

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2013-0021

Tomlinson's Feed & Pets Rezoning

**P. C. DATE:** 05/14/13, 05/28/13, 11/12/13

**ADDRESS:** 4914 Bennett Ave.

**AREA:** 0.25 acres

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

**AGENT:** Thrower Design  
(Ron Thrower)

**NEIGHBORHOOD PLAN AREA:** North Loop

**CAPITOL VIEW:** No

**T.I.A.:** Waived – See the Transportation  
Reviewer's comments.

**HILL COUNTRY ROADWAY:** No

**WATERSHED:** Boggy Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**ZONING FROM:** SF-3-NP, Family Residence, Neighborhood Plan.

**ZONING TO:** GR-MU-NP, Community Commercial, Mixed Use, Neighborhood Plan.

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends GO-MU-CO-NP, General Office, Mixed Use, Conditional Overlay, Neighborhood Plan. The Conditional Overlay would limit vehicle trips to less than 2,000 per day.

### **PLANNING COMMISSION RECOMMENDATION:**

The motion to approve the recommendation for GR-MU-CO-NP combining district zoning, with certain Limited Office site development standards was approved by Commissioner Stephen Oliver's motion, Commissioner Alfonso Hernandez seconded the motion on a vote of 6-0; Commissioner Danette Chimenti was absent.

### **DEPARTMENT COMMENTS:**

The Airport Boulevard Form-Based Code (ABFBC) emerging recommendations seek to implement character districts which will replace existing zoning classifications and reference form and building design standards in the ABFBC. The property at 4914 Bennett Ave. will be part of the Neighborhood Transition Zone under the ABFBC which 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 neighborhoods. Development standards also emphasize keeping with the scale and lotting 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 Boulevard. Granting General Office (GO) would act as a buffer for the single family residences to the north as well as conform to the emerging recommendations in the Airport Form Based code initiative that is currently under way.

The following are permitted uses under the Neighborhood Transition area:

- Bed & Breakfast (Group 1 and 2)
- Duplex Residential
- Group Residential
- MultiFamily Residential
- Retirement Housing (Small site)
- SF Attached Residential
- SF Residential (Detached)
- Small Lot SF Residential
- Townhouse Residential
- Two-Family Residential
- Home Occupation
- Building Maintenance Services\*
- Admin and Business Offices\*\*
- Art Gallery\*\*
- Art Workshop\*\*

\* Permitted with additional criteria

\*\*Less than 6,000 sq.ft. in Neighborhood Transition Zones

Granting General Office (GO) zoning would act as a buffer for the single family residences to the north as well as conform to the emerging recommendations in the Airport Boulevard Form Based Code initiative that is currently under way.

### **BASIS FOR RECOMMENDATION:**

*1. The proposed zoning should be consistent with the goals and objectives of the City Council.*

Granting General Office (GO) zoning would act as a buffer for the single family residences to the north as well as conform to the emerging recommendations in the Airport Boulevard Form Based Code initiative that is currently under way.

### **EXISTING ZONING AND LAND USES:**

|              | <b>ZONING</b> | <b>LAND USES</b>          |
|--------------|---------------|---------------------------|
| <b>SITE</b>  | SF-3-NP       | Undeveloped               |
| <b>NORTH</b> | SF-3-NP       | Single family residential |
| <b>SOUTH</b> | GR-CO-NP      | Feed Store                |
| <b>EAST</b>  | SF-3          | Single family residential |
| <b>WEST</b>  | GR-V-CO-NP    | Clock shop                |

### **CASE HISTORIES:**

| <b>CASE NUMBER</b>                         | <b>REQUEST</b>         | <b>PLANNING COMMISSION</b>       | <b>CITY COUNCIL</b>              |
|--------------------------------------------|------------------------|----------------------------------|----------------------------------|
| C14-06-0004<br>910 E. 51 <sup>st</sup> St. | SF-3-NP to<br>NO-MU-NP | Approved NO-MU-CO<br>[Vote: 8-0] | Approved NO-MU-CO<br>[Vote: 7-0] |

### **NEIGHBORHOOD ORGANIZATION:**

- Austin Neighborhood Council
- North Austin Neighborhood Alliance
- Ridgetop Neighborhood Assoc.

## **SCHOOLS:**

Lee Elementary School  
Kealing Middle School  
McCallum High School

## **SITE PLAN:**

- SP 1. Site plans will be required for any new development other than single-family or duplex residential.
- SP 2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

## **ENVIRONMENTAL:**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to floodplain maps there is no floodplain within the project area.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

**TRANSPORTATION:**

TR1. No additional right-of-way is needed at this time.

TR2. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

TR3. Bennett Avenue is not classified in the Bicycle Plan.

TR4. Capital Metro bus service is not available along Bennett Avenue.

TR5. There are no existing sidewalks along Bennett Avenue.

TR6. Existing Street Characteristics:

| <b>Name</b>    | <b>ROW</b> | <b>Pavement</b> | <b>Classification</b> | <b>ADT</b> |
|----------------|------------|-----------------|-----------------------|------------|
| Bennett Avenue | 50'        | 30'             | Collector             | 662        |

**CITY COUNCIL DATE:** June 6th, 2013

**ACTION:**

**ORDINANCE READINGS:** 1<sup>ST</sup> 2<sup>ND</sup> 3<sup>RD</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Clark Patterson  
[Clark.patterson@ci.austin.tx.us](mailto:Clark.patterson@ci.austin.tx.us)

