

ZONING CHANGE REVIEW SHEET

CASE: C14-2024-0107 (Manor Road Revision Rezone) DISTRICTS: 1 and 9

ADDRESS: 2967 Manor Road

ZONING FROM: TOD-NP

TO: CS-DB90-NP

SITE AREA: approximately 0.68 acres (approximately 29,620 square feet)

PROPERTY OWNER: 2967 Manor AGV, LLC

AGENT: Thrower Design, LLC (Victoria Haase)

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

STAFF RECOMMEDATION:

Staff recommends granting general commercial services-density bonus 90-neighborhood plan (CS-DB90-NP) combining district zoning.

Staff also recommends granting the applicant's request for a waiver under Section 25-2-652(F)(3)(b) (the ground-floor commercial requirement of DB90) as allowed under Section 25-2-652(F)(3)(e) requested in an applicant letter dated December 20, 2024 found in exhibit D.

For a summary of the basis of Staff's recommendation, please see the basis of recommendation section below.

PLANNING COMMISSION ACTION / RECOMMENDATION:

January 14, 2025: Staff postponement request to January 28, 2025, granted.

January 28, 2025: Planning Commission granted a postponement to February 11, 2025.

February 11, 2025: Applicant postponement request to March 11, 2025.

March 11, 2025: Recommended staff recommendation of CS-DB90-NP without the waiver to the ground-floor commercial requirement of DB90. Motion by Commissioner Anderson, seconded by Commissioner Haney (9-0).

CITY COUNCIL ACTION:

January 30, 2025: Staff postponement request to February 27, 2025, granted.

February 27, 2025: Staff postponement request to March 6, 2025, granted.

March 6, 2025: Staff postponement request to April 10, 2025, granted.

April 10, 2025: Case is scheduled to be heard by City Council.

ORDINANCE NUMBER:

N/A

ISSUES:

This request would remove the subject tract from the Martin Luther King Jr. Blvd. TOD Station Area Plan.

CASE MANAGER COMMENTS:

The property in question is currently a one-story service garage/auto repair use within the Martin Luther King Jr. Blvd. TOD Station Area Plan, which was adopted in 2009 (see *area*

case histories section below). The subject tract is at the southwest corner of the intersection of Manor Road and Airport Boulevard. To the east of the tract is a convenience store/gas station, to the south of the tract is a drainage easement and three single-family homes, to the west of the tract is a very small one-story office building, to the north of the tract (across Manor Road) is another one-story service garage/auto repair use.

Both Manor Road and Airport are Imagine Austin Corridors, Austin Strategic Mobility Plan (ASMP) level 3 corridors, and identified as part of the ASMP Transit Priority Network. This site is between the MLK Station Imagine Austin Activity Center (approximately 250 feet to the west) and the Mueller Imagine Austin Activity Center (approximately 1,500 feet to the northeast). Capital Metro's new MetroRapid Route 800 Pleasant Valley and 837 Expo Center both have stops within walking distance of the site. These routes connect riders to many destinations including but not limited to the University of Texas and Medical School, the State Capitol Complex, Downtown Austin, Mueller, University Hills, ACC Eastview, Riverside Drive, Dove Springs, and Colony Park.

It is important to note that the rezoning of this site to greater intensity is not displacing any residential units. The current use of the site is not transit supportive, it is autocentric, and if the site were to develop under the dated MLK TOD regulating plan, there is not an incentive for income-restricted housing units to be provided. The site is within the Corridor Mixed Use subdistrict of the regulating plan and already has a base maximum building height of 60 feet. There is no development incentive within the MLK TOD regulating plan for a building of greater height in exchange for providing income-restricted affordable units. In other words, income-restricted affordable units, near high frequency transit would be left on the table if this rezoning was not granted.

Income-restricted affordable units are particularly important near high frequency transit because a deeper level of affordability is achieved by helping low- to moderate-income households reduce what is typically their second largest expense after housing, transportation costs.

