

**ZONING CHANGE REVIEW SHEET
URP MODIFICATION REVIEW SHEET**

CASE: C14-2017-0092

P.C. DATE: September 12, 2017

East 12th Street NCCD Partial Rezoning

Proposed Modifications to the East 11th and 12th Streets Urban Renewal Plan (URP)

ADDRESSES: 1425 E 12th St., 1501 E 12th St., 1511 E 12th St., 1517 E 12th St., 1521 E 12th St., 1601 E 12th St., 1603 E. 12th St., 1611 E 12th St., 1615 E 12th St., 1701 E 12th St., 1709 E 12th St., 1717 E 12th St., 1721 E 12th St., 1713 E 12th St., 1803 E 12th St., 1805 E 12th St., 1809 E 12th St., 1817 E 12th St., Unassigned Address- TCAD # 197347, 1901 E 12th St., 1905 E 12th St., 1915 E 12th St., 1919 E 12th St., 1192 1/2 Poquito St.

DISTRICT: 1

TOTAL AREA: Approx. 4.75 acres

OWNER: Multiple property owners-- *Please refer to Exhibit A (Property Ownership, Address, and Zoning).*

REZONING APPLICANT: Planning and Zoning Department, City of Austin (Jerry Rusthoven)

URP MODIFICATION APPLICANT: Urban Renewal Agency, City of Austin

REZONING REQUEST:

From: GR-MU-NCCD-NP, CS-MU-NCCD-NP, CS-MU-V-NCCD-NP, MF-4-NCCD-NP, and GR-MU-H-NCCD-NP

To: GR-MU-NCCD-NP, CS-MU-NCCD-NP, CS-MU-V-NCCD-NP, MF-4-NCCD-NP, and GR-MU-H-NCCD-NP, *to change a condition of zoning:*

To rezone the abovementioned properties so they comply with the site development standards of Subdistrict 3 of the East 12th Street Neighborhood Conservation Combining District (NCCD). The properties are currently designated Subdistrict 2; the proposed rezoning would make the following changes:

1. Reduce the maximum building height from 50 to 35 feet.
2. Reduce the maximum impervious coverage from 90-95% to 80% impervious coverage.
3. To make the following changes to building setbacks:
 - a. Front yard: Increase setback from 0 feet to 15 feet.
 - b. Street side yard: Increase the setback from 0 feet to 10 feet.
 - c. Interior side yard: Increase the setback from 0 feet to 5 feet.
 - d. Rear yard: Decrease the setback from 10 feet to 5 feet.

URP MODIFICATION REQUEST:

To modify the URP to match site development standards outlined above.

SUMMARY STAFF RECOMMENDATION:

Staff does not support the rezoning request or the request to modify the URP.

NEIGHBORHOOD PLAN AREA: Central East Austin, Rosewood

TIA: N/A

WATERSHED: Boggy Creek

CAPITOL VIEW CORRIDOR: N/A

DESIRED DEVELOPMENT ZONE: Yes

PLANNING COMMISSION RECOMMENDATION:

September 12, 2017:

March 22, 2016: *Motion by T. Nuckols, seconded by P. Seeger to direct staff to initiate rezoning. Friendly amendment by J. Shieh to include Tract 18 and a portion of Tract 15 was accepted by maker/2nd. The motion was approved on a vote of 7-5. Aye: T. Nuckols, A. Pineyro De Hoyos, P. Seeger, James Shieh, Jeffrey Thompson, Trinity White, and Nuria Zaragoza. Those voting nay were: S. Oliver, F. Kazi, J. Schissler, J. Vela and M. Wilson; 1 vacancy on the Commission.*

ISSUES:

The properties described above are located in the East 12th Street NCCD and the East 11th and 12th Street URP area. In March 2016, the Planning Commission recommended initiation of a rezoning case for Blocks 16, 17, 18 and a portion of Block 15 (shown in green) to make them consistent with the site development regulations of Subdistrict 3 (yellow). ***Please refer to Exhibit B (NCCD and URP Exhibit).*** No changes to permitted land uses are proposed.

The request to Planning Commission came from the Urban Renewal Board (URB), who also requested the modification of the URP. The request that came from the URB did not include Block 18 or the lot in Block 15-- these were added by Planning Commission. The proposal was originally brought to the URB by Kealing Neighborhood Association in October 2015 (Blocks 16 and 17 only), and the URB voted to support the proposed modifications to the URP and NCCD.

The rezoning proposal, if approved, would result in more stringent site development standards for redevelopment of the abovementioned properties. The NCCD modification and the URP modification will be processed concurrently, and would ensure continued consistent regulations between the two regulating plans.

STAFF COMMENTS:

Background. The East 12th Street NCCD was initiated by local property owners in 2005-2006, and approved by City Council in 2008. As specified in City Code 25-2-372, NCCDs must be initiated, prepared, and filed by a sponsoring neighborhood organization on behalf of property owners in the proposed district. The Urban Renewal Plan for the East 11th and 12th Streets Urban Renewal Area, originally established in 1999, was updated concurrent with the creation of the NCCD. The Urban Renewal Plan was initiated in accordance with Texas redevelopment law by the Urban Renewal Agency and the City of Austin. The NCCD and URP intended to make the small and shallow sites along 12th Street more attractive and supportive to redevelopment.

Rezoning/URP Modification Request. The proposed initiation of rezoning, as requested by the Urban Renewal Board, was originally presented to Planning Commission on January 26, 2016. The Commission sent the item to the Small Area Plan Joint Committee, to return to Planning Commission at the March 22, 2016 meeting. The item was presented at the February 3, 2016, Small Area Plan Joint Committee, who decided to send it back to Planning Commission with "No Recommendation" (neither positive nor negative). ***Please refer to Exhibit C (URB Memorandum).*** The request originated with Kealing Neighborhood Association approached the Urban Renewal Board in October 2015 regarding the changes to Blocks 16 and 17, and the URB voted to support the proposed modifications to the URP and NCCD.

