

## ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0010 – 3402 Kerbey Lane

DISTRICT: 10

ZONING FROM: NO-NP

ZONING TO: GO-NP

ADDRESS: 3402 Kerbey Lane

SITE AREA: 0.1433 acres  
(6,242 square feet)

PROPERTY OWNER: Kerbey Lane Commercial LLC (Stephen Straus)

AGENT: Smith Robertson LLP (David Hartman)

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

### STAFF RECOMMENDATION:

**The Staff recommendation is to grant general office – conditional overlay – neighborhood plan (GO-CO-NP) combining district zoning. The Conditional Overlay limits height to 40 feet. For a summary of the basis of staff's recommendation, see case manager comments on page 2.**

### PLANNING COMMISSION ACTION / RECOMMENDATION:

**March 22, 2022: *APPROVED LO-NP DISTRICT ZONING***

***[G. COX; J. SHIEH – 2<sup>ND</sup>] (10-0) C. LLANES PULIDO – ABSTAINED;  
J. CONNOLLY; J. MUSHTALER – ABSENT***

**March 8, 2022: *APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO MARCH 22, 2022, BY CONSENT***

***[R. SCHNEIDER; A. AZHAR – 2<sup>ND</sup>] (10-0) J. MUSHTALER – NOT PRESENT FOR  
PASSAGE OF THE CONSENT AGENDA; J. SHIEH, J. THOMPSON – ABSENT***

### CITY COUNCIL ACTION:

**April 21, 2022:**

### ORDINANCE NUMBER:

### ISSUES:

The Bryker Woods Neighborhood Association is opposed to the Applicant's request for GO-NP zoning. Please refer to correspondence attached to the back of the Staff report.

### CASE MANAGER COMMENTS:

The subject lot consists of a platted lot, is located on Kerbey Lane, and contains a 1,252 square foot office in a converted single family residence. A 95-foot long driveway extends

along the south property line to a two-car covered garage. The lot was rezoned to neighborhood office – neighborhood plan (NO-NP) district by way of the Windsor Road neighborhood plan rezonings approved by City Council in September 2010. There is an office and bank to the north (LO-NP; LR-CO-NP), a medical office, professional office and retail uses across Kerbey Lane to the east (GR-MU-CO-NP; LO-NP); a medical office, single family residences and an AISD elementary school to the south; and a restaurant and professional offices on Glenview Avenue to the west (GR-NP; NO-MU-NP; LO-NP).

***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).***

The Applicant proposes to rezone the property to the general office – neighborhood plan (GO-NP) district in order to broaden the number of allowed land uses including personal services use which is first permitted by right in the GO zoning district. A personal services use includes beauty salons, barber shops, tailoring services, and shoe repair shops. Personal services is a conditional use in the LO, limited office district and is limited to 1,000 square feet of gross floor area (LDC 25-2-588(B)). Conditional uses require review by the Planning Commission prior to establishing the use, through a conditional use permit (CUP) application which is a type of site plan.

West 35<sup>th</sup> Street is a Core Transit Corridor and classified in the Austin Strategic Mobility Plan (ASMP) as a Level 3 road. Kerbey Lane is a Level 1 road with two travel lanes and parking on each side.

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 Office and encourages retaining small scale neighborhood office and residential uses. No plan amendment is required because the requested GO-NP zoning is consistent with the plan. (See “Comprehensive Planning” comments in Other Staff Comments below).

#### **BASIS OF RECOMMENDATION:**

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

The general office (GO) district is intended for offices and selected commercial uses predominantly serving community or City-wide needs, such as medical or professional offices. A building in a GO district may contain more than one use. The Conditional Overlay (CO) combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

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

Staff believes that granting additional entitlements to convert the existing office to a personal services use is in accord with the Central West Austin Combined (Windsor Road)

Neighborhood Plan. Staff also supports GO-CO-NP zoning based on its proximity to West 35<sup>th</sup> Street, location within an established office and commercial area, the Applicant's intention to retain the existing structure, and separation from single family neighborhoods. The Staff recommended Conditional Overlay limits development to 40 feet in height, consistent with other LR and LO zoned properties in the area.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	NO-NP	Office
<i>North</i>	LO-NP; LR-CO-NP; LR-NP	Office; Financial services
<i>South</i>	LO-NP; SF-3-NP	Medical office; Single family residences; Public primary educational facility
<i>East</i>	LO-NP; GR-MU-CO-NP	Medical offices; Office; Retail services (limited)
<i>West</i>	SF-3-NP	Restaurant (general); Surface parking; Professional offices and surface parking

NEIGHBORHOOD PLANNING AREA: Central West Austin Combined (Windsor Road)

