

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHBORHOOD PLAN: Central East Austin Neighborhood Plan

CASE#: NPA-2011-0009.02 **DATE FILED:** October 28, 2011 (out-of-cycle)

PC DATE: March 13, 2012
February 14, 2012

ADDRESS/ES: 1807 East 13th Street & 1212 Chicon Street
(Project Name: Chicon Corridor)

SITE AREA: 15,943 sq. ft.

APPLICANT/OWNER: Calavan Family Partnership LTD (Brooks Calavan)

AGENT: Chestnut Neighborhood Revitalization Corporation (Sarah Andre and Sean Garretson)

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Single Family **To:** Mixed Use

Base District Zoning Change

Related Zoning Case: C14-2011-0149.SH
From: CS-NP **To:** CS-MU-NP

NEIGHBORHOOD PLAN ADOPTION DATE: December 13, 2001

PLANNING COMMISSION RECOMMENDATION: Pending

STAFF RECOMMENDATION: Recommended

BASIS FOR STAFF'S RECOMMENDATION: The request to change the future land use map from Single Family to Mixed Use land use supports the following Goals, Objectives, and Recommendations:

Housing

Goal 2 - Create housing that is affordable, accessible, and attractive to a diverse range of people.

Objective 2.1: Increase opportunities for home ownership.

Objective 2.2: Increase the amount of housing units available.

Land Use and Public Infrastructure

Goal 3 - Promote new development for a mix of uses that respects and enhances the residential neighborhoods of Central East Austin.

Objective 3.1: Recognize that this is an urban area and identify areas for increased residential density.

Objective 3.2: Provide incentives for creating or maintaining neighborhood serving businesses.

Objective 3.3: Increase mixed-use opportunities where appropriate on commercial corridors.

Objective 3.5: Develop a strategy for utilizing vacant land.

Action 37-- Identify owners and tax status for vacant properties as a first step towards a potential "community land trust" that could work with CDCs and other organizations to target properties for housing or other development.

Implementer – NPZD, NHCD and NPT

Urban Design/Neighborhood Character & History

(See Design Guidelines in Appendix A)

Goal 7 - Respect the historic, ethnic and cultural character of the neighborhoods of Central East Austin.

Goal 8 - Enhance and enliven the streetscape.

Goal 9 - Ensure compatibility and encourage a complimentary relationship between adjacent land uses.

Staff Analysis: The proposed project will provide a mix of commercial uses, in addition to affordable housing units, both of which meet the goals of the plan.

BACKGROUND: The application was filed on October 28, 2011, which is out-of-cycle for City Council-approved neighborhood planning areas located on the east side of IH-35. The application was allowed out-of-cycle because it is a S.M.A.R.T. Housing project certified by the Neighborhood Housing and Community Development Department. See letter on page six of this report.

The applicant is requesting a change in the Central East Austin Neighborhood Planning Area future land use map from Single Family to Mixed Use land use. The associated zoning change application in case number C14-2011-0149.SH, is a request to change the zoning on the property from CS-NP to CS-MU-NP to build a mixed use development with retail and residential units. Please see the Public Meetings section of this report for more information on the proposed project.

The Central East Austin Neighborhood Plan was completed under the City of Austin's Neighborhood Planning Program and was adopted as part of the Austin Tomorrow Comprehensive Plan on December 12, 2001. The boundaries of the planning area are IH-35 on the west; Martin Luther King Jr. Boulevard to the north, Chicon Street and Northwestern Street on the east and East 7th Street on the south.

PUBLIC MEETINGS: The ordinance required plan amendment meeting was held on December 6, 2011. Two hundred and thirty-six meeting notices were mailed to property owner and utility account holders located within 500 feet of the property, in addition to neighborhood and environmental organizations registered on the City's Community Registry. Approximately 27 people attended the meeting, including the applicants and one City staff member.

Sean Garretson gave a presentation stating that the Chestnut Neighborhood Revitalization Corporation (CNRC) is proposing three projects along Chicon Street corridor, with each one consisting of approximately 10 to 15 dwelling units and 3,000 to 5,000 square feet of commercial space. The projects are proposed to be Green Built and will provide neighborhood services. (Mr. Garretson's PowerPoint presentation is provided at the back of this report.

After his presentation, the following questions were asked:

Q: For the low-income people who live in the residential units, what happens if their income increases and they no longer are considered low-income. Do you throw them out?

A. People Fund will create a Housing Land Trust whereby the units will be affordable for 99 years. They will be able to stay until they sell the unit, which will remain affordable.

Q. Condos have common areas and fees. How will this be handled?

A. HOA fees will be based on the size of the dwelling unit.

Q. You say 3,000 to 6,000 square feet will be retail. Will all the retail be located on the corner?

A. There will be approximately 3,000 to 5,000 square feet of retail per building, but the final amount will bear out in the design. Corners are the strongest place to put commercial uses.

Q. Will adding the mixed use to the project increase the allowable height?

A. No. It only allows for the addition of residential uses to the commercial.

Q. When will the units be ready to move in?

A. Construction start will depend on the City funding, but possibly late spring, early summer, but this is an aggressive timeline. Move-in could be late summer or fall of 2013.

