

ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0053 – 2106 Payne

DISTRICT: 7

ZONING FROM: SF-3-NP

TO: NO-MU-NP, as amended

ADDRESS: 2106 Payne Avenue

SITE AREA: 0.1626 acres

PROPERTY OWNER/AGENT:

ARCH Properties Inc (Daniel McFarland)

CASE MANAGER: Kate Clark (512-974-1237, kate.clark@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 3.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

November 12, 2019 Scheduled for Planning Commission

June 11, 2019 Approved indefinite postponement request by applicant.
Vote 13-0. [C. Kenny – 1st, A. Azhar -2nd]

May 14, 2019 Approved postponement request by applicant to June 11, 2019.
Vote 13-0. [J. Shieh – 1st, C. Kenny – 2nd].

CITY COUNCIL ACTION:

December 5, 2019 Scheduled for City Council

June 20, 2019 Approved indefinite postponement request by applicant. Vote 11-0.
[L. Pool – 1st, N. Harper-Madison – 2nd].

June 6, 2019 Approved postponement request by staff to June 20, 2019. Vote 10-0.
[J. Flannigan, S. Renteria – 2nd], N. Harper-Madison was off the dais.

ORDINANCE NUMBER:

ISSUES

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 as a part of the neighborhood plan amendment (NPA) process. After the community meeting the Brentwood Neighborhood Plan Contact Team sent a letter opposing the NPA change as well as the rezoning case citing issues with existing office uses at the corner of Payne Avenue and Burnet Lane. Additionally, there have been some neighborhood opposition to the rezoning case. For all received comments, see *Exhibit C: Correspondence Received*.

On June 7, 2019 the applicant's agent at the time (Drenner Group) sent a note to staff stating for mutual reasons they were no longer authorized to represent the owner. At that time, the applicant requested an indefinite postponement in order determine how best to proceed with both the rezoning and NPA cases.

On October 9, 2019, the applicant amended their request for rezoning to be neighborhood office – mixed use – neighborhood plan (NO-MU-NP) combining district instead of limited office – mixed use – neighborhood plan (LO-MU-NP) combining district. After hearing the concerns of the surrounding neighborhood, they agreed that NO would work for their intended use and would fit better within the existing zoning pattern, see *Exhibit D: Applicant's Request to Amend Zoning District*.

CASE MANAGER COMMENTS:

The property is approximately 0.16 acres in size and on the north side of Payne Avenue. There is an existing single-family structure on the property that the applicant would like to convert into a small office for their company. The site has relatively little topography and is not within a floodplain area.

Adjacent to the west is a property zoned LO-MU-NP combining district containing an office use within a single-family building. Directly north of the property is a large lot zoned general commercial – mixed use – conditional overlay – neighborhood plan (CS-MU-CO-NP) combining district. This property fronts onto Burnet Lane and consists of a warehouse-type structure that houses a carpet cleaning company. Adjacent to the east of the property and southeast across Payne Avenue are family residence – neighborhood plan (SF-3-NP) combined district zoned properties with single-family residences. Across Payne Avenue to the south are two properties zoned LO-MU-NP which contain a three-story office building and a one-story building being used for a personal services use (hair salon).

BASIS OF RECOMMENDATION:

Staff recommends neighborhood office – mixed use – neighborhood plan (NO-MU-NP) combining district zoning.

- 1. Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The NO zoning district is intended for offices predominately serving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods. It is designed to accommodate small, single-use offices and to encourage and preserve compatibility with existing neighborhoods through renovation and modernization of existing structures. The applicant is planning to utilize the existing structure as a small office for their real estate group. If in the future they decide to construct a new building, the NO and SF-3 zoning districts have similar site development standards in regard to building height and setbacks.

- 2. The proposed zoning should promote consistency and orderly planning.*

This property is located on the periphery of the neighborhood between existing office and residential uses. Rezoning to NO-MU-NP would provide a transition in zoning from the existing SF-3-NP lots to the east and the LO-MU-NP lot to the west. It would also allow for the continuation of residential uses should the office use cease to exist in the future.

