

NEIGHBORHOOD PLAN AMENDMENT AND ZONING CHANGE REVIEW SHEET

NEIGHORHOOD PLAN: North Austin Civic Association Neighborhood Plan

CASE#: NPA-2009-0007.01, C14-2009-00013

PC DATE: May 12, 2009

ADDRESS: 9117 Northgate Boulevard

AREA: 1.0662 acres

APPLICANT: Nuraminco, Inc., DBA Sunrise Mini-mart (Abdul Patel)

AGENT: Land Answers (Jim Wittliff)

LAND USE -

FROM: Multifamily

TO: Commercial

ZONING -

FROM: MF-3-NP

TO: GO-CO-NP

STAFF RECOMMENDATION:

- 1) The staff recommends the applicant's request for a change in the NACA Neighborhood Plan FLUM to Commercial land use.
- 2) The staff recommends GO-CO-NP, General Office-Neighborhood Plan-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity for the site to less than 2,000 vehicle trips per day.

PLANNING COMMISSION RECOMMENDATION:

5/12/09: Approved staff's recommendation to change the Future Land Use Map (FLUM) to Commercial (6-0; S. Kirk, P. Hui and C. Ewen-absent); C. Small-1st, J. Reddy-2nd.

Approved staff's recommendation for GO-CO-NP district zoning (6-0; S. Kirk, P. Hui and C. Ewen-absent); C. Small-1st, J. Reddy-2nd.

DEPARTMENT COMMENTS:

The North Austin Civic Association Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on June 29, 2000. The boundaries of the planning area are: Kramer Lane to the north, Lamar Boulevard to the east, Highway 183 to the south and Metric Boulevard to the west.

The property in question is a grassy, undeveloped tract of land that slopes steeply to the south. There is floodplain covering the majority of the site (GIS Map-Attachment A). Along the southern boundary of the property, there appears to be a natural detention/culvert area. The applicant is requesting a rezoning from MF-3-NP to GO-CO-NP and a change to the future land use map from multi-family to commercial in order to construct a laundry mat (Personal Services use) and possibly a police substation on the 1.07 acre parcel. The existing adjacent land uses include numerous multi-family apartments as well as an office use located to the south of the subject property.

The applicant agrees with the staff recommendation to support the proposed neighborhood plan amendment and rezoning request.

HISTORY:

In 2005, a similar plan amendment was filed on this property (case NPA-05-0007.01) which proposed a FLUM amendment from multifamily to commercial with a proposed zoning change from MF-3-NP to LR-NP (case C14-05-0030) to construct a convenience store. In 2005, this plan amendment/zoning change request was denied by staff because one of the Plan's Overall Goals, (Planning Principle #7) states that NACA will generally oppose requests for zoning changes or variances within the NACA boundaries if the action would result in one or more of the following conditions:

- Allowing the sale of alcoholic beverages, unless it is classified as Restaurant-General.
- Allowing the business to operate between 6:00 p.m. and 6:00 a.m. inside the boundary streets of the neighborhood near residential areas.

A convenience store with the sale of alcohol did not support the Plan's Overall Goals.

PUBLIC MEETINGS:

On April 15, 2009, a neighborhood plan meeting was conducted to allow the applicant to present the plan amendment/zoning request, with questions and answers from the attendees. Seven hundred and twenty-eight notices were mailed to property owners and utility account holders who live within 500 feet of the property, in addition to neighborhood associations and environmental groups registered with the city. Twenty-four people attended this meeting. At the meeting, the applicant's agent said discussions with the community determined that a laundry mat or a food store were needed in the area. The owner applied for a zoning change for personal services to build a laundry mat. The owner has discussed with the Austin Police Department the possibility of placing a police substation in the building with the laundry mat.

At the meeting, the attendees were assured that the laundry mat would have a full-time attendant, that sufficient vehicular parking would be provided, that proper lighting would be installed, and that a sidewalk would be built along the property line, as required by the Land Development Code.

The attached letter of support from the North Austin Civic Association Planning Contact Team lists the conditions under which support for a laundry mat would be granted.

