

## ZONING CHANGE REVIEW SHEET

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**CASE:** C14-2011-0131

West 34<sup>th</sup> St. Redevelopment, Tract "A"

**P.C. DATE:** 02/14/12

**ADDRESS:** 800 & 808 W. 34<sup>th</sup> St.

**AREA:** 1.69 acres

**APPLICANT:** REIT Management & Research, L.L.C. (Richard Stilovich)

**AGENT:** McCann Adams Studio (Jana McCann)

**NEIGHBORHOOD PLAN AREA:** Central Austin Combined

**CAPITOL VIEW:** No

**T.I.A.:** Yes.

**WATERSHED:** Shoal/Waller Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**ZONING FROM:** LO-NP – Limited Office, Neighborhood Plan

**ZONING TO:** GO-NP – General Office, Neighborhood Plan

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends GO-NP-CO – General Office, Neighborhood Plan, Conditional Overlay. The Conditional Overlay would limit the height of any structure to forty five feet (45'). The applicant will enter into a Restrictive Covenant that includes all recommendations listed in the update to the Traffic Impact Analysis memorandum, dated January 11, 2012, as provided in Attachment A.

### **PLANNING COMMISSION RECOMMENDATION:**

### **DEPARTMENT COMMENTS:**

The site is currently developed with a two story office building and associated parking lot. The zoning case is within the boundaries of the Central Austin Combined Neighborhood Plan. The requested zoning change of LO-NP to GO-NP is in accordance with the Mixed Use/Office category identified on the Future Land Use map.

The subject property is located along W. 34<sup>th</sup> Street between Lamar Boulevard and Guadalupe Street. The plan states on page 76 that this area "should become a primarily mixed use office corridor". In addition, page 77 of the plan recommends to "limit new building heights to maintain a neighborhood-friendly scale to the street". The existing Limited Office (LO) zoning category allows for a maximum height of forty feet (40'), while the General Office (GO) zoning category allows for a maximum height of sixty feet (60'). During the neighborhood planning process, there was extensive discussion regarding the height and scale of any new development along 34<sup>th</sup> Street which is reflected in the plan document and conditional overlays that were adopted concurrent with the neighborhood plan. Height limits of

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forty feet (40') were put in place along the majority of 34<sup>th</sup> Street to ensure new development was in context with the adjacent residential areas.

The uses permitted in General Office zoning are consistent with the plan's goal for W.34<sup>th</sup> Street between Lamar Boulevard and Guadalupe Street to become a mixed use office corridor; however to meet the "desired neighborhood-friendly scale to the street", the height should be limited to be consistent with the rest of 34<sup>th</sup> Street.

**BASIS FOR RECOMMENDATION:**

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*

Granting GO-CO-NP would be in keeping with the Central Austin Combined Neighborhood Plan which calls for property located along W. 34<sup>th</sup> Street between Lamar Boulevard and Guadalupe Street to become a primarily mixed use office corridor.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<b>SITE</b>	LO-NP	Office
<b>NORTH</b>	SF-3-NP/ P-NP	Single family residential
<b>SOUTH</b>	LO-NP	Office
<b>EAST</b>	LO-NP	Office
<b>WEST</b>	P-NP	Parking lot

**CASE HISTORIES:**

<b>CASE NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-95-0081 717 W. 35 <sup>th</sup> St.	From SF-3 to LO-CO	Approved LO-CO [Vote: 7-0]	Approved LO-CO [Vote: 5-0]

**NEIGHBORHOOD ORGANIZATION:**

- Austin Neighborhoods Council
- Heritage Neigh. Assoc.
- West 31<sup>st</sup> Street Creekside Neigh. Assoc.

**SCHOOLS:**

Bryker Elementary School  
O'Henry Middle School  
Austin High School

**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.

### **Compatibility Standards**

The site is subject to compatibility standards. Along the North and East 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.

### **ENVIRONMENTAL:**

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

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

**TRANSPORTATION:**

**TR1.** A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments will be provided in a separate memo.

**TR2.** Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
34th Street	60	35	Collector	Yes	Yes	Yes
West Avenue	50	27	Local	No	No	Yes

