

**PLANNING COMMISSION SITE PLAN
CONDITIONAL USE PERMIT REVIEW SHEET**

CASE NUMBER: SPC-2023-0341A **PC DATE:** February 27, 2024

PROJECT NAME: Yoga Peace East School

ADDRESS: 3418 East Martin Luther King Jr Boulevard

COUNCIL DISTRICT: 1

NEIGHBORHOOD PLAN: MLK (East MLK Combined)

APPLICANT: Peaceful Playhouse, LLC

AGENT: SiteATX, LLC (Jennifer Hanlen) (512) 220-2248
4004 Banister Lane #307
Austin, TX 78704

CASE MANAGER: Heather Chaffin (512) 974-2140
Heather.chaffin@austintexas.gov

AREA: 15,423 square feet
WATERSHED: Tannehill Branch Creek (Urban)
WATERSHED ORDINANCE: Comprehensive Watershed Ordinance
T.I.A.: N/A
CAPITOL VIEW: N/A

PROPOSED DEVELOPMENT:

The applicant is requesting a conditional use permit for a day care / child care land use for up to 34 children. No construction is proposed with this land use site plan. **NOTE: This conditional use permit was filed with the City August 28, 2023. Day care / child care requirement sections of the Land Development Code (LDC) were modified and effective October 30, 2023.**

STAFF RECOMMENDATION:

Staff recommends approval of the conditional use permit. The proposed land use site plan complies with all requirements of the Land Development Code.

PROJECT INFORMATION: 15,423 square feet

EXISTING ZONING: SF-3-NP

MAX. BLDG. COVERAGE: 40%

EXISTING BLDG. COVER: 13%

MAX. IMPERVIOUS COVER: 45%

EXISTING IMPERVIOUS COVER: N/A

REQUIRED PARKING: N/A

PROVIDED PARKING: Minimum 4 spaces

PROPOSED ACCESS: Greenwood Avenue

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The property is zoned SF-3-NP (Single Family Residence) and is developed with a single family home. The applicant proposes changing the use of the house to day care / child care. This conditional use permit was filed prior to recently adopted changes to day care / child care land uses in single family zoned districts. Effective October 30, 2023, the proposed use would be permitted and not require a conditional use permit. Staff recommends approval of the conditional use permit request.

Environmental: The site is located in the Tannehill Branch Watershed and subject to Urban Watershed regulations. There were no Environmental review comments. No construction is proposed with this Land

Use application.

Transportation: All parking spaces are located on-site. All Transportation comments have been cleared. Access to the site is existing from Greenwood Avenue; The property also has frontage on East Martin Luther King Boulevard.

SURROUNDING CONDITIONS:

Zoning/ Land Use

North:	SF-3-NP, Single family residential
East:	SF-3-NP, Single family residential
South:	SF-3-NP, Single family residential
West:	SF-3-NP, Single family residential

NEIGHBORHOOD ORGANIZATIONS

Austin Independent School District	Austin Lost and Found Pets
Austin Neighborhoods Council	Del Valle Community Coalition
East MLK Combined NPCT	Friends of Austin Neighborhoods
Homeless Neighborhood Association	JJ Seabrook Neighborhood Association
Neighborhood Empowerment Foundation	Neighbors United for Progress
Preservation Austin	SELTexas
Sierra Club, Austin Regional Group	East Austin Conservancy

CONDITIONAL USE PERMIT

D. 25-5-145. A site plan may not adversely affect the public health, safety, or welfare, or materially injure property. If the Land Use Commission determines that a site plan has an adverse effect or causes a material injury under this subsection, the Land Use Commission shall identify the adverse effect or material injury.

§ 25-5-146 CONDITIONS OF APPROVAL.

(A) To make a determination required for approval under Section 25-5-145 (Evaluation Of Conditional Use Site Plan), the Land Use Commission may require that a conditional use site plan comply with a condition of approval that includes a requirement for:

- (1) a special yard, open space, buffer, fence, wall, or screen;
- (2) landscaping or erosion;
- (3) a street improvement or dedication, vehicular ingress & egress, or traffic circulation;
- (4) signs;
- (5) characteristics of operation, including hours;
- (6) a development schedule; or
- (7) other measures that the Land Use Commission determines are required for compatibility with surrounding uses or the preservation of public health, safety, or welfare.

