

## 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:** November 12, 2013

May 28, 2013

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-CO-MU-NP

**NEIGHBORHOOD PLAN ADOPTION DATE:** May 23, 2002

**PLANNING COMMISSION RECOMMENDATION:** On November 12, 2013, recommended approval (S. Oliver; A. Hernandez – 2<sup>nd</sup>, D. Chimenti absent) Vote: 8-0-1.

***Previous Actions:***

**May 28, 2013** – Indefinite postponement request by applicant was approved (J. Nortey; J. Stevens – 2<sup>nd</sup>, A. Hernandez, absent) Vote 8-0-1.

**May 14, 2013** – Postponed to May 28, 2013 as requested by Ridgetop Neighborhood (D. Chimenti, M. Smith – 2<sup>nd</sup>) Vote 9-0.

**STAFF RECOMMENDATION:** Staff recommends Mixed Use/Office land use, instead of Mixed Use requested by the applicant.

**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.

"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."

## Nighborhood Planning Goals

### Principal Goal

To encourage well-designed<sup>5</sup> 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.<sup>6</sup>

#### 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.

**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 corridors<sup>7</sup> (Airport Boulevard, North Loop/53<sup>rd</sup> 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**

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. Please see the associated zoning case report for C14-2013-0021 for more information on the zoning request.

**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 and utility account holders located 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 submitted a letter on page 19.

The Ridgetop Neighborhood Association has submitted a letter on page 23-24.

**CITY COUNCIL DATE:**

June 6, 2013

**ACTION:** Postponed indefinitely [B. Spellman; Pro Tem.  
Cole – 2<sup>nd</sup>) Vote 7 – 0.

December 12, 2013

**ACTION:** Pending.

**CASE MANAGER:** Maureen Meredith

**PHONE:** (512) 974-2695

**EMAIL:** Maureen.meredith@austintexas.gov



P. O. Box 41957  
Austin, Texas 78704  
(512) 476-4456

April 1, 2013

Mr. Greg Guernsey, Director  
Planning & Development Review  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767

RE: Tomlinson's Feed & Pets Neighborhood Plan Amendment and Rezoning  
4914 Bennett Avenue  
NPA –  
Rezoning

Dear Mr. Guernsey,

The two above referenced cases have recently been filed with the City of Austin for review and timely consideration by the staff, Planning Commission and City Council. The subject property is currently located within the boundaries of the Airport Boulevard Form-Based Code Area; however, the landowners cannot wait for that plan to be adopted as it is already behind schedule. As such, we have elected to move this case forward under the context of the existing code while being mindful of the current Draft of the Airport Boulevard Form-Based Code.

The intent for the applications is to place an office use on the subject property and doing so in a manner that complies with the text of the existing Neighborhood Plan while complying to the Draft Airport Boulevard Form-Based Code to the extent that existing zoning codes are not conflicted.

Looking at a map of the area, the subject property is the last remaining property zoned as "SF-3" in area bounded by Airport Boulevard, E. 49-1/2 Street, Bennett Avenue, and an alley. The other properties in this "block" are zoned as "GR-V-CO-NP" and "GR-CO-NP", the latter which contains the business known as Tomlinson's Feed & Pets. The subject property of the rezoning

L A N D P L A N N E R S

and plan amendment applications is an extension of the business and landholdings of the Tomlinson's Feed & Pets business operations.

**The North Loop Neighborhood Plan**

The current NP, adopted May 23, 2002, provides for guidelines for the future development including a Future Land Use Map (FLUM) and Neighborhood Plan. The FLUM calls for the "block" as Mixed-use with the subject property as the exception which is designated as Single-Family. The request is to change the FLUM Land Use Designation from Single-Family to Mixed-use to align with the other properties in the "block". Several statements, Goals and Objectives from the NP support the change to Mixed-use. These are as follows:

*Page 15 – Neighborhood Commercial – The neighborhood identified a preference for smaller, independent and 'Mom & Pop' type businesses rather than large big box retail or chain stores.*

Tomlinson's Feed & Pet Store has been at this location since 1946 and is a family owned business. The expansion of this business with the abutting property is in keeping with the preference of these types of businesses.

*Page 17 – Land Use Goals – Goal 1: Encourage compact and human scale land use – Objective 1.2: Promote commercial and residential infill that supports and enhances the character of the neighborhood.*

Tomlinson's Feed & Pet Store is pursuing a commercial infill development expansion of the existing facility.

*Page 18 – Goal 4: Encourage development of a diversity of neighborhood-oriented businesses. Objective 4.1: Promote zoning that allows for development of small scale, neighborhood oriented businesses.*

*Objective 4.2: Encourage a balanced and diverse mix of independently owned, neighborhood businesses including ....*

Tomlinson's Feed & Pet Store is requesting a Plan Amendment and rezoning to continue the operation of a small scale, neighborhood oriented business. Additionally, Tomlinson's Feed & Pet Store is continuing to serve the neighborhood with an independently owned business.



Page 19 – Goal 9: Improve the Appearance and the maintenance of the neighborhood.  
Objective 9.3: Encourage high quality design and construction of human scale buildings that have an inviting and appealing street presentation.

Objective 9.4: Promote quality design for both residential and commercial development.

Tomlinson's Feed & Pet Store will adhere to the Draft Airport Boulevard Form-Based Code design guidelines to the extent that these do not conflict to current zoning development regulations.

#### **Draft Airport Boulevard Form-Based Code**

The current Draft for this Plan is not made available for public distribution. However, we have reviewed a draft document that is in possession with the City of Austin staff. This draft reflects that the subject property is proposed to be designated in the Neighborhood Transition Character Zone. This Neighborhood Transition Character Zone allows for small scale commercial development which includes Administrative and Business Office. The Draft Airport Boulevard Form-Based Code is a Form-Based code and includes design parameters that promote the placement of buildings to be closer to the street and parking behind. This is also a desire of the Neighborhood Plan. Tomlinson's Feed & Pet Store is proposing to comply with this exact style of development.

#### **The Request for Mixed-use Land Use and "GR", Community Commercial Zoning**

The intent, again, is to develop the property with an office use. With that comes the question of why the applications for Mixed-use Land Use and for "GR", Community Commercial zoning. The answers are:

- 1) Both of these requests round out the "block" for a cohesive land use and zoning pattern while not compromising the neighborhood.
- 2) Heritage Tree Preservation. There are two Heritage Trees on the property, both which are 25" Pecans. One of these Heritage Trees lies right in the middle of the property. The request for "GR" zoning is to provide for a 10' Building Setback along the Bennett Street frontage versus the 15' of "GO" or 25' of "LO" or "NO" zoning. To put the future building as close to the street as possible allows for preservation of the tree. Reducing the setback removes reasonable use of the property and warrants a removal of the tree, which is not desirable by the landowner, the neighborhood, City staff, the Planning Commission or the City Council.

3) City policies do not allow for a case to be filed for a FLUM Amendment to Office Land Use and then file for "GR" zoning. The FLUM must be designated as either Commercial Land Use or Mixed-use Land Use for the subject property in order to attain "GR" zoning.

