

**ZONING CHANGE REVIEW SHEET**

CASE: C14-2021-0155 (Lyndhurst Rezoning)      DISTRICT: 6

ADDRESS: 13424 Lyndhurst Street, 13443 N FM 620 Road North Bound

ZONING FROM: GR-CO, I-SF-2      TO: CS-MU

SITE AREA: 1.73 acres

PROPERTY OWNER: Naiser Holdings, LLC

AGENT: Thrower Design LLC (A. Ron Thrower)

CASE MANAGER: Sherri Sirwaitis (512-974-3057, [sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov))

STAFF RECOMMENDATION:

**Staff recommends GR-MU-CO, Community Commercial-Mixed Use-Conditional Overlay Combining District, zoning. The conditional overlay will prohibit the following uses on the property: Automotive Sales, Bail Bond Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Off-Site Accessory Parking, Pawn Shop Services and Personal Improvement Services.**

ZONING AND PLATTING COMMISSION ACTION / RECOMMENDATION:

**November 16, 2021: Postponed to January 4, 2022 at the applicant's request by consent (9-0, C. Acosta-absent); H. Smith-1st, N. Barrera-Ramirez-2nd.**

**January 4, 2022**

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The 1.73 acre property under consideration consists of two undeveloped lots that front onto Lyndhurst Street and North FM 620 Road. Across the street at the northeast corner of Lyndhurst Street and N. FM 620 Road, there is a former service station that is now being utilized for a lawn care company (Grassworks) and an elementary school (Forest Creek Elementary). To the south, there is a multifamily development (Lakeline Square Townhomes) and a religious assembly use (Kingdom Hall of Jehovah's Witnesses). The property the west is zoned LO and is developed with an office (State Farm Insurance). In this case, the applicant is requesting CS-MU zoning to develop an undetermined use at this location.

The staff is recommending GR-MU-CO, Community Commercial-Mixed Use-Conditional Overlay Combining District zoning. The property meets the intent of the zoning district and is consistent with surrounding land use patterns. GR-MU-CO zoning is appropriate for this site as the property is located on a local collector roadway at the entrance to a residential neighborhood across Lyndhurst Street from a school (Forest Creek Elementary School).

BASIS OF RECOMMENDATION:

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

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.

Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

Conditional Overlay combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties.

*2. The proposed zoning promotes consistency and orderly planning.*

The proposed zoning is consistent with surrounding land use patterns as there is existing GR-CO zoning to the east and LO, MF-3-CO and GR zoning to west of this site. The tracts of land to the south are zoned MF-3-CO and SF-6-CO and provide for a transition in the intensity of uses along North FM 620 Road down to the single-family residential neighborhood to the south.

GR-MU-CO zoning is appropriate for this site as the property is located on a local collector roadway at the entrance to a residential neighborhood across Lyndhurst Street from a school (Forest Creek Elementary School). The proposed CO is consistent with

the conditional overlay for the property to the east, across Lyndhurst Street, in case C14-2009-0110 (American Adventures). The staff recommends prohibiting the more intensive commercial uses of Automotive Sales, Bail Bond Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Off-Site Accessory Parking, Pawn Shop Services and Personal Improvement Services on this property as these uses are not compatible with residential uses and adjacent to a public school.

This site does not meet the intent of the CS district as it is not located at a major intersection. The staff supports the addition of the MU, Mixed Use Combining district, as this would allow for additional residential development in this area. The property is within the Lakeline Station Regional Center, as identified in the Image Austin Comprehensive Plan.

3. *The proposed zoning should allow for a reasonable use of the property.*

The proposed GR-MU-CO zoning will permit the applicant to redevelop the property with residential, office, civic and low intensity commercial uses that will provide services to the surrounding community. The proposed zoning will be consistent with the zoning/land use patterns in this area.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-CO, I-SF-2	Undeveloped Land, Billboard
<i>North</i>	PUD (Leander Rehabilitation PUD)	Designated for CRE uses which allow for a variety of residential, civic, and commercial uses
<i>South</i>	MF-3-CO, SF-6-CO	Multifamily (Lakeline Square Townhomes), Religious Assembly (Kingdom Hall of Jehovah's Witnesses)
<i>East</i>	GR-CO, NO-CO, I-RR	Grass Works Lawn Care, Vacant Services Station, Forest Creek Elementary School
<i>West</i>	LR, LO, MF-3-CO	Office (State Farm), Multifamily (Griffis Lakeline Station)

