NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: Upper Boggy Creek Neighborhood Plan

CASE#: NPA-2013-0012.01 **DATE FILED:** July 31, 2013 (In-cycle)

PROJECT NAME: 4505 N. IH-35 - NPA

PC DATE: October 22, 2103

ADDRESS/ES: 4505 N. IH-35

SITE AREA: Approx. 0.198 acres

APPLICANT/OWNER: Saeed Moshfegh

AGENT: A. J. Ghaddar, P.E. & Associates (A. J. Ghaddar)

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Single Family **To:** Office

Base District Zoning Change

Related Zoning Case: C14-2013-0094
From: SF-3-NP **To:** LO-NP

NEIGHBORHOOD PLAN ADOPTION DATE: August 1, 2002

PLANNING COMMISSION RECOMMENDATION: On October 22, 2013, the Planning Commission recommended approval for Office land use. [J. Stevens; R. Hatfield – 2nd] [D. Anderson, A. Hernandez, J. Nortey, and B. Roark absent] Vote 5-0-4.

STAFF RECOMMENDATION: Recommended.

BASIS FOR STAFF'S RECOMMENDATION: The property is located along a busy northbound service road for I.H.-35 where Single Family land use is not appropriate. The applicant's request to change the land use to Office is appropriate and consistent with the existing land use to the north and south of the property, which is also Office land use.

The land use request meets the following plan goals and objectives:

Goal One
COMMUNITY CHARACTER

Preserve the character of each neighborhood in the Upper Boggy Creek Neighborhood Planning Area.

Objective 1.1: Commercial or institutional uses adjacent to residential uses in the Upper Boggy Creek Neighborhood Planning Area should be complementary and compatible in scale. For example, the University of Texas should be encouraged to meet with the affected neighborhood associations when designing or expanding their facilities.

Goal Two
LAND USE

Ensure that the new businesses and commercial development within the Upper Boggy Creek Neighborhood Planning Area is neighborhood-appropriate, neighborhood-scaled, neighborhood-friendly, and serves the nearby neighborhoods.

IH-35 CORRIDOR

Objective 2.4: The uncertainty of future expansion plans of IH-35 will likely preclude major capital investments and new development along most of the frontage road. If new development does occur, it should be as pedestrian-friendly as is possible. In the interim, however, the frontage road of IH-35 from 26th Street/Dean Keeton Street to Wilshire Boulevard will continue to serve as a commercial strip that meets the needs of both adjacent neighborhoods and the city as a whole in a neighborhood-friendly fashion. New businesses locating along the frontage road should reflect the scale and diversity of the existing businesses. Establishments along the frontage road should have adequate parking to avoid spilling over into adjacent residential areas. New and existing businesses should keep properties clean and well maintained.

Unlike other areas along IH-35 through Central Austin, the western boundary of the Upper Boggy Creek planning area acts more as a neighborhood arterial than a traditional interstate frontage road. The recent reconfiguration of exit and entry ramps along this segment further reinforces this characterization. The recessed and elevated nature of this segment of IH-35 "hides" the traffic from the frontage road, thereby diminishing the visibility of businesses located there from passing freeway traffic and reducing the

advantages normally found when businesses locate next to major freeways. In addition, the narrow commercial lots facing the frontage road provide nominal buffering to adjacent residential areas from the noise generated by IH-35. The uncertain future of the properties adjacent to the frontage road could promote neighborhood-unfriendly interim land uses. This situation, when combined with the unsure future of the properties located along the frontage road, warrants the placement of safeguards to protect adjacent residential areas from additional noise, cut-through traffic, pollution, and other nuisances that some land uses could generate.

LAND USE DESCRIPTIONS

Existing Land Use - Single Family - Single family detached or two family residential uses at typical urban and/or suburban densities.

Purpose

1. Preserve the land use pattern and future viability of existing neighborhoods;
2. Encourage new infill development that continues existing neighborhood patterns of development; and
3. Protect residential neighborhoods from incompatible business or industry and the loss of existing housing.

Application

1. Existing single-family areas should generally be designated as single family to preserve established neighborhoods; and
2. May include small lot options (Cottage, Urban Home, Small Lot Single Family) and two-family residential options (Duplex, Secondary Apartment, Single Family Attached, Two-Family Residential) in areas considered appropriate for this type of infill development.

