Draft East 12th Street Neighborhood Conservation Combining District

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I. Background

The East 12th Street neighborhood conservation combining district (NCCD) is a zoning tool to implement East 11th and 12th Street Urban Renewal Plan (URP). An NCCD for East 11th Street has already been adopted by the City Council. This NCCD will modify provisions of the City's land development code, customizing development standards to meet the needs of East 12th Street.

Approvals. The 4th proposed amendment to the URP and associated NCCD were approved by the board of the Austin Revitalization Authority. The Urban Renewal Board also approved the amendment and draft NCCD, with the exception of sections IV.C and IV.D below related to conditional uses and the drive through accessory use. On these two items the Urban Renewal Board took no position.

On July 24, 2007 Planning Commission approved the draft NCCD with an additional recommendation that properties in subdistricts one and two be required to provide a 20 foot vegetated buffer along their rear property lines.

II. The NCCD and Neighborhood Plans

The E. 12th Street NCCD fall primarily in the Central East Austin Neighborhood Plan. One block falls in the Chestnut Neighborhood Plan and one block falls in the Rosewood Neighborhood Plan. The Chestnut and Rosewood neighborhood plans are in accord with the Urban Renewal Plan and the proposed NCCD for E. 12th St. Where there is disagreement with the Central East Austin neighborhood plan, the neighborhood plan's future land use map will be updated to reflect the land uses called for in the Urban Renewal Plan.

III. Boundaries

A. District boundaries

The boundaries of the E. 12th Street NCCD are generally described as those lots facing East 12th Street from IH-35 and Branch Street to Poquito Street. See attached map.

B. Subdistrict boundaries

The East 12th Street NCCD is divided into three subdisctircts:

1. Subdistrict 1
   - North side of East 12th Street from IH-35 to the northwest corner of Olander
   - Tract 1.
2. Subdistrict 2
   - North side of East 12th Street from northeast corner of Olander to Poquito,
   - Southwest and Southeast corners of Comal and East 12th Street
   - South side of East 12th Street between Comal and Poquito.
   - Tracts 2-10, a portion of Tract 15 and tracts 16-18.
3. Subdistrict 3

- South side of East 12th Street between Branch and Comal (excepting the southwest corner of Comal and East 12th Street).
- Tracts 11-14 and a portion of Tract 15.

IV. Land Use Regulations

A. Permitted Uses

Unless otherwise specified, uses are permitted as allowed by the base zoning district or as modified by the mixed-use combining district.

B. Prohibited Uses

The following uses are prohibited throughout the East 12th Street NCCD:

1. Adult-Oriented Businesses
2. Automotive Rental
3. Automotive Repair
4. Automotive Sales
5. Automotive Washing
6. Bail Bond Services
7. Campground
8. Carriage Stable
9. Cocktail Lounge
10. Commercial Laundry Services
11. Commercial Plasma Center
12. Convenience Storage
13. Drop-off recycling Collection Facility
14. Drive Through Services as an accessory use to a restaurant
15. Equipment Repair Services
16. Equipment Sales
17. Exterminating Services
18. Kennels
19. Liquor Sales
20. Pawn Shop Services
21. Outdoor Entertainment
22. Outdoor Recreation
23. Service Stations
24. Telecommunication Tower (if sited on ground)
25. Vehicle Storage
26. Veterinary Services

C. Conditional Uses

The following uses are conditional uses throughout the East 12th Street NCCD, and require a conditional use permit:

1. Telecommunication Tower, if located on the roof of an otherwise permitted structure. (Maximum height requirements still apply)
2. Drive-through services with the hours of operation between midnight and 6:00 AM, if used for an automated teller machine.

D. Drive Through Uses

Drive through uses are permitted as an accessory use to a permitted primary use with the following conditions:

1. The primary use must provide also provide service for pedestrians that does not require the pedestrian to stand or walk in the drive-through lane.
2. The maximum curb cut for a drive through accessory use must not exceed 30 feet.
3. Drive through uses are permitted to operate between the hours of 6:00 AM and 12:00 midnight.
4. Drive through automatic Teller Machines (ATMs) operating between the hours of 12 midnight and 6:00 AM are a conditionally permitted use.
5. Drive through uses as an accessory use to a restaurant are prohibited.

V. Building Site Development Regulations

A. General Site Development Standards

General Site develop standards in the NCCD conform to the base district zoning, except where otherwise noted.

B. Compatibility Standards

Properties within the E. 12th St. NCCD are not subject to compatibility standards and instead must meet the required setbacks and height requirements specific to their subdisctrict.

