ZONING CHANGE REVIEW SHEET

CASE: C14-2016-0072
39th Street Apartments

P.C. DATE: October 11, 2016

ADDRESS: 405 – 407 W. 39th Street

AREA: 0.4347 Acres
(18,936.2 sq. ft.)

DISTRICT: 9

OWNER: 405 West 39th Street LLC

AGENT: Mike McHone Real Estate (Mike McHone)

FROM: SF-3-NCCD-NP

TO: MF-4-NCCD-NP

NEIGHBORHOOD PLAN AREA: Hyde Park NPA

SCENIC ROADWAY: No

CAPITOL VIEW CORRIDOR: No

WATERSHED: Waller Creek

DESIRED DEVELOPMENT ZONE: Yes

TIA: N/A

SUMMARY STAFF RECOMMENDATION:

Staff supports the request of multifamily residence-moderate high density-neighborhood conservation combining district-neighborhood plan (MF-4-NCCD-NP) combining district zoning.

PLANNING COMMISSION RECOMMENDATION:

October 11, 2016: *TO GRANT STAFF'S RECOMMENDATION OF MF-4-NCCD-NP, ON CONSENT, (12-0) [P. Seegar- 1st, J. Vela- 2nd; J. Schissler- Off the dais]*

ISSUES:

The subject tract is located in the Hyde Park Neighborhood Plan Area, which does not have a Future Land Use Map (FLUM). It is also located in the Hyde Park Neighborhood Conservation Combining District (NCCD). The property is not located within the boundaries of the Hyde Park National Register Historic District.

DEPARTMENT COMMENTS:

The subject property is located on the south side of W. 39th Street, and also has frontage on the north side of W. 381/2 Street. The property is zoned SF-3-NCCD-NP and is developed with single family and duplex residences. To the north, across West 39th Street is unzoned property that is developed with AISD offices. To the immediate east and west of the subject property are properties zoned MF-4-NCCD-NP that are developed with apartments. South of the rezoning tract, across West 38 ½ Street, is property zoned MF-3-NCCD-NP that is occupied by a children's charity. Please see ***Exhibits A and B (Zoning Map and Aerial Map).***

The applicant proposes demolishing the single family and duplex structures and constructing an 8 unit apartment building. This is consistent with the Hyde Park NCCD ordinance and Hyde Park Neighborhood Plan. Staff has received correspondence in support of the rezoning from the Hyde Park Neighborhood Association Development Review Committee. Please see ***Exhibit C (Correspondence)***.

STAFF RECOMMENDATION:

Staff supports the request of multifamily residence-moderate high density-neighborhood conservation combining district-neighborhood plan (MF-4-NCCD-NP) combining district zoning. The subject property is located between Guadalupe Street and Avenue B in the Hyde Park neighborhood. The immediate area is comprised mostly of multifamily development. Commercial development is located on the same block to the west, and single-family development is located approximately a half-block to the east, across Avenue B. The Hyde Park National Register Historic District is located to the north east of the site. The small size of the property makes this an "infill" redevelopment, which will replace the aging structures that provide 4 residential units with 8 new construction units.

1. *Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.*

Three of the four surrounding properties, including the two immediately adjacent, are zoned for multifamily. There are several other multifamily properties in the vicinity.

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

Multifamily zoning at this location will be more compatible with the surrounding properties than the current single family zoning.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3-NCCD-NP	Single family residence, duplex
North	UNZ	Religious assembly
South	MF-3-NCCD-NP	Group home
East	MF-4-NCCD-NP	Multifamily
West	MF-4-NCCD-NP	Multifamily

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
39th Street	60 ft.	40 ft.	Local	Yes	No	Yes
38 1/2 Street	30 ft.	23 ft.	Local	No	No	Yes

SCHOOLS:

Lee Elementary School Kealing Middle School McCallum High School

NEIGHBORHOOD ORGANIZATIONS:

North Austin Neighborhood Alliance
45th St. Concerned Citizens
North University Neighborhood Association NPT
Hyde Park Neighborhood Plan Contact Team
Austin Neighborhood Council
Friends of Austin Neighborhoods
Preservation Austin
AISD
Hyde Park Neighborhood Association
North University Neighborhood Association
Friends of Sparky Park
CANPAC
Homeless Neighborhood Association
Austin Heritage Tree Foundation
SELTexas
Sierra Club, Austin Regional Group

CITY COUNCIL DATE/ACTION:

November 10, 2016:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

PHONE: 512-974-2122

ADDITIONAL STAFF COMMENTS:

SITE PLAN

SP1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

TRANSPORTATION

TR1. Additional right-of-way maybe required at the time of subdivision and/or site plan: if the requested zoning is granted for this site, 25 feet of right-of-way may be dedicated from the centerline of 38th Half Street in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site. LDC, 25-6-55; TCM, Tables 1-7, 1-12.

