

ORDINANCE NO. 20080228-113

AN ORDINANCE ADOPTING THE FOURTH PLAN MODIFICATION TO THE EAST 11TH AND 12TH STREETS URBAN RENEWAL PLAN.

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

PART 1. The council finds that:

(A) The council adopted the East 11th and 12th Streets Urban Renewal Plan on January 14, 1999 by Ordinance No. 990114-G, the First Plan Modification on Austin 2, 2001 by Ordinance No. 010802-089, the Second Plan Modification on July 31, 2003 by Ordinance No. 030731-049, and the Third Plan Modification on April 7, 2005 by Ordinance No. 20050407-060 (collectively referred to as the Plan);

(B) A fourth modification to the Plan is described in Exhibit A, attached to and made part of this ordinance (Fourth Plan Modification);

(C) In accordance with Section 374.014(b) of the Local Government Code:

(1) The Urban Renewal Agency of the City of Austin reviewed and adopted written recommendations to council relating to the Fourth Plan Modification on April 16, 2007;

(2) The Planning Commission reviewed and adopted written recommendations to council relating to the Fourth Plan Modification on July 24, 2007;

(D) On January 17, 2008 the council held a public hearing in accordance with Section 374.014(c) of the Local Government Code on the Plan Fourth Modification.

(E) After the hearing and in accordance with Section 374.014(d) of the Local Government Code, that:

(1) a feasible method exists for the relocation, in decent safe, affordable, and sanitary accommodations, of families or individuals who will be displaced from the urban renewal area, without undue hardship to those persons;

(2) the Fourth Plan Modification conforms to the general plan for municipal development; and

(3) the Fourth Plan Modification offers the maximum opportunity, consistent with the needs of the City as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

PART 2. In accordance with Section 374.014(e) of the Local Government Code, the council adopts the Fourth Plan Modification to the Plan.

PART 3. The city clerk shall attach a copy of the Fourth Plan Modification to the minutes of the council meeting during which the Fourth Plan Modification is adopted and file a certified copy of the Fourth Plan Modification in the real property records of Travis County, Texas.

PART 4. This ordinance takes effect on March 10, 2008.

PASSED AND APPROVED

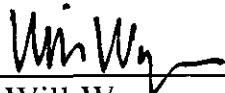
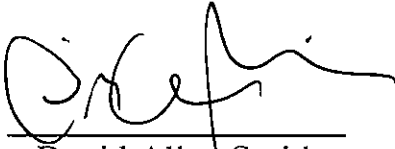
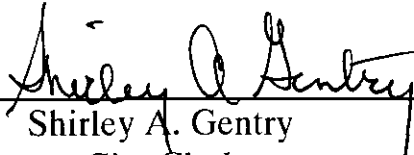
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| <u>February 28</u> , 2008 | § | <u></u> |
| | | Will Wynn |
| | | Mayor |
| APPROVED: <u></u> | | ATTEST: <u></u> |
| David Allan Smith | | Shirley A. Gentry |
| City Attorney | | City Clerk |

EXHIBIT A
East 11th and 12th Streets Urban Renewal Plan
February 28, 2008

| Project Number/Name (Tear Sheet) | Modification | Existing Controls | Modification to Existing Controls |
|--|--------------|--|---|
| 12-2/12th St. Mixed Use and/or Commercial, Northside of E. 12th at Waller Street | No Changes | Reuse Objective: Provide Mixed Use and/or Commercial Space | No Changes |
| | | Site area: 0.4 acres | No Changes |
| | | Permitted use: Mixed use and/or Commercial, excluding retail | Permitted uses: Mixed use and/or Commercial |
| | | Allowable height: 50' maximum; no FAR provision | No Changes |
| | | New commercial space: N/A | No Changes |
| | | Commercial space to be preserved: N/A | No Changes |
| | | New housing units: N/A | No Changes |
| | | Existing housing to be preserved: N/A | No Changes |
| | | Community parking spaces: Existing (10 - 20 spaces) | No Changes |
| | | Residential parking spaces: 0 | No Changes |
| | | Potential demolition: 0 | No Changes |

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February 28, 2008

| Project Number/Name (Tear Sheet) | Modification | Existing Controls | Modification to Existing Controls |
|---|--|---|---|
| 12-4/Navasota St. Retail North side of 12th St. at Navasota St. | 12-4/Navasota St. Mixed- Use, North side of 12th St. at Navasota St. | Reuse Objective: Provide New Community Retail Opportunities | Reuse Objective: Provide Mixed- Use Opportunities on East 12th Street |
| | | Site area: 0.6 Acres | No Changes |
| | | Permitted use: Community/local services | Permitted use: Mixed-Use |
| | | Allowable height/permitted FAR: Allowable height 50 foot maximum, no FAR provision | No Changes |
| | | New commercial space: N/A | No Changes |
| | | Commercial space to be preserved: N/A | No Changes |
| | | New housing units: N/A | No Changes |
| | | Existing housing to be preserved: N/A | No Changes |
| | | Community parking spaces: N/A | No Changes |
| | | Residential parking spaces: N/A | No Changes |
| | | Potential demolition: N/A | No Changes |

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| Section Number | Modification | Existing Control | Modification to Existing Controls |
|-------------------------|----------------------|------------------|--|
| Section 1.0 Definitions | Add: Prohibited Uses | None | "Prohibited Uses" means on the E. 12th Street corridor adult-oriented businesses, automobile rentals, automotive repair services, bail bond services, campground, carriage stable, cocktail lounges save and except the property located at 1808 - 1812 East 12th Street, commercial plasma center, convenience storage, drop-off/recycling collection facility, drive-thru restaurant facilities, equipment repair services, equipment sales, exterminating services, kennels, commercial laundry services, liquor sales, pawn shop services, outdoor entertainment, outdoor recreation, telecommunication tower on ground, vehicle storage and veterinary (livestock) services |

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|---|---|--|-----------------------------------|
| Section 3.0 CRP Illustrative Design Plan: A.2 Parking | A.2.c Parking Garages for East 12th Street | i. If parking garages of 2 stories or over are developed, such structures must have shielded lights and are required to have retail on 50% of the ground floor. | See Exhibit A-1 |
| | | ii. For structures 30' or greater, 100% retail is required on the ground floor (except ingress/egress areas for upstairs parking) and 12' masonry wall shielding the structure from residences behind. Complete shielding is required of the north and south walls as well as 50% of sidewalls for both sides of E. 12th Street. Access to structure will be confined to E. 12th Street. Overnight parking is limited to residents and their overnight guests. | |

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| Section Number | Modification | Existing Control | Modification to Existing Controls |
|---|---|------------------|--|
| Section 3.0 CRP Illustrative Design Plan | Add: Subsection B. Fencing for East 12th Street | None | The current regulations in the LDC for fencing is waived on East 12 th Street for all fences to be a maximum of 8' for properties adjacent to the E 12 th Street corridor. |

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| Section Number | Modification | Existing Control | Modification to Existing Controls |
|---|---|------------------|---|
| Section 3.0 CRP Illustrative Design Plan | Add: Subsection C. Non-Standard Lots for East 12th Street | None | Small lot amnesty, as defined by the City of Austin's Land Development Code, for the E. 12th Street corridor is approved for both residential and commercially zoned property |