November 6, 2007

Cynthia Medlin
Chair, Dawson Neighborhood Plan (Contact) Team
2501 Wilson St.
Austin, TX 78704

Mr. Robert Heil
C/O City of Austin NPZD
P.O. Box 1088
Austin, TX 78767

RE: Case Number C14-2007-0222

Dear Mr. Heil:

Case Number C14-2007-0222 is complex and a case where clarification is required in order to adequately address the view of the Dawson Neighborhood Plan (Contact) Team (DNPT) with regard to it. From your description of the zoning change requested I do not see a clear delineation of the front portion of the lot (3116 South Congress Ave.), which has a current base-zoning of CS, and the back portion of the lot, which has a base zoning of MF4. The Dawson NPT has voted on two occasions on requested changes in zoning for this apparently un-subdivided lot with a single address.

Ranaan and Nico Ilai, owners of this property, presented a request for rezoning of the front portion of the lot from CS to CS-1 at a special meeting on June 20, 2007. The owners and a potential tenant wanted to obtain the CS-1 zoning in order to allow liquor sales as part of a proposed business venture. Discussion ensued and the motion was made and seconded to grant the CS-1 zoning for the footprint only of the existing building on the front (CS zoned) portion of the lot. The DNPT voted to support this motion 24 for and 1 against. Therefore, the DNPT supports a zoning change for this front portion of the lot but only for the footprint of the building. I do not see this condition expressed anywhere on the zoning "Notice of Application for a Public Hearing on Rezoning" for case C14-2007-0222. The DNPT is not supportive of a zoning change for the entire lot.

In addition, your notice regarding this case does not clearly state that, for the back portion of the lot, there is an entirely separate zoning case which is a change from the MF4-CO-NP to GO-CO-NP. This is particularly important to highlight since this portion of the lot required a Neighborhood Plan Amendment. Due to the fact that this is residential base zoning there must be a plan amendment in order to support a change to a commercial base zoning such as the GO that is requested. Further, the DNPT did not vote to support a GO base zoning but rather an NO base zoning for this portion of the lot.

At a separate meeting on October 8, 2007 the DNPT considered a plan amendment for this back portion of the lot. The newsletter article outlining the rationale for the vote is attached. The exact wording of the ballot is as follows:

- "Change the Future Land Use Map (FLUM) for the back portion of the lot at 3116 South Congress Ave. from MU 'Brown' to Office 'Orchid'" **and**

- "Change the base zoning on the back portion of the lot from Multi-Family 4 (MF-4) to Neighborhood Office (NO) with the only permitted use being parking. All other uses permitted under NO zoning will be conditional unless known and approved by vote of the DNPT and per applicable city codes and ordinances pertaining to conditional use permits".

The vote was to 1) either "support" the proposed change to the FLUM and the base zoning and permitted use; or to 2) "oppose" the proposed change to the FLUM and the base zoning and permitted use as stated above. The vote was 20 in support of the zoning change and 7 opposed to the zoning change. Since the vote was for a change from MF-4 to NO the DNPT cannot support a change to any other base zoning.

If you have additional questions about this complex case please feel free to contact me via my email address cmedlin@austin.rr.com or by phone at my daytime phone which is 460-0969 or my home number which is 440-1966.

Sincerely,

Cynthia Medlin
Chair of the Dawson Neighborhood Plan (Contact) Team

cc: Ranaan Ilai
Executive Committee Members DNA/DNPT
Greg Guernsey, Director NPZD
Jerry Rusthoven, NPZD

Newsletter Article for Sept/Oct 2007 Newsletter
Plan Amendment Vote for 3116 South Congress Ave at Coleman St.
By Cynthia Medlin, Chair of DNPT

At the August 13, 2007 Dawson Neighborhood Plan Team (DNPT) meeting, Rani Ilai, owner of 3116 South Congress (on the northwest corner of Coleman) requested a zoning change on the back portion of his lot to allow for its legal use as a parking lot for the commercial establishment on the front of the lot. The problem is that the back portion of the lot, adjacent to single family homes on Coleman St., is zoned MF-4 (Multi-family 4) which is a residential zoning category. The lot has been used in the past for a parking lot associated with the business, which faces South Congress. Presently it remains paved for parking with the exception of an area surrounding a very large live oak tree. This tree is definitely of an age and size to be protected by city ordinance and this is also the desire of the owners. In discussion with the Executive Committee of the DNA/DNPT Rani and Nico Ilai have requested a neighborhood plan amendment for the back portion of this lot. There are two reasons for this plan amendment request. One is that the Future Land Use Map produced by NPZ staff in 2003 has an error on this lot. The brown color for Mixed Use (MU) was applied in error to the back portion of this lot. Because the MU in the Dawson Neighborhood Plan is Neighborhood Mixed Use Building it cannot be applied to residential base zoning. Therefore the proposed plan amendment will correct the mapping error at the same time as it gives the owners a commercial zoning that will allow them to use this portion of their property for parking.

The plan amendment requested is as follows: 1) Change the Future Land Use Map for the back portion of this lot from MU "Brown" to Office "Orchid" (my color interpretation, it could be dark mauve) and 2) change the base zoning on the back portion of the lot from Multi-family 4 (MF-4) to Neighborhood Office (NO) with the allowed use of parking. All other uses allowed under NO will be conditional unless known and approved by vote of the DNPT. The ballot will reflect a straight up or down vote on both of these changes.

The DNPT may request a plan amendment at any time during the year. If the DNPT votes against the changes the property owners can file their request for a plan amendment in the designated month of February 2008. It is important for any of the residents adjacent to this property to come to this meeting on October 8th to hear more about this zoning change and how it may affect you. The DNPT wants to know your opinion of this change. While the parking lot has existed for some years it has not been used in quite some time and redevelopment of this property will create change for the neighbors. Be a part of the decision-making process now!