

**NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET**

**NEIGHBORHOOD PLAN:** Govalle/Johnston Terrace (Govalle) Combined

**CASE#:** NPA-2021-0016.03      **DATE FILED:** July 28, 2021 (In-cycle)

**PROJECT NAME:** 3535 East 7<sup>th</sup> Street

**PC DATE:**    December 14, 2021  
                         November 9, 2021

**ADDRESS/ES:**      3511, 3525, and 3535 E. 7<sup>th</sup> Street

**DISTRICT AREA:** 3

**SITE AREA:** 1.0734 acres

**OWNER/APPLICANT:**    The Elena Herrera Family Bypass Trust

**AGENT:** Drenner Group, P.C. (Amanda W. Swor)

**CASE MANAGER:** Maureen Meredith, Housing and Planning Department

**PHONE:**      (512) 974-2695

**STAFF EMAIL:**    Maureen.Meredith@austintexas.gov

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Commercial

**To:** Mixed Use

**Base District Zoning Change**

**Related Zoning Case:** C14-2021-0124

**From:** CS-CO-NP

**To:** CS-MU-V-CO-NP

**NEIGHBORHOOD PLAN ADOPTION DATE:** March 27, 2003

**CITY COUNCIL DATE:**

**ACTION:**

To be scheduled

## **PLANNING COMMISSION RECOMMENDATION:**

*December 14, 2021 –*

*November 9, 2021* – Postponed to December 14, 2021 at the request of the neighborhood on the consent agenda. [C. Hempel – 1<sup>st</sup>; G. Cox – 2<sup>nd</sup>] Vote: 9-0 [C. Llanes Pulido abstained. Y. Flores, R. Schneider, and S. R. Praxis absent].

**STAFF RECOMMENDATION:** Staff supports the applicant's request for Mixed Use land use.

**BASIS FOR STAFF'S RECOMMENDATION:** The property is located at the southwest corner of East 7<sup>th</sup> Street and Springdale Road, both of which are Activity Corridors as identified on the Imagine Austin Growth Concept Map. Mixed Use land use is appropriate in this location.

Below of sections of the Govalle/Johnston Terrace Plan that supports the request.

## **Land Use Goals**

- |                 |  |
|-----------------|--|
| <b>Goal 1:</b>  | <b>Adjacent land uses should be compatible.</b> (Sector Plan) <sup>2</sup>   |
| Key Principles: | <p>Address the "over-zoning" of properties in the Govalle/Johnston Terrace Neighborhood Planning Area. (Sector Plan and modified by Gov/JT)</p> <p>Non-residential development should not adversely affect existing businesses or neighborhoods, either by increases in traffic, noise, pollutants, or other safety hazards. (Sector Plan)</p>                           |
| <b>Goal 3:</b>  | <b>Develop a balanced and varied pattern of land use.</b> (Sector Plan)  |
| Key Principles: | <p>Provide a balance of land use and zoning for people to both live and work in the area. (Gov/JT)</p> <p>Encourage mixed use so that residential uses are allowed on some commercial properties. (Gov/JT)</p> <p>Provide opportunities for land uses that serve the needs of daily life (live, work, play, shop) in a convenient and walkable environment. (Gov/JT)</p> |

**Goal 4:** **Create and preserve a sense of “human scale” to the built environment of the neighborhood.** (Gov/JT)

**Key Principles:** Ensure that new development and redevelopment respects the existing scale and character of the planning area. (Gov/JT)

## **LAND USE DESCRIPTIONS**

### ***EXISTING LAND USE ON THE PROPERTY***

**Commercial** -Lots or parcels containing retail sales, services, hotel/motels and all recreational services that are predominantly privately owned and operated for profit (for example, theaters and bowling alleys). Included are private institutional uses (convalescent homes and rest homes in which medical or surgical services are not a main function of the institution), but not hospitals.

#### **Purpose**

6. Encourage employment centers, commercial activities, and other non- residential development to locate along major thoroughfares; and
2. Reserve limited areas for intense, auto-oriented commercial uses that are generally not compatible with residential or mixed use environments.

#### **Application**

6. Focus the highest intensity commercial and industrial activities along freeways and major highways; and
2. Should be used in areas with good transportation access such as frontage roads and arterial roadways, which are generally not suitable for residential development.

### ***PROPOSED LAND USE ON THE PROPERTY***

**Mixed Use** – An area that is appropriate for a mix of residential and non-residential uses.

#### **Purpose**

6. Encourage more retail and commercial services within walking distance of residents;
2. Allow live-work/flex space on existing commercially zoned land in the neighborhood;
3. Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic uses (with the exception of government offices) to encourage linking of trips;

4. Create viable development opportunities for underused center city sites;
5. Encourage the transition from non-residential to residential uses;
6. Provide flexibility in land use standards to anticipate changes in the marketplace;
7. Create additional opportunities for the development of residential uses and affordable housing; and
8. Provide on-street activity in commercial areas after 5 p.m. and built-in customers for local businesses.