Proposed Land Use - Office - An area that provides for office uses as a transition from residential to commercial uses, or for large planned office areas. Permitted uses include business, professional, and financial office as well as offices for individual and non-profit organizations.

Purpose

1. Encourage office-related services in areas that cannot support the traffic generation of commercial uses;
2. Provide for small lot office conversions as a transition from commercial to residential uses; and
3. Preserve sites for employment and office related services.

Application

1. Appropriate for low volume streets such as collectors and minor arterials; and

2. Can be used to provide a transition between residential uses and more intense commercial and industrial uses

IMAGINE AUSTIN COMPREHENSIVE PLAN

The request to change the land use on the future land use map from Single Family to Office meets the following policies in the comprehensive plan.

LAND USE AND TRANSPORTATION POLICIES

LUT P4. Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.

LUT P6. Ensure that neighborhoods of modest means have a mix of local-serving retail, employment opportunities, and residential uses.

LUT P7. Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

NEIGHBORHOODS POLICIES

N P2. Protect neighborhood character **by directing growth to areas of change** and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors and infill sites

N P5. Strengthen planning processes by recognizing that the Comprehensive Plan and small-area plans, such as neighborhood plans, corridor plans, and station area plans, need to respect, inform, and draw from each other.

BACKGROUND: The property is located within the Upper Boggy Creek Neighborhood Planning area. The application was filed on July 31, 2013, which is in-cycle for planning areas located on the east side of I.H. 35.

The applicant proposes to change the land use on the future land use map from Single Family to Office. The zoning applicant proposes to change the zoning from SF-3-NP to LO-NP to open a child or adult daycare facility.

For more information on the zoning request associated with the plan amendment application, please see zoning case report C14-2013-0094.

PUBLIC MEETINGS: The ordinance-required plan amendment meeting was held on September 19, 2013. Eighty-seven meeting notices were mailed to property owners and utility account holders located within 500 feet of the property, in addition to neighborhood and environmental groups registered on the Community Registry who requested notification for the area. Four people attended the meeting, in addition to the property owner, the applicant, and one city staff member.

After city staff gave a brief presentation regarding the applicant's request and the plan amendment process, the applicant's agent, Mark Castaneda said the owner proposes to change the zoning from SF-3-NP to LO-NP to open a day care center or an elder care center on the property. The proposal is to combine this lot (see conceptual plan at the back of this report) with the adjacent lot to the south which is also owned by the applicant and zoned LO-NP to open the day care or elder care facility on the combined two lots.

After his presentation, the following questions were asked:

Q. Where would you take access to the property?
A. There's a gravel road from Fernwood to the rear of the property. We would use that road/driveway to provide access if the Texas Department of Transportation doesn't allow us access from I.H.-35 access road.

Q. What is that little building on the property?
A. That is an existing garage that would be used for storage.

Q. What will be the hours of operation?
A. The hours would be 7:00 a.m. to 7:00 p.m. There will be no overnight stays.

Q. How solid is the plan you're proposing?
A. The owner will lease the property to a tenant who already is operating an eldercare facility in Austin; however, the tenants are waiting for the property to rezoned.

Q. I live behind the building on Elwood. I think what you propose looks fine, but I'm afraid that once you get the zoning you will build something else. Are you OK with a conditional overlay?
A. Yes, the owner is OK with conditions worked out with the neighborhood. He's ok with a 6 foot solid privacy fence between the back lot and the residential uses to the east. He's also aware of no site lighting that would disturb the homes to the east.

Q. I understand there will be a 25 foot setback between your property and the single family homes to the east because of the Compatibility Standards. Could you put your garbage dumpster there?
A. Nothing can go there, except we might have a shallow detention pond.

Q. Could you have playground equipment in the 25 foot setback?
A. I don't know. (Note: Staff later determined that playground equipment cannot be placed in the 25 foot setback).

Q. Could you have pea gravel in the 25 foot setback?
A. There can be landscaping but no impervious cover, or any material that can be impacted.

Q. Could the proposed conditional overlays apply to the lot to the south currently zoned LO-NP since this property will be developed with it?
A. No, because it's a separate property.

Q. Will you ask for any variances?
A. No. We won't need any variances.

Q. Can you tell us the names of the companies interested in the property?
A. I can't tell you the names, but the types of companies have been insurance company, real estate office and an attorney's office.

