

ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0034 Ross-Conley Lot 1, LLP

Z. P. C. DATE: 05/21/13, 06/18/13

ADDRESS: 3447 Northland Drive

AREA: 0.32 acres

APPLICANT: David C. Conley, P.C.
(David C. Conley)

AGENT: Thrower Design
(Ron Thrower)

NEIGHBORHOOD PLAN AREA: N/A

CAPITOL VIEW: No

T.I.A.: Waived – See the Transportation
Reviewer's comments.

HILL COUNTRY ROADWAY: Yes

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

ZONING FROM: LR, Neighborhood Commercial

ZONING TO: GR, Community commercial.

SUMMARY STAFF RECOMMENDATION:

Staff recommends GR, Community Commercial.

ZONING & PLATTING COMMISSION RECOMMENDATION:

DEPARTMENT COMMENTS:

The zoning case is located on the southeast corner of Northland Drive and Parkcrest Drive and is not located within the boundaries of planning area with an approved neighborhood plan. Surrounding land uses include single family houses to the north and northeast, a dry cleaner to the south, and an office building to the west. The existing and proposed use is a convenience store/gas station. The property is located along a major arterial road and a collector, including Northland Drive, which is a four lane road. The purpose of the Community Commercial or "GR" zoning district designation is to reserve areas for offices, retail stores, and service establishments that provide a broad range of goods and services to residents of Austin and the surrounding areas and promote the grouping of office and commercial uses that are convenient for the public and that benefit the uses in a district and to encourage high standards of site planning, architecture, and landscape design for office and commercial development in the City. The Community Commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways. This site is located on RM 2222 which is in a Low Intensity, Hill Country Roadway corridor. The site will have limited Floor-to-Area-Ratio (FAR) as well as limited height. Any proposed site plan will need approval from the Zoning and Platting Commission.

BASIS FOR RECOMMENDATION:

1. *The proposed zoning should be consistent with the goals and objectives of the City Council.*

Granting the proposed zoning would be in keeping the Commwith the Imagine Austin Comprehensive Plan.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	LR	Convenience store
NORTH	SF-3	Single family residential
SOUTH	LR	Retail
EAST	CS	Cleaners
WEST	CS/GR	Office building

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-91-0070	From LR to GR	Approved GR [Vote: 7-0]	Approved GR [Vote: 7-0]
C14-87-113	From GR to CS-1	Approved CS-1 [Vote: 7-0]	Approved CS-1 [Vote: 7-0]

NEIGHBORHOOD ORGANIZATION:

- Austin Neighborhood Council
- Northwest Austin Civic Association

SCHOOLS:

Highland Park Elementary School, Lamar Middle School, McCallum High School

SITE PLAN:

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

The site is subject to compatibility standards. Along the front property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of three stories or 40 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.

This site is located in a Low Intensity Hill County Roadway Corridor. Prior to the issuance of a building permit for the proposed use, a site plan must be approved by the Planning Commission

ENVIRONMENTAL:

1. The site is located very near to the Edwards Aquifer Recharge Zone; a geological analysis may be required to determine the exact location of the recharge zone boundary. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps there is no flood plain within the project area.
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 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. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

COMPREHENSIVE PLAN

The zoning case is located on the southeast corner of Northland Drive and Parkcrest Drive and is not located within the boundaries of planning area with an approved neighborhood plan. Surrounding land uses include single family houses to the north and northeast, a dry cleaner to the south, and an office building to the west. The existing and proposed use is a convenience store/gas station. The property is located along a major arterial road and a collector, including Northland Drive, which is a four lane road. The property is located within the boundaries of the Barton Creek Contributing Zone, as identified on the Imagine Austin's Growth Concept Map, found in the Image Austin Comprehensive Plan (IACP). An aquifer contributing zone is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and "contribute" water to the aquifer. However, the overall goal of the IACP is to achieve '*complete communities*' across Austin, where housing, services, retail, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another. Page 107 of the IACP states, "While most new development will be absorbed by centers and corridors, development will happen in other areas within the city limits to serve neighborhood needs and create complete communities. *Infill development can occur as redevelopment of obsolete office, retail, or residential sites or as new development on vacant land within largely developed areas. New commercial, office, larger apartments, and institutional uses such as schools and churches, may also be located in areas outside of centers and corridors. The design of new development should be sensitive to and complement its context.* It should also be connected by sidewalks, bicycle lanes, and transit to the surrounding area and the rest of the city. It should also be connected by sidewalks, bicycle lanes, and transit to the surrounding area and the rest of the city. Not all land within the city limits will be developed. Some may remain or enter into agricultural production; continue as single-family houses, duplexes, and apartments; or become part of the