### **Application**

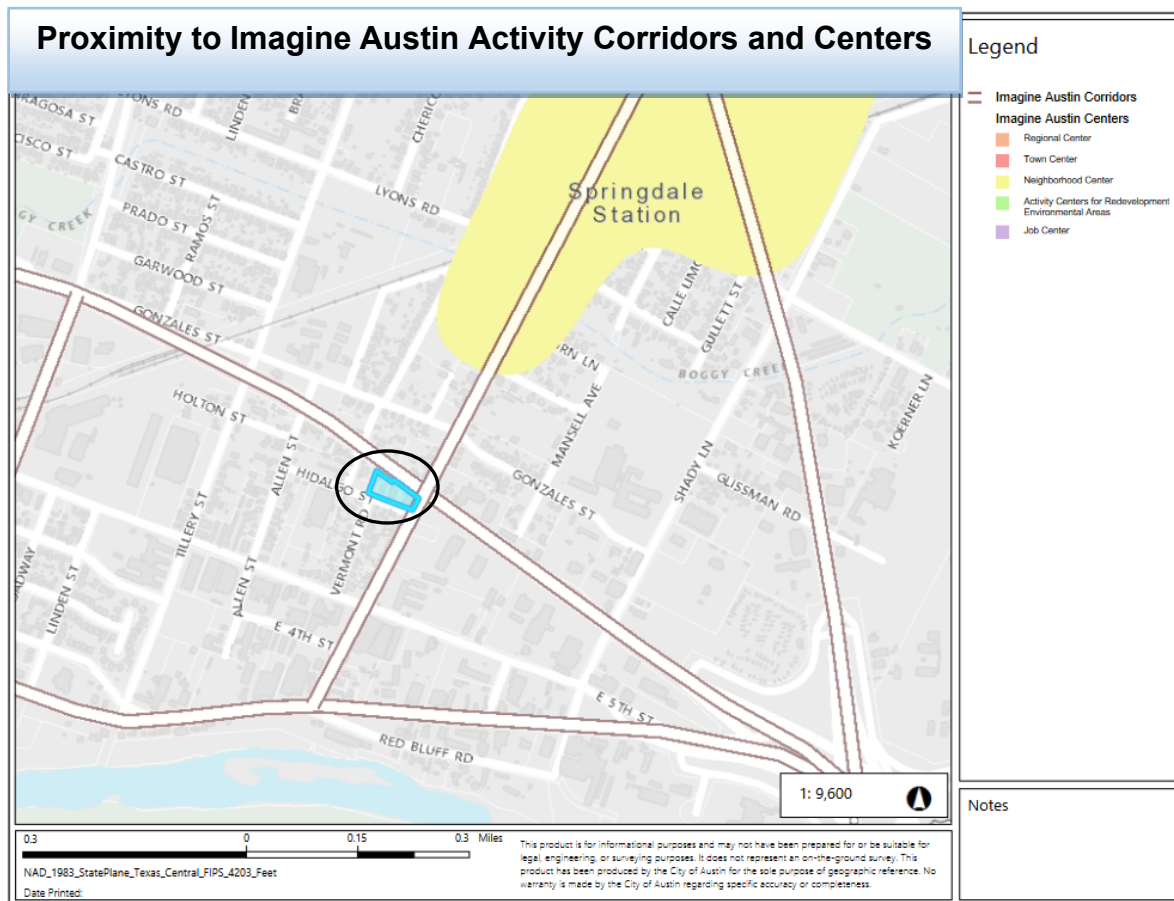
6. Allow mixed use development along major corridors and intersections;
2. Establish compatible mixed-use corridors along the neighborhood's edge
3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood Mixed Use Building, Neighborhood Urban Center, Mixed Use Combining District);
4. Mixed Use is generally not compatible with industrial development, however it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;
5. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating or maintaining a non-conforming use; and
6. Apply to areas where vertical mixed use development is encouraged such as Core Transit Corridors (CTC) and Future Core Transit Corridors.

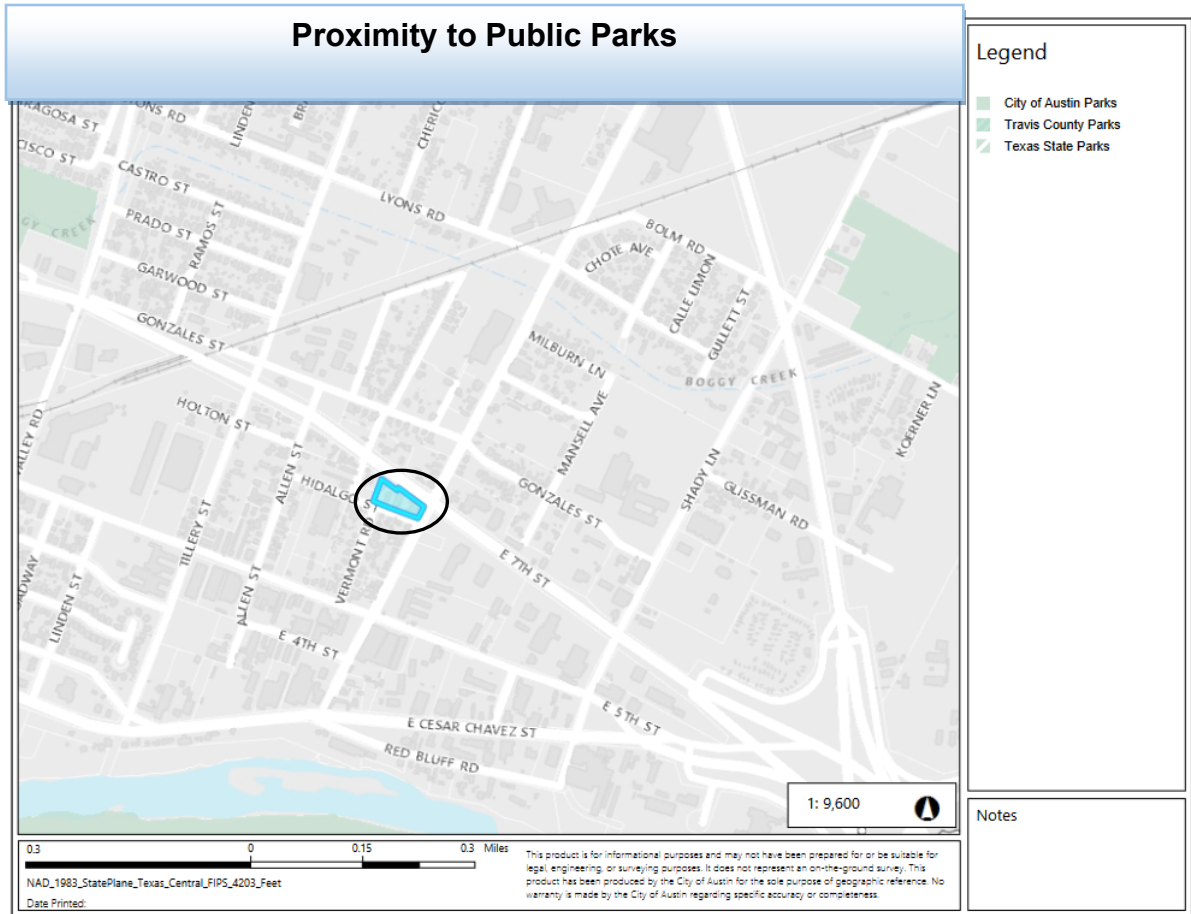
### ***IMAGINE AUSTIN PLANNING PRINCIPLES***

