

## SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2014-0029 – Central Charm

REQUEST:

Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2121 Northland Drive (Shoal Creek Watershed) from family residence (SF-3) district zoning to neighborhood commercial – mixed use – conditional overlay (LR-MU-CO) combining district zoning. The Conditional Overlay allows for food sales and general retail sales (convenience) uses, and all other uses permitted by neighborhood office (NO) zoning and NO development regulations, and limits the number of daily vehicle trips to 300.

DEPARTMENT COMMENTS:

The ordinance is consistent with City Council action taken on First Reading.

Beginning September 1, 2013, the Texas Cottage Food Law (House Bill 970) went into effect, and allows the following food products from a registered home kitchen to be sold, by right: baked goods that don't need to be refrigerated, such as breads, cookies, cakes and pastries; candy, such as chocolate, toffee, or nut brittle; coated and uncoated nuts; unroasted nut butters; fruit butters; canned jams and jellies; fruit pies; dehydrated fruits and vegetables, including dried beans; popcorn and popcorn snacks; cereal, including granola; dry mixes; vinegars; pickles; mustards; roasted coffee or teas; dried herbs or dried herb mixes. All cottage food operators must complete an accredited food handler's course, and all foods must be packaged in a way that prevents product contamination, except for large or bulky items.

The Texas Cottage Food Law requires that: 1) the food items are produced at the individual's home; 2) the sale of food products may only be sold directly to consumers at the home, a farmer's market, a farm stand, a municipal, county or non-profit fair, festival or event; 3) delivery to the consumer is at the point of sale or another location designated by the consumer; and 4) food products cannot be sold through the Internet, by mail order or at wholesale.

Staff understands that the Applicant may not reside on the property and would like to sell items outside of the above list, sell and ship the products to wholesale distributors, through the Internet and by mail order, hence the request for the food sales and general retail sales (convenience) uses that are first allowed in LR zoning.

OWNER & APPLICANT: Keri Golden

AGENT: Metcalfe, Wolff, Stuart & Williams, LLP (Michele Rogerson Lynch)

DATE OF FIRST READING: June 12, 2014, Approved LR-MU-CO district zoning, on First Reading (5-2, Council Members Morrison and Tovo voted nay).

CITY COUNCIL HEARING DATE: August 7, 2014

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Rhoades  
e-mail: [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2014-0029 – Central Charm

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

**ADDRESS:** 2121 Northland Drive

**OWNER/APPLICANT:** Keri Golden

**AGENT:** Metcalfe, Wolff,  
Stuart & Williams, LLP  
(Michele Rogerson Lynch)

**ZONING FROM:** SF-3

**TO:** LR-MU, as amended

**AREA:** 0.147 acres – 6,403.32 square feet

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant limited office – mixed use – conditional overlay (LO-MU-CO) combining district zoning. The Conditional Overlay limits the number of daily vehicle trips to 300.

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

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

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

May 20, 2014: *APPROVED NO-MU-CO DISTRICT ZONING WITH THE CO FOR 300 VEHICLE TRIPS PER DAY*

*[G. ROJAS; B. BAKER – 2ND] (4-2) J. MEEKER, P. SEEGER – NAY;  
R. MCDANIEL – ABSENT*

### **ISSUES:**

The ordinance is consistent with City Council action taken on First Reading.

Beginning September 1, 2013, the Texas Cottage Food Law (House Bill 970) went into effect, and allows the following food products from a registered home kitchen to be sold, by right: baked goods that don't need to be refrigerated, such as breads, cookies, cakes and pastries; candy, such as chocolate, toffee, or nut brittle; coated and uncoated nuts; unroasted nut butters; fruit butters; canned jams and jellies; fruit pies; dehydrated fruits and vegetables, including dried beans; popcorn and popcorn snacks; cereal, including granola; dry mixes; vinegars; pickles; mustards; roasted coffee or teas; dried herbs or dried herb mixes. All cottage food operators must complete an accredited food handler's course, and all foods must be packaged in a way that prevents product contamination, except for large or bulky items.

