

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2016-0025  
St. James Missionary Baptist Church

**P.C. DATE:** June 14, 2016  
June 28, 2016

**ADDRESS:** 3417 E. Martin Luther King, Jr. Blvd.

**AREA:** 6.27 Acres

**DISTRICT:** 1

**OWNER:** St. James Missionary Baptist Church (Thomas J. Owens)

**AGENT:** Urban Design Group (Laura Toups)

**FROM:** SF-3-NP

**TO:** SF-6-NP

**NEIGHBORHOOD PLAN AREA:** East MLK Combined NPA

**SCENIC ROADWAY:** No

**WATERSHED:** Tannehill Branch Creek

**TIA:** N/A

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

### **SUMMARY STAFF RECOMMENDATION:**

Staff supports the request of Townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning.

### **ISSUES:**

A Valid Petition has been filed in opposition to this rezoning request. As of the printing of this report, the petition has 22.70% of eligible signatures, and will require a super majority vote for approval of rezoning at third reading. Please see *Exhibit F (Valid Petition)*.

A tributary to Tannehill Branch Creek runs roughly along the eastern boundary of the rezoning tract, extending south from East Martin Luther King, Jr. Boulevard (MLK) to the northern boundary of Evergreen Cemetery. At MLK, the tributary crosses under a bridge and has floodplain and critical water quality zones. These factors, as well as the very limited street frontage on MLK, preclude vehicular access to MLK. Additionally, the tributary is contained within a drainage easement, which cannot be crossed to provide extension or connection of East 17<sup>th</sup> Street across the rezoning tract. Therefore, vehicular access will be provided to East 17<sup>th</sup> Street only. Please see *Exhibits A and B (Aerial View and Property Survey)*.

Staff has consulted with the Development Services Department (DSD) regarding the Commission recommendation to prohibit the payment in lieu for on-site water quality controls. DSD does not support incorporating drainage conditions as part of a zoning case unless there has been a recommendation by a licensed Professional Engineer and Staff concurrence. Limiting drainage options available to development may unintentionally make drainage conditions worse or create an adverse impact downstream. Any determination related to drainage methodology available at the time of development requires a drainage study prepared by a Professional Engineer of the site and the surrounding areas prior to making that determination. Typically there is no drainage analysis prepared at the time of zoning.

### **PLANNING COMMISSION RECOMMENDATION:**

June 28, 2016: *APPROVED SF-6-CO-NP DISTRICT ZONING, WITH THE CO FOR A MAXIMUM OF 60 UNITS, AND TO PROHIBIT THE PAYMENT IN-LIEU FOR ON-SITE WATER QUALITY CONTROLS.*

[F. Kazi; T. Nuckols – 2<sup>nd</sup>] (8-4) A. PineroDeHoyos, M. Wilson, J. Vela, J. Schissler – Nay; J. Thompson – Absent

***NOTE: DIRECTION TO STAFF TO FURTHER STUDY CONNECTING THIS PROPERTY TO THE LARGER JJ SEABROOK TRAIL NETWORK TO THE NORTH AND REPORT TO COUNCIL.***

June 14, 2016: *TO GRANT POSTPONEMENT TO JUNE 28, 2016, AS REQUESTED BY COMMISSION (11-0)*  
[P. Seeger- 1<sup>st</sup>, A. PineyroDeHoyos – 2<sup>nd</sup>]; N. Zaragoza, J. Thompson – Absent]

### **DEPARTMENT COMMENTS:**

The subject property is located on the south side of East Martin Luther King, Jr. Boulevard (MLK) a half-block east of Loreto Drive, and approximately 1,000 feet east of Airport Boulevard. The proposed rezoning tract is a portion of a property zoned SF-3-NP and owned by St. James Missionary Baptist Church. The church occupies the eastern portion of their property, and proposes to rezone the western portion of their property so they can sell it for development. The proposed area to be rezoned is undeveloped. East of the church campus are more SF-3-NP properties developed with single family residences, as well as a nursing home zoned MF-3-NP. South of the rezoning tract is Evergreen Cemetery, which is zoned Public (P-NP). West of the rezoning tract is a small residential neighborhood zoned SF-3-NP. Further west, across Tillery Street, is a limited warehousing property zoned GR-MU-NP. Please see *Exhibit C (Zoning Map)*.

As stated in the Issues section of this report, the subject property will take vehicular access to East 17<sup>th</sup> Street only. Staff encourages connectivity and multiple access points for residential projects, but the physical constraints of the site preclude access to MLK or an extension of East 17<sup>th</sup> Street. The frontage of the rezoning tract on MLK, does not meet safe driveway spacing requirements as specified in the Transportation Criteria Manual (TCM). The distance between the property frontage and Loreto Drive could increase conflict points. Additionally, a curb inlet and a portion of a bridge crossing of 100-year floodplain are located within the 50-feet of frontage on MLK. The TCM requires driveways be spaced 10 feet from a curb inlet, which would push the driveway closer to Loreto. Finally, construction of a driveway at this location could require modification of the bridge and related drainage structure, which are located within the large drainage easement. Photographs of the MLK frontage are attached-- please see *Exhibit D (Photos)*.

Regarding any extension of East 17<sup>th</sup> Street, the large drainage easement between the rezoning tract and the remainder of the Church's property prevents construction of a through-street across the rezoning tract that could connect to the east. A neighborhood traffic analysis (NTA) was not triggered at the time of this rezoning request; however, Staff retains the option to require a NTA at time of site plan, if warranted. Staff has received correspondence in opposition to the rezoning request-- please see *Exhibit E (Correspondence)*.

### **STAFF RECOMMENDATION:**

Staff supports the request of Townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. The physical constraints of the site—drainage, configuration, trees and more—make development of a traditional SF-3-NP subdivision extremely difficult. The layout and site design flexibility of SF-6-NP was created for properties with these kinds of constraints.

Additionally, the site is designated for Mixed Residential on the Future Land Use Map (FLUM). The proposed SF-6-NP rezoning would allow additional housing types in the area, which has single family and multifamily residences. The MLK Neighborhood Plan specifically recommends, "Allow a mix of residential uses on the larger tracts between Loreto and EM Franklin." Compatibility standards to the west and east will buffer neighbors from any SF-6-NP development, which will also be impacted by the environmental constraints on the site.

#### ***1. Zoning should allow for reasonable use of the property.***

Any development on the property will face significant physical constraints due to drainage, lot configuration and extensive tree coverage. These constraints will be a challenge when designing a site plan for townhouses or condominiums, but the constraints are even more challenging to the more rigid design standards of a residential subdivision— lot size and dimensions, street design, block length, etc.

The residential subdivision standards associated with SF-3 development would result in an underdeveloped property.

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

In addition to City-wide housing goals, the MLK Neighborhood Plan specifically recommends, "Allow a mix of residential uses on the larger tracts between Loreto and EM Franklin." Projects that promote infill and a mix of residential housing types create a wider variety of housing options and price ranges.

