

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2014-0025 – Briley's Upholstery Shop

**Z.A.P. DATE:** April 15, 2014  
May 20, 2014

**ADDRESS:** 2117 and 2119 Northland Drive

**OWNER:** Austin RJM Corporation, dba  
Briley's Upholstery Shop (Rebecca McKee)

**AGENT:** Permit Partners, LLC  
(David Cancialosi)

**ZONING FROM:** SF-3 **TO:** GR-MU-CO for Tract 1 (0.2253 acres – 9,807 square feet)  
LO-MU-CO for Tract 2 (0.1449 acres – 6,311 square feet)

**TOTAL AREA:** 0.3702 acres – 16,118 square feet

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning for Tract 1 and limited office – mixed use – conditional overlay (LO-MU-CO) combining district zoning for Tract 2. The Conditional Overlay prohibits the following uses: automotive repair services, automotive rentals, automotive sales, automotive washing (of any type), bail bond services, business or trade school, commercial off-street parking, drop-off recycling collection facility, exterminating services, funeral services, hotel-motel, indoor entertainment, indoor sports and recreation, off-site accessory parking, outdoor entertainment, outdoor sports and recreation, pawn shop services, service station, and theater, and limits the number of daily vehicle trips across Tracts 1 and 2 to 300.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

April 15, 2014: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO MAY 20, 2014, BY CONSENT*

*[G. ROJAS; S. COMPTON – 2ND] (5-0) B. BAKER; R.MCDANIEL – ABSENT*

May 20, 2014: *APPROVED GR-MU-CO DISTRICT ZONING WITH CO FOR 40' HEIGHT LIMIT, LIST OF STAFF RECOMMENDED PROHIBITED USES AND NEIGHBORHOOD RECOMMENDED CIVIC USES, EXCEPT FOR RELIGIOUS ASSEMBLY, FAMILY HOME, GROUP HOME CLASS I, GENERAL AND LIMITED, GROUP HOME, CLASS II) AND LOCAL UTILITY SERVICES FOR TRACT 1, AND NO-MU-CO WITH SAME PROHIBITED CIVIC USE LIST AS RECOMMENDED BY THE NEIGHBORHOOD FOR TRACT 2, AND 300 VEHICLE TRIPS PER DAY ACROSS BOTH TRACTS 1 AND 2.*

*[S. COMPTON; P. SEEGER – 2<sup>ND</sup>] (6-0) R. MCDANIEL – ABSENT*

**ISSUES:**

The Applicant has presented the zoning case to the Allandale Neighborhood Association and included correspondence to the Commission as part of this packet. Property owners and residents in the vicinity of the zoning change have also submitted correspondence. All correspondence is located at the back of the packet.

The two tracts are unplatted and thus, not subject to deed restrictions regarding residential use of the property.

**DEPARTMENT COMMENTS:**

The subject rezoning area consists of two unplatted tracts containing an upholstery shop and an existing residence, and has driveway access to Northland Drive. The Allandale shopping center anchored by a grocery store is to the north (CS-V; CS-1-V-CO), a medical office, ice cream production and an ice cream store to the east (CS-CO; CS), single family residences that access Montview Street to the south (SF-3) and two single family residences to the west (SF-3), including one of which is under consideration for rezoning – C14-2014-0029 – Central Charm). There is an office building at the southwest corner of Northland and Montview (LO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).

The Applicant has requested community commercial – mixed use (GR-MU) combining district zoning for the upholstery shop (defined as a consumer repair use) that is contained on the eastern tract and limited office – mixed use (LO-MU) on the western tract for related office/showroom space. (The existing showroom for the upholstery shop is located in the shopping center across Northland Drive.) The Applicant's proposed Conditional Overlay: 1) prohibits a number of uses as discussed with the Allandale Neighborhood Association; 2) limits the number of driveways to one serving Tracts 1 and 2; 3) prohibits a unified development agreement that would "tie" them together, and 4) prohibits driveway access to other tracts on Northland Drive. Staff has determined that prohibiting a unified development agreement (CO #3) cannot be accomplished by way of a CO because it is created for the site plan process, rather than zoning. Additionally, although vehicular access can be limited through a CO (#4), Staff does not recommend this because there may be a prescriptive easement for access (a crushed granite driveway) along the common property line between the Tract 2 and the adjacent tract to the west that is also proposed for rezoning – C14-2014-0029. Please refer to the Applicant's correspondence towards the back of the Staff packet. A depiction of the shared driveway is provided as Exhibit A-2.

The subject property has been used for non-residential purposes for many decades and Staff believes the Applicant's request is reasonable given its proximity to the commercial and office uses and zoning to the north and east. The Conditional Overlay offered by Staff is for a list of prohibited uses in the GR district that are more intensive and a 300 daily vehicle trip limit. Due to the more intensive zoning (CS) and separately, the types of uses in operation to the north and east, including medical offices, food sales, restaurants, and general retail sales (convenience), it is reasonable to treat similarly situated properties in a similar manner. To that end, the Staff's list of prohibited uses is not as extensive as that offered by the Applicant.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3	Upholstery shop and single family residence
<i>North</i>	CS-V; CS-1-V	Commercial shopping center anchored by a grocery store, Liquor store; Office building
<i>South</i>	SF-3	Single family residences
<i>East</i>	CS-CO	Medical offices, Food preparation; Restaurant (general) and (limited)
<i>West</i>	SF-3; LO	Short term rental residence; Single family residences; Office at southwest corner of Northland/ Montview

**AREA STUDY:** N/A**TIA:** Is not required**WATERSHED:** Shoal Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**SCHOOLS:**

Gullett Elementary School

Lamar Middle School

McCallum High School

**NEIGHBORHOOD ORGANIZATIONS:**

3 – Allandale Neighborhood Association      120 – Brentwood Neighborhood Association  
 283 – North Austin Neighborhood Alliance      511 – Austin Neighborhoods Council  
 742 – Austin Independent School District      769 – 5702 Wynona Neighbors  
 787 – Brentwood Neighborhood Plan Contact Team  
 1037 – Homeless Neighborhood Association  
 1057 – Highland/Skyview Neighborhood Plan Contact Team      1075 –Bike Austin  
 1200 – Super Duper Neighborhood Objectors and Appealers Organization  
 1224 – Austin Monorail Project      1228 – Sierra Club, Austin Regional Group  
 1236 – The Real Estate Council of Austin, Inc.      1340 – Austin Heritage Tree Foundation  
 1363 – SEL Texas      1391 – Central Austin Community Development  
 1396 – Sustainable Neighborhoods      1447 – Friends of the Emma Barrientos MACC

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2014-0029 – Central Charm – 2121 Northland Dr	SF-3 to LR-MU, as amended	To Grant NO-MU-CO w/CO for 300 trips per day	Scheduled for CC 6-12-2014
C14-2008-0088 & C14-2008-0088(PART) –	To add V zoning to certain tracts within the	To Grant V zoning	Approved V zoning on 9 tracts (8-21-2008).

Allandale Neighborhood Planning Area Vertical Mixed Use Zoning – W Anderson Ln on north, Burnet Rd on east, North Loop Blvd on south, and MoPac on west	Allandale NPA, as requested by the Neighborhood's application		
C14-04-0113 – Amy's Ice Cream – 2109 Northland Dr	LR to CS-CO	To Grant CS-CO w/CO for 2,000 trips	Apvd CS-CO as Commission recommended (09-02-2004).
C14-99-0142 – Twin Liquors – 5700 and 5716 Burnet Rd	CS-1 to CS; CS to CS-1	To Grant CS-1 with conditions; Rollback to CS if use ceases	Apvd CS-1-CO w/CO prohibiting adult-oriented businesses and cocktail lounge; RC for rollback if use ceases, prohibit sales of single beer and lottery tickets (02-03-2000).

**RELATED CASES:**

There are no related subdivision or site plan applications on the subject property. Tract 1, the eastern tract (2117 Northland Drive), is considered a legal tract by way of a Land Status Determination approved on April 16, 2013 (C8I-2014-0012). Please refer to Exhibit B.

There is a Notice of Violation on Tract 1 and the remedy is to acquire all required building, electrical, mechanical and plumbing permits. Please refer to Exhibit C.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
Northland Drive	50 feet	35 feet	Local	Yes	No	Yes (Within ¼ mile)

**CITY COUNCIL DATE:** May 22, 2014

**ACTION:** Approved a Postponement request by Staff to June 12, 2014 (7-0).

June 12, 2014




**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: wendy.rhoades@austintexas.gov

**PHONE:** 512-974-7719


$$1'' = 200'$$

 SUBJECT TRACT  
 PENDING CASE  
 ZONING BOUNDARY


**ZONING**   
**ZONING CASE#: C14-2014-0025**

EXHIBIT A

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.









