

Planning Commission: December 12, 2023

NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHBORHOOD PLAN: East MLK Combined (MLK-183)

CASE#: NPA-2023-0015.01

DATE FILED: July 25, 2023

PROJECT NAME: FM 969

PC DATE: December 12, 2023

November 28, 2023

November 14, 2023

ADDRESS/ES: 6314 & 6400 FM 969

DISTRICT AREA: 1

SITE AREA: 9.98 acres

OWNER/APPLICANT: 6400 FM 969, LLC

AGENT: Alice Glasco Consulting (Alice Glasco)

CASE MANAGER: Maureen Meredith

PHONE: (512) 974-2695

STAFF EMAIL: Maureen.Meredith@austintexas.gov

TYPE OF AMENDMENT:

Change in Future Land Use Designation

From: Mixed Residential

To: Mixed Use

Base District Zoning Change

Related Zoning Case: C14-2024-0087 (Jonathan Tomko, case manager)

From: CS-MU-CO-NP, CS-1-MU-NP, LR-MU-NP, GO-MU-NP & MF-2-NP

To: CS-MU-V-NP

NEIGHBORHOOD PLAN ADOPTION DATE: November 7, 2002

CITY COUNCIL DATE: TBD

ACTION:

Planning Commission: December 12, 2023

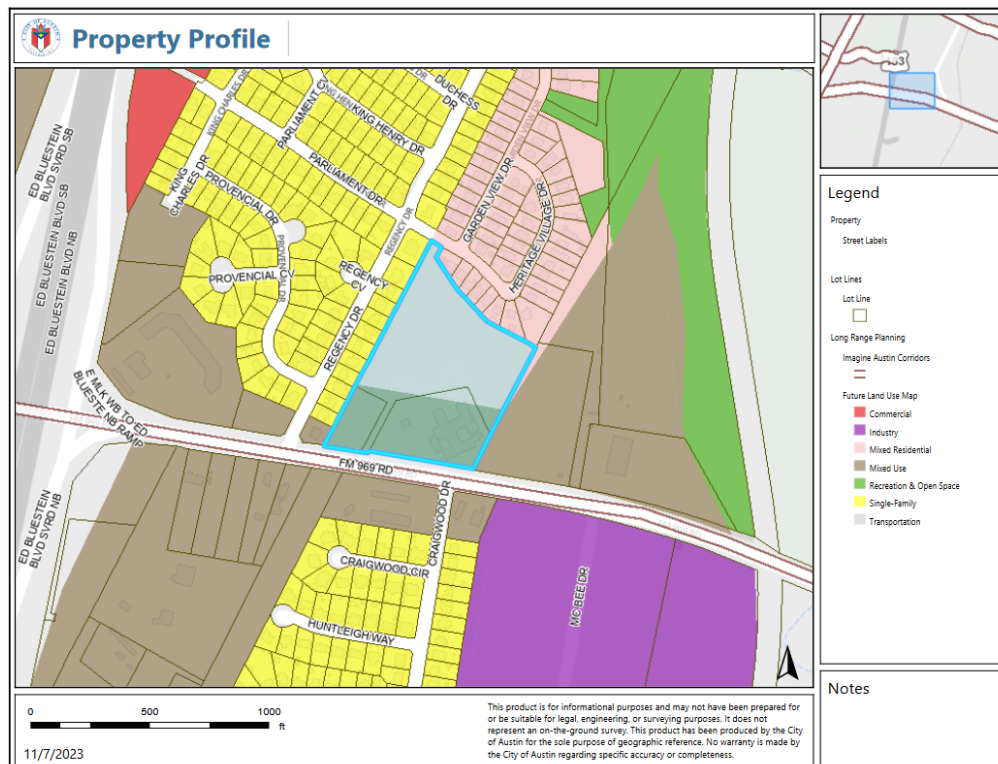
PLANNING COMMISSION RECOMMENDATION:*December 12, 2023* – (action pending)

November 28, 2023- After discussion, postponed to the December 12, 2023 hearing. [A. Azhar – 1st; J.P. Connolley – 2nd] Vote: 10-0-1 [P. Howard recused. J. Mushtaler abstained. C. Hempel and A. Woods absent].

November 14, 2023 - Postponed by the Planning Commission to November 28, 2023 on the consent agenda. [A. Azhar – 1st; F. Maxwell – 2nd] Vote: 12 -0 [N. Barrera-Ramirez absent].

STAFF RECOMMENDATION: Staff supports the applicant's request for Mixed Use land use.

BASIS FOR STAFF'S RECOMMENDATION: The property is located on the north side of FM 969 which is designated as an activity corridor in the Imagine Austin Growth Concept Map where Mixed Use land use is appropriate. The property has Mixed Use land use along the frontage of the property and Mixed Residential on the remainder of the tract. Having a consistent land use of Mixed Use on the entire property is preferred than split land use. The applicant proposes to build a multifamily residential development with approximately 280-300 multifamily units. The proposed multifamily development will provide much-needed housing for the area and the city. If the applicant chooses to develop under VMU, affordable housing units will be required along with pedestrian-oriented commercial uses.



Below are sections of the East MLK Combined Neighborhood Plan that staff believes supports the applicant's request.

Goal 1- 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 3 - Preserve existing small businesses and encourage new neighborhood-serving commercial services in appropriate locations.

Objective 3.1: Where zoning permits, promote neighborhood-oriented businesses and services such as restaurants, corners stores, and laundromats.

Goal 4 - Promote the development and enhancement of the neighborhood's major corridors.

Objective 4.1: Allow mixed use development along major corridors and intersections.

Goal 5 - Provide housing that helps to 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.

Objective 5.2: Maintain existing multi-family housing.

Cavalier Park

Existing Conditions

The Cavalier Park neighborhood includes one residential subdivision and a significant amount of vacant land. Big Walnut Creek is a prominent feature in the neighborhood, both as an environmental asset and as a flood hazard. The City has acquired much of the flood plain land and a continuous greenbelt and hike and bike trail is planned for the area. Another large portion of the flood plain is owned by the Austin YMCA, which is currently planning a 9-hole golf course for its 96-acre tract to the north of the Cavalier Park subdivision. The large tract to the east of the subdivision is currently being developed as single-family homes.