TIA: Is not required

WATERSHED: Shoal Creek – Urban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

Bryker Woods Elementary School    O Henry Middle School    Austin High School

COMMUNITY REGISTRY LIST:

63 – Ridgelea Neighborhood Association                      88 – West Austin Neighborhood Group  
 156 – Bryker Woods Neighborhood Association  
 185 – Oakmont Heights Neighborhood Association  
 511 – Austin Neighborhoods Council                      742 – Austin Independent School District  
 1228 – Sierra Group, Austin Regional Group  
 1301 – Central West Austin Combined Neighborhood Plan Contact Team  
 1363 – SEL Texas    1424 – Preservation Austin  
 1497 – Shoal Creek Conservancy    1530 – Friends of Austin Neighborhoods  
 1532 – Bull Creek Road Coalition    1550 – Homeless Neighborhood Association  
 1616 – Neighborhood Empowerment Foundation                      1774 – Austin Lost and Found Pets

CASE HISTORIES:

Number	Request	Commission	City Council
C14-2021-0137 – 3427 Jefferson Street	LR-NP to CS-NP	To Grant CS-CO-NP w/CO for list of prohibited uses	Apvd CS-CO-NP as Commission recommended, with enhanced streetscape standards (3-24-2022).

Number	Request	Commission	City Council
C14-96-0069 Kerbey Lane Village 1507-1513 W 35 <sup>th</sup> 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 and 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 <sup>th</sup> St	Rezone SF-3 to NO. Staff Rec NO	To Grant NO-MU-CO w/CO for 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)
C14-06-0020 Gallery Shoal Creek 1500 W 34 <sup>th</sup> 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
C14-2008-0003 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:

The rezoning area was annexed into the City limits in 1946 and is platted as Lot A of The Zweifel Addition, a subdivision recorded in 1979 (C8s-79-031). ***Please refer to Exhibit B (Recorded Plat).***

The subject property is within the boundaries of the Central West Austin Combined (Windsor Road) Neighborhood Planning Area and is designated as Office on the adopted

Future Land Use Map (NP-2010-0027). On September 23, 2010, Council approved a rezoning from SF-3 to NO-NP zoning for a non-conforming office use as part of the rezonings that accompanied the neighborhood plan (C14-2010-0051 – Ordinance No. 20100923-103, Tract 2).

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Kerbey Lane	50 feet	32 feet	Level 1	Yes	None	Yes

OTHER STAFF COMMENTS:

Comprehensive Planning

The property is designated as Office use on the Future Land Use Map (FLUM).

Yes	Imagine Austin Decision Guidelines
<b>Compact and Connected Measures</b>	
Y	<b>Imagine Austin Growth Concept Map:</b> Located close to, within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified on the Growth Concept Map <b>Name(s) of Activity Center/Activity Corridor/Job Center: 350 FT FROM 35<sup>TH</sup> ST ACTIVITY CORRIDOR</b>
Y	<b>Mobility and Public Transit:</b> Located within 0.25 miles of public transit stop and/or light rail station.
	<b>Mobility and Bike/Ped Access:</b> Adjoins a public sidewalk, shared path, and/or bike lane.
Y	<b>Connectivity, Good and Services, Employment:</b> Provides or is located within 0.50 miles to goods and services, and/or employment center.
	<b>Connectivity and Food Access:</b> Provides or is located within 0.50 miles of a grocery store/farmers market.
Y	<b>Connectivity and Education:</b> Is located within 0.50 miles from a public school or university.
Y	<b>Connectivity and Healthy Living:</b> Provides or is located within 0.50 miles from a recreational area, park and/or walking trail.
Y	<b>Connectivity and Health:</b> Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, specialized outpatient care.)
	<b>Housing Affordability:</b> Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable house.
	<b>Housing Choice:</b> Expands the number of units and housing choice that suits a

	variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	<b>Mixed Use:</b> Provides mixed use development (minimum 10% residential and 10% non-residential floor area).
	<b>Culture and Creative Economy:</b> Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
6	<b>Total Number of “Yes’s”</b>
<b>Imagine Austin Priority Program Bonus Features (Extra Points)</b>	
Y	<b>Small Area Plan Policies:</b> Supports applicable Small Area Plans, including the Future Land Use Map, goals, objectives, actions and text. List three small area plan policies that relate to this project. <b>Name of Small Area Plan: Central West Austin Combined Neighborhood Plan (WINDSOR ROAD NP)</b>
	<b>Culture and Historic Preservation:</b> Preserves or enhances a historically and/or culturally significant site.
	<b>Culture and Creative Economy:</b> Expands Austin’s creative economy (ex: live music venue, art studio, film, digital, theater.)
	<b>Workforce Development, the Economy and Education:</b> Expands the economic base by creating permanent jobs, especially an industry that is currently not represented in particular area or that promotes a new technology.
	<b>Workforce Development, the Economy and Education:</b> Promotes educational opportunities or workforce development training.
7	<b>Total Number of “Yes’s”</b>

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

**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

### Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City’s Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

### Impervious Cover

The maximum impervious cover allowed by the *GO-CO-NP* zoning district would be 80%, which is based on the more restrictive zoning regulations.

### Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

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 two-year storm.

### PARD – Planning & Design Review

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

### Site Plan and Compatibility Standards

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

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Any new development is subject to Subchapter E. *Design Standards and Mixed Use*. The principal roadway has an urban roadway classification. Additional comments will be made when the site plan is submitted.

*Compatibility Standards*

The site is subject to compatibility standards due to SF-3-NP lots being roughly 125 feet from the south property line, 225 feet from the east property line, and 390 feet from the west property line.

*Demolition and Historic Resources*

The applicant is responsible for requesting relocation and demolition permits once the site plan is approved. The City Historic Preservation Officer will review all proposed building demolitions and relocations prior to site plan approval. If a building meets city historic criteria, the Historic Landmark Commission may initiate a historic zoning case on the property.

*Overlay Districts*

The site is within the following overlay districts:

- Windsor Road Neighborhood Planning Area. Please reference for <https://www.austintexas.gov/page/neighborhood-planning> additional information.
- Residential Design Standards Overlay. Please reference <https://www.austintexas.gov/departments/residential-design-compatibility-standards> for additional information.
- ADU Approximate Area Reduced Parking Overlay. Please reference <https://www.austintexas.gov/page/accessory-dwelling-units> for additional information.

Austin Transportation Department

As information, for a 1,242 SF structure, a medical office would generate 45 daily vehicle trips and a salon would generate 20 daily vehicle trips.

*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.

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](mailto: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:

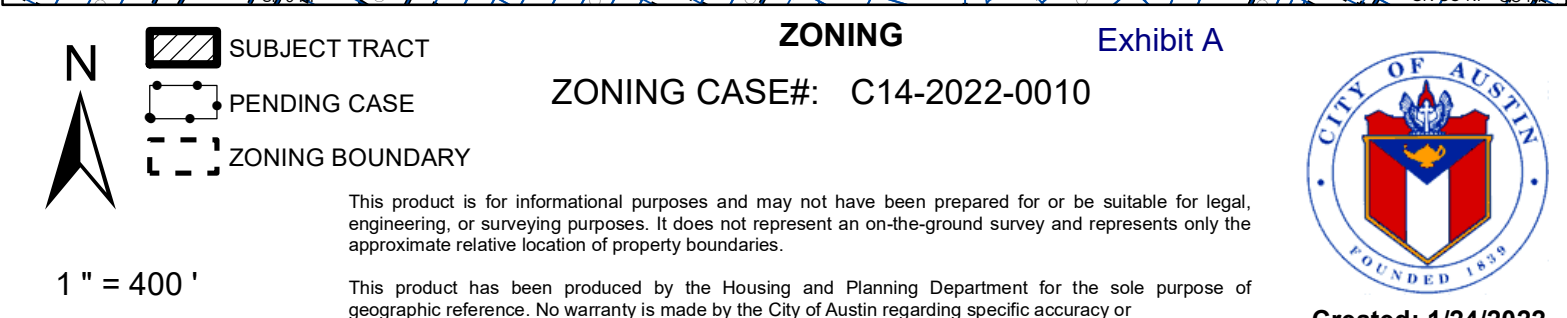
Exhibit A: Zoning Map

Exhibit A-1: Aerial Map

Exhibit B: Recorded Plat

Applicant's Summary Letter

Correspondence Received



**Created: 1/24/2022**





1" = 75'



SUBJECT TRACT



ZONING BOUNDARY



PENDING CASE



CREEK BUFFER

## 3402 Kerbey Lane

Exhibit A - 1

ZONING CASE#: C14-2022-0010

LOCATION: 3402 Kerbey Lane

SUBJECT AREA: 0.1433 Acres

GRID: H25

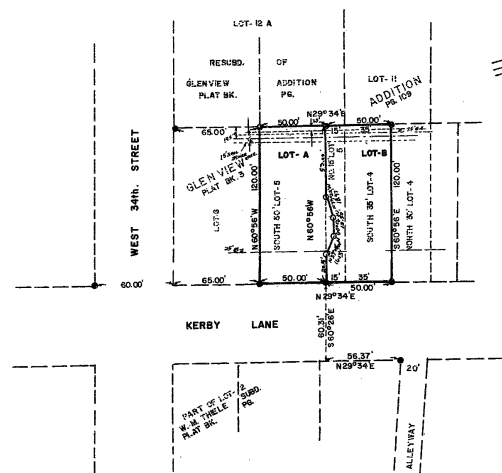
MANAGER: WENDY RHOADES



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.



