

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

**CASE#:** NPA-2007-0012.02 and C14-2008-0099

**PC DATE:** July 22, 2008  
November 25, 2008  
December 9, 2008

**ADDRESS:** 1600, 1602, 1604 and 1606 E. Martin Luther King Blvd

**APPLICANT/OWNER:** E-MLK Properties, LLC

**AGENT:** PSW Real Estate (Ryan Diepenbrock)

**AREA:** 1.00 acre

**LAND USE FROM:** Single Family

**TO:** Neighborhood Mixed-Use

**ZONING FROM:** SF-3-NP

**TO:** LR-MU-V-CO-CURE-NP

**STAFF RECOMMENDATION:**

Staff recommends

- 1) Neighborhood Mixed Use Land Use, and
- 2) Neighborhood Commercial – Mixed Use – Vertical Mixed Use – Conditional Overlay (LR-MU-V-CO-NP) combining district zoning. The conditional overlay would include limit the development to less than 2000 daily vehicle trips.

**PLANNING COMMISSION RECOMMENDATION:**

**July 22, 2008:** Approved staff recommendation for both the neighborhood plan amendment and the zoning change on a vote of 6-2-1.

**NOTE:** This case was originally heard by the Planning Commission on July 22, 2008. After that hearing, the applicant amended the zoning portion of his request, and the new zoning request was re-presented to Planning Commission. The neighborhood plan amendment portion of the request was not reconsidered.

**November 25, 2008:** Left open the public hearing and postponed action until December 9, 2008. (8-0-1) (Cavazos abstaining.) The reason for the postponement was to allow representatives of the surrounding Blackland Neighborhood to be present, and to get additional input from the City's Neighborhood Housing and Community Development Department.

**December 9, 2008:** (action pending)

**DEPARTMENT COMMENTS:**

Originally, the applicant had requested to change the Future Land Use Map designation from Single Family to Neighborhood Mixed Use, and to change the zoning from single family residence-neighborhood plan (SF-3-NP) to neighborhood commercial-mixed use-vertical mixed use-conditional overlay-central urban redevelopment area - neighborhood plan (LR-MU-V-CO-CURE-NP). This request was presented to the Planning Commission on July 22, 2008.

This request was amended to a base zoning of neighborhood commercial (LR), and the addition of the Central Urban Redevelopment Area (CURE) overlay. Additionally, the applicant amended his neighborhood plan amendment request, to Neighborhood Mixed Use, which matches the recommendation of staff and the Planning Commission. The neighborhood plan amendment does not need to be reconsidered, however, the new zoning request is being presented for public hearing and Commission recommendation.

The applicant's zoning request is Neighborhood Commercial – Mixed Use – Vertical Mixed Use – Conditional Overlay – Central Urban Redevelopment – Neighborhood Plan (LR-MU-V-CO-CURE-NP) combining district zoning.

The requested Conditional Overlay includes:

- 3 Star Green Building Standards
- Maximum of 2000 daily vehicle trips
- Residential parking garage access will be off of MLK
- Retail parking access will be off of Leona
- Commercial or Retail space limited to 2,499 square feet on this site inclusive of exterior seating
- Residential Units limited to 59 unless written agreement with Blackland Neighborhood Association allowing additional. Parking constraints will limit any total to no more than 66 units

Additionally, the applicant has requested as part of the CURE overlay:

- No minimum site area requirements
- No minimum floor to area ratio
- No maximum building coverage
- Setback requirements comparable to those required by a Vertical Mixed Use (V) overlay
- Maximum impervious cover of 95%
- Height -
  - a. For mixed use retail development a height limit of 3 stories or 40' comprised of 38' for the building and 2' additional for rooftop solar energy and mechanical equipment. Retail development will be limited to a maximum of 2499sqft (inclusive of exterior patio seating) and located on the ground floor of the southeast corner of the site
  - b. For residential use, no more than 4 stories with an average height not to exceed a total of 50' comprised of 48' average building height plus 2' for rooftop solar energy and mechanical equipment. For purposes of calculating the average height the shorter height must begin at the eastern building setback on the 1606 MLK property.

- **Commercial Design Standards:** ground-floor commercial space and glazing requirements will be waived in favor of residential space. All other design standards to remain.

The applicant has also indicated his intent to provide affordable housing as part of the project, either through the City of Austin's SMART housing program, or through a different program.

The stated intent is to construct a mixed-use project on a vacant one acre site located along E. Martin Luther King Blvd., which is a core transit corridor. The stated intent is to construct a mixed use project, which would consist of 10,000 sq. ft. of retail space, and approximately 35 to 50 units of residential condominiums or apartments in a building that would be three or four stories tall, or approximately 55 ft. in height.

Based on adjacent single-family houses, and the size of the subject property (one acre), staff believes that Neighborhood Mixed Use, rather than Mixed Use is more consistent with the Land Use recommendations in the Upper Boggy Creek Neighborhood Plan. Community Retail (LR) zoning is the highest base commercial zoning category permitted with the Neighborhood Mixed Use Land Use category and is the staff recommendation for base zoning for the site.

The UBC Planning Contact Team also recommends Neighborhood Mixed Use for this project. There has been a petition filed against the request including signatures of property owners representing 36.42% of the land with 200 feet of the subject tract. Since the petition was validated, one property owner, representing 6.03% of the property has indicated that he no longer opposes the project, but at this time he has not formally removed his name from the petition. If this signer is removed the petition would represent owners of 30.21% of property within 200 feet.

### **EXISTING LAND USE AND ZONING**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NP	Vacant and Single Family Homes
<i>North</i>	SF-3-NP	Vacant
<i>South</i>	P-H-NP	Cemetery
<i>East</i>	MF-3-NP	Single Family Homes
<i>West</i>	SF-3-NP	Vacant, Parking and Single Family Homes

**NEIGHORHOOD PLAN:** The property lies within the Upper Boggy Neighborhood Plan (UBCNP) adopted on August 1, 2002. The future land use map for this neighborhood plan designates this site for single family residential use.

**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 Neighborhood Coalition
- Homebuilders' Association of Greater Austin
- Anberly Airport Association
- Homeless Neighborhood Association
- Davis Thompson American Mill Neighborhood Association
- Upper Boggy Creek Neighborhood Planning Contact Team
- Sentral Plus East Austin Koalition (SPEAK)
- Swede Hill Neighborhood Association
- Blackland Neighborhood Association
- Austin Neighborhood Council
- People Organized to Defend Earth and Her Resources (PODER)
- Blackland Community Development Corporation
- Organization of Central East Austin Neighborhoods (OCEAN)

**SCHOOLS: (AISD)**

Campbell Elementary

Kealing Middle

McCallum High

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
MLK Blvd.	75'	40'	Arterial	14,390
Concho Street	13'	unpaved	Local	NA
Leona Street	56'	30	Local	NA

**PUBLIC MEETINGS:** A neighborhood meeting on this case was held on July 2, 2008. Invitations were sent to the UBC Planning Team (the contact team) and property owners located within 500 feet of the proposed plan amendment. (Notes from this meeting are attached to this report.) The UBC Planning Team stated that although they still preferred a Single Family future land use designation along this portion of E. MLK Blvd., that they could also support Neighborhood Mixed Use if the project was compatible to adjacent single-family land uses.

**CITY COUNCIL DATE:**

August 7, 2008

August 21, 2008

September 28, 2008

October 16, 2008:

December 11, 2008

**ACTION:**

Postponed to August 21, 2008

Postponed to September 25, 2008

Postponed to October 16, 2008 at the request of the applicant.

Pulled at the request of the applicant. The zoning request was amended and the case returned to Planning Commission.

