

ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0092 – Ben White and Montopolis

DISTRICT: 2

ZONING FROM: CS-NP

TO: CS-MU-NP

ADDRESSES: 6017, 6029-½, 6109, 6125 East Ben White Boulevard Service Road Eastbound; 6108, 6108-½, 6204 Daffodil Drive; and 3216-½ Montopolis Drive

SITE AREA: 8.813 acres

PROPERTY OWNER: 2910 South 1st Street, LLC (Javier Gutierrez)

AGENT: Drenner Group, PC (Leah Bojo)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – mixed use – neighborhood plan (CS-MU-NP) combining district zoning. *The basis of Staff's recommendation is provided on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

September 10, 2019:

CITY COUNCIL ACTION:

October 3, 2019:

ORDINANCE NUMBER:

ISSUES:

The City-required meeting for the Neighborhood Plan Amendment application was held on Wednesday, August 14, 2019 at the Southeast Public Library. The Contact Team may submit correspondence prior to the Planning Commission hearing.

CASE MANAGER COMMENTS:

The subject property consists of multiple undeveloped lots and is zoned general commercial services – neighborhood plan (CS-NP) district. The property has frontage on the East Ben White Boulevard service road, Montopolis Drive and Daffodil Drive and was formerly used for the sale of manufactured homes. There is a restaurant (limited) use and a hotel-motel at the East Ben White / Montopolis corner (CS-NP); apartments, undeveloped property, automotive repair, and one single family residence to the south (CS-MU-NP; CS-CO-NP); and manufactured home sales and Lower Colorado River Authority offices across

Montopolis Drive to the east (P-CO-NP; P-NP). *Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plats).*

The Applicant proposes to rezone the property to add the –Mixed Use (MU) overlay, hence rezoning to the CS-MU-NP district, in order to construct up to 272 multifamily units in a development intended to include a mix of efficiency, one-bedroom and two-bedroom units. Access is proposed to East Ben White Boulevard and Montopolis Drive, but not Daffodil Drive.

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The proposed general commercial services (CS) district zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments. The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development. The neighborhood plan (NP) district denotes a property located within the boundaries of an adopted Neighborhood Plan.

2. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character; and*
3. *The rezoning should be consistent with the policies adopted by the City Council or Planning Commission / Zoning and Platting Commission.*

Staff supports the Applicant's request based on the presence of existing CS-MU-NP zoned apartments to the southwest, and vehicular access to two arterial streets.

If Austin is to grow and evolve as a compact and connected city, as envisioned in the adopted Imagine Austin Comprehensive Plan (IACP), then development that provides additional housing units is necessary. One of the primary mechanisms for achieving compact growth will be development, or redevelopment, of larger sized properties such as this into higher density residential.

In the broader city-wide context, adding a –MU overlay to office and commercial base zoning districts is a reasonable option for multiple-acre parcels developed or redeveloped for office / commercial / residential purposes.

In conclusion, Staff believes the proposed CS-MU-NP zoning and multifamily development is compatible with adjacent and nearby commercial and apartment developments.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-NP	Undeveloped; Commercial driveway extending between East Ben White Boulevard and Montopolis Drive
<i>North</i>	Not Applicable	East Ben White Boulevard frontage road and main lanes
<i>South</i>	CS-MU-NP; CS-NP; CS-CO-NP; LI-NP	Apartments; Undeveloped; Single family residence; Automotive repair; Commercial / Industrial office park with warehouses
<i>East</i>	CH-NP; P-NP	Restaurant (limited); Hotel-Motel; Manufactured home sales; LCRA offices; Radio tower
<i>West</i>	CS-NP; LI-NP	Service station; Automotive sales; Detention pond

NEIGHBORHOOD PLANNING AREA: Southeast Combined (McKinney) NP Area

WATERSHED: Carson Creek – Suburban

TIA: Is not required

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: East Ben White Boulevard

NEIGHBORHOOD ORGANIZATIONS:

