

ZONING CHANGE REVIEW SHEET

CASE: C14-2016-0025
St. James Missionary Baptist Church

P.C. DATE: June 14, 2016

ADDRESS: 3417 E. Martin Luther King, Jr. Blvd.

AREA: 6.27 Acres

DISTRICT: 1

OWNER: St. James Missionary Baptist Church (Thomas J. Owens)

AGENT: Urban Design Group (Laura Troups)

FROM: SF-3-NP

TO: SF-6-NP

NEIGHBORHOOD PLAN AREA: East MLK Combined NPA

SCENIC ROADWAY: No

WATERSHED: Tannehill Branch Creek

TIA: N/A

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SUMMARY STAFF RECOMMENDATION:

Staff supports the request of Townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning.

ISSUES:

A tributary to Tannehill Branch Creek runs roughly along the eastern boundary of the rezoning tract, extending south from East Martin Luther King, Jr. Boulevard (MLK) to the northern boundary of Evergreen Cemetery. At MLK, the tributary crosses under a bridge and has floodplain and critical water quality zones. These factors, as well as the very limited street frontage on MLK, preclude vehicular access to MLK. Additionally, the tributary is contained within a drainage easement, which cannot be crossed to provide extension or connection of East 17th Street across the rezoning tract. Therefore, vehicular access will be provided to East 17th Street only. Please see *Exhibits A and B (Aerial View and Property Survey)*.

PLANNING COMMISSION RECOMMENDATION:

June 14, 2016:

DEPARTMENT COMMENTS:

The subject property is located on the south side of East Martin Luther King, Jr. Boulevard (MLK) a half-block east of Loreto Drive, and approximately 1,000 feet east of Airport Boulevard. The proposed rezoning tract is a portion of a property zoned SF-3-NP and owned by St. James Missionary Baptist Church. The church occupies the eastern portion of their property, and proposes to rezone the western portion of their property so they can sell it for development. The proposed area to be rezoned is undeveloped. East of the church campus are more SF-3-NP properties developed with single family residences, as well as a nursing home zoned MF-3-NP. South of the rezoning tract is Evergreen Cemetery, which is zoned Public (P-NP). West of the rezoning tract is a small residential neighborhood zoned SF-3-NP. Further west, across Tillery Street, is a limited warehousing property zoned GR-MU-NP. Please see *Exhibit C (Zoning Map)*.

As stated in the Issues section of this report, the subject property will take vehicular access to East 17th Street only. Staff encourages connectivity and multiple access points for residential projects, but the physical constraints

of the site preclude access to MLK or an extension of East 17th Street. The northern boundary of the rezoning tract, at MLK, is located at a bridge crossing of 100-year floodplain. Additionally, the distance between Loreto Drive and this MLK frontage does not meet safe driveway spacing requirements. Construction of a driveway at this location would require modification of the bridge and could increase conflict points with Loreto Drive. Regarding any extension of East 17th Street, the large drainage easement between the rezoning tract and the remainder of the Church's property prevents construction of a through-street across the rezoning tract that could connect to the east. A neighborhood traffic analysis (NTA) was not triggered at the time of this rezoning request; however, Staff retains the option to require a NTA at time of site plan, if warranted.

STAFF RECOMMENDATION:

Staff supports the request of Townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. The physical constraints of the site—drainage, configuration, trees and more—make development of a traditional SF-3-NP subdivision extremely difficult. The layout and site design flexibility of SF-6-NP was created for properties with these kinds of constraints.

Additionally, the site is designated for Mixed Residential on the Future Land Use Map (FLUM). The proposed SF-6-NP rezoning would allow additional housing types in the area, which has single family and multifamily residences. The MLK Neighborhood Plan specifically recommends, "Allow a mix of residential uses on the larger tracts between Loreto and EM Franklin." Compatibility standards to the west and east will buffer neighbors from any SF-6-NP development, which will also be impacted by the environmental constraints on the site.

1. Zoning should allow for reasonable use of the property.

Any development on the property will face significant physical constraints due to drainage, lot configuration and extensive tree coverage. These constraints will be a challenge when designing a site plan for townhouses or condominiums, but the constraints are even more challenging to the more rigid design standards of a residential subdivision—lot size and dimensions, street design, block length, etc. The residential subdivision standards associated with SF-3 development would result in an underdeveloped property.

2. Zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing.

In addition to City-wide housing goals, the MLK Neighborhood Plan specifically recommends, "Allow a mix of residential uses on the larger tracts between Loreto and EM Franklin." Projects that promote infill and a mix of residential housing types create a wider variety of housing options and price ranges.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Undeveloped
<i>North</i>	SF-3-NP, P-NP	Single family residences, J.J. Seabrook Greenbelt Park
<i>South</i>	P-NP	Cemetery
<i>East</i>	SF-3-NP, MF-3-NP	Religious assembly, Convalescent services, Single family residential
<i>West</i>	SF-3-NP, GR-MU-NP	Single family residences, Limited warehousing

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
E. MLK Blvd.	114'	66'	Major Arterial	Yes	Yes	Yes
E. 17th Street	50'	28'	Local	No	No	Yes

RELATED CASES:

CITY FILE # / NAME	ZONING FROM & TO	STAFF REC.	PLANNING COMMISSION	CITY COUNCIL
C14-2008-0243.SH 3522 E. MLK	SF-6-NP to MF-2-NP	MF-2-CO- NP	Max 2,000 vehicles/day, max 22 dwelling units	03/12/2009: Approve Ord No. 20090312-042, MF-2-CO-NP
C14-2008-0031 MLK TOD	Various to TOD-NP	TOD-NP	TOD-NP	03/12/2009: Approve Ord No. 20090312-027, TOD-NP

RELATED CASES: The MLK Neighborhood Plan and associated rezonings were approved by Council on November 7, 2002 (C14-02-0142.003— Ordinance No. 021107-Z-12c). The MLK NPA was later incorporated into the East MLK Combined NPA. The FLUM designation on this site is Mixed Residential, so a neighborhood plan amendment is not required.

SCHOOLS:

Campbell Elementary School

Kealing Middle School

McCallum High School

NEIGHBORHOOD ORGANIZATIONS:

Austin Neighborhood Council
 Del Valle Community Coalition
 East Austin Conservancy
 Homeless Neighborhood Association
 Martin Luther King, Jr. Neighborhood Association
 Friends of Austin Neighborhoods
 J.J. Seabrook Neighborhood Association
 Claim Your Destiny Foundation
 Austin Heritage Tree Foundation
 East MLK Combined Neighborhood Contact Team
 METSA Neighborhood Association
 East MLK Combined Neighborhood Association
 Preservation Austin
 SELTexas
 AISD
 Sierra Club, Austin Regional Group

CITY COUNCIL DATE/ACTION: August 11, 2016

ORDINANCE READINGS: 1st 2nd 3rd **ORDINANCE NUMBER:**

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

PHONE: 512-974-2122

ADDITIONAL STAFF COMMENTS:

SITE PLAN

SP1 Site plans will be required for any new development other than single-family or duplex residential.

SP2 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

SP3 The site is subject to compatibility standards. Along the west and north property lines, 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.
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet of height are allowed plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- 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.
- Additional design regulations will be enforced at the time a site plan is submitted.

AIRPORT OVERLAY

SP4 The site is located within Austin-Bergstrom Overlay {CCLUA}. No use will be allowed that create electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance. For more information, contact Kane Carpenter, Airport Planner at 512-530-6621. Approval from ABIA is required prior to site plan approval.

TRANSPORTATION

- TR1. If the requested zoning is granted, it is recommended that all internal roadways, private driveways or streets have sidewalks that connect to the public right-of-way. The sidewalk requirements shall be determined by the Transportation Criteria Manual.
- TR2. If the requested zoning is granted, it is recommended that gates be prohibited.
- TR3. If the requested zoning is granted, it is recommended that access to E. Martin Luther King Blvd. be prohibited as a condition of zoning because of a lack of adequate right-of-way frontage.
- TR4. Additional right-of-way maybe required at the time of subdivision and/or site plan.
- TR5. A Neighborhood Traffic Analysis may be required at the time of site plan, if prescribed per LDC 25-6-114. LDC, Sec. 25-6-114.

