ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0029 – Central Charm

Z.A.P. DATE: April 15, 2014
May 20, 2014

ADDRESS: 2121 Northland Drive

OWNER/APPLICANT: Keri Golden

ZONING FROM: SF-3

TO: LR-MU, as amended

AREA: 0.147 acres – 6,403.32 square feet

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant limited office – mixed use – conditional overlay (LO-MU-CO) combining district zoning. The Conditional Overlay prohibits the following uses and limits the number of daily vehicle trips to 300.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

April 15, 2014: *TO GRANT A POSTPONEMENT REQUEST BY THE STAFF TO MAY 20, 2014, BY CONSENT*
[G. ROJAS; S. COMPTON – 2ND] (5-0) B. BAKER; R.MCDANIEL – ABSENT

May 20, 2014:

ISSUES:

The Applicant's correspondence as well as correspondence from property owners and nearby residents is located at the back of the Staff packet.

The Applicant has presented the rezoning case to the Allandale Neighborhood Association.

The tract is unplatted and thus, not subject to deed restrictions concerning residential use of the property.

DEPARTMENT COMMENTS:

The subject rezoning area consists of an unplatted tract containing a short-term rental residence and garage, and has driveway access onto Northland Drive. There is a shopping center anchored by a grocery store to the north (CS-V; CS-1-V-CO), an upholstery shop with office (under consideration for GR-MU-CO and LO-MU-CO zoning – C14-2014-0025 – Briley's Upholstery Shop), a medical office, ice cream production and an ice cream store to the east (SF-3; CS-CO; CS), single family residences that access Montview Street to the south (SF-3) and one single family residence to the west (SF-3). Additionally, there is an

office building at the southwest corner of that Northland and Montview (LO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).

The Applicant has requested neighborhood commercial – mixed use (LR-MU) combining district zoning for the opportunity to convert the residence and garage to office – mixed use. In considering the Applicant's request, the Staff requested and received a survey of the property that shows the location of the two structures and driveway. There is a Pecan tree (not shown on the survey) located to the rear of the residence which could present challenges to converting the existing structures to non-residential uses. Staff suggested that the Applicant contact staff within the City Arborist Program to gain a better understanding of whether and how much impervious cover for parking purposes would be allowable for placement in proximity to the tree. Additionally, the driveway extending from Northland Drive is less than 9 feet wide until it widens in proximity to the garage, and is located along the property line. The adjacent property to the east also has a driveway located on the common property line, so it is likely that the driveway area itself is shared to some extent.

The segment of Northland Drive between Montview and Burnet carries some traffic from the shopping center and office building to the north, as well as commercial uses to the east and office uses to the west, and therefore has a less residential character than that portion of Northland Drive further west. Given that the adjacent two tracts to the east that are proposed for GR-MU-CO and LO-MU-CO zoning by C14-2014-0025, Staff believes that the subject property is suited for uses allowed in the limited office – mixed use (LO-MU-CO) zoning district. The Conditional Overlay is for a 300 daily vehicle trip limit.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3	Short-term rental residence and garage
North	CS-V; CS-1-V	Commercial shopping center anchored by a grocery store, Liquor store
South	SF-3	Single family residences
East	CS-CO	Upholstery shop; Medical offices, Food preparation; Restaurants (general) and (limited)
West	SF-3	Single family residences; Office at southwest corner of Northland/Montview

AREA STUDY: N/A

TIA: Is not required

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

Gullett Elementary School

Lamar Middle School

McCallum High School

NEIGHBORHOOD ORGANIZATIONS:

3 – Allandale Neighborhood Association
120 – Brentwood Neighborhood Association
283 – North Austin Neighborhood Alliance
511 – Austin Neighborhoods Council
742 – Austin Independent School District
769 – 5702 Wynona Neighbors
787 – Brentwood Neighborhood Plan Contact Team
1037 – Homeless Neighborhood Association
1057 – Highland/Skyview Neighborhood Plan Contact Team
1075 –Bike Austin
1200 – Super Duper Neighborhood Objectors and Appealers Organization
1224 – Austin Monorail Project
1228 – Sierra Club, Austin Regional Group
1236 – The Real Estate Council of Austin, Inc.
1340 – Austin Heritage Tree Foundation
1363 – SEL Texas
1391 – Central Austin Community Development
1396 – Sustainable Neighborhoods
1447 – Friends of the Emma Barrientos MACC

