

**NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET**

**NEIGHBORHOOD PLAN:** Rosewood Neighborhood Planning Area

**CASE#:** NPA-2013-0008.01

**DATE FILED:** July 25, 2013 (In-cycle)

**PROJECT NAME:** 2804 Sol Wilson – Neighborhood Plan Amendment

**PC DATE:** October 8, 2013

**ADDRESS:** 2804 Sol Wilson Avenue

**SITE AREA:** Approx. 0.168 acres

**OWNER/APPLICANT:** Bih Jau Sheu

**AGENT:** Noa Levy

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Commercial

**To:** Mixed Use

**Base District Zoning Change**

**Related Zoning Case:** C14-2013-0091

**From:** CS-CO-NP

**To:** CS-MU-CO-NP

**NEIGHBORHOOD PLAN ADOPTION DATE:** November 29, 2001

**PLANNING COMMISSION RECOMMENDATION:** On October 8, 2013, recommended for approval on consent agenda. (D. Chimenti, J. Stevens – 2<sup>nd</sup>) Vote 8-0-1. (S. Oliver absent).

**STAFF RECOMMENDATION:** Recommended

**BASIS FOR STAFF'S RECOMMENDATION:** The property is located within a triangle of land that has Commercial land use on the future land use map. The applicant proposes to change the land use to Mixed Use to allow the possibility of residential development. This tract only has access to a residential street, Sol Wilson Avenue (Harvey Street does not exist on the ground), thus is not a good location for a commercial use. The request to change the land use from Commercial to Mixed Use could allow the construction of residential unit(s) that meets the goals of the plan by providing housing options and eliminating a vacant lot that has been a dumping ground of trash and debris.

The land use change request meets the following plan goals and objectives.

**Goal One: Make the Rosewood Neighborhood Planning Area a more attractive, cleaner and safer place to live.**

Objective 1.2

Remove the garbage, brush, and tall grass from vacant lots and public right-of-ways in the neighborhood planning area.

**Goal Two: Promote affordable housing options in the Rosewood neighborhood, while reducing the number of vacant lots.**

Objective 2.1

Promote moderately priced infill development on vacant residential property.

Objective 2.2

Provide for a variety of housing options.

**Goal Four: Promote commercial uses that serve the needs of neighborhood residents**

Objective 4.1

Promote infill development on vacant commercial lots.

Objective 4.3

Where zoning permits, promote small, neighborhood-oriented businesses services such as coffee shops, bookstores, restaurants, and corner stores.

Objective 4.4

Allow live-work/flex space (Mixed use development) on existing commercial zoning in the neighborhood

**LAND USE DESCRIPTIONS**

*Existing Land Use – Commercial*

Lots or parcels containing retail sales, services, hotel/motels and all recreational services that are predominantly privately owned and operated for profit (for example, theaters and bowling alleys). Included are private institutional uses (convalescent homes and rest homes in which medical or surgical services are not a main function of the institution), but not hospitals (see *Civic*).

**Purpose**

1. Encourage employment centers, commercial activities, and other non- residential development to locate along major thoroughfares; and
2. Reserve limited areas for intense, auto-oriented commercial uses that are generally not compatible with residential or mixed use environments.

**Application**

1. Focus the highest intensity commercial and industrial activities along freeways and major highways; and
2. Should be used in areas with good transportation access such as frontage roads and arterial roadways, which are generally not suitable for residential development

***Proposed Land Use - Mixed Use***

An area that is appropriate for a mix of residential and non-residential uses.

**Purpose**

1. Encourage more retail and commercial services within walking distance of residents;
2. Allow live-work/flex space on existing commercially zoned land in the neighborhood
3. Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic uses (with the exception of government offices) to encourage linking of trips
4. Create viable development opportunities for underused center city sites;
5. Encourage the transition from non-residential to residential uses;
6. Provide flexibility in land use standards to anticipate changes in the marketplace;
7. Create additional opportunities for the development of residential uses and affordable housing; and
8. Provide on-street activity in commercial areas after 5 p.m. and built-in customers for local businesses.

**Application**

1. Allow mixed use development along major corridors and intersections;

2. Establish compatible mixed-use corridors along the neighborhood's edge
3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood Mixed Use Building, Neighborhood Urban Center, Mixed Use Combining District);
4. Mixed Use is generally not compatible with industrial development, however it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;
5. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating or maintaining a non-conforming use; and
6. Apply to areas where vertical mixed use development is encouraged such as Core Transit Corridors (CTC) and Future Core Transit Corridors.