The Texas Cottage Food Law requires that: 1) the food items are produced at the individual's home; 2) the sale of food products may only be sold directly to consumers at the home, a farmer's market, a farm stand, a municipal, county or non-profit fair, festival or event; 3) delivery to the consumer is at the point of sale or another location designated by the consumer; and 4) food products cannot be sold through the Internet, by mail order or at wholesale.

Staff understands that the Applicant may not reside on the property and would like to sell items outside of the above list, sell and ship the products to wholesale distributors, through the Internet and by mail order, hence the request for the food sales and general retail sales (convenience) uses that are first allowed in LR zoning.

The Applicant's correspondence as well as correspondence from property owners and nearby residents is located at the back of the Staff packet.

The Applicant has presented the rezoning case to the Allandale Neighborhood Association.

The tract is unplatted and thus, not subject to deed restrictions concerning residential use of the property.

#### **DEPARTMENT COMMENTS:**

The subject rezoning area consists of an unplatted tract containing a short-term rental residence and garage, and has driveway access onto Northland Drive. There is a shopping center anchored by a grocery store to the north (CS-V; CS-1-V-CO), an upholstery shop with office (under consideration for GR-MU-CO and LO-MU-CO zoning – C14-2014-0025 – Briley's Upholstery Shop), a medical office, ice cream production and an ice cream store to the east (SF-3; CS-CO; CS), single family residences that access Montview Street to the south (SF-3) and one single family residence to the west (SF-3). Additionally, there is an office building at the southwest corner of that Northland and Montview (LO). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).

The Applicant has requested neighborhood commercial – mixed use (LR-MU) combining district zoning for the opportunity to convert the residence and garage to commercial/office – mixed use. In considering the Applicant's request, the Staff requested and received a survey of the property that shows the location of the two structures and driveway. Please refer to Exhibit A-2. There is a Heritage-sized Pecan tree (not shown on the survey) located to the rear of the residence which could present challenges to converting the existing structures to non-residential uses. Staff suggested that the Applicant contact staff within the City Arborist Program to gain a better understanding of whether and how much impervious cover for parking purposes would be allowable for placement in proximity to the tree. Additionally, the driveway extending from Northland Drive is less than 9 feet wide until it widens in proximity to the garage, and is located along the property line. The adjacent property to the east also has a crushed granite driveway located on the common property line, so it is likely that the driveway area itself is shared to some extent. A depiction of the shared driveway is provided as Exhibit A-3.

The segment of Northland Drive between Montview and Burnet carries some traffic from the shopping center and office building to the north, as well as commercial uses to the east and office uses to the west, and therefore has a less residential character than that portion of Northland Drive further west. Given that the adjacent two tracts to the east that are proposed for GR-MU-CO and LO-MU-CO zoning by C14-2014-0025, Staff believes that the subject property is suited for uses allowed in the limited office – mixed use (LO-MU-CO) zoning district. The Conditional Overlay is for a 300 daily vehicle trip limit.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3	Short-term rental residence and garage
<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	Upholstery shop; Medical offices, Food preparation; Restaurants (general) and (limited)
<i>West</i>	SF-3; LO	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 Appeals 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>
C14-2014-0025 – Briley's Upholstery Shop – 2117 & 2119 Northland Dr	SF-3 to GR-MU- CO for Tract 1, LO-MU-CO for Tract 2	To Grant GR-MU-CO w/CO for 40' height, list of prohibited commercial and civic uses for Tract 1 and NO-MU-CO w/same list of prohibited uses for Tract 2, and 300 vehicle trips per day across Tracts 1 and 2	Approved GR-MU-CO for Tract 1 and NO- MU-CO for Tract 2 as Commission recommended, on 1 <sup>st</sup> Reading. 2 <sup>nd</sup> /3 <sup>rd</sup> Readings scheduled for CC 8-7-2014.
C14-2008-0088 & C14-2008-0088 (PART) – 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	To add V zoning to certain tracts within the Allandale NPA, as requested by the Neighborhood's application	To Grant V zoning	Approved V zoning on 9 tracts (8-21-2008).
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.

