

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-7  
AGENDA DATE: Thu 09/02/2004  
PAGE: 1 of 1**

**SUBJECT:** C14-04-0113 - Amy's Ice Cream - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2109 Northland Drive (Shoal Creek Watershed) from neighborhood commercial (LR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Conrad and Arvel Bohn. Agent: Crocker Consultants (Sarah Crocker). City Staff: Glenn Rhoades, 974-2775.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-04-0113

**Z.A.P. DATE:** August 17, 2004

**C.C. DATE:** September 2, 2004

**ADDRESS:** 2109 Northland Drive

**OWNERS:** Conrad Bohn

**AGENT:** Crocker Consultants  
(Sarah Crocker)

**ZONING FROM:** LR

**TO:** CS-CO

**AREA:** .428 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends the proposed change to general commercial services-conditional overlay (CS-CO) district zoning. The conditional overlay will limit the property to 2,000 vehicle trips per day.

If the proposed change is granted, staff requests that 5 feet of right of way be dedicated to the City.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

August 12, 2004 – Approved general commercial services-conditional overlay (CS-CO) combining district zoning without the inclusion of right of way dedication (Vote: 8-0, C. Hammond – absent).

### **ISSUES:**

The applicant is requesting the proposed change in order to use the property for a food preparation business for Amy's Ice Cream.

Staff has received a letter from the Allandale Neighborhood Association supporting the proposed change (please see attached).

### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LR	Vacant
<i>North</i>	CS	Shopping Center
<i>South</i>	CS SF-3	Retail Single Family
<i>East</i>	CS	Vacant Service Station
<i>West</i>	SF-3	Medical Office

**AREA STUDY:** N/A

**TIA:** N/A

**WATERSHED:** Shoal Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

#003 – Allandale Neighborhood Association  
#120 – Brentwood Neighborhood Association  
#283 – North Austin Neighborhood Alliamce  
#470 – Koenig Lane Neighborhood Association  
#511 – Austin Neighborhoods Council

