



MEMORANDUM

TO: James Shieh, Chair
Planning Commission Members

FROM: Maureen Meredith, Senior Planner, Long Range Planning Division
Heather Chaffin, Senior Planner, Current Planning Division
Planning and Zoning Department (PAZ)

DATE: January 14, 2019

RE: **1103 Cherico Street**
Plan Amendment Case: NPA-2018-0016.03
Zoning Case: C14-2018-0093
Postponement Request by the Applicant
Council District 3

The Applicant requests a postponement of the above-referenced plan amendment and zoning cases from the **January 22, 2019** Planning Commission hearing to the **March 12, 2019** hearing date to allow the applicant additional time to work with the Govalle/Johnston Terrace Combined Neighborhood Plan Contact Team.

Maureen

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: Govalle/Johnston Terrace Combined

CASE#: NPA-2018-0016.03

DATE FILED: July 26, 2018 (In-cycle)

PROJECT NAME: 1103 Cherico St

PC DATE: January 22, 2019
December 11, 2018

ADDRESS: 1103 Cherico Street

DISTRICT AREA: 3

SITE AREA: Approx. 0.5114 acs

OWNER/APPLICANT: Austin Land Development, LLC

AGENT: Permit Partners, LLC (David Cancialosi)

CASE MANAGER: Maureen Meredith, Planning & Zoning Dept.

PHONE: (512) 974-2695

STAFF EMAIL: Maureen.meredith@austintexas.gov

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Single Family

To: Higher Density Single Family

Base District Zoning Change

Related Zoning Case: C14-2018-0093

From: SF-3-NP

To: SF-5-NP

NEIGHBORHOOD PLAN ADOPTION DATE: March 27, 2003

PLANNING COMMISSION RECOMMENDATION:

January 22, 2019- (Action pending).

December 11, 2018 – Approved on the consent agenda Staff’s postponement request to January 22, 2019, [K. McGraw – 1st; F. Kazi -2nd] Vote: 11-0 [Commissioners Y. Flores and C. Kenny absent].

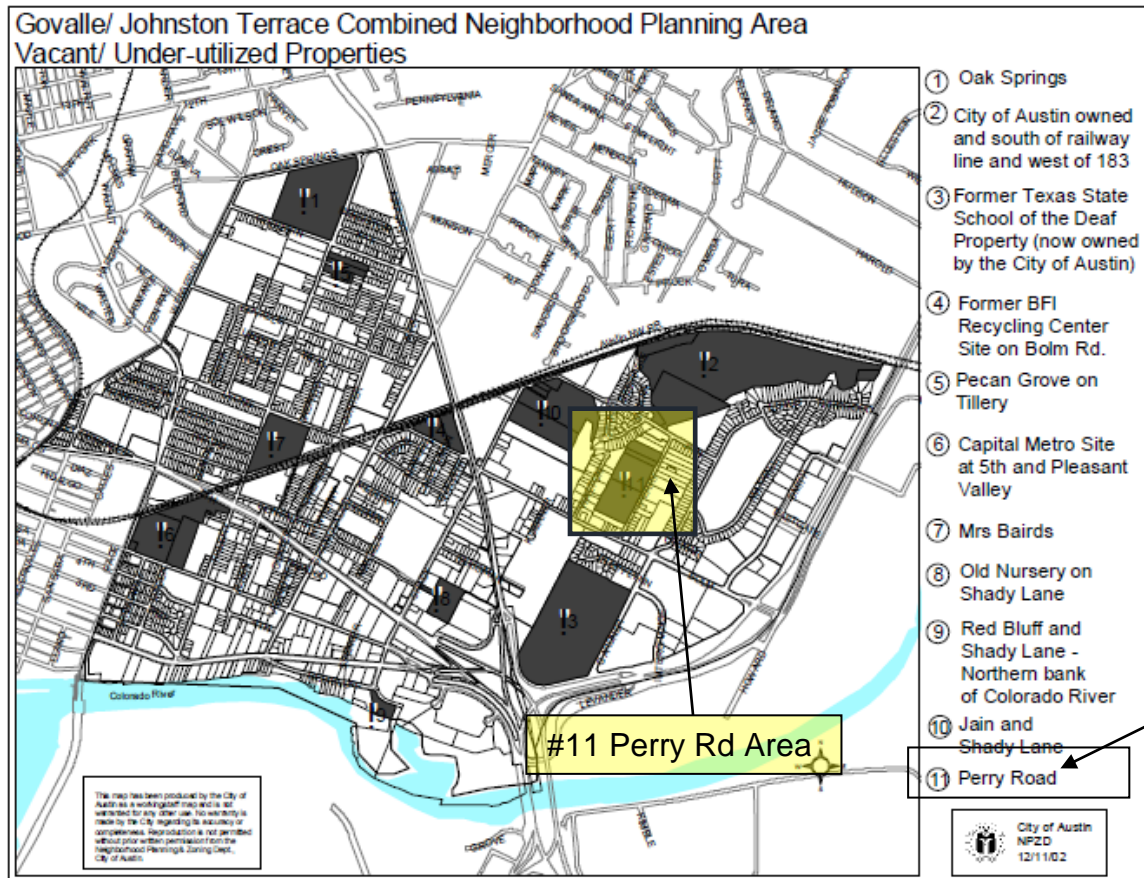
STAFF RECOMMENDATION: Recommended for the Applicant’s request for Higher Density Single Family land use.

BASIS FOR STAFF’S RECOMMENDATION: Staff supports the applicant’s request for Higher Density Single family land use because the plan supports a range of housing opportunities for all income levels and stages of life. The proposed development of townhomes/condo will meet this goal. In addition, the plan supports small lot residential on Perry Road, where this property is located.

Single Family Neighborhoods: The preservation of single family neighborhoods is an important priority in this Neighborhood Plan. This FLUM endorses the neighborhoods’ desires that established single family neighborhoods in the interior of the planning area be protected from encroachment of incompatible non-residential uses.

Planning principles that support the importance of single family neighborhoods include:

- Preserve and protect current and future single-family neighborhoods
- Initiate appropriate rezonings to preserve and protect established and planned single-family neighborhoods
- Provide a diverse range of housing opportunities for all stages of life and income levels, and
- Encourage the development of affordable single-family and multi-family units on vacant tracts in established neighborhoods.



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Perry Road

This area is recommended as smaller lot residential development. High quality design standards are encouraged for this site with styles that are reflective of local housing including front porches and houses that address the street.

Land Use Goals

Goal 1: Adjacent land uses should be compatible. (Sector Plan)²

Key Principles: Address the "over-zoning" of properties in the Govalle/Johnston Terrace Neighborhood Planning Area. (Sector Plan and modified by Gov/JT)

Goal 2: Preserve and protect current and future single-family neighborhoods. (Gov/JT)

Key Principles: Initiate appropriate rezoning to preserve and protect established and planned single-family neighborhoods. (Gov/JT)

Encourage higher density residential developments to locate near major intersections, and in locations that minimize conflicts with lower density single-family neighborhoods. (Sector Plan)

Encourage higher density non-residential land uses to locate near major intersections and in industrial districts/business parks. (Sector Plan)

Goal 3:	Develop a balanced and varied pattern of land use. (Sector Plan)
Key Principles:	Provide a balance of land use and zoning for people to both live and work in the area. (Gov/JT)

Encourage mixed use so that residential uses are allowed on some commercial properties. (Gov/JT)

Provide opportunities for land uses that serve the needs of daily life (live, work, play, shop) in a convenient and walkable environment. (Gov/JT)

Goal 4: Create and preserve a sense of "human scale" to the built environment of the neighborhood. (Gov/JT)

Key Principles: Ensure that new development and redevelopment respects the existing scale and character of the planning area. (Gov/JT)

LAND USE DESCRIPTIONS

EXISTING LAND USE ON THE PROPERTY

Single family - Detached or two family residential uses at typical urban and/or suburban densities

Purpose

1. Preserve the land use pattern and future viability of existing neighborhoods;
2. Encourage new infill development that continues existing neighborhood patterns of development; and
3. Protect residential neighborhoods from incompatible business or industry and the loss of existing housing.

