

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

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NEIGHBORHOOD PLAN: East Riverside/Oltorf Combined Neighborhood Plan

CASE#: NPA-2012-0021.01

DATE FILED: July 31, 2012 (In-cycle)

PC DATE: April 23, 2013

January 22, 2013

ADDRESS/ES: 1100 Manlove Street

SITE AREA: Approx. 0.35 acres

APPLICANT/OWNER: John Schuler c/o Schuler Family Trust of 1998

AGENT: Thrower Design (A. Ron Thrower)

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Single Family

To: Neighborhood Mixed Use

Base District Zoning Change

Related Zoning Case: (no zoning case filed)

From:

To:

NEIGHBORHOOD PLAN ADOPTION DATE: November 16, 2006

PLANNING COMMISSION RECOMMENDATION: Final recommendation pending.

Previous Actions(s):

On January 22, 2013, the motion to postpone to April 23, 2013 by the request of the applicant was approved on the consent agenda by Commissioner James Nortey's motion, Commissioner Richard Hatfield seconded the motion on a vote of 8-0; Commissioner Jean Stevens was absent.

STAFF RECOMMENDATION: Not recommended.

BASIS FOR STAFF'S RECOMMENDATION: The request to change the land use on the future land use map from single family to neighborhood mixed use is not compatible with the Goals, Objectives, and Recommendations of the neighborhood plan because the request is

commercial encroachment into an established residential area, which the plan does not support.

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Land Use

Goal 1

Preserve and enhance the character of existing residential neighborhoods.

- R1 Retain single family uses in established single family neighborhoods (NPZD; Neighborhood).
- R2 Consider existing residential densities and current housing stock in future land use and zoning decisions to promote compatibility (NPZD; Neighborhood).
- R3 Promote and support compatibility between single family residences by (NPZD; Neighborhood):
 - retention of scale between structures regarding height, mass and impervious cover in both remodeling and new home construction.
 - encouraging City Council to incorporate the following recommendation developed by neighborhood stakeholders into their proposed Single Family Development Regulations:
 - Retain the existing scale and massing in new single family structures and remodels adjacent to residences and limit height to 35 feet, measured from existing grade of the adjacent residences.
- R4 The significant canopy created by the mature trees is a highlight of our planning area and especially of our traditional single-family neighborhoods. Therefore, whenever possible, mature trees should be preserved (Neighborhood).

Obj 1.1 Minimize the negative effects between differing intensities of uses by:

- R5 Requiring strict adherence to Compatibility Standards (NPZD).
- R6 Encouraging City Council to modify the Land Development Code to require compatibility standards between residential uses (including multifamily) and all office and commercial uses,

and require vegetative buffers of 25 feet within the setback (Neighborhood).

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Obj. 1.3 Identify strategies to address code enforcement and maintenance issues for residential and commercial properties.

Existing Land Use - Single Family

Single family detached or two family residential uses at typical urban and/or suburban densities.

Purpose

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

Application

1. Existing single-family areas should generally be designated as single family to preserve established neighborhoods; and
2. May include small lot options (Cottage, Urban Home, Small Lot Single Family) and two-family residential options (Duplex, Secondary Apartment, Single Family Attached, Two-Family Residential) in areas considered appropriate for this type of infill development.

Proposed Land Use - Neighborhood Mixed Use

An area that is appropriate for a mix of neighborhood commercial (small-scale retail or offices, professional services, convenience retail, and shopfront retail that serve a market at a neighborhood scale) and small to medium-density residential uses.

Purpose

1. Accommodate mixed use development in areas appropriate for a mix of residential uses and neighborhood commercial uses that serve surrounding neighborhoods; and
2. Provide transition from residential use to high intensity commercial or mixed use.

Application

1. Appropriate for areas such as minor arterials and collectors, small parcels along major arterials that abut single-family residential development, and areas in environmentally sensitive zones where high intensity commercial uses are discouraged; and
2. May be used as a transition from high intensity commercial and residential uses to single-family residential uses.

BACKGROUND: The application was filed on July 31, 2012, which is in-cycle for areas with City Council-approved neighborhood plans located on the east side of I.H.-35.

The property is zoned SF-3-NP and the land use on the future land use map is Single Family. The applicant proposes to change the land use to Neighborhood Mixed Use with the intention to eventually rezone the property to a commercial zoning district to allow access through the northwest corner of the property to the commercial property to the north. No zoning change application has been filed at this time.

See pages 14 thorough 18 to see the property owner's proposal for the redevelopment of the property in conjunction with the commercial properties to the north.

PUBLIC MEETINGS: The ordinance-required plan amendment meeting was held on Monday, October 1, 2012. Approximately 260 meeting notices were mailed to property owners and utility account holders within 500 feet of the property, including neighborhood organizations and environmental groups registered on the City's Community Registry who requested to receive public notices for the area. Twenty five people attended the meeting.

Maureen Meredith, City Staff, gave a brief presentation to the attendees explaining that the applicant proposes to change the EROC FLUM from Single Family to Neighborhood Mixed Use. No zoning case has been filed at this time.

After Maureen's presentation, Ron Thrower, the applicant's agent, told the attendees that the existing home would not be demolished. He gave a presentation that showed a 25 foot no-build line and a 25 foot additional setback. See presentation on pages 14- 18. There will be a ground-level parking structure.

Mr. Thrower stated that only a corner of the property would need to be rezoned to help with vehicle circulation.

After the presentation, the following questions were asked and comments made:

Q. From an earlier zoning case, there is a public restrictive covenant that prohibits access to the south property line.

A. I'm not familiar with this provision. If it exists, we would ask for a modification of this provision.

Q. It is dangerous to exit of the northbound frontage

A. We will address this through the site plan stage. The garages are designed to exit either IH-35 on Riverside.

Q. What will prevent you from using the whole lot?

A. We will address this with zoning. We could narrow the scope.

Q. Could you re-subdivide the property to cut off that section of the property?

A. We could look at that, but it's early in the process.

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Q. For three years the house has been used as a business Monday through Friday. We see a blue truck and a blue van parked in the driveway and two people going in and out of the home. We have complained to Code Enforcement, but the owner claims that he stays in the home a couple nights a week.

A. I understand your issues. However, the property would need to be rezoned to commercial to be used as access. We could look at scaling back the request.

Note: The owner of the property said he has an out-of-town employee that stays at the property on an occasional basis and this employee does personal work for him.

Q. The map doesn't show the new house under construction. The neighborhood should know the house being built.

A. We used City GIS data, but we can draw something.

General Comments from the meeting: We don't want to lose single family zoning and land use in the neighborhood. It may only be a small piece of the property to you, but it affects the whole neighborhood.

The East Riverside/Oltorf Combined Planning Contact Team opposes the FLUM change request from Single Family to Neighborhood Mixed Use. The letter is on page six of this report.

The South River City Citizens opposes the plan amendment application. The letter is on page seven of this report.

CITY COUNCIL DATE: February 28, 2013 **ACTION:** Postponed to May 23, 2013

CASE MANAGER: Maureen Meredith **PHONE:** (512) 974-2695

EMAIL: Maureen.meredith@austintexas.gov

Letter from East Riverside/Oltorf Combined Planning Contact Team

From: Malcolm Yeatts
Sent: Monday, January 14, 2013 9:33 PM
To: Meredith, Maureen
Cc: 'Jan Long'; 'Linda Watkins'; 'Malcolm Yeatts'; 'Mike May'; 'gayle goff (2)'; 'Carl Braun'; 'Dawn Clzmar'; 'John Harms'; 'Kendall Krebs'; awilkins@; pricelessaustin@; 'Linda Land'; 'Jean Mather'; 'Toni House'
Subject: NPA-2012-0021.01 1100 Manlove Street

Re: NPA-2012-0021.01 – 1100 Manlove Street

The E. Riverside/Oltorf Combined Neighborhood Plan (EROC NP) Contact Team has voted to oppose the application to change the designation of the property located at 1100 Manlove from SF-3 to NMU on the EROC NP Future Land Use Map for the following reasons:

1. The proposed change conflicts with the adopted EROC NP.
2. The proposed change conflicts with the adopted E. Riverside Corridor Master Plan and the proposed E. Riverside Corridor Regulating Plan.
3. The property lies outside the E. Riverside Corridor boundary.
4. Applicant's request to change the FLUM conflicts with his assertions in Zoning Case Nos. C14-04-0030 & C14-06-0117, during which he assured the City and the neighborhood that he would not need to rezone any additional single family properties to achieve his goals.
5. There are very few remaining single family neighborhoods left in EROC and we simply cannot afford to lose any more of these properties.

Please include this email with the case file. Thank you.

Malcolm Yeatts Chair, EROC Contact Team

4811 Allison Cove

Austin 78741

385-1958



CH
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Maureen Meredith, Senior Planner
Planning and Development Review Department
One Texas Center
505 Barton Springs Road
Austin, TX 78704

October 8, 2012

RE: Case No. NPA 2012-0021.01 Proposed FLUM change from SF-3 to NMU

Dear Maureen,

Monday, October 1, following the report on the City-sponsored meeting on the proposed Neighborhood Plan Amendment, the SRCC general membership voted unanimously to strongly oppose such amendment. The property located at 1100 Manlove is designated SF-3 in the EROC Future Land Use Map and should remain so.

- There is very little single-family zoning remaining in the E. Riverside/Oltorf Combined NPA, and even more will be removed when the E. Riverside Corridor Regulating Plan is adopted.
- The proposed change conflicts with the adopted EROC Neighborhood Plan and the adopted E. Riverside Corridor Master Plan ("ERC").
- The property lies outside the E. Riverside Corridor boundary.
- Such a change will have a chilling effect on a well-established neighborhood that continues to add much needed home ownership opportunities via new construction.

