

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2010-0048  
(North Lamar Neighborhood  
Planning Area Rezoning)

**P.C. DATE:** May 11, 2010

**AREA:** Approximately 627.43 acres

**ADDRESS OF PROPOSED ZONING CHANGE:** The boundaries of North Lamar Combined Neighborhood Planning Area are:

North – Braker Lane  
East – Interstate Highway-35  
South – Rundberg Lane  
West – North Lamar Boulevard

**APPLICANT:** City of Austin (City initiated)

**AGENT:** Planning and Development Review Department  
(Mark Walters/ Jacob Browning/ Greg Dutton/ Sherri Sirwaitis)

### **SUMMARY STAFF RECOMMENDATION:**

The staff recommends that a Neighborhood Plan Combining District (NPCD) be created covering the entire plan area. Under the proposed North Lamar NPCD, the following design tools will be applied area-wide: “Parking Placement and Impervious Cover Restrictions,” “Garage Placement” and “Front Porch Setback”. The following infill options will be applied to Tracts 27, 28 and 32 only: “Residential Infill” and “Urban Home” (Please see Attachment J).

In addition, the staff recommends base district zoning changes for the 46 tracts shown on the attached North Lamar Neighborhood Planning Area map (Please see Attachment G). The Rezoning Tract Chart lists the property address, current zoning, and proposed zoning (Please see Attachment H). A description of the existing and proposed conditional overlays follows the tract chart (Please see Attachment I).

### **DEPARTMENT COMMENTS:**

The North Lamar Combined Neighborhood Plan was initiated by Council resolution (#20061214-014) in December 2006. The first planning workshop was held on November 15, 2007. Since that workshop, Planning and Development Review Department (PDRD) staff worked with community members to conduct approximately 28 public meetings. These meetings addressed planning issue areas such as: quality of life (including crime and code enforcement issues), parks and trees, transportation, infrastructure, and land use and zoning along major corridors in the planning area. Notes from all meetings were posted on the North Lamar Combined Neighborhood Planning Area’s (NLCNPA) website, and the information gathered from these meetings became the foundation for the recommendations in the NLCNPA plan. Throughout the land use and zoning workshops, PDRD staff worked with stakeholders to formulate the zoning recommendations for specific sites in the NLCNPA. At the March 6, 2010, Final Open House, staff presented the final draft of the neighborhood plan, a draft Future Land Use Map (FLUM), and the zoning recommendations that had been formulated as part of the two and one-half year planning process in the NLCNPA.

There is one tract within the neighborhood plan that has had a contentious past which has required special consideration. The property designated as Tract 32, addressed as 320 E Rundberg Lane, consists of approximately 24-acres of undeveloped land and is currently zoned MF-2, MF-3, and SF-3 (Please see information concerning Tract 32 as Attachment L). During the planning process to develop land use and zoning recommendations this site was discussed at length at several meetings. Although the tract was predominately zoned for multi-family, community stakeholders believed their neighborhoods had an abundance of rental and multi-family properties. According to the 2000 census, of all the residential units in the combined planning area, 80% were rental and 60% were apartments. To encourage increased homeownership in attempt to stabilize the area, the recommendation was to designate the site as High-Density Single-Family and a rezoning to SF-6-NP.

Toward the end of the planning process, members of the community were contacted by an agent of a multi-family development company who were seeking tax credit financing to develop very low income rental housing on the tract. On November 2, 2009, at one of the final meetings in the planning process, the owner of the tract, Kurt Barton, principal of Triton Financial, et. al., was in attendance along with representatives from the multi-family development company. At the meeting, Mr. Barton and the representatives from the development company expressed their strong opposition to the recommendations; although they said they were willing to continue the conversation with the neighborhood to identify any areas of consensus. At a subsequent meeting between Mr. Barton and a neighborhood representative, Mr. Barton reiterated opposition to the proposed change and restated his intent to fight the zoning change.

On December 22, 2009, the Securities and Exchange Commission filed suit in the United States District Court for the Western District of Texas, Austin Division, against Mr. Barton and his companies and seized their assets and assigned a receiver to recoup losses incurred by Mr. Barton's investors due to his illegal business dealings. In early 2010 the prospective deal with the multi-family developer collapsed. In order to increase the value of the seized assets, the attorney for the receivership, Robert Kleeman, contacted Neighborhood Planning staff to discuss possible alternatives for the site based on a previous zoning case that was recommended by zoning staff and which advanced to first reading before the Austin City Council before it was allowed to expire. The case involved dividing the property into two parts with the eastern section to be zoned CS-CO and the western portion zoned W/LO. Mr. Kleeman arranged with neighborhood planning staff to hold a meeting to discuss the proposal with interested parties from the planning area. On April 6<sup>th</sup>, Mr. Kleeman met with eight members of the community with two staff in attendance as resources. He agreed to keep the conditions of the previous zoning case and to increase the number to address community concerns. In return he requested that the amount of CS-CO zoned area increase from 8.77 acres to 11.70 acres, the W/LO decrease from 12.93 acres to 10.02 acres, and the SF-3 to remain unchanged. Lyn Galbraith, representing Northcreek/Georgian Acres Neighborhood Association, stated that the Association's position was neutral on the proposal (Please see Attachment L for the specifics of the proposal). There was no clear consensus on the proposal from the people in attendance and Neighborhood Planning staff forwarded the proposal to the North Lamar Combined Neighborhood Planning Area email interest list. Of the five respondents, four were against the proposal and supported the original SF-6 recommendation and one discussed desired amenities of a possible multi-family project.

Planning and Develop Review staff reviewed the new proposal and agreed to it with the following additional conditions and prohibited uses:

- Equipment Repair Services
- Equipment Sales

- Automotive Repair Services
- Automotive Sales
- Automotive Washing (of any type)
- Service Station
- A continuous 50' undisturbed natural vegetative buffer along the western property line adjacent to the single family fronting onto Oriole.

Please note that this case is scheduled for the May 27, 2010 City Council Meeting for all three readings of the Neighborhood Plan Rezoning, concurrently with the hearing of the proposed Neighborhood Plan.

#### **LIST OF ATTACHMENTS:**

- A. Overview of the North Lamar Combined Neighborhood Plan
- B. GIS Staff Zoning Map For North Lamar Neighborhood Planning Area
- C. Current Zoning Map
- D. Aerial Map of Plan Area
- E. Current Land Use Map
- F. Future Land Use Map
- G. Map of Recommended Zoning Changes
- H. Rezoning Tract Chart
- I. Existing and Proposed Conditional Overlays
- J. Description of Infill Options and Design Tool Recommendations
- K. Responses and Comments From Property Owners
- L. Information Concerning Tract 32
- M. Petitions Against Proposed Rezoning
- N. Neighborhood Housing and Community Development Affordability Impact Statement

#### **PLANNING COMMISSION RECOMMENDATION:**

5/11/10: Approved the proposed re-zonings for the North Lamar NPCD as recommended by the staff, except for following tracts: 1, 7, 8, 9, 9A, 10, 11, 12, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, and 32 (8-0, J. Reddy-absent); D. Anderson-1<sup>st</sup>, M. Dealey-2<sup>nd</sup>.

Approved the staff's recommendation to re-zone to Vertical Mixed-Use "V" and to remove the dimensional standards identified in Article 4.3.3E.3 (Dimensional and Parking Requirements – reduction in parking requirements) and the Future Land Use Designation of Mixed Use for the following tracts: 1, 8, 16, 18, 19, 21, 22, 23, 24, 25, and 26; Vote: (8-0, J. Reddy-absent); D. Anderson-1<sup>st</sup>, M. Dealey-2<sup>nd</sup>.

Approved the staff's recommendation to rezone to Vertical Mixed-Use "V" and to remove the dimensional standards identified in Article 4.3.3 E.3 (Dimensional and Parking Requirements – reduction in parking requirements) and the Future Land Use designation of Neighborhood Mixed Use for the following tracts: 29, 30, and 31; Vote: (8-0, J. Reddy-absent); D. Anderson-1<sup>st</sup>, M. Dealey-2<sup>nd</sup>.

Approved the staff's recommendation for the Urban Home and the Residential Infill special uses for Tract 27; Vote: (8-0, J. Reddy-absent); M. Dealey-1<sup>st</sup>, S. Kirk-2<sup>nd</sup>.

Approved the staff's recommendation for the Impervious Cover & Parking Placement Restrictions, Front Porch Setback and Garage Placement design tools for the North Lamar Planning Area; Vote: (8-0, J. Reddy-absent); D. Anderson-1<sup>st</sup>, K. Tovo-2<sup>nd</sup>.

Approved the staff's recommendation of CS-V-CO-NP zoning for Tract 7 (11101, 10901 North Lamar Boulevard and 606 Ferguson Drive); Vote: (8-0, J. Reddy-absent); C. Small-1<sup>st</sup>, D. Chimenti-2<sup>nd</sup>.

Approved the staff's recommendation of CS-1-MU-CO-NP zoning for Tract 10 (501, 503, and 507 Ferguson Drive); Vote: (8-0, J. Reddy-absent); D. Chimenti-1<sup>st</sup>, M. Dealey-2<sup>nd</sup>.

Approved the staff's recommendation of CS-MU-CO-NP zoning for Tracts 9A (607 Ferguson Drive), 9B (505, 507, 601, 603, and 605 Ferguson Drive), 11 (201, 203, 205, 207, 301, 303, and 305 Ferguson Drive), and 12 (10809 Turner Drive, 105 and 107 Ferguson Drive); Vote: (8-0, J. Reddy-absent); S. Kirk-1<sup>st</sup>, M. Dealey-2<sup>nd</sup>.

Approved the staff's recommendation for LO-MU-CO-NP zoning, with condition to remove Art Gallery, Art Workshop, and Counseling Services as prohibited uses, for Tract 20 (ABS 29 SUR 38 Applegate J ACR .17, Lot 1 Block K Mockingbird Hill Section 1 Subdivision, Lot 2 Block K Mockingbird Hill Section 1 Subdivision, and 601 West Applegate Drive); Vote: (8-0, J. Reddy-absent); C. Small-1<sup>st</sup>, M. Dealey-2<sup>nd</sup>.

Approved the staff's recommendation for LR-V-NP zoning for the front 180 ft along Rundberg Lane, SF-3-NP zoning for the remainder of the site, and allow Urban Home and Residential Infill special uses on Tract 28 (204 East Rundberg Lane); Vote: (8-0, J. Reddy-absent); b. DeLeon-1<sup>st</sup>, D. Anderson-2<sup>nd</sup>.

Approved the neighborhood's recommendation for SF-6-NP zoning for Tract 32 (320 East Rundberg Lane); (6-2, J. Reddy-absent); D. Anderson-1<sup>st</sup>, B. De Leon-2<sup>nd</sup>.

Approved LR-NP zoning for Tract 3 (11210, 11212 and 11216 Georgian Drive), Vote: (8-0, J. Reddy-absent); M. Dealey-1<sup>st</sup>, D. Anderson-2<sup>nd</sup>.

Approved staff's recommendation for GR-CO-NP zoning, adding Service Station as a prohibited use, for Tract 5 (307, 309, 401, and 403 East Braker Lane); Vote: (8-0, J. Reddy-absent); M. Dealey-1<sup>st</sup>, B. De Leon-2<sup>nd</sup>.

