

ZONING REVIEW SHEET**CASE:** C14-2007-0267**Z.A.P. DATE:** January 22, 2008
February 5, 2008**ADDRESS:** 1904 West 35th Street**OWNER:** Elizabeth Prosser**AGENT:** Denison Development
(Steve White)**REZONING FROM:** SF-3 (Family residence)**TO:** LO (Limited office)**AREA:** 7,570 square feet (0.17 Acres)**SUMMARY ZONING AND PLATTING COMMISSION RECOMMENDATION:**

February 5, 2008:

APPROVED STAFF'S RECOMMENDATION FOR LO DISTRICT ZONING; PROHIBIT MEDICAL OFFICE.**Prohibited uses:**

- Medical Offices -- exceeding 5000 sq. ft. gross floor area; and
- Medical Offices -- not exceeding 5000 sq. ft. gross floor area

[J.MARTINEZ, B.BAKER 2ND] (6-2) K.JACKSON, J.GOHIL – NAY**SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of the rezoning from SF-3 to LO. The staff recommendation is based on the following considerations:

- 1.) The proposed land uses are compatible with existing residential and office uses and will not infringe on the residential character of the established neighborhood;
- 2.) The proposed office and residence fronts on a major arterial street;
- 3.) The proposed rezoning will integrate itself with similarly zoned properties along West 35th Street.

DEPARTMENT COMMENTS:

The subject rezoning area consists of a 7,570 square feet (0.17 Acres) site zoned SF-3 fronting West 35th Street. The property is surrounded by offices zoned LO. Access to the property is via West 35th Street. The applicant seeks to rezone the property to LO for the development of an office.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3	Single family residence
<i>North</i>	SF-3	Single family residences
<i>South</i>	SF-3	Single family residences
<i>East</i>	LO	Offices
<i>West</i>	LO	Doctor Offices

AREA STUDY: N/A**TIA:** Not required

WATERSHED: Johnson Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

185--Oakmont Heights Neighborhood Assn.

344--M.K. Hage

511--Austin Neighborhoods Council

742--Austin Independent School District

SCHOOLS:

Austin Independent School District

- Bryker Woods Elementary School
- O. Henry Middle School
- Austin High School

RELATED CASES: N/A**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-90-0052	LR to LO	10/09/090: APVD LO (8-0)	10/18/90: APVD LO (6-0); ALL 3 RDGS, EMERG. PASS.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
West 35 th Street	65'	48'	Arterial

CITY COUNCIL DATE:

March 6, 2008

ORDINANCE READINGS: 1st 2nd 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E. Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** jorge.rousselin@ci.austin.tx.us