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2014-0025 – Briley's Upholstery Shop – 2117 & 2119 Northland Dr	SF-3 to GR-MU-CO for Tract 1, LO-MU-CO for Tract 2	Scheduled for ZAP 5-20-2014	Scheduled for CC 5-22-2014
C14-2008-0088 & C14-2008-0088 (PART) – Allandale Neighborhood Planning Area Vertical Mixed Use Zoning – W Anderson Ln on north, Burnet Rd on east, North Loop Blvd on south, and MoPac on west	To add V zoning to certain tracts within the Allandale NPA, as requested by the Neighborhood's application	To Grant V zoning	Approved V zoning on 9 tracts (8-21-2008).
C14-04-0113 – Amy's Ice Cream – 2109 Northland Dr	LR to CS-CO	To Grant CS-CO w/CO for 2,000 trips	Apvd CS-CO as Commission recommended (09-02-2004).
C14-99-0142 – Twin Liquors – 5700 and 5716 Burnet Rd	CS-1 to CS; CS to CS-1	To Grant CS-1 with conditions; Rollback to CS if use ceases	Apvd CS-1-CO w/CO prohibiting adult-oriented businesses and cocktail lounge; RC for rollback if use ceases, prohibit sales of single beer and lottery tickets (02-03-

			2000).

RELATED CASES:

There are no related subdivision or site plan applications on the subject property.

ABUTTING STREETS:

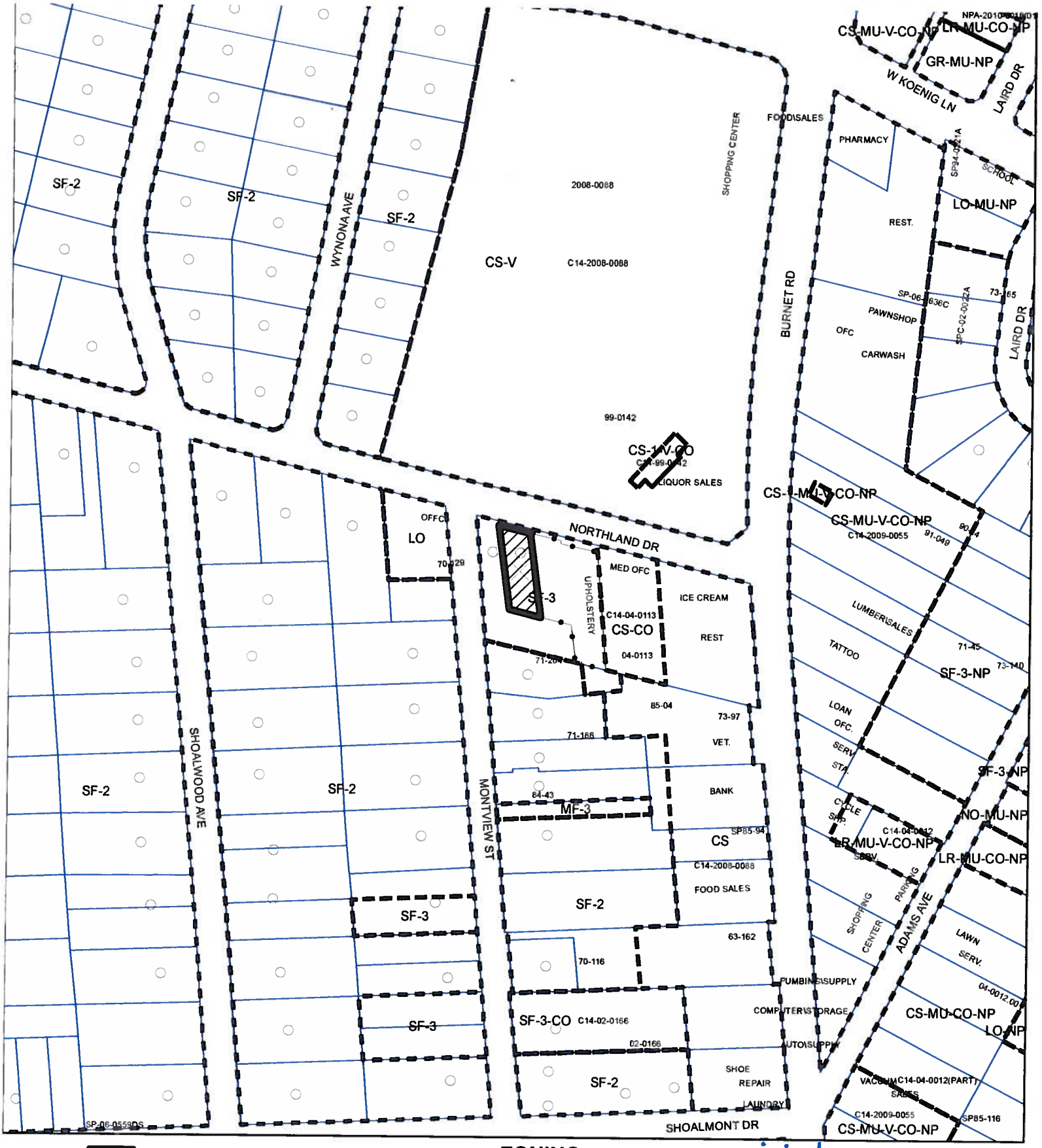
Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Northland Drive	50 feet	35 feet	Local	Yes	No	Yes (Within ¼ mile)