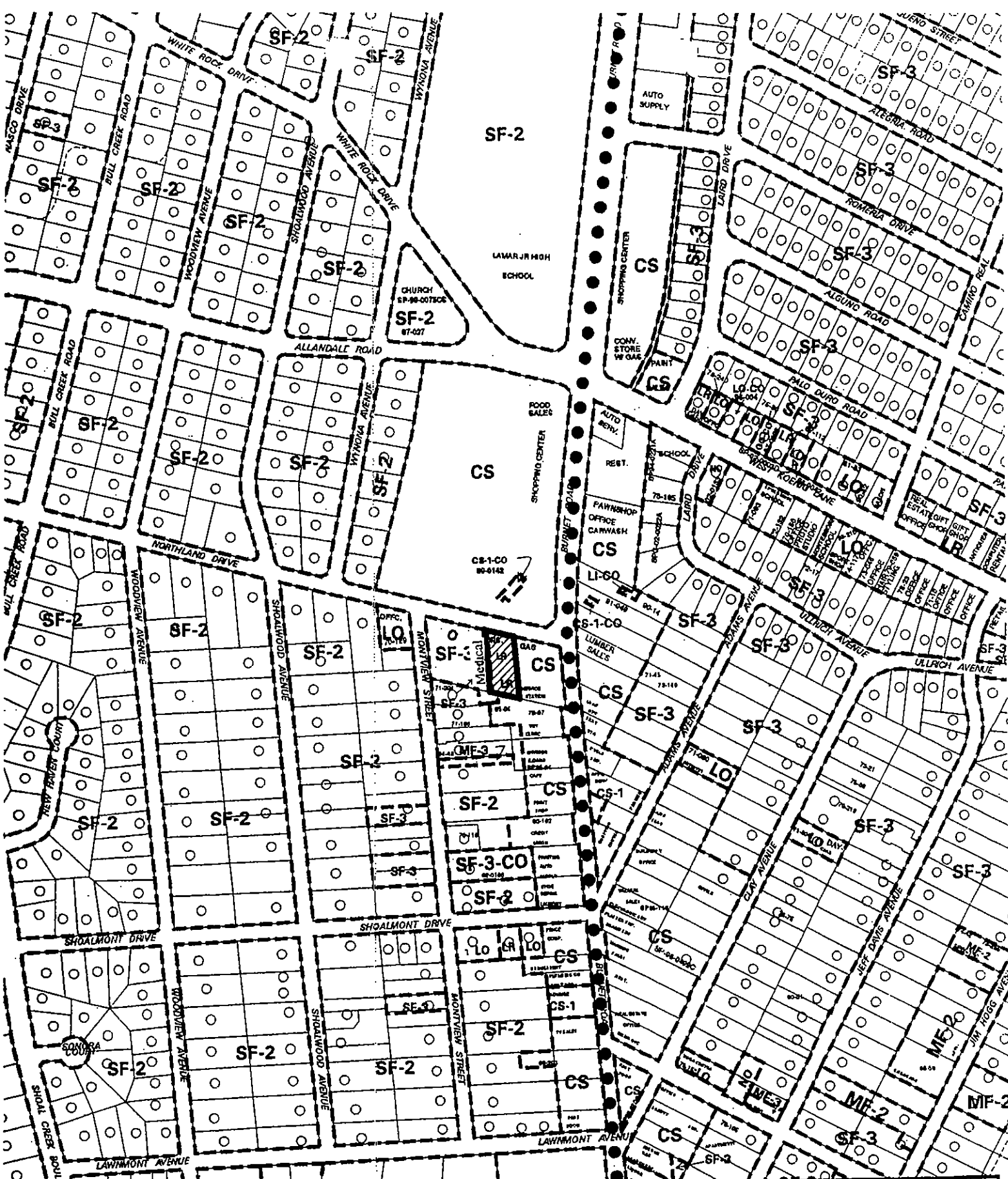
**CASE HISTORIES:**




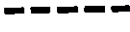
NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-99-0142	CS to CS-1-CO	Approved CS-1-CO. The CO prohibits cocktail lounges and adult oriented businesses.	

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION
Northland Drive	50'	30'	Collector

**CITY COUNCIL DATE:** September 2, 2004**ACTION:****ORDINANCE READINGS:** 1st2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:****CASE MANAGER:** Glenn Rhoades**PHONE:** 974-2775



 1" = 400'	SUBJECT TRACT		<b>ZONING</b>  <b>CASE #: C14-04-0113</b> <b>ADDRESS: 2109 NORTHLAND DR</b> <b>SUBJECT AREA (acres): 0.428</b>	<b>DATE: 04-07</b>  <b>INTLS: SM</b>	<b>CITY GRID REFERENCE NUMBER</b>  <b>J27</b>
	PENDING CASE				
	ZONING BOUNDARY				
	CASE MGR: G. RHOADES				



# City of Austin Infrastructure Support Services

Case C14-04-0113

Base  
Subdivision



This map has been produced by the City of Austin as a working staff map and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness. Reproduction is not permitted without prior written permission from Infrastructure Support Services, City of Austin.

## **STAFF RECOMMENDATION**

Staff recommends the proposed change to general commercial services-conditional overlay (CS-CO) district zoning. The conditional overlay will limit the property to 2,000 vehicle trips per day.

## **BASIS FOR RECOMMENDATION**

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

CS – General Commercial Services is the designation for a commercial or industrial use of a service nature that has operating characteristics or traffic requirements that are incompatible with residential environments.

*The proposed zoning should promote consistency, and orderly planning.*

The proposed change would be consistent and compatible with the adjacent properties. There is a retail center zoned CS to the north, a vacant service station zoned CS to the east and a medical office to the west. In addition, CS zoned properties along this portion of Burnet Road, generally extend westward to the depth of the subject tract.

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

The CS-CO zoning district would allow for a fair and reasonable use of the site. CS-CO zoning is appropriate for this site because of the location of the property and the commercial character of this portion of Northland Drive and Burnet Road.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently developed with a vacant office building.

### **Transportation**

If the requested zoning is recommended for this site, 30 feet of right-of-way should be dedicated from the centerline of Northland Drive in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site. LDC, 25-6-55; TCM, Tables 1-7, 1-12.

The trip generation under the requested zoning is estimated to be 2,298 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Capital Metro bus service is available along Burnet Road.

### **Impervious Cover**

The maximum impervious cover allowed under CS zoning is 95%.

## **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 Drinking Water Protection Zone/ Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and 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.

## **Right of Way**

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

## **Water and Wastewater**

The site is served with City water and wastewater utilities. If water or wastewater utility improvements, or system upgrades, or utility relocation, or adjustment are required, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin utility design criteria and specifications.

### **Compatibility Standards**

A change of use within the existing structure would not trigger compatibility development regulations. However, any new construction on this site would be subject to compatibility standards due to the existing SF-3 zoned property to the west, and would be subject to the following requirements.

Along the east property line, the following standards apply:

- No structure may be built within 23 feet of the side or rear property line.
- The front building setback must be 25 feet.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking is allowed within 18 feet of the property line.
- No driveways are allowed within 13 feet of the property line.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO or LO.
- A landscape area at least 25 feet is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.
- 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.

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





City of Austin, Neighborhood Planning & Zoning Department  
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

AT

## NOTICE OF ZONING & PLATTING COMMISSION PUBLIC HEARING FOR A PROPOSED ZONING CHANGE

Este aviso es para informarles de una junta pública tocante a un cambio en el uso de la propiedad indicada así abajo. Si quiere una copia de este aviso en español, hable al teléfono (512) 974-2680.

Mailing Date of this Notice: August 6, 2004

File Number: C14-04-0113

Mailing Date of first Notice: July 27, 2004

ADDRESS AND/OR LEGAL DESCRIPTION OF PROPOSED ZONING CHANGE: (See map) 2109 Northland Drive

### PROPOSED ZONING CHANGE:

FROM: LR--Neighborhood Commercial district is intended for neighborhood shopping facilities which provide limited business service and office facilities predominately for the convenience of residents of the neighborhood.

