



## MEMORANDUM

**TO:** Mayor Leffingwell and City Council Members

**FROM:** Jacob Browning, Planner II  
Planning and Development Review Department

**DATE:** July 29, 2010

**RE:** NP-2010-0026.01 North Lamar Combined Neighborhood Plan (Tract 32);  
C14-2010-0048.01 North Lamar Neighborhood Plan Combining District  
Rezoning (Tract 32)

At the June 24, 2010, City Council hearings, the following tract was postponed to the July 29, 2010, hearing:

### **Tract 32 – 320 East Rundberg Lane**

On May 11, 2010, the Planning Commission recommended a future land use designation of High-Density Single-Family and zoning of SF-6-NP for Tract 32. Staff received a letter of protest from the property's representatives to this recommendation on May 24, 2010, three days prior to the first reading at City Council.

At the May 27, 2010, hearing, the City Council postponed the public hearing on Tract 32 on the account that the property's representative, Mr. Robert Kleeman, meet with the neighborhood and come up with viable land use and zoning recommendations for the property. (See Attachment 1, *Summary Sheet for Tract 32*, for more details)

On June 15, 2010, Mr. Kleeman met with a neighborhood representative and City staff from PDRD, PARD, and the Real Estate Office regarding a new proposal for Tract 32. In exchange for commercial-type zoning and land use, Mr. Kleeman agreed to donate an approximately 1.19 acre portion of the Tract to PARD to be used as neighborhood parkland. The following agreement between all parties was made (Refer to Attachment 2, *Zoning Case # C14-2010-0048.01 map*, for the locations of the following tracts):

### **Tract 32A**

- Mixed Use land use designation on FLUM
- GR-MU-V-CO-NP zoning, with the following conditions:
  - 1) Limit development on the site to less than 2,000 vehicle trips per day.
  - 2) Prohibit the following uses on the site:
    - Automotive washing (of any type)
    - Automotive repair services
    - Automotive sales

Hotel/motel  
Bail bond services  
Pawn shop services  
Equipment repair services  
Equipment sales

**Tract 32B**

- Commercial land use designation on FLUM
- W/LO-CO-NP zoning, with the following conditions:
  - 1) Vehicle trip limitation of 2,000 trips per day

**Tract 32C**

- Mixed Use land use designation on FLUM
- CS-V-CO-NP zoning, with the following conditions:
  - 1) Vehicle trip limitation to 2,000 trips per day
  - 2) Prohibit the following uses on the site:
    - Adult oriented business
    - Bail bond services
    - Campground
    - Hotel/motel
    - Kennels
    - Outdoor Entertainment
    - Pawn shop services
    - Pet services
    - Vehicle storage

**Tract 32D**

- Recreation and Open Space land use designation on the FLUM
- P-NP zoning

At the June 24, 2010, hearing, City Council postponed action on Tract 32, including a portion of the neighborhood plan, at staff's request to further facilitate the agreement made between the parties.

The FLUM designations and that portion of the neighborhood plan relating to Tract 32 (on pages 79-82) are ready for **first reading** only at the July 29, 2010, City Council hearing.

**Attachments:**

- Attachment 1: Summary sheet for Tract 32
- Attachment 2: Tract 32 Map (*Zoning Case # C14-2010-0048.01 map*)
- Attachment 3: Tract 32 FLUM
- Attachment 4: North Lamar Neighborhood Planning Area FLUM
- Attachment 5: North Lamar Combined Neighborhood Planning Area FLUM
- Attachment 6: Updated Land Use Chapter to the North Lamar Combined Neighborhood Plan (see pages 79-82 for updated information relating to Tract 32)
- Attachment 7: May 24, 2010, Letter of protest from Tract 32 representatives

**Attachment 8: Letter of neighborhood support to new proposal**

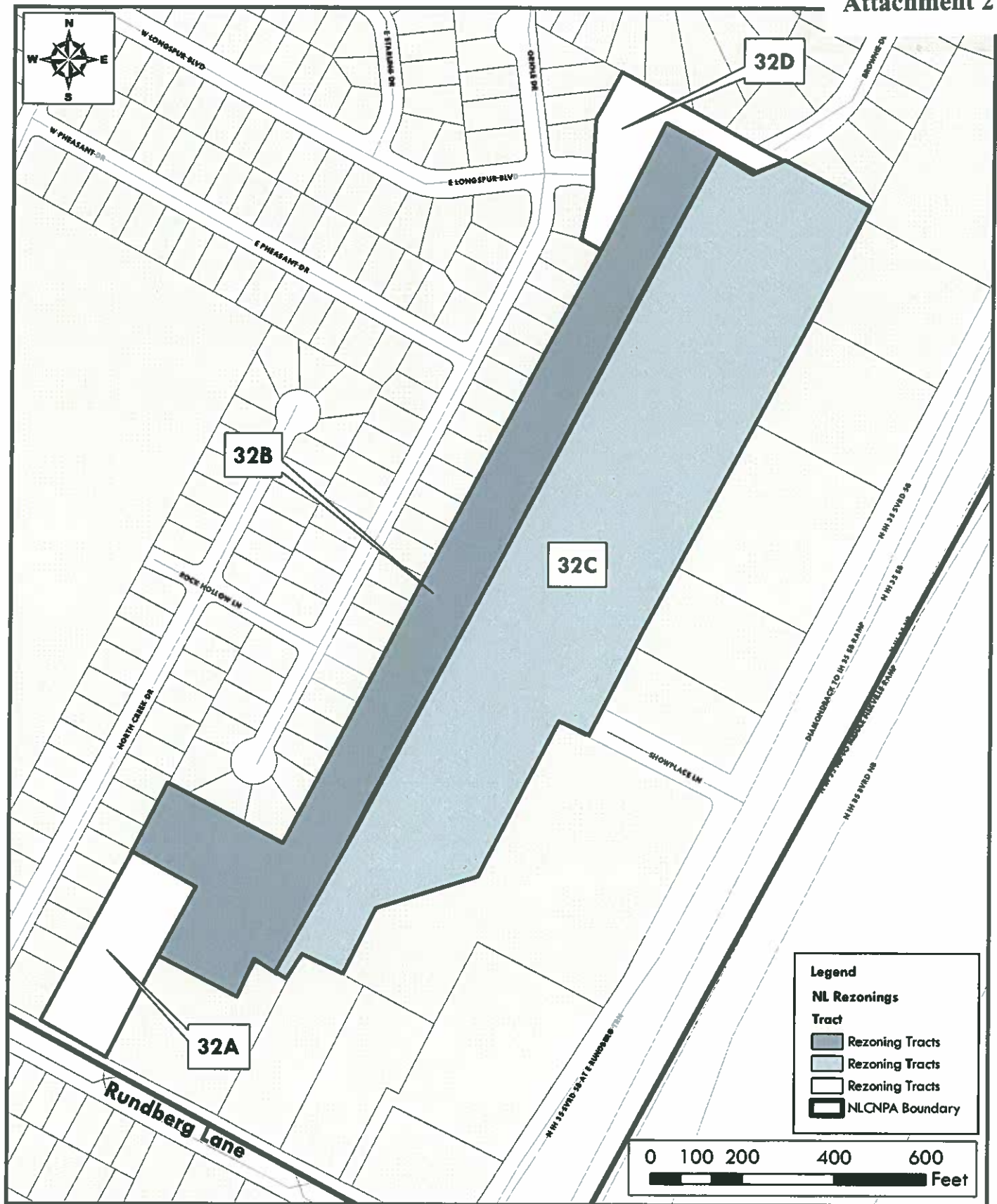
**If you have any additional questions, please do not hesitate to contact me at 974-7657.**