- 189 – Southeast Austin Neighborhood Alliance
- 627 – Onion Creek Homeowners Association
- 774 – Del Valle Independent School District
- 763 – East Riverside/ Oltorf Neighborhood Plan Contact Team
- 1145 – Carson Ridge Neighborhood Association
- 1227 – Montopolis Neighborhood Plan Contact Team (MNPCT)
- 1228 – Sierra Club, Austin Regional Group
- 1258 – Del Valle Community Coalition
- 1299 – The Crossing Gardenhome Owners Association
- 1316 – Southeast Combined Neighborhood Plan Contact Team
- 1321 – Montopolis Tributary Trail Association
- 1363 – SEL Texas
- 1441 – Dove Springs Proud
- 1530 – Friends of Austin Neighborhoods
- 1578 – South Park Neighbors
- 1616 – Neighborhood Empowerment Foundation
- 511 – Austin Neighborhoods Council
- 1255 – Pleasant Valley
- 1357 – Montopolis Community Alliance
- 1408 – Go Austin Vamos Austin 78744
- 1528 – Bike Austin
- 1550 – Homeless Neighborhood Association
- 1605 – Tejana Bilingual Community

SCHOOLS:

This property is located within the Del Valle Independent School District.

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0035 – Southeast Combined Creek Setback – South of E Ben White Blvd and East of Montopolis Dr 183 – City-Initiated	P-NP; CS-MU-NP and CS-MU-CO-NP, to establish a setback that prohibits development for 50’ in both directions from the centerline of an open waterway, with certain exceptions	To Grant	Apvd (6-12-2003).
C14-01-0048 – 3300 Montopolis	SF-2 to CS-CO, as amended	To Grant CS-CO w/the CO prohibiting auto sales, and r-o-w dedication for Daffodil Dr	Apvd CS-CO w/Street Deed for Daffodil Dr as Commission recommended (8-9-2001).
C14-01-0031 – Zenaw Auto Sales – 3304 and 3306 Montopolis Dr	SF-2 to CS	To Grant GR	Apvd GR (7-19-2001).
C14-01-0020 – 6100 Block of Daffodil Drive	SF-2 to CS-CO, as amended	To Grant CS-CO w/CO to allow construction sales and services, and all other GR uses except for auto-related uses, and r-o-w dedication on Daffodil Dr	Apvd CS-CO w/Street Deed for Daffodil Dr as Commission recommended (8-9-2001).

RELATED CASES:

On October 10, 2002, Council appended the –NP combining district to the existing CS zoning as part of the Southeast Combined (McKinney) Neighborhood Plan rezonings, completed under the City of Austin's Neighborhood Planning Program and adopted as part of the Austin Tomorrow Comprehensive Plan (C14-02-0128 – Ordinance No. 021010-12b). A related Neighborhood Plan Amendment application from Commercial to Mixed Use land use is also under consideration (NPA-2019-0014.02).

The rezoning area is platted as Lots 4, 5 and 6 of the Ben White East subdivision, recorded in August 1981 (C8-81-053.1) and Lots 67, 68, 69, 70, 71, 72, 73, 74, and 75 of J. Cody Boyd Subdivision Section One, recorded in June 1954 (C8-54-008). Please refer to Exhibit C (Recorded Plats).

There are no site plan applications in process on the subject property. An administrative site plan for an adult-oriented business was filed in February 2018 and has expired (SP-2018-0063C – Global Auto).

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
East Ben White Boulevard	348 feet	140 feet	TxDOT roadway (Major Arterial Divided, 6 lanes)	Yes	Yes	Yes
Montopolis Drive	78 feet	50 feet	ASMP level 3	Yes	Yes	Yes, Routes 311 and 228

EXISTING CONDITIONS

Site Characteristics

The property consists of multiple lots and a low to moderate covered tree line along the northeast portion of the site and the south property line.

Impervious Cover

The maximum impervious cover allowed by the CS base zoning district is 80%, based on the more restrictive *watershed* regulations.

OTHER STAFF COMMENTS:

Drainage

The developer is required to submit a pre and post development drainage analysis at the subdivision and site plan stage of the development process. The City’s Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Carson Creek 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.

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%

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2 year storm on site.

Site Plan

No comments received.

