

## **ZONING CHANGE REVIEW SHEET**

CASE: C14-2020-0031.SH – E MLK Rezoning

DISTRICT: 1

ZONING FROM: SF-3-NP

TO: MF-6-NP

ADDRESS: 5201 East Martin Luther King Jr. Boulevard SITE AREA: 2.64 Acres

PROPERTY OWNERS/APPLICANT:

5201 E MLK LP  
(Ryan Walker)

AGENT:

Thrower Design  
(Ron Thower)

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

STAFF RECOMMENDATION:

**Staff recommends MF-3-NP.** *For a summary of the basis of staff's recommendation, see case manager comments on page 3.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

July 14, 2020: To grant MF-3-NP as recommended by Staff (7-3). [Shieh- 1st, Anderson- 2nd; Llanes-Pulido, Shaw, Seeger- Nay; Azar, Kenny- Abstain; Kazi- Recuse]

June 23, 2020: Motion to grant MF-3-NP as recommended by Staff approved (8-3) [Shaw- 1st, Schneider-2nd; Howard, Thompson, Anderson- Nay; Kazi- Off the dais]

Substitute motion to grant MF-6-NP with a 60' height limit failed (6-3-2) [Anderson- 1st, Thompson- 2nd; Flores, Llanes-Pulido, Shaw- Nay; Azar, Schneider- Abstain; Kazi- Off the dais]

Motion to reconsider vote approved (9-2) [Shieh- 1st, Azar- 2nd; Llanes-Pulido, Shaw- Nay; Kazi- Off the dais]

Motion to postpone public hearing to July 14, 2020 approved (9-2) [Shieh- 1st, Azar- 2nd; Llanes-Pulido, Shaw- Nay; Kazi- Off the dais]

June 9, 2020: Meeting canceled.

May 26, 2020: To postpone to June 9, 2020, as requested by Neighborhood, on consent.

CITY COUNCIL ACTION:

July 30, 2020:

June 11, 2020: To postpone to July 30, 2020, as requested by Staff, on consent.

June 4, 2020: To postpone to June 11, 2020, as requested by Staff, on consent.

ORDINANCE NUMBER:

ISSUES:

The proposed rezoning was approved for MF-3-NP by Planning Commission on June 23, 2020; however, later in the meeting a motion to reconsider the vote and postpone the item to the July 14, 2020 was approved. See page 1 for details. The proposed rezoning is a SMART Housing project.

CASE MANAGER COMMENTS:

The subject property is located on the south side of East Martin Luther King Jr. Boulevard (E MLK) roughly halfway between Springdale Road and Tannehill Lane. The property is zoned SF-3-NP and is developed with a single family residence. The property is surrounded by SF-3-NP zoned land to the west, south, and east. The areas to the west and south are developed with a single family residential neighborhood; the property to the east is Blair Woods Nature Preserve, Austin Wildlife Rescue, and Ulit Baptist Church. Further to the west, near the intersection with Springdale Road, are properties zoned GR-MU-NP and GR-NP. These are developed with two single family houses and a range of commercial land uses including limited retail, a gas station, automotive repair, a police substation, and more. Further to the east and south east, closer to the intersection with Tannehill Lane are properties zoned MF-3-CO-NP and GR-CO-NP. These properties contain a senior apartment complex and undeveloped land. Across E MLK to the north and northwest are a single family neighborhood zoned SF-2-NP and an undeveloped property zoned SF-6-NP. The property is designated as Mixed Residential on the Future Land Use Map (FLUM) of the East MLK Combined Neighborhood Plan area, so a plan amendment is not required. This portion of East MLK is designated as an Activity Corridor in the Imagine Austin plan.

Elmsgrove Drive is a local residential street that currently stubs out along the southern property line. Austin Transportation Department (ATD) has reviewed the rezoning request and has determined that a connection to or extension of Elmsgrove Drive is not required. Elmsgrove Drive was platted in the 1960s; there are not ATD plans for the extension of the local street.

***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

The Applicant is proposing MF-6 zoning to allow construction of a 200-unit SMART housing affordable apartment complex. Per Neighbor Housing and Conservation Department (NHCD), the Applicant proposes that half of the 200 units will be available at 50% median family income (MFI) for a minimum term of five years. ***Please see Exhibit C – SMART Housing Letter.***

Staff does not support MF-6-NP zoning at this location. The property is surrounded by SF-2-NP and SF-3-NP in all directions. MF-6 zoning is defined in City Code as follows:

“Multifamily residence highest density (MF-6) district is the designation for multifamily and group residential use. An MF-6 district designation may be applied to a use in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or a major institutional or employment center, or an area for which the high density multifamily use is desired.”

MF-6 in Austin is typically located along highways and major arterials, near Transit Oriented Development (TOD) areas, and near the UT Campus. The character of these areas is very different than the proposed rezoning.

Staff supports multifamily development of the site but proposes MF-3-NP as an alternative. City code defines MF-3 zoning as follows:

“Multifamily residence medium density (MF-3) district is the designation for multifamily use with a maximum density of up to 36 units per acre, depending on unit size. An MF-3 district designation may be applied to a use in a multifamily residential area located near

supporting transportation and commercial facilities in a centrally located area or in an area for which medium density multifamily use is desired.”

