Item # 123
PAZ

Page 1 of Staff Report Correction

ZONING CHANGE REVIEW SHEET

CASE: C14-2019-0041 – 3706 Goodwin DISTRICT: 1

ZONING FROM: CS-MU-NP

TO: CS-MU-V-NP

ADDRESS: **3706 Goodwin Avenue - *corrected***
~~2205 Tillery Street, 2213 Tillery Street and 3303 Manor Road~~

SITE AREA: 3.74 Acres

PROPERTY OWNER/APPLICANT: GBME, LLC (Matt Brecht)

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

STAFF RECOMMENDATION:
Staff does not support the Applicant's request to rezone the property to CS-MU-V-NP.
For a summary of the basis of staff's recommendation, see case manager comments on page 2.
PLANNING COMMISSION ACTION / RECOMMENDATION:
July 23, 2019: To grant CS-MU-V-NP as requested by Applicant, (10-0). [G. Anderson- 1st, J. Shieh- 2nd; R. Schneider, T. Shaw- Absent]

June 11, 2019: To grant postponement request by Neighborhood to July 23, 2019 on consent.

CITY COUNCIL ACTION:
August 8, 2019:

June 6, 2019: To grant postponement to August 8, 2019 as requested by Staff, on consent.

ORDINANCE NUMBER:

ISSUES:

The subject property is located at the intersection of Goodwin Avenue and Airport Boulevard. This section of Airport Boulevard is not a Core Transit Corridor (CTC) or Future Core Transit Corridor. The Future Core Transit Corridor portion of Airport Boulevard ends approximately 1.37 miles northwest at Manor Road. Per City Code, Vertical Mixed Use (VMU or V) was created to promote density along Core Transit Corridors and Future Core Transit Corridors. ***Please see Exhibit C – Core Transit Corridor Map.***

If a V- designation is added to the property, the Applicant has stated that the proposed project will demolish 69 existing multifamily units and redevelop the property with 400 new multifamily units. VMU regulations as adopted for the East Martin Luther King Combined Neighborhood Plan area would require that 10% of these units be made affordable at 60% of the Annual Median Family Income (MFI). ***Please see Exhibit D – Applicant Letter.***

CASE MANAGER COMMENTS:

The proposed rezoning is for 3.74 acre property that is currently zoned CS-MU-NP and is developed with multifamily land use. The property has frontage on both Airport Boulevard and Goodwin Avenue. Immediately west and northwest of the rezoning tract are CS-MU-NP zoned properties developed with a mix of automotive uses—sales, rental, insurance and service station. Across Airport Boulevard are properties zoned CS-CO-NP that are developed with a small market and automotive sales land uses. Immediately north of the property is a multifamily development that is also zoned CS-MU-NP. Immediately east of the property is an undeveloped lot zoned CS-MU-NP. Further east, across Springdale Road are a single family neighborhood zoned SF-3-NP and a co-working facility zoned CS-CO-NP that includes Art studio, Commercial kitchen, Personal improvement services and several other uses. South of the property, across Goodwin Avenue, is property zoned CS-MU-NP that is used as a trucking and distribution land use. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

An Educational Impact Statement prepared by AISD is attached with this report, stating that area schools are able to accommodate additional students. ***Please see Exhibit E- Educational Impact Statement.***

As stated in the Issues section of this report, the subject property is not located on a Core Transit Corridor (CTC) or Future CTC. The property is located in the East Martin Luther King Combined Neighborhood Plan (EMLKNP) area and was rezoned as part of the neighborhood planning process from CS to CS-MU-NP in 2002 (Ord. No. 021107-Z-12c). In 2007-2008, the EMLKNP contact team was tasked with considering the addition of the V- designation to properties in the neighborhood's boundaries. Since the portion of Airport Boulevard that is located in the neighborhood was not designated as a CTC or Future CTC, the contact team did not consider this property for V- designation (Ord. No. 20080320-048). Staff does not support the request to add Vertical Mixed Use to the subject property. Application of the VMU to a property that is approximately 1.37 miles from the terminus of a Future Core Transit Corridor does not meet the intent of the designation. The current zoning, CS-MU-NP, is appropriate for the site and consistent with other properties along this stretch of Airport Boulevard. If granted, this would be the only V property in a 4-mile stretch of Airport Boulevard from Manor Road to its terminus just south of US Highway 183.

