

**ZONING CHANGE REVIEW SHEET**

CASE: C14-2022-0021 -- SHQ @ W 35th

DISTRICT: 10

ZONING FROM: LR-NP

ZONING TO: LO-MU-NP

ADDRESS: 1809 West 35<sup>th</sup> Street

SITE AREA: 0.27 acres

PROPERTY OWNER: MEA Real Estate Ventures, LLC (Mehrdad Ebrahimi)

AGENT: Thrower Design (Ron Thrower & Victoria Haase)

CASE MANAGER: Heather Chaffin (512-974-2122) [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov)

STAFF RECOMMENDATION:

**Staff supports the applicant's request of LO-MU-NP zoning.** *For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

June 28, 2022:

June 14, 2022: To postpone to June 28, 2022 as requested by neighborhood, on consent.

CITY COUNCIL ACTION:

TBD

ORDINANCE NUMBER:

ISSUES:

No issues at this time.

CASE MANAGER COMMENTS:

The subject property is located on the south side of West 35<sup>th</sup> Street between Oakmont Boulevard and Jefferson Street. The LR-NP zoned property is currently developed with a retail store and one residential unit. The residential use is not permitted in the current LR-NP zoning. Properties to the west are also zoned LR-NP and are developed with personal services and retail land uses. The lot immediately east of the property is also zoned LR-NP; the next 5 lots to the east are zoned LO-NP and the last lot on this block is zoned CS-NP. The LO-NP properties are developed with a mix of personal repair services, medical offices, multifamily and other uses. The CS-NP property is developed with financial services land use. South of the rezoning tract is a residential neighborhood zoned SF-3-NP. Across West 35<sup>th</sup> Street to the north are properties zoned LO, LR and MF-3 that are developed with personal services, retail, medical office, multifamily and retail land uses. ***Please refer to Exhibits A and B (Zoning Map and Aerial Exhibit).***

The applicant has stated that they are requesting the downzoning from LR to LO is because it would allow an additional 0.2 floor to area ratio (FAR). The FAR under LO would allow approximately 2,300 additional square feet of building square footage. The request of mixed use (MU) is because the existing residential use on the property is a currently a non-conforming land use and is not permitted by Code in LR zoning. The applicant has stated their intent to develop the property with residential and office land uses permitted in LO-MU-NP. ***Please refer to Exhibit C- Applicant Correspondence.***

Staff supports the rezoning request. 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. The area has a mix of office, residential and commercial zoning and land uses. Allowing additional square footage and mixed use reflects the character of the area.

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*
2. *Granting of the request should result in an equal treatment of similarly situated properties.*
3. *The proposed zoning should promote consistency and orderly planning.*

The requested LO-MU-NP zoning is appropriate for this location and is consistent with the proposed use. The applicant proposes residential and office uses on the property, and LO-MU zoning is consistent with other LO, LR, and MF3 properties along West 35<sup>th</sup> Street in this area.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR-NP	Retail- limited, Single family residential
<i>North</i>	LO-NP, LR-NP, MF-3-NP	Personal services, Retail- limited, Medical office, Multifamily residential
<i>South</i>	SF-3-NP	Single family residential
<i>East</i>	LR-NP, LO-NP, CS-NP	Personal repair services, Medical office, Multifamily residential, Financial services
<i>West</i>	LR-NP	Personal services, Retail-limited

NEIGHBORHOOD PLANNING AREA: Central West Austin Combined (Windsor)TIA: N/AWATERSHED: Shoal Creek – UrbanSCHOOLS:

Bryker Woods Elementary School    O Henry Middle School    Austin High School

COMMUNITY REGISTRY LIST:

Ridgelea Neighborhood Association      West Austin Neighborhood Group  
 Bryker Woods Neighborhood Association    Oakmont Heights Neighborhood Association  
 Austin Neighborhoods Council      Austin Independent School District  
 Sierra Group, Austin Regional Group      SEL Texas  
 Preservation Austin      Austin Lost and Found Pets  
 Shoal Creek Conservancy      Friends of Austin Neighborhoods  
 Bull Creek Road Coalition      Homeless Neighborhood Association  
 Neighborhood Empowerment Foundation  
 Central West Austin Combined Neighborhood Plan Contact Team

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).
C14-96-0069 Kerbey Lane Village 1507-1513 W 35 <sup>th</sup> St	From SF-3 to GR	To Grant GR-MU-CO: no vehicle access to Kerby Lane; max 2,000 vpd; Site Development Stds per “LR” district; Cond. & Prohibited 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

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
W 35 <sup>th</sup> Street	65'	44'	Level 3	Yes	Shared Lane	Yes

OTHER STAFF COMMENTS:ENVIRONMENTAL:

1. The site is 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.
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.

