ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0025 – Briley's Upholstery Shop **Z.A.P. DATE:** April 15, 2014
May 20, 2014

ADDRESS: 2117 and 2119 Northland Drive

OWNER: Austin RJM Corporation, dba Briley's Upholstery Shop (Rebecca McKee) **AGENT:** Permit Partners, LLC (David Cancialosi)

ZONING FROM: SF-3 **TO:** GR-MU-CO for Tract 1 (0.2253 acres – 9,807 square feet)
LO-MU-CO for Tract 2 (0.1449 acres – 6,311 square feet)

TOTAL AREA: 0.3702 acres – 16,118 square feet

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning for Tract 1 and limited office – mixed use – conditional overlay (LO-MU-CO) combining district zoning for Tract 2. The Conditional Overlay prohibits the following uses: automotive repair services, automotive rentals, automotive sales, automotive washing (of any type), bail bond services, business or trade school, commercial off-street parking, drop-off recycling collection facility, exterminating services, funeral services, hotel-motel, indoor entertainment, indoor sports and recreation, off-site accessory parking, outdoor entertainment, outdoor sports and recreation, pawn shop services, service station, and theater, and limits the number of daily vehicle trips across Tracts 1 and 2 to 300.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

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

May 20, 2014:

ISSUES:

The Applicant has presented the zoning case to the Allandale Neighborhood Association and included correspondence to the Commission as part of this packet. Property owners and residents in the vicinity of the zoning change have also submitted correspondence. All correspondence is located at the back of the packet.

The two tracts are unplatted and thus, not subject to deed restrictions regarding residential use of the property.

DEPARTMENT COMMENTS:

The subject rezoning area consists of two unplatted tracts containing an upholstery shop and an existing residence, and has driveway access to Northland Drive. There is a shopping center anchored by a grocery store to the north (CS-V; CS-1-V-CO), a medical office, ice cream production and an ice cream store to the east (CS-CO; CS), single family residences that access Montview Street to the south (SF-3) and two single family residences to the west (SF-3), including one of which is under consideration for rezoning – C14-2014-0029 – Central Charm). There is an office building at the southwest corner of Northland and Montview (LO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).

The Applicant has requested community commercial – mixed use (GR-MU) combining district zoning for the upholstery shop (defined as a consumer repair use) that is contained on the eastern tract and limited office – mixed use (LO-MU) on the western tract for related office/showroom space. (The existing showroom for the upholstery shop is located in the shopping center across Northland Drive.) The Applicant's proposed Conditional Overlay: 1) prohibits a number of uses as discussed with the Allandale Neighborhood Association; 2) limits the number of driveways to one serving Tracts 1 and 2; 3) prohibits a unified development agreement that would "tie" them together, and 4) prohibits driveway access to other tracts on Northland Drive. Staff has determined that prohibiting a unified development agreement (CO #3) cannot be accomplished by way of a CO because it is created for the site plan process, rather than zoning. Additionally, although vehicular access can be limited through a CO (#4), Staff does not recommend this because there may be a prescriptive easement for access along the common property line between the Tract 2 and the adjacent tract to the west that is also proposed for rezoning – C14-2014-0029. Please refer to the Applicant's correspondence towards the back of the Staff packet.

The subject property has been used for non-residential purposes for many decades and Staff believes the Applicant's request is reasonable given its proximity to the commercial and office uses and zoning to the north and east. The Conditional Overlay offered by Staff is for a list of prohibited uses in the GR district that are more intensive and a 300 daily vehicle trip limit. Due to the more intensive zoning (CS) and separately, the types of uses in operation to the north and east, including medical offices, food sales, restaurants, and general retail sales (convenience), it is reasonable to treat similarly situated properties in a similar manner. To that end, the Staff's list of prohibited uses is not as extensive as that offered by the Applicant.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3	Upholstery shop and single family residence
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	Medical offices, Food preparation; Restaurant (general) and (limited)
West	SF-3	Short term rental residence; 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
C14-2014-0029 – Central Charm – 2121 Northland Dr	SF-3 to LR-MU, as amended	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 –	LR to CS-CO	To Grant CS-CO w/CO	Apvd CS-CO as

Amy's Ice Cream – 2109 Northland Dr		for 2,000 trips	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:

