

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2007-0220 – Bouldin Creek Vertical Mixed Use Building Rezoning

REQUEST:

Conduct a public hearing and approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning selected tracts within the Bouldin Creek Neighborhood Planning Area with the vertical mixed use building “V” combining district. The planning area is bounded by South Congress Avenue to the east, Ben White Boulevard to the south, the Union Pacific Railroad tracks to the west, and Lady Bird Lake on the north (West Bouldin Creek, East Bouldin Creek and Town Lake watersheds).

DEPARTMENT COMMENTS:

There are four core transit corridors within the Bouldin Creek Neighborhood Planning Area including: West Riverside Drive; South 1st Street; South Congress Avenue; Barton Springs Road. The subject rezonings consist of 50 tracts on approximately 64.08 acres.

The Bouldin Creek Neighborhood Planning Team (BCNPT) recommended applying all VMU related standards to all eligible properties within the VMU Overlay District. This recommendation is consistent with the Bouldin Creek Neighborhood Plan which places mixed use developments on the major arterials (South 1st Street, South Congress Avenue, Barton Springs Road, and W. Riverside Drive) and protects the residential interior of the neighborhood. In addition, the BCNPT recommended an affordability level of 60% of the median family income (MFI) for 10% of the rental units of each VMU development.

ISSUES:

Subsequent to the Planning Commission Hearing on November 13, 2007; an error on Tract 133 was identified. A portion of the tract was zoned PUD-NP; therefore VMU cannot apply and this portion was removed. The removal of this portion split the tract into two parts, resulting in Tract 133A and 133 B. At 1st Reading, City Council approved a motion to apply vertical mixed use related standards to tracts 1-128 and 131-150 based on Planning Commission’s recommendation. This should be clarified at 2nd and 3rd Reading as tracts 1-128, 131-132, 133A, 133B and 134-150.

APPLICANT: City of Austin, Neighborhood Planning & Zoning Department

AGENT: City of Austin, Neighborhood Planning & Zoning Department (Melissa Laursen)

DATE OF FIRST READING: November 29, 2007, The public hearing was closed and first reading of the ordinance for the following motions were approved on Council Member McCracken’s motion, Council Member Cole’s second on a 7-0 vote.

- Motion 1 was to postpone Tract 129 until the January 10, 2008 City Council Hearing
- Motion 2 was to apply all Vertical Mixed Use related standards to Tracts 1-128 and 131-150

- Motion 3 was to apply an affordability level of 60% of the Median Family Income (MFI) requirement for Vertical Mixed Use rental developments

CITY COUNCIL HEARING DATE: December 13, 2007

CITY COUNCIL ACTION:

ASSIGNED STAFF: Melissa Laursen, e-mail: melissa.laursen@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET

CASE: C14-2007-0220 – Bouldin Creek **P.C. DATE:** November 13, 2007
Vertical Mixed Use Building (V) Rezoning

AREA: Total of 51 tracts on 67.08 acres

APPLICANT: City of Austin, Neighborhood Planning and Zoning Department (NPZD)

AGENT: City of Austin, Neighborhood Planning and Zoning Department (NPZD),
Melissa Laursen

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
Austin Neighborhoods Council
Barton Springs/Edwards Aquifer Conservation District
Bouldin Creek Neighborhood Association
Bouldin Creek Neighborhood Planning Team (Staff Liaison)
Bouldin Forward Thinking
CIM
Dawson Neighborhood Association
Dawson Neighborhood Planning Team
Dawson Neighborhood Planning Team (Staff Liaison)
Downtown Austin Alliance
Galindo Elementary Neighborhood Association
Home Builders Association of Greater Austin
Homeless Neighborhood Organization
Meadowbrook Neighborhood Association
Save Town Lake Organization
Sentral Plus East Austin Koalition (SPEAK)
SoCo-South First St.
South Bank Alliance
South Central Coalition
South Congress South First
South Lamar Combined Planning Area (Staff Liaison)
South River City Citizens Association
Terrell Lane Interceptor Association
Zilker Neighborhood Association

AREA OF PROPOSED ZONING CHANGES: The Bouldin Creek Neighborhood Planning Area is bounded by South Congress Avenue to the east, Ben White Boulevard to the south, the Union Pacific Railroad tracks to the west, and Lady Bird Lake (formally Town Lake) on the north. Please refer to Attachments.

WATERSHEDS: West Bouldin Creek– Urban; East Bouldin Creek- Urban;

Town Lake- Urban

DESIRED DEVELOPMENT ZONE: Yes

SCHOOLS: Becker Elementary School; Texas School for the Deaf

APPLICABLE CORE TRANSIT CORRIDORS: West Riverside Drive; South 1st Street; South Congress Avenue; Barton Springs Road

STAFF COMMENTS:

The VMU Overlay District includes a total of 51 tracts on approximately 67.08 acres. Staff requested to postpone tract 129 (3 acres) until January 10, 2008. The Bouldin Neighborhood Planning Team recommended applying all VMU related incentives including dimensional standards, reduced parking, and additional uses in office zoning districts on all 51 tracts within VMU Overlay District.

Neighborhood Housing and Community Development supports the neighborhood recommendation to apply a 60% affordability level to the required 10% of residential units in a VMU building. Refer to the Affordability Impact Statement (Attachment 8).

