SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2007-0146.SH - The Govalle Land

REQUEST:
Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1100 Linden Street (Boggy Creek Watershed) from multi-family residence-medium density (MF-3-NP) combining district zoning to single-family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning.

ISSUES: The scope of the original rezoning request has been narrowed, and most of the original request have been withdrawn. The request now consists of down-zoning two tracts totaling 1.41 acres from MF-3-NP to SF-4A-NP.

APPLICANT: Govalle Partners Ltd.

AGENT: Michael Casias.

DATE OF FIRST READING: January 31, 2008:

CITY COUNCIL HEARING DATE: February 14, 2008

CITY COUNCIL ACTION:
Approved single family residence-small lot-neighborhood plan (SF-4A-NP) and multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning on first reading.

CASE MANAGER: Robert Heil 974-2330 e-mail address: robert.heil@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET

CASE: C14-2007-0146.SH Govalle Land **PC Date:** January 15, 2008

ADDRESS: 1100 Linden Street

OWNER/AGENT: Govalle Partners, Ltd (Michael Casias)

ZONING REQUEST

TRACT	ZONING FROM	ZONING TO
Tract 1	SF-3-NP	SF-3-NP (plan amendment withdrawn)
Tract 2	SF-3-NP	SF-3-NP
Tract 3	**MF-3-NP**	**SF-4A-NP**
Tract 4	**MF-3-NP**	**SF-4A-NP**

AREA: 1.41 acres (Tracts 3 and 4)

SUMMARY STAFF RECOMMENDATION:

Staff recommends:

TRACT	ZONING	
Tract 1	SF-3-NP	SF-3-NP (plan amendment withdrawn)
Tract 2	SF-3-NP	SF-3-NP
Tract 3	**MF-3-NP**	**SF-4A-NP**
Tract 4	**MF-3-NP**	**SF-4A-NP**

PLANNING COMMISSION RECOMMENDATION:

November 13, 2007: Postponed to November 27 at the request of the neighborhood.
November 27, 2007: Postponed to December 11 at the request of staff.
December 11, 2007: Postponed to January 15 at the request of the applicant.

January 15, 2008: Approved the amended request of :

Tract 1	SF-3-NP	SF-3-NP (plan amendment withdrawn)
Tract 2	SF-3-NP	SF-3-NP
Tract 3	**MF-3-NP**	**SF-4A-NP**
Tract 4	**MF-3-NP**	**SF-4A-NP**

DEPARTMENT COMMENTS:

This property is currently undeveloped. It consists of roughly 3 acres surrounding an existing nursing home, and continuing down Linden Street.

The original zoning request is to upzone tract 1 from SF-3-NP to MF-3-NP, upzone tract 2 from SF-3-NP to SF-4A-NP and downzone tract 3 from MF-3 to SF-4NP. The zoning on tract 4 was not requested to change, and would have remained MF-3.

The rezoning of tract 1 from single family uses to multi-family uses would have required a neighborhood plan amendment which was submitted and is a separate case (NPA-2007-0016.02). When this portion of the zoning request was withdrawn, the neighborhood plan amendment was also withdrawn.

The zoning request was amended. Tracts 1 and 2 are withdrawn from the zoning case, and the request for Tracts 3 and 4 is a down zoning from MF-3-NP to SF-4A-NP.

Staff recommends approval of the zoning request.

The original project has been certified as a S.M.A.R.T. housing project and would provide 10% of its units affordable to families earning 50% of median family income and an additional 10% affordable to families earning 60% MFI. As the project has changed, its S.M.A.R.T. housing status may need to be reconfirmed.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3-NP and MF-3-NP	Undeveloped
North	MF-3-NP	Nursing Home
South	SF-3-NP	Single Family Homes
East	SF-3-NP	Single Family Homes
West	SF-3-NP	Single Family Homes

AREA STUDY: The property lies within the proposed Johnston Terrace Neighborhood Planning Area. The future land use map for this neighborhood plan designates tracts 1 and 2 for single family use and tracts 3 and 4 for multifamily use

TIA: A traffic impact analysis was waived for this case because the down zoning would result in fewer daily vehicle trips.

WATERSHED: Boggy Creek **DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: No **HILL COUNTRY ROADWAY:** No

REGISTERED COMMUNITY ORGANIZATIONS:

- Govalle Johston Terrace Neighborhood Planning Team
- El Concilio
- Austin Neighborhoods Council
- PODER – People Organizes to Defend Earth and her Resources
- SPEAK – Sentral Plus East Austin Koalition

- Home Builders' Association of Greater Austin
- Austin Independent School District

SCHOOLS: (AISD)

Allan Elementary School Martin Middle School Johnston High School

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Govalle	50'	30'	Local	No	No	300 Govalle
Linden	50'	30'	Local	No	No	
Stokes	50'	30'	Local	No	No	
Neal	50'	30'	Local	No	No	

CITY COUNCIL DATE: **ACTION:**

November 29, 2007 Postponed to December 13

December 13, 2007 Postponed January 31, 2008

January 31, 2008 Approved SF-4A-NP and MF-3-NP on first reading. 7-0

February 14, 2008

ORDINANCE READINGS: **1st** 1/31/07 **2nd** **3rd**

ORDINANCE NUMBER:

ZONING CASE MANAGER: Robert Heil **PHONE:** 974-2330
E-mail: robert.heil@ci.austin.tx.us

N

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

OPERATOR: S. MEEKS

1" = 400'

ZONING

ZONING CASE#: **C14-2007-0146.SH**
ADDRESS: **1100 LINDEN ST**
SUBJECT AREA: **1.41 ACRES**
GRID: **L22**
MANAGER: **R. HEIL**

CITY OF AUSTIN FOUNDED 1839

This map has been produced by G.I.S. Services for the sole purpose of geographic reference.
No warranty is made by the City of Austin regarding specific accuracy or completeness.

