

## **ZONING CHANGE REVIEW SHEET**

CASE: 1169 Hargrave Street (C14-2025-0049)     DISTRICT: 1

ADDRESS: 1159 ½ and 1169 Hargrave Street; 2407 ½ Sol Wilson Avenue

ZONING FROM: SF-3-NP

TO: CS-MU-CO-NP

SITE AREA: approximately 1.62 acres (approximately 70,567 square feet)

PROPERTY OWNER: American Can

AGENT: Armbrust & Brown, PLLC (Richard T. Suttle Jr.)

CASE MANAGER: Jonathan Tomko (512) 974-1057, [jonathan.tomko@austintexas.gov](mailto:jonathan.tomko@austintexas.gov)

### STAFF RECOMMENDATION:

**Staff recommends granting general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. The conditional overlay would limit the height of a building or structure or portion of a building or structure to no more than 40 feet above ground level and prohibit the following 27 uses:**

- |  |  |
|--|--|
| - Adult oriented businesses                      | - Agricultural sales and services        |
| - Alternative financial services                 | - Automotive rentals                     |
| - Automotive repair services                     | - Automotive washing (of any type)       |
| - Bail bond services                             | - Building maintenance services          |
| - Campground                                     | - Commercial blood plasma center         |
| - Construction sales and services                | - Convenience storage                    |
| - Drive through as an accessory use (to any use) | - Drop-off recycling collection facility |
| - Equipment repair services                      | - Equipment sales                        |
| - Exterminating services                         | - Funeral services                       |
| - Kennels  | - Laundry services                       |
| - Limited warehousing and distribution           | - Maintenance and service facilities     |
| - Monument retail services                       | - Pawn shop services                     |
| - Pedicab storage and dispatch                   | - Service station                        |
| - Vehicle storage                                |  |

**The conditional overlay would also conditional allow the following two uses:**

- |               |                                 |
|---------------|---------------------------------|
| - Hotel-motel | - Outdoor sports and recreation |
|---------------|---------------------------------|

*See the basis of recommendation section below for more information.*

### PLANNING COMMISSION / OTHER COMMISSION ACTION / RECOMMENDATION:

August 26, 2025: Neighborhood postponement request to September 9, 2025 granted.

September 9, 2025: Motion by Commission Ahmed, seconded by Commissioner Lan to recommend staff's recommendation of CS-MU-CO-NP, unanimously.

### CITY COUNCIL ACTION:

October 9, 2025: Case is scheduled to be heard by City Council.

ORDINANCE NUMBER:

N/A

ISSUES: A structure on the property has been identified as the former Rosewood Elementary School. Portions of the building are likely eligible for historic landmark designation. Thus, any demo, additions, or other modifications involving removal of historic materials would need to be reviewed by the Historic Landmark Commission. Please see *Exhibit E* below which contains an email from the Historic Preservation Officer detailing the process.

If the conditional overlay proposed at 40 feet is approved by Council, and the property is developed with less than 65% residential use by total square footage, under SB840 the height would be capped at 40 feet. If the conditional overlay proposed at 40 feet is approved by Council, and the property is developed with more than 65% residential use by total square footage under SB840 the height would be capped at 45 feet.

CASE MANAGER COMMENTS:

The subject tract is home to a school constructed in approximately 1939, currently being utilized American Can Academy, an alternative charter school. There is also a paved and unpaved parking lot on the site. The site is the northern portion of a property bounded by Hargrave Street on the west, Rosewood Avenue to the south, Bedford Street to the East and Sol Wilson Avenue to the north. The southern portion of this property is already zoned CS-MU-CO-NP.

The subject tract is approximately 1,000 feet from the MLK Station Imagine Austin Activity Center, which has a stop for the CapMetro Red Line. Rosewood Avenue just to the south of the subject tract is identified as part of the ASMP transit priority network and an ASMP level 2 roadway. The Boggy Creek Greenbelt Trail is approximately 500 feet west of this site just to the west of the Millennium Youth Entertainment Complex. There is also a transit stop for the CapMetro Route 2 Rosewood/Cesar Chavez and 485 Night Owl Cameron bus.