**CITY COUNCIL DATE:** March 8th, 2012

**ACTION:**

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

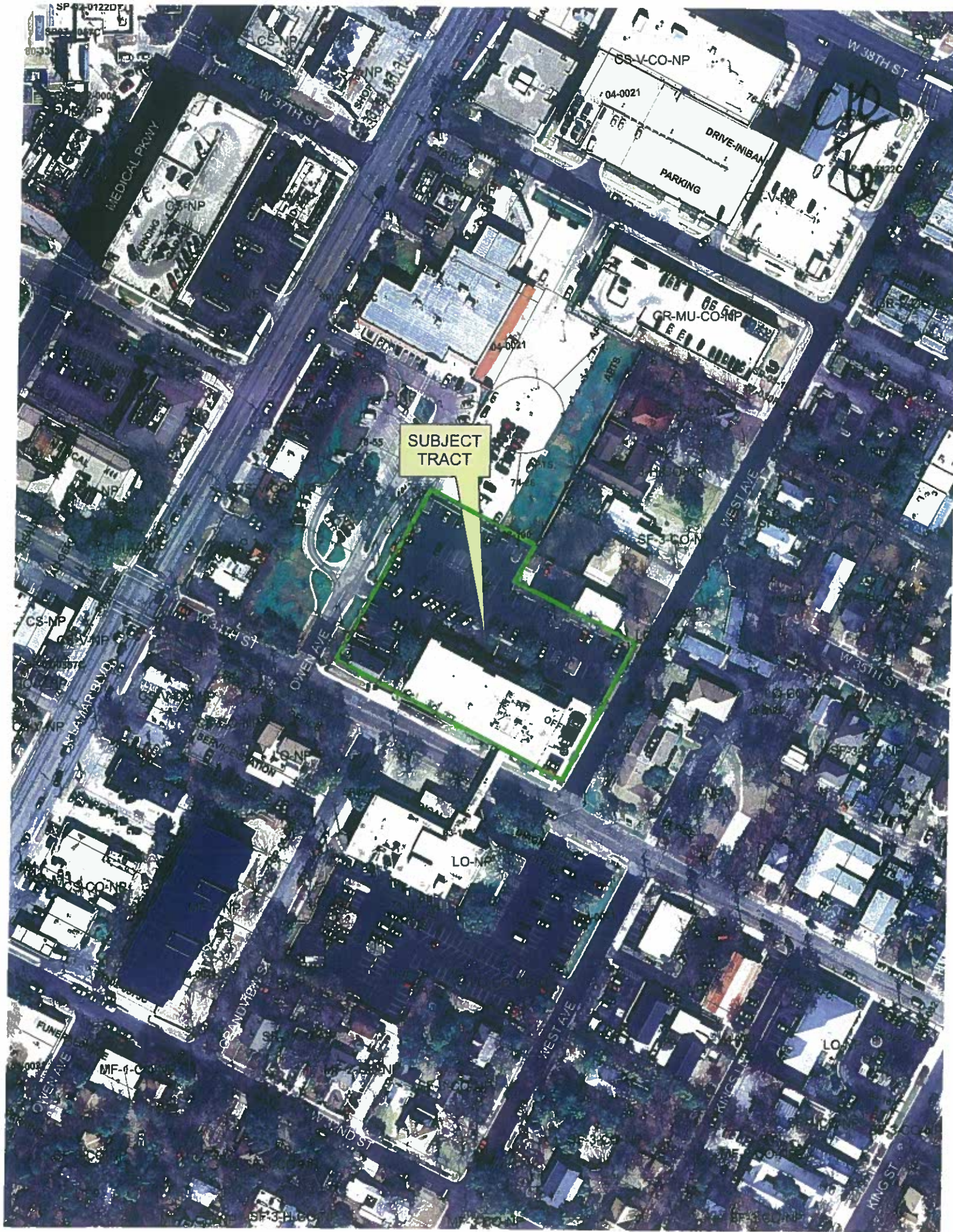
**ORDINANCE NUMBER:**

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