C. Setback Requirements

Setback requirements are determined by subdistrict:

- Subdistricts 1 and 2
  - Front setback – 0 feet
  - Side street yard setback – 0 feet
  - Interior side yard – 0 feet
  - Rear setback – 10 feet
- Subdistrict 3
  - Front setback – 15 feet
  - Side street yard setback – 10 feet
  - Interior side yard – 5 feet
  - Rear setback – 5 feet

D. Height

The maximum height of structures is determined by subdistrict:

- Subdistrict 1 – 60 feet
- Subdistrict 2 – 50 feet
- Subdistrict 3 – 35 feet

E. Impervious Cover:
The allowable impervious cover is determined by subdistrict

- Subdistricts 1 and 2 – 90% (95% in instances where community detention is not available and the developer provides on-site detention.)
- Subdistrict 3 – 80%

VI. Other Site Development Regulations

A. Parking Requirements
On all tracts in the NCCD, parking requirements shall be based on the lesser of 80% of that required by the appropriate schedule of the Land Development Code (LDC) or as calculated by existing shared parking provisions of the current LDC.

B. Exterior Lighting
All exterior lighting must be hooded and shielded so that the light source is not directly visible across the source property line. At the property line the lighting may not exceed 0.4-foot candles.

C. Building Façade Design
The building façade may not extend horizontally in an unbroken line for more than 20 feet; it must include windows, balconies, porches, stoops or similar architectural features, and must have awnings along at least 50 percent.

D. Landscaping
Landscaping is require unless the street yard is less than 1,000 square feet in area. Landscaped islands, peninsulas or medians are not required for parking lots with less than 12 spaces.

E. Fencing
Fences up to 8 feet in height are allowed along the back and sides of properties which face East 12th Street.

VI. Additional Site Development Requirements for Parking Garages

A. Requirements for all parking garages:
1. Parking garages that front both E. 12th Street and a side street must use the side street for access to the parking structure, unless determined by the City of Austin at the time of site plan approval, to be infeasible.
2. Such structures must have complete shielding of lights on the rear side of the structure and must have at least fifty percent (50%) shielding of lights on the sides of the structure.
3. Overnight parking is limited to residents and their overnight guests.

B. Requirements for parking structures less than 30' in height. For structures of two (2) stories but less than 30' in height, 75% of the ground floor front footage which fronts E. 12th Street must be a commercial or pedestrian oriented use at 15' in depth. If

parking garage access is taken from E. 12th Street, and it requires more than 25% of the available frontage, the side of the building may be used to meet the additional space required to meet the minimum requirement for commercial or pedestrian oriented uses, as defined in section VI.D below. Structural pillars are not included in the calculation of available frontage.

Example: A 25 foot tall parking structure at the corner of Waller and E. 12th Street with 100' of frontage on E. 12th Street would be required to provide 75 feet of frontage for commercial or pedestrian oriented uses. If access is taken from E. 12th Street with a width of 30', an additional 5' of frontage on Waller street could be used to meet the minimum requirements.

C. Requirements for parking structures30'or higher. For structures of two (2) stories or more, or 30' or greater in height, 100% of the ground floor front footage which fronts E. 12th Street must be a commercial or pedestrian oriented use at 15' in depth. If parking garage access is taken from E. 12th Street, the side of the building may be used to meet the additional space required to meet the minimum requirement for commercial or pedestrian oriented uses, as defined in section VI.D below. Structural pillars are not included in the calculation of available frontage.