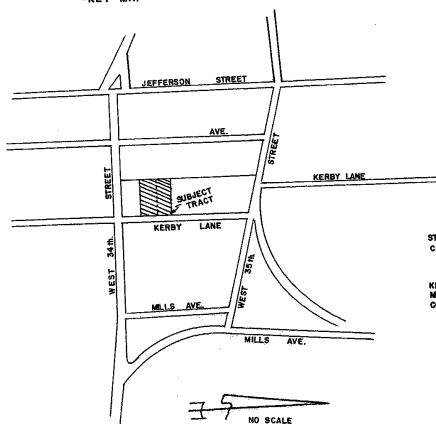
APR-4-79, RCCHB 8425 \$20.00



LEGEND:  
● I. PIN FOUND  
○ I. PIN SET

# "THE ZWEIFEL ADDITION"

-KEY MAP-



NOTE:  
THE LOTS IN THIS SUBDIVISION ARE SUBJECT TO THE REVERTER AND EASEMENT SET OUT IN WARRANTY DEED RECORDED IN VOLUME 6825, PAGE 2007, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS.

STATE OF TEXAS:  
COUNTY OF TRAVIS:

BEFORE ME, THE UNDERSIGNED, ON THIS DAY PERSONALLY APPEARED BARBARA ZWEIFEL, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 13th DAY OF FEBRUARY A.D. 1979

Carolyn Keyes  
NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, TEXAS  
CAROLYN KEYES

THE STATE OF TEXAS:

COUNTY OF TRAVIS: I, HERMAN J. ZWEIFEL, BEING THE OWNER OF THE SOUTH 35' OF LOT-4 AND THE NORTH 15' OF LOT-5 AS CONVEYED TO ME BY DEED RECORDED IN VOLUME 6947 PAGE 2380 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND THAT I, JULIA BORCHARDT, BEING THE OWNER OF THE SOUTH 30' OF LOT-5 AS CONVEYED TO ME BY DEED RECORDED IN VOLUME 6988 PAGE 200 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, BOTH OF THE ABOVE TRACTS BEING IN THE GLENVIEW ADDITION, A SUBDIVISION RECORDED IN BOOK 3 PAGE 109 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, DO HEREBY SUBDIVIDE SAID TRACTS IN ACCORDANCE WITH THE ATTACHED PLAT TO BE KNOWN AS THE ZWEIFEL ADDITION AND DO HEREBY DEDICATE TO THE PUBLIC THE STREETS AND EASEMENTS AS SHOWN HEREON.

Herman J. Zweifel  
Julia Borchardt  
BARBARA ZWEIFEL, HAVING POWER OF ATTORNEY  
FOR HERMAN J. ZWEIFEL, MY FATHER, AS  
RECORDED IN VOL. 6539 PG. 422 OF THE  
POWER OF ATT. RECORD OF TRAVIS CO., TX.

THE STATE OF TEXAS:

COUNTY OF TRAVIS:

BEFORE ME, THE UNDERSIGNED, ON THIS DAY PERSONALLY APPEARED JULIA BORCHARDT, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 3rd DAY OF April, A.D. 1979  
Mark Reinking  
NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, TEXAS

APPROVED FOR ACCEPTANCE

April 3, 1979  
DATE

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION, CITY OF AUSTIN, TEXAS  
THIS THE 3rd DAY OF April, A.D. 1979

Mary E. Johnston  
SECRETARY

Richard Lillie  
DIRECTOR OF PLANNING  
CHAIRMAN

FILED FOR RECORD AT 9:15 O'CLOCK P.M., THIS THE 4th DAY OF April, A.D. 1979

Linda K. Leemicor  
DEPUTY CLERK

Doris Shropshire  
CLERK, COUNTY COURT, TRAVIS COUNTY, TEXAS  
DORIS SHROPSHIRE

THE STATE OF TEXAS:

COUNTY OF TRAVIS:

DORIS SHROPSHIRE, CLERK OF THE COUNTY COURT WITHIN AND FOR THE STATE AND COUNTY AFORESAID DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 4th DAY OF April, A.D. 1979, AT 3:15 O'CLOCK P.M. AND DULY RECORDED ON THE 4th DAY OF April, A.D. 1979, AT 3:20 O'CLOCK P.M. IN THE PLAT RECORDS OF SAID COUNTY IN PLAT BK 177, PG. 375.