The rezoning application, if approved, would result in more stringent site development standards for redevelopment of the abovementioned properties. It would also trigger the need for a modification of the URP in the same area, which will be filed at a later date. The NCCD modification and the URP modification would be processed concurrently, and would ensure continued consistent regulations between the two regulating plans.

Existing Conditions. The subject properties are zoned GR-MU-NCCD-NP, CS-MU-NCCD-NP, CS-MU-V-NCCD-NP, MF-4-NCCD-NP, and GR-MU-H-NCCD-NP. They are developed with commercial, office, single family residential, office, and cultural resources uses. Across East 12th Street to the north are a mix of commercial properties zoned CS-MU-H-NCCD-NP, CS-H-NCCD-NP, CS-1-MU-NCCD-NP, and CS-MU-V-

NCCD-NP. To the east of the subject properties, across Poquito Street, is a property zoned CS-MU-CO-NP and used for single family residential. To the west is a property zoned MF-3-NCCD-NP that is developed with multifamily use. Properties to the south are zoned SF-3-NP and are developed with single family residential and religious assembly; these properties are not within the boundaries of the NCCD or URP area. *Please refer to Exhibits D and E (Zoning Map and Aerial Map).*

Staff has received correspondence from interested groups and individuals regarding the rezoning request. Please refer to *Exhibit F (Correspondence).*

Staff recommendation. Staff does not support the rezoning request or the request to modify the URP. Rezoning a significant portion of the properties in the NCCD and URP area does not treat these properties in an equal manner as the other properties in the NCCD and URP area. Nine blocks on the north side of East 12th Street also have Subdistrict 2 development standards, and no modification is proposed for those blocks. The NCCD and URP were created with the intent to have Subdistrict 2 on both sides of East 12th. While slightly more than half of the southern portion of the NCCD/URP area are designated to be Subdistrict 3, the significant portion that is designated Subdistrict 2 was clearly planned during the lengthy NCCD and URP creation processes. The URP area was established in 1999, with public involvement. The NCCD was created in 2005-2006, and was initiated by the neighborhood. Residents, business owners, and property owners were involved throughout the NCCD rezoning process.

No change in conditions has occurred within the area indicating that there is a basis for changing the NCCD zoning and development restrictions for the subject properties. Although portions of the East 12th Street corridor have redeveloped since the creation of the URP and NCCD in the late 1990s and early 2000s, the subject properties have not been redeveloped. Further restriction of development on the subject properties does not reflect current conditions or encourage redevelopment. The City still promotes development of higher intensity residential and commercial development in these areas, through the Economic Development Department, Neighborhood Housing and Community Development, and other departments.

If there is a desire to revisit the zoning on the entire NCCD/URP area, which would be more equitable to the affected property owners, it is not consistent with the policies and principles previously expressed by Planning Commission and the Small Area Plan Joint Subcommittee. These bodies have stated that future area planning efforts should be focused on areas of the city that have not yet had any in-depth effort. This prioritizes new neighborhood and small planning efforts above revisions to existing plans.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-MU-NCCD-NP, CS-MU-NCCD-NP, CS-MU-V-NCCD-NP, MF-4-NCCD-NP, and GR-MU-H-NCCD-NP	Commercial, Office, Single family residential, Office, Cultural resources
<i>North</i>	CS-MU-H-NCCD-NP, CS-H-NCCD-NP, CS-1-MU-NCCD-NP, and CS-MU-V-NCCD-NP	Commercial
<i>South</i>	SF-3-NP	Single family residential, Religious assembly
<i>East</i>	CS-MU-CO-NP	Single family residential
<i>West</i>	MF-3-NCCD-NP	Multifamily residential

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
East 12 th Street	60'	40'	Minor Arterial	Yes, Both sides	Route 6	Route 48

SCHOOLS:

Blackshear Elementary

Kealing Middle School

Eastside Memorial at Johnston High School

NEIGHBORHOOD ORGANIZATIONS:

DEL VALLE COMMUNITY COALITION
BLACK IMPROVEMENT ASSOCIATION
EAST AUSTIN CONSERVANCY
FRIENDS OF CHESTNUT NEIGHBORHOOD PLAN CONTACT TEAM
CHESTNUT ADDITION NEIGHBORHOOD ASSN. (C.A.N.A.)
HOMELESS NEIGHBORHOOD ASSOCIATION
FRIENDS OF AUSTIN NEIGHBORHOODS
CLAIM YOUR DESTINY FOUNDATION
BIKE AUSTIN
AUSTIN HERITAGE TREE FOUNDATION
CHESTNUT NEIGHBORHOOD REVITALIZATION CORPORATION
URBAN RENEWAL BOARD OF THE CITY OF AUSTIN
FOSTER HEIGHTS NEIGHBORHOOD ASSOCIATION
AUSTIN NEIGHBORHOODS COUNCIL
ORGANIZATION OF CENTRAL EAST AUSTIN NEIGHBORHOODS
CHESTNUT NEIGHBORHOOD PLAN CONTACT TEAM
ROBERTSON HILL NEIGHBORHOOD ASSOCIATION
AFRICAN AMERICAN CULTURAL HERITAGE DISTRICT BUSINESS ASSOCIATION
SWEDE HILL NEIGHBORHOOD ASSOCIATION
PRESERVATION AUSTIN
REESE, JENNIFER
OAKWOOD NEIGHBORHOOD ASSOCIATION
UNITED EAST AUSTIN COALITION
ROSEWOOD NEIGHBORHOOD CONTACT TEAM
NEIGHBORS UNITED FOR PROGRESS
KEALING NEIGHBORHOOD ASSOCIATION
SIERRA CLUB, AUSTIN REGIONAL GROUP
SELTEXAS
AUSTIN INDEPENDENT SCHOOL DISTRICT
AUSTIN INNERCITY ALLIANCE

CITY COUNCIL DATE & ACTION: November 2, 2017:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Heather Chaffin
e-mail: heather.chaffin@austintexas.gov

PHONE: 512-974-2122

SUMMARY STAFF RECOMMENDATION:

Staff does not support the rezoning request or the request to modify the URP.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES):

1. *Granting of the request should result in an equal treatment of similarly situated properties.*

The proposed rezoning does not treat these properties in an equal manner as the other properties in the NCCD and URP area. Nine blocks on the north side of East 12th Street also have Subdistrict 2 development standards, and no modification is proposed for those blocks. The NCCD and URP were created with the intent to have Subdistrict 2 on both sides of East 12th, and both sides of the street should be treated consistently.