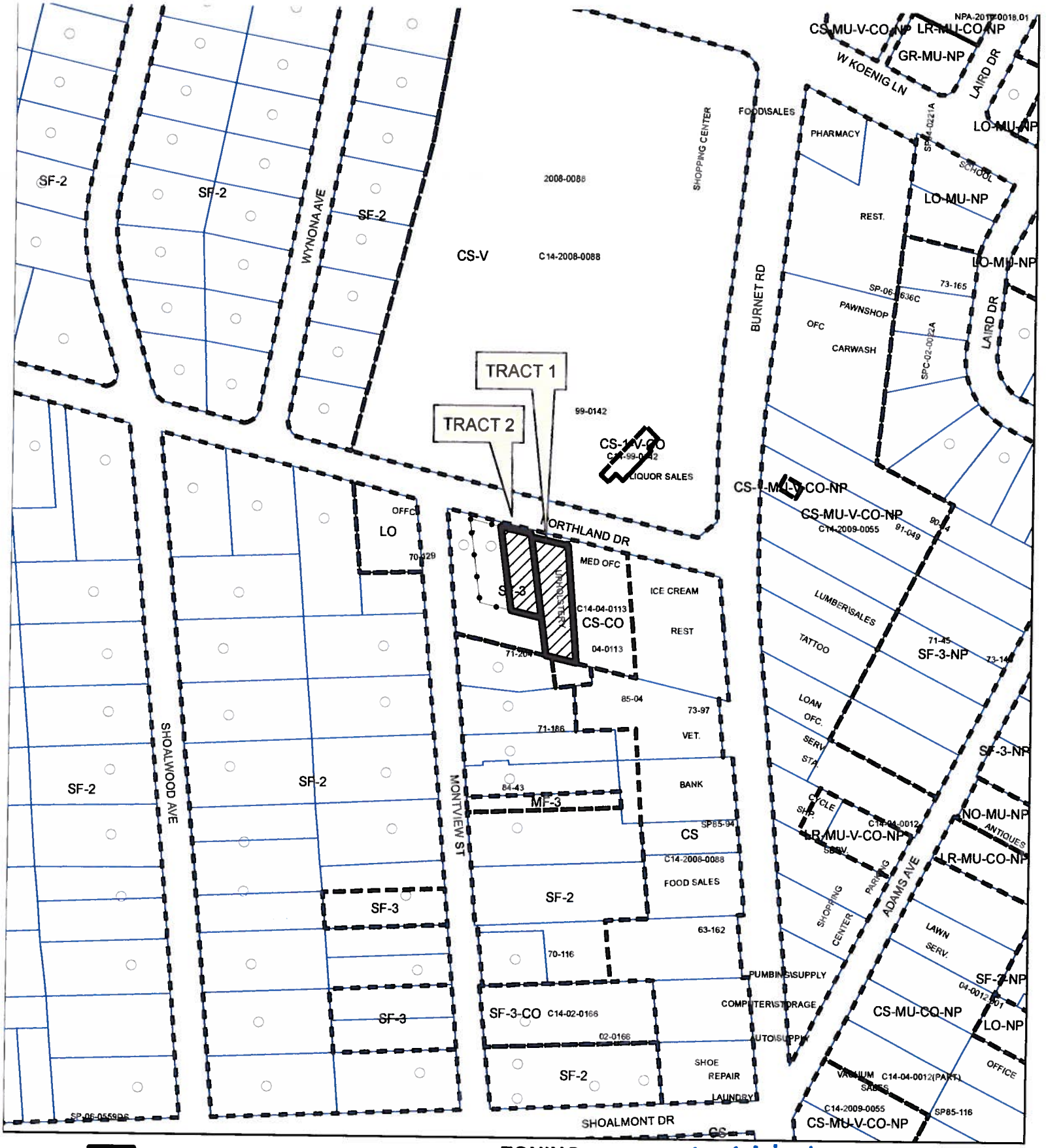
Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Northland Drive	50 feet	35 feet	Local	Yes	No	Yes (Within ¼ mile)

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

EXHIBIT A

ZONING CASE#: C14-2014-0025

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.


NORTHLAND DR
NORTHLAND DR
MONTVIEW ST.
BURNET RD
SF-2
SF-2
SF-2
SF-3
SF-3
SF-3-
MF-3
CS-V
CS-1-V-CO
CS-1-MU-V-CO-NP
CS-MU-V-CO-NP
LO
CS-CO
CS
LR-MU-V-CO-NP
OFFC.
REALTOR
INS
GAS
SERVICE
STATION
VET.
CLINIC
SAVINGS
/LOANS
CAFE
PAWNSHOP
OFC
CARWASH
LUMBER/SALES
LOAN
OFC.
SERV
CYCLE
SHP
COMPUTER STORE
EXHIBIT A
NORTH

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning for Tract 1 and limited office – mixed use – conditional overlay (LO-MU-CO) combining district zoning for Tract 2. The Conditional Overlay prohibits the following uses: automotive repair services, automotive rentals, automotive sales, automotive washing (of any type), bail bond services, business or trade school, commercial off-street parking, drop-off recycling collection facility, exterminating services, funeral services, hotel-motel, indoor entertainment, indoor sports and recreation, off-site accessory parking, outdoor entertainment, outdoor sports and recreation, pawn shop services, service station, and theater, and limits the number of daily vehicle trips across Tracts 1 and 2 to 300.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

Tract 1: The proposed community commercial (GR) district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways. The MU, Mixed Use district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