Q. I understand that we will get noticed when a site plan is submitted. We will be able to make changes to the site plan?
A. It will be administratively approved if it meets code, but you could talk to the site plan reviewer to provide input.

Q. Do you know how many people will be at the daycare?
A. I don't know at this time. It will depend on the State regulations.

The Upper Boggy Creek Planning Contact Team's letter is on page seven and eight.

The Delwood 2 Neighborhood Association submitted a letter on page 16 and 17.

CITY COUNCIL DATE: November 21, 2013 **ACTION:** Pending.

CASE MANAGER: Maureen Meredith **PHONE:** 512-974-2695

EMAIL: Maureen.meredith@austintexas.gov

Letter from the Upper Boggy Creek Planning Contact Team

October 22, 2013

Heather Chaffin, AICP
Senior Planner-- Zoning Review Division
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704
via email:heather.chaffin@austintexas.gov

Maureen Meredith
Maureen.Meredith@austintexas.gov

Re: 4505 N. IH-35, NPA 2013-0012.01 and C14-2013-0094

Dear Commissioners, Staff,

The Upper Boggy Creek Neighborhood Contact Team ("UBCNCT") met last night following due notice and with a quorum to take up the above referenced case. The Delwood II Neighborhood Association, one of the neighborhoods within the Upper Boggy Creek Plan Area, had previously met and asked the City to limit the uses on the property through a conditional overlay or otherwise. UBCNCT voted unanimously to approve the Delwood II recommendations on the subject property. The purpose of the restrictions is to make future development compatible with the residential neighborhood adjacent to the property.

We restate the proposed restrictions on the property below:

UBCNCT supports:
Residential Uses
- Bed and Breakfast-Groups I and II.

Commercial Uses
- Administrative and Business Offices
- Art Gallery
- Art Workshop
- Communication Services
- Medical Offices not exceeding 5000 s.q. ft.
- Professional Offices
- Software Development
- Special Historic Use

Civic Uses
- Convalescent Services
- Counseling Services
- Cultural Services
- Day Care Services (Limited)
- Family Home

Group Home, Class 1 (Limited)
Hospital Services (Limited)

UBCNCT asks that the City prohibit the following uses through a conditional overlay or otherwise:

Off-Site Parking
Commercial Uses
- Medical Offices exceeding 5000 s.q. ft.
- Personal Services

Agricultural Uses
- Community Garden
- Urban Farm

Civic Uses
- Club or Lodge
- College and University Facilities
- Communication Service Facilities
- Community Recreation (Private)
- Community Recreation (Public)
- Congregate Living
- Day Care Services (Commercial)
- Day Care Services (General)
- Group Home, Class 1 (General)
- Group Home, Class 2
- Local Utility Services
- Private Primary Educational Facilities
- Private Secondary Educational Facilities
- Public Primary Educational Facilities
- Public Secondary Educational Facilities
- Religious Assembly
- Residential Treatment
- Safety Services
- Telecommunication Tower

Delwood II Neighborhood Association raised these proposed restrictions with the applicant at the Public Meeting and there was no objection.

Thank you for your consideration of this matter.

Sincerely,

Christopher M. Swanson
Chair UBCNCT

Letter from the Delwood 2 Neighborhood Association

Delwood 2 Neighborhood Response to Requested Zoning Change for Plan amendment case#: NPA-2013-0012.01, 4505 N. IH-35 and Zoning Case#: C14-2013-0094

September 27, 2013

The Delwood 2 Neighborhood Association approves the following uses as appropriate for the neighborhood for the zoning change from SF-3 to L.O.

Residential Uses

Bed and Breakfast-Groups I and II.

Commercial Uses

Administrative and Business Offices
Art Gallery
Art Workshop
Communication Services
Medical Offices not exceeding 5000 s.q. ft.
Professional Offices
Software Developement
Special Historic Use

Civic Uses

Convalescent Services
Counseling Sevices
Cultural Services
Day Care Services (Limited)
Family Home
Group Home, Class 1 (Limited)
Hospital Services (Limited)

The Delwood 2 Neighborhood Association does not think the following uses are appropriate for the neighborhood.