**PHONE:** 974-7691

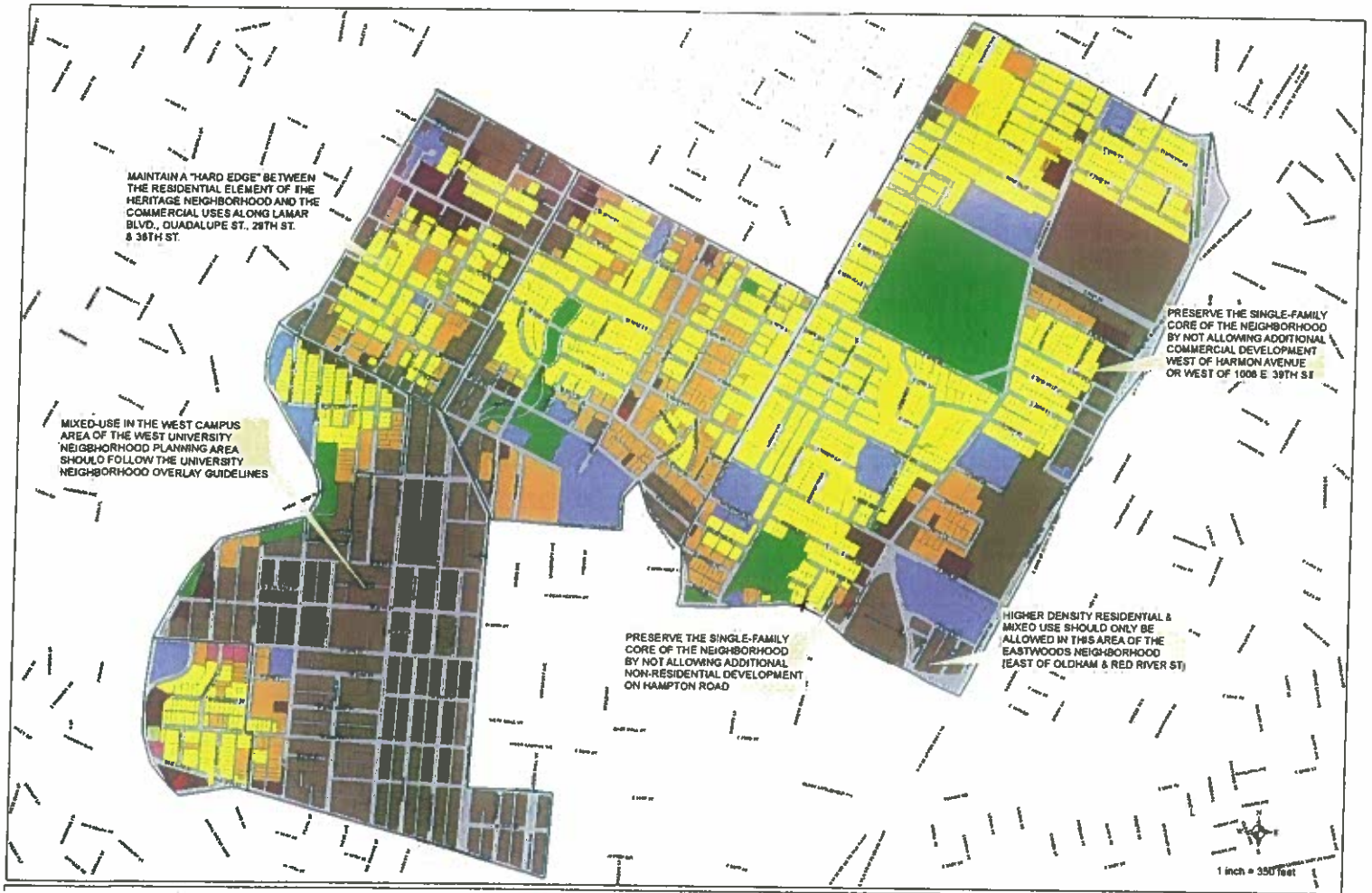
$$1'' = 200'$$







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**Central Austin Combined Neighborhood Planning Area:  
Future Land Use Map**

