

ZONING CHANGE REVIEW SHEET

CASE: C14-2025-0082 - 1012 E 38th St

DISTRICT: 9

ZONING FROM: SF-3-CO-NP

ZONING TO: LO-MU-NP

ADDRESS: 1012 East 38th Street

SITE AREA: 0.134 acres (5,837 sq. ft.)

PROPERTY OWNER: GDC-NRG IH35 LLC

AGENT: Narrow Road Group (Griff Whalen)

CASE MANAGER: Cynthia Hadri 512-974-7620, Cynthia.hadri@austintexas.gov

STAFF RECOMMENDATION:

The staff recommendation is to grant limited office – mixed use – neighborhood plan (LO-MU-NP) combined district zoning.

PLANNING COMMISSION ACTION / RECOMMENDATION:

**October 28, 2025: APPROVED THE APPLICANT'S REQUEST FOR LO-MU-NP
[P. BRETON; J. HILLER - 2ND] (11-0) A. LAN – ABSENT; ONE VACANCY**

CITY COUNCIL ACTION:

December 11, 2025:

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The property in question is approximately 0.134 acres is currently zoned family residence – conditional overlay – neighborhood plan (SF-3-CO-NP) with access to East 38th street (level 1) and Harmon Avenue (level 1). The area is characterized as mixed use with commercial zonings to the west of Harmon Avenue and single family residential to the west. This property is in the Hancock Neighborhood Plan area and was zoned SF-3-CO-NP with the adoption of the Hancock Neighborhood Plan in 2004, Ordinance 040826-059. The Conditional Overlay (CO) designates a 30-foot, two-story maximum height. ***Please refer to Exhibits A (Zoning Map) and B (Aerial View).***

The applicant is requesting limited office – mixed use – neighborhood plan (LO-MU-NP) combined district zoning for neighborhood scale uses such as residential, office, art gallery and community garden. There is also an associated Neighborhood Plan Amendment (NPA) requesting a change from single family designation to mixed use/office designation (NPA-2025-0019.03). ***Please refer to Exhibit C (Applicant’s Summary Letter).***

Staff is recommending limited office – mixed use – neighborhood plan (LO-MU-NP) combined district zoning for neighborhood scale uses. The request is consistent with the intent of the district, has the LO-MU-NP adjacent to the north and would be a reasonable use of the property.

BASIS OF RECOMMENDATION:

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

The limited office district is intended for offices predominately serving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods.

The mixed use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

The neighborhood plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

2. *Zoning should allow for reasonable use of the property.*

Limited office – mixed use – neighborhood plan (LO-MU-NP) combined district zoning will allow for neighborhood scale mixed uses and also has the neighborhood plan amendment for a change to the future land use map (FLUM) from single family designation to mixed use/office designation recommended.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-CO-NP	Single Family Residential
<i>North</i>	LO-MU-NP; SF-3-CO-NP; SF-4A-CO-NP	Single Family Residential
<i>South</i>	SF-3-CO-NP	Single Family Residential
<i>East</i>	CS-MU-V-CO-NP; CS-MU-NP	Restaurant; Multifamily Residential; N Interstate Highway 35
<i>West</i>	SF-3-CO-NP	Single Family Residential

NEIGHBORHOOD PLANNING AREA: Central Austin Combined (Hancock)

WATERSHED: Boggy Creek (Urban)

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS: Austin Independent School District

Lee Elementary School

Kealing Middle School

McCallum High School

COMMUNITY REGISTRY LIST:

Austin Independent School District
 Austin Neighborhoods Council
 CANPAC (Central Austin Neigh Plan
 Area Committee)
 Cherrywood Neighborhood Association
 Del Valle Community Coalition
 Friends of Austin Neighborhoods,

Hancock Neighborhood Assn.
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 North Austin Neighborhood Alliance
 Preservation Austin
 Upper Boggy Creek Neighborhood
 Planning Team

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2023-0001 & C14-2023-0012 – University Park North & South	CS-MU-CO-NP; CS-MU-NP to CS-MU-V-NP	To grant CS-MU-V-CO-NP, as recommended by Staff (7/25/2023)	Approved CS-MU-V-CO-NP as Planning Commission Recommended (9/14/2023)
C814-06-0175.04 – East Ave PUD Amendment	PUD-NP to PUD-NP, to add business & admin use to Parcel H	Approved fourth amendment (05-23-2023)	Approved fourth amendment as Planning Commission Recommended (8/31/2023)
C14-2022-0019.SH – 1004 E 39th Street	SF-3-CO-NP, LO-MU-NP to MF-6-NP.	To grant MF-4-NP (05/10/2022)	Approved MF-4-NP as Planning Commission Recommended (06/09/2023)

RELATED CASES:

NPA-2025-0019.03 – 1012 W. 38th St. - The applicant is requesting a change from single family designation to mixed use/office designation.

