

ZONING CHANGE REVIEW SHEET

CASE: C14-2023-0141.SH

DISTRICT: 1

ADDRESS: 1702 Deloney Street

ZONING FROM: SF-3-NP

TO: MF-2-NP

SITE AREA: approximately 2.027 acres (approximately 88,296 sq. ft.)

PROPERTY OWNER: 1702 Deloney, LLC

AGENT: Drenner Group, PC (Leah M. Bojo)

CASE MANAGER: Jonathan Tomko (512) 974-1057, jonathan.tomko@austintexas.gov

STAFF RECOMMEDATION:

Staff recommends granting multifamily residence-low density-neighborhood plan (MF-2-NP) combining district zoning. See the *basis of recommendation* section below for more information.

PLANNING COMMISSION ACTION / RECOMMENDATION:

March 26, 2024: Applicant postponement request to April 23, 2024 granted.

April 23, 2024: Planning Commission recommended staff recommendation of MF-2-NP, on the consent agenda. Motion by Commissioner Anderson, seconded by Commissioner Woods, unanimous.

CITY COUNCIL ACTION:

May 30, 2024: Neighborhood postponement to July 18, 2024 granted.

July 18, 2024: Case is scheduled to be heard by City Council.

ORDINANCE NUMBER: N/A

ISSUES: N/A

CASE MANAGER COMMENTS:

The subject tract currently has one vacant single-family home built in approximately 1952, of approximately 1,300 square feet. This represents a density of approximately 0.5 units per acre. To the north is undeveloped land, a church built in approximately 1970 of approximately 7,000 square feet, and a single-family home built in approximately 1953, of approximately 1,200 square feet. To the west is undeveloped land, and a triplex built in approximately 1977, of approximately 4,000 square feet. To the south is undeveloped land, one single-family home built in approximately 1952, of approximately 1,200 square feet. To the east are two single-family homes (under construction) and a duplex built in approximately 2004.

While there is floodplain and a creek buffer within the subject tract it does not encumber enough of the tract that it is unable to be developed as requested by this rezoning. Further analysis will be conducted during the subsequent site plan review process.

BASIS OF RECOMMENDATION:

Zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing.

This rezoning would allow for the development of more diverse housing options and promote a range of price points based on diverse household needs. Neighborhood scale multifamily residential zoning is a critical part of reaching the community goal to create more “missing middle” housing. Granting multifamily residence-low density-neighborhood plan (MF-2-NP) combining district zoning here can provide lower density multifamily in a way that is consistent with the surrounding land uses.

The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.

Both Council and Planning Commission have adopted policies and principles to increase new residential development, specifically along Imagine Austin Corridors, where major public transportation assets exist and/or will be improved in the future. The Austin Strategic Housing Blueprint, adopted in 2017 established a goal that at least 75 percent of new housing units should be within ½ mile of Imagine Austin Centers and Corridors. The subject tract is less than 500 feet from East Martin Luther King Junior Boulevard, which is an Imagine Austin Corridor, and less than ½ mile from the Mueller Imagine Austin Center, Airport Boulevard and Manor Road Imagine Austin Corridors. Granting this rezoning is consistent with these adopted policies and principles.

Zoning should allow for reasonable use of the property.

The current maximum density allowed for the subject tract is too low if the city is to reach its goals in striving to locate more housing density proximate to Imagine Austin Centers and Corridors. It is also too low to support fixed route local bus service. It is reasonable to allow greater density here, this is a large 2-acre lot proximate to eastbound and westbound stops for Capital Metro’s Route 18 and within a 15-minute walk of other public transportation options such as Capital Metro’s Route 350 and 485, and job centers like Mueller and MLK Station.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	One vacant single-family home built in approximately 1952, of approximately 1,300 square feet.
<i>North</i>	SF-3-NP, RR-NP, and LO-MU-NP	Undeveloped land, a church built in approximately 1970 of approximately 7,000 square feet, and a single-family home built in approximately 1953, of approximately 1,200 square feet.
<i>South</i>	SF-3-NP	Undeveloped land, one single-family home built in approximately 1952, of approximately 1,200 square feet.
<i>East</i>	SF-3-NP	Two single-family homes (under construction) and a duplex built in approximately 2004.
<i>West</i>	SF-3-NP	Undeveloped land, and a triplex built in approximately 1977, of approximately 4,000 square feet.