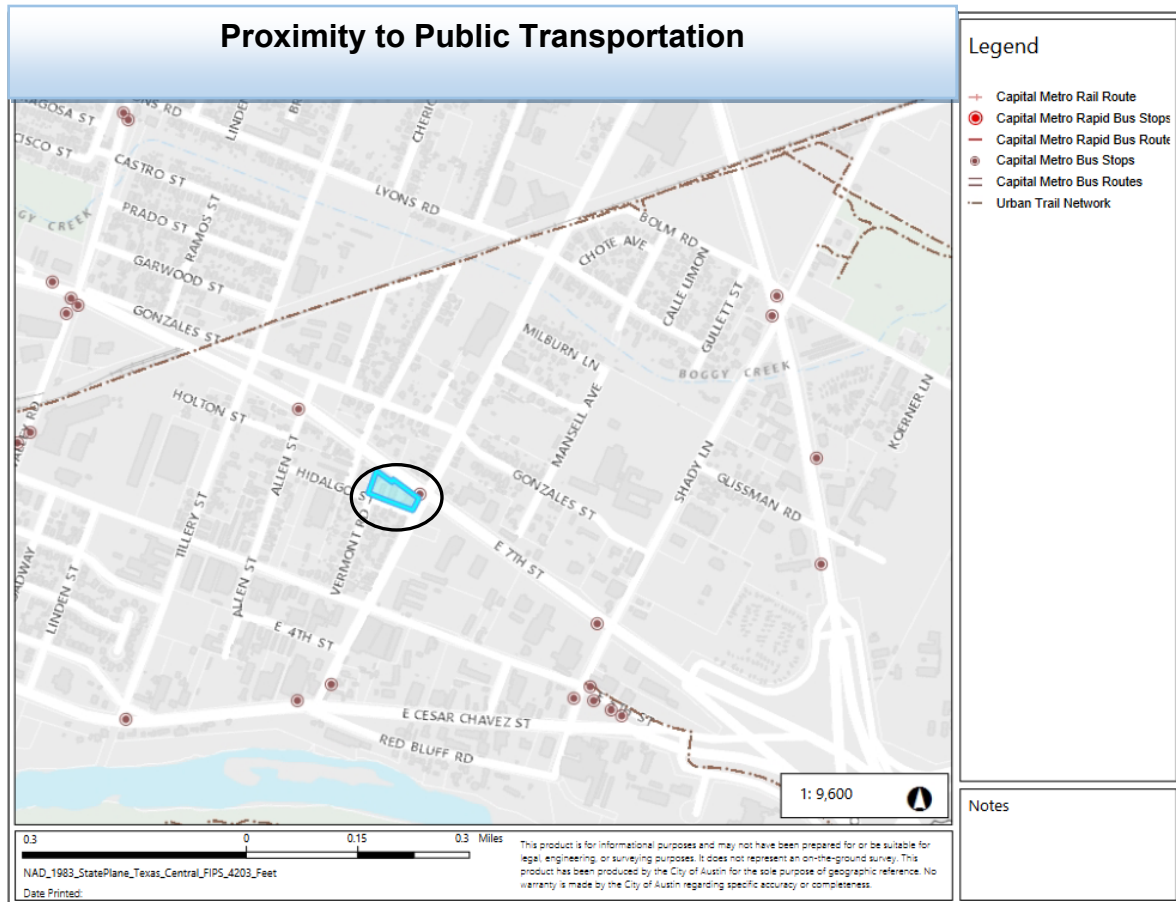
1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
  - ***The proposed mixed-use development will include residential units that will provide more housing units for the City. The property is near public transportation and located along a busy commercial corridor.***
2. 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 at the southwest corner of two activity corridors with access to public transportation in a somewhat walkable and bikeable environment.***
- 3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
  - ***The property is located at the southwest corner of East 7<sup>th</sup> Street and Springdale Road which are designated as Activity Corridors where mixed use land use is appropriate.***
- 4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
  - ***The proposed zoning of CS-MU-V-CO-NP would allow for residential uses that could expand the number and variety of housing choices.***
- 5. Ensure harmonious transitions between adjacent land uses and development intensities.
  - ***The property is located at the southwest corner of East 7<sup>th</sup> Street and Springdale Road which are designated as Activity Corridors where mixed use land use is appropriate.***
- 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 in the Desired Development Zone.***
- 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.
  - ***The nearest public park to the property is the Govalle Neighborhood Park located approximately one mile northeast of the property.***
- 8. Protect, preserve and promote historically and culturally significant areas.
  - ***To staff's knowledge there is no historic or cultural significance to this property.***
- 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 along a busy corridor within walking and biking distance to numerous services.***
- 10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
  - ***The proposed mixed-use building with commercial uses could provide a limited number of jobs.***
- 11. Sustain and grow Austin's live music, festivals, theater, film, digital media, and new creative art forms.

