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AUSTIN CITY CLERK
CERTIFIED TRUE COPY

Certificate of City Council Action

05 MAY 10 PM 2:04

State of Texas §
 §
County of Travis §

I, the undersigned City Clerk of the City of Austin, Texas (the "City"), do hereby execute and deliver this certificate for the benefit of the Real Property Records of Travis County, Texas, and all persons interested in the proceedings of the City Council of the City of Austin, Texas (the "City Council") and the validity thereof, and do certify as follows:

1. That I am the duly chosen, qualified and acting City Clerk of the City; that as such I am familiar with the facts herein certified; and that I am duly authorized to execute and deliver this certificate.

2. The City Council convened in Regular Session on 7 April 2005 at the regular meeting place thereof, and the roll was called of the duly constituted City Council and all of said persons were present except the following, _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting: Ordinance No. 20050407-060 was introduced for the consideration of the City. It was then duly moved and seconded that Ordinance No. 20050407-060 be adopted; and, after due discussion, said motion, carrying with it the adoption of Ordinance No. 20050407-060, prevailed and carried by the vote of:

1 Ayes

0 Nays

0 Abstentions.

3. That a true and complete copy of Ordinance No. 20050407-060 adopted at the meeting is attached to and precedes this certificate. In addition Ordinance No. 20050407-060 amends Ordinance No. 990114-G which is filed for record in Document No. 1999157295, Official Public Records of Travis County, Texas, corrected in Document No. 2000078958, Official Public Records of Travis County, Texas, modified by Ordinance No. 010802-89 which is filed for record in Document No. 2002204815, Official Public Records of Travis County, Texas and further modified by Ordinance No. 030731-49 which is filed for record in Document No. 2003189506, Official Public Records of Travis County, Texas.

4. That Ordinance No. 20050407-060 has been duly and lawfully adopted by the City Council and will be duly recorded in the minutes of the City Council for such meeting.

5. That a sufficient written notice of the date, hour, place and subject of this meeting was posted on a bulletin board located at a place convenient to the public at the City Hall of the City and was readily accessible to the general public at all times for at least 72

hours preceding the scheduled time of the meeting, as required by the Open Meetings Act, Vernon's Texas Civil Statutes, Government Code, Chapter 551, as amended; and that this meeting was open to the public as required by law at all times during which Ordinance No. 20050407-060 and the subject matter thereof was discussed, considered and formally acted upon.

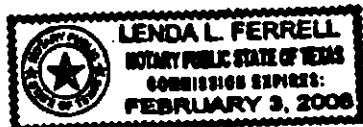
Signed on 27th April 2005.

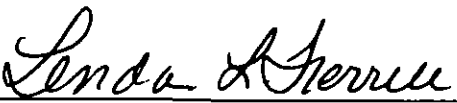


Shirley A. Brown
City Clerk
City of Austin, Texas

State of Texas §
 §
County of Travis §

This instrument was acknowledged before me on 27th April 2005, by Shirley A. Brown, City Clerk of the City of Austin, Texas, a Texas home-rule and municipal corporation, on behalf of said corporation.





Notary Public in and for the State of Texas

ORDINANCE NO. 20050407-060

AN ORDINANCE ADOPTING THE THIRD 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 to the Plan on August 2, 2001 by Ordinance No. 010802-89 and the Second Plan Modification to the Plan on July 31, 2003 by Ordinance No. 030731-49 (collectively referred to as the Plan).
- (B) A third modification to the Plan is attached to and made a part of this ordinance as Exhibit A (Third 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 submitted written recommendations to council relating to the Third Plan Modification on February 28, 2005.
 - (2) The Planning Commission reviewed and submitted written recommendations to council relating to the Third Plan Modification on March 8, 2005.
- (D) On April 7, 2005 the council held a public hearing in accordance with Section 374.014(c) of the Local Government Code on the Third Plan Modification.
- (E) After the hearing and in accordance with Section 374.014(d) of the Local Government Code:
 - (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 Third Plan Modification to the Plan conforms to the general plan for municipal development; and

- (3) the Third Plan Modification to the Plan 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 Third Plan Modification to the East 11th and 12th Streets Urban Renewal Plan.

