

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	January 5, 2009
	Agenda Item No. 14 Roll Call No. <u>09-</u> Communication No. <u>09-010</u> Submitted by: Larry Hulse, Community Development Department Director	

AGENDA HEADING:

Set the date of hearing regarding a request from Hubbell Realty Company (developer) represented by Steve Niebuhr (officer) to rezone property located at 5525 SE 14th Street from “Limited R-3” Multiple-Family Residential District to “R-3” Multiple-Family Residential District, removing the limitation of senior residential housing on multiple-family dwellings and allowing for up to 240 multiple-family residential dwelling units (1-26-09).

SYNOPSIS:

This request for rezoning was originally scheduled to be reviewed by the Plan and Zoning Commission at their December 18, 2008 meeting. However, the meeting was postponed due to inclement weather. The Plan and Zoning Commission is now scheduled to review and make a recommendation regarding this item on January 15, 2009. Hubbell Realty Company has requested that the City Council’s public hearing regarding the proposed rezoning be set for January 26, 2009 so that Hubbell Realty Company can comply with their “due diligence” deadline. The Plan and Zoning Commission’s recommendation will be forwarded to the Council prior to the January 26, 2009 public hearing.

FISCAL IMPACT:

Amount: Indeterminate Revenue

Funding Source: FY09 Operating Budget, Property Tax Revenue, GE001, FIN820700 p. 147

ADDITIONAL INFORMATION:

The subject property was rezoned by the City Council to “Limited R-3” Multiple-Family Residential on October 9, 2006 with the following conditions accepted by the owner:

- A. Only the following uses of structures and land shall be permitted upon the Property:
 - 1. Any use allowed in and as restricted in the "R1-80" One-Family Residential District.
 - 2. Multiple-family senior residential housing.

- B. None of the trees over 4 inch in caliper measured one foot above the ground shall be removed from the Property until a tree mitigation plan is approved by the City incident to the approval of a site plan or grading permit.

- C. Any development of the Property is subject to provision of storm water management in accordance with State Wide Urban Design and Specifications (SUDAS) standards for a two-year frequency storm event developed release rate.
- D. Any development of the Property will incorporate conservation design methods for mitigation of storm water runoff from more frequent than two-year storm events.
- E. Any site plan or platting of the Property for multiple-family residential use shall include a professionally prepared traffic study and access to the subject property shall be based on the traffic study as reviewed and approved by the City Traffic Engineer.
- F. In the site plan review process, the design and materials for any multiple-family structure built on the Property shall be reviewed by the City for compatibility with the adjoining residential properties.

The original developer did not proceed with development of a multiple family senior residential housing project on the site. Hubbell Realty Company now requests to remove the zoning condition restricting development of the site to multiple-family senior residential housing to develop 240 low-income multiple-family tax credit units on the subject property. Hubbell Realty also proposes 84 low-income multiple-family tax credit units on an adjoining property to the west that is currently zoned "C-2", General Retail and Highway Oriented Commercial and does not require rezoning. Any multiple family development on either property is subject to a multiple-family site plan review by the Plan and Zoning Commission.

As of December 18, 2008, there was more than 20% opposition to the proposed rezoning from property owners within 250 feet of the subject property. While a 6/7 vote of the Council is not necessary to set a date of public hearing, a 6/7 vote of the Council would be required to approve the rezoning request on January 26, 2009 if the Council so chooses.

PREVIOUS COUNCIL ACTION(S):

Date: October 9, 2006

Roll Call Number: 06-2024

Action: Moved by Kiernan that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,595. Motion Carried 6-0.

BOARD/COMMISSION ACTION(S):

Date: January 15, 2009

Roll Call Number: Plan and Zoning Commission

Action: The Plan and Zoning Commission's recommendation will be forwarded to the City Council prior to the January 26, 2009 public hearing.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Hold a public hearing on January 26, 2009 regarding the proposed rezoning and considerations of an ordinance to rezone the subject property as necessary.

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