NEIGHBORHOOD PLANNING AREA: East MLK Combined (MLK)

WATERSHED: Tannehill Branch Watershed

SCHOOLS: A.I.S.D.

Norman-Sims Elementary School
 Martin Middle School
 Northeast High School

COMMUNITY REGISTRY LIST:

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, Friends of Northeast Austin, Homeless Neighborhood Association, Martin Luther King 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
C14-2022-0132 (The Charlotte)	The Applicant is proposing to rezone approximately 2.52 acres from SF-3-NP to MF-3-NP.	03.14.2023: Recommended staff recommendation, MF-3-NP on consent. [R. Schneider, C. Hempel – 2nd] Vote: 9-0. Y. Flores, J. Mushtaler, J. Shieh and J. Thompson - Absent	04.13.2023: Approved MF-3-NP on Council Member Alison Alter's motion, Council Member Harper-Madison's second without objection.
C14-2022-0008.SH (2011 & 2015 EM Franklin)	The Applicant is proposing to rezone approximately 4.03 acres from SF-3-NP to MF-4-NP and LR-MU-NP.	04.26.2022: Approved on the motion by Vice-Chair Hempel, seconded by Commissioner Azhar, approved on a vote of 8-0. Commissioner Anderson recused on this matter due to a conflict of interest, rendered professional services to Applicant. Commissioners Llanes Pulido and Praxis abstained. Chair Shaw and Commissioner Shieh	07.28.2022: was approved on Council Member Kitchen's motion, Council Member Kelly's second on a 10-0 vote. Council Member Fuentes was off the dais.

		absent.	
C14-2018-0149 (MLK Rezoning)	The Applicant is proposing to rezone approximately 0.47 acres from SF-3-NP to SF-6-NP.	04.09.2019: Motion by Commissioner Anderson seconded by Commissioner Howard to grant Staff's recommendation of SF-5-CO-NP combining district zoning as amended by the Applicant for C14- 2018-0149 - MLK Rezoning located at 3300 and 3302 East Martin Luther King, Jr. Boulevard was approved on a vote of 9-0. Commissioners McGraw, Schneider and Seeger absent. One vacancy on the Commission.	04.25.2019: Case withdrawn at the applicant's request.
C14-2016-0025 (St. James Missionary Baptist Church)	The applicant is proposing to rezone 6.27 acres from SF-3-NP to SF-6-NP.	09.13.2016: to grant SF-6-CO-NP, with the CO for a maximum of 60 units, and to limit vehicular access to E. 17 th St. to emergency access only. Motion by Commissioner Zaragosa, seconded by Commissioner Nuckols (10-0), Commissioner Schissler, Vela, and McGraw absent.	09.22.2016: 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. Density cap was revised to 72 units.
C14-2008-0243.SH (Chestnut Corner)	The applicant is proposing to rezone approximately 1 acre from SF-6-NP to MF-3-NP.	02.10.2009: approved staff's recommendation of MF-2-CO-NP with a conditional overlay	03.12.2009: approved staff's recommendation of MF-2-CO-NP, with a conditional overlay

		<p>limiting dwelling units to 22, and vehicle trips to less than 2,000 per day, on Commissioner Reddy’s motion, Commissioner Dealey’s second with a vote of 9-0.</p>	<p>limiting vehicle trips to less than 2,000 per day, on consent on Council Member Shade's motion, Council Member Martinez' second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.</p>
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RELATED CASES:

NPA-2023-0015.05.SH – Future Land Use Map (FLUM) change from Single Family to Multifamily Residential

ADDITIONAL STAFF COMMENTS:

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Tannehill Branch Creek 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.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within 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.
7. 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 on rezoning.

PARD – Planning & Design Review

PR1: Residential units that are certified affordable under the SMART Housing Policy are exempt from the parkland dedication requirements per City Code § 25-1-601(C)(3). Parkland dedication will be required for any new market-rate residential units that may be proposed by this development, multifamily townhome with MF-2 zoning, at the time of subdivision or site plan, per City Code § 25-1-601.

