

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: Upper Boggy Creek

CASE#: NPA-2019-0012.02

DATE FILED: July 31, 2019 (In-cycle)

PROJECT NAME: 3201 & 3203 Merrie Lynn Ave.

PC DATE: November 12, 2019

ADDRESSES: 3201 & 3203 Merrie Lynn Ave.

DISTRICT AREA: 9

SITE AREA: 0.375 acs

OWNER/APPLICANT: 3201 Merrie Lynn, LLC and David Bills

AGENT: Drenner Group (Amanda Swor)

CASE MANAGER: Maureen Meredith

PHONE: (512) 974-2695

STAFF EMAIL: Maureen.meredith@austintexas.gov

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Multifamily

To: Mixed Use/Office

Base District Zoning Change

Related Zoning Case: C14-2019-0106

From: MF-4-NP

To: LO-MU-NP (as amended on Oct. 24, 2019)

NEIGHBORHOOD PLAN ADOPTION DATE: August 1, 2002

PLANNING COMMISSION RECOMMENDATION:

November 12, 2019 - (pending)

STAFF RECOMMENDATION: Recommended for applicant’s request for Mixed Use/Office.

BASIS FOR STAFF’S RECOMMENDATION. The property currently has an existing land use Multifamily and current zoning of MF-4-NP. The applicant’s request of Mixed Use/Office

land use and associated zoning of LO-MU-NP would allow for office and residential uses, which is appropriate for this location on Manor Road, which is an Activity Corridor and adjacent to residential uses. There was a recent plan amendment case across the street at 3200 Merrie Lynne Avenue that was recently approved for LO-MU-NP zoning and Mixed Use/Office land use, so this request is consistent with this previously-approved case.

Below are relevant sections from the Upper Boggy Creek plan document:

Goal One COMMUNITY CHARACTER

Preserve the character of each neighborhood in the Upper Boggy Creek Neighborhood Planning Area.

Objective 1.1: Commercial or institutional uses adjacent to residential uses in the Upper Boggy Creek Neighborhood Planning Area should be complementary and compatible in scale. For example, the University of Texas should be encouraged to meet with the affected neighborhood associations when designing or expanding their facilities.

Goal Two LAND USE

Ensure that the new businesses and commercial development within the Upper Boggy Creek Neighborhood Planning Area is neighborhood-appropriate, neighborhood-scaled, neighborhood-friendly, and serves the nearby neighborhoods.

MANOR ROAD CORRIDOR

Objective 2.2: The Manor Road Corridor—Manor Road from the frontage road of IH-35 to Airport Boulevard—will become a vibrant, mixed-use transit-oriented corridor that provides existing and new housing opportunities for mixed-income households, entertainment, services, employment opportunities, and commercial opportunities in a neighborhood-friendly fashion. The streetscape along Manor Road should be pedestrian-friendly and promote a safe environment for pedestrians. This includes awnings on the fronts of buildings, street trees, benches, convenient trash bins, public art, etc. Encourage new commercial or mixed-use development along the Manor Road Corridor to locate parking to the side or at the rear of the structure. Shared parking options for different establishments and institutions along the corridor should be explored.

Along Manor Road east of the intersection with Walnut Avenue allow the Mixed-Use Building. Implement a Conditional Overlay on Manor Road Corridor that limits the height of commercial buildings along the corridor to forty (40) feet (three stories) and prohibits and conditions the following uses:

Objective 4.5: Cherrywood Neighborhood

The roads in the Cherrywood Neighborhood outside of the arterial roads need to be safer for non-motorized forms of transportation. The lack of sidewalks, designated bicycle lanes, and excessive on-street parking has made many streets in the Cherrywood neighborhood to be dangerous places for people and their pets not travelling in a car.

LAND USE DESCRIPTIONS

EXISTING LAND USE ON THE PROPERTY

Multifamily Residential - Higher-density housing with 3 or more units on one lot.

Purpose

1. Preserve existing multifamily and affordable housing;
2. Maintain and create affordable, safe, and well-managed rental housing; and
3. Make it possible for existing residents, both homeowners and renters, to continue to live in their neighborhoods.
4. Applied to existing or proposed mobile home parks.

Application

1. Existing apartments should be designated as multifamily unless designated as mixed use;
2. Existing multifamily-zoned land should not be recommended for a less intense land use category, unless based on sound planning principles; and
3. Changing other land uses to multifamily should be encouraged on a case-by-case basis.

PROPOSED LAND USE ON THE PROPERTY

Mixed Use/Office - An area that is appropriate for a mix of residential and office uses.