The property is located within SRCC Area 6. In fact, SRCC holds the private restrictive covenant arising from the previous zoning cases initiated by Applicant on his abutting properties. Those cases were vigorously opposed and SRCC members and officers actively participated at every level of the efforts to reach a compromise.

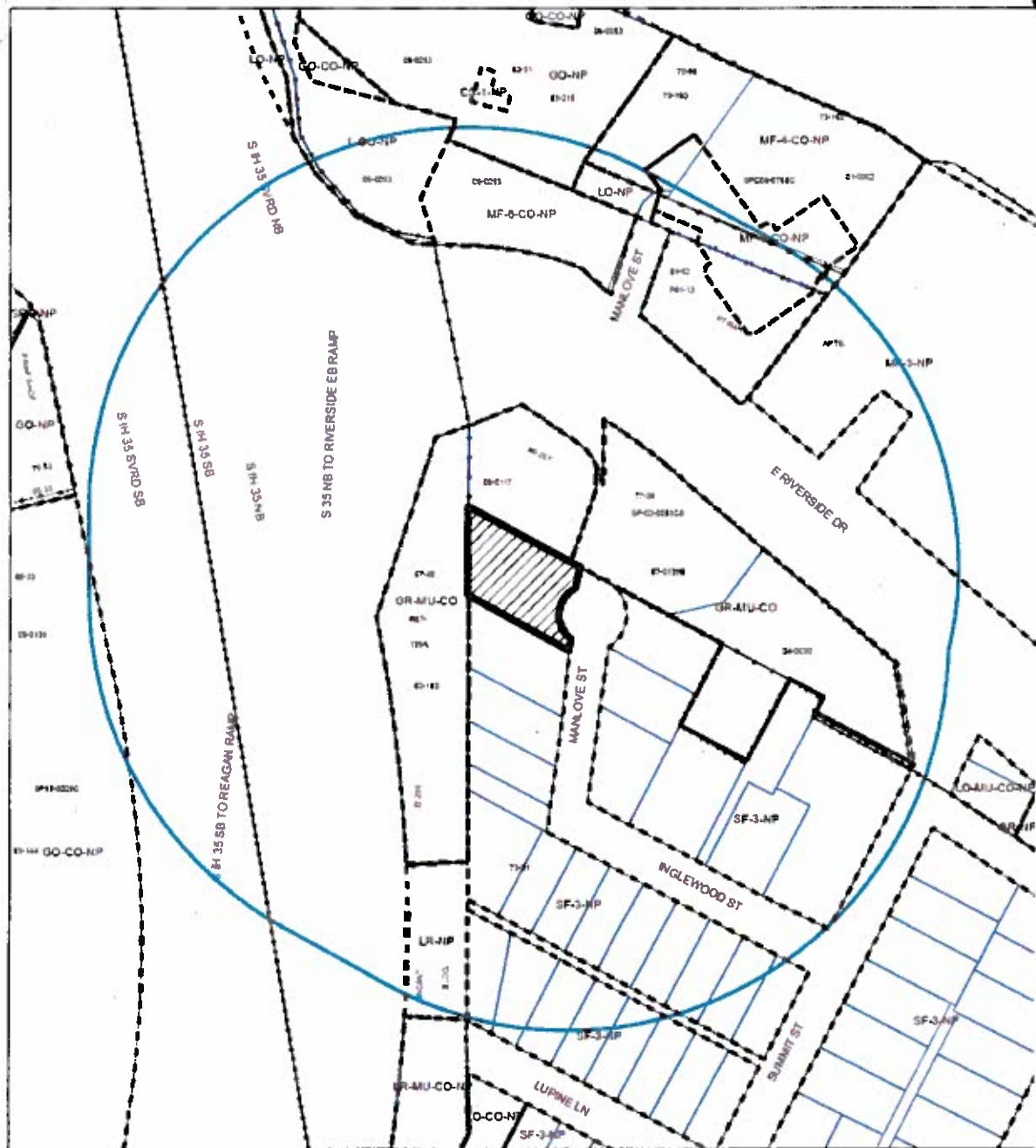
Throughout the four year span of countless meetings, both City-sponsored and neighborhood initiated, Applicant claimed that he did not require the single family properties at the end of Manlove to achieve his development goals and that the neighbors' fears of the domino effect were groundless. Now, here he is, claiming he has to have the single family property land use changed to commercial.





There are other reasons to deny this Neighborhood Plan Amendment, but the above should be sufficient. (Please include this letter in the case file.)

Sincerely,

Marc Davis
SRCC President

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-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY
-  500ft Notification Boundary

NEIGHBORHOOD PLAN AMENDMENT

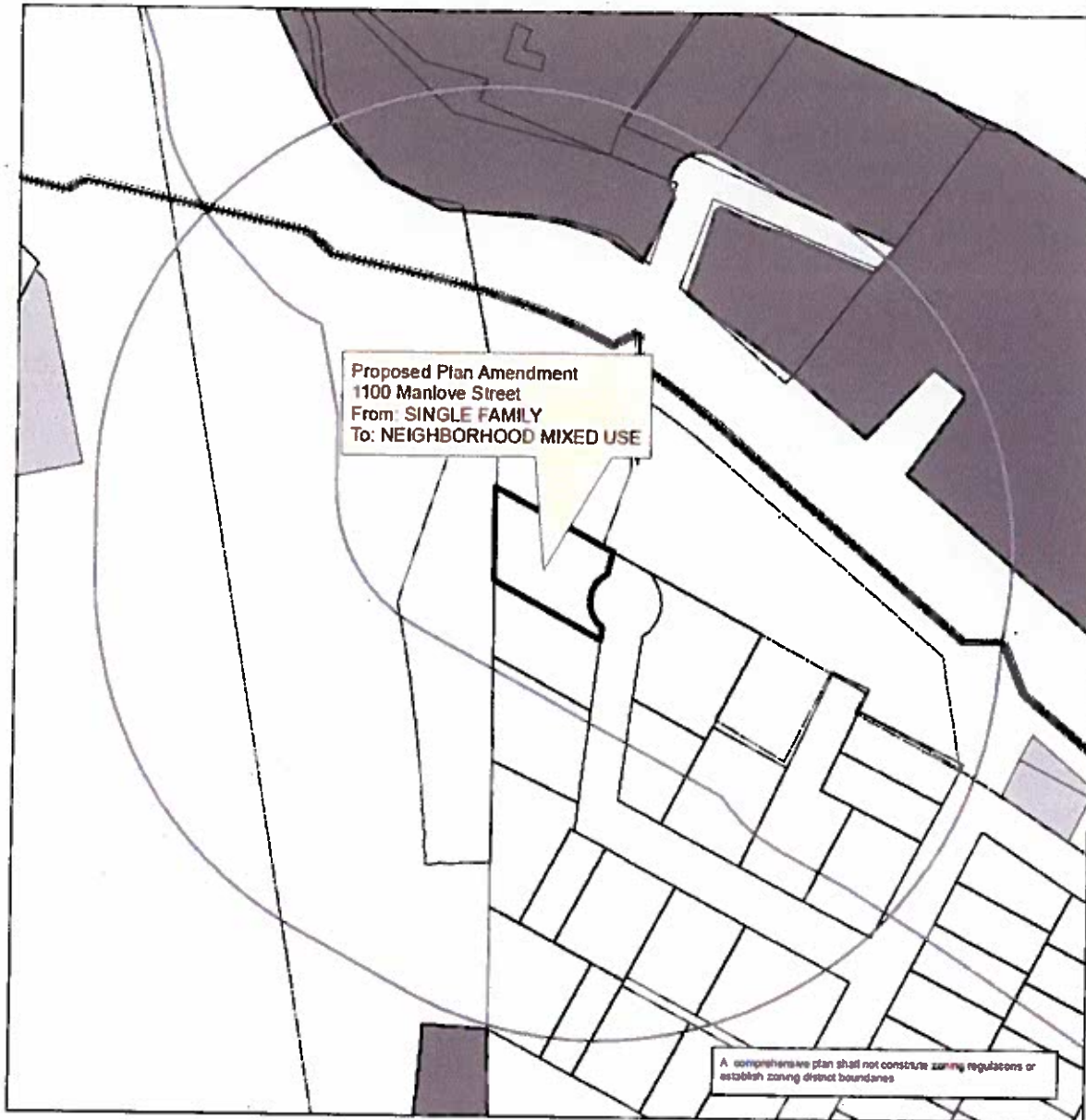
NPA CASE#: NPA-2012-0021.01
ADDRESS: 1100 Manlove Street
ACRES: Approx. 0.35 acres



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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.

