

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-06-0209 - 12th Street NCCD - City Initiated

REQUEST:

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 809-1951 East 12th Street (Waller Creek Watershed) to create the East 12th Street Neighborhood Conservation Combining District. First reading approved on January 17, 2008. Vote: 7-0 Planning Commission recommendation – To approve the creation of the NCCD (8-0) Staff recommendation: Approval of the NCCD.

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

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

On July 24, 2007 Planning Commission approved the draft NCCD with an additional recommendation that the rear yard set back for properties in subdistricts one and two be a vegetated setback.

On January 17, 2008 City Council postponed action on Tracts 9 and on 1425 E. 12th Street, but held a public hearing and approved draft NCCD on first reading for the remainder of the area.

APPLICANT /AGENT: Neighborhood Planning and Zoning Department.

DATE OF FIRST READING: January 17, 2008

CITY COUNCIL HEARING DATE: February 28, 2008

CITY COUNCIL ACTION:

First reading approved on January 17, 2008. Vote: 7-0. Action on Tract 9 and on 1425 E 12th street postponed until February 28.

CASE MANAGER: Robert Heil

e-mail address: robert.heil@ci.austin.tx.us

**Draft East 12th Street
Neighborhood Conservation Combining District**

| | |
|---|----------|
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I. Background

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

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

On July 24, 2007 Planning Commission approved the draft NCCD with an additional recommendation that the rear yard set back for properties in subdistricts one and two be a vegetated setback.

On January 17, 2008 City Council postponed action on Tracts 9 and on 1425 E. 12th Street, but held a public hearing and approved draft NCCD on first reading for the remainder of the area.

II. The NCCD and Neighborhood Plans

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

III. Boundaries

A. District boundaries

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

B. Subdistrict boundaries

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

1. Subdistrict 1
 - North side of East 12th Street from IH-35 to the northwest corner of Olander
 - Tract 1.
2. Subdistrict 2
 - North side of East 12th Street from northeast corner of Olander to Poquito,
 - Southwest and Southeast corners of Comal and East 12th Street

- South side of East 12th Street between Comal and Poquito.
- Tracts 2-10, a portion of Tract 15 and tracts 16-18.
- 3. Subdistrict 3
 - South side of East 12th Street between Branch and Comal (excepting the southwest corner of Comal and East 12th Street).
 - Tracts 11-14 and a portion of Tract 15.

IV. Land Use Regulations

The following land use regulations would apply in the NCCD area. There may also be requirements of the Urban Renewal Plan that are more restrictive than those listed here. Projects in the NCCD area would have to comply with the requirements of both the NCCD and the URP.

A. Permitted Uses

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

B. Prohibited Uses

The following uses are prohibited throughout the East 12th Street NCCD (if these uses are currently existing, they are allowed to continue use, but not expand as a legal non-conforming use as per the Land Development Code, section 25-2-941):

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

C. Conditional Uses

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

1. Telecommunication Tower, if located on the roof of an otherwise permitted structure. (Maximum height requirements still apply)
2. Drive-through services with the hours of operation between midnight and 6:00 AM, if used for an automated teller machine. [On this provision the Urban Renewal Board took no position]

3. D. Drive Through Uses

Drive through uses are permitted as an accessory use to a permitted primary use with the following conditions [On these provisions the Urban Renewal Board took no position]

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

V. Building Site Development Regulations

A. General Site Development Standards

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

B. Compatibility Standards

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

C. Setback Requirements

Setback requirements are determined by subdistrict:

- Subdistricts 1 and 2
 - Front setback – 0 feet
 - Side street yard setback – 0 feet
 - Interior side yard – 0 feet
 - Rear setback – 10 feet vegetated buffer [The recommendation that this buffer be vegetated was added by the Planning Commission]
- Subdistrict 3
 - Front setback – 15 feet
 - Side street yard setback – 10 feet
 - Interior side yard – 5 feet
 - Rear setback – 5 feet

D. Height

The maximum height of structures is determined by subdistrict:

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

E. Impervious Cover:

The allowable impervious cover is determined by subdistrict

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

VI. Other Site Development Regulations

A. Parking Requirements

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

B. Exterior Lighting

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

C. Building Façade Design

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

D. Landscaping

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

E. Fencing

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

VII. Additional Site Development Requirements for Parking Garages

A. Requirements for all parking garages:

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

- B. Requirements for parking structures less than 30' in height. For structures of two (2) stories but less than 30' in height, 75% of the ground floor front footage which fronts E. 12th Street must be a commercial or pedestrian oriented use at 15' in depth. If parking garage access is taken from E. 12th Street, and it requires more than 25% of the available frontage, the side of the building may be used to meet the additional space required to meet the minimum requirement for commercial or pedestrian oriented uses, as defined in section VI.D below. Structural pillars are not included in the calculation of available frontage.

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

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

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

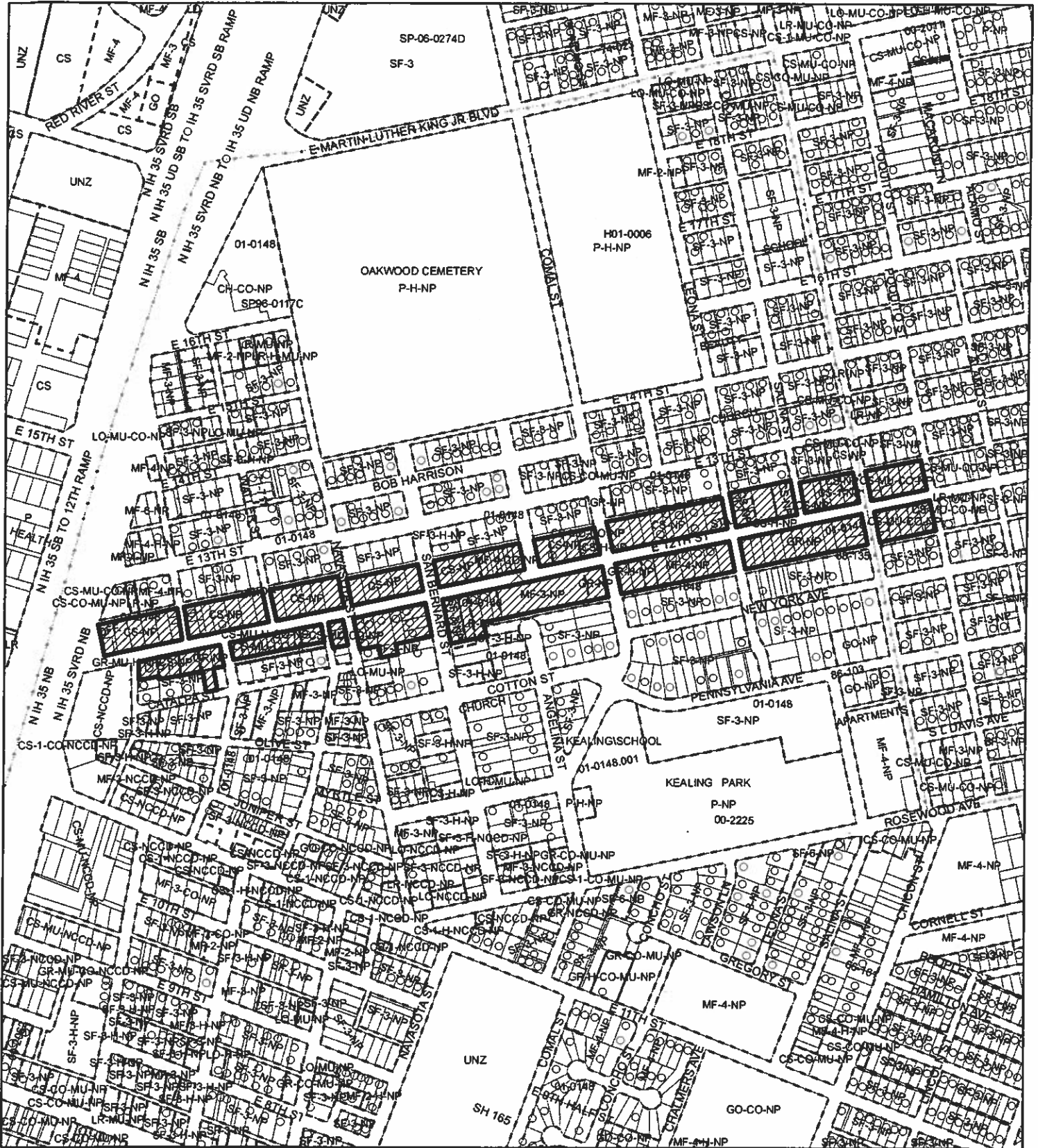
- D. Pedestrian Oriented Uses. For the purposes of the East 12th Street NCCD, pedestrian-oriented businesses are defined as a use that serves the public by providing goods or services and includes the following uses:

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




VIII. Rezoning by Tract East 12 Street NCCD Rezoning

| Tract | Address | Subdistrict | Current Zoning | Proposed Zoning | 1st Rdng |
|--------------|---|--------------------|-----------------------|------------------------|-----------------|
| 1 | 800 – 950 E. 12th Street (even numbers) | 1 | CS-NP | CS-MU-NCCD-NP | Approved |
| 2 | 1000-1028 E. 12th Street (even numbers) | 2 | CS-NP | CS-MU-NCCD-NP | Approved |
| 3 | 1100-1150 E. 12th Street (even numbers) | 2 | CS-NP | CS-MU-NCCD-NP | Approved |
| 4 | 1200-1250 E. 12th Street (even numbers) | 2 | CS-NP | CS-MU-NCCD-NP | Approved |
| 5a | 1300-1310 E. 12th Street (even numbers) | 2 | CS-NP | CS-MU-NCCD-NP | Approved |
| 5b | 1320-1350 E. 12th Street (even numbers) | 2 | MF-4-CO-NP | CS-MU-NCCD-NP | Approved |
| 6a | 1400 E. 12th Street | 2 | CS-MU-NP | CS-MU-NCCD-NP | Approved |
| 6b | 1406-1410 E. 12th Street (even numbers) | 2 | CS-NP | CS-MU-NCCD-NP | Approved |
| 6c | 1416 E. 12th Street | 2 | CS-H-NP | CS-H-MU-NCCD-NP | Approved |
| 6d | 1204 & 1206 Comal (even numbers) | 2 | CS-NP | CS-MU-NCCD-NP | Approved |
| 7 | 1500-1625 E. 12th Street (even numbers) | 2 | CS-NP | CS-MU-NCCD-NP | Approved |
| 8a | 1700-1702 & 1720 E. 12th St | 2 | CS-NP | CS-MU-NCCD-NP | Approved |
| 8b | 1704-1706 E. 12th Street (even numbers) | 2 | CS-H-NP | CS-H-NCCD-NP | Approved |
| 9a | 1800-1806 E. 12th Street (even numbers) | 2 | CS-NP | CS-MU-NCCD-NP | - |
| 9b* | 1808-1812 E. 12th Street (even numbers) | 2 | CS-1-NP | CS-1-MU-NCCD-NP | - |
| 9c | 1208 Chicon St. | 2 | CS-NP | CS-MU-NCCD-NP | - |
| 10 | 1900-1950 E. 12th Street (even numbers) | 2 | CS-NP | CS-MU-NCCD-NP | Approved |
| 11a | 901 E. 12th Street | 3 | GR-MU-H-NP | GR-MU-H-NCCD-NP | Approved |
| 11b | 903-905 E. 12th Street | 3 | SF-3-NP | SF-3-NCCD-NP | Approved |
| 11c | 909 E. 12th Street | 3 | CS-NP | CS-MU-NCCD-NP | Approved |
| 11d | 913 E. 12th Street | 3 | GR-NP | GR-MU-NCCD-NP | Approved |
| 12 | 1001-1105 E. 12th Street (odd numbers) | 3 | CS-MU-NP | CS-MU-NCCD-NP | Approved |
| 12 | 1107-1115 E. 12th Street (odd numbers) | 3 | CS-MU-H-NP | CS-MU-H-NCCD-NP | Approved |
| 13 | 1121 E. 12th Street | 3 | CS-MU-CO-NP | CS-MU-CO-NCCD-NP | Approved |
| 14a | 1201-1251 E. 12th Street (odd numbers) | 3 | SF-3-NP | SF-3-NCCD-NP | Approved |
| 14b | 1197 Navasota St. | 3 | SF-3-NP | SF-3-NCCD-NP | Approved |
| 14c | 1196-1198 San Bernard St | 3 | SF-3-NP | SF-3-NCCD-NP | Approved |
| 15 | 1301 E. 12th Street | 3 | SF-3-NP | SF-3-NCCD-NP | Approved |
| 15b* | 1197-1199 San Bernard | 3 | SF-3-NP | SF-3-NCCD-NP | Approved |
| 15c* | 1309 E. 12th Street | 3 | LR-NP | LR-MU-NCCD-NP | Approved |
| 15d* | 1315 E. 12th Street | 3 | SF-3-NP | SF-3-NCCD-NP | Approved |
| 15e | 1319 E. 12th Street | 3 | SF-3-NP | SF-3-NCCD-NP | Approved |
| 15f | 1401-1423 E. 12th Street (odd numbers) | 3 | MF-3-NP | MF-3-NCCD-NP | Approved |
| 15g* | 1425 E. 12th Street | 2 | GR-NP | GR-MU-NCCD-NP | - |
| 16a | 1195 Comal & 1501 E. 12th Street | 2 | GR-H-NP | GR-MU-H-NCCD-NP | Approved |
| 16b* | 1511 E. 12th Street | 2 | MF-4-NP | MF-4-NCCD-NP | Approved |
| 16c* | 1517 E. 12th Street | 2 | MF-4-NP | MF-4-NCCD-NP | Approved |
| 16d | 1521-1651 E. 12th Street (odd numbers) | 2 | MF-4-NP | MF-4-NCCD-NP | Approved |
| 17 | 1701-1851 E. 12th Street (odd numbers) | 2 | GR-NP | GR-MU-NCCD-NP | Approved |
| 18 | 1901-1951 E. 12th Street (odd numbers) | 2 | CS-NP | CS-MU-NCCD-NP | Approved |

* Objections from owners



ZONING

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

ZONING CASE#: C14-06-0209
 ADDRESS: 800-1951 E 12TH ST
 SUBJECT AREA: 22.975 ACRES
 GRID: K22
 MANAGER: R. HEIL

OPERATOR: S. MEEKS



1" = 600'

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

PETITION

Case Number:

C14-06-0209

Date:

Dec. 4, 2007

Total Area within 200' of subject tract: (sq. ft.)

2,255,217.05

| | | | | |
|----|--------------|--------------------|----------|-------|
| 1 | 02-0708-0313 | COFFMAN GRANT | 23029.47 | 1.02% |
| 2 | 02-0708-0403 | JOHNSON GLORIA | 9505.70 | 0.42% |
| 3 | 02-0708-0404 | MAYS WAUNDA FAY | 9112.93 | 0.40% |
| | | BAKER EDWARD LEE | | |
| 4 | 02-0708-0701 | & CYNTHIA KAY | 13935.66 | 0.62% |
| | | ROSENQUIST | | |
| 5 | 02-0708-0713 | JOSHUA | 6388.78 | 0.28% |
| 6 | 02-0708-0714 | DURST ARTHUR JR | 1408.74 | 0.06% |
| 7 | 02-0708-0721 | HOLMES JOHNNY M | 10294.88 | 0.46% |
| 8 | 02-0708-0731 | DEBRA ANN | 1938.10 | 0.09% |
| 9 | 02-0708-0734 | SZAL ROMIE | 11798.05 | 0.52% |
| | | CORWIN MICHAEL & | | |
| 10 | 02-0708-0805 | LILY HUGHES | 8293.90 | 0.37% |
| 11 | 02-0708-1205 | BARHAM BARRY | 7439.63 | 0.33% |
| 12 | 02-0806-0106 | EASLEY ROGER | 11529.05 | 0.51% |
| | | RUFF TODD & | | |
| 13 | 02-0806-0117 | RONNIE MENDOZA | 16656.15 | 0.74% |
| | | CALAVAN MARIA & | | |
| 14 | 02-0806-0205 | BROOKS | 12932.27 | 0.57% |
| | | JEFFERSON GILLIS C | | |
| 15 | 02-0806-0302 | TRUSTEE | 13052.24 | 0.58% |
| 16 | 02-0806-0304 | HOUSTON JOHN R | 12901.46 | 0.57% |
| 17 | 02-0806-0510 | SUAZO ANDREW L | 6722.58 | 0.30% |
| | | WHEAT JERRY & | | |
| 18 | 02-0806-0613 | DEBORAH A HENSON | 7626.39 | 0.34% |
| 19 | 02-0806-0617 | KNIGHT ALAN | 7696.34 | 0.34% |
| 20 | 02-0806-0618 | LOPEZ MARY HELEN | 7678.73 | 0.34% |
| 21 | 02-0806-0620 | MCEVOY GRACE | 7644.30 | 0.34% |
| 22 | 02-0806-0621 | THATCHER VALERIE L | 12431.67 | 0.55% |
| 23 | 02-0806-0917 | THORN GLENDA F | 3190.18 | 0.14% |
| | | NELSON DANIEL A & | | |
| 24 | 02-0809-0105 | MICHELLE HOG | 9193.33 | 0.41% |
| | | JANSSON ERIC H & | | |
| 25 | 02-0809-0106 | ERIKA K ZETTL | 9170.91 | 0.41% |
| 26 | 02-0809-0201 | FRISCHE BARBARA | 8855.64 | 0.39% |
| 27 | 02-0809-0205 | COLLINS SUSAN S | 10460.92 | 0.46% |
| 28 | 02-0809-0302 | THOMPSON LEROY | 9344.37 | 0.41% |
| | | DUNN WILLIE & | | |
| 29 | 02-0809-0303 | SHARRON | 9443.84 | 0.42% |
| | | CROW SCOTT & ANN | | |
| 30 | 02-0809-0610 | HARKNESS | 10881.80 | 0.48% |
| | | DRISDALE HORACE | | |
| 31 | 02-0809-0716 | ISAAC | 13576.49 | 0.60% |
| | | SLATER MATTHEW & | | |
| 32 | 02-0809-0719 | KERI HULL | 7852.96 | 0.35% |
| 33 | 02-0809-0808 | CARBAJAL EUGENIO | 4964.30 | 0.22% |
| 34 | 02-0809-0809 | CARBAJAL EUGENIO | 9660.87 | 0.42% |
| 35 | | | | 0.00% |
| 36 | | | | 0.00% |
| 37 | | | | 0.00% |
| 38 | | | | 0.00% |

Validated By:

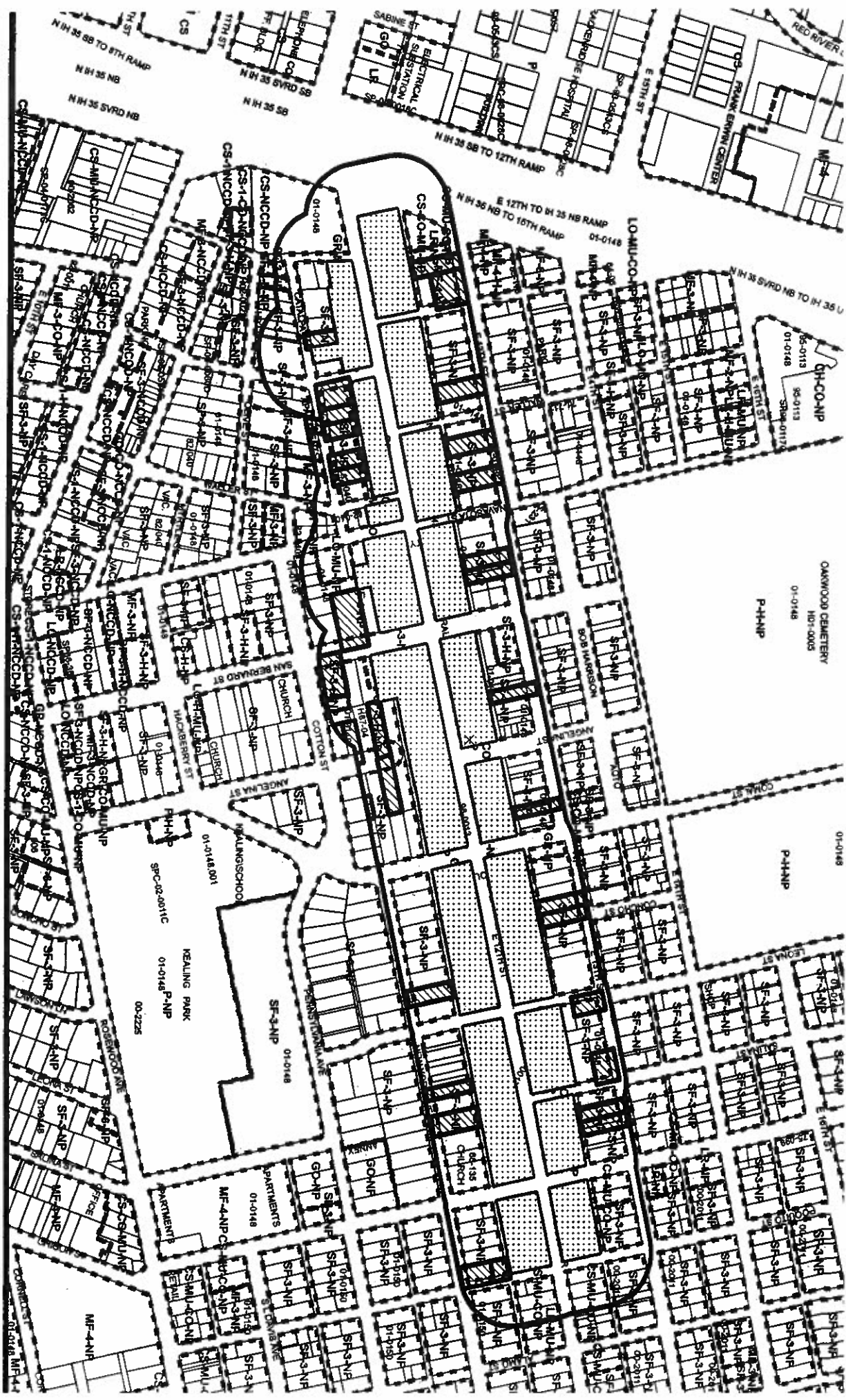
Stacy Meeks

Total Area of Petitioner:

326,512.63

Total %

14.48%



PETITION

Legend:

- Subject Tract
- Property Owner
- Buffer
- Zoning Boundary

CASE#: C14-06-0209
ADDRESS: E 12TH ST NCCD
GRID: J22 K22-23
CASE MANAGER: R. HEIL

1" = 500' OPERATOR: SM

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



PETITION

Case Number:

C14-2007-0144
1199 SAN BERNARD ST

Date:

Dec. 4, 2007

Total Area within 200' of subject tract: (sq. ft.)