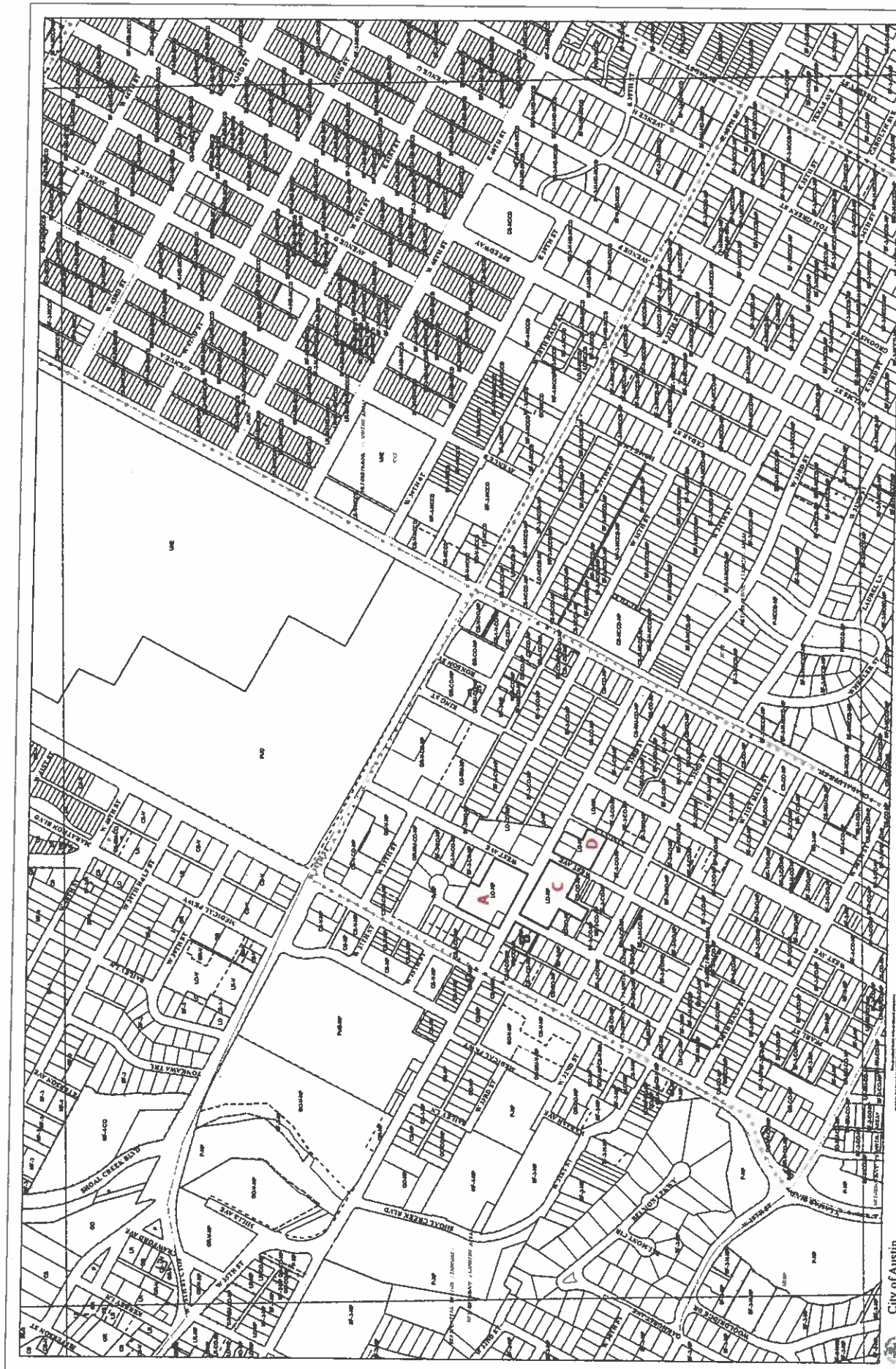


City of Austin  
Neighborhood Planning and  
Zoning Department  
Revised September 1, 2010

*A comprehensive plan shall not constitute zoning  
regulations or establish zoning district boundaries.*

**Legend**

- |                              |                        |                         |
|------------------------------|------------------------|-------------------------|
| Single-Family                | Mixed Use              | Civic                   |
| Higher-Density Single-Family | High Density Mixed Use | Recreation & Open Space |
| Multifamily                  | Office                 | Transportation          |
| Commercial                   | Mixed Use/Office       |                         |



City of Austin  
Zoning Map

12.8.11 Amendment to W. 34th Street Zoning Cases: Tracts B & C

Overlay Districts

Pending Zoning Cases

Scale: 0 40 80 Feet



J25  
November 20, 2015

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Google earth

feet 10  
meters 3



## Central Austin Combined Neighborhood Plan

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### West 34<sup>th</sup> Street

**Objective 3.1:** Provide for new commercial and housing opportunities by allowing mixed use along 34<sup>th</sup> Street between Lamar Boulevard and Guadalupe Street.

**Recommendation 1** Allow the neighborhood mixed use building along West 34<sup>th</sup> Street between Lamar Boulevard and Guadalupe Street.

**Objective 3.2:** West 34<sup>th</sup> Street between Lamar Boulevard and Guadalupe Street should become a primarily mixed use office corridor.



*There are a variety of office and commercial uses along West 34<sup>th</sup> Street between Guadalupe Street and Lamar Boulevard. The majority of the larger office uses are closer to Lamar (above and left) while closer to Guadalupe there is a mix of smaller scale commercial and office uses (below).*



## Central Austin Combined Neighborhood Plan

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**Recommendation 2** Allow the neighborhood mixed use building on all commercial and office zoned properties along the corridor.

**Recommendation 3** Limit new building heights to maintain a neighborhood-friendly scale to the street.

### **Guadalupe Street/29<sup>th</sup> Street/38<sup>th</sup> Street**

**Objective 3.3:** Guadalupe Street (29<sup>th</sup> Street to 30<sup>th</sup> Street) and adjacent commercial corridors—29<sup>th</sup> and 38<sup>th</sup> Streets—should become more pedestrian-friendly, mixed use corridors. Building heights should be limited in order to avoid creating a canyon-like effect along the narrow Guadalupe right-of-way.

Guadalupe and 29<sup>th</sup> Streets should provide shopping and services for the nearby neighborhoods as well as the rest of the city. Along 29<sup>th</sup> Street, immediately west of Guadalupe, the intensity of commercial uses should transition from more intense at the intersection of the two streets to less intense farther west along 29<sup>th</sup> Street. Along 29<sup>th</sup>, building heights should be limited to prevent new development from towering over the adjacent single-family neighborhoods.

Due to its proximity to the Heart Hospital of Austin and Seton Hospital, the segment of 38<sup>th</sup> Street between Guadalupe and Lamar Boulevard is more oriented toward the healthcare industry and serves both citywide and regional healthcare needs. New healthcare facilities being developed near the intersection of Lamar Boulevard and 38<sup>th</sup> Street will further reinforce the notion of a growing healthcare "district" in this part of the city.

New development along this segment of 38<sup>th</sup> Street will likely be supportive of this "district;" however, it should be designed in a pedestrian-friendly fashion.

**Recommendation 4** Allow the mixed use building on commercially zoned properties along 29<sup>th</sup> Street as far west as West and Salado Streets.

**Recommendation 5** Limit building heights along 29<sup>th</sup> Street to promote a more neighborhood-scaled commercial corridor.

**Recommendation 6** Retain the intensive zoning along 29<sup>th</sup> Street to retain the permissive site development standards but limit the allowed uses to promote a more neighborhood-friendly commercial corridor.