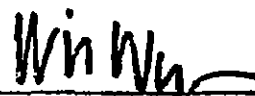
PART 3. The city clerk shall attach a copy of the Third Plan Modification to the minutes of this meeting and file a certified copy of the Third Plan Modification in the real property records of Travis County, Texas.

PART 4. This ordinance takes effect on April 18, 2005.

PASSED AND APPROVED

§
§
§

_____, April 7, 2005



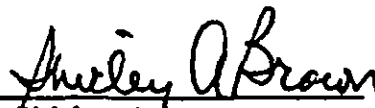
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk

EXHIBIT A
East 11th and 12th Street Urban Renewal Plan
April 7, 2005

	Project Number/Name	Existing Controls	Modifications
Page 4-13	11-9/ 11th St Retail and/or Parking Southside of E 11 th between Wheeler and Navasota Streets	Reuse Objective: Provide new Local-Serving Retail and Office Opportunities and/or Off-Street Parking on 11th St.	Reuse Objective: Provide New Local-Serving Retail and Office Opportunities and/or Community Parking
		Site area: 0.3 acres	No Changes
		Permitted use: Office or residential over retail, community/local services/community parking	Permitted use: Office or residential over retail; community/local services/publicly-funded community parking
		Allowable height/permited FAR: 35' max/0.57 total max. FAR	No Changes
		New commercial space: 6,000-10,000SF	No Changes
		Commercial space to be preserved up to 2,000SF rehabilitated (occupied)	No Changes
		New housing units: 0	No Changes
		Existing housing to be preserved: 0	No Changes
		Community parking spaces: Up to 40 (no on-street parking). No access to or across from the proposed community parking lot and the alley. The parking lot will be adequately screened to prevent negative impacts on the houses along East 10th Street and Wheeler Streets which abut to R. Close Wheeler before alley near East 11th Street w/ temporary feature like movable bollards.	No Changes
		Residential parking spaces: 0	No Changes
		Potential demolitions: 0	No Changes

EXHIBIT A
East 11th and 12th Street Urban Renewal Plan
April 7, 2005

Figure 4-34	Project Number/Name	Existing Controls	Modifications
	12-1/12th St. Mixed-Use, North side of 12th St. at Olander St.	Reuse Objective: Provide New "Residential scaled" office buildings on 12th St. Site area: 1.3 acres Permitted use: Office; Community/Local Services	Reuse Objective: Provide Mixed-Use Opportunities on 12th St. Permitted use: Mixed-Use
	NW corner Subdistrict 1, NE corner Subdistrict 2	Allowable height/permitted FAR: 35' max/0.50 total max. FAR	Allowable height: West of Olander 60 ft. maximum height, East of Olander 50 ft. maximum height. The current building floor area ratios (FAR's) in the LDC shall be waived in lieu of the following: no maximum FAR.
			Compatibility: Current regulations are waived and replaced with the restrictions described in Section 3.A.4.
			Impervious cover: 80%, except in instances where community detention not available and developer provides on-site detention then impervious cover is 99%.
		New commercial space: 8,000 - 12,000 SF maximum downtown & entertainment oriented retail	Delete Provision
		Commercial space to be preserved: up to 3,000 square feet	Delete Provision
		New housing units: 0	Delete Provision
		Existing housing to be preserved: 0	Delete Provision
		Community parking spaces: 50-55	Delete Provision
		Residential parking spaces: 0	Delete Provision
		Potential demolitions: 1 house on 1 16-unit apartment building	Delete Provision