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NP	Undeveloped
<i>North</i>	SF-3-NP, P-NP	Single family residences, J.J. Seabrook Greenbelt Park
<i>South</i>	P-NP	Cemetery
<i>East</i>	SF-3-NP, MF-3-NP	Religious assembly, Convalescent services, Single family residential
<i>West</i>	SF-3-NP, GR-MU-NP	Single family residences, Limited warehousing

#### **ABUTTING STREETS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Sidewalks</b>	<b>Bike Route</b>	<b>Capital Metro (within ¼ mile)</b>
E. MLK Blvd.	114'	66'	Major Arterial	Yes	Yes	Yes
E. 17th Street	50'	28'	Local	No	No	Yes

#### **RELATED CASES:**

<b>CITY FILE # / NAME</b>	<b>ZONING FROM &amp; TO</b>	<b>STAFF REC.</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2008-0243.SH 3522 E. MLK	SF-6-NP to MF-2-NP	MF-2-CO-NP	Max 2,000 vehicles/day, max 22 dwelling units	03/12/2009: Approve Ord No. 20090312-042, MF-2-CO-NP
C14-2008-0031 MLK TOD	Various to TOD-NP	TOD-NP	TOD-NP	03/12/2009: Approve Ord No. 20090312-027, TOD-NP

RELATED CASES: The MLK Neighborhood Plan and associated rezonings were approved by Council on November 7, 2002 (C14-02-0142.003— Ordinance No. 021107-Z-12c). The MLK NPA was later incorporated into the East MLK Combined NPA. The FLUM designation on this site is Mixed Residential, so a neighborhood plan amendment is not required.

#### **SCHOOLS:**

Campbell Elementary School

Kealing Middle School

McCallum High School

#### **NEIGHBORHOOD ORGANIZATIONS:**

Austin Neighborhood Council

Del Valle Community Coalition

East Austin Conservancy

Homeless Neighborhood Association

Martin Luther King, Jr. Neighborhood Association

Friends of Austin Neighborhoods

J.J. Seabrook Neighborhood Association

Claim Your Destiny Foundation  
Austin Heritage Tree Foundation  
East MLK Combined Neighborhood Contact Team  
METSA Neighborhood Association  
East MLK Combined Neighborhood Association  
Preservation Austin  
SELTexas  
AISD  
Sierra Club, Austin Regional Group

**CITY COUNCIL DATE/ACTION:** August 11, 2016

**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:** 512-974-2122

**ADDITIONAL STAFF COMMENTS:****SITE PLAN**

SP1 Site plans will be required for any new development other than single-family or duplex residential.

SP2 Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

**COMPATIBILITY STANDARDS**

SP3 The site is subject to compatibility standards. Along the west and north property lines, 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.
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet of height are allowed plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- Additional design regulations will be enforced at the time a site plan is submitted.

**AIRPORT OVERLAY**

SP4 The site is located within Austin-Bergstrom Overlay {CCLUA}. No use will be allow that create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance. For more information, contact Kane Carpenter, Airport Planner at 512-530-6621. Approval from ABIA is required prior to site plan approval.

**TRANSPORTATION**

- TR1. If the requested zoning is granted, it is recommended that all internal roadways, private driveways or streets to have sidewalks that connect to the public right-of-way. The sidewalk requirements shall be determined by the Transportation Criteria Manual.
- TR2. If the requested zoning is granted, it is recommended that gates be prohibited.
- TR3. If the requested zoning is granted, it is recommended that access to E. Martin Luther King Blvd. be prohibited as a condition of zoning because of a lack of adequate right-of-way frontage.
- TR4. Additional right-of-way maybe required at the time of subdivision and/or site plan.
- TR5. A Neighborhood Traffic Analysis may be required at the time of site plan, if prescribed per LDC 25-6-114. LDC, Sec. 25-6-114.



- TR6. Nadia Barrera, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.
- TR7. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for E. MLK.
- TR8. 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]
- TR9. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
E. MLK Blvd.	114'	66'	Major Arterial	Yes	Yes	Yes
E. 17 <sup>th</sup> Street	50'	28'	Local	No	No	Yes

### 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.
- Zoning district impervious cover limits apply in the Urban Watershed classification.
- According to floodplain maps there is a floodplain adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.
- Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
- Numerous 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.
- 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.
- 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.

### COMPREHENSIVE PLAN

The property is located within the boundaries of the E MLK Combined Neighborhood Planning Area, in the MLK Neighborhood Planning Area.

**East MLK Neighborhood Plan-** The East MLK Plan Future Land Use Map classifies this property, which is located in the Martin Luther King area, as Mixed Residential. The Mixed Residential Land Use Category supports a variety of different housing types in one area, including single-family residential, townhouses, duplexes, and apartments.

The East MLK Design Guidelines ensure compatibility and encourage adjacent land uses to complement each other. The Guidelines may indicate a neighborhood's preference for increasing or decreasing the occurrence of certain types of land uses. Examples of this are as "encouraging more owner-occupied residential units" or "encouraging more nearby small-scale retail or grocery stores." Creating easily accessible areas of mixed-use and neighborhood-oriented services can also minimize the need for residents to travel by car to get goods and services needed on a day-to-day basis.

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.

Objective 1.1: Maintain single-family zoning in established residential areas.

Objective 1.2: Promote new infill housing in appropriate locations.

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

Objective 5.1: Allow a mix of residential types on larger tracts having access to major roadways.

One neighborhood priority is to ensure that new infill and commercial development is compatible with existing residential areas. Commercial and mixed-use development should be clustered in the existing commercial nodes and on Airport Boulevard. Some larger undeveloped tracts on MLK and EM Franklin could be developed as small-lot single family or mixed residential. Some higher-density single family could also be desirable along E. 12th Street.

Action 8- Maintain single-family zoning in the neighborhood interior.

Action 13- Allow a mix of residential uses on the larger tracts between Loreto and EM Franklin.

**Imagine Austin** - The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan identifies this portion of Martin Luther King Blvd. as being located along an Activity Corridor. Activity Corridors are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices.

