

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 33
AGENDA DATE: Thu 10/07/2004
PAGE: 1 of 1

SUBJECT: C14-04-0021 - Central Austin Combined Neighborhood Plan (West University) rezoning - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2829 Salado Street (Tract 148A) from general commercial services (CS) district zoning to limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) district zoning. First reading on June 10, 2004. Vote: 7-0. Second reading on August 5, 2004. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Mark Walters, 974-7695 and Glenn Rhoades, 974-2775. Note: a valid petition has been filed in opposition to this zoning request.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0021 (Part)

REQUEST:

Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 2829 Salado Street (Tract 148A) from general commercial services (CS) district zoning to limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning. The conditional overlay will limit the height 35 feet and prohibit medical offices over and under 5,000 square feet.

DEPARTMENT COMMENTS:

This property is located within the West University Neighborhood Planning Area.

The property is currently zoned for general commercial services (CS) and is presently used as a legal non-conforming use, that sells beer, wine, ice and other convenience items. If the property is rezoned, the use would be considered legal nonconforming and could continue to operate. The property owner would like to retain the existing CS zoning and has filed a valid petition against the proposed rezoning.

APPLICANT: City of Austin

AGENT: Neighborhood Planning and Zoning Department

CITY COUNCIL DATE AND ACTION:

June 10, 2004 – Approved on 1st Reading the Planning Commission Recommendation for each of the three neighborhood plan rezoning areas with condition to continue to find resolution to contested rezoning. (VOTE 7-0).

July 29, 2004 – Postponed to 8-12-04.

August 5, 2004 – Approved on 2nd Reading for each of the three neighborhood plan rezoning areas with conditions. (VOTE 7-0). *Schedule 3rd reading for 8-12-04.*

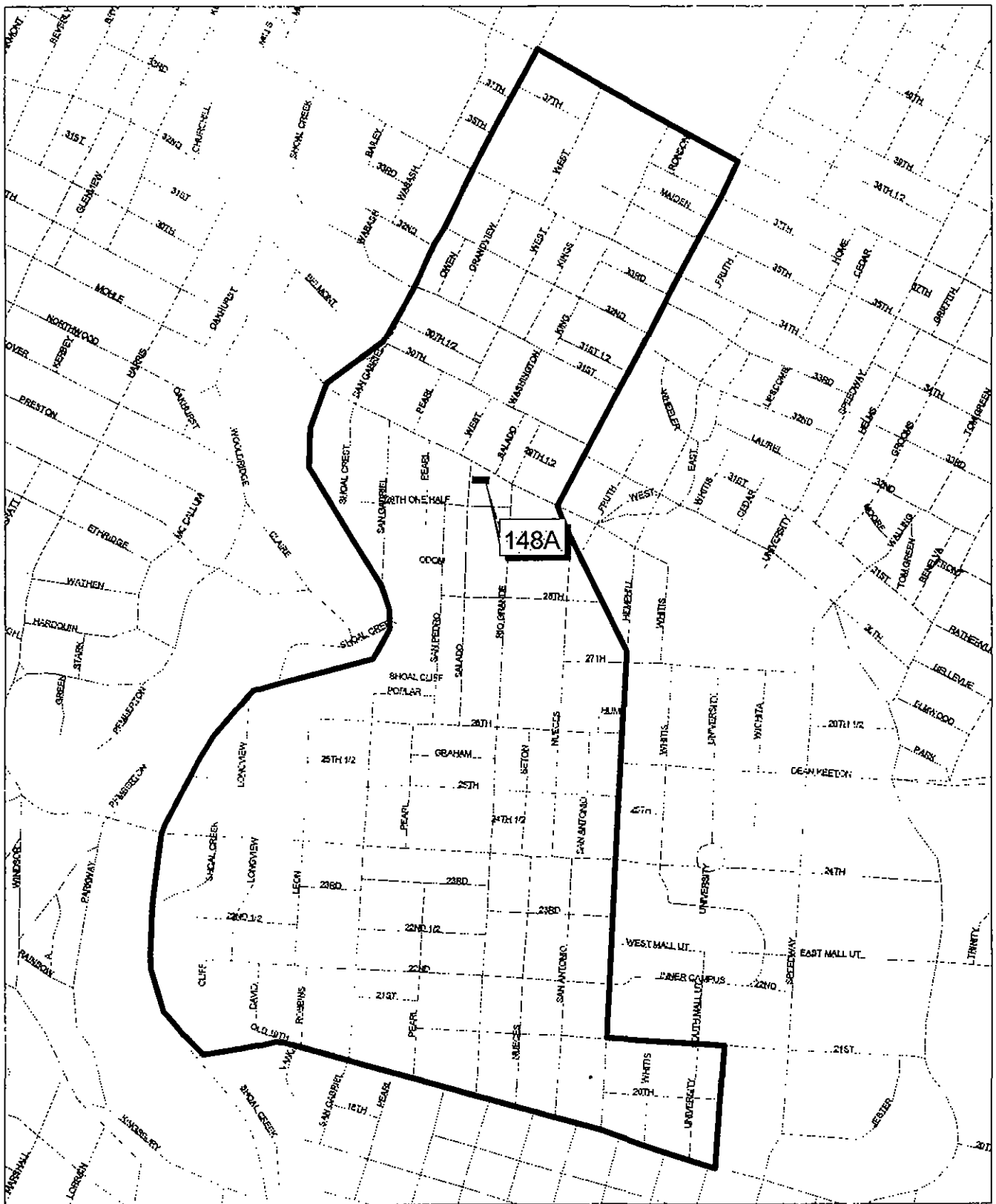
August 12, 2004 – Postponed at the request of Council to August 26 (VOTE 6-0, J. Goodman – off dais).

August 26, 2004 – Approved third reading of the North University NPCD and portions of the West University NPCD and Hancock NPCD. The contested properties will be brought back for final ordinance reading on September 2, 2004. (VOTE: 7-0).

September 2, 2004 – Approved third reading of portions of the West University NPCD and Hancock NPCD. The contested properties will be brought back for final ordinance reading on September 30, 2004 and October 7, 2004. (VOTE: 7-0).

ASSIGNED STAFF: Glenn Rhoades

PHONE: 974-2775
glenn.rhoades@ci.austin.tx.us



West University Neighborhood Planning Area: Rezonings Approved on 3rd Reading 10-7-04

Case #C14-04-0021



City of Austin
Neighborhood Planning and Zoning Department



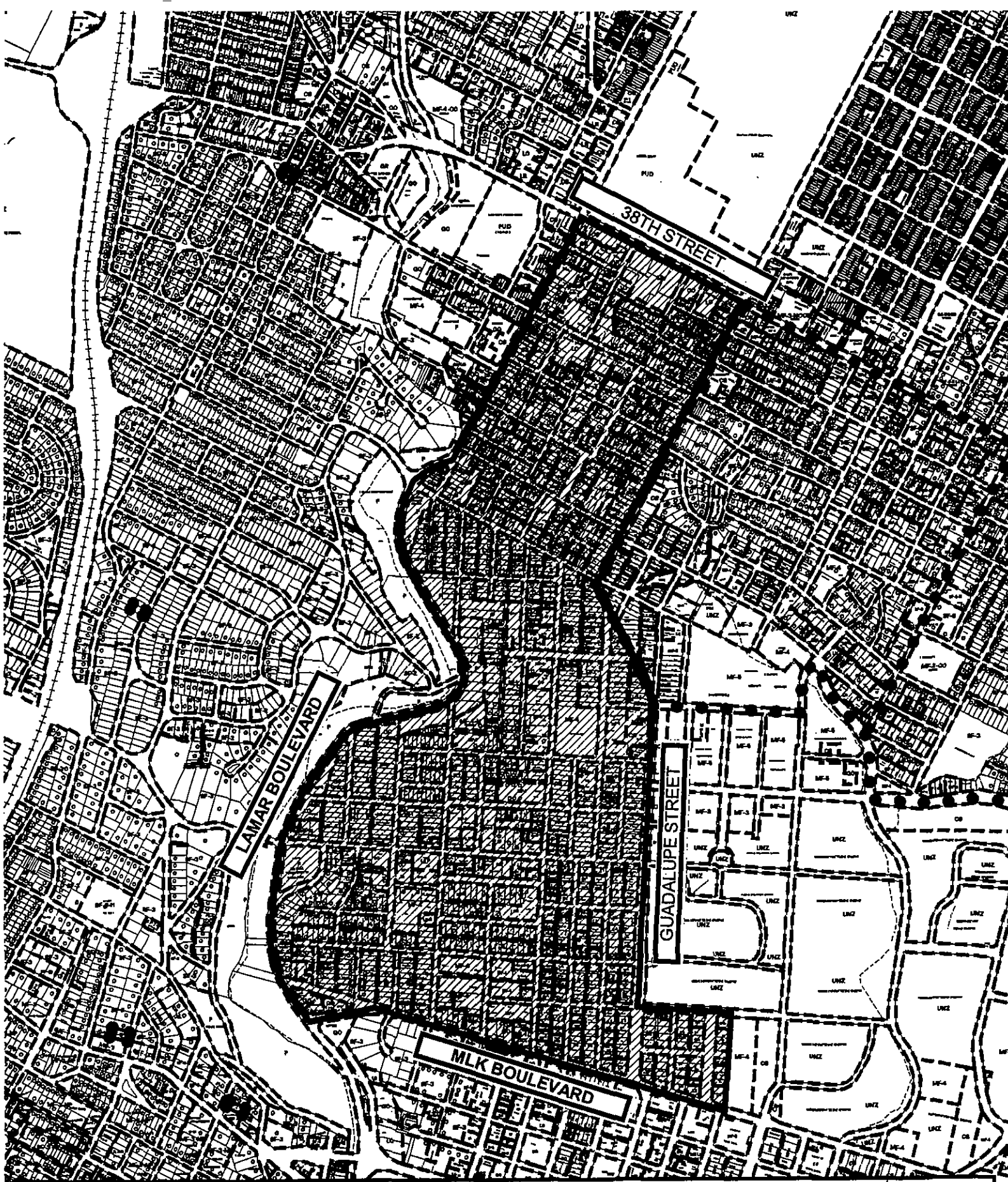
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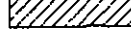