7,073.08

| | | | | |
|----|---------------------|-----------------|----------------|----------------|
| | | ROGERS MARK C & | | |
| 1 | <u>02-0708-0739</u> | <u>TRISTANA</u> | <u>7073.08</u> | <u>100.00%</u> |
| 2 | | | | <u>0.00%</u> |
| 3 | | | | <u>0.00%</u> |
| 4 | | | | <u>0.00%</u> |
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| 6 | | | | <u>0.00%</u> |
| 7 | | | | <u>0.00%</u> |
| 8 | | | | <u>0.00%</u> |
| 9 | | | | <u>0.00%</u> |
| 10 | | | | <u>0.00%</u> |
| 11 | | | | <u>0.00%</u> |
| 12 | | | | <u>0.00%</u> |
| 13 | | | | <u>0.00%</u> |
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| 19 | | | | <u>0.00%</u> |
| 20 | | | | <u>0.00%</u> |
| 21 | | | | <u>0.00%</u> |
| 22 | | | | <u>0.00%</u> |
| 23 | | | | <u>0.00%</u> |
| 24 | | | | <u>0.00%</u> |
| 25 | | | | <u>0.00%</u> |

Validated By:

Stacy Meeks

Total Area of Petitioner:

7,073.08

Total %

100.00%

PETITION

Case Number:

C14-2007-0144
E 1309 12TH ST

Date:

Feb. 13, 2008

Total Area within 200' of subject tract: (sq. ft.)

13,012.96

| | | | | |
|----|---------------------|---------------------------|-----------------|----------------|
| 1 | <u>02-0708-0736</u> | <u>WILLIAMS TIMOTHY T</u> | <u>13012.96</u> | <u>100.00%</u> |
| 2 | | | | <u>0.00%</u> |
| 3 | | | | <u>0.00%</u> |
| 4 | | | | <u>0.00%</u> |
| 5 | | | | <u>0.00%</u> |
| 6 | | | | <u>0.00%</u> |
| 7 | | | | <u>0.00%</u> |
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| 25 | | | | <u>0.00%</u> |

Validated By:

Stacy Meeks

Total Area of Petitioner:

13,012.96

Total %

100.00%

PETITION

Case Number:

C14-2007-0144
E 1315 12 ST

Date:

Dec. 4, 2007

Total Area within 200' of subject tract: (sq. ft.)

7640.13455

| | | | | |
|----|---------------------|--------------------|----------------|----------------|
| | | HARRIS | | |
| 1 | <u>02-0708-0706</u> | <u>GWENDOLYN P</u> | <u>7640.13</u> | <u>100.00%</u> |
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Validated By:

Stacy Meeks

Total Area of Petitioner:

7,640.13

Total %

100.00%







PETITION

CASE#: C14-06-0209
 ADDRESS: E 1315 12 ST
 GRID: H22 & J22

CASE MANAGER: J. ROUSSELIN



-  Subject Tract
-  Property Owner
-  Buffer
-  Zoning Boundary



PETITION

Case Number:

C14-2007-0144
E 1511 12 ST

Date:

Dec. 4, 2007

Total Area within 200' of subject tract: (sq. ft.)

8,276.26

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|----|---------------------|------------------------|----------------|----------------|
| 1 | <u>02-0809-0602</u> | <u>EVANS ESTHERINE</u> | <u>8276.26</u> | <u>100.00%</u> |
| 2 | | | | <u>0.00%</u> |
| 3 | | | | <u>0.00%</u> |
| 4 | | | | <u>0.00%</u> |
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Validated By:

Stacy Meeks

Total Area of Petitioner:

8,276.26

Total %

100.00%

PETITION

Case Number:

C14-2007-0144

Date:

Dec. 4, 2007

E 1517 12 ST

Total Area within 200' of subject tract: (sq. ft.)

9,414.58

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|----|---------------------|-----------------------|----------------|----------------|
| 1 | <u>02-0809-0603</u> | <u>MARIA C MOLINA</u> | <u>9414.58</u> | <u>100.00%</u> |
| 2 | | | | <u>0.00%</u> |
| 3 | | | | <u>0.00%</u> |
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| 25 | | | | <u>0.00%</u> |

Validated By:

Stacy Meeks

Total Area of Petitioner:

9,414.58

Total %

100.00%



PETITION

CASE#: C14-06-0209
ADDRESS: E 1517 12 ST

GRID: H22 & J22
CASE MANAGER: J. ROUSSELIN



- Subject Tract
- Property Owner
- Buffer
- Zoning Boundary



CITY PLANNING COMMISSION

July 24, 2007

City Hall – Council Chambers

301 W. 2nd Street

1st Floor

Annotations & Zoning Summaries

CALL TO ORDER – 6:00 P.M.

COMMENCED: 6:08 P.M.

ADJOURNED: 10:55 P.M.

 A Tracy Atkins

 Sandra Kirk

 A Perla Cavazos

 Jay Reddy – Vice-Chair

 Mandy Dealey - Parliamentarian

 Chris Riley

 Cid Galindo - Secretary

 Dave Sullivan - Chair

1 vacancy

CONDUCT OF PUBLIC HEARINGS

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

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

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

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

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

Facilitator: Donna Cerkan, 974-2733

City Attorney: Gordon Bowman, 974-2346

DISCUSSION AND ACTION ON PLAN AMENDMENT

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

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

SUMMARY

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

Jerry Rusthoven, staff, gave presentation to the commission.

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

Mr. Rusthoven – Yes.

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

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

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

Commissioner Kirk – Refresh my memory on the rear setbacks.

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

Commissioner Kirk – So there is an alley?

Mr. Rusthoven – Yes.

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

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

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

FAVOR

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

Scott Way, property owner – Spoke in favor.

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

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

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

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

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

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

Michael Young – Spoke in favor.

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

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

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

Gustavo Wartaza, property owner – Spoke in favor.

OPPOSITION

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

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

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

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

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

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

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

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

Daniel Nelson, resident – Spoke in opposition.

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

REBUTAL

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Dealey – How deep are the lots?

Mr. Rusthoven – 150-feet deep.

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

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

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

There was discussion on the fencing suggestion.

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

Commissioner Reddy and Kirk moved to close the public hearing.

MOTION

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

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

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

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

Commissioner Dealey – Second.

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

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

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

Motion failed. (4-2)

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

Commissioner Reddy – Second.

Motion carried. (6-0)

DISCUSSION AND ACTION ON NEIGHBORHOOD PLAN

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

APPROVED STAFF'S RECOMMENDATION.***[J.REDDY, C.RILEY 2ND] (6-0) T.ATKINS, P.CAVAZOS – ABSENT*****DISCUSSION AND ACTION ON NEIGHBORHOOD PLAN AMENDMENT**

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

APPROVED STAFF'S RECOMMENDATION WITH VEGETATIVE BUFFER ON SUBDISTRICT 1 & 2.***[S.KIRK, J.REDDY 2ND] (6-0) P.CAVAZOS, T.ATKINS – ABSENT******{Summary; refer to #4}*****Related Zoning Case**

- 7. Rezoning: C14-06-0209 - 12th Street NCCD**
Location: 800 to 1950 blocks of East 12th Street, Boggy and Waller Creeks Watershed, Central East Austin, Rosewood and Chestnut NPA
Agent: City of Austin Neighborhood Planning and Zoning (Robert Heil)
Postponements: Postponed on 05/22/07 (staff); 06/26/07 (neighborhood)
Request: Adopt the E 12th Street Neighborhood Conservation Combining District.
Staff Rec.: **Recommended**
Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
 Neighborhood Planning & Zoning Department

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

{Summary; refer to #4}

MUD

- 8. MUD Out-of-District Service: C12M-07-0004 - RiverPlace MUD (Slover Tract)**
Location: 4814 City Park Road, Turkey Creek Watershed
Owner/Applicant: Chris Slover
Request: City consent allowing River Place MUD to provide out-of-district water service to the Slover Tract.
Staff Rec.: **Recommended**
Staff: Virginia Collier, 974-2022, virginia.collier@ci.austin.tx.us
 Neighborhood Planning and Zoning

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

DISCUSSION AND ACTION ON ZONING CASES

- 9. Zoning: C14-2007-0084 - Elm Terrace**
Location: 3215 Exposition Boulevard, Taylor Slough North Watershed, West Austin Neighborhood NPA
Owner/Applicant: Austin Elm terrace, LP (Steve D. Buerlein)
Agent: Alice Glasco Consulting (Alice Glasco)
Request: UNZ to MF-1
Staff Rec.: **Alternative recommendation of SF-6**
Staff: Jorge E. Rousselin, 974-2975, jorge.rousselin@ci.austin.tx.us
 Neighborhood Planning & Zoning Department

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

PC transcript
7/24/07

Time Beginning 8:29

Sullivan: Commissioner Kirk?

Kirk: Actually, I am going to go ahead and make a motion –

Sullivan: Okay.

Kirk: – that we approve the NCCD as it is written with the one change that I would like to recommend is that we insert language that there is a vegetated buffer within the rear setback.

Sullivan: Can I ask staff for a clarification on that. Is that clear when we say “vegetated buffer”, it’s not just grass, it is shrubbery?

Rusthoven: Sure, we can work with the landscape staff in Watershed Protection Department and come up with something. Usually in a situation when we say vegetated buffer you have an already wooded site and that means you don’t disturb the existing vegetation out there. In this case I imagine that’s not the case. We’ll talk to them about coming up with some landscaping above and beyond

Kirk: And because we do support the NCCD and because there is the issue of compatibility, I’m going to propose a slight other compromise and that is to go to a 15’ setback with that vegetated buffer. And this is not something that’s uncommon in other projects of this type so it’s not setting a big precedent or anything. That’s my motion

Dealey: I’ll second it.

Reddy: Seconded by Commissioner Dealey. Any other comments or changes to the motion?

Riley: Could you restate the last part of motion?

Kirk: That we actually adopt a compromise in terms of the setback and extend the rear setback, particularly on the north side of 12 street properties to 15 feet, rather than the 10 foot setback and we add a vegetated buffer in there that will be shielding hedges or whatever. That is not to diminish any requirements that are there might be for fencing. This is in addition to anything else is already in place.

Sullivan: So the motion is staff recommendation with addition of a vegetate buffer - is that only on the north side, or wherever heights 50 feet or above?

Kirk: 50 feet or above. And that's primarily going to hit those tracts on the north side.

Rusthoven: If we said subdistricts one and two that would cover that.

Kirk: Okay then, subdistricts one and two, please.

Sullivan: Okay – vegetated buffer for subdistricts one and two And increase the rear yard setback to 15 feet – is only in subdistricts one and two?

Kirk: Yes.

Sullivan: Okay, that's a motion. Is there a second?

Dealey: Second.

Sullivan: Commissioner Dealey seconds. Let me remind everyone that it takes five votes to pass a motion. Do you want to speak to your motion?

Kirk: *[Commissioner Kirk speaks to her history with East 11th Street and East 12th Street, and her support of efforts to revitalize the corridors.]*

Sullivan: Are there other comments or questions?

Galindo: Chair, I have a procedural question... *[a discussion of the motion and procedure ensued. Commissioner Galindo did not support the extension of the buffer from 10 to 15 feet.]*

Sullivan: Okay, so everyone understands the motion? It takes five votes to pass a motion. All in favor [Kirk, Dealey, Sullivan, and Reddy]. All those opposed [Galindo and Riley]. *[The motion fails]*. What's the commission's pleasure?

Kirk: I'll restate my motion. Staff recommendation with a vegetated buffer.

Sullivan: Somebody want to second it? Commissioner Reddy seconds it – staff recommendation with the vegetated buffer requirement for subdistricts one and two..... Okay so the motion is on items 4, 6, 7. All those in favor – all those opposed? So the motion is approved 6-0.

Austin City Council

REGULAR MEETING

MINUTES

THURSDAY, JANUARY 17, 2008

44. C14-06-0209 - 12th Street NCCD - City Initiated - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 809-1951 East 12th Street (Waller Creek Watershed) from (SF-3-NP) (MF-3-NP) (MF-4-CO-NP) (LR-NP) (GR-NP) (GR-H-NP) (GR-MU-H-NP) (CS-NP) (CS-H-NP) and (SF-3-NP) to (SF-3-NCCD-NP) (MF-3-NCCD-NP) (MF-4-NCCD-CO-NP) (LR-NCCD-NP) (GR-NCCD-NP) (GR-H-NCCD-NP) (GR-MU-H-NCCD-NP) (GR-MU-NCCD-NP) (CS-H-MU-NCCD-NP) and (SF-3-NCCD-NP). Staff Recommendation: (SF-3-NCCD-NP) (MF-3-NCCD-NP) (MF-4-NCCD-CO-NP) (LR-NCCD-NP) (GR-NCCD-NP) (GR-H-NCCD-NP) (GR-MU-H-NCCD-NP) (GR-MU-NCCD-NP) (CS-H-MU-NCCD-NP) and (SF-3-NCCD-NP). Planning Commission Recommendation: To grant (SF-3-NCCD-NP) (MF-3-NCCD-NP) (MF-4-NCCD-CO-NP) (LR-NCCD-NP) (GR-NCCD-NP) (GR-H-NCCD-NP) (GR-MU-H-NCCD-NP) (GR-MU-NCCD-NP) (CS-H-MU-NCCD-NP) and (SF-3-NCCD-NP). Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.

The public hearing was closed and the first reading of the ordinance was approved with the following amendments on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote. The amendment was to adopt the Urban Renewal Board recommendation without the vegetative buffer, add a provision that all parking structures must have complete shielding on the rear side of the structure and the adjacent rear-most fifty percent (50%) of the side walls adjoining such rear wall, remove from all parking structures language allowing commercial uses on the ground floor (pedestrian oriented uses only), remove Track 9 and property located at 1425 E. 12th Street, and strike cocktail lounges from the list of Pedestrian Oriented Uses.

49. Conduct a public hearing and consider an ordinance amending the East 11th and 12th Streets Urban Renewal Plan, including changes to permitted uses, conditional uses, fencing requirements, variances, and multi-level parking structure requirements. Recommended by the Urban Renewal Board and Planning Commission.

The public hearing was closed and the first reading of the ordinance was approved with the following amendments on Council Member Cole's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote. The amendment was to adopt the Urban Renewal Board recommendation without the vegetative buffer, replace current parking structure shielding provision and replace with all parking structures must have complete shielding on the rear side of the structure and the adjacent rear-most fifty percent (50%) of the side walls adjoining such rear wall; remove from all parking structures language allowing commercial/retail uses on the ground floor (pedestrian oriented uses only); remove Track 9 and property located at 1425 E. 12th Street.

Citizen Communications Speech 1.10.08 by John Goldstone (512-474-2468, goldy1@flash.net)

Mayor Wynn, Council Members, my name is John Goldstone, and I am here to speak to you about East 12th Street.

Later today you are going to set the Urban Renewal Plan amendments for public hearing on the 17th. Ignoring the fact that Neighborhood Housing, the Urban Renewal Board, the ARA, the City Staff and the Planning Commission have so far failed to "get it right" and have left significant typographical, translation and other errors in the 2 documents, I do not want you to hold up this process. We must keep our eye on the ball and get this thing passed. Uncertainty is what is killing development on this street. Lenders hate uncertainty and lenders are what make the deals happen.

Having said that, I have several major points that I want to re-iterate for those of you that I have already met with and spell out for those of you I have not yet seen.

1. When the NCCD comes to the City Council for approval, instruct Greg Guernsey to attach the existing Urban Renewal Plan and all amendments to the NCCD for the express purpose of allowing the Council the option of terminating the Urban Renewal Plan as to 12th Street and especially the associated condemnation power which no PRIVATE PARTY wants or needs. I have spoken with Mr. Guernsey and he states that the two documents are totally separate processes. Additionally, the Urban Renewal Plan has that dreaded condemnation power in it that benefits no party outside of the City and the ARA. Please have the City Attorney assist Mr. Guernsey in transferring the applicable Land Use Provisions from the urban renewal plan to the NCCD. I completely understand that the condemnation power cannot be transferred to the NCCD, but the transfer of the land use regulations will assist you if and when you decide that the condemnation power is no longer necessary..
2. All of the drafting parties are currently operating in a vacuum. Mr. Guernsey and I have spoken and he is doing the best he can with your original edict to staff on April 7, 2005 "to draft an NCCD in conformity with the urban renewal plan". Please instruct all of them, including the staff of Neighborhood Housing who are supposedly drafting the urban renewal plan amendments, to make the 2 documents consistent. The problem here is that the most restrictive of the provisions out of the 2 documents will be applicable to developers on east 12th street, when in fact, the 2 documents are supposed to be the same. I will be emailing to all of you my suggested corrections.
3. I apologize for bringing this up in this forum, but, specifically, I need you to have them clarify that the "Mixed Use" provision passed in the Urban Renewal Plan Amendment April 7, 2005 was a "Mandatory" Mixed Use provision. Otherwise, what was the point of the exemption from mixed use for one story and multi story projects of less than 2,000 feet. If it is voluntary then the developers will not do it.

