

C13
1

ZONING CHANGE REVIEW SHEET

CASE: C14-2011-0016 Helms Condominium

P. C. DATE: 06/12/12

ADDRESS: 201 E. 34th St. & 3307 Helms St.

AREA: 0.203 Acres

APPLICANT/AGENT: Valerie Bauhofer

NEIGHBORHOOD PLAN AREA: Central Austin Combined

CAPITOL VIEW: No

WATERSHED: Waller Creek

T.I.A.: No.

HILL COUNTRY ROADWAY: No

DESIRED DEVELOPMENT ZONE: Yes

ZONING FROM: SF-3-NCCD-NP – Family Residence-Neighborhood Conservation Combining District - Neighborhood Plan.

ZONING TO: SF-3-NCCD-NP – Family Residence-Neighborhood Conservation Combining District - Neighborhood Plan to change a condition of the NCCD.

SUMMARY STAFF RECOMMENDATION:

Staff recommends SF-3-NCCD-NP – Family Residence-Neighborhood Conservation Combining District - Neighborhood Plan to change a condition of the NCCD. The amendment to the NCCD, Ordinance #040826-58 would be as follows:

Part 7. Residential District.

Add #7. For a lot located at 201 E. 34th St. & 3307 Helms St., the minimum square footage shall be three thousand ninety six square feet (3,096 s.f.) with a maximum floor-to-area-ratio (FAR) of point four to one (0.4:1).

PLANNING COMMISSION RECOMMENDATION:

DEPARTMENT COMMENTS:

The subject tract is currently developed with two single family dwellings and a garage apartment. There currently exists a "condominium regime" on the property that divides the fee simple ownership of the land into a percentage for the two owners. The owners have expressed a desire to subdivide the property in order to provide fee simple ownership to the land too. However the minimum lot size for SF-3 zoning is five thousand seven hundred fifty square feet (5,750 s.f.). The applicant's original request was to change the zoning from SF-3 to SF-4A. The neighborhood expressed concern with the applicants request due to the precedent that SF-4A would set on the zoning map in the area. The neighborhood informed the applicant that they would support a request to amend the NCCD in order to establish a minimum lot size and maximum floor-to-area-ratio (FAR) of point four to one (0.4:1) for the applicant's lot in order to facilitate the resubdivision of the lot. The neighborhood has submitted a letter of support for this case.

C13 2
2

BASIS FOR RECOMMENDATION:

1. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

Granting the NCCD amendment will allow the current use while maintaining a SF-3/residential "feel" of the existing neighborhood.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	SF-3-NCCD-NP	Single family residential
NORTH	SF-3-NCCD-NP	Single family residential
SOUTH	SF-3-NCCD-NP	Single family residential
EAST	SF-3-NCCD-NP	Single family residential
WEST	MF-4-NCCD-NP	Multi-family

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
No recent histories.			

NEIGHBORHOOD ORGANIZATION:

- Austin Neighborhoods Council
- North University Neighborhood Assoc.

SCHOOLS:

Lee Elementary School, Kealing Middle School, McCallum High School

SITE PLAN COMMENTS RECEIVED:

No comments.

ENVIRONMENTAL COMMENTS RECEIVED:

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for

03/3 3

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.
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 COMMENTS RECEIVED:

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

TR2. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

TR3. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
E 34 th St	60'	30'	Collector	Yes	Yes	Yes (within ¼ mile)
Helms St	60'	30'	Local	No	No	Yes (within ¼ mile)

CITY COUNCIL DATE: August 2nd, 2012

ACTION:

ORDINANCE READINGS: 1ST 2ND 3RD

ORDINANCE NUMBER:

CASE MANAGER: Clark Patterson
Clark.patterson@ci.austin.tx.us

PHONE: 974-7691

Patterson, Clark

C13
4

From: Steven Tomlinson [REDACTED]
Sent: Wednesday, February 29, 2012 3:44 PM
To: Patterson, Clark
Cc: Laurence Miller; Valerie Bauhofer; Mary Ingle
Subject: Re: 201 E 34th ST and 3307 Helms ST- language for NCCD

Dear Mr. Patterson:

Laurence Miller, NUNA President, has asked me to send this letter to you on his behalf as he's traveling on family business, and we're eager to get the information to you in advance of the setting of the planning commission meeting agenda. Please let me know if it's better to send you this note in another format. Much obliged!