Properties with
proposed
zoning changes

999

Tract Number



 1" = 1200'	SUBJECT TRACT 	ZONING CASE #: C14-04-0021 ADDRESS: WEST UNIVERSITY NEIGHBORHOOD PLANNING AREA SUBJECT AREA (acres): 454.740	DATE: 04-03 INTLS: SN	CITY GRID REFERENCE NUMBER J23-25 H23-2 4
	PENDING CASE 			
	ZONING BOUNDARY 			
	CASE MGR: G. RHOADES			

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 040826-57, AND REZONING AND CHANGING THE ZONING MAP TO ADD A NEIGHBORHOOD PLAN COMBINING DISTRICT TO THE BASE ZONING DISTRICT ON TRACT 148A, BEING APPROXIMATELY 0.17 ACRES OF LAND IN THE WEST UNIVERSITY NEIGHBORHOOD PLAN AREA, AND TO CHANGE THE BASE ZONING DISTRICT ON THE TRACT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Ordinance No. 040826-57 is amended to include the property identified in this Part in the West University neighborhood plan combining district. The zoning map established by Section 25-2-191 of the City Code is amended to add a neighborhood plan (NP) combining district to the base zoning district and to change the base zoning district on a tract of land described in File C14-04-0021 (PART), as follows:

Tract 148A 2829 Salado Street;

(the "Property") as shown on the attached Exhibit "A",

generally known as the West neighborhood plan combining district, locally known as the area bounded by Lamar Street on the west, 38th Street on the north, Guadalupe Street on the east, and Martin Luther King, Jr. Boulevard on the south, and includes the three Subdistricts identified as Heritage Subdistrict, Shoal Crest Subdistrict and West University Neighborhood Subdistrict, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The base zoning district for the tract of land is changed from general commercial services (CS) district to limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district, and as more particularly described and identified in the chart below.

Tract No.	Property	From	To
148A	2829 Salado Street	CS	LO-MU-CO-NP

1
2
3 **PART 3.** The Property is subject to Ordinance No. 040826-57 that established the West
4 University neighborhood plan combining district.
5

6 **PART 4.** The following applies to a single-family residential use, a duplex residential
7 use, or a two-family residential use within the boundaries of the NP:
8

- 9 1. Front porch setback applies as set forth in Section 25-2-1602 of the Code.
- 10 2. Impervious cover and parking placement restrictions apply as set forth in
11 Section 25-2-1603 of the Code.
- 12 3. Garage placement restrictions apply as set forth in Section 25-2-1604 of the
13 Code.
- 14 4. Front or side yard parking restrictions apply as set forth in Section 25-2-1406 of
15 the Code.
16
17
18
19

20 **PART 5.** The Property within the boundaries of the conditional overlay combining district
21 established by this ordinance is subject to the following conditions:
22

- 23 1. The maximum height of a building or structure is 30 feet from ground level.
- 24 2. Medical office (exceeding 5,000 square feet of gross floor area) use is a prohibited use
25 of the Property.
26
27

28 Except as specifically restricted under this ordinance, the Property may be developed and
29 used in accordance with the regulations established for the limited office (LO) base district
30 and other applicable requirements of the City Code.
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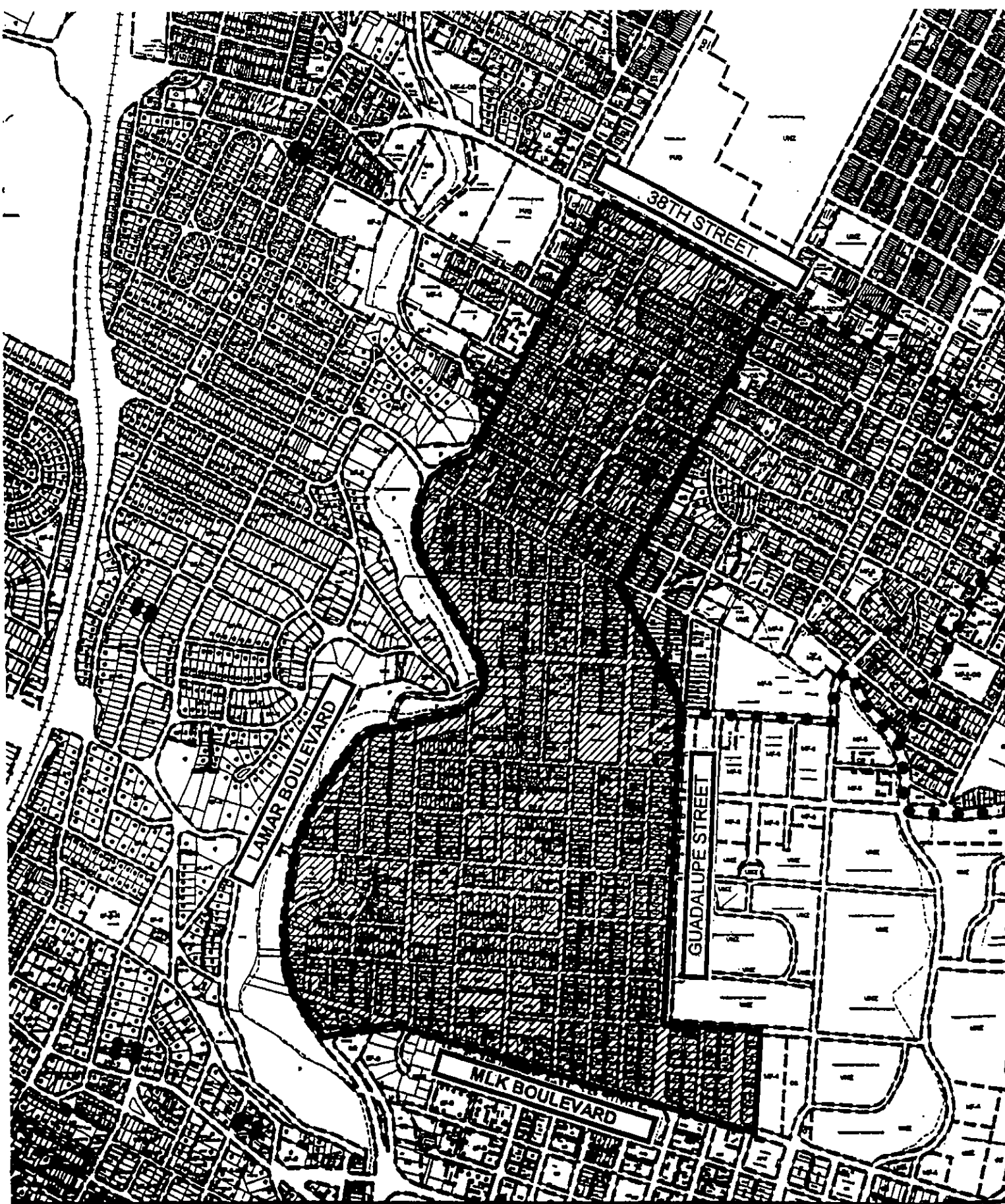
1
2 **PART 6.** This ordinance takes effect on _____, 2004.
3


4
5 **PASSED AND APPROVED**
6

7
8 §
9 _____, 2004 § _____
10




11 Will Wynn
12 Mayor

13
14 **APPROVED:** _____ **ATTEST:** _____
15 David Allan Smith Shirley A. Brown
16 City Attorney City Clerk





 1" = 1200'

SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: G. RHOADES

CASE #: C14-04-0021

ADDRESS: WEST UNIVERSITY
 NEIGHBORHOOD PLANNING AREA
 SUBJECT AREA (acres): 454.740

ZONING EXHIBIT B

DATE: 04-03

INTLS: SN

CITY GRID
 REFERENCE
 NUMBER

U23-25 H23

4

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0021 – West University NPCD

P.C. DATE: April 13, 2004
April 27, 2004
May 25, 2004

C.C. DATE: May 6, 2004
June 10, 2004
July 29, 2004
August 5, 2004
August 12, 2004
August 26, 2004
September 2, 2004
October 7, 2004

APPLICANT: City of Austin, Neighborhood Planning and Zoning Department (NPZD),
Mark Walters, Thomas Bolt, Jackie Chuter, Laura Patlove

AGENT: City of Austin, Neighborhood Planning and Zoning Department (NPZD),
Glenn Rhoades

NEIGHBORHOOD ORGANIZATIONS:

#25 Eastwoods Association
#31 Hancock Neighborhood Association
#33 Heritage Neighborhood Association
#34 Hyde Park Neighborhood Association
#47 Beau Site Neighborhood
#48 North University Neighborhood Association
#58 Judges' Hill Neighborhood Association
#66 Rosedale Neighborhood Association
#69 University Area Partners
#88 West Austin Neighborhood Group
#113 Wilshire Wood – Dellwood I Neighborhood Association
#141 Cherrywood Neighborhood Association
#142 Five Rivers Neighborhood Association
#156 Brykerwoods Neighborhood Association
#159 North Capitol Area Neighborhood Association
#173 Old Enfield Homeowners Association
#259 Shoal Crest Neighborhood Association
#283 North Austin Neighborhood Alliance
#294 West University Neighborhood
#344 M.K. Hage
#402 Downtown Austin Neighborhood Association
#438 Downtown Austin Alliance
#493 Dellwood Neighborhood Association
#511 Austin Neighborhoods Council
#603 Mueller Neighborhoods Coalition
#609 EYE-H35/Airport Blvd. Neighborhood Association
#623 City of Austin Downtown Commission
#631 Alliance to Save Hyde Park

#644 Pemberton Heights Neighborhood Association
#682 Caswell Pease Neighborhood Association
#687 North Loop Neighborhood Association
#689 Upper Boggy Creek Neighborhood Planning Team
#698 West Campus Neighborhood Association
#700 Keep the Land
#937 Taking Action Inc.
#972 Poder people Organized in Defense of Earth and Her Resources
#981 Anberly Airport Association

AREA STUDY: Central Austin Combined Neighborhood Planning Area

TIA: Is not required

WATERSHEDS: Shoal Creek; Waller Creek;
Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

SCHOOLS:

Lee Elementary School

SUMMARY STAFF RECOMMENDATION:

The proposed zoning change creates a Neighborhood Plan Combining District (NPCD) covering the entire area. In addition to the NPCD, properties within the North University Planning area will also have a Neighborhood Conservation Combining District (NCCD).