LIST OF ATTACHMENTS:

Attachment 1: Vertical Mixed Use (VMU) Opt-In / Opt-Out Application

Attachment 2: List of Bouldin Creek VMU Application Properties by Tract #, TCAD Property ID and City of Austin Address

Attachment 3: Bouldin Creek VMU Neighborhood Recommendations

Attachment 4: Bouldin Creek VMU Tract Map

Attachment 5: Zoning Map

Attachment 6: Overview of Vertical Mixed Use (VMU) and the Opt-In/Opt-Out Process

Attachment 7: Comment Forms and Correspondence

Attachment 8: Affordability Impact Statement

PLANNING COMMISSION RECOMMENDATION:

November 13, 2007:

- *APPROVED MOTION 1 TO POSTPONE TRACT 129 UNTIL DECEMBER 11, 2007 TO ALLOW FOR THE PLAN AMENDMENT TO OCCUR CONCURRENTLY WITH THE REZONING*
- *APPROVE MOTION 2 TO APPLY ALL VMU RELATED STANDARDS TO THE FOLLOWING TRACTS 1-128, AND 131-150 (THERE IS NO TRACT 130)*
- *APPROVED AN AFFORDABILITY LEVEL OF 60% OF THE MEDIAN FAMILY INCOME (MFI) REQUIREMENT FOR VMU RENTAL DEVELOPMENTS*

ISSUES: Subsequent to the Planning Commission Hearing on November 13, 2007; an error on Tract 133 was identified. A portion of the tract was zoned PUD-NP; therefore VMU cannot apply and this portion was removed. The removal of this portion split the tract into

two parts, resulting in Tract 133A and 133 B. The number of parcels has been revised to 51 and the acreage has been reduced to 67.08.

CITY COUNCIL DATE: November 29, 2007

ACTION: The public hearing was closed and first reading of the ordinance for the following motions were approved on Council Member McCracken's motion, Council Member Cole's second on a 7-0 vote.

- Motion 1 was to postpone Tract 129 until the January 10, 2008 City Council Hearing
- Motion 2 was to apply all Vertical Mixed Use related standards to Tracts 1-128 and 131-150
- Motion 3 was to apply an affordability level of 60% of the Median Family Income (MFI) requirement for Vertical Mixed Use rental developments

ORDINANCE READINGS: 1st November 29, 2007

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Melissa Laursen
E-mail: melissa.laursen@ci.austin.tx.us

PHONE: 974-7226

NEIGHBORHOOD RECOMMENDATION

Representatives of the Bouldin Creek Neighborhood Planning Team (BCNPT) met on five occasions between March 21, 2007 and May 14, 2007 and submitted a Vertical Mixed Use (VMU) Opt-In / Opt-Out Application to the City on May 31, 2007. Please refer to Attachment A.

- The BCNPT recommended applying all VMU related standards to all eligible properties within the VMU Overlay District. This includes commercially zoned properties (excluding properties that are residentially used) and commercially zoned properties with the mixed use combining district.
- The recommendation from the BCNPT is consistent with the Bouldin Creek Neighborhood Plan which places mixed use developments on the major arterials (South 1st Street, South Congress Avenue, Barton Springs Road, and W. Riverside Drive) and protects the residential interior of the neighborhood.
- The recommended level of affordability for future VMU Rental Units is 60% of the median family income.

BACKGROUND

On August 31, 2006, the City Council adopted the “Design Standards & Mixed Use” ordinance as Subchapter E of Chapter 25-2 of the City Code. Most of the provisions of the ordinance went into effect on January 13, 2007. However, a separate process and schedule was established within the ordinance for Vertical Mixed Use.

The VMU Opt-In/Opt-Out process provides an opportunity for neighborhoods to offer recommendations regarding the location and development standards for Vertical Mixed Use Buildings. The primary focus of this process is on property fronting certain major arterials defined as Core Transit Corridors; however, other properties may also be eligible for VMU. With some exceptions, properties fronting on a Core Transit Corridor are eligible for VMU unless “opted-out”. Properties not fronting on the Core Transit Corridors are not eligible for VMU unless “opted-in”.

As part of the Vertical Mixed Use (VMU) Opt-In/Opt-Out process the city of Austin was divided into approximately 80 neighborhood planning and/or VMU application areas. Over the next several months each of the application areas affected by the VMU process will be the subject of a zoning case. The Planning Commission will review these cases and provide recommendations to the City Council who will make the final determination as to the applicability of VMU. Zoning case C14-2007-0220 is the final step in the Vertical Mixed Use Opt-In/Opt-Out process for the Bouldin Creek application area. A more detailed overview of Vertical Mixed Use and the Opt-In/Opt-Out process is provided in Attachment 6.

Impervious Cover

The maximum impervious cover limits for the proposed zoning districts are as follows:

LI, Limited Industrial Services	80 %
CS, Commercial Services	95 %
CS-1, Commercial – Liquor Sales	95 %
W/LO, Warehouse Limited Office	70%
GR, Community Commercial	90 %
LR, Neighborhood Commercial	80 %
LO, Limited Office	70 %
MH, Mobile Home	N / A
MF-4, Multifamily Residence Moderate – High Density	70%
MF-3, Multi-family Residence (Medium Density)	65 %
MF-2, Multi-family Residence (Low Density)	60 %
SF-6, Townhouse & Condominium Residence	55%
SF-5, Urban Family Residence	55%
SF-3, Family Residence	45 %
SF-2, Single Family Residence – Standard Lot	45 %
P, Public	varies (refer to the <u>Land Development Code</u>)

The maximum amount of impervious cover is determined as the more restrictive figure of the zoning district and watershed class.

Transportation

Additional right-of-way (ROW) necessary for future roadway improvements within the proposed zoning may be required during the subdivision review process or the site plan review process.

Since the rezoning of this area is being initiated by the City of Austin through the neighborhood planning process and does not reflect a specific development proposal, no trip generation calculations are provided on a tract-by-tract basis for any proposed land uses as would typically be provided.

A Traffic Impact Analysis (TIA) will be required during the site plan review stage for any proposed land use that would generate over 2,000 vehicle trips per day. Additional ROW, participation in roadway improvements, and/or limitation on development intensity may also be recommended based on review of the TIA.

