

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2011-0130.SH  
Village

**P.C. DATE:** November 8, 2011

**ADDRESS:** 2712 E. 12<sup>th</sup> Street

**AREA:** 0.606 acres

**OWNER:** South End MLK TOD, LLP **AGENT:** Pegasus Planning, LLC  
(Sean Garretson)

**FROM:** Transit Oriented Development-Neighborhood Plan - Low Density Residential  
(TOD-NP) (Up to 16 units per acre)

**TO:** Transit Oriented Development-Neighborhood Plan - Live/Work Flex (TOD-NP) (Up to  
30 residential units total)

**AREA STUDY:** N/A

**TIA:** Is not required

**WATERSHED:** Boggy Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD PLAN AREA:** Chestnut

### **SUMMARY STAFF RECOMMENDATION:**

The staff recommendation is to grant the rezoning from TOD-NP / Low Density Residential to TOD-NP-CO – Live/Work Flex. Staff recommends a conditional overlay for the subject property that establishes a maximum number of 30 residential units, limits vehicular trip generation to less than 2,000 vehicle trips per day, and prohibits the following uses: custom manufacturing, light manufacturing, general retail sales (general), medical offices, residential treatment.

### **PLANNING COMMISSION RECOMMENDATION:**

November 8, 2011: November 8, 2011: *APPROVED TOD-NP-CO LIVE/WORK FLEX  
ZONING IN ACCORDANCE WITH STAFF RECOMMENDATION. [M. DEALEY; S. KIRK –  
2ND] (7-0-1) – D. TIEMANN, D. CHIMENTI ABSENT*

### **DEPARTMENT COMMENTS:**

The subject property is located within the Martin Luther King, Jr. Blvd. TOD district and zoned Transit Oriented Development-Neighborhood Plan / Low Density Residential (TOD-NP) and is currently undeveloped. Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The subject property has approximately 49 feet of frontage on East 12th Street. The eastern boundary of the property is the railroad right-of-way that is part of the Capital Metro MLK corridor. Immediately north of the subject property is a City owned detention pond, and to the west are a single family residence and three lots that are currently being redeveloped as duplex residential. Across East 12th Street to the south is Rosewood Park. The subject property is located in the MLK TOD and Chestnut Neighborhood Plan area, and this rezoning will not require amendment of either plan. Please refer to Exhibit A-2 (MLK TOD Map).

The applicant has provided a letter of support for this application from the adjacent property owner who is developing the duplexes to the west. The letter supports the rezoning to Transit Oriented Development-Neighborhood Plan - Live/Work Flex (TOD-NP), including the maximum of 30 residential units total. Please refer to Exhibit A-3 (Neighbor Letter).

The current zoning subcategory of Low Density Residential primarily allows residential uses, but also allows a few civic land uses. No commercial land uses are permitted. The proposed would permit a maximum of nine residential units if no bonuses were utilized. To that end, the Applicant intends to provide affordable housing on the site in order to qualify for development bonuses and build additional units on the property.

The proposed zoning subcategory allows some civic, commercial, and industrial land uses. Permitted uses include art studio, business office, and personal improvement services, among others. Staff recommends attaching a conditional overlay prohibiting the following uses: custom manufacturing, light manufacturing, general retail sales (general), medical offices, residential treatment.

Some other differences between the subcategories are:

	<b>TOD-NP Low Density Residential</b>	<b>TOD-NP Live/Work Flex</b>
Maximum Impervious Coverage	85%	95%
Maximum Building Coverage	85%	95%

For all properties within the TOD District, there are no minimum or maximum requirements for rear, interior side, or street side yard setbacks, except as required to comply with the building height and setback requirements related to Compatibility Standards. For all properties in the TOD District, there is no minimum or maximum front yard setback requirement. There are no minimum site area requirements, and the maximum height for the subject property is 60 feet per the TOD. A height bonus may be granted in some portions of the TOD in exchange for the provision of affordable housing. Compatibility standards, as stipulated in Article 10 of Chapter 25-2 of the LDC, shall apply to all properties within the TOD District. Waivers of compatibility standards may be granted if a development bonus is utilized, and any height bonuses or compatibility standards waivers would be determined at time of site plan. Please refer to Exhibit A-4 (Conceptual Site Layout).