PLANNING COMMISSION RECOMMENDATION:

April 27, 2004

MOTION: APPROVE STAFF RECOMMENDATION FOR THE NEIGHBORHOOD PLAN AND ZONING WITH ADDENDA PROVIDED TO THE PLANNING COMMISSION. FOR UNRESOLVED ZONING CASES ASK THAT STAFF CONTINUE TO INITIATE DISCUSSION BETWEEN THE VARIOUS PARTIES AND FIND APPROPRIATE COMPROMISES BEFORE COUNCIL. IF ZONING CASES ARE NOT RESOLVED CLEARLY INDICATE STAFF RECOMMENDATIONS OF THE OWNER OR NEIGHBORHOOD ASSOCIATIONS.

VOTE: 8-0 (MA-1st, DS-2nd, NS recused)

May 25, 2004

MOTION: STAFF RECOMMENDATION FOR WEST UNIVERSITY, EXCEPT RECOMMEND SF-4A for TRACT 133 AND 133A, AND INCLUDE 100 FEET OF NORTH PORTION OF TRACT 1013 (BEND AROUND SHOAL CREEK) WITH RECOMMENDATION OF LO-MU-CO-NP ON TRACT 44.

VOTE: 8-0 (MA-1st, DS-2nd; CG- ABSTAIN)

MOTION: APPROVE STAFF RECOMMENDATIONS FOR NORTH UNIVERSITY NEIGHBORHOOD PLAN, WITH RECOMMENDATION THAT FOR PROPERTIES THAT ARE

STILL UNDER NEGOTIATION, EXISTING LEGAL USES SHOULD BE ALLOWED TO CONTINUE UNDER THE PROPOSED ZONING.

VOTE: 7-0 (MA-1st, DS-2nd; NS- RECUSE; CG-ABSTAIN)

CITY COUNCIL DATE: May 6, 2004, June 10, 2004, July 29, 2004, August 26, 2004

ACTION: May 6, 2004 - Postponed by staff, re-notified for June 10, 2004 hearing.

June 10, 2004 – C14-04-0021 - West University NPCD
C14-04-0022 - North University NCCD-NPCD
C14-04-0023 - Hancock NPCD

The public hearing was closed on Council Member McCracken's motion, Council Member Slusher's second on a 7-0 vote. The first reading of the ordinance approving Planning Commission's recommendation on all uncontested zoning tracts was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote. The first reading of the ordinance approving Planning Commission's recommendation on all contested zoning tracts was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

July 29, 2004 - C14-04-0021 - West University NPCD
C14-04-0022 - North University NCCD-NPCD
C14-04-0023 - Hancock NPCD

Second Reading on the North University NCCD was postponed to August 5, 2004 at staff's request on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

Second Reading on the Hancock & West University NPCDs was postponed to August 5, 2004 on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second, on a 7-0 vote.

Approved 2nd reading of the Central Austin Combined Neighborhood Plan on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second, on a 7-0 vote.

August 5, 2004 C14-04-0021 - West University NPCD
C14-04-0022 - North University NCCD-NPCD
C14-04-0023 - Hancock NPCD

Approved 2nd Reading of the zoning cases with changes. [Numerous motions.]

August 12, 2004 C14-04-0021 - West University NPCD
C14-04-0022 - North University NCCD-NPCD
C14-04-0023 - Hancock NPCD

Postponed to August 26, 2004 the third reading of the ordinance for the Central Austin Combined Planning Area and associated zonings in the

West University, North University and Hancock Neighborhood Planning Areas on Council Member Dunkerly's motion, Mayor Wynn's second, on a vote of 6-0, with Mayor Pro Tem Goodman off the dais.

August 26, 2004 C14-04-0021 – West University NPCD
 C14-04-0022 – North University NPCD
 C14-04-0023 – Hancock NPCD

Approved the rezonings in the North University NPCD and portions of the West University NPCD and Hancock NPCD. The contested properties will be brought back for final reading on September 2, 2004. Vote: 7-0.

September 2, 2004 C14-04-0021
 C14-04-0023

Approved portions of the West University NPCD and Hancock NPCD. The contested properties will be brought back for final reading on October 7, 2004. Vote: 7-0.

ORDINANCE READINGS: 1st June 10, 2004 2nd July 29, 2004, August 5, 2004 3rd

ORDINANCE NUMBER:

Central Austin Combined Neighborhood Plan
West University Neighborhood Planning Area
North University Planning Area
Hancock Planning Area

CASE MANAGER: Glenn Rhoades

PHONE: 974-2775

STAFF RECOMMENDATION

The proposed zoning change creates a Neighborhood Plan Combining District (NPCD) covering the entire area. Approximately 580 tracts are proposed for a base district rezoning, change in conditional overlay, or the addition of infill options. In addition to the NPCD, properties within the North University Planning area will also have a Neighborhood Conservation Combining District (NCCD). The NCCD contains approximately 250 tracts.

BACKGROUND

At the direction of the Austin City Council, Neighborhood Planning staff began working to develop a combined neighborhood plan for Central Austin in April 2002. The First Workshop was held on December 7th, 2002. Staff, residents, property owners, business owners, and representatives of area institutions have been attending meetings and developing the plan for 18 months.

The plan's goals, objectives, and action items were developed at numerous Central Austin Combined Neighborhood Planning meetings. The Neighborhood Plan will be considered concurrently with the subject rezoning case.

The proposed zoning change creates a Neighborhood Plan Combining District (NP) covering the entire area. The purpose of the NP is to allow infill development by implementing a neighborhood plan that has been adopted by Council as an amendment to the City's Comprehensive Plan. The NP may modify the base district of an individual parcel within the neighborhood to allow for the following special uses and design tools – Small Lot Amnesty; Mixed Use Building; Neighborhood Urban Center; Residential Infill; Cottage; Urban Home; Secondary Apartment; Parking Placement and Impervious Cover Restrictions; Garage Placement; and Front Porch Setback. The North University Planning area has proposed a Neighborhood Conservation Combining District to address the goals and objectives of the plan pertaining to the North University Planning Area. The ability to have mixed use within the planning area has been accommodated in the permitted land use charts contained in the proposed NCCD.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

The staff's basis for recommendation is derived from the goals and objectives for land use as described in the Crestview / Wooten Combined Neighborhood Plan:

Goals – Land Use

- Any new development or redevelopment should respect and complement the single-family character of the neighborhood.
- Preserve and enhance existing neighborhood-friendly businesses and encourage new neighborhood-friendly ones in appropriate locations.
- Enhance the safety and attractiveness of the neighborhoods.
- Maintain and enhance the single-family residential areas as well as existing community facilities and institutions in the Crestview and Wooten neighborhoods.
- Promote enhancement of major corridors by encouraging better quality development and redevelopment and discouraging strip development.

- Promote enhancement of major corridors by encouraging better quality and a mix of neighborhood serving development and redevelopment.
- Target and encourage redevelopment of dilapidated or vacant multifamily structures into quality multifamily.

Objectives – Land Use

- Rezone property as needed to ensure that new development is compatible with the desired residential character of the neighborhood.
- New single-family construction in residential areas should complement, reflect, and respect the vernacular building traditions of single-family houses in the area.
- Promote quality multi-family redevelopment that is compatible with single-family neighborhoods and preserves neighborhood ambiance
- Limit new commercial and multi-family spread into the single-family core of the neighborhoods by establishing a perimeter of apartments, offices and commercial uses.

EXISTING CONDITIONS

Zoning and Land Use

<u>Existing Land Use:</u>		<u>Existing Zoning:</u>	
Single Family	39.6 %	Single Family	43 %
Multi Family	24.5%	Multi-Family	28 %
Commercial	10.8%	Commercial	17.5%
Office	5 %	Office	8.8 %
Industrial	9 %	Industrial	0%
Civic	9.8 %	Public	1.6 %
Open Space	9.2 %	Mixed Use	.6%
Utilities	.1 %		
Undeveloped	1.1 %		

Impervious Cover

The maximum impervious cover limits for the proposed zoning districts are as follows:

LI, Limited Industrial Services	80 %
CS, Commercial Services	95 %
CS-1, Commercial – Liquor Sales	95 %
GR, Community Commercial	90 %
LR, Neighborhood Commercial	80 %
GO, General Office	80 %
LO, Limited Office	70 %
NO, Neighborhood Office	60 %
MF-3, Multi-family Residence (Medium Density)	65 %

MF-2, Multi-family Residence (Low Density)	60 %
SF-6, Townhouse & Condominium Residence	55 %
SF-3, Family Residence	45 %
SF-2, Single Family Residence	45 %
P, Public	varies (refer to Land Development Code)

The maximum amount of impervious cover is determined as the more restrictive figure of the zoning district and watershed class.

The Neighborhood Conservation Combining District (NCCD) has established varying impervious cover percentages based on the district in which the property is located. The proposed limits are established in the base zoning district site development regulations for each district contained in the attached NCCD.

Environmental

The neighborhood is not located over the Edwards Aquifer Recharge Zone. The neighborhood is located in the Shoal Creek and Waller Creek Watersheds of the Colorado River Basin, which are classified as Urban Watersheds by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone/ Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

The sites are 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.

According to flood plain maps, there is flood plain within the neighborhood 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.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Transportation

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

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 through the neighborhood planning process and does not reflect a specific development proposal, no trip generation calculations are provided on a tract-by-tract basis for any proposed land uses as would typically be provided.

A Traffic Impact Analysis (TIA) will 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.

NAME	ROW	PAVEMENT	CLASSIFICATION	SIDEWALKS	CAPITAL METRO ROUTE	BICYCLE PLAN ROUTE
Guadalupe	90'	Varies	Arterial	Varies	N/A	N/A
MLK	80'	Varies	Arterial	Varies	N/A	N/A
Lamar Blvd.	80'	Varies	Arterial	Yes	N/A	N/A
24 th Street	60'	Varies	Arterial	Varies	#19	N/A
29 th Street	60'	Varies	Collector	No	N/A	#40
38 th Street	60'	Varies	Arterial	Varies	N/A	#36
Dean Keaton	Varies	60'	Arterial	Yes	#21, #22	#42
Duval	70'	44'	Collector	Varies	#7, #60	#49
IH-35	Varies	Varies	Arterial	No	#26, #38, #60	N/A
Red River	100'	60'	Arterial	Yes	#7	#51
41 st Street	Varies	Varies	Collector	Yes	N/A	#34
45 th Street	80'	50'	Arterial	Yes	#60	#32

TPSD Right-of-Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed rezoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The area is served with City water and wastewater utilities. If lot, or tract, or site require water or wastewater utility improvements, offsite main extension, or system upgrades, or utility relocation, or adjustment, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria. The construction must be inspected by the City.

