

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0137 – 3427 Jefferson Street DISTRICT: 10

ZONING FROM: LR-NP TO: CS-NP

ADDRESS: 3427 Jefferson Street

SITE AREA: 0.16 acres (6,969 sq. ft.)

PROPERTY OWNER:

Estate of Tom Wiley
(Lindabeth Doby, Executor)

AGENT:

Metcalf Wolff Stuart & Williams, LLP
(Michele Rogerson Lynch)

CASE MANAGER: Wendy Rhoades (512-974-7719, wendy.rhoades@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – neighborhood plan (CS-NP) combining district zoning. *For a summary of the basis of staff's recommendation, see case manager comments on pages 2 – 3.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

October 26, 2021: APPROVED CS-CO-NP DISTRICT ZONING, WITH THE -CO PROHIBITING THE FOLLOWING USES: AGRICULTURAL SALES AND SERVICES, AUTOMOTIVE RENTALS, AUTOMOTIVE REPAIR SERVICES, AUTOMOTIVE SALES, AUTOMOTIVE WASHING (OF ANY TYPE), BAIL BOND SERVICES, CAMPGROUND, COMMERCIAL BLOOD PLASMA CENTER, CONSTRUCTION SALES AND SERVICES, CUSTOM MANUFACTURING, EQUIPMENT REPAIR SERVICES, EQUIPMENT SALES, EXTERMINATING SERVICES, INDOOR CROP PRODUCTION, KENNELS, LIMITED WAREHOUSING AND DISTRIBUTION, MAINTENANCE AND SERVICE FACILITIES, OUTDOOR SPORTS AND RECREATION, PAWN SHOP SERVICES, PLANT NURSERY, SERVICE STATION, TRANSPORTATION TERMINAL, AND VEHICLE STORAGE.

[J. CONNOLLY; A. AZHAR – 2ND] (12-1) C. LLANES PULIDO – NAY

October 12, 2021: APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO OCTOBER 26, 2021, BY CONSENT

[R. SCHNEIDER; J. SHIEH – 2ND] (9-0) S. PRAXIS – NOT PRESENT FOR PASSAGE OF THE CONSENT AGENDA; A. AZHAR, J. CONNOLLY, C. HEMPEL – ABSENT

CITY COUNCIL ACTION:**January 27, 2022:**

December 9, 2021: *APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO JANUARY 27, 2022. VOTE: 11-0.*

November 18, 2021: *APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO DECEMBER 9, 2021. VOTE: 11-0.*

ORDINANCE NUMBER:ISSUES:

A petition of 5.57 % has been filed in opposition to this rezoning request. Petition materials and comment response forms are located at the back of the Staff report.

The Applicant is in agreement with the recommendation of the Planning Commission.

The Bryker Woods Neighborhood Association has submitted correspondence in opposition to the rezoning request.

Neither building elevations nor site plans were submitted with the rezoning application. Telephone calls to staff from neighbors focused on their concern about the potential height or scale of the building and volume of additional traffic that will be generated from the building.

CASE MANAGER COMMENTS:

The rezoning tract ("Tract") is a through lot with frontage on Jefferson Street and Glenview Avenue. The Tract is 0.16 acres (6,969 square feet) and currently has neighborhood commercial-neighborhood plan (LR-NP) combining district zoning. Applicant proposes to assemble the adjacent general commercial services-neighborhood plan (CS-NP) combining district zoned lots with the rezoned subject Tract to develop an office and commercial building. The combined area of the general commercial services-neighborhood plan (CS-NP) combining district zoned lots and the Tract is 0.464 acres (20,210 square feet). The proposed building would have about 36,000 square feet of office uses and 5,000 square feet of Commercial uses.

West 35th Street is a Core Transit Corridor and classified in the Austin Strategic Mobility Plan (ASMP) as a level 3 road. Jefferson Street is a level 2 road. There are 2 through lanes and a bike lane in each direction and a center turn lane. Both sides of W. 35th St. have sidewalks. Using the #19 MetroBus: the trip to the UT Keeton Station is 16 minutes. The trip to Republic Square Station is 28 minutes including the 5-minute (0.2 mile) walk to the stop at W. 35th and Crawford Ave. W. 35th St. is also served by routes 335 and 491.

Neighborhood Plan

The rezoning tract is in the Windsor Road Neighborhood Planning Area, a part of the Central West Austin Combined Neighborhood Plan. The Future Land Use Map shows the area as commercial and encourages development of commercial activities and employment centers. No plan amendment is required because the requested CS zoning is consistent with the plan. (See “Comprehensive Planning” comments in Other Staff Comments below).

BASIS OF RECOMMENDATION:

The Staff recommendation is to grant general commercial services-neighborhood plan (CS-NP) combining district zoning.