Q. Which development will you start with?

A. We don't want to be speculative and end up with empty units. Maybe we will phase the development starting with 14th Street because the 13th Street development will start later with the rezoning.

Q. Your earlier presentations to the neighborhood had the dwelling units as rental, now they are owner-occupied. Why did you change?

A. Through the neighborhood discussion, we heard more support for owner-occupied. The neighborhood could be stronger if the people living there own their homes versus renting.

Q. What if you get the zoning change, but then the ownership of the property changes?

A. We could tie the zoning change to the funding support.

Q. Will you seek variances?

A. We might seek variances for the driveway or parking. We will come back to the neighborhood if we need variances. We will also come back with the design of the project.

Q. What will happen if the Chestnut project doesn't come through?

A. Some projects don't need zoning changes. We are still negotiating with one property owner.

Q. This area has a lot of crime. Have you discussed with the City how to manage the crime?

A. You're correct that crime is a big concern because this will affect the ability to sell the units. This has been an issue with City Council members. We have discussed the possibility of having a Police Substation in the development.

Q. What guarantees do you have that this project won't change?

A. The affordable housing limits cannot change, but Neighborhood Housing Department does not care about the design if that changes. We cannot change the ownership to rental.

Q. It would be easy to support of the design if it were further along.

A. We need funding before we can pay for full design work.

Q. Does the funding come with a timeframe?

A. Once the funding happens, the project can move fairly quickly.

Q. Are you interested in restricting some uses in the CS Commercial Services zoning district?

A. We would be open to that.

Letters of support and conditional support for the project were submitted by the Central East Austin Planning Contact Team (OCEAN), Davis-Thompson Neighborhood Association, the Chestnut Neighborhood Planning Contact Team (adjacent planning area), and the Kealing Neighborhood Association.

Also received were two comment forms in support of the plan amendment and one comment form in opposition.

CITY COUNCIL DATE: March 8, 2012

ACTION: Pending

CASE MANAGER: Maureen Meredith

PHONE: (512) 974-2695

EMAIL: Maureen.meredith@austintexas.gov



City of Austin

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

Neighborhood Housing and Community Development Department

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

September 26, 2011

S.M.A.R.T. Housing Certification
CNRC- Chicon Corridor (id# _____)

TO WHOM IT MAY CONCERN:

The Chestnut Neighborhood Revitalization Corporation (CNRC) (development contact Sarah Andre, 698-3369 (o); 233-2269 (fax); sarah@s2adelvelopment.com) is planning to develop a 33 unit multi-family development at the intersection of Chicon Street and E. 11th Street.

NHCD certifies that the proposed construction meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since 100% of the residential units will serve households at or below 60% Median Family Income (MFI), the development will be eligible for 100% waiver of the fees listed in Exhibit A of the S.M.A.R.T. Housing Resolution adopted by the City Council. The expected fee waivers include, but are not limited to, the following fees:

Capital Recovery Fees	Concrete Permit	Mechanical Permit
Building Permit	Electrical Permit	Plumbing Permit
Site Plan Review	Subdivision Plan Review	Zoning Verification
Construction Inspection	Parkland Dedication Fee	Land Status Determination
Demolition Permit Fee	(by separate ordinance)	Building Plan Review
	Regular Zoning Fee	

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

- ◆ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Austin Energy Katherine Murray, 482-5351 for multi-family; Bryan Bomer, 482-5449 for single-family).
- ◆ Submit plans demonstrating compliance with accessibility and transit-oriented standards.

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

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

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

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

Javier V. Delgado
Neighborhood Housing and Community Development

cc	Laurie Shaw, Cap Metro	Maureen Meredith, PDRI	Kath Murray, Austin Energy
	Chris Yanez, PARC	Danny McNabb, PDRI	Michael Simmons-Smith, PDRI
	George Zapalac, PDRI	J.B. Meier, PDRI	Hillary Holey, PDRI
	Rolby McArthur, WWV Taps	Bryan Bomer, Austin Energy	Deborah Fonseca, PDRI
	Stephan Casiberry, PDRI	John McDonaki, PDRI	Yolanda Parada, PDRI

February 7, 2012

Ms. Heather Chaffin, AICP
Senior Planner-- Zoning Review Division
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

RE: Chicon Corridor ADP Funding Application
NPA-2011-0009.02 (plan amendment)
Re: C14-2011-0149.SH (zoning change)

Dear Ms. Chaffin:

This letter is to inform you and other appropriate City of Austin Departments and staff that on Wednesday, January 25th, 2012, the directors and members of the Organization of Central East Austin Neighborhoods (OCEAN) met. As part of our agenda, we discussed and voted unanimously to affirm the conditional supporting position of the Davis-Thompson Neighborhood Association (DTNA) regarding the above-referenced land use matter known also as the Chicon Corridor development proposal.

As you know, OCEAN is the official City planning contact team for Central East Austin. Our organizational bylaws, in part, require that in a situation, such as this, where a land use issue generates a request for a variance or neighborhood plan amendment, and the subject property is situated solely within the boundaries of an OCEAN neighborhood member, the OCEAN membership must vote to affirm the position of that neighborhood member regarding the land use issue.

