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**ZONING CHANGE REVIEW SHEET**

**CASE#:** C14-2010-0184 / MLK City-Initiated

**PC PUBLIC HEARING DATE:** December 14, 2010

**ADDRESS:** 1701, 1703, 1705 and 1707 East Martin Luther King Jr. Boulevard

**AREA:** 1701 E. Martin Luther King Jr. Blvd: 0.15 acres, 6394 square feet  
1703 E. Martin Luther King Jr. Blvd: 0.15 acres, 6394 square feet  
1705 E. Martin Luther King Jr. Blvd: 0.15 acres, 6394 square feet  
1707 E. Martin Luther King Jr. Blvd: 0.15 acres, 6382 square feet  
TOTAL: 0.6 (0.586) acres, 25,564 square feet

**APPLICANT/ AGENT:** City of Austin – Planning and Development Review Department (Joi Harden), 974-2122

**OWNER:** BPCH, LLC and Calavan Family Partnership (Brooks Calavan), 512-626-6547

**ZONING FROM:** GR-MU-V-CO-NP

**TO:** GR-MU-V-CO-NP - The specific change would modify the vertical mixed use building (V) combining district to allow dimensional standards. All other provisions of the V zoning component and prohibited uses on the property will remain the same.

**STAFF RECOMMENDATION:** The staff recommendation is to grant the change to GR-MU-V-CO-NP, Community Commercial – Mixed Use – Vertical Mixed Use Building –Conditional Overlay – Neighborhood Plan Combining District. The specific zoning change will modify the vertical mixed use building (V) combining district to allow dimensional standards. All other provisions of the V zoning component and prohibited uses on the property will remain the same.

**PLANNING COMMISSION RECOMMENDATION:** Pending. This case is scheduled for the Planning Commission meeting of December 14, 2010.

**DEPARTMENT COMMENTS:** The 0.6-acre site is currently zoned GR-MU-V-CO-NP and located on the southeast corner of Leona Street and East Martin Luther King Jr. Blvd. The site lies within the Central East Austin Neighborhood Plan and is bordered by multifamily zoning and multifamily and single family residences to the north, single family zoning and single family residences to the south, public zoning and Oakwood Cemetery to the west, and office zoning and an office building to the east.

This site was rezoned in December of 2008 to GR-MU-V-CO-NP. The Conditional Overlay limits vehicle trips to less than 2,000 per day, limits the height of the building to 55 feet from ground level and prohibits the following uses: Automotive rentals, Automotive repair services, Automotive sales, Automotive washing, Commercial off-street parking, Drop-off recycling collection facility, Hospital services (limited), Hospital services (general), Indoor sports and recreation, Indoor entertainment, Outdoor entertainment, Pawn shop services, Residential treatment, Service station and Urban farm. Additionally, the property is subject to the following Vertical Mixed Use Building (V) overlay standards: 1) Ten percent of residential units available for rental shall be reserved for households earning no more than 60 percent of the Annual Median

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Family Income and 2) the property is subject to the 40 percent parking reduction. Please refer to Exhibit A.

The applicant proposes to construct a four-story mixed use building with 7,000 square feet of ground floor retail and is requesting that the exemption from dimensional standards part of the Vertical Mixed Use Building (V) zoning overlay be added to the site. The applicant states that the dimensional standards were part of his original rezoning request in 2008; however, it was not placed in the final ordinance. All of the existing provisions of zoning will remain the same.

The Planning Commission directed staff to initiate this case.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR-MU-V-CO-NP	Single family residences and an office
<i>North</i>	MF-3-NP	Multifamily and Single-family residences
<i>South</i>	SF-3-NP	Single-family residences and Offices
<i>East</i>	LO-MU-NP	Office Building
<i>West</i>	P-H-NP	Oakwood Cemetery

