

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



**AGENDA ITEM NO.: Z-14
AGENDA DATE: Thu 10/06/2005
PAGE: 1 of 1**

SUBJECT: NPA-05-0007-01 - North Austin Civic Association - Conduct a public hearing and approve an ordinance amending the North Austin Civic Association Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the Future Land Use Map from multi-family designation to commercial designation for property located at 9117 Northgate Boulevard, Lot 3 of Northgate Terrace Section 1. Planning Commission Recommendation: To change the future land use map to mixed use designation. Applicant: Syed Asif Shamise. Agent: Bennett Consulting (Jim Bennett). City Staff: Scott Whiteman, 974-2865.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Alice Glasco

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHBORHOOD PLAN: North Austin Civic Association Neighborhood Plan

CASE#: NPA-05-0007-01

PC PUBLIC HEARING DATE: Tuesday, June 14, 2005

ADDRESS: 9117 Northgate Boulevard **AREA:** 1.06 acres (46,173 sq. ft.)

APPLICANT: Syed Asif Shamise

OWNER: Syed Asif Shamise

AGENT: Jim Bennett

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Multi-Family

To: Commercial

Related Zoning Case: C14-05-0030

Base District Zoning Change

From: MF-3-NP, Multi-Family Residence, Medium Density - Neighborhood Plan
Combining District

To: LR-NP, Neighborhood Commercial - Neighborhood Plan Combining District

PLAN ADOPTION DATE: June 29, 2000

NPCD ADOPTION DATE: May 24, 2001

STAFF RECOMMENDATION: The staff recommendation is to **DENY** the requested change to commercial on the Future Land Use Map (FLUM) and maintain the multi-family land use designation.

BASIS FOR RECOMMENDATION: The requested amendment is not consistent with the adopted FLUM and recommendations set forth in the NACA Neighborhood Plan. See *Analysis* for more details.

PLANNING COMMISSION RECOMMENDATION: To approve a change of the Future Land Use Map (FLUM) to Mixed Use designation. (7-0, Galindo absent)

BACKGROUND: 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 of the planning area are: Kramer Lane to the north, Lamar Boulevard to the east, Highway 183 to the south and Metric Boulevard to the west.

The applicant is requesting a rezoning from MF-3-NP to LR-NP and a plan amendment to the future land use map from multi-family to commercial in order to construct a convenience store on the 1.06 acre parcel. Site constraints include a floodplain that runs through a portion of the vacant parcel. Existing adjacent land uses include numerous multi-family apartments as well as an office use located to the south of the subject property.

ANALYSIS: The *Land Use, Zoning and Code Enforcement* Overall Goal states, "...Prevent additional commercial development within the residential areas and maintain a residential urban core bounded by commercial and mixed-use development to maximize economic development and aesthetic appeal of all land use types."

The proposed plan amendment is not consistent with this Goal.

Furthermore, as part of the Overall Goal, Planning Principle #7 states that NACA will generally oppose requests for zoning changes or variances within the NACA boundaries if the action would result in one or more of the following conditions:

- Allowing the sale of alcoholic beverages, unless it is classified as Restaurant-General.
- Allowing the business to operate between 6:00 p.m. and 6:00 a.m. inside the boundary streets of the neighborhood near residential areas.

The proposed plan amendment is not consistent with this Planning Principle.

This opposition was noted at a meeting held on April 13, 2005 when interested parties were given the opportunity to hear a presentation of the applicant's proposal as well as time for discussion and questions. A vote was then taken to determine whether these individuals supported the applicant's proposal.

Results of the votes were:

9: SUPPORT

15: DO NOT SUPPORT (includes 3 write-ins)

This vote included seven members from the original NACA Planning Team. Of that seven, 1 voted in support of the applicant's proposal and 6 **did not support** the proposed rezoning and plan amendment.

Please note, invitations for the meeting were sent to the NACA interest list as well as all property owners within 300 feet of the subject property.