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

General commercial services (CS) district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. Neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

A Neighborhood Plan Amendment is **not** required because the area is designated commercial in the Future Land Use Map (FLUM). The proposed CS-NP zoning permits the proposed office and commercial land uses. West 35th is a significant Street. It's a Core Transit Corridor and classified in the Austin Strategic Mobility Plan as a level 3 roadway with 2 lanes in each direction and center turn lane as well as having on-street bike paths on both sides. W. 35th St. is an Imagine Austin Comprehensive Plan Activity Corridor where development is supposed to be compact and connected, walkable and bicycle friendly. Activity Corridors are supposed to be places to find goods and services, education, entertainment, and employment. The proposed office and commercial uses are consistent with the commercial district requested, the FLUM and the Activity Corridor location.

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

All four quadrants of the W. 35th St. and Jefferson St. have CS zoning. The half mile stretch between MoPac Expressway (western boundary of Neighborhood Plan Area) to Ascension Seton Medical Center, W. 35th St. is a busy commercial area with restaurants, banking, salons and professional offices in addition to pharmacies, flower shops, allied health offices and services. The office and commercial development continues east as W. 35th St. transitions into W. 38th Street between Kerby Lane and Shoal Creek Blvd. Continuing eastbound, W. 38th St. has medical offices all the way to the eastern boundary of the Neighborhood Plan area at N. Lamar Blvd.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	LR-NP	Vacant restaurant (former Burger King)
North	CS-NP	Parking for restaurant
South	LO-NP; NO-NP; NO-MU-CO-NP	Professional offices; Administrative offices; Professional offices
East	GR-NP; NO-MU-NP; LO-NP	(across Glenview Ave.) Restaurant; surface parking, Professional offices and surface parking
West	CS-NP, LO-NP	(across Jefferson St.) Banking, retail

NEIGHBORHOOD PLANNING AREA: Central West Austin Combined N.P. (20100923-102) with Windsor Road N.P. (20100923-103). Land use shown on Future Land Use Map: Commercial. Proposed land use with rezoning application: Commercial. Plan Amendment is not required.

TIA: The Transportation Impact Assessment determination is deferred until site plan application, when land use and intensity is finalized.

WATERSHED: Shoal Creek – Urban

OVERLAYS: ADU Approximate Area Reduced Parking Residential Design Standards: LDC/25-2-Subchapter F

SCHOOLS: AISD

Bryker Woods Elementary School O’Henry Middle School Austin High School

COMMUNITY REGISTRY LIST:

Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
Bryker Woods Neighborhood Association
Central Austin Urbanists
Central West Austin Neighborhood Plan
Contact Team
Friends of Austin Neighborhoods

Homeless Neighborhood Association
Neighborhood Empowerment Foundation
Preservation Austin
Ridgelea Neighborhood Assn.
SELTexas
Save Historic Mundy District
Shoal Creek Conservancy
Sierra Club, Austin Regional Group

West Austin Neighborhood Group

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-96-0069 Kerbey Lane Village 1507-1513 W 35 th St	From SF-3 to GR	To Grant GR-MU-CO Conditions: no vehicle access to Kerby Lane; max 2,000 daily vehicle trips; Site Development Stds per "LR" district; List of prohibited uses; List of conditional uses.	Apvd. 08/15/1996 Ord.# 960815-B
C14-2019-0163 3405 Glenview Ave	Rezone 0.1791 ac from NO-NP to LO-NP	To grant	Apvd. 03/12/2020 Ord.# 20200312-058
C14-03-0161 1608 W 34 th St	Rezone SF-3 to NO. Staff Rec NO	To grant NO-MU-CO. Conditions: list of 16 prohibited uses; if existing structure replaced, FAR not to exceed 0.26:1	Apvd. 02/26/2004 Ord.# 040226-Z-6
C14-06-0139 Mills Ave Parking Rezoning 3401 Mills Ave	Rezone P to GO-CO: Conditions: List of 20 prohibited uses.	To grant	Apvd. 08/24/2006 Ord.# 20060824-083
C14-00-2233 3409 Glenview Ave	SF-3 to LO. Amended to NO-MU	To grant	Apvd. 01/18/2001 Ord.# 010118-77
C14-2008-0003 Windsor Road NP Vertical Mixed Use Bldg Opt In/Opt Out	Rezone 27.46 ac	To grant	Apvd. 05/22/2008 Ord.#20080522-045(V) Apvd. 06/18/2008 Ord.# 20080618-079 (VMU)
C14-05-0103 3500 Jefferson St Ste 101	Rezone CS to CS-1-CO (1,557 sq. ft.). Conditions: max 300 trips/day	To grant	Apvd. 10/31/2005 Ord.# 20051020-054
C14-06-0020 Gallery Shoal Creek 1500 W 34 th St	Rezone LO to GO-CO: Conditions: development stds. per LO district; list of 5 prohibited uses	To grant	Apvd. 05/04/2006 Ord.# 20060504-036

Number	Request	Commission	City Council
C14-2008-0004 Rosedale Nbhd NPA Vertical Mixed Use Opt In/Opt out	Rezone 27.4 ac. to add vertical mixed use building (V) and to exclude certain tracts.	To grant	Apvd. 04/10/2008 Ord.# 20080410-065

RELATED CASES:

C14-2008-0003: Windsor Road Neighborhood Planning Area Vertical Mixed Use Building Opt In / Opt Out – Ord. 20080522-045 (Tract 4: 3427 Jefferson St; Excluded from VMU).