- TR6. Nadia Barrera, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.
- TR7. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for E. MLK.
- TR8. 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]
- TR9. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
E. MLK Blvd.	114'	66'	Major Arterial	Yes	Yes	Yes
E. 17 th Street	50'	28'	Local	No	No	Yes

ENVIRONMENTAL

- The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Tannehill Branch 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.
- Zoning district impervious cover limits apply in the Urban Watershed classification.
- According to floodplain maps there is a floodplain adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.
- Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
- Numerous 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.
- 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.
- At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

COMPREHENSIVE PLAN

The property is located within the boundaries of the E MLK Combined Neighborhood Planning Area, in the MLK Neighborhood Planning Area.

East MLK Neighborhood Plan- The East MLK Plan Future Land Use Map classifies this property, which is located in the Martin Luther King area, as Mixed Residential. The Mixed Residential Land Use Category supports a variety of different housing types in one area, including single-family residential, townhouses, duplexes, and apartments.

The East MLK Design Guidelines ensure compatibility and encourage adjacent land uses to complement each other. The Guidelines may indicate a neighborhood's preference for increasing or decreasing the occurrence of certain types of land uses. Examples of this are as "encouraging more owner-occupied residential units" or "encouraging more nearby small-scale retail or grocery stores." Creating easily accessible areas of mixed-use and neighborhood-oriented services can also minimize the need for residents to travel by car to get goods and services needed on a day-to-day basis.