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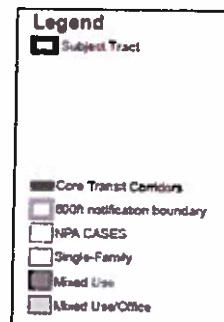
East Riverside/Oltorf Combined Neighborhood Plan **NPA-2012-0021.01**

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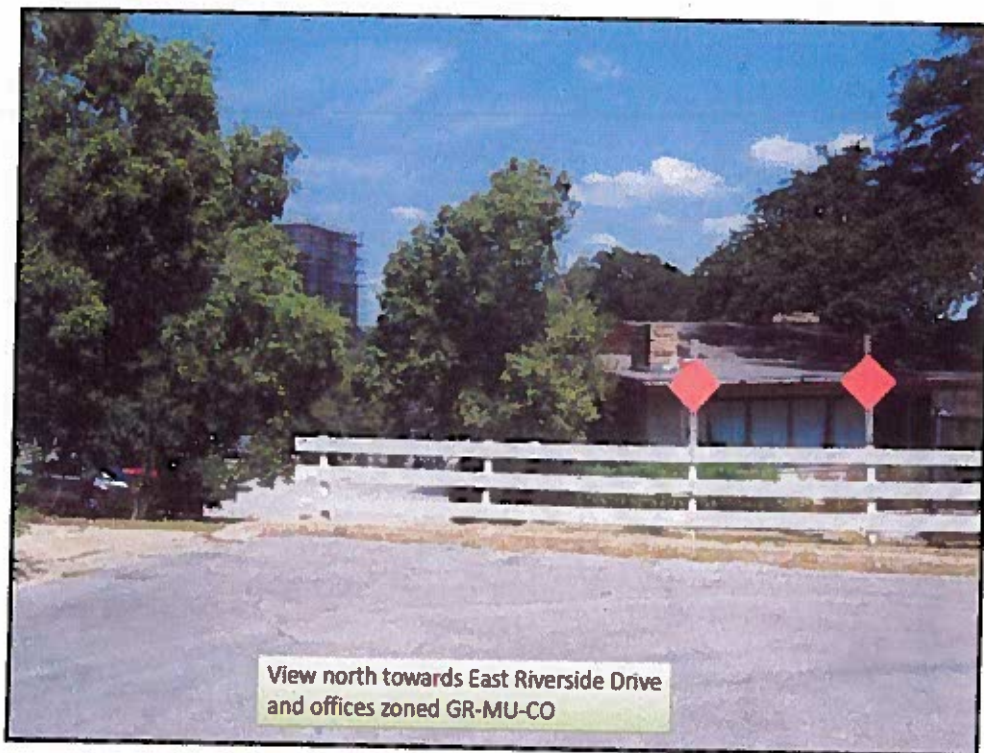


City of Austin
Planning and Development Review Department
Created on Jan. 8, 2013_M Meredith

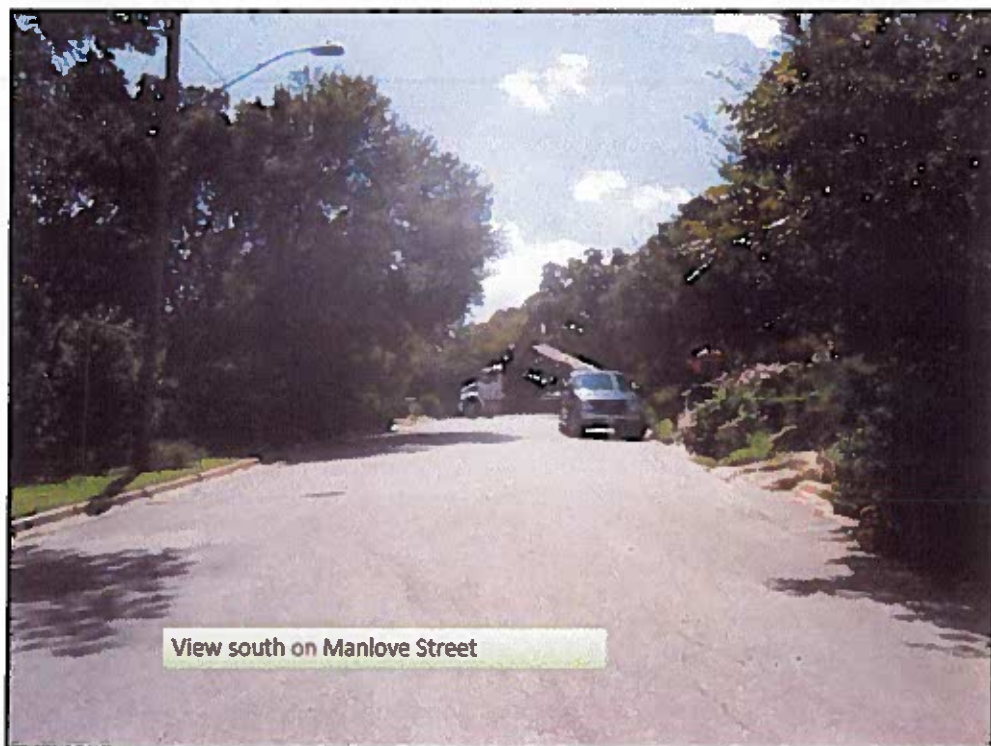
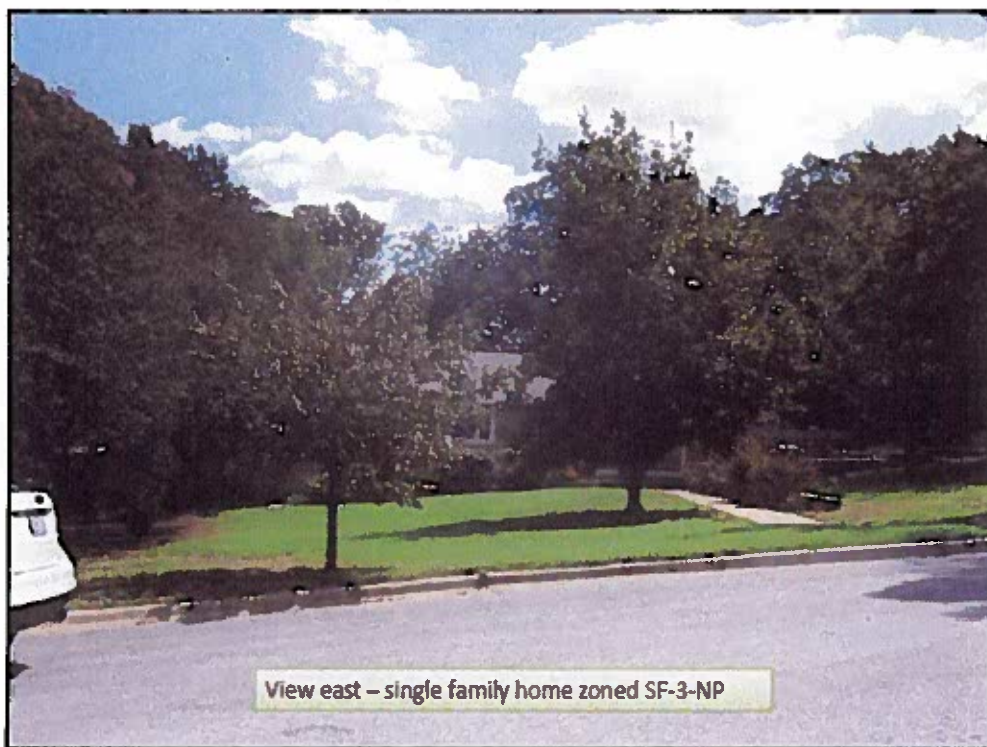




