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**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2011-0024 / Chestnut

**P.C. PUBLIC HEARING DATE:** April 26, 2011

**ADDRESS:** 1709 Miriam Avenue

**OWNER:** Freehaven Development (Tom Patton) 512-732-2553

**AGENT:** FNA Land & Development (Justin Henry) 817-701-8432

**ZONING FROM:** TOD-NP-CO (Live/Work Flex and Mixed Use)

**TO:** TOD-NP-CO (Live/Work Flex)

**SITE AREA:** 1.794 acres (78,146.64 square feet)

**SUMMARY STAFF RECOMMENDATION:** The staff recommendation is to grant the change from ~~TOD-NP-CO (Transit Oriented Development – Neighborhood Plan – Conditional Overlay)~~ combining district zoning to (Transit Oriented Development – Neighborhood Plan – Conditional Overlay) combining district zoning. Currently, there is Live/Work Flex and Mixed Use within the boundary. The specific change requested by the Applicant is to expand the Live/Work Flex boundary to include the entire 1.794 acres as shown in Exhibit B. The development would still be subject to the TOD design regulations.

**ISSUES:** Staff met with members of the Chestnut Neighborhood Planning Contact Team on March 29, 2011 to discuss the proposed zoning change and Convalescent Services development.

**SUMMARY PLANNING COMMISSION RECOMMENDATION:** Pending. This case is scheduled for the Planning Commission meeting of April 26, 2011.

**DEPARTMENT COMMENTS:** The 1.794-acre site is currently zoned TOD-NP-CO (Transit Oriented Development – Neighborhood Plan – Conditional Overlay) combining district and is located on the southeast corner of Miriam Avenue and East 17<sup>th</sup> Street within the MLK TOD. The site lies within the Chestnut Neighborhood Plan and is bordered by single family zoning and residences to the west, TOD zoning and undeveloped land to the north and east, and TOD zoning and Chestnut Commons, a Smart Housing development to the south.

The subject property is undeveloped and currently divided into two subdistricts: TOD Mixed Use and Live/Work Flex. The Applicant's request is to expand the Live/Work Flex boundary to include the entire 1.794 acres for the purpose of constructing a Convalescent Services use. This type of use is for the provision of bed care and in-patient services for persons requiring regular medical attention. It excludes the provision of surgical or emergency medical services and the provision of care for alcoholism, drug addiction, mental disease, or communicable disease. The Convalescent Services development would still be subject to the TOD design regulations.

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The staff recommendation is to approve the requested zoning change because it allows for reasonable use of the property. The rezoning will only expand the Live/Work Flex boundary further east which will provide for a greater buffer between the single family residences within the Chestnut neighborhood to the west and the TOD station on Alexander Avenue to the east. Additionally, the proposed Convalescent Services use will bring employment opportunities and residents to the area which is consistent with the goals of the Transit Oriented Development.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	TOD-NP-CO	Undeveloped
<i>North</i>	TOD-NP-CO	Undeveloped
<i>South</i>	TOD-NP-CO	Chestnut Commons (Smart Housing Development)
<i>East</i>	TOD-NP-CO	Undeveloped
<i>West</i>	SF-3-NP	Single family residences

**NEIGHBORHOOD PLAN AREA:** Chestnut Neighborhood Planning Area

**TIA:** A traffic impact analysis was not required for this case.

**WATERSHED:** Boggy Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

- Chestnut Addition Neighborhood Association (C.A.N.A.)
- Austin Parks Foundation
- Homeless Neighborhood Organization
- Austin Neighborhoods Council
- Del Valle Community Coalition
- MLK Jr. Blvd. Staff Liaison
- Home Builders Association of Greater Austin
- Friends of Chestnut Neighborhood Planning Team
- League of Bicycling Voters
- Sierra Club, Austin Regional Group
- Super Duper Neighborhood Objectors and Appealers Organization
- The Real Estate Council of Austin, Inc.
- City of Austin Neighborhood Planning (Chestnut)
- Chestnut Neighborhood Planning Area
- PODER People Organized in Defense of Earth & Her Resources
- Austin Monorail Project
- United East Austin Coalition
- Chestnut Neighborhood Revitalization Coalition

**CASE HISTORIES:** There are no recent case histories on or surrounding the subject tract.

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**RELATED CASES:** The rezoning area is part of a larger property known as the Featherlite tract which was rezoned to TOD-NP-CO on April 2, 2009 (C14-2008-0031). The Conditional Overlay that applies to the Featherlite tract states that the tract is eligible to exceed the allowable square footage by 125,000 as a development bonus in exchange for a previous donation used to provide affordable housing in the MLK TOD. It is Staff's understanding that the current property owner is not using this development bonus right to the area covered by this rezoning case.

