

ZONING CHANGE REVIEW SHEET

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CASE: C14-2015-0023 – Parandian Rezoning

P.C. DATE: June 23, 2015

ADDRESS: 1506 W 34th Street

DISTRICT: 10

OWNER/APPLICANT: Jennifer and Farshid Parandian

AGENT: Jennifer Parandian

ZONING FROM: SF-3-NP **TO:** LR-MU-NP * **AREA:** .196 acres (8536 sq. ft.)

*The Applicant amended the zoning application to request LO-MU-NP on May 29, 2015.

SUMMARY STAFF RECOMMENDATION:

Staff is recommending Limited Office-Mixed Use-Conditional Overlay-Neighborhood Plan (LO-MU- NP) combined district zoning.

PLANNING COMMISSION RECOMMENDATION:

June 23, 2015;

DEPARTMENT COMMENTS:

The subject property is located mid-block on West 34th Street between Kerbey Lane and Mills Lane and is directly across the street and north of Brykerwoods Elementary School. Existing development on the property includes a one-story, single-family residential structure and a detached, two-story garage apartment at the north east corner of the lot. The subject property has access from West 34h Street with a curb-cut and paved driveway adjacent to the eastern property line. There is also access to the back of the property by an alley way that is adjacent to the northern property line. The subject property is one of 2 remaining single-family zoned properties on the entire block. The remainder of the block has various multifamily, office and small scale commercial uses.

The applicant has requested Limited Office (LO) base district zoning but does not have specific plans for a primary use at this time. The request for Mixed Use (MU) district zoning is intended to maintain the existing residential use of the garage apartment. Additionally, the property owner would like the ability to return the primary structure back to residential use in the future.

A tree of substantial size is located towards the center of the lot and just behind the primary structure. The configuration of the structures on the site and the location of the tree could present challenges to converting the existing structures to non-residential uses. Staff suggested that the Applicant contact the Development Assistance Center to better understand configuration of parking in close proximity to the tree and within the limits of impervious cover.

There is an orderly pattern of office and multifamily zoning on the southern portion of the block that is separated by a narrow alley way from the small scale commercially zoned properties on the north side of the block, along West 35th Street. The southern portion of the block seems to be an

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appropriate transition between the lesser intense uses, such as the school and single-family residential homes south of West 34th Street, and the more intense, commercial uses to the north on West 35th Street. The zoning request would allow uses that are compatible with existing uses in the area and is consistent with the existing pattern of zoning. Therefore, Staff recommends LO-MU-NP combined district zoning.

ISSUES:

The Applicant met with the Bryker Woods Neighborhood Association on March 31st regarding this zoning change and the associated neighborhood plan amendment case (NPA-2015-0027.01). The Neighborhood is not in support of the zoning change and would rather see this property retain SF-3-NP zoning.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3-NP	Single-Family Residential
North	GR-MU-CO-NP	Retail, Banking, Personal Services
South	SF-3-NP	Public School - Bryker Woods Elementary School
East	SF-3-NP	Single-Family Residential
West	MF-3-NP	Single-Family Residential

NEIGHBORHOOD PLANNING AREA: Bryker Woods, a part of the Central West Austin Combined Neighborhood Plan

TIA: not required

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: yes

CAPITOL VIEW CORRIDOR: no

HILL COUNTRY ROADWAY: no

NEIGHBORHOOD ORGANIZATIONS:

The Real Estate Council of Austin, Inc.	1236
Shoal Creek Conservancy	1497
Friends of Emma Barrientos MACC	1447
Austin Independent School District	742
SEL Texas	1363
Bryker Woods Neighborhood Assn.	156
West Austin Neighborhood Group	88
Preservation Austin	1424
Austin Neighborhoods Council	511
Sierra Club, Austin Regional Group	1228
Central West Austin Neighborhood Plan Contact Team	1301
Austin Heritage Tree Foundation	1340
Ridgelea Neighborhood Association	63

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SCHOOLS: Bryker Woods Elementary, O Henry Middle School, Austin High School