CONDITIONAL USE PERMIT REVIEW AND EVALUTATION CRITERA

A. The following evaluation is included to provide staff position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code states: “The Planning Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section. A conditional use site plan must:

B.

1. Comply with the requirements of this title;

Staff Response: This site plan complies with all regulations and requirements of the Land Development Code.

2. Comply with the objectives and purposes of the zoning district;

Staff Response: The proposed land use is permitted under City Code effective October 30, 2023.

3. Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site;

Staff Response: The site plan complies with all requirements of the Land Development Code.

4. Provide adequate and convenient off-street parking and loading facilities; and

Staff Response: Adequate parking and loading facilities will provided on-site.

5. Reasonably protect persons and property from erosion, flood, fire, noise, glare, and similar adverse effects.

Staff Response: The site plan will comply with all requirements of the Land Development Code and reasonably protects the health, safety, and welfare of persons and property.

6. For conditional use located within the East Austin Overlay district, comply with the goals and objectives of a neighborhood plan adopted by the City Council for the area in which the use is proposed. Staff response: The proposed project complies with neighborhood plan goals.

C. In addition, a conditional use site plan may not:

7. More adversely affect an adjoining site than would a permitted use;

Staff Response: A day care / child care would not more adversely affect an adjoining use than would a permitted use.

8. Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; or

Staff Response: The site plan does not adversely affect the safety and convenience of vehicular and pedestrian circulation.

9. Adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign. Staff Response: All signs and lighting will comply with the Land Development Code.

INTERESTED PARTY INFORMATION

Interested parties are specifically defined in section 25-1-131 of the City Code. To view the Code on-line, go to this link:
<https://www.municode.com/library/tx/austin>.

Besides the applicant or owner listed in an application, a person can become an interested party if they communicate an interest to the City through the case manager and if they satisfy at least one of the following criteria: 1) they occupy a primary residence that is within 500 feet of the site of the proposed development; 2) they are the record owner of property within 500 feet of the site of the proposed development; or 3) they are an officer of an environmental or neighborhood organization that has an interest in the site of the proposed development or whose declared boundaries are within 500 feet of the site of the proposed development.

If a person satisfies the criteria to become an interested party, they must communicate an interest by either delivering a written statement to the Land Use Commission conducting the hearing or appearing and speaking for the record at the public hearing. A person may also provide a written statement to the Case Manager or by making telephone contact with the Case Manager. The communication must: 1) generally identify the issues of concern; 2) include the person's name, telephone phone number, and mailing address; and 3) if the communication is by telephone, be confirmed in writing.

Written comments concerning the site plan application may be submitted to the case manager on this form. Comments on a separate form should include the case number and the contact person listed on the notice.

Case Number: SPC-2023-0341A

Contact: Heather Chaffin, 512-974-2140 or
Mase Cone, 512-974-2711

I meet the requirements for and request to be an interested party
Note: All contact information is mandatory.