EXHIBIT A
East 11th and 12th Street Urban Renewal Plan
April 7, 2005

Figure 4-15	Project Number/Name	Existing Controls	Modifications
Figure 4-15	12-2/12th St. Mixed Use and/or Commercial, Northside of E. 12th at Waller Street-Subdistrict 2	Reuse Objective: Provide Office Incubator Space on 12th Street	Reuse Objective: Provide Mixed Use and/or Commercial Space
		Site area: 0.4 acres	No Changes
		Permitted use: Mixed use/commercial, excluding retail	Permitted use: Mixed use and/or Commercial, excluding retail
		Allowable height/permited FAR: 35' maximum/.46 FAR	Allowable height: 30' maximum; The current building floor area ratios (FAR's) in the LDC shall be waived in lieu of the following: no maximum FAR.
			Compatibility: Current regulations are waived and replaced with the restrictions described in Section 3.A.4.
			Impervious cover: 90%, except in instances where community detention not available and developer provides on-site detention then impervious cover is 95%.
		New commercial space: 0	Delete Provision
		Commercial space to be preserved: 8,000 9,000 square feet	Delete Provision
		New housing units: 0	Delete Provision
		Existing housing to be preserved: 0	Delete Provision
		Community parking spaces: Existing (10-20 spaces)	Delete Provision
		Residential parking spaces: 0	Delete Provision
		Potential demolition: 0	Delete Provision

EXHIBIT A
East 11th and 12th Street Urban Renewal Plan
April 7, 2005

Figure 4-16	Project Number/Name	Existing Controls	Modifications
		Reuse Objective: Provide New Mixed Use Development on 12th St.	Reuse Objective: Provide Residential and Mixed-Use and/or Commercial Development and publicly-funded community parking on 12th Street
12-3/12th St. Residential and Mixed Use and/or Commercial Development and publicly-funded community parking on 12th Street - Subdistrict 1 on south side of Street, Subdistrict 2 on north side		Site area: 3.2 acres	No Changes
		Permitted use: mixed use between Branch & Curve; townhouses, between Curve & Waller excluding 1115 E. 12th St. which will be commercial; single family residential between Waller & Navasota; mixed use at the northwest corner of 12th and Navasota	Permitted use: Mixed use between Branch & Curve; townhouses, between Curve & Waller excluding 1115 E. 12th St. which will be commercial; single family residential between Waller & Navasota; on the south side of 12th St; mixed use or publicly-funded community parking between Waller and Navasota on the north side of 12th St.
		Allowable height/permited FAR: 35' max/0.46 Total Maximum FAR	Allowable height: 35' maximum on south side of 12th St.; 50 foot maximum on north side of 12th St.; The current building floor area ratios (FAR's) in the LDC shall be waived in lieu of the following: no maximum FAR.
			Compatibility: Current regulations are waived and replaced with the restrictions described in Section 3.A.4.
			Impervious cover: 80%, on the southside of East 12th Street between Branch & Navasota; 90%, except in instances where community detention not available and developer provides on-site detention then impervious cover is 95% on the north side of East 12th Street at the north west corner of Navasota
		New commercial spaces: 0	Delete Provision
		Commercial space to be preserved: up to 2,000 sq. ft.	Delete Provision
		New housing units: 10 - 20	Delete Provision
		Existing housing to be preserved: 3 historic buildings, 1 to be relocated	Delete Provision
		Community parking spaces: 6	Delete Provision
		Residential parking spaces: 20-40 (2 spaces per unit)	Delete Provision
		Potential demolition: 3 houses	Delete Provision