NEIGHBORHOOD PLANNING AREA: N/A

TIA: Not Required

WATERSHED: Lake Creek

NEIGHBORHOOD ORGANIZATIONS:

Davis Spring HOA  
 Friends of Austin Neighborhoods  
 Homeless Neighborhood Association  
 Neighborhood Association of SW Williamson County  
 Neighborhood Empowerment Foundation

SELTEXAS

Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2009-0110 (American Adventures: 13505 North F.M. 620 Road)	GR-CO to GR	01/19/10: Approved GR-CO zoning, with following conditions: 1) No 24-hour uses; 2) Prohibit the following uses – Automotive Sales, Bail Bond Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Off-Site Accessory Parking, Pawn Shop Services, Personal Improvement Services, Congregate Living, Group Home, Class I (General), Group Home, Class I (Limited), Group Home (Class II), Residential Treatment and encourage the neighborhood and the applicant to enter into a private restrictive covenant before 3 <sup>rd</sup> reading of the case at City Council that will limit the type of Automotive Rental and Automotive Repair uses allowed on the site (Vote: 5-2, D. Tiemann. T. Rabago-No; S. Baldrige-1 <sup>st</sup> , P. Seeger-2 <sup>nd</sup> ).	2/25/10: Approved GR-CO zoning on consent (7-0); B. Spelman-1 <sup>st</sup> , C. Riley-2 <sup>nd</sup> .  11/18/10: Approved GR-CO zoning with conditions on 2 <sup>nd</sup> /3 <sup>rd</sup> readings on consent (7-0); Cole-1 <sup>st</sup> , Spelman-2 <sup>nd</sup> .
C14-2008-0077	I-RR to MF-3*  *On May 14, 2008, the staff received a letter from the applicant asking to amend their zoning request from MF-3 to SF-6.	5/20/08: Recommended SF-6-CO zoning, with conditions (7-0, J. Martinez-absent): Limit the site to a maximum of thirty (30) residential units; Prohibit the following non-residential and non-civic uses: Special Use Historic, Urban Farm; Require a fifteen (15) wide vegetative buffer along the southern property line to create a visual screen between the property in question and the residential uses to the south.	6/18/08: Re-noticed for the July 24, 2008 City Council meeting to comply with Ordinance No. 20080515-033  7/24/08: Approved SF-6-CO zoning was approved by consent (5-0, Code and Shade- off the dais); all 3 readings
C14-2008-0010	GR-CO to GR	2/05/08: Postponed to February 19, 2008 by the neighborhood (8-0); J. Martinez-1 <sup>st</sup> , T. Rabago-2 <sup>nd</sup> .	N/A

		<p>2/19/08: Postponed to March 18, 2008 by the applicant (5-0, K. Jackson-not arrived yet, T. Rabago/ J. Martinez-absent); J. Gohil-1<sup>st</sup>, J. Shieh-2<sup>nd</sup>.</p> <p>3/18/08: Case withdrawn by the applicant at the meeting. No action required by the Commission.</p>	
C14-06-0003	MF-3-CO to GR	<p>3/07/06: Motion to approve GR-CO district zoning with conditions of a 2,000 vehicle trip limit, limit GR district uses to Personal Improvement Services &amp; Medical Office (not exceeding 5,000 sq. ft. of gross floor area); allow Neighborhood Office uses with the exception of the following: Counseling Services, Group Home I &amp; II, &amp; Residential Treatment. *With the recommendation that before Council action, the applicant will have a private restrictive covenant restricting the Personal Improvement Services use to cheerleading, ballet and gymnastics activities. Vote: (4-5, S. Hale, B. Baker, J. Martinez, M. Hawthorne, and J. Pinnelli-Nay); K. Jackson-1<sup>st</sup>, C. Hammond-2<sup>nd</sup>.</p> <p>Therefore, the staff's recommendation to deny the applicant's requests for GR-CO zoning is carried forward to the City Council.</p>	4/06/06: The case was withdrawn by the applicant
C14-02-0160	I-SF-2 to GR	<p>12/11/01: Approved NO-CO zoning (8-0, A. Adams-off dais), with conditions of:  1) Limited site to driveway and drainage use, no habitable structures on the site. 2) Require chain link fencing along the southern property line with 15' vegetative buffer strip behind it. (Chain link fence would be all the way across the south property line, vegetative buffer</p>	<p>12/12/02: Granted GR-CO – Subject to dedication of 75 feet of ROW and resolution of the 200 feet of ROW reservation from the future center line of FM-620 (7-0); 1<sup>st</sup> reading.</p> <p>12/12/03: Administrative- Case expired per Section 25-2-249(B), no 3<sup>rd</sup> reading occurred.</p>