TR2. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
39th Street	60 ft.	40 ft.	Local	Yes	No	Yes
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Complete Streets Review

TR3. FYI: If the requested zoning is granted, joint use access may be required for Lots 16, 17, 18, and 19 at time of site plan.

TR4. FYI: If the requested zoning is granted, it is recommended to provide sidewalks along both sides of the private drives, streets, and internal circulation routes connecting to the public right-of-way to improve walkability and connectivity. The sidewalk dimensions shall comply with the Transportation Criteria Manual and shall be constructed in accordance with the latest ADA standards.

TR5. Nadia Barrera, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller 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. Numerous 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.

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.

COMPREHENSIVE PLAN

Hyde Park Neighborhood Plan (HPNP) - The HPNP does not have a Future Land Use Map. The following goals, objectives and text are relevant to this case:
Complete the Neighborhood Conservation Combining District (NCCD) ordinance which will revise the zoning laws to foster the preservation of the neighborhood while respecting the different land uses in different parts of Hyde Park. Elements of this ordinance will include addressing the following: (p. 15)
*Change uses and structures and build new structures only in ways that are in scale and compatible with surrounding uses and structures.
*Ensure that new multi-family developments should occur only if they are in keeping with the scale, character and streetscape elements in the area

Goal 2: Preserve and enhance the unique and historic streetscape patterns of Hyde Park. (p. 21)
Goal 3: Promote a neighborhood-friendly system of transportation. (p. 26)

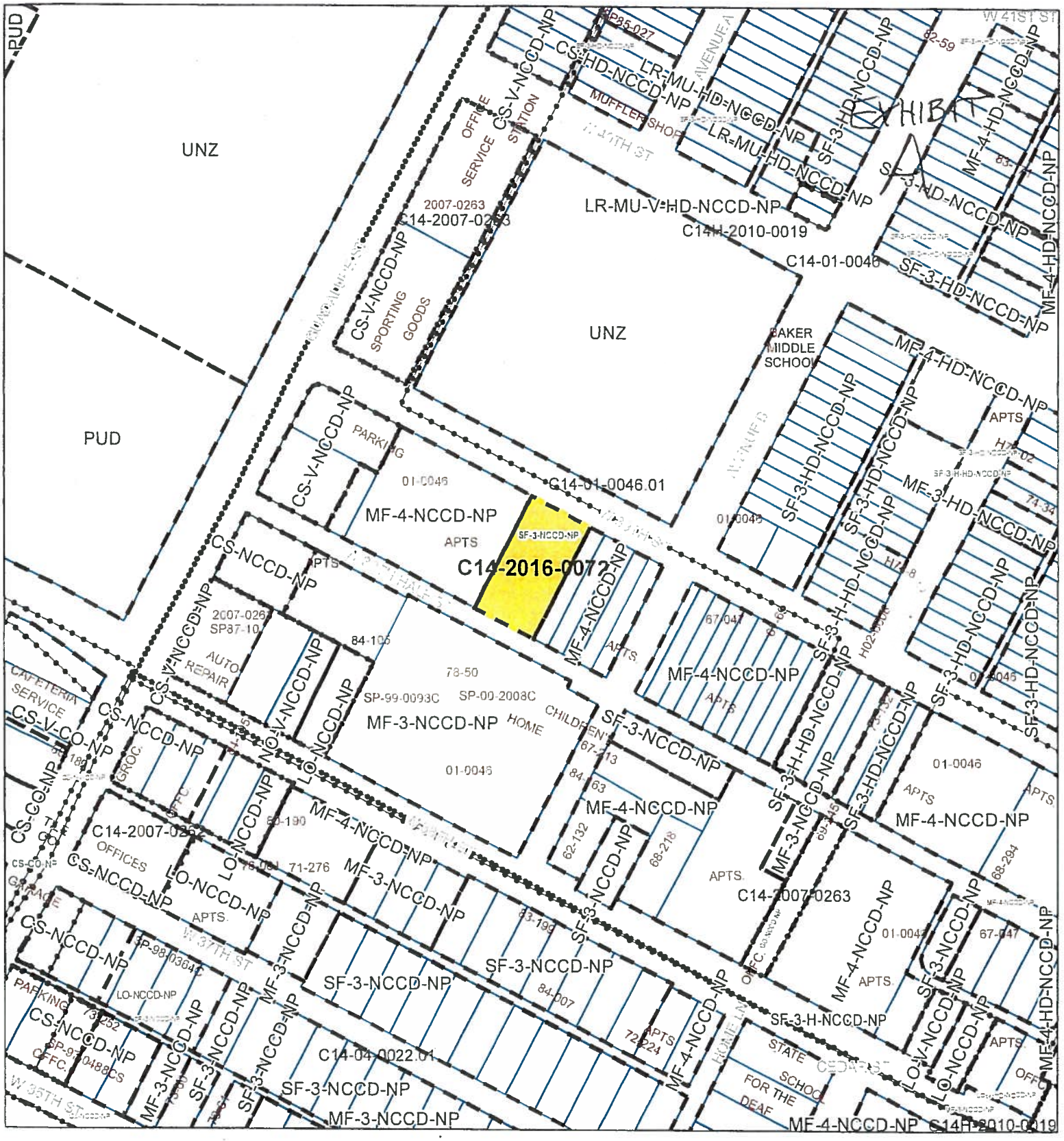
The HPNP appears to support new multi-family development if they are in scale and character of the neighborhood, and include streetscape elements and parking areas that improve the safety and travel of pedestrians and bicyclists.