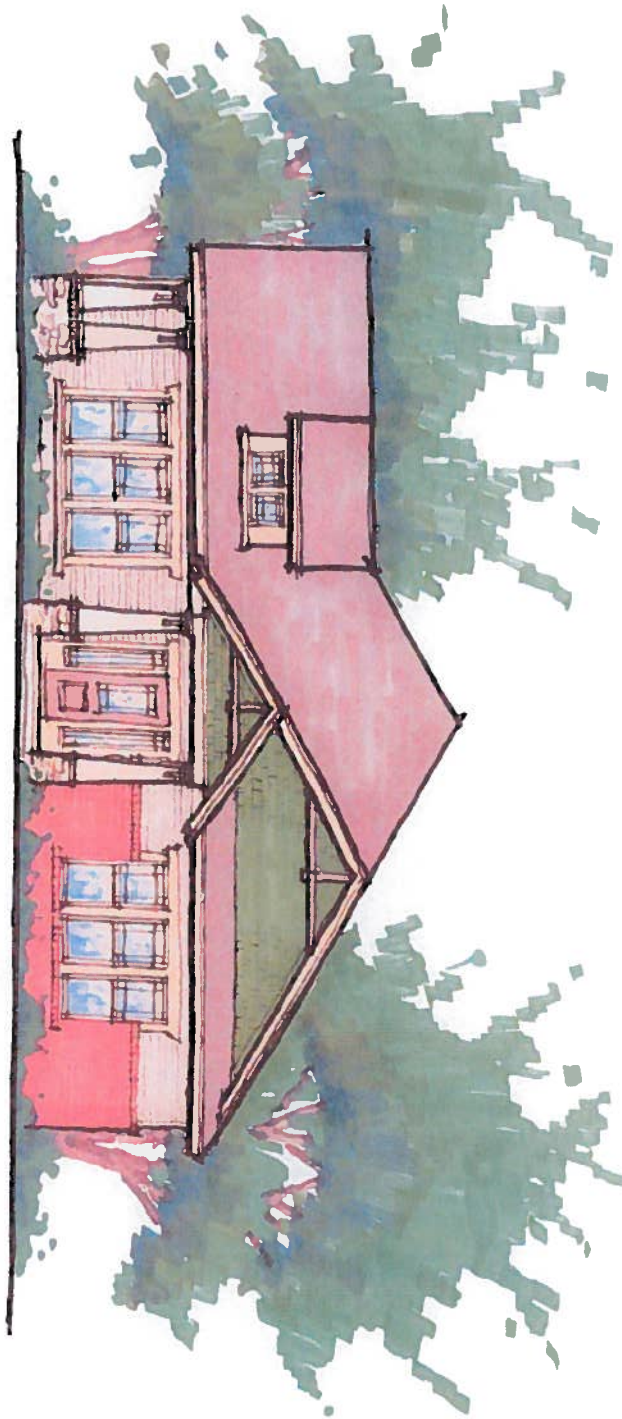
As you will find, the intent for the development of the subject property is directly in alignment with the text of the existing Neighborhood Plan and the future Draft Airport Boulevard Form-Based Code to the extent that the latter does not conflict with current zoning codes. Therefore, we respectfully request a positive recommendation from City staff and request that this item be carried forth to Planning Commission and City Council accordingly.

If you have any comments, concerns or questions, please contact me at my office.

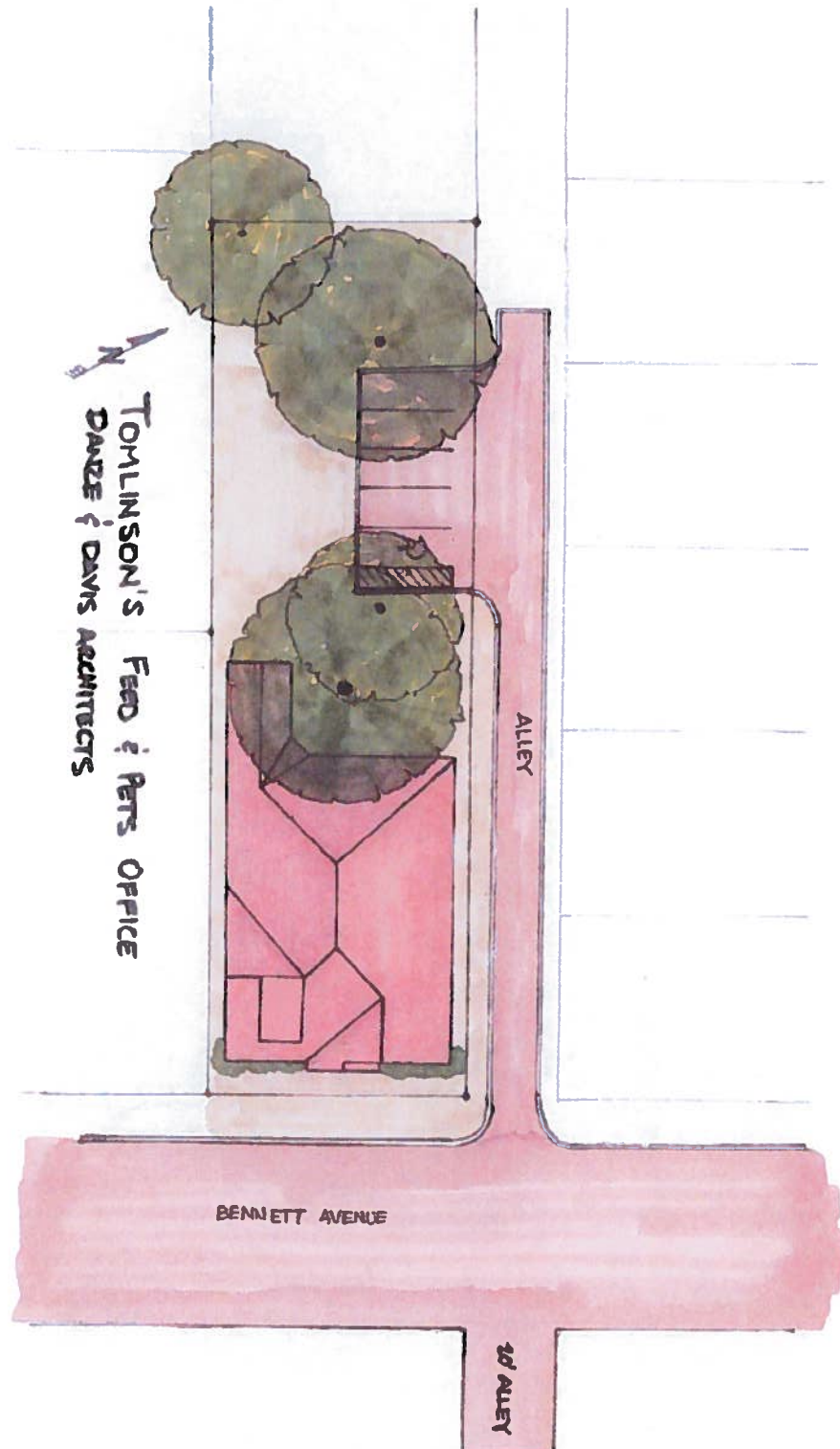
Sincerely,

A handwritten signature in black ink that reads "A. Ron Thrower". The signature is written in a cursive, flowing style.