CITY COUNCIL DATE: May 22, 2014 **ACTION:**

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades **PHONE:** 512-974-7719
e-mail: wendy.rhoades@austintexas.gov



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1 " = 200 '

ZONING

ZONING CASE#: C14-2014-0029

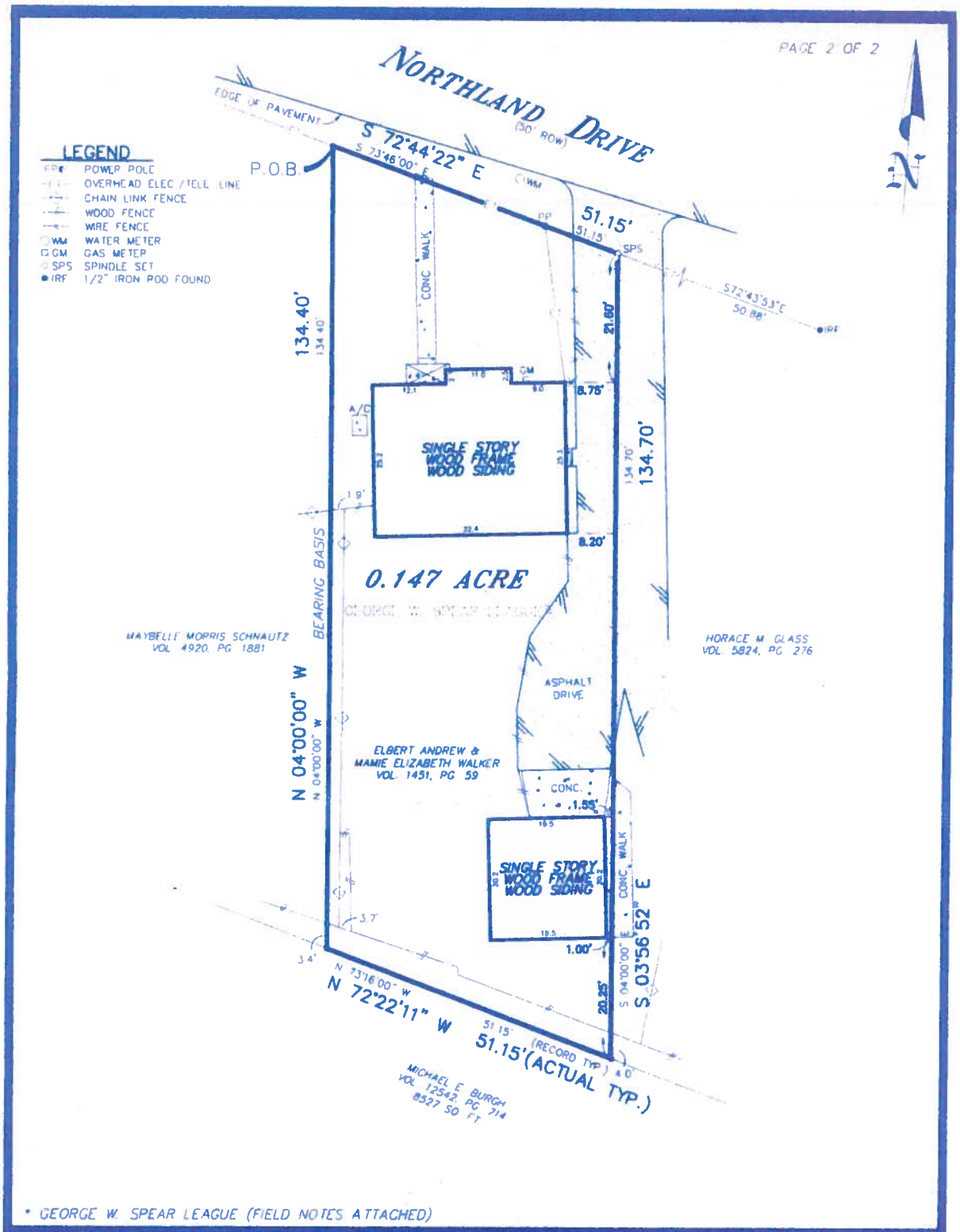
EXHIBIT A

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

CITY OF AUSTIN FOUNDED 1839

SF-2
SF-2
WYNONA AVE
CS-V
CS-MU-V-CO-NP
NORTHLAND DR
CS-1-V-CO
NORTHLAND DR
LO
OFFC.
REALTOR
SF-3
CS-CO
GAS
SERVICE
STATION
CS
VET.
CLINIC
SAVINGS
/LOANS
CAFE
COMPUTER STORE
BURNET RD
MONTVIEW ST.
MF-3
SF-2
SF-2
SF-3
EXHIBIT A-1
North



LEGEND

- PP POWER POLE
- OVERHEAD ELEC./TELE. LINE
- CHAIN LINK FENCE
- WOOD FENCE
- WIRE FENCE
- WM WATER METER
- GM GAS METER
- SPS SPINDLE SET
- IRF 1/2" IRON ROD FOUND

* GEORGE W. SPEAR LEAGUE (FIELD NOTES ATTACHED)

PLAT OF SURVEY

Survey No 05787 SCALE 1" = 20' GF TX056640371MAL

Said lot is in Zone X as identified by the Federal Emergency Management Agency on Community Panel No. 48453C 0160E Dated JUNE 16, 1993

All corners are 1/2" inch iron rod found unless otherwise noted. To the lien holders and/or the owners of the premises surveyed

LOT NO * BLOCK NO *

