Planning Commission hearing: June 23, 2015

#### NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

**NEIGHORHOOD PLAN:** Central West Austin Combined

**CASE#:** NPA-2015-0027.01 **DATE FILED:** February 25, 2015 (In-cycle)

PROJECT NAME: 1506 W. 34th Street

**PC DATE:** June 23, 2015

ADDRESS: 1506 W. 34th Street

**DISTRICT AREA**: 9

SITE AREA: 8,536 sq. ft.

**OWNERS/APPLICANT:** Farshid & Jennifer Lee Paradian

**AGENT:** Jennifer Paradian

TYPE OF AMENDMENT:

**Change in Future Land Use Designation** 

From: Single Family

To: Neighborhood Mixed Use

**Base District Zoning Change** 

Related Zoning Case: C14-2015-0023

From: SF-3-NP

To: LO-MU-NP\*

(\*On May 29, 2015, applicant revised zoning change request from LR-MU-NP to LO-MU-NP)

NEIGHBORHOOD PLAN ADOPTION DATE: September 23, 2010

PLANNING COMMISSION RECOMMENDATION: (Pending)

**STAFF RECOMMENDATION:** Staff recommends Mixed Use/Office land use instead of the applicant's request for Neighborhood Mixed Use.

<u>BASIS FOR STAFF'S RECOMMENDATION</u>: Staff recommends Mixed Use/Office land use instead of the applicant's request for Neighborhood Mixed Use because the property is one of four remaining lots on this immediate block, in addition to the larger area, with single family land use. Regarding zoning, of the seven lots on the block facing Bryker Woods Elementary School,

five lots are zoned office or multifamily with only two lots zoned single family, which includes this property.

Staff believes Mixed Use/Office land use is more compatible with the surrounding uses, being an elementary school to the south, office zoning and land uses on the east and west ends of the block, multifamily zoning and commercial zoning and land uses to the north.

Within the larger triangular-area bounded by West 35<sup>th</sup> Street to the north, Mills Avenue to the east, West 34<sup>th</sup> Street to south and Jefferson Street to the West (see map on page 4), this property along with three adjacent lots are the only properties with single family land use. Because of this, during the neighborhood planning process, neighborhood planning staff cautioned the participants that staff did not support all of the community's land use recommendations and may recommend different land use categories if the opportunity arose during a plan amendment process. In addition, staff also informed the community that during the course of a plan amendment, staff would employ planning principles and professional judgment which could result in a recommendation differing from the neighborhood plan.

#### **Goals and Recommendations in the Plan:**

# Objective 1: Preserve the existing single family neighborhoods of Central West Austin. L.1.1

Preserve the existing single-family uses within the neighborhood by not changing them to non-residential or multifamily uses. The Central West Austin neighborhoods including Deep Eddy, Tarrytown, Pemberton Heights, Bryker Woods, and West 31st Street are stable and worthy of preservation.

# Objective 2: Preserve or enhance, as appropriate, existing multifamily housing and neighborhood-serving commercial districts.

#### L.2.7

The residential scale and character along W. 35th Street should be preserved, and in particular its existing building by building, horizontal collection of small neighborhood-serving businesses, stores, and apartments. Harmony with the abutting single family houses on the south side of this block, facing 34th Street, should be maintained.

#### L.2.8

The neighborhood office blocks between 34th and 35<sup>th</sup> Streets and Jefferson Street and Mills Avenue should remain small-scale neighborhood office and residential uses that are harmonious with the Bryker Woods Elementary School and the existing single family neighborhood. Retaining the converted single-family homes is desirable. Returning these structures to single-family residential use would also be welcome by the neighborhood.

Objective 4: Encourage the northeast corner of the Windsor Road Planning Area to become a mixed use, urban neighborhood, respecting and providing amenities to the Bryker Woods and West 31st Street neighborhoods.