**AREA STUDY:** North Lamar Combined Neighborhood Planning Area  
North Lamar Area Study (May 31, 1985)

**TIA:** Not required

**WATERSHEDS:** Little Walnut Creek  
Walnut Creek  
Buttermilk Branch

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**SCHOOLS:**

Walnut Creek Elementary School  
Barrington Elementary School  
Dobie Middle School  
Webb Middle School  
Lanier High School

**NEIGHBORHOOD ORGANIZATIONS:**

Georgian Manor Neighborhood Association  
St. John Neighborhood Association  
Home Builders Association of Greater Austin  
Austin Independent School District  
Austin Neighborhoods Council  
Northeast Walnut Creek Neighborhood Association  
Homeless Neighborhood Association  
Greater Northcross Area  
North Growth Corridor Alliance  
Walnut Creek Neighborhood Association, Inc.  
NACA Neighborhood Plan Contact Team  
Austin Parks Foundation  
Northcreek & Georgian Acres Neighborhood Association  
Heritage Hills/Windsor Hills Combined COA Liaison  
Pflugerville Independent School District  
Highland Neighborhood Association  
Brentwood/Highland Combined Neigh -COA Liaison  
Responsible Growth for Northcross (RG4N)  
League of Bicycling Voters  
St. Johns Advisory Board  
North Austin Neighborhood Alliance  
Austin Monorail Project  
Mockingbird Hill Neighborhood Association  
Sierra Club, Austin Regional Group  
Super Duper Neighborhood Objectors and Appealers Organization  
The Real Estate Council of Austin, Inc.  
North Austin Civic Association  
Highland/Skyview Neighborhood Plan Contact Team

**RELATED CASES:**

NP-2010-0026 – North Lamar Combined Neighborhood Planning Area  
C14-2010-0049 – Georgian Acres Combined Neighborhood Plan Area Rezoning

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Braker Lane	115'	Varies	Arterial	Yes (many sections)	Yes	Yes
Rundberg lane	100'	Varies	Arterial	Yes (many sections)	No	Yes
North Lamar Blvd	115'	Varies	Arterial	Yes (many sections)	No	Yes
IH 35	300'	Varies	Freeway	Yes (many sections)	No	No

**CITY COUNCIL DATE:** May 27, 2010**ACTION:****ORDINANCE READINGS:** 1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBERS:****ZONING CASE MANAGER:** Sherri Sirwaitis**PHONE:** 974-3057**E-MAIL:** [sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)**NEIGHBORHOOD PLANNER:** Mark Walters**PHONE:** 974-7695**E-MAIL:** [mark.walters@ci.austin.tx.us](mailto:mark.walters@ci.austin.tx.us)**NEIGHBORHOOD PLANNER:** Jacob Browning**PHONE:** 974-7657**E-MAIL:** [jacob.browning@ci.austin.tx.us](mailto:jacob.browning@ci.austin.tx.us)**NEIGHBORHOOD PLANNER:** Greg Dutton**PHONE:** 974-3509**E-MAIL:** [greg.dutton@ci.austin.tx.us](mailto:greg.dutton@ci.austin.tx.us)

## STAFF RECOMMENDATION

The staff recommends that a Neighborhood Plan Combining District (NPCD) be created covering the entire plan area. Under the proposed North Lamar NPCD, the following design tools will be applied area-wide: “Parking Placement and Impervious Cover Restrictions,” “Garage Placement” and “Front Porch Setback”. The following infill options will be applied to Tracts 27, 28 and 32 only: “Residential Infill” and “Urban Home” (Please see Attachment J).

In addition, the staff recommends base district zoning changes for the 46 tracts shown on the attached North Lamar Neighborhood Planning Area map (Please see Attachment G). The Rezoning Tract Chart lists the property address, current zoning, and proposed zoning (Please see Attachment H). A description of the existing and proposed conditional overlays follows the tract chart (Please see Attachment I).

## BACKGROUND

The Austin City Council passed a resolution on December 14, 2006, which initiated the North Lamar Combined Neighborhood planning process. Following a kickoff meeting on November 15, 2007, staff and residents, property owners, business owners, and representatives of area institutions have been attending meetings and developing the plan for the past twenty eight months.

The plan's goals, objectives, and action items were developed at numerous North Lamar Combined Neighborhood Planning meetings. The Neighborhood Plan will be considered concurrently with the subject rezoning cases.

The proposed zoning change creates a Neighborhood Plan Combining District (NP) covering the entire area. The purpose of the NP is to allow infill development by implementing a neighborhood plan that has been adopted by Council as an amendment to the City's Comprehensive Plan. The NP modifies the base district of an individual parcel within the North Lamar Combined Neighborhood Planning Area to allow for the following design tools – “Parking Placement and Impervious Cover Restrictions,” “Garage Placement,” and “Front Porch Setback.” The NP will also allow the following infill options to be applied to Tracts 27, 28 and 32 only: “Residential Infill” and “Urban Home”.

## BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

The staff's basis for recommendation is derived from the goals and objectives for land use as described in the North Lamar Combined Neighborhood Plan:

**Land Use Goal:** Create a well-balanced land use pattern that benefits everybody in the North Lamar Combined Neighborhood Planning Area by assigning appropriate land uses to particular properties.

**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.

**Recommendation 120** In order to preserve the large-lot rural character of the northeastern corner of the Georgian Acres NPA, zoning requests for intense residential development should be denied.

***Objective L.2: Maintain a balanced residential character throughout the NLCNPA.***

**Recommendation 121** Limit the construction of new, large multi-family residential complexes throughout the NLCNPA.

**Recommendation 122** New, more intense residential development should contain a mixed use element and be located along major roadways.

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

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

**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).

**Recommendation 129** New mixed use developments must be compatible to adjacent properties and uses.

***Objective L.5: Increase the housing options and homeownership opportunities within the NLCNPA.***

**Recommendation 131** Allow the Urban Home Special Use on Tracts 1 - 3.

**Recommendation 132** Allow the Residential Infill Special Use on Tracts 1 - 3.

***Objective L.6: Provide a retail and/or mixed use component on Tracts 1 - 3.***

**Recommendation 134** Rezone the portions of Tracts 2 and 3 that front Rundberg Lane to promote neighborhood-serving commercial and mixed use developments.

***Objective L.7: Establish Ferguson Drive as a neighborhood mixed use district.***

**Recommendation 136** Limit the types and intensities of the uses allowed along Ferguson Drive.

***Objective L.8: Preserve the largely commercial environment along the I-35 Corridor.***

**Recommendation 138** Place restrictions on the development of new hotels/motels along I-35.



**EXISTING CONDITIONS****Zoning and Land Use****Existing Land Use for the Combined Neighborhood Plan area:**

	Total Number of Parcels	Percent Total of Parcels	Acreage
Single Family	1,453	72.9%	347.1
Mobile Home	74	3.7%	15.4
Multifamily	109	5.5%	189.2
Commercial	133	6.7%	196.3
Office	32	1.6%	23.9
Industrial	67	3.4%	111.0
Civic	17	0.9%	47.0
Open Space	3	0.2%	0.8
Transportation	9	0.5%	4.1
Roads	2	0.1%	1.5
Utilities	1	0.1%	0.5
Undeveloped	92	4.6%	107.8
Total	1,992	100.0%	1,044.6

**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is located both in the Little Walnut Creek Watershed and the Walnut Creek Watershed of the Colorado River Basin and is classified as an Urban Watershed and as a Suburban Watershed, respectively, by Chapter 25-8 of the City's Land Development Code.

According to floodplain maps, there is a floodplain within the project area.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Following are the comments for each watershed classification:

### Urban

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 sq. ft. cumulative is exceeded, and detention for the two-year storm.

### Suburban

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

### Impervious Cover

The maximum impervious cover limits for the proposed zoning districts are as follows:

LI, Limited Industrial Services	80 %
IP, Industrial Park	80 %
CS, Commercial Services	95 %
CS-1, Commercial – Liquor Sales	95 %
W/LO, Warehouse Limited Office	70 %
GR, Community Commercial	90 %
LR, Neighborhood Commercial	80 %
GO, General Office	80 %
LO, Limited Office	70 %
NO, Neighborhood Office	60 %
MH, Mobile Home	N/A
MF-6, Multi-family Residence – Highest Density	80 %
MF-5, Multi-family Residence - High Density	70 %
MF-4, Multifamily Residence - Moderate – High Density	70 %
MF-3, Multi-family Residence - Medium Density	65 %
MF-2, Multi-family Residence - Low Density	60 %
MF-1, Multi-family Residence - Large Lot	55 %
SF-6, Townhouse & Condominium Residence	55 %
SF-5, Urban Family Residence	55 %
SF-3, Family Residence	45 %
SF-2, Single Family Residence – Standard Lot	45 %
SF-1, Single Family Residence – Large Lot	40 %
P, Public	varies (refer to the <u>Land Development Code</u> )

However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

The site is located both in the Little Walnut Creek Watershed and the Walnut Creek Watershed of the Colorado River Basin and is classified as an Urban Watershed and as a Suburban Watershed, respectively, by Chapter 25-8 of the City's Land Development Code.

**Urban**

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

**Suburban**

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Note: The most restrictive impervious cover limit applies.

**Site Plan/Compatibility Standards**

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

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. Therefore, the following standards will apply:

- No structure may be built within 25 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 within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area is required along the property line. 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.

**Transportation**

Additional right-of-way (ROW) necessary for future roadway improvements within the proposed zoning may be required during the subdivision review process or the site plan review process.

Since the rezoning of this area is being initiated by the City of Austin through the neighborhood planning process and does not reflect a specific development proposal, no trip generation calculations are provided on a tract-by-tract basis for any proposed land uses.

A Traffic Impact Analysis (TIA) will be required during the site plan review stage for any proposed land use that would generate over 2,000 vehicle trips per day. Additional ROW, participation in

roadway improvements, and/or limitation on development intensity may also be recommended based on review of the TIA.

**Existing Street Characteristics:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bike Route</b>	<b>Capital Metro</b>
Braker Lane	115'	Varies	Arterial	Yes (many sections)	Yes	Yes
Rundberg lane	100'	Varies	Arterial	Yes (many sections)	No	Yes
North Lamar Blvd	115'	Varies	Arterial	Yes (many sections)	No	Yes
IH 35	300'	Varies	Freeway	Yes (many sections)	No	No

**Water and Wastewater**

FYI: The planning area is served by City of Austin water and wastewater utilities. The landowners, 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 proposed zoning. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.

## **Overview of the North Lamar Combined Neighborhood Plan**

### ***Plan Process***

The North Lamar Combined Neighborhood Plan was initiated by Council resolution (#20061214-014) in December 2006. The first planning workshop was held on November 15, 2007. Since that workshop, Planning and Development Review Department (PDRD) staff worked with community members to conduct approximately 28 public meetings. These meetings addressed planning issue areas such as: quality of life (including crime and code enforcement issues), parks and trees, transportation, infrastructure, and land use and zoning along major corridors in the planning area. Notes from all meetings were posted on the North Lamar Combined Neighborhood Planning Area's (NLCNPA) website, and the information gathered from these meetings became the foundation for the recommendations in the NLCNPA plan. Throughout the land use and zoning workshops, PDRD staff worked with stakeholders to formulate the zoning recommendations for specific sites in the NLCNPA. At the March 6, 2010, Final Open House, staff presented the final draft of the neighborhood plan, a draft Future Land Use Map (FLUM), and the zoning recommendations that had been formulated as part of the two and one-half year planning process in the NLCNPA.

### ***Quality of Life***

Much of the Quality of Life chapter addresses issues that affect the daily lives of those living in, working in, or visiting the NLCNPA. Crime and code enforcement issues were of the utmost concern to area stakeholders throughout the planning process and many of the plan's recommendations address these problem areas. Other topics covered by this chapter include: maintaining affordability, acknowledging the area's cultural diversity, improving community health, and encouraging a sustainable lifestyle. All of the recommendations found within this chapter are meant to improve the quality of life within the NLCNPA.

### ***Parks and Trees***

The Parks and Trees chapter includes recommendations for improving existing park facilities (Barrington Park and Brownie Playground) within the NLCNPA. The chapter also includes recommendations regarding parkland acquisition and those amenities stakeholders would like to see in future parks located within the NLCNPA.

The chapter also provides recommendations for the enhancement of the area's tree canopy, one of the first neighborhood plans to do so. Recommendations also include the preservation and maintenance of the area's current tree canopy.

### ***Transportation***

The Transportation chapter provides recommendations for both the pedestrian and vehicular transportation networks of the NLCNPA. Recommendations include the improvement and expansion of the pedestrian transportation systems (i.e., sidewalk and bike lane infrastructure); the provision of safety measures to protect both pedestrians and motorists; and, the expansion of public transit options within the planning area.