CITY COUNCIL DATE: August 4, 2005

ACTION: Postponed to August 25, 2005 at the neighborhood's request. 6-0
(McCracken out of the room)

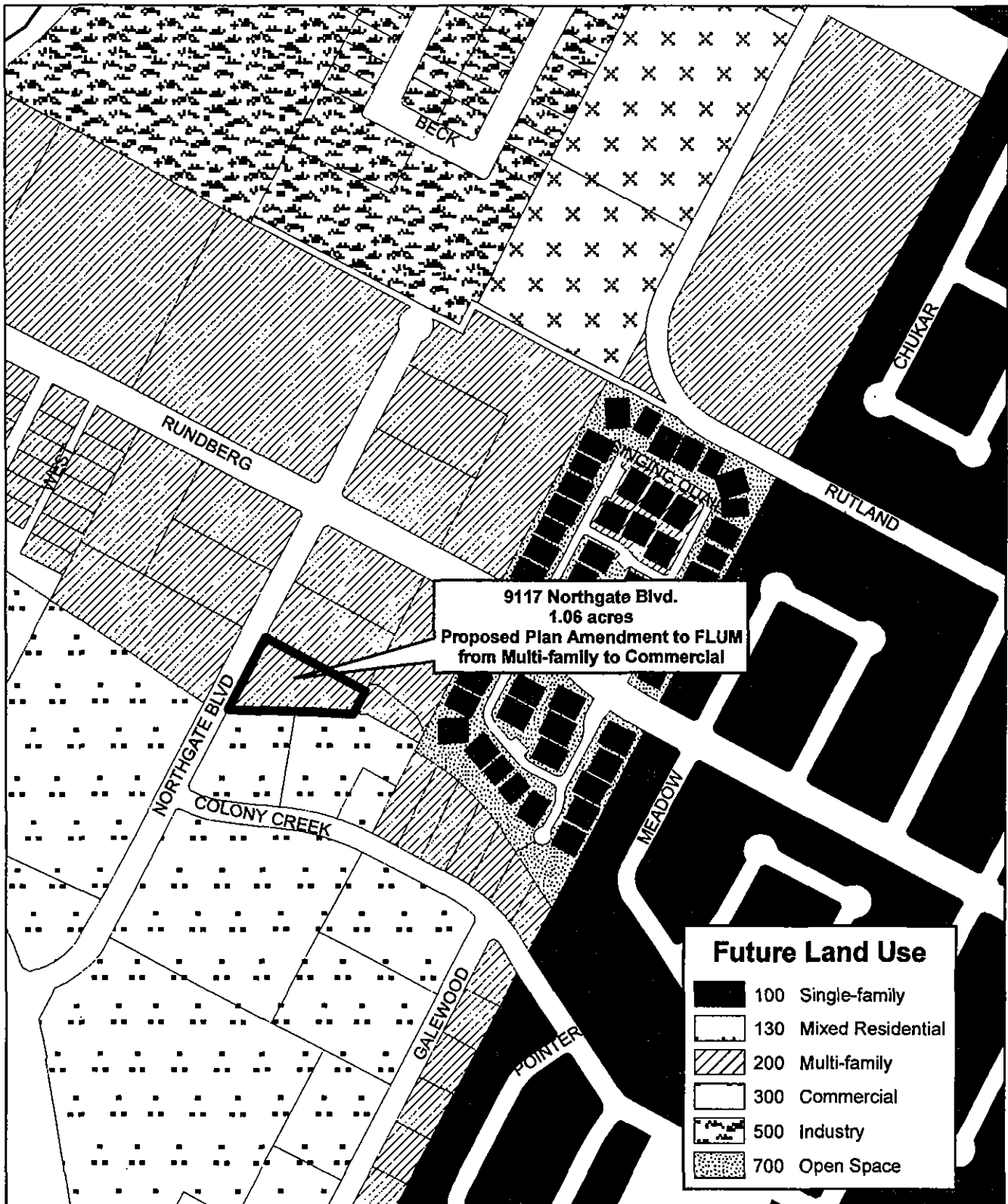
CITY COUNCIL DATE: August 25, 2005

ACTION:

CASE MANAGERS: Scott Whiteman (Plan Amendment)
Sheri Sirwaitis (Zoning Case)

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Future Land Use Map
NPA 05.0007.01
North Austin Civic Association
Neighborhood Planning Area

0 125 250 500 Feet

Created by NPZD
 7/28/2005