BASIS OF RECOMMENDATION:

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

Granting the requested rezoning and removing the property from the TOD regulating plan would promote clearly-identified community goals. It would support the Imagine Austin Comprehensive Plan, the Austin Strategic Housing Blueprint, Austin Climate Equity Plan, and Austin Strategic Mobility Plan (ASMP) by increasing the supply of market rate and income-restricted affordable housing near high frequency transit, as the Metro Rapid Route 800 Pleasant Valley and 837 Expo Center, both have stops within walking distance of the site.

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

The Austin City Council and Planning Commission have recognized the importance of adopting and implementing Imagine Austin, the Austin Strategic Housing Blueprint, the Austin Climate Equity Plan, and the Austin Strategic Mobility Plan (ASMP) to both current

and future Austinites. These plans highlight the importance of encouraging new development and transit supportive housing density along major roadways and along Imagine Austin Activity Corridors where future public capital improvements can be focused. This includes public transportation, bike lanes, sidewalks and other infrastructure which can provide more transportation alternatives. This site is between the MLK Station Imagine Austin Activity Center (approximately 250 feet to the west) and the Mueller Imagine Austin Activity Center (approximately 1,500 feet to the northeast). Both Manor Road and Airport Boulevard are Imagine Austin Corridors and identified as part of the ASMP Transit Priority Network.

Intensive multi-family zoning should be located on major arterials and highways.

Manor Road and Airport Boulevard are major arterials, they are identified as ASMP level 3 roadways in the Austin Strategic Mobility Plan and are also identified as part of the ASMP Transit Priority Network. Granting this request would locate intensive multi-family zoning on a major arterial and support the principles of this adopted plan and several other Council adopted plans.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	TOD-NP	Service garage/auto repair, one-story building of approximately 4,000 square feet constructed in approximately 1984. Approximately 17,400 square feet of paved area.
<i>North (across Manor Road)</i>	TOD-NP	Service garage/auto repair, one-story building of approximately 2,000 square feet constructed in approximately 1964. Approximately 16,000 square feet of paved area.
<i>South</i>	SF-3-NP	Three single family homes constructed in approximately 1948. Ranging in size from approximately 800-965 square feet.
<i>East</i>	TOD-NP	Convenience store/gas station, approximately 1,650 square feet constructed in approximately 1966. Paved area of approximately 20,000 square feet.
<i>West</i>	TOD-NP	Small one-story office of approximately 720 square feet constructed in approximately 1981. Paved area of approximately 20,000 square feet.

NEIGHBORHOOD PLANNING AREA: Rosewood Neighborhood Planning Area

WATERSHED: Boggy Creek Watershed

SCHOOLS: A.I.S.D.

- Campbell Elementary School
- Kealing Middle School
- McCallum High School

COMMUNITY REGISTRY LIST:

Austin Independent School District, Austin Lost and Found Pets, Austin Neighborhoods Council, Del Valle Community Coalition, East Austin Conservancy, Friends of Austin Neighborhoods, Homeless Neighborhood Association, MLK Jr. Blvd TOD Staff Liaison, Neighborhood Empowerment Foundation, Neighbors United for Progress, Overton Family Committee , Preservation Austin, Rosewood Neighborhood Plan Contact Team, SELTexas, Save Our Springs Alliance, Sierra Club, Austin Regional Group

AREA CASE HISTORIES:

Number	Request	Commission	City Council
C14-06-0211 (Valdez Zoning)	To rezone 0.918 acres from LR-MU-NP to CS-MU-CO-NP	01.30.2007: Approved staff recommendation of CS-MU-CO-NP	04.05.2007: Granted CS-MU-CO-NP
C14-2007-0258 (East MLK Combined Neighborhood Planning Area Vertical Mixed Use)	The applicant is proposing vertical mixed use.	01.15.2008: Approved the neighborhood's request to exclude all tracts from the vertical mixed use overlay district (7-0)	03.20.2008: Granted Vertical Mixed Use (V) zoning regulations to all properties and adopting a 60% MFI approved on Council Member McCracken's motion, Council Member Cole's second on a 7-0 vote
C14-2008-0031 (MLK Jr. Blvd Station Area Plan)	To adopt the Draft MLK Station Area Plan and change the base district for all properties within the boundary of the station area to TOD zoning.	03.25.2008: Planning Commission voted unanimously to approve the Draft MLK Station Area Plan as presented by Staff and associated amendments to neighborhood plans with amendments.	03.12.2009: Approved the Station Area Plan and granted TOD zoning on Council Member Cole's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.
C14-2011-0088 (Tillery Street)	To rezone approximately 1.217 acres from LO-MU-NP to CS-MU-CO-NP	03.13.2012: To grant staff's recommendation of CS-MU-CO-NP with the addition of conditions agreed to by the applicant and the neighborhood on consent (7-0).	06.28.2012: To grant CS-MU-CO-NP was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

