ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0081 – 1100 Manlove Street DISTRICT: 9

ZONING FROM: SF-3-NP TO: NO-MU-NP

ADDRESS: 1100 Manlove Street

SITE AREA: 0.36 acres

PROPERTY OWNER:
Schuler Family Trust of 1998 (John Schuler)

AGENT:
Husch Blackwell LLP (Nikelle Meade)

CASE MANAGER: Kate Clark (512-974-1237, kate.clark@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends denial of neighborhood office – mixed use – neighborhood plan (NO-MU-NP) combining district zoning. *For a summary of the basis of staff's recommendation, see page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

November 24, 2020 Scheduled for Planning Commission

CITY COUNCIL ACTION:

December 10, 2020 Scheduled for City Council

ORDINANCE NUMBER:

ISSUES

Staff has received comments in opposition to the rezoning of this property. For all received written and emailed comments, please see *Exhibit C: Correspondence Received.*

On October 9, 2020 staff received a petition against the rezoning of this property. Due to current events, staff can accept electronic signatures to start the verification process. The petition organizer was informed that original signatures are still required to complete this process. ***To date, the petition is not considered "complete" because staff has not received the original signatures.*** The current percentage of the petition for received electronic signatures is 19.88%. A map and list of property owners of the petition area and the electronic signatures received to date are included in *Exhibit D: Formal Petition*.

On November 16, 2020 staff received a letter from the EROC Contact Team opposing the rezoning of this case. Their letter is included in *Exhibit C: Correspondence Received.*

CASE MANAGER COMMENTS:

The proposed rezoning request is for a property approximately 0.36 acres and is located southeast of the I-35 and E. Riverside Drive intersection. It is accessed via Ingelwood Street which turns into Manlove Street and does not have access to the I-35 frontage road or E. Riverside Drive. It is surrounded by ERC – Neighborhood Mixed Use zoning to the north, SF-3-NP zoning to the east and south and GR-MU-CO zoning to the west, please see *Exhibit A: Zoning Map* and *Exhibit B: Aerial Map*. The property is also located within the East Riverside/Oltorf Combined Neighborhood Planning Area and is designated as single-family on the future land use map (FLUM).

The applicant is requesting NO-MU-NP in order to use the existing structure on the property as additional office space to support their current business operations at 1317 E. Riverside Drive, the property adjacent to the north. Concurrently with this rezoning request, the applicant has also filed a request to change the FLUM to neighborhood mixed use (case no. NPA-2020-0021.02).

BASIS OF RECOMMENDATION:

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

   Our current Land Development Code (LDC) defines the neighborhood office (NO) district as: *the designation for a small office use that serves neighborhood or community needs, is located in or adjacent to a residential neighborhood and on a collector street that has a width of 40 feet or more, and does not unreasonably affect traffic.*

   While this property is adjacent to existing office and commercially zoned properties, those properties are accessed by either the I-35 frontage road or E. Riverside Drive. Staff considers this property to be internal to a residential area because it is only accessible through multiple local streets. It is not located on a collector as the LDC definition for NO district zoning states, but at the end of a residential cul-de-sac.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	SF-3-NP	Single-Family Residential
North	ERC (Neighborhood Mixed Use)	Office
South	SF-3-NP	Single-Family Residential
East	SF-3-NP	Single-Family Residential
West	GR-MU-CO	Undeveloped

NEIGHBORHOOD PLANNING AREA: East Riverside/Oltorf (East Riverside)

TIA: should be deferred to the time of site plan application when land uses, and intensities will be known

WATERSHED: Harper's Branch (urban)

OVERLAYS: Residential Design Standards, Scenic Roadways Overlay (Riverside Drive).

SCHOOLS: Travis Heights Elementary, Lively Middle and Travis High Schools.

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
Bike Austin
Crossing Gardenhome Owners Assn. (The)
Del Valle Community Coalition
East Austin Conservancy
East Riverside Corridor Staff Liaison
East Riverside/Oltorf Neighborhood Plan
Friends of Austin Neighborhoods
Friends of Riverside ATX Neighborhood
Greater South River City Combined
Homeless Neighborhood Association
Neighborhood Empowerment Foundation
Pleasant Valley
Preservation Austin
SELTexas
Sierra Club, Austin Regional Group
South Central Coalition
South River City Citizens Assn.
Southeast Austin Neighborhood Alliance
Waterfront Condominium Homeowners
Zoning Committee of South River City Citizens

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-2012-0111 East Riverside Corridor Regulating Plan-East Riverside Oltorf Combined Neighborhood	To rezone approximately 700 acres from various to ERC	To grant ERC.	Approved ERC zoning. (5/9/13)
C14-2011-0129 East Riverside Corridor Regulating Plan	To rezone 1,000 acres from various to ERC	Case expired.	Case expired.

Number	Request	Commission	City Council
C14-06-0117 Time Insurance Two 1317 E. Riverside Dr. and 1220 South IH-35	GR-MU to LI-PDA	To grant LI-PDA with a set of prohibited land uses, altered various site development regulations and impose residential requirements.	Approved GR-MU-CO; CO was for a set of prohibited land uses, maximum impervious cover of 85%, and altered sited development regulations. (1/10/08)
C14-04-0030 Time Insurance, Inc. 1405 & 1415 E. Riverside Dr.	LO & SF-3 to GR-MU	To grant GR-MU-CO; CO was to prohibit a set of land uses, altered various site development regulations and impose residential requirements.	Approved GR-MU-CO; CO was for a set of prohibited land uses, maximum impervious cover of 85%, and altered sited development regulations. (1/10/08)

RELATED CASES:

NPA-2020-0021.02: this is the neighborhood plan amendment (NPA) case that is currently being reviewed with this rezoning case. The applicant is requesting to change the FLUM from single-family to neighborhood mixed use.

NPA-2012-0021.01: this NPA case requested to change the FLUM from single-family to neighborhood mixed use, a rezoning case was never filed to accompany this NPA case. The case was withdrawn on April 23, 2013, no actions were voted on at Planning Commission or City Council.

C14-05-0112: this was the City initiated East Riverside Neighborhood Plan Rezoning case (Ordinance No. 20061116-057). This property's base district zoning did not change with this process.

EXISTING STREET CHARACTERISTICS:

Street	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Manlove Street	~52'-90'	Existing	29'-54'	1	1	No	No

OTHER STAFF COMMENTS:

Environmental

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

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

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

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

5. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

6. 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 square feet cumulative is exceeded, and onsite control for the two-year storm.

7. 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.

PARD

PR1. Parkland requirements, either parkland dedication or fees, will be required at the time of subdivision or site plan for any additional residential units; existing units are exempt. There are currently no parkland requirements for non-residential or non-hotel developments at the time of subdivision or site plan.

Site Plan

SP 1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP 2. The site is subject to compatibility standards. Along the south and east property lines, the following standards apply:

a. No structure may be built within 25 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 25 feet of the property line.

e. 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.

SP 3. Additional design regulations will be enforced at the time a site plan is submitted.

Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies existing right-of-way as sufficient for Manlove Street. The traffic impact analysis should be deferred to the time of site plan application when land uses, and intensities will be known.

Austin Water Utility

AW1. 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 Austin Water 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.

