

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

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NEIGHBORHOOD PLAN: North Lamar Neighborhood Plan

CASE#: NPA-2012-0026.01 **DATE FILE:** February 29, 2012

PC DATE: June 12, 2012

ADDRESS/ES: 601 West Applegate Drive

SITE AREA: Approx. 0.775 acres

APPLICANT/OWNER: Howard K. & Bobbie Nell Landrum

AGENT: Howard (Kellis) Landrum

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Mixed Use/Office **To:** Mixed Use

Base District Zoning Change

Related Zoning Case: C14-2012-0023 (SS)

From: LO-MU-CO-NP **To:** GR-MU-NP

NEIGHBORHOOD PLAN ADOPTION DATE: August 26, 2010

PLANNING COMMISSION RECOMMENDATION: Final recommendation pending.

STAFF RECOMMENDATION: Not recommended.

BASIS FOR STAFF'S RECOMMENDATION: The requested change in the future land use map does not meet the following Goals, Objectives, and Recommendations:

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A Community Vision:

A Future History of the North Lamar Combined Neighborhood Planning Area

As all of the goals and objectives of the North Lamar Combined Neighborhood Plan were realized, the whole of the planning area has become a more livable and sustainable community. As businesses began to reinvest along North Lamar Boulevard, more of people's daily needs have become located within a short walk or bicycle trip. This reinvestment has created redevelopment opportunities that allow more people to live closer to their daily necessities and within ready access to high-quality transit. As the sidewalk network is improved and the street trees mature, it has become easier and safer to walk to the store or transit. And, as homeownership rates continue to increase, people's personal investment in the community's quality of life motivates them to be actively engaged and committed to the health and well-being of their part of North Austin.

LAND USE

Create a well-balanced land use pattern in the North Lamar Combined Neighborhood Planning Area by assigning appropriate land uses to particular properties.

- Limit the encroachment of intense uses into the residential portion(s) of a neighborhood
- Place complementary uses next to one another
- Establish a logical pattern of uses
- Place more intense uses (e.g., industry, commercial) along large, arterial roadways and away from residential neighborhoods to limit adjacent incompatible uses.



Commercial uses encroach upon a residence on Elliot Street.

Objective L.1: Preserve the residential character of the neighborhoods in the NLCNPA.

Recommendation 119 Non-residential uses should not encroach into the established neighborhoods of the NLCNPA.

Objective L.3: Establish North Lamar Boulevard as a mixed use, pedestrian-friendly corridor.

Recommendation 123 Apply the mixed use future land use designation to all properties fronting North Lamar Boulevard.

Recommendation 125 Incorporate small-scale, neighborhood-serving commercial or retail establishments into new mixed use developments.

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Recommendation 127 All new development (mixed use, commercial, or multi-family) must be pedestrian-friendly and oriented towards the street with parking located to the rear of the building(s).

Staff Analysis: Staff believes that the applicant's request to change the future land use map to Mixed Use conflicts with the goals of the neighborhood plan by encroaching into an establish residential area and is not supported by staff.

Existing Land Use:

Mixed Use/Office

An area that is appropriate for a mix of residential and office uses.

Purpose

1. Accommodate mixed use development in areas that are not appropriate for general commercial development; and
2. Provide a transition from residential use to non-residential or mixed use.

Application

1. Appropriate for areas such as minor corridors or local streets adjacent to commercial areas;
2. May be used to encourage commercial uses to transition to residential use; and
3. Provide limited opportunities for live/work residential in urban areas.

Proposed Land Use:

Mixed Use

An area that is appropriate for a mix of residential and non-residential uses.

Purpose

1. Encourage more retail and commercial services within walking distance of residents;
2. Allow live-work/flex space on existing commercially zoned land in the neighborhood;
3. Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic uses (with the exception of government offices) to encourage linking of trips;
4. Create viable development opportunities for underused center city sites;
5. Encourage the transition from non-residential to residential uses;
6. Provide flexibility in land use standards to anticipate changes in the marketplace;

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7. Create additional opportunities for the development of residential uses and affordable housing; and
8. Provide on-street activity in commercial areas after 5 p.m. and built-in customers for local businesses.

Application

1. Allow mixed use development along major corridors and intersections;
2. Establish compatible mixed-use corridors along the neighborhood's edge;
3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood Mixed Use Building, Neighborhood Urban Center, Mixed Use Combining District);
4. Mixed Use is generally not compatible with industrial development, however it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;
5. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating or maintaining a non-conforming use; and
6. Apply to areas where vertical mixed use development is encouraged such as Core Transit Corridors (CTC) and Future Core Transit Corridors.

BACKGROUND: The application was filed on February 29, 2012, which is in-cycle for neighborhood planning areas located on the west side of I.H.35.