**Jacob Browning, Planner II  
Planning and Development Review Department**

**X:     Marc A. Ott, City Manager  
       Sue Edwards, Assistant City Manager  
       Greg Guernsey, Director, Planning and Development Review Department**

**Summary Sheet for Tract 32**  
**NP-2010-0026.01 and C14-2010-0048.01**  
**North Lamar Combined Neighborhood Plan**  
**July 29, 2010**

Tract # Address	Current Land Use And Zoning	Prior Council Action (05/27/10 and 06/24/10)	Planning Commission Recommendation (05/11/10)	Staff Recommendation	Neighborhood Recommendation	Property Owner Recommendation
32 320 E. Rundberg Lane	<i>Vacant</i>  SF-3, MF-2, MF-3, LO, GR, GR-MU-CO	<b>05/27/10:</b> Postponed consideration of Tract 32 to 06/24/10 on the account that Robert Kleeman meet with the neighborhood to come up with a reasonable solution (6-0, Spelman off dais); Shade - 1 <sup>st</sup> ; Martinez - 2 <sup>nd</sup> .  <b>06/24/10:</b> Postponed on consent to July 29, 2010, at the staff's request (7-0); Morrison - 1 <sup>st</sup> ; Spelman - 2 <sup>nd</sup> .	<i>High-Density Single-Family</i>  SF-6	Same as property owner recommendation.  <b>IN ADDITION:</b> Update the Land Use chapter of the North Lamar Combined Neighborhood Plan to reflect the changes made to Tract 32.	See staff recommendation.	<b>Tract 32A</b> <i>Mixed Use</i> GR-MU-V-CO-NP, with the following conditions: 1) Limit development on the site to less than 2,000 vehicle trips per day. 2) Prohibit the following uses on the site: Automotive washing (of any type) Automotive repair services Automotive sales Hotel/motel Bail bond services Pawn shop services Equipment repair services Equipment sales  <b>Tract 32B</b> <i>Commercial</i> W/LO-CO-NP, with the following conditions: 1) Vehicle trip limitation of 2,000 trips per day  <b>Tract 32C</b> <i>Mixed Use</i> CS-V-CO-NP, with the following conditions: 1) Vehicle trip limitation to 2,000 trips per day 2) Prohibit the following uses on the site: Adult oriented business Bail bond services Campground Hotel/motel Kennels Outdoor Entertainment Pawn shop services Pet services Vehicle storage  <b>Tract 32D</b> <i>Recreation and Open Space</i> P-NP