RAMONA DEVLIN 904-629-4959
Name (please print) Telephone number

3412 E. Martin Luther King Jr Blvd Austin TX
Address(es) affected by this application (Street, City, ZIP Code) 78721

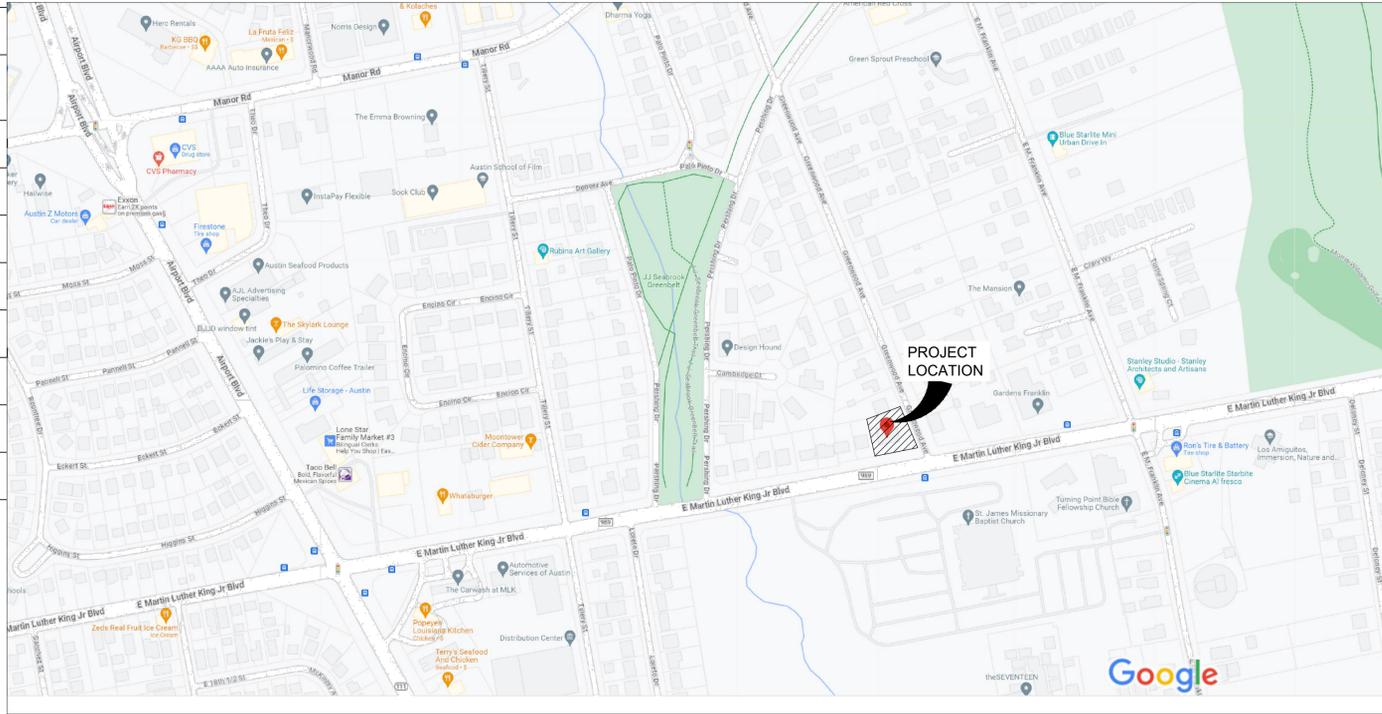
3412 E. Martin Luther King Jr. Blvd Austin TX
Mailing address (Street, City, ZIP Code) 78721

[Signature] 11/30/23
Signature Date

Comments: This is a residential area. Traffic
is insane and parking is limited.
Many people have to park on the side
street to access their homes. This is
a horrible idea. I've seen 2 fatalities
near MLK/Greenwood Ave. Often
traffic is backed up on MLK from Airport

Mail comment forms to: blocking my driveway
City of Austin
Development Services Department
Attn: Heather Chaffin
P. O. Box 1088
Austin, TX 78767-1088

CITY OF AUSTIN REVISION TABLE							
NUMBER	DESCRIPTION	REVISE (R) ADD (A) VIOD (V) SHEET #S	TOTAL # SHEETS IN PLAN SET	NET CHANGE IMP. COVER (SQ. FT.)	TOTAL SITE IMP. COVER (SQ. FT.) %	CITE OF AUSTIN APPROVAL DATE	DATE IMAGED



VICINITY MAP
SCALE: N/A

• total site area	15,423.97
• zoning and proposed use (according to 25-2-_) =	SF-2-NP
• gross floor area for each building (in sq. ft.)	2,069 SF primary 477 SF garage
• total gross floor area (in sq. ft.)	2,546 SF
• building coverage (in sq. ft. and percentage)	2,069
• impervious cover (in sq. ft. and percentage)	2,546 SF / 17%
• floor-to-area ratio (expressed as a ratio)	1:17
• open space (in sq. ft. and percentage)	12,877 SF / 83%
• building height (in stories and feet)	1 story / 23 feet
• foundation type and finished floor elevation	Slab on grade : 265

