

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0190 – Songhai at Westgate

Z.A.P. DATE: January 6, 2015

ADDRESS: 8700 West Gate Boulevard

DISTRICT AREA: 5

OWNER/APPLICANT: Songhai Development
Group, LLC (Cherno Njie)

AGENT: Drenner Group
(John Donisi)

ZONING FROM: MF-2-CO

TO: MF-4-CO

AREA: 5.1571 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant multi-family residence-moderate high – conditional overlay (MF-4-CO) combining district zoning. The Conditional Overlay will establish a 25-foot wide front yard setback, 50 percent building cover and 46 feet in height.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

January 6, 2015: *APPROVED A POSTPONEMENT REQUEST BY THE APPLICANT TO JANUARY 20, 2015; MEETING TO BE HELD IN THE COUNCIL CHAMBERS*

[R. MCDANIEL; S. COMPTON – 2ND] (5-0) P. SEEGER; J. GOODMAN – ABSENT

January 20, 2015: *APPROVED MF-4-CO DISTRICT ZONING AS STAFF RECOMMENDED, BY CONSENT*

[R. MCDANIEL; C. BANKS – 2ND] (5-0) B. BAKER; S. COMPTON – ABSENT

ISSUES:

The corresponding site plan application has been approved to participate in the City's S.M.A.R.T. (Safe, Mixed-Income, Accessible, Reasonably-priced, Transit-Oriented) Housing expedited review program. Please refer to Attachment A.

DEPARTMENT COMMENTS:

The subject lot is undeveloped, zoned multi family residence-low density – conditional overlay (MF-2-CO) combining district and fronts West Gate Boulevard. The Conditional Overlay that was approved for this property and other similarly situated properties in July 1998 prohibits development of this lot and similarly situated properties to the east and south until the construction of West Gate Boulevard is complete (the road has been accepted by the City and is operational). The lot is within the Cherry Creek subdivision, and surrounded by open space to the north, south and west (P), and undeveloped land across West Gate Boulevard to the east (MF-2-CO). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plat).

The Applicant proposes to rezone the property to the multi-family residence – moderate-high density (MF-4-CO) combining district in order to construct a 146-unit apartment development, associated parking areas and amenities such as a children’s playscape and community meeting space. Please refer to the proposed site plan provided as Exhibit C. The proposed Conditional Overlay establishes a 25-foot front yard setback and 50 percent building cover (both MF-2 development standards), and provides for an incremental increase in height to 46 feet. Please refer to the Applicant’s correspondence attached at the back of this report.

Staff thinks the rezoning request is consistent and appropriate in the context of the surrounding zoning and land uses, and roadway. The property has access to a major arterial roadway and is across from other MF-2 zoned properties.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-2-CO	Undeveloped
<i>North</i>	P; SF-2	Open space; Single family residences within the Cherry Creek subdivision
<i>South</i>	P; LR-CO	Pipeline easement; Undeveloped
<i>East</i>	MF-2-CO; P	Undeveloped
<i>West</i>	P	Open space; Single family residences within the Cherry Creek subdivision

AREA STUDY: N/A

TIA: Is not required

WATERSHED: South Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

Cowan Elementary School

Covington Middle School

Bowie High School

NEIGHBORHOOD ORGANIZATIONS:

12 – Brodie Lane Homeowners Association

217 – Tanglewood Forest Neighborhood Association

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Association

742 – Austin Independent School District

1075 – Bike Austin

1228 – Sierra Club, Austin Regional Group

1236 – The Real Estate Council of Austin, Inc.

