



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

ZONING CHANGE REVIEW SHEET

CASE: C14-2018-0093 - 1103 Cherico St.

DISTRICT: 3

ZONING FROM: SF-3-NP

TO: SF-5-NP

ADDRESS: 1103 Cherico Street

SITE AREA: 0.5114 Acres

PROPERTY OWNERS:

Austin Land Development, LLC
(Addison Thom)

AGENT:

Permit Partners
(David Cancialosi)

CASE MANAGER: Heather Chaffin (512-974-2122, heather.chaffin@austintexas.gov)

STAFF RECOMMENDATION:

Staff supports the Applicant's request for rezoning from SF-3-NP to SF-5-NP. For a summary of the basis of staff's recommendation, see case manager comments on page 2.

PLANNING COMMISSION ACTION / RECOMMENDATION:

January 22, 2019:

December 11, 2018: TO GRANT POSTPONEMENT TO JANUSARY 22, 2019, AS REQUESTED BY APPLICANT, ON CONSENT.

CITY COUNCIL ACTION:

January 31, 2019:

December 13, 2018: TO GRANT POSTPONEMENT TO JANUSARY 31, 2019, AS REQUESTED BY STAFF, ON CONSENT.

ORDINANCE NUMBER:

ISSUES:

A Valid Petition request has been filed in opposition to the rezoning request. As of the time of this report, the petition stands at 33.54%; therefore, it meets the level of being considered a Valid Petition. The Applicant proposes demolition of two residential units and construction of six townhouse/condominium residences.

CASE MANAGER COMMENTS:

The subject tract is located on the east side of Cherico Street between Lyons Road and Neal Street. The property is currently developed with two residential units and is zoned SF-3-NP. The majority of the properties surrounding the rezoning tract are zoned SF-3-NP and are primarily developed with single family residences. One property to the south is zoned SF-3-H-NP and is developed with Boggy Creek Farm, an urban farm with associated land uses. *Please see Exhibits A and B—Zoning Map and Aerial Exhibit.*

The subject tract is an irregular-shaped .5114 acre lot, larger than most other properties along Cherico Street. The Applicant proposes demolition of two residential units and construction of six townhouse/condominium residences. Staff supports the request to SF-5-NP. The subject tract is almost four times larger than a standard SF-3 lot (5,750 square feet) and is configured in a way that does not support a traditional single family layout. The property is slightly too small to be subdivided into three duplex-sized lots (7,500 square feet), which would also create six residential units. Under the current zoning the site could be subdivided to allow three single family residences with three single family houses with accessory dwelling units, but they would have to be flag lots. Staff supports the rezoning request based on the combination of these factors, as well as the fact that the residential density is only slightly greater than could be achievable if the lot was configured differently. Additionally, the width of the lot frontage (86 feet) means that the scale of the development as viewed from the street would not appear out of scale with the surrounding residences. *Please see Exhibit C—Applicant Letter.*

As stated in the Issues section of this report, a Valid Petition request has been filed in opposition to the rezoning request. As of the time of this report, the petition stands at 33.54%; therefore, it meets the level of being considered a Valid Petition. Please see *Exhibit D-- Valid Petition Request.*

Correspondence has been received regarding the proposed rezoning. *Please see Exhibit D-- Correspondence.*

BASIS OF RECOMMENDATION:

1. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The density of the proposed redevelopment is only slightly higher than permitted under SF-3-NP. The limited frontage of the lot means that the scale of the development as viewed from the street would not appear out of scale with the surrounding residences.

2. *Zoning should allow for reasonable use of the property.*

The unusual configuration of the property presents challenges for development under SF-3-NP. SF-5-NP will allow greater flexibility in the layout of residential units on the property.