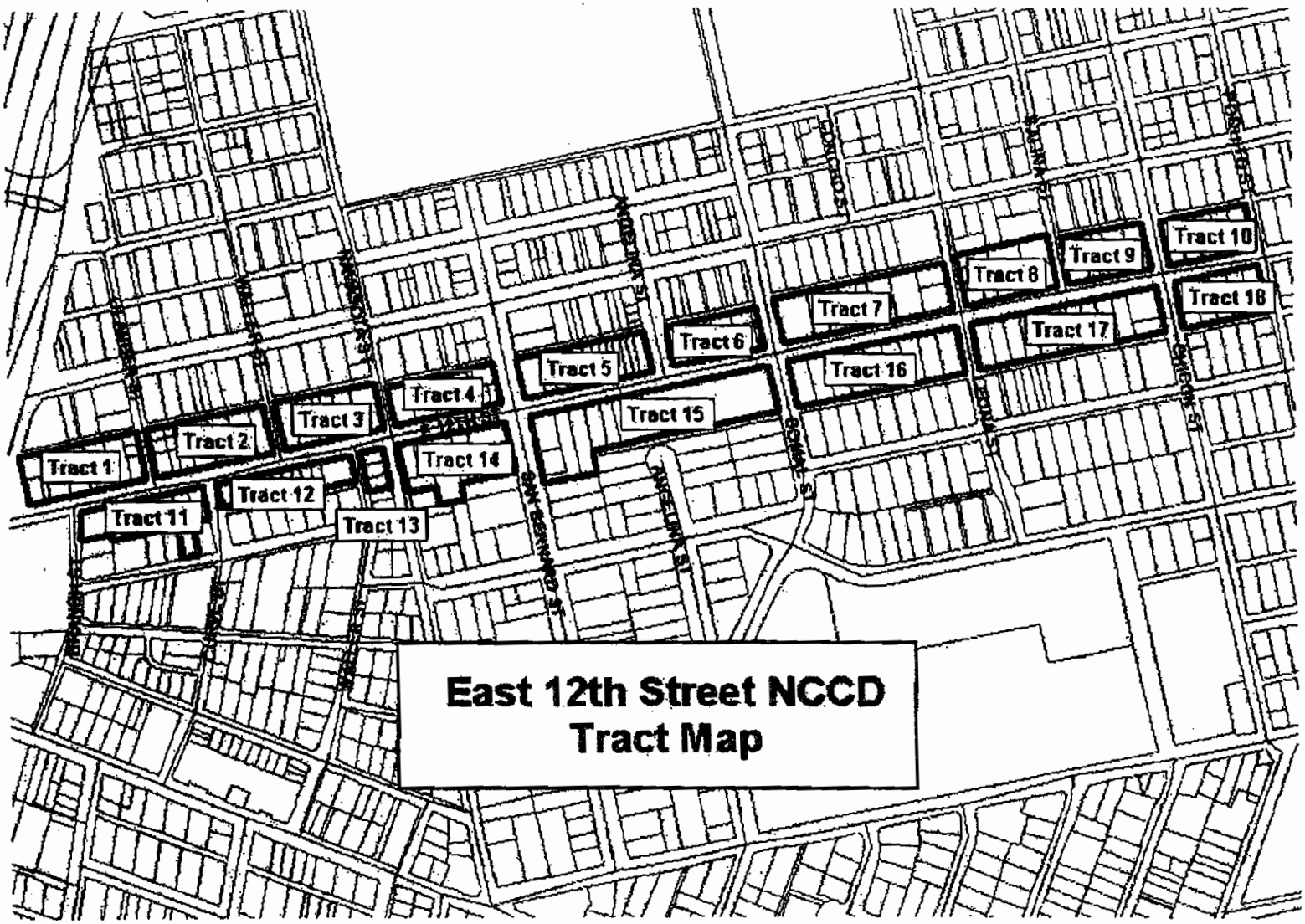
Example: A 30 foot tall parking structure at the corner of Waller and E. 12th Street with 100' of frontage on E. 12th Street would be required to provide 100 feet of frontage for commercial or pedestrian oriented uses. If access is taken from E. 12th Street with a width of 30', an additional 30' of frontage on Waller street could be used to meet the minimum requirements.

D. Pedestrian Oriented Uses. For the purposes of the East 12th Street NCCD, pedestrian-oriented businesses are defined as a use that serves the public by providing goods or services and includes the following uses:

1. Art gallery,
2. Art workshop,
3. Business support services,
4. Cocktail Lounge (where permitted),
5. Consumer convenience services,
6. Consumer repair services,
7. Cultural services,
8. Day Care Services (limited, general, or commercial),
9. Financial services without drive through service,
10. Food preparation,
11. Food sales,
12. General retail sales (convenience or general),
13. Park and recreation services,
14. Pet services,
15. Personal improvement services,
16. Personal services, and
17. Restaurant (limited or general) without a drive-through service,

