

ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0102 **P.C. DATE:** November 10, 2015
2612 Sol Wilson Avenue 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:

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

RELATED CASES:

NUMBER	REQUEST	COMMISSION	COUNCIL
C14-2013-0091 2804 Sol Wilson	CS-CO-NP to CS-MU-CO-NP	12/08/2013: Approve as recommended, 2,000 v.p.d.	12/12/2013: Approve Ord. No. 20131212-097 as recommended, 2,000 v.p.d.
C14-2009-0106 Rosewood Planning Area Vertical Mixed Use Building (V) Process	City initiated zoning to add V- to 17 tracts on 23.98 acres in Rosewood area	12/8/2009: Approve as recommended	10/03/2010: Approve Ord. No. 20100325-062 as recommended

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Sol Wilson Avenue	50 ft.	25 ft.	Local	No	No	Yes

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

ORDINANCE NUMBER:

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

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:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Sol Wilson Avenue	50 ft.	25 ft.	Local	No	No	Yes

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:

- a. No structure may be built within 25 feet of the property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- d. No parking or driveways are allowed within 25 feet of the property line.
- e. A landscape area at least 25 feet wide is required along 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.
- f. Additional design regulations will be enforced at the time a site plan is submitted.

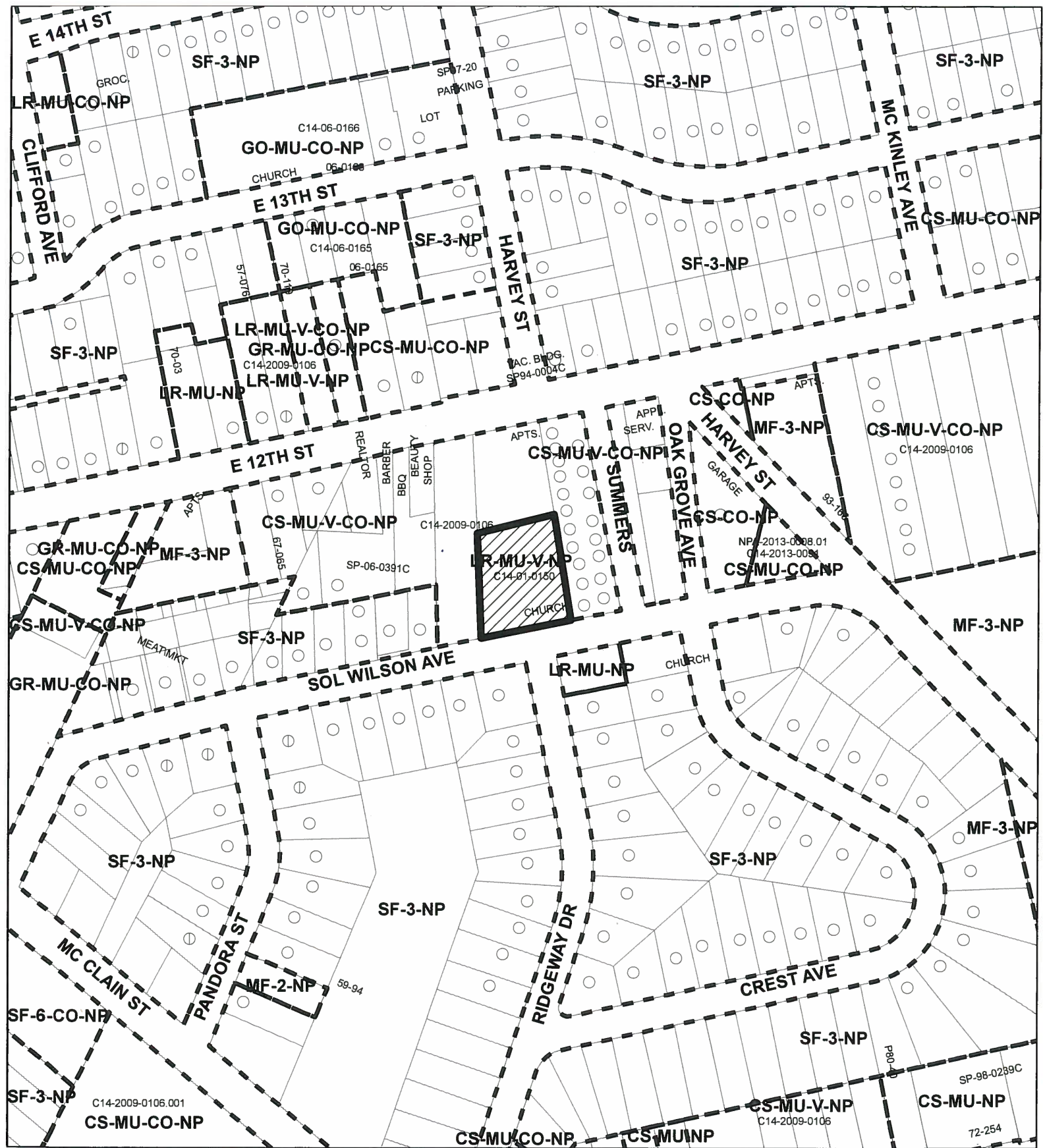
SP 4 This property is within the Controlled Compatible Land Use Area defined by Chapter 241 of the Local Government Code. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Sections 25-13-23, are prohibited. For more information, contact Joe Medici, Noise Abatement Officer at (512) 530-6652.