ADDITION OR SUBDIVISION 0.147 ACRE OF LAND, MORE OR LESS, OUT OF THE *

STREET ADDRESS 2121 NORTHLAND DRIVE CITY AUSTIN COUNTY TRAVIS

SURVEY FOR NORTH AMERICAN TITLE COMPANY REFERENCE KERI GOLDEN

TO STEWART TITLE GUARANTY COMPANY

STATE OF TEXAS, COUNTY OF TRAVIS

I HEREBY CERTIFY THAT THE ABOVE SURVEY WAS MADE THIS DAY ON THE GROUND AND IS TRUE AND CORRECT AND THAT THERE ARE NO DISCREPANCIES CONFLICTS SHORTAGES IN AREA ENCROACHMENTS VISIBLE UTILITY LINES OR ROADS IN PLACE EXCEPT AS SHOWN HEREON AND SAID PROPERTY HAS ACCESS TO A DEDICATED ROADWAY EXCEPT AS SHOWN HEREON

STATE OF TEXAS REGISTERED MARY P. HAWKINS 4433 PROFESSIONAL LAND SURVEYOR

Mary P. Hawkins

Date: 08-10-2005

SNS ENGINEERING, INC.
12466 Los Indios Trail, Suite 101
Austin, Texas 78729
(512) 335-3944 * (512) 250-8685 (Fax) WM

540/21

Exhibit A-2
Survey of Property

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant limited office – mixed use – conditional overlay (LO-MU-CO) combining district zoning. The Conditional Overlay prohibits the following uses and limits the number of daily vehicle trips to 300.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. The proposed zoning should be consistent with the purpose statement of the district sought.