Water and Wastewater

The area is served with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner, at own expense, will be responsible for providing. Also, 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 design criteria. The utility construction must be inspected by the City. The landowner must pay the associated City fees.

Compatibility Standards

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district/use will be subject to compatibility development regulations.

Bouldin Creek VMU Application Properties
C14-2007-0220

Tract # (1)	TCAD Property ID (2)	COA Address (3)
100	101904	1155 BARTON SPRINGS RD
		502 DAWSON RD
101	102005	1025 BARTON SPRINGS RD
	102006	1017 BARTON SPRINGS RD
	102009	0 BARTON SPRINGS RD LOT 19-21 ARBOLES TERRACE
	102010	0 BARTON SPRINGS RD LOT 22-25 ARBOLES TERRACE
	102011	901 BARTON SPRINGS RD
	102025	923 BARTON SPRINGS RD
	102026	921 BARTON SPRINGS RD
	102027	1003 BARTON SPRINGS RD
102	101681	515 1/2 BOULDIN AVE
		811 1/2 BARTON SPRINGS RD
		811 BARTON SPRINGS RD
	101684	801 BARTON SPRINGS RD
103	101835	601 BARTON SPRINGS RD
	101836	600 S 1ST ST
	358884	603 BARTON SPRINGS RD
		605 BARTON SPRINGS RD
104	540417	700 S 1ST ST
105	101852	900 S 1ST ST
		902 S 1ST ST
		904 S 1ST ST
	101853	906 S 1ST ST
		1000 S 1ST ST
		1002 S 1ST ST
		908 S 1ST ST
		910 S 1ST ST
	101860	1004 S 1ST ST
	101861	1006 S 1ST ST
		602 COPELAND ST
106	101026	1100 S 1ST ST
		1104 S 1ST ST
		1106 S 1ST ST
	101027	1108 S 1ST ST
		1112 S 1ST ST
	101028	1110 S 1ST ST
	101029	1114 S 1ST ST
	101030	0 S 1ST ST 0.1603 AC OF BLK C BOULDIN J E ESTATE

Bouldin Creek VMU Application Properties
C14-2007-0220

Tract # (1)	TCAD Property ID (2)	COA Address (3)
107	101032	1200 S 1ST ST
108	100994	1302 1/2 S 1ST ST
		1302 S 1ST ST
		605 W GIBSON ST
		607 W GIBSON ST
	100995	1306 S 1ST ST
	100996	0 S 1ST ST
		S33.3 FT OF LOT 11-13 BLK 3 SOUTH HEIGHTS PLUS PART VACATED ALLEY
109	100986	1310 S 1ST ST
		1312 S 1ST ST
		1404 S 1ST ST
		1406 S 1ST ST
110	101053	1408 S 1ST ST
		1410 S 1ST ST
	101054	1506 S 1ST ST
		608 W MONROE ST
		1502 S 1ST ST
111	101051	1500 S 1ST ST
		615 JEWELL ST
		1606 1/2 S 1ST ST
		1606 S 1ST ST
		1628 S 1ST ST
	302976	1632 S 1ST ST
		1636 S 1ST ST
	302977	0 S 1ST ST
		46.5X140FT BLK C BOULDIN JAMES E ADDN
	302978	0 S 1ST ST
		53.5X156FT BLK C BOULDIN JAMES E ADDN
112	302964	1700 S 1ST ST
		0 S 1ST ST
113	302965	100X171FT BLK C BOULDIN JAMES E ADDN
		1708 S 1ST ST

Bouldin Creek VMU Application Properties
C14-2007-0220

Tract # (1)	TCAD Property ID (2)	COA Address (3)
114	302949	1900 S 1ST ST
		1902 S 1ST ST
115	302950	1906 S 1ST ST
	302951	1924 S 1ST ST
116	302935	0 S 1ST ST S 35.4FT OF LOT 1-2 BLK F BOULDIN JAMES E ADDN
	302936	2004 S 1ST ST
	302937	2008 S 1ST ST
	302943	0 S 1ST ST N 114.66 FT OF LOT 1-2 BLK K BOULDIN JAMES E ADDN
117	303826	2104 S 1ST ST
118	303815	0 S 1ST ST LOT 9 BLK 4 *LES S 3.63 FT BOULDIN SOUTH EXTENSION
119	303816	2210 1/2 S 1ST ST
		2210 S 1ST ST
		2212 S 1ST ST
	303817	2214 S 1ST ST
		2216 S 1ST ST
	446403	0 S 1ST ST LOT 1 BLK A KIMS AUTO
120	303793	2300 S 1ST ST
	303794	0 S 1ST ST LOT 1 BLK B LOMA LINDA
	303795	2310 S 1ST ST
	303796	2312 S 1ST ST
	303802	2304 S 1ST ST
	303803	2306 S 1ST ST
	359382	2314 1/2 S 1ST ST
		2316 S 1ST ST
		2318 S 1ST ST
121	305023	516 W OLTORF ST
	305024	2213 S 1ST ST
	305025	2209 S 1ST ST
	305028	2217 S 1ST ST
	305029	2215 S 1ST ST
	305031	2313 S 1ST ST
	305032	2301 S 1ST ST
		2303 S 1ST ST
		2305 S 1ST ST