The applicant requests a change in the future land use map from Mixed Use/Office to Mixed Use. The applicant's zoning change request is from LO-MU-CO-NP to GR-MU-NP.

The applicant states that the property has been red-tagged by the Code Compliance Division for operating an automobile repair shop in LO- Limited Office zoning district, which is not a permitted use. Mr. Landrum requests GR – Community Commercial zoning district so he can reopen the auto repair shop.

PUBLIC MEETINGS: The ordinance required plan amendment meeting was held on Tuesday, April 3, 2012. Three hundred and forty-four meeting notices were mailed to property and utility account holders within 500 feet of the property, in addition to neighborhood organizations and environmental groups registered on the Community Registry have requested to receive notices for the area

Kellis Landrum, the applicant and property owner, said he bought the property in 1992 as an investment and has been using it for an auto repair shop for 20 years. A Code Enforcement officer ticketed him for an unauthorized use, so he is seeking a zoning change so he can continue the auto repair use. He has a prospective tenant for the lot, but he can't lease it to him until he gets his zoning. He knows there have been problems with 18-wheelers parked on the street and blocking driveway, but he has always responded quickly to resolve issues.

After his presentation, the following questions were asked:

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Q. Is the property vacant now?

A. Yes.

Q. I live across the street and have been dealing with your property for 15 years with 18-wheelers blocking our driveway.

A. It's not us. We tell truck drivers not to park where they block driveways.

Q. Why can't you find a tenant who wants to put an office there, since it is zoned LO-Limited Office?

A. I haven't been able to find anyone who wants to put an office there because there's no office building on the property. It's only a building for an auto repair use.

Q. Have you listed the property with a real estate agent?

A. No.

Other general comments from the attendees were:

- We went through the planning process to stop these types of uses that are detrimental to the neighborhood. You had an opportunity during the planning process to participate, but you didn't attend the meetings.
- We wanted low-intensity uses next to residential uses.
- The attendees offered to help Mr. Landrum find tenants for his property under his current LO – Limited Office zoning district.
- One attendee who has a community garden, said he might be interested in the property, since an Urban Garden is allowed in the LO zoning district.
- The community wants heavy commercial uses fronting on North Lamar, not on our residential streets.

The letter in opposition from the North Lamar Planning Contact Team is on pages six and seven of this report.

CITY COUNCIL DATE: June 28, 2012

ACTION: Pending.

CASE MANAGER: Maureen Meredith

PHONE: 974-2695

EMAIL: Maureen.meredith@austintexas.gov

Letter in Opposition from the North Lamar Planning Contact Team

06/6

14 April 2012

City of Austin Planning Commission

re: NPA 2012-0026.01 (601 W Applegate)

Commissioners:

On April 3, 2012 the North Lamar Combined Neighborhood Plan contact team, including the applicant Mr. Landrum, participated in a community meeting facilitated by city staff to discuss his proposed zoning and future land use changes. The contact team voted in a special meeting concluding April 10, 2012. In the interim, contact team members visited the property, discussed the issues with other stakeholders, and reviewed their notes from the neighborhood planning process.

The North Lamar Combined Neighborhood Plan contact team voted unanimously to oppose the proposed zoning and future land use changes. We recommend **retaining the zoning of LO-MU-CO-NP** (Limited Office-Mixed Use-Conditional Overlay-Neighborhood Plan) and **retaining the future land use of Mixed Use/Office**.

1. Our neighborhood plan was adopted very recently, in June 2010. There have not been changes in the area around 601 W Applegate in the short time since then.
2. Neighborhood plan Recommendation 119 states that "Non-residential uses should not encroach into the established neighborhoods". This property is surrounded on three sides by residential (SI²-2, SI²-3, and MI²-3). The future land use map designation of Mixed Use/Office was chosen to provide a *transition* from commercial to residential use, rather than an encroachment.
3. Neighborhood plan Recommendation 20, one of the top ten priority action items, is "Encourage greater investment in those properties owned by absentee landlords". The plan talks about the importance of code compliance in achieving a safe healthy neighborhood, recognizing that there may be a short-term cost in exchange for the long-term increase in profitability achieved by an attractive, desirable setting. City services such as the Development Assistance Center and contact team resources such as business contacts can support Mr. Landrum in identifying profitable uses for the property that are permitted under existing regulations.
4. Neighborhood plan Objective L.3 is to "Establish North Lamar Boulevard as a mixed use, pedestrian-friendly corridor", supported by Recommendation 125 to "Incorporate small-scale, neighborhood-serving commercial or retail establishments ...". Neighborhood plan

Recommendation 70, the top priority action item in the plan, calls for sidewalks along Applegate.