The neighborhood commercial (LR) district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: "The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment." The MU, Mixed Use district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

2. *The proposed zoning should allow for a reasonable use of the property.*

The segment of Northland Drive between Montview and Burnet carries some traffic from the shopping center and office building to the north, as well as commercial uses to the east and office uses to the west, and therefore has a less residential character than that portion of Northland Drive further west. Given that the adjacent two tracts to the east that are proposed for GR-MU-CO and LO-MU-CO zoning by C14-2014-0025, Staff believes that the subject property is suited for uses allowed in the limited office – mixed use (LO-MU-CO) zoning district. The Conditional Overlay is for a 300 daily vehicle trip limit.

EXISTING CONDITIONS

Site Characteristics

The rezoning area is developed with a short term rental residence and garage, and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the *LR-MU* zoning district would be 80%, which is based on the more restrictive zoning regulations.

Comprehensive Planning

This zoning case is located on the south side of Northland Drive, approximately 275 feet west of Burnet Road. This 0.15 acre property contains a small house. This rezoning is not located within the boundaries of an **adopted** neighborhood planning area but is within the Allandale Neighborhood Planning Area. Surrounding land uses includes an HEB grocery store and office building to the north, single family housing to the south and west, and an upholstery shop to the east. The proposed use is retail/commercial.

Imagine Austin
The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan identifies Northland Drive as being located just off an **Activity Corridor** (Burnet Road), but not located along a corridor or center.

Conclusion
The comparative scale of this site relative to other nearby retail, commercial and office uses falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 512-974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

Site Plan

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Along the south and west property line, the following standards apply:

a. No structure may be built within 15 feet of the property line.
b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
d. No parking or driveways are allowed within 15 feet of the property line.
e. A landscape area at least 15 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

Transportation

Additional right-of-way may be required at the time of subdivision and/or site plan.

Water / Wastewater

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Rhoades, Wendy

From: Keri Golden <[redacted]>
Sent: Tuesday, April 29, 2014 3:45 AM
To: Rhoades, Wendy
Subject: Zoning Request for 2121 Northland Drive

re: Zoning Request for GR-MU-CO

Hi Wendy:
To help clarify the request from SF3 to commercial mixed use.

There are two buildings on the property; 833 sf and 450 sf.

The intent is to create mixed use retail/residential.

The retail space in part would be used for a small shop that sells fresh fruit preserves.

Some friends and I have farm and we grow raspberries, blueberries, strawberries. From those fruits we make low sugar preserves that are currently sold in the spring and fall at the Barton Creek Farmer's Market. Current production is less than 200 cases a year.

The preserves are currently prepared in a commercial kitchen in Austin on Rutland Drive. The kitchen is registered with the city/county and has a current certificate of occupancy all the other necessary permits as required.

In 2013 our Raspberry Preserves received a Good Food Award for being high quality, great tasting and sustainably farmed and produced.

The GR zoning is the required category for a prep kitchen. Otherwise LR zoning would suffice and allow products to be sold. LO would prohibit selling products.

At this time I am unsure that it would be possible to get a prep kitchen permitted and will adjust the request to LR and continue with food prep in the existing permitted kitchen.

I hope this provides some clarification and I will be happy to provide any other details that may be requested.

Thank you,

Keri
512-913-9707

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2014-0029
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: April 15, 2014, Zoning and Platting Commission
May 22, 2014, City Council

Leah Ann Martin
Your Name (please print)

☐ **I am in favor**
☒ **I object**

5705 Wynona
Your address(es) affected by this application

Leah Ann Martin
Signature

4/09/14
Date

Daytime Telephone: 512-587-3823

Comments: Changing the property from residential to commerical will degrade the neighborhood and increase traffic and danger to our street. As there is no direct access to Northland from 2222, drivers use Wynona as a cut through to reach commerical property. They travel at high speeds and would cause additional safety and value concerns for my family & property. Additional commercial property would degrade the neighborhood. I strongly object.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-2014-0029
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: April 15, 2014, Zoning and Platting Commission
May 22, 2014, City Council