Purpose

1. Accommodate mixed use development in areas that are not appropriate for general commercial development; and
2. Provide a transition from residential use to non-residential or mixed use.

Application

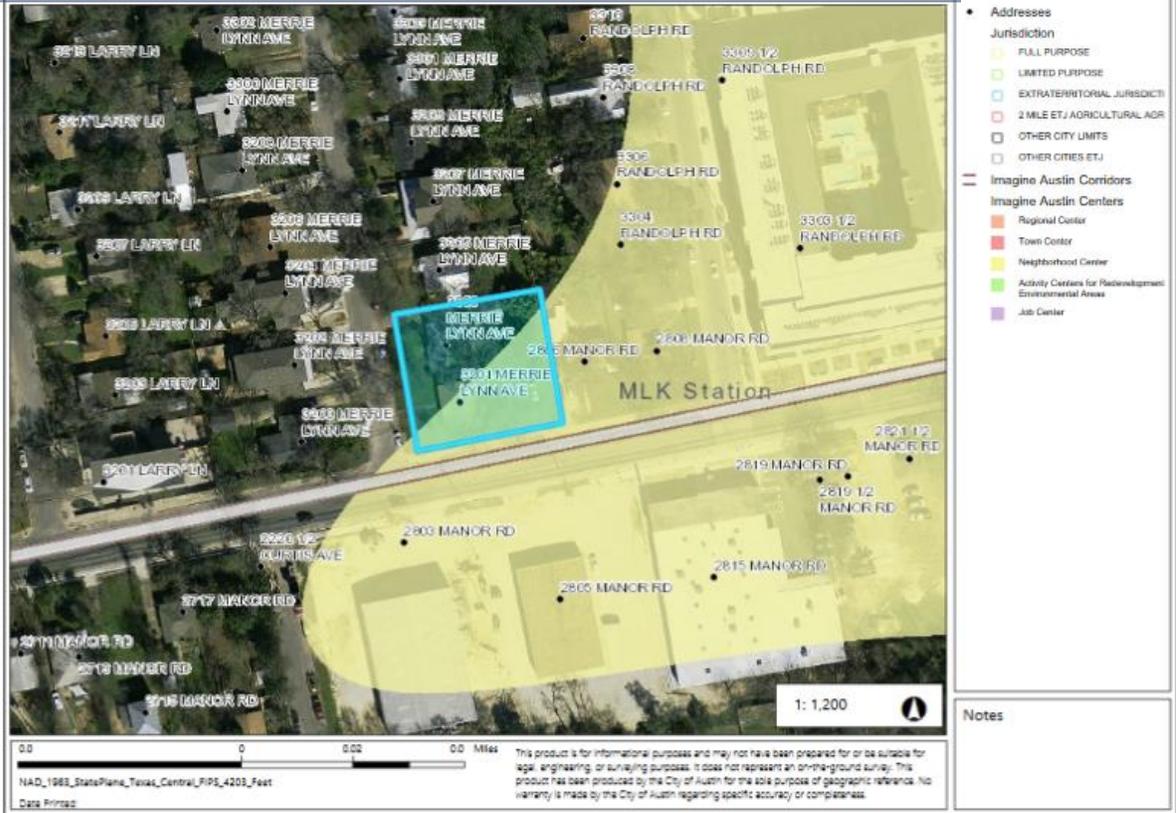
1. Appropriate for areas such as minor corridors or local streets adjacent to commercial areas;
2. May be used to encourage commercial uses to transition to residential use; and
3. Provide limited opportunities for live/work residential in urban areas.