Compatibility Standards

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/use will be subject to compatibility development regulations.

MEETING SUMMARY**MOTION:**

Recommend approval with the following amendments:

- 1) Allow Professional Office as a pedestrian-oriented use only if direct access is provided from the street and where the principal use is not office;*
- 2) Allow an interested party to appeal to Council a determination made by the Land Use Commission regarding the requirement in section 25-6-591(a)(5) for pedestrian-oriented uses on the ground floor of a parking garage;*
- 3) When the Land Use Commission waives the requirement of 25-6-591 (a)(5) require a minimum 5' wide landscape buffer to screen the ground floor of the parking garage.*

VOTE: 9-0 (CR-1st, CG-2nd)

4. Neighborhood Plan:

Central Austin Combined Neighborhood Plan

Location: The Central Austin Combined Neighborhood Planning Area is bounded by 38th Street and 45th Street to the north, Dean Keeton Street, 27th Street and Martin Luther King Jr. Blvd. to the south, Lamar Blvd. To the west and IH-35 to the east.

Owner/Applicant: City of Austin-NPZD

Agent: City of Austin-NPZD

Request: Conduct a public hearing to consider adopting the Central Austin Combined Neighborehood Plan, encompassing West University, North University and the Hancock Neighborhoods

Staff Rec.: **Recommended**

Staff: Tom Bolt and Glenn Rhoades, 974-2755 974-2775,
thomas.bolt@ci.austin.tx.us
Neighborhood Planning and Zoning Department

Mark Walters, Neighborhood Planning and Zoning (NPZ), presented the Central Austin Combined Neighborhood Plan (CACNP).

See Item 8 for meeting summary.

MEETING SUMMARY**5. Zoning: C14-04-0023 - Central Austin Combined Neighborhood Plan (Hancock Neighborhood)**

Location: 45th Street to the north, Dean Keeton to the south, Duval Street to the west and IH-35 to the east.

Owner/Applicant: City of Austin-NPZD

Agent: City of Austin-NPZD

Request: The proposed zoning change will create three Neighborhood Plan Combining Districts (NPCD) and one Neighborhood Conservation Combining District (NCCD). Under the proposed Hancock NPCD, "Small Lot Amnesty," "Garage Placement," and "Impervious Cover and Parking Placement Restrictions" are proposed for the entire area. The Neighborhood Mixed Use Building special use is proposed for Tracts 501, 504, 507, 507A, 509, 510, 512, 513, 514, 516, 517, 518, 519, 520, 522, 523, 524, 525, 526, 527, 536A, 541, 541A, 543, and 543A. The Neighborhood Urban Center special use is proposed for Tracts 543 and 543A. The Planning Commission may recommend and the City Council may approve a zoning change to any of the following: Rural Residential (RR) district zoning; Single-Family Residence - Large Lot (SF-1) district zoning; Single-Family Residence-Standard Lot (SF-2) district zoning; Family Residence (SF-3) district zoning; Single-Family - Small Lot & Condominium Site (SF-4A/B) district zoning; Urban Family Residence (SF-5) district zoning; Townhouse & Condominium Residence (SF-6) district zoning; Multi-Family Residence - Limited Density (MF-1) district zoning; Multi-family Residence - Low Density (MF-2) district zoning; Multi-family Residence - Medium Density (MF-3) district zoning; Multi-family Residence - Moderate-High Density (MF-4) district zoning; Multi-family Residence - High Density (MF-5) district zoning; Multi-family Residence - Highest Density (MF-6) district zoning; Mobile Home Residence (MH) district zoning; Neighborhood Office (NO) district zoning; Limited Office (LO) district zoning; General Office (GO) district zoning; Commercial Recreation (CR) district zoning; Neighborhood Commercial (LR) district zoning; Community Commercial (GR) district zoning; Warehouse / Limited Office (W/LO) district zoning; Commercial Services (CS) district zoning; Commercial-Liquor Sales (CS-1) district zoning; Commercial Highway (CH) district zoning; Industrial Park (IP) district zoning; Major Industrial (MI) district zoning; Limited Industrial Services (LI) district zoning; Research and Development (R&D) district zoning; Development Reserve (DR) district zoning; Agricultural (AG) district zoning; Planned Unit Development (PUD) district zoning;; Historic (H) district zoning; and Public (P) district zoning. A Conditional Overlay (CO) combining district, Planned Development Area Overlay (PDA), Mixed Use Combining District Overlay (MU); Neighborhood Conservation Combining District (NCCD); or Neighborhood Plan Special Use (NP) may also be added to these zoning base districts

Staff Rec.: **Recommended**

Staff: Tom Bolt and Glenn Rhoades, 974-2755; 974-2775,
thomas.bolt@ci.austin.tx.us
Neighborhood Planning and Zoning Department

Tom Bolt, NPZ, presented the zoning recommendations for the Hancock planning area.

See Item 8 for meeting summary.

MEETING SUMMARY**6. Zoning: C14-04-0022 - Central Austin Combined Neighborhood Plan (North University)**

Location: 45th Street to the north, Dean Keeton to the south, Duval Street to the west and IH-35 to the east

Owner/Applicant: City of Austin-NPZD

Agent: City of Austin-NPZD

Request: : Under the proposed North University NPCD, "Small Lot Amnesty" is proposed for the entire area. Mixed Use is proposed for Tracts APD-843-849, APD-862-865, GDC-709-714A, GDN 701-705, GDN-707, GDS-715-717, GDS-719-720, SD-881, SD-883-883A, SJD-886-892, TD-721-723A, TD-726.

The North University NCCD proposes modified site design and development standards including but not limited to the following: Land Use, Floor Area Ratios (FAR), Building Heights, Mixed Use Developments, Garages, Parking, Outdoor Café seating, Impervious and Building Coverage allowances, Setbacks, and Driveway and Parking Access. The Planning Commission may recommend and the City Council may approve a zoning change to any of the following: Rural Residential (RR) district zoning; Single-Family Residence - Large Lot (SF-1) district zoning; Single-Family Residence-Standard Lot (SF-2) district zoning; Family Residence (SF-3) district zoning; Single-Family - Small Lot & Condominium Site (SF-4A/B) district zoning; Urban Family Residence (SF-5) district zoning; Townhouse & Condominium Residence (SF-6) district zoning; Multi-Family Residence - Limited Density (MF-1) district zoning; Multi-family Residence - Low Density (MF-2) district zoning; Multi-family Residence - Medium Density (MF-3) district zoning; Multi-family Residence - Moderate-High Density (MF-4) district zoning; Multi-family Residence - High Density (MF-5) district zoning; Multi-family Residence - Highest Density (MF-6) district zoning; Mobile Home Residence (MH) district zoning; Neighborhood Office (NO) district zoning; Limited Office (LO) district zoning; General Office (GO) district zoning; Commercial Recreation (CR) district zoning; Neighborhood Commercial (LR) district zoning; Community Commercial (GR) district zoning; Warehouse / Limited Office (W/LO) district zoning; Commercial Services (CS) district zoning; Commercial-Liquor Sales (CS-1) district zoning; Commercial Highway (CH) district zoning; Industrial Park (IP) district zoning; Major Industrial (MI) district zoning; Limited Industrial Services (LI) district zoning; Research and Development (R&D) district zoning; Development Reserve (DR) district zoning; Agricultural (AG) district zoning; Planned Unit Development (PUD) district zoning;; Historic (H) district zoning; and Public (P) district zoning. A Conditional Overlay (CO) combining district, Planned Development Area Overlay (PDA), Mixed Use Combining District Overlay (MU); Neighborhood Conservation Combining District (NCCD); or Neighborhood Plan Special Use (NP) may also be added to these zoning base districts.

Staff: Tom Bolt and Glenn Rhoades, 974-2755 974-2775,
thomas.bolt@ci.austin.tx.us
Neighborhood Planning and Zoning Department

Tom Bolt, NPZ, presented the zoning recommendations for the North University planning area.

See Item 8 for meeting summary.

MEETING SUMMARY

- 7. Zoning:** **C14-04-0021 - Central Austin Combined Neighborhood Plan (West University)**
- Location:** 45th Street to the north, Dean Keeton to the south, Duval Street to the west and IH-35 to the east
- Owner/Applicant:** City of Austin-NPZD
- Agent:** City of Austin-NPZD
- Request:** Under the proposed West University NPCD, "Small Lot Amnesty" is proposed for the entire area. "Garage Placement," "Front Porch Setback," and "Impervious Cover and Parking Placement Restrictions" are proposed for the Heritage, Shoal Crest, and West University subdistricts. The Heritage subdistrict is bounded by Lamar Blvd. to the west, W. 38th St. to the north, Guadalupe St. to the east, and W. 29th St. to the south. The Shoal Crest subdistrict is bounded by Lamar Blvd. to the west, W. 29th St. to the north, Rio Grande St. to San Pedro St. to the east, and 28th St. to Poplar St. to the south. The West University Neighborhood subdistrict is bounded by Lamar Blvd. to the west, W. 24th St. to the north, Leon St. and Robbins Pl. to the east, and MLK Jr. Blvd. to the south. The Neighborhood Mixed Use Building special use is proposed for Tracts 1-13, 15-16, 20, 20A, 22-27, 31-32, 40-42, 46-48, 58, 64-74, 77-97, 111-113, 115-125, 127-129, 138-143, 143C, 145-146, 148, 156-158, 166-167, 170, 172, 174, 176-180, 183, 192-196, 209-210, 213-214, 219-220, 225-226, 230, 235-239, 241, 243-256, 259-266. The Planning Commission may recommend and the City Council may approve a zoning change to any of the following: Rural Residential (RR) district zoning; Single-Family Residence - Large Lot (SF-1) district zoning; Single-Family Residence-Standard Lot (SF-2) district zoning; Family Residence (SF-3) district zoning; Single-Family - Small Lot & Condominium Site (SF-4A/B) district zoning; Urban Family Residence (SF-5) district zoning; Townhouse & Condominium Residence (SF-6) district zoning; Multi-Family Residence - Limited Density (MF-1) district zoning; Multi-family Residence - Low Density (MF-2) district zoning; Multi-family Residence - Medium Density (MF-3) district zoning; Multi-family Residence - Moderate-High Density (MF-4) district zoning; Multi-family Residence - High Density (MF-5) district zoning; Multi-family Residence - Highest Density (MF-6) district zoning; Mobile Home Residence (MH) district zoning; Neighborhood Office (NO) district zoning; Limited Office (LO) district zoning; General Office (GO) district zoning; Commercial Recreation (CR) district zoning; Neighborhood Commercial (LR) district zoning; Community Commercial (GR) district zoning; Warehouse / Limited Office (W/LO) district zoning; Commercial Services (CS) district zoning; Commercial-Liquor Sales (CS-1) district zoning; Commercial Highway (CH) district zoning; Industrial Park (IP) district zoning; Major Industrial (MI) district zoning; Limited Industrial Services (LI) district zoning; Research and Development (R&D) district zoning; Development Reserve (DR) district zoning; Agricultural (AG) district zoning; Planned Unit Development (PUD) district zoning; Historic (H) district zoning; and Public (P) district zoning. A Conditional Overlay (CO) combining district, Planned Development Area Overlay (PDA), Mixed Use Combining District Overlay (MU); Neighborhood Conservation Combining District (NCCD); or Neighborhood Plan Special Use (NP) may also be added to these zoning base districts.
- Staff:** Tom Bolt and Glenn Rhoades, 974-2755 974-2775,
thomas.bolt@ci.austin.tx.us
Neighborhood Planning and Zoning Department

