

**Zoning Ordinance Approval
CITY OF AUSTIN**



RECOMMENDATION FOR COUNCIL ACTION

**AGENDA ITEM NO.: 128
AGENDA DATE: Thu 06/23/2005
PAGE: 1 of 1**

SUBJECT: NPA-04-0009.02 - Central East Austin - Approve third reading of 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. First Reading: April 7, 2005. Vote: 6-1 (Slusher-Nay). Second Reading: June 9, 2005. Vote: 4-2 (Slusher, Goodman - Nay, McCracken-off the dais). Applicant: Dr. Fernando Loya. Agent: Lopez-Phelps and Associates (Amelia Lopez-Phelps). City Staff: Adam Smith, 974-7685.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Alice Glasco

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHBORHOOD 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:

Mixed-Use Office, and for the related zoning case, LO-MU-CO-NP, Limited Office-Mixed Use Combining District-Conditional Overlay-Neighborhood Plan Combining District, zoning was approved on 1st reading on April 7th.

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: Postponed to 4/7/05
(Request made by Senator Barrientos); 7-0 (BD-1st, BM-2nd)

April 7, 2005

Approved Mixed Use Office on 1st reading (6-1; RA-1st, DT-2nd; DS – nay)

June 9, 2005

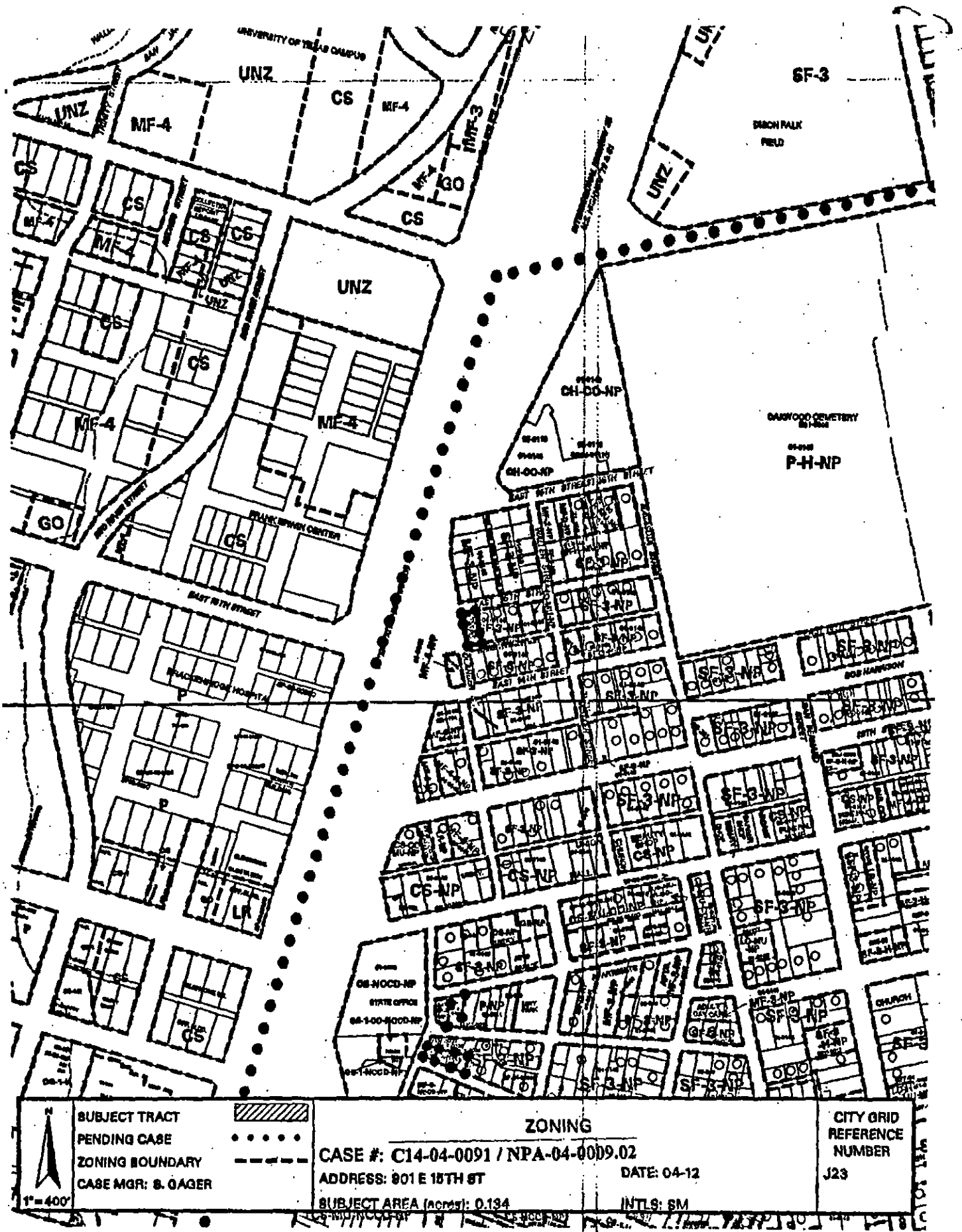
Approved Mixed Use Office on 2nd reading (4-2; DS & JG – nay; BM – off the dais)