VII. Rezoning by Tract

Address	Sub-district	Tract	Current Zoning	Proposed Zoning
800 – 950 E. 12th Street (even numbers)	1	1	CS-NP	CS-MU-NCCD-NP
1000-1028 E. 12th Street (even numbers)	2	2	CS-NP	CS-MU-NCCD-NP
1100-1150 E. 12th Street (even numbers)	2	3	CS-NP	CS-MU-NCCD-NP
1200-1250 E. 12th Street (even numbers)	2	4	CS-NP	CS-MU-NCCD-NP
1300-1350 E. 12th Street (even numbers)	2	5	CS-NP and MF-4-CO-NP	CS-MU-NCCD-NP
1400-1450 E. 12th Street (even numbers)	2	6	CS-NP and CS-H-NP	CS-MU-NCCD-NP and CS-H-NCCD-NP
1500-1625 E. 12th Street (even numbers)	2	7	CS-NP	CS-MU-NCCD-NP
1700-1750 E. 12th Street (even numbers)	2	8	CS-NP	CS-MU-NCCD-NP
1800-1812 E. 12th Street (even numbers)	2	9	CS-MU-NP and CS-1-MU-NP	CS-MU-NP-NCCD and CS-1-MU-NP-NCCD
1900-1950 E. 12th Street (even numbers)	2	10	CS-NP	CS-MU-NCCD-NP
901-951 E. 12th Street (odd numbers)	3	11	CS-NP, GR-NP, GR-MU-H-NP, and SF-3-NP	CS-MU-NCCD-NP and CS-H-NCCD-NP
1001-1115 E. 12th Street (odd numbers)	3	12	CS-NP and CS-H-NP	CS-MU-NCCD-NP and CS-H-NCCD-NP
1121 E. 12th Street	3	13	CS-MU-CO-NP	CS-MU-CO-NCCD-NP
1201-1251 E. 12th Street (odd numbers)	3 (and 2)	14	SF-3-NP	SF-3-NCCD-NP
1301-1451 E. 12th Street (odd numbers)	2	15	GR-NP, LR-NP, MF-3-NP, SF-3-NP	GR-NCCD-NP, LR-NCCD-NP, MF-3-NCCD-NP, SF-3-NCCD-NP
1501-1651 E. 12th Street (odd numbers)	2	16	GR-H-NP, MF-4-NP	GR-H-MU-NCCD-NP, MF-4-NCCD-NP
1701-1851 E. 12th Street (odd numbers)	2	17	GR-NP	GR-MU-NCCD-NP
1901-1951 E. 12th Street (odd numbers)	2	18	CS-NP	CS-MU-NCCD-NP


Tract 1
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Tract 13
Tract 14
Tract 15
Tract 16
Tract 17
Tract 18
East 12th Street NCCD
Tract Map

CITY PLANNING COMMISSION
July 24, 2007
City Hall – Council Chambers
301 W. 2nd Street
1st Floor
Annotations & Zoning Summaries

CALL TO ORDER – 6:00 P.M.
COMMENCED: 6:08 P.M. ***ADJOURNED: 10:55 P.M.***

_A___Tracy Atkins	_____Saundra Kirk
_A___Perla Cavazos	_____Jay Reddy – Vice-Chair
_____Mandy Dealey - Parliamentarian	_____Chris Riley
_____Cid Galindo - Secretary	_____Dave Sullivan - Chair

1 vacancy

CONDUCT OF PUBLIC HEARINGS

1. Chair announces request.
2. Staff presents a summary of the case.
3. Chair calls on those FAVORING the request.
4. Applicant's presentation (5 minutes).
5. Up to three speakers favoring the request (3 minutes); additional speakers (1 minute).
6. Chair calls on those OPPOSING the request.
7. Primary presentation (5 minutes).
8. Up to three speakers opposing the request (3 minutes); additional speakers (1 minute).
9. Applicant is given opportunity to answer objections stated. (3 minutes)
10. Staff summation and questions from the Commission.
11. The public hearing on a zoning case may be closed and no further testimony is taken from the public.
12. If the public hearing is closed, the Commission shall make a recommendation to the City Council within 14 days or the case will be forwarded to the City Council without a recommendation. (Section 25-2-282).

All of the following items may be acted upon by one motion. The Commission does not consider items earlier than the time stated on the agenda; "Other Business" items can be taken at any time. After the posted time, the Commission Chairperson may announce the item and, if there is no opposition, the item may be taken "by consent" for approval without discussion.

CITIZENS WISHING TO SPEAK BEFORE THE COMMISSION OR CITIZENS THAT ARE UNABLE TO SPEAK BUT WOULD LIKE TO MAKE THE COMMISSION AWARE OF THEIR POSITION ARE REQUESTED to REGISTER BY SIGNING A CARD AT THE ENTRANCE.

Any interested party aggrieved by a decision of the Planning Commission on a Hill Country Site Plan, Conditional Use Permit, Replacement Site Plan, or a Preliminary Subdivision Plan with an environmental variance may only appeal the Commission's decision to the City Council. The notice of appeal must be submitted in writing on a form provided by the Director of Neighborhood Planning & Zoning Department within fourteen (14) days following the decision of the Planning Commission.

The Commission may recommend additional future land use designations that have not been requested or future land use designations that are more or less intensive than the requested future land use. The

Commission may also recommend zoning that includes combining districts such as mixed use, conditional overlays, or other combining districts.

AGENDA POSTING & POSTPONEMENT POLICIES

AGENDA POSTING POLICY

Normally when placing an item on a future agenda, commissioners should inform the chair prior to a meeting and announce the item under Items from Commission at the end of the agenda.