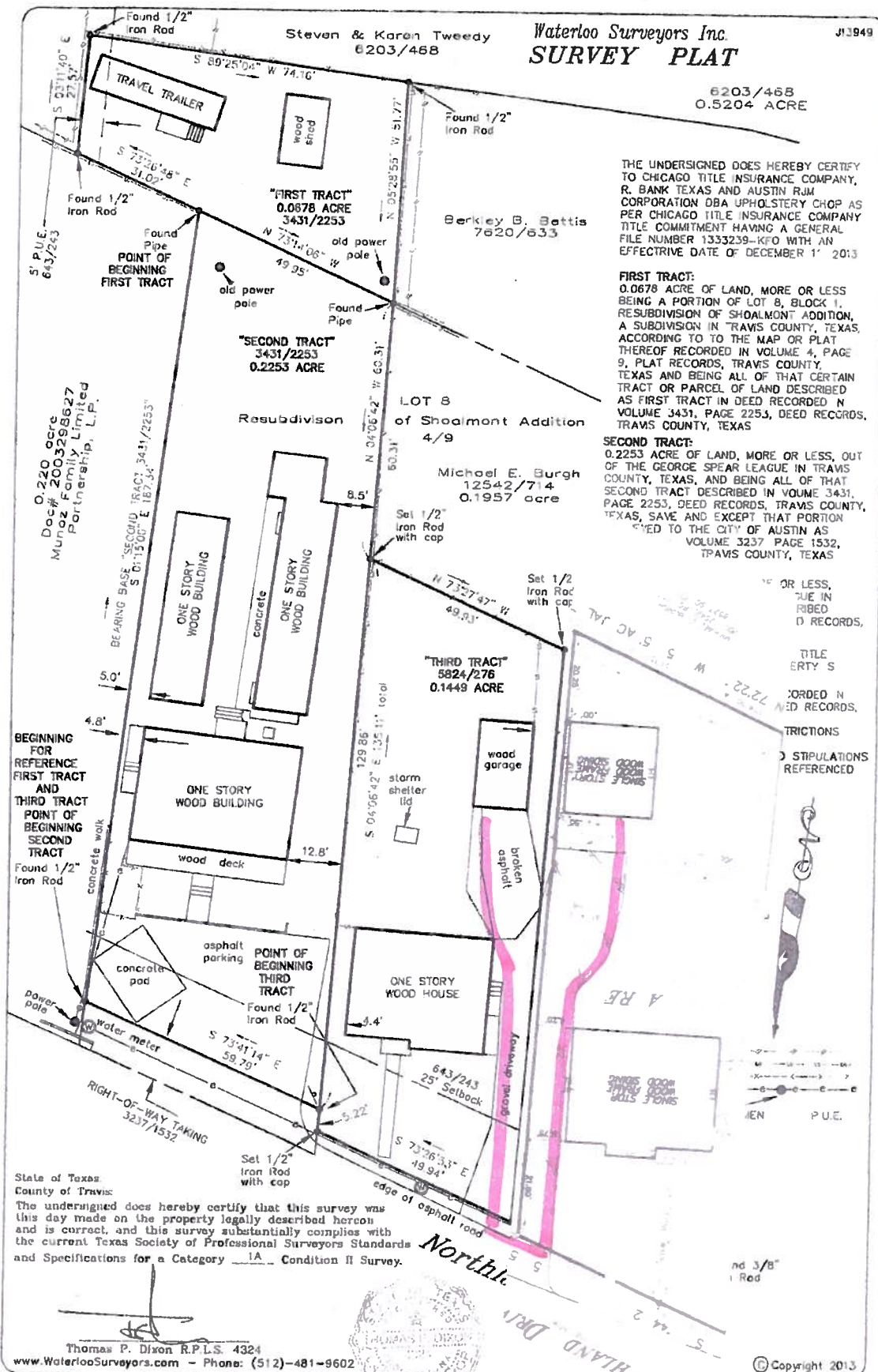


EXHIBIT A-2  
DRIVEWAY LOCATION BETWEEN  
2119 AND 2121 NORTHMAN DRIVE





**City of Austin  
Planning and Development Review  
Land Status Determination  
1995 Rule Platting Exception**

**January 10, 2014**

**File Number: CSI-2014-0012**

**Address: 2117 NORTHLAND DR**

**Tax Parcel I.D. #0230020404**

**Tax Map Date: 04/16/2013**

The Planning & Development Review Department has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being **First Tract - a part of lot No 8, Block No 1, of the Re-subdivision of Shoalmont Addition. Second Tract - a tract of land out of the George W. Spear League, and being a part of the two acre tract conveyed to R. T. Shaw and wife.** in the current deed, recorded on May 07, 1968, in Volume 3431, Page 2253, Travis County Deed Records. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on May 07, 1968, in Volume 3431, Page 2253, Travis County Deed Records. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by water service on Mar 04, 1950. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

**Additional Notes/Conditions:**

**NONE**

This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: Michelle Casillas

**Michelle Casillas, Representative of the Director  
Planning and Development Review Department**

**EXHIBIT B  
LAND STATUS DETERMINATION  
FOR TRACT 1**

CGI-2014-0012

23002

Revision Date:  
4/16/2013

0 120 Feet



NAD 1983 StatePlane  
Texas, Central FIPS 4203 Feet  
Projection: Lambert Conformal Conic

This map was prepared solely for the use of TCA. Areas depicted by these digital products are approximate and are not necessarily accurate to mapping, surveying or engineering standards. Conditions shown from the information provided or otherwise about the accuracy, completeness or any errors and omissions. The mapped data does not constitute a legal document.

Travis Central Appraisal District  
8314 Cross Park Drive  
Austin, Texas 78754  
Internet Address: www.traviscad.org  
Main Telephone Number (512) 504-0318  
TDD (512) 504-0328





# City of Austin

Founded By Congress, Republic of Texas 1839  
Code Compliance Department  
P.O. Box 1088, Austin, Texas 78767 - 1088

May 22, 2014

## NOTICE OF VIOLATION

via Certified Mail #7013 2630 0002 0450 3811

Austin RJM Corp  
2715 Mountain Laurel Lane  
Austin, Texas 78703

### RE: 2117 NORTHLAND DR 78756

Legally described as 60X200 FT ABS 697 SUR 7 SPEAR G W 39X79FT AVLT 8  
BLK 1 SHOALMONT ADDN RESUB  
Zoned as CS  
Parcel Number 0230020404

Dear Austin RJM Corp:

An investigation by the City of Austin's Code Compliance Department was conducted relating to the property indicated above and violations of Austin City Code were found that require your immediate attention. An investigation report is enclosed which defines the code violation(s) found with required remedies for attaining compliance with the City Code.

After receipt of this notice, you may not sell, lease, or give away this property unless you have provided the buyer, lessee, or other transferee a copy of this notice, and provided the name and address of the buyer to the Code Official. Also, it is a misdemeanor to rent this property if the code violation(s) on this property pose a danger to the health, safety and welfare of the tenants.

If you have any questions, please contact me by telephone at 512-974-3018 between 7:30AM - 4:00PM. You may leave a voicemail message at any time.

Si usted tiene alguna pregunta, contácteme por favor por teléfono en 512-974-3018 de lunes a viernes o puede dejar un mensaje de correo vocal en cualquier momento.

### Ownership Information

According to the applicable records of the County, you own the real property described in this notice. If you no longer own this property, you must execute an affidavit stating that you no longer own the property and stating the name with the last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to our office not later than the 20th day after the date you receive this notice. If you do not submit an affidavit, it will be presumed that you own the property described in this notice, even if you do not.

An affidavit form is available at our office located at 1520 Rutherford Lane. An affidavit may be mailed to:



City of Austin  
Code Compliance Department  
P.O. Box 1088  
Austin, Texas 78767

Additionally, if this property has other owner(s), please provide me with this information.

**Failure to Correct**

If a violation is not corrected, any existing site plan, permit, or certificate of occupancy may be suspended or revoked by the City. If the site plan, permit or certificate of occupancy is suspended or revoked, the utility service to this property may be disconnected.

If the violation continues, the City may take further legal action to prevent the unlawful action as authorized by State law and may seek civil injunctions or penalties in State court.

For dangerous or substandard buildings, the City may also take further action to require the vacation, relocation of occupants, securing, repair, removal or demolition of a building.