**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

Public Hearing closed; Approved LR-MU-CO district zoning with the CO allowing for food sales and general retail sales (convenience), and all other uses permitted by NO zoning and NO development regulations, and 300 daily vehicle trips, on 1<sup>st</sup> Reading (5-2, Council Members Morrison and Tovo voted nay).

August 7, 2014

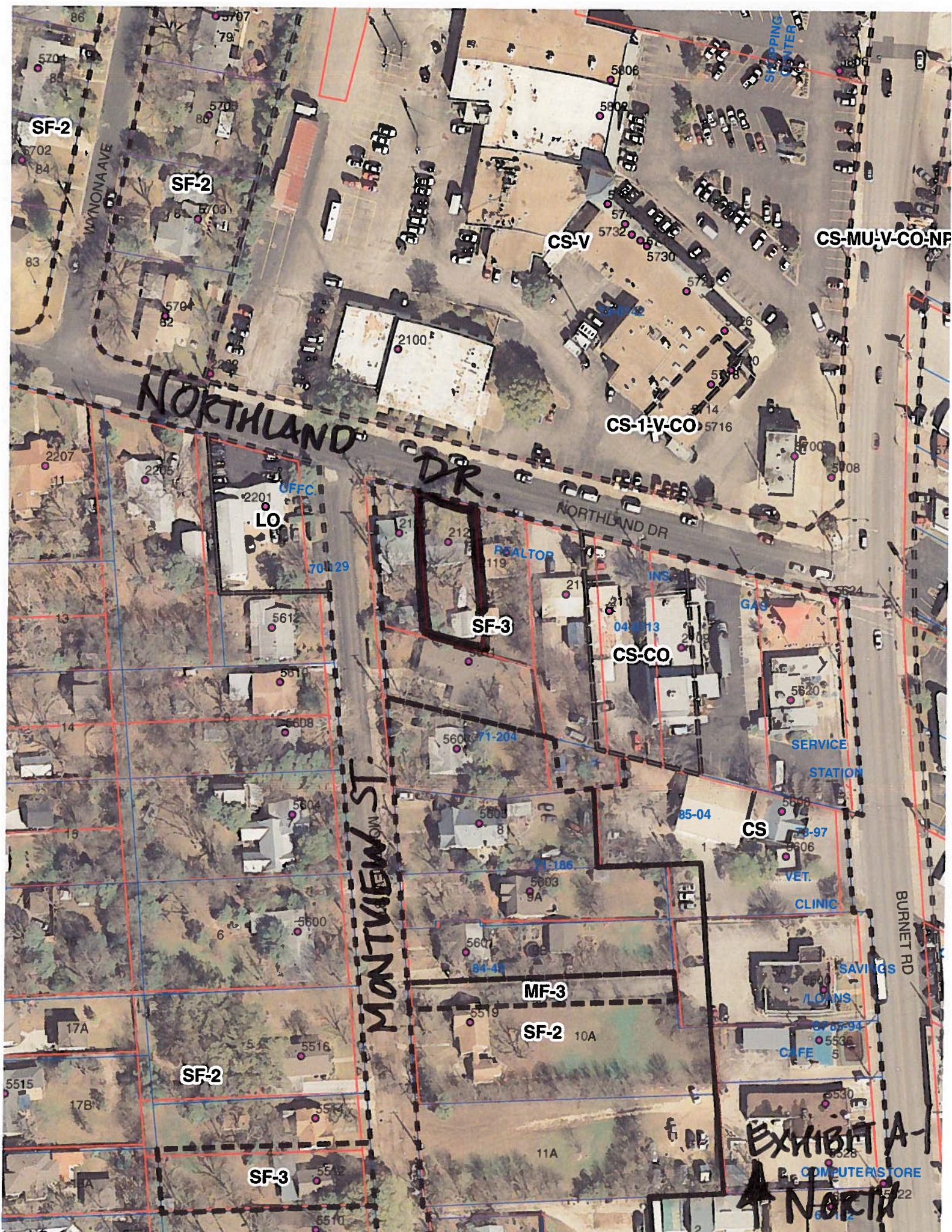
**ORDINANCE READINGS:** 1<sup>st</sup>2<sup>nd</sup>3<sup>rd</sup>**ORDINANCE NUMBER:**

