

CHANGES AND CORRECTIONS

Thursday, October 06, 2005

5. Authorize negotiation and execution of an amendment to the Facilities Lease Agreement between the City and Austin-Bergstrom Landhost Enterprises, Inc. for the airport hotel at Austin-Bergstrom International Airport, including modifications and clarifications related to the mortgage of Lessee's leasehold interests, payment of rent, default and termination. **(Postponed to October 20th)**
12. Authorize execution of a construction contract with BARECKY CONSTRUCTION COMPANY, Wimberley, TX, for Spicewood Springs Branch Library Expansion Re-Bid in the amount of \$1,544,640 plus a \$108,124.80 contingency, for a total contract amount not to exceed \$1,652,764.80. (Funding in the amount of \$1,652,764.80 is available in the Fiscal Year 2005-2006 Approved Capital Budget of the Library Department.) Lowest bid of four received. 8.00 % MBE and 25.52 % WBE subcontractor participation. (Conditional Use Permit approved by Zoning and Platting Commission.) **(Postponed to October 20, 2005)**
24. Set a public hearing on proposed ordinance amending Section 25-9-347 of the City Code to increase the number of S.M.A.R.T. Housing™ fee waivers from 1000 to 1500 service units of affordable housing and to reduce some time periods during which affordable housing units must remain affordable to retain the exemption. (Suggested date and time: ~~October 27~~ **November 3, 2005, 6:00 p.m.**, City Hall Council Chambers, 301 West Second Street.) (Recommended by the Planning Commission)
32. Presentation of the Downtown Austin Alliance Bi-Annual Survey.
33. C14H-05-0006 - Thompson-Carter House - Approve second/third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1815 Waterston Avenue from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. First reading approved on August 18, 2005 with the proviso that the neighborhood association and the applicant were agreeing to preserve the original part of the house. Vote: 7-0. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454. Staff recommends ~~withdrawal~~ denial of the case due to executed agreement between property owner and Clarksville Community Development Corporation.
36. C14-05-0106 - West Congress Neighborhood Planning Area Rezoning, Pleasant Hill Subdistrict - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Pleasant Hill Subdistrict and generally described as the properties bounded by the northern boundary of the Pleasant Hill Addition Subdivision on the north, South Congress Avenue on the east, West Stassney Lane on the south, and properties fronting ~~Mockingbird~~ Hummingbird Lane on the west (Williamson Creek Watershed). The proposed zoning

change will create a Neighborhood Plan Combining District (NPCD) covering the entire subdistrict. Under the proposed Pleasant Hill subdistrict, "Small Lot Amnesty" special use and "Impervious Cover and Parking Placement Restrictions" and "Prohibiting Parking in the Front Yard" zoning regulations are proposed. "Secondary Apartment" special use and "Garage Placement" and "Front Porch Setback" zoning regulations are proposed for the Pleasant Hill subdistrict. The "Neighborhood Mixed-Use Building" special use is being proposed for tracts 18, 22, 23a, 23b, 25-28, 30-32 and 35. The proposed zoning change will also change the base district zoning on 12 tracts of land and the City Council may approve a zoning change to any of the following: rural residence (RR) district zoning; single family residence large lot (SF-1) district zoning; single family residence standard lot (SF-2) district zoning; family residence (SF-3); single family residence small lot (SF-4A) district zoning; single family residence condominium site (SF-4B) district zoning; urban family residence (SF-5) district zoning; townhouse & condominium residence (SF-6) district zoning; multi-family residence limited density (MF-1) district zoning; multi-family residence low density (MF-2) district zoning; multi-family residence medium density (MF-3) district zoning; multi-family residence moderate-high density (MF-4) district zoning; multi-family residence high density (MF-5) district zoning; multi-family residence highest density (MF-6) district zoning; mobile home residence (MH) district zoning; neighborhood office (NO) district zoning; limited office (LO) district zoning; general office (GO) district zoning; commercial recreation (CR) district zoning; neighborhood commercial (LR) district zoning; community commercial (GR) district zoning; warehouse/limited office (W/LO) district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; commercial highway (CH) district zoning; industrial park (IP) district zoning; major industrial (MI) district zoning; limited industrial services (LI) district zoning; research and development (R&D) district zoning; development reserve (DR) district zoning; agricultural (AG) district zoning; planned unit development (PUD) district zoning; historic (H) district zoning; and public (P) district zoning. A conditional overlay (CO), planned development area overlay (PDA), mixed use (MU) combining district overlay; neighborhood conservation combining district (NCCD); or neighborhood plan special use (NP) may also be added to these zoning base districts. First reading approved on September 1, 2005. Vote: 6-0, Alvarez off the dais. For Tract 18, Vote: 6-0, Alvarez off the dais. For Tract 30, Vote: 6-1, Mayor Wynn - nay). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Mark Walters, 974-7695.

