

ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0085 – Northland II Property LLC

Z.A.P. DATE: September 15, 2015

ADDRESS: 2123 Northland Drive

DISTRICT AREA: 7

OWNER/APPLICANT: Northland II Property LLC (Bruce J. Spitzengel)

AGENT: Jim Bennett Consulting (Jim Bennett)

ZONING FROM: SF-3

TO: LO

AREA: .14 acres (6098 sq. ft.)

SUMMARY STAFF RECOMMENDATION:

Staff recommends limited office-conditional overlay (LO-CO) combining district zoning with the conditional overlay prohibiting vehicular access to and from Northland Drive.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

September 15, 2015; *Approved LO-CO combining district zoning with the conditional overlay prohibiting vehicular access to and from Northland Drive and prohibiting Medial Offices uses [L. Brinsmade / A. Denkler-2nd] (11-0).*

DEPARTMENT COMMENTS:

The subject rezoning area consists of an un-platted tract located on the southeast corner of Northland Drive and Montview Street. The property is developed with a one-story, single-family residence and detached garage and has driveway access onto Montview Street towards the back of the property. There is a shopping center anchored by a grocery store to the north (CS-V; CS-1-V-CO), commercial/mixed use to the east (LR-MU-CO), single family residences that access Montview Street to the south (SF-3). Additionally, there is an office to the west, on the opposite corner of Northland and Montview (LO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).

A rezoning to LO has been requested in order to repurpose the existing structure to be used as an office. The owner of the property and business at the northwest corner of Northland Drive and Montview Street, opposite the subject property, is proposing to gain additional office space to support the operations of the existing office use across the street.

The subject rezoning area is located within the block that is the western edge of the Burnet Road Corridor, which has been identified in the Imagine Austin Plan as an Activity Corridor that should encourage a mix of uses and require design elements that will encourage and improve pedestrian mobility as well as draw people to use the public space creating a lively street environment. The segment of Northland Drive between Montview and Burnet carries some traffic from the shopping center and office building to the north, as well as commercial uses to the east and office uses to the west, and therefore has a less residential character than that portion of Northland Drive further west. Given that there has been a consistent pattern of re zoning to office, general retail and commercial zoning districts on this portion of Northland Drive, Staff believes that the subject property is suited

for uses allowed in the limited office (LO) zoning district. The Conditional Overlay is to prohibit vehicular access to and from Northland Drive.

ISSUES:

The Allandale Neighborhood Association has provided a letter opposing this rezoning. The letter along with additional correspondence from near-by property owners is located at the back of the staff report.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Vacant
<i>North</i>	CS-V	Office, Retail
<i>South</i>	SF-3	Single Family Residential
<i>East</i>	LR-MU-CO	??
<i>West</i>	LO & SF-2	Office and Single Family Residential

NEIGHBORHOOD PLANNING AREA: N/A

TIA: Is not required.

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

<i>Community Registry Name</i>	<i>ID#</i>
Bike Austin	1528
SEL Texas	1363
Central Austin Community Development Corporation	1391
Austin Independent School District	742
Austin Heritage Tree Foundation	1340
Allandale Neighborhood Association	3
Sustainable Neighborhoods	1396
North Austin Neighborhood Alliance	283
lower district 7 Green	1504
Shoal Creek Conservancy	1497
5702 Wynona Neighbors	769
Friends of Emma Barrientos MACC	1447
NW Austin Neighbors	1507
Preservation Austin	1424
Austin Neighborhoods Council	511
Friends of Austin Neighborhoods	1530
Sierra Club, Austin Regional Group	1228
Brentwood Neighborhood Assn.	120
The Real Estate Council of Austin, Inc.	1236

