

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



**AGENDA ITEM NO.: Z-9
AGENDA DATE: Thu 01/27/2005
PAGE: 1 of 1**

SUBJECT: C14-04-0200 and C14H-04-0028 - Chapman House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 901 East 12th Street (Waller Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-historic-neighborhood plan (GR-H-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-historic-neighborhood plan (GR-H-NP) combining district zoning. Applicant and Agent: Urban Renewal Agency of the City of Austin (Gregory L. Smith). City Staff: Robert Heil 974-2330

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET**CASE:** C14-04-0200 and C14H-04-0028**HLC DATE:** December 13, 2004**P.C. DATE:** January 11, 2005**City Council Date:** January 27, 2005**ADDRESS:** 901 E 12th Street (Chapman House)**OWNER/APPLICANT:** Urban Renewal Agency of the City of Austin (Gregory L. Smith)**AGENT:** Urban Renewal Agency of the City of Austin (Gregory L. Smith)**ZONING FROM:** SF-3-NP**TO:** GR-H-NP**AREA:** 0.19 acres**SUMMARY STAFF RECOMMENDATION:**

Staff recommends rezoning the property from family residence – neighborhood plan district zoning (SF-3-NP) to community commercial – neighborhood plan district – historic combining district zoning (GR-H-NP). (Vote: 8-0)

HISTORIC LANDMARK COMMISSION RECOMMENDATION:

December 13, 2004: Recommended the proposed zoning change from family residence, neighborhood plan (SF-3-NP) combining district to community commercial, neighborhood plan – Historic (GR-H-NP) combining district zoning under Historic Landmark Designation Criteria 1, 3, 6, and 7. Vote: 5-0 (Fowler, West and Mather absent).

PLANNING COMMISSION RECOMMENDATION:

January 11, 2005: To approve community commercial – neighborhood plan district – historic combining district zoning (GR-H-NP)

DEPARTMENT COMMENTS:

The property owner has amended his request and would like to add a mixed-use (MU) overlay to the property.

Staff recommends rezoning the property from family residence – neighborhood plan district zoning (SF-3-NP) to community commercial – neighborhood plan district – historic combining district zoning (GR-H-NP).

Rezoning would allow for a more appropriate use of the property and is consistent with the Central East Austin Neighborhood Plan and the Austin Revitalization Authority Central East Austin Master Plan.

This vacant house sits on SF-3 zoned land along a rapidly redeveloping arterial. The site is bounded by commercial properties to the north and west, and with a mix of commercial and residential uses to the east. To the south are additional residentially zoned (SF-3-NP) properties, which are either vacant or used for non-residential purposes such as an offices or auto repair.

The property is a long developed area of Austin and there are no site constraints for a community commercial use. Redevelopment and changes to the structure itself would be limited the constraints of the historic designation.

The City's Historic Preservation Officer has recommended historic zoning for the property. The house was identified as high priority in the Historic Resources of East Austin (2000).

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|---------------------|--|
| <i>Site</i> | SF-3-NP | Vacant |
| <i>North</i> | CS-NP | Motel |
| <i>South</i> | SF-3-NP | Vacant and Undeveloped |
| <i>East</i> | SF-3-NP/CS-NP/GR-NP | Mix of Residential and Commercial Uses |
| <i>West</i> | CS-NCCD-NP | State Offices |

NEIGHBORHOOD PLAN: Central East Austin Neighborhood Plan

OTHER AREA PLANS: Austin Revitalization Authority Central East Austin Master Plan

TIA: N/A

WATERSHED: Waller Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

REGISTERED NEIGHBORHOOD ORGANIZATIONS:

- Robertson Hill (95)
- Austin Neighborhood Council (511)
- 12th Street Business/Property Owners' Association (618)
- Organization of Central East Austin Neighborhoods (OCEAN) (966)
- People Organized to Defend Earth and her Resources (PODER) (972)

SCHOOLS: (AISD ISD)