BASIS OF RECOMMENDATION:

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

As noted above, the southern portion of the property bounded by streets on all four sides, with no adjacent buildings is already zoned CS-MU-CO-NP, the applicant's request for this tract. Staff has reviewed the conditional overlay on that portion of property and prohibited some additional uses. This allows for a reasonable use of the property and is sensitive to the single-family homes to the north of the subject tract, across Sol Wilson Avenue.

*Granting of the request should result in an equal treatment of similarly situated properties.* Staff noted a substantial amount of CS-MU base zoning on the north side of Rosewood Avenue/Oak Springs Drive between the subject tract and Airport Boulevard more than ½ mile to the east.

The eastern side of Hargrave Street also has properties zoned with a CS-MU base. Portions of that zoning classification about SF-3-NP zoned properties, without a roadway separating. This request is separated from SF-3-NP zoned properties across Sol Wilson Ave and Bedford Street. Granting this request would result in an equal treatment of this property, as it is similarly situated with frontage along Hargrave Street but offers separation between SF-3-NP zoned properties.

*Zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing.*

The applicant's request states the intention to develop office, retail, restaurant, and multifamily uses in a cohesive development. This would create employment opportunities, housing, and more places people can walk and bike to without having to drive. The Boggy Creek Greenbelt Trail is approximately 500 feet west of this site just to the west of the Millenium Youth Entertainment Complex. There is also a transit stop for the CapMetro Route 2 Rosewood/Cesar Chavez and 485 Night Owl Cameron bus.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	A school constructed in approximately 1939, currently being utilized American Can Academy, an alternative charter school. There is also a paved and unpaved parking lot on the site.
<i>North (across Sol Wilson Ave. and Hargrave St./Walnut Ave.)</i>	SF-3-NP	Three single family homes constructed in approximately 1941 through 1950, and one small church constructed in approximately 1970.
<i>South</i>	CS-MU-CO-NP	Booker T. Washington Terrace, a Housing Authority of the City of Austin (HACA) property with approximately 216 two-story multifamily housing units constructed in 1953.
<i>East (across Bedford St.)</i>	CS-MU-CO-NP and SF-3-NP	Two three-story single-family homes with accessory dwelling units constructed in approximately 2023, and undeveloped land.
<i>West</i>	P-NP	The Millenium Youth Entertainment Complex, an approximately 55,000 square foot indoor sports and recreation facility constructed in 1999.

NEIGHBORHOOD PLANNING AREA: Rosewood Neighborhood Planning Area

WATERSHED: Boggy Creek Watershed

SCHOOLS: A.I.S.D.

Oak Springs Elementary School

Kealing Middle School

Eastside Memorial High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Neighborhoods Council, Del Valle Community Coalition, East Austin Conservancy, Friends of Austin Neighborhoods, Homeless Neighborhood Association, Homewood Heights Neighborhood Association, Overton Family Committee, Preservation Austin, Rosewood Neighborhood Plan Contact Team

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2024-0061 (2900 Oak Springs DB90)	The applicant is requesting to rezone approximately 2.06 acres from CS-MU-V-NP to CS-MU-DB90-NP.	05.28.2024: To grant CS-MU-V-DB90-NP, as staff recommended, on a 11-0 vote.	09.12.2024: To grant CS-MU-V-DB90-NP. Motion by Council Member Vela, seconded by Council Member Ellis, on a 10-1 vote. Council Member Alison Alter voted nay.
C14-2024-0070 (3117-3121 E. 12 <sup>th</sup> Street)	The applicant is requesting to rezone approximately 1.0 acres from CS-MU-V-CO-NP to CS-MU-V-CO-DB90-NP.	07.09.2024: Forwarded to City Council without recommendation, due to lack of an affirmative vote.	09.26.2024: To grant CS-MU-V-CO-DB90-NP. Motion by Mayor Pro Tem Pool, seconded by Council Member Qadri, on a 10-0 vote. Council Member Alison Alter was off the dais.
C14-2024-0107 (Manor Road Revision Rezone)	The applicant is requesting to rezone approximately 0.68 acres from TOD-NP to CS-DB90-NP.	03.11.2025: To grant staff recommendation of CS-DB90-NP without the waiver to the ground-floor commercial requirement of DB90. Motion by Commissioner Anderson, seconded by Commissioner Haney (9-0).	07.24.2025: CS-DB90-CO-NP approved on third reading on a 10-0-1 vote with Council Member Duchon abstaining.

