

ZONING CHANGE REVIEW SHEETCASE: C14-2019-0053 – 2106 PayneDISTRICT: 7ZONING FROM: SF-3-NPTO: LO-MU-NPADDRESS: 2106 Payne AvenueSITE AREA: 0.1626 acres (7,082 square feet)OWNER: 2106 Payne Venture, LLC
(Armen Stephanian)APPLICANT: Drenner Group, PC
(Amanda Swor)CASE MANAGER: Scott Grantham (512-974-3574, scott.grantham@austintexas.gov)STAFF RECOMMENDATION:

Staff recommends Neighborhood Office – Mixed Use – Neighborhood Plan (NO-MU-NP) combining district zoning. *For a summary of the basis of staff's recommendation, see page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

May 14, 2019 Scheduled for Planning Commission

CITY COUNCIL ACTION:

June 6, 2019 Scheduled for City Council

ORDINANCE NUMBER:

ISSUES:

The property owner would like to maintain the existing single family structure on the site, and convert it into a small office. This plan requires a zoning change and a Neighborhood Plan Amendment, as well as compliance with all relevant aspects of the Land Development Code, such as parking.

The property is located adjacent to a lot zoned LO-MU-NP, and across the street from another lot with the same zoning. These properties are at the edge of a single family neighborhood to the east.

This zoning case is accompanied by Neighborhood Plan Amendment (NPA-2017-0018.01), requesting a change from Single Family to Mixed Use / Office. A community meeting was held, and afterwards, the Brentwood Neighborhood Plan Contact Team sent a letter opposing the change as well as the rezoning, and citing issues with the existing office uses at the corner of Payne Avenue and Burnet Lane. (See Exhibit D, letter from NPCT).

Per the transportation review, 28 feet of right-of-way should be dedicated from the centerline of Payne Avenue prior to 3rd reading of City Council.

CASE MANAGER COMMENTS:

Currently the subject property is zoned SF-3-NP and has a single family house structure. The site has relatively little topography, and is not in the flood plain.

North of the property is a large lot fronting on Burnet Lane and zoned CS-MU-CO-NP, which is the site of a warehouse-type structure that currently houses a carpet cleaning company. To the east of this are SF-3 zoned lots with single family houses fronting on Laird Drive.

To the east of the subject property are SF-3 zoned lots with single family residences. Across Payne Avenue to the southeast are additional SF-3 zoned lots with single family residences. Directly south of the property on the south side of Payne Avenue are two lots zoned LO-MU-NP which are the site of a three story office and a one story personal services use – a hair salon. Directly west of the property is an LO-MU-NP zoned property with an office use in a single family house structure. To the west across Burnet Lane is a restaurant that is currently vacant.

BASIS OF RECOMMENDATION:

Staff recommends Neighborhood Office – Mixed Use – Neighborhood Plan (NO-MU-NP) combining district zoning.

The first basis of the recommendation is that zoning should allow for reasonable use of the property. The property has several offices close by – immediately to the west, and to the

south across Payne Avenue. Therefore, the staff recommendation would allow the applicant to convert the property into an office use.

The second basis is that zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character. The Neighborhood Office zoning district is designed to fit seamlessly into single family neighborhoods, permitting an office use with development standards similar to that of the SF-3 zoning category. The LO base zoning allows for a more intense development on the site, and is considered less compatible to single family neighborhoods.

The third basis is that zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities. A rezoning to NO-MU-NP would provide a transition from the SF-3 lots to the east and the LO-MU lot to the west.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3-NP	Single family residence
North	CS-MU-CO-NP	Warehouse (carpet cleaner)
South	Payne Ave, then LO-MU-NP, SF-3-NP	Payne Ave, then office, single family
East	SF-3-NP	Single family residences
West	LO-MU-NP	Office

NEIGHBORHOOD PLANNING AREA: Brentwood

TIA: Not required

WATERSHED: Shoal Creek

OVERLAYS: None

SCHOOLS: Brentwood Elementary, Lamar Middle School, McCallum High School

NEIGHBORHOOD ORGANIZATIONS

5702 Wynona Neighbors
 Allandale Neighborhood Association
 Austin Independent School District
 Austin Neighborhoods Council
 Bike Austin
 Brentwood Neighborhood Assn
 Brentwood Neighborhood Plan Contact
 Team
 Friends of Austin Neighborhoods
 Homeless Neighborhood Association

Lower District 7 Green
 Neighborhood Empowerment Foundation
 North Austin Neighborhood Alliance
 NW Austin Neighbors
 Seltexas
 Shoal Creek Conservancy
 Sierra Club, Austin Regional Group
 The Midtown Alliance

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0012 Brentwood Neighborhood Plan	Brentwood Neighborhood Plan	02-24-04 – Apvd NP with exceptions	05-13-04 – Apvd NP with amendments

RELATED CASES:

The subject property is part of the Brentwood Neighborhood Plan area, but is not called out specifically in the ordinance adopting the plan. The plan ordinance rezoned 2108 Payne from SF-3 to LO-MU-NP; and 6431 Burnet Lane and 2107 Payne from CS to LO-MU-NP.