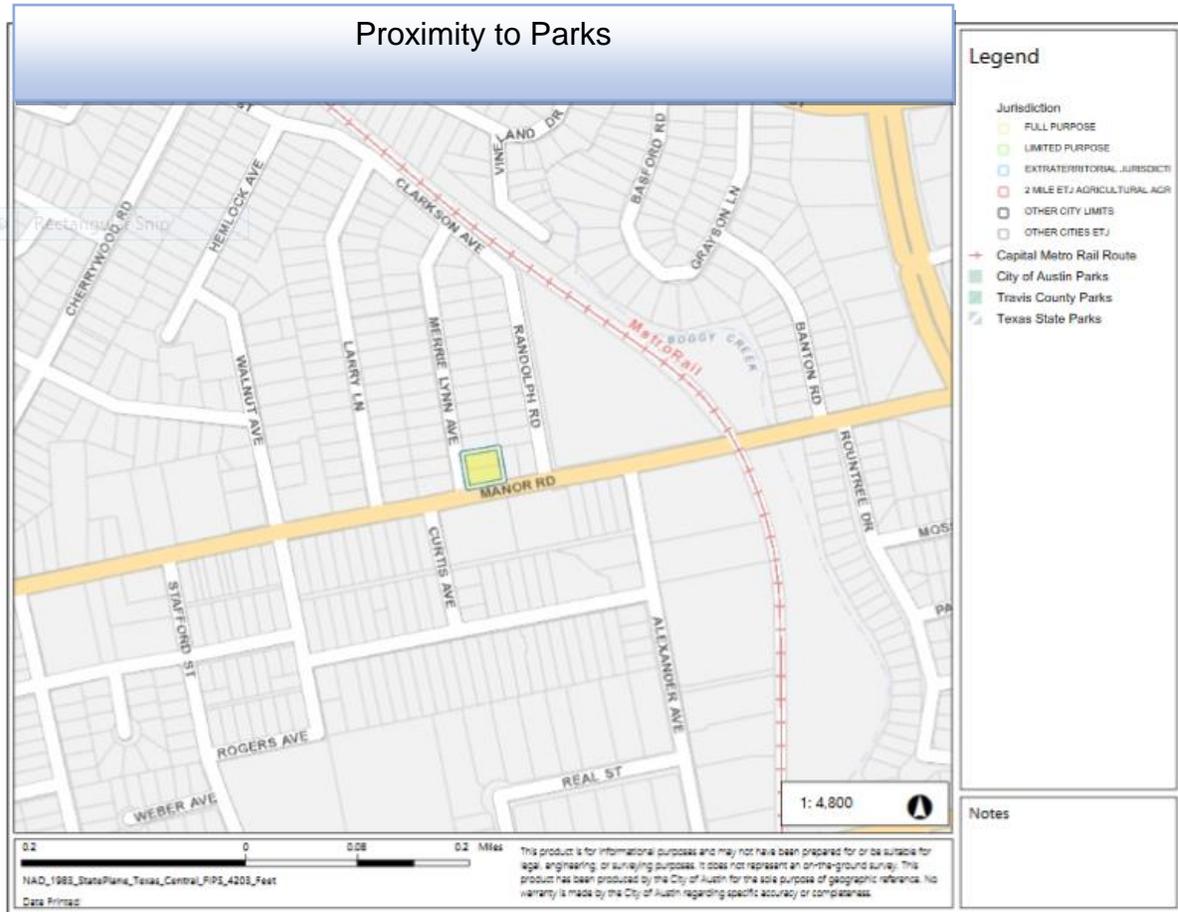
IMAGINE AUSTIN PLANNING PRINCIPLES

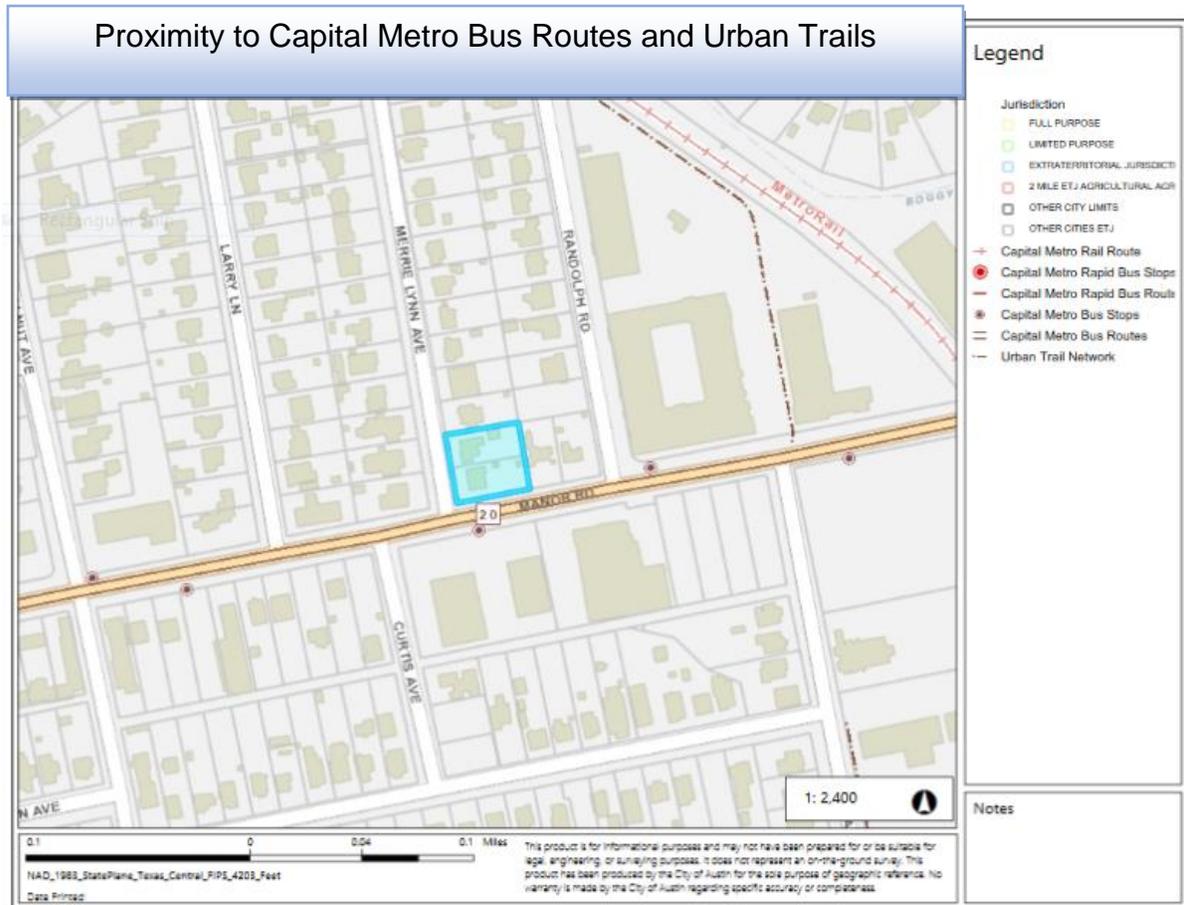
1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
 - ***The property is located on an Activity Corridor and within (partially) the MLK Center Activity Center. The proposed zoning would allow for more residential uses which could provide a mix of housing types for a variety of incomes. Manor Road has bus routes and has multiple commercial uses.***
2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.
 - ***The property is located on an Activity Corridor and within (partially) the MLK Center Activity Center. The proposed zoning would allow for more residential uses which could provide a mix of housing types for a variety of incomes. Manor Road has bus routes and has multiple commercial uses.***
3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
 - ***The two lots are facing Merrie Lynn Avenue, but are currently zoned multifamily with multifamily land use. It could be considered an infill site and is located on an activity corridor and on the edge of the MLK Activity Center.***
4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
 - ***The proposed zoning of LO-MU-NP would allow for residential uses, in addition to office uses.***

5. Ensure harmonious transitions between adjacent land uses and development intensities.
 - ***Mixed Use/Office land use is appropriate at this location. Mixed Use/Office land is located directly across the street and is appropriate adjacent to residential uses.***
6. Protect Austin’s natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.
 - ***The property is not located within an environmentally sensitive area.***
7. Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.
 - ***Not applicable.***
8. Protect, preserve and promote historically and culturally significant areas.
 - ***Not applicable.***
9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
 - ***The property is located on a corridor with access to a range of commercial uses.***
10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
 - ***Not directly applicable.***