**NEIGHBORHOOD PLAN:** The property lies within the Central East Austin Neighborhood Plan adopted in December 2001.

**TIA:** Is not required

**WATERSHED:** Boggy Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**REGISTERED COMMUNITY ORGANIZATIONS:**

- Mueller Neighborhoods Coalition
- Davis-Thompson American Millennium Neighborhood Association
- Homeless Neighborhood Organization
- Organization of Central East Austin Neighborhoods (OCEAN)
- Home Builders Association of Greater Austin
- Sentral Plus East Austin Koalition (SPEAK)
- Austin Independent School District
- Austin Neighborhoods Council
- Austin Parks Foundation
- PODER People Organized in Defense of Earth & Her Resources
- League of Bicycling Voters

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**SCHOOLS: (AISD)**

Campbell Elementary School

Kealing Middle School

McCallum High School

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
FM 969 (Martin Luther King Blvd.)	75'	40'	Arterial (MAU 4)	14390 (COA, 2005)
Leona Street	56'	30'	Local	Not Available

There are existing sidewalks along FM 969 (Martin Luther King Blvd.).

There are no existing sidewalks along Leona Street.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or proposed along the adjoining streets as follows:

Street Name	Existing Bicycle	Proposed Bicycle
FM 969 (Martin Luther King Blvd.)	Shared Lane	Bike Lane
Leona Street	None	None

Capital Metro bus service (route no. 18) is available along Martin Luther King Blvd.