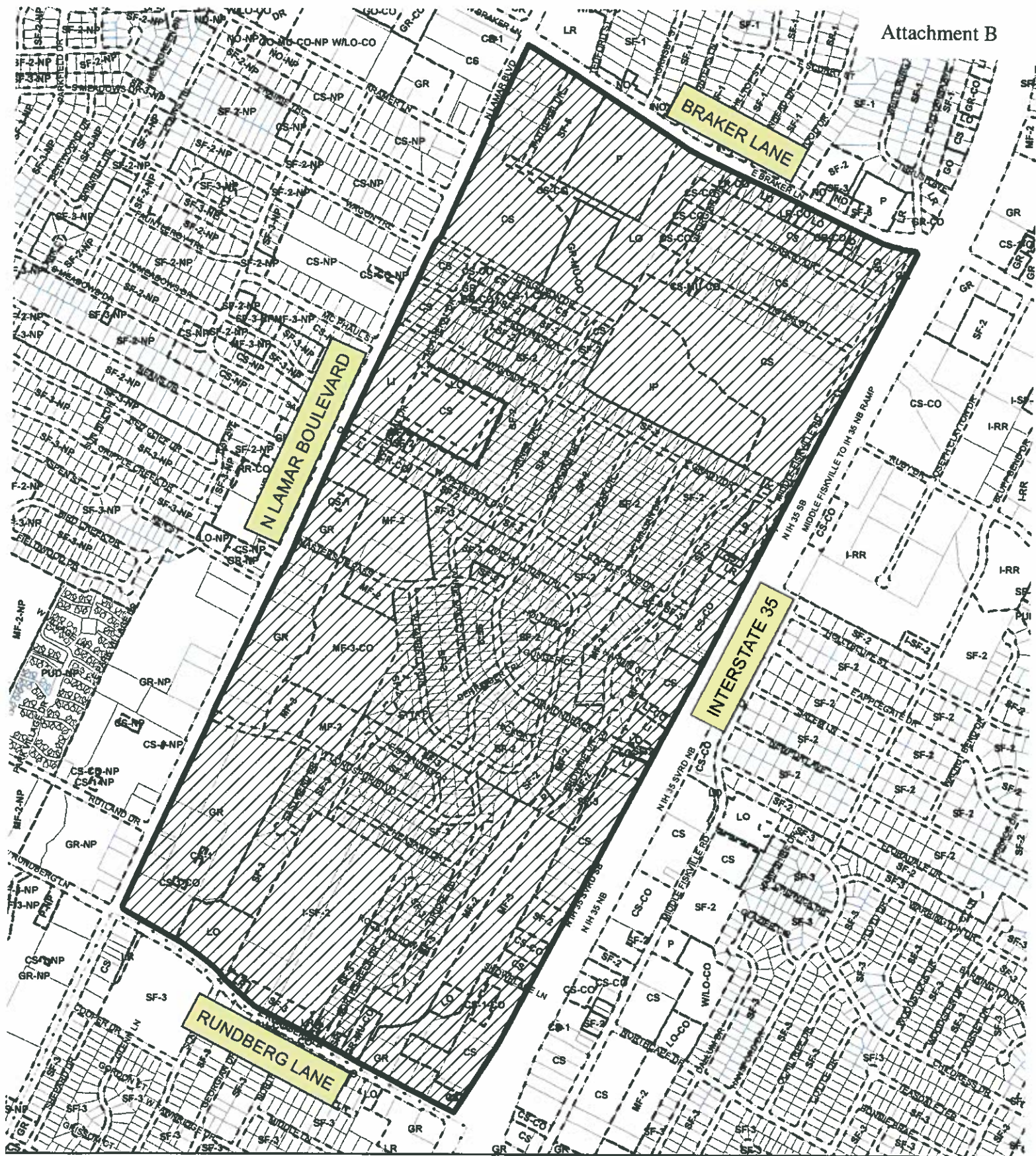
### ***Infrastructure***

Much of the Infrastructure chapter focuses upon the provision of curb and gutter infrastructure in particular portions of the NLCNPA that currently do not have the means to effectively control flooding problems. Also included are recommendations for providing safety improvements in the area, including safety call boxes and streetlighting.

### ***Land Use***

Many of the NLCNPA plan's recommendations relate to land use changes in the area. As the Future Land Use Map and zoning tract maps (included in the backup), many of the land use and zoning changes occur at the periphery of the planning area, along or near its major corridors (North Lamar Boulevard, I-35, Rundberg Lane, US Highway 183, and Braker Lane). As part of the Land Use chapter, stakeholders want to: preserve the area's residential character; provide a variety of housing options on vacant or undeveloped land; create a neighborhood mixed use corridor along Ferguson Drive; retain the commercial character of I-35; preserve the commercial and industrial character of the northern portion of the planning area; create a mixed use district near the intersection of I-35 and US Highway 183; and, to make North Lamar Boulevard a mixed use corridor.





## ZONING

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

ZONING CASE#: C14-2010-0048  
 ADDRESS: NORTH LAMAR NEIGHBORHOOD  
 PLANNING AREA  
 SUBJECT AREA: 627.43 ACRES  
 GRID: L30-31 & M30-32  
 MANAGER: JACOB BROWNING



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



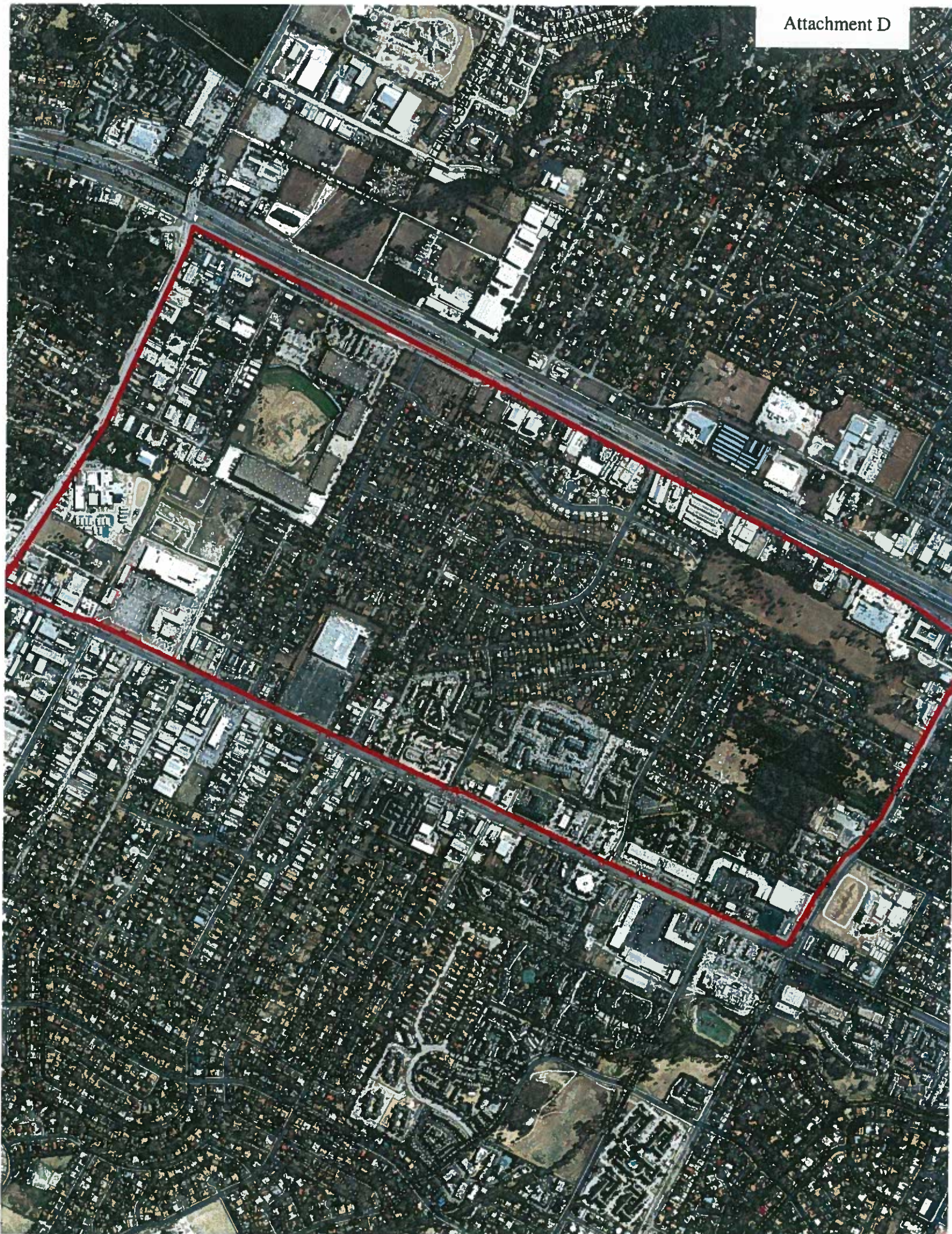


# North Lamar Combined Neighborhood Planning Area

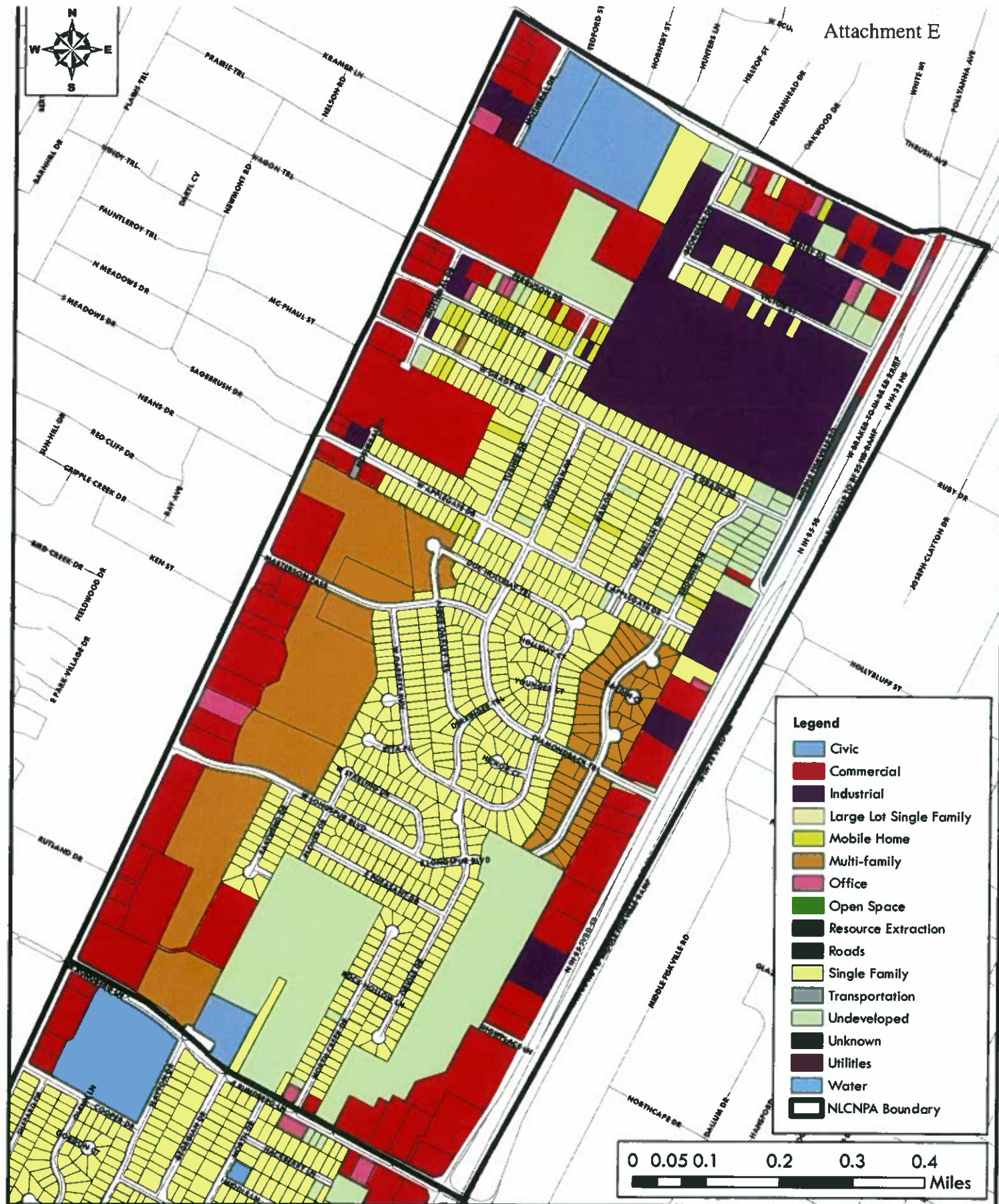
## North Lamar Neighborhood Planning Area