#### L.4.1

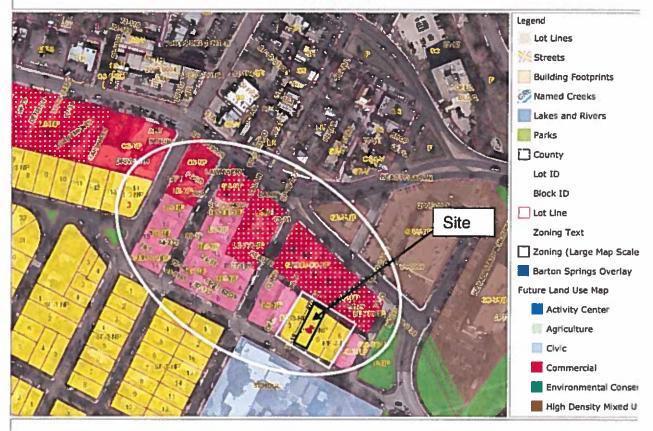
For properties designated as Mixed Use along 38th Street and Lamar Boulevard, redevelopment or new development should promote a pedestrian-friendly mix of uses that ultimately results in a humans-scaled and enlivened streetscape. Guidelines for creating development include the mixing of uses vertically in the same building to include residential uses preferably above the first floor. Wide sidewalks, street trees, buildings and entryways oriented to the main corridor, with parking located to the side or rear of the building are all desired features. Drive-through facilities are strongly discouraged. The buildings should be appropriately scaled to the surrounding development. Property whose stormwater feeds into Seiders Springs and Shoal Creek should be redeveloped such that it improves the health of the spring and creek. Through properties that are fronted by a Core Transit Corridor on one side and an interior street on the other side, should apply the same development standards to the interior street as applied to the Core Transit Corridor. Special attention should be paid to placing storefronts and entryways along interior roads as well as Core Transit Corridors.

#### L.4.3

Allow office and commercial development along 34th Street between Medical Parkway and Shoal Creek Greenbelt. There should be a transition with neighborhood-scaled stores and offices between the Shoal Creek Greenbelt and Medical Parkway and more intensive development from Medical Parkway to Lamar Boulevard. Development should add to the existing shops and restaurants on 34th Street to create alively, pedestrian-friendly streetscape.

Planning Commission hearing: June 23, 2015

#### CITY OF AUSTIN DEVELOPMENT WEB MAP



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#### **LAND USE DESCRIPTIONS**

#### **EXISTING LAND USE**

**Single Family** --Single family detached or two family residential uses at typical urban and/or suburban densities.

#### **Purpose**

- 1. Preserve the land use pattern and future viability of existing neighborhoods;
- 2. Encourage new infill development that continues existing neighborhood patterns of development; and
- 3. Protect residential neighborhoods from incompatible business or industry and the loss of existing housing.

#### **Application**

- 1. Existing single-family areas should generally be designated as single family to preserve established neighborhoods; and
- 2. May include small lot options (Cottage, Urban Home, Small Lot Single Family) and two-family residential options (Duplex, Secondary Apartment, Single Family Attached, Two-Family Residential) in areas considered appropriate for this type of infill development.

#### APPLICANT'S PROPOSED LAND USE

**Neighborhood Mixed Use** - An area that is appropriate for a mix of neighborhood commercial (small-scale retail or offices, professional services, convenience retail, and shopfront retail that serve a market at a neighborhood scale) and small to medium-density residential uses.

#### Purpose

- 1. Accommodate mixed use development in areas appropriate for a mix of residential uses and neighborhood commercial uses that serve surrounding neighborhoods; and
- 2. Provide transition from residential use to high intensity commercial or mixed use.

#### Application

- 1. Appropriate for areas such as minor arterials and collectors, small parcels along major arterials that abut single- family residential development, and areas in environmentally sensitive zones where high intensity commercial uses are discouraged; and
- 2. May be used as a transition from high intensity commercial and residential uses to single-family residential uses.

#### STAFF'S PROPOSED LAND USE

Mixed Use/Office- An area that is appropriate for a mix of residential and office uses.