**ORDINANCE READINGS:**

1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**NEIGHBORHOOD PLANNING CASE MANAGER:** Kathleen Fox

**PHONE:** 974-7877




**Email:** [kathleen.fox@ci.austin.tx.us](mailto:kathleen.fox@ci.austin.tx.us)

**ZONING CASE MANAGER:** Robert Heil

**PHONE:** 974-2330

**E-mail:** [robert.heil@ci.austin.tx.us](mailto:robert.heil@ci.austin.tx.us)



-  **SUBJECT TRACT**  
 **ZONING BOUNDARY**  
 **PENDING CASE**

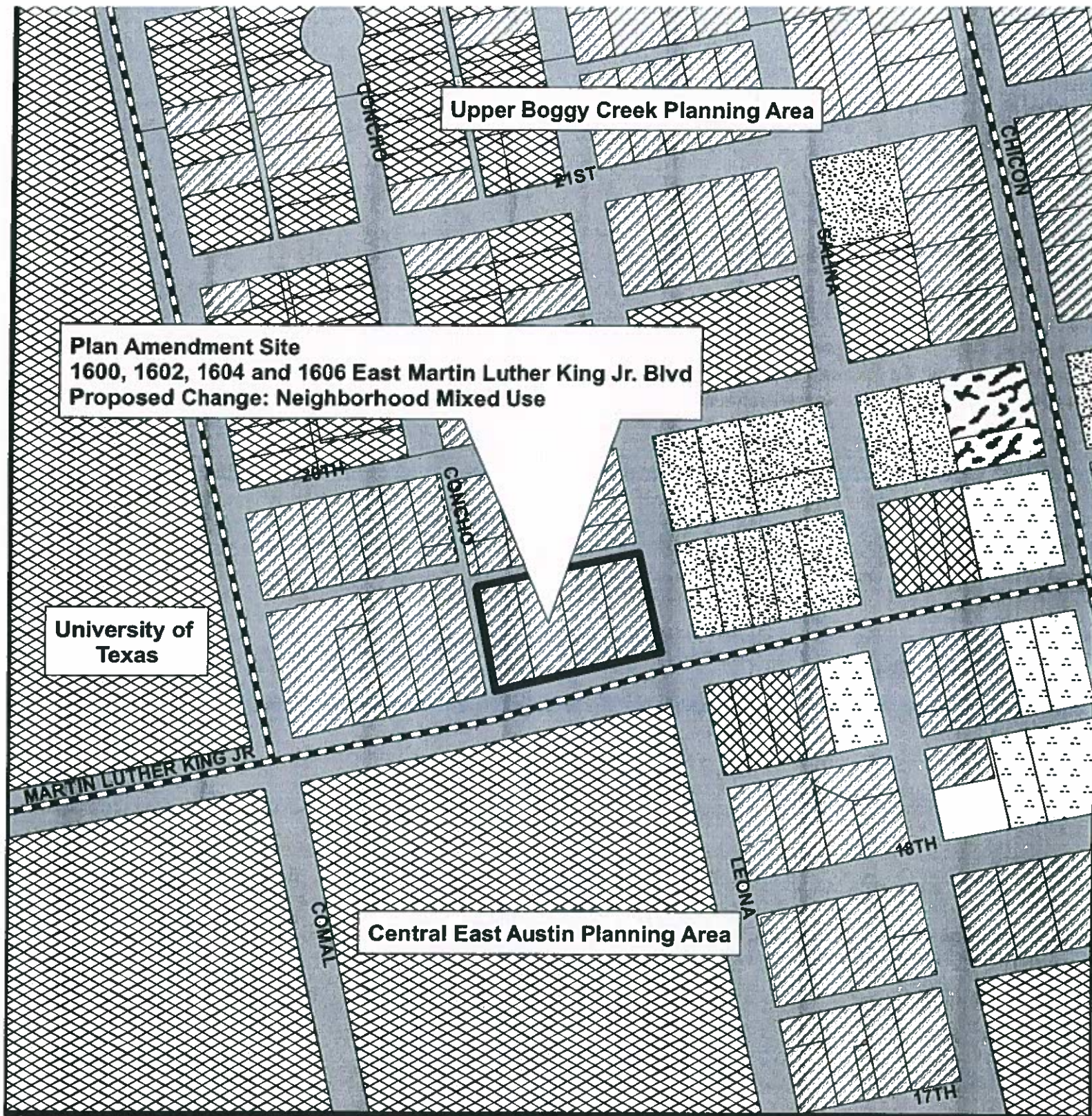
OPERATOR: S. MEEKS

**ZONING CASE#: C14-2008-0099**  
**ADDRESS: 1600-1606 E MLK BLVD**  
**SUBJECT AREA: 1.000 ACRES**  
**GRID: K23**  
**MANAGER: J. HARDEN**


$$1^\circ = 400'$$

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.





## Upper Boggy Creek Neighborhood Plan Amendment NPA-2007-0012.02

This map has been produced by the City of Austin Neighborhood Planning & Zoning 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.

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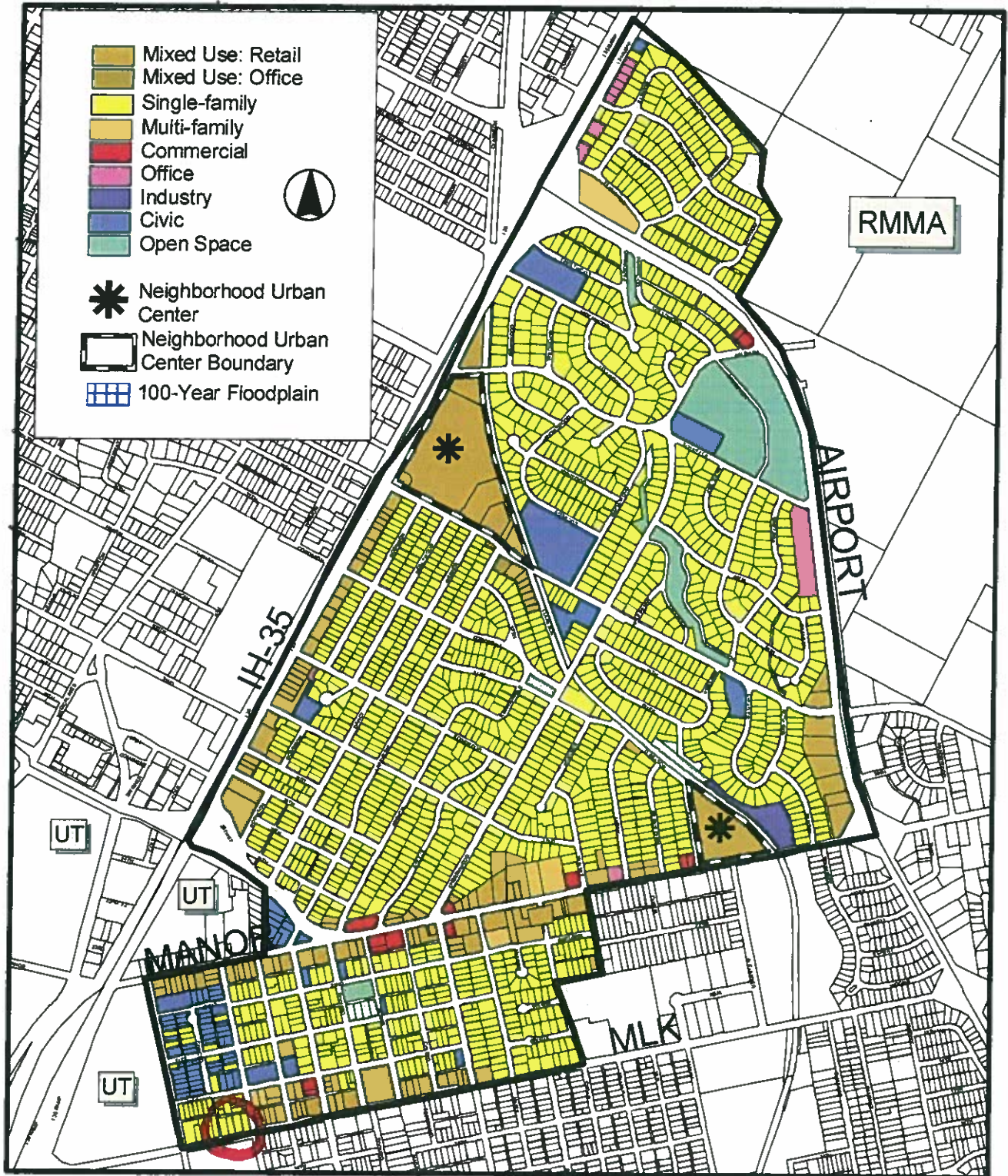


Updated on June 16, 2008

## Legend

<b>flum_combined</b>		Mixed Use
<b>FLU</b>		Mixed Use/Office
		Civic
		Transportation
		SDE.TCAD_Parcel
		Single-Family
		Multifamily
		Commercial





## Upper Boggy Creek Neighborhood Planning Area: Future Land Use Map



NPZD  
City of Austin

This map is for informational  
purposes only. No guarantee  
can be made as to its accuracy.



