

**ZONING CHANGE REVIEW SHEET**

**CASE: C14-2015-0099**

**Z.A.P./ P.C. DATE:**  
November 10, 2015

**ADDRESS: 2407-2409 Montopolis Drive**

**DISTRICT AREA: 3**

**OWNER/APPLICANT: Petree Rentals, Elizabeth and Larry Petree**

**AGENT: Permit Partners, LLC, David Cancilosi**

**ZONING FROM: CS-NP**

**TO: CS-MU-CO-NP**

**AREA: 2.76 acres**

**SUMMARY STAFF RECOMMENDATION:**

**Recommend CS-MU-CO-NP**

The property is located on the east side of Montopolis Boulevard at the intersection with Grove Boulevard. It is currently used for residential purposes with multiple single family and duplex structures. The area was annexed in nineteen hundred seventy six and has maintained the residential use since that time. In 2001, the zoning was changed from SF-3 to CS-NP as part of the Montopolis Neighborhood Plan adoption.

To the north is undeveloped property zoned GR-MU-CO-NP. To the east and south is CS-NP zoned properties with a mixture of undeveloped, single family and commercial uses. Across Montopolis to the west is the Austin Energy Control Center zoned P-CO-NP (Exhibit 2). During the Neighborhood Plan amendment meeting the neighborhood members requested prohibiting the following uses which staff supports:

- Adult-Oriented Business
- Automotive – Washing/Sales/Services
- Service Station Repairs
- Construction Sales/Services
- Pawn Shops
- Bail Bonds
- Theater
- Exterminating Services
- Recycle Facility
- Equipment Repair Services
- Pet Services
- Vehicle Storage
- Outdoor Entertainment
- Plant Nursery (conditional)
- Scrap/Salvage
- Telecommunications Tower
- Maintenance and Services Facility
- Drive-thru component of Restaurant (conditional)

**PLANNING COMMISSION RECOMMENDATION:**

November 10, 2015 - Approved staff's recommendation of CS-MU-CO-NP with the Conditional Overlay provisions above by Consent. Vote: (10-0, motion by N. Zaragoza, 2<sup>nd</sup> P. Seeger).

**DEPARTMENT COMMENTS:** Staff supports the zoning request to add mixed-use to the existing commercial services zoning. The property consists of 2.766 acres with 6 single family and duplex residences, a barn and a shed. The existing structures were constructed prior to annexation. The property takes access to Montopolis Boulevard just south of its intersection with Grove Blvd. Montopolis is designated as a major arterial. The addition of mixed-use to the CS-NP will make the property compliant with the existing uses.

This area was annexed in May of 1976. Residential development is increasing in the area supplanting the predominant industrial uses because of the area's land costs, proximity to the central core and transit service. Adjacent to the north is an undeveloped GR-MU-CO-NP zoned tract, to the north across Montopolis a site plan for a multi-family development has been approved (SP-2012-0413C). To the east, between Thrasher Lane and Ben White Boulevard, a large multi-family development is nearing completion. To the south is zoned CS with an existing martial arts gym. To the west across Montopolis is the Austin Energy Service Center which is zoned P-CO-NP.

Because of the existing and proposed added density in the surrounding area it is appropriate for this property to retain its commercial services zoning to provide services to the new and existing residents in the area should it be redeveloped.

**ISSUES:**

This request requires a Neighborhood Plan Amendment (NPA-2015-0005.03). During the neighborhood meeting for the NPA, residents requested a prohibition on commercial uses (listed at the top of this report). Staff supports this and will include them in a Conditional Overlay. The Montopolis Neighborhood Planning Contact Team does not support the NPA or zoning change and has recommended SF-5 (letter attached).