If the topic is of a sensitive nature or may be considered outside the scope of the Commission's charge, then the chair may request that it be presented to the Executive Committee for consideration prior to being placed on the agenda.

- An item that arises during the conduct of a meeting may be announced during the pertinent discussion or at the end of the meeting.
- If no objection is raised to the posting of an item, a vote and a second on the posting will not be required.
- If a disagreement arises on the posting of an item, the Commission will act upon the posting by a motion and vote.

POSTPONEMENT POLICY

General Policy: Anyone may request a postponement of a public hearing by following the instructions provided below. Individual commissioners may request postponements to be voted on by the full Commission. Note that requests for postponements of Neighborhood Plans or the rezonings that stem from Neighborhood Plans are strongly discouraged, and will not be granted except in extraordinary circumstances. Examples may include a significant defect in the planning process (e.g. lack of notification) or the availability of relevant and significant information that was not available during the planning process (e.g. the development of the Airport Overlay Zone around Austin-Bergstrom International Airport).

To Request a Postponement:

1. **Write a letter to the case manager** (case manager's name is provided in the agenda item under "City Staff") that includes 1) the date/time the letter was delivered to city staff, 2) the reason for requesting postponement, 3) requested postponement date.
2. **Ensure that the case manager or the Planning Commission Coordinator receives your letter by the beginning of the Planning Commission meeting.** Do not send requests for postponement directly to the Planning Commission. Letters to the Planning Commission Coordinator may be mailed or faxed to the address/number given below, or hand delivered to 505 Barton Springs Road, 5th floor.
3. **Attend the Commission meeting in case the request for postponement is discussed.**

CORRESPONDENCE WITH THE PLANNING COMMISSION

E-mail: E-mail addresses for individual Commissioner's are available on the last page of this agenda.

Mail: Neighborhood Planning & Zoning Department
Attn: Planning Commission Coordinator
P.O. Box 1088, Austin TX, 78767

Fax: Fax: (512) 974-6054
Attn: Planning Commission Coordinator

MORE INFORMATION

Planning Commission Web Page: www.cityofaustin.org/smartgrowth/pc.htm
COA Development Web: www.cityofaustin.org/development/

Facilitator: Donna Cerkan, 974-2733
City Attorney: Gordon Bowman, 974-2346

6:00 P.M.

PUBLIC HEARING

A. REGULAR AGENDA

EXECUTIVE SESSION (No public discussion)

The Planning Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Planning Commission may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

CITIZEN COMMUNICATION:

1. The first four (4) speakers signed up to speak will each be allowed a three-minute allotment to address their concerns regarding items *not* posted on the agenda.

NO SPEAKERS.

APPROVAL OF MINUTES

2. Approval of minutes from July 10, 2007.

APPROVED MINUTES FOR JULY 10, 2007; BY CONSENT.
[J.REDDY, M.DEALEY 2ND] (6-0) T.ATKINS, P.CAVAZOS – ABSENT

DISCUSSION AND ACTION ON CODE AMENDMENT

3.	**Code Amendment:**	**C2o-06-012 - Consider amending sidewalk regulations**
	Request:	Consider amending sidewalk regulations, including a new variance process, new building permit requirements and proposed fee in-lieu of process.
	Staff Rec.:	**Recommended**
	Staff:	George Zapalac, 974-2725, george.zapalac@ci.austin.tx.us Watershed Protection & Development Review

POSTPONED TO 08/14/07 (PC)
PUBLIC HEARING REMAINED OPEN.
[J.REDDY, S.KIRK 2ND] (5-1) C.GALINDO – NAY; T.ATKINS, P.CAVAZOS – ABSENT

**** Request made to have more details on why tying it to a neighborhood plan defaults that principle, what additional costs would be if more money was monitored for sidewalks.***

DISCUSSION AND ACTION ON PLAN AMENDMENT

4.	**CRP Plan Amendment:**	**East 11th and 12th Street Community Revitalization Plan**
	Location:	800 to 1950 blocks of East 12th Street, Boggy and Waller Creeks Watershed, Central East Austin, Rosewood and Chestnut NPA
	Owner/Applicant:	City of Austin Neighborhood Housing and Community Development (Van Jobe)
	Agent:	City of Austin Neighborhood Housing and Community Development (Van Jobe)
	Postponements:	Postponed on 05/22/07 (staff); 6/26/07 (neighborhood)
	Request:	Amend the E 11th and 12th Street Community Revitalization Plan
	Staff Rec.:	**Recommended**
	Staff:	Robert Heil, 974-2330, robert.heil@ci.austin.tx.us Neighborhood Planning & Zoning Department

APPROVE STAFF'S RECOMMENDATION WITH ADDED CONDITION OF VEGETATIVE BUFFER FOR SUBDISTRICTS 1 & 2.
[S.KIRK, J.REDDY 2ND] (6-0)T.ATKINS, P.CAVAZOS – ABSENT

SUMMARY

Commissioner Sullivan – We will hear items #4, 6 & 7 together, since they are related.