Staff has received correspondence regarding the proposed rezoning. ***Please see attached Exhibit D- Correspondence.***

**BASIS OF RECOMMENDATION:**

1. *Intensive multi-family zoning should be located on major arterials and highways.*
2. *Zoning changes should promote compatibility with adjacent and nearby uses.*
3. *Zoning should be consistent with approved and existing residential densities.*
4. *Granting of the request should result in an equal treatment of similarly situated properties.*
5. *Zoning changes should promote an orderly relationship among land uses.*

The subject property is located midblock along East MLK and is surrounded by SF-3-NP and SF-2-NP zoned residential neighborhoods in all directions. More intense zoning categories are in the vicinity but are oriented toward the intersections with Springdale Road and Tannehill Lane. There is a senior multifamily apartment development in the vicinity that is MF-3-CO-NP zoning, and undeveloped SF-6-NP parcels. The proposed MF-6-NP zoning is significantly more intense than the residential properties in the area.

As stated previously, City Code states that MF-6 zoning is intended for denser areas. MF-6 in Austin is typically located along highways and major arterials, near Transit Oriented Development (TOD) areas, and near the UT Campus. The character of these areas is very different than the proposed rezoning.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NP	Single family residential
<i>North</i>	SF-2-NP, SF-6-NP	Single family residential, Undeveloped
<i>South</i>	SF-3-NP	Single family residential
<i>East</i>	SF-3-NP, GR-CO-NP, MF-3-CO-NP	Nature preserve, Religious assembly, Undeveloped, Multifamily residential
<i>West</i>	SF-3-NP, SF-6-NP, GR-NP, GR-MU-NP	Single family residential, Undeveloped, Mixed commercial (Limited Retail, Automotive Repair, etc.)

**NEIGHBORHOOD PLANNING AREA:** East MLK Combined NP Area (MLK-183)

**SCHOOLS:**

Norman Elementary School  
 Martin Middle School  
 NE Early College, Sadler Means/Garcia High School

**TIA:** N/A

**WATERSHED:** Fort Branch**NEIGHBORHOOD ORGANIZATIONS:**

Homeless Neighborhood Association  
 Neighbors United for Progress  
 Del Valle Community Coalition  
 Stonegate Neighborhood Association  
 Friends of Austin Neighborhoods  
 East MLK Neighborhood Plan Contact Team  
 Neighborhood Empowerment Foundation  
 Senate Hills Homeowners' Association  
 Pecan Springs/Springdale Hills Neighborhood Association

AISD  
 Austin Neighborhood Council  
 Sierra Club  
 Bike Austin  
 Del Valle Community Coalition  
 East Austin Conservancy  
 Friends of Northeast Austin  
 Preservation Austin

**AREA CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2020-0022 5010 & 5102 Heflin Lane	SF-4A-NP to SF-6-NP	6/9/2020:	7/30/2020:
C14-2015-0114 5010 & 5102 Heflin	11/1/2016: Withdrawn	N/A	N/A

**EXISTING STREET CHARACTERISTICS:**

<b>Name</b>	<b>Existing ROW</b>	<b>ASMP Required ROW</b>	<b>Pavement</b>	<b>ASMP Classification</b>	<b>Sidewalks</b>	<b>Bicycle Route</b>	<b>Capital Metro (within ¼ mile)</b>
E. MLK	~106'	120'	63'	3	No	Yes	Yes

**OTHER STAFF COMMENTS:****COMPREHENSIVE PLANNING:**

Connectivity: Public sidewalks are located along both sides of East Martin Luther King Boulevard. Two Cap Metro transit stops are located within 750 feet of the subject property. There are no bike lanes or urban trails located within a quarter of a mile of this site. There mobility options in this area are good, while local neighborhood goods and services in the area are fair. The East MLK Combined Neighborhood Plan (EMLKCNP)

The EMLKCNP Future Land Use Map (FLUM) designates this portion of the planning 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. Single-family residential should comprise approx. half of a mixed residential area. The following East MLK Plan policies and text are applicable to this request, including text and recommendation taken from 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-today basis.

OBJECTIVE 2: Design multi-family residential projects to be compatible with adjacent 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. Building facades that express the interior organization of suites or structural bays relate better to the scale of single-family houses.

□ 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.

Planning Policies:

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.

Recommendations:

The priority for the Stonegate/Oaklawn area is to promote compatible infill development that will help stabilize the residential areas. Larger properties in the interior of the neighborhood can be developed as small-lot single family, although many of these properties have flood plain issues that need to be addressed. The large, undeveloped properties with access to MLK Blvd should be developed with a mix of residential uses, while allowing mixed use at the intersections with Springdale and Tannehill. Mixed use should also be encouraged on the 12th/Springdale/ Webberville triangle, with consistent zoning that encourages more neighborhood-oriented commercial development.

Action 44 - Allow mixed residential and small-lot single-family on the large, vacant parcels off of MLK Blvd and Heflin.

This proposed rezoning meets some of the neighborhood plan goals and recommendations and does not meet others.

Imagine Austin:

The Imagine Austin Comprehensive Plan identifies this portion of East Martin Luther King Boulevard 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 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 multigenerational families.

