

**NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET**

**NEIGHORHOOD PLAN:** Upper Boggy Creek

**CASE#:** NPA-2018-0012.01      **DATE FILED:** July 25, 2018 (In-cycle)

**PROJECT NAME:** 3200 Merrie Lynn

**PC DATES:** November 13, 2018, November 27, 2018

**ADDRESS:** 3200 Merrie Lynn Ave

**DISTRICT AREA:** 9

**SITE AREA:** 0.21 acres

**OWNER/APPLICANT:** 3200 Merrie Lynn LLC (David Kanne)

**AGENT:** Drenner Group, PC (Amanda Swor)

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Multifamily      **To:** \*Mixed-Use/Office

**Base District Zoning Change**

**Related Zoning Case:** C14-2018-0087  
**From:** MF-4-NP      **To:** LO-MU-NP

**NEIGHBORHOOD PLAN ADOPTION DATE:** August 1, 2002

**PLANNING COMMISSION RECOMMENDATION:**

*November 27, 2018 –*

*November 13, 2018 –* Postponed on the consent agenda at the request of staff to November 27, 2018. [P. Seeger – 1<sup>st</sup>; R. Scheider – 2<sup>nd</sup>] Vote: 12-0 [De Hoyos Hart absent].

**STAFF RECOMMENDATION:** Recommended for applicant's request for Mixed-Use/Office.

**BASIS FOR STAFF'S RECOMMENDATION:** Merrie Lynn Avenue is a narrow street with single-family and duplex uses. Although the plan document calls for Manor Road to become a

mixed-use corridor, the north side of the street has not developed as such. Development has been piecemeal, with new residential structures on existing, single-family sized lots directly to the north and west of the subject property. To the east is a single-family home.

Lower-intensity office and/or multifamily uses would be appropriate on this lot, and would be allowed with Mixed-Use/Office or the existing Multi-Family land use category. The applicant's proposal to remodel the existing home as a professional office would be allowed under Mixed-Use/Office.

Below are relevant sections from the Upper Boggy Creek plan document:

## **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.*

**MANOR ROAD CORRIDOR**

**Objective 2.2:** The Manor Road Corridor—Manor Road from the frontage road of IH-35 to Airport Boulevard—will become a vibrant, mixed-use transit-oriented corridor that provides existing and new housing opportunities for mixed-income households, entertainment, services, employment opportunities, and commercial opportunities in a neighborhood-friendly fashion. The streetscape along Manor Road should be pedestrian-friendly and promote a safe environment for pedestrians. This includes awnings on the fronts of buildings, street trees, benches, convenient trash bins, public art, etc. Encourage new commercial or mixed-use development along the Manor Road Corridor to locate parking to the side or at the rear of the structure. Shared parking options for different establishments and institutions along the corridor should be explored.

Along Manor Road east of the intersection with Walnut Avenue allow the Mixed-Use Building. Implement a Conditional Overlay on Manor Road Corridor that limits the height of commercial buildings along the corridor to forty (40) feet (three stories) and prohibits and conditions the following uses:

**Objective 4.5: Cherrywood Neighborhood**

The roads in the Cherrywood Neighborhood outside of the arterial roads need to be safer for non-motorized forms of transportation. The lack of sidewalks, designated bicycle lanes, and excessive on-street parking has made many streets in the Cherrywood neighborhood to be dangerous places for people and their pets not travelling in a car.

**LAND USE DESCRIPTIONS*****EXISTING LAND USE ON THE PROPERTY***

**Multifamily Residential** - Higher-density housing with 3 or more units on one lot.

**Purpose**

1. Preserve existing multifamily and affordable housing;
2. Maintain and create affordable, safe, and well-managed rental housing; and
3. Make it possible for existing residents, both homeowners and renters, to continue to live in their neighborhoods.
4. Applied to existing or proposed mobile home parks.