For the best possible print results, click the printer icon on the Live Search Maps page.

Location result for

Austin, Texas, United States



### **STAFF RECOMMENDATION:**

Staff recommends

- 1) Neighborhood Mixed Use Land Use, and
- 2) Neighborhood Commercial – Mixed Use – Vertical Mixed Use – Conditional Overlay (LR-MU-V-CO-NP) combining district zoning. The conditional overlay would include:
  - Development be listed to less than 2000 daily vehicle trips
  - Prohibit vehicle access to Leona (access to Leona could be provided if the applicant completes a neighborhood traffic analysis).

### **BASIS FOR RECOMMENDATION:**

Based on adjacent single-family houses, and the size of the subject property (one acre), staff believes that Neighborhood Mixed Use, rather than Mixed Use is more consistent with the Land Use recommendations in the Upper Boggy Creek Neighborhood Plan. The UBC Planning Contact Team also recommends Neighborhood Mixed Use for this project.

### **ANALYSIS:**

The Future Land Use Map of the UBCNP recommends 'Single Family' for this portion of E. Martin Luther King Blvd.

*Staff Comments: While the FLUM identifies this section of E. Martin Luther King Blvd. as Single Family, the text in the Land Use Section of the UBC Plan supports mixed use along E. Martin Luther King Blvd. (see below)*

#### **MLK BOULEVARD CORRIDOR (pg. 33 UBC Plan)**

**Objective 2.1:** MLK Boulevard will become a mixed-use corridor that provides services and shopping in a neighborhood-friendly fashion. The streetscape along the MLK Boulevard Corridor—the southern boundary of the planning area—should be pedestrian friendly and promote a safe environment for pedestrians. This includes awnings on the fronts of buildings, street trees, benches, convenient trash bins, etc. Encourage new commercial or mixed-use development along the MLK Boulevard Corridor to locate parking to the side or at the rear of the structure. If in the future the University of Texas decides to locate a parking garage on its property west of Comal Street between MLK Boulevard and Manor Road, the affected neighborhoods and Upper Boggy Creek Neighborhood Planning Team should work with the University of Texas to develop a pedestrian and neighborhood-friendly facility.

- **Action Item 7.** Include a Mixed-Use Combining District and allow the Smart Growth infill option of Mixed-Use Building on all commercially zoned property along MLK Boulevard and limit the height of commercial buildings along the corridor to **forty (40) feet** (three stories).

*Staff comments: The developer wants to build a 55 ft. tall mixed use building along E. Martin Luther King Blvd. The applicant's 55 ft. tall building appears not comply with the UBC Plan's desire to keep mixed use development to no taller than 40 ft. tall along E. Martin Luther King Jr. Blvd., and would not match the scale or height of nearby residential uses. The neighborhood also expressed concern during a July 2, 2008, neighborhood meeting that a mixed use project containing up to 50 units of residential*

*housing and 10,000 sq. ft. of retail could not accommodate all the parking on-site and worsen the street parking situation in the area.*

**Goal Three: HOUSING (pg. 44) - *Promote the rehabilitation of existing housing and construction of new housing to be compatible with the surrounding neighborhood and architecture for a variety of income levels***

- **Action Item 21.** The Blackland Community Development Corporation and other providers of affordable housing should continue to develop affordable housing for low-income families in the area defined by Leona Street, Manor Road, Chestnut Avenue and MLK Boulevard. Affordable housing for these purposes is defined as sixty percent of Austin area median family income. To this goal, the Upper Boggy Creek Neighborhood Planning Team supports the granting of variances to allow these parties to provide affordable housing. *(BOA, Neighborhoods)*

*Staff comments: The applicant has held several meetings with the Blackland Neighborhood Association, who expressed concern that this project could reduce the amount of affordable housing located on or near E. Martin Luther King Blvd. However, the applicant has stated that they are committed to including an affordable housing element in their mixed use project (See attached neighborhood meeting notice and planning contact team minute)*

Staff's interpretation of the UBC Neighborhood Plan's recommendations above is that the Plan does not support a mixed use project over 40 ft. tall along E. Martin Luther King Blvd. because of the neighborhood's desire to keep commercial and mixed use project in scale with the neighborhood. Based the UBC Plan, the UBC Planning Team's recommendations, nearby single family houses, and the size of the subject property, staff believes that Neighborhood Mixed Use rather than Mixed Use is more appropriate for this portion of E. Martin Luther King Blvd.

### **Site Plan**

This site is located within the boundaries of the Central Urban Redevelopment (CURE) Combining District and is subject to § 25-2-163 of the Land Development Code. Additional comments will be made when the site plan is submitted.

Martin Luther King Blvd is a Core Transit Corridor, and any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

The site is subject to compatibility standards. Along the north, east and west property lines, the following standards apply:

- No structure may be built within 15 feet of the SF-3 zoned property lines.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the SF-3 zoned property lines.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the SF-3 zoned property lines.



- No parking or driveways are allowed within 25 feet of the SF-3 zoned property lines.
- A landscape area, fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

### **Transportation**

If the requested zoning is recommended for this site, 35 feet of right-of-way should be dedicated from the centerline of Concho Street in accordance with the Transportation Criteria Manual, in order to accommodate traffic anticipated to be generated by this site. LDC, 25-6-55; TCM, Tables 1-7, 1-12.

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]

A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. Results will be provided in a separate memo. LDC, Sec. 25-6-114. FYI: The Neighborhood Traffic Analysis can be waived if the applicant agrees to restrict access to Martin Luther King, Jr. Boulevard only.

#### **Other Information**

- There are existing sidewalks along both sides of MLK Blvd.
- MLK Blvd. is classified in the Bicycle Plan as a Priority 1 bike route.
- Capital Metro bus service Route 18 is available along MLK Blvd.

Additional comments may be provided when more complete information is obtained.