BASIS OF RECOMMENDATION:

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

The purpose of a vertical mixed use (VMU) overlay district is to allow the development of vertical mixed use (VMU) buildings, subject to compliance with the standards in Section 4.3 of City Code. The VMU overlay district is established within each zoning district for all sites with a Core Transit Corridor or Future Core Transit Corridor as the principal street, subject to additional limitations. The request does not meet the purpose statement.

2. *Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.*

This 4-mile stretch of Airport Boulevard was intentionally not designated as a CTC or Future CTC at the time VMU was created. Consequently, the addition of a V- designation would be spot zoning that grants a special privilege above surrounding property entitlements. The property is already entitled to high density mixed use development like its neighbors.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS-MU-NP	Multifamily
North	CS-MU-NP, SF-3-NP	Multifamily, Single family residential
South	CS-MU-NP, CS-CO-NP	Vehicle storage
East	CS-MU-NP, SF-3-NP	Undeveloped, mixed commercial
West	CS-CO-NP, SF-3-NP	Automotive sales, Convenience retail, Single family residential

NEIGHBORHOOD PLANNING AREA: East MLK Combined NP Area

SCHOOLS:

Govalle Elementary Martin Middle Eastside Memorial HS at Johnston

TIA: N/A

WATERSHED: Boggy Creek

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Association
United East Austin Coalition
Preservation Austin
Claim Your Destiny Foundation
Neighborhood Empowerment Foundation
Springdale-Airport Neighborhood Association
East Austin Conservancy
Hill Country Conservancy
East MLK Combined Neighborhood Plan Contact Team
AISD
SELTexas
Del Valle Community Coalition
Friends of Austin Neighborhoods
Neighbors United for Progress
Sierra Club
Bike Austin
Black Improvement Association
Austin Neighborhoods Council

AREA CASE HISTORIES:

CITY FILE # / NAME	ZONING FROM & TO	PLANNING COMMISSION	CITY COUNCIL
C14-2015-0121 1023 Springdale Road	CS-CO-NP to CS-CO-NP, to increase to 600 vpd	11/10/2015: to grant as rec. (11-0)	12/10/2015: to grant as rec. Ord. 20151210-066
C14-2014-0088 1023 Springdale	RR-CO-NP, GR-MU-CO-NP to CS-CO-NP Prohibit many land uses; 2,000 vpd	09/09/2014: To grant as rec. (6-0)	11/06/2014: 1st reading appvd with reduction to 400 vpd and 25' vegetative buffer to north; 2/3 appvd 11/20/2014, Ord . 20141120-138

EXISTING STREET CHARACTERISTICS:

Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Airport Boulevard	120 feet	65 feet	Arterial	Yes	Yes, wide shoulder	Yes
Goodwin Boulevard	50 feet	40 feet	Collector	Yes	No	Yes

OTHER STAFF COMMENTS:

COMPREHNSIVE PLANNING:

Connectivity- The Walkscore for this property is 64/100, Somewhat Walkable, meaning some errands may be accomplished on foot. A Capital Metro public transit stop is located directly in front of the property. Bike lanes and public sidewalks are also located along this portion of Airport Boulevard. The mobility and connectivity options in this area are above average.

The East MLK Neighborhood Plan (EMNP)- The EMNP Future Land Use Map (FLUM) designates this portion of the planning area as 'Mixed Use.' The following EMNP policies and text are applicable to this request:

- 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.
- Design multi-family residential projects to be compatible with single-family areas.

☐Guideline 2.1: Multi-family buildings less than 100 feet in width on any street-facing side are more in keeping with the scale of the neighborhood.

☐Guideline 2.2: Multi-family buildings should have the same relationship to the street as single family houses. Landscaped front yards with porches or balconies and a walkway connecting the building to the street sidewalk are neighborhood characteristics. Front doors and windows facing the street encourage neighborliness and enhance security by putting "eyes on the street". Ground floor suites should have exterior doors facing the street.