Blackshear Elementary School

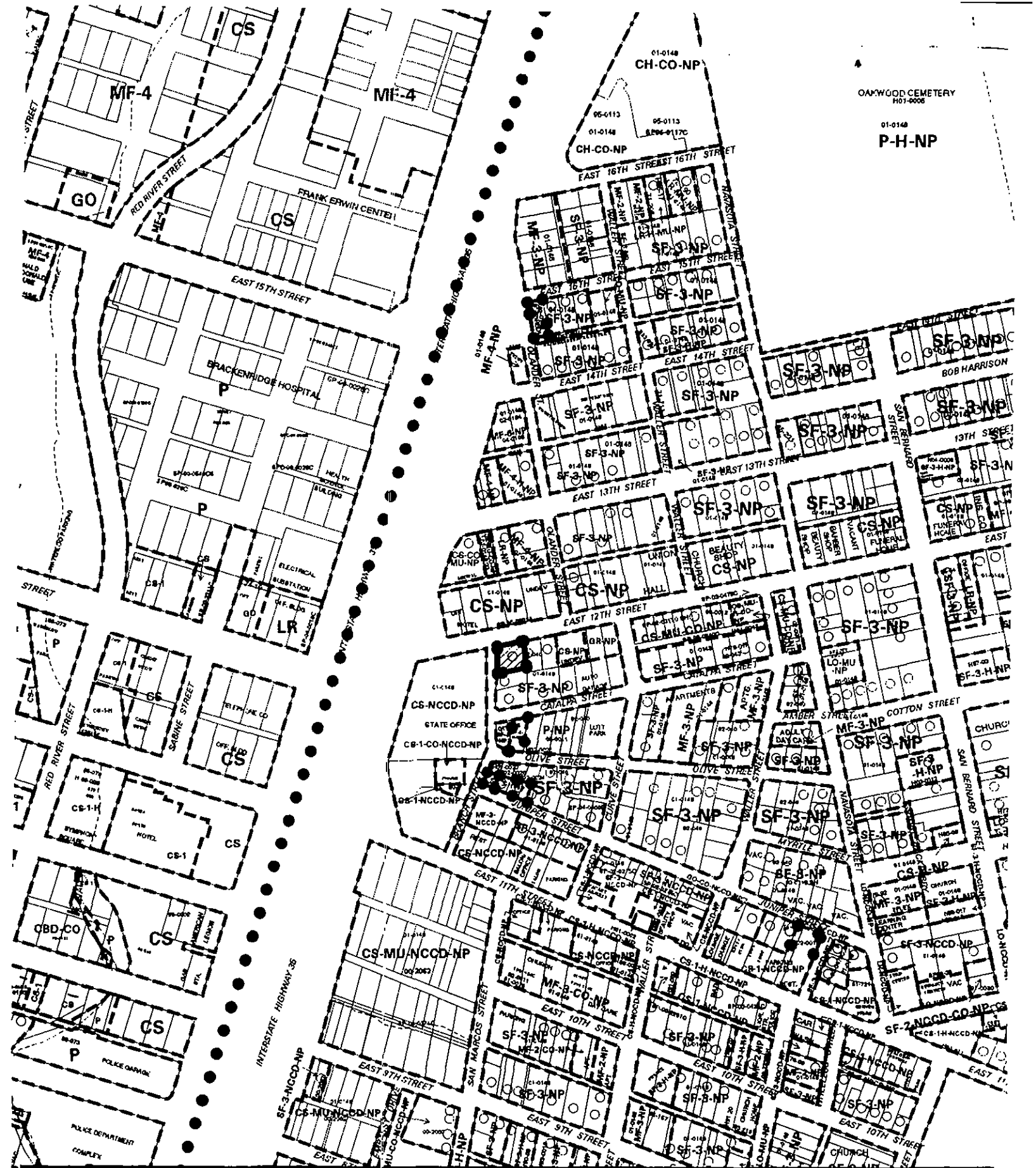
Kealing Middle School

Johnston High School

ABUTTING STREETS:

| Name | ROW | Pavement | Classification | Sidewalks | Bike Route | Bus Route |
|-------------------------|------------|-----------------|-----------------------|------------------|-------------------|------------------|
| E. 12 th St. | 60' | 36' | Arterial | Yes | Yes | Yes |
| Branch St. | 36' | 24' | Local | No | No | No |

CITY COUNCIL DATE: Jan 27, 2005.**ACTION:****ORDINANCE READINGS:**1st2nd3rd**ORDINANCE NUMBER:****ZONING CASE MANAGER:** Robert Heil
e-mail address: robert.heil@ci.austin.tx.us**PHONE:** 974-2330**HISTORIC CASE MANAGER:** Steve Sadowsky
e-mail address: steve.sadowsky@ci.austin.tx.us**PHONE:** 974-6454



SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: R. HEIL

ZONING

CASE #: C14-04-0200

ADDRESS: 901 E 12TH ST

SUBJECT AREA (acres): 0.190

DATE: 04-12

INTLS: SM

CITY GRID REFERENCE NUMBER

J22

1" = 400'

SUMMARY STAFF RECOMMENDATION**C14-04-0200**

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Rezoning would allow for a more appropriate use of the property and is consistent with the Central East Austin Neighborhood Plan and the Austin Revitalization Authority Central East Austin Master Plan.