LEGAL DESCRIPTION:

Lot 18, Glenview Addition, Volume 3, Page 109 (C14-1925-1353)

OTHER STAFF COMMENTS:Comprehensive Planning

This rezoning case is located near the southeast corner of West 35th Street and Jefferson Street, and contains a 2,900 square foot former fast-food restaurant, which is situated on a 0.16 acre lot. This property is located near the **35th Street Activity Corridor** and within the boundaries of the Central West Austin Combined Neighborhood Plan (Windsor Road). Surrounding land uses include retail uses to the north and east; there is a bank to the west, and residential to the south. The request is to rezone the property from Zone LR to CS, demolish the building, and combine with the adjacent CS-NP zoned tract on the north, construct a building with 36,000 square feet of office space, and 5,000 square feet of commercial space. Zone CS permits a building height up to 60 feet.

Connectivity: Public sidewalks and bike lanes are located along both sides of Jefferson Street and 35th Street. A public transit stop is located 100 feet from the subject property. Connectivity and mobility options in this area are good.

Central West Austin Combined Neighborhood Plan (CWACNP)

The CWACNP Future Land Use Map (FLUM) designates this portion of the planning area as ‘**Commercial**,’ which is intended for retail sales, services, motels/hotels, and all recreational services that are predominately privately owned and operated for profit. This FLUM category is intended to encourage employment centers, commercial activities, and other non-residential development. Zones LR, CS and GR are permitted under the Commercial land use category.

The following text, goals, objectives and recommendations are taken from the CWACNP:

Objective 2: Preserve or enhance, as appropriate, existing multifamily housing and neighborhood-serving commercial districts. Pg. 42

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. Pg 44

L.2.8 - The neighborhood office blocks between 34th and 35th 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. Pg. 44

The Central West Austin NP has a future land use designation of ‘Commercial’ and the policies and FLUM category appears to support neighborhood serving uses and small-scale office development in this portion of the planning area.

Imagine Austin (IACP)

The property is situated along an Activity Corridor, which are characterized by a variety of land uses, including shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. The following Imagine Austin policies are also applicable to this case:

- **LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- **LUT P3.** Promote development in compact centers, communities, or **along corridors** that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.

Based upon the policies in the CWACNP policies that support office and commercial uses at this property, and the property being located along an **Activity Corridor**, which supports a variety of commercial and office uses, the proposed zone change supports the Imagine Austin Comprehensive Plan.

Environmental

The site is located over the Edwards Aquifer Verification Zone. A hydrologic or geologic analysis of the site will be necessary to confirm the recharge zone status. 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.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is no floodplain within or adjacent to the project location.

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

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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 s.f. cumulative is exceeded, and on-site control for the 2-year storm.

Parks and Recreation

There are currently no parkland requirements for uses other than residential and hotel. Given that the application is for CS-NP, with proposed office and retail uses, there would not be parkland dedication requirements or parkland impacts at the time of site plan or subdivision.

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Transportation

ASMP Assessment

The Austin Strategic Mobility Plan (ASMP) calls for 60 feet of right-of-way for Jefferson Street. It is recommended that 30 feet of right-of-way from the existing centerline should be dedicated for Jefferson Street according to the Transportation Plan with the first subdivision or site plan application [LDC 25-6-51 and 25-6-55].

Transportation Assessment

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

The adjacent street characteristics table is provided below:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Jefferson Street	56'-60'	40'-45'	Level 2	Yes	Bike Lane	Yes
Glenview Street	50'	30'	Level 1	Yes	None	Yes

Austin Water Utility

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 Austin Water for compliance with City criteria and suitability for operation and maintenance.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

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.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Correspondence Received

Created: 8/26/2021







3427 Jefferson Street

ZONING CASE#: C14-2021-0137
 LOCATION: 3427 JEFFERSON STREET
 SUBJECT AREA: .16 Acres
 GRID: H25
 MANAGER: Wendy Rhoades



1" = 75'

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

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.

October 11, 2021

Wendy Rhoades
City of Austin

VIA Email wendy.rhoades@austintexas.gov

Re: Case number C14-2021-0137 – 3427 Jefferson

Dear Ms. Rhoades:

We are writing to indicate our **SUPPORT** for the rezoning. Our firm has been officing across 35th Street from the project for more than a year. We welcome any replacement of the abandoned Burger King on this major corridor. We understand that an office and commercial project is proposed that will provide underground parking and generates less traffic than the Burger King. We welcome a new project that will provide additional office space and commercial services to this area.