☐Guideline 2.3: Parking lots along the street detract from the pedestrian- oriented character of the neighborhood. Locating parking lots to the side or behind the building or buffering the

lot from street view by a fence or hedge, low enough to screen the cars but allows visibility for security, helps to preserve the quality of the streetscape.
Goal Two - Promote a mix of land uses that respect and enhance the existing neighborhood and address compatibility between residential, commercial, and industrial uses.
Objective 2.2: Reduce the impact of commercial and industrial uses on residential areas.
Objective 4.1: Allow mixed use development along major corridors and intersections.
Goal Five - Provide housing that maintains the social and economic diversity of residents.
Objective 5.1: Allow a mix of residential types on tracts having access to major roadways.
- Preserving Givens Park and the historic Plummer Cemetery near the intersection of 12th and Springdale are two of the neighborhood's top priorities.
Action 15- Allow mixed use/commercial along Airport.
The policies and text taken from the East MLK NP and the East MLK NP FLUM appears to support a mixed use project in this portion of the planning area, but emphasizes that the scale of developments be at a scale that is compatible with the surrounding single family land uses. Adding VMU would increase the scale and intensity of development on the site.
Imagine Austin- This property is located along an Activity Corridor (Airport Boulevard) as identified by the Imagine Austin Growth Concept Map. Activity Corridors 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, etc.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 P7. Encourage infill and redevelopment opportunities that place residential, work, and retail in proximity to each other to maximize walking, bicycling, and transit 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.
Based on the variety of mobility and connectivity options in the area, and it's support of multifamily and mixed use development, the existing mixed use zoning on the site appears to support the policies of the Imagine Austin Plan while protecting neighborhood character.

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 property.
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. At this time, site specific information is unavailable regarding 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.

SP 4. FYI: Additional design regulations will be enforced at the time a site plan is submitted.

COMPATIBILITY STANDARDS

SP 5. The entire site is subject to compatibility standards due to proximity to property zoned SF-3-NP on all sides. The following standards apply:

☐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 zoned SF-5 or more restrictive.

☐For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

SP 7. The site is subject to 25-2 Subchapter F. Residential Design and Compatibility Standards.

TRANSPORTATION

TR1. The traffic impact analysis for this site has been deferred to the site plan application when the final land use mix, intensities, and details are known. A Traffic Impact Analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

TR2. The Austin Metropolitan Area Transportation Plan calls for 140 feet of right-of-way for Airport Boulevard. It is recommended that 70 feet of right-of-way from the existing centerline should be dedicated for Airport Boulevard according to the Transportation Plan at time of site plan or subdivision. [LDC 25-6-51 and 25-6-55].

TR3. Goodwin Avenue requires 60 feet of right-of-way in accordance with the TCM. 30 feet of right-of-way should be dedicated from the centerline of Goodwin Avenue prior to 3rd reading of City Council in accordance with the TCM. LDC 25-6-55; TCM, Tables 1-7, 1-12.

TR4. Additional right-of-way maybe required at the time of subdivision and/or site plan.

TR5. This project is adjacent to a street that has been identified in Austin's Corridor Mobility Program (Airport Boulevard) and requires curb relocation. The sidewalk and bicycle facilities shall comply with the required cross-section for Airport Boulevard at the time of the site plan application. Staff will contact Bryan Golden (bryan.golden@austintexas.gov) from Corridor Planning Office and ATD area engineer for proposed improvements for the site plan application. Any proposed curb relocations on Airport Boulevard requires coordination with the Corridor Planning Office and Bicycle Program.