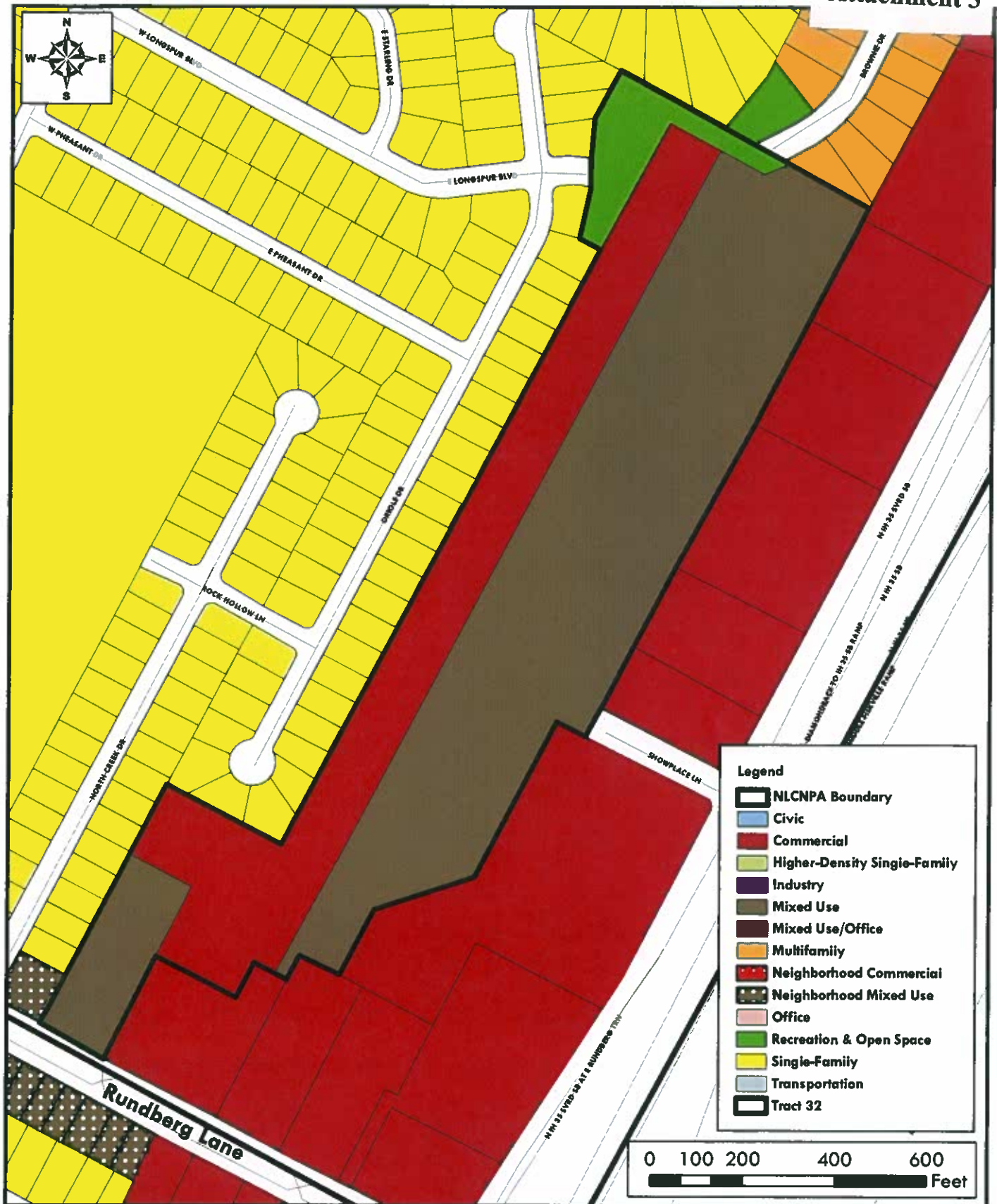


## North Lamar Combined Neighborhood Planning Area

North Lamar Neighborhood Plan Combining District

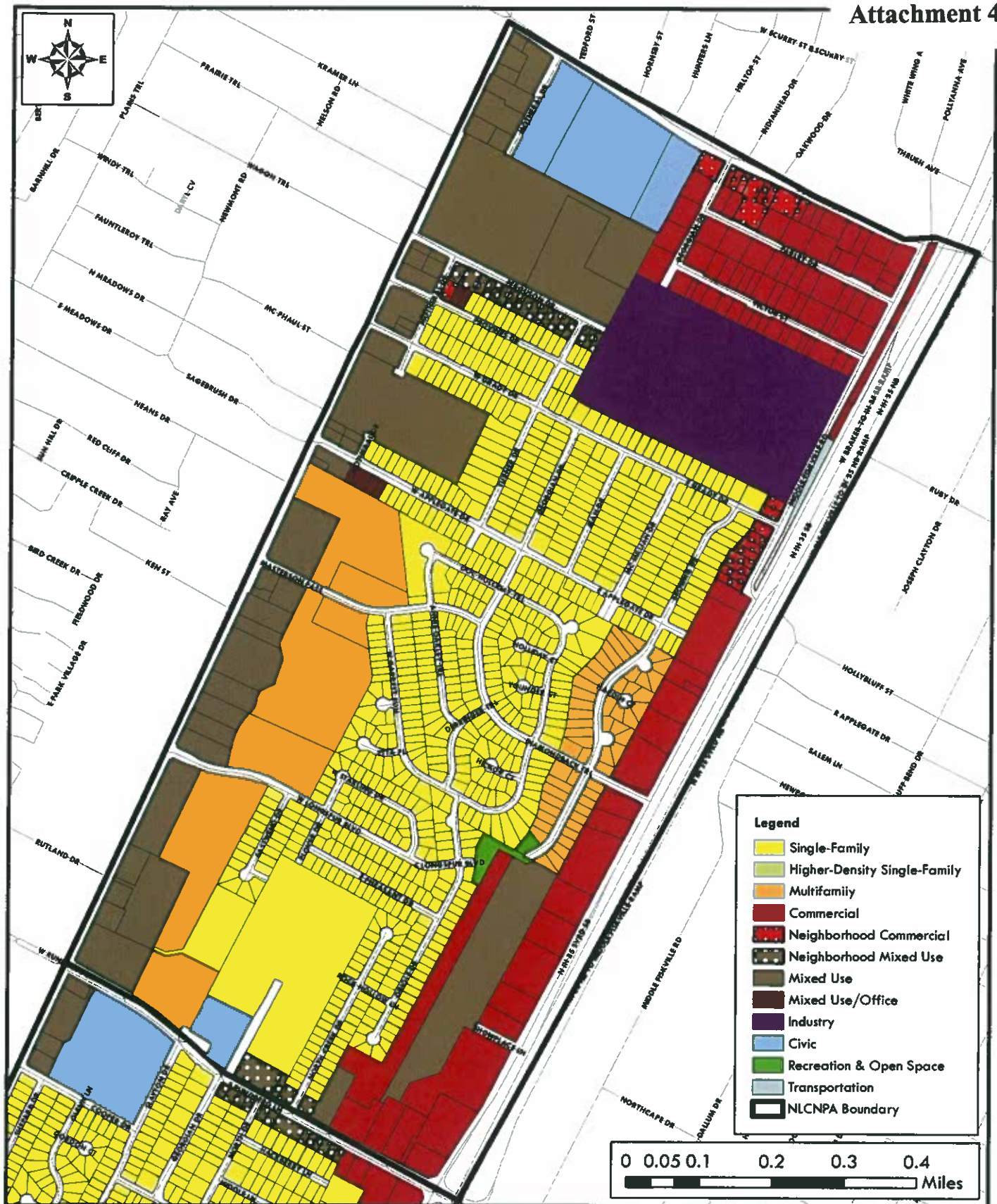
Zoning Case # C14-2010-0048.01 (Tract 32)