HISTORIC ZONING

ZONING CASE#: C14H-2007-0267
 ADDRESS: 1904 W 35TH ST
 SUBJECT AREA: 0.17 ACRES
 GRID: H25-26
 MANAGER: J. ROUSSELIN

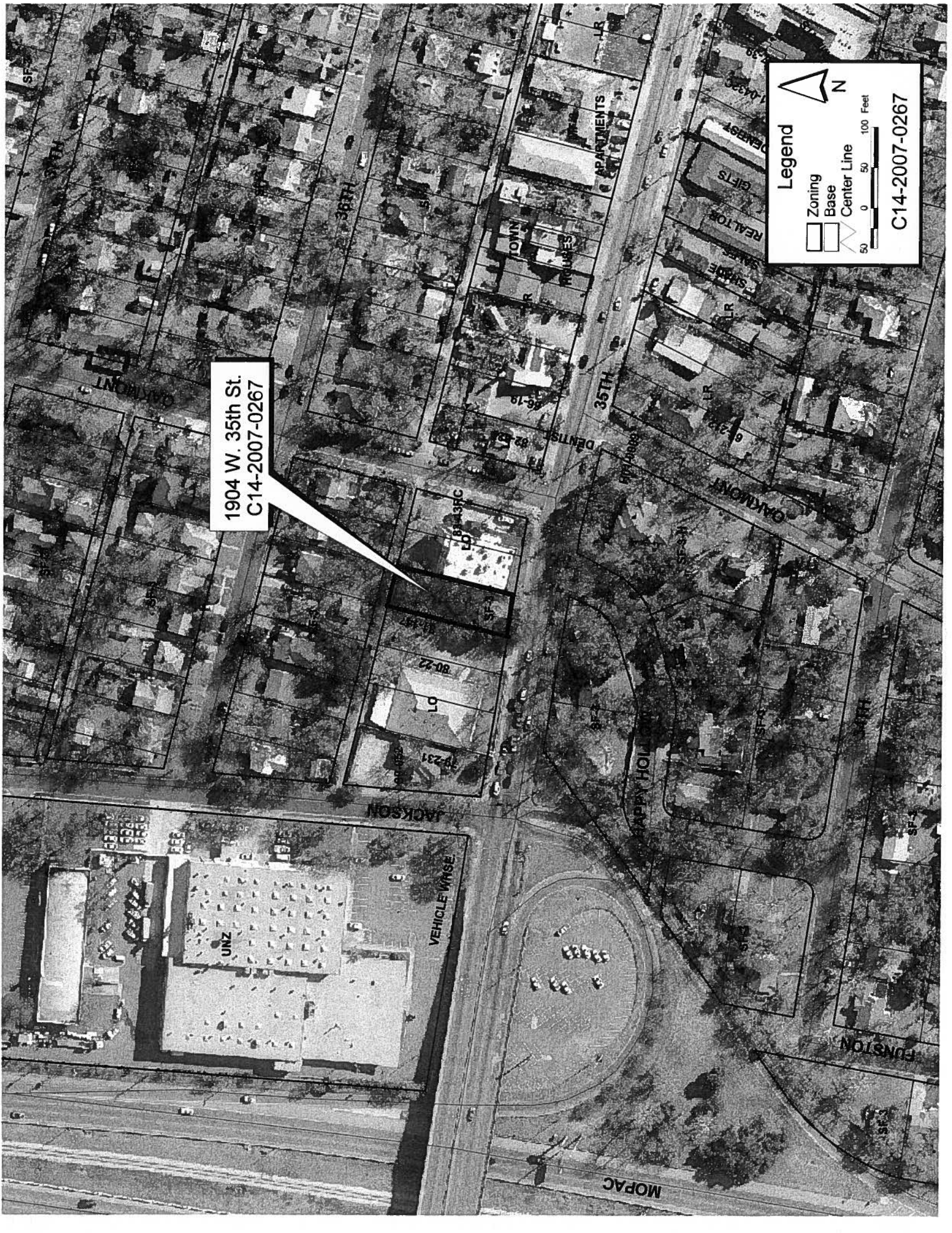
- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE

OPERATOR: S. MEEKS



1" = 400'

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1904 W. 35th St.
C14-2007-0267

Legend

- Zoning
- Base
- Center Line

0 50 100 Feet

C14-2007-0267

STAFF RECOMMENDATION

Staff recommends approval of the rezoning from SF-3 to LO. The staff recommendation is based on the following considerations:

- 1.) The proposed land uses are compatible with existing residential and office uses and will not infringe on the residential character of the established neighborhood;
- 2.) The proposed office and residence fronts on a major arterial street;
- 3.) The proposed rezoning will integrate itself with similarly zoned properties along West 35th Street.

BASIS FOR RECOMMENDATION

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

Limited office (LO) district is the designation for an office use that serves neighborhood or community needs and that is located in or adjacent to residential neighborhoods. An office in an LO district may contain one or more different uses. Site development regulations and performance standards applicable to an LO district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.

The property meets the purpose statement set forth in the Land Development Code. The proposed uses are compatible to the existing residential neighborhood and is located adjacent to a major arterial and abutting existing office development.