Transportation

A traffic impact analysis was waived for this case because the proposed zoning will not increase the intensity over the current zoning. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

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

Austin Water Utility

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.

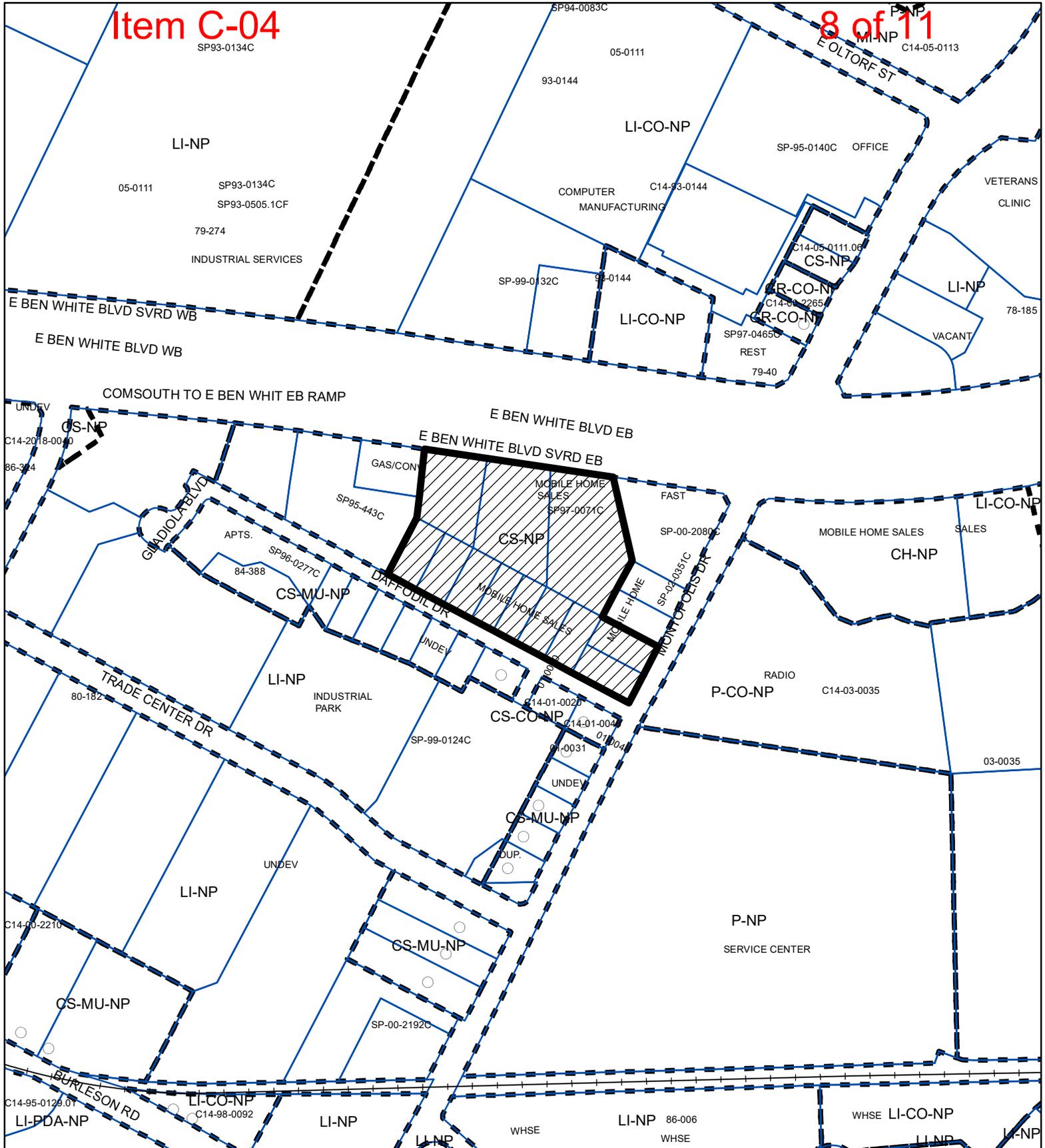
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- A-1: Aerial Map
- B: Recorded Plats

Item C-04

SP93-0134C



ZONING

Exhibit A

ZONING CASE#: C14-2019-0092



-  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.



