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/

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2011-0015 – Studio 141

**P.C. DATE:** June 28, 2011 (meeting cancelled)  
July 12, 2011 (postponed by applicant)  
August 4, 2011

**ADDRESS:** 141 West Oltorf Street

**OWNER/APPLICANT:** Kathleen Pixley

**AGENT:** Kathleen Pixley

**ZONING FROM:** SF-3-NP

**TO:** GO-MU-CO-NP

**AREA:** 0.1472 acres (6412.032 ft<sup>2</sup>)

**SUMMARY STAFF RECOMMENDATION:** Staff recommends denial of the rezoning request to GO-MU-CO-NP (General Office – Mixed Use – Conditional Overlay – Neighborhood Plan) combining district zoning.

**ZONING STAFF COMMENTS:** The property is currently developed with a single family house and zoned SF-3-NP. The applicant seeks to rezone the property to an office and mixed use zoning designation for the use of a salon. The tract was given a future land use designation of single family on the Dawson neighborhood plan. The zoning and neighborhood planning staff do not recommend the rezoning request.

**NEIGHBORHOOD PLANNING STAFF COMMENTS:** When the Dawson Plan was adopted, the participants clearly intended to include this tract within the residential portion of the plan and to not add it to the commercial corridor. The lot was platted specifically as part of the residential development and the stakeholders do not want the property to transition to commercial losing the buffer that exists between the HEB parking lot to the east and the lot immediately adjacent to the property to the west.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NP	Single Family
<i>North</i>	MF-3-NP	Multi-family
<i>South</i>	SF-3-NP, CS-V-CO-NP, GR-V-CO-NP	Single-Family, Commercial Services
<i>East</i>	CS-V-CO-NP, GR-V-CO-NP	Commercial Services
<i>West</i>	SF-3-NP	Single Family

**NEIGHBORHOOD PLAN:** Dawson Neighborhood Plan

**TIA:** Waived

**WATERSHED:** East Bouldin Creek

**DESIRED DEVELOPMENT ZONE:** Yes

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**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

- Austin Neighborhoods Council
- South Central Coalition
- Dawson Neighborhood Association
- Bouldin Creek Neighborhood Association

**CASE HISTORIES**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>COUNCIL</b>
C14-01-0061	Dawson Neighborhood Plan Ordinance	7/10/01 - MOTION TO APV STAFF REC FAILED (4-4); SEND TO CC W/NO REC (8- 0)	12/6/01 - APVD (7-0) EXCEPT TR 3 (6-1, BG-NO)

**BASIS FOR RECOMMENDATION**

1. *Zoning should be consistent with approved and existing residential densities.*

The current zoning is consistent with the approved Dawson Neighborhood Plan Future Land use map.

2. *No change in conditions has occurred within the area indicating that there is a basis for changing the originally established zoning and/ or development restrictions for the property.*

The conditions along Oltorf Street have remained residential and do not necessitate a rezoning or neighborhood plan amendment.

**EXISTING CONDITIONS**

**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the East Bouldin 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.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the

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two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

Numerous trees will likely be impacted with any 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.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

**Water and Wastewater**

If 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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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.

**Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

**Transportation:**

No additional right-of-way is needed at this time.

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]

**Existing Street Characteristics:**

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Oltorf	62	MAU 4	Arterial	Yes	331	Yes

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**Site Plan:**

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

The site is subject to compatibility standards. Along the north property line, the following standards apply and because the lot frontage is approximately 57 feet:

No structure may be built within 16.5 feet of the side and rear property line.

No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.

No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.

No parking is allowed within 7 feet of a property line.

No driveways are allowed within 2 feet of 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.

Additional design regulations will be enforced at the time a site plan is submitted.