EXHIBIT A
East 11th and 12th Street Urban Renewal Plan
April 7, 2005

Figure 4-17	Project Number/Name	Existing Controls	Modifications
Figure 4-17	12-4/Navasota St. Retail North side of 12th St. at Navasota St. - Subdistrict 2	Reuse Objective: Provide New Community Retail Opportunities	No Changes
		Site area: 0.6 Acres	No Changes
		Permitted use: Community/local service	No Changes
		Allowable height/permited FAR: 35' max/0.46 total max. FAR	Allowable height: 50 foot maximum. The current building floor area ratio (FAR's) in the LDC shall be waived in lieu of the following: no maximum FAR.
			Compatibility: Current regulations are waived and replaced with the restrictions described in Section 3.A.4.
			Impervious cover: 90%, except in instances where community detention not available and developer provides on-site detention then impervious cover is 99%.
		New commercial space: 8,000 - 12,000 sq ft	Delete Provision
		Commercial space to be preserved: 0	Delete Provision
		New housing units: 0	Delete Provision
		Existing housing to be preserved: 0	Delete Provision
		Community parking spaces: 40-50	Delete Provision
		Residential parking spaces: 0	Delete Provision
		Potential demolition: up to 2,200 sq ft of commercial/retail	Delete Provision

EXHIBIT A
East 11th and 12th Street Urban Renewal Plan
April 7, 2005

Figure 4-15	Project Number/Name	Existing Controls	Modifications
	12-8/12th St. Renovation South side of E. 12th St. at San Bernard - Subdistrict 3	Reuse Objective: Preserve Existing Housing Through Rehabilitation	No Changes
		Site area: 2.2 acres	No Changes
		Permitted uses: Single family homes and offices	No Changes
		Allowable height/permitted FAR: 35' max/0.39 total maximum FAR	Permitted FAR: The current building floor area ratio (FAR) in the LDC shall be waived in lieu of the following: no maximum FAR.
			Compatibility: Current regulations are waived and replaced with the restrictions described in Section 3.A.4
			Impervious cover: 80%
		New commercial space: 0	Delete Provision
		Commercial space to be preserved: up to 1,500 sq ft	Delete Provision
		New housing units: 0	Delete Provision
		Existing housing to be preserved: 9 units	Delete Provision
		Community parking spaces: 4 - 8 at existing office building	Delete Provision
		Residential parking spaces: 15 - 20 at existing housing	Delete Provision
		Partial demolition: 0	Delete Provision

EXHIBIT A
East 11th and 12th Street Urban Renewal Plan
April 7, 2005

Figure 4-19	Project Number/Name	Existing Controls	Modifications
Figure 4-19	12-6/12th St. Mixed-Use and/or Commercial at Angelina Street, Northwest and northeast corner of 12th and Angelina - Subdistrict 2	Reuse Objective: Provide New Ownership Housing Opportunities on E. 12th St and Provide New Mixed Use/Commercial Development on E. 12th St.	Reuse Objective: Provide mixed-use and/or commercial development and publicly funded community parking on E. 12th Street
		Site area: 1.8 acres	No Changes
		Permitted use: Mixed Use/Commercial	Permitted use: Mixed use and/or Commercial on northwest corner of 12th and Angelina, publicly funded community parking at northeast corner of 12th and Angelina
		Allowable height/permitted FAR: 50' maximum/.71 total maximum FAR	Permitted FAR: The current building floor area ratios (FAR's) in the LDC shall be waived in lieu of the following: no maximum FAR.
			Compatibility: Current regulations are waived and replaced with the restrictions described in Section 3.A.4.
			Impervious cover: 90%, except in instances where community detention not available and developer provides on-site detention then impervious cover is 95%.
		New commercial space: 20,000 - 25,000 sq ft	Delete Provision
		Commercial space to be preserved: 0	Delete Provision
		New housing units: 8 - 18	Delete Provision
		Existing housing to be preserved: 0	Delete Provision
		Community parking spaces: 40 - 50 spaces	Delete Provision
		Residential parking spaces: 8 - 10 (2 spaces per unit)	Delete Provision
		Potential demolition: 0	Delete Provision