Application

1. Existing single- family areas should generally be designated as single family to preserve established neighborhoods; and
2. May include small lot options (Cottage, Urban Home, Small Lot Single Family) and two- family residential options (Duplex, Secondary Apartment, Single Family Attached, Two- Family Residential) in areas considered appropriate for this type of infill development.

Purpose

1. Preserve the land use pattern and future viability of existing neighborhoods;
2. Encourage new infill development that continues existing neighborhood patterns of development; and
3. Protect residential neighborhoods from incompatible business or industry and the loss of existing housing.

Application

1. Existing single- family areas should generally be designated as single family to preserve established neighborhoods; and
2. May include small lot options (Cottage, Urban Home, Small Lot Single Family) and two- family residential options (Duplex, Secondary Apartment, Single Family Attached, Two- Family Residential) in areas considered appropriate for this type of infill development.

PROPOSED LAND USE ON THE PROPERTY

Higher Density Single- family land use - is housing, generally up to 15 units per acre, which includes townhouses and condominiums as well as traditional small- lot single family.

Purpose

1. Provide options for the development of higher- density, owner- occupied housing in urban areas; and
2. Encourage a mixture of moderate intensity residential on residential corridors.

Application

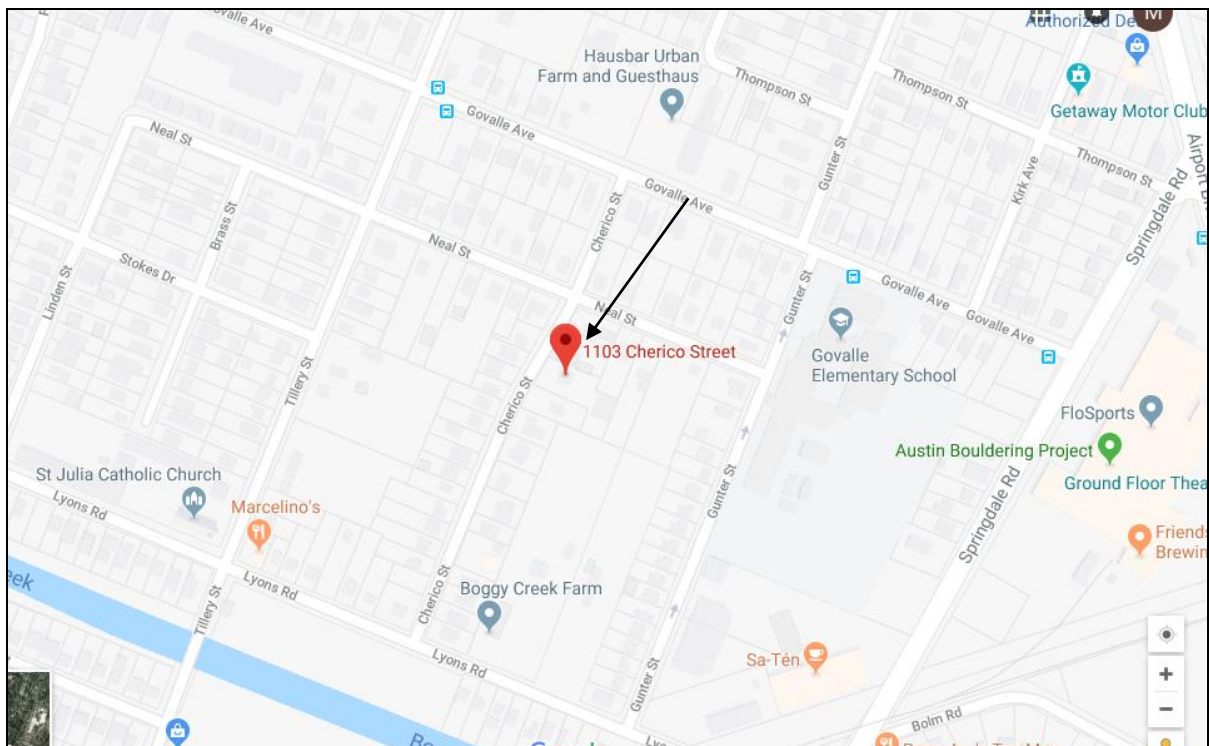
1. Appropriate to manage development on major corridors that are primarily residential in nature, and

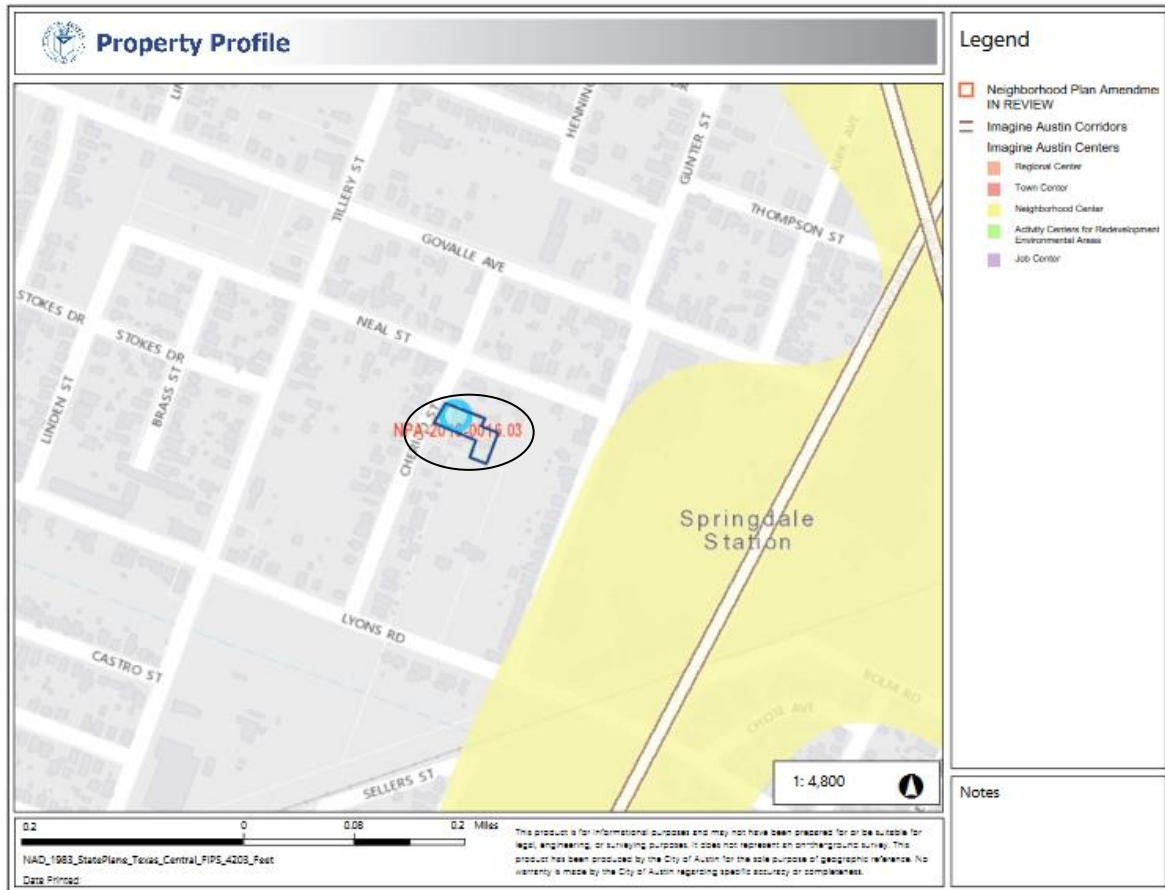
2. Can be used to provide a buffer between high- density commercial and low- density residential areas.
3. Applied to existing or proposed mobile home parks.