### Current Zoning Districts







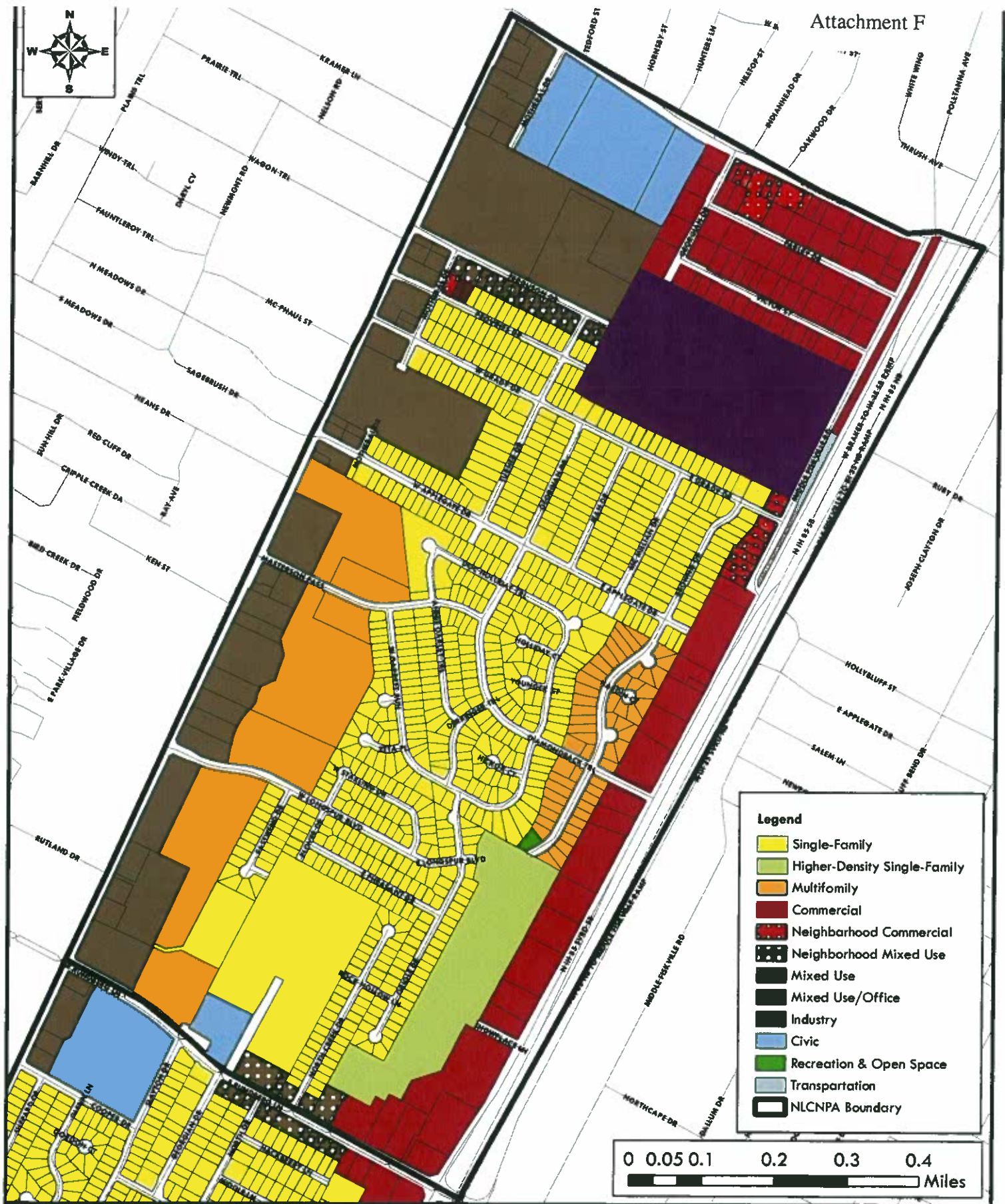


# North Lamar Combined Neighborhood Planning Area

## North Lamar Neighborhood Planning Area

### Current Land Use, 2008





# North Lamar Combined Neighborhood Planning Area

North Lamar Neighborhood Planning Area

Future Land Use Map





**Zoning Case # C14-2010-0048**

**North Lomar Planning Area Rezoning Tract Chart**  
**C14-2010-0048**

Tract # (1)	TCAD Prop ID (2)	COA Address or Legal Description (3)	Current Zoning	Proposed Zoning
1	255469	11213 N LAMAR BLVD	CS	CS-V-CO-NP
		11209 N LAMAR BLVD		
	255472	11207 N LAMAR BLVD		
	255471	11205 N LAMAR BLVD		
	255467	11115 N LAMAR BLVD		
		11114 MOTHERAL DR		
	255466	11111 N LAMAR BLVD		
	253411	11107 N LAMAR BLVD		
		11109 N LAMAR BLVD		
	255473	701 W BRAKER LN		
	253410	11200 MOTHERAL DR		
	255465	11100 MOTHERAL DR		
2		601 W BRAKER LN	SF-5	LO-NP
3	254511	11210 GEORGIAN DR	LO	LR-NP
		11212 GEORGIAN DR		
		11216 GEORGIAN DR		
4A	254514	101 E BRAKER LN	LR-CO	LR-CO-NP
	254515	103 E BRAKER LN		
4B	254516	105 E BRAKER LN	LO	LR-NP
	254524	107 E BRAKER LN	LO; CS	
		109 E BRAKER LN		
		110 FARLEY DR		
	254519	111 E BRAKER LN	LO	
	254520	113 E BRAKER LN		
	254521	201 E BRAKER LN		
4C	254527	305 E BRAKER LN	LR-CO	LR-CO-NP
5	254528	307 E BRAKER LN	LO	GR-CO-NP
	254529	309 E BRAKER LN		
	253446	403 E BRAKER LN		
		401 E BRAKER LN		
6A	253451	190 X 173.3 FT ABS 29 SUR 58 APPLGATE J AKA LT 7B LUDWIG EDDIE (UNRECORDED)	GR-CO	GR-CO-NP
6B	253452	405 E BRAKER LN	LO	GR-CO-NP
	253447	611 E BRAKER LN	GR	
	253458	707 E BRAKER LN		
	253456	11202 MIDDLE FISKVILLE RD		
	253457	11200 MIDDLE FISKVILLE RD		
7	568797	11101 N LAMAR BLVD	CS; CS-CO; LO	CS-V-CO-NP
		10901 N LAMAR BLVD		
		606 FERGUSON DR		
8	253328	10825 N LAMAR BLVD	CS	CS-V-CO-NP
	253327	703 FERGUSON DR		
	253330	10815 N LAMAR BLVD		
	253331	10804 MOTHERAL DR		
	253329	10805 N LAMAR BLVD		
9A	460613	607 FERGUSON DR	CS-CO	CS-MU-CO-NP
9B	460615	605 FERGUSON DR	CS	CS-MU-CO-NP
		603 FERGUSON DR		
	460616	601 FERGUSON DR		
	460617	507 FERGUSON DR		
	460618	505 FERGUSON DR		
10	460619	503 FERGUSON DR	CS-1-CO	CS-1-MU-CO-NP
	460620	501 FERGUSON DR		
	460621	307 FERGUSON DR		
	460622	305 FERGUSON DR		
11	460623	303 FERGUSON DR	CS	CS-MU-CO-NP
	460624	301 FERGUSON DR		
	460625	207 FERGUSON DR		
	460626	205 FERGUSON DR		
	460627	203 FERGUSON DR		
	460628	201 FERGUSON DR		

**North Lamar Planning Area Rezoning Tract Chart**  
**C14-2010-0048**

Tract # (1)	TCAD Prop ID (2)	COA Address or Legal Description (3)	Current Zoning	Proposed Zoning
12	460645	10809 TURNER DR	CS	CS-MU-CO-NP
	460646	107 FERGUSON DR		
	460647	105 FERGUSON DR		
13	460644	606 PROVINES DR	GR	LR-CO-NP
14	460643	604 PROVINES DR	GR-CO	LO-MU-CO-NP
	460642	602 PROVINES DR		
15	460640	506 PROVINES DR	I-SF-2	SF-2-NP
	460639	504 PROVINES DR		
	460638	502 PROVINES DR		
	460637	500 PROVINES DR		
16	253333	10721 N LAMAR BLVD	CS	CS-V-CO-NP
		10715 N LAMAR BLVD		
		10709 N LAMAR BLVD		
		10705 N LAMAR BLVD		
		10701 N LAMAR BLVD		
		10711 N LAMAR BLVD		
		701 PROVINES DR		
		10706 MOTHERAL DR		
		10704 MOTHERAL DR		
	253332	10702 MOTHERAL DR		
	253334	710 W GRADY DR		
17	460657	505 PROVINES DR	I-SF-2	SF-2-NP
	460658	503 PROVINES DR		
	460659	501 PROVINES DR		
	460660	307 PROVINES DR		
18	252251	715 W GRADY DR	LI	CS-V-CO-NP
		711 W GRADY DR		
		701 W GRADY DR		
		10631 N LAMAR BLVD		
		10610 MOTHERAL DR		
	252256 (portion)	10601 N LAMAR BLVD		
	252255	10503 N LAMAR BLVD		
	252254	712 W APPEGATE DR		
	252252	10510 MOTHERAL DR		
	252253	700 W APPEGATE DR		
		10500 MOTHERAL DR		
19	369289	10411 N LAMAR BLVD	LI	CS-V-CO-NP
	369288	10409 N LAMAR BLVD		
20	369286	ABS 29 SUR 38 APPEGATE J ACR 17	CR-CO	LO-MU-CO-NP
	252331	LOT 1 BLK K MOCKINGBIRD HILL SEC 1		
	252332	LOT 2 BLK K MOCKINGBIRD HILL SEC 1		
	252333	601 W APPEGATE DR		
21	250477 (portion)	10205 N LAMAR BLVD	GR	GR-MU-V-CO-NP
		604 MASTERSON PASS		
22	250477 (portion)	10205 N LAMAR BLVD	CS-1	CS-1-V-CO-NP
		604 MASTERSON PASS		
23	250473	10111 N LAMAR BLVD	GR	GR-V-CO-NP
	250475	609 MASTERSON PASS		
		607 MASTERSON PASS		
	377752	10107 N LAMAR BLVD		
	377751	10105 N LAMAR BLVD		
		10101 N LAMAR BLVD		
	477451	10009 N LAMAR BLVD		
	477450	9909 N LAMAR BLVD		
	377749	9905 N LAMAR BLVD		
	377748	9901 N LAMAR BLVD		
	377747	9813 N LAMAR BLVD		
		9815 N LAMAR BLVD		
	249292	9801 N LAMAR BLVD		
		9813 N LAMAR BLVD		

**North Lamar Planning Area Rezoning Tract Chart  
C14-2010-0048**

Tract # (1)	TCAD Prop ID (2)	COA Address or Legal Description (3)	Current Zoning	Proposed Zoning
24	249274	9717 N LAMAR BLVD	GR	GR-V-CO-NP
	249275	701 W LONGSPUR BLVD		
	249277	9523 N LAMAR BLVD		
	249273 (portion)	9515 N LAMAR BLVD		
	249278	9511 N LAMAR BLVD		
	246688	9425 N LAMAR BLVD		
	246685	9411 N LAMAR BLVD		
25	249273 (portion)	9515 N LAMAR BLVD	CS-1	CS-1-V-CO-NP
26	249273 (portion)	9515 N LAMAR BLVD	CS-1-CO	CS-1-V-CO-NP
27	249273 (portion)	9515 N LAMAR BLVD	SF-3	SF-3-NP
28	244909	204 E RUNDBERG LN	I-SF-2; SF-3	SF-3-NP (back portion); LR-V-NP (front portion)
29	244892	100 W RUNDBERG LN	I-SF-2; SF-3	LR-V-NP
30	244893	302 E RUNDBERG LN	LR	LR-V-NP
	244908	306 E RUNDBERG LN	GR	
		308 E RUNDBERG LN		
31	244955	310 E RUNDBERG LN	GR	LR-V-NP
		312 E RUNDBERG LN		
32	246730	320 E RUNDBERG LN	GR-MU-CO; GR; LO; MF-2; MF-3	SF-6-NP (back portion); LR-V-CO-NP (front portion)
33	243372	9430 N IH 35 SVRD SB	CS; GR	CS-CO-NP
		9420 N IH 35 SVRD SB		
		9500 N IH 35 SVRD SB		
	246693 (portion)	9504 N IH 35 SVRD SB	CS; GR	
700 SHOWPLACE LN				
34	246693 (portion)	9504 N IH 35 SVRD SB	CS-1-CO	CS-1-CO-NP
700 SHOWPLACE LN				
35A	246692	9510 N IH 35 SVRD SB	CS	CS-CO-NP
9508 N IH 35 SVRD SB				
35B	246691	9600 N IH 35 SVRD SB	CS-CO	CS-CO-NP
35C	246690	9602 N IH 35 SVRD SB	SF-2	CS-CO-NP
	246709	9606 N IH 35 SVRD SB	CS	
		9616 N IH 35 SVRD SB		
		9900 N IH 35 SVRD SB		
		9900 N IH 35 SVRD SB		
	246707	9914 N IH 35 SVRD SB		
		9918 N IH 35 SVRD SB		
		10010 N IH 35 SVRD SB		
	246705	10100 N IH 35 SVRD SB		
		10106 N IH 35 SVRD SB		
36A	249369	10214 N IH 35 SVRD SB		CS
	249367	10300 N IH 35 SVRD SB		
		10306 N IH 35 SVRD SB		
36B	249377	10308 N IH 35 SVRD SB	CS-CO	CS-CO-NP
36C	249374	10310 N IH 35 SVRD SB	CS-CO	CS-CO-NP
36D	249362	10350 N IH 35 SVRD SB	CS-CO	CS-CO-NP
		10448 N IH 35 SVRD SB		
		10450 N IH 35 SVRD SB		
		10500 N IH 35 SVRD SB		
36E	249361	10502 N IH 35 SVRD SB	LR	CS-CO-NP
		10580 N IH 35 SVRD SB		

(1) The Tract # refers to the numbered tracts on the North Lamar Planning Area Zoning Recommendation Tract Map.

