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ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0094
4505 N. IH 35 Rezoning

P.C. DATE: October 22, 2013

ADDRESS: 4505 N. IH 35 Service Road NB

AREA: 0.1984 acres

OWNER: Saeed Moshfegh

AGENT: AJ Ghaddar, P.E. & Associates (AJ Ghaddar)

FROM: SF-3-NP

TO: LO-NP

NEIGHBORHOOD PLAN AREA: Upper Boggy

TIA: N/A

WATERSHED: Boggy Creek

SCENIC ROADWAY: No

CAPITOL VIEW CORRIDOR: No

DESIRED DEVELOPMENT ZONE: Yes

SUMMARY STAFF RECOMMENDATION:

Staff recommendation is to approve Limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning. The Applicant has agreed to a conditional overlay that would require an 8-foot solid fence along the rear property line adjacent to residential properties. The Applicant also supports staff's recommendation that development be limited through a conditional overlay to less than 2,000 vehicle trips per day.

PLANNING COMMISSION RECOMMENDATION:

October 22, 2013:

DEPARTMENT COMMENTS:

The subject property is located on the east side of IH 35, on the northbound frontage road slightly north of the intersection with Airport Boulevard. Fernwood Road is located two lots to the south, and Bentwood Road is located two lots to the north. The property is currently zoned SF-3-NP and occupied by a single family house. To the south is a vacant property and an undeveloped lot zoned LO-NP. To the north is a lot zoned LO-NP developed with professional offices. The next lot to the north is zoned SF-3-NP and is developed with single family, but takes access to Bentwood Road, not IH 35. To the east of the property is a residential neighborhood zoned SF-3-NP. Please refer to Exhibits A and B (Zoning Map and Aerial View).

The Applicant has requested the LO-NP rezoning in order to allow Daycare land use. Delwood 2 Neighborhood Association has submitted a letter supporting the change to LO-NP, but has requested that several land uses be excluded from the property, including Daycare. Staff does not support the proposed restrictions on land uses. The neighborhood also requested an 8-foot fence along the rear property line. Staff and the Applicant agree with this recommendation (Exhibit C – Correspondence).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single family residence
<i>North</i>	LO-NP, SF-3-NP	Professional office, Single family residence
<i>South</i>	LO-NP	Single family residence (vacant), Undeveloped
<i>East</i>	SF-3-NP	Single family residences
<i>West</i>	CS-CO-NP, CS-V-CO-NP	IH 35—Across highway- Convenience storage, Construction sales & services, Medical office

RELATED CASE NUMBERS:

This area was zoned in 2002 as part of the Upper Boggy Neighborhood Plan process, with associated zoning case C14-02-0057. There have been no recent zoning cases in the vicinity of the subject property.

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
IH 35 Service Road NB	62'	36'	Service Road	Yes	Yes	No

NEIGHBORHOOD ORGANIZATIONS:

Del Valle Community Coalition
 Signature Neighborhood Association
 North Austin Neighborhood Alliance
 Mueller Property Owners Association
 Wilshire Wood-Delwood 1 Neighborhood Association
 Central Austin Community Development Corporation
 Upper Boggy Creek Neighborhood Planning Team
 Central Austin Neighborhood Plan Area Committee
 North Loop Neighborhood Planning Team

PODER
 Ridgetop Neighborhood Association
 Hancock Neighborhood Association
 Delwood 2 Neighborhood Association
 Sustainable Neighborhoods

SCHOOLS:

Maplewood Elementary School

Kealing Middle School

McCallum High School

CITY COUNCIL DATE: November 21, 2013:

ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin
 e-mail: heather.chaffin@austintexas.gov

PHONE: 974-2122

C5/3

SUMMARY STAFF RECOMMENDATION:

Staff recommends Limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning. The Applicant has agreed to a conditional overlay that would require an 8-foot solid fence along the rear property line adjacent to residential properties. The Applicant also supports staff's recommendation that development be limited through a conditional overlay to less than 2,000 vehicle trips per day.

