

ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0104.SH / Fannie Mae Stewart Village

P.C. PUBLIC HEARING DATE: November 10, 2009

ADDRESS: 1900, 1902 and 1904 East 22nd Street

OWNER: Blackland Community Development Corporation (Bo McCarver), 512-474-6009

AGENT: Joel G. Martinez Architect (Joel G. Martinez), 512-585-3025

ZONING FROM: SF-3-NP

TO: MF-2-CO-NP

SITE AREA: .664 acres (28,967 sq. ft.)

SUMMARY STAFF RECOMMENDATION: The staff recommendation is to grant the change from SF-3-NP (Family Residence – Neighborhood Plan) district zoning to MF-2-CO-NP (Multi-Family Residence Low Density – Conditional Overlay – Neighborhood Plan) zoning district. The Conditional Overlay would limit the number of dwelling units to 17 per acre.

SUMMARY PLANNING COMMISSION RECOMMENDATION: On November 10, 2009, the Planning Commission *APPROVED* staff's recommendation for MF-2-CO-NP zoning; was approved on the Consent Agenda by Commissioner Jay Reddy's motion, Commissioner Mandy Dealey second the motion on a vote of 8-0; 1 vacancy on the Commission.

ISSUES: On October 20, 2009, the Applicant amended the rezoning request from MF-1-NP to MF-2-CO-NP. The applicant amended the request in order to meet the site area regulation in the Land Development Code Section 25-2-560(B) of the Multi-Family Residence Low Density (MF-2) District development regulations. The proposed project has not changed and the Conditional Overlay will limit the number of dwelling units to 17 per acre.

The Upper Boggy Creek Neighborhood Contact Team has provided a letter of support for the applicant's Neighborhood Plan Amendment and rezoning cases.

This rezoning case has been approved to participate in the City's S.M.A.R.T. (Safe, Mixed-Income, Accessible, Reasonably-priced, Transit-Oriented) Housing expedited review program. Please refer to S.M.A.R.T Housing Letter attached at the back of the Staff report.

DEPARTMENT COMMENTS: The 0.664-acre site is currently zoned SF-3-NP (Family Residence – Neighborhood Plan) district zoning and is located on the northeast corner of East 22nd Street and Chicon Street. The site lies within the Upper Boggy Creek Neighborhood Plan and is surrounded by a restaurant to the north, single family residences to the south and west and a church to the east.

The subject property is currently developed with a two-story duplex and a one-story bungalow house. The applicant is requesting MF-2-CO-NP in order to build eight additional residential units for a total of 10 dwelling units on the site. The residences will be affordable to tenants earning at or below 50 percent median income. Additionally, the applicant is requesting to remodel the existing one-story bungalow to convert into a cultural center. The units will share a common yard and garden area as

well as the cultural center where quilting, gardening, canning and other domestic arts and crafts will be offered.

The staff recommendation is to approve the requested zoning change because it allows for reasonable use of the property. The proposed use will provide a buffer between the commercial uses to the north on Manor Road to the single-family residences to the south. The project will also be offset by the open space to the southeast and the civic use to the east. Additionally, the rezoning will provide a clearly identified community goal by providing for affordable housing as the proposed development is a Smart Housing project.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single-family / Duplex
<i>North</i>	CS-MU-CO-NP	Restaurant
<i>South</i>	SF-3-NP	Single-family
<i>East</i>	SF-3-NP	Single-family
<i>West</i>	SF-3-NP	Religious Assembly (St. Matthew Baptist Church)

NEIGHBORHOOD PLAN AREA: Upper Boggy Creek Neighborhood Planning area

TIA: A traffic impact analysis was not required for this case.

WATERSHED: Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Home Builders Association of Greater Austin
Blackland Neighborhood Assn.
Austin Neighborhoods Council
Homeless Neighborhood Organization
Mueller Neighborhoods Coalition
Austin Parks Foundation
PODER People Organized in Defense of Earth & Her Resources
Anberly Airport Assn.
Keep the Land
Austin Street Futbol Collaborative
Martin Luther King Jr./Airport Blvd. Sector
League of Bicycling Voters
Upper Boggy Creek Neighborhood Planning Team
United East Austin Coalition
Austin Monorail Project
Sierra Club, Austin Regional Group
Super Duper Neighborhood Objectors and Appealers Organization

SCHOOLS: (AISD)

- Campbell Elementary School
- Kealing Middle School
- McCallum High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-97-0108/ 2100 ALAMO ST ALAMO PARK	FROM SF-3 TO P	9/16/1997 – APVD STAFF REC OF P BY CONSENT (7-0)	10/16/1997 APVD P ZONING (6-0) ALL 3 RDGS

RELATED CASES: The Upper Boggy Creek Neighborhood Plan rezonings were approved by Council on August 1, 2002 (C14-02-0057). A Neighborhood Plan Amendment to change the FLUM designation from Civic and Single Family to Multifamily is also in process (NPA-2009-0012.01).