(2) Each TCAD Prop ID number represents a separate property, as recorded by the Travis Central Appraisal District.

(3) The COA Address or Legal Description listed for each property are those addresser on file with the City pertaining to that property. The legal descriptions are those on file with the Travis Central Appraisal District pertaining to that property.

## North Lamar Neighborhood Plan Combining District C14-2010-0048

### *Existing and Proposed Conditional Overlays*

*Please note: For tracts with **existing** conditional overlays (conditions, prohibited uses, and conditional uses), City of Austin staff will maintain these conditional overlays as part of the rezonings for the North Lamar Combined Neighborhood Planning Area.*

*If certain conditions are not to be maintained, they will be noted as ~~striketthrough~~ text.*

*Additions in red were made by the Planning Commission on May 11, 2010.*

#### **Tracts 1, 8, 16, 18, 19, 21 - 25**

##### ***Proposed Conditional Uses:***

Automotive washing	Hotel/motel
Automotive repair	Drive-through accessory use
Automotive sales	

#### **Tract 3**

##### ***Proposed Conditions:***

Access onto Braker Lane is prohibited

A 6 foot solid fence must be constructed and maintained along Braker Lane

##### ***Proposed Conditional Uses:***

Agricultural sales and services	Exterminating services
Automotive repair	Hotel/motel
Building maintenance services	Off-site accessory parking
Business support services	Laundry services
Business or trade school	Plant nursery
Convenience storage	

##### ***Proposed Prohibited Uses:***

Automotive rentals	Funeral services
Automotive sales	Indoor entertainment
Automotive washing -- of any type	Indoor sports and recreation
Bail bond services	Kennels
Campground	Outdoor entertainment
Construction sales and services	Outdoor sports and recreation
Drive through accessory use	Pawn shop services
Drop-off recycling collection facilities	Research services
Employee recreation	Service station

#### **Tract 4A**

##### ***Existing Conditions:***

Vehicular access for ingress/egress shall be limited to one driveway cut on the Property.



***Existing Prohibited Uses:***

Service station  
Guidance services  
Off-site accessory parking  
Restaurant (limited)

Food sales  
Business or trade schools  
Consumer convenience services

**Tract 4C**

***Existing Prohibited Uses:***

Consumer convenience services  
Food sales  
Off-site accessory parking  
Pet services  
Service station  
Plant nursery  
Custom manufacturing

Financial services  
General retail sales (convenience)  
Personal services  
Restaurant (limited)  
Guidance services  
Restaurant (drive-in, fast food)

**Tract 5**

***Proposed Conditional Uses:***

Automotive washing  
Automotive repair  
Automotive sales  
Hotel/motel  
Service station

**Tract 6A**

***Existing Conditions:***

A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development or uses, generate traffic that exceeds 2,000 trips per day.

***Existing Prohibited Uses:***

Automotive sales  
Automotive washing (of any type)  
Bed & breakfast residential (Group 1)  
Commercial off-street parking  
Consumer convenience services  
Drop-off recycling collection facility  
Funeral services  
Guidance services  
Indoor entertainment  
Outdoor entertainment  
Personal improvement services  
Theater

Automotive rentals  
Restaurant (general)  
Bed & breakfast residential (Group 2)  
Congregate living  
Consumer repair services  
Exterminating services  
General retail sales (general)  
Hotel-motel  
Off-site accessory parking  
Pawn shop services  
Residential treatment

Automotive repair

***Proposed Prohibited Uses:***

**Tract 6B*****Proposed Prohibited Uses:***

Automotive repair

**Tract 7*****Existing Conditions:***

1) A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generates, traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by WHM Transportation Engineering Consultants, Inc., dated July 2001, or as amended and approved by the Director of the Watershed Protection and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department dated January 24, 2002. The TIA shall be kept on file at the Watershed Protection and Development Review Department.

2) The following uses of the Property are prohibited:

Automotive washing (of any type)	Commercial off-street parking
Convenience storage	Equipment sales
Funeral services	Kennels
Monument retail sales	Outdoor sports and recreation
Residential treatment	Local utility services
Service station	Campground
Construction sales and services	Equipment repair services
Exterminating services	Hotel-motel
Laundry services	Outdoor entertainment
Vehicle storage	Community recreation (public)
Community recreation (private)	Off-site accessory parking
Drop-off recycling collection facility	

3) Drive-in service is prohibited as an accessory use to commercial uses within the area generally described as being 1,150 feet west and parallel to the east property line.

***Proposed Conditional Uses:***

Automotive repair

Automotive sales

**Tract 9A*****Existing Conditions:***

No structure of any kind shall be built to a height greater than 40 feet above ground level on the Property.

***Proposed Conditional Uses:***

Automotive repair  
Convenience storage  
Hotel/motel

Laundry services  
Plant nursery

***Proposed Prohibited Uses:***

Agricultural sales and services  
Automotive rentals  
Automotive sales  
Automotive washing—of any type  
Bail bond services  
Building maintenance services  
Business or trade school  
Business support services  
Campground  
Commercial off-street parking  
Construction sales and services  
Drop-off recycling collection facilities  
Electronic prototype assembly  
Electronic testing  
Employee recreation  
Equipment repair services

Equipment sales  
Exterminating services  
Funeral services  
Indoor entertainment  
Indoor sports and recreation  
Kennels  
Monument retail sales  
Off-site accessory parking  
Outdoor entertainment  
Outdoor sports and recreation  
Pawn shop services  
Research services  
Service station  
Vehicle storage  
Custom manufacturing  
Limited warehousing and distribution

**Tract 9B**

***Proposed Conditional Uses:***

Automotive repair  
Convenience storage  
Hotel/motel

Laundry services  
Plant nursery

***Proposed Prohibited Uses:***

Agricultural sales and services  
Automotive rentals  
Automotive sales  
Automotive washing—of any type  
Bail bond services  
Building maintenance services  
Business or trade school  
Business support services  
Campground  
Commercial off-street parking  
Construction sales and services  
Drop-off recycling collection facilities  
Electronic prototype assembly  
Electronic testing  
Employee recreation  
Equipment repair services

Equipment sales  
Exterminating services  
Funeral services  
Indoor entertainment  
Indoor sports and recreation  
Kennels  
Monument retail sales  
Off-site accessory parking  
Outdoor entertainment  
Outdoor sports and recreation  
Pawn shop services  
Research services  
Service station  
Vehicle storage  
Custom manufacturing  
Limited warehousing and distribution

## **Tract 10**

### ***Existing Conditions:***

- 1) The maximum height for a building or structure is 40 feet from ground level.
- 2) A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development or uses, generate traffic that exceeds 2,000 trips per day.

### ***Existing Prohibited Uses:***

Adult oriented business	Liquor sales
Cocktail lounge	Vehicle storage
Pawn shop services	Indoor entertainment
Exterminating services	Guidance services

### ***Proposed Conditional Uses:***

Automotive repair	Laundry services
Convenience storage	Plant nursery
Hotel/motel	

### ***Proposed Prohibited Uses:***

Agricultural sales and services	Equipment sales
Automotive rentals	Exterminating services
Automotive sales	Funeral services
Automotive washing—of any type	Indoor entertainment
Bail bond services	Indoor sports and recreation
Building maintenance services	Kennels
Business or trade school	Monument retail sales
Business support services	Off-site accessory parking
Campground	Outdoor entertainment
Commercial off-street parking	Outdoor sports and recreation
Construction sales and services	Pawn shop services
Drop-off recycling collection facilities	Research services
Electronic prototype assembly	Service station
Electronic testing	Vehicle storage
Employee recreation	Custom manufacturing
Equipment repair services	Limited warehousing and distribution

## **Tract 11**

### ***Proposed Conditional Uses:***

Automotive repair	Laundry services
Convenience storage	Plant nursery
Hotel/motel	

### ***Proposed Prohibited Uses:***

Agricultural sales and services	Automotive washing—of any type
Automotive rentals	Bail bond services
Automotive sales	Building maintenance services

Business or trade school  
Business support services  
Campground  
Commercial off-street parking  
Construction sales and services  
Drop-off recycling collection facilities  
Electronic prototype assembly  
Electronic testing  
Employee recreation  
Equipment repair services  
Equipment sales  
Exterminating services  
Funeral services

Indoor entertainment  
Indoor sports and recreation  
Kennels  
Monument retail sales  
Off-site accessory parking  
Outdoor entertainment  
Outdoor sports and recreation  
Pawn shop services  
Research services  
Service station  
Vehicle storage  
Custom manufacturing  
Limited warehousing and distribution

### **Tract 12**

#### ***Proposed Conditional Uses:***

Automotive repair  
Convenience storage  
Hotel/motel

Laundry services  
Plant nursery

#### ***Proposed Prohibited Uses:***

Agricultural sales and services  
Automotive rentals  
Automotive sales  
Automotive washing—of any type  
Bail bond services  
Building maintenance services  
Business or trade school  
Business support services  
Campground  
Commercial off-street parking  
Construction sales and services  
Drop-off recycling collection facilities  
Electronic prototype assembly  
Electronic testing  
Employee recreation  
Equipment repair services

Equipment sales  
Exterminating services  
Funeral services  
Indoor entertainment  
Indoor sports and recreation  
Kennels  
Monument retail sales  
Off-site accessory parking  
Outdoor entertainment  
Outdoor sports and recreation  
Pawn shop services  
Research services  
Service station  
Vehicle storage  
Custom manufacturing  
Limited warehousing and distribution

### **Tract 13**

#### ***Proposed Conditions:***

Vehicular access must be taken off of Motheral Drive.

#### ***Proposed Prohibited Uses:***

Drive through accessory use

## **Tract 14**

### ***Existing Conditions:***

No structure of any kind shall be built to a height greater than 40 feet above ground level on the Property.

## **Tract 20**

### ***Existing Conditions:***

~~1) Except as provided in this ordinance, the Property shall be developed in accordance with the townhouse and condominium residence (SF-6) district site development regulations of the Code.~~

2) A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 300 trips per day above the trips generated by the existing or approved development.

3) Vehicular access from the Property to Applegate Drive is prohibited. All vehicular access from the Property shall be to Motheral Street by one driveway only.

4) A building or structure constructed on the Property may not exceed a height of 18 feet from ground level.

5) A six-foot high solid fence shall be provided and maintained:

- a) along the south, east and west property lines; and
- b) along the north side of the property set back 10 feet from the right-of-way of Applegate Drive.

~~6) A 10-foot wide vegetative buffer shall be provided and maintained along and adjacent to the north property line between the six foot high fence and Applegate Drive. The vegetative buffer is subject to the Screening Standards under Section 2.9.1 of the Environmental Criteria Manual. Improvements permitted within the buffer zone are limited to drainage, underground utility improvements, or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.~~

### ***Existing Prohibited Uses:***

Art gallery  
Campground  
Hotel/motel  
Indoor sports and recreation  
Outdoor entertainment  
Recreational equipment sales  
Service station  
Theater  
Hospital service (limited)

Art workshop  
Consumer convenience services  
Indoor entertainment  
Marina  
Outdoor sports and recreation  
Restaurant (general)  
Special-use historic  
Counseling services

### ***Existing Conditional Uses:***

Community recreation (private)  
Cultural services

Community recreation (public)

**Tract 26**

***Existing Prohibited Uses:***

Adult oriented business

***Proposed Conditional Uses:***

Automotive washing

Automotive repair

Automotive sales

Hotel/motel

Drive-through accessory use

**Tract 32**

***Existing Conditions:***

A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

Allow access to the Property from Longspur Boulevard and Brownie Drive.

***Existing Prohibited Uses:***

Bail bond services

Pawn shop services

**Tract 33**

***Proposed Conditional Uses:***

Hotel/motel

**Tract 34**

***Existing Prohibited Uses:***

Adult-oriented commercial establishments, as defined in Section 4350 of Chapter 13-2A of the Austin City Code.

***Proposed Conditional Uses:***

Hotel/motel

**Tract 35A**

***Proposed Conditional Uses:***

Hotel/motel

**Tract 35B**

***Existing Conditions:***

Notwithstanding any other provision of the Land Development Code applicable to the Property on the effective date of this ordinance or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property, or any portion of the Property, may be approved or released, and no building permit for construction of a building on the Property, may be issued if the completed development or uses authorized by the proposed site plan or building permit, considered cumulatively with all existing or previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation of 2,000 vehicle trips per day.

