

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0215.SH – The Willows Apartments

P.C. DATE: October 28, 2008

ADDRESS: 1330 & 1332 Lamar Square Drive

C.C. DATE: December 11, 2008
January 15, 2009

OWNER/APPLICANT: Mary Lee Community (Charlene Crump)

AGENT: Davcar Engineering (David Carroll, Scott Evers)

ZONING FROM: MF-4

TO: MF-6-CO

AREA: 0.771 acres (33584 ft²)

SUMMARY STAFF RECOMMENDATION: The staff's recommendation is to grant MF-6-CO (Multi-Family Residence – Highest Density – Conditional Overlay) district zoning. The conditional overlay will limit the building height to 60 feet, the number of units to 64, the FAR to 0.841:1 and limit all remaining development regulations to MF-4 standards.

PLANNING COMMISSION RECOMMENDATION: 10/28/08 - The motion to approve staff's recommendation for MF-6-CO district zoning was approved by Commissioner Jay Reddy's motion; Commissioner Paula Hui seconded the motion. The motion was amended to add a neighborhood recommendation of a 'no precedent' clause to the staff recommendation that was agreed upon by the applicant and the neighborhood. The motion amendment passed on a 6-3 vote with Commissioners Small, Ewen and Reddy voting no. The overall motion passed on a vote of 9-0.

CITY COUNCIL 1ST READING: 12/22/08 - The public hearing was closed and the first reading of the ordinance for multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning was approved on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote. The conditional overlay will limit the building height to 60 feet, the number of units to 64, the FAR to 0.841:1 and limit all remaining development regulations to MF-4 standards. Direction was given to staff to work with the Law Department to identify some type of finding.

DEPARTMENT COMMENTS: The Willows Apartments is a S.M.A.R.T. housing development certified by the Neighborhood Housing and Community Development Department. The non-profit housing and care facility Mary Lee Foundation houses and provides affordable housing for homeless, near homeless, low-income individuals and disabled persons. The applicant seeks to construct 64 new multi-family units as part of an existing development at 1330 and 1332 Lamar Square Drive. The proposed units will replace 2 existing multi-family buildings.

ISSUES: The Zilker Neighborhood Association and the Mary Lee Foundation have agreed to add a 'no precedent' statement into their agreement which requests the City Council to include a clause in the ordinance that will require the City Manager to instruct staff to not use this upzoning as a basis for any consideration for future rezoning in the area. Staff does not recommend this clause on advice from the legal department, but the Planning Commission voted to forward this option to City Council for further discussion.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-4	Multi-Family Affordable Housing
<i>North</i>	MF-4	Multi-Family Affordable Housing
<i>South</i>	CS	Auto Repair
<i>East</i>	CS	Group Residential
<i>West</i>	LR/SF-3	Multi-Family Housing/Single Family House

AREA STUDY: Zilker Neighborhood Plan**TIA:** Waived**WATERSHED:** West Bouldin Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**HILL COUNTRY ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

Homeless Neighborhood Association
Home Builders Association of Greater Austin
Save Our Springs Alliance
Austin Neighborhoods Council
League of Bicycling Voters
Zilker Neighborhood Association
Barton Springs/Edwards Aquifer Conservation District