Bouldin Creek VMU Application Properties
C14-2007-0220

Tract # (1)	TCAD Property ID (2)	COA Address (3)
122	305003	2201 S 1ST ST
		511 W LIVE OAK ST
123	303568	0 S 1ST ST S 64FT OF LOT 1 BLK 1 BOULDIN SOUTH EXTENSION
	303569	2101 S 1ST ST
	303570	2009 S 1ST ST
	303571	2007 1/2 S 1ST ST
		2007 S 1ST ST
	303572	2003 S 1ST ST
		2005 S 1ST ST
124	303509	1919 S 1ST ST
	303510	1905 S 1ST ST
	303511	1901 S 1ST ST
		1903 S 1ST ST
		501 W MARY ST
		503 W MARY ST
		505 W MARY ST
		507 W MARY ST
125	303464	1811 S 1ST ST
	303465	1809 S 1ST ST
	303466	1807 S 1ST ST
	303467	1805 S 1ST ST
	303469	1801 S 1ST ST
	531724	1803 S 1ST ST
126	301999	1715 S 1ST ST
	302000	1713 S 1ST ST
	302001	1711 S 1ST ST
	302002	0 S 1ST ST
		E 143.75FT AV LOT 13 BLK 3 BOULDIN D W
	302003	1703 S 1ST ST
	302004	1701 S 1ST ST
	302005	1617 S 1ST ST
		1619 S 1ST ST
	302007	1615 S 1ST ST
	302008	1613 S 1ST ST
	302009	1611 S 1ST ST
	302010	1609 S 1ST ST
	302011	1605 S 1ST ST
	302012	0 S 1ST ST
		LOT 2 BLK 3 BOULDIN D W
	302013	1601 S 1ST ST

Bouldin Creek VMU Application Properties
C14-2007-0220

Tract # (1)	TCAD Property ID (2)	COA Address (3)
127	302016	1503 S 1ST ST
	302017	1501 S 1ST ST
		509 W ELIZABETH ST
128	100831	1417 S 1ST ST
	100832	1415 S 1ST ST
	100833	1413 S 1ST ST
	100835	1209 S 1ST ST
	100836	1207 S 1ST ST
	100837	1311 S 1ST ST
	583059	1301 S 1ST ST
129	188631	507 S 1ST ST
131	188623	415 BARTON SPRINGS RD
	188624	301 W RIVERSIDE DR
		419 1/2 BARTON SPRINGS RD
132	190738	418 1/2 BARTON SPRINGS RD
		418 BARTON SPRINGS RD
		510 BARTON SPRINGS RD
	190739	425 W RIVERSIDE DR
	190740	400 BARTON SPRINGS RD
		414 BARTON SPRINGS RD
133A	190726	300 BARTON SPRINGS RD
	190728 (Portion)	312 BARTON SPRINGS RD
		Save and except for an alley approximately 25 feet wide located at the most western portion of the parcel.
	190735	155 S 1ST ST
		210 1/2 BARTON SPRINGS RD
	359105	306 BARTON SPRINGS RD
	544134	210 BARTON SPRINGS RD
		214 BARTON SPRINGS RD
133B	190725 (Portion)	202 S CONGRESS AVE
		220 1/2 S CONGRESS AVE
		222 S CONGRESS AVE
		Save and except for the northern most portion approximately 3,760 SF; which includes approximately 35 feet of linear frontage along W. Riverside Drive.

Bouldin Creek VMU Application Properties
C14-2007-0220

Tract # (1)	TCAD Property ID (2)	COA Address (3)
134	188633	336 S CONGRESS AVE
	188636	300 1/2 S CONGRESS AVE
		200 1/2 W RIVERSIDE DR
		201 BARTON SPRINGS RD
		206 W RIVERSIDE DR
		210 W RIVERSIDE DR
		300 S CONGRESS AVE
		301 BARTON SPRINGS RD
		309 1/2 BARTON SPRINGS RD
135	188625	510 W RIVERSIDE DR
	188626	0 S CONGRESS AVE
		65 X 79.4 FT AV ABS 8 SUR 20 DECKER I
	188628	105 W RIVERSIDE DR
		400 S CONGRESS AVE
136	188632	510 S CONGRESS AVE
137	100851	103 NELLIE ST
		1200 S CONGRESS AVE
		1202 S CONGRESS AVE
		1204 S CONGRESS AVE
	100852	1206 S CONGRESS AVE
		1208 S CONGRESS AVE
		1210 S CONGRESS AVE
		1220 S CONGRESS AVE
138	302143	1300 S CONGRESS AVE
	302144	0 S CONGRESS
		LOT 14 BLK 13 NEWNING RESUB OF BLK 13 & 2A
	302145	107 W JAMES ST
		108 W GIBSON ST
	302146	1316 S CONGRESS AVE
139	302188	1400 S CONGRESS AVE
		1406 S CONGRESS AVE
	302189	0 S CONGRESS AVE LOT 6-7 * & S 17.33FT OF LOT 5 BLK 14 SWISHER ADDN

Bouldin Creek VMU Application Properties
C14-2007-0220

Tract # (1)	TCAD Property ID (2)	COA Address (3)
140	302179	1504 S CONGRESS AVE
	302180	1506 S CONGRESS AVE
	302181	1508 S CONGRESS AVE
	302182	1510 S CONGRESS AVE
	302183	0 S CONGRESS AVE S 10.33FT OF LOT 4 *& N 24.66FT OF LOT 5 BLK 19 SWISHER ADDN
	302184	1512 S CONGRESS AVE
		1516 S CONGRESS AVE
		1518 S CONGRESS AVE
		1522 S CONGRESS AVE
141	302165	1600 S CONGRESS AVE
	302166	1602 S CONGRESS AVE
	302167	0 S CONGRESS AVE N 19.752FT OF LOT 3 BLK 22 SWISHER ADDN
	302168	1604 S CONGRESS AVE
	302169	1606 S CONGRESS AVE
	302172	1608 S CONGRESS AVE
142	302154	1708 S CONGRESS AVE
		1710 S CONGRESS AVE
	302155	1712 S CONGRESS AVE
	302157	1714 S CONGRESS AVE
		1716 S CONGRESS AVE
		1718 S CONGRESS AVE
		1720 S CONGRESS AVE
		1722 S CONGRESS AVE
	302158	1700 S CONGRESS AVE
	302159	103 W MILTON ST
		1704 1/2 S CONGRESS AVE
		1704 S CONGRESS AVE
		1706 S CONGRESS AVE
143	303501	1800 S CONGRESS AVE
	303502	0 S CONGRESS AVE LOT 3 BLK 30 SWISHER ADDN
	303503	1808 S CONGRESS AVE
	303504	1822 S CONGRESS AVE
144	303555	1900 S CONGRESS AVE
	303556	1902 S CONGRESS AVE
	303557	1912 S CONGRESS AVE
	303558	0 S CONGRESS AVE LOT 4 BLK 35 SWEETMAN R L ADDN
	303559	104 W JOHANNA ST
		1920 S CONGRESS AVE