C14-2021-0042 (3115 Manor Road Residences)	To rezone approximately 0.4683 acres from CS-MU-NP to CS-MU-V-NP	05.11.2021: To grant CS-MU-V-NP as recommended by Staff, on consent. (11-0) [Commissioner Cox- 1st, Commissioner Azhar- 2nd; Commissioner Hempel- Recused; Chair Shaw- Absent]	06.10.2021: To grant CS-MU-V-NP) on Council Member Ellis' motion, Mayor Pro Tem Harper-Madison's second on an 11-0 vote.
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RELATED CASES:

NPA-2024-0008.02 Associated Neighborhood Plan Amendment Case seeking a FLUM change from Specific Regulating District to Mixed Use and to be removed from the MLK Jr. Blvd. TOD Station Area Plan.

ADDITIONAL STAFF COMMENTS:

Urban Design

The subject property located at 2967 Manor Road is within the MLK TOD (Transit-Oriented Development) and currently developed as automotive repair services on a 0.68-acre site with a one-story metal building approximately 4,000 square feet in area.

The site is along a Future Core Transit Corridor (see *Land Use and Design Concept Plan*) and within one of two TOD Corridor Mixed Use areas along Airport Boulevard not contiguously connected to the rest of the TOD plan area.

The MLK TOD Station Area and Regulating Plans are clearly in need of a comprehensive update, having been adopted over 15 years ago; it appears the zoning capacity established in the plans was not ambitious enough to encourage the subject property and others like it to redevelop and fulfill the intent of the plan through the creation of transit-supportive, higher-density mix of uses.

The zoning request appears to be consistent with the intent of the MLK TOD Station Area Plan as well as urban planning and design best practices primarily by increasing intensity and density of a mix of land uses in the urban core along a transit route within 200-250 feet of two bus stops and a ¼ mile radius of the Red Line MetroRail MLK Station shown in the *Circulation Concept Plan*.

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy 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 square feet 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: Parkland dedication will be required for the new applicable uses proposed by this development, multifamily with CS-DB90 zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. Should fees in-lieu be required, 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 § 25-1-609, as amended.

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 whether fees in-lieu of land will be allowed.

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.

DB90 Rezoning

- SP4. This site must meet affordability minimums to be eligible for DB90. A signed approval letter from the Housing Department will be required with site plan submittal.
- SP5. The principal street will be determined at time of site plan. Any buildings fronting this street will be required to have 75% of the ground floor as commercial uses.
- SP6. This site is adjacent to a site that contains one to three dwelling units and is zoned SF-5 or more restrictive. A compatibility buffer 25’ in width, designed to 25-8-700 and 25-2-652(G) will be required.

FYI, this site is within the Rosewood Neighborhood Plan.

FYI, this site is within the MLK BLVD TOD.

Transportation and Public Works (TPW) 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. MANOR RD has sufficient right of way to comply with the Austin Strategic Mobility Plan (ASMP). [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)
MANOR RD	Corridor Mobility - Level 3	80 feet	106 feet	52 feet	Existing 5 feet sidewalks	Bike Lane - Protected One-Way	Yes

TIA:

A 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].

Austin Water Utility

AW1. No comments on zoning change.

