

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



**AGENDA ITEM NO.: Z-2
AGENDA DATE: Thu 08/04/2005
PAGE: 1 of 1**

SUBJECT: C14-05-0030 - Shamise 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9117 Northgate Blvd. (Little Walnut Creek Watershed) from multi-family-medium density-neighborhood plan (MF-3-NP) combining district zoning to neighborhood commercial-neighborhood plan (LR-NP) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district zoning. Applicant: Syed Asif Shamise. Agent: Bennett Consulting: Jim Bennett. City Staff: Sherri Sirwaitis, 974-3057.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0030

P.C. DATE: June 14, 2005

ADDRESS: 9117 Northgate Boulevard

OWNER/APPLICANT: Syed Asif Sharnise

AGENT: Bennett Consulting
(Jim Bennett)

ZONING FROM: MF-3-NP **TO:** LR-NP

AREA: 1.060 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends denial of the request for LR-NP, Limited Office-Mixed Use-Conditional Overlay-Neighborhood Plan Combining District.

However, if the Planning Commission and/or City Council grant the proposed zoning, development on the site should be limited through a conditional overlay to less than 2,000 vehicle trips per day.

PLANNING COMMISSION RECOMMENDATION:

6/14/05: Approve the LR-CO-NP zoning request and plan amendment with additional recommendation that hours be limited, a 2,000 vehicle trip limit per day, and that the City Council public hearing notice include the opportunity to add MU, Mixed Use Combining District. Vote: (7-0, C. Galindo- absent); J. Reddy-1st, M. Moore-2nd.

ISSUES:

On July 15, 2005, the staff received a postponement request for the August 4, 2005 City Council hearing to August 25, 2005 from the North Austin Civic Association Neighborhood (Postponement Letter - Attachment C). This is the neighborhood's first postponement request and it was made in a timely manner.

The staff facilitated a meeting between the North Austin Civic Association Neighborhood and the applicant on May 19, 2005. The applicant presented their proposed case to the neighborhood and the group voted 9-in favor, 15-against (3 of which were write in ballots) the neighborhood plan amendment and related re-zoning change. Out of the actual NACA Planning Team members (7 of the original 25 members in attendance), the vote was 1-in favor, 6- in opposition to the applicant's request.

DEPARTMENT COMMENTS:

The property in question is a grassy, undeveloped tract of land that slopes steeply to the south. There is floodplain covering the majority of the site (GIS Map-Attachment A). Along the southern boundary of the property, there appears to be a natural detention/culvert area. The applicant is requesting LR-NP, Neighborhood Commercial-Neighborhood Plan District, zoning to develop a commercial/retail use (convenience store) on this site.

The staff is recommending denial of the proposed LR-NP zoning because it is not in accordance with the adopted neighborhood plan for this area of the city. The North Austin Civic Association Neighborhood Plan future land use map calls for multifamily uses at this location (NACA Future

Land Use Map-Attachment B). The site under consideration is located adjacent to existing multifamily uses to the north, east, and west. The property to the south of this tract is currently used for religious assembly (Praise Worship Chapel).

There is a pending Neighborhood Plan Amendment request (case NPA-05-0007.01) associated with this rezoning case. The staff does not support the applicant's request to change the North Austin Civic Association Future Land Use Map from multi-family to commercial designation for this property.

The applicant does not agree with the staff's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-3-NP	Undeveloped
<i>North</i>	MF-3-NP	Multifamily (Apartments)
<i>South</i>	GR-NP	Office/Religious Assembly (Sign indicates United Cerebral Palsy, however there is a banner stating Praise Worship Chapel)
<i>East</i>	GR-NP, LR-NP	Apartment Complex, Convenience Store
<i>West</i>	GR-NP	Multifamily (Apartments)

AREA STUDY: North Austin Civic Association NP **TIA:** Waived

WATERSHED: Little Walnut Creek **DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: N/A **HILL COUNTRY ROADWAY:** N/A

NEIGHBORHOOD ORGANIZATIONS:

- 45 - North Austin Civic Association
- 114 - North Growth Corridor Alliance
- 511 - Austin Neighborhoods Council
- 724 - Northgate Neighborhood Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-01-0037	SF-2, SF-3, MF-2, MF-3, LO, LR, GR, CS, CS-1, LI, LI-CO to MF-2-NP, NO-NP, LO-NP, GR-NP, CS-NP, P-NP, LI-NP	4/17/01: Approved staff rec. of NO-NP, CS-NP, MF-2-NP, LO-NP, GR-NP, P-NP, LI-NP (9-0)	5/24/01: Approved PC rec. on all 3 readings (except Tract 9-on 1 st reading only); (6-0) 8/09/01: Approved CS-NP for Tract 9 (7-0); 2 nd /3 rd readings

C14-93-0151	GR to LI	1/04/94: Approved LI-CO with conditions and R.C. (8-1)	2/03/94: Approved LI-CO (5-0); 1 st reading 4/14/94: Approved LI-CO (6-0); 2 nd /3 rd readings
C14-93-0064	MF-3 to LI	6/15/93: Approved LI, prohibiting several uses agreed to by the neighborhood and the applicant	7/01/93: Approved LI-CO (7-0); all 3 readings
C14-92-0106	GR to LI	12/08/92: Approved LI-CO	12/17/92: Approved LI-CO with conditions, 1 st reading 2/25/93: Approved LI-CO with conditions, 2 nd /3 rd readings

RELATED CASES: NPA-05-007.01

C14-01-0037 (North Austin Civic Association Neighborhood Plan Rezoning)

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Northgate Blvd.	70'	40'	Collector	No	No	Route # 40

CITY COUNCIL DATE: August 4, 2005

ACTION:

ORDINANCE READINGS: 1st

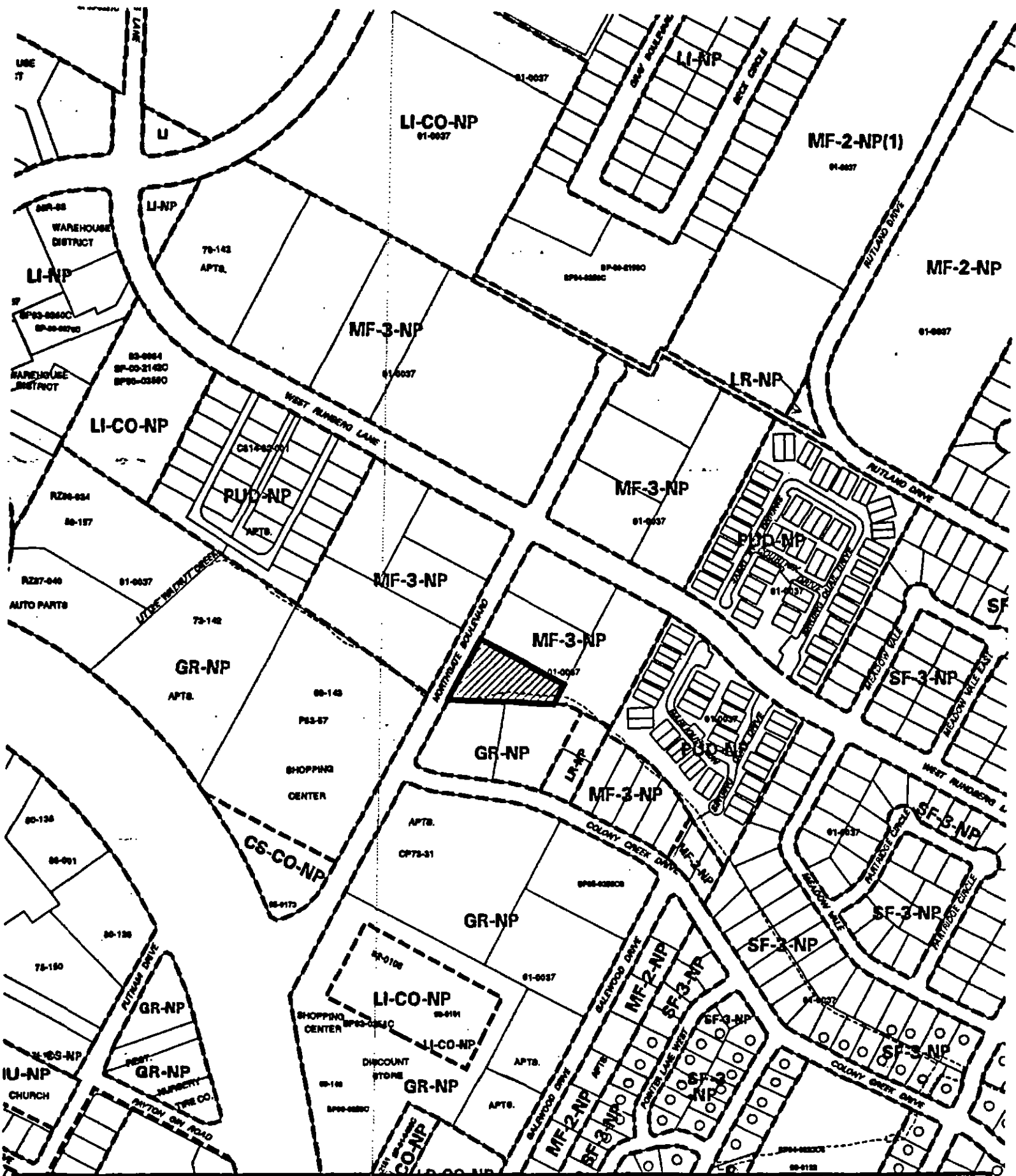
2nd





3rd

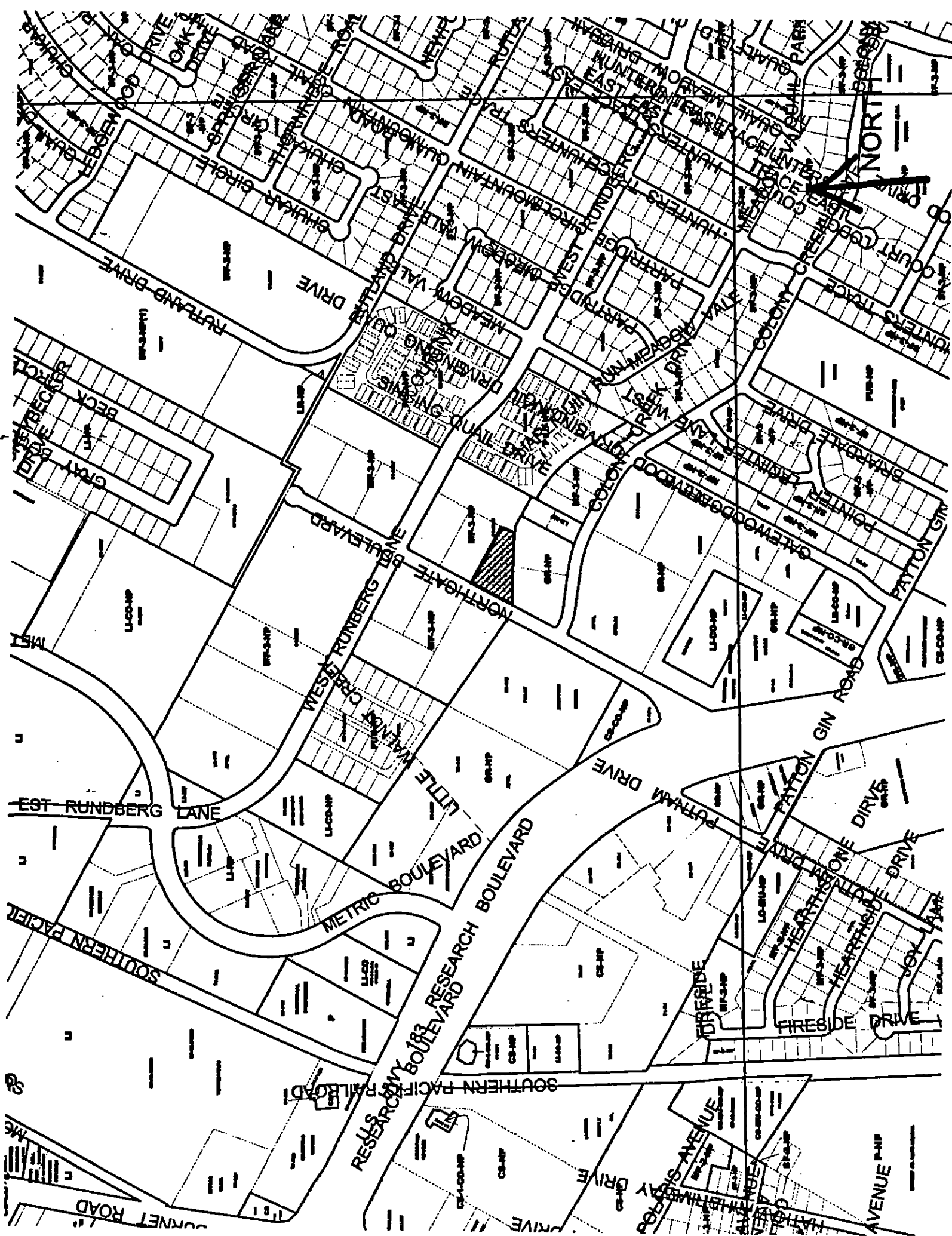
ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT 	ZONING		CITY GRID REFERENCE NUMBER K31	
	PENDING CASE 	CASE #: C14-05-0030 & NPA-05-0007.01			
	ZONING BOUNDARY 	ADDRESS: 9117 NORTHGATE BLVD			DATE: 05-05
	CASE MGR: T. BOLT	SUBJECT AREA (acres): 1.060			INTLS: \$M