**PHONE:** 974-7691





CLARKSON AVE

AIRPORT BLVD

E 51ST ST

E 50TH ST

SUBJECT TRACT

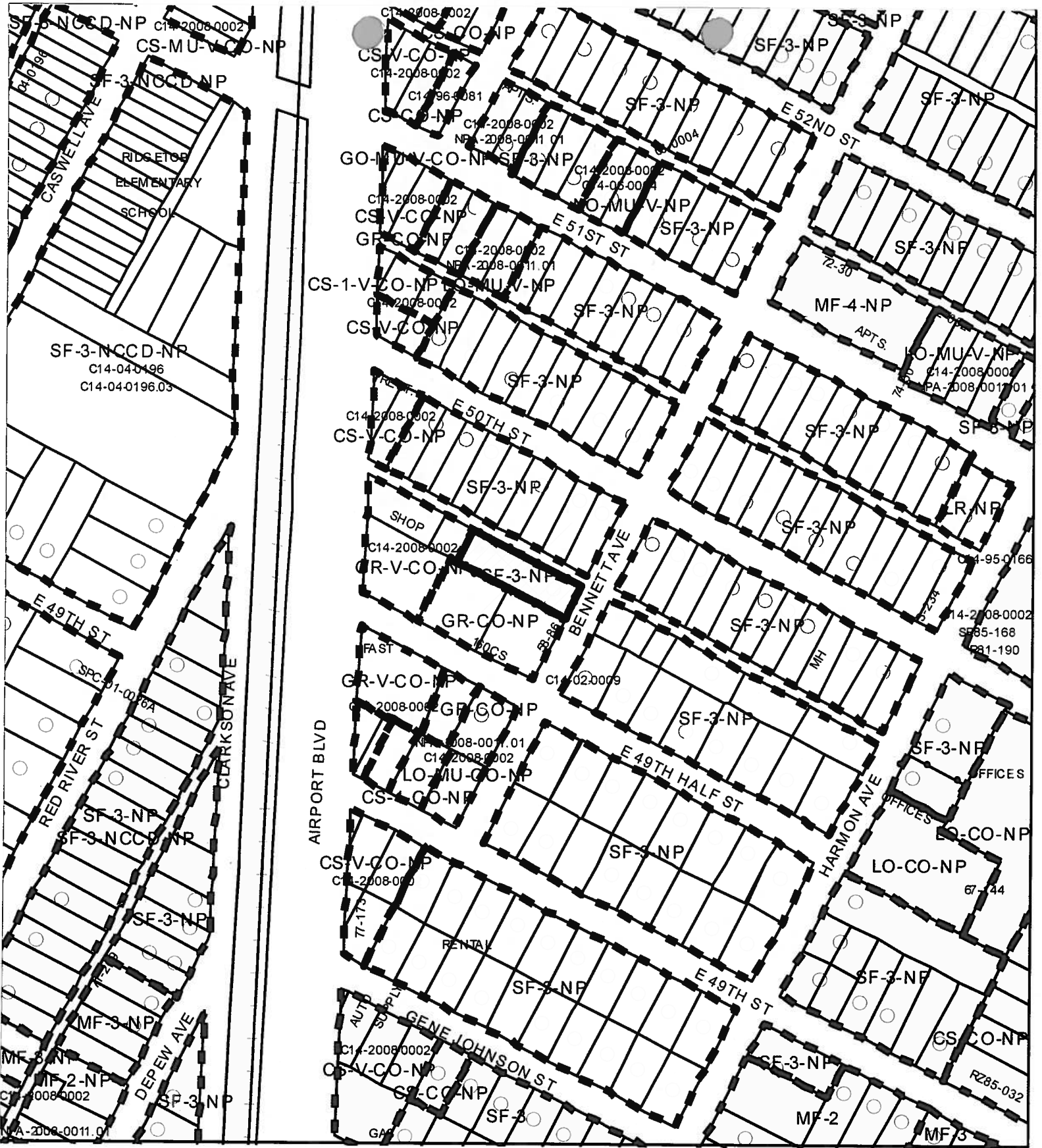
BENNETT AVE

E 49TH HALF ST

E 49TH ST

HARMON AVE





- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

**ZONING**  
**ZONING CASE#: C14-2013-0021**

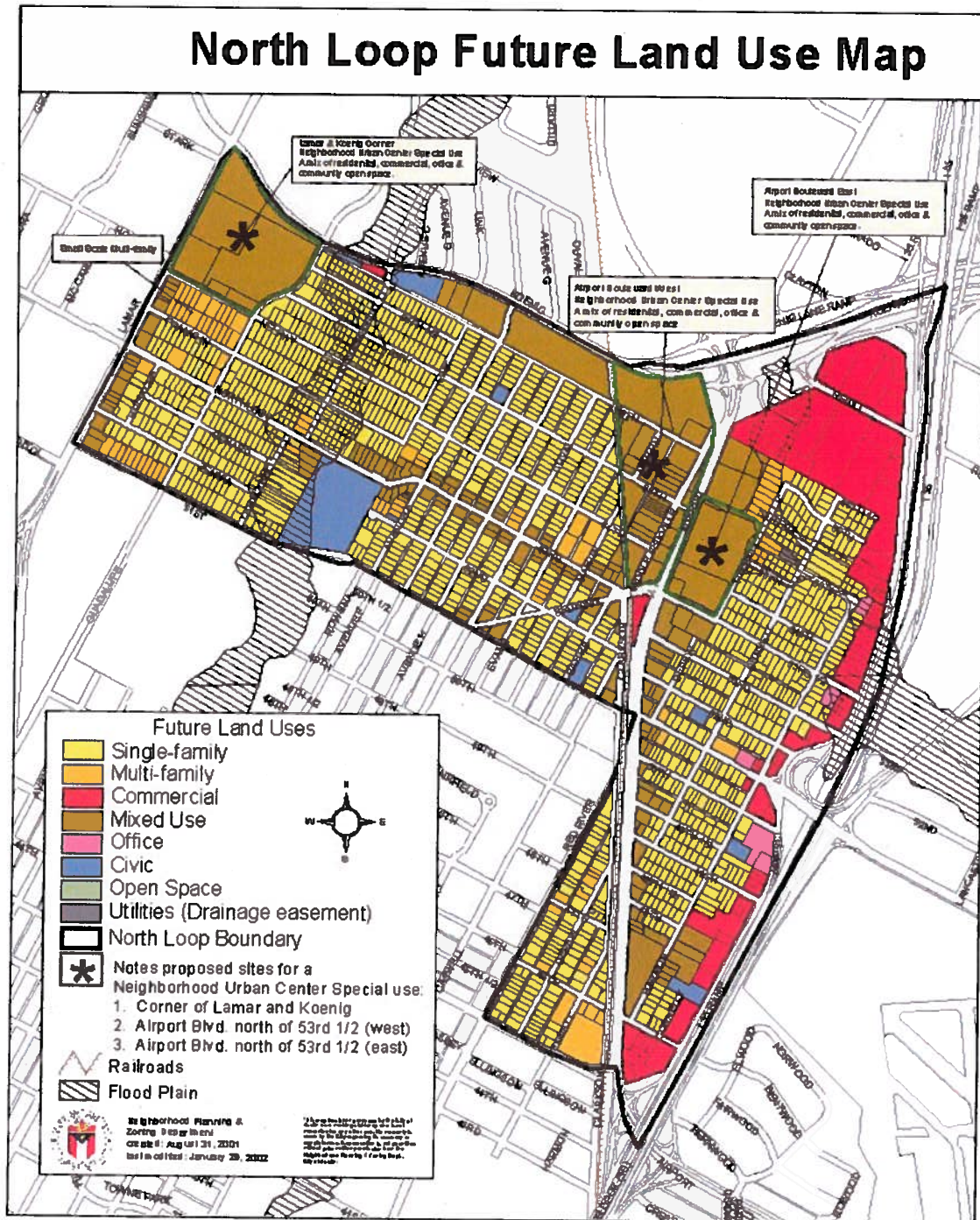


1" = 200'