Commercial Uses

Medical Offices exceeding 5000 s.q. ft.
Personal Services

Agricultural Uses

Community Garden
Urban Farm

Civic Uses

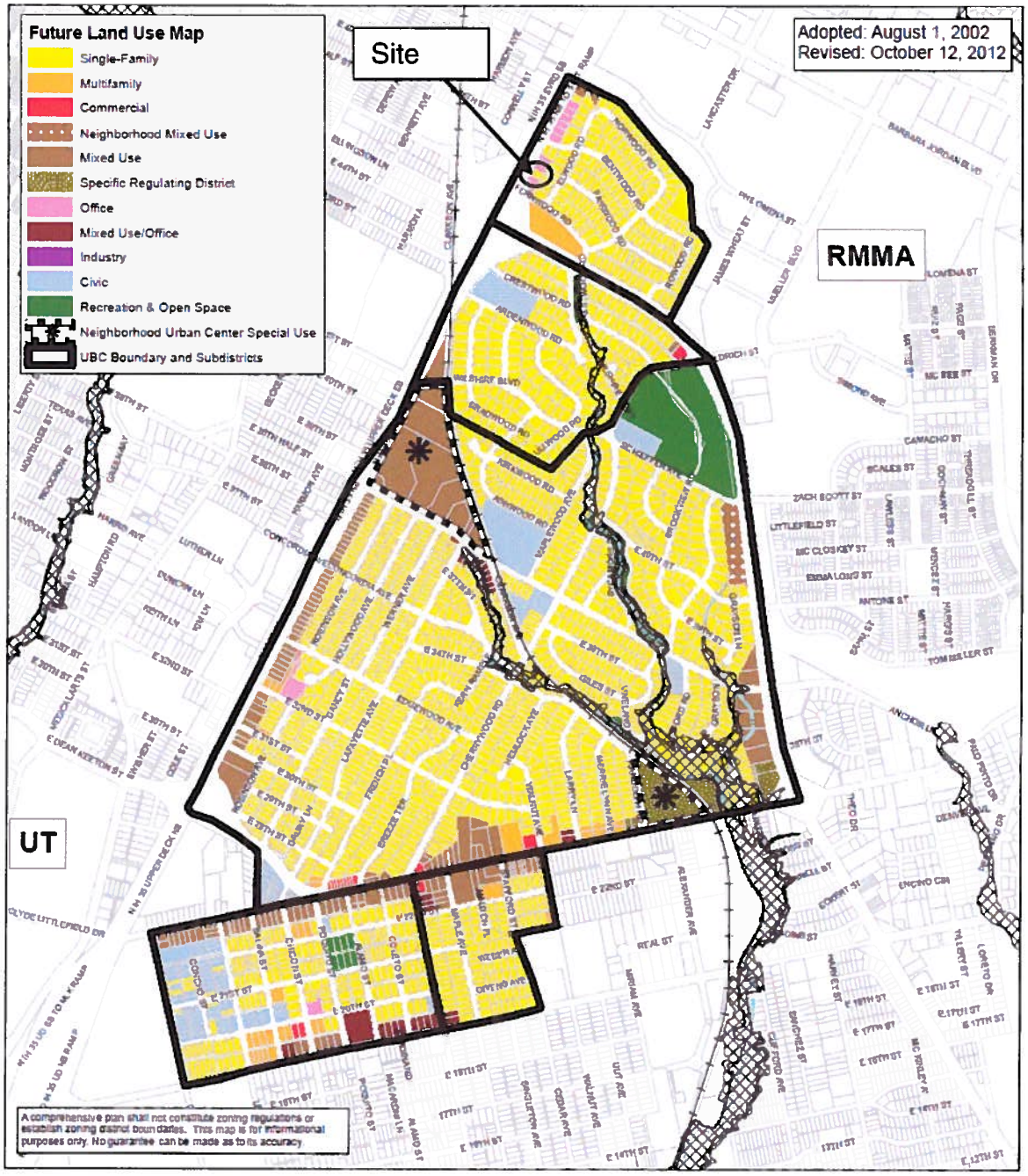
Club or Lodge

College and University Facilities
Communication Service Facilities
Community Recreation (Private)
Community Recreation (Public)
Congregate Living
Day Care Services (Commercial)
Day Care Services (General)
Group Home, Class 1 (General)
Group Home, Class 2
Local Utility Services
Private Primary Educational Facilities
Private Secondary Educational Facilities
Public Primary Educational Facilities
Public Secondary Educational Facilities
Religious Assembly
Residential Treatment
Safety Services
Telecommunication Tower

The neighborhood would like the back fence at 4505 N. IH-35 to be 8 ft. high instead of the usual 6 ft.