EXHIBIT A
East 11th and 12th Street Urban Renewal Plan
April 7, 2005

Figure 4-28	Project Number/Name	Existing Controls	Modifications
	12-7/12th St. Garden Apartments, South side of 12th Street Between Comal St. & Angelina St. - Subdistrict 3	Reuse Objective: Provide New Housing Opportunities on E. 12th St	No Changes
		Site area: 1.4 acres	No Changes
		Permitted use: Garden apartments, condominiums, townhouses	No Changes
		Allowable height/ permitted FAR: 35 maximum/.90 total maximum FAR	Allowable height: 35 foot maximum from Angelina to Comal except the southwest corner of Comal is 50 foot maximum. The current building floor area ratios (FAR's) in the LDC shall be waived in lieu of the following: no maximum FAR.
			Compatibility: Current regulations are waived and replaced with the restrictions described in Section 3.A.4.
			Impervious cover: 80% on the south side of 12th Street from Angelina to Comal except the southwest corner of Comal has 90%, except in instances where community detention not available and developer provides on-site detention then impervious cover is 95%.
		New commercial spaces: 0	Delete Provision
		Commercial spaces to be preserved: 0	Delete Provision
		New housing units: 0	Delete Provision
		Existing housing to be preserved: 35 units	Delete Provision
		Community parking spaces: 0	Delete Provision
		Residential parking spaces: 38 - 44	Delete Provision
		Potential demolitions: 0	Delete Provision

EXHIBIT A
East 11th and 12th Street Urban Renewal Plan
April 7, 2005

	Project Number/Name	Existing Controls	Modifications
Figure 4-31	12-8/11th St. Mixed-Use and/or Commercial Corridor to Levee, North side of 12th St. between Canal St. & Levee St. - Subdistrict 2	Reuse Objectives: Provide New Housing Opportunities on E. 12th St. and Provide Mixed Use and/or Commercial Opportunities on E. 12th St.	No Changes
		Site area: 0.7 Acres	No Changes
		Permitted use: Mixed Use/Commercial	Permitted use: Mixed use and/or Commercial
		Allowable height/permited FAR: 50' maximum/.71 total maximum FAR	Permitted FAR: The current building floor area ratio (FAR's) in the LDC shall be waived in lieu of the following: no maximum FAR.
			Compatibility: Current regulations are waived and replaced with the restrictions described in Section 1A.4.
			Impervious cover: 90%, except in instances where community detention not available and developer provides on-site detention then impervious cover is 99%.
		New commercial space: 12,000 - 16,000 sq ft	Delete Provision
		Commercial space to be preserved: 0	Delete Provision
		New housing units: 4 - 8 rental units	Delete Provision
		Existing housing to be preserved: 0	Delete Provision
		Community parking spaces: 40 - 50 spaces	Delete Provision
		Residential parking spaces: 8 - 16 (2 spaces per unit)	Delete Provision
		Potential demolition: 0	Delete Provision

EXHIBIT A
East 11th and 12th Street Urban Renewal Plan
April 7, 2005

Figure A-22	Project Number/Name	Existing Controls	Modifications
Figure A-22	12-8/12th St. Mixed Use, South side of 12th St. between Leona St. & Chicon St. - Subdistrict 2	Reuse Objective: Provide Opportunities for Local Serving Mixed Use.	No Changes
		Site area: 1.3 acres	No Changes
		Permitted use: Mixed Use	No Changes
		Allowable height/permited FAR: 35' maximum/ .29 total maximum FAR	Allowable height: 50' maximum. The current building floor area ratios (FAR's) in the LDC shall be waived in lieu of the following: no maximum FAR.
			Compatibility: Current regulations are waived and replaced with the restrictions described in Section 3.A.4.
			Impervious cover: 90%, except in instances where community detention not available and developer provides on-site detention then impervious cover is 95%.
		New commercial space: 6,000 - 10,000 sq ft	Delete Provision
		Commercial space to be preserved: up to 5,000 sq ft rehabilitated	Delete Provision
		New housing units: 0 (except mixed-use residential)	Delete Provision
		Existing housing to be preserved: 1	Delete Provision
		Community parking spaces: 60 - 65 spaces	Delete Provision
		Residential parking spaces: 8 - 10 (2 spaces per unit)	Delete Provision
		Potential demolition: 0	Delete Provision