Sincerely,



A. Lee Rigby



Cathleen C. Slack

cc: Michele Rogerson Lynch (*via email*)



THE LAW OFFICE OF

BECKY BEAVER

3500 JEFFERSON
SUITE 210
AUSTIN, TEXAS 78731

TEL 512/474.5791
FAX 512/474.4169

BECKYBEAVERLAW.COM

BECKY BEAVER

BOARD CERTIFIED FAMILY LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

KJ MIRI

ASSOCIATE ATTORNEY

ELIZABETH ANGELONE

ASSOCIATE ATTORNEY

AARON WISE

BOARD CERTIFIED PARALEGAL
FAMILY LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

CHRISTINA SNELL

PARALEGAL

October 11, 2021

Via Email

Ms. Wendy Rhoades
City of Austin
Wendy.rhoades@austintexas.gov

Re: Case #14-2021-0137 – 3427 Jefferson – Burger King site
rezoning

Dear Ms. Rhoades:

This letter is in SUPPORT of the proposed rezoning of the above-referenced site. I both live in the neighborhood, and my office is across from the site of the proposed redevelopment. My office window looks directly onto the site. We in our office welcome any redevelopment of that old Burger King site, but I am particularly impressed with the design and commitment to neighborhood sensitivities of the firms working on this particular project. We like the fact that the site will have more than adequate underground parking, and a design that integrates well into both the adjacent residential and commercial properties. And we also welcome into the neighborhood an attractive commercial site providing much needed additional office space.

Thank you for your consideration of this supportive communication, and please feel free to reach out to me if you have any questions or would like to discuss further.

Sincerely,

LAW OFFICE OF BECKY BEAVER

Becky Beaver

BB

From:
To: [Rhoades, Wendy](#)
Subject: C14-2021-013)
Date: Monday, October 25, 2021 5:31:17 PM

*** External Email - Exercise Caution ***

Case number C14-2021-0137 - 3427 Jefferson

Wendy - I am writing to indicate my SUPPORT for the rezoning.

My husband and I have lived on Glenview Avenue for about 15 years. Well our young kids visited Burger King more often than I might've liked, that corner has generally been under utilized in my opinion. With more growth coming to the area up and down the 35th Street Corridor as well as just north of us at the Grove, it only makes sense to me to add more amenity space to the neighborhood.

I learned from the applicant that an office and commercial project is proposed that is compliant with compatibility standards and has underground parking. I look forward to seeing how all those who live nearby may benefit from the rezoning of this site, in addition to whatever is planned for the Randall's location just down the block. I consider any office or retail space within walking distance of my home to be a gift. We can currently walk to see our pediatrician, our bank, our insurance agent, and our favorite ice cream shop. Brykerwoods is a uniquely urban neighborhood with a classic residential feel.

Thank you for your consideration.

Andrea Hamilton
3006 Glenview Avenue

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From: [Kelly Molak](#)
To: [Graham, Mark](#)
Subject: C14-2021-0137 - Opposition - 2427 Jefferson St
Date: Wednesday, September 8, 2021 12:44:11 PM

*** External Email - Exercise Caution ***

Hi Mark,

We are a homeowner in Brykerwoods and would not be in support of the rezoning of Lot 18, Glenview Addition to CS-NP.

Per the 2010 approved Central West Austin Neighborhood plan, please note the following objectives:

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 singlefamily houses on the south side of this block, facing 34th Street, should be maintained. P

L.2.8 The neighborhood office blocks between 34th and 35th Streets and Jefferson Street and Mills Avenue should remain smallscale 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 singlefamily residential use would also be welcome by the neighborhood

Many people in the City and our community have worked tirelessly to preserve the fabric our community. We are strongly opposed to this zoning change.

Frankly, they can redevelop the front tract with their desired zoning...if I were them I would work with the neighborhood association to try and work within their existing zoning on the .16 acre tract and develop something that would be fiscally desirable for the developer and meet the objectives of the approved neighborhood plan.

Best, Kelly

Kelly C. Molak

Soledad Builders, LLC
1004 Mopac Circle, Ste 200
Austin, Texas 78746

O 512-306-8310
C 512-422-6903

From: [Wendy Serrell](#)
To: [Graham, Mark](#)
Subject: Case Number: C14-2021-0137
Date: Wednesday, September 8, 2021 3:11:59 PM

*** External Email - Exercise Caution ***

Dear Mark,

I am writing to protest the rezoning and development of the former Burger King lot on the corner of Jefferson and 35th in Brykerwoods. It is a coveted family neighborhood that does not need additional office/commercial space, particularly since the red brick building across the street has had several vacancies for years. This type of development would only add to the congestion at that intersection and increase the already over-used, heavily-travelled Jefferson Street corridor. As it is, the area has suffered through several years of construction trucks grinding their way to The Grove and they continue to do so.

