

ZONING CHANGE REVIEW SHEET

CASE: C14-2016-0113 - 2509 Montopolis Drive **P.C. DATE:** 12/13/2016
01/10/2017
02/14/2017
04/11/2017

ADDRESS: 2507, 2509 & 2511 Montopolis Drive **AREA:** 6.407 acres

OWNER: John Robert Stratton

APPLICANT: The Drenner Group (Leah Bojo)

ZONING FROM: CS-NP; General commercial services-neighborhood plan

ZONING TO: CS-MU-NP; General commercial services – mixed use-neighborhood plan

NEIGHBORHOOD PLAN AREA: Montopolis Neighborhood Planning Area

SUMMARY STAFF RECOMMENDATION

Not Recommended.

PLANNING COMMISSION ACTION:

DECEMBER 13, 2016: POSTPONED BY STAFF TO JANUARY 10, 2017 ON CONSENT, VOTE 10-0 [P. SEEGER 1ST, T. WHITE 2ND, A. PINEYRO DE HOYOS, T. NUCKOLS AND J. SHIEH ABSENT].

JANUARY 10, 2017: POSTPONED BY STAFF TO FEBRUARY 14, 2017 ON CONSENT, VOTE 13-0 [N. ZARAGOZA 1ST, F. KAZI 2ND].

FEBRUARY 14, 2017: POSTONED BY STAFF TO APRIL 11, 2017 ON CONSENT, VOTE 11-0 [A. DE HOYOS HART 1ST, J. VELA 2ND, T. WHITE, N. ZARAGOSA ABSENT].

APRIL 11, 2017: RECOMMENDED APPLICANT'S REQUEST FOR CS-MU-CO-NP, VOTE 11-0 [G. ANDERSON 1ST, T. NUCKOLS 2ND, S. OLIVER, T. WHITE ABSENT]. THE COMMISSION ADDED A CONDITION TO PROHIBIT A RESIDENTIAL USE WITHIN 1000 FEET OF THE PRAXAIR FACILITY. THE COMMISSION RECONSIDERED THE ITEM AND APPROVED A RECOMMENDATION TO INCLUDE THE 1000 FOOT BUFFER IN A PUBLIC RESTRICTIVE COVENANT AS WELL AS THE CONDITIONAL OVERLAY BECAUSE OF UNCERTAINTY HOW CONDITIONAL OVERLAYS WILL BE HANDLED AFTER THE ADOPTION OF CODENEXT.

DEPARTMENTAL COMMENTS:

This 6.4-acre parcel contains four tracts located on Montopolis Drive, between East Riverside Drive and East Ben White Boulevard in the Montopolis Neighborhood Planning Area. The site formerly had four single family structures but is now vacant. It is lightly wooded and slopes from the southeast to northwest. The surrounding area is a mixture of commercial/mixed-use zoned properties to the north, industrial zoned to the south, commercial zoning to the east and public and major industrial to the west. Montopolis is

considered a major arterial roadway. This property was zoned commercial as part of the Montopolis Neighborhood Plan to serve as a transition to the industrial zoning and use to the south. Praxair is located to the south along Montopolis and has hazardous materials stored on site. Because of those materials, the Austin Fire Department (AFD) has recommended no residential development within 1000 feet of that site (see attached exhibit). The AFD recommendation came from analysis done for an adjacent zoning request immediately to the south of the subject tract. Although AFD did not consider the request for the subject tract, the 1000 foot buffer impacts this property.

Recently, immediately to the east of this property zoning case C14-2016-0070 on Thrasher Lane was approved by the Planning Commission and Council. The request was the same as this one (CS-NP to CS-MU-NP). We recommended splitting the zoning into two tracts with a larger CS-NP tract providing a buffer to the industrial zoning and CS-MU to the north (see attached map). The CS-NP portion of that case is essentially equivalent to the subject property.

Imagine Austin has this property included in a Job Center (see attached Growth Concept Map). A job center is described as:

“Job centers accommodate those businesses not well-suited for residential or environmentally sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International Airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the Growth Concept Map offers transportation choices such as light rail and bus rapid transit to increase commuter options. “ Page 107.

