ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0171
MLK Rezone

P.C. DATE: February 24, 2014

ADDRESS: 2927 E. Martin Luther King, Jr. Blvd.

DISTRICT: 1

OWNER: Amos 413 Ventures, LLC (Jon Klaus)

AGENT: Perales Engineering (Jerry Perales)

AREA: .3375 acres

FROM: SF-3 -NP

TO: SF-6-NP

NEIGHBORHOOD PLAN AREA: Rosewood

TIA: N/A

WATERSHED: Boggy Creek

SCENIC ROADWAY: No

CAPITOL VIEW CORRIDOR: No

DESIRED DEVELOPMENT ZONE: Yes

SUMMARY STAFF RECOMMENDATION:

Staff supports an alternate recommendation of urban family residence-conditional overlay-neighborhood plan (SF-5-CO-NP) combining district zoning. The conditional overlay would require a 10-foot side yard building setback, and a 50-foot front yard building setback. Driveways, drainage features, fences, and other site features may be built in these setbacks.

PLANNING COMMISSION RECOMMENDATION:

February 24, 2014: *TO GRANT SF-5-CO-NP ZONING AS RECOMMENDED BY STAFF, ON CONSENT, (7-0). [J. Stevens- 1st, R. Hatfield- 2nd; A. Hernandez- Off dais; L. Varghese- Absent.]*

ISSUES:

The Applicant requested SF-6-NP zoning in order to construct 4 residential units on the subject property. Staff has received correspondence from Neighborhood groups and others in support of the proposed SF-6-NP rezoning request. Please refer to ***Exhibit C (Correspondence).*** However, Staff review has shown that the Applicant and Neighborhood did not take compatibility standards into account. The development standards supported by the neighborhood organizations are more accurately reflected by the Staff recommendation of SF-5-CO as described above.

DEPARTMENT COMMENTS:

The proposed rezoning is located on the south side of East Martin Luther King, Jr., Boulevard (MLK), slightly east of Sanchez Street. All properties in the immediate vicinity are zoned SF-3-NP, and are developed with single family residences, duplexes, and similar low density residential development. Further out from the property, to the west, is the MLK Transit Oriented Development (TOD), with a rail station, multifamily, and other features. To the east along MLK, are some properties zoned LR-MU-NP and LR-MU-V-NP. These properties are developed with a residence and a restaurant. Please refer to ***Exhibits A and B (Zoning Map and Aerial View).***

SUMMARY STAFF RECOMMENDATION:

SF-5 district zoning is recommended by Staff as an alternative because it would allow townhouse or condominium development on the site, in addition to single family or duplex uses already allowed in SF-3. The rezoning tract is .3375 acres, which is larger than most single family properties in the area. However, the property is only 70-feet wide; if SF-6 zoning was applied, only a 25-foot strip down the middle of the property could be developed.

SF-5 zoning allows reasonable development in scale with the area. Townhouse or condominium development would allow increased residential density that does not overwhelm the scale of the immediate surroundings. Additionally, the location on East Martin Luther King, Jr. Boulevard will direct site traffic onto an arterial roadway, not a residential street.

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

As defined by Chapter 25-2-60 of City Code,Urban family residence (SF-5) district is intended for a moderate density single-family residential use. A duplex, two-family, townhouse, or condominium residential use is permitted in an SF-5 district under development standards that maintain single family neighborhood characteristics. An SF-5 district designation may be applied to a use in an existing family residential neighborhood in a centrally located area of the City. An SF-5 district may be used as a transition between a single family and multifamily residential use or to facilitate the implementation of City affordable housing programs. The subject property meets these standards.

2. Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

The subject property is located along East Martin Luther King, Jr. Boulevard, an arterial roadway. The SF-5-CO-NP zoning would be located between the SF-3 neighborhood and the TOD-NP to the west, and LR-MU-NP and LR-MU-V-NP to the east.