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

The City established the URP and NCCD in order to promote development along the East 12th Street corridor. The City still promotes development of higher intensity residential and commercial development in these areas. If there is a desire to revisit the zoning on the entire NCCD/URP area, which would be more equitable to the affected property owners, it is not consistent with the policies and principles previously expressed by Planning Commission and the Small Area Plan Joint Subcommittee. These bodies have stated that future area planning efforts should be focused on areas of the city that have not yet had any in-depth effort. This prioritizes new neighborhood and small planning efforts above revisions to existing plans.

3. *No change in conditions has occurred within the area indicating that there is a basis for changing the originally established zoning and/ or development restrictions for the property.*

Although portions of the East 12th Street corridor have redeveloped since the creation of the URP and NCCD in the late 1990s and early 2000s, the subject properties have not been redeveloped. Further restriction of development on the subject properties does not reflect current conditions or encourage redevelopment. The City actively promotes development of higher intensity residential and commercial development in these areas, through the Economic Development Department, Neighborhood Housing and Community Development, and other departments.

Site Plan:

1. This area is subject to the site development standards and land uses established by the East 12th Street NCCD.

Comprehensive Planning:

This is a city initiated rezoning requested. The Neighborhood Planning Team and participants agreed, early in the process, to forego developing any recommendations for the property, known as the East 11th and 12th Street Urban Renewal Plan (URP). Subsequently, the NPT decided to reiterate its support for the Austin Revitalization Authority (ARA) Central East Austin Master Plan (CEAMP), rather than to propose specific actions items calling for additional amendments to the NCCD. (p 22-23)

Imagine Austin- This section of East 12th Street is an Imagine Austin Activity Corridor.

Connectivity- There is a public sidewalk located on both sides of 12th Street, and a CapMetro transit stop less than 500 ft. away. The Walkscore for this area is 79/100, meaning the area is 'Very Walkable' and most errands can be accomplished on foot.

Central East Austin Neighborhood Plan (CEANP)

The following CEANP actions, objectives and text support single family, commercial and mixed use projects in this area:

Goal 3: Promote new development for a mix of uses that respects and enhances the residential neighborhoods of Central East Austin.

Objective 3.2: Provide incentives for creating or maintaining neighborhood serving businesses (p. 13)

Objective 3.3: Increase mixed-use opportunities where appropriate along commercial corridors (p. 16)

Transportation:

1. This portion of East 12th Street is an Imagine Austin Activity Corridor.

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
East 12 th Street	60'	40'	Minor Arterial	Yes, Both sides	Route 6	Route 48

Environmental:

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

Water/Wastewater:

FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fees once the landowner makes an application for Austin Water utility tap permits.

	<u>Parcel ID</u>	<u>Address</u>	<u>Zoning</u>	<u>Current Land Use</u>	<u>Ownership</u>
<u>Tract 15</u>	195874	1425 E 12th Street	GR-MU-NCCD-NP	Convenience Store / Gas Station	OFLP 1 LTD
<u>Tract 16</u>	197322	1501 E 12th Street	GR-MU-H-NCCD-NP	W.H. Passon Historical Society/Southgate-Lewis House	Passon WH Historical Society
	197323	1511 E 12th Street	MF-4-NCCD-NP	Single family residence	Patrick Houck
	197324	1517 E 12th Street	MF-4-NCCD-NP	Single family residence	1517 East 12th Street LP
	197325	1521 E 12th Street	MF-4-NCCD-NP	Single family residence	1521 KD NO 1 LP
	197326	1601 E 12th Street	MF-4-NCCD-NP	Single family residence	Bill Ray Hunter ET AL
	197327	1603 E 12th Street	MF-4-NCCD-NP	Single family residence	2013 Austin East 12th Street, LP
	197328	1611 E 12th Street	MF-4-NCCD-NP	Single family residence	2017 Koala Cove LP
	197329	1615 E 12th Street	MF-4-NCCD-NP	Single family residence	Andrew Jones
<u>Tract 17</u>	197339	1701 E 12th Street	GR-MU-NCCD-NP	Simpson United Methodist Church	Simpson United Methodist Church
	197358	1709 E 12th Street	GR-MU-NCCD-NP	Austin NAACP Offices	Simpson United Methodist Church
	197340	1717 E 12th Street	GR-MU-NCCD-NP	The Free Store / Barber Shop	Linda G Connor
	197341	1721 E 12th Street	GR-MU-NCCD-NP	Real Estate Office	G W & Ida M Hunt, Revocable Living Trust
	197342	1713 E 12th Street	GR-MU-NCCD-NP	Single family residence	2013 Austin East 12th Street, LP
	197343	1803 E 12th Street	GR-MU-NCCD-NP	Community Garden	Mission Possible Austin Inc
	197344	1805 E 12th Street	GR-MU-NCCD-NP	Mission Possible	Mission Possible Austin Inc
	197345	1809 E 12th Street	GR-MU-NCCD-NP	Mission Possible	Mission Possible Austin Inc
	197346	1817 E 12th Street	GR-MU-NCCD-NP	Mission Possible	Mission Possible Austin Inc
	197347	N/A	GR-MU-NCCD-NP	Mission Possible	Mission Possible Austin Inc
<u>Tract 18</u>	767146	1901 E 12th Street	CS-MU-V-NCCD-NP	Offsite Parking Lot	Don B Burnett
	197370	1905 E 12th Street	CS-MU-V-NCCD-NP	Convenience store	Don B Burnett
	197360	1915 E 12th Street	CS-MU-V-NCCD-NP	Barber Shop	ZMM CENAJOHNS EAST LP
	197361	1919 E 12th Street	CS-MU-V-NCCD-NP	Vacant / Undeveloped	TALIANCHICH Adam & Ashley Menger
	197362	1192 1/2 Poquito St	CS-MU-V-NCCD-NP	Vacant / Undeveloped	Maria Luz Rico