TR6. Janae Spence, Urban Trails, Public Works Department, Mike Schofield, 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 for ages and abilities is recommended for Airport Boulevard. 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.
TR8. FYI – Per LDC 25-6-381, driveway approaches on major roadways are prohibited if the lot has less than 200 feet of frontage and alternate access is available. The frontage length of the property on Airport Boulevard is less than 200 feet and alternative access is available to Goodwin Boulevard. Therefore, access to Airport Boulevard shall be prohibited at the time of the subdivision and site plan applications in accordance with the LDC. The existing driveway will be required to be removed.
TR9. FYI – the existing driveways and sidewalks along Airport Boulevard and Goodwin Avenue will be required to be removed and/or reconstructed at the time of the site plan application in accordance with the Land Development Code and Transportation Criteria Manual.

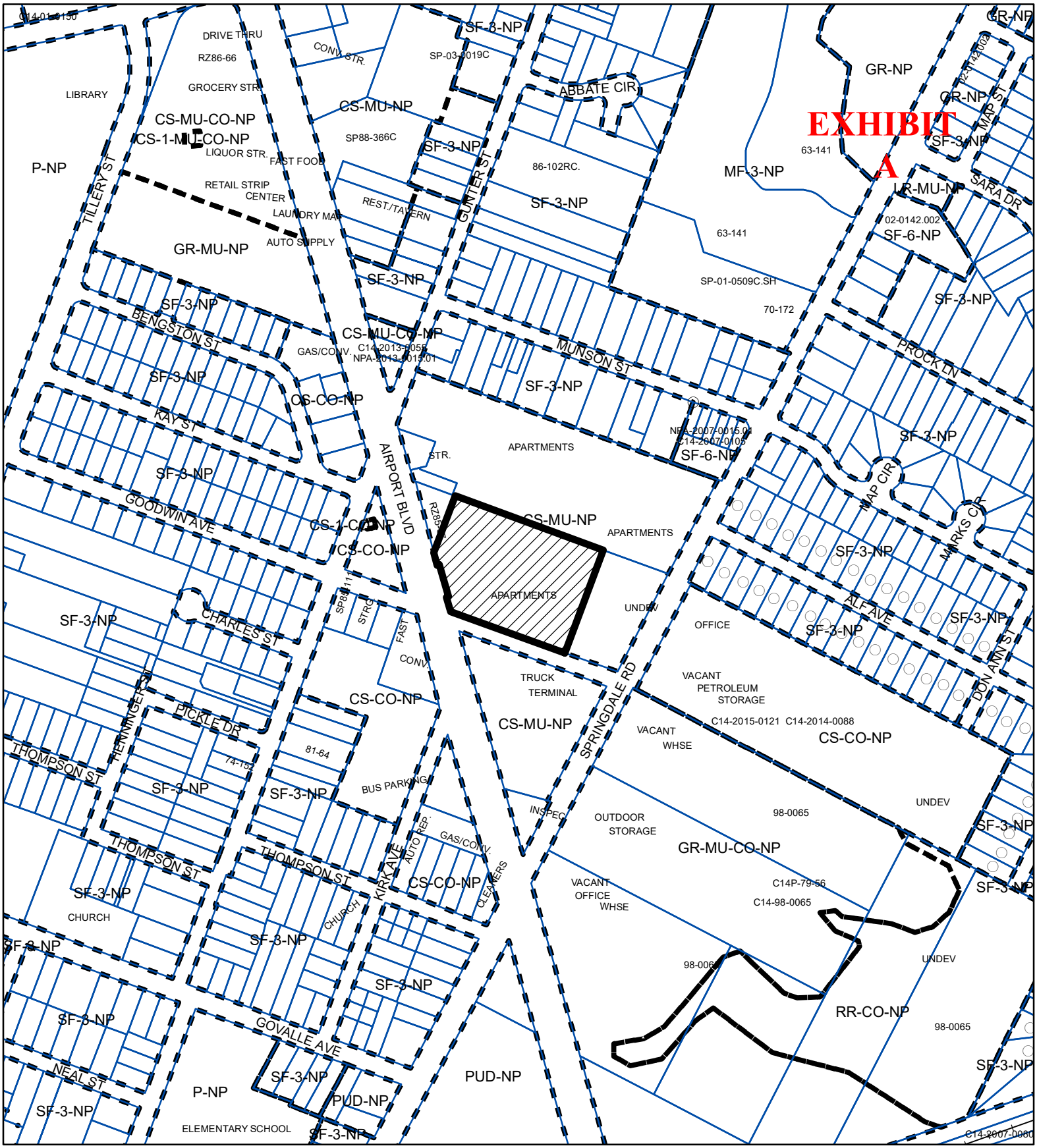
Name	ROW	Pavement	Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Airport Boulevard	120 feet	65 feet	Arterial	Yes	Yes, wide shoulder	Yes
Goodwin Boulevard	50 feet	40 feet	Collector	Yes	No	Yes