Tract 2: The limited office (LO) district is a designation for offices and selected commercial uses predominantly serving neighborhood or community needs, and is located in or adjacent to residential neighborhoods. The mixed use (MU) 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 subject property has been used for non-residential purposes for many decades and Staff believes the Applicant's request is reasonable given its proximity to the commercial and office uses and zoning to the north and east. The Conditional Overlay offered by Staff is for a list of prohibited uses in the GR district that are more intensive and a 300 daily vehicle trip limit. Due to the more intensive zoning (CS) and separately, the types of uses in operation to the north and east, including medical offices, food sales, restaurants, and general retail sales (convenience), it is reasonable to treat similarly situated properties in a similar manner. To that end, the Staff's list of prohibited uses is not as extensive as that offered by the Applicant.

EXISTING CONDITIONS

Site Characteristics

The rezoning area contains an upholstery shop and a single family residence, and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the *GR-MU* zoning district would be 90%, which is based on the more restrictive zoning regulations. The maximum impervious cover allowed by the *LO-MU* zoning district would be 70%, which is based on the more restrictive zoning regulations.

Comprehensive Planning

This zoning case is located on the south side of Northland Drive, approximately 250 feet west of Burnet Road. This 0.37 acre property contains a small one story commercial building housed in a converted house, which is being used as an upholstery shop. The property is the last office/retail use located along this southwest section of Northland Drive and abuts single family housing to the west and south. 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 to the north, single family housing to the south and west, and a health clinic to the east. The proposal is to continue to use the building as an upholstery shop but obtain the correct zoning designation.

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.

Numerous 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

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

The site is subject to compatibility standards. Along the West, South, and North property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 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.
- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.

A landscape area at least 25 feet in with is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.
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

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 land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

From the office of
PERMIT PARTNERS, LLC
105 W. Riverside, Suite 225
Austin, Texas 78704

David C. Cancialosi
512.799.2401 c
512.494.4561 f
david@permit-partners.com

April 7, 2014

VIA EMAIL:
Wendy Rhodes, Case Manager
City of Austin

RE: Postponement of C14-2014-0025 Briley's Upholstery Shop

Mrs. Rhodes:

This case is scheduled to appear before ZAPCO on April 15, 2014 and before City Council on May 22, 2014. I am writing this letter to request a formal postponement of zoning case C14-2014-0025 from the April 15 ZAPCO agenda to the May 20th ZAPCO agenda.

At a May 6th Allandale Neighborhood Association (ANA) meeting, it was requested by the neighborhood that we postpone the scheduled ZAPCO hearing in order to discuss the zoning change requests for 2117 and 2119 Northland Dr. in more detail with the Neighborhood Association. We agreed to do so as a sign of our intent to ensure we fully understand and address the neighborhood's concerns as much as possible. As such, we will continue dialogue with ANA over the month of April and will meet with them again May 6, 2014.

I request the zoning case be tentatively scheduled for the next available City Council meeting after the May 20th ZAPCO hearing. Please confirm when that date is set.

Please include this letter as part of the back up material associated with the case file; however, should you require additional information please contact me directly.

If I need to attend the April 15th ZAPCO hearing to answer potential questions posed by the board, please let me know ahead of time.

Sincerely,

David C. Cancialosi, agent for owner

Cc: Rebecca McKee, property owner

Rhoades, Wendy

From: david cancialosi <david@permit-partners.com>
Sent: Tuesday, May 13, 2014 7:43 PM
To: Rhoades, Wendy
Cc: <rebecca@brileysofaustin.com>
Subject: Briley's ZAP info
Attachments: Briley's prohibited uses GR Zoning 4_25.pdf; Briley's ZAP letter1.docx

Wendy, Attached is a cover letter to be provided to ZAP. Also attached is a list of the prohibited uses. The is the GR zoning sheet, but the same uses permitted uses shown in LO will also be prohibited via the CO.

The uses marked with an X are to be prohibited via the CO. We have shared this with ANA several times. Adding to the list, it should also prohibit commercial off street parking.

Regarding the CO language I propose the following in addition to the prohibited uses, but am open to suggestions regarding specific language. This is what we've discussed with ANA and neighbors thus far.

1. Shared joint access easement to be sought between 2117 and 2119 Northland.
2. No UDA to be sought for 2117 and 2119 Northland.
3. No automotive access provided from 2117 or 2119 to other lots along Northland Dr.

Please confirm that this information will be provided to ZAP as part of their back up.

Thanks again.