**If the violations are not brought into compliance within the timeframes listed in the investigation report, criminal charges may be filed against you in the City of Austin Municipal Court subjecting you to fines of up to \$2,000 per violation, per day.**

**Complaints**

To register a complaint regarding a Code Compliance Department investigator, you may submit your complaint in writing no later than 3 days after receipt of this letter to:

City of Austin  
Code Compliance Department Manager  
P.O. Box 1088  
Austin, Texas 78767

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Paxton', with a long horizontal flourish extending to the right.

James Paxton, Code Compliance Inspector  
Code Compliance Department  
Case CV-2014-050402

## INVESTIGATION REPORT

**Investigator:** James Paxton  
**Case:** CV-2014-050402  
**Address:** 2117 NORTHLAND DR 78756  
**Zoned as** CS

The item(s) listed below are in violation of the Austin City Code. A required remedy may be specified after a violation and may include a time period for compliance. If no required remedy is specified for a violation, the **Required Remedy Summary** will be in effect. For questions concerning residential property, please contact the Zoning Review Division at (512) 978-4000. For questions concerning commercial property, please contact the Development Assistance Center (DAC) at (512) 974-6370.

### STRUCTURE MAINTENANCE

The International Property Maintenance Code, adopted by reference in Chapter 25-12, Article 9 of the Austin City Code:

Code Section: Motor Vehicles (§302.8)

Description of Violation: Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Date Observed: 05/15/2014

Status: Not Cleared

Required Remedy: Remove inoperative van stored in rear of property.

#### **Required Remedy Summary**

Remove in 8 days.

**NOTE:** The time period(s) indicated in this summary reflect the total time allowed for compliance. A time period indicated in an individual violation's required remedy is the actual time allowed for compliance of that individual violation. If no time period is indicated in an individual violation's required remedy, the summary time period associated with the required remedy will be the time allowed for compliance.

If the Required Remedy Summary requires a permit, the Development Assistance Center located at 505 Barton Springs Road can assist you with any questions. **When the required remedy is demolition**, you are strongly encouraged to go to the Development Assistance Center for more information concerning current ordinances which may limit or restrict future development of your property after the demolition.

#### **Appeal**

Any structure maintenance issue indicated in this report may be appealed to the Building and Standards Commission. The appeal must be filed not later than 20 days after the date of this notice and contain the following information:

- a brief statement as to why the violation is being appealed;
- any facts that support the appeal;
- a description of the relief sought; and
- the reasons why the appealed notice or action should be reversed, changed, or set aside.

An appeal may be delivered in person to our office located at 1520 Rutherford Lane or mailed to:

**Building and Standards Commission  
c/o Code Compliance Department  
P.O. Box 1088  
Austin, Texas 78767**

**LAND USE**

Code Section: Building Permit Requirement (§25-12-241 [2006 IRC R105.1])  
Description of Violation: Residential construction performed without required permit(s).  
Date Observed: May 15, 2014 Status: Not Cleared  
Required Remedy: Acquire all required building, electrical, mechanical and plumbing permits.

Code Section: Zoning Violations  
Description of Violation: A single accessory dwelling is permitted if the principal use is a single-family residential use located on a lot with at least 15,000 square feet of area.

Date Observed: May 15, 2014 Status: Not Cleared  
Required Remedy: Remove the accessory structures (RV) and shed, because the tract of land does not have a principal use structure.

**Required Remedy Summary**

Electrical Permit Required  
Plumbing Permit Required  
Mechanical Permit Required  
Building Permit Required

Obtain a Permit in 7 days

**NOTE:** The time period(s) indicated in this summary reflect the total time allowed for compliance. A time period indicated in an individual violation's required remedy is the actual time allowed for compliance of that individual violation. If no time period is indicated in an individual violation's required remedy, the summary time period associated with the required remedy will be the time allowed for compliance.

**Appeal**

A person may appeal a Stop Work Order to the City of Austin's Code Official. A written appeal must be filed no later than 3 days after the posting of the Order and contain:

- the name and address of the appellant;
- a statement of facts;
- the decision being appealed; and
- the reasons the decision should be set aside.

An appeal may be delivered in person to Code Compliance Department located at 1520 Rutherford Lane, Building 1-Security Desk or mailed to:

**Code Official  
Code Compliance Department  
P.O. Box 1088  
Austin, Texas 78767**



**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning for Tract 1 and limited office – mixed use – conditional overlay (LO-MU-CO) combining district zoning for Tract 2. The Conditional Overlay prohibits the following uses: automotive repair services, automotive rentals, automotive sales, automotive washing (of any type), bail bond services, business or trade school, commercial off-street parking, drop-off recycling collection facility, exterminating services, funeral services, hotel-motel, indoor entertainment, indoor sports and recreation, off-site accessory parking, outdoor entertainment, outdoor sports and recreation, pawn shop services, service station, and theater, and limits the number of daily vehicle trips across Tracts 1 and 2 to 300.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

*1. The proposed zoning should be consistent with the purpose statement of the district sought.*

*Tract 1:* The proposed community commercial (GR) district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways. The MU, Mixed Use district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

*Tract 2:* The limited office (LO) district is a designation for offices and selected commercial uses predominantly serving neighborhood or community needs, and is located in or adjacent to residential neighborhoods. The mixed use (MU) district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

*2. The proposed zoning should allow for a reasonable use of the property.*

The subject property has been used for non-residential purposes for many decades and Staff believes the Applicant's request is reasonable given its proximity to the commercial and office uses and zoning to the north and east. The Conditional Overlay offered by Staff is for a list of prohibited uses in the GR district that are more intensive and a 300 daily vehicle trip limit. Due to the more intensive zoning (CS) and separately, the types of uses in operation to the north and east, including medical offices, food sales, restaurants, and general retail sales (convenience), it is reasonable to treat similarly situated properties in a similar manner. To that end, the Staff's list of prohibited uses is not as extensive as that offered by the Applicant.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The rezoning area contains an upholstery shop and a single family residence, and there appear to be no significant topographical constraints on the site.

### **Impervious Cover**

The maximum impervious cover allowed by the *GR-MU* zoning district would be 90%, which is based on the more restrictive zoning regulations. The maximum impervious cover allowed by the *LO-MU* zoning district would be 70%, which is based on the more restrictive zoning regulations.

### **Comprehensive Planning**

This zoning case is located on the south side of Northland Drive, approximately 250 feet west of Burnet Road. This 0.37 acre property contains a small one story commercial building housed in a converted house, which is being used as an upholstery shop. The property is the last office/retail use located along this southwest section of Northland Drive and abuts single family housing to the west and south. This rezoning is not located within the boundaries of an **adopted** neighborhood planning area but is within the Allandale Neighborhood Planning Area. Surrounding land uses includes an HEB grocery store to the north, single family housing to the south and west, and a health clinic to the east. The proposal is to continue to use the building as an upholstery shop but obtain the correct zoning designation.

### **Imagine Austin**

The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan identifies Northland Drive as being located just off an **Activity Corridor** (Burnet Road), but not located along a corridor or center.

### **Conclusion**

The comparative scale of this site relative to other nearby retail, commercial and office uses falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning.

### **Environmental**

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

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to the project location.

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

Numerous 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 512-974-1876. 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.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

### **Site Plan**

Site plans will be required for any new development other than single-family or duplex residential.

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.

The site is subject to compatibility standards. Along the West, South, and North property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.



A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

Additional design regulations will be enforced at the time a site plan is submitted.

### **Transportation**

Additional right-of-way may be required at the time of subdivision and/or site plan.

### **Water / Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

*From the office of*  
**PERMIT PARTNERS, LLC**

105 W. Riverside, Suite 225

Austin, Texas 78704

**David C. Cancialosi**

512.799.2401 c

512.494.4561 f

david@permit-partners.com

April 7, 2014

VIA EMAIL:

Wendy Rhodes, Case Manager

City of Austin

RE: Postponement of C14-2014-0025 Briley's Upholstery Shop

Mrs. Rhodes:

This case is scheduled to appear before ZAPCO on April 15, 2014 and before City Council on May 22, 2014. I am writing this letter to request a formal postponement of zoning case C14-2014-0025 from the April 15 ZAPCO agenda to the May 20<sup>th</sup> ZAPCO agenda.

At a May 6<sup>th</sup> Allandale Neighborhood Association (ANA) meeting, it was requested by the neighborhood that we postpone the scheduled ZAPCO hearing in order to discuss the zoning change requests for 2117 and 2119 Northland Dr. in more detail with the Neighborhood Association. We agreed to do so as a sign of our intent to ensure we fully understand and address the neighborhood's concerns as much as possible. As such, we will continue dialogue with ANA over the month of April and will meet with them again May 6, 2014.

