

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

**NEIGHBORHOOD PLAN:** East MLK Combined Neighborhood Plan

**CASE#:** NPA-2008-0015.04.SH and C14-2008-0243.SH (Chestnut Corner, S.M.A.R.T. Housing)

**PC PUBLIC HEARING DATE:** February 10, 2009

**ADDRESS:** 3522 E. MLK, Jr. Blvd.

**AREA:** 1.02 acres (44, 431.2 sq. ft.)

**APPLICANT/AGENT:** Chestnut Neighborhood Revitalization Corp. (Sarah André)

**OWNER:** City of Austin / Austin Housing Finance Corporation (Regina Copic)

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** High Density Single-Family Residential  
**To:** Multifamily Residential

**Base District Zoning Change**

**From:** SF-6-NP – Townhouse and Condominium Residence District -Neighborhood Plan Combining District  
**To:** MF-3-NP - Multi-Family Residence Medium Density District – Neighborhood Plan Combining District

**STAFF RECOMMENDATION:**

- 1.) The staff recommendation is to **grant** the requested change on the Future Land Use Map (FLUM) to Multifamily Residential.
- 2.) The staff recommendation is to **grant MF-2-CO-NP – Multifamily Residence Low Density District – Conditional Overlay – Neighborhood Plan Combining District**. The Conditional Overlay will limit vehicle trips to less than 2,000 per day.

**PLANNING COMMISSION RECOMMENDATION:** February 23, 2009: The Planning Commission approved staff's recommendation of Multi-family land use and MF-2-CO-NP district zoning. The Conditional Overlay would limit dwelling units to 22 and limit vehicle trips to less than 2,000. The item was *APPROVED* by Commissioner Reddy's motion; Commissioner Dealey seconded the motion on a vote of 9-0.

**BASIS FOR RECOMMENDATION:** The property is located at the northwest corner of E. MLK, Jr. Blvd. and E.M. Franklin Avenue, with the majority of the subject property frontage being along E. MLK, Jr. Blvd. The proposed development will have driveway access from E.M. Franklin Avenue to which both ingress and egress access will be taken. The site lies within the East MLK Neighborhood Plan and is surrounded by a Religious Assembly to the south and single family residential to the north, west and east.

The land uses on the FLUM on the north side of E. MLK, Jr. Blvd. from the Morris Williams Golf Course to Tillery Street on the east is HIGH DENSITY SINGLE FAMILY.

Staff supports the FLUM change from HIGH DENSITY SINGLE FAMILY to MULTIFAMILY RESIDENTIAL because the request does not appear to be in conflict with the goals of the East MLK Combined Neighborhood Plan. See plan goals below.

Staff also supports the zoning change from SF-6-NP to MF-2-CO-NP. Because the site is at the intersection of an arterial and collector street, it is appropriate for a higher density use. Additionally, the site is in the vicinity of Morris Williams Golf Course. This large tract of open space mitigates the density of the development.

**BACKGROUND:** The East MLK 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 November 7, 2002. The boundaries of the planning area are: Anchor to Manor Road to East 51st Street on the north, Springdale Road on the southeast, and Airport Boulevard to the southwest.

The subject parcel is undeveloped. As part of the East MLK neighborhood planning process, the subject parcel was zoned SF-6-NP. The subject parcels are located at the intersection of E. M. Franklin Avenue and E. MLK, Jr. Blvd, which is part of the J. J. Seabrook subdistrict in the plan.

The applicant proposes to build a 22-unit affordable, senior housing development as a S.M.A.R.T. Housing project that will provide for independent living. One unit will be for an on-site manager. All units will be for tenants who earn 50% or less of Austin's Area Median Income and most residents will earn 30% or less of the Median Income. The property will remain affordable for 40 years. The apartment complex will be built under the U.S. Department of Housing and Urban Development's Section 202 Program. The City of Austin's Austin Housing Finance Corporation has extended site control to the Chestnut Neighborhood Revitalization Corporation through a 99-year lease agreement.

