

ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0006 - Waller on Swede Hill **P.C. DATE:** February 10, 2015
March 24, 2015

ADDRESS: 908 E. 15th Street, 807 E. 16th Street, 1506 Waller Street

DISTRICT: 1 **AREA:** 0.746 Acres (32,495.76 Sq. Ft.)

OWNER: WJP Swede Hill, LLC (Wes Peoples)

AGENT: WJP Construction Services, LLC (Ken Blaker)

FROM: SF-3-NP **TO:** GR-MU-CO-NP

NEIGHBORHOOD PLAN AREA: Central East Austin **TIA:** N/A

WATERSHED: Waller Creek **SCENIC ROADWAY:** No

CAPITOL VIEW CORRIDOR: See Exhibit B **DESIRED DEVELOPMENT ZONE:** Yes

SUMMARY STAFF RECOMMENDATION:

Staff does not support the community commercial-mixed use-conditional overlay-neighborhood plan GR-MU-CO-NP combining district zoning request. Staff offers the alternate recommendation:

- Limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning for approximately 5,750 square feet area encompassing the Stasswender House. If the Historic Landmark Commission recommends a Historic designation for the house, Staff recommends adding this designation to the property zoning (LO-MU-H-NP).
- Multifamily residence – moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) is recommended for the remainder of the property. The conditional overlay would prohibit multifamily residential land use, limit the property to a maximum of 22 residential units, prohibit vehicular access to Waller Street, and limit the number of vehicular trips per day to 300 at any access point to East 15th Street.

PLANNING COMMISSION RECOMMENDATION:

March 24, 2015: The motion to approve SF-3-H-NP (“H” zoning for the structure only) was made by Commissioner James Nortey, Commissioner Nuria Zaragoza seconded the motion on a vote of 5-3; Commissioners Brian Roark, Alfonso Hernandez and Richard Hatfield voted against the motion (nay), 1 vacancy on the Commission.

February 10, 2015: The motion to postpone to March 24, 2015 by request of staff was approved on the consent agenda by Commissioner Richard Hatfield, Commissioner James Nortey seconded the motion on a vote of 7-0; Commissioners Alfonso Hernandez and Lesley Varghese were absent.

HISTORIC LANDMARK COMMISSION RECOMMENDATION:

March 23, 2015:

Reggie Thomas and Elizabeth Purcell spoke in support of historic zoning. John Hodges spoke in opposition to historic zoning. The public hearing was closed on a motion by Commissioner Galindo. Commissioner Leary seconded the motion; vote 5-0.

MOTION: Deny historic zoning, on the basis that the structures be evaluated as a complex, on a motion by Commissioner Wolfenden-Guidry. There was no second and the motion failed to pass.

MOTION: Approve historic zoning on a motion by Commissioner Galindo. Commissioner Myers seconded the motion; vote 4-1, Commissioner Wolfenden-Guidry voting nay.

ISSUES:

In December 2014, neighborhood representatives approached the Historic Landmark Commission (HLC), requesting that the structures located on the subject property be evaluated and considered for historic landmark designation. The structures include a single family residence commonly referred to as the Stasswender House (located at the corner of East 16th Street and Waller Street), as well as smaller houses and cottages. The property owners were not a party to this request, but agree that the Stasswender House may be historic. However, they do not agree that the other structures meet historic criteria.

HLC agreed to evaluate the property and determine if the City will initiate a historic rezoning request for all or a portion of the property. HLC is scheduled to discuss and possibly act on this item on March 23, 2015. If a historic rezoning is recommended by HLC, that rezoning will be incorporated into this rezoning request. A summary memo of the March 23, 2015, HLC meeting will be provided as soon as possible.

DEPARTMENT COMMENTS:

The subject property is located on the west side of Waller Street between East 15th and East 16th Streets. The Stasswender House is located at the corner of East 16th Street and Waller Street, and the remainder of the property is developed with a single family residence and other structures. The property is zoned SF-3-NP. A single family residence is located immediately southeast of the property, and is also zoned SF-3-NP. Across Waller Street to the east are single family and two family residences zoned SF-3-NP and MF-2-NP. Across 15th Street to the south are single family residences and an office building zoned SF-3-NP, LO-MU-NP. West of the property is a dedicated but unconstructed alley; beyond the alley is undeveloped property that is owned by Texas Department of Transportation (TxDOT) for future right-of-way (ROW). The property is zoned MF-3-NP. Across East 16th Street to the north are properties zoned CS-MU-CO-NP that are developed with a limited restaurant and a motel. A portion of the Capitol View Corridor crosses the northern portion of the subject property, and is shown on the aerial map exhibit. Please refer to *Exhibits A and B (Zoning Map and Aerial View)*.

