

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0163 / East 12th Street NCCD Amendment (City Initiated)

P.C. DATE: August 26, 2008
October 14, 2008

ADDRESS: 1425 East 12th Street

OWNER: OFLP – 1 Limited

AGENT: Brown McCarroll, L.L.P. (Nikelle Meade) 512-479-1147

ZONING FROM: GR-MU-NCCD-NP

TO: GR-MU-NCCD-NP - The proposed zoning request will modify the East 12th Street Neighborhood Conservation Combining District (NCCD) and the East 11th and 12th Streets Urban Renewal Plan (URP) to amend permitted uses specifically to the property located at 1425 East 12th Street. The applicant's original request was to amend the NCCD and URP to allow for Service Station, Automotive Repair Services and Automotive Washing uses. The applicant has revised the request to amend the NCCD and URP to allow the Service Station use only. Additionally, the applicant requests retail as an allowable use. The NCCD does not prohibit retail, but Figure 4-20 of the URP would need a clarification to the Permitted Uses Section to read Garden Apartments on the south side of 12th Street between Comal Street and Angelina Street, excluding 1425 East 12th Street which will remain commercial.

SITE AREA: 0.2993 acres (13,037.5 sq. ft.)

SUMMARY STAFF RECOMMENDATION: The staff recommendation is to grant the modification to the East 12th Street Neighborhood Conservation Combining District (NCCD) and the East 11th and 12th Streets Urban Renewal Plan (URP) to allow the Service Station use. Staff also recommends amending the URP Permitted Uses Section to read Garden Apartments on the south side of 12th Street between Comal Street and Angelina Street, excluding 1425 East 12th Street which will remain commercial.

SUMMARY PLANNING COMMISSION RECOMMENDATION: On October 14, 2008, the Planning Commission approved staff's recommendation to modify the East 12th Street Neighborhood Conservation Combining District on the Consent Agenda by Commissioner Mandy Dealey's motion, Commissioner Chris Ewen second the motion on a vote of 8-0; Commissioner Clint Small was absent.

DEPARTMENT COMMENTS: The 0.2993 acre site is currently zoned GR-NCCD-NP (Community Commercial – Neighborhood Conservation Combining District – Neighborhood Plan) district zoning and is located on the corner of East 12th Street and Comal to which both ingress and egress access is taken.

The subject property is currently developed with a Convenience Store and Service Station. The property is surrounded by a two-story residential structure and a funeral home to the north, an alley and single family to the south, multifamily (Marshall Arms Apartments) to the west, and the W.H.

Passon Historical Society (a commercial structure that is listed in the National Registry) and Jacob Fontaine Religious Museum to the east.

In February of 2008 the East 12th Street NCCD was adopted. When the NCCD was approved by the City Council, the zoning prohibited service station uses even though this use existed on the site. The existing use was allowed to continue as legal non-conforming per the Land Development Code, section 25-2-941, but this non-conforming status restricts the amount of expansion and improvements that can be made to the site. Therefore, the applicant is requesting to amend the NCCD and URP to allow the Service Station as a permitted use, which will make the existing development legal and conforming. The applicant originally requested Automotive Repair Services and Automotive Washing uses which the applicant could construct at a later date, but has since amended the request to remove those uses. Additionally, the applicant requests retail as an allowable use. The NCCD does not prohibit retail, but the URP would need a clarification to the Permitted Uses Section to state Garden Apartments on the south side of 12th Street between Comal Street and Angelina Street, excluding 1425 East 12th Street which will remain commercial.

The staff recommendation is to grant the modification to the East 12th Street NCCD and the East 11th and 12th Streets URP to allow the Service Station use at 1425 East 12th Street. This zoning change will allow the existing use to be permitted at the site. Staff also recommends amending the URP Permitted Uses Section (Figure 4-20) to read Garden Apartments on the south side of 12th Street between Comal Street and Angelina Street, excluding 1425 East 12th Street which will remain commercial. This will allow the applicant to construct any permitted use in the NCCD on the site.

