

ZONING CHANGE REVIEW SHEET

CASE: C14-2020-0031.SH – E MLK Rezoning

DISTRICT: 1

ZONING FROM: SF-3-NP

TO: MF-6-NP

ADDRESS: 5201 East Martin Luther King Jr. Boulevard

SITE AREA: 2.64 Acres

PROPERTY OWNERS/APPLICANT:

5201 E MLK LP
(Ryan Walker)

AGENT:

Thrower Design
(Ron Thower)

CASE MANAGER: Heather Chaffin (512-974-2122, heather.chaffin@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommends MF-3-NP. *For a summary of the basis of staff's recommendation, see case manager comments on page 3.*

PLANNING COMMISSION ACTION / RECOMMENDATION:

May 26, 2020:

CITY COUNCIL ACTION:

June 4, 2020

ORDINANCE NUMBER:

ISSUES:

No issues at this time.

CASE MANAGER COMMENTS:

The subject property is located on the south side of East Martin Luther King Jr. Boulevard (E MLK) roughly halfway between Springdale Road and Tannehill Lane. The property is zoned SF-3-NP and is developed with a single family residence. The property is surrounded by SF-3-NP zoned land to the west, south, and east. The areas to the west and south are developed with a single family residential neighborhood; the property to the east is Blair Woods Nature Preserve, Austin Wildlife Rescue, and Ulit Baptist Church. Further to the west, near the intersection with Springdale Road, are properties zoned GR-MU-NP and GR-NP. These are developed with two single family houses and a range of commercial land uses including limited retail, a gas station, automotive repair, a police substation, and more. Further to the east and south east, closer to the intersection with Tannehill Lane are properties zoned MF-3-CO-NP and GR-CO-NP. These properties contain a senior apartment complex and undeveloped land. Across E MLK to the north and northwest are a single family neighborhood zoned SF-2-NP and an undeveloped property zoned SF-6-NP. The property is designated as Mixed Residential on the Future Land Use Map (FLUM) of the East MLK Combined Neighborhood Plan area, so a plan amendment is not required. This portion of East MLK is designated as an Activity Corridor in the Imagine Austin plan.

Elmsgrove Drive is a local residential street that currently stubs out along the southern property line. Austin Transportation Department (ATD) has reviewed the rezoning request and has determined that a connection to or extension of Elmsgrove Drive is not required. Elmsgrove Drive was platted in the 1960s; there are not ATD plans for the extension of the local street. ***Please see Exhibits A and B—Zoning Map and Aerial Exhibit.***

The Applicant is proposing MF-6 zoning to allow construction of a 200-unit SMART housing affordable apartment complex. Per Neighbor Housing and Conservation Department (NHCD), the Applicant proposes that half of the 200 units will be available at 50% median family income (MFI) for a minimum term of five years. ***Please see Exhibit C – SMART Housing Letter.***

Staff does not support MF-6-NP zoning at this location. The property is surrounded by SF-2-NP and SF-3-NP in all directions. MF-6 zoning is defined in City Code as follows:

“Multifamily residence highest density (MF-6) district is the designation for multifamily and group residential use. An MF-6 district designation may be applied to a use in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or a major institutional or employment center, or an area for which the high density multifamily use is desired.” MF-6 in Austin is typically located along highways and major arterials, near Transit Oriented Development (TOD) areas, and near the UT Campus. The character of these areas is very different than the proposed rezoning.

Staff supports multifamily development of the site but proposes MF-3-NP as an alternative. City code defines MF-3 zoning as follows:

“Multifamily residence medium density (MF-3) district is the designation for multifamily use with a maximum density of up to 36 units per acre, depending on unit size. An MF-3 district designation may be applied to a use in a multifamily residential

area located near supporting transportation and commercial facilities in a centrally located area or in an area for which medium density multifamily use is desired.”

BASIS OF RECOMMENDATION:

1. *Intensive multi-family zoning should be located on major arterials and highways.*
2. *Zoning changes should promote compatibility with adjacent and nearby uses.*
3. *Zoning should be consistent with approved and existing residential densities.*
4. *Granting of the request should result in an equal treatment of similarly situated properties.*
5. *Zoning changes should promote an orderly relationship among land uses.*

The subject property is located midblock along East MLK and is surrounded by SF-3-NP and SF-2-NP zoned residential neighborhoods in all directions. More intense zoning categories are in the vicinity but are oriented toward the intersections with Springdale Road and Tannehill Lane. There is a senior multifamily apartment development in the vicinity that is MF-3-CO-NP zoning, and undeveloped SF-6-NP parcels. The proposed MF-6-NP zoning is significantly more intense than the residential properties in the area.

