ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0102
2612 Sol Wilson Avenue

P.C. DATE: November 10, 2015
December 8, 2015

ADDRESS: 2612 Sol Wilson Avenue

DISTRICT: 1

AREA: 0.515 acres (22,433 square feet)

OWNER/APPLICANT: Fox Investment Properties, LLC

AGENT: Lenworth Consulting (Ignacio “Nash” Gonzales)

FROM: LR-MU-V-NP

TO: CS-MU-CO-NP

WATERSHED: Boggy Creek

TIA: N/A

DESIRED DEVELOPMENT ZONE: Yes

SCENIC ROADWAY: No

NEIGHBORHOOD PLAN AREA: Rosewood

SUMMARY STAFF RECOMMENDATION:

Staff recommends denial of the Applicant's rezoning request to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning.

PLANNING COMMISSION RECOMMENDATION:

December 8, 2015:

November 10, 2015: TO GRANT A POSTPONEMENT TO DECEMBER 8, 2015, AS REQUESTED BY APPLICANT, ON CONSENT. (11-0) [N. Zaragoza- 1st, P. Seeger- 2nd, J. Stevens- Absent]

ISSUES

Vehicular access to the property is a significant concern. The subject property only has access to Sol Wilson Avenue, a local street that is only three blocks long.

DEPARTMENT COMMENTS:

Existing Conditions. The subject property is located on the north side of Sol Wilson Avenue immediately north of the intersection with Ridgeway Drive. The subject property is currently zoned CS-MU-V-NP and is developed with three residential structures. Properties immediately to the north, west, and east are all zoned CS-MU-V-NP and developed with a variety of uses. Immediately north and west of the rezoning tract are apartments, and immediately east is retail land use. Other commercial properties located on nearby CS-MU-V-NP properties include a hair salon and realtor. The CS zoned properties will be discussed in detail in the Vehicular Access section of this report. Further to the west are several single family residential properties zoned SF-3-NP.

Across Sol Wilson Avenue to the south is a residential neighborhood, primarily zoned SF-3-NP and developed primarily with single family residences. These properties will trigger compatibility standards. The lot at the northwest corner of Ridgeway Drive and Sol Wilson is zoned LR-MU-NP, which is a hair salon. Please refer to Exhibits A and B (Zoning Map and Aerial Map).

Vehicular Access. Vehicular access to the property is a significant concern. The subject property only has access to Sol Wilson Avenue, a local street that is only three blocks long. The pavement width is only 25 feet, and the ROW is 50 feet. There are no sidewalk on either side of the street, and no bicycle lanes.
**Vehicular Access.** Vehicular access to the property is a significant concern. The subject property only has access to Sol Wilson Avenue, a local street that is only three blocks long. The pavement width is only 25 feet, and the ROW is 50 feet. There are no sidewalk on either side of the street, and no bicycle lanes.

For visual clarity, the dead-ends of Sol Wilson have been marked with an asterisk on Exhibit B- Aerial Map. The City of Austin currently has no plans to extend Sol Wilson at its western or eastern extent. Two other nearby roadways are not built as originally planned— as stated previously, the Summers ROW to the east has been abandoned and serves as a driveway for the retail development east of the subject tract. Harvey Street, located east of Oak Grove Avenue, has also been abandoned and is completely unused for vehicular access. These are also marked on the aerial.

Two of the CS-MU-V-NP zoned properties immediately adjacent to the subject property have frontage on Sol Wilson as well as frontage on East 12th Street, a commercial corridor. These properties are developed with apartments and retail. The apartment property does not take access to Sol Wilson; however, the retail property takes access to Sol Wilson via the abandoned Summers ROW. Primary access, however, is via East 12th Street.

**Correspondence.** Staff has received correspondence regarding the proposed rezoning. Please refer to Exhibit C (Correspondence).