The Montopolis Neighborhood Plan has this property designated as commercial in the Future Land Use Map (FLUM) which is also consistent with Imagine Austin. The Neighborhood Plan Amendment staff is not recommending a change to the FLUM to allow mixed use.

The applicant is proposing to market the property for a multifamily development. When the application was initially received, the agent for this case represented a multifamily developer. When they learned staff was not supportive of the change they withdrew their interest in the case. The property owner is now the applicant.

ISSUES:

Legal staff does not include provisions in a restrictive covenant that can be in a conditional overlay.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS-NP	Vacant
North	CS-NP & CS-MU-CO-NP	Martial Arts, Single family
South	LI-NP	Undeveloped
East	CS-NP	Undeveloped
West	MI-NP & P-CO-NP	Semiconductor Lab & Austin Energy Control Center

WATERSHED: Country Club East Creek**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 Neighborhood Council
Bike Austin
Carson Ridge Neighborhood Association
Crossing Garden Home Owners Association
Del Valle Community Coalition
East Riverside/Oltorf Neighborhood Plan Contact Team
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
Pleasant Valley
Preservation Austin
Riverside Farms Road Neighborhood Association
Save Our Springs Alliance
SEL Texas
Sierra Club, Austin Regional Group
Southeast Austin Neighborhood Alliance

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	Pavement	Classification	Side-walks	Bike Route	Bus
Montopolis	135'	44'	Arterial	Yes	No	Yes

SITE ZONING CASE HISTORIES:

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
C14-01-0060 Montopolis Neighborhood Plan	SF-2 to CS-NP	Recommended CS-NP	Approved CS-NP (9-27-01)

RELEVANT ZONING CASE HISTORIES:

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
C14-2016-0070 2519 Thrasher Lane	CS-NP to CS-MU-NP	CS-MU-CO-NP for Tract 1 and CS-CO-NP for Tract 2	Approved CS-MU-CO-NP for Tract 1 and CS-CO-NP for Tract 2 (3/23/17) with restricted uses and access.
C14-01-0060 Thrasher Lane Montopolis Neighborhood Plan	SF-2 to CS-NP	Recommended CS-NP	Approved CS-NP (9-27-01)
C14-2015-0099 2407-2409 Montopolis Drive	CS-NP to CS-MU-NP	Recommended CS-MU-CO-NP	Approved CS-MU-CO-NP (12-10-15) restricted uses
C14-2009-0092 6503 Carson Ridge	CS-NP to GR-MU-NP	Recommended GR-MU-CO-NP	Approved GR-MU-CO-NP (1-28-10) Trips limited to 1500.
C14-2011-0169 7016 E. Ben White Blvd	LI-NP & CS-NP to CS-MU-NP	Recommended CS-MU-NP	Approved CS-MU-NP (4-5-12)
C14-01-0060 2601 Montopolis Drive Montopolis Neighborhood Plan	LI to LI-NP	Recommended LI-NP	Approved CS-NP (9-27-01)

CITY COUNCIL ACTION:**ORDINANCE READINGS:**1st2nd & 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Andrew Moore**PHONE:** 512-974-7604

e-mail address: andrew.moore@austintexas.gov

STAFF RECOMMENDATION

C14-2016-0113

Not recommended

BASIS FOR LAND USE RECOMMENDATION

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

A residential use adjacent to industrial zoning and in close proximity to an industrial use is not compatible.

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

The existing general commercial services (CS) provides a transition between the light Industrial zoning to the south and the mixed use zoning to the north.

Zoning should allow for a reasonable use of the property.

The existing general commercial services (CS) is the most intensive commercial zoning district.

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

The Montopolis Neighborhood plan designates this property as commercial.

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

Imagine Austin designates this area as a Job Center. The existing zoning is consistent with this designation.

ADDITIONAL DEPARTMENT REVIEW COMMENTS

Transportation Review - Danielle Morin - 512-974-1605

ZONING COMMENTS

- TR1. If the requested zoning is granted, it is recommended that joint access be provided for the 2 lots along the south.
- TR2. 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]

TR3. If the requested zoning is granted, it is recommended to provide sidewalks along both sides of the private drives, streets, and internal circulation routes connecting to the public right-of-way to improve walkability and connectivity. The sidewalk dimensions shall comply with the Transportation Criteria Manual and shall be constructed in accordance with the latest ADA standards.