**Application**

1. Existing apartments should be designated as multifamily unless designated as mixed use;
2. Existing multifamily-zoned land should not be recommended for a less intense land use category, unless based on sound planning principles; and

3. Changing other land uses to multifamily should be encouraged on a case-by-case basis.

### ***PROPOSED LAND USE ON THE PROPERTY***

**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

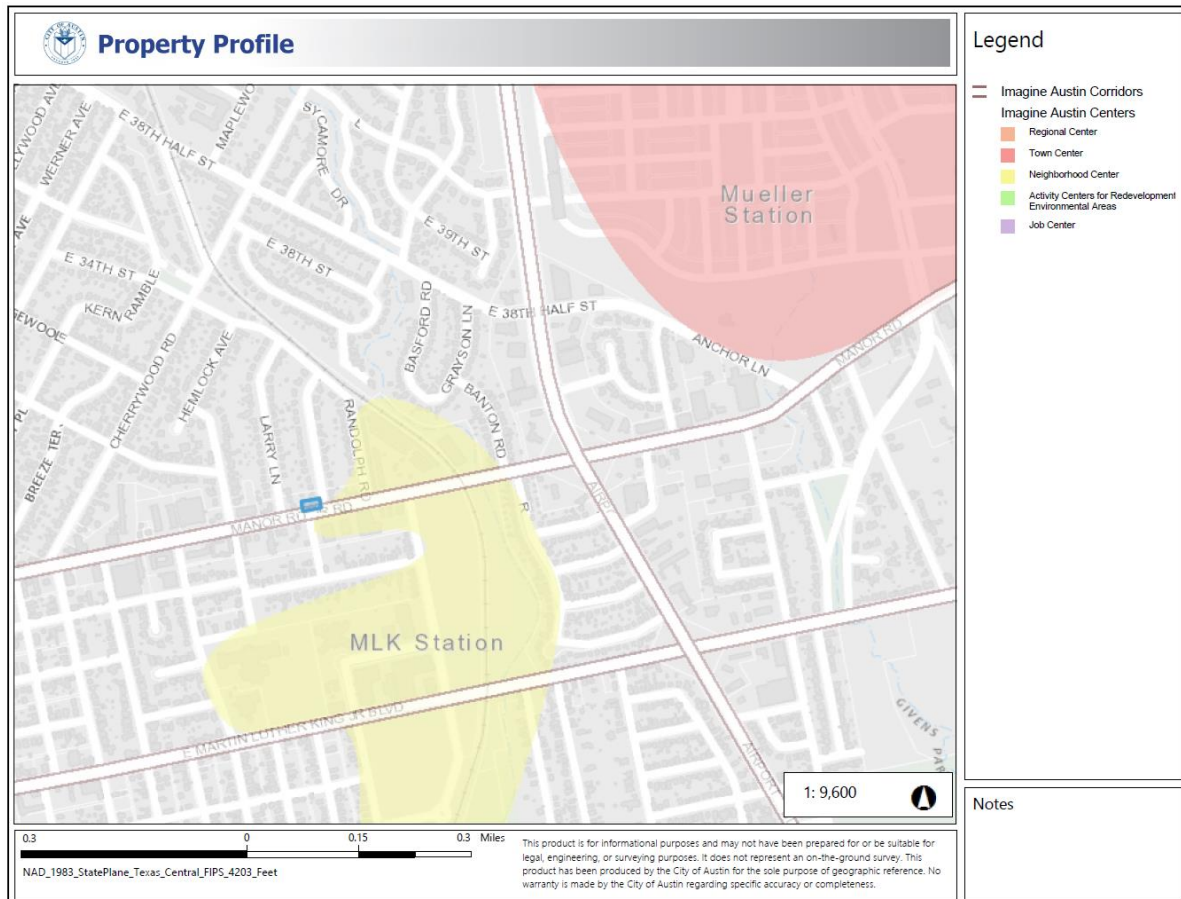
1. Appropriate for areas such as minor corridors or local streets adjacent to commercial areas;
2. May be used to encourage commercial uses to transition to residential use; and
3. Provide limited opportunities for live/work residential in urban areas.

### **IMAGINE AUSTIN PLANNING PRINCIPLES**

1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
  - ***The applicant proposes to redevelop the existing home as an office. This would contribute towards a more complete community.***
2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
  - ***There is a bus stop across the street from the site, but the nearest protected street crossing is over 1,700 feet away from the site.***
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.