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS-NP	Single family and duplex
<i>North</i>	GR-MU-CO-NP	Undeveloped
<i>North</i>	ERC	Undeveloped (approved site plan for MF)
<i>South</i>	CS-NP	Martial Arts gym and single family
<i>East</i>	CS-NP	Single family and undeveloped
<i>West</i>	P-NP	Industrial - Austin Energy Control Center

**NEIGHBORHOOD PLANNING AREA:** Montopolis                      **TIA or NTA:** NO

**WATERSHED:** Suburban, East Country Club Creek & Carson Creek Watersheds.

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

**Montopolis Neighborhood Association**  
**Montopolis Contact Team**  
**Del Valle Community Coalition**  
**Friends of Austin Neighborhoods**  
**Bike Austin**  
**Austin Heritage Tree Foundation**  
**Montopolis Community Alliance**  
**Austin Neighborhood Council**  
**Montopolis Area Neighborhood Alliance**  
**Southeast Austin Neighborhood Alliance**  
**Carson Ridge Neighborhood Association**  
**Crossing Gardenhome Owners Association**  
**Friends of the Emma Barrientos MACC**  
**Preservation Austin**  
**Sierra Club**  
**Riverside Farms Road Neighborhood Association**  
**East Riverside/Oltorf Neighborhood Plan Contact Team**  
**Montopolis Tributary Trail Association**  
**Real Estate Council of Austin**

**SCHOOLS:** Del Valle HS, Ojeda MS, Smith Elementary

**CASE HISTORIES FOR THIS PROPERTY**

<b>NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-01-0060	Montopolis Neighborhood Plan SF-2 to CS-NP	CS-NP	CS-NP

**CASE HISTORIES FOR SURROUNDING PROPERTIES**

<b>NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2009-0092 6503 Carson Ridge	CS-NP to GR- MU-CO-NP	GR-MU-CO-NP	GR-MU-CO-NP
C14-2011-0129 2200 Montopolis	MF-3-CO-NP to ERC	ERC	ERC
C14-2009-0018 2500 Montopolis	LI-NP to P	P-CO-NP	P-CO-NP
C14-01-0060 2601 Montopolis	SF-2 to CS-NP	CS-NP	CS-NP

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION
Montopolis Drive	157'-200'	62'	Major Arterial

**CITY COUNCIL DATE:**

**ACTION:**

**ORDINANCE READINGS:**

1st

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Andrew Moore

**PHONE:** 512-974-7604

**EMAIL:** [andrew.moore@austintexas.gov](mailto:andrew.moore@austintexas.gov)

**STAFF RECOMMENDATION**

**CS-MU-CO-NP**

Conditional Overlay to include the following prohibited uses:

- Adult-Oriented Business
- Automotive – Washing/Sales/Services
- Service Station Repairs
- Construction Sales/Services
- Pawn Shops
- Bail Bonds
- Theater
- Exterminating Services
- Recycle Facility
- Equipment Repair Services
- Pet Services
- Vehicle Storage
- Outdoor Entertainment
- Plant Nursery (conditional)
- Scrap/Salvage
- Telecommunications Tower
- Maintenance and Services Facility
- Drive-thru component of Restaurant (conditional)

**BASIS FOR RECOMMENDATION**

The addition of mixed-use to the CS-NP will make the property compliant with the existing uses. The applicant is currently not able to pull permits for improvements to the structures because the current zoning does not allow a residential use. Land development pressures in this area are changing the uses from commercial and light-industrial to residential.

**EXISTING CONDITIONS**

***Site Characteristics***

The property is located on the east side of Montopolis Boulevard at the intersection with Grove Boulevard in the Montopolis Neighborhood Planning Area. It is currently used for residential purposes with six single family and duplex structures. The area was annexed in nineteen hundred seventy six and has maintained the residential use since that time. To the north is undeveloped property zoned GR-MU-CO-NP. To the east and south is CS-NP zoned properties with a mixture of

undeveloped, single family and commercial uses. Across Montopolis to the west is the Austin Energy Control Center zoned P-CO-NP.

