

ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0148 (3805 Red River Street)

DISTRICT: 9

ADDRESS: 3805 Red River Street

ZONING FROM: SF-3-H-CO-NP

TO: LO-MU-H-CO-NP

SITE AREA: approximately 0.3693 acres (16,086 square feet)

PROPERTY OWNER: 3805 Red River Preservation LLC (Lindsey Derrington)

AGENT: Civilitude LLC (Nhat Ho)

CASE MANAGER: Jonathan Tomko (512) 974-1057, jonathan.tomko@austintexas.gov

STAFF RECOMMEDATION:

Staff recommends granting limited office-mixed use-historic landmark-conditional overlay-neighborhood plan (LO-MU-H-CO-NP) combining district zoning. The existing conditional overlay which establishes a maximum height of two stories or 30 feet will be retained. However, to be clear there are no changes to the structure proposed, this rezoning is only to change the possible uses allowed within the existing historic structure. See the *basis of recommendation* section below for more information.

PLANNING COMMISSION ACTION / RECOMMENDATION:

February 27, 2024: Recommended staff recommendation of LO-MU-H-CO-NP on consent. Motion by Commissioner Azhar, seconded by Commissioner Woods, vote 11-0, with Commissioner Mushtaler off the dais and Commissioner Maxwell absent.

CITY COUNCIL ACTION:

April 4, 2024: Case is scheduled to be heard by City Council.

ORDINANCE NUMBER: N/A

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question contains a historic structure and is currently being utilized as a single-family home. This rezoning request would not change the structure, only the allowed uses within the structure to include limited office uses, or any combination of those office uses and residential uses. The subject tract lies on the southeast intersection of Red River Street and East 38th Half Street (both ASMP level 3 street). This is just southeast of the Hancock Golf Course. To the north, is a single-family dwelling built in approximately 1938. To the east, is a single-family dwelling built in approximately 1939. To the south, is a single-family dwelling built in approximately 1937. To the west, is Hancock Golf Course, which dates back to 1899. There is a bus stop adjacent to the subject tract for the Capital Metro Route #10 high frequency South 1st/Red River, and across the street for the crosstown #335 35th/38th.

BASIS OF RECOMMENDATION:

Zoning should allow for reasonable use of the property.

The requested zoning at this location would allow for a reasonable use of the property as a limited office or any combination of office and residential uses.

Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.

The requested zoning is not intense; however, it is relatively more intense than the single-family structures around it. Since the subject tract is located at the intersection of two ASMP level 3 streets, it is in line with the above policy to recommend granting the requested zoning.

Zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing.

This rezoning would promote the community goal of maintaining this historic structure, by allowing more uses within the structure. It may also provide employment opportunities within the neighborhood at this more major intersection which could have other positive benefits, such as a reduction in transportation costs for those employed within, and the option of having small office space available in a historic structure near a crossroads of public transportation resources.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-H-CO-CP-NP	A historic single-family dwelling and a garage apartment built in approximately 1947.
<i>North</i>	SF-3-CO-NP	A single-family dwelling built in approximately 1938.
<i>South</i>	SF-3-CO-NP	A single-family dwelling built in approximately 1937.
<i>East</i>	SF-3-CO-NP	A single-family dwelling built in approximately 1939.
<i>West</i>	P-NP	Hancock Golf Course, which dates back to 1899.

NEIGHBORHOOD PLANNING AREA: Central Austin Combined Neighborhood Planning Area (Hancock)

WATERSHED: Waller Creek and Boggy Creek Watersheds

SCHOOLS: A.I.S.D.

Lee Elementary School

Kealing Middle School

McCallum High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, CANPAC (Central Austin Neigh Plan Area Committee), Central Austin Community Development Corporation, Friends of Austin Neighborhoods, Hancock Neighborhood Assn., Homeless Neighborhood Association, Neighborhood Empowerment Foundation, North Austin Neighborhood Alliance, Preservation Austin, SELTexas, Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