☐ HN P11. Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in locations as designated redevelopment areas, corridors, and infill sites. The Austin Strategic Housing Blueprint, which is an amendment to Imagine Austin, includes goals for affordable housing in every City Council district. Some of these goals include: (1) preventing households from being priced out of the Austin; (2) providing an affordable housing choice; and (3) protecting diverse communities. Because this project: 1) provides much needed affordable housing, 2) partially conforms to the policies of the East MLK Combined Neighborhood Plan, 3) has adequate mobility options (public sidewalks and public transit), and 4) is within walking distance some neighborhood serving goods and services and mobility options, this project generally supports the policies of the Imagine Austin Comprehensive Plan.

### ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Fort 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.
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. 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. SP 5. The site is subject to compatibility standards. Along the northeast, northwest, and southwest SF-3-NP 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 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 zoned SF-5 or more restrictive. (use 540' radius)
  - ☐ An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less property in an SF-5 or more restrictive zoning district.
  - ☐ 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.
- SP 6. The site is subject to 25-2 Subchapter F. Residential Design and Compatibility Standards.

#### TRANSPORTATION

The Austin Strategic Mobility Plan (ASMP) adopted 04/11/2019, calls for 120 feet of right-of-way for E. MLK BLVD. It is recommended that 60 feet of right-of-way from the existing centerline should be dedicated for E. MLK at the time of subdivision or site plan. The TIA determination will be deferred to site plan submittal when land uses and intensities have been finalized.

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
E. MLK	~106'	120'	63'	3	No	Yes	Yes

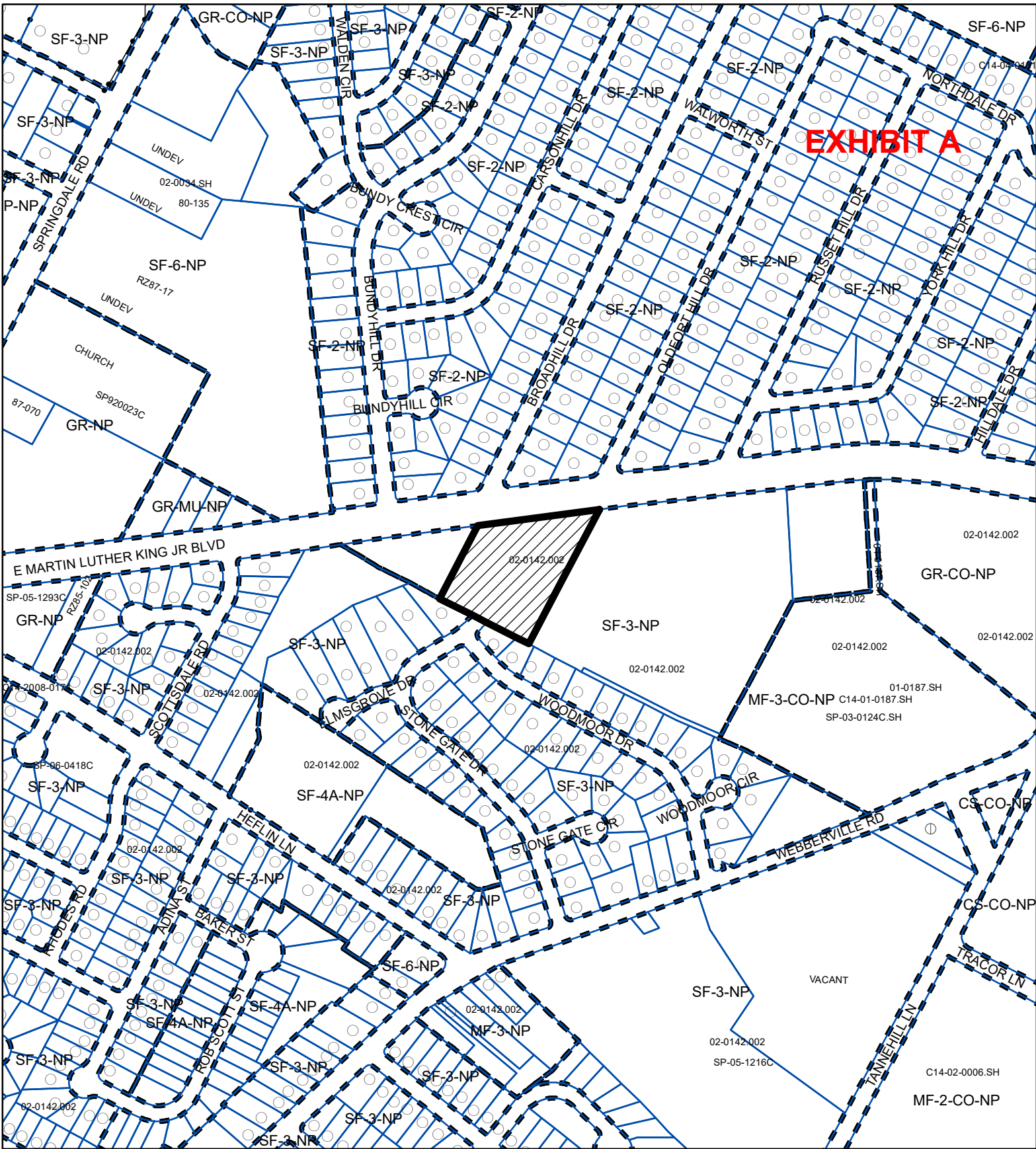
#### WATER UTILITY

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. SMART Housing Letter
- D. Correspondence





**EXHIBIT A**



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

**ZONING**

ZONING CASE#: C14-2020-0031.SH

1" = 400'