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

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

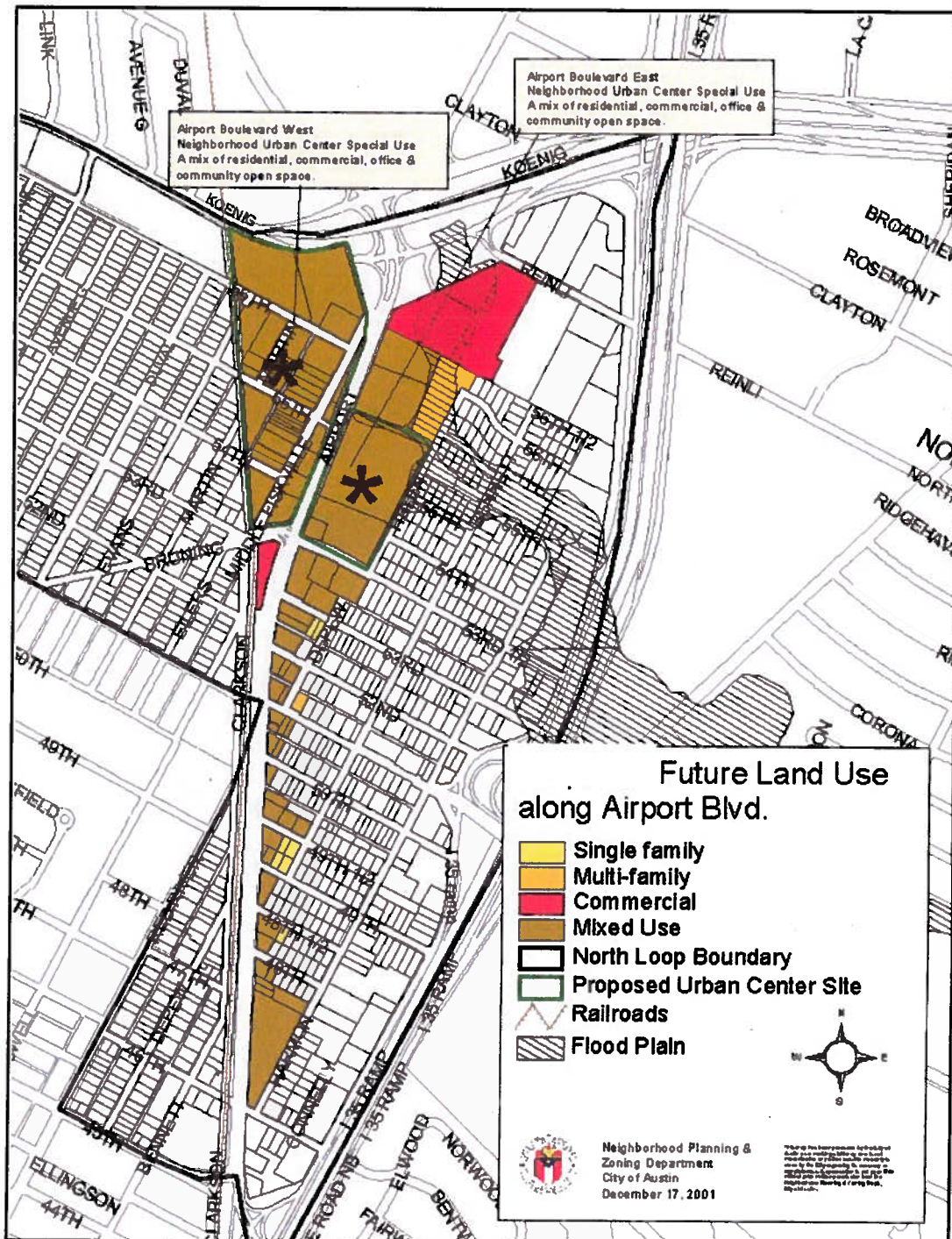
The map on this page shows **future land use**. The Future Land Use Map represents the neighborhood's vision for how land use changes will take place over the next 20-25 years. It is a long term planning resource that represents a blue print for how the neighborhood would like the area developed in the future.





## Airport Blvd (between I-35 and US 290/Koenig Lane)

The map below shows the area referred to as the Airport Blvd district. It extends from East 46<sup>th</sup> St in the south to US 290 in the north. To the west the boundary of this district is defined by the rail corridor, to the east (as shown on the map) it is the rear property lines of the commercial properties that front the east side of Airport Blvd or its adjoining streets (see map below for details). This map shows the proposed future land uses for this area.