EXHIBIT A
East 11th and 12th Street Urban Renewal Plan
April 7, 2005

	Project Number/Name	Existing Controls	Modifications
Figure 4-23	12-10/12th St. Chicon St Retail Node, North side of 12th St at Chicon St - Subdistrict 2	Reuse Objective: Stabilize Existing Retail Node	No Changes
		Site area: 0.9 acres	No Changes
		Permitted use: Mixed Use	No Changes
		Allowable height/permited FAR: 50' maximum/1.00 total maximum FAR	Permitted FAR: The current building floor area ratios (FAR's) in the LDC shall be waived in lieu of the following: no maximum FAR.
			Compatibility: Current regulations are waived and replaced with the restrictions described in Section 3.A.4.
			Impervious cover: 90%, except in instances where community detention not available and developer provides no-site detention then impervious cover is 95%.
		New commercial space: 12,000 - 15,000 sq. ft.	Delete Provision
		Commercial space to be preserved: 10,000 - 11,000 square feet	Delete Provision
		New housing units: 0	Delete Provision
		Existing housing to be preserved: 0	Delete Provision
		Community parking spaces: 40 - 45 spaces	Delete Provision
		Residential parking spaces: 0	Delete Provision
		Potential demolition: 0	Delete Provision

EXHIBIT A
East 11th and 12th Street Urban Renewal Plan
April 7, 2005

Figure 4-34	Project Number/Name	Existing Controls	Modifications
	12-11/12th St Civic Node, South side of 12th St. at Chicon St. Subdistrict 2	Reuse Objective: Provide New Civic and/or Religious Opportunities	No Changes
		Site area: 0.3 acres	No Changes
		Permitted use: Civic Uses	No Changes
		Allowable height/permitted FAR: 35' maximum/0.23 total maximum FAR	Allowable height: 30' maximum. The current building floor area ratios (FAR's) in the LDC shall be waived in lieu of the following: no maximum FAR.
			Compatibility: Current regulations are waived and replaced with the restrictions described in Section 3.A.4.
			Impervious cover: 90%, except in instances where community detention not available and developer provides on-site detention then impervious cover is 95%.
		New commercial space: 4,000 - 5,000 sq ft maximum	Delete Provision
		Commercial space to be preserved: 0	Delete Provision
		New housing units: 0	Delete Provision
		Existing housing to be preserved: 0	Delete Provision
		Community parking spaces: 16 - 24 spaces	Delete Provision
		Residential parking spaces: 0	Delete Provision
		Potential demolition: 0	Delete Provision

EXHIBIT A
East 11th and 12th Street Urban Renewal Plan
April 7, 2005

Figure 4-28	Project Number/Name	Existing Controls	Modifications
	12-12/12th St. Chicon St. Retail Node, North side of 12th St. at Pequiso St. - Subdistrict 2	Renewal Objective: Stabilize Existing Retail Node	No Changes
		Site area: 0.9 acres	No Changes
		Permitted use: Retail except mixed-use residential allowed.	No Changes
		Allowable height/ permitted FAR: 50' maximum/1.00 total maximum FAR	Permitted FAR: The current building floor area ratios (FAR's) in the LDC shall be waived in lieu of the following: no maximum FAR.
			Compatibility: Current regulations are waived and replaced with the restrictions described in Section 3.A.4.
			Impervious cover: 90%, except in instances where community detention not available and developer provides on-site detention then impervious cover is 95%.
		New commercial space: 12,000 - 15,000 sq ft	Delete Provision
		Commercial space to be preserved: up to 10,000 sq ft rehabilitated	Delete Provision
		New housing units: 0	Delete Provision
		Existing housing to be preserved: 0	Delete Provision
		Community parking spaces: 50-55 spaces	Delete Provision
		Residential parking spaces: 0	Delete Provision
		Potential demolition: 0	Delete Provision