The neighborhood does not support the possible zoning change to "L.O." that would allow off-site parking.

Respectfully,
Gary Brinkman, President
Delwood 2 Neighborhood Association

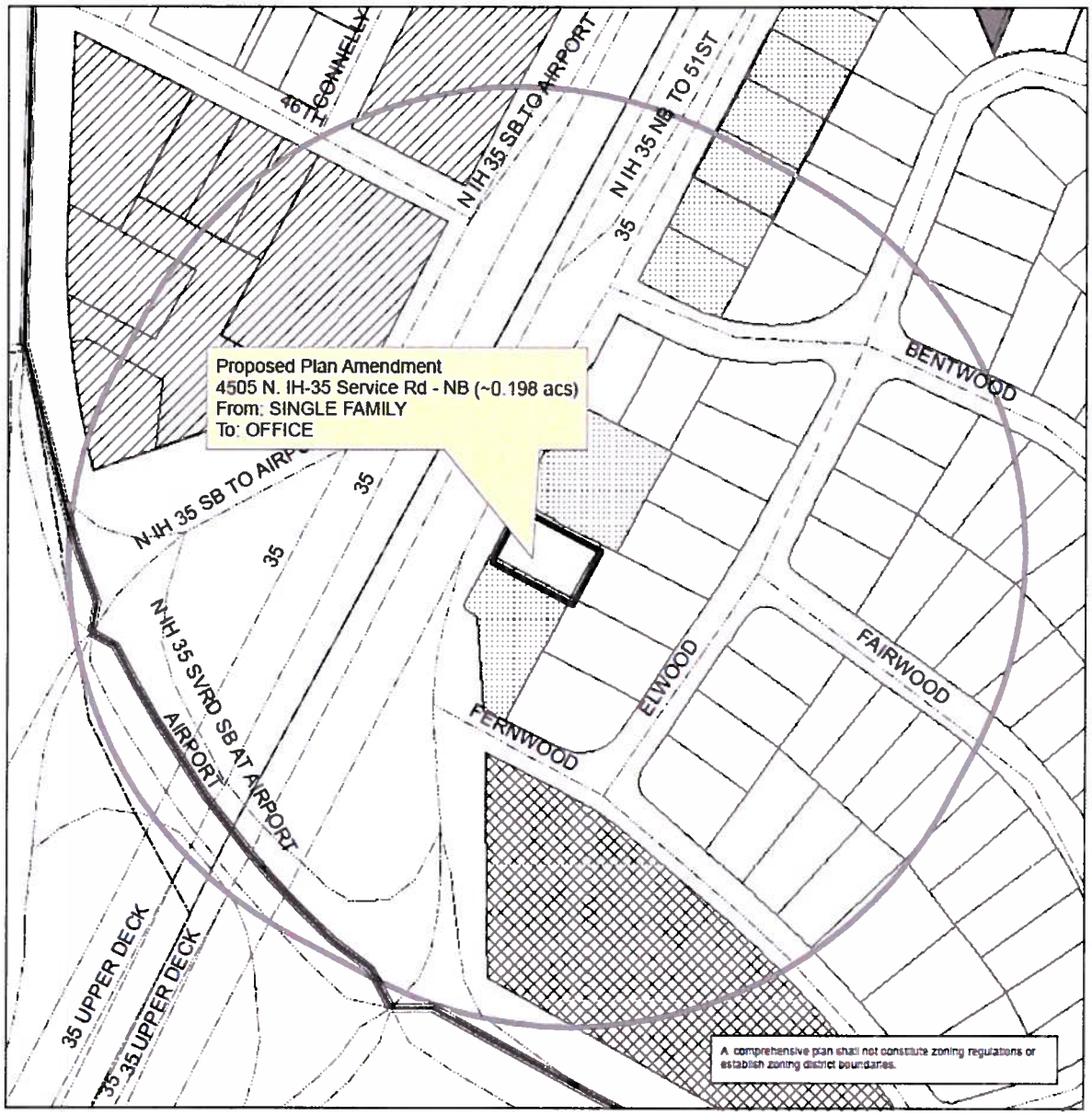


Upper Boggy Creek Neighborhood Planning Area: Future Land Use Map

City of Austin
Planning and Development Review Department

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.