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. Core Transit Corridor Map
D. Applicant Letter
E. Educational Impact Statement



ZONING

ZONING CASE#: C14-2019-0041

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.

Created: 2/25/2019

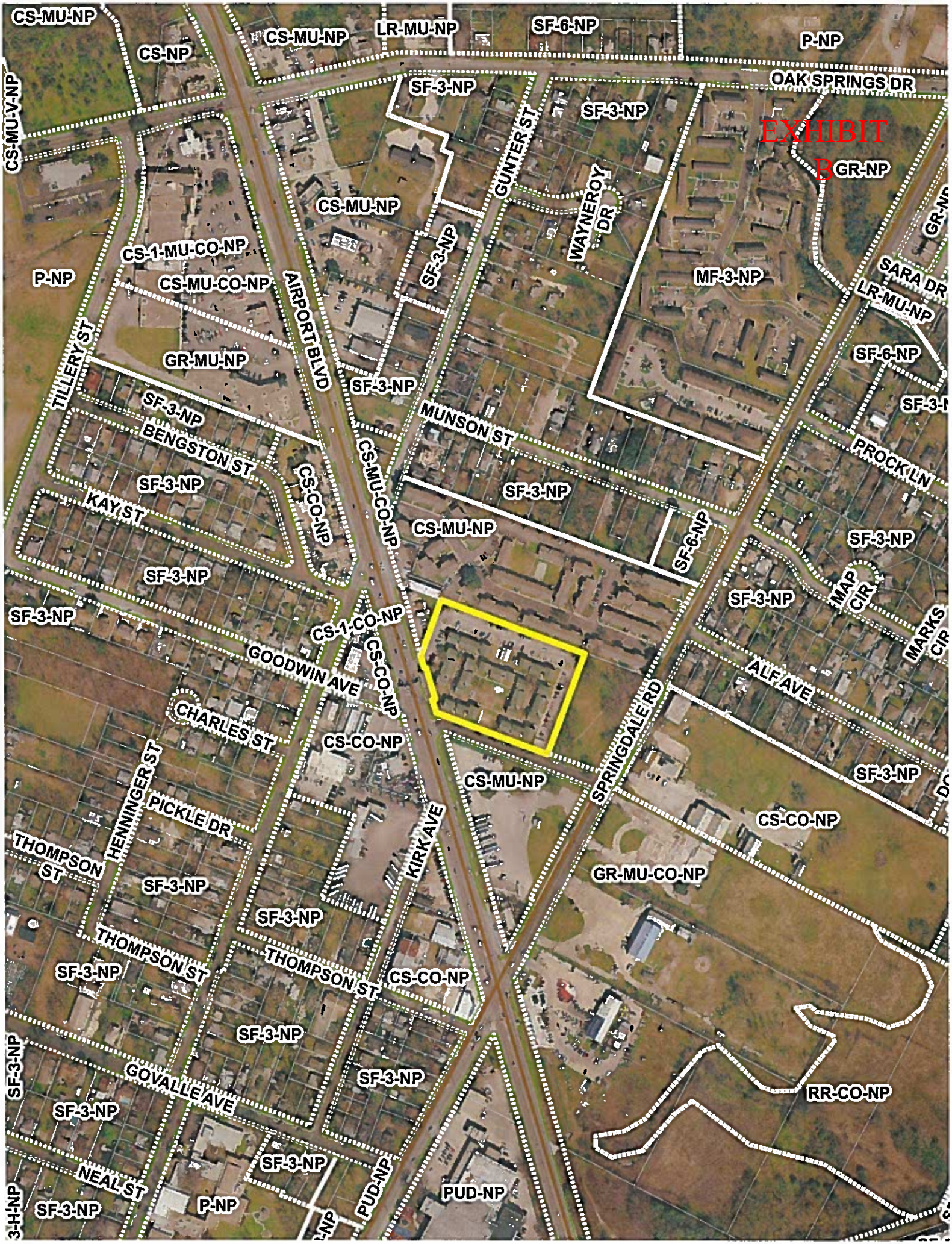
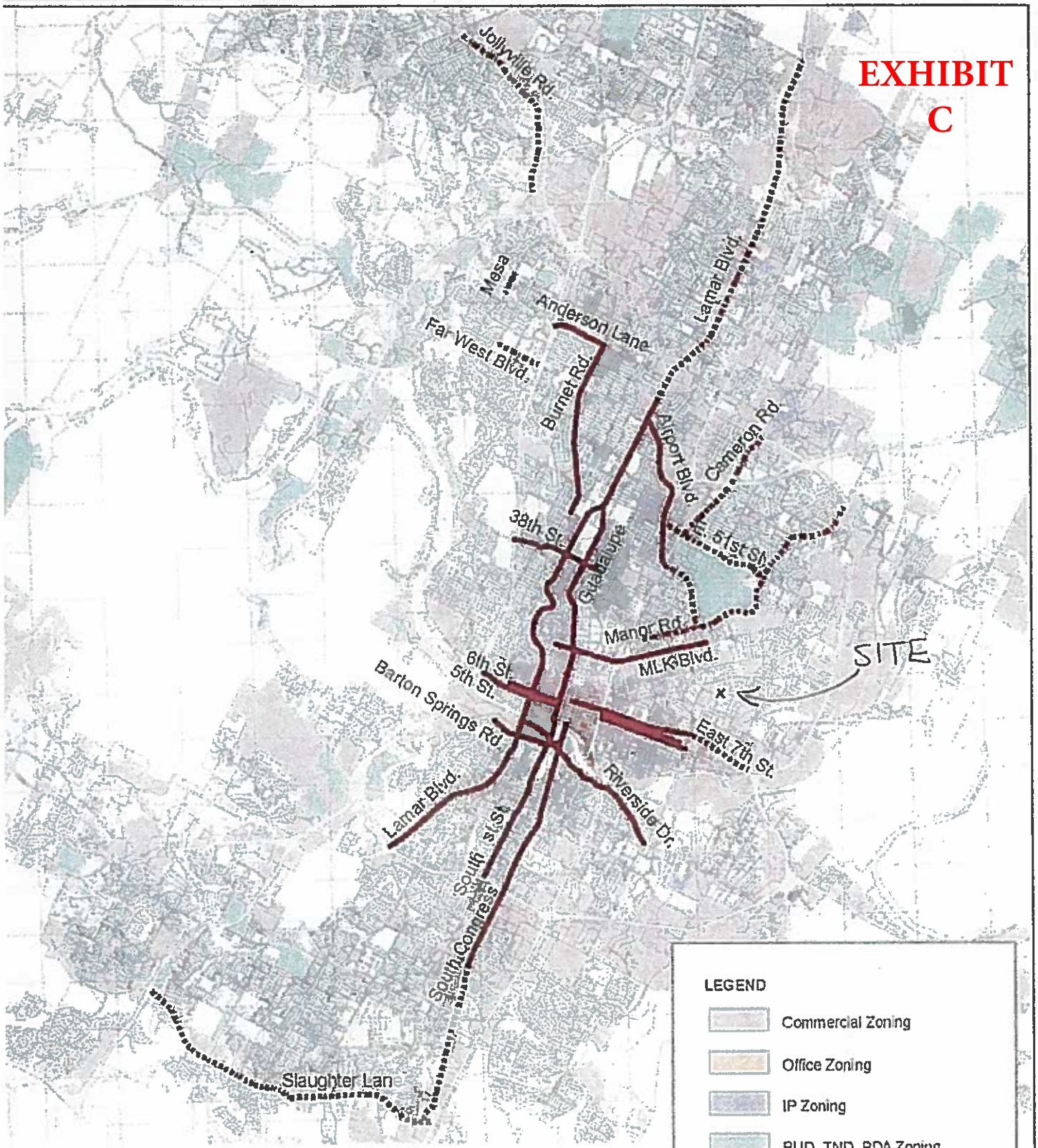