Z- 15. C14-05-0030 - Shamise 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9117 Northgate Blvd. (Little Walnut Creek Watershed) from multi-family-medium density-neighborhood plan (MF-3-NP) combining district zoning to neighborhood commercial-neighborhood plan (LR-NP) combining district zoning. ~~Zoning and Platting Commission Recommendation:~~ **Planning Commission Recommendation:** To grant neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district zoning. Applicant: Syed Asif Shamise. Agent: Bennett Consulting: Jim Bennett. City Staff: Sherri Sirwaitis, 974-3057. A valid petition has been filed in opposition to this rezoning request.

Z- 17. C14-05-0121 - 5505 Montview - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5505 Montview Street (Shoal Creek Watershed) from family residence-conditional overlay (SF-3-CO) combining district zoning to family residence-conditional overlay (SF-3-CO) combining district zoning in order to modify a condition of zoning. Zoning and Platting Commission Recommendation: To deny family residence-conditional overlay (SF-3-CO) combining district zoning in order to modify a condition of zoning. Applicant: Anthony Delmonico. Agent: Mike McHone Realty (Mike McHone). City Staff: Jorge Rousselin, 974-2975. **A valid petition has been filed in opposition to this rezoning request.**

Items with late backup:

23

35

TIME CERTAIN ITEMS
Thursday, October 06, 2005

9:55 A.M. Invocation

10:00 A.M. City Council Convenes

12:00 P.M. CITIZEN COMMUNICATIONS: GENERAL

2:00 PM BRIEFINGS (**Item 32**)

4:00 P.M. ZONING HEARINGS AND APPROVAL OF ORDINANCES AND
RESTRICTIVE COVENANTS

5:30 P.M. LIVE MUSIC AND PROCLAMATIONS

6:00 P.M. PUBLIC HEARINGS AND POSSIBLE ACTION (**Item 38**)

Agenda Questions/Responses
October 06, 2005

8. Why is the Burnet Road area considered blighted or depressed? (Council Member Raul Alvarez)

Neither the Neighborhood Housing & Community Development (NHCD) Office nor the Neighborhood Commercial Management Program (NCMP) identifies Burnet Road as slum or blighted (depressed) area. The only designated slum and blighted area exists under the state approved East 11th and 12th Street urban renewal area. The NCMP program is not directly linked to the urban renewal area. The NCMP program has no eligibility requirement based on a designation of slum and blight. The purpose of the NCMP program is to provide job creation and/or retention opportunities to low to moderate income persons through loans to businesses. The NCMP program does contain a primary priority area. It was included in order to give priority consideration of requests from businesses located within the area bounded by I-35, the Colorado River, Ed Bluestein and US Hwy 183. The primary priority area also includes the South Congress and South 1st Street redevelopment corridors. Although priority consideration is given to loan applications from businesses located in the primary priority areas, NCMP funds are not solely restricted to the primary areas. The Program also designates all remaining areas within the corporate city limits as secondary priority areas. This allows businesses located in these areas to participate in the program based on fund availability.

