

ZONING CHANGE REVIEW SHEET

CASE: C14-2021-0042
3115 Manor Road Residences

DISTRICT: 1

ZONING FROM: CS-MU-NP

TO: CS-MU-V-NP

ADDRESS: 2131 Theo Drive

SITE AREA: 0.4683 acres (20,400 square feet)

PROPERTY OWNER:
3115 Manor MU, Ltd.
(Bryan Cumby)

AGENT:
Alice Glasco Consulting
(Alice Glasco)

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

STAFF RECOMMENDATION:

Staff supports the Applicant's request for rezoning 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:

May 11, 2021: To grant CS-MU-V-NP as recommended by Staff, on consent. (11-0)
[Commissioner Cox- 1st, Commissioner Azhar- 2nd; Commissioner Hempel- Recused;
Chair Shaw- Absent]

CITY COUNCIL ACTION:

June 10, 2021:

ORDINANCE NUMBER:

ISSUES

The Applicant is requesting to add the V- Vertical mixed use building overlay to the existing CS-MU-NP zoning on the subject property so it can be easily consolidated and developed with the surrounding properties that already have the V- designation. The Applicant has provided a letter and exhibit that show the properties that are intended to be consolidated. The Applicant has stated that they intend to build 26 multifamily units on this 0.4683 acre tract that includes a mix of 10 one-bedroom units and 16 two-bedroom units. ***Please see Exhibit C- Applicant Letter and Exhibit.***

CASE MANAGER COMMENTS:

The subject property is located on the east side of Theo Drive, approximately 500 feet southeast of the intersection of Airport Boulevard and Manor Road. Airport Boulevard and Manor Road are both designated as Activity Corridors, and Manor Road is a Future Core Transit Corridor in this area. The CS-MU-NP property is currently developed with a vacant commercial building. Immediately north of the subject tract is property zoned CS-MU-V-NP that is developed with limited warehousing and distribution land use. Immediately east of the subject tract is GR-V-NP zoned property that is also developed with limited warehousing and distribution land use; immediately to the south is CS-MU-V-NP zoned property that is includes limited warehousing and distribution and office land uses. Across Theo Drive to the west are properties zoned GR-V-NP and TOD-NP that are developed with retail and automotive repair land uses. The TOD-NP zoned property is part of the MLK Jr. TOD area, and the MLK Jr. transit station is located southwest of the rezoning tract near East Martin Luther King, Jr., Boulevard and 17th Street. ***Please see Exhibits A and B- Zoning Map and Aerial Exhibit.***

Staff supports the proposed rezoning to add the V- designation to this site. The rezoning tract is surrounded by properties that already have the V- designation, as well as TOD-NP zoned areas. These zoning classifications promote development of mixed land uses that are located near transit, Activity Corridors, and Future Core Transit Corridors. Adding the V- will allow the Applicant to consolidate the adjacent properties to create a cohesive multifamily mixed use project.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*
2. *Granting of the request should result in an equal treatment of similarly situated properties.*
3. *The proposed zoning should be consistent with the goals and objectives of the City Council.*

The Vertical Mixed Use Building tool is designed to encourage the development of mixed use projects that include affordable housing units by relaxing some site design standards—parking, setbacks, FAR. The subject tract is surrounded by properties that already have the V- designation, making the proposed rezoning consistent with similarly situated properties. The addition of rental units on this site would be consistent with the goals of the City Council as outlined in the Strategic Housing Blueprint and other Council-approved actions by providing a mix of housing types in the area.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS-MU-NP	Vacant office/commercial
North	CS-MU-V-NP	Limited warehousing and distribution
West	GR-V-NP, TOD-NP	General retail sales (limited), Automotive repair services
East	GR-V-NP	Limited warehousing and distribution

NEIGHBORHOOD PLANNING AREA: East MLK Combined (MLK)

TIA: Deferred to time of site plan, if triggered.