1340 – Austin Heritage Tree Foundation

1363 – SEL Texas

1429 – Go! Austin/Vamos! Austin (GAVA)-78745

1424 – Preservation Austin

1447 – Friends of the Emma Barrientos MACC

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2013-0023 – 6.11 acre tract - Westgate & Davis Lane – 2901 Davis Ln	RR to SF-6	To Grant SF-6-CO w/CO for 2,000 trips per day, prohibit vehicular access to Kentish Dr and Westgate Blvd and require pedestrian access to Kentish Dr	Apvd SF-6-CO as ZAP rec., w/add'l CO requiring public pedestrian access to Kentish Dr (10-03-2013).
C14-07-0014 – Cameron Condo – 2903 Cameron Loop	RR to SF-6	To Grant SF-6-CO w/CO limited to 85 units and vehicular access to Cameron Loop limited to emergency use only; RC for conds. of the Neighborhood Traffic Analysis	Apvd SF-6-CO w/RC as Commission recommended (06-21-2007).
C14-03-0157 – Harris Ranch – SE corner of Davis and Brodie Lanes	DR; RR to GR; MF-2; SF-6, as amended	To Grant GR-CO for 8.04 acres and SF-2 for the remainder; RC for the Traffic Impact Analysis	Apvd GR-CO w/CO prohibiting auto-related uses, guidance services, pawn shop services and drive-in services (Tract 1); SF-6-CO w/CO limiting the number of units to 350 (Tract 2); RC for the TIA (09-30-2004).

RELATED CASES:

The property is platted as Lot 2 of the Cherry Creek Section 9-B1, a subdivision recorded in September 1985 (C8s-85-041).

The property was zoned MF-2-CO on July 9, 1998 as part of the rezonings for Southland Oaks Municipal Utility District No. 1 (Cherry Creek 9) that was bounded by Cameron Loop on the west and north, one lot west of Leo Street on the east, and Davis Lane on the south (C14-97-0155). The subject property was identified as Tract 5 and the Conditional Overlay states that “No site plan for development of Tracts 5, 6, 7 and 9...may be approved or released, and no building permit for construction of a building on these tracts may be issued before the construction of Westgate Boulevard is completed from Cameron Loop to Davis Lane.” The construction of Westgate Boulevard was a bonded project and recently completed by the City of Austin.

On August 28, 2014, Council approved a S.M.A.R.T. Housing certification for the proposed multi-family residential development with certain regulations that are better than the City's 1985 regulations applicable to the property, including a maximum 64.5% impervious cover, providing on-site stormwater controls that will treat a minimum of 8,493 cubic feet of stormwater using stormwater controls designed in accordance with City Code and criteria, and preserving 3 existing Heritage trees and 5 existing Protected trees. The Applicant has executed a binding, written agreement memorializing these negotiated environmental benefits.

In addition to the environmental benefits described above, the Applicant is proposing the following affordability requirements: 20 percent of the total number of units (29 units) would be affordable to households with annual incomes at or below 60 percent of the Median Family Income (MFI, currently \$40,740 for a family of four) for the Austin area for a period of 40 years. The affordability components would be enforced by a restrictive covenant to run with the property which would take affect at the time the development receives a Certificate of Occupancy.

A site plan is in process for a 146 unit multi-family residential project (SP-2014-0044C.SH – Songhai at Westgate).

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
West Gate Boulevard	90 feet	80 feet	Major Arterial	Yes	Yes	Yes

- According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows: West Gate Blvd.

CITY COUNCIL DATE: February 12, 2015

ACTION:

ORDINANCE READINGS: 1st

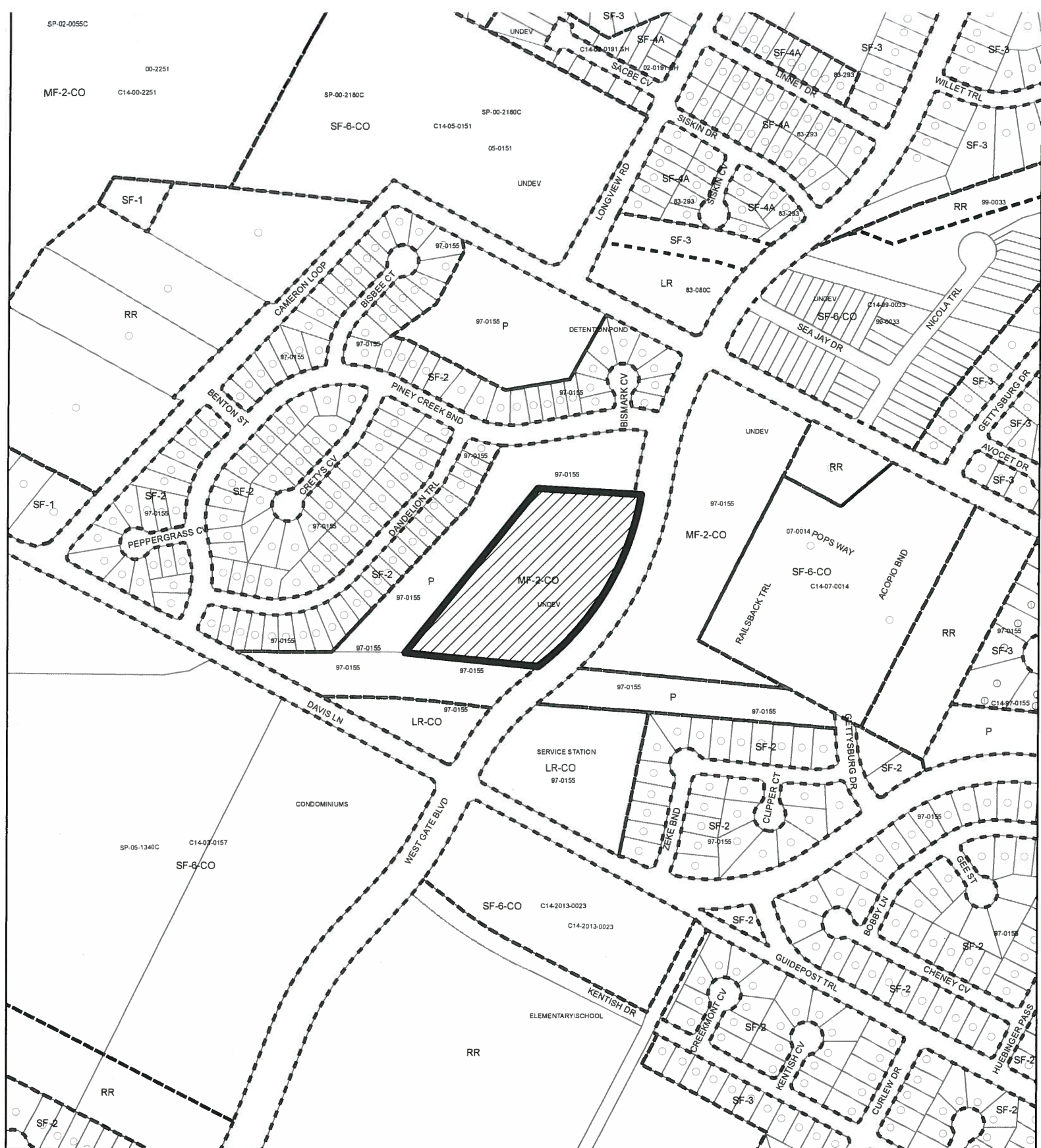
2nd




3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@austintexas.gov

PHONE: 512-974-7719



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING EXHIBIT A

ZONING CASE#: C14-2014-0190



1" = 400'

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.