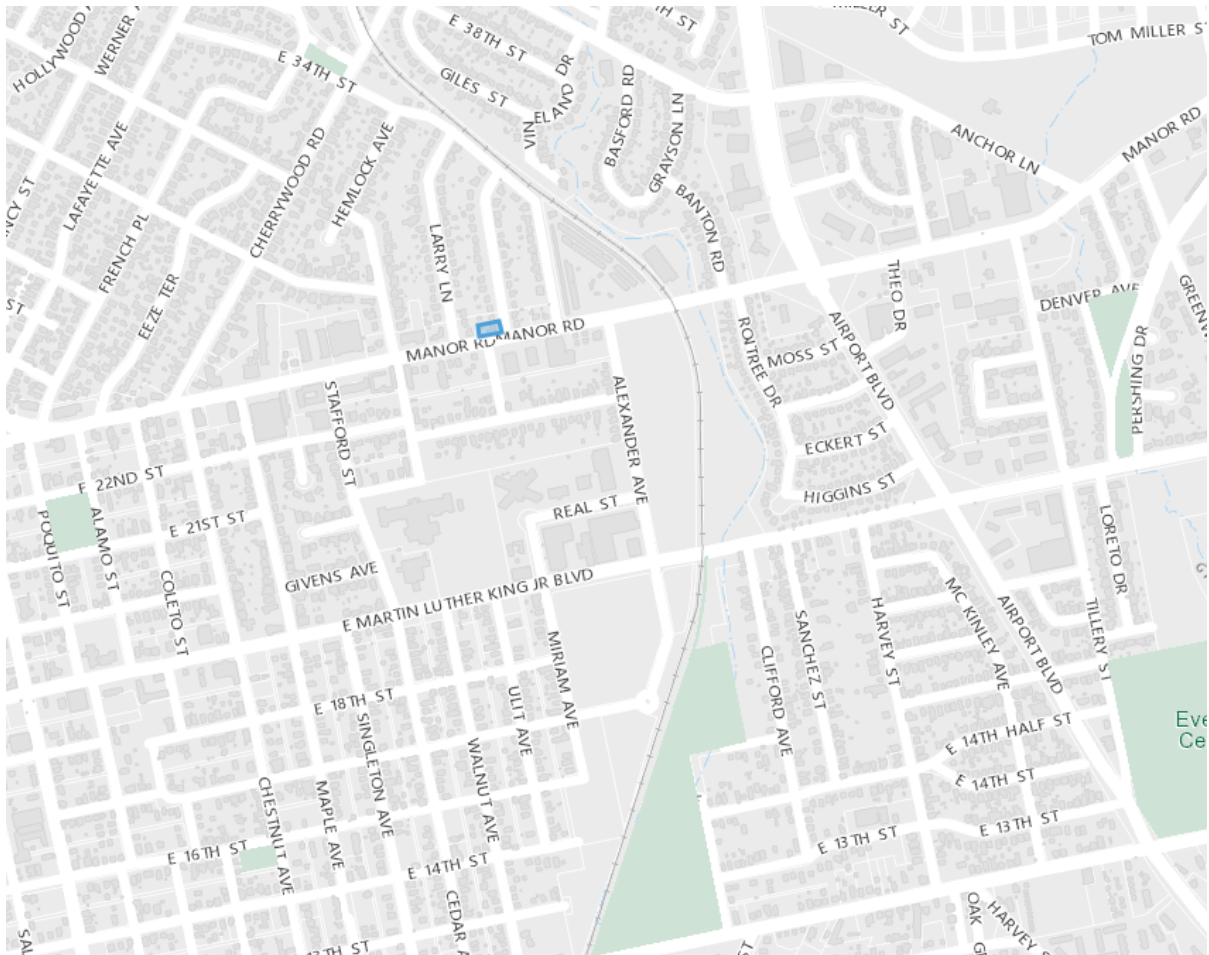
- ***The site is located along Manor Road, an Imagine Austin Activity Corridor, and is across the street from parcels designated as TOD. However the lot size and adjacent residential uses speak against developing the lot at a higher intensity.***
4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
    - ***The proposed development would not include housing. Changing the land use to Mixed-Use/Office, or keeping the site as Multi-Family would allow for development with a housing component.***
  5. Ensure harmonious transitions between adjacent land uses and development intensities.
    - ***The proposed Mixed-Use/Office designation would allow for office uses at a scale compatible with adjacent homes and duplexes.***
  6. Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.
    - ***The property is not located within an environmentally sensitive area.***
  7. Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.
    - ***Not applicable.***
  8. Protect, preserve and promote historically and culturally significant areas.
    - ***Staff is unaware of any historically and culturally significant structures on the property.***
  9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
    - ***Not directly applicable.***
  10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
    - ***Not applicable.***
  11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.
    - ***Not applicable.***
  12. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.
    - ***Not applicable.***