Recommendations

Due to its proximity to Walnut Creek and Ed Bluestein Blvd, opportunities for additional residential development in Cavalier Park are limited. Tracts in the flood plain are best suited for public use or private outdoor recreation. Highway commercial or industrial development is appropriate on Ed Bluestein Blvd, provided that adverse impacts on the Cavalier Park subdivision are minimized. Redevelopment of the abandoned shopping center on the northeast corner of Ed Bluestein Blvd and FM 969 with community-oriented commercial development is a neighborhood priority.

Action 65 - Allow community-oriented commercial/mixed-use at the intersection of FM 969 and Ed Bluestein Blvd.

Action 66 - Allow neighborhood commercial/mixed use along FM 969.

LAND USE DESCRIPTIONS

EXISTING LAND USE ON THE PROPERTY

Mixed Residential - An area with a variety of different housing types, including single-family residential, townhouses, duplexes, apartments, and limited neighborhood- serving retail. Single-family residential should comprise at least half of a mixed residential area.

Purpose

1. Create multiple housing types of varying densities to provide a high degree of housing choice; and
2. Encourage flexibility and better design for residential development on larger residential parcels.

Application

1. Appropriate for larger tracts having access to major roadways that are not suitable for commercial or mixed use;
2. Primarily implemented through the Residential Infill special use, but can be achieved with the mixing of different residential districts if the intent is met; and
3. Generally applicable to sites of 1 acre or greater.

PROPOSED LAND USE ON THE PROPERTY

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

Purpose

1. Encourage more retail and commercial services within walking distance of residents;
2. Allow live-work/flex space on existing commercially zoned land in the neighborhood;
3. Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic uses (with the exception of government offices) to encourage linking of trips;
4. Create viable development opportunities for underused center city sites;
5. Encourage the transition from non-residential to residential uses;
6. Provide flexibility in land use standards to anticipate changes in the marketplace;
7. Create additional opportunities for the development of residential uses and affordable housing; and
8. Provide on-street activity in commercial areas after 5 p.m. and built-in customers for local businesses.