TR4. If the requested zoning is recommended for this site, it is recommended, to stub out internal drives to the *north, east, and south* for future connectivity.

TR5. Existing Street Characteristics:

Name	RO W	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Montopolis Dr.	133'	2 @ 22'	MAD4	Yes	No	Yes; 2421 Grove/Montopolis

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 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.

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

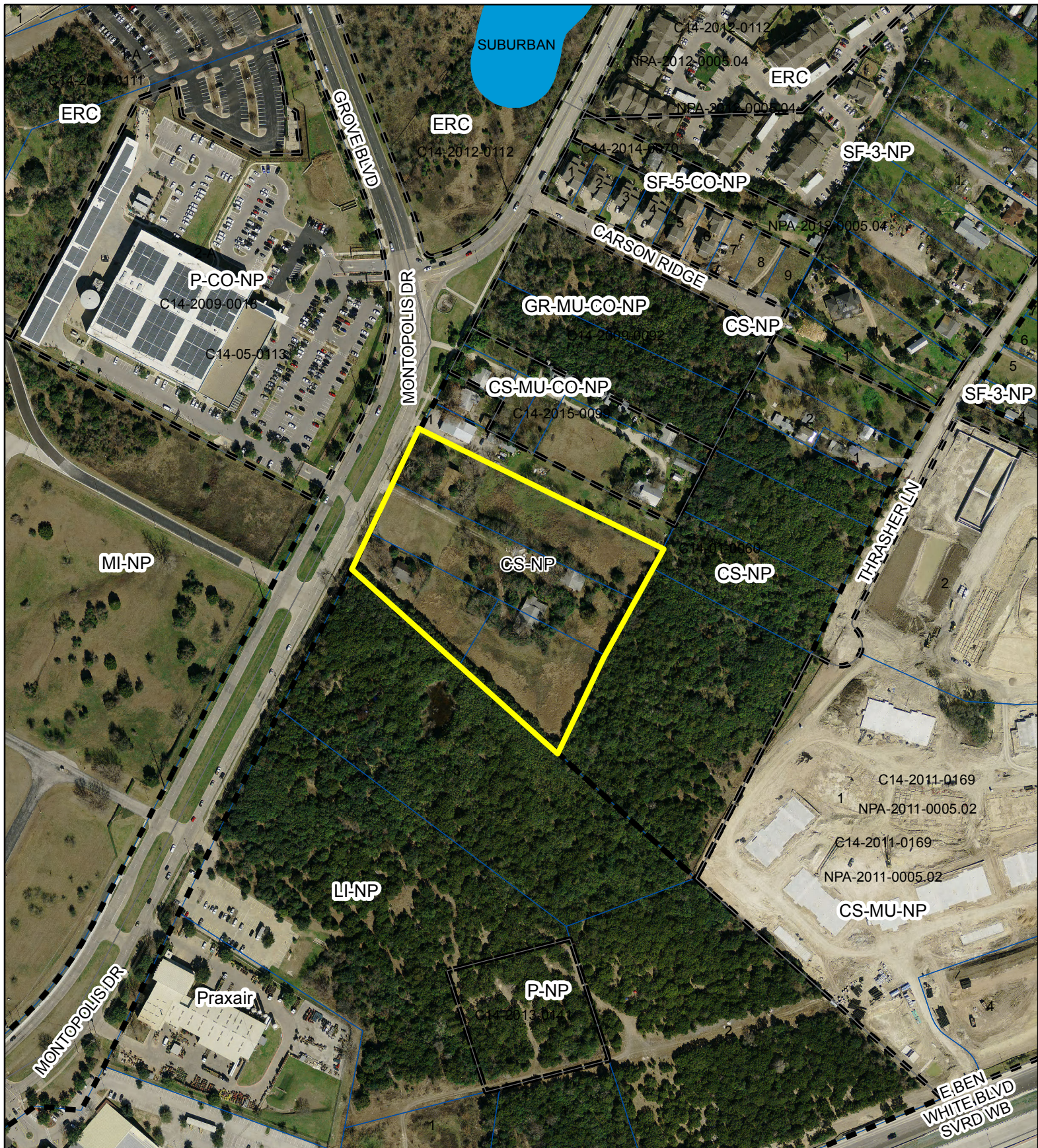
- SP1. Site plans will be required for any new development other than single-family or duplex residential.
- SP2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.
- SP3. The site is subject to compatibility standards. Along the **north** property line, the following standards apply:
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of a property on which a use permitted in an SF-5 or more restrictive zoning district is located.