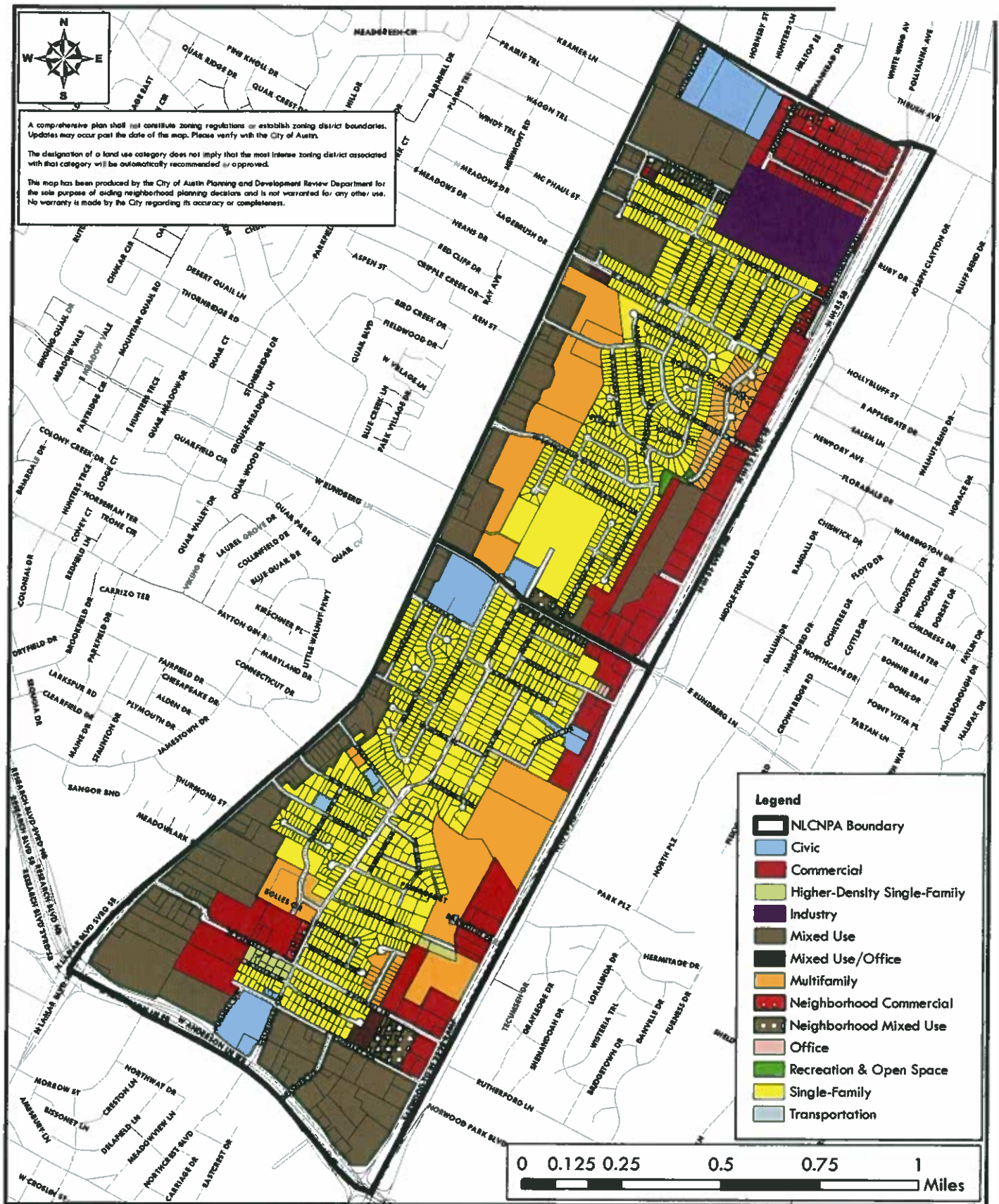
# **North Lamar Combined Neighborhood Planning Area** North Lamar Neighborhood Plan Combining District Case # NP-2010-0026.01 (Tract 32)





# **North Lamar Combined Neighborhood Planning Area** North Lamar Neighborhood Planning Area Future Land Use Map





# **North Lamar Combined Neighborhood Planning Area** **Future Land Use Map**



## LAND USE

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

The term “land use” refers to how land is broadly used, and these uses fall into several descriptive categories such as residential, commercial, and industrial. During the course of land use planning, a future land use map (FLUM) is created to depict what types of development stakeholders would like to see in the future of their neighborhood. When creating a FLUM, land use categories are arranged to create a framework accommodating future changes--including potential development pressures and population changes--throughout the neighborhood. The FLUM also sets criteria for those areas that stakeholders wish to preserve. Through proper land use planning, the future land use map should:

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



Commercial uses encroach upon a residence on Elliot Street.

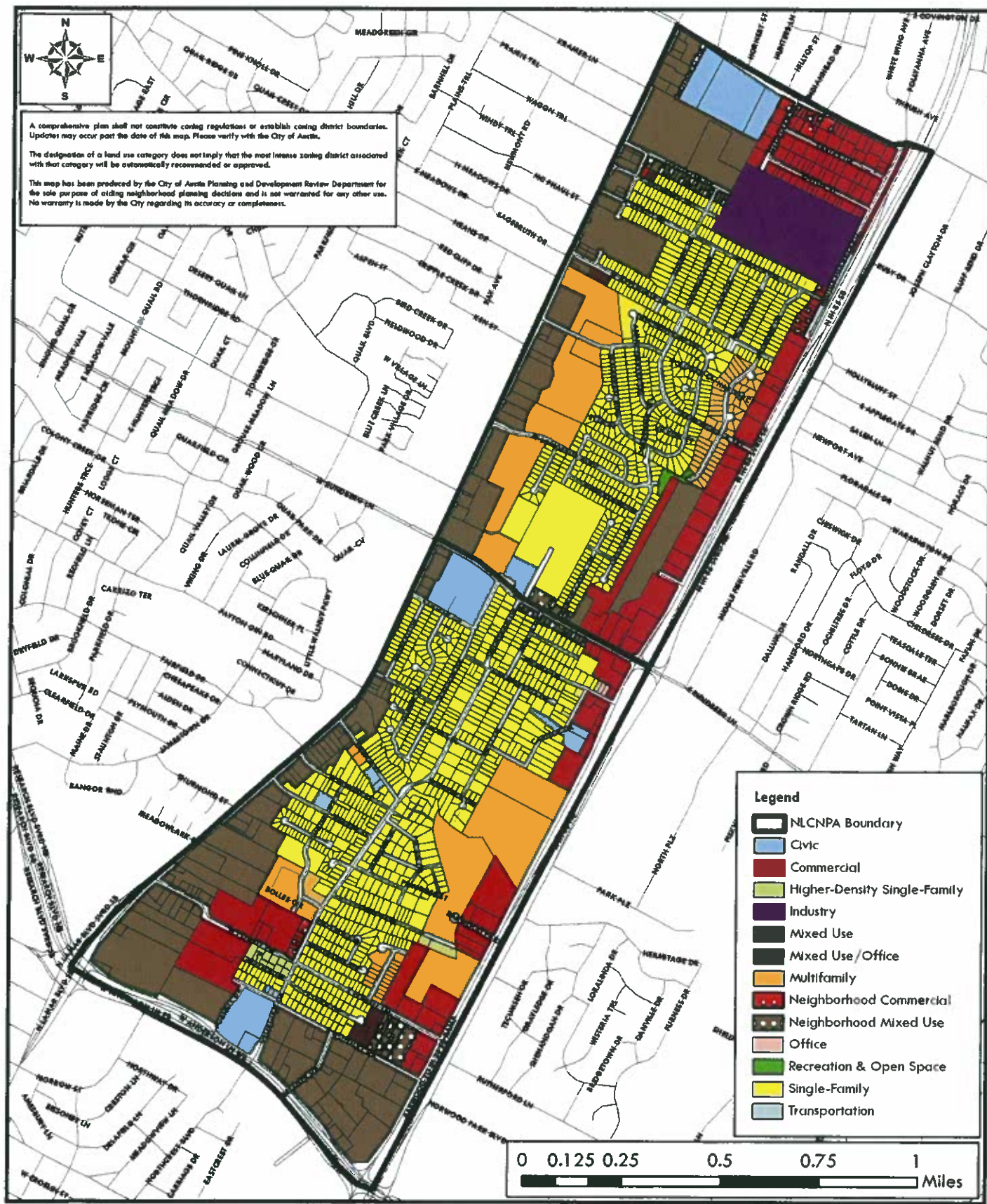
While land use planning cannot foresee all eventualities, it can provide the blueprint for a more balanced and livable community for area residents, businesses, and visitors.