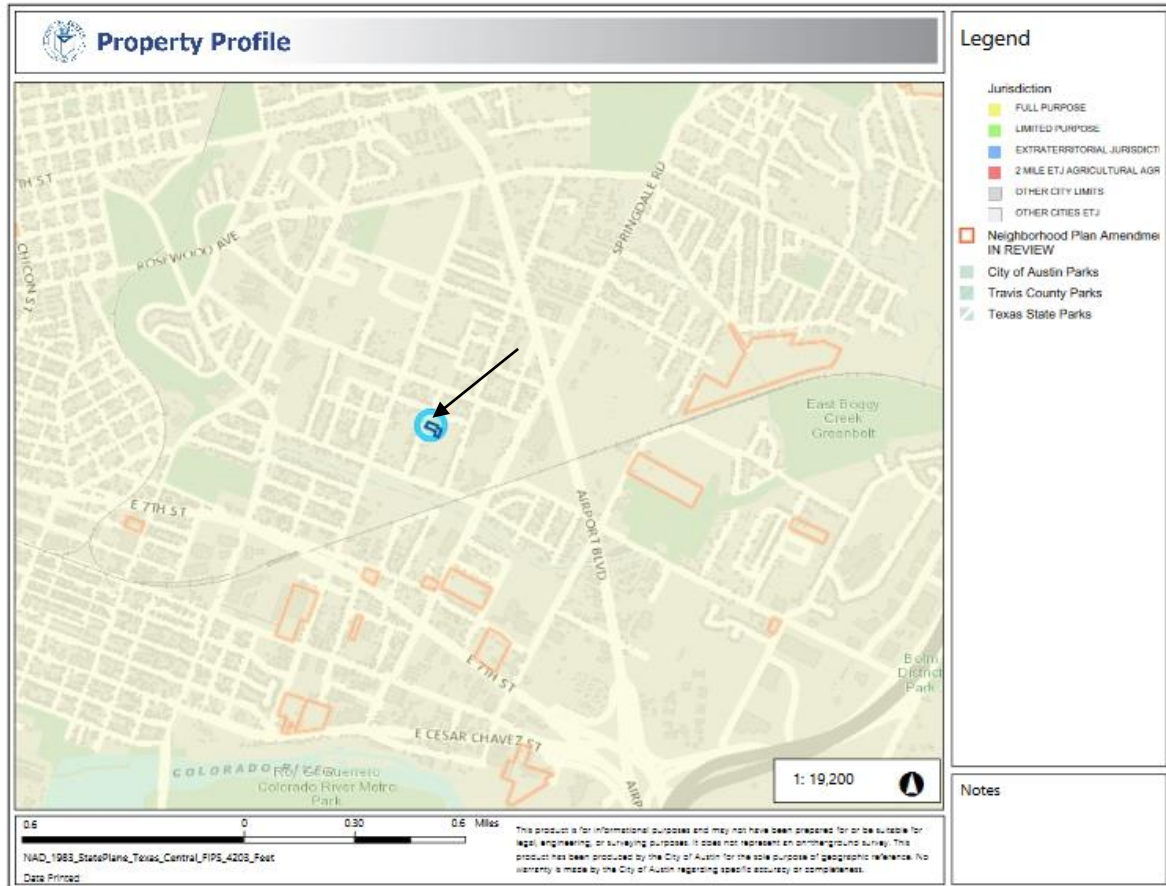
IMAGINE AUSTIN PLANNING PRINCIPLES

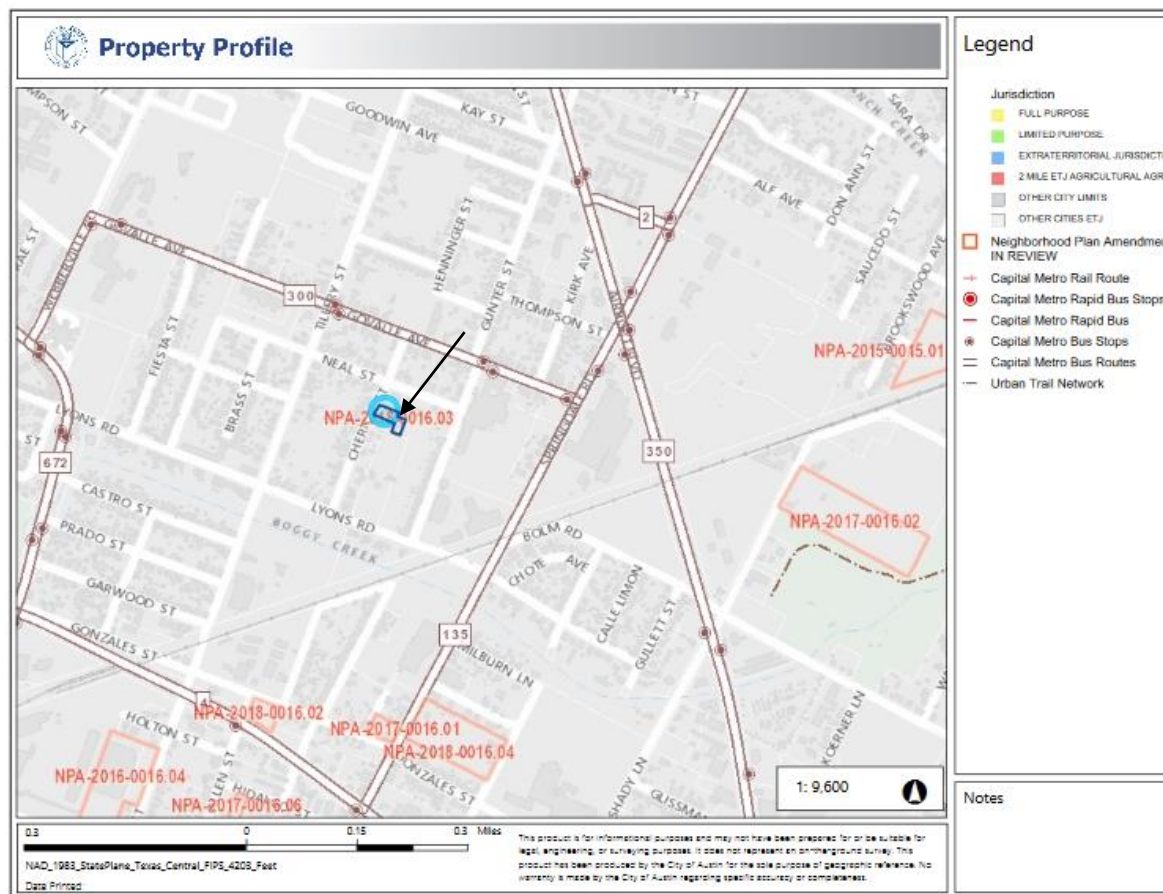
1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
 - ***The Applicant is proposing to build townhomes/condos on a 0.51 acres tract of land which will provide additional housing options for the planning area and the city. The property is near public transportation routes, schools, restaurants, and various other businesses. (See Google map below).***
2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
 - ***The property is less than a quarter mile from the Springdale Station Neighborhood Center and Activity Corridor as identified on the Growth Concept Map of the Imagine Austin Comprehensive Plan and is near Capital Metro bus routes and is within walking and biking distances from commercial businesses, a public school and churches.***
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
 - ***The property is less than a quarter mile from the Springdale Station Neighborhood Center and Activity Corridor as identified on the Growth Concept Map of the Imagine Austin Comprehensive Plan. The property is an infill site.***
4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
 - ***The Applicant proposes to build townhomes/condos on the property which will provide additional housing choices for the area and the city.***
5. Ensure harmonious transitions between adjacent land uses and development intensities.
 - ***The Applicant's request for High Density Single Family land use is appropriate for this area where small lot residential developments are supported by the plan.***
6. Protect Austin's natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.

- *The property is not located in an environmentally sensitive area.*
7. Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.
 - *Not applicable.*
 8. Protect, preserve and promote historically and culturally significant areas.
 - *Not applicable.*
 9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
 - *Not directly applicable.*
 10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
 - *Not applicable.*
 11. Sustain and grow Austin’s live music, festivals, theater, film, digital media, and new creative art forms.
 - *Not applicable.*
 12. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.
 - *Not applicable.*









IMAGINE AUSTIN GROWTH CONCEPT MAP

Definitions

Neighborhood Centers - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

Town Centers - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

Job Centers - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

Corridors - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

BACKGROUND: The application was filed on July 26, 2018, which is in-cycle for neighborhood planning areas located on the east side of I.H.- 35.

The Applicant proposes to change the future land use map from Single Family to Higher Density Single Family land use.