### EXISTING ZONING AND LAND USES:

<table>
<thead>
<tr>
<th>Site</th>
<th>ZONING</th>
<th>LAND USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>SF-3-NP</td>
<td>Residences</td>
</tr>
<tr>
<td>North</td>
<td>SF-3-NP, SF3-H-NP</td>
<td>Multifamily</td>
</tr>
<tr>
<td>South</td>
<td>SF-3-NP</td>
<td>Single family residences, Personal services, Religious assembly</td>
</tr>
<tr>
<td>East</td>
<td>SF-3-NP</td>
<td>Retail, Personal services</td>
</tr>
<tr>
<td>West</td>
<td>CS-MU-V-NP, SF-3-NP</td>
<td>Multifamily, Professional offices</td>
</tr>
</tbody>
</table>

### RELATED CASES:

<table>
<thead>
<tr>
<th>NUMBER</th>
<th>REQUEST</th>
<th>COMMISSION</th>
<th>COUNCIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>2804 Sol Wilson</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C14-2009-0106</td>
<td>City initiated zoning to add V- to 17 tracts on 23.98 acres in Rosewood area</td>
<td>12/8/2009: Approve as recommended</td>
<td>10/03/2010: Approve Ord. No. 20100325-062 as recommended</td>
</tr>
<tr>
<td>Rosewood Planning Area Vertical Mixed Use Building (V) Process</td>
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<td></td>
<td></td>
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### ABUTTING STREETS:

<table>
<thead>
<tr>
<th>Name</th>
<th>ROW</th>
<th>Pavement</th>
<th>Classification</th>
<th>Sidewalks</th>
<th>Bike Route</th>
<th>Capital Metro (within ¼ mile)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sol Wilson Avenue</td>
<td>50 ft.</td>
<td>25 ft.</td>
<td>Local</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### NEIGHBORHOOD ORGANIZATIONS:

- Austin Neighborhoods Council
- Del Valle Community Coalition
- East Austin Conservancy
- Homewood Heights Neighborhood Association
- Friends of Austin Neighborhoods
- African American Cultural Heritage District
- Austin Heritage Tree Foundation
Friends of the Emma Barrientos MACC
Rosewood Neighborhood Contact Team
Preservation Austin
United East Austin Coalition
McKinley Heights Neighborhood Association
Sierra Club, Austin Regional Group
SELTexas
AISD

**CITY COUNCIL DATE/ACTION:** December 10, 2015:

**ORDINANCE READINGS:** 1st 2nd 3rd  

**CASE MANAGER:** Heather Chaffin  
e-mail: heather.chaffin@austintexas.gov

**ORDINANCE NUMBER:**  

**PHONE:** 512-974-2122
STAFF RECOMMENDATION:
Staff recommends denial of the Applicant’s rezoning request to general commercial services-mixed use-
neighborhood plan (CS-MU-NP) combining district zoning.

The subject property is not comparable to the adjacent CS-MU-NP properties that have frontage on East 12th
Street. This area was zoned at the time of the Rosewood Neighborhood Plan, which assigned more intense
commercial zoning along East 12th because of existing land uses and its future as a commercial corridor. As one
of most permissive commercial and intensive zoning categories, CS is not intended for interiors of residential
neighborhoods or local streets.

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

Per the City Land Development Code, “General commercial services (CS) district is the designation for a
commercial or industrial use of a service nature that has operating characteristics or traffic service requirements
that are incompatible with residential environments.”

2. Zoning changes should promote compatibility with adjacent and nearby uses and should not result in
detrimental impacts to the neighborhood character.

The intensive commercial and light industrial uses permitted in CS zoning are incompatible with the
predominately residential character of the area.

3. Zoning changes should promote a balance of intensities and densities.

The intensive land uses and site development standards of CS zoning are significantly out of balance with other
properties along Sol Wilson Avenue.

4. Zoning should allow for reasonable use of the property.

The subject property is currently entitled with LR-MU-V-P zoning, which allows the same land uses that are
currently built on adjacent parcels, as well as the vertical mixed use option. This existing zoning allows
reasonable and appropriate use for the location.