3. Zoning should allow for reasonable use of the property.

SF-5 district zoning would allow townhouse or condominium development on the site, which would allow increased residential density that does not overwhelm the scale of the immediate surroundings. The rezoning tract is .3375 acres, which is larger than most single family properties in the area. However, the property is only 70-feet wide; if SF-6 zoning was applied, only a 25-foot strip down the middle of the property could be developed. Therefore, SF-5 is a more appropriate zoning category.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	SF-3-NP	undeveloped
North	SF-3-NP	Single family residences
South	SF-3-NP	Single family residences, duplexes
East	SF-3-NP, LR-MU-NP, LR-MU-V-NP	Single family residences, restaurant
West	SF-3-NP, TOD-NP	Single family residences, transit stop, multifamily

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike lanes	Bus route
E. MLK Jr Blvd.	Varies	48'	Arterial	Both sides	Bike Route No. 44	Capital Metro Route No. 018

NEIGHBORHOOD ORGANIZATIONS:

Del Valle Community Coalition
Austin Heritage Tree Foundation
Real Estate Council Austin
United East Austin Coalition
Bike Austin
Rosewood Neighborhood Contact Team
Sierra Club
Austin Heights Neighborhood Association
East Austin Conservancy
Austin Neighborhoods Council
African American Cultural Heritage District
Preservation Austin
Friends of the Emma Barrientos MACC
McKinley Heights Neighborhood Association
SelTexas
Austin Independent School

CITY COUNCIL DATE/ACTION: March 26, 2015:

ORDINANCE READINGS: 1st 2nd 3rd **ORDINANCE NUMBER:**

CASE MANAGER: Heather Chaffin **PHONE:** 974-2122
e-mail: heather.chaffin@austintexas.gov

ADDITIONAL STAFF COMMENTS:

COMPREHENSIVE PLANNING:

This zoning case is located on the south side of E. Martin Luther King Blvd, to the east of Sanchez Street. This project is also located within the boundaries of the Rosewood Neighborhood Planning Area. Surrounding land uses includes single family housing in all four directions. The proposed zone would allow for single family or a townhouse/condo.

The Rosewood Future Land Use Map classifies this portion of E. MLK Boulevards as single family. For all plans adopted prior to January 2002, zones SF-5 and SF-6 are permitted in the "Single Family" land use designation. The Rosewood Neighborhood Plan was approved in 2001. The following text and policies are taken from the Rosewood Neighborhood Plan.

Goal Two: Promote affordable housing options in the Rosewood neighborhood, while reducing the number of vacant lots (p. 34) / Objective 2.2: Provide for a variety of housing options.

The RNP appears to support a variety of housing options in the planning area, which would include a single family house or townhouse.

Imagine Austin identifies this property as being located along an 'Activity Corridor,' as identified on the Imagine Austin's Growth Concept Map, which are characterized by a variety of activities and types of buildings located along the roadway, and are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. However, based on the comparative scale of this site relative to other residential uses in this area, and the small scale of this project, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on the proposed rezoning.

SITE PLAN

SP 1. Site plans will be required for any new development other than single-family or duplex residential.

SP2) Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when a site plan is submitted.

SP3) 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.

SP 4. 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.

TRANSPORTATION

TR1: No additional right-of-way is needed at this time.

TR2. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

TR3. E. MLK Blvd. is classified in the Bicycle Plan as Bike Route No. 44.

TR4. Capital Metro bus service (Route No. 018) is available along E. MLK Blvd.

TR5. There are existing sidewalks along both sides of E. MLK Blvd.

TR6. Nathan Wilkes and Eric Dusza with the Public Works Dept. may provide additional comments regarding mobility enhancement and bicycle/pedestrian facilities.

TR7. Existing conditions: Average Daily Traffic: 13,455

ENVIRONMENTAL

1. 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.

2. Zoning district impervious cover limits apply in the Urban Watershed classification.

3. According to floodplain maps there is no floodplain within or adjacent to the project location.

4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

5. 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 512-974-1876. 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.