#### **Purpose**

- 1. Accommodate mixed use development in areas that are not appropriate for general commercial development; and
- 2. Provide a transition from residential use to non-residential or mixed use.



#### **Application**

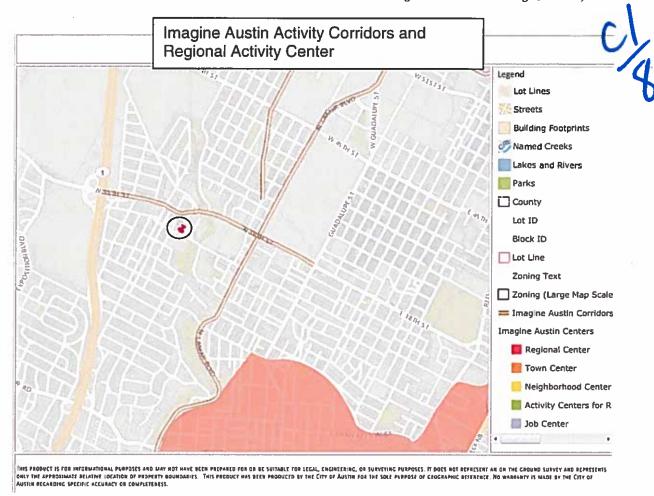
- 1. Appropriate for areas such as minor corridors or local streets adjacent to commercial areas;
- 2. May be used to encourage commercial uses to transition to residential use; and
- 3. Provide limited opportunities for live/work residential in urban areas.

# cle

#### IMAGINE AUSTIN PLANNING PRINCIPLES

- 1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
  - The property is across the street from Bryker Woods Elementary School, walking distance to retail shops, Capital Metro bus routes, and medical facilities. It is also close to Seider Springs and Shoal Creek Greenbelt and the Bailey Neighborhood Park.
- Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
  - The property is located near the West 35<sup>th</sup> Street and North Lamar activity corridor as identified on the Image Austin Growth Concept Map.
- Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
  - The Mixed Use/Office land use is appropriate for its location near office, retail, civic and residential land uses.
- 4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
  - The Mixed Use/Office land use would accommodate residential uses, in addition to office uses.
- 5. Ensure harmonious transitions between adjacent land uses and development intensities.
  - Mixed Use/Office land use is appropriate for its location near retail, office, civic, and residential uses.
- 6. Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.

- The property is not located in an environmentally sensitive area, such as the Barton Springs Overlay.
- Oly
- 7. Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.
  - Not applicable.
- 8. Protect, preserve and promote historically and culturally significant areas.
  - Not applicable.
- 9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
  - The property is located near parks, healthcare facilities and is walking distance to a grocery store and other retail and office uses.
- 10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
  - The applicant's request could create a limited number of local job opportunities.
- 11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.
  - Not applicable.
- 12. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.
  - The property is across the street from Bryker Woods Elementary School, and is walking distance to retail shops, Capital Metro bus routes, and medical facilities. It is also close to Seider Springs and Shoal Creek Greenbelt and the Bailey Neighborhood Park.



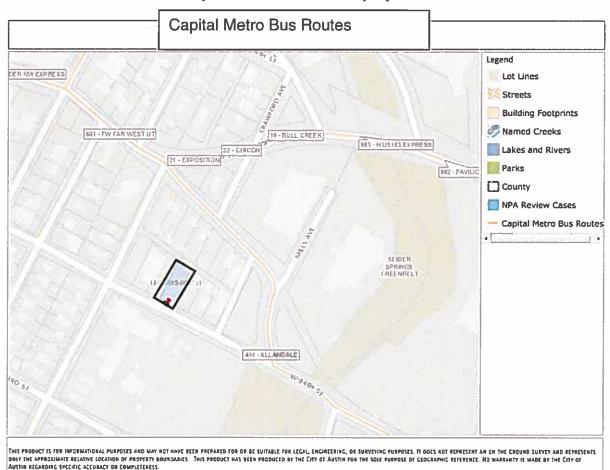
#### **Regional Centers**

Regional centers are the most urban places in the region. These centers are and will become the retail, cultural, recreational, and entertainment destinations for Central Texas. These are the places where the greatest density of people and jobs and the tallest buildings in the region will be located. Housing in regional centers will mostly consist of low to high-rise apartments, mixed use buildings, rowhouses, and townhouses. However, other housing types, such as single-family units, may be included depending on the location and character of the center.