**ABUTTING STREETS:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>	<b>Average Daily Traffic</b>
Miriam Avenue	50'	30'	Local Street	N/A
East 17 <sup>th</sup> Street	60'	36'	Collector Street	N/A
East MLK Blvd.	Varies	MAU-4	Major Arterial	13,455 vehicles per day
Alexander Avenue	60'	Varies	Collector Street	1,484 vehicles per day
East 18 <sup>th</sup> Street	50'	30'	Local Street	N/A

- E. MLK Blvd. is classified in the Bicycle Plan as Bike Route No. 44. Alexander Ave. is classified as Bike Route No. 903.
- Capital Metro bus service (Route No. 18) is available along E. MLK Blvd.
- There are existing sidewalks along both sides of E. MLK Blvd., E. 17<sup>th</sup> Street, E. 18<sup>th</sup> Street, and Alexander Avenue. There are existing sidewalks only along the west side of Miriam Avenue.

**CITY COUNCIL DATE:**

May 26, 2011

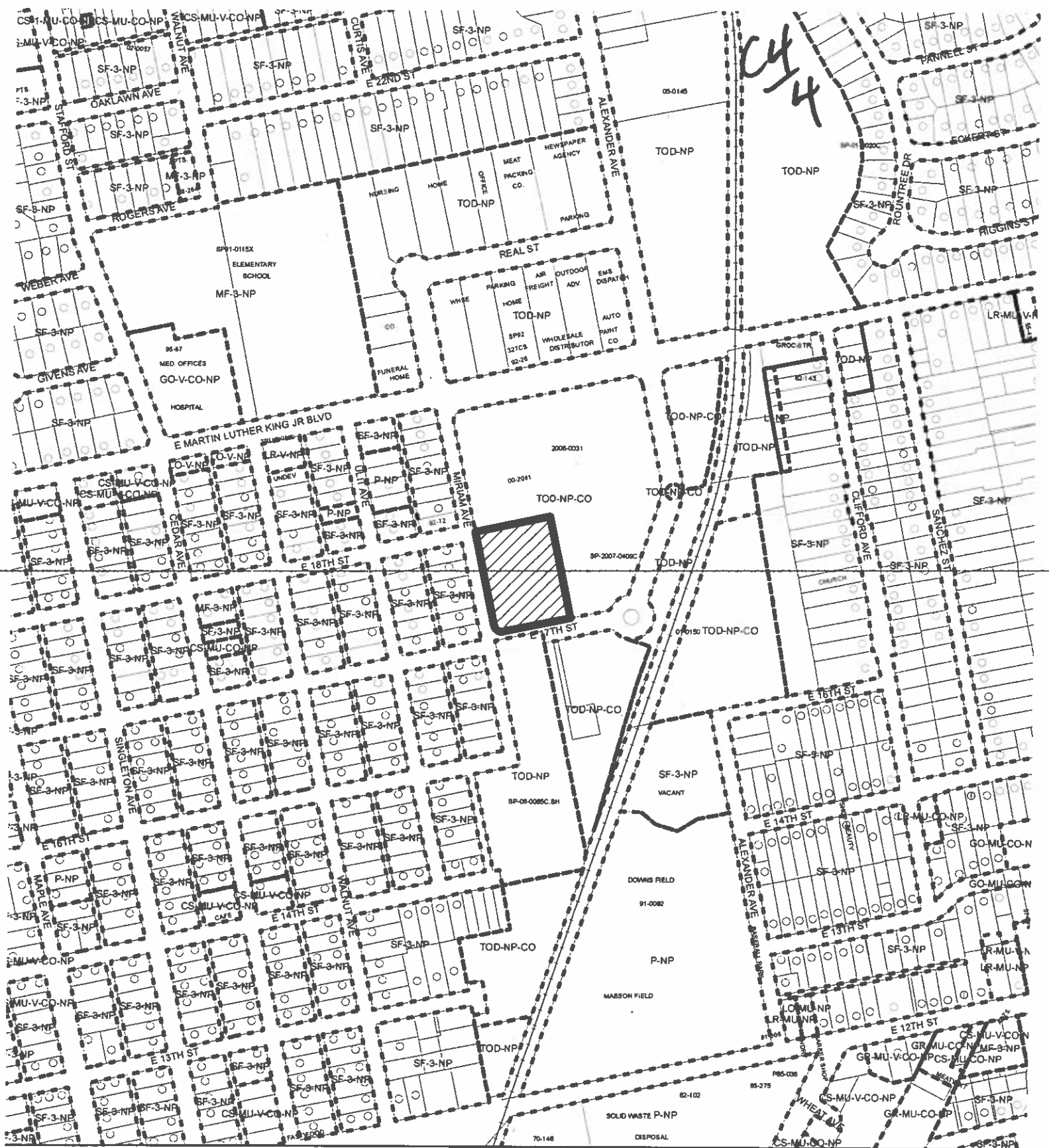
**ACTION:**

**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



**ZONING**

ZONING CASE#: C14-2011-0024  
 LOCATION: 1709 MIRIAM AVE  
 SUBJECT AREA: 1.794 ACRES  
 GRID: K23  
 MANAGER: JOI HARDEN



- N
- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

1" = 400'

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.



C14-2011-0024 - 1709 Miriam Avenue  
From TOD-NP-CO (Live/Work Flex and Mixed Use)  
to TOD-NP- CO (Live/Work Flex) combining district zoning



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## **SUMMARY STAFF RECOMMENDATION**

The staff recommendation is to grant the change from TOD-NP-CO (Transit Oriented Development – Neighborhood Plan – Conditional Overlay) combining district zoning to (Transit Oriented Development – Neighborhood Plan – Conditional Overlay) combining district zoning. Currently, there is Live/Work Flex and Mixed Use within the boundary. The specific change requested by the Applicant is to expand the Live/Work Flex boundary to include the entire 1.794 acres as shown in Exhibit B. The development would still be subject to the TOD design regulations.

## **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

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

TOD- Transit Oriented Development district is the designation for identified transit station and the area around it. The district provides for development that is compatible with and supportive of public transit and a pedestrian-oriented environment.

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~~The proposed Convalescent Services use will bring employment opportunities and residents to the area which is consistent with the goals of the Transit Oriented Development.~~

2. *The proposed zoning should allow for reasonable use of the site.*

