

## NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

**NEIGHORHOOD PLAN:** Central East Neighborhood Plan

**CASE#:** NPA-2013-0009.01      **DATE FILED:** June 5, 2013 (out-of-cycle)

**PROJECT NAME:** 1311 East 12<sup>th</sup> Street

**PC DATE:** Sept. 10, 2013

**ADDRESS/ES:** 1311 E. 12<sup>th</sup> Street

**SITE AREA:** Approx. 0.2703 acres

**APPLICANT:** City of Austin, Jerry Rusthoven

**OWNER:** Four Springs Investments, Darrell Pierce

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Single Family

**To:** Neighborhood Mixed Use

**Base District Zoning Change**

**Related Zoning Case:** C14-2013-0066

**From:** SF-3-NP

**To:** LR-MU-NP

**NEIGHBORHOOD PLAN ADOPTION DATE:** December 13, 2001

**PLANNING COMMISSION RECOMMENDATION:** September 10, 2013 – Approved on the consent agenda [S. Oliver, J. Stevens – 2<sup>nd</sup>] [R. Hatfield, J. Nortey absent] Vote 7-0-2

**STAFF RECOMMENDATION:** Recommended

**BASIS FOR STAFF'S RECOMMENDATION:** Please see the letter from the zoning planner, Heather Chaffin which explains the reason for the rezoning and the plan amendment on the property which is to correct an error that was made when the property was rezoned in 2008 as part of the creation of the NCCD for the corridor.

**LAND USE DESCRIPTIONS – EXISTING AND PROPOSED**

**Existing Land Use**

**Single Family** - Single family detached or two family residential uses at typical urban and/or suburban densities.

**Purpose**

1. Preserve the land use pattern and future viability of existing neighborhoods;
2. Encourage new infill development that continues existing neighborhood patterns of development; and
3. Protect residential neighborhoods from incompatible business or industry and the loss of existing housing.

**Application**

1. Existing single-family areas should generally be designated as single family to preserve established neighborhoods; and
2. May include small lot options (Cottage, Urban Home, Small Lot Single Family) and two-family residential options (Duplex, Secondary Apartment, Single Family Attached, Two-Family Residential) in areas considered appropriate for this type of infill development.

**Proposed Land Use**

**Neighborhood Mixed Use** - An area that is appropriate for a mix of neighborhood commercial (small-scale retail or offices, professional services, convenience retail, and shopfront retail that serve a market at a neighborhood scale) and small to medium-density residential uses.

**Purpose**

1. Accommodate mixed use development in areas appropriate for a mix of residential uses and neighborhood commercial uses that serve surrounding neighborhoods; and
2. Provide transition from residential use to high intensity commercial or mixed use.

**Application**

1. Appropriate for areas such as minor arterials and collectors, small parcels along major arterials that abut single-family residential development, and areas in environmentally sensitive zones where high intensity commercial uses are discouraged; and
2. May be used as a transition from high intensity commercial and residential uses to single-family residential uses.

**PUBLIC MEETINGS:** The ordinance required plan amendment meeting was held on August 12, 2013. One hundred sixty two meeting notices were mailed to the property owners and utility account holders located within 500 feet of the property in addition to

neighborhood organizations and environmental groups registered on the community registry. Five people attended the meeting in addition to two staff members.

Heather Chaffin, the zoning planner, gave a presentation describing how the property was determined by the zoning staff to have been incorrectly rezoned during the creation of the NCCD. The property at 1311 E. 12<sup>th</sup> Street is a parking lot that is associated with the office building directly to the west. It was believed that when the NCCD was created, the lot with the parking lot should have been rezoned to LR-MU-NCCD-NP along with the office building instead of retaining the zoning of SF-3-NCCD-NP.

See Heather Chaffin's memo on page five, in addition to her zoning case report for the zoning case C14-2013-0066 for more details.

After Heather's presentation, the following questions were asked:

**Q. Why was the rezoning of the property initiated now?**

A. When Mr. Pierce bought the property he tried to find the zoning of the property. City staff researched the history of the zoning and determined it was rezoned in error. The city initiated the zoning and plan amendment cases to correct this situation.