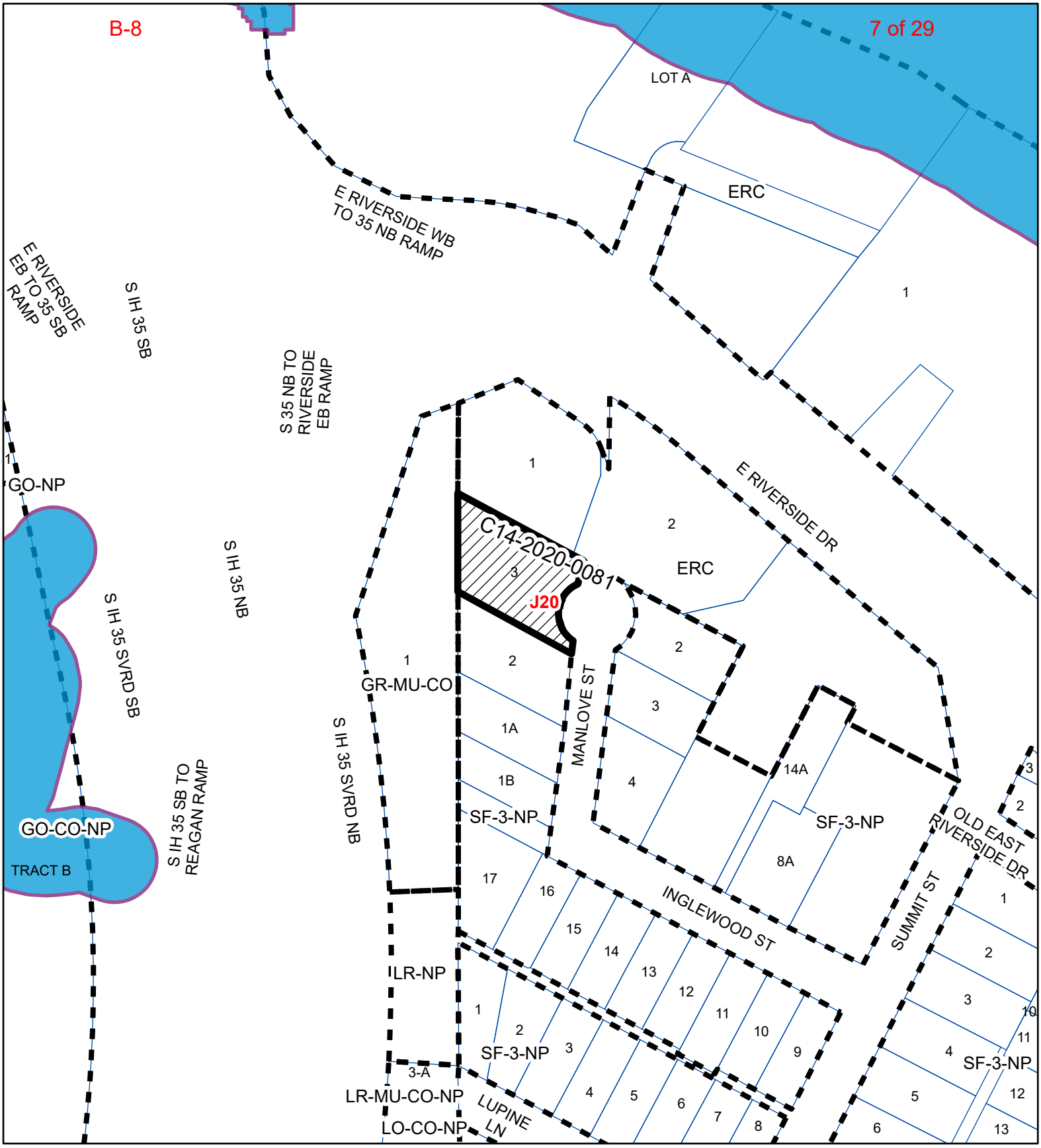
INDEX OF EXHIBITS TO FOLLOW

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Correspondence Received

Exhibit D: Formal Petition



N

SUBJECT TRACT
ZONING BOUNDARY
PENDING CASE
CREEK BUFFER

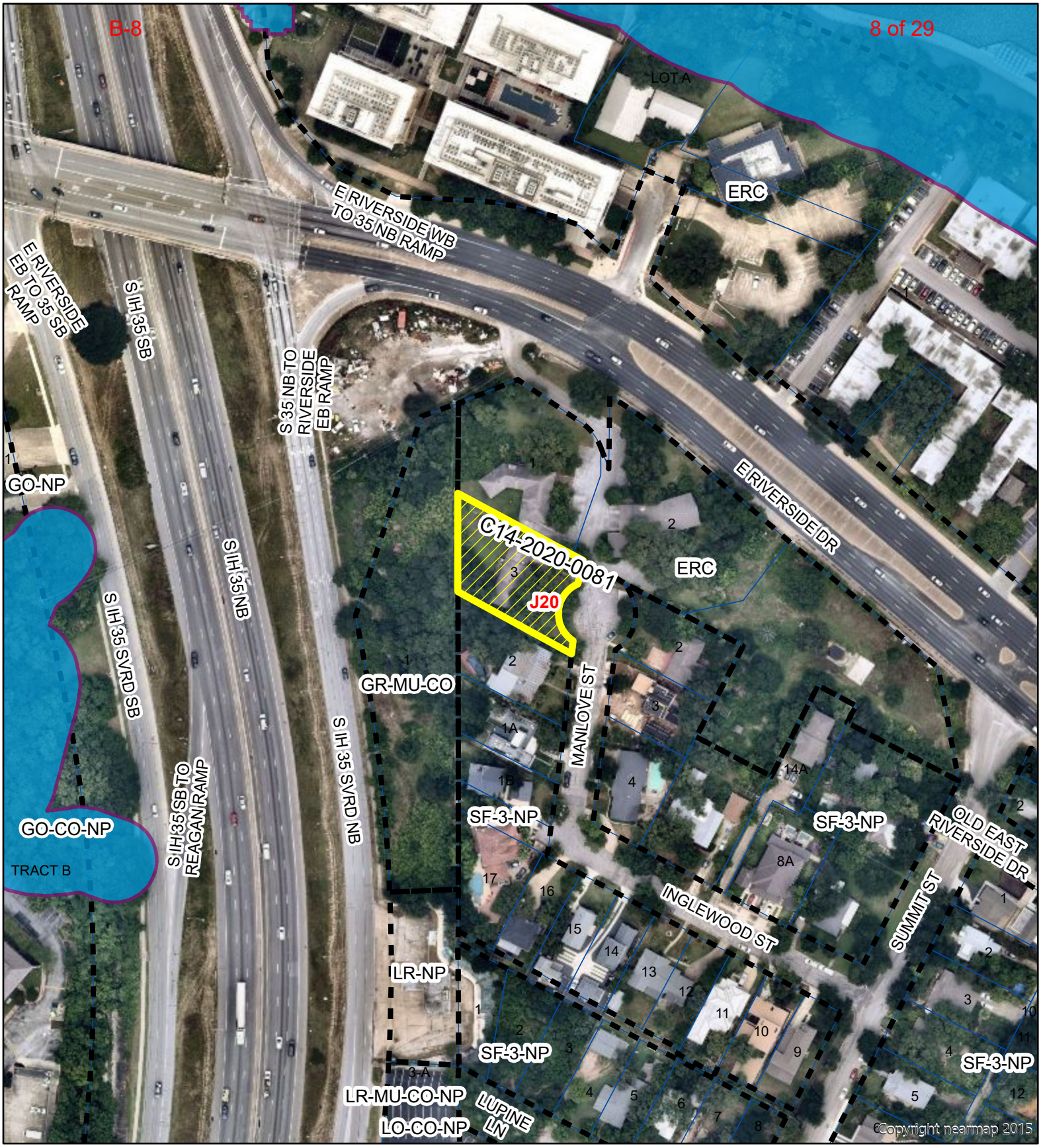
1" = 150'