Montopolis Boulevard is considered a major arterial and is also served by two Capital Metro bus routes (311, 331).

**Montopolis Neighborhood Plan**

Please see associated Neighborhood Plan Amendment Case (NPA-2015-0005.03).

NPZ Environmental Review - Mike McDougal 512-974-6380

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Country Club East Watershed and the Carson Creek Watershed 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%

Note: The most restrictive impervious cover limit applies.

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.

DSD Transportation Review - Bryan Golden - 512-974-3124

TR1. Additional right-of-way maybe required at the time of subdivision and/or site plan.

- TR2. If the requested zoning is granted, it is recommended that joint access be provided for the 2 lots along Montopolis Drive.
- TR3. 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]
- TR4. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility on Montopolis is indicated to be upgrade to a separate bike lane.
- TR5. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Montopolis Drive	157'-200'	62'	Major Arterial	Yes	Yes	Yes

**Water and Wastewater**

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 and suitability for operation and maintenance. 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.

**Storm Water Detention**

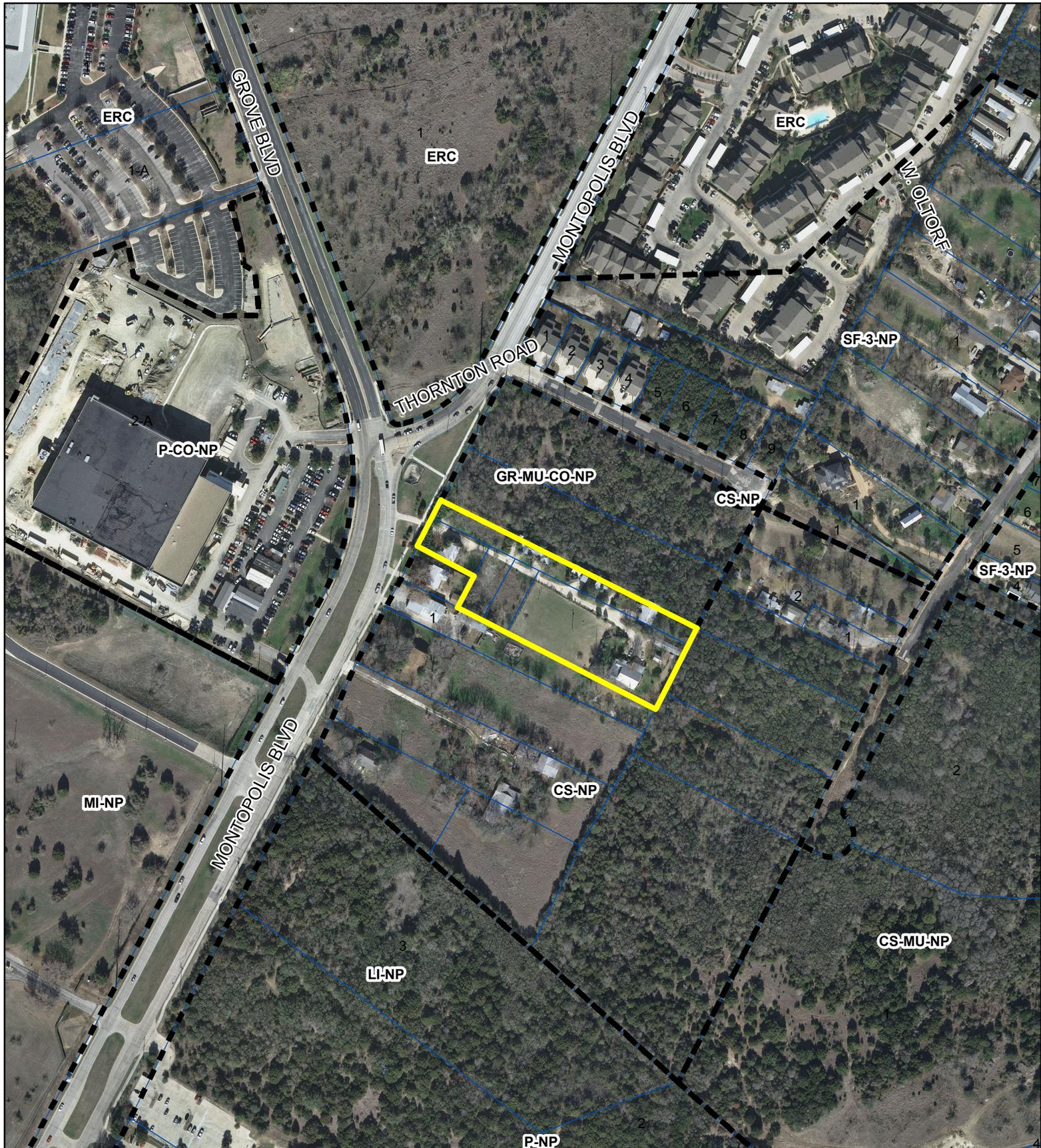
At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Storm water Management Program if available.