STAFF RECOMMENDATION

Staff recommends denial of the request for LR-NP, Limited Office-Mixed Use-Conditional Overlay-Neighborhood Plan Combining District.

However, if the Planning Commission and/or City Council grant the proposed zoning, development on the site should be limited through a conditional overlay to less than 2,000 vehicle trips per day.

BASIS FOR RECOMMENDATION

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

The rezoning request to LR-NP is not consistent with the North Austin Civic Association Neighborhood Plan (NACA). The approved Land Use Plan for NACA designates this site for multi-family residential use. In addition, the NACA neighborhood plan already allows for commercial uses to occur to the south of this property along U.S. Highway 183.

The current MF-3-NP zoning is consistent with the existing zoning (MF-3-NP, PUD-NP) and residential uses surrounding the site the north, east and west. The property in question is located mid-block on a residential collector street.

2. *No change in conditions has occurred within the area indicating that there is a basis for changing the originally established zoning and/ or development restrictions for the property.*

There have been no significant changes in the area since the adoption of the North Austin Civic Association Neighborhood Plan to warrant this rezoning request.

3. *Zoning should allow for reasonable use of the property.*

The current MF-3-NP zoning will allow for the development of compatible multifamily uses on the property.

EXISTING CONDITIONS

Site Characteristics

The site is a grassy, undeveloped tract of land that slopes steeply to the south. Along the southern boundary of the property, there appears to be a natural detention/culvert area.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the LR zoning district would be 80%. However, if the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

The site is located in the Little Walnut 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. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Little Walnut 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.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals, which would preempt current water quality or Code requirements.

According to flood plain maps, there is flood plain within the project area. No development is permitted within a Critical Water Quality Zone.

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

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

Transportation

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 2,619 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Route
Northgate Blvd.	70'	40'	Collector	No	No	Route # 40

Right of Way

No comments received.

Water and Wastewater

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation,

or utility adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

The landowner must pay the tap and impact fee once the landowner makes an application for a City water and wastewater utility tap permit.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Compatibility Standards

This site is within the North Austin Civic Association Neighborhood Plan.

