ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0106 – 3201 & 3203 Merrie Lynn DISTRICT: 9

ZONING FROM: MF-4-NP

TO: LO-MU-NP, as Amended

ADDRESS: 3201 and 3203 Merrie Lynn Avenue

SITE AREA: 0.374 Acres

PROPERTY OWNERS:
3201 Merrie Lynn, LLC
(David Kanne)

AGENT:
Drenner Group, LLC
(Amanda Swor)

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

STAFF RECOMMENDATION:

Staff supports the Applicant's request for rezoning from MF-4-NP to LO-MU-NP. *For a summary of the basis of staff's recommendation, see case manager comments on page 2.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

November 12, 2019:

CITY COUNCIL ACTION:

December 5, 2019:

ORDINANCE NUMBER:

ISSUES:
The Applicant originally submitted a rezoning request for GR-MU-NP on this site. Based on feedback from Staff and neighbors, the Applicant changed the request to LO-MU-NP. ***Please see Exhibit C- Applicant Letter.***

CASE MANAGER COMMENTS:
The subject tract is comprised of two lots located on the northeast corner of Merrie Lynn Avenue and Manor Road. The property is zoned MF-4-NP and is developed with two single family residences. Immediately to the west is property zoned MF-4-NP that is developed with apartments and a single family house. Immediately to the north is a residential neighborhood primarily developed with single family residences that is zoned SF-3-NP. This neighborhood also extends to the northwest across Merrie Lynn Avenue. Directly across Merrie Lynn Avenue are two lots. The lot directly across from 3201 was rezoned to LO-MU-NP in 2018 and is developed with a single family residence. The lot directly across from 3203is zoned MF-4-NP and is developed with single family residences. Immediately east of the subject tract are lots that are part of the Martin Luther King, Junior Transit Oriented District (MLK TOD) which is zoned TOD-NP. Across Manor Road to the south is a property zoned TOD-NP that is developed with office and cocktail lounge uses. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

The Applicant is proposing to retain the single family residence and add office land uses. Staff supports the requested LO-MU-NP because the zoning is consistent with other properties along Manor Road. The property across the street, 3200 Merrie Lynn, was rezoned from SF-3-NP to LO-MU-NP in 2018. Manor Road is primarily commercial and mixed uses in this area, while the properties further north of the site are residential. LO-MU-NP will provide a less intense transition between Manor Road and the neighborhood than the existing MF-4-NP. Manor Road is a core transit corridor and supports mixed use development.

Staff has received correspondence regarding the rezoning request. Please note that some correspondence pre-dates the amendment of the request to LO-MU-NP instead of GR-MU-NP. ***Please see Exhibit D- Correspondence.***

BASIS OF RECOMMENDATION:
1. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

LO-MU-NP is appropriate along Manor Road and will provide a low impact transition to the residential neighborhood. In fact, LO-MU-NP is less intensive than the existing MF-4-NP zoning.

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

LO-MU-NP will provide a transition between the more intense uses and zoning along Manor Road to the interior SF-3-NP neighborhood.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	MF-4-NP	Single family residential
North	SF-3-NP	Duplex residential, Single family residential
South	TOD-NP	Cocktail lounge, Administrative/business office
East	TOD-NP	Single family residential
West	LO-MU-NP, MF-4-NP	Single family residential

NEIGHBORHOOD PLANNING AREA: Upper Boggy Creek

TIA: N/A

WATERSHED: Boggy Creek

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association
Austin Heights Neighborhood Association
Austin Neighborhoods Council
Del Valle Community Coalition
Claim Your Destiny Foundation
Bike Austin
Friends of Austin Neighborhoods
Neighborhood Empowerment Foundation
Neighbors United for Progress
Rosewood Neighborhood Plan Contact Team
Cherrywood Neighborhood Association
Upper Boggy Creek Neighborhood Planning Team
AISD
Austin Innercity Alliance
United East Austin Coalition
Black Improvement Association
Sierra Club
SELTexas
East Austin Conservancy
Anberly Airport Association

AREA CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2018-0087 3200 Merrie Lynn	MF-4-NP to LO-MU-NP, as amended	11/27/18: To grant LO-MU-NP	12/13/18: To grant LO-MU-NP
C14-05-0204 Amendment to Upper Boggy Creek NP (City initiated)	Add parking, i.c., garage placement and front porch setback regulations to SF districts.	To grant amendment as recommended.	To grant amendment as recommended, Ordinance # 20060406-051

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Merrie Lynn Avenue	50’	30’	Local	No	Yes	Yes
Manor Road	60’	40’	Core transit corridor	Yes	Yes	Yes

OTHER STAFF COMMENTS:

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.
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. Site plans will be required for any new development other than single-family or duplex residential.
SP 2. 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 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
Compatibility Standards
SP 4. The site is subject to compatibility standards.