As stated previously, City Code states that MF-6 zoning is intended for denser areas. MF-6 in Austin is typically located along highways and major arterials, near Transit Oriented Development (TOD) areas, and near the UT Campus. The character of these areas is very different than the proposed rezoning.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Single family residential
<i>North</i>	SF-2-NP, SF-6-NP	Single family residential, Undeveloped
<i>South</i>	SF-3-NP	Single family residential
<i>East</i>	SF-3-NP, GR-CO-NP, MF-3-CO-NP	Nature preserve, Religious assembly, Undeveloped, Multifamily residential
<i>West</i>	SF-3-NP, SF-6-NP, GR-NP, GR-MU-NP	Single family residential, Undeveloped, Mixed commercial (Limited Retail, Automotive Repair, etc.)

NEIGHBORHOOD PLANNING AREA: East MLK Combined NP Area

SCHOOLS:

Norman Elementary Martin Middle Northeast Early College

TIA: N/A- Deferred to time of site plan

WATERSHED: Fort Branch

NEIGHBORHOOD ORGANIZATIONS:

Friends of Northeast Austin	AI SD
Homeless Neighborhood Association	SEL Texas
Preservation Austin	Neighbors United for Progress
Del Valle Community Coalition	Sierra Club
East MLK NPCT	Bike Austin
Friends of Austin Neighborhoods	Travis Audubon Society
Neighborhood Empowerment Foundation	Friends of Northeast Austin
Senate Hills Homeowners Association	East Austin Conservancy
Pecan Springs/Springdale Hills Neighborhood Association	

AREA CASE HISTORIES:

There are no recent cases in the area.

EXISTING STREET CHARACTERISTICS:

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
E. MLK	~106'	120'	63'	3	No	Yes	Yes

OTHER STAFF COMMENTS:**COMPREHENSIVE PLANNING:**

Connectivity: Public sidewalks are located along both sides of East Martin Luther King Boulevard. Two Cap Metro transit stops are located within 750 feet of the subject property. There are no bike lanes or urban trails located within a quarter of a mile of this site. There mobility options in this area are good, while local neighborhood goods and services in the area are fair. The East MLK Combined Neighborhood Plan (EMLKCNP)

The EMLKCNP Future Land Use Map (FLUM) designates this portion of the planning 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. Single-family residential should comprise approximately half of a mixed residential area.

The following East MLK Plan policies and text are applicable to this request, including text and recommendation taken from 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.

OBJECTIVE 2: Design multi-family residential projects to be compatible with adjacent single-family areas.

☐ Guideline 2.1: Multi-family buildings less than 100 feet in width on any street-facing side are more in keeping with the scale of the neighborhood. Building facades that express the interior organization of suites or structural bays relate better to the scale of single-family houses.

☐ Guideline 2.2: Multi-family buildings should have the same relationship to the street as single family houses. Landscaped front yards with porches or balconies and a walkway connecting the building to the street sidewalk are neighborhood characteristics. Front doors and windows facing the street encourage neighborliness and enhance security by putting “eyes on the street”. Ground floor suites should have exterior doors facing the street.

☐ Guideline 2.3: Parking lots along the street detract from the pedestrian- oriented character of the neighborhood. Locating parking lots to the side or behind the building or buffering the lot from street view by a fence or hedge, low enough to screen the cars but allows visibility for security, helps to preserve the quality of the streetscape.

Planning Policies:

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.

Recommendations:

The priority for the Stonegate/Oaklawn area is to promote compatible infill development that will help stabilize the residential areas. Larger properties in the interior of the neighborhood can be developed as small-lot single family, although many of these properties have flood plain issues that need to be addressed. The large, undeveloped properties with access to MLK Blvd should be developed with a mix of residential uses, while allowing mixed use at the intersections with Springdale and Tannehill. Mixed use should also be encouraged on the 12th/Springdale/Webberville triangle, with consistent zoning that encourages more neighborhood-oriented commercial development.

Action 44 - Allow mixed residential and small-lot single-family on the large, vacant parcels off of MLK Blvd and Heflin.

This proposed rezoning meets some of the neighborhood plan goals and recommendations and does not meet others.

Imagine Austin:

The Imagine Austin Comprehensive Plan identifies this portion of East Martin Luther King Boulevard 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 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 multigenerational families.

☐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.

The Austin Strategic Housing Blueprint, which is an amendment to Imagine Austin, includes goals for affordable housing in every City Council district. Some of these goals include: (1) preventing households from being priced out of the Austin; (2) providing an affordable housing choice; and (3) protecting diverse communities. Because this project: 1) provides much needed affordable housing, 2) partially conforms to the policies of the East MLK Combined Neighborhood Plan, 3) has adequate mobility options (public sidewalks and public transit), and 4) is within walking distance some neighborhood serving goods and services and mobility options, this project generally supports the policies of the Imagine Austin Comprehensive Plan.