MOTION: APPROVE BY CONSENT.

VOTE: 6-0 (DS-1st, JMC-2nd; CM-ARRIVED LATE, CG-ABSENT)

DISCUSSION AND ACTION CASES

AMENDMENTS

- 3. Neighborhood Plan Amendment:** NPA-05-0007.01 - Shamsie 1
- Location:** 9117 Northgate Boulevard, Little Walnut Creek Watershed, North Austin Civic Association Neighborhood Plan NPA
- Owner/Applicant:** Syed Arif Shamsie
- Agent:** Jim Bennett Consulting (Jim Bennett)
- Request:** Multi-family to Commercial land use designation
- Staff Rec.:** NOT RECOMMENDED
- Staff:** Scott Whiteman, 974-3496, scott.whiteman@ci.austin.tx.us
Neighborhood Planning and Zoning

ITEMS 3 AND 9 CONSIDERED TOGETHER

Sherri Sirwaitis presented the staff recommendation.

FOR

Jim Bennett said a lot of the site is encumbered by a drainage easement. He has a packet of 71 signatures from nearby property owners in support of the request. There were 7 original members of the neighborhood planning team that voted on this request and there were 6 votes not to support the plan amendment change and only one in support. Based on the overwhelming support of the property owners, and the presence of multi-family and single-family, the zoning is warranted since it will provide a retail service. He said that the 7 members that voted were part of the original neighborhood planning effort, and appeared to be focused on protecting a past decision whether than considering the case.

Brown Okinnlewo said he moved to Austin from Nigeria and believes in the American Dream. He had opportunity to go to college and own a business. He requested that the requested zoning be approved.

Jeri Delgado said she is in favor of another store in the area. The store would be a great improvement for the area. She frequents the store that the owner also owns. The store stays clean, and is fast and friendly. The other store in the area is a mess, and does not have good customer service. By allowing this new store around the corner, will encourage the other business owner to step up and improve service.

Cheryl Selby said she is a homeowner in this area. She lived in an apartment complex prior to becoming a homeowner. The apartment complexes and this empty lot have become infested with illegal activity. There has not been enough police presence increased to match the increase in illegal activity. The owner is community-minded. She sees him as a community builder. The rezoning would assist the community.

PLANNING COMMISSION- DRAFT JUNE 14, 2005 MEETING SUMMARY

Commissioner Riley asked where she lives. 8505 Brookfield, is a bit of walk, but does mentoring work and several mentorees live across the street from the subject property. Commissioner Riley asked about concerns that the sell of alcohol would contribute to illegal activity and Cheryl said that people can already buy alcohol around the corner. Alcoholics have a choice, they can learn to buy a soda instead.

Jeremy Oldham said he works near the proposed store. The Tigermart nearby has a full parking lot, so there is a demand for another store. He spoke to the character of the owner, saying he is an asset to the neighborhood. Apartments would generate more trash than a convenience store.

Harry Cortes, a Capital Metro driver for 18 years, said he has been on some of these routes. One of his favorites is route 325. There are three schools in the area. His route takes him right directly to the store. He supports the proposed store, because the lot is currently used for drugs. He said he likes the owner, and there is a police presence at the site. He hopes the Commission looks at this zoning request as an upgrade to the area.

Samual Hankins is also a homeowner in the area. There are drugs and prostitution on the empty lot and at the other store. He wants to see the convenience store located there. He supports the zoning request.

Sandy Johnson, said she lives close by. She is also here to represent the Mexican American population. A lot of the people do not have transportation and they have a language barrier. She is also an advocate for a shelter for women. She thinks they are a good family oriented store and she wants to see them expand to provide more jobs, better prices. This is an opportunity for services to be closer to the Hispanic population in the neighborhood.

Ronda Andrews said she lives within 5 minutes walking distance from the subject property. She has lived in the neighborhood for 20 years. She drives further to go to Mr Shamsie's store instead of the closer one because they provide better customer service. The other convenience store sells the most alcohol than other stores in Austin. Commissioner Reddy asked if she would walk to a store in the area.