#### **Corridors**

Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the

roadway. Other corridors may have fewer redevelopment opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.



**BACKGROUND**: The application was filed on February 15, 2015, which is in-cycle for neighborhood plan applications filed in planning areas located on the west side of I.H.-35.

The applicant proposes to change the land use on the future land use map from single family to neighborhood mixed use. The revised zoning change is to from SF-3-NP to LO-MU-NP. The original application was for LR-MU-NP zoning so the owner could open a Pilates studio with a coffee shop.

For more information on the zoning request, please see case report C14-2015-0023.

<u>PUBLIC MEETINGS:</u> The ordinance-required community meeting was held on March 31, 2015. Ninety-seven meeting notices were mailed to property owners and utility account holders within 500 feet of the property, in addition to neighborhood organizations and environmental groups who have requested notification for the area through the City's Community Registry.



At the meeting, Jennifer Paradian, said she and her husband are long-time Austin residents. She said they have two sons who are 19 and 22 years old. In 2002 the bought the property with the long-term goal of opening a coffee house for teachers to hang out, do homework and have gatherings. In 2010 and 2011, they tried to apply for a zoning change and plan amendment but got frustrated. They applied again this year because they would like to open a coffee shop in the house and also have Pilates classes under the tree and maybe massage therapy. There's an apartment in the back that they will continue to rent out. Right now, the main house is short-term rentals because they didn't want a long-term tenant at this time. They have no plans to change the exterior, except for changes that would be required to meet ADA requirements. They don't want to add more concrete. They would like on-street parking if the City would support that. They don't want late hours of operation.

After her presentation, the following questions were asked:

#### Q. Did you talk to the planning contact team before?

A. Yes, but last year.

#### Q. What are your full intentions?

A. A coffee house in the front, with Pilates classes and maybe massage therapy. The short-term rental would go away.

#### Q. Do you propose to keep the house the same?

A. Yes.

#### Q. What about the parking requirements?

A. It depends on the uses. A coffee shop would be a restaurant and the Pilates classes would be personal services. We would get a 20% parking reduction and a reduction because of a Heritage Tree. In the end, we would need eight parking spaces.

#### Q. Does the property have private deed restrictions?

A. No.

#### Q. Is the home contributing to the National Historic Registry?

A. No.

#### Q. I'm concerned that you need eight parking places. Where will they go?

A. I don't know yet. I haven't hired an architect to figure it out yet. We still want to keep the house and we don't want to add concrete. I believe we'll be able to provide the parking.

# Q. Why didn't you buy commercial property in 2002 when you purchased the property?

A. We can't undo the past.

Jennifer Paradian asked the group if there is anything they would support other than the Neighborhood Mixed Use and commercial zoning. One participant suggested SF-5 or MF-4 zoning, which was not supported. Mixed Use/Office land use was suggested. That was not supported either.

#### Comments:

- You say you want to open a coffee shop, but there are coffee shops in the neighborhood.
- If we allow you to rezone to commercial, it will start the change from residential to commercial on that block.
- We had an extensive planning process in this area and we wanted to keep it residential to protect the school. Our responsibility is to protect the plan goals and vision.
- The older housing stock is generally more affordable in this area where people who maybe cannot afford to purchase a home. Renting a home is more affordable and would allow them to attend this good school.
- You haven't presented a compelling argument to change the uses on the property.

The Central West Austin Planning Contact team does not support the proposed plan amendment change. See letter on page 12 and 13.