**CITY COUNCIL DATE:** July 28, 2011

**ACTION:**

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

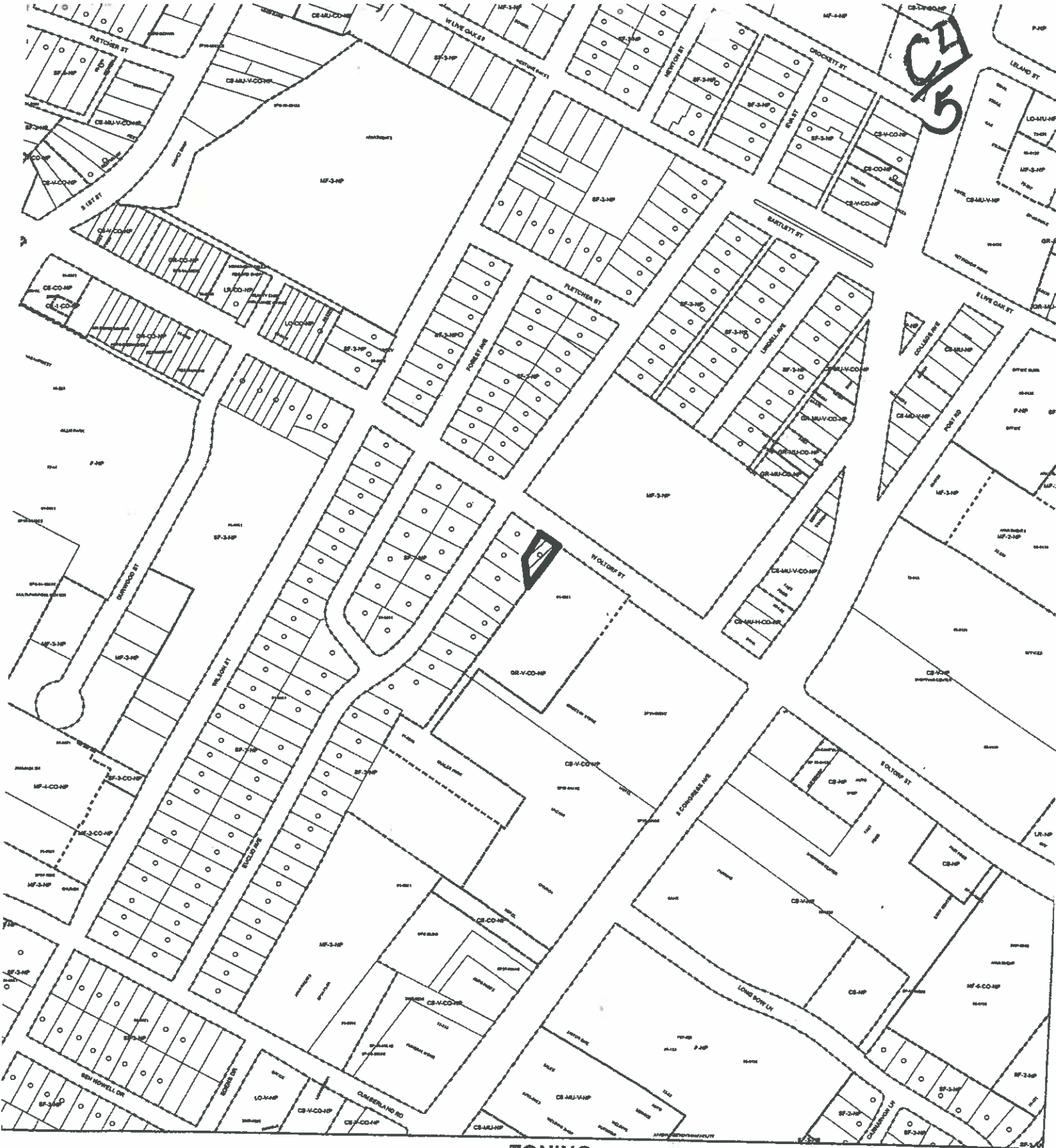
3<sup>rd</sup>

**ORDINANCE NUMBER:**





**CASE MANAGER:** Stephen Rye

**PHONE:** 974-7604  
[stephen.rye@ci.austin.tx.us](mailto:stephen.rye@ci.austin.tx.us)

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### ZONING

-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING CASE#: C14-2011-0015  
 LOCATION: 141 WOLTORF  
 SUBJECT AREA: 0.1472 ACRES  
 GRID: H20  
 MANAGER: STEPHEN RYE



1" = 200'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



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March 20, 2011

Mr. Stephen Rye  
One Texas Center, 5th Floor  
505 Barton Springs Road  
Austin, Texas

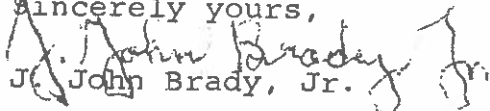
Re: Case No. C14-2011-0015  
Case No. NPA-2011-0001.01

Dear Sir:

Please be advised that I am Opposed to the applications for change in zoning and for amendment of the neighborhood Plan for the property in the above referenced cases. I own the property at 2403 Euclid Avenue which adjoins the west property line of applicant's property for 81.05 feet. The requested changes could materially alter the use and enjoyment of my property which I purchased in July, 2008 for my home. My wife and I will soon be 86 years of age and although she is presently in a nursing home I hope that she can be at home with me soon.

I would appreciate being informed by you of any hearing set in these cases as I would like to be heard regarding these matters.