***Proposed Conditional Uses:***

Hotel/motel

**Tract 35C**

***Proposed Conditional Uses:***

Hotel/motel

**Tract 36A**

***Proposed Conditional Uses:***

Hotel/motel

**Tract 36B**

***Existing Conditions:***

A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

***Existing Prohibited Uses:***

Adult oriented business

***Proposed Conditional Uses:***

Hotel/motel

**Tract 36C**

***Existing Conditions:***

A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

***Existing Prohibited Uses:***

Pawn shop services

***Proposed Conditional Uses:***

Hotel/motel



**Tract 36D*****Existing Conditions:***

A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

***Proposed Conditional Uses:***

Hotel/motel

**Tract 36E*****Proposed Conditional Uses:***

Hotel/motel

## The North Lamar Combined Neighborhood Plan Rezoning

### *Infill Options and Design Tools Recommendations*

The North Lamar Combined Neighborhood Planning Area (NLCNPA) is bounded by Braker Lane to the north, I-35 to the east, US Highway 183 to the south, and North Lamar Boulevard to the west.

The information below is an accumulation of recommendations made over a nine-month period that included numerous land use and zoning meetings specific to the NLCNPA.

### **Neighborhood Design Tools**

The following recommendations were made regarding the application of specific Neighborhood Design Tools within the NLCNPA:

Design Tool	Applicable Area
Parking Placement	Area-wide
Garage Placement	Area-wide
Front Porch Setback	Area-wide

The neighborhood recommends these three neighborhood design tools to improve the residential streetscape by prioritizing the residence and its interaction with the street. Once approved by the City Council, new single-family, two-family, and duplex uses built in the NLCNPA will be required to comply with the neighborhood design tool standards.

### **Infill Options**

The following recommendations were made regarding the application of specific infill options within particular portions of the NLCNPA.

Infill Option	Applicable Area
Residential Infill	Tracts 27, 28 and 32*
Urban Home	Tracts 27, 28 and 32*

\*See the North Lamar Planning Area Rezoning's tract map for the location of these tracts.

The neighborhood recommends these infill options for the mentioned tracts as a means to provide residential stability in the NLCNPA. The infill option tools will provide for the development of a mixture of housing types on these currently vacant properties.

SCAN

## **Special Use Infill Options & Design Tools**

### **Neighborhood Special Uses**

The following special uses are being recommended as part of the North Lamar Combined Neighborhood Plan. They are optional uses granted in addition to the uses allowed in the base-zoning district.

#### **Urban Home**

The Urban Home special use permits single-family homes on lots with a minimum area of 3,500 square feet and a minimum width of 35 feet. If chosen, the Urban Home is permitted in Sf-3, SF-5, SF-6, and MF-1 through MF-6 zoning districts, and the mixed use (MU) combining district. Urban homes must comply with specific design requirements relating to front porches, garage placement, parking placement, driveway width, and the orientation of front entrances.

#### **Residential Infill**

The Residential Infill special use requires a diversity of housing types and open space and permits a limited amount of neighborhood compatible retail development. If chosen, this special use is applied to specific properties of at least two acres in the SF-3, SF-5, SF-6 and MF-1 through MF-6 zoning districts. For a proposed Residential Infill development, a development plan showing the location of land uses and the layout of streets, lots and open space must be approved by the Planning Commission.

### **Neighborhood Design Tools**

The following design tools are being recommended as part of the North Lamar Combined Neighborhood Plan. Once adopted, the "Parking Placement and Impervious Cover Restrictions" and Garage Placement" design tools are mandatory for all new residential construction and whenever there is a change of use (e.g., from single-family use to two-family use). The "Front Porch Setback" design tool is optional.

#### **Parking Placement and Impervious Cover Restrictions**

The parking placement and impervious cover restrictions limit the number of parking spaces and the amount of impervious cover to be constructed in the front yard. Any single-family, two-family, or duplex use is subject to the following requirements:

1. No more than forty percent (40%) of the required front yard may be impervious cover (this may be waived if a circular driveway is needed for traffic safety purposes).
2. No more than 4 parking spaces may be located in a front yard, or, in the case of a corner lot, no more than 4 parking spaces may be located in the front and side-street yards combined.

#### **Garage Placement**

This option sets guidelines for developing and/or redeveloping lots in established neighborhoods where existing development emphasizes residential façades and minimizes the parking structure aesthetics dominating single-family residential use of a property. It also allows for attached parking structures without width limitations to be constructed so that parking structure dominated development does not occur. This option allows for a side entry parking structure, which will accommodate residential design along the front wall.

**Browning, Jacob**

---

**From:** Rodrigo Gomez [REDACTED]  
**Sent:** Friday, April 30, 2010 6:47 PM  
**To:** Walters, Mark; Browning, Jacob; Dutton, Greg  
**Subject:** georgian acres and north lamar zoning

Hello;

I support the rezoning in the hopes that this community will be developed where we can live and prosper and that our property values can go up.

One complain I have about Georgian Acres is that the neighborhood is plagued with prostitution. It is discouraging to come home and see prostitutes along the Georgian and Powell streets. Please step up the enforcement and treatment centers for prostitutes.

I believe this is because of these zones:

119, 120, 121, 122, 123

Can you please add this to their requirements, like 129:

Tract 129

Conditional Uses/Conditions:

Redevelopment of the entire property, shall require construction and maintenance of a six foot privacy fence and a vegetative

buffer 50 feet wide along the western portion of the property sufficient to insure privacy between the tract and the existing

single-family development adjacent to the tract

5/3/2010

## PLANNING COMMISSION COMMENT FORM

File # C14-2010-0048

Planning Commission Hearing Date: Tuesday, May 11, 2010

# C14-2010-0049

Comments: I THINK THE 1/2 ACREAGE NORTHWEST OF GEORGIAN MANOR ON  
BOLLES CIRCLE WOULD BE A GOOD LOCATION FOR THE CITY TO BUY, THEN  
BUILD 350 SQUARE FOOT, LOW INCOME APARTMENTS FOR SINGLE PEOPLE.  
AN ALTERNATIVE WOULD BE BARRACKS HOUSING FOR THE HOMELESS.

You may also send your written comments to the Planning and Development Review Department, P. O. Box 1088, Austin, TX 78767-8835 Attn: Jacob Browning

Name (please print) HENRY O. GARVIN JR.

☒ I am in favor  
(Estoy de acuerdo)

Address 121-B-BOLLES CIRCLE-AUSTIN, TX-78733

☐ I object  
(No estoy de acuerdo)

### INFORMATION ON PUBLIC HEARINGS

The Planning and Development Review Department has filed an application for zoning/rezoning to implement a neighborhood plan. This notice has been mailed to you because City Ordinance requires that all property owners, registered environmental or neighborhood organizations and utility service addresses located within 500 feet of a proposed development be notified that an application for development has been filed.

This request for zoning/rezoning will be reviewed and acted upon at two public hearings: First, before the Planning Commission and then before the City Council. After a public hearing, the Planning Commission reviews and evaluates City staff recommendation and public input and then sends its own recommendation on the zoning/rezoning request to the City Council. Meeting dates and locations are shown on this notice.

If you have any questions concerning this notice, please contact the City of Austin Planning and Development Review Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Planning Commission hearing and conveying your concerns at that meeting
- by writing to the Planning Commission, using the form provided on the top of this page
- by writing to the city contacts, listed on the previous page

As a property owner or interested party within 500 feet, you are not required to attend these hearings, but if you do attend, you will be given an opportunity to speak FOR or AGAINST the change. Applicants and/or their agents are expected to attend.

You may also wish to contact any neighborhood or environmental organizations that have expressed an interest in cases affecting your neighborhood.

## PLANNING COMMISSION COMMENT FORM

File # C14-2010-0048  
# C14-2010-0049

Planning Commission Hearing Date: Tuesday, May 11, 2010

Comments: I object to the rezoning of Lots at 301 and 303 Ferguson  
located in Tract 11 in the North Lamar Neighborhood Plan. See  
attached comments.

You may also send your written comments to the Planning and Development Review Department, P. O. Box 1088, Austin, TX 78767-8835 Attn: Jacob Browning

Name (please print) Joe E. Truchard

☐ I am in favor  
(*Estoy de acuerdo*)

Address 301 and 303 Ferguson, Tract 11

☒ I object  
(*No estoy de acuerdo*)

Phone: 512-836-4725

### .....

## INFORMATION ON PUBLIC HEARINGS

The Planning and Development Review Department has filed an application for zoning/rezoning to implement a neighborhood plan. This notice has been mailed to you because City Ordinance requires that all property owners, registered environmental or neighborhood organizations and utility service addresses located within 500 feet of a proposed development be notified that an application for development has been filed.

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- by attending the Planning Commission hearing and conveying your concerns at that meeting
  - by writing to the Planning Commission, using the form provided on the top of this page
  - by writing to the city contacts, listed on the previous page
- 301

As a property owner or interested party within 500 feet, you are not required to attend these hearings, but if you do attend, you will be given an opportunity to speak FOR or AGAINST the change. Applicants and/or their agents are expected to attend.

You may also wish to contact any neighborhood or environmental organizations that have expressed an interest in cases affecting your neighborhood.

## **Comments in Regards to Zoning Changes to Implement the North Lamar Neighbor hood Plan**

**I own two lots located in Tract 11 with addresses 301 and 303 Ferguson. I object to the rezoning of my property from CS zoning to CS, MU, CO, NP zoning for several reasons. I have owned this property since 1981 as well as the folks who own property in Tract 12. These property were in the original Mockingbird Subdivision and were outside the city at the time. I believe the properties also may have been outside the ETJ. In the eighties these properties were brought into the city by annexation and were zoned for SF. I had two trailer rentals on the property at the time. The people in Tract 12 had the same use of their property as they do at this time, which appears to be a construction business of some type.**

In the late 1980s or early 1990s our properties were rezoned at someone's request of whom does not own property in the area now. When this happened we were told by code enforcement individuals that when and if our trailers were moved we could not replace them under the CS zoning. Well, approximately 10 years ago I had to move one of the trailers because of deterioration and the other burned down several years ago.

In the middle 1990s I put the property to use as it now is used as a home for my antique tractor and engine collection. It is not a business, but is a hobby of mine. It also serves as a small museum for interested passer-bys. My point here is that because of past rezoning, I was forced to change my use of the property with no voice in the rezoning say.

I believe that this rezoning of the property will again put my use in jeopardy or again severely restrict it's use. If I read correctly what the limited proposed use is to be, it is to be Auto Repair shops and the like only, for the most part. These Auto Shops along Ferguson are new-comers and have not paid taxes all these years. I also believe that this use is not the best use for this street. These Auto Repair shops use the street ROW for their daytime storage yards which makes the street dangerous. The street also has next door to my property a drug rehab house with completely inadequate parking space for their clients. The patients come twice a day for two hours each period and use the front of my property as a parking lot, blocking my driveways, doing U-turns in my driveways, tearing up the asphalt at the edge of the street pavement, backing into my fences and then breaking into my buildings after hours.

I think the zoning of these tracts should be left as it is now. To move to the proposed uses as you suggest will forever doom these properties to tow trucks, spray painting without spray painting booths and smashed up cars. No one else will want to do business on this street and we will eventually be unable to sell our properties. My vision for this street is small shops and services to compliment the Chinatown project across the street.

During my career I was a civil engineer who worked in both the Houston and Austin areas in the development of subdivisions and business projects. My experience suggests that if rezoning is necessary, it should be only if absolutely necessary and the property owners rights and interest should be paramount in the planning. It should not harm the property owners in any way without equivalent compensation. In this process there is no compensation, so the property owners interest ought to be honored.

I have invested quite a lot of money in these properties and paid quite a lot of property taxes over the past 30 years. It seems quite unfair that this rezoning might jeopardize my preferred use and enjoyment of my properties. Thanks for listening to my concerns.

Sincerely,

Joe Truchard  
301 and 303 Ferguson Street

## PLANNING COMMISSION COMMENT FORM

File # C14-2010-0048

Planning Commission Hearing Date: Tuesday, May 11, 2010

# C14-2010-0049

Comments: REF: Area 32 and Ferguson: For a period of four years I worked in New Hyde Park, New York. In order to get to my office from my home I had to pass through Bedford Stuyvesant Area. This, as you know, was one of the first experiments in affordable housing. Within a few short years it became a past hole for drugs, crime, and prostitution, and the murder capitol of Long Island. Let's not make the same mistake (C14-210-0048) PLEASE NO WAREHOUSES IN OUR RESIDENTIAL AREA. We want to protect our residential neighborhood.

You may also send your written comments to the Planning and Development Review Department, P. O. Box 1088, Austin, TX 78767-8835 Attn: Jacob Browning

Name (please print) Gene Zumalt

☐ I am in favor  
(Estoy de acuerdo)

Address 603 West Grady Drive

☒ I object  
(No estoy de acuerdo)

### INFORMATION ON PUBLIC HEARINGS

The Planning and Development Review Department has filed an application for zoning/rezoning to implement a neighborhood plan. This notice has been mailed to you because City Ordinance requires that all property owners, registered environmental or neighborhood organizations and utility service addresses located within 500 feet of a proposed development be notified that an application for development has been filed.