# 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,

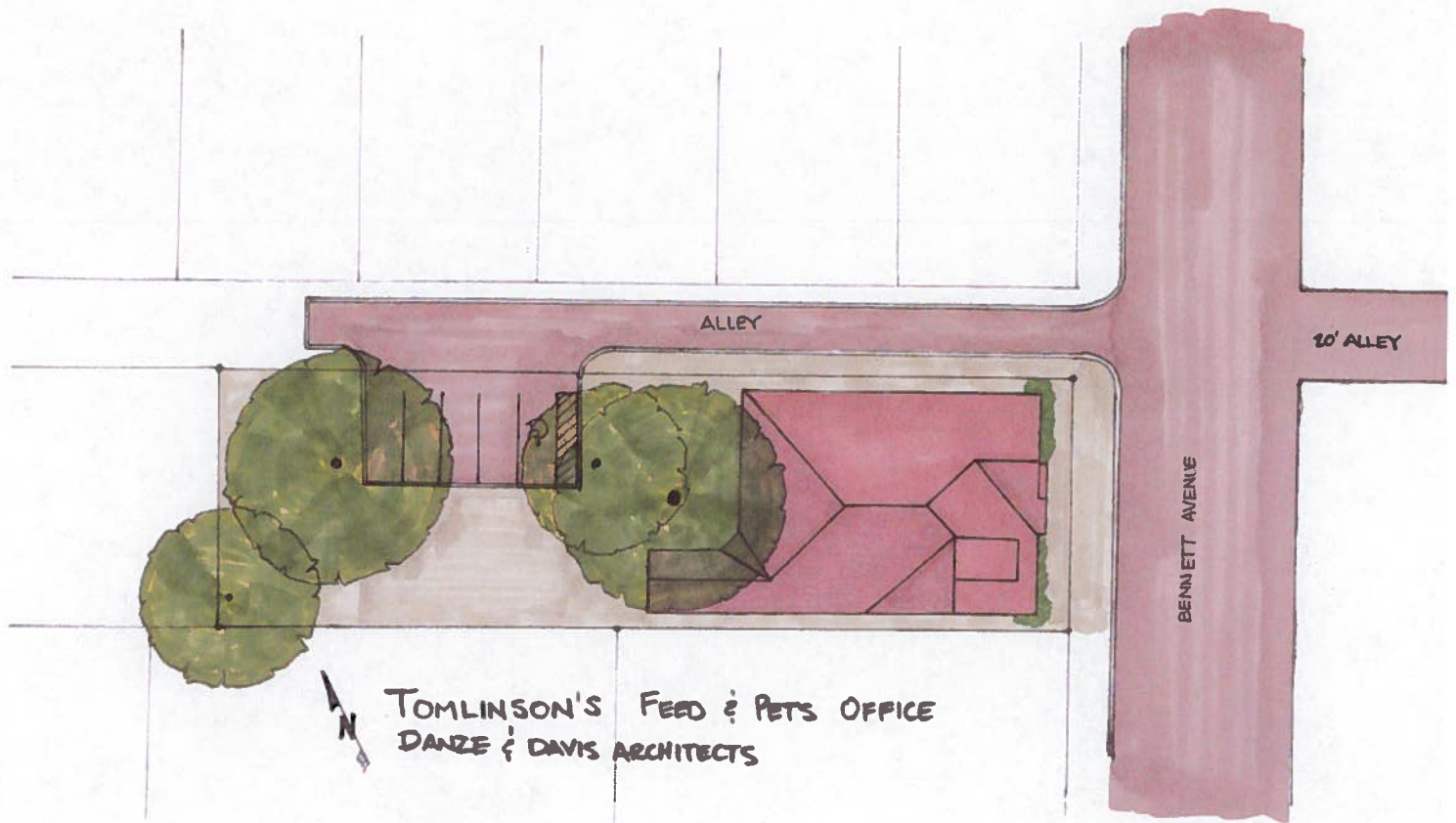


Jorge E. Rousselin, Development Services Process Coordinator  
Urban Design Division – Planning and Development Review Department

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



TOMLINSON'S FEED & PETS OFFICE  
DANEE & DAVIS ARCHITECTS



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TOMLINSON'S FEED & PETS OFFICE  
DANZE & DAVIS ARCHITECTS



# **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

# *Thrower Design*

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 desirous 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 cursive script that reads "A. Ron Thrower".

A. Ron Thrower

## Patterson, Clark

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**From:** Ron Thrower <~~RonT@throwerdesign.com~~>  
**Sent:** Wednesday, May 08, 2013 7:19 AM  
**To:** Meredith, Maureen; Patterson, Clark  
**Subject:** FW: Tomlinson's Pet and Feed Store

**Importance:** High

Doris gave me permission to forward this.

### Ron Thrower

*Thrower Design*

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

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**From:** Doris Coward [mailto:~~doris@throwerdesign.com~~]  
**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

On May 1, 2013, at 11:47 AM, Ron Thrower wrote:

Airport Advisory Group Members,

I am representing Tomlinson's Pet and Feed Store on a rezoning case located on Bennett Avenue and behind their existing facility which is located along 49-1/2 Street. Attached is a zoning map that outlines the property which shows the property zoned as "SF-3". The North Loop Neighborhood Plan Future Land Use Map has the property designated as Single Family. The Click's, who own Tomlinson's, purchased the property to build a small administrative office on the property for their use. Tomlinson's is "Austin" through and through and has been at their existing location for 40 years. They are expanding to New Braunfels and Round Rock which will make 9 stores for Tomlinson's. The proposed use for the new site, as office, is for Click's to have an office that meets the needs of their growing company.

We have applied for Mixed-use on a FLUM Amendment and rezoning to "GR" (Community Commercial) to match the abutting property. As you can note on the FLUM map, the entire 1/2 block (bounded by Airport, 49-1/2 Street, Bennett and an alley), other than this new property, is designated as Mixed-use. Additionally, the zoning map shows this entire 1/2 block to be zoned as "GR". While "GR" may seem intrusive into the neighborhood, there is reasoning outlined below and we have agreed to "LO" (Limited Office) uses.

Attached are a conceptual site plan and building elevation for the proposed office. Note the trees on the property. The one in the middle is a heritage tree (pecan) and another heritage tree (pecan) is on the western end. "GR" zoning has a street setback of 10'. Whereas "LR" (Neighborhood Commercial), "LO" (Limited Office), & "NO", (Neighborhood Office) have 25' setbacks and "GO" (General Office) has a 15' setback. With "GR" zoning, the building can be pushed to the 10' setback providing for a reasonable building area of a size that meets the needs for Tomlinson's.

Which gets me to why I am writing the Airport Advisory Group. The draft Airport Regulating Plan is not in public hands yet, however, I have reviewed a copy at the city and did so prior to applying for this rezoning. This property which we are seeking a change to commercial is currently designated as Neighborhood Transition. I have tailored the request for "GR" zoning with "LO" uses to align exactly with the draft Airport Regulating Plan. Neighborhood Transition is proposed to contain the same commercial uses as "LO" zoning and is also to have a minimum of 5' setback and a maximum of 15' setback at the street. As such, the development will comply with the new Airport Code when it is adopted.

I want you all to be aware that I am representing a client for a rezoning of a property inside the Airport Corridor boundary, and, also want you to be aware that what is sought is in direct alignment with the proposed Airport Regulating Plan for the area. Tomlinson's can't wait for the Airport Plan to come to fruition. They are a locally owned, growing company and need to keep on track for their business needs.

This case is moving forward to Planning Commission on May 14<sup>th</sup>. If you have any questions, please do not hesitate to contact me through email or phone. Jorge Rousselin is copied in this email and can answer any questions relating to the Draft Airport Regulating Plan.

If you feel compelled to write in favor or opposed to this request, I encourage you to do so. Please send to Jorge directly, but copy me on the correspondence. Thank you for your time.

**Ron Thrower**

*Thrower Design*

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

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<NPA-2013-0011.02\_Zng Map.pdf><NPA-2013-0011.02\_BW FLUM.PDF><Tomlinsons-Elevation rendering-small.pdf><Tomlinsons-Site rendering-small.pdf>



## Patterson, Clark

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**From:** Ron Thrower <Ron.Thrower@throwerdesign.com>  
**Sent:** Monday, May 13, 2013 12:08 PM  
**To:** Anderson, Dave - BC; Nortey, James - BC; Roark, Brian - BC; Hernandez, Alfonso - BC; Oliver, Stephen - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Smith, Myron - BC; mnrghatfield@yahoo.com  
**Cc:** Meredith, Maureen; Patterson, Clark; Rousselin, Jorge  
**Subject:** FW: Tomlinson's Pet and Feed Store  
**Attachments:** 13-0401 ltr to Guernsey.pdf; Tomlinsons Rendering COMBINED.pdf; NLNPT Tomlinsons Letter.docx; 2013-05-10\_ABFCB\_Thrower\_Case\_Responses.pdf

**Importance:** High

Commissioners,

All Commissioners are copied herein, please exercise caution to not reply all to this email.