Highland/Skyview Neigh. Plan Contact Team
Brentwood Neigh. Plan Contact Team

1057
787

SCHOOLS: Gullett Elementary, Lamar Middle, McCallum High

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2014-0029 – Central Charm, 2121 Northland Dr	SF-3 to LR-MU	5/21/2014 – Apvd NO-MU-CO; CO for 300 vehicle trips/day. , max height of 35 feet; no more than 2 stories in height, setbacks limited to 5 ft. for interior and rear yards; max. IC is 60%, max. bldg. cover is 35%, max. FAR is .35:1, College and university, private secondary educational facilities are conditional. Prohibited list of uses (5/21/2014).	Apvd NO-MU-CO; CO for 300 vehicle trips/day. , max height of 35 feet; no more than 2 stories in height, setbacks limited to 5 ft. for interior and rear yards; max. IC is 60%, max. bldg. cover is 35%, max. FAR is .35:1, College and university, private secondary educational facilities are conditional. Prohibited list of uses (8/14/2015).
C14-2014-0025 – Briley’s Upholstery Shop – 2117 & 2119 Northland Dr	SF-3 to GR-MU-CO for Tract 1, LO-MU-CO for Tract 2	To Grant GR-MU-CO w/CO for 40’ height, list of prohibited commercial and civic uses for Tract 1 and NO-MU-CO w/same list of prohibited uses for Tract 2, and 300 vehicle trips per day across Tracts 1 and 2	Approved GR-MU-CO for Tract 1 and NO-MU-CO for Tract 2, with 12 add’l prohibited uses (08-07-2014).
C14-2008-0088 & C14-2008-0088 (PART) – Allandale Neighborhood Planning Area Vertical Mixed Use Zoning – W Anderson Ln on north, Burnet Rd on east, North Loop Blvd on south, and MoPac on west	To add V zoning to certain tracts within the Allandale NPA, as requested by the Neighborhood’s application	To Grant V zoning	Approved V zoning on 9 tracts (8-21-2008).
C14-04-0113 – Amy’s Ice	LR to CS-CO	To Grant CS-CO w/CO for 2,000 trips	Apvd CS-CO as Commission recommended

Cream – 2109 Northland Dr			(09-02-2004).
C14-99-0142 – Twin Liquors – 5700 and 5716 Burnet Rd	CS-1 to CS; CS to CS-1	To Grant CS-1 with conditions; Rollback to CS if use ceases	Apvd CS-1-CO w/CO prohibiting adult-oriented businesses and cocktail lounge; RC for rollback if use ceases, prohibit sales of single beer and lottery tickets (02-03-2000).
C14-70-129 – Robert E. Winters, 2201-2203 Northland Drive, 5610-5614 Montview Street	SF-3 to LO		

RELATED CASES: None.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Northland Drive	50 ft.	40 ft.	Collector	No	No	Yes
Montview Street	48 ft.	24 ft.	Local	No	No	Yes

CITY COUNCIL DATE:

October 8, 2015;

ACTION:

ORDINANCE READINGS: 1st

2nd

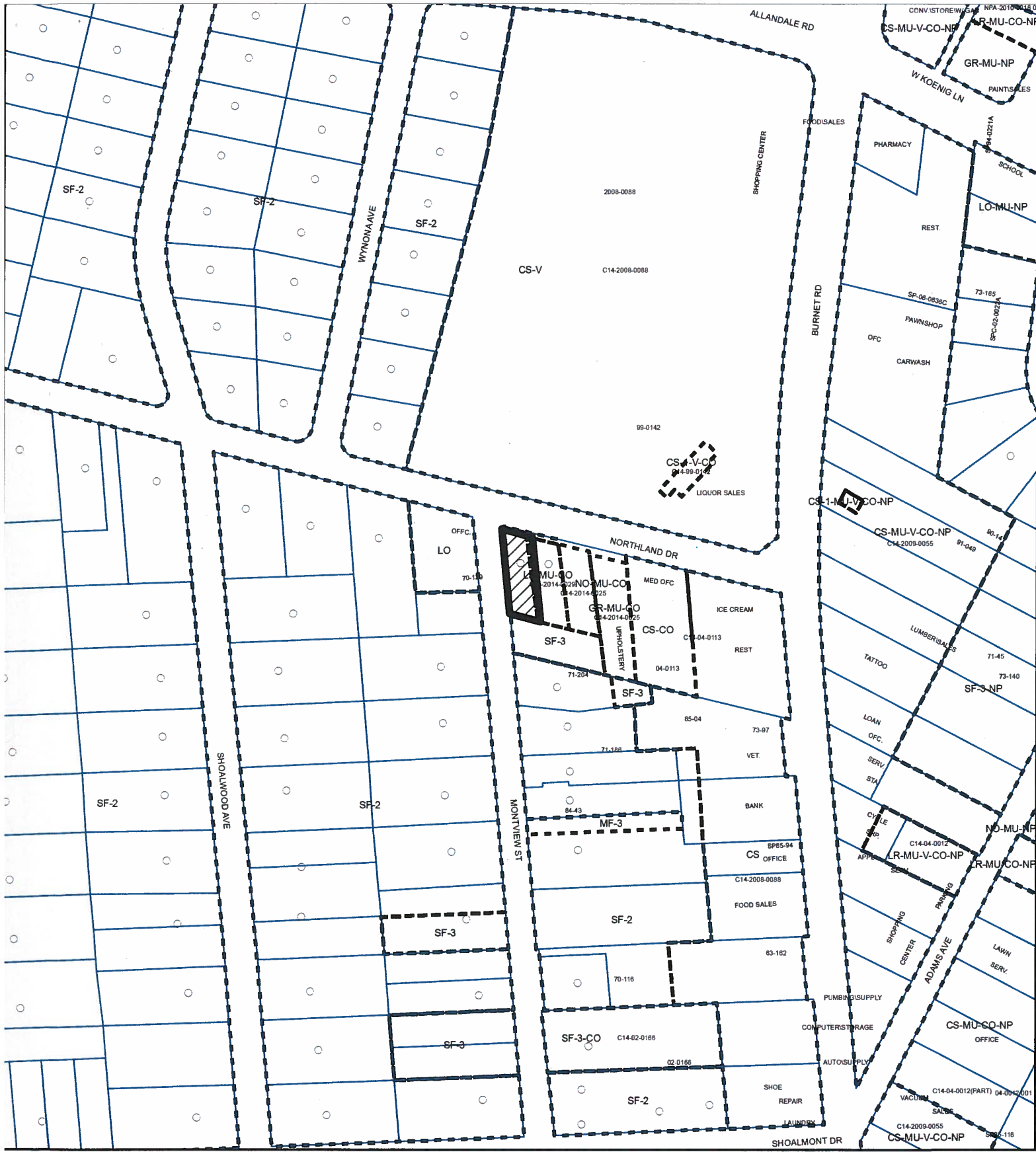
3rd

ORDINANCE NUMBER:

CASE MANAGER: Victoria Haase

PHONE: 512-974-7691

EMAIL: tori.haase@austintexas.gov



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2015-0085

Exhibit A



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'



AERIAL

Exhibit B

- Subject Property
- Core Transit Corridors

ZONING CASE#: C14-2015-0085
 ZONING CHANGE: SF-3 to LO
 LOCATION: 2123 Northland Drive
 SUBJECT AREA: .14 ACRES
 MANAGER: TORI HAASE



N

 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.

STAFF RECOMMENDATION

Staff recommends limited office-conditional overlay (LO-CO) district zoning with the conditional overlay prohibiting vehicular access to and from Northland Drive.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*
2. *Zoning changes should promote compatibility with adjacent and nearby uses.*
3. *The proposed zoning should promote consistency and orderly planning.*

The rezoning will accommodate the proposed office use on the subject property. Limited office (LO) district zoning is intended for an office use that serves the neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. While redevelopment of the subject tract is not proposed at this time, site development regulations and performance standards applicable to the LO district ensure that future redevelopment would be compatible and complementary in scale and appearance with the residential environment.

The subject rezoning area is located in an area that transitions between the more intense commercial uses on Burnet Road and the interior core of single family uses to the west. There is a consistent, orderly pattern of rezoning on the block between Burnet Road and Montview Drive that has created a buffer that is compatible with both the single family to the west and the commercial uses to the east towards Burnet Road.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area is developed with a one-story, single family structure and a detached garage. There are two well established trees in front of the single family structure and a tree of significant size behind, south of the residential structure that could inhibit future redevelopment on this site. There does not appear to be any topographic constraints on the property.

Impervious Cover

The maximum impervious cover allowed by the *SF-3* zoning district is 45%. The maximum impervious cover allowed by the *LO* zoning district is 70%.