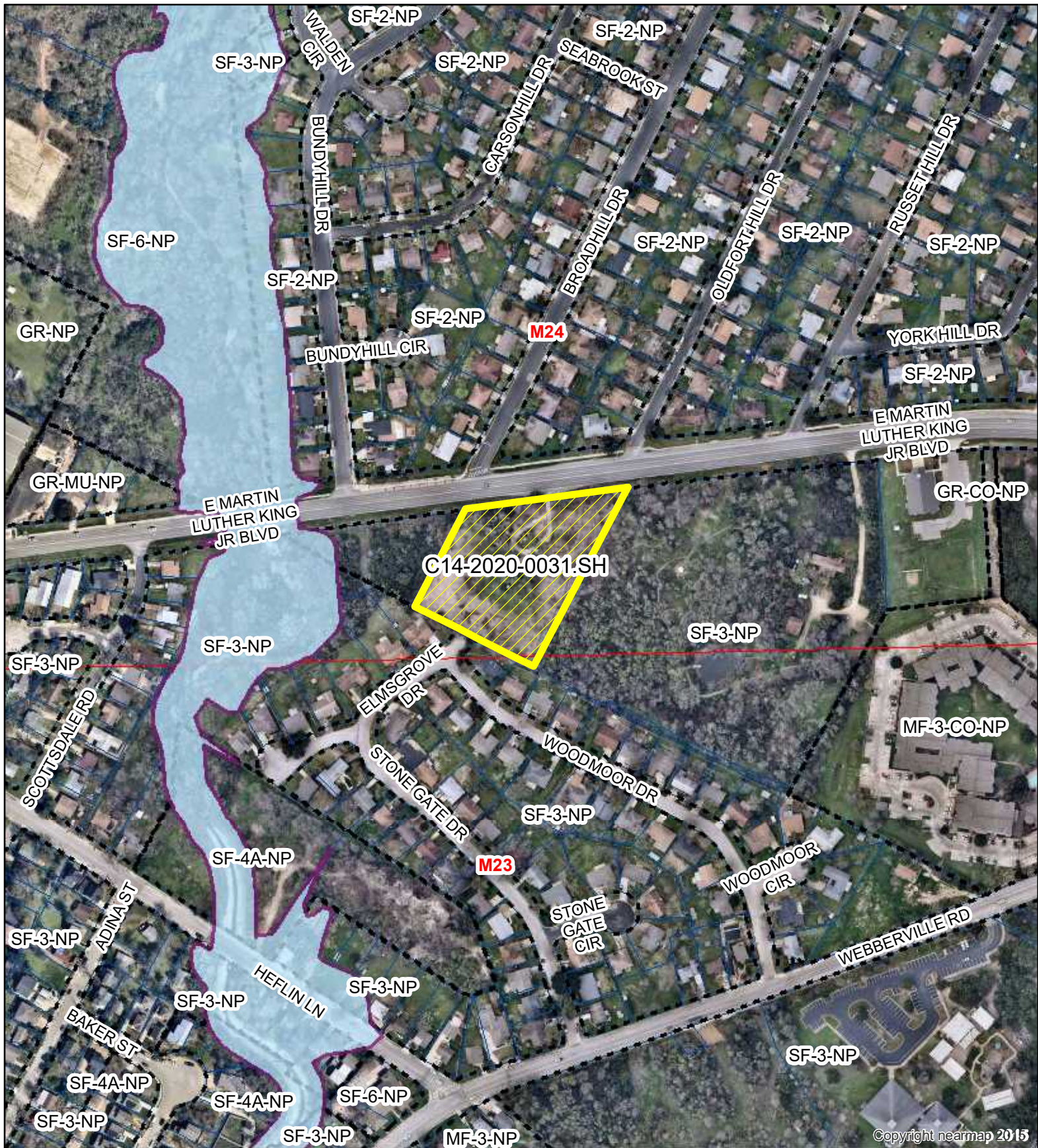
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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Created: 3/4/2020





N



C14-2020-0031.SH



Creek Buffers



ZONING BOUNDARY

### E MLK REZONING

ZONING CASE#: C14-2020-0031.SH

LOCATION: 5201 E MARTIN LUTHER KING JR. BLVD

SUBJECT AREA: 2.65 Acres

GRID: M24

MANAGER: Heather Chaffin



1" = 300'

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.





## EXHIBIT C

### City of Austin

P.O. Box 1088, Austin, TX 78767  
[www.cityofaustin.org/housing](http://www.cityofaustin.org/housing)

#### Neighborhood Housing and Community Development Department S.M.A.R.T. Housing Program

February 26, 2020 (Revision to letter dated February 18, 2020)

S.M.A.R.T. Housing Certification  
5201 E MLK LP – 5201 E Martin Luther King Jr Blvd – (ID 682)

#### TO WHOM IT MAY CONCERN:

5201 E MLK LP (contact Eyad Kasemi; ph: 512.512.761.6161; email [eyad@civiltude.com](mailto:eyad@civiltude.com)) is planning to develop a 200-unit, multi-family rental development at 5201 E Martin Luther King Jr Blvd, Austin TX 78721 (TCAD Property ID# 205065). These units will be subject to a minimum 5-year affordability period. The units will comply with rental rates established annually by Neighborhood Housing and Community Development (NHCD).