From the office of
PERMIT PARTNERS, LLC
105 W. Riverside Dr. Suite 225
Austin, Texas 78704
David C. Cancialosi
512.799.2401 c.
512.494.4561 f.
david@permit-partners.com

City of Austin PDRD, Attn: Wendy Rhoades
City of Austin Zoning and Platting Commission
One Texas Center - 505 Barton Springs Rd. 78704

RE: Briley's Zoning C14-2014-0025

Dear Members of the Zoning and Platting Commission,

The purpose of this letter is to provide insight into the zoning change requests set forth in case C14-2014-0025 for properties located at 2117 & 2119 Northland Dr. These cases are scheduled to appear on your May 20th ZAP agenda for initial discussion. I have represented the owner of Briley's Upholstery shop, Mrs. Rebecca Mckee, throughout the Allandale Neighborhood meetings and will be presenting the case on her behalf at the May ZAP and June City Council Hearings.

For quick reference the requests are as follow:

- **2117 Northland – Existing location of Briley's upholstery shop**
  - Change 2117 zoning from SF3 to GR-MU, community commercial, to correctly align use with zoning.
  - COA assigned SF3 zoning in early 1950's.
  - Structure has never been a residence. No plumbing.
  - Owner cannot legally improve property without correcting the zoning.
  - No violation of private Deed Restrictions.
  - COA staff supports.
  - CO to include multiple prohibited uses, shared access driveway easement for 2117 & 2119 Northland, no UDA tying two lots together, and no automotive access from Briley's sites to other sites along Northland Dr.

- **2119 Northland – Existing SF residence to be used for Briley's office & showroom**
  - Change 2119 zoning from SF3 to LO-MU, limited office, to consolidate off-site office showroom.
  - Replaces existing showroom at shopping center across street.
  - Reduces auto / bike / ped traffic between separate sites.
  - Allows off-street parking for both sites via shared drive and parking approvals.
  - No violation of private Deed Restrictions.
  - COA staff supports.
  - CO to include multiple prohibited uses, shared access driveway easement for the 2117 & 2119 Northland, no UDA tying two lots together, and no automotive access from Briley's sites to other sites along Northland Dr.

In terms of our diligence prior to a formal zoning change application being made, I met with the City zoning staff to discuss the project in order to understand how the city would classify the current upholstery use, discussed the LO change at 2119, and other neighborhood concerns. Suffice to say, careful consideration was given to the necessary zoning designations and applicable deed restrictions. An informal zoning packet was submitted to PDRD staff, who concluded that no contradictions exist between the private deed restrictions and uses allowed in the proposed zoning. At that time a formal zoning application was made for each lot.

We met with ANA in March and the case was presented. It was requested at that time we postpone our April 15th ZAP hearing in order to continue discussions with the neighborhood. In good faith, we agreed to that postponement and to meet again with ANA on May 6th. Between the two meetings we hosted a walking tour of the subject site to discuss the proposed improvements and answer further questions from a group mostly consisting of adjacent neighbors within the immediate vicinity of Briley's. I also discussed the issues at length with a number of persons on an individual basis numerous times.

It should be noted that at the May ANA meeting, the Executive Committee prohibited the applicant from making a presentation, answering questions, nor providing clarifying facts in response to erroneous statements made by ANA members. It was disappointing to put forth much effort in preparation of that hearing only to be silenced by the ANA. That being said, ANA voted to support the zoning change for 2117 from SF3 to GR-MU-CO and voted to not support the zoning change for 2119 from SF3 to LO-MU-CO.

In sum, the two sites are in a state of disrepair and need to be improved. There is no intent by the owner to develop the property beyond what the current and proposed uses are. Special consideration is being given to sound, light, hours of operation, parking, setbacks, and relative neighborhood concerns. The goal is to keep the same look and feel of the existing building while improving them to current building codes. To do that, the zoning needs to be corrected at 2117 to allow the longstanding consumer services upholstery shop to continue. Further, allowing the adjacent 2119 site to operate as an office will condense the operations on the two adjacent tracts, reduce traffic, improve safety, and improve overall functionality of the sites as whole.

We respectfully request ZAPCO motion to approve the two cases without delay and forward to the City Council a recommendation for approval of the said zoning requests.

Attached in your packet is the CO provided to staff that lists the specific prohibited uses and other CO language.

Respectfully,

David Cancialosi

Cc: Rebecca McKee

GR
Community Commercial

Community Commercial district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

Site Development Standards

Lot		Massing	
Minimum Lot Size	5,750 sq ft	Maximum Height	60 ft
Minimum Lot Width	50 ft	Minimum Setbacks	
Maximum Building Coverage	75%	Front yard	10 ft
Maximum Impervious Cover	90%	Street side yard	10 ft
Maximum Floor Area Ratio	1:1	Interior side yard	n/a
		Rear yard	n/a

Permitted and Conditional Uses

Residential

Bed and Breakfast Residential (Group I) *	Bed and Breakfast Residential (Group 2) *