SITE PLAN:

- SP 1. Site plans will be required for any new development other than single-family, two-family or duplex residential.
- SP 2. 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. This site is subject to compatibility standards due to the adjacent SF-3-NP district to the south, and the proximity of the SF-3-H-NP and SF-3 districts to the west and north, accordingly.
- SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
- SP 4. This tract is already developed. 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.

TRANSPORTATION:

The Austin Strategic Mobility Plan (ASMP) calls for 80 feet of right-of-way for W 35th Street. It is recommended that 40 feet of right-of-way from the existing centerline should be

dedicated for W 35th Street according to the Transportation Plan at the time of subdivision and/or site plan application, whichever comes first. [LDC 25-6-51 and 25-6-55].

#### Transportation Assessment

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

The adjacent street characteristics table is provided below:

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bicycle Route</b>	<b>Capital Metro (within ¼ mile)</b>
W 35 <sup>th</sup> Street	65'	44'	Level 3	Yes	Shared Lane	Yes

#### PARKLAND:

PR1: Parkland dedication will be required for any new residential units proposed by this development, office and residential with LO-MU zoning, at the time of subdivision or site plan, per City Code § 25-1-601. The requirement may be met with fees in-lieu using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, 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](mailto: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.

#### WATER UTILITY:

AW1. 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 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.

#### EXHIBITS:

- A- Zoning Map
- B- Aerial Exhibit
- C- Applicant Correspondence





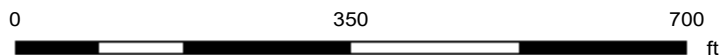
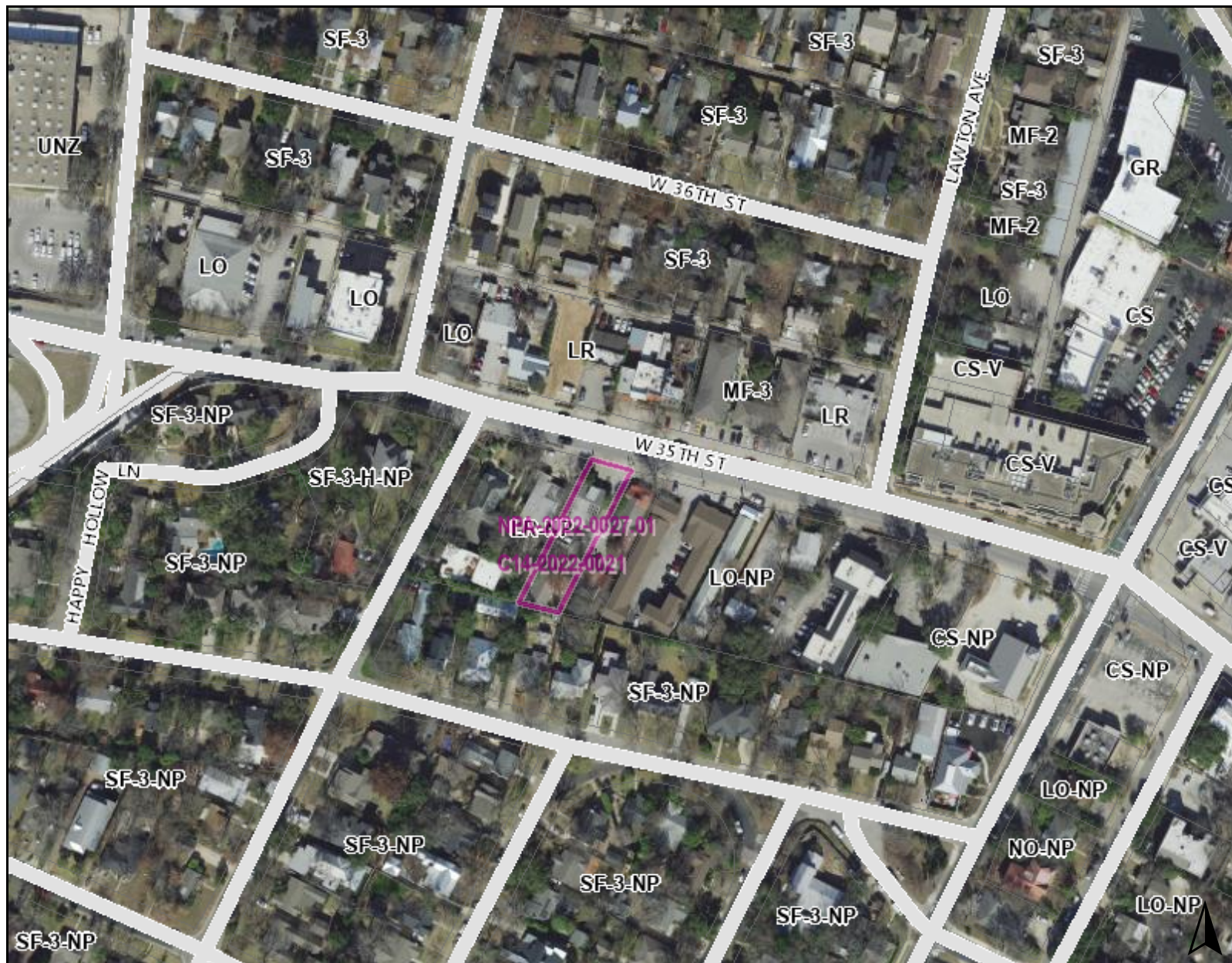
**Created: 3/2/2022**