11. Sustain and grow Austin’s live music, festivals, theater, film, digital media, and new creative art forms.
 - ***Not applicable.***
12. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.
 - ***Not applicable.***

Proximity of Imagine Austin Activity Corridor and Activity Center







IMAGINE AUSTIN GROWTH CONCEPT MAP

Definitions

Neighborhood Centers - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

Town Centers - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

Job Centers - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

Corridors - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also 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. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

BACKGROUND: The applicant was filed on July 31, 2019, which is in-cycle for neighborhood planning areas located on the east side of I.H.-35.

The applicant proposes to change the land use on the future land use map from Multifamily to Mixed Use/Office. When the application was submitted on July 31, 2019 the proposed change in the future land use map was from Multifamily to Mixed Use. After input from surrounding property owners at the plan amendment community meeting held on September 30, 2019, the applicant revised their applications on October 24, 2019 to a request for Mixed

Use/Office land use, which is consistent with a recent change on property across the street at 3200 Merrie Lynne Avenue.

The applicant proposes to change the zoning from MF-4-NP to LO-MU-NP. The original application was for GR-MU-NP zoning, but the request was amended on October 24, 2019. For more information on the re-zoning request, please see zoning case number C14-2019-0106.

PUBLIC MEETINGS: The ordinance-required community meeting was held on September 30, 2019. Approximately 512 community meeting notices were mailed to people who own property or have a utility account within 500 feet of the property, in addition to neighborhood organizations or environmental groups who requested notification for the area. Eight people attended the meeting, in addition to one city staff member, the property owner, and two agents representing the owner.