Dear Mr. Patterson:

NUNA's Development Review Committee has been working for the past year with the property owners at 201 East 34th Street and at 3307 Helms. These neighbors are trying to dissolve the condominium arrangement that connects their properties and get fee simple ownership of their respective lots.

In January, NUNA's Development Review Committee drafted a plan amendment for the NUNA NCCD for a proposed subdivision with guidance from the architect who originally drafted our NCCD. We have done our due diligence and believe we have come up with the most graceful way to help these neighbors (whose situation is unique) without creating a dangerous precedent in NUNA.

At our NUNA General Membership Meeting on 8 February, the following Plan Amendment was proposed and the membership voted unanimously to approve and support it.

The language to be added to NUNA NCCD, Page 27 (Residential District) is as follows:

7. 201 E 34th Street and 3307 Helms, a contiguous property with 3 legally noncomplying dwelling units, is a unique corner property due to its size (8804 sq. ft.) and to the legally noncomplying dwelling units. The property at 201 E 34th Street may be subdivided as follows:
- lot 1, fronting 34th Street (201 E 34th ST) has a lot size of at least 5707 square feet, a limited occupancy of 3 unrelated adults in the front dwelling and 2 unrelated adults in the garage apartment with a total FAR .4/1;
 - lot 2 fronting Helms Street (3307 Helms) has a lot size of at least 3096 square feet, a limited occupancy of 2 unrelated adults and FAR .4/1.

Please let us know our next steps in adding this amendment to our NCCD.

Sincerely,

Laurence Miller
President, NUNA

3/1/2012

C13
B

GO/GR/CS/CS-1	700	800	900	1000	1100	1200	1300
SAN JACINTO, GUADALUPE, SPEEDWAY 2A, & WALLER CREEK 7B DISTRICTS							
	Eff'cy	1 Bdrm	2 Bdrm	3 Bdrm	4 Bdrm	5 Bdrm	6 Bdrm
MF-1	2500	3000	3500	4000	4500	5000	6000
MF-2	1600	2000	2400	2800	3200	3600	4000
MF-3	1200	1500	1800	2100	2400	2700	3000
MF-4	700	800	900	1000	1100	1200	1300
MF-5	700	800	900	1000	1100	1200	1300
MF-6	700	800	900	1000	1100	1200	1300
NO	2500	3000	3500	4000	4500	5000	6000
LO/LR	700	800	900	1000	1100	1200	1300
GO/GR/CS/CS-1	600	700	800	900	1000	1100	1200

PART 7. RESIDENTIAL DISTRICT. The Residential District is intended to protect the original buildings and development patterns of the neighborhood that were established for residential use. Single family homes and some of the older multi-family structures were built in the context of the traditional development patterns. New residential development should respect traditional patterns including building orientation, scale, height, setbacks and parking location.

1. Site development standards table. Except as otherwise modified in this part, the following site development regulations apply.

RESIDENTIAL DISTRICT		SITE DEVELOPMENT STANDARDS			
	SF-2/SF-3	MF-1	MF-2	MF-3 thru MF-6	NO
Min. lot size	5750*	8000*	8000*	8000*	5750*
Min. lot width	50*	50*	50*	50*	50%
Max. FAR	Duplex 0.4:1	0.5:1	0.5:1	0.5:1	0.35:1
Max. building coverage	40%	45%	50%	55%	35%

C13
6

RESIDENTIAL DISTRICT		SITE DEVELOPMENT STANDARDS			
	SF-2/SF-3	MF-1	MF-2	MF-3 thru MF-6	NO
Max. impervious cover	45%	55%	60%	65%	60%
Max height	(See Height Map - Exhibit -D)				
Min. front setback	(See Part 6. General Provisions)				
Max. front setback	(See Part 6. General Provisions)				
Min. street side yard setback	(See Part 6. General Provisions)				
Min. interior side yard setback	5'***	5'***	5'***	5'***	5'***
Min. rear setback -- principal structure	10' ***	10' ***	10' ***	10' ***	10' ***
*See Part 6. Subsections 5 & 6 (General Provisions)					
**A new principal structure must be at least 10' from a principal structure on an adjacent lot					
***For a through lot the rear setback is 15'					

2. Porch setback.

- a. A porch may extend a maximum of eight feet in front of the front yard setback if a principal building has a setback of at least 25 feet.
- b. On a corner lot, a porch may extend a maximum of five feet in front of the street side yard setback.
- c. A porch must set back at least five feet from a property line.