Created: 7/8/2019



BEN WHITE AND MONTOPOLIS Exhibit A - 1

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

ZONING CASE#: C14-2019-0092
 LOCATION: E BEN WHITE BLVD EB, MONTOPOLIS DR. AND DAFFODIL DR.
 SUBJECT AREA: 8.813 Acres
 GRID: K17
 MANAGER: Wendy Rhoades



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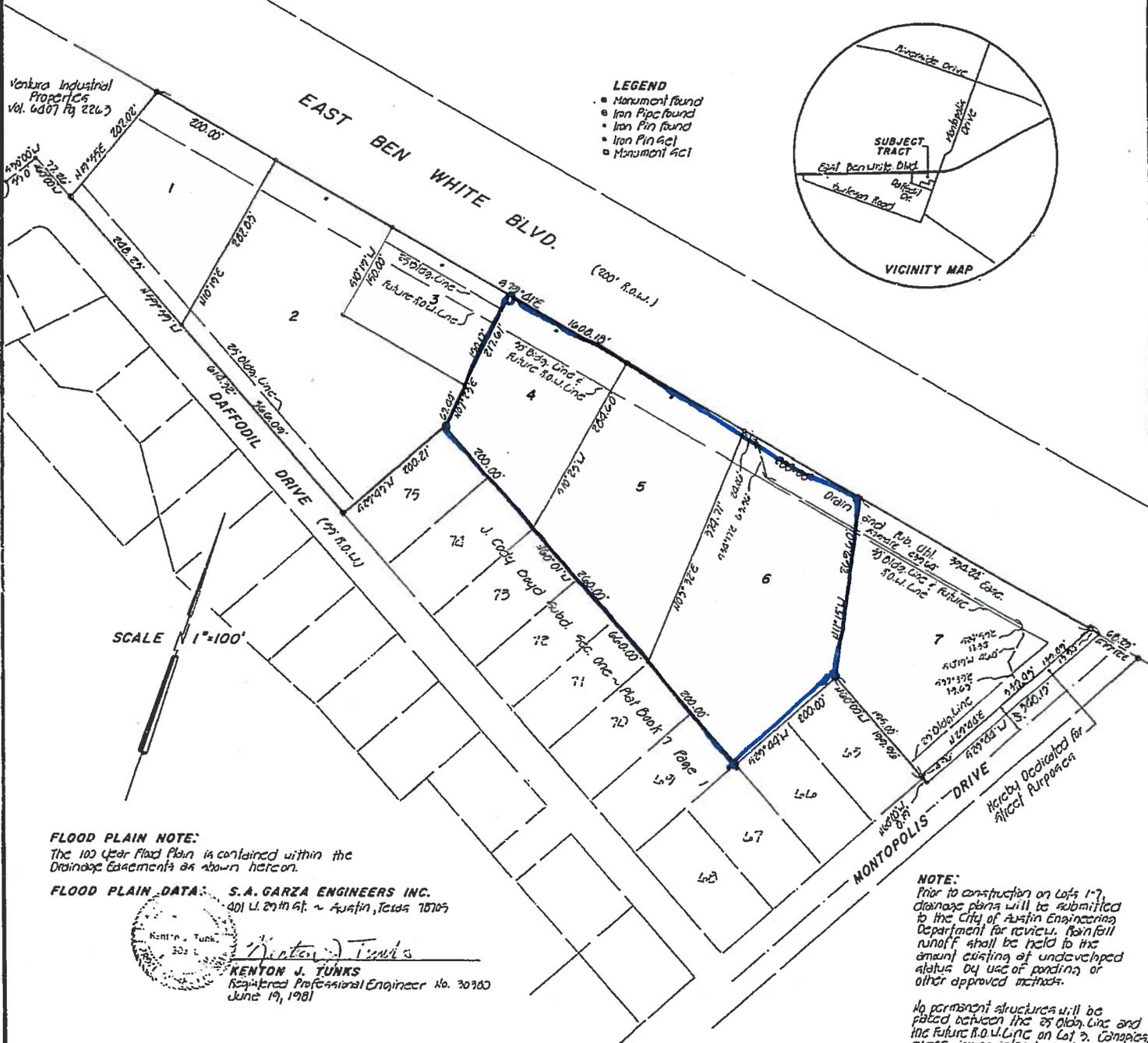
 1" = 400'

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.