**Q. Why not change the FLUM on the property zoned LR-MU-NCCD-NP to Neighborhood Mixed Use while you're correcting the zoning and land use on the associated parking lot?**

A. That's a good question. We probably should have done that.

**Q. There is property located at 4808 W. William Cannon Drive where Group Homes and other uses are prohibited. We'd like those uses prohibited was well.**

A. There is a state law that prohibits cities from prohibiting those types of uses.

**Q. Do any other properties along the E. 12<sup>th</sup> Street NCCD corridor have these uses prohibited?**

A. I don't know, but I can't think of any cases over the last two years.

Tracy Witte, a member of the Central East Planning Contact Team (OCEAN), distributed at the meeting the document found on page five of this report. These are uses the planning contact team would like to prohibit on the property. Please see the zoning case report associated with the plan amendment C14-2013-0066 for the zoning analysis of this request.

**CITY COUNCIL DATE:** October 3, 2013

**ACTION:** Pending.

**CASE MANAGER:** Maureen Meredith

**PHONE:** (512) 974-2695

**EMAIL:** Maureen.meredith@austintexas.gov



MEMORANDUM

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TO: Mr. Dave Anderson, Chair  
Planning Commission Members

FROM: Heather Chaffin  
Planning and Development Review Department

DATE: March 12, 2013

RE: 1311 E 12th Street  
Proposed City-initiated rezoning request

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The proposed rezoning is a City-initiated corrective rezoning of a single lot located at the address above. The property is currently zoned SF-3-NCCD-NP, which appears to have been assigned in error during the development of the East 12<sup>th</sup> Street Neighborhood Conservation Combining District (NCCD) in 2008.

1311 East 12<sup>th</sup> Street is used as a parking lot for the adjacent property to the west, 1309 East 12<sup>th</sup> (a beauty & barber shop). 1309 E. 12<sup>th</sup> Street does not have any other parking, and is zoned LR-NCCD-NP. These two lots are effectively considered a single site development. The property to the east, 1315 East 12<sup>th</sup> Street is zoned SF-3-NCCD-NP, and is used as a residence.

When the NCCD ordinance was created in 2008, 1311 East 12<sup>th</sup> Street was not listed as a distinct lot or tract, although the tracts on either side of it—1309 and 1315—were specifically identified and assigned their updated zoning classifications. City staff has confirmed that policy dictates that not every possible street address is always listed in a zoning ordinance, especially if two lots share a common mailing address or site development – for example, a business and its associated parking lot. It appears the lot was missed in error, and assumed to be a portion of 1309 East 12<sup>th</sup> Street when the NCCD was created.

For this reason, a City initiated rezoning is proposed that would update the zoning on 1311 East 12<sup>th</sup> Street since it has functioned as part of a cohesive commercial development since prior to development of the NCCD. If recommended by Planning Commission, Staff will generate a City initiated rezoning application to request LR-MU-NCCD-NP zoning for the property at 1311 East 12<sup>th</sup> Street. This zoning classification would allow residential or commercial land uses on the property.

The subject property is also located within the boundaries of the East 11<sup>th</sup> and 12<sup>th</sup> Street Urban Renewal Area. Neighborhood Housing and Community Development (NHCD) has also reviewed the proposed correction, and supports the rezoning. At this time it is does not appear that an Urban Renewal Plan modification would be triggered by a rezoning on the property.

## Recommendation from the Central East Planning Contact

Zoning Guide

Office Districts

December 2008

### LR

#### Neighborhood Commercial

Neighborhood Commercial district is intended for neighborhood shopping facilities that provide limited business services and office facilities predominantly for the convenience of residents of the neighborhood.

#### Site Development Standards

Lot		Massing	
Minimum Lot Size	9,760 sq ft	Maximum Height	40 ft
Minimum Lot Width	50 ft	or Stories	
Maximum Building Coverage	50%	Minimum Setbacks	
Maximum Impervious Cover	80%	Front yard	25 ft
Maximum Floor Area Ratio	3.1	Street side yard	15 ft
		Interior side yard	6 ft
		Rear yard	6 ft

#### Permitted and Conditional Uses

† For detail on marked uses in the Neighborhood Commercial district, see the Austin City Code 25.2-086.