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.



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

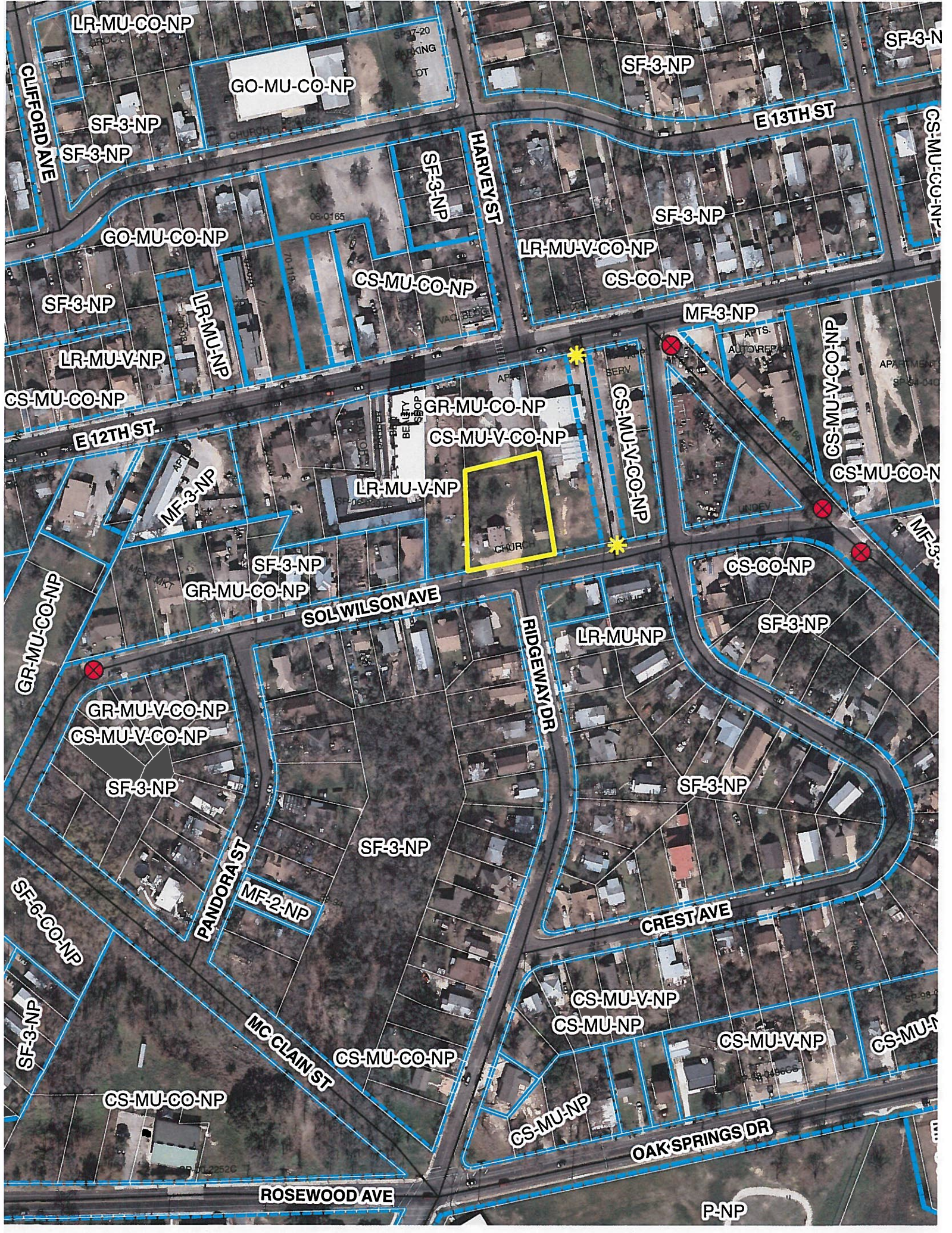
ZONING
CASE#: C14-2015-0102

1" = 200'

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





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

Chaffin, Heather

From: Jarrett Cole <
Sent: Tuesday, August 11, 2015 9:00 PM
To: Chaffin, Heather
Cc: Greg Hammond; Jane Rivera; sumac71@yahoo.com; Lauren Cadell
Subject: Fwd: [HomewoodHeights] 2612 Sol Wilson [1 Attachment]
Attachments: 3945842amandascan.pdf

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:

Chaffin, Heather

From: Lauren Cadell < >
Sent: Tuesday, August 11, 2015 9:21 PM
To: Jarrett Cole
Cc: Chaffin, Heather; Greg Hammond; Jane Rivera; sumac71@yahoo.com
Subject: Re: [HomewoodHeights] 2612 Sol Wilson [1 Attachment]

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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Regards,
Jarrett

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

Begin forwarded message:

<3945842amandascan.pdf>

Chaffin, Heather

From: Greg Hammond <[\[redacted\]](#)>
Sent: Tuesday, August 11, 2015 9:33 PM
To: Jarrett Cole
Cc: Chaffin, Heather; Jane Rivera; Lauren Cadell
Subject: Re: [HomewoodHeights] 2612 Sol Wilson [1 Attachment]

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

On Aug 11, 2015, at 9:00 PM, Jarrett Cole <[\[redacted\]](#)> wrote:

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Jarrett

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Date: August 11, 2015 at 8:49:08 PM CDT
To: Jarrett Cole <[\[redacted\]](#)>

Begin forwarded message:

<3945842amandascan.pdf>

Chaffin, Heather

From: F.M. Broadaway <...>
Sent: Wednesday, August 26, 2015 12:26 PM
To: Chaffin, Heather; Meredith, Maureen
Subject: 2612 Sol Wilson Avenue - Case # C14-2015-0102/NPA-2015-0008.01

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. Broadaway
2706 Crest Avenue
Austin, TX 78702
913-972-4512

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:

www.austintexas.gov/planning

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: C14-2015-0102

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Nov 10, 2015, Planning Commission

Dec. 10, 2015, City Council

Your Name (please print)

SUN C. McCollum
1180 Pendera St.