The Applicant submitted an associated zoning change request on the property which proposes to change the zoning from SF-3-NP to SF-5-NP to build six townhomes/condos on

the property. For more information on the proposed zoning, please see case report C14-2018-0093.

PUBLIC MEETINGS: The ordinance-required community meeting was held on September 24, 2018. Approximately 300 meeting notices were mailed to people who own property or have a City of Austin utility account within 500 feet of the property. Five people from the neighborhood attended, in addition to one City staff member. The applicant's agent, David Cancialosi did not attend the meeting.

City staff gave the attendees a brief presentation about the planning process and the applicant's request for a plan amendment and zoning change. Because the applicant's agent was not in attendance, staff wrote down the attendee's questions and sent them to the Mr. Cancialosi via email the day after the meeting and he provided responses which were then forwarded to the attendees who provided staff their respective emails.

Below are Mr. Cancialosi's responses to their questions:

Applicant's Response to Community Meeting Attendees' Questions

From the office of
PERMIT PARTNERS, LLC
 105 W. Riverside Dr. Suite 225
 Austin, Texas 78704
 David C. Cancialosi
 512.593.5368 c.

m

September 25, 2018

Maureen Meredith
 City of Austin
 One Texas Center
 505 Barton Springs Road
 Austin, Texas 78704

RE: Follow up questions to Cherico NPA meeting

Maureen,

Below are the answers to the questions you sent via email after the September 24 NPA meeting re: 1103 Cherico.

- 1) Will the property owner be the actual developer of the property or will the property be sold if the rezoning is approved?
 - As I understand, the owner is the developer. The units will be marketed and presumably sold as owner-occupied homes. Obviously we cannot control whether a buyer purchases and rents out one of these units; just the same as if someone builds a single family unit and rents it out or owner occupies it. I am not aware of any plans by my client to sell the project once and if entitled.
- 2) Are there plans for the property beyond what you have communicated in your application and through the email questions with Maureen?
 - No. The project only proposes six units solely for the purpose of a more flexible design footprint achieved through the SF5 / higher density rezoning process.
- 3) If the rezoning is approved, do you know how long the construction will be?
 - We do not know exact time frames but would expect any construction would be preformed in a fastidious and professional manner in order to bring the units to market.
- 4) Please give more details about the ownership of the property. Is Addison Thom the new owner and is he part of the Austin Land Development, LLC? Did Elizabeth Contreras sell the property to Addison Thom and if so, when did the transfer of the property happen?
 - Addison Thom is the owner via Austin Land Development, LLC. It was a recent transaction.
- 5) If you get the rezoning approved, what would stop other property owners in the neighborhood from asking for SF-5 zoning as well?
 - Hard to answer as it is speculative in nature. What's driving our request is the size of the irregular shaped lot and the intent to produce a better product than current zoning mandates. Our lot size is larger than most lots in the neighborhood so I imagine other sites would be prohibited from entertaining a similar zoning request since their lots could not produce more units under SF5 than SF3. Realistically, smaller lots cannot comply with all commercial site plan requirements. This site can and will should the request be approved.
- 6) Could you really get three flag lots on the property under the current zoning?
 - Yes. SF-3 zoning requires 5,750 SF minimum lot size. The lot at 1103 Cherico is roughly 22,000 SF. By right per COA land development code, one could replat the property from one lot into 3 flag lots, install 3 separate driveways, and build an A and B unit one each of the flag lots creating six units total.

Comments/Concerns:

- Adding six homes to the lot that currently only has two homes, will increase traffic in the neighborhood. Density and traffic in the neighborhood is bad. Kids are walking to and from the elementary school and many streets don't have sidewalks. Adding density and traffic is a concern.
 - Valid point. Traffic is always a concern. This site is located in the urban core. The proposed rezoning does not increase the density from what is allowed by right per flag lot configuration. The developer would be open to placing sidewalks on the right of way abutting the subject site.
- The design of the new homes in the neighborhood is a concern because the new modern, boxy look does not fit the neighborhood.
 - Understood. The proposed buildings are still in draft form and have not been fully designed pending outcome of this application. The buildings would not be any larger than single family houses and the site is still subject to McMansion regulations, which relegates the maximum building size to 40% of lot size. Additionally, SF5 zoning requires a vegetative screening along the street.
- The height of 32 ft – 35 ft of new homes in the neighborhood is out of character in the neighborhood because most of the homes are single story and at most two stories. Three story homes stand out in a bad way in the neighborhood.
 - The project proposes 1-2 story homes with maximum height of 32' in accordance with the McMansion Ordinance.
- The neighborhood has a problem with high water during rains. My street and backyard got to 3 feet high in heavy rains. Adding more density would increase the IC and cause more flooding.
 - If the rezoning was approved to SF5, then the site would be subject to strict compliance with commercial site plan requirements including onsite flooding, detention, drainage review as determined by City of Austin staff and applicable regulations in order to alleviate any drainage issues within the site's control. Conversely, a single-family project – or three lots with six units – is not subject to any site plan review and there is no drainage control required by the city. The SF-5 approach provides not only more flexibility for a better on-site design, but also provides a superior project in terms of best management practices regarding overall environmental controls mandated by city code.
- I've noticed some of the new homes built in the neighborhood are not owner-occupied, but are Air B&B homes with lots of people traffic coming and going.
 - Any development on this site is not proposed to be utilized as short-term rentals.

I hope this clarifies for the attendees. Please do let me know if staff or neighbors have any further questions and we are looking forward to meeting the Neighborhood Planning Contact Team in October.

Thank you in advance for your time and consideration.

Sincerely,



David C. Cancialosi, President
Permit Partners LLC

CITY COUNCIL DATE:

January 31, 2018

ACTION:

Applicant Summary Letter from Application

From the office of:
PERMIT PARTNERS, LLC
 105 W. Riverside Dr. Suite 225
 Austin, Texas 78704
 David C. Cancialosi
 512.593.3368 c.
 512.494.4561 f.
david@permit-partners.com

July 25, 2018.

Mrs. Maureen Meredith, Senior Planner
 City of Austin, Planning and Zoning Dept.
 505 Barton Springs, 5th Floor
 Austin, Texas 78704
 Phone: (512) 974-2695

RE: NPA request for 1103 Cherico – Single Family Residential to High Density Residential

Mrs. Meredith,

Please find attached the application packet for the FLUM change at 1103 Cherico Street. This cover letter is a summary of the details included in said application packet.

The .51 acre site was platted in 1963. It was zoned "A" then changed to SF-3 when Chapter 25 of the Land Development Code was adopted in the 1980's. The city assigned a single family residential (SFR) FLUM to this site. The 2003 Govalle / Johnson Terrace Neighborhood Plan did not amend the zoning nor FLUM when that plan was adopted by City Council in 2003. The site has remained as-is since creation in 1963. The application proposes High Density Residential (HDR) in order to facilitate better design options for a low-rise, low impact six (6) unit condominium project designed by MF Architects.

The main purpose of the NPA / FLUM request is not to increase density under an accompanying rezoning application from SF-3 to SF-6, rather to facilitate flexible design of the improvements within the odd shaped lot. The applicant proposes six (6) units. This is the same amount of units allowed via resubdivision of the .51 acre lot into three (3) flag lots, each allowing two (2) units per lot with three (3) total driveways. Instead, the applicant is proposing a single means of ingress and egress via a commercial site plan for the same number of units (6) as well increased environmental and drainage controls as required by City code. The project will not require any compatibility setback variances, it will comply with all applicable regulations, and the overall intent is for the design to be concentrated in the center of the lot via a single driveway which will be oriented behind a vegetative barrier that will line the street and surrounding lots. The applicant proposes a high-quality, low rise, low impact, six (6) unit project that adds more housing choices to the area than currently allowed under Single Family Residential FLUM / SF-3 zoning.

There is no intent on removing any heritage trees at this time but if the need arises in order to comply with compatibility setbacks or other regulations, then the applicant is dedicated to substantial mitigation in order to offset any potential tree removal.