- ☐ 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.

TRANSPORTATION

TR1. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a Protected is recommended for Manor Rd. Mike Schofield, Bicycle Program, Austin Transportation Department may provide additional comments and requirements for right-of-way dedication and bicycle facility construction in accordance with LDC 25-6-55 and LDC 25-6-101. Please review the Bicycle Master Plan for more information.

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.

TR3. Additional right-of-way maybe required at the time of subdivision and/or site plan.

TR4. Existing Street Characteristics:

FYI – the existing driveways and sidewalks along Manor Rd. may be required to be removed and/or reconstructed at the time of the site plan application.

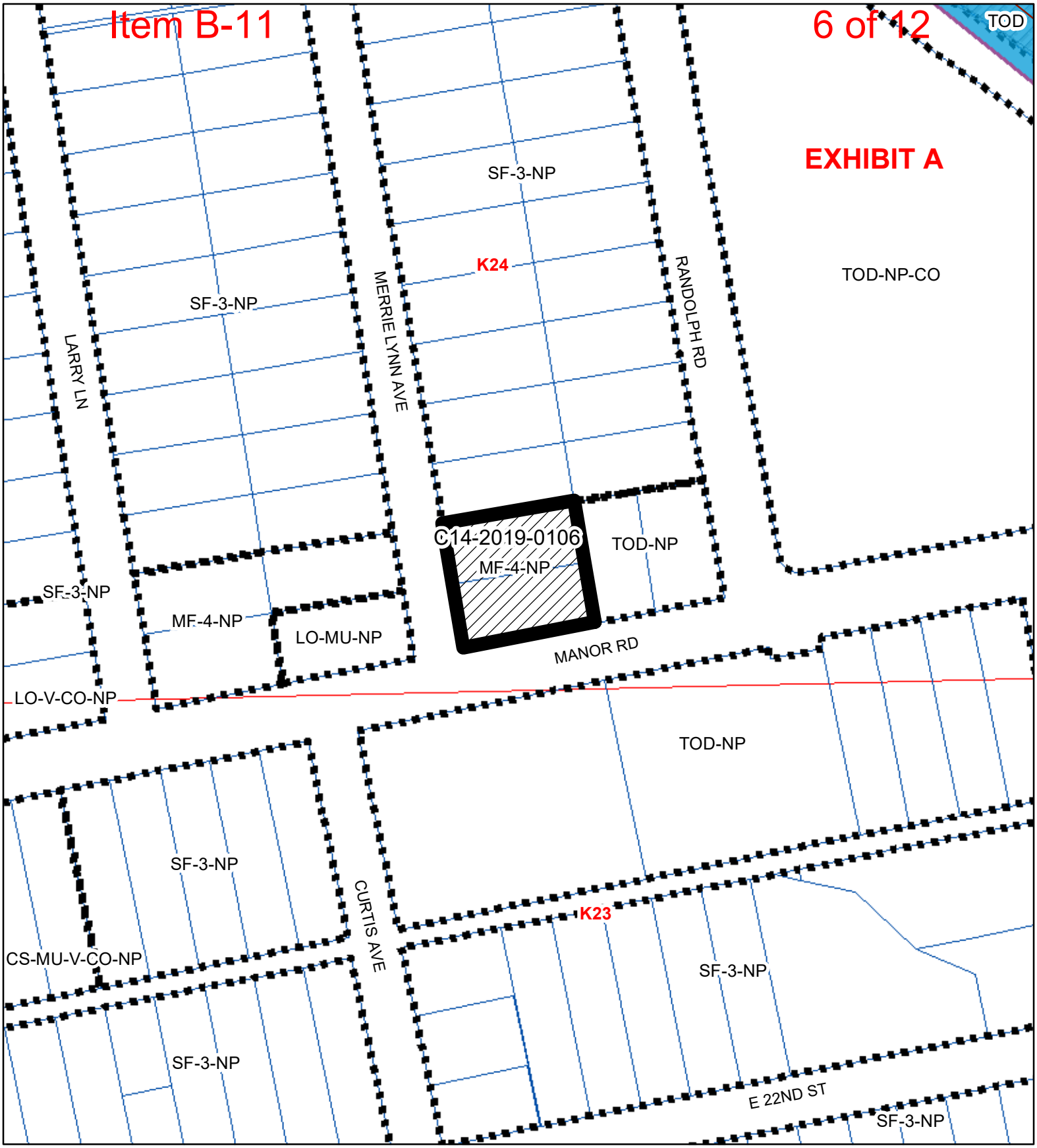
Name	**ROW**	**Pavement**	**Classification**	**Sidewalks**	**Bicycle Route**	**Capital Metro (within ¼ mile)**
Merrie Lynn Avenue	50’	30’	Local	No	Yes	Yes
Manor Road	60’	40’	Core transit corridor	Yes	Yes	Yes