1100 Manlove Street

Exhibit A

ZONING CASE#: C14-2020-0081
LOCATION: 1100 Manlove St
SUBJECT AREA: .36 ACRES
GRID: J20
MANAGER: KATE CLARK

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



N

SUBJECT TRACT

ZONING BOUNDARY

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1100 Manlove Street

Exhibit B

ZONING CASE#: C14-2020-0081
LOCATION: 1100 Manlove St
SUBJECT AREA: .36 ACRES
GRID: J20
MANAGER: KATE CLARK

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Clark, Kate

From: Chris Cavello
Sent: Saturday, August 8, 2020 1:47 PM
To: Clark, Kate
Subject: C14-2020-0081

*** External Email - Exercise Caution ***

Ms. Clark,

I am writing of my concern about the request to change an SF-3 property at 1100 Manlove to a commercial type property. I am fully aware of the restrictions (today) of NO-MU. I still consider it a type of commercial zoning. The business (Time Insurance) is not serving this neighborhood This property does not fit the preferred location of being on a feeder. In fact, it is the opposite of that. Placed at the very end of a residential cul de sac.

More important, this property zoning change needs to be taken into the context of the history of the property owner who has bought up residential properties that are part of our neighborhood and successfully converted them to commercial use. Our property at 1500 Inglewood was adjacent to SF-3 lots far from Riverside Drive that after a battle, are now rezoned commercial. The home at 1100 Manlove was bought by the property owner from an elderly gentleman at the end of our shared cul de sac (Inglewood and Manlove are really one street) because the applicant's larger commercial property has a narrow kink in it that makes it difficult to develop. This property links the two halves of his large commercial property and having more area at this kink will make it more attractive for development should they be joined some day in the future. This is his goal. I see the changing of this property as a Trojan Horse leading to it being wrapped into his larger commercial property which will run the risk of our dead end street being an access to the backside of a large future commercial development.
The property owner claims that he needs the space during Covid which I believe is a ruse. He has a lot of space in his current office buildings and I never look at why a zoning change is made now, but rather what it COULD be for a future owner. The larger commercial property is for sale. He has already tried to sub divide this 1100 Manlove residential property with a part that is contiguous to his commercial property being changed to commercial. That failed. This property has been used only as a warehouse for his stuff taking a needed residential property out of circulation for close to a decade.

There is little to no reason for allowing this zoning change that will further challenge the character and zoning of this quiet residential street. It is also a property with one of the most majestic Live Oaks in the city. A zoning change will encourage the building of new structures with as much parking as possible and as much commercial building area as possible. This will only risk this amazing tree's health.
I strongly ask that you side with the reasonable neighbors who are not comfortable with the drip, drip, drip of encroachment on this quiet residential street.
I cannot go to a hearing for health reasons and ask that this letter be entered into the record and read by the people deciding this case.

Christopher Cavello
1500 Inglewood St.
Austin, TX 78741
512 769-1717
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Clark, Kate

From: Meredith, Maureen
Sent: Tuesday, August 18, 2020 12:49 PM
To:
Cc: Clark, Kate
Subject: RE: Concerns regarding Case Number NPA-2020-0021.02

Mr. Snow:
Thank you for your comments. We will add them to our staff case reports. Eventually a community meeting will be scheduled and you will be able to participate in the discussion of these cases with the applicant, staff and other attendees. You will receive a notice in the mail when finalized.

When the cases are scheduled for Planning Commission and City Council public hearing notices will be mailed to people who live within 500 feet of the property. You will have the opportunity to voice your concerns at those public hearings.

Maureen

From:
Sent: Monday, August 17, 2020 4:43 PM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Cc:
Subject: Concerns regarding Case Number NPA-2020-0021.02

*** External Email - Exercise Caution ***

Hi Maureen, it seems like just yesterday that you sent me a similar request from the Schuler Family Trust to change the zoning of 1100 Manlove Street from Single family-3 to Mixed-Use (Case# NPA-2012-0021.01...1100 Manlove St. [the case numbers are almost the same 😊]). Of course, that was back in 2012 (now time flies) and after a large negative response from the neighborhood, Mr. Schuler withdrew his request. At the time, his reason for the change was to allow the property to be combined with the land that he controls on IH-35 and Riverside in such a way to allow an exit from his planned 4-story mammoth mixed-use structure to the IH-35 north bound feeder road. Today nothing is said about this mammoth building in this request. Rumor in the neighborhood is that Schuler "wants to allow more social distancing in the other buildings that he uses for insurance offices just north of 1100 Manlove that face on Riverside" by using 1100 Manlove as a third office building. A Covid-19 justification sounds good in today's environment! 😊. Of course, I wonder if the real future reason is his plans for the mammoth structure that was mentioned back in 2012 that are described here…

http://www.austintexas.gov/edims/document.cfm?id=187611

As an owner of a home in the neighborhood, I would like to express my strongest concerns at this proposal. This request should be denied for the reasons noted below. Could you pass these concerns on to those in the City Planning Office and perhaps the City Council who will be considering this case?

My wife and I own the home at 1506 Lupine Lane, a block and a half south of the proposed change. Our land (two city lots) has been in my family since my mom and dad (Azalee and Ruel Snow) purchased it in 1946. They built a garage apartment there in 1948, added a house in 1953, and added on to the house in the early 1960s. My wife and I remodeled the house in 2010 and remodeled and rented the garage apartment in 2011. During this 70-plus year period, the entire neighborhood has been devoted to single family housing originally built in the 1940s, 1950s and 1960s.

Today the neighborhood is occupied by a few original homeowners but in recent years we have seen a renaissance of home remodeling by families and young couples who see value and character in the well-constructed homes of this area. In the last few years, we have also seen new homes being added on empty lots. For example in the Inglewood and Manlove corridor, we have new homes at 1502 Inglewood St. (two homes built in 2007), two homes at 1504 Inglewood St. (2018), at 1491 Inglewood St. (2000), at 1495 Inglewood St. (1999), four homes at 1499/1501 Inglewood St. (2019), at 1507 Inglewood (2017), at 1509 Inglewood (2019), at 1511 Inglewood St. (2017), at 1104 Manlove St. (2017) and at 1106 Manlove St. (2018). We also have had a recent sale of an empty lot at 1103 Manlove St. (across the street from the home under discussion) that is having two homes built on it.