EXHIBIT A



Urban Renewal Board, Street-Jones Building
1000 East 11th Street, Ste 200, Austin, Texas 78702
512.974.3128

EXHIBIT B

November 9, 2015

Stephen Oliver, AIA Chair
City of Austin Planning Commission

The purpose of this memo is to submit a request for action from the Planning Commission requested by the Urban Renewal Board (URB) regarding the East 12th Street Neighborhood Conservation Combining District (NCCD) (Ordinance #20080228-087). At the URB October 19, 2015 board meeting the Kealing Neighborhood Association requested URB to consider an East 11th and 12th Street Urban Renewal Plan (URPlan) modification to change compatibility standards on two 12th Street tracts that lie within their neighborhood boundaries. The URB voted to approve a recommendation on the following proposed modifications to the URPlan:

Replace current development controls for only the properties between Comal Street & Chicon Street (Tracts 16 and 17) along the south side of East 12th Street:

Current development controls:

- **Maximum Height:** 50'
- **Set Backs:** Rear - 10', all other set back provisions waived
- **Impervious Cover:** 90%(95% in instances where community detention not available and developer provides on-site detention)

Proposed development controls:

- **Maximum Heights:** 35'
- **Set Backs:** 15' front, 10' street yard, 5' interior side yard, 5' rear
- **Impervious Cover:** 80%

Since the East 12th Street NCCD is the zoning tool to implement the URPlan, a zoning case would need to be opened so that both the development controls of the URPlan and the zoning under the NCCD are considered simultaneously for modification to achieve consistency between these two documents.

We respectfully request that the Planning Commission open a zoning case so that an East 12th Street NCCD modification can be considered for only the properties between Comal Street & Chicon Street (Tracts 16 and 17) along the south side of East 12th Street

Should you have any questions, please contact the Urban Renewal Board staff liaison, Sandra Harkins at 512.974.3128 or at sandra.harkins@austintexas.gov.

Sincerely,

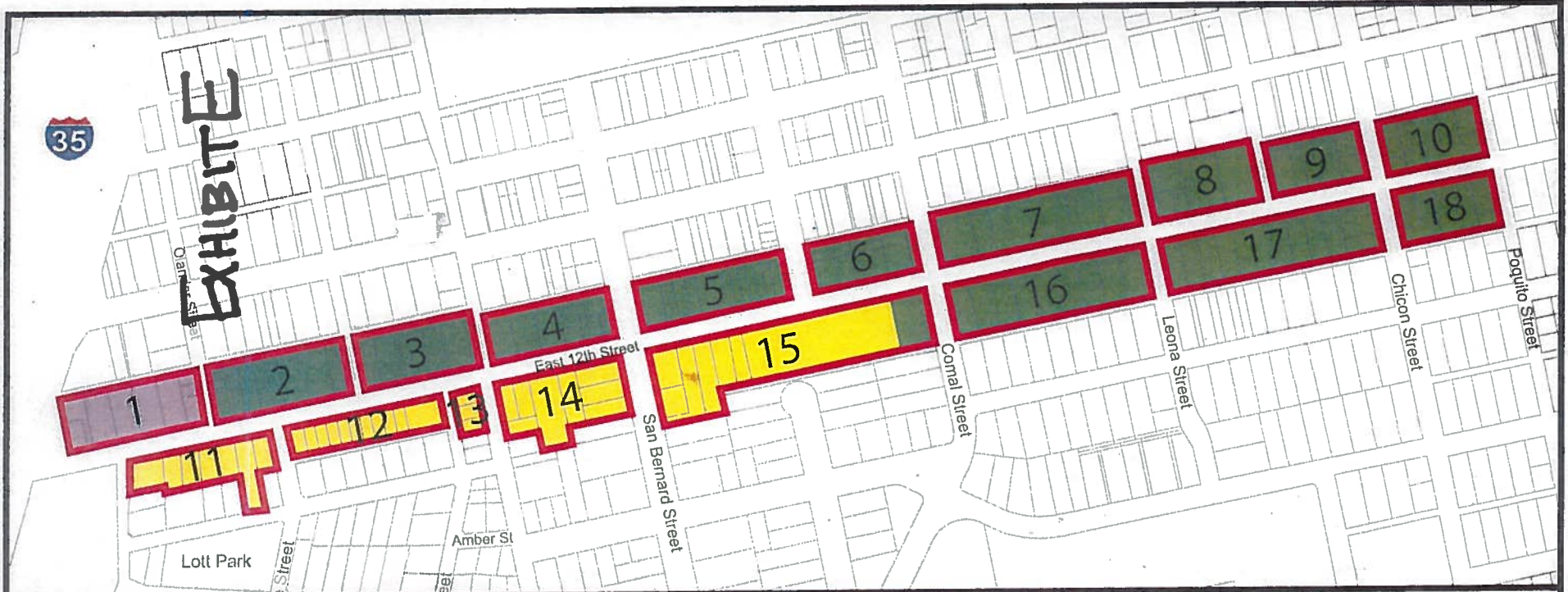
Michael Clark-Madison, Chair
Urban Renewal Board of the City of Austin



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

$$1'' = 300'$$





Neighborhood Conservation Combining District (NCCD) Sub-Districts and Tracts for East 12th Street

-  Sub-District 1
- 60' Heights
 - Set Backs: 10' rear setback with all other set backs provisions waived.
 - Impervious Cover - 90% (95% in instances where community detention not available and developer provides on-site detention)

-  Sub-District 2
- 50' Heights
 - Set Backs: 10' rear setback with all other set backs provisions waived.
 - Impervious Cover - 90% (95% in instances where community detention not available and developer provides on-site detention)

-  Sub-District 3
- 35' Heights
 - Set Backs: 15' (front), 10' (street yard), 5' (interior side yard), 5' (rear)
 - Impervious Cover - 80%

-  NCCD Tracts
-  Tract Number



Prepared by the City of Austin
Neighborhood Housing and
Community Development Office
02-28-08

EUREKA HOLDINGS, INC.
3001 Knox Street, Suite 400
Dallas, Texas 75205

EXHIBIT F

January 20, 2016

Mr. Stephen Oliver
City of Austin Planning Commission
Via Electronic Mail

RE: Opposition to request by the Urban Renewal Board to initiate a zoning change to a portion of East 12th Street in the NCCD Plan at the January 26, 2016 Planning Commission Meeting,

Dear Mr. Oliver:

Eureka Holdings, Inc. presently owns four lots on East 12th Street, and a fifth under a Purchase and Sale Agreement, all within the area subject to the above-referenced proposed zoning change. Eureka Holdings opposes any zoning amendment to the existing Urban Renewal Plan.

