

## **NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET**

**NEIGHBORHOOD PLAN:** Upper Boggy Creek Neighborhood Plan (UBCNP)

**CASE#:** NPA-2008-0012.03 and C14-2008-0231

**PC PUBLIC HEARING DATE:** January 27, 2009

**ADDRESS:** 1110 E. 32<sup>nd</sup> Street

**APPLICANT/AGENT:** Jim Wittliff, Land Answers Development Planning Consultants

**OWNER:** SWH Properties LLC (D. Byron Holt, M.D.)

**ZONING FROM:** NO-H-NP

**TO:** LO-H-CO-NP

**TYPE OF AMENDMENT:** The request is to change the Future Land Use Map from CIVIC to OFFICE. The property owner requests the change to operate a Pediatric Cardiology Clinic.

**PLAN ADOPTION AND NPCD DATE:** August 1, 2002

**STAFF RECOMMENDATION:**

- 1.) Staff recommends changing the zoning to Limited Office district – Historic – Conditional Overlay – Neighborhood Plan. The Conditional Overlay would limit the vehicle trips to less than 300 per day.
- 2.) Staff recommends changing the Future Land Use Map to OFFICE.

**PLANNING COMMISSION RECOMMENDATION:** January 27, 2009: Planning Commission voted to *APPROVE* staff's recommendation for *office* use; was approved on the Consent Agenda by Commissioner Jay Reddy, Commissioner Mandy Dealey second the motion on a vote of 9-0.

Planning Commission voted to *APPROVE* staff's recommendation for *LO-H-CO-NP* district zoning; was approved on the Consent Agenda by Commissioner Jay Reddy's motion, Commissioner Mandy Dealey second the motion on a vote of 9-0.

**BASIS FOR RECOMMENDATION:** The property is located just one lot east of the northbound frontage road of IH-35 (east side). Located to the west of the subject property is an apartment building with MULTIFAMILY land use on the FLUM and zoned Multifamily Residence Moderate-High Density district – Neighborhood Plan (MF-4-NP). The properties located to the north of the site have office and single family land uses. The land uses along the frontage road from 26<sup>th</sup> Street to the north side of Wilshire Road are MIXED USE. Staff supports the FLUM change from CIVIC to OFFICE because the request does not appear to be in conflict with the goals and objectives of the Upper Boggy Creek Neighborhood Plan. Staff also supports the zoning change from NO-H-NP to LO-H-CO-NP because it provides a transition from the CS zoning that is along the frontage road of Interstate Highway-35 to the established single family neighborhood. The applicant's agent states there are no plans to

increase the size of the building, which would keep the office to a compatible neighborhood-scale.

**BACKGROUND:** The Upper Boggy Creek Neighborhood Plan was created through the City of Austin's neighborhood planning process and was adopted by the City Council on August 1, 2002. The boundaries of the planning area are IH-35 on the west, RMMA redevelopment site on the north, Airport Boulevard on the east, and MLK Jr. Boulevard on the south.

The applicant requests a FLUM change from CIVIC to OFFICE and a zoning change from Neighborhood Office-Historic-Neighborhood Plan to Limited Office-Historic-Conditional Overlay-Neighborhood Plan to operate a Pediatric Cardiology Clinic. The clinic will be a group of three doctors who specialize in identifying and correcting heart-related problems in infants and young children. The previous occupants of the buildings were the Children's Advocacy Center of Austin, which was considered a CIVIC use.

There are two buildings on the site. The main building (4,763 sq. ft) has a historic overlay. The applicant's agent states the historic building will not be altered from the outside. There is a 2,672 sq. ft. annex building on the site as well, which was completed in 2002. The site has 37 parking spaces.

**EXISTING ZONING AND LAND USES:**

	FLUM	ZONING	LAND USES
<i>Site</i>	Civic	NO-H-NP	Office
<i>North</i>	Mixed Use	LO-NP, SF-3-NP	Offices, Single-family residences
<i>South</i>	Single-Family	SF-3-NP	Single-family residences
<i>East</i>	Single-Family	SF-3-NP	Single-family residences
<i>West</i>	Multifamily	MF-4-NP	Apartments

**NEIGHBORHOOD PLAN:** The property lies within the Upper Boggy Creek Neighborhood Plan adopted in August of 2002.

**TIA:** The traffic impact analysis has been waived because the applicant agrees to a conditional overlay that will limit vehicle trips to less than 300 per day.

**WATERSHED:** Boggy Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**REGISTERED COMMUNITY ORGANIZATIONS:**

Austin Parks Foundation

PODER People Organized in Defense of Earth & Her Resources

Anberly Airport Assn.