**EXISTING ZONING AND LAND USES:**

	FLUM	ZONING	LAND USES
<i>Site</i>	Higher Density Single Family	SF-6-NP	Undeveloped
<i>North</i>	Single Family	SF-3-NP	Single-family residences
<i>South</i>	Mixed Residential and Mixed Use	SF-3-NP & GR-NP	Single-family residence, church & undeveloped

			land
<i>East</i>	High Density Single Family	SF-3-NP	Single-family residences
<i>West</i>	High Density Single Family	SF-3-NP	Single-family residences

**NEIGHBORHOOD PLAN:** The property lies within the J.J. Seabrook subdistrict of the East MLK Combined Neighborhood Plan adopted November 7, 2002.

**TIA:** A traffic impact analysis is not required.

**WATERSHED:** Tannehill Branch

**DESIRED DEVELOPMENT:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**REGISTERED COMMUNITY ORGANIZATIONS:**

Austin Parks Foundation  
 PODER People Organized in Defense of Earth & Her Resources  
 Anberly Airport Assn.  
 J.J. Seabrook Neighborhood Assn.  
 League of Bicycling Voters  
 Keep the Land  
 East MLK Neighborhood Plan Contact Team  
 Home Builders Association of Greater Austin  
 Austin Neighborhoods Council  
 Mueller Neighborhoods Coalition  
 Homeless Neighborhood Organization

**RELATED CASES:**

The East MLK Combined Neighborhood Plan rezonings were approved by Council November 7, 2002 (C14-02-0142).

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
E. MLK Blvd.	80'	42'-44'	Major Arterial, Undivided	13,455+
E.M. Franklin Ave.	60'	40'	Collector	1,087++

+ Counts taken 08/03/2005, 2800 Block – East of Ulit Ave.

++ Counts taken 06/15/2004, 2100 Block of E.M. Franklin – South of Manor Rd.

**ADDITIONAL INFORMATION:** The J.J. Seabrook Neighborhood Association supports the zoning change and plan amendment. See attached letter of support.

The East MLK Combined Neighborhood Planning Area does not have a planning contact team, although an official team with approved by-laws is in the process of being formed.

**PUBLIC MEETINGS:** On January 8, 2009 approximately 100 notices were sent to property owners within 500 feet of the subject property, including environmental groups and neighborhood associations registered with the city informing them of the community meeting scheduled for January 28, 2009. At the meeting, nine people attended, including the applicant's agent and architect for the project. See the attached meeting notes.