Sincerely yours,

  
J. John Brady, Jr.

cc Dawson Neighborhood Assn.

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March 20, 2011

Mr. Stephen Rye  
One Texas Center, 5th Floor  
505 Barton Springs Road  
Austin, Texas

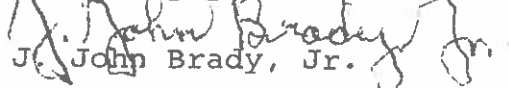
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Sincerely yours,

  
J. John Brady, Jr.

cc Dawson Neighborhood Assn.



**Rye, Stephen**

**From:** [REDACTED]  
**Sent:** Tuesday, May 10, 2011 10:46 AM  
**To:** Meredith, Maureen  
**Cc:** Rye, Stephen  
**Subject:** 141 W. Oltorf NPA and zoning change  
**Importance:** High

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Hello Maureen and Stephen,

I am writing to you both to express my sincere desire that the mission and goal of our Dawson Neighborhood Plan be respected and upheld. By that I mean, do not support the SF3 home that abuts another SF3 home to become commercially zoned. Our plan clearly states that W. Oltorf is to remain residential (with the exception of HEB). If the owner at 141 W. Oltorf is granted the change, a precedent would be set that would erode our Neighborhood Plan that many of us worked on and was adopted by our City Council. Before purchasing the property, the owner knew that our plan opposed that property becoming commercial; she also met with the abutting neighbors who informed her before she purchased the house that they would strongly object to the property having any type of commercial zoning per our adopted Neighborhood Plan.

I urge you and all other decision makers to NOT GRANT the changes being sought by the owner of the single-family home at 141 W. Oltorf. Please, please, please respect our Neighborhood Plan that asks that the Planning Commission and City Council uphold and preserve the residential zoning of our interior. Our plan goes on to say that lots outside the Congress and S. 1<sup>st</sup> St. corridors NOT be zoned for commercial or more intensive uses. As a side note, please do not use W. Ben White as an example to grant the changes being sought.

Please include this in any backup that goes before the Planning Commission and the City Council.

Sincerely,

Myron D. Smith  
Vice President, Dawson NA

[REDACTED]  
[REDACTED]

5/10/2011

**Rye, Stephen**

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**From:** Julie Woods [mailto:jwoods78704@gmail.com]  
**Sent:** Tuesday, May 10, 2011 12:07 PM  
**To:** Meredith, Maureen; Rye, Stephen; Sandy McMillan  
**Subject:** NPA-2011-0001.01 & C14-2011-0015: 141 W. Oltorf zoning change

Dear Ms Meredith and Mr. Rye,  
I would like to join with my neighbors who have expressed their opposition to the proposed zoning and neighborhood plan changes for 141 W. Oltorf. As I am sure you are aware, the neighborhood has consistently opposed efforts to bring commercial development into areas that have been residential. We have been concerned that residents of our neighborhood would be subjected to the annoyances that go with businesses operating next to their homes, including increased noise and traffic.

It is my understanding that when Ms. Pixley purchased the property she was fully aware of the restrictions placed on her use of the property and, while I sympathize with her efforts to earn a living on her property, I do not believe that the necessary zoning change would be in the best interests of the neighborhood.

Thanks for your work on this issue.

Julia Woods  
2704 Wilson Street  
Austin, TX 78704

**Rye, Stephen**

---

**From:** [REDACTED]@com  
**Sent:** Tuesday, May 10, 2011 8:24 AM  
**To:** Meredith, Maureen; Rye, Stephen  
**Subject:** 141 W. Oltorf NPA and zoning change

04/11

Please put it on record that I am against the zoning change for 141 W. Oltorf. I am one of the founding officers for the Dawson Neighborhood Association and we have worked too hard to keep our neighborhood together. Thank you, David Haun 2700 La Mesa Dr. Austin, TX 78704 512-448-3771

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<http://thirdpartyoffers.juno.com/TGL3131/4dc93ce6ac702337187st02vuc>

**Rye, Stephen**

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**From:** [REDACTED]  
**Sent:** Monday, May 09, 2011 11:17 PM  
**To:** Meredith, Maureen; Rye, Stephen  
**Cc:** [REDACTED]@earthlink.net  
**Subject:** 141 W. Oltorf, Dawson NP

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Ms. Meredith and Mr. Rye: I was the original chair of the Dawson Neighborhood Plan Team in 1997 and served two terms as Dawson Neighborhood Association President and again as Chair of the Dawson NP/CT in recent years. I also served on the Planning Commission from 2000 to 2004. With my prior experience on the issue of the Dawson Plan let me add to what Sandy McMillan and Peter Davis have already sent you.