#### Residential

Bed and Breakfast Residential (Group 1) \*

Bed and Breakfast Residential (Group 2) \*

#### Civic

Chamber Lodge (c)  
College and University Facilities \*  
Communication Service Facilities \*  
Community Centers \*  
Community Recreation—Private (c) \*  
Community Recreation—Public (c) \*  
Congregate Living (c)  
Counseling Services  
Cultural Services  
Day Care Services—Commercial  
Day Care Services—General  
Day Care Services—Limited  
Family Home \*  
Group Home Class I—General \*

Group Home Class I—Limited \*  
Group Home Class II (c) \*  
Guidance Services  
Hospital Services—Limited (c)  
Local Utility Services  
Private Primary Educational Services \*  
Private Secondary Educational Services \*  
Public Primary Educational Services \*  
Public Secondary Educational Services \*  
Religious Assembly  
Residential Treatment (c)  
Safety Services  
Telecommunication Tower (PC) \*

#### Proposed prohibited uses

Congregate Living	Residential Treatment
Counseling Services	Safety Services
Family Home	Consumer Convenience Services
Group Home Class I—General	Medical Offices—<5000 sq./ft.
Group Home Class I—Limited	Medical Offices—>5000 sq./ft.
Group Home Class II	Off-Site Accessory Parking
Guidance Services	Service Station
Hospital Services—Limited	Custom Manufacturing
Local Utility Services	Community Recreation—Private
Community Recreation—Public	

### LR (continued)

#### Commercial

Administrative Business Office  
Art Gallery  
Art Workshop \*  
Consumer Convenience Services  
Consumer Repair Services  
Financial Services  
Food Sales  
General Retail Sales—Convenience  
General Retail Sales—General—not exceeding  
5,000 sq. ft. of gross floor space †  
Medical Offices—not exceeding  
5,000 sq. ft. of gross floor space  
Medical Offices—exceeding  
5,000 sq. ft. of gross floor space (c)  
Off-Site Accessory Parking  
Personal Improvement Services—not  
exceeding 5,000 sq. ft. of gross floor space  
Personal Services  
Pet Services  
Plant Nursery (c) \*  
Printing and Publishing  
Professional Office  
Restaurant—Limited \*  
Restaurant—General—not exceeding  
4,000 sq. ft. of gross floor space † \*  
Service Station \*  
Software Development  
Special Use Historic (c) \*