Mark Walters, NPZ, presented the zoning recommendations for the North University planning area.

See Item 8 for meeting summary.

MEETING SUMMARY**8. Code C20-04-004 - University Neighborhood Overlay (UNO)****Amendment:**

Shoal Creek Watershed, West University NPA

Owner/Applicant: City of Austin-NPZD

Agent: City of Austin-NPZD

Request: Conduct a public hearing to consider amendments to Austin's Land Development Code, Title 25, to create a new zoning overlay district, referred to as the University Neighborhood Overlay (UNO), to implement a number of recommendations from the Central Austin Combined Neighborhood Plan. The proposed code amendment would allow increased residential density and promote mixed-use development in the area west of the University of Texas commonly known as West Campus. The proposed code amendment would be an incentive-based zoning overlay that would provide for development bonuses if the developer of a project chooses to follow the provisions of the overlay. A project would receive approval if it meets all of the provisions of the proposed University Neighborhood Overlay code amendment as well as all other applicable land development regulations.

Staff Rec.: **Recommended**

Staff: Mark Walters, 974-7695, mark.walters@ci.austin.tx.us

Ricardo Soliz, 974-3524, ricardo.soliz@ci.austin.tx.us

Neighborhood Planning and Zoning Department

Discussion of postponement request.***Lead speaker in favor of postponement:***

David Kline requested an indefinite postponement of UNO on behalf of the West Campus Neighborhood Association (WCNA).

Commissioner Spelman asked what the WCNA boundaries are.

Mr. Kline replied he did not know.

Rani Ilai, WCNA, stated the boundaries are Lamar Blvd. on the west, Guadalupe on the east, 17th Street on the south and 29th Street on the north.

Commissioner Spelman stated that the CACNP process began in late 2002 and whether Mr. Kline had attended many of the meetings.

Mr. Kline stated that the WCNA wasn't formed until November 2003.

Commissioner Spelman inquired whether members of the neighborhood association participated prior to formation of the WCNA.

MEETING SUMMARY

Mr. Kline replied that the members were not aware of the process and did not receive notifications until the final workshop in December 2003.

Graham Kever, with the Office of Senator Gonzalo Barrientos, stated that Senator Barrientos and Representative Naishtat had requested postponement of UNO but have since received additional information and no longer feel a postponement is required. However, they are still concerned about the height issue and request that the Planning Commission consider measures to mitigate potential impacts on views of the UT Tower. Mr. Kever suggested permitting a reduced height, for example 90 feet, with taller structures requiring additional review similar to a Conditional Use Permit.

Commissioner Riley asked whether Senator Barrientos or Representative Naishtat had heard any concerns from citizens after the newspaper ran an article about the proposals under consideration. Mr. Kever said they had not.

Lead speaker against postponement:

Mike McGinnis, area property owner, stated the CACNP participants welcome the opportunity to work with the representatives on the height issue and are open to the idea of a CUP with perhaps the exception of the already planned project on the Wukasch property on 24th Street. Mr. McGinnis described the CACNP process that lasted two years and had the best attended meetings in the history of the Neighborhood Planning program. Mr. McGinnis stated that over 45,000 notices were sent out during this process and University Area Partners (UAP) held over 20 meetings on the neighborhood plan.

Al Godfrey, local architect, stated that the process was broad-based and inclusive with a high level of collaboration of formerly disparate interests.

No motion was made regarding the postponement request.

Mark Walters, NPZ, presented an overview of the University Neighborhood Overlay. The purpose of the UNO District is to:

- Promote high-quality redevelopment in the area generally west of the UT campus;
- Provide a mechanism for the creation of a dense but livable and pedestrian friendly environment;
- Protect the character of the predominantly single-family residential neighborhoods adjacent to the district.

Mr. Walters stated that UNO is proposed as an incentive zoning overlay and is optional. The base district development standards apply if the project does not take advantage of UNO.

The major elements of the UNO District include:

- Street trees and wider sidewalks;
- Mixed-use development;

MEETING SUMMARY

- Building setbacks to allow light to reach the street, preserve views and provide architectural interest;
- Pedestrian-scaled lighting;
- Encourage plazas and café seating;
- Standards for parking garage design;
- Requirements for affordable units;
- Design guidelines.

In exchange for these standards UNO provides the following code incentives:

- No Compatibility Standards within UNO;
- Eliminate minimum site area requirements for multi-family projects;
- Allow ground floor retail on multi-family parcels;
- Additional height;
- Eliminate FAR restrictions;
- Impervious cover increases;
- Reduced front setbacks;

Mr. Walters also highlighted the following issues for the area:

- UNO could increase review time for projects;
- Possible increased demand on nearby parks due to increased population in West Campus;
- May limit some views of UT Tower from neighborhoods west of West Campus;
- New development may alter character of area;
- Increased supply of new units may affect existing West Campus and student housing rental markets;
- Long-term maintenance of street trees;
- Improvements to water supply may be needed to ensure adequate fire flow;
- An area-wide study should be conducted to establish a master plan for coordinated streetscape improvements throughout UNO;
- An area-wide traffic study is required to assess the effects of increased density on the transportation infrastructure;
- Taller buildings adjacent to historic and single-family properties would affect:
 - 32 properties in Outer West Campus District
 - 14 in Inner West Campus District

This represents approximately 9 acres out of 291 acres or approximately 3% of the area.

Questions from the Commission

Commissioner Riley asked how the 80% of median family income standard was applied to students.

Mark Walters stated that the standard was based on income and student loans.

Commissioner Galindo requested information on the required parking within UNO.

MEETING SUMMARY

Mark Walters stated that no parking is required under the following conditions:

- In the Dobie subdistrict new commercial development with less than 6,000 square feet of area;
- In the Guadalupe subdistrict existing or new commercial development with less than 6,000 square feet of area;
- In the Inner West Campus subdistrict new commercial development with less than 6,000 square feet of area;
- In the Outer West Campus subdistrict new commercial development with less than 3,500 square feet of area.

Also the recently approved 20% parking reduction for the urban core would apply in this area. Beyond that parking requirements are the same as the rest of the city.

Commissioner Galindo asked whether there was any consideration of reduced parking for projects that provide alternatives to car ownership such as carsharing?

Mark Walters stated that there wasn't however, UNO requires parking garages to be designed so that the structure can be converted to active use in the future if no longer needed for parking.

Commissioner Galindo asked how a developer who wanted to provide alternatives could reduce the required parking.

Mr. Walters replied the Board of Adjustment would be the alternative.

Commissioner Armstrong stated that at one time reduced parking was under consideration.

Mr. Walters replied that it was the consensus of staff that parking requirements should not be reduced beyond those currently proposed.

Commissioner Sullivan ask what the final vote was for the plan.

Mr. Walters stated that it was in excess of 80% in favor of the plan.

Public Hearing

Speaking In Favor:

Lin Team, Eastwoods resident, stated that this discussion began after the fight over the Villas on Guadalupe and has come to an amazing conclusion. She stated the planning process has worked as proposed and has demonstrated that planning can minimize conflict over zoning and development issues. She requested that the commission support the plan.

Commissioner Moore asked Ms. Team to define the vision of the plan.

MEETING SUMMARY

Ms. Team stated all participants were committed to limiting urban sprawl and wanted to increase density while preserving the character of single-family neighborhoods.

Commissioner Moore asked if that meant putting all of the density in West Campus.

Ms. Team stated that this was not the vision and that density is accepted throughout the area.

The following speakers represented neighborhood associations within CACNP

Barbara Bridges, West University Neighborhood Association.

John Foxworth, President, Shoal Crest Neighborhood Association.

Mikal Grimes, President, Heritage Neighborhood Association.

Rick Iverson, President North University Neighborhood Association.

Mike McHone, UAP.

Dohn Larson, President Hancock Neighborhood Association.

Dana Twombly, President Eastwoods Neighborhood Association.

Cathy Norman, President UAP.

Howard Lenett, General Administrator, student cooperative council.

Commissioner Riley asked Mr. Lenett if he knew of students who want to live in the area without cars.

Mr. Lennett replied that in a recently opened ICC residential project approximately half of the students do not have cars and that the ICC pursued a variance to reduce required parking as part of the project.

Commissioner Riley asked how the process worked.

Mr. Lennett stated that he would prefer if it took less time but the process ultimately worked.

Other speakers in favor:

Juan Coter, Coter + Reed Architects.

Lawrence Foster, President, Episcopal Theological Seminary, stated that the Seminary is still working with surrounding neighbors regarding future growth of the Seminary and that he is hopeful that all agreement will be reached.

Al Godfrey, Heritage Neighborhood Association.

Laurie Limbacher, Heritage Neighborhood Association.

Karen McGraw

John Nyfeler, member Hancock Neighborhood Association and local architect.