Amanda Swor, the applicant’s agent, said they submitted the plan amendment and zoning change applications during the July open filing period. The proposed zoning request is from MF-4-NP to GR-MU-NP. The proposed change in the future land use map is from Multifamily to Mixed Use. Across the street was a zoning change by this owner to LO-MU-NP for an office use. ***NOTE: Based on the input from this community meeting, the applicant revived their applications on October 24, 2019 to a proposed FLUM change to Mixed Use/Office and a proposed zoning change to LO-MU-NP. This meeting discussion was based on the original application requests.***

Q. You rezoned the property at 3200 Merrie Lynne Ave in a previous case to LO-MU-NP?
A. Yes. Manor Road is a corridor and MF-4 has a 60 feet height limited. LO has a three-story, 40 feet height limit. We heard a desire for Manor Road to have higher uses. Manor Road has a consistent Mixed Use pattern.

Q. Why did you ask for GR-MU-NP?
A. The majority of Manor Road has CS zoning with a maximum 60 ft. of height, but developments would have to comply with compatibility standards.

Q. Did you consider LO-MU zoning, like your zoning request across the street?
A. It made more sense to ask for GR-MU because the property is adjacent to property to the east that is within the MLK TOD.

Q. What uses are you proposing?
A. Office and retail, maybe medical office or tax accountant office. Manor Road is a transit corridor. We want the building to face Manor Road. We have a project across the street at 2808, 2806, and 2201 Manor Road. The goal is to have different uses and pedestrian uses along Manor Road.

Q. Does GR-MU zoning allow multifamily uses?
A Yes, it would allow commercial uses and multifamily uses.

Q. Is a TIA required?

A. We will look at traffic at the site plan development permit stage. A TIA is triggered when there are more than 2000 trips a day generated, so it didn't trigger a TIA, but it might need a Neighborhood Traffic Analysis at the time of new development.

Q. Can the neighborhood request a TIA?

A. The City determines if a TIA is triggered.

Q. I still don't understand why you say LO is not good for the property?

A. With the proposed GR zoning, we could prohibit uses you don't like with a conditional overlay. We don't want an auto parts store or something like that. GR-MU is consistent with the TOD zoning next door.

Q. Merrie Lynn Avenue does not even have sidewalks. Manor Road has a small sidewalk.

A. New projects would be required to install sidewalks.

Q. Do you plan to building a parking lot on 3203 Merrie Lynn Avenue. We live next door to that lot.

A. We would have to demolish the building. You would get a notice in the mails

Comments:

- Density is all along our street. Residents are parking and blocking our street Merrie Lynn Avenue, so it's not accurate to say that all density is along Manor Road.
- We want the City to hear that we do not want the change to GR-MU zoning. Merrie Lynn Avenue is a short street. They are changing a single family home to commercial uses. I understand the zoning of MF-4, but now they want commercial.

CITY COUNCIL DATE:

ACTION:

December 5, 2019

Revised Applicant Summary Letter from Application dated
October 24, 2019

Amanda Swor
direct dial: (512) 807-2904
aswor@drennergroupp.com

DRENNER GROUP

October 24, 2019

Ms. Denise Lucas
Planning and Zoning Department
City of Austin
505 Barton Springs Road
Austin, TX 78704

Via Hand Delivery

Re: 3201 and 3203 Merrie Lynn – Rezoning and Neighborhood Plan Amendment applications for the 0.375-acre property located at 3201 and 3203 Merrie Lynn Avenue, in the City of Austin, Travis County, Texas (the “Property”)

Dear Ms. Lucas:

As representatives of the owner of the Property, we respectfully request to amend the rezoning and neighborhood plan amendment applications.

The Property is zoned MF-4-NP (Multifamily Residence Moderate-High Density – Neighborhood Plan). The requested rezoning is from MF-4-NP to GR-MU-NP (Community Commercial – Mixed Use –Neighborhood Plan) zoning district and the Future Land Use Map (FLUM) designation from multifamily to mixed use.

After discussing the proposed rezoning with the Cherrywood neighbors at the City hosted Neighborhood Plan Amendment meeting on September 30, 2019, the owner of the Property would like to request rezoning from MF-4-NP to LO-MU-NP (Limited Office – Mixed Use – Neighborhood Plan) and the FLUM designation be from multifamily to mixed use/office. No other changes are proposed at this time.

The purpose of this rezoning is to allow for office or residential use on the Property. This rezoning request is consistent with the land uses surrounding the Property, including residential and office uses

Please let me know if you or your team members require additional information or have any questions. Thank you for your time and attention to this project.

