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ZONING CHANGE REVIEW SHEET

CASE: C14-2012-0037 **P.C. DATE:** April 24, 2012
East MLK Mixed Use
ADDRESS: 2911 & 2915 E. Martin Luther King Jr. Blvd. **AREA:** 0.3427 acres
OWNER: AJN 2915 MLK LP (Jesse Lunsford)
AGENT: City of Austin Planning & Development Review Dept. (Jerry Rusthoven)
FROM: Transit Oriented Development-Neighborhood Plan (TOD-NP): low density residential, medium density residential, and mixed use subdistricts
TO: Transit Oriented Development-Neighborhood Plan (TOD-NP): mixed use subdistrict

NEIGHBORHOOD PLAN AREA: MLK TOD **TIA:** Is not required

WATERSHED: Boggy Creek **DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: No **SCENIC ROADWAY:** No

SUMMARY STAFF RECOMMENDATION:

Staff recommends this City initiated zoning request. The request has been made to correct an apparent error made by City staff during the process of creating the MLK TOD Land Use and Design Concept Plan.

PLANNING COMMISSION RECOMMENDATION:

April 24, 2012:

DEPARTMENT COMMENTS:

The subject property is comprised of two lots that are located along E. Martin Luther King Jr. Blvd (E MLK). 2911 is the westernmost lot, and is occupied by a parking lot that serves the grocery/convenience store on 2915 E MLK, to the east. Clifford Avenue is immediately east of the subject property. Collectively, the subject property is typically referred to as 2915 E MLK, since that is the mailing address for the store. Single family residences are located immediately south of the subject property, as well as across Clifford to the east and across MLK to the northeast. To the west is undeveloped land and railroad right-of-way that forms the focus of the TOD. Please refer to Exhibits A and B (Zoning Map and Aerial View).

The TOD zoning process began with the adoption of the TOD Ordinance in May 2005, which identified TOD district boundaries for the Station areas along with interim regulations relating to land use, parking, and site/building design, including the MLK TOD. Next were Station Area Plans, and in March 2009, a Regulating Plan was adopted by City Council to

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specify development regulations for all properties within the MLK TOD district. A Land Use and Design Concept Plan, which identifies where different land uses are permitted, was part of the Regulating Plan. Please see attached Exhibit C (MLK TOD Map).

Prior to adoption of the MLK TOD in March 2009, City staff worked with property owners, residents, neighborhood groups, and other interested parties in the development of the TOD. The owner of 2911/2915 coordinated with City staff to ensure that his lots would be zoned TOD-NP with the mixed use subdistrict. Please see attached correspondence between the property owner and City staff, which verifies that TOD-NP-mixed use was recommended by staff in January 2009 (Exhibit D- Correspondence).

Additionally, City Council support materials from the TOD adoption process show other instances that verify the TOD-NP-mixed use zoning in this location. The attachments from the April 10, 2008, meeting show that 2915 E. MLK was considered mixed use, as outlined in a discussion about an adjacent property. (Exhibit E- City Council Meeting).

Based on Staff review it appears that the western boundary of the zoning subdistrict may have been drawn to follow the creekline, instead of the property line. This allowed the low density residential subdistrict to encroach on the western portion of the property. Additionally, it appears that the eastern boundary may have been drawn on the property line between 2911 and 2915 E MLK—between the store and its parking lot. This allowed the medium density residential subdistrict to encroach on the eastern portion. This was not intended by City staff or the property owner, thereby triggering this zoning request. Please refer to Exhibits F and G (Detail Area Maps).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	TOD-NP - low density residential, mixed use, medium density residential	Grocery/convenience store, parking lot
<i>North</i>	TOD-NP - mixed use	Undeveloped, floodplain
<i>South</i>	SF-3-NP	Single family residential
<i>East</i>	TOD-NP – medium density residential	Residential
<i>West</i>	TOD-NP – low density residential	Floodplain, undeveloped, railroad right-of-way

RELATED CASES:

Before the development of the MLK TOD, the East MLK Combined Neighborhood Plan and various zoning ordinances addressed land use in the area. The NP Ordinance adopted the plan document and Future Land Use Map in 2002 (Ordinance 021107-Z-II). In 2008-2009, the NPA ordinance amended the MLK neighborhood plan to include the MLK TOD Station Area Plan as an element and changed the FLUM for properties within the MLK TOD District (City File NPA-2008-0015.01; Ordinance 20090312-032). The associated zoning ordinance

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adopted the MLK Station Area Plan, rezoned those properties to "TOD", and adopted the Regulating Plan establishing the zoning, site development, and design regulations for TOD zoning (City File C14-2008-0031; Ordinance 20090312-027).