I have attached the DTNA letter issuing its conditional support for the Chicon Corridor development proposal. It is my understanding that representatives of the developer, Chestnut Neighborhood Revitalization Corporation, discussed the terms and conditions of the letter with DTNA representatives and agreed to them. Although not required or solicited, I have also attached a letter of conditional support that a nearby OCEAN member neighborhood, Kealing Neighborhood Association, issued expressing affirmation of DTNA's position.

As both letters state, and throughout the numerous and extensive community discussions regarding the matter, it was made abundantly clear that the impacted community supports the overall proposal on the conditions that: 1) residential properties be owner-occupied; 2) land uses and prohibited uses be consistent with those provided in the NCCD applicable to E. 12th Street Corridor; and 3) no variance be granted until after full funding is secured for the Chicon Corridor proposal.

I thank you for your work on this matter. Please contact me should you have any questions or need further information from me or OCEAN.

Sincerely,
Stan

Stanton Strickland
President, Organization of Central East Austin Neighborhoods
originalstanton@yahoo.com

cc: Maureen Meredith, Planning and Development Review Department - via email
Betsy Spenser – via email
Austin Housing Financing Corporation
City of Austin Neighborhood Housing and Community Development Department
Sean Garretson / Sarah Andre, Chestnut Neighborhood Revitalization
Corporation - via email
Tobias Ford / Eric Jansson, Davis-Thompson neighborhood Association – via
email

Davis-Thompson Neighborhood Association

January 08, 2012

Chicon Corridor ADP Funding Application
NPA-2011-0009.02 (plan amendment)
Re: C14-2011-0149.SH (zoning change)

Dear Planning Commissioners, Mayor, Mayor Pro-Tem, Councilmembers, and NHCD Staff:

We are writing to express our support for the funding of the Chestnut Neighborhood Revitalization Corporation's ("CNRC") application for funding of a homeownership and mixed use project to be located along Chicon Street in between E. 12th Street and E. 14th Street (the "Chicon Corridor Project").

We are also writing to express our conditioned support of CNRC's applications for a zoning change to CS-MU-NP and neighborhood plan amendment for 1807 E. 13th Street and 1212 Chicon Street, which are part of the Chicon Corridor Project (see above referenced case numbers). We are conditioning our support on two things: (i) that the City provides the funding for CNRC to purchase these properties and (ii) that the following are prohibited uses for this property (see attached list).

Thank you for your service to the City of Austin, and we look forward to this project becoming a reality and helping us improve our neighborhood while creating an opportunity for affordable home ownership within close proximity to Downtown.

Sincerely yours,

Davis-Thompson Neighborhood Association

cc. Stanton Strickland, President, OCEAN

Prohibited uses (consistent with East 12th Street NCCD / ORDINANCE NO. 20080228-087)

1. Adult-Oriented Businesses
2. Automotive Rental
3. Automotive Repair
4. Automotive Sales
5. Automotive Washing
6. Bail Bond Services
7. Campground
8. Carriage Stable
9. Cocktail Lounge
10. Laundry Service
11. Commercial Plasma Center
12. Convenience Storage
13. Drop-off recycling Collection Facility
14. Drive Through Services as an accessory use to a restaurant
15. Equipment Repair Services
16. Equipment Sales
17. Exterminating Services
18. Kennels
19. Liquor Sales
20. Pawn Shop Services
21. Outdoor Entertainment
22. Outdoor Recreation
23. Service Stations
24. Telecommunication Tower (if sited on ground)
25. Vehicle Storage
26. Veterinary Services

Chestnut Neighborhood Plan Contact Team • 2601 E 17th St • Austin, Texas 78702

City of Austin Housing and Finance Corporation

February 4, 2011

Re: Support for Chestnut Neighborhood Revitalization Corporation's development along Chicon St.

Board of Directors,

On behalf of the Chestnut Neighborhood Plan Contact Team, I am writing to register our support for the Chestnut Neighborhood Revitalization Corporation's development at 1212, 1301, 1301 ½, 1305, and 1309 Chicon St. and 1807 East 13th St.

Our neighborhood plan calls for development at the intersection of 12th and Chicon. This project will go a long way towards providing solutions to many of the issues that currently face this historically underserved intersection.

I urge you to approve the loan to the Chestnut Neighborhood Revitalization Corporation, so that they may move forward with the purchase of the properties.

Sincerely,

Gregory Goeken
Chair, Chestnut Neighborhood Plan Contact Team

Prohibited uses (consistent with East 12th Street NCCD / ORDINANCE NO. 20080228-087)

1. Adult-Oriented Businesses
2. Automotive Rental
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Kealing Neighborhood Association

February 4, 2012
Chicon Corridor ADP Funding Application
NPA-2011-0009.02 (plan amendment)
Re: C14-2011-0149.SH (zoning change)

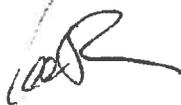
Dear Planning Commissioners, Mayor, Mayor Pro-Tem, Councilmembers, and NHCD Staff:

The Kealing Neighborhood Association (KNA) has voted to affirm the position of Davis-Thompson Neighborhood Association in support for the funding of the Chestnut Neighborhood Revitalization Corporation's ("CNRC") application for funding of a homeownership and mixed use project to be located along Chicon Street in between E. 12th Street and E. 14th Street (the "Chicon Corridor Project").