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
C. Applicant Letter
D. Correspondence



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SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

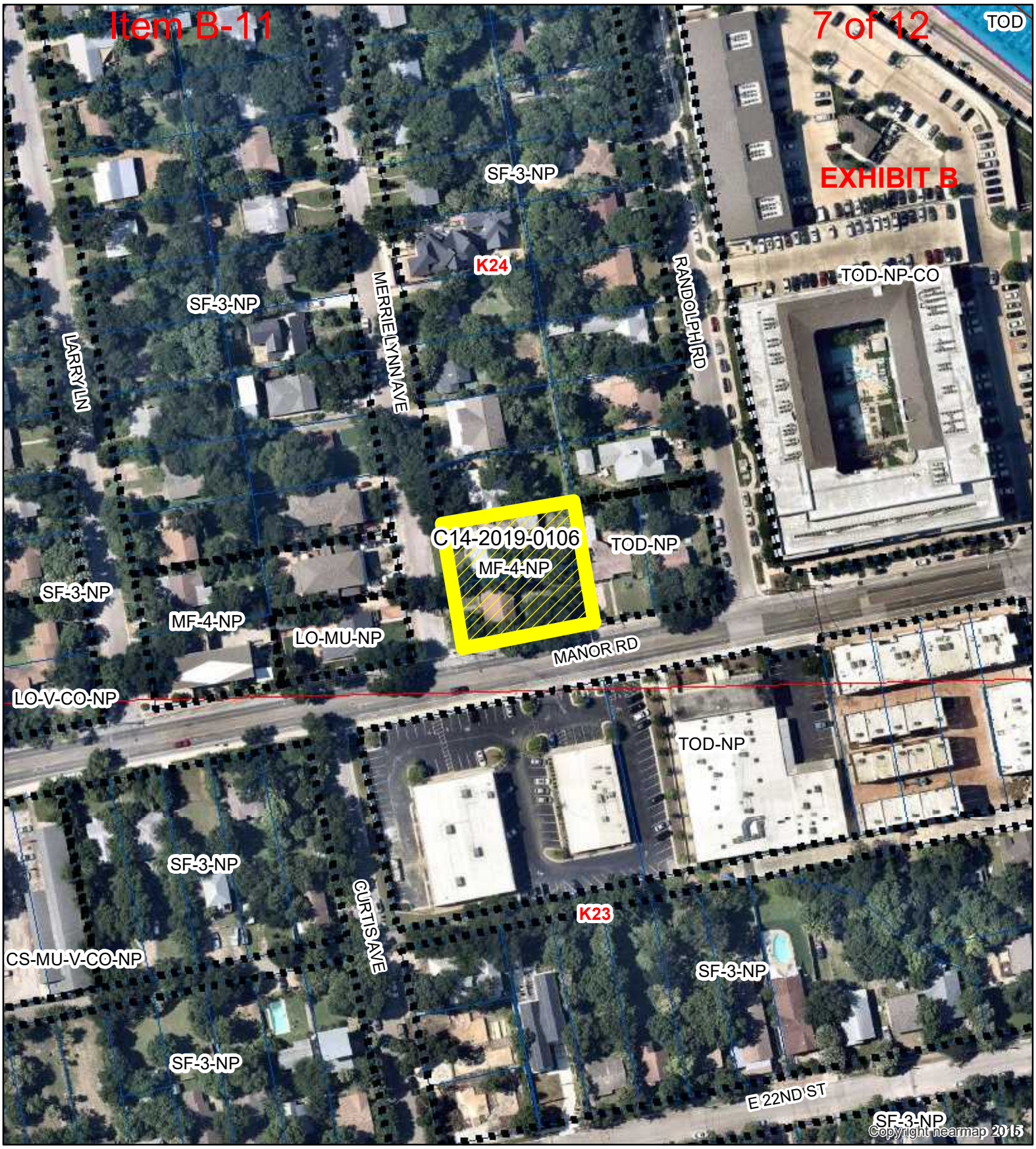
CREEK BUFFER

1" = 125'