WITNESS MY HAND AND SEAL OF THE COURT OF SAID COUNTY, THE DATE LAST WRITTEN ABOVE.

Linda K. Leemicor  
DEPUTY CLERK

Doris Shropshire  
CLERK, COUNTY COURT, TRAVIS COUNTY, TEXAS  
DORIS SHROPSHIRE

I, DAVID BRUNOVSKY, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH CHAPTER 41 OF THE AUSTIN CITY CODE, IS TRUE AND CORRECT, AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

BRUNOVSKY, ASSOCIATES INC.  
LAND SURVEYORS & PLANNERS  
4314 MEDICAL PARKWAY, SUITE 11  
AUSTIN, TEXAS, 78756 PH. 451-6414

Exhibit B

David Brunovsky  
DAVID BRUNOVSKY R.P.S. 1899

RECEIVED  
MAY 3 1979  
PLAT REC. DEPT.

CBs-79-031

## **Kerbey Lane Commercial**

**3402 Kerbey Lane  
Austin, TX 78703**

December 20, 2021

To whom it may concern,

We are writing this zoning transmittal letter to accompany our zoning application on behalf of our single purpose entity, Kerbey Lane Commercial LLC, which owns 3402 Kerbey Lane.

We are a small business and are looking to change the zoning of our property to allow us the flexibility to attract a broader range of tenants, including salons and personal services businesses, because we have missed out on opportunities to rent to these types of businesses in the past at higher lease rates.

The zoning changes we are requesting would bring our property in-line with many of the neighboring properties and we think the types of businesses we would be able to attract as tenants with the zoning changes we are requesting would be beneficial and good additions to the neighborhood.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Stephen Straus", is positioned above the printed name.

Stephen Straus

Managing Member

Kerbey Lane Commercial, LLC

**From:**  
**To:** [Rhoades, Wendy](#)  
**Subject:** 3402 Kerbey - Support  
**Date:** Monday, March 21, 2022 5:12:11 PM

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

Wendy,

I'm writing today to offer support for the proposed zoning change at 3402 Kerbey. As a resident kid the neighborhood, I view that stretch as commercial property. The corresponding addresses on Glenview have commercial uses, in fact, my mortgage broker is located in a similar property, backing up to this one at 3403 Glenview. This is an urban neighborhood, and the more walkable commercial space, the fewer car trips nearby residents have to take. My kids and I walk often to the Tiny Boxwoods shopping center and across 35th street as far as 26 Doors. We love our little mixed use neighborhood.

Thank you,

Andrea Hamilton  
3006 Glenview Avenue

--



**Andrea Rado Hamilton**  
Managing Member  
Real Estate Agent  
[andrea@bunkerlee.com](mailto:andrea@bunkerlee.com)  
512.422.3562  
[www.bunkerlee.com](http://www.bunkerlee.com)

Bunker Lee Residential is an affiliate of Team Price, Inc. Broker, Licensed by the Texas Real Estate Commission.

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**From:** j  
**To:** [Rhoades, Wendy](#)  
**Subject:** Case Number C14-2022-0010 3402 Kerbey Lane Austin Tx 78703  
**Date:** Sunday, February 27, 2022 9:57:45 PM  
**Attachments:** [Ordinance Adopting CWACNP.pdf](#)  
**Importance:** High

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

Good morning Wendy,

Attached is Ordinance No. 20100923-103 for the Central West Austin Neighborhood Plan Combining District that rezoned the property at 3402 Kerbey Lane from SF-3 to NO-NP. The expressed intent of the Plan was for this property to be zoned NO.

Please include the intent of the Central West Austin Neighborhood Plan in your recommendations to the Planning Commission.

Thank you,

Joyce Basciano, on behalf of the Bryker Woods Neighborhoods Association.

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**ORDINANCE NO. 20100923-103**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP TO ADD A NEIGHBORHOOD PLAN COMBINING DISTRICT TO THE BASE ZONING DISTRICT ON APPROXIMATELY 545 ACRES OF LAND GENERALLY KNOWN AS THE WINDSOR ROAD NEIGHBORHOOD PLAN AREA AND TO CHANGE THE BASE ZONING ON TWO TRACTS OF LAND.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to add a neighborhood plan (NP) combining district to each base zoning district within the property (the "Property"), and to change the base zoning districts on two tracts of land, being approximately 1.175 acres identified in the attached Exhibit "A" (*the Tract Map*) within the Property described as the Windsor Road neighborhood plan combining district in Zoning Case No. C14-2010-0051, on file at the Planning and Development Review Department, locally known as the area bound by West 35<sup>th</sup> Street and West 38<sup>th</sup> Street to the north, North Lamar Boulevard to the east, Windsor Road to the south and Mopac Expressway (Loop 1) to the west, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B" (*the Zoning Map*).