A. Ron Thrower



TOMLINSON'S FEED & PETS OFFICE  
DAWIE & DAVIS ARCHITECTS





## City of Austin

Founded by Congress, Republic of Texas, 1839  
Planning and Development Review Department  
Urban Design Division  
P.O. Box 1088, Austin, Texas 78767

May 10, 2013

Mr. Ron Thrower  
Thrower Design  
P.O. Box 41957  
Austin, Texas 78704

Re: Tomlinson's Rezoning Request on Bennett Ave.; Case No. C14-2013-0021

Dear Mr. Thrower,

This letter is in response to the questions you submitted on May 8, 2013 requesting clarification on various issues related to the plan amendment and rezoning request for the property at 4914 Bennett Ave. under the rezoning case named above.

**Question 1:** The property is within the Airport Corridor Boundary.

**Answer:** Correct. The subject property considered under the plan amendment and the rezoning request as outlined above lie within the Airport Boulevard Form-Based Code (FBC) study area currently in progress and as depicted in the Illustrative Vision. The draft FBC standards are based on the Illustrative Vision which was vetted by the community and the Council-appointed Advisory Group in 2012.

**Question 2:** The property is designated as Neighborhood Transition in the DRAFT Airport Corridor Regulating Plan.

**Answer:** Correct. The subject property is designated within the Neighborhood Transition Character Zone (NT) in the DRAFT Airport Blvd. Form-Based Code Regulating Plan in accordance with the illustrative Vision.

The recommended NT under the draft FBC provides for a range of urban residential uses and building types including live-work (administrative and business office), townhomes, duplexes, patio homes, etc., as transitions between the Airport Boulevard Corridor and adjoining single-family neighborhood. Development standards in this character zone emphasize small scale urban residential uses and establish building transition standards. Development standards also emphasize keeping with the scale and lot pattern of the adjoining neighborhood by allowing smaller multi-unit homes and live-work units to be interspersed with some existing single-family homes thus increasing the opportunities for affordable and attainable housing choices adjacent to Airport Blvd.



**Question 3:** Properties across Bennett from the Tomlinson's property are also designated as Neighborhood Transition.

**Answer:** Incorrect. Currently, the NT character zone in the DRAFT Airport Blvd. Form-Based Code Regulating Plan stops at Bennett Ave. and does not include the block east of Bennett Ave. across from the subject property.

**Question 4:** Essentially, the commercial uses currently allowed under "LO" Limited Office zoning are proposed as the permitted commercial uses within the Neighborhood Transition areas.

**Answer:** In the emerging draft FBC the following commercial land uses are allowed in the NT character zone with additional criteria under the FBC:

- Admin and Business Offices- currently allowed under LO;
- Art Gallery- currently allowed under LO;
- Art Workshop- currently allowed under LO; and
- Building Maintenance Services – NOT currently allowed under LO.

**Question 5:** The Neighborhood Transition areas are proposed with front setbacks with a minimum of 5' and a maximum of 15'.

**Answer:** The preliminary Airport Blvd. FBC standards classify building placement by street frontage priority. The subject property as per the draft Airport Boulevard Regulating Plan has *General Frontage* on Bennett Ave. to the east and on the abutting alley to the north. Therefore, the proposed setbacks under the emerging FBC are 5 feet minimum setback with no maximum.

**Question 6:** The Airport Corridor Regulating Plan is at least 1-year out from being adopted. There have not been any Advisory Group meetings for 15 months as the process has been delayed due to untimely delivery of the Regulating Plan.

**Answer:** Incorrect. The complete draft FBC and accompanying attachments were delivered to the project management team on May 1, 2013 and is currently under internal Staff review. AG meetings have not been scheduled as Staff and the Consultant were developing a complete draft of the FBC instead of the original plan for a phased approach given the interrelated nature of the different code sections. It is not anticipated that consideration of the FBC and Regulating plan take one year. The tentative schedule going forward is as follows:

1. Staff will complete review and assessment of the working draft through early June 2013;
2. Once the Consultant has made Staff-recommended improvements to the draft, an Advisory Group (AG) meeting will be scheduled and is anticipated for late-June;
3. The AG and the community will then have through late-July to review the draft Code content noting comments and questions in preparation for wide community outreach, engagement, and input efforts to commence late July;
4. With assistance from the AG, we will commence neighborhood Roundtables in late July and they will likely continue through September;

5. As neighborhood Roundtables continue through September, the AG will hold several meetings throughout the summer to review specific sections of the Code;
6. Once the neighborhood Roundtables and community outreach is complete, we will schedule a Community Open House to roll-out the FBC to community members that were not able to participate in roundtables – anticipated for the fall;
7. The AG will continue their review and comments through the fall; and
8. The final draft code will be presented to the Planning Commission's Neighborhood Planning Committee in late fall, and Boards and Commissions and City Council at the end of the year.

If we are successful in keeping the timeline described above, we should be at the City Council for consideration of the FBC by the end of 2013 and possibly into early 2014.

The draft FBC is at the very early stages of review and has just reached Staff for internal vetting. As you can see from the proposed timeline, there will be ample opportunities for public review and input by the AG and the community including statutory public hearings at the end of the year.

If further clarification is needed, please contact me at (512) 974-2975.

Sincerely,



Jorge E. Rousselin, Development Services Process Coordinator  
Urban Design Division – Planning and Development Review Department

cc: George Adams, Assistant Director, PDRD  
Garner Stoll, Assistant Director, PDRD  
Alan Holt, Principal Planner, PDRD  
Clark Patterson, Zoning Case Manager, PDRD  
Maureen Meredith, Comprehensive Planning, PDRD  
Scott Polikov, Gateway Planning  
Jay Narayana, Gateway Planning



**TO:** Dave Anderson, Chair  
Members of the Planning Commission

**FROM:** Keith Mars, City Arborist Program  
Planning and Development Review Department

**DATE:** November 1, 2013

**SUBJECT:** Heritage Tree at 4914 Bennett Avenue

At the request of the applicant, Ron Thrower, on November 4, 2013, I performed an assessment of regulated trees located at 4914 Bennett Avenue. The purpose of my involvement was to determine permissible development impacts to the trees based on existing and requested setback requirements.

Due to inaccessibility of the property (wooden fence enclosing the perimeter), a limited visual assessment was performed suggesting at least four protected or heritage trees occur on the property. It is my understanding from the applicant that only one Pecan is a concern for development related impacts or removal. The subject Pecan (*Carya illinoensis*) diameter could not be confirmed, but the applicant has stated it is greater than 24" in diameter, thus recognized as a heritage tree per the Land Development Code. Absent biological or structural defects that would render the tree diseased or an imminent hazard, the subject tree should be preserved in forthcoming development.