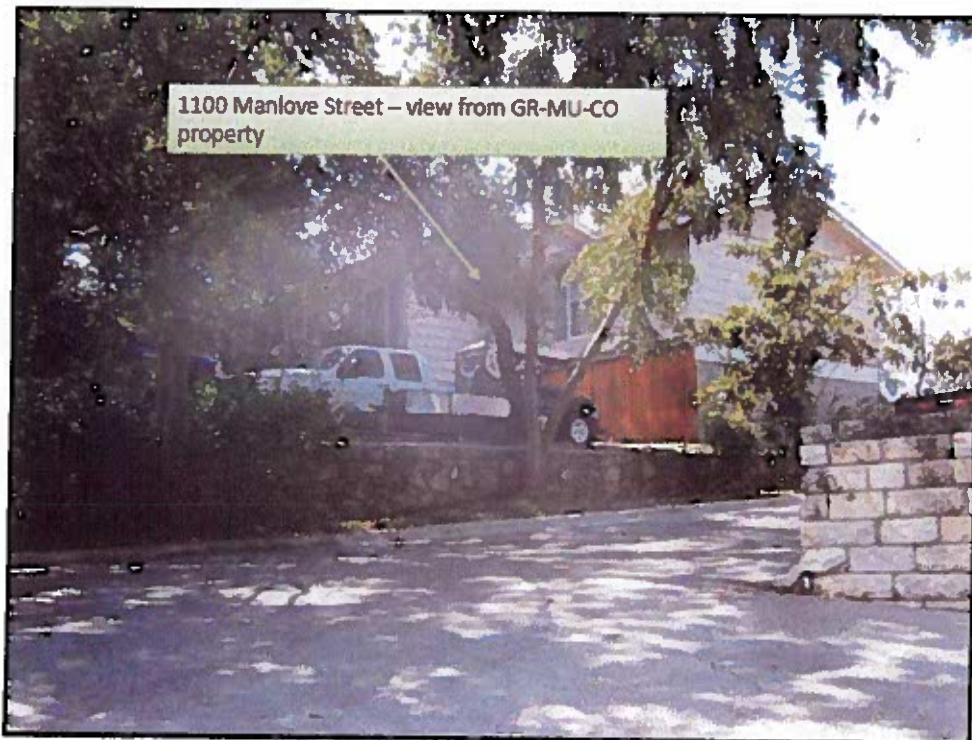
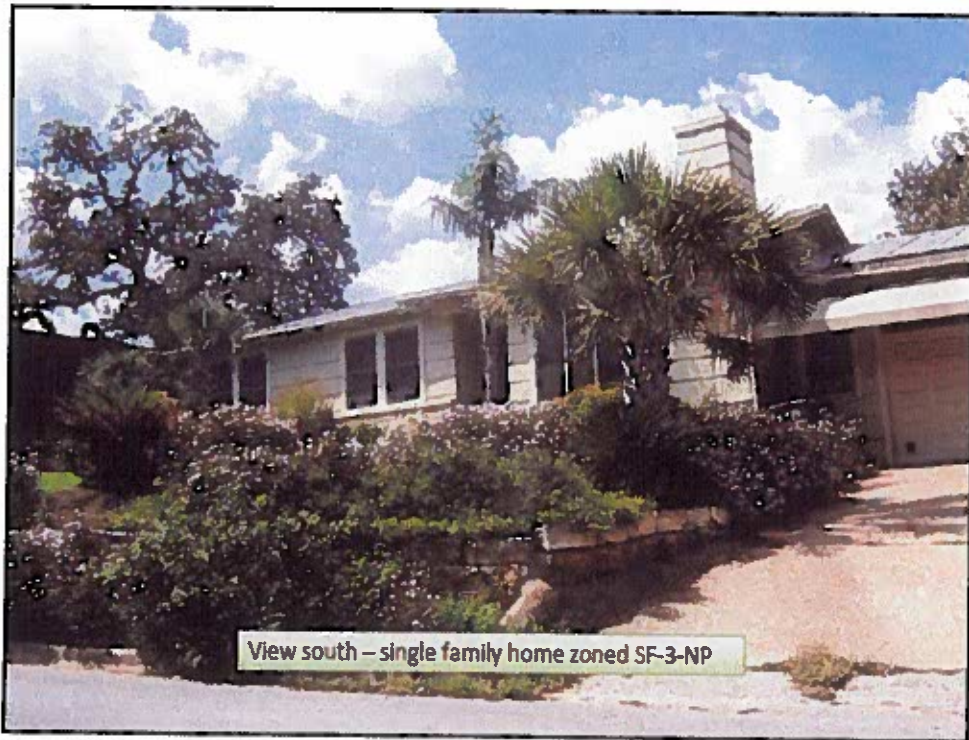
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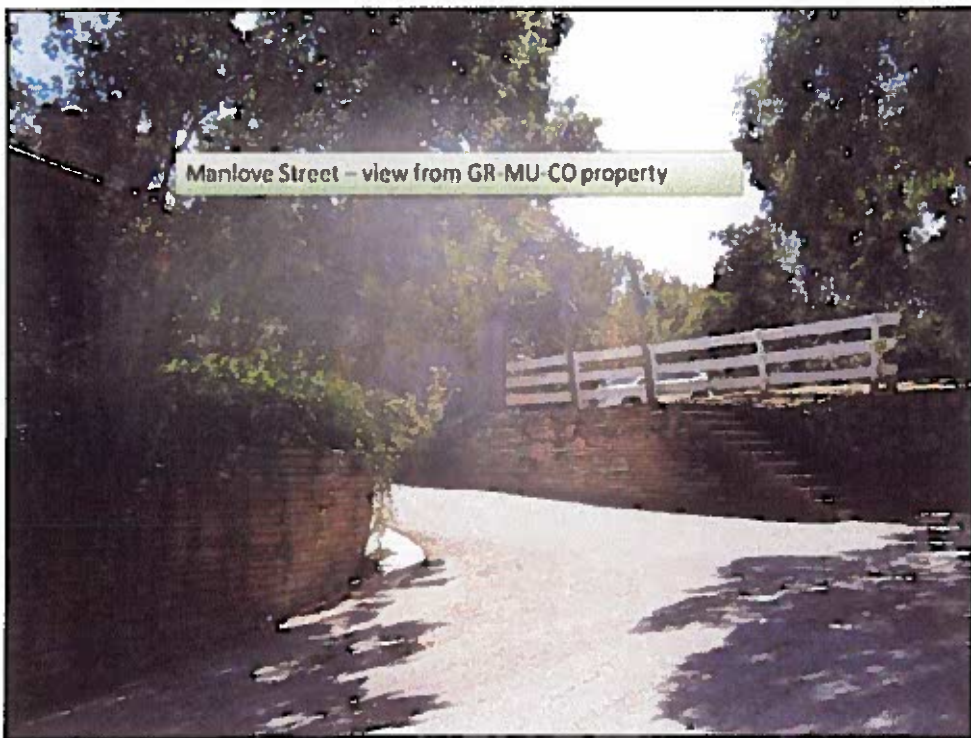
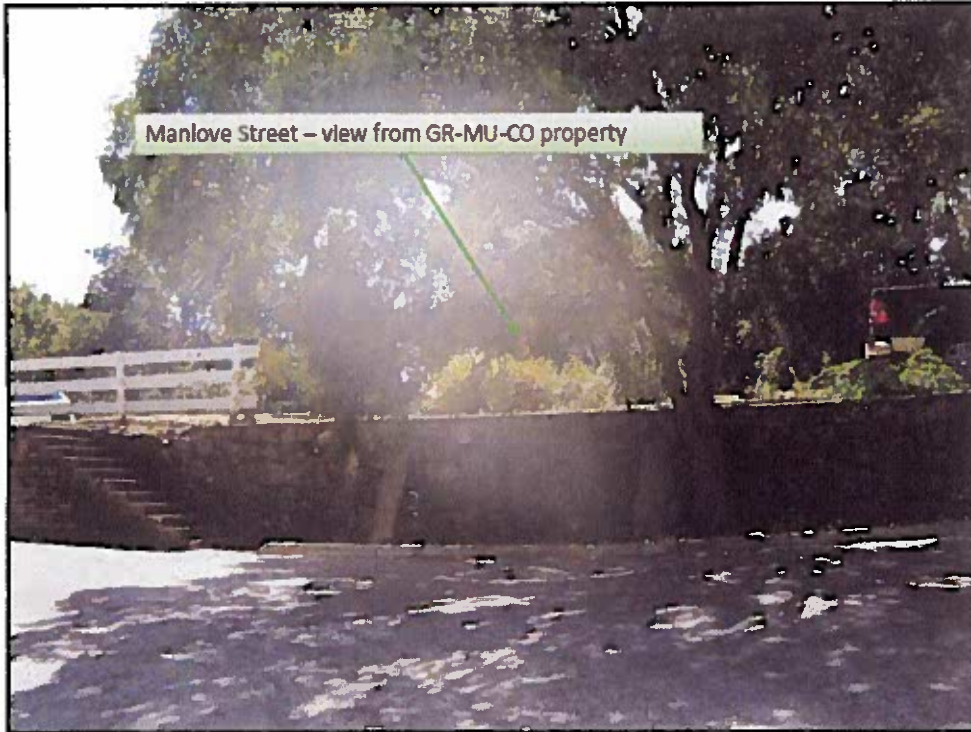


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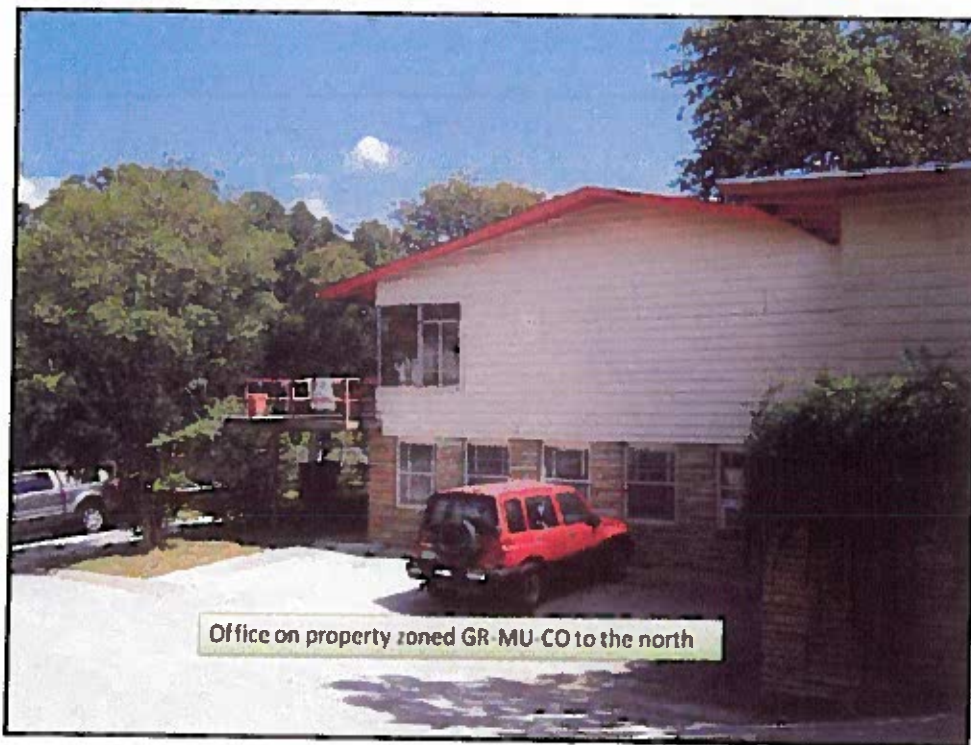
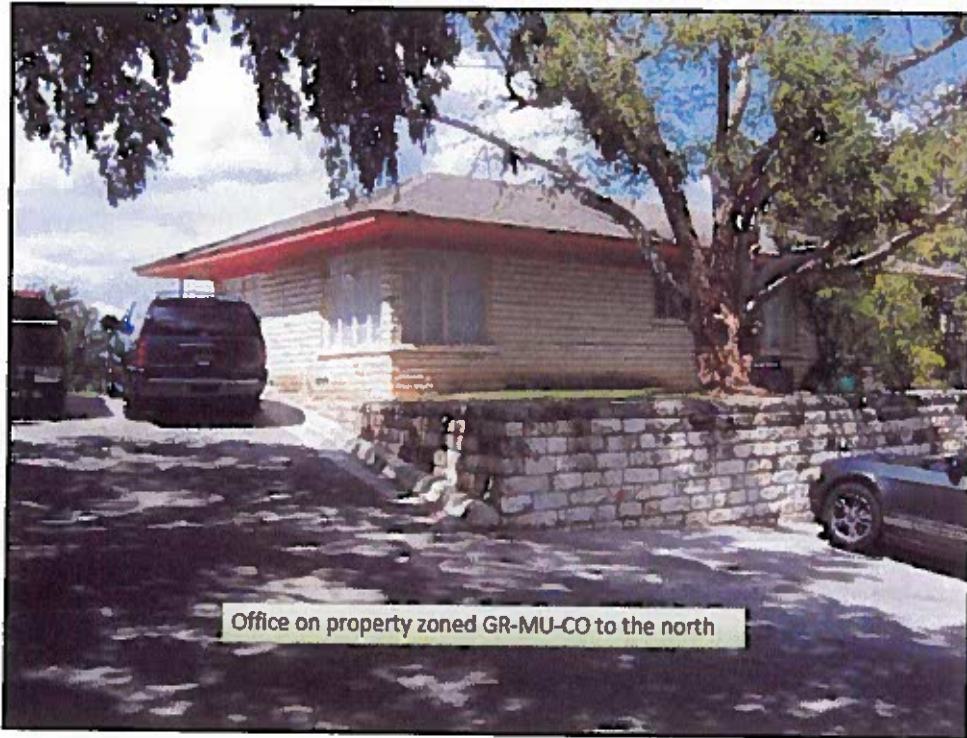