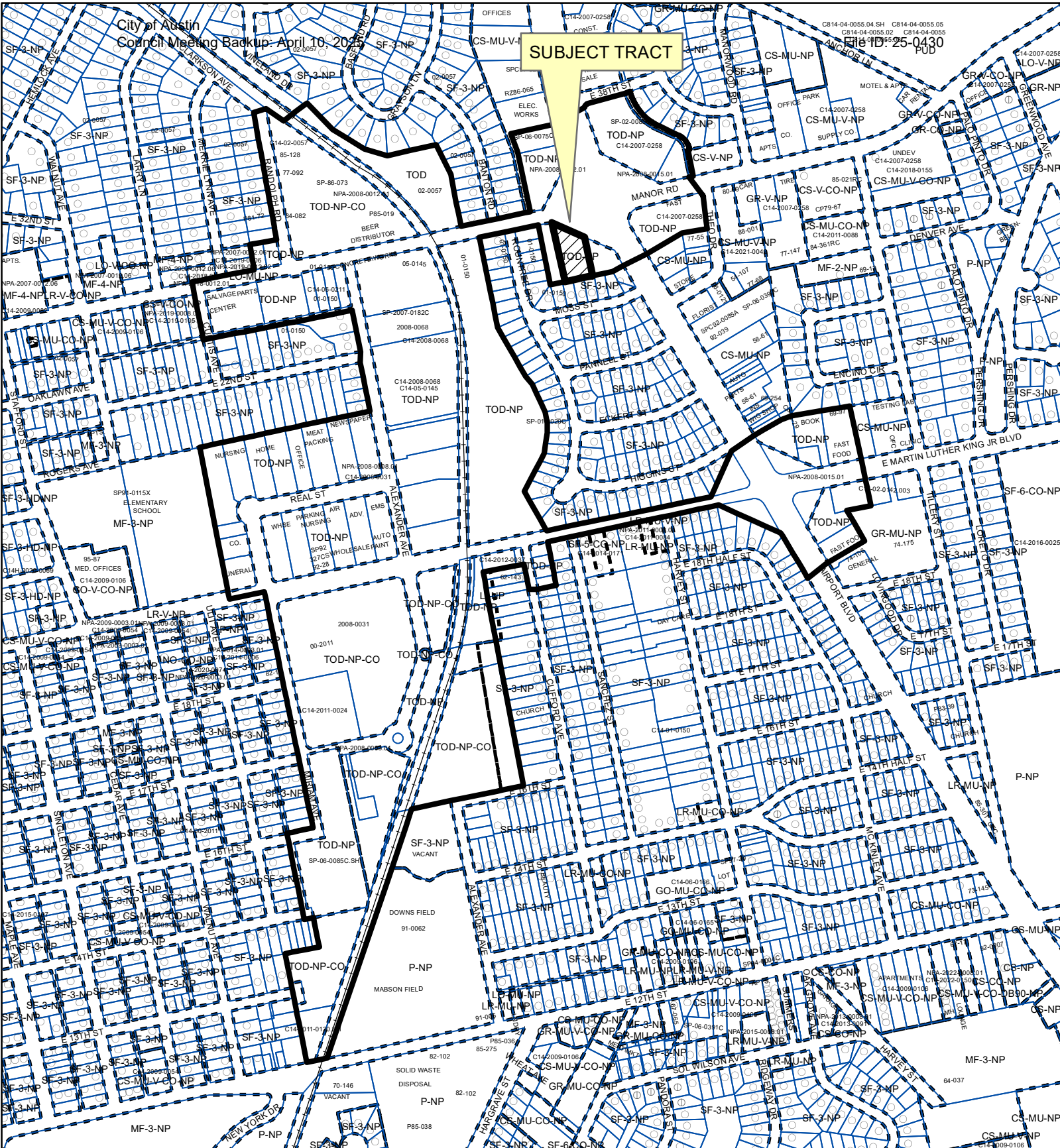
FYI: The landowner intends to serve the site with existing City of Austin water utilities.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. 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 Original Summary Letter dated July 1, 2024
- D. Applicant's Revised Request dated December 20, 2024
- E. Applicant's Additional Agreements dated January 3, 2025
- F. Correspondence from Interested Parties