Sincerely,



Amanda Swor

cc: Joi Harden, Planning and Zoning Review Department (*via electronic delivery*)
Heather Chaffin, Planning and Zoning Review Department (*via electronic delivery*)
Maureen Meredith, Planning and Zoning Review Department (*via electronic delivery*)

200 Lee Barton Drive, Suite 100 | Austin, Texas 78704 | 512-807-2900 | www.drennergroupp.com

Letter of Recommendation from the Neighborhood Plan
Contact Team (NPCT)

(Note: The UBC NPCT submitted a letter of recommendation on July 13, 2019, which was before the applicant amended their applications on Oct. 24, 2019 to LO-MU-NP and Mixed Use/Office land use. Because of this, the letter was determined to no longer be accurate. A revised letter from the NPCT has not been submitted at this time)

Additional Information

On Wed, Oct 2, 2019 at 9:21 PM Girard Kinney <girardkinney@ wrote:

Amanda; folks on Merrie Lynn, and now many of us, are very concerned that this project changed greatly from when we first heard about it to the time that it got to the Community meeting.

The LUT is going to recommend to the Cherrywood Steering Committee next Wednesday that we basically start over. We take responsibility for the fact that we did not insist of using the process that is clearly outlined in the Cherrywood Design Guidelines that you indicated to me that you were familiar with. If you cannot locate and print out copies of that document from our Website let me know and I will send you a copy. Here is a very brief outline of the process we required if our support for a change in zoning or FLUM, or a waiver from the BOA is sought.

- First step is to inform us of the project and what we will be asked to support. We actually encourage an early concept meeting before plans are drawn, but obviously it is way to late for that now.
- Next step is to visit ALL the residents and owners of abutting properties, including across the street, give them a copy of the Design Guidelines, and ask them to sign the form included at the back of the Guidelines indicating that they have seen the plans, understand the goals of the project, and that they either approve, approve with caveats, or oppose the project.
- Schedule a meeting with LUT, with the signed forms in hand, and present the project. Our policy is that if the contact with the neighbors and the signed forms are not presented, our default is to oppose the project. This does NOT mean that if neighbors oppose we will automatically oppose the project; i.e. we try to balance the original Vision of the neighborhood and the currently expressed opinions of all Cherrywooders with the opinions of the immediate neighbors.
- The LUT then makes a recommendation to the Steering Committee which meets the following week, and the Steering Committee then decides whether to make a recommendation to the BOA, Planning Commission, Zoning Commission and/or City council depending on what public entities will be involved.

Note that this process is completely apart from the UBC, the only connection being that the Cherrywood Reps are obliged to support the Cherrywood position at UBC.

Girard

Cherrywood Neighborhood Assn. Letter of Recommendation



The Cherrywood Neighborhood is bounded by IH-35, 38 ½ St, Airport Blvd and Manor Road and is a flourishing neighborhood of homes, businesses, and green spaces in Central Austin.

P.O. Box 4631 | Austin, TX 78765 | www.cherrywood.org
Contact | steering@cherrywood.org

October 30, 2019

Ms. Swor,

The Cherrywood Neighborhood Association (CNA) Steering Committee met on October 9, 2019 and voted to rescind our previous support for your rezoning request for 3201 Merrie Lynn, referenced as Zoning Case C14-2019-0106 and Plan Amendment case NPA-2019-0012.02.

When Drenner Group presented the zoning change request to the CNA Steering Committee on June 12, 2019, it was stated the intent was for small office uses and minimal change to the physical form of the property, and that support from the closest residential neighbors had been secured. We also recall that we encouraged Drenner Group to consider a zoning category that would allow for greater flexibility in use and options for affordable housing in the future.

However, at the public meeting on September 30, 2019 for this zoning change request, the project had altered significantly. The adjacent property at 3203 Merrie Lynn had been added to the request, the intent had become a 5-story mixed-use space, and the closest residential neighbors were in opposition.