Comprehensive Planning – Kathleen Fox, 512-974-7877

This zoning case is located on the southeast corner of Northland Drive and Montview Street, approximately 400 feet west of Burnet Road. This .14 acre property contains a small one story house. This case is located within the boundaries of the Allandale Neighborhood Planning Area, which does not have an adopted neighborhood plan. Surrounding land uses includes a retail/office shopping

center – including an HEB grocery store to the north, a single family house to the south, and small office building to the west, and a single family house to the east with commercial zoning. The proposed use is office.

Imagine Austin

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan identifies Northland Drive as being located just off an **Activity Corridor** (Burnet Road), but not located along a corridor or center. Based on the comparative scale of this site relative to other nearby retail, commercial and office uses, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning.

Environmental – Mike McDougal, 512-974-6380

1. The site is not located over the Edwards Aquifer Recharge Zone. 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. Zoning district impervious cover limits apply in the Urban Watershed classification.
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 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. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative, is exceeded and on site control for the two-year storm.

DSD Transportation – Natalia Rodriguez, 512-974-3099

- TR1. 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]
- TR2. A Neighborhood Traffic Analysis is not required for this case because the traffic generated does not exceed the threshold of 300 vehicle trips per day. [LDC, Sec. 25-6-114]
- TR3. If the requested zoning is granted, it is recommended that vehicular access to and from Northland Drive be prohibited as a condition of zoning because there is insufficient frontage to have a complying Type II driveway. Additionally, curb cuts are recommended along Local streets rather than Collector streets.

- TR4. If the requested zoning is recommended for this site, it is recommended that joint use access be sought for the adjacent lots to minimize the curb cuts along Northland Drive.
- TR5. 25 feet of right-of-way dedication from the centerline of Montview Street will be required at the time of subdivision or site plan in accordance with the Transportation Criteria Manual. LDC, 25-6-55; TCM, Tables 1-7, 1-12.
- TR6. Additional right-of-way maybe required at the time of subdivision and/or site plan.
- TR7. Nadia Barrera, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

Water and Wastewater – Neil Kepple, 512-972-0077

FYI: The site is currently served with City of Austin water and wastewater utilities. If redeveloped the landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, 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 and suitability for operation and maintenance. 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.

Storm Water Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Storm water Management Program if available.

Site Plan and Compatibility Standards – Christine Barton-Holmes, 512-974-2788

- SP 1 Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
- SP 2 The site is subject to compatibility standards. Along the south and west property line, the following standards apply:
- a. No structure may be built within 15 feet of the property line.
 - b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - d. No parking or driveways are allowed within 15 feet of the property line.

- e. A landscape area at least 15feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

SP 3 Additional design regulations will be enforced at the time a site plan is submitted.

July 2015

To: Allendale Neighborhood Association
Planning Commission
Austin City Council

Re: Re-zoning request from **SF3 to LO (Limited Office)** for 2123 Northland Drive

I own and/or live on property within 500 feet of 2123 Northland Drive.

The owners of the house located at 2123 Northland Drive have shared with me their plans for the use of the home located on this lot as offices for their business.

I am in support of their request for the re-zoning of this structure from **SF3 to LO (Limited Office)**.

I feel that the proposed upgrades will be an enhancement to the neighborhood and improve the structure currently on the lot.

The owners appear to have provided adequate parking for the proposed use. Their plans to use this house as a small office will not increase vehicle traffic to the neighborhood.

The proposed improvements to the current structure will fit the neighborhood in both style and scale. 2123 Northland Drive is the only residential structure on the 2100 block of Northland Drive. Use of the house as offices will make a good buffer between the neighborhood and the office/retail complex across the street.

I believe this is a responsible project in keeping with the goals of the Neighborhood Plan and worthy of the support of the Neighborhood Association and City Council.