Eureka Holdings opposes any zoning change that adds compatibility standards or otherwise reduces existing entitlements of properties along East 12th Street between Comal Street and Chicon Street. As indicated in the attached staff report for the City Council 4-7-05 Agenda, the existing compatibility standards were developed after years-long work with area businesses, property owners, and adjacent neighborhood associations to develop consensus on the existing compatibility development standards. We understand these standards were developed in part to attract development to this area, for these land parcels consist of shallow lots. Eureka Holdings acquired these properties in reliance on the existing entitlements and zoning, and with the expectation to develop the lots in full-compliance with the same. The proposed compatibility and entitlement changes prohibit Eureka Holdings from developing the properties to their intended highest and best use.

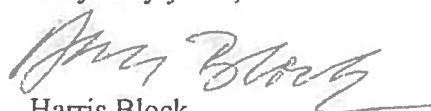
Moreover, as compared to other similarly situated lots covered by the Urban Renewal Plan, the proposed zoning change will arbitrarily and capriciously lower height limits and imposes onerous setback requirements to these targeted lots. These changes will prevent Eureka Holdings from developing the properties, and will effectively limit development of the neighborhood. In addition, the amendments will severely inhibit the goals and intent of the Urban Renewal Plan and the East 11th and East 12th Street Neighborhood Conservation Combining Districts.

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City of Austin Planning Commission
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Finally, the contemplated rezoning, if approved, will be subject to City of Austin Land Development Code 25-2-284 ("Requirement for approval by Three-Fourths of Council"). Therefore, any approval by Council over the objection of landowners will require a supermajority vote by City Council.

For these reasons, Eureka Holdings strongly opposes the proposed amendment to the East 11th and 12th Streets Urban Renewal Plan.

Very truly yours,

A handwritten signature in black ink, appearing to read "Harris Block", written in a cursive style.

Harris Block
Vice-President

Tract Number	Address	Owner Entity	Deed	TCAD Property ID	Square Footage of Tract	Depth of Tract (feet)
1	1517 E. 12th Street	1517 East 12th Street, LP	Doc. No. 2015013817	197324	9,408	147
2	1521 E. 12th Street	1521 KD NO., 1 LP	Doc. No. 2005139424	197325	8,820	147
3	1603 E. 12th Street	2013 Austin East 12th Street, LP	Doc. No. 2014047499	197327	8,820	147
4	1713 E. 12th Street	2013 Austin East 12th Street, LP	Doc. No. 2014047499	197342	7,405.2	147
5	1611 E. 12th Street	Under agreement to acquire pending clearing of Title.		197328	8,820	147





Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: 60
AGENDA DATE: Thu 04/07/2005
PAGE: 1 of 1

SUBJECT: Conduct a public hearing and approve an ordinance modifying the East 11th and 12th Streets Urban Renewal Plan to designate community parking on East 11th and 12th Streets, change permitted uses, building heights, and parking requirements, and add setback requirements along the East 12th Street Corridor.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING DEPARTMENT: Neighborhood Housing and Community Development
DIRECTOR'S AUTHORIZATION: Paul Hilgers

FOR MORE INFORMATION CONTACT: Paul Hilgers, Director, Neighborhood Housing and Community Development, 974-3108.

PRIOR COUNCIL ACTION: January 14, 1999, approval of East 11th and 12th Streets Urban Renewal Plan; August 2, 2001, approval of first modification of Plan; July 31, 2003, approval of second modification to Plan.

BOARD AND COMMISSION ACTION: Urban Renewal Board and Planning Commission approved the recommendation on the proposed modifications.

PURCHASING: N/A

IDE / WBE: N/A

This public hearing is to receive public comment regarding the proposed modifications to the Urban Renewal Plan for the East 11th and 12th Streets Urban Renewal Area as required by Chapter 374.014 (e) of the Texas Local Government Code. Proposed modifications will include designating community parking on East 11th and 12th Streets, changing permitted uses, building heights, parking requirements, adding setback requirements along the East 12th Street corridor, and as further defined in Attachment 1 to this RCA.

The East 11th and 12th Streets Urban Renewal Plan (URP) is an integral part of the Central East Austin Master Plan. The Austin Revitalization Authority has worked closely with area businesses, property owners and adjacent neighborhood associations since June 2003, to come to a consensus on the proposed modifications to the URP.

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City of Austin Planning Commission
January 20, 2016

Attachment 1 clarification.

The Language in blue was not presented to the Urban Renewal Board or the Planning Commission but developed to clarify intent. Section Section 3.A.4., where it states that the current regulations in the LDC for compatibility are waived in lieu of the recommendations regarding height, parking, compatibility and impervious cover restrictions will be recommended for Council adoption contingent upon the approval of the Watershed Protection & Development Review Department. WPDR is reviewing at this time and will make a determination before the April 7th Council Meeting.