ENVIRONMENTAL

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Fort 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.

2. Zoning district impervious cover limits apply in the Urban Watershed classification.

3. According to floodplain maps there is no floodplain within or adjacent to the project location.

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

5. At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

6. 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.

SITE PLAN

SP 1. Site plans will be required for any new development other than single-family or duplex residential.

SP 2. 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.

SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP 4. FYI: Additional design regulations will be enforced at the time a site plan is submitted.

SP 5. The site is subject to compatibility standards. Along the northeast, northwest, and southwest SF-3-NP 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 landscape area at least 25 feet wide 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.

☐ For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, height limitation is 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive. (use 540' radius)

☐ An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less property in an SF-5 or more restrictive zoning district.

☐ A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

SP 6. The site is subject to 25-2 Subchapter F. Residential Design and Compatibility Standards.

TRANSPORTATION

The Austin Strategic Mobility Plan (ASMP) adopted 04/11/2019, calls for 120 feet of right-of-way for E. MLK BLVD. It is recommended that 60 feet of right-of-way from the existing centerline should be dedicated for E. MLK at the time of subdivision or site plan. The TIA determination will be deferred to site plan submittal when land uses and intensities have been finalized.

Name	Existing ROW	ASMP Required ROW	Pavement	ASMP Classification	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
E. MLK	~106'	120'	63'	3	No	Yes	Yes

WATER UTILITY

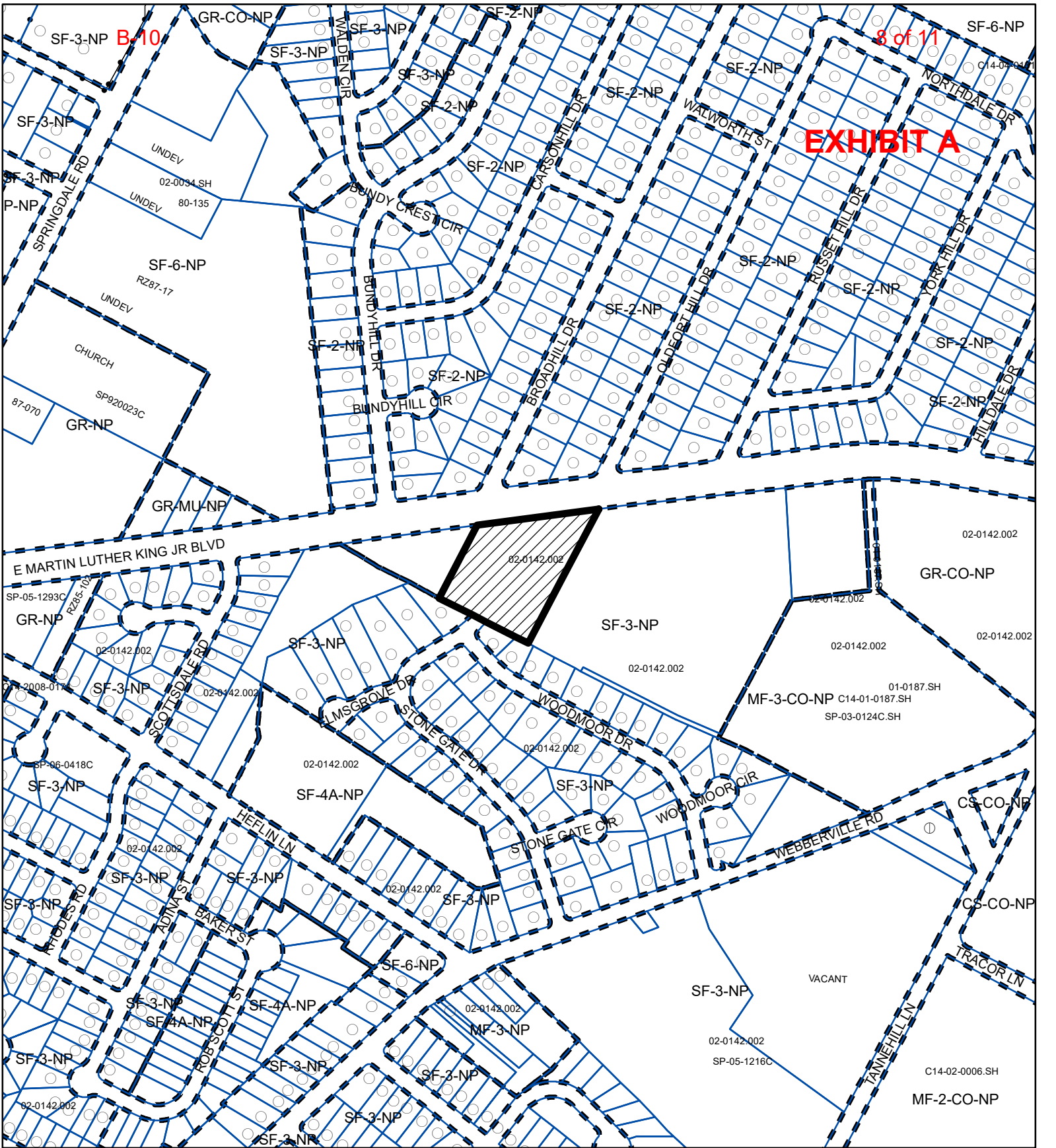
1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. Water 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.