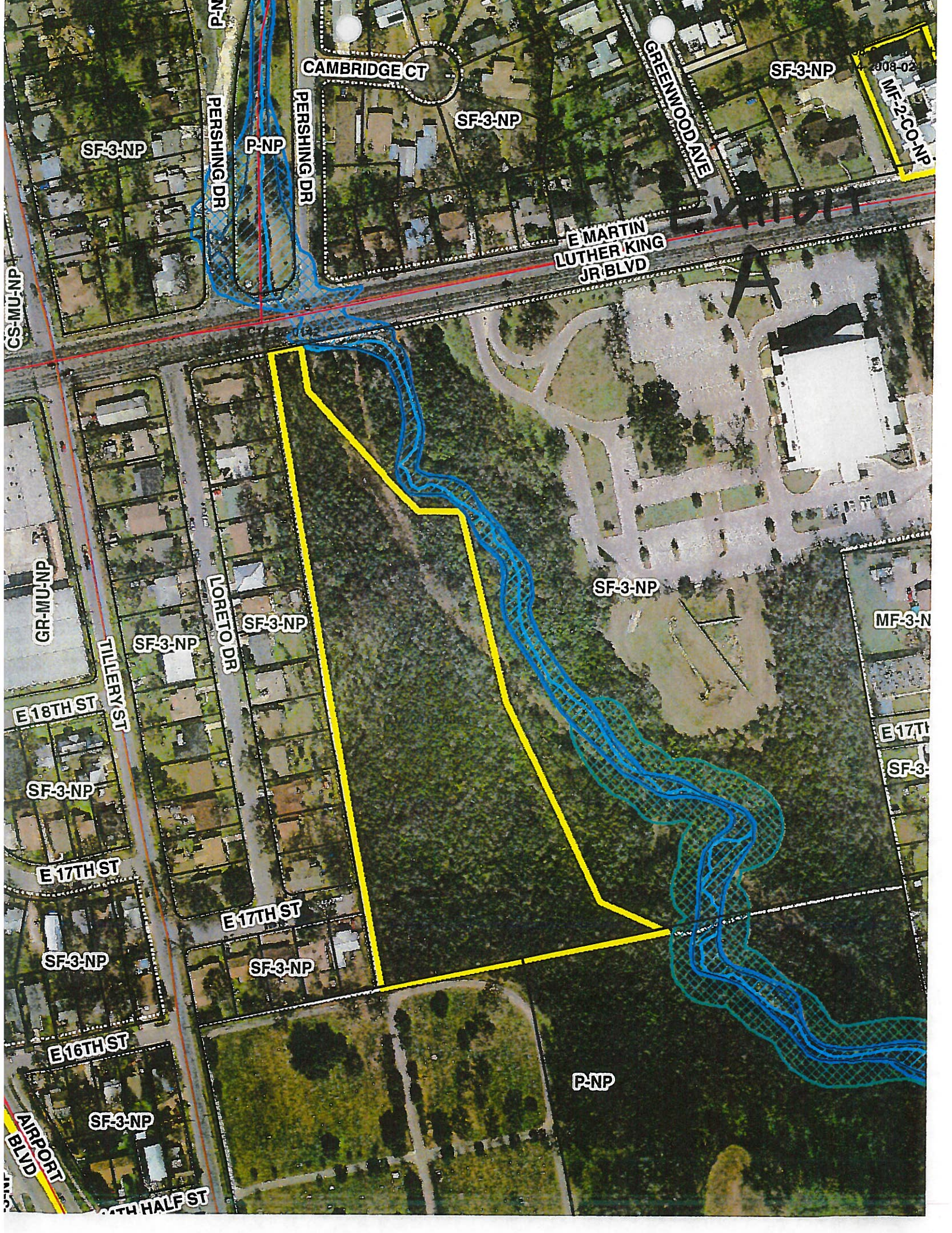
The following Imagine Austin policies are applicable to this case:

- LUT P5. Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- HN P1. Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin's diverse population.
- HN P5. Promote a diversity of land uses throughout Austin to allow a variety of housing types including rental and ownership opportunities for singles, families with and without children, seniors, persons with disabilities, and multi-generational families.
- HN P10. Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.
- HN P11. Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