I request the zoning case be tentatively scheduled for the next available City Council meeting after the May 20<sup>th</sup> ZAPCO hearing. Please confirm when that date is set.

Please include this letter as part of the back up material associated with the case file; however, should you require additional information please contact me directly.

If I need to attend the April 15<sup>th</sup> ZAPCO hearing to answer potential questions posed by the board, please let me know ahead of time.

Sincerely,

David C. Cancialosi, agent for owner

Cc: Rebecca McKee, property owner

## Rhoades, Wendy

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**From:** david cancelosi <david@permit-partners.com>  
**Sent:** Tuesday, May 13, 2014 7:43 PM  
**To:** Rhoades, Wendy  
**Cc:** <rebecca@brileysofaustin.com>  
**Subject:** Briley's ZAP info  
**Attachments:** Briley's prohibited uses GR Zoning 4\_25.pdf; Briley's ZAP letter1.docx

Wendy, Attached is a cover letter to be provided to ZAP. Also attached is a list of the prohibited uses. The is the GR zoning sheet, but the same uses permitted uses shown in LO will also be prohibited via the CO.

The uses marked with an X are to be prohibited via the CO. We have shared this with ANA several times. Adding to the list, it should also prohibit commercial off street parking.

Regarding the CO language I propose the following in addition to the prohibited uses, but am open to suggestions regarding specific language. This is what we've discussed with ANA and neighbors thus far.

1. Shared joint access easement to be sought between 2117 and 2119 Northland.
2. No UDA to be sought for 2117 and 2119 Northland.
3. No automotive access provided from 2117 or 2119 to other lots along Northland Dr.

Please confirm that this information will be provided to ZAP as part of their back up.

Thanks again.



*From the office of*  
**PERMIT PARTNERS, LLC**  
**105 W. Riverside Dr. Suite 225**  
**Austin, Texas 78704**  
**David C. Cancialosi**  
**512.799.2401 c.**  
**512.494.4561 f.**  
**david@permit-partners.com**

City of Austin PDRD, Attn: Wendy Rhoades  
City of Austin Zoning and Platting Commission  
One Texas Center - 505 Barton Springs Rd. 78704

**RE: Briley's Zoning C14-2014-0025**

Dear Members of the Zoning and Platting Commission,

The purpose of this letter is to provide insight into the zoning change requests set forth in case C14-2014-0025 for properties located at 2117 & 2119 Northland Dr. These cases are scheduled to appear on your May 20<sup>th</sup> ZAP agenda for initial discussion. I have represented the owner of Briley's Upholstery shop, Mrs. Rebecca Mckee, throughout the Allandale Neighborhood meetings and will be presenting the case on her behalf at the May ZAP and June City Council Hearings.

For quick reference the requests are as follow:

- **2117 Northland – Existing location of Briley's upholstery shop**
  - Change 2117 zoning from SF3 to GR-MU, community commercial, to correctly align use with zoning.
  - COA assigned SF3 zoning in early 1950's.
  - Structure has never been a residence. No plumbing.
  - Owner cannot legally improve property without correcting the zoning.
  - No violation of private Deed Restrictions.
  - COA staff supports.
  - CO to include multiple prohibited uses, shared access driveway easement for 2117 & 2119 Northland, no UDA tying two lots together, and no automotive access from Briley's sites to other sites along Northland Dr.
- **2119 Northland – Existing SF residence to be used for Briley's office & showroom**
  - Change 2119 zoning from SF3 to LO-MU, limited office, to consolidate off-site office showroom.
  - Replaces existing showroom at shopping center across street.
  - Reduces auto / bike / ped traffic between separate sites.
  - Allows off-street parking for both sites via shared drive and parking approvals.
  - No violation of private Deed Restrictions.
  - COA staff supports.
  - CO to include multiple prohibited uses, shared access driveway easement for the 2117 & 2119 Northland, no UDA tying two lots together, and no automotive access from Briley's sites to other sites along Northland Dr.

In terms of our diligence prior to a formal zoning change application being made, I met with the City zoning staff to discuss the project in order to understand how the city would classify the current upholstery use, discussed the LO change at 2119, and other neighborhood concerns. Suffice to say, careful consideration was given to the necessary zoning designations and applicable deed restrictions. An informal zoning packet was submitted to PDRD staff, who concluded that no contradictions exist between the private deed restrictions and uses allowed in the proposed zoning. At that time a formal zoning application was made for each lot.

We met with ANA in March and the case was presented. It was requested at that time we postpone our April 15<sup>th</sup> ZAP hearing in order to continue discussions with the neighborhood. In good faith, we agreed to that postponement and to meet again with ANA on May 6<sup>th</sup>. Between the two meetings we hosted a walking tour of the subject site to discuss the proposed improvements and answer further questions from a group mostly consisting of adjacent neighbors within the immediate vicinity of Briley's. I also discussed the issues at length with a number of persons on an individual basis numerous times.

It should be noted that at the May ANA meeting, the Executive Committee prohibited the applicant from making a presentation, answering questions, nor providing clarifying facts in response to erroneous statements made by ANA members. It was disappointing to put forth much effort in preparation of that hearing only to be silenced by the ANA. That being said, ANA voted to support the zoning change for 2117 from SF3 to GR-MU-CO and voted to not support the zoning change for 2119 from SF3 to LO-MU-CO.

In sum, the two sites are in a state of disrepair and need to be improved. There is no intent by the owner to develop the property beyond what the current and proposed uses are. Special consideration is being given to sound, light, hours of operation, parking, setbacks, and relative neighborhood concerns. The goal is to keep the same look and feel of the existing building while improving them to current building codes. To do that, the zoning needs to be corrected at 2117 to allow the longstanding consumer services upholstery shop to continue. Further, allowing the adjacent 2119 site to operate as an office will condense the operations on the two adjacent tracts, reduce traffic, improve safety, and improve overall functionality of the sites as whole.

We respectfully request ZAPCO motion to approve the two cases without delay and forward to the City Council a recommendation for approval of the said zoning requests.

Attached in your packet is the CO provided to staff that lists the specific prohibited uses and other CO language.

Respectfully,

David Cancialosi

Cc: Rebecca McKee

**GR****Community Commercial**

Community Commercial district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

**Site Development Standards**

<b>Lot</b>		<b>Massing</b>	
Minimum Lot Size	5,750 sq ft	Maximum Height	60 ft
Minimum Lot Width	50 ft	Minimum Setbacks	
Maximum Building Coverage	75%	Front yard	10 ft
Maximum Impervious Cover	90%	Street side yard	10 ft
Maximum Floor Area Ratio	1:1	Interior side yard	n/a
		Rear yard	n/a

**Permitted and Conditional Uses****Residential**~~Bed and Breakfast Residential (Group I) \*~~~~Bed and Breakfast Residential (Group 2) \*~~**Civic**

~~X Club or Lodge (c)~~  
~~College and University Facilities \*~~  
~~Communication Service Facilities \*~~  
~~Community Events \*~~  
~~Community Recreation—Private \*~~  
~~Community Recreation—Public \*~~  
~~Congregate Living~~  
~~Counseling Services~~  
~~Cultural Services~~  
~~Day Care Services—Commercial~~  
~~Day Care Services—General~~  
~~Day Care Services—Limited~~  
~~Family Home \*~~  
Group Home Class I—General \*

Group Home Class I—Limited \*  
Group Home Class II \*  
~~Guidance Services~~  
~~Hospital Services—General (c)~~  
~~Hospital Services—Limited~~  
Local Utility Services  
~~Private Primary Educational Services \*~~  
~~Private Secondary Educational Services \*~~  
~~Public Primary Educational Services \*~~  
~~Public Secondary Educational Services \*~~  
Religious Assembly  
~~Residential Treatment~~  
~~Safety Services~~  
~~Telecommunication Tower (PC) \*~~

**Commercial**

~~X Art Gallery~~  
~~Art Workshop \*~~  
~~Administrative and Business Offices~~  
~~X Automotive Rentals~~

~~Automotive Repair Services~~  
~~Automotive Sales~~  
~~Automotive Washing of any type~~  
~~Bail Bond Services (PC)~~