EXISTING STREET CHARACTERISTICS:

Street	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Payne Avenue	50 feet	30 feet	Collector	No	Yes, wide curb lane	Yes

OTHER STAFF COMMENTS:Comprehensive Planning

See staff report for accompanying Neighborhood Plan Amendment (NPA-2017-0018.01)

Environmental

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.

Zoning district impervious cover limits apply in the Urban Watershed classification.

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.

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.

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.

Site Plan

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

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.

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

FYI: Additional design regulations will be enforced at the time a site plan is submitted.

The site is subject to small lot compatibility standards due to adjacency to the SF-3-NP property to the east. The following standards apply:

- No structure may be built within 15 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 between 50 feet and 100 feet of the property line.
- No parking is allowed within 5 feet.
- Landscaping or screening is required along the east property line in accordance with the screening requirements (Section 25-2-1006 and ECM 2.9.1.), Parking Design Standards (Section 25-6-563) and/or Screening Standards (Section 25.2.1066) to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from property in an SF-5 or more restrictive zoning district.

The site is subject to 25-2 Subchapter F. Residential Design and Compatibility Standards.

Transportation

Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.

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] Additionally, a Neighborhood Traffic Analysis was not required because the traffic generated by the proposed zoning does not exceed the threshold of 300 vehicle trips per day [LDC 25-6-114].

Payne Lane requires 56 feet of right-of-way in accordance with the TCM. 28 feet of right-of-way should be dedicated from the centerline of Payne Avenue prior to 3rd reading of City Council in accordance with the TCM. LDC 25-6-55; TCM, Tables 1-7, 1-12.

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

Janae Spence, Urban Trails, Public Works Department, Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a bike lane is recommended for Payne Avenue. Mike Schofield, Bicycle Program,

Austin Transportation Department may provide additional comments and requirements for right-of-way dedication and bicycle facility construction in accordance with LDC 25-6-55 and LDC 25-6-101. Please review the Bicycle Master Plan for more information.

FYI – the existing driveway accessing Payne Avenue will be required to be removed and reconstructed at the time of the site plan application in accordance with the Land Development Code and Transportation Criteria Manual.

FYI – sidewalks shall be construction along Payne Avenue at the time of the site plan application in accordance with the Land Development Code and Transportation Criteria Manual.

Austin Water Utility

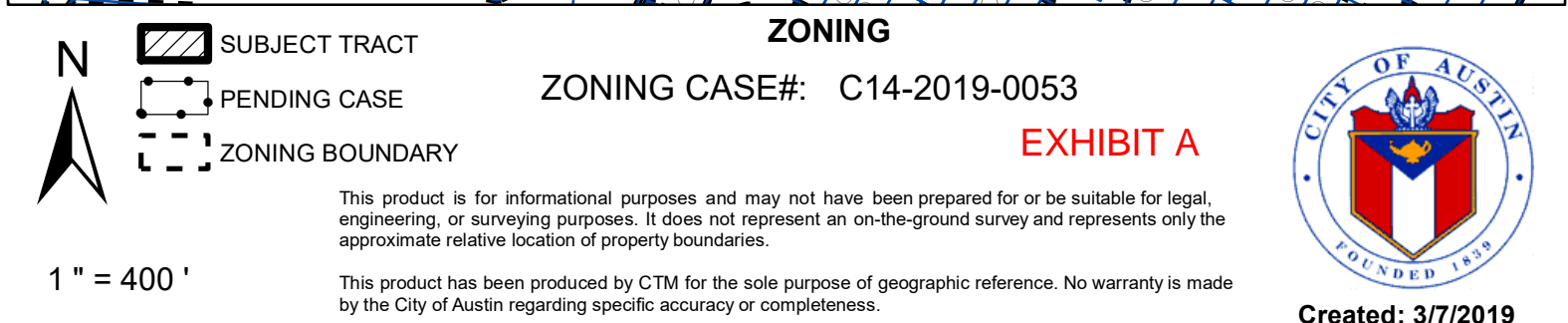
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water 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.

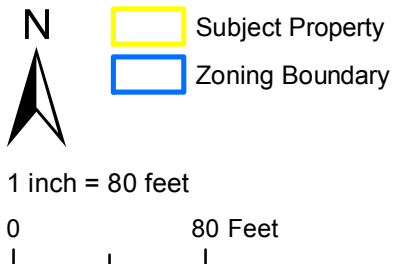
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS TO FOLLOW

- A: Zoning Map
- B. Aerial Map
- C. Subdivision
- D. Letter from Neighborhood Plan Contact Team
- E. Correspondence with Interested Parties



Created: 3/7/2019



ZONING & VICINITY

Zoning Case: C14-2019-0053
 Address: 2106 Payne Avenue
 Subject Area: 0.1626 Acres
 Case Manager: Scott Grantham

This map has been produced for the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



