

**NEIGHBORHOOD PLAN AMENDMENT AND
ZONING CHANGE REVIEW SHEET**

NEIGHORHOOD PLAN: Central East Austin Neighborhood Plan (CEANP)

CASE#: NPA-2008-0009.03 and C14-2008-0172

PC PUBLIC HEARING DATE: October 28, 2008

ADDRESS: 1701, 1703, 1705 and 1707 East Martin Luther King Jr. Boulevard

AREA: 1701 E. Martin Luther King Jr. Blvd: 0.15 acres, 6394 square feet
1703 E. Martin Luther King Jr. Blvd: 0.15 acres, 6394 square feet
1705 E. Martin Luther King Jr. Blvd: 0.15 acres, 6394 square feet
1707 E. Martin Luther King Jr. Blvd: 0.15 acres, 6382 square feet
TOTAL: 0.6 (0.586) acres, 25,564 square feet

APPLICANT/ AGENT: Jim Bennett, 512-282-3079

OWNER: BPCH, LLC and Calavan Family Partnership (Brooks Calavan), 512-626-6547

ZONING FROM: LO-MU-CO-NP, Limited Office – Mixed Use – Conditional Overlay – Neighborhood Plan Combining District (0.45 acres/ 3 parcels) and SF-3-NP, Family Residence – Neighborhood Plan Combining District (0.15 acres/ 1 parcel). The Conditional Overlay limits the vehicle trips to less than 2000 per day.

TO: GR-MU-V-CO-NP, Community Commercial – Mixed Use – Vertical Mixed Use Building – Conditional Overlay – Neighborhood Plan Combining District. The Conditional Overlay would limit the vehicle trips to less than 2000 per day.

LAND USE FROM: Mixed Use/Office (0.45 acres/ 3 parcels) and Single Family (0.15 acres/ 1 parcel)

TO: Mixed Use

STAFF RECOMMENDATION:

- 1) Staff recommends changing the zoning to Neighborhood Commercial – Mixed Use – Vertical Mixed Use Building – Conditional Overlay – Neighborhood Plan (LR-MU-V-CO-NP). The Conditional Overlay would limit the vehicle trips to less than 2000 per day.
- 2) Staff recommends changing the Future Land Use Map to Mixed Use.

PLANNING COMMISSION RECOMMENDATION:

October 28, 2008:

***APPROVED STAFF'S RECOMMENDATION OF MIXED USE FOR NEIGHBORHOOD
PLAN AMENDMENT;***

[J. REDDY, C. SMALL 2nd] (8-0-1) P. Cavazos abstained from motion

APPROVED APPLICANT'S REQUEST OF GR-MU-V-CO-NP; The Conditional Overlay would:

- Limit vehicle trips to less than 2,000 trips per day.
- Limit height to 55'.
- Require AN AFFORDABILITY LEVEL OF 60% OF THE MEDIAN FAMILY INCOME FOR 10% OF RENTAL UNITS IN A VMU BUILDING.
- Require that the property be subject to the parking reductions identified in Article 4.3.3 - E.3. (Dimensional and Parking Requirements).

Prohibit the following uses:

- Automotive Rentals
- Automotive Repair Services
- Automotive Sales
- Automotive Washing
- Commercial Off-street Parking
- Drop-off Recycling Collection Facility
- Hospital Services (General)
- Hospital Services (Limited)
- Indoor Entertainment
- Indoor Sports and Recreation
- Outdoor Entertainment
- Pawn Shop Services
- Residential Treatment
- Service Station
- Urban Farm

[J. REDDY, C. SMALL 2nd] (8-0-1) P. Cavazos abstained from motion

DEPARTMENT COMMENTS

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 13, 2001. The boundaries of the planning area are: Interstate 35 to the west, Martin Luther King (MLK) Boulevard on the north, Chicago and Northwestern on the east, and 7th Street on the south.

The applicant previously requested that 1701, 1703, and 1705 East MLK be amended and rezoned, and on May 3, 2007, received the current Mixed Use/Office future land use and LO-MU-CO-NP zoning, with the understanding that the would allow these properties to receive VMU zoning (-V). Since that rezoning, the applicant acquired 1707 East MLK, which was not part of the 2007 request. 1707 East MLK is designated as Single Family.

The current request is to amend the FLUM for the three previously rezoned properties, plus the 1707 lot, to Mixed Use, so that the applicant can build a four-story mixed use building with 7,000 sq ft of ground floor retail. The applicant has also requested these properties be rezoned to GR-MU-V-CO-NP. According to the applicant, he plans to apply for Green Building status. He needs 48 feet of height for most of the four stories, but in the middle needs an atrium that rises 5 feet higher than the rest of the building. For this, he needs 53 feet of allowed height.