Beverly Ogle, has been in the same apartment for several years. They are community-minded. She lives 2 minutes from the closest store.

AGAINST

Sean Breen, a lawyer represents the property owner at 1700 . He agrees with the staff recommendation for denial. First, in 2000, nothing has changed since the creation of the neighborhood plan. Goal number two of the plan is to consider businesses and residences. Second, the neighborhood wants to protect single-family and multi-family from commercial and industrial uses. Finally, there are principles associated with the neighborhood planning. Principle seven says that zoning change requests should be denied if alcohol would be sold, unless a general restaurant use. He has been before this Commission before as a citizen and a lawyer, and knows there is passion expressed at the Commission. His client's store is within 300 feet of the

PLANNING COMMISSION- DRAFT JUNE 14, 2005 MEETING SUMMARY

subject property. Since there has not been a change to the neighborhood since development of plan, then the zoning should not be changed.

Commissioner Medlin asked if the owners operate the day to day operations of the store. Mr. Green said that the owners would dispute that their store is the cause of the problems in the area. This store was in place when the plan was done.

Linda Moore, president of the North Austin Civic Association, said it is not a matter of whether there should be competition, its about whether or not another convenience store is needed in the area. When the neighborhood plan was developed, there were residents, businesses and public officials involved. The plan should not be amended unless it's a business wanted by the neighborhood. It is the majority opinion of the NACA Board that the amendment and zoning should not be granted.

Commissioner Reddy asked Ms. Moore how far away she lived from the site and Ms. Moore said about half a mile. Commissioner Riley said that a speaker speaking for the zoning change said that the Board members do not live near the area. Ms. Moore said that multi-family tenants tend not to be members of the Board. Ms. Moore said that there is not single-family near the site.

Angela Baker has lived in Quail Creek for eight years. For the plan, they went out of the way to include everyone in the area. A number of people are retired which allows them to be involved. Within the boundaries of NACA, there are 15 convenience stores. On the boundaries, there are 10 stores, for a total of 25 stores. Convenience stores are trash generators, part of a consumer society. There is a committee in the neighborhood association that picks up litter each week because they understand that the City does not have money to help. They do not ask the high school, they just do it. The committee was recently awarded by Keep Austin Beautiful for their work.

Commissioner Riley asked what the best use would be for the site and Ms. Baker said that it should be multi-family. She added that NACA has problem with drugs in the neighborhood, not just that particular area.

Ron Mills, owner of apartment complex right around the corner, said he does not think another convenience store is not needed. Prostitutes and drug users like to hang around convenience stores because of the foot traffic. Being right next door to a convenience store, he has to pick up a lot of traffic. The customers do not use the trash cans on the site. He would hate to see another store creating more trash. The kids in the neighborhood need a playground, so it would be nice to make the site a playground.

Commissioner Medlin asked if he sees the same problems at the other store the owner has. Mr. Mills said that if another store is added, He is working with the current owner to help clean up. Commissioner Medlin asked why the police do not hang out at the other store, and Mr. Mills said he did not know.

Sally Smith said she lives across the street from the convenience store and sees prostitution. She wants a prohibition of the sell of alcohol. She knows the owners will not agree to that. She said that instead of a convenience store, a library should be built. All the kids are on drugs and on

PLANNING COMMISSION- DRAFT JUNE 14, 2005 MEETING SUMMARY

alcohol. Put a skating rink, something other than a convenience store. She described how she sees young kids running across the street, without parents around. In response to Commissioner Riley, Ms. Smith said that multi-family would be a good idea for the site.

Saul Martinez, owner of property on Quail Creek, said he sees the prostitution and drug use. He provides food for those who have been drinking excessively. The prices may be driven down if competition allowed, but it may drive down the price of alcohol. As far as the issue of the area, the police are out there patrolling, and he does not see how adding a convenience store will better this area as having police presence. A community should be improved not by adding a store that provides access to alcohol.