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: is deferred until site plan.

WATERSHED: Shoal Creek

OVERLAYS: ADU Approximate Area Reduced Parking, Residential Design Standards

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
C14-2009-0055	Brentwood Neighborhood Planning Area Vertical Mixed-Use Building Opt-In/ Opt-Out Process	Approved to add “V” to various properties.	Approved to add “V” to various properties.
C14-2008-0088	Allandale Neighborhood Planning Area Vertical Mixed-Use Building Opt-In/ Opt-Out Process	Approved to add “V” to various properties.	Approved to add “V” to various properties.

RELATED CASES:

The subject property is part of the Brentwood Neighborhood Plan area (C14-04-0012) but was 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: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. 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.

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 square feet cumulative is exceeded, and on-site control for the two-year storm.

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. 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 (TIA) 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 transportation criteria manual (TCM). Additional right-of-way maybe required at the time of subdivision and/or site plan.

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.

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. Sidewalks shall be construction along Payne Avenue at the time of the site plan application in accordance with the Land Development Code and TCM.

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

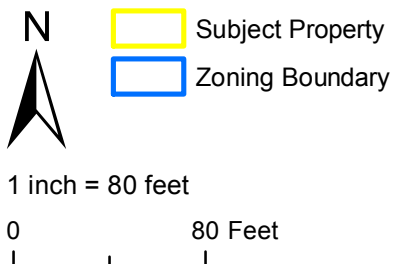
Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Correspondence Received

Exhibit D: Applicant's Request to Amend Zoning District


$$1'' = 400'$$



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
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

Grantham, Scott

From: Charlotte Spencer
Sent: Thursday, May 09, 2019 12:05 PM
To: Grantham, Scott
Subject: Case Number: C14-2019-0053

Mr. Grantham,

I received notice of the application for rezoning of a nearby home located at 2106 Payne, and request that the zoning change be denied. My property is 2019 Payne Ave.

The primary problem with changing the property from SF-3-NP to LO-MU-NP is the limited capacity of the area to absorb greater traffic that a business, especially the type allowed as 'Mixed Use,' will add to the already very busy street.

Our old neighborhood has single-width driveways, so many residents' cars are already parked on the street, limiting the traffic flow for cars, walkers and bicyclers. Payne Ave. is an access street out of the neighborhood to Burnet, which adds significantly to its traffic load. Payne Ave. ends at Burnet Lane, not Burnet Road, at an intersection that is small with some limited visibility due to utility boxes on the northeast corner.

We are located near elementary and middle schools and there are a lot of kids in the neighborhood who walk, ride bikes and play outside. Many schoolchildren walk or bike on Laird to Romeria to get to the middle-school at Romeria and Burnet Road, further complicating the situation. Laird is the north-south cross street between my house and the house requesting the change. The stop is 2 way on Payne. Laird bends just south of the intersection and some people drive so quickly that it can be treacherous to go through the intersection.

This neighborhood is seeing a great deal of growth, with many of the older homes being replaced with duplexes and multi-family homes, resulting in more vehicles and people being on our streets.

In the interest of safety in the neighborhood for everyone, cars, pedestrians, etc., I request that the residences remain residences.

Thank you for your consideration,

Charlotte Spencer

PUBLIC HEARING INFORMATION

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Case Number: C14-2019-0053

Contact: Scott Grantham, 512-974-3574

Public Hearing: May 14, 2019, Planning Commission
June 6, 2019, City Council

Abby Lewis & Benjamin Marley
(Homeowners)

Your Name (please print)

2103 Payne Avenue, Unit B

Your address(es) affected by this application

[Signature]