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**Date:** January 11, 2012  
**To:** Clark Patterson, Case Manager  
**CC:** Kathleen Hornaday, P.E., P.T.O.E, HDR, Inc.  
**Reference:** West 34<sup>th</sup> Street Development, C14-2011-0131 through 0134

The West 34<sup>th</sup> Street Development site is located along 34<sup>th</sup> Street, between Lamar Boulevard and Kings Lane in Austin, Texas. The proposed development will consist of approximately 228,005 square feet of medical office use and 3,300 square feet of high-turnover (sit-down) restaurant use located on four adjacent tracts along 34<sup>th</sup> Street.

Access to the development will be provided via five driveways: one driveway that will provide access to the parking garage on Owen Avenue; one driveway that will provide access on W. 34<sup>th</sup> Street; one driveway to Grandview Street; one driveway to West and one driveway to Kings Lane.

Transportation Review staff has reviewed the traffic impact analysis that was prepared for the W. 34<sup>th</sup> Street Development on September 19, 2011 (amended December 22, 2011), and offers the following comments:

#### TRIP GENERATION

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the proposed development is expected to generate approximately 8,658 unadjusted daily weekday trips. Of these, 562 trips are estimated to occur during the AM peak-hour and 619 trips are estimated for the PM peak-hour.

Table 1 below shows the trip generation by land use for the proposed development:

**Table 1. Unadjusted Weekday Peak Hour Trip Generation**

Land Use	Size	24-Hour Two-Way Volume	AM Peak Hour		PM Peak Hour	
			Enter	Exit	Enter	Exit
Medical-Dental Office	228, 005 SF	8,238	415	109	157	425
High-Turnover (Sit-Down) Restaurant	3,300 SF	420	20	18	22	15

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## ASSUMPTIONS

1. Traffic growth rates for the area were determined using traffic counts conducted by Gram Traffic Inc, and from TxDOT and CAMPO projected daily volumes. Based on the available information, a 3 percent annual growth rate was applied to the study area roadways.
2. A pass-by reduction of 43 percent was assumed for the High Turnover (Sit-Down) Restaurant during the PM peak period.
3. An internal capture reduction of 10 percent was assumed for the proposed Medical-Dental Office use for the PM peak period.
4. A transit reduction of 5 percent was assumed for all site-generated trips, for both the existing network and proposed project site, during each peak period, based on annual ridership information from Capital Metro.
5. No pedestrian trip reduction was assumed for this project.

Table 2 below provides a summary of the adjusted daily and peak hour trip generation.

**Table 2. Adjusted Weekday Peak Hour Trip Generation**

Land Use	Size	24-Hour Two-Way Volume	AM Peak Hour		PM Peak Hour	
			Enter	Exit	Enter	Exit
Medical-Dental Office	228, 005 SF	7,435	394	104	134	363
High-Turnover (Sit-Down) Restaurant	3,300 SF	313	19	17	12	8

Table 3 below provides a summary of the area transportation system:

**Table 3. Existing and Planned Roadways**

Roadway	Segment	Classification	Future Improvements	Bike Plan?
Lamar Boulevard	29 <sup>th</sup> Street to Rundberg	MAD 4	MAD 6	Yes
Guadalupe Street	29 <sup>th</sup> Street to 45 <sup>th</sup> Street	MAD 4	Existing	Yes
38 <sup>th</sup> Street	Jefferson Street to Guadalupe Street	MAD 4	Existing	Yes
34 <sup>th</sup> Street	Lamar Boulevard to Guadalupe Street	Collector	Existing	Yes
West Avenue	30 <sup>th</sup> Street to 38 <sup>th</sup> Street	Collector	Existing	No
Kings Lane	30 <sup>th</sup> Street o 34 <sup>th</sup> Street	Collector	Existing	No
Owen Avenue	34 <sup>th</sup> Street to 38 <sup>th</sup> Street	Local	Existing	No
Grandview Street	30 <sup>th</sup> Street o 34 <sup>th</sup> Street	Local	Existing	No

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## TRAFFIC ANALYSIS

The impact of site development traffic on the existing area roadways was analyzed. Two time periods and three travel conditions were evaluated:

- 2011 Existing Conditions
- 2017 Forecasted Conditions (without Site Traffic)
- 2017 Forecasted Conditions with Site Generated Traffic

### Intersection Level of Service (LOS)

The TIA analyzed 4 signalized intersections, 8 un-signalized intersections, and each of the site driveways. Table 4 shows the existing (2011) and projected (2017) levels of service results. The 2017 analysis assumes that all roadway and intersection improvements recommended in the TIA are constructed.