The property owner has obtained SMART Housing Certification for a proposed development of 24-28 residential units with 40% of the units serving households at or below 80% median family income. Please refer to Exhibit A-5 (SMART Housing Certification).

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	TOD-NP	Undeveloped
<i>North</i>	TOD-NP-CO	City of Austin detention pond
<i>South</i>	P-NP	12 <sup>th</sup> Street, Rosewood Park
<i>East</i>	P-NP	Railroad tracks, Downs Mabson Fields (COA)
<i>West</i>	SF-3-NP	Single-family, duplex residential

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2008-0031	Adopting TOD zoning as part of the MLK TOD	Approved w/ conditions (9-0)	Approved Ordinance 20090402-048 as TOD w/amendments (7-0)
C8s-87-076	Rosewood Subdivision	Approved (7-0)	N/A

**RELATED CASES:** The subject property is located in the MLK TOD and the Chestnut Neighborhood Plan area, and no plan amendments would be needed for the rezoning. Please refer to a letter that was provided by the Chestnut Neighborhood Plan Contact Team, Exhibit A-6 (Chestnut NPCT Letter).

**ABUTTING STREETS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Class</b>	<b>Sidewalk</b>	<b>Bus Route</b>	<b>Bike Route</b>
E. 12 <sup>th</sup> Street	Varies	42 feet	4-Lane, Undivided Minor Arterial	Yes, Both Sides	No.6 / E.12th Street Local	E. 12 <sup>th</sup> Street

**NEIGHBORHOOD ORGANIZATIONS:**

Chestnut Addition Neighborhood Association  
 Homewood Heights Neighborhood Association  
 Chestnut Commons HOA  
 Chestnut Neighborhood Revitalization Corporation  
 Chestnut Neighborhood Planning Team  
 African American Cultural Heritage District Business Association  
 Rosewood Neighborhood Contact Team  
 Friends of Chestnut Neighborhood Planning Contact Team

**SCHOOLS:**

Campbell Elementary School

Kealing Middle School

McCallum High School

**CITY COUNCIL DATE:** December 8, 2011

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Heather Chaffin  
e-mail: [heather.chaffin@austintexas.gov](mailto:heather.chaffin@austintexas.gov)

**PHONE:** 974-2122

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant TOD-NP-CO – Live/Work Flex. Staff recommends a conditional overlay for the subject property that establishes a maximum number of 30 residential units, limits vehicular trip generation to less than 2,000 vehicle trips per day, and prohibits the following uses: custom manufacturing, light manufacturing.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

The MLK TOD states, “TOD is the functional integration of land use and transit. It is compact, walkable, mixed-use development connected to high quality public transportation, which balances the need for sufficient density to support convenient transit service with the scale of the adjacent community.” The proposed rezoning allows mixed use, increased residential density, and pedestrian access to parks, rail, sidewalks and bus routes.

*2. Zoning changes should promote an orderly and compatible relationship among land uses.*

The proposed rezoning is a suitable transition between the railroad tracks and the SF-3 zoned properties to the west.

**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 rezoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day [LDC, 25-6-117].

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities exist and/or recommended along the adjoining streets as follows:

<u>Street Name</u>	<u>Existing Bicycle Facilities</u>	<u>Recommended Bicycle Facilities</u>
E. 12th Street	Bike Lane	Bike Lane

**Site Plan:**

This site will be subject to the design criteria of the Regulating Plan for the MLK TOD Station Area Plan.

The site is located within 540 feet of properties zoned SF-6 or more restrictive – therefore, compatibility standards, as stipulated in Article 10 of Chapter 25-2 of the LDC shall apply.