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-96-0069 – Kerbey Lane Village; 1507-1513 West 35 th Street	SF-3 to GR	7/23/1996 – Apvd Staff’s alternate recommendation of GR-MU-CO.	8/15/1996 - Apvd Staff recommendation of GR-MU-CO; no vehicular access from the property to Ker by Lane; vehicular access in alley way is for emergency access only; vehicle trips limited to 2,000/day; development is restricted to LR site dev. Regulations; Uses prohibited: Automotive rentals, Automotive Repair Services; Automotive Sales, Automotive Washing (of any type), Business or Trade School, Commercial Off-Street Parking, Communication Services, Extermination Services, Funeral Services, Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Research Services, Theatre, Hospital Services, Drop-Off Recycling Collection Facility. Conditional Uses: Community Recreation (Private, Public), Hospital Services (Limited), Restaurant (Drive in, Fast Food).
C14-00-2233 – 3409 Glenview Avenue; 3409 Glenview Avenue	SF-3 to LO	12/19/2000 – Apvd Staff recommendation of NO-MU.	1/18/2001 – Apvd NO-MU
C14-03-0161 – 1608 West 34 th Street	SF-3 to NO	1/6/2004 – Apvd NO-MU-CO; prohibiting Local Utility Services, Public Primary Educational Facilities, Public Secondary Educational Facilities, Day Care Services (commercial), Condominium Residential, Group Residential, Retirement Housing, Two-	2/26/2004 – Apvd NO-MU-CO; prohibiting Local Utility Services, Public Primary Educational Facilities, Public Secondary Educational Facilities, Day Care Services (commercial), Condominium Residential, Group Residential, Retirement Housing, Two-Family Residential, Private

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		Family Residential, Private Primary Educational Facilities, Private Secondary Educational Facilities, Safety Services, Duplex Residential, Multifamily Residential, Townhouse Residential, Communication Services; F.A.R. may not exceed 0.26:1.0; Maximum height of 18 feet from ground level and requires a pitched roof.	Primary Educational Facilities, Private Secondary Educational Facilities, Safety Services, Bed and Breakfast (groups 1 & 2), Duplex Residential, Multifamily Residential, Townhouse Residential, Communication Services; F.A.R. may not exceed 0.26:1.0; Maximum height of 18 feet from ground level.
C14-06-0020 – Gallery Shoal Creek, 1500 West 34 th Street	LO to GO-MU-CO	4/4/2006 – Apvd GO-CO; no commercial off-street parking; LO site development standards and permitted uses; only GO use permitted is off-site accessory parking; uses prohibited: Business or Trade School, Business Support Services, Personal Services, Printing and Publishing, Restaurant (limited).	5/4/2006 – Apvd GO-CO; LO site development standards; uses prohibited: Business or Trade School, Business Support Services, Personal Services, Printing and Publishing, Restaurant (limited).
C14-06-0139 – Mills Avenue Parking Rezoning – 3401 Mills Avenue	P to GO	7/18/2006 – Apvd GO-CO; Prohibiting: Administrative & Business Offices, Art Gallery, Art Workshop, Bed & Breakfast (group 1 & 2) Business or Trade School, Business Support Services, Communications Services, Group Home, Class I (General & Limited), Group Home (class II), Medical Offices (exceeding and not exceeding 5,000 sq ft. GFA), Personal Services, Printing & Publishing, Professional Office, Restaurant (limited), Software Development, Special Use Historic, Urban Farm.	8/24/2006 - Apvd GO-CO; Prohibiting: Administrative & Business Offices, Art Gallery, Art Workshop, Bed & Breakfast (group 1 & 2) Business or Trade School, Business Support Services, Communications Services, Group Home, Class I (General & Limited), Group Home (class II), Medical Offices (exceeding and not exceeding 5,000 sq ft. GFA), Personal Services, Printing & Publishing, Professional Office, Restaurant (limited), Software Development, Special Use Historic, Urban Farm.
C14-2010-0051 – Windsor Road Neighborhood Planning Area Rezonings; 3402 Kerbey Lane (Tract 2)	SF-3 to NO-NP	6/22/2010 - Apvd NO-NP.	9/23/2010 – Apvd NO-NP for Tract 2.

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RELATED CASES:

The subject property is platted as Lot 4 & W 4.5 FT of Lot 5 of the William Thiele Subdivision as recorded in Volume 1, Page 34.

The neighborhood plan (-NP) designation was added to the zoning of the subject tract (SF-3) as part of the Central West Austin Neighborhood Plan adoption, under zoning file C14-2010-0051.

There is an active Neighborhood Plan Amendment case, NPA-2015-0027.01, that is currently under review by the City Staff and is associated with this zoning case. The NPA seeks to change the Future Land Use Map of the Central West Austin Neighborhood from Single-Family to Neighborhood Mixed-Use.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within 1/4 mile)
W. 34 th Street	57'	30'	Local	No	No	Yes

CITY COUNCIL DATE:

August 13, 2015;

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Tori Haase




PHONE: 512-974-7691

EMAIL: tori.haase@austintexas.gov



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-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING
CASE#: C14-2015-0023

Exhibit A

1" = 200'

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

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





Handwritten blue initials/signature

ZONING

Exhibit B

ZONING CASE#: C14-2015-0023
ZONING CHANGE: SF-3-NP to LO-MU-NP
LOCATION: 1506 W 34th Street
SUBJECT AREA: 0.196 ACRES
MANAGER: TORI HAASE



Subject Property

1' = 400'



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.