Imagine Austin - The following Imagine Austin policies discuss the promotion of different types of housing throughout Austin:

- 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.
- HN 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.
- 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 schools, retail, employment, community services, and parks and recreation options.

WATER UTILITY

FYI: 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 by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans 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.



ZONING

Case#: C14-2016-0072

N

Subject Tract

Pending Case

Zoning Boundary

Feet

0 200

1 " = 200 '

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

Created: 7/12/2016


UNZ
CS-V-NCCD-NP
SF-3-HD-NCCD-NP
AVENUE A
SF-3-HD-NCCD-NP
SF-3-HD-NCCD-NP
CS-HD-NCCD-NP
LR-MU-HD-NCCD-NP
W 40TH ST
LR-MU-V-HD-NCCD-NP
LR-MU-HD-NCCD-NP
SF-3-HD-NC
CS-V-NCCD-NP
UNZ
GUADALUPE ST
MF-4-HD-NCC
PUD
CS-V-NCCD-NP
AVENUE B
SF-3-HD-NCCD-NP
SF-3-HD-NCCD-NP
MF-4-NCCD-NP
W 39TH ST
CS-NCCD-NP
W 38TH HALF ST
SF-3-NCCD-NP
MF-4-NCCD-NP
SF-3-H-HD-NCCD-NP
AVENUE C
CS-V-CO-NP
CS-V-NCCD-NP
NO-V-NCCD-NP
LO-NCCD-NP
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LO-NCCD-NP
CS-NCCD-NP
MF-4-NCCD-NP
MF-3-NCCD-NP
W 38TH ST
SF-3-NCCD-NP
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MF-3-NCCD-NP
GO-NCCD-NP
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LO-NCCD-NP
W 37TH ST
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MF-3-NCCD-NP
SF-3-NCCD-NP
LO-NCCD-NP
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MF-4-NCCD-NP
HOME LN
SF-3-NCCD-NP

Mike Mchone

From: David Conner [redacted]
Sent: Tuesday, July 05, 2016 9:47 PM
To: Mike Mchone
Subject: Re: 405-07 W. 39th

EXHIBIT C

Mike , the Hyde Park development review committee (DRC) supports the zoning change and proposed development on the property. The proposed development was presented to the Hyde Park Neighborhood Association general meeting and there were no formal objections. Final review of the plans by the DRC is pending upon the applicant's final plans.

The formal zoning change notification will need to be received by the Hyde Park Steering Committee for review, but they have been aware of the zoning change as pending from the applicant.