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

**PHONE:** 512-974-7719











## LEGEND

- PP POWER POLE
- OL OVERHEAD ELEC / TELL LINE
- CL CHAIN LINK FENCE
- WF WOOD FENCE
- WR WIRE FENCE
- WM WATER METER
- GM GAS METER
- SPS SPINDLE SET
- IRF 1/2" IRON ROD FOUND

MAYBELLE MORRIS SCHNAUTZ  
VOL. 4920, PG. 1881

HORACE M. GLASS  
VOL. 5824, PG. 276

0.147 ACRE

GEORGE W. SPEAR LEAGUE

ELBERT ANDREW &  
MAMIE ELIZABETH WALKER  
VOL. 1451, PG. 59

MICHAEL E. BURCH  
VOL. 12542, PG. 214  
8527 SQ. FT.

\* GEORGE W. SPEAR LEAGUE (FIELD NOTES ATTACHED)

## PLAT OF SURVEY

Survey No. **05787**

SCALE 1" = 20'

OF TX056640371MAL

Said lot is in Zone X as identified by the

Federal Emergency Management Agency on

Community Page No. 48453C 0160E

Dated JUNE 16, 1993

LOT NO. \* BLOCK NO. \*

ADDITION OR SUBDIVISION 0.147 ACRE OF LAND, MORE OR LESS, OUT OF THE

STREET ADDRESS 2121 NORTHLAND DRIVE CITY AUSTIN COUNTY TRAVIS

SURVEY FOR NORTH AMERICAN TITLE COMPANY REFERENCE KERI GOLDEN

TO STEWART TITLE GUARANTY COMPANY

STATE OF TEXAS, COUNTY OF TRAVIS

I HEREBY CERTIFY THAT THE ABOVE SURVEY WAS MADE THIS DAY ON THE GROUND AND IS TRUE AND CORRECT AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, ENCROACHMENTS, VISIBLE UTILITY LINES OR ROADS IN PLACE EXCEPT AS SHOWN HEREON AND SAID PROPERTY HAS ACCESS TO A DEDICATED ROADWAY EXCEPT AS SHOWN HEREON

SNS ENGINEERING, INC.

12466 Los Indios Trail, Suite 101

Austin, Texas 78729

(512) 335-3944 • (512) 250-8685 (Fax) WM

540/21



Date: 08-10-2005

Exhibit A-2  
Survey of  
Property



**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant limited office – mixed use – conditional overlay (LO-MU-CO) combining district zoning. The Conditional Overlay limits the number of daily vehicle trips to 300.

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

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

*Applicant's request:* The neighborhood commercial (LR) district is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services. The purpose statement listed in the City of Austin *Land Development Code* states: "The Neighborhood Commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment." The MU, Mixed Use district is intended to allow for office, retail, commercial and residential uses to be combined in a single development.

*Staff recommendation:* Limited office (LO) zoning is intended for office use predominantly serving the neighborhood or community needs, such as professional, semi-professional and medical offices, which may be located within or adjacent to residential neighborhoods.

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

The segment of Northland Drive between Montview and Burnet carries some traffic from the shopping center and office building to the north, as well as commercial uses to the east and office uses to the west, and therefore has a less residential character than that portion of Northland Drive further west. Given that the adjacent two tracts to the east that are proposed for GR-MU-CO and LO-MU-CO zoning by C14-2014-0025, Staff believes that the subject property is suited for uses allowed in the limited office – mixed use (LO-MU-CO) zoning district. The Conditional Overlay is for a 300 daily vehicle trip limit.