Civic

Club or Lodge (c)	Group Home Class I—Limited *
College and University Facilities *	Group Home Class II *
Communication Service Facilities *	Guidance Services
Community Events *	Hospital Services—General (c)
Community Recreation—Private *	Hospital Services—Limited
Community Recreation—Public *	Local Utility Services
Congregate Living	Private Primary Educational Services *
Counseling Services	Private Secondary Educational Services *
Cultural Services	Public Primary Educational Services *
Day Care Services—Commercial	Public Secondary Educational Services *
Day Care Services—General	Religious Assembly
Day Care Services—Limited	Residential Treatment
Family Home *	Safety Services
Group Home Class I—General *	Telecommunication Tower (RC) *

Commercial

Art Gallery	Automotive Repair Services
Art Workshop *	Automotive Sales
Administrative and Business Offices	Automotive Washing of any type
Automotive Rentals	Bail Bond Services (PC)

GR (continued)

Commercial (continued)

- X Business or Trade School
- Business Support Services
- X Commercial Off-Street Parking
- Communications Services
- Consumer Convenience Services
- Consumer Repair Services
- X Drop-Off Recycling Collection Facility *
- X Exterminating Services
- Financial Services
- X Food Preparation (c)
- X Food Sales
- X Funeral Services
- X General Retail Sales—Convenience
- General Retail Sales—General
- X Hotel-Motel
- X Indoor Entertainment
- X Indoor Sports and Recreation
- X Medical Offices—not exceeding 5,000 sq/ft of gross floor space
- X Medical Offices—exceeding 5,000 sq/ft of gross floor space
- X Off-Site Accessory Parking
- X Outdoor Entertainment (c)
- X Outdoor Sports and Recreation
- X Pawn Shop Services
- Personal Improvement Services
- Personal Services
- X Pet Services
- Plant Nursery (c)
- Printing and Publishing
- Professional Office
- Research Services
- X Restaurant—General
- X Restaurant—Limited
- X Service Station
- Software Development
- X Special use Historic (c)
- X Theater

Industrial

Custom Manufacturing (c)

Agricultural

- X Urban Farm *

Rhoades, Wendy

From: Berkley Bettis <[redacted]>
Sent: Wednesday, May 14, 2014 6:05 PM
To: Rhoades, Wendy
Subject: C14-2014-0025 2117 and 2119 Northland Drive
Attachments: Briley-McKee_draft_uses_list_--_04-29-14.pdf

I support the applicant's request for rezoning of BOTH subject tracts, with reasonable restrictions as follows:
-restricted uses as previously agreed by the applicant and set forth in the attached file. Uses on the list that are marked with an X to be prohibited by a Conditional Overlay established for these properties at the time the new zoning is approved.
-use of a shared access/parking agreement between 2117 and 2119, rather than the use of a Unified Development Agreement
-no existing or proposed shared access or parking formalized between the property at 2121 Northland and 2119 Northland.
Naturally, as the resident homeowner of property directly adjoining the property at 2117, I would expect the applicant to continue to consult in good faith with neighbors as the development process moves forward.
I regret that I am unable to personally attend the Zoning and Platting Commission meeting due to health issues, but will be happy to answer questions via email or telephone.
Berkley Bettis
5607 Montview Street
Austin, TX 78756-1611
(512) 453-0449
BettisLawOffice@gmail.com

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: C14-2014-0025
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: April 15, 2014, Zoning and Platting Commission
May 22, 2014, City Council

William Lawson

Your Name (please print)

☐ I am in favor
☑ I object

5610 Montview Dr.

Your address(es) affected by this application

Signature *Date* 4/14/14

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

PUBLIC HEARING INFMATION

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For additional information on the Cit 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: C14-2014-0025
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: April 15, 2014, Zoning and Platting Commission
May 22, 2014, City Council

Leah Martin
Your Name (please print)

☐ **I am in favor**
☒ **I object**

5705 Wynona Ave
Your address(es) affected by this application

Signature

4/09/14
Date

Daytime Telephone: 512·587·3823

Comments: Adding additional commerical/mixed use property at the address will increase traffic on Wynona, a strictly residential street. As there is no direct access to Northland from 2222, drivers use Wynona as a cut through to Northland traveling at high speeds. This proposed property change gives me great concern for the safety of my small children and the value of my property - 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: C14-2014-0025
Contact: Wendy Rhoades, 512-974-7719
Public Hearing: April 15, 2014, Zoning and Platting Commission
May 22, 2014, City Council

Andrea Polly
Your Name (please print)

☐ **I am in favor**
☑ **I object**

5511 Montview St.
Your address(es) affected by this application

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: Richard [redacted]
Sent: Sunday, May 11, 2014 11:03 PM
To: Rhoades, Wendy
Subject: C14-2014-0025 per 2017,2019 Northland Drive case # C14-2014-0025

We have lived on Shoalwood, 2 blocks from Burnet Rd for 52 years. We oppose the proposed rezoning of 2117 and 2119 Northland Drive.
Commercial encroachment of residential neighborhoods is wrong!.