The site will be marketed at market rates competitive with similar housing in the area. There will be no detention ponds located in the compatibility setbacks. There will be no on-street parking for owners or their guests – all parking will be located on-site. Other concerns like dumpster location and pick up times, outdoor lighting, and typical discussion items can be discussed with interested parties at the appropriate time. The applicant is amicable to input from the Neighborhood and will be reaching out to the Planning Contact Team to discuss this project.

Thank you in advance for your time and consideration. Please do not hesitate to contact me should you have any questions. Also, please feel free to provide my contact information to any interested parties.

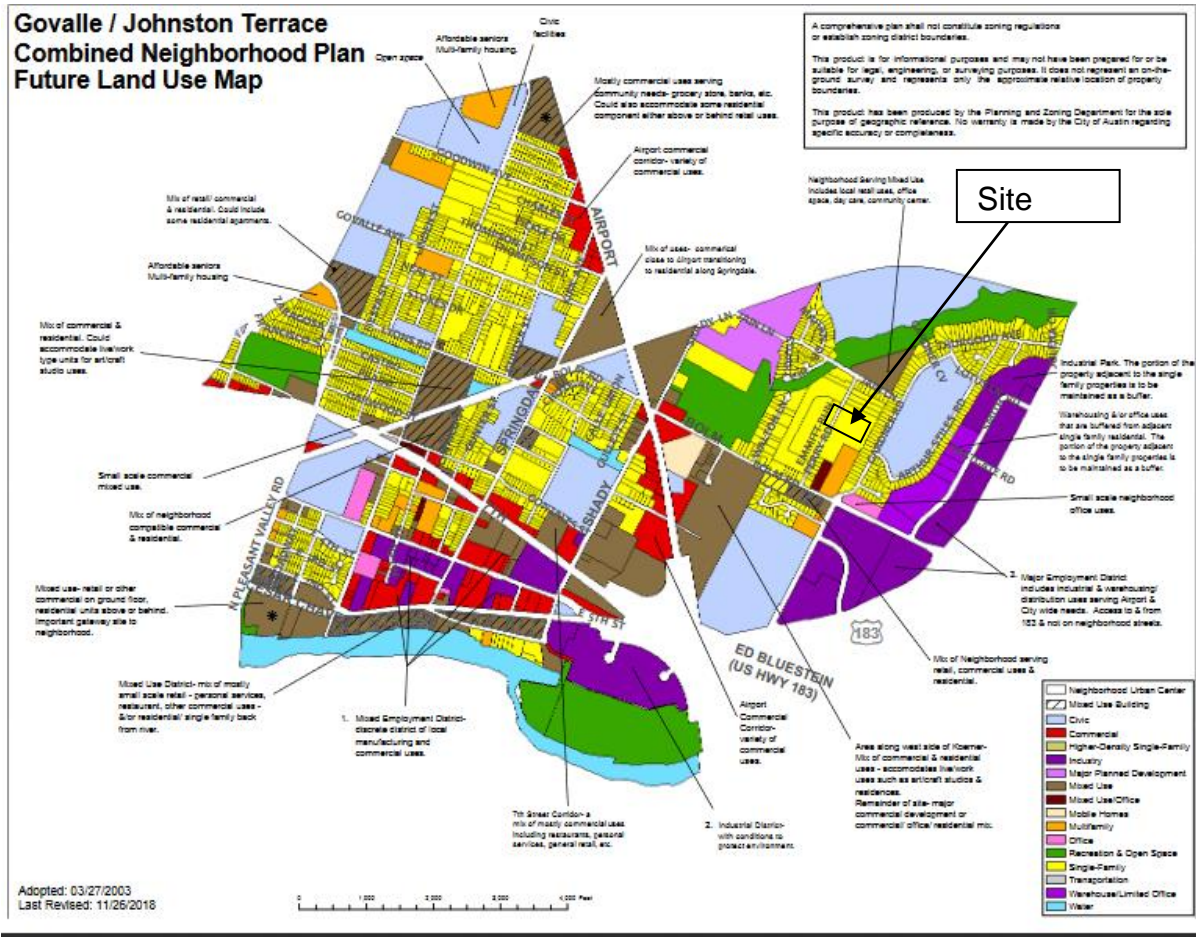
Sincerely,



David C. Cancialosi, President
 Permit Partners LLC
 Agent for applicant / owner – Austin Land Development, LLC

Letter of Recommendation from the Govalle/Johnston
Terrace Combined NPCT

(No letter has been received at the time the report was submitted on January 10, 2019.
The letter will be provided at late back-up once received).





Govalle/Johnston Terrace Combined Neighborhood Planning Area NPA-2018-0016.03

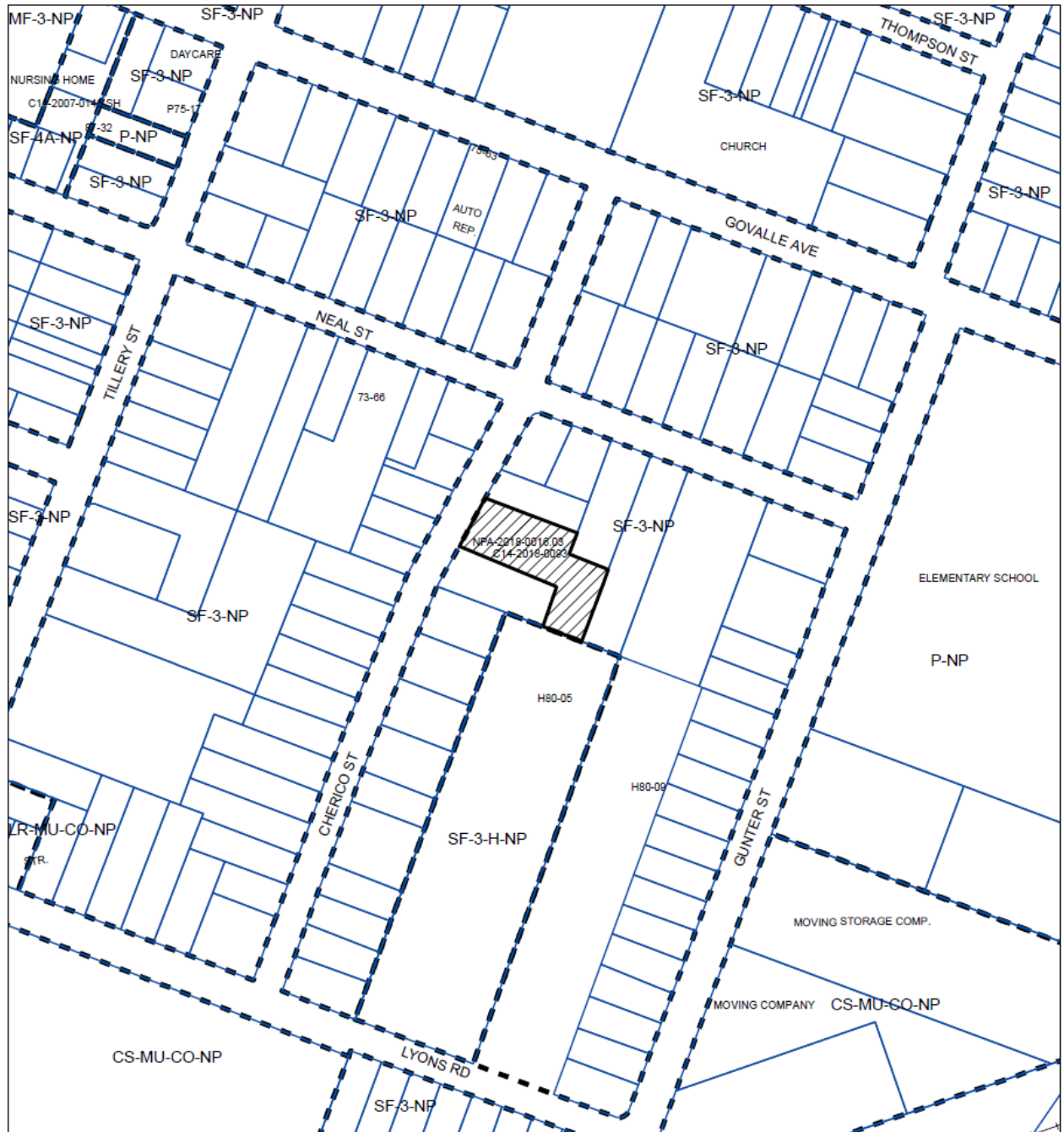
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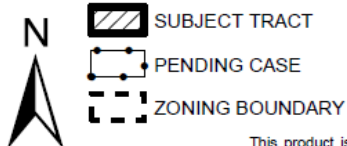
City of Austin
Planning and Zoning Department
Created on 8/30/2018, by: meredithm