## Imagine Austin Activity Corridors and Activity Centers

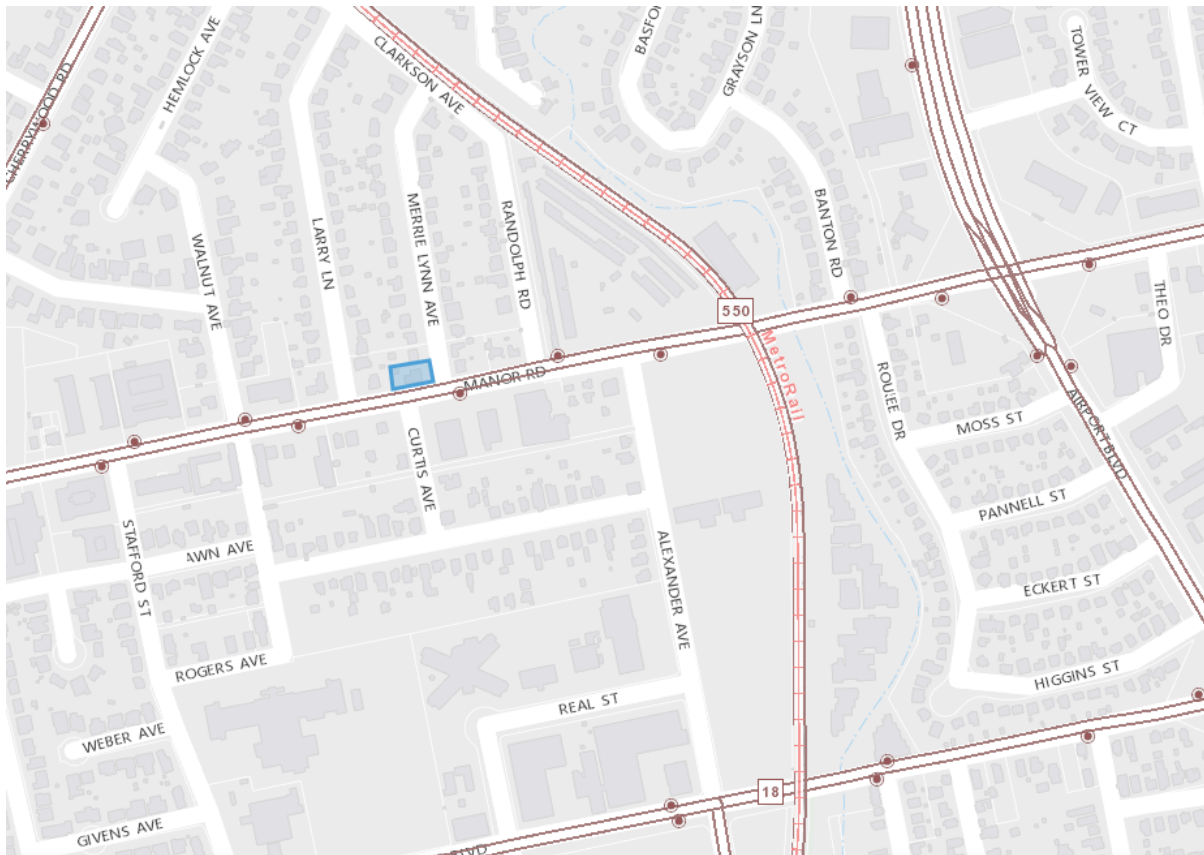




## Location of Parks near the Property



### Capital Metro Bus Routes near Property



### IMAGINE AUSTIN GROWTH CONCEPT MAP

#### *Definitions*

**Neighborhood Centers** - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.



**Town Centers** - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

**Job Centers** - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

**Corridors** - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

**BACKGROUND:** The application was filed on July 25, 2018 which is in-cycle for neighborhood 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 (FLUM) from Multi-Family to Mixed-Use/Office.