SP4. 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 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 Austin Water 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.

FYI. The tracts are in an area of capacity concern for wastewater flow, and as such will require Service Extension Requests and possible wastewater system upgrades to provide suitable 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., 7th floor, phone 512-972-0211. Austin Water reserves the right to make additional comments and to establish other requirements with the Service Extension Request review.



ZONING

ZONING CASE#: C14-2016-0113
 LOCATION: 2509 Montopolis Drive
 SUBJECT AREA: 6.4 ACRES
 GRID: L18
 MANAGER: ANDREW MOORE



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SUBJECT TRACT



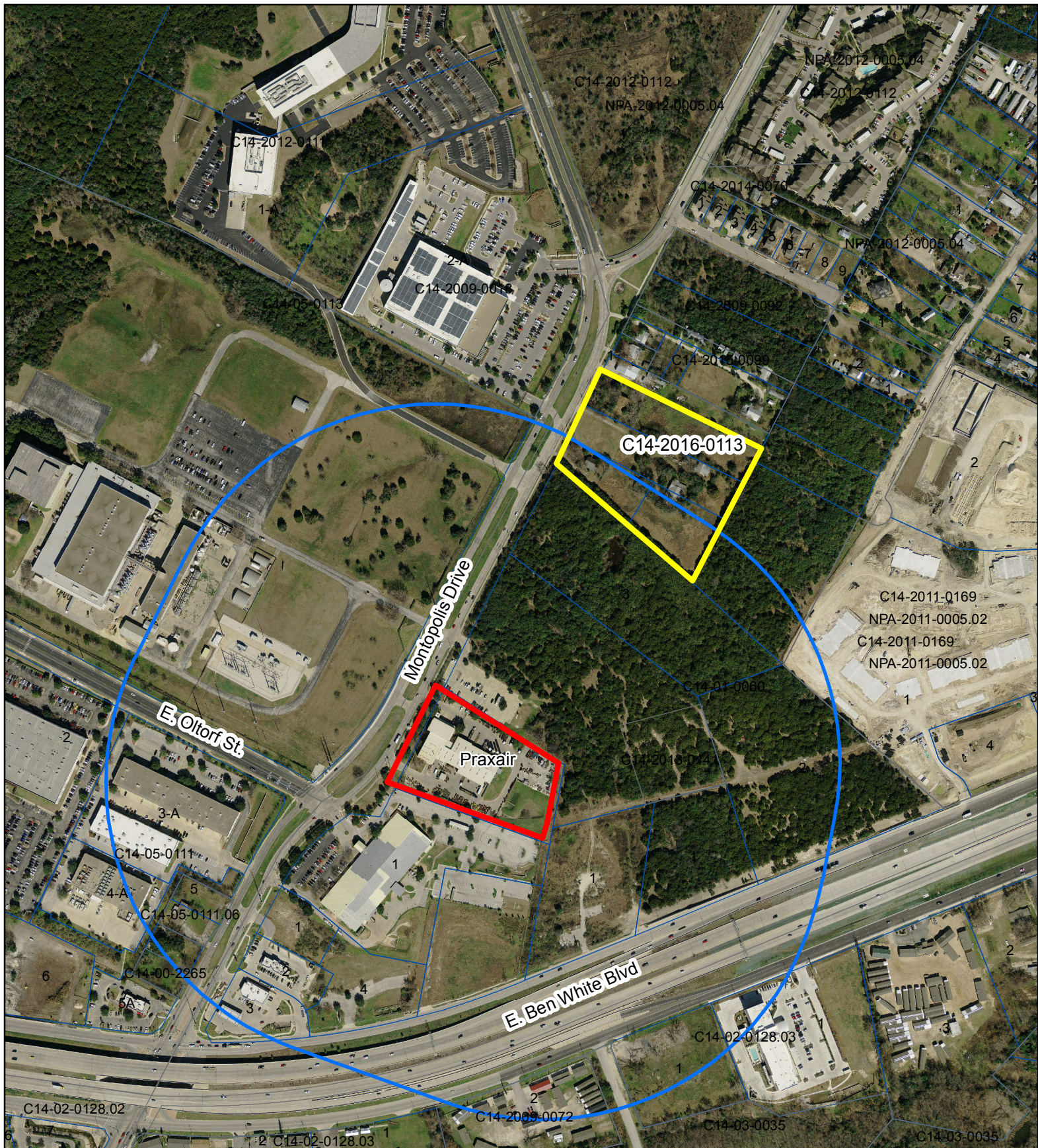
ZONING BOUNDARY



CREEK BUFFER

1' = 400'

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.