As noted above, my fear is that the real long term reason for this request is that Mr. Schuler, the owner of 1100 Manlove St. (at the end of the Inglewood/Manlove corridor), will want to combine this land with the land immediately to the north that is accessed only from Riverside and/or the land immediately to the west that is accessed from IH-35 which are zoned commercial/mixed use to provide either parking and/or commercial access to that land. The lands north and west already have access from major roads Riverside and IH-35 and do not need access from Manlove and Inglewood generating additional traffic through this residential area. Even if a business is built at 1100 Manlove St. separate from the land to the north and west, it will still generate unwanted traffic along this long residential access path (Summit/Inglewood/Manlove). And if the current owner assures the neighbors that he has no need to provide access to Manlove, once a Mix-Use zoning is approved, <u>a subsequent owner could have differing ideas on the subject and do whatever Mixed-Use zoning allows</u>. The land has a perfectly good residential home on it today and should be left as residential single-family zoning.

If you look at the SF3 zoning description on the city websites, it exists to…

- Preserve the land use pattern and future viability of existing neighborhoods.
- Encourage new infill development that continues existing neighborhood patterns of development.
- Protect residential neighborhoods from incompatible business or industry and the loss of existing housing.

Its application should be…

- Existing single-family areas should generally be designated as single family to preserve established neighborhoods.

The request to change the zoning violates all these principles. There is an existing house on this lot. The house is accessed from Riverside following three residential roads (Summit, Inglewood and Manlove) which has no non-residential usage. And the existing neighborhood has been growing by the infill development of new single-family housing.

Yes, the property does border on mixed use zoning areas which themselves were set up as a transition space to the noted single-family housing neighborhood. However, this home/lot has no direct access to major streets (Riverside and IH-35) that provides access to this mixed-use area. It would be inconsistent with the usage of this neighborhood to allow mixed-use zoning to intrude for the first time into the neighborhood. And a subsequent owner would probably not abide with any informal agreement that Mr. Schuler makes. Please deny the request and keep 1100 Manlove zoned as single-family residential.

Thank you for considering my concerns and I know you will listen to the concerns of the residents in the neighborhood as you did back in 2012/2013 and keep this house/lot as single-family zoning.

David L. Snow
1506 Lupine Lane
Austin, Texas 78741
[redacted]
408-550-4435

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Clark, Kate

From: Meredith, Maureen
Sent: Thursday, October 15, 2020 3:54 PM
To: skye olsen
Cc: Clark, Kate
Subject: RE: Case #: NPA-2020-0021.02 // Zoning Case #: C14-2020-0081 // 1100 Manlove St.

Thank you for your comments. We will add them to staff case reports and forward them to the applicant's agents.
Maureen

From: skye olsen
Sent: Thursday, October 15, 2020 3:41 PM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: Case #: NPA-2020-0021.02 // Zoning Case #: C14-2020-0081 // 1100 Manlove St.

*** External Email - Exercise Caution ***

Hello,

I hope you are well. I am emailing in regards to my concern about the proposed rezoning of 1100 Manlove Street and hope that this email can be presented during tonight's meeting.

The residents of our neighborhood are **AGAINST** the rezoning of 1100 Manlove Street for many reasons. First, allowing this property to be rezoned would disrupt the quiet neighborhood that we have all come to love and call our home. If this property is allowed to be rezoned, there is potential for the entire property owned by the same owner (all along the IH 35 frontage road combined with the property that his current insurance business is on- see attached photos) to be developed. This could lead to major disruption throughout our neighborhood, especially considering the property at risk of being rezoned is located on a dead end street.

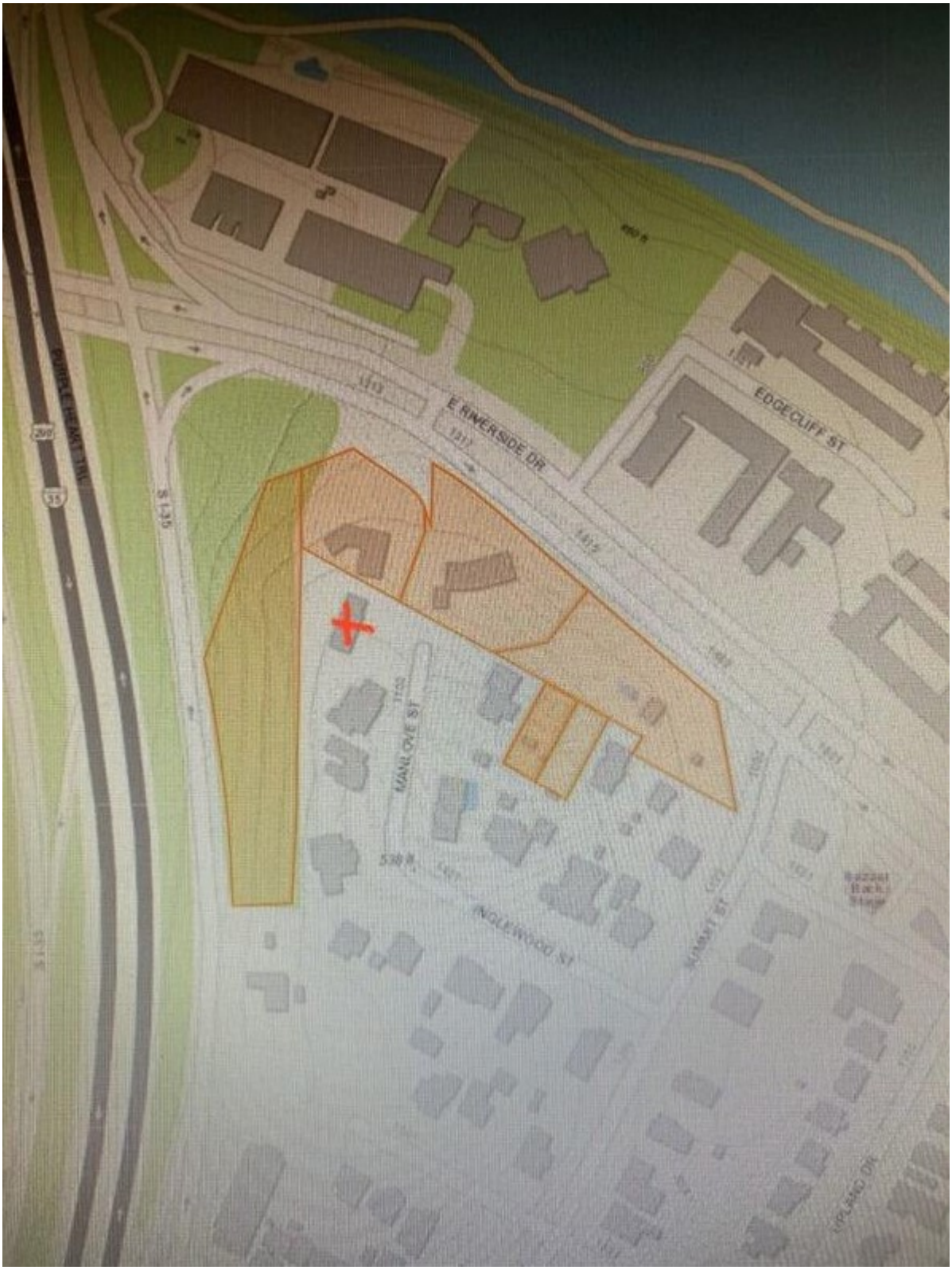
The owner of the property has used the pandemic as an excuse to get the property rezoned, despite his previous attempt to rezone the same property to multi-use (to build a 4 story building) a few years ago which included putting a club at the corner of Summit and Riverside, the same location as the entrance to our quiet, peaceful neighborhood. (Please see attached proposal from the City of Austin in 2013) The owner of 1100 Manlove is needing the property rezoned to allow for an exit onto 35 north however the current house that is there is empty and in great condition. It would be much better off being resold as a residential property to a family who will love and enjoy our neighborhood like we have all grown to. We do not need non-residential uses ruining our neighborhood.