ABUTTING STREETS:

Name	ROW	Pavement	Class	Sidewalk	Bus Route	Bike Route
Martin Luther King, Jr. Blvd.	Varies	Varies	Arterial	Both sides	Y- No.18	Y
Clifford Ave.	60'	40'	Local	East side of street	N	N

NEIGHBORHOOD ORGANIZATIONS:

Austin Neighborhoods Council
 PODER
 Chestnut Addition Neighborhood Association
 Chestnut Neighborhood Revitalization Corporation
 United East Austin Coalition
 African American Cultural Heritage District
 Rosewood Neighborhood Contact Team
 Friends of Chestnut Neighborhood Planning Contact Team
 SELTexas
 Austin Heights Neighborhood Association

SCHOOLS:

Campbell Elementary School Kealing Middle School McCallum High School

CITY COUNCIL DATE: May 24, 2012

ACTION:

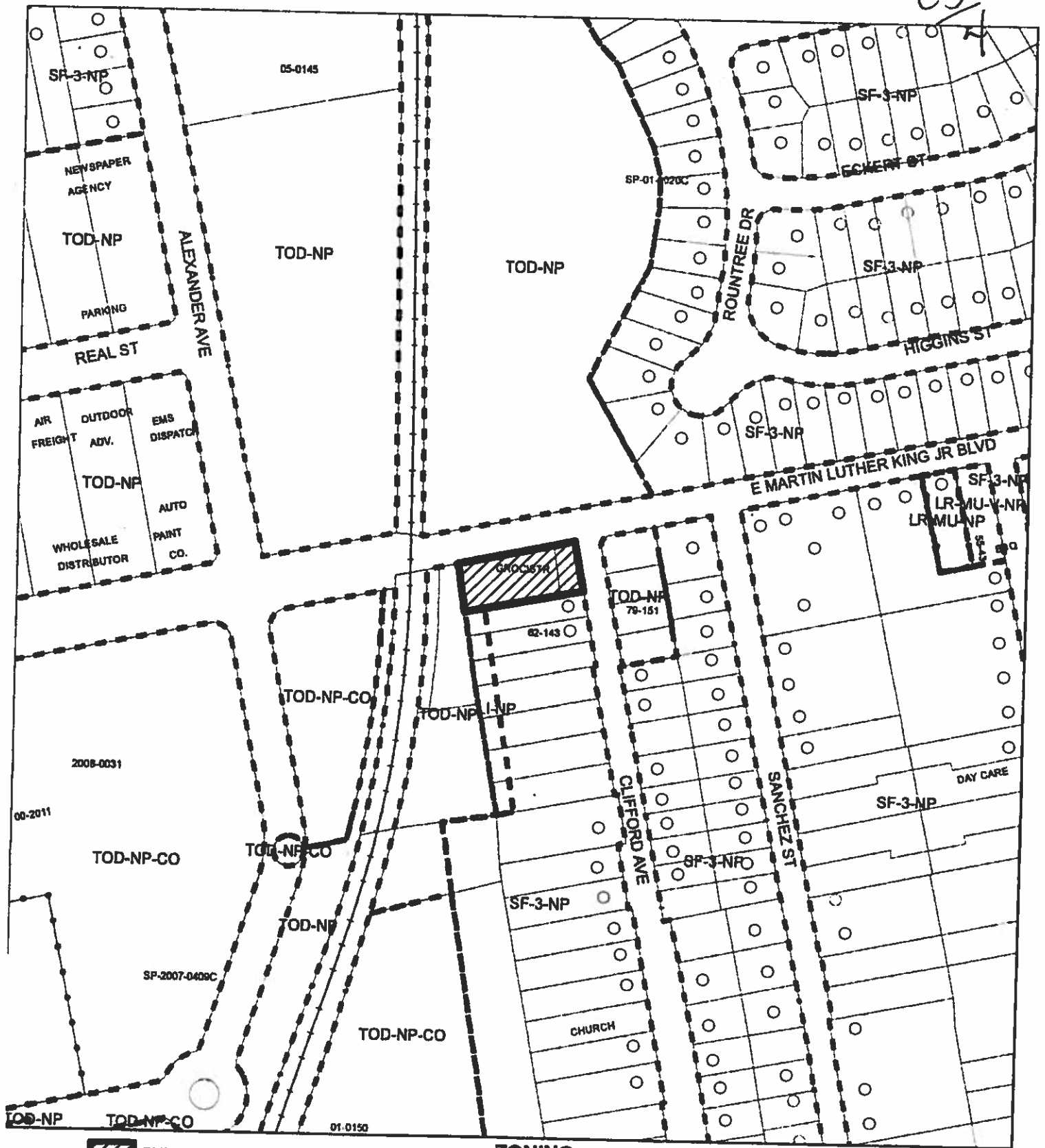
ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin
 e-mail: heather.chaffin@austintexas.gov