Therefore, staff recommends changing the Future Land Use Map for the subject properties to Mixed Use and the zoning of the properties to Neighborhood Commercial – Mixed Use – Vertical Mixed Use Building – Conditional Overlay – Neighborhood Plan (LR-MU-V-CO-NP).

EXISTING ZONING AND LAND USES:

	FLUM	ZONING	LAND USES
<i>Site</i>	Mixed Use/Office, Single-family	LO-MU-CO-NP, SF-3-NP	Single family residences and an office
<i>North</i>	Multifamily	MF-3-NP	Multifamily and Single-family residences
<i>South</i>	Single-family	SF-3-NP	Single-family residences and Offices
<i>East</i>	Mixed Use	LO-MU-NP	Office Building
<i>West</i>	Civic	P-H-NP	Oakwood Cemetery

NEIGHBORHOOD PLAN: The property lies within the Central East Austin Neighborhood Plan adopted in December 2001.

TIA: A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

WATERSHED: Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

REGISTERED COMMUNITY ORGANIZATIONS:

- Mueller Neighborhoods Coalition
- Davis-Thompson American Millenium Neighborhood Ass
- Homeless Neighborhood Organization
- Organization of Central East Austin Neighborhoods (OCEAN)
- Home Builders Association of Greater Austin
- Sentral Plus East Austin Koalition (SPEAK)
- Austin Independent School District
- Austin Neighborhoods Council
- Austin Parks Foundation
- PODER People Organized in Defense of Earth & Her Resources
- League of Bicycling Voters

SCHOOLS: (AISD)

Campbell Elementary

Kealing Middle School

McCallum High School

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
Martin Luther King Jr. Blvd	75'	40'	Arterial	Yes	No	Yes
Leona	55'	30'	Local	No	No	Yes

PUBLIC MEETINGS: A neighborhood meeting on this application was held on September 30, 2008. Invitations were sent to OCEAN (Organization of Central East Austin Neighborhoods, the CEANP contact team) and property owners and utility account holders within 500 feet of the subject property. Two residents attended the meeting, and one submitted comments to staff prior to the meeting (of the three, one resident was opposed to the project as planned and requested a smaller scale development project). OCEAN submitted a letter in support of the zoning the applicant requested.