Please add my name to the list of protesters of this development.

Best,
Wendy Serrell

--

Wendy Serrell
2814 Jefferson Street
Austin, TX 78703
203-517-8911

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From: [Sonya Spielberg](#)
To: [Mia Carameros](#); [Graham, Mark](#)
Subject: C14-2021-0137 protest
Date: Wednesday, September 8, 2021 3:44:10 PM

*** External Email - Exercise Caution ***

Mark:

I'm writing as an impacted homeowner (and attorney) to formally protest this application for a zoning change. I live only one block from this proposed development, which would significantly change the character of our neighborhood. My neighbors are similarly concerned. Please advise us of next steps to be taken and when we might appear at a hearing.

Best regards,

Sonya Spielberg

1703 W 34th St, Austin, TX 78703

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From: [Paul Kapsner](#)
To: [Graham, Mark](#)
Cc: [Caroline Kapsner](#)
Subject: Case Number: C14-2021-0137
Date: Wednesday, September 8, 2021 4:14:34 PM

*** External Email - Exercise Caution ***

Hi Mark,

My wife and I are born and raised Austinites, and the property owners of 3314 Kerbey Lane, a property within 500 ft of this proposed rezoning. We would like to voice our opposition to this rezoning.

We believe that rezoning the property to CS-NP will negatively impact the Bryker Woods Neighborhood. This is an historic neighborhood known for its charm and building a high rise office building a block away would have a huge negative impact.

We purchased our house this year with the knowledge that the area between 34th and 35th street was zoned LR-NP. If a multi-story office building were built in this location, the office would be looking down at our back yard, and completely eliminate the privacy of our backyard and the privacy of most of my neighbors' backyards. Our quality of life and home value would significantly decrease.


This would also negatively impact the traffic around the area, which would be dangerous for the children that walk around this area right next to Brykerwoods Elementary.

There is a reason this was originally coded as LR-NP to be a neighborhood commercial district serving the Brykerwoods neighborhood. Changing it to CS-NP would benefit one property owner at the expense of the thousands of residents of the Brykerwoods neighborhood.

Thank you for your consideration.

Best,

--

Paul Kapsner
512-740-3485


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From: [Deborah Hornickel](#)
To: [Graham, Mark](#)
Subject: C14-2021-0137 Brykerwoods
Date: Wednesday, September 8, 2021 5:23:37 PM

*** External Email - Exercise Caution ***

Mr. Graham,

I am a long time - 30+ years - resident of Brykerwoods and a 50 years resident of Austin. Needless to say I have seen massive changes across our once "sleepy" little town as well as my wonderful post WWII Brykerwoods subdivision. I know I sound like an old fuddy duddy, but it does break my heart to see such a major shift in the warm neighborly feelings and completely out of scale architecture creeping in due to recent development.

Please let this email serve as notice of my opposition to the request for a zoning change as set forth in the above case number. The current zoning is sufficient for our neighborhood and does not require changing simply to accommodate an out of state investor's wishes. The concerns and desires of those of us who live here must be primary.

Thank you for your consideration.

Deborah Hornickel
3206 Oakmont Blvd.
Austin 78703
512.632.2454

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From: [Theresa Bond](#)
To: [Graham, Mark](#)
Subject: Case Number: C14-2021-0137
Date: Thursday, September 9, 2021 9:57:45 AM

*** External Email - Exercise Caution ***

I am advocating that we fight against this rezoning application. This goes against the very ethos of Brykerwoods-- we love it because of the quaint mom-and-pop feel of our neighborhood. The ability to walk to a coffee shop down the road with your kiddos and pup or ride your bike to pick up flowers at AFC Flower Market. We love to see our little ones running in the front yard in the sprinklers and getting to know your neighbor(s) and serving them well. (JB brings me flowers from his garden and leaves them on my porch). This is why people covet this neighborhood in Austin! This is why we love it! Let's protect it from losing its charm.

Theresa Bond
1503 West 30th Street

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From: [Chris Mosser](#)
To: [Graham, Mark](#)
Subject: Burger King building
Date: Tuesday, September 14, 2021 6:33:03 AM

*** External Email - Exercise Caution ***

Mark, saw discussion amongst my Bryker Woods neighbors about how horrible a larger building at 38th and Jefferson would be, and for the life of me I can't figure out the negative impact, as long as said structure can also handle its own parking as the commercial building catty-corner from it does. My neighbors let their privilege gang out a bit much sometimes and occasionally trip over it.

I am interested in exactly what's being proposed though, if you would be kind enough to provide it.