The applicant proposes to change the zoning from MF-4-NP to LO-MU-NP to renovate the existing house as a professional office. For more information on the zoning case, please see case report C14-2018-0087.

**PUBLIC MEETINGS:** The ordinance required community meeting was held on September 18, 2018. Approximately 530 meeting notices were mailed to people who own property or have utility accounts within 500 feet of the property, in addition to neighborhood groups and environmental organizations who requested notification for the area. Seven people signed the attendance sheet, in addition to two staff members, the applicant/property owner and his agent.

After staff gave a brief presentation about the applicant's request and the planning process, the applicant made the following presentation.

Leah Bojo, the applicant's agent, said the property is about 0.2 acres and is currently zoned MF-4-NP. The applicant was proposing to change the zoning to LR-MU-NP to remodel the existing single family house as a professional office, and to allow for a food truck on the property. The agent also discussed how Manor Road is an Imagine Austin Activity Corridor and a Future Core Transit Corridor.

After her presentation, the following questions were asked:

**Q. How long has the property directly across Manor Road been vacant?**

A. About a year.

**Q. What uses would be on the lot?**

A. The house will be converted to an office for a CPA or attorney. The exterior will remain the same to preserve neighborhood character. There will be one food trailer on the lot.

**Q. What are the parking requirements for office and a food truck?**

A. Office is required to have one space per 275 square feet. There is no parking requirement for food trucks.

**Q. How many food trucks could be allowed on this lot?**

A. They would need to meet ordinance requirements, but no numerical limit.

**Q. Would there be a portapotty?**

A. No. Food truck employees need access to an adjacent bathroom. No requirement for customers.

**Q. Can the Merrie Lynn become a parking by permit only street?**

A. Yes, that could take up to a year. NPCT supports this idea.

**Q. The property owner asked would LO zoning (with no food trucks allowed) be better than LR?**

A. One of the three neighborhood property owners says yes.

**Comments:**

- The site is directly on Manor, an IA corridor and Future CTC. The NPCT representative notes that they originally wanted VMU when FLUM was adopted.
- Per a nearby property owner, there is not enough on-street parking currently. Street is narrow with cars parked on both sides. A food truck would make that much worse.
- Homeowners nearby want to maintain property values and don't want to be disturbed by loud customers especially late at night. They are worried about litter, pests, odors, noise, light pollution, parties. Mostly opposed to mixed-use that allows food truck. Office only would be better.
- Developer wants to preserve house/character, and contribute to walkable character of Manor Road. Proposal would match City's plan for Manor. Understands concerns regarding food trucks.
- Owner notes that other lots on Manor have gone to commercial uses. Property owners note that those were all on larger lots.
- If cases not approved, the owner states he would likely build multifamily with maxed out FAR.

**NOTE:** After the community meeting, the rezoning and plan amendment requests were amended. The owner is now seeking Mixed-Use/Office land use with LO-MU-NP zoning, with no food trucks. The original request was for Mixed Use land use with LR-MU-NP zoning, and to allow a food truck.

**CITY COUNCIL DATE:**

December 13, 2018

**ACTION:****CASE MANAGER:** Jeff Engstrom, Planning & Zoning Dept.**PHONE:** (512) 974-1621**EMAIL:** Jeffrey.engstrom@austintexas.gov

## Summary Letter Submitted by the Applicant

Amanda Swor  
direct dial: (512) 807-2904  
aswor@drennergroupp.com

**DRENNER  
GROUP**

July 25, 2018

Mr. Greg Guernsey  
Planning and Zoning Department  
City of Austin  
505 Barton Springs Road  
Austin, TX 78704

*Via Hand Delivery*

Re: 3200 Merrie Lynn Avenue. Rezoning and neighborhood plan amendment applications for the 0.2069 acre piece of property located at 3200 Merrie Lynn Avenue, in the City of Austin, Travis County, Texas 78722 (the "Property").