Mike McGinnis

Jerry Harris, representing Wukasch family

Don Wukasch, Officer UAP

Rick Hardin

John McKinnerney, Simmons-Vedder

MEETING SUMMARY

Larry Deucer, University Baptist Church

Mary Sanchez, West University Neighborhood Association.

Raymond Tucker, Eastwoods Neighborhood Association.

Jim Damron, West University Neighborhood Association, discussed on-going negotiations on Tracts 43 and 44.

Kent Collins

Nikelle Mead, representing Oliver family on Tracts 236 and 563, stated that a compromise has been reached with the Heritage NA on tract 236 and that all parties are working to resolve issues on tract 563.

Cindy Powell and Kathleen Fish, want to rezone 2802 and 2804 San Pedro to MF from current SF.

In favor, not speaking:

Lyman Labry	Nancy Webber	Darrell Williams	Tish Williams
Mary Gay Maxwell	Colleen Daly	Larry Foster	Jason Andrus
Brent Chaney	Kevin Hunter	Mark Burda	Leon Barish
Terry McGinty	Ed Lindloff	Doris Woodruff	Lillian Beckwith
Linda Guerrero	Susan Van Haitsma	Michael Wilson	Linda Roark
Barb DiDonato	Ford Turner	John Bartlett	Jan Moyle
Joe Powers	Jennifer Evans	Alan Robinson	Susan Pryor
T. Reese	Paul Mitchell	Alison Macor	Kevin Burns
Michelle Carlson	Bob Swaffer	Stephen McNally	Walter Wukasch
Nancy Iverson	Mary Ingle	Philip Schade	Matilda Schade
Matt Mowat	Ann Mowat	Thomas Gunther	Ann Heinen
Kathleen Lawrence	Carol Butler	William Halliday	Jeff Webster
Linda Halliday	Rob Cogswell	Betty Cogswell	

Neutral

Bill Monroe, Judges Hill Neighborhood Association.

Speaking Against:

Jeff Heckler, representing the West Campus Neighborhood Association (WCNA). Mr. Heckler stated that WCNA supports the CACNP but has a number of concerns regarding UNO:

- Building height and its impact of the view of the UT Tower
- Traffic from higher density without adequate transit to support the density
- Affordability
- Lack of compatibility within the overlay district

Mr. Heckler also emphasized that WCNA has filed two open records requests and has not received information from either of these yet and stated that the WCNA is very concerned about the unintended consequences of UNO.

MEETING SUMMARY

Noah Kennedy, resident of Pemberton Heights Neighborhood Association, stated that he was not necessarily against CACNP but was concerned about traffic impacts on the neighborhoods between MoPac and the West Campus area.

Michel Issa, West Campus Neighborhood Association and area property owner, stated that he supports the plan but has concerns over UNO. He stated that WCNA still has not seen a final ordinance for UNO and that traffic and environmental studies have not been finalized.

Larry Paul Manley, resident of NUNA and property owner in Heritage, stated that he is in support of the planning process and UNO. Mr. Manley stated he was against the height, impervious cover and setback limits of the NUNA NCCD as well as restrictions such as garage placement and impervious cover limitations in other single-family neighborhoods. Mr. Manley stated that the purpose of the NCCD is to preserve the character of single-family areas but in fact these areas are very diverse with single-family, duplex and multi-family development throughout. He questioned whether the NCCD standards that are basically SF-3 standards should be applied to these areas.

Ron Thrower, representing several clients:

- Tract SJD 885A in NUNA is currently zoned MF-4 with 60' height, the plan proposes 30' height limit. Client offered 45' height limit based on compatibility standards as a compromise. NUNA has not responded to this compromise offer.
- Tract 44 in WUNA, owner requests GO-MU-CO-NP.
- Tracts 34 and 35 client objects to any downzoning on these tracts.

Mr. Thrower requested that the Planning Commission consider these cases.

Rani Ilai, member WCNA, stated that additional density can be accommodated in West Campus without the heights permitted by UNO. Mr. Ilai also stated that WCNA has not seen a final ordinance for UNO and emphasized that the last major project built in the area, the Villas on Guadalupe, was required to have 30% more parking than required by code while UNO permits less parking.

Jim Mathews, owns property at 310 W. 35th Street, Tract RDW 738. Mr. Mathews stated that he would like to construct two garage apartments on this property and add onto the existing house.

Eugenia Schoch, homeowner and resident of 2212 Nueces, stated that she lives in a house that was built in 1885 and is concerned about height and lack of compatibility in the UNO area.

Karen Orsak, business owner in West Campus and member WCNA, UNO is still being drafted and many aspects of the proposal are still unresolved. Ms. Orsak is especially concerned about the lack of a traffic study and blanket 175-foot height limit. Ms. Orsak requested that the UNO process be slowed down to allow these issues to be resolved.

MEETING SUMMARY

Mike Murphy, representing condominium project at 106 East 30th Street, Tract RDE 839, is concerned about the NUNA NCCD and its limitations on the condominiums. Current MF-4 zoning would be reduced while similar condos one block away does not have the same limitations. He stated they are working with NUNA and are hopeful that a compromise can be reached.

Clifford May, representing Guadalupe Square condominium project at 3316 Guadalupe in Heritage, Tract 220. The condominiums owners object to the proposed reduction in height from 60' to 40'.

Malcolm J. Fox, owns property in NUNA at 3003 Fruth, Tract APD 843. Property is currently zoned CS and is proposed to be rezoned to GR. GR would not permit the current use on the property. Requested CS zoning be maintained.

Suran Wije, stated that there has not been enough time to reach consensus on UNO and that the plan should consider long-term sustainability.

Royce Gorley, stated that the UNO plan needs to provide affordable housing for those earning less than 80% of the area median family income.

Against, not speaking:

Melodee Merola
John Dial
Walter Talley
Kristen Macaluso
John Joseph, Jr.
Carina Von Koskull
Rob Kohler
Rebecca Domingo
Marsha Reichel
Stephen Sanderson
Albert Meisenbach
Paul McDonald
Mori Ilai
Cipi Ilai

Rebuttal

Mike McGinnis, stated that UAP and others are open to working on affordability issues and that UNO includes many requirements such as design guidelines and improved streetscapes and finally stated that the NCCD does permit change but also stabilizes the neighborhood which will improve, not reduce property values in the area.

MOTION: CLOSE THE PUBLIC HEARING

VOTE: 8-0 (DS-1st, MA-2nd, NS recused)

MEETING SUMMARY

Discussion:

Commissioner Armstrong described the process used on some earlier neighborhood plans where the Commission described general goals and recommended these for all zoning cases. She suggested this approach for the CACNP and UNO.

Mr. Bolt mentioned that two properties have come to resolution that are not reflected in the latest back-up material provided to the Commission.

Commissioner Riley asked how many unresolved cases remain.

Tom Bolt replied that there are 15 cases in Hancock and Heritage.

Commissioner Armstrong stated that she has noticed two main themes in the contested zoning cases, first that a current use would not be permitted under the proposed zoning and second, that proposed height restrictions were inconsistent with surrounding properties. She asked whether staff is initiating discussions between neighborhoods and property owners to resolve the contested zoning cases.

Tom Bolt stated that generally the party that is contesting the zoning is initiating the discussion.

Commissioner Riley asked whether Commissioner Armstrong was recommending that the Commission act on all of the zoning cases with general instructions as to contested cases.

Commissioner Armstrong made the following motion.

MOTION:

ITEMS 4-7:

Approve Staff recommendation for the neighborhood plan and zoning with addenda provided to the Planning Commission. For unresolved zoning cases ask that staff continue to initiate discussion between the various parties and find appropriate compromises before Council. If zoning cases are not resolved clearly indicate staff recommendations and alternative recommendations of the owner or neighborhood associations.

Commissioner Sullivan seconded the motion.

Commissioner Sullivan pointed out that valid petition rights place the onus on staff to resolve contested zoning cases and should provide incentives to staff and neighborhoods to compromise on some issues. Commissioner Sullivan also stated that he had a number of issues on UNO. He mentioned unresolved issues such as storm water and traffic concerns.

Commissioner Moore questioned the height limitations of the NCCD along Speedway where there are numerous multi-family buildings.

MEETING SUMMARY

Karen McGraw stated that the height limits along Speedway are 35 feet.

Commissioner Moore asked whether population growth goals should be set for this area based on population growth for the city as a whole.

Ms. McGraw stated that you have to ask what type of neighborhood you want this to be in 10 years and that predictability is very important to maintaining property values, however, this would be worth studying.

Commissioner Armstrong stated that she felt like putting these conditions on the plan at this point was not fair. These should have been established at the beginning of the process.

Commissioner Sullivan stated that the density issue is of great concern especially in light of the preferred scenario for Envision Central Texas.

Commissioner Moore suggested a friendly amendment requesting staff to look at including density goals in the plan.

Commissioner Sullivan suggested that this issue be discussed at the Comprehensive Plan Subcommittee.

Commissioner Galindo offered amendment #1 below.

Commissioner Cortez asked whether this should apply to all projects.

Commissioner Galindo stated that it should be limited to projects that offer an alternative to car ownership.

Commissioners Sullivan, Armstrong and Riley discussed various options for increasing the number and level of affordable units provided in the area.

Commissioner Cortez suggested that although he supports UNO he felt it should be treated separately due to remaining issues and unclear recommendations.

Commissioner Sullivan and Armstrong stated that they are comfortable with the concept of UNO and that it should move forward.

Commissioner Cortez stated that for example, although he supports more affordability in the area he has no idea what the appropriate amount is.

Commissioner Medlin raised the issue of compatibility and historic structures within the UNO area and said these issues have not been adequately addressed.

Commissioner Riley inquired as to the status of Compatibility Standards within UNO.

MEETING SUMMARY


Mark Walters stated that they are removed within UNO however he pointed out that there is no single-family zoning within UNO, there is some single-family use constituting approximately 3% of the area within the overlay.

Commissioner Armstrong offered amendment #2 below regarding affordability.

Commissioner Riley offered amendments # 3 and 4 below regarding parking requirements.