# GR (continued)

## Commercial (continued)

- |  |                                  |
|--|----------------------------------|
| X Business or Trade School                 | X Medical Offices—exceeding      |
| Business Support Services                  | 5,000 sq/ft of gross floor space |
| X Commercial Off-Street Parking            | X Off-Site Accessory Parking     |
| Communications Services                    | X Outdoor Entertainment (c)      |
| Consumer Convenience Services              | X Outdoor Sports and Recreation  |
| Consumer Repair Services                   | X Pawn Shop Services             |
| X Drop-Off Recycling Collection Facility * | Personal Improvement Services    |
| X Exterminating Services                   | Personal Services                |
| Financial Services                         | X Pet Services                   |
| X Food Preparation (c)                     | Plant Nursery (c)                |
| X Food Sales                               | Printing and Publishing          |
| X Funeral Services                         | Professional Office              |
| X General Retail Sales—Convenience         | Research Services                |
| General Retail Sales—General               | X Restaurant—General             |
| X Hotel-Motel                              | X Restaurant—Limited             |
| X Indoor Entertainment                     | X Service Station                |
| X Indoor Sports and Recreation             | Software Development             |
| X Medical Offices—not exceeding            | X Special use Historic (c)       |
| 5,000 sq/ft of gross floor space           | X Theater                        |

## Industrial

Custom Manufacturing (c)

## Agricultural

X Urban Farm \*

## Rhoades, Wendy

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**From:** Berkley Bettis <[REDACTED]>  
**Sent:** Wednesday, May 14, 2014 6:05 PM  
**To:** Rhoades, Wendy  
**Subject:** C14-2014-0025 2117 and 2119 Northland Drive  
**Attachments:** Briley-McKee\_draft\_uses\_list\_--\_04-29-14.pdf

I support the applicant's request for rezoning of BOTH subject tracts, with reasonable restrictions as follows:

- restricted uses as previously agreed by the applicant and set forth in the attached file. Uses on the list that are marked with an X to be prohibited by a Conditional Overlay established for these properties at the time the new zoning is approved.

- use of a shared access/parking agreement between 2117 and 2119, rather than the use of a Unified Development Agreement

- no existing or proposed shared access or parking formalized between the property at 2121 Northland and 2119 Northland.

Naturally, as the resident homeowner of property directly adjoining the property at 2117, I would expect the applicant to continue to consult in good faith with neighbors as the development process moves forward.

I regret that I am unable to personally attend the Zoning and Platting Commission meeting due to health issues, but will be happy to answer questions via email or telephone.

Berkley Bettis

5607 Montview Street

Austin, TX 78756-1611

(512) 453-0449

[BettisLawOffice@gmail.com](mailto:BettisLawOffice@gmail.com)



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.austintexas.gov](http://www.austintexas.gov)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

**Case Number: C14-2014-0025**

**Contact: Wendy Rhoades, 512-974-7719**

**Public Hearing: April 15, 2014, Zoning and Platting Commission**

**May 22, 2014, City Council**

*William L. Rhoades*  
Your Name (please print)

☐ I am in favor  
☒ I object

*3505 Montrose*  
Your address(es) affected by this application

*[Signature]*  
Signature

Date

Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2014-0025

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: April 15, 2014, Zoning and Planning Commission  
May 22, 2014, City Council

Leah Martin

Your Name (please print)

5705 Wynona Ave

Your address(es) affected by this application

*Leah Martin*

Signature

4/22/14

Date

Daytime Telephone: 512.507.3823

Comments: Adding additional commercial/mixed use property at the address will increase traffic on Wynona, a strictly residential street. As there is no direct access to Northland from 5222, drivers use Wynona as a cut through to Northland traveling at high speeds. This proposed property change gives me great concern for the safety of my small children and the value of my property - I strongly object.

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

City of Austin  
Planning & Development Review Department  
Wendy Rhoades  
P. O. Box 1088  
Austin, TX 78767-8810

## PUBLIC HEARING INFORMATION

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**Case Number: C14-2014-0025**

**Contact: Wendy Rhoades, 512-974-7719**

**Public Hearing: April 15, 2014, Zoning and Platting Commission**

**May 22, 2014, City Council**

*Your Name (please print)*

*Andrea Pally*

*Your address(es) affected by this application*

*5511 Montview St.*

☐ I am in favor  
☒ I am object

*Signature*

*Date*

Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810

**Rhoades, Wendy**

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**From:** Richard [REDACTED]  
**Sent:** Sunday, May 11, 2014 11:03 PM  
**To:** Rhoades, Wendy  
**Subject:** C14-2014-0025 per 2017,2019 Northland Drive case # C14-2014-0025

We have lived on Shoalwood, 2 blocks from Burnet Rd for 52 years. We oppose the proposed rezoning of 2117 and 2119 Northland Drive.

Commercial encroachment of residential neighborhoods is wrong!.

Richard and Marian Robertson  
5401 Shoalwood Ave

**Rhoades, Wendy**

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**From:** Leah Martin [REDACTED]  
**Sent:** Sunday, May 11, 2014 7:41 PM  
**To:** Rhoades, Wendy  
**Subject:** Per case number C14-2014-0025 per 2017, 2019 Northland Drive.

I oppose the proposed rezoning of 2117 and 2119 Northland Drive, case number C14-2014-0025. My home is within 500 feet of the proposed rezoning. I am concerned about the future of the property and possible businesses that could be located here, regardless of the current owners proposed intent as stated to the neighborhood. I am concerned for increased traffic in an area that is increasingly used as a cut through and limited parking. Please retain the current residential status, this is my residential neighborhood and I would like to keep it that way.

Leah Martin  
5705 Wynona Ave.  
[lcamo@hotmail.com](mailto:lcamo@hotmail.com)  
512-587-3823



**Rhoades, Wendy**

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**From:** Megan [REDACTED]  
**Sent:** Monday, May 12, 2014 7:24 PM  
**To:** Rhoades, Wendy  
**Subject:** Per case number C14-2014-0025 per 2117 Northland Drive

Dear Ms. Rhoades,

I am writing to oppose the proposed rezoning of 2117 Northland Drive from SF-3 to GR-MY-CO, case number C14-2014-0025. I live a block away, and my neighborhood is comprised of single family homes.

The essential commercial needs for the Briley business at 2117 Northland can be met under LR (max. 40 feet in height), without requiring GR(max. 60 feet in height). Briley should be able to conduct its administrative and retail sales under LR zoning without a GR overlay. In the guide to Austin zoning, LR is described as "neighborhood commercial", and would be the appropriate zone for my neighborhood.

Please follow the zoning principles of the City of Austin, and oppose this proposed rezoning.

Sincerely,

Megan Kielt Kressin  
5600 Shoalwood Ave.  
Austin, TX 78756

**Rhoades, Wendy**

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**From:** Bryony Gomez-Palacio <bryony.gomezpalacio@cityofaustin.org>  
**Sent:** Monday, May 12, 2014 8:48 PM  
**To:** Rhoades, Wendy  
**Subject:** Per case number C14-2014-0025 per 2017 Northland Drive.

I oppose the proposed rezoning of 2117 Northland Drive from SF-3 to GR-MU-CO, case number C14-2014-0025.

I understand that the essential commercial needs of the Briley business at 2117 Northland can be met under LR (max. 40 feet in height), without requiring GR (max. 60 feet in height). As I see it, the only commercial needs for the Briley business are Administrative and Business offices, Consumer Repair Services, and General Retail Sales(General) and that these can all be met under LR and do not require GR.

I suggest that in a neighborhood of single-family homes, it is generous to allow LR with an overlay allowing the three commercial uses listed above, at aforementioned property. I also question the inclusion of MU in the proposed zoning.

*Thank you,*

Bryony Gomez-Palacio

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5618 Shoalwood Ave  
Austin, TX 78756  
p. (347) 267-0838  
f. (718) 228-6720

**Rhoades, Wendy**

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**From:** Ted Mentele [REDACTED]  
**Sent:** Tuesday, May 13, 2014 7:59 AM  
**To:** Rhoades, Wendy  
**Subject:** Per case number C14-2014-0025 per 2017 Northland Drive

Hello.

I understand that the Briley business at 2117 Northland has requested a rezoning from SF-3 to GR-MU-CO. While I want them to be compliant with the zoning, I understand that this can be achieved through LR (max 40 ft in height) without requiring GR.

My suspicion is that this is more about resale value for the property than making sure that the business is fully compliant with the zoning.

Thanks,

Ted

Ted Mentele  
5417 Shoalwood Ave  
Austin, TX 78756  
[tedmentele@gmail.com](mailto:tedmentele@gmail.com)

## **Rhoades, Wendy**

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**From:** Trish Sierer <[REDACTED]>  
**Sent:** Wednesday, May 14, 2014 8:17 AM  
**To:** Rhoades, Wendy  
**Subject:** Per case number C14-2014-0025 per 2117 northland drive

Hi Wendy,

We oppose the proposed rezoning of 2117 Northland Drive from SF-3 to GR-MU-CO, case number C14-2014-0025.