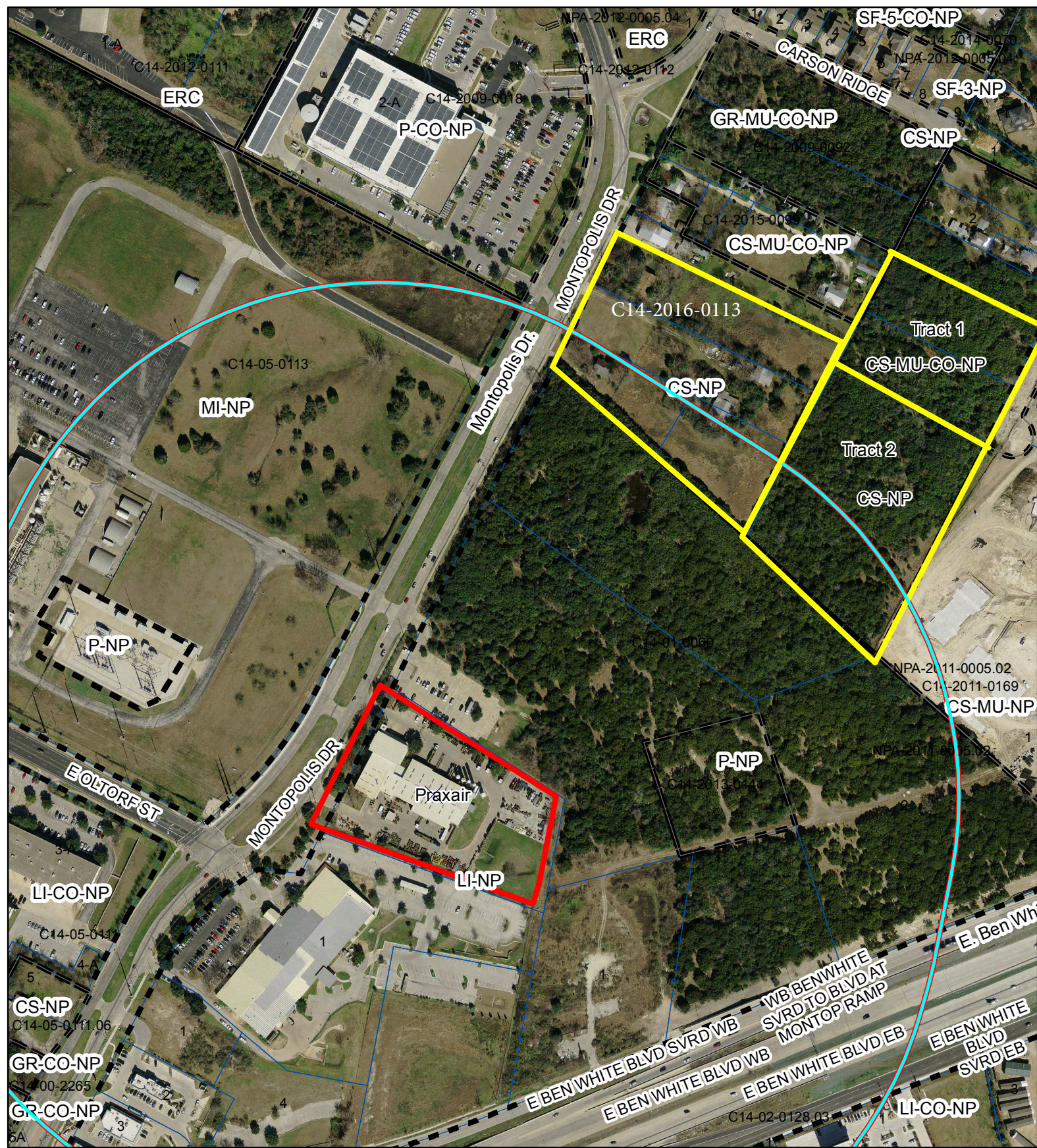


ZONING

ZONING CASE#: C14-2016-0113
 LOCATION: 2509 Montopolis
 SUBJECT AREA: 6.4 ACRES
 GRID: J19
 MANAGER: ANDREW MOORE



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STAFF RECOMMENDATION

ZONING CASE#: C14-2016-070
 LOCATION: Thrasher Lane Lots
 SUBJECT AREA: 7.997 ACRES
 GRID: J19
 MANAGER: ANDREW MOORE



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 1' = 400'
 SUBJECT TRACT
 1000 FT BUFFER
 PRAXAIR FACILITY
 ZONING BOUNDARY

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Growth Concept Map

Legend

- Regional Center
- Town Center
- Neighborhood Center
- Activity Corridor
- Activity Centers for Redevelopment in Sensitive Environmental Areas
- Job Center
- Current Open Space
- Future Open Space
- Barton Springs Contributing Zone
- Barton Springs Recharge Zone
- College/University

Transportation

- High Capacity Transit Stop
- Proposed High Capacity Transit Stop
- High Capacity Transit
- Highway
- Other Streets