During the planning process in the North Lamar Combined Neighborhood Planning Area (NLCNPA), neighborhood stakeholders worked with planning staff to determine a logical, complementary land use pattern to address future growth and development. The resulting future land use map determined the desired types and specific locations of potential developments throughout the NLCNPA, setting forth a vision for the neighborhood's future. The future land use map can be found on page 73.

❖ **The residential character of the NLCNPA should be preserved.**

A neighborhood's character or identity is determined by the variety of residential units that house those living there. This is especially true of the housing within the NLCNPA, where nearly 80 percent of the properties are residential.<sup>21</sup> The neighborhood's housing

<sup>21</sup> This figure is based on 2008 current land use records. A full breakdown of current land use figures (as of 2008) is available in Appendix G.



# **North Lamar Combined Neighborhood Planning Area Future Land Use Map**



stock represents both its rural roots and suburban-like development: rural, farm-style homes, suburban-style tract homes, and large apartment complexes are all components of the housing typology found throughout the NLCNPA. Throughout the planning process, stakeholders identified the sense of place created by the variety of house designs and lot configurations as valued characteristics of their neighborhoods. By preserving the large residential core of the NLCNPA, both the character and identity of these neighborhoods will be maintained.



The housing stock of the NLCNPA represents its rural roots and suburban development with (from left) farm-style homes, suburban-style tract homes, and apartment complexes.

The single-family character of the NLCNPA is influenced by an interesting patchwork of architectural styles. In Mockingbird Hill, a neighborhood in the northern part of the NLCNPA, houses built in the 1930s share the streets with those built between the 1950s and the 2000s. This area is noticeably different from the residential subdivisions immediately to the south. The houses here were built during the 1970s and 1980s and have characteristics reminiscent of those decades. Similar patterns continue south of Rundberg Lane. The area bounded by Rundberg Lane, I-35, Little Walnut Creek, and Georgian Drive has a more markedly rural feel than the rest of the Georgian Acres neighborhood and is characterized by larger lot sizes. To the west, 1960s suburban-style development is prevalent in the residential area between North Lamar Boulevard and Georgian Drive. Many of the houses in the area between Little Walnut Creek and Oertli Lane were built in the 1950s or before. South of Oertli Lane, the housing reflects 1950s and 1960s suburban house design; houses along Red Oak Circle and White Oak Drive reflect popular styles of those decades. Regardless of the decade in which they were built, the majority of the houses throughout the NLCNPA are modest in size and ornamentation.



Turner Drive, in Mockingbird Hill, contains a good mixture of single-family houses.



Houses on Red Oak Circle reflect popular architectural styles of the 1950s and 1960s with their front gables and ornamental, wooden tile siding.

In the planning process, stakeholders noted the need to provide housing options for current and future residents of the NLCNPA. To maintain a balanced residential character, housing options (both owner-occupied and rental units) must be readily available. However, when compared to other planning areas, the NLCNPA contains a disproportionate amount of rental units and large apartment complexes. Of the total number of residential units in the planning area, 80 percent are rental and nearly 69 percent of all housing units within the NLCNPA are in multifamily developments (Table L)<sup>22</sup>. Stakeholders thought further development of such complexes should be restricted throughout the neighborhood: they believed a more balanced mix of housing options and homeownership opportunities will stabilize the area.

**Table L. Units in Structure, 2000**

	Georgian Acres	North Lamar	NLCNPA	Percentage of Housing Units by Structure Type
Single Family	766	770	1,536	25.8%
Duplex	123	112	235	4.0%
Triplex or Fourplex	198	328	526	8.8%
Multifamily	2,673	891	3,564	59.9%
Other	43	41	84	1.4%
Total Units	3,803	2,142	5,945	100.0%

Source: US Census Bureau

For decades, reasonably-priced houses have attracted many residents to this historically affordable part of Austin. According to neighborhood stakeholders, it is important to maintain the area's affordability as the remainder of the City experiences housing cost increases. Maintaining affordability throughout the NLCNPA will preserve its attractive nature to prospective homebuyers and homeowners. See the "Affordable Housing" section of the Quality of Life Chapter for more information.

**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.

<sup>22</sup> This figure includes the Triplex and Fourplex numbers as these units are typically categorized as "multifamily."



**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.

❖ **North Lamar Boulevard should become a mixed use corridor.**

As one of the most important roadways in Austin (and the westernmost boundary for the NLCNPA), North Lamar Boulevard lacks a unique or unifying identity. North Lamar Boulevard is a major commercial thoroughfare lined with various commercial and light industrial uses including an array of storefronts, strip malls, restaurants, car lots, automobile repair shops, and storage facilities among others. According to the “North Lamar Boulevard Corridor Community Survey” conducted during the planning process, over 90 percent of respondents felt North Lamar Boulevard had a negative identity while 60 percent expressed displeasure with the corridor’s physical appearance.

To enhance this segment of North Lamar Boulevard, neighborhood stakeholders determined that it should become a mixed use corridor providing a variety of residential *and* non-residential uses. The term “mixed use” means a mixture of both residential and commercial uses within a particular area or site. This mix usually occurs within the same structure but is not always required.



The Triangle, located at the intersection of North Lamar Boulevard and Guadalupe Street, was cited by stakeholders as the example of mixed use development to be used for the redevelopment of the portion of North Lamar Boulevard that runs along the NLCNPA. A good mixture of local-serving restaurants and stores (right) are built beneath residential units in the Triangle development.

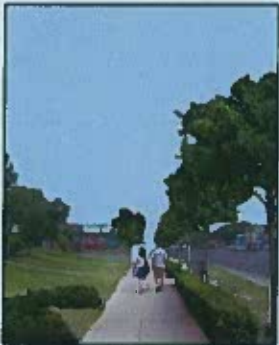
In response to the largely commercial nature along North Lamar Boulevard, neighborhood stakeholders wanted to change its current character by making it a

pedestrian-friendly place with both neighborhood-serving establishments and residences. New mixed use development along the corridor should contain, in addition to residential units, small-scale and locally-owned commercial or retail establishments: cafés, book stores, coffee shops, and other boutique-style businesses rather than big-box-styled commercial developments. They were concerned that big-boxed building designs would not promote the human-scaled places they wanted, and are not desirable for the North Lamar Boulevard corridor. The smaller, local-serving businesses would also provide more amenities within convenient walking or biking distance from the adjacent residential areas and reduce reliance on the automobile for most trips.