Except as otherwise specifically provided in this ordinance, the existing base zoning districts and conditions remain in effect.

**PART 2.** The base zoning districts for the two tracts of land are changed from family residence (SF-3) district, and limited office (LO) district, to neighborhood office-neighborhood plan (NO-NP) combining district, and limited office-neighborhood plan (LO-NP) combining district, as more particularly described and identified in the chart below:



Tract #	TCAD Prop ID	COA Address	From	To
1	120333	1717 W. 35th Street	LO	LO-NP
	120332	1721 W. 35th Street		
	120331	1801 W. 35th Street		
	120330	1803 W. 35th Street		
	120329	1805 W. 35th Street		
2	119428	3402 Kerbey	SF-3	NO-NP

**PART 3.** The following applies to an existing legal lot with single-family residential use within the boundaries of the NP combining district:

- A. The minimum lot area is 2,500 square feet.
- B. The minimum lot width is 25 feet.
- C. For a lot with an area of 4,000 square feet or less, the impervious coverage may not exceed 65 percent.

**PART 4.** The following applies to a single-family residential use, a duplex residential use, or a two-family residential use within the boundaries of the NP:

- A. Impervious cover and parking placement restrictions apply as set forth in Section 25-2-1603 of the Code.
- B. Front or side yard parking restrictions apply as set forth in Sections 12-5-29 and Section 25-2-1406 of the Code.
- C. Garage placement restrictions apply as set forth in Section 25-2-1604 of the Code.

**PART 5.** Mobile food establishments regulations apply within the boundaries of the NP as set forth in Section 25-2-812 of the Code.