Richard and Marian Robertson
5401 Shoalwood Ave

Rhoades, Wendy

From: Leah Martin [redacted]
Sent: Sunday, May 11, 2014 7:41 PM
To: Rhoades, Wendy
Subject: Per case number C14-2014-0025 per 2017, 2019 Northland Drive.

I oppose the proposed rezoning of 2117 and 2119 Northland Drive, case number C14-2014-0025. My home is within 500 feet of the proposed rezoning. I am concerned about the future of the property and possible businesses that could be located here, regardless of the current owners proposed intent as stated to the neighborhood. I am concerned for increased traffic in an area that is increasingly used as a cut through and limited parking. Please retain the current residential status, this is my residential neighborhood and I would like to keep it that way.

Leah Martin
5705 Wynona Ave.
lcamo@hotmail.com
512-587-3823

Rhoades, Wendy

From: Megan [redacted]
Sent: Monday, May 12, 2014 7:24 PM
To: Rhoades, Wendy
Subject: Per case number C14-2014-0025 per 2117 Northland Drive

Dear Ms. Rhoades,

I am writing to oppose the proposed rezoning of 2117 Northland Drive from SF-3 to GR-MY-CO, case number C14-2014-0025. I live a block away, and my neighborhood is comprised of single family homes.

The essential commercial needs for the Briley business at 2117 Northland can be met under LR (max. 40 feet in height), without requiring GR(max. 60 feet in height). Briley should be able to conduct its administrative and retail sales under LR zoning without a GR overlay. In the guide to Austin zoning, LR is described as "neighborhood commercial", and would be the appropriate zone for my neighborhood.

Please follow the zoning principles of the City of Austin, and oppose this proposed rezoning.

Sincerely,

Megan Kielt Kressin
5600 Shoalwood Ave.
Austin, TX 78756

Rhoades, Wendy

From: Bryony Gomez-Palacio <[redacted]>
Sent: Monday, May 12, 2014 8:48 PM
To: Rhoades, Wendy
Subject: Per case number C14-2014-0025 per 2017 Northland Drive.

I oppose the proposed rezoning of 2117 Northland Drive from SF-3 to GR-MU-CO, case number C14-2014-0025.

I understand that the essential commercial needs of the Briley business at 2117 Northland can be met under LR (max. 40 feet in height), without requiring GR (max. 60 feet in height). As I see it, the only commercial needs for the Briley business are Administrative and Business offices, Consumer Repair Services, and General Retail Sales(General) and that these can all be met under LR and do not require GR.

I suggest that in a neighborhood of single-family homes, it is generous to allow LR with an overlay allowing the three commercial uses listed above, at aforementioned property. I also question the inclusion of MU in the proposed zoning.

Thank you,

Bryony Gomez-Palacio

5618 Shoalwood Ave
Austin, TX 78756
p. (347) 267-0838
f. (718) 228-6720

Rhoades, Wendy

From: Ted Mentele [redacted]
Sent: Tuesday, May 13, 2014 7:59 AM
To: Rhoades, Wendy
Subject: Per case number C14-2014-0025 per 2017 Northland Drive

Hello.

I understand that the Briley business at 2117 Northland has requested a rezoning from SF-3 to GR-MU-CO. While I want them to be compliant with the zoning, I understand that this can be achieved through LR (max 40 ft in height) without requiring GR.

My suspicion is that this is more about resale value for the property than making sure that the business is fully compliant with the zoning.

Thanks,

Ted

Ted Mentele
5417 Shoalwood Ave
Austin, TX 78756
tedmentele@gmail.com

Rhoades, Wendy

From: Trish Sierer <[redacted]>
Sent: Wednesday, May 14, 2014 8:17 AM
To: Rhoades, Wendy
Subject: Per case number C14-2014-0025 per 2117 northland drive

Hi Wendy,
We oppose the proposed rezoning of 2117 Northland Drive from SF-3 to GR-MU-CO, case number C14-2014-0025.

We understand the needs of the Briley business can be met under 40ft LR and GR would be excessive. I also question MU in the proposed zoning...

We don't mind businessses lining the edges of Allandale, but we would like to keep the buildings 4 stories or less.

Trish and Brian Sierer
5511 Shoalwood Avenue
Austin, TX 78756

PUBLIC HEARING INFORMATION

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Case Number: C14-2014-0025
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

5/13/14
Date

Daytime Telephone: 512-560-0035

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 4:42 PM
To: Rhoades, Wendy
Subject: C14-2014-0025

Hi Ms. Rhoades,

I'm an Allandale resident (2312 Shoalmont Dr.). I am writing to you regarding the requested rezoning changes for 2117 Northland Dr. and 2119 Northland Dr.:

- 2117 from SF-3 to GR-MU-CO;
- 2119 SF-3 to LO-MU-CO.

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 with conditional overlays permitting administrative, consumer repair, and general sales purposes.