### Envisioning a new North Lamar Boulevard



A roadway does not have to remain in its current state. Strategic changes can revitalize a corridor and make it a place where people want to be. The images at left represent some of the design elements recommended by stakeholders during the planning process.



The North Lamar Boulevard corridor currently lacks any of those elements that provide a pleasant experience for both motorists and pedestrians (top). The corridor is characterized by a wide roadway, large building setbacks, little or no sidewalks, overhead power lines, and several large commercial signs or billboards.



Building a continuous sidewalk, reducing the number of driveways, and planting trees and other landscaping are the first steps in creating a place for pedestrians along North Lamar Boulevard (middle). The removal of the overhead power lines and signs eliminates significant amounts of visual clutter.

Streetlights and mixed use buildings foster a more pedestrian-friendly and visually-stimulating environment (bottom). The redevelopment of existing sites by moving buildings closer to the street provides an inviting atmosphere for those traveling along the thoroughfare.

Physical improvements such as those presented in this series of photographs can lay the groundwork for additional changes to the corridor. These improvements will create a North Lamar Boulevard in which area residents can take pride.

Certain design elements should be incorporated into future development (mixed use, commercial, or residential) along the North Lamar Boulevard corridor.<sup>23</sup> Neighborhood stakeholders indicated that new buildings should be sited at the front of their lots nearest the roadway with parking located to the rear or side of the buildings. The buildings' commercial entrances should front the street to create a more pedestrian-friendly atmosphere. Trees or other shading mechanisms also need to be included in future developments to provide pedestrians shelter from intense sunlight and heat experienced throughout the year, especially during the summer months.



The mixed use developments in San Francisco (left) and along 2<sup>nd</sup> Street in downtown Austin (right) have commercial entrances fronting the street and pedestrian pathways protected by trees and planters, respectively.

Although neighborhood stakeholders recommended that North Lamar Boulevard become a mixed use corridor, there was a recognition and concern about the affordability of these future developments. Concerned about affordability in similar developments throughout the City, neighborhood stakeholders wanted a portion of the new residential units of mixed use developments to be as affordable as possible. They felt it important to ensure affordability in these new developments to maintain the NLCNPA's position as a relatively affordable neighborhood within the City of Austin.

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

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

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<sup>23</sup> The design elements mentioned in this section should comply with the standards for future (re)development occurring on a Core Transit Corridor as set forth by "Subchapter E. Design Standards and Mixed Use" of the Austin City Code. During the planning process, stakeholders expressed the desire to re-designate North Lamar Boulevard, north of US Highway 183, as a Core Transit Corridor as stricter design guidelines are applied to developments along such roadways.

- Recommendation 124** Designate North Lamar Boulevard as a Core Transit Corridor as defined in “Subchapter E: Design Standards and Mixed Use” of the Austin City Code.
- Recommendation 125** Incorporate small-scale, neighborhood-serving commercial or retail establishments into new mixed use developments.
- Recommendation 126** The design of new buildings along North Lamar Boulevard should reflect and celebrate the diverse mix of cultures represented in the NLCNPA.
- 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 128** Place buffers, in addition to trees, between traffic and new sidewalks along North Lamar Boulevard. These buffers could include concrete or masonry planters or decorative bollards.
- Recommendation 129** New mixed use developments must be compatible to adjacent properties and uses.

***Objective L.4: All new mixed use development should contain affordable units.***

- Recommendation 130** Encourage developers to take advantage of the incentives to provide affordable housing in new mixed use developments throughout the NLCNPA.

- ❖ **Provide infill development options for the vacant land located near Rundberg Lane**  
Smaller, undeveloped parcels are distributed throughout the NLCNPA and provide modest opportunities for new development. The most notable exceptions to this are the approximately 50 acres of undeveloped land located just north of Rundberg Lane. The properties consist of three tracts (see the *Infill Tracts* map on page 81). The smallest tract (Tract A) is approximately 4 acres while the two larger tracts (Tracts B and C) are nearly 24 acres apiece.

These three sites are prime locations for infill development. Infill development is that which fills in vacant properties or underdeveloped sites in otherwise developed areas of the City; infill development can contain residential, commercially-related, or a mixture of uses. Tracts A - C have few environmental constraints and can easily be connected to NLCNPA neighborhoods by extending existing streets. Tracts A and B sit largely within the interior of the neighborhood, adjacent to already-established residential areas. Thus, infill development on Tracts A and B should be largely residential and offer a variety of housing options such as single-family houses, duplexes, townhouses, and a limited



amount of apartments. Regardless of the eventual housing mix on Tracts A and B, the intent is to increase the homeownership opportunities for people of more modest incomes. Because of its location near and access to I-35, Tract C is prime for commercial or mixed-use infill. If chosen to be developed as a mixed-use site, Tract C can then provide housing opportunities in addition to those on the other tracts.



Residential infill development can offer a variety of housing options and homeownership opportunities on Tracts A and B.  
Photos courtesy of Jones, Petrus, and Pyatok. *Good Neighbors: Affordable Family Housing*. New York: McGraw Hill, 1995.

