

**ZONING CHANGE REVIEW SHEET**

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**CASE:** C14-2011-0084 – Noble Capital LLC

**P.C. DATE:** 10/11/2011

**ADDRESS:** 2937 E. Martin Luther King, Jr. Blvd.

**OWNER/APPLICANT:** Noble Capital Servicing, LLC (Jordan Newman)

**AGENT:** Noble Capital (Minka Anderson)

**ZONING FROM:** SF-3-NP

**TO:** LR-MU-NP

**AREA:** 0.19 acres (8,276 ft<sup>2</sup>)

**SUMMARY STAFF RECOMMENDATION:** Staff recommends approval of the rezoning request to (LR-MU-NP) Neighborhood Commercial-Mixed Use-Neighborhood Plan combing district Zoning.

**DEPARTMENT COMMENTS:** This property is zoned SF-3-NP and is currently undeveloped. The applicant seeks to rezone the subject property in order to be consistent with the adjacently zoned LR-MU-NP property, for a future commercial restaurant project on both properties.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NP	Undeveloped
<i>North</i>	SF-3-NP	Single Family
<i>South</i>	SF-3-NP	Single Family
<i>East</i>	LR-MU-NP	Restaurant
<i>West</i>	SF-3-NP	Single Family

**TIA:** Waived

**WATERSHED:** Boggy Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

- Austin Neighborhoods Council
- East MLK Homeowner's Association
- McKinley Heights Neighborhood Association
- Del Valle Community Coalition

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**BASIS FOR RECOMMENDATION**

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

The neighborhood commercial district is intended for neighborhood retail facilities that provide limited business service and office facilities predominately for the convenience of residents of the neighborhood. The proposed project will expand and replace an existing neighborhood restaurant.

2. *Zoning changes should promote compatibility with adjacent and nearby uses.*

The requested rezoning is consistent with commercially zoned located along the core transit corridor of Martin Luther King, Jr. Boulevard.

**EXISTING CONDITIONS**

**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.

**Water and Wastewater**

If 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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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

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tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

**Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

**Transportation:**

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

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

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Martin Luther King	60	MAU 4	Arterial	Yes	Yes	Yes

**Site Plan:**

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Just outside the lot line facing E. Martin Luther King Blvd is within the East MLK Transit Oriented Development Area.

The site is subject to compatibility standards. Along all property lines adjacent to single family, the following standards will apply with any future development:

- 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 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.
- Setback requirements may be less due to proposed width of lot at the time of development – see Land Development Code Sections 25-2-1051 through 1081 for more information.
- Additional design regulations will be enforced at the time a site plan is submitted.

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CITY COUNCIL DATE: 11/10/11

ACTION:

ORDINANCE READINGS: 1st

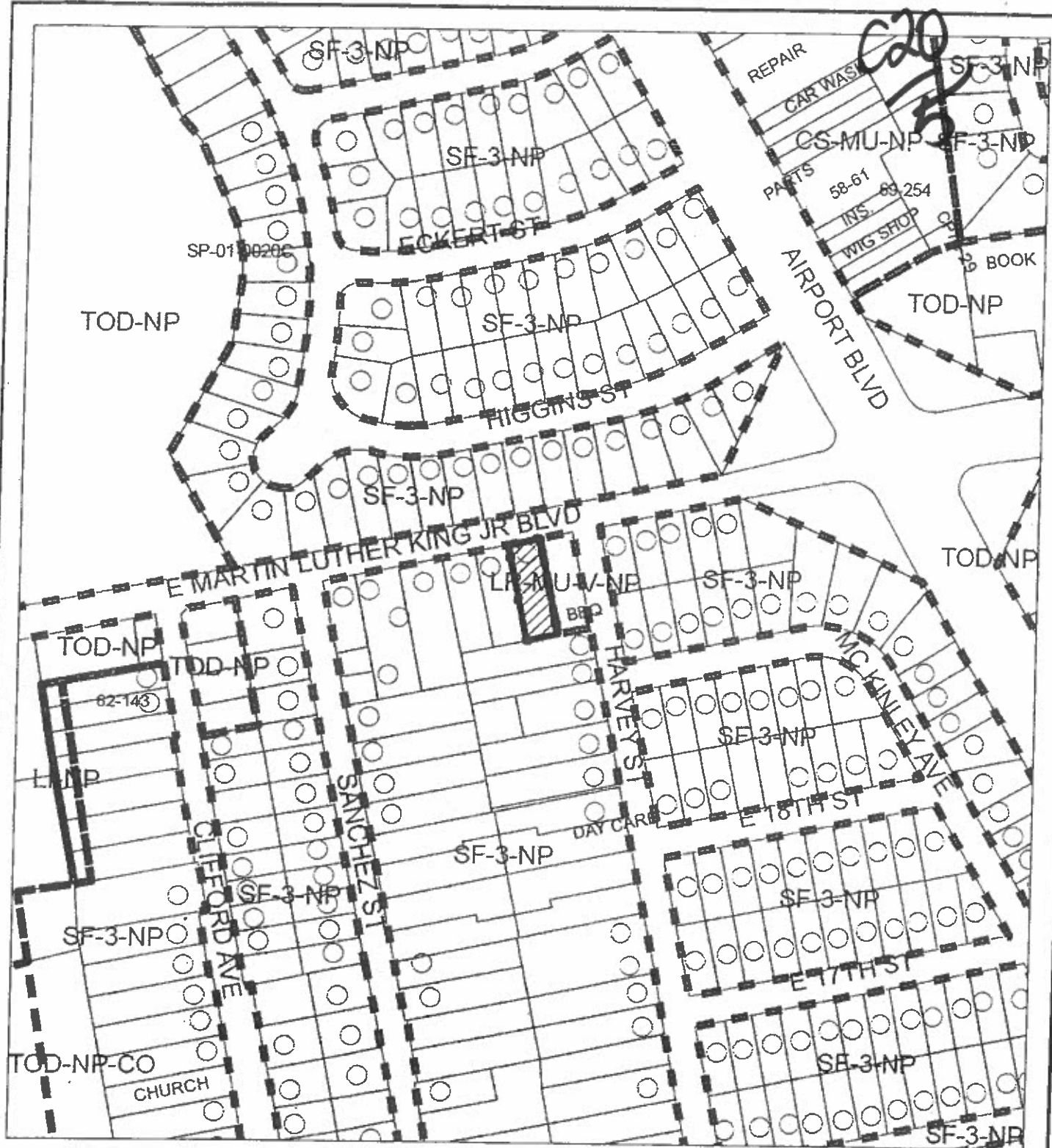
2<sup>nd</sup>




3<sup>rd</sup>

ORDINANCE NUMBER:

CASE MANAGER: Stephen Rye

PHONE: 974-7604  
[stephen.rye@austintexas.gov](mailto:stephen.rye@austintexas.gov)



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**ZONING**  
 ZONING CASE#: C14-2011-0084



1" = 200'

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

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





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## MEMORANDUM

TO: Chairman Sullivan & Commission Members

FROM: Clark Patterson, AICP  
Planning and Development Review Department

DATE: October 3, 2011

SUBJECT: C14-2010-0016 – Helms Condominiums

The applicant is requesting that this case be postponed to the October 25th Planning Commission agenda.