**Table 4. Intersection Level of Service**

Intersection	2011 Existing		2017 Forecasted		2017 Site + Forecasted	
	AM	PM	AM	PM	AM	PM
Lamar Boulevard and W. 38 <sup>th</sup> Street*	D	D	E	E	D	D
West Avenue and W. 38 <sup>th</sup> Street *	A	B	A	B	B	B
Guadalupe Street and W. 34 <sup>th</sup> Street*	A	A	A	B	B	B
Lamar Boulevard and W. 34 <sup>th</sup> Street*	A	B	B	C	B	C
Owen Avenue and W. 34 <sup>th</sup> Street	A	A	A	A	--	--
Owen Avenue/Driveway B and W. 34 <sup>th</sup> Street	--	--	--	--	A	A
Grandview Street and W. 34 <sup>th</sup> Street	A	A	A	A	A	A
West Avenue and W. 34 <sup>th</sup> Street	A	A	A	A	A	A
Owen Avenue and Driveway A	--	--	--	--	A	A
Grandview Street and Driveway C	--	--	--	--	A	A
West Avenue and Driveway D	--	--	--	--	A	A
Kings Lane and Driveway E	--	--	--	--	A	A

\*Existing signalized intersection.

## RECOMMENDATIONS

- 1) The owner will install stop signs and appropriate pavement markings for all site driveways.

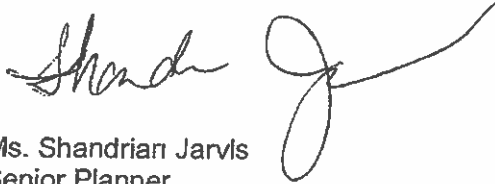


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- 2) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics. Add the following note the cover sheet and site plan sheet: "The site plan is subject to a limitation of 7,748 adjusted vehicle trips per day with zoning cases C14-2011-0131 through -0134."

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If you have any questions or require additional information, please contact me at 974-2628.

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Ms. Shandrian Jarvis  
Senior Planner  
Planning and Development Review Department

**Patterson, Clark**

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**From:** Kisha [redacted]  
**Sent:** Wednesday, February 08, 2012 11:48 AM  
**To:** Patterson, Clark  
**Cc:** Jonathan Williams  
**Subject:** C14-2011-0131, -0132, - 0133, -0134

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Dear Mr. Patterson,

With all due respect, my husband Jonathan Williams and I will like to record our opposition to the up-zoning request to be presented by REIT Management & Research, LLC and McCann Adams Studio (Case Nos. C14-2011-0131, -0132, - 0133, -0134).

We remember 2004, when many of us from the neighborhood attended the city-led meetings to develop the Neighborhood Plan (NP), where we broke out into smaller groups, discussed what kind of neighborhood we wanted to preserve, etc. We have all chosen to live in a central, urban area, yes, but we must preserve its accessibility and the last bit of calm on the streets so our children and adults alike can walk/bike/skate to eachothers' homes and support our local businesses without fear of being run down. We don't see how a project with 4 garages is going to benefit the neighborhood in any way. We believe we can still be good neighbors to our commercial neighbors and accept their own growth within the set parameters. As business owners ourselves, we understand change and growth is inevitable, but the neighborhood should benefit from the NP process done not too long ago.

It seems to us they will still gain financially by more than doubling their allowed square footage under their current zoning of LO (up to 174,00 versus their current 87,000 if we understand correctly).

Moreover, agreeing to this request for up zoning will set precedent for future zoning change requests; an up-zoning will undermine all of our work on the NP.

Thank you very much for everything you do for the City of Austin.

Sincerely,

Kisla Jimenez and Jonathan Williams

Parents of Sabine and Martin, 3rd grader and kindergartener at Bryker Woods Elementary  
Residents of Heritage Neighborhood Owners of Tesoros Trading Company

**Patterson, Clark**

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**From:** Susan Marler [mailto:susan.marler@cityofaustin.org]

**Sent:** Wednesday, February 08, 2012 12:37 PM

**To:** Patterson, Clark

**Subject:** Re: Zoning cases numbering: C14-2011-0131, -0132, - 0133, -0134.

Dear Planning Commission Members,

I am writing to express my family's strong opposition to the requested zoning increase from Light Office (LO) to General Office (GO) made in cases numbering: C14-2011-0131, -0132, - 0133, -0134. The development already seems immense for a project bordering a population dense residential area. Our neighborhood has a large number of young children, pedestrians and cyclists who currently encounter a perilous level of 'pass through' traffic. An increase in zoning will ultimately result in an increase of traffic traveling to the aforementioned property, which will continue to erode the safety conditions for pedestrians and cyclists, thus lowering the quality of life in Austin's urban core.

We respectfully ask you to decline the requested zoning increase.  
Thank you for your attention.

Best,

Susan, Justin, Laura (age 7) and Sophia (age 4) Marler  
3111 Grandview Street

2/8/2012



**Patterson, Clark**

**From:** Nancy Webber [mailto:nancy@nancywebber.org]

**Sent:** Wednesday, February 08, 2012 12:40 PM

**To:** Patterson, Clark

**Subject:** I am strongly opposed to upzoning in the Heritage Neighborhood (W. 34th St.)

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Dear Mr. Patterson,

I am a homeowner within two blocks of the proposed upzoning from W. 34th St. and West Ave. I am strongly opposed to four pending upzoning requests relating to that area (cases C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134).. This particular zoning change would cause great harm to the residential character of the neighborhood. **We urge you to recommend that all four zoning request changes be denied.**

This change in zoning goes against our neighborhood plan which neighbors and the city worked so hard to put in place.