TRANSPORTATION
TR1. A Traffic Impact Analysis and Neighborhood Traffic Analysis will be required at the time of site plan if
triggered per LDC 25-6-114. LDC, Sec. 25-6-114.

TR2. Existing Street Characteristics:

<table>
<thead>
<tr>
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SITE PLAN
SP 1 Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional
comments will be made when the site plan is submitted. This site is located on an Urban Roadway.

SP 2 This site is within the Rosewood Neighborhood Planning Area. Additional information can be found
here: http://austintexas.gov/page/adopted-neighborhood-planning-areas-0

SP 3 The site is subject to compatibility standards. Along the south and west property line, the following
standards apply:
ENVIRONMENTAL

1. 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.

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. 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.

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.

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

WW1. 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 the Austin Water Utility 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.
The Rosewood Neighborhood Contact Team
1000 Glen Oaks Court, Austin, TX 78702
(512) 477-2352

October 22, 2015

NPA-2015-0008.01_2612 Sol Wilson

To Whom It May Concern:

The Rosewood Contact Team has reviewed this application in conjunction with Homewood Heights Neighborhood Associations and the neighbors therein most directly impacted by this application.

We do not support this requested FLUM and zoning change at this point in time. We and the most directly affected neighbors feel the applicant has failed to illustrate how this change would positively affect the neighborhood.

Sincerely,

Jane H. Rivera,
Chair
Hello Heather,
My name is Jarrett Cole. I am a home owner and resident at 2607 Sol Wilson. I am sending a comment regarding the notice of zoning change of 2612 Sol Wilson Ave. Case C14-2015-0102.

My official notice is that this zoning change is not a good fit in the Homewood Heights Neighborhood. I am against the zoning change for the property located at 2612 Sol Wilson.

Regards,
Jarrett

Begin forwarded message:

---
From: Amber Burk
Subject: Fwd: [HomewoodHeights] 2612 Sol Wilson [1 Attachment]
Date: August 11, 2015 at 8:49:08 PM CDT
To: Jarrett Cole

Begin forwarded message:
Hi Heather,

I agree. It was brought up in our neighborhood meeting tonight that we don't believe it falls within our neighborhood plan, but the application lists that it does. Could you verify that?

Thanks,
Lauren Cadell
President of Homewood Heights Neighborhood Association

On Aug 11, 2015, at 9:00 PM, Jarrett Cole <...> wrote:

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Jarrett

Begin forwarded message:

From: Amber Burks <...>
Subject: Fwd: [HomewoodHeights] 2612 Sol Wilson [1 Attachment]
Date: August 11, 2015 at 8:49:08 PM CDT
To: Jarrett Cole <jarrett.cole@gmail.com>

Begin forwarded message:

<3945842amandascan.pdf>
Hi Heather,
I am also against the zoning change, at least at this point. The owner of this property has not reached out to homewood heights or rosewood as far as I know. I would like to hear their argument. But this is a small street that barely accommodates the dense two unit condo developments that are quickly replacing single family homes. Traffic is the primary concern. If the property opened to 12th, we could consider that. And that is why the adjacent properties fronting 12th carry the CS.

Thanks!
Greg Hammond

Sent from my iPhone

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Date: August 11, 2015 at 8:49:08 PM CDT
To: Jarrett Cole

Begin forwarded message:

<3945842amandascan.pdf>
Dear Ms. Chaffin and Ms. Meredith,

We are writing today to express concern and opposition to the proposed zoning changes and proposed land use designation changes of which the City of Austin notified us by mail. The proposed changes to 2612 Sol Wilson Avenue, 78702, would fundamentally change the character and quality of our neighborhood, negatively impacting residents, traffic flow, and safety. The intersecting streets of Ridgeway and Sol Wilson already carry a heavy, often high-speed, traffic flow at all times of the day and night. To increase density and allow commercial use at 2612 Sol Wilson would only exacerbate the problems and increase traffic hazards. In addition, the quiet, peaceful, and neighborly character of the Homewood Heights neighborhood, a major contributing factor to our happiness in living here, would surely be negatively affected by the density and commercial activity that would accompany such a change.