We understand the needs of the Briley business can be met under 40ft LR and GR would be excessive. I also question MU in the proposed zoning...

We don't mind businesses lining the edges of Allandale, but we would like to keep the buildings 4 stories or less.

Trish and Brian Sierer  
5511 Shoalwood Avenue  
Austin, TX 78756

## PUBLIC HEARING INFORMATION

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However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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Case Number: C14-2014-0025

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: April 15, 2014, Zoning and Platting Commission

May 22, 2014, City Council

MICHAEL BURKH

Your Name (please print)

5611 MONTVIEW STREET

Your address(es) affected by this application

*[Signature]*

Signature

5/13/14

Date

Daytime Telephone: 512-560-0039

Comments: I AM CONCERNED ABOUT INCREASED TRAFFIC AND NOISE, I AM ALSO VERY CONCERNED ABOUT DRAINAGE FEELERS CAUSED BY ADDED PAVEMENT LOT SURFACE TO THE PROPERTY

COMPATIBILITY STANDARDS WITH MY RESIDENCE AND THE PROPERTIES CONCERN ME AS WELL.

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

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810



## Rhoades, Wendy

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**From:** Bob Sitko [REDACTED]  
**Sent:** Wednesday, May 14, 2014 4:42 PM  
**To:** Rhoades, Wendy  
**Subject:** C14-2014-0025

Hi Ms. Rhoades,

I'm an Allandale resident (2312 Shoalmont Dr.). I am writing to you regarding the requested rezoning changes for 2117 Northland Dr. and 2119 Northland Dr.:

- 2117 from SF-3 to GR-MU-CO;
- 2119 SF-3 to LO-MU-CO.

While changes up and down Burnet - an existing commercial corridor - are one thing, changes such as those proposed above along Northland threaten to encroach on the manifestly residential character of the neighborhood itself. The intentions of the current owners are irrelevant: the above changes would open the door to a future developer to install larger commercial enterprises (as opposed to a small business owner's craft oriented enterprise) or even to the construction of condos or apartment buildings.

Again, such development on Burnet proper is reasonable; within the residential neighborhood itself is not.

I urge that the above proposal be rejected. I propose that any rezoning be restricted to providing the owners with a LR classification with conditional overlays permitting administrative, consumer repair, and general sales purposes.

Thank you,

Bob Sitko

2312 Shoalmont Dr.

512-300-0319

**When my wife and I moved to Austin, we rented then bought on the same block. We liked the block, the neighborhood, and the neighbors. Of the sixteen houses on this block, the only house not lived in by the homeowner was the one that we had rented.**

**But now our block is threatened. It's threatened by those who hunger and thirst after permission to go to 60 feet. By those wanting to gain gobs of resale value, where they don't live, but we do.**

**I have no problem with the quality of consumer repair work of the current owner. Her employees did good furniture repair for us.**

**I've heard it said they need GR zoning, but they don't. I've heard it said that they need GR for 2117 Northland Drive, but they don't. They only need LR. LR allows 40 feet. GR allows 60.**

**The only things they might need permission for are consumer repair, administration, and general sales. They'll say that setbacks prevent 60 feet right now. Would they also say that the United States needs no military when there is no war?**

**Everything Briley might need for their business is covered in LR, and LR limits to 40 feet. Applicants will say, they propose an overlay. Yes, they'd prevent pawn shops, bail bond services, exterminating. They'd prevent unlikely things, clutching big ones.**

**LR is all they need, and with LR you'd be generous. Many things applicants don't need are allowed under LR: insurance offices, real estate offices, art galleries, sales of all types. You decision makers might give them less than LR, but please don't give them more.**

**John Keohane 5702 Wynona Avenue (within 500 feet of the proposed rezoning) [keohane@prodigy.net](mailto:keohane@prodigy.net) (512) 484-0263**

**Rhoades, Wendy**

---

**From:** JOHN KEOHANE [REDACTED]  
**Sent:** Wednesday, May 14, 2014 11:36 PM  
**To:** Rhoades, Wendy  
**Cc:** John Keohane  
**Subject:** Oppose C14-2014-0025 per Briley properties, 2117 2119 Northland Drive

I oppose C14-2014-0025 the application for rezoning from SF-3 to GR-MU-CO and LO-MU-CO.

To accept what applicant has proposed would result in a height which if built out, could go to 60 feet. It would open this up to a height race with the HEB anchored center directly across Northland to the north. Nothing in that center anchored by HEB rises as high as 40 feet, yet applicant relishes changed zoning for their property, to allow 60 feet.

Count me as opposed.

I urge Zoning and Platting Commission to deny applicant on C14-2014-0025.

John Keohane  
5702 Wynona Avenue  
(within less than 500 feet from the properties at 2117 2119 Northland Dr.)  
Austin, TX 78756  
[keohane@prodigy.net](mailto:keohane@prodigy.net)  
(512) 484-0263

**Rhoades, Wendy**

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**From:** Nathalie Frensley [REDACTED]  
**Sent:** Thursday, May 15, 2014 5:03 AM  
**To:** Rhoades, Wendy  
**Subject:** C14-2014-0025 Frensley OPPOSE  
**Attachments:** C14-2014-0025 Frensley OPPOSE.docx

Good morning again, Ms. Rhoades --

I've attached my opposing comments to C14-2014-0025 (2117 and 2119 Northland Drive). I'd appreciate it if you would add it to the Commissioners' packet for the 22 May hearing.

Here's hoping you have a great day!

Best,

Nat.

Nathalie Frensley

14 May 2014

Ms. Rhoades and Members of the Zoning and Platting Commission:

I'm writing to explain my respectful opposition to the proposed zoning change at 2117 and 2119 Northland Drive (Case # C14-2014-0025) from residential (SF-3) to commercial zoning.

As a stakeholder property owner within 500 feet of the C14-2014-0025 zoning change request, the City of Austin Zoning Guide principles are the basis by which I respectfully ask the Zoning and Platting Commission to DENY C14-2014-0025's request to change 2117 Northland's (Tract 1) zoning from SF-3 to GR-MU-CO and 2119 Northland's (Tract 2) zoning from SF-3 to LO-MU-CO.

Instead, I respectfully ask the Commissioners to change 2117 Northland (Tract 1) zoning from SF-3 to LR-CO with CO to prohibit Consumer Convenience Services, Art Galleries, and Art Workshops and maintain SF-3 zoning for 2119 Northland (Tract 2). This necessarily involves denying MU.

The majority of homes in the Old Allandale/Shoalmont neighborhood date back to the 1940s and 1950s, most with trees that fall under City of Austin protections. We pride ourselves on high walkability, multigenerational residents, great schools, and neighborhood pride. Two major neighborhood institutions – the Allandale Center H-E-B grocery store and Amy's Ice Creams, are within yards of 2117 and 2119 Northland. The Munoz Family Health Clinic, at 2115 Northland, is next door to Tract 1. The upshot is that the applicant's proposed zoning changes will immediately affect traffic and walkability in this neighborhood. To add to safety considerations, a City of Austin Housing Authority Elderly/Disabled Residential Complex with 130 Units, is located at 2300 West North Loop. On a daily basis, our vulnerable neighbors, many in wheelchairs, travel east on Lawnmont, north on Montview, and east on Northland as part of the route to the neighborhood grocery store institution. None of these narrow streets, particularly Northland Drive, have sidewalks. Drainage is also a major issue, in that many streets in this neighborhood do not have curbs or storm sewers. Consequently, zoning changes from residential to commercial, will create additional traffic and endanger vulnerable pedestrian populations. Changes from residential to commercial, with different allowances for maximum building coverage and impervious cover, will negatively impact rainwater run-off and further endanger pedestrian safety. Old Allandale/Shoalmont walkability and livability has developed around single family housing and shallow Burnet commercial properties that have not pierced the neighborhood. These zoning change requests, if approved, will endanger Allandale/Shoalmont walkability, livability, and safety.

Background: Concerned neighbors met with the owner and her agent. We were told that the zoning change request was motivated by the fact the Briley Upholstery Business was operating at a site not zoned for such a commercial operation. The Briley business operation is currently at 2117 (Tract 1) and had a showroom in the Allandale shopping center, a strip center with abundant parking, and located just north of 2117 (on Burnet Road, between Northland Drive and Allandale Road/Koenig Lane). We were told that 2119 Northland (Tract 2) is being renovated to be brought up to code. We were also told that it is the owner's intent to maintain the residential house character at both 2117 and 2119. There are additional workshop buildings at 2117 (behind the house) and we were told that these buildings are to be rebuilt. The owner mentioned that one reason to seek rezoning of 2119 is because 2117's narrow drive makes it difficult to turn their trucks around. The Allandale Neighborhood Association (ANA)



considered this zoning request and showed flexibility. Given the rationale the applicant offered for pursuing zoning change, the ANA voted to allow 2117 to change from residential zoning so it could operate its current business in compliance. However, the applicant has asked for more – GR-MU for Tract 1 and LO-MU for Tract 2 – than what is needed to be in compliance.