**CITY COUNCIL HEARING DATE:** March 12, 2009

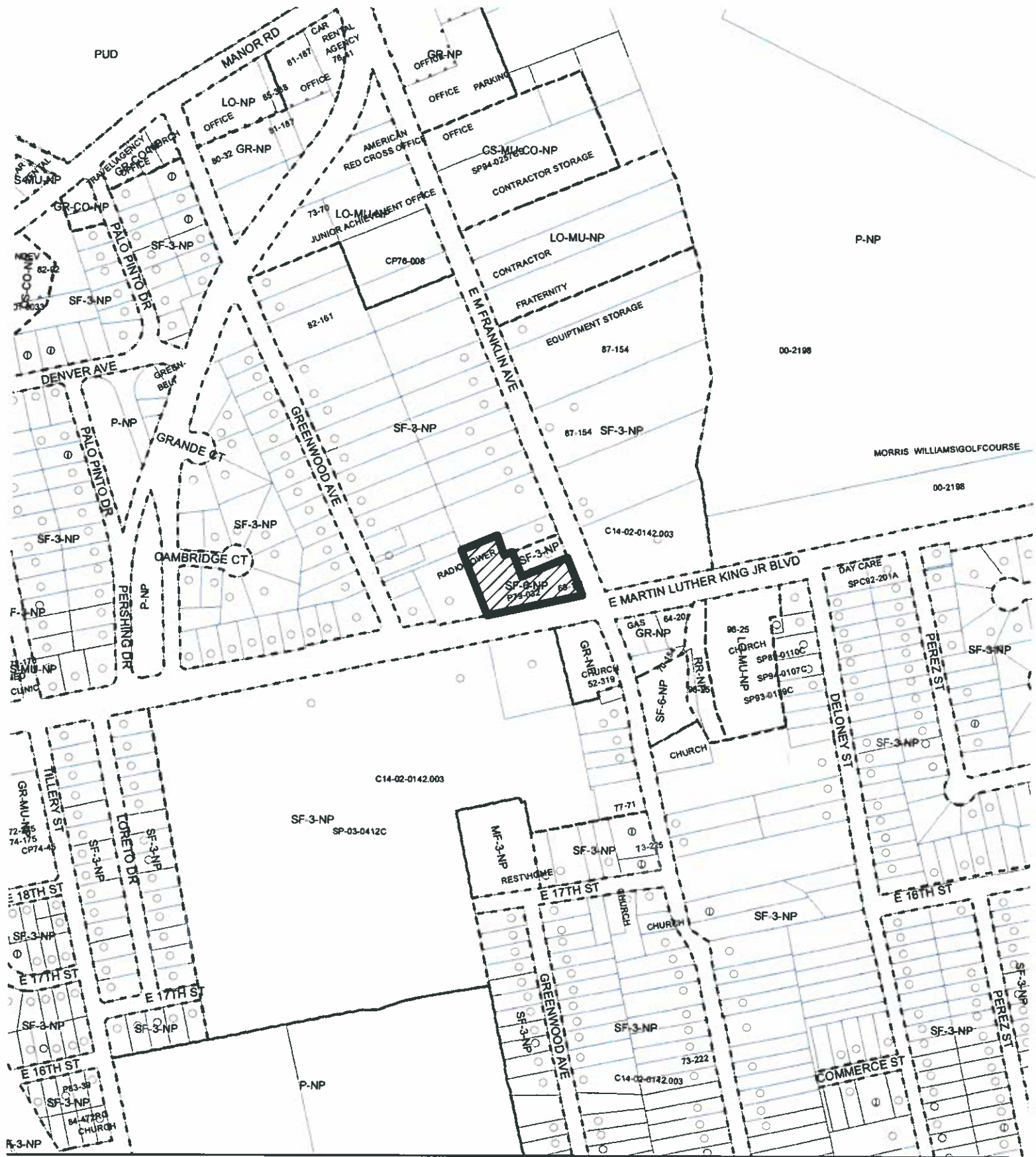
**ORDINANCE READINGS:** 1<sup>st</sup>      2<sup>nd</sup>      3<sup>rd</sup>




**ORDINANCE NUMBER:**

**CASE MANAGERS:**

Maureen Meredith (Plan Amendment), [maureen.meredith@ci.austin.tx.us](mailto:maureen.meredith@ci.austin.tx.us), PHONE: 974-2695

Joi Harden (Zoning Case), [joi.harden@ci.austin.tx.us](mailto:joi.harden@ci.austin.tx.us), PHONE: 974-2122