3201 & 3203 Merrie Lynn

ZONING CASE#: C14-2019-0106
LOCATION: 3201 & 3203 Merrie Lynn
SUBJECT AREA: 0.374 Acres
GRID: K24
MANAGER: Heather Chaffin

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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Amanda Swor
direct dial: (512) 807-2904
aswor@drennergroup.com

DRENNER GROUP

EXHIBIT C

October 24, 2019

Ms. Denise Lucas
Planning and Zoning Department
City of Austin
505 Barton Springs Road
Austin, TX 78704

Via Hand Delivery

Re: 3201 and 3203 Merrie Lynn – Rezoning and Neighborhood Plan Amendment applications for the 0.375-acre property located at 3201 and 3203 Merrie Lynn Avenue, in the City of Austin, Travis County, Texas (the "Property")

Dear Ms. Lucas:

As representatives of the owner of the Property, we respectfully request to amend the rezoning and neighborhood plan amendment applications.

The Property is zoned MF-4-NP (Multifamily Residence Moderate–High Density – Neighborhood Plan). The requested rezoning is from MF-4-NP to GR-MU-NP (Community Commercial – Mixed Use –Neighborhood Plan) zoning district and the Future Land Use Map (FLUM) designation from multifamily to mixed use.

After discussing the proposed rezoning with the Cherrywood neighbors at the City hosted Neighborhood Plan Amendment meeting on September 30, 2019, the owner of the Property would like to request rezoning from MF-4-NP to LO-MU-NP (Limited Office – Mixed Use – Neighborhood Plan) and the FLUM designation be from multifamily to mixed use/office. No other changes are proposed at this time.

The purpose of this rezoning is to allow for office or residential use on the Property. This rezoning request is consistent with the land uses surrounding the Property, including residential and office uses

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,

Amanda Swor

Amanda Swor

cc: Joi Harden, Planning and Zoning Review Department *(via electronic delivery)*
Heather Chaffin, Planning and Zoning Review Department *(via electronic delivery)*
Maureen Meredith, Planning and Zoning Review Department *(via electronic delivery)*

Chaffin, Heather

EXHIBIT D

Subject: FW: Plan Amendment Case # NPA-2019-0012.02; Zoning Case #C14-2019-0106

From: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Sent: Wednesday, October 02, 2019 12:35 PM
To: christina de la garza
Cc: Chaffin, Heather <Heather.Chaffin@austintexas.gov>
Subject: RE: Plan Amendment Case # NPA-2019-0012.02; Zoning Case #C14-2019-0106

Christina:
Thank you for your comments below. I've forwarded them to Heather Chaffin, the zoning planner so she can be aware of your concerns as well.