3. *The proposed zoning should be consistent with the goals and objectives of the City Council.*

The proposed rezoning would allow the development of 6 residential units in the urban core and creating infill development. By providing townhouse/condominium residences, a wider variety of housing types can be available.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3-NP	Single family residential (2 detached units)
North	SF-3-NP	Single family residential
South	SF-3-NP, SF3-H-NP	Single family residential, Urban farm
East	SF-3-NP	Single family residential
West	SF-3-NP	Single family residential

NEIGHBORHOOD PLANNING AREA: Govalle/Johnston Terrace

TIA: N/A

WATERSHED: Boggy Creek

NEIGHBORHOOD ORGANIZATIONS:

Austin Innercity Alliance	Claim Your Destiny Foundation
Homeless Neighborhood Association	AISD
Austin Neighborhoods Council	Bike Austin
Friends of Austin Neighborhoods	East Austin Conservancy
Neighbors United for Progress	SELTexas
Del Valle Community Coalition	Sierra Club
Govalle/Johnston Terrace Neighborhood Plan Contact Team	Preservation Austin
El Concilio Mexican-American Neighborhoods	United East Austin Coalition
Neighborhood Empowerment Foundation	Black Improvement Association
Govalle Neighborhood Association	
Guadalupe Neighborhood Development Corporation	