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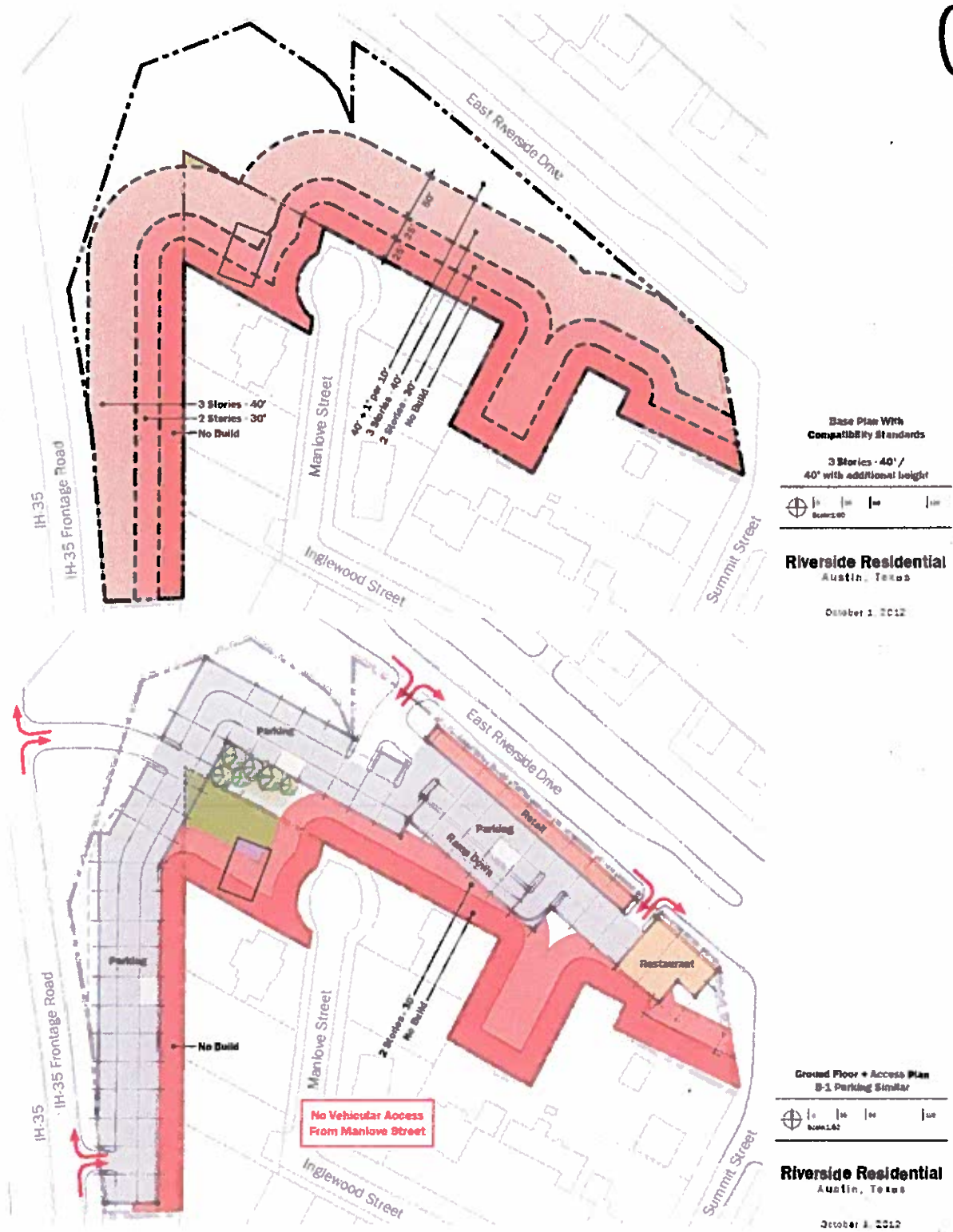
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Second Floor Plan
 Scale 1/8" = 1'-0"
Riverside Residential
 Austin, Texas
 October 8, 2012

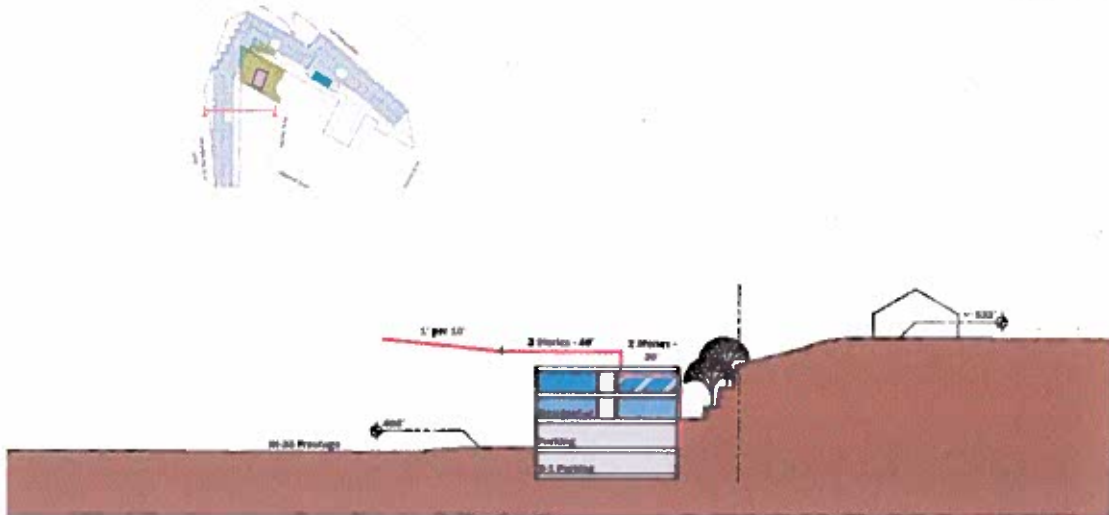
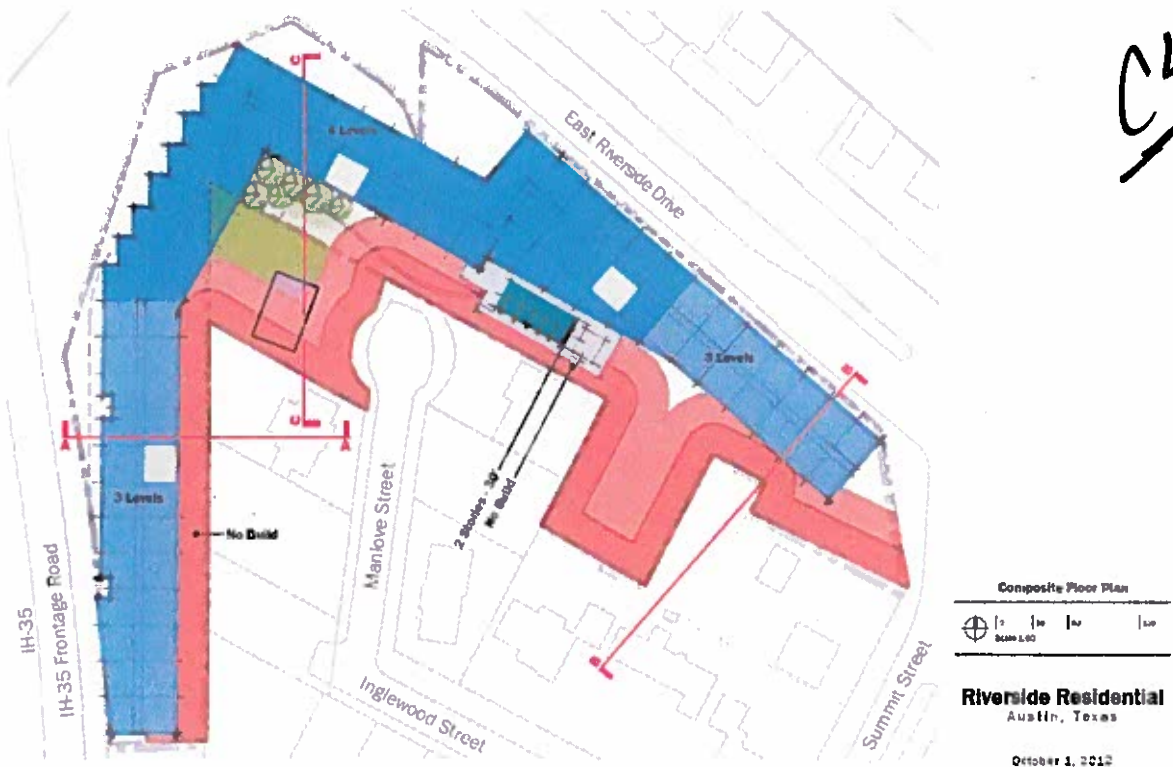


Third Floor Plan
 Scale 1/8" = 1'-0"
Riverside Residential
 Austin, Texas
 October 8, 2012