Chris Mosser
1706 W 29th

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From: [Amy Newman](#)
To: [Graham, Mark](#)
Subject: Case C14-2021-0137
Date: Monday, September 13, 2021 11:00:48 AM

*** External Email - Exercise Caution ***

Hi Mark:

I would like to express my adamant opposition to the rezoning of Case # C14-2021-0137. I live less than a block from that site and I cannot imagine how much the traffic that would increase on Jefferson. We are already dealing with valets up and down Glenview, Kerbey and Bryker parking cars for Olive and June, a restaurant at 3411 Glenview. I believe their lot consists of approximately 10 spaces for a 6328 sf building with numerous levels of outdoor seating as well.

On a side note, a no parking sign has been removed from Glenview across from Olive and June and pitched behind the vacant Burger King.

I walked over there this morning and failed to find any notices posted regarding the proposed zoning change on any of the buildings.

I do not know why a neighborhood TIA was not required for this project; I am happy to write Jerry Rusthoven and ask him myself. The existing address for the single, two-story building on this parcel is: 3407 Jefferson on the west side and 3406 Glenview on the east side, both residential streets, not 35th Street. Jefferson is a two-lane very narrow street that does not allow for parking. As you probably already know, Jefferson is a neighborhood street that receives a substantial amount of traffic from drivers wishing to avoid Mopac.

The proposed ground floor commercial site of 5,000 sf is twice the size of the existing fast-food restaurant, which generated a substantial amount of traffic, particularly during meal times. The site is within two blocks of a neighborhood elementary school, Bryker Woods. Many students bike and walk to this school from Oakmont Heights, Ridgelea and now The Grove. A crossing guard is stationed at this corner to assist with kids walking across this busy intersection. I would hope whatever commercial use is allowed for this site takes the children into account.

Thanks,
Amy Newman
3302 Bryker Drive

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PUBLIC HEARING INFORMATION

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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.austintexas.gov/planning.

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: C14-2021-0137

Contact: Mark Graham, 512-974-3574

Public Hearing: October 12, 2021, Planning Commission

OCT 07 2021

NHCD / AHFC

MARY ELIZABETH DEANE

Your Name (please print)

1808 W. 35TH #8 ATX 78703

Your address(es) affected by this application

McDeane

Signature

10/2/21

Date

Daytime Telephone: 512-775-1523

Comments: The traffic is bad enough as it is. There are 2 lanes going East, 2 west - do you know what happens when someone turns left? A whole lane of traffic is halted waiting for the one idiot. Other cars zip + dart into other lane to avoid getting stuck. There needs to be 3 lanes, in EACH direction, w/ one of those curbs between lane preventing left turns. Also, the conditions up + down 35TH + also Medical Pkwy + Burn RD are any indication, the city can't fill a pothole much less update + adding lanes. WHY CAN'T THIS BE A PARK ???

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

City of Austin, Housing & Planning Department

Mark Graham

P. O. Box 1088, Austin, TX 78767

Or email to:

Mark.Graham@austintexas.gov

do that ?? Too many people, too much traffic, not sufficient

✓ DO OH A' ROADS, + ITS PRICING US OUT

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Case Number: C14-2021-0137

Contact: Mark Graham, 512-974-3574

Public Hearing: October 12, 2021, Planning Commission

OCT 14 2021

Roger A. de la Garza

Your Name (please print)

3315 Glenview Ave.

☐ I am in favor
☒ I object

Your address(es) affected by this application

Roger de la Garza

10/12/21

Signature

Date

Daytime Telephone: 512-587-4259

Comments: I have owned my residence since 1987. I am at the corner of 34th St. and Glenview, less than one block from the property. The zoning change appears to grant a more intensive zoning. The development's parking lot request is incompatible with this neighborhood's residential environment. When combined with existing vehicle flow from the Olive, June restaurant; the law practice of Friday, Milner, Lambert, Turner; and various smaller businesses between 34th street and 35th street may result in compounded growth in traffic. It will also impact Bryker elementary on 34th and Kerby Lane. The parking lot will only provide spaces, but will not result in manageable traffic flow.

If you use this form to comment, it may be returned to:
City of Austin, Housing & Planning Department
Mark Graham
P. O. Box 1088, Austin, TX 78767
Or email to:
Mark.Graham@austintexas.gov

Thank you for considering my input.

PUBLIC HEARING INFORMATION

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Case Number: C14-2021-0137

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: November 18, 2021, City Council

Irene Pickhardt

Your Name (please print)

3311 Bryker Drive

Your address(es) affected by this application (Optional)

Irene Pickhardt

Signature

Date

Daytime Telephone (optional):

Comments:

My home is within 500 feet of the proposed zoning change. CS is an inappropriate zoning category, incompatible with residential environments. Either LR or the current zoning is suitable in proximity to the homes nearby. Thank you.