#### Industrial

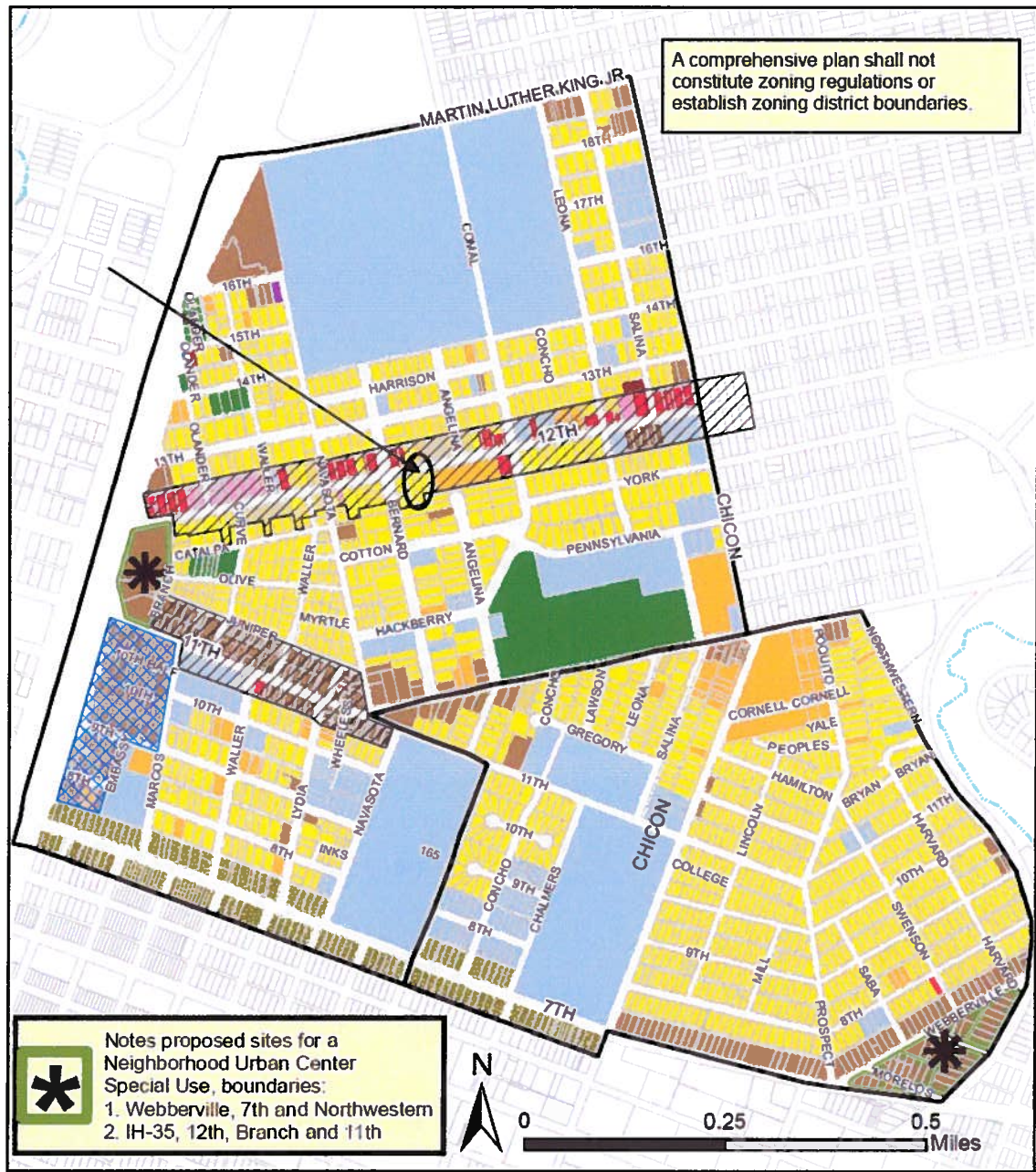
Custom Manufacturing (c)

#### Agricultural

Urban Farm \*

**Letter Support/Non-Support from PCT**

No letter has been received from the Central East Planning Contact Team as of September 23, 2013 when this report was submitted.



**Central East Austin Neighborhood Planning Area  
Future Land Use Map  
Updated June 25, 2011  
Planning and Development Review Department**

- Neighborhood Planning Areas
- Bennett Tract & 11th Street NCCD
- Austin Revitalization Authority 11th & 12th Street Corridors

- Single-Family
- Higher-Density Single-Family
- Multifamily
- Commercial
- Neighborhood Mixed Use
- Mixed Use
- Office
- Mixed Use/Office
- Industry
- Civic
- Recreation & Open Space
- Transportation
- Specific Regulating District

A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.





