

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-19
AGENDA DATE: Thu 03/24/2005
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SUBJECT: Conduct a public hearing and approve an ordinance to amend the Central East Austin Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map from single-family residential land use designation to a mixed-use office land use designation for 901 E. 15th Street.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: Central East Austin

CASE#: NPA-04-0009.02

ADDRESS: 901 E. 15th Street

AREA: 0.134 acres (5,837 sq. ft.)

APPLICANT/OWNER: Dr. Fernando Loya

AGENT: Lopez-Phelps and Associates (Amelia Lopez-Phelps)

AMENDMENT FROM: Single Family

TO: Mixed-Use Office

STAFF RECOMMENDATION:

Staff recommends denial of Mixed Use/Office.

BASIS FOR RECOMMENDATION

1. The proposed plan amendment is inconsistent with the adopted Central East Austin Neighborhood Future Land Use Map.
2. Conditions have not changed significantly since adoption of the neighborhood plan in 2001 to warrant a plan amendment at this location.
3. Site constraints, including access and available parking, make use of this site for a medical office inconsistent with one of the expressed goals of the neighborhood plan which is to "ensure compatibility and encourage a complimentary relationship between adjacent land uses."

DEPARTMENT COMMENTS/BACKGROUND INFORMATION:

The Central East Austin 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 December 13, 2001. The boundaries of the planning area are: Martin Luther King Jr. Blvd. on the north, Chicon and Northwestern on the east, E. 7th Street on the south and IH-35 on the west.

In addition to his plan amendment request, Dr. Loya is also requesting a zoning change (C14-04-0091) for the same property from SF-3-NP, Family Residence-Neighborhood Plan Combining District, zoning to LO-MU-CO-NP, Limited Office-Mixed Use-Conditional Overlay-Neighborhood Plan Combining District, zoning. This zoning request is running concurrently with the proposed plan amendment.

Dr. Loya currently utilizes a portion of the existing duplex for his dental practice and the remaining portion as his family's residence. The City's Code Enforcement office cited Dr. Loya for operating his dental practice in violation of the property's SF-3 zoning. The proposed plan amendment and rezoning are being requested to bring the zoning into compliance with the use.

The proposed plan amendment and rezoning was taken to the Organization of Central East Austin Neighborhoods (OCEAN), the Central East Austin neighborhood planning contact team, for a recommendation. The applicant presented his proposed amendments at the January 11, 2005 OCEAN meeting. On February 8th, OCEAN recommended denial of the proposed amendment to the FLUM and rezoning.

In addition, the Swede Hill Neighborhood Association (the neighborhood in which 901 E. 15th is located) voted 25 to 7 to oppose both the plan amendment and rezoning.

PLANNING COMMISSION RECOMMENDATION:

December 14, 2004: Postponed to 2/22/05 by staff - 6-0, J.C., J.R.-absent (D.S.-1st, M.M.-2nd)
February 22, 2005 - Forwarded to City Council without a recommendation 6-0-1, D.S. & K.J. - absent (CM-1st, MH-2nd; CG-Abstain)

NEIGHBORHOOD ORGANIZATIONS:

Swede Hill Neighborhood Association
Austin Neighborhoods Council
Muller Neighborhood Coalition
City of Austin Downtown Commission
Organization of Central East Austin Neighborhoods
PODER (People Organized in Defense of Earth & Her Resources)

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

NUMBER	REQUEST	CITY COUNCIL
NP-01-0009	Central East Austin Neighborhood Plan	Approved 12-13-01
C14-01-0148	Central East Austin Neighborhood Plan Combining District Rezoning	Approved 12-13-01

CITY COUNCIL DATE: March 24, 2005

ACTION:

CASE MANAGER: Adam Smith (plan amendment)
Sherri Sirwaitis (zoning case)

PHONE: 974-7685
974-3057

EMAIL: adam.smith@ci.austin.tx.us
Sherri.sirwaitis@ci.austin.tx.us