KNA is also writing to express our conditioned support of CNRC's applications for a zoning change to CS-MU-NP and neighborhood plan amendment for 1807 E. 13th Street and 1212 Chicon Street, which are part of the Chicon Corridor Project (see above referenced case numbers). We are conditioning our support on two things: (i) that the City provides the funding for CNRC to purchase these properties and (ii) that the following are prohibited uses for this property (see attached list).

Thank you for your service to the City of Austin, and we look forward to this project becoming a reality and helping us improve our neighborhood while creating an opportunity for affordable home ownership within the urban core.

Sincerely yours,



Lee Sherman
President
Kealing Neighborhood Association

cc. Stanton Strickland, President, OCEAN

PUBLIC HEARING COMMENT FORM

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

City of Austin
Planning and Development Review Department
974-2695
P. O. Box 1088
Austin, TX 78767-8810



If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2011-0009.02
Contact: Maureen Meredith, (512) 974-2695
Public Hearing: Feb 14, 2012, Planning Commission
Mar 8, 2012, City Council

I am in favor
 I object

Your Name (please print) Tom Harvey
Your address(es) affected by this application 1807-1209 Salina, 1801 E 13th

Signature Tom Harvey Date 2-5-12

Comments: My wife and I own 3 rent houses a block from this project which we support in hope that it will improve security, beauty and property values in the neighborhood.

PUBLIC HEARING COMMENT FORM

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

City of Austin
Planning and Development Review Department
974-2695
P. O. Box 1088
Austin, TX 78767-8810



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Case Number: NPA-2011-0009.02
Contact: Maureen Meredith, (512) 974-2695
Public Hearing: Feb 14, 2012, Planning Commission
Mar 8, 2012, City Council

I am in favor
 I object

Your Name (please print) Otis Bell
Your address(es) affected by this application 1804 E. 12th St. Austin TX. 78702

Signature Otis Bell Date Feb. 1st 2012

Comments: I have no complaints to the application for the amendment request.

PUBLIC HEARING COMMENT FORM

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

City of Austin
Planning and Development Review Department
974-2695
P. O. Box 1088
Austin, TX 78767-8810

RECEIVED
2/22/12

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Contact: Maureen Meredith, (512) 974-2695
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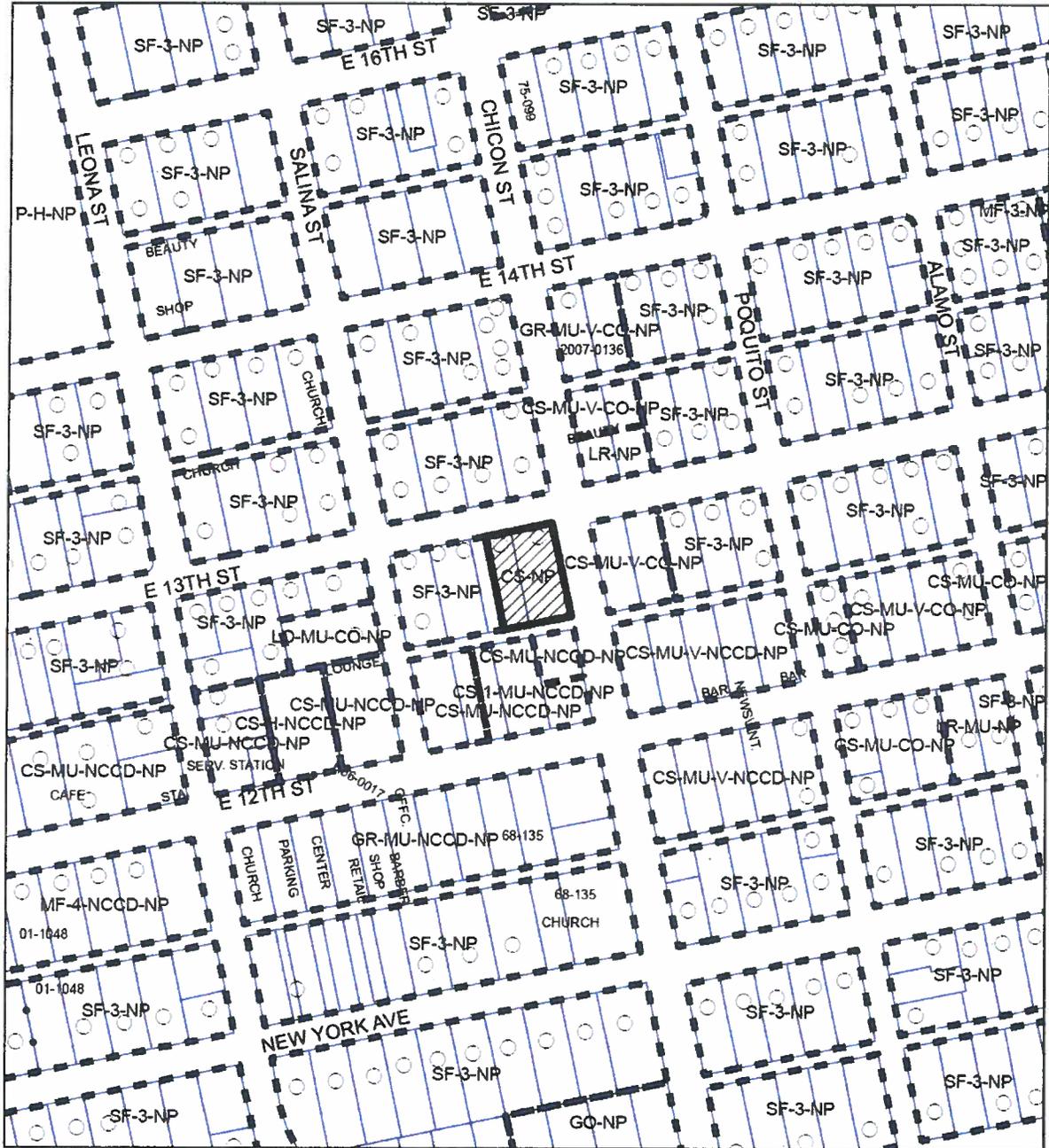
I am in favor
 Object