4. Also, I need you to instruct them to remove the extraneous language that renders the allowed uses at the bottom of parking garages moot and useless. Our Process, which involved the neighborhoods and the 12th street business owners agreed to a list of "Pedestrian Oriented Uses". Countless hours were spent negotiating these pedestrian oriented uses that will go to complete waste if a developer is allowed to also do "commercial" or "retail" uses as an alternative. Please note that I drafted the original provision that took out these non-defined land use concepts as they are not found in the City's code.
5. Finally, eliminate the last minute Planning Commission 10' vegetative buffer requirement for subdistricts 1 and 2 and replace it with a 10' or 12' wall requirement (as appeared in the April 7, 2005 URP Amendment for parking garage shielding), so that these very small lots (mostly 50 by 150) can actually use the proposed buffer area for parking. If that is not acceptable, then only require the 10' vegetative buffer for buildings that actually use the entire heights granted.

Sorry to go into specifics at this venue, but it was the only way to get in to see all of you prior to my 3 minutes next week. Whatever you do, please do not hold up this process.

Thank you

Closed Caption Log, Council Meeting, 01/10/08

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MAYOR WYNN: THANK YOU, MALCOLM AND FOR ALL THE EXTRA HELP. OUR NEXT SPEAKER IS JOHN GOLDSTONE. WELCOME. YOU WILL HAVE THREE MINUTES TO BE FOLLOWED BY DENNIS PADDIE.

THANK YOU, MAYOR WYNN, COUNCILMEMBERS, MY NAME IS JOHN GOLDSTONE AND I'M HERE TO SPEAK ABOUT EAST 12 STREET. LATER TODAY YOU WILL SET THE URBAN PLAN RENEWAL AMENDMENTS. IGNORING THE FACT THAT SEVERAL ORGANIZATIONS HAVE SO FAR FAILED TO GET IT RIGHT AND HAVE LEFT SIGNIFICANT TYPOGRAPHICAL TRANSLATION AND OTHER ERRORS IN THE TWO DOCUMENTS, I DO NOT WANT YOU TO HOLD UP THIS PROCESS. WE MUST KEEP OUR EYE ON THE BALL AND GET THIS THING PASSED. UNCERTAINTY IS WHAT IS KILLING DEVELOPMENT ON THE STREET. LENDERS HATE UNCERTAINTY AND LENDERS ARE WHAT MAKE DEALS HAPPEN. HAVING SAID THAT I HAVE SEVERAL POINTS THAT I WANT TO REITERATE FOR THOSE OF YOU THAT HAVE ALREADY MET WITH AND SPELL OUT FOR THOSE I HAVE NOT SEEN. WHEN THE NCCD COMES TO THE CITY COUNCIL FOR APPROVAL, INSTRUCT GREG GUERNSEY TO ATTACH IT TO THE NCCD FOR THE EXPRESS PURPOSE OF ALLOWING THE COUNCIL THE OPTION OF TERMINATING THE URBAN RENEWAL PLAN AS TO 12TH STREET AND ESPECIALLY THE ASSOCIATED CONDEMNATION POWER WHICH NO PRIVATE PARTY WANTS OR NEEDS. I'VE SPOKEN WITH MR. GUERNSEY AND HE STATES THAT THE TWO DOCUMENTS ARE TOTALLY SEPARATE PROCESSES. ADDITIONALLY THE URBAN RENEWAL PLAN HAS THE DREADED CONDEMNATION POWER. PLEASE HAVE THE CITY ATTORNEY ASSIST MR. GUERNSEY IN TRANSFERRING THE APPLICABLE LAND USE PROVISIONS FROM THE URBAN RENEWAL PLAN TO THE NCCD. I COMPLETELY UNDERSTAND THAT THE CONDEMNATION POWER CANNOT BE TRANSFERRED TO THE NCCD, BUT THE TRANSFER OF THE LAND USE REGULATIONS WILL ASSIST YOU IF AND WHEN YOU DECIDE THAT THE CONDEMNATION POWERS ARE NO LONGER NECESSARY. ALL OF THE DRAFTING PARTIES ARE CURRENTLY OPERATING IN A VACUUM. MR. GUERNSEY AND I HAVE SPOKEN AND HE'S DOING THE BEST HE CAN WITH HIS ORIGINAL EDICT TO STAFF IN 2005 TO DRAFT AN NCCD IN CONFORMITY WITH THE URBAN RENEWAL PLAN. PLEASE INSTRUCT ALL OF THEM, INCLUDING THE STAFF OF NEIGHBORHOOD HOUSING WHO ARE SUPPOSEDLY DRAFTING THE NEIGHBORHOOD RENEWAL PLAN AMENDMENTS TO MAKE THE DOCUMENTS CONSISTENT. THE TWO DOCUMENTS ARE SUPPOSED TO BE THE SAME. I WILL BE E-MAILING YOU MY SUGGESTED CORRECTIONS THAT HAVE ALREADY BEEN GIVEN TO

THE RESPECTIVE STAFFS. I APOLOGIZE FOR BRINGING THIS UP IN THIS FORUM, BUT SPECIFICALLY I NEED TO YOU HAVE THEM CLARIFY THAT THE MIXED USE PROVISION IS MANDATORY AND THE ONE THAT WAS PASSED APRIL SEVENTH 2005 IS MANDATORY. OTHERWISE WHAT WOULD POSSIBLY BE THE POINT OF HAVING AN EXEMPTION FROM THIS MIXED USE REQUIREMENT FOR MULTI-STORY PROJECTS OF LESS THAN 2,000 FEET OR ONE-STORY PROJECTS. IF IT'S VOLUNTARY, THEN THE DEVELOPERS WILL NOT DO IT. ALSO, I NEED TO YOU INSTRUCT THEM TO REMOVE THE EX-TRAINING JUST LANGUAGE THAT ALLOWS THE ALLOWED USES AT THE BOTTOM OF PARKING GARAGES MOOT AND USELESS. OUR PROCESS, WHICH INVOLVED THE NEIGHBORHOODS IN THE 12TH STREET BUSINESS OWNERS AGREED TO A LIST OF PEDESTRIAN ORIENTED USES. COUNTLESS PRO BONE KNOW HOURS ARE USED FOR THIS PEDESTRIAN ORIENTED USES THAT WILL GO TO A COMPLETE WASTE IF A DEVELOPER IS LOUD TO ALSO DO COMMERCIAL -- [BUZZER SOUNDS] -- OR RETAIL USES AS AN ALTERNATIVE AT THE BOTTOM OF THESE PARKING GARAGES. PLEASE NOTE THAT I WAS THE ONE WHO DRAFTED THE ORIGINAL PROVISION THAT TOOK OUT THESE NON-DEFINED LAND USE CONCEPTS, COMMERCIAL AND RETAIL AS THEY ARE NOT FOUND IN THE CITY'S CODE. FINALLY, PLEASE ELIMINATE THE LAST MINUTE PLANNING COMMISSION 10-FOOT VEGETATIVE BUFFER REQUIREMENTS FOR SUBDISTRICTS 1 AND 2 AND REPLACE IT WITH A 10 OR 12-FOOT WALL REQUIREMENT AS APPEARED IN THE APRIL 7TH, 2005 URP AMENDMENT FOR PARKING GARAGE SHIELDING SO THAT THESE VERY SMALL LOTS, MOSTLY 50 BY 150, CAN ACTUALLY USE THE PROPOSED BUFFER AREA FOR PARKING. IF THAT'S NOT ACCEPT ANNUAL, THEN ONLY REQUIRE THE BUFFER FOR BUILDINGS THAT ACTUALLY USE THE ENTIRE HEIGHTS GRANTED IN THE SUBBE DISTRICTS WHICH ARE RESPECTIVELY 50 AND 60 FEET. THIS WAS THE ONLY WAY TO GET IN TO SEE ALL OF YOU PRIOR TO MY THREE MINUTES NEXT WEEK. WHATEVER YOU DO, DON'T STOP THE PROCESS. THANK YOU.

MAYOR WYNN: THANK YOU, MR. GOLDSTONE. IF YOU WOULD BE SO KIND AS TO SEND A COPY OF YOUR COMMENTS TO THE MAYOR'S OFFICE, I WOULD APPRECIATE IT, WITH THE DETAILS. THANK YOU. DENNIS, WELCOME. YOU WILL HAVE THREE MINUTES TO BE FOLLOWED BY JESSE MERCER.

Closed Caption Log, Council Meeting, 1/17/08

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MAYOR WYNN: COUNCIL, THAT LEAVES US WITH OUR TWO REMAINING PUBLIC HEARINGS THAT WE CAN TAKE UP JOINTLY, THAT BEING ITEM NO. 44, WHICH IS THE 12TH STREET NCCD CITY INITIATED CASE, AND THEN ITEM NO. 49 IS THE PUBLIC HEARING, CONSIDERATION OF AMENDING THE ORDINANCE RELATED TO THE EAST 11TH AND 12TH STREET URBAN RENEWAL PLAN. SO THAT'S THE BRIEF STAFF PRESENTATION. WELCOME, MR. GREG GUERNSEY.

THANK YOU, MAYOR AND COUNCIL. COMMUNITY DEVELOPMENT OFFICE IS ALSO COMING UP TO THE PODIUM AND WE'LL JOINTLY PRESENT THESE ITEMS. NO. 44 IS THE ZONING CASE FOR THE EAST 12TH N CL. CD AND THE RELATED ITEM THAT YOU MENTIONED, ITEM NO. 49 IS THE URBAN RENEWAL PLAN. SO THEY'LL PRESENT THE PLAN FIRST, GO THROUGH THAT, AND THEN I'M GOING TO GO THROUGH THE EAST 11TH STREET NCCD WHICH IS THE ZONING PART, ADD A FEW THINGS AND THEN WE CAN START THE PUBLIC HEARING. HEARING.

GOOD EVENING, MAYOR, MAYOR PRO TEM, COUNCIL MEMBERS, BANJO NEIGHBORHOOD COMMUNITY HOUSING DEVELOPMENT. AS GREG MENTIONED, TONIGHT WE'RE GOING TO DISCUSS THE PLAN MODIFICATION AMENDMENT NO. 4 TO THE URBAN RENEWAL PLAN. THIS MODIFICATION IS THE FOURTH MODIFICATION TO THE PLAN AND INCLUDES CHANGES TO PERMITTED USES FENCING REQUIREMENTS, VARIANCES AND MULTILEVEL PARKING GARAGES. MAKE MODIFICATIONS TO THE THINGS APPROVED ON APRIL 7, 2005 AND TO ALIGN AND OR COMPORT WITH THE PROPOSED EAST 12TH STREET NCCD THAT IS ALSO BEING PRESENTED TONIGHT. A CONSENSUS BUILDING OR CONSENSUS BUILDING MEETINGS WERE HELD WITH 12TH STREET STAKEHOLDERS BEGINNING IN THE SUMMER OF 2006. BOTH THE URBAN RENEWAL AGENCY AND THE PLANNING COMMISSION HAVE HELD MEETINGS CONCERNING THESE ITEMS AND ACTION HAS BEEN TAKEN ON THESE ITEMS FROM BOTH BODIES. WHAT I'D LIKE TO DO TONIGHT, COUNCIL MEMBERS, IS TO TURN YOUR ATTENTION TO ATTACHMENT TWO -- EXCUSE ME, ATTACHMENT 1 IN THE BACKUP MATERIAL AND WALK YOU THROUGH THE PROPOSED CHANGES BY EACH BODY. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS.]

THIS CHANGE IS BEING DONE BECAUSE PROPERTY OWNERS DID NOT ATTEND THE CONSENSUS MEETINGS FOR APRIL 2005 WHERE MODIFICATIONS WERE MADE. THE PROPERTY OWNERS ATTENDED THE CONSENSUS MEETINGS FOR THIS MODIFICATION AND REQUESTED THAT THE PERMITTED USE BE REMOVED AND REPLACED WITH MIXED USE FOR PERMITTED USES, AND UNDER THE -- ALL THE GOVERNING BODIES AGREED TO THIS PROPOSED CHANGE. ON THREE OF NINE IN ATTACHMENT 1, THIS IS THE DEFINITION BEING ADDED TO THE URBAN RENEWAL PLAN CURRENT SECTION 1.0 SECTION, ADDING DEFINITION AND LIST OF PROHIBITED USES, FOR EXAMPLE, DRIVE-THROUGH RESTAURANTS. ALL BODIES, THE URBAN RENEW AGENCY, CITY STAFF AND THE PLANNING COMMISSION ALL AGREED TO THIS PLAN MODIFICATION. ON PAGE 4 OF 9, THIS IS A ON -- THIS DEFINITION IS BEING ADDED TO THE URBAN RENEWAL PLAN,

ADDING DEFINITION AND LIST OF CONDITIONAL USES. URB HAD A PLIT VOTE ON THIS RECOMMENDATION. THE AUSTIN REVITALIZATION AUTHORITY'S CONSENSUS BUILDING PROCESS, THERE WAS A CONSENSUS ON THIS PROPOSED CHANGE. AND THE PLANNING COMMISSION RECOMMENDED THIS PROPOSED CHANGE AS WELL. ON PAGE 5 OF 9, THIS DEFINITION IS BEING ADDED TO THE URB CURRENT SECTION 1.0 DEFINITION SECTION, ADDING THE DEFINITION FOR A DRIVE-THROUGH SERVICES. ONCE AGAIN, THE URB HAD A SPLIT VOTE ON THIS RECOMMENDATION. RECOMMENDATION, BUT THROUGH THE CONSENSUS BUILDING PROCESS AND THE PLANNING COMMISSION BOTH VOTED FOR THIS PLAN RECOMMENDATION OR PLAN DEFINITION ADDITION. ON PAGE 6 OF 9, THIS IS A REWRITE OF THE CURRENT EAST 12TH STREET PARKING GARAGE LANGUAGE. THIS CHANGE IS BEING MADE TO MAKE CORRECTIONS TO CLARIFY THE CURRENT LANGUAGE. AFTER FURTHER CONVERSATIONS WITH THE STAKEHOLDERS, FURTHER CORRECTIONS NEED TO BE MADE PRIOR TO COUNCIL ACTION TO REMOVE THE WORDS COMMERCIAL RETAIL AND LEAVE ONLY PEDESTRIAN-ORIENTED FOR THE TYPES OF SERVICES TO BE ALLOWED IN THE BOTTOM FLOOR OF PARKING GARAGES. FURTHER CLARIFICATION ALSO NEEDS TO BE MADE ON THE TYPE OF INTERIOR LIGHTING AND STRUCTURE SHIELD TO BE REQUIRED. I THINK MR. GUERNSEY WILL ADDRESS SOME OF THESE ISSUES. THERE WAS IN THE BACKUP ALL BODIES AGREED TO THIS PLAN MODIFICATION, VOTING YES. ON PAGE 79, THIS IS A SUB-- THIS SUBSECTION IS BEING ADDED TO THE URBAN RENEWAL PLAN, THE URP ILLUSTRATED DESIGN PLAN. THIS CHANGE IS TO ALLOW ALL FENCE HEIGHTS WITHIN THE PLAN TO BE EIGHT FEET INSTEAD OF SIX FEET CURRENTLY ALLOWED UNDER THE LAND DEVELOPMENT CODE. ALL GOVERNING BODIES VOTED YES FOR THIS RECOMMENDATION. ON PAGE 9 THIS SUBSECTION IS BEING ADDED TO THE CURRENT SECTION. THIS IS ADOPTING SMALL LOT AMNESTY AS ADOPTED BY THE CITY'S LAND DEVELOPMENT CODE FOR RESIDENTIAL AND COMMERCIAL PROPERTIES. AND FINALLY, ON PAGE 9 OF NINE, THIS SUBSECTION IS BEING ADDED TO THE URBAN RENEWAL PLAN OF THE ILLUSTRATED DESIGN PLAN. THIS CHANGE WAS NOT RECOMMENDED BY THE COMMUNITY, ARA OR THE URBAN RENEWAL AGENCY. THE PLANNING COMMISSION RECOMMENDED THIS CHANGE ONLY. IT WOULD MAKE THE 10 FEET SET BACK IN BOTH SECTIONS ONE AND TWO TO BE VEGETATIVE.

Mayor Wynn: MAYOR PRO TEM?

Dunkerley: I WAS WANTING TO HAVE YOU REPEAT THAT LAST COMMENT.

REGARDING THE 10-FOOT SET BACK, IT REQUIRES OR THE PLANNING COMMISSION RECOMMENDED THAT IN THAT 10-FOOT SET BACK THAT IT BE VEGETATIVE. AND CURRENTLY THE URA NOR DURING THE CONSENSUS BUILDING PROCESS THERE WAS NO AGREEMENT ON THAT. WE VOTED ON IT AND THE PLANNING COMMISSION ADDED THE LANGUAGE REGARDING ITS VEGETATIVE BUFFER.

Dunkerley: SO IT WOULD BE ALONG THE ALLEYS ALONG THE STRUCTURES IN THE REAR?

THAT WOULD BE CORRECT, MAYOR PRO TEM.

Dunkerley: OKAY. THANK YOU.

Mayor Wynn: COUNCILMEMBER MARTINEZ.

Martinez: THANKS, MAYOR. CAN YOU TELL ME WHY IT APPEARS -- AND MAYBE I'M CONFUSED. IT SAYS THAT IT'S ONLY A 10-FOOT REAR YARD SET BACK FOR SUBDISTRICTS 1 AND 2, IS THAT CORRECT?

YES.

Martinez: SO IF WE'RE DOING CSMU ALL ALONG THAT, WHY JUST THOSE FIRST TWO SUBDISTRICTS AND NOT ANY OTHERS?

THE INTENT WAS ALONG THE -- COUNCILMEMBER, I THINK -- I WANT TO BE CLEAR. THE ORIGINAL INTENT WAS TO -- OF COURSE TO ALLOW THE BUFFER AROUND ALL THE BUILDINGS. I WOULD HAVE TO -- UNFORTUNATELY I HAVE TO GO BACK AND REALLY ASK THAT SPECIFIC QUESTION. I DON'T HAVE THE EXACT ANSWER TO THAT QUESTION, COUNCILMEMBER, I APOLOGIZE. WHY IT WAS ONLY DIRECTED TOWARD THE SUBDISTRICTS 1 AND 2, BUT I CAN ASK STAFF TO CERTAINLY PROVIDE YOU WITH AN ANSWER FOR THAT.

Martinez: THANK YOU. THANKS, MAYOR.

Mayor Wynn: FURTHER QUESTIONS OF STAFF, COUNCIL? COMMENTS?

MAYOR, LET ME PRESENT THE ZONING PIECE.

Mayor Wynn: THANK YOU PLRKS GUERNSEY.

THE ACCOMPANYING PIECE IS THE EAST 12TH STREET NCCD AND HAVE YOU A MOTION SHEET ON THE DAIS IN YELLOW MARKED 44, IT'S ABOUT TWO PAGES LONG. LET ME KIND OF WALK THROUGH THE EAST 12TH NCCD. AND I MIGHT REPEAT A FEW THINGS THAT VAN HAD MENTIONED. VAN, YOU MIGHT WANT TO ADDRESS THE QUESTION REAL QUICK.

COUNCILMEMBER MARTINEZ, I THINK I HAVE AN ANSWER FOR YOU. THE MAP LAYS OUT THE COLOR CODES ARE FOR SUBDISTRICTS 1 IS ALL OF THE GREEN AND SUBDISTRICT 2 IS THE YELLOW. OPPOSITE OF THAT.

Martinez: SUBDISTRICT 1 IS PINK, SUBDISTRICT 2 IS GREEN.

RIGHT. I REALIZED MY MISTAKE. I WAS LOOKING AT THE NUMBERS WITHIN THOSE SUBDISTRICTS AS MEANING SUBDISTRICT 1 AND 2 AND OBVIOUSLY I SAW A COUPLE MORE SENTENCES AND FIGURED IT OUT.