**CITY COUNCIL DATE:** 1/13/2011

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

**ORDINANCE NUMBER:**

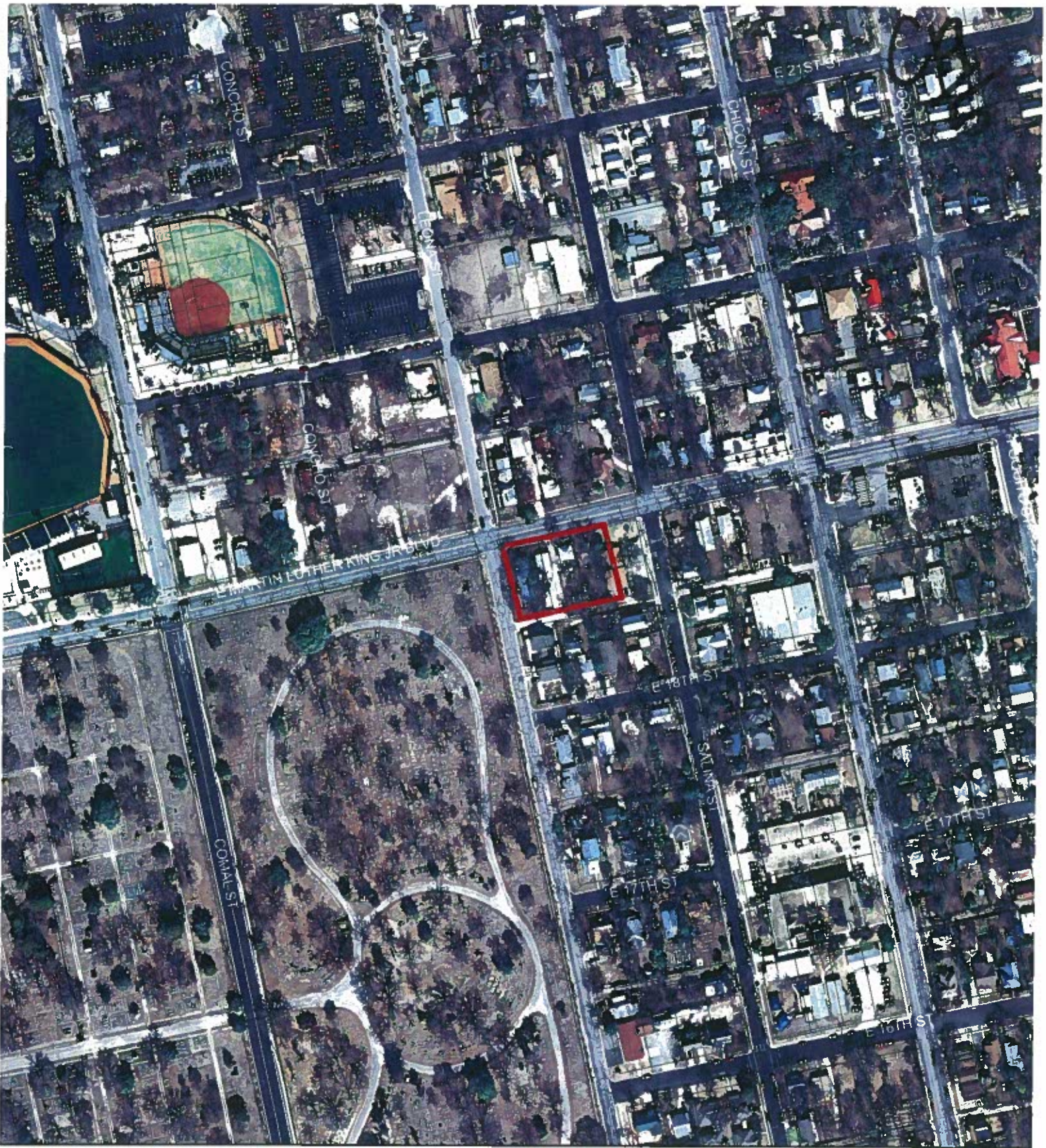
**ZONING CASE MANAGER:** Joi Harden

**PHONE:** 974-2122

**E-mail:** [joi.harden@ci.austin.tx.us](mailto:joi.harden@ci.austin.tx.us)







**C14-2010-0184 - MLK City-Initiated  
From GR-MU-V-CO-NP to GR-MU-V-CO-NP  
To modify the vertical mixed use building (V)  
combining district.**





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**STAFF RECOMMENDATION:**

The staff recommendation is to grant the change to GR-MU-V-CO-NP, Community Commercial – Mixed Use – Vertical Mixed Use Building –Conditional Overlay – Neighborhood Plan Combining District. The specific zoning change will modify the vertical mixed use building (V) combining district to allow dimensional standards. All other provisions of the vertical mixed use building and prohibited uses will remain.

**BASIS FOR RECOMMENDATION (ZONING PRINCIPLES):**

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

GR- Community Commercial district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways. The applicant proposes to construct a four-story mixed use building with 7,000 square feet of ground floor retail.

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

City Council approved the rezoning on this site to GR-MU-V-CO-NP in December of 2008. The applicant is requesting that the exemption from dimensional standards part of the Vertical Mixed Use Building (V) zoning overlay be added to the site. The applicant states that this was part of his original request; however, it was not placed in the final ordinance. The Planning Commission directed staff to initiate this case.

**Site Characteristics**

The subject property consists of four tracts, approximately 0.6 acres of land. Currently, there are single family structures on three of the lots and one vacant lot. The site is relatively flat and moderately vegetated.

**Site Plan**

Site plans will be required for any new development other than single-family or duplex residential.

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.

**Compatibility Standards**

- a. The site is subject to compatibility standards. Along the East & South property lines, the following standards apply:
- b. No structure may be built within 25 feet of the property line.
- c. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.

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- d. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- e. No parking or driveways are allowed within 25 feet of the property line.
- f. 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.
- g. for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 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.
- h. 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.
- i. Additional design regulations will be enforced at the time a site plan is submitted.

If this site is zoned with a VMU overlay, the entirety of Commercial Design Standards applies in addition to the VMU subsection of Commercial Design Standards. If this site is zoned with a MU overlay, Commercial Design Standards will apply to multi-family development, and is subject to the minimum site areas as defined in Subsection 4.2.1 of Commercial Design Standards.

**Transportation**

No additional right-of-way is needed at this time.

The traffic impact analysis for this site was not required because this is a City of Austin initiated zoning case.

**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

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.

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Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

**Water and Wastewater**

The landowner 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.