Goal One - Preserve established residential areas and improve opportunities for home ownership by promoting the rehabilitation of existing housing and new, infill housing compatible with the existing style of this neighborhood.

Objective 1.1: Maintain single-family zoning in established residential areas.

Objective 1.2: Promote new infill housing in appropriate locations.

Goal Five - Provide housing that helps maintain the social and economic diversity of residents.

Objective 5.1: Allow a mix of residential types on larger tracts having access to major roadways.

One neighborhood priority is to ensure that new infill and commercial development is compatible with existing residential areas. Commercial and mixed-use development should be clustered in the existing commercial nodes and on Airport Boulevard. Some larger undeveloped tracts on MLK and EM Franklin could be developed as small-lot single family or mixed residential. Some higher-density single family could also be desirable along E. 12th Street.

Action 8- Maintain single-family zoning in the neighborhood interior.

Action 13- Allow a mix of residential uses on the larger tracts between Loreto and EM Franklin.

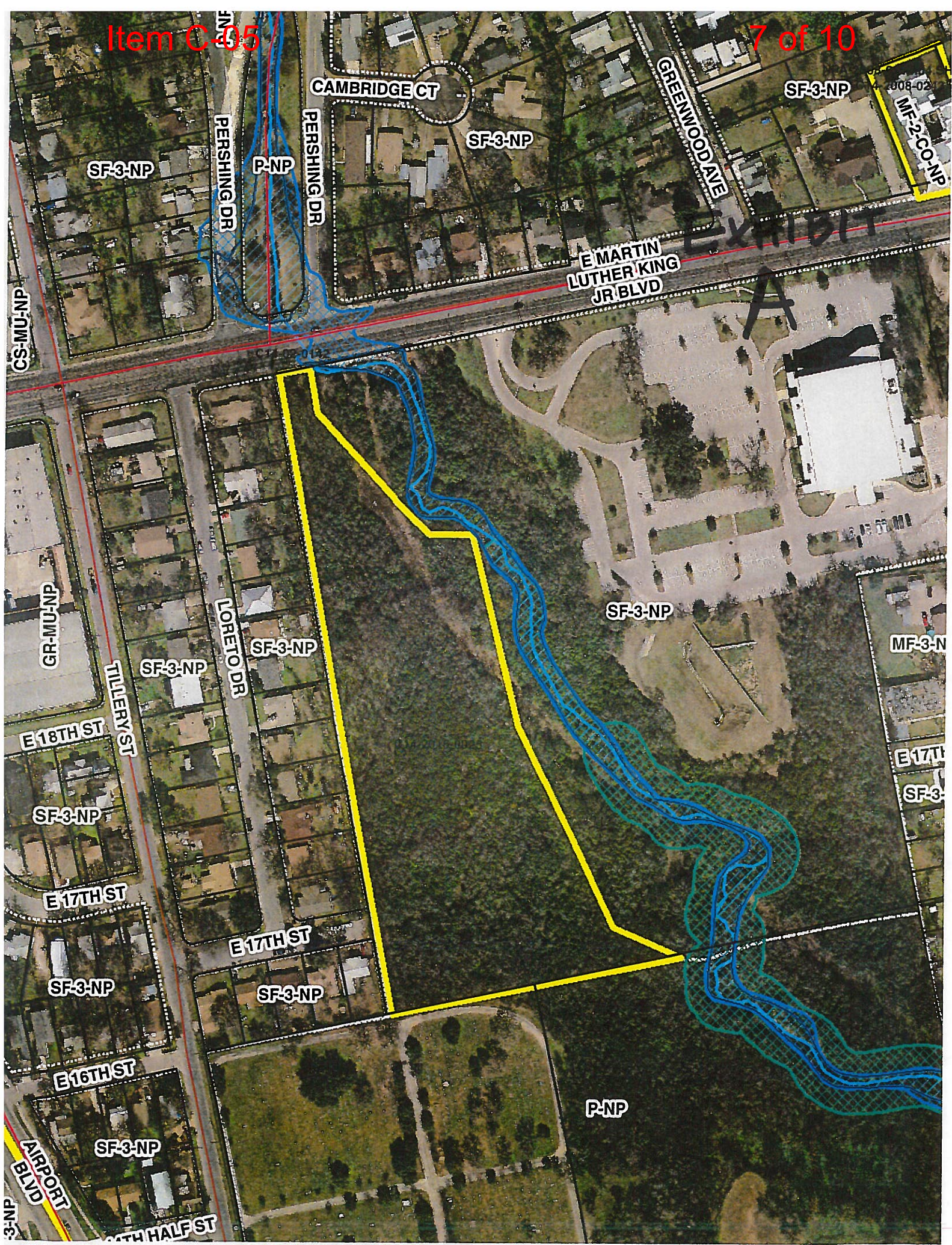
Imagine Austin - The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan identifies this portion of Martin Luther King Blvd. as being located along an Activity Corridor. Activity Corridors are characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices.