RELATED CASES:

NPA-2025-0008.01 (2406 Rosewood Avenue) - Future Land Use Map (FLUM) Change from Civic to Mixed Use.

ADDITIONAL STAFF COMMENTS:

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. At this time, site specific information is unavailable regarding 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.

#### Fire

No comments on rezoning

#### PARD – Planning & Design Review

PR1: Parkland dedication will be required for the new applicable uses proposed by this development, office, retail, restaurant, and multifamily with CS-CO-MU-NP zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-609, as amended.

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: [ann.desanctis@austintexas.gov](mailto:ann.desanctis@austintexas.gov). At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

#### Site Plan

- SP1. Site plans will be required for any new development except for residential only projects with up to 4 units.
- SP2. Any new development is subject to LDC Subchapter E Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

### Compatibility Standards

SP3. The site is subject to compatibility standards due to the surrounding SF-3, single-family property.

*Reference 25-2-1051, 25-2-1053*

SP4. Any structure that is located:

a. At least 50 feet but less than 75 feet from any part of a triggering property may not exceed 60 feet

b. Less than 50 feet from any part of a triggering property may not exceed 40 feet

*Reference 25-2-1061*

### Transportation and Public Works Department (TPW) – Engineering Review

TPW 1. Please provide a completed copy of the TIA determination worksheet that has been reviewed and signed by a TPW engineer.

TPW 2. A transportation assessment/traffic Impact analysis shall be required at the time of site plan **if triggered**, when land uses and intensities will be known per LDC 25-6-113 and TCM 10.2.1.

TPW 3. The Austin Strategic Mobility Plan (ASMP) calls for 72 feet of right-of-way for Hargrave ST. It is recommended that 36 feet of right-of-way from the existing centerline should be dedicated for Hargrave ST according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

TPW 4. The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Sol Wilson AVE. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for Sol Wilson AVE according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

TPW 5. The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Bedford ST. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for Bedford ST according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

### EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Hargrave ST	Level 2	72'	61'	42'	Yes	Yes	Yes

Sol Wilson AVE	Level 1	58'	51'	30'	Yes	No	Yes
Bedford ST	Level 1	58'	48'	31'	Yes	No	Yes

TIA: A traffic impact analysis is NOT required. Traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code (LDC). Mitigation per LDC 25-6-101 may still apply.

