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NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: North Loop Neighborhood Plan

CASE#: NPA-2013-0011.02

DATE FILED: February 26, 2013 (in-cycle)

PROJECT NAME: Tomlinson's Feed & Pets, Inc.

PC DATE: May 14, 2013

ADDRESS: 4914 Bennett Avenue

SITE AREA: Approx. 0.25 acres

OWNER/APPLICANT: Tomlinson's Feed & Pets, Inc. (Scott Click)

AGENT: Thrower Design (A. Ron Thrower)

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Single Family

To: Mixed Use

Base District Zoning Change

Related Zoning Case: C14-2013-0021

From: SF-3-NP

To: GR-NP

NEIGHBORHOOD PLAN ADOPTION DATE: May 23, 2002

PLANNING COMMISSION RECOMMENDATION: Pending.

STAFF RECOMMENDATION: Staff recommends Mixed Use/Office land use, instead of Mixed Use.

BASIS FOR STAFF'S RECOMMENDATION: The North Loop Neighborhood Plan is clear in its desire to preserve residential zoning and land uses in this area. Staff's recommendation for Mixed Use/Office provides a transitional buffer between the commercial zoning and land uses to the south and the residential zoning and land uses to the north and east. The mixed use/office land use provides an opportunity for residential uses along with the office use proposed by the applicant.

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"For neighborhoods within the planning area, the preservation of residential interiors is important. Both Morningside-Ridgetop and Eye 35/Airport neighborhoods, for example, are surrounded by commercial development on I-35 and Airport Blvd. Being two major regional roads the presence of commercial is expected. However, there is a real fear of the continuing encroachment of this commercial property and the subsequent demise of the residential character of the interior sections of these neighborhoods. The vision for the Morningside-Ridgetop and Eye 35/Airport neighborhoods is for them to remain as residential and for the commercial areas to be confined to the frontage road and to Airport Blvd. On adoption of this plan, this Neighborhood Plan does not support further rezoning of residentially zoned property in the interior of these neighborhoods to commercial or other non-residential uses."

Neighborhood Planning Goals

Principal Goal

To encourage well-designed⁵ neighborhood development that provides the needs of everyday life (shopping, employment, educational, spiritual, recreational, etc.) in locations that are readily and safely accessible within walking distance from where people live.

Land Use Goals

Goal 1: Encourage compact and human-scale land use.

Objective 1.1: Create a vibrant, mixed use neighborhood that includes mixed use buildings with residential and office space above ground floor retail.

Objective 1.2: Promote commercial and residential infill that supports and enhances the character of the neighborhood.⁶

Goal 2: Encourage housing for a variety of income levels.

Objective 2.1: Provide additional opportunities for housing choice through secondary apartments, mixed use, and small scale multi-family.

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Goal 4: Encourage development of a diversity of neighborhood-oriented businesses.

Objective 4.1: Promote zoning that allows the development of small scale, neighborhood oriented businesses.

Objective 4.2: Encourage a balanced and diverse mix of independently owned, neighborhood businesses including green grocer, restaurants, coffee shops, bakery, pub, hardware store.

Goal 5: Enhance the neighborhood's existing commercial corridors⁷ (Airport Boulevard, North Loop/53rd commercial center, Lamar Boulevard, and Koenig Lane).

Objective 5.1: Develop rezoning recommendations that would encourage mixed use and a greater diversity of land uses and businesses.

Objective 5.2: Develop Design Guidelines to support and improve safety, pedestrian accessibility, landscaping, and other design goals.

LAND USE DESCRIPTIONS - EXISTING

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

Mixed Use

An area that is appropriate for a mix of residential and non-residential uses.

Purpose

1. Encourage more retail and commercial services within walking distance of residents;
2. Allow live-work/flex space on existing commercially zoned land in the neighborhood;
3. Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic uses (with the exception of government offices) to encourage linking of trips;
4. Create viable development opportunities for underused center city sites;
5. Encourage the transition from non-residential to residential uses;
6. Provide flexibility in land use standards to anticipate changes in the marketplace;
7. Create additional opportunities for the development of residential uses and affordable housing; and
8. Provide on-street activity in commercial areas after 5 p.m. and built-in customers for local businesses.

Application

1. Allow mixed use development along major corridors and intersections;
2. Establish compatible mixed-use corridors along the neighborhood's edge
The neighborhood plan may further 1. specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood Mixed Use Building, Neighborhood Urban Center, Mixed Use Combining District);
2. Mixed Use is generally not compatible with industrial development, however it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;
3. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating or maintaining a non-conforming use; and
4. Apply to areas where vertical mixed use development is encouraged such as Core Transit Corridors (CTC) and Future Core Transit Corridors.

STAFF'S LAND USE RECOMMENDATION

Mixed Use/Office

An area that is appropriate for a mix of residential and office uses.

Purpose

1. Accommodate mixed use development in areas that are not appropriate for general commercial development; and
2. Provide a transition from residential use to non-residential or mixed use.

Application

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1. Appropriate for areas such as minor corridors or local streets adjacent to commercial areas;
2. May be used to encourage commercial uses to transition to residential use; and
3. Provide limited opportunities for live/work residential in urban areas.

BACKGROUND: The application was filed on February 26, 2013, which is in-cycle for planning areas located on the west side of I.H.-35.

The applicant proposes to change the future land use map from Single Family to Mixed Use. The applicant proposes to change the zoning from SF-3-NP to GR-CO-NP for residential uses, office, and parking.

WATERSHED: Boggy Creek

ZONING, FLUM and EXISTING LAND USES:

	ZONING	FLUM and EXISTING LAND USES
<i>Site</i>	SF-3-NP	Single Family land use / Vacant lot
<i>North</i>	SF-3-NP	Single Family land use / Single family home
<i>South</i>	GR-CO-NP	Mixed Use / Warehouse building
<i>East</i>	SF-3-NP	Single family land use / Single Family homes
<i>West</i>	GR-V-CO-NP	Mixed Use land use / Commercial uses

NEIGHBORHOOD ORGANIZATIONS

- 527 Homeless Neighborhood Organization
- 355 Ridgetop Neighborhood Association
- 479 North Loop Neighborhood Planning Team
- 402 Austin Independent School District
- 641 Beyond2ndNature
- 254 Austin Heritage Tree Foundation
- 421 Sierra Club, Austin Regional Group
- 287 North Loop COA Liaison
- 310 SEL Texas
- 327 Sustainable Neighborhoods
- 324 Central Austin Community Development Corporation
- 165 North Austin Neighborhood Alliance
- 419 League of Bicycling Voters
- 519 Austin Parks Foundation
- 541 Austin Neighborhoods Council
- 238 The Real Estate Council of Austin, Inc.
- 239 Super Duper Neighborhood Objectors and Appealers Organization Null
- 241 Austin Monorail Project



PUBLIC MEETINGS: The ordinance-required plan amendment meeting was held on Monday, April 15, 2013. Two hundred and eleven meeting notices were mailed to property owners, utility account holders within 500 feet of the property, in addition to neighborhood organizations and environmental groups registered on the community registry for the area.

