

**Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 35
AGENDA DATE: Thu 05/06/2004
PAGE: 1 of 2**

SUBJECT: Approve an ordinance on second and third reading to amend the North Loop Neighborhood Plan for 505 and 507 Nelray Boulevard and change the Future Land Use Map from single-family residential to multi-family residential. On February 26, 2004, the following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member Dunkerley's motion, Council Member McCracken's second on a 6-0 vote. Council Member Thomas was off the dais. Planning Commission Recommendation: To change the land use designation for 505 and 507 Nelray Boulevard from single-family to multi-family in the North Loop Planning Area Future Land Use Map as proposed. City Staff: Kathleen Welder(974-2856) or Annick Beaudet (974-2975)

REQUESTING Neighborhood Planning **DIRECTOR'S**
DEPARTMENT: and Zoning **AUTHORIZATION:** Alice Glasco

BACKGROUND:

Council adopted the North Loop Neighborhood Plan and rezonings on May 23, 2002. The boundaries of the North Loop Neighborhood Planning area are Koenig Lane on the north, IH 35 on the east, Lamar Boulevard on the west, and 45th Street, Red River Street, and 51st Street on the south.

The tract under review is located on a residential block of the Northfield Neighborhood in the North Loop Planning Area. More specifically, the tract is on the south side of the street, one lot east of the corner of Guadalupe Blvd. and Nelray Blvd. (Note that this portion of Guadalupe Blvd. is north of 51st St. and is designated as a local street as opposed to an arterial). A single-family rental house occupies 507 Nelray Blvd. while 505 Nelray Blvd. is undeveloped, and the combined tract totals 15,987 square feet. The lots sit between two single-family zoned properties that contain duplex uses. Across the street are single-family used lots as well as a multi-family zoned lot on the corner of Nelray Blvd. and Guadalupe Blvd. that is currently used as a transitional housing facility.

The owner would like to develop the tract with a small-scale apartment building that contains ten units.

The neighborhood planning team supports the owner's proposal as well as the change in land use and submitted an application out-of-cycle on the owner's behalf. They believe that the proposal abides by their vision of North Loop-residential: *"The future North Loop Neighborhood Planning Area will be mixed use and mixed income, with a particular focus on affordable housing. Older homes will be preserved but additional opportunities for housing choice, through secondary apartments, mixed use, and small scale multi-family will be added."* The team reasons that the request for the two lots is modest and would generate a structure that is "small scale" just as it provides "additional opportunities for housing choice."

The Neighborhood Planning staff do not support the proposed land use change. in land use. Staff does not believe that the planning team's recommendation has been made on a suitably comprehensive basis,

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PAGE: 2 of 2

such that it recognizes the far-reaching effects this precedent may have. If similar requests on interior single-family lots arose in the future, staff would not have sufficient guidance from the plan to make consistent recommendations. We advise that a land use change such as this be approached on a more comprehensive basis.

Staff organized the required plan amendment meeting on January 21, 2004 to bring the identified stakeholders together to discuss the plan amendment application. Those stakeholders are the North Loop Neighborhood Planning Contact Team members (approximately 30), property owners within 300 feet of the subject tract, neighborhood association representatives, and the property owner. Ten persons attended, including planning team members and three neighbors within 300 feet. The advantages and disadvantages of the land use change were discussed, and although no vote was counted, nearly all of the attendants expressed their support for the proposal as presented. At the same time, they stated that they would prefer to see a zoning tool available that would accommodate small-scale multi-family projects while preventing against more major alterations, and that would regulate good, compatible design.

The Planning Commission voted 5 to 1 in favor of the land use change proposal, stating that they agreed with the reasons put forth by the planning team and other supportive neighbors who appeared at the public hearing.

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 020523-30, WHICH ADOPTED THE NORTH LOOP NEIGHBORHOOD PLAN AS AN ELEMENT OF THE AUSTIN TOMORROW COMPREHENSIVE PLAN, TO CHANGE THE FUTURE LAND USE MAP FOR PROPERTY LOCATED AT 505 AND 507 NELRAY BOULEVARD.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Ordinance No. 020523-30 adopted the North Loop Neighborhood Plan as an element of the Austin Tomorrow Comprehensive Plan.

PART 2. Ordinance No. 020523-30 is amended to change the land use designation on the North Loop Neighborhood Plan Future Land Use Map from single-family residential to multi-family residential for property described in Neighborhood Plan Amendment No. NPA-03-0011.01 located at 505 and 507 Nelray Boulevard, as shown on the map attached as Exhibit "A" and incorporated in this ordinance.

