

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-9
AGENDA DATE: Thu 10/07/2004
PAGE: 1 of 1**

SUBJECT: C14-04-0108 - East 14th Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 807-809 E. 14th Street (Waller Creek Watershed) from multifamily residence moderate high density-neighborhood plan (MF-4-NP) district zoning to multifamily residence highest density-neighborhood plan (MF-6-NP) district zoning. Planning Commission Recommendation: To grant multifamily highest density-neighborhood plan (MF-6-NP) district zoning. Applicant: Robert Hagaman. Agent: Michael Casias. City Staff: Tom Bolt, 974-2755.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0108

P.C. DATE: September 14, 2004

C.C. DATE: October 07, 2004

ADDRESS: 807-809 E. 14th St

OWNER/APPLICANT: Robert Hagaman

AGENT: Michael Casias

ZONING FROM: MF-4-NP

TO: MF-6-NP

AREA: .392 Acres
17,075.52 sq. ft.

SUMMARY STAFF RECOMMENDATION:

Staff recommendation is to grant MF-6-NP district zoning

COMMISSION RECOMMENDATION:

The Planning Commission at their regularly scheduled meeting on September 14, 2004 voted 5-0 to approve on the consent agenda, a recommendation to approve the rezoning from MF-4-NP to MF-6-NP. DS-1st, JMC-2nd, JR, MH, DS-Arrived late, MM-recused himself and filed affidavit.

DEPARTMENT COMMENTS:

The land use for the subject property, located within the Central East Austin Neighborhood Plan is Multi-family. Therefore no amendment to the land use plan is required. Support for the rezoning by Organization of Central East Austin Neighborhoods (OCEAN) signed by Mike Clark –Madison, President of the organization. Also, the Swede Hill Neighborhood Association has is supporting the requested zoning as stated in the attached communication signed by James Medina, President of the Neighborhood Association.

Staff recommends rezoning this property from Multifamily-moderate-high density-Neighborhood Plan Combining District (MF-4-NP) to Multifamily-highest density -Neighborhood Plan Combining District. (MF-6-NP) to allow for more dense multi-family development in close proximity to the University of Texas. The property is bounded by Right-of-Way on all sides inclusive of the IH-35 corridor and frontage roads to the West. This positive recommendation for rezoning is not intended to represent support for any waivers or variances to be requested t with regard to approving a site plan for development on this property.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-3-NP	Undeveloped
<i>North</i>	MF-4-NP	Undeveloped
<i>South</i>	Alley & MF-4-H-NP	Single Family Residential
<i>East</i>	R.O.W. then SF-3-NP	Single Family Residential
<i>West</i>	R.O.W then P	IH-35 Right-of-way then Brackenridge Hospital

AREA STUDY: Central East Austin Neighborhood Plan

TIA: N/A

WATERSHED: Waller Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

#372 Swede Hill Neighborhood Association

#511 Austin Neighborhoods Council

#603 Mueller Neighborhoods Coalition

#623 City of Austin Downtown Commission

#960 Lower Waller Creek

#966 Organization of Central East Austin Neighborhoods

#972 PODER People Organized in Defense of Earth and Her Resources

SCHOOLS:

Gonzalo Garza Independence High School

Kealing Junior High School

Blackshear Elementary School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-01-0148	To adopt the Neighborhood Plan (NPCD) and associated zonings.	Vote: 7-0 to approve the Neighborhood Plan and associated zonings.	Vote: 7-0 to approve the Neighborhood plan and associated zonings.
C14-02-0194	MF-4-NP to GR-MU-CO-NP	Vote: 7-1 to deny the requested zoning to GR-MU-CO-NP	Vote: 7-0 to deny the requested zoning to GR-MU-CO-NP

RELATED CASES:

C14-02-0194 – Request to rezone the subject property from MF-4-NP to GR-MU-CO-NP. Both the Planning Commission and the City of Austin, City Council denied the request

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
IH-35	Varies	Varies	Major Arterial
E. 14th Street	50'	Varies	Collector
Olander	35'	Varies	Local

CITY COUNCIL DATE: October 07, 2004

ACTION:

ORDINANCE READINGS: 1st

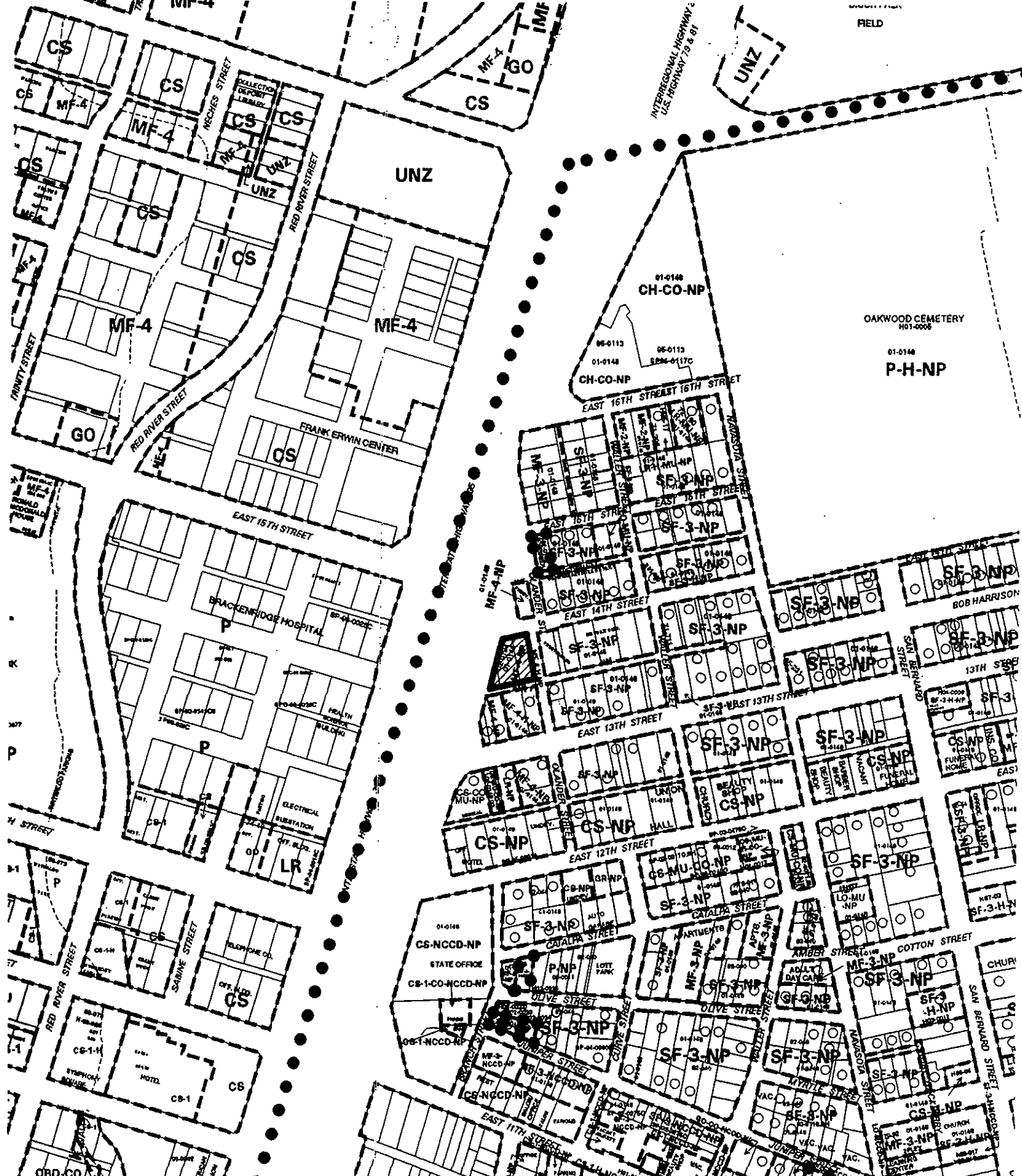
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Thomas Bolt
Thomas.bolt@ci.austin.tx.us

PHONE: 974-2755



SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR: T. BOLT

CASE #: C14-04-0108
 ADDRESS: 807 E 14TH ST
 SUBJECT AREA (acres): 0.392

ZONING

DATE: 04-07

INTLS: SM

CITY GRID
 REFERENCE
 NUMBER
 J23

STAFF RECOMMENDATION

Staff recommends approval of the MF-6-NP zoning district.

BACKGROUND

The land use for the subject property, located within the Central East Austin Neighborhood Plan is Multi-family. Therefore no amendment to the land use plan is required. Support for the rezoning by Organization of Central East Austin Neighborhoods (OCEAN) and the Swede Hill Neighborhood Association has been provided in the attached communications signed by Mike Clark –Madison, President of the organization.