Darrell Pierce
Your Name (please print)

901 East 12th Street
Your address(es) affected by this application

Darrell Pierce 2/6/2012
Signature Date

Comments:



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

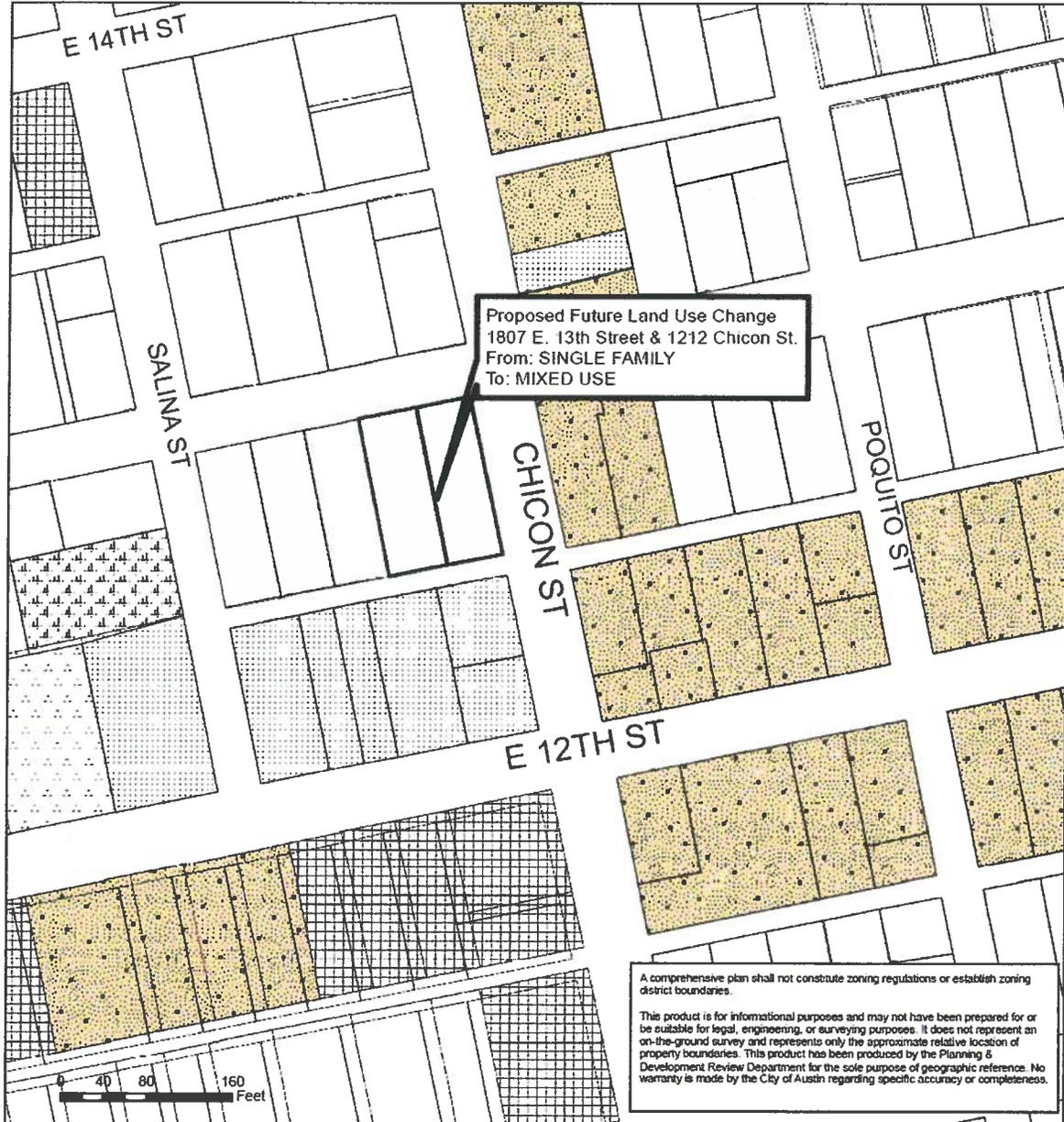
NEIGHBORHOOD PLAN AMENDMENT

NPA CASE#: NPA-2011-0009.02



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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.