This development is seeking a zoning change from SF-3 to MF-6(Revised from GR-MU). The applicant has submitted evidence of contacting the Stonegate Neighborhood Association advising them of their project. The applicant has indicated they will address any legitimate concerns of the neighborhood residents.

NHCD certifies the proposed project meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since 50% of the units (100 units) will serve households at or below 50% MFI the development will be eligible for 100% waiver of fees listed in Land Development Code, Chapter 25-1-704, as amended or other fees waived under a separate ordinance except for Austin Water Utility (AWU) Capital Recovery Fees. This development is not fully in accordance with the requirements under the Texas Local Government Code, Chapter 395.16(g) and 42 U.S.C. Section 12745 (A)(1) as it relates to how housing qualifies as affordable housing and therefore 100 of the 200 units will not be eligible to receive Austin Water Utility Capital Recovery Fee (CRF) waivers. The expected fee waivers include, but are not limited to, the following fees:

AWU Capital Recovery Fees  
Building Permit  
Site Plan Review  
Construction Inspection  
Demolition Permit Fee

Concrete Permit  
Electrical Permit  
Subdivision Plan Review  
Parkland Dedication Fee  
(by separate ordinance)  
Regular Zoning Fee

Mechanical Permit  
Plumbing Permit  
Zoning Verification  
Land Status Determination  
Building Plan Review

#### Prior to issuance of building permits and starting construction, the developer must:

- ◆ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Contact Austin Energy Green Building: 512-482-5300 or [greenbuilding@austincityenergy.com](mailto:greenbuilding@austincityenergy.com)).
- ◆ Submit plans demonstrating compliance with the required accessibility or visitability standards.

#### Before a Certificate of Occupancy will be granted, the development must:

- ◆ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy).
- ◆ Pass a final inspection to certify that the required accessibility or visitability standards have been met.

- ♦ An administrative hold will be placed on the building permit, until the following items have been completed: 1) the number of affordable units have been finalized and evidenced through a sealed letter from project architect and/or engineer, 2) a Restrictive Covenant stating the affordability requirements and terms has been filed for record at the Travis County Clerk Office.

The applicant must demonstrate compliance with S.M.A.R.T. Housing standards after the certificate of occupancy has been issued or repay the City of Austin, in full, the fees waived for this S.M.A.R.T. Housing certification.

Please contact me by phone 512.974.3128 or by email at [Sandra.harkins@austintexas.gov](mailto:Sandra.harkins@austintexas.gov) if you need additional information.

Sincerely,



Sandra Harkins, Project Coordinator  
Neighborhood Housing and Community Development

Cc: Kristin Martinez, AE

Jonathan Orenstein, AWU

Mashell Smith, ORS

**From:** Chris Lyons  
**Sent:** Friday, May 22, 2020 11:43 AM  
**To:** Chaffin, Heather <Heather.Chaffin@austintexas.gov>  
**Subject:** Case Number: C14-2020-0031.SH

**EXHIBIT D**

\*\*\* External Email - Exercise Caution \*\*\*

Good morning Ms. Chaffin,

I received a public hearing notification in the mail for a rezoning (C14-2020-0031.SH) and I am writing to comment in favor of the rezoning.

The project location is 5201 E Martin Luther King Blvd. I live directly behind the location at 5103 Woodmoor Dr. I am in favor of this project upzoning because I believe the upzoning will allow more people to live in the area, which is good for the city of Austin as a whole, preventing costly sprawl. I also hope that increased density will bring more services and commercial opportunities to the area. Right now, there is nothing walkable to my home. Every resident is forced to drive to the grocery store, to the pharmacy, to anything.

I also hope that the redevelopment of this property will increase connectivity to my street. My street, Woodmoor, runs in a U shape. The only access to my street is from Webberville Rd. If a connection to MLK opened up because of this development that would save so much time and distance. It would allow me to be able to walk or bike comfortably to the Family Dollar located at the corner of MLK and Springdale.

Thank you for considering my input as a close future neighbor of this development.

Chris Lyons  
5103 Woodmoor Dr  
Austin, TX 78721  
512-903-5973

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**From:** M Wagner  
**Sent:** Tuesday, May 26, 2020 9:35 AM  
**To:** Chaffin, Heather <Heather.Chaffin@austintexas.gov>  
**Subject:** C14-2020-0031.SH MLK Rezoning

Comments on MLK Rezoning

Dear Austin Land Use Commission/City Council,

As the owner of two properties that would be negatively affected by this zoning change, I oppose this rezoning request.

This parcel should remain as single family zoning as it has been so zoned for many, many years. In particular **this parcel had its current single family zoning designation in place when it transferred ownership last year, in 2019, to the current owner who is now requesting high density zoning.** Purchasing a large parcel--knowing the parcel has single family zoning and then requesting a change to high density is like a bait and switch. The parcel is currently a single family parcel and if developed should be developed under single family guidelines--the same guidelines under which the parcel transferred ownership last year. Changing the designation away from single family would change the character of the neighborhood, adversely impact existing owners and residents, and it is not what existing neighbors and property owners would expect--it changes the dynamics of other owners in the area who made decisions knowing that this parcel was designated as single family.