Dear Mr. Guernsey:

As representatives of the owner of the Property, we respectfully submit the enclosed rezoning and neighborhood plan amendment application packages. The project is titled 3200 Merrie Lynn Avenue. The Property consists of 0.2069 acres of land and is located at the northwest corner of the intersection of Manor Road and Merrie Lynn Avenue within the full purpose jurisdiction of the City of Austin.

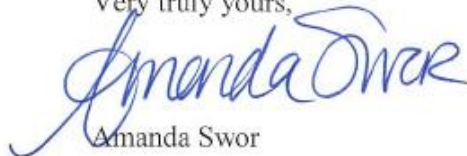
The Property is occupied with a single structure that is currently vacant but has historically been occupied with a residential use and is zoned MF-4-NP, Multifamily Residence Moderate-High Density-Neighborhood Plan. The requested rezoning is from MF-4-NP to LR-MU-NP, Neighborhood Commercial-Mixed Use-Neighborhood Plan. The purpose of this rezoning is to allow for the existing structure to be utilized as an office use as well as permit the potential for food trucks to be located on site. The proposed zoning will still allow residential uses.

Per the Upper Boggy Creek Neighborhood Plan, the Future Land Use Map (FLUM) designates the Property as Multifamily; therefore a Neighborhood Plan Amendment is included herewith to request a change in the designation from Multifamily to Mixed-Use. This request is consistent with the land uses surrounding the Property, which include residential, mixed-use, and transit-oriented development designations.

No new construction is proposed with this rezoning application. A TIA waiver executed by Amber Mitchell on July 12, 2018 is included with this application and exempts the Property from the requirement to perform a Traffic Impact Analysis with this rezoning.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,

A handwritten signature in blue ink that reads "Amanda Swor". The signature is fluid and cursive, with the first name "Amanda" being more prominent than the last name "Swor".

Amanda Swor

## Applicant's Letter Amending the Zoning and FLUM Applications

Amanda Swor  
direct dial: (512) 807-2904  
aswor@drennergroupp.com

**DRENNER**  
GROUP

October 18, 2018

Mr. Greg Guernsey  
Planning and Zoning Department  
City of Austin  
505 Barton Springs Road  
Austin, TX 78704

*Via electronic delivery*

Re: NPA-2018-0012.01 – Upper Boggy Creek Neighborhood Plan FLUM amendment application for the 0.2069 acre piece of property located at 3200 Merrie Lynn Avenue, in the City of Austin, Travis County, Texas 78722 (the "Property").

Dear Mr. Guernsey:

As representatives of the owner of the Property, we respectfully request that the above-referenced Neighborhood Plan Amendment ("NPA") application be amended. The application to amend the Upper Boggy Creek Neighborhood Plan Future Land Use Map (FLUM) from Multifamily to Mixed Use was filed on July 25, 2018 and assigned case number NPA-2018-0012.01; a concurrent application to change the zoning on the Property from MF-4-NP to LR-MU-NP was filed on the same date and assigned case number C14-2018-0087.

After a productive meeting with representatives of the Upper Boggy Creek Neighborhood Plan Contact Team and other interested parties, a request was submitted on October 2, 2018 to modify the proposed rezoning request from LR-MU-NP to LO-MU-NP. The purpose of this change was to limit the commercial uses on the Property to office and other permitted uses that the neighborhood and the Property owner agreed are more compatible with the surrounding zoning and land uses. This letter shall serve as an official request to modify the NPA application to request a FLUM change from Mixed Use to Mixed Use/Office, which will bring both applications into alignment by limiting the commercial uses on the Property to office.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,