<u>CITY COUNCIL DATE</u>: June 11, 2015 <u>ACTION</u>: (Pending)

**CASE MANAGER:** Maureen Meredith **PHONE:** (512) 974-2695

**EMAIL:** Maureen.meredith@austintexas.gov

#### Letter from the Central West Austin Planning Contact Team

#### CENTRAL WEST AUSTIN NEIGHBORHOOD PLAN CONTACT TEAM

April 7, 2015

Organized 2010

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

#### **OFFICERS**

Michael Cannatti Chair

August Harris Vice Chair

Joyos Basciano Secretary

### EXECUTIVE COMMITTEE

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

#### Greetings

The Central West Austin Neighborhood Plan Contact Team (PCT) 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



City of Austin - Planning & Development Review Dept. April 7, 2015 Page 2

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

At the NPCT meeting to discuss Case No. NPA-2015-0027.01, NPTC 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.

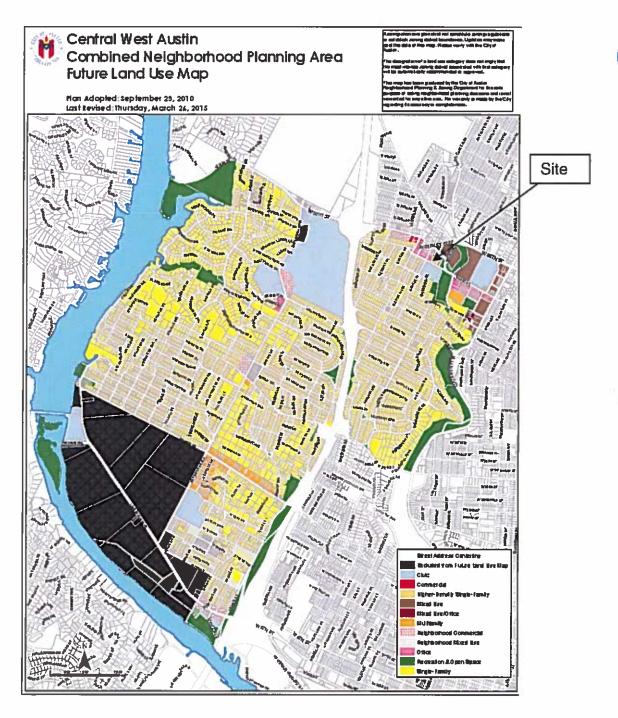
Thank you for your consideration.

Sincerely,

Michael Rocco Cannatti

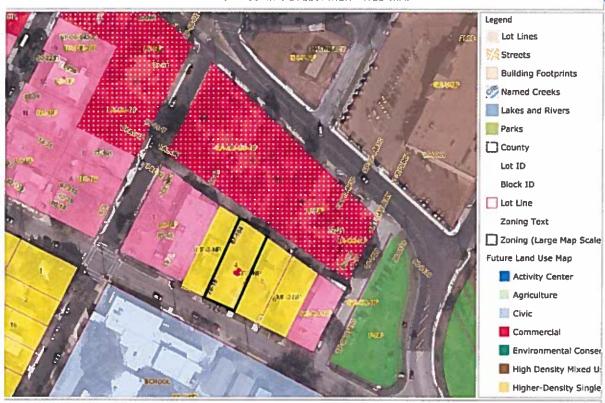
Chair, Central West Austin Neighborhood Plan Contact Team





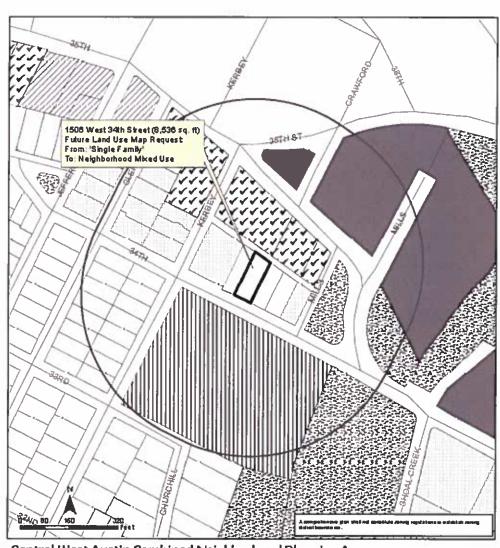
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#### CITY OF AUSTIN DEVELOPMENT WEB MAP