I foresee no issues with the application as they have been transparent with the DRC and with the neighborhood association.
David Conner Chair DRC

Sent from my iPhone

On Jul 5, 2016, at 7:54 PM, Mike Mchone <[redacted]> wrote:

> Hi David,
> I hope you can help. I need an email stating that Hyde Park supports the rezoning of the above property from SF-3 to MF-4. If needed you can attach it to the site plan that I am submitting along with the re-zoning application. Sorry for the late notice but I thought Brian already had this. My appointment is at 2pm tomorrow.
> Thanks,
> Mike

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October 11, 2016:

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CITY COUNCIL DATE/ACTION:

November 11, 2016:

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

CASE MANAGER: Heather Chaffin **PHONE:** 512-974-2122
e-mail: heather.chaffin@austintexas.gov

ADDITIONAL STAFF COMMENTS:

SITE PLAN

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TRANSPORTATION

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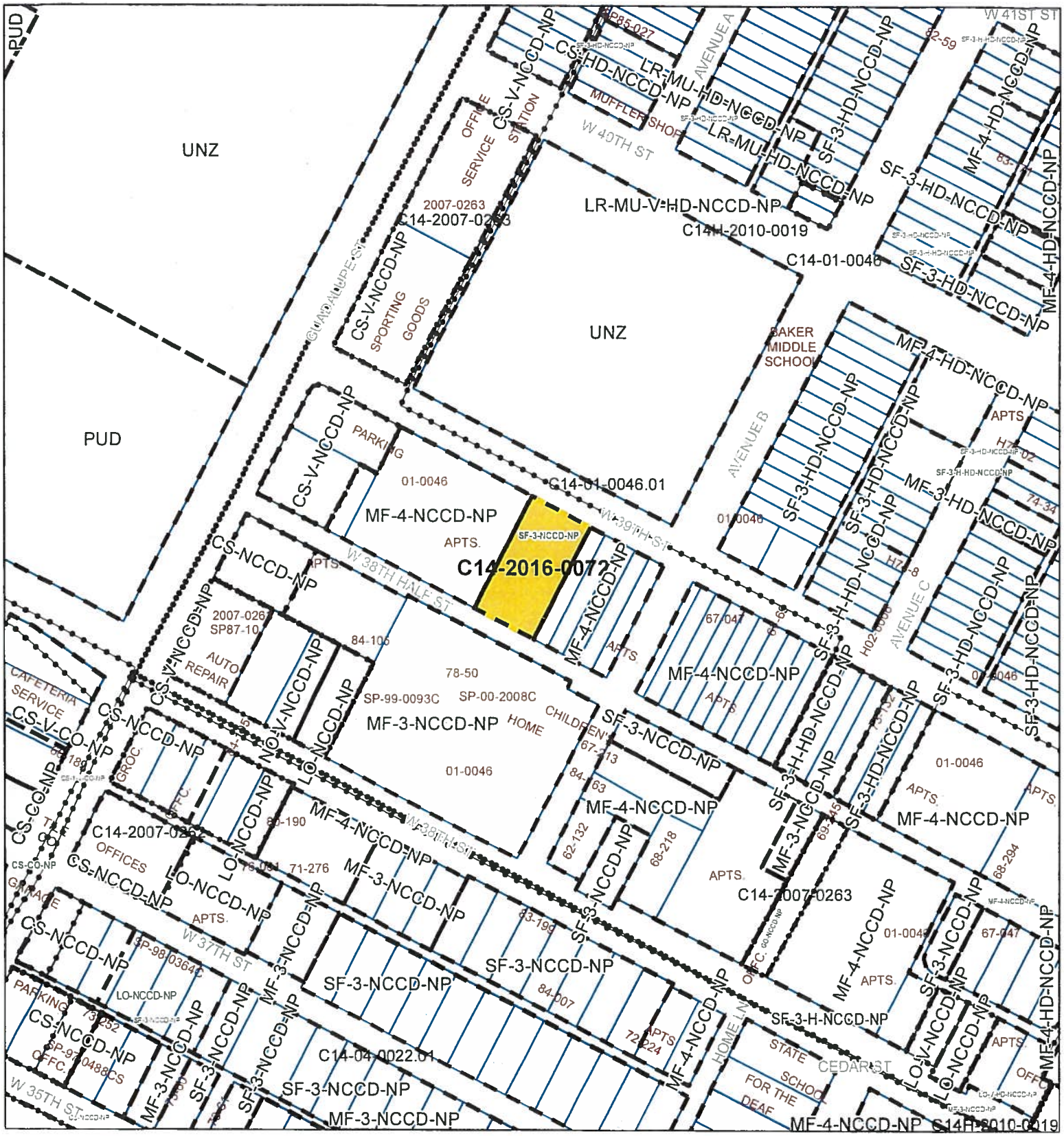
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W 38TH HALF ST
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CS-V-CO-NP
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