NEAL
STOKES

SUMMARY STAFF RECOMMENDATION

Staff recommends:

TRACT	ZONING	
Tract 1	SF-3-NP	SF-3-NP (plan amendment withdrawn)
Tract 2	SF-3-NP	SF-3-NP
Tract 3	**MF-3-NP**	**SF-4A-NP**
Tract 4	**MF-3-NP**	**SF-4A-NP**

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning should promote a transition between adjacent and nearby zoning districts, land uses and development intensities.*

   SF-4 zoning provides an appropriate transition from the single family zoning on the interior of the neighborhood and the multifamily zoning on Govalle.

2. *Granting of the request should be in accord with adopted comprehensive plans.*

   The granting of this request is accord with the overall goals of the Govalle neighborhood plan.

Transportation

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

A traffic impact analysis was waived for this case because the down zoning would result in fewer daily vehicle trips.

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

Compatibility Standards

These comments were prepared based on the original zoning request.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

The site is subject to compatibility standards within the proposed MF-3 portion of this proposal:

- No structure may be built within 25 feet of the 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 or driveways are allowed within 25 feet of the property line.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
- 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.

- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

Environmental

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 Drinking Water Protection Zone/ Desired Development Zone.

Impervious cover is not limited in this watershed class. 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 two-year storm.

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

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

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

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.

Water and Wastewater

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 relocation, and abandonment. 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.

EXHIBIT "A"

FIELD NOTES
2-6-2007

Being a tract or parcel of land situated in the City of Austin, Travis County, Texas and being a 1.41 acre tract of land described in a Warranty Deed, Dated June 1, 1983, recorded in Volume 8188 at Page 368 Deed Records of Travis County, Texas and being more particularly described as follows:

BEGINNING at a ½" iron rod found for corner on the north line of Neal Street, said corner being the southwest corner of the Mary Alice Arnold Neal Subdivision, recorded in Volume 87 at Page 44C Plat Records of Travis County, Texas;
THENCE N67degrees02'04"W and with the north line of Neal Street a distance of 522.66 feet to a ½" iron rod set for corner, corner being on the east line of a called 1.957 acre tract of land conveyed to Janie Torres, recorded in Volume 11935 at Page 1380 Real Property Records of Travis County, Texas;
THENCE N23degrees19'00"E and with the east line of the Torres tract of land a distance of 84.00 feet to a ½" iron rod set for corner, corner being the southwest corner of a called 2.22 acre tract of land conveyed to Prairie Equities LTD., recorded in Volume 12260 at Page 416 Real Property Records of Travis County, Texas;
THENCE S67degrees04'00"E and with the south line of the called 2.22 acre tract of land a distance of 442.51 feet to a ½" iron rod found for corner;
THENCE N23degrees19'00"E and with the east line of the called 2.22 acre tract of land a distance of 218.07 feet to a ½" iron rod found for corner, corner being on the south line of Govalle Avenue;
THENCE S66degrees56'19"E and with the south line of Govalle Avenue a distance of 79.99 feet to a ½" iron rod found for corner, corner being the northwest corner of a tract of land conveyed to Prairie Equities LTD., recorded in Volume 1260 at Page 416 Real Property Records of Travis County, Texas;
THENCE S23degrees17'09"W and with the west line of the Prairie Equities LTD. tract of land a distance of 302.19 feet to return to the Place of Beginning and containing 1.41 acres of land.

STATE OF TEXAS
REGISTERED
DENNIS R. RUST
4643
PROFESSIONAL
LAND SURVEYOR

Dennis R. Rust RPLS # 4643

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
Dana DeBeauvoir
2007 Apr 20 02:26 PM 2007071327
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DANA DEBEAUVOIR COUNTY CLERK
TRAVIS COUNTY TEXAS

ESPERANZA DEVELOPMENT | 803 West 15th Street, Suite 1A 345 Austin, TX 78701
512 480 9844 | F 512.480.8144 | esperanzadevelopment.com

January 8, 2008

VIA FACSIMILE to (512) 974-2269 and E-MAIL to jerry.rusthoven@ci.austin.tx.us

Mr. Jerry Rusthoven
City of Austin
Neighborhood Planning and Zoning Dept.
P.O. Box 1088
Austin, TX 78767

RE: C14-2007-0146.SH
Applicant: Govalle Partners, Ltd.

Dear Jerry:

We understand our Case Manager, Robert Heil, is out of town until the day before this case goes before Planning Commission. I wanted to update you on this case and seek the staff's support for our compromise with the neighborhood and for placement on the consent portion of the January 15, 2007 Agenda. While staff's most recent recommendation supports our original application, we have agreed to tailor our plan to the neighborhood's concerns in a way that should cause no objection from staff.

Our compromise with the neighborhood simplifies matters greatly and leaves us solely with a downzoning of MF3 to SF4A. The original application involved two tracts of 2.11 acres (zoned SF3) and 1.41 acres (zoned MF3), respectively. After meeting with the neighborhood for over 9 months, we have agreed to leave the 2.11 acres entirely SF3 and downzone the entire 1.41 acres to SF4A. Apart from the zoning case, we have withdrawn our Plan Amendment application since we no longer plan to change the SF3-zoned property.

Please confirm that you have everything you need for this case to move forward on consent or please call me to discuss.

Thank you,

Michael N. Casias