6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

WATER UTILITY

FYI: 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 proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans 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.

ZONING

ZONING CASE#: C14-2014-0171

N

SUBJECT TRACT

PENDING CASE

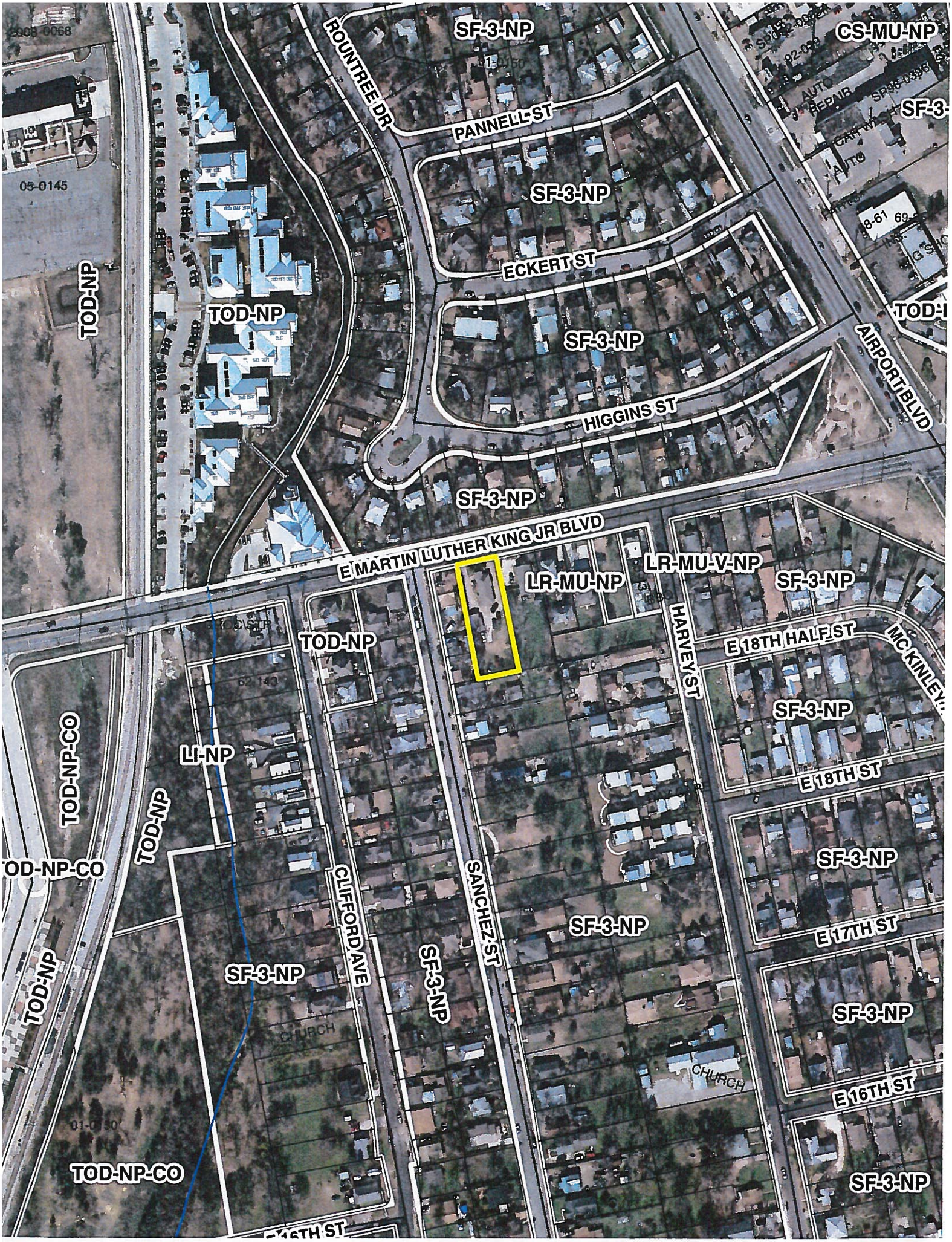
ZONING BOUNDARY

1 " = 400 '