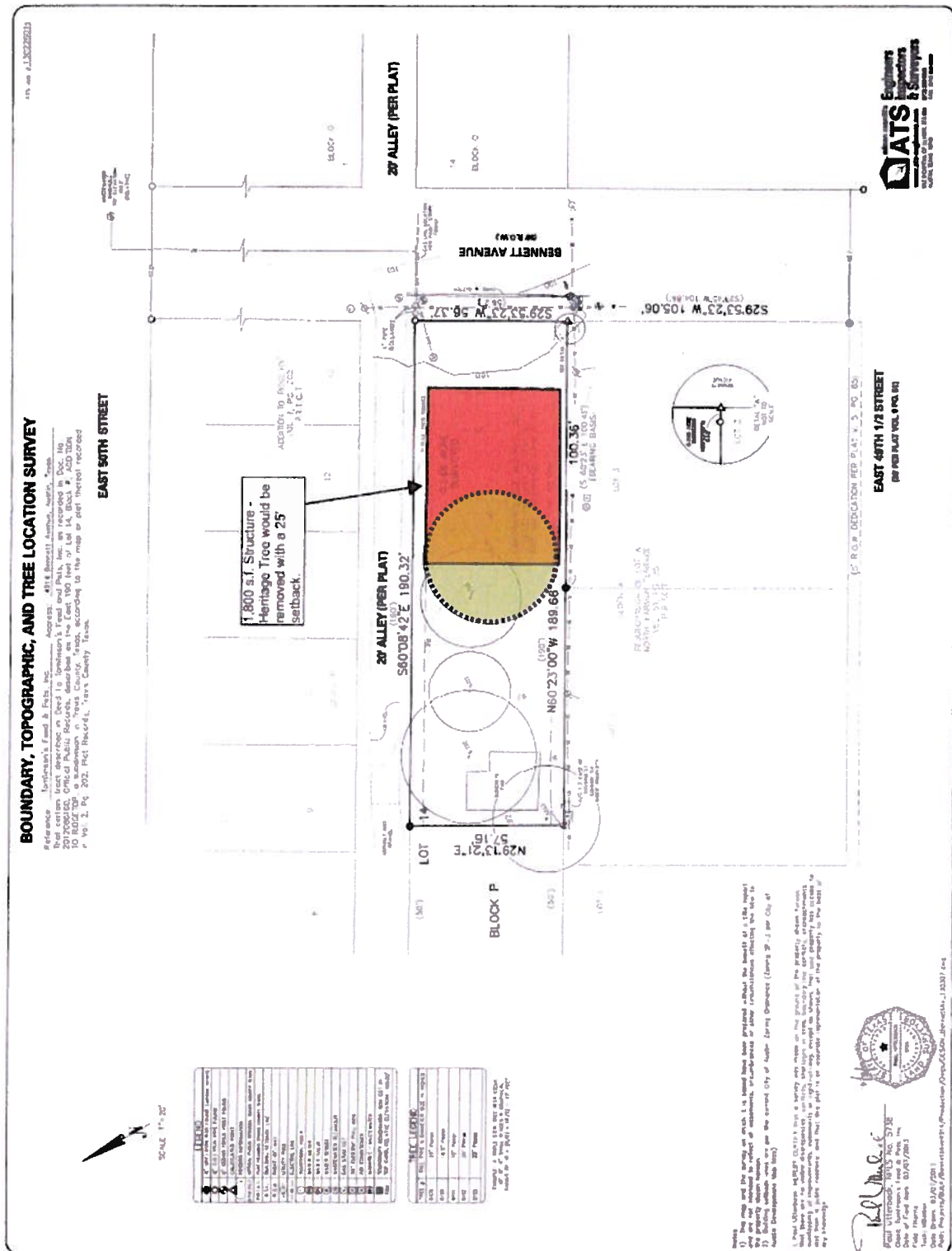
The conceptual plans (see attachments), based on a 10' rather than a 25' front-yard setback, are compliant with critical root zone impacts. Conversely, with current setback requirements it appears non-code compliant impacts or outright removal would likely occur. Canopy pruning regulations must also be met, but cannot be reviewed until building elevations are known. However, it is expected that pruning will not exceed the allowable 25 percent. It is also expected the other regulated trees onsite will be preserved. If you have questions or need further details, please contact me at 512-974-2755 or [keith.mars@austintexas.gov](mailto:keith.mars@austintexas.gov).

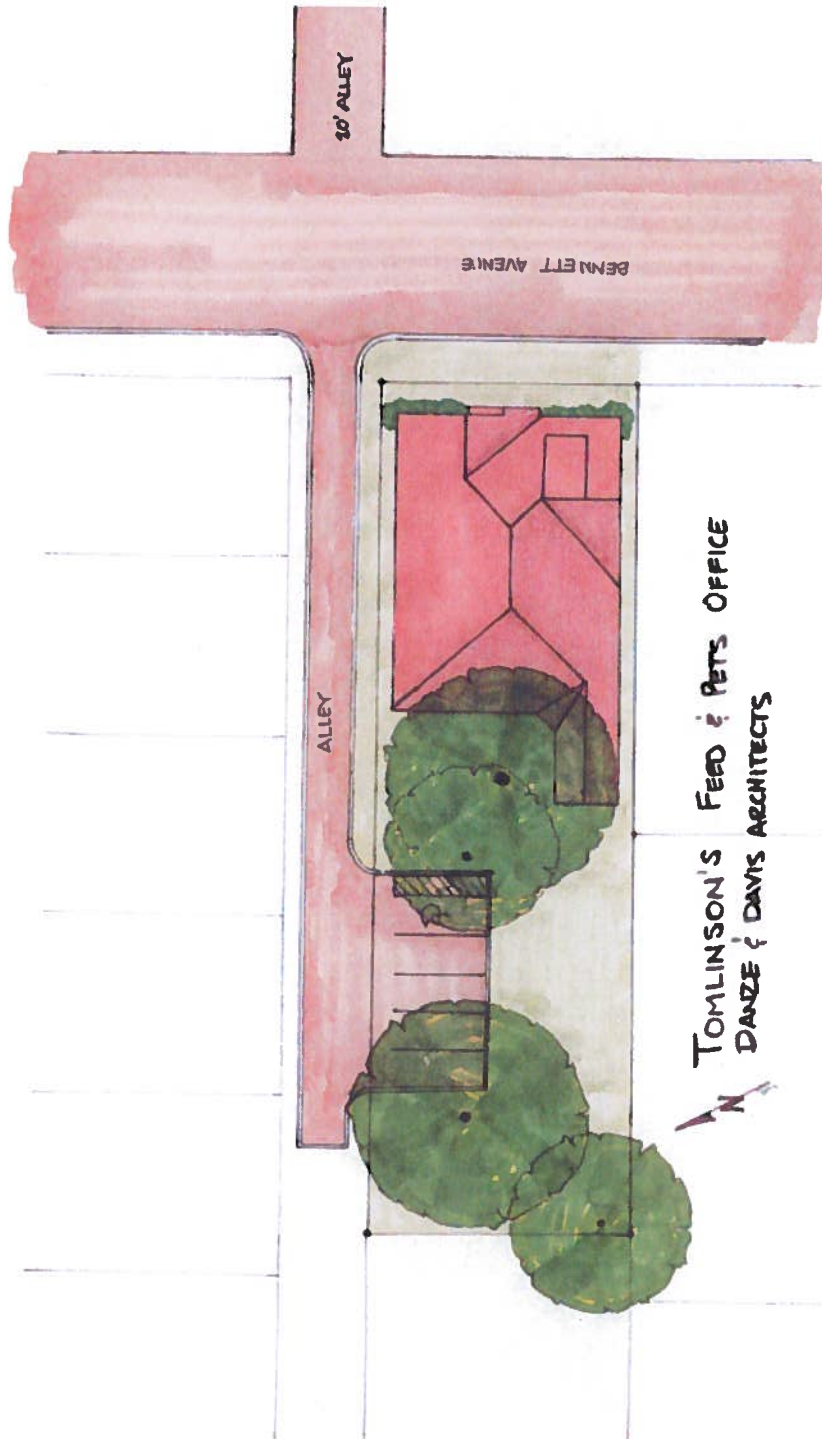
Regards,

A handwritten signature in cursive script that reads "Keith Mars".