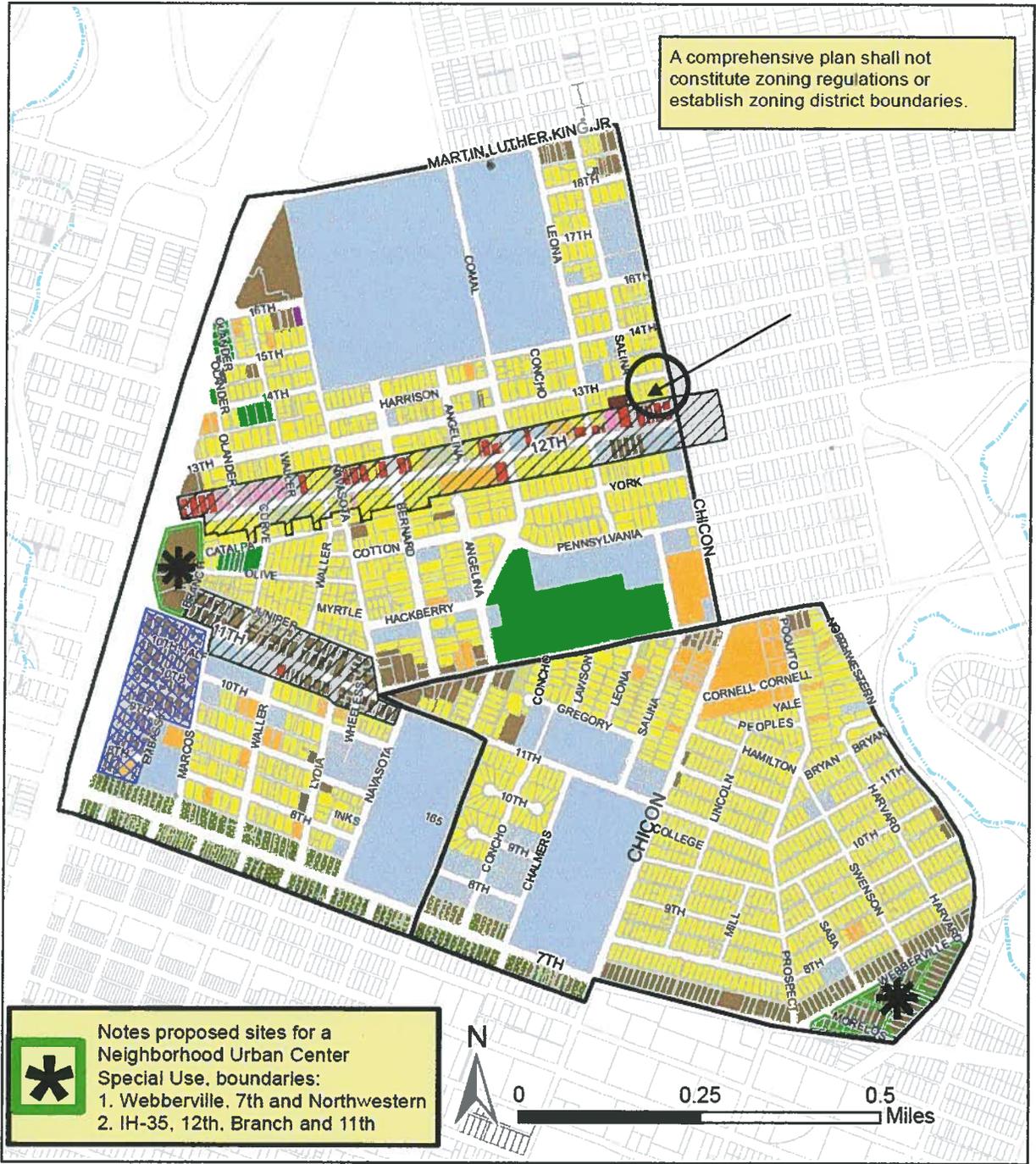
Central East Austin Neighborhood Plan Future Land Use Legend
 NPA-2011-0009.02

This map has been produced by the City of Austin Planning and Development Review Department for the sole purpose of assisting in neighborhood planning discussions and decisions and is not warranted for any other use. No warranty is made by the City regarding its accuracy or completeness.