3418 E MARTIN LUTHER KING BLVD, AUSTIN TEXAS 78702

CUP APPLICATION – CITY OF AUSTIN

SPC-2023-0341A

- Date of submittal - **Aug 28, 2023**
- Project title and street address – **3418 E Martin Luther King Boulevard**
- Property owner, address, telephone number – **Renaissance Family Properties LP**
- Designer(s) company name, address, telephone number (include same for Planner, Architect, Landscape Architect, and Engineer) – **Jennifer Hanlen, SiteATX, LLC**
- Name of watershed and classification – **Tannehill Branch Watershed / Urban**
- State if subject to or exempt from the watershed protection regulations - **SUBJECT TO - SEE NOTE**
- Indicate by note if any part of the project is within a 100-year floodplain – **Does not apply**
- Legal description of property by lot, block and subdivision name, or by metes and bounds, if recorded, indicate the book and page number – **Lot A, Seabrooks 2nd Resub of lot 18-21 BLK D OLT 52 DIV B Manor Road ADDN** Volume 27, Page 28, Travis County Plat Records
- Site location map that clearly indicates the precise location of the tract (4" x 4" minimum size) – **Listed on survey and page 2 of submittal packet**
- Related Case No.(s) (Zoning/Subdivision, etc.) - **2023-111294 SP / SPC-2023-0341A**
- Revision/Correction Table – **ADDED TO SURVEY**
- Name and type of Principal Street – **Martin Luther King Boulevard. Urban Street**
- List of all waivers and variances granted.- **No waivers or variances granted**

- THIS PROPERTY IS SUBJECT TO WATERSHED PROTECTION REGULATIONS

OWNER INFORMATION:

PEACEFUL PLAYHOUSE, LLC
TRUONG-AN DANG
5806 WOODROW AVENUE
AUSTIN, TEXAS 78756

PROJECT DESCRIPTION	
THE PROPERTY WILL BE A CHILDCARE/DAYCARE CENTER FOR 34 STUDENTS. WE ARE NOT CHANGING THE FOOTPRINT OF THE PROPERTY ALTHOUGH THERE WILL BE RENOVATIONS TO THE BUILDING IN THE FUTURE IN ORDER TO PROVIDE MORE SPACE FOR STUDENTS. THERE WILL BE 4 PARKING SPACES NEEDED.	
08/28/23	
REVISIONS	
-	
YOGA PEACE SCHOOL EAST 3418 E MARTIN LUTHER KING BLVD AUSTIN, TX 78702	
SITE ATX, LLC PO Box 161501 Austin, Texas 78716 (512) 790-4068	
SHEET INDEX	
1. COVER SHEET 2. ORIGINAL PLAT MAP 3. SURVEY	
SPC-2023-0341A	
SHEET NO.	
1 OF 3	

Dec. 22-65 R.C.H-A 7356 4.50

"SEABROOK'S RESUBDIVISION OF LOTS 18, 19, 20, & 21, BLOCK "D", MANOR ROAD ADDITION"

APPROVED FOR ACCEPTANCE

Date: Dec. 17, 1965.

Hoy M. Osborne
Hoy M. Osborne
Director of Planning

ACCEPTED AND AUTHORIZED FOR RECORD BY
THE CITY PLANNING COMMISSION, CITY OF AUSTIN, TEXAS

David B. Barrow Dec. 17, 1965
Chairman

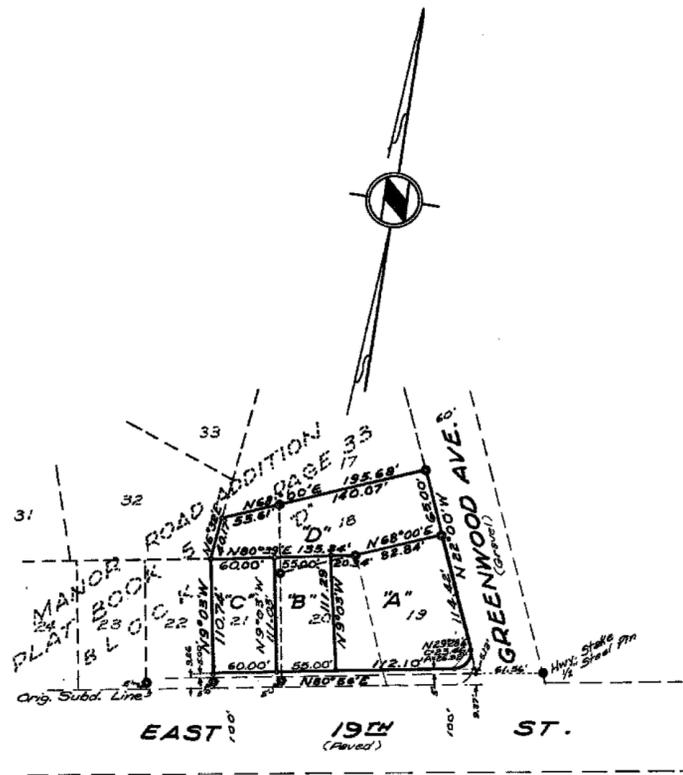
[Signature]
Secretary

FILED FOR RECORD
At 2:40 o'clock P. M. the 21 day of Dec. A.D. 1965.
MISS EMILIE LIMBERG
Clerk, County Court, Travis county, Texas