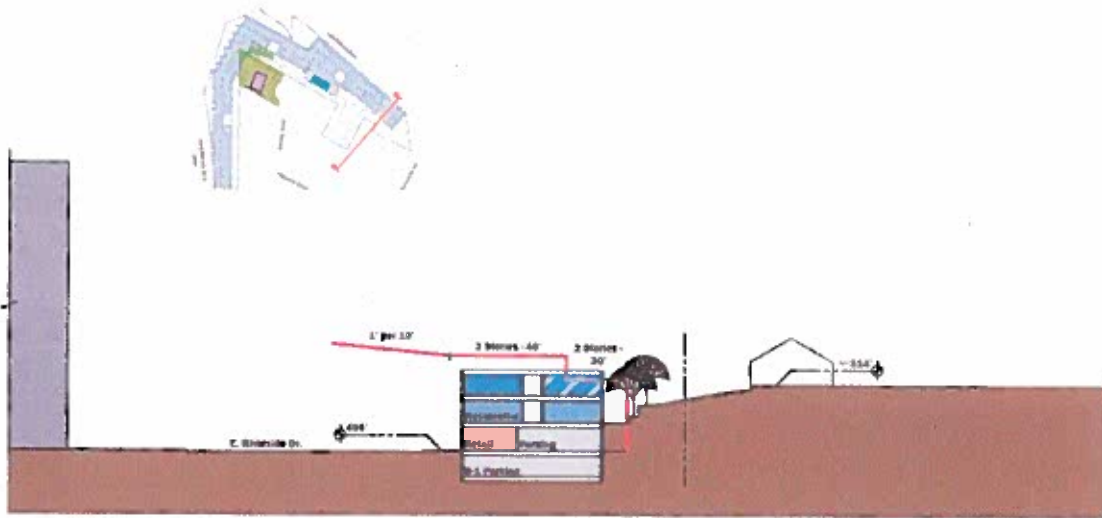
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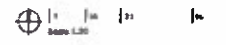
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C4/20

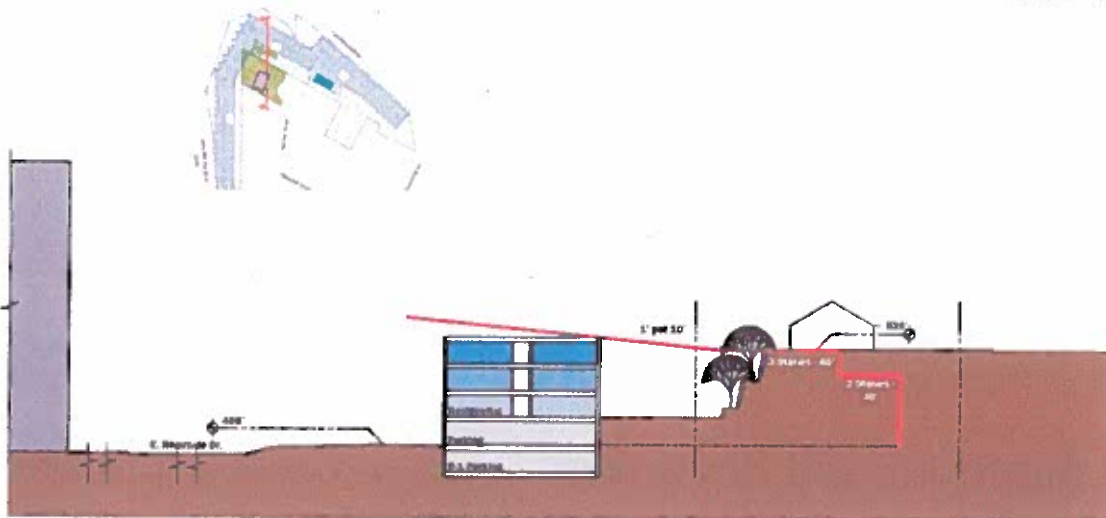


Section Diagram B



Riverside Residential
Austin, Texas

October 1, 2012



Section Diagram C



Riverside Residential
Austin, Texas

October 1, 2012

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From: Cindy Patrizi
Sent: Sunday, September 30, 2012 2:06 PM
To: Meredith, Maureen
Subject: 1100 Manlove Zoning Change

Dear Maureen,

I will be unable to attend the meeting on 10/1 but wanted to register my opposition to the requested zoning change for 1100 Manlove.

I have owned my home and lived in this neighborhood for 17 years and am grateful for the many neighbors I now call friends. As Riverside is being transformed and more multifamily projects come online, it is crucial to those living in single family homes to maintain our neighborhood as such. The impact of these new housing projects will be irreversible on our traffic and density, and we will learn to live with that. But, this zoning change on Manlove will lead to erosion of a cherished Austin neighborhood. It is a natural boundary to commercial property and should remain as such.

Please hear our pleas and keep our hood intact.

Sincerely,

Cindy Patrizi
1607 Lupine Ln.

From: Dave Snow
Sent: Sunday, September 23, 2012 9:52 PM
To: Meredith, Maureen
Cc: gayle.goff@; Dave Snow
Subject: Case# NPA-2012-0021.01...1100 Manlove St
Importance: High

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Hi Maureen, I will not be able to attend the neighborhood meeting with the City on Monday, October 1st concerning the zoning change request (case number NPA-2012-0021.01) for the house at 1100 Manlove Street since I will be out of town. However, as a owner of a home in the neighborhood, I'd 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 who will be working on 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 remodel the house in 2010 and remodeled and rented the garage apartment in 2011. During this 60-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 home owners but in recent years we have seen a renaissance of home remodeling by families and young newlyweds 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), at 1491 Inglewood St. (2000), at 1495 Inglewood St. (1999), and one under construction today at 1106 Manlove St. (only three lots away from the home under discussion). We also have had a recent sell of an empty lot at 1504 Inglewood St. that is projected to have a new home built on it.

My fear is that the reason for this request is that 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 is zoned as GR-MU-CO to provide either parking and/or commercial access to that land. That land already has access from a major road 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). 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, 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 lost 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 from Riverside following three residential roads (Summit, Inglewood and Manlove) which has no non-residential usage. And the existing neighborhood is 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 the street (Riverside) 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. Please deny the request and keep 1100 Manlove zoned as single family residential.

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

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

CH
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Handwritten initials: JH

From: Jean mather
Sent: Tuesday, September 25, 2012 4:41 PM
To: Meredith, Maureen
Cc: southriver austin; Marc Davis
Subject: 1100 Manlove

Handwritten: CH/24

Dear Meredith,

Our president, Marc Davis, is writing to let you know that SRCC is meeting on October 1st, the first Monday in the month, our usual meeting day, making it impossible for most of us to attend the hearing on the Manlove case.

As Zoning Chair, I have responsibilities at the meeting.

As a member of EROC I would testify that this proposed zoning change conflicts with the EROC Neighborhood Plan, and also with the E. Riverside Corridor Master Plan ("ERC"), and with the ERC regulating plan which is coming up for adoption in Oct/Nov. I hope that the staff stands firm on this outrageous proposal.

Jean Mather

From: kimjflores@aol.com
Sent: Tuesday, October 02, 2012 10:50 AM
To: james.nortey@; thouse@; Meredith, Maureen
Subject: Neighborhood Meeting was Conducted Last Night

CH
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RE: NPA Case 2012-0021.01

Mr. Nortey: The East Riverside/Oltorf Combined Neighborhood Plan meeting was held last night, October 1, 2012 at the City Offices at 505 Barton Springs. In attendance for the City of Austin was Maureen Meredith, Senior Planner.

There were approximately 25 neighbors in attendance.

Mr. Ron Thrower, Mr. Schuler's agent, made the presentation regarding the request to change 1100 Manlove Street from SINGLE FAMILY to NEIGHBORHOOD MIXED USE. Both Mr. Thrower and Mr. Schuler again repeated that they had no intention to use the full lot in question for their upcoming Commercial Development but only needed a very small portion of the lot in the back so that their contemplated parking garage would be possible.

Neighbors suggested that Mr. Schuler amend his request to resurvey "that little portion of the lot in the back". Honestly, I was listening closely and Mr. Thrower suggested that "we would consider it" but no definite promise was made.

Most of the meeting was centered around the fact that Mr. Schuler is now using the property as a business location against existing code. Mr. Schuler advised 1100 Manlove "is my residence". When specifically questioned re the use of this property as a business Mr. Schuler mumbled that "Yes, one of my employees works there and sleeps there a couple of nights a week."

My husband and I live directly across the street from 1100 Manlove. NO ONE SLEEPS THERE PERIOD. More than one vehicle is parked in front of the house in question during working hours. More than one employee can be seen entering the residence from a rear door, coming and going during working hours and smoking on the front stoop during working hours. Numerous Code Violation complaints have been filed and Mr. Schuler's statement that this property is his residence (he owns the house he does not reside there) and that people are spending the night is disingenuous in the least.

How do neighbors, actual residents of this neighborhood, consider this change when Mr. Schuler and Mr. Thrower seem to think that up front and reliable discussion might interfere with their development plans and this is an acceptable business practice? The neighbors are provided just enough information, unreliable as it is, to meet filing requirements. It's as though the attitude is to do anything possible to get what you want and these practices are OK and "just business".

We will continue our fight. When Mr. Schuler was reminded that he previously stated "I have no plans for Manlove" and now he is indeed requesting this SINGLE FAMILY lot be changed to NEIGHBORHOOD MIXED USE he smiled.

This is a single family residential neighborhood. I'm not sure what the next step will be. Ms. Meredith stated that even if Mr. Schuler amends his request there will be no more neighborhood meetings. Apparently the next step is the Planning Commission at some unknown date.

Thank You.