Ron Thrower, the applicant's agent, said the property is 11,000 square feet and they propose to rezone the property to GR-NP because it rounds out the zoning on the block. There is also a heritage tree on the property that they need to preserve, so the GR zoning setbacks will allow them to do that. The intended use is for an office for the Tomlinson Pet Store.

Q. Will you improve the alley?

A. We will use the alley for access, so will have to improve it.

Q. Who does the alley belong to?

A. It belongs to the City of Austin.

Q. You said you would conform to the Airport Corridor Plan, but this area is a residential-based transition zone. The Form Based Code provides a buffer to residential. To the north of the alley is residential, not commercial, so full block is not commercial. The neighborhood consensus is that it doesn't want non-residential zoning in the core of the neighborhood. The neighborhood wants more residential, not commercial.

A. We could talk about eliminating uses through a conditional overlay. We can also amend our zoning request to GR-MU-NP to allow a residential use, maybe have someone live there with the office use to meet the Form Based Code desire for office and residential uses.

Q. I don't like the zoning because it's too aggressive, it could be more moderate for the office use you are proposing. We don't want to lose another single family home.

A. The home has already been demolished because it was in such bad shape. We could prohibit all the uses down to the LO uses. LO had a 25 foot setback, which would mean we'd have to cut down the tree. The GR zoning allows a 10 foot setback, so we could save the tree.

Q. What is the size the building you propose to build?

A. The building will be about 2,500 sq. feet in size. The owners have been in the neighborhood for 40 years and they want to stay here longer. The house on the lot went into decline, it was a hazard, so it was demolished. We want the building to look nice. With the current zoning, we could put a duplex on the property and rent it out to college kids, but we would prefer an office and to save the tree.

Q. How many people will be in the office?

A. Three employees.

The North Loop Planning Contact Team voted to support the applicant's request for Mixed Use Land Use.

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The Ridgetop Neighborhood Association submitted a letter on pages 11- 13.

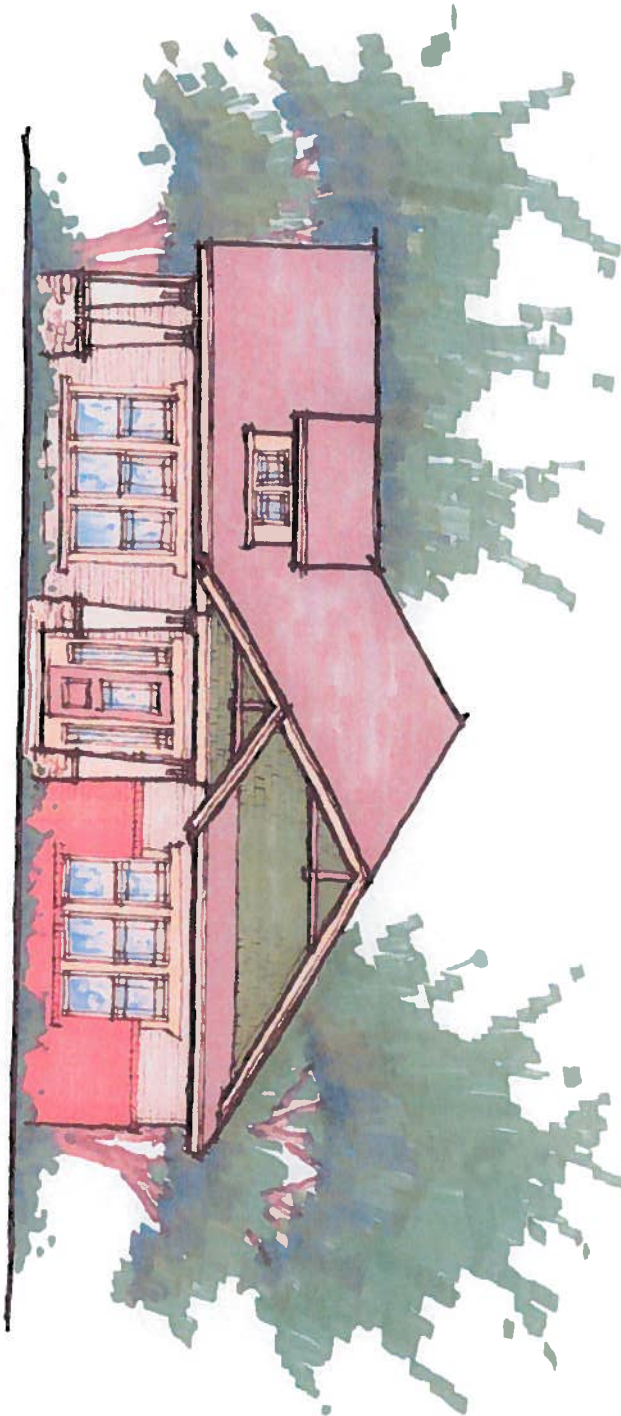
CITY COUNCIL DATE: June 6, 2013

ACTION: Pending.