Item C-04

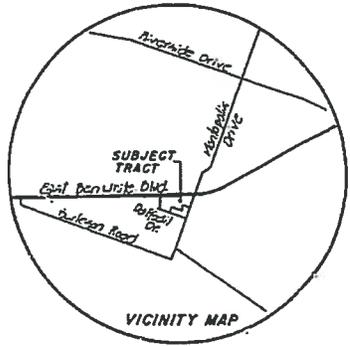
10 of 11

BEN WHITE EAST



LEGEND

- Monument found
- Iron Pipe found
- Iron Pin found
- Iron Pin set
- Monument set



SCALE 1"=100'

FLOOD PLAIN NOTE:
The 100 year flood plain is contained within the Drainage Easements as shown hereon.

FLOOD PLAIN DATA: S.A. GARZA ENGINEERS INC.
401 W. 20th St. ~ Austin, Texas 78705



Kenton J. Tunks
KENTON J. TUNKS
Registered Professional Engineer No. 30960
June 19, 1981

NOTE:
Prior to construction on Lots 1-7, drainage plans will be submitted to the City of Austin Engineering Department for review. Rainfall runoff shall be held to the amount existing at undeveloped status by use of ponding or other approved methods.

No permanent structures will be placed between the 25' Dia. Line and the Future R.O.W. Line on Lot 7. Composites, pumps, pump islands and tanks will be permitted.

HEALTH DEPARTMENT RESTRICTIONS:
No structure in this subdivision shall be occupied until connected to a public sewer system or to an individual sewage disposal system which has been approved by the Austin-Travis County Health Department. Lot 7 must utilize an Evapo-Transpiration type system. Lots 1 through 6 are approved for use of a standard absorption bed system.

No structure in this subdivision shall be occupied until connected to a potable water supply from an approved public water supply with adequate quantity for operation of an approved septic tank system.

No construction may begin on any lot until plans for a sewage disposal system are submitted to and approved by the Austin-Travis County Health Department.

These restrictions are enforceable by the Austin-Travis County Health Department and/or the lot owners or developer.

Tommy E. Gresh
TOMMY E. GRESH, P.E.
Health Officer

8-19-81
DATE

**EXHIBIT B
RECORDED PLAT**

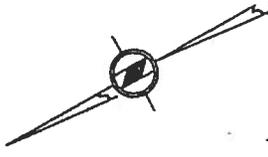
CB-81-53.1

81-150

Item C-04

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J. CODY BOYD SUBDIVISION SECTION ONE



APPROVED FOR ACCEPTANCE

Date: April 12, 1954
V.L. Mike Mahoney
Director of Planning

ACCEPTED AND AUTHORIZED FOR RECORD BY THE
CITY PLANNING COMMISSION

Date: April 8, 1954
Elizabeth J. Ingue
Secretary

Date: April 8, 1954
W.F. Guehrts
Chairman

In approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all streets, roads and other public thoroughfares delineated and shown on this plat, and all bridges and culverts necessary to be constructed or placed in such streets, roads, or other public thoroughfares, or and/or the developer of the tract of land covered by this plat, in accordance with plans and specifications prescribed by the Commissioners Court of Travis County, Texas, and the Commissioners Court of Travis County, Texas assumes no obligation to build streets, roads and other public thoroughfares, shown on this plat, or to constructing any bridges or culverts in connection therewith.

THE STATE OF TEXAS

COUNTY OF TRAVIS
I, Miss Emille Limberg, County Clerk of Travis County, Texas, do hereby certify that on the 14th day of June A.D. 1954, the Commissioners Court of Travis County, Texas, passed an order authorizing the filing for record of this plat, and that said order has been duly entered in the minutes of said Court in Book 3, Page 190.