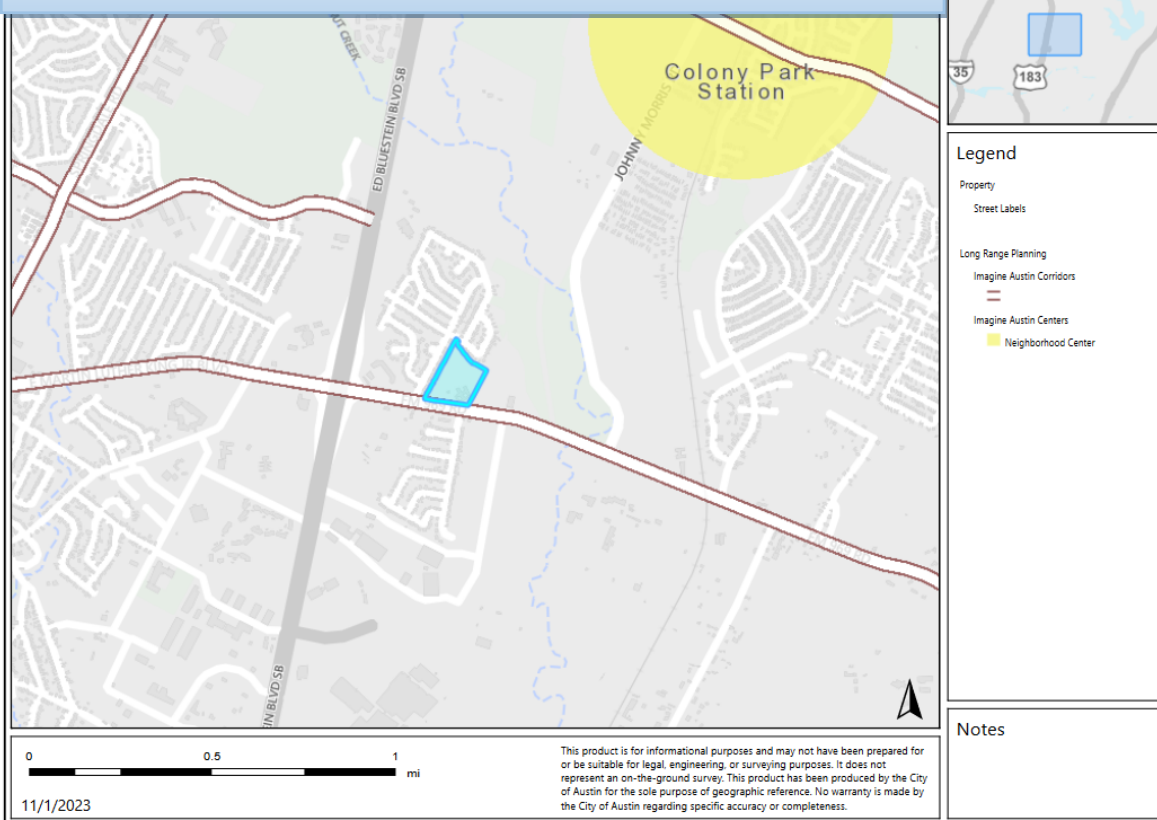
Application

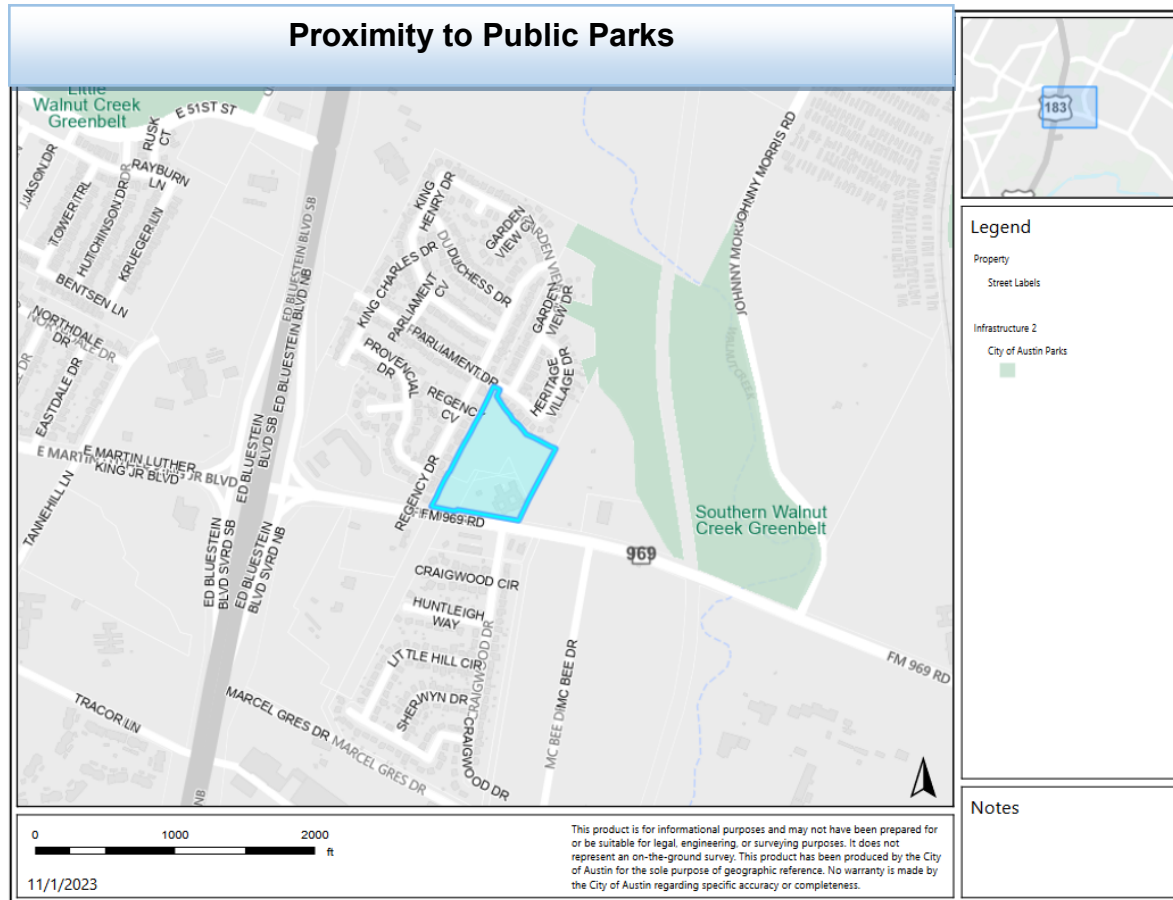
1. Allow mixed use development along major corridors and intersections;
2. Establish compatible mixed-use corridors along the neighborhood's edge
3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood Mixed Use Building, Neighborhood Urban Center, Mixed Use Combining District);
4. Mixed Use is generally not compatible with industrial development, however it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;
5. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating or maintaining a non-conforming use; and
6. Apply to areas where vertical mixed use development is encouraged such as Core Transit Corridors (CTC) and Future Core Transit Corridors.

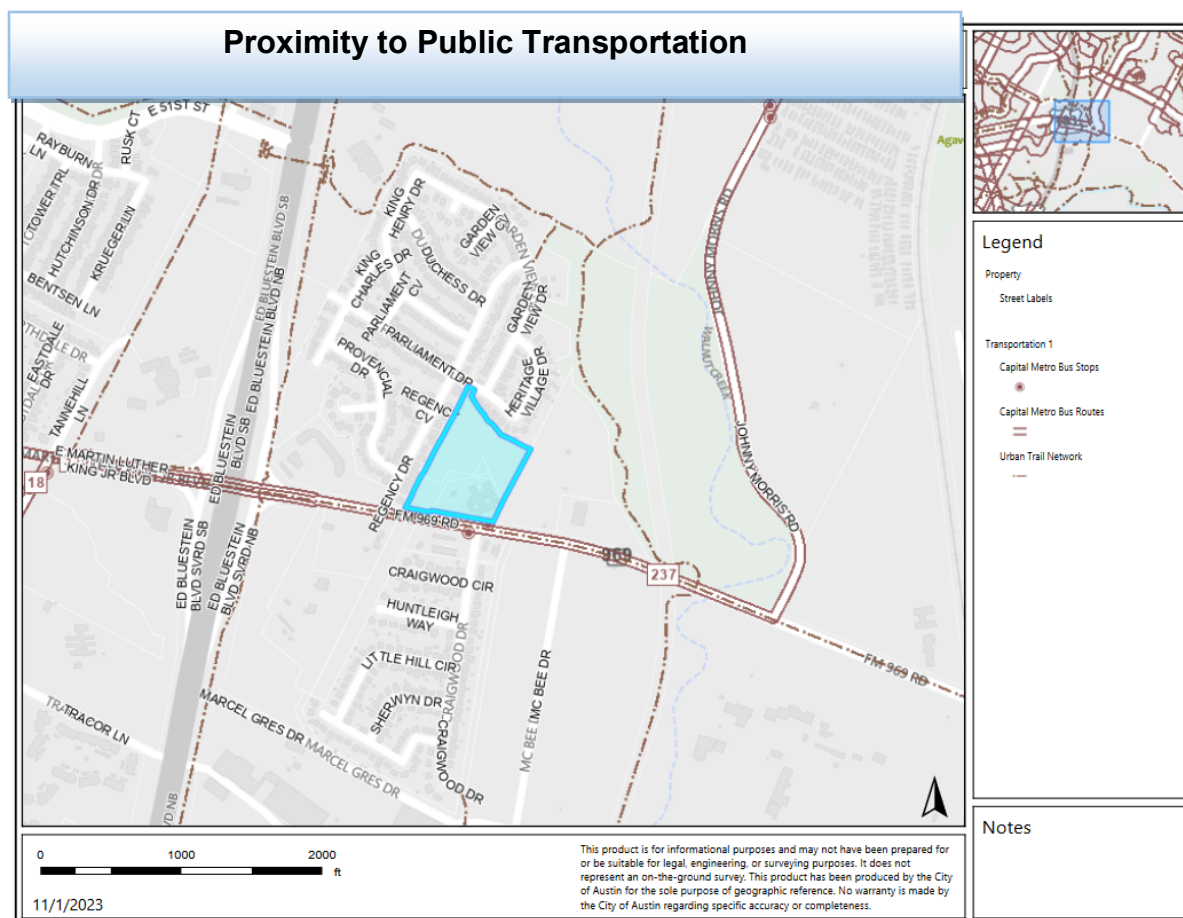
Yes	Imagine Austin Decision Guidelines
Complete Community Measures	
Yes	Imagine Austin Growth Concept Map: Located within or adjacent to an Imagine Austin Activity Center, Imagine Austin Activity Corridor, or Imagine Austin Job Center as identified the Growth Concept Map. Name(s) of Activity Center/Activity Corridor/Job Center: <ul style="list-style-type: none"> Frontage on FM 969, an activity corridor
Yes	Mobility and Public Transit: Located within 0.25 miles of public transit stop and/or light rail station. <ul style="list-style-type: none"> Bus routes on FM 969 and Johnny Morris Rd
Yes	Mobility and Bike/Ped Access: Adjoins a public sidewalk, shared path, and/or bike lane.
Yes	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.
Yes	Connectivity and Education: Located within 0.50 miles from a public school or university. <ul style="list-style-type: none"> 0.6 miles from East Austin College Prep 1.8 miles from Oak Meadows Elementary School
Yes	Connectivity and Healthy Living: Provides or is located within 0.50 miles from a recreation area, park or walking trail. <ul style="list-style-type: none"> MLK Walnut Creek Trail Southern Walnut Creek Greenbelt Heritage Village Pocket Park
	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.)
Yes	Housing Affordability: Provides a minimum of 10% of units for workforce housing (80% MFI or less) and/or fee in lieu for affordable housing. <ul style="list-style-type: none"> Proposed zoning of CS-MU-V-NP would require affordable housing if VMU is pursued
Yes	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. <ul style="list-style-type: none"> 280-300 multifamily units proposed
Yes	Mixed use: Provides a mix of residential and non-industrial uses. <ul style="list-style-type: none"> Proposed zoning of CS-MU-V-NP would require housing and commercial uses if VMU is pursued
	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. <ul style="list-style-type: none"> At this time, staff has no knowledge of historic or cultural significant on 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.
9	Number of "Yes's"
Imagine Austin Priority Program PUD Specific Bonus Features	
n/a	Public Space Features and Public Art: Incorporates public space features and/or public art into project (Ex: plazas, streetscapes, gardens, and other people-friendly spaces where different ages can socially interact).