### **IMAGINE AUSTIN COMPREHENSIVE PLAN**

Staff believes the land use change request from Commercial to Mixed Use meets the following policies by encouraging development on an infill property. In addition, the change could allow a mix of uses on the site that could provide local-serving retail and housing options for the community.

### **LAND USE AND TRANSPORTATION POLICIES**

**LUT P1.** Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.

**LUT P3.** Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.

**LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.

**LUT P5.** Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

**LUT P6.** Ensure that neighborhoods of modest means have a mix of local-serving retail, employment opportunities, and residential uses.

**LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

**LUT P10.** Direct housing and employment growth to activity centers and corridors, and preserving and integrating existing affordable housing where possible.

**LUT P15.** Incorporate provisions for bicycles and pedestrians into all roads such as freeways, toll roads, arterial roadways, and to and from transit stations and stops, and major activity centers.

## **URBAN DESIGN POLICIES**

**UD P4.** Assure that new development is walkable and bikable and preserves the positive characteristics of existing pedestrian-friendly environments.

**UD P8.** Transform major streets into vibrant, multi-functional, pedestrian-friendly corridors.

## **HOUSING POLICIES**

**H P1.** Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin's diverse population.

**H P2.** Expand the availability of affordable housing throughout Austin by preserving existing affordable housing, including housing for very low-income persons.

**H P5.** Promote a diversity of land uses throughout Austin to allow a variety of housing types including rental and ownership opportunities for singles, families with and without children, seniors, persons with disabilities, and multi-generational families.

**H P7.** Reuse former brownfields, greyfields (previously developed properties such as strip centers or malls that are not contaminated) and vacant building sites to reduce negative impacts of vacancy and provide new mixed-use and/or housing options.

**HN P10.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to healthy food, schools, retail, employment, community services, and parks and recreation options.

**HN P11.** Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

## NEIGHBORHOODS POLICIES

**N P1.** Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

**N P2.** Protect neighborhood character **by directing growth to areas of change** and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors and infill sites

**N P5.** Strengthen planning processes by recognizing that the Comprehensive Plan and small-area plans, such as neighborhood plans, corridor plans, and station area plans, need to respect, inform, and draw from each other.

**N P6.** Protecting neighborhood character by providing opportunities for existing residents who are struggling with rising housing costs to continue living in their existing neighborhoods.

**BACKGROUND:** The application was filed on July 25, 2013, which is in-cycle for neighborhood planning areas located on the east side of I.H.-35.

The applicant proposes to change the future land use map from Commercial to Mixed Use. The applicant proposes to change the zoning from CS-CO-NP to CS-MU-CO-NP to allow the construction of residential unit(s) on the property. For more information on the proposed zoning request, please see the case report for the associated zoning case number C14-2013-0091.

**PUBLIC MEETINGS:** The ordinance required plan amendment meeting was held on September 11, 2013. Two hundred and thirteen meeting notices were mailed to property owners, utility account holders located within 500 feet of the property, in addition to neighborhood organizations and environmental groups registered on the Community Registry who have requested notification for the area. Five people attended the meeting, in addition to the applicant, her agent and one city staff.

The applicant's agent told the attendees that the owner of the property is not a developer, but is trying to sell the property. Because interested buyers have asked if homes could be built on the site, which under the current zoning could not, the owner decided to submit a zoning change and plan amendment application to add MU to the zoning string and to change the FLUM to mixed use; however, at this time there is no buyer.

Ms. Sheu, the owner, also explained that she has owned the property for a number of years and, since she lives in other state, has spent considerable amount of money hiring people to maintain the property and to haul the trash that is dumped on the property on a regular basis.

After the presentation the following questions were asked:

**Q. Did you purchase the property to build commercial on it?**

A. No. It's not a good location for commercial uses, so now I'd like to rezone it to allow residential uses.

**Q. Why not rezone to SF-3?**

A. Because I don't want to lose the opportunity for a purchaser to build something like live/work units if they desired. I don't know if Harvey Street will ever be built. City staff suggested Mixed Use to provide flexibility.

Comments from the attendees:

- I'm concerned about the property being developed because I'm a renter and I'm already being pushed to spend more money on rent because of gentrification.
- Jane Riviera, Chair of the Rosewood Planning Contact Team, said the contact team tried to get Harvey Street right-of-way vacated because they feel it is unlikely to be built, but they did not get support from city staff and the application would have cost them money, which they didn't have.

The Rosewood Planning Contact Team supports the zoning and land use change. Please see letter on page eight.