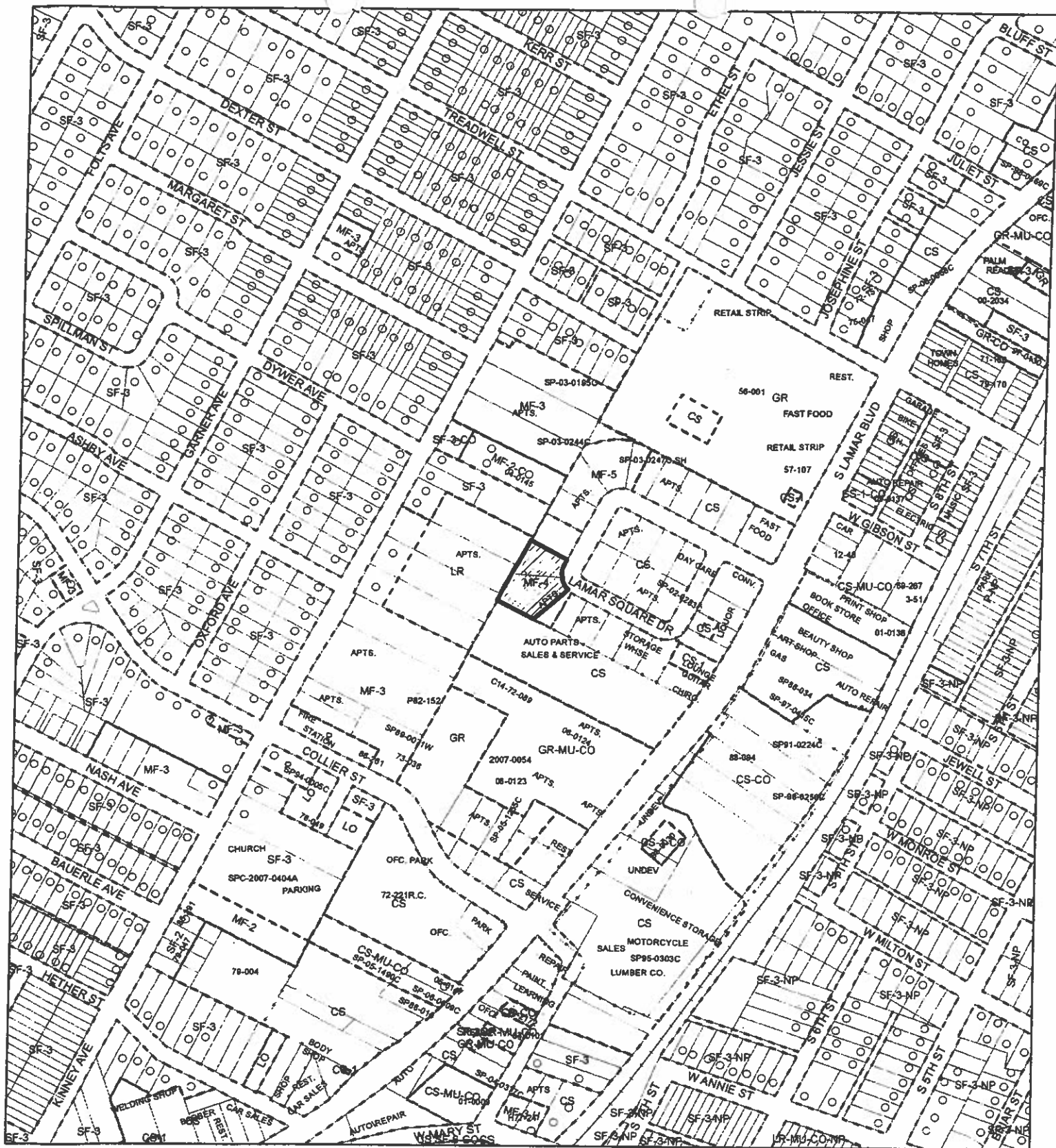
SCHOOLS: Zilker Elementary School
O'Henry Middle School
Austin High School




CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
SP-03-0244C	Site Plan for the Lofts at Kinney Avenue	N/A	N/A
SP-03-0247.SH	Site Plan for group residential	N/A	N/A
SP-02-0283C	Site Plan for group residential	N/A	N/A

RELATED CASES:

SP-2008-0469C.SH	Site Plan for zoning request C14-2008-0215.SH	N/A	N/A
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-  **SUBJECT TRACT**
-  **ZONING BOUNDARY**
-  **PENDING CASE**

OPERATOR: S. MEEKS

ZONING

ZONING CASE#: C14-2008-0215.SH
ADDRESS: 1330-1332 LAMAR SQUARE DR
SUBJECT AREA: 0.771 ACRES
GRID: H21
MANAGER: S. RYE



1" = 400'

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.

BASIS FOR RECOMMENDATION

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

The proposed zoning will promote community goals by providing affordable housing and care services for developmentally disabled individuals.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The zoning is consistent as it is part of a larger development owned and operated by the Mary Lee Foundation. The development all fronts along an internal circulation route that promotes compatibility throughout the development.

EXISTING CONDITIONS

Environmental

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

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.

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]

The trip generation under the requested zoning is estimated to be 384 trips per day*, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

*Based on 64 apartment dwelling units, which the applicant agrees to limit the number of unit to 64 as part of a conditional overlay for the rezoning request.

There are no existing sidewalks along this portion of Lamar Square Drive in front of the property. There are existing sidewalks along S. Lamar Blvd.

Lamar Square Drive is not classified in the Bicycle Plan as a Priority 1 or 2 bike route. S. Lamar Blvd. is classified in the Bicycle Plan as a Priority 2 bike route.