9. How will the funding from the proposed loan be utilized. What will be the value of the city's lien on the deed of trust? How will the loan make it possible for the applicant to create the additional jobs? (Council Member Raul Alvarez)

(1). How will the funding from the proposed loan be utilized? NCMP funding is ear-marked for property remodeling and modifications to the roof and interior (i.e. bathroom and seating areas for patrons). Physical improvements were identified that would possible improve business profitability by lowering annual operating expenses and generate new revenue by increasing patronage.

(2). What will be the value of the city's lien on the deed of trust? As the primary lender, the City of Austin will have a first lien position. Staff, via the NCMP loan committee are requesting approval of waivers that will allow the City of Austin under NCMP to be the primary lender, and thus obtain a first lien position.

(3). How will the loan make it possible for the applicant to create the additional jobs? NCMP funding enables Cisco's Bakery to meet both the primary goal of the business and NCMP which are business expansion and job creation/retention

respectively. The expansion of business services by the Cisco's Bakery will have the potential to increase preexisting patronage. Based on the reductions in operational expenses and making physical improvements to the property Cisco's Bakery will have a need to add at least 2 additional employees. Of the 2 jobs to be created, a minimum of 2 full time equivalent (FTE) jobs will be required to be reserved for low to moderate income persons. Federal and Program guidelines require that loan recipients create 1 full time job for every \$35,000 of investment provided with federal funding. In order to earn full credit, jobs must be created/retained for a minimum period of two years.

10. How will the funding from the proposed loan be utilized? How will the loan make it possible for the applicant to create the additional jobs? (Council Member Raul Alvarez)

(1). How will the funding from the proposed loan be utilized? NCMP funding is ear-marked for reconstruction of buildings that were lost from a New Years Eve fire. Physical improvements were identified that would allow Austin Lumber to recover to revenue streams that were achieved prior to the accident. Likely expenses include, to some extent, the purchase of supplies, equipment and cost of labor for the fabrication of three preexisting structures.

(2). How will the loan make it possible for the applicant to create the additional jobs? NCMP funding enables Austin Lumber to meet both the primary goal of the business and NCMP which are business expansion and job creation/retention respectively. The recovery of lost capacity for services and products will provide Austin Lumber the ability to potentially reclaim lost revenues. As a result of restoring Austin Lumber to full-operations, Austin Lumber will have a need to add at least 8 additional employees. Of the 8 jobs to be created and or retained, a minimum of 5 full time equivalent (FTE) jobs will be required to be reserved for low and moderate income persons. Federal and Program guidelines require that loan recipients create 1 full time job for every \$35,000 of investment provided with federal funding. In order to earn full credit, jobs must be created/retained for a minimum period of two years.

36. Has it been determined that the commercial use on 103 Red Bud Lane is grandfathered? If not, please explain. Is it possible to zone this property commercial under the current posting? (Council Member Raul Alvarez)

As best as can be determined, 103 Red Bud is not grandfathered, although the property owner maintains that it is. The property was annexed into the city on 10-21-69 and the earliest record that we have indicates a business at the site in 1971.

Staff has suggested an alternative recommendation that would make the property legal regardless of the grandfathered status. The alternative would be CS-MU-CO-NP, limiting the uses to those allowed under LO zoning with the addition of

Construction Sales and Service (current use). In addition, the PC recommended that a 30' natural vegetative buffer be applied to the western side of the property adjacent to the existing single-family.

The neighborhood is sticking for single-family zoning, but has suggested that LO might be OK. The property owner, as far as I understand, agrees to this.

As best as can be determined, 103 Red Bird is not grandfathered, although the property owner maintains that it is. The property was annexed into the city on 10-21-69 and the earliest record that we have indicates a business at the site in 1971.

Staff has suggested an alternative recommendation that would make the property legal regardless of the grandfathered status. The alternative would be CS-MU-CO-NP, limiting the uses to those allowed under LO zoning with the addition of Construction Sales and Service (current use). In addition, the PC recommended that a 30' natural vegetative buffer be applied to the western side of the property adjacent to the existing single-family.

The neighborhood still prefers single-family zoning, but has suggested that LO might be OK. The property owner, as far as is understood, agrees to this.