Jerry Rusthoven, staff, gave presentation to the commission.

Commissioner Kirk – In the prohibited uses, #25 is that veterinary services?

Mr. Rusthoven – Yes.

Commissioner Kirk – In the pedestrian oriented uses that are allowable, #14 is pet services, so I don't get that.

Mr. Rusthoven – That often confuses people, pet services is not a vets office, veterinary services is like live stock like horses, goats etc.; pet services is like an animal hospital.

Mr. Rusthoven continued with staff's presentation on the NCCD, the related Neighborhood Plan amendment & zoning case.

Commissioner Kirk – Refresh my memory on the rear setbacks.

Mr. Rusthoven – The rear setbacks will be 10-feet. You would have 20-ft for alley and 10-ft for the setback and you could have a building that goes up to 50-ft.

Commissioner Kirk – So there is an alley?

Mr. Rusthoven – Yes.

Commissioner Reddy – What drove the removal of the CS-1 conditional use?

Mr. Rusthoven – That is a mistake; under the proposed NCCD, cocktail lounge will be a prohibited use, except for 1 that would be allowed to remain.

FAVOR

Darwin McGee, President of the 12 St. Business & property owners association – Spoke in favor of proposal.

Scott Way, property owner – Spoke in favor.

John Goldstone – Spoke in favor. Spoke on specifics of the neighborhoods; we spend countless hours negotiating on the pedestrian oriented uses because the neighborhood did not want the City to build a free standing parking garage and not have it contain the services that we all wanted and needed; during the negotiating process several 12 street owners brought up the valid point that if they're building a parking garage as part of the development, then they should be able to put the permitted uses at the bottom of their parking garage, that again is base zoning minus prohibited uses; this was agreeable and fair and everybody agreed to it. However, the process did agree that if the parking garage was separated from the development, then it was suppose to serve by a street, then we would treat it as a free standing parking garage and the pedestrian oriented uses would go on the bottom of that garage, that was agreed to and voted on by the numerous neighbors and stakeholders attending those meetings; it seemed like a fair and forward compromise, but the distinction has been deleted from the NCCD and its place is the phrase "or commercial uses", that would completely eliminate anybody from putting a pedestrian oriented use at the bottom of a free standing garage. Please instruct the staff to reinsert this distinction. Mr. Goldstone spoke on compatibility.

Commissioner Riley – If we just deleted the words "commercial or"; would that solve the problem?

Mr. Goldstone – No it wouldn't the property should be allowed to use his permitted uses at the base of his garage as part of his development; if he would have put that garage across Waller, we would treat it as a free standing garage and then it would be a pedestrian oriented use, so we do want the developers to have their permitted uses to the extent that it is a part of the development.

Commissioner Riley – So we need a separate provision for free standing garages?

Mr. Goldstone – Actually, it does exist it just didn't make it to this portion of your packet, it has been drafted.

Eric Shropshire, resident of OCEAN – Spoke in favor. This has been a lengthy decade process and recommend moving this to Council.

Michael Young – Spoke in favor.

Matthew Dulope – Spoke in favor. The language was poorly written in the first place, it's been impossible to develop on 12th street because of this language; that's all I wanted to say.

Commissioner Galindo – Can you clarify what you think the intent or a less poorly choice of words should be?

Mr. Dulope – That's in this new amendment because they require frontage, 75% of frontage.

Gustavo Wartaza, property owner – Spoke in favor.

OPPOSITION

Mary Helen Lopez, resident – Spoke in opposition. Stated that here is not a Neighborhood Association and that there isn't an active neighborhood association or any meetings; Ms. Lopez stated that the neighborhood was not notified. We do want development in the neighborhood; we're just not involved and never invited to the meetings with the business owners. We want the compatibility standards to not be waived to be equal as they are throughout the City; we want tract 12 to be the town homes that was agreed upon.

Commissioner Reddy – Do you know what the owner for tract 12 is planning?

Ms. Lopez – I think it says mixed use; housing on top and retail on the bottom, we've been told that that could be an option. We didn't get anything in writing.

Judith Clarkson, resident – Spoke in opposition. We have 74 signatures and I have a petition in the process. Ms. Clarkson stated that the neighborhood has not been well notified.

