

## NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

**NEIGHBORHOOD PLAN:** North Austin Civic Association

**CASE #:** NPA-2010-0007.01

**PC DATE:** December 14, 2010

**ADDRESS/ES:** 1105 Kramer Lane

**SITE AREA:** 0.416 acres

**APPLICANT:** Mario & Araceli Franco

**OWNER:** Mario & Araceli Franco

**AGENT:** Araceli Franco

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Office

**To:** Mixed Use/Office

**Base District Zoning Change**

**Related Zoning Case:** C14-2010-0178 (SS)

**From:** NO-NP

**To:** GO-MU-CO-NP

**NEIGHBORHOOD PLAN ADOPTION DATE:** June 29, 2000

**PLANNING COMMISSION RECOMMENDATION:** On December 14, 2010, the motion to approve staff's recommendation for Office/Mixed Use, was approved by Commissioner Mandy Dealey's motion, Commissioner Sandra Kirk second the motion on a vote of 6-0; Commissioners Jay Reddy, Alfonso Hernandez and Danette Chimenti were absent.

**STAFF RECOMMENDATION:** Recommended

**BASIS FOR STAFF'S RECOMMENDATION:** The plan amendment request supports the following Goals, Objectives, and Recommendations:

**Land Use, Zoning and Code Enforcement**

Objective 1: **Goal 1: Protect and enhance the existing neighborhood through code enforcement and property maintenance activities**  
Encourage improved residential and business property maintenance and appearance.

Goal 2: Establish land use and zoning for future development that will improve the quality of life for neighborhood residents and businesses.

Objective 1: Establish appropriate zoning and development guidelines to enhance and protect the neighborhood.

Objective 2: Rezone and recommend alternatives for reuse and redevelopment to protect the residential areas of the neighborhood and to direct growth along Lamar Boulevard.

Action 1. Allow Smart Growth “Neighborhood Mixed Use Buildings” on property located on Lamar Boulevard that is currently used for multi-family but is zoned Community Commercial (GR). (See Proposed Land Use Map) Primary Implementers: DRID

### **Transportation**

Goal 2: Protect residential areas from impacts of through traffic and improve traffic flow in the neighborhood.

**Analysis:** The plan amendment/zoning change request is a low-intensity use located on a four lane street with a mix of residential, office, and retail uses. The property owner has agreed to limit the uses to the Neighborhood Office uses and development standards, with the one General Office use of Personal Services. The NO/GO zoning district does not allow for alcohol sales, which is a major concern for the planning area.

**BACKGROUND:** The application was filed on October 15, 2010, with support from the North Austin Civic Association to file out-of-cycle.

The property owner/applicant requests a change in the future land use map from Office to Mixed Use/Office and a change in zoning from NO-NP to GO-MU-CO-NP to open a wig salon. A salon is considered a Personal Service use, which is not allowed in the NO-Neighborhood Office zoning district. The building has space for one residential unit, where the property owner/applicant eventually would like to live next to her business.

The NACA planning contact team supports the change in zoning with the following conditions:

1) GO-MU-CO-NP. The CO will limit the property to NO – Neighborhood Office uses and development standards with one GO – General Office use, Personal Services.

2) The CO will limit the site to a maximum of one dwelling unit.

3) The NACA Planning Contact team will request the Planning Commission and City Council place a public restrictive covenant to limit the size of the business sign to match the size of the sign on the property located below.



The dimensions are:

- Sign face for text is 4 ft. x 4 ft.
- The height from ground to top of sign face is 6.5 feet.
- The address plate on the top of the sign is 7.5 in. (height) x 24 in (length)

The North Austin Civic Association Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on June 29, 2000. The boundaries for the planning area are Kramer Lane on the north, Lamar Boulevard on the east, U.S. Highway 183 on the south, and Metric Boulevard on the west.

**PUBLIC MEETINGS:** On November 16, 2010, the neighborhood plan amendment meeting was held. One hundred twenty notices were mailed to property owners and utility account holders who live within 500 feet of the property, in addition to planning contact team members and to organizations registered on the Community Registry. Nine people attended the meeting, including one city staff member.

Mrs. Franco explained that she and her husband bought the property through a realtor who told them they could operate their wig salon in the NO-Neighborhood Office zoning district. When Mrs. Franco went to the City to obtain a Certificate of Occupancy she was informed that she would have to rezone the property to GO- General Office because her wig salon was a Personal Service use, which is a use not allowed in the NO-Neighborhood Office district.