planned open space network. The Growth Concept Map not only guides where Austin may accommodate new residents and jobs but also reflects the community intent to direct growth away from environmentally sensitive areas including, but not limited to, the recharge and contributing zones of the Barton Springs segment of the Edwards Aquifer, and to protect the character of neighborhoods by directing growth to areas identified by small area plans.”

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses infill development, including over environmentally sensitive land:

- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **LUT P5.** Create healthy and family-friendly communities through development that includes a **mixture of land uses** and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.
- **LUT P22** Protect Austin’s natural resources and environmental systems by limiting land use and transportation development in sensitive environmental areas and preserving areas of open space.
- **N P1.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on this property being located along the intersection of a major arterial and a collector road, the existing convenience store, which at the north end of a strip of local serving retail uses located along Northland Road, and the Imagine Austin policies referenced above, which encourages complete communities and infill development, including retail uses, staff believes that the existing and proposed retail use is supported by the Imagine Austin Comprehensive Plan, as long as environmental ordinances are considered and enforced if the site is ever redeveloped.

TRANSPORTATION:

TR1. No additional right-of-way is needed at this time.

TR2. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].

TR3. Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Park Crest	70	37	Collector	Yes	No	Yes
Northland	90	MAU 4	Arterial	Yes	Yes	Yes

CITY COUNCIL DATE: June 20th, 2013

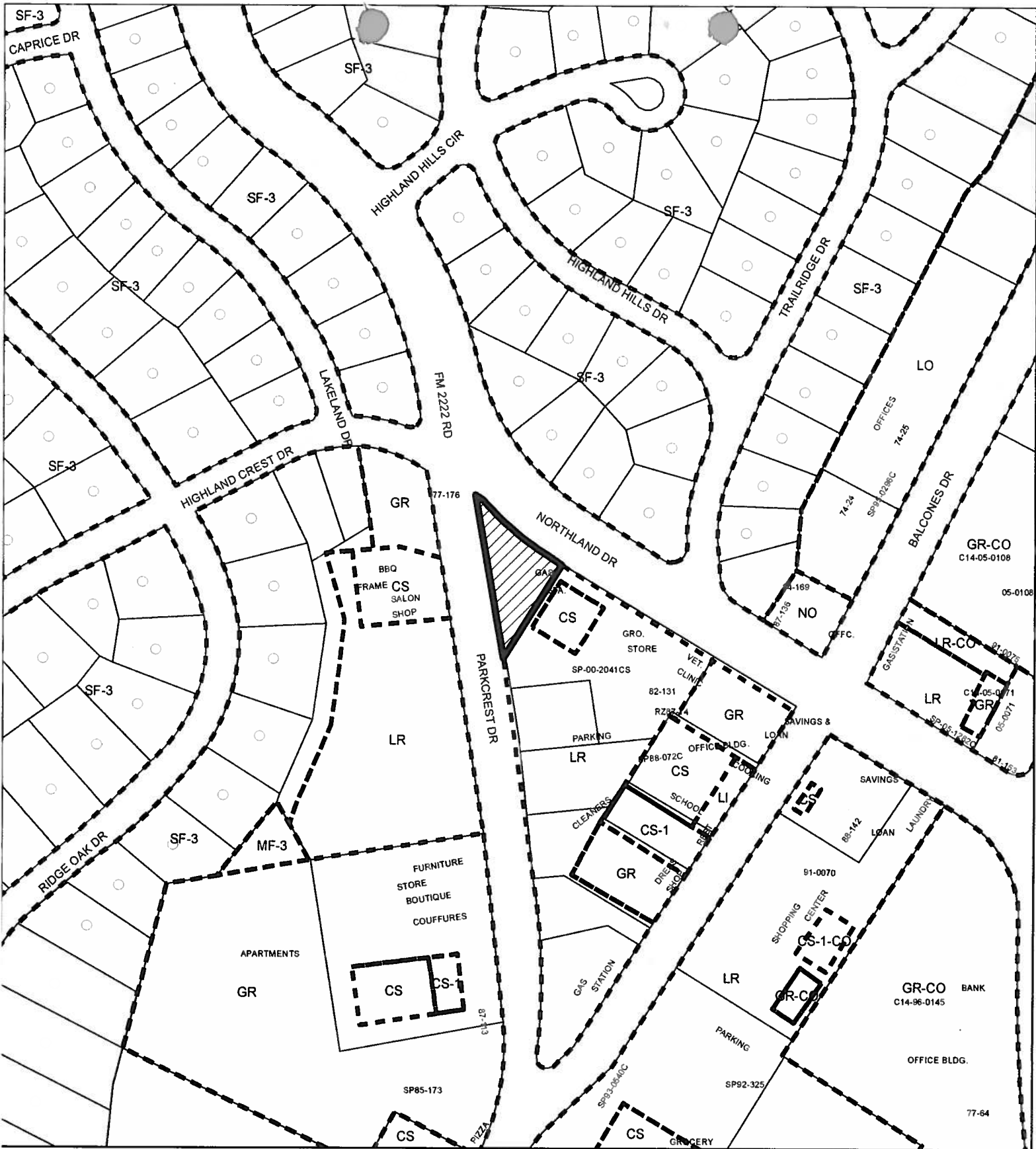
ACTION:




ORDINANCE READINGS: 1ST 2ND 3RD

ORDINANCE NUMBER:

CASE MANAGER: Clark Patterson
Clark.patterson@ci.austin.tx.us

PHONE: 974-7691



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2013-0034



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.

1" = 200'



SUBJECT
TRACT

HIGHLAND HILLS CIR

TRAILRIDGE CIR

LAKELAND DR

HIGHLAND HILLS DR

TRAILRIDGE DR

FM 2222 RD

HIGHLAND CREST DR

RIDGE OAK DR

NORTHLAND DR

PARKCREST DR

BALCONES DR



Google earth

feet 10
meters 3



Patterson, Clark

From: anthony.p.norris@well-fargo.com
Sent: Monday, May 20, 2013 2:50 PM
To: Patterson, Clark
Cc: anthony.p.norris@gmail.com; kcshortes@gmail.com
Subject: C14-2013-0034 - 3447 Northland Dr.

Hi Clark,

I am the owner of the residence at 3500 Northland Dr., directly across Northland from the property in question. I have some concerns that I feel important to bring up as I may not have an opportunity to attend the hearing tomorrow evening.

My primary concerns as a residential homeowner are the safety of my family and neighbors, keeping traffic congestion down to a minimum, and maintaining the integrity of the neighborhood. This change potentially threatens these things.

A little more, then, about this particular intersection from a safety perspective:

There were several accidents in a span of weeks recently at the new stoplight that was installed going westbound on Northland. A couple of years ago I had a drunk driver hop the curb and end up in my yard in the early hours of the morning. There are regularly serious accidents at the curve just west and down the hill from me, at least one with a fatality in recent past. Rarely does a month go by where I do not personally witness an accident between those eastbound cars turning left toward Mopac and oncoming traffic from Parkcrest going west on 2222. The only way in and out of my residence is 2222/Northland and the speed with which people take the curve in front of my house already presents a significant hazard every day. That's not even to mention the inconvenience of waiting sometimes 10 minutes at a time for a safe opportunity to exit the driveway. An increase in traffic also comes with an increase in incidents and, in an already highly congested area, this is a danger to my family and the other Highland Hills residents who traverse these paths on a daily basis.

I would therefore like to officially oppose any change in the zoning for this property. At the very least, I urge the commission to consider restrictions including:

- restaurants, banks, car washes, or anything that could increase congestion with a "drive through" service (the backups on Parkcrest and 2222 would be horrendous)
- fast food restaurants that would operate late into the night producing additional traffic backups, brightly lit parking lots, and an excess of garbage being strewn through the residential neighborhood
- automotive services or anything that would produce additional noise or traffic
- an increase in the allowed height/brightness of signage

Please feel free to call me directly if I can provide any further information. My cell phone number is 512-296-7867 and you can reach me at either of the following email addresses:

~~anthony.p.norris@well-fargo.com~~
~~anthony.p.norris@gmail.com~~

Thank you for your consideration.