If the applicant wishes 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 of parkland dedication requirements.

Site Plan

SP1. Site plans will be required for any new development other than single-family or duplex residential.

SP2. 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.

SP3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Compatibility Standards

SP4. The site is subject to compatibility standards. Along the property line, 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 15 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, 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.
- 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 property.
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
- Additional design regulations will be enforced at the time a site plan is submitted.

SP5. This tract is already developed, and the proposed zoning change is a footprint within the existing development.

Airport Overlay

SP6. The site is located within Austin-Bergstrom Overlay {CCLUA}. No use will be allowed that creates electrical interference with navigational signals or radio communications between airport and aircraft, make it difficult for pilots to distinguish between the airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere 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.

SP7. FYI, this site is within the MLK Neighborhood Plan.

Transportation and Public Works Department – Engineering Review

ATD 1. 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].

ATD 2. The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for DELONEY ST. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for DELONEY ST according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

ATD 3. The Austin Strategic Mobility Plan (ASMP) calls for 84 feet of right-of-way for E M FRANKLIN AVE. It is recommended that 42 feet of right-of-way from the existing centerline should be dedicated for E M FRANKLIN AVE according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

EXISTING STREET CHARACTERISTICS:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Deloney Street	Local Mobility – Level 1	58 feet	56 feet	27 feet	No	No	Yes
E.M. Franklin Avenue	Local Mobility – Level 2	84 feet	53 feet	30 feet	No	Wide Curb Lane (on-street)	Yes

TIA: A traffic impact analysis is NOT required. The traffic generated by the proposal does not exceed the threshold established in the Land Development Code.

Austin Water Utility

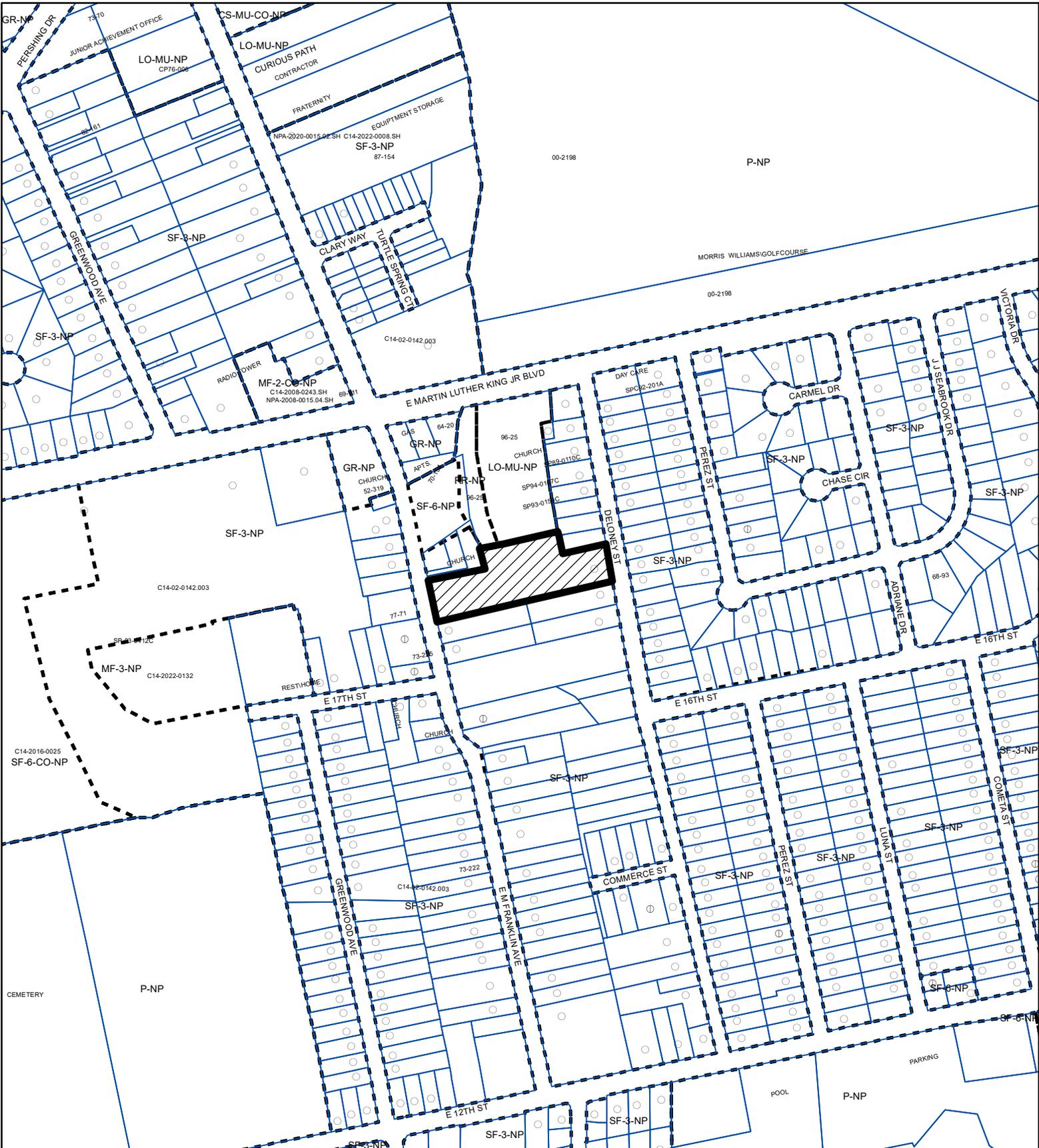
AW1. No comments on zoning change.

