ZONING CHANGE REVIEW SHEET

CASE: C14-2018-0066 – Phoenix and Dragon DISTRICT: 1

ZONING FROM: MF-3-NP

TO: LO-MU-V-NP

ADDRESS: 1800 East Martin Luther King, Jr. Boulevard

SITE AREA: 6,338 square feet (.146 acres)

PROPERTY OWNERS:
Frank Cheff and Sharon L. Shuppert

AGENT:
ATX Permitting and Consulting, LLC
(Lila Nelson)

CASE MANAGER: Heather Chaffin (512-974-2122, heather.chaffin@austintexas.gov)

STAFF RECOMMENDATION:
Staff supports the Applicant's request for rezoning to LO-MU-V-NP. *For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:
August 14, 2018: *TO GRANT LO-MU-V-NP AS RECOMMENDED BY STAFF, ON CONSENT (10-0) [C. Kenny- 1st, P. Seegar- 2nd; K. McGraw, T. Shaw- Absent]*

CITY COUNCIL ACTION:
September 13, 2018:

ORDINANCE NUMBER:

CASE MANAGER COMMENTS:

This zoning case is located on the northeast corner of E. Martin Luther King Jr. Boulevard and Salina Street on a property that is approximately .146 acres in size and contains a single family house. The property is currently zoning MF-3-NP. The property is located within the boundaries of the Upper Boggy Creek Combined Neighborhood Planning Area, in the Blackland/Holy Cross-Rogers-Washington Subdistrict. The site is designated as Mixed Use/Office on the Future Land Use Map (FLUM). Immediately east of the subject property is a lot zoned MF-3-NP that is developed with a single family residence and accessory dwelling unit. Further to the east is property zoned CS-NP that is developed with a mix of uses, including restaurant and food sales. Across East Martin Luther King Jr. Boulevard to the south is property zoned SF-3-NP that is developed with single family residences. Also south/southeast of the property is undeveloped land zoned CS-CO-NP. Southwest of the subject property, across the intersection is property zoned LO-MU-NP that is developed with professional offices. West of the subject property, across Salinas Street, is property zoned MF-3-NP that is developed with a single family residence. Further west, also zoned MF-3-NP, are single family and duplex residences. North of the subject property, across an alley is an undeveloped lot that is zoned MF-3-NP. East of that lot is another MF-3-NP zoned lot that is developed with multifamily. Across Salina Street, northwest of the rezoning tract, is a lot that is zoned MF-3-NP and is developed with two single family residences. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

The rezoning tract is on Martin Luther King Jr. Boulevard, which is a Core Transit Corridor. Therefore, the site is eligible for vertical mixed use zoning (-V or VMU). The Applicant is requesting LO-MU-V-NP in order to develop a small medical office on the first floor with five residential units on above the 1st floor. If the site takes advantage of the VMU site development standards, the Applicant would be required to provide onsite affordable housing or pay a fee-in-lieu. The Applicant proposed that one of the residential units will be designated as affordable for 40 years at 60 MFI; this will be determined with Neighborhood Housing and Community Development (NHCD) at time of site plan. The site development regulations affected by VMU include reduced parking and setbacks, as well as unlimited floor-to area ratio (FAR). It should be noted, however, that the site is subject to compatibility standards triggered by the property immediately to the east, as well as those across Salina Street and Martin Luther King Jr. Boulevard to the west and south, respectively.

BASIS OF RECOMMENDATION:

Staff supports the Applicant's request for rezoning to LO-MU-V-NP. The property is designated as Mixed Use/Office on the FLUM, and the proposed rezoning would permit office and mixed use development, which the current MF-3-NP zoning does not. The property is located on a Core Transit Corridor and would contribute to the mix of walkable residential and services. There are no VMU lots on this specific block, but there are several VMU zoned lots west of Salina Street and east of Chicon Street.

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

Limited Office zoning district is intended for offices predominately serving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods.

Vertical Mixed Use Building (V) combining district may be applied in combination with any commercial base zoning district and allows for a combination of office, retail, commercial and residential uses within a vertical mixed use building. Mixed Use combining district allows a combination of office, retail, commercial and residential uses on a site.

2. *The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*

Core Transit Corridors are intended to permit VMU development. The proposed rezoning would allow a mixed use development that would add both market and affordable housing options.