The City's Historic Preservation Officer has recommended historic zoning for the property. The house was identified as high priority in the Historic Resources of East Austin (2000).

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Community Commercial district is designed for commercial uses that serve the neighborhood and community needs and that are accessible from major traffic ways. This designation is appropriate for this site on East 12th Street.

2. *Zoning should allow for reasonable use of the property.*

Community Commercial district would allow for redevelopment and reuse of the property.

3. *Zoning should be consistent with adopted plan for the area.*

The proposed rezoning is consistent with the Central East Austin Neighborhood Plan and the Austin Revitalization Authority Central East Austin Master Plan.

BASIS FOR HISTORICAL RECOMMENDATION:

The ca. 1885 Chapman House meets Historic Landmark Designation Criteria 1, 3, 6, and 7:

1. *Character, interest, or value as part of the development, heritage or cultural characteristics of the City of Austin, State of Texas, or the United States.*

The ca. 1885 Chapman House represents a good example of middle class residential architecture in Austin in the late 19th century. The house, built on East 12th Street, represents a transition from the primarily rental properties which were located to its south, to the larger homes of Swede Hill to the north.

3. *Embodiment of distinguishing characteristics of an architectural type or specimen.*

The Chapman House represents modest late 19th century residential architecture. Wood frame, with a full-width front porch, the house is side-gabled with a symmetrical façade.

6. Relationship to other distinctive buildings, sites or areas which are eligible for preservation according to a plan based on architectural, historic, or cultural motif.

The Chapman House is an early surviving example of modest late Victorian residential architecture in East Austin, and was evaluated as eligible for the National Register of Historic Places in the East Austin Survey (2000).

7. Portrayal of the environment of a group of people in an area of historic characterized by a distinctive architectural style.

The ca. 1885 Chapman House represents the standard of living of middle-class Austin families at the end of the nineteenth century. Originally owned by barber William Lee Chapman, his widow and son lived in the house for many years after his death around 1910. Chapman's son Richmond, worked as a baker at the Driskill Hotel, and apparently supported himself and his mother on his income. Mrs. Jessie Chapman is last listed living at this address in 1949.

EXISTING CONDITIONS

Site Characteristics

This vacant house sits on SF-3 zoned land along a rapidly redeveloping arterial. The site is bounded by commercial properties to the north and west, and with a mix of commercial and residential uses to the east. To the south are additional residentially zoned (SF-3-NP) properties, which are either vacant or used for non-residential purposes such as an offices or auto repair.

The property is a long developed area of Austin and there are no site constraints for a community commercial use. Redevelopment and changes to the structure itself would be limited the constraints of the historic designation.

The structure is a one-story rectangular-plan side-gabled frame house with full-width front porch; metal porch posts; windows and doors are boarded over; historic one-story rear addition.

Historical

DATE BUILT: ca. 1885

ALTERATIONS/ADDITIONS: Original porch posts and floor have been removed and replaced with metal posts and a concrete floor; original wood siding has been covered with synthetic shingles.

ORIGINAL OWNER(S): William Lee Chapman (1885)

OTHER HISTORICAL DESIGNATIONS:NATIONAL REGISTER: *Determined eligible*

RECORDED TEXAS LANDMARK: No

NATIONAL LANDMARK: No

LOCAL SURVEYS: Yes, the Historic Resources of East Austin (2000) lists this property as a high priority for preservation and eligible for listing in the National Register of Historic Places under Criteria "A" and "C" as a rare surviving example of this house type.

Transportation

No additional right-of-way is needed at this time for E. 12th Street.