Staff recommends rezoning this property from MF-4-NP to MF-6-NP to allow for more dense multi-family development in close proximity to the University of Texas. The property is bounded by Right-of-Way on all sides inclusive of the IH-35 corridor and frontage roads to the West. This positive recommendation for rezoning is not intended to represent support for any waivers or variances to be requested with regard to approving a site plan for development on this property.

BASIS FOR RECOMMENDATION

The proposed zoning should be consistent with the purpose statement of the district sought.

Multi-family residence highest density (MF-6) district is the designation for multifamily and group residential use. An MF-6 district designation may apply to a use in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or a major institutional or employment center, or an area for which the high density multifamily is desired. The proximity to the University of Texas, Brackenridge Hospital and the downtown business districts along with the availability of Public Transportation makes this a good location for high-density residential development.

The proposed zoning is consistent with the Land Use Map approved with the Central East Austin Neighborhood Plan.

The proposed zoning should satisfy a real public need and not provide special privilege to the owner.

Student population and available dwelling units within close proximity to the University of Texas along with the need for additional housing close to large employment centers is desired.

Zoning changes should promote compatibility with adjacent and nearby uses.

Compatibility standards will be triggered by nearby single-family use or zoning. Staff support for rezoning does not imply support for variances or waivers to Compatibility Standards. Any requests for such will be address through the Planning Commission or Board of Adjustment under a separate application.

Zoning should allow for reasonable use of the property.

The location of the subject property would support a high-density development given its location in close proximity to public transportation and major employment or institutional neighbors.

Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.

The subject property is located on a frontage road along IH-35 near a major intersection at E. 15th St.

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

Approving a more dense zoning on this property will allow for more design and housing opportunities close to major employers and universities in the area.

Granting of the request should result in an equal treatment of similarly situated properties

Properties along IH-35 have zoning and or used that range from Single Family to Commercial Services. Multifamily zoning districts provide appropriate buffers between neighborhoods to the east.

Intensive multi-family zoning should be located on major arterials and highways

The subject property is located along IH-35.

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

The proposed zoning will allow for higher density development that should provide a buffer to the sight and sounds of a major highway.

EXISTING CONDITIONS

Site Characteristics

The site is predominantly flat with a slope down to the IH-35 frontage road. The site is undeveloped.

Impervious Cover

The maximum impervious cover allowed by the MF-6 zoning district

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

Note: The most restrictive impervious cover limit applies.

Environmental

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 Drinking Desired Development Zone.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and 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.

At this time, no information has been provided as to whether this property has any pre-existing approvals, which would preempt current water quality or Code requirements.

Transportation

The trip generation under the requested zoning is estimated to be 86 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

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]

Additional right-of-way will be required with the subdivision and/or site plan.

Capital Metro bus service is available along IH-35.

There are sidewalks along IH-35 and E. 14th Street.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION
IH-35	Varies	Varies	Major Arterial
E. 14 Street	50'	Varies	Collector
Olander	35'	Varies	Local

Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

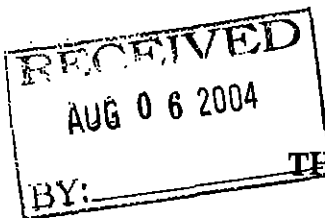
The site is served with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner will be responsible for all costs and providing. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin design criteria and specifications.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Compatibility Standards

Compatibility Standards are triggered by single-family use or zoning to the east and south of the subject property.



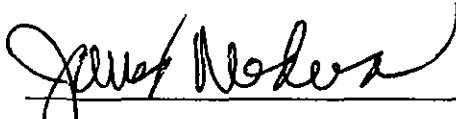
**RESOLUTION OF
THE SWEDE HILL NEIGHBORHOOD ASSOCIATION**

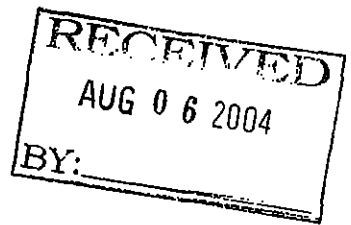
THE UNDERSIGNED, the President of The Swede Hill Neighborhood Association (Swede Hill NA), hereby certifies that in accordance with its Bylaws, the following resolution was adopted by the Members of Swede Hill NA present at a meeting of the Members held on June 7, 2004, and the same has not been revoked, cancelled, annulled or amended in any manner and is in full force and effect on the date hereof:

WHEREAS, Agents for **Robert Hageman** appeared before Swede Hill NA, on May 3, 2004, and June 7, 2004, to request a zoning change and variances for development of his property located at 807-809 E. 14th Street, Austin, Texas 78702;

NOW THEREFORE BE IT RESOLVED that Swede Hill NA supports Mr. Hageman's Request for Zoning Changes and Variances subject to the conditions on the attached Olander Street Development Request worksheet, initialed by Swede Hill NA;

THE UNDERSIGNED hereby certifies that he is the President of Swede Hill NA and that the above resolutions are in full force and effect as of this 2nd day of August, 2004.