Owners in the area purchased properties knowing that surrounding parcels, including this one, were designated as single family--and have been for many years. Changing this parcel away from SF zoning imperils not only the character of the area, but the lifelong investments other owners in the area have made. As this property is adjacent to the Blair Woods Nature Preserve--bringing high density will adversely affect the nature preserve as well. **Granting this zoning request would not promote orderly relationship among land uses.**

The neighborhoods around the parcel for which rezoning is requested are comprised of single family residential homes. The parcel itself is presently developed as a single family home with spacious land. These area is comprised of quiet neighborhoods that have been part of old Austin for over 50 years. This rezoning request does not align with the character of the surrounding neighborhoods. Developing this parcel as high density would introduce height barriers, increase and adversely affect traffic patterns and generally overwhelm the area which is not an area with a high 'walkability' index--thus it would require significantly more vehicular traffic--with the attendant noise and pollution.

High density and multi family zoning is not consistent with the character of the neighborhood. **Changing the zoning to requested high density zoning is not consistent with existing residential densities and is not compatible with nearby uses.** Particularly with Covid 19--families are looking for areas that are safe to live in and safe to enjoy outdoor spaces in their own yards and neighborhoods while maintaining social distancing. Introducing high density to existing residential neighborhoods not only violates the character of the existing neighborhoods surrounding the parcel, it is irresponsible dangerous from a health perspective--to existing residents and owners who made their investments knowing that this parcel was zoned as single family. **Granting this zoning request would not result in equal treatment of existing owners.** No owner on the surrounding streets would be able to go in for high density multifamily zoning of their parcels. It would destroy the character of the neighborhood, negatively impact property values of adjacent parcels, and negatively impact the quality of life of existing residents. Such an outcome is the same result with this request--only on a much larger scale. Granting this zoning change would violate equal treatment of similarly situated properties. The parcel

should remain with its existing zoning designation--the designation that was in place at the time of property purchase last year.

As the owner of two properties directly and negatively affected by this zoning change 4708 Oldfort/4711 Broadhill--both of which would be directly and negatively affected by the change requested, I oppose this zoning change away from its current single family designation.

Sincerely,

M Wagner

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**From:** Zenobia Joseph

**Sent:** Monday, May 25, 2020 5:41 PM

**To:** Clerk, City <City.Clerk@austintexas.gov>; Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>

**Cc:** Adler, Steve <Steve.Adler@austintexas.gov>; lindernelson@aol.com; sam.biscoe@traviscountytx.gov; brigid.shea@traviscountytx.gov; margaret.gomez@traviscountytx.gov; gerald.daugherty@traviscountytx.gov; jeff.travillion@traviscountytx.gov; Harper-Madison, Natasha <Natasha.Madison@austintexas.gov>; Pritchard, Caleb <Caleb.Pritchard@austintexas.gov>; Casar, Gregorio <Gregorio.Casar@austintexas.gov>; Tovo, Kathie <Kathie.Tovo@austintexas.gov>; Alter, Alison <Alison.Alter@austintexas.gov>; Ellis, Paige <Paige.Ellis@austintexas.gov>; Flannigan, Jimmy <Jimmy.Flannigan@austintexas.gov>; Pool, Leslie <Leslie.Pool@austintexas.gov>; Renteria, Sabino <Sabino.Renteria@austintexas.gov>; Garza, Delia <Delia.Garza@austintexas.gov>

**Subject:** 5/26: E. MLK Black Neighborhood! [B-10 Planning Commission Registration]

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**To:** Austin City Clerk

Attn: Andrew Rivera, Planning Commission Liaison

Re: May 26, 2020 Planning Commission B-10 E. MLK—Memorial Day Speaker Registration Exception

1. **HB 2840 (Public Testimony Sign-up Exception):** Today is Memorial Day, a federal holiday. Speaker Registration should, therefore, be extended one day for all Boards/Commission Meetings, accordingly, since staff members are off. Due to the ongoing COVID-19 pandemic, I write to register to speak virtually during the May 26, 2020/6PM Planning Commission Meeting in support of staff analyses opposing applicant's E. MLK zoning change to MF-6-NP (B-10. [C14-2020-0031.SH](#)). See previous email for opposition to B-11 Craigwood/FM 969 Liquor Store (C14-2020-0010). Please permit others (e.g., elected officials, NAACP, residents) to submit testimony, if desired, through May 26, 2020.



**Backup** - B-10 (C14-2020-0031.SH - E MLK Rezoning, District 1) (1.9MB)



**Backup** - B-11 (C14-2020-0010 - FM 969 Retail Center; District 1) (1.8MB)

**B-10: Support Staff Recommendation; Oppose Applicant. Project fails to meet state and federal law affordable housing criteria.**

**B-11: Oppose Applicant and Staff Recommendation** for liquor store in Craigwood/FM 969 Retail Center (Top, p. 2 of 7). See previous email: <http://www.austintexas.gov/edims/document.cfm?id=340796>

2. **B-10 Zoning Case:** May 26, 2020 Planning Commission -- E.