GISELLE HORTON
Name

5605 SHOALWOOD AVE
Address


Signature

July 2015

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Planning Commission
Austin City Council

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✶ CYNTHIA J MILLS
Name

5704 WYNONA AVE.
Address

Cynthia J. Mills
Signature

July 2015

To: Allendale Neighborhood Association
Planning Commission
Austin City Council

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Brandi Welch

Name

5703 Wynona

Address

Bm

Signature

July 2015

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Austin City Council

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Aaron Welch
Name

5703 Wynona Ave
Address

Aaron Welch
Signature

July 2015

To: Allendale Neighborhood Association
Planning Commission
Austin City Council

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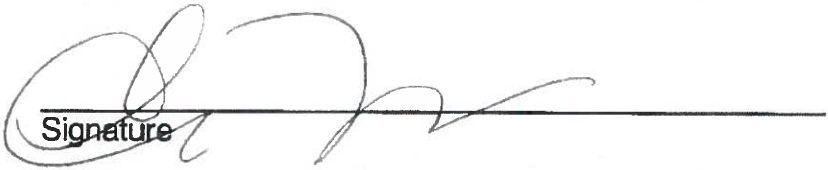
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Samantha Taylor

Name

5607 Shoalwood Ave APT 78756

Address


Signature

July 2015

To: Allendale Neighborhood Association
Planning Commission
Austin City Council

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Julie Burdey
Name

5613 Shoalwood Ave
Address

Julie Burdey
Signature

April 2015

To: Allendale Neighborhood Association
Planning Commission
Austin City Council

Re: Re-zoning request from **SF3** to **GO (General Office)** for **2123 Northland Drive**.

I own and/or live on property within 300 feet of 2123 Northland Drive.

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Name

Address

Signature

Randy Williamson
2205 Northland Dr.
[Signature]

April 2015

To: Allendale Neighborhood Association
Planning Commission
Austin City Council

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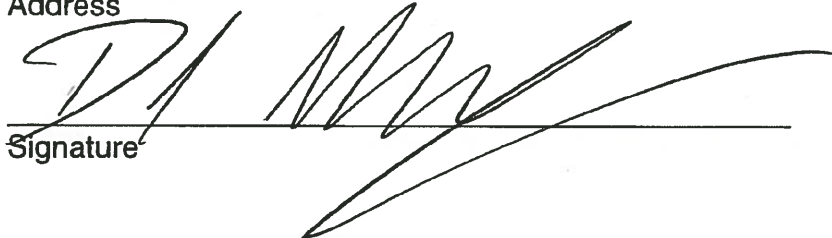
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DON McALPINE

Name

5603 MONTVIEW ST.

Address



Signature

April 2015

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Planning Commission
Austin City Council

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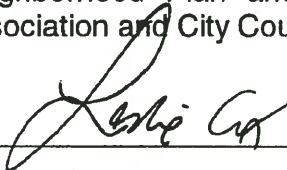
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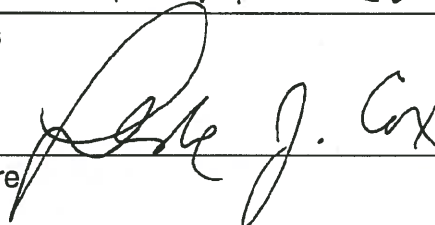
Name

 Leslie Cox

Address

5604 Montview St.

Signature

 Leslie J. Cox

OWNER

April 2015

To: Allendale Neighborhood Association
Planning Commission
Austin City Council

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KAREN TWEEDY
Name

5605 MONTVIEW ST.
Address

Karen Tweedy
Signature

April 2015

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Dorothy Bettis
Name

5607 Montview
Address

Dorothy Bettis
Signature

April 2015

To: Allendale Neighborhood Association
Planning Commission
Austin City Council

Re: Re-zoning request from **SF3** to **GO (General Office)** for **2123 Northland Drive**.

I own and/or live on property within 300 feet of 2123 Northland Drive.

The owners of the house located at 2123 Northland Drive have shared with me their plans for the use of the home located on this lot as offices for their business.

I am in support of their request for the re-zoning of this structure from **SF3** to **GO (General Office)**.

I feel that the proposed upgrades will be an enhancement to the neighborhood and improve the structure currently on the lot.

The owners appear to have provided adequate parking for the proposed use. Their plans to use this house as a small office will not increase vehicle traffic to the neighborhood.