For whatever reason the below email and attached items were not included in the backup material. These items are very relevant to the reasoning for the case and staff did not include these items in the backup material. The below will show exactly that we have been responsive to the neighborhood concerns though they have not contacted us directly since the Ridgetop NA Meeting on April 18.

Additional materials that are very relevant to this case is the attached support letter from the North Loop Neighborhood Plan Team and Jorge Rousselin's response to some questions I asked regarding the DRAFT Airport Regulating Plan.

Given the fact that you have not been provided all materials associated with this case, then I can see how a postponement may have warrants. HOWEVER, given the fact that we have met with the neighborhood on three occasions, and have been responsive to the concerns that have been forwarded to us indirectly, if a postponement is granted, I respectfully request that the postponement be no later than May 28<sup>th</sup>.

**Ron Thrower**

*Thrower Design*

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

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**From:** Ron Thrower  
**Sent:** Thursday, May 02, 2013 1:56 PM  
**To:** 'Rousselin, Jorge'; Penelope Doherty  
**Cc:** Scott Richardson; Beth Kubacka; ruth kubacka; Megan Gilbride; Andrew Bell; Rob Downey; Patricia Borowicz; Bojo, Leah; Patterson, Clark  
**Subject:** RE: Tomlinson's Pet and Feed Store

Penelope,

The communication below that I provided to the Airport Advisory Group Members was to inform them that I, as an Advisory Group Member myself, was representing a landowner for a change to current zoning and that the property lies

within the boundary of the Airport Corridor Plan. Further, the email was to reflect just as we have always portrayed the intentions and why. If Advisory Group Members want to weigh-in positively or negatively, that is their choice, just as it is your choice. My intentions were to inform them of what was going on, why, and what the issues are that are associated with this site. I'm hopeful that anyone reading the email can use it in their endeavors of trying to move the Form-based Code forward insofar that what is proposed is not intended to compromise the work that has been done to date on the Airport Corridor Regulating Plan. What was provided to the Airport Advisory Group Members is exactly what was provided to RNA meeting, City staff, the City sponsored Neighborhood Plan meeting, and the North Loop Planning Contact Team meeting.

After the RNA meeting, we left with the understanding that RNA was to forward us, in writing, any comments, concerns or questions associated with FLUM Amendment and rezoning cases. I have not received anything from RNA other than what was forwarded to me Tuesday by Maureen and yesterday by Jorge. As it was a draft, I am unsure to whom it is directed as the salutation is missing. The areas of concern listed in that letter have mostly already been addressed in the meetings. For clarity of the bulleted items in the letter:

- GR zoning is too aggressive – Answer – GR zoning is the only district that has a 10' setback. We are not asking for GR zoning and the 60 or so commercial uses that go with it. We are asking for "LO" uses which has 5 commercial uses allowed. The perceived aggression of GR is muted by the voluntary limitations of uses.
- Building size seems unnecessarily big for stated use – Answer – The Click's want to use this for their office area and meeting area as well as kitchen facilities and server room. They are a locally owned and growing operation. Given the context of the 4,400 s.f. that is allowed by residential use, the single-story office use is a little over ½ of this.
- Requested 10' setback is too close to the road in this location – Answer – We may have to disagree on this. But if 10' is too close then what is not too close? If the tree stays (which it is) then 10' is needed at the street.
- Commercial security mitigations can be unfriendly to nearby houses – Answer – Passive controls in the form of lighting with motion sensors are available to commercial and residential property owners. I'm not sure what else would be available for commercial businesses that would be unfriendly. Please advise.
- Concerns about eventual undesirable aggregate use of entire property if upzoned to "GR" – Answer – The zoning districts and their overlays will stand alone. With the proposed GR zoning with LO uses does not mean that this property can have an automobile repair facility (for instance) on it just by assemblage.
- Would applicants accept a height restriction over both the lots that touch Bennett? – Answer – The only property with a zoning case is the one lot. The other property does not have a zoning case going forward. That said, the subject lot is hit by compatibility standards that will limit the height to 2 stories for a majority of the property. There is a narrow sliver that could reach three stories but that is unlikely to impossible due to the constructability.
- Why was a restrictive covenant taken off the table by a contact team member – Answer – the ensuing discussion was clear on the reasoning – "This is Tomlinson's. If we can't trust the small business that has been in the neighborhood, then who can we trust?" Or something like that. Ask Sebastian for clarification.
- What stops them from applying to remove the tree anyway? – Answer – It is a heritage tree. Read the ordinance and call the arborist if there are any questions. We could apply, but that would be a waste of time, money and energy. Why? Because the ordinance is clear - this would go to a public hearing and not one heritage tree removal permits has been granted through that process. Just a month ago a heritage tree removal permit was denied in the West Campus area where the ugliest pecan tree in Austin was right in the middle of a lot that was designated by code to have underground parking and 175' in height for student housing. PC denied the variance.
- 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. – Answer – This stretch of Bennett has not had single family for a while. However, with the commercial zoning and subsequent required site plan, sidewalks are a requirement to be installed. Same for landscaping. Pedestrian lighting is a Public Works issue. However, there is a street light at the intersection with 49-1/2 Street and Bennett and another at Bennett and the alley abutting this property.
- The consensus that Harmon Triangle worked so hard to develop should not be undermined. Find some way to honor the spirit of the consensus. Answer – I suspect that this is intended for staff? If not my answer would be

that we are honoring a lot of overlapping issues with this proposal all the while in keeping with the Draft Airport Corridor Regulating Plan.

- Ask them to wait for the FBC process. – Answer – The Click's participated in the Airport Corridor Process. They are aware of the process and even more aware of the delays associated with this ongoing process. Tomlinson's is a growing business and they are trying to accommodate the needs of that business. And doing this in a way that is non-intrusive as possible and in keeping with the Neighborhood Plan and Draft Airport Regulating Plan.

The crux of the letter is that a postponement to wait for FBC is in place. Tomlinson's respectfully cannot agree to such a request. The email sent to City staff indicated a "no support" position and "no movement forward" position. I respectfully must move this case forward. Tomlinson's is a small Mom & Pop business. This is the exact type of business that Austin claims to want to keep and provide opportunities to have that business grow while maintain the Mom & Pop operational characteristics. And this is exactly the type of business that does not have the corporate fortitude to wait for long periods.

If you have any additional comments, concerns or questions, please forward them to me and I'll be responsive to your requests.