Bouldin Creek VMU Application Properties
C14-2007-0220

Tract # (1)	TCAD Property ID (2)	COA Address (3)
145	303596	2000 S CONGRESS AVE
		2002 S CONGRESS AVE
146	303598	2008 1/2 S CONGRESS AVE
		2008 S CONGRESS AVE
	303599 (Portion)	2020 S CONGRESS AVE (approximately 142 feet parallel with S Congress Ave.)
147	303629	2110 S CONGRESS AVE
	303630	0 S CONGRESS AVE
		LOT 2 BLK A RICHARDSON P L
148	303631	2114 S CONGRESS AVE
	303633	2118 S CONGRESS AVE
	303634	2130 S CONGRESS AVE
149	305072	2210 S CONGRESS AVE
	305074	2216 COLLEGE AVE
	359387	2206 S CONGRESS AVE
	531752	2212 S CONGRESS AVE
150	284482	2326 S CONGRESS AVE
	284484	2300 S CONGRESS AVE
		2302 S CONGRESS AVE
	284485	2304 S CONGRESS AVE

(1) The tract number refers to the numbered tracts on the Vertical Mixed Use (VMU) Tract Map

(2) Each TCAD Property ID number represents a separate property, as recorded by the Travis Central Appraisal District.

(3) The COA Addresses listed for each property are those addresses on file with the city pertaining to that property. If a COA address was not available for a property the TCAD address and/or legal description was used.

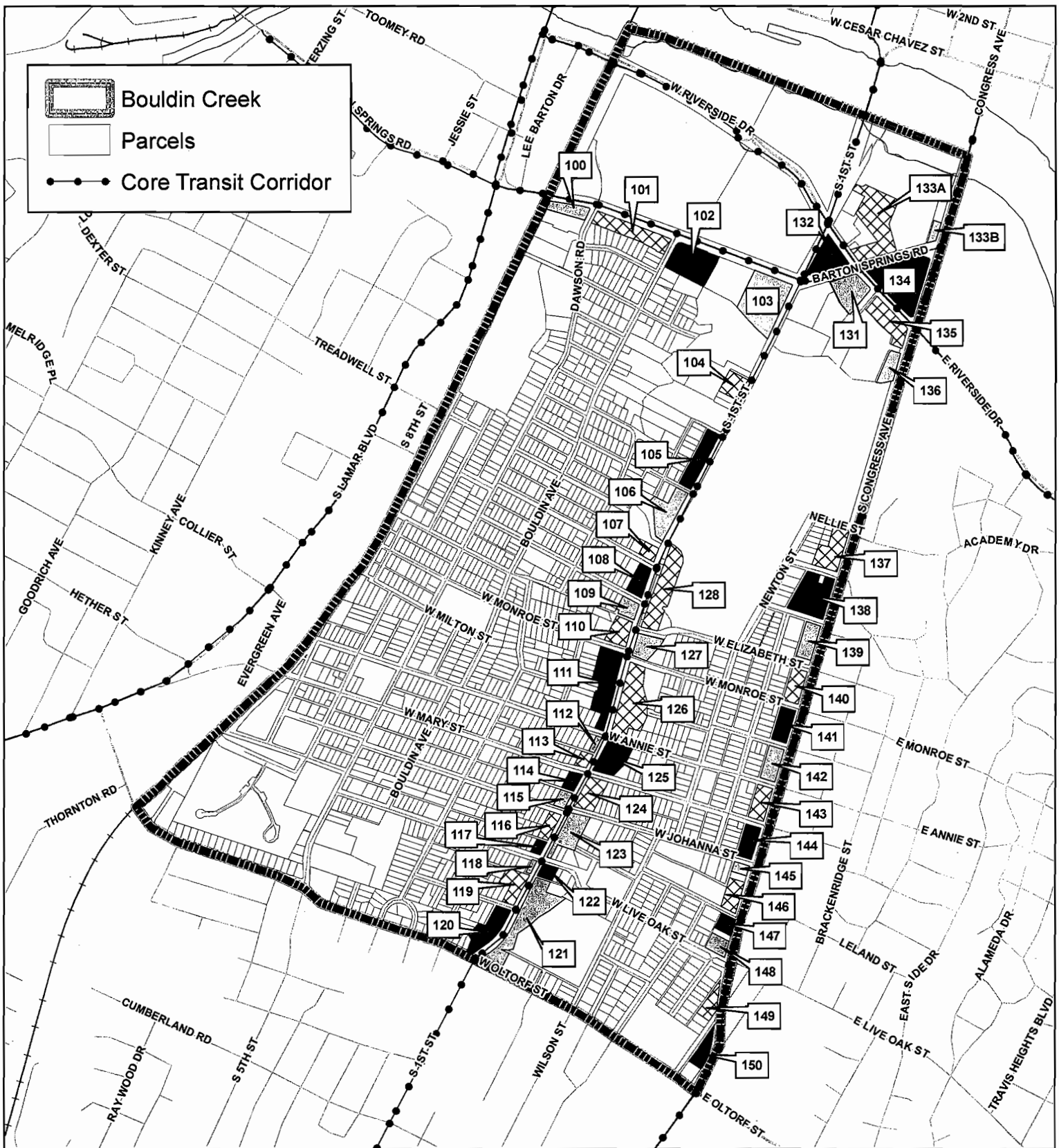
Bouldin Creek VMU Neighborhood Recommendations
C14-2007-0220

VMU Overlay District (Opt-Out)

Tract # (1)	All VMU-Related Standards Apply	OPT OUT (2)			Exclude from VMU Overlay District
		Dimensional Standards	Parking Reduction	Additional Ground Floor Uses in Office Districts	
100-129 131-150	X				

RECOMMENDED AFFORDABILITY LEVEL FOR VMU ELIGIBLE PROPERTIES: 60%

- (1) The tract number refers to the numbered tracts on the Vertical Mixed Use (VMU) Tract Map.
 (2) Please refer to attached information for explanations of Opt-Out options.