William Carmean
Your Name (please print)

☐ **I am in favor**
☑ **I object**

5610 Martinez Ave
Your address(es) affected by this application

[signature] 4/7/14
Signature *Date*

Daytime Telephone:_____

Comments:_____

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

Rhoades, Wendy

From: Cynthia Keohane [redacted]
Sent: Wednesday, May 14, 2014 11:03 AM
To: Rhoades, Wendy
Subject: C14-2014-0029 Central Charm application - I oppose

As a homeowner at 5702 Wynona, I live within "stakeholder" distance of 2121 Northland.
I oppose this request to up-zone SF-3. I believe that any up-zoning request that is next door to SF must have a well-designed gradual step-down. This request does not provide a step-down.

Moreover, the owner has not demonstrated that her request would benefit the home-owners. Northland Street already gets parked up on both sides, and the requested change would just compound the parking situation.

Thank you for your work on this request.

Best regards,
Cynthia Keohane

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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Case Number: C14-2014-0029
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: April 15, 2014, Zoning and Platting Commission
May 22, 2014, City Council

MICHAEL BURGH
Your Name (please print)

☐ **I am in favor**
☒ **I object**

5611 MONTVIEW STREET
Your address(es) affected by this application

Signature

3/13/14
Date

Daytime Telephone: 512-560-0039

Comments: I AM CONCERNED ABOUT INCREASED TRAFFIC AND NOISE. I AM ALSO VERY CONCERNED ABOUT DRAINAGE ISSUES CAUSED BY ADDED PARKING LOT SURFACE TO THE PROPERTY.

COMPATIBILITY STANDARDS WITH MY RESIDENCE AND THE PROPERTIES CONCERN ME AS WELL.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Wendy Rhoades
P. O. Box 1088
Austin, TX 78767-8810

Rhoades, Wendy

From: Bob Sitko [redacted]
Sent: Wednesday, May 14, 2014 4:49 PM
To: Rhoades, Wendy
Subject: C14-2014-0029

Hi Ms. Rhoades,

I am writing to you as an Allandale resident (2312 Shoalmont Dr.) regarding the requested rezoning changes for 2121 Northland Dr. from SF-3 to LR-MU.

While changes up and down Burnet - an existing commercial corridor - are one thing, changes such as those proposed above along Northland threaten to encroach on the manifestly residential character of the neighborhood itself. The intentions of the current owners are irrelevant: the above changes would open the door to a future developer to install larger commercial enterprises (as opposed to a small business owner's craft oriented enterprise) or even to the construction of condos or apartment buildings.

Again, such development on Burnet proper is reasonable; within the residential neighborhood itself is not.

I urge that the above proposal be rejected. I propose that any rezoning be restricted to providing the owners with a LR classification. If the owner requests a conditional overlay, I strongly urge that the CO be restricted to administrative, consumer repair, and general sales purposes.

Thank you,

Bob Sitko

2312 Shoalmont Dr.

512-300-0319

Rhoades, Wendy

From: Timothy Fackler [redacted]
Sent: Wednesday, May 14, 2014 10:42 PM
To: Rhoades, Wendy
Subject: Oppose Rezoning on Case # C14-2014-0029

Commissioners, Ms. Rhoades,

I'm writing to expression my opposition to the proposed zoning change at 2121 Northland Drive (Case # C14-2014-0029) from residential (SF-3) to commercial (LR) zoning.

As a nearby resident (I and my family live a few homes south on Montview Street), I believe that preservation of the vibrant residential character of the area immediately west and south as well as in the wider Allandale neighborhood would be best served by maintaining the current SF-3 zoning.
The properties along Northland Drive - an entry point to this section of the Allandale neighborhood - serve as a buffer zone of commercial, light business, and residential activity decreasing in intensity as one moves west from Burnet into the neighborhood. A change to commercial zoning at 2121 Northland would be sufficiently far into the neighborhood that I would expect further efforts to extend commercial activity to immediately adjacent areas both west along Northland and south along Montview.

I agree with the Allandale Neighborhood Association Executive Committee which at its 7 May 2014 meeting voted unanimously in opposition to this rezoning request on the grounds that the property's SF-3 designation should be preserved as part of a residential buffer plan for this section of the neighborhood abutting as it does a rapidly developing stretch of Burnet Road.