Keith Mars, Environmental Program Coordinator  
City of Austin Arborist Program  
Planning and Development Review Department







**Letter from the North Loop PCT**

**NORTH LOOP NEIGHBORHOOD PLANNING TEAM**

**SUPPORTING A VISION FOR NORTH-CENTRAL AUSTIN**

April 29, 2013

Re: Case Number NPA-2013-0011.02

To whom it may concern:

The North Loop Neighborhood Planning Team has been discussing a request for a change in zoning for the property located at 4914 Bennett Avenue (78751). The submitted request states that the property owners would like to change the future land use designation for the specified property within the North Loop Neighborhood Plan from single family to mixed use, changing the zoning from SF-3 to GR. The proposal also states that the owners are asking for a conditional overlay to restrict the uses of the property to those that would exist under LO zoning.

After much discussion with the property owners and their agents, the Planning Team has voted to support the change in zoning for this property from SF-3 to GR with the conditional overlay described above. However, it should be noted that there would likely be no support from the Planning Team for a zoning change without this conditional overlay.

Planning Team members agreed that the location of this particular site makes future SF-3 uses unlikely (this site is currently vacant), and that the development proposed by the current land-owner is quite consistent with immediately adjacent properties.

Sincerely,  
Sebastian Wren  
Chair – NLNPT

**From:** Ron Thrower  
**Sent:** Saturday, May 18, 2013 5:44 PM  
**To:** Megan Gilbride  
**Subject:** Re: Summary of neighborhood comments

Megan,

Thank you for putting this together. I have shared this with the Click's and we have had some discussions. Given the context of this email, perhaps it is best to postpone the zoning case until Airport Form Based Code is adopted. That way GR is not on a map for this property and the Click's can work within the context of the future Form Based Code and wait for the adoption. It is not the intent of the Click's to be the center of ill will with the neighborhood. They have been there a long time, perhaps longer than most people in the neighborhood, and they want to be there a long time in the future.

As such, on May 28th, we will seek a postponement for a period of 6 months and move forward accordingly from there. There is not any need to have a meeting at this time. Frankly, it was turning out to be a very time consuming time for the Click's for the next two months. They would have preferred finalization of the zoning in early summer in order to have a higher level of assurance moving forward with their site plan which takes about 6 months to get an approval.

Again, thanks for this list of issues.

Ron Thrower  
Thrower Design  
iPad Bound

On May 18, 2013, at 12:02 PM, "Megan Gilbride" < wrote:

Hi Ron,

Here's a summary of comments we've received from neighbors via email, the yahoo group, nextdoor, etc.

In trying to compile this list so it can be helpful for our meeting, it became clear that the bulk of neighbor response is focused on two key points. I think there will be details to discuss inside of these issues -- as this is a summary and individual concerns vary person to person -- but below are the two that have been voiced by a number of neighbors.

**No new commercial in the transition zone.**

I must share with you the general resistance to the request, in any form, based on our neighborhood's previous work crafting the FBC vision of harmon triangle with the city. Many neighbors cite the precedent that no new commercial development should be the in transition zone -- period. I've gotten the sense that the Clicks are surprised by negative neighbor response to the project, meanwhile the plan amendment request is contrary to the existing record of what the neighborhood, in conjunction with the city, has envisioned for the parcel. I hope you will all greatly consider this context for the discussion. I really can't stress it enough.

**GR is not appropriate zoning for the parcel or the proposed site plan**

You and the Clicks have stressed that the site plan and use are LO, excepting the setback variance needed to build the office amongst the protected heritage trees on the property. So the neighbors want to know why you're continuing to pursue the GR plan amendment request if it's solely to achieve the frontyard minimum setback regulation you'd like. Neighbors aren't comfortable with the regulations or the precedent of GR, regardless of the use and the applicant, and city staff isn't recommending GR be approved. Based on the site plan you've provided it seems there are other options. In the initial 4/15 community meeting and the 4/18 RNA meeting you attended, this point was expressed by many neighbors including myself. It continues to be a concern for the neighborhood.

The Harmon Triangle sector of the Ridgetop Neighborhood Association is a group that is engaged, works well together, and has proven to be reasonable, especially when approached directly and in advance for input and support. With less than a month between the initial community meeting and the planning commission meeting, and no prior discussion or approach about the project -- and with a rezoning request so outside the existing vision for the neighborhood -- it's no surprise to me that much discussion is still needed. I'm glad we're finally going to have it.

That said Ron, it's taken a lot of work just to get you guys to a meeting. The neighbors are going to attend in the spirit of collaboration, to figure out what we can live with. We really need to see the same spirit from you. I think there's an opportunity for your project to go forward with our support. I'm hopeful that you understand why you don't have it now and what might be done to close the gap.

Best,  
Megan





November 11, 2013

Planning Commission, City of Austin  
Planning and Development Review Department, City of Austin  
Clark Patterson, Zoning Planner

Re: Plan Amendment Case NPA-2013-0011.02; Zoning Case C14-2013-0021 – 4914 Bennett Ave.

Dear Planning Commission Members and Clark:

Ridgetop NA finds itself in the unhappy position of again appearing before you to oppose the above-referenced application as it currently stands, on the grounds that the upzoning of this property to an unrestricted GR zoning is overly-aggressive, is not in keeping with the anticipated Form Based Code transition area precepts, could easily result in detrimental impacts to the neighborhood character, and sets an undesirable precedent for other properties in the neighborhood.

Since the first week of hearing about Tomlinson's proposed project, neighbors have stated clearly to the applicant and to this body that while additional non-residential zoning in the neighborhood core is not desired as clearly stated in the Neighborhood Plan, in this case they would like to support the application if appropriate protections to the neighborhood character were added. In May the Planning Commission directed us to all meet further to try to find common ground before pursuing the upzoning. As you know from our May 21 update, Ridgetop officers and neighbors pulled out the stops over the next four days and set up a meeting on the Clicks' timeline the following Monday.

It was the applicant who declined to meet, stating they didn't want to spend the time to discuss further, and it the applicant who stated they would wait for Form Based Code. Ridgetop officers stated we were here to discuss at any time. It is concerning to be faced with another pressured timeline when neighbors have in fact been available for five months to move the project forward if Form Based Code wasn't moving fast enough for Tomlinson's.

Aggressive zonings lay the groundwork for future incompatible uses, as we have all seen time and time again throughout Austin. Ridgetop wants to support the Clicks, given appropriate protections against that. The North Loop Neighborhood Planning Team voted "to support the proposed change to GR with a conditional overlay to restrict the uses of the property to those that would exist under LO zoning." City staff have contributed that GR is inappropriate for this property.

Ridgetop NA reiterated to Mr. Thrower last week that the neighborhood has been and remains available to find something amenable to both meet Tomlinson's vision and protect the neighborhood. Meaning no offense to the Click family, it seems the only entity who has not been flexible in identifying common ground is the applicant.