The Applicant proposes developing the property, excluding the Stasswender House site, with a 22-unit condominium residential development. The Applicant proposes allowing the Stasswender House be used for commercial, office, residential, or a mixed-use development. This land use would not necessarily be related to the adjacent condominium property. The property has frontage on East 16th Street, Waller Street, and East 15th Street. East 16th is a collector roadway because it serves a mix of commercial, civic, and residential land uses. Waller and East 15th are both residential streets that primarily serve residential land use areas.

Correspondence from neighborhood representatives regarding the rezoning request is attached in *Exhibit C (Correspondence)*.

STAFF RECOMMENDATION:

The Applicant requested GR-MU-CO-NP to allow the intended number of residential units and allow the commercial and office uses to be developed on the same property as the condominium project. Staff and neighborhood representatives had concerns regarding GR zoning on the property, based on the intensity of commercial land uses and traffic.

Staff supports limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning for the Stasswender House site, and recommends the minimum site area required for this zoning district (5,750 sq. ft.) This will allow office and low intensity commercial land uses, as well as residential. These are suitable for the East 16th Street frontage, which is a transitional area to commercial uses, including a restaurant, hotel, multifamily, and more. If the Historic Landmark Commission recommends a Historic designation for the house, Staff recommends adding this designation to the property zoning (LO-MU-H-NP).

Staff also supports multifamily residence – moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) is recommended for the remainder of the property. The subject property is located between a predominately single family residential neighborhood and the northbound frontage of Interstate IH 35. Single family development is not suitable immediately adjacent to dedicated TxDOT ROW, and the property does not have suitable access to non-residential streets for commercial development. Multifamily development is often located along highway corridors, providing a buffer between single family areas and the highway. To maintain the character of the area, Staff recommends the conditional overlay would prohibit multifamily residential land use—this will still allow the proposed condominium development. Staff recommends additional conditions to mitigate the scale and impact of any redevelopment of the property by limiting the property to a maximum of 22 residential units, prohibiting vehicular access to Waller Street, and limiting the number of vehicular trips per day to 300 at any access point to East 15th Street.

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

The subject property is located between a predominately single family neighborhood and IH 35. The current SF-3-NP zoning is not desirable in such close proximity to the interstate, and is more suitable for higher density development traditionally found along highways. The property is not suited for intense commercial development since the property does not access the highway, but single family development is also inappropriate due to the proximity of the highway.

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

Condominium development is an appropriate transition between the single family neighborhood and interstate corridor. MF-4 will allow the residential nature of the neighborhood to be maintained, while providing a transitional buffer between the single family area and the highway.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single family residences
<i>North</i>	CH-CO-NP	Limited restaurant, Motel
<i>South</i>	SF-3-NP, LO-MU-NP	Single family residences, Offices
<i>East</i>	SF-3-NP, MF-2-NP, LR-H-MU-NP	Single family residences, Two family residences
<i>West</i>	MF-3-NP	TxDOT right-of-way

CITY FILE # / NAME	ZONING FROM	ZONING TO	STAFF RECOMMENDATION	PLANNING COMMISSION	CITY COUNCIL
C14-2008-0166 Petty Property	SF-3-NP	GR-MU-CO-NP (Only LO uses, max 500 v.p.d., max 24 residential units	Tract 1: SF-3-NP, Tracts 2 & 3: LR-MU-CO-NP	8/26/2008: PC to deny GR-MU- CO-NP (7-0)	11/6/2008: to deny GR- MU-CO-NP (6-0) Valid Petition

A Neighborhood Plan Amendment (NPA) is currently under review for the subject property (City File # NPA-2014-0009.01), requesting a change from single family residential to mixed use.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
E. 15 th Street	50'	28'	Local	No	No	No
E. 16 th Street	60'	30'	Collector	No	No	No
Waller Street	35'	26'	Local	No	No	No

SCHOOLS:

Campbell Elementary School

Kealing Middle School

McCallum High School

NEIGHBORHOOD ORGANIZATIONS:

Del Valle Community Coalition

Swede Hill Neighborhood Association

Austin Heritage Tree Foundation

Downtown Austin Neighborhood Association

Austin Neighborhoods Council

Central Austin Community Development Corporation

African American Cultural Heritage District Business Association

Oakwood Neighborhood Association

Organization of Central East Austin Neighborhoods (OCEAN)

Sierra Club, Austin Regional Group

East Austin Conservancy

Waller Creek Conservancy

Downtown Austin Alliance

Lower Waller Creek

The Real Estate Council of Austin

Preservation Austin

Friends of the Emma Barrientos MACC

United East Austin Coalition

Swede Hill Lofts HOA

SELTexas

Austin Independent School District.