The TOD Live/Work Flex rezoning allows a fair and reasonable use for the site. The rezoning will only expand the Live/Work Flex boundary further east which will provide for a greater buffer between the single family residences within the Chestnut neighborhood to the west and the TOD station on Alexander Avenue to the east. The development would still be subject to the TOD design regulations.

3. *Zoning should satisfy a public need and not constitute a grant of special privilege to an individual owner; the request should not result in spot zoning.*

Staff has not granted a special privilege to this property owner as the proposed rezoning of TOD Live/Work Flex is more restrictive than the existing TOD Mixed Use. Additionally, during the neighborhood process, stakeholders stated they wanted to see employment in the area in addition to housing. The proposed development will bring employment opportunities and residents to the area.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The subject property is currently undeveloped, but overlain by asphalt. The site is mostly flat with little vegetation and a few trees.

### **Impervious Cover**

The maximum impervious cover allowed by the TOD Live/Work Flex zoning district would be 95%.

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**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.

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

**Transportation**

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

A traffic impact analysis is not required for this case because the traffic generated by the proposed zoning will not exceed the threshold of 2,000 vehicle trips per day. LDC, 25-6-113.

**Water and Wastewater**

If the landowner intends to serve the site with City of Austin water and wastewater utilities; then 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 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.

**Site Plan Review**

Any new development is subject to the MLK TOD Regulating Plan. Additional comments will be made when the site plan is submitted.

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The site is subject to compatibility standards. Along the west property line, 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.
- 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.

Additional design regulations will be enforced at the time a site plan is submitted.

FYI – Compatibility Standards apply within the TOD.



# Exhibit A

SKETCH TO ACCOMPANY FIELD NOTE DESCRIPTION OF 1.794 ACRES OF LAND, BEING A PORTION OF LOT 1, BLOCK RESUBDIVISION OF CHESTNUT STATION AND CHESTNUT STATION SECTION 2, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT No. 200900070 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS.