There are other reasons to deny the requests. Our neighborhood is already sandwiched between two major commercial areas on Guadalupe and Lamar. Allowing an upzoning to general office along 34th St would create a major commercial development in the heart of the neighborhood. There would be giant four and five story buildings next to one story single family homes, more traffic, more people, more parked cars, and much less open space. The current owners are not even making full use of their existing zoning, but are asking for far more.

I am greatly concerned about the effect that an upzoning would have on my property and on the properties of other neighbors and on the general quality of life in Austin. I strongly recommend that these requests will be denied.

Progress in the form of continual development and commercialization of our charming old residential neighborhoods is not in the best interest of Austin's future as a quality place to live.

Sincerely,  
Nancy Webber  
806 W. 31st Street

2/8/2012

**Patterson, Clark**

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**From:** Paul [paul.patterson@gmail.com]

**Sent:** Wednesday, February 08, 2012 12:58 PM

**To:** Patterson, Clark

**Subject:** C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134

Dear Mr. Patterson,

My wife and I live 2 blocks from 34<sup>th</sup> and west and we **strongly oppose** the up zoning requests in cases C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134.

If you have any questions regarding our opinion, feel free to call or email. 512.318.3171

cheers,  
paul

3019 west ave

2/8/2012

**Patterson, Clark**

**From:** Alex Courtade [b [REDACTED]]  
**Sent:** Wednesday, February 08, 2012 10:25 AM  
**To:** Patterson, Clark  
**Cc:** Brooke Courtade  
**Subject:** Strongly opposed to upzoning at 34th St. [C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134]

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Dear Mr. Patterson,

My wife and I are home owners less than a quarter mile from W. 34th St. and West Ave. We are strongly opposed to four pending upzoning requests relating to that area (cases C14-2011-0131, C14-2011-0132, C14-2011-0133, C14-2011-0134).

Changing zoning is extremely serious. This particular zoning change would cause great harm to the residential character of the neighborhood. **We urge you to recommend that all four zoning request changes be denied.**

There are many reasons to deny the requests. Our neighborhood is already sandwiched between two major commercial areas on Guadalupe and Lamar. Allowing an upzoning to general office along 34th St would create a major commercial development in the heart of the neighborhood. There would be giant four and five story buildings next to one story single family homes, more traffic, more people, more parked cars, and much less open space. The current owners are not even making full use of their existing zoning, but are asking for far more. Without mincing words, this simply appears to be a money grab at the expense of residents.

We are greatly concerned about the effect that an upzoning would have on our property and on the properties of other neighbors. We strongly hope that these requests will be denied.

Best Regards,

Alex & Brooke Courtade  
609 W. 35th St.  
Austin, TX 78705  
(512) 322-5219

2/8/2012



**Patterson, Clark**

**From:** Will Clark [REDACTED]  
**Sent:** Wednesday, February 08, 2012 10:34 AM  
**To:** Patterson, Clark  
**Subject:** Regarding Case Numbers C14-2011-0131, -0132, - 0133, -0134

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Mr. Patterson –

I live in the Heritage neighborhood (3011 West Ave) and would like to add my voice to the conversation referenced by the case numbers in the subject. My understanding is that there have been previous conversations where the neighborhood agreed to the light office (LO) designation for the 34<sup>th</sup> street property. I agree with my neighbors that an "up zoning" to general office (GO) would hurt the neighborhood. Please add me to the list of concerned neighbors who would prefer the zoning stay as LO. Let me know if you have any questions.

Thanks.

**Will Clark**

Director, R&D  
OpenText  
[wclark@opentext.com](mailto:wclark@opentext.com)  
512 741 1211 office  
512 415 6260 mobile

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2/8/2012

## 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.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

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: C14-2011-0131**

**Contact: Clark Patterson, (512) 974-7691**

**Public Hearing: Feb 14, 2012, Planning Commission**

**March 8, 2012, City Council**

Clark Patterson

*Your Name (please print)*

709 B W 34th

*Your address(es) affected by this application*

[Signature]

*Signature*

Daytime Telephone: 512 452 9292

2/7/12

*Date*

☐ I am in favor  
☒ I object

*Comments:*

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

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**Patterson, Clark**

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**From:** Nuria Zaragoza [mailto:nuriazaragoza@cityofaustin.gov]

**Sent:** Wednesday, February 08, 2012 3:40 PM

**To:** Lin Team; Patterson, Clark

**Cc:** Adam Stephens; Betsy Greenberg

**Subject:** 34th and West

February 8, 2012

To: Clark Patterson and Members of the Planning Commission

RE: C14-2011-0131, C14-2011-0133, C14-2011-0133, C14-2011-0134, 34<sup>th</sup> and West

On December 6, 2011, the Central Austin Combined Neighborhood (CANPAC) Plan Team Committee voted to oppose the proposed zoning changes from LO to GO. We urge continuation of the current LO zoning as stated when our Neighborhood Plan was passed in July 2004. The proposed zoning increase is in the middle of the Heritage neighborhood and is adjacent to single family homes. The increased height and density are inappropriate for this location. In particular the narrow neighborhood streets and substandard sidewalks cannot support the traffic that would be generated. In order to protect the residential character of the Heritage neighborhood, the neighborhood plan accommodates increased density only on the neighborhood perimeter.