WITNESS MY HAND AND SEAL OF OFFICE this the 14th day of June A.D. 1954.
MISS EMILIE LIMBERG
County Clerk, Travis County, Texas

MISS EMILIE LIMBERG
Deputy
FILED FOR RECORD
AT 2 o'clock P.M. on the 15 day of June A.D. 1954.
MISS EMILIE LIMBERG
Clerk, County Court, Travis County, Texas

MISS EMILIE LIMBERG
Deputy
THE STATE OF TEXAS
COUNTY OF TRAVIS
I, Miss Emille Limberg, Clerk of County Court, Travis County, Texas, do hereby certify that the within and foregoing instrument of writing, with its certificate of authentication was filed for record in my office on the 15 day of June A.D. 1954 at 2 o'clock P.M. and duly recorded on the 15 day of June A.D. 1954 at 2:10 o'clock P.M. in the Plat Records of said County, in Book 7, Page 1.

WITNESS MY HAND AND SEAL OF OFFICE of the County Court of said County, the date last above written.
MISS EMILIE LIMBERG
Clerk, County Court, Travis County, Texas.

MISS EMILIE LIMBERG
Deputy (SEAL)

JAN 55/9

THE STATE OF TEXAS
COUNTY OF TRAVIS
KNOW ALL MEN
That we, J. Cody Boyd and wife, R. Boyd, of the 122.5 acres of land, a portion of the Travis County, Texas, which was conveyed to us by deed which is recorded in Travis 770, Page 581, do hereby subdivide it in accordance with the attached BOYD SUBDIVISION, SECTION ONE attached plat as our subdivision for public use the easements are for as our interest may appear.

WITNESS OUR HANDS this the

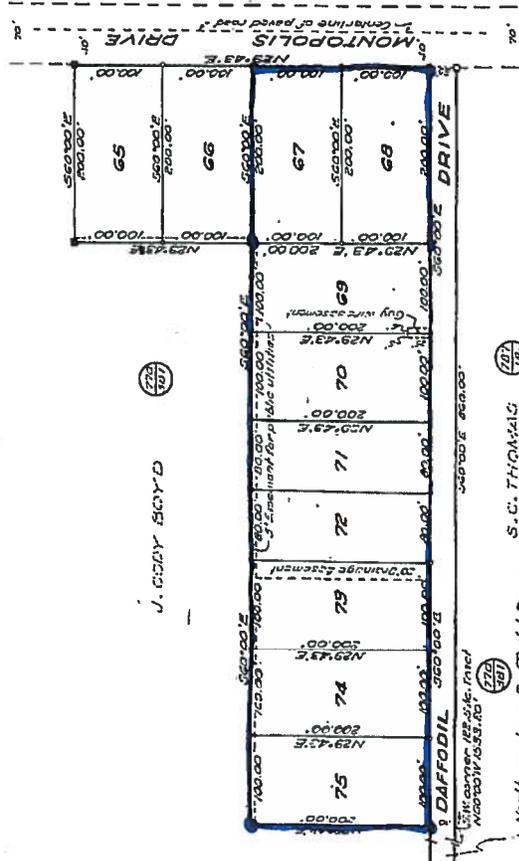
7/1

THE STATE OF TEXAS
COUNTY OF TRAVIS
BEFORE ME
on this day personally appeared J. Cody Boyd, both known to me to be the person subscribed to the foregoing instrument that they each executed the same as their own expressed, and the said J. Cody Boyd having been examined, her husband, and having acknowledged the said J. Cody Boyd and her husband, her set and also, and she declared the same for the purposes and uses and that she did not wish to retract.

Given Under My Hand And Seal
March A.D. 1954.

My Notary

SEPTIC TANK
Each house shall be connected approved by the State Health Dept or to a sanitary sewer system.



Area in Lots 4, 87 ac.
Area in Roads .85 ac.
Total in Subdivision 5.72 Acres

- Iron State Seal
- Concrete Monument Set
- Concrete Monument Found
- Travis County Deed Record

Scale 1" = 100 Feet



CO-54-008

This is to certify that the register Station 11 of the Subdivision OCA dated Sept. 10, 1953 have been