## **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.





CAMBRIDGE CT

SF-3-NP

SF-3-NP

MF-2-CO-NP

PERSHING DR

P-NP

GREENWOOD AVE

E MARTIN LUTHER KING JR BLVD

EXHIBIT

A

CS-MU-NP

GR-MU-NP

LORETO DR

SF-3-NP

SF-3-NP

MF-3-N

E 18TH ST

TILLERY ST

SF-3-NP

SF-3-NP

E 17TH ST

E 17TH ST

SF-3-NP

SF-3-NP

E 16TH ST

SF-3-NP

AIRPORT BLVD

P-NP

14TH HALF ST



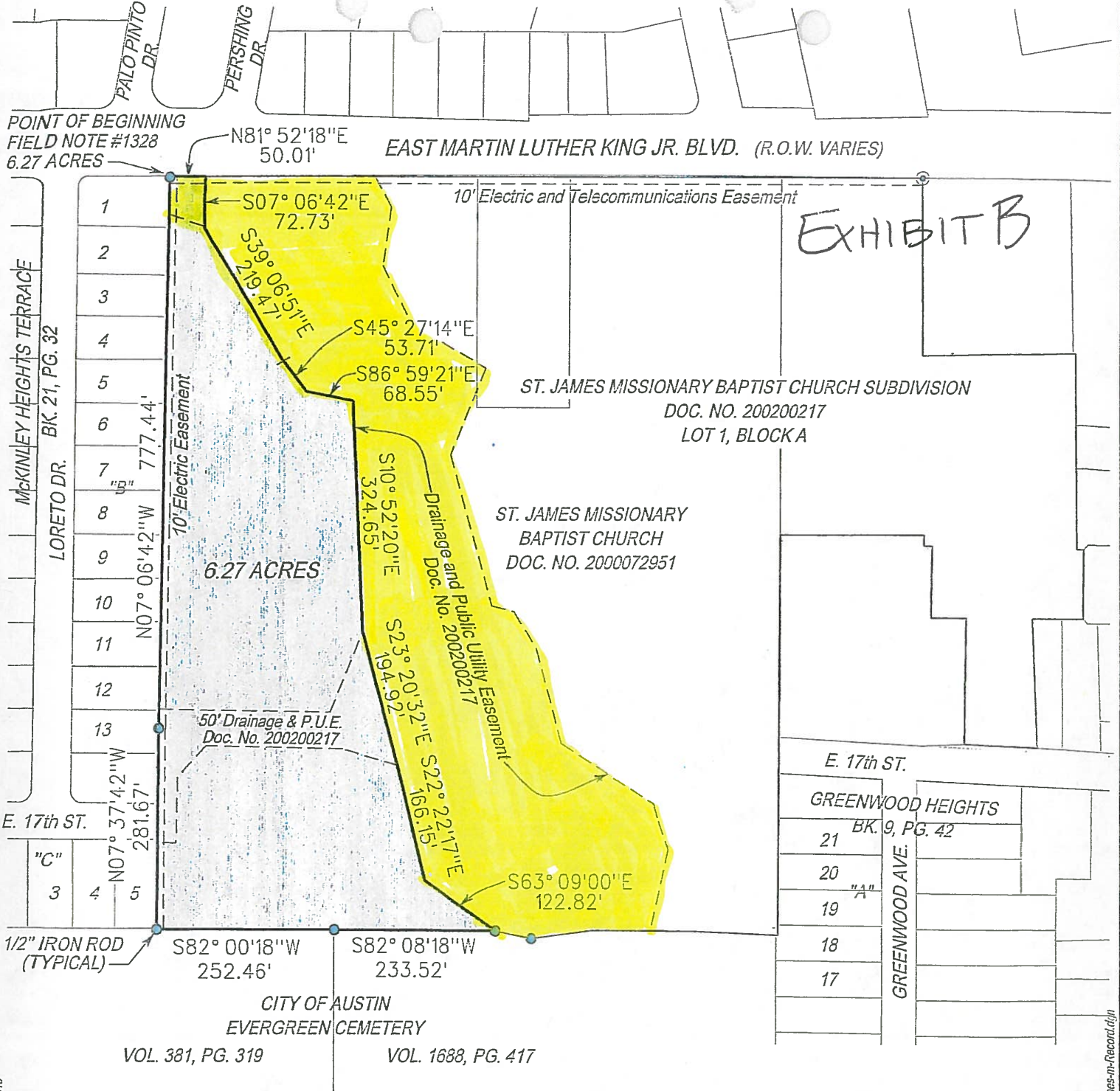


EXHIBIT B

**UDG**  
Urban Design Group  
TX Registered Engineering Firm #F-1843  
3660 Stoneridge Road  
Suite E101  
Austin, TX 78746  
512.347.0040

*John Noell*  
2.24.14

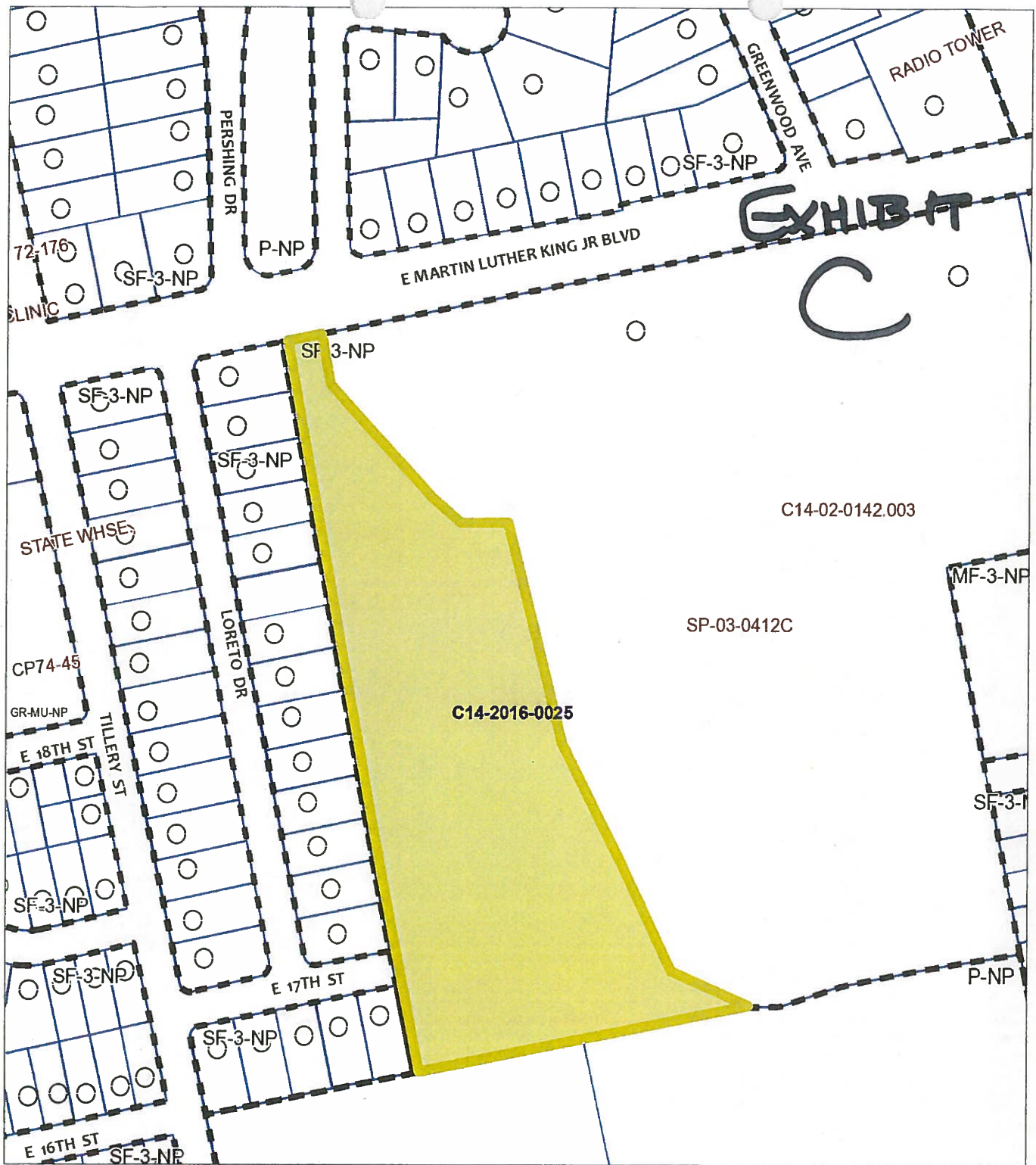
STATE OF TEXAS  
REGISTERED  
★  
JOHN NOELL  
2433  
PROFESSIONAL  
LAND SURVEYOR

URBAN DESIGN GROUP  
TBPLS 10065900

SCALE: 1"=200'

FIELD NOTE #1328 TO ACCOMPANY THIS MAP.

S:\Projects\ST James Baptist - 16-0601\CAD\Survey Dept. Files\Working Files\ST James-m-Record.dwg



Subject Tract

Pending Case

Zoning Boundary

Railroads

100 200 Feet

1" = 200'

## ZONING

ZONING CASE#: C14-2016-0025



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.





EXHIBIT D  
C14-2016-0025  
St James Missionary  
Baptist Church

View of MLK frontage  
(50')



View toward  
Loreto Drive



Curb inlet



**Chaffin, Heather**

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**Subject:**

FW: Case # C14-2016-9925

**EXHIBITE**

**From:** Gerald Murphy [mailto:]

**Sent:** Tuesday, June 14, 2016 1:24 PM

**To:** Chaffin, Heather

**Cc:** Debra Murphy; Hardy Murphy

**Subject:** Case # C14-2016-9925

Att: City of Austin, Planning Commission

Re: Objection to pending rezoning application

I remain in objection to any steps towards any development as outlined with the proposal, so long as the development includes:

1.) **A single point of entry / exist through east 17th along the 3300 block corridor.** Regardless of traffic impact analysis and other related studies, this area was very simply not designed for this trafficking and increased trafficking is not compatible to the existing homes and properties and is not conducive for vehicles driving into or out of this area. The curb to curb spacing is not designed for residents to integrate with through traffic when accessing the street from their driveways or when entering their properties from the street. And, any emergency provisions for evacuations and /or EMS and fire control are not doable with this plan as "bottle necking" will occur. Thus, development places existing and future residents at a safety risk so long as there is only a single point of entry / exit as has been planned or proposed.