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 City of Austin Planning Commission
 January 20, 2016

Existing Plan Controls SUMMARY OF EXISTING CRP CONTROLS AND PROPOSED AMENDMENTS April 7, 2005	
Existing Plan Controls	Final Proposed Changes
Parking	
East 11th Street: Community Parking	Create "publicly funded" community parking lot in specific location.
East 12th Street: Number of parking spaces identified for each block depending on amount of development anticipated.	Delete existing controls on 12th Street and proposed changes and replace with the following policy: Require provision of 80% of amount of City-required parking for all buildings (same as exists currently on East 11th Street per East 11th Street NCCD). Create "publicly funded" community parking lot in specific location.
Parking Garages were not addressed originally.	Parking Garages on 12th St will have specific design criteria and for garages 2 stories or over, such structures are required to have retail on 80% of the ground floor and the structures 30' or greater, 100% retail is required on the ground floor (except ingress/egress areas for upstairs parking)
Allowable Heights East 12th Street:	
North side/Southside of East 12th Street from Branch Street to San Bernard Street and south side of 12th Street between Angelina Street and Chicon Street - 35' Maximum.	Sub-district 1 - 60' heights (north side of E. 12 th St from Interstate 35 frontage road to NW corner of Olander to F
North side of East 12th Street from San Bernard Street to Poqueto Street and the Southside of 12th Street between Chicon Street and Poqueto Street - 50' Maximum.	Sub-district 2 - 60' heights (north side of E. 12 th St from the northeast corner of Olander to F
	Sub-district 3 - 35' heights (south side of E. 12 th between Branch to Comal except southwest corner of Comal)
Other Project Controls for East 12th Street	
New commercial space, commercial space to be preserved, new housing units, housing units to be preserved, parking, potential demolition and FAR.	Deleted existing controls on 12th Street. There are other mechanisms in place to manage these. City's Land Development Code, CURE (Central Urban Redevelopment Corridor) District, Section 104 Survey (Historical Survey completed in Sept 2000). All FAR standards in LDC shall be waived.
Setbacks	
Setbacks are not addressed specifically.	Given waiver of compatibility regulations, increase rear setback for properties in Sub-Districts 1 and 2 of E. 12th St. to 10' and sub-district 3 on E. 12th St. are 15' (front), 10' (street yard), 5' (interior side yard), and 5' (rear).
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Impervious cover is not addressed specifically.	90% in Sub-districts 1 and 2 (95% in instances where community detention not available as
Compatibility for East 12th Street	
Design Compatibility is not addressed specifically.	Defined Lighting, building facade and landscaping design criteria for development on East
Definitions	

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Existing Plan Controls	Final Proposed Changes
Mixed Use - All buildings would have to comply with mixed use definition. Personal services was excluded from list of eligible/allowable businesses.	Mixed Use - Single story buildings and buildings less than 2,000sf on East 12th Street and single story buildings on East 11th Street will not be required to provide a combination of uses, provided the use is retail, office or residential. Personal Services deleted from list of excluded businesses.

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ATTACHMENT 1
 Proposed Modifications to the East 11th and 12th Street Urban Renewal Plan
 2005

Some of the proposed changes
 have been approved by the
 URS or Planning Commission

Project Number/Name	Existing Controls	Proposed Changes	ALA Recommendations	Soil Recommendations	UEA Recommendations	Planning Commission Recommendations
Project Number/Name	Existing Controls	Proposed Changes	ALA Recommendations	Soil Recommendations	UEA Recommendations	Planning Commission Recommendations

ATTACHMENT I
 Recommended Changes to the
 East 11th and 12th Streets Community Redevelopment Plan
 2005

Existing CRP
 *****ITEMS HIGHLIGHTED IN RED ARE THE PROPOSED CHANGES
 Section 1.0 Definitions

"Downtown and Entertainment Oriented Retail"
 Means the use of the site to provide retail goods and services typically associated with entertainment, dining and related activities, as referenced in the Central Business District (CBD) designation of the Land Development Code, excluding adult-oriented businesses, automotive rentals, automotive repair services, carriage stable, cocktail lounges, convenience storage, equipment repair services, funeral services, hotel-motel, liquor sales, medical offices exceeding 5,000 square feet, outdoor sports and recreation, personal services, service stations, pawn shops.

"Mixed-use" means a building that provides for a combination of uses, requiring retail or office uses, on the ground floor (except for the exclusion of pawn shops, automobile sales, rentals and repairs, gas stations and adult-oriented businesses), and some combination office/retail and/or office and residential uses on the other floors. Retail, office and residential uses referred to herein are as defined in the Land Development Code, as amended from time to time.

Modification to CRP

"Downtown and Entertainment Oriented Retail"
 Means the use of the site to provide retail goods and services typically associated with entertainment dining and related activities, as referenced in the Central Business District (CBD) designation of the Land Development Code, excluding adult-oriented businesses, automotive rentals, automotive repair services, carriage stable, cocktail lounges, convenience storage, equipment repair services, funeral services, hotel-motel, liquor sales, medical offices exceeding 5,000 square feet, outdoor sports and recreation, service stations, pawn shops.
 (Personal Services deleted from list of excluded businesses)

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Add to Section 3.0 CRP Illustrative Design Plan:

- A. General Note Regarding Height, Parking, Compatibility and Impervious Cover Restrictions of the CRP as follows (These restrictions are also proposed to be reflected in an East 12th Street NCCD to be proposed to City Council once this modification is adopted):

1. Height

- a. Sub-district 1 - 60' height (north side of E. 12th from Interstate 35 frontage road to NW corner of Olander).
- b. Sub-district 2 - 50' height (north side of E. 12th St from the northeast corner of Olander to Poquillo; south side of East 12th St southeast and southwest corners of Comal; south side of E. 12th between Comal and Poquillo).
- c. Sub-district 3 - 35' height (south side of E. 12th between Hunch to Comal except southwest corner of Comal).

2. Parking

- a. Off-street parking requirements shall be based on the lesser of 80% of that required by the appropriate schedule of the Land Development Code (LDC) or as calculated by existing shared parking provisions of the current LDC.
- b. Create public-funded community parking at the southeast and/or northwest corners of E. 12th and Angelina Streets, southeast corners of E. 11th and Whiskey Streets and a minimum of 40 spaces each on lots in the vicinity of E. 12th and Navasota Streets and E. 12th and Chicon Streets.
- c. Parking Garages for East 12th Street
 - If parking garages of 2 stories or over are developed, such structures must have shielded lights and are required to have retail on 50% of the ground floor.
 - For structures 30' or greater, 100% retail is required on the ground floor (except ingress/egress areas for upstairs parking) and 12' masonry wall shielding the structure from residences behind. Complete shielding is required of the north and south walls as well as 50% of side walls for both sides of E. 12th Street. Access to structure will be confined to E. 12th Street. Overnight parking is limited to residents and their overnight guests.