**Ron Thrower**

*Thrower Design*

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

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**From:** Rousselin, Jorge [<mailto:Jorge.Rousselin@austintexas.gov>]

**Sent:** Thursday, May 02, 2013 12:42 PM

**To:** Penelope Doherty

**Cc:** Scott Richardson; Beth Kubacka; ruth kubacka; Megan Gilbride; Andrew Bell; Rob Downey; Patricia Borowicz; Bojo, Leah; Ron Thrower; Patterson, Clark

**Subject:** RE: Tomlinson's Pet and Feed Store

Penelope,

We'll take every step necessary to keep the community involved and informed. As we had discussed at a previous meeting, it's not unusual for rezoning cases to come forward when a plan, or in this case, a Form-based Code is in process. This happens often when a neighborhood plan is in progress also and there is no vehicle Staff has to prevent the rezoning case to be filed – that is a right every property owner has at his/her disposal. While we (Staff) cannot prevent a rezoning case to be filed – and in turn to be processed, careful consideration is given to each recommendation including consideration of factors such as the form-based code. Once the staff report is complete I'll ask Clark for a copy to pass along so you and other community members have the same information Planning Commissioners will have when the case goes before them for the public hearing.

Let me know if I can be of further assistance.

Jorge

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**From:** Penelope Doherty [<mailto:Penelope.Doherty@austintexas.gov>]

**Sent:** Wednesday, May 01, 2013 10:12 PM

**To:** Rousselin, Jorge

**Cc:** Scott Richardson; Beth Kubacka; ruth kubacka; Megan Gilbride; Andrew Bell; Rob Downey; Patricia Borowicz; Bojo,

Leah

**Subject:** FW: Tomlinson's Pet and Feed Store

Thank you, Jorge -- we had not been notified by staff of the decision to move this forward on the 14th despite the overwhelming majority of input that this request warrants further discussion, given its complexity and the extremely short time frame between which it was brought to the neighborhood and folks were asked to make a decision. I am surprised Mr. Thrower didn't include us in the below communication, as he asked us at the 4/18 meeting to be sure we cc'd him on any RNA communications sent out (there have been none, btw, save the input sent yesterday to the City -- which I asked Maureen to send to him, not having his email address).

It's a shame the neighborhood wasn't engaged earlier in an effort to come to some agreement in the timeframe they are pushing. From the meetings we attended, it was apparent there has been extended discussion with some city staff and key individuals -- just not with the neighborhood. There has been much heated discussion since then between individuals; it would have been so much more constructive if there was outreach to the nearby neighborhood sector at an earlier juncture. Of course we realize that is not within your division's control.

I'll get with the leadership committee (RNA Officers) and figure out how best to distribute this to impacted parties. Again, we appreciate your commitment to local community engagement. Thank you.

Penelope

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**From:** Jorge.Rousselin@austintexas.gov  
**To:** ~~debertus@hotmail.com~~  
**Subject:** FW: Tomlinson's Pet and Feed Store  
**Date:** Wed, 1 May 2013 18:07:27 +0000

Penelope,

FYI, please see below and attached and please pass along to any interested party. Let me know if you have any questions.

Thanks!

JER

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**From:** Ron Thrower [mailto:RonT@throwerdesign.com]  
**Sent:** Wednesday, May 01, 2013 11:48 AM  
**To:** ~~pd@dm.com; katrina.daniel@cheaglebal.net; roger.alkhouny@co.travis.tx.us; bryan@hardeman.com;~~  
~~comp@shre.com; diab@ci.owen.com; koodkward@yahoo.com; alan.miller@wfacapitalforce.com;~~  
~~will@one@austintexas.gov; soliver@designopa.com; lsunderland@me.com; scott@housepizzeria.com;~~  
~~cweaver@ravallas.com; bert.whitney@gmail.com; owren@balancedreading.com; sully.jump@cs.cmu.edu;~~  
~~Jolinda.Marshall@capmetro.org; mwheeler@redleaf-properties.com; dcoward@mail.utexas.edu;~~  
~~jessica@habitatssuites.com;~~ Rousselin, Jorge  
**Subject:** Tomlinson's Pet and Feed Store  
**Importance:** High

Airport Advisory Group Members,



I am representing Tomlinson's Pet and Feed Store on a rezoning case located on Bennett Avenue and behind their existing facility which is located along 49-1/2 Street. Attached is a zoning map the outlines the property which shows the property zoned as "SF-3". The North Loop Neighborhood Plan Future Land Use Map has the property designated as Single Family. The Click's, who own Tomlinson's, purchased the property to build a small administrative office on the property for their use. Tomlinson's is "Austin" through and through and has been at their existing location for 40 years. They are expanding to New Braunfels and Round Rock which will make 9 stores for Tomlinson's. The proposed use for the new site, as office, is for Click's to have an office that meets the needs of their growing company.

We have applied for Mixed-use on a FLUM Amendment and rezoning to "GR" (Community Commercial) to match the abutting property. As you can note on the FLUM map, the entire 1/2 block (bounded by Airport, 49-1/2 Street, Bennett and an alley), other than this new property, is designated as Mixed-use. Additionally, the zoning map shows this entire 1/2 block to be zoned as "GR". While "GR" may seem intrusive into the neighborhood, there is reasoning outlined below and we have agreed to "LO" (Limited Office) uses.

Attached are a conceptual site plan and building elevation for the proposed office. Note the trees on the property. The one in the middle is a heritage tree (pecan) and another heritage tree (pecan) is on the western end. "GR" zoning has a street setback of 10'. Whereas "LR" (Neighborhood Commercial), "LO" (Limited Office), & "NO", (Neighborhood Office) have 25' setbacks and "GO" (General Office) has a 15' setback. With "GR" zoning, the building can be pushed to the 10' setback providing for a reasonable building area of a size that meets the needs for Tomlinson's.

Which gets me to why I am writing the Airport Advisory Group. The draft Airport Regulating Plan is not in public hands yet, however, I have reviewed a copy at the city and did so prior to applying for this rezoning. This property which we are seeking a change to commercial is currently designated as Neighborhood Transition. I have tailored the request for "GR" zoning with "LO" uses to align exactly with the draft Airport Regulating Plan. Neighborhood Transition is proposed to contain the same commercial uses as "LO" zoning and is also to have a minimum of 5' setback and a maximum of 15' setback at the street. As such, the development will comply with the new Airport Code when it is adopted.

I want you all to be aware that I am representing a client for a rezoning of a property inside the Airport Corridor boundary, and, also want you to be aware that what is sought is in direct alignment with the proposed Airport Regulating Plan for the area. Tomlinson's can't wait for the Airport Plan to come to fruition. They are a locally owned, growing company and need to keep on track for their business needs.

This case is moving forward to Planning Commission on May 14<sup>th</sup>. If you have any questions, please do not hesitate to contact me through email or phone. Jorge Rousselin is copied in this email and can answer any questions relating to the Draft Airport Regulating Plan.

If you feel compelled to write in favor or opposed to this request, I encourage you to do so. Please send to Jorge directly, but copy me on the correspondence. Thank you for your time.