The application you see before you today does not contain a conditional overlay, nor restrictions to protect the neighborhood core in which it is situated.

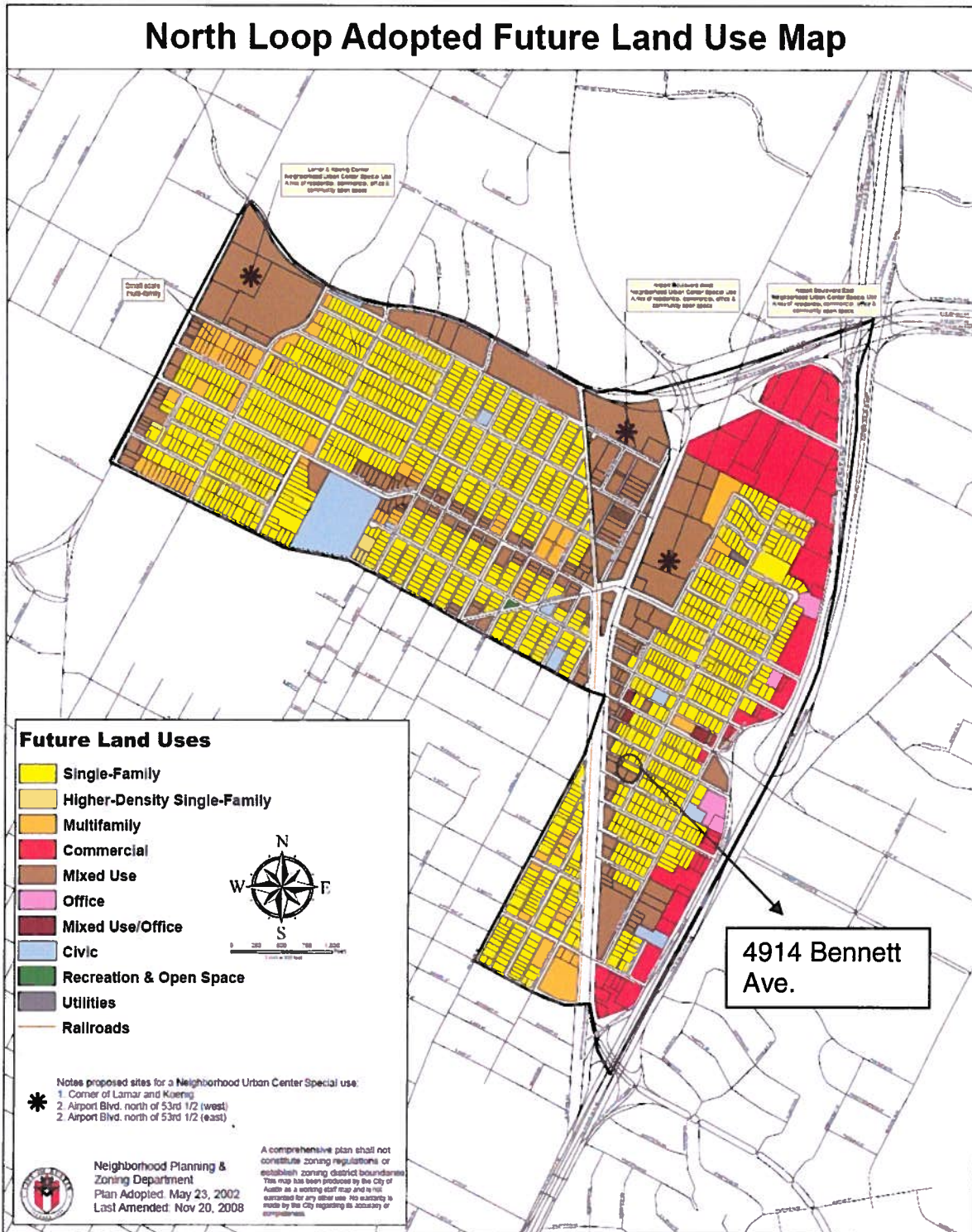
Ridgetop Neighborhood Association therefore respectfully requests that the Planning Commission deny the application, and its attendant alteration of our neighborhood plan. Ridgetop remains open to a Planning Commission directive to work together in identifying sufficient and appropriate protections for the neighborhood.