African American Cultural Heritage District Business Association	

AREA CASE HISTORIES:

There are no recent zoning cases in the vicinity. The area was rezoned in conjunction with the Govalle/Johnston Terrace Neighborhood Plan.

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Cherico St.	50'	26'	Local St	None	no	yes

OTHER STAFF COMMENTS:ENVIRONMENTAL

1. 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.
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. Some 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.

SITE PLAN

SP1. Site plans will be required for any new development other than single-family or duplex residential.

SP2. Any new development is subject to Subchapter E. Design Standards.

TRANSPORTATION

TR1. 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]

TR2. Additional right-of-way maybe required at the time of subdivision and/or site plan. FYI – the existing driveways and or sidewalks along Cherico St. may be required to be removed and/or reconstructed at the time of the site plan application in accordance with the Land Development Code and Transportation Criteria Manual.

TR3. Existing Street Characteristics:

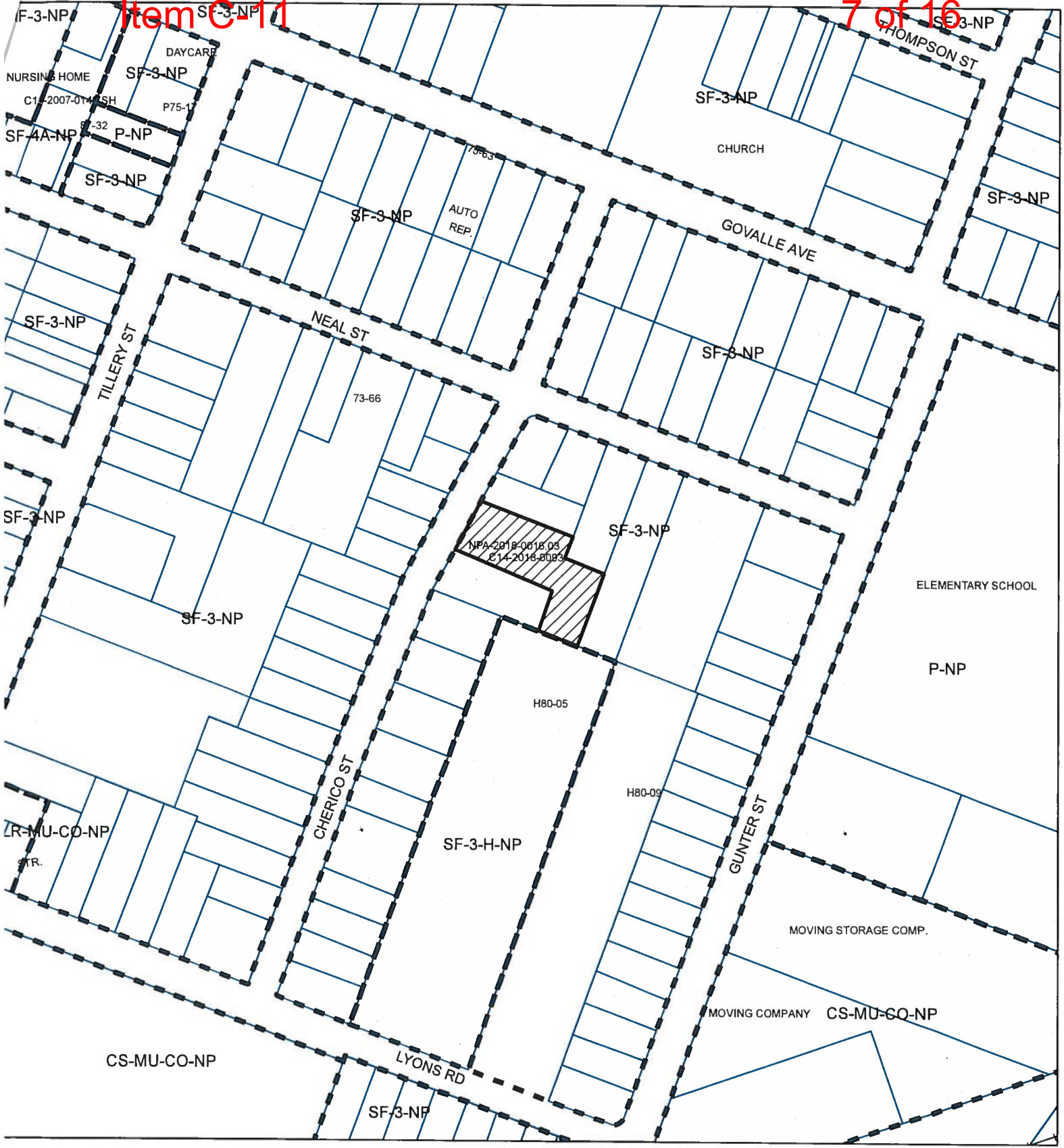
Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Cherico St.	50'	26'	Local St	None	no	yes

