

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0132 (The Charlotte)

DISTRICT: 1

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

ZONING FROM: SF-3-NP

TO: MF-3-NP

SITE AREA: 2.53 acres (109,989 sq. ft.)

PROPERTY OWNER: St. James Missionary Baptist Church (Thomas Owens, Deacon)

AGENT: Alice Glasco Consulting (Alice Glasco)

CASE MANAGER: Michael Watson (512-974-2122, michael.watson@austintexas.gov)

STAFF RECOMMEDATION:

Staff recommends MF-3-NP, Multifamily Residence-Medium Density-Neighborhood Plan Combining District, zoning.

PLANNING COMMISSION ACTION / RECOMMENDATION:

March 14, 2023

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ISSUES: N/A

CASE MANAGER COMMENTS:

The site under consideration is a 2.53 acre parcel that is part of a larger tract that is located on the south side of East Martin Luther King, Jr. Boulevard approximately 1,000 feet east of Airport Boulevard. The proposed rezoning area is a portion of a property zoned SF-3-NP that is owned by St. James Missionary Baptist Church. The church building, with associated surface parking, occupies the northern portion of the larger tract. The proposed area to be rezoned currently contains undeveloped land and a detention facility. East of the church campus there is a as a new condominium home development (the Seventeen) zoned MF-3-NP and more SF-3-NP zoned properties developed with single family residences along E. 17th Street and E M Franklin Avenue. To the south, there is undeveloped SF-3-NP zoned land and the Evergreen Cemetery, which is zoned Public (P-NP). Directly to the west of the rezoning tract, there is a tributary to Tannehill Branch Creek that runs along western side of the rezoning area and further to the west is a small residential neighborhood along Loreto Drive that is zoned SF-3-NP. The applicant is requesting to rezone this 2+ acre area to the south of the church to MF-3-NP to develop up 27 townhouse units with access to E. 17th Street.

BASIS OF RECOMMENDATION:

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

Multifamily Residence (Medium Density) district is intended to accommodate multifamily use with a maximum density of up to 36 units per acre, depending on unit size. This district is appropriate for multifamily residential areas located near supporting transportation and commercial facilities, generally in more centrally located areas, and in other selected areas where medium density multiple use is desirable.

Neighborhood Plan district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

2. *The proposed zoning should promote consistency and orderly planning.*

The proposed zoning is consistent with the existing MF-3-NP zoning to the east along E. 17th Street. MF-3-NP rezoning will permit the applicant to develop a townhouse residential project that will provide for additional housing opportunities in this area of the city.

3. *The proposed zoning should be consistent with the goals and objectives of the City Council.*

The property in question is designated for Mixed Residential on the Future Land Use Map (FLUM). The East MLK Combined 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.

The 2+ acre property under consideration is part of a larger tract of land that fronts onto a Level 3/arterial roadway and is located along the East MLK Activity Corridor as identified on the Growth Concept Map in the Imagine Austin Comprehensive Plan. There are transportation options available in this area with exiting sidewalks, shared bike lanes and a Capital Metro Bus route (18) on E. Martin Luther King, Jr. Boulevard. In addition, there are walkable public amenities in this area with the JJ Seabrook Greenbelt to the northwest. The proposed housing is consistent with the goals and priorities that have been identified in the Imagine Austin Comprehensive Plan.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Undeveloped Area, Detention Facility
<i>North</i>	SF-3-NP	Religious Assembly (St. James Missionary Baptist Church)
<i>South</i>	SF-3-NP, P-NP	Undeveloped Area, Cemetery
<i>East</i>	MF-3-NP, SF-3-NP	Condominium Homes (the Seventeen), Single-Family Residential
<i>West</i>	SF-3-NP, SF-6-CO-NP	Floodplain, Undeveloped Area

NEIGHBORHOOD PLANNING AREA: East MLK Combined NPA

TIA: Not Required

WATERSHED: Tannehill Branch Creek

SCHOOLS: Austin I.S.D.
Campbell Elementary School
Kealing Middle School
McCallum High School

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
Austin Lost and Found Pets
Austin Neighborhoods Council
Del Valle Community Coalition
East Austin Conservancy
East MLK Combined Neighborhood Plan Contact Team
Friends of Austin Neighborhoods
Homeless Neighborhood Association
Martin Luther King, Jr. Neighborhood Association