**Ron Thrower**

*Thrower Design*

P.O. Box 41957

## Patterson, Clark

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**From:** Ron Thrower <Ron.T.Thrower@esign.com>  
**Sent:** Monday, May 20, 2013 8:55 AM  
**To:** Patterson, Clark; Meredith, Maureen; Rousselin, Jorge  
**Subject:** FW: Summary of neighborhood comments

FYI

### Ron Thrower

*Thrower Design*

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

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**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" <[REDACTED]> 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 in the 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

## Patterson, Clark

---

**From:** Austintaste <austintaste@hotmail.com>  
**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



**May 21, 2013**

**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 Clark:

We are happy to update the Planning Commission and City staff with our progress in the above-referenced cases. As I communicated by phone yesterday, on Saturday evening we were notified by Ron Thrower that the Clicks have determined it is best to postpone their applications in favor of the adoption of form-based code. This was welcome news to the neighbors, as you can imagine -- while we had set up a meeting, it was a very compressed timeframe in which to find a comfortable solution.

Megan Gilbride did some heroic work last week communicating with Mr. Thrower, pursuing a meeting, and providing accurate and thorough context to the Clicks reiterating the neighbors' concerns, beginning Tuesday night and continuing daily until the above decision was made. We include the final email chain below -- please provide this to the Commission as appropriate, as we believe it sets valuable context for our neighborhood's participation moving forward. We are providing it to Mr. Riley's staff for the same reason.

We plan to attend on May 28 for the postponement item. Please don't hesitate to contact us if there are questions.

Respectfully,

**Penelope Doherty**, RNA President  
914 E. 49<sup>th</sup> St

and

**Scott Richardson**, RNA Executive VP  
922 E. 49<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



RNA to C. Patterson, 5/21/13

p. 2

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From: dohertypc@hotmail.com  
To: ront@throwerdesign.com; scottrichardson@grandecom.net; mg@megangilbride.com  
Subject: RE: Summary of neighborhood comments  
Date: Sat, 18 May 2013 22:29:31 -0500

Ron, thanks for forwarding -- poor Megan has been on a plane most of today (in fact may still be!), so was unable to.

This is good news, as we are also sincerely committed to avoiding ill will. We'll take steps to cancel the meeting and let folks know that the Clicks are looking forward -- as are we -- to positive discussions on how we can all support our goals together. I should say more now, but it's late; I at least wanted you to know we'd seen this. I'll post on Yahoo group in the morning in keeping with your message below.

Thank you for your hard work this week with Megan, and please give our best to the Clicks.

See you on the 28th, and don't hesitate to contact any of us in the meantime if needed.

P

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Subject: Fwd: Summary of neighborhood comments  
From: RonT@throwerdesign.com  
Date: Sat, 18 May 2013 19:40:54 -0500  
To: dohertypc@hotmail.com; scottrichardson@grandecom.net; mg@megangilbride.com

Penelope,

See email below. Let me know if you have any questions or comments.

Ron Thrower  
Thrower Design  
iPad Bound

Begin forwarded message:

**From:** "Ron Thrower" <RonT@throwerdesign.com>  
**Date:** May 18, 2013 5:43:43 PM CDT  
**To:** "Megan Gilbride" <mg@megangilbride.com>  
**Subject:** Re: Summary of neighborhood comments

Megan,

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RNA to C. Patterson, 5/21/13  
p. 3

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

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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



**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,

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

## BOUNDARY, TOPOGRAPHIC, AND TREE LOCATION SURVEY

Reference: Tomlinson's Food & Pets, Inc. Address: 4914 Bennett Avenue, Austin, Texas 78702-0880.  
Plot described in Deed to Tomlinson's Food and Pets, Inc. as recorded in Doc. No. 201-2089 00, Official Public Records, described as the East 190 feet of Lot 14, Block P, Addition to RD 2, P.O. subdivision in Trowda County, Texas, according to the map or plat thereof recorded in Vol. 2, Pg. 202, Plat Records, Trowda County, Texas.