PHONE: 974-2122

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ZONING CASE#: C14-2012-0037



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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Loayza, Katherine

EXHIBIT D -
CORRESPONDENCE

From: jesse.lunsford@
Sent: Wednesday, November 16, 2011 2:02 PM
To: Loayza, Katherine
Subject: Fwd: MLK Station Area Plan Update
Katherine,

I found this email from Sonya Lopez. As I mentioned we discussed the zoning and use of the MLK sites in detail. In this email, she indicates that 2915 was to be commercially zoned.

----- Forwarded message -----
From: Lopez, Sonya <Sonya.Lopez@ci.austin.tx.us>
Date: Thu, Jan 22, 2009 at 1:00 PM
Subject: RE: MLK Station Area Plan Update
To: Jesse Lunsford

Sorry that took a bit longer than expected Jesse. Please see my response below in bold. This is based on the current proposal in the MLK Station Area Plan that will hopefully be approved by the City Council on Feb. 12, 2009. If so, the effective date of the new zoning would be March 1, 2009.

Regards.

Sonya Lopez

Principal Planner

City of Austin, Neighborhood Planning & Zoning Department

505 Barton Springs Road

Austin, TX 78704

Tel: 512-974-7600

Fax: 512-974-7609

E-mail: Sonya.Lopez@ci.austin.tx.us

Planning webpage: <http://www.ci.austin.tx.us/planning>

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Please note: E-mail correspondence to and from the City of Austin is subject to requests for required disclosure under the Public Information Act.

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

From: jesse.lunsford@
Lunsford
Sent: Saturday, January 17, 2009 5:01 PM
To: Lopez, Sonya
Subject: Re: MLK Station Area Plan Update

On Behalf Of Jesse

Sonya,

Do you have a summary of the details?

Specifically, the new zoning for 2915, 2911, 2907 E MLK and 2824 Real St.?

[Lopez, Sonya] The new zoning for all of these parcels will be TOD-NP (Transit-Oriented Development - Neighborhood Plan). You need to look at the Draft MLK Regulating Plan to see all of the details of the regulations. This document is located here: http://www.ci.austin.tx.us/planning/tod/mlk_sap_activities.htm. In terms of understanding your basic site development regulations you'll need to know the land use subdistrict that a property is in and this is illustrated on the Land Use and Design Concept Plan map in the Regulating Plan.

At 2915 and 2911 the land use subdistrict is called TOD Mixed Use. You can do a significant number of commercial and residential uses. FAR is 2:1 and maximum height without a development bonus is 40 feet, the same as under current zoning (but a height bonus is possible if certain criteria are met). Maximum density without a development bonus is 45 units per acre. See Article 2 and Section 4.2 of the MLK Regulating Plan for specific details on development regulations

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2907 has a TOD land use designation of low density residential as the property is almost entirely within the 100-year floodplain and has very limited roadway access and visibility. You can do between 9 and 16 dwelling units per acre here and FAR is 2:1. Again, see Article 2 and Section 4.2 of the MLK Regulating Plan for specific details on development regulations. Maximum height is 60 feet, which is consistent with the current zoning.

2824 Real Street is in a TOD land use subdistrict called Live/Work flex. It's intended to be primarily a residential category but does allow for several non-residential uses so mixed use is allowed and encouraged. In this subdistrict you can build between 17 and 45 residential units per acre without a development bonus and the FAR is 2:1. The height limit is 60 feet, consistent with current zoning. Again, see Article 2 and Section 4.2 of the MLK Regulating Plan for specific details on development regulations.

Let me know if you need anything else Jesse.

If you do it would be super helpful.

Thanks,

Jesse

On Fri, Jan 16, 2009 at 12:42 PM, Lopez, Sonya

<[\[redacted\]](#)> wrote:

- > Good afternoon,
- >
- > Yesterday the City Council postponed final action on the MLK Station Area
- > Plan to February 12, 2009. It will be on the 4:00 agenda at City Hall. I
- > will send out a reminder email as this date approaches.

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> Regards.
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> Sonya Lopez
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> Principal Planner
>
> City of Austin, Neighborhood Planning & Zoning Department
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> 505 Barton Springs Road
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> Austin, TX 78704
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> Tel: 512-974-7694
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> Fax: 512-974-2269
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> E-mail: SONYA.LOPEZ@CITYOF.AUSTIN.TX
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> Planning webpage: http://www.cityofaustin.gov/planning
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VI. Information Submitted by Property Owners or Neighborhood Groups for Council Consideration

a. The owners of the following properties responded to the legal notice against the MLK Station Area Plan TOD Rezoning

- i. 1815 Clifford Ave. (5,250 square foot lot with a new single family home at the corner of Corner of Clifford and MLK Jr. Blvd. – see map at back of this packet)
 - Proposal in Draft Plan is for Medium Density Residential
 - Owner objects to rezoning because she purchased her home on a CS-MU-CO-NP zoned lot and wants it to remain that way; she has concerns about reducing the value of her property.
- * ii. 2907 E. MLK Blvd. (approx. 12,000 square foot undeveloped property east of railroad tracks in 100- and 500-year floodplain – see map at back of this packet)
 - Current zoning is LI-NP
 - Proposal in Draft Plan is for Low Density Residential due to environmental constraints, lack of visibility, and limited access to the site.
- * ▪ The owner requests that this property be included in the TOD Mixed Use like his adjacent parcel to the east at 2915 E. MLK Blvd.

b. Chestnut Addition Neighborhood Association (CANA) Comments

Thank you for the opportunity to convey the concerns of the Chestnut Addition Neighborhood Association regarding the draft Station Area Plan for the Martin Luther King, Jr. Blvd. transit station. CANA has authorized its development committee to respond to your request for comments. Here are the areas we would like to see addressed:

Compatibility Standards along Miriam Avenue

CANA has requested that compatibility standards apply for a distance of 200 feet from single family homes on Miriam Street. Currently, the Draft Station Area Plan proposes that throughout the TOD District, compatibility standards apply for a distance of 100 feet from a single family use or zoning so that the interior of the TOD District may achieve base height entitlements

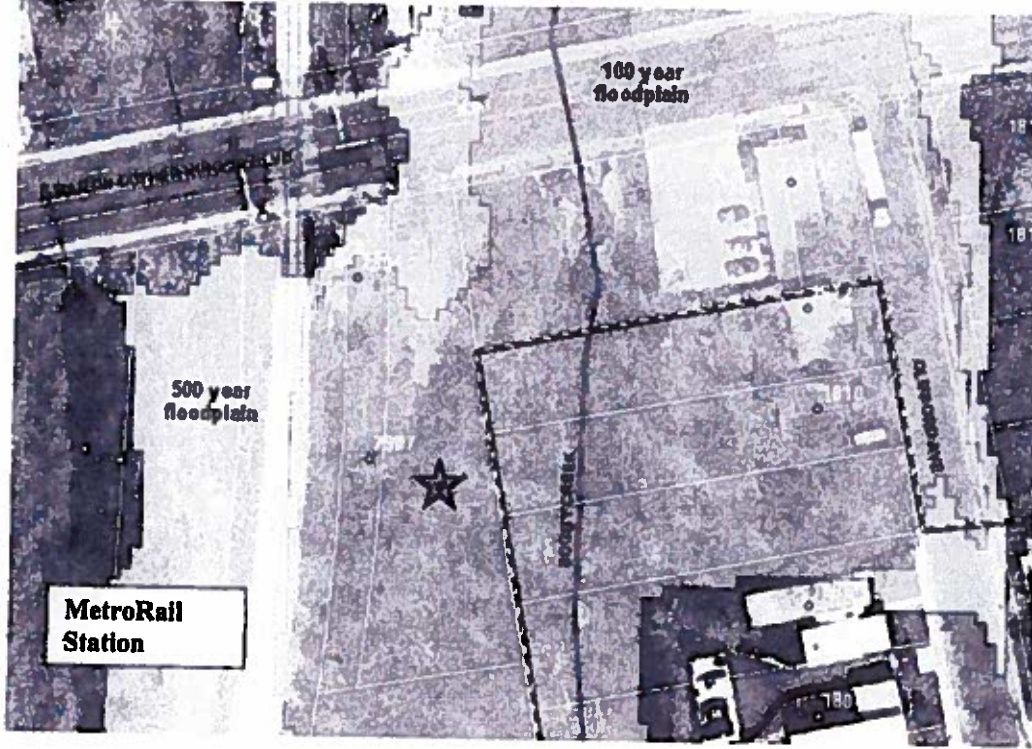
Connection between TOD District and E. 12th Street Redevelopment Efforts

The connection of the TOD district and East 12th Street redevelopment efforts. As you know, the Chestnut neighborhood borders East 12th from Boggy Creek to Chicon Street. As a constituent neighborhood of the Austin Revitalization Authority, we have been deeply involved in the negotiations over the East 12th Street NCCD. In order for that effort and the MLK SAP/TOD efforts to reach their full potential, we strongly believe the two must be coordinated. At a minimum, this could be accomplished by a link through the rails to trails initiative, but we believe that all involved would be better served if the land along both the north and south sides of

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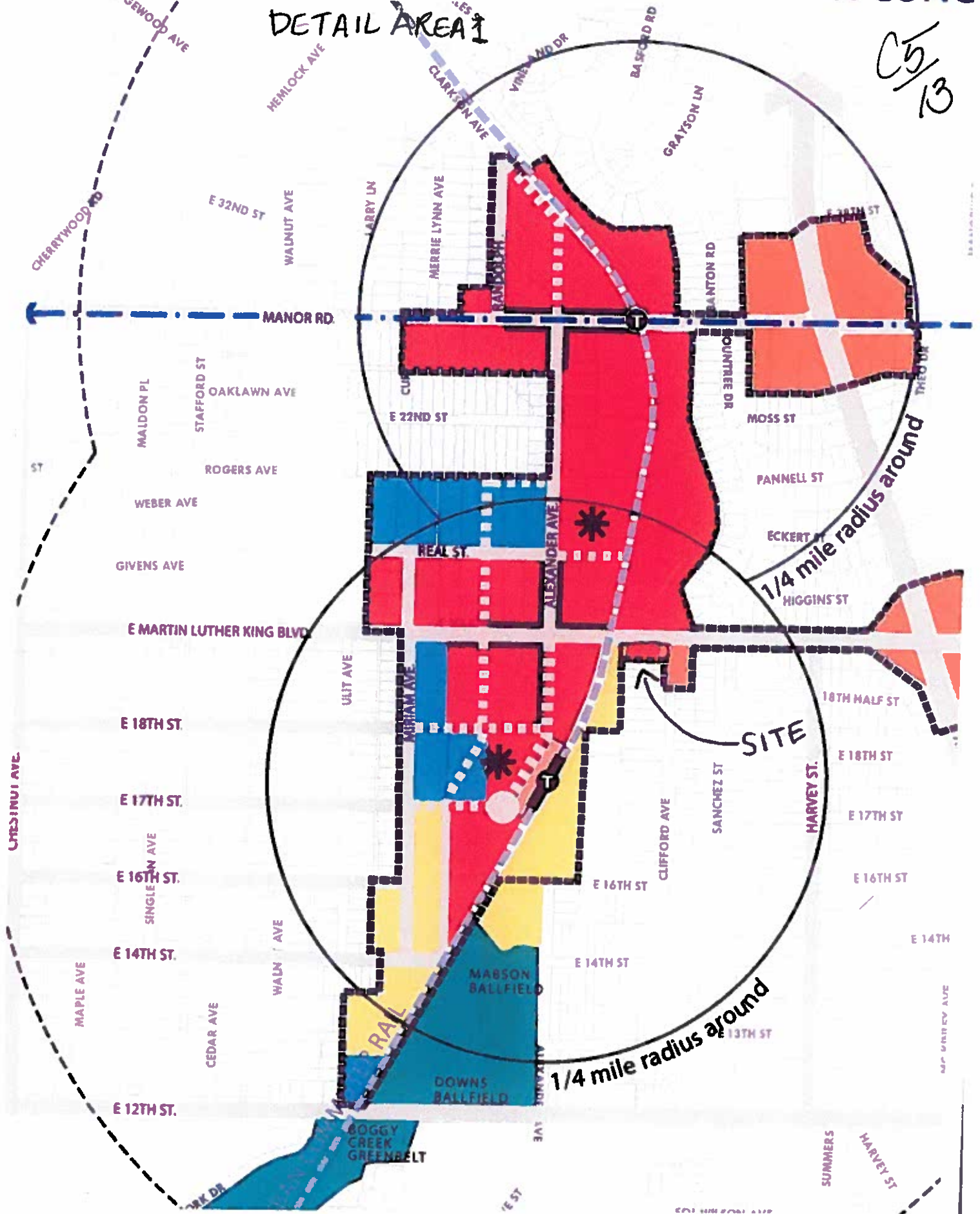
MLK Station Area Plan – City Council April 10, 2008

2907 E. MLK Blvd.



OD EXHIBIT F. E. MLK ZONING LAND USE AND DESIGN CONC DETAIL AREA 1

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E, MLK ZONING

EXHIBIT G
DETAIL AREA 2