The trip generation under the requested zoning is estimated to be 1,344 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Existing Street Characteristics:

| Name | ROW | Pavement | Classification | Sidewalks | Bike Route | Bus Route |
|-------------------------|-----|----------|----------------|-----------|------------|-----------|
| E. 12 th St. | 60' | 36' | Arterial | Yes | Yes | Yes |
| Branch St. | 36' | 24' | Local | No | No | No |

(Emily Barron 974-2788)

Water and Wastewater

The landowner intends to serve each lot with City water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustment, and utility relocation to serve each lot and land use.

The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility.

The plan must be in accordance with the City utility design criteria and specifications. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

The landowner must pay the tap and impact fee once the landowner makes an application for a City water and wastewater utility tap permit.

(Paul Urbanek 972-0211)

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

(Jason Traweck 974-2332)

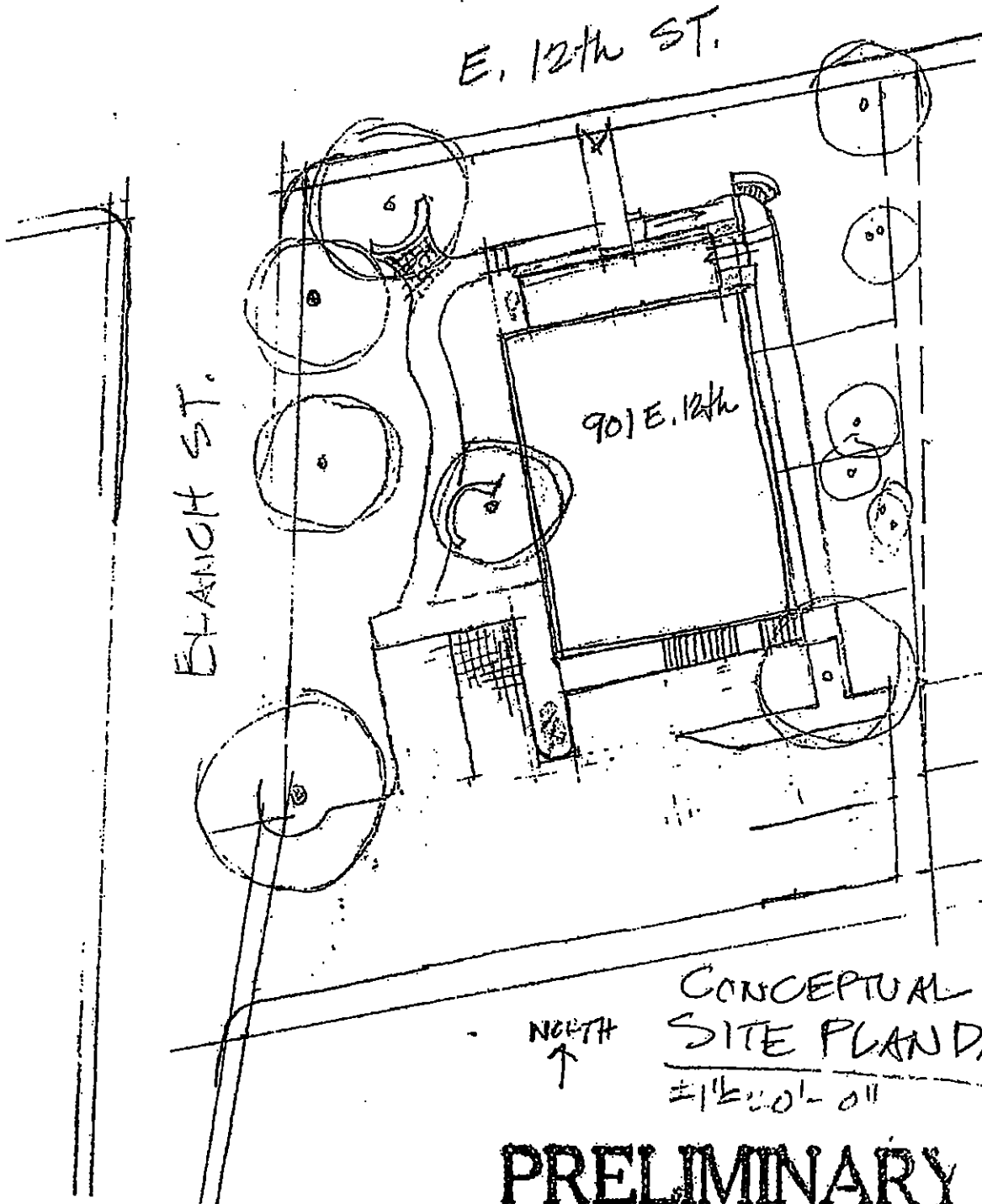
Site Plan

The site is subject to compatibility standards. Along the east and south property line, the following standards apply to any new construction on the site:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking is allowed within 18 feet of the property line, and no driveways are allowed within 13 feet of the property line.