- *Not directly applicable, but the proposed mixed-use development could provide patrons to Austin's various art forums.*
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.
- *Not applicable. The proposed development is not a public facility.*









## 3511 East 7th Street

Govalle, Austin, 78702

Commute to **Downtown Austin**

13 min
 23 min
 18 min
 59 min
 [View Routes](#)

[Favorite](#)
[Map](#)
[Nearby Apartments](#)

[Looking for a home for sale in Austin?](#)

Walk Score

**54**

**Somewhat Walkable**

Some errands can be accomplished on foot.

Transit Score

**48**

**Some Transit**

A few nearby public transportation options.

Bike Score

**94**

**Biker's Paradise**

Daily errands can be accomplished on a bike.

[About your score](#)

## IMAGINE AUSTIN GROWTH CONCEPT MAP

### Definitions

**Neighborhood Centers** – The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and

dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

**Town Centers** – Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

**Job Centers** – Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

**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 July 28, 2021, which is in-cycle for neighborhood planning areas located on the east side of I.H.-35.

The applicant proposes to change the future land use map (FLUM) from Commercial to Mixed use land use.

The applicant proposes to change the zoning on the property from CS-CO-NP to CS-MU-V-CO-NP for a multifamily development with ground-floor retail. For more information on the proposed zoning case, please see case report C14-2021-0124.

**PUBLIC MEETINGS:** The ordinance-required community meeting was virtually held on October 6, 2021. The recorded meeting can be found at <https://www.speakupaustin.org/npa>. Approximately 237 community meeting notices were mailed to people who rent or own property within 500 feet of the subject property, in addition to neighborhood and environmental groups registered on the Community Registry who requested notification for the area. Two staff members attended the meeting, Maureen Meredith and Mark Walters. The applicant's agents in attendance were Amanda Swor and Aneil Naik from Drenner Group. The property owners Robert Rangel, Mario Rangel and Barbara VanDyke Rangel were in attendance along with one person from the neighborhood.

After city staff gave a brief presentation, Amanda Swor, the applicant's agent gave a presentation with the following information. Her presentation is included at the back of this report.

- The area to be rezoned covers a larger area than the land area under NPA case.
- The part of the property to the west already has the Mixed Use land use on the FLUM so it is not part of the NPA request.
- There is small piece of land that is outlined in blue along E. 7<sup>th</sup> Street frontage. This is owned by the City of Austin as old right-of-way that was going to be a bus stop.
- The property has a mix of zoning and we want to rezone the entire property to CS-MU-V-CO-NP carrying over the conditional overlay from the neighborhood plan.
- The proposal is to build a mixed-use building that will have pedestrian-oriented uses along the frontage of E. 7<sup>th</sup> Street.
- The property has residential uses existing to the south and across from E. 7<sup>th</sup> Street so compatibility standards will apply to the property which will step-back the buildings.
- Under CS zoning the maximum height would be 60 feet, but with compatibility standards we think the maximum height will be 40 feet.
- The prohibited uses under the CO would be adult oriented uses, kennels, residential treatment, campgrounds, pawn shop services, vehicle storage.
- The conditional uses under the CO would be agricultural sales and service, construction sales and services, limited warehousing and distribution, equipment repair services, building maintenance services, laundry service and equipment sales.

***Q: Can you talk some more about what is proposed to be built:***

A: It will most likely be a Vertical Mixed Use building where the regulations require that 75% of the frontage along E. 7<sup>th</sup> Street have pedestrian-oriented uses. This will be different types of commercial uses along the ground floor and will serve the community and people walking by the property. The residential uses on top of the commercial uses will more likely be for-sale residential.

***Q: Can you go over the maximum height?***

A: Under the current and proposed zoning the maximum height would be 60 feet, but because the property is subject to compatibility standards, the highest the buildings could be is a maximum of 40 feet.

***Q: Would the restaurant stay that is currently on the property?***

A: We don't know yet because we have discussed different potential uses, but I imagine a restaurant will be on the property whether it is this restaurant or another restaurant. Ultimately, it will be up to the person who buys the property and develops it.

***Q: Do you have an idea of how many commercial uses and residential units will be included?***

A: Until we get the zoning there is no point talking to an architect. I would imagine there would be uses like a coffee shop, restaurant, dry cleaner, those types of businesses.

***Q: Will the neighborhood get a chance to see what will be built before it's built?***

A: When a site plan is submitted you will get notified in the mail and the notice will have staff and engineer contact information so you can call them to get info on the development plans.

***Comment:***

- I'm too concerned about the proposed development, but I'm concerned how the construction phase. There was development nearby that disrupted our streets for years.

**Applicant Summary Letter from Application****DRENNER  
GROUP**

Amanda W. Swor  
direct dial: (512) 807-2904  
aswor@drennergroupp.com

July 27, 2021

Ms. Rosie Truelove  
Housing and Planning Department  
City of Austin  
Street-Jones Building  
1000 E. 11<sup>th</sup> Street, Suite 200  
Austin, TX 78702

Via Electronic Delivery

Re: 3535 East 7<sup>th</sup> Street – Neighborhood Plan Amendment application for the 1.0734-acre piece of property located at 3511, 3525, and 3535 East 7<sup>th</sup> Street, Austin, Travis County, Texas (the “Property”)

Dear Ms. Lucas:

As representatives of the owner of the Property, we respectfully submit the enclosed Neighborhood Plan Amendment (NPA) application package. The project is titled 3535 East 7<sup>th</sup> Street, consists of three tracts totaling 1.0734 acres, and is located on the southwest corner of East 7<sup>th</sup> Street and Springdale Road. A rezoning application for the Property is being submitted concurrently with this application. The rezoning application will contain the Property as well as an additional 3 tracts totaling 1.6912 acres. Three of the six tracts have the desired Future Land Use Map (FLUM) designation of Mixed Use and are not included in this NPA application package. The Property is currently developed with small office, warehouse, and vehicle service space.