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SURVEYED: November 10, 2010

BY:

*Holt Carson*  
Holt Carson

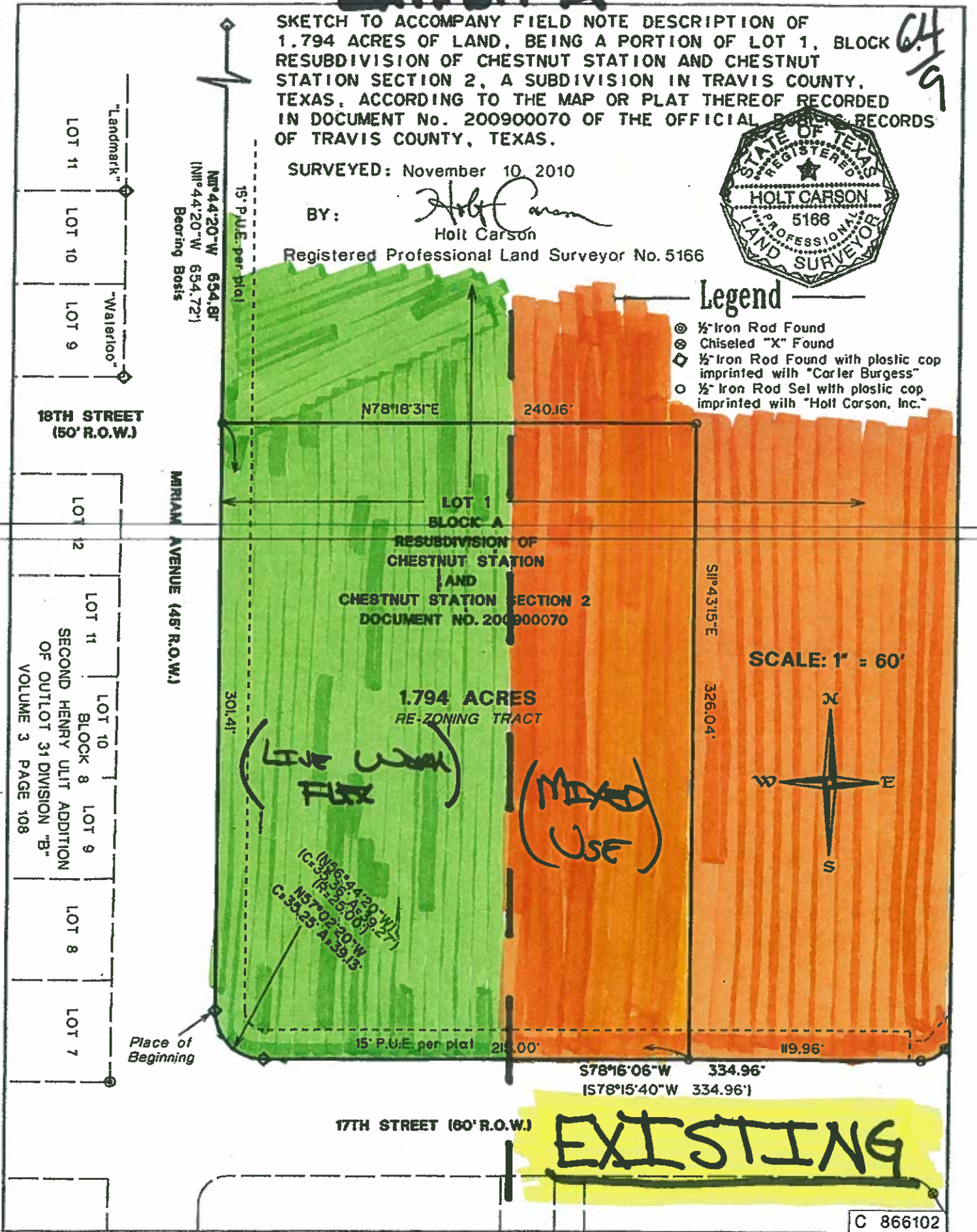
Registered Professional Land Surveyor No. 5166



## Legend

- ⊙ ½" Iron Rod Found
- ⊗ Chiseled "X" Found
- ◇ ½" Iron Rod Found with plastic cap imprinted with "Carler Burgess"
- ½" Iron Rod Set with plastic cap imprinted with "Holt Carson, Inc."