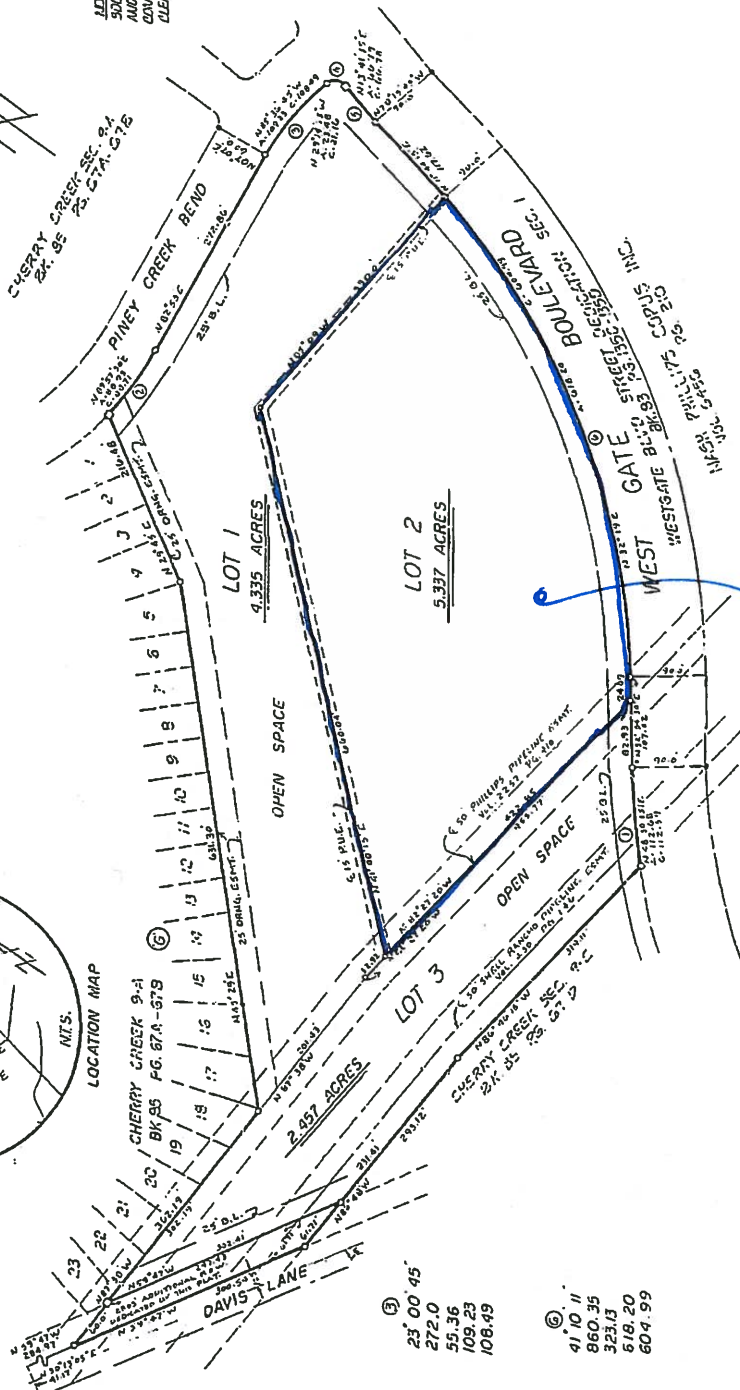
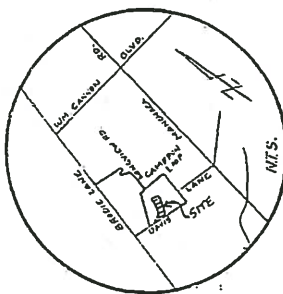
CHERRY CREEK SECTION 9-B1

Vol. 86 Page 18B
PLAT RECORD, TRAVIS COUNTY, TEXAS
85 19877

SCALE: 1" = 100'

LEGEND

- IRON PIN SET
- CONC MONUMENT SET
- CONC MONUMENT FOUND
- BL. BUILDING LINE
- P.U.E. PUBLIC UTILITY ESMIT.
- TOTAL ACRES: 12.33
- TOTAL NO. OF LOTS: 3
- DATE: MARCH 1985
- BY: MARCH 1985
- FEENA: MARCH 1985
- NOTE: LOTS 1 AND 3 HAVE BEEN DEED TO THE SOUTHWEST LANDS TRUST TO BE OWNED AND MANAGED IN ACCORDANCE WITH THE M.L.D. AND WAREHOUSE AGREEMENT WITH THE M.L.D. CLERK OF THE CITY OF AUSTIN.