Commissioner Sullivan – Can you imagine a reasonable commercial entity that can come in?

Ms. Clarkson – I can't answer that; I just know that they've been talking about town homes coming in.

Eric Janson, property owner – Spoke in opposition. Expressed concerns about the compatibility standards and the setbacks. I do support development on 12th Street, I just can't imagine a structure of that proximity close to my house.

Michelle Hogan, resident – Spoke in opposition. I found out about these proposed changes about 3-weeks ago, I do not know why I didn't know earlier, since I was made aware of these changes, I have attended meetings and I saw a lot of frustrations regarding these changes.

Daniel Nelson, resident – Spoke in opposition.

Cindy Waggner – Spoke in opposition. OCEAN voted in their meeting this month that to request that you reinstate compatibility in the NCCD.

REBUTAL

Jerry Rusthoven, staff – With regards to what Mr. Goldstone stated about the parking garage, I do agree that the words "commercial or" should not be in front of pedestrian oriented uses as Mr. Goldstone mentioned; commercial is not defined in the NCCD, pedestrian oriented uses are. With regards to the difference between free standing garages vs. for those that are used for development on the same site, when I got involved with this I did not see a difference between the site development standards for both, so we decided to merge the two together. What the ARA approved did not have the distinction in it; however, it is your prerogative to make a distinction between the types of garages in your recommendation to City Council.

Commissioner Kirk – Has 12th Street been identified as a future…

Mr. Rusthoven – I would need to check on that, I'm not sure.

Commissioner Kirk – Was there consideration on doing a vegetative buffer in the NCCD, since we have some rear setback issues?

Mr. Rusthoven – I'm not sure; the change was done with the 3rd amendment and I was not part of those discussions.

Scott, Austin Revitalization Authority – The vegetative buffer was not discussed in the most recent discussions.

Commissioner Kirk – That is the solution that we sometimes propose in these types of projects, it helps to mitigate the affect of having a building directly behind single-family.

Mr. Wade – There is an allowance for 8-ft fences; there was an attempt to provide for a fencing requirement, but city staff said that for legal reasons we couldn't require for a developer to pay for a fence on someone else's property. The discussions were about fencing, no one ever spoke about a vegetative buffer.

Commissioner Sullivan – Can we get someone who can tell us that trees can grow or hedges.

Mr. Rusthoven – You could recommend that there be a vegetative buffer in that 10-ft setback and we could talk to the environmental staff or the landscape people and we'll present some language to that to Council, if that is what you'd like.

Commissioner Kirk – Was there an economic impact done on what the build out area would be if the setback was 15-ft., which would allow for more of a buffer?

Mr. Rusthoven – There was no economic impact done. I do have an answer to your question on whether 12th Street is in the Core Transit Corridor and the answer is that it is not.

Commissioner Dealey – How deep are the lots?

Mr. Rusthoven – 150-feet deep.

Commissioner Galindo – On tract 12, can you address the concerns on that tract.

Mr. Rusthoven – There's a project with the Austin Housing and Finance Corp on that property; the zoning change will be just adding an MU to the CS, so it does not affect the town home development, it is still allowed.

Sandra Harkin, City Neighborhood Housing – With regards to tract 12, the zoning is being changed to allow MU, but currently the Urban Renewal Plan allows only for town homes. Today town home is still the restricted use for that tract.

There was discussion on the fencing suggestion.

Mr. Rusthoven – Another thing is that there will not be an FAR on the tracts in the NCCD.

Commissioner Reddy and Kirk moved to close the public hearing.

MOTION

Commissioner Kirk – I move to approve the NCCD as it is written with the one change that we insert language that there is a vegetative buffer within the rear setback.

Commissioner Sullivan – I want it to be clear that we do not mean just grass, we want shrubbery.

Mr. Rusthoven – We'll work with landscape staff in the Watershed Protection Department and come up with something.

Commissioner Kirk – And because we do support the NCCD and because there is the issue of compatibility; I'm going to propose a 15-feet rear setback with that vegetative buffer; this is not something that's uncommon.

Commissioner Dealey – Second.

Mr. Rusthoven – Let's just say sub-districts 1 & 2.

Commissioner Kirk – Okay; sub-districts 1 & 2.

Commissioner Galindo – I cannot support the motion because of the 15-foot setback; the additional 5-feet are not in my support.

Motion failed. (4-2)

Commissioner Kirk – I'll resubmit my motion for staff recommendation with the vegetative buffer for sub-districts 1 & 2.

Commissioner Reddy – Second.

