

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2016-0085 **P.C. DATE:** 11/8/2016  
 Montopolis - E. Ben White Zoning

**ADDRESS:** 2601 Montopolis Dr. & 6700 and 6800 E. Ben White Blvd **AREA:** 18.61 acres

**OWNER:** Ocampo Partners Ltd ,

**APPLICANT:** Coats Rose (John Joseph)

**ZONING FROM:** Limited industrial services - neighborhood plan (LI-NP)

**ZONING TO:** General commercial services - conditional overlay-neighborhood plan (CS-MU-NP)

**NEIGHBORHOOD PLAN AREA:** Montopolis Neighborhood Planning Area

**SUMMARY STAFF RECOMMENDATION**

Denial

**PLANNING COMMISSION ACTION:**

*OCTOBER 25, 2016: POSTPONED AT THE REQUEST OF THE MONTOPOLIS NEIGHBORHOOD ASSOCIATION ON CONSENT, VOTE 12-0 [J. SCHISLER, P. SEEGER 2nd, J. SHIEH ABSENT].*

**DEPARTMENTAL COMMENTS:**

This 18.6-acre parcel contains three undeveloped tracts which front to Montopolis Drive and E. Ben White Boulevard in the Montopolis Neighborhood. This property was zoned industrial in 1979 and was affirmed as limited industrial services in the Montopolis Neighborhood Plan in 2001. The applicant is requesting a down zoning to general commercial services - mixed use - neighborhood plan (CS-MU-NP) in order to potentially develop multifamily units and commercial/retail. There is an associated neighborhood plan amendment NPA-2016-0005.01 as well as a restrictive covenant termination C14-78-220 (RCT) for these tracts.

This area is experiencing market pressure for multifamily development however, because of the existing industrial use (Praxair) and industrial zoning, staff is not supportive of allowing residential development at this site or others adjacent to it. The Fire Department conducted a site visit at the Praxair facility to determine the hazardous materials present. Based on those materials the Fire Department recommends a 1000 foot buffer without a residential use (letter attached). This would eliminate all but a small portion of the property in the south east corner along E. Ben White Boulevard. The proximity to Ben White would also not be suitable for multifamily residences.

**EXISTING ZONING**

**AND LAND USES:**

	ZONING	LAND USES
Site	CS-NP	Undeveloped
North	CS-NP & GR-MU-CO-NP	Single family & Undeveloped

<b>South</b>	LI-NP	Undeveloped
<b>East</b>	CS-MU-NP	Multi family
<b>West</b>	CS-MU-CO-NP & CS-NP	Single family & Personal services and vacant single family

**WATERSHED:** West Country Club Creek and Carson Creek Watersheds

**DESIRED DEVELOPMENT ZONE:** Yes

**TIA:** No

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

- Austin Heritage Tree Foundation
- Austin Independent School District
- Austin Neighborhoods Council
- Bike Austin
- Carson Ridge Neighborhood Association
- Crossing Garden Home Owners Association
- Del Valle Community Coalition
- Friends of Austin Neighborhoods
- Housing Authority of Austin
- Homeless Neighborhood Association
- Montopolis Area Neighborhood Alliance
- Montopolis Community Alliance
- Montopolis Neighborhood Association
- Montopolis Neighborhood Planning Contact Team
- Montopolis Tributary Trail Association
- Preservation Austin
- Save Our Springs Alliance
- SEL Texas
- Sierra Club, Austin Regional Group

**SCHOOLS:**

Del Valle Independent School District

Smith Elementary School	Del Valle Middle School	Del Valle High School
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**ABUTTING STREETS:**

Name	ROW	Pave-ment	Class-ification	Side-walks	Bike Route/Plan	Bus	ADT
Montopolis Drive			Arterial	Yes		Yes	

**ZONING CASE HISTORIES:**

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
C14-78-220 2713-	I-AA to DL	Recommended DL	Approved DL April 5,

2517 Montopolis			1979.
C14-01-0060 - 6700 E. Ben White Blvd (Montopolis NP)	LI to LI-NP	Recommended LI-NP	Approved LI-NP Sept 27, 2001
C14-2013-0141 2801 Montopolis Drive (COA Reclaimed Water Tank)	LI-NP to P-NP	Recommended P-NP	Approved P-NP Feb. 13, 2014.

**CITY COUNCIL ACTION:** Scheduled for December 8, 2016

**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> & 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Andrew Moore **PHONE:** 512-974-7604  
 e-mail address: andrew.moore@austintexas.gov

**STAFF RECOMMENDATION**

**C14-2016-0070**

Denial of zoning change

**BASIS FOR LAND USE RECOMMENDATION**

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

The subject property is adjacent to limited industrial services (LI) zoned property to the south and there also exists an active industrial use to the south (Praxair) which stores hazardous materials. The Austin Fire Department recommends a 1000 foot buffer without residential use. That would include nearly the entire tract.