TO: CS--General Commercial Services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments.

OWNER: Conrad & Arvel Bohn

AGENT: Crocker Consultants (Sarah Crocker)

PHONE: (512) 476-6598

ZONING & PLATTING COMMISSION HEARING DATE: August 17, 2004 TIME: 6:00 p.m.

LOCATION: 505 Barton Springs Road, One Texas Center 3<sup>rd</sup> Floor, Training Room #325, Austin

If you have any questions concerning this notice, please contact Glenn Rhoades at the City of Austin, Neighborhood Planning & Zoning Department, (512) 974-2775. Office hours are 7:45 a.m. to 4:45 p.m. Please be sure to refer to the File Number at the top of the page when you call. See enclosed sheet for more information on public hearings.

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, PO Box 1088, Austin, TX 78767-8835.

File # C14-04-0113 GR

Zoning & Platting Commission Hearing Date: August 17, 2004

Name (please print) Steve & Karen Tweedy  
Address 5605 Montview St

☐ I am in favor  
(Estoy de acuerdo)  
☒ I object  
(No estoy de acuerdo)

A7  
8



# **Allandale Neighbor**

July 28, 2004

Attention: Austin Planning and Zoning Commission

Regarding: Amy's Ice Cream Corp. request for a zoning change for property located on Northland Drive

The Allandale Neighborhood Association has been approached by the architect for Amy's Ice Creams about a project they are planning in our neighborhood.

Our Executive Committee voted unanimously to endorse this development and in doing so, we have no objections to their request for a zoning change.

We are very enthusiastic about this development. This is the type of business we would love to see more of along the Burnet corridor. Right now, we have used car lots on nearly every block from North Loop all the way up to Anderson Lane.

This will be a very positive addition to Allandale Neighborhood. Thank you for your consideration.

Sincerely,

Gretchen Vaden Nagy  
Allandale Neighborhood Association President

**DISCUSSION AND ACTION ON ZONING CASES****NEW CASES**

3. C14-04-0112 – WILLIAMSON CENTER I, LTD. (Paul Hudson), By: Hudson Properties, Inc. (Joan Trayhan), 10700 Anderson Mill Road. (Bull Creek). **FROM I-RR TO GR. ALTERNATE RECOMMENDATION: GR-CO. City Staff: Sherri Gager, 974-3057.**

***POSTPONED TO 09/07/04 (APPLICANT)***  
***[J.M; J.G 2<sup>ND</sup>] (8-0) C.H – ABSENT***

4. C14-04-0111 – UTOTEM ROCKBAY, By: UTOTEM Inc. & Rockbay Properties (Jimmy Nassour), Jim Bennett Consulting (Jim Bennett), 2105 & 2107 Boca Raton Drive. (Onion Creek). **FROM I-RR TO GR. ALTERNATE RECOMMENDATION: GR-CO. City Staff: Wendy Walsh, 974-7719.**

***POSTPONED TO 09/07/04 (NEIGHBORHOOD & APPLICANT)***  
***[J.M; J.G 2<sup>ND</sup>] (8-0) C.H – ABSENT***

5. C14-04-0068 – MICHAEL B. KNEPP, By: Hazen & Terrill, P.C. (Vincent L. Hazen), 8500 State Hwy. 71 West. (Williamson Creek). **FROM RR TO LO-MU. RECOMMENDED. City Staff: Glenn Rhoades, 974-2775.**

***INDEFINITE POSTPONEMENT BY APPLICANT.***  
***[J.M; J.G 2<sup>ND</sup>] (8-0) C.H – ABSENT***

6. C14-04-0105 – 8708 S. CONGRESS AVENUE, By: Pennington Limited Partnership (Donald Ward Pennington), Pennington Limited Partner (Kay Batson), 8708 South Congress Avenue. (Onion Creek). **FROM DR TO CS. ALTERNATE RECOMMENDATION: CS-CO. City Staff: Wendy Walsh, 974-7719.**

***APPROVED STAFF'S RECOMMENDATION OF CS-CO ZONING; BY CONSENT.***  
***[J.M; J.G 2<sup>ND</sup>] (8-0) C.H – ABSENT***

7. C14-04-0113 – CONRAD & ARVEL BOHN, By: Crocker Consultants (Sarah Crocker), 2109 Northland Drive. (Shoal Creek). **FROM LR TO CS-CO. RECOMMENDED. City Staff: Glenn Rhoades, 974-2775.**

***APPROVED STAFF'S RECOMMENDATION OF CS-CO ZONING; DON'T INCLUDE RIGHT-OF-WAY REQUIREMENT UNTIL A DETERMINATION IS MADE.***  
***[J.M; J.G 2<sup>ND</sup>] (8-0) C.H – ABSENT***