From: Linda J. Watkins
Sent: Monday, October 08, 2012 2:28 PM
To: Meredith, Maureen
Cc: Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; mnrghatfield@yahoo.com; Nortey, James - BC; Oliver, Stephen - BC; brianone@brianroark.com; myronds.ms@gmail.com
Subject: No NPA 2012-0021-01 Proposed FLUM change from SF-3 to NMU

Re: Case No NPA 2012-0021.01 Proposed FLUM change from SF-3 to NMU

Please recommend DENIAL of Applicant's request for a change of the EROC FLUM designation from SF-3 to NMU for the following reasons:

1. A change like this CONFLICTS WITH THE ADOPTED EROC NEIGHBORHOOD DPLAN;
2. A change like this CONFLICTS WITH THE ADOPTED E. RIVERSIDE CORRIDOR MASTER PLAN;
3. Single Family zoning is severely limited already in the EROC NPA, and even more will be eliminated when the E. Riverside Corridor Regulating Plan is adopted.
4. UPZONING has a severely threatening effect on existing and long established neighborhoods and negatively effects new construction to add much needed home ownership opportunities;
5. No acceptable compromise has been reached in the preceding 4 years with the applicant in cases C14-04-0030 and C14-06-0117. In those cases the Applicant continually insisted that he DID NOT NEED any more single family properties to seek up-zoning on in either of those 2 cases. NOW HE HAS CHANGED HIS MIND, and just needs one more little piece.
6. The drawing presented at the meeting on October 1, 2012, is meaningless. Never before have any of his many drawings, plans and conceptual presentations (in much more detail) ever asked for this "small piece" of property to be up-zoned. Now 4 years later it suddenly is the "key" to his entire project. I think not.
7. Since the purchase of this property in question by Applicant, he has violated and flaunted such violations of the Home Occupation ordinances of the City of Austin. Why should the city reward him for his acts of contempt?
8. It was brought up at this meeting that there is a Private Restrictive Covenant that came out of previous zoning cases with this same Applicant that would prohibit this change, and the City seems to be unaware of any such covenant The City needs to take notice of the Restrictive Covenant and investigate it prior to any action.
9. There was also a compromise discussed at the meeting and that should be addressed completely prior to any action on this case. The City gives the appearance that they are not very interested in assisting the neighborhood with actually finding a workable solution.

Please include this email in the case file. Thank you for your time and consideration.

Linda Watkins
2407 Riverside Farms Road
Austin, TX 78741
512-385-5959
Member of EROC Neighborhood Contact Team
Riverside Farms Road Neighborhood Assoc.

C4
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From: Mark Terranella
Sent: Monday, October 08, 2012 9:03 PM
To: Meredith, Maureen
Subject: Case No. NPA 2012-0021.01 Proposed FLUM Change from SF-3 to NMU

Dear Maureen:

We are asking that you please recommend a denial of the applicant's request for a zoning change of SF-3 to NMU of the property at 1100 Manlove Street. Not only would such a change conflict with the EROC Neighborhood Plan and the E. Riverside Corridor Master Plan, but it would seriously threaten the integrity of our single family neighborhood. We have lived on another boundary of this neighborhood for 28 years, and we have seen various developers chip away—or try to chip away—at the edges of our single family neighborhood with greater and greater frequency. The applicant in this case represents merely the latest effort in that endeavor.

The applicant previously promised us that, if he got to upzone other single family properties in our neighborhood (see Case Numbers C14-04-0030 and C14-06-0117) in order to expand his commercial interests, he would not pursue any more upzoning of single family properties in our neighborhood. We took him at his word. Now, to our chagrin, he is asking for more upzoning of yet another SF property. And again he promises that this will be the last time he requests upzoning. Why should we believe him this time, when he did not keep his word to us the last time?

Furthermore, the applicant is currently violating City ordinances by running a business operation out of the single family home at 1100 Manlove St., and he openly admitted doing so in front of City Staff (you, Maureen) and all of us neighbors in attendance at the meeting for the amendment of the neighborhood plan, which was held on Oct. 1, 2012. This fact further erodes his credibility with neighborhood residents, and supporting him in his request for upzoning of this property would simply be rewarding him for his flagrant violation of City regulations.

So, again, we respectfully request that you deny the applicant's request for upzoning in this case, and that you support the interests of dozens of single family neighborhood residents, who are trying to protect the integrity of our neighborhood. Our interests should take precedence over the interests of a single businessman, who has proven by his past actions that he cannot be trusted to keep the promises that he makes.

We thank you for your consideration.

Sincerely,

Mark Terranella and Lucy Petrucelli
1702 Elmhurst Drive
Austin, TX 78741
(512) 442-4947

From: Rebekah Davis
Sent: Sunday, September 30, 2012 4:27 PM
To: Meredith, Maureen
Subject: 1100 Manlove zoning change in neighborhood

CH
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Dear Maureen,

I am a homeowner in this neighborhood with the proposed zoning changes on 1100 Manlove. One of the reasons we purchased a home here is because of it's lack of through traffic. My nieces stay with me on weekends, summers, and holidays. They enjoy riding their bikes in the neighborhood and I have peace of mind knowing the traffic is low. I'm afraid these zoning changes will turn our residential neighborhood into a high traffic area and negatively impact our neighborhood and the safety of our children.

I am opposed to this zoning change from single family to mixed uses.

Please help us preserve the safety in our neighborhood.

My best,

--
Rebekah Davis
1604 Elmhurst Dr.
Austin, TX 78741
Cell: 512.557.6386

CH
29

From: Toni House

Sent: Sunday, October 07, 2012 2:12 PM

To: Meredith, Maureen

Cc: Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Nortey, James - BC; Oliver, Stephen - BC; mnrgatfield@yahoo.com; brianone@brianroark.com; myronds.ms@gmail.com

Subject: Case No. NPA 2012-0021.01 1100 Manlove Proposed FLUM change from SF-3 to NMU

Dear Ms. Meredith:

Please recommend denial of Applicants request for a change of the E. Riverside/Oltorf Combined Neighborhood Plan (EROC) Future Land Use Map (FLUM) designation from SF-3 to NMU for the following reasons:

1. Such a change conflicts with the adopted EROC Neighborhood Plan;
2. Such a change conflicts with the adopted E. Riverside Corridor Master Plan;
3. There is very little single-family zoning remaining in the E. Riverside/Oltorf Combined NPA, and even more will be removed when the E. Riverside Corridor Regulating Plan is adopted.
4. Upzoning this property will have a chilling effect on a well-established neighborhood that continues to add much needed home ownership opportunities via new construction.
5. Throughout four years of meetings attempting to reach a compromise with Applicant in Zoning Case Nos. C14-04-0030 & C14-06-0117, Applicant insisted that he did not need any more single family properties than what he was seeking to upzone as part of the C14-04-0030 zoning case. He was successful in removing those SF-3 properties from our neighborhood in order to expand his commercial interests. Now, contrary to his previous assertions, he insists he must have more.
6. The drawing Applicant presented during the City-sponsored meeting on the proposed Amendment means absolutely nothing. It was extremely rudimentary compared to the different Conceptual Site Plans which Applicant presented during the four years of the previous zoning cases. These plans were produced in much more detail, and not a single one of them indicated that Applicant needed even the small triangle of property he now claims he requires in order to achieve his development goals.
7. Since purchasing 1100 Manlove, Applicant has violated not only Home Occupation City ordinances and building permit ordinances, but certain conditions of Ordinance No. 20080110-071 and Ordinance No. 20080110-072 (public restrictive covenants detailing the conditions attached to the upzonings granted in the previous zoning cases).
8. As was pointed out during the meeting, why should the City or the neighborhood reward an Applicant who has continuously and flagrantly violated the rules and regulations with which the rest of us are expected to comply?

Thank you for your time and consideration, and please, for the health and well-being of our neighborhood, recommend denial of Applicants request. (Please include this email in the case file.)

Sincerely,
/s/ Toni House
1503 Inglewood
Austin TX 78741

C4
30

From: kimjflores@
Sent: Monday, December 31, 2012 2:08 PM
To: Meredith, Maureen
Subject: NPA Case 2012-0021.01

Our neighbor, Toni House has advised the neighborhood that John Schuler is going forward with this request to change a Single Family Residential lot and house to Neighborhood Mixed Use. Apparently the case is scheduled to be discussed and voted on by the Planning Commission on January 22, 2013.

Since our neighborhood met with you, Mr. Schuler and Mr Thrower on October 1, 2012 there has been no information forthcoming from the City nor Mr. Schuler. Mr. Schuler has begun to clear the property which is already zoned for Neighborhood Mixed Use. However the clearing has resulted in gang tags on buildings on the property which is very unsettling. The fence surrounding the property is dilapidated and vagrants and gangs have easy access to the property which is next door to our house. There is no security on the property other than employees only during regular business hours.

Since our October 1, 2012 meeting, employees of Mr. Schuler no longer park at the residential house in question but they still come and go by way of the rear door only during regular business hours. Three new residential homes are either in progress or in the planning stages in the area directly affected by Mr. Schuler's inappropriate request to consider our street "Mixed Use". Once again, our street is entirely residential. Our homes are well kept and there is absolutely no reason that Mr. Schuler should be allowed to change the very nature of our residential street for his unknown purpose. One can only assume that Mr. Schuler would prefer his business/condo development to come to Manlove and beyond.

Thank you for your review of this issue and your discussion with City Planning Staff.

I have included my previous summary of the October 1, 2012 meeting.

NPA Case 2012-0021.01

The East Riverside/Oltorf Combined Neighborhood Plan meeting was held last night, October 1, 2012 at the City Offices at 505 Barton Springs. In attendance for the City of Austin was Maureen Meredith, Senior Planner.

There were approximately 25 neighbors in attendance.

Mr. Ron Thrower, Mr. Schuler's agent, made the presentation regarding the request to change 1100 Manlove Street from SINGLE FAMILY to NEIGHBORHOOD MIXED USE. Both Mr. Thrower and Mr. Schuler again repeated that they had no intention to use the full lot in question for their upcoming Commercial Development but only needed a very small portion of the lot in the back so that their contemplated parking garage would be possible.