NPZ Site Plan Review - Donna Galati 512-974-2733

Site plans will be required for any new development other than single-family or duplex residential.

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.

Subchapter E building placement and sidewalk compliance required for all development, residential, commercial, or mixed use.



**ZONING**



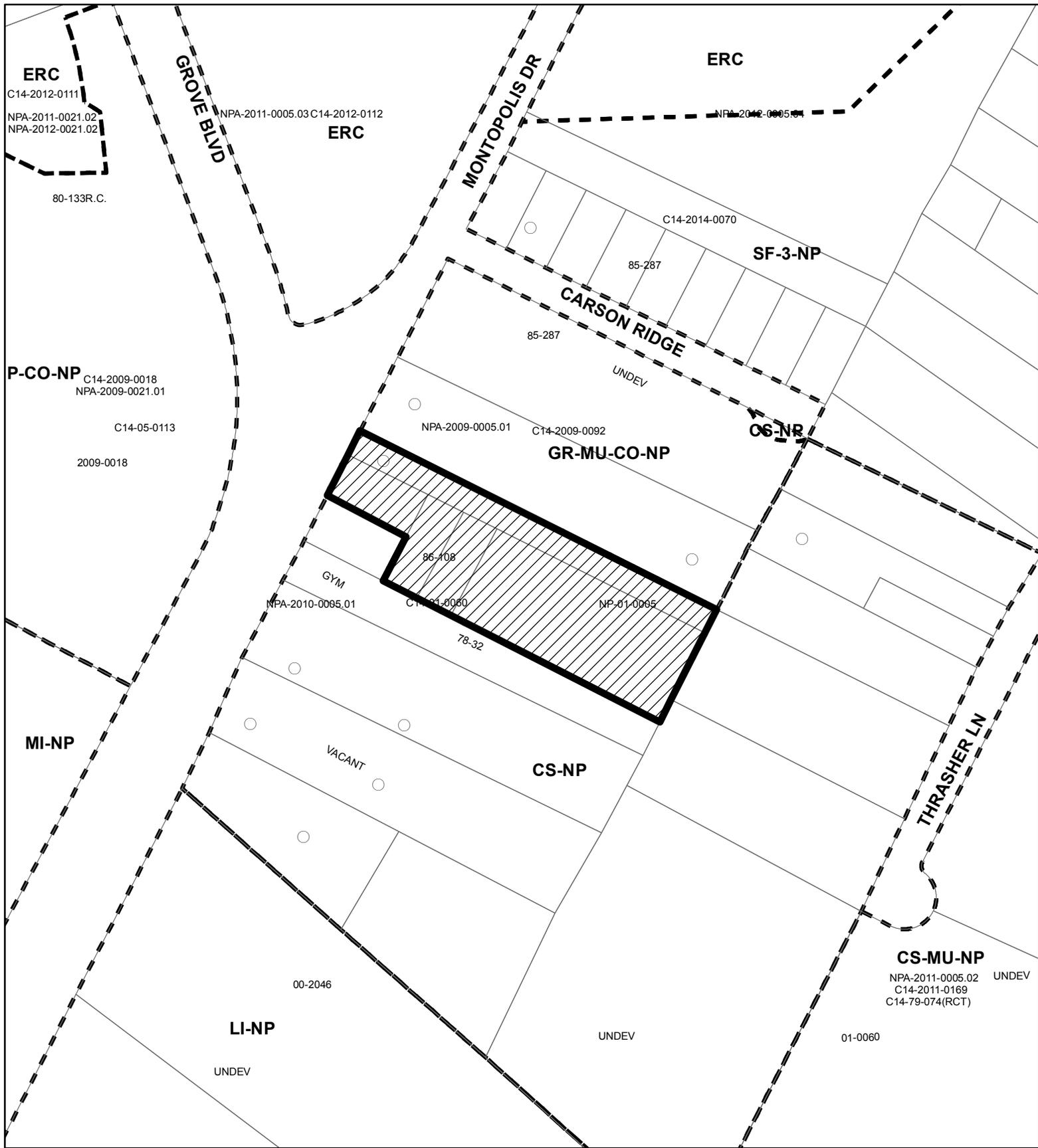
- SUBJECT TRACT
- ZONING BOUNDARY

1" = 400'

ZONING CASE#: C14-2015-0099  
 LOCATION: 2407 Montopolis Blvd.  
 SUBJECT AREA: 1.766 ACRES  
 MANAGER: Andrew Moore



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.



**ZONING**  
CASE#: C14-2015-0099



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 200'

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.

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# Carson Ridge NA

2316 Thrasher Lane  
Austin, TX 78741-6622

T 512-275-6027

F 512-716-8001

October 15, 2015

RE: 2407-2409 Montopolis Drive land use change request

Dear Ms. Meredith,

The Carson Ridge Neighborhood Association welcomes appropriate residential development in our section of the the Montopolis planning area. We do not support CS-MU zoning or the land use map changes requested by the applicant.

The Montopolis planning area contains one of the highest concentrations of CS zoning in Austin. These lots, which contained existing residential structures housing families, should have never been zoned commercial. The zoning of people's homes as commercial property is not uncommon in Montopolis, but that does not make it any less wrong or unjust.