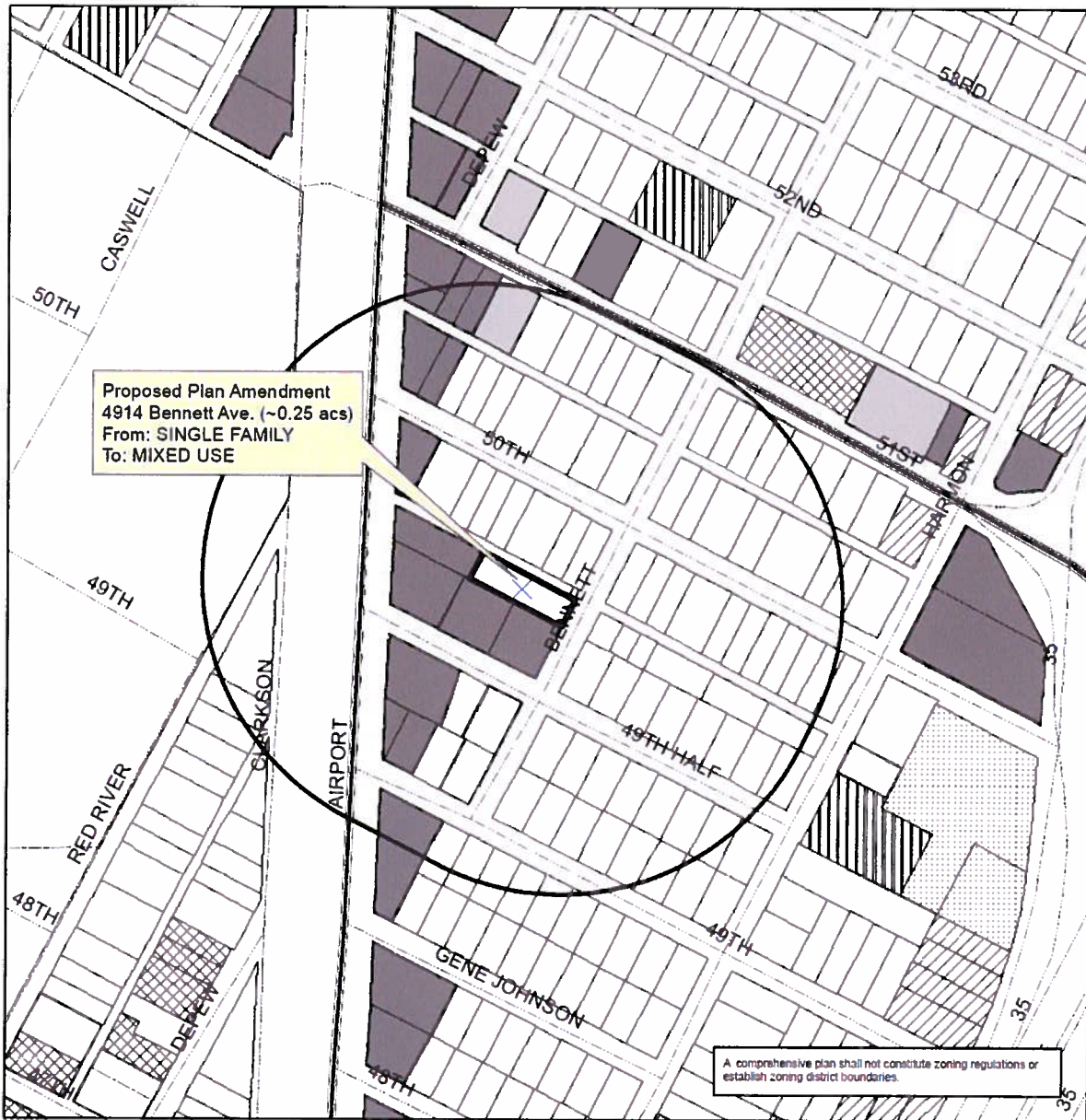
Respectfully,

Penelope Doherty, RNA President      and      Megan Gilbride, RNA Sector VP  
914 E. 49<sup>th</sup> St      921 E. 49 1/2<sup>th</sup> St

Cc:  
Maureen Meredith, Plan Amendment Planner  
Jorge Rousselin, Urban Design, COA Planning and Development Review  
Leah Bojo, Policy Specialist for Councilmember Chris Riley  
Ron Thrower, Applicant Agent  
Scott Richardson, RNA Executive VP







## North Loop Neighborhood Plan NPA-2013-0011.02

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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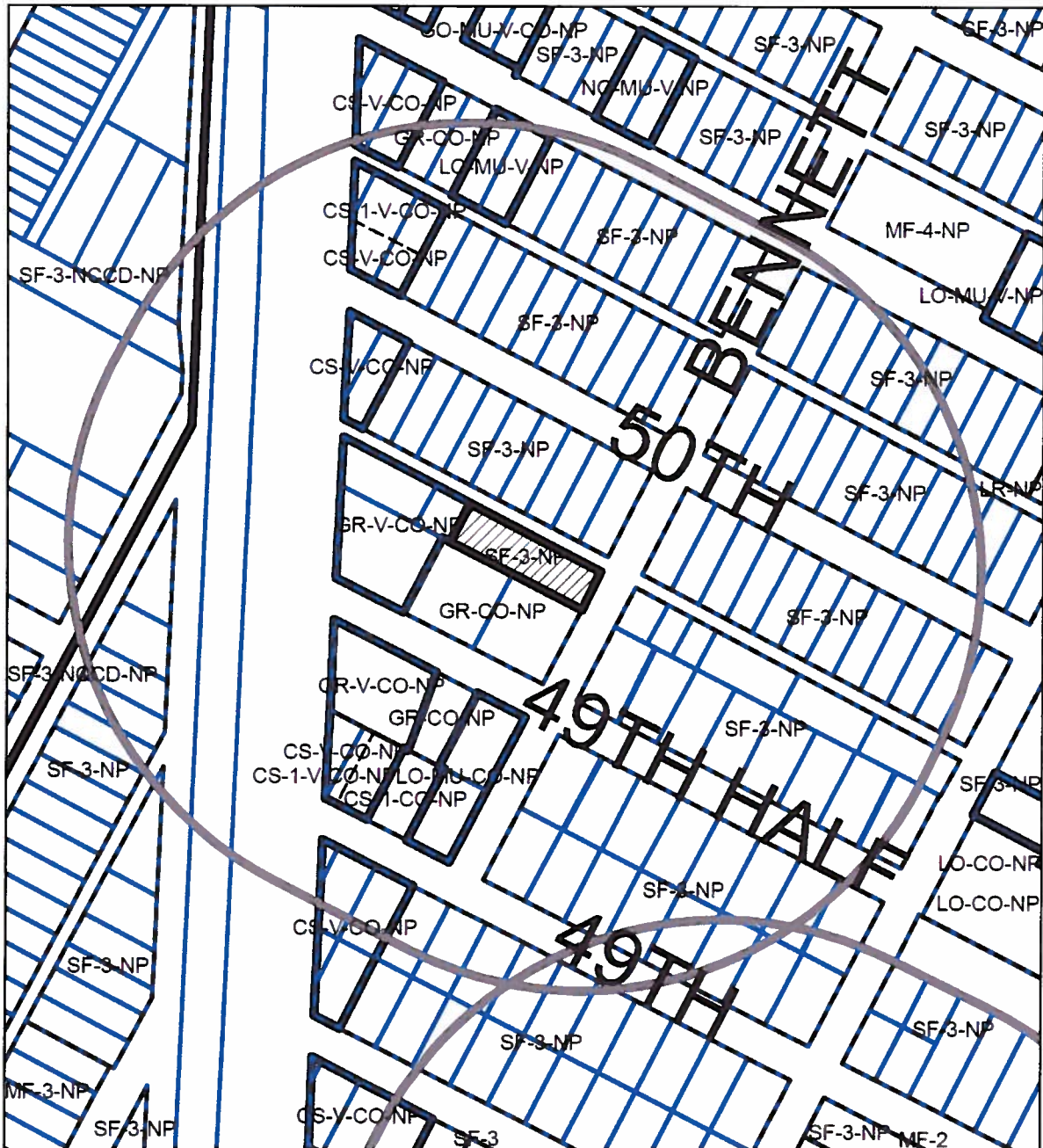






City of Austin  
Planning and Development Review Department  
Created on March 6, 2013\_M Meredith