SUBJECT TRACT



ZONING

ZONING CASE#: C14-2024-0107

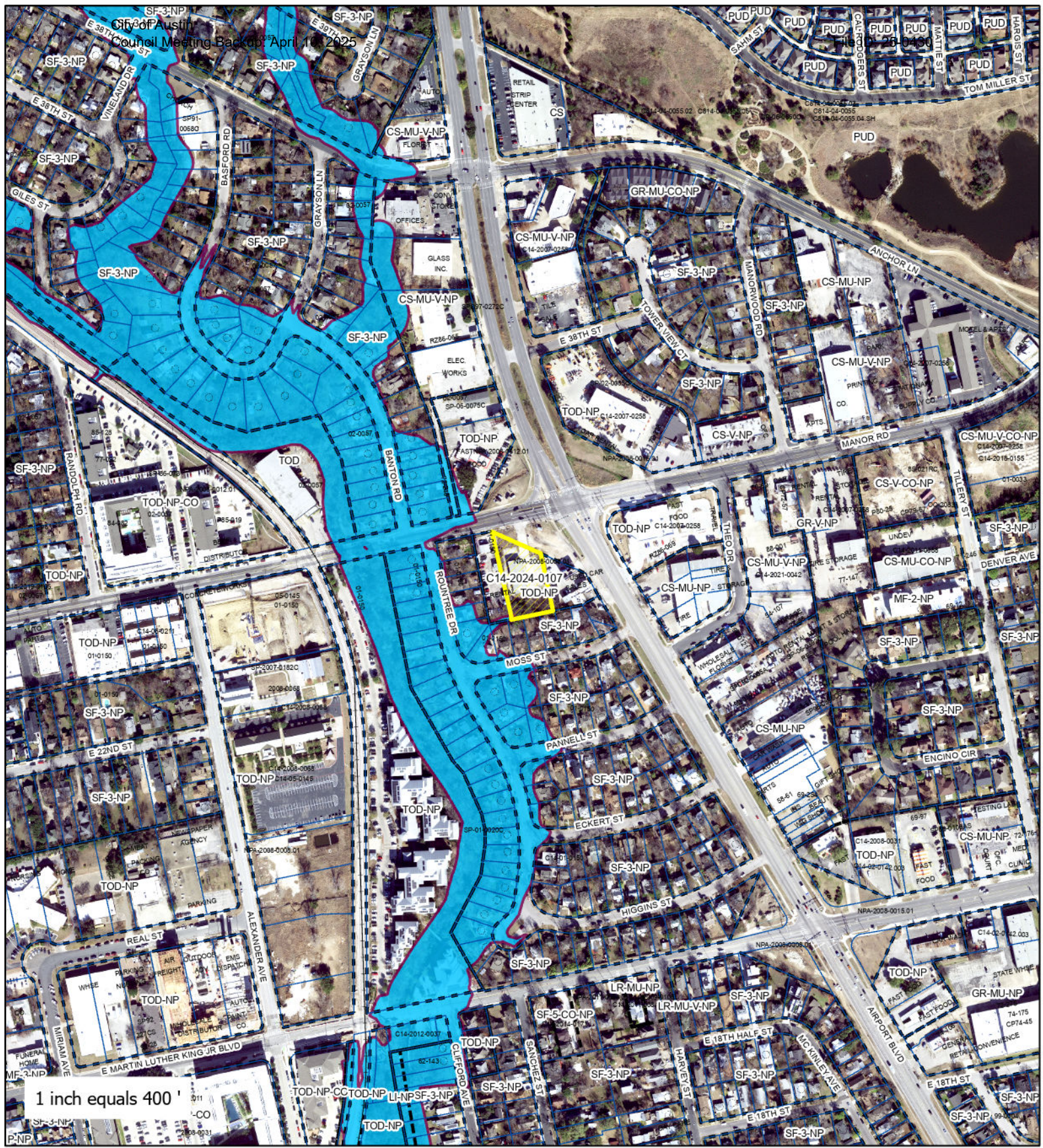
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY
-  MLK_TOD

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



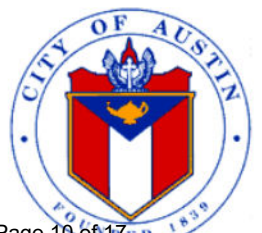
1" = 600'