June 23, 2005

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



ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 011213-41, WHICH ADOPTED THE CENTRAL EAST AUSTIN NEIGHBORHOOD PLAN AS AN ELEMENT OF THE AUSTIN TOMORROW COMPREHENSIVE PLAN, TO CHANGE A LAND USE DESIGNATION ON THE FUTURE LAND USE MAP FOR PROPERTY LOCATED AT 901 EAST 15TH STREET.

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

PART 1. Ordinance No. 011213-41 adopted the Central East Austin Neighborhood Plan as an element of the Austin Tomorrow Comprehensive Plan.

PART 2. Ordinance No. 011213-41 is amended to change a single-family residential land use designation to mixed-use office on the future land use map attached as Exhibit "A" and incorporated in this ordinance, and described in File NPA-04-0009.02 at the Neighborhood Planning and Zoning Department, for property located at 901 East 15th Street.

PART 3. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

2005

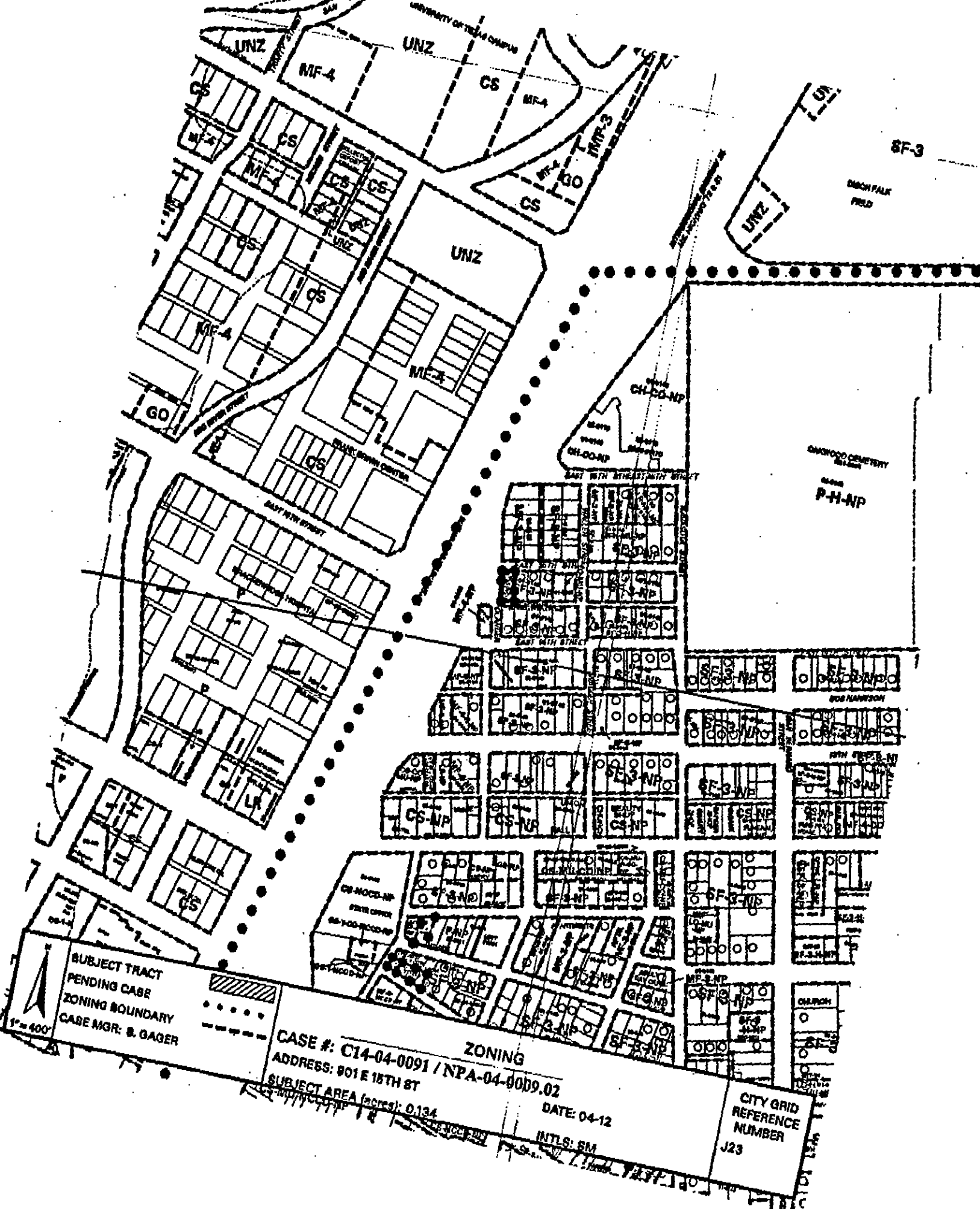
Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Brown
City Clerk