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

City of Austin

City of Austin, Housing & Planning Department

Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

Or email to:

wendy.rhoades@austintexas.gov

NOV 15 2021

NHCD / AHFC

PUBLIC HEARING INFORMATION

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Case Number: C14-2021-0148

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: December 2, 2021, City Council

NOV 18 2021

NHCD / AHFC

Adam Mendoza

Your Name (please print)

☐ I am in favor
☒ I object

Your address(es) affected by this application (Optional)

Adam Mendoza

Signature

11/15/2021

Date

Daytime Telephone (optional):

Comments: The location requested for this re-zoning is a high traffic area. In addition there is significant pedestrian traffic including bicycles, walkers and runners. The proposed GR-CO zoning indicates the to-be-built commercial properties will require additional access from "major traffic ways" indicating that additional traffic is expected. This request endangers the families using the side walks and bike lanes, in what is already a heavy traffic area.

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

City of Austin, Housing & Planning Department

Wendy Rhoades

P. O. Box 1088, Austin, TX 78767

Or email to:

wendy.rhoades@austintexas.gov

From:
To: [Chair Todd Shaw](#)
Cc: [Graham, Mark](#); [Rhoades, Wendy](#);
Subject: Re: Case Number C14-2021-0137; 3427 Jefferson.
Date: Monday, October 11, 2021 6:39:34 PM

*** External Email - Exercise Caution ***

Dear Chair Shaw and Planning Commission Members,

The Executive Committee of the Bryker Woods Neighborhood Association respectfully requests a two-week postponement of the hearing in the above-referenced case to allow it additional time with the community. The applicant's representative Michele Rogerson Lynch has indicated that the applicant is amenable to this postponement.

We would appreciate your approval for this postponement.

Best Regards,

Greg Underwood, President
Bryker Woods Neighborhood Association
Sent from my iPhone

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Bryker Woods Neighborhood Association Austin, Texas

October 22, 2021

Chair Todd Shaw
Vice-Chair Claire Hempel
Members of the Planning Commission

Re: C-14-2021-0137; 3427 Jefferson St.

Dear Chairman Shaw and Commissioners,

We thank the Commission and the Applicant for the additional time to consider this matter and communicate with neighbors. We also appreciate the Applicant and Ms. Lynch for responding to our request for further information.

This case involves the (former) Burger King at 35th and Jefferson. The parking lot on the north portion of the property is zoned CS, and the building to the south sits on property zoned LR. The Applicant proposes to demolish the building leaving a CS lot sitting next to an LR lot. The zoning application seeks to rezone the LR lot, extending CS zoning to the south. The applicant group has indicated that they are considering building a four-story office building with an underground parking garage covering both lots with an entrance and exit on Jefferson Ave. and two exits on Glenview Ave.

We write now to inform the Commission that, after careful consideration, the Board of the Bryker Woods Neighborhood Association has voted to **oppose** the rezoning application. Among our concerns are, briefly, the following:

1. Expanding CS zoning in this location is inappropriate. Most of the Burger King property already has overly generous zoning. The current zoning allows for reasonable use of the properties.
2. A four-story office building, if built, is contextually too tall for the location. There is no four-story building on W. 35th St. Granting the application will allow a larger four-story office building than could be built under current zoning.

3. The traffic generated by a four-story office building, if built, will negatively impact the flow of traffic and the safety of surrounding streets. We disagree with the Applicant's traffic numbers. The Applicant attributes too much traffic to the former Burger King and not enough potential traffic to their proposed use. In any event, the more salient comparison is between the traffic generated by a larger office building and the traffic generated by a smaller office building. Approving the application will allow a bigger building generating more traffic.

4. Granting the application will negatively impact the neighborhood. Denying the application will not deprive the Applicant of the reasonable use of the property.

We respectfully request that you **deny** the application for CS zoning.

Thank you for your service to the community.

Respectfully,

Greg Underwood, President
Bryker Woods Neighborhood Association

From:
To: [Llanes, Carmen - BC](#); [Shaw, Todd - BC](#); [Schneider, Robert - BC](#); [Thompson, Jeffrey - BC](#); [Hempel, Claire - BC](#); [Connolly, Joao - BC](#); [Howard, Patrick - BC](#); [Shieh, James - BC](#); [Azhar, Awais - BC](#); [Praxis, Solveij - BC](#); [Mushtaler, Jennifer - BC](#); [Cox, Grayson - BC](#); [Flores, Yvette - BC](#); [Singh, Arati - BC](#)
Cc: [Rhoades, Wendy](#);
Subject: C14-2021-0137 - 3427 Jefferson Street - Conditional Support
Date: Tuesday, October 26, 2021 5:12:35 PM
Importance: High

*** External Email - Exercise Caution ***

Chair Shaw and Members of the Planning Commission,

Thanks to each of you for your service. My name is August Harris and I reside at 1901 West 35th Street a couple of blocks west of the former Burger King site. I have lived here virtually all my life and watched sadly as neighborhood serving businesses disappeared from this more intimate part of West 35th Street. While I am disappointed to see the Burger King go because it provided inexpensive meals for area service and hospital workers, the National Guard, and seniors in our community, a change of use for the property has been a long time coming and not unexpected. I would point out to the Commission that this part of West 35th Street has successfully mixed horizontal mixed use into the streetscape. That said, because of the unique and constrained nature of the site, every effort should be made to have this feel as if it is integrated into the neighborhood.