***Zoning should allow for a reasonable use of the property.***

The existing LI zoning allows for substantial number of industrial, commercial, office and civic uses. It does not allow a residential use.

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

The Montopolis Neighborhood Plan identifies this property as Limited Industrial on the FLUM and the requested Neighborhood Plan Amendment is not recommended by city staff.

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

A Neighborhood Plan Amendment (NPA) application accompanies this rezoning request (NPA-2013-0025.02). Staff and the Neighborhood Plan Contact Team do not recommend the requested changes because of the proximity to industrial uses and the AFD recommendation.

REVIEW COMMENTS

**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 Carson Creek and the County Club East Watershed of the Colorado River Basin, which are both 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. 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 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 - Natalia Rodriguez - 512-974-3099**

TR1. Staff recommended a Traffic Impact Analysis to be completed in order to allow for higher density for the proposed CS-MU-NP zoning. However, the applicant wishes to limit the density to 2,000 vehicle trips per day for the entire 18.61 acres. Therefore, the Traffic Impact Analysis was waived for this case because the applicant wishes 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]

- TR2. FYI - The current block face along Montopolis Drive (from right-of-way to right-of-way) exceeds 3,300 feet, and the block face along SH 71 E (from right-of-way to right-of-way) exceeds 3,900 feet. According to the Land Development Code 25-4-153, block lengths may not exceed 1200 feet in length. It is recommended for 60 feet of right-of-way to be dedicated through the property, connecting Montopolis Drive and SH 71 E to comply with block length standards and provide for additional connectivity. [LDC, 25-4-153]. If a subdivision application is required, the right-of-way shall be required at that time.
- TR3. The Austin Metropolitan Area Transportation Plan calls for 400 feet of right-of-way for SH 71 E (East Ben White Blvd). If the requested zoning is granted for this site, then 75 feet of right-of-way should be dedicated and 125 feet of right-of-way should be reserved from the existing centerline for SH 71 E (East Ben White Blvd) according to the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55].
- TR4. Additional right-of-way maybe required at the time of subdivision and/or site plan.
- TR5. FYI – The sidewalks along Montopolis Drive shall be reconstructed to meet ADA and City of Austin standards for arterial roadways at the time of Site Plan Application. LDC, Sec. 25-6-352; TCM, 4.2.1.
- TR6. FYI – Existing non-conforming driveways may be required to conform with City standards, including driveway closing and curb construction where appropriate. LDC, 25-6-295, 25-6-321, 25-6-322; TCM, 5.3.1.R. The existing driveway along SH 71 E shall be closed and/or reconstructed at the time of Site Plan Application should it not meet the LDC and TCM requirements.
- TR7. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for Montopolis Drive.
- TR8. Chad Crager, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

TR9. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Montopolis Drive	150 ft.	26 ft.	Arterial, Divided	Yes	Yes	Yes
SH 71 E (E Ben White Blvd)	332 ft.	320 ft.	Freeway	Yes (along existing bridges)	No	No

**NPZ Site Plan Review - Katie Wettick 512-974-3529**

SP1) Site plans will be required for any new development other than single-family or duplex residential.

SP2) 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.

SP3) The site is subject to compatibility standards. Along the **north** 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.

SP 4) The Southwestern corner of the site falls within the Airport Zoning Conditional Overlay, Controlled Compatible Land Use Area and is subject to the regulations of the Land Development Code 25-13-41.

SP 5) The southern portion of the site falls within the Scenic Roadway Overlay along East Ben White Blvd and is subject to the regulations of the Land Development Code 25-10-6.

SP 6) Any new development is subject to Subchapter E. Design Standards and Mixed Use.  
Additional comments will be made when the site plan is submitted.

**NPZ Austin Water Utility Review - Bradley Barron 512-972-0078**

WW1. The landowner intends to serve the site with City of Austin water, reclaimed, and wastewater utilities. The landowner, at own expense, will be responsible for providing any water, reclaimed, and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water, reclaimed, and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water, reclaimed, and or wastewater service extension requests may be required. All water, reclaimed, 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, reclaimed, and wastewater utility tap permit.

WW2. Based on current public infrastructure configurations, service extension requests will be required to provide service to this site for both reclaimed and wastewater service. For more information pertaining to the Service Extension Request process and submittal requirements contact Alberto Ramirez with Austin Water, Utility Development Services at 625 E. 10th St., 7<sup>th</sup> floor. Ph: 512-972-0211.