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

OPERATOR: S. MEEKS

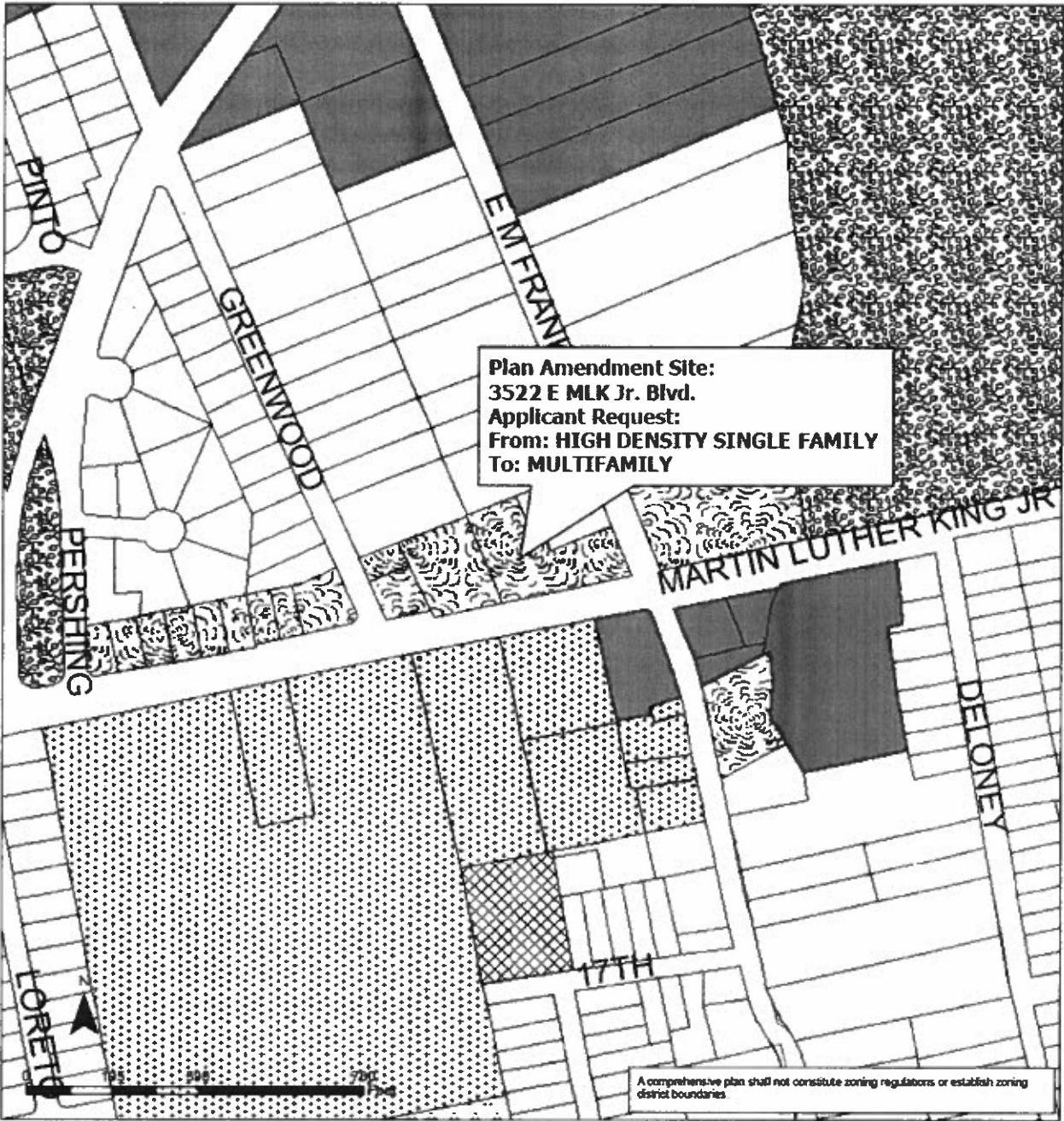
#### ZONING

ZONING CASE#: C14-2008-0243.SH  
 ADDRESS: 3522 E MLK BLVD  
 SUBJECT AREA: 0.000 ACRES  
 GRID: L23  
 MANAGER: J. HARDEN



1" = 400'











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**East MLK Combined Neighborhood Plan  
Amendment NPA-2008-0015.04.SH**

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 Created on 01/23/2008

Future Land Use			
	Civic		Mixed Residential
	Recreation & Open Space		Mixed Use
	Higher-Density Single Family		Multi-Family
	Commercial		Single-Family
	Industry		SDE.TCAD_Parcel





**C14-2008-0243.SH Chestnut Corner  
From Townhouse and Condominium Residence (SF-6-NP)  
To Multifamily Residence Low Density (MF-2-NP) District Zoning**





## **SUMMARY STAFF RECOMMENDATION**

- 1.) The staff recommendation is to **grant** the requested change on the Future Land Use Map (FLUM) to Multifamily Residential.
- 2.) The staff recommendation is to **grant MF-2-CO-NP – Multifamily Residence Low Density District – Neighborhood Plan – Combining District**. The Conditional Overlay will limit vehicle trips to less than 2,000 per day