n/a	Integrates and/or Expands Green Infrastructure: Preserves or expands Austin's green infrastructure (ex: parkland, community gardens, green streets, creeks, stormwater features that mimic natural hydrology) into the urban environment and transportation network.
n/a	Protects the Environment: Reduces greenhouse gas emissions, water, energy usage, and/or increases waste diversion.
n/a	Protects Environmentally Sensitive Lands: Protects Austin's natural resources and environmental systems by limiting land use and transportation development over or near environmentally sensitive areas, preserves open space, and protects natural resources more than ordinance requirements.
n/a	Water/Wastewater Infrastructure: Sustainably manages Austin's water resources and stream corridors through on-site use of storm water, effective landscaping, flood mitigation, and other low-impact development techniques more than ordinance requirements.
PUD zoning is not requested	Total Number of "Yes's"

Proximity to Imagine Austin Activity Centers and Corridors







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.

Regional Centers - Regional centers are the most urban places in the region. These centers are and will become the retail, cultural, recreational, and entertainment destinations for Central Texas. These are the places where the greatest density of people and jobs and the tallest buildings in the region will be located. Housing in regional centers will mostly consist of low to high-rise apartments, mixed use buildings, row houses, and townhouses. However, other housing types, such as single-family units, may be included depending on the location and character of the center. The densities, buildings heights, and overall character of a center will depend on its location.

Activity Centers for Redevelopment in Sensitive Environmental Areas - Five centers are located over the recharge or contributing zones of the Barton Springs Zone of the Edwards Aquifer or within water-supply watersheds. These centers are located on already developed areas and, in some instances, provide opportunities to address long-standing water quality issues and provide walkable areas in and near existing neighborhoods. State-of-the-art development practices will be required of any redevelopment to improve stormwater retention and the water quality flowing into the aquifer or other drinking water sources. These centers should also be carefully evaluated to fit within their infrastructural and environmental context.

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 plan amendment application was filed on July 25, 2023.

The applicant proposes to change the land use on the future land use map from Mixed Residential to Mixed Use land use for an approximately 280–300-unit multifamily residential development.

The applicant proposes to change the zoning on the property from CS-MU-CO-NP (General Commercial Services district – Mixed Use combining district – Conditional Overlay combining district – Neighborhood Plan), CS-1-MU-CO-NP (Commercial Liquor Sales district – Mixed Use combining district – Conditional Overlay combining district – Neighborhood Plan), LR-MU-NP (Neighborhood Commercial district – Mixed Use combining district – Neighborhood Plan; GO-MU-NP (General Office district – Mixed Use combining district – Neighborhood Plan; GO-NP (General Office district - Mixed Use combining district - Neighborhood Plan; MF-2-NP (Multifamily Residence Low Density district - Neighborhood Plan **to** CS-MU-V-NP (General Commercial Services district – Mixed Use combining district – Vertical Mixed Use Building combining district – Neighborhood Plan. For more information on the proposed zoning request, see case report C14-2023-0087 (Jonathan Tomko, case manager).

PUBLIC MEETINGS: The ordinance-required community meeting was virtually held on October 11, 2023. Approximately 298 meeting notices were mailed to people with utility accounts and own property within 500 feet of the subject tract. The recorded meeting can be found here: <https://publicinput.com/neighborhoodplanamendmentcases>. Two city staff members from the Planning Department attended, Maureen Meredith and Mark Walters. Alice Glasco, the applicant's agent and Brandon Allen from Narrow Road Group attended along with two people from the neighborhood.

Below are highlights from Alice Glasco's presentation:

- There are six zoning districts on the property. The goal is to have one zoning district of CS-MU-V-NP on the entire property.
- The applicant proposes approximately 280 – 300-unit multifamily residential development.
- It will be a garden-style development, three to four stories.
- Compatibility Standards will apply to the property.
- The property has flood plain issues (upper third of site), the tallest building will be near FM 969.

Q: Will there be access from your property to Parliament Street?

A: No. Access will be from FM 969.

Q: When you determine the home prices, will you take into account the home prices near here?

A: They will be rental units, no ownership. The prices will be market driven, but similar to prices in the area.

Q: What percentage of the units will be affordable?

A: It will depend on if we pursue the VMU or not.