CITY COUNCIL DATE/ACTION:

March 5, 2015: This item was postponed on consent to April 16, 2015 at the staff's request on Council Member Pool's motion, Council Member Houston's second on a 9-0 vote. Council Members Kitchen and Zimmerman were off the dais.

April 16, 2015:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin

e-mail: heather.chaffin@austintexas.gov

PHONE: 512-974-2122

ADDITIONAL STAFF COMMENTS:**SITE PLAN**

SP1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

TRANSPORTATION

- TR1. Additional right-of-way may be required at the time of subdivision and/or site plan.
- TR2. If the requested zoning is granted, it is recommended that joint access be provided for all lots.
- TR3. The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for IH 35. TxDOT may request the reservation of additional right-of-way in accordance with the Transportation Plan when the site is redeveloped [LDC, Sec. 25-6-51 and 25-6-55].
- TR4. Nadia Barrera, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.
- TR5. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not identified on E. 15th, E. 16th, or Waller Street.
- TR6. 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]
- TR7. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
E. 15 th Street	50'	28'	Local	No	No	
E. 16 th Street	60'	30'	Collector	No	No	
Waller Street	35'	26'	Local	No	No	

ENVIRONMENTAL

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

WATER UTILITY

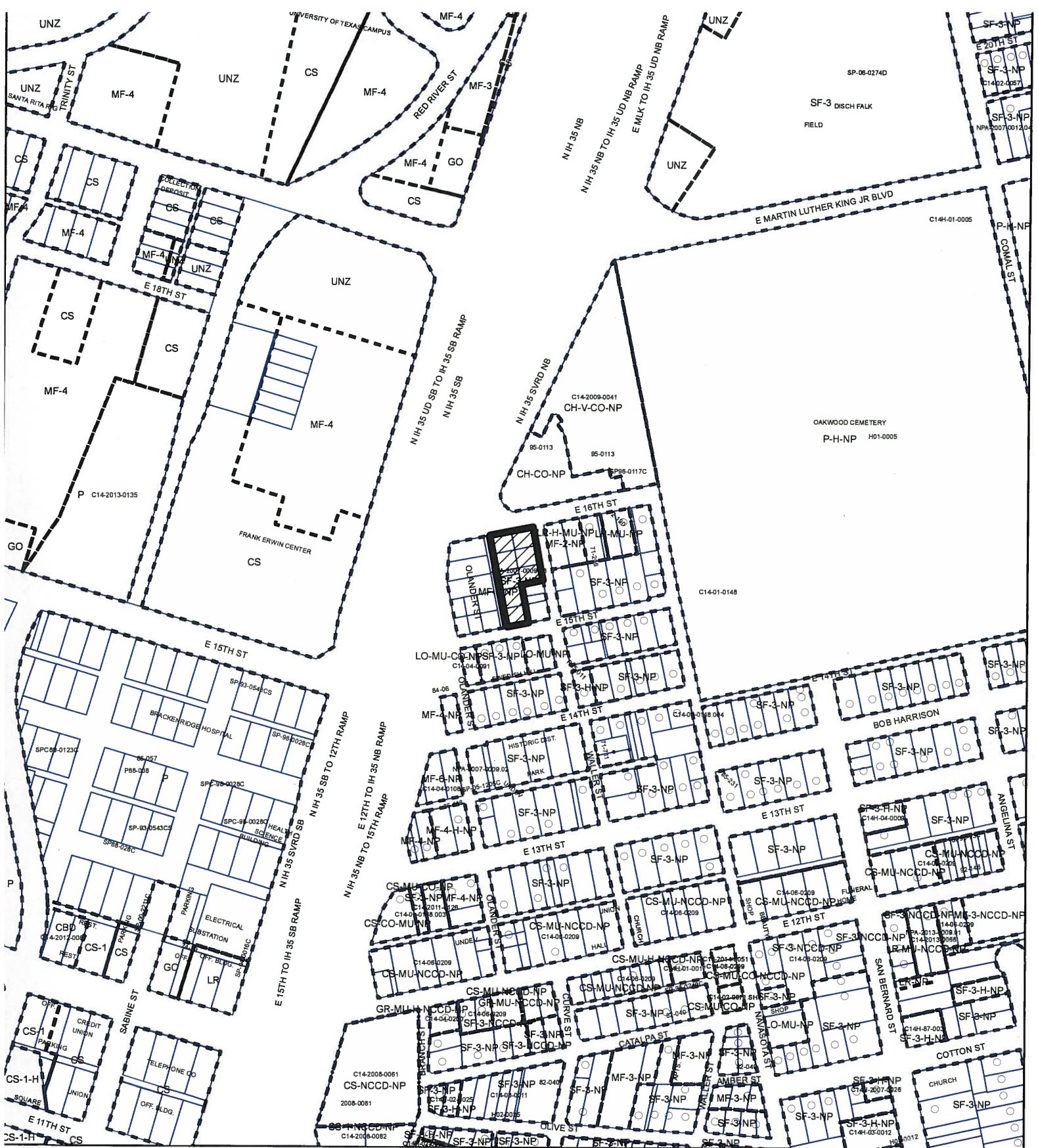
FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans 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.