PART 3. This ordinance takes effect on _____, 2004.

PASSED AND APPROVED

_____, 2004

Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Brown
City Clerk

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: North Loop

CASE#: NPA-03-0011.01

ADDRESS: 505 & 507 Nelray Blvd.

APPLICANT: North Loop Neighborhood Planning Contact Team

OWNER: Patrick Goetz

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Single-family

To: Multi-family

Base District Zoning Change

From: SF-3-NP

To: MF-3-NP

Related Zoning Case #: C14-03-0179

DEPARTMENT COMMENTS:

A meeting was organized by NPZD on January 21, 2004 to bring the identified stakeholders together to discuss the plan amendment application, filed by the North Loop Neighborhood Planning Contact Team on behalf of the property owner (otherwise, the property owner would have had to wait to apply during the official window period during February). Those stakeholders are the North Loop Neighborhood Planning Contact Team members (approximately 30), property owners within 300 feet of the subject tract, neighborhood association representatives, and the property owner. The Planning Contact Team had already submitted a letter of support along with the application.

After some discussion, Planning Contact Team members and other neighborhood stakeholders in attendance expressed general support of the plan amendment proposal.

STAFF RECOMMENDATION:

The proposal has generated extensive discussion within the department, but in the end, staff recommends against the land use change.

The North Loop Planning Contact Team recommends it because they reason that it abides by their vision of North Loop-residential: *"The future North Loop Neighborhood Planning Area will be mixed use and mixed income, with a particular focus on affordable housing. Older homes will be preserved but additional opportunities for housing choice, through secondary apartments, mixed use, and small scale multi-family will be added. Housing choice and diversity were important themes of a North Loop Planning Area vision."* The team reasons that the request for the two lots is modest and self-contained, and would generate a structure that is *"small scale"* just as it provides *"additional opportunities for housing choice."* Moreover, the Plan favors modestly encouraging density to the degree that it would better support a mixed-use, locally-owned-business environment.

Staff recognizes that the proposal has certain qualities that are compatible with the North Loop vision. However, we do not feel comfortable that the planning team's recommendation has been made on a suitably comprehensive basis, such that it recognizes the far-reaching effects this precedent may have. More specifically, the staff fears that intensifying land use on these interior single-family lots could set a precedent that the department would be hard-pressed to deny if similar plan amendment requests for multi-family in the interior neighborhood arose in the future. Ultimately staff concludes that granting the request would constitute an individual tailoring of the map to suit a particular property owner and advises that a land use change such as this be approached on a more comprehensive basis.

BACKGROUND:

The North Loop Neighborhood Plan was adopted as part of the Austin Tomorrow Comprehensive Plan on May 23, 2002. Its associated NP-Combining District rezonings were adopted on that date as well. According to the plan amendment process, adopted by City Council in June 2003, the standard month for North Loop Plan Amendment proposals is February. However, in this case, the property owner presented his request to the Planning Contact team twice (per their bylaws) so that they could consider in the first meeting and vote in the second to either submit the application out-of-cycle or not. They saw sufficient merit in the application to submit the requested change to the North Loop Future Land Use Map early. After the application was submitted, the City organized its own formal meeting to ensure that all affected property owners were apprised of the request. At the meeting, the City shared Staff's preliminary recommendation and outlined the reasoning behind it. The neighbors and the planning team members shared their ideas about the proposal as well and were allotted the majority of the meeting time for their own discussion, with Staff serving as a technical resource.

PLANNING COMMISSION RECOMMENDATION:

January 27, 2004- Approved (both Plan Amendment and the Applicant's Zoning Request)
5-1 (NS- opposed, LO-left early)

NEIGHBORHOOD ORGANIZATIONS in North Loop Planning Area:

Northfield Neighborhood Association
Morningside/ Ridgetop Neighborhood Association
EYE-H35/ Airport Blvd. Neighborhood Association
North Loop Neighborhood Planning Contact Team

CASE HISTORIES (Zoning and/or Neighborhood Plan Amendments):

NUMBER	ITEM/ REQUEST	CITY COUNCIL
NP-02-0011	North Loop Neighborhood Plan	Approved 5-23-02
C14-02-0009	North Loop Neighborhood Plan Combining District Rezonings	Approved 5-23-02

CITY COUNCIL DATE:

February 26, 2004

ITEM:

From Single-family to
Multi-family

ACTION:

Approved

May 6, 2004

CASE MANAGER:

Kathleen Welder (plan amendment)
[Glenn Rhoades (zoning case)]

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Neighborhood Planning &
Zoning Department
adopted May 23, 2002

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