EXISTING ZONING AND LAND USES:

	FLUM	ZONING	LAND USES
<i>Site</i>	Multifamily	MF-3-NP	Undeveloped
<i>North</i>	Multifamily	MF-3-NP	Multifamily (Quail Creek Apartments)
<i>South</i>	Commercial	GR-NP	Religious Assembly (Iglesia de la Garcia)
<i>East</i>	Commercial, Multifamily	GR-NP, LR-NP	Multifamily (Quail Creek Apartments & Northgate Terrace Apartments), Convenience Store (Sunrise Mini Mart)
<i>West</i>	Multifamily	GR-NP	Multifamily (Ashbury Park Apartments & Northgate

			Apartments)
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AREA STUDY: North Austin Civic Association NP

TIA: Not required

WATERSHED: Little Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

REGISTERED COMMUNITY ORGANIZATIONS:

Austin Independent School District
Austin Neighborhoods Council
Homebuilders Association of Greater Austin
Homeless Neighborhood Association
League of Bicycling Voters
NACA Neighborhood Plan Contact Team
North Austin Civic Association
North Growth Corridor Alliance
Northgate Neighborhood Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2009-0027	GR-CO-NP to GR-MU-CO-NP	Pending	Pending
C14-05-0030	MF-3-NP to LR-NP	6/14/05: Approve the LR-CO-NP zoning request and plan amendment with additional recommendation that hours be limited, a 2,000 vehicle trip limit per day, and that the City Council public hearing notice include the opportunity to add MU, Mixed Use Combining District. Vote: (7-0, C. Galindo- absent); J. Reddy- 1 st , M. Moore-2 nd .	10/06/05: Denied request for LR-NP (7-0)
C14-01-0037	SF-2, SF-3, MF-2, MF-3, LO, LR, GR, CS, CS-1, LI, LI-CO to MF-2-NP, NO-NP, LO-NP, GR-NP, CS-NP, P-NP, LI-NP	4/17/01: Approved staff rec. of NO-NP, CS-NP, MF-2-NP, LO-NP, GR-NP, P-NP, LI-NP (9-0)	5/24/01: Approved PC rec. on all 3 readings (except Tract 9-on 1 st reading only); (6-0) 8/09/01: Approved CS-NP for Tract 9 (7-0); 2 nd /3 rd readings

C14-93-0151	GR to LI	1/04/94: Approved LI-CO with conditions and R.C. (8-1)	2/03/94: Approved LI-CO (5-0); 1 st reading 4/14/94: Approved LI-CO (6-0); 2 nd /3 rd readings
C14-93-0064	MF-3 to LI	6/15/93: Approved LI, prohibiting several uses agreed to by the neighborhood and the applicant	7/01/93: Approved LI-CO (7-0); all 3 readings
C14-92-0106	GR to LI	12/08/92: Approved LI-CO	12/17/92: Approved LI-CO with conditions, 1 st reading 2/25/93: Approved LI-CO with conditions, 2 nd /3 rd readings

RELATED CASES: C14-05-0030

NPA-05-007.01

C14-01-0037 (North Austin Civic Association Neighborhood Plan Rezoning)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Northgate Blvd.	70'	40'	Collector	No	No	Route # 40