The applicant agrees with the staff recommendation to permit service station use on the site, and agrees with clarifying the URP permitted uses section.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-MU-NCCD-NP	Convenience Store and Service Station
<i>North</i>	CS-MU-H-NCCD-NP	Residential and Commercial
<i>South</i>	SF-3-NP	Residential
<i>East</i>	GR-MU-H-NCCD-NP	Commercial
<i>West</i>	MF-3-NCCD-NP	Multi-family

NEIGHBORHOOD PLAN AREA: Central East Austin

TIA: The Traffic Impact Analysis (TIA) is not required for City Initiated cases. However, a TIA may be required during the site plan review stage for any proposed land use that would generate over 2,000 vehicle trips per day.

WATERSHED: Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Homeless Neighborhood Organization

Austin Parks Foundation

PODER People Organized in Defense of Earth and Her Resources

Robertson Hill Coalition Association
 Urban Renewal Board of the City of Austin
 12th Street Business / Property Owner Association
 Austin Neighborhoods Council
 Robertson Hill Neighborhood Organization
 Sentral Plus East Austin Koalition (SPEAK)
 Home Builders Association of Greater Austin-
 Organization of Central East Austin Neighborhoods (OCEAN)

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-06-0209 (E. 12 th Street NCCD – City Initiated) 1100 - 1951 BLOCK OF E 12 TH ST	A rezoning and changing the zoning map to establish the E. 12 th St. NCCD for the property located generally along E. 12 th St. From IH-35 and Branch St. to Poquito St.	On 07-24-2007, the Planning Commission Approved staff recommendations w/vegetative buffer on subdistricts 1 & 2 (6-0)	On 02-28-2008, Council Apvd Ord. 20080228-087 for SF-3-NCCD-NP, MF-3-NCCD-NP, MF-4-NCCD- CO-NP, LR-NCCD-NP, GR- NCCD-NP, GR-H-NCCD-NP, GR- MU-H-NCCD-NP, GR-MU-NCCD- NP, CS-H-MU-NCCD-NP & SF-3- NCCD-NP (7-0); 2nd/3rd rdgs.
C14-01- 0148.005 Central East Austin Neighborhood Plan Amendment – McMansion Ordinance Amendment	Modify the maximum square footage and maximum FAR to the City's LDC, Chapter 25-2, Subchapter F: Residential Design and Compatibility Standards (McMansion Ordinance)	December 11, 2007, the Planning Commission approved staff's recommendation with conditions of removing exemption for S.M.A.R.T. Housing. (7-0)	January 17, 2008 – Council denied staff's recommendation (7-0)

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
12 th St	65'	40'	Arterial	Yes	Yes	Yes
Cornal St	64'	40'	Collector	No	Yes	Yes

CITY COUNCIL DATE: November 20, 2008

ACTION:

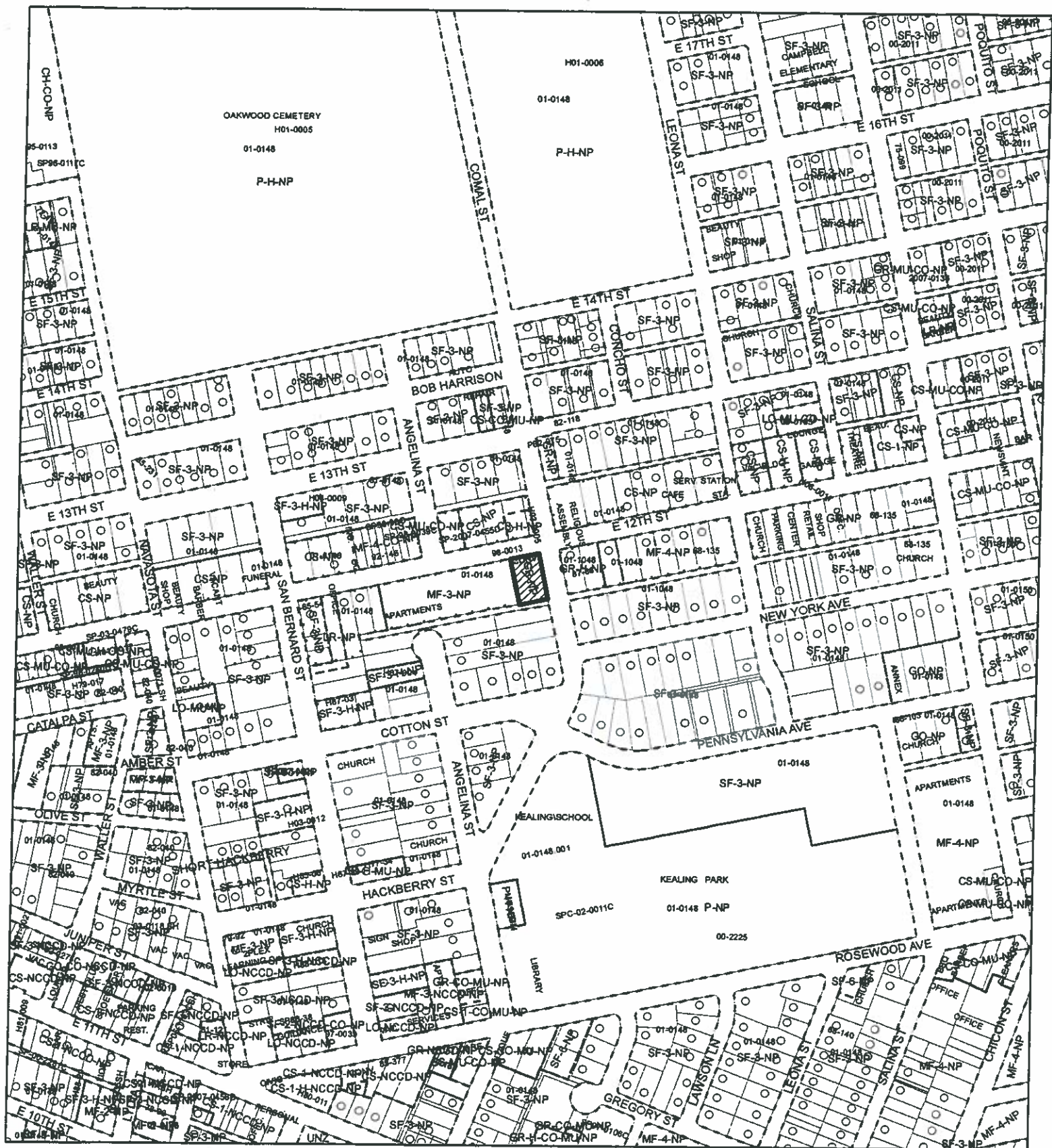
ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Joi Harden

PHONE: 974-2212

E-MAIL: joi.harden@ci.austin.tx.us;



ZONING

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

ZONING CASE#: C14-2008-0163
 ADDRESS: 1425 E 12TH ST
 SUBJECT AREA: 0.2993 ACRES
 GRID: K22
 MANAGER: J. HARDEN

OPERATOR: S. MEEKS

1" = 400'

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





SUMMARY STAFF RECOMMENDATION

The staff recommendation is to grant the modification to the East 12th Street Neighborhood Conservation Combining District (NCCD) and the East 11th and 12th Streets Urban Renewal Plan (URP) to allow Service Station uses. Staff also recommends amending the URP Permitted Uses Section to read Garden Apartments on the south side of 12th Street between Comal Street and Angelina Street, excluding 1425 East 12th Street which will remain commercial.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

In February of 2008 the East 12th Street NCCD was adopted. All automotive uses were prohibited and those currently existing were allowed to continue as a legal non-conforming uses. City staff is recommending the service station use because it is an existing use on the site.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

Staff recommends rezoning to allow the service station because the structure is constructed, but staff believes that adding additional automotive uses are not compatible with the character of the surrounding area.

EXISTING CONDITIONS

Site Characteristics

The site is developed with a Convenience Store and Service Station.

Impervious Cover

The maximum impervious cover allowed by the GR zoning is 90%. However, the NCCD states that the maximum impervious cover for Sub-District 2 is 90% (95% in instances where participation in the Regional Storm water detention Program is not available and the developer provides on-site detention). The impervious cover allowed per the NCCD governs this tract.

Environmental

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.

The current NCCD modifies the Land Development Code as follows: The subject lot is located within Sub-District 2 as defined. The NCCD states that the maximum impervious cover for Sub-District 2 is 90% (95% in instances where participation in the Regional Storm water detention Program is not available and the developer provides on-site detention.)

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

The current NCCD modifies the Land Development Code as follows: Landscaping is required unless the street yard is less than 1,000 square feet in area. Landscaped islands, peninsula or medians are not required for parking lots with less than 12 spaces.

Transportation

Additional right-of-way (ROW) necessary for future roadway improvements within the proposed zoning may be required during the subdivision review process or the site plan review process.

Since the rezoning of this area is being initiated by the City of Austin and does not reflect a specific development proposal, no trip generation calculations are provided.