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STAFF RECOMMENDATION

Staff is recommending Limited Office-Mixed Use-Conditional Overlay-Neighborhood Plan (LO-MU-NP) combined district zoning.

BASIS FOR RECOMMENDATION

1. *Zoning changes should promote compatibility with adjacent and nearby uses.*
2. *Zoning changes should promote an orderly relationship among land uses.*
3. *Zoning changes should promote a balance of intensities and densities.*

There is a consistent pattern of zoning changes and orderly relationship of land uses in the blocks between West 34th Street and West 35th Street and east of Jefferson Lane. The southern portion of these blocks has mostly office zoning with commercial/retail zoned property on the north side of the block. The southern portion of the block seems to be an appropriate transition between the lesser intense uses, such as the school and single-family residential homes to the south of West 34th Street and the more intense commercial uses to the north, along West 35th Street. The proposed zoning change to LO-MU-NP will allow uses that are compatible with existing zoning in the area and will promote an orderly balance of intensities and densities between the inner neighborhood and the edge of the neighborhood. Therefore, Staff recommends LO-MU-NP combined district zoning.

EXISTING CONDITIONS

Site Characteristics

The subject property is .196 acres (8536 sq. ft.) developed with a one-story, residential structure and a detached, two-story garage apartment at the back, north east corner of the lot. There is a concrete driveway located along the eastern property line and a concrete parking pad adjacent to the garage apartment and accessible from the alley. Based upon a site visit, there does not appear to be any topographical constraints and there is at least one tree of considerable size located on the property, directly behind the primary structure.

Impervious Cover

The maximum impervious cover allowed by the existing zoning, SF-3 is 45%.
The maximum impervious cover allowed in the LO-MU combined zoning district is 70%.

Comprehensive Planning – Maureen Meredith, 512-9742695

Please refer to Neighborhood Plan Amendment Case No. NPA-2015-0027.01

Environmental – Mike Mcdougal, 512-974-6380

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1. 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.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
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. 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 sq. ft. cumulative is exceeded, and on site control for the two-year storm.

Transportation – Bryan Golden, 512-974-3124

1. Additional right-of-way maybe required at the time of subdivision and/or site plan.
2. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not identified on W. 34th Street.
3. 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]

Water and Wastewater

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

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Storm Water Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Storm water Management Program if available.

Site Plan and Compatibility Standards – Donna Galati, 512-974-2733

1. Site plans will be required for any new development other than single-family or duplex residential.
2. A site plan will require a minimum of a 12-foot sidewalk (consisting of a minimum 7-foot planting zone adjacent to the curb, followed by a minimum of 5-foot sidewalk).
3. With a site plan, parking is prohibited between the building and the street.
4. 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. The adjacent lot to the East is remaining SF-3. Along the East and South property lines, the following standards apply:

- No structure may be built within 16 feet of the East property line, or within 25 feet of the South (front) 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.
- The dumpster must maintain a 25 foot setback from the East property line.
- No parking or driveways are allowed within 6 feet of the East property line.
- 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.
- 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.

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



CENTRAL WEST AUSTIN NEIGHBORHOOD PLAN CONTACT TEAM

April 7, 2015

Organized 2010

"To facilitate the implementation of the Central West Austin Combined Neighborhood Plan."

City of Austin - Planning & Development Review Dept.
c/o Maureen Meredith
City of Austin Planning Commission
505 Barton Springs Rd.
Austin, Texas 78704

Re: Neighborhood Plan Amendment Case No. NPA-2015-0027.01(1506 W. 34th St.)

OFFICERS

Michael Cannatti
Chair

August Harris
Vice Chair

Joyce Basciano
Secretary

EXECUTIVE COMMITTEE

Michael Curry
Craig Duewall
Roya Johnson
Jerry Lloyd
Mark Nixon
Blake Tollett
Betty Trent
Diane Umstead
Tina Weinberger
Vivian Wilson

Greetings:

The Central West Austin Neighborhood Plan Contact Team (NPCT) has voted to oppose the requested amendment to our Future Land Use Map (FLUM) for 1506 W. 34th Street because the FLUM amendment directly conflicts with specific guidance in our recently completed neighborhood plan and FLUM regarding the desired development and land use at this site. The vote was 7-0 against with one abstention.