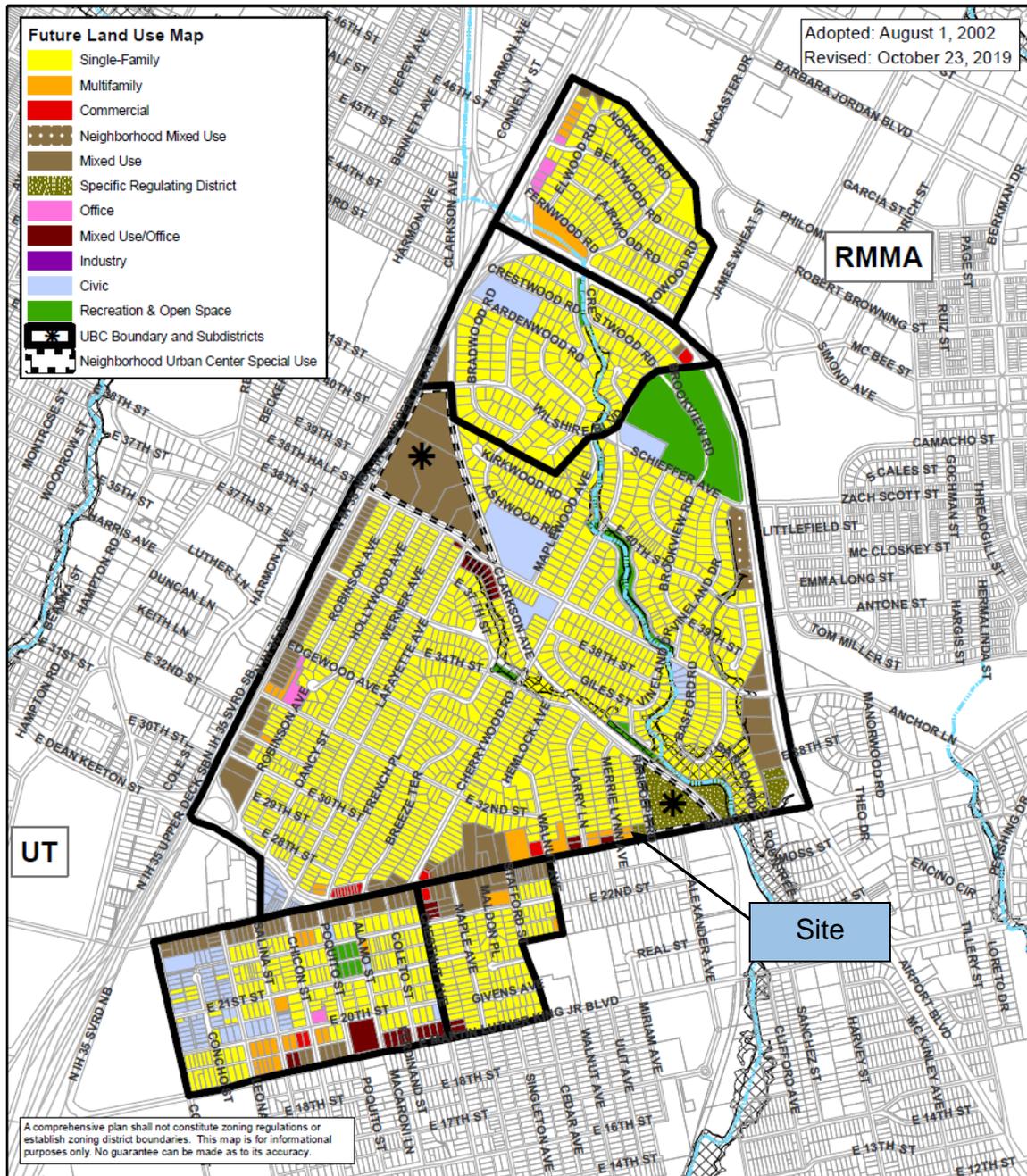
We were remiss in not enforcing our own Cherrywood Neighborhood Building and Design Guidelines (<https://www.cherrywood.org/building-guidelines>), through which both Drenner Group and the closest neighbors could have collaborated on the zoning request. While we are compelled to rescind our support at this time, we encourage Drenner Group and their client to step back and follow the process linked above with the residents of Merrie Lynn, listen to their feedback and adjust the proposal accordingly, at which time, CNA will reconsider recommending approval of the applicant's request.

Respectfully,

Jim Walker, Interim Chair
Cherrywood Neighborhood Association

Cc: Councilmember Kathie Tovo
Maureen Meredith, Senior Planner, City of Austin, Planning and Zoning Dept.
City of Austin Planning Commission
Residents of Merrie Lynn

Steering Committee Officers | Jim Walker, Interim Chair | Sharon Lynch, Secretary | Allen Hah, Treasurer
Steering Committee Members | Jonathan Schwartz, Matt Harriger, Jules Vicau, Girard Kinney, Stefan Schuster, Evie Kling