The Property is located in City Council District 3 in the Full Purpose Jurisdiction of the City of Austin. The Property is located within the Boggy Creek urban watershed and is within the boundaries of South Govalle/Johnston Terrace Combined Neighborhood Planning Area with a Future Land Use Map (FLUM) designation of Commercial, therefore, a Neighborhood Plan Amendment is required to be submitted. The requested change to the FLUM is from Commercial to Mixed Use.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,

A handwritten signature in blue ink that reads "Amanda Swor". The signature is fluid and cursive, with the first name "Amanda" and the last name "Swor" clearly distinguishable.

Amanda W. Swor

cc: Joi Harden, Housing and Planning Department *(via electronic delivery)*  
Heather Chaffin, Housing and Planning Department *(via electronic delivery)*

**Letter of Recommendation from the Govalle/Johnston  
Terrace Neighborhood Plan Contact Team (NPCT)**

(No letter received as of December 7, 2021)

**Neighborhood Postponement Request from Nov. 9, 2021 to  
December 14, 2021 PC Hearing**

**From:** Daniel Llanes

**Sent:** Tuesday, November 9, 2021 4:01 PM

**To:** Chaffin, Heather <Heather.Chaffin@austintexas.gov>

**Cc:** Rivera, Andrew <Andrew.Rivera@austintexas.gov>; Amanda Swor Amie Arfman Meredith, Maureen <Maureen.Meredith@austintexas.gov>

**Subject:** Re: POSTPONEMENT REQUEST: case # NPA 2021-0016.03 & C14-2021-0124 - 3511, 3525 and 3535 E. 7th Street

Hi Heather, we agree to the 14th.

Thanks, Daniel

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**From:** Daniel Llanes <[dllanesrb@earthlink.net](mailto:dllanesrb@earthlink.net)>

**Sent:** Monday, November 8, 2021 6:22 AM

**To:** Meredith, Maureen <[Maureen.Meredith@austintexas.gov](mailto:Maureen.Meredith@austintexas.gov)>

**Cc:** Chaffin, Heather <[Heather.Chaffin@austintexas.gov](mailto:Heather.Chaffin@austintexas.gov)>; Amanda Swor <[aswor@drennergroupp.com](mailto:aswor@drennergroupp.com)>; Amie Arfman <[aarfman@drennergroupp.com](mailto:aarfman@drennergroupp.com)>

**Subject:** POSTPONEMENT REQUEST: case # NPA 2021-0016.03 & C14-2021-0124 - 3511, 3525 and 3535 E. 7th Street

\*\*\* External Email - Exercise Caution \*\*\*

Hi Maureen,

We met with Amanda and her client at our Nov, 6th Contact Team meeting, they presented, there was discussion and we all decided that we need more to continue our dialogue, so we formed a sub committee to negotiate a proposal for Contact Team consideration and recommendation.

We are requesting a postponement of the planning commission date from Nov. 9, 2021 to the latest possible date in December.