Future Land Use

	500 ft. Notif. Boundary		Mixed Use
	Single-Family		Civic
	Multi-Family		Water
	Commercial		Subject Property



Zoning



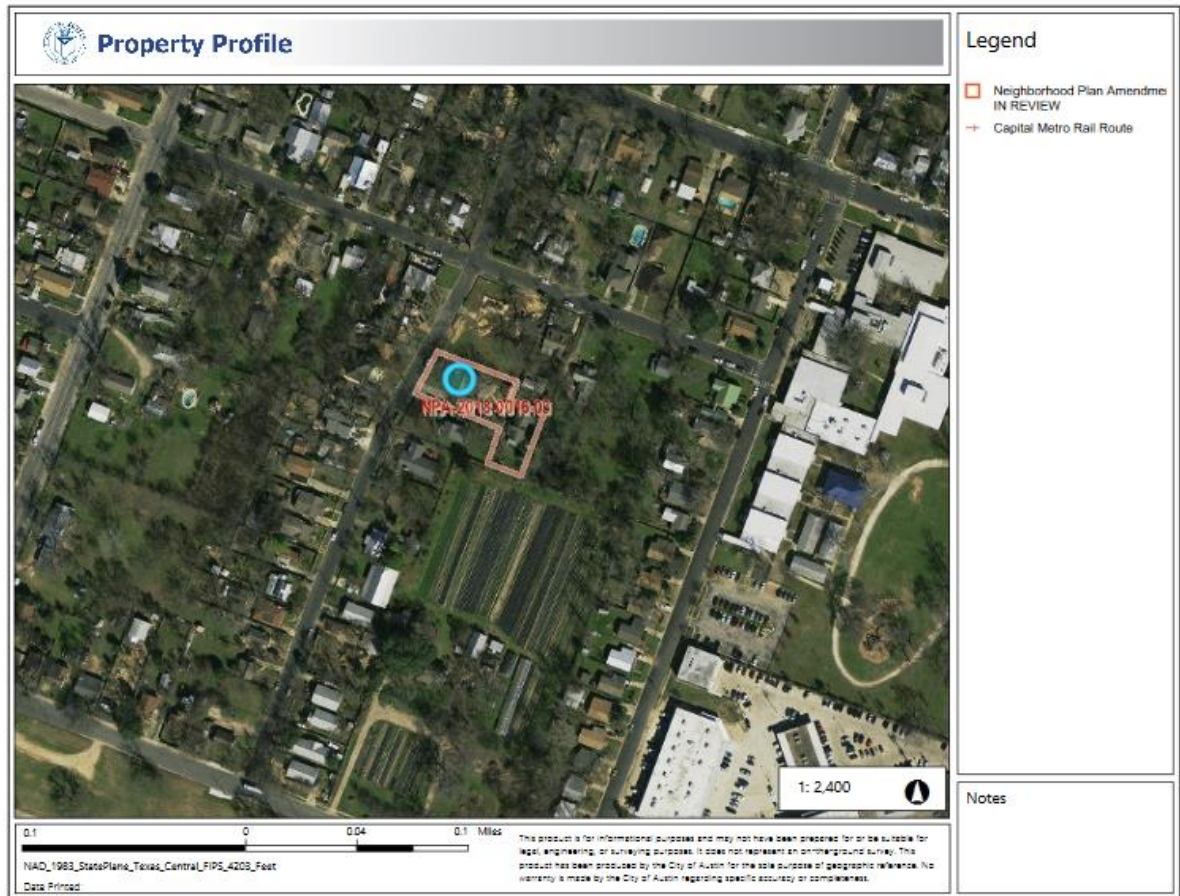
1" = 200'

Zoning Case: C14-2018-0093

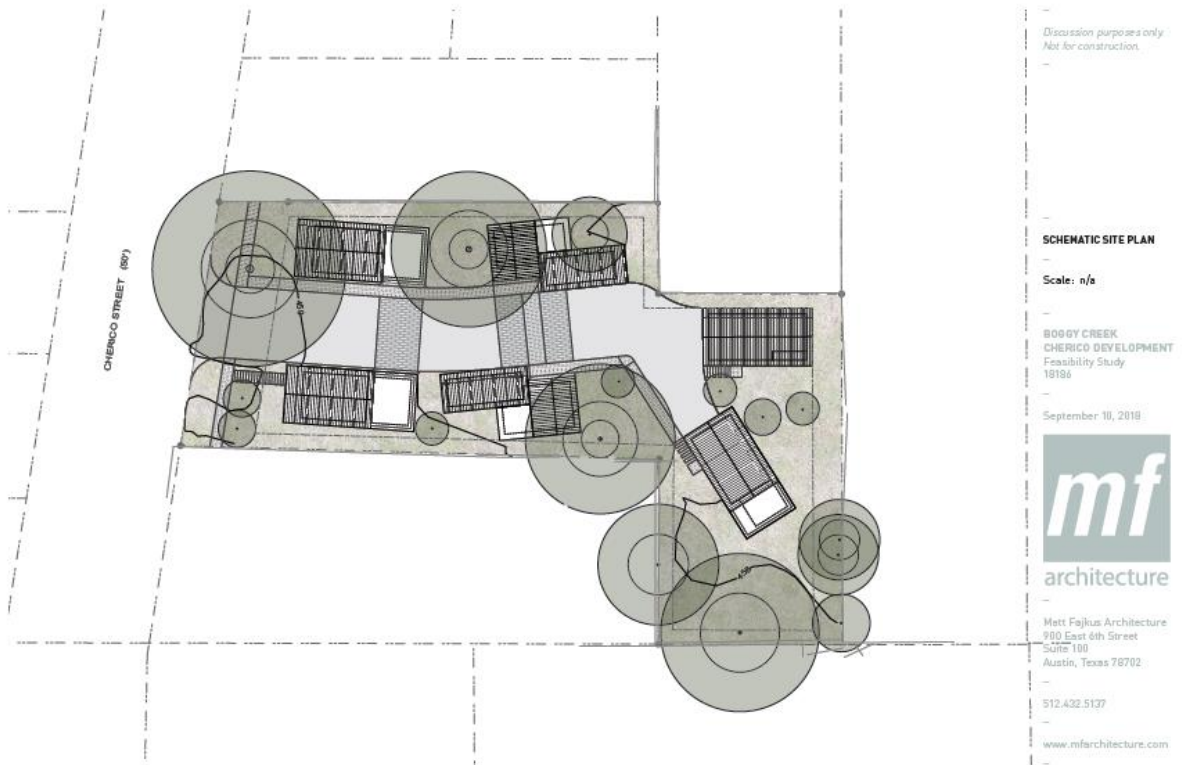
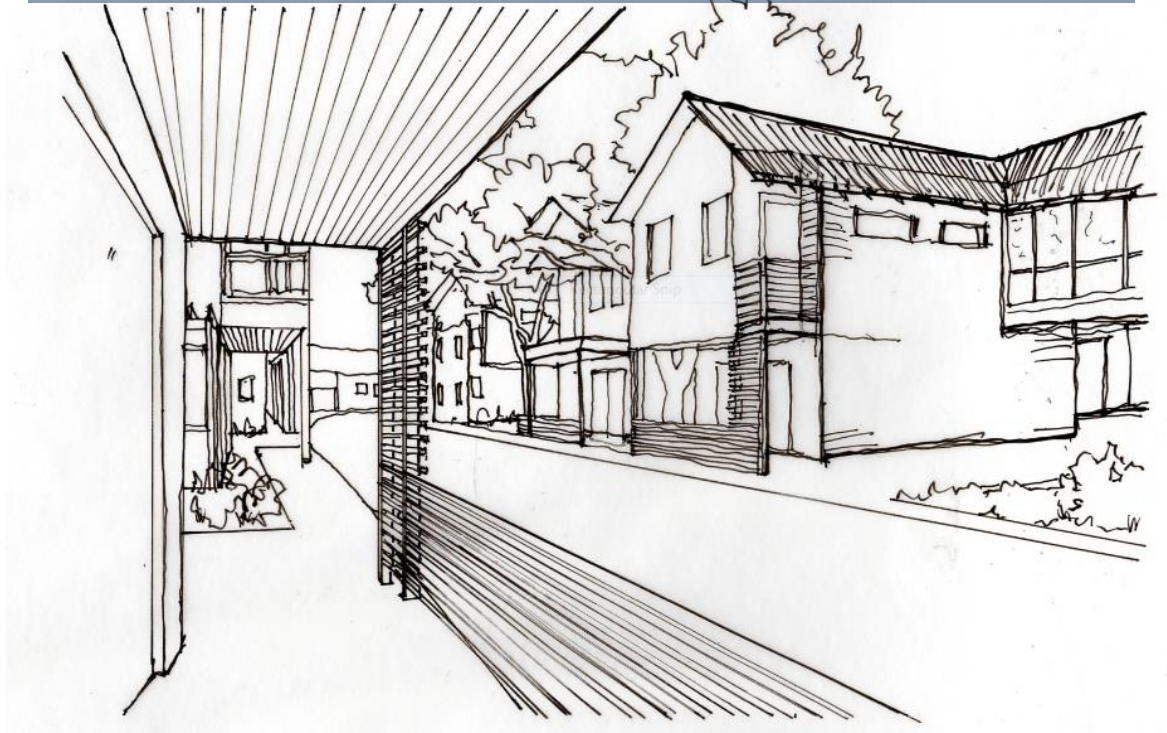