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



Upper Boggy Creek Neighborhood Plan
NPA-2013-0012.01

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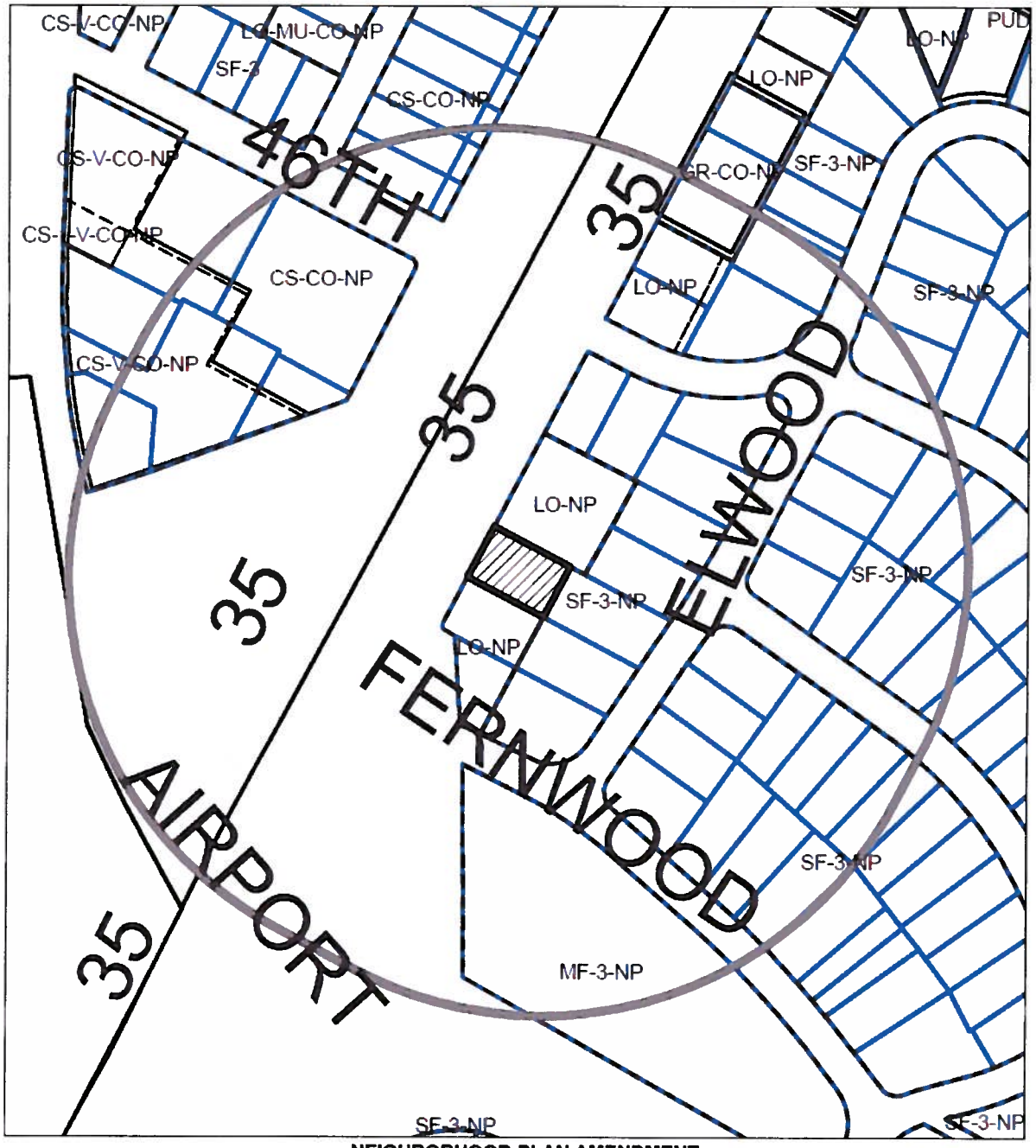
City of Austin
Planning and Development Review Department
Created on Aug. 5, 2013_M Meredith

N

Legend
- Subject Tract
- Core Transit Corridors
- 500ft notification boundary
- Street Address Centerline
- NPA CASES
- Single-Family
- Multi-Family
- Commercial
- Mixed Use
- Office



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SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
500ft Notification Boundary

NEIGHBORHOOD PLAN AMENDMENT
Case Number: NPA-2013-0012.01
Addresses: 4505 North IH-35 Service Rd - Northbound
Approx. 0.198 acres