In sum, we ask that you take note of our opposition to the proposed changes at 2612 Sol Wilson Avenue and deny them.

Sincerely,

F.M. and M.E. Broadway
2706 Crest Avenue
Austin, TX 78702
913-972-4512
Within a single development combination of office, retail, commercial, and residential uses could result in a mixed use development. The City Council may allow for mixed use development, the City Council may grant or deny a development rezoning request, or refer the land to a less intensive zoning district for processing. The City Council may grant or deny a rezoning request. The City Council may grant or deny a rezoning request, or refer the land to a less intensive zoning district for processing. The City Council may grant or deny a rezoning request, or refer the land to a less intensive zoning district for processing.

During public hearings, the Board of Commissioners, may grant or deny a rezoning request. During public hearings, the Board of Commissioners, may grant or deny a rezoning request.

The proposed change to the zoning ordinance is expected to add or modify development uses and resources. The proposed change to the zoning ordinance is expected to add or modify development uses and resources.

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When comments must be submitted to the Board of Commissioners (or the City Council, if no rezoning request is expected to add or modify development uses and resources). When comments must be submitted to the Board of Commissioners (or the City Council, if no rezoning request is expected to add or modify development uses and resources).
AUSTIN, TX 78701
P.O. Box 1088
Heartier
Planning & Zoning Department
City of Austin

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

AUSTIN, TX 78701
P.O. Box 1088
Heartier
Planning & Zoning Department
City of Austin

Within a single development, the combination of office, retail, commercial, and residential uses is allowed. As a result, the MUD combining districts allow the use of mixed use in addition to the seven commercial districts. The only combining district is the MIXED USE (MUD) combining district. However, in order to allow for mixed use development, the zoning changes must be made. In no case will it grant a more intense zoning because it rezones the land to a less intense zone. Different neighborhoods or zones of the city may gain or deny a development proposal. An application for rezoning should be submitted to the board of commission (or the

Date
11/16/18

Signature

Your Name (please print)

I am in Favor

Page 1 of 2

Case Number: C14-2015-0102

PUBLIC HEARING INFORMATION

You may also contact a neighbor or community organization that has expressed an interest in an application for a rezoning. In case of rezoning, you may call, write, or speak to the City Council. However, if you do attend, you have the opportunity to speak. The records of the City Council are available to the public. Applications and other materials are placed in two public hearings. Before the Land Use Commission and

This zoning/ rezoning request will be reviewed and acted upon.
Development process: Visit our website:

www.ausplanning.com

For additional information on the City of Austin’s Land Development process, visit our website:

www.ausplanning.com

Within a single development combination of office, retail, commercial, and residential uses, the combined district allows the city to accommodate all its uses already allowed in the seven combined commercial and residential districts. As a result, the NW Combined District allows the mixed use (MU) Combining District may add the mixed use (MU) Combining District.

However, in order to allow for mixed use development, the city council may require a more intense zoning density, rezoning the land to a less intensive zoning district, or rezoning the land to a different zoning district.

During the public hearing, the city council may grant or deny a Variance request, or request a hearing to a later date of a proposed application or continue an application’s hearing to a later date of a proposed application.

Due to an increased need for a new public hearing, the board of commission may have an opportunity to speak for or against the proposed development or change.

However, if you do attend, you have the opportunity to speak. This zoning hearing request will be reviewed and acted upon.

PUBLIC HEARING INFORMATION
development process, visit our website:
www.austintx.gov/development

For more information on the City of Austin's Land Development Code, within a single development combination of office, retail, commercial, and residential uses.

The result is the NU combining District allows for those uses already allowed in the seven commercial districts to those uses already allowed in the seven commercial districts.