WATERSHED: Boggy Creek

NEIGHBORHOOD ORGANIZATIONS:

Cherrywood Neighborhood Association	Bike Austin
Homeless Neighborhood Association	SELTexas
JJ Seabrook Neighborhood Association	Preservation Austin
Rosewood Neighborhood Plan Contact Team	Neighbors United for Progress
Del Valle Community Coalition	Sierra Club
Friends of Austin Neighborhoods	Austin Neighborhoods Council
Neighborhood Empowerment Foundation	Austin Lost and Found Pets
East MLK Combined Neighborhood Plan Contact Team	East Austin Conservancy

AREA CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2018-0155 3303 Manor Road	CS-V-CO-NP, CS-CO-NP and SF-3-NP to CS-MU-V-CO-NP	9/24/2019: To grant CS-MU-V-CO-NP as recommended by Staff (13-0) CO includes 15' vegetative buffer on south & west p.l.; prohibit AOBs, Auto sales, Campground, Drop-off recycling collection facility, Equipment repair svcs, Exterminating svcs, Kennels, Ltd warehousing & distribution, Monument retail sales, Outdoor sports and rec, Transitional housing, Veterinary svcs, Agricultural sales & svcs, Building & maintenance svcs, Convenience storage, Electronic	11/14/2019: To grant CS-MU-V-CO-NP as recommended (10-0) Ordinance No. 20191114-074

		prototype assembly, Equipment sales, Funeral svs, Laundry svs, Maintenance and service facilities, Outdoor entertainment, Pawn shop svs, Vehicle storage	
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EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Theo Dr	60'	50'	38'	1	Yes	No	Yes

ADDITIONAL STAFF COMMENTS:

Comprehensive Planning

Connectivity- Public sidewalks are partially located on the other side of Theo Drive but not on the subject property side. The site is located less than 600 feet from two different transit stops on two different streets. The mobility and connectivity options in this area are average. The East MLK Neighborhood Plan (EMLKNP)- The EMNP Future Land Use Map (FLUM) designates this portion of the planning area (which begins at this parcel as 'Mixed Use'.

Mixed Use is defined as an area that is intended for a mix of residential and nonresidential uses, including office, retail and commercial services. Zone CS-MU-V is permitted under the Mixed Use FLUM category. The following EMNP policies are applicable to this request:

Goal Two - Promote a mix of land uses that respect and enhance the existing neighborhood and address compatibility between residential, commercial, and industrial uses. (p 44)

Objective 2.1: Where appropriate, address mis-matches between desired land use and zoning.

Objective 2.2: Reduce the impact of commercial and industrial uses on residential areas.

Goal Three Preserve existing small businesses and encourage new neighborhood-serving commercial services in appropriate locations. (p. 45)

Objective 3.1: Where zoning permits, promote neighborhood-oriented businesses and services such as restaurants, corners stores, and laundromats.

Goal Four - Promote the development and enhancement of the neighborhood's major corridors. (p 45)

Objective 4.1: Allow mixed use development along major corridors and intersections.

Voluntary Design Guidelines (see pgs. 29 - 40)

OBJECTIVE 1: Create well landscaped, pedestrian oriented convenience nodes within the neighborhood planning area.

Guideline 1.1: Encourage mixed-use structures and corner stores to bring around-the-clock vitality to the neighborhood. Live-work spaces and apartments over stores with balconies overlooking the street increases security for both residents and businesses and provides residents easy access to goods and services needed on a daily basis.

JJ Seabrook (pgs 52-53) (where this project is located)

Existing Conditions The JJ Seabrook neighborhood features primarily older homes, many of which are situated on relatively large lots. The major corridors (Airport Boulevard, Manor Road, and MLK Boulevard) have already developed with relatively intense commercial uses, although much of MLK Blvd. remains primarily single-family residential. Heavy commercial and industrial uses, including vehicle storage, petroleum storage, and construction sales, have occurred well into the residential parts of the neighborhood, especially near the entrance of the former Mueller Airport. Many of the commercial uses that exist in the area were related to the former airport and may no longer be appropriate.