3. Impervious Cover for East 12th Street

- a. 90% in Sub-district 1 and 2 (95% in instances where community detention not available and developer provides on-site detention)
- b. 80% in Sub-district 3

4. Compatibility for East 12th Street

The current regulations in the LDC for compatibility are waived in lieu of the following:

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- a. Sub-district one and two shall have a 10' rear setback with all other setback provisions waived. Setback provisions for sub-district 3 is 15' (front), 10' (street yard), 5' (interior side yard), and 5' (rear).
- b. Lighting. All exterior lighting must be hooded or shielded so that the light source is not directly visible across the source property line. At the property line, the lighting may not exceed 0.4-foot candles.
- c. Building Facade. May not extend horizontally in an unbroken line for more than 20 feet; must include windows, balconies, porches, eaves, or similar architectural features; must have openings along at least 50 percent.
- d. Landscaping. Required, unless street yard is less than 1,000 square feet in area. Landscaped islands, peninsulas, or medians are not required for parking lots with less than 12 spaces.
- e. Drive-through restaurant facilities are prohibited.
- f. All other compatibility standards are waived except as specifically described in the CRP.

*Language in blue was not presented to the Urban Renewal Board or the Planning Commission but developed to clarify intent.

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2013 Austin East 12th Street, LP and others
603 West 8th Street
Austin, TX 78701

June 2017

Mr. Steve Adler
Honorable Mayor of the City of Austin
City Hall
Austin, Texas 78701

RE: Opposition to proposed downzoning of a portion of East 12th Street in the East 11th and 12th Street NCCD Plan

Dear Mr. Adler:

We are owners of property in the 1500-1900 blocks of East 12th Street. The City Council will soon be presented a request to change the zoning of these blocks and more specifically to the properties on the south side (or the odd numbered addresses) of these blocks (see the 4th attached document). We are the owners of over eighty percent (80%) of the land on East 12th Street within the subject area to the above-referenced proposed zoning change. We unanimously and completely oppose any zoning change or any zoning amendments to the existing Urban Renewal Plan and the East 11th and East 12th Street Neighborhood Conservation Combining Districts (NCCD Plan) as enacted in 2005, which includes properties along the south side of East 12th Street between Comal Street and Chicon Street.

The 11th and 12th Street Urban Renewal Plan and NCCD were created to encourage redevelopment, growth, economic activity, and revitalization with this corridor that stood underdeveloped and neglected for decades while the remainder of the city flourished. The NCCD Plan, developed through the Urban Renewal Board and the Austin Revitalization Agency, was carefully crafted with months and years of meetings. The goal of the entire effort was, and still is, to bring new development, value, and economic opportunity to one of the city's most important, but at the time ignored, mixed-use corridors. This zoning proposal, which was not initiated by any of the actual land owners, asks to ignore those efforts to unnecessarily and arbitrarily restrict previously-adopted land use entitlements in a way that will stifle the revitalization. Re-development in this designated commercial corridor is the very reason the code was ever enacted. This action now disregards not only the work of all of the original stakeholders, but also the millions of dollars the city has invested in the operation of the Urban Renewal Agency and the Austin Revitalization Authority.

In the years of negotiations, there was give and take on all aspects of the zoning and permitted land uses; with certain, formerly permitted uses taken away. Requirements were placed on the type of development. None of that has been taken into consideration in this

Mr. Steve Adler
Honorable Mayor of the City of Austin
May 10, 2016
Page 2

rezoning initiation, which is solely a zoning change on one side of three blocks within the NCCD, and without discussion of the other parts of the NCCD requirements.

It has taken many years for these land parcels to change hands and become developable. If you have been in the corridor over the past two years, you will see that it is finally happening. For the city to now step in to place restrictions on these parcels would be senseless and completely counter-productive, as the original plan is now working as it was intended. As a group, we have either owned these properties prior to 2005 and worked to enact the existing Plan, or acquired these properties since 2005 in reliance on the existing entitlements and zoning, and with the expectation to develop the lots in full compliance with the same. The proposed entitlement changes prohibit us from developing the properties to their intended highest and best use.

Moreover, as compared to other similarly situated lots covered by the NCCD, the proposed zoning change will arbitrarily and capriciously lower height limits and impose setback requirements to these targeted lots. These changes will prevent us from developing the properties, and will effectively limit development of the neighborhood. The proposed rezoning amendments will severely inhibit the goals and intent of the Urban Renewal Plan and the NCCD.

For all of these reasons, we strongly and unanimously oppose the proposed rezoning and changes to the NCCD and Urban Renewal Plan and have submitted a petition in accordance with the Texas Local Government Code so stating. (See attached.) We also hereby ask for meetings with each of you to discuss our concerns. Please let us know if we may contact you to get meetings scheduled.

Thank you for your review of this letter and consideration of our concerns. We are hopeful that logic prevails with regard to this proposal and that the Council leave both the NCCD and URP as they are, allowing this corridor to continue to be revitalized and to thrive.

Very Truly Yours,

(Signatures to Follow)

Mr. Steve Adler
Honorable Mayor of the City of Austin
May 10, 2016
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Linda Conner
1717 E. 12th Street

W.G. Hunt for the GW and Ida M Hunt Revocable
Living Trust
1721 E. 12th Street

OLFP 1 LTD.