Neighbors suggested that Mr. Schuler amend his request to resurvey "that little portion of the lot in the back". Honestly, I was listening closely and Mr. Thrower suggested that "we would consider it" but no definite promise was made.

Most of the meeting was centered around the fact that Mr. Schuler is now using the property as a business location against existing code. Mr. Schuler advised 1100 Manlove "is my residence". When specifically questioned re the use of this property as a business Mr. Schuler mumbled that "Yes, one of my employees works there and sleeps there a couple of nights a week."

My husband and I live directly across the street from 1100 Manlove. NO ONE SLEEPS THERE

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PERIOD. More than one vehicle is parked in front of the house in question during working hours. More than one employee can be seen entering the residence from a rear door, coming and going during working hours and smoking on the front stoop during working hours. Numerous Code Violation complaints have been filed and Mr. Schuler's statement that this property is his residence (he owns the house he does not reside there) and that people are spending the night is disingenuous in the least.

How do neighbors, actual residents of this neighborhood, consider this change when Mr. Schuler and Mr. Thrower seem to think that up front and reliable discussion might interfere with their development plans and this is an acceptable business practice? The neighbors are provided just enough information, unreliable as it is, to meet filing requirements. It's as though the attitude is to do anything possible to get what you want and these practices are OK and "just business".

We will continue our fight. When Mr. Schuler was reminded that he previously stated "I have no plans for Manlove" and now he is indeed requesting this SINGLE FAMILY lot be change to NEIGHBORHOOD MIXED USE he smiled.

This is a single family residential neighborhood. I'm not sure what the next step will be. Ms. Meredith stated that even if Mr. Schuler amends his request there will be no more neighborhood meetings. Apparently the next step is the Planning Commission at some unknown date.

Thank You.

Kim Flores 1101 Manlove St.
Austin, Texas

From: Malcolm Yeatts

Sent: Tuesday, January 08, 2013 9:25 PM

To: Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimentl, Danette - BC; mnrgthatfield@yahoo.com; Nortey, James - BC; Oliver, Stephen - BC; brianone@brianroark.com; myronds.ms@gmail.com; Jack, Jeff - BC

Cc: Meredith, Maureen

Subject: 1100 Manlove NPA case

CA
32

I ask that the Planning Commission deny the request to change the Future Land Use Map for 1100 Manlove from single family to Neighborhood Mixed Use. This change will erode the single family neighborhood, and set a precedent for more changes later. The EROC area has small and scattered single family neighborhoods. Changes such as this will eventually destroy the few single family neighborhoods EROC has.

Malcolm Yeatts Chair, EROC Contact Team
4811 Allison Cove
Austin 78741
385-1958

From: jlong91@austin.rr.com

Sent: Thursday, January 10, 2013 6:46 PM

To: myronds.ms@

Cc: Meredith, Maureen

Subject: NPA-2012-0021.01---1100 Manlove

I am opposed to a FLUM change from SF-3 to NMU for the following reasons:

1. This change conflicts with the adopted EROC Neighborhood Plan.
2. This change conflicts with the adopted East Riverside Corridor Master Plan.
3. There is very little single-family zoning remaining in the E. Riverside/Oltorf Combined NPA; we need to protect what currently exists.

Jan Long
2411 Riverside Farms Rd
Austin, Texas 78741

C4
33

From: Toni House

Sent: Tuesday, January 15, 2013 12:50 PM

To: Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; mnrgatfield@yahoo.com; Nortey, James - BC; Oliver, Stephen - BC; brianone@brianroark.com; myronds.ms@gmail.com; Jack, Jeff - BC

Cc: Meredith, Maureen

Subject: 1/22/13 hearing: Case No. NPA 2012-0021.01 1100 Manlove Proposed FLUM change from SF-3 to NMU

Dear Chairman Anderson and Commissioners:

I strongly urge you to deny Applicants request for a change of the E. Riverside/Oltorf Combined Neighborhood Plan Future Land Use Map (FLUM) designation from SF-3 to NMU for the following reasons:

1. Such a change conflicts with the adopted E. Riverside/Oltorf Combined Neighborhood Plan;
2. Such a change conflicts with the adopted E. Riverside Corridor Master Plan and the proposed E. Riverside Corridor Regulating Plan;
3. This property is located outside the E. Riverside Corridor Plan boundaries;
4. There is very little single-family zoning remaining in the Riverside NPA in which this property is located and in the E. Riverside/Oltorf Combined NPA overall, and even more will be removed when the E. Riverside Corridor Regulating Plan is adopted.
5. Upzoning this property will have a chilling effect on a well-established neighborhood that continues to add much needed home ownership opportunities via new construction.
6. Throughout four years of meetings attempting to reach a compromise with Applicant in Zoning Case Nos. C14-04-0030 & C14-06-0117, Applicant insisted that he did not need any more single family properties than what he was seeking to upzone as part of the C14-04-0030 zoning case. He was successful in removing those SF-3 properties from our neighborhood in order to expand his commercial interests. Now, contrary to his previous assertions, he insists he must have more.
7. The drawing Applicant presented during the City-sponsored meeting on the proposed Amendment means absolutely nothing. It was extremely rudimentary compared to the different Conceptual Site Plans which Applicant presented during the four years of the previous zoning cases. These plans were produced in much more detail, and not a single one of them indicated that Applicant needed even the small triangle of property he now claims he requires in order to achieve his development goals.
8. Since purchasing 1100 Manlove, Applicant has violated not only Home Occupation City ordinances and building permit ordinances, but certain conditions of Ordinance No. 20080110-071 and Ordinance No. 20080110-072 (public restrictive covenants detailing the conditions attached to the upzonings granted in the previous zoning cases).
9. As was pointed out during the Oct. 1st City-sponsored meeting with Applicant, why should the City or the neighborhood reward an Applicant who has continuously

and flagrantly violated the rules and regulations with which the rest of us are expected to comply?

Thank you for your time and consideration, and please, for the health and well-being of our neighborhood, recommend denial of Applicants request. (Please include this email in the case file.)

Sincerely,
/s/ Toni House
1503 Inglewood
Austin TX 78741

cc: Maureen Meredith

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If you use this form to comment, it may be submitted to:
 City of Austin
 Planning and Development Review Department
 (512) 974-2695
 P. O. Box 1088
 Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2012-0021.01
 Contact: Maureen Meredith
 Public Hearing: Jan 22, 2013, Planning Commission
 Feb 28, 2013, City Council

☐ I am in favor
☒ I object

Christopher Cavella
 Your Name (please print)

1500 Inglenood St
 Your address(es) affected by this application

Chris Cavella
 Signature

01/26/2013
 Date

Comments: This is an absolutely outrageous request. A single family home in a quiet residential cul de sac should NEVER be changed to any form of commercial zoning. Do not even allow a portion because the owners will be back again and again to profit on the misfortune of us neighbors.

C4
 35/1

From: kimjflores@aol.com

Sent: Thursday, April 18, 2013 10:25 AM

To: Meredith, Maureen; Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; mnrgatfield@yahoo.com; Nortey, James - BC; Oliver, Stephen - BC; brianone@brianroark.com; myronds.ms@gmail.com; Jack, Jeff - BC

Cc: thouse@

Subject: Case No. NPA=2012-0021.01

Re: Case No. NPA-2012-0021.01 1100 Manlove Neighborhood Plan Amendment from Single Family-3 to Neighborhood Mixed Use is scheduled to be heard as a NPA amendment by the Planning Commission on Tuesday, April 23, 2013.

My husband, Henry G. Flores, and I, Kimberly Flores, live directly across the street from this single family house. Our address is 1101 Manlove Street. Please refer to the numerous emails we have sent to you to explain our concern regarding this Case. Mr. Schuler has repeatedly expressed his intention to build an apartment complex and retail units on his property located at 1405 E. Riverside Drive. The neighborhood and Mr. Schuler spent years discussing his property use changes at his Time Insurance location directly adjacent to the property now in question. The neighborhood was repeatedly promised by Mr. Shuler that he had absolutely no intention of asking for any use changes for this house at 1100 Manlove Street.

No zoning case has been filed; plan amendments are supposed to be completed within 180 days of filing and it's 3 months past that and Applicant has done nothing other than set the case for hearing since the City-sponsored meeting in Oct. 2012.

Reasons for opposing this change from single family to commercial land use have not changed:

1. Conflicts with E. Riverside/Oltorf Neighborhood Plan (EROCC);
2. Conflicts with E. Riverside Corridor Master Plan;

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3. Property is outside the E. Riverside Corridor Plan boundary;
 4. There are very few remaining single family neighborhoods left in EROC and even more will be removed when the Riverside Corridor Regulating Plan is adopted (scheduled for final reading Thurs., 4/25/13);
 5. Applicant's development plans (attached as back-up to the Planning Com'n Agenda for the last scheduled hearing on this case) violate conditions of Ordinance No. 20080110-071 and No. 20080110-072, and provisions of both the public and private restrictive covenants attached to Applicant's abutting commercial properties in his previous zoning cases.
 6. Throughout the four years of meetings and hearings attempting to reach a compromise with Applicant in Zoning Cases Nos. C14-04-0030 & C14-06-0117, Applicant insisted that he did not need any more single family properties than what he was seeking to upzone as part of the C14-04-0030 zoning case. He was successful in removing those SF-3 properties from our neighborhood in order to expand his commercial interests. Now, contrary to his previous assertions, he insists he must have more.
 7. Since purchasing 1100 Manlove, Applicant has violated not only Home Occupation City ordinances and building permit ordinances, but certain conditions of the public restrictive covenants detailing the conditions attached to the upzonings granted in the previous zoning cases. Why should the City reward an Applicant who has continuously and flagrantly violated the rules and regulations with which the rest of us are expected to comply?
- This is a residential street. There is no road access to Riverside Drive.

Please deny this request.

Thank you for your consideration.

Kim Flores