Recommendations JJ Seabrook is the neighborhood in the East MLK Neighborhood Planning Area that will likely be most affected by the Mueller redevelopment project. Land use and development in the area should be coordinated with the Mueller Master Plan to the greatest extent possible, while protecting the established residential areas from increased traffic and real estate pressures. Additionally, existing commercial properties should be encouraged to redevelop with mixed use and neighborhood-serving businesses.

Action 4- Reduce the effects of commercial and industrial properties in the neighborhood interior. Encourage redevelopment of these properties as Mixed Use/Office.

Action 5- Allow Mixed Use/Commercial on Airport Blvd., Manor Rd., and MLK Blvd. west of Tillery Street.

The policies and text taken from the EMNP and the FLUM supports true mixed use (live, local servings businesses, and offices) in this portion of the planning area. The developer is encouraged to review the voluntary design guidelines cited above in the plan.

Imagine Austin- The project area (which will front Manor Road) is located along an ‘Activity Corridor’, which are characterized by a variety of activities and types of buildings that are intended to allow people to reside, work, shop, access services, people watch, recreate, and hang out without traveling far distances. The following IACP policies are also relevant to this case:

- ☐ LUT P1. Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.
- ☐ 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.

Based on this property being:

- ☐ designated as Mixed Use on the East MLK Future Land Use Map, which supports commercial and mixed use;
- ☐ located along an ‘Activity Corridor’, which supports mixed use;
- ☐ mobility and connectivity strengths in the area (public sidewalks and public transit)
- ☐ and the Imagine Austin policies referenced above that supports a variety of land uses including mixed use, this proposed project appears to support the Imagine Austin Comprehensive Plan.

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 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.

Parks & Recreation

PR1: Parkland dedication will be required for the new residential units proposed by this development, multifamily with CS-MU-V-NP zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2). If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Transportation

The Austin Strategic Mobility Plan (ASMP), adopted 04/11/2019, identifies sufficient right-of-way for Theo Drive. A traffic impact analysis is waived, the determination is deferred to site plan application, when land use and intensity will be finalized.

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Theo Dr	60'	50'	38'	1	Yes	No	Yes

Water Utility

AW1. 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. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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 and Exhibit

The logo of the City of Austin, featuring a circular seal with the text "CITY OF AUSTIN" at the top and "FOUNDED 1839" at the bottom. The center of the seal depicts a shield with a red and white design, topped by a blue and white emblem.

Created: 3/23/2021

$$1'' = 400'$$



Date Printed:

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☐ Zoning Text

Notes

ALICE GLASCO CONSULTING

March 18, 2021

Rosie Truelove, Director
Housing and Planning Department
1000 E. 11th Street, Suite 200
Austin, Texas 78702

RE: 2131 Theo Drive Rezoning

Dear Rosie:

I represent 3115 Manor MU, Ltd., the entity that owns the subject property. The subject lot, which comprises 0.4683 acres, is outlined **in red** on the attached map, and is part of a larger project (outlined in **green** on the attached map). We are requesting to change the zoning from **CS-MU-NP to CS-MU-V-NP**. The purpose of adding VMU to 2131 Theo Drive is to combine it with the VMU lots outlined in green for multifamily housing.

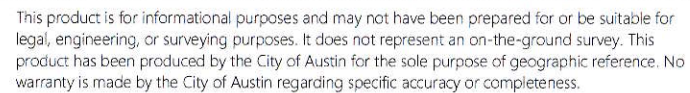
Please let me know if you have any questions or need additional information.

Sincerely,



Alice Glasco, President
Alice Glasco Consulting

Cc: Joi Harden, Division Manager
Heather Chaffin, Zoning Planner
Bryan Cumby, 3115 Manor MU, Ltd



Notes