Signature

05/15/2019

Date

Daytime Telephone: 724-309-6172

Comments: We will be out of town on the hearing date or would have attended in person. There are already two other businesses on this small section of street, which is Residential. Their employees and customers already take up all the street parking and regularly use our driveway and lawn to turn around or park temporarily causing property damage. I'm deeply concerned about my property value if we are surrounded by commercial businesses. Allowing 3 out of 10 lots on this street to become commercial is inappropriate for a residential neighbor. I strongly object

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

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

☐ I am in favor
☒ I object



October 9, 2019

Kate Clark, AICP, LEED AP Senior Planner
City of Austin | Planning and Zoning Department
Mailing Address: PO Box 1088, Austin, Texas 78767
Physical Address: 505 Barton Springs Rd, 5th floor, Austin, Texas 78704
Tel: 512-974-1237

Re: Burnet Lane-Neighborhood Plan Amendment Application for a 0.16 acre piece of property located at 2106 Payne Avenue case# C14-2019-0053. Amend request from SF-3-NP : LO-MU-NP to SF-3-NP : NO-MU-NP.

Dear Kate Clark,

The owner of the above stated property requests that our prior rezoning application be adjusted. Please amend the rezoning request in case C14-2019-0053 to have 2106 Payne Avenue categorized as Neighborhood Office - Mixed Use. The changing of the request from LO to NO is based directly on city staff recommendation and hearing the concerns of neighbors. With the NO designation, the owner intends to use 2106 Payne for a real estate office.

Please let us know if you or your team members require additional information or have any questions. Thank you for your time and help with this change.

Sincerely,
ARCH Properties Team
512-467-2377
arch@archproperties.com

PUBLIC HEARING INFORMATION

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Case Number: C14-2019-0053

Contact: Kate Clark, 512-974-1237

Public Hearing: November 12, 2019, Planning Commission
December 5, 2019, City Council

Your Name (please print)

Dora Leroy

☒ I am in favor
☐ I object

Your address(es) affected by this application

6431 Burnet Lane Austin, TX 78757

Signature

Date

Daytime Telephone: 512-450-0050

Comments:

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

City of Austin

Planning & Zoning Department

Kate Clark

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2019-0053

Contact: Kate Clark, 512-974-1237

Public Hearing: November 12, 2019, Planning Commission
December 5, 2019, City Council

Your Name (please print)

Rene Salazar

☒ I am in favor
☐ I object

Your address(es) affected by this application

6429 Burnet Ln Austin Tx 78757

Signature

10/31/19
Date

Daytime Telephone:

512-470-7661

Comments:

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

City of Austin

Planning & Zoning Department

Kate Clark

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2019-0053

Contact: Kate Clark, 512-974-1237

Public Hearing: November 12, 2019, Planning Commission
December 5, 2019, City Council

ARMEN STEPHANIAN
Your Name (please print)

6423 BURNETT LANE
Your address(es) affected by this application

☒ I am in favor
☐ I object

Armen Stephanian
Signature Date 11/04/2019

Daytime Telephone: (512) 657-4309

Comments:

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

City of Austin

Planning & Zoning Department

Kate Clark

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2019-0053

Contact: Kate Clark, 512-974-1237

Public Hearing: November 12, 2019, Planning Commission
December 5, 2019, City Council

Your Name (please print) FRANKEE STEPHANIAN

Your address(es) affected by this application 6423 Burnet Lane

Frankie Stephanian Signature

Date

Daytime Telephone: 512 657-3309

Comments:

☒ I am in favor
☐ I object

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

City of Austin

Planning & Zoning Department

Kate Clark

P. O. Box 1088

Austin, TX 78767-8810

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: C14-2019-0053

Contact: Kate Clark, 512-974-1237

Public Hearing: November 12, 2019, Planning Commission
December 5, 2019, City Council

CHARLOTTE SPENCER

Your Name (please print)

2019 PAYNE AVE.

Your address(es) affected by this application

Charlotte Spencer

Signature

Date

Daytime Telephone: 512-554-9313

Comments:

☐ I am in favor
☒ I object

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