		would go along the southern property line from the existing pond west, across the entire property line, except where the existing pond is). 3) Include the conditions set out in Mike Lyday's Environmental Memorandum dated December 10, 2001.	
C14-01-0161	SF-2 to GR	12/11/01: Approved NO-CO w/ conditions (8-0)	2/7/02: Approved GR-CO w/ conditions agreed to between Neighborhood & Applicant (5-0); 1 <sup>st</sup> reading  4/25/02: Approved ZAP rec. of NO-CO w/ changes in conditions (7-0); 2 <sup>nd</sup> reading only  5/23/02: Approved NO-CO (7-0); 3 <sup>rd</sup> reading
C14-98-0237	I-RR to MF-3	Approved staff's rec. of MF-3-CO, ROW dedication required (9-0)	Approved PC rec. of MF-3-CO w/ conditions (7-0); 1 <sup>st</sup> reading  Approved MF-3-CO w/ conditions (6-0); deleted parkland dedication requirement; 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-96-0101	TR1: GO, LR to GR TR2: LR-LO to MF-3-CO TR3: DR to GR	Approved staff's alternate rec. of GR (TR 1&3), MF-3-CO (TR2), RR (9-0)	Approved PC rec. of GR (1&3); MF-3-CO (portion of TR2); RR (balance of TR2) w/conditions (6-0); all 3 readings
C14-95-0164	LR to CS-1	1/16/96: Approved GR-CO for entire tract, excluding recommended CS-1-CO, and resolve with property owner a voluntary set of development standards for area not within City limits (5-2-1)	3/07/96: Approved GR-CO subject to conditions (4-0); 1 <sup>st</sup> reading  4/25/96: Approved GR-CO (TR1) and CS-1-CO (TR2) subject to conditions (5-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-95-0163	GR-CO to CS-1	12/12/95: Approved GR-CO & RR w/ conditions (8-0)	3/07/96: Approved GR-CO subject to conditions (4-0); 1 <sup>st</sup> reading 4/25/96: Approved GR-CO (TR1); RR (TR2) w/ additional conditions (5-0); 2 <sup>nd</sup> / 3 <sup>rd</sup> readings
C14-93-0145 (First National Bank of Canton, TX: 13441 N FM 620 Rd)	SF-2 to GR	1/04/94: Approved staff rec. of GR-CO zoning by consent (7-0)	2/03/94: Approved GR-CO zoning, with conditions.

RELATED CASES:

C14-93-0145, C14-96-0101 - Previous Zoning Cases

CB-95-011 0.0A – Subdivision Case

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
LYNDHURST ST	60'	24'	Level 1	No	No	No
N FM 620 RD/ SH 45	450' (includes W SH 45)	Multilane divided highway	Level 4	Yes	No	No

OTHER STAFF COMMENTS:Comprehensive Planning

The undeveloped subject property is approximately 1.73 acres in size and is located on the southwest corner of Lyndhurst Street and N FM 620, which also abuts TX-45. The parcel is located near the epicenter of the **Lakeline Station Regional Center** and is not located within a small planning area. Surrounding land uses include FM 620 and TX-45 to the north; to the south is a large townhouse complex; to the east is a lawn care business, Forest North Elementary School, and a church; and to the west is an office, an apartment complex and a charter school.