ITEM 8:

Approve Staff recommendation for the University Neighborhood Overlay with the following amendments:


- 
- 1) Permit parking requirements to be reduced to 40% of the citywide requirement for projects that implement a car sharing program;***
 - 2) Request that the Community Development Officer recommend additional measures in the Affordability Impact Statement for CACNP and UNO with the goal of increasing the amount of affordable housing to 10% of units at 60% of Austin median family income in addition to the currently proposed 10% of units at 80% of Austin median family income;***
 - 3) Reduce parking requirements to 60% of the citywide requirements;***
 - 4) Within UNO insure that residential units and parking spaces are leased separately.***

VOTE: 8-0 (MA-1st, DS-2nd, NS recused)

- | | |
|------------------------|--|
| 9. Subdivision: | C8-03-0222.0A - Chen Subdivision |
| Location: | S. Congress Avenue at St. Elmo Road, Williamson Creek Watershed, Proposed East Congress Neighborhood Plan NPA |
| Agent: | John Chen |
| Request: | Application for Subdivision and Variance from LDC 25-6-381(A)--to allow access onto a major roadway from a lot with less than 200 feet of frontage |
| Staff Rec.: | Recommended |
| Staff: | Sylvia Limon, 974-2767, sylvia.limon@ci.austin.tx.us
Watershed Protection and Development Review |

MOTION: APPROVE BY CONSENT

VOTE: 9-0 (DS-1st, MA-2nd)

3. Zoning:**C14-04-0022 - Central Austin Combined Neighborhood Plan (North University)**


Location: 38th Street to the north, 27th Street to the south, Guadalupe Street to the west and Duval Street to the east, Central Austin Combined NPA

Owner/Applicant: City Of Austin-Neighborhood Planning and Zoning Department

Agent: City of Austin-Neighborhood Planning and Zoning Department

Request: Under the proposed North University NPCD, "Small Lot Amnesty" is proposed for the entire area. Mixed Use is proposed for Tracts APD-843-849, APD-862-865, GDC-709-714A, GDN 701-705, GDN-707, GDS-715-717, GDS-719-720, SD-881, SD-883-883A, SJD-886-892, TD-721-723A, TD-726.

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Staff Rec.:

RECOMMENDED

Staff:

Tom Bolt and Glenn Rhoades, 974-2755 and 974-2775,
thomas.bolt@ci.austin.tx.us
Neighborhood Planning and Zoning Department

SEE ITEM 4 FOR DISCUSSION AND MOTION

- 4. Zoning: C14-04-0021 - Central Austin Combined Neighborhood Plan (West University)**
- Location:** 38th Street to the north, Martin Luther King Jr. Blvd. To the south, Lamar Blvd. To the west and Guadalupe Street to the east, Central Austin Combined NPA
- Owner/Applicant:** City Of Austin-Neighborhood Planning and Zoning Department
- Agent:** City of Austin-Neighborhood Planning and Zoning Department
- Request:** Under the proposed West University NPCD, "Small Lot Amnesty" is proposed for the entire area. "Garage Placement," "Front Porch Setback," and "Impervious Cover and Parking Placement Restrictions" are proposed for the Heritage, Shoal Crest, and West University subdistricts. The Heritage subdistrict is bounded by Lamar Blvd. to the west, W. 38th St. to the north, Guadalupe St. to the east, and W. 29th St. to the south. The Shoal Crest subdistrict is bounded by Lamar Blvd. to the west, W. 29th St. to the north, Rio Grande St. to San Pedro St. to the east, and 28th St. to Poplar St. the south. The West University Neighborhood subdistrict is bounded by Lamar Blvd. to the west, W. 24th St. to the north, Leon St. and Robbins Pl. to the east, and MLK Jr. Blvd. to the south. The Neighborhood Mixed Use Building special use is proposed for Tracts 1-13, 15-16, 20, 20A, 22-27, 31-32, 40-42, 46-48, 58, 64-74, 77-97, 111-113, 115-125, 127-129, 138-143, 143C, 145-146, 148, 156-158, 166-167, 170, 172, 174, 176-180, 183, 192-196, 209-210, 213-214, 219-220, 225-226, 230, 235-239, 241, 243-256, 259-266.
- Staff Rec.:** **RECOMMENDED**
- Staff:** Tom Bolt and Glenn Rhoades. 974-2755 and 974-2775, thomas.bolt@ci.austin.tx.us
Neighborhood Planning and Zoning Department

Tom Bolt presented the North University NPCD unresolved issues.

Commissioner Riley asked about the emails he received from people stating that the maps presented this evening are different from previous maps. Mr. Bolt stated that the maps change as issues are resolved. Mr. Bolt said there is a change that resulted in a change along 34th Street, but not aware of any other changes like that.

Mark Walters, NPZ staff, presented the West University NPCD. Commissioner Riley asked Mr. Walters to explain changes in the map. Mr. Walters said there was a change that the owner requested, but Mr. Walters is not aware of a change that the owner was not aware of.

PUBLIC HEARING

FOR

Jerry Roemisch, said that a group of 7 neighborhoods ironed out the differences among the neighborhoods, and created a unified planning effort and processes to help staff. The North

University NCCD provides flexibility to tighten and relax regulations. The result is that they were able to get agreement to preserve some areas, but also allowing new development.

Mark Burch, on behalf of Hancock Neighborhood Association, reiterated their strong support for the proposed neighborhood plans. He stated his appreciation for the staff's work. The complaints he has heard has been about the idea of planning.

Laurie Limbacher, with the Heritage Neighborhood Association, explained the extent of the participation and meetings held both before and during the neighborhood planning process. She explained that the neighborhood worked to understand the compatibility standards and have been working with affected property owners to resolve issues, and stand ready to continue to work with other property owners concerned about the rezonings.

Barbara Bridges said that she hopes the heights do not destroy the neighborhood. They do not want the density to scare away single-family owners. After a condominium project was built, several single-family owners left due to the noise and traffic. The problem with density squeezing out single-family historic properties.

Jim Damron said they he would like to see some changes that appear to be ironed out. He asked that the special mixed-use district on West 24th Street on Lamar Blvd. be deleted. They prefer to be surrounded by office instead of heavy duty dense multi-family. It is important that multi-family is not overlooking their homes. Secondly, they asked that the heights be reduced from 35 feet to 30 feet, which is what the existing properties are in height. For tract 44, the rear of the property has been SF-3. It is naturally suitable for something other than SF-3, but have encouraged light office with some minor mixed-use. They have reached an agreement with the adjacent property for higher density residential uses. For that tract, they would like to have LO-MU-CO. They also ask that one additional be use prohibited in their area from all commercial districts- private community recreational use, which would allow for a party barn, or club, which would be incompatible with the single-family residences.

He clarified for Commissioner Sullivan that the conditions imposed on tract 43, the tract next to tract 44, were to keep the buildings below the height of the cliff to keep the views of the single-family neighborhood.

George Adams, originally going to speak just about tract 133a, is now also speaking on behalf of Shoal Crest Neighborhood Association. In general, Shoal Crest is supportive of the neighborhood plan. On Tract 133a, the staff recommendation for tract 133a was to maintain the SF-3 zoning and to add the CO and the NP consistent with the rest of the neighborhood. Two property owners requested multi-family zoning on the two properties. The staff recommendation then had changed from SF-3 to MF-2. There had been no discussion about the change. Staff does not disagree with maintaining the SF-3. The single-family zoning supports the goals of the plan. Each single-family house that is lost in the area has a disproportionate impact on the area. The neighborhood is vulnerable. Another one of the neighborhood plan goals is to allow mixed-use development. They have allowed that along 29th street. In addition, the neighborhood is accepting secondary apartment as long as they are limited to 650sf. In summation, he asked the Commission to honor the process, principles of the plan and the original staff recommendation for tract 133A.

Mark Walters explained that the property owners of tract 133A approached the staff late in the process, and due to a previous notification error, decided to discuss the possibility with the owners. If an agreement cannot be made, then the original staff recommendation to maintain SF-3 and add the CO-NP will be preserved.

Commissioner Medlin asked if the other property owners of tract 133a requested the change to multi-family. Mr. Walters said they did not request a change, but there is public ROW that separates the tract so that is why there is a break between the single-family and the multi-family.

Commissioner Armstrong asked if there had been discussion of SF-5. Mr. Adams said that it was discussed, but the owner did not attend the meeting, so the neighborhood decided to vote to maintain the SF-3.

Cyndy Powell owns property at 2802 and 2804 San Pedro. The best use of their property is multi-family. The neighborhood is requesting SF-6 instead of MF-2. It is a 3 block street, there are three condominium projects and two fraternity houses, and there are seven apartment complexes. So, it does not have the feel of a neighborhood, and so they request that the zoning remain MF-2.

Commissioner Medlin asked about the size of the lots. Ms. Powell said that the properties are duplexes, with a rental unit in the back, in addition to a single-family house. The lots currently have SF-3 zoning and are approximately 100 feet wide total.

Steve Maida, owner of 3007-3011 Speedway (tract RDE 842, SJD 842), is contracting to develop that property and agrees with the proposed rezoning. The issues are now resolved.

Liana Tomchesson, vice president of Shoal Crest Neighborhood Association, said that for tract 133A, the neighborhood association met and decided to preserve the single-family neighborhood. San Pedro is no longer a street. There are three houses and the street is now a driveway. Shoal Crest is a very small neighborhood and they would like to maintain the single-family zoning. They changed a lot of zoning on West 29th Street to accommodate residential uses. The neighborhood was in consensus that they wanted to maintain single-family zoning.

Commissioner Sullivan asked Mr. Walters about the garage apartment. Mr. Walters said that the neighborhood has a problem with the 650sf, would be a sub-district. There is plenty of buildable area currently for constructing secondary apartments.

Commissioner Armstrong asked about higher density single-family residential. Ms. Tomchesson said that she would like to say they'd support it if the project was nice, but that does not necessarily happen, so they'd like to keep the SF-3. San Pedro is a very narrow street.

John Foxworth said that he would like SF-3 to remain on the properties 2800-2808 San Pedro and 2708, 2710-2712 San Pedro. He distributed plats of the lots on San Pedro Avenue. The one way street channels into an alley, which was illegally paved, and is now a little highway. The neighborhood is not opposed to secondary units, but they do recognize that there are slopes that will make it difficult to add a secondary unit.

Matildi Schade, has owned his property for about 10 years, and has been used as rooming house, as MF-3 and is surrounded by multi-family on all sides. He would like to see the MF-3 remain on 2800 San Pedro (tract 133).