By *Frieda Wacker*
Deputy

THE STATE OF TEXAS
COUNTY OF TRAVIS
I, Miss Emilie Limberg, Clerk of County Court, within and for the County and State aforesaid, do hereby certify that the within and foregoing instrument of writing with its certificate of authentication was filed for record in my office on the 21 day of Dec. A. D. 1965 at 2:40 o'clock P. M. and duly recorded on the 21 day of Dec. A. D. 1965 at 2:45 o'clock P. M. in the Plat Records of said County the date last above written, in Book 27, Page 24 of the Plat Records.
WITNESS MY HAND AND SEAL OF OFFICE of the County Court of said County, the date last above written.
MISS EMILIE LIMBERG
Clerk, County Court, Travis County, Texas

By *Frieda Wacker*
Deputy



CURVE DATA

A	= 102°56'
T	= 18.84'
R	= 15.00'
LC	= 23.46'
ARC	= 26.32'

THE STATE OF TEXAS
COUNTY OF TRAVIS
KNOW ALL MEN BY THESE PRESENTS:
That I, Herman A. Stork, being the owner of that portion of Lot #18, Block "D" of Manor Road Addition, a subdivision of a portion of Outlot #51, Division "B" of the Government Outlots adjoining the City of Austin, Travis County, Texas, as shown on a map or plat which is recorded in Plat Book 5, Page 33, Travis County Plat Records, as conveyed to me by deed of record in Volume 2164, Page 379, Travis County Deed Records,

And we, J. J. Seabrook and Opal M. Seabrook, being the owners of that portion of Lots #19 and #20 of Block "D" of said Manor Road Addition, as conveyed to us by deed of record in Volume 2621, Page 167, Travis County Deed Records, and that portion of Lot #21, Block "D" of said Manor Road Addition, as conveyed to us by deed of record in Volume 2474, Page 1, Travis County Deed Records,

Do hereby adopt this map or plat as our resubdivision of same, to be known and designated as

"SEABROOK'S RESUBDIVISION OF
LOTS 18, 19, 20 & 21,
BLOCK "D", MANOR ROAD ADDITION"

and we do hereby dedicate to the public all of the streets and easements as shown hereon.

WITNESS OUR HANDS, this 27th day of October A.D. 1965.

Herman A. Stork *J. J. Seabrook* *Opal M. Seabrook*
Herman A. Stork J. J. Seabrook Opal M. Seabrook

THE STATE OF TEXAS
COUNTY OF TRAVIS
BEFORE ME, the undersigned authority, on this day, personally appeared Herman A. Stork, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 27th day of October A. D. 1965.
Susie Sanders (SEA)
SUSIE SANDERS
Notary Public in and for Travis County, Texas

THE STATE OF TEXAS
COUNTY OF TRAVIS
BEFORE ME, the undersigned authority, on this day, personally appeared J. J. Seabrook and Opal M. Seabrook, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that each had executed the same for the purposes and consideration therein expressed and the said Opal M. Seabrook, wife of the said J. J. Seabrook, having been examined by me privily and apart from her husband, she, the said Opal M. Seabrook, acknowledged such instrument to be her act and deed and she declared that she had willingly signed the same for the purposes and consideration therein expressed and she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 27th day of December A. D. 1965.
Susie Sanders (SEA)
SUSIE SANDERS
Notary Public in and for Travis County, Texas



Surveyed Sept. 29, 1965
Metcalfe Engineering Co.
By: *Marlon O. Metcalfe*
Marlon O. Metcalfe
Reg. Public Surveyor #555
Austin, Texas