One principle in the City of Austin's Guide to Zoning is that "Zoning should satisfy a public need and not constitute a grant of special privilege to an individual owner; the request should not result in spot zoning." The Briley Upholstery business does not need 60 feet in height and it does not need to have the option of multi-family development in order to be in compliance. I believe that if this is granted that it would be tantamount to rewarding a business for having been in non-compliance zoning-wise and set a dangerous precedent for eroding rule of law in City of Austin governance. This is especially worrisome, since a second principle in the City of Austin's Guide to Zoning is that "Granting a request for zoning should result in an equal treatment of similarly situated properties."

The major issue with the applicant's request for rezoning Tract 1 to GR-MU-CO is that this type of commercial zoning typically requires locations accessible from major traffic ways. Northland Drive is not big enough to be a major traffic way – but it is a major neighborhood pedestrian route. The proximity to Burnet Road is irrelevant for two reasons: first, Burnet Road at that location is only four lanes without a center turn lane and second, additional traffic this rezoned tract would generate in developed to its maximum limits in the in long term would be entering and exiting on Northland. Granting their request for GR-MU-CO would violate a third principle in the Guide to Zoning in that it would create an undesirable precedent for other properties in the neighborhood and in other areas of the city in which properties are located on small streets.

The Allandale Neighborhood Association's vote to allow commercial zoning for Tract 1 (2117) but keep residential zoning for Tract 2 (2119) meets a fourth principle of "Zoning should allow for a reasonable use of the property." Briley Upholstery can and will continue its business under to LR-CO with CO to prohibit Consumer Convenience Services, Art Galleries, and Art Workshops and maintain SF-3 zoning for 2119 Northland (Tract 2) with no MU. Tract 2 (2119) has not been used for business purposes to date and in the interim Briley Upholstery secured showroom space quite close by with ample parking. As far as being able to turn their trucks more easily inside their Tract 1, they can reconfigure the workshop building footprints they intend to rebuild anyway to add the additional width they need. Moreover, there is a travel trailer in the back of their property that can be removed to provide additional turnaround space.

The Allandale Neighborhood Association position on these two tracts meets the principle of "Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character." The applicant's request for GR-MU-CO does not.

Another consideration is that "Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities." The applicant's current request of GR-MU-CO for Tract 1 and LO-MU-CO for Tract 2, if maximally developed, would violate this zoning principle because it would allow the Old Allandale/Shoalmont neighborhood to be pierced by 60 foot and 40 foot structures immediately next to residential zoning without buffer. These building heights, especially at 60 feet, would cast highly undesirable shading on mature and protected trees, cause their decline, and with that affect neighborhood character to properties adjacent and behind these lots.

Above, I discussed how GR-MU-CO zoning is inappropriate for Northland Drive, given its size, lack of sidewalks, and heavy pedestrian use, including use by pedestrians in wheelchairs on their way to do their grocery shopping. In addition to bearing on the Zoning principle of not creating undesirable precedents, it also directly bears on the zoning principle of "Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors." Regardless of Burnet Road (which, as I pointed out, varies in size and presence of turn lanes), Northland Drive is not and cannot be in the future either an "Arterial Roadway" or a "Major Collector."

The Allandale Neighborhood Association position of allowing for change from residential zoning for Tract 1 enables Briley Upholstery to operate as a compliant business and thus meets the principle that "Zoning should promote clearly identified community goals such as creating employment opportunities or providing for affordable housing." By maintaining its position against changing residential zoning for Tract 2 meets the community goal of preserving housing stock in Old Allandale/Shoalmont that is affordable. The Allandale Neighborhood Association position of split the difference meets both business and neighborhood goals in Austin political culture. The applicant's request for changing both tracts from residential to commercial does not, and adds nothing to the neighborhood.

I understand that Austin's phenomenal growth makes it very difficult for all decision makers and stakeholders in this matter to understand the social forces, unique neighborhood institutions and locations, traffic flows, infrastructure (lack of storm sewers and drains as well as a lack of sidewalks), large presence of vulnerable handicapped residents who live in the neighborhood, and the like that in various measures make up all of Austin's neighborhoods' unique vibrancies. I hope this memo, though long, has given you some social and cultural insights into why this zoning matter stands to heavily impact the Allandale/Shoalmont neighborhood.

For these reasons, and also for the additional, very important reasons that conditional overlay considerations have yet to be firmly negotiated and signed off, I respectfully ask the Commission to deny the applicant's request for rezoning 2117 and 2119 Northland Drive.

Very respectfully yours,

Nathalie J. Frensley, Ph.D.

5601 Montview Street  
Austin, TX 78756  
Nathalie\_frensley@hotmail.com

**Rhoades, Wendy**

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**From:** Timothy Fackler [REDACTED]  
**Sent:** Thursday, May 15, 2014 9:32 AM  
**To:** Rhoades, Wendy  
**Subject:** Conditional Rezoning on Case # C14-2014-0025

Commissioners, Ms. Rhoades,

As a near neighbor I want to register my reservations about the zoning changes requested for 2117 and 2119 Northland Drive (Case # C14-2014-0025). I and my family live nearby a few homes south on Montview Street.

My spouse, Nathalie Frensley, has submitted to you separately a detailed account of what we and many of our neighbors - and, I believe, the owner of these properties - value about our neighborhood and its place in Austin. She has also detailed our concerns about adverse effects we foresee if rezoning oversteps public need and has proposed narrower changes than those requested as a way both to meet the owner's and the public's needs.

The owner and her agent have thus far worked with neighbors and the neighborhood association to address public need. In a meeting at the property and several Allandale Neighborhood Association meetings, she and her agent have expressed willingness to

- restrict permitted uses on each of the properties
- not tie together 2117 and 2119
- not tie either property to requests made for 2121 Northland
- continued neighborhood engagement as the projects move forward

If appropriate zoning categories with suitable overlays and restrictions that embody a minimum of change and provide a graduated buffer zone between Burnet Road and the neighborhood can be put in place - changes that now and in the future preserve the residential character and walkability of neighboring areas and this segment of the Burnet Road corridor - I would support rezoning.

Thanks very much for your consideration

Tim Fackler

5601 Montview St  
(512)-371-1046

## Rhoades, Wendy

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**From:** Allison Oster <[REDACTED]>  
**Sent:** Thursday, May 15, 2014 4:39 PM  
**To:** Rhoades, Wendy  
**Subject:** Fwd: Per case number C14-2014-0025 per 2117 northland drive

Hi Wendy,

We oppose the proposed rezoning of 2117 Northland Drive from SF-3 to GR-MU-CO, case number C14-2014-0025.


We understand the needs of the Briley business can be met under 40ft LR and GR would be excessive and we are also concerned with MU in the proposed zoning.

We don't mind businesses lining the edges of Allandale, but we would like to keep the buildings 3 stories or less.

Allison & George Stolar  
5518 Shoalwood Avenue  
Austin, TX 78756

## **Rhoades, Wendy**

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**From:** Anne Young   
**Sent:** Tuesday, May 20, 2014 12:51 PM  
**To:** Baker, Betty - BC; Rojas, Gabriel - BC; Banks, Cynthia - BC; Meeker, Jason - BC; Seeger, Patricia - BC; Compton, Sean - BC; McDaniel, Rahm - BC  
**Cc:** Rhoades, Wendy  
**Subject:** C14-2014-0025 Briley's Upholstery Shop  
**Attachments:** Briley-McKee draft uses list -- 04-29-14.pdf

Hearing Date:  
05/20/14

Re:  
C14-2014-0025 Briley's Upholstery Shop

Case Manager:  
Wendy Rhoades

Chairwoman Baker and Commissioners:

I am contacting you today about item 9 on your agenda for this evening.

Since initiating this rezoning case, the applicant and agent have communicated respectfully with the impacted neighbors and have responded to concerns raised by them. The resulting three part agreement is of critical importance to this case. **Changes to the zoning of the two properties should not be made without the inclusion of these conditions.**

- 1) The attached pdf file includes a list of prohibited uses for the two tracts. No additional uses should be allowed.
- 2) The applicant has agreed not to bind her two properties together beyond the use of a shared access and/or parking agreement. The creation of a large tract of property in this location is inappropriate and would lead to much more impacting redevelopment.
- 3) The applicant has agreed not to tie her properties to the adjacent tract located at 2121 Northland Drive. This issue is of **significant** concern to the neighborhood.