  
Amanda Swor

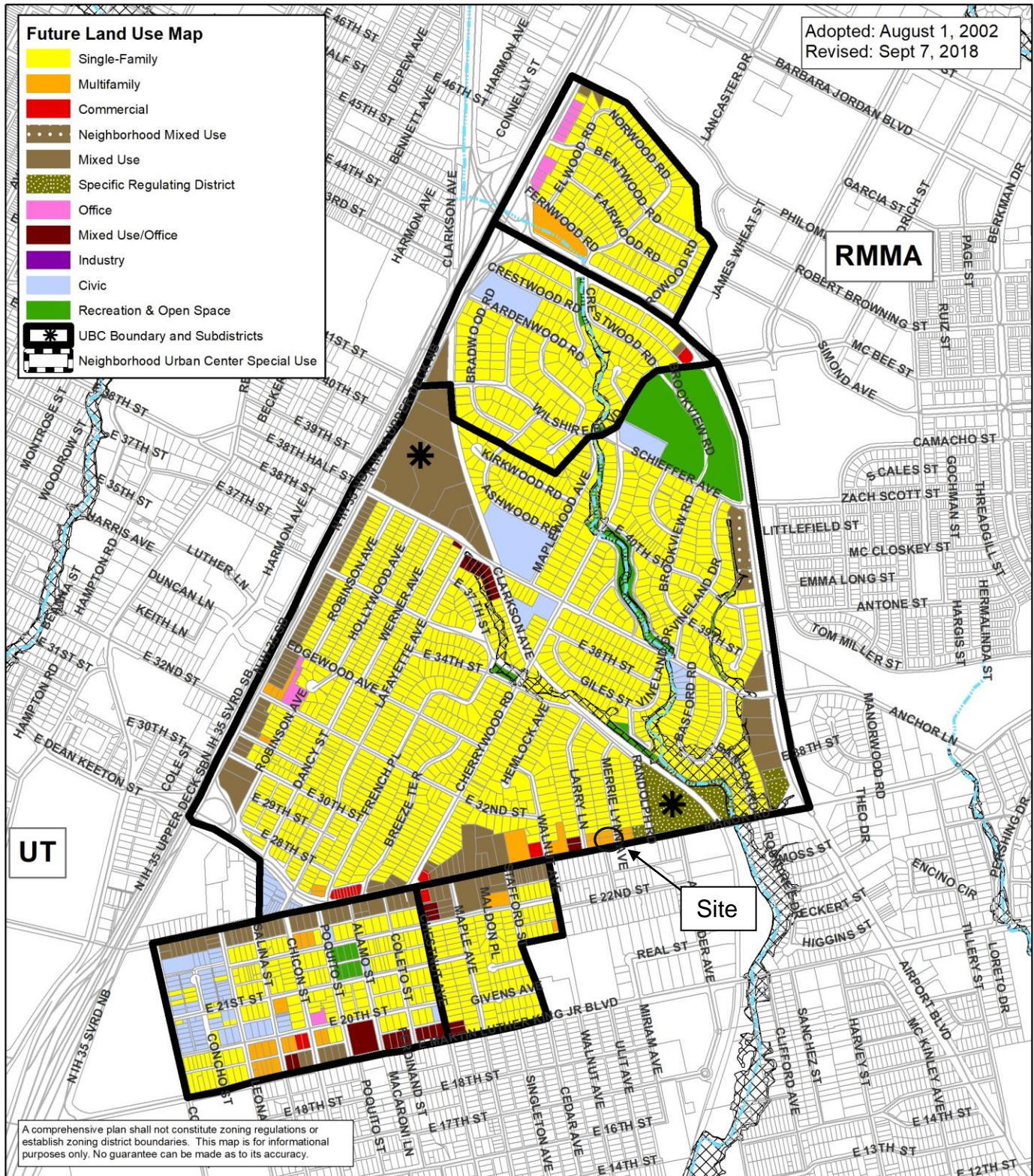
cc: Joi Harden, Planning and Zoning Department (*via electronic delivery*)  
Maureen Meredith, Planning and Zoning Department (*via electronic delivery*)  
Jeff Engstrom, Planning and Zoning Department (*via electronic delivery*)  
Heather Chaffin, Planning and Zoning Department (*via electronic delivery*)

200 Lee Barton Drive, Suite 100 | Austin, Texas 78704 | 512-807-2900 | [www.drennergroupp.com](http://www.drennergroupp.com)



Letter from the Upper Boggy Creek Neighborhood  
Plan Contact Team

**(Letter is pending. If not submitted in time to be added to report, the recommendation letter will be submitted on the day of the public hearing)**