Motion carried. (6-0)

DISCUSSION AND ACTION ON NEIGHBORHOOD PLAN

5.	**Neighborhood Plan:**	**NP-2007-023 - University Hills/Windsor Park Neighborhood Plan**
	Location:	Planning area bounded by US 290 and Hwy 183 on the North, Hwy 183 on the east, Northeast Drive one the West, and Manor Road on the South, Little Walnut Creek Watershed, UHWP NPA
	Owner/Applicant:	City of Austin Neighborhood Planning & Zoning (Adrienne Domas)
	Agent:	City of Austin Neighborhood Planning and Zoning (Adrienne Domas)
	Request:	Recommend approval of Design Guidelines for the University Hills neighborhood planning area.
	Staff Rec.:	**Recommended**
	Staff:	Adrienne Domas, 974-6355, adrienne.domas@ci.austin.tx.us Neighborhood Planning & Zoning Department

APPROVED STAFF'S RECOMMENDATION.
[J.REDDY, C.RILEY 2ND] (6-0) T.ATKINS, P.CAVAZOS – ABSENT

DISCUSSION AND ACTION ON NEIGHBORHOOD PLAN AMENDMENT

6.	**Neighborhood Plan Amendment:**	**NPA-06-009.04 - 12th Street Amendment**
	Location:	800-1800 East 12th Street, Boggy and Waller Creeks Watershed, Central East Austin NPA
	Agent:	City of Austin Neighborhood Planning and Zoning (Robert Heil)
	Postponements:	Postponed on 05/22/07 (staff); 06/26/07 (neighborhood)
	Request:	Amend the Central East Austin Neighborhood Plan Future Land Use Map along E 12th Street from Single Family, Multi-family, Office, Commercial and Civic to Mixed-Use.
	Staff Rec.:	**Recommended**
	Staff:	Robert Heil, 974-2330, robert.heil@ci.austin.tx.us Neighborhood Planning & Zoning Department

APPROVED STAFF'S RECOMMENDATION WITH VEGETATIVE BUFFER ON SUBDISTRICT 1 & 2.
[S.KIRK, J.REDDY 2ND] (6-0) P.CAVAZOS, T.ATKINS – ABSENT

{Summary; refer to #4}

Related Zoning Case

7. Rezoning: **C14-06-0209 - 12th Street NCCD**

Location:	800 to 1950 blocks of East 12th Street, Boggy and Waller Creeks Watershed, Central East Austin, Rosewood and Chestnut NPA
Agent:	City of Austin Neighborhood Planning and Zoning (Robert Heil)
Postponements:	Postponed on 05/22/07 (staff); 06/26/07 (neighborhood)
Request:	Adopt the E 12th Street Neighborhood Conservation Combining District.
Staff Rec.:	**Recommended**
Staff:	Robert Heil, 974-2330, robert.heil@ci.austin.tx.us Neighborhood Planning & Zoning Department

APPROVED STAFF'S RECOMMENDATION WITH VEGETATIVE BUFFER ON SUBDISTRICT 1 & 2.
[S.KIRK, J.REDDY 2ND] (6-0) P.CAVAZOS, T.ATKINS – ABSENT

{Summary; refer to #4}

MUD

8. MUD Out-of-District Service: **C12M-07-0004 - RiverPlace MUD (Slover Tract)**

Location:	4814 City Park Road, Turkey Creek Watershed
Owner/Applicant:	Chris Slover
Request:	City consent allowing River Place MUD to provide out-of-district water service to the Slover Tract.
Staff Rec.:	**Recommended**
Staff:	Virginia Collier, 974-2022, virginia.collier@ci.austin.tx.us Neighborhood Planning and Zoning

APPROVED STAFF'S RECOMMENDATION; BY CONSENT.
[J.REDDY, M.DEALEY 2ND] (6-0) P.CAVAZOS, T.ATKINS – ABSENT

DISCUSSION AND ACTION ON ZONING CASES

9. Zoning: **C14-2007-0084 - Elm Terrace**

Location:	3215 Exposition Boulevard, Taylor Slough North Watershed, West Austin Neighbrohood NPA
Owner/Applicant:	Austin Elm terrace, LP (Steve D. Buerlein)
Agent:	Alice Glasco Consulting (Alice Glasco)
Request:	UNZ to MF-1
Staff Rec.:	**Alternative recommendation of SF-6**
Staff:	Jorge E. Rousselin, 974-2975, jorge.rousselin@ci.austin.tx.us Neighborhood Planning & Zoning Department

POSTPONED TO 08/28/07 (NEIGHBORHOOD)
[J.REDDY, M.DEALEY 2ND] (6-0) P.CAVAZOS, T.ATKINS – ABSENT