**PART 6.** This ordinance takes effect on October 4, 2010.

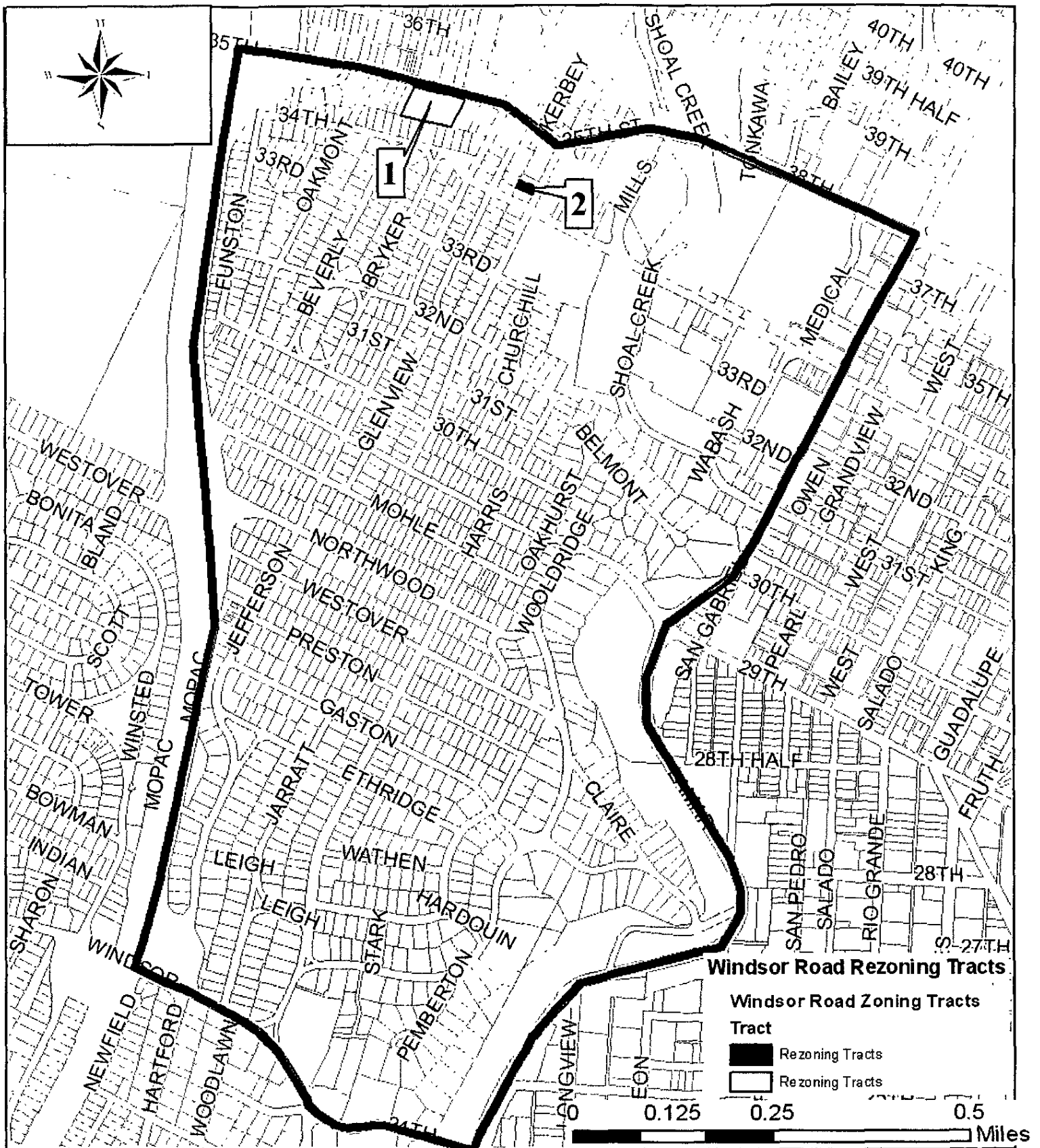
**PASSED AND APPROVED**

\_\_\_\_\_  
September 23, 2010

§  
§  
§ \_\_\_\_\_  
Lee Leffingwell  
Mayor

**APPROVED:** \_\_\_\_\_  
Karen M. Kennard  
Acting City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk



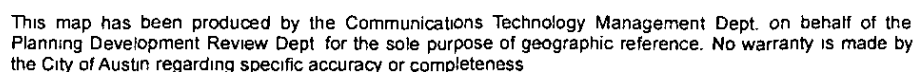
# **Central West Austin Combined Neighborhood Plan**

*EXHIBIT A*

Windsor Road Neighborhood Plan Combining District



Zoning Case #C14-2010-0051



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to participate in a public hearing, you are not required to participate. This meeting will be conducted both online and in-person at which you will have the opportunity to speak FOR or AGAINST the proposed development or change. Contact the case manager for further information on how to participate in the public hearings. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

Staff is conducting a pilot program to receive case-related comments online which can be accessed through this link or QR code: <https://bit.ly/ATXZoningComment>.



During its public hearing, the board or commission may postpone or continue an application's hearing to a later date or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: [www.austintexas.gov/planning](http://www.austintexas.gov/planning).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before the 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. Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and will be published online.

Case Number: C14-2022-0010  
Contact: Wendy Rhoades, 512-974-7719  
Public Hearings: March 8, 2022, Planning Commission  
April 21, 2022, City Council

Mia Carameras

Your Name (please print)

1701 W. 34th St.

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

Mia L. Carameras

Signature

Feb 27 2022

Date

Daytime Telephone (Optional):

Comments:

Hi Wendy, I am in opposition of rezoning requests for the entirety of the Parkwoods smaller businesses & office/retail space. We must hold the line. Thank you for your work and for the opportunity for tax paying residents LIVING in this neighborhood. Appreciate you.  
-MIA CARAMERAS

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

City of Austin

MAR 3 -

NHCD / AHFC

**From:**  
**To:** [Rhoades, Wendy](#)  
**Subject:** RE: C14-2022-0010 3402 Kerbey Lane Postponement request  
**Date:** Wednesday, March 2, 2022 10:57:23 AM

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

Good morning: On behalf of the applicant, we agree to the two week postponement request by the Bryker Woods Neighborhood Association from the March 8 to the March 22, 2022 PC meeting. We look forward to continued dialogue with representatives of the Bryker Woods N. A. Regards, David

David Hartman, Partner  
SMITH|ROBERTSON  
1717 West Sixth Street, Suite 295  
Austin, Texas 78703

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**From:** Joyce Basciano  
**Sent:** Wednesday, March 2, 2022 10:53 AM  
**To:** [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)  
**Cc:** David Hartman  
**Subject:** C14-2022-0010 3402 Kerbey Lane Postponement request

Good morning Wendy,

Re: C14-2022-0010 3402 Kerbey Lane

The Bryker Woods Neighborhood Association requests a 2 week postponement of the March 8, 2022 Planning Commission hearing. I just had a conversation with David Hartman, the applicant, and he is in agreement with our postponement request. He is copied on this email at his request.

Thank you.