WATER UTILITY

1. 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 land use. 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.

INDEX OF EXHIBITS TO FOLLOW




- A: Zoning Map
- B. Aerial Exhibit
- C. Applicant Letter
- D. Valid Petition Request
- E. Correspondence



Zoning

Zoning Case: C14-2018-0093



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

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





1" = 150'

- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE
- CREEK BUFFER

1103 CHERICO STREET

ZONING CASE#: C14-2018-0093
LOCATION: 1103 CHERICO STREET
SUBJECT AREA: .5114 ACRES
GRID: L22
MANAGER: HEATHER CHAFFIN



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made

From the office of
PERMIT PARTNERS, LLC
105 W. Riverside Dr. Suite 225
Austin, Texas 78704
David C. Cancialosi
512.593.5368 c.
512.494.4561 f.

August 9, 2018

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

RE: Rezoning request for 1103 Cherico – SF3 to SF5

To Whom It May Concern:

Please find attached the application packet for the rezoning request 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. This application proposes SF6 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 rezoning request is not to increase density, 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 per the site plan regulations. 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.

The site will be marketed at market rates competitive with similar housing in the area. 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

Case Number:
C14-2018-0093

PETITION

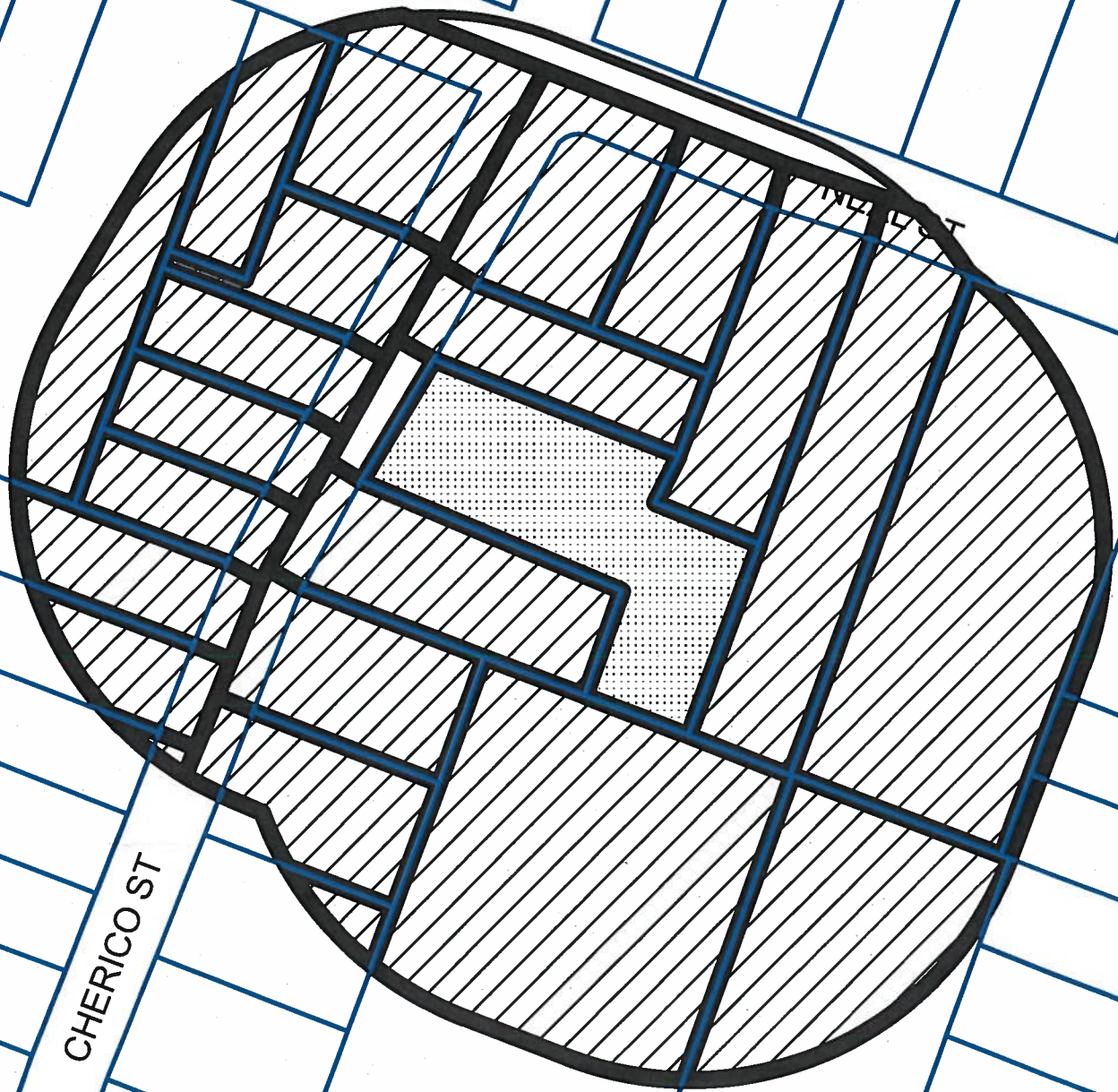
Date: 1/14/2019

Total Square Footage of Buffer: 263906.8996

Percentage of Square Footage Owned by Petitioners Within Buffer: 33.54%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0205150521	1101 CHERICO ST 78702	ABBOTT LUCAS	yes	13070.57	4.95%
0205150519	1102 GUNTER ST 78702	ALEMAN CIPRIANO A	no	275.11	0.00%
0205150509	3500 LYONS RD 78702	BUTLER LARRY D & CAROL ANN SAYLE	no	18427.72	0.00%
0205150510	3414 LYONS RD 78702	BUTLER LARRY D & CAROL ANN SAYLE	yes	37909.19	14.36%
0205150510	3414 LYONS RD 78702	BUTLER LARRY D & CAROL ANN SAYLE	no	37909.19	0.00%
0205150440	1104 CHERICO ST 78702	CANALES HIGINIO B & FRANCES	no	12776.45	0.00%
0205150403	3305 NEAL ST 78702	CARRILLO CHRISTINA	yes	6511.82	2.47%
0205150518	1104 GUNTER ST AUSTIN 78702	COLLINS KEVIN & JENIFER ARNTSON	no	273.88	0.00%
0205150407	1100 CHERICO ST 78702	DAVIDSON JOHN D & MEGAN G OPREA	yes	5782.27	2.19%
0205150406	1100 1/2 CHERICO ST 78702	DE SALAZAR ELIA VILLEGAS	no	6407.34	0.00%
0205150409	1008 CHERICO ST 78702	GARZA RUFUS	yes	5079.60	1.92%
0205150441	1102 1/2 CHERICO ST 78702	GOERG SARAH	no	7285.49	0.00%