$$1'' = 400'$$

ZONING CASE#: C14-2015-0006

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





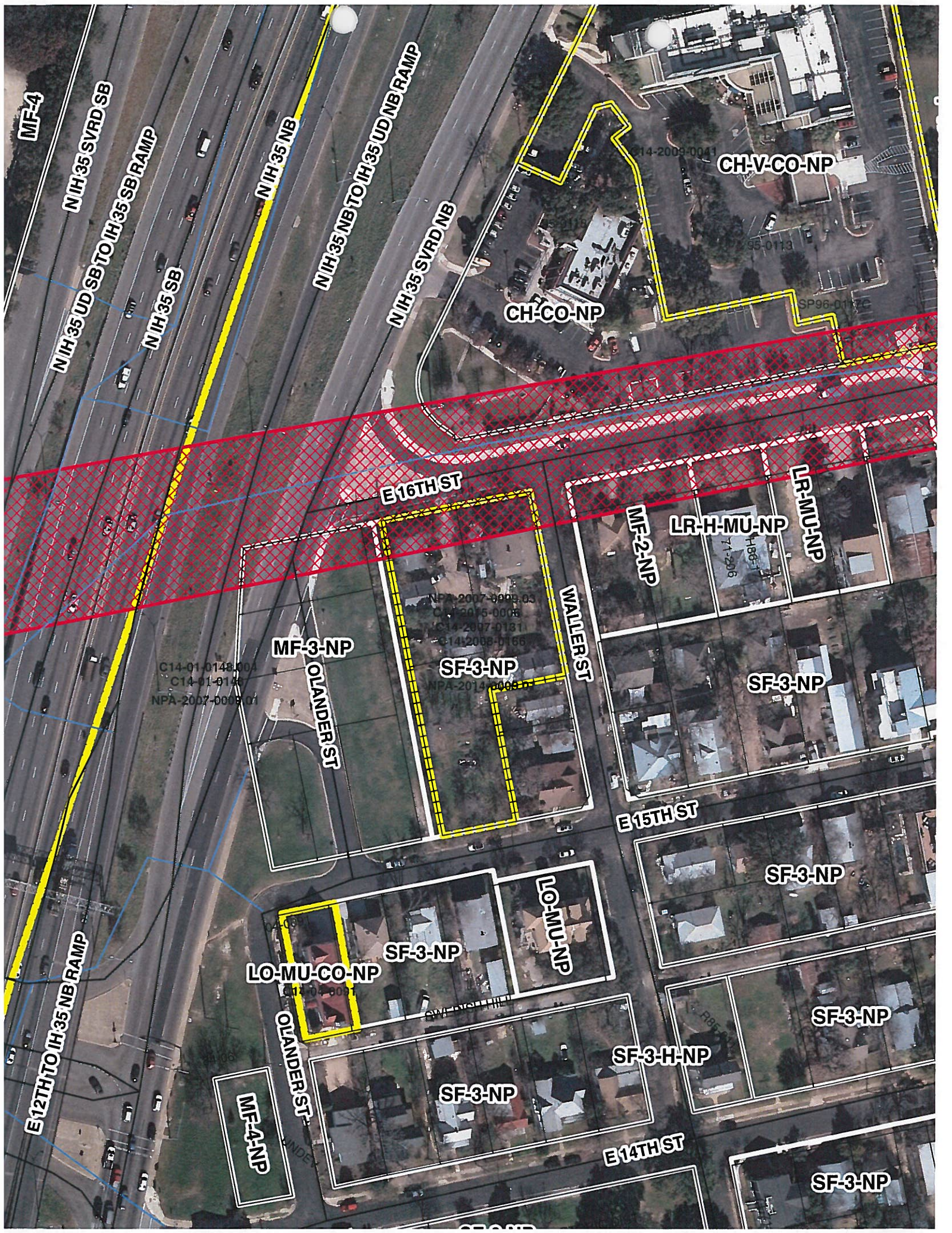
ZONING **ZONING CASE#: C14-2015-0006**

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.