League of Bicycling Voters

Cherrywood Neighborhood Assn.

Keep the Land

Upper Boggy Creek Neighborhood Planning Team  
Home Builders Association of Greater Austin  
Dellwood Neighborhood Assn.  
Austin Independent School District  
Austin Neighborhoods Council  
Mueller Neighborhoods Coalition  
Homeless Neighborhood Organization

**SCHOOLS**

Maplewood Elementary School                      Kealing Middle School                      McCallum High School

**CASE HISTORIES:**

The Upper Boggy Creek Neighborhood Plan rezonings were approved by Council in August 2002 (C14-02-0057).

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
32 <sup>nd</sup> Street	50'	28'	Collector	No	No	No

**ADDITIONAL INFORMATION/ PUBLIC MEETING:** On December 12, 2008 approximately 270 notices were mailed to property owners and utility account holders within 500 feet of the property, in addition to environmental and neighborhood groups registered in the City's Community Registry. At the meeting on Wednesday, January 7, 2009 the only three people attended: Jim Wittliff, the agent; Don Cox, a real estate broker, and Maureen Meredith, planning staff. The meeting was scheduled to start at 6:30 p.m. The three attendees left the building at 7:15 p.m.

At the time of writing, only one property owner contacted staff expressing opposition to the plan amendment. The caller's concern was that the site did not have enough parking to accommodate the medical clinic use.

The Upper Boggy Creek Planning Team supports the zoning change and plan amendment with certain conditions.

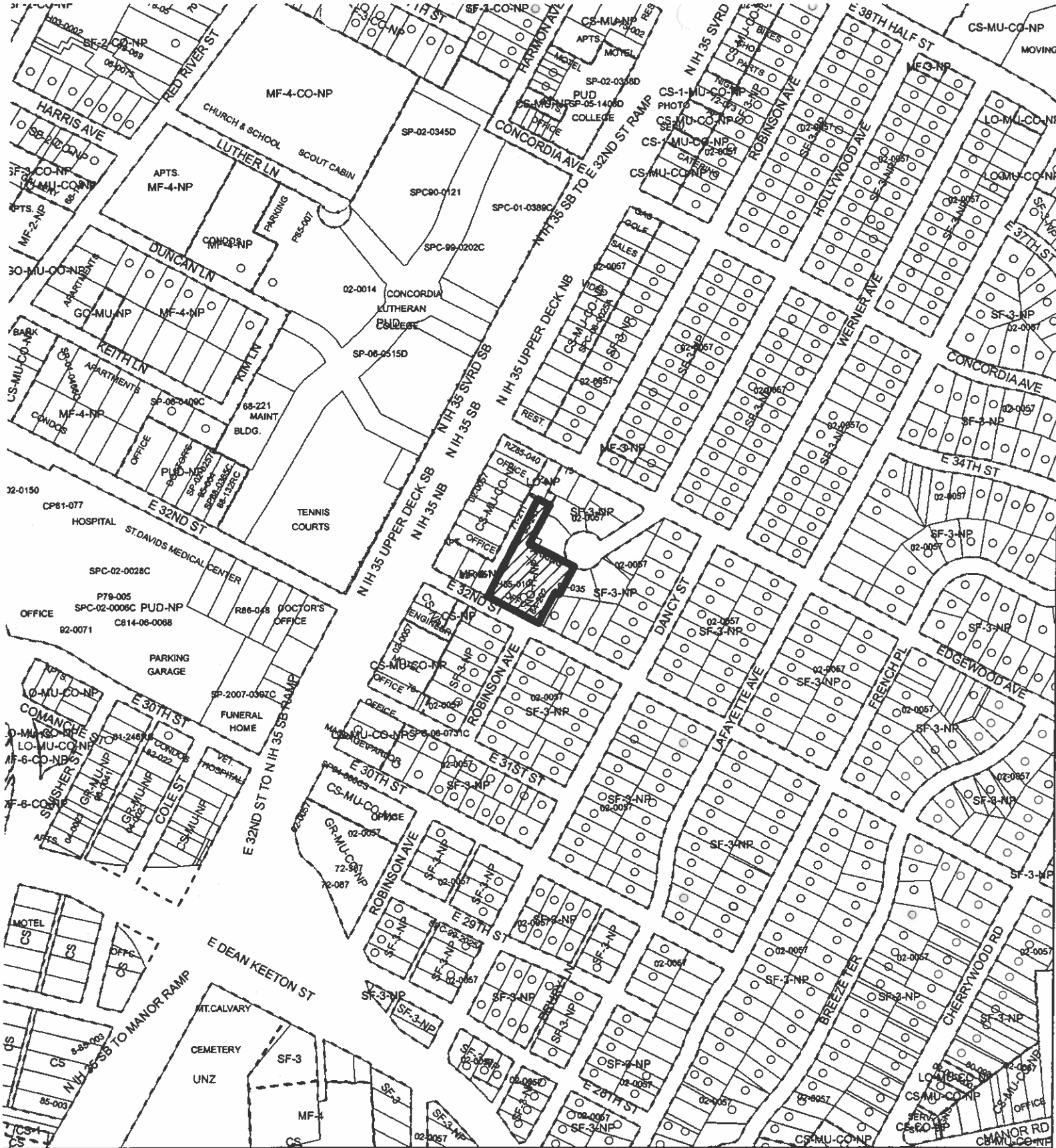
**CITY COUNCIL HEARING DATE:** February 26, 2009