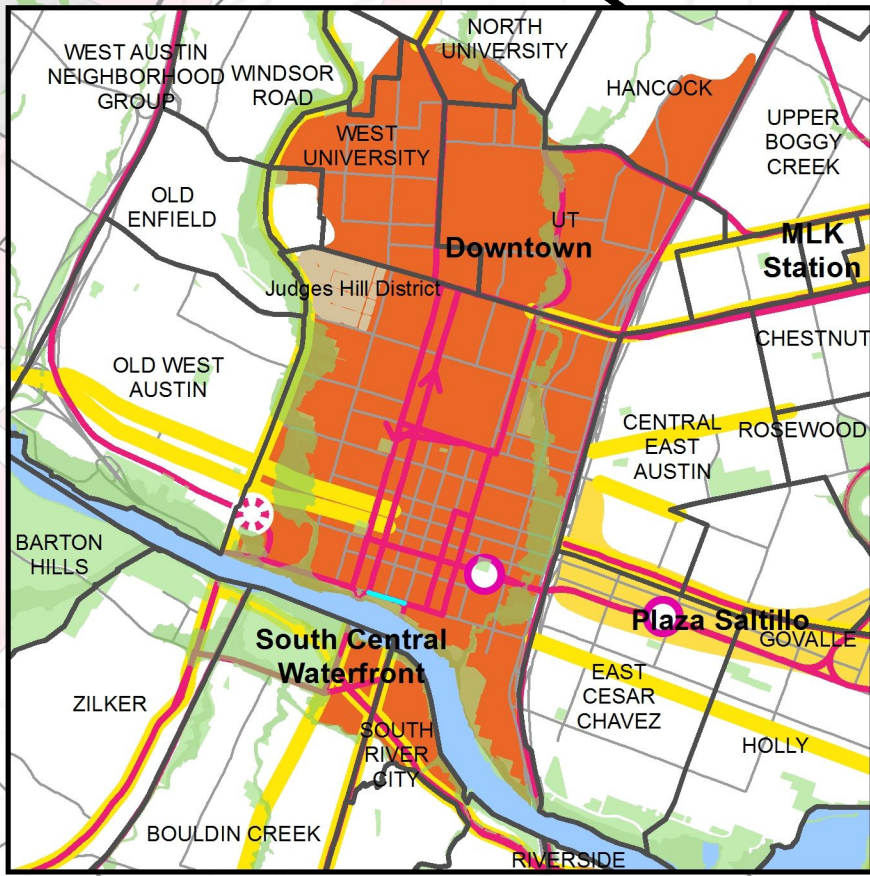
Boundaries

- City Limits
- ETJ
- County Boundaries

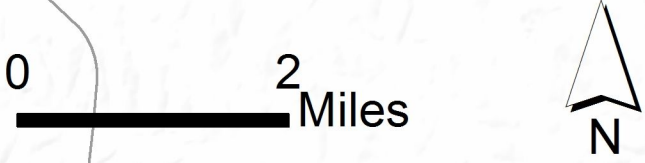
The Growth Concept Map applies the Imagine Austin vision statement to the city's physical development. Generated through a public scenario-building process, it defines how we plan to accomodate new residents, jobs, mixed use areas, open space, and transportation infrastructure over the next 30 years.

Map Disclaimers: A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. 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 the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Adopted June 15, 2012



Downtown Regional Center and Neighborhood Planning Areas



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

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)
 - o 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

December 11, 2016

Via Email:

Stephen Oliver, Chair & Planning Commissioners

Re: Montopolis Neighborhood Contact Team Support for Neighborhood Plan Amendment and Rezoning of 2507, 2509, and 2511 Montopolis ("2509 Montopolis- C14-2016-0113") from "Commercial" to "Mix-use" and the addition "MU" as a combining district.

Dear Stephen Oliver, Chair & Planning Commissioners:

The Montopolis Neighborhood Plan Contact Team held two meetings regarding 2509 Montopolis. On December 6, 2016, the Contact team voted unanimously to support the rezoning of 2509 Montopolis to add the "Mixed Use" combining district and, further, to support the change in the FLUM which would modify these four lots from "Commercial (CS)" to "Mixed Use (CS-MU)."

The applicant will be redirecting storm water from more than eight acres of adjacent property into the city's storm water system and preserving the heritage trees on site.

In addition, the contact team has requested that the Parks Department require that the applicant pay a fee in lieu -- instead of dedicating parkland -- be used for the underserved existing park space parks in our Montopolis community.

If you have any questions, please feel free to contact me.

Respectfully Submitted,

Susana Almanza