EXHIBIT
B
CS-MU-NP
CS-NP
CS-MU-NP
LR-MU-NP
SF-6-NP
P-NP
OAK SPRINGS DR
CS-MU-V-NP
SF-3-NP
SF-3-NP
GUNTER ST
GR-NP
CS-MU-NP
WAYNEROY DR
CS-1-MU-CO-NP
SF-3-NP
MF-3-NP
SARA DR
P-NP
CS-MU-CO-NP
AIRPORT BLVD
LR-MU-NP
TILLERY ST
GR-MU-NP
SF-6-NP
SF-3-NP
SF-3-NP
MUNSON ST
BENGSTON ST
PROCK LN
SF-3-NP
CS-CO-NP
CS-MU-CO-NP
SF-3-NP
KAY ST
CS-MU-NP
SF-6-NP
SF-3-NP
SF-3-NP
MAP CIR
SF-3-NP
CS-1-CO-NP
CS-CO-NP
MARKS CIR
GOODWIN AVE
ALF AVE
CHARLES ST
CS-CO-NP
SPRINGDALE RD
CS-MU-NP
SF-3-NP
HENNINGER ST
PICKLE DR
CS-CO-NP
KIRK AVE
THOMPSON ST
GR-MU-CO-NP
SF-3-NP
SF-3-NP
THOMPSON ST
THOMPSON ST
SF-3-NP
CS-CO-NP
SF-3-NP
SF-3-NP
GOVALLE AVE
SF-3-NP
RR-CO-NP
SF-3-NP
SF-3-NP
NEAL ST
SF-3-NP
PUD-NP
PUD-NP
SF-3-NP
P-NP

EXHIBIT C



CORE TRANSIT CORRIDORS (CTC) & FUTURE CORE TRANSIT CORRIDORS

Core Transit Corridors identified in the May 12, 2005 City Council Approved Design Standards Policy Document, with recommended amendments made August 4, 2006.

Produced by City of Austin
NPZD
August 7, 2006

N

0 5,000 10,000 20,000 Feet

This map has been produced by the City of Austin for the sole purpose of aiding regional planning decisions; warranted for any other use. No warranty is made regarding its accuracy or completeness.

EXHIBIT D

February 22, 2019

Greg Guernsey
Director, Planning and Zoning Department
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

Re: Rezoning Application for 3706 Goodwin Avenue, Austin, Texas 78721

Dear Mr. Guernsey:

I am seeking to rezone the 3.74 acre tract I own located at 3706 Goodwin Avenue, Austin, Texas 78721 (the "Property"). The Property is located in the East MLK Combined Neighborhood Plan and the Future Land Use Map reflects Mixed Use. The Property is currently zoned CS-MU-NP and we are seeking CS-V-MU-NP zoning in order to develop a vertical mixed use project.

The Property abuts Airport Boulevard but is not in a Core Transit Corridor or Future Core Transit Corridor. The East MLK Combined Neighborhood conducted the vertical zoning process in 2008, but the Property was not opted in or opted out.

The owner's plans are for a vertical mixed use development with onsite affordable units reserved for households earning no more than sixty percent (60%) of the Annual Median Family Income, as provided in Ordinance No. 20080320-048. Pedestrian-oriented uses are within a short walk and include restaurants, a bakery, two banks, a library, Walgreens, a dentist office, and Arlan's Market grocery store. In addition to a pedestrian overpass to allow people to safely walk over Airport Boulevard to some of these uses, there is also a bus stop on Airport Boulevard adjacent to the Property.

We appreciate your consideration of our rezoning application and look forward to meeting with you to answer any questions and provide further details.

Respectfully,

Matt Albrecht
GBME LLC