James Medina, President



OLANDER STREET DEVELOPMENT
Request for Neighborhood Support

OLANDER STREET APARTMENTS

Up to 18-unit apartment development, 3 stories, with covered and rear parking.

REQUIRED PARKING

18- 2 bedroom apartments, 36 spaces required. Parking provided: 37 spaces

NO PARKING VARIANCE REQUESTED

ZONING CHANGE REQUIRED

1. MF6 zoning required. In order to increase the size of the apartments to accommodate families and potential for home ownership, need change from MF4 to MF6.

VARIANCES REQUIRED-

1. Compatibility height variances

Olander, east face- allowable height at 50' from across street residential is 40'. 49' requested for the project.

Alley- south face- allowable height at 42' to 50' from property line is 30'. 49' requested, allowable height at 50' from property line is 40 ft. 49 ft requested.

2. Building Setback Variances

15' building setback required off 14th Street – 5' setback requested for building

15' building setback off Olander- requested that the porch stairs be allowed to encroach into the setback

2 Aug 2004 Date
JH Initials



RECEIVED
AUG 05 2004
Neighborhood Planning & Zoning

RESOLUTION

**regarding 807-809 East 14th Street (at Olander)
August 4, 2004**

THE UNDERSIGNED, the President of The Organization of Central East Austin Neighborhoods, formerly the Central East Austin Neighborhood Planning Team (OCEAN), an association of residents, businesses, and property owners in the Blackshear, Kealing, Swede Hill, Robertson Hill, Guadalupe, and Anderson Hill neighborhoods of Austin, Texas, hereby certifies that in accordance with OCEAN's Bylaws, the following resolution was adopted by OCEAN at a meeting of its Community/Steering Committee held on June 15, 2004, and the same has not been revoked, cancelled, annulled or amended in any manner and is in full force and effect on the date hereof:

WHEREAS, Agents for Robert Hageman appeared before OCEAN, on May 18, 2004, and June 15, 2004, to request a zoning change and variances for development of his property located at 807-809 E. 14th Street, Austin, Texas 78702;

NOW THEREFORE BE IT RESOLVED that OCEAN supports Mr. Hageman's Request for Zoning Changes and Variances subject to the conditions on the attached Olander Street Development Request worksheet, initialed by OCEAN;

FURTHER RESOLVED, that OCEAN conditions support for proposed development on a commitment by the owner to make available at least 20% of the units to families earning at or below 80% of the Median Family Income for this area;

THE UNDERSIGNED hereby certifies that he is the President of OCEAN and that the above resolutions are in full force and effect as of this 4th day of August, 2004.

A handwritten signature in black ink, appearing to read "Mike Clark-Madison", followed by a horizontal line.

Mike Clark-Madison, President

RECEIVED

AUG 05 2004

Neighborhood Planning & Zoning



OLANDER STREET DEVELOPMENT
807-809 East 14th Street (at Olander)
Request for Neighborhood Support

Up to 18-unit apartment development, 3 stories, with covered and rear parking.

REQUIRED PARKING

18- 2 bedroom apartments, 36 spaces required. Parking provided: 37 spaces

NO PARKING VARIANCE REQUESTED

ZONING CHANGE REQUIRED

MF6 zoning required. In order to increase the size of the apartments to accommodate families and potential for home ownership, need change from MF4 to MF6.

VARIANCES REQUIRED

1. **Compatibility height variances**

Olander street, east face: Allowable height at 50' from across-the-street SF residential is 40 feet. **49 feet requested for the project.**

Alley, south face: Allowable height at 42' to 50' from property line is 30 feet. **49 feet requested.** Allowable height at 50' from property line is 40 feet. **49 feet requested.**

2. **Building Setback Variances**

14th Street: Required setback off 14th Street is 15 feet. **5 foot setback requested for project.**

Olander Street: Required setback off Olander Street is 15 feet. Requested that the porch stairs be allowed to encroach into the setback

4 Aug 04 Date

MCN Initials