**Bouldin Creek Neighborhood Planning Area
Vertical Mixed Use (VMU) Tract Map
VMU Overlay District
Case # C14-2007-0220**

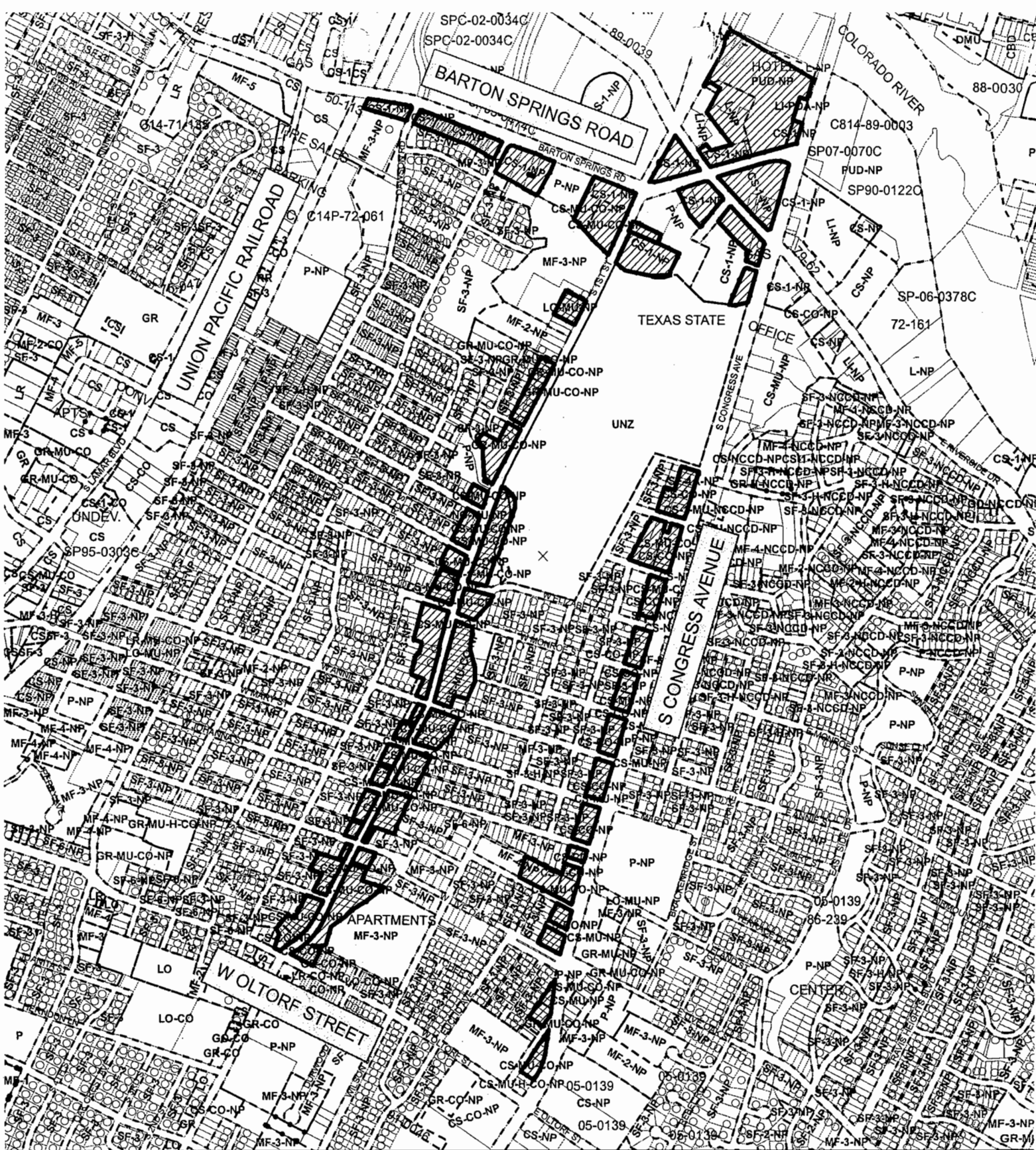


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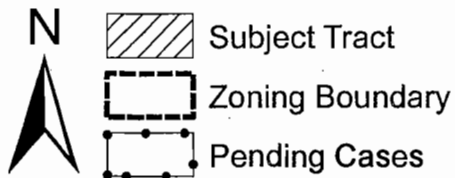
Produced by City of Austin
Neighborhood Planning and Zoning Dept.
November 28, 2007

This map has been produced by the City of Austin for the sole purpose of aiding regional planning and is not warranted for any other use. No warranty is made regarding its accuracy or completeness.



ZONING

ZONING CASE#: C14-2007-0220
 ADDRESS: 764 CONGRESS AVE
 SUBJECT AREA: 764 ACRES
 GRID: H20-21 J20-21
 MANAGER: M. LAURSEN



1" = 1000' OPERATOR: S MEEKS

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.