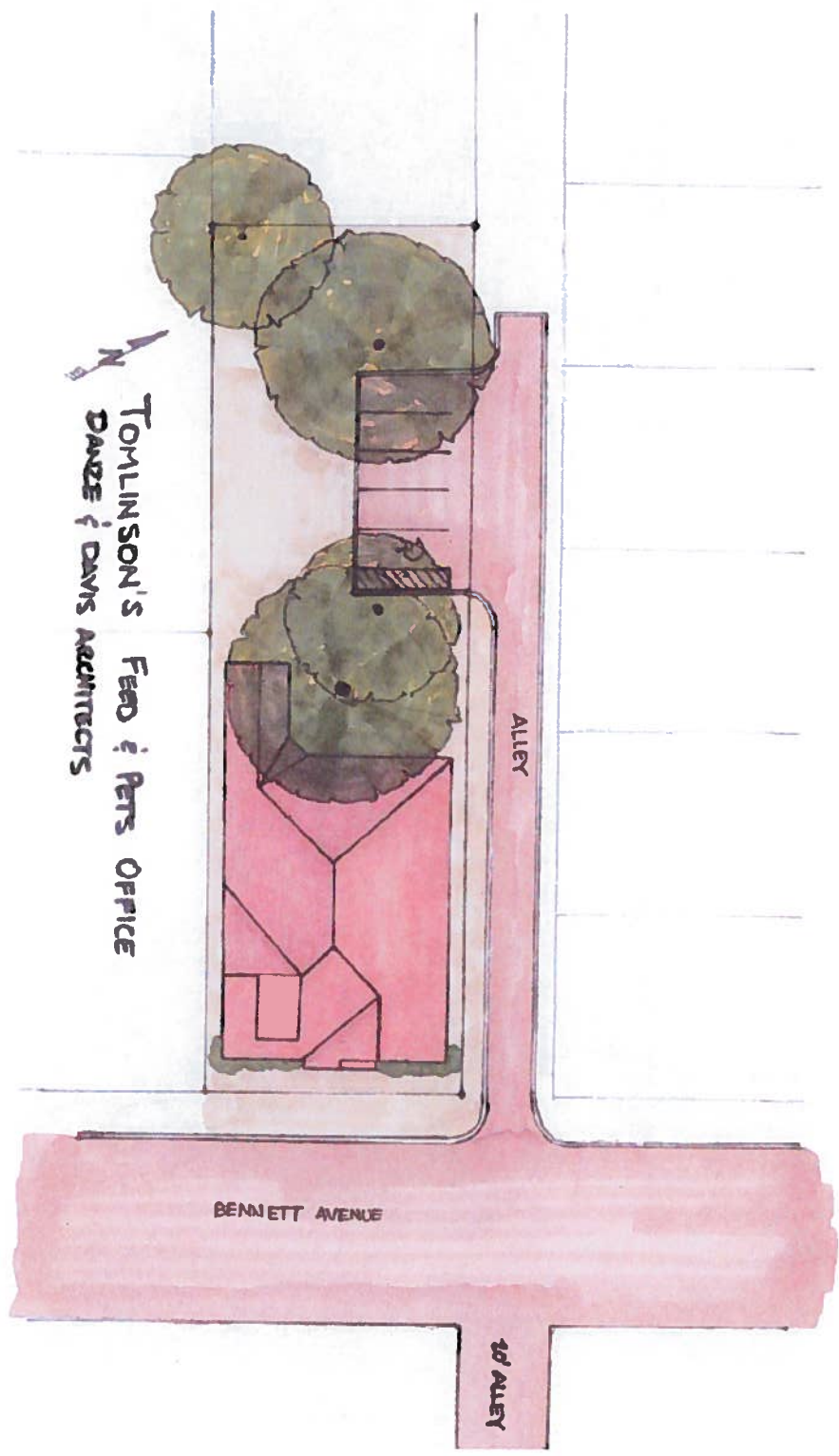
CASE MANAGER: Maureen Meredith

PHONE: 974-2695

EMAIL: Maureen.meredith@austintexas.gov



TOMLINSON'S FEED & PETS OFFICE.
DAWIE & DAVIS ARCHITECTS





Letter from the North Loop PCT

(The letter will be distributed at the May 14, 2013 Planning Commission hearing)

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Plan Amendment Case #NPA-2013-011.02 – 4914 Bennett Avenue/Zoning Case #C14-21013-0021

Input of the Ridgetop Neighborhood Association Officers, 4/30/13

After receiving input from nearby neighbors in Harmon Triangle and the leads of last year's consensus of Harmon Triangle sector's vision for forward movement, the officers of Ridgetop Neighborhood Association (RNA) submit that the rezoning of the Click/Tomlinson's property at 4914 Bennett Avenue from SF3 to GO-NP at this time is inappropriate.

Discussions at the community meeting of 4/15, the NLNPT contact team meeting of 4/17, the RNA meeting of 4/18, and many individual nearby neighbor-initiated discussions during that week ranged from full support to full opposition, with many positions between indicating potential support if assurances and mitigations could be offered on topics of concern. All of this led RNA officers to conclude that this application is not ready for forward movement and that more detailed discussions should be held, focusing particularly on the Harmon Triangle community. Discussions (and a few heated exchanges) since that time on three neighborhood discussion groups serves to reinforce this conclusion, with many ideas proffered for finding middle ground.

The subject property is located in the City's proposed transition zone for the City's flagship form-based code (FBC) project, the Airport Blvd study area; last year an extensive community engagement process was held during which Harmon Triangle neighbors came to consensus on what they would and would not like to see in project zones. During that process the neighborhood and individual sectors also agreed to put faith in the City's stated commitment to using FBC's calibration process to create a balanced transition to increased vibrancy and density in the study area.

As discussed in the meetings (and in Ridgetop's section of our Neighborhood Plan, p. 26), there are challenges inherent in the introduction of additional commercial properties within a neighborhood's core. It is important to note that thus far, persons who have stated full support of the application are not within 200', 300' or even 500' of the subject property (many, in fact do not live in Harmon Triangle sector and/or Ridgetop), and do not have the enhanced legal standing that nearby neighbors have. Nearest neighbors participating to date are in opposition; neighbors in the 200'-500' zone who have attended meetings, participated in discussions, or otherwise provided input have a range of opinions: all point to dislike of non-residential, but might support if appropriate assurances could be gained. Areas of concern are too many to list here, but include:

- GR zoning is too aggressive simply to gain lesser setback.
- Building size seems unnecessarily big for stated use.
- Requested 10' setback is too close to the road in this location.

- Residential (even if live-work) is occupied at night – office is not, leading to vagrancy concerns. Commercial security mitigations can be unfriendly to nearby houses.
- Concerns about eventual undesirable aggregate use of entire property if upzoned to GR.
- Would applicants accept a height restriction over both the lots that touch Bennett?
- Why was a restrictive covenant taken off the table by a contact team member?
- What stops them from applying to remove the tree anyway?
- If this stretch of Bennett is to have no residential, some family-friendly accommodations or features are needed: more setback, sidewalks and landscaping along both lots, pedestrian lighting.
- The consensus that Harmon Triangle worked so hard to develop should not be undermined. Find some way to honor the spirit of the consensus.
- Ask them to wait for the FBC process or roundtables so we can all participate in shaping characteristics. Any non-residential incursion to our neighborhood core, particularly in this stretch, carries impact on Harmon Triangle. Or ask them to work with us like Manos de Cristo did –working out signage, lighting, inward-facing features, and other assurances.