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The 601 W Applegate property is located ~500 feet from North Lamar, within the commercial corridor. A small-scale, neighborhood-serving LO business at this location will be supported by upcoming improvements in the area:

- The City received a CAMPO grant to improve pedestrian access in this segment of Lamar, with construction planned to start this summer.
- Cap Metro is in process of improving bus stops along Lamar, with construction of Bus Rapid facilities planned to start later this year.
- The 2010 Mobility Bonds funded a design study for thorough Lamar corridor transportation improvements which was completed earlier this year. Funding to begin constructing these improvements is proposed for a November 2012 bond election.

Thank you for your attention.

Sincerely,

Lisa Hinely

Chair, North Lamar Combined Neighborhood Plan contact team

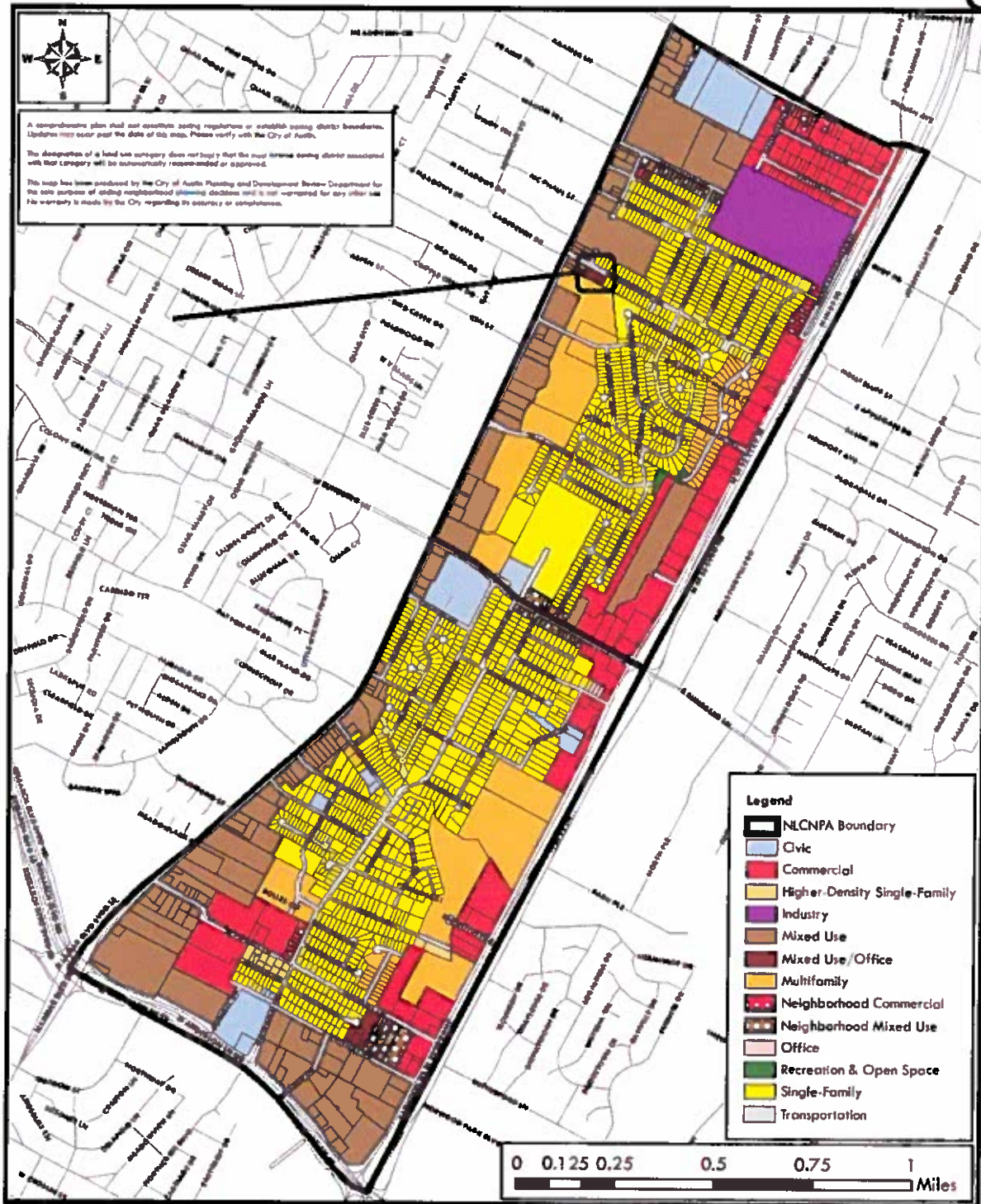
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chair.nlct@yahoo.com