SCALE: 1" = 60'



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# Exhibit B

SKETCH TO ACCOMPANY FIELD NOTE DESCRIPTION OF 1.794 ACRES OF LAND, BEING A PORTION OF LOT 1, BLOCK A, RESUBDIVISION OF CHESTNUT STATION AND CHESTNUT STATION SECTION 2, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT No. 200900070 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS. c4/0

SURVEYED: November 10, 2010

BY:

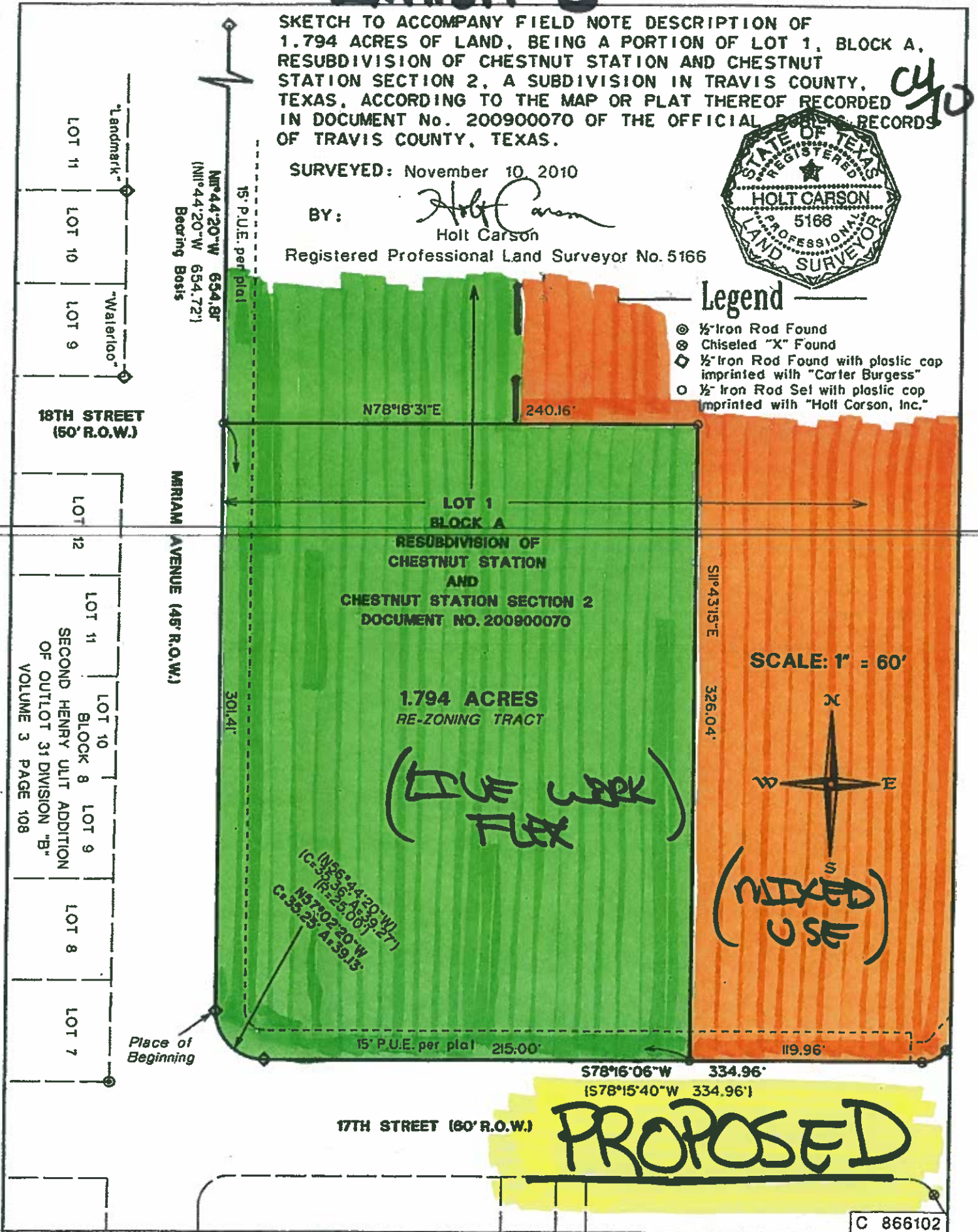
*Holt Carson*  
Holt Carson

Registered Professional Land Surveyor No. 5166



## Legend

- ⊙ 1/2" Iron Rod Found
- ⊗ Chiseled "X" Found
- ◊ 1/2" Iron Rod Found with plastic cap imprinted with "Carter Burgess"
- 1/2" Iron Rod Set with plastic cap imprinted with "Holt Carson, Inc."