Over the course of the three meetings (and some individual discussions we understand have been held with a few neighbors), the Clicks' position on potential assurances and mitigations seemed to become more open: moving from use restrictions only/no restrictive covenants, to stating at the 4/18 RNA meeting that they came to listen to our needs, to an after-meeting discussion with an individual neighbor, to providing some written information (posted this last weekend) that we hadn't received before. This progression also reinforces the conclusion that more discussion constructed around the immediate neighborhood would be both beneficial and fruitful.

City Council members, Planning and Zoning Commission chairs, Urban Design committees, city staff, the Airport Advisory Board, and others have repeatedly and publicly emphasized that FBC is the way forward for Austin and that the FBC calibration process is designed to address exactly the type of issues inherent here; it is no wonder, then, that when faced with an application that feels too aggressive for the stated purpose, is contrary to the overall sector vision, or otherwise produces concerns, these neighbors are defaulting towards that process. RNA officers are

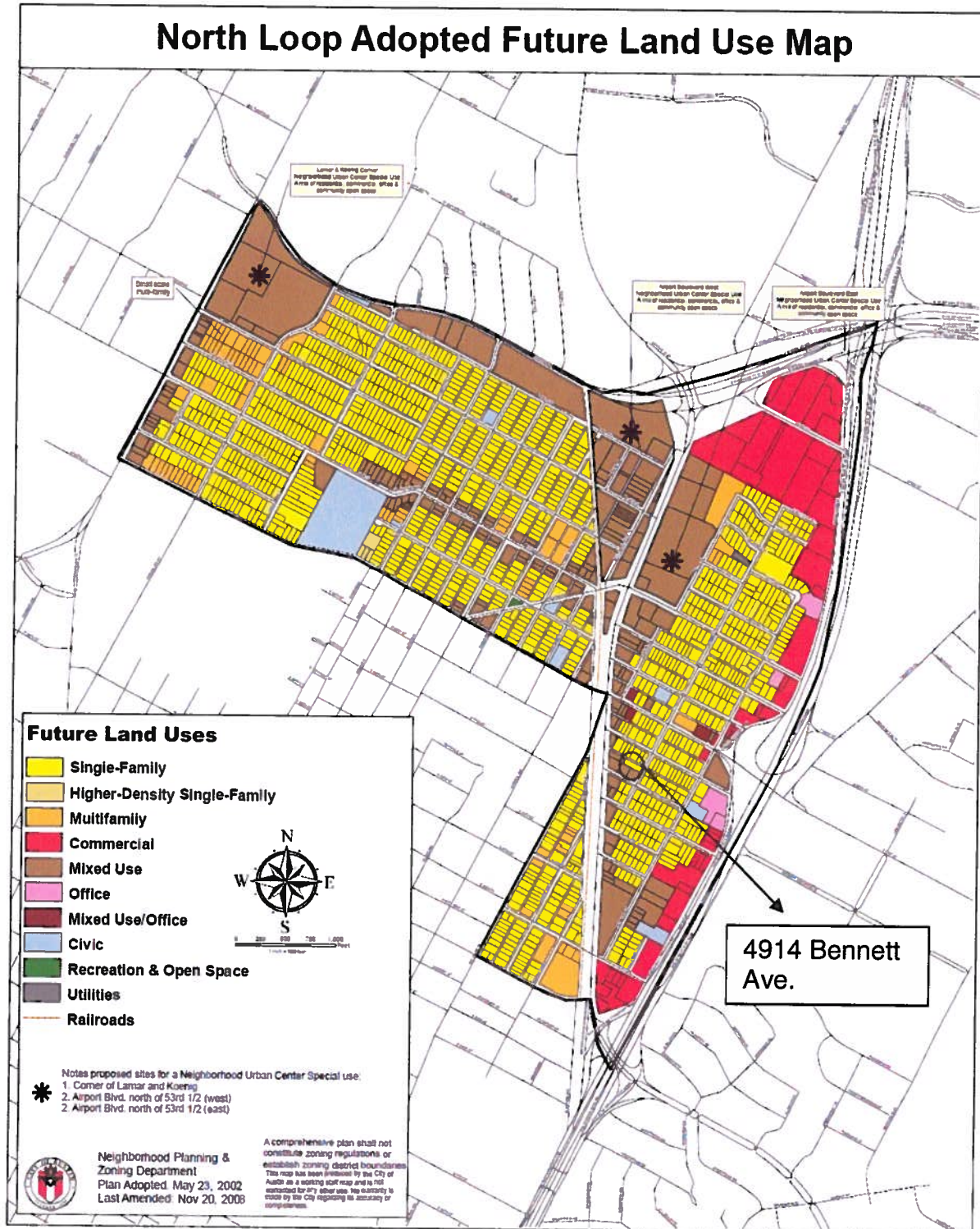


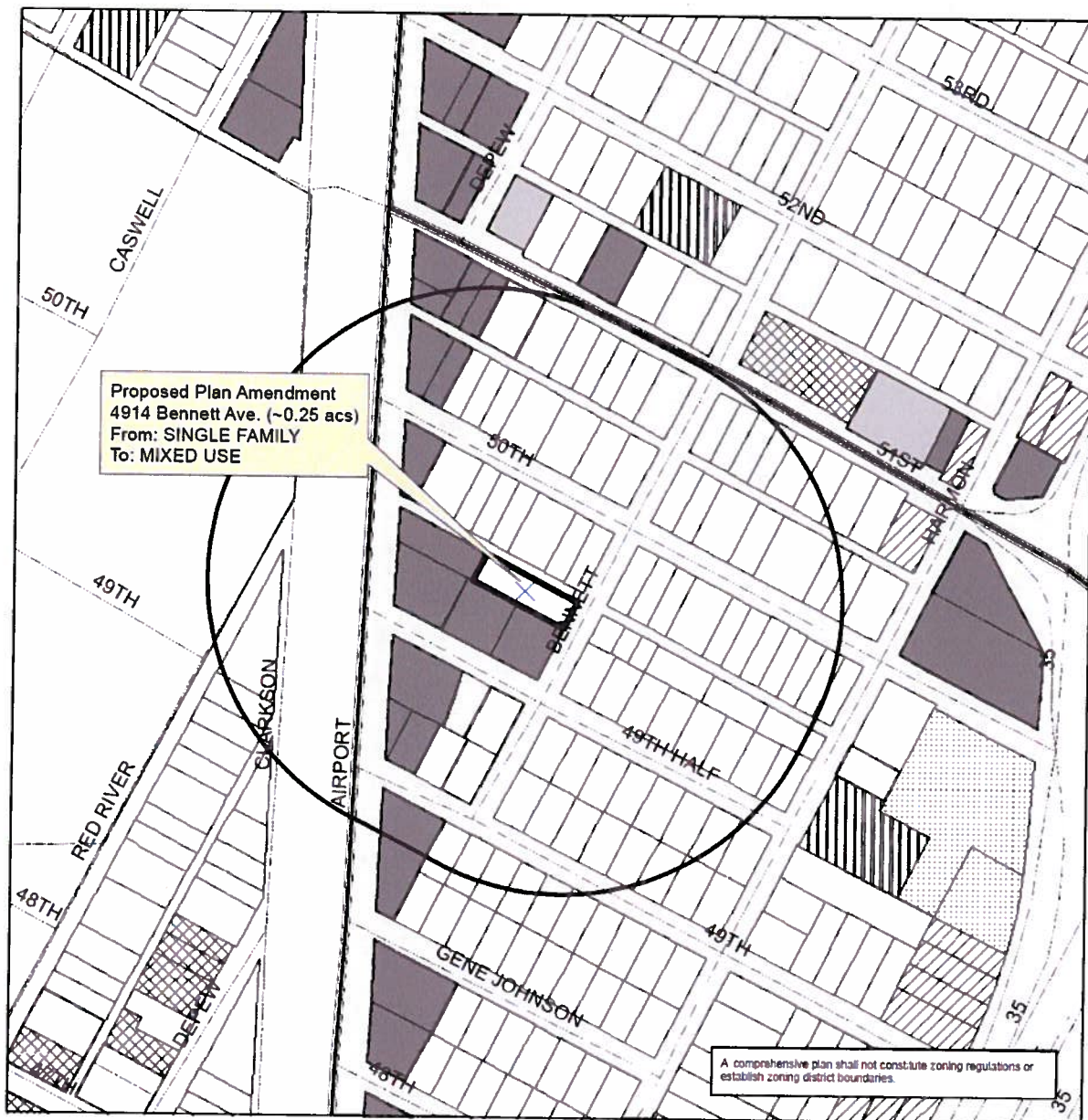
actually quite pleased that the Harmon Triangle sector has become more open to the FBC concept, and that they are embracing an organized, sector-based approach to the discussion via their RNA representatives. All of this points in the direction the City has hoped neighborhood models would progress. The City should not abandon its commitment to the core concept upon the first application of an established (and very