**CITY COUNCIL DATE:**

November 7, 2013

**ACTION:** Zoning section of hearing cancelled. Case renotified for December 12, 2013.

December 12, 2013

**ACTION:** Pending.

**CASE MANAGER:** Maureen Meredith

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**EMAIL:** Maureen.meredith@austintexas.gov

The Rosewood Neighborhood Contact Team  
1000 Glen Oaks Court, Austin, TX 78702  
(512) 477-2352

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September 30, 2013

NPA-2013-0008.01\_2804 Sol Wilson  
Case C14-2013-0091

To Whom It May Concern:

The Rosewood Neighborhood Contact Team (RNCT) has reviewed the request from Ms. Noa Levy to change the zoning on her property to enable her to place residential uses on property that is currently zoned commercial within the Rosewood Neighborhood Planning Area. That zoning change would be:

- Changing from CS-CO-NP, General Commercial Services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. CO – Conditional Overlay combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties. NP – Neighborhood Plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.
- Changing to CS-MU-CO-NP, General Commercial Services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. MU – Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development. CO – Conditional Overlay combining district may be applied in combination with any base district. The district is intended to provide flexible and adaptable use or site development regulations by requiring standards tailored to individual properties. NP – Neighborhood Plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

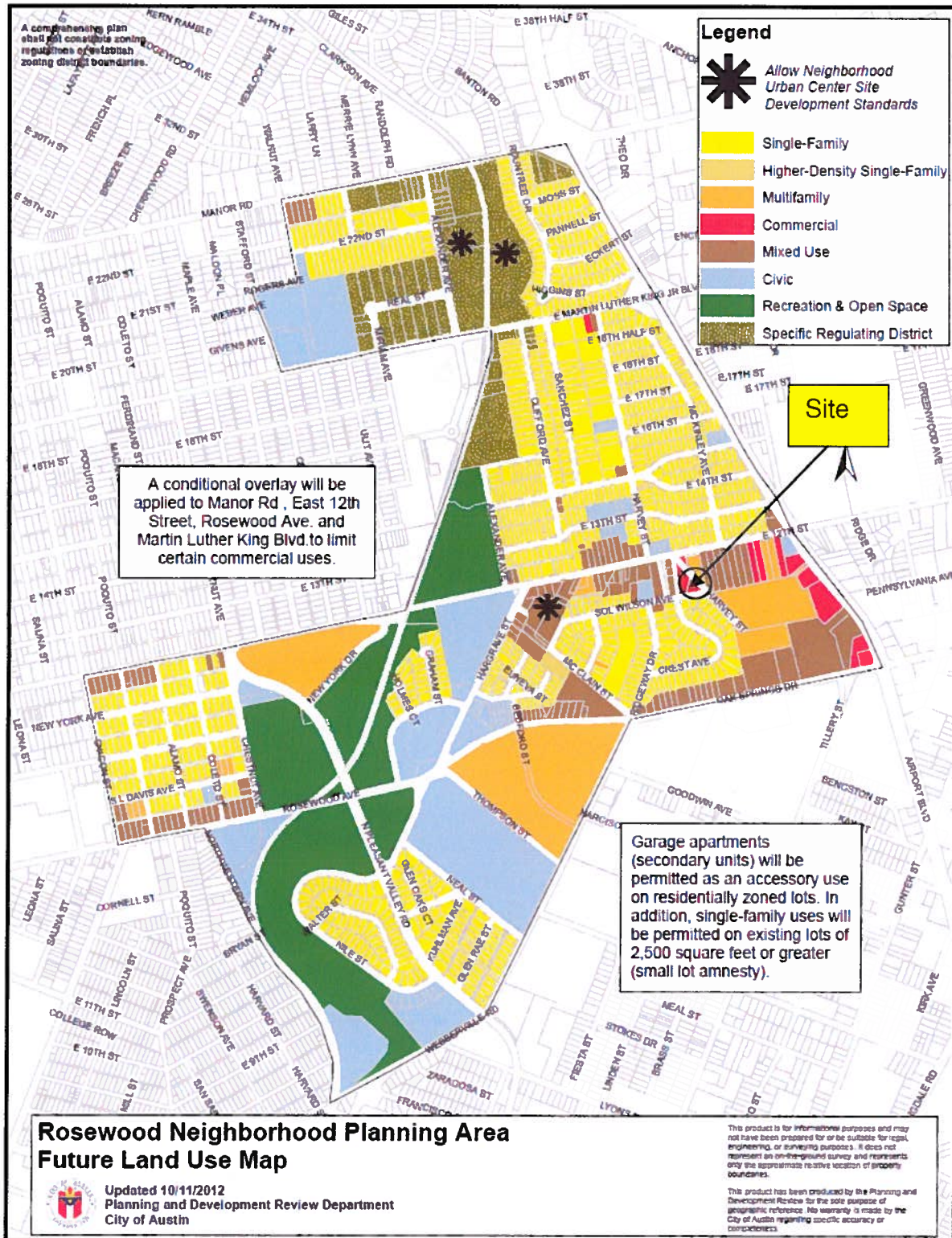
The RNCT supports this zoning change, as we would like to see additional residential properties in the area.