I urge city staff to recommend against and the Commission to vote against rezoning for 2121 Northland Drive.

Thanks very much

Tim Fackler

5601 Montview St.
(512)-371-1046

Rhoades, Wendy

From: JOHN KEOHANE <[redacted]
Sent: Thursday, May 15, 2014 12:02 AM
To: Rhoades, Wendy
Cc: John Keohane
Subject: Oppose C14-2014-0029 for property at 2121 Northland Drive

I oppose C14-2014-0029 application for zoning change from SF-3 to LR-MU as now proposed.

This property is now single family. There is no need to make it commercial.

I urge you to turn down this attempted intrusion into a great single family which includes many many classic homes from the middle of the 20th century, which though updated carefully, maintain much of what first graced these properties.

Our kitchen, for example, includes the mid-20th century yellow tile countertop installed in 1949. It also includes a shorter than normal dishwasher, 30 inches high, rather than 34, because that ADA compliant dishwasher is the only kind that fits without impacting either the floor or that countertop. In 1949, no machine dishwasher was anticipated.

I urge turning down the application C14-2014-0029 for 2121 Northland Drive.

John Keohane
5702 Wynona Avenue
(within less than 500 feet of proposed zoning change)
Austin, TX 78756
keohane@prodigy.net
(512) 484-0263

Rhoades, Wendy

From: Nathalie Frensley <[redacted]>
Sent: Thursday, May 15, 2014 5:00 AM
To: Rhoades, Wendy
Subject: C14-2014-0029 Frensley OPPOSE
Attachments: C14-2014-0029 Frensley OPPOSE.docx

Good morning, Ms. Rhoades.

Please find attached my statement in opposition to C14-2014-0029 which is seeking to change zoning at 2121 Northland Drive. I'd be grateful if you would add it to the Commissioners' packet for the 22 May hearing.

Thank you very much and I hope you have a nice day.

Best regards,

Nathalie Frensley

14 May 2014

Ms. Rhoades and Members of the Zoning and Platting Commission:

I'm writing to explain my respectful opposition to the proposed zoning change at 2121 Northland Drive (Case # C14-2014-0029) from residential (SF-3) to commercial zoning.

As a stakeholder property owner within 500 feet of the C14-2014-0029 zoning change request, the City of Austin Zoning Guide principles are the basis by which I respectfully ask the Zoning and Platting Commission to DENY C14-2014-0029's request to change 2121 Northland's zoning from SF-3 to LR-MU-CO or even to LO-MU-CO.

Instead, I respectfully ask the Commissioners to maintain 2121 Northland's SF-3 zoning. This necessarily involves denying MU.

The majority of homes in the Old Allandale/Shoalmont neighborhood date back to the 1940s and 1950s, most with trees that fall under City of Austin protections. We pride ourselves on high walkability, multigenerational residents, great schools, and neighborhood pride. Two major neighborhood institutions – the Allandale Center H-E-B grocery store and Amy's Ice Creams, are within yards of 2121 Northland. The Munoz Family Health Clinic, at 2115 Northland, is two door to the east. The upshot is that the applicant's proposed zoning changes will immediately affect traffic and walkability in this neighborhood. To add to safety considerations, a City of Austin Housing Authority Elderly/Disabled Residential Complex with 130 Units, is located at 2300 West North Loop. On a daily basis, our vulnerable neighbors, many in wheelchairs, travel east on Lawnmont, north on Montview, and east on Northland as part of their route to the neighborhood grocery store institution. None of these narrow streets, particularly Northland Drive, has sidewalks. Drainage is also a major issue, in that many streets in this neighborhood do not have curbs or storm sewers. Consequently, zoning changes from residential to commercial, will create additional traffic and endanger vulnerable pedestrian populations. Changes from residential to commercial, with different allowances for maximum building coverage and impervious cover, will negatively impact rainwater run-off and further endanger pedestrian safety. Old Allandale/Shoalmont walkability and livability has developed around single family housing and shallow Burnet commercial properties that have not pierced the neighborhood. This zoning change request, if approved, will endanger Allandale/Shoalmont walkability, livability, and safety.