Joyce Basciano, Secretary  
Bryker Woods Neighborhood Association

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**From:**  
**To:** [Rhoades, Wendy](#); [Cox, Grayson - BC](#); [Llanes, Carmen - BC](#); [Shaw, Todd - BC](#); [Singh, Arati - BC](#)  
**Subject:** 3402 Kerbey Lane -- Opposition to Application for Zoning Change  
**Date:** Saturday, March 19, 2022 7:28:52 PM

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

Dear Ms. Rhodes and Members of the Planning Commission:

Please allow this email to serve as my opposition to the zoning change application for 3402 Kerbey Lane. The property is currently zoned for NO. It should not be approved for GO. I am a property owner of 3304 Kerbey Lane.

The property located at 3402 Kerbey is less than half a block from Bryker Woods Elementary School. On-street parking on the 3400 block of Kerbey is already overcrowded from patients/customers at the medical offices, bank, and other small businesses nearby. Adding a multi-story building with related parking demands is too much for our street to handle. More concerning, the additional parking traffic will logically spill over to 34th Street and the 3300 block of Kerbey, both of which are currently heavily used by parents and staff at BW Elementary School, and residents on Kerbey rely on the availability of on-street parking for their own vehicles.

The existing parking issues around the school present a safety issue that the Commission must consider before exacerbating the problem. For the last two years or so, I have worked from my dining room facing Kerbey. When parking is tight (*i.e.*, stacked on both sides of the street), I have seen far too many impatient drivers speed up out of frustration after having to wait for oncoming traffic to clear. This is an accident waiting to happen. The City should not encourage or approve more density than a street can handle.

Thank you for your consideration.

Shannon Pounds

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## Bryker Woods Neighborhood Association Austin, Texas

March 18, 2022

Chairman Todd Shaw and  
Members of the Planning Commission

Re: C-14-2022-0010; 3402 Kerbey Lane

Dear Chairman Shaw and Commissioners,

We thank the Commission and the Applicant for the additional time to consider this matter and communicate with neighbors.

This case involves a converted single-family structure zoned NO and used as a neighborhood office. It is about 100 feet or so from the Bryker Woods elementary school. It was rezoned from SF-3 to NO as part of the City Adopted Neighborhood Plan. Ordinance No. 20100923-103. In other words, the Plan expressly intended this specific property to be NO as part of its broader intent that the 3400 blocks of Kerbey and Glenview remain, to the fullest extent possible, "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." Objective 2, L.2.8.

The Applicant seeks a zoning change to General Office (GO) "to allow us the flexibility to attract a broader range of tenants, including salons and personal services businesses because we have missed out on opportunities to rent to these types of businesses in the past at higher lease rates."

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 for GO zoning**. Among our considerations are the following:

1. GO zoning is, by definition, inappropriate. Unlike NO zoning and even LO zoning, it is intended not for neighborhood use or an adjacent neighborhood setting but "for offices and



selected commercial uses predominantly serving community or citywide needs.” There are three different office zoning categories for a reason. GO is the highest office use and wildly inappropriate for a neighborhood setting.

2. There is no GO on that block. Directly across the street (East) from the subject tract is LO. Immediately to the West is LO. Immediately to the North is LO. Immediately to the South is LO. GO is out of context and spot zoning. In contrast, there is other NO zoning on the subject tract’s block and the block to the West. Had all of that LO property been zoned single-family at the time of the Neighborhood Plan, it would have been appropriately rezoned NO.

3. The traffic generated by GO uses in a structure allowed by GO site development standards (building coverage, FAR, impervious cover, height) would be highly detrimental to the area and unsafe for the residents and school children. This area is populated with elementary school students and neighborhood children crossing both Kerbey and W. 34th St. The level of traffic on these narrow streets and the on-street parking already create hazardous conditions on those streets and at that intersection which require extreme vigilance by residents and the school community. These conditions are precisely why the property was zoned NO – to allow a commercial use but the lowest commercial use available.

4. In short, granting the application will harm the surrounding community. The Applicant bought the property as NO property and will not be harmed if the current zoning is maintained because he has exactly what he purchased.

**We respectfully request that the Planning Commission deny the application for GO zoning.**

Notwithstanding the neighborhood concerns, to resolve this matter we are willing to help the Applicant meet his expressed goal of attracting “a broader range of tenants” so he can get “higher lease rates” if we can sufficiently mitigate the risk to neighborhood residents, school children, teachers, and parents. Accordingly, BWNA would not oppose a zoning change to LO zoning with a conditional overlay that imposes NO site development standards. This approach would broaden the uses by immediately allowing a medical office use and provide an opportunity to earn a conditional permit for personal services. While those are higher traffic generating uses and of concern, the size limitations of NO site development standards would be calculated to reduce the impact.

Respectfully,



Joyce Basciano, for the  
Bryker Woods Neighborhood Association