**Request:** I-SF-2 and GR-CO to CS-MU; from undeveloped to an undetermined use.

**Connectivity**

The property is located approximately a half a mile from a public transit stop on Lake Creek Parkway. A public sidewalk is located along one side of FM N 620 to Lake Creek Parkway. The only public sidewalk on Lyndhurst Street is located partially in front of the commercial property across the street. There are no bike lanes within a quarter mile radius of this property. Housing (multifamily, townhouses), shopping, civic uses (schools and churches) and office uses are all located within a half of a mile walking distance from the subject property. Mobility options are fair while connectivity options are average in the area.

**Imagine Austin**

The property is located within the **Lakeline Station Regional Center** as identified in the Image Austin Comprehensive Plan. A Regional Center is the most urban of the three activity centers and where the greatest density of people and jobs and the tallest buildings in the region will be located. Like many Imagine Austin Centers, this center is represented by a circle that reflects the general location where the center should be located in the future. The center's actual boundaries would need to be clarified through a small area planning process.

**Regional, Town, and Neighborhood Centers are supposed to be walkable, bikeable, and supported by transit.**

The following Imagine Austin policies are applicable to this case:

- ☐ **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- ☐ **LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- ☐ **HN P10.** 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.

When analyzing this specific site, there are a growing number of goods, services, residential and civic uses in the area, while mobility options are slowly being added to the area (public sidewalks and public transit). Based on a mix of uses in the area, average connectivity options, improving mobility options, and the property being located within a Regional Center that supports mixed use, this project supports the Imagine Austin Comprehensive Plan.

Environmental

The site is located over the North Edwards Aquifer Recharge Zone. The site is in the Lake Creek Watershed, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. It 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 Residential (min. lot size 5750 sq. ft.)	45%	50%
One or Two Family Residential (lot size < 5750 sq. ft.)	55%	60%
Multifamily Residential	60%	65%
Commercial	65%	70%

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.

At this time, no information has been provided as to whether this property has any ls that preempt current water quality or Code requirements.

#### Fire

No comments.

#### Parks and Recreation

Parkland dedication will be required for any new residential units proposed by this development, use unknown with CS-MU zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [thomas.rowlinson@austintexas.gov](mailto:thomas.rowlinson@austintexas.gov). At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

#### 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.

#### **Compatibility Standards**

The site is subject to height compatibility standards due to the church located to the southeast of the site. The following standards apply:

- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the triggering property.

### Transportation

This site is within the area covered by State legislation (S.B. 1396), which went into effect September 1, 1995. Under this legislation, the City may not "deny, limit, delay, or condition the use of development of land...because of traffic or traffic operations that would result from the proposed use or development of the land." A traffic impact analysis is not required for any development within this area, and traffic issues may not be considered in the approval of the application. Right-of-way dedication, however, may still be required.

ROW and access of N FM 620 RD must be referred to TxDOT.

### 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. Applicant's Postponement Request
- D. Correspondence from Interested Parties

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EXHIBIT A

C14-2013-0036  
GR-MU-CO

TRACT 1

TRACT 2

## ZONING

ZONING CASE#: C14-2021-0155



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.