Capital Metro bus service is available along S. Lamar Blvd. with the #3 Burnet/Manchaca Local Route, #103 Manchaca Flyer, #338 Lamar/45th Crosstown, and #484 Lamar/S. First Night Owl.

Name	Row	Pavement	Classification	Daily Traffic
Lamar Square Drive	60'	40'	Loop Street	N/A
S. Lamar Blvd.	<120'	66'	Major Arterial, Undivided	35,912 (06/21/05)+

+Counts taken south of Cinco Street.

Water Utility

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, system upgrades, utility relocations and or abandonment's required to serve the proposed use. 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.

Site Plan

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 storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Storm water Management Program if available.

This tract is already developed. However, any new construction on this site would be subject to compatibility development regulations due to the existing single family use property to the west, and would be subject to the following requirements:

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

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.

Compatibility Standards

The site is subject to compatibility standards. Along the western property line, the following standards apply:

- 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 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.

CITY COUNCIL DATE: 12/18/08 1st Reading
1/15/09 2nd/3rd Reading

ACTION: 12/18/08 - 1st Reading - The public hearing was closed and the first reading of the ordinance for multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning was approved on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote. The conditional overlay will limit the building height to 60 feet, the number of units to 64, the FAR to 0.841:1 and limit all remaining development regulations to MF-4 standards. Direction was given to staff to work with the Law Department to identify some type of finding.

ORDINANCE READINGS: 1st 12/18/08 2nd 1/15/09 3rd

ORDINANCE NUMBER:

CASE MANAGER: Stephen Rye

PHONE: 974-7604
stephen.rye@ci.austin.tx.us



MARY LEE FOUNDATION

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE MARY LEE FOUNDATION
AND
THE ZILKER NEIGHBORHOOD ASSOCIATION**

This MEMORANDUM OF UNDERSTANDING is hereby made and entered into by and between the THE MARY LEE FOUNDATION and the ZILKER NEIGHBORHOOD ASSOCIATION in regards to the RE-ZONING FOR THE WILLOWS APARTMENTS PROJECT FROM MF-4 TO MF-6-CO.

A. PURPOSE:

The purpose of this MOU is to continue to develop and expand a framework of cooperation between THE MARY LEE FOUNDATION and the ZILKER NEIGHBORHOOD ASSOCIATION to develop mutually beneficial projects. These programs, projects and activities comprise part of the ZILKER NEIGHBORHOOD ASSOCIATION multiple use mission and serve the public.

B. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

ZILKER NEIGHBORHOOD ASSOCIATION benefits include an active cooperation with THE MARY LEE FOUNDATION in their efforts to provide affordable housing in the community for people with restricted income and/or special needs.

C. ZILKER NEIGHBORHOOD ASSOCIATION SHALL:

1. Work with THE MARY LEE FOUNDATION in an advisory capacity as Mary Lee provides upgraded affordable housing opportunities.

D. THE MARY LEE FOUNDATION SHALL:

1. Work with the ZILKER NEIGHBORHOOD ASSOCIATION and keep them informed with Mary Lee's efforts in affordable housing.

E. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

1. The Conditional Overlay (CO) for the MF-6 Zoning will include:
 - a. Limiting the Floor to Area Ratio (FAR) to 0.84:1;
 - b. Limiting the number of units to 64;
 - c. Limiting the building height to 60 feet;
 - d. Maintaining all other MF-4 restrictions; and
 - e. Include "no precedent set" language as set forth by the City of Austin Legal Dept.

2. **PRINCIPAL CONTACTS.** The principal contacts for this instrument are:

**ZILKER NEIGHBORHOOD
ASSOCIATION**

Project Contact

[Signature]

Contact Information

447-9377

Jack Z. E. Dr. 97-11-12-166

MARY LEE FOUNDATION

Project Contact

Don Lilljedahl

Contact Information

P.O. Box 3174

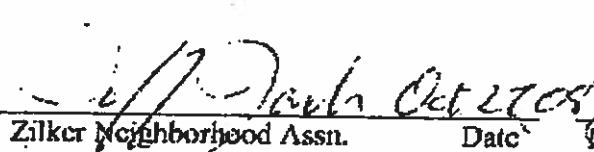
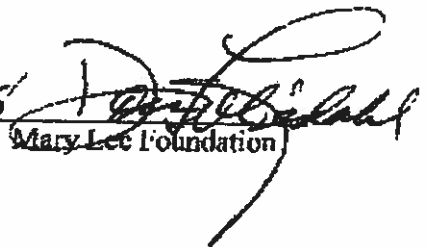
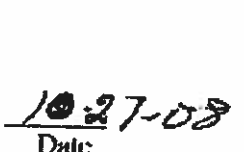
Austin, TX 78764