**EXISTING CONDITIONS****Site Characteristics**

The rezoning area is developed with a short term rental residence and garage, and there appear to be no significant topographical constraints on the site.

### **Impervious Cover**

The maximum impervious cover allowed by the *LR-MU* zoning district would be 80%, 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 275 feet west of Burnet Road. This 0.15 acre property contains a small house. 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 and office building to the north, single family housing to the south and west, and an upholstery shop to the east. The proposed use is retail/commercial.

### **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.

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**

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Along the south and west property line, the following standards apply:

- a. No structure may be built within 15 feet of the property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- d. No parking or driveways are allowed within 15 feet of the property line.
- e. A landscape area at least 15 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.

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**

FYI: 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 proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. 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.

**Rhoades, Wendy**

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**From:** Keri Golden <[REDACTED]>  
**Sent:** Tuesday, April 29, 2014 3:45 AM  
**To:** Rhoades, Wendy  
**Subject:** Zoning Request for 2121 Northland Drive

re: Zoning Request for GR-MU-CO

Hi Wendy:  
To help clarify the request from SF3 to commercial mixed use.

There are two buildings on the property; 833 sf and 450 sf.

The intent is to create mixed use retail/residential.

The retail space in part would be used for a small shop that sells fresh fruit preserves.

Some friends and I have farm and we grow raspberries, blueberries, strawberries. From those fruits we make low sugar preserves that are currently sold in the spring and fall at the Barton Creek Farmer's Market. Current production is less than 200 cases a year.

The preserves are currently prepared in a commercial kitchen in Austin on Rutland Drive. The kitchen is registered with the city/county and has a current certificate of occupancy all the other necessary permits as required.

In 2013 our Raspberry Preserves received a Good Food Award for being high quality, great tasting and sustainably farmed and produced.

The GR zoning is the required category for a prep kitchen. Otherwise LR zoning would suffice and allow products to be sold. LO would prohibit selling products.

At this time I am unsure that it would be possible to get a prep kitchen permitted and will adjust the request to LR and continue with food prep in the existing permitted kitchen.

I hope this provides some clarification and I will be happy to provide any other details that may be requested.

Thank you,

Keri  
512-913-9707

## 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: C14-2014-0029

Contact: Wendy Rhoades, 512-974-7719

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

May 22, 2014, City Council

Leah Anne Martin

Your Name (please print)

5705 Wynona

Your address(es) affected by this application

[Signature]

Signature

4/09/14

Date

Daytime Telephone: 512.587.3823

Comments: Changing the property from residential to commercial will degrade the neighborhood and increase traffic and danger to our street. As there is no direct access to Northland from 2222, drivers use Wynona as a cut through to reach commercial property. They travel at high speeds and would cause additional safety and value concerns for my family's property. Additional commercial property would degrade the neighborhood. 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



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**Case Number: C14-2014-0029**

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

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

**May 22, 2014, City Council**

*Wendy Rhoades*  
Your Name (please print)

*5610 Montrose St*  
Your address(es) affected by this application

*Wendy Rhoades*  
Signature

Date

*4/14/14*

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:** Cynthia Keohane [REDACTED]  
**Sent:** Wednesday, May 14, 2014 11:03 AM  
**To:** Rhoades, Wendy  
**Subject:** C14-2014-0029 Central Charm application - I oppose

As a homeowner at 5702 Wynona, I live within "stakeholder" distance of 2121 Northland. I oppose this request to up-zone SF-3. I believe that any up-zoning request that is next door to SF must have a well-designed gradual step-down. This request does not provide a step-down.

Moreover, the owner has not demonstrated that her request would benefit the home-owners. Northland Street already gets parked up on both sides, and the requested change would just compound the parking situation.

Thank you for your work on this request.