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If you have any questions concerning this notice, please contact the City of Austin Planning and Development Review Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Planning Commission hearing and conveying your concerns at that meeting
- by writing to the Planning Commission, using the form provided on the top of this page
- by writing to the city contacts, listed on the previous page

As a property owner or interested party within 500 feet, you are not required to attend these hearings, but if you do attend, you will be given an opportunity to speak FOR or AGAINST the change. Applicants and/or their agents are expected to attend.

You may also wish to contact any neighborhood or environmental organizations that have expressed an interest in cases affecting your neighborhood.



## PLANNING COMMISSION COMMENT FORM

File # C14-2010-0048  
# C14-2010-0049

Planning Commission Hearing Date: Tuesday, May 11, 2010

Comments: I totally against any change

You may also send your written comments to the Planning and Development Review Department, P. O. Box 1088, Austin, TX 78767-8835 Attn: Jacob Browning

Name (please print) Juanberto Ojervides

Address 9603 Oriole Dr.

☐ I am in favor

(Estoy de acuerdo)

☒ I object

(No estoy de acuerdo)

### ..... INFORMATION ON PUBLIC HEARINGS

The Planning and Development Review Department has filed an application for zoning/rezoning to implement a neighborhood plan. This notice has been mailed to you because City Ordinance requires that all property owners, registered environmental or neighborhood organizations and utility service addresses located within 500 feet of a proposed development be notified that an application for development has been filed.

This request for zoning/rezoning will be reviewed and acted upon at two public hearings: First, before the Planning Commission and then before the City Council. After a public hearing, the Planning Commission reviews and evaluates City staff recommendation and public input and then sends its own recommendation on the zoning/rezoning request to the City Council. Meeting dates and locations are shown on this notice.

If you have any questions concerning this notice, please contact the City of Austin Planning and Development Review Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Planning Commission hearing and conveying your concerns at that meeting
- by writing to the Planning Commission, using the form provided on the top of this page
- by writing to the city contacts, listed on the previous page

As a property owner or interested party within 500 feet, you are not required to attend these hearings, but if you do attend, you will be given an opportunity to speak FOR or AGAINST the change. Applicants and/or their agents are expected to attend.

You may also wish to contact any neighborhood or environmental organizations that have expressed an interest in cases affecting your neighborhood.

PLANNING COMMISSION COMMENT FORM

File # C14-2010-0048  
# C14-2010-0049

Planning Commission Hearing Date: Tuesday, May 11, 2010

Comments: We want C14-2010-0048 (NLPA) to be a well-  
planned residential neighborhood in 20 years. We  
are asking the Planning/Zoning Dept to re-think  
this proposal and give the neighborhood a more resident  
character and discourage infill that leads to clutter, noise, congest  
You may also send your written comments to the Planning and Development Review Department, P. O.  
Box 1088, Austin, TX 78767-8835 Attn: Jacob Browning and trash in the neighbor  
hood.

Name (please print) Marzella Zumalt

Address 11914 Rennalee Loop

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

PLANNING COMMISSION COMMENT FORM

File # C14-2010-0048  
# C14-2010-0049

Planning Commission Hearing Date: Tuesday, May 11, 2010

Comments: *We like dividing the two planning areas. We want info for C14-2010-0048 (NLNPA) of a more residential nature. The proposed zoning has too much choppy, fly-by-night commercial zoning. It is easily exploited by short-sighted people.*

You may also send your written comments to the Planning and Development Review Department, P. O. Box 1088, Austin, TX 78767-8835 Attn: Jacob Browning

Name (please print) *Marzella Zumalt*

☐ I am in favor  
(Estoy de acuerdo)

Address *603 West Grady Drive*

☒ I object  
(No estoy de acuerdo)

PLANNING COMMISSION COMMENT FORM

File # C14-2010-0048  
# C14-2010-0049

Planning Commission Hearing Date: Tuesday, May 11, 2010

Comments: *The proposed zoning changes encourage motels, car recycling, high density & high traffic models that destroy residential neighborhoods and no protection against storing cars & commercial vehicles on public streets. We would like to see zoning that continuity between lots & streets and leads to a pleasant, quiet neighborhood.*

You may also send your written comments to the Planning and Development Review Department, P. O. Box 1088, Austin, TX 78767-8835 Attn: Jacob Browning

Name (please print) *Mrs. Zumalt*

☐ I am in favor  
(Estoy de acuerdo)

Address *507 West Grady Dr.*

☒ I object  
(No estoy de acuerdo)

**MUNSCH HARDT  
KOPF & HARR PC**  
ATTORNEYS & COUNSELORS  
DALLAS | HOUSTON | AUSTIN

One American Center  
600 Congress Avenue  
Suite 2900  
Austin, Texas 78701-3057  
Main 512 391 6100  
Fax 512 391 6149  
Web munsch.com

**ROBERT J. KLEEMAN**  
Writer's Direct Dial: 512 391 6115  
E-Mail: rkleeman@munsch.com  
Direct Fax: 512 482 8932

April 15, 2010

Residents of North Creek  
Georgian Acres Neighborhood Association  
c/o City of Austin  
Planning and Development Review Department

Re: Re-Zoning of Approximately 22.6 Acres North of Rundberg Lane ("Property")

Everyone:

I represent Steve Harr who is the court appointed Receiver for Triton Financial. The above referenced undeveloped property just west of IH 35 is owned by Rundberg Business Park, Ltd. ("RBP"), which is one of the Triton Financial entities. All of the Triton business entities were placed into receivership in December 2009. An important function of the receiver is to recover, for the benefit of the people who invested with Triton, as much value as possible from properties and assets in the receivership.

You may recall that in 2007, RBP filed a re-zoning application to change the property's zoning (which was and is primarily multi-family) to Commercial Service with conditional overlays (CS-CO) and Warehouse/Local Office (W/LO). RBP's agent, Ron Thrower, had negotiated an agreement with the adjacent neighbors regarding the re-zoning. During the final stages of the re-zoning process, RBP put the Property under contract with a San Antonio based apartment developer. As a result of the sales contract, RBP suspended its re-zoning application which eventually expired in 2008.

When RBP was placed into receivership, the contract to the San Antonio developer was still in place; however, in February 2010, the purchaser cancelled the contract. Afterwards, the Receiver determined that a multi-family use was not the highest and best use of the Property. Upon reviewing the RBP re-zoning effort in 2007/2008, the Receiver determined that the W/LO-CS-CO zoning of the Property was the most appropriate.

As you well know, the City of Austin has conducted the North Lamar Neighborhood Plan for the last two years. One of the tools in the neighborhood planning process is to re-zone property. The Receiver has notified the City of Austin that the Receiver seeks to re-zone the Property generally in accordance with the terms of a February 26, 2008 Ron Thrower letter addressed to Larry Hardison on behalf of North Creek/Georgian Neighborhood Association. The only change that the Receiver seeks from the previous agreement is to increase the area zoned CS-CO and reduce the area zoned W/LO. The attached map shows the zoning configuration that the Receiver seeks.

With the assistance of Mark Walters of the City's Planning and Development Review Department, an email notice was sent to nearby residents regarding an April 6, 2010 meeting held at the Farm

Residents of North Creek  
Georgian Acres  
Neighborhood Association  
April 15, 2010  
Page 2

Bureau of Texas office on Rundberg Lane. The purpose of the meeting was to present the re-zoning the Receiver seeks and to ask the neighbors to support this re-zoning. Approximately seven residents and land owners attended the April 6, 2010 meeting along with City staff. During the meeting, we used the February 26, 2008 Ron Thrower letter as the starting point for discussions. We discussed prohibiting additional uses on the Property, the increased area of the CS-CO zoning and the mitigation of potential adverse impacts from the development of the Property.

At the meeting, I presented a map of the Property that showed the split of the Property between W/LO and CS-CO. In short, the map showed the W/LO-area had a depth of 125 feet from the western property line of the Property with the W/LO zoned area containing approximately 7.70 acres and the CS-CO area containing approximately 14.0 acres. I explained that W/LO zoning limits building heights to one story. W/LO also has a sharp limitation on the amount of buildings that can be constructed. Because of the low density and short building profile, W/LO operates as buffer to the CS-CO zoning district. The attendees asked that the W/LO area be increased in width (and increasing the area of W/LO) and that certain uses be prohibited. The attached map shows the adjustment to the W/LO area in response to the attendees request.

The attendees also requested that I distribute to the immediately adjacent residents a description of the discussions on April 6, 2010 as well the re-zoning proposed by the Receiver. Attached is the Receiver's re-zoning proposal based on the discussions of April 6, 2010. The text of the re-zoning proposal is identical to the terms in Ron Thrower's February 26, 2008 letter except I have added the changed terms which are in boldface.

On behalf of the receiver, I request your support of the re-zoning of the Property based on the attached map and Zoning Proposal. The receiver also requests your support for commercial land use on the Future Land Use Map. Due to the receiver's obligation to proceed as quickly as possible, the receiver will ask to have the re-zoning of the Property heard at the first Planning Commission hearing on the North Lamar Neighborhood Plan.

If you have questions or comments regarding the proposed re-zoning, please contact me no later than April 27, 2010. I will be happy to discuss the re-zoning with you.

That should cover everything we talked about. Should you have any questions, comments or concerns please let me know as quickly as possible so that we can address the issues prior to the public hearing.

Very truly yours,



Robert J. Kleeman

RJK/dlr  
Enclosures

## ATTACHMENT

### RE-ZONING PROPOSAL

"C14-2007-0232 [**previous zoning case for the Property**]" is the interior of the site which is accessible from Showplace Lane and has E. Longspur Blvd. and Brownie Drive stubbing to the site on the north end. The current zoning is a mixed bag of "GR", Community Commercial, "LO", Limited Office, "MF-3", Multifamily Residence - Medium Density, "MF-2", Musty-Family Residence - Low Density, and "SF-3", Family Residence. We had requested the zoning be for "CS", Commercial Services for the entire property. The City Staff recommendation is for "SF-3", W/LO-CO", Warehouse / Limited Office - Conditional Overlay, and "CS-CO". We are in agreement with staff's zoning districts but not in the areas as they have depicted this on their map. Pursuant to our meeting last week with neighborhood representatives, we agreed that the "SF-3" can remain as is on the north end of the site. This area totals 0.923 acres. Our potential development plan scenario contemplated a road running north-south down the center of the property and connected to only Showplace Lanes. The intent was not to connect this internal street to either E. Longspur Blvd. or Brownie Drive. Further, it is agreed that E. Longspur Blvd. and Brownie should not be connected as an independent street.

This leaves the commercial portions of the development with the "W/LO" portion at 12.931 acres [**now 10.02 acres**] and the "CS" portion at 8.768 acres [**now 11.70 acres**]. These acreages are derived by dividing the remaining larger commercial tract down the middle coinciding with the "proposed" right-of-way of the concept plan. This is more "W/LO" and less "CS" zoned land than the City Staff recommendation.