The owner of 1100 Manlove has had past violations of city zoning laws as well and is using our current crisis as an excuse to turn the private residential home into part of a massive development. Allowing this property to be rezoned will only disrupt the neighborhood and prevent the established families living there from residing in a quiet, peaceful neighborhood like we are accustomed.

Please consider blocking this rezoning attempt and his efforts to destroy the neighborhood. Thank you for your time.

Best,

Skye Olsen
Resident at 1101 Manlove Street



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Clark, Kate

From: Meredith, Maureen
Sent: Thursday, October 15, 2020 5:49 PM
To: Adria & Ron
Cc: Clark, Kate
Subject: RE: NPA-202-0021-02 1100 Manlove C14-2020-0081

Thank you for your comments. We can add them to our staff case reports and I will forward them to the applicant's agents.
Maureen

From: Adria & Ron
Sent: Thursday, October 15, 2020 3:34 PM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: NPA-202-0021-02 1100 Manlove C14-2020-0081

*** External Email - Exercise Caution ***

Hi, in case of technical difficulties tonight, I'd like to submit my feedback on the proposed rezoning of 1100 Manlove.

We (myself and my husband) own the property at 1101 Manlove, directly across the street from 1100 Manlove Street. We are AGAINST the rezoning for the following reasons:

1). The property in question is at the end of a cul-de-sac in a 100% residential neighborhood with NO OUTLET. This is a dead end street.
2) The area is a quiet neighborhood with children, neighbors and pets abound. There are no sidewalks, so additional traffic would be a safety issue for the kids that ride bikes and play ball, neighbors that jog, walk pets, etc.
3). Multi-use property in this location would negatively impact both the quality of life and property values that we and our neighbors have invested our lives in. We bought our home in a residential neighborhood at the end of a cul-de-sac because of the privacy and seclusion that brings from the city. This would impact our quality of life immensely.
4) The owner of 1100 manlove owns the property on 3 sides of our home. He has expressed plans in the past to develop the property and needed access from the I35 frontage road to do so, access he could only get by rezoning 1100. He, in the past, intended to create a parking structure where the home currently stands.
5) The owner uses the home in an illegal fashion now, having workers park in the driveway and using the garage as storage for his adjacent commercial property. Any statements made by his agent that Inglewood and Manlove will not be used to access future mixed use offices is just false.
6) The owner claims he needs more space for his employees due to Covid. This is a weak and transparent excuse to permit a zoning change. This change is simply intended to make his property portfolio more valuable. We should not rezone residential homes because of a temporary need. The existing commercial property on Riverside could easily be developed/remodeled for more space. There are people living full time in the "offices", those people could be moved into the house to open more office space. The owner and his children could easily work from 1100, as he owns the home, so he would be working from home, thus creating additional space.
7) It is very clear given his past attempts that the owner wishes to develop (or sell) the entire property portfolio that spans Manlove, Riverside, Inglewood and Summit Streets and making 1100 manlove mixed use will open

the door to more lucrative deals. As it stands, the home is literally "in his way". However mixed use in this location would change the dynamic of our community and of our neighborhood in a very negative way.
8) Ultimately this would cause serious negative impacts to the 20+ families in the immediate area, plus all the families on Summit as well. We should be preserving single family neighborhoods in Austin and ensuring that children and families have safe, quiet places to grow, to walk, to play, and to build communities. We should not have to worry about offices and office buildings popping up next door when we buy or rent homes in residential areas. This change would only benefit 1 person while it would harm, at minimum, 50+ lives and set a precedent that would allow other residential zoned neighborhoods to be taken over by offices and businesses that do not need to be in residential areas.

Please help save our neighborhood by recommending this change be denied.

I have attached a Next Door petition, and while I know it can't be submitted in an official capacity, I thought it would be helpful for you to know that all those who signed are against this change as well.

Thank you very much! We hope to see you tonight!

Adria Escalante & Ronnie Woodall

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Clark, Kate

From: [redacted]
Sent: Thursday, October 15, 2020 4:17 PM
To: Clark, Kate
Subject: Case : 2020-108085ZC

*** External Email - Exercise Caution ***

Hi Kate, I live in the neighborhood at 1615 Lupine 78741 and oppose allowing rezoning from residential home to business .primarily on the basis of encroachment into the neighborhood.

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Clark, Kate

From: Hans G
Sent: Sunday, October 25, 2020 7:40 PM
To: Thompson, Jeffrey - BC; Anderson, Greg - BC; Schneider, Robert - BC; Seeger, Patricia - BC; Shaw, Todd - BC; Howard, Patrick - BC; Hempel, Claire - BC; Azhar, Awais - BC; Llanes, Carmen - BC; Shieh, James - BC; Flores, Yvette - BC; Teich, Ann - BC
Cc: aureen.meredith@austintexas.gov; Clark, Kate
Subject: 1100 Manlove Street - Zoning Case

*** External Email - Exercise Caution ***

Re: 1100 Manlove Street - Zoning Case C14-2020-0081 and
NPA Case No. NPA-2020-0021.02
Note re October 15, 2020 Community Meeting re changing zoning from SF-3 (single- family) to NO-MU (Neighborhood Office – Mixed Use)

Dear Planning Commission Members et al.

My name is Hans Granheim and my wife is Mary Anne Duprey. We have lived and owned our home at 1505 Lupine Ln. (one street south of 1100 Manlove Street where the zoning change is sought) since 1989. This is not the first time Mr. Schuler, through various agents, has sought this zoning change. The first was I believe in 2012 when Mr. Schuler began using the single family home he owns at 1100 Manlove as a supplemental office (violating its zoning designation) to his adjacent business fronting Riverside Dr. When challenged, Mr. Schuler denied he was using the space commercially. That turned out not to be the case. Neighborhood homeowners, including myself, observed the comings and goings at the residence and it became very clear the property was being used as an office. Mr. Schuler's motivations for a zoning change have little to do with his professed need for additional office space. His adjacent property and its structures are more than able to satisfy those needs. His real goal is to affect favorable zoning status that would eventually allow him to divide the Manlove property and add a portion of it to his existing properties along the northbound IH35 service road to give him additional ingress/egress for his entire holdings in that area. I don't begrudge Mr. Schuler's desire to maximize the value of his properties. I have a real problem when he attempts to do so with obfuscation and false statements, and at the expense of our quality of life in a decidedly single-family home neighborhood.