This site is located within the Chestnut Neighborhood Planning Area. Please refer to <http://www.ci.austin.tx.us/planning/neighborhood/chestnut.htm> for land use recommendations within this planning area.

**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 a flood plain within 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.

**Water/Wastewater:**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. 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.


$$1'' = 400'$$







This aerial map illustrates the proposed transit line (indicated by a dashed line) through the East 18th Street area in Los Angeles. The map shows a network of streets including Basford Rd, Banton Rd, E 38th St, Manor Rd, Theo Dr, Mananwood Rd, Encino Cir, Tillery St, Airport Blvd, E 18th St, E 17th St, E 16th St, E 14th Half St, E 14th St, E 13th St, E 12th St, Sol Wilson Ave, Oak Grove Ave, Harvey St, Summers, E 16th St, E 17th St, E 18th St, E 18th Half St, E Martin Luther King Blvd, Higgins St, Eckert St, Pannell St, Moss St, Roundtree Dr, Alexander Ave, Real St, Miriam Ave, Ult Ave, E 18th St, E 17th St, E 16th St, E 14th St, E 13th St, E 12th St, E 11th St, E 10th St, E 9th St, E 8th St, E 7th St, E 6th St, E 5th St, E 4th St, E 3rd St, E 2nd St, E 1st St, E 18th St, E 17th St, E 16th St, E 15th St, E 14th St, E 13th St, E 12th St, E 11th St, E 10th St, E 9th St, E 8th St, E 7th St, E 6th St, E 5th St, E 4th St, E 3rd St, E 2nd St, E 1st St. The map also shows a large area of undeveloped land in the center, a baseball field, and various commercial and residential buildings.

October 10, 2011

To: Wendy Rhoades, Heather Chaffin  
From: Mike Craddock  
CC: Sean Garretson

Subject: Letter of Support – Zoning of 2712 East 12<sup>th</sup> Street

I am writing to provide support for the rezoning of the property located at 2712 East 12<sup>th</sup> Street to TOD Live Work Flex. My partners and I own the majority of the adjacent private land (three properties). Our address is 2709 East 13<sup>th</sup>, Lots 7,8 and 9. We are building duplexes on each of these three properties.

Mr. Sean Garretson, General Partner of the South End MLK TOD, LLP who owns 2712 East 12<sup>th</sup>, has continued to be an advocate for Central East Austin and the MLK TOD. He has helped us understand the market potential in the area, and the vision for the MLK TOD, and as a neighbor, he has worked with us to provide temporary access through his property to allow the ease of construction of our projects.

I understand that the current zoning (TOD Low Density Residential) would allow his partnership to build approximately 11 units, but that he wishes to build a co-housing project with more units of a smaller size. The zoning change he requests (TOD Live Work Flex) would allow him to build approximately 30 units. We support this change and believe that the potential mix of owner-occupied unit sizes will provide a healthy addition of mixed-income households in the immediate area.