In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection. Additional design regulations will be enforced at the time a site plan is submitted.

(Christopher Johnson 974-2769)



CONCEPTUAL
SITE PLAN DIAGRAM
± 1/2" = 1' - 0"

PRELIMINARY
NOT FOR CONSTRUCTION

MARSHALL + ASSOCIATES ARCHITECTS
916 West 3rd Street, Suite A
Austin, TX 78703

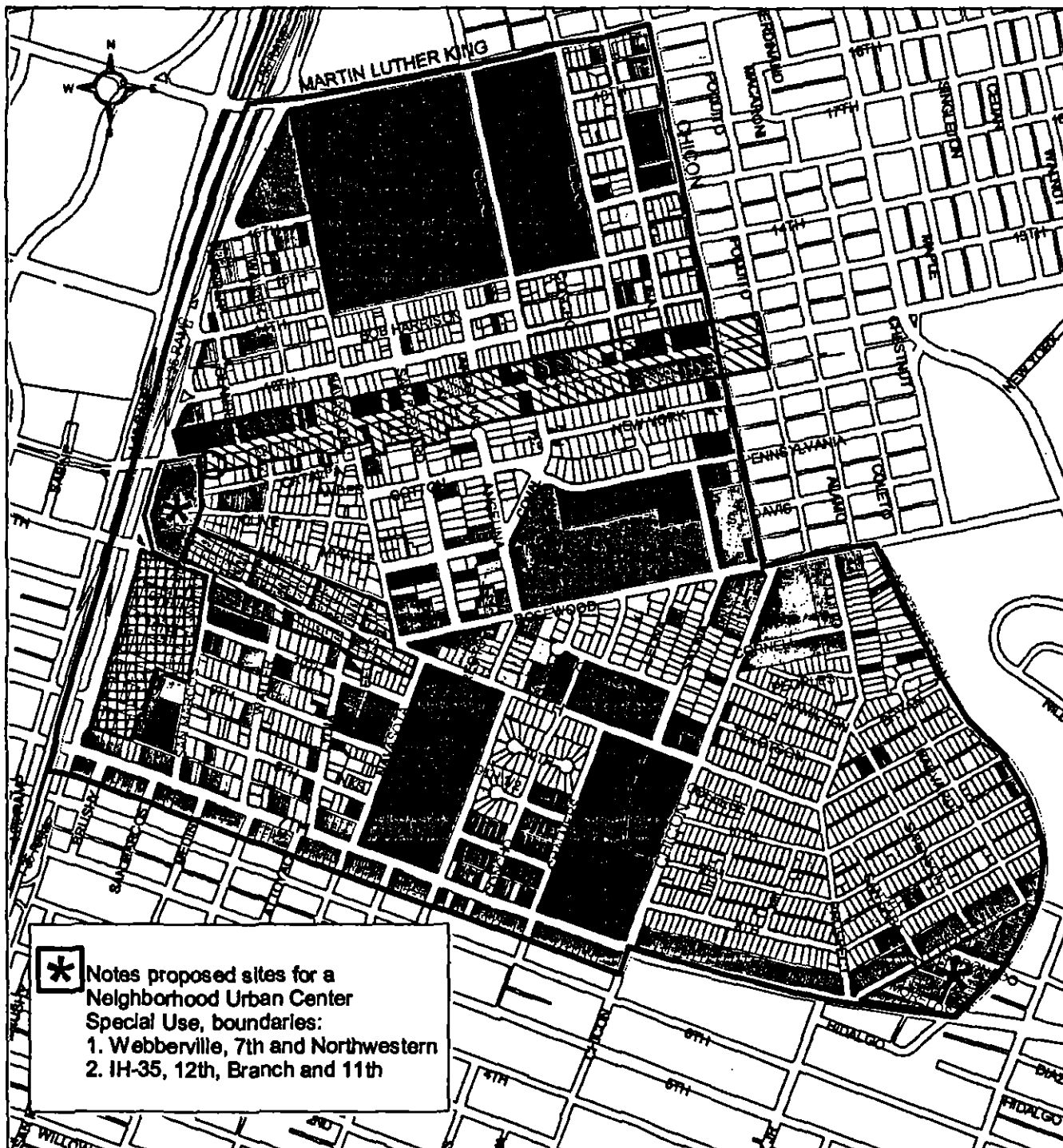


**Central East Austin
Neighborhood Planning Area**

 Parks

0.6 Miles





Central East Austin Neighborhood Planning Area Future Land Use Map



City of Austin
Neighborhood Planning
& Zoning Department
created: February 18, 2001
last modified: November 6, 2001

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

This map has been produced by the City of
Austin as a working staff map and is not
intended for any other use. No warranty is
made by the City regarding its accuracy or
completeness. Reproduction is not permitted
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Neighborhood Planning & Zoning Dept.,
City of Austin.

Future Land Use

- Single-family
- Single-family/Townhome/
Condo
- Multi-family
- Commercial
- Mixed Use
- Office
- Industry
- Civic
- Open Space

CEA Boundary

Railroads

Flood Plain

Bennett Tract & 11th Street NCCD

Future Development

Austin Revitalization Authority
(ARA) 11th & 12th Street Corridors



**Urban Renewal Agency
of the
City of Austin**

505 Barton Springs Road, Suite 600
Austin, Texas 78704
(512) 974-3128

January 11, 2005

RE: Planning Commission Case No. C14H-04-0028/C14-04-0200 Willie and Jessie Chapman House

Chairman and Members of the Planning Commission:

On behalf of the Urban Renewal Agency of the City of Austin, I am writing in support of the above mentioned case that is being heard by the Planning Commission today. On September 20, 2004 the Urban Renewal Agency adopted a resolution approving a private developer's conceptual project proposal to renovate the structure located at 901 East 12th Street to be used for commercial office space and to bring back to the Agency, within 6 months, the final project proposal which includes, but is not limited to, evidence of proper zoning, final drawings, and evidence of firm financing. The Agency is securing the appropriate zoning for this project since the Agency is the owner of record for this property.

The requested commercial zoning is in support of the proposed use for this property. The requested historical zoning is bringing the property in compliance with the Memorandum of Agreement that the City has with the Texas Historical Commission dated May 2002, that requires this property be preserved historically.