Mark Walters explained that the neighborhood is opposed to MF zoning on tract 133, which includes 2710, 2712 and 2800 San Pedro.

Jon Atkins, owns a condo at 808 West 29th Street, and is against the proposal to allow more multi-family being built. He lives in Dallas, but he feels like that the more apartments are built, the rent will decrease for his condo. His property is on the corner of 29th and Pearl.

Mike Alexander would like to see the single-family maintained in the Shoal Crest neighborhood. The concern is that people will have a large apartment complex like existing ones. In the long term it is better to keep the properties at SF-3 and allow compatibility standards to kick in as sites with existing apartments are redeveloped.

FOR, DID NOT SPEAK

Alison Macor
Nikelle Meade
Wilson Nolle
Dudley Simmons
Karen McGraw
Nancy Iverson
Rick Iverson
Colleen Daly (donated time to Jerry Roemisch)
Matt Rowe
Jerry Buttrey
Stephen White
Mary Ingle
Barbara Buttrey
Muriel Wright
Pam Morris
Mary Gay Maxwell
Scott Morris
Jeff Webster
Mike McHone
Dana Twombly
Matildi Schade
Alfred Godfrey
Mikal Grimes
Jan Moyle
Mary Sanches
Kathleen Fish
Richard Hardin (donated time to Jerry Roemisch)

AGAINST

Clifford May, 3316 Guadalupe, member of Heritage Association, Tract 220 of the West University NPA. The various site development regulations and water quality requirements will severely limit redevelopment of the Guadalupe corridor, especially for Neighborhood Mixed-Use Buildings. The rezoning for tract 220 seems unlikely to ever be utilized. If you want to see mixed-use redevelopment, the plan must be re-worked with economic analysis. The Guadalupe Square Neighborhood Association does not support the plan because of the height limits from compatibility standards. The height should remain at 60 feet. The existing buildings would have to be re-developed on tract 220 because of the height limit. He explained that the CO would restrict the height to 40 feet. He said that he wanted to be put on record that the limitations imposed would not allow neighborhood mixed-use building. He requests that the 60 foot height limit be allowed.

Laurie Limbacher, with the Heritage Neighborhood Association, said that the neighborhood did meet with Mr. May and was surprised that he is here speaking because she was of the understanding that they had addressed his concerns. She explained that the parking requirements would make it difficult to reach the maximum permitted with the site development regulations. She said that the 40 feet height limit is a restriction already in place due to compatibility standards. She admits that the "devil" is not the plan, but the existing compatibility standards.

Commissioner Riley asked what would be the neighborhood's opinion of removing the conditional overlay for the property. Ms. Limbacher said that they want the zoning to reflect the reality of what can be built on the site. She explained that Mr. May is expressing a broader concern about being able to develop the Neighborhood Mixed-use building, not really opposed to the proposed rezoning (he will not file a petition against the zoning). She thinks the size of the lots limits what can be built.

At the request of Commissioner Moore, Ms. Limbacher explained that her vision of Guadalupe is to have three story buildings up close to the street with pedestrian-oriented uses along the street.

Mr. May added that for economic feasibility purposes, the change would be helpful (to remove the compatibility height limit by a waiver).

Jim Bennett, representing Gary Beal's properties at 3410-3412 Speedway (tract SD874), 1903, 1905, 1909 Robins Place (tract 33), tract 52 and tract 1019. His client is opposed to the rezonings and has signed a petition.

Karen McGraw, said that they did not hear from Mr. Beal. She said that 3410-3412 Speedway are the poster child of super-duplexes. Technically the duplexes are single-family uses, so the neighborhood was interested in rezoning the property to MF-1. Across the street, there is the Fruth House, which has several cottages located on the site. She said that the neighborhood wanted MF-1 on that site as well. For both properties the MF-1 will allow the current use.

Mary Sanches, lives on Cliff Street in the West University neighborhood for 30 years. Mr. Beal has built 12 bedroom duplexes and has destroyed. If he gets one more lot with the MF zoning, he will get the

Martha Morgan, has lived in the Heritage Neighborhood Association for 38 years. She is retired and relies on the rental income for her income. She is opposed to the conditional use for a blood plasma center behind her multi-family properties. Her tract, 234, is locked into a residential use, and it would be good for the neighborhood to keep the site residential, however it has to be a viable residential site. Allowing the commercial blood plasma center would not make the site a viable residential site. She has been in limbo about whether to sale or to put money into the property.

Ms. Limbacher said that they will work on that issue before Council.

Rick Iverson, with NUNA, said that currently commercial blood plasma centers are not allowed within 1 mile of another plasma center.

Ms. Morgan said that she does not know the distance between the existing blood plasma centers and the site she is concerned about.

Ron Thrower, representing Dr. Joe Neal, and tract 44. The neighborhood is looking for limited multi-family development on the site. Tract 1013 does afford the property safer access to tract 44. There are still continuing negotiations with the neighborhood, and if needed, the neighborhood has said that they will continue to negotiate up to third reading of Council if needed.

Commissioner Sullivan explained that the table of comments about unresolved issues does not include the issues that Ron Thrower brought up. Mr. Thrower and Mr. Walters explained that the discussions are on-going.

The neighborhood's concern is about the encroachment of commercial and multi-family onto Shoal Creek.

Barbara Bridges, said that the neighborhood does not want to give up the SF-3 zoning on the Isley School because they are single-family dwellings and back up to single-family dwellings.

Mike McHone, with University Area Partners, said that the Shoal Creek/Lamar intersection is very dangerous. With the traffic study, it suggested to make Shoal Creek a cul-de-sac, and not have it connect to Lamar Blvd. That would definitely demarcate the SF area and properties on Lamar Blvd. Commissioner Riley said that he heard that the Parks Board was opposed to the widening of the Lamar intersection.

Ron Thrower said that tract 35 Robins Place properties have had MF zoning since 1931, however the proposed conditional overlay would restrict the development more than the existing zoning. Currently the compatibility standards do allow for a public hearing process to gain additional height. There is no need to "double-up" on the regulations (having the compatibility standard restrictions incorporated into a conditional overlay).

Mary Sanches said that allowing the building to be built to 60 feet would be out of character for neighborhood.

Mike McHone, with University Area Partners, said that the area proposed an overlay to allow a variety of housing. They want to incorporate compatibility requirements into the zoning overlay so that the market is aware of the actual limitations on the site.

Commissioner Galindo asked if there are other properties that have had a 60 feet height limit and. Mr. Walters said the area between San and Robins Place are limited in height to 40 feet, so it is a strategy used throughout the neighborhood. Mr. Bennett's client also opposed to the strategy.

Royce Gouzly said he is opposed to the height limit of 40 feet too. He understands why they are proposing that, but thinks it could affect his property in 10-15 years.

Malcolm J. Fox, owner of property in tract APD 843, West 30th Street/Fruth Street, is not opposed to the plan in general. He does object to the down-zoning of his property which would make his existing uses non-complying. He does not understand why the other properties on Fruth are allowed to continue with the CS zoning, but his does not for tract APD 846. At the last meeting there was a motion to ask staff to initiate contact with owners to discuss issues before Council. He has had the CS zoning since 1969. He sees the CS-NCCD-NP as a compromise to keep the CS zoning.

Commissioner Sullivan asked what use would be illegal if down-zoned. Mr. Fox said that two-thirds of the site is used for storage.

Commissioner Armstrong asked about staff's comments about new uses being permitted in the CS zoning district. Mr. Bolt added that there are no Certificate of Occupancies for the existing uses.

Karen McGraw said that when the neighborhood surveyed the property, they saw a residential use. If it is a residential use, that is not permitted in CS zoning. She said that despite the zoning, all the properties would have the same land uses.

Mary Gay Maxwell said that the neighborhood is willing to meet with Mr. Fox.

Royce Gouzly said he owns the property at 3408 Speedway, next to the super duplexes. He rents his property to comply with federal affordable housing requirements. If his property is burned down, he could not rebuild his structure because of the compatibility standards that would kick in because of the duplex considered as a residential use. Mr. Tom Bolt said that as part of the NCCD, the compatibility requirements are proposed to be waived by staff to allow him to rebuild the structure.

AGAINST, DID NOT SPEAK

Edgar Morgan

REBUTTAL

None.

MOTION: CLOSE PUBLIC HEARING

VOTE: 9-0 (8-0 for North University) (DS-1st, MA-2nd; NS- recused herself for item 3 North University public hearing)

MOTION: STAFF RECOMMENDATION FOR WEST UNIVERSITY, EXCEPT RECOMMEND SF-4A for TRACT 133 AND 133A, AND INCLUDE 100 FEET OF NORTH PORTION OF TRACT 1013 (BEND AROUND SHOAL CREEK) WITH RECOMMENDATION OF LO-MU-CO-NP ON TRACT 44.

VOTE: 8-0 (MA-1st, DS-2nd; CG- ABSTAIN)


Commissioner Galindo said he is uncomfortable with the process. His objection is that each tract should be voted on independently, because he can't support all of them, but he can support some of them. So he cannot support nor vote against the motion, so he'll have to abstain. His concern is about the process that has occurred in the last 2-3 hours.

Commissioner Riley commented that on the issue raised for tract 220 and tract 35, where the compatibility standard height limits are incorporated into the zoning. He will side on the neighborhood, however he wants the neighborhood will be willing to evolve and consider the height issue on a case-by-case.

MOTION: APPROVE STAFF RECOMMENDATIONS FOR NORTH UNIVERSITY NEIGHBORHOOD PLAN, WITH RECOMMENDATION THAT FOR PROPERTIES THAT ARE STILL UNDER NEGOTIATION, EXISTING LEGAL USES SHOULD BE ALLOWED TO CONTINUE UNDER THE PROPOSED ZONING.

VOTE: 7-0 (MA-1st, DS-2nd; NS- RECUSE; CG-ABSTAIN)

Commissioner Armstrong said that she encourages the negotiations, but in general the staff recommendation is a good mid-point.

 Commissioner Sullivan said that something that should be tacked on to each motion is the statement that existing legal uses be allowed to continue. Commissioner Armstrong accepted that amendment. Marty Terry sought clarification. Commissioner Armstrong said that the intention is to allow what was properly permitted. Marty Terry clarified that the motion covers 100% of all properties within the NPCD.