Your address(es) affected by this application

[Signature]

Signature

Daytime Telephone: 512 529-2812

11/21/15

Date

Comments:

The proposed change to mixed use is not appropriate to a residential street that is already flooded with traffic as it is used as a cutthrough from Oak Springs to E. 12th. I strongly object to this zoning change.

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

City of Austin

Planning & Zoning Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

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Case Number: C14-2015-0102

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Nov 10, 2015, Planning Commission

Dec. 10, 2015, City Council

Your Name (please print)

John L. Bush
Pamela M. Bush

☐ I am in favor

☒ Object

Your address(es) affected by this application

2704 Crest Ave 78762-2513

Signature

[Handwritten Signature]

Date

11/16/15

Daytime Telephone:

512-2584399

Comments: Sol Wilson Avenue is a main

entry into the neighborhood and there is limited ^{street} space, currently because of existing centers at the corner of Sol Wilson and Oak Grove. With the current foot traffic and volume of traffic using the neighborhood streets for a short cut from 12th St to Oak Springs and vice versa, any additional commercial business would severely ~~impact~~ ^{impact} the safety of walkers and residents. Add ~~concerns~~ ^{concerns} to the neighborhood streets.

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

City of Austin

Planning & Zoning Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

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Contact: Heather Chaffin, 512-974-2122

Public Hearing: Nov 10, 2015, Planning Commission
Dec. 10, 2015, City Council

Lori Alldrin
Your Name (please print)

1187 Pandora
Your address(es) affected by this application

Leah M
Signature

11-10-15
Date

Daytime Telephone: *512-233-0871*

Comments:

This neighborhood is not suitable for mixed use or Sol Wilson. The corner is already dangerous at Oak Grove & Sol Wilson for pedestrians. Commercial style would cause more traffic & potential threats to peds.

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

City of Austin
Planning & Zoning Department
Heather Chaffin
P. O. Box 1088
Austin, TX 78767-8810

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

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Case Number: C14-2015-0102

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Nov 10, 2015, Planning Commission
Dec. 10, 2015, City Council

Chester Buntin

Your Name (please print)

1178 Oak Grove Ave. Austin TX

Your address(es) affected by this application 78702

11-3-15

Signature

Date

Daytime Telephone: 512 577-8102

Comments: _____

☐ I am in favor
☒ I object

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

City of Austin
Planning & Zoning Department
Heather Chaffin
P. O. Box 1088
Austin, TX 78767-8810

Col Wilson

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Case Number: C14-2015-0102

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Nov 10, 2015, Planning Commission

Dec. 10, 2015, City Council

Brittany Hulsbosch

Your Name (please print)

2608 501 Wilson Avenue

Your address(es) affected by this application

[Signature]

Signature

11/4/15

Date

Daytime Telephone: 214-500-8880

Comments:

We want to keep the zoning as is. This small neighborhood infrastructure cannot handle the traffic possibly associated w/ the zoning change.

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Planning & Zoning Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

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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:

www.austintexas.gov/planning

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: C14-2015-0102

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Nov 10, 2015, Planning Commission

Dec. 10, 2015, City Council

Your Name (please print)

Joel Bennett

☐ I am in favor
☒ Object

2939 and 2941 East 12th St Austin
Your address(es) affected by this application Joel Bennett 11/2/2015

2939 and 2941 East 12th St. Austin

Signature

Date

Daytime Telephone: 512 9210763

Comments:

It will change the whole environment of the neighborhood and will drive up the taxes of the people living in this neighborhood they will have no place to live. Make the neighborhood less affordable.

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

City of Austin

Planning & Zoning Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-2015-0102

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Nov 10, 2015, Planning Commission

Dec. 10, 2015, City Council

JTB Investments LLC / Joseph B. Moore

Your Name (please print)

2612 Sol Wison Ave.

Your address(es) affected by this application

Joseph M. Moore

Signature

Date

Daytime Telephone:

512-771-1751

Comments:

☒ I am in favor
☐ I object

11/3/2015

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

City of Austin

Planning & Zoning Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810