Austin Water Utility

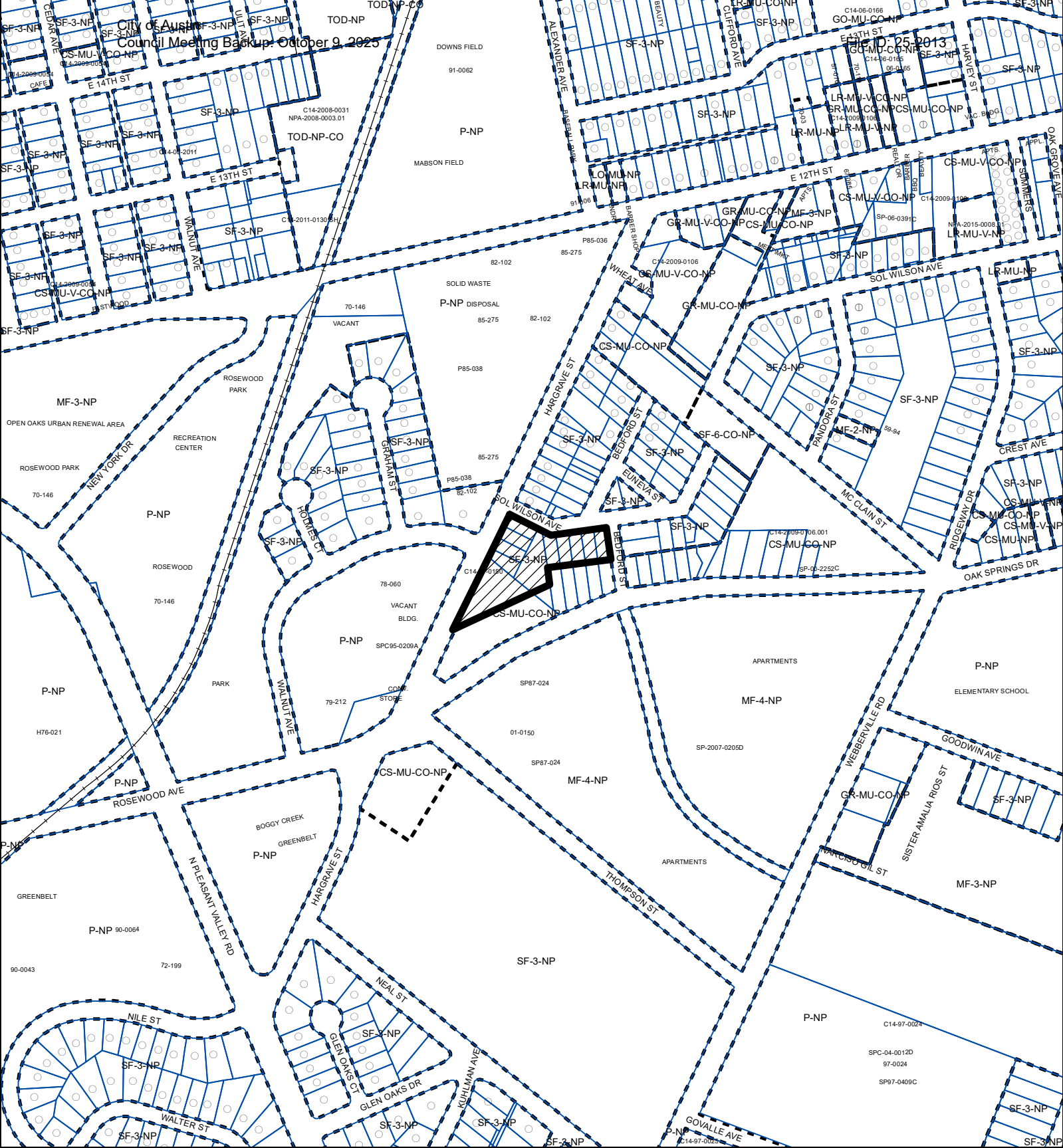
AW1. No comments on zoning change.

FYI: The landowner intends to serve the site with existing City of Austin water utilities.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at [ser@austintexas.gov](mailto:ser@austintexas.gov).

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

- A. Zoning Map
- B. Aerial Map
- C. Applicant's Summary Letter
- D. Correspondence from Interested Parties
- E. Email from Historic Preservation Officer



N

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

1" = 400'