Number	Request	Commission	City Council
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C14H-2017-0038 (Pennybacker-Alexander House)	The applicant is proposing to rezone from SF2-CO-NP to SF-2-H.	05.23.2017: Approved on the consent agenda by Commissioner Seeger, seconded by Commissioner Zaragoza on a vote of 8-0. Vice-Chair Kazi (absent for consent agenda) and Commissioners De Hoyos Hart, Schissler, Thompson and White absent.	08.03.2017: Approved on Council Member Garza's motion, Council Member Casar's second on a 10-1 vote. Council Member Flannigan voted nay.
C14-2022-0019.SH (Cady Lofts)	The Applicant is proposing to rezone approximately 0.73 acres from SF-3-CO-NP, LO-MU-NP to MF-6-NP.	05.24.2022: Approved on the motion by Commissioner Llanes Pulido, seconded by Commissioner Schneider on a vote of 9-0. Vice-Chair Hempel and Commissioners Flores, Mushtaler and Shieh absent.	06.09.2022: Approved on consent on Council Member Harper-Madison's motion, Council Member Renteria's second on an 11-0 vote.
C14-2023-0001 (University Park – North)	The Applicant is proposing to rezone approximately 1.24 acres from CS-MU-CO-NP to CS-MU-V-CO-NP.	07.25.2023: Motion to grant Staff's recommendation of CS-MU-V-CO-NP combining district zoning for C14-2023-0001 - University Park North located at 3800,3808,3810 N IH 35; 1017 & 1015 E 38th Half St.; 1014 & 1016 E 38th St was approved on the consent agenda on the motion Commissioner Woods seconded by Commissioner	09.14.2023: Approved on Council Member Ryan Alter's motion, Council Member Kelly's second on a 7-0 vote. Mayor Pro Tem Ellis was off the dais. Council Members Alison Alter, Harper-Madison, and Pool were absent.

		Conolly on a vote of 11-0. Commissioner Mushtaler absent. One vacancy on the dais.	
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RELATED CASES:

C14H-2014-0007 (Red River International House) - The applicant is proposing Historic Zoning- SF-3-CO-NP to SF-3-CO-H-NP – Approved on second and third reading by Council on December 11, 2014, on Council Member Spelman’s motion, Council Member Morrison’s second on a 6-1 vote. Council Member Martinez voted nay.

NPA-2019-0019.01 - The applicant is proposing to change the FLUM for Mixed Use-Office and allow for livable space with associated improvements. – Approved by Council on September 19, 2019, on Council Member Kitchen, s motion, Council Member Ellis' second on an 11-0 vote.

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning

Project Name and Proposed Use: 3805 RED RIVER STREET. C14-2023-0148. 0.3693 acres from SF-3-H-CO-CP-NP to LO-MU-H-CO-NP. Hancock NP. Flum is Mixed Use. Existing: Single Family. Proposed: Office. December 6, 2023.

Yes	Imagine Austin Decision Guidelines
	Complete Community Measures *
Y	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Names of Activity Centers/Activity Corridors/Job Centers * : 0.23 miles from Downtown Regional Center.
Y	Mobility and Public Transit *: Located within 0.25 miles of public transit stop and/or light rail station.
Y	Mobility and Bike/Ped Access *: Adjoins a public sidewalk, shared path, and/or bike lane.
Y	Connectivity, Good and Services, Employment *: Provides or is located within 0.50 miles to goods and services, and/or employment center.
Y	Connectivity and Food Access *: Provides or is located within 0.50 miles of a grocery store/farmers market.
	Connectivity and Education *: Located within 0.50 miles from a public school or university.
Y	Connectivity and Healthy Living *: Provides or is located within 0.50 miles from a recreation area, park or walking trail.
Y	Connectivity and Health *: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor’s office, drugstore clinic, and/or specialized outpatient care.)
	Housing Choice *: 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.
	Housing Affordability *: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
	Mixed use *: Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy *: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
Y	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Creative Economy: Expands Austin’s creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in a particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
Y	Not located over Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone
9	Number of “Yes’s”

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller creek and Boggy creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. 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.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements

Fire

No comments on rezoning

PARD – Planning & Design Review

PR1: Parkland dedication will be required for the new applicable uses proposed by this development, multifamily with LO-MU-H-CO-NP zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan

SP1. FYI - Site plans will be required for any new development other than single-family or duplex residential.

SP2. FYI - 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.

SP3. FYI - Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP4. The site is subject to compatibility standards. Along the North, East, and South property line, the following standards apply:

- No structure may be built within 25 feet of the property line. § 25-2-1063-B
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line. § 25-2-1063-C-1
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line. § 25-2-1063-C-2
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive. § 25-2-1063-C-3
- No parking or driveways are allowed within 25 feet of the property line. § 25-2-1067-G
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO. A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH. Additional design regulations will be enforced at the time a site plan is submitted.