Background: The owner of 2121 Northland and her agent presented her case to the Allandale Neighborhood Association. We were told that the zoning change request was motivated the owners desire to manufacture jams and preserves at this property and sell to "walk up customers." The owner brought and left a jar of her "Flume Creek" preserves. On that jar's label was a website address and the statement "Made in Austin, TX 78758." The applicant made clear that this was to be a very small business operation. However, the applicant has asked for a zoning change that entails far more in maximum development – LR-MU -- than what is needed for this very small business operation. Indeed, with the emphasis on small scale, it is difficult to understand any rationale to reduce residential housing stock in an old, established neighborhood such as Old Allandale/Shoalmont when these small batch jams and preserves are already being made somewhere in the 78758 zip code. Additionally, there is a problem with 2121's driveway. It appears from surveys that 2121 does not have its own driveway;

instead, it shares a driveway with 2119. If this is the case, then operating a business that involves any kind of vehicular access to the back of 2121 becomes highly problematic. Even if 2119 chooses to provide easement access, the Commission will have to reconcile zoning issues between the two properties. This was not a problem with both 2119 and 2121 retaining single family residential zoning in the past. However, any kind of commercial or MU zoning promises to be highly problematic.

One principle in the City of Austin's Guide to Zoning is that "Zoning should satisfy a public need and not constitute a grant of special privilege to an individual owner; the request should not result in spot zoning." The Flume Creek business does not need to have the option of multi-family development in order to produce small batches of jams and preserves. I believe that if commercial zoning is granted that it would be tantamount to automatically changing zoning in response to any claim of wishing to start any business of any nature. This is especially worrisome, since a second principle in the City of Austin's Guide to Zoning is that "Granting a request for zoning should result in an equal treatment of similarly situated properties."

A key consideration for 2121's application is that that "Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities." The applicant's current request of LR-MU-CO, or even LO-MU-CO if maximally developed, would violate this zoning principle because it would allow the Old Allandale/Shoalmont neighborhood to be pierced by 40 foot structures immediately next to residential zoning without buffer. The Old Allandale/Shoalmont residential neighborhood is in a historical district and subject to McMansion ordinances. The adjacent home to the west is a small Austin bungalow. Three story building heights would cast highly undesirable shading on established homes and mature and protected trees, cause their decline, and with that negatively affect neighborhood character to properties adjacent and behind these lots.

Above, I discussed why any additional commercial is inappropriate for Northland Drive, given its size, lack of sidewalks, and heavy pedestrian use, including use by pedestrians in wheelchairs on their way to do their grocery shopping. In addition to bearing on the Zoning principle of not creating undesirable precedents, it also directly bears on the zoning principle of "Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors." Regardless of Burnet Road to the east (which, at the intersection with Northland Drive has only four lanes and no center turn lanes), Northland Drive is not and cannot be in the future either an "Arterial Roadway" or a "Major Collector." Montview Street to the west, is itself a very narrow street with no sidewalk or storm sewer drainage.

The Allandale Neighborhood Association position of wishing to maintain residential zoning for 2121 meets the principle that "Zoning should promote clearly identified community goals such as creating employment opportunities or providing for affordable housing." Small batch jam making is not going to generate a considerable number of jobs that will significantly impact the city's tax base. However, the Allandale Neighborhood Association's oppositional position to C14-2014-0029 meets the community goal of preserving affordable housing stock in Old Allandale/Shoalmont. There are no compelling benefits to the neighborhood that can derive from changing 2121's zoning from residential to commercial and multifamily.

I understand that Austin's phenomenal growth makes it very difficult for all decision makers and stakeholders in this matter to understand the individual property features (such as shared driveways) social forces, unique neighborhood institutions and locations, traffic flows, infrastructure (lack of storm

sewers and drains as well as a lack of sidewalks), large presence of vulnerable handicapped residents who live in the neighborhood, and the like that in various measures make up all of Austin's neighborhoods' unique vibrancies. I hope this memo, though long, has given you some social and cultural insights into why this zoning matter stands to heavily impact the Allandale/Shoalmont neighborhood.

For these reasons I respectfully ask the Commission to deny the applicant's request for rezoning 2121 Northland Drive.

Very respectfully yours,

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