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic
Chicon Street	60'	38'	Arterial (MNR2)	2,777 (COA, 10/01/08)
East 22 nd Street	50'	26'	Local	Not Available

CITY COUNCIL DATE:

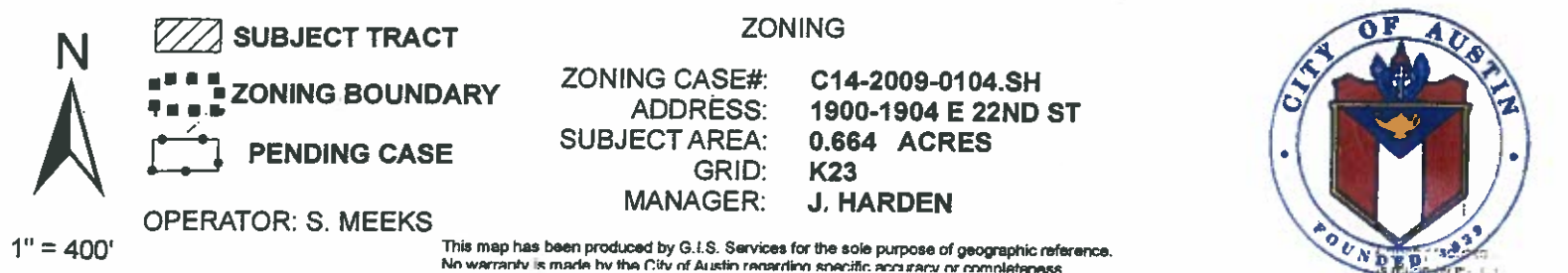
December 10, 2009

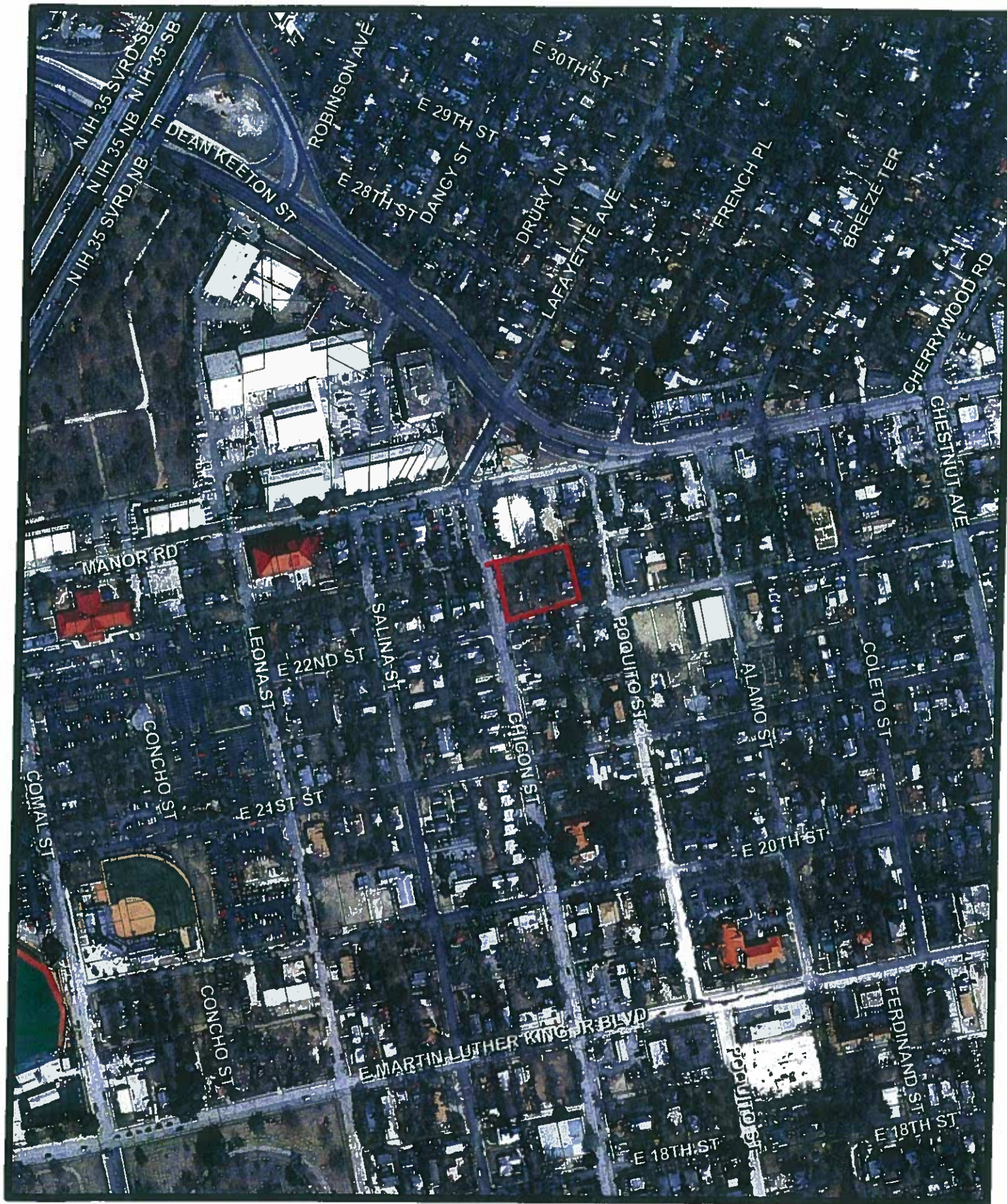
ACTION:**ORDINANCE READINGS: 1st 2nd 3rd****ORDINANCE NUMBER:**