By: _____
Vicki Oliver
1425 E. 12th Street

2013 AUSTIN EAST 12TH STREET, L.P.

By: _____
Harris Block as authorized agent for
1517, 1521, 1603, 1611, 1713, 1901-1905,
1915 E. 12th Street

SIMPSON UNITED METHODIST CHURCH

By: _____
1701-1709 East 12th Street

Mr. Steve Adler
Honorable Mayor of the City of Austin
May 10, 2016
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MISSION POSSIBLE

By: _____
Tim Pinson
1803-1817 E. 12th Street

Adam Talianchich and Ashley Menger
1919 E 12th Street

Attachments

Property Owners' Petition

Map showing NCCD Area

List of Properties Proposed To Be Rezoned

Map of Properties Proposed to Be Rezoned

2005 City Council NCCD Recommendation



**Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 60
AGENDA DATE: Thu 04/07/2005
PAGE: 1 of 1**

SUBJECT: Conduct a public hearing and approve an ordinance modifying the East 11th and 12th Streets Urban Renewal Plan to designate community parking on East 11th and 12th Streets, change permitted uses, building heights, and parking requirements, and add setback requirements along the East 12th Street Corridor.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Neighborhood Housing **DIRECTOR'S**
DEPARTMENT: and Community **AUTHORIZATION:** Paul Hilgers
Development

FOR MORE INFORMATION CONTACT: Paul Hilgers, Director, Neighborhood Housing and Community Development, 974-3108.

PRIOR COUNCIL ACTION: January 14, 1999, approval of East 11th and 12th Streets Urban Renewal Plan; August 2, 2001, approval of first modification of Plan; July 31, 2003, approval of second modification to Plan.

BOARD AND COMMISSION ACTION: Urban Renewal Board and Planning Commission approved the recommendation on the proposed modifications.

PURCHASING: N/A

MBE / WBE: N/A

This public hearing is to receive public comment regarding the proposed modifications to the Urban Renewal Plan for the East 11th and 12th Streets Urban Renewal Area as required by Chapter 374.014 (e) of the Texas Local Government Code. Proposed modifications will include designating community parking on East 11th and 12th Streets, changing permitted uses, building heights, parking requirements, adding setback requirements along the East 12th Street corridor, and as further defined in Attachment 1 to this RCA.

The East 11th and 12th Streets Urban Renewal Plan (URP) is an integral part of the Central East Austin Master Plan. The Austin Revitalization Authority has worked closely with area businesses, property owners and adjacent neighborhood associations since June 2003, to come to a consensus on the proposed modifications to the URP.

Attachment 1 clarification.

The Language in blue was not presented to the Urban Renewal Board or the Planning Commission but developed to clarify intent. Section Section 3.A.4, where it states that the current regulations in the LDC for compatibility are waived in lieu of the recommendations regarding height, parking, compatibility and impervious cover restrictions will be recommended for Council adoption contingent upon the approval of the Watershed Protection & Development Review Department. WPDR is reviewing at this time and will make a determination before the April 7th Council Meeting.

SUMMARY OF EXISTING CRP CONTROLS AND PROPOSED AMENDMENTS April 7, 2005	
Existing Plan Controls	Final Proposed Changes
Parking	
East 11th Street: Community Parking	Create "publicly funded" community parking lot in specific location.
East 12th Street: Number of parking spaces identified for each block depending on amount of development anticipated.	Delete existing controls on 12th Street and proposed changes and replace with the following policy: Require provision of 80% of amount of City-required parking for all buildings (same as exists currently on East 11th Street per East 11th Street NCCD). Create "publicly funded" community parking lot in specific location.
Parking Garages were not addressed originally.	Parking Garages on 12th St will have specific design criteria and for garages 2 stories or over, such structures are required to have retail on 80% of the ground floor and for structures 30' or greater, 100% retail is required on the ground floor (except ingress/egress areas for upstairs parking)
Allowable Heights East 12th Street	
North side/South side of East 12th Street from Branch Street to San Bernard Street and south side of 12th Street between Angeline Street and Chicon Street - 35' Maximum. North side of East 12th Street from San Bernard Street to Popoiso Street and the Southside of 12th Street between Chicon Street and Popoiso Street - 30' Maximum	Sub-district 1 - 60' heights (north side of E. 12 th St from Interstate 35 frontage road to NW corner of 12th St) Sub-district 2 - 10' heights (north side of E. 12 th St from the northeast corner of Otavido to F Sub-district 3 - 35' heights (south side of E. 12 th St between Branch to Canal except southwest corner of Canal)
Other Project Controls for East 12th Street	
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Items in Red are the proposed changes.
Items in Blue were not presented to the
Joint or Planning Commission

Project Name/ID/Phase	Existing Controls	Proposed Changes	ABA Recommendations	Staff Recommendations	ULA Recommendations	Planning Considerations/Recommendations
Project Name/ID/Phase	Existing Controls	Proposed Changes	ABA Recommendations	Staff Recommendations	ULA Recommendations	Planning Considerations/Recommendations

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Recommended Changes to the
East 11th and 12th Streets Community Redevelopment Plan
2005

Existing CRP
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Section 1.0 Definitions

Modification to CRP

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- a. 90% in Sub-district 1 and 2 (95% in instances where community detention not available and developer provides on-site detention)
- b. 80% in Sub-district 3

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- e. Drive-through restaurant facilities are prohibited.
- f. All other compatibility standards are waived except as specifically described in the CRP.

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Caring responsibly for those in the inner-city
through Christ-centered relationships
Lives Changed, Communities Impacted, Generations Transformed

Connect. Equip. Transform.

7/9/17

Case# C14-2017-0092

Mr. Oliver,

I recently received notification from the Planning Commission concerning a proposed zoning case that will effect land parcels that are in the East 12th Street NCCD. Mission: Possible! Austin, Inc. owns several properties located within this portion of 12th @ Chicon St. We have owned the property for almost 15 years and purchased with the current entitlements in mind. Please consider that this zoning change will challenge and effect the development plans we have for this community.

Mission Possible is committed to this community and as you may know our involvement has assisted in making this once challenged neighborhood a safer and more conducive district for positive growth for our city. Please let it be known that we are completely opposed any potential zoning change. I personally believe that this spot zoning proposal has serious legal challenges not withstanding the divisions it will cause in our community. From my knowledge none of the effected property owners are in favor of this zoning change.

If there is a zoning hearing planned please consider that I will be on vacation Sept. 20-Oct.27th. I am asking that if the plan is to move forward with this proposal the hearing date be set for a time when I can properly represent our interest.

Please see the attached supporting material.

Please feel free to contact me with any comments or questions.

Thank You,
Tim Pinson Sr.

Cell - 512-748-1468

www.mpaustin.org



[illegible]