The property is located on the IH 35 frontage road with no connection to the residential neighborhood to the east. Any commercial zoning category will be required to comply with compatibility standards adjacent to the nearby residences, and LO is one of the least intensive commercial categories suitable along a highway corridor.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

LO is one of the least intensive commercial categories suitable along a highway corridor, and is an appropriate buffer between the highway and the residential neighborhood to the east. Additionally, the property will be required to comply with compatibility standards adjacent to the nearby residences.

2. Zoning should allow for a reasonable use of a property.

The property is currently zoned SF-3-NP, which is inappropriate for its location on the frontage of an interstate highway. The only other SF-3-NP property on this block takes access to Bentwood Road only and has what appears to be a sound barrier along the IH 35 property line. Since the subject property only has access to the IH 35 frontage road, commercial zoning is more appropriate.

Site Plan:

SP 1. This tract does not currently have a site plan in review with the City of Austin.

SP 2. Site plans will be required for any new development other than single-family or duplex residential.

SP 3. 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.

SP 4. Compatibility Standards: the site is subject to compatibility standards. Along the southern and eastern property lines, the following standards apply:

- No structure may be built within 20 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.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.

SP 5. Additional design regulations will be enforced at the time a site plan is submitted.

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14**Transportation:**

TR1. No additional right-of-way is needed at this time. For information: the Texas Department of Transportation has indicated a long-term need for up to 400 feet of right-of-way for IH 35. [AMATP]

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. There are existing sidewalks along the IH 35 northbound service road.

TR4. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are recommended along the adjoining streets as follows: IH 35 serves route no. 42 with an existing Shared Lane and recommended Wide Curb.

TR6. Capital Metro bus service (route nos. 135, 142, 161, 320, 499, 935, 985, CR, CR/RR, PRC) is available along this segment of IH 35.

Environmental:

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy 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 floodplain 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.

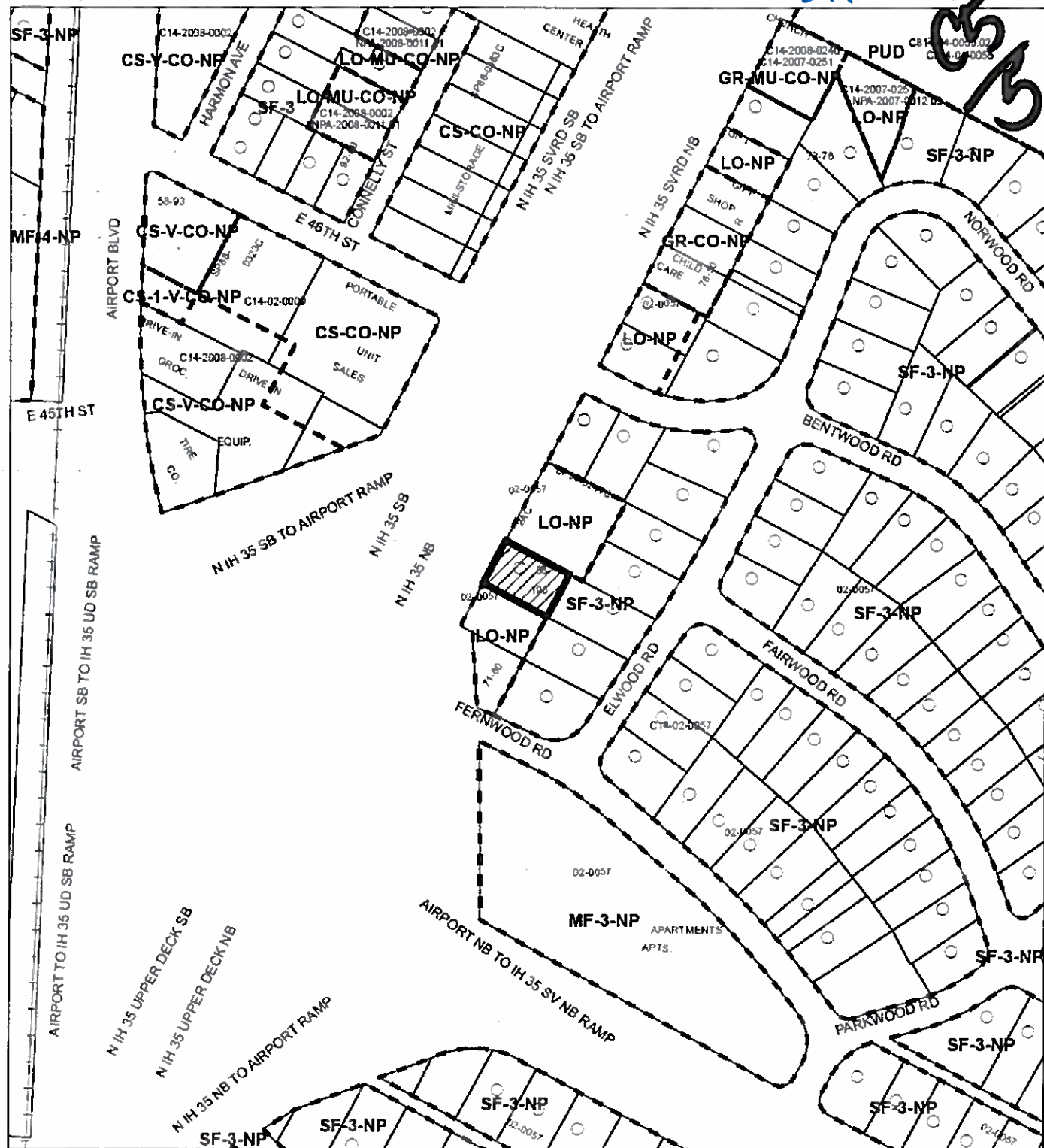
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.