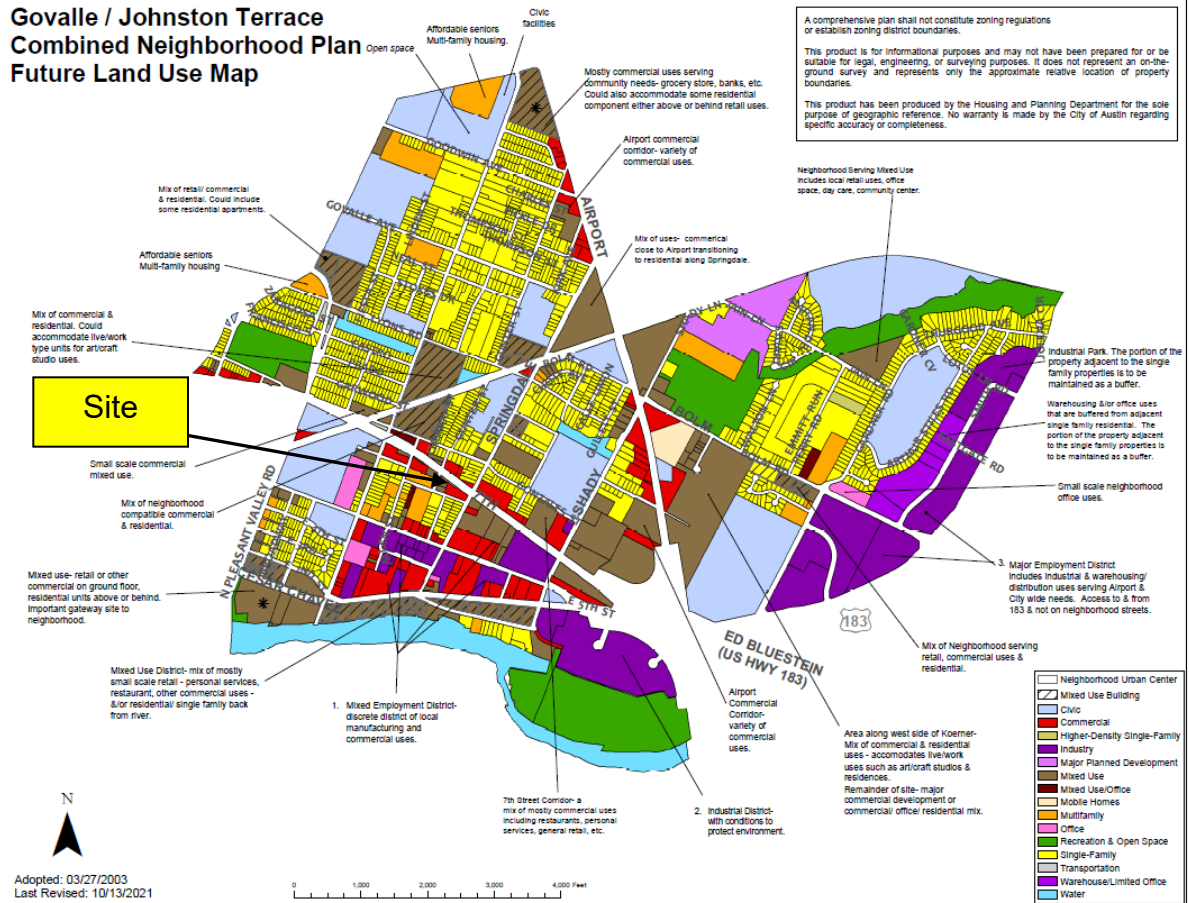
Thank you,

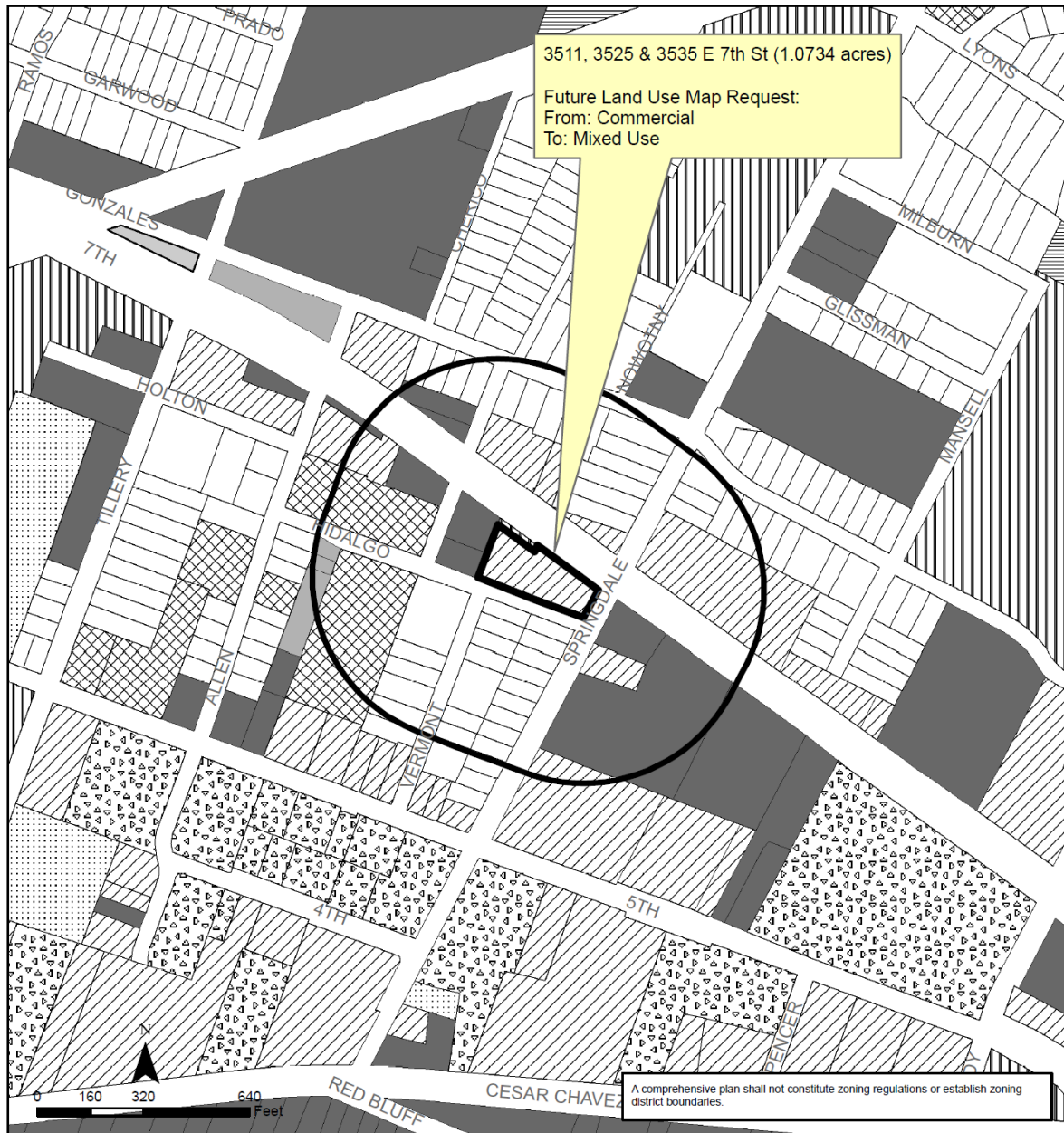
Daniel Llanes, Chair  
G/JTNP Contact Team  
512-431-9665

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# Govalle / Johnston Terrace Combined Neighborhood Plan Future Land Use Map





**Govalle/Johnston Terrace Combined  
(Govalle) Neighborhood Planning Area  
NPA-2021-0016.03**

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.