0205150503	3409 NEAL ST 78702	KERENSA UNA	no	20370.05	0.00%
0205150513	1007 CHERICO ST 78702	KYSER VIRGINIA MAE	no	1356.22	0.00%
0205150502	3407 NEAL ST 78702	MCGARRIGLE TOPAZ & CHRISTINAH ROSE BARNETT	yes	12989.47	4.92%
0205150408	1010 CHERICO ST 78702	MCNEILL KELLY S & SANDRA G	yes	7177.71	2.72%
0205150504	3501 NEAL ST 78702	MEREDITH ROBERT JR	no	34685.51	0.00%
0205150405	1102 CHERICO ST 78702	MILLER JERRY & CRISTAL	no	6810.77	0.00%
0205150410	1006 CHERICO ST 78702	MORENO ELIAS M	no	549.91	0.00%
0205150520	1100 GUNTER ST AUSTIN 78702	SMITH LAURA S	no	272.91	0.00%
0205150515	1011 CHERICO ST 78702	WEILAND FRANK CARTWRIGHT APT 2	no	10698.28	0.00%
0205150443	3303 NEAL ST 78702	WITTIG ARTHUR WALTER	no	9282.74	0.00%
0205151201	Address Not Found		no	8705.60	0.00%
0205151001	Address Not Found		no	8739.81	0.00%
0205151101	Address Not Found		no	9240.04	0.00%
0205150901	Address Not Found		no	12087.34	0.00%
			no	0.23	0.00%
Total				294675.23	33.54%



N



BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

CASE#: C14-2018-0093

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1" = 100'

PETITION

Date: 12/11/19

File Number: C14-2018-0093

Address of Rezoning Request: 1103 Cherico St Austin TX 78702

To: Austin City Council,

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than Single Family. We find the current zoning dense already, and any increase would be detrimental not only to the cultural nature, but also the ecology of the Govalle neighborhood. More impervious cover on the Cherico property will harm or compromise the heritage trees on this and surrounding lots. Overall loss of landscape would undoubtedly cause more water pooling in a flood-prone district.

The quiet nature of this historical neighborhood would be impacted by more traffic, and more competitive parking, with a denser population. Many new homes have become short term rentals, which leads to groups of travelers carrying on late into the night in our family neighborhood. We also wish defend the architectural integrity of the neighborhood. New condos, duplexes, and subdivisions tower over the existing single-level bungalows, with no regard for its identity. Quite honestly our biggest concern is that if this property is re-zoned then it opens up the whole neighborhood to re-zoning.

Signature	Printed Name	Address
	Sarah Borshard	1102 1/2 Cherico St.
	Jacob Borshard	1102 1/2 Cherico St.
	JOSE CRINES	1101 Cherico St.
	JOSEPH LIVERMAN	913 CHERICO ST.
	NELINE SMART	909 CHERICO ST
	CAROLANN SAYLE	3414 LYONS RD 02
	TRACY GEYER	3414 LYONS RD 78702
	SIERRA BROCK	1005 CHERICO ST 78702
	William J. ROGERS	1007 Tiller, St. 78702

Contact Name: Topaz McGarrigle

Phone Number: 917-450-1708

PETITION

Date:

12/4/18

File Number: C14-2018-0093

Address of Rezoning Request: 1103 Cherico St Austin TX 78702

To: Austin City Council,

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Signature

Printed Name

Address

	TOPAZ McGarrigle	3407 Neal St ATX 78702
	ROSE BARNETT	3407 Neal St. ATX 78702
	Vincent Perez	3406 Neal St Austin 78702
	Cecilia Perez	3406 Neal St Austin 78702
	Eric Perez	3406 Neal St Austin 78702
	RUDY DO	3500 Neal St Austin Tex
	PAUL SAENZ	3506 Neal St Austin TX
	Kristin Gonzalez	3312 Bengston St. Austin, TX
	Kenneth Marks	1106 1/2 Gunter St Austin TX
	Francesca Marks	1106 1/2 Gunter St Austin TX
	Jenny Martin	912 Cherico St. Austin, 78702
	LAURA FREEMAN	912 Cherico St ATX 78702
	Poluador	1105 Cherico St
	ARMANDO R. POZOS	3402 NEAL ST. 78702
	MARY F. POZOS	3402 NEAL ST. 78702
	Chantel Lopez	1000 Cherico Street, 78702
	Armand R. Pozos Jr.	3402 Neal St. 78702
	Drew Goodman	3401 Neal St Unit B ATX 78702
	Melissa Hudgens	3403 Neal St #A, Austin TX 78702
	JOHN MULWANY	3401 GOVALLA AVE 78702
	Casey Boyter	3307 Govalle Ave 78702

Contact Name: Topaz McGarrigle

Phone Number: 917-450-1708

MM

PETITION

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Signature	Printed Name	Address
	Dorsey Barger	3300 Govalle Ave
	Joshua Rogers	3409 Govalle Ave
	Sarah Cheatham	3606 Govalle Ave
	Robert Somera	3606 Govalle Ave
	Joe Acosta	1116 Gunter St.
	Lydia Thompson	1111 Gunter St.
	Will Zimmer	1111 Gunter St.
	Monique Mulvaney	3401 Govalle Ave.
	Brenda Blynde	3306 Neal St.
	David Garck	1102 Cherico
	LUCAS ABBOTT	1101 CHERICO ST.
	DANIELLE FOX	1101 CHERICO ST.
	John Davidson	1100 Cherico St.
	Megan Orrea	1100 Cherico St.
	Kelly McKrell	1010 Cherico
	Rufus	1008 Cherico
	Colbie Peltier	1009 CHERICO
	Eric Elia	1006 CHERICO
	Caroline Marti	910 Cherico

Contact Name: Topaz McGarrigle

Phone Number: 917-450-1708

PETITION

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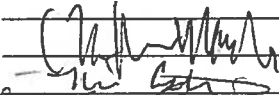
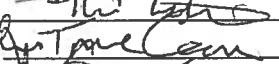
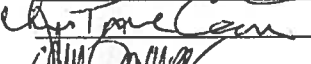

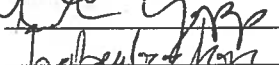
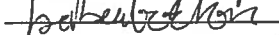
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Signature

Printed Name

Address

	CARL NATHAN MARTI	910 CHERICO AUSTIN, TX 78702
	Nicholas Cesar	1005 CLARIE ST 78702
	CHRISTINA CARRILLO	3305 NEAL ST 78702
	John Garner	1105 1/2 TILLEY ST.
	Sarah Yapp	1105 1/2 TILLEY ST 78702
	Isabeau Woodson	1105 1/2 TILLEY ST 78702

Contact Name: Topaz McGarrigle

Phone Number: 917-450-1708

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.austintexas.gov/planning.

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: C14-2018-0093

Contact: Heather Chaffin, 512-974-2122

Public Hearing: December 11, 2018, Planning Commission
January 31, 2018, City Council

Melissa Hudgens

Your Name (please print)

3403 Neal #A 18702

Your address(es) affected by this application

12.3.18

Date

Signature

Daytime Telephone: 425-444-0524

Comments:

I'm concerned about noise and this zoning negatively impacting my home value. I'm already concerned at the flatlining of home values in Austin likely due to an abundance of supply. Adding high density housing would tarnish the charm of this neighborhood.

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

City of Austin

Planning & Zoning Department

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810

Cherico