IT WAS MY MISTAKE TO CLEARLY ARTICULATE THAT TO YOU.

Dunkerley: MAYOR, I HAVE A QUESTION.

Mayor Wynn: MAYOR PRO TEM.

Dunkerley: I DON'T KNOW WHICH ONE TO ASK, BUT I'VE HAD SOME PEOPLE RAISE CONCERNS WITH THAT 10-FOOT -- THE VEGETATIVE SETBACK BECAUSE ALONG THOSE ALLEYS IT IS NOT CONSISTENT AS FAR AS WHERE THE PLACEMENT OF THE STRUCTURES ARE CONCERNED. SOME OF THEM ARE ACTUALLY AS FAR BACK WITHIN FIVE FEET OF THE BACK PROPERTY LINE. IS THAT WHAT THESE OTHER GROUPS WERE OBJECTING TO THAT DID NOT WANT TO INCLUDE THAT VEGETATIVE BUFFER?

I THINK, MAYOR PRO TEM, THAT IS CERTAINLY THE CASE. AND I THINK PART OF THE REASON IS THAT THEY WANTED TO ENSURE THAT FOR EGRESS AND INGRESS PURPOSES THAT THE 10-FOOT BUFFER COULD BE UTILIZED FOR THAT. AND IF YOU ARE ACTUALLY GOING TO BE REQUIRED TO HAVE A PORTION OF THAT BE VEGETATIVE, THAT COULD IMPACT THE ACTUAL INGRESS, EGRESS ALONG THE ALLEYWAY.

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Dunkerley: I CAN UNDERSTAND THAT. THANK YOU.

Mayor Wynn: WELCOME BACK, MR. GUERNSEY.

THANK YOU, MAYOR AND COUNCIL. GOING BACK TO THE EAST 12TH NNGD, WHICH IS A ZONING DISTRICT CHANGE AND IT IS TO CREATE A NEIGHBORHOOD CONSERVATION COMBINING DISTRICT. THE URBAN RENEWAL PLAN IS REALLY THE PLAN FOR THIS AREA WITHIN THE CENTRAL EAST AUSTIN NEIGHBORHOOD. AND THE ORIGINAL CENTRAL EAST AUSTIN NEIGHBORHOOD PLAN, WHEN IT CAME BACK IN 2009, IT RECOGNIZED THAT THERE WAS A MASTER PLAN, AREA MASTER PLAN THAT WAS DEVELOPED, THE AUSTIN REVITALIZATION AUTHORITY WAS DONE IN 1996 AND THEN IN 1999 COUNCIL PASSED A RESOLUTION IN SUPPORT OF THE GENERAL CONCEPTS OF THE MASTER PLAN, BUT THEN IT WAS ALSO FOLLOWED UP IN 1999 WITH THE URBAN RENEWAL PLAN FOR THIS AREA. ALONG EAST 11 AND EAST 12TH. THERE IS ALREADY A NEIGHBORHOOD CONSERVATION COMBINING DISTRICT THAT EXISTS

ALONG EAST 11th STREET AND THOSE PROPERTY OWNERS ALONG EAST 12TH ARE ENVOIOUS OF THAT AND WOULD LIKE TO MOVE FORWARD AND HAVE A NEIGHBORHOOD CONSERVATION DISTRICT PROVIDED FOR THIS TRACT. SO THERE WOULD BE SOME EQUITY FOR THESE TWO AREAS. CITIZENS CAME TO YOU AND SAID LET'S START MOVING. WE NEED TO GET MOVING ON AND CREATING THE NCCD IN 2006 IF YOU RECALL. THOSE THAT YOU -- THAT WERE HERE, AND SO WE STARTED TO MOVE FORWARD WITH AN NCCD TO REFLECT THE DISTRICT AT THAT TIME. DURING THE SUMMER OF '06 THERE WAS A CONCERN RAISED BY SOME OF THE PROPERTY OWNERS IN THIS AREA THAT SOME OF THE CHANGES THAT WERE PROPOSED OR THAT WERE SUGGESTED IN THE URBAN RENEWAL PLAN OR THE WAY THE PLAN EXISTED DID NOT ACTUALLY REFLECT ALL THE WANTS AND DESIRES OF THOSE PROPERTY OWNERS. SO OVER THE PAST ABOUT YEAR AND A HALF TO ALMOST TWO YEARS THERE'S BEEN DISCUSSION AND IT KIND OF BRINGS US TO WHERE WE ARE TONIGHT. THE PROPOSAL ON THE NCCD DOES ADDRESS MANY DIFFERENT ISSUES. SETBACKS FOR SUBDISTRICT 1 AND 2 ARE THE SAME. THERE'S A ZERO FRONT YARD SET BACK. ZERO STREET YARD SET BACK, INTERIOR SIDE YARD SET BACK. AND THERE'S A 10-FOOT REAR YARD SET BACK WHICH VAN HAD MENTIONED THE PLANNING COMMISSION ADDED IT BE A VEGETATIVE BUFFER. IN SUBDISTRICT 3 THERE'S A SETBACK IN THE FRONT AND A SIDE YARD SET BACK. INTERIOR OF FIVE AND A REAR YARD SET BACK OF FIVE FEET. THERE ARE HEIGHT RESTRICTIONS AS WELL IN SUBDISTRICT 1 THAT'S 60 FEET FOR THE TRACT ALONG I-35 AND SUBDISTRICT 2 BEING 50 FEET AND SUBDISTRICT 3 BEING 35 FEET. AND THERE'S A NOTE THAT THESE AREAS WITHIN THE NCCD ARE NOT SUBJECT TO COMPATIBILITY STANDARDS, SO THOSE HEIGHTS AND SET BACK REQUIREMENTS ARE NOT PART OF THIS PROPOSAL. THEY WOULD BE EXEMPTED OUT. THERE WERE IMPERFECT COVER LIMITATIONS THAT MAY BE HIGHER THAN THE CURRENT ZONING YOU WOULD SEE ON THE PROPERTY. FOR SUBDISTRICTS 1 AND 2 THERE MIGHT BE 90 SPEFERS AND IN INSTANCES THERE MIGHT BE 95%. WHERE THERE'S A COMMUNITY RETENTION POND IS NOT AVAILABLE AND THE DEVELOPER PROVIDES ON-SITE DETENTION IN 80% IN SUBDISTRICT 3. AS IN THE OTHER NCCD ON EAST 11TH AND OTHER AREAS ALONG EAST 11th, THERE IS A PARKING REQUIREMENT WHICH IS BASED ON THE LESSER OF 80% OF THE REQUIRED SCHEDULE IN THE LAND DEVELOPMENT CODE. THERE'S PROVISIONS FOR LIGHTING, THAT EXTERIOR LIGHTING MUST BE HOODED AND SHIELDED. THE BUILDING FACADE MAY NOT EXTEND IN AN UNBROKEN HORIZONTAL PLANE MORE THAN 20 FEET AND IT MUST INCLUDE WINDOWS AND BALCONES AND PORCHES AND STOOPS. THERE'S LANDSCAPING THAT'S REQUIRED IN THE STREET YARD UNLESS THERE'S LESS THAN A THOUSAND FEET OF SQUARE FOOT AREA. LANDSCAPED ISLAND MEDIANS AND PENINSULAS ARE NOT REQUIRED FOR THE PARKING LOT. FENCES ARE REQUIRED FOR A HEIGHT OF UP TO EIGHT FEET ALONG THE SIDES AND BACK PROPERTY LINES THAT FACE EAST 12TH STREET. THERE ARE SOME ADDITIONAL REQUIREMENTS THAT PROVIDED FOR PARKING GARAGES AND I'M GOING TO GO THROUGH A COUPLE LITTLE CHANGES THAT MAY HAVE BEEN SUGGESTED IN SOME OF THESE, BUT THAT THE PARKING GARAGES THAT FRONT ON

EAST 12TH AND THE SIGH STREET, THEY MUST USE THE SIDE STREET ACCESS FOR THE STRUCTURES UNLESS IT'S DETERMINED BY THE CITY OF AUSTIN BY SITE PLAN APPROVAL THAT IT'S NOT FEASIBLE, THAT THE STRUCTURES MUST BE SHIELDED FROM LIGHTS ON THE REAR SIDE AND AT LEAST 50% OF THE SHIELDING LIGHTS ON THE SIDE OF THE STRUCTURES. OVERNIGHT PARKING WOULD BE LIMITED TO THE RESIDENTS AND THEIR OVERNIGHT GUESTS ONLY. ALSO THERE WOULD BE REQUIREMENTS OF PARKING STRUCTURES LESS THAN 30 FEET IN HEIGHT, THAT THE STRUCTURES WERE TWO STORIES, BUT LESS THAN THREE FEET IN HEIGHT. 70% OF THE GROUND FLOOR AREA THAT FRONTS ON 12TH STREET WOULD BE PEDESTRIAN ORIENTED USES TO A DEPOSITTH OF AT LEAST 15 FEET. THERE ARE REQUIREMENTS THAT PARKING STRUCTURES ARE 30 FEET OR HIGHER. THAT ONE% ON THE GROUND FLOOR FRONTS ON EAST 12TH STREET MUST BE PEDESTRIAN OR COMMERCIAL USES. PEDESTRIAN ORIENTED USES WOULD INCLUDE ART GALLERY, WORKSHOP, BUSINESS SUPPORT SERVICES, CONSUMER CONVENIENCE SERVICES, CONSUMER REPAIR SERVICES, CULTURAL SERVICES, DAY CARE SERVICES OF ALL TYPES, FINANCIAL SERVICES WITHOUT A DRIVE-THROUGH, FOOD PREPARATION, FOOD SALES, WHICH WOULD INCLUDE GROCERY STORES, GENERAL RETAIL SALES CONVENIENCE OR GENERAL, PARK AND RECREATION SERVICES, PET SERVICES, PERSONAL IMPROVEMENT SERVICES, WHICH COULD BE LIKE A GYM, PERSONAL SERVICES, WHICH COULD BE A DRY CLEANER OR A HAIR SALON AND RESTAURANTS WITHOUT A DRIVE-THROUGH USE. THE DISTRICTS AGAIN ARE NOTED 1 THROUGH 18 AND WE DO HAVE PETITIONS THAT HAVE BEEN FILED BY PROPERTY OWNERS. THE PETITIONS HAVE BEEN RECEIVED AND THERE ARE FIVE DISTINCT PROPERTY OWNERS THAT SIGNED PETITIONS WHERE THEY SUPPORT THE EAST 11th STREET NCCD AS A TOOL, A ZONING TOOL FOR IMPLEMENTATION OF THE URBAN RENEWAL PLAN, BUT THE NEW DEVELOPMENTS ALONG EAST 12 ITS STREET SHOULD BE SENSITIVE TO SINGLE-FAMILY HOMES ALONG NEW YORK AND 13 ITS STREET. THESE ARE THE ADJACENT STREETS. AND THEY'RE OPPOSED BECAUSE OF THE DRIVE-THROUGH SERVICES PROVISION, INCLUDING BUT NOT LIMITED TO FAST FOOD RESTAURANTS, FINANCIAL SERVICES DRY CLEANERS AND PHARMACIES AND IN PARTICULAR THE COMPATIBILITY STANDARDS ARE NOT CONSISTENT WITH THE WHOWG OF THE CITY. AS I MENTIONED BEFORE, THE NCCD BASICALLY PROVIDES AN EXEMPTION FROM EXAT A LITTLE STANDARDS SO THEY DON'T HAVE TO MEET THE SAME HEIGHT AND SET BACK REQUIREMENTS FROM RESIDENTIAL YIEWS OR CERTAIN -- USES OR CERTAIN CIVIC USES YOU WOULD FIND ELSEWHERE IN THE CITY, NOR WOULD SCREENING BE REQUIRED FOR DUMPSTERS OR MECHANICAL EQUIPMENT OR SCREENING FOR PARKING OTHER THAN PARKING THAT MIGHT BE DIRECTLY VISIBLE FROM THE STREET. THE LAST PERSON THAT -- OF THE INDIVIDUAL PROPERTY OWNERS DID NOT COMMUNICATE WITH MY STAFF. WITH REGARD TO ALL THE DIFFERENT USES. AND THIS IS REPRESENTING THE PROPERTY AT 1425 EAST 12TH STREET BY VICKY OLIVER AND HER LEGAL COUNSEL IS HERE THIS EVENING AND IS RESPECTIVELY ASKED FOR A POSTPONEMENT OF THIS ITEM. I DID SPEAK TO HER REPRESENTATIVE AND SHE CAN SPEAK TO HER POSTPONEMENT, BUT BEFORE I KIND OF GO THROUGH THE MOTION

SHEETS, I THINK IT WOULD BE RIGHT TO HEAR FROM HER NOW. ALLISON CAN COME UP AND SPEAK TO SOME OF THESE ISSUES, IN PARTICULAR THE PROPERTY OWNER IS SEEKING TO MAKE SURE THAT THERE'S A LEGAL NONCONFORMING -- THE USE THAT EXISTS WILL NOT BECOME A LEGAL NONCONFORMING USE.

Mayor Wynn: PLEASE STATE YOUR NAME FOR THE RECORD AND TRY TO LIMIT YOUR PLEA FOR A POSTPONEMENT TO THREE MINUTES. WELCOME.

THIS IS ALLISON GARDENER. I'M HERE ON BEHALF OF A PROPERTY OWNER AT 1425 EAST 12 STREET. WE FIRST BECAME AWARE OF THIS ITEM OVER THE SUMMER WHEN IT WAS SET BEFORE PLANNING COMMISSION. WE CONTACTED CITY STAFF AT THAT TIME TO ASK FOR SOME CLARIFICATION AS TO WHETHER THE PROHIBITED ITEMS WOULD BE PROHIBITED OUT RIGHT OR IF THEY WERE GOING TO BE PROHIBITED IN CERTAIN CIRCUMSTANCES. AND THAT'S IN PART DUE TO THE WAY THE AMENDMENT -- THE NCCD WAS INITIALLY DRAFTED. DESPITE E-MAILS, PHONE CALLS, A SPECIFIC LETTER REQUESTING STAFF FOR CLARIFICATION AND FOR A MEETING, WE DIDN'T RECEIVE A RESPONSE FROM STAFF. DURING THAT TIME WE INDICATED TO STAFF THAT WE WOULD LIKE TO SIT DOWN AND MEET WITH THEM TO SEE IF THERE WAS AN AMENABLE SITUATION AND GET CLARIFICATION ON HOW THIS AFFECTED OUR PROPERTY, AND THAT IF THIS WERE TO GO BEFORE CITY COUNCIL WITHOUT A MEETING, WE WOULD BE REQUESTING A POSTPONEMENT. THE NEXT COMMUNICATION WE RECEIVED INDIRECTLY FROM THE CITY STAFF OR DIRECTLY, DEPENDING ON HOW YOU LOOK AT IT, WAS THE NOTICE FOR OUR HEARING THIS EVENING, WHICH WE RECEIVED OVER THE HOLIDAYS. I SENT AN E-MAIL LAST WEEK AND ASKED IF THE STAFF COULD DISCUSS THE MATTER AGAIN AND I HAVE NOT HEARD BACK FROM HIM. THUS THE REASON FOR OUR REQUEST FOR A POSTPONEMENT. MR. GUERNSEY CALL ME YESTERDAY AND I BELIEVE SPOKE WITH MS. MEADE IN OUR OFFICE ABOUT THE REASONING BEHIND OUR REQUEST FOR A POSTPONEMENT AS WELL.

Mayor Wynn: THANK YOU, MS. GARDENER. QUESTIONS, COMMENTS?

JUST TO FOLLOW-UP. I GUESS WE HAVE TWO OPTIONS. THERE IS AN OPTION TO HONOR THE REQUEST TO POSTPONE THE PLAN IN ITS ENTIRETY AND THE ZONING CASE IN ITS ENTIRETY THIS EVENING. IN LIGHT OF THE NUMBER OF INDIVIDUALS THAT WERE HERE FOR THE LAST ITEM AND HERE TONIGHT. YOU COULD ALSO SEVER THIS PIECE OUT AND BE DISCUSSED AT A LATER DATE. WE CAN CERTAINLY MEET WITH THE OWNER AND THE REPRESENTATIVE. I WOULD LIKE TO BRING TO YOUR ATTENTION THERE IS ANOTHER TRACT THAT WE WERE GOING TO CARVE OUT THIS EVENING, WHICH IS TRACT 9. FOR SOME REASON WE'LL NOTICE THAT WHEN SENT OUT WE DID 1 THROUGH 8, BUT WE DID NOT NOTIFY FOR TRACT NUMBER 9. SO WE COULD BRING THAT BACK WHEN WE BRING BACK TRACT 9 IF THAT'S YOUR DESIRE OR WE COULD GO

FORWARD WITH THE ITEM THIS EVENING. IT IS A FAIRLY SIMPLE ITEM DEALING WITH A NONCONFORMING USE ISSUE. YOU.

Mayor Wynn: COUNCIL, I KNOW IN THE PAST NUMEROUS TIMES WE TRY TO GET THROUGH EITHER NEIGHBORHOOD PLANS OR IN THIS CASE NCCDS ON ALL CASES THAT HAVE LITTLE TO NO-- TRACTS THAT HAVE LITTLE TO NO OPPOSITION, SETTING ASIDE OFTEN TIMES A HANDFUL THAT HAVE SOME OPPOSITION FOR A MORE EXTENDED ANALYSIS AND RECOMMENDATION BY STAFF. THE FACT THAT WE HAVE 14, 15 FOLKS HERE WISHING TO SPEAK AND A NUMBER OF OTHERS HERE INTERESTED, NOT WISH TO GO SPEAK, I WOULD RECOMMEND WE GO AHEAD AND TRY TO GET THROUGH THIS COMBINED ITEM AND I WILL BE SUPPORTIVE -- SINCE WE ARE GOING TO HAVE TO CARVE OUT ONE TRACT ALREADY, PERHAPS WE COULD CARVE OUT THE ISSUE AND/OR THE TRACT THAT MS. GARDENER IS REPRESENTING AND TAKE THAT UP WHEN STAFF HAS TO BRING BACK THE OTHER TRACT. SO WITHOUT OBJECTIONS... THANK YOU.

LET ME THEN CONTINUE THROUGH THE MOTION SHEET AND THEN IF THERE'S ANY QUESTIONS, I JUST WANT TO BRIEFLY GO THROUGH SOME THINGS. BOTH THE URBAN RENEWAL PLAN AND THE ZONING CASE ARE ONLY READY FOR FIRST READING THIS EVENING AND DEPENDING ON WHAT YOUR ACTIONS TONIGHT ARE, WE WOULD CRAFT ZONING LANGUAGE AND THE URBAN RENEWAL PLAN LANGUAGE FOR YOUR CONSIDERATION FOR SECOND READING IN APPROXIMATELY FOUR WEEKS OR SO. WE WOULD ALSO SCHEDULE THAT NIGHT, TRACT 9 FOR PUBLIC HEARING AND BRING BACK THE ADDRESS 1425 ALLISON JUST SPOKE ABOUT THAT SAME NIGHT. THE NCCD WAS RECOMMENDED BY THE COMMISSION. THERE WAS OPPOSITION THAT WAS FILED TO THE NCCD BY ADJACENT PROPERTY OWNERS, AND THAT REPRESENTED APPROXIMATELY 14.48. AND THESE ARE PROPERTY OWNERS THAT ARE OUTSIDE OF THE BOUNDARY OF THE NCCD. IF IT WAS 20%, THEN IT WOULD REQUIRE SIX OUT OF SEVEN VOTE AT SECOND AND THIRD -- ACTUALLY, AT THIRD READING, BUT THIS DID NOT BREAK THAT THRESHOLD. THE YEAR YARD SET BACK WHICH WAS DISCUSSED EARLIER ORIGINALLY STARTED AS A 10-FOOT SET BACK. THE PLANNING COMMISSION ASKED THAT IT BE A VEGETATIVE BUFFER. STAFF WOULD ASK THE COUNCIL TO MAKE SURE THAT IF IT IS THE INTENT OF COUNCIL TO PROVIDE FOR A VEGETATIVE BUFFER THAT IT WOULD ALLOW A VEHICLE CROSSING BECAUSE WE HAVE ALLEYS THAT SERVICE THESE PROPERTIES AND RATHER THAN LOAD FROM THE FRONT ON THE STREET AND HAVING DELIVERY VEHICLES PARKED IN THE FRONT, BY SAYING THERE'S A VEGETATIVE BUFFER WITH VEHICLE CROSSING, THAT WOULD ALLOW PEOPLE TO DRIVE TO THE BACK OF THEIR PROPERTY OR UNLOAD FROM THE BACK OF THEIR PROPERTY.