Neighborhood Empowerment Foundation
 Neighbors United for Progress
 Preservation Austin
 SELTexas
 Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2016-0025 (St. James Missionary Baptist Church: 3417 E. Martin Luther King, Jr. Blvd.)	SF-3-NP to SF-6-NP* *This rezoning request was previously considered and acted upon by Planning Commission in June 2016. However, the Applicant has added land area to the request, which triggered renotification and requires a new public hearing at Planning Commission.	9/13/16: To grant SF-6-CO-NP zoning, with a CO for a maximum of 60 units and to limit vehicular access to East 17 th Street to emergency access only. Vote: (10-0, J. Schissler, J. Vela, K. McGraw-absent); N. Zaragosa-1st; T. Nuckols – 2 nd . 6/28/16: To grant SF-6-CO-NP zoning, with a CO for a maximum of 60 units and to prohibit the payment in-lieu for on-site water quality controls. Vote: (8-4, A. Pinero-DeHoyos, M Wilson, J. Vela, J. Schissler-Nay; J. Thompson -absent); F. Kazi-1 st , T. Nuckols-2 nd .	9/22/16: The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20160922-065 for SF-6-CO-NP combining district zoning with the amendment below was approved on Council Member Houston's motion, Council Member Zimmerman's second on a 9-0 vote. Council Member Garza abstained. Council Member Troxclair was absent. The amendment was to revise the density cap in Part 2 (A) to read: "PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions: A. Development of the Property shall not exceed 72 residential units. B. The public roadway connection from the Property to East 17th Street shall be limited to emergency vehicle access by a standard traffic management device.
C14-2008-0243.SH (Chestnut Corner: 3522 E. MLK, Jr. Boulevard)	SF-6-NP to MF-2-NP	2/23/09: Approved staff's rec. for MF-2-CO-NP zoning, with a CO to limit development to a max of 22 dwelling units and a max 2,000 vehicles trips per day (9-0)	3/12/09: Approved MF-2-CO-NP zoning on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tern McCracken was off the dais.
C14-2008-0031 (MLK Station Area Plan)	Various to TOD-NP	3/25/08: Approved Station Area Plan, TOD-NP zoning	4/10/08 The public hearing was closed and the first reading of the ordinance for the station area plan and transit oriented

			<p>development (TOD) district zoning with the following amendments was approved on Council Member McCracken's motion, Council Member Martinez' second on a 7-0 vote.</p> <p>11/06/09 The second reading of the ordinance to adopt the station area plan and transit oriented development (TOD) district zoning, with the following major elements, was approved on Council Member Morrison's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.</p> <p>3/12/09: The public hearing for 2900 Manor Road was closed and Ordinance No. 20090312-027 to adopt the station area plan and transit oriented development (TOD) district zoning was approved on Council Member Cole's motion, Council Member Morrison's second on a 6-0 vote, with the Mayor Pro Tem McCracken off the dais.</p>
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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.

EXISTING STREET CHARACTERISTICS:

The adjacent street characteristics table is provided below. The street currently is not abutting the proposed site. The street extension may be required.

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
E 17 th Street (stubbed out for future connectivity)	Local Mobility - Level 1	58 feet	50 feet	28 feet	Incomplete sidewalks	Shared lane (on-street)	Yes

OTHER STAFF COMMENTS:Comprehensive Planning

Project Name and Proposed Use: 3417 E MARTIN LUTHER KING JR. C14-2022-0132.
FLUM: Mixed Residential. 2.52 acres from SF-3-NP to MF-3-NP. 27 multifamily units.