Water/Wastewater:

FYI: 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 proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.

EXHIBIT A

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-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

CASE#: C14-2013-0094

1" = 200'

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.



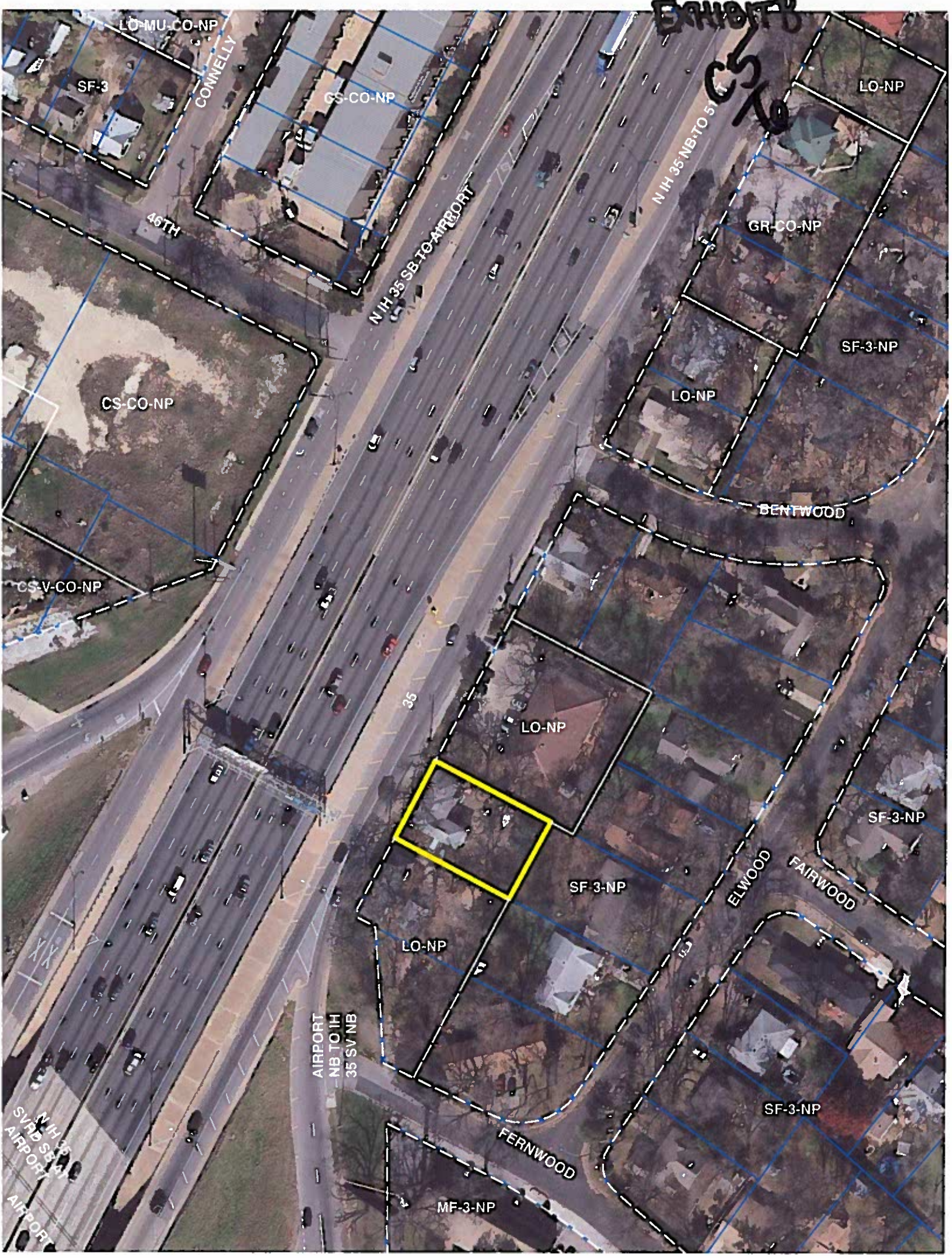


EXHIBIT C

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Delwood 2 Neighborhood Response to Requested Zoning Change
for Plan amendment case#: NPA-2013-0012.01, 4505 N. IH-35 and
Zoning Case#: C14-2013-0094

September 27, 2013

The Delwood 2 Neighborhood Association approves the following uses as appropriate for the neighborhood for the zoning change from SF-3 to L.O.

Residential Uses

Bed and Breakfast-Groups I and II.

Commercial Uses

Administrative and Business Offices

Art Gallery

Art Workshop

Communication Services

Medical Offices not exceeding 5000 s.q. ft.

Professional Offices

Software Development

Special Historic Use

Civic Uses

Convalescent Services

Counseling Services

Cultural Services

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Day Care Services (Limited)

Family Home

Group Home, Class 1 (Limited)

Hospital Services (Limited)

The Delwood 2 Neighborhood Association does not think the following uses are appropriate for the neighborhood.

Commercial Uses

Medical Offices exceeding 5000 s.q. ft.

Personal Services

Agricultural Uses

Community Garden

Urban Farm

Civic Uses

Club or Lodge

College and University Facilities

Communication Service Facilities

Community Recreation (Private)

Community Recreation (Public)

Congregate Living

Day Care Services (Commercial)

Day Care Services (General)

Group Home, Class 1 (General)

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Group Home, Class 2

Local Utility Services

Private Primary Educational Facilities

Private Secondary Educational Facilities

Public Primary Educational Facilities

Public Secondary Educational Facilities

Religious Assembly

Residential Treatment

Safety Services

Telecommunication Tower

The neighborhood would like the back fence at 4505 N. IH-35 to be 8 ft. high instead of the usual 6 ft.

The neighborhood does not support the possible zoning change to "L.O." that would allow off-site parking.

Respectfully,

Gary Brinkman, President

Delwood 2 Neighborhood Association