<http://nlct.wordpress.com/>

cc: Maureen Meredith
Sherri Sirwatis
Kellis Landrum

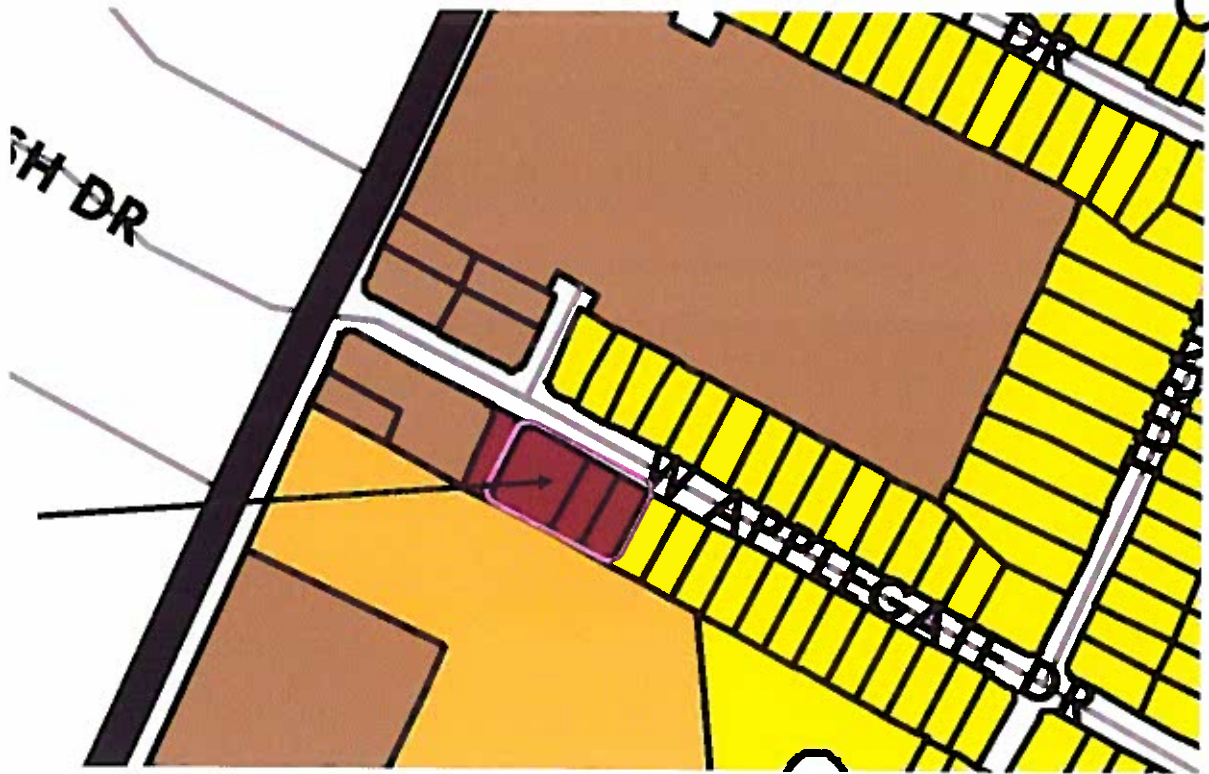
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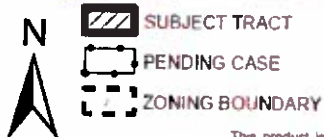


North Lamar Combined Neighborhood Planning Area Future Land Use Map

Adopted: August 26, 2010

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ZONING CASE#: NPA-2012-0026.01



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North Lamar Neighborhood Plan NPA-2012-0026.01