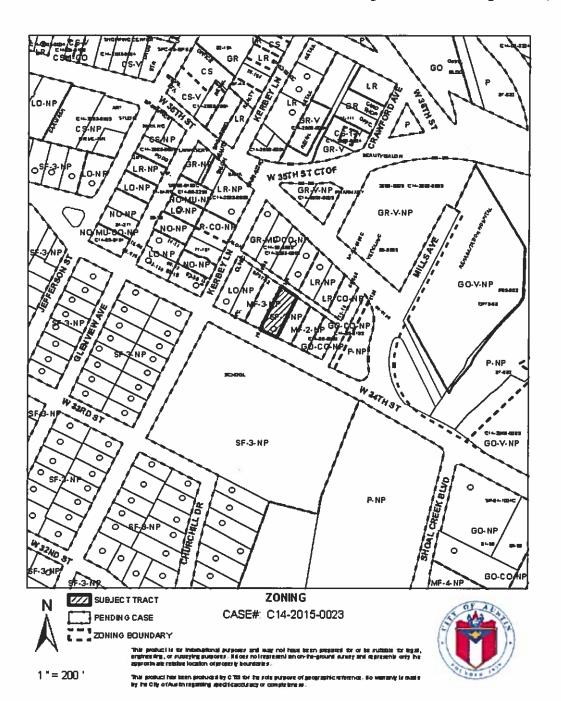
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Central West Austin Combined Neighborhood Planning Area NPA-2015-0027.01

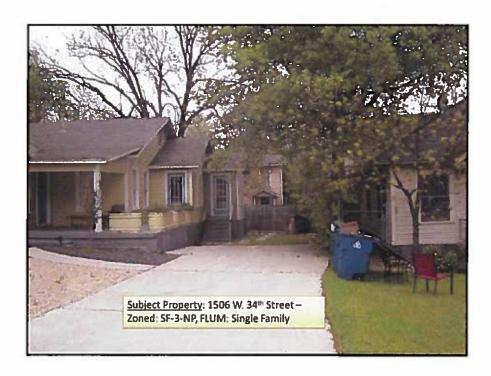
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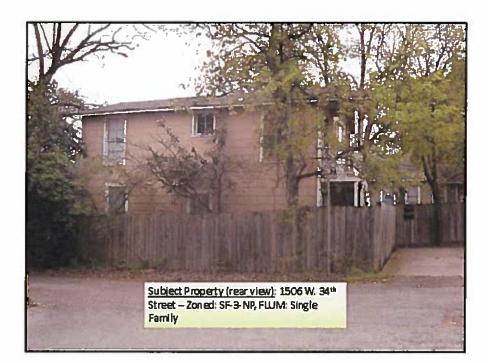