OVERVIEW OF VERTICAL MIXED USE (VMU) AND THE VMU OPT-IN/OPT-OUT PROCESS

On August 31st, 2006, the Austin City Council approved a major amendment to the city's development code—the Design Standards and Mixed Use Subchapter, also referred to as the Commercial Design Standards. The majority of the Design Standards provisions went into effect in January 2007. However, a separate process and schedule was established within the ordinance for Vertical Mixed Use (VMU) Buildings. The Design Standards ordinance:

- Defined a new Vertical Mixed Use (VMU) building type and specific development standards for VMU buildings
- Established a process whereby neighborhoods can provide recommendations on the standards and location for VMU buildings (the Opt-In/Opt-Out Process)
- Established locations where VMU buildings may be built
- Defined development standards that may be relaxed to encourage construction of VMU buildings.

WHAT IS A VERTICAL MIXED USE BUILDING?

A Vertical Mixed Use building contains a mix of uses; is designed with pedestrian-oriented spaces on the ground floor; is allowed exemptions from certain site development standards that would otherwise apply; and must contain residential dwelling units—some of which must be offered at certain affordability levels.

NEIGHBORHOOD OPT-IN/OPT-OUT PROCESS

The Opt-In/Opt-Out process provides neighborhood groups the opportunity to make recommendations about potential VMU buildings in their neighborhoods to the Planning Commission and City Council. These recommendations include the location of VMU buildings, the availability of relaxed development standards, and affordable housing levels for VMU buildings. The final decision whether to accept, modify, or reject neighborhood requests rests with the City Council. *See the reverse side of this page for development standards and housing affordability level information.*

“Opt-Out”—Most properties within the VMU Overlay District are eligible for the relaxed development standards/ affordable housing package unless they are “opted-out.” A property is “opted-out” of the VMU Overlay District if a neighborhood recommends and the City Council votes to remove some or all of the relaxed development standards or changes the housing affordability level. The opt-out process also allows neighborhoods to recommend certain properties be entirely removed from the VMU Overlay District. *More information on the VMU Overlay District is provided below.*

“Opt-In”—Properties outside the VMU Overlay District neighborhoods may “opt in” properties with the MU Combining District (e.g. GR-MU) to encourage VMU buildings. Opt-In means a neighborhood recommends whether a property should be eligible for VMU and whether the relaxed development standards/affordable housing should apply. An opt-in recommendation is subject to City Council approval.

POTENTIAL LOCATIONS OF VMU BUILDINGS

The Design Standards ordinance defines two principal locations where VMU Buildings may be permitted:

- The VMU Overlay District
- On properties with the Mixed Use (MU) Combining District—an example would be a property with the zoning of GR-MU (for more zoning information go to http://www.ci.austin.tx.us/zoning/downloads/np_guide.pdf).

The VMU Overlay District, created as part of the Design Standards ordinance, applies to most commercially zoned properties with frontage on a Core Transit Corridor or Future Core Transit Corridor. These Corridors are roadways that have or could have the population density and mix of uses to encourage and support transit use. Core Transit Corridors include many of the major arterial roadways in Austin's urban core such

as South Congress Avenue, Lamar Boulevard, and Riverside Drive. For a complete list of these corridors see *Article 5, Definitions* of the Design Standards ordinance at <http://www.ci.austin.tx.us/planning/designstandards.htm>.

RELAXED DEVELOPMENT STANDARDS FOR VMU BUILDINGS

The opt-in/opt-out process allows neighborhoods to recommend relaxation of certain development standards for VMU buildings: dimensional standards, off-street parking requirements for commercial uses, and additional ground floor commercial uses in office zoning districts.

Dimensional Standards

The Design Standards ordinance uses the term “Dimensional Standards” to refer to the relaxation of specific site development standards for VMU buildings. Relaxing these standards is a way to encourage the construction of VMU buildings while still meeting building height limits and compatibility standards. If approved through the opt-in/opt-out process the following relaxed standards will apply to VMU Buildings.

Note: These Dimensional Standards are a “package” and must be accepted or rejected as such in the opt-in/opt-out process.

Setbacks—No minimum front, street side or interior side yard setbacks;

Floor to Area Ratio—No floor to area ratio (FAR) limit;

Building Coverage—No building coverage limit;

Minimum Site Area—No “minimum site area” requirement (site area requirements limit the number of dwelling units on a site)

Off-Street Parking Requirements for Commercial Uses

Minimum off-street parking for the commercial uses within a VMU building can be reduced to 60% of the normal Land Development Code requirement. Residential uses within a VMU building receive the parking reduction by right and cannot be changed through this process. The parking reduction cannot be used in addition to any other parking reduction allowances such as the one for properties within the Urban Core.

Additional Ground Floor Uses in Office Base District Zoning

If approved through the opt-in/opt-out process consumer convenience services, food sales, general retail sales (convenience or general) and restaurant (limited or general) without drive-in service will be permitted in a VMU Building located in an office zoning district (**NO, LO, GO**). Zoning use information begins on page 45 of the following document: http://www.ci.austin.tx.us/zoning/downloads/np_guide.pdf.

AFFORDABILITY REQUIREMENTS FOR VMU BUILDINGS

If VMU Buildings are approved through the opt-in/opt-out process, and if they take advantage of the dimensional and parking exemptions, they are subject to certain affordability requirements.

Owner-Occupied Units—Five percent of residential units shall be affordable for households earning no more than 80 percent of the Median Family Income (MFI). Five percent of the residential units shall be affordable for households earning no more than 100 percent of the MFI. The affordability period is 99 years.

Rental Units—Ten percent of the residential units shall be affordable for households earning no more than 80 percent of the current MFI. As part of the opt-in/opt-out process, a neighborhood association or neighborhood planning team may request that the affordable rental units be available for renters earning a lower percentage of the median family income, to as low as 60 percent of the median family income. The affordability period is 40 years.