## ZONING

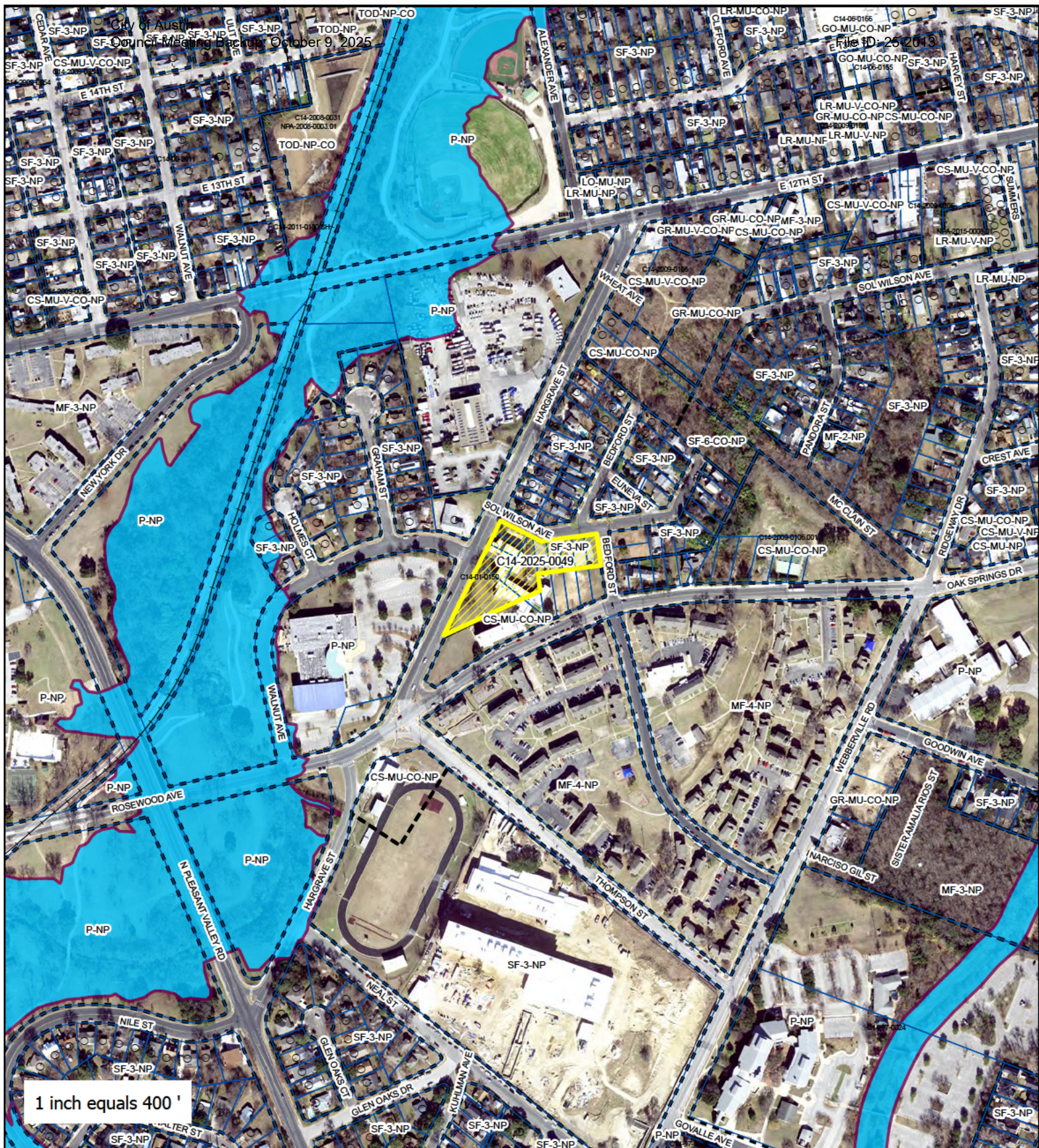
### ZONING CASE#: C14-2025-0049

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







## 1169 Hargrave Street



- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE
- CREEK BUFFER

ZONING CASE#: C14-2025-0049  
 LOCATION: 2407 1/2 Sol Wilson Ave;  
 1159 1/2 and 1169 Hargrave St  
 SUBJECT AREA: 1.68 Acres  
 MANAGER: Jonathan Tomko





## ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300  
AUSTIN, TEXAS 78701-2744  
512-435-2300

FACSIMILE 512-435-2360

*Richard T. Suttle, Jr.*  
(512) 435-2300  
rsuttle@abaustin.com

April 14, 2025

Lauren Middleton-Pratt  
Director, City of Austin Planning Department  
6310 Wilhelmina Delco Drive  
Austin, Texas 78752

Re: Rezoning application for 2407 1/2 Sol Wilson Avenue, 1159 1/2 Hargrave Street, and 1169 Hargrave Street, Austin, TX 78702 (the "Application")

Dear Mrs. Middleton-Pratt:

This letter, along with the Application is submitted to rezone 1.618 acres of land located at 2407 1/2 Sol Wilson Avenue, 1159 1/2 Hargrave Street, and 1169 Hargrave Street (the "Property"). The Property is located near the intersection of Rosewood Avenue and Bedford Street and is located within the Rosewood Neighborhood Planning Area. The Property is zoned Family Residence – Neighborhood Plan Combining District ("SF-3-NP") and is developed with an alternative charter school and associated surface parking.