Linda Luna, resident of 1809 West Rundberg Lane, around the corner from Northgate, said she is a single parent and has a job. She has passed the area she notices that during the summer there are a lot of unattended children. If there is a convenience store located there, customers may pull out and not see the kids. There is no adult supervision of the kids. She would prefer another use there, because there are a lot of kids in the area.

Jim Wittliff, representing two property owners and Linda Moore, said did the first neighborhood plan amendment in this city and was in NACA. There was support for the amendment because it was in the best interest of the neighborhood, but he cannot say that about this amendment. In his opinion, the problem is with the alcohol sales. The NACA neighborhood plan is unique because they call out when NACA team will oppose requests, such as for uses that sell alcohol. He is not opposed to the plan amendment to something other than multi-family, because there are some acceptable, community based commercial uses, such as food sales or personal services.

Commissioner Sullivan asked Mr. Whitliff why despite growth in the area, this lot has not been developed. Mr. Whitliff said that the floodplain constrains the site, and with MF-3, could get a dozen units.

REBUTTAL

Jim Bennett, said the first speaker said nothing has changed since the plan was adopted. He said that is why the site is vacant because of the multi-family zoning. Relative to the first speaker, its not just a liking, it's a need. The people that live around this property need this facility. He contends that a lot of the testimony heard against this request is bred from the competition. A lady claimed that convenience stores create bad kids. The Board that created the neighborhood plan does not necessarily live in this area. The people supporting this request live in the area, not away from the area. There are new members of the Board. There were 33 people for and 33 people against at the Board meeting voting on this proposal. There was a speaker against the zoning request that said apartments would be okay. Linda Moore has indicated to him that she does not apartments. The opposition is a negative response against the people that want another store that will provide a better store.

Commissioner Moore asked about how much area is taken up by the drainage easement. Commissioner Moore asked if the applicant propose selling gasoline on the site and Mr. Bennett said no.

PLANNING COMMISSION- DRAFT JUNE 14, 2005 MEETING SUMMARY

Commissioner Riley asked about alcohol sales, and said a similar problem in the downtown area said that there is a remedy of prohibiting sell of single-server alcohol.

MOTION: CLOSE PUBLIC HEARING

VOTE: 7-0 (DS-1st, JR-2nd; CG-ABSENT)

MOTION: APPROVE ZONING REQUEST AND PLAN AMENDMENT, WITH ADDITIONAL CONDITION THAT HOURS BE LIMITED, TRIPS BE LIMITED AND THAT THE COUNCIL NOTICE INCLUDE OPPORTUNITY TO ADD MU MIXED-USE.

VOTE: 7-0 (JR-1st, MM-2nd; CG-ABSENT)

Commissioner Reddy said it provides a good transition, a mix of uses and a pedestrian destination. Having worked on a neighborhood plan before

Commissioner Moore said the strongest argument from those against the zoning request is that the plan does not show commercial. However, things change, even when visible change not seen. Expecting a multi-family project to be built on half an acre. He said it is a reasonable expectation that more trash will be generated.

Commissioner Sullivan asked if it is possible to limit the hours of operation. Limit the hours of operation between 11pm and 6am. If the hours are restricted, it reduces noise impact and makes it more neighborhood-friendly. However he could see it the other way of the store providing safety late at night. Mr. Bennett said that the owner is not opposed to limiting the store hours. Commissioner Reddy supports the amendment to the motion.

Commissioner Sullivan said he would support the motion because the fact that a property in an area developing is not being developed, is not a change. Second, as part of Envision Central Texas, ECT would advocate encourage.

Commissioner Riley asked if MU could be added to the requested zoning. Ms. Sirwaitis said that MU was not notified for. Commissioner Sullivan asked that staff notify for Council to allow for the application of MU.

Commissioner Riley said he went to the site Sunday evening. He was impressed with the pedestrian activity and the density in the area. The ECT and Jane Jacobs.

Commissioner Medlin said that in general she does not support amendments to the neighborhood. She would like to prohibit the sell of alcohol at the store. She thinks it is tragic that the store is an improvement, it should be mixed-use.