2.) **No known barriers for noise and debris** when the natural habitat is disturbed during construction and again the severe impact on traffic with heavy equipment during the construction phase.

3.) **No known resolution for impervious cover and drainage and run off and potential flood control within the area to be developed and of more importance the existing neighborhood closest to the land to be developed.** When asphalt replaces ground cover, run off will occur where it once didn't as the soil would naturally retain the water. Without the natural resolve for rain water, the chance for flooding becomes a significant issue. Why create here what the City is trying to avoid with recent lessons learned for recent floods!

Where as there may be many other issues pertaining to future development within this property, and recognizing that this hearing is in reference to a change in zoning, it should be clear that the issues referenced with this transmittal will not change so long as there remains a single point of entry / exit.

In regards to the rezoning, as the rezoning contributes to an increase in the number of potenial residents based on housing and structure changes, then as such, it is my objection accordingly.

Although I may not appear to speak at tonight's hearing, please register these concerns as I have outlined them as a part of the Commission package. My primary concern is for property at 3309 east 17th street and the neighboring properties.

Very Respectfully,  
Gerald Murphy  
512-922-5916  
512-719-5886

cc: Dr. Debra Murphy



**Chaffin, Heather**

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**Subject:**

FW: Zoning Case C14-2016-0025: I object

**From:** Jacob Childress [mailto:]

**Sent:** Tuesday, June 14, 2016 3:29 PM

**To:** Hopkins, Steve; Chaffin, Heather

**Subject:** Zoning Case C14-2016-0025: I object

Dear Sir and Madam,

My residence is impacted by Zoning Case C14-2016-0025, but I will be unable to attend today's public hearing, so please accept these emailed comments.

I object to this zoning request, and in fact, I am skeptical of any development in this lot. Here are my concerns:

- I am concerned that development, particularly dense development on this lot will increase traffic along 17th, Loreto, and Tillery, since there will be only a single means of ingress and egress to this property.
- These streets have fully utilized street parking and no sidewalks, so I'm furthermore concerned about an increase in safety issues for pedestrians and bicyclists.
- I am concerned about the environmental impact. This lot is a largely undisturbed wilderness area that is home to many wild animals, including red-tailed hawks. This lot also contains many old-growth trees that would need to be cut down.
- Because much of this property will be paved to accommodate housing and parking, I am concerned about increased flood risk to the homes along Loreto—including my own—that back onto the creek.

Finally, a concern that I'm sure you will find less actionable but which should be on the minds of all city officials as development continues at its current rapid pace: For all the reasons listed above, this development is going to make life worse for current neighbors while providing absolutely nothing in return. No new parks, no new businesses, no new sidewalks, no new bike paths, no new schools. Just more traffic, more noise, and less affordability. This city is becoming harder and harder for to live in.

Thank you for your time.

Sincerely,  
Jacob Childress

1811 Loreto Dr  
Austin, TX 78721

512-293-1169

**Chaffin, Heather**

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**Subject:**

FW: 3417 E MLK

**From:** Jonathan Grover [

**Sent:** Monday, June 20, 2016 4:11 PM

**To:** Hopkins, Steve

**Subject:** 3417 E MLK

Dear Steve Hopkins,

I do not support the zoning change of 3417 E MLK from single family to multi-family. This change lacks a specific site plan, survey of protected trees, environmental impact study, neighborhood traffic impact study, flood plane impact study and mitigation plan, or an approved ingress/egress other than a minor residential street.

Regards,

Jonathan Grover  
1604 Adriane Dr  
Austin, TX 78721  
512-608-1423



**Chaffin, Heather**

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**Subject:** FW: My opposition to proposed zoning change of 3417 E MLK

**From:** Katherine Winge [mailto:

**Sent:** Tuesday, June 14, 2016 2:13 PM

**To:** Hopkins, Steve

**Subject:** My opposition to proposed zoning change of 3417 E MLK

Dear Steve Hopkins,

I am writing this letter to let it be known I oppose the change of zoning from single family to multi-family of the lot St James Church owns.

I have owned and lived in E MLK neighborhood for 8 years (off E 16th Street) and value single family neighborhood. I am hoping to make it to the meeting tonight but I may not get off work in time.

Here are my reasons for the opposition to this zoning change:

The church has said they wont sell it to a developer who doesn't care about the neighborhood (traffic, flooding, green space, cohering to the design of the rest of the housing) Once zoning is changed it can be sold or resold to ANY developer. There is nothing binding a developer to consider the neighbors opinions.

1. Piling up a bunch of "condos/town house" (square, gray towers with observation decks) at the end of 17th street will greatly increase the amount of traffic on that street. Right now as its zoned, I believe one a few single family houses would fit. 2 dwellings vs. multiple dwellings is a big difference.
2. What about the water shed and flooding? With increases density happening all over the east side we might need even more green space around the creeks to provide space for all that displaced water. When space is set aside for flooding is it updated every few years to take in account how much more land is paved over each year?
3. I also have concerns this multi-family zoning will open the flood gates for properties around it to become multi family as well.

I recognize that something will be build on that land but we have a chance here to preserve a little more green space in East Austin by allowing only 2 or 3 houses verses a busy condo complex. Maybe a nature trail could be put along side the unbuildable parts of the property. this spot would be a great mid city green belt for children.

Thank you for your time,

Katherine Winge

[5124159328](http://5124159328)

\* Katherine

Join me for yoga! Find my schedule here:

<http://katherinewinge.com>

Austin Aqua Yoga

<http://austinaquayoga.com/>

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: C14-2016-0025

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Jun 14, 2016, Planning Commission

Aug 11, 2016, City Council

Dr. Debra L. Murphy  
Your Name (please print)

☐ I am in favor  
☒ I object

3309 East 17th Street, Austin, Texas  
Your address(es) affected by this application

Dr. Debra L. Murphy 512-799-3637  
Signature Date

Davtime Telephone: 512-799-3637

To: The Planning Commission and  
The Mayor and City Council  
Austin, Texas

We, the undersigned owners of property affected by the requested zoning change described in the referenced file [Case Number C14-2016-0025], and who are also within boundaries of the MLK Neighborhood Association, which has voted against this rezoning, do hereby protest against any change of the Land Development Code building and development in the affected area. The reasons for the protest are as follows: 1) it is in direct opposition to the protection and preservation of single-family housing; 2) the one-way in and one-way out proposal where there is only a single entrance and exit - with access to only one minor residential street (East 17th Street) creates hazardous conditions and is an assault on our essential quality of life and in direct violation of our rights as homeowners and taxpayers; 3) the proposed rezoning of the area with construction trucks, cranes, and equipment trafficking through the one-way entrance of East 17th Street, a narrow street aligned with homeowners' parked automobiles, would significantly impact the quality of life and safety of the residents (many of whom are elderly) in terms of their health (noise dust, debris, and other pollutants, etc.); 5) excavation of the proposed construction area would uproot a significant and diverse wild life population (including raccoons, vultures, possums, wild pigs, snakes, foxes, coyotes, and bats, etc.), enhancing home and property invasion by them, which is already an ongoing health and safety hazard.