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1" = 400'



MF-4

N IH 35 SVRD SB

N IH 35 UD SB TO IH 35 SB RAMP

N IH 35 SB

N IH 35 NB

N IH 35 NB TO IH 35 UD NB RAMP

N IH 35 SVRD NB

CH-V-CO-NP

CH-CO-NP

E 16TH ST

MF-3-NP

OLANDER ST

SF-3-NP

WALLER ST

MF-2-NP

LR-H-MU-NP

LR-MU-NP

SF-3-NP

E 15TH ST

SF-3-NP

LO-MU-CO-NP

SF-3-NP

LO-MU-NP

MF-4-NP

OLANDER ST

SF-3-NP

SF-3-H-NP

SF-3-NP

E 14TH ST

SF-3-NP

E 12TH TO IH 35 NB RAMP

PUBLIC HEARING INFORMATION

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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:

<http://www.austintexas.gov/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: C14-2015-0006

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Feb 10, 2015, Planning Commission
Mar 5, 2015, City Council

BENJAMIN B. CANNON

Your Name (please print)

1000 E. 14TH ST.

Your address(es) affected by this application


Signature

2/3/15
Date

Daytime Telephone: 512 699 8751

Comments:

THE SHINA IS SUPPLEMENT OF A CHANGE
IN ZONING TO SF-5 OR SF-6 BUT NOT GR-MU.

* SWEET HILL NEIGHBORHOOD ASSOCIATION

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

City of Austin

Planning & Development Review Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

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Contact: Heather Chaffin, 512-974-2122

Public Hearing: Feb 10, 2015, Planning Commission

Mar 5, 2015, City Council

Josh Goldstone

Your Name (please print)

1005 East 15th, Austin 78702

Your address(es) affected by this application



Signature

2/2/15

Date

Daytime Telephone: 972 742 7422

Comments: No need for mixed use, plenty on 15th street

Neighborhood too small to lose any SF's

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

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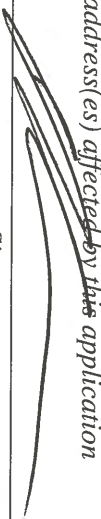
Your Name (please print)

Kenneth Grace

Your address(es) affected by this application

1304 Walker St,

Signature



Date

2/6/15

Daytime Telephone: 405-637-5460

Comments:

I believe tearing down
houses to build a mixed-use
structure is a terrible
presidence to set in a
residential neighborhood.

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

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Heather Chaffin

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Austin, TX 78767-8810

☐ I am in favor
☒ I object

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Case Number: C14-2015-0006

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Feb 10, 2015, Planning Commission
Mar 5, 2015, City Council

Casey Monahan

Your Name (please print)

904 E. 14th

905 E. 15th, 903 E. 15th,

Your address(es) affected by this application

Casey Monahan

Signature

Daytime Telephone: *512-477-7802*

Date

2-15-2015

Comments: *I oppose these requests. Our neighborhood cannot sustain itself if these changes are granted. My homestead land & rental properties I own would be negatively affected by this proposed development. We afford able housing in Suede Hill!*

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

City of Austin

Planning & Development Review Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

Chaffin, Heather

From: Betsy Christian [REDACTED]
Sent: Sunday, February 01, 2015 4:24 PM
To: Chaffin, Heather
Subject: C14-2015-0006

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Heather,

My husband and I own 1002 E. 15th St, which is near 908 E. 15th, 807 E. 16th, and 1506 Waller. I just received the application for rezoning and I'm completely confused. I looked at the query folder, but none of that information makes sense to me. This seems like a BIG, GIANT change from residential to commercial. I don't understand what's happening and would like to know in plain language what is about to happen to the neighborhood. It seems like this is already a done deal and if I go to a public hearing to learn about the project it will be too late. Can you fill me in?

Thanks for any assistance.

Betsy Christian