3. *Granting of the request should result in an equal treatment of similarly situated properties.*

There are no VMU lots on this specific block, but there are several VMU zoned lots west of Salina Street and east of Chicon Street.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	MF-3-NP	Single family residential
North	MF-3-NP, CS-NP	Single family residential, Undeveloped, Multifamily residential, Daycare
South	LO-MU-NP, SF-3-NP, CS-CO-MU-NP	Professional office, Single family residential, Undeveloped
East	MF-3-NP, CS-NP	Single family, Restaurant, Food sales
West	MF-3-NP	Single family residential, Duplex residential

NEIGHBORHOOD PLANNING AREA: Upper Boggy Creek

TIA: N/A

WATERSHED: Boggy Creek

OVERLAYS: N/A

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association
Oakwood Neighborhood Association
The University of Texas at Austin
Blackland Neighborhood Association
Austin Neighborhoods Council
Del Valle Community Coalition
Austin Innercity Alliance
Neighbors United for Progress
Claim Your Destiny Foundation
Black Improvement Association
Friends of Austin Neighborhoods
East Austin Conservancy
OCEAN
AISD
SELTexas
Sierra Club
United East Austin Coalition
Sierra Club
Bike Austin
Anberly Airport Association
Preservation Austin

Neighborhood Empowerment Foundation
Chestnut Addition Neighborhood Association
Chestnut Neighborhood Revitalization Corporation
Upper Boggy Creek Neighborhood Plan Contact Team
Chestnut Neighborhood Plan Contact Team
Friends of Chestnut Neighborhood Plan Contact Team
Blackland Community Development Corporation
African American Cultural Heritage District Business Association

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2010-0184 1701, 1703, 1705, and 1707 E MLK JR Blvd City Initiated	To add Vertical Mixed Use (V) combining district to GR-MU-CO-NP	12/14/2010: Approved on Consent	01/13/2011: Ord. No. 20110113-062 for GR-MU-V-CO-NP approved on consent
C14-2009-0041 Multiple blocks along MLK JR Blvd City Initiated	To add Vertical Mixed Use (V) combining district to various base districts	068/25/2009: Approved on Consent	09/24/2009: Ord. No. 20090924-092 approved on consent
C14-2009-0054 Multiple blocks along MLK JR Blvd City Initiated	To add Vertical Mixed Use (V) combining district to various base districts	06/09/2009: Approved on Consent	07/23/2009: Ord. No. 20090723-124 approved on consent

EXISTING STREET CHARACTERISTICS:

Name	**ROW**	**Pavement**	**Classification**	**Sidewalks**	**Bicycle Route**	**Capital Metro (within ¼ mile)**
Salinas Street	55'	30'	Local	No	No	Yes
E. Martin Luther King Jr. Blvd.	70'	40'	Major Arterial- 4 Lanes Undivided	Yes	Yes	Yes

OTHER STAFF COMMENTS:

COMPREHENSIVE PLANNING
This project is also located within the boundaries of the Upper Boggy Creek Combined Neighborhood Planning Area, in the Blackland/Holy Cross-Rogers-Washington Subdistrict. SThe proposed use is a small medical office on the first floor with five residential units on above the 1st floor. One of the residential units is designated as affordable for 40 years at 60 MFI. The proposed MixedUse/Office project appears to support both the UBCNP and Imagine Austin.
Connectivity - The Walkscore for this area is 72/100, Very Walkable, meaning most errands may be accomplished on foot. Public sidewalks are available along E. MLK Jr. Blvd. A

CapMetro transit stop is located within 400 ft. of this property. The Alamo Pocket Park, Chestnut Pocket Park, and the Oakwood Cemetery are located within 1,000 ft. of the property. There are no existing urban trails in the area.

Upper Boggy Creek Neighborhood Plan (UBCNP) - The UBCNP Future Land Use Map classifies this portion of E. MLK Boulevards as Mixed Use/Office, which is intended for a mix of residential and office uses and is supposed to provide a transition from residential uses to nonresidential or mixed uses. Zone LO-V is permitted under this FLUM category.