Applicant Summary Letter from Application**ALICE GLASCO CONSULTING**

July 12, 2023

Updated: September 18, 2023

Lauren Middleton-Pratt, Director
Planning Department
1000 E 11th Street, Suite 200
Austin, Texas 78702

RE: 6314 & 6400 FM 969

Dear Rosie:

I represent the entity that owns subject property, 6400 FM 969, LLC. There are two cases being submitted for the site – a plan amendment (FLUM change to the East MLK Combined Neighborhood Plan) and rezoning. The proposed FLUM change, and rezoning are as follows:

Current FLUM Land Use: Mixed Use and Mixed Residential

Proposed FLUM Land Use : Mixed Use

Current Zoning: CS-MU-CO-NP, CS-1-MU-CO-NP, LR-MU-NP, GO-MU-NP, GO-NP, and MF-2-NP

Proposed Zoning: CS-MU-V-NP

Justification For Plan Amendment and Rezoning

The proposed plan amendment and rezoning are supported by the following East MLK Combined Neighborhood Plan action items pertaining to the Cavalier Park Subarea.

Action Item # 66: Allow neighborhood commercial/ mix use along FM 969.

Action Item # 68: Allow mixed residential on the large vacant tracts east of Cavalier Park subdivision.

Rationale: the proposed use is multifamily housing, which will add to the diversity of housing in the area. Additionally, the proposed rezoning of CS-MU-V-NP for the entire property will enable the landowner to benefit from the density bonus allowed under the

VMU ordinance. It is important to note that the subject property has 6 different zoning districts, which makes it difficult to plan the site as a unified project.

Please let me know if you have any questions or need additional information.

Sincerely,

Alice Glasco

Alice Glasco, President
AG Consulting

Cc: Anathony Clarke, 6400 FM 969, LLC
Joi Harden, Zoning Officer, Planning Department, City of Austin
Maureen Meredith, Neighborhood Planner

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

(No letter as of December 5, 2023)

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From: Meredith, Maureen

Sent: Wednesday, November 1, 2023 10:03 AM

Cc: Tomko, Jonathan <Jonathan.Tomko@austintexas.gov>; Alice Glasco
<alice@agconsultingcompany.com>

Subject: E MLK NPCT Rec?: NPA-2023-0015.01_6314 FM 969

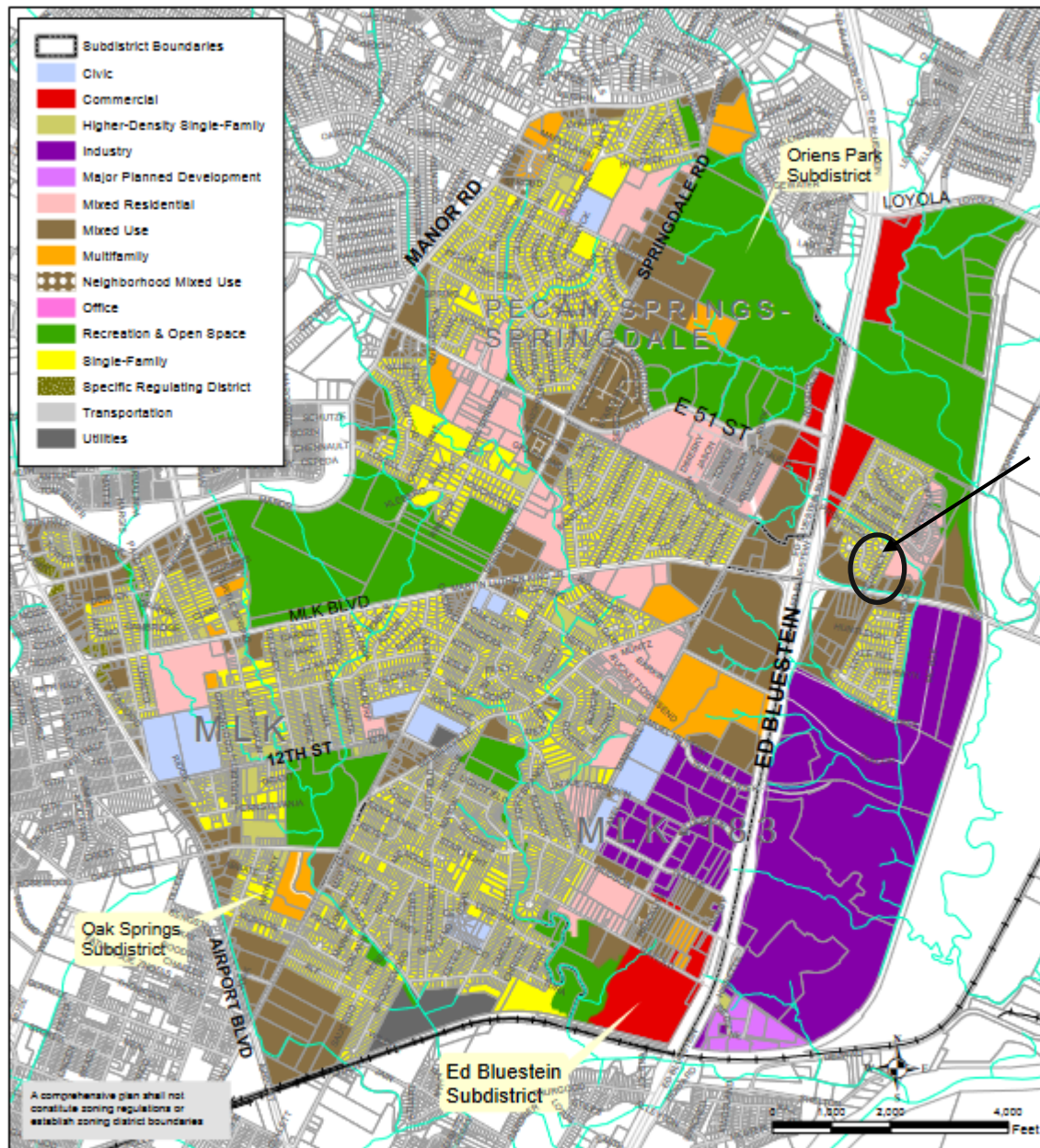
Importance: High

Dear E. MLK Combined NPCT:

Cases **NPA-2023-0015.01 and C14-2023-0087 6314 FM 969** are scheduled for the November 14, 2023 Planning Commission hearing date. If your NPCT would like to submit a recommendation letter to be included in staff case reports, please email it to me and Nancy **no later than Tuesday, November 7, 2023 by 4:30 pm** when our staff reports are due. If we receive the letter after this date and time it will not be included in staff case reports but will be submitted as late material to the Planning Commission.

Thanks.