Thank you,

Bob Sitko

2312 Shoalmont Dr.

512-300-0319

Rhoades, Wendy

From:	JOHN KEOHANE [redacted]
Sent:	Wednesday, May 14, 2014 11:36 PM
To:	Rhoades, Wendy
Cc:	John Keohane
Subject:	Oppose C14-2014-0025 per Briley properties, 2117 2119 Northland Drive

I oppose C14-2014-0025 the application for rezoning from SF-3 to GR-MU-CO and LO-MU-CO.

To accept what applicant has proposed would result in a height which if built out, could go to 60 feet. It would open this up to a height race with the HEB anchored center directly across Northland to the north. Nothing in that center anchored by HEB rises as high as 40 feet, yet applicant relishes changed zoning for their property, to allow 60 feet.

Count me as opposed.

I urge Zoning and Platting Commission to deny applicant on C14-2014-0025.

John Keohane
5702 Wynona Avenue
(within less than 500 feet from the properties at 2117 2119 Northland Dr.)
Austin, TX 78756
keohane@prodigy.net
(512) 484-0263

Rhoades, Wendy

From: JOHN KEOHANE [redacted]
Sent: Wednesday, May 14, 2014 11:36 PM
To: Rhoades, Wendy
Cc: John Keohane
Subject: Oppose C14-2014-0025 per Briley properties, 2117 2119 Northland Drive

I oppose C14-2014-0025 the application for rezoning from SF-3 to GR-MU-CO and LO-MU-CO.

To accept what applicant has proposed would result in a height which if built out, could go to 60 feet. It would open this up to a height race with the HEB anchored center directly across Northland to the north. Nothing in that center anchored by HEB rises as high as 40 feet, yet applicant relishes changed zoning for their property, to allow 60 feet.

Count me as opposed.

I urge Zoning and Platting Commission to deny applicant on C14-2014-0025.

John Keohane
5702 Wynona Avenue
(within less than 500 feet from the properties at 2117 2119 Northland Dr.)
Austin, TX 78756
keohane@prodigy.net
(512) 484-0263

Rhoades, Wendy

From: Nathalie Frensley <[redacted]>
Sent: Thursday, May 15, 2014 5:03 AM
To: Rhoades, Wendy
Subject: C14-2014-0025 Frensley OPPOSE
Attachments: C14-2014-0025 Frensley OPPOSE.docx

Good morning again, Ms. Rhoades --

I've attached my opposing comments to C14-2014-0025 (2117 and 2119 Northland Drive). I'd appreciate it if you would add it to the Commissioners' packet for the 22 May hearing.

Here's hoping you have a great day!

Best,

Nat.

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 2117 and 2119 Northland Drive (Case # C14-2014-0025) from residential (SF-3) to commercial zoning.

As a stakeholder property owner within 500 feet of the C14-2014-0025 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 C14-2014-0025's request to change 2117 Northland's (Tract 1) zoning from SF-3 to GR-MU-CO and 2119 Northland's (Tract 2) zoning from SF-3 to LO-MU-CO.

Instead, I respectfully ask the Commissioners to change 2117 Northland (Tract 1) zoning from SF-3 to LR-CO with CO to prohibit Consumer Convenience Services, Art Galleries, and Art Workshops and maintain SF-3 zoning for 2119 Northland (Tract 2). 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 2117 and 2119 Northland. The Munoz Family Health Clinic, at 2115 Northland, is next door to Tract 1. 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 the route to the neighborhood grocery store institution. None of these narrow streets, particularly Northland Drive, have 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. These zoning change requests, if approved, will endanger Allandale/Shoalmont walkability, livability, and safety.

Background: Concerned neighbors met with the owner and her agent. We were told that the zoning change request was motivated by the fact the Briley Upholstery Business was operating at a site not zoned for such a commercial operation. The Briley business operation is currently at 2117 (Tract 1) and had a showroom in the Allandale shopping center, a strip center with abundant parking, and located just north of 2117 (on Burnet Road, between Northland Drive and Allandale Road/Koenig Lane). We were told that 2119 Northland (Tract 2) is being renovated to be brought up to code. We were also told that it is the owner's intent to maintain the residential house character at both 2117 and 2119. There are additional workshop buildings at 2117 (behind the house) and we were told that these buildings are to be rebuilt. The owner mentioned that one reason to seek rezoning of 2119 is because 2117's narrow drive makes it difficult to turn their trucks around. The Allandale Neighborhood Association (ANA)

considered this zoning request and showed flexibility. Given the rationale the applicant offered for pursuing zoning change, the ANA voted to allow 2117 to change from residential zoning so it could operate its current business in compliance. However, the applicant has asked for more – GR-MU for Tract 1 and LO-MU for Tract 2 – than what is needed to be in compliance.

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 Briley Upholstery business does not need 60 feet in height and it does not need to have the option of multi-family development in order to be in compliance. I believe that if this is granted that it would be tantamount to rewarding a business for having been in non-compliance zoning-wise and set a dangerous precedent for eroding rule of law in City of Austin governance. 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."