ZONING CASE MANAGER: Joi Harden

PHONE: 974-2122

E-MAIL: joi.harden@ci.austin.tx.us





**C14-2009-0104.SH 1900, 1902 and 1904 E. 22nd ST.
From Family Residence-Neighborhood Plan (SF-3-NP) to
Multi-Family Residence/Low Density-
Conditional Overlay Neighborhood Plan
(MF-2-CO-NP) District Zoning**



SUMMARY STAFF RECOMMENDATION

The staff recommendation is to grant the change from SF-3-NP (Family Residence – Neighborhood Plan) district zoning to MF-2-CO-NP (Multi-Family Residence Low Density – Conditional Overlay – Neighborhood Plan) zoning district. The Conditional Overlay would limit the number of units to 17 per acre.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The proposed development will provide a buffer between the commercial uses to the north on Manor Road to the single-family residences to the south. The project will also be offset by the open space to the southeast and the civic use to the east.

2. The proposed zoning should allow for reasonable use of the site.

In 2000, the Blackland CDC purchased two lots at 1900 and 1902 East 22nd Street from the heirs of a deceased resident, Fannie Mae Stewart. Mrs. Stewart was a retired, African-American maid who in 1984 sold a lot at 1904 East 22nd to the non-profit on which a duplex was built. The Blackland CDC proposes to develop three lots 1900, 1902, and 1904 East 22nd Street as ten multi-family units with a cultural center. At least three of the eight new units will be handicap accessible and all ten units will be affordable to tenants earning at or below 50 percent median family income.

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

The rezoning will provide a clearly identified community goal by providing for affordable housing as the proposed development is a Smart Housing project.

EXISTING CONDITIONS

Site Characteristics

The site is relatively flat. Currently, there is a one story single family residence on the site which the applicant proposes to remodel into a cultural center and a two-story duplex which is to remain. There is also a garden on the site.

Impervious Cover

The maximum impervious cover allowed by the MF-2-NP zoning district is 60%.

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 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 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.

Trees will likely be impacted with a 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. At this time, site specific information is unavailable regarding 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.

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].

There are existing sidewalks along Chicon Street. There are no existing sidewalks along East 22nd Street.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a "shared lane" bicycle facility is existing and proposed on Chicon Street.

Capital Metro bus service (route nos. 21 and 22) is available along Chicon Street.