The proposed improvements to the current structure will fit the neighborhood in both style and scale. 2123 Northland Drive is the only residential structure on the 2100 block of Northland Drive. Use of the house as offices will make a good buffer between the neighborhood and the office/retail complex across the street.

I believe this is a responsible project in keeping with the goals of the Neighborhood Plan and worthy of the support of the Neighborhood Association and City Council.

Matthew Duncan
Name

5608 Montview Street Austin, TX 78756
Address


Signature

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/planning.

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: C14-2015-0085

Contact: Tori Haase, 512-974-7691

Public Hearing: Sep 15, 2015, Zoning and Platting Commission

Oct 8, 2015, City Council

Kristi Marczynski
Your Name (please print)

☐ I am in favor
☒ I object

2207 Northland Drive

Your address(es) affected by this application

Austin, Tx 78756 Kristi Marczynski 9-4-15
Date

Signature

Daytime Telephone: (512) 565-6502

Comments: This business already is short on parking and parks in front of my house. If they expand, there will be more crowding on the residential streets which are already difficult to travel.

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

City of Austin
Planning & Zoning Department
Tori Haase
P. O. Box 1088
Austin, TX 78767-8810

From: Leah Martin []
Sent: Saturday, July 25, 2015 8:06 AM
To: Haase, Victoria [Tori]
Subject: Case #: C14-2015-0085

Ms. Haase,

I am writing to inquire and express my concern as to the proposed zoning change of 2123 Northland from SF-3 to LO. What is the intent of the applicant to change or develop the property to? From the information provided it is unclear and the permitted use chart leaves quite a large number of options to LO.

While I realize commercial property was around my residence, it is unfortunate that over the last 3 years, many SF have begun turning into LO. Does the City just approve these upon request and plan to turn my neighborhood into an office and commercial district? I find it interesting that LO is 'intended for offices predominantly serving neighborhood or community needs', but if it continues to all morph into LO, the 'neighborhood, i.e. residential homes will cease to exist.

Please provide additional information as to the proposed change.

Thank You,

Leah Martin
5705 Wynona
78756

From: Donna Beth McCormick []
Sent: Wednesday, August 05, 2015 9:37 PM
To: Haase, Victoria [Tori]
Subject: 2123 Northland Dr. - Case Number C14-2015-0085

I received a notice of rezoning for the above listed property because I own property within 500 feet. I did not get a sheet to make a comment but I will do this by email.

I oppose the rezoning of this property. I realize that Northland Dr. is becoming commercial lot by lot, but we who live nearby and have for years oppose more commercial rezoning. This will continue until we have no single family residences.

The Allandale Neighborhood Association also opposes the rezoning. We are constantly having to defend the neighborhood to keep it a family friendly area, the reason we all bought homes here.

Donna Beth McCormick
5701 Shoalwood Ave. (owner)

5703 Shoalwood Ave. (home)

512-453-2696

Allandale Neighborhood Association
P.O. Box 10886
Austin, TX 78766



allandale.neighborhood@gmail.com

August 19, 2015

Ms. Tori Haase
Case Manager
City of Austin
Austin, TX 78704

RE: Case # C14-2015-0085: 2123 Northland Drive, Austin, TX 78756

Dear Ms. Haase:

The Allandale Neighborhood Association Executive Committee (the "ANA") adopted the following motion at its August 5, 2015 meeting regarding Case # C14-2015-0085, at 2123 Northland Drive:

"Motion for the Allandale Neighborhood Association Executive Committee to oppose the rezoning of 2123 Northland Drive, and to take appropriate action in response to same."

As Allandale continues to face commercial intrusion into its single-family neighborhoods, rezoning this property will cause another home to become unavailable for residential occupancy at a time when there is a particularly high demand for residential housing. The ANA supports appropriate development that is consistent with our neighborhood zoning (mostly single-family) and does not encroach beyond major corridors into residential areas. This proposed rezoning would represent an inward expansion of commercial use into a residential area. The ANA believes this property should retain its SF-2 zoning status, and appreciates your consideration of this position.

If you would, please include this letter for the ZAP Commissioners in their meeting to consider this application.

Sincerely,

Nathan E. Vassar
Zoning Chair,
Allandale Neighborhood Association