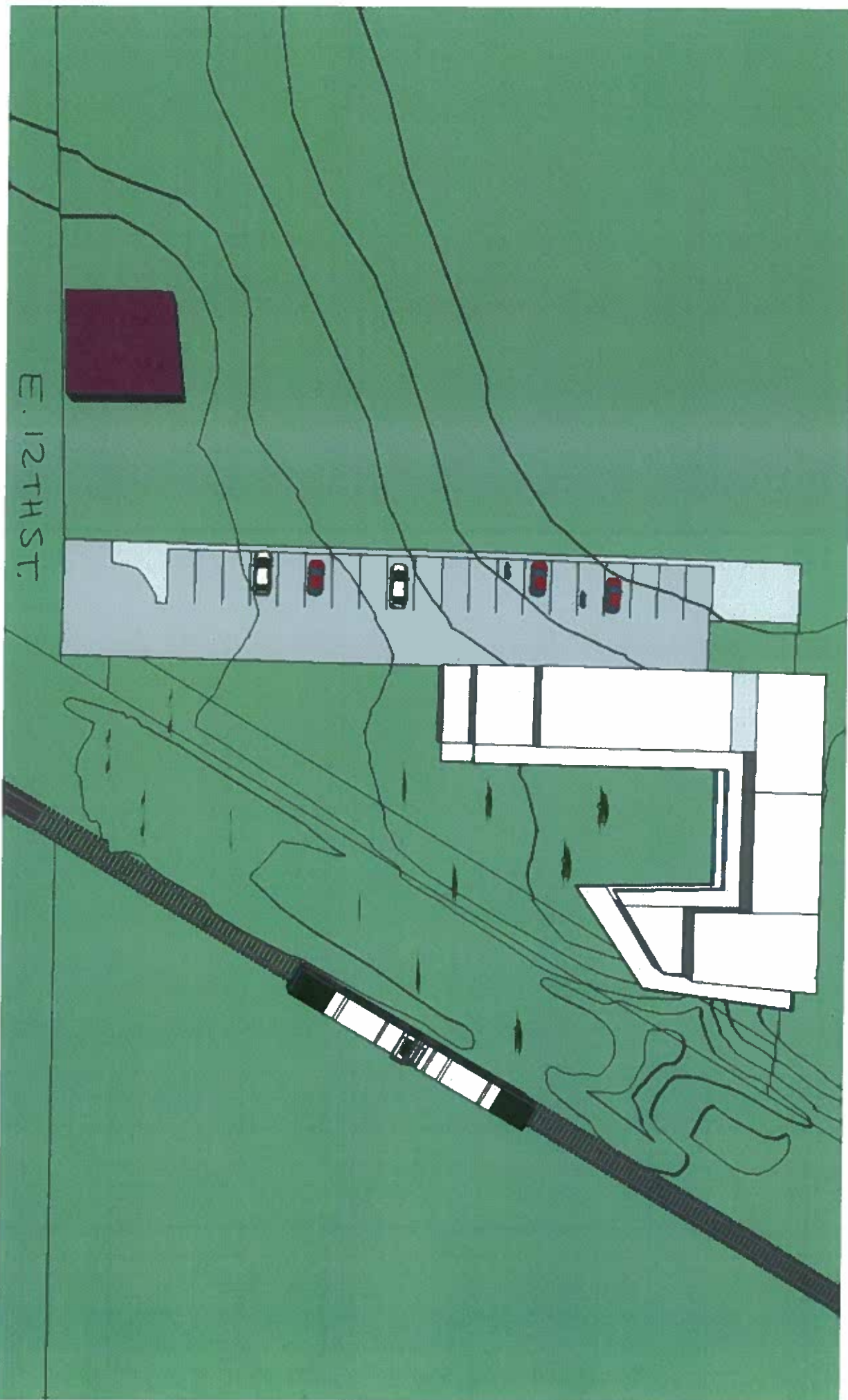
Please contact me should you have any questions or require additional information for my support of this zoning.

Sincerely,



Mike Craddock  
MKKN Development  
[Mcraddock12@yahoo.com](mailto:Mcraddock12@yahoo.com)  
512-633-1788

EXHIBIT  
A-4



E. 12TH ST.

N ↑

WATERS CANAL



## City of Austin

P.O. Box 1088, Austin, TX 78767  
[www.cityofaustin.org/housing](http://www.cityofaustin.org/housing)

### Neighborhood Housing and Community Development Department

Gina Copic, S.M.A.R.T. Housing Program Manager  
 (512) 974-3180, Fax: (512) 974-3112, [regina.copic@a.austin.tx.us](mailto:regina.copic@a.austin.tx.us)

October 3, 2011

**S.M.A.R.T. Housing Certification**  
**South End MLK TOD, LLP- The Village (id# \_\_\_\_\_)**

TO WHOM IT MAY CONCERN:

South End MLK TOD, LLP (development contact Sean Garretson, 210-300-7270 (o); [sean@pegasusplanning.com](mailto:sean@pegasusplanning.com)) is planning to develop a **24-28 unit multi-family** development at 2712 East 12<sup>th</sup> Street.