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 any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required per the change in use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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 Review

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 east 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.
 - 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 of Austin

P.O. Box 1088, Austin, TX 78767
www.cityofaustin.org/housing

Neighborhood Housing and Community Development Department

Gina Copic, S.M.A.R.T. Housing Program Manager
(512) 974-3180, Fax: (512) 974-3112, regina.copic@ci.austin.tx.us

July 13, 2009

S.M.A.R.T. Housing Certification

Blacklands Community Development Corporation: Fannie Mae Stewart Village (project id# ____)

TO WHOM IT MAY CONCERN:

Blackland Community Development Corporation. (development contact: Bo McCarver (512-474-6009 (o), bmccarver@austin.tx.com) is planning to construct a 8-unit multi-family development in the Upper Boggy Creek Neighborhood Planning area at 1900-1904 E. 22nd Street.

NHCD certifies that the proposed construction meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Because 100% of the units in this development will serve households with incomes at or below 50% (MFI) the development is eligible for a waiver of 100% of the fees listed in the S.M.A.R.T. Housing Ordinance adopted by the City Council. Expected fee waivers include, but are not limited to, the following fees:

Capital Recovery Fees
Building Permit
Concrete Permit
Electrical Permit
Mechanical Permit

Site Plan Review
Misc. Site Plan Fee
Building Plan Review
Construction Inspection
Misc. Subdivision Fee

Zoning Verification
Parkland Dedication (by separate ordinance)
Land Status Determination
Plumbing Permit

Prior to issuance of building permits and starting construction, the developer must:

- ◆ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Austin Energy: Katherine J. Murray (512) 482-5351).
- ◆ Submit plans demonstrating compliance with accessibility standards.

Before a Certificate of Occupancy will be granted, the development must:

- ◆ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy).
- ◆ Pass a final inspection to certify that accessibility standards have been met.

The applicant must demonstrate compliance with S.M.A.R.T. Housing standards after the completion of the units, or repay the City of Austin in full the fees waived for this S.M.A.R.T. Housing certification.

Please contact me at 974-3154 if you need additional information.

Javier V. Delgado
Neighborhood Housing and Community Development

Cc: Guy Brown, WPDR
Gina Copic NHCD
Manesh Chaku, NHCD
Virginia Collier, NPZD
Yolanda Parada, WPDR

Javier Delgado, NHCD
Deborah Fonseca, WPDR
Bettye Holey, WPDR
George Zapalac, WPDR
Meredith Highsmith, Capital Metro

Katherine Murray, Austin Energy
Jennifer Golech, Cap Metro
Robby McArthur, AWU
Danny McNabb, WPDR
Mark Walters, NPZD



**UPPER BOGGY CREEK
NEIGHBORHOOD PLANNING
CONTACT TEAM**

Kathleen Houlihan, Chair
1716 East 34th Street
Austin, Texas 78722

T (512) 600-4811
Email: kkhoulahan@gmail.com

<http://groups.yahoo.com/group/ubc-npt/>

4 November 2009
Mr. Greg Guernsey
City of Austin
Neighborhood Planning and Zoning Department
P.O. Box 1088
Austin, Texas

RE: Blackland CDC Request for Rezoning: 1900-1904 East 22nd Street

Dear Mr. Guernsey;

This letter is sent to inform you that the Upper Boggy Creek Planning Team, having served due notice to its members and with a full quorum present, has voted to support the request by the Blackland Community Development Corporation to amend the Upper Boggy Creek Neighborhood Plan and rezone 1900 – 1904 East 22nd Street from SF-3 NP to MF-2-CO-NP.

We also support their request to allow “cultural center” as a conditional use for the house located at 1902 East 22nd Street.

Sincerely,

Kathleen Houlihan

Kathleen Houlihan
UBC-PT Chair, 2009-2011

CC: Bo McCarver
Blackland Community Development Corporation

Upper Boggy Creek Neighborhood Planning Team Members
via team listserv

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: C14-2009-0104.SH
Contact: Joi Harden, 512-974-2122
Public Hearing: Nov. 10, 2009, Planning Commission
Dec. 10, 2009, City Council

Mary Davis
Your Name (please print)

☒ I am in favor
☐ I object

2004 East 22nd Street
Your address(es) affected by this application

Mary B. Jones Davis
Signature

10-31-09
Date

Daytime Telephone: 512-477-8929

Comments: _____

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