CITY COUNCIL DATE: December 11, 2008

ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

NEIGHBORHOOD PLANNING CASE MANAGER: Greg Claxton

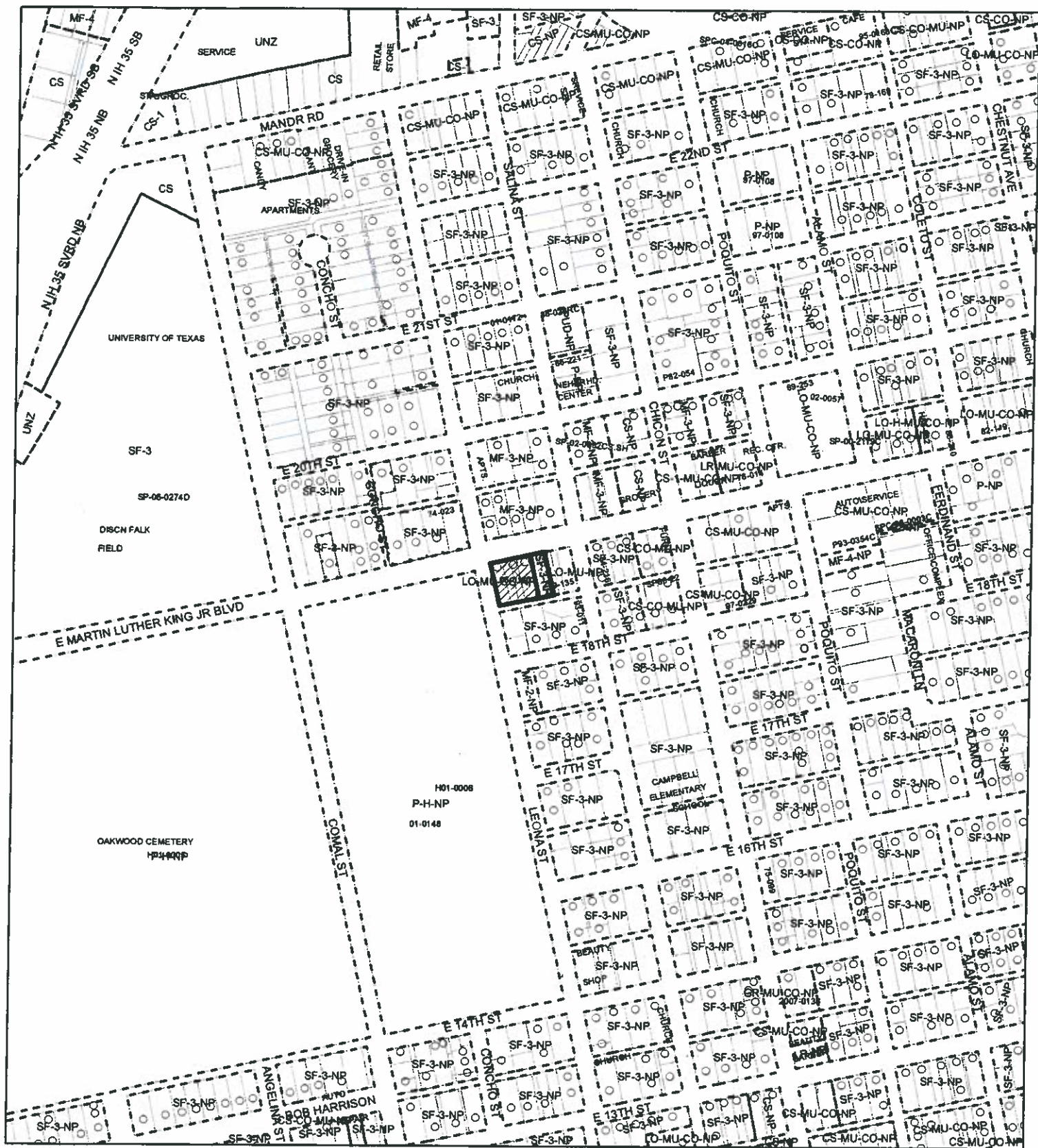
PHONE: 974-7630

Email: gregory.claxton@ci.austin.tx.us




ZONING CASE MANAGER: Joi Harden

PHONE: 974-2122

E-mail: joi.harden@ci.austin.tx.us



ZONING

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

ZONING CASE#: C14-2008-0172
 ADDRESS: W MLK JR BLVD
 SUBJECT AREA: 0.586 ACRES
 GRID: K23
 MANAGER: J. HARDEN

OPERATOR: S. MEEKS



1" = 400'

This map has been produced by G.I.S. Services 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 Amendments NPA-2008-0009-03

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Created on 10/20/08

Future Land Use

NPA-2008-0009.03	Mixed Use
Single-Family	Mixed Use/Office
Multifamily	Civic
Commercial	Recreation & Open Space
Neighborhood Mixed Use	Transportation



Central East Austin Neighborhood Plan Amendments NPA-2008-0009-03

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STAFF RECOMMENDATION:

- 1) Staff recommends changing the zoning to Neighborhood Commercial – Mixed Use – Vertical Mixed Use Building – Conditional Overlay – Neighborhood Plan (LR-MU-V-CO-NP). The Conditional Overlay would limit the vehicle trips to less than 2000 per day.
- 2) Staff recommends changing the Future Land Use Map to Mixed Use.

BASIS FOR RECOMMENDATION:

Both the Central East Austin Neighborhood Plan and City Council's core transit corridor strategy envision more mixed use development along East Martin Luther King Jr. Boulevard. The subject properties back up to single-family homes and are immediately adjacent to a Mixed Use parcel. They are catty-corner from 1600, 1602, 1604, and 1606 East MLK, which are currently Single Family, but have had a plan amendment requesting Mixed Use, with staff recommending Neighborhood Mixed Use (note, however, that the Upper Boggy Creek Neighborhood Plan, which addresses the north side of East MLK, specifically calls for a 40-foot height limit). Future land uses one block to the east (through to the intersection with Chicon) include Mixed Use and Mixed Use/Office. Farther to the west are intense University uses, including Disch-Faulk Field. Therefore, Mixed Use best represents the future land use for these properties.

The relevant plan goals, objectives, and recommendations are included below.

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

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

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

Action 15 Permit additional residential development as stated in other action items related to allowing garage apartments, homes on smaller lots (urban home and small lot amnesty), mixed-use development along commercial corridors, and new multifamily as noted on the Future Land Use Map.

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

Goal 8: Enhance and enliven the streetscape.

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

BASIS FOR RECOMMENDATION (ZONING PRINCIPLES):

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

LR- Neighborhood Commercial district is intended for neighborhood shopping facilities that provide limited business services and office facilities predominately for the convenience of residents of the neighborhood. The applicant proposes to construct a four-story mixed use building with 7,000 sq ft of ground floor retail.