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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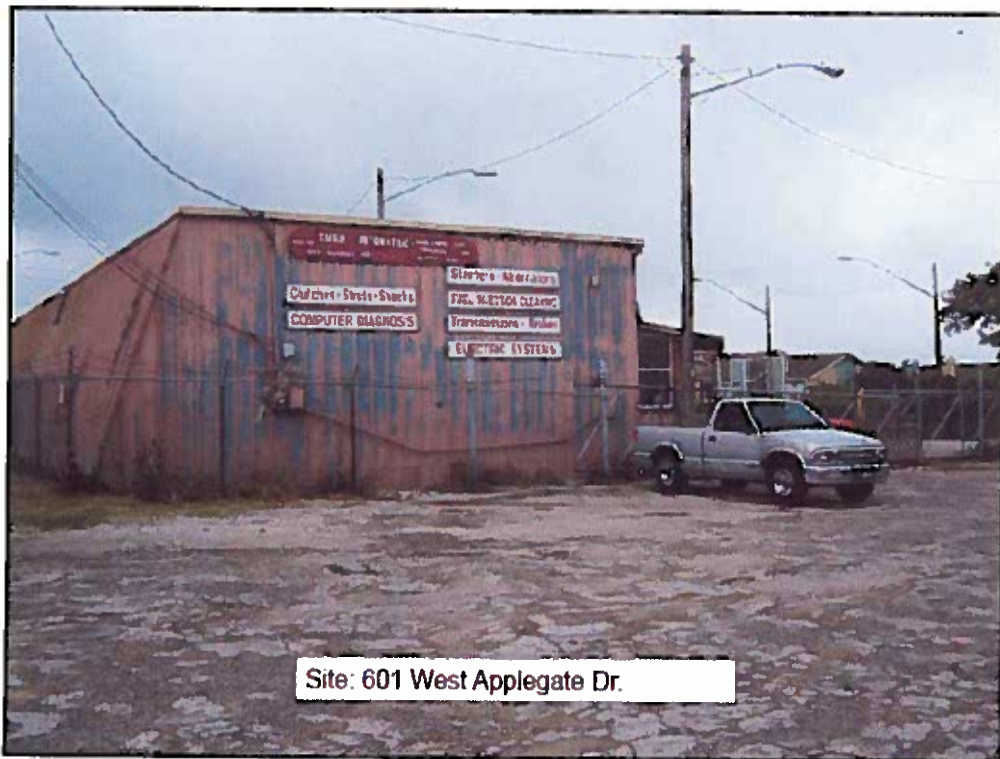
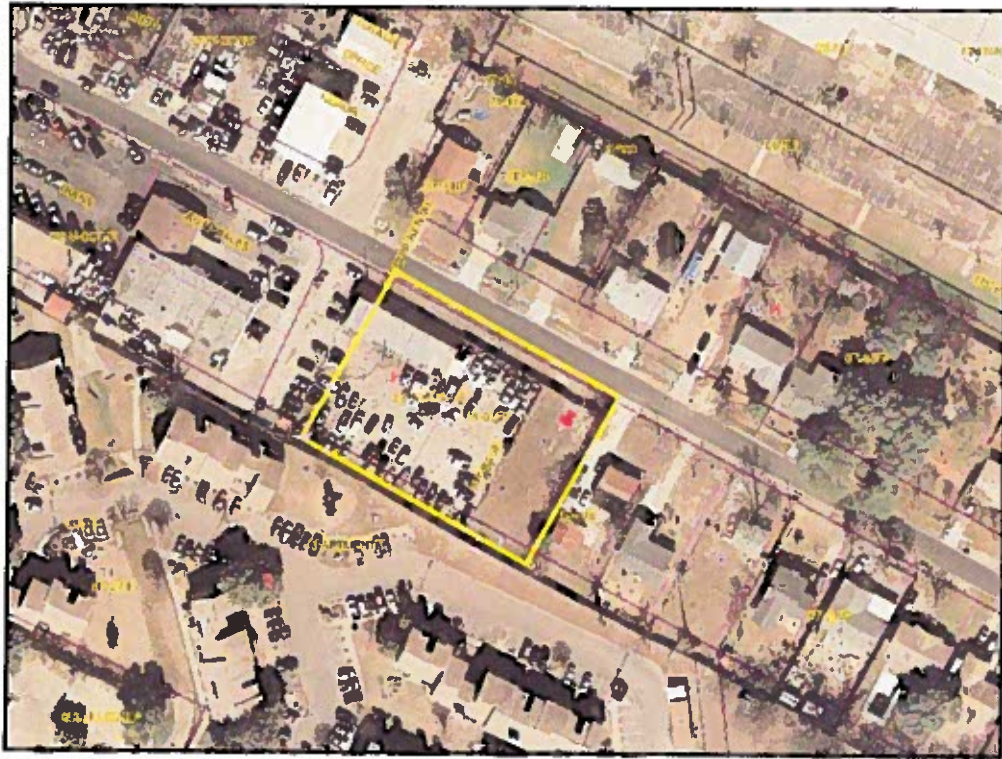
City of Austin
Planning and Development Review Department
Created on 03/21/2012_M Meredith