The issue of possibly rezoning of the properties that face onto Oltorf between HEB and Durwood has come up many time since our plan passed in 1998. The Dawson Plan and Contact Teams have never supported changes in zoning because of a legitimate concer of "commercial creep" which then cuts off the narrow residential heart of both our Dawson neighborhood and the contiguous Bouldin Creek residential center. Neither side of Oltorf support such rezonings. Some years ago our neighborhood church St Ignatius wanted to put an office in that same house. We likewise declined their request. Unlike Ms. Pixley they found another more suitable location. Which brings me to the point that Ms. Pixley could have leased or purchased one of the numerous small homes on South First St. that had already been rezoned and set her business up there. She instead bought a property she knew was zoned SF3 and defied her neighbors by operating a business that exceeded the home office stipulations. She has been told on numerous occasions that the Dawson Neighborhood Plan/Contact team does NOT support rezoning of this property. So might I add have we informed the members of the Planning Commission and the City Council when these issues have come up previously.

Finally, this house is in no way suitable for an office. A home office with very limited traffic maybe, but NO, GO, MU, absolutely not. In addition, the COA should not consider this a "grandfather situation" because Ms. Pixley did knowingly open a business at this location that she knew was not supported. I stand with my neighbors against this change. The COA has on too many occasions reinforced inappropriate "rezonings" based on the misguided notion that it should a) support any small business no matter what; and 2) that if you can sneak it in before code enforcement pops you it's "home safe". The COA should not continue to reward and thereby encourage this type of behavior. -- Cynthia Medlin, 2501 Wilson St., Austin, TX 78704

**Rye, Stephen**

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**From:** Sandy McMillan [REDACTED]  
**Sent:** Monday, May 09, 2011 9:36 AM  
**To:** Meredith, Maureen; Rye, Stephen  
**Subject:** 141 W. Oltorf

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Maureen and Stephen,

I think I forwarded you this message already but I can't find confirmation of it in my inbox.

Thanks,  
Sandy McMillan

----- Original Message -----

**From:** "Claire Closmann" [REDACTED]<[REDACTED]@[REDACTED].m>  
**To:** "Sandy McMillan" <[REDACTED]>  
**Sent:** Thursday, April 21, 2011 11:44 AM  
**Subject:** my letter of opposition to proposed zoning change

> Sandy,  
> Can you forward this to the relevant parties?  
> Or if you prefer, I can send it to them directly, if you just give me the  
> contact info.  
> Thanks,  
> Claire  
>  
> Dear City of Austin,  
> I am writing this email to express my opposition to the neighborhood  
> plan amendment and  
> zoning change for hair salon on Oltorf in Dawson neighborhood. As a  
> neighbor who has  
> been involved in the process of creating the neighborhood plan, I am  
> disconcerted to learn  
> that after all the efforts we have made, the city is considering  
> changing the plan, against  
> our wishes. It makes me wonder why we spend all the time creating a  
> plan in the first place.  
>  
> Amending the neighborhood plan and changing the zoning to accommodate  
> the hair salon  
> on Oltorf will change the residential character of our neighborhood.  
> There is also no way  
> to accommodate the parking that will be needed for the business. As  
> someone who  
> is very frustrated with the parking situation on Havana, further south  
> in the neighborhood,  
> I can tell you this will create a continuous problem for the neighbors  
> of the salon.  
>  
> Therefore, I am asking you to please respect the wishes of the  
> neighborhood, honor all the  
> time and effort we have put into creating a neighborhood plan, and  
> think about how the  
> change would affect the numerous residents nearby the hair salon.  
>  
> Sincerley,  
> Claire Closmann

**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

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.ci.austin.tx.us/development](http://www.ci.austin.tx.us/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: C14-2011-0015  
Contact: Stephen Rye, 512-974-7604  
Public Hearing: June 28, 2011, Planning Commission  
July 28, 2011, City Council

Peter Davis  
Sandra McMillan  
Your Name (please print)  I am in favor  
 I object (use)

2401 Euclid Ave. Austin 78704  
Your address(es) affected by this application

Sandra McMillan  
Signature  
10-18-11  
Date

Daytime Telephone: [redacted]

Comments: Our property abuts Ms. Fixley's property on the west side and we object to commercial activity/expansion in our backyard. We express our opposition to her before she bought the property and also told her such a change would violate the adopted Dawson N'hood Plan. We already have had with the negative impact of U.D.I.urf along the old perimeter of our N. property boundary. Additionally, such a change would set a precedent for commercial expansion, aka commercial City of Austin Planning & Development Review Department Stephen Rye P. O. Box 1088 Austin, TX 78767-8810  
Differ and in the residential interior of the N'hood, we believe it would be impossible to have or any future owner — we believe her intention is to try to sell again — to comply with current building standards.