### **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.

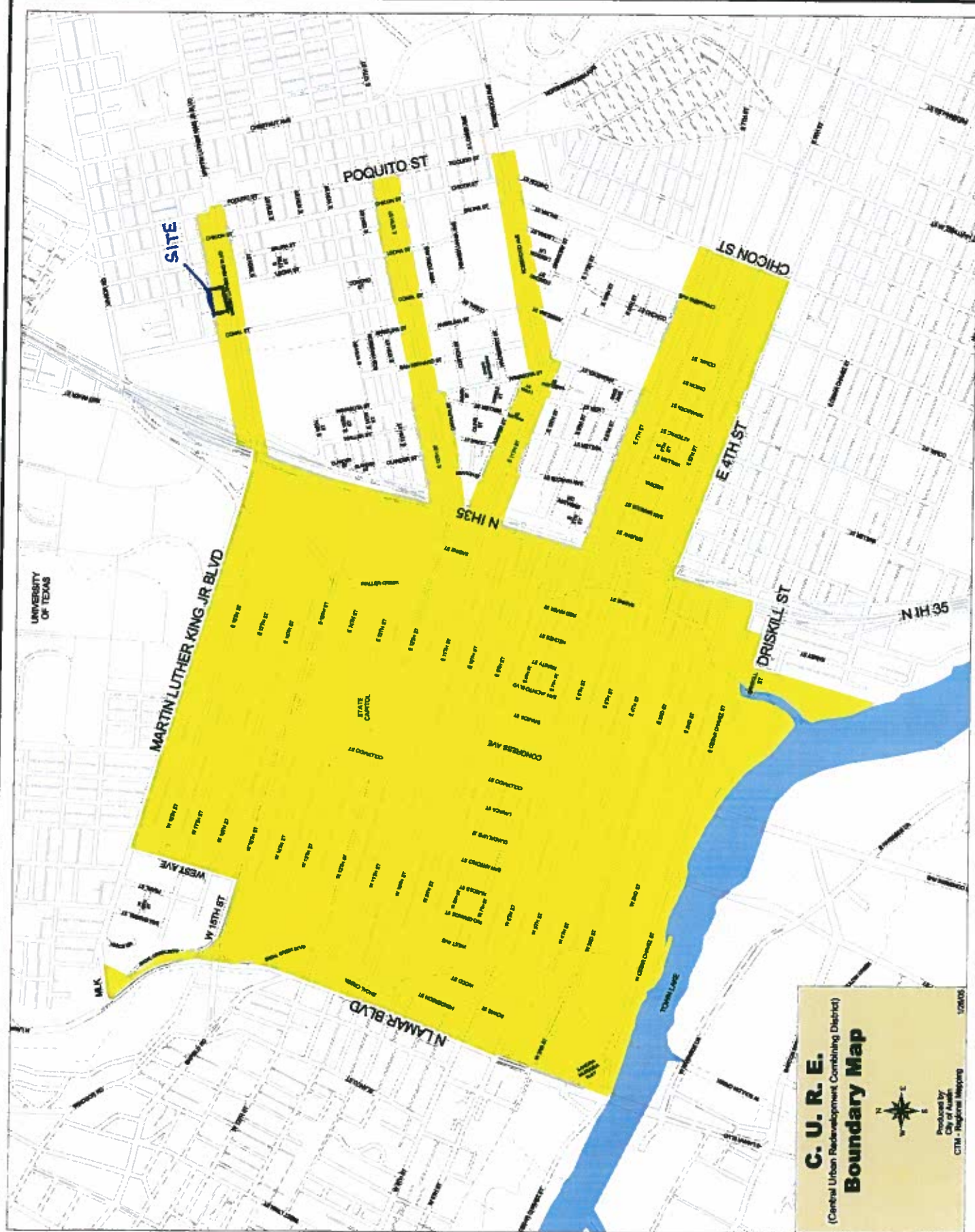
According to flood plain maps, there is no flood plain within the project area.

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.

**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 relocation, and abandonment. 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.



**C. U. R. E.**  
(Central Urban Redevelopment Combining District)  
**Boundary Map**

Produced by  
City of Austin  
CTM - Regional Mapping

1/20/05



**C14-2008-0099 - 1600 MLK**  
**Planning Commission Action 11/25/08**

Note: Commissioner Cavazos abstained from discussion and action on this item.

7:23 – Staff presentation began.

7:38 – The applicant, Carter Shanklin, began his presentation.

No one else signed up to speak.

- 8:00 – Motion to close the public hearing by Small. 2<sup>nd</sup> by Reddy. Passes 8-0-1.
- × 8:00 – Motion to postpone the case until 12/09 made by Hui. Motion fails for lack of a second.
- × 8:01 – Motion to approve applicant's request made by Reddy. 2<sup>nd</sup> by Small.
  - 8:03 – Friendly amendment by Kirk added without objection to add the statement "The Commission hopes that neighborhood representation would be present at the public hearing at City Council to state their position."
  - × 8:06 – Motion to amend the main motion made by Ewen – "One half of the ground floor space on the frontage be required to be retail uses." 2<sup>nd</sup> by Atkins. Motion fails on a 3-5-1 vote (Ewen, Reddy, Atkins – Yes. Dealey, Hui, Kirk, Small, Sullivan – No, Cavazos – abstaining.)
  - 8:18 – Friendly amendment by Atkins added without objection to add "setback requirements are consistent with those required under the V (Vertical Mixed Use) combining district, and the maximum building height at the eastern most building line along Leona is 40 feet."
  - 8:20 – Friendly amendment by Dealey added without objection to add "the maximum height is 52 feet."
- 8:23 – Motion fails on a vote of 2-6-1 (Small, Reddy – Yes. Ewen, Atkins, Dealey, Hui, Kirk, Sullivan – No, Cavazos – abstaining).
- × 8:24 – Motion made to approve staff's recommendation by Kirk. 2<sup>nd</sup> by Hui.
  - 8:25 – Hui added without objection that the neighborhoods position be made known at the public hearing at City Council.
  - 8:26 – Staff offered the clarification that they are willing to remove the suggested prohibition of traffic access to Leona pending the results of a neighborhood traffic analysis.

- × 8:29 – Ewin moved that the V overlay include the requirements of affordable housing 10% of the units be available at a 60% MFI level. Motion failed for lack of a 2<sup>nd</sup>.

8:36 – Kirk withdrew her original motion.

- 8:37 – Motion made to postpone to 12/06/08 by Hui. 2<sup>nd</sup> by Dealey. Other items added without objection included:
  - That there be representation from the neighborhood and from the City's housing department (NHCD) at that meeting,
  - That this item be the first zoning case on the 12/06/08 agenda, and
  - To reopen the public hearing.

8:38 – Motion approved 8-0-1. (Commissioner Cavazos off the dais).