City of Austin
 Planning and Development Review Department
 Created on 11/22/11 by M. Meredith



SDE.flum_combined		FLU	
	Mixed Use/Office		Civic
	Multi-family		Commercial
	Office		Industry
	Recreation & Open Space		Mixed Use
	Single Family		

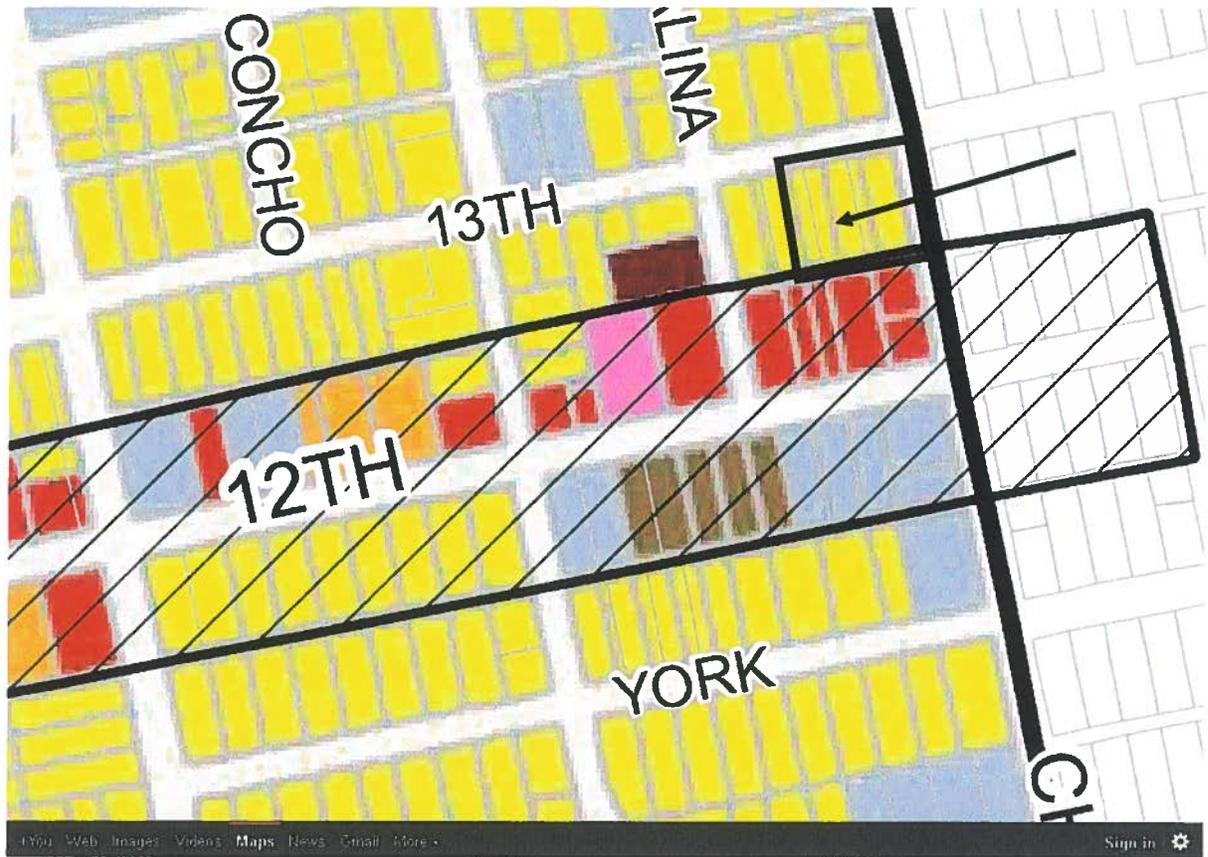


**Central East Austin Neighborhood Planning Area
Future Land Use Map
Updated May 12, 2011
Planning and Development Review Department**

- Neighborhood Planning Areas
- Bennett Tract & 11th Street NCCD
- Austin Revitalization Authority 11th & 12th Street Corridors

- Single-Family
- Higher-Density Single-Family
- Multifamily
- Commercial
- Neighborhood Mixed Use
- Mixed Use
- Office
- Mixed Use/Office
- Industry
- Civic
- Recreation & Open Space
- Transportation
- Specific Regulating District