Best regards,  
Cynthia Keohane

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Case Number: C14-2014-0029

Contact: Wendy Rhoades, 512-974-7719

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

MICHAEL BURLIN

Your Name (please print)

5611 MONTVIEW STREET

Your address(es) affected by this application

J. R. L. 3/13/14

Signature

Date

Daytime Telephone: 512-560-0039

Comments: I AM CONCERNED ABOUT INCREASED TRAFFIC AND NOISE, I AM ALSO VERY CONCERNED ABOUT DRAINAGE ISSUES CAUSED BY ADDED PARKING 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 4:49 PM  
**To:** Rhoades, Wendy  
**Subject:** C14-2014-0029

Hi Ms. Rhoades,

I am writing to you as an Allandale resident (2312 Shoalmont Dr.) regarding the requested rezoning changes for 2121 Northland Dr. from SF-3 to LR-MU.

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. If the owner requests a conditional overlay, I strongly urge that the CO be restricted to administrative, consumer repair, and general sales purposes.

Thank you,

Bob Sitko

2312 Shoalmont Dr.

512-300-0319

**Rhoades, Wendy**

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**From:** Timothy Fackler [REDACTED]  
**Sent:** Wednesday, May 14, 2014 10:42 PM  
**To:** Rhoades, Wendy  
**Subject:** Oppose Rezoning on Case # C14-2014-0029

Commissioners, Ms. Rhoades,

I'm writing to expression my opposition to the proposed zoning change at 2121 Northland Drive (Case # C14-2014-0029) from residential (SF-3) to commercial (LR) zoning.

As a nearby resident (I and my family live a few homes south on Montview Street), I believe that preservation of the vibrant residential character of the area immediately west and south as well as in the wider Allandale neighborhood would be best served by maintaining the current SF-3 zoning.

The properties along Northland Drive - an entry point to this section of the Allandale neighborhood - serve as a buffer zone of commercial, light business, and residential activity decreasing in intensity as one moves west from Burnet into the neighborhood. A change to commercial zoning at 2121 Northland would be sufficiently far into the neighborhood that I would expect further efforts to extend commercial activity to immediately adjacent areas both west along Northland and south along Montview.

I agree with the Allandale Neighborhood Association Executive Committee which at its 7 May 2014 meeting voted unanimously in opposition to this rezoning request on the grounds that the property's SF-3 designation should be preserved as part of a residential buffer plan for this section of the neighborhood abutting as it does a rapidly developing stretch of Burnet Road.

I urge city staff to recommend against and the Commission to vote against rezoning for 2121 Northland Drive.

Thanks very much

Tim Fackler

5601 Montview St.  
(512)-371-1046

**Rhoades, Wendy**

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**From:** JOHN KEOHANE <[REDACTED]>  
**Sent:** Thursday, May 15, 2014 12:02 AM  
**To:** Rhoades, Wendy  
**Cc:** John Keohane  
**Subject:** Oppose C14-2014-0029 for property at 2121 Northland Drive

I oppose C14-2014-0029 application for zoning change from SF-3 to LR-MU as now proposed.

This property is now single family. There is no need to make it commercial.

I urge you to turn down this attempted intrusion into a great single family which includes many many classic homes from the middle of the 20th century, which though updated carefully, maintain much of what first graced these properties.

Our kitchen, for example, includes the mid-20th century yellow tile countertop installed in 1949. It also includes a shorter than normal dishwasher, 30 inches high, rather than 34, because that ADA compliant dishwasher is the only kind that fits without impacting either the floor or that countertop. In 1949, no machine dishwasher was anticipated.

I urge turning down the application C14-2014-0029 for 2121 Northland Drive.

John Keohane  
5702 Wynona Avenue  
(within less than 500 feet of proposed zoning change)  
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 5:00 AM  
**To:** Rhoades, Wendy  
**Subject:** C14-2014-0029 Frensley OPPOSE  
**Attachments:** C14-2014-0029 Frensley OPPOSE.docx

Good morning, Ms. Rhoades.

Please find attached my statement in opposition to C14-2014-0029 which is seeking to change zoning at 2121 Northland Drive. I'd be grateful if you would add it to the Commissioners' packet for the 22 May hearing.

Thank you very much and I hope you have a nice day.

Best regards,

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 2121 Northland Drive (Case # C14-2014-0029) from residential (SF-3) to commercial zoning.