## Upper Boggy Creek Neighborhood Planning Area: Future Land Use Map



City of Austin  
Planning and Zoning 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 Zoning 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 Planning Area NPA-2018-0012.01

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City of Austin  
Planning and Zoning Department  
Created on 10/29/2018, by: meredithm

### Future Land Use

	500 ft. notif. boundary		Mixed Use
	Subject Property		Specific Regulating District
	Single-Family		Mixed Use/Office
	Multi-Family		Civic
	Commercial		Recreation & Open Space
	Neighborhood Mixed Use		Transportation



-  SUBJECT TRACT  
 PENDING CASE  
 ZONING BOUNDARY

## Zoning Case

C14-2018-0087

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## Property Profile



1: 1,200



0.0 0 0.02 0.0 Miles

NAD\_1983\_StatePlane\_Texas\_Central\_FIPS\_4203\_Feet

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Subject Property from east looking west





Subject Property from south looking north



Subject Property from south looking northwest





Across the street to the east



Across the street to the south



## Correspondence Received from Citizens

Dear Mr. Engstrom-

I have spent almost 16 years living on Merrie Lynn. However, I had sold my house earlier this month and am in the process of moving. That said, I wanted to make this evening's meeting regarding the zone change for 3200 Merrie Lynn Ave, but am unable to do so due to Yom Kippur services starting tonight. So please accept my email.

I have some thoughts on the zone change. I say this as someone who spent a decade and a half on the same street. This is a bad idea. The owner of the property had spent the last 15+ years advertising his own real estate business with an I Will Pay Cash For Your Home sign facing Manor Road. Now he wants a business there and dressed his trees up with white lights. Pretty lame, in my opinion.

Mostly, though, Merrie Lynn Ave has been going through a lot of changes since it rezoned to MFU. There is hardly any street parking, and the street is narrow, too, so extra traffic is going to suck. We've had constant construction for the past 5 years, meaning beeps and trucks and heavy pounding going on starting at 7am.

Anyway, those are my thoughts. I understand that they probably mean little as I will now longer be an official resident of the street when my lease buyback ends on Thu.

Thank you.

Asher Garber  
3209 Merrie Lynn Ave





The Cherrywood Neighborhood is bounded by IH-35, Airport Blvd and Manor Road and is a flourishing neighborhood of homes, businesses, and green spaces in Central Austin.

P.O. Box 4631 | Austin, TX 78765 | [steering@cherrywood.org](mailto:steering@cherrywood.org) | [www.cherrywood.org](http://www.cherrywood.org)

Attention to City of Austin Planning Commission and City Council Regarding 3200 Merrie Lynn

Planning Commission and City Council members:

At its regular meeting on 11 October, 2018, the Steering Committee (SC) of the Cherrywood Neighborhood Association (CNA) voted unanimously to adopt the recommendation of its Land Use and Transportation (LUT) Committee, which is as follows:

CNA recommends that the Planning Commission and City Council support the applicant's request that:

- The FLUM (Future Land Use Map) designation be amended from Multi-family to Mixed-Use
- The Zoning be changed from MF-4-NP to LO-MU-NP.

Factors that were considered in making these recommendations include:

- Residents on Merrie Lynn were concerned about the parking and other impacts that might result from the LR-MU-NP designation, including the fact that Food Trucks would have been allowed; the amended application of LO-MU' designation addressed these concerns.
- Uses in LO-MU-NP are limited to LO (Local Office) uses plus additional uses allowed by the -MU (Mixed Use) designation, generally considered to be more compatible with neighborhoods than the uses allowed by LR (Local Retail)
- CNA had originally supported Vertical Mixed Use along Manor Road and continues to support true Mixed Use on this corridor, with buildings occurring close to the street, ground floor uses being neighborhood and pedestrian oriented, and parking not occurring between the buildings and the street. While the proposed zoning change does not go as far as some members felt it should toward vertical mixed use on the corridor (i.e. the lowered height limit and restriction of some desirable ground-floor uses), there would be nothing to prevent a future applicant from requesting a more permissive zoning designation.

CNA appreciates the opportunity to make these recommendations.

Jim Reed, Chair of Cherrywood Neighborhood Association

Oct 31, 2018

Applicant Criteria Worksheet