FYI: The landowner intends to serve the site with existing City of Austin water utilities.

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. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

- A. Zoning Map
- B. Aerial Map
- C. Applicant's Summary Letter
- D. Comments from Interested Parties



ZONING

ZONING CASE#: C14-2023-0141.SH

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

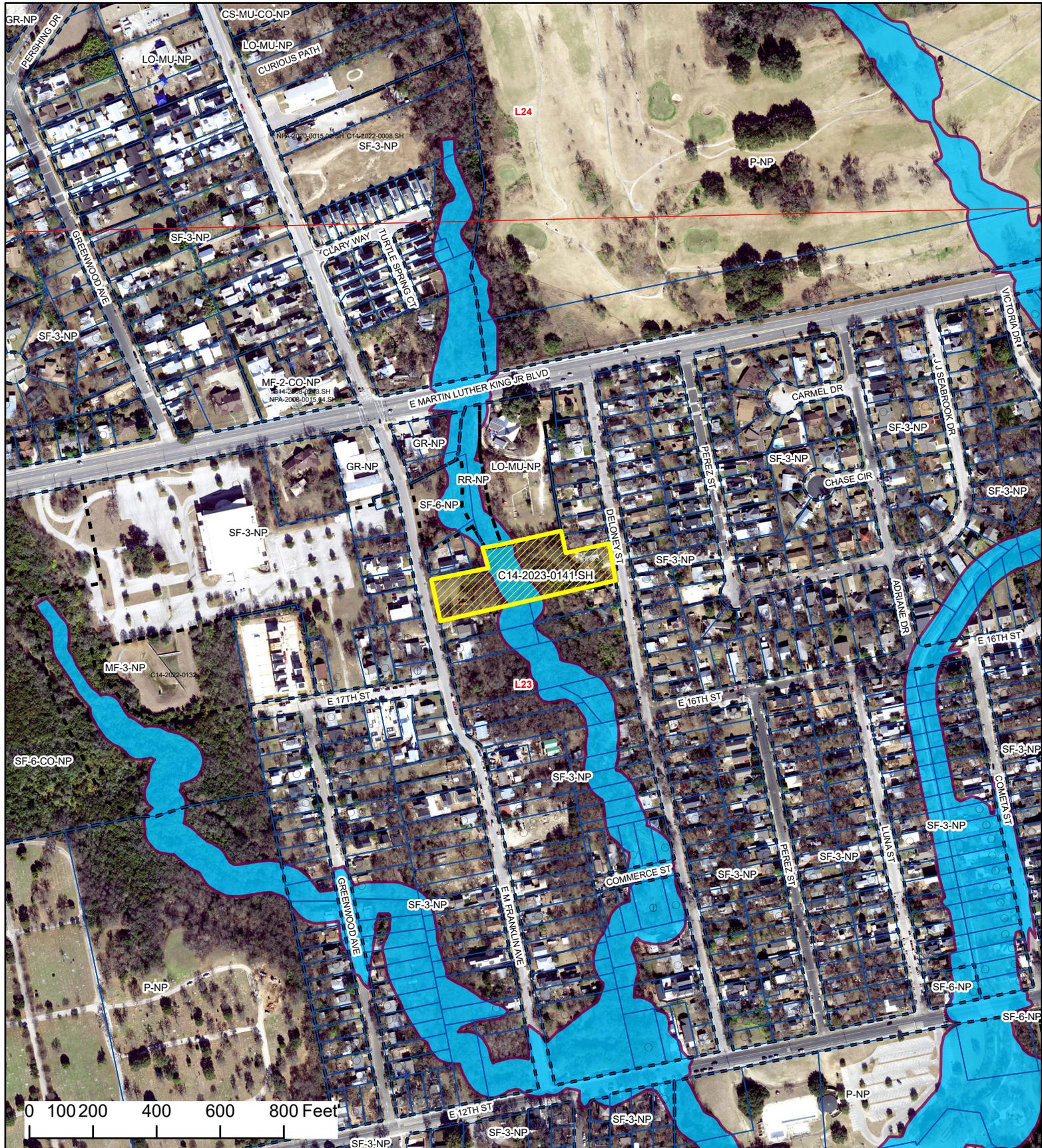


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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

1" = 400'

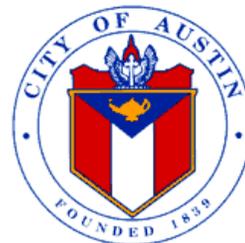
Created: 11/15/2023



1702 Deloney Street

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

ZONING CASE#: C14-2023-0141.SH
 LOCATION: 1702 Deloney St
 SUBJECT AREA: 2.027 Acres
 GRID: L23
 MANAGER: Jonathan Tomko



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DRENNER GROUP

October 18, 2023

Ms. Lauren Middleton-Pratt
Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Re: 1702 Deloney Street – Zoning and Neighborhood Plan Amendment applications for the 2.027-acre property located at 1702 Deloney Street, in Austin, Travis County, Texas (the “Property”)

Dear Ms. Middleton-Pratt:

As representatives of the owner of the Property, we respectfully submit the enclosed zoning and Neighborhood Plan Amendment (NPA) applications for 1702 Deloney Street. The project is within the Full Purpose Jurisdiction of the City of Austin and consists of 2.027 acres of land, located on the west side of Deloney Street, south of MLK Jr. Boulevard, with Deloney Street adjacent to the east property line and EM Franklin Avenue adjacent to the west property line.