The attendees were concerned that the request for GO-General Office was too intense for the location along Kramer Lane, so the applicant agreed to a conditional overlay that would limit the property to NO – Neighborhood Office development standards and uses with one GO-General Office use for personal services. The applicant also agreed to a maximum of one dwelling unit, so she can eventually move into the attached residential unit to reduce her travel commute. She currently lives in far south Austin.

The NACA Planning Contact Team supports the plan amendment/zoning change with the conditional overlay. See attached e-mail from the president of the planning contact team.

Also attached is a letter from an attendee at the meeting who does not support the plan amendment/zoning change application, in addition to a letter from an adjacent property owner who does support the change.

**CITY COUNCIL DATE:** January 13, 2011

**ACTION:** (pending)

**CASE MANAGER:** Maureen Meredith

**PHONE:** 974-2695

**EMAIL:** [maureen.meredith@ci.austin.tx.us](mailto:maureen.meredith@ci.austin.tx.us)

**From:** Almon Family  
**Sent:** Friday, November 19, 2010 5:20 PM  
**To:** Meredith, Maureen;  
**Cc:** 'Araceli Franco'; 'Baker, Bob & Angela'; 'Brian & Gina Almon'; 'Dawn Johnson'; 'Patel, Zarina'; 'Steve Bluestone'  
**Subject:** RE: Mtg Followup\_NPA-2010-007.01\_1105 Kramer Lane

Maureen,

I believe the conditional overlays that you outlined below are satisfactory. I am forwarding this email to the NACA Neighborhood Plan Contact Team to confirm that we support the zoning change with the conditional overlays. We will need to express our opinion about the sign at the Planning Commission and City Council.

Thanks for your assistance.

Brian

**From:** F Legg  
**Sent:** Wednesday, November 17, 2010 6:56 PM  
**To:** aracelifranco80@yahoo.com  
**Cc:** Meredith, Maureen; Sirwaitis, Sherri;

**Subject:** 1105 Kramer Lane? zoning change request

Re: Zoning Case #C14-2010-0178  
Plan Amendment Case # NPA-2010-0007.01 - 1105 Kramer Lane

Dear Ms. Franco,

I appreciate having met with you, Ms. Meridith, and other neighbors last evening to discuss your zoning change request for 1105 Kramer Lane from NO-NP to GO-MU-NP.

Everyone present seemed to be in agreement to support a zoning change from NO-NP to GO-MU-NP with specific conditional overlays to restrict the property to basically "NO + Personal Services + one residential unit" so that you could live there and operate a wig salon.

Upon further reflection, I now oppose your request to amend the neighborhood plan and to change the zoning to mixed use for the following reasons:

You said you plan to personally move to 1105 Kramer Lane in about a year. However, I find it very difficult to believe you actually do intend to leave your home at 8212 Belclaire Lane (a 4-BR, 2-story, 2,364 sq. ft. home with a pool on a corner cul-de-sac) to move to 1105 Kramer Lane. I believe that, given residential occupancy permissi! on, you are most likely to utilize 1105 Kramer Lane, not as an owner-occupied business, but as another residential rental income property (such as the following properties that you own and that list your primary residence of 8212 Belclaire Lane as their mailing address:

2528 Chaparral Trail, 5509 Wassail Street, 6115 Duchess Drive, and 5606 Purple Sage Drive, in addition to undeveloped properties at 7818 Dee Gabriel Collins Road, 22305 Elgin Drive, and other properties in your name along with various family members.

I do not believe that the requested change in zoning is in the public interest, nor is it of benefit to the neighborhood. A change in zoning to benefit you is not worth the risk of adding yet another rental property to our neighborhood or the possibility of a 60-ft. building with 80% impervious cover in the future.

Sincerely,  
Fawn Legg

To: the planning and zoning commission 12/03/2010

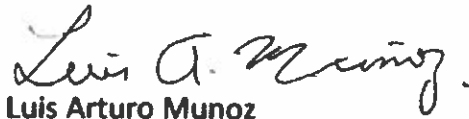
My name is Luis Arturo Munoz, I live and have my business at 1101 Kramer Ln. I met Araceli Franco when she was trying to move next door and found out she could not, cause of the type of zoning; she then asked me to rent a booth in my hair salon to serve her clients until she could move next door

She works mainly with people who has hair loss and are in the need of a wig, do to chemo or alopecia; and she needs a private setting for her clients but for now she is working out of my salon in a semiprivate area