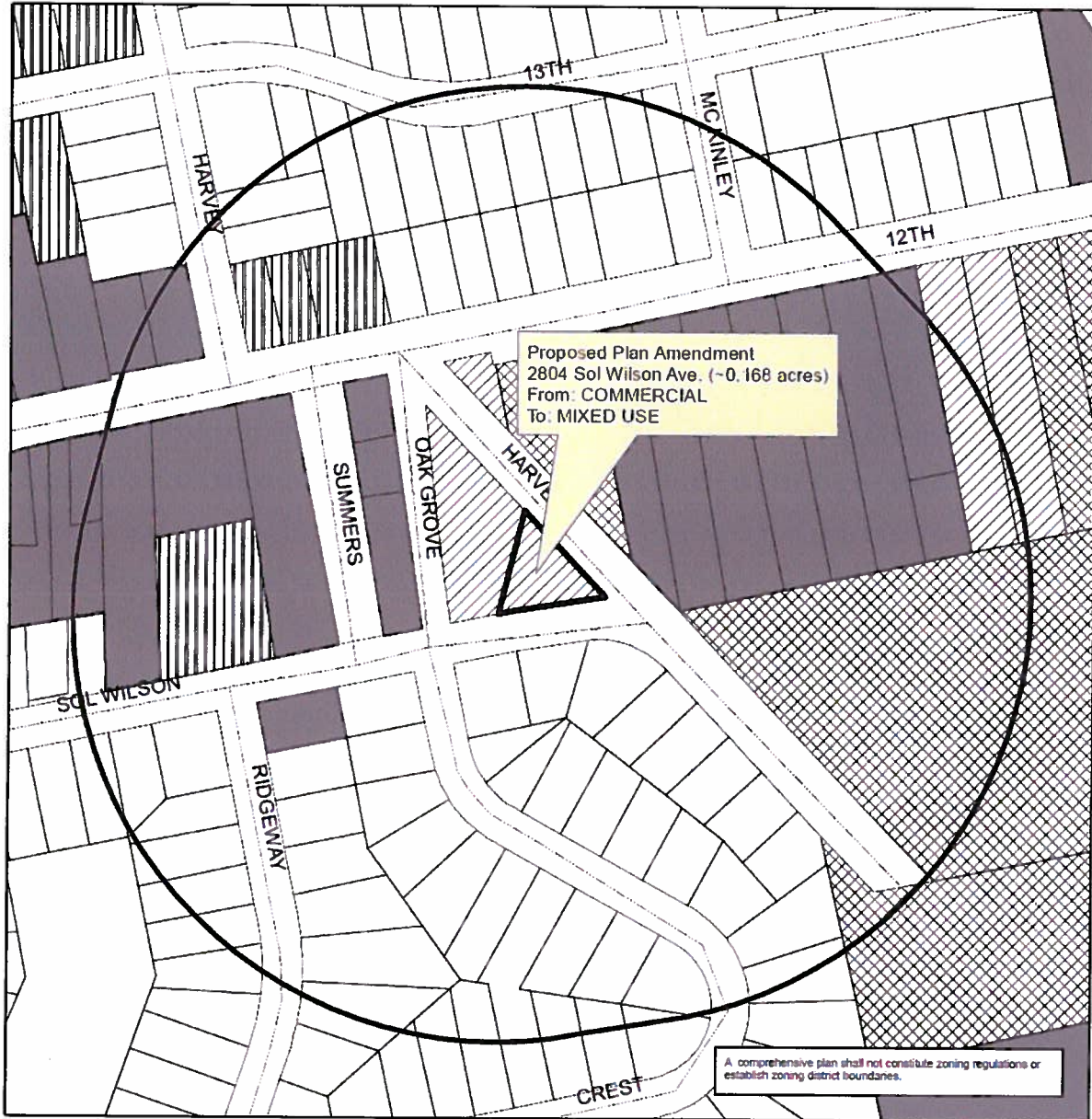
Sincerely,



Jane H. Rivera,  
Chair







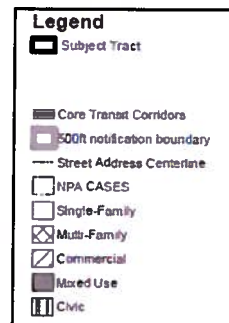
## Rosewood Neighborhood Plan NPA-2013-0008.01