- Goal Two: Ensure that the new businesses and commercial development within the Upper Boggy Creek Neighborhood Planning Area is neighborhood-appropriate, neighborhood-scaled, neighborhood friendly, and serves the nearby neighborhoods.
- MLK Jr Boulevard Objective 2.1: MLK Boulevard will become a mixed-use corridor that provides services and shopping in a neighborhood-friendly fashion. The streetscape along the MLK Boulevard Corridor— the southern boundary of the planning area— should be pedestrian friendly and promote a safe environment for pedestrians.
- Action Item 7. Include a Mixed-Use Combining District and allow the Smart Growth infill option of Mixed-Use Building on all commercially zoned property along MLK JR Blvd. Limit the height of commercial buildings along the corridor to forty (40) feet (3 stories).
- Goal Three: Promote the rehabilitation of existing housing and construction of new housing to be compatible with the surrounding neighborhood and architecture for a variety of income levels. Based on the text, policies and Future Land Use Map of the UBCNP, this mixed use/office project appears to support their plan as long as the project is neighborhood-appropriate, neighborhood-scaled, neighborhood friendly, serves the nearby neighborhoods, and considers the voluntary design guidelines listed above.

Imagine Austin - The Imagine Austin Growth Concept Map also identifies this project as being located along an Activity Corridor (E. MLK Blvd.). Activity Corridors are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances.

The following Imagine Austin policies are applicable to this case:

- LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.
- LUT P4. Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- 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 healthy food, schools, retail, employment, community services, and parks and recreation options.

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 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.

SITE PLAN

SP 1. This site will be subject to Subchapter E, including Article 4 for the Vertical Mixed Use element.
SP 2. A letter from the Neighborhood Housing and Community Development Department will be required at formal submittal to verify the affordable unit and allow development standard relief, utilizing the Vertical Mixed Use allowances.
SP 3. Site plans will be required for any new development other than single-family or duplex residential.
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.
SP 5. The site is subject to compatibility standards. Along the South, East, and West property line(s), 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 landscape area at least 25 feet wide is required along 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.
☐ For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property line.
☐ 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.
☐ A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

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

TRANSPORTATION

TR1. 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]
TR2. Per Ordinance No. 20170302-077, off-site transportation improvements and mitigations may be required at the time of site plan application.
TR3. A neighborhood traffic analysis shall be required at the time of site plan if triggered per LDC 25-6-114.
TR4. Additional right-of-way maybe required at the time of subdivision and/or site plan.
TR. Existing Street Conditions:

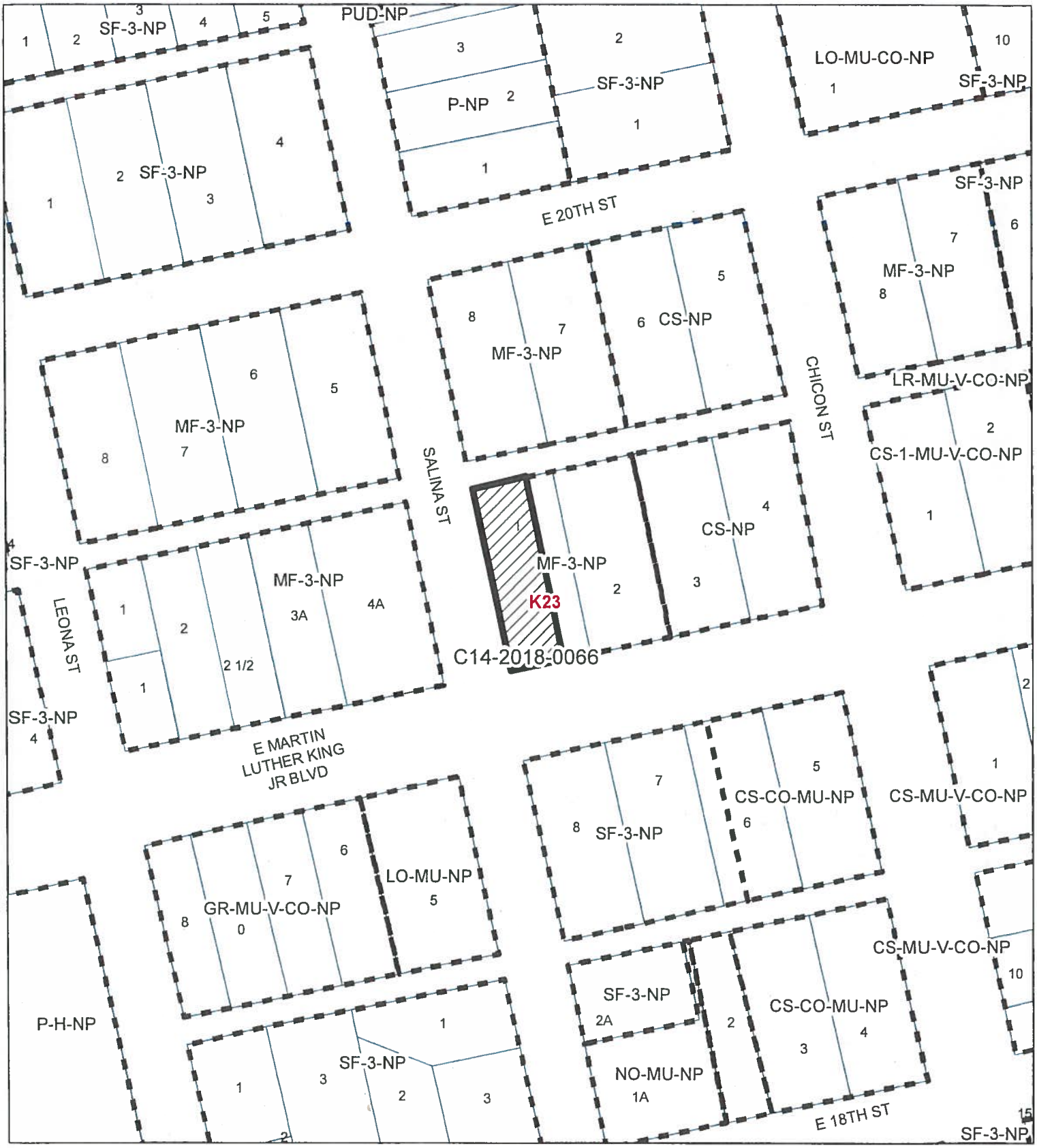
Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Salinas Street	55'	30'	Local	No	No	Yes
E. Martin Luther King Jr. Blvd.	70'	40'	Major Arterial- 4 Lanes Undivided	Yes	Yes	Yes

WATER UTILITY

1. 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. 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.