2. *The proposed zoning should promote consistency, and orderly planning.*

Other properties in the immediate vicinity are zoned for office uses. The proposed rezoning will integrate itself with existing LO zoned properties along West 35th Street.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area consists of a 7,570 square feet (0.17 Acres) site zoned SF-3 fronting West 35th Street. The property is surrounded by offices zoned LO. Access to the property is via West 35th Street.

Transportation

1. No additional right-of-way is needed at this time.
2. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]
3. There are existing sidewalks along West 35th St.
4. West 35th St. is classified in the Bicycle Plan as a Priority B14 bike route.
5. Capital Metro bus service is available along West 35th St

6. Capital Metro bus service is not available within 1/4 mile of this property, but is available approximately 1/2 mile from property at the Jefferson St location for bus routes 19 and 151.

Environmental

1. The site is located over the northern Edwards Aquifer Recharge Zone. The site is located in the Johnson 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. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Water and Wastewater

1. 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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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.

Site Plan and Compatibility Standards

1. This tract is already developed, a change of use within the existing structure would not trigger compatibility development regulations. However, any new construction (such as any additional required parking) on this site would be subject to compatibility development regulations due to the existing SF-3 zoned property to the north, and would be subject to the following requirements:
2. The site is subject to compatibility standards. Along the north property line, the following standards apply:
 - No structure may be built within 25 feet of the SF property line.

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - No parking or driveways are allowed within 25 feet of the SF 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.
 - Additional design regulations will be enforced at the time a site plan is submitted.
3. Any redevelopment may also trigger compliance with the Commercial Design Standards.

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

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February 1, 2008

VIA EMAIL AND HAND DELIVERY

Arten Avakian, President
Oakmont Heights Neighborhood Association
1813 W 36th Street
Austin, TX 78731

Re: Case No. C14-2007-0267; 1904 W 35th Street Zoning Case

Dear Mr. Avakian:

As you know, a zoning case was filed for the property located at 1904 W 35th Street. The requested zoning is limited office – conditional overlay “LO-CO.” A traffic impact analysis is not required at this time because it appears that our proposed development will not generate the traffic threshold which would require a traffic study. If we determine in the future that we will trigger the threshold, a traffic impact analysis will be required and the neighborhood will be notified of the revision.

If an agreement is reached between the Developer and the Oakmont Heights Neighborhood Association, the exclusion list of land uses would appear similar to this in the zoning ordinance.

The following uses are prohibited:

1. Bed & Breakfast (Group 1)
2. Bed & Breakfast (Group 2)
3. Day Care Services (Commercial)
4. Day Care Services (General)
5. Day Care Services (Limited)
6. Medical Office (exceeding 5,000 square feet)
7. Convalescent Services
8. Family Home
9. Group Home, Class I (General)
10. Group Home, Class I (Limited)

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11. Group Home, Class II
12. Private Primary Educational Facilities
13. Private Secondary Educational Facilities
14. Public Primary Educational Facilities
15. Public Secondary Educational Facilities
16. *Religious Assembly
17. Residential Treatment

*While the Developer has no problem prohibiting the religious assembly use, the City's position has been that they do not like to prohibit this land use, since it is allowed within every zoning district, including the zoning district that is currently designated on the property.

In addition to the use limitations, the developer has agreed to provide code required parking on any new site plan for the property.

My understanding is that the neighborhood would not oppose the zoning case if land uses were limited and parking was addressed. If there are additional land uses that the neighborhood would like to discuss further, please forward those to Steve White so that we may begin a dialogue with the neighborhood regarding those uses. If the restrictions above meet the neighborhood's approval, it would expedite the zoning process if the neighborhood could write us a brief letter of support, subject to the above expectations.

We will then present this agreement to the Planning Commission as an addition to City staff's recommendation and our request. If it is recommended by the Planning Commission, we will both have the opportunity to review the final ordinance and related documents prior to final approval by the City Council.

Please let me know if you have any questions or need additional information. We look forward to working with you on this project.

Sincerely,



Lynn Ann Carley, P.E.
Senior Land Development Consultant

Enclosure

cc: Steve White
Andrew Maebius