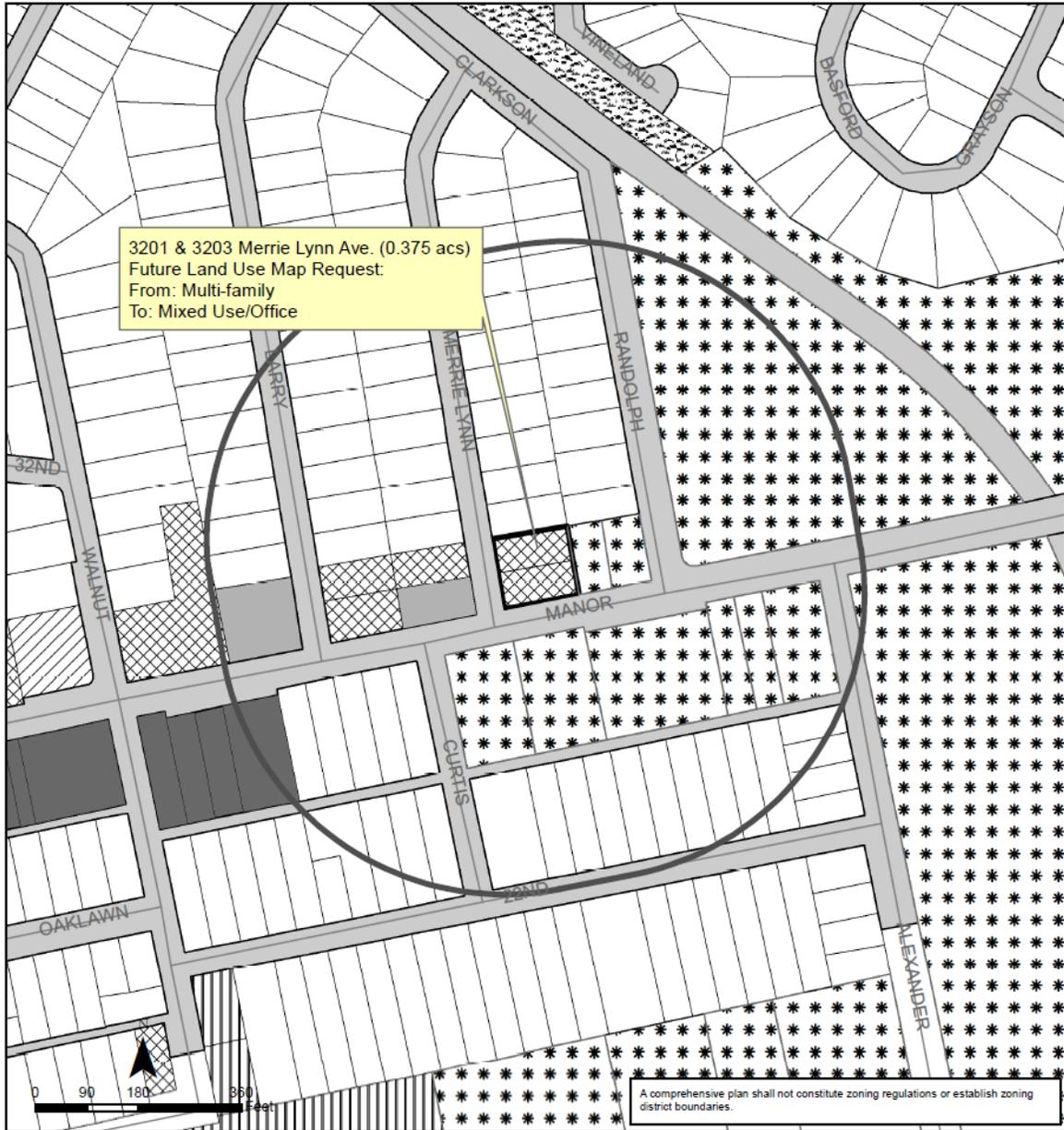
Upper Boggy Creek Neighborhood Planning Area: Future Land Use Map



City of Austin
Planning and Zoning Department

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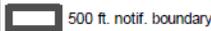
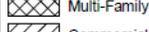
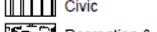
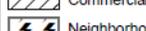
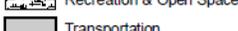
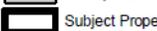
**Upper Boggy Creek Neighborhood Planning Area
NPA-2019-0012.02**

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 City of Austin
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Future Land Use

	500 ft. notif. boundary		Specific Regulating District
	Single-Family		Mixed Use/Office
	Multi-Family		Civic
	Commercial		Recreation & Open Space
	Neighborhood Mixed Use		Transportation
	Mixed Use		Subject Property