## **BASIS FOR LAND RECOMMENDATION**

### **EAST MLK COMBINED NEIGHBORHOOD PLAN GOALS:**

#### **Land Use, Urban Design, and Historic Preservation**

*Goal One: Preserve established residential areas and improve opportunities for home ownership by promoting the rehabilitation of existing housing and new, infill housing compatible with the existing style of this neighborhood.*

*Goal Two: Promote a mix of land uses that respect the enhance the existing neighborhood and address compatibility between residential, commercial, and industrial uses.*

*Goal Four: Promote the development and enhancement of the neighborhood's major corridors.*

*Goal Five: Provide housing that helps maintain the social and economic diversity of residents.*

## **BASIS FOR LAND RECOMMENDATION**

### **ZONING PRINCIPLES**

- 1.) *Zoning should promote clearly identified community goals such as creating employment opportunities or providing for affordable housing.*

The applicant proposes to build a 22-unit affordable, senior housing development as a S.M.A.R.T. Housing project. All units will be for tenants who earn 50% or less of Austin's Area Median Income and most residents will earn 30% or less of the Median Income. The property will remain affordable for 40 years. The apartment complex will be built under the U.S. Department of Housing and Urban Development's Section 202 Program. The City of Austin's Austin Housing Finance Corporation has extended site control to the Chestnut Neighborhood Revitalization Corporation through a 99-year lease agreement. The site is also near a bus stop, so residents will have access to transportation.



*2.) Zoning should allow for reasonable use of the property.*

The proposed rezoning will allow an infill, affordable housing development that is located in proximity to open recreational space. The site is situated at the intersection of an arterial and a collector street. This rezoning will allow for reasonable use of the site while maintaining the character of the surrounding area.

**EXISTING CONDITIONS**

**Site Characteristics**

The site is undeveloped, moderately vegetated and relatively flat.

**Impervious Cover**

The maximum impervious cover allowed by the MF-3 district is 65%, the maximum impervious cover allowed by the MF-2 district is 60%, and the maximum impervious cover by the SF-6 district is 55%.

**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Tannehill Branch 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 a flood plain adjacent to the project area.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding 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.

### **Transportation**

No additional right-of-way is needed at this time for E. MLK Blvd. or E.M. Franklin Avenue.

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]

Unable to determine the trip generation under the requested zoning assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

No information has been provided on the size of tract/lot based on acres (sq.ft.).

Provide size of tract/lot information.

There are no existing sidewalks along E. MLK Blvd. and E.M. Franklin Avenue.

The 3200 Block of E. MLK Blvd. is not classified in the Bicycle Plan as a Priority 1 or 2 bike route.

Capital Metro bus service is available along E. MLK Blvd. with the local service route #18 – M.L. KING.

### **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 any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.

### **Site Plan Review**

The site is subject to compatibility standards. Along the north and east property line, 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.

- 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.

Additional design regulations will be enforced at the time a site plan is submitted.

This property is within the Controlled Compatible Land Use Area defined by Chapter 241 of the Local Government Code. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Sections 25-13-23, are prohibited. For more information, contact Joe Medici, Noise Abatement Officer at (512) 530-6652.

# **East MLK Combined Neighborhood Plan Amendment Neighborhood Meeting**

**NPA-2008-0015.04.SH**

**3522 E. MLK, Jr. Blvd., Chestnut Corners, (S.M.A.R.T.™ Housing)  
Wednesday, January 28, 2009, 6:30 PM to 7:30 PM  
Carver Branch Public Library  
1161 Angelina**

## ***Meeting Notes***

Attendees: Maureen Meredith, NPZD staff; Sarah Andre, Project Manager; Sean Garretson, Chair of Chestnut Neighborhood Revitalization Corp.; Tom Hatch, Architect; Javier Delgado, City of Austin, Community Housing; Elma Crawford, stakeholder; Lars Stanley, stakeholder; Exalton Dello, stakeholder; Mrs. W. R. Elam-Sneed, stakeholder.

The meeting began at 6:35 p.m. Maureen Meredith introduced Sarah André, the Project Manager for the Chestnut Neighborhood Revitalization Corp.