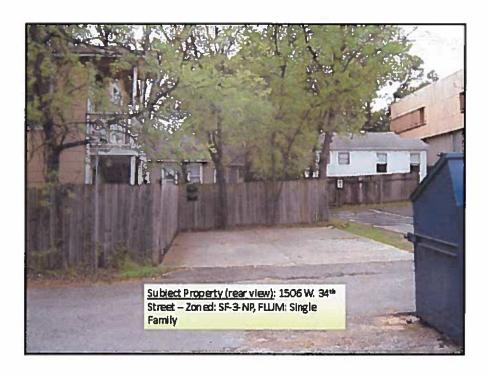


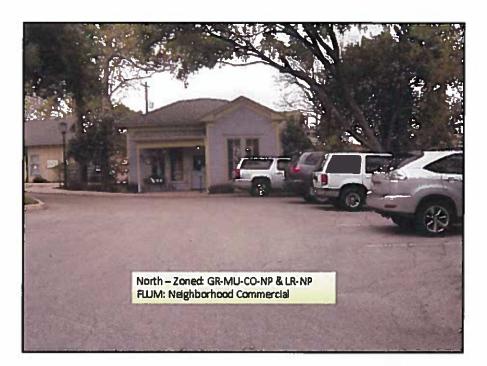




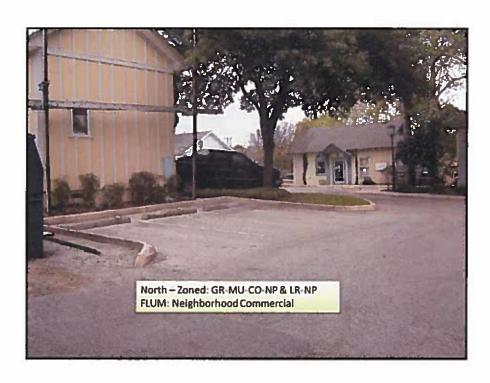


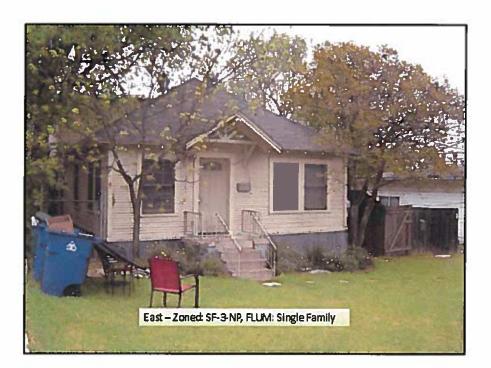




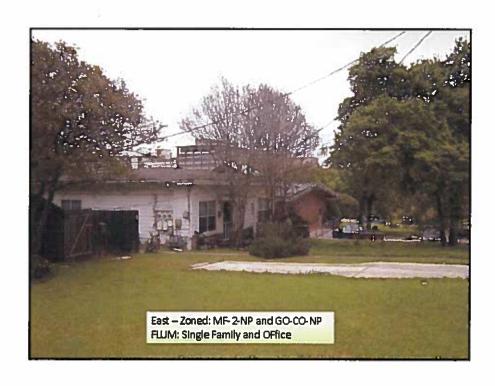


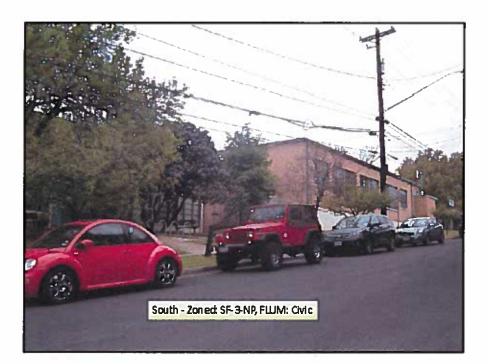






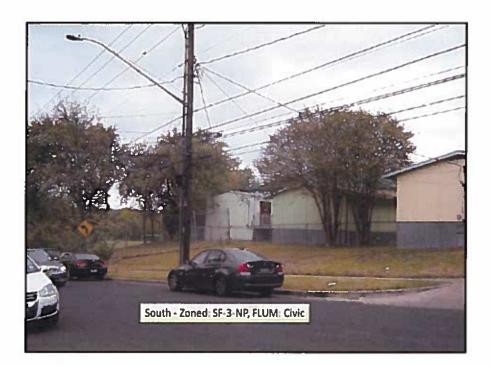






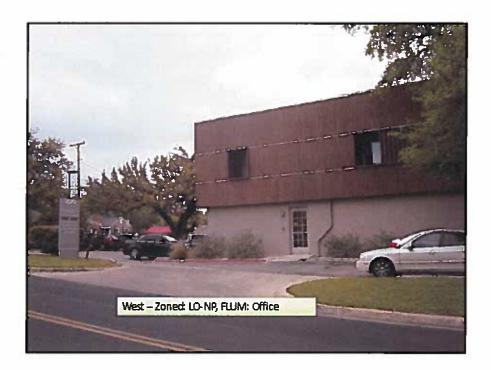




















#### Letter in Opposition

From: Michael Curry

Sent: Monday, April 13, 2015 9:56 AM

**To:** Meredith, Maureen **Cc:** mcmediate@

Subject: Central West Austin Neighborhood Plan Amendment - Case No. NPA-2015-0027.01(1506

W. 34th St.)

City of Austin - Planning & Development Review Dept.

c/o Maureen Meredith 505 Barton Springs Rd.

Austin, Texas 78704

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

Dear Maureen,

I write in follow-up to Mike Cannatti's letter on behalf of the Contact Team to emphasize a couple of points made at the community meeting but most importantly to provide you with some photographs.

- 1. Retaining the four houses on this block, including the property in question, is important to the neighborhood and the City. The City has indicated the need for additional housing units in the central city. Three of the four lots, including the applicant's property, contain a garage apartment. Together they represent seven viable residential units near a school, a grocery store, a bus line, and a major employer (Seton). They are more affordable than other houses in the area. Converting any one of these residences to any form of commercial even if there were not other constraints would not be in the interest of the neighborhood or the City. Retaining these residential uses is a positive.
- 2. Converting the applicants house to a commercial use would be a negative. There is no ability to provide anything close to the requisite parking onsite, the property is located on a steep hill, the street is narrow, there are young school children in the area, there is limited on-street parking and the parking that exists is needed for the elementary school across the street, residents and guests. I have attached photographs which illustrate the parking and traffic problems at drop off and pick up times. Note that while the time stamp on some photos says January 1, 2015, those were actually taken on April 2, 2015.