dement harris | design

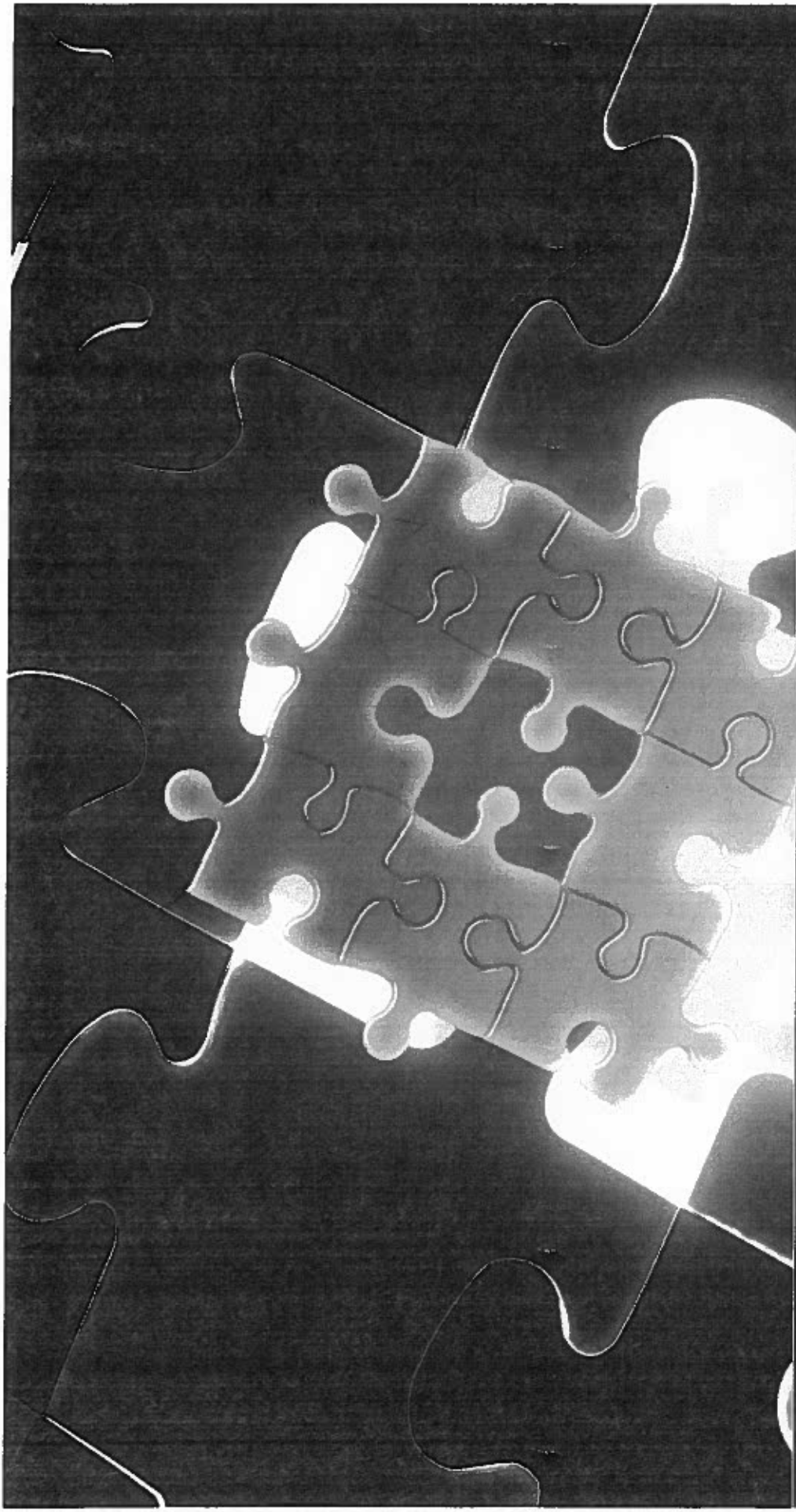
## CONCEPT SITE PLAN

**PSW- MLK Project**

**Austin, Texas**

SEPT 30 2008





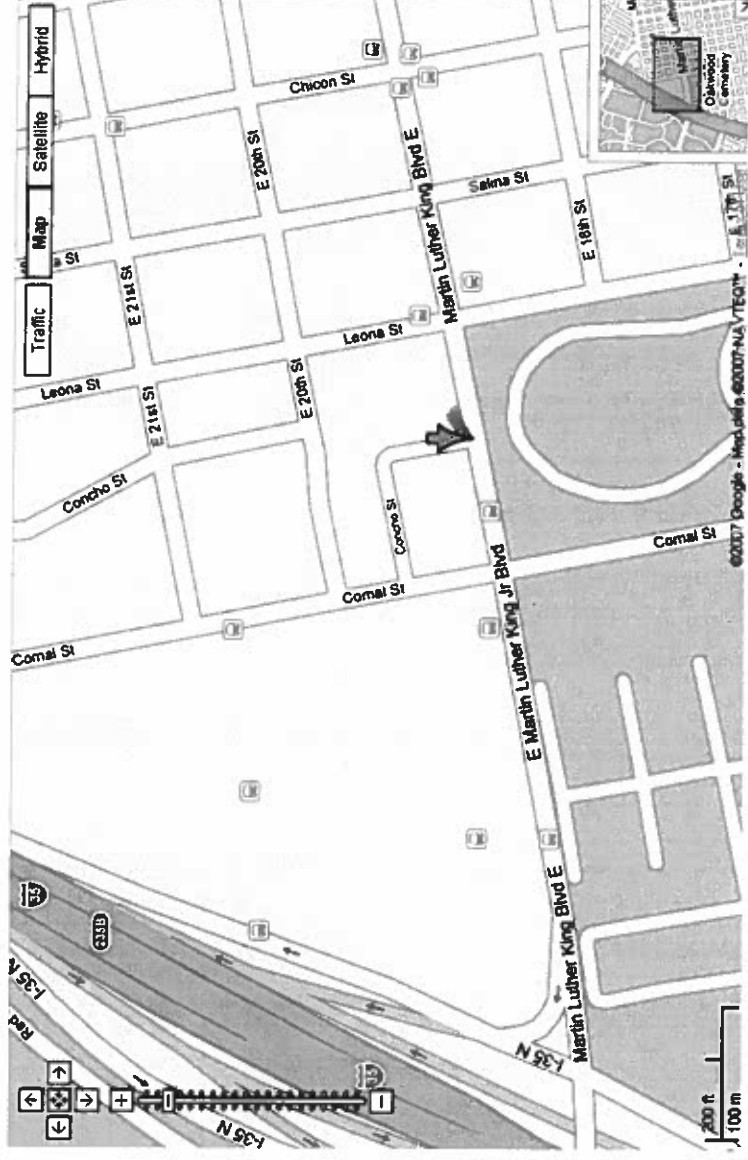
# 1600 – 1606 MLK Rezoning

A Revised Proposal for the Blackland NA - 3/11/08

# Putting Together the Puzzle

## Site Location

- 1500 & 1600 blocks of E. MLK Blvd and 20<sup>th</sup> Street
- Bounded by Comal, 20<sup>th</sup> Street, Leona & MLK



## **Current Plan: File for CS-MU zoning this Spring**

### **What we've done since last meeting:**

- Discussed site & plans with 2 Traffic Engineering firms & worked through analysis with City Staff
- Discussed directly with 4 of 7 City Council Members and the zoning liaison of the remaining 3
- Met with Director & staff of City of Austin Affordable Housing Agency
- Met several times with City staff to review project

## New Proposal: GR-V-CO

In exchange for the support of the Blackland NA on our zoning request and compatibility variance we will...

- Agree to reduce our base zoning request to **GR**:  
  
**GR** = General Retail which is defined as “offices or commercial uses serving neighborhoods and community needs” which is our goal and desire for the site
- GR limits the types of businesses that can use the premises



## New Proposal: GR-V-CO

...and add an Affordable Housing zoning overlay: **V**

- Add **V** = Vertical Use which requires us to include an affordable housing component such that no less than 10% of the residential units must be available at 80% MFI
- **V** overlay stays with lot even if sold
- Commit to applying for Affordable Housing grants from the City, winners of those grants typically have been able to get MFI down to 65%
- Contribute to the Blackland Community Development Corporation \$1,000 for each for-profit unit sold. These funds can be used for other affordable housing projects

## **New Proposal: GR-V-CO**

...we'll also agree to a Conditional Overlay on the zoning of 2000 car trips per day...

- This further reduces the types of businesses that can locate here i.e. no drive thru businesses
- Sticking with the first design that has the garage entrance off Leona and onsite parking along Leona also prevents any parallel parking on about 130 ft of Leona opening up the traffic flow significantly (see site plan attachment)
- We will also work with the NA to get the City to restrict additional parking along Leona

## **New Proposal: GR-V-CO**

...we'll also agree to a Conditional Height Overlay on the zoning of 55ft...

- Disch-Falk is 75ft at top of Stadium roof
- Commit to stepping back the design so the building height is lower at Leona then on the west side
- Open to considering additional CO limitations on the type of businesses that can locate here. Ex: No Pawnshops, Bail Bondmen, etc.

## New Proposal: GR-V-CO

...we're also committed to...

- Green building and seeking LEED certification
- Seeking local Austin businesses to locate on the site
- Encouraging the businesses that do locate here to hire from the neighborhood
- Working with you to encourage the City to restrict UT game parking in the area neighborhoods. UT should not be solving their parking problems by taking over the neighborhood streets



# Density allows for more Affordable Housing

## 1600 Site Redevelopment Options:

### Without Commercial Rezoning

- Four \$800,000 Single Family Homes
- Four Duplexes -\$450,000 per unit

### With LO-MU Rezoning

- Unit average price \$330,000

### With GR-V-CO Rezoning

- Mixed Use development allows inclusion of retail shops and reduces the price of the residential units to an average of **\$270,000**. Some will be even less.

# Disadvantages of LO-MU Zoning

## LO-MU Zoning

- Restrictive development options has often led to non-development of LO sites around Austin. Ex: 1701-1703 MLK
- Affordable housing is not in the numbers
- Underground parking and other costly items not feasible
- No retail allowed, fewer neighborhood jobs created
- Office only use not likely to serve neighborhood needs
- Prices of residential units much higher

## GR-V Zoning

- Is a greener development option
- Allows for Affordability – 10% of residential at 65-80% MFI
- Enables underground parking, greater quality of building overall

July 9, 2008

The Upper Boggy Creek Planning team does not support a change in the future land use map along Martin Luther King Blvd. from single family to mixed use. Our plan designates that section of MLK to remain single family for a variety of reasons including traffic and neighborhood stability.