NHCD certifies that the proposed construction meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since **40%** of the residential units will serve households at or below **80%** Median Family Income (MFI), the development will be eligible for **100%** waiver of the fees listed in Exhibit A of the S.M.A.R.T. Housing Resolution adopted by the City Council. The expected fee waivers include, but are not limited to, the following fees:

Capital Recovery Fees	Concrete Permit	Mechanical Permit
Building Permit	Electrical Permit	Plumbing Permit
Site Plan Review	Subdivision Plan Review	Zoning Verification
Construction Inspection	Parkland Dedication Fee	Land Status Determination
Demolition Permit Fee	(by separate ordinance)	Building Plan Review
	Regular Zoning Fee	

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

- ◆ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Austin Energy: Katherine Murray, 482-5351 for multi-family; Bryan Bomer, 482-5449 for single-family).
- ◆ Submit plans demonstrating compliance with accessibility and transit-oriented standards.

**Before a Certificate of Occupancy will be granted, the development must:**

- ◆ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy).
- ◆ Pass a final inspection to certify accessibility and transit-oriented standards were met.

The applicant must demonstrate compliance with the reasonably-priced standard after the completion of the units, or repay the City of Austin in full the fees waived for this S.M.A.R.T. Housing certification.

Please contact me at 974-3154 if you need additional information.

*Javier V. Delgado*  
 Javier V. Delgado

Neighborhood Housing and Community Development

Cc:	Laurie Shaw, Cap Metro	Maureen Meredith, PIDRI	Kath. Murray, Austin Energy
	Chris Yanez, PARID	Danny McNabb, PIDRI	Michael Simmons-Smith, PIDR
	George Zapalac, PIDRI	J.B. Meier, PIDRI	Hillary Holey, PIDRI
	Robby McArthur, WWW Taps	Bryan Bomer, Austin Energy	Deborah Fonseca, PIDRI
	Stephen Castleberry, PIDRI	John McDonald, PIDRI	Yolanda Parada, PIDRI



EXHIBIT  
A-6

City of Austin  
Planning Commission  
November 8, 2001

Case # C14-2011-0130.SH

Dear Commissioners,

As Chair of the Chestnut Neighborhood Plan Contact Team, I would like to submit this letter of support for a proposed rezoning of the property at 2712 E 12<sup>th</sup> St, from TOD Low Density Residential to TOD Live-Work-Flex.

The property has significant historical aspects and there have been productive talks with the developer regarding ways in which they can give back to the community in return for our endorsement. We have agreed that the developer will:

- The development will incorporate a designated area for reflection. This area should include, but not be limited to, artifacts associated with the property's past use as Emancipation Park, inscriptions, and the history of the park. It should be inviting and accessible from the street. It should include seating, landscaping, and perhaps a monument. This area will be designed and constructed in the floodplain and/or within the drainage easement area. If, during site plan review the City does not allow this, then there will still be a commitment to incorporating related-artifacts into the common space such as in the dining hall. An attempt will be made to work with Chestnut artists in the design and installation.
- At least **40%** of the units will be affordable for those making less than 80% of the median family income levels. As much as possible, first marketing will be made to residents of Chestnut neighborhood. While respecting Fair Housing rules, the developer will work with qualified and interested Chestnut residents for priority to the affordable and market-rate units.
- The development is connected to the rest of the MLK TOD via a walkable route.

Thank you for your consideration. We at the Chestnut NPCT spent a lot of time and effort making sure our response to this case was inclusive within our community and carefully vetted by all those who contributed their input.

Respectfully submitted,

Greg Goeken  
Chair  
Chestnut NPCT  
830-613-5553