In summary, the Agency feels that redevelopment along East 12th Street needs to begin sooner than later. In this instance, we have a private developer coming in with private dollars prepared to begin development of a structure that has been vacant for quite some time.

We would like to encourage the Planning Commission to approve the zoning recommendations so the long awaited revitalization of East 12th Street can begin.

Sincerely,

Ben M. Sifuentes, Chairman
Urban Renewal Agency of the City of Austin

Austin Revitalization Authority | New Visions of Central East Austin

Charles Urdy, Ph.D. • Board Chair | Byron C. Marshall • President and CEO

January 10, 2005

Mayor Wil Wynn
Austin City Council Members
Austin Planning Commissioners

RE: Historic Zoning for 901 E. 12th Street

Honorable Mayor Wynn, Council Members and Planning Commissioners,

Recently a concerned citizen forwarded to me a copy of the email by the president of OCEAN asking that Council postpone zoning action to grant historic zoning designation for 901 E. 12th Street. Curiously, OCEAN did not contact or advise the Austin Revitalization Authority (ARA) of any concerns regarding this issue despite the fact that all the area neighborhoods have appointed representatives to ARA's board. Had Mr. Madison contacted ARA, I would have been happy to provide him with facts that support ARA's position that no delay is necessary. In fact, given feedback that we have received from a number of business owners along E. 12th Street in the wake of the successful launching of the Street/Jones and Snell projects on E. 11th Street, further delay in developing E. 12th Street is decidedly inadvisable.

The proposed zoning action is independent of the E. 11th & 12th Streets Community Redevelopment Plan (CRP). The CRP does not change the underlying zoning designation on parcels. In addition, the CRP has always assumed the subject property to be historic and treated it as such. The City commissioned Hardy-Heck-Moore & Meyers, Inc. to conduct the Historic Resources Survey of East of Austin (September 2000) to incorporate key findings into the CRP. The Survey identifies 901 E. 12th Street as an historic asset of the area and eligible for the National Register of Historic Places. In fact, two prior amendments to the CRP affecting the subject property resulted in removing the requirement that it and another historic house be relocated. It should also be noted that in May 2002 the City entered into a Memorandum of Agreement (MOA) with the Texas State Historical Commission to preserve this property and several others along E. 11th, E. 12th, Juniper and Olive Streets by designating them as historically significant.