**Central East Neighborhood Plan  
NPA-2013-0009.01**

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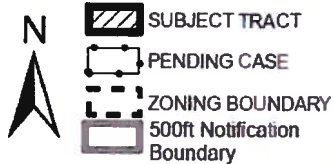
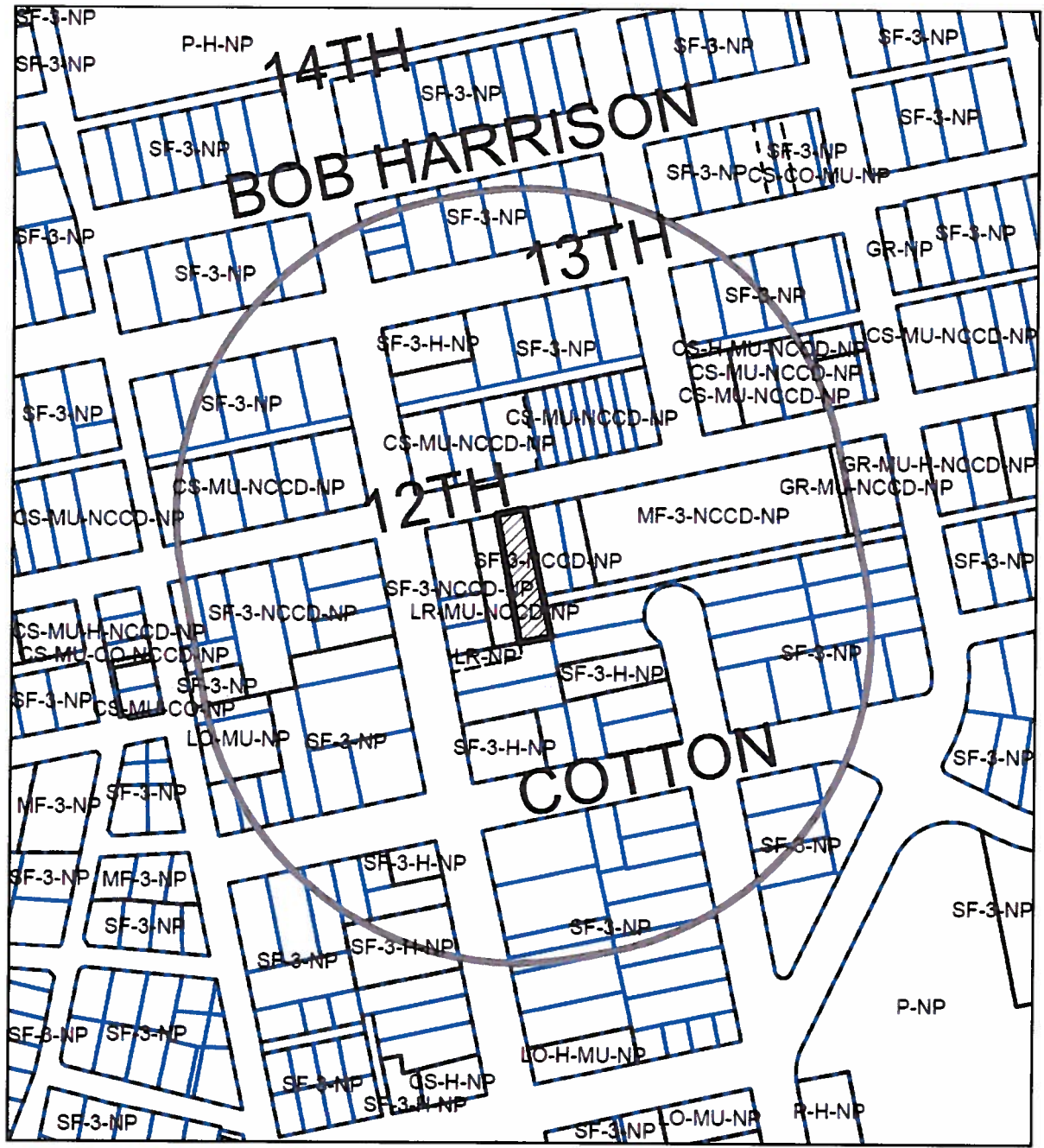


City of Austin  
Planning and Development Review Department  
Created on June 12, 2013\_M Meredith



Legend	
	Subarea and Corridors
	300ft notification boundary
	Street Address Centerline
	NPA CASES
	Single-Family
	Higher-Density Single-Family
	Multi-Family
	Commercial
	Mixed Use
	Office
	Civic
	Recreation & Open Space





**NEIGHBORHOOD PLAN AMENDMENT**

**Case Number: NPA-2013-0009.01**

**Address: 1311 East 12th Street**

**Approx. Acres: 0.2703**

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