ADDITIONAL STAFF COMMENTS:

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.

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.

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.

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.

PARD – Planning & Design Review:

Parkland dedication fees may apply to any future site or subdivision applications resulting from this rezoning. As of January 1, 2024, new commercial non-residential uses are not subject to parkland dedication requirements at the time of site plan and subdivision.

Site Plan:

Site plans will be required for any new development except for residential only project with up to 4 units.

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

Compatibility Standards

The site is subject to compatibility standards due to the adjacency of SF-3-CO-NP zoning on the east side of the triggering property.

Reference 25-2-1051, 25-2-1053

Any structure that is located:

- a. At least 50 feet but less than 75 feet from any part of a triggering property may not exceed 60 feet
- b. Less than 50 feet from any part of a triggering property may not exceed 40 feet

Reference 25-2-1061

(not for sites zones NO, LO, or LR) A 25-foot (15-foot if site is less than 75 feet wide) compatibility buffer is required along the property line shared with the triggering property. No vertical structures are permitted in the compatibility buffer.

Reference 25-2-1062(B), 25-8-700

An on-site amenity, including a swimming pool, tennis court, ball court, or playground, may not be constructed 25 feet or less from the triggering property.

Reference 25-2-1062

This tract is already developed, and the proposed zoning change is a footprint within the existing development.

FYI this tract is in the Hancock Neighborhood Planning area.

Austin Transportation Department – Engineering Review:

A transportation assessment/traffic Impact analysis shall be required at the time of site plan **if triggered**, when land uses and intensities will be known per LDC 25-6-113 and TCM 10.2.1, however based on the proposed use this is unlikely to be triggered.

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for E 38th ST. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for E 38th ST according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Harmon AVE. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for Harmon AVE 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)
E 38 th ST	Level 1	58'	50'	30'	No	No	Yes
Harmon AVE	Level 1	58'	52'	32'	No	No	Yes

Austin Water Utility:

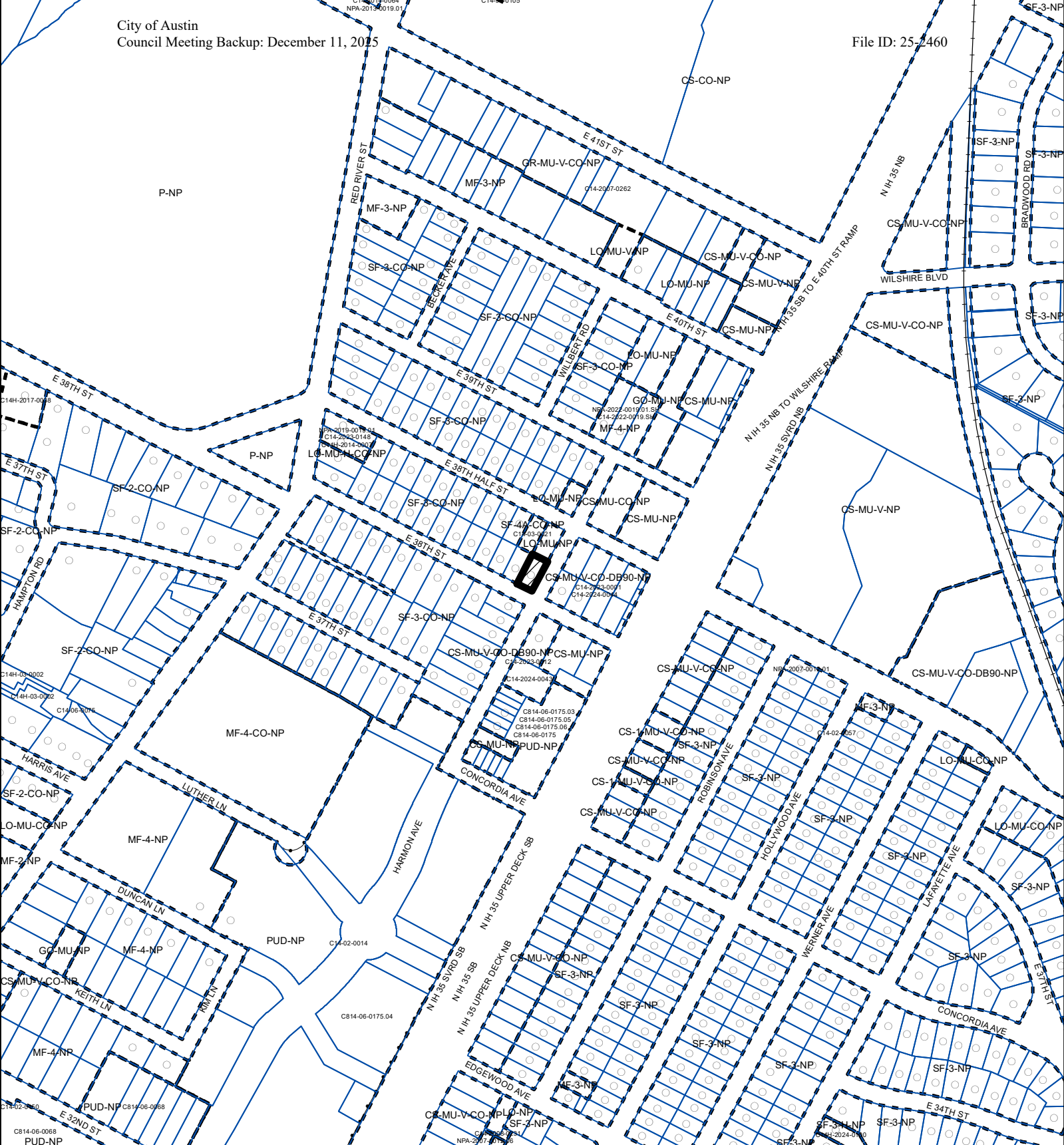
No comments on zoning change.

FYI: The landowner intends to serve the site with existing City of Austin water utilities.

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. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