well-liked!) business to move in a different direction. This input in no way represents any ill will towards Tomlinson's or the Clicks – they are agreed by all to be valued and valuable members of our community. Mr. Thrower has assured us the proposed project conforms with the coming form-based code requirements, and Mr. Click has stated to several persons that he is in no rush to begin. While applicants stated they do not want to wait, no statements of undue hardship were raised in any of the three meetings at which this was discussed. Add this to the level of discourse (and discord) we're seeing, and the postponement of forward movement until either the Airport project FBC roundtables (or another form of organized, nearby-neighborhood discussions) seems the most reasonable and equitable approach.

In conclusion, RNA leadership stands with nearby neighbors, Harmon Triangle sector consensus leads, and City staff of the Airport Blvd study area/ FBC, in urging that the subject application be postponed in favor of the shortly-upcoming FBC roundtables and/or city approvals. The Mayor Pro Tem and the P & Z chair just last week expressed specific support of FBC as the vision for Austin during Austin Neighborhood Council presentations – we feel confident they would support seeing the FBC in action. It seems this project has potential to become a model under the new FBC project, and we would look forward to all working together at that time towards great results.

Ridgetop Neighborhood Association Officers *by*
Penelope Doherty, President
Scott Richardson, Exec VP

08/14





North Loop Neighborhood Plan NPA-2013-0011.02

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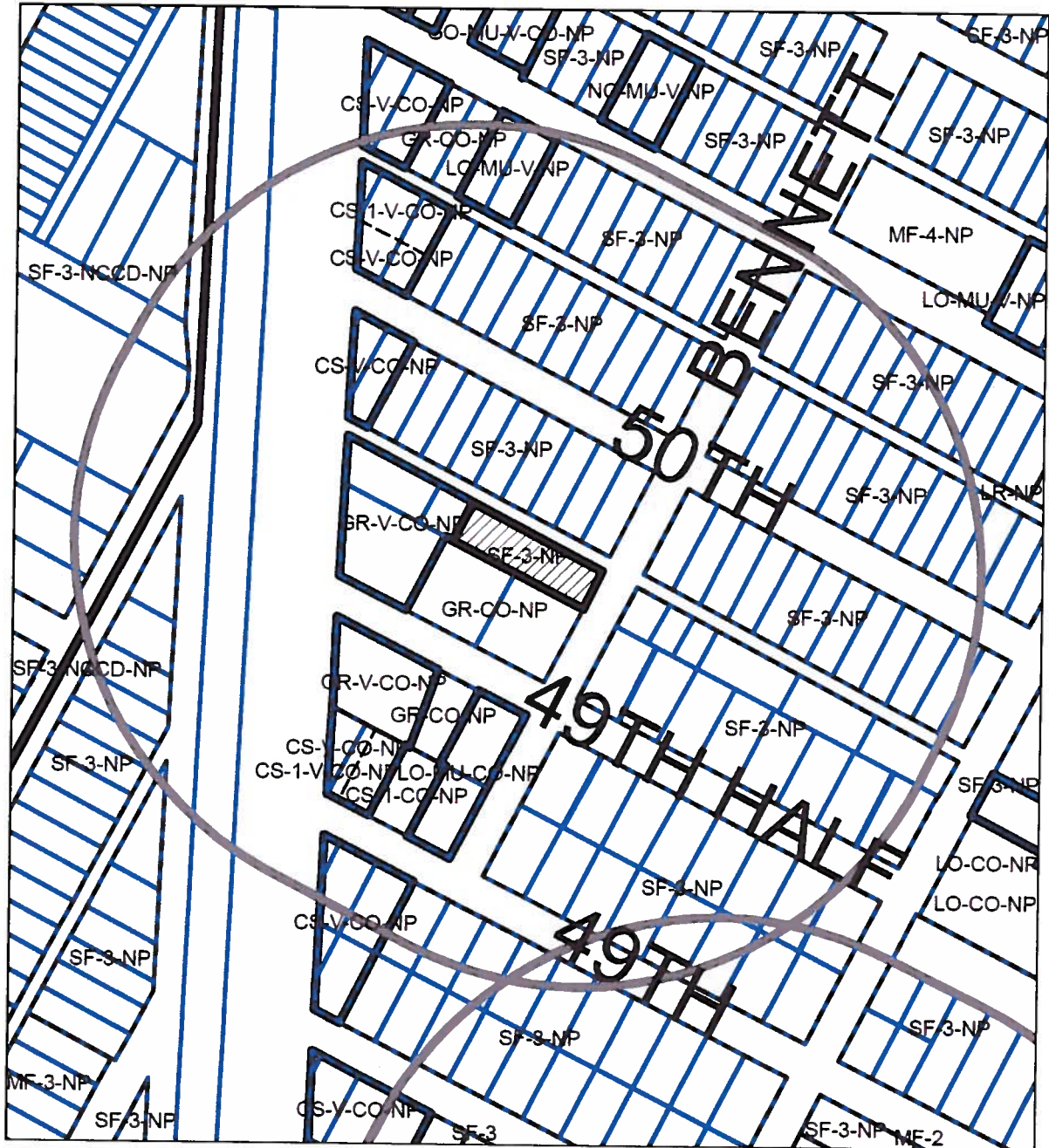