As a stakeholder property owner within 500 feet of the C14-2014-0029 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 C14-2014-0029's request to change 2121 Northland's zoning from SF-3 to LR-MU-CO or even to LO-MU-CO.

Instead, I respectfully ask the Commissioners to maintain 2121 Northland's SF-3 zoning. 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 2121 Northland. The Munoz Family Health Clinic, at 2115 Northland, is two door to the east. 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 their route to the neighborhood grocery store institution. None of these narrow streets, particularly Northland Drive, has 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. This zoning change request, if approved, will endanger Allandale/Shoalmont walkability, livability, and safety.

Background: The owner of 2121 Northland and her agent presented her case to the Allandale Neighborhood Association. We were told that the zoning change request was motivated the owners desire to manufacture jams and preserves at this property and sell to "walk up customers." The owner brought and left a jar of her "Flume Creek" preserves. On that jar's label was a website address and the statement "Made in Austin, TX 78758." The applicant made clear that this was to be a very small business operation. However, the applicant has asked for a zoning change that entails far more in maximum development – LR-MU -- than what is needed for this very small business operation. Indeed, with the emphasis on small scale, it is difficult to understand any rationale to reduce residential housing stock in an old, established neighborhood such as Old Allandale/Shoalmont when these small batch jams and preserves are already being made somewhere in the 78758 zip code. Additionally, there is a problem with 2121's driveway. It appears from surveys that 2121 does not have its own driveway;



instead, it shares a driveway with 2119. If this is the case, then operating a business that involves any kind of vehicular access to the back of 2121 becomes highly problematic. Even if 2119 chooses to provide easement access, the Commission will have to reconcile zoning issues between the two properties. This was not a problem with both 2119 and 2121 retaining single family residential zoning in the past. However, any kind of commercial or MU zoning promises to be highly problematic.

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 Flume Creek business does not need to have the option of multi-family development in order to produce small batches of jams and preserves. I believe that if commercial zoning is granted that it would be tantamount to automatically changing zoning in response to any claim of wishing to start any business of any nature. 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."

A key consideration for 2121's application is that that "Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities." The applicant's current request of LR-MU-CO, or even LO-MU-CO if maximally developed, would violate this zoning principle because it would allow the Old Allandale/Shoalmont neighborhood to be pierced by 40 foot structures immediately next to residential zoning without buffer. The Old Allandale/Shoalmont residential neighborhood is in a historical district and subject to McMansion ordinances. The adjacent home to the west is a small Austin bungalow. Three story building heights would cast highly undesirable shading on established homes and mature and protected trees, cause their decline, and with that negatively affect neighborhood character to properties adjacent and behind these lots.

Above, I discussed why any additional commercial 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 to the east (which, at the intersection with Northland Drive has only four lanes and no center turn lanes), Northland Drive is not and cannot be in the future either an "Arterial Roadway" or a "Major Collector." Montview Street to the west, is itself a very narrow street with no sidewalk or storm sewer drainage.

The Allandale Neighborhood Association position of wishing to maintain residential zoning for 2121 meets the principle that "Zoning should promote clearly identified community goals such as creating employment opportunities or providing for affordable housing." Small batch jam making is not going to generate a considerable number of jobs that will significantly impact the city's tax base. However, the Allandale Neighborhood Association's oppositional position to C14-2014-0029 meets the community goal of preserving affordable housing stock in Old Allandale/Shoalmont. There are no compelling benefits to the neighborhood that can derive from changing 2121's zoning from residential to commercial and multifamily.

I understand that Austin's phenomenal growth makes it very difficult for all decision makers and stakeholders in this matter to understand the individual property features (such as shared driveways) 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 I respectfully ask the Commission to deny the applicant's request for rezoning 2121 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:** Anne Young <[REDACTED]>  
**Sent:** Tuesday, May 20, 2014 1:10 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:** C14-2014-0029 Central Charm

Hearing Date:  
05/20/14

Re:  
C14-2014-0029 -- Central Charm

Case Manager:  
Wendy Rhoades

Chairwoman Baker and Commissioners:

I am sending this message in regards to item 10 on your agenda for this evening. **Please vote AGAINST this rezoning.**

This applicant has not communicated with the impacted neighbors regarding this request, has not articulated a coherent plan for the property, and seems to be requesting an unnecessary zoning change - potentially for the purpose of much more intensive redevelopment.