CURVE DATA

①	89°30'32"	14'09'15"	23°00'45"	⑤	41°10'11"
R	15.00	3600	272.0	R	860.35
T	14.87	56.94	59.36	T	323.13
A	23.43	112.68	108.23	A	518.20
C	21.12	88.71	108.45	C	604.59

EXHIBIT B
RECORDED PAT

C85-85-041

C85-85-041



City of Austin

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

Neighborhood Housing and Community Development Department

March 6, 2014 (revision to letter dated January 27, 2014)

S.M.A.R.T. Housing Certification (id #64479)
Songhai Development Company, LLC- Songhai at West Gate

TO WHOM IT MAY CONCERN:

Songhai Development Company, LLC (development contact: Miguel Medellin 512-452-5505 (o); 512-739-4018 (m); mmedellin@songhaidev.com) is planning to develop a 146 unit multi-family project at located at 8700 West Gate Blvd. The revision was to update the MFI to be served from (50% to 60%) and increase the percentage of affordable units from 10% to 14% (15 units to 20 units).

The applicant has elected to provide a water quality treatment plan as was submitted to the Environmental Officer. Any deviation from the agreed upon water quality plan would need the approval of the Environmental Officer. If the applicant fails to do so, the SMART housing certification will be revoked and all waived fees will then be reimbursed. No certificates of Occupancy will be allowed until all fees are reimbursed.

NHCD certifies that the proposed construction meets the S.M.A.R.T. Housing standards. Since 14% of the units (20 units) will serve households at 60% Median Family Income (MFI) or below, the development will be eligible for 25% waiver of the fees listed in Exhibit A of the S.M.A.R.T. Housing Resolution adopted by the City Council. Expected fee waivers include, but are not limited to:

Capital Recovery Fees
Building Permit
Concrete Permit
Electrical Permit
Mechanical Permit

Plumbing Permit
Site Plan Review
Construction Inspection
Subdivision Plan Review
Zoning Verification

Land Status Determination
Building Plan Review
Parkland Dedication (by
separate ordinance)

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

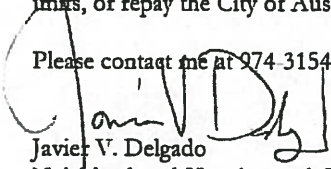
- ◆ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Austin Energy: Bryan Bomer 512-482-5351).
- ◆ Submit plans demonstrating compliance with accessibility 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 that accessibility and transit-oriented standards have been met.

The applicant must demonstrate compliance with S.M.A.R.T. Housing standards 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, Capital Metro
Maureen Meredith, PDRD
Heidi Kasper, Austin Energy
Kath. Murray, Austin Energy
Robby McArthur, AWU

John McDonald, PDRD
Gina Copic, NIICD
Chris Yanez, PARD
M. Simmons-Smith, PDRD
Danny McNabb, PDRD

Susan Kinel, NIICD
S. Castleberry, PDRD
Hillary Holey, PDRD
G. Zapalac, PDRD
Deborah Fonseca, PDRD

ATTACHMENT A

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant multi-family residence-moderate high – conditional overlay (MF-4-CO) combining district zoning. The Conditional Overlay will establish a 25-foot wide front yard setback, 50 percent building cover and 46 feet in height.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

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

The multi-family residence – moderate-high density (MF-4) district is intended for residential and multi-family use with a maximum density of up to 54 units per acre, depending on unit size and mix. This district is appropriate for multi-family residential areas located near supporting transportation and commercial facilities, generally in more centrally located areas.

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

3. Zoning should promote clearly-identified community goals, such as providing for affordable housing or creating employment opportunities.

Staff thinks the rezoning request is consistent and appropriate in the context of the surrounding zoning and land uses, and roadway. The property has access to a major arterial roadway and is across from other MF-2 zoned properties.

EXISTING CONDITIONS**Site Characteristics**

The subject rezoning area is undeveloped. There is a 50-foot wide pipeline easement that runs along the southwest property line.

Impervious Cover

On August 28, 2014, Council approved a maximum of 64.5% impervious cover as part of the S.M.A.R.T Housing certification.

Comprehensive Planning

This rezoning case is located on the west side of West Gate Blvd., 440 ft. north of Davis Lane. This 5.1 acres property is undeveloped and is not located within the boundaries of a neighborhood planning area but is due south of the South Austin Combined Neighborhood Planning Area. Surrounding land uses includes the Piney Bend Neighborhood Park to the north and west, and vacant land to the east and south. The proposed use is a 146 unit multi-family housing project.