INDEX OF EXHIBITS TO FOLLOW

A: Zoning Map

B. Aerial Exhibit

C. SMART Housing Letter



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2020-0031.SH

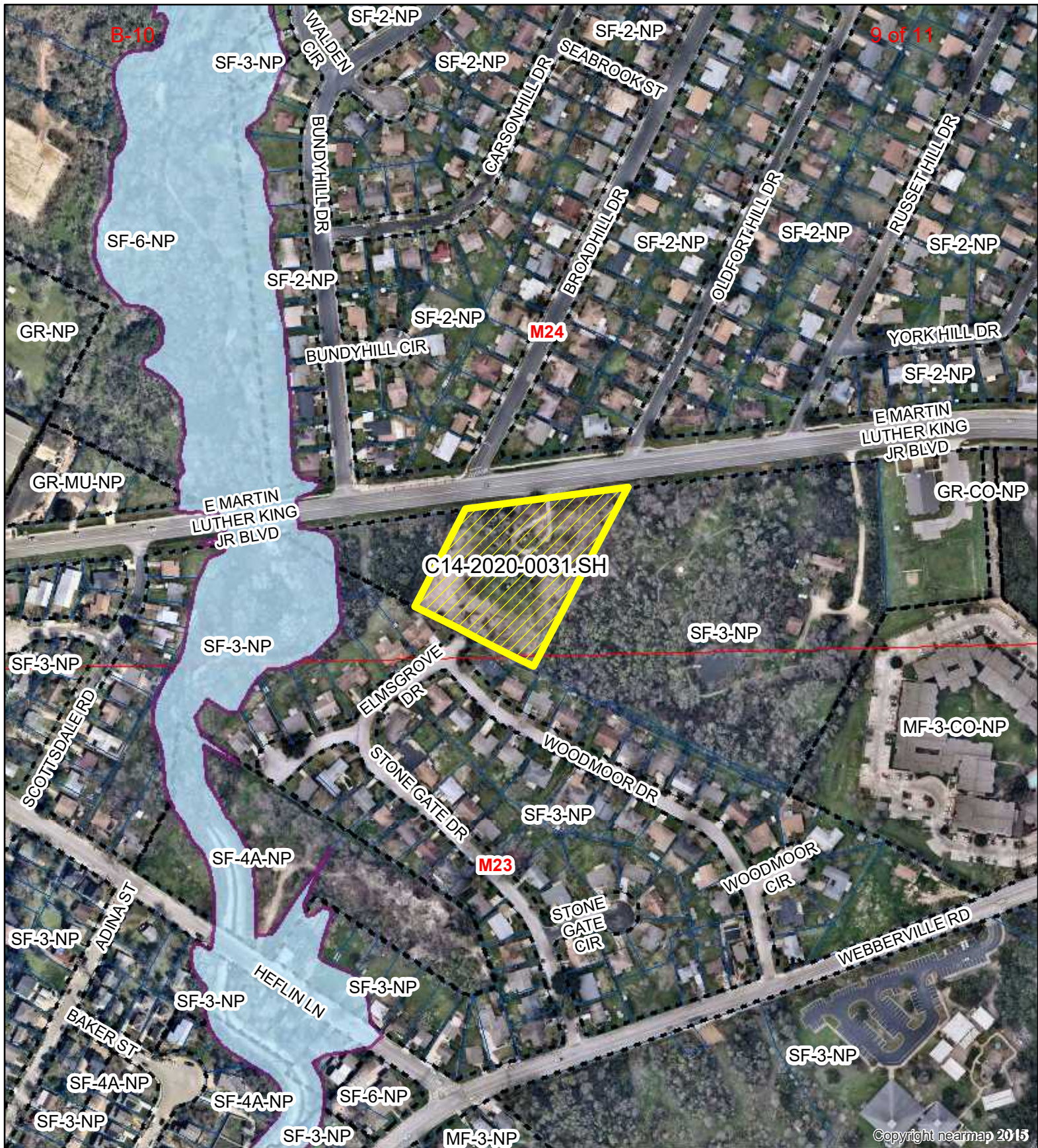
1" = 400'

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.