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Draft Schematic Site Plan and Perspective Sketch Provided by the



Applicant Criteria Worksheet Submitted by Applicant

Provide this information with your plan amendment application.

Taken From: Article 16: Neighborhood Plan Amendment Ordinance

§ 25-1-810 - RECOMMENDATION CRITERIA.

- (A) The director may not recommend approval of a neighborhood plan amendment unless the requirements of Subsections (B) and (C) are satisfied.

- (B) The applicant must demonstrate that:

- (1) the proposed amendment is appropriate because of a mapping or textual error or omission made when the original plan was adopted or during subsequent amendments;

Does this criterion apply to your proposed plan amendment application? Yes ☒ No ☐

If there was a mapping error, explain here and provide documentation: N/A

- (2) the denial of the proposed amendment would jeopardize public health, safety, or welfare;

Does this criterion apply to your application? X ☒ Yes ☐ No ☐

If this condition applies, explain here: The 1/2 ac site allows a subdivision via flag lots to create 6 units (primary + ADU each flag lot). This creates 3 driveways, very specific housing footprints per code, and overall inflexible design options. However, adding flexibility via SF6 / High Density Residential FLUM provides substantial benefit to the site. The design of 6 units can achieve a more cohesive footprint centered around the middle of the 1/2 ac lot with a single driveway, vegetative barriers from surrounding SFR's, and an overall better product for the neighborhood. Further, the 6 units remain the same as the number of units allowed via the flag lot subdivision process, which can be obtained by right per code. As zoned (SF-3) and without a resubdivision, the site allows only a single primary unit plus one (1) ADU. The ~1/2 acre lot is an opportunity to add more density (than 2 units). Thus, the lot should be utilized to provide housing and design options given the odd shaped layout of the current lot.

- (3) the proposed amendment is appropriate: The amendment is appropriate because the plan is outdated. It was adopted 15 years ago. Tremendous growth and change has occurred in Austin and specifically in East Austin. A vacant 1/2 acre lot can be better utilized with an upzoning to SF6 to allow for multiple units yet still be compatible with surrounding uses occurred since plan adoption as well as forecasted growth and related needs over next 10-20 years.

- (a) because of a material change in circumstances since the adoption of the plan; and

- (b) denial would result in a hardship to the applicant;

Does this criteria apply to your application? X ☒ Yes ☐ No ☐

If yes, explain here: The 1963 plat of this legal lot contemplated single family residential at that time. The 2003 NP did not address any change in zoning (from "A" to "SF3") which occurred as a result of adoption of LDC Title 25. The site represents a tremendous opportunity to design a low impact, multi unit free standing (6) condo development consistent with multiple infill projects found throughout the east Austin. Denial of the application represents a hardship in that it would not be consistent with the type of forward, creative-thinking necessary to promote infill housing opportunities on larger lots. The applicant's hardship is that the NP is somewhat outdated and perhaps could have considered an upzoning for this lot at that time, but it did not. The NP does not list the Cherico site at all. Now, the onus is on the applicant to propose a project that is in keeping with development needs and trends evidenced by 15 years of growth since NP adoption. Respectfully, the City and NA had this opportunity in 2003 but failed to see the impending growth ahead of us, which is understandable. However, requiring the applicant to now adhere to SF3

zoning (2 units) on a ½ ac legal lot is not the highest and best use of the site given current and anticipated growth trends in this area.

- (4) the proposed project:
- (a) provides environmental protection that is superior to the protection that would otherwise be achieved under existing zoning and development regulations;

Does this criterion apply to your application? ☒ Yes ☐ No

If yes, explain here: Any proposed infill project consisting of 3+ units requires a commercial site plan. A site plan requires compliance with environmental protection, drainage, floodplain and a litany of other development related site controls. A SFR project which is zoned SF3 and consisting of a primary residence & one ADU has zero environmental, flood, or drainage controls applied to it since residential projects are not subject to commercial site plan review. A small, 6 unit condo project provides significant controls as a matter of law per COA LDC, commercial building codes, and technical criteria manuals. And the 6 unit density amount is the same allowed under current resubdivision process, but without any drainage review by the City. The site plan process for 6 units on a SF6/ High Density Residential lot affords the city and NA to apply environmental and drainage controls.

or

- (b) promotes the recruitment or retention of an employment center with 100 or more employees;

Does either one of these criterion apply to your application? ☒ Yes ☐ No

If yes, explain here: The implementation of superior environmental controls would be mandatory under a commercial site plan vs a residential permit.

- (5) the proposed amendment is consistent with the goals and objectives of the neighborhood plan;

List the goals and objectives from the plan that you feel support your plan amendment request, along with your rationale for why it meets these goals/objectives. Use separate document if necessary:

1. Goal #1: Non-residential development will not be adversely impacted by a low rise, low impact 6 unit free standing condo development on this site. The proposed project is the same density as what's allowed via subdivision. The HDR FLUM would allow a better designed project on a single lot vs. 6 units on 3 flag lots.
2. Goal #2: Although the site is not located near a major intersection, it is located at the intersection of Cherico and Neal Street. The site's ½ acre size encourages higher density development which will have minimal conflict with lower density uses because the design will be centered in the site and not interfere or obstruct any surrounding SFR uses.
3. Goal #3: The proposed rezoning encourages a varied land use, and in turn, opportunities for land uses that serve the needs of daily life (live, work, play, shop) in a walkable environment.
4. Goal #4: Any new development will respect the scale and character of the planning area and applicable development regulations.

(You can find the plan document here: <http://austintexas.gov/page/adopted-neighborhood-planning-areas-0>)

or

(6) the proposed amendment promotes additional S.M.A.R.T. Housing opportunities.