A Traffic Impact Analysis (TIA) may be required during the site plan review stage for any proposed land use that would generate over 2,000 vehicle trips per day. Additional ROW, participation in roadway improvements, and/or limitation on development intensity may also be recommended based on review of the TIA.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Site Plan Review

Compatibility Standards (Article 10) of the City Code do not apply to properties in the East 12 Street NCCD. The properties must comply with the setback and height requirements specific to their subdistricts as set forth in Section V. C. and Section V. D. of the E. 12th Street NCCD.

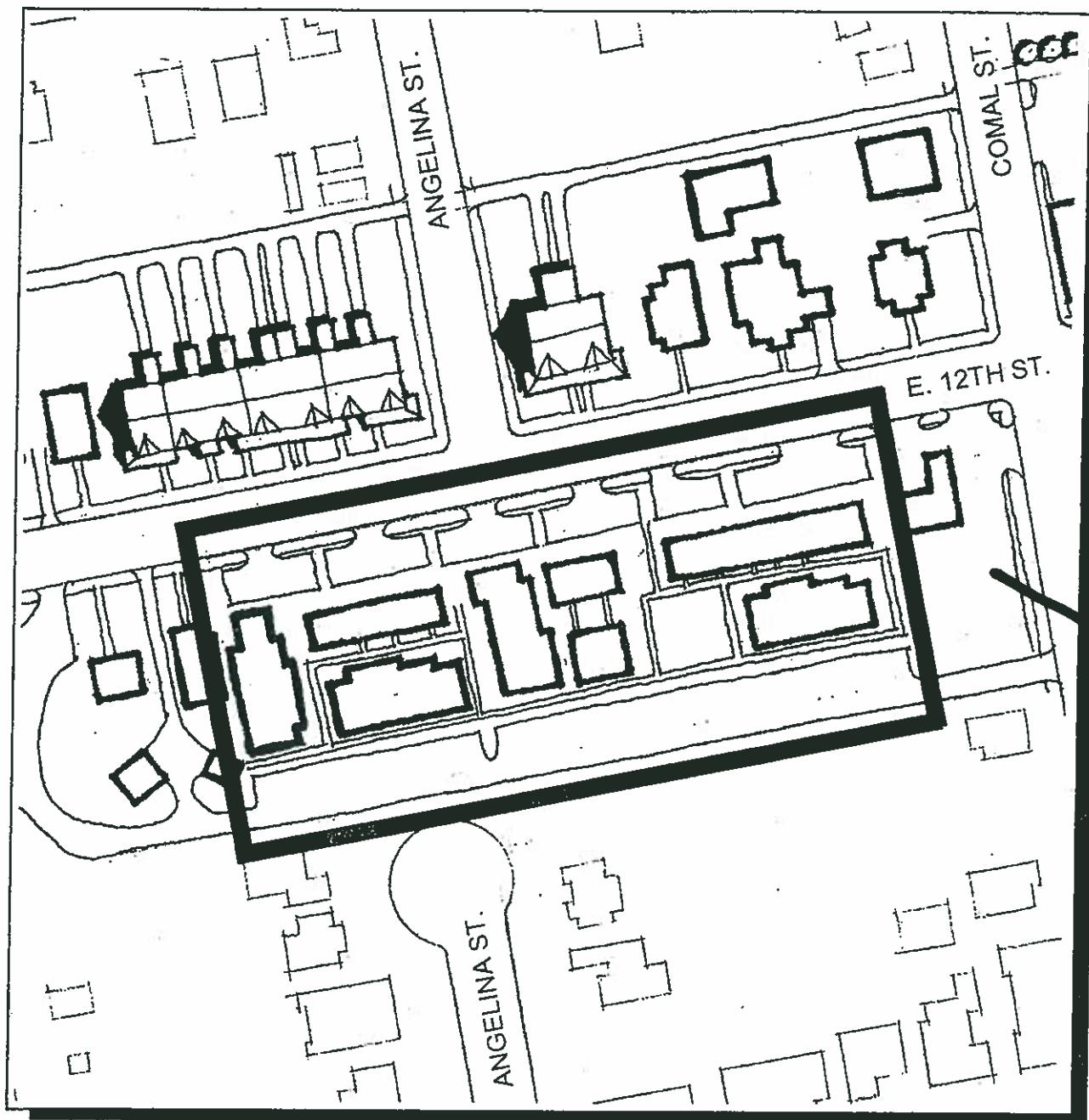
Any new development is subject to Subchapter E. Design Standards and Mixed Use for urban roadway requirements. Additional comments will be made when the site plan is submitted.