Created: 3/4/2020



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C14-2020-0031.SH



Creek Buffers



ZONING BOUNDARY

E MLK REZONING

ZONING CASE#: C14-2020-0031.SH

LOCATION: 5201 E MARTIN LUTHER KING JR. BLVD

SUBJECT AREA: 2.65 Acres

GRID: M24

MANAGER: Heather Chaffin



1" = 300'

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.

EXHIBIT C

City of Austin

P.O. Box 1088, Austin, TX 78767
www.cityofaustin.org/housing

Neighborhood Housing and Community Development Department S.M.A.R.T. Housing Program

February 26, 2020 (Revision to letter dated February 18, 2020)

S.M.A.R.T. Housing Certification
 5201 E MLK LP – 5201 E Martin Luther King Jr Blvd – (ID 682)

TO WHOM IT MAY CONCERN:

5201 E MLK LP (contact Eyad Kasemi; ph: 512.512.761.6161; email eyad@civiltude.com) is planning to develop a 200-unit, multi-family rental development at 5201 E Martin Luther King Jr Blvd, Austin TX 78721 (TCAD Property ID# 205065). These units will be subject to a minimum 5-year affordability period. The units will comply with rental rates established annually by Neighborhood Housing and Community Development (NHCD).

This development is seeking a zoning change from SF-3 to MF-6(Revised from GR-MU). The applicant has submitted evidence of contacting the Stonegate Neighborhood Association advising them of their project. The applicant has indicated they will address any legitimate concerns of the neighborhood residents.

NHCD certifies the proposed project meets the S.M.A.R.T. Housing standards at the pre-submittal stage. Since 50% of the units (100 units) will serve households at or below 50% MFI the development will be eligible for 100% waiver of fees listed in Land Development Code, Chapter 25-1-704, as amended or other fees waived under a separate ordinance except for Austin Water Utility (AWU) Capital Recovery Fees. This development is not fully in accordance with the requirements under the Texas Local Government Code, Chapter 395.16(g) and 42 U.S.C. Section 12745 (A)(1) as it relates to how housing qualifies as affordable housing and therefore 100 of the 200 units will not be eligible to receive Austin Water Utility Capital Recovery Fee (CRF) waivers. The expected fee waivers include, but are not limited to, the following fees:

AWU Capital Recovery Fees	Concrete Permit	Mechanical Permit
Building Permit	Electrical Permit	Plumbing Permit
Site Plan Review	Subdivision Plan Review	Zoning Verification
Construction Inspection	Parkland Dedication Fee	Land Status Determination
Demolition Permit Fee	(by separate ordinance)	Building Plan Review
	Regular Zoning Fee	

Prior to issuance of building permits and starting construction, the developer must:

- ♦ Obtain a signed Conditional Approval from the Austin Energy Green Building Program stating that the plans and specifications for the proposed development meet the criteria for a Green Building Rating. (Contact Austin Energy Green Building: 512-482-5300 or greenbuilding@austincityenergy.com).
- ♦ Submit plans demonstrating compliance with the required accessibility or visitability standards.

Before a Certificate of Occupancy will be granted, the development must:

- ♦ Pass a final inspection and obtain a signed Final Approval from the Green Building Program. (Separate from any other inspections required by the City of Austin or Austin Energy).
- ♦ Pass a final inspection to certify that the required accessibility or visitability standards have been met.

- ♦ An administrative hold will be placed on the building permit, until the following items have been completed: 1) the number of affordable units have been finalized and evidenced through a sealed letter from project architect and/or engineer, 2) a Restrictive Covenant stating the affordability requirements and terms has been filed for record at the Travis County Clerk Office.

The applicant must demonstrate compliance with S.M.A.R.T. Housing standards after the certificate of occupancy has been issued or repay the City of Austin, in full, the fees waived for this S.M.A.R.T. Housing certification.

Please contact me by phone 512.974.3128 or by email at Sandra.harkins@austintexas.gov if you need additional information.

Sincerely,



Sandra Harkins, Project Coordinator
Neighborhood Housing and Community Development

Cc: Kristin Martinez, AE

Jonathan Orenstein, AWU

Mashell Smith, ORS