In 2010, our neighborhood plan (NP) was approved by the Planning Commission and City Council to provide our community's vision for how growth and development should occur in our planning area. As you may recall, the major issue that drove the planning process was the potential development of UT's Brackenridge Tract and the Austin State School properties. In the planning process, we sought to plan for this growth and account for its presence throughout the NP process, but to otherwise protect the character of the existing residential and commercial areas since there will most certainly be significant residential, mixed use, and commercial development in these tracts. Thus, our plan clearly recognizes that there will be growth, and attempts to provide guidance on where and how that growth should occur, but otherwise seeks to preserve the neighborhood's current residential character and supporting commercial services until the larger tracts are developed.

As "stewards of the adopted neighborhood plan," our NPCT role is to help implement the plan's vision for protecting Central West Austin as a "mature, stable and diverse community that includes a collection of four predominantly single family neighborhoods supporting and supported by small-scale businesses, with tree-lined streets and local schools, history, and amenities, all of which are worthy of protection." NP, p. 9. On this point, our plan expressly designates the area between 34th and 35th Streets and Jefferson Street and Mills Avenue to "remain small-scale neighborhood office and residential uses that are harmonious with the Bryker Woods Elementary School and the existing single family neighborhood." See, Land Use Recommendation 2.8 ("Retaining the converted single-family homes is desirable. Returning these structures to single-family residential use would also be welcome by the neighborhood."). This property and the adjoining homes are the residential uses the plan envisioned and are expressly so designated on the Future Land Use Map. Indeed, the FLUM for this part of the neighborhood was discussed in three separate meetings where stakeholders expressed concerns about protecting the elementary school (located across the street from this property) from new commercial activity. Finally, it is noted that the proposed land use (Neighborhood Mixed Use) in the proposed plan amendment does not conform to our plan's recommended

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location for neighborhood mixed use. *See*, NP, L.4.4.

At the NPCT meeting to discuss Case No. NPA-2015-0027.01, NPCT Executive Committee members asked questions about the application and the information requested from applicants in the NPCT bylaws. The discussion covered the context of the property, the presence of serious parking constraints at the site for the proposed coffee house, real concerns about traffic for proposed retail use given the narrow street, the history of the neighborhood plan discussions and guidance for this area, concerns about the requested retail zoning being flipped by the applicant given the somewhat undefined plans for the project, surrounding school and commercial uses and traffic concerns, and the demonstrated viability of current residential use and zoning. NPCT members also noted that the subject property is one of four single family homes in the middle of that block which across the street from Bryker Woods Elementary school and located on a steep hill. NPCT members also noted that the increased demand for housing makes the current residential use even more appropriate and consistent with the stated policy of the City to preserve and promote housing units in the central city. The subject property is simply not large enough to support a combination of commercial and residential due to the parking requirements, and the presence of the elementary school across the street from the property weighs against changing the use to Neighborhood Mixed Use due to the presence of elementary school children crossing the street and required on-street parking for parents. In short, the existing conditions would make it unsafe to add the traffic and parking required by the proposed FLUM amendment and associated retail zoning. There is no precedent for local retail located at this part of West 34th Street.

As seen above, there is *substantial* guidance from our neighborhood plan that we should protect, preserve, and promote the single-family land use at this site by retaining the existing residential uses that are harmonious with the Bryker Woods Elementary School and the existing single family neighborhood. In addition, there is ample guidance from our neighborhood plan on where neighborhood mixed use should be located in the planning area, none of which points to this part of West 34th Street as an appropriate location.

In short, we do not see any good policy reason to change the community's land use decision or FLUM for this tract or by extension for that area. There are no changed circumstances since our NP was adopted in 2010. Nor is there any equitable argument for the FLUM change. When it was all boiled down, Applicant's FLUM amendment seeks to change a long term planning decision from our NP so that the Applicant could see if a coffee shop business could be located on their property. That is not planning. And that is not our vision or plan for the neighborhood.

For the foregoing reasons, the Plan Contact Team (PCT) for the Central West Austin Neighborhood Plan supports keeping the existing "single family" land use designation for the property at 1506 W. 34th Street, and opposes the requested Neighborhood Mixed Use FLUM amendment.

Thank you for your consideration.

Sincerely,

Michael Rocco Cannatti
Chair, Central West Austin Neighborhood Plan Contact Team