PUD-NP

01-0037

MF-3-NP

01-0037

01-0037

PUD-NP

01-0037

↑ NORTH

3-NP

BP-5-04-6CS

GR-NP

01-0037

MF-3-NP

PUD-NP

APTS.

GR-NP

APTS.

69-143

69-57

SHOPPING

CENTER

01-0037

GO-NP

01-0037

6

June 2000



**North Austin Civic Association
Neighborhood Plan
Future Land Use Plan**



PECVOG
Neighborhood Planning
Plotted: June 2000

— NACA boundary

— Proposed green belt

Land Use:

Single-family
Mobile Homes
Multi-family
Commercial
Office
Industry

Civic
Open Space
Transportation
Undeveloped
Mixed Use (M): Allow Mixed Use Buildings
Mixed Use (R): Reserve from LR to MF-2
Allow Mixed Residential

It is the policy of the Council of Governments to encourage the development of land use patterns that are compatible with the existing and planned land use patterns of the area.



0 500 1000 1500 Feet

NACA Future Land Use Map

Sirwaitis, Sherri

From: Nancy Lehmann-Carsow [nlehmann@ev1.net]
Sent: Monday, June 13, 2005 12:11 PM
To: Sirwaitis, Sherri
Subject: Case no. C14-05-0030 & NPA-05-007.01

Dear Ms. Sirwaitis,

I am writing on behalf of amending the Neighborhood Plan to allow a convenience store at 9117 Northgate. Currently, the only convenience store in that area is Sunrise Minimart #4 located on Colony Creek. It is a gathering place for drug dealers and prostitutes as well as a source of trash and a place for some to drink on the property. The current owners, in their nine years of ownership, have done little to discourage this behavior.

The population has increased dramatically in that area and can definitely support another store. In our two hearings at the North Austin Civic Association (NACA) meetings, the votes (even with the questionable tallies) have been too close to call. There are many hard working, honest people in that area that deserve a safe place to shop. The owner of the convenience store wishing to purchase the property has an excellent reputation regarding the store he currently operates on Ohlen Road. Never have I seen loitering or trash on his property. He is also very willing to work with the neighborhood association in educating the residents on litter abatement and in constructing a safe, well-lit and clean store on Northgate. I feel the competition of another store in the area will force the Sunrise Market to improve his property; something the police have been unable to do in the past.

I am the only one on the Neighborhood Planning and NACA board in favor of allowing another convenience store in the area. I believe the people living in that immediate area deserve a clean and safe place to live and shop as I do in my part of the neighborhood. I hope you will consider my opinion and share this letter with the commission.

Sincerely,

Nancy Lehmann-Carsow

Vice President of NACA

1025 Quail Park Drive

835-6479

PUBLIC HEARING INFORMATION

This zoning 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.ci.austin.tx.us/development

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 applicant person listed on the notice.

Case Number: C14-05-0830 & NPA-JIS-00072.01

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

June 14, 2005 Planning Commission

Dore Hampton
Your Name (please print)

☒ I am in favor
☐ I object

408 South Meadows Drive

Your address(es) affected by this application

6-14-05
Date

Signature

Comments: Competition is a great
work. Mr. Shamais will
bring a healthy climate
to our neighborhood
"Survivor" will have
to rise to the occasion.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

Attachment C

North Austin Civic Association
Neighborhood Association

Post Office Box 180803
Austin, Texas
78718-0803



Sherri Sirwaitis
City of Austin
Neighborhood Planning & Zoning

Dear Sherri:

Regarding Case C14-05-0030 and NPA-05-0007.01

I will be out of town August 4 when these cases are scheduled to come Before City Council and, as president of the Neighborhood Association, I Feel that it is important for me to be there. Therefore, I am requesting A postponement till August 25 for both cases.

August 11 there is no Council meeting and August 18 is the night Of our monthly NACA meeting, so the soonest date that is workable Is August 25.

Please let me know as soon as possible if this postponement has Been granted.

Sincerely yours,

Linda Moore

Linda Moore, President
577-1015