Proposed Modifications to the East 11th and 12th Streets Urban Renewal Plan (East 12th Street)
Planning Commission - August 26, 2008

Project Number/Name	Existing Controls	Proposed Modification	ARA Recommendations	URA Recommendations	Staff Recommendations	Planning Commission Recommendations
Section 1.0 Definitions	<p>"Prohibited Uses" means on the E. 12th Street corridor adult-oriented businesses, automobile rentals, automotive repair services, bail bond services, campground, carriage stable, cocktail lounges save and accept for the property located at 1808 - 1812 East 12th Street, commercial plasma center, convenience storage, drop-off/recycling collection facility, drive-thru restaurant facilities, equipment repair services, kennels, commercial laundry services, liquor sales, pawn shop services, outdoor entertainment, outdoor recreation, service stations, telecommunication tower on ground, vehicle storage and veterinary (livestock) services.</p>	<p>"Prohibited Uses" means on the E. 12th Street corridor adult-oriented businesses, automobile rentals, automotive repair services <u>save and except for the property located at 1425 East 12th Street</u>, bail bond services, campground, carriage stable, cocktail lounges save and except for the property located at 1808 - 1812 East 12th Street, commercial plasma center, convenience storage, drop-off/recycling collection facility, drive-thru restaurant facilities, equipment repair services, kennels, commercial laundry services, liquor sales, pawn shop services, outdoor entertainment, outdoor recreation, service stations <u>save and except for the property located at 1425 East 12th Street</u>, telecommunication tower on ground, vehicle storage and veterinary (livestock) services.</p>	No	<p>"Prohibited Uses" means on the E. 12th Street corridor adult-oriented businesses, automobile rentals, automotive repair services, bail bond services, campground, carriage stable, cocktail lounges save and except for the property located at 1808 - 1812 East 12th Street, commercial plasma center, convenience storage, drop-off/recycling collection facility, drive-thru restaurant facilities, equipment repair services, kennels, commercial laundry services, liquor sales, pawn shop services, outdoor entertainment, outdoor recreation, service stations <u>save and except for the property located at 1425 East 12th Street</u>, telecommunication tower on ground, vehicle storage and veterinary (livestock) services.</p>	Yes, Staff recommends URB recommendation	

Proposed Modifications to the East 12th Streets Neighborhood Conservation Combining District (NCCD)
Planning Commission - August 26, 2008

Project Number/Name	Existing Controls	Proposed Modification	ARA Recommends	URA Recommends	Staff Recommends	Planning Commission Recommends
IV. Land Use Regulations; B. Prohibited Uses	Adult-oriented businesses, automobile rentals, automotive repair, automotive sales, automotive washing, bail bond services, campground, carriage stable, cocktail lounge save and except for the property located at 1808 - 1812 East 12th Street which has a conditional use, commercial plasma center, convenience storage, drop-off/recycling collection facility, drive-thru services as an accessory use to a restaurant, equipment repair services, equipment sales, exterminating services, kennels, commercial laundry services, liquor sales, pawn shop services, outdoor entertainment, outdoor recreation, service stations, telecommunication tower (if sited on ground), vehicle storage and veterinary services.	Adult-oriented businesses, automobile rentals, automotive repair <u>save and except for the property located at 1425 East 12th Street</u> , automotive sales, automotive washing <u>save and except for the property located at 1425 E. 12th Street</u> , bail bond services, campground, carriage stable, cocktail lounge save and except for the property located at 1808 - 1812 East 12th Street which has a conditional use, commercial plasma center, convenience storage, drop-off/recycling collection facility, drive-thru services as an accessory use to a restaurant, equipment repair services, equipment sales, exterminating services, kennels, commercial laundry services, liquor sales, pawn shop services, outdoor entertainment, outdoor recreation, service stations <u>save and except for the property located at 1425 East 12th Street</u> , telecommunication tower (if sited on ground), vehicle storage and veterinary services.	No	Adult-oriented businesses, automobile rentals, automotive repair, automotive sales, automotive washing, bail bond services, campground, carriage stable, cocktail lounge save and except for the property located at 1808 - 1812 East 12th Street which has a conditional use, commercial plasma center, convenience storage, drop-off/recycling collection facility, drive-thru services as an accessory use to a restaurant, equipment repair services, equipment sales, exterminating services, kennels, commercial laundry services, liquor sales, pawn shop services, outdoor entertainment, outdoor recreation, service stations <u>save and except for the property located at 1425 East 12th Street</u> , telecommunication tower (if sited on ground), vehicle storage and veterinary services.	Yes, Staff recommends URB recommendation.	