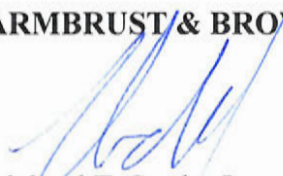
This Application seeks to rezone the Property from SF-3-NP to General Commercial Services – Mixed Use Combining District – Conditional Overlay Combining District – Neighborhood Plan Combining District ("CS-MU-CO-NP") to allow for a mixed-use development which will consist of office, retail, restaurant, and multi-family uses. The owner of the Property owns the surrounding ±1.516 acre tract which is currently zoned CS-MU-CO-NP and would like the ability to redevelop the properties as a single mixed-use project with the same development entitlements.

Thank you in advance for your time and consideration of this zoning request. If you have any questions or need additional information, please do not hesitate to contact me or Kelly Wright at (512) 435-2364.

ARMBRUST & BROWN, PLLC  
Page 2

Very truly yours,

**ARMBRUST & BROWN, PLLC**



Richard T. Suttle, Jr.

cc: Joi Harden  
Amanda Morrow  
Kelly Wright



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**Re: Rosewood NPCT Rec?: NPA-2025-0008.01\_2406 Rosewood Ave**

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**From** Tomko, Jonathan <[REDACTED]>

**Date** Wed 8/20/2025 4:21 PM

**To** Meredith, Maureen <[REDACTED]>; Homewood Heights Neighborhood Association President <[REDACTED]>; Jane Rivera <[REDACTED]>

Hi Chris,

I tried to give you a call back but got a voicemail. Let Maureen and I know what PC date the neighborhood would like to request a postponement to.

Thanks,

Jonathan

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**From:** Meredith, Maureen <[REDACTED]>

**Sent:** Wednesday, August 20, 2025 3:59 PM

**To:** Homewood Heights Neighborhood Association President <[REDACTED]>; Jane Rivera <[REDACTED]>; Tomko, Jonathan <[REDACTED]>

**Subject:** RE: Rosewood NPCT Rec?: NPA-2025-0008.01\_2406 Rosewood Ave

Chris:

Your email has been received.

Maureen

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**From:** Homewood Heights Neighborhood Association President <[REDACTED]>

**Sent:** Wednesday, August 20, 2025 3:51 PM

**To:** Meredith, Maureen <[REDACTED]>; Jane Rivera <[REDACTED]>; Tomko, Jonathan <[REDACTED]>

**Subject:** Re: Rosewood NPCT Rec?: NPA-2025-0008.01\_2406 Rosewood Ave

External Email - Exercise Caution

Maureen,

I was out of town and off grid when the virtual meeting occurred earlier this summer. I just watched the virtual meeting and reached out to the applicant rep contacts provided in the meeting (Amanda Morrow & Kelly Wright). I also called Jonathan Tomko and left him a voicemail.

Ms. Wright indicated there's been no additional contact between residents in the virtual meeting and the applicant's reps. This concerns me because there were issues raised in the meeting by residents that are unaddressed, and I have some additional concerns that warrant discussion.

I'll follow up with you and others involved in the days ahead. At this time it seems premature to take this to the Planning Commission. I'm awaiting additional information from the applicants, and will facilitate further dialogue with directly impacted residents and the neighborhood.

Thank you for your time.

Christopher Page  
President of the Homewood Heights Neighborhood Association

On Tue, Aug 19, 2025 at 1:23 PM Meredith, Maureen <[REDACTED]> wrote:

Dear Rosewood NPCT:

Cases **NPA-2025-0008.01** and **C14-2025-0049\_2406 Rosewood Ave** are scheduled for the August 26, 2025 Planning Commission hearing. If your team would like to have a letter of recommendation included in our staff reports, please email it to me and Jonathan Tomko, the zoning planner, **no later than 9:00 am on Thursday, August 21<sup>st</sup>**. If we get it after this date and time, we can submit it to the Planning Commission as late material.