I offer my conditional support of the rezoning of 3427 Jefferson Street from LR-NP to CS-NP. 1615 West 35, which represents the remainder of this property, is zoned CS-NP. It and 3427 Jefferson, as part of the same tract, are identified as Commercial in the Central West Austin Combined Neighborhood Plan. Upzoning the latter to CS-NP is consistent with the FLUM and is rational allowing for a uniform set of site requirements.

Issues:

1. FORM: Parking, traffic and mass for this site are of significant concern for the neighborhood and for me given its location. The Applicant has attempted to address this by including more than 120 below grade parking spaces on site and by respecting the compatibility standards established in the current land development code. It is imperative that the promise of this below grade parking is kept and that current compatibility standards are required regardless of what happens with the project or the property going forward. I have spoken with the representative for the developer who said that they would be willing to include a restrictive covenant or overlay that would require these two items.

Condition 1: 120+ below grade parking spaces are provided on site.

Condition 2: Compatibility setbacks as established in the current land development code are required.

2. USE: The use should be consistent with the residential scale and character of the adjacent neighborhood. The use that is currently being proposed for the site is compatible with the current base zoning of LR-NP. However, this needs to be institutionalized.

Condition 3: 3427 Jefferson Street be restricted to LR uses with a couple of the more incompatible ones removed like pedicab storage and dispatch, service station, agriculture, etc., *or*

A CO over the entire site removing uses in CS that are incompatible with either the neighborhood or that exceed LR (this option being more preferable).

I do hope that the Applicant will continue to work with the Neighborhood Association to refine the aesthetics of the project so that it is integrated with the feel of the neighborhood given it is part of the Old West Austin National Register District.

Should the Applicant be willing to accept these conditions, and I believe that they are so inclined, I offer my support.

Respectfully,

August W. Harris III
512.320.8808

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From:
To: [Rhoades, Wendy](#)
Cc: Case Number C14-2021-0137 3427Jefferson St. Set for December 9, 2021
Subject: Wednesday, November 24, 2021 12:10:46 AM
Date:

Dear Wendy,

The neighborhood and the Applicant need more time to discuss this matter and, therefore, with the concurrence of the Applicant, I am **writing to request a postponement** of this case, currently pending before the City Council on December 9, 2021, until the January 27, 2022 Council meeting. Again, the applicant, represented by Michele Rogerson Lynch is in agreement with this request.

Please confirm your receipt of this request to postpone the case until the January 27, 2022 Council meeting. If you have any questions, please do not hesitate to contact me or Michele.

Thank you for your assistance and on behalf of everyone on this email, I hope you have a great Thanksgiving.

Michael Curry
On behalf of BWNA

cc Michele Rogerson Lynch
Greg Underwood, Board President, BWNA

From: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
Sent: Tuesday, November 9, 2021 3:46 PM
To: Michael Curry
Cc: Michele Rogerson
Subject: RE: Case Number C14-2021-0137 3427Jefferson St. Set for 11.18.21

Michael,
I am in receipt of your postponement request and it will be uploaded to the Council website in connection with this rezoning case (Item 72).

Sincerely,
Wendy Rhoades

From: Michael Curry
Sent: Tuesday, November 9, 2021 3:28 PM
To: Rhoades, Wendy <[Wendy.Rhoades@austintexas.gov](#)>
Subject: FW: Case Number C14-2021-0137 3427Jefferson St. Set for 11.18.21

*** External Email - Exercise Caution ***

Wendy, resending this email requesting postponement which bounced back. Inexplicably, I typed the wrong address for you.

MC

From: Michael Curry >

Sent: Tuesday, November 9, 2021 3:24 PM

To: rhoades@austintexas.gov

Cc: Michele Rogerson Lynch [GREG UNDERWOOD](#); Michael Curry

Subject: [Case Number C14-2021-0137 3427Jefferson St. Set for 11.18.21](#)

Dear Wendy,

The Bryker Woods Neighborhood Association (BWNA) is requesting a postponement of this case pending before the City Council until December 9, 2021. The applicant, represented by Michele Rogerson Lynch is in agreement with this request.

Please confirm that this case will be postponed until the December 9, 2021 Council meeting.

Thank you for your assistance.

Michael Curry

On behalf of BWNA

cc Michele Rogerson Lynch

Greg Underwood, Board President, BWNA

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