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**ORDINANCE NO. 20081211-109**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1701, 1703, 1705 AND 1707 EAST MARTIN LUTHER KING JR. BOULEVARD IN THE CENTRAL EAST AUSTIN NEIGHBORHOOD PLAN AREA FROM LIMITED OFFICE-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (LO-MU-CO-NP) COMBINING DISTRICT AND FROM FAMILY RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (GR-MU-V-CO-NP) COMBINING DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district on the property, (the "Property") described in Zoning Case No. C14-2008-0172, on file at the Neighborhood Zoning and Planning Department, as follows:

From limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district to community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district.

The West 43.3 feet of Lot 8, Block 11, C R Johns Subdivision of Outlot 37, Division B, according to the map or plat recorded in Volume 1, Page 3, Plat Records, Travis County, Texas (1701 E. MLK),

The West 21.6 feet of Lot 7 and the East 21.67 feet of Lot 8, Block 11, C R Johns Subdivision of Outlot 37, Division B, according to the map or plat recorded in Volume 1, Page 3, Plat Records, Travis County, Texas (1703 E. MLK), and

The East 43.3 feet of Lot 7, Block 11, C R Johns Subdivision of Outlot 37, Division B, according to the map or plat recorded in Volume 1, Page 3, Plat Records, Travis County, Texas, (1705 E. MLK).

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From family residence-neighborhood plan (SF-3-NP) combining district to community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district.

The West 43.3 feet of Lot 6, Block 11, C R Johns Subdivision of Outlot 37, Division B, according to the map or plat recorded in Volume 1, Page 3, Plat Records, Travis County, Texas, (1707 E. MLK),

locally known as 1701, 1703, 1705 and 1707 East Martin Luther King Jr. Boulevard in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

**PART 2.** Except as specifically provided in Part 3, Part 4, and Part 5 of this ordinance, the Property may be developed and used in accordance with the regulations established for the (GR) base district, the mixed use combining district, and other applicable requirements of the City Code.

**PART 3.** The Property is subject to Chapter 25-2, Subchapter E, Article 4.3 (*Vertical Mixed Use Buildings*) as follows:

- A. Ten percent of residential units available for rental in a vertical mixed use building shall be reserved for households earning no more than 60 percent of the Annual Median Family Income.
- B.. The Property is subject to the parking reductions identified in Article 4.3.3 E.3. (*Dimensional and Parking Requirements*).

**PART 4.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
- B. The maximum height of a building or structure is 55 feet from ground level.

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C. The following are uses are prohibited uses of the Property:

Automotive rentals  
Automotive sales  
Commercial off-street parking  
Hospital services (general)  
Indoor entertainment  
Outdoor entertainment  
Residential treatment  
Urban farm

Automotive repair services  
Automotive washing  
Drop-off recycling collection facility  
Hospital services (limited)  
Indoor sports and recreation  
Pawn shop services  
Service station

**PART 5.** The Property is subject to Ordinance No. 011213-042 that established the Central East Austin neighborhood plan combining district.

**PART 6.** This ordinance takes effect on December 22, 2008.

**PASSED AND APPROVED**

\_\_\_\_\_  
December 11, 2008

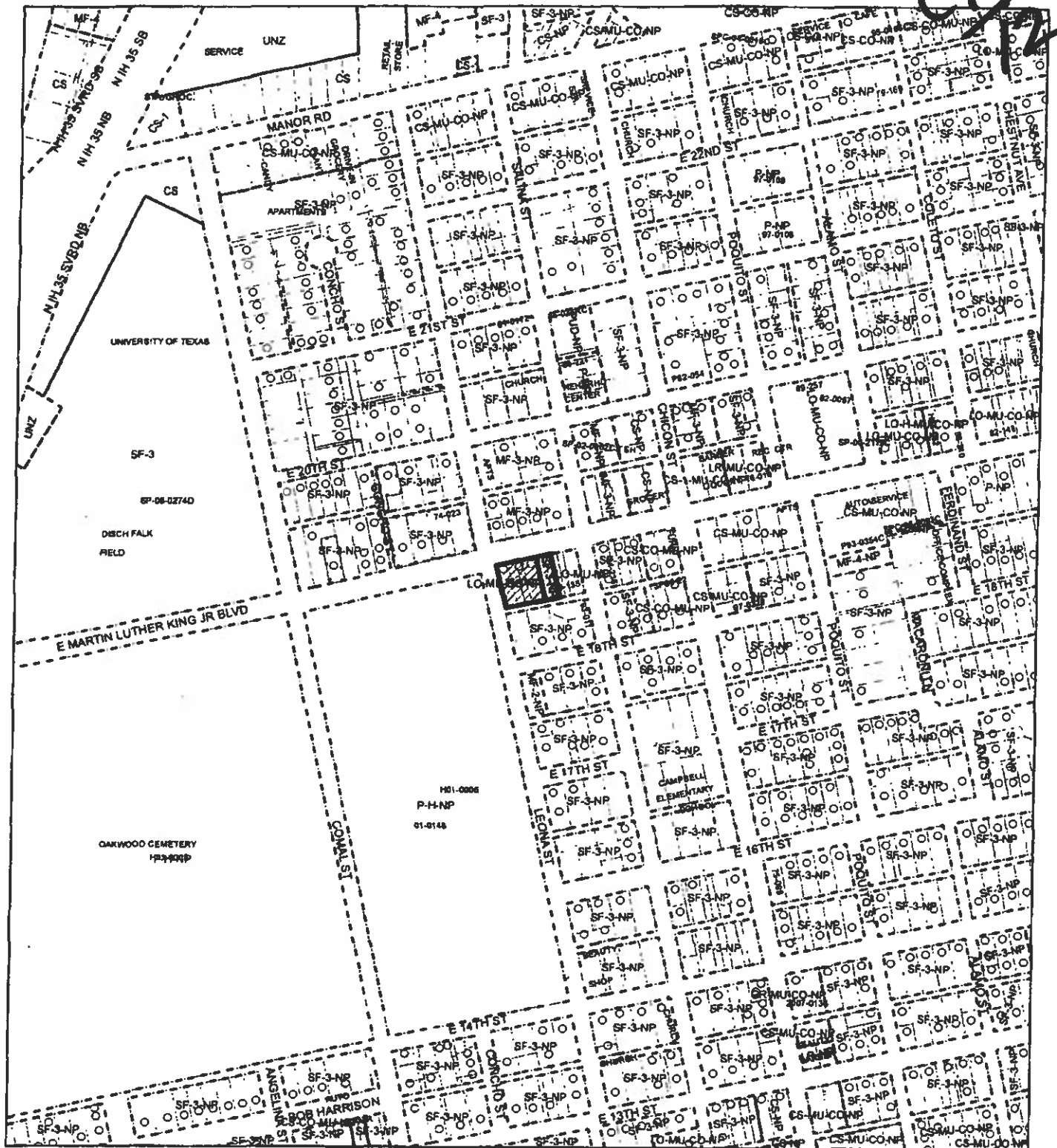
§  
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Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A Gentry  
City Clerk






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ZONING Exhibit A



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

ZONING CASE#: C14-2008-0172  
 ADDRESS: W MLK JR BLVD  
 SUBJECT AREA: 0.586 ACRES  
 GRID: K23  
 MANAGER: J. HARDEN



OPERATOR: S. MEEKS

1" = 400'

This map has been produced by GIS Services 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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**PUBLIC HEARING INFORMATION**

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2010-0184  
Contact: Joi Harden, 512-974-2122  
Public Hearing: Dec. 14, 2010, Planning Commission  
Jan. 13, 2011, City Council

Jewell Jackson  
Your Name (please print)

1709 E. 18th St.

Your address(es) affected by this application

Jewell Jackson  
Signature

12-7-10  
Date

Daytime Telephone: 512/414-7582

Comments: *We are not happy about or Chicago. We do not come to embelate their neighborhood structure. Can we not continue to have a family oriented neighborhood. We don't want more apartments on top of businesses. We don't need the extra traffic & noise. Can this one neighborhood remain as is.*

If you use this form to comment, it may be returned to: *Thank you!*

City of Austin  
Planning & Development Review Department  
Joi Harden  
P. O. Box 1088  
Austin, TX 78767-8810