Is this a S.M.A.R.T. Housing project? ____ Yes X No

If yes, explain here and provide the letter from Neighborhood Housing and Community Development Not known at this time

(C) The applicant must demonstrate that:

- (1) the proposed amendment complies with applicable regulations and standards established by Title 25 (Land Development), the objectives of Chapter 25-2 (Zoning), and the purposes of the zoning district proposed for the subject property; https://www.municode.com/library/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE

The proposed NPA to allow a FLUM of High Density Residential is to utilize the ½ acre lot's size in order to construct a cohesive, well-designed 6 unit project in a manner consistent with current and anticipated growth trends in the quickly evolving East Austin area. Any development approved under this proposed FLUM (concurrent with rezoning application requesting change from SF-3 to SF-6) will be 100% compliant with the applicable performance standards prescribed by SF-6 zoning. The applicant is willing to consider concessions and / or conditions as part of any support from the NA, COA staff, and COA Planning commission and City Council. The SF-6 zoning standards listed in the LDC for Townhouse & Condominium are substantially similar to SF3 zoning with the exception of unit allowance and a 10% increase in impervious coverage allowance (allowed up to 55% in SF-6). The proposed development will be in accordance with LDC section 25-2-559 which requires a minimum of 3,500 SF per unit, the site area has a minimum of 10,500 SF, and a parking space cannot be located in a front yard.

and

- (2) the proposed amendment is consistent with sound planning principles. (See attached)

LAND USE PLANNING PRINCIPLES

You can find the Guide to Land Use Standards here:

<http://www.austintexas.gov/department/neighborhood-planning-resources>

Please **DESCRIBE** how your proposed plan amendment request will meet these principles. If you believe a principle does not apply to your proposed plan amendment application, write "Not applicable".

1. Ensure that the decision will not create an arbitrary development pattern;

Provide your analysis here: This request for a small 6 unit infill development project on a 1/2 acre site presents an opportunity to create a development which is consistent with evolving real estate patterns evidenced over the past 15 years. It does not change the amount of units allowed under a legal resubdivision process, yet the site plan process for condo development does require compliance with applicable environmental and drainage regulations which is a bonus for the surrounding area. HDR FLUM would not reflect an arbitrary development pattern. The site is 1/2 acre. It is not a small lot found typically associated with lots in and around the G/JT neighborhood. Although not on the fringe of the neighborhood nor at a main intersection, the site does represent an opportunity to provide increased flexibility to design a more cohesive project in an area that desperately needs varied housing mix. Thus, a review of current and expected housing needs via this application should not be viewed as arbitrary development patterns, but rather applying a fresh set of eyes to a somewhat outdated NP given the scarcity of infill housing opportunities which are prohibited by a 15 year old neighborhood plan.

2. Ensure an adequate and diverse supply of housing for all income levels;

Provide your analysis here: The applicant cannot commit at this time to adequate and diverse housing supply for all income levels. The price of the dirt and construction materials is far more expensive in 2018 vs 2003. The applicant is currently reviewing options given the assortment of applicable regulations and plans on offering the units for sale at market rate.

3. Minimize negative effects between incompatible land uses;

Provide your analysis here: Any proposed development can minimize any negative effects by limiting traffic, limiting the number of driveways, limiting garbage services, limiting directional lighting, installing vegetative barriers, installing environmental controls far greater than required under current FLUM / zoning. The applicant is open to suggestions as the case develops.

4. Recognize suitable areas for public uses, such as hospitals and schools that will minimize the impacts to residential areas;

Provide your analysis here: The site is 1/2 ac and is suitable for residential infill development. There is not enough room for parkland, school, or hospital uses at this location.

5. Discourage intense uses within or adjacent to residential areas;

Provide your analysis here: The proposed use will be a low rise free standing 6 unit condominium project that discourages any intensity beyond that use. A unit count of approximately 6 units on 1/2 ac has exactly the same impact on 3 flag lots SF-3-zoned lots sized at 5,750 – 7,000 SF, each allowing 2 units per lot. The HDR FLUM / SF-6 condo use allows a more controlled design approach and improved site controls via the COA site plan process without increasing the number of units allowed by right per resubdivision process.

6. Ensure neighborhood businesses are planned to minimize adverse effects to the neighborhood;

Provide your analysis here: No businesses are planned with this project.

7. Minimize development in floodplains and environmentally sensitive areas;

Provide your analysis here: The proposed project is not in the floodplain and will be designed to comply with any environmentally sensitive areas on or near the site to the best of the applicant's ability and as much as practical.

8. Promote goals that provide additional environmental protection;

Provide your analysis here: A SF-6 Condo project requires substantial compliance with many environmental related regulations. This includes drainage, floodplain, onsite detention, and other engineering requirements necessary to meet or exceed current land development code or technical code requirements. Said project will far exceed any controls required for SFR projects.

9. Consider regulations that address public safety as they pertain to future developments (e.g. overlay zones, pipeline ordinances that limit residential development);

Provide your analysis here: The applicant is happy to consider and potentially address any regulations and / or conditional overlays that may impact public safety in a positive manner for this or future developments.

10. Ensure adequate transition between adjacent land uses and development intensities;

Provide your analysis here: The area on this specific block surrounded by Cherico St., Neal St., Gunter St., and Lyons St. The uses are mostly SFR. There is some commercial along Lyons. However, the housing stock in the block area, as well as east Austin as a whole, is evolving. Larger tracts are being assembled to accommodate infill density opportunities, older cottage styled SFRs are being replaced with new, larger SFR + ADU projects for varied reasons, and we are seeing transformation which reflects current and projected market trends consistent with land prices and housing needs. This 6 unit low rise project will be centered in the lot with a single means of ingress and egress, heavily vegetated, and will blend within the surrounding neighborhood.

11. Protect and promote historically and culturally significant areas;

Provide your analysis here: The site is not historically or culturally significant nor will it adversely impact any significant sites.

12. Recognize current City Council priorities; (Look at the Imagine Austin Comprehensive Plan Document found here: <http://austintexas.gov/departments/imagine-austin-download-center>. Appendix E. Framework for Decision Making, pages A-57 through A-58.)

Provide your analysis here: While the site is not fully designed at this moment, it is envisioned that it would:

1. Possibly add to the city's green infrastructure system
2. Possibly reduce water or energy demands or alternative transportation options via bus stop
3. Result in compact and reuse of previously developed site
4. Create housing jobs and larger tax base for City as a whole
5. Propose safer environment via concentrated design on single lot vs. 6 units on 3 lots
6. Be located within ½ mile of a school, church, and retail and daycare
7. Achieve far higher level of sensible design vs. 6 units on 3 flag lots
8. Possibly increase transportation options via bus stop or other modes
9. Provide increased housing variation within neighborhood
10. Reflect site control via purchase by developer who intends to build owner-occupied units
11. Represent an opportunity to utilize an existing ½ acre lot's size in order to create the highest and best use

13. Avoid creating undesirable precedents;

Provide your analysis here: Amending the FLUM to HDR to allow a SF-6 zoned project with a small footprint does not set an undesirable precedent. Conversely, it reflects the staff's, neighborhood association's, City Planning Commission, and City Council's leadership in recognizing an evolving neighborhood with different needs more so

than what was listed envisioned via the G/JT NP in 2003. A controlled, low impact commercial condo project on a 1/2 acre site affords the city and the neighborhood an opportunity to better control the build out of the site. A SFR project with no site plan or EV requirements on 3-4 flag lots which achieves the same amount of units does not provide opportunity for any input from the neighborhood nor does it require any site controls via city code. Approving this FLUM amendment and the concurrent rezoning from SF-3 to SF-6 sets a good precedent because it allows citizen input via the planning process plus increased site controls via the site plan review process.

14. Promote expansion of the economic base and create job opportunities;

Provide your analysis here: Increased construction jobs, increased property tax base, and the economic cycle produced by the supply of increased housing stock all contribute to the expansion of the economic base and on going employment opportunities.

15. Ensure similar treatment of land use decisions on similar properties;

Provide your analysis here: Land use decisions should be taken in context. The broader land uses should be taken into account, but so should the site specific uses. Not all areas should a monotone land use, especially in an area as diverse and evolving as east Austin.

16. Balance individual property rights with community interests and goals;

Provide your analysis here: Yes there should be a balance between individual rights and community interests. The applicant intends on working with the community to achieve the best balance possible. Through the public involvement process plus the site plan review process, the applicant believes a proper balance can be achieved that satisfies the project's needs as well as the neighborhood's interests. The applicant is open to suggestions from all parties as to how that balance can be achieved.

17. Consider infrastructure when making land use decisions;

Provide your analysis here: All infrastructure should be considered. In this case, the applicant does not expect to adversely impact any adjacent properties via new or existing infrastructure.

18. Promote development that serves the needs of a diverse population.

Provide your analysis here: East Austin is notably the most diverse population in Austin. The project aims to provide what this population needs by way of attractive housing needs in the urban core.