Respectfully,
Hans Granheim
512/590-5284
[redacted]

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Clark, Kate

From: Ann Kettner Haraguchi
Sent: Sunday, November 8, 2020 10:17 AM
To: Ann Haraguchi
Cc: Clark, Kate; Meredith, Maureen; Dean Haraguchi
Subject: Neighborhood Opposition: Zoning Case No. C14-2020-0081 and NPA Case No. NPA-2020-0021.02, 1100 Manlove Street, Austin, TX

*** External Email - Exercise Caution ***

Dear Planning Commission Member,

I live at 1106 Manlove Street and am writing to express my **opposition to the proposed rezoning of the property at 1100 Manlove Street**, which is three doors down from my home. (Zoning Case No. C14-2020-0081 and NPA Case No. NPA-2020-0021.02)

The owner of this property, and applicant for the zoning change, argues that he needs to use the existing residential home at 1100 Manlove Street as an office space. I think he desires to incorporate this residential piece of land into a much larger commercial development plan for the large swath of property he owns along the I-35 access road and Riverside Drive. I believe changing the zoning from residential to "neighborhood office" is the first step in this direction.

It makes no sense to me that the applicant's business space is so crowded with employees during the COVID-19 pandemic that he requires overflow into the space of 1100 Manlove Street, a house on a quiet cul-de-sac. If he needs to encourage social distancing among his employees, he can use the other residential building next to Time Insurance, or he can have his employees work remotely from home during the COVID pandemic crisis, as have many other Austin businesses. There is no need to rezone 1100 Manlove Street as an office building for this temporary public health situation.

Our neighborhood is a residential neighborhood with single-family homes. Having a "neighborhood office" on a cul-de-sac does not contribute in any way to the quality of the neighborhood and would benefit nobody but the applicant. In short, rezoning would go against one of the stated goals of the EROC NP:

Preserve and enhance the character of existing residential neighborhoods.

I worry that if the property at 1100 Manlove is rezoned as a "neighborhood office," it will lead to other similar rezoning attempts that will change the **fundamental residential nature** of the neighborhood. In the two years that I have lived on Manlove Street, I have witnessed healthy growth of the neighborhood, with new homes built and new families moving in. Our neighborhood consists of single-family homes in a larger area of commercial and multi-family residences and should be preserved as such.

Thank you for your consideration of this matter.

Ann Haraguchi, Homeowner
1106 Manlove Street
Austin, TX 78741
(415) 939-5745

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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 participate in a public hearing, you are not required to participate. This meeting will be conducted online and you have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for information on how to participate in the public hearings online. 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/planning.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the 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: C14-2020-0081
Contact: Kate Clark, 512-974-1237
Public Hearing: November 24, 2020, Planning Commission
December 10, 2020, City Council

Christopher Cavello
Your Name (please print)

☐ **I am in favor**
☒ **I object**

1500 Inglewood St.
Your address(es) affected by this application

Chr Cavello — 11/10/20
Signature — *Date*

Daytime Telephone: 512 769-1717

Comments: This property is at the end of a residential cul de sac. There is no practical reason to inject commercial zoned property here. The owner's reasons for making it commercial are disingenuos. He is trying to ultimately meld this property into his larger commercial property on Riverside. This does not serve community needs. This is NOT a collector street. It is at the end of a quiet cul de sac.

If you use this form to comment, it may be returned to:
City of Austin, Housing & Planning Department
Kate Clark
P. O. Box 1088, Austin, TX 78767

Or email to:
Kate.Clark@austintexas.gov

Clark, Kate

From: [redacted]
Sent: Thursday, November 12, 2020 10:24 AM
To: Thompson, Jeffrey - BC; Anderson, Greg - BC; Schneider, Robert - BC; Seeger, Patricia - BC; Shaw, Todd - BC; Howard, Patrick - BC; Hempel, Claire - BC; Azhar, Awais - BC; Llanes, Carmen - BC; Shieh, James - BC; Flores, Yvette - BC; Teich, Ann - BC
Cc: [redacted] Meredith, Maureen; Clark, Kate
Subject: Zoning Case No. C14-2020-0081 and NPA Case No. NPA-2020-0021.02...1100 Manlove St

*** External Email - Exercise Caution ***

From: Dave Snow [redacted]
Sent: Wednesday, November 11, 2020
To: Austin Planning Commission members
Cc: Dave Snow
Subject: Zoning Case No. C14-2020-0081 and NPA Case No. NPA-2020-0021.02...1100 Manlove St

This letter is in regards to the request to change the zoning for 1100 Manlove St from SF3 to Neighborhood Mixed Use (Zoning Case No. C14-2020-0081 and NPA Case No. NPA-2020-0021.02) that will be heard at the Planning Commission on November 24, 2020. I'd like to state my strongest objections to this proposal. This request should be denied for the reasons noted below.

My wife and I own the home at 1506 Lupine Lane, a block and a half south of the proposed change. Our land (two city lots) has been in my family since my mom and dad (Azalee and Ruel Snow) purchased it in 1946. They built a garage apartment there in 1949, added a house in 1953, and added on to the house in the early 1960s. My wife and I remodel the house in 2010 and remodeled and rented the garage apartment in 2011. My wife and I live half the year in this home. During this 70-plus year period, the entire neighborhood has been devoted to single family housing built largely in the 1940s, 1950s and 1960s. Today the neighborhood is occupied by a few original homeowners but in recent years we have seen a renaissance of home remodeling and building by families who see value and character in the well-constructed homes in this area of Austin.

In the last few years, we have also seen new homes being added on empty lots. For example in the Inglewood and Manlove corridor, we have new homes at 1502 Inglewood St. (two homes built in 2007), at 1491 Inglewood St. (2000), at 1495 Inglewood St. (1999), at 1499 Inglewood St (two homes built in 2019), at 1501 Inglewood St (two homes built in 2019), at 1504 Inglewood St. (two homes built in 2014), at 1507 Inglewood St (2013), at 1509 Inglewood

(2019), at 1511 Inglewood (2013), at 1106 Manlove St. (2016), at 1104 Manlove St (2018), and two homes under construction at 1103 Manlove St (across the street from 1100 Manlove).

The property under question has a 1900 sq. ft. home on it in 1952 at the end of a residential corridor (Summit to Inglewood to Manlove) on a cul-de-sac. The owner currently also owns the land immediate to the north consisting of two former homes facing onto Riverside which he has turned into an insurance business (Time Insurance Agency) with no direct access to Manlove. His representatives have mentioned in on-line discussion groups and in a meeting with neighbors that the owner wishes to use the home at 1100 Manlove as added workspace for his insurance business rather than expanding the structures that he already has to the north that face onto Riverside.

My fear is that the real reason for this request is that in the future the owner of 1100 Manlove St. will want to combine this land with the land immediately to the north that he owns (the Time Insurance Agency land) that is accessed only from Riverside and is zoned as GR-MU-CO to eventually provide either parking and/or commercial access to that land. That land already has access from IH-35 and from Riverside. It does not need access from Manlove and Inglewood generating additional traffic through this residential area. Even if a business is built at 1100 Manlove St. completely separate from the land to the north, it will still generate unwanted traffic along this long residential access path (Summit/Inglewood/Manlove). None of this is consistent with the current SF3 zoning as described below.