President, Montopolis Neighborhood Plan Contact Team

December 11, 2016

Via email: Sara.Hensley@Austintexas.gov

Ms. Sara Hensley, Director

Parks & Recreation Department

RE: 2507, 2509 and 2511 Montopolis (“2509 Montopolis- C14-2016-0113”);
Requests to Require Owner to Pay Fee in-Lieu of Parkland Dedication

Dear Director Hensley:

I am the President of the Montopolis Neighborhood Plan Contact Team and at our December 6, 2016 meeting, the applicant of 2509 Montopolis rezoning sought our feedback concerning the City staff’s initial feedback concerning parkland dedication. Specifically, the applicant indicated that staff would be inclined to have the owner dedicate approximately one (1) acre of parkland at 2509 Montopolis, despite the fact that a meaningful setback is required due to Praxair and the existence of numerous heritage trees on the property – both of which create significant site constraints, including a larger detention facility to preserve heritage trees. In addition to preserving heritage trees, the applicant is also redirecting storm water from over 8 acres of adjacent property into the City’s storm water system.

As you well know, we have meaningful maintenance needs in our area parks. Our contact team voted unanimously to request that the City require fee in-lieu to be paid instead of dedicating one acre of parkland. I have personally made a request to the Parks Department for money to help maintain and improve parks in Montopolis. We know that the money from a payment of fee in-lieu would meaningfully help improve several parks in the Montopolis area.

Please accept this letter as the contact team’s request that you, as the Director, issue an early determination letter which allows the applicant for 2509 Montopolis to pay a fee in-lieu and that the Park’s Department will work with the contact team and neighborhood stakeholders to identify specific priority projects in our community for which this money could be used.

Respectfully submitted,

Susana Almanza, President, Montopolis Neighborhood Plan Contact Team

XC: Stephen Oliver, Chair & Planning Commissioners