The current LO zoning allows the applicant to redevelop the property from its current 86,915 sq ft size to 174,000 sq ft. In other words, the applicants can double the size of this development without any zoning change. Therefore, we respectfully request that these petitions for increased zoning be denied.

Nuria Zaragoza  
Co-Chair CANPAC

Adam Stephens  
Co-Chair CANPAC

Patterson, Clark

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From: [REDACTED] half of Betsy Greenberg  
Sent: Wednesday, February 08, 2012 3:30 PM  
To: Patterson, Clark  
Subject: Please include time line in 34th and West zoning information

The Heritage NA has been clear all along in stating to REIT that we would prefer to not have the property upzoned, and REIT is clear in saying it wants to upzone in order to make the project financially more attractive.

4/29/10 - HNA SC met with REIT to discuss our vision and wishes for redevelopment. Increase in height was brought up by REIT and we generally said no. We were clear in stating that HNA does not support upzoning, and at the time, REIT was not asking for upzoning though it wanted increased FAR.

2/21/11 - only Paula and Laurie met with REIT. Increase in FAR was brought up by REIT. Laurie posted an email afterwards outlining REIT's upzoning request that was presented partly under the guise of delivering mixed-use development to us. Laurie & Paula's communicated that HNA did not usually if ever support upzoning, and they voiced concerns about issues including traffic.

3/23/11 - email from REIT specifically discusses zoning change to GR and CS on all of site B

5/2/11 - REIT presentation at SC meeting. Series of e-mail exchanges with questions that helped us understand the size and associated traffic of what was being proposed.

5/28/11 - SC special meeting. We decided we were against an upzoning, especially since nothing had been offered to mitigate the effect on the neighborhood. (But we decided to hold off on a formal vote about the upzoning to demonstrate to the developer our desire to work towards mutually desired goals, as communicated in the letter we sent on 6/6/11:)

6/6/11 - Following letter was sent to Jana McCann and REIT:

"The neighborhood Steering Committee met Saturday, May 28th, and discussed that information and the project in general. We decided not to vote on the project at this time, but rather to seek further discussion with you to see if there is a way to address some of the concerns we have.

Our primary concerns about your proposed scheme have to do with density and traffic. We are not in favor of increasing either and believe the Neighborhood Association will not support any

upzoning. We would hope that any development is consistent with the goals spelled out in our Neighborhood Plan which was adopted by the City some 7 years ago.

Recognizing that full occupancy in a buildout under just existing zoning would result in dramatically increased traffic on our already-overcrowded residential streets, our desire is to keep the zoning as is, but to support you in other ways that might help you to achieve some of your goals as you consider ours. The Steering Committee believes the Heritage Neighborhood Association could support the reduced setbacks on 34th Street and the bridge/walkway over 34th Street. There may be other areas where we can be of support as well if the scheme were to keep density within existing limits and traffic impact to a minimum, especially on our residential streets: West Avenue, Grandview, King Lane and King Street.

We share your desire to create an improved pedestrian environment, to save trees, and to provide green space in concert with these projects.

Above all, we value dialog with you and look forward to your response."

REIT did not respond to HNA, though in communications to the city, REIT and its representatives subsequently and inaccurately portray HNA as divided on the issue because we didn't vote on the upzoning.

10/4/11 - Paula was informed that zoning requests had been filed

10/26/11 - McCann contacts CANPAC about out of cycle Plan Amendment

11/14/11 - REIT attending HNA meeting to ask for out of cycle Plan Amendment. After they left, we voted against the out of cycle request and also voted against the zoning change.

12/6/11 - REIT came to CANPAC and withdrew the request for the out of cycle Plan Amendment. They said they would change to current request to take the properties that are yellow on the FLUM out of the zoning request (for now). Soon after, Amanda Morrow contacted Paula about again talking to Heritage and REIT was invited to the next SC meeting that was scheduled for 1/9.

1/9/12 - SC meeting grew into a large meeting devoted only to safety concerns in the aftermath of the 1/1/12 events.

1/17/12 - Special meeting with REIT. REIT seemed open to offering concessions to the neighborhood in exchange for a positive recommendation from the neighborhood. The vote was in favor of continuing the conversation with REIT provided that they would pay for an advocate to represent the neighborhood.

1/20/12 - Al heard back from Amanda Morrow late yesterday afternoon with word that her client HAS agreed to funding legal counsel for us.



1/27/12 - Estimate for counsel was provided to REIT

2/2/12 - AI asked for response on estimate and also for a joint request to staff for a postponement of case as the Planning Commission.

2/7/12 - REIT responds with limitations on the price and scope of work for Nikelle.

2/14/12 - Scheduled hearing at the Planning Commission.

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