512.443.6157

3. NON-FUND OBLIGATING DOCUMENT. This instrument is neither a fiscal nor a funds obligation document. Any endeavor or transfer of anything of value involving reimbursement or contribution of funds between the parties to this instrument will be handled in accordance with applicable laws, regulations, and procedures including those for Government procurement and printing. Such endeavors will be outlined in separate agreements that shall be made in writing by representatives of the parties and shall be independently authorized by appropriate statutory authority. This instrument does not provide such authority. Specifically, this instrument does not establish authority for noncompetitive award to the cooperator of any contract or other agreement. Any contract or agreement for training or other services must fully comply with all applicable requirements for competition.

4. COMMENCEMENT DATE. This instrument is executed as of the date of last signature.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the last written date below.

		
Zilker Neighborhood Assn.	Date	Mary Lee Foundation
		Date



Austin Housing Finance Corporation

P.O. Box 1088, Austin, TX 78767-1088

(512) 974-3100 ♦ Fax (512) 974-3161 ♦ www.cityofaustin.org/ahfc

October 24, 2008

Don Lilljedahl, Director
Mary Lee Community
1339 Lamar Square Drive
Austin, Texas 78704

Re: Loan Commitment for \$2,250,000 in Rental Housing Development Assistance for
The Willows Apartments at 1330 Lamar Square Drive

Dear Mr. Lilljedahl:

As conveyed to you previously, the Board of Directors of the Austin Housing Finance Corporation (AHFC) approved the negotiation and execution of a Rental Housing Development Assistance (RHDA) program loan in the amount of \$2,250,000 to assist in the development The Willows Apartments, a 64-unit affordable rental housing apartment facility for low-income families and individuals with special needs at 1330 Lamar Square Drive.

Terms of the loan will be for a minimum of 40 years at zero percent interest. Repayment of the loan will be deferred on a yearly basis and forgiven at the end of the loan term contingent upon compliance with the loan agreement. The loan terms will also provide the AHFC with a "first right of refusal" for the property to ensure its continued use as required under the loan agreement and the prohibition of the sale or disposal of the property prior to completion of the loan period.

The AHFC looks forward to working with you in successfully completing the project. Should you have questions or need information, contact me at 974-3192 or Gary Adrian at 974-3133.

Sincerely,

David Potter
Housing Development Manager

cc: Nancy Cates
Gary Adrian

Lilljedahl-MLC Willows-10_24_08/ga

Board of Directors and Officers: Will Wynn, President ♦ Brewster McCracken, Director
Mike Martinez, Director ♦ Sheryl Cole, Director ♦ Randi Shade, Director ♦ Laura Morrison, Director
Lee Leffingwell, Director ♦ Marc A. Ott, General Manager ♦ Margaret Shaw, Treasurer
Shirley Gentry, Secretary ♦ David Smith, General Counsel

The Austin Housing Finance Corporation is committed to compliance with the American with Disabilities Act and will provide reasonable modifications and equal access to communications upon request.

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

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: C14-2008-0215.SH

Contact: Steve Rye,, 512-974-7604

Public Hearing:

October 28, 2008 Planning Commission

Fran & J Stodd
Your Name (please print)

#103

1345 Lamar St Austin, TX 78704
Your address(es) affected by this application

[Signature]
Signature

Date

Comments: I added an office for
Stodd's Services, Inc. This would
help greatly Michael's case (MU) is
already in the call (512) 916-4040 for
Steve Rye, 512-974-7604

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

Neighborhood Planning and Zoning Department

Steve Rye,}

P. O. Box 1088

Austin, TX 78767-8810

102. C14-2008-0215.SH - The Willows Apartments - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1330 & 1332 Lamar Square Drive (West Bouldin Creek Watershed) from multi-family residence-moderate high density (MF-4) district zoning to multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning. Staff Recommendation: To grant multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning. Applicant: The Mary Lee Community (Charlene Crump). Agent: DAVCAR Engineering (David Carroll, Scott Evers). City Staff: Stephen Rye, 974-7604.

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findings -
→ Greg

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