| 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                       |





-  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**

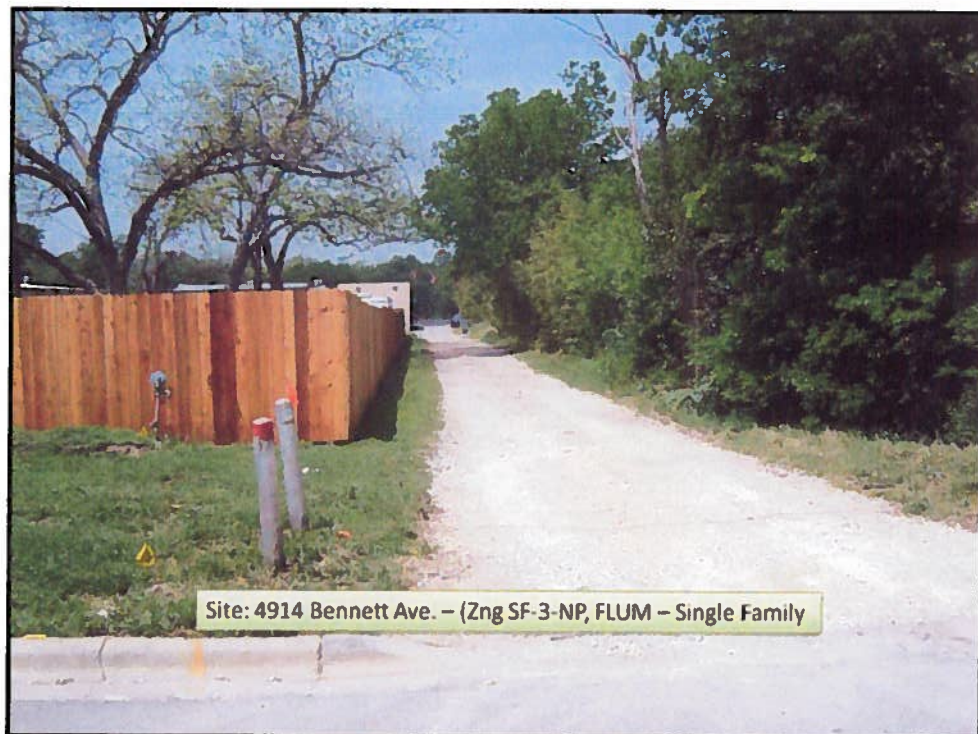
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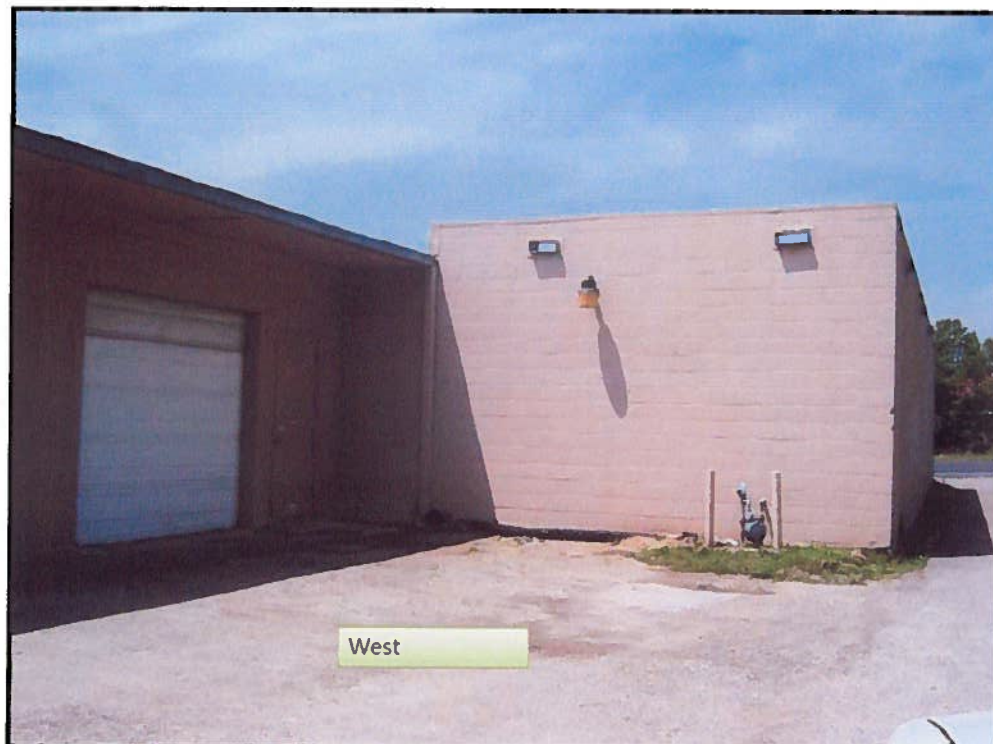




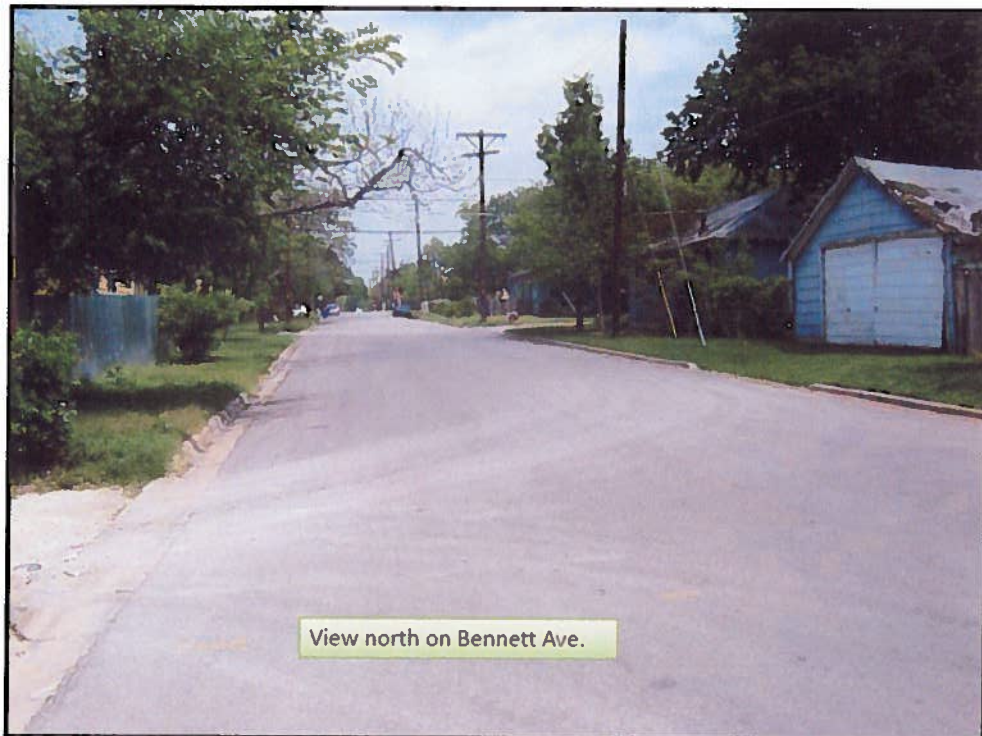












**From:** M Ward  
**Sent:** Wednesday, April 17, 2013 1:51 PM  
**To:** Meredith, Maureen; jan\_seward@; khaos\_king@; swren@; pgoetz@; cindy@rickblack.net; ervindm@; kijaso@  
**Cc:** A. Ron Thrower (RonT@)  
**Subject:** Re: Tomlinson's

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 Ridgetop 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

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

From: Austintaste

Sent: Tuesday, May 14, 2013 11:44 AM

To: Meredith, Maureen; Patterson, Clark; Rousselin, Jorge

Subject: Re: Plan Amendment Case NPA-2013-0011.02; Zoning Case C14-2013-0021 – 4914 Bennett Ave.

As I am not able to attend tonight's meeting in person, please utilize this email as my endorsement of the City of Austin's desire and plan for form based code criteria already in the late stages of development, to be applied in this request by Thomlinsons on the Bennett property. Many people have worked in concert to develop acceptable standards for that portion of Bennett and I whole heartedly support those standards and do not support any rezoning requests outside of those guidelines.

Please also remain alert for feedback from property owners (like myself) who are in an enhanced class (within 500 feet of the property) as many other non-enhanced class peoples are creating an aggressive and bullying atmosphere.

I support your continued and good efforts as a group to bring forward those form based code details that all have developed together (city and residents.) if pressing needs prevent any parties from being unwilling to await the FBC from being adopted in 2014, light office with variances for trees and setbacks on the above property would seem to be satisfactory to the applicant's expressed desire for the property, but it's not my first preference.

Penelope and Megan will be attending tonight and also have my support and confidence to speak on my behalf.

Thank you for continuing to work through this process. I appreciate all of the help you have been providing.

Lisa Daugustine  
928 e 49 1/2 st.  
78751