NU DISTRICT in certain commercial districts, The NU Council may add the MIXED USE (NU) COMBINING

ZONE

When necessary, the City Council may grant a or deny a

During its public hearing, the City Council may grant or deny a

Date

11-3-15

[Image -1x0 to 793x612]

PUBLIC HEARING INFORMATION

You may express an interest in an application

You should include the board or commission to which

Contact: Heather Canham, 512-974-2122

Case Number: C14-2015-0102

Public Hearing: Nov 10, 2015, Planning Commission

December 10, 2015, City Council

Heather Canham, 512-974-2122

I am in favor of the public hearing. Your questions should be submitted to the board or commission that he

This zoning/ rezoning request will be reviewed and acted upon at this time.

WWW.AUSTINTX.GOV/planning

When comments must be submitted to the board or commission (or the

Dec 10, 2015, City Council

Public Hearing: Nov 10, 2015, Planning Commission

Case Number: C14-2015-0102

Heather Canham, 512-974-2122

I am in favor of the public hearing. Your questions should be submitted to the board or commission that he

This zoning/ rezoning request will be reviewed and acted upon at this time.
Within a single development combining office, retail, commercial, and residential uses in addition to those already allowed in the seven commercial districts, the Mix Use (MU) Combining District simply allows residential uses in addition to certain commercial districts. The MU District may add the mixed use (MU) Combining District.

However, in order to allow for mixed use development, the zoning change request must be granted. In no case will it grant a more intensive zoning request or reduce the land to a less intensive zoning.

During public hearings, the City Council may grant or deny a variance. If the City Council denies or approves an application’s hearing, it is a later date, or postpones or conducts a public hearing, the Board of Public Hearing may conduct a public hearing.

Access your neighborhood organization that has expressed an interest in an application organization that has contact with or environmental expert on the subject. You may also contact a neighborhood or environmental activist for assistance on the subject.

Written comments must be submitted to the Board of Public Hearing or the City Council.

PUBLIC HEARING INFORMATION

Dec 10, 2012 City Council
Public Hearing: NO. 1-10, Planning Commission
Contact: Heather Carruth, 512-974-2122
Case Number: 14-2015-0102

Write comments must be submitted to the Board of Public Hearing or the City Council.
Austin, TX 78707-8810
P.O. Box 1088
Health & Human Services
Planning & Zoning Department
City of Austin

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

[Handwritten text on the page]

Community: [Handwritten text on the page]

Date: [Handwritten text on the page]

Signature: [Handwritten text on the page]

Your Name (please print): [Handwritten text on the page]

Dec 10, 2015, City Council
Public Hearing: Nov 10, 2015, Planning Commission
Contact: Health & Human Services, 512-974-2122
Case Number: C-14-2012-012

I am in favor

For additional information, visit our website:

www.austintx.gov/planning

For development process, visit our website:

www.austintx.gov/planning

development process.

Within a single development
combination of office, retail, commercial, and residential uses
are allowed in the NW Combining District and the
Combining District. The NW
Combining District may add the Mixed Use (MW)
Combining District to certain commercial districts.

However, in order to allow for mixed use development, the

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Zone R-1

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For additional information on the City of Austin’s land development process, visit our website: www.austintx.gov/planning.

Within a single development, a combination of office, retail, commercial, and residential uses is allowed, as well as the Mixed Use (MU) District. The MU District is a commercial district, and the Mixed Use District is a mixed-use residential and commercial district. The Council may add the Mixed Use (MU) District to certain commercial districts. The MU District may add the Mixed Use (MU) District to certain commercial districts.

However, in order to allow for mixed use development, the Council may, at its discretion, add the Mixed Use (MU) District to certain commercial districts.

During the hearing, the City Council may grant or deny a zoning request.

From the announcement, no further notice is required.

The announcement of the commission meeting is not less than 60 days prior to the commission meeting.

The hearing is open to the public, and public input may be made at the hearing.

During the hearing, the board of commission may receive public testimony.

attaching your neighborhood organization that has expressed an interest in an application.

You may also contact or a neighborhood organization that has expressed an interest in an application.

The Council may, at its discretion, add the Mixed Use (MU) District to certain commercial districts.

This zoning hearing request will be reviewed and acted upon.

PUBLIC HEARING NOTICE