2. *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 proposed alternative rezoning of LR allows for reasonable use of the site while maintaining the character of the surrounding area. Staff recommends the LR rezoning based on its compatibility with the character of the surrounding area and access from the Interstate.

Site Characteristics

The subject property consists of approximately 0.6 acres broken into four tracts. Currently, there are single family structures on three of the lots and one vacant lot. The site is relatively flat and moderately vegetated.

Site Plan

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

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.

Compatibility Standards

- a. The site is subject to compatibility standards. Along the East & South property lines, the following standards apply:
- b. No structure may be built within 25 feet of the property line.
- c. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- d. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- e. No parking or driveways are allowed within 25 feet of the property line.
- f. 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.
- g. 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.
- h. 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.
- i. Additional design regulations will be enforced at the time a site plan is submitted.

If this site is zoned with VMU, the entirety of Commercial Design Standards applies in addition to the VMU subsection of Commercial Design Standards. If this site is zoned with a MU, Commercial Design Standards will apply to multi-family development, and is subject to the minimum site areas as defined in Subsection 4.2.1 of Commercial Design Standards.

Transportation

No additional right-of-way is needed at this time.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Environmental

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. It is in the Desired Development Zone.

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

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. 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.

According to floodplain maps, there is no floodplain 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.

Water and 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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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



Austin Planning Commission
Austin City Council

August 11, 2008

The Organization of Central East Austin Neighborhoods (OCEAN) supports the following zoning request.

On August 11th Brooks Calavan presented a zoning change request at 1701, 1703, 1705, and 1707 East MLK blvd. Approx 26,000 sq ft of land.

Vote was for 15-0 unanimous support of the following:

GR-VMU-CO-NP

Limit height to 55'

Waiver of compatibility for screening of parking

Waiver of height compatibility starting at 30' from rear property line up to 55' in height and continuing to the front lot line

VMU with 60% parking option (40% reduction)

Prohibited the following uses:

- Automotive rentals, repair services, sales and rentals
- Commercial off-street parking
- Drop off recycling collection facility
- Hospital services-general and limited
- Indoor entertainment
- Indoor sports and recreation
- Outdoor entertainment
- Pawn shop services
- Residential treatment (by city policy & some state laws- group homes or residential treatment is generally not prohibited)
- Service station
- Urban farm

Sincerely,

Rudolph Williams

President, Organization of Central East Austin Neighborhoods,

**John F. Morehead
P.O. Box 4805
Austin, Texas 78765-4805
(512)476-2922**

Re: Case No: C14-2008-0172
File No: NPA-2008-009.03
1701, 1703, 1705 & 1707 MLK

TO THE PLANNING COMMISSION OF THE CITY OF AUSTIN:

There is a public alley that runs the entire length of the block, to the south of the subject property. The owners of the subject are encroaching, with fences, down the middle of the alley. My wife and I believe that the alley should be opened and the encroachment removed before any public hearing on this application.

Removing the encroachment will accomplish two things: First it will permit one to visually see what the subject property will look like in proportion to the homes to the south of the alley and visualize the development. Secondly it will remove a serious health hazard to the residents of the neighborhood: a large nest of feral cats, which have their home in the fenced encroachment.

We do not oppose the basic zoning change to permit retail and some residential. However, the proposal is to permit thirty six (36) apartments on top of 7,000 sq. ft. of retail space, with 90% impervious cover. This is too dense. If they built six two story condos on top of the retail, fine. But they do not have enough off street parking to accommodate 36 apartments, rented to students, with an average of two cars per apartment.

Additionally, while it is doubtful that it will ever rain again, our lot takes all of the runoff from the north side of the block. We moved into our new home in September, and we spent time and money developing an arroyo to accommodate the anticipated runoff from the north half of the block. With 90% impervious cover, one cannot build a holding pond big enough to accommodate a real rain. By copy of this letter we are, with respect, referring the property owners to Tex. Water Code Sec. 11.086 (a) & (b), which might give the owners on the south side of the block the legal right to required the offending structure to be removed, plus they also might be successfully sued for damages caused by the diversion of diffuse surface water.

In summary, MLK should have retail, plus residential; but we need to have the alley opened up so that we can visualize how it will look before the City can make an intelligent decision, the feral cats need to go away, the project is way too dense – with too few off street parking places – and 90% impervious cover is ridiculous, and probably ultimately actionable in the district court.

Please, no planned slums, look at the Riverside Drive area.....Thank you for reading this letter.....

Eliza and John Morehead
1801 Leona

copy to Sam West, Brooks Calivan, Jewel Jackson, Tim Berry, Gregory Claxton & Joi Harden