MLK: <http://www.austintexas.gov/edims/document.cfm?id=340799>

a. Location: "south side of East Martin Luther King Jr. Boulevard (E MLK) roughly halfway between Springdale Road and Tannehill Lane" (p. 2 of 11).

b. Title VI: E. MLK Case summary notes senior housing (60-min Travis County-funded buses: #339-Tuscany terminus; 237-Community First Village vs. Frequent Route 18: UT-Austin/Downtown, 15-min). Cap Remap is the foundation for Project Connect (light rail). This case shows how Project Connect will segregate Austin for centuries. 60-min infrequent buses North/East of US 183 vs. 15 minutes to UT-Austin/Downtown: <http://www.austintexas.gov/edims/document.cfm?id=340799>

c. State and Federal Law: "This property is not fully in accordance with the requirements under the Texas Local Government Code, Ch. 395.16(g) and 42 U.S.C. Sec. 12745 (A)(1) as it relates to how housing qualifies as affordable




housing and therefore 100 of the 200 units will not be eligible to receive Austin Water Utility Capital Recovery Fee (CRF) waivers" (February 26, 2020 Austin Neighborhood Housing/Community Development, p. 10 of 11).

d. Applicant: "The Applicant is proposing MF-6 zoning to allow construction of a 200-unit SMART housing affordable apartment complex. Per Neighbor Housing and Conservation Department (NHCD), the Applicant proposes that half of the 200 units will be available at 50% median family income (MFI) for a **minimum term of five years**. Please see Exhibit C – SMART Housing Letter. **Staff does not support MF-6-NP zoning at this location**. The property is surrounded by SF-2NP and SF-3-NP in all directions. MF-6 zoning is defined in City Code . . . MF-6 in Austin is typically located along highways and major arterials, near **Transit Oriented Development (TOD) areas**, and **near the UT Campus**. The character of these areas is [sic] **very different than the proposed rezoning**" (p. 2 of 11): <http://www.austintexas.gov/edims/document.cfm?id=340799>

e. **Staff: Rare analyses accurately notes Tannehill-area home ownership need and food desert**: "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-today basis" (p. 4 of 11): <http://www.austintexas.gov/edims/document.cfm?id=340799>

3. **Note:** Heflin case will be postponed until June 9, 2020 but may be of interest.

 **Backup** - B-05 (NPA-2019-0015.01 - 5010 & 5102 Heflin Lane; District 1) (1.4MB)

**Be safe: Thanks. ~zcj**

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**From:** Mark Wilson  
**Sent:** Thursday, June 04, 2020 12:50 PM  
**To:** Chaffin, Heather <Heather.Chaffin@austintexas.gov>  
**Subject:** Re: Zoning cases near Travis Audubon property

Good afternoon Heather

Travis Audubon has decided to support the City's recommendation for MF-3 zoning. We also support the affordable housing designation. We are opposed to the MF-6 request.

I am in touch with Andrew Rivera and will f/u with him to register for the 6/9 hearing.

Thank you for providing us all the information. If you have any suggestions for us in preparation for the hearing, that would be most welcome.

Mark Wilson

**From:** juan wah  
**Sent:** Thursday, June 04, 2020 4:23 PM  
**To:** Chaffin, Heather <Heather.Chaffin@austintexas.gov>  
**Cc:** Adam Sharp  
**Subject:** 5201 E. MLK and 5010 Heflin Affected Neighbor

Hello Heather,

As a middle class neighborhood who is trying to raise families, provide secure housing, and frankly just keep our heads above water, we ask that you keep our interests in mind during this process. During these unprecedented times, we have been hit extremely hard with unemployment, stagnant wages, increasing healthcare costs, increasing education costs, and a steep increase to housing costs. We do not have the means or funds to purchase either of those properties, and therefore have no way to defend our way of life other than through these channels, and we are grateful for the chance to be heard.

I wanted to write and express my concerns in regards to the developments happening to the north and south of my house.

#### **5010 Heflin Ln**

I attended a community meeting where the developer presented a plan where it was planning on putting 30-35 units on that land. This seemed acceptable, and hope they do not change those plans. During that meeting other neighbors did bring up the historical issue of flooding in that piece of land. Also, since crews began clearing out that land, there has been damage to fences and other property. We ask that the developer mitigate the damage to our neighbors. I am not sure if these issues were resolved, but this does not help create a neighborly relationship.

#### **5201 E. MLK**

I would like to support the Staff Recommendation for a zoning of MF-3 (36 Units per acre) and denying the MF-6 (200 Units).

I am sure that city staff already knows the risks and negative impact that 200 units would bring to our neighborhood, but I would like to state my personal concerns with it.

**Flooding:** With the allowed 80% impervious cover, and the already highlighted possibility of flooding to the southeast of the property. That means our homes. Given the previously stated hardships a normal middle-class family has to endure, a flooded house is a disaster that could financially set back years and even ruin us.

**Green Space and Noise Pollution:** In a space where we used to have trees and green spaces has already impacted our way of life. The traffic noise on MLK is much more noticable, since they have cleared the lot. Not to mention the impact is visible to the Audubon Society's Blair Woods, where I have noticed a decline in wildlife in my own yard. Don't we deserve green spaces on the East Side?

**Traffic:** Understandably this is everywhere, but we are very concerned that our closest main avenue is MLK, and during hours where we have to commute traffic is already bad, 200 more units directly on MLK would be detrimental. Not to mention the prospect of an emergency road running right through our neighborhood. Even if it is designated only for emergencies, we believe that this will be used a shortcut and just create congestion in our own neighborhood.

Thank you for the opportunity to be heard,

Juan Wah  
5110 Woodmoor Dr  
Austin, TX 78721

**From:** Delice Petit

**Sent:** Thursday, June 04, 2020 7:03 PM

**To:** Chaffin, Heather <Heather.Chaffin@austintexas.gov>; Adam Sharp SGNO Pres >; Juan Wah ; Washington Judy

**Subject:** Re: MLK rezoning

\*\*\* External Email - Exercise Caution \*\*\*

Correction: Planning Commission

Thank You!