EXHIBIT B

Brentwood Neighborhood Plan Contact Team

4/29/19

Maureen Meredith

City of Austin

Neighborhood Planning

RE: NPA-2017-0018.01_2106 Payne Avenue

Hello Maureen,

Upon review of the presentation by the applicant the Neighborhood Contact Team would like to formally oppose the requested change to the Neighborhood Plan for the following reasons:

1. Payne avenue suffers from overflow parking that disrupts the single-family residents and reduces their quality of life. This overflow parking often blocks driveways, and creates a safety hazard.
2. Current businesses at the intersection of Payne Avenue and Burnet Lane operate during non-business hours, with delivery and trash trucks often arriving at night, disrupting residential uses.
3. Further encroachment of commercial uses along Payne avenue and into the single-family neighborhood will only exacerbate the problems noted above.
4. The requested zoning would allow the development of the single-family lot into a large single-family home, that ignores compatibility setbacks, only to have the use changed at a later date. (example of this is directly across the street from the subject tract).

If the Planning Commission decides to ignore the Neighborhood's request to deny this "up zoning", then we request that they consider some conditional requirements:

1. Restrict access to the property, upon redevelopment, to Burnet Lane(no access to Payne avenue), to help mitigate the traffic on Payne Avenue.
2. Comply with all required Compatibility Requirements and be denied all waivers.
3. Require new Single-Family development to comply with Compatibility Requirements for commercial uses, since the "change of use" post development process seems to be the method preferred.
4. Restrict time of delivery and trash pick-up to regular business hours.
5. Provide sidewalks along Payne Avenue, upon any redevelopment or change of use.

Sincerely,

Travis G. Young, AIA

Chair

Brentwood Neighborhood Plan Contact Team

Grantham, Scott

From: Meredith, Maureen
Sent: Tuesday, May 07, 2019 4:41 PM
To: Grantham, Scott
Subject: FW: NPA-2017-0018.01

Follow Up Flag: Follow up
Flag Status: Flagged

From: Charlotte Spencer []
Sent: Monday, June 12, 2017 2:49 PM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: Re: NPA-2017-0018.01

Thank you, my comments are below:

Case Number: NPA-2017-0018.01

I am opposed to the requested neighborhood plan amendment. The proposal will allow commercial enterprises to replace residential homes in the block of Payne closest to Burnet Lane.

Payne is a through-street for the neighborhood to Burnet Lane/Burnet Road, which causes it to carry heavy traffic. The driveways are single car-width and, therefore, the street usually has cars parked in front of most of the houses. Add in the increased parking due to the new restaurants/shops/apartments on Burnet Road near the intersection with Payne and we have seen a huge increase in parking issues. I have had to ask people who were going to a free food event at El Chilito not to block access to my driveway, and they protested that they were only over a small portion of my driveway.

There are many locations for mixed use properties and/or businesses on Burnet Road and general vicinity along major streets in this area so I can't understand allowing businesses to come into a residential area that is already brimming with the stresses of increased development.

Charlotte Spencer, Property Owner of 2019 Payne Ave

On Thu, Jun 1, 2017 at 11:28 AM, Meredith, Maureen <Maureen.Meredith@austintexas.gov> wrote:

Hi, Charlotte:

You can send me your comments via email and I can add them to the case reports for Planning Commission and City Council when the cases are eventually scheduled for those public hearings.

Maureen

From: Charlotte Spencer [mailto:cspencer419@gmail.com]
Sent: Wednesday, May 31, 2017 10:45 PM
To: Meredith, Maureen
Subject: NPA-2017-0018.01

Ms. Meredith,

I received notice of an application for a neighborhood plan amendment, case number NPA-2017-0018.01, as a nearby property owner. The notice tells me that I will be notified of public hearings on this matter.

Is attendance in person at a public hearing the only way to communicate my views on this potential change? Attending a meeting may not be possible and I want to give my input on the application.

Thank you,

Charlotte Spencer

2019 Payne Ave.

Grantham, Scott

From: Meredith, Maureen
Sent: Tuesday, May 07, 2019 4:42 PM
To: Grantham, Scott
Subject: FW: 2106 Payne Avenue - Case No. NAP-2017-0018.01

Follow Up Flag: Follow up
Flag Status: Flagged

From: Renee Poteet []
Sent: Tuesday, March 12, 2019 11:13 AM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: 2106 Payne Avenue - Case No. NAP-2017-0018.01

Ms. Meredith,

I have heard that the owner of 2106 Payne Avenue is once again requesting a code change to Mixed Use/Office. The Case Number is: NAP-2017-0018.01. We have not received anything in the mail or any notice of this change or opportunity to protest. This neighborhood is already overcrowded and has too much traffic because of the Marq on Burnet and other developments on Burnet Road and throughout the neighborhood. The street parallel to Burnet Road, Burnet Lane, is dangerously overcrowded and barely navigable. A lot of people walk their dogs and children in this neighborhood, and the addition of more traffic is going to create a dangerous mix. I urge you to reject this application. Thank you for your consideration.

Reneé Poteet

2020 Payne Avenue