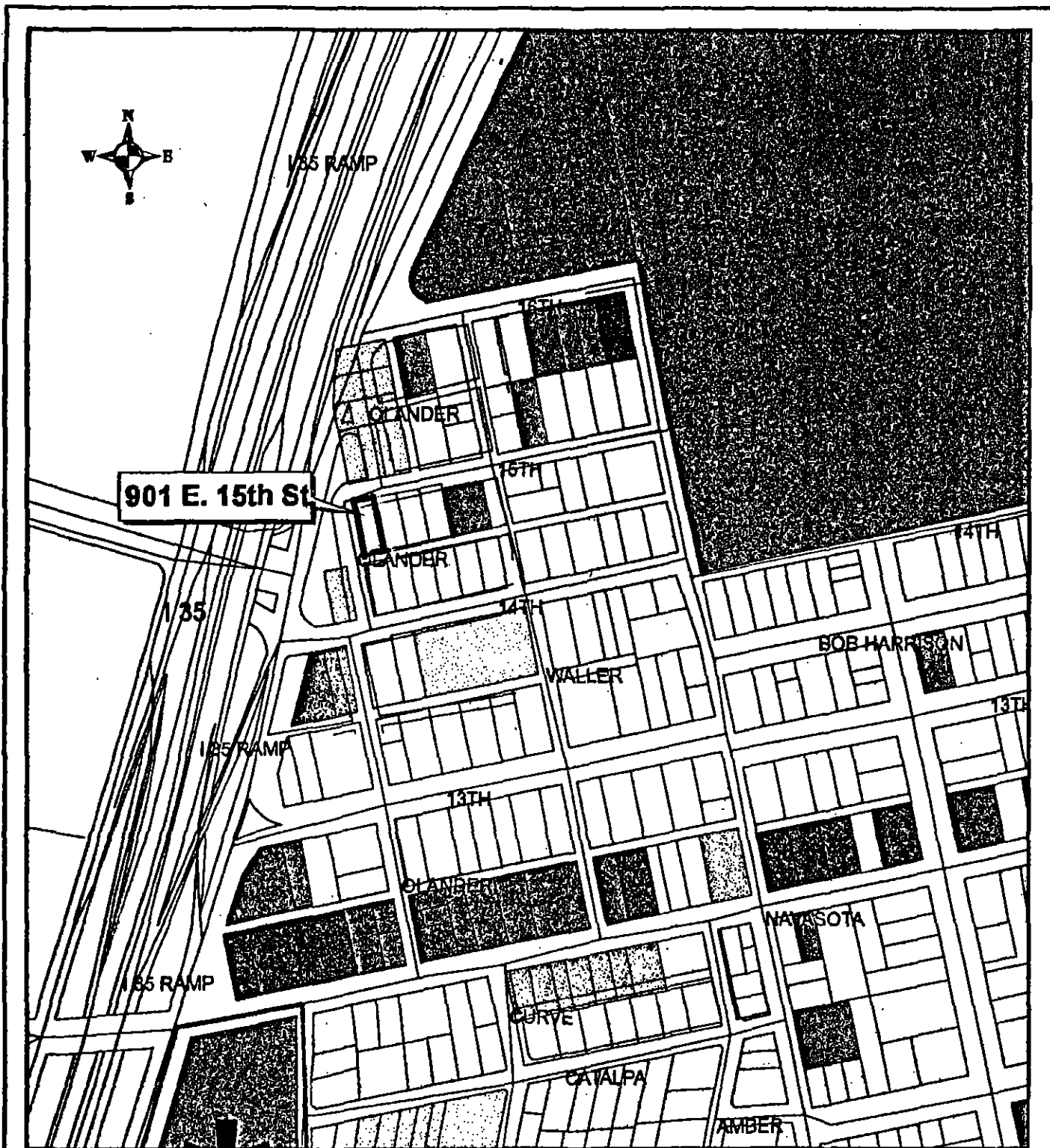
SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: S. GAGER

CASE #: C14-04-0091 / NPA-04-0009.02
ADDRESS: 901 E 15TH ST
SUBJECT AREA (acres): 0.134

ZONING

DATE: 04-12
INTLS: SM

CITY GRID
REFERENCE
NUMBER
J23



Central East Austin Neighborhood Planning Area Future Land Use Map - Adopted 12/13/2001

City of Austin
Neighborhood Planning &
Zoning Department
7/30/2003

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

This map has been produced by the City of
Austin as a working staff map and is not
warranted for any other use. No warranty is
made by

- CEA Boundary
- Single-family
- Single-family,
- Townhome, Condo
- Multi-family
- Commercial
- Mixed Use
- Office
- Industry
- Civic Open Space
- Railroads