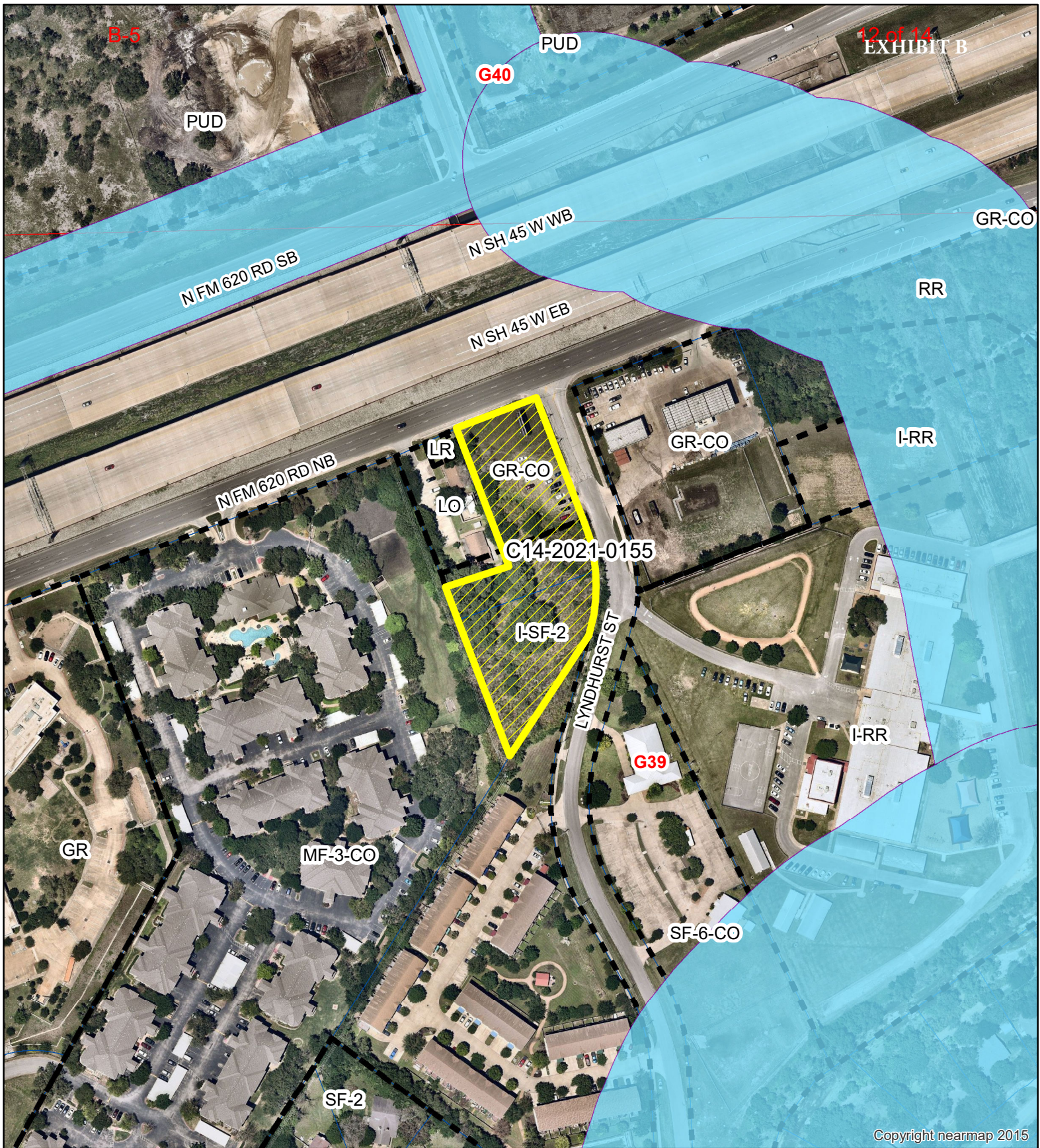
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Created: 9/22/2021





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EXHIBIT B



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

1" = 200'

### 12117 JEKEL CIRCLE

ZONING CASE#: C14-2021-0155  
LOCATION: 13424 Lyndhurst Street;  
13443 North FM 620 Northbound  
SUBJECT AREA: 1.73 Acres  
GRID: G39  
MANAGER: Sherri Sirwaitis



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.

512-998-5900 Cell  
512-476-4456 Office

## 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](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the 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. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and may be published online.

**Case Number: C14-2021-0155**

**Contact: Sherri Sirwaitis, 512-974-3057**

**Public Hearing: November 16, 2021, Zoning and Platting Commission**

Linda Chan

Your Name (please print)

13420 Lyndhurst St., Unit 706

Your address(es) affected by this application (optional)

[Signature]

Signature

Nov. 9, 2021

Date

☐ I am in favor  
☒ I object

Daytime Telephone (Optional): \_\_\_\_\_

Comments: \_\_\_\_\_

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

City of Austin, Housing & Planning Department

**Sherri Sirwaitis**

P. O. Box 1088, Austin, TX 78767

Or email to:

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)