Yes	Imagine Austin Decision Guidelines
	Complete Community Measures
Y	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Name(s) of Activity Center/Activity Corridor/Job Center: Along E MLK Activity Corridor
Y	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station.
Y	Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane.
Y	Connectivity, Good and Services, Employment: Provides or is located within 0.50 miles to goods and services, and/or employment center.
	Connectivity and Food Access: Provides or is located within 0.50 miles of a grocery store/farmers market.
	Connectivity and Education: Located within 0.50 miles from a public school or university.
Y	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreation area, park or walking trail.
	Connectivity and Health: Provides or is located within 0.50 miles of health facility (ex: hospital, urgent care, doctor's office, drugstore clinic, and/or specialized outpatient care.)
	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing.
Y	Housing Choice: Expands the number of units and housing choice that suits a variety of household sizes, incomes, and lifestyle needs of a diverse population (ex: apartments, triplex, granny flat, live/work units, cottage homes, and townhomes) in support of Imagine Austin and the Strategic Housing Blueprint.
	Mixed use: Provides a mix of residential and non-industrial uses.
	Culture and Creative Economy: Provides or is located within 0.50 miles of a cultural resource (ex: library, theater, museum, cultural center).
	Culture and Historic Preservation: Preserves or enhances a historically and/or culturally significant site.
	Creative Economy: Expands Austin's creative economy (ex: live music venue, art studio, film, digital, theater.)
	Workforce Development, the Economy and Education: Expands the economic base by creating permanent jobs, especially in industries that are currently not represented in particular area or that promotes a new technology, and/or promotes educational opportunities and workforce development training.
	Industrial Land: Preserves or enhances industrial land.
6	Total Number of "Yes's"

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 floodplain within or adjacent to 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.

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.

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 sq. ft. 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.

Fire

No comments.

Parks and Recreation

Parkland dedication will be required at the time of subdivision or site plan application for new residential units, per City Code § 25-1-601, as amended. The proposed development is subject to an ongoing parkland dedication negotiation between the Church and the Parks and Recreation Department, to satisfy those requirements through a consolidated park for the entire Church site.

PARD requests that sufficient access and right-of-way be dedicated for any future parkland that satisfies a development project resulting from this rezoning, as well as the future development proposed on the west side of the creek running through the Church site.

Should there be any remaining fees in-lieu, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

Should the applicant wish to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination letter of the requirements as stated in this review.

Site Plan

General

A site plan will be required for any new development other than single-family, two-family or duplex residential.

Any new development is subject to the design standards in Subchapter E of the Land Development Code. Additional comments will be made when the site plan is submitted.

This site will be subject to the multifamily density provisions in 25-2-562.

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

The site is subject to compatibility standards, due to the presence of nearby SF-3-NP zoning districts. The following standards apply:

- No structure may be built within 25 feet of the property line of any adjacent compatibility-triggering property.
- No parking or driveways are allowed within 25 feet of the property line of any adjacent compatibility-triggering property.
- No structure in excess of two stories and 30 feet in height may be constructed within 50 feet of the property line of the compatibility-triggering property.
- No structure in excess of three stories and 40 feet in height may be constructed within 100 feet of the property line of the compatibility-triggering property.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, the height is limited to 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.
- For a structure more than 300 feet but not more than 540 feet from property zoned SF-5 or more restrictive, the height is limited to 60 feet plus one foot for each four feet of distance in excess of 300 feet from the property zoned SF-5 or more restrictive.
- A fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

- 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-NP property.
- Additional design regulations will be enforced at the time a site plan is submitted.

Airport Overlay

The site is located within the Austin-Bergstrom Airport Controlled Compatible Land Use Overlay. No use will be allowed that creates electrical interference with navigational signals or radio communications between airport and aircraft, makes it difficult for pilots to distinguish between the airport lights and others, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, creates bird strike hazards or otherwise in any way endangers or interferes 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. Airport Hazard Zoning Committee review may be required prior to Planning Commission Hearing.

Neighborhood Planning Area

This site is located in the East MLK Combined Neighborhood Plan. Please see the City's [Neighborhood Plans and Resources webpage](#) for a copy of the recommended design guidelines.

Transportation

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. The traffic impact analysis for this site is not required, the traffic generated by the proposal does not exceed the thresholds established in the City of Austin Land Development Code. [LDC 25-6-113].