We plan to exclude the following uses from the "CS" portion of the property:

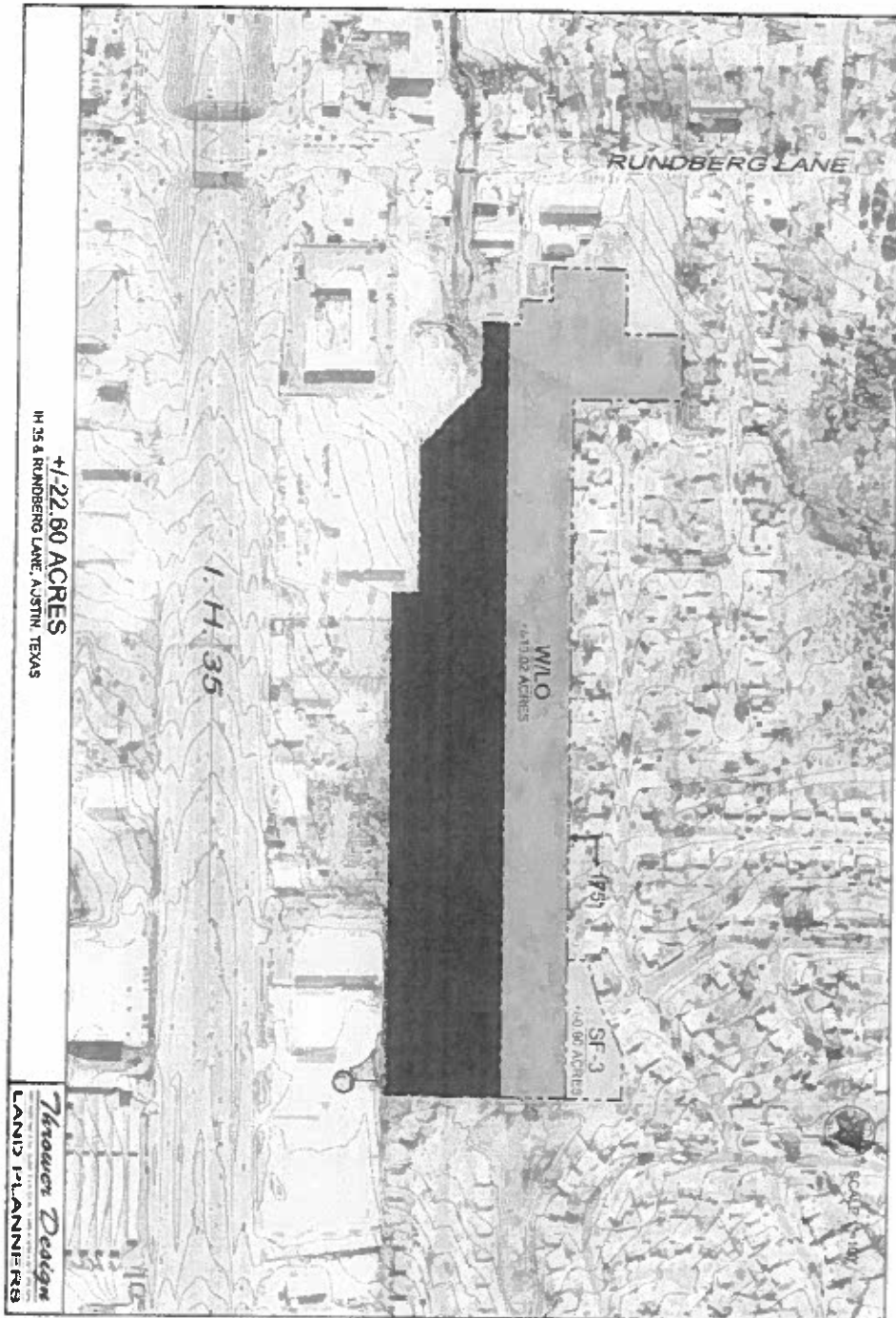
1. Bail Bond Services;
2. Campground;
3. Kennels;
4. Pawn Shop Services;
5. Pet Services;
6. Vehicle Storage
7. **Outdoor entertainment [new];**
8. **Hotel/motel [new]; and**
9. **Adult oriented businesses [new].**

We do not plan to exclude any uses from the "W/LO" portion as this zoning district is limiting enough to provide for the transitional development through the use regulations and development regulations of that zoning district. The big one of Pawn Shop services is not a permitted use so that is not an issue for this district.

As such, the zoning case #C14-2007-0232 will have the following as an offering for consideration for approval:

1. The currently zoned "SF-3" portion at the north end of the site will be removed from the rezoning request and remain as is.

2. The western 12.931 acres **[now 10.02 acres]** is to be rezoned to "W/LO-CO"" Warehouse / Limited Office - Conditional Overlay, zoning with the conditional overlay to include provisions for vehicle trip limitations.
3. The eastern 8.768 acres **[now 11.70 acres]** is to be rezoned to "CS-CO", Commercial Services - Conditional Overlay, zoning with the conditional overlay to include the list of prohibited uses listed above and provisions for vehicle trip limitations. The combined properties of the "W/LO" and "CS" properties will have a trip limitation of 2,000 vehicle trips per day.
4. That E. Longspur Blvd. and Brownie Drive will not be extended into the property.
5. A 50' building setback along the western property line abutting residential uses and no overhead doors will be oriented to the west. The intent here is to provide a reasonable buffer to the buildings and not have overhead doors directly facing the residential area.







C14-2007-0232

C14-2007-0231

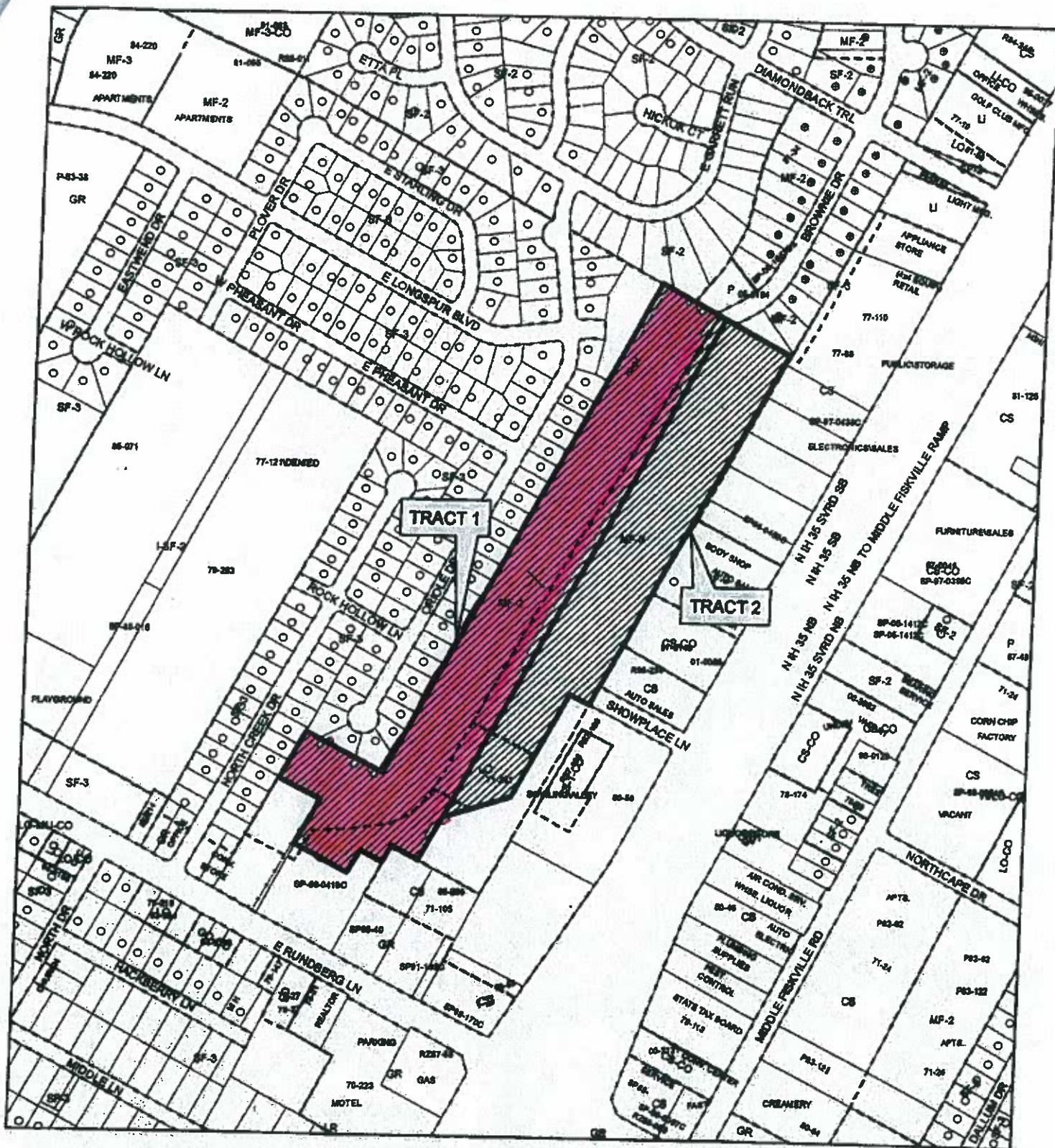
**Legend**

- Zoning
- Base
- Center Line
- Major Roads

0 100 200 300 Feet

C14-2007-0231  
C14-2007-0232





- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE

OPERATOR: S. MEEKS

#### ZONING

ZONING CASE#: C14-2007-0232  
 ADDRESS: 320 E RUNDBERG LANE  
 SUBJECT AREA: 21.898 ACRES  
 GRID: L30  
 MANAGER: J. ROUSSELIN



1" = 400'

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



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600 Congress Avenue  
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Writer's Direct Dial: 512.391.6110  
E-Mail: mbell@munsch.com  
Fax: 512.391.6149

May 17, 2010

Mr. Greg Guernsey, Director  
Planning and Development Review  
City of Austin  
P.O. Box 1088  
Austin, Texas 78701

*Via Email: [greg.guernsey@ci.austin.tx.us](mailto:greg.guernsey@ci.austin.tx.us)*

Mr. Mark Walters  
Planning and Development Review  
City of Austin  
P.O. Box 1088  
Austin, Texas 78701

*Via Email: [mark.walters@ci.austin.tx.us](mailto:mark.walters@ci.austin.tx.us)*

Re: C14-2010-0048; Rezoning of Tract 32

Dear Mr. Guernsey and Mr. Walters:

Rundberg Business Park, L.P. is the owner of an approximately 24.01 acre tract of land. The City of Austin has identified an approximately 22 acre portion of this land as Tract 32 in City zoning case C14-2010-0048. Rundberg Business Park is an affiliate of Triton Financial Service. By previous correspondence to the City dated January 20, 2010, the City was informed that this 24.01 acre parcel, including the 22 acre Tract 32, is subject to the Triton Financial Services receivership: *Securities and Exchange Commission v. Triton Financial, LLC, et al.* (the "Triton Entities") in Civil No. A-09-CA924-JN (the "Case") in the United States District Court for the Western District of Texas, Austin Division (the "Court").

At its May 11, 2010 meeting, the Austin Planning Commission recommended that the City Council rezone Tract 32 to SF-6. As the receiver for the owner of Tract 32, I hereby protest, pursuant to Section 211.006, Texas Local Government Code, the rezoning of Tract 32 to any residential zoning district, including SF-6.

Mr. Greg Guernsey  
Mr. Mark Walters  
May 17, 2010  
Page 2

If you have any questions regarding this letter or the protest of the rezoning of land owned by Rundberg Business Park, L.P., please contact the designated agent in this matter, Robert Kleeman at 391-6115.

Sincerely,

A handwritten signature in blue ink, appearing to read "M' Lou Patton Bell".

M' Lou Patton Bell  
Counsel to the Receiver

MPB/dlr

cc: Steve Harr, Receiver





AFFORDABILITY IMPACT STATEMENT  
 NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT  
 CITY COUNCIL AGENDA: CASE NUMBER:

- PROPOSED CODE AMENDMENT:	- IMPLEMENT NEIGHBORHOOD PLAN FOR NORTH LAMAR COMBINED NEIGHBORHOOD PLANNING AREA
- PROPOSED NEIGHBORHOOD PLAN IMPACTING HOUSING AFFORDABILITY:	<ul style="list-style-type: none"> <li>- PROPOSED NEIGHBORHOOD PLAN WOULD:</li> <li>- PRIORITIZE PRESERVATION OF AFFORDABLE HOUSING IN THE NEIGHBORHOOD, ESPECIALLY WITHIN ANY NEW DEVELOPMENT</li> <li>- DESIGNATE 3 TRACTS (APPROX. 52 ACRES TOTAL) FOR INFILL OPTIONS (URBAN HOME AND RESIDENTIAL SPECIAL USE)</li> <li>- PROVIDE FOR A SIGNIFICANT AMOUNT OF HIGH-DENSITY RESIDENTIAL LANDUSE (MULTI-FAMILY, MIXED USE, AND HIGHER DENSITY SINGLE FAMILY)</li> </ul>
- ALTERNATIVE LANGUAGE TO MAXIMIZE AFFORDABLE HOUSING OPPORTUNITIES:	- NHCD STRONGLY ENCOURAGES THAT SPECIAL USE INFILL TRACT 3 BE ZONED NO LESS THAN THE HIGHEST DENSITY SINGLE-FAMILY (SF-6).
- OTHER COMMENTS:	<ul style="list-style-type: none"> <li>- NHCD SUPPORTS THE INFILL OPTION PROVIDED ON SPECIAL USE INFILL TRACTS 1 AND 2.</li> <li>- NHCD SUPPORTS THE OPPORTUNITY TO INCREASE AFFORDABILITY WITH AREAS DESIGNATED AS VMU</li> <li>- NHCD SUPPORTS CURRENT MULTI-FAMILY AND MIXED USE ZONING IN THE FLUM, AND THE NEIGHBORHOOD'S EFFORTS TO PRESERVE AFFORDABILITY WHEN POSSIBLE.</li> </ul>
- DATE PREPARED:	MAY 3, 2010

DIRECTOR'S SIGNATURE:

*ECS for Margaret Shaw*  
 MARGARET SHAW