$$1'' = 400'$$





# B-2 Property Profile



6/23/2022

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey. This product has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



## Legend

Review Cases

Zoning Review Cases- IN REVIEW



Zoning 1

Zoning Text



## Notes

# Thrower Design<sup>LLC</sup>

## LAND PLANNERS

February 1, 2021

Ms. Rosie Truelove  
Housing & Planning Department  
City of Austin  
1000 E 11<sup>th</sup> Street  
Austin, TX 78702

***Via Electronic Delivery***

RE: SHQ W 35<sup>th</sup> – 1809 W 35<sup>th</sup> Street, Austin, TX 78703

Dear Ms. Truelove,

On behalf of the property owner of 1809 W 35<sup>th</sup> Street, we submit the Neighborhood Plan Amendment and Rezoning applications herein. The subject site is 0.27 acres fronting the south side of W. 35<sup>th</sup> Street and legally described as Lot 1 & 6ft of Lot 2, Blk 10, Camp Mabry Heights subdivision.

The property has Neighborhood Commercial-Neighborhood Plan (LR-NP) district zoning, and the Central West Austin Combined Neighborhood Plan Future Land Use Map applies with a designation of Neighborhood Commercial.

The request is to amend the Future Land Use Map from *Neighborhood Commercial* to *Neighborhood Mixed Use* and to rezone the property from *Neighborhood Commercial (LR)* to *Limited Office – Mixed Use – Neighborhood Plan (LO-MU-NP)* district zoning in preparation for a redevelopment of the site to accommodate a professional office use in combination with residential use.

The LO zoning district is permitted by the current FLUM category of Neighborhood Commercial and alone, does not require a neighborhood plan amendment. However, the longstanding residential use of the property is legal/non-complying with the existing zoning. The FLUM amendment is necessary to bring residential use into compliance with zoning so that the site can retain the ability for a residential use with redevelopment of the site.

The property is in an ideal location to accommodate a mixed-use development and it is supported by the following Imagine Austin Planning Principles.

**P.O. BOX 41957, AUSTIN, TEXAS 78704**



1. Creating complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offering a variety of transportation options, and having easy access to daily needs such as schools, retail, employment, community services, and parks and recreations options.
2. Supporting the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
3. Protecting neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers, corridors, redevelopment, and infill site.
4. Expanding the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
5. Ensuring harmonious transitions between adjacent land uses and development intensities.
6. Protecting Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserving open space and protecting the function of the resource.
7. Encouraging active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.

While the Neighborhood Plan/FLUM does not permit the mixed-use overlay, the site has operating as mixed use for several decades. Corridors like W. 35<sup>th</sup> Street should continue to accommodate a mix of uses, including live/work opportunities that can alleviate workday traffic congestion and encourage use of alternative transit modes since the property is on an ASMP Transit Priority Network with existing transit services.

For these reasons, Thrower Design respectfully requests a favorable recommendation, and we are available for questions or discussion as needed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Victoria Haase', with a stylized, flowing script.

Victoria Haase

cc: Wendy Rhoades, Housing & Planning Department (*via electronic delivery*)