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### PUBLIC HEARING INFORMATION

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Case Number: C14-2011-0015  
 Contact: Stephen Rye, 512-974-7604  
 Public Hearing: June 28, 2011, Planning Commission  
 July 28, 2011, City Council

Sandra McMillan (Sandy)  
 Your Name (please print)  
 Dawson Heights Neighborhood Assn.  
 240 Euclid Ave Austin 78704  
 Your address(es) affected by this application

I am in favor  
 I object

Sandra McMillan  
 Signature  
 6-18-11  
 Date

Daytime Telephone: [Redacted]

Comments: This proposed change violates the adopted Dawson Heights Neighborhood Plan, which strives to limit commercial to the transit corridors, S. Congress & S. 1st and prevent commercial expansion along Oltorf. Also, the property in question abuts several single family homes and all adjacent neighbors, as well as most nearby residential neighbors, oppose changing this property to commercial.

If you use this form to comment, it may be returned to:  
 City of Austin  
 Planning & Development Review Department  
 Stephen Rye  
 P. O. Box 1088  
 Austin, TX 78767-8810

**PUBLIC HEARING INFORMATION**

439

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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Case Number: C14-2011-0015  
Contact: Stephen Rye, 512-974-7604  
Public Hearing: June 28, 2011, Planning Commission  
July 28, 2011, City Council

Julia Apodaca

Your Name (please print)

2421 Euclid Ave 78704

Your address(es) affected by this application

Julia Apodaca  
Signature

Signature

Date

Daytime Telephone:

I am in favor  
 I object

Comments: My primary objection to this zoning change is the dangerous precedent it will set that could allow creeping commercial property to turn into a flood. We're only one block from D for F and we don't want to see the neighborhood plan <sup>with</sup> a bill mark against this kind of precedent to be defied. It's not what we want bur neighborhood to become.

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

City of Austin  
Planning & Development Review Department  
Stephen Rye  
P. O. Box 1088  
Austin, TX 78767-8810



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PETITION

Date:

Regarding Case Number: NPA-2011-0001.01

Address of Rezoning Request: 141 Oltorf Street, Austin, Texas 78704

To the Austin City Council,

We the undersigned owners of property within 500 feet of the requested zoning change described in the referenced case, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than the current zoning classification of SF3.

Reasons for filing this protest include :

- The change would violate the Dawson Neighborhood Plan.
- The change would violate adjacent Neighborhood Plans.
- The change would set a precedent for further applications (commercial creep) through lot by lot changes.
- Dawson FLUMI has adopted VMU on the Core transit Corridors of South Congress and South First Streets. Oltorf is not a core transit corridor and is single family zoning for this section. This application would expand the VMU to a new street.
- This part of Oltorf is part of a continuous section of SF zoning from Ben White Boulevard to School for the Deaf.
- The property would never be able to provide adequate permanent parking.

	Signature	Printed name	Address	Additional Comment
1	<i>A. M. Bradley</i>	A. M. Bradley	2403 Euclid Ave	
2	<i>Phil Bonner</i>	Phil Bonner	2425 Forest Ave	I don't want a precedent to be
3	<i>Beth Brown</i>	Beth Brown	2409 Euclid Ave	do not want a precedent
4	<i>Beth Brown</i>	Beth Brown	2409 Euclid Ave	our residential neighborhood
5	<i>Carol Miller</i>	Carol Miller	2406 Euclid Ave	do not change neighborhood plans

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Signature

Print name

Address

Additional comments

6		Megan Cavan	2464 Euclid Ave	Like to remain residential.
7		CHESTER ERBE	3405 Euclid Ave	Keep current zoning
8		Sandra McMillan	2401 Euclid Ave	Support Division R Road Plan for District 5; incompatible w/ SF zoning.
9		DANIEL R ORDRE	2403 FOREST AVE	
10		PETER R DAVIS	2401 EUCALYPT AVE	
11		Jordan Verber	2401 Forest Ave	
12		Jacob Daniel Apodaca	2421 Euclid Ave	Please keep the current zoning/Use like it the way it is!
13		Jacob Daniel Apodaca	2421 Euclid Ave	
14		Julia Apodaca	2421 Euclid Ave	
15				
16				
17				
18				
19				
20				
21				