We would support Mixed Use in a modified form such as neighborhood Mixed Use (NO-MU, LO-MU, LR-MU), the UBC Contact team finds neighborhood mixed use a future land use category more compatible to adjacent single family land uses. We prefer single family but could support amending the UBC plan to Neighborhood Mixed Use for this portion of E MLK Blvd.

The UBC team would also support the Blackland neighborhood in any recommendation on zoning they might offer in the matter of 1600-1606 MLK.

Regards,

Thad Swiderski  
Chair Upper Boggy Creek Planning team  
512.659.6166



## **Blackland Neighborhood Association**

*The Dream starts here...*

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1701 East 21<sup>st</sup> Street  
Austin, TX 78722

July 10, 2008

Ms. Kathleen Fox, Neighborhood Senior Planner  
Neighborhood Planning & Zoning Department  
City of Austin

Dear Ms. Fox:

This letter is sent to state that the Blackland Neighborhood Association (BNA) does not support the requested zone change from SF-3-NP to GR-V-MU-CO-NP for the properties located at 1600, 1602, 1604, and 1606 East Martin Luther King, Jr. Boulevard.

After several meetings with the potential developers and presentations of their proposed plans, and lengthy deliberations among BNA members and our Land Use Committee, Blackland Neighborhood Association voted to recommend LO-MU-CO-NP with a height of 40 feet rather than the CS zoning that was initially requested. This decision was conveyed to the developers in a letter dated November 7, 2007.

The developers were given the opportunity to present their updated development proposal in March 2008, at which time their zoning request was modified from CS-MU to GR-V-MU-CO-NP. Again, the association did not vote to support this request and stands firm in its commitment to support LO-MU-CO-NP at a height of 40 feet. This position is also supported by the fact that property at 1701 – 1705 Martin Luther King, Jr. Boulevard is zoned LO-MU at 40 feet.

Then, as now, our concerns focus on several issues: compatibility of the proposed structure, to include height and appearance, impacts on traffic and parking in an already-congested area, and producing affordable units for low-income households. Safety is of utmost concern and we believe that full development of the businesses allowed under the requested zoning will far exceed the traffic capacity of the roadways in the immediate area. While the neighborhood favors mixed-use development and is receptive to up-zoning, we believe that the requested zoning is not in the best interest of our neighborhood at this time.

We appreciate the fact that the developers contacted us during the conceptualization of their project and we remain ready to work positively and creatively with them should they desire.

Sincerely yours,

Johnnie M. Overton, President  
Blackland Neighborhood Association





## Blackland Neighborhood Association

*The Dream starts here...*

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1701 East 21<sup>st</sup> Street  
Austin, TX 78722

July 19, 2008

Mr. Dave Sullivan, Chair  
Planning and Zoning Commission  
City of Austin  
Austin, TX 78787

Ref.: Case #: NPA-2007-0012.02 and C14-2008-0099, 1600 MLK

Dear Chairman Sullivan:

For the past year, our neighborhood has met and deliberated with the applicants concerning rezoning and developing the properties at 1600 – 1606 MLK for which they have an earnest money contract to purchase. While we agree that mixed-use is now appropriate for the site, we believe that the proposed 55' structure is out-of-scale with surrounding properties and will worsen the already congested and dangerous traffic and parking conditions along MLK Boulevard and Leona Street. The neighborhood association has recommended LO-MU-CO-NP, with no variance to the 40' height limitation.

The Land Use Committee of the Blackland Neighborhood Association has reviewed the staff recommendation of zoning the parcel LR-MU-V-CO-NP and Neighborhood Mixed Use Land Use and unanimously concurs with their recommendations and further requests the addition of the following conditional overlays:

1. Mixed use is required on the entire parcel – no commercial or residential only allowed
2. Traffic must be diverted away from Leona Street
3. Traffic must be limited to no more than 2000 car trips per day.

We appreciate that the staff has recommended conditional overlays limiting vehicular trips to 2,000 or less per day and that vehicular access to Leona be prohibited pending the results of a neighborhood traffic analysis. Given that the applicants cite the dangers of using MLK Blvd. and are reluctant to utilize it as the major access to the site, Leona and Concho Streets become the major access routes. Leona Street is already clogged with parking on both sides and is very dangerous. The area is almost inaccessible during UT games. This situation will only worsen with the development at 1600 MLK. We do not believe a traffic analysis is necessary to validate this obvious situation and recommend that the conditional overlay suggested above be adopted without a formal analysis.

Given the schedule for the hearings on this issue, the full membership of the Blackland Neighborhood Association will not consider these above recommendations until August 5, 2008. The recommendations are consistent with our previous discussions and voting, however, and we are confident they will be supported.

Page 2

We appreciate the efforts of city staff and the applicants in deliberations concerning this site and appreciate your consideration for our request.

Sincerely,

Bo McCarver, Chair  
Land Use Committee

Johnnie Overton, President  
Blackland Neighborhood Association

CC: Ryan Dipenbrock, Robert Heil, Kathleen Fox



**July 14, 2008**

**To: Austin Planning Commission  
Austin City Council**

**From: Organization of Central East Austin Neighborhoods (OCEAN)**

At the June 10, 2008, monthly OCEAN meeting Bo McCarver, Chair of the Blackland CDC, spoke to the committee about a requested zoning change at 1600-1606 E. MLK Jr. Blvd. The tract is on the north side of East MLK Jr. and across the street from our neighborhood. Without the submission of a site plan the developer is requesting changing SF-3 zoning at those addresses to GR-V-CO-NP with a 55' height limit.

In 2007 OCEAN supported a zoning change at 1701-1705 E. MLK from SF-3 to GR-MU-CO-NP with a 40' height limit without a submitted site plan. OCEAN supported the up-zoning because of the density controls placed on the site by the 40' height limit. The Blackland NA offered to support similar zoning, LO-MU-CO-NP with 40' height without a site plan, at 1600 – 1606 E. MLK and the offer was rejected.

Following a discussion of the subject a resolution was made supporting the Blackland NA zoning compromise and opposing the up-zoning to GR-MU-CO-NP with the 55' height limit. OCEAN voted 15 supporting the Blackland NA position and 0 opposing support.

The Organization of Central East Austin Neighborhoods supports the Blackland NA zoning position at 1600 – 1606 E. MLK Jr. and respectfully requests that the City of Austin support the Blackland NA deny the requested up-zoning of 1600 – 1606 E. MLK Jr. from SF-3 to GR-MU-CO-NP with a 55' height limit.

Sincerely,

Rudolph Williams  
President, Organization of Central East Austin Neighborhoods

## **Petition opposing rezoning 1600 – 1606 MLK Case #**

### **Computation of Square Footage within 200' of Property with rezoning request**

*Volume of lots in rezoning request*

4 lots, 65' wide and 149' long = 38,740'