3. Accessory building setbacks.

- a. Street yard setback - for an accessory building the minimum setback from:
 - 1) The front property line of a residential use is 60 feet.
 - 2) The setback map determines any other street yard setback.
- b. Interior side yard setback: The minimum setback from an interior side property line is five feet.

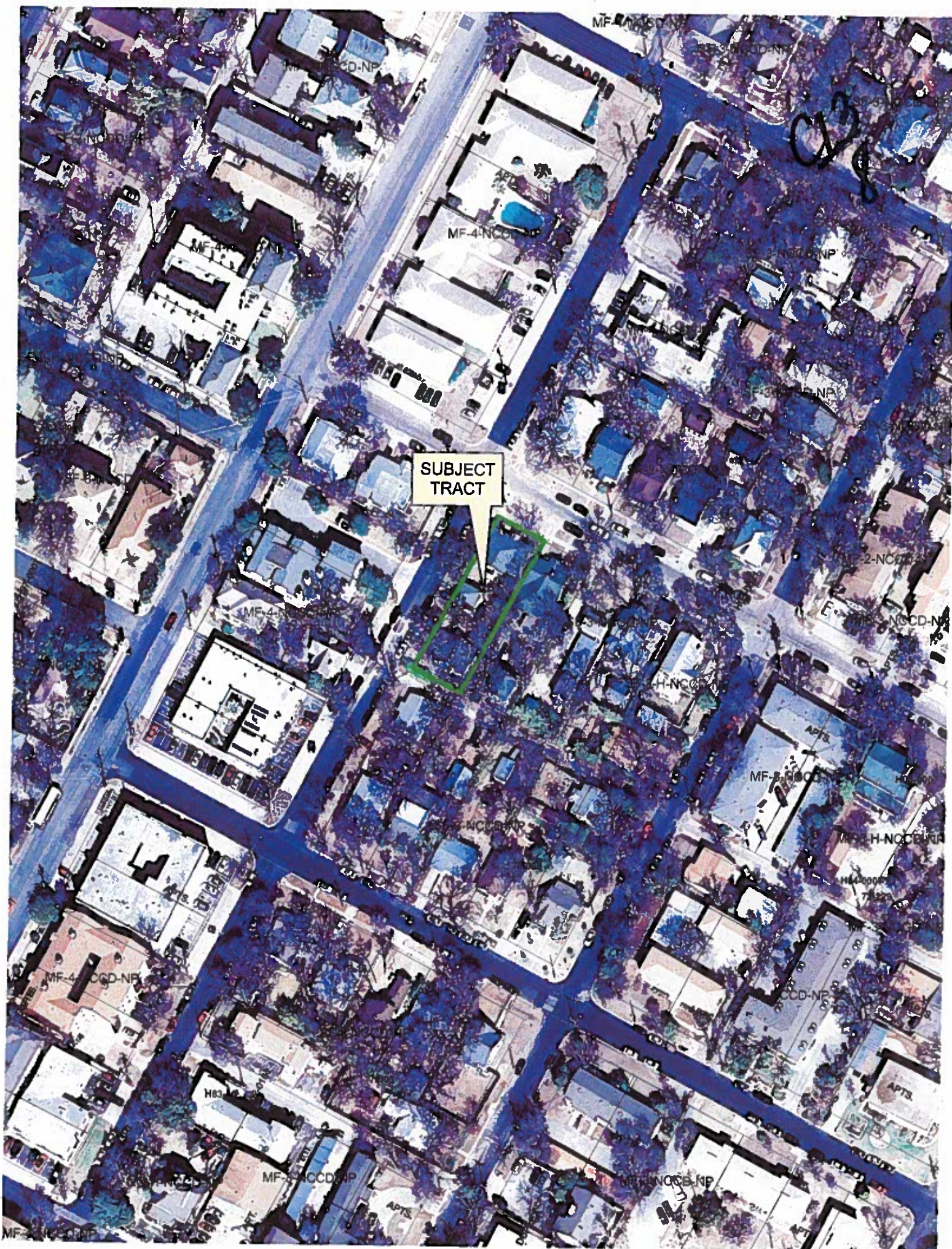
C12/1

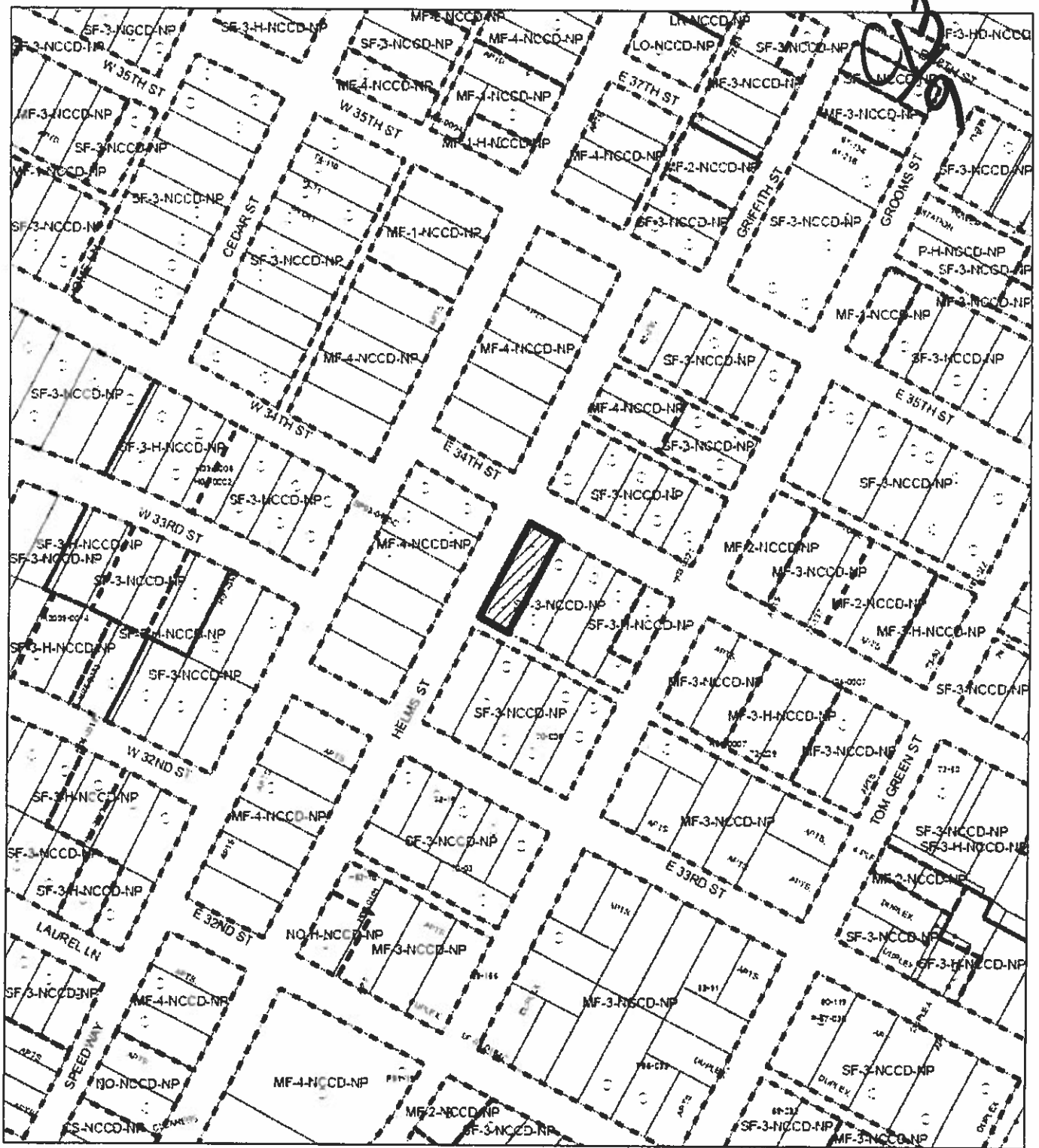
- c. Rear setback - the minimum setback from a rear property line abutting an alley or the South side of West 34th St. for an accessory building that is not more than 30 feet in height, is five feet.
 - d. A non-complying accessory building may be reconstructed at its existing location, but may not be less than three feet from the rear and interior side property lines.
 - e. Attached Garage - An attached garage shall set back a minimum of 60 feet from the front property line.
4. On 3701 Cedar Street, the maximum number of multifamily units is 40 units per acre.
 5. On 208 E. 31st Street, the maximum number of multifamily units is 28 units per acre.
 6. Compatibility standards for height and setbacks do not apply to the rear 70 feet of the common property line between 305 East 34th Street (Tract RDE 809) and 309 E. 34th Street (Tract RDE 810-part).