The Property is currently zoned SF-3-NP (Family Residence – Neighborhood Plan). The requested zoning is from SF-3-NP to MF-2-NP (Multifamily Residence Low Density – Neighborhood Plan). The purpose of this rezoning request is to allow for the development of for-rent, neighborhood scale residential uses. The vision of this project is to provide more diverse housing in the immediate area while maintaining low density, consistent with the surrounding zoning and uses.

The Property is located in the East MLK Combined Neighborhood Planning Area and has a Future Land Use Map (FLUM) designation of single-family. A Neighborhood Plan Amendment (NPA) application is being submitted in conjunction with this rezoning request to amend the FLUM from Single Family to Multifamily.

A Traffic Impact Analysis (TIA) is not required per the attached TIA Determination worksheet, executed by Adrianna Morrow, dated September 26, 2023.

Please let me know if you or your team members would like additional information or have any questions. Thank you for your time and we look forward to working with you as we move through this process.

Sincerely,



Leah M. Bojo

cc: Joi Harden, Planning Department (*via electronic delivery*)
Maureen Meredith, Planning Department (*via electronic delivery*)

Comments on 1702 Deloney Street (C14-2023-0141.SH)

Email from Mark Bessen to Tyler Tripp, Maureen Meredith, and Jonathan Tomko

Wed 05.29.2024 4:29pm

Hello Mr. Tripp & Ms. Meredith,

I am writing regarding Items 154 & 155 of the May 30th Council Meeting regarding the 1702 Deloney St property. I will unfortunately be unable to attend and speak at the meeting due to prior responsibilities, but wanted to pass along a note.