History is many times a predictor of the future. Back in 2012/2013 the owner of 1100 Manlove tried to change the zoning of 1100 Manlove to Neighborhood Mixed Use in order to combine it with the Time Insurance Agency land to the north, land on Riverside to the east of the Time Insurance Land that he controlled, and land in IH-35 to the southwest of the Time Insurance Agency land that he controlled to build a very large, 4-story multi-use structure (see Case Number NPA-2012-0021.01 from that time period). There is still on City websites plans for that very large structure (see http://www.austintexas.gov/edims/document.cfm?id=187611). After a meeting with the owner and 30 objecting neighbors, the owner removed his request and it never came to the Planning Commission. I fear that this is another effort to get the zoning changed now or in the future to Neighborhood Mixed Use such that the owner (or possibly a successor if he sales the land) can in the future ask to use 1100 Manlove in a large development effort.

The land has a perfectly good residential home on it today and should be left as residential single-family zoning. The owner bought the house in 2010 knowing that this was a residential area. The house on the land should be either re-modeled to be an updated residence or a new house should be built on the land. Commercial use is inconsistent with the neighborhood.

If you look at the city SF3 zoning description, it exists to…

- Preserve the land use pattern and future viability of existing neighborhoods.
- Encourage new infill development that continues existing neighborhood patterns of development.
- Protect residential neighborhoods from incompatible business or industry and the loss of existing housing.

Its application should be…

- Existing single-family areas should generally be designated as single family to preserve established neighborhoods.

There is an existing house on this lot. The house is accessed following three residential roads (Summit, Inglewood and Manlove) which have no non-residential usage. And the existing neighborhood is growing by the infill development of new single-family housing as noted above.

Yes, the property does border on mixed use zoning areas which themselves were set up as a transition space with setbacks to the noted single-family housing neighborhood. However, this home/lot has no direct access to the streets (Riverside and IH-35) that provides access to this mixed use area. It would be inconsistent with the usage of this neighborhood to allow mixed use zoning to intrude for the first time into the neighborhood for the purpose of using the house as a commercial building or to negate existing setbacks. Please deny the request and keep 1100 Manlove zoned as single family residential.

Thank you for considering my concern and I truly hope you will listen to the concerns of the many residents in the neighborhood and keep this house/lot as single family zoning.

David L. Snow
1506 Lupine Lane
Austin, Texas 78741
[redacted]
408-550-4435

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To: Case Managers Maureen Meredith, Kate Clark

Re: 1100 Manlove Street - Zoning Case C14-2020-0081 and NPA Case No. NPA-2020-0021.02

In response to the referenced zoning and NPA cases, the EROC NPCT has voted to oppose the Neighborhood Plan Amendment and to support the neighborhood in its opposition to the zoning change.

The Contact Team does not support a ***permanent change*** to its Future Land Use Map in order to address a ***temporary issue*** for the sole benefit of the property owner. The granting of these Applications will set a bad precedent, not just for the EROC NPA, but for all neighborhood planning areas in Austin.

The zoning change would be a grant of special privilege to an individual owner which would result in spot zoning within the neighborhood.

During the October 15, 2020 Community Meeting, Applicant failed to adequately explain why such a change is truly necessary. Applicant owns three acres of ERC-zoned property directly below 1100 Manlove. Most of the ERC property is undeveloped except for the structures he is currently using for his business. There is ample room for him to expand his business on the already ERC-zoned property.

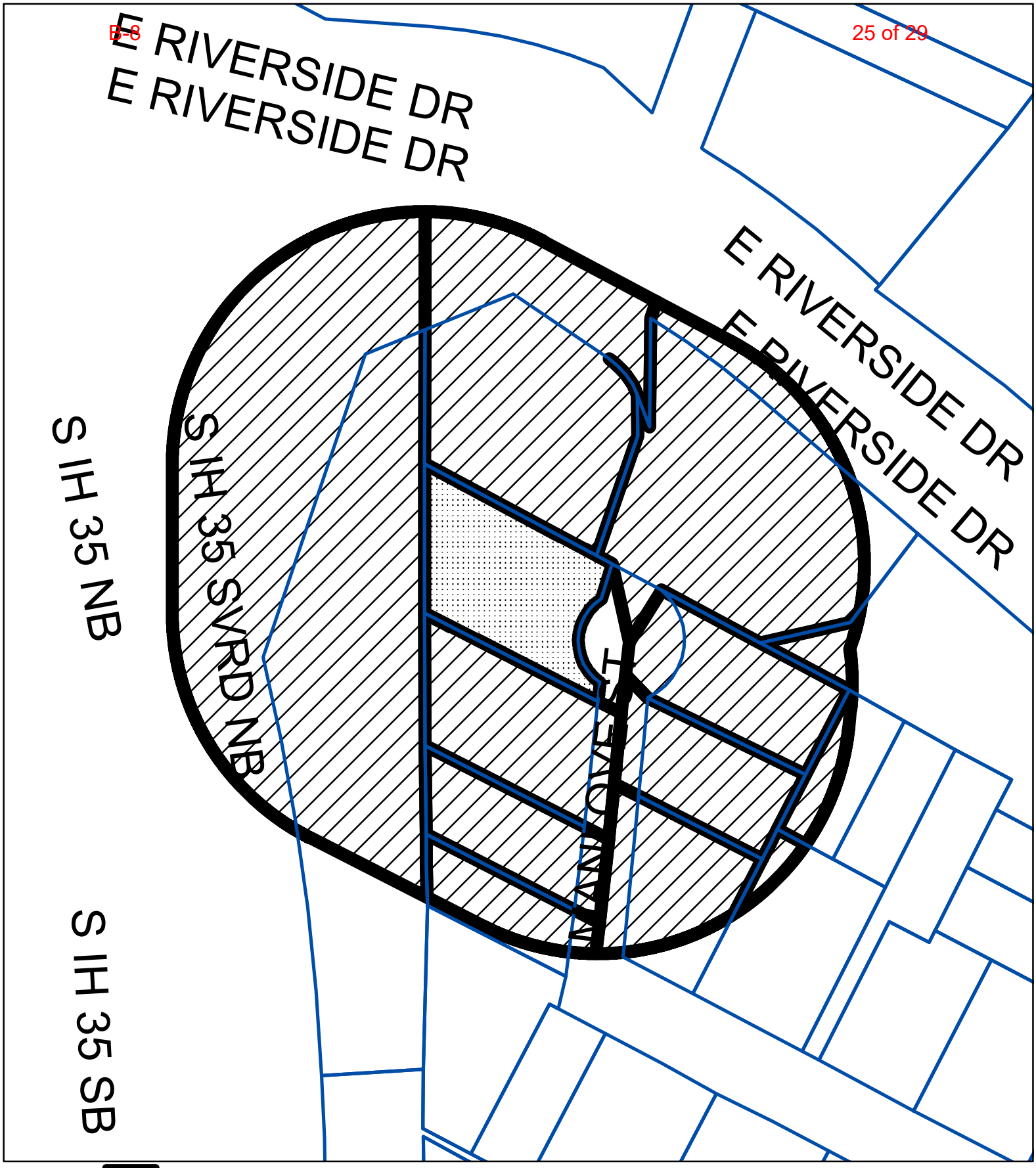
The requested NPA and zoning change conflict with the EROC NP FLUM and the EROC NP's No. 1 goal to "[p]reserve and enhance the character of existing residential neighborhoods."