Regards,

5701 Trailridge Drive
Austin, TX 78731
~~sharon@comcast.net~~

June 7, 2013

Chair Betty Baker and Zoning and Platting Commission Members Rojas, Banks, Meeker, Seeger, Compton, and McDaniel
P. O. Box 1088
Austin, Texas 78767

RE: C14-2013-0034 – 3447 Northland Drive

Dear Ms. Baker, Mr. Rojas, Ms. Banks, Mr. Meeker, Ms. Seeger, Mr. Compton, and Mr. McDaniel:

We own a home in the Highland Hills subdivision within 500 feet of the site for the proposed zoning change. The Highland Hills subdivision, which is zoned entirely for SF-3 use, is located directly across Northland from the site for the proposed zoning change. We oppose the proposed zoning change from LR to GR at 3447 Northland Drive (FM2222) for the following reasons:

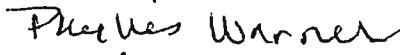

- The Land Development Code describes GR Districts as “generally accessible from major traffic ways” (§ 25-2-98), and according to the Development Assistance Center, a rule of thumb for evaluating the appropriateness of GR zoning is whether the site is located on two major roadways. The site for the proposed zoning change does not meet this criterion. Northland/FM2222 is a major roadway, but Parkcrest, which is only one block long, most certainly is not. This is an error in the Department Comments section of the ZAP backup material, which states at the beginning, “The property is located along two major arterial roads. . .” (page 1) and concludes, “Based on this property being located on two major arterial roads. . .” (page 2). It is noteworthy that the labeling of roads in the zoning map that was sent to property owners within 500 feet would be misleading to anyone unfamiliar with the area because it appears from the placement of the label that Parkcrest is FM2222 instead of Northland, which actually is FM2222. We mention this because staff may have used the same map in making its recommendation, and ZAP may be using this map for its decision-making.
- GR site development standards and uses are not “compatible” or “complementary in scale or appearance” with the residential (SF-3) zoning and use of all lots in the Highland Hills Subdivision, including homes that are located directly across Northland from the site. Furthermore, the Imagine Austin objectives cited on pages 2 and 3 of the Department Comments in the ZAP backup material are more consistent with LR than GR zoning for this site. It also is noteworthy that in many instances, the actual commercial uses near the site are less intense than would have been permitted under current zoning.

- The proposed use, a convenience store, is permitted in LR, but the size of the building, number of fuel pumps, and the size of the lighted canopy would, in all likelihood, be considerably smaller in LR than GR and more in scale with the residential neighborhood across the street. Furthermore, the lower proportion of impervious cover allowed in LR than GR, is likely to mean more landscaping on the redeveloped site. This would be more consistent with the residential character of Highland Hills, and could be in keeping with the intent in the Land Development Code to restore vegetation along a Hill Country Roadway.
- The proposed approximately 3,200 square foot convenience store with four islands for gas (8 pumps) would generate considerably more traffic than the previous use on the site and be more visually intrusive. The description of the previous use of the site as a convenience store in both the zoning application and ZAP backup materials is erroneous. The previous use actually was a small (1,772 square foot), neighborhood, service station/repair shop with two small islands for gas (four pumps) that generated little traffic, little noise, and was closed at night. The service station had a vending machine for beverages and sold some snacks, but the "convenience store" was an accessory use. The service station was closed at night, and for most of its many years of operation, it was dimly lit when closed.
- Highland Hills residents are very concerned about the adverse impacts on traffic, traffic flow, and safety that could result from the considerably less restrictive development standards and permitted uses in GR compared with LR on the proposed site. And since zoning changes no longer are tied to site plans, once the proposed change from LR to GR is granted, the site could be developed for any use permitted in GR in accordance with GR site development standards.
- Exiting the Highland Hills subdivision onto Northland/FM2222 already is difficult during peak traffic hours, and the exit from Highland Hills Drive, the subdivision's main collector street, is too close to Balcones ever to have a traffic light. Furthermore, due to limited sight distance, neither of the two other exits from the subdivision onto Northland/FM2222 have traffic lights. Exiting onto Northland during peak hours is dangerous from Highland Hills Circle and can be difficult from Dry Creek.

We hope you will take these concerns into account in your decision-making on this case.

Thank you very much.