I'm the neighbor on the Deloney side south of the 1702 lot and immediately adjacent (at 1614 Deloney St), and an active participant of the MLK neighborhood association. I've been involved, along with Alexandria and other neighbors, in talks with the Drenner group, about the rezoning and how these plans will impact our neighborhood. Below are summarized recommendations for amended zoning considerations, as well as additional points.

- I think the SF-6-NP recommendation which allows for up to 25 units makes the most sense. The reason I think this makes more sense than the MF-1-NP (and up to 34 units) for this 2 acre lot is that about 1/3 of the lot is not actually developable due to the creek and set-back area, so if they actually went with the maximum 34 units, it would require higher density on the remaining space available.
- An MF-1-NP zoning would also be an amenable choice for the neighborhood, but, given that 1/3 of the lot is undevelopable due to the creek, it would make sense that the max units be amended to match. So, say, instead of 17 units per acre as an upper bound, 12 units per acre.
- As far as the vegetative buffer, Leah Bojo's email notes that the client has agreed to a vegetative buffer on the north side of the property. I would like to suggest that the vegetative buffer be added along both the north AND south sides of the property on both the EM Franklin and Deloney sides (essentially along all areas where the new zoning is in contact with single family home zoning).
- I would like to request that privacy fences be built by the developer along the property line at the first stage of construction -- ideally 8-10' tall (up to the residents in each adjacent property) since that property is uphill from where I and other neighbors live.

I would like to state that I am disappointed that the Drenner group has still failed to provide any semblance of mockups or design drawings for what a development could look like after our repeated requests as a neighborhood association. We didn't ask for finalized renderings, but in meeting after meeting asked for a general sense of where a condo building might go vs. single family homes vs. townhouses, just to get a sense for what this might look like, where parking might fit in on already crowded streets that lack sidewalks, etc. -- and her email communications once again refuse to offer that.

As we as a neighborhood association have been very earnest in trying to figure out how this new extension of our community will fit into the neighborhood, it doesn't seem like they're operating with the same level of good faith.

I strongly believe in the need for development and increased urban density in our neighborhood. I however also believe in the need for transparency in communication, and honest, forthright conversation about the impact of such a substantial development nested within single family homes, and offset from a major corridor of either MLK or 12th St, on our existing community.

I hope that these considerations, and my thoughts, which I believe echo those I've heard from other neighbors, are brought forth in the council meeting.

Thank you very much,
Mark Bessen

Email from Alexandria Anderson to Tyler Tripp, Maureen Meredith, and Jonathan Tomko

Wed 05.29.2024 8:00am

Good Morning Maureen, Tyler & Jonathan,

My name is Alexandria Anderson and I hold the position as Chair of the Martin Luther King Neighborhood Association. I am writing on behalf of the neighborhood, especially the adjacent neighbors on the following items to be voted on at this Thursday's council meeting:

For items 154 & 155 1702 Deloney Street, we oppose the change of the FLUM and the MF-2-NP rezoning. Our Neighborhood supports an increase in density to SF-6-NP. We think the SF-6-NP recommendation which allows for up to 25 units makes the most sense. The reason this makes more sense than the MF-2-NP (and up to 46 units) for this 2 acre lot is that about 1/3 of the lot is not actually developable due to the creek and set-back area, so if they actually went with the maximum 46 units, it would require higher density on the remaining space available.

- This is too dense with the amount of current development and already future approved development for these streets and this area.. With the increase in impervious cover, neighbors are already dealing with runoff from other developments in the area.
- Concerns of continued creek erosion which has already started by one of the adjacent properties the Friends Meeting of Austin
- The neighborhood has requested in several meetings a mockup rendering or design of the development from the Drenner Group and the applicant with no compile. This is the first time as a NA since meeting with development teams we have not been presented a

mockup design of the development. As we've been very earnest in trying to figure out how this new extension of our community will fit into the neighborhood, it doesn't seem like they're operating with the same level of good faith.

- Neighbors are concerned about lack of infrastructure: lack/limited street parking already, small street width for two way traffic, and lack of sidewalks = safety

Thank you for your time,

--

Alexandria M Anderson
MLKNA Chair