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for E 17TH ST. It is recommended that 29 feet of right-of-way from the **future** centerline should be dedicated for E 17TH ST according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

Water Utility

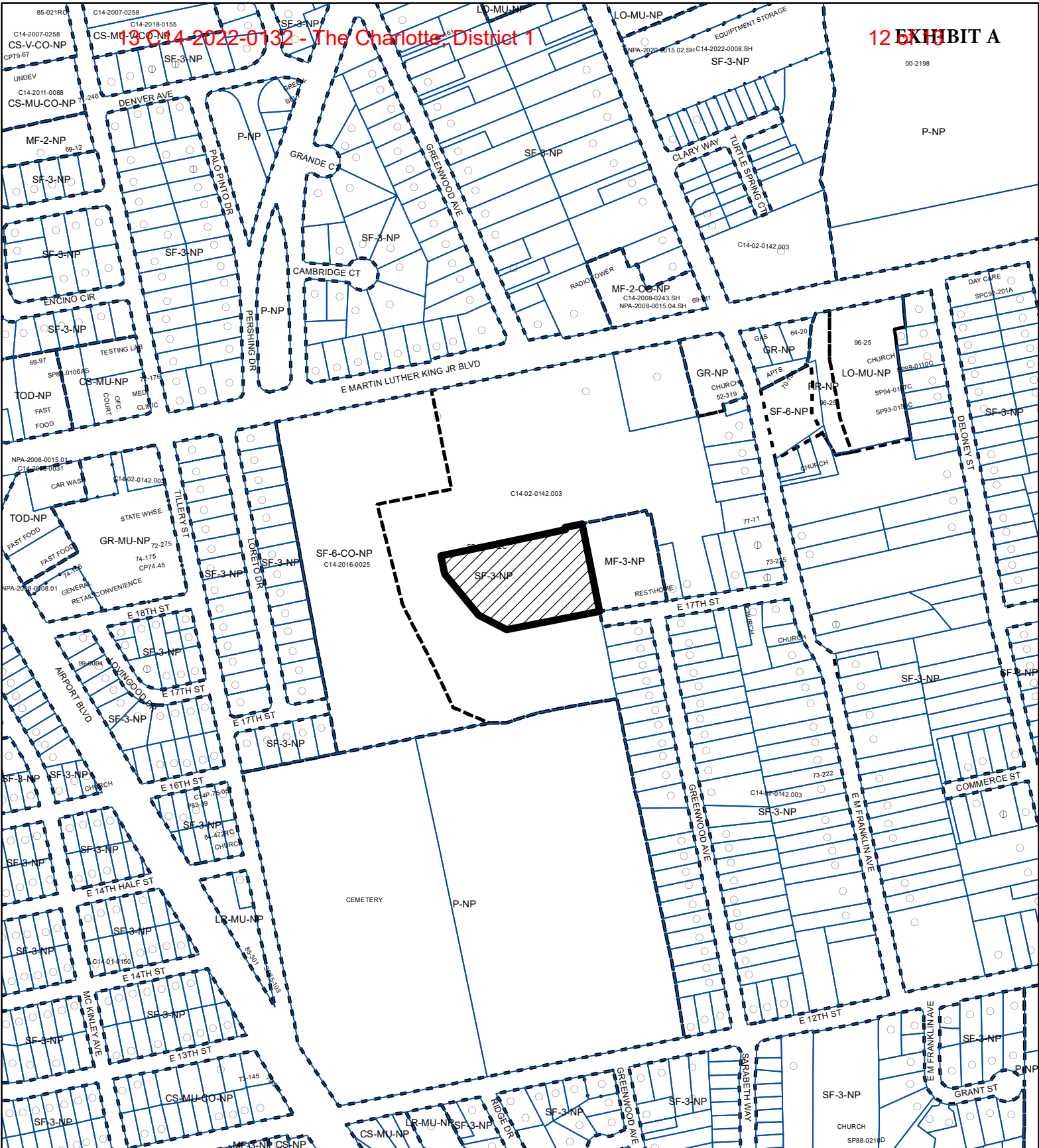
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Depending on the development plans submitted, water and or wastewater service extension requests may be required. 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 Map



ZONING

ZONING CASE#: C14-2022-0132



- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

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.

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



Created: 9/22/2022



The Charlotte



-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

ZONING CASE#: C14-2022-0132
 LOCATION: 3417 E MLK Jr. Blvd
 SUBJECT AREA: 2.52 Acres
 GRID: L23
 MANAGER: Michael Watson