Dunkerley: COULD I ASK YOU SOMETHING ABOUT THAT? MY CONCERN AS YOU RECENTED JUST NOW IS STAFF RECOMMENDATION IS THAT THE PROPERTY BE ACCESSED FROM THE REAR YARD. AND TO ME IF YOU'VE GOT A VEGETATIVE BUFF

ALONG THERE, I THINK THE LINE OF SIGHT BACKING OUT OF THOSE AREAS, I DON'T THINK IT'S REALLY VERY SAFE. SO I DON'T KNOW IF YOU'VE THOUGHT OF THAT.

WELL, THE VEGETATIVE BUFFER, YOU STILL HAVE TO HAVE THE ABILITY TO GET IN AND OUT SAFELY. SO THERE WOULD BE CURB RADIUS IN THE BACK THAT YOU WOULD HAVE TO HAVE THE SIGHT DISTANCE ALONG THE ALLEY.

Dunkerley: I THINK THAT PRIOR TO THAT SOMEONE'S GOING TO MAINTAIN THAT VEGETATIVE BUFFER IN A WAY THAT IT'S SAFE FOR THAT PROPERTY OWNER OR ETCETERA TO ENTER AND LEAVE THE PROPERTY. THAT WAS JUST A CONCERN. I JUST WANTED TO CLARIFY OUR POSITION.

I THINK PART OF THE CONCERN THAT WAS RAISED IN THE SECOND PAGE -- AGAIN, WE'VE BEEN THROUGH THE INDIVIDUAL PETITIONS. THAT WOULD ONLY OCCUR AT THIRD READING. BUT ON THE SECOND PAGE THERE WERE SOME CONCERNS THAT HAD BEEN RAISED BY CITIZENS, ONE WHICH WAS GONED GOLDSTONE THAT HE SPOKE TO YOU AT CITIZEN COMFORT LAST WEEK AND BY LATER, BUT THEY'VE BEEN SHARED BY OTHER PROPERTY OWNERS AS WELL. ONE THAT PEDESTRIAN ORIENTED USES AND AGAIN I'M SPEAKING TO THE ZONING CASE. THAT THE URBAN RENEWAL BOARD AND THEIR RECOMMENDATION SAID THAT THESE GARAGE SPACES WHERE THEY HAVE PEDESTRIAN USES COULD BE COMMERCIAL OR PEDESTRIAN ORIENTED USES AS WELL AS THE PLANNING COMMISSION. THERE'S A CLARIFICATION THAT THEY ONLY BE PEDESTRIAN ORIENTED USES. UNDER OUR ZONING REGULATIONS, COMMERCIAL INCLUDES A GREAT RANGE OF USES. IT COULD BE AUTO BODY SHOPS OR MONUMENT SALES, THINGS THAT YOU WOULD NOT NECESSARILY THINK OF AS BEING PEDESTRIAN ORIENTED. STAFF WOULD HAVE NO OBJECTION IF YOU CLARIFIED THESE USES WITHIN THE GARAGE SPACES TO BE PEDESTRIAN ORIENTED. SIMILARLY YOU MIGHT HAVE TO DOWNTOWN AND CBD AND DMU AREAS WHERE HAVE YOU A PARKING GARAGE. ALSO, THERE WAS A CONCERN THAT WAS RAISED ABOUT THE SCREENING FOR PARKING GARAGES. AND THE URBAN RENEWAL BOARD SAID ALL STRUCTURES MUST HAVE COMPLETE SHIELDING OF LIGHTS FROM THE REAR SIDE OF THE STRUCTURE AND MUST BE AT LEAST SHIELDING OF LIGHTS ON THE SIDES OF THE STRUCTURE. AND THE PLANNING COMMISSION HAD A SIMILAR RECOMMENDATION ALONG THAT LINE. THE SUGGESTED CHANGE WOULD BE THAT THE REAR MOST 50 FEET -- 50% OF THE SIDE WALLS CONTAIN THIS SCREENING. AND IT WOULD SCREEN NOT ONLY HEADLIGHTS, BUT IN A PARKING GARAGE, THE SHINING DOWN FROM WITHIN THE PARKING GARAGE THAT MIGHT ESCAPE. THE LAST PART WAS TO STRIKE COCKTAIL LOUNGE AS A PERMITTED USE AND THAT THE COCKTAIL LOUNGE, IT'S WHERE PERMITTED WOULD BE LISTED AS A PEDESTRIAN ORIENTED USE. AS COCKTAIL LOUNGES ARE NOT A PERMITTED USE IN THE NCCD AREA, THIS HELPS CLARIFY THE DOCUMENT. AND WE HAVE NO OBJECTION TO THAT ISSUE. WHETHER YOU GO TO THE WATERFRONT OVERLAY AND WE HAVE PEDESTRIAN ORIENTED USES, COCKTAIL LOUNGES ARE ALLOWED EVERYWHERE, BUT THERE WAS A CONCERN

ABOUT ALCOHOL IN THIS AREA. THERE'S ALSO BEEN A COMMUNICATION BY THE PUBLIC THAT THERE'S A DESIRE TO HAVE AS MANY ITEMS IN THE URBAN RENEWAL PLAN TO BE IN THE ZONING ORDINANCE AND ADVICE VER IS A. AND I HAVE SPOKEN TO YOU PERHAPS IN THE PAST ABOUT NOT ALL THESE ITEM CAN BE SIMPLY REMOVED FROM THE PLAN AN POLICED IN THE ZONING ORDINANCE AND ADVICE VER IS A. IT HAS A LIFE. IT WILL GO IT WERE AT THE END OF 2018. THERE ARE THINGS IF THE URBAN RENEWAL PLAN THAT HAVE FINE USES THAT ARE NOT DEFINED IN THE ZONING ORDINANCES. THE URBAN RENEWAL PLAN SPEAKS TO PRESERVING A CERTAIN AMOUNT OF HISTORIC STRUCTURES. OUR ZONING REGULATIONS CANNOT SAY YOU WILL PRESERVE THAT HOUSE OR PRESERVE A CERTAIN AMOUNT OF COMMERCIAL SQUARE FOOTAGE. THOSE ARE THING I CAN'T NECESSARILY DO. BUT THINGS THAT DEAL WITH USES IN GENERAL ARE HEIGHTS, SETBACKS THAT WE CAN ECHO IN THE ZONING ORDINANCE AND VICE VERSA. AND THERE WILL BE SOME TESTIMONY THAT I KNOW YOU WILL HEAR THIS EVENING THAT ASK THEY THA THEY ONLY BE IN ONE OR THE OTHER. BUT TO THE EXTENT THAT WE'LL MAKE THOSE MIRROR EACH OTHER WHERE IT'S POSSIBLE, WE CAN DO THAT AND BRING THAT BACK TO YOU FOR SECOND AND THIRD READING IF THAT'S YOUR DIRECTION. AND THAT'S -- WE HAVE NO OBJECTION OF DOING THAT. I THINK AT THIS TIME ALE PAUSE. IT ONLY REQUIRES A SIMPLE MAJORITY VOTE FOR THE ZONING, EVEN THOSE OF THE PETITION ITEMS BECAUSE THIS IS ONLY FIRST READING. WE WOULD SEEK CLARIFICATION ON THE VEGETATIVE SCREENING. STAFF DOESN'T HAVE ANY OBJECTION TO CHARACTERIZES THE USES AS PEDESTRIAN ORIENTED WITHIN THE GARAGE. THAT THE LIGHTING FOR THE INTERIOR LIGHTING, WHETHER IT'S SHIELDING FROM HEADLIGHTS OF CARS OR SHIELDING OF LIGHTS WITHIN THE GARAGE THAT THAT BE SCREENED AND IT'S THE REAR HALF, THE 50% HALF OF GARAGES BE SCREENED. SO OF COURSE IT'S A NEIGHBORHOOD AND CLIR PHIING THE COCKTAIL LOUNGE LANGUAGE.

Mayor Wynn: COUNCILMEMBER COLE AND THEN COUNCILMEMBER LEFFINGWELL.

Cole: I'M LOOKING AT THE PROPERTY OWNERS WHO HAVE OBJECTED TO BEING INCLUDED IN■■■■IN THE NCCD. CAN YOU TELL US IF THERE IS A UNIFORM REASON THAT THESE PARTICULAR PROPERTY OWNERS HAVE EXPRESSED THEIR DESIRE TO NOT BE INCLUDED.

THE FIRST FIVE ON THE LIST THAT THEY UNIFORMLY REOPPOSE THE FOLLOWING AMENDMENTS, THE DRIVE-THROUGH SERVICE, INCLUDING, BUT NOT LINLTED TO THE FOLLOWING. AND THAT COMPATIBILITY STANDARDS ARE NOT CONSISTENT WITH THOSE IN THE CITY AS A WHOLE. AND SO AS I MENTIONED BEFORE, THE NCCD IS EXEMPT FROM COMPATIBILITY STANDARDS, SO THERE'S NOT A REQUIREMENT TO SCREEN DUMPSTERS. THERE'S NOT A REQUIREMENT TO SCREEN MECHANICAL EQUIPMENT. THERE IS ALREADY PROVISION ABOUT EXTERIOR LIGHTING BEING SHIELDED, SO THAT'S SOMEWHAT ADDRESSED. THE HEIGHTS AND SETBACKS DO NOT COMPLY WITH COMPATIBILITY STANDARDS, BUT THEY DON'T IN THE EAST 11th STREET

NCCD EITHER. SO THERE IS SOME PARITY BETWEEN THE NCCD AS PROPOSED AND THE ONE THAT ALREADY EXISTS ON EAST 11th STREET.

Mayor Wynn: COUNCILMEMBER LEFFINGWELL.

Leffingwell: I JUST WANT TO CLARIFY. I BELIEVE YOU ASKED TO REMOVE WITHOUT OBJECTION NUMBER 6, 1425 EAST 12TH. WAS THAT ALL OF THE PROPERTIES THAT WERE CONTESTED THAT YOU WANTED TO REMOVE FOR POSTPONEMENT? DO YOU WANT ME TO REPEAT THE QUESTION?

Mayor Wynn: YES.

Leffingwell: DID YOU SUGGEST THAT WE REMOVE ALL OF THESE PROPERTIES THAT HAVE OBJECTIONS TO THEM, 1 THROUGH 6?

Mayor Wynn: WELL, I WAS INITIALLY TALKING ABOUT THE TRACT THAT MS. GARDENER HAPPENED TO REPRESENT, JUST BASED ON HER PLEA. WE'RE GOING TO HEAR FROM I SUSPECT ALL THE FOLKS THAT HAVE SOME OPPOSITION. I'M OPEN FOR SUGGESTIONS. FRANKLY WHAT I REALLY WANT TO DO IS TAKE -- I WANT TO BE RESPECTFUL OF EVERYBODY'S TIME. THEY'VE IS THE S.A.T. OUT HERE FOR FIVE HOURS ALREADY, FOUR HOURS. SINCE THEY'RE HERE, WHAT I WOULD LIKE TO DO IS AT LEAST CONDUCT SOMEHOW THE PUBLIC TESTIMONY, THE PUBLIC HEARING AS OPPOSED TO JUST UNLATERALLY POSTPONING THESE CASES ALTOGETHER.

Leffingwell: COULD I ASK MR. GUERNSEY A QUESTION? WHAT IS THE EFFECT OF JUST PULLING THEM OUT OF THE NCCD? 1 THROUGH 6? WHAT'S THE NEXT EFFECT OF THAT?

THESE PROPERTY OWNERS HAVE ASKED NOT TO BE INCLUDED, SO THEY WOULD NOT BE ABLE TO TAKE ADVANTAGE OF THE HEIGHT RESTRICTIONS. THEY WOULD BE SUBJECT TO REGULAR ZONING REGULATIONS, INCLUDING COMPATIBILITY STANDARDS.

Leffingwell: HOW DOES IT AFFECT THE OTHER PROPERTIES?

THE OTHER PROPERTIES WOULD STILL BE EXEMPT FROM COMPATIBILITY STANDARDS BECAUSE THEY WOULD BE INCLUDED IN THE NCCD. AND SO THOSE REGULATIONS, WHERE THEY'RE RELAXED, THEY WOULD GET TO ENJOY THOSE RESTRICTIONS.

Leffingwell: OKAY.

STAFF'S NOT AWARE ON THE PROPERTIES 1, 2, 3, 4 OR 5 THAT THERE ARE ISSUES THAT HAVE BEEN RAISED ABOUT POSTPONEMENT OR COMMUNICATION ISSUE

REGARDING THOSE PROPERTIES. ONLY TRACT NUMBER [REDACTED] NUMBER 6 ON YOUR LIST, THE 1425 EAST 12TH STREET.

Mayor Wynn: FURTHER QUESTIONS, COMMENTS? SO ARE YOU FINISHED, MR. GUERNSEY?

I'LL BE BACK.

Mayor Wynn: I EXPECT YOU WILL BE. SO COUNCIL, WITHOUT OBJECTION MY RECOMMENDATION WOULD BE THAT WE GO AHEAD AND CONDUCT THIS COMBINED PUBLIC HEARING, ITEM 44, THE NCCD, AND ITEM 49, THE URBAN RENEWAL PLAN. SINCE A SMALLER NUMBER OF FOLKS HAVE SIGNED UP TO ADDRESS OUTSIDE URBAN RENEWAL PLAN, THEY HAPPEN TO BE A SUBSET I BELIEVE, TO A PERCENTAGE OF THE FOLKS THAT SIGNED UP TO ADDRESS US REGARDING THE NCCD. SO WITH THAT WE'LL TAKE -- I GUESS JUST TO SORT OF KEEP OUR SELF CONSISTENT, WE'LL JUST HEAR FROM FOLKS WHO ARE IN SUPPORT OF THIS NCCD AND THEN WE'LL HEAR FROM FOLKS IN OPPOSITION. SO OUR FIRST SPEAKER IS MATTHEW DULLA. WELCOME. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY GUSTAVO (INDISCERNIBLE).

I KIND OF WISH WE HAD MORE THAN THREE MINUTES SINCE WE WAITED SO LONG. IS IT POSSIBLE?

Mayor Wynn: THOSE ARE THE COUNCIL RULE.

IT'S MY UNDERSTANDING THAT THE NCCD REPLACES THE URBAN RENEWAL PLAN. THAT'S WHY I SIGNED UP FOR BOTH, AND I DON'T KNOW. THIS HAS BEEN WAITING, BEEN POSTPONED SINCE MAY OF 2006 FOR GOING TO COUNCIL. AND WE STILL DON'T KNOW THE REASON. AND NOW WE'VE EVEN WAITED LONGER TO WAIT FOR THE URBAN RENEWAL PLAN THAT'S GOING GET WIPED WOULD YOU THE NCCD. THE NCCD IS GOING TO REPLACE IT.

Mayor Wynn: WELL, MY INSTINCT, IS THIS IS YOUR CHANCE TO GIVE TESTIMONY WITH WHATEVER YOUR ADVOCACY POINT MIGHT BE.

THIS HAS -- THE NCCD WENT THROUGH THE PLANNING COMMISSION. IT HAS BEEN POSTPONED SINCE MAY OF 2006. THERE'S BEEN NO RESPONSE AS TO WHY. A LOT OF THESE PROPERTY OWNERS GAVE UP RIGHTS. THERE'S PEOPLE TALKING ABOUT PUTTING A VEGETATIVE BUFFER. AND ITEM LIKE THAT DO NOT MAKE SENSE IN AN ALLEY. WHY WOULD YOU WANT TO PUT VEGETATION TO AN ALLEY WHICH HAS EGRESS GRES AND INGRESS TO A PIECE OF LAND? RIGHT NOW CURRENTLY JUNKIES ARE USING THE ALLEYS TO SHOOT UP. YOU HAVE PROSTITUTES. WHY WOULD YOU WANT TO HAVE VEGETATION THERE? CURRENTLY VEGETATION IS -- PEOPLE ARE NOT

TAKING CARE OF IT. THE GRASS, THERE'S WEEDS. THERE'S JUST SO MUCH TO SPEAK OUT AGAINST HERE THAT IT'S HARD TO DO IT IN THREE MINUTES BECAUSE THIS -- I MEAN, YOU'VE HELD A LOT OF PROPERTY OWNERS FROM DEVELOPING THEIR LAND ON EAST 12TH STREET. WE WOULD LIKE TO BUILD AN OFFICE FOR 50 EMPLOYEES FOR THE AREA. AND EVEN THOUGH OUR CURRENT -- WE HAVE A SITE PLAN FILED WITH THE CITY, EVEN THOUGH WE MEET THE CURRENT OVERLAY, THEY ARE SAYING YOU WILL HAVE TO WAIT UNTIL THESE ITEMS PASS WITH CITY COUNCIL FOR THE NCCD. I MEAN, WE'RE TALKING ABOUT FUNDS -- YOU HAVE THREE DIFFERENT ORGANIZATIONS WORKING THROUGH HERE OR EVEN MORE WITH THE NEIGHBORHOOD ASSOCIATION. HAVE YOU THE ARA, YOU HAVE NEIGHBORHOOD HOUSING, THE URBAN RENEWAL BOARD. I MEAN, YOU'VE CREATED A HUGE BUREAUCRACY IN THIS AREA. AND ALTHOUGH A LOT OF ITEM DON'T -- AREN'T THE ITEM AS OTHER AREAS OF THE CITY IN REGARDS TO COMPATIBILITY STANDARDS, THESE OTHER AREAS DO NOT HAVE THE BUREAUCRACY THAT YOU'VE CREATED IN THIS AREA.

Mayor Wynn: SO ARE YOU ADVOCATING FOR THE NCCD?

I'M ADVOCATING THAT IT PASSES TONIGHT. I MEAN, THIS HAS BEEN DELAYED SINCE MAY OF 2006. AND FOR NO REASON. THERE'S BEEN NO RESPONSE. FROM THE CITY. I'VE SENT E-MAILS, LETTERS. I'VE CALLED THE CITY. NOBODY KNOWS WHY THIS HAS NOT GONE TO COUNCIL.

Mayor Wynn: WELL, IT'S HERE NOW.

BUT IS IT GOING TO BE POSTPONED AGAIN BECAUSE YOU MAY HAVE A LAWSUIT AGAINST YOU?

Mayor Wynn: THE COUNCIL RRCHZ THE RIGHT TO TAKE ACTION, TO APPROVE, DENY -- IT MAY CREATE OTHER LAWSUITS.

Mayor Wynn: WE ONLY GOT SUED 212 TIME LAST YEAR. [LAUGHTER]

THE URBAN RENEWAL BOARD, AS I SAY, THEY HAVE VERY GOOD LAWYERS TOO. THIS IS -- YOU'RE STOPPING DEVELOPMENT IN THIS AREA.

Mayor Wynn: YOUR SUPPORT FOR THE NCCD IS DULY NOTED.

OKAY. THANK YOU.

Mayor Wynn: OUR NEXT SPEAKER IS GUSTAVO (INDISCERNIBLE). I HOPE I PRONOUNCED THAT CORRECT. AND YOU WILL BE -- I ALSO WILL HAVE THREE MINUTES TO BE FOLLOWED BY JOHN GOLDSTONE.