CITY COUNCIL DATE: June 18, 2009

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

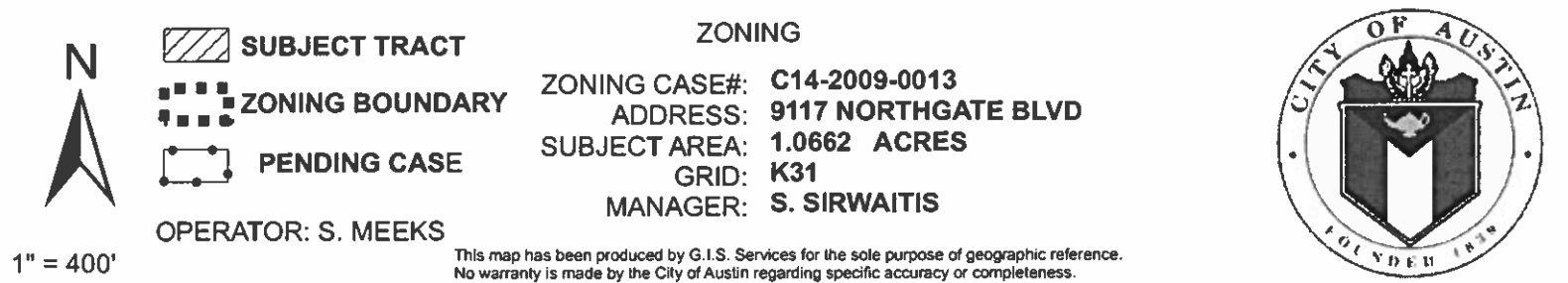
NEIGHBORHOOD PLANNING CASE MANAGER: Maureen Meredith **PHONE:** 974-2695

Email: maureen.meredith@ci.austin.tx.us

ZONING CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057




E-mail: sherri.sirwaitis@ci.austin.tx.us







1" = 400'