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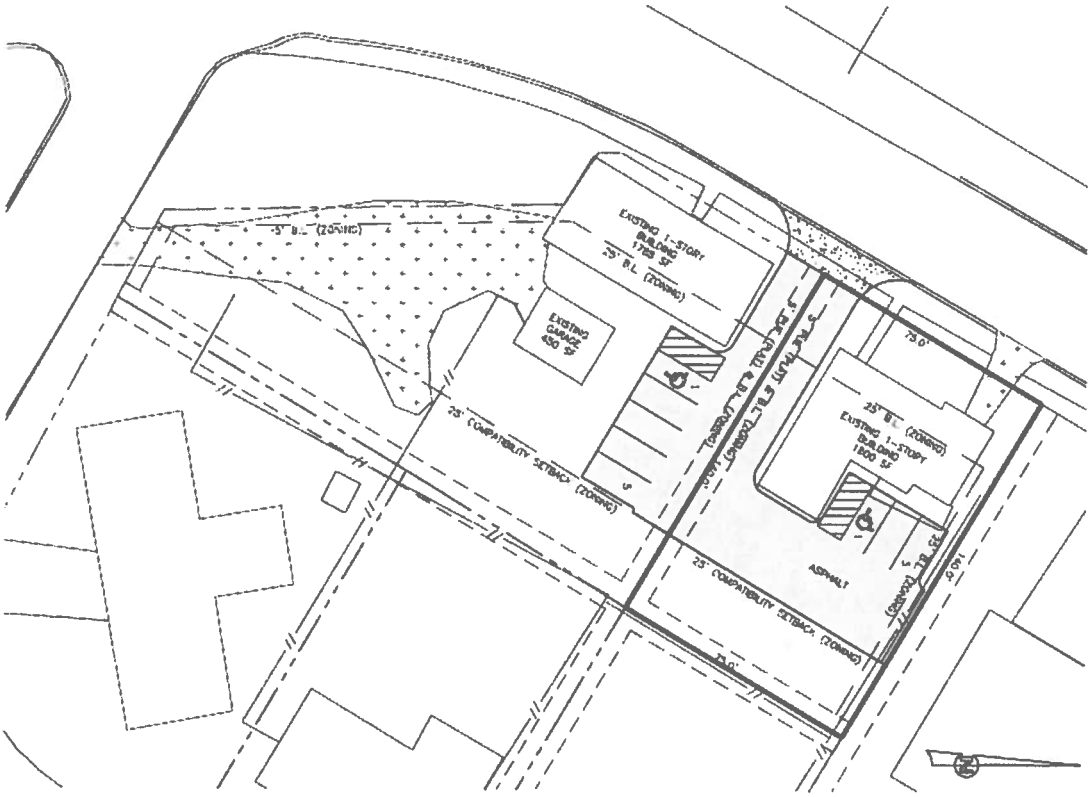

SITE SUMMARY

SITE	SF	ACRE
	0.747	0.321
	0.747	0.321

BUILDING		
	EXISTING	TOTAL REV
FOOTPRINT	1,800	1,800
GROSS FLOOR AREA	1,800	1,800
FLOOR AREA RATIO	0.24	0.24
BUILDING COVERAGE	0.24	0.24
IMPERVIOUS COVER	0.141	0.141

PARKING		
	EXISTING	TOTAL REV
STANDARD	7	7
COMPACT	1	1
HANDICAP	1	1
TOTAL	9	9
PARKING COVERAGE AND IMPERVIOUS COVER	0.141	0.141

PROPOSED ZONING: LO-NP
PROPOSED USE: CONVALESCENT SERVICES
ALLOWABLE IMPERVIOUS COVER: 70%
PROPOSED IMPERVIOUS COVER: 49.0%±

REQUIRED PARKING: 1 SPA / 4 CONSUMERS + 1 SPA / 2 EMPLOYEES
CONSUMERS: 5 – .5 SPA
EMPLOYEES: 2 – 1 SPA
TOTAL REQUIRED PARKING: 2.5 SPA
TOTAL PROVIDED PARKING: 3 SPA

4505 N IH 35 REZONING

4505 N IH 35
Austin, Texas 78753

JOB NO. 1.007

DRAWN BY: M.C.
CHECKED BY: A.J.G
DATE: 09-17-13
SCA:

SHEET NO.
1 of 1

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