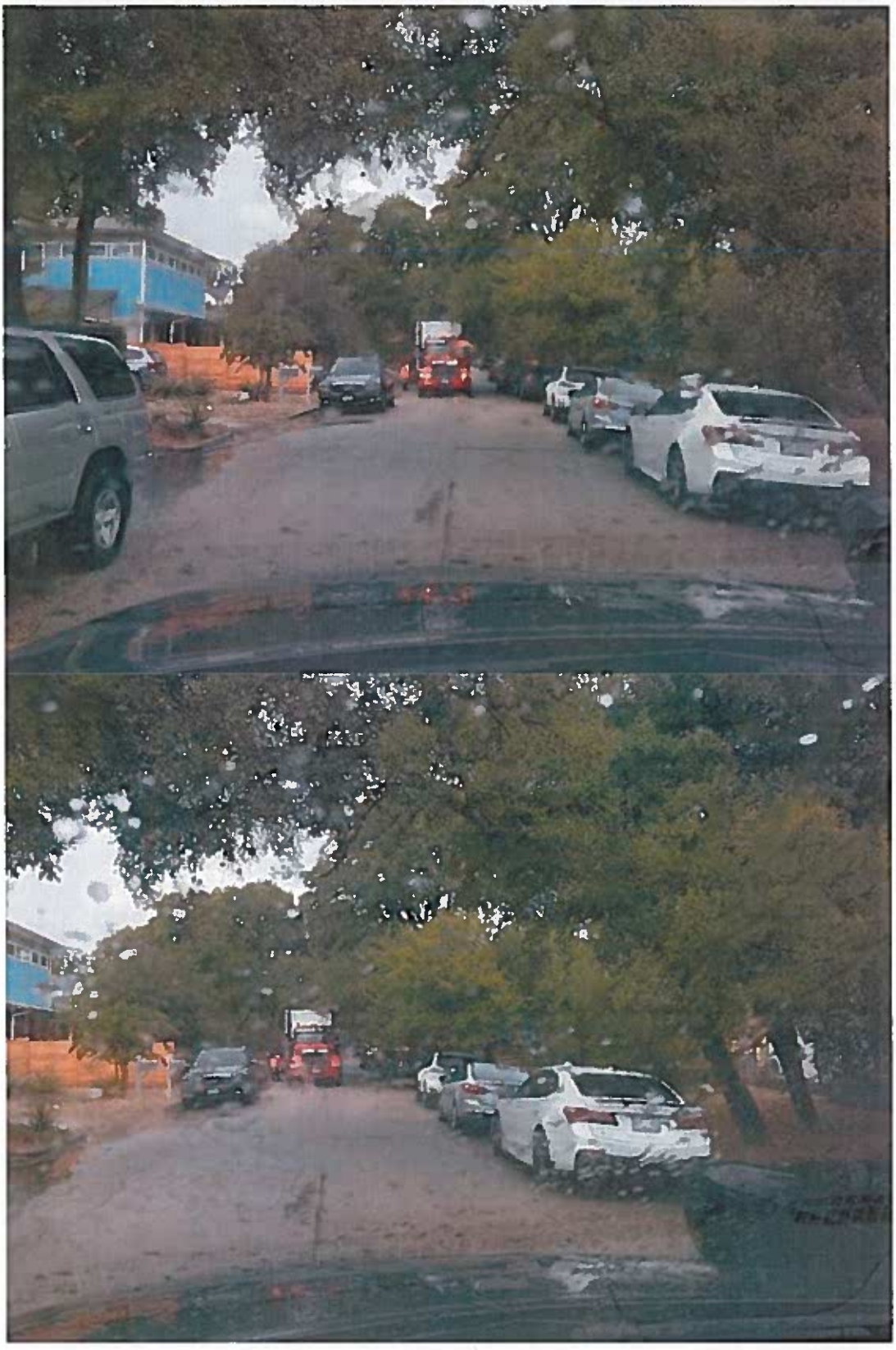
Maureen

From: christina de la garza
Sent: Tuesday, October 01, 2019 11:31 AM
To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>
Subject: Plan Amendment Case # NPA-2019-0012.02; Zoning Case #C14-2019-0106

*** External Email - Exercise Caution ***

Hello Maureen,
I wanted to first off, thank you for your time last night at the community meeting regarding the captioned plan amendment/zoning cases at 3201 and 3203 Merrie Lynn Ave. We truly appreciate that you and the City take the time to listen to the community members who are affected by zoning changes.

I wanted to share with you a couple of photos that I took yesterday of the situation I mentioned in the meeting, where a moving truck and parked cars were blocking the street so that I could not reach my home from Manor Rd. In these photos, my car is on Merrie Lynn Ave. facing north; Manor Rd. is directly behind me. The west side of Merrie Lynn is on the left, and the east side of Merrie Lynn is on the right. You can see cars lining either side of the street and the moving truck with its hazard lights flashing. In the first photo, on the far left you can see a silver SUV. The SUV is parked directly in front of 3200 Merrie Lynn: the new office that was rezoned last year. As we mentioned in the meeting, cars visiting this office tend to park on the street in front of the office or across the street, rather than in the office's driveway. In the second photo, starting on the far right you can see a black car, a white car, a silver car, and a white SUV. Those four vehicles are parked in front of 3201 and 3203 Merrie Lynn, the properties that are the subject of the current application. Of course, the two homes on those sites are currently not occupied. As far as we can tell, the four cars parked in front of those sites are traffic from the office across the street at 3200. And in both photos you can see cars parked all along the rest of the street--this continues down the length of Merrie Lynn Ave.