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: C14-2016-0025

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Jun 14, 2016, Planning Commission

Aug 11, 2016, City Council

*Claudie M. Murphy*  
Your Name (please print)

*3309 East 17th Street*  
Your address(es) affected by this application

*Claudie M. Murphy*  
Signature

*6-20-2016*  
Date

Daytime Telephone: *512-474-8710*

☐ I am in favor  
☒ Object

An Austin native, I have lived in the McKinley Heights Terrace Neighborhood for over 30 years where I have grown into my golden years with my neighbors across the street and down the street and the street over. The original homeowners have taken great pride in their homes and have worked to maintain them. It is customary for neighbors to exchange pleasantries during Saturday morning activities of lawn care and car washing while birds chirp and owls can be heard hooting (if you are up early enough). We have enjoyed the quaintness and solitude that living in a cul de sac can afford. The proposed rezoning would change life in this neighborhood, as we currently know it. Furthermore, the additional reasons for protest below are cited: 1) it is in direct opposition to the protection and preservation of single-family housing; 2) the one-way in and one-way out proposal where there is only a single entrance and exit - with access to only one minor residential street (East 17th Street) creates hazardous conditions and is an assault on our essential quality of life and in direct violation of our rights as homeowners and taxpayers citizens and human beings to health, safety, and wellbeing; 3) housing at the end of East 17th Street was not designed for through way traffic. With through way traffic occurring, we will not be able to get out of our yards or drive ways; 4) there has been no traffic impact analysis conducted and the proposal estimates that there will be 545 traffic trips per day (this proposal would make even more hazardous our situation where we are already essentially hemmed into our neighborhood by the heavily trafficked MLK Avenue and Airport Boulevard where there have been already growing residential concerns about limited evacuation options should there be a natural disaster or emergency); 4) no environmental impact study has been conducted and excavation of the area with construction trucks, cranes, and equipment trafficking through the one-way entrance of East 17th Street, a narrow street aligned with homeowners' parked automobiles, would significantly impact the quality of life and safety of the residents (many of whom are elderly) in terms of their health (noise, dust, debris, and other pollutants, etc.); 5) excavation of the proposed construction area would uproot a significant and diverse wild life population (including raccoons, vultures, possums, wild pigs, snakes, foxes, coyotes, and bats, etc.), enhancing home and property invasion by them, which is already an ongoing health and safety hazard; 6) The proposed construction area is a flood plain zone. Construction and concreting the area would enhance vulnerability of our neighborhood and home to flooding even more so than they already are during heavy rains; 7) There are historical slave grave sites in the area which should remain sacred and undisturbed; 8) These are just a few of our concerns.

Heather Chaffin

P. O. Box 1088

Austin, TX 78767-8810



## 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.austintexas.gov/planning](http://www.austintexas.gov/planning).

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**Case Number: C14-2016-0025**  
**Contact: Heather Chaffin, 512-974-2122**  
**Public Hearing: Jun 14, 2016, Planning Commission**  
**Aug 11, 2016, City Council**

Heather D. Dickey

Your Name (please print)

3303 E. 17th

Your address(es) affected by this application

Heather D. Dickey

Signature

6/13/2016

Date

Daytime Telephone: (512) 478-3927

Comments: 17th Street is too small for that amount of traffic. Why not make an entrance off of Mark Blvd??

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

City of Austin  
 Planning & Zoning Department  
 Heather Chaffin  
 P. O. Box 1088  
 Austin, TX 78767-8810



## PUBLIC HEARING INFORMATION

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Case Number: C14-2016-0025

Contact: Heather Chaffin, 512-974-2122

Public Hearing: Jun 14, 2016, Planning Commission ✓

Aug 11, 2016, City Council

Mae Etta + James Dickey

Your Name (please print)

3303 E. 17th St

Your address(es) affected by this application

Mae Etta Dickey James Dickey 6/13/16

Signature

Date

Daytime Telephone: 512-478-3929

Comments:

It's already too much traffic for this street and area.

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

City of Austin  
 Planning & Zoning Department  
 Heather Chaffin  
 P. O. Box 1088  
 Austin, TX 78767-8810

# VALID PETITION REQUEST

DATE: June 14, 2016

FILE NUMBER:

Case #C14-2016-0025

Address of Rezoning Request:

3417 MLK Blvd.

EXHIBIT  
F

To: The Planning Commission and  
The Mayor and City Council  
Austin, Texas

We, the undersigned owners of property affected by the requested zoning change described in the referenced file [Case Number C14-2016-0025], and who are also within boundaries of the MLK Neighborhood Association, which has voted against this rezoning, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than *its current status*.

We, as well, protest any future building and development in the affected area.

The reasons for the protest are as follows:

It is in direct opposition to the protection and preservation of single-family housing.

The one-way in and one-way out proposal where there is only a single entrance and exit; with access to only one minor residential street (East 17<sup>th</sup> Street) creates hazardous conditions and is an assault on our essential quality of life and in direct violation of our rights as homeowners and taxpaying citizens and human beings to health, safety, and wellbeing.

Housing at the end of East 17<sup>th</sup> Street was not designed for through way traffic. With through way traffic occurring, we will not be able to get out of our yards or drive ways.

There has been no traffic impact analysis conducted and the proposal estimates that there will be 545 traffic trips per day. This proposal would make even more hazardous our situation where we are already essentially hemmed into our neighborhood by the heavily trafficked MLK Avenue and Airport Boulevard where there have been already growing residential concerns about limited evacuation options should there be a natural disaster or emergency.

- 4) No environmental impact study has been conducted. Evacuation of the area with construction trucks, cranes, and equipment trafficking through the one-way entrance of East 17<sup>th</sup> Street, a narrow street aligned with homeowners' parked automobiles, would significantly impact the quality of life and safety of the residents (many of whom are elderly) in terms of their health (noise dust, debris, and other pollutants, etc.).
- 5) Evacuation of the proposed construction area would uproot a significant and diverse wild life population (including raccoons, vultures, possums, wild pigs, snakes, foxes, coyotes, and bats, etc.), enhancing home and property invasion by them, which is already an ongoing health and safety hazard.
- 6) The proposed construction area is a flood plain zone. Construction and concreting the area would enhance our neighborhood's vulnerability to flooding even more so than it already is during heavy rains.
- 7) There are historical African grave sites in the area which should remain sacred and undisturbed.
- 8) These are just a few of our concerns.