**ORDINANCE READINGS:** 1<sup>st</sup>            2<sup>nd</sup>            3<sup>rd</sup>

**ORDINANCE NUMBER:**

NEIGHBORHOOD PLANNING CASE MANGAGER: Maureen Meredith  
PHONE 974- 2695  
Email Maureen.Meredith@ci.austin.tx.us

ZONING CASE MANAGER: Joi Harden  
PHONE 974-2122  
Email Joi.Harden@ci.austin.tx.us



**N**

**SUBJECT TRACT**

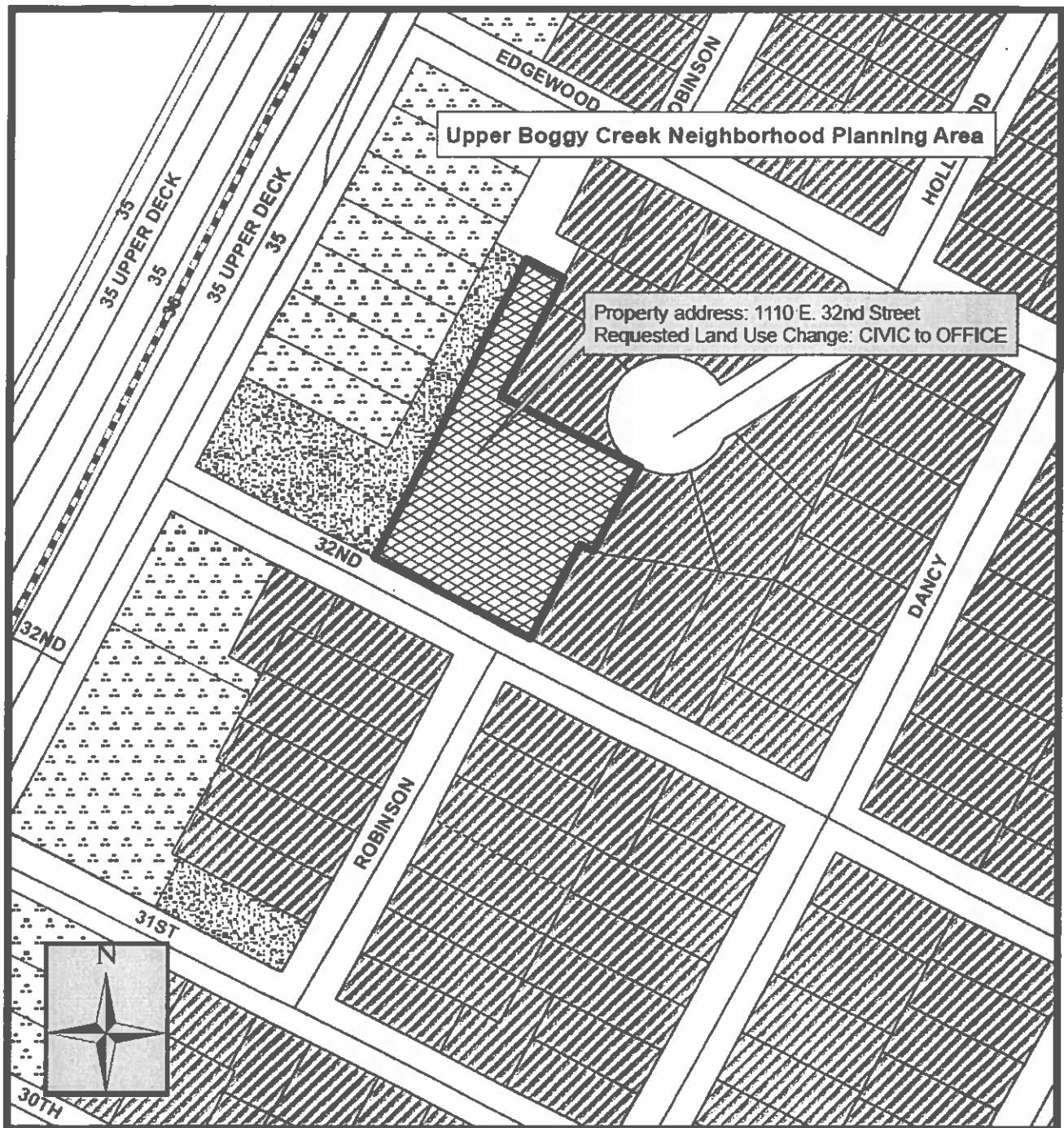
**ZONING BOUNDARY**

**PENDING CASE**

**ZONING**

ZONING CASE#: **C14-2008-0231**  
 ADDRESS: **1110 E 32ND ST**  
 SUBJECT AREA: **0.9777 ACRES**  
 GRID: **K24**  
 MANAGER: **J. HARDEN**





## Upper Boggy Creek Neighborhood Plan Amendment NPA-2008-0012.03

This map has been produced by the City of Austin Neighborhood Planning & Zoning Department for the sole purpose of assisting in neighborhood planning discussions and decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.

0 50 100 200 300 400 Feet

Updated on June 16, 2008

## Legend

	Subject Property		Commercial
	flum_combined		Mixed Use
	FLU		Mixed Use/Office
	Single-Family		Civic
	Multifamily		Transportation
			SDE.TCAD_Parcel





**From NO-H-NP (Neighborhood Office-Historic Combining District-Neighborhood Plan)  
To LO-H-NP (Limited Office-Historic Combining District-Neighborhood Plan)**



## **SUMMARY STAFF RECOMMENDATION**

### **BASIS FOR LAND USE RECOMMENDATION**

UPC Plan Goal One: Community Character – *Preserve the character of each neighborhood in the Upper Boggy Creek Neighborhood Planning Area.*

Objective 1.1: Commercial or institutional uses adjacent to residential uses in the Upper Boggy Creek Neighborhood Planning Area should be complementary and compatible in scale.

Objective 1.3: The residential neighborhoods in the Upper Boggy Creek Neighborhood Planning Area should retain and enhance their character.

UPC Plan Goal Two: Land Use – *Ensure that the new businesses and commercial developments within the Upper Boggy Creek Neighborhood Planning Area is neighborhood-appropriate, neighborhood-scaled, neighborhood-friendly, and serves the nearby neighborhoods.*

UPC Plan Goal Six: Services – *Develop and provide for a range of services that enhance the cultural, social, and educational fabric of the neighborhood.*

### **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

- 1.) The request should serve to protect and preserve places and areas of historical and cultural significance.