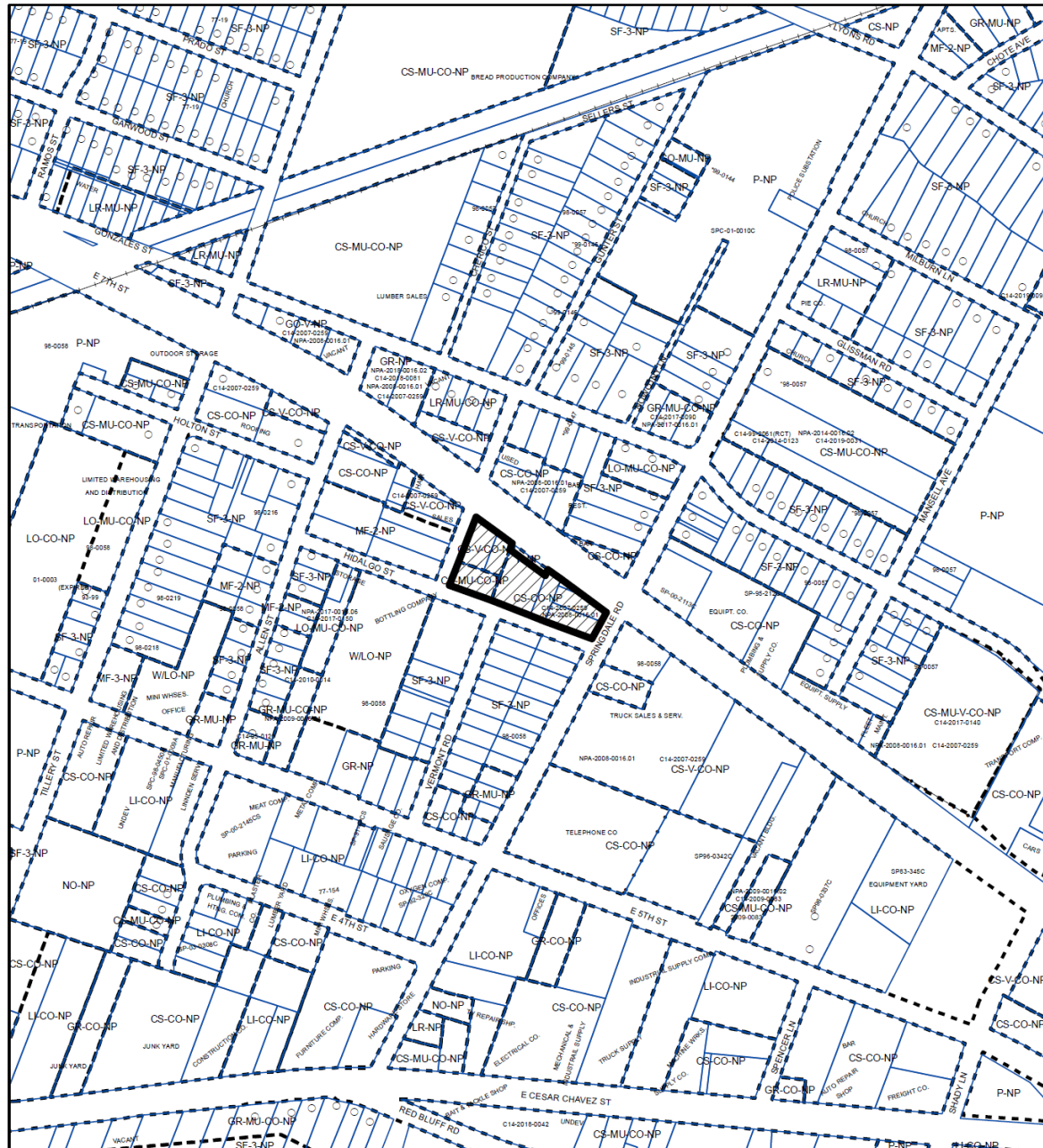
This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.






City of Austin  
Housing and Planning Department  
Created on 7/30/2021, by: MeeksS

**Future Land Use**

	500 ft. notif. boundary		Mixed Use/Office
	Subject Tract		Multi-Family
	Civic		Office
	Commercial		Single-Family
	Industry		Transportation
	Mixed Use		Water