These two properties are immediately adjacent to homes of established Austin residents. Please do not increase the impact of this possible rezoning by eliminating or reducing the proposed conditions.

Anne Young  
Shoalmont Drive

## Rhoades, Wendy

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**From:** JOHN KEOHANE [REDACTED]  
**Sent:** Tuesday, June 03, 2014 10:42 PM  
**To:** Rhoades, Wendy  
**Cc:** John Keohane  
**Subject:** Approve LR, Reject GR for Briley property, 2117 Northland, C14-2014-0025

I think that Briley should have the zoning they need, but not the zoning they've requested. They need LR zoning, max of 40 feet, for these uses: Administrative and Business Offices; Consumer Repair Services, General Retail Sales (General); Custom Manufacturing. They do not need GR, allowing 60 feet, and also don't need a host of other uses that LR does not allow.

I ask approval of LR to assist Brileys. I ask rejection of GR to assist the neighborhood.

Thanks for helping Austin with smart growth, for development, respecting the homes and the neighborhood, including one we've owned, and lived in, for the last ten years.

John Keohane  
5702 Wynona  
(512) 484-0263  
[REDACTED]

## Rhoades, Wendy

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**From:** Cynthia Keohane <[REDACTED]>  
**Sent:** Wednesday, June 04, 2014 11:05 PM  
**To:** Leffingwell, Lee; Cole, Sheryl; Morrison, Laura; Martinez, Mike [Council Member]; Riley, Chris; Spelman, William; Tovo, Kathie  
**Cc:** Rhoades, Wendy  
**Subject:** Approve LR, Reject GR for 2117 Northland, C14-2014-0025

Dear Mayor, Mayor Pro Tem and Council members:

As a homeowner at 5702 Wynona, I live within "stakeholder" distance of 2117 Northland.

I oppose the requested zoning. I believe it is excessive for the site, especially the 60 feet height and the many uses that I believe are incompatible with SF homes. I appreciate the applicant's effort to communicate with the neighbors, and I **welcome** Briley's continued operation at this site. I support up-zoning the property to make the zoning consistent with current use and to allow them to make some desired improvements to the site, with a 40-foot height limit.

I believe appropriate uses are Administrative and Business Offices; Consumer Repair Services; General Retail Sales; Custom Manufacturing. The neighbors right next to the property may have a different list; if so, I defer to their judgment.

Thank you for your help.

Best regards, Cynthia Keohane, Allandale



**Rhoades, Wendy**

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**From:** lietza brass <[REDACTED]>  
**Sent:** Thursday, June 05, 2014 7:26 AM  
**To:** Rhoades, Wendy  
**Subject:** Briley Upholstery Zoning

Ms Rhodes:

We need to maintain the integrity of our our neighborhood's character and value. We cannot do this if companies are allowed zoning with minimal restrictions. I agree that we need to allow Brileys the zoning they need to operate but should keep business allowances minimal in a residential neighborhood. They have been good commercial neighbors and I am willing for them to continue their business, which has been there for 20 years, What I don't want is to allow lots of other future business options in what is an established residential neighborhood.

Lietza Brass  
5700 Wynona Avenue  
512 470 9505

## **Rhoades, Wendy**

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**From:** Anne Young [REDACTED]  
**Sent:** Thursday, June 05, 2014 9:19 AM  
**To:** Rhoades, Wendy  
**Subject:** C14-2014-0025, Briley's Upholstery Shop; Montview Street letter  
**Attachments:** C14-2014-0025 Prohibited Uses for CO - Montview letter.pdf

City Council hearing date:  
06/12/14

Re:  
C14-2014-0025, Briley's Upholstery Shop

Case Manager:  
Wendy Rhoades

Ms. Rhoades:

The attached pdf file contains a letter that was developed and signed by residents living near the property located at 2117 Northland Drive. This Northland Drive property is currently being considered for rezoning, and the case is scheduled to be heard by the Austin City Council on June 12th.

As you'll see, each residence on Montview Street that is largely within 500' of 2117 Northland Drive is represented on this letter by the signature of either the owner or the current tenant. There are two exceptions to that statement: 5513 Montview and 5605 Montview. Both of those properties are currently uninhabited; one is an empty lot, and one is a vacant house.

Please contact me if you have any questions regarding the attached letter. Otherwise, I request that you include it in the back-up packet for the City Council hearing on the 12th.

Anne Young

Date:  
May 30, 2014

Re:  
C14-2014-0025, Briley's Upholstery Shop

Case Manager:  
Wendy Rhoades

Mayor, Mayor Pro Tem, and Council Members:

The undersigned residents of Austin live on Montview Street, within 500' of the property located at 2117 Northland Drive. The owner of that property has requested GR-MU-CO zoning; the property is currently zoned SF-3.

Two properties are included in the full rezoning request, and the owner and her agent have worked with the surrounding neighbors to address three specific issues for both.

1) The applicant has agreed not to utilize a Unified Development Agreement between her two tracts. The applicant does, however, intend to seek a shared access easement between her two tracts. (2117 Northland Drive and 2119 Northland Drive)

2) The applicant has agreed not to enter into formal shared access or parking agreements with other nearby properties.

3) The applicant has agreed to the following list of prohibited uses within the proposed Conditional Overlay:

Residential

Bed and Breakfast Residential (Group 1 and Group 2)

Civic

Club or Lodge  
College and University Facilities  
Communication Service Facilities  
Community Events  
Community Recreation - Private  
Community Recreation - Public  
Congregate Living  
Counseling Services  
Cultural Services  
Day Care Services - Commercial  
Day Care Services - General  
Day Care Services - Limited  
\*Family Home  
\*Group Home Class I - General  
\*Group Home Class I - Limited  
\*Group Home Class II

Civic (continued)

Guidance Services  
Hospital Services - General  
Hospital Services - Limited  
\*Local Utility Services  
Private Primary Educational Services  
Private Secondary Educational Services  
Public Primary Educational Services  
Public Secondary Educational Services  
\*Religious Assembly  
Residential Treatment  
Safety Services  
\*Telecommunication Tower

Commercial

Automotive Rentals  
Automotive Repair Services  
Automotive Sales  
Automotive Washing of any type  
Bail Bond Services  
Business or Trade School  
Commercial Off-Street Parking  
Drop-off Recycling Collection Facility  
Exterminating Services  
Food Preparation  
Food Sales  
Funeral Services  
General Retail Sales - Convenience  
Hotel-Motel  
Indoor Entertainment  
Indoor Sports and Recreation  
Medical Offices - not exceeding 5,000 sf of gross floor space  
Medical Offices - exceeding 5,000 sf of gross floor space  
Off Site Accessory Parking  
Outdoor Entertainment  
Outdoor Sports and Recreation  
Pawn Shop Services  
Pet Services  
Restaurant - General  
Restaurant - Limited  
Service Station  
Special Use Historic  
Theater

Agricultural

Urban Farm

\* We have recently been told that the Conditional Overlay may not be able to prohibit the uses identified in the list above by an asterisk.

We hereby ask you to incorporate the prohibited uses listed above into the Conditional Overlay for the two tracts included in case C14-2014-0025.

Signature

Montview Street Address

	5612 Montview
	5608 Montview
Ken Glasgow	5510 Montview
Ed Bitts	5607 MONTVIEW
St. Dwyer	5605 MONTVIEW
Lee J. Cox	5604 Montview
	5601 Montview
Andrew Dull	5511 Montview
	5610 Montview
Li Tse	5611 Montview
Maria A. Gillyard	5519 Montview
Wahle N. [unclear]	5512 Montview
Kenneth Ford	5503 Montview
Joan Johnson	5514 Montview
Stephanie Renee	5600 Montview
Donna M. Clay	5516 Montview
Ruth [unclear]	2123 Northland

**Rhoades, Wendy**

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**From:** Dan Breecker [REDACTED]  
**Sent:** Thursday, June 05, 2014 11:36 PM  
**To:** Rhoades, Wendy  
**Cc:** [REDACTED]  
**Subject:** Reject GR, Approve LR, for Briley property 2117 Northland, C14-2014-0025

Hello,

I support rejection of GR and approval of LR for the Briley property as indicated in the title.

Thanks for considering the interest of our neighborhood.

Dan Breecker

5404 Montview Street