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

Manor Road Revision Rezone

ZONING CASE#: C14-2024-0107
 LOCATION: 2967 Manor Rd.
 SUBJECT AREA: 0.68 Acres
 MANAGER: Jonathan Tomko



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



July 1, 2024

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

Via Electronic Delivery

Re: Rezoning Application – 2967 Manor Road Revision – Rezoning & Neighborhood Plan Amendment

Dear Ms. Middleton-Pratt:

On behalf of the Owner(s) of the properties referenced above, we respectfully submit the enclosed rezoning & Neighborhood Plan (FLUM) Amendment applications. The subject property is a legally platted lot of 0.68 acres and is located within Council District 1, represented by Council Member Natasha Harper-Madison and in the Rosewood Neighborhood Planning Area and the MLK TOD regulating plan.

Being on the edge of the MLK TOD, the property has TOD-NP zoning and a FLUM designation of *Specific Regulating District*. Presently the property has an auto repair use in a one-story, 4,000 sf metal building. The request made herein is to rezone the property to CS-DB90-NP and amend the FLUM to *Mixed Use* in preparation for a mixed-use building/development. While the MLK TOD Regulating Plan provides a density bonus program to encourage affordable housing, that plan is now outdated and the newly adopted DB90 overlay stands to provide a greater number of total units, comparatively.

A rezoning to increase density at this location will bring development that aligns with the goals of increasing housing in proximity to transit, resulting in a more sustainable Austin now and for generations to come. As such, we respectfully request Staff's support.

Please contact our office or me directly should you have need for additional information. Thank you for your time and attention to this application.

Kind regards,

A handwritten signature in black ink, appearing to be "Victoria Haase".

Victoria Haase



December 20, 2024

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

Via Electronic Delivery

Re: Rezoning Application – 2967 Manor Road Revision – Rezoning C14-2024-0107

Dear Ms. Middleton-Pratt:

The request for rezoning, as per application C14-2024-0107 is hereby amended to ADD a request for a waiver to Section 25-2-652(F)(3).

Pursuant to Section 25-2-652(F)(3)(e), a rezoning to add DB90 can modify Section 25-2-652(F)(3)(b) that requires Pedestrian Oriented uses along certain Principal Streets. In the case of the subject property, the land immediately adjacent, fronting the subject property is undeveloped right-of-way that was originally acquired by TXDOT through eminent domain and then transferred to the City of Austin. Until the City's plans are known for this portion of ROW, it is unclear if pedestrian-oriented uses will be best suited for the frontage of the subject property. As the property is located on an Urban Roadway which is a qualifying Principal Roadway to waive the requirement, we request said waiver which will not preclude the ground-floor commercial component, rather, it will allow the flexibility to do what is most appropriate at the time of development, without the benefit of knowing the City's plans at this time.

Please contact our office or me directly should you have need for additional information. Thank you for your time and attention to this application.

Kind regards,

A handwritten signature in black ink, appearing to be "Victoria Haase".

Victoria Haase



January 3, 2025

Mr. Jonathan Tomko
Zoning Planner, Planning Department
City of Austin
1000 E 11th Street
Austin, TX 78702

Via Electronic Delivery

Re: Rezoning Application – 2967 Manor Road Revision – Rezoning C14-2024-0107

Dear Jonathan:

The intent of rezoning the subject property is to gain additional housing units, beyond what is possible under the current TOD Regulating Plan. However, it is noted that rezoning out of the TOD Regulating Plan, as requested, could cause an inconsistent pedestrian and sidewalk environment due the varying requirements of the MLK TOD vs Commercial Design Standards by roadway type.

Per the MLK TOD Regulating Plan, since the property is located on the periphery, development of the subject property can choose to meet the requirements of the TOD Core Transit Corridor Sidewalk Improvements - 15ft minimum width, consisting of 8ft planting zone + 7ft clear zone, or requirements of TOD Pedestrian Priority Streets - 12ft minimum width, consisting of 7ft planting zone + 5ft clear zone. Pedestrian Priority Street requirements are consistent with Commercial Design Standards, Subchapter E requirements for Urban Roadway classification, which is all that would be required, should the requested rezoning be approve by City Council.