Sincerely,

Phyllis Warner

David Warner

John and Annell Neale
5700 Highland Hills Drive
Austin, Texas 78731


512-368-5487

RECEIVED

JUN 10 2013

Planning & Development Review

June 8, 2013

Chair Betty Baker and Zoning and Platting Commission Members Rojas, Banks, Meeker,
Seeger, Compton and McDaniel
P. O. Box 1088
Austin, Texas 78767

Re: C14-2013-0034-3447 Northland Drive

Dear Ms. Baker, Mr. Rojas, Ms. Banks, Mr. Meeker, Ms. Seeger, Mr. Compton and Mr.
McDaniel:

My husband and I currently reside at 5700 Highland Hills Drive. This is at the northwest corner of Northland Drive and Highland Hills Drive. We have rented this home from Denise Guckert, the owner, for the past 9 years.

I am writing in opposition to the zoning change from LR to GR at 3447 Northland Drive. Below are the salient points to my opposition:

- When we moved in to this house there was a full service gas station on that corner. The street sign was simple and fairly unobtrusive as was the overhang. The last company to take over was an RPM station. The lit sign on the overhang was such that it glared into the back yard and into the bedroom windows as well as the windows across the back of the house. The glare was severe enough to disrupt the ability to fall asleep at night. This is also a direct detriment to Ms. Guckert's property value.
- The traffic at the corner of Northland Drive and RM 2222 is already such that at peak hours eastbound traffic from 2222 block the intersection coming through the light. Traffic turning left onto Parkcrest cannot turn, traffic coming from Highland Crest Drive cannot get through the light and traffic heading west to 2222 or trying to turn right onto Northland cannot proceed. Lifting restrictions and allowing the new business on that corner to further snag these traffic lanes does not make sense.
- Last, but my no means least, I would like to address the traffic exiting Highland Hills Drive onto Northland Drive. Peak drive time hours are the worst but weekends generate a great deal of traffic as well. During these times traffic on Highland Hills Drive often backs up to the point that we cannot back out of our

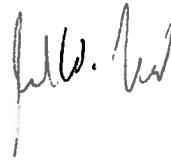
driveway. That backup is most often a result of the general flow of traffic on Northland but is also often the result of the middle turn lane trying to cross to the vet or the cleaners. Add a large convenience store/gas station into the mix and it is likely to become a nightmare.

I appreciate your consideration of these points of opposition. I understand that there will always be a business on that corner. However, it should not need to be excessive to be successful. I do hope that you will take the needs of the neighborhood into consideration when making your decision regarding any zoning changes.

Sincerely yours,



Annell Neale
John Neale



PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and 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 development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its 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 zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2013-0034

Contact: Clark Patterson, 512-974-7691

Public Hearing: May 21, 2013, Zoning and Platting Commission
June 20, 2013, City Council

MATTHEW GRANT

Your Name (please print)

5714 HIGHLAND HILLS DR

Your address(es) affected by this application

Matthew Grant

Signature

Daytime Telephone: 512-415-6666

☐ I am in favor
☒ I object

6/5/2013
Date

Comments:

LR is fine for this property.
We do not need a GR next to
our neighborhood.

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

City of Austin
Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2013-0034

Contact: Clark Patterson, 512-974-7691

**Public Hearing: May 21, 2013, Zoning and Platting Commission
June 20, 2013, City Council**

Denise Guckert

Your Name (please print)

5700 Highland Hills Drive

Your address(es) affected by this application

D Guckert

Signature

5/19/2013

Date

Daytime Telephone: **512-585-2416**

Comments:

**This is a very high density traffic area.
It is already very difficult for drivers
who are exiting from Highland Hills Drive.
Any increase of traffic congestion in this
area needs to be stopped.**

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

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Case Number: C14-2013-0034

Contact: Clark Patterson, 512-974-7691

Public Hearing: May 21, 2013, Zoning and Platting Commission

June 20, 2013, City Council

EUGENE CROOK

Your Name (please print)

5703 Highland Hills Dr.

Your address(es) affected by this application

Eugene J. Crook

Signature

Daytime Telephone: 512/323-9681

Comments:

The traffic at this corner has been expressed up ever since the new light was installed several months ago and any more traffic to location would make it even worse. The city needs to buy this property for a turn lane down Patterson to North and Dr. Sand Con- versely

5/24/13
Date

☐ I am in favor
☒ I object

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

City of Austin
Planning & Development Review Department
Clark Patterson
P. O. Box 1088
Austin, TX 78767-8810