-  **SUBJECT TRACT**
-  **ZONING BOUNDARY**
-  **PENDING CASE**

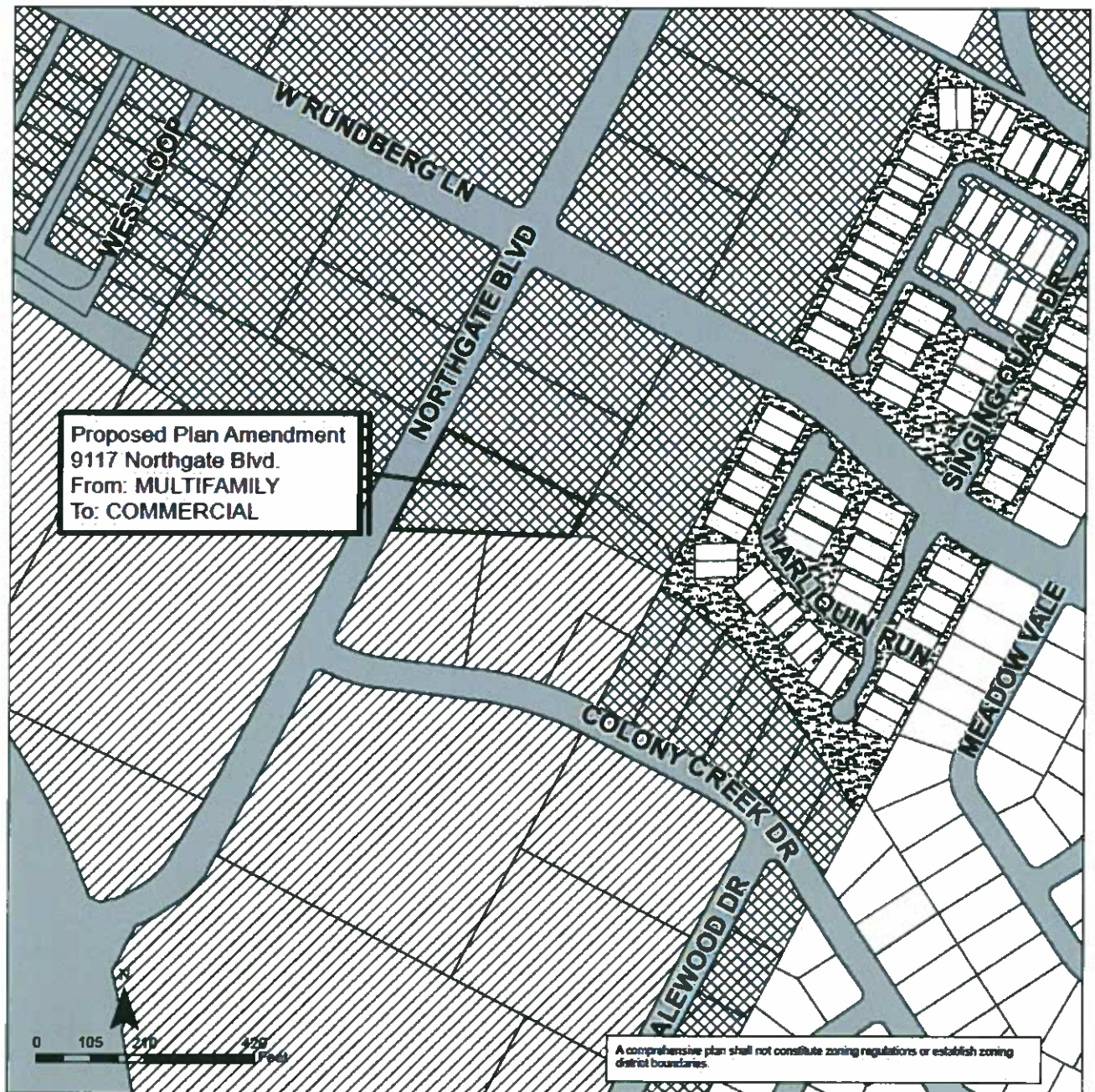
OPERATOR: S. MEEKS

ZONING

ZONING CASE#: NPA-2009-0007.01
ADDRESS: 9117 NORTHGATE BLVD
SUBJECT AREA: 1.0662 ACRES
GRID: K31
MANAGER: M. MEREDITH



This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



North Austin Civic Association Planning Area NPA-2009-0007.01

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Created on March 13, 2009

Future Land Use

SDE.TCAD_Parcel

- Civic
- Commercial
- Mixed Use
- Mixed Use/Office
- Multi-Family
- Neighborhood Mixed Use
- Recreation & Open Space
- Single-Family
- Transportation

STAFF RECOMMENDATION:

- 1) The staff recommends the applicant's request for a change in the NACA Neighborhood Plan FLUM to Commercial land use.
- 2) The staff recommends GO-CO-NP, General Office-Neighborhood Plan-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity for the site to less than 2,000 vehicle trips per day

BASIS FOR RECOMMENDATION (NEIGHBORHOOD PLAN AMENDMENT):

The plan amendment request to change the future land use map from multifamily to commercial supports the following North Austin Civic Association Neighborhood Plan Goals and Objectives:

Land Use, Zoning, Code Enforcement:

Goal 1: Protect and enhance the existing neighborhood through code enforcement and property maintenance activities.

Objective 1: Improve enforcement of existing ordinances related to buildings and property.

Objective 2: Encourage improved residential and business property maintenance and appearance.

Goal 2: Establish land use and zoning for future development that will improve the quality of life for neighborhood residents and businesses.

Objective 1: Establish appropriate zoning and development guidelines to enhance and protect the neighborhood.

Objective 2: Rezone and recommend alternatives for reuse and redevelopment to protect the residential areas of the neighborhood and to direct growth along Lamar Boulevard.

Transportation:

Goal 1: Create a more pedestrian and cyclist friendly neighborhood by adding sidewalks and improving access to major centers of neighborhood activity.

Objective 1: Add and improve walkways in neighborhood.

Objective 2: Provide safe access for cyclists and pedestrians to major centers of neighborhood activities.

Neighborhood Services:

Goal 1: Reduce the actual incidence of crime and improve the sense of public safety in the area by maintaining a positive working relationship with the Austin Police Department (APD).

Staff analysis: The property is undeveloped, which tends to collect trash and areas for people to loiter. Developing the lot with a laundry mat, as proposed by the owner, will provide a needed service to the residents. Developing the property will also required a much needed sidewalk along the northbound side of the Northgate Blvd. Furthermore, if a police substation is also provided, the development of this property could help to reduce the crime in the area and provide a sense of safety for the residents.