The major issue with the applicant's request for rezoning Tract 1 to GR-MU-CO is that this type of commercial zoning typically requires locations accessible from major traffic ways. Northland Drive is not big enough to be a major traffic way – but it is a major neighborhood pedestrian route. The proximity to Burnet Road is irrelevant for two reasons: first, Burnet Road at that location is only four lanes without a center turn lane and second, additional traffic this rezoned tract would generate in developed to its maximum limits in the in long term would be entering and exiting on Northland. Granting their request for GR-MU-CO would violate a third principle in the Guide to Zoning in that it would create an undesirable precedent for other properties in the neighborhood and in other areas of the city in which properties are located on small streets.

The Allandale Neighborhood Association's vote to allow commercial zoning for Tract 1 (2117) but keep residential zoning for Tract 2 (2119) meets a fourth principle of "Zoning should allow for a reasonable use of the property." Briley Upholstery can and will continue its business under to LR-CO with CO to prohibit Consumer Convenience Services, Art Galleries, and Art Workshops and maintain SF-3 zoning for 2119 Northland (Tract 2) with no MU. Tract 2 (2119) has not been used for business purposes to date and in the interim Briley Upholstery secured showroom space quite close by with ample parking. As far as being able to turn their trucks more easily inside their Tract 1, they can reconfigure the workshop building footprints they intend to rebuild anyway to add the additional width they need. Moreover, there is a travel trailer in the back of their property that can be removed to provide additional turnaround space.

The Allandale Neighborhood Association position on these two tracts meets the principle of "Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character." The applicant's request for GR-MU-CO does not.

Another consideration is that "Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities." The applicant's current request of GR-MU-CO for Tract 1 and LO-MU-CO for Tract 2, if maximally developed, would violate this zoning principle because it would allow the Old Allandale/Shoalmont neighborhood to be pierced by 60 foot and 40 foot structures immediately next to residential zoning without buffer. These building heights, especially at 60 feet, would cast highly undesirable shading on mature and protected trees, cause their decline, and with that affect neighborhood character to properties adjacent and behind these lots.

Above, I discussed how GR-MU-CO zoning 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 (which, as I pointed out, varies in size and presence of turn lanes), Northland Drive is not and cannot be in the future either an "Arterial Roadway" or a "Major Collector."

The Allandale Neighborhood Association position of allowing for change from residential zoning for Tract 1 enables Briley Upholstery to operate as a compliant business and thus meets the principle that "Zoning should promote clearly identified community goals such as creating employment opportunities or providing for affordable housing." By maintaining its position against changing residential zoning for Tract 2 meets the community goal of preserving housing stock in Old Allandale/Shoalmont that is affordable. The Allandale Neighborhood Association position of split the difference meets both business and neighborhood goals in Austin political culture. The applicant's request for changing both tracts from residential to commercial does not, and adds nothing to the neighborhood.

I understand that Austin's phenomenal growth makes it very difficult for all decision makers and stakeholders in this matter to understand the 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, and also for the additional, very important reasons that conditional overlay considerations have yet to be firmly negotiated and signed off, I respectfully ask the Commission to deny the applicant's request for rezoning 2117 and 2119 Northland Drive.

Very respectfully yours,

Nathalie J. Frensley, Ph.D.

5601 Montview Street
Austin, TX 78756
Nathalie_frensley@hotmail.com

Rhoades, Wendy

From: Timothy Fackler [redacted]
Sent: Thursday, May 15, 2014 9:32 AM
To: Rhoades, Wendy
Subject: Conditional Rezoning on Case # C14-2014-0025

Commissioners, Ms. Rhoades,

As a near neighbor I want to register my reservations about the zoning changes requested for 2117 and 2119 Northland Drive (Case # C14-2014-0025). I and my family live nearby a few homes south on Montview Street.

My spouse, Nathalie Frensley, has submitted to you separately a detailed account of what we and many of our neighbors - and, I believe, the owner of these properties - value about our neighborhood and its place in Austin. She has also detailed our concerns about adverse effects we foresee if rezoning oversteps public need and has proposed narrower changes than those requested as a way both to meet the owner's and the public's needs.

The owner and her agent have thus far worked with neighbors and the neighborhood association to address public need. In a meeting at the property and several Allandale Neighborhood Association meetings, she and her agent have expressed willingness to

- restrict permitted uses on each of the properties
- not tie together 2117 and 2119
- not tie either property to requests made for 2121 Northland
- continued neighborhood engagement as the projects move forward

If appropriate zoning categories with suitable overlays and restrictions that embody a minimum of change and provide a graduated buffer zone between Burnet Road and the neighborhood can be put in place - changes that now and in the future preserve the residential character and walkability of neighboring areas and this segment of the Burnet Road corridor - I would support rezoning.

Thanks very much for your consideration

Tim Fackler

5601 Montview St
(512)-371-1046