Maureen



East MLK Combined Neighborhood Planning Area Future Land Use Map

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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City of Austin
Housing and Planning Department

Last Updated: 8/30/2023



East MLK Combined Neighborhood Planning Area NPA-2023-0015.01

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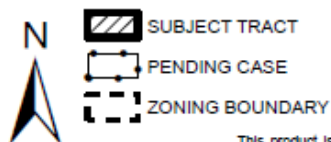
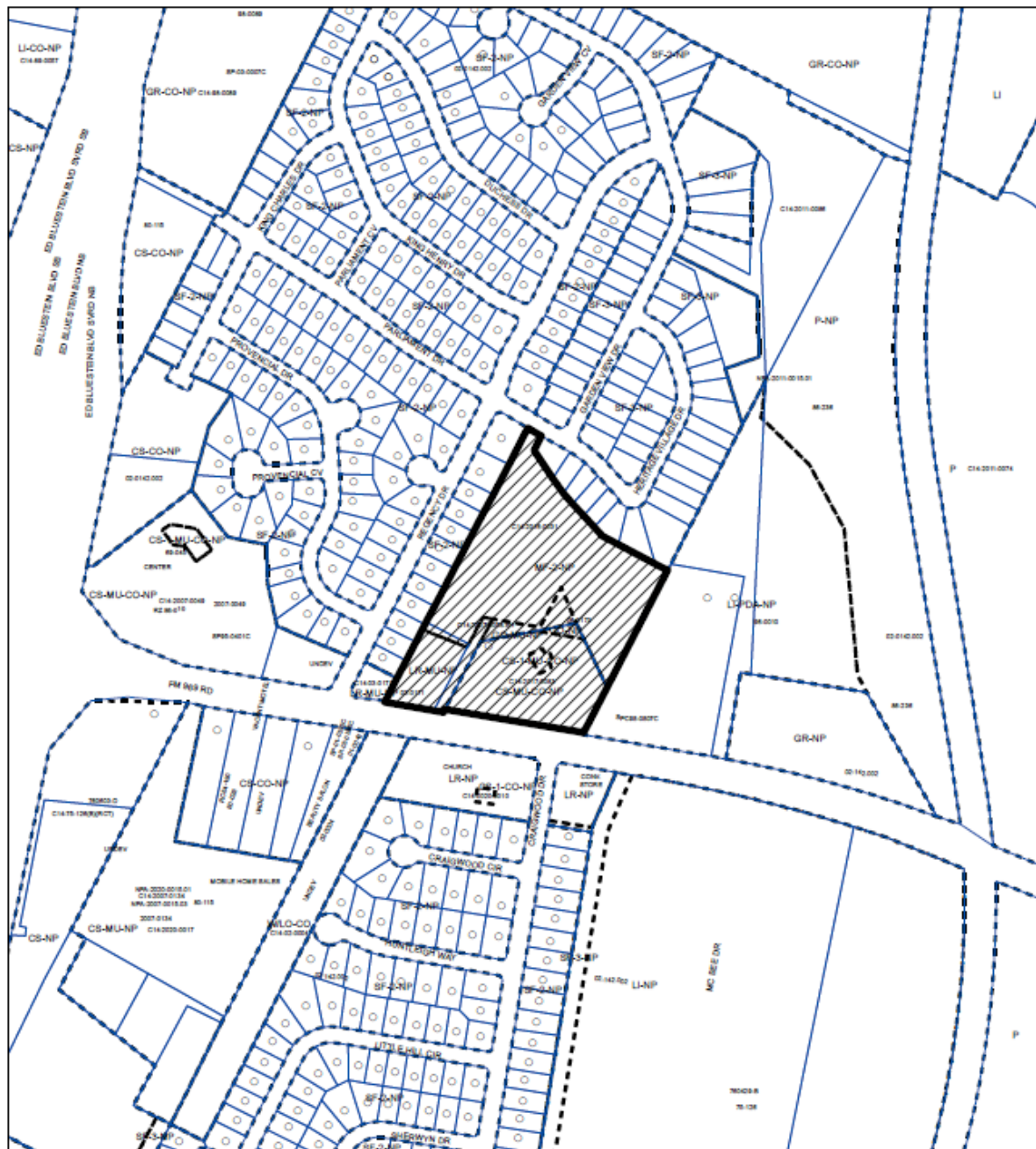


City of Austin
Housing and Planning Department
Created on 8/1/2023, by: meekss

FILED

Future Land Use

	Subject Tract		Mixed Use
	500 ft. notif. boundary		Recreation & Open Space
	Commercial		Single-Family
	Industry		Transportation
	Mixed Residential		



1" = 400'