To provide a consistent and cohesive pedestrian experience, the landowner is voluntarily requiring adherence to the Core Transit Corridor Sidewalk Standards of the MLK TOD if the requested rezoning is achieved and will do so by whatever means City Legal deems necessary to memorialize the matter. Also worth noting, the property is not required to adhere to the more stringent TOD CTC Standards today and therefore, the voluntary mandate is a significant gain.

Kind regards,

A handwritten signature in black ink, appearing to be "Victoria Haase".

Victoria Haase

**P. O. BOX 41957, AUSTIN, TEXAS 78704
1507 INGLEWOOD ST., AUSTIN, TEXAS 78741**



Outlook

Case number C14-2024-0107

From Mark Hilton [REDACTED]
Date Thu 7/25/2024 6:06 PM
To Tomko, Jonathan [REDACTED]

You don't often get email from [REDACTED]. [Learn why this is important](#)

External Email - Exercise Caution

Hi Jonathan,

We are homeowners located at 2930 Moss Street, which backs onto the proposed development.

We are very concerned regarding this proposed development as the renderings we have found online regarding this property are wildly disproportionate than the scale of the lot and any neighbouring properties within the area.

This build looks like it belongs at the Domain or Mueller and is far from desirable to have backing onto our property. The foundation work alone is of great concern to us and our neighbours.

Please keep me abreast of this planning development.

Best regards
Mark Hilton



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www.markhilton.co

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Re: Speaker Registration: January 14, 2025 Planning Commission Meeting

From Marty Combs <[REDACTED]>
Date Tue 1/14/2025 12:32 PM
To Meredith, Maureen <[REDACTED]>
Cc Tomko, Jonathan <[REDACTED]>; Hadri, Cynthia <[REDACTED]>; Harden, Joi <[REDACTED]>; Thomas, Eric <[REDACTED]>; Walters, Mark <[REDACTED]>

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

External Email - Exercise Caution

Meredith,

RE: Case C14-2024-0107 / NPA-2024-0008.02

Thank you for replying and further clarifying the reason for the zoning change request.

I watched the video of last week's meeting with the applicant (<https://publicinput.com/a4768>) and I concur with the concerns expressed.

I strongly prefer amending the City of Austin's TOD designation to accommodate higher density and taller buildings over carving out exceptions on a per-lot basis.

I noted a few things not discussed in that meeting:

Just because the current property owner is amenable to implementing pedestrian and bike friendly amenities at the street does not mean future property owners will do the same. Unless codified in law, nothing would prevent a future renovation which negatively impacts all the positives of what's in the existing TOD designation.

No one discussed what is required to amend the TOD. Is it really so onerous that carving out piecemeal exceptions is the only solution?

If removing a lot from the TOD is the only possibility for increasing building height and housing density, why not extract all the lots at the corners of Manor and Airport, keeping all the TOD's requirements for pedestrians and bicyclists and simply increase building height and density of residential units?

I would love to see more taller buildings at this intersection. It would increase pressure to walk, bike, or ride the bus over driving. We might also get enough housing density to support more local commercial on the ground floors which serve the community such as a minimart, small hardware, restaurant or cafe.

Regards,

On Jan 10, 2025, at 17:23, Meredith, Maureen <[REDACTED]> wrote:

Dear Applicants, Agents, and Interested Parties.

You have received this email because you expressed interest in one or more cases scheduled for the January 14, 2025 Planning Commission hearing date. The attached agenda has notations if cases are proposed to be postponed to future Planning Commission hearing dates. If you would like to sign up to speak at the public hearing, you can use this link: <https://forms.office.com/g/irmTaGAqPp>. Below are the deadlines to sign up to speak. The attached agenda has additional information about speaking at the public hearing.

<image001.png>

Maureen

<image002.png>

Maureen Meredith (she/her)
Senior Planner, Long-Range Planning
Planning Department
512-974-2695
[REDACTED]

Please Note: Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and may be published online.

Por Favor Tome En Cuenta: La correspondencia y la información enviada a la Ciudad de Austin está sujeta a la Ley de Información Pública de Texas (Capítulo 552) y puede ser publicada en línea.

<Planning Commission Agenda 1.14.2025.pdf>

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