Furthermore, 1100 Manlove is not a collector street. The fact that Applicant's business is located directly below Manlove clearly shows that the proposed use does not serve a neighborhood need.

As to applying a conditional overlay or restrictive covenant to the property, there is no guarantee that any CO or RC with the City would be enforced in the future, much less remain in force should the property be sold.

Applicant's claim that the house hasn't been used as a residence during the ten years he's controlled it was his choice. The addition of 17 new dwellings on Manlove and Inglewood since 1999 proves that the best use of the property is residential. The two newest additions to Manlove sold within days of being posted.

Please deny both the NPA and zoning applications and include this email in the back-up for the referenced zoning and NPA cases. Thank you.



N

BUFFER
PROPERTY_OWNER
SUBJECT_TRACT

PETITION

Exhibit D

Case#: C14-2020-0081

1 " = 100 '

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.

Case Number:

C14-2020-0081

PETITION

Date: 10/12/2020

Total Square Footage of Buffer: 236535.7788

Percentage of Square Footage Owned by Petitioners Within Buffer: 19.88%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Precent
0302060219	1103 MANLOVE ST 78741	1101 MANLOVE LLC	no	10852.71	0.00%
0302060243	1405 A E RIVERSIDE DR AUSTIN 78741	CAMERON PAUL TRUSTEE OF	no	36480.48	0.00%
0302060201	1317 E RIVERSIDE DR 78741	CAMERON PAUL TRUSTEE OF	no	87376.21	0.00%
0302060216	INGLEWOOD ST 78741	CAMERON PAUL TRUSTEE OF	no	2497.72	0.00%
0302060244	1405 B E RIVERSIDE DR 78741	CAMERON PAUL TRUSTEE OF	no	37604.86	0.00%
0302060205	1507 E RIVERSIDE DR	CAMERON PAUL TRUSTEE OF	no	2051.80	0.00%
0302060236	1500 INGLEWOOD ST AUSTIN 78741	CAVELLO CHRISTOPHER	yes	1149.59	0.49%
0302060246	1106 MANLOVE ST 78741	HARAGUCHI DEAN & ANN KETTNER HARAGUCHI	yes	5965.99	2.52%
0302060245	1104 MANLOVE ST AUSTIN 78741	MURRAY JOHN & STACY KEESE	no	9890.89	0.00%
0302060217	1105 MANLOVE ST 78741	PEANA KATHLEEN & STEFAN PEANA	yes	10936.08	4.62%
0302060221	1102 MANLOVE ST 78741	TAYLOR JEFFREY T & JOHN T LACA	yes	15826.17	6.69%
0302060256	1101 MANLOVE ST 78741	ESCALANTE ADRIA C & RONNIE WOODALL	yes	13151.29	5.56%
Total				**233783.79**	**19.88%**

PETITION AGAINST REZONING

Date: _____

Case No. C14-2020-0081
Address of Rezoning Request: 1100 Manlove Street, Austin TX 78741

To: Austin City Council

We, the undersigned owners of the property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-3 Single Family Residence. The reasons for our opposition to the rezoning include, but are not limited to, the following reasons:

1. *The number one goal of the E. Riverside/Oltorf Combined Neighborhood Plan is to* "Preserve and enhance the character of existing residential neighborhoods." This goal was established due to the imbalance of housing types in the EROC area as a whole and to the Riverside NPA in particular due to the amount of land devoted to rental apartments.

2. Our neighborhood is thriving. Since 1999, 13 new homes have been built on Inglewood Street, two new homes have been built on Manlove, and two additional homes are under construction on a formerly empty lot on Manlove. This type of SF redevelopment is occurring throughout the neighborhood. It is not limited to our two streets.

3. The proposed use of the subject property does not meet the criteria for NO-MU because the office use does not serve a neighborhood need, the property is not located on a collector street, the zoning change is a grant of special privilege to an individual owner which would result in spot zoning within the neighborhood and would set an undesirable precedent for similarly-situated properties in the neighborhood

4. The proposed rezoning is in conflict with the City's Zoning Principles:

   Zoning should be consistent with the Future Land Use Map (FLUM) or adopted neighborhood plan. (The proposed rezoning conflicts with both the EROC Neighborhood Plan and the E. Riverside Corridor Plan.)

   Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.

   Granting the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city.

5. The City's website reflects that the intent of SF-3 zoning is to:

Date: _____

Contact Name: Toni House
Phone Number: 512.447.8090

Preserve the land use pattern and future viability of existing neighborhoods. Encourage new infill development that continues existing neighborhood patterns of development.

Protect residential neighborhoods from incompatible business or industry and the loss of existing housing.

The City website reflects the purpose of SF-3 zoning: Existing single-family areas should generally be designated as single-family to preserve existing neighborhoods.

6. Introducing a commercial component into our neighborhood will have a chilling effect on the residential redevelopment of our neighborhood.

7. The E. Riverside Corridor boundaries were carefully vetted and set after input from the numerous participants in the planning process. Austinites from throughout the City, not just EROC residents, participated in the planning process and the Corridor boundaries should be respected. Granting Applicant's rezoning will simply push Corridor zoning into one of the few remaining single-family neighborhoods in the Riverside NPA.

8. Applicant claims he needs the rezoning due to Covid-19 restrictions. Considering the property Applicant owns adjacent to 1100 Manlove, such a claim is nonsensical. Should this rezoning be granted, Applicant, or a future owner of Applicant's existing commercial property, could use the 1100 Manlove property to create backdoor access to the larger commercial properties fronting E. Riverside and the I-35 frontage road. Rezoning 1100 Manlove will essentially turn our two residential streets into a commercial driveway and parking lot for commercial enterprises. (Applicant's I-35 and E. Riverside properties have been publicly posted for sale as recently as last summer, and may still be on the market.)

PLEASE USE BLACK INK WHEN SIGNING

SIGNATURE	PRINT NAME	ADDRESS
	Ann Haraguchi	1106 Manlove St. Austin, TX 78741
	DEAN HARAGUCHI	1106 MANLOVE ST. AUSTIN, TX 78741
	ADRIA ESCALANTE	1101 MANLOVE ST. AUSTIN, TX 78741
	Ronnie G. Wardell	1101 Manlove St. Austin TX, 78741
	Christopher Cavello	1500 Inglewood St. Austin, TX 78741

Date: _____

Contact Name: Toni House
Phone Number: 512.447.8090

SIGNATURE	PRINT NAME	ADDRESS
	STEFAN PEANA	1105 MANLOVE ST. AUSTIN, TX 78741
	Jeff Taylor	1102 Manlove Austin, Tx. 78741
	JOHN GALARIA	1102 MANLOVE ST. AUSTIN TX 78741
	Kathleen L. House	1503 Inglewood St Austin Tx 78741
	ERIK GUSTAFSON	1501 INGLEWOOD ST. #1 AUSTIN, TX 78741
	Chloe DeMars	1501 Inglewood St. #1 Austin, Tx 78741
	KATHLEEN PEANA	1105 MANLOVE ST AUSTIN TX 78741
	David L. Snow	1506 Lupine Lane Austin, TX 78741

Date: _____

Contact Name: Toni House
Phone Number: 512.447.8090