Legend

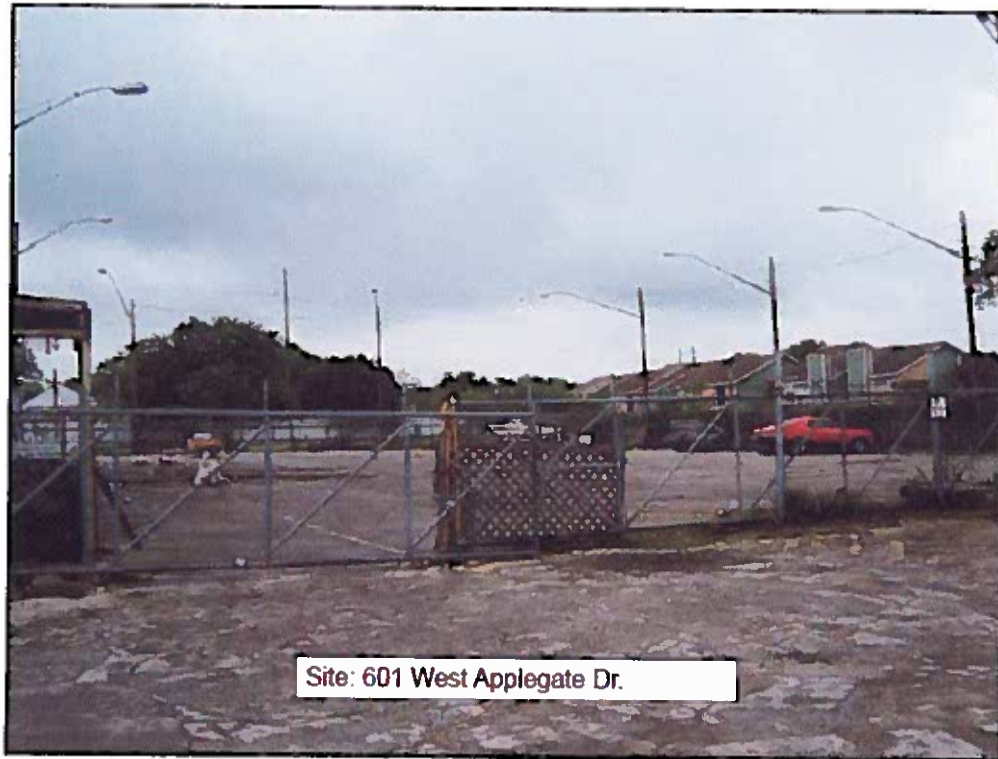
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- SDE.flum_combined**
- Single-Family
- Multi-Family
- Commercial
- Mixed Use
- Mixed Use/Office

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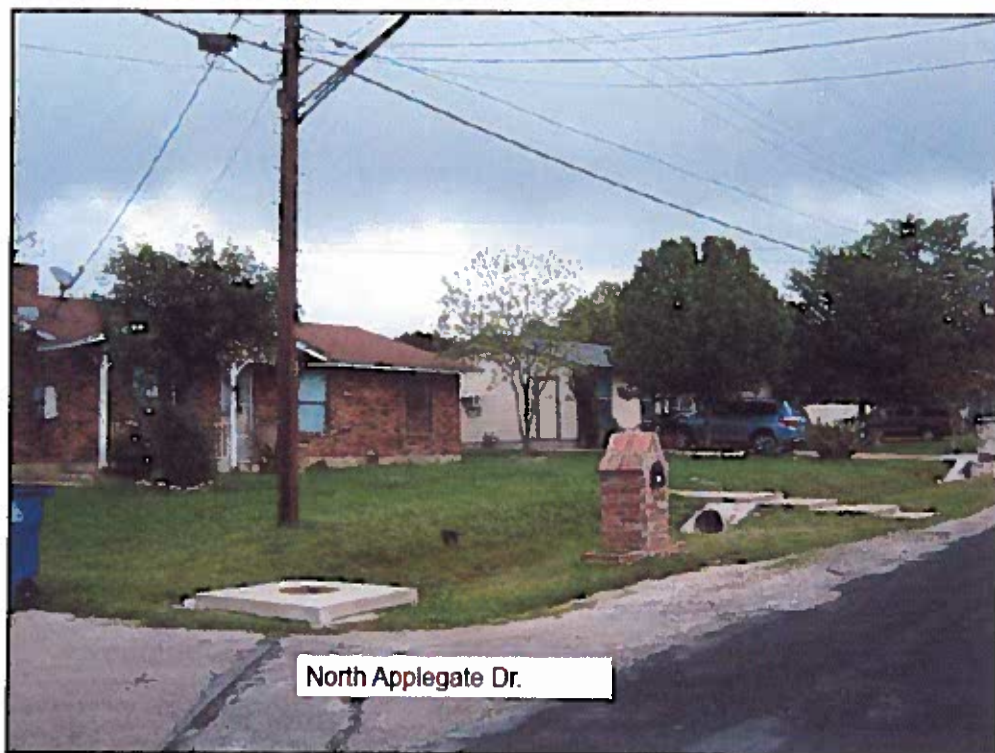
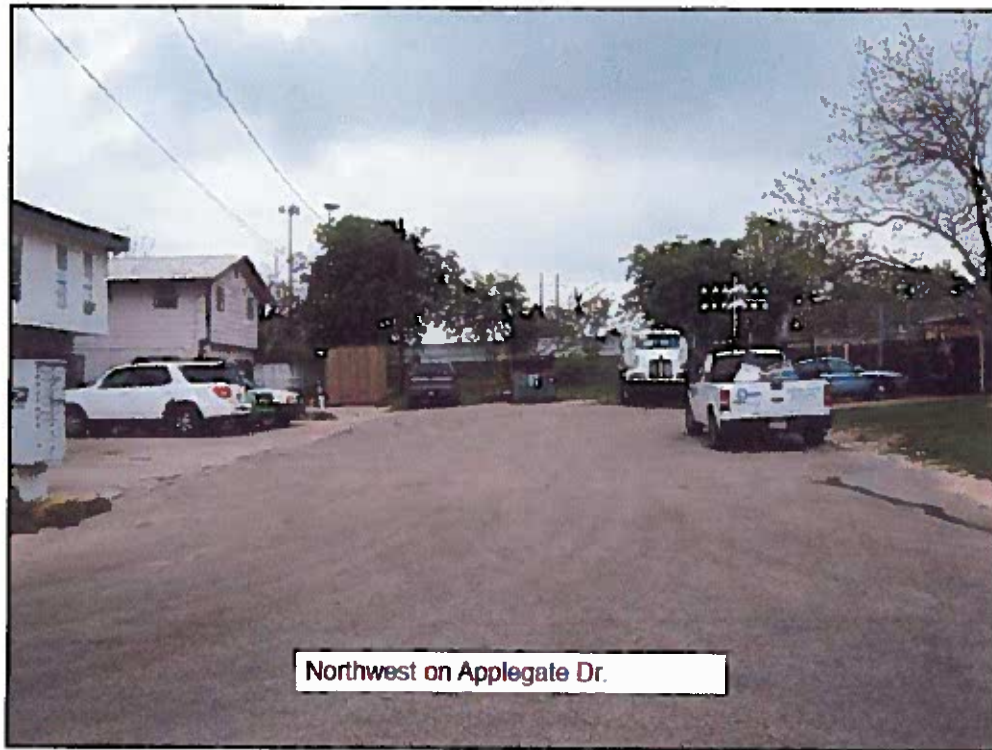