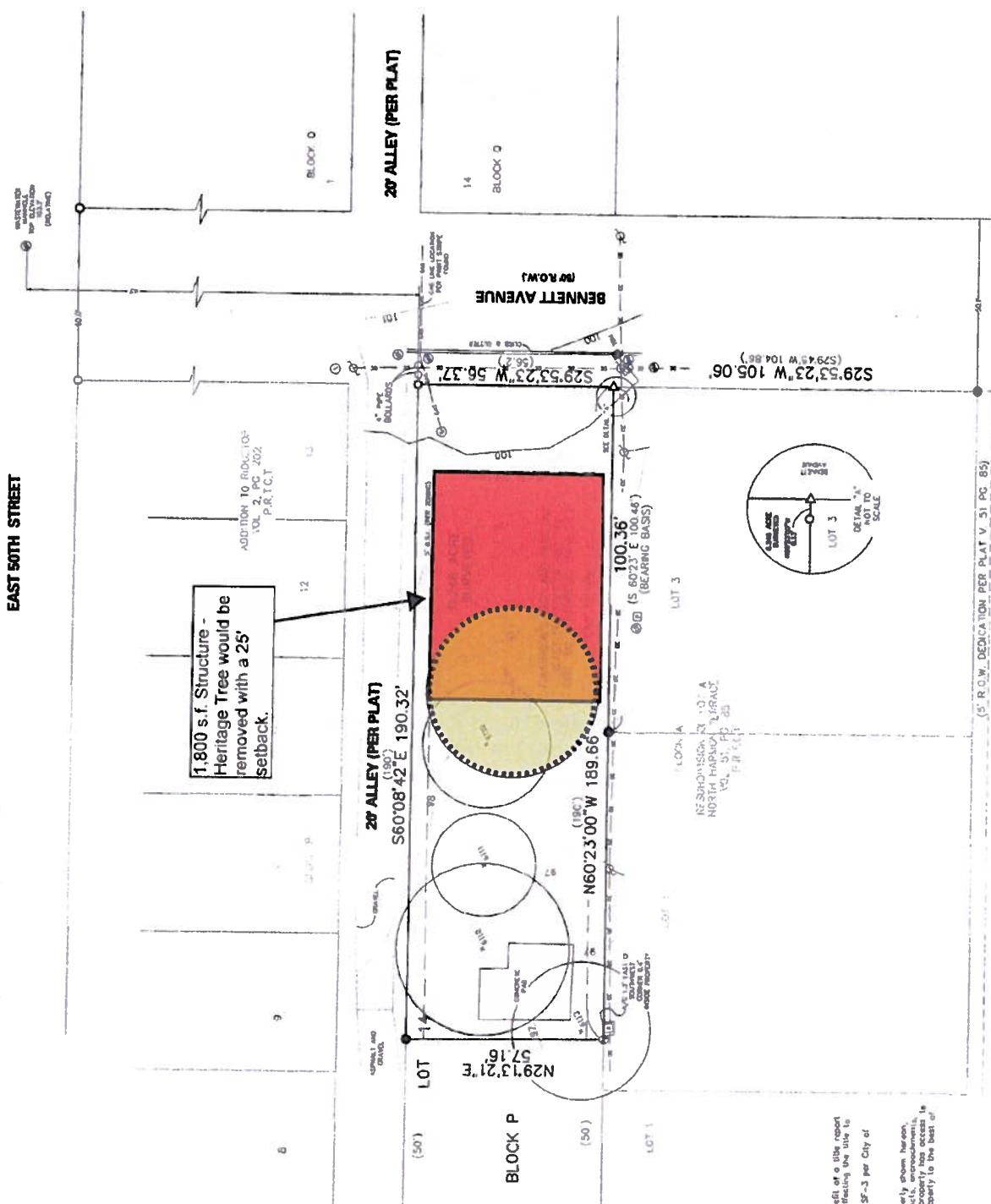
**EAST 50TH STREET**

SCALE: 1"=20'

[illegible]

| TIME | TREE LEGEND |
|------|-------------|
| 0109 | 23° Pocos   |
| 0110 | 16.5° Pappo |
| 0111 | 13° Papan   |
| 0112 | 22° Pocos   |
| 0113 | 23° Papan   |

1323 21 - (2/3) - (2/3) + 0. 25000  
"CHANGED A KIDNEY TONE, 9"  
SIZES WITH 2000 KIDS TONE 0.00000



Notes:

- 1) This map and the survey on which it is based have been prepared without the benefit of a title report and are not intended to reflect all easements, encumbrances or other circumstances affecting the title to the property shown hereon.
- 2) Building setback lines are per the current City of Austin Zoning Ordinance (Zoning SF-3 per City of Austin Development Web Map)

Paul Utterback, HOBBSLEY CERTIFY that a survey was made on the ground of the property shown hereon, and that there are no viable discrepancies, conflicts, encroachments in area, boundary line conflicts, encroachments, developing of instruments, easements or right-of-way, encroachment on ground, and that said property has access to a public roadway, and that the plot is an accurate representation of the property to the best of our knowledge and belief.



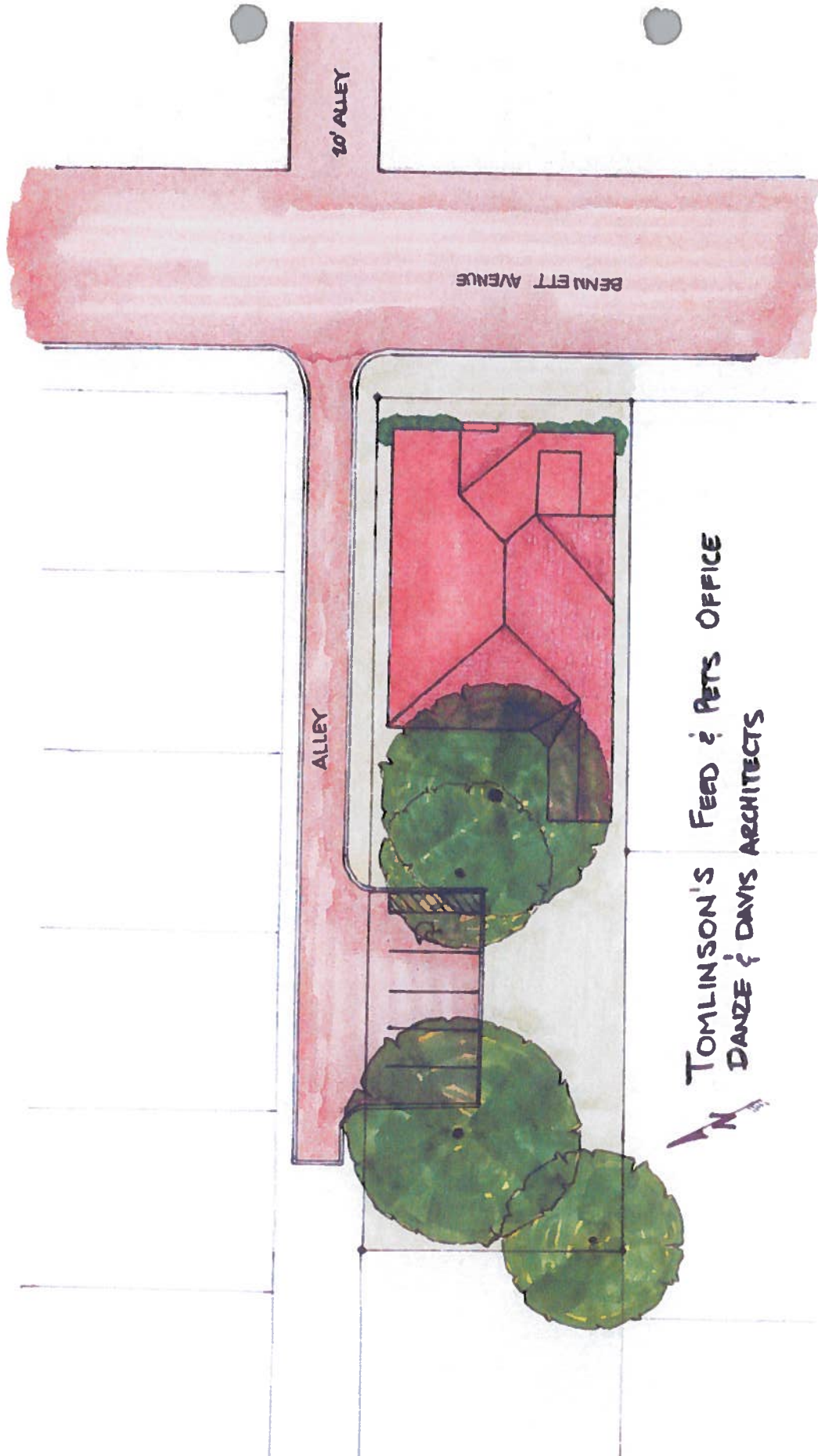
Paul Utterback, RPLS No. 5736  
 Dean L. Tomlinson's Feed & Pets, Inc.

State of Field Work: 03/07/2013  
Tide: Florida

tech: Ulloa/Donner: 01/07/2003

Posta Grana: 03/07/2013  
 Path: Projects/BAUK/BennetIve914/Production/Degr4/OfSIGN\_BennetUv\_130307.dwg

EAST 49TH 1/2 STREET  
(SEE PER PLAY VOL. 0 PG. 61)



TOMLINSON'S FEED & PETS OFFICE  
DANZE & DAVIS ARCHITECTS







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.