BASIS FOR RECOMMENDATION (ZONING PRINCIPLES):

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

General office (GO) district is the designation for an office or commercial use that serves community and city-wide needs. A building in a GO district may contain one or more different uses.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

The proposed rezoning will create a transition in the intensity of permitted uses from the GR-NP zoning to the south to the MF-3-NP uses along Northgate Boulevard to the north. GO-CO-NP zoning will permit the applicant to develop the site with low intensity office/commercial uses that will provide services to the surrounding residential neighborhood.

3. *Zoning should allow for reasonable use of the property.*

The proposed rezoning will allow for reasonable use of a property with development constraints (floodplain), while maintaining the character of the surrounding residential area.

EXISTING CONDITIONS

Site Characteristics

The site is a grassy, undeveloped tract of land that slopes steeply to the south. Along the southern boundary of the property, there appears to be a natural detention/culvert area. There are multi-family/apartment uses surrounding this property to the north, east and west. To the south of this site there appears to be a religious assembly use (Iglesia de la Garcia). However, the property also contains a "For Lease" sign.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Little Walnut 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.

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 sq. ft. 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.

According to flood plain maps, there is a flood plain within the project area.

Numerous 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.

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

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the GO zoning district would be 80%. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

Site Plan/Compatibility Standards

This site is within the North Austin Civic Association Neighborhood 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.

Stormwater 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 stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Transportation

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

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]

Existing Street Characteristics:

Name	ROW	Pavement	Sidewalks	Bike Route	Capital Metro
Northgate Blvd	70'	42'	No	No	Yes

Water and Wastewater

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. The water and wastewater utility plan 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.