City of Austin
Planning and Development Review Department
Created on March 6, 2013_M Meredith



Legend	
	Subject Tract
	Core Transit Corridors
	500ft notification boundary
	Street Address Centerline
	NPA CASES
	Single-Family
	Multi-Family
	Commercial
	Mixed Use
	Office
	Mixed Use/Office
	Civic

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

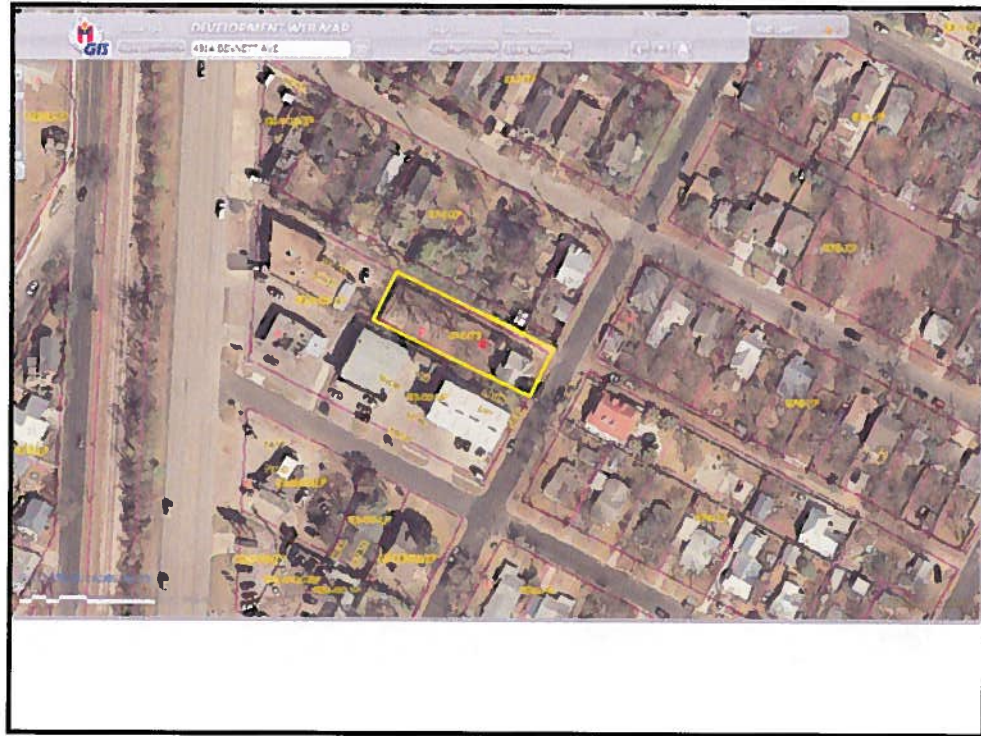
NEIGHBORHOOD PLAN AMENDMENT
Case Number: NPA-2013-0011.02
Address: 4914 Bennett Ave.
Approx. Acres: 0.25

