ou

Your Name (please print)

706 Short Kemp, Austin, TX 78741

Your address(es) affected by this application

10-18-14

Signature

(512) 709-0101

Date

Daytime Telephone:

Comments: I am totally in favor of this. This is infusion of capital into a poorer area of Austin. This will alleviate a bit of the pent up need for housing choices in Austin, create jobs, and generate more property taxes revenues for the 5 taxing authorities. This will beautify the area and help stabilize the families at that area. Please facilitate the developer/builder with their vision for this area. I can only see good coming out of it. Thank-you!

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