PART 8. SPEEDWAY DISTRICT. The Speedway District is intended to protect remaining single family buildings, encourage multi-family redevelopment compatible with nearby single family structures, enhance historical streetscape patterns, and support existing commercial uses. Area "2A" is intended to replace existing intense commercial zoning with mixed use zoning to encourage infill residential development with appropriate supporting commercial use.

1. Site development standards table. Except as otherwise modified in this part, the following site development regulations apply.

SPEEDWAY DISTRICT	SITE DEVELOPMENT STANDARDS								
	SF-3	MF-1	MF-2	MF-3	MF-4	NO	LO/GO	LR	CS
Min. Lot Size	5750*	8000*	8000*	8000*	8000*	5750*	5750*	5750*	5750*
Min. Lot Width	50*	50*	50*	50*	50*	50*	50*	50*	50*
Max. FAR	duplex 0.4 : 1	0.5 : 1	0.5 : 1	0.75 : 1	0.75 : 1	0.5:1	0.7:1	0.5:1	2.0:1





1"=200'



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

ZONING

ZONING CASE# C14-2011-0016
 LOCATION: 201 E 34TH ST; 3307 HELMS ST
 SUBJECT AREA: 0.203 ACRES
 GRID: J25
 MANAGER: CLARK PATTERSON



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

C13
10



Google earth

feet 9
meters 2





C13/11

Helms S

Google earth

© 2012 Google

© 2012 Google

Google earth

feet
meters



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

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: C14-2011-0016

Contact: Clark Patterson, (512) 974-7691

Public Hearing: August 23, 2011, Planning Commission
September 22, 2011, City Council

Cindy Wilkinson
Your Name (please print)

200 East 34th Street

Your address(es) affected by this application

8/25/11

Date

Signature

Daytime Telephone: (512) 482-8026

Comments:

☐ I am in favor
☒ I object

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

C13/12

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

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: C14-2011-0016

Contact: Clark Patterson, (512) 974-7691

Public Hearing: August 23, 2011, Planning Commission

September 22, 2011, City Council

Phillip Pampa
Your Name (please print)

☐ I am in favor
☒ Object

204 E. 35TH ST., AUSTIN, TX 78750

Your address(es) affected by this application

[Signature] 8/18/11
Signature Date

Daytime Telephone: 512-342-8615

Comments: THE CREATION OF SMALLER LOTS
WILL FORCE MORE STREET PARKING
BY RESIDENTS IN AN AREA WITH
LIMITED PARKING AVAILABLE.
THIS IMPACTS OTHERS CLOSE TO THIS
PROPERTY AND CHANGES NATURE OF
NEIGHBORHOOD. PLEASE KEEP LOTS
CONSISTENT WITH ORIGINAL DESIGN AND
KEEP THEM THANK YOU!

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

Phil Pampa

C13
13

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

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: C14-2011-0016

Contact: Clark Patterson, (512) 974-7691

Public Hearing: August 23, 2011, Planning Commission
September 22, 2011, City Council

Cecelia Philbin

Your Name (please print)

202 E. 34th St Austin TX 78705

Your address(es) affected by this application

Cecelia Philbin

Signature

Date

Daytime Telephone: 996-5726

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

C13
14

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

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: C14-2011-0016

Contact: Clark Patterson, (512) 974-7691

Public Hearing: August 23, 2011, Planning Commission

September 22, 2011, City Council

Carol Journey
Your Name (please print)

207 E 34th St Austin

Your address(es) affected by this application

Carol Journey
Signature

8/19/11
Date

Daytime Telephone: 512 478 8614

Comments: This appears to be a case of spot zoning. This case should be able to be resolved leaving the zoning as is. SF4 zoning is not acceptable!!

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

C/P
15

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

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: C14-2011-0016

Contact: Clark Patterson, (512) 974-7691

Public Hearing: August 23, 2011, Planning Commission
September 22, 2011, City Council

ROBERT KALBER
Your Name (please print)

☐ I am in favor
☒ I object

207E 34TH ST

Your address(es) affected by this application

Robert Kalber

Signature

8.19.11

Date

Daytime Telephone: 512.322.9641

Comments:

THIS IS SPOT ZONING AND
IT WILL SET A PRECEDENT
THAT WILL NEGATIVELY IMPACT
THIS REGION BY STABILIZING
NEIGHBORHOOD

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

C13
16