*Subject
1425 E.
St. 12th St.*

PROJECT NUMBER/NAME:	12-7/12th ST. GARDEN APARTMENTS
Project Location:	South Side of 12th St. Between Comal St. & Angelina St.
Reuse Objective:	Provide New Housing Opportunities on 12th St.
Project Controls:	
Site Area:	1.4 Acres
Permitted Use:	Garden apartments, condominiums, townhouses
Allowable Height/Permitted FAR:	35 ft maximum/.90 Total Maximum FAR
New Commercial Space:	0
Commercial Space to be Preserved:	0
Potential New Housing Units:	0
Existing Housing to be Preserved:	35 units
Community Parking Spaces:	0
Residential Parking Spaces:	38-44
Potential Demolition:	0

*- Amend to
exclude
1425 E.
12th St.*

As amended by Ordinance August 2, 2001

Figure 4-20: 12th Street Garden Apart-

EXHIBIT A
East 11th and 12th Street Urban Renewal Plan
April 7, 2005

Project Number/Name	Existing Controls		Modifications	
Figure 4-3B 12-7/12th St. Garden Apartments, South side of 12th Street Between Cornal St. & Angelina St. - Subdistrict 5	Reuse Objective: Provide New Housing Opportunities on E. 12th St		No Changes	
	Site area: 1.4 acres		No Changes	
	Permitted use: Garden apartments, condominiums, townhouses		No Changes	
	Allowable height/ permitted FAR: 35' maximum/.90 total maximum FAR		Allowable height: 35 foot maximum from Angelina to Cornal except the southwest corner of Cornal is 30 foot maximum. The current building floor area ratios (FAR's) in the LDC shall be waived in lieu of the following: no maximum FAR.	
			Competibility: Current regulations are waived and replaced with the restrictions described in Section 3.A.4.	
			Impervious cover: 80% on the south side of 12th Street from Angelina to Cornal except the southwest corner of Cornal has 90%, except in instances where community detention not available and developer provides on-site detention then impervious cover is 95%.	
	New commercial space: 0		Delete Provision	
	Commercial space to be preserved: 0		Delete Provision	
	New housing units: 0		Delete Provision	
	Existing housing to be preserved: 35 units		Delete Provision	
	Community parking spaces: 0		Delete Provision	
	Residential parking spaces: 38 - 44		Delete Provision	
	Potential demolitions: 0		Delete Provision	

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2008-0163

Contact: Joi Harden,, (512) 974-2122

Public Hearing:

August 26, 2008 Planning Commission

☐ I am in favor
☒ I object

1521 KO No 1, LP

Your Name (please print)

1521 East 14th Street

Your address(es) affected by this application

[Signature]

Signature

John G. W. [unclear] [unclear]

Date

8/15/08

Comments:

We want through extensive discussions and all agreed through consensus process that current use will continue as non-conforming - No gas stations or repairs wanted on street

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Joi Harden,}

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2008-0163

Contact: Joi Harden,, (512) 974-2122

Public Hearing:

August 26, 2008 Planning Commission

<input type="checkbox"/> I am in favor <input checked="" type="checkbox"/> I object
--

John Lemaux

Your Name (please print)

1404 E. 13th St.

Your address(es) affected by this application

John Lemaux

Signature

8/20/08

Date

Comments:

If you use this form to comment, it may be returned to:

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Neighborhood Planning and Zoning Department

Joi Harden,}

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2008-0163

Contact: Joi Harden,, (512) 974-2122

Public Hearing:

August 26, 2008 Planning Commission

Krsten Siegfried
Your Name (please print)

1404 E 13th St

Your address(es) affected by this application

Krsten Siegfried

Signature

Date

8/19/08

Comments:

☐ I am in favor
☒ I object

If you use this form to comment, it may be returned to:

City of Austin

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