- A. Zoning Map
- B. Aerial Map
- C. Applicant's Summary Letter



ZONING

ZONING CASE#: C14-2025-0082




-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

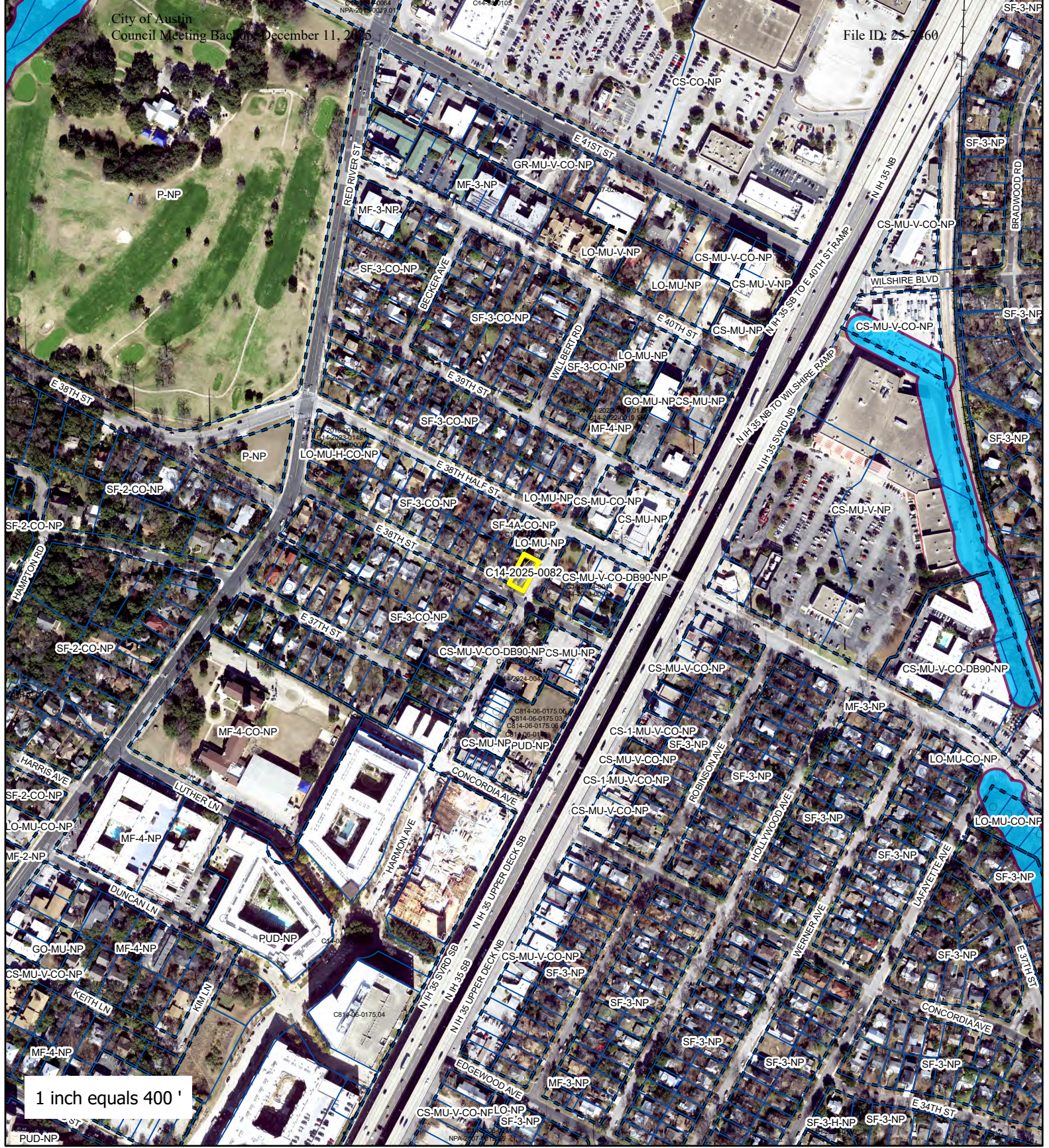
Exhibit A
1" = 400'

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 and represents only the approximate relative location of property boundaries.





This product has been produced by the Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 7/31/2025



1012 E 38th

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

ZONING CASE#: C14-2025-0082
 LOCATION: 1012 E 38th St
 SUBJECT AREA: 0.134 Acres
 MANAGER: Cynthia Hadri



6/20/2025

Ms. Joi Harden

Zoning Officer
Housing and Planning Department
City of Austin
6310 Wilhelmina Delco Dr.
Austin, TX 78752

VIA Electronic Mail: Joi.Harden@AustinTexas.gov

Re: Zoning and Neighborhood Plan Amendment Application for 0.134 acres located at 1012 E 38th Street, Austin, Texas, 78705 (“Property”)

Dear Ms. Harden,

On behalf of the Property owner, GDC-NRG IH35 LLC (“Applicant”), we respectfully submit this application requesting a zoning change and corresponding Neighborhood Plan Amendment for the above stated Property.

The Property consists of approximately 0.134 acres and is in the Hancock Neighborhood Plan area. The Property is currently zoned SF-3-CO-NP and designated Single Family on the Future Land Use Map (FLUM). We are requesting a rezoning to LO-MU-NP and a FLUM amendment to Mixed Use/Office, matching the approved zoning and land use designation directly north at 1013 E 38th 1/2 Street. The Property was designated Single Family and zoned SF-3-CO-NP with the adoption of the Hancock Neighborhood Plan in 2004, Ordinance 040826-059. The Conditional Overlay designates a 30-foot, two-story maximum height.

LO-MU-NP allows for neighborhood-scale flexibility, supporting uses like a home, office, art gallery, or community garden. This site sits at a key transition point between CS-MU-V-DB90 zoning to the east, PUD-NP to the southeast, LO-MU-NP to the north, and SF-3 to the west—making it well-suited for the proposed designation.

Please let us know if you have any questions or need additional information. Thank you for your time and consideration.

Sincerely,

Griff Whalen

Narrow Road Group

CC:

- Maureen Meredith, Housing and Planning Department
- Marcelle Boudreaux, Housing and Planning Department
- Adam Moore, Gilbane Development Company
- Charles D’Harcourt, Hancock Neighborhood Association