EXHIBIT A
East 11th and 12th Street Urban Renewal Plan
April 7, 2003

	Project Number/Name	Existing Controls	Modifications
Figure 4-36	12-13/12th St. Chiscon St. Retail Node, South side of 12th St. at Poquito St. - Subdistrict 2	Reuse Objective: Subdivide Existing Retail Node	No Changes
		Site area: 0.9 acres	No Changes
		Permitted use: Retail except mixed-use residential allowed.	No Changes
		Allowable height/permitted FAR: 50' maximum/0.71 total maximum FAR	Permitted FAR: The current building floor area ratio (FAR's) in the LDC shall be waived in lieu of the following: no maximum FAR.
			Compatibility: Current regulations are waived and replaced with the restrictions described in Section 1A.4
			Impervious cover: 90%, except in instances where community detention not available and developer provides on-site detention then impervious cover is 95%.
		New commercial space: 20,000 - 24,000 sq ft maximum	Delete Provision
		Commercial space to be preserved: up to 1,000 sq ft rehabilitated (community/local services)	Delete Provision
		New housing units: 0	Delete Provision
		Existing housing to be preserved: 0	Delete Provision
		Community parking spaces: 40 - 45 spaces	Delete Provision
		Residential parking spaces: 0	Delete Provision
		Potential demolition: 1,300 sq ft	Delete Provision

Exhibit A

East 11th and 12th Streets Urban Renewal Plan April 7, 2005

Existing URP Definition Section 1.0 Definitions

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

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

Modification to URP Definition

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

19. "Mixed-use" means a building that provides for a combination of uses, requiring retail or office uses; on the ground floor (except for the exclusion of pawn shops; automobile sales, rentals and repairs; gas stations and adult-oriented businesses), and some combination office/retail and/or office and residential uses on the other floors. Retail, office and residential uses referred to herein are as defined in the Land Development Code, as amended from time to time. Single story buildings and buildings less than 2,000sf on East 12th Street and single story buildings on East 11th Street will not be required to provide a combination of uses, provided the use is retail, office or residential (except for the exclusion of pawn shops; automobile sales, rentals and repairs; gas stations and adult-oriented businesses). Retail, office and residential uses referred to herein are as defined in the Land Development Code, as amended from time to time.

Add to Section 3.0 CRP Illustrative Design Plan the following new subsection A:

A. General Note Regarding Height, Parking, Compatibility and Impervious Cover Restrictions of the CRP and the creation of sub-district boundaries on East 12th Street (sub-district boundaries are described on Figure 4-3a) as follows:

1. Height

- a. Sub-district 1 – 60' heights (north side of E. 12th from Interstate 35 frontage road to NW corner of Olander – see Figure 4-3a)
- b. Sub-district 2 – 50' heights (north side of E. 12th St from the northeast corner of Olander to Poquito; south side of East 12th St southeast and southwest corners of Comal; south side of E. 12th between Comal and Poquito – see Figure 4-3a)
- c. Sub-district 3 – 35' heights (south side of E. 12th between Branch to Comal except southwest corner of Comal – see Figure 4-3a)

2. Parking

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

3. Impervious Cover for East 12th Street

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

4. Compatibility for East 12th Street

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

- a. Sub-districts one and two shall have a 10' rear setback with all other setback provisions waived. Setback provisions for sub-district 3 is 15' (front), 10' (street yard), 5' (interior side yard), and 5' (rear).
- b. Lighting. All exterior lighting must be hooded or shielded so that the light source is not directly visible across the source property line. At the property line, the lighting may not exceed 0.4-foot candles.
- c. Building Façade. May not extend horizontally in an unbroken line for more than 20 feet; must include windows, balconies, porches, stoops, or similar architectural features; must have awnings along at least 50 percent.

- d. Landscaping. Required, unless street yard is less than 1,000 square feet in area. Landscaped islands, peninsulas, or medians are not required for parking lots with less than 12 spaces.
- e. Drive-through restaurant facilities are prohibited except as specifically described in the CRP.
- f. All other compatibility standards are waived.