Site: 601 West Applegate Dr.

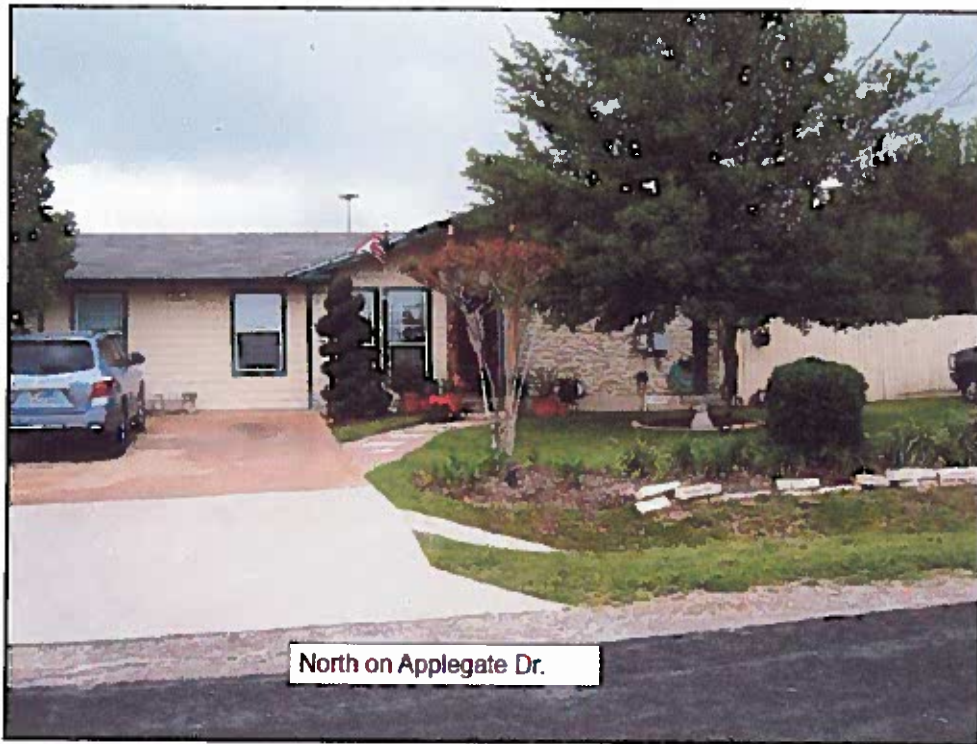
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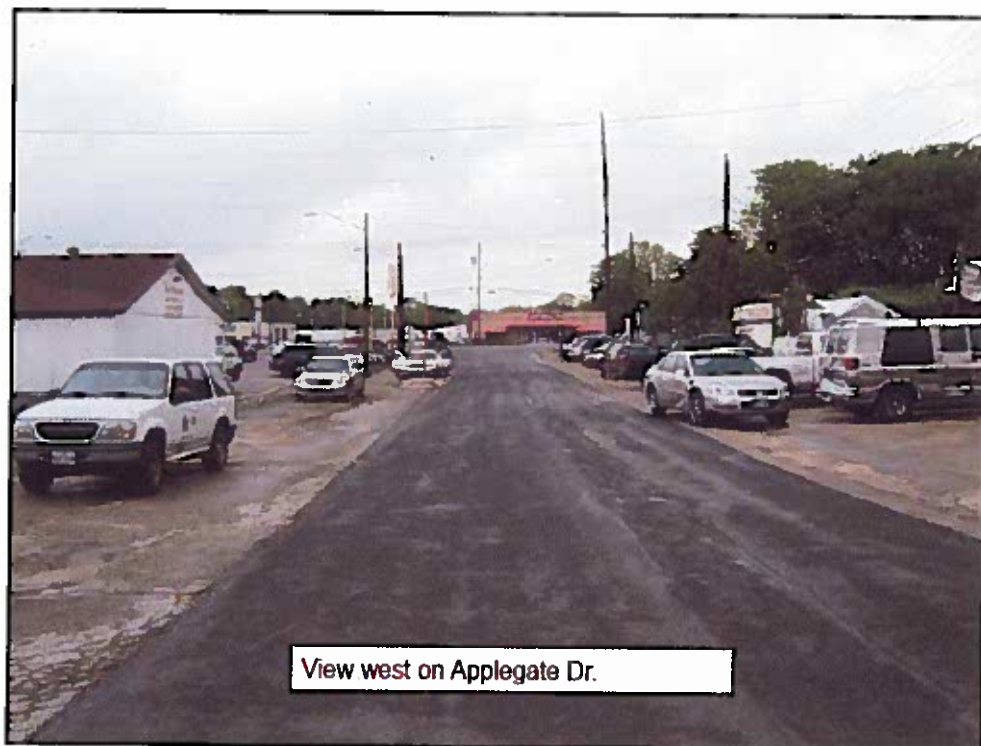