INDEX OF EXHIBITS TO FOLLOW

A: Zoning Map
B. Aerial Exhibit



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SUBJECT TRACT

ZONING BOUNDARY

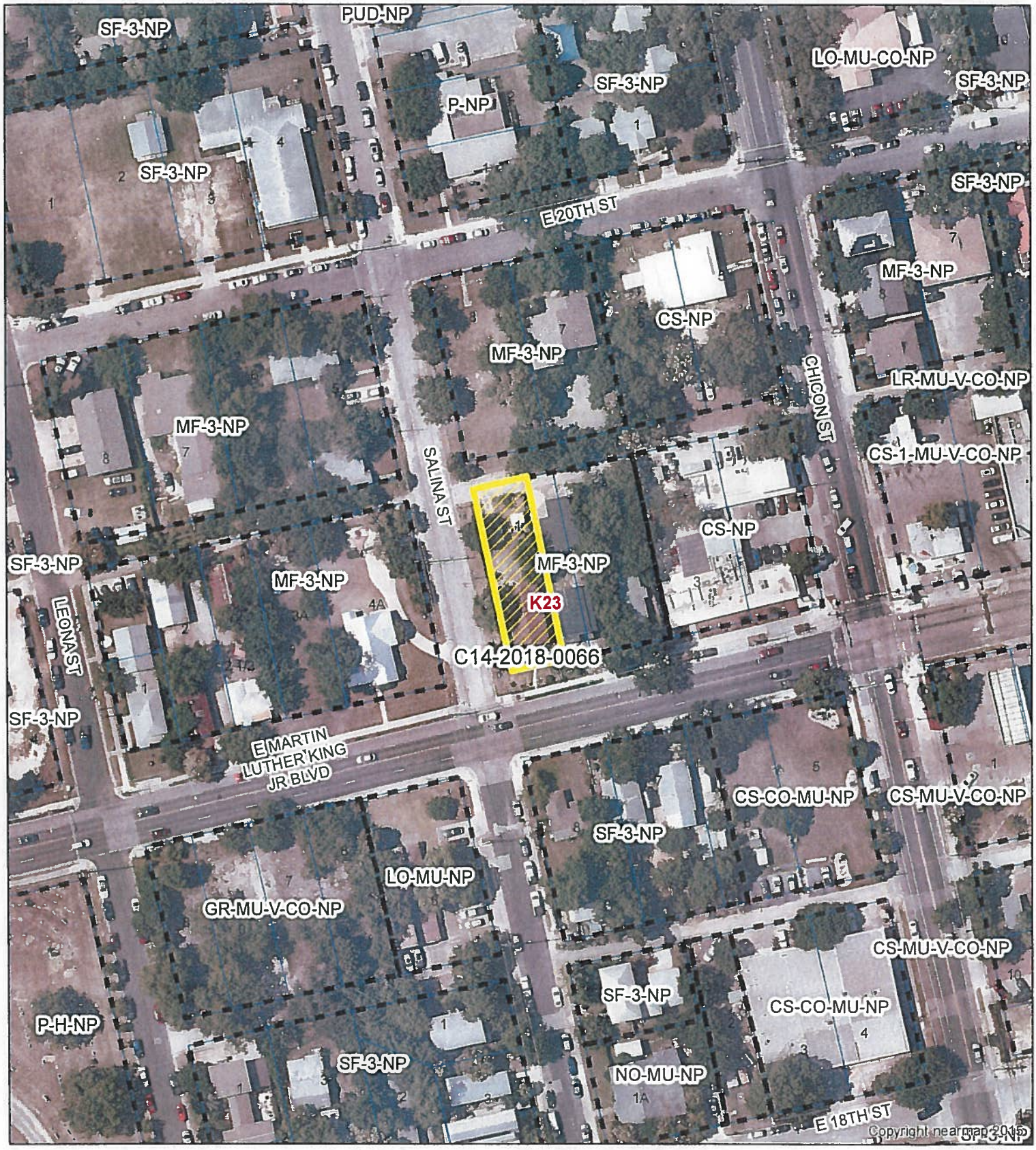
CREEK BUFFER

PHOENIX AND DRAGON

ZONING CASE#: C14-2018-0066
LOCATION: 1800 E MLK JR BLVD
SUBJECT AREA: 0.147 ACRES
GRID: K23
MANAGER: HEATHER CHAFFIN

1" = 100'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



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CITY OF AUSTIN FOUNDED 1839

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6/5/2018
Re: 1800 MLK

To whom it may concern,

This is to certify that the Upper Boggy Creek Neighborhood Planning Team joins the Blackland neighborhood in supporting the request for change of zoning for the proposed project at 1800 E MLK.

If you have any questions do not hesitate to contact me.

DocuSigned by:
Isaiah Tibbs
16B7DCF6804F4A8...

Isaiah Tibbs
UBC Chair
512.423.4343

Dear Mr. Cheff:

This email is to confirm that effective April 3, 2018, the Blackland Neighborhood Association has endorsed a project proposal for redevelopment of 1800 MLK into a clinic with five residential units, one of which will be affordable at 60 percent MFI for 40 years.

Thank you for presenting your project proposal to the Association.

Thanks,

Sarah DePriest

Accounts Administrator

BLACKLAND
COMMUNITY DEVELOPMENT CORPORATION
The Dream Starts Here

1902 E. 22nd Street

Austin, TX 78722

512-810-9153

Office Hours: 9 am - 3 pm Monday-Thursday

www.blacklandcdc.org

When you shop at: https://smile.amazon.com/ch/74-2279246

Amazon makes a donation to Blackland CDC. Thanks for your support!

MLK and SALINA

3/5/2018

UNITS								PARKING REQUIRED PER UNIT		TOTALS
EFF				2			2	1		2.00
1 BR				2			2	1.5		3.00
2 BR				1			1	2		2.00
								sf per car retail parking	275	5.67
				5			5 TOTAL UNITS			12.67
retail space			1560					parking reduction	60%	7.60

	units/BR	#br	sf	#	total		
A		E	486	1	486		
B		2	1572	1	1572		
C		1	979	1	979	average size unit	816.8
D		1	1047	1	1047		
E		E	454	1	454		
				5	4538	total saleable	

MLK and SALINA

3/5/2018

UNITS							PARKING REQUIRED PER UNIT	TOTALS
EFF			2		2		1	2.00
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