Transportation and Public Works Department – Engineering Review

ATD 1. 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. The traffic impact analysis for this site is not required, the traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code. [LDC 25-6-113].

ATD 2. The Austin Strategic Mobility Plan (ASMP) calls for 100 feet of right-of-way for RED RIVER ST. It is recommended that 50 feet of right-of-way from the existing centerline should be dedicated for RED RIVER ST according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

ATD 3. The Austin Strategic Mobility Plan (ASMP) calls for 80 feet of right-of-way for E 38TH HALF ST. It is recommended that 40 feet of right-of-way from the existing centerline should be dedicated for E 38TH HALF ST according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Red River Street	Corridor Mobility – Level 3	100 feet	71 feet	43 feet	Existing 8 feet sidewalks	Sharrows (on-street)	Yes
E 38 th Half Street	Corridor Mobility – Level 3	80 feet	50 feet	33 feet	Existing 5 feet sidewalks	Shared lane (on-street)	Yes

TIA: A traffic impact analysis is NOT required. The traffic generated by the proposal does not exceed the threshold established in the City of Austin Land Development Code.

Austin Water Utility

AW1. No comments on zoning change.

FYI: 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.

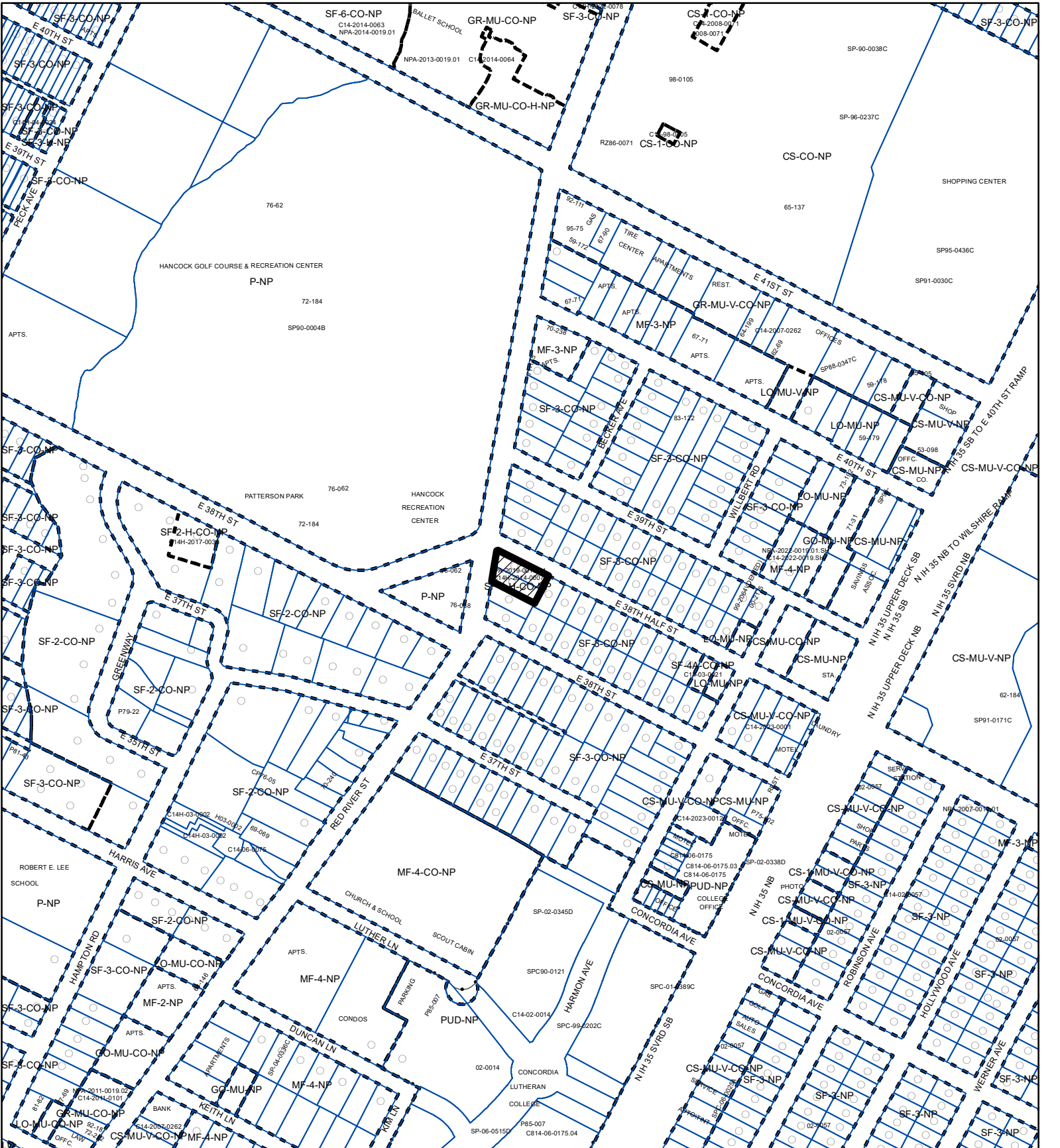
Depending on the development plans submitted, water and or wastewater service extension requests may be required.