The applicants wish to operate a Pediatric Cardiology Clinic. The clinic will be a group of three doctors who specialize in identifying and correcting heart-related problems in infants and young children. The previous occupants of the buildings were the Children's Advocacy Center of Austin. The applicant's agent states the historic building will not be altered from the outside. The rezoning allows for reasonable use and preserves a historical building.

- 2.) Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

The LO zoning provides a transition from the CS located on the frontage road of IH-35 and the single family neighborhood to the north and east.

## **EXITING CONDITIONS**

### **Site Characteristics**

There are two buildings on the site. The main building (4,763 sq. ft) has a historic overlay. The applicant's agent states the historic building will not be altered from the outside. On the site is also a 2,672 sq. ft. annex building, which was completed in 2002. The site has 37 parking spaces.

**Impervious Cover**

The maximum impervious cover allowed by the NO zoning district is 60% and the maximum impervious cover allowed by the LO zoning district is 70%.

**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the 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.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

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.

According to flood plain maps, there is no flood plain within the project area.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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

**Transportation**

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 300 vehicle trips per day. [LDC, 25-6-117].

**Water and Wastewater**

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. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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 Review**

The site is subject to compatibility standards for any new development. Along the north and east property line, the following standards apply:

- No structure may be built within 25 feet of the 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 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.

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

Any new development may need review and approval by the Historic Preservation Office, for more information contact HPO at 974-3524.