### **Sarah André outlined some details of the project:**

- 22 dwelling units, with includes one unit for the on-site manager;
- Units must be affordable because of the H.U.D. funding requirements; rent will be around \$200 a month;
- H.U.D. contract for 40 years to meeting the needs of people earning no more than 50% of the median income, the reality is the residents will probably have 30% of the median income;
- 99 year property lease;
- other projects built by CNRC, Lyons Court and Oak Springs by the airport;
- two story building
- the project will have interior garden for residents;
- will have 5,000 gallon tank for rainwater collection to irrigate the garden;
- will have a 3-star Green Building standard, will be energy efficient;
- First time they built a multifamily development.

### **Questions from the stakeholders in attendance:**

#### **1) Why built multifamily houses instead of single family house built in the past?**

Answer: The property is only a little more than 1 acre of land. In order to meet the affordable goals of the H.U.D. funding and to provide more dwelling units, we needed to build multifamily units. Also, seniors tend to downsize from single family homes to smaller multifamily units because MF housing has less upkeep involved.

#### **2) Why do you need to rezone the property from single family to multifamily?**



Answer: With the SF-6 zoning we could only get 21 units. We needed 22 units to meet the H.U.D. requirements, which we could get in the MF-3 zoning district.

**3) How many parking spaces?**

Answer: 22 parking spaces, one for each unit.

**4) Why isn't there more landscaping along E. MLK, Jr. Blvd?**

Answer: There are limitations to put landscaping in the right-of-way, but we will work with the surrounding property owners to improve the landscaping.

**5) Why are you putting these types of developments on the east side of Austin?  
Why not in other areas of the city?**

Answer: We did a study of the housing needs in this area and the results showed that affordable housing for very low income elderly people is desire in this area. We will conduct outreach with the area residents to give them the first opportunity to lease the units.

**6) Metal roofs can attract lightening. This could be a problem for mobility impaired residents of the units. What could you do to prevent lightening strikes?**

Answer: We will install lightening rods on the roof.

**Other general comments:**

- There will be a MLK Association meeting on Monday, February 2, 2009 at the new St. James Episcopal Church. Sarah André and her team will attend the meeting to work with the MLK Association's concerns.
- Sean Garretson said they are considering a name change to Franklin Corner. He asked what the attendees thought about it. They said it could be discussed at the Feb. 2<sup>nd</sup> meeting.

Meeting ended at 7:35 p.m.

TO: Chestnut Neighborhood Revitalization Corporation  
FROM: J. J. Seabrook Neighborhood Association  
DATE: July 1, 2008  
SUBJECT: Letter of Support

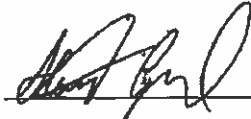
To whom it may concern:

The J.J. Seabrook Neighborhood Association (JJSNA) represents a dynamic and diverse neighborhood located in east Austin with street boundaries of East Martin Luther King Jr. Blvd and EM Franklin Ave to Manor Rd and Airport Blvd.

JJSNA voted during our regular monthly meeting on June 17, 2008 to express support for the elderly housing project of 22 units currently under consideration by the Chestnut Neighborhood Revitalization Corporation (CNRC) at the corner of E.M. Franklin Ave and Martin Luther King Jr. Blvd. CNRC met with JJSNA members on several occasions in the preceding months to address concerns and review preliminary architect/sight plans.

JJSNA very interested in retaining affordability and livability within our neighborhood. Based on our current understanding of the CNRC's project, it is in line with aspects of our neighborhood goals. It is also our understanding and intention that our support may assist the CNRC in securing funding for this project as it has been presented to us.

Please contact us if you have any questions or concerns.



Stuart Gourde, President, JJSNA  
[angourd@yahoo.com]  
JJ\_SeabrookNA@yahoogroups.com



Delia Brownson, Secretary, JJSNA  
[deliamailed@gmail.com]  
512-476-4628

**SCALE: N.T.S.**

E. M. FRANKLIN AVENUE



[www.fluorochannels.com](http://www.fluorochannels.com)

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AUSTIN, TX 78721

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