MAYOR, COUNCILMEMBERS, I'M THE PROPERTY OWNER -- FIRST OF ALL, I SUPPORT THE NCCD. I OWN PROPERTY ON EAST 12TH STREET FROM 1,000 TO 1028. I BOUGHT THE PROPERTY BACK IN 2005 AND I BOUGHT THE CWA BUILDING THROUGH A BID PROCESS THROUGH THE CITY OF AUSTIN. AND AS PART OF THE ACCEPTANCE FROM CONSTITUENT TO ALLOW ME TO PURCHASE THE PROPERTY, I HAD TO TELL THEM THAT I WOULD BE DEVELOPING ON 12TH STREET. AND THEY PUT A CONDITION THAT I HAD TO PAY \$75,000 INTO A BANK ACCOUNT BECAUSE THEY DIDN'T THABL I WAS ACTUALLY GOING TO BE PURCHASING AND DEVELOPING ON 12TH STREET. TO THIS DATE I'VE BEEN TRYING TO DEVELOP ON 12TH STREET. I HAVE THE SITE PLAN THAT IS STUCK IN THE CITY. THEY'VE GIVEN ME \$25,000 BACK AND I'M STILL TRYING TO GET THE OTHER \$50,000, AND THEY WON'T RELEASE IT UNTIL THE NCCD GETS APPROVED. I'M JUST CURIOUS WHY I CAN'T GET MY 50,000? WHY AM I BEING HELD UP? IT'S VERY DISAPPOINTING. I'M AN OWNER OF A COMPANY THAT'S ON 24STH STREET THAT WE MOVED OVER TO THE OLD AUSTIN HOUSING AUTHORITY BUILDING ON SECOND AND CHAWMERS, I'VE BEEN TRYING TO BUILD ON 12 THE STREET. I CURRENTLY HAVE OVER 50 EMPLOYEES AND I WOULD LIKE TO BUILD ON 12TH STREET. AND ORIGINALLY I WAS GOING TO DO A MIXED USE PROJECT AND I'M STILL CONSIDERING DOING THE MIXED USE PROJECT AND I HAVE TO BE CAREFUL WHAT I SAY HERE BECAUSE DEPENDING ON WHAT I SAY, I MAY NOT GET MY 50,000. SO I'M IN A LITTLE LOOP HERE. I WOULD LIKE TO BUILD. AND I WOULD LIKE TO BUILD A MIXED USE PROJECT TO WHERE I'M ABLE TO BRING IN EMPLOYEES WHO WANT TO LIVE, WHO WANT TO WORK ON THE EAST SIDE. SO PLEASE ALLOW US TO CONTINUE GOING FORWARD WITH THIS. WE WAITED QUITE A BIT. I'VE GONE TO OVER 18, 20 MEETINGS THROUGH THE ARA. I DIDN'T REALLY UNDERSTAND WHAT THE ARA IS ACTUALLY DOING ON THE EAST SIDE. I DON'T KNOW WHAT THE INTENT IS OF THAT ORGANIZATION. THABL THE ARA MORE THAN ANYTHING HAS CREATED CHAOS. IT HAS NOT REALLY DONE MUCH FOR WHAT THE INTENT WAS. AFFORDABLE HOUSING, WHERE ARE THEY? WHAT IS HAPPENING OVER THERE? THANK YOU.

Mayor Wynn: THANK YOU, GUS. AGAIN, THE NEXT SPEAKER IS JOHN GOLDSTONE, WELCOME BACK. YOU WILL BE FOLLOWED BY ERIC SHROPSHIRE.

MIKE TOLLSON IS GOING TO GIVE ME HIS THREE MINUTES.

> MAYOR WYNN, MAYOR PRO TEM, COUNCILMEMBERS. MY NAME IS JOHN GOLDSTONE, I'M HERE TO SPEAK TO YOU ABOUT EAST 12TH STREET NCCD AND THE URBAN RENEWAL PLAN. NO MATTER WHAT HAPPENS, I DO NOT WANT YOU TO HOLD UP THIS PROCESS. WE MUST KEEP OUR EYE ON THE BALL AND GET THIS THING PASSED WITH ALL THE HAIR ON IT. HAVING SAID THAT, I HAVE SEVERAL MAJOR POINTS THAT I WANT TO REITERATE, WHICH BY THE WAY, IF LEFT IN, AND I KNOW THAT MR. GUERNSEY HAS ANSWERED SOME OF THESE AND SANDRA HARKINS ANSWERED SOME OF THESE ITEM, BUT I WANT TO MAKE SURE THEY ARE VERY CLEAR TO YOU ALL. PLEASE INSTRUCT GREG GUERNSEY. HE APPRECIATES DIRECT SIXTH

STREETS FROM THE COUNCIL, TO ATTACH TO THE NCCD FOR THE EXPRESS PURPOSE OF ALLOWING THE COUNCIL THE OPTION OF TERMINATING THE URBAN RENEWAL PLAN AS TO EAST 12TH STREET AND ESPECIALLY THE POWER WHICH NO PRIVATE PARTY NEEDS OR WANTS. EVEN THOUGH THE NCCD MAY NOT BE THE CORRECT PLACE FOR THE LAND USE REGULATIONS FOR THE URBAN RENEWAL PLAN, AND THERE ARE SOME CONFUSING PROVISIONS IN THERE THAT MAY BE INAPPLICABLE, IT WILL ALLOW THE COUNCIL TO ELIMINATE THE URBAN RENEWAL PLAN AS TO 12TH STREET IF YOU DECIDE THAT IS NO LONGER SLUM AND BLIGHT. NO PARTY ONE YOU HAVE DONE THAT, IF YOU TAKE ALL OF THE LAND USE REGULATIONS AND MOVE THOSE OVER TO THE NKTD, THERE'S NOT GOING TO BE A PARTY THAT'S GOING TO BE ABLE TO ARGUE THAT THEY WILL LOSE SOME PROTECTIONS WHEN THAT HAPPENS AND YOU ELIMINATE THE CONDEMNATION POWER. AND BY THE WAY, SEVERAL OF THE BOARDS AND ORGANIZATIONS, THE URBAN RENEWAL BOARD AND THE ARA'S ROLE IN EACH OF THE CHANGES THAT ARE GOING TO COME THROUGH AND THE OBVIOUS VARIANCES THAT ARE GOING TO BE ASKED FOR. THE ONLY POWER THAT WILL BE LEFT WILL BE THAT CONDEMNATION POWER. IT ONLY SEEM TO BENEFIT THE ARA AND THE CITY. AND FROM THE LAND VALUES OUT THERE, WE CAN ALL AGREE IF WE LOOKED AT IT USING VALUATION, THE AREA IS NO LONGER SLUM AND BLIGHT. IGNORING THE EYESORES. AND I LIVED ON 12 ITS STREET. SPECIFICALLY, I NEED YOU TO HAVE THE STAFF CLARIFY THE NCCD AND URBAN RENEWAL PLAN AMENDMENT THAT THE MIXED USE PROVISION PASSED IN THE URBAN RENEWAL PLAN AMENDMENT APRIL SEVENTH 2005 WAS A MANDATORY MIXED USE PROVISION. I HAVE IN THOSE FOUR THINGS THAT YOU HAVE, THAT'S A, THAT'S THE PROCEEDS OUT OF THE 11th, 2005. THAT'S THE DEFINITION OF MIXED USE TODAY. IT'S ON PAGE 2 OF EXHIBIT A. OTHERWISE, IF IT WAS NOT MANDATORY, WHAT WOULD BE THE POINT OF THE EXEMPTION FROM MIXED USE FOR ONE STORY AND MULTI-STORY PROJECTS OF LESS THAN TWO THOUSAND FEET. IF IT'S VOLUNTARY, YOU DON'T NEED THE EXEMPTIONS FROM IT. AND IF IT'S VOLUNTARY, BY THE WAY, THE DEVELOPERS PROBABLY WILL NOT DO IT. ADDITIONALLY, IF IT IS MANDATORY AND YOU DETERMINE THAT IT IS MANDATORY AND YOU CLARIFY THAT IT'S MANDATORY, THEN POTENTIALLY ON EXHIBIT D ON PAGE 1 THERE MAY NEED TO BE A MODIFICATION OF THAT TYPOGRAPHICAL ERROR. NUMBER THREE, I NEED TO YOU INSTRUCT STAFF TO REMOVE THE EXTRANEOUS LANGUAGE THAT RENDERS THE LANGUAGE OF THE BOTTOM OF PARKING GARAGES MOOT AND USELESS. OUR PROCESS WHICH ON INVOLVED THE NEIGHBORHOODS IN THE STREETTH STREET OWNERS -- THAT'S IN PAGES FIVE AND SIX OF THE PROBE NCCD. I PUT A BIG B AT THE TOP OF THAT ONE. IN SECTIONS 1 III AND V OF THE SUGGESTED LANGUAGE FOR THE URBAN RENEWAL PLAN AMENDMENT. I APOLOGIZE, THERE'S TWO DOCUMENTS COMING FORWARD HERE, SO WE HAVE TO FIX BOTH OF THEM. COUNTLESS HOURS WERE SPENT NEGOTIATING THESE PEDESTRIAN ORIENTED USES THAT WILL GO TO COMPLETE WASTE IF A DEVELOPER IS ALLOWED TO DO COMMERCIAL AND/OR RETAIL USES AS AN ALTERNATIVE. PLEASE NOTE I DRAFTED THE ORIGINAL PROVISION THAT TOOK OUT THE NON-DEFINED LAND USE CONCEPTS BECAUSE THEY'RE NOT IN THE CITY CODE

WHICH HAS BEEN SAID TO YOU BY STAFF. NUMBER 4, PLEASE DIRECT MR. GUERNSEY TO CHANGE THE PARKING GARAGE SHIELDING LANGUAGE WHICH HE HAS DISCUSSED DOING. SO THAT WE AVOID THE GAWR ROWS AND THE STATE PARKING GARAGE PROBLEM OF HEADLIGHTS AND INTERIOR LIGHTS OF A PARKING GARAGE FROM SPLASHING INTO THE HOUSES THAT BACK UP TO 12 TZ STREET. WE'RE NOT JUST SHIELDING THE LIGHT, WE'RE ACTUALLY SHIELDING THE ENTIRE STRUCTURE SO THERE'S NO HEADLIGHTS COMING OUT. THE POINT WAS TO HAVE DEVELOPERS USE HARDY TO SHIELD. THEY DIDN'T HAVE ANY PROBLEMS WITH THAT. EXTERIOR LIGHTS ARE ALREADY HANDLED IN SECTION 6-B OF THE NCCD. ADDITIONALLY THERE ARE SOME TYPO CLARIFICATION IN MY EXHIBIT CRFT. URBAN RENEWAL PLAN. THE LANGUAGE NEEDS TO BE TWEAKED. THERE WILL BE THREE READINGS SO CERTAINLY I'M THEEP KEEP LOOKING AT YOUR DRAFTS. SPEAKING TO THE FAMOUS VEGETATIVE BUFFER, I WAS ACTUALLY HERE WHEN THAT WAS BROUGHT UP. IT WAS IN RESPONSE TO SEVERAL NEIGHBORHOOD COMPLAINTS THAT COMPATIBILITY WAS WAIVED IN APRIL SEVENTH, 2005. IT WAS. THEY PARTICIPATED ALSO. AND THE -- WHAT ENDED UP HAPPENING WAS THERE WAS A SUGGESTION OF LET'S PUT SOME COMPATIBILITY BACK IN. THIS WAS HAPPENING ON THE PLANNING COMMISSION UP AT THE TOP. IT CAME DOWN TO THE REASON WHY IT WAS FOR SUBDISTRICTS 1 AND 2, THOSE ARE 50 AND 60 FEET. THEY FELT BECAUSE IT'S 35 FEET ON SUBDISTRICT 3 THEY DON'T NEED THE EXTRA PROTECTION OF A VEGETATIVE BUFFER. I SAW THAT. I WAS HERE. SO I'M ASKING TO YOU PLEASE ELIMINATE THE LAST MINUTE PLANNING COMMISSION 10-FOOT VEGETATIVE BUFFER REQUIREMENT FOR SUBDISTRICTS 1 AND TWO THAT APPEARS IN BOTH THE NCCD AND THE TEARSHEETS OF THE URBAN RENEWAL PLAN. THIS ADDITIONAL RESTRICTION WILL HARM -- IT WILL HARM MOST THE SMALL BUSINESSES YOU ARE TRYING TO HELP. BUZZ BCH IN OTHER WORDS, PEOPLE THAT ARE DOING SURFACE PARKING -- I THINK THAT'S ONLY THREE MINUTES, RIGHT?

Mayor Wynn: THAT WAS SIX.

SORRY.

PLEASE NOTE THAT THE 12TH STREET BUSINESS OWNERS AND NEIGHBORHOODS AGREED ON A DEVELOPER PAID FENCE ON THE PROPERTY OWNERS' PROPERTY, ON THE HOMEOWNERS' PROPERTIES THAT WAS TAKEN OUT BECAUSE THE CITY STAFF TOLD US THAT THEY WOULD NOT BE ABLE TO ENFORCE THAT. I'M HAPPY TO HELP DRAFT THE EASEMENT OR LICENSE GREAKS. LASTLY, I WOULD ASK YOU TO REMOVE THE ARA AS A MEDIATOR OF ANY FURTHER CHANGES AS THEY ARE NOT NEUTRAL. AND I'M SURE THEY WOULD ALSO LIKE TO AVOID THE CRITICISM THAT FOLLOWS THEM WHEN THEY CLAIM TO BE NEUTRAL. THIS WILL ALLOW THEM TO LOBBY IN THEIR OWN BEST INTEREST. AGAIN, PLEASE PUSH IT FORWARD NO MATTER HOW BAD IT LOOKS. PLEASE. THANK YOU.

Mayor Wynn: THANK YOU. ERIC SHROPSHIRE, WELCOME BACK. TIEW WILL HAVE THREE MINUTES TO BE FOLLOWED BY SCOTT WAY.

I SUPPORT THE NCCD FOR EAST 12TH STREET WITH THE EXCEPTION OF THE VEGETATIVE BUFFER. I WOULD ALSO LIKE TO ASK STAFF -- LIKE TO ASK COUNCIL TO ASK STAFF IF THEY CAN GET TO THE SECOND AND THIRD READING AS SOON AS POSSIBLE. AND I WOULD ALSO HOPE THAT WE WOULDN'T HAVE TO HAVE ANOTHER PUBLIC HEARING THAT WE'RE DISCUSSING THESE SAME ITEMS AGAIN.

Mayor Wynn: WE HOPE THAT TOO, ERIC.

THANK YOU.

Mayor Wynn: THANK YOU. SCOTT WAY, WELCOME. AND DEBRA A TALL, IS SHE STILL HERE?

I THINK SHE LEFT.

Mayor Wynn: YOU WILL BE FOLLOWED BY MICHAEL YOUNG.

GOOD EVENING, MY NAME IS SCOTT WAY. I'M A PROPERTY OWNER IN THE NCCD. I WANT TO BE VERY BRIEF AND TALK TO YOU ABOUT A COUPLE OF THINGS. FIRST OF ALL, THERE'S CONCERN AMONG SOME OF YOU ABOUT THE COMPATIBILITY WAIVERS. YOU WILL HAVE TO REMEMBER THAT MANY OF YOU WERE ON THE DAIS IN 2005 WHEN THE COMPATIBILITY WAIVERS WERE BROUGHT IN TO THE URBAN RENEWAL PLAN. AND IF YOU SUPPORTED THEM THEN, I THINK YOU WOULD SUPPORT THEM NOW. I AM NOT IN FAVOR OF THE DRIVE-THROUGHS THAT THEY HAVE. WE WANT TO TAKE THAT OUT. I WOULD LIKE YOU TO ASK STAFF TO CONSULT WITH PROPERTY OWNERS IF YOU ARE INCLINED TO ASK FOR A VEGETATIVE FWUFER. THIS IS AN ALLEY IN THE BACK. WE'RE GOING TO HAVE SIGNIFICANT PARKING CONCERNS IN THESE PROPERTIES. THEY'RE VERY SMALL. AND IF HAVE YOU A VEGETATIVE BUFFER, FIRST OF ALL IN AN ALLEY, WHAT PURPOSE IS IT GOING TO SERVE IF WE DON'T DEFINE EXABTLY WHAT WE NEED. WE NEED TREES, BUT YOU CAN HAVE TREES WITHOUT HAVING A 10-FOOT VEGETATIVE BUFFER. YOU CAN HAVE TREE BUFFERS AND STILL HAVE PARKING BETWEEN THEM. WHAT MANY PROPERTY OWNERS ALONG NEW YORK AVENUE AND 13 THE STREET ARE CONCERNED ABOUT. SO IF WE ARE GOING HAVE A VEGETATIVE BUFFER, PLEASE ASK STAFF TO CONSULT WITH THE PROPERTY OWNERS AS WE'VE REQUESTED ON MULTIPLE OCCASIONS SO WE CAN TRY TO FIGURE OUT A WAY IN WHICH WE CAN ALL SUPPORT THAT. I'LL ALSO ASK YOU TO, IF YOU CAN, CLOSE THE PUBLIC HEARING AND ALSO MOVE THIS FORWARD AND HOPEFULLY WE CAN COME BACK AGAIN AND SEE YOU PASS THIS IN THE NEXT COUNCIL SESSION. THANK YOU.

Mayor Wynn: THANK YOU. MICHAEL YOUNG, WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY THOMAS HENDERSON.

THANK YOU, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS. I AM SO HAPPY TO BE HERE. I AM A PROPERTY OWNER ON 12TH STREET. I HONE HE OWN THREE LOTS, COMMERCIAL LOTS ON TRACT 4. SOME OF YOU MAY KNOW THE NEIGHBORHOOD, MAY KNOW MY PROJECT THERE. IT'S ON -- RIGHT ON THE CORNER OF 12TH AND NAVASOTA. IT THE GRAY STUCCO BUILDINGS, SINGLE STORY BUILDINGS. MY WIFE IS AN ARCHITECT, I'M AN ARTIST. THOSE ARE OUR STUDIOS AND OFFICES. WE HAVE SEVERAL PEOPLE WHO WORK THERE. WE OWN THE TWO ADJOINING LOTS NEXT TO US. WE WANT TO DEVELOP THEM WITH WHAT WE FEEL IS THE KIND OF MIXED USE, SMALL MIXED USE PROJECTS THAT WOULD BE GOOD FOR PEDESTRIAN ORIENTED BUSINESSES. AND WE ARE NOT DEVELOPERS. WE HAVE BEEN IN THE NEIGHBORHOOD FOR SEVERAL YEARS. WE LOVE OUR NEIGHBORHOOD. WE LOVE OUR NEIGHBORS. IT'S A GREAT NEIGHBORHOOD. AND I WOULD LIKE TO SEE THINGS BUILT THERE THAT ARE APPROPRIATE FOR THAT NEIGHBORHOOD. WHAT WE'RE INTERESTED IN IS THE DEVELOPMENT OF A SOCIAL FABRIC THAT INVOLVES PEOPLE BEING ON THE STREET, HAVING EXCHANGES, GOING TO STORES. THERE'S A LOT OF MY NEIGHBORS WHO LIVE THERE, THEY HAVE TO TAKE BUSES AND GO ALL THE WAY UP TO FIESTA OR GO ALL THE WAY TO SEVENTH STREET WAY OUT BY PLEASANT VALLEY TO GO TO A GROCERY STORE. THERE ARE NO GROCERY STORES ON MY STREET. THERE ARE NO GAS STATIONS, THERE ARE NO CLEANERS. THERE'S NOT A POST OFFICE. THESE ARE THINGS THAT WE REALLY NEED TO MAKE THIS A VIABLE NEIGHBORHOOD. I'M COMPLETELY FOR THE NCCD. I'VE BEEN WORKING ON THIS FOR FOUR YEARS. I ATTENDED EVERY SINGLE MEETING. AS LIVELY AS THEY WERE, WE SEEM TO COME TO CONSENSUS ON MOST ISSUES. THE THINGS THAT I WOULD SAY THE ISSUES THAT WERE 90% OF WHAT WE DISCUSSED WERE WHAT DID PEOPLE WANT IS FOR THEIR NEIGHBORHOOD? WHAT KIND OF SERVICES? WHAT DID THEY NEED? THE COMPATIBILITY ISSUES WERE NOT DISCUSSED THAT MUCH. IT WASN'T THAT MUCH OF A BIG DEAL. SO FOR ME COMING -- WHAT HAPPENED THIS PAST SEVERAL MONTHS WERE THERE'S BEEN ALL THIS CONTROVERSY ABOUT COMPATIBILITY ISSUES AND THEN TRYING TO FORM THIS VEGETATIVE BUFFER SEEMS SOME LAST MINUTE ATTEMPT BY A FEW PEOPLE TO NOT REALLY BE INVOLVED IN THE PROCESS. I'M COMPLETELY AGAINST THE VEGETATIVE BUFFER. I WANT TO DEVELOP A VERY SMALL PROJECTS ON MY TWO LOTS. I'M SORT OF THE ANTI-DEVELOPER. I'M LIKE A MICRODEVELOPER. [BUZZER SOUNDS] I WANT TO DO SMALL PROJECTS AND THAT WOULD GREATLY AFFECT MY PARKING IF I HAD TO DO A VEGETATIVE BUFFER. IT WOULD ALSO, I AGREE WITH MAYOR PRO TEM, IT WOULD BE A SAFETY ISSUE AS WELL. BECAUSE I USE THAT ALLEY NOW TO BACK IN TO IT AND OUT OF IT FOR MY OTHER BUSINESS, AND IT'S A BIT SCARY AND I JUST DON'T THINK THAT IT WOULD BE APPROPRIATE. THANK YOU.