*200' envelop around those four lots*

$(149' + 200' + 200' = 549') \times (65' + 200' + 200' = 465') = 255,285$

Volume of properties within 200'. Minus properties included in rezoning request

$255,285 - 38,740 = 216,545'$

### **Volume of properties by protesting parties**

02110916110000	Blackland CDC	1700 MLK	
43.3' + ½ 50' on Leona St. X 149' plus ½ 20' alley (68.3X159') =			10859.7'
02110715090000	Gooden, Winnie	1510 MLK Blvd.	
49' + ½ 10' alley X 191.43 + ½ 60' MLK + ½ 20' alley (59' X 231.43) =			13654.37'
02110715100000	Gooden, Winnie	1508 MLK Blvd.	
52' X 191.43 + ½ 60' MLK + ½ 20' alley (52 X 231.43) =			12034.56
02110715110000	Gooden, Winnie	1506 MLK Blvd.	
51.5 X 191.43 + ½ 60' MLK + ½ 20' alley (51.5 X 231.43) =			11918.65
02110715030000	Gooden, Winnie	1505 E. 20 <sup>th</sup>	
40.15' X 136.36 + ½ 20' alley + ½ 40' of 20 <sup>th</sup> St. (40.15 X 166.36) =			6679.35
02110715040000	Gooden, Winnie	1507 E. 20 <sup>th</sup>	
40.15' X 136.36 + ½ 20' alley + ½ 40' of 20 <sup>th</sup> St. (40.15 X 166.36) =			6679.35
20110715050000	Gooden, Winnie	1509 E. 20 <sup>th</sup>	
40.15' X 136.36 + ½ 20' alley + ½ 40' of 20 <sup>th</sup> St. (40.15 X 166.36) =			6679.35
02110916070000	Gooden, Winnie	1704 MLK	
43.3' X 149' + ½ 60' MLK + ½ 20' alley (43.3 X 189) =			8183.7
02110916080000	Gooden, Winnie	1702 MLK	
43.3' X 149' + ½ 60' MLK + ½ 20' alley (43.3 X 189) =			8183.7
02110916010000	Brewer, June Harden	1901 Leona	
02110916010001	Brewer, June Harden	1901 Leona	
(The above properties constitute one lot.)			
149 + ½ 20' alley + ½ 50' E. 20 <sup>th</sup> X 65' + ½ 50' Leona St. (184 X 90)			16560
<b>Total volume of protesting lots</b>			<b>101432.73</b>
<b>% protesting lots (101432.73 / 216545)</b>			<b>46.8%</b>



RECEIVED

JUN 02 2008

Neighborhood Planning & Zoning

## Petition

Date: June 2, 2008  
File Number: C14-2008-0099

Address of Rezoning Request: 1600 – 1606 MLK Blvd.

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than SF-3.

We believe that the proposed height (55') and scale of the project are incompatible with surrounding properties and the general retail zoning requested by the developers will worsen traffic and parking problems in an area already badly congested. The developers have not offered sufficient affordable units or any firm plan to provide such units.

Signature

Printed Name

Address

Bo McCarver

Bo McCarver  
for Blackland CDC

1719 Manor Rd  
Austin Tx 78722

Milton Gooden

MILTON Gooden

11400 Circle Bend Drive  
Austin TX 78758

June H. Brewer

JUNE H. Brewer

1909 Leona St  
Austin Tx 78722

Date: June 2, 2008

Contact Name: Bo McCarver  
Phone 474-6009

## Petition

Date: June 2, 2008

File Number: C14-2008-0099

Address of Rezoning Request: 1600 – 1606 MLK Blvd.

To: Austin City Council

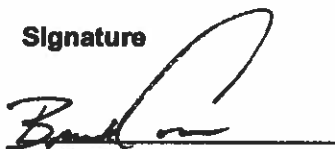
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Signature

Printed Name

Address



Brooks Calavan

1801 Salina st Austin, TX 78702

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\_\_\_\_\_

Date: \_\_\_\_\_

Contact Name: Bo McCarver  
Phone 474-6009

## Petition opposing rezoning 1600 – 1606 MLK Case # C14-2008-0099

### Computation of Square Footage within 200' of Property with rezoning request

*Volume of lots in rezoning request*

4 lots, 65' wide and 149' long = 38,740'

*200' envelop around those four lots*

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02110715030000	Gooden, Winnie	1505 E. 20 <sup>th</sup>	
40.15' X 136.36 + ½ 20' alley + ½ 40' of 20 <sup>th</sup> St. (40.15 X 166.36) =			6679.35
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43.3' X 149' + ½ 60' MLK + ½ 20' alley (43.3 X 189) =			8183.7
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(The above properties constitute one lot.)			
149 + ½ 20' alley + ½ 50' E. 20 <sup>th</sup> X 65' + ½ 50' Leona St. (184 X 90)			16560
02090901010000	Calavan Family Partnership	1710 E MLK Blvd	
43.3 + ½ 50' Leona St. X 147.67 + ½ 20' Alley + ½ 60' MLK (68.3 X 187.67) =			12817.9
02090901020000	Calavan Family Partnership	1703 E MLK Blvd	
43.3 X 147.67 + ½ 20' Alley + ½ 60' MLK (43.3 X 187.67) +			8121.67
02090901120000	Calavan Family Partnership	1705 E MLK Blvd	
43.3 X 147.67 + ½ 20' Alley + ½ 60' MLK (43.3 X 187.67) +			8121.67
<b>Total volume of protesting lots</b>			<b>130502.85</b>
<b>% protesting lots (130502.85 / 216545)</b>			<b>60.3%</b>

ESTATE OF

WINNIFRED HILL GOODEN

DECEASED

§  
§  
§  
§  
§

IN THE PROBATE COURT

COURT NO. 1

TRAVIS COUNTY, TEXAS

FILED FOR RECORD  
2003 JUN 10 AM 8:54  
DALE E. BEAUMONT  
COUNTY CLERK  
TRAVIS COUNTY, TEXASORDER ADMITTING WILL TO PROBATE  
AS A MUNIMENT OF TITLE

*First Amended*  
On this day come on to be heard the Application for Probate of Will as a Muniment of Title filed by Milton Gooden ("Applicant") in the Estate of Winnifred Hill Gooden, Deceased ("Decedent")

The Court heard the evidence and reviewed the Will and the other documents filed herein and finds that the allegations contained in the First Amended Application are true; that notice and citation have been given in the manner and for the length of time required by law; that the Decedent is dead; that this Court has jurisdiction and venue of the Decedent's estate; that Decedent left a will dated March 6, 1973, executed with the formalities and solemnities and under the circumstances required by law to make it a valid Will; that on such date Decedent had attained the age of 18 years and was of sound mind; that such Will was not revoked by Decedent; that Applicant was not in default in failing to present Decedent's Will for probate within four years of Decedent's death; that no objection to or contest of the probate of such Will has been filed; that all the necessary proof required for the probate of such Will has been made; that such Will is entitled to probate; that there are no unpaid debts owing by the Estate of Decedent other than those secured by liens on real estate; and that there is no necessity for administration of such Estate.

It is ORDERED that such Will is admitted to probate as a Muniment of Title only, and the Clerk of this Court is ORDERED to record the Will, together with the Application, in the Minutes of this Court, and this Order shall constitute sufficient legal authority to all persons purchasing from or otherwise dealing with Decedent's estate and to those persons owing any money, having custody of any property, or acting as registrar or transfer agent of any evidence of interest, indebtedness, property, or right belonging to Decedent's estate, for payment or transfer by them, without liability, to the persons described in such Will.

It is ORDERED that upon the payment of taxes, if any are due, ~~and the filing with the Clerk of the Court before the 181st day after this date, a sworn affidavit stating specifically the terms of the Will that have been fulfilled and the terms of the Will that have been unfulfilled, this Estate shall be dropped from the Docket.~~ *The filing of the application of fulfillment of the will is waived.*

RECOMMENDED SIGNED this the 10th day of June, 2003.  
this 10 day of June, 2003

*Susan R. Whitman*  
Susan R. Whitman, Associate Judge

Order Admitting Will to Probate as a Muniment of Title  
for Winnifred Hill Gooden, Deceased

*[Signature]*  
Judge, Probate Court, Travis County,  
Texas, do hereby certify that this is a true and  
correct copy as same appears of record in my office.  
Witness my hand and seal of office on



*[Signature]*  
Dana DeBorough, County Clerk  
By Deputy: *[Signature]*  
M. Bryant

# PETITION

Case Number:

**C14-2008-0099**

Date:

July 22, 2008

**1600-1606 MLK BLVD**

Total Area Within 200' of Subject Tract

293,335.68

1	<u>02-0909-0101</u>	<u>CALAVAN FAMILY</u> <u>PARTNERSHIP LTD</u>	<u>10,541.89</u>	<u>3.59%</u>	<u>*</u>
2	<u>02-0909-0102</u>	<u>CALAVAN FAMILY</u> <u>PARTNERSHIP LTD</u>	<u>6,309.60</u>	<u>2.15%</u>	<u>*</u>
3	<u>02-0909-0112</u>	<u>CALAVAN FAMILY</u> <u>PARTNERSHIP LTD</u>	<u>4,063.26</u>	<u>1.39%</u>	<u>*</u>
4	<u>02-1107-1503</u>	<u>GOODEN WINNIE H</u> <u>MRS</u>	<u>176.74</u>	<u>0.06%</u>	
5	<u>02-1107-1504</u>	<u>GOODEN WINNIE H</u> <u>MRS</u>	<u>2,787.06</u>	<u>0.95%</u>	
6	<u>02-1107-1505</u>	<u>GOODEN WINNIE H</u> <u>MRS</u>	<u>4,790.75</u>	<u>1.63%</u>	
7	<u>02-1107-1509</u>	<u>GOODEN WINNIE H</u> <u>MRS</u>	<u>12,397.91</u>	<u>4.23%</u>	
8	<u>02-1107-1510</u>	<u>GOODEN WINNIE H</u> <u>MRS</u>	<u>12,726.85</u>	<u>4.34%</u>	
9	<u>02-1107-1511</u>	<u>GOODEN WINNIE H</u> <u>MRS</u>	<u>12,066.48</u>	<u>4.11%</u>	
10	<u>02-1109-1601</u>	<u>BREWER JUNE</u> <u>HARDEN</u>	<u>15,633.00</u>	<u>5.33%</u>	
11	<u>02-1109-1607</u>	<u>GOODEN WINNIE H</u> <u>MRS</u>	<u>8,072.59</u>	<u>2.75%</u>	
12	<u>02-1109-1608</u>	<u>GOODEN WINNIE H</u> <u>MRS</u>	<u>8,753.55</u>	<u>2.98%</u>	
13	<u>02-1109-1611</u>	<u>BLACKLAND</u> <u>COMMUNITY</u>	<u>7,980.37</u>	<u>2.72%</u>	
14				<u>0.00%</u>	
15				<u>0.00%</u>	
16				<u>0.00%</u>	
17				<u>0.00%</u>	
18				<u>0.00%</u>	
19				<u>0.00%</u>	
20				<u>0.00%</u>	
21				<u>0.00%</u>	
22				<u>0.00%</u>	
23				<u>0.00%</u>	
24				<u>0.00%</u>	

Validated By:

Stacy Meeks

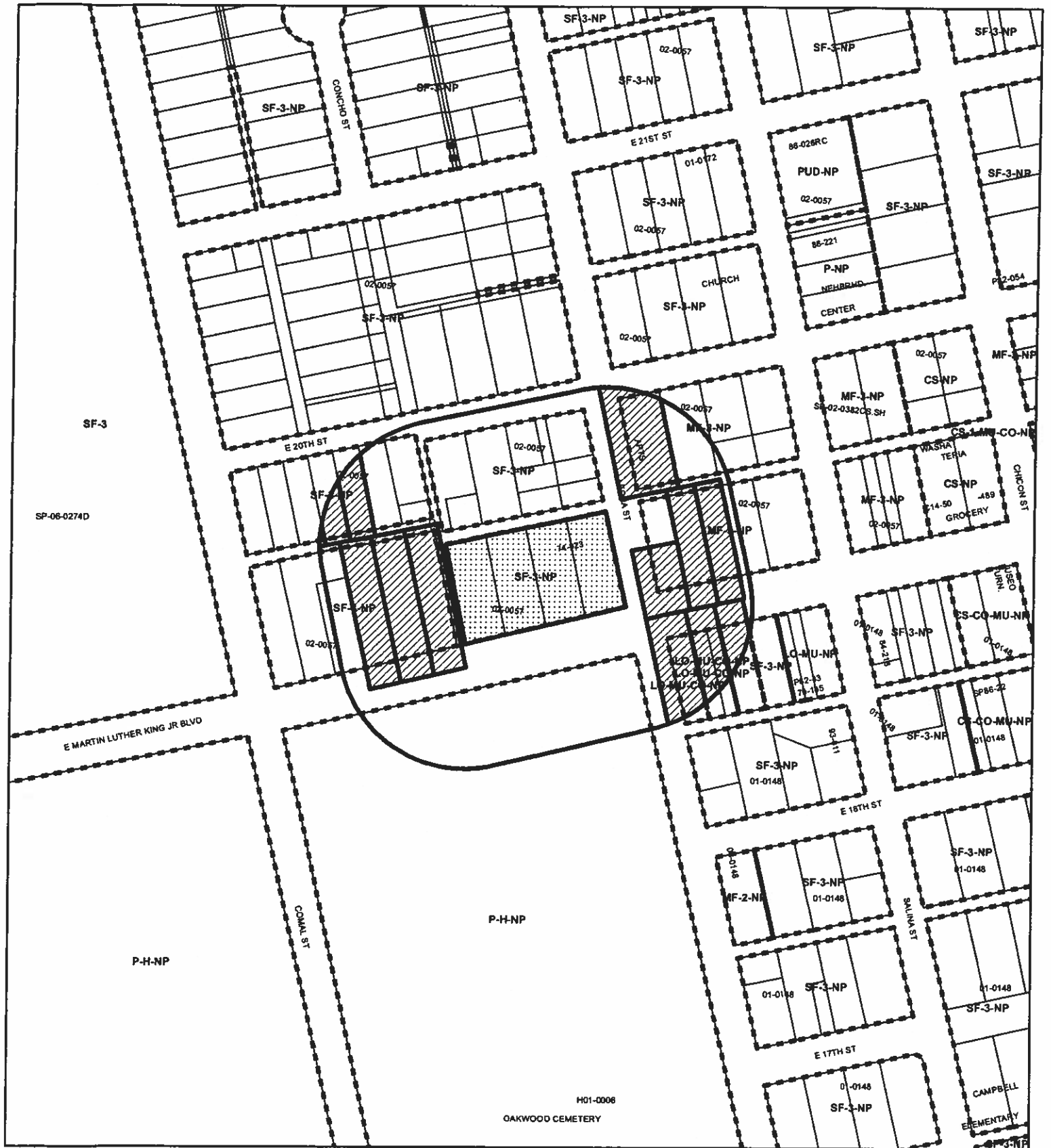
Total Area of Petitioner:

106,300.05

Total %

36.24%

*\* has indicated his  
intent to remove  
his name from the  
petition*



# PETITION

CASE#: C14-2008-0099  
 ADDRESS: 1600-1606 E MLK BLVD  
 GRID: K23  
 CASE MANAGER: J. HARDEN



1" = 200' OPERATOR: SM

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.



**Subject:** MLK

Carter and Ryan,

It was great meeting you both this morning. I definitely support you in your rezoning case and will work with you to revoke or remove my opposition now that I understand that you have tried to work with the neighborhood. That was the only reason I originally signed the petition. Let me know what I can do to help.

Sincerely,

Brooks Calavan  
1801 Salina St.  
Austin, Tx 78702  
512-626-6547

7/31/2008

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

**Case Number:** C14-2008-0099

**Contact:** Robert Heil, 512-974-2330

**Public Hearing:**

July 22, 2008 Planning Commission

August 7, 2008 City Council

☐ I am in favor  
☒ I object

Carlyn L Taylor  
Your Name (please print)

1800 East MLK Jr Blvd  
Your address(es) affected by this application

Carlyn L. Taylor 7-16-08  
Signature Date

Comments: This neighborhood should  
be kept residential.  
Therefore, the property in  
question should remain  
zoned as "single family".

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

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

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**Contact:** Robert Heil, 512-974-2330

**Public Hearing:**

July 22, 2008 Planning Commission

August 7, 2008 City Council

☐ I am in favor  
☒ I object

*Jewell Jackson*

Your Name (please print)

*1704 East 18th St. - Austin, TX 78702*

Your address(es) affected by this application

*Jewell Jackson* *7-22-08*

Signature

Date

Comments: *Single families developed the East Side. We would see the 1st floor & the Capital building. Now because of the Mansions I mixed use I & 3 story buildings ~~over~~ over shadow the view. Single families were ok when it was just 4 blocks. But now white developers want to take over the East side. High rise buildings take away the history of the East side. Why is it always the East side??*

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

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810