ZONING

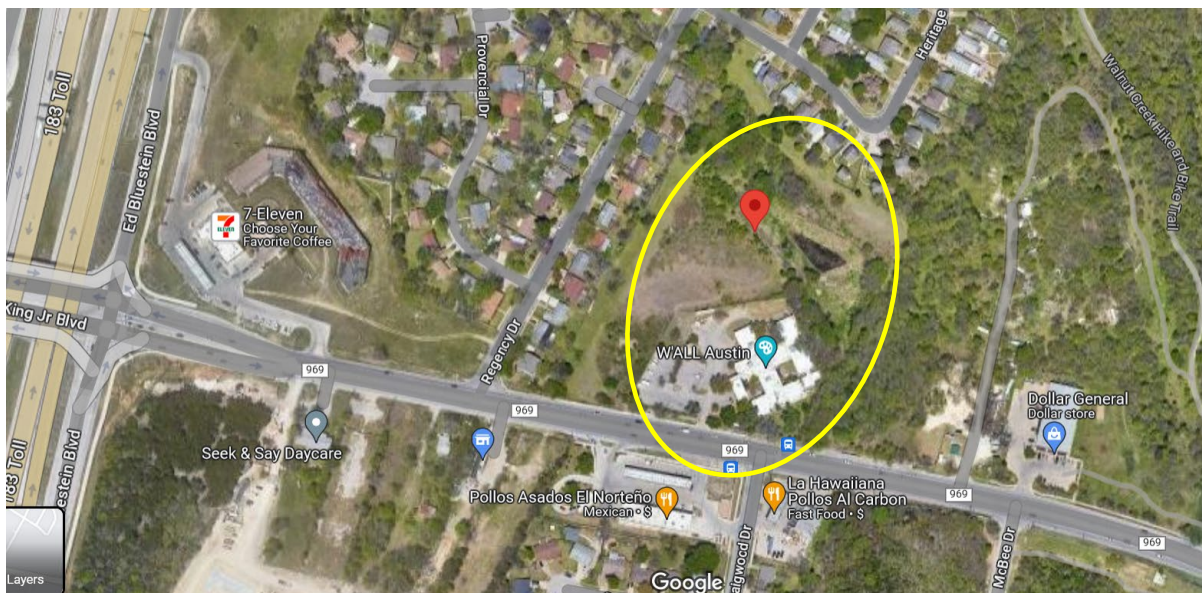
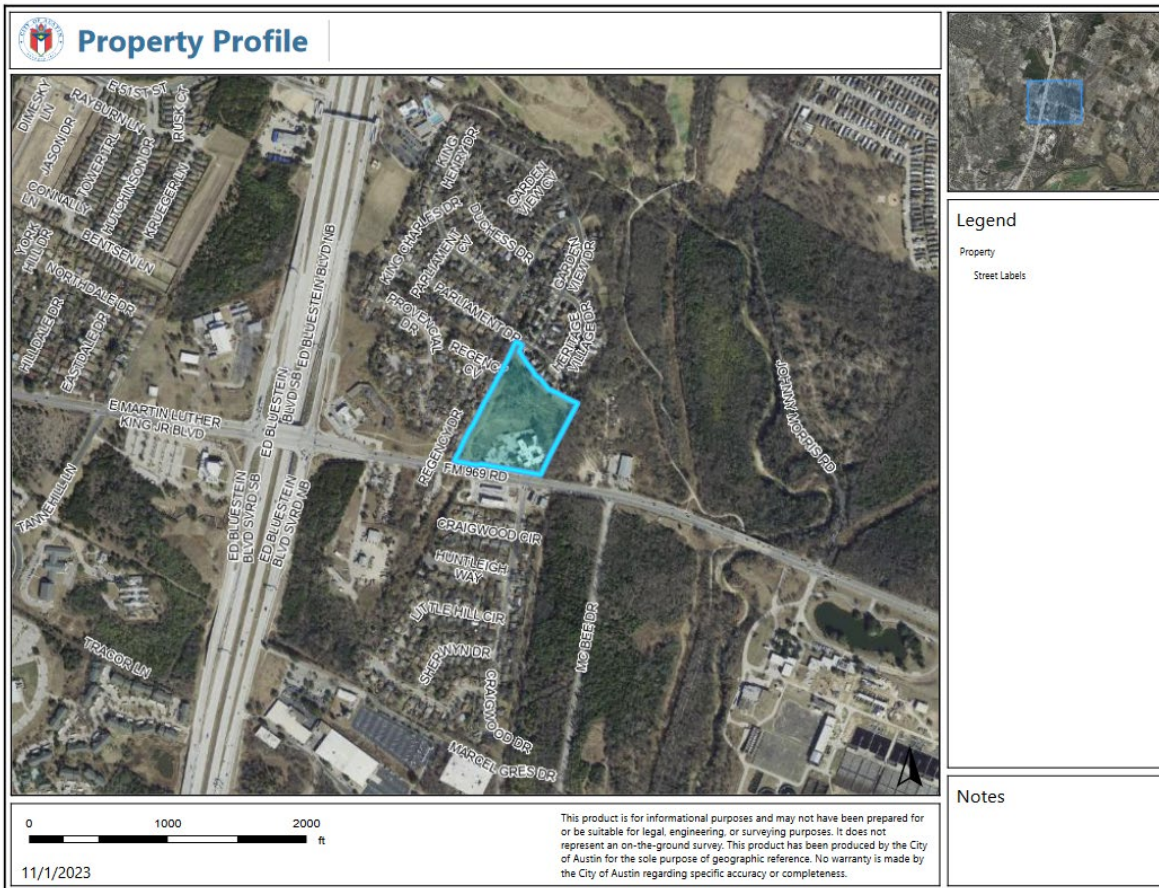
ZONING CASE#: C14-2023-0087