How do we fix such an environmental injustice? By admitting the mistake and undoing the damage. An overlay or restrictive covenant are not the proper fix here.

While we would prefer SF-3 zoned property, SF-5 zoned land is something that we can live with. This allows for the owner to develop his property at a density that is over twice the current density, but it also ensures that development will be compatible with the neighborhood.

Fred L. McGhee, Ph.D.

President

## **Montopolis Neighborhood Plan Contact Team**

To: Andrew Moore, Senior Planner, Planning & Zoning Department

From: Susana Almanza, President Montopolis Neighborhood Plan Contact Team; 512/401-3311

Date: November 3<sup>rd</sup>, 2015

Subject: 2407-2409 Montopolis Drive – Case#C14-2015-0099 & NPA #2015-0005-03 Zoning Change to CS-MU

This letter is to inform the Planning & Zoning Department, Planning Commission and City Council that the Montopolis Neighborhood Contact (MNPCT) has reviewed the zoning case for 2407-2409 Montopolis Drive. After a lengthy review and discussions and special attention to neighbors of the Carson Ridge Neighborhood Association, the MNPCT has decided to support the zoning of the above property to Single Family-5 (SF-5). The proposed zoning of SF-5 will preserve the surrounding residential character of the adjoining areas. Also, this property is currently being used as single family zoning. The SF-5 zoning will allow for repairs and expansion of residential on the property.

We also support the FLUM change to reflect SF-5 zoning.