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

CITY OF AUSTIN
FOUNDED 1839


SF-3-NP
CS-MU-NP
ROUNTREE DR
PANNELL ST
SF-3-NP
ECKERT ST
SF-3-NP
TOD-NP
TOD-NP
AIRPORT BLVD
HIGGINS ST
SF-3-NP
E MARTIN LUTHER KING JR BLVD
LR-MU-NP
LR-MU-V-NP
SF-3-NP
HARVEY ST
E 18TH HALF ST
MC KINLEY
TOD-NP
SF-3-NP
LI-NP
E 18TH ST
TOD-NP-CO
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SF-3-NP
TOD-NP-CO
CLIFFORD AVE
SANCHEZ ST
SF-3-NP
E 17TH ST
SF-3-NP
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TOD-NP
SF-3-NP
CHURCH
CHURCH
E 16TH ST
TOD-NP-CO
SF-3-NP
E 16TH ST

The Rosewood Neighborhood Contact Team
1000 Glen Oaks Court, Austin, TX 78702
(512) 477-2352

August 26, 2014

RE: 2927 E. MLK

To Whom It May Concern:

The Rosewood Neighborhood Contact Team voted via email over the time period August 6, 2014 through August 13, 2014 to support the zoning change requested, which is to go from SF-3 to SF-6. \

1) Lot size will be 14,700 square feet
2) The project will include 4 dwelling units at a height of approximately 30 feet, within a permitted 35 feet for both zoning categories
3) Minimum lot width will be 70 feet, 20 feet more than required for both SF-3 and SF-6
4) Front yard setback of 50 feet, which is double that required for both SF-3 and SF-6
5) Interior side yard setback will be 10 feet, which is double that required for both SF-3 and SF-6
6) Rear yard setback will be 10 feet, exactly as required by both SF-3 and SF-6.
7) Building coverage will be close to the 40% maximum allowed in both zoning categories.
8) Impervious coverage will be slightly higher than SF3 because there is a road required, but the project team intends to get the impervious coverage as low as possible.
9) The retention pond will be near the front part of the property and will meet both pond quality and rainstorm requirements.
10) Landscape percentage will be required at the front of the property from the street .

The RNCT supports this project as the development team is providing increased density while building in a way that is more compatible with neighboring properties.

Sincerely,

Jane Honey Rivera, CTPM

Jane Rivera, Chair

McKinley Heights Neighborhood Association

Letter of support for a zoning change for 2927 MLK from:

McKinley Height Neighborhood Association
Clifford Sanchez Neighborhood Association
Homewood Heights Neighborhood Association

During the combined neighborhood association meeting on August 12th of the above mentioned neighborhoods a majority voted in favor of supporting a zoning change for 2927 MLK.

During our discussion it became clear that our members have no problem with increased density in our neighborhoods, the design of the houses gives a single family look towards the street and the retention pond could be a nice looking feature along MLK.

The only concerns and request for change of the plans was aimed at the signage at the entrance of the property, a big sign as shown on the original drawings would not fit in with the "single family" look of the neighborhood.

Gerard Verkaart
President McKinley Height Neighborhood Association.

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:
http://www.austintexas.gov/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: C14-2014-0171
Contact: Heather Chaffin, 512-974-2122
Public Hearing: Feb 24, 2015, Planning Commission
Mar 26, 2015, City Council

Erik Wagner
Your Name (please print)

☑ **I am in favor**
☐ **I object**

3001 E 18th 1/2 Street
Your address(es) affected by this application

Erik Wagner — 2/16/15
Signature — *Date*

Daytime Telephone: 774-261-0331

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Heather Chaffin
P. O. Box 1088
Austin, TX 78767-8810