The following Imagine Austin policies are applicable to this case:

- LUT P5. Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.
- HN P1. Distribute a variety of housing types throughout the City to expand the choices able to meet the financial and lifestyle needs of Austin's diverse population.
- HN P5. Promote a diversity of land uses throughout Austin to allow a variety of housing types including rental and ownership opportunities for singles, families with and without children, seniors, persons with disabilities, and multi-generational families.
- HN P10. Create complete neighborhoods across Austin that have a mix of housing types and land uses, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.
- HN P11. Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

WATER UTILITY

FYI: 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 proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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.



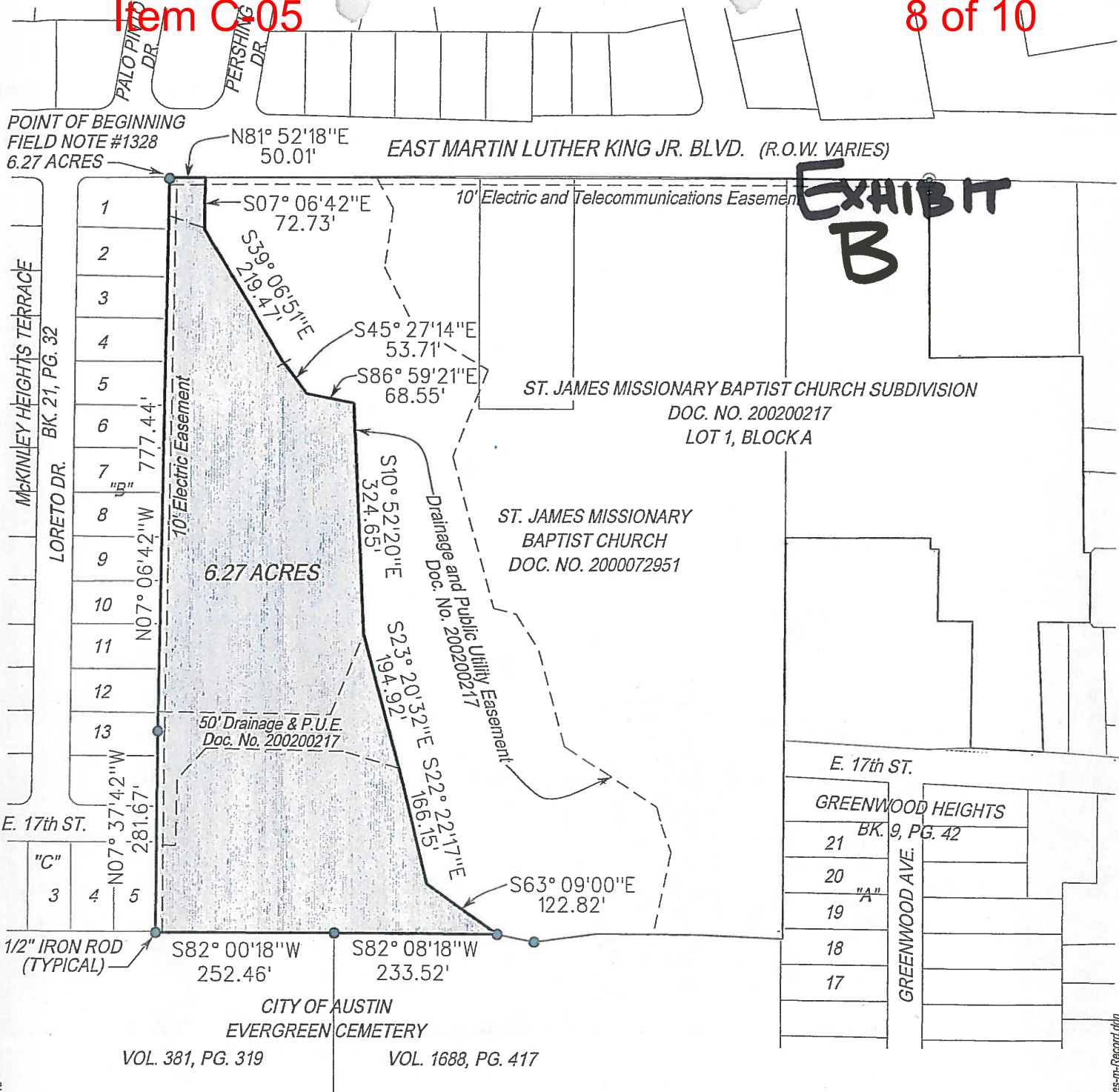
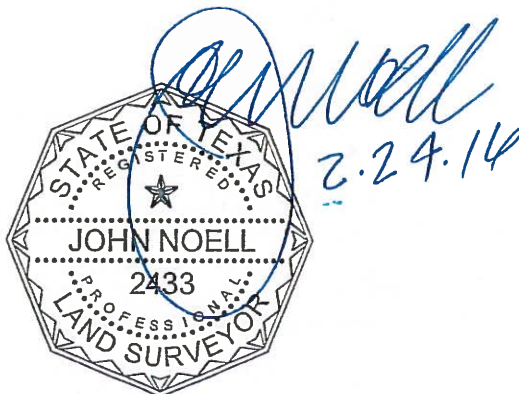


EXHIBIT B

2/24/2016

UDG
Urban Design Group
 TX Registered Engineering Firm #F-1843
 3660 Stoneridge Road
 Suite E101
 Austin, TX 78746
 512.347.0040