01-0037

08-14-82-0001

PUD-NP

APTS

MF-3-NP

09-142

GR-NP

APTS

09-143

083-57

SHOPPING

CENTER

CS-CO-NP

06-0175

GR-NP

02-0106

01-0037

02-NP

03-NP

PUD-NP

01-0037

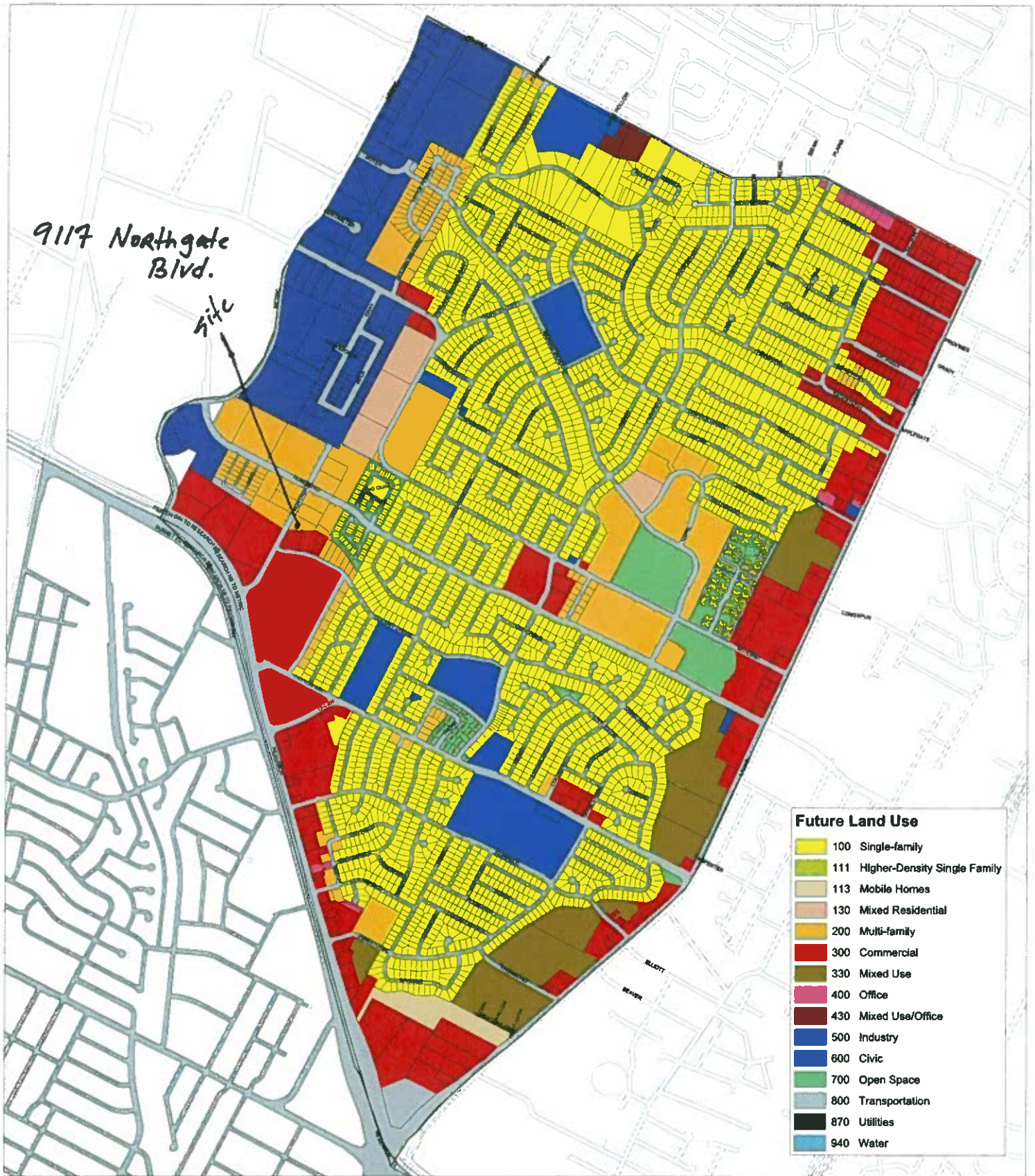
PUD-NP

MF-3-NP

01-0037

01-0037

NORTH



North Austin Civic Association Neighborhood Plan

Future Land Use Map

Adopted June 2000

Amended 4/03, 5/06, 4/07

Neighborhood Planning & Zoning Department

Printed 5/1/2007

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.



NACA
Neighborhood Plan Contact Team
9502 Stonebridge Dr.
Austin, Texas 78758

RECEIVED
4/29/09

April 27, 2009

Ms. Maureen Meredith
Neighborhood Planning & Zoning Department
P. O. Box 1088
Austin, Texas 78767

RE: Case # NPA-2009-0007.01 (9117 Northgate Blvd)

Dear Ms. Meredith:

On April 22, 2009 the NACA Neighborhood Plan Contact Team (Team) met to discuss the rezoning request for the property at 9117 Northgate Blvd. After some discussion, the Team voted unanimously to support the rezoning from MF-3-NP Multifamily Residence – Medium Density Neighborhood Plan to GO-CO-NP General Office Conditional Overlay Neighborhood Plan with the condition that the applicant comply with the following terms.

1. No payphone
2. No operation between midnight and 6 am
3. Employee will be on-site during operating hours
4. Property boundary to be fenced where allowed considering the floodplain and the access by automobiles and pedestrians
5. Lighting be installed around the perimeter of the building
6. Sidewalk be installed along the Northgate frontage
7. Suitable landscaping be provided
8. Trash receptacle place in front of store

Sincerely,

T. Brian Almon

T. Brian Almon
Chairman
NACA Neighborhood Plan Contact Team

cc: Jim Wittliff, Land ANSWERS (owner's agent)

512-974-2269

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.ci.austin.tx.us/development

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: C14-2009-0013
Contact: Sherri Sirwaitis, 974-3057
Public Hearing: May 12, 2009, Planning Commission

☐ I am in favor

☒ I object

Bruce R. Booth
Your Name (please print)
1809 West Rundberg Lane
Austin, TX

Your address(es) affected by this application
Bruce R. Booth
Date 5/6/09

Daytime Telephone: 805-969-1936

Comments: This is a substantially residential neighborhood and it would be better to leave it that way. It seems to me that there have been previous requests for a zone change and that the applicant is perserving regarding this matter.

If you use this form to comment, it may be returned to:
City of Austin
Neighborhood Planning & Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810