Mayor Wynn: THANK YOU. WELCOME BACK, MR. HENDERSON. YOU WILL HAVE THREE MINUTES.

ON SOME OCCASIONS I'VE REALLY WENT INSANE AND WAS GOING TO THINK ABOUT DEVELOPING MY PROPERTY. I SHARE THE BLOCK WITH MR. YOUNG. I OWN ABOUT 17,000 SQUARE FEET. I HAVE NO INTENTIONS OF DEVELOPING IT BECAUSE I DON'T KNOW WHAT TO DO. A COUPLE OF TIMES I'VE SAID I'M GOING TO PUT A RESTAURANT, BRING BACK THE SOUTHERN DINETTE STYLE FOOD ON 12TH STREET, BUT WHEN I STARTED LOOKING AT IT, PARKING AND EVERYTHING HAS TOLD ME NOT TO. EVERYTHING PUSHED ME OUT OF THE IDEA. I'M ABLE TO DEVELOP SOMETHING. I HAVE NOTHING ON THE BOARD. I'M WAITING ON YOU. THE BUFFER IN THE BACK, THE VEGETATIVE BUFFER, THERE'S NOTHING EQUAL ABOUT THAT ALLEY FROM PIQUITA ALL THE WAY TO 35. IT'S RAGGEDY. THE CITY IS NOT EVEN TAKING CARE OF THEIR PART OF THAT ALLEY AND YOU WANT TO HAVE A MILE OF 10-FOOT VEGETATIVE BUFFER? I THINK WE ALREADY HAVE PARKING PROBLEMS, SO TO TAKE ANOTHER 10-FOOT TO PUSH US IN MORE, THE COMPATIBILITY STANDARDS FOR PARKING JUST GO OUT THE DOOR. BY THE WAY, CAN WE DO A FRIENDLY AMENDMENT? HOW DID A 10-FOOT VEGETATIVE BUFFER? PLEASE DON'T DO THAT. I DON'T HAVE A DOG IN THIS FIGHT. I WILL DEVELOP WHEN YOU GUYS GET THROUGH SQUABBING. MR. YOUNG HAS INVESTED MONEY IN THIS COMMUNITY. HE'S MY NEXT-DOOR NEIGHBOR. HE HAS A BEAUTIFUL BUILDING. I USED TO OWN THAT BUILDING. BUT HE BOUGHT IT FOR A HELL OF A PRICE, I TELL YOU THAT. [LAUGHTER] I OWN THE CORNER OF 12TH AND SAN BERNARD SINCE 1990, 18 YEARS I'VE OWNED THAT BUILDING. I BOUGHT THE 1218 EAST 12TH STREET MAYBE THREE YEARS AGO. SO I'M READY TO DO SOMETHING THERE, BUT PLEASE, WHATEVER ELSE YOU DO, I DON'T UNDERSTAND ALL THIS JIBBER JAB AND ALL THIS, JIBBER, JIBBER, JIBBER. WHEN YOU GET IT PASSED, I WILL BRING THE JOBS TO THE COMMUNITY. THAT IS MY PLEDGE TO YOU. SO LET'S QUIT SQUABBING. LET'S LET 12TH STREET DEVELOP. LET'S ENCOURAGE DEVELOPMENT. LET'S GIVE -- LET'S GIVE THE DEVELOPER THE BENEFIT OF THE DOUBT STET OF PEOPLE SQUABBING AND OBSTRUCTERS, OBSTRUCTERS. SEE, HE SAYS HE'S BEEN ON THIS FOUR YEARS. I'VE BEEN LOOKING AT IT SINCE '95 WHEN MOST OF THIS BEGAN. SO SUPPORT THE NCCD AND PLEASE ELIMINATE THE VEGETATIVE BUFFER. THERE'S NOTHING UNIFORM ABOUT IT. HE HAS A BUILDING THAT'S FIVE FOOT FROM THE ALLEY. HE WOULD HAVE TO KNOCK HIS BUILDING DOWN TO PUT THE 10-FOOT VEGETATIVE BUFFER IN. THERE'S NOTHING UNIFORM ABOUT IT. MOST PEOPLE IT'S THEIR BACKYARD. 60, 70 FEET FROM THE BUILDINGS. AND ON SOME OCCASIONS ON SOME BLOCKS ON THE ALLEY, BUT THAT'S A RARITY. PLEASE PASS PAS THE NCCD. THANK YOU.

Mayor Wynn: THANK YOU, MR. HENDERSON. I BELIEVE THAT'S ALL THE FOLKS WHO SIGNED UP WISH TO GO GIVE US TESTIMONY IN FAVOR OF THE NCCD. THERE'S A NUMBER OF FOLKS WHO DON'T WANT TO SPEAK WHO I'LL READ INTO THE RECORD WHO ARE SUPPORTIVE. WE'LL NOW HEAR FROM FOLKS WHO WANT TO GIVE US

TESTIMONY ESSENTIALLY IN OPPOSITION TO THE NCCD. OUR FIRST SPEAKER IS GIGI BRYANT WHO I CALLED EARLIER, BUT DIDN'T SEE IN THE ROOM. SHE SIGNED UP WISHING TO SPEAK IN OPPOSITION AS HAS SCOTTIE IVORY, WHO WE SAW EARLIER. HE SIGNED UP WISH TO GO SPEAK IN OPPOSITION. RUDY WILLIAMS. SORRY, I DIDN'T SEE YOU OVER THERE. THIS WOULD BE A GOOD TIME TO COME SPEAK. AND IS LIEWSHS LUCIOUS IN THE ROOM? YOU WILL HAVE UP TO PLEA MINUTES. WELCOME -- VUL YOU WILL HAVE UP TO THREE MINUTES.

I WAS MOSTLY AGAINST IT BECAUSE I WANT TO MAKE SURE, MAKE SURE-- FIRST I HAVE A QUESTION. I JUST WANT TO KNOW IF THE SMALL BUSINESS OWNERS ON 12TH STREET THAT EXIST RIGHT NOW, WILL THEY BE PROTECTED WHEN THEY BEGIN TO DO ALL THE DEVELOPMENT? AND ALWAYS I'M FOR PROGRESS, I JUST NT TO MAKE SURE THOSE EXISTING BUSINESSES ARE GOING TO BE PROTECTED. THAT'S THE QUESTION I HAVE. CAN ANYBODY TELL ME HOW THEY WILL BE IMPACTED BY IT?

Mayor Wynn: TECHNICALLY IF A STRUCTURE IS THERE, IT COULD -- EVEN IF THE RULES WERE CHANGED, IT WOULD BE CONSIDERED NONCONFORMING. LEGAL, BUT NONCONFORMING.

IF A BUILDING IS THERE AND DOESN'T MEET THE SETBACKS, ALTHOUGH MOST OF THESE HAVE BEEN REDUCED TO STOW IN MANY CASE, THE BUILDING WOULD BE CONSIDERED LEGAL NON-APPLYING AND THERE WOULD BE NO CHANGE REQUIRED OF THE PROPERTY OWNER. THE ONLY TIME THERE MIGHT BE A CHANGE THAT WOULD COME UP IS IF YOU COMPLETELY REMOVE THE STRUCTURE OR START ALL OVER, THEN YOU WOULD HAVE TO BE COMPLYING WITH THE REGULATIONS THAT EXIST. THAT'S WHAT YOU MEAN BY PROTECTING --

THEY STILL WOULD BE ABLE TO OPERATE THEIR BUSINESSES AND WOULD BE MOVED OUT, YOU KNOW? SOME OF THEM DON'T OWN THEIR BUSINESSES.

THE NCCD DOES NOT PROTECT THE TENANT IF THERE IS SOMEONE THERE, THE PROPERTY OWNER HAS THE ABILITY TO ASK THE TENANT TO STAY OR ASK THE TENANT TO LEAVE OR RAISE THEIR RENT AND THE TENANT WOULD BE FORCED OUT. BUT ZONING WOULD NOT DO THAT. VAN CAN SPEAK TO ANYTHING IN THE URBAN RENEWAL PLAN, BUT I'M NOT AWARE OF ANYTHING IF A LANDLORD WANTED TO GIVE AN EVICTION NOTICE OR RAISE THEIR RENTS.

ONE MORE THING. WILL IT STILL HAVE COMMERCIAL AND -- RETAIL AND RESIDENTIAL ON THE CORNER OF 12TH STREET?

THE INTENT OF THIS IS TO ALLOW A MIXTURE OF USES AND THE PEDESTRIAN ORIENTED USES THAT WERE RECOMMENDED EARLIER WOULD TAKE IN A VARIETY OF RETAIL USES THAT PEOPLE WOULD WANT TO WALK TO.

OKAY.

Mayor Wynn: RUDY WILLIAMS, WELCOME BACK. IS ANTOINETTE STILL HIRE? AND HELEN TAYLOR? IS SHE IN THE ROOM? HOW ABOUT LUTHER SIMON? IS LUTHER HERE? OR JIMMY BUTLER. SO RUDY, YOU WILL HAVE UP TO SIX MINUTES, WELCOME.

THANK YOU. I BELIEVE YOU'VE BEEN PRESENTED WITH A PETITION ON THE 12TH STREET NORTH KOREA. AM I CORRECT YOU DO HAVE THAT?

Mayor Wynn: MR. GUERNSEY INTRODUCED IT EARLIER.

NOW, THE ISSUE WITH THE 12TH STREET NCCD AND I THINK MS. IVORY HIT UPON IT, IS THAT THERE ARE EXISTING BUSINESSES ON THAT CORRIDOR DEATHLY AFRAID THAT ONCE THE NCCD COMES INTO PLAY THAT THEY WILL BE FORCED OFF THE STREET. RENTS, WHATEVER THE REASON. AND SUPPOSEDLY AN NCCD IS SUPPOSED TO HELP THESE SMALL BUSINESSES SO THAT WE WOULD HOPE THAT THERE IS SOME WAY TO INCLUDE MECHANISMS OR INCENTIVES IN HERE SO THAT SMALL BUSINESS OWNERS WHO VOB THAT CORRIDOR FOR A LONG TIME CAN STAY ON THAT CORNER. THE SAME ARGUMENT THAT WE MADE TO YOU IN TERM OF THE NEIGHBORHOOD. AND WE HEARD FROM YOU JUST RECENTLY THAT THE McMANSION ORDINANCE AS IT EXISTS YOU DON'T WANT TO CHANGE IT. YOU THINK IT'S JUST FINE. AND I WOULD SUGGEST TO YOU THAT COMPATIBILITY STANDARDS THAT WE HAVE ON 11th STREET AND PRACTICALLY EVERY OTHER STREET WHERE WE REQUIRE COMPATIBILITY STANDARDS SHOULD BE ON THE 12TH STREET CORRIDOR ALSO. THEY SHOULD NOT BE TAKEN OFF. IF WE'RE GOING TO HAVE CONSISTENCY IN TERMS OF McMANSION, WE SHOULD HAVE CONSISTENCY IN TERMS OF COMPATIBILITY AND DESIGN STANDARDS. THERE IS NO REASON TO TAKE THESE THINGS OFF OF THE 12TH STREET CORRIDOR. THEY'RE NOT GOING TO INCREASE THE DEVELOPMENT ON THAT CORRIDOR AND THEY'RE GOING TO PROTECT THE NEIGHBORHOOD THAT IS SURROUNDING THE 12 ITS STREET NCCD. SO OSHA STRONGLY SUGGESTS THAT IN SOME KIND OF WAY YOU WORK IT TO WHERE COMPATIBILITY AND DESIGN STANDARDS ARE IMPLEMENTED ON THE 12TH STREET NCCD. AND I BELIEVE YOU SHOULD HAVE A RESOLUTION FROM OCEAN STATING SUCH F YOU DON'T, I'LL MAKE SURE THAT YOU GET IT.

Mayor Wynn: THANK YOU. OUR NEXT SPEAKER IS ALLISON GARDENER. I'M NOT SURE IF SHE STILL WANTED -- PARDON?

[INAUDIBLE - NO MIC].

Mayor Wynn: OKAY. AGNES (INDISCERNIBLE). WELCOME BACK. LET'S SEE, IS NELL PETERSON IN THE ROOM? HOW ABOUT CINDY WIDENER? HELLO. WELCOME. AGNES, YOU WILL HAVE UP TO SIX MINUTES IF YOU NEED IT. WELCOME.

THANK YOU. I'M HERE TO SAY I DON'T THINK THAT WE'RE AGAINST PASSING THE NCCD. I WOULD LIKE TO ARGUE THE COMPATIBILITY ARGUMENT. AND I THINK THAT IT GOES BACK TO IT'S BEEN SCUSD AGAIN AND AGAIN, THE VEGETATIVE BUFFER. THE NEIGHBORHOOD DIDN'T ASK FOR THAT VEGETATIVE BUFFER. THEY WANTED COMPATIBILITY STANDARDS. I GUESS WHAT I WOULD WANT TO ASK IS WHY WOULD YOU THINK YOU NEED TO WAIVE COMPATIBILITY STANDARDS ON 12 THE STREET RIGHT OFF OF I-35 AND A FEW BLOCKS EAST OF THE HIGHWAY TO PROMOTE DEVELOPMENT THERE? WE'VE ALREADY -- I THINK SOMEBODY FROM THE FOR SIDE PUT IT REALLY WELL. THIS IS NOT A SLUM AND BLIGHT AREA ANYMORE. I DON'T THINK YOU NEED TO GIVE DEVELOPERS INCENTIVE TO BUILD THERE BY WAIVING COMPATIBILITY STANDARDS, BUT I DO THINK IT WOULD BE H.E.B.FUL AND NECESSARY IF THE -- HELPFUL AND NECESSARY IF THE CITY COUNCIL DOES WANT TO HELP PRESERVE NEIGHBORHOODS AS THE NCCD IS SUPPOSED TO DO AND AS SEVERAL COUNCILMEMBERS HAVE SAID TONIGHT, HELP PROTECT THEM TO NOT ALLOW THINGS TO BE BUILT WITHIN FIVE FEET OF THEIR PROPERTY LINES, TO NOT ALLOW THE WAIVING OF ALL COMPATIBILITY. I THINK WE'VE SHOWN -- I THINK WE ALL KNOW WHAT HAPPENS AND IT'S BEEN ALLUDED TO AT THIS MEETING WHEN YOU DO GIVE DEVELOPERS THE BENEFIT OF THE DOUBT, SO I WOULD KIND OF WARN AGAINST DOING THAT. YOU CAN DEFINITELY DEVELOP THIS LAND PROFITABLY WITHOUT WAVING ALL PROFITABILITY. THAT'S THE MAIN POINT I'M TRYING TO MAKE. AS IT STANDS, AS THE NCCD STANDS, THEY DON'T REALLY GIVE ANYTHING TO THE NEIGHBORHOOD IN TERMS OF -- I GUESS IN MIGHT NEED CLARIFICATION WHEN MIXED USE WAS TALKED ABOUT. I DON'T THINK THERE'S ANYTHING TO ACTUALLY REQUIRES THERE TO BE RESIDENCES. A LOT OF THEM IT'S PEDESTRIAN TRAFFIC, BUT THAT STILL MEANS A LOT OF THOSE COMMERCIAL LAND WILL PROBABLY BE EMPTY AT NIGHT AND ON THE WEEKENDS IF YOU DON'T HAVE RESIDENTIAL UNITS THERE. SO WE'RE ASKING THAT WOULD BE INCAPABILITY. THAT WOULD BE SOMETHING IF WE COULD MAKE SURE THAT THE NEIGHBORHOOD IS SURE THERE WILL BE RESIDENTS THERE SO WE HE'D SED THERE'S PROBLEMS WITH THE ALLEY, IT WOULD BE HELPFUL TO HAVE PEOPLE LIVING IN THAT DEVELOPMENT SO THAT YOU DON'T HAVE A HAVEN FOR PEOPLE TO GO FOR CRIME TO HAPPEN AT NIGHT AND ON THE WEEKENDS WHEN THE BUSINESSES ARE CLOSED. I FEEL LIKE THERE'S EVERY REASON TO REINSTATE RESIDENTIAL COMPATIBILITY. IT SEEMS THAT THE GOVERNING BODIES -- WELL -- I GUESS I JUST WANT TO ASK ALSO THE SAME ARGUMENT THAT WAS MADE BEFORE, CONSIDER YOU OWNING A PROPERTY BEHIND IT AND WHAT IS BEING PROPOSED AND JUST MAKE SURE THAT'S SOMETHING THAT YOU WOULD HAVE FELT COMFORTABLE BEING BUILT AND SOMETHING THAT YOU FEEL COMFORTABLE LIVING RIGHT NEXT TO IN TERMS OF 35 AND 60-FOOT GOING UP, NOT HAVING TO GO BUY A BUILDING ENVELOPE SO YOU'RE POTENTIALLY LOOKING AT A WALL FIVE FEET FROM YOUR LAND THAT IS THAT HIGH. SO I GUESS IF YOU DO -- IF WE DO WANT TO STAND BY WHAT SAID TODAY AND HELP THE NEIGHBORHOOD AND PRESERVE IT AND PROMOTE SAFE GROAPSD, PROMOTE SUSTAINABLE GROWTH, PROMOTE RESIDENTIAL DEVELOPMENT AS WELL AS COMMERCIAL DEVELOPMENT, YOU'LL AGREE THAT THERE

IS NO REASON TO WAIVE CAPABILITY FOR THE NCCD, BUT YES, LET'S PASS IT AND GET SOMETHING HAPPENING SOON. BUT PLEASE KEEP THE NEIGHBORHOOD IN MIND WHEN DO YOU SO. THANK YOU.