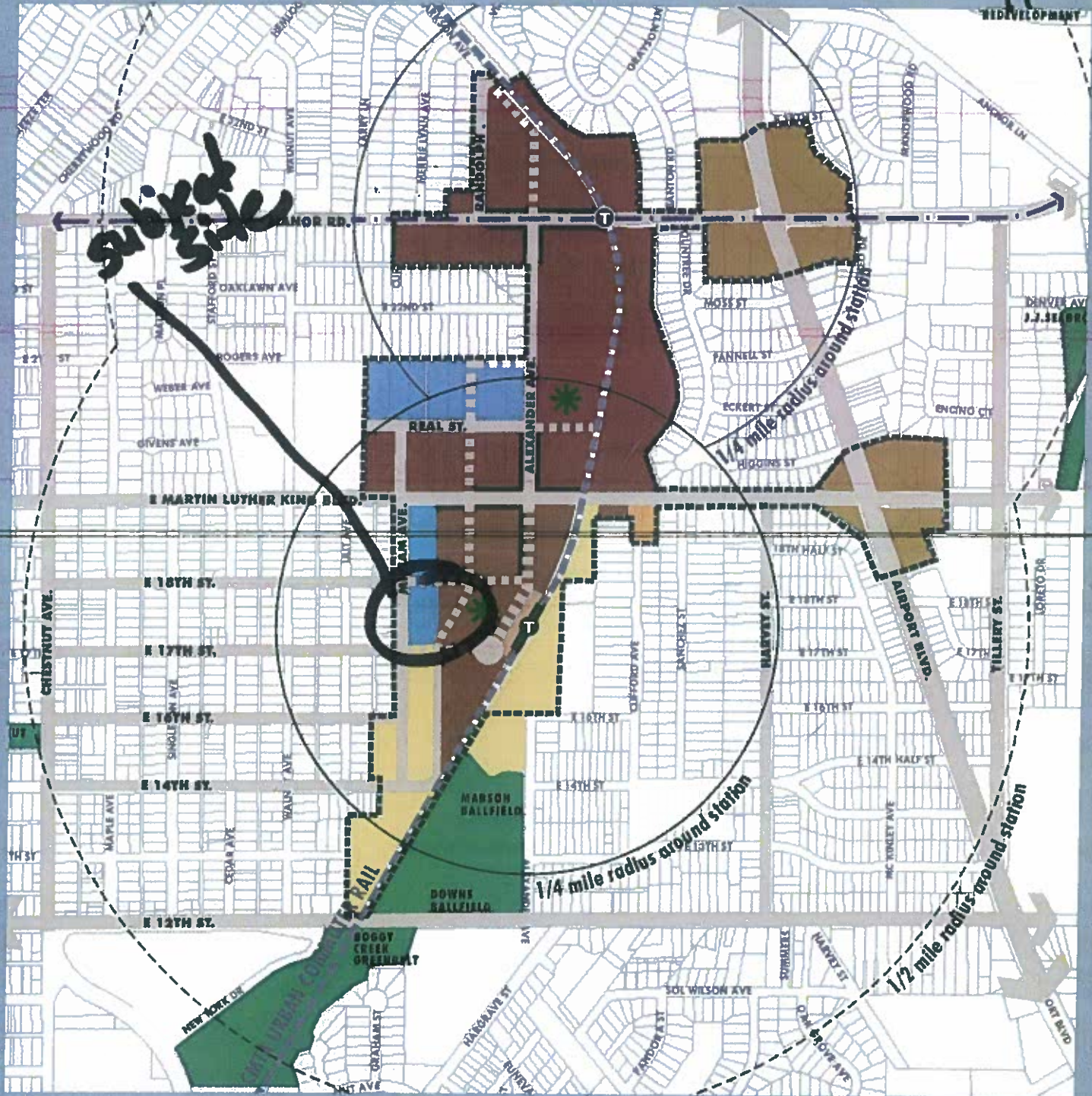


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# LAND USE AND DESIGN CONCEPT PLAN



## LEGEND

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- TOD MIXED USE (showing active edges)
- CORRIDOR MIXED USE
- LIVE/WORK FLEX
- EXISTING CITY PARKLAND
- POTENTIAL PARKLAND
- EXISTING STREETS
- POTENTIAL NEW STREETS
- TOD DISTRICT BOUNDARY
- POTENTIAL STREETCAR ROUTE
- T METRORAIL STATION
- T POTENTIAL STREETCAR STOP
- TRANSIT PLAZA