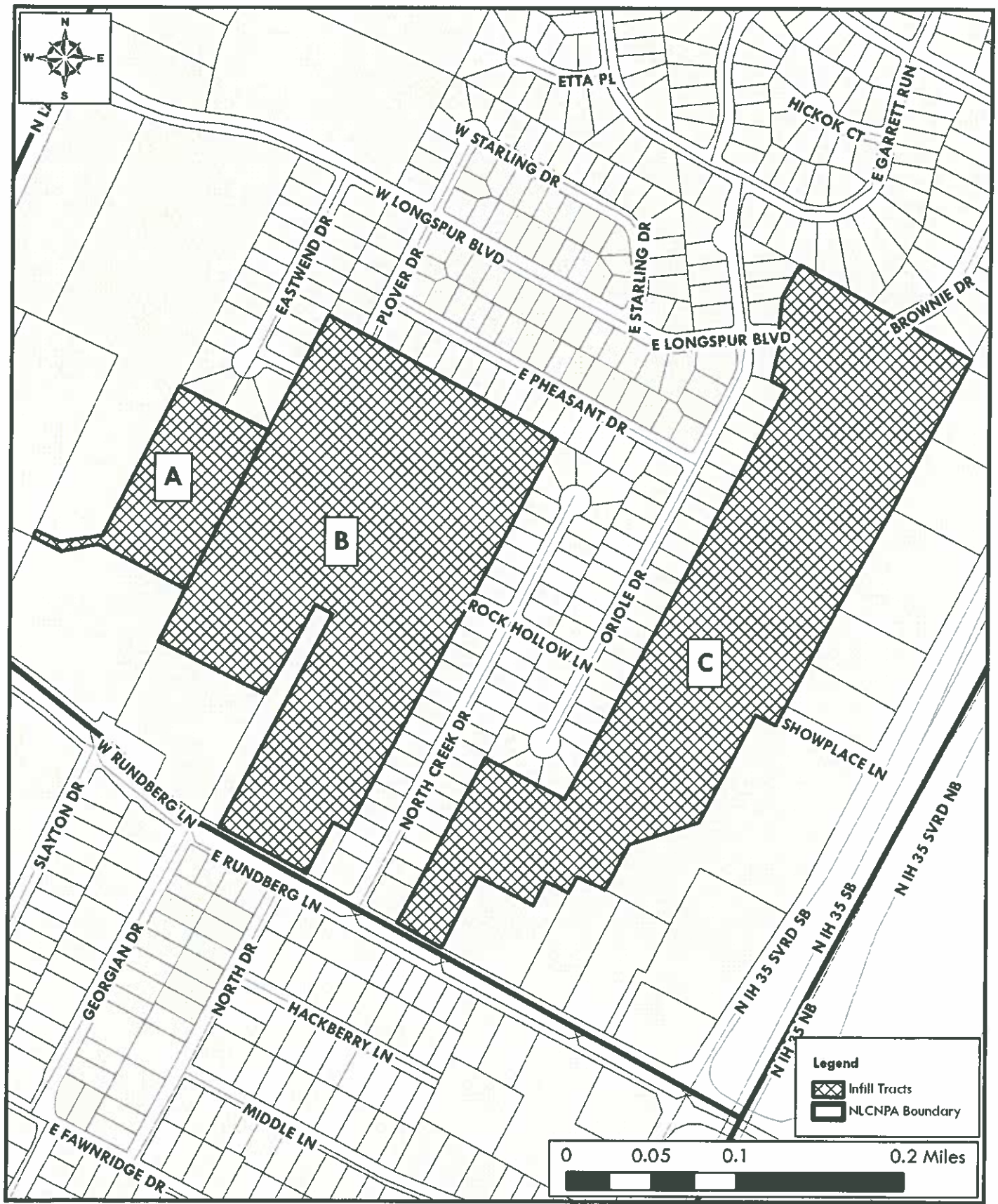
Community stakeholders recommended three approaches to encourage the goal of increased home ownership for these tracts. The first approach is to apply the Residential Infill option to Tracts A and B. This option, available to areas undergoing the neighborhood planning process, allows for a mix of different housing types. The variety of different housing could provide homeownership possibilities for a broader range of household incomes. This option also requires the creation of community open space—an amenity lacking in the NLCNPA—and allows for a small amount of community-serving retail to be developed along with the residential uses. See Table M for the option's requirements. Second, stakeholders also recommended allowing small-lot single family development on Tracts A and B.<sup>24</sup> The third recommendation is to add the Vertical Mixed Use Building (VMU) zoning overlay to the applicable base zoning district(s) of Tract C to potentially allow for the development of residential units on an otherwise commercially-developed property.<sup>25</sup>

**Table M. Requirements for a Residential Infill Development**

Land Use	Minimum Requirements	Maximum Requirements
Single-Family	40% of total units	80% of total units
Duplexes	none	10% of total units
Townhouses and Multifamily (Apartments)	10% of total units	20% of total units
Neighborhood Commercial	none	1,000 square feet of building area per acre of site area
Community Open Space	<ul style="list-style-type: none"> <li>• 10% for infill parcels between 2 and 5 acres</li> <li>• 20% for infill parcels greater than 5 acres</li> </ul>	---

<sup>24</sup> Small-lot single family development tool is allowed under the Urban Home infill option. The Urban Home and Residential Infill development tools can be found in the "Special Use Infill Options and Design Tools Available Through the Neighborhood Plan Combining District (NPCD)" document.

<sup>25</sup> Refer to "Subchapter E: Design Standards and Mixed Use" of the Austin City Code for specifics regarding the Vertical Mixed Use Building zoning overlay.



# **North Lamar Combined Neighborhood Planning Area** Infill Tracts

Tracts B and C also have frontage along Rundberg Lane. Recognizing the commercial nature of this busy roadway, stakeholders recommended the development of small-scale, local-serving commercial or mixed use establishments for those portions of Tracts B and C fronting Rundberg Lane.

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

**Recommendation 131** Allow the Urban Home Special Use on Tracts A and B.

**Recommendation 132** Allow the Residential Infill Special Use on Tracts A and B.

**Recommendation 133** Incorporate the Vertical Mixed Use Building (“V”) zoning overlay into the applicable base zoning district(s) of Tract C.

***Objective L.6: Provide a retail and/or mixed use component on Tracts B and C.***

**Recommendation 134** Apply the neighborhood mixed use future land use designation to the portions of Tracts B and C fronting along Rundberg Lane.

**Recommendation 135** Rezone the portions of Tracts B and C that front Rundberg Lane to promote neighborhood-serving commercial and mixed use developments.

❖ **Ferguson Drive should become a neighborhood mixed use district.**

Lacking a unifying identity or character, the south side of Ferguson Drive contains a number of uses, including a vehicle impound lot, an auto repair shop, a number of vacant lots and several seemingly derelict or unused buildings. To create a more neighborhood-compatible area and serve as a transition between the Chinatown shopping center and residential area immediately to the south, stakeholders wish to establish the south side of Ferguson Drive<sup>26</sup> as a neighborhood mixed use district.

Located across the street from the Chinatown shopping center, these properties could offer small-scale retail and/or living space for people wanting to live or work near this major commercial and cultural hub. Associating the south side of Ferguson Drive with the Chinatown shopping center could potentially provide a more unifying identity that the street currently lacks.

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<sup>26</sup> The north side of Ferguson Drive is occupied by the Chinatown shopping center and any future development associated with it.



The south side of Ferguson Drive (left) lacks character. Neighborhood, or small-scale, mixed use buildings (right) can improve the character of the roadway, providing live-work spaces for those wanting to be located near the Chinatown shopping center.

Photo at right courtesy of [http://www.downtownmakeover.com/downtown\\_reno/The\\_Hill\\_Street\\_Mixed\\_Use.asp](http://www.downtownmakeover.com/downtown_reno/The_Hill_Street_Mixed_Use.asp)

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

**Recommendation 136** Apply the neighborhood mixed use future land use designation to all properties along the south side of Ferguson Drive, between Motheral Drive and the Golfsmith property line.