For more information on VMU:

<http://www.ci.austin.tx.us/planning/verticalmixeduse.htm>

PLANNING COMMISSION HEARING

DATE: November 13, 2007

TIME: 6:00 P.M.

LOCATION: City Hall, Rm. 1002, Council Chambers
301 W. 2nd Street, Austin

CITY COUNCIL HEARING

DATE: November 29, 2007

TIME: 4:00 P.M.

LOCATION: City Hall, Rm. 1002, Council Chambers
301 W. 2nd Street, Austin

For questions regarding the proposed application of Vertical Mixed Use (VMU) regulations in the Bouldin Creek Neighborhood Planning Area, please call Melissa Laursen at (512) 974-7226 or email at: melissa.laursen@ci.austin.tx.us. Si Ud Necesita información en Español, favor de llamar a Andrew Holubeck al (512) 974-2054. Office hours are 8:00 AM to 5:00 PM Monday through Friday. Please be sure to refer to the File Number on the first page when you call. See attached sheets for more information.

PLANNING COMMISSION COMMENT FORM

You may send your written comments to the Neighborhood Planning and Zoning Department, P. O. Box 1088, C/O Melissa Laursen, Austin, TX 78767-8835.

File # C14-2007-0220

Planning Commission Hearing Date: November 13, 2007

Name (please print) RENEE ABDALLAH

☒ I am in favor
(Estoy de acuerdo)

Address 5223 GROUSE RUN DRIVE
STOCKTON, CA, 95207

☐ I object
(No estoy de acuerdo)

Austin property owner 10 units at Oak Knoll Condos 620 S. First St.

INFORMATION ON PUBLIC HEARINGS

THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT HAS FILED AN APPLICATION TO IMPLEMENT THE VERTICAL MIXED-USE (VMU) LAND USE REGULATIONS. THIS NOTICE HAS BEEN MAILED TO YOU BECAUSE YOU OWN PROPERTY WITHIN 300 FEET OF A VMU ELIGIBLE PROPERTY OR YOU ARE A CONTACT PERSON FOR A NEIGHBORHOOD ORGANIZATION WHOSE BOUNDARIES INCLUDE A VMU ELIGIBLE PROPERTY.

This request for zoning/rezoning will be reviewed and acted upon at two public hearings: First, before the Planning Commission and then before the City Council. After a public hearing, the Planning Commission reviews and evaluates City staff recommendation and public input and then sends its own recommendation on the proposed VMU land use regulations to the City Council. Meeting dates and locations are shown on this notice.

If you have any questions concerning this notice, please contact the City of Austin Neighborhood Planning and Zoning Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

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File # C14-2007-0220

Planning Commission Hearing Date: November 13, 2007

Name (please print) Cynthia Hyser

☐

I am in favor
(Estoy de acuerdo)

Address 603 S. 8th St, Austin, 78704

☒

I object
(No estoy de acuerdo)

Objection re: not enough affordable housing units for ownership

PLANNING COMMISSION HEARING

11-12-07

DATE: November 13, 2007 TIME: 6:00 P.M.
LOCATION: City Hall, Rm. 1002, Council Chambers
301 W. 2nd Street, Austin

CITY COUNCIL HEARING

DATE: November 29, 2007 TIME: 4:00 P.M.
LOCATION: City Hall, Rm. 1002, Council Chambers
301 W. 2nd Street, Austin

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File # C14-2007-0220

Planning Commission Hearing Date: November 13, 2007

Name (please print) KATHLEEN WATKINS

☐ I am in favor

Address 2215 Post Rd. #2094 Austin Tx 78704

☒ (Estoy de acuerdo)

☒ I object

☒ (No estoy de acuerdo)

INFORMATION ON PUBLIC HEARINGS

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PLANNING COMMISSION HEARING

DATE: November 13, 2007

TIME: 6:00 P.M.

LOCATION: City Hall, Rm. 1002, Council Chambers
301 W. 2nd Street, Austin

CITY COUNCIL HEARING

DATE: November 29, 2007

TIME: 4:00 P.M.

LOCATION: City Hall, Rm. 1002, Council Chambers
301 W. 2nd Street, Austin

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PLANNING COMMISSION COMMENT FORM

You may send your written comments to the Neighborhood Planning and Zoning Department, P. O. Box 1088, C/O Melissa Laursen, Austin, TX 78767-8835.

File # C14-2007-0220

Planning Commission Hearing Date: November 13, 2007

Name (please print)

Beverly Belrose

☐ I am in favor
(Estoy de acuerdo)

Address

1704 Eva St Austin TX 78704

☒ I object
(No estoy de acuerdo)

Parking is to bad now. I'm disabled and Thurs, Fri's + Sat's
Sometimes I have to park elsewhere down street + walk to my
own home. Because no parking.
I'm ill + my daughter is ill so cant attend the meetings.

INFORMATION ON PUBLIC HEARINGS

Thank you
Beverly Belrose

THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT HAS FILED AN APPLICATION TO IMPLEMENT THE VERTICAL MIXED-USE (VMU) LAND USE REGULATIONS. THIS NOTICE HAS BEEN MAILED TO YOU BECAUSE YOU OWN PROPERTY WITHIN 300 FEET OF A VMU ELIGIBLE PROPERTY OR YOU ARE A CONTACT PERSON FOR A NEIGHBORHOOD ORGANIZATION WHOSE BOUNDARIES INCLUDE A VMU ELIGIBLE PROPERTY.

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PLANNING COMMISSION COMMENT FORM

You may send your written comments to the Neighborhood Planning and Zoning Department, P. O. Box 1088, C/O Melissa Laursen, Austin, TX 78767-8835.

File # C14-2007-0220

Planning Commission Hearing Date: November 13, 2007

Name (please print) SON CHRISTENSEN

☐ I am in favor

(Estoy de acuerdo