On Thu, Jun 4, 2020, 6:12 PM Delice Petit wrote:

Andrea D. Petit

4412 Elmsgrove Drive

Austin, Tx 78721

RE: Case C14-2020-31 SH- MLK rezoning District 1-SF-3 NP to MF-6-NP

To Planning Commission:

I write as a legacy homeowner at 4412 Elmsgrove Drive which is directly next door to the MLK project. I am Andrea Petit, an officer and member of the Stone Gate Neighborhood Association as well as my mother Catherine Petit who has been a resident for 54yrs.

Our protest is based on the following issues below:

1) We are concerned with flooding, lack of vegetation and a need for engineers to produce concrete examples of past successes of serious flooding occurrences where this pond/water drainage system your civil engineers presented at the last neighborhood meeting at Oak Springs Library was successful. Also, we are aware that City staff recommended MF-3 which is a smaller zoning option, at the same time, the developer wants more units, which is up to 80% impervious cover which will cause flooding.

2) We understand the City is not pursuing building a road connecting MLK- Elmsgrove-Heflin Ln (with the Heflin Ln project).

The aggregate of high density projects surrounding our neighborhood has already had an adverse impact on traffic. Many of the homeowners along Elmsgrove already park in the street. This inhibits traffic during peak hours to one lane only where cars may have to BACK UP to allow/give right of way to oncoming traffic.

3) This project's developers in particular has a history of saying one thing to the Planning Commission and surrounding neighborhood associations, and advertising a quite different development on their website as well as a historical practice to change development plans when in the process of building. Changes that were not discussed prior with the neighborhood associations. The proposed setback between the development and existing single family homes is again suspect. What this development company says it will do and what it advertises to potential investors/residents are two distinctly different things.

4) We are concerned with both the MLK & Heflin lane projects that the same developer is involved with. And a potential for developer to not thinking in a holistic manner about fitting the 2 projects in with the existing look and atmosphere of our existing neighborhood.

5) And last but not least also concerned about motives of planning and city council members who are themselves developers or family members are or close colleagues or buddies. This is a conflict of interested regardless of recusal.

Thank you for your attention in this important matter.

Sincerely,

Andrea Petit B.S.W., M.Ed.

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-----Original Message-----

From: Andrea Calo

Sent: Monday, June 22, 2020 11:42 AM

To: Chaffin, Heather <[Heather.Chaffin@austintexas.gov](mailto:Heather.Chaffin@austintexas.gov)>

Cc: w

Subject: 5201 E MLK Zoning

Hi Heather,

I am writing in regards to a development project in my neighborhood: 5201 E MLK, Case Number C14-2020-0031.SH

I would like to express my support of the Staff Recommendation of MF-3 zoning for this property, denying the application for MF-6.

This property is directly behind my house at 5100 Woodmoor Drive. My home will be one of those primarily affected as the entirety of my rear property line shares a boundary with that of 5201 E MLK. I understand that this area is part of central Austin, and MLK has been designated as an Opportunity Zone, which is part of why I support the Staff Recommendation for MF-3 zoning. More housing will theoretically help keep costs lower for the surrounding area in the long term, however, there must be some sensitivity to the existing neighborhoods. I believe a zoning of MF-3 would be a compromise in this regard.

My specific concerns are below:

-Traffic and connectivity: I am against any connection of Elmsgrove to MLK. The Stone Gate neighborhood is a special, unique group of homes that were all constructed between 1964-66. This pocket has existed for over 50 years, and the quiet, walkable, friendly character of the neighborhood would be adversely affected if traffic from MLK were directed through our neighborhood. Webberville, Springdale, and Heflin already provide access to/from MLK and the surrounding area. The Stone Gate neighborhood has high pedestrian activity, many cars parked on the streets, and no sidewalks. Any further connection through our neighborhood would be a detriment to the character of our neighborhood.

-I share my neighbors' concerns regarding water and flooding: the property in question slopes downward toward my home. I am concerned about potential runoff and the risk of flooding, for not only my own home, but also the rest of those in the neighborhood as the neighborhood slopes down from my house.

-Environment: our close neighbor is Travis Audubon Society's Blair Woods, and I believe that a lower zoning designation of MF-3 would prevent further harm to this area. We have so much exciting bird activity around our home, although it has declined since the lot at 5201 E MLK has been cleared. We see Crested Caracaras, Red-bellied Woodpeckers, Osprey, Red-shouldered Hawks, and even have rare sightings of Mississippi Kites. Many of these birds are seen in this area because of nearby water sources, like the springs at Blair Woods. Development as well as potential flooding could risk pollution or reduction of nearby water sources, which would adversely affect the birds and other wildlife that make their homes in this area.

I strongly oppose the application for MF-6 zoning due to my concerns stated above. This highest density zoning would bring more noise and traffic to the area, adversely affecting the Stone Gate neighborhood. I support the Staff Recommendation for a zoning of MF-3 as I believe it is a compromise in providing more housing for central Austin, but without going to an extreme density in the backyard of so many single family homes.

Thank you for the opportunity to provide feedback.

Andrea Calo

5100 Woodmoor Drive