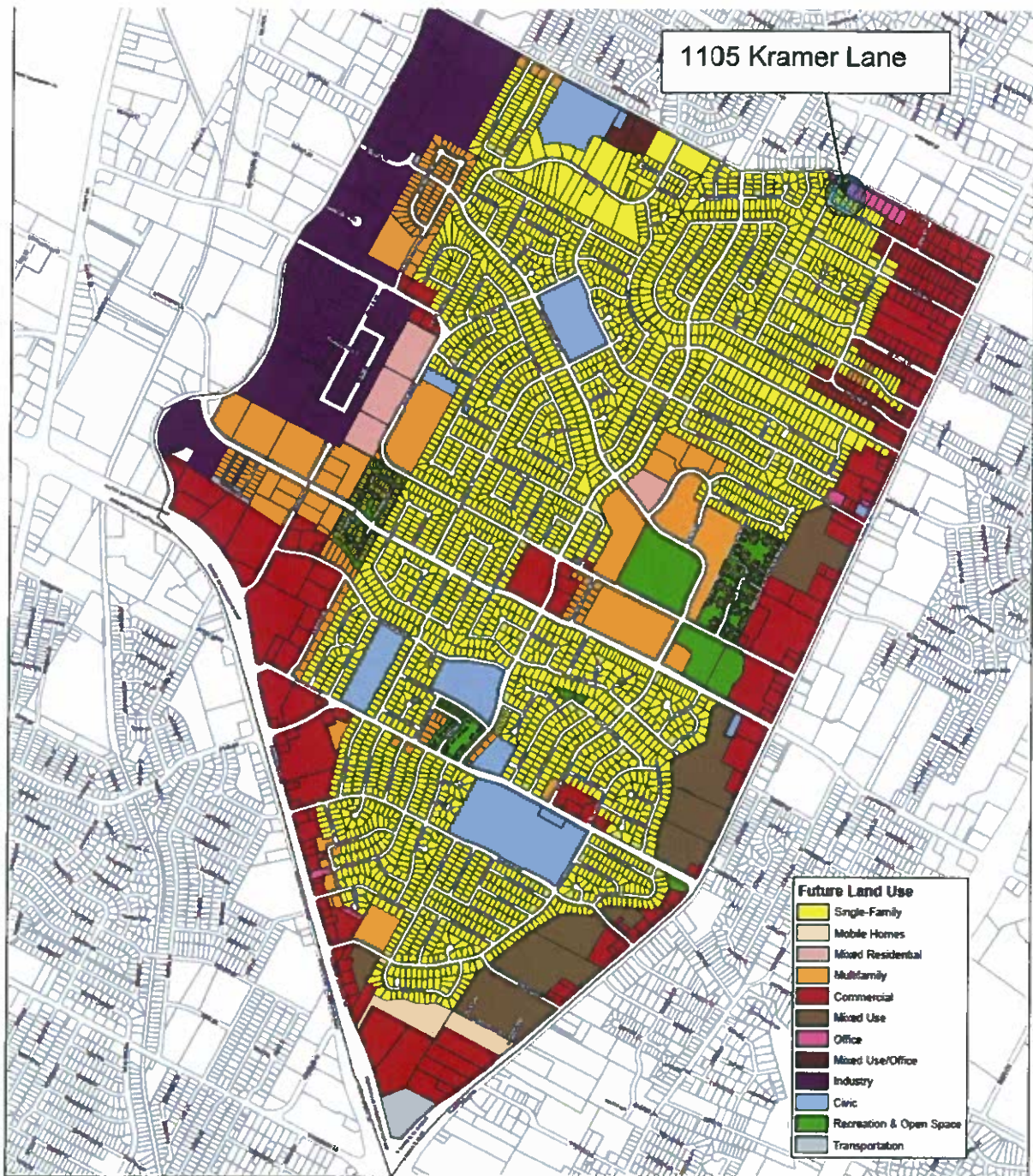
She also mention; she has to travel each day, an hour and a half, each way ,from south to north in heavy traffic and moving to 1105 Kramer would benefit her a lot .

But it takes more than a decision to do this .Since she adopted this property, it looks better maintain and cleaner. That is why I strongly believe that she will be a good asset to the community and; since I have seen what she does for her clients I feel that's what we need for this area more owner operated business.

Thank you

  
Luis Arturo Munoz





# North Austin Civic Association Neighborhood Plan

## Future Land Use Map

Adopted June 2000  
Updated 9/1/2010

Planning & Development Review Department

A comprehensive plan shall not  
constitute zoning regulations or  
establish minimum district boundaries