The virtual community meeting was held on June 17, 2025. The recorded meeting can be found here if you would like to watch it:

<https://publicinput.com/n55666>.

Please let me know if you have any questions.  
Maureen



**Maureen Meredith** (she/her)  
Senior Planner, Long-Range Planning  
Planning Department  
512-974-2695  
[REDACTED]

**Please Note:** Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and may be published online.

**Por Favor Tome En Cuenta:** La correspondencia y la información enviada a la Ciudad de Austin está sujeta a la Ley de Información Pública de Texas (Capítulo 552) y puede ser publicada en línea.

"Report Message" button in Outlook.

For any additional questions or concerns, contact CSIRT at "[REDACTED]".

August 25, 2025

Planning Commission  
City of Austin

Dear Planning Commission Members,

This letter is regarding two rezoning cases for the same property: NPA-2025-0008.01 and C14-2025-0049. These are for the Austin Can Academy property in District 1 on the block between Hargrave Street on the west, Rosewood Street on the south, Bedford Street on the east, and Sol Wilson Street on the north.

I live at the corner of Bedford and Sol Wilson Streets in a single-family house that I purchased in 2009. My house faces the Austin Can Academy. I am opposed to their rezoning this property as mixed-use commercial.

The Austin Can Academy owns and has been occupying an old public school building. They closed this spring and are going fully remote. They are trying to rezone the property so it can be sold for more money for commercial mixed-use redevelopment.

It is my understanding that the current zoning was approved by the Rosewood Neighborhood Contact Team, and these proposed changes have not been.

I'm okay with residential units being built across the street from my house, but a commercial mixed-use development is not an appropriate neighbor.

Please deny (1) rezoning the part of the property that faces the Sol Wilson and Bedford from Residential to Commercial Mixed Use (case C14-2025-0049) and (2) rezoning the entire property from Civic to Mixed Use (case NPA-2025-0008.01).

Thank you,  
Kim Barker  
1170 Bedford Street



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**RE: Historic Preservation Guidance Re: 1169 Hargrove Street (C14-2025-0049)**

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**From** Contreras, Kalan <[REDACTED]>

**Date** Thu 7/17/2025 9:06 AM

**To** Tomko, Jonathan <[REDACTED]>

**Cc** McKnight, Kim <[REDACTED]>; Thomas, Eric <[REDACTED]>

Good morning, Jonathan,

Thanks for reaching out. This property is the former Rosewood Elementary School, and the historic-age portions of the building are likely eligible for historic landmark designation. Thus, any demo, additions, or other modifications involving removal of historic materials would need to be reviewed by the Historic Landmark Commission.

Whether the property is rezoned will not technically affect the historic review process, as the HLC has no purview over property use—just physical appearance. Ideally, applicants would visit the HLC prior to rezoning, but we understand that this is not always possible.

When someone files a site plan involving demo, an application for partial demo/addition, or an application for a total demo for any property over 45 years old, DSD assigns a review process to the Historic Preservation Office. Because of its known significance, we will refer any DSD-assigned application involving removal of historic materials for this property to the HLC. HLC will determine if the property is eligible for historic landmark designation, and, if so, whether any proposed modifications will preclude its ability to be designated. The HLC may then initiate historic landmark zoning if the building is eligible and threatened.

The City's historic design standards offer options for compatible redevelopment, and HPO and HLC can support sensitive redevelopment involving retention and rehabilitation of the oldest and/or most significant parts of the building, along with compatible additions. The Architectural Review Committee of the HLC is a free resource available to applicants willing to explore options that meet the design standards and, ideally, affirm and uplift the building's importance to African American educators, students, and the surrounding neighborhoods in twentieth-century Austin.

Hope this is useful,  
Kalan



**Kalan Contreras**

Historic Preservation Officer  
Planning Department  
she/her | 512-974-2727  
[REDACTED]