**Recommendation 137** Limit the types and intensities of the uses allowed along Ferguson Drive.

❖ **The I-35 Corridor should remain a largely commercial thoroughfare.**

Interstate Highway 35 (I-35) is the most heavily traveled roadway in Austin. It is also the eastern boundary for the NLCNPA, running between US Highway 183 and Braker Lane. The varieties of businesses along its frontage road look like those found along interstate frontage roads across the country. Aside from a major manufacturing facility (i.e., Golfsmith), numerous motels, and several apartment complexes, the I-35 frontage contains a variety of local and regional commercial or light industrial uses.

Land located along an interstate frontage is traditionally set aside for more intense uses (e.g., commercial retail centers, offices, etc.). However, residential uses are oftentimes located along these roadways as a means to provide easy access to various points throughout a city. NLCNPA stakeholders declined to recommend additional housing along the freeway due to poor automobile and pedestrian access to the rest of the neighborhood as well as health concerns associated with air pollution generated by the high volume of traffic on I-35.

Along the I-35 Corridor (between US Highway 183 and Rundberg Lane), there are no fewer than ten hotels and/or motels; while most operate strictly as motels or hotels, some effectively operate as apartments. In recent years, several of these establishments have become neighborhood nuisances. Stakeholders contended that these establishments harbor a variety of criminal activities and code violations and suggest



limiting future hotel construction or development along I-35 to mitigate any potential impacts they may create for the NLCNPA.



The I-35 Corridor is marked by large apartment complexes (left), motels and various commercial and light industrial uses (center and right).

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

**Recommendation 138** Retain all commercial future land use designations located along I-35.

**Recommendation 139** Place restrictions on the development of new hotels/motels along I-35.

- ❖ **Preserve the commercial/industrial area in the northeastern corner of the NLCNPA.** Although there are a few houses interspersed throughout the area, the northeastern corner of the NLCNPA is primarily a commercial district. Its relative separation from nearby residences makes this location ideal for the types of businesses currently operating—auto repair, storage, a major manufacturing facility (Golfsmith), and a variety of retail outlets and services.

Neighborhood stakeholders suggested two land use categories for this corner of the NLCNPA so to provide residents a variety of commercial services: commercial and neighborhood commercial. The commercial designation will be applied to the majority of this area while a handful of properties along Braker Lane, between Georgian Drive and Middle Fiskville Road will be designated neighborhood commercial. The neighborhood commercial designation will be more complementary to the single-family houses along the north side of Braker Lane.

**Objective L.9: Create a node of commercial activity in the far northeastern corner of the NLCNPA.**

**Recommendation 140** Apply the commercial and neighborhood commercial future land use designations to the northeastern portion of the NLCNPA. See the Future Land Use Map for the properties to which each future land use designation is applied.



Golfsmith is a major manufacturing facility in the northeastern corner of the NLCNPA (left), while properties along Braker Lane (right) offer a variety of commercial or light industrial services to the neighborhood and region.

❖ **Properties along the US Highway 183 frontage should be designated mixed use.**

Serving as the southern boundary of the NLCNPA, US Highway 183 is a major transportation thoroughfare for the northern portion of the City of Austin. With its accessible location near the convergence of two major highways, this portion of the NLCNPA houses several intense uses including high- and low-rise office buildings, apartment complexes, and hotels.

According to neighborhood stakeholders, all properties along the US Highway 183 frontage (aside from Gethsemane Lutheran Church and the SPCA) and all properties within the area bounded by US Highway 183, Georgian Drive, East Wonsley Drive, and I-35 should be given a mixed use future land use designation. The mixed use designation would allow for a greater mixture of residential units among those more intense uses that already exist within this area.



New mixed use development could enhance the southern end of the NLCNPA, near the intersection of US Highway 183 and I-35. Current properties (left) and vast parking lots (right) located along the frontage could be transformed into a dense urban-type village with a mixture of businesses and residences.

**Objective L.10: Establish a mixed use district at the southern end of the NLCNPA.**

**Recommendation 141** Apply the mixed use future land use designation to the southern portion of the NLCNPA. See the Future

Land Use Map for the exceptions to this recommendation.



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May 24, 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 "Receivership") in the United States District Court for the Western District of Texas, Austin Division (the "Court").

On May 17, 2010, M'Lou Bell sent a letter to the City of Austin protesting the proposed re-zoning of a portion of Tract 32 as SF-6. This letter serves as my ratification, as the receiver, of Ms. Bell's letter. I have now learned that City staff is recommending that the City Council down zone a 1.39 acre portion of Tract 32 that fronts onto Rundberg Lane. As you know, the City just rezoned this parcel in August, 2008 to GR-MU-CO.

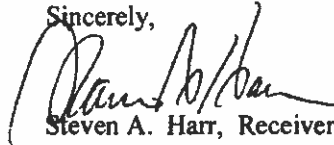
At its May 11, 2010 meeting, the Austin Planning Commission recommended that the City Council rezone this 1.39 acre portion of Tract 32 to LR-V-CO-NP. As the receiver for the Triton Entities, I hereby protest, pursuant to Section 211.006, Texas Local Government Code, any rezoning of this 1.39 acre portion of Tract 32. Any down zoning of Tract 32 will be harmful to the value of the subject property and, therefore, the Receivership and is prohibited by the Court's December 22, 2009 order. At this time I ask you to revisit the enclosures with the January 20, 2010, letter from Robert Kleeman to the city of Austin and, in particular, the scope of the Court's order that no action be taken to harm or devalue any of the assets of the Receivership.



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May 17, 2010  
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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 black ink, appearing to read "Steven A. Harr", is written over the word "Sincerely,".

Steven A. Harr, Receiver

MPB/dlr

cc: M'Lou Bell

**Browning, Jacob**

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**From:** Lyn Galbreth [REDACTED]  
**Sent:** Friday, June 18, 2010 3:26 PM  
**To:** Browning, Jacob  
**Cc:** Laura Rheams ; Robert Atkinson ; Phil and Patti Otken  
**Subject:** Triton Tracts Parkland Donation

Hi Jacob:

As you know, the neighborhood stakeholders who have chosen continued involvement in seeking passing and implementation of our neighborhood plan have had discussions with Robert Kleeman about the land that was excepted from Council's first reading acceptance, and we agree to the most recent Kleeman proposal that the receiver make a donation of parkland of 1.19 acres of the land and we will support the combination of W/LO and CS/CO with VMU zoning on the remainder of the property, according to the details you have per most recent discussions and email. I presume a postponement must be requested from Council to enable PARD staff to work out arrangements and for your office to work out the paperwork on the zoning. We appreciate your continuing dedicated assistance with this.

Please let us know when the next thing happens with this that needs our attention.

Thank you.

Lyn Galbreth

Sent on the Sprint® Now Network from my BlackBerry®