These photos were taken at about 3:15 p.m. on a Monday--no rush hour traffic, and presumably many of the residents were away from home at work. These are the typical conditions on our street. Every time a moving van, UPS truck, or utility truck comes through, the street is blocked to residents. We have to inch out of our driveways to avoid hitting cars parked on the street. I've often had to park my car in front of my house on Wednesday just to guarantee there will be a place to put my trash bins on Friday morning when trash is collected. On days when there is a big sporting event, our

street is flooded with cars parking to go to 8 Track restaurant, directly to the south of us across Manor Rd., or with people who park on our street to catch the bus to the UT stadium.

After our meeting last night, my husband was able to catch the concurrently-occurring neighborhood association meeting, and the attendees he spoke to (who were presumably the same folks Gerard had been communicating with about this application) expressed their shock and disappointment at what the developers are attempting to do here; the neighborhood association seemed to feel as though there had been a bait-and-switch. Apparently the neighborhood association was told that only 3201 Merrie Lynn was requested for rezoning, and the land use being requested was Limited Office. The neighborhood association was not aware that a second lot had been added to the request, nor were they aware that the land use being requested was expanded to Mixed Use.

All this is to say that our street cannot handle additional commercial, non-residential traffic. The subject lots are already zoned for multi-family use. The change in land use that the developers are requesting will have significant negative impact on the daily lives of the residents--most of us are young families or retirees who just want to enjoy the quiet, friendly neighborhood we invested in. We have already seen the negative effects of increased commercial activity with 8 Track and the office at 3200 Merrie Lynn, and we deal with those negative effects on a daily basis. I would therefore urge the City of Austin to consider the impact on the residents who actually live here when reviewing the rezoning applications from developers who do not.

Thank you, again, for your time and consideration. Please fee free to reach out to me at this email address or at 512-789-2734 if there is anything you would like to discuss further.

Sincerely,
Christina de la Garza

The Cherrywood Neighborhood is bounded by IH-35, 38 ½ St, Airport Blvd and Manor Road and is a flourishing neighborhood of homes, businesses, and green spaces in Central Austin.

P.O. Box 4631 | Austin, TX 78765 | www.cherrywood.org
Contact | steering@cherrywood.org

October 30, 2019

Ms. Swor,

The Cherrywood Neighborhood Association (CNA) Steering Committee met on October 9, 2019 and voted to rescind our previous support for your rezoning request for 3201 Merrie Lynn, referenced as Zoning Case C14-2019-0106 and Plan Amendment case NPA-2019-0012.02.

When Drenner Group presented the zoning change request to the CNA Steering Committee on June 12, 2019, it was stated the intent was for small office uses and minimal change to the physical form of the property, and that support from the closest residential neighbors had been secured. We also recall that we encouraged Drenner Group to consider a zoning category that would allow for greater flexibility in use and options for affordable housing in the future.

However, at the public meeting on September 30, 2019 for this zoning change request, the project had altered significantly. The adjacent property at 3203 Merrie Lynn had been added to the request, the intent had become a 5-story mixed-use space, and the closest residential neighbors were in opposition.

We were remiss in not enforcing our own Cherrywood Neighborhood Building and Design Guidelines (https://www.cherrywood.org/building-guidelines), through which both Drenner Group and the closest neighbors could have collaborated on the zoning request. While we are compelled to rescind our support at this time, we encourage Drenner Group and their client to step back and follow the process linked above with the residents of Merrie Lynn, listen to their feedback and adjust the proposal accordingly, at which time, CNA will reconsider recommending approval of the applicant's request.

Respectfully,

Jim Walker, Interim Chair
Cherrywood Neighborhood Association

Cc: Councilmember Kathie Tovo
Maureen Meredith, Senior Planner, City of Austin, Planning and Zoning Dept.
City of Austin Planning Commission
Residents of Merrie Lynn

Steering Committee Officers | Jim Walker, Interim Chair | Sharon Lynch, Secretary | Allen Hah, Treasurer
Steering Committee Members | Jonathan Schwartz, Matt Harriger, Jules Vieau, Girard Kinney, Stefan Schuster, Evie Kling