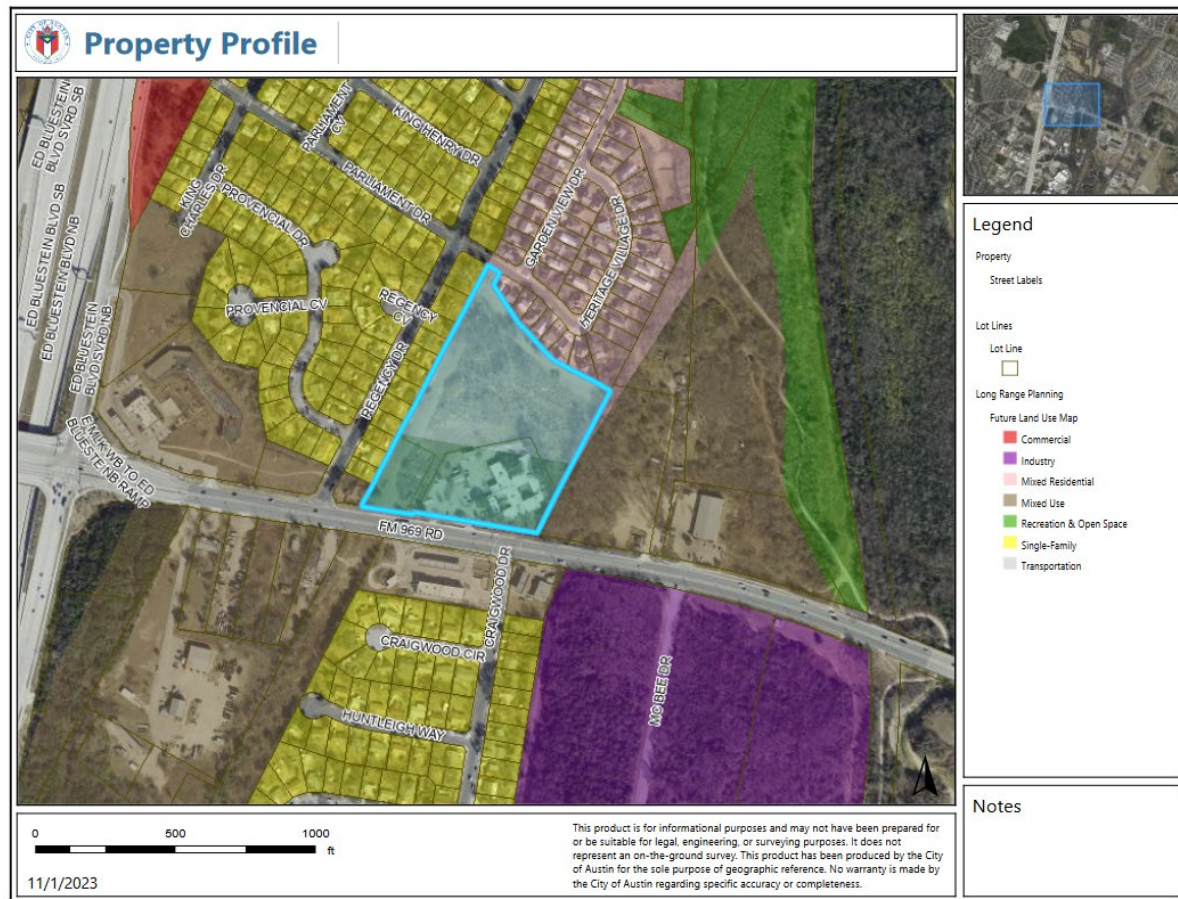
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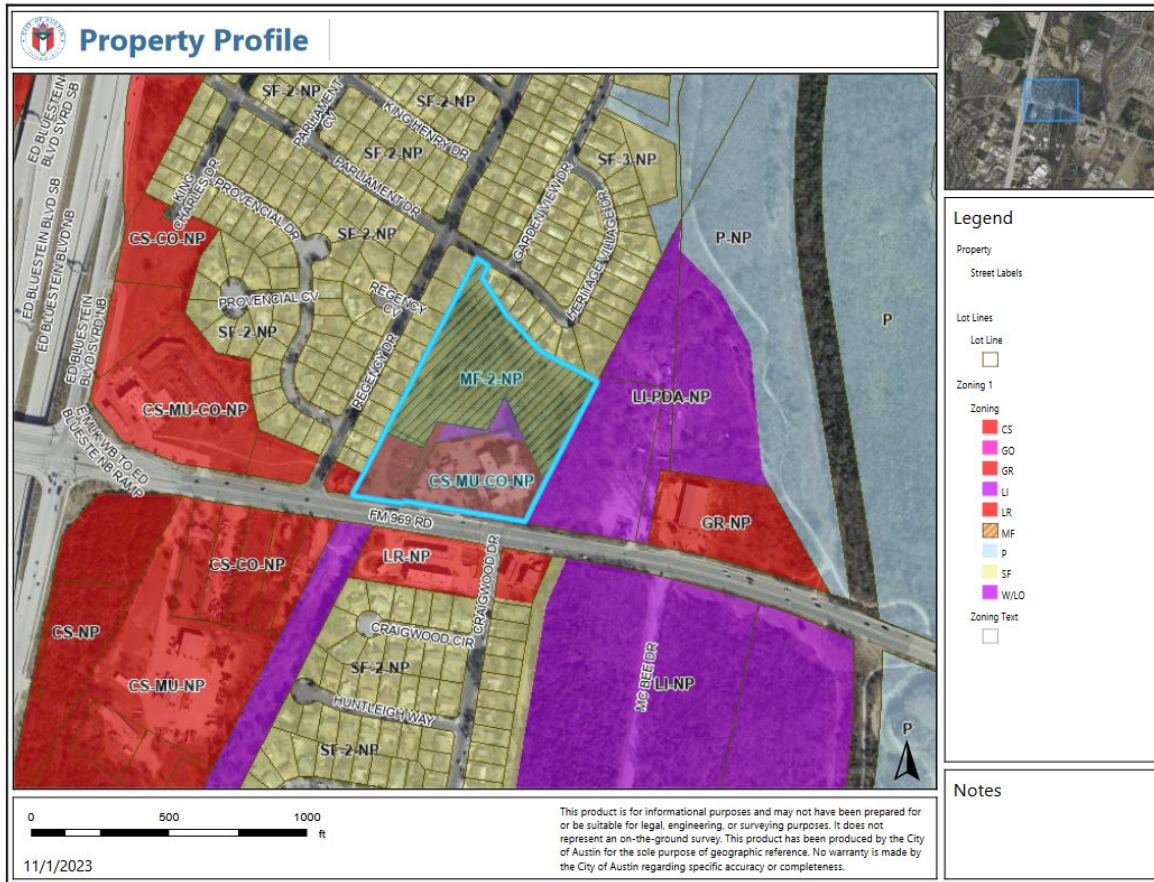
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Created: 7/28/2023







Correspondence Received

From: Pinaki Ghosh

Sent: Saturday, September 30, 2023 2:55 AM

To: Meredith, Maureen <Maureen.Meredith@austintexas.gov>; EMLK Planning Contact team Group

Subject: Re: Oct 11 Virt Cmty Mtg: NPA-2023-0015.01_6314 FM 969

Hello Maureen, and EMLK members,

This is another request for change in FLUM without updating the FLUM. We have a FLUM which has not been updated for more than 20 years and does not include anything like business districts, density based amenities design etc. This is a travesty that we allow some non-engineers to change the FLUM without any consideration for future.

I will be requesting the council members to put a stop to these changes unless the FLUM is updated with existing developments and analysis of amenities (like food source). This is supposed to be done by council members - they get paid from our tax dollars to facilitate these things with help of city employee.

thanks
Pinaki

<p>PUBLIC HEARING COMMENT FORM</p> <p>If you use this form to comment, it may be submitted to:</p> <p>Maureen Meredith City of Austin Planning Department Street Jones Building P. O. Box 1088 Austin, TX 78767</p> <p>If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.</p>		<p>Case Number: NPA-2022-0015.01 Contact: Maureen Meredith, 512-974-2695 or Maureen.Meredith@austintexas.gov Public Hearing: November 14, 2023 - Planning Commission</p>		<p><input type="checkbox"/> I am in favor <input checked="" type="checkbox"/> I object</p>	
<p>Your Name (please print) Carolyn Hendricks</p>		<p>4803 Craigwood Drive</p>		<p>Date Nov 14 2023</p>	
<p>Your address(es) affected by this application Carolyn Hendricks</p>		<p>Signature</p>		<p>Comments: Concerned regarding the storage of hazardous materials and the study or plans on water lines and flow to the neighborhood.</p>	