LEGEND
• Iron Stake Set
• Iron Stake Found
Scale 1" = 100 feet

F.B. 432 P.23
F.B. 444 P.52
PLAN 7910

REVISIONS

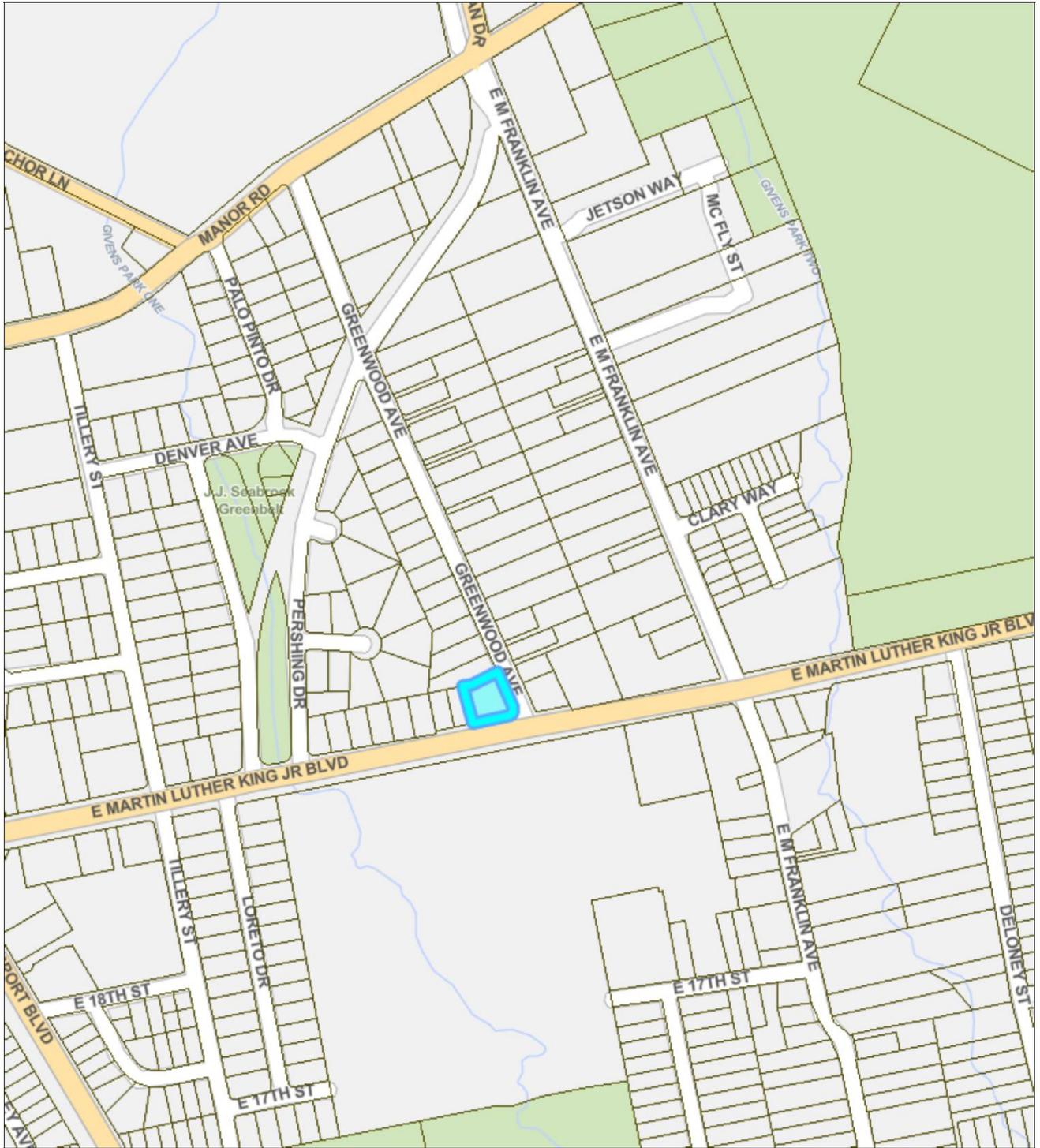
YOGA PEACE SCHOOL EAST
3418 E MARTIN LUTHER KING BLVD
AUSTIN, TX 78702

SITE ATX, LLC
PO Box 161501
Austin, Texas 78716
(512) 790-4068

SPC-2023-0341A

SHEET NO.

2 OF 3



1: 4800

11/22/2023

Lot Lines
 Lot Line

SPC-2023-0341A
 3418 E MARTIN LUTHER KING JR BLVD



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. This product has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.