

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2016-0113 – 2509 Montopolis Drive

REQUEST:

Approve on second and third readings an ordinance amending City Code Title 25 by rezoning property locally known as 2507, 2509 & 2511 Montopolis Drive (East Country Club Creek Watershed) from general commercial services – neighborhood plan (CS-NP) district zoning to general commercial services - mixed use – conditional overlay - neighborhood plan (CS-MU-CO-NP) combining district zoning. Staff Recommendation: Not recommended. City Council Action: Approved general commercial services – mixed used- conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning on first reading May 18, 2017. Agent: The Drenner Group/Leah Bojo. Owner: John Robert Stratton. City Staff: Andrew Moore, 512-974-7604.

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). On first reading, Council approved the Planning Commission recommendation (CS-MU-CO-NP) and directed staff to draft a public restrictive covenant to prohibit a residential use within the 1000 foot buffer unless the hazard materials are no longer present at the Praxair site. Legal recommended removing the prohibition from the conditional overlay (as passed by PC) and including it in the RC.

DISTRICT AREA: 3

PROPERTY OWNER: John Robert Stratton

AGENT: The Drenner Group (Leah Bojo)

ISSUES: None at this time.

DATE OF FIRST READING/VOTE: May 18, 2017/10-1

CITY COUNCIL DATE: June 22, 2017

CITY COUNCIL ACTION:

ASSIGNED STAFF: Andrew Moore

PHONE: 512-974-7604

EMAIL: andrew.moore@austintexas.gov

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.

CITY COUNCIL ACTION:

MAY 4, 2017: POSTPONED AT THE REQUEST OF THE APPLICANT TO MAY 18, 2017 ON CONSENT, VOTE 10-0 [CM TROXCLAIR 1ST, CM RENTERIA 2ND, CM GARZA ABSENT].

MAY 18, 2017: APPROVED ON FIRST READING CS-MU--NP WITH DIRECTION TO STAFF TO DRAFT A PUBLIC RESTRICTIVE COVENANT TO REMOVE THE PROHIBITION ON RESIDENTIAL USE WITHIN 1000 FEET OF THE PRAXAIR FACILITY IF HAZARDOUS MATERIALS ARE NO LONGER PRESENT, VOTE 10-1 [CM RENTERIA 1ST, CM FLANAGAN 2ND, CM TOVO AGAINST].

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 |
|-------------------------|-------------------------|-----------------------|

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:

1st

2nd & 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

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| Transportation Review - Danielle Morin - 512-974-1605 |
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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 approved 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.

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| NPZ Site Plan Review - Katie Wettick 512-974-3529 |
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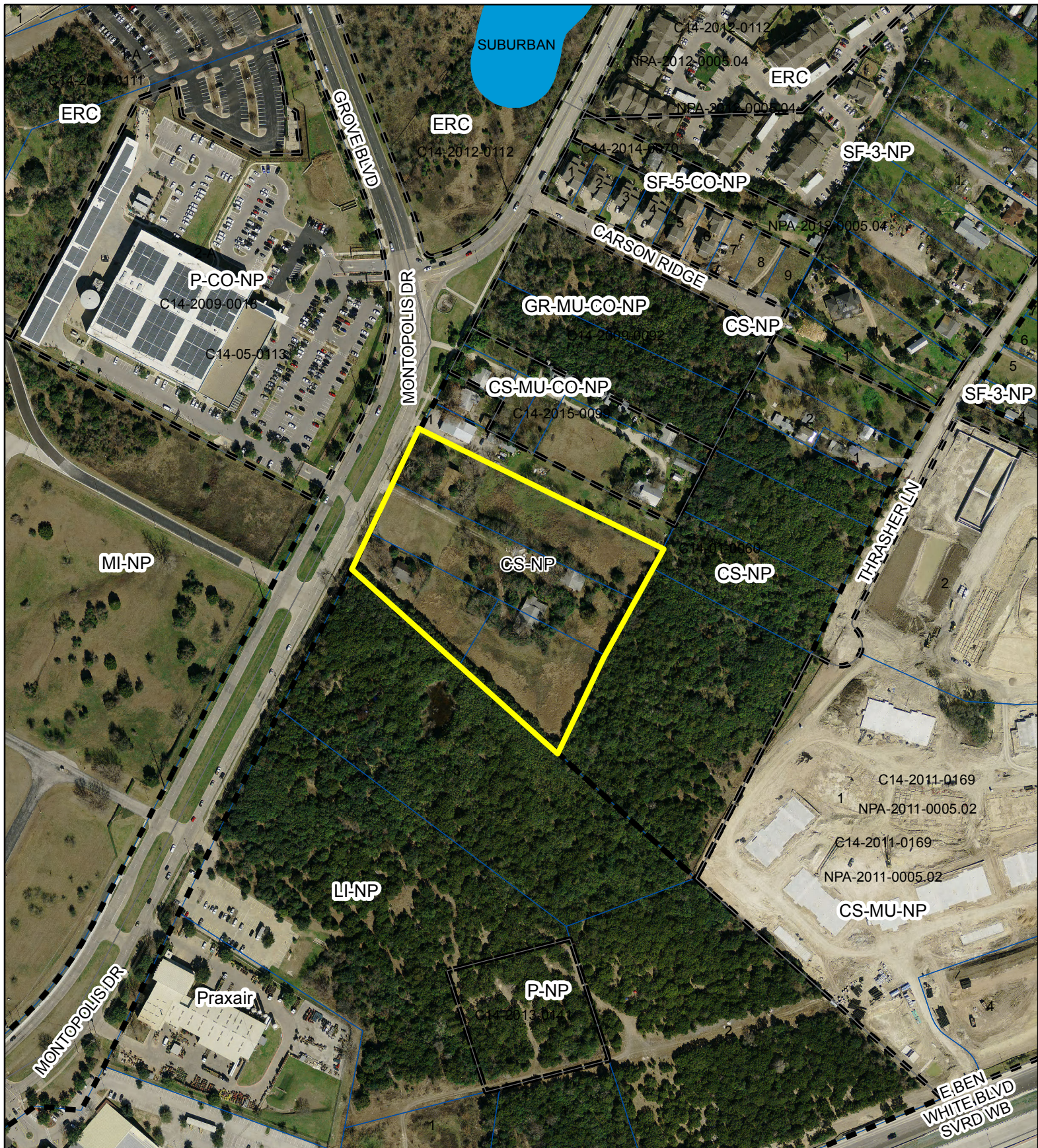
- SP1. Site plans will be required for any new development other than single-family or duplex residential.
- SP2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject 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



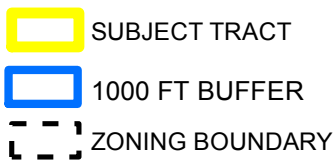
ZONING BOUNDARY



CREEK BUFFER

1' = 400'

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



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