Mayor Wynn: THANK YOU. OUR NEXT SPEAKER IS VALERIE THAT MUCHER. TATCHER. APPRECIATE YOUR PATIENCE. WHAT INCIDENT TO TALK I WANT TO TALK ABOUT IS SOME PROMISES THAT WE AS FIRST TIME HOME BUYERS WERE MADE WHEN WE VERY FIRST BOUGHT OR HOUSES IN THE ANDERSON HILL DEVELOPMENT. ME AND MY NEIGHBORS ARE ALL FIRST TIME HOME BUYERS, A LITTLE NAIVE AND WE FOUND OUT THE HARD WAY A LOT OF THINGS. FOR INSTANCE, THAT PROMISES MADE ABOUT REAL ESTATE THAT AREN'T IN WRITING AREN'T BINDING. WE WERE PROMISED FENCES AND OOPS, THEY DIDN'T PUT IT IN THE WRITING AND SO WE NEVER GOT OUR FENCES. AND THINGS LIKE THAT. NINE YEARS LATER AFTER BUYING MY HOUSE I'M STILL SURROUNDED BY THREE VACANT LOTS. WE AS NEIGHBORS ARE EAGER FOR THESE LOTS TO BE DEVELOPED. WE'RE EAGER FOR THE BUSINESSES TO GO IN. WE'RE TIRED OF LOOKING AT BOARDED UP HOUSES AND VACANT LOTS. BUT WE ALSO WANT IT DEVELOPED IN A WAY THAT'S RESPONSIBILITY RESPONSIBLE AND MINDFUL OF THE PEOPLE THAT HAVE LIVED THERE 24/7, 365. AS THE NCCD STANDS NOW, IT WAS WRITTEN BY THE COMMERCIAL AND DEVELOPER INTERESTS. IT WAS VERY LITTLE TO NO CONSIDERATION OF THOSE OF US WHO LIVED THERE. IT'S ALL ABOUT THEIR MONEY. AND WE WANT THEM TO MAKE A PROFIT, BUT THERE IS A DIFFERENCE SOMETIME BETWEEN A PROFIT AND A KILLING. ONE OF THE THINGS THAT WE WERE PROMISED UPON BUYING OUR HOUSES IN ANDERSON HILL IS THAT TRACT TWELFT, WHICH IS ON EAST 12TH ON THE SOUTHSIDE IN BETWEEN CURB STREET AND WALLER STREET WAS GOING TO BE DEVELOPED AS TOWNHOMES, AFFORDABLE, FIRST TIME HOME BUYER TOWN HOME. IN FACT, A DRAWING, THE ARCHITECT'S DRAWING WAS ON THE BROCHURE PROMOTING ANDERSON HILL AND THERE WAS A FULL PAGE AD IN THE CHRONICLE IN THE SUMMER OF 1998, WHICH IS WHAT LED ME TO KNOW THAT THERE WAS THIS DEVELOPMENT GOING ON. AND IT ATTRACTED ME TO END UP BUYING A HOUSE THERE BECAUSE NO TOWN HOME EVER WENT IN. SO MY NEIGHBORS AND I HAVE PUT IN A PETITION ASKING THE CITY COUNCIL TO PLEASE CONSIDER TRACT 12 TO BE SLATED FOR AFFORDABLE TOWN HOME ONLY IN WRITING. WE'VE BEEN GIVEN A LOT OF PROMISES AND MEAN OF THEM ARE EMPTY AND WE KNOW THAT NEEDS TO BE IN WRITING. THIS PETITION IS SIGNED BY ALL THE HOMEOWNERS WITHIN 200 FEET OF THIS LOT, INCLUDING MYSELF. I'M RIGHT NEXT TO THIS LOT. WE THINK THAT THE TOWNHOMES WILL BE AN EXCELLENT BUFFER BETWEEN THE COMMERCIAL DEVELOPMENTS THAT WILL BE ON THE NORTHSIDE OF 12TH AND FURTHER TO THE EAST AND FURTHER TO THE WEST OF TRACT 12. AS IT STANDS NOW, YOU GO DOWN TO 11th STREET AND YOU WILL SEE CARS PARKED RIGHT ON THE CORNER AND WE DON'T WANT THAT IN OUR NEIGHBORHOOD. SO I'LL GIVE THIS TO YOUR CLERK. THANK YOU.

Mayor Wynn: THANK YOU, VALERIE. COUNCIL, I■■■ I BELIEVE THAT'S ALL THE FOLKS WHO WANTED TO GIVE US TESTIMONY. A NUMBER OF FOLKS SIGNED UP NOT WISHING TO SPEAK IN FAVOR. THAT WOULD INCLUDE MICHAEL CASIS, CHRIST JAY■■■■ JACOB AND LOUISIANA KRITZ, AND FOLK WHO DID NOT WISH TO BE IN OPPOSITION INCLUDING THESE LISTED. SO THAT CNGZ OUR CITIZEN TESTIMONY. COUNCILMEMBER COLE.

Cole: MAYOR, WE'VE HEARD SOME TESTIMONY ABOUT THE CONCERNS IN THE AREA AND I NOTICED THAT MR. BYRON MARSHAL IS HERE AND I WOULD LIKE TO ASK THEM TO COME DOWN TO GIVE US A BRIEF OVERVIEW ON HOW THE AUSTIN REVITALIZATION AUTHORITY HAS DEALT WITH SOME OF THE CONCERNS OR HOW THE PLANS HAVE BEEN IMPLEMENTED TO DEAL WITH THESE ISSUES SUCH AS THE SMALL BUSINESSES AND PROTECTION FOR AFFORDABLE HOUSING. IF YOU WOULD BRIEFLY ADDRESS THAT.

Mayor Wynn: WELCOME.

GOOD EVENING. THANKS FOR GIVING ME THE OPPORTUNITY TO ANSWER A COUPLE OF QUESTIONS. ONE OF THE THINGS RAISED BY MS. THATCHER IS THAT THE NCCD WAS DRAFTED BY DEVELOPERS. THE FACT IS THAT THIS WAS A COMPROMISE AND A COMPROMISE WAS STRUCK BETWEEN DEVELOPERS AND HOMEOWNERS. SOME OF THE ISSUES MS. THATCHER HAS RAISED ARE ACTUALLY COVERED IN THE NCCD. THAT TRACT 12, WHILE IT'S ZONED SF-4, I BELIEVE THAT'S THE PROPOSAL. ACTUALLY, THE CRP SAYS THAT IT HAS TO BE THE TOWNHOMES. AND THE MOST RESTRICTED IS WHAT CONTROLS HERE. THERE WAS A CONSENSUS BUILDING SESSION FOR EACH OF THOSE TRACTS, AND THE NEIGHBORS CHOOSE TO MAKE THAT -- TO ZONE IT HIGHER, BUT THE REALITY IS IT CAN ONLY BE THE TOWNHOMES AT THIS POINT. THAT IS THAT THAT WAS SOMETHING THAT WASN'T MADE CLEAR. SECONDLY, SUBDISTRICT 3 IS ALL RESIDENTIAL. AND IT'S PRIMARILY ON THE SOUTHSIDE OF 12TH STREET. IT STARTS AT A CURVE AND GOES ALL THE WAY UP TO COMAL, I'M SORRY, TO THE SOUTHWEST SIDE OF COMAL JUST WHERE THE LAWYER WHO REPRESENTS THE COMERNL PROPERTY AT THAT CORNER WAS SPEAKING■■■■ING EARLIER. IT STOPS THERE AT THE MARSHAL APARTMENTS. WHAT WE'VE TRIED TO DO WAS BALANCE THE NEEDS OF THE NEIGHBORHOODS WHO DIDN'T WANT PARKING TO ENCROACH INTO THE NEIGHBORHOODS WITH THOSE SMALL BUSINESSES THAT EXISTED ON THE STREET, BOTH BUSINESS OWNERS AND PEOPLE WHO ARE OPERATING BUSINESSES. TO THE EXTENT THAT A SMALL BUSINESS WAS THERE, THERE WERE TWO DIFFERENT KINDS OF SMALL BUSINESSES THERE, PEOPLE WHO HAVE BEEN THERE A LONG TIME, WHO WERE ABOUT TO -- WHO WANT TO CASH OUT. AND THEY WANT TO GET THE HIGHER THE VALUE FOR THE PROPERTIES. SO WHAT THEY WANTED TO DO WAS GET HEIGHTS AND BE ABLE TO GET -- HAD THE CAPABILITY WAIVED. AND THE RATIONALE FOR THAT FOR THEM WAS ALL THESE LOTS, IF YOU REMEMBER THEM TO THE NORTHSIDE, THEY'RE VERY, VERY SHALLOW. SO IF YOU TELL SOMEBODY THAT THEY CAN ONLY --

THAT THEY CAN BUILD 50 FEET, BUT THEN YOU REALLY LOOK AT THE SETBACKS AND LOOK HOW CLOSE THEY ARE TO THE HOUSES THAT ABUT THEM, THEY REALLY CAN'T BUILD 50 FEET. AND IF YOU ALSO MAKE THEM, PUT ALL THEIR PARKING ON THE TRACT, WHICH IS WHAT THE NEIGHBORHOODS WANTED, THEY REALLY WOULDN'T BE ABLE TO ACCOMPLISH VERY MUCH AT ALL. WHAT HAPPENED IS THAT THOSE SMALL BUSINESSES WOULD BE FORCED TO SELL TO OTHER PEOPLE SO THAT THAT DEVELOPER COULD ACCUMULATE ENOUGH SQUARE FOOTAGE TO BE ABLE TO BUILD SOMETHING THAT'S ECONOMICALLY VIABLE. SO WHAT WE TRIED TO DO IS THIS. IF YOU'RE A SMALL BUSINESS, 2500 SQUARE FEET OR LESS YOU DON'T HAVE TO HAVE A MIXED USE BUILDING. YOU ALSO DON'T HAVE TO HAVE ON-SITE PARKING. CAN YOU USE COMMUNITY PARKING. THE CITY HAS SET ASIDE ONE PARCELS PARCEL AT THE CORNER OF 12TH AND NAVASOTA TO BE COMMUNITY PARKING. THAT IS EITHER PARCEL 3 OR 4. I CAN'T TELL FROM HERE. SO ON THE NORTHWEST CORNER OF NAVASOTA. AND THE PARKING RIGHT NOW IS ACTUALLY BEEN NEGOTIATED WITH THE REST OF THE BLOCK SO THEY CAN INCORPORATE THAT INTO THE OVERALL DEVELOPMENT. AND THE GOAL THERE AGAIN WAS TO HELP SMALL BUSINESSES STAY IN THE AREA THEY CHOSE TO. AND THE GOAL OF NOT MAKING THEM HAVE MIXED USE IN A VERY SMALL BUSINESS BUILDING WAS BECAUSE IT DOESN'T MAKE A LOT OF SENSE. THERE'S ONE BUILDING THERE, ONE ABOUT TO OPEN AT THE CORNER OF 12TH AND -- 901 EAST 12TH STREET. IT DOESN'T MAKE SENSE TO TRY TO MAKE THAT OWNER SPLIT THAT BUILDING UP IN MANY DIFFERENT USES. WE DID ATTEMPT TO ADDRESS THE NEEDS OF THE NEIGHBORHOOD AND THOSE OTHER neighborhood and those other BUSINESSES. BOTH BUSINESS OWNERS AND PROPERTY OWNERS.

Cole: THANK YOU.

Mayor Wynn: OTHER QUESTIONS, COMMENTS? IS MR. GBLG YOU GUERNSEY? WORK YOUR MAGIC.

WE HAVE TWO ITEMS TO ADDRESS, ONE IS THE URBAN RENEWAL PLAN AND ONE IS THE ZONING ORDINANCE. STAFF UNDERSTANDS THAT TRACT 9 IS ASSOCIATED WITH THE URBAN RENEWAL PLANS AND IN THE ZONING ORDINANCE WOULD BE DEFERRED FOR ACTION WHEN WE COME BACK AFTER WE GIVE PROPER NOTICE TO PROPERTY OWNERS. AND ALSO THE INDIVIDUAL PROPERTY AT 1425 EAST 12TH STREET WHICH IS IDENTIFIED ON YOUR YELLOW SHEET AS TRACT 6 OR PROPERTY 6, INDIVIDUAL PROPERTY 6 WOULD COME BACK FOR PUBLIC HEARING ON THAT SAME DATE. WHAT YOU COULD PROCEED TO DO IS MAKE A MOTION TO APPROVE THE URBAN RENEWAL PLAN AS RECOMMENDED AND THE NCCD AS RECOMMENDED. IF YOU CHOSE, YOU COULD MAKE PART OF YOUR MOTION A MODIFICATION TO THE VEGETATIVE BUFFER IF YOU SO DESIRE TO REMOVE THE VEGETATIVE BUFFER OR MODIFY IT AS WELL TO THE NCCD, STAFF HAD BROUGHT FORWARD THE CITIZEN CONCERNS, ONE ABOUT PEDESTRIAN ORIENTED USES AND GARAGES, ONE ABOUT THE SHIELDING OF LIGHTING OF THE GARAGES TO THE REAR MOST 50 FEET ALONG THE SIDES. AND

STRIKE THE WORD COCKTAIL LOUNGE FROM THE PEDESTRIAN ORIENTED USES. YOU COULD ADD THOSE THREE THINGS AND THEN WE WOULD AFFECT THAT CHANGE. AND IF IT IS YOUR DESIRE, WE WILL TO THE BEST OF YOUR ABILITY MAKE THE URBAN RENEWAL PLAN AND ZONING REGULATIONS MATCH WHERE IT'S ALLOWED BY STATE ALLOW AND LOCAL ORDINANCE.

Mayor Wynn: THANK YOU, MR. GUERNSEY.

Cole: MAYOR, I'M PREPARED TO MAKE A MOTION. I WOULD LIKE TO RECOMMEND THAT WE ADOPT THE URBAN RENEWAL PLAN WHICH DOES NOT CONTAIN THE VEGETATIVE BUFFER AND WE ALSO ACCEPT THE STAFF RECOMMENDATIONS ON PAGE 2 OF THE MOTION SHEET, WHICH IS CHANGING THE LANGUAGE OF PEDESTRIAN ORIENTED USES TO PEDESTRIAN ORIENTED USES IN DEALING WITH THE HEADLIGHTS ON THE PARKING GARAGES AND STRIKING COCKTAIL LOUNGE FROM THE LIST OF PEDESTRIAN ORIENTED USES.

Mayor Wynn: MOTION BY COUNCILMEMBER COLE, SECONDED BY THE MAYOR PRO TEM. AND MR. GUERNSEY, REMIND ME THIS IS ONLY READY FOR FIRST READING ONLY.

THAT'S CORRECT.

Mayor Wynn: SO FIRST READING. COMMENTS? COUNCILMEMBER LEFFINGWELL.

Leffingwell: JUST A CLARIFICATION. THAT'S WITH TRACT 9 REMOVED AND PROPERTY 6 REMOVED?

YES.

Leffingwell: IS THAT YOUR MOTION? AND ALSO ON THE SUGGESTION SECOND PAGE, THE HEADLIGHTS, THAT'S THE SECOND COLUMN?

I BELIEVE IT'S TUNNEL 2 TO CLARIFY THE REQUIREMENTS FOR SCREENING OF HEADLIGHTS FOR PARKING GARAGES. YEAH, THAT SUGGESTED CHANGE IN THE COMMENTS SECTION. RIGHT.

Mayor Wynn: AGAIN, MOTION AND A SECOND ON THE TABLE TO CLOSE THIS COMBINED PUBLIC HEARING AND APPROVE ON FIRST READING ONLY AS AMENDED BY COUNCILMEMBER COLE'S MOTION. FURTHER COMMENTS? MR. GUERNSEY, HOW SOON -- FRANKLY, IT WILL TAKE YOUR EFFORTS TO CLEAN THIS UP FOR ME SO I CAN REALLY UNDERSTAND WHERE WE'LL BE AFTER THIS FIRST READING. HOW SOON, THOUGH, CAN STAFF BE PREPARED FOR SECOND AND/OR THIRD READING?

IN ORDER TO MEET THE REQUIREMENTS FOR NOTIFYING TRACT NINE FOR THE ZONING REQUIREMENTS -- BECAUSE WE HAVE ALREADY MADE THE PROPER NOTICE REQUIREMENTS FOR THE URBAN RENEWAL PLAN. IT WOULD APPROXIMATELY TAKE ABOUT FOUR WEEKS FOR US TO BRING THIS BACK. SO THERE'S A MEETING ON THE 21st.

Mayor Wynn: VALENTINE'S DAY AND THE 28TH.

I WOULD PROBABLY SAY THE 28TH TO BE SURE AND WE CAN MEET THE NOTICE REQUIREMENTS BECAUSE WE HAVE TO RUN A NEWSPAPER AD AND GET THAT IN. SO I WOULD SAY THE 28TH. AND WE COULD POSTPONE THE ACTION ON THE URBAN RENEWAL PLAN JUST TO BE CLEAR SO THERE'S NO NOTIFICATION ISSUES WITH THAT FOR TRACT 9 AND THAT ONE INDIVIDUAL PARCEL ON TRACT 6. SO WE WOULD ON POSTPONE THE URBAN RENEWAL PLAN FOR TRACT 9 AND THE PROPERTY AT 1425 EAST 12TH STREET.

Mayor Wynn: WHICH IS PART OF THE MOTION, I BELIEVE. YES.

THAT WAY THERE WOULD BE NO ISSUE BECAUSE WE HAVEN'T HAD THE PUBLIC HEARING ON THOSE TWO. AND CHECKING MY LEGAL COUNSEL FOR THE URBAN RENEWAL DISTRICT AND THEIR AGREEMENT. WE'RE FINE. AND THEN WE WILL NOTIFY FOR ZONING FOR TRACT 9 AND BRING THAT BACK AND THEN 1425 WILL BE COMING BACK WITH THE SEC AND THIRD READINGS ITEMS. AND SO THAT'S POSTPONED AS WELL FOR TRACT -- FOR THE PROPERTY AT 1425 EAST 12TH STREET.

Mayor Wynn: MOTION AND A SECOND ON THE TABLE FOR FIRST READING ONLY. AS DETAILED BY MR. GUERNSEY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION ON FIRST READING PASSES ON A VOTE OF SEVEN TO ZERO.

THAT CONCLUDES OUR ZONING ITEMS THIS EVENING.

Mayor Wynn: THANK YOU, MR. GUERNSEY. AND ACTUALLY, TECHNICALLY THAT CONCLUDES ALL OF OUR ITEMS BEFORE THIS POSTED CITY COUNCIL MEETING. WE NOW STAND ADJOURNED. IT IS 8:54 P.M.

Case Number C14-06-0209
800-1951 E. 12th Street Rezoning
January 17, 2008 Public Hearing at City Council
c/o Jerry Rusthoven
City of Austin Planning and Zoning Department
PO Box 1088
Austin TX 78767-8810

I OBJECT to the rezoning application case number C14-06-0209 for 800-1951E 12th Street. I am the owner of the property at 1205 Olander Street, located in the rezoned area. The proposed development site plan for the 1000 block of E 12th Street is adjacent to my property, and shows the dumpster for the proposed complex to be located ON the property line, with ZERO setback from my property. This dumpster would be 25 feet from the back door and two windows of my property. This use is unacceptable and severely degrades the use and enjoyment of my property.

The properties at 1205 and 1203 Olander are small 850sf cottages on approx 3500sf lots, these properties are located south of the alley on 12th Street. While other nearby houses (mainly on 13th Street) have an additional "buffer" of the alley, these two houses on Olander do not have the alley to distance themselves from this project as the other houses, and the development proposed without compatibility standards will provide no protection or scale for these two houses that are there.

While I support higher density and welcome development on 12th Street, efforts must be made to preserve the personality and traditions of East Austin. It is my view that by eliminating the compatibility standards will severely degrade the surrounding properties that are adjacent to this NCCD. Eliminating the compatibility standards and changing the setback requirements do not adequately protect the adjacent property owners.

Attached are pictures of the properties where you can see the scale of the present structures to judge the incompatibility of what is proposed.

Respectfully Submitted,

A handwritten signature in black ink that reads "Michael Damal". The signature is fluid and cursive, with the first name "Michael" and last name "Damal" clearly legible.

Michael Damal
Owner, 1205 Olander
512-799-0287



FRONT VIEW 1205 OLANDER -- Development will be directly



BACK YARD OF 1205 OLANDER



FRONT VIEW OF 1203-1205 OLANDER