Photo 100\_1495 - Looking east down the hill on W. 34th St. Applicant's property on left side of photo.

Photo 100\_1499 Intersection of 34th and Kerbey Lane.

Photo 100\_1496 Looking east on W. 34th.

Photo 100\_1489 Looking west, up the hill, on W. 34th St. Cars must take turns to navigate.

2

Photo 2015-04-07 09.52.03 Looking east on W.34th at non-drop-off/pick-up time Photo 2015-04-07 09.51.54 Signs limited parking on the North side of W. 34th St

Photo 100\_1488 Looking east on W. 34th St.

As these photos demonstrate, granting this application would create additional traffic and safety concerns for students, parents and residents.

3. The property is not appropriately situated or sized for even a single commercial use. And, combining a commercial use with residential use as requested by the applicant would be totally irresponsible. There is no shortage of office or retail space in the planning area and the plan appropriately designates locations for new commercial or mixed use development. This lot is not so designated. Interestingly, however, maintaining this and the adjoining lots as residential uses permits the block as a whole to function as a horizontal mixed use.

I hope the photographs are helpful and appreciate your time and efforts. There are no changed circumstances since the adoption of the plan that would justify this application. In fact, granting the application would have negative consequences for the school and community.

I anticipate that the Board of Directors of the Bryker Woods Neighborhood Association will to take this matter up at its April 21, 2015 meeting. Please let me know if the Board needs to act sooner than that.

Respectfully,

Michael Curry

3307 Bryker Dr.

## Photos from Michael Curry







## Photos from Michael Curry







## Photos from Michael Curry











PUBLIC HEARING COMMENT FORM
If you use this form to comment, it may be submitted to: City of Austin Planning and Zoning Department Maureen Meredith P. O. Box 1088 Austin, TX 78767-8810
If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.
Case Number: NPA-2015-0027.01 Contact: Maureen Meredith Public Hearing: Jun 23, 2015, Planning Commission Aug 13, 2015, City Council
Your Name (please print)  Your address(es) affected by this application  Signature  Comments:

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