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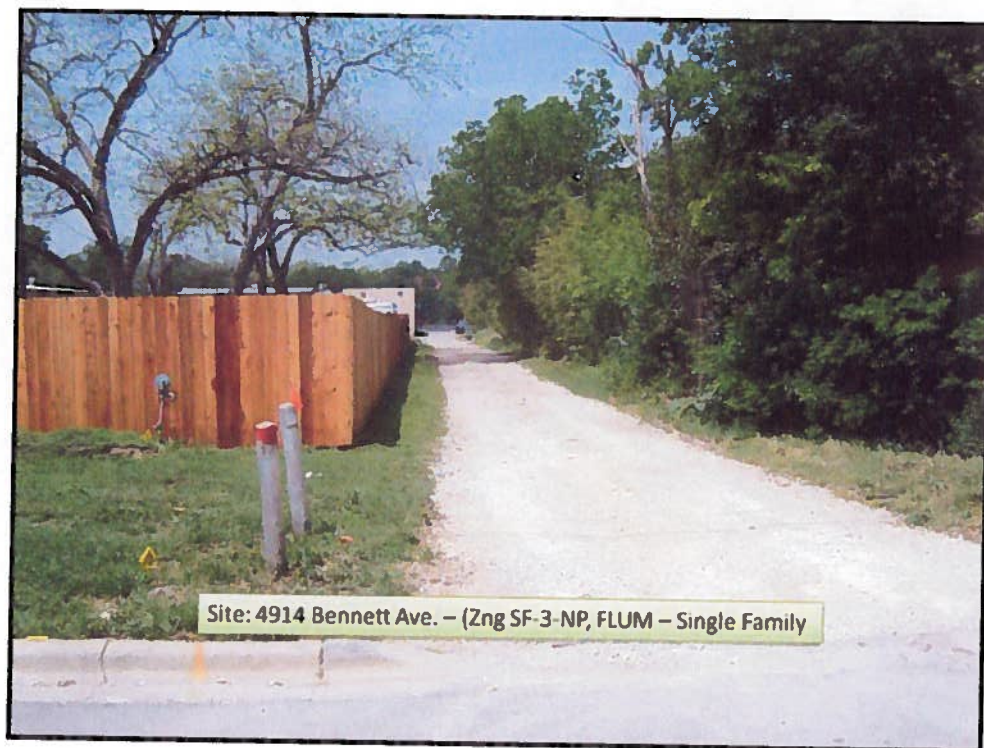
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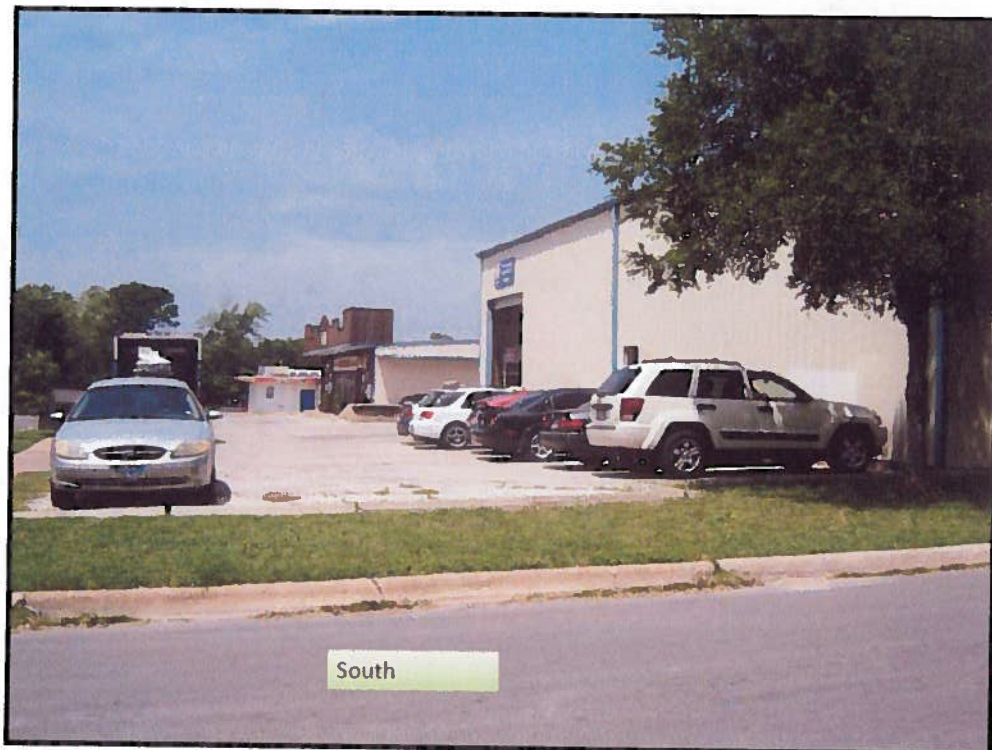


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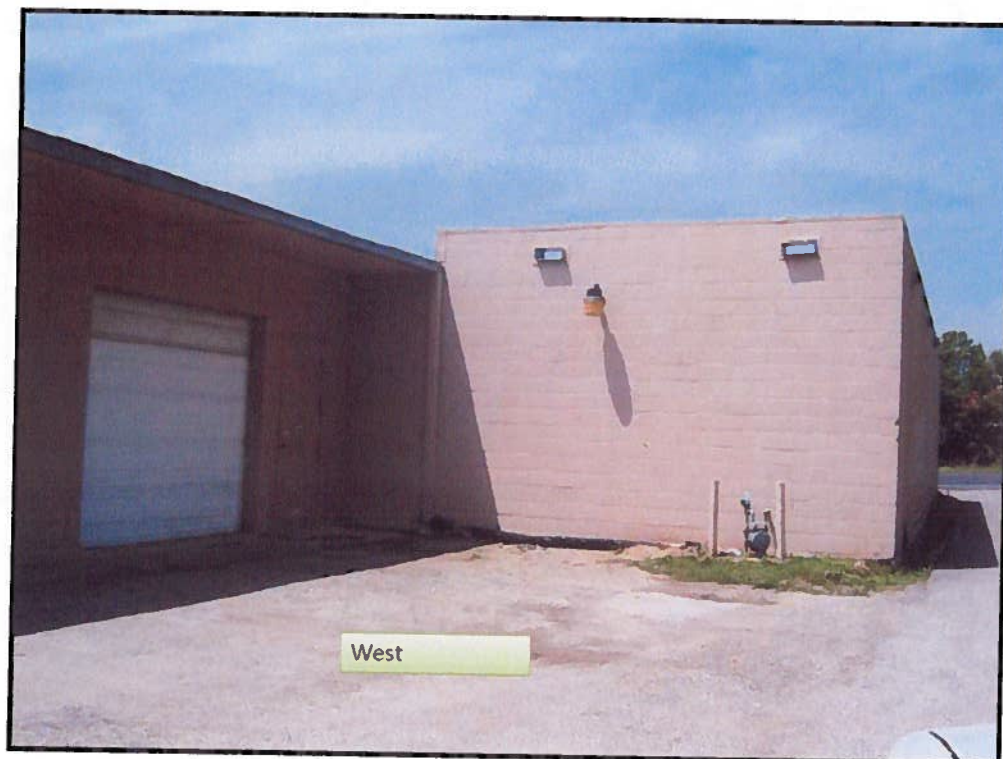
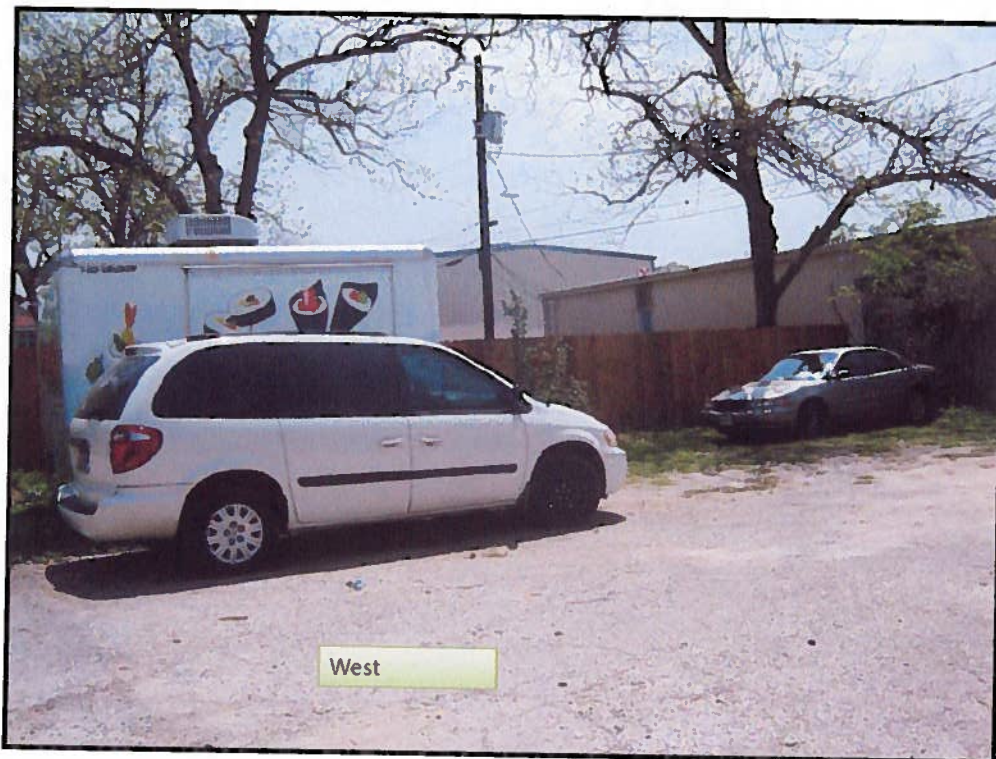