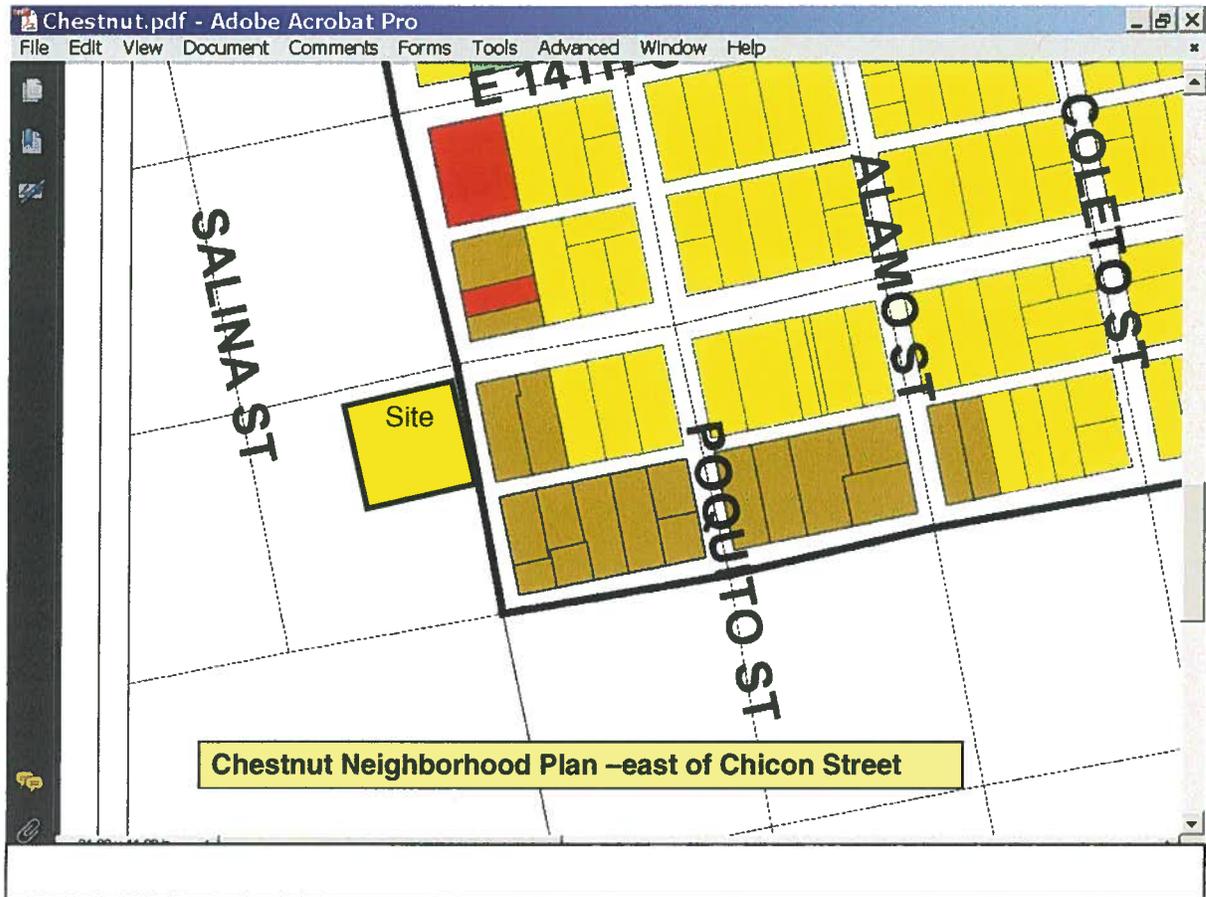
A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.



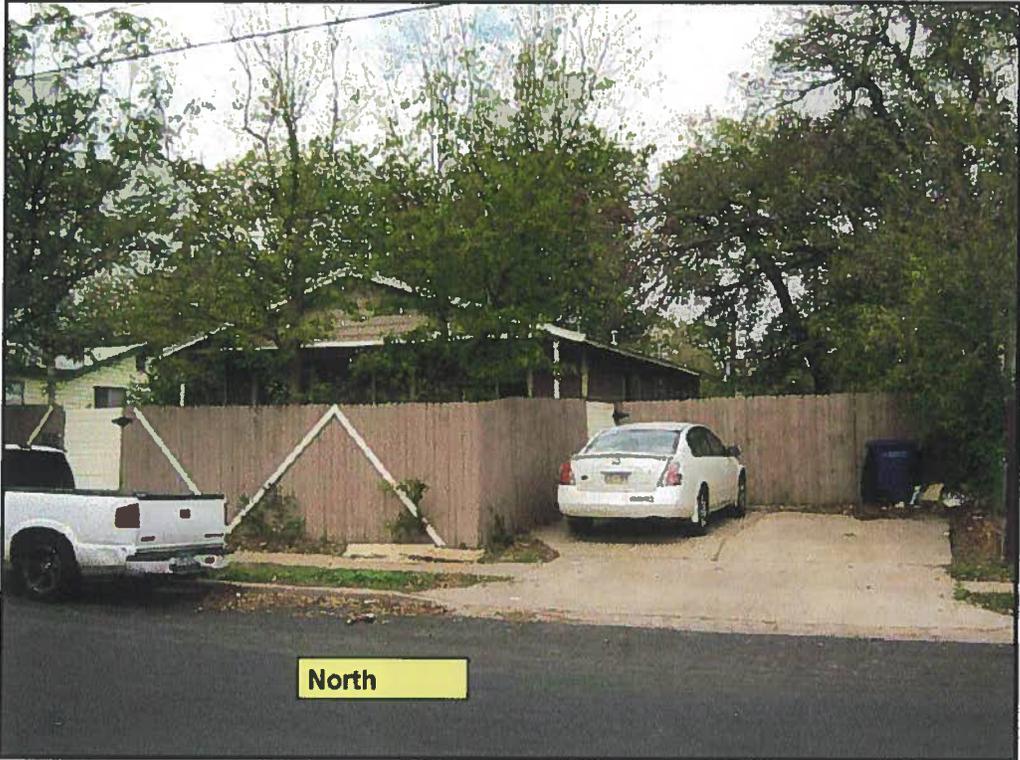
Google

1807 E. 13th street, austin, tx









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