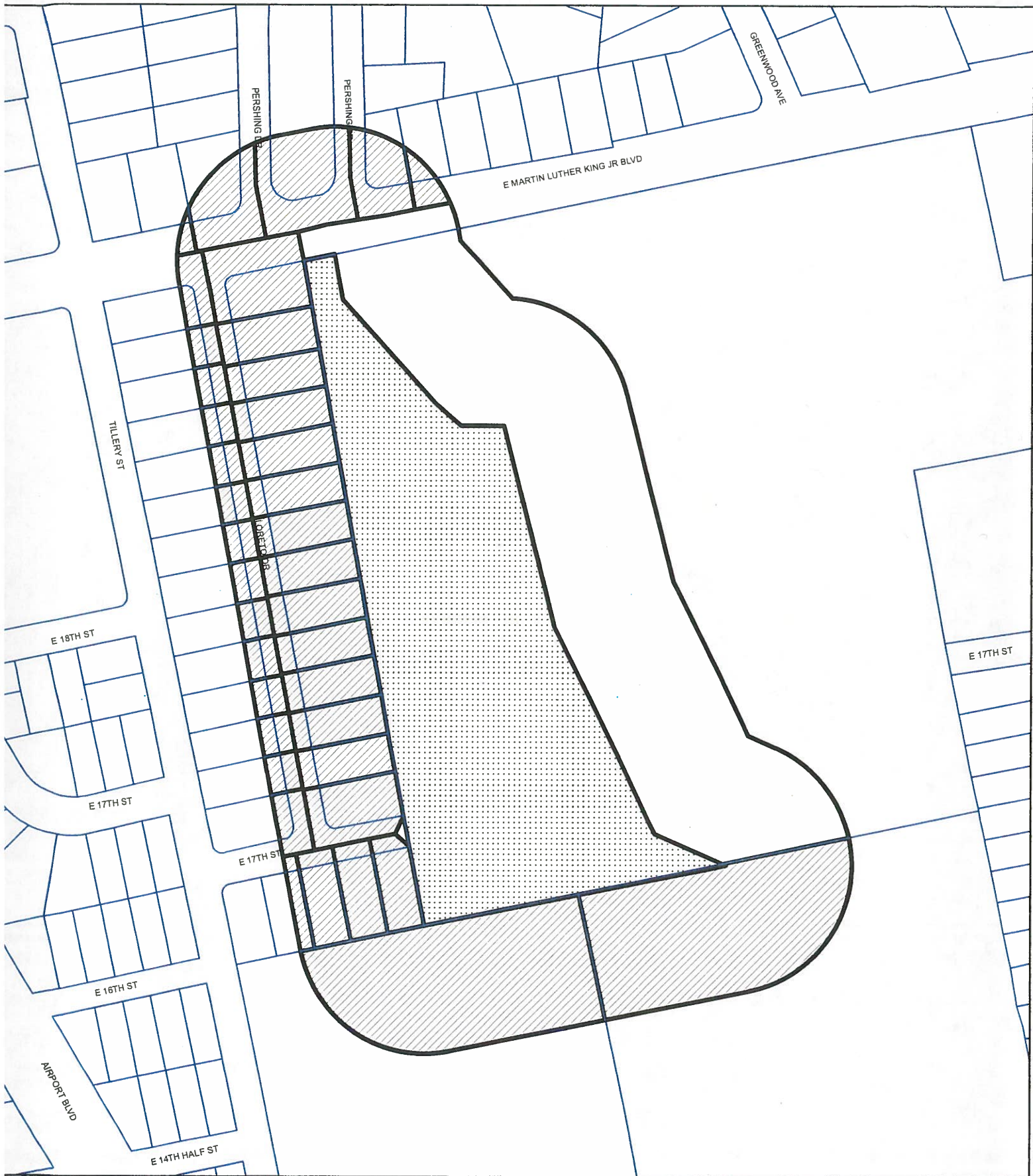
Case Number:  
**C14-2016-0025**




## PETITION

Date: 7/29/2016  
Total Square Footage of Buffer: 687599.3055  
Percentage of Square Footage Owned by Petitioners Within Buffer: 22.70%

Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.

TCAD ID	Address	Owner	Signature	Petition Area	Percent
0212150305	1801 LORETO DR 78721	1801 LORETO LLC % JOE F ENGLAND	no	9415.02	0.00%
0212150907	1802 LORETO DR 78721	ADAMS HAZEL V	no	2971.91	0.00%
0210151305	1709 LORETO DR 78721	AGUILAR JUAN M & ELVIA D	yes	9021.63	1.31%
0210151302	1703 LORETO DR 78721	ALEXANDER PERKINS & DOROTHY M	yes	9056.62	1.32%
0212150312	3311 E M L KING JR BLVD 78721	BAKER GY BRETT	yes	18313.45	2.66%
0212150901	3305 E M L KING JR BLVD 78721	BALLAST DONNA & ROBERT JENSEN	no	5112.74	0.00%
0210150407	3305 E 17 ST 78721	BLAKEY DAN ELLIS	yes	8851.80	1.29%
0212150428	3302 E M L KING JR BLVD 78721	BOATNER DEBORAH S	no	1254.07	0.00%
0212150307	1805 LORETO DR 78721	BROWN CYNTHIA DIANE	yes	9180.90	1.34%
0212150746	3402 E M L KING JR BLVD 78721	BRUNI MARSHALL J & ANA SALDANA ANA I SALDANA	no	3457.68	0.00%
0210151204	1704 LORETO DR 78721	CANNON MEGAN FRANCES	no	3090.67	0.00%
0210151201	1710 LORETO DR 78721	CENTER DORIS FRANKLIN	yes	2961.58	0.43%
0212150310	1811 LORETO DR 78721	CHILDRESS JACOB	no	9055.20	0.00%
0210150403	E 12 ST 78721	CITY OF AUSTIN	no	81457.50	0.00%
0210150402	E 12 ST 78702	CITY OF AUSTIN	no	79282.08	0.00%
0212150601	PALO PINTO DR 78723	CITY OF AUSTIN % REAL ESTATE DIVISION	no	22960.84	0.00%
0210151203	1706 LORETO DR 78721	CLARK ALLEN	no	3004.41	0.00%
0210150406	3303 E 17 ST 78721	DICKEY JAMES	yes	3325.24	0.48%
0212150908	1800 LORETO DR 78721	GOLDMARK BAMBI A	yes	3132.49	0.46%
0210150408	3307 E 17 ST 78721	HARDIN EDD	yes	9024.80	1.31%
0212150747	3400 E M L KING JR BLVD 78721	HOKE ELLIOT RICHARD & KAREN IRENE SEMMELMANN	no	11423.83	0.00%
0212150904	1808 LORETO DR 78721	HOLMES JOHNNIE MAE	yes	2877.25	0.42%
0210151306	1711 LORETO DR 78721	JOHNSON KATHERINE H	yes	9371.14	1.36%
0212150306	1803 LORETO DR 78721	JONES BOBBIE JEAN	yes	9494.38	1.38%
0212150311	1813 LORETO DR 78721	KUHN MATTHEW	no	10459.55	0.00%
0212150905	1806 LORETO DR 78721	MATTHEW DAVID PROPERTIES LLC & HIPPIE HOLLOW HOMES LP	no	3027.15	0.00%
0212150903	1810 LORETO DR 78721	MATTHEWS NARVELL MCARTHUR	no	2911.30	0.00%
0210150409	3309 E 17 ST 78721	MURPHY CLAUDIA MAE	yes	8615.32	1.25%
0210151205	1702 LORETO DR 78721	PATRICK VIRGINIA M	yes	3124.59	0.45%
0212150308	1807 LORETO DR 78721	ROBY OMPHIA & DELMARIS	no	9395.35	0.00%
0212150902	1812 LORETO DR 78721	SCOTT ROSE MARIE	yes	2886.33	0.42%
0212150906	1804 LORETO DR 78721	SKINNER BARBARA L & ANDREW J S ANDREW J SNEED JR LIFE ESTATE	no	2903.12	0.00%
0210151206	1700 LORETO DR 78721	STRINDEN DANIEL & ELIZABETH ANN PERRY	yes	5011.27	0.73%
0212150309	1809 LORETO DR 78721	TASBY ROBERT ANTHONY ETAL	yes	9338.26	1.36%
0210151301	3304 E 17 ST 78721	THOMPSON THEODORE	yes	14026.41	2.04%
0210151202	1708 LORETO DR 78721	WALKER KALI L	no	3143.52	0.00%
0210151303	1705 LORETO DR 78721	WICKS LOIS LEE	yes	9110.18	1.32%
0210151304	1707 LORETO DR 78721	WILLIAMS JOSEPHINE	yes	9354.11	1.36%
0212150427	3304 E M L KING JR BLVD 78721	ZANDERS BRENDA LYNETTE SMITH & VERNA LORELLE SMITH	no	13434.41	0.00%
<b>Total</b>				<b>433838.11</b>	<b>22.70%</b>