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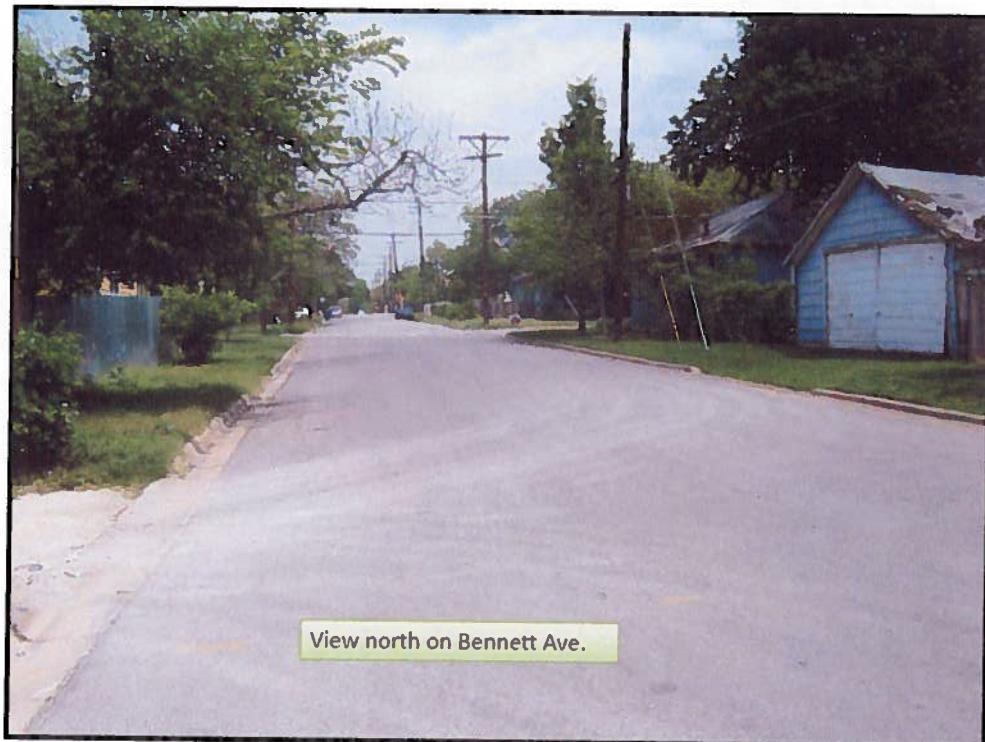




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08/22



From: M Ward
Sent: Wednesday, April 17, 2013 1:51 PM
To: Meredith, Maureen; jan_seward@; kaos_king@; swren@; pgoetz@; cindy@rickblack.net; ervindm@; kijaso@
Cc: A. Ron Thrower (RonT@)
Subject: Re: Tomlinson's

I remain totally in favor of the request for zoning change for the Tomlinson's proposed office plan, and I know others in the neighborhood feel the same, despite the effort one person attempting speak wrongly on our behalf. The clarification that the building zoning/compatibility code also allows the proposed building to be used as housing, in part, with the remainder being office.

I will be absent from the NLNPT meeting tonight and miss the Ridgeway Neighborhood meeting tomorrow night as well. I pray the RNA powers that be will not ask for a vote, as I would like to weigh in, to approve the request.

Martha Ward

-----Original Message-----

From: Larry Sunderland
Sent: Thursday, May 02, 2013 12:41 PM
To: Meredith, Maureen; lsunderland@
Subject: Email from austintexas.gov: Thomlinspn's

This message is from Larry Sunderland. I have reviewed the proposed Thomlinson's Rezoning request. I find it a great example of what we can be achieved in the Transition Zones. We are giving an Iconic local business an opportunity to grow their business in place and in return we are being given a project that fits with the neighborhood character and values. The applicant and their agent have gone to great lengths to bring forward a project that will respect the neighborhood and enhance the connection to the corridor. As a member of the Airport Advisory Board I find this wholly consistent with our intent.

Larry Sunderland

From: Doris Coward
Sent: Tuesday, May 07, 2013 10:30 AM
To: Ron Thrower
Subject: Re: Tomlinson's Pet and Feed Store
Importance: High

Ron,
Thank you for sending this message to the Advisory Group. What you have applied for, and the reasons behind it, appear to me to be reasonable if the project adheres to a 10' setback, provides a front sidewalk, and saves the heritage trees.

Doris