Imagine Austin

Based on: (1) the comparatively small scale of the site relative to other residential development in the area; (2) this site being located along a West Gate Blvd., which is north-south major arterial, which makes it an ideal location for multi-family housing; and (3) the site not being located along an Activity Corridor or within an Activity Center, this project falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Edwards Aquifer Buffer Zone. The site is in the South Boggy Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to floodplain maps there is no floodplain within or adjacent to the project location.

Site Plan

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

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made with site plan submittal.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

The site is subject to compatibility standards the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.

- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
- Additional design regulations will be enforced at the time a site plan is submitted.

There is a site plan currently under review for this property (SP-2014-0044C.SH) which proposes multi-family use (146 units of affordable MF housing), along with associated parking, drainage, and other appurtenances.

This site is subject to the Hazardous Pipeline Ordinance. Review by the Fire Department is required [LDC, 25-2-516]. Additional comments will be made with site plan submittal.

Transportation

The Austin Metropolitan Area Transportation Plan calls for a total of 114 feet of right-of-way for West Gate Blvd. If the requested zoning is granted, then 57 feet of right-of-way should be dedicated from the existing centerline of West Gate Blvd. in accordance with the Transportation Plan [LDC, Sec. 25-6-51 and 25-6-55].

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].

Water / Wastewater

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. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.

DRENNER GROUP

November 10, 2014

Mr. Greg Guernsey
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, TX 78704

Via Hand Delivery

Re: Songhai Westgate - Rezoning Application for a 5.1571 acre piece of property located at 8700 West Gate Boulevard (the "Property"); Proposed Rezoning from MF-2-CO to MF-4-CO

Dear Mr. Guernsey:

As representatives of the owner of the above stated Property, we respectfully submit the enclosed zoning application package. The project is titled Songhai at West Gate and is located at 8700 West Gate Boulevard. The requested rezoning is from MF-2-CO (Multi-Family Residence-Low Density-Conditional Overlay) district zoning to MF-4-CO (Multi-Family Residence-Moderate-High Density-Conditional Overlay) district zoning. The conditional overlay on the property will limit site development standards to MF-2 regulations but permit a maximum height of 46 feet.

The property is currently undeveloped. The owner intends to redevelop the property with a multifamily development. The project has been certified by the Neighborhood Housing and Community Development Department as a S.M.A.R.T. Housing certified development. A site plan for the property is currently under review.

The property was determined by the City to be grandfathered to site development regulations existing on May 21, 1985. To achieve S.M.A.R.T. Housing, as a grandfathered property, the proposed project required Council approval, based upon a recommendation from the Environmental Officer. Revisions to the original proposed development were incorporated at the request of the Environmental Officer and Council, including reduced impervious cover and increased tree preservation. The requested zoning is limited in scope to allow increased height to develop the project in the manner approved by Council on August 28, 2014, with limits upon impervious cover and including stormwater treatment and tree preservation.

A Traffic Impact Analysis (TIA) has been waived for the development.

The Property is not located within the Neighborhood Planning Area and is subject to review by the Zoning and Platting Commission.

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Very truly yours,



John Philip Donisi
Drenner Group

cc: Jerry Rusthoven, Planning and Development Review Department (*via electronic delivery*)
Wendy Rhoades, Planning and Development Review Department (*via electronic delivery*)
Cherno Njie, Songhai Development (*via electronic delivery*)

Rhoades, Wendy

From: Stephen Rye [redacted]
Sent: Tuesday, January 06, 2015 2:24 PM
To: Rhoades, Wendy
Cc: John P. Donisi; Chaffin, Heather
Subject: Postponement request for C14-2014-0190 - Songhai at Westgate

Ms. Rhoades;

The applicant for rezoning request C14-2014-0190 would like to request a two-week postponement to the January 20, 2015 Zoning and Platting Commission agenda. Please let me know if you have any questions or would like any additional information.

Thank you,

Stephen Rye, Project Manager
Drenner Group, PC | 200 Lee Barton Drive | Suite 100 | Austin, TX 78704
512-807-2905 direct | 512-470-8665 cell | [redacted] | www.drennergrouppc.com