**UPPER BOGGY CREEK NEIGHBORHOOD PLANNING TEAM**

January 16, 2009

Dear Planning Commission,

**In reference to cases c14-2008-0231 NPA 2008 0012.03**

The property located at 1110 E32nd street was purchased by a group of doctors who practice Pediatric Cardiology at St. David's Hospital. The property is currently zoned Neighborhood Office-Historic-Neighborhood Plan (NO-H-NP) allowing Office uses, but not Medical Office uses. The Upper Boggy Creek planning team (UBC) met with the owners and representatives of the Cherrywood Neighborhood Association to discuss the property owners requested a Zoning Change to Limited Office-Historic-Neighborhood Plan (LO-H-NP) to allow the Medical office use. The Upper Boggy Creek Future Land Use Map (FLUM) designates this as Civic Use. The Upper Boggy Creek initiated a land use change request on behalf of the owners to allow for the medical use provided that certain covenants were agreed upon. On October 28, 2008 the UBC voted unanimously to support the Zoning Change request and the Land Use Amendment request, as approved by the CNA P&Z and Steering Committees.

Support from CNA and UBC is subject to the specific agreements and restrictions recorded in the restrictive covenant filed and recorded in the Travis County Official Public Records on November 3, 2008 that require the new owners to: 1) construct a new accessible sidewalk along 32nd street, 2) remove about 2000 sf. of asphalt in the "panhandle" comprising the northernmost part of the property, and 3) plant native shade trees in that "panhandle" area.

With these safeguards in place, The UBC supports the zoning change and land use amendment.

Thad Swiderski  
Chair, UBC

# Cherrywood Neighborhood Association

P.O. Box 4010  
Austin, Texas 78765  
[www.cherrywood.org](http://www.cherrywood.org)

## **Steering Committee**

Jeremy Mazur, Chair  
Martin Barrera  
Michael Bray  
Deb Freeman  
David Greene  
Girard Kinney  
Rebecca Kohut  
Jack Josey Newman  
Robin Peeples  
Eve Richter  
Mark Schiff  
Tom Wald

**City of Austin**  
**Planning Commission**  
301 West 2nd Street  
Austin, Texas 78701

Friday, January 16, 2009

Regarding the following cases particular to 1110 East 32nd Street:

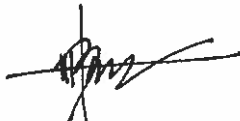
C14-2008-0231  
NPA-2008-0012.03

Dear Planning Commission,

The property was recently purchased by a group of doctors who practice Pediatric Cardiology at St. David's Hospital. The property is currently zoned Neighborhood Office-Historic-Neighborhood Plan (NO-H-NP) which allows Office uses, but not Medical Office uses. At the CNA P&Z meeting on October 1, 2008, the property owners requested a Zoning Change to Limited Office-Historic-Neighborhood Plan (LO-H-NP) to allow the Medical office use. Also the Upper Boggy Creek Future Land Use Map (FLUM) designates this property as a Civic Use. The property owners also requested support for a Land Use Amendment that must be initiated by the Upper Boggy Creek (UBC) Neighborhood and approved by the Planning Commission and Austin City Council. On October 8, 2008, the CNA Steering Committee, acting on a recommendation of its P&Z Committee, unanimously voted to support the Zoning Change request and the Land Use Amendment request. On October 28, 2008 the UBC voted unanimously to support the Zoning Change request and the Land Use Amendment request, as approved by the CNA P&Z and Steering Committees.

Support from CNA and UBC is subject to the specific agreements and restrictions recorded in the restrictive covenant filed and recorded in the Travis County Official Public Records on November 3, 2008 that require the new owners to: 1) construct a new accessible sidewalk along 32<sup>nd</sup> street, 2) remove about 2000 sf. of asphalt in the "panhandle" comprising the northernmost part of the property, and 3) plant native shade trees in that "panhandle" area.

Sincerely yours,



**Martin Barrera**  
CNA Planning and Zoning Committee Chair

## 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 attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

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: C14-2008-0231

Contact: Joi Harden,, (512) 974-2122

Public Hearing:

January 27, 2009 Planning Commission

February 26, 2009 City Council

☐ I am in favor  
☐ I object

Your Name (please print)

Sean & Rene Williams  
3200 Ash Lane - faces 32nd St.

Your address(es) affected by this application

[Signature] Rene T. Williams 1/17/09  
Signature Date

Comments: My duplex has no off street parking.  
32nd is a narrow street. We already  
have to care that need to park on the  
street at our duplex. parking on  
both sides of 32nd will narrow the  
street to a single lane.  
What is the parking situation for  
the proposed change, and what  
about the proposed change affect on  
our street (residential) by this  
change?

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

City of Austin

Neighborhood Planning and Zoning Department

Joi Harden,}

P. O. Box 1088

Austin, TX 78767-8810

Copy returned  
Mald 1/18/09