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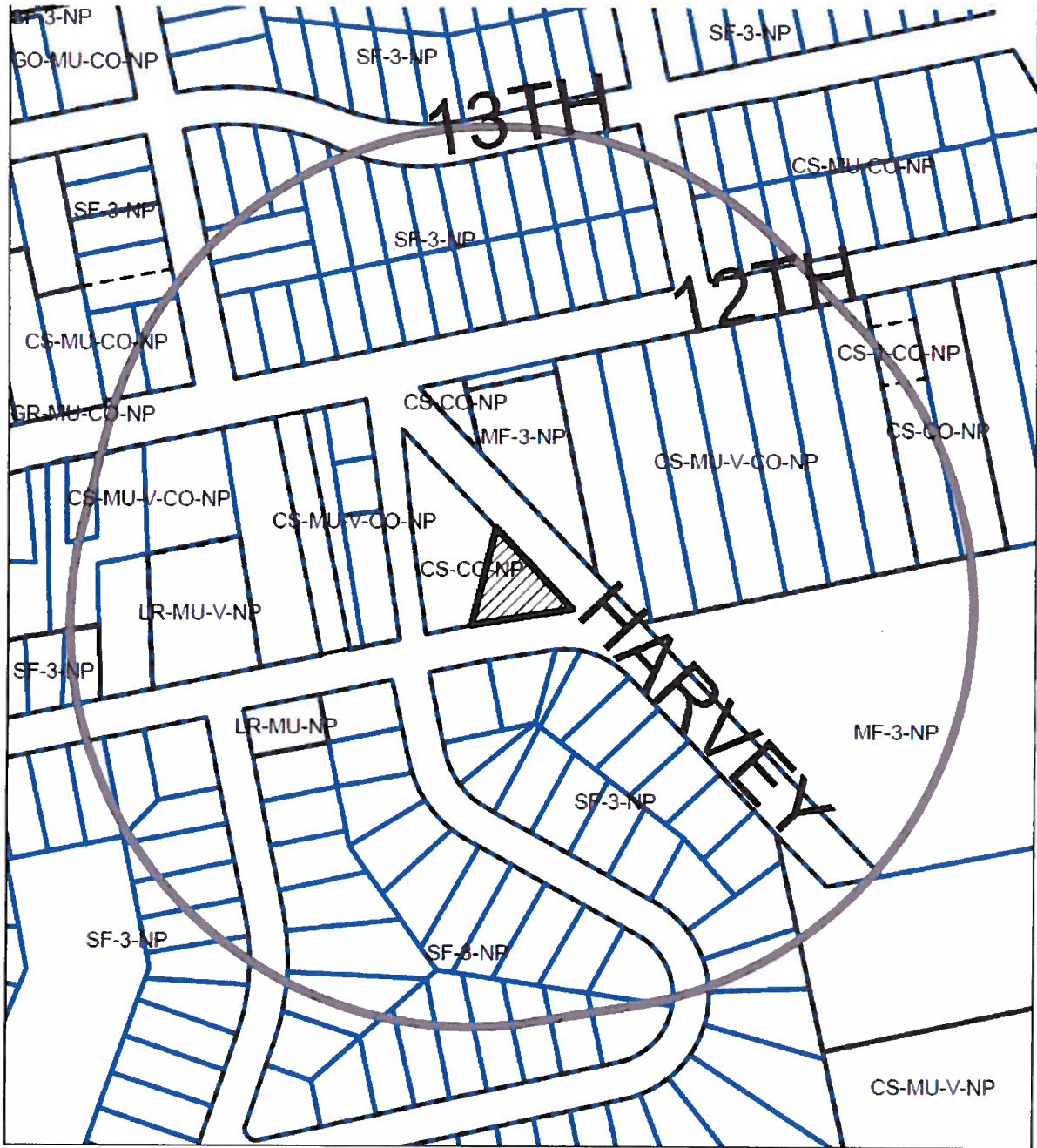
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City of Austin  
Planning and Development Review Department  
Created on July 29, 2013\_M Meredith







**NEIGHBORHOOD PLAN AMENDMENT**  
**Case Number: NPA-2013-0008.01**  
**Address: 2804 Sol Wilson Ave.**  
**Approx. 0.168 acres**

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