In 2004, City Council passed a resolution allowing ARA to develop certain city-owned parcels using criteria designed to attract small, minority-owned local businesses to E. 12th Street. The Urban Renewal Agency was to review and approve the process and proposed criteria for disposition. This process was successfully completed for 901 E. 12th Street. Further, City Staff and the Urban Renewal Board reviewed the solicitation process ARA used for awarding the subject property and determined that the process was managed correctly.

The ARA Board and Staff are focused on developing E. 12th Street, as promised to the residents and business owners along the corridor. In fact, developing 901 E. 12th Street is the first of a series of projects that will roll out over the next few weeks and months. Some of the development activity ð like community parking lots (see attached chart showing proposed 2005-2006 projects on E. 12th Street) ð requires approval of negotiated amendments to the CRP along E. 12th Street. We will bring the parking-related amendments back to the Planning Commission and Council once a few related items are revisited. The subject property is in no way dependant on these pending amendments. The City owns the subject property, the CRP is structured to support its historic zoning, the MOA between the State and the City of Austin deem it historic and the City of Austin required that the RFP for development of 901 E. 12th Street contain specifications that the successful developer be required to seek historic zoning.

While a successful developer has been identified, City of Austin staff agreed that the project could be developed faster if the City sought to rezone its own property and eliminated that uncertainty for the investor. SNAP Management Group, Inc. a small, African American owned local management consulting firm has invested company resources into this project and is ready to begin the development process to relocate their business to E. 12th Street. We are committed to assisting them do so successfully.

Again, I urge you not to delay this item. As you know, a few individuals seem determined to slow the development process on E. 12th Street through a series of misleading statements, false claims as well as frivolous lawsuits and complaints that have been dismissed by the Courts, federal agencies, Council and the URB. We need to move forward.

Sincerely,

Charles E. Urdy

Charles E. Urdy, PHD
Chairman of the Board
Austin Revitalization Authority

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14H-04-0028 / C14-04-0200

Contact: Robert Heil, (512) 974-2330

Public Hearing:

January 11, 2005 Planning Commission

FRANK MUELLER
Your Name (please print)

☐ I am in favor
☒ I object

904 EAST 12th St.

Your address(es) affected by this application

Frank Mueller
Signature

1/10/2005
Date

Comments: Live on 12th St. for over 30 yrs. and question strongly the historical zoning of this property - the plan for the 12th St. corridor has not been agreed upon.
Please vote no to this rezoning change

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

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Contact: Robert Heil, (512) 974-2330

Public Hearing:

January 11, 2005 Planning Commission

Richard Fearn's

Your Name (please print)

904 EAST 12th ST.

Your address(es) affected by this application

Richard E. Fearn

Signature

Date

Comments: The 12th St. property owners
did not vote on this purchase
we did the 12th St. property
owners Association

☐ I am in favor
☒ I object

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

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P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14H-04-0028 / C14-04-0200

Contact: Robert Heil, (512) 974-2330

Public Hearing:

January 11, 2005 Planning Commission

Richard E Ferris
Your Name (please print)

906 EAST 12th St.
Your address(es) affected by this application

Richard E Ferris 1/10/2005
Signature Date

Comments: Question the Historic Zoning

" Process of

The City Concerning this property

Vote No until the changes

to the 12th St. plan have been

FINALIZED

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

PUBLIC HEARING INFORMATION

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Contact: Robert Heil, (512) 974-2330

Public Hearing:

January 11, 2005 Planning Commission

James Paul Ferris

Your Name (please print)

904 East 12th St

Your address(es) affected by this application

James Paul Ferris

Signature

1/10/2005

Date

Comments:

plan for 12th St close
not have a balanced agenda
which makes it hard to make
a investment decision

Please Vote now to this
Zoning change

If you use this form to comment, it may be returned to:

City of Austin

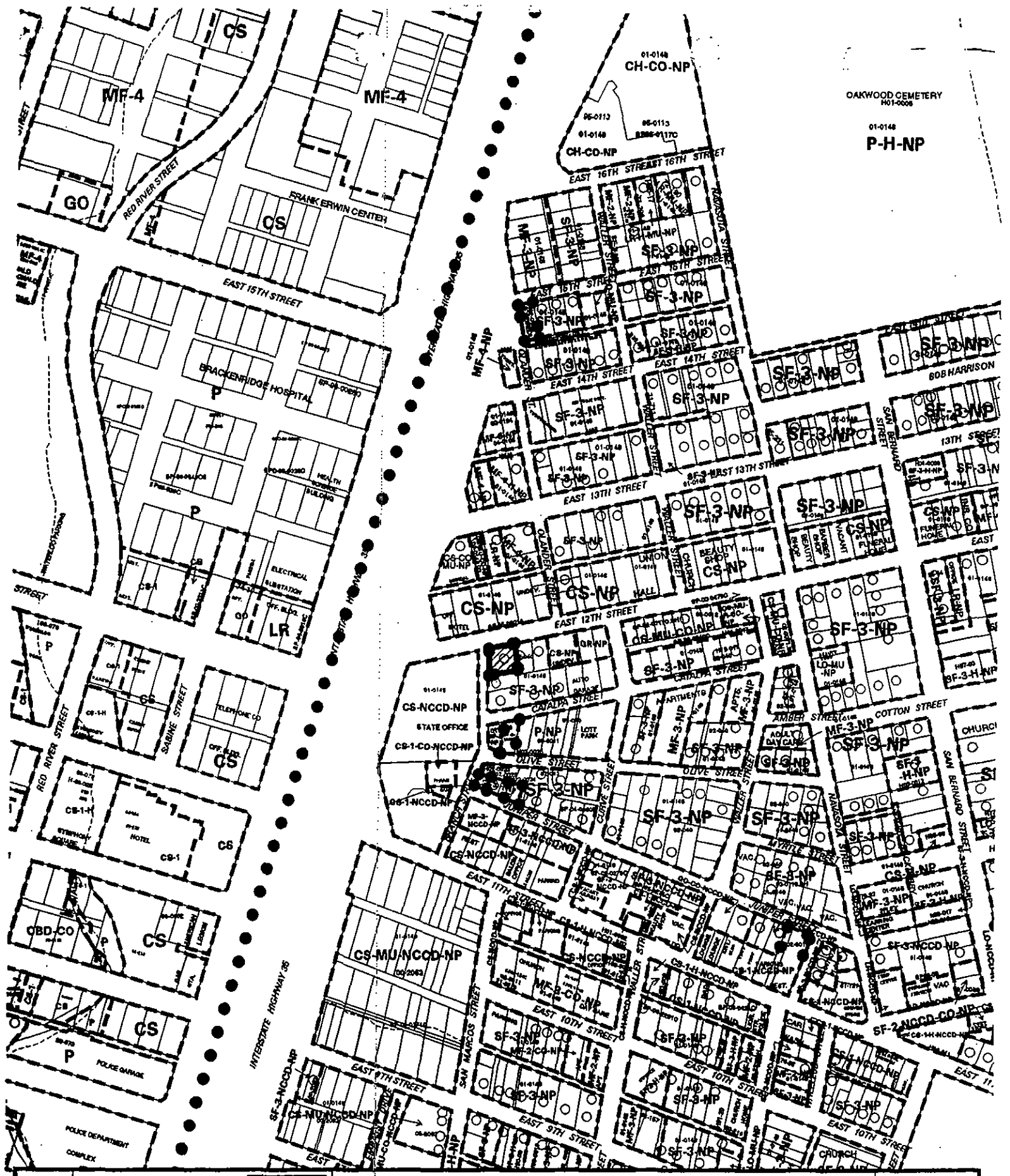
Neighborhood Planning and Zoning Department

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P. O. Box 1088

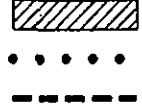
Austin, TX 78767-8810

☐ I am in favor
☒ I object



OAKWOOD CEMETERY
R01-0006
01-0148
P-H-NP

SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: R. HEIL



CASE #: C14-04-0200
ADDRESS: 901 E 12TH ST
SUBJECT AREA (acres): 0.190

ZONING

DATE: 04-12
INTLS: SM

CITY GRID
REFERENCE
NUMBER
J22

1" = 400'