All new development within the proposed project will be subject to City Code Chapter 25-9 and any future amendments relating to reclaimed water connections, water benchmarking, and mandatory onsite water reuse.

All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:




- A. Zoning Map
- B. Aerial Map
- C. Resolution of Support by Hancock Neighborhood Association



ZONING

ZONING CASE#: C14-2023-0148



-  **SUBJECT TRACT**
-  **PENDING CASE**
-  **ZONING BOUNDARY**

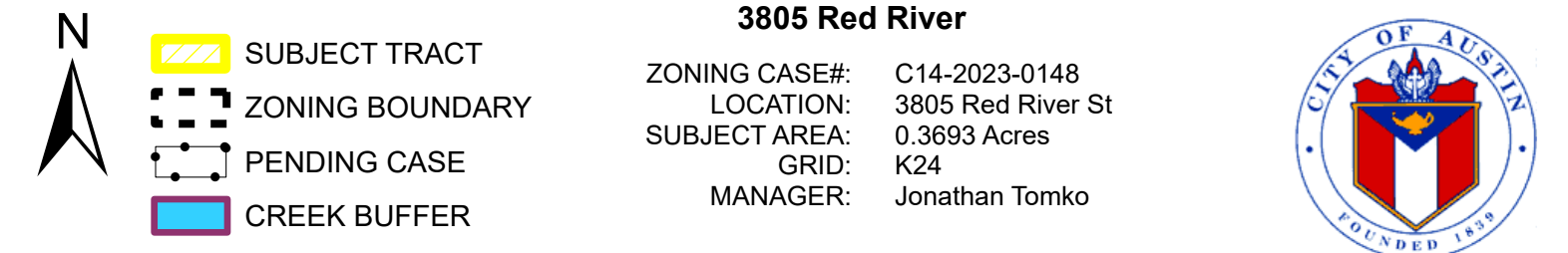
1" = 400'

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Created: 12/5/2023



Created: 1/3/2024

**RESOLUTION
BY THE HANCOCK NEIGHBORHOOD ASSOCIATION**

Whereas, the HNA-Zoning committee met Tuesday the 9th of April 2019 at 3805 Red River (38th ½ and Red River) to discuss and consider a change of zoning designation under COA FLUM (Future Land Use Map) for 3805 Red River.

Whereas, the Hancock Neighborhood is valued for its historic character and mix of use that it provides to the Austin community, as well as its historic significance; and

Whereas, the prospective owner eventually seeks to change the zoning at 3805 Red River from SF-3-H-CO-NP to LO-MU-H-NP-CO, but to maintain the Historic character of the structure, with the attached uses removed from the LO zoning categories.

Whereas, the owner is in the process of meeting with neighbors and the neighborhood, having held numerous open houses and meetings with HNA Historic Preservation and Zoning Officials;

Whereas, the HNA-Zoning committee met Tuesday the 9th of April 2019 and considered change of zoning designation under COA FLUM for 3805 Red River; and **NOW, THEREFORE**,

BE IT RESOLVED BY THE HANCOCK NEIGHBORHOOD ASSOCIATION:

Is in support of the change of zoning designation under COA FLUM for 3805 Red River from **SF-3-H-CO-NP** to **LO-MU-H-NP-CO** with the attached uses recorded Restrictive Covenants in place.

ADOPTED BY THE HANCOCK NEIGHBORHOOD ASSOCIATION: July 17, 2019

ATTEST:

Hugh Bender for Mark Harkrider *Hugh Bender*

**Mark Harkrider
President, Hancock Neighborhood Association**