-  BUFFER
-  PROPERTY\_OWNER
-  SUBJECT\_TRACT

**PETITION**  
CASE#: C14-2016-0025



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.

" = 200 ' 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.



(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

Claudie M. Murphy Claudie M. Murphy 3309 East 17<sup>th</sup> St.

Robert Tasby Robert Tasby 1809 Loreto Dr  
Bambi's Goldmark 6/14/16  
1800 Loreto Drive 78721

Bobbie Jones Bobbie Jones 1803 Loreto Dr 78721

Doris Center Doris Center 1710 Loreto Dr Austin, TX 78721

Christopher Johnson Katherine Johnson 1709 Loreto Dr

Erin Johnson 1709 Loreto Dr 78721

William Johnson 1707 Loreto St 78721

Ross L. Miles 1705 Loreto Dr

Gregory Peck 1705 Loreto Dr

ETHEA ALEXANDER 1703 LORETO DR

DOROTHY ALEXANDER 1703 LORETO DR.

Chad Hinds 1702 Loreto Dr.

Virginia Patrick 1702 Loreto Dr.

Debra Thompson 3304 E 17<sup>th</sup> St

Mrs. P. H. 3304 E. 17<sup>th</sup>

Date: June 13, 2016: Contact Name: Dr. Debra L. Murphy Phone Number:  
512-799-3637

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

 Deborah Chambers 3304 East 17th St  
78721

Quincy Blakey Quincy Blakey 3305 east 78721  
Bever Dickey 3303 E. 17th 78721

Danell Jones 1903 Cedar St 78721

Rebecca Kennard 1808 Loreto Dr 78721

Johnnie Mae Holman " " "

Charlotte Cherry 1810 Loreto Dr 78721

Rose Scott 1812 Loreto Dr 78721

April Brown 1805 Loreto Dr 78721

Gregory Peck 1705 Loreto Dr 78721

Dan Blakey 3305 E. 17th St.

Edwina Hard 3307 E 17th St

Brenda Alexander 1703 Loreto Dr 78721

Quincy Blakey 3305 E. 17th 78721

Quincy Jones 1705 Loreto Dr 78721

Donnelly Alexander 1703 Loreto Dr. 78721

Date: June 13, 2016: Contact Name: Dr. Debra L. Murphy Phone Number:  
512-799-3637



(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

Evelyn Jones Hill Evelyn Jones Hill 7803 Norberto Drive, 78121  
Vanessa Louche Vanessa Louche 1802 Loreto Dr 78121

Diene Paria 3205 E 16th  
Leora Robinson Leora Robinson 1705 Lovingood Dr  
Maribel H. Franchot Rivers 1706 Lovingood Dr  
Beverly Rivers BEVERLY RIVERS 1706 LOVINGOOD DR.  
Ollie E Robinson Ollie E Robinson 1705 Lovingood Dr  
Andee Blakenoe Andee Blakenoe 1705 Lovingood Dr  
Oralia Hernandez 1707 LOVINGOOD DR

DAISY TREJO Hernandez 1707 LOVINGOOD DR

Dannell Jones Lemell Jones 1805 Loreto Dr 78121

Diana Wlan 2002 EM Franklin Ave.

Salomon Adams 1802 Loreto

James Winchester 1802 Loreto Dr.

CHAD HICKS C.H. 3204 E 17th ST

Date: June 13, 2016: Contact Name: **Dr. Debra L. Murphy** Phone Number:  
512-799-3637

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

*Ch Black* CHARLES BLACK 3207 EAST 17<sup>th</sup>

Date: June 13, 2016: Contact Name: **Dr. Debra L. Murphy** Phone Number:  
512-799-3637



(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

Gy Brett Baker Gy Brett Baker 3311 E. M. H. Jr.

Lois L Wicks 1705 Loreto Dr

Mat Snidal Matthew Snidal 1306 Loreto Dr #A New

Orlando J. Foley 1807 Loreto Dr. NB 721 -

Date: June 13, 2016: Contact Name: **Dr. Debra L. Murphy** Phone Number:  
512-799-3637

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

*James Lee Dickey Jr.*

JAMES LEE DICKEY JR.

3303 E 17th

JAMES LEE DICKEY JR 3303 E 17th Austin TX 78721

*Raye Marion*

Raye Marion

3301 East 17th 78721

*Elizabeth Perry*

Elizabeth Perry

1706 Loreto Dr. 78721

Date: June 13, 2016: Contact Name: **Dr. Debra L. Murphy** Phone Number:  
512-799-3637