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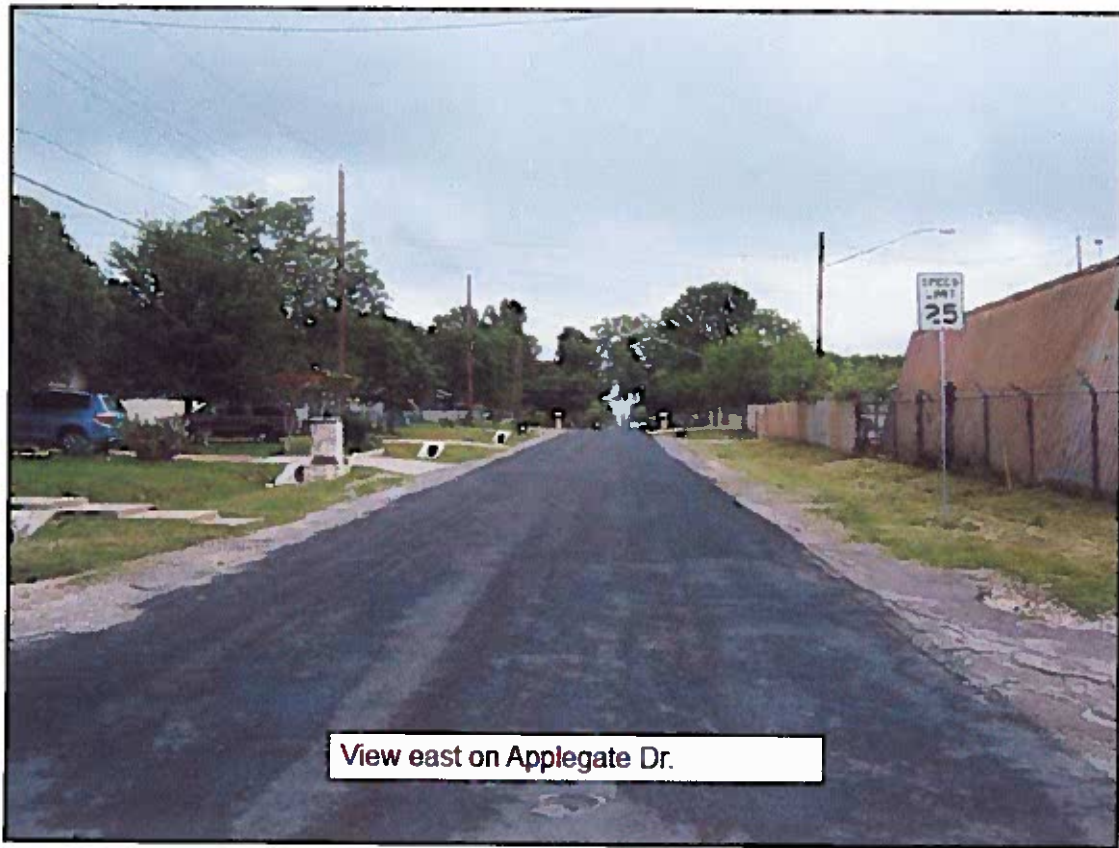
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View east on Applegate Dr.