**From:** [Vires, Rob](#)  
**To:** [Moore, Andrew](#)  
**Cc:** [Urgena, Cora](#); [White, Joe](#)  
**Subject:** Zoning Change - 6700 & 6800 E Ben White and 2601 Montopolis  
**Date:** Thursday, November 03, 2016 2:31:56 PM

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Mr. Moore,

Our AFD Engineering Services performed an analysis for the area which included:

- a records search of all the AFD Aboveground Hazmat Permitted (HMP) sites within 1000 feet (There are six sites)
  - Included in the 6 sites are Praxair and a Semiconductor Facility, each of which have a significant amount of hazardous materials.
- a site visit of the general area
- a site inspection at Praxair

The recent site inspection at Praxair confirmed that a variety of toxic, corrosive, flammable, pyrophoric and oxidizing gases are currently stored at this facility. Per the 2016 Emergency Response Guidebook, the protective action distance for several of these gases is approximately 1000 feet for either a day or night release. Based on the available information, we recommend a 1000 foot setback between Praxair's property line and any properties zoned for residential use. This distance appears to be consistent with the setbacks currently provided from existing residential occupancies.

Since 6700/6800 E Ben White and 2601 Montopolis are less than 1000 feet from Praxair's property line, a zoning change from LI to CS-MU is not recommended.

Please let me know if we can provide any more assistance on this issue.



Division Chief Rob Vires  
Fire Marshal  
Austin Fire Department  
505 Barton Springs Rd  
Austin, TX 78704  
512-974-0266



**PUBLIC HEARING INFORMATION**

The proposed amendment will be reviewed and acted upon at two public hearings: first, before the Planning Commission and then before 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 amendment. You may also contact a registered neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a 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 plan amendment request, or approve an alternative to the amendment requested.

If you have any questions concerning this notice, please contact the City of Austin Planning and Zoning Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Public Hearing and conveying your concerns at that meeting
- by submitting the Public Hearing Comment Form
- by writing to the city contact listed on the previous page

For additional information on Neighborhood Plans, visit the website:

[www.austintexas.gov/department/neighborhood-planning](http://www.austintexas.gov/department/neighborhood-planning).

**PUBLIC HEARING COMMENT FORM**

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

City of Austin  
Planning and Zoning Department  
Maureen Meredith  
P. O. Box 1088  
Austin, TX 78767-8810



If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2016-0005.02  
Contact: Maureen Meredith, phone: 512-974-2695  
Public Hearings: Oct 25, 2016, Planning Commission  
Dec 8, 2016, City Council

I am in favor  
 I object

JAMES L. BROWN  
Your Name (please print)

1501 MONTROSE DR AUSTIN TX 78741  
Your address(es) affected by this application

Your address(es) affected by this application

*James L. Brown*  
Signature

20 OCTOBER 2016  
Date

Comments:

PLEASE SEE ATTACHED LETTER

20, October 2016



James L Brown  
2501 Montopolis Dr. Austin, Texas 78741

Maureen Meredith  
PO Box 1088 Austin, Texas 78767-8810

I own the property at 2501 Montopolis Drive, and at this point in time, I object to any and all "mixed-use" amendments broadening the scope of the existing commercial and industrial sites between my property and the Praxair Company location. In essence, these developers are proposing to include housing units within these commercial and industrial sites, when within a 1,000 feet sits the industrial site, Praxair. To the best of my hearing, Praxair maintains an ongoing, and outdoor, graveyard shift beginning at about 2:00 A.M. each day. It is a noisy work shift and I am awakened by it regularly. My location is more like 2,000 feet away from Praxair, not at a 1,000'.

Praxair also off gasses on a regular bases. What they off-gas, I have no idea, but it certainly needs to be a part of any discussion in allowing residential to encroach on the Praxair industrial site. Hopefully, the off gassing is only air pressure.

I attended briefly the neighborhood hearings for these proposed "mixed-use" amendment changes when Maureen Meredith presented them to the local community. As it turns out, I was the only one representing the neighborhood. More importantly, Praxair was not represented. Just off hand, has anyone reading this letter taken the time to contact Praxair to get their input on the subject of encroaching residential? Can anyone on the Land Use Commission inform me what Praxair actually does off gas? This information is fundamental to any good decision making brought about by this particular zoning determination process.

I spoke to the regional manager at Praxair over the phone just a couple of weeks ago. I encouraged him to get involved in these zoning proceedings. He's a nice enough guy, but I received little or no feedback, or interest from him to be involved. In my opinion, he needs to be involved, especially on the subjects of off gassing, and the after hours noise pollution.

Lastly, about 15 years ago all of the zoning for this area was established after a development company proposed building multi-family housing next to, or close to the Praxair site. One of the arguments presented against the multi-family housing at the time was that the City of Austin had "learned it's lesson" from the Holly Street energy plant after it became engulfed by residential neighborhoods. The neighborhoods then organized in opposition to the plant's location. In the instance of Praxair fifteen years ago, the Land Use Commission and the City Council made some good zoning decisions to buffer the Praxair industrial site from residential development. If these undeveloped commercial and industrial sites in question are allowed the multi-use designation, the sites need to be atmospherically safe and reasonably quiet enough to allow for nighttime sleep. Right now, there is not adequate information in front of me to assure such a result. Therefore, I oppose these mixed-use rezoning proposals.

Respectfully,  
James L Brown

A handwritten signature in black ink, appearing to read "J. Brown".