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

### ZONING

ZONING CASE#: C14-2021-0124

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Created: 7/29/2021







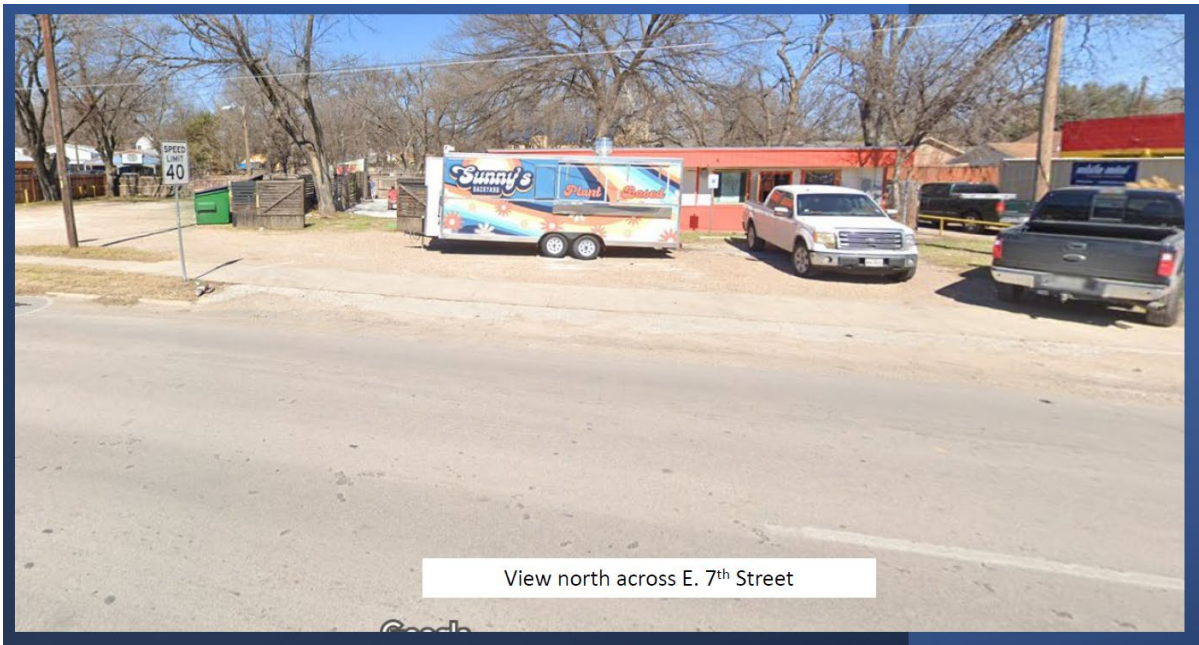




Subject Properties



View west





Applicant's Presentation at the October 6, 2021  
Community Meeting

# 3535 East 7<sup>th</sup> Street

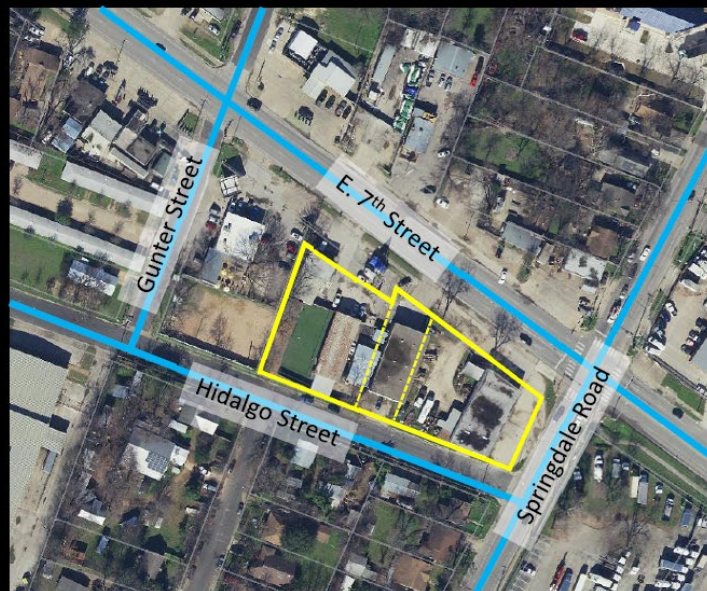
Govalle/Johnston Terrace (Govalle) Combined Planning Area

NPA Case # NPA-2021-0016.03

October 6, 2021

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## Site Aerial



2

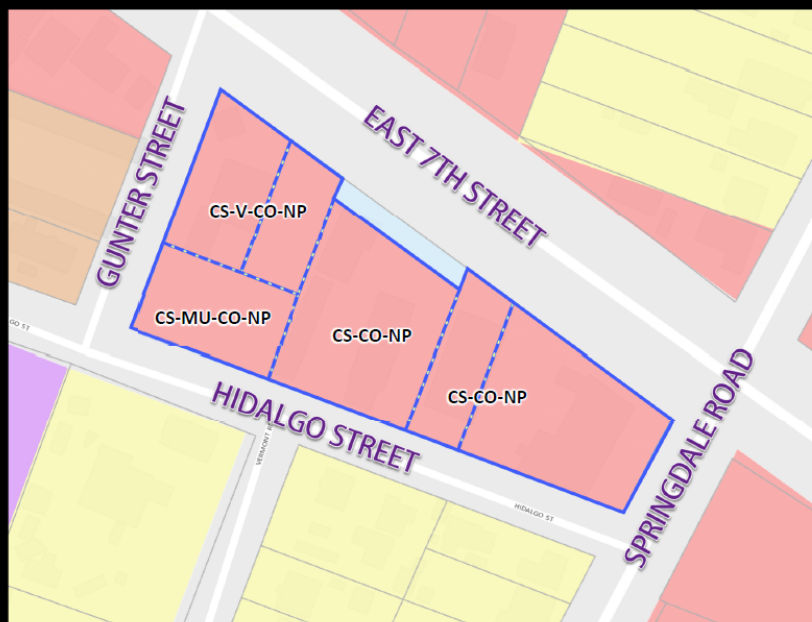


## FLUM



3

## Zoning



4

## FLUM Area Property Facts

- Address: 3511, 3525, 3535 East 7<sup>th</sup> Street
- Tract size: 1.0734 acres
- FLUM: Commercial
- Zoning: CS-CO-NP
- Existing uses:
  - Dan's Barber Shop
  - Seven East Art Studio; and
  - Vehicle Service/Auto Repair Garage

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## Current Entitlements

**FLUM:** Commercial

**Zoning:** CS-CO-NP (General Commercial Services – Conditional Overlay – Neighborhood Plan)

### **Conditional Overlay:**

- Prohibits the following uses:
  - Adult oriented businesses
  - Kennels
  - Residential treatment
  - Campground
  - Pawn shop services
  - Vehicle storage
- Conditional Uses:
  - Agricultural sales and services
  - Construction sales and services
  - Limited warehousing and distribution
  - Equipment repair services
  - Building maintenance services
  - Laundry services
  - Equipment sales

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## Proposed Entitlements

**FLUM:** Mixed Use

**Zoning:** CS-MU-V-CO-NP (General Commercial Services – Mixed Use – Vertical Mixed Use Overlay – Conditional Overlay – Neighborhood Plan)

### **Conditional Overlay (no proposed changes):**

- Prohibits the following uses:
  - Adult oriented businesses
  - Kennels
  - Residential treatment
  - Campground
  - Pawn shop services
  - Vehicle storage
- Conditional Uses:
  - Agricultural sales and services
  - Construction sales and services
  - Limited warehousing and distribution
  - Equipment repair services
  - Building maintenance services
  - Laundry services
  - Equipment sales

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## Proposed Project

- Mixed use building
  - Pedestrian-oriented first floor use
- Max Height: Consistent with compatibility standards
- Unit Mix: TBD
- Affordable Housing: Will meet VMU regulations

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# Request

We respectfully request your support for this neighborhood plan amendment request from Commercial to Mixed Use.