The rezoning of this tract would leave only one single family residence on this block face – a reduction from the current count of three. Additionally, this change would increase the zoning intensity closest to residential homes when considered in conjunction with item 9 on your agenda (Briley's Upholstery Shop).

**Again, please vote AGAINST this rezoning.**

Anne Young  
Shoalmont Drive

## Rhoades, Wendy

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**From:** Cynthia Keohane <[REDACTED]>  
**Sent:** Wednesday, June 04, 2014 10:00 PM  
**To:** Leffingwell, Lee; Cole, Sheryl; Morrison, Laura; Martinez, Mike [Council Member]; Riley, Chris; Spelman, William; Tovo, Kathie  
**Cc:** Rhoades, Wendy  
**Subject:** Opposing 2121 Northland C14-2014-0029 "Central Charm" application

Dear Mayor, Mayor Pro Tem and Council Members:

As a homeowner at 5702 Wynona, I live within "stakeholder" distance of 2121 Northland.

I oppose this request to up-zone SF-3. I believe that any up-zoning request for property adjacent to SF must have a well-designed gradual step-down. This request does not provide a step-down.

Moreover, the owner has not demonstrated that her request would benefit the home-owners. Northland Street already gets parked up on both sides, and the requested change would just compound the parking situation. Thank you for your work on this request.

Best regards, Cynthia Keohane Allandale

## Rhoades, Wendy

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**From:** David Mintz [REDACTED]  
**Sent:** Wednesday, June 11, 2014 4:39 PM  
**To:** Leffingwell, Lee; Cole, Sheryl; Riley, Chris; Spelman, William; Martinez, Mike [Council Member]; Morrison, Laura; Tovo, Kathie  
**Cc:** Tiemann, Donna; Bojo, Leah; Everhart, Amy; Anderson, Greg; Gerbracht, Heidi; Harden, Joi; Williamson, Laura; Rhoades, Wendy; Guernsey, Greg  
**Subject:** ANA EC Position re: Agenda Items #102 and 104

Dear Mayor and Council Members:

I am writing on behalf of the Allandale Neighborhood Association (ANA) Executive Committee regarding Item#102 on the June 12 city council agenda (C14-2014-0025). We remain opposed to the proposed rezoning for 2119 Northland Drive (Tract 2) from SF 3 to LO-MU-CO. We do however, support the GR-MU-CO rezoning for 2117 Northland Drive (Tract 1) provided that the Conditional Overlay include the following list of prohibited residential, civic and commercial uses:

### 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  
Guidance Services  
Hospital Services - General  
Hospital Services - Limited  
Private Primary Educational Services  
Private Secondary Educational Services  
Public Primary Educational Services  
Public Secondary Educational Services  
Residential Treatment  
Safety Services

### 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

While we have been told that the applicant has also agreed to prohibit Family Home, \*Group Home Class I - General, \*Group Home Class I - Limited, \*Group Home Class II\*, \*Local Utility Services,\*Telecommunication Tower and Religious Assembly uses of the property, it is our understanding that these uses cannot be restricted under a Conditional Overlay.

Nonetheless, we hope that if the city council agrees to re-zone 2117 Northland Drive that the Conditional Overlay be as restrictive as possible.

On a related note, the ANA EC opposes council agenda item #104 to rezone 2121 Northland Drive from SF-3 to LR-MU, LO-MU-CO or NO-MU-CO. We feel the property owner's stated intended use of the property as a retail establishment is inappropriate for the location and believe that the property should continue to be zoned SF-3.

Thank you for your consideration.

Sincerely,

David Mintz  
ANA President