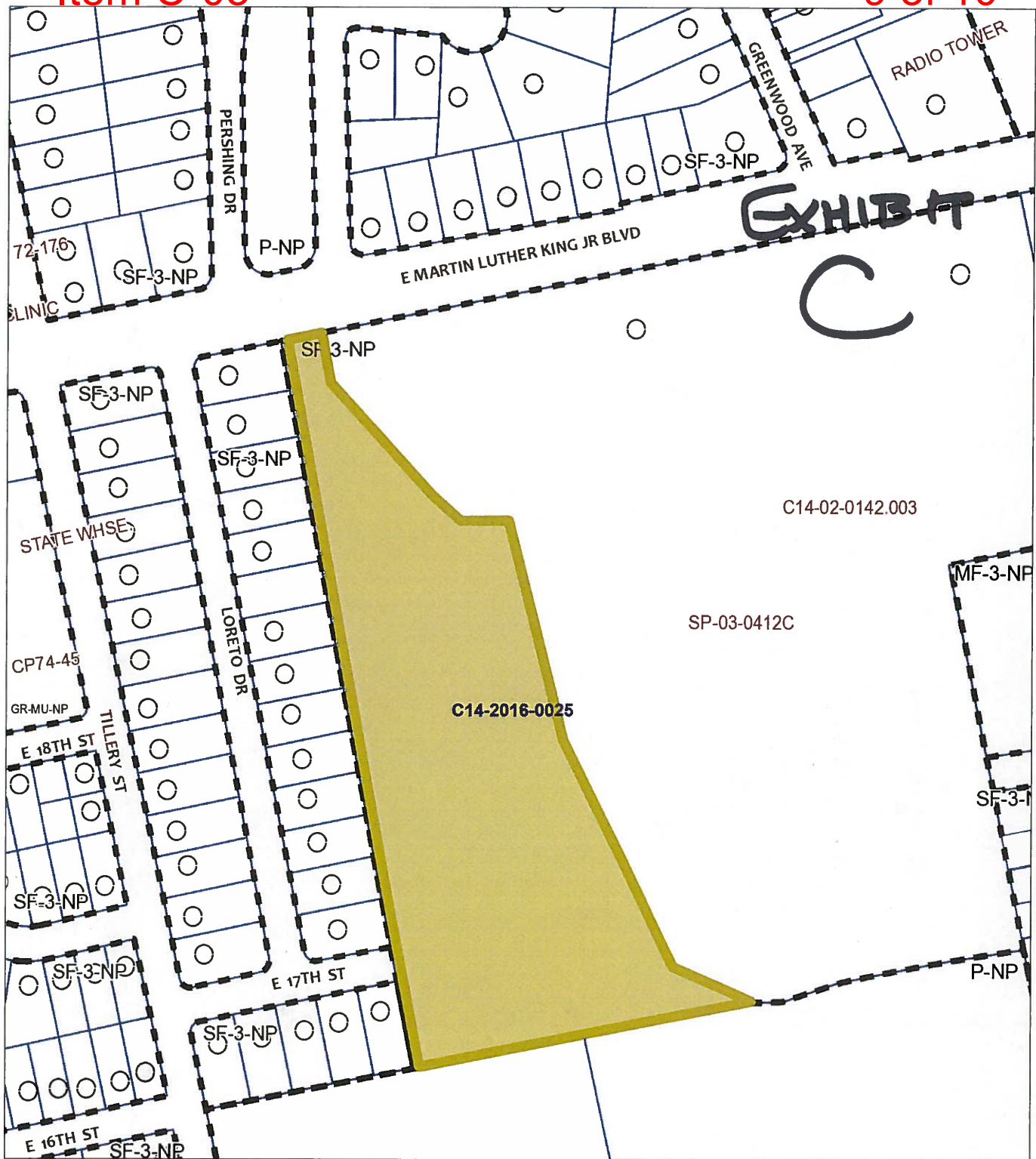


URBAN DESIGN GROUP
 TBPLS 10065900

SCALE: 1"=200'

FIELD NOTE #1328 TO ACCOMPANY THIS MAP.

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- Subject Tract
- Pending Case
- Zoning Boundary
- Railroads



1" = 200'

ZONING

ZONING CASE#: C14-2016-0025



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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.

Chaffin, Heather

From: Gerald Murphy [REDACTED]
Sent: Monday, April 04, 2016 12:36 PM
To: Chaffin, Heather
Subject: Proposed Re-zoning Application:Re: Case # C14-2016-0025

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks for your previous discussion with me. These issues continue to be objections:

- Objection for construction at this site with only the one, entry / exit point, through East 17th across Loreta.
 - It will very simply be a tremendous disruption within the immediate neighborhood and not provide safe travel for residents especially those closest to the East 17th street entry / exit point.
 - Residents will lose the ability of curb parking, or even backing from driveways safely on to 17th street.
 - Emergency vehicles when needed will have limited access to residents.

The same applies to entry / exit after the area is occupied. **A solution to create an entry / exit point off MLK should be determined as an option.** It is **irresponsible** at the least to approve any design limited to only one way in and/or out of this neighborhood. You are placing residents at risk with such an approval.

- Objection for construction without first evaluating an environmental impact study for construction including the impact of grounds, habitat, trees, air, etc.

I am concerned with disruption to those in the neighborhood with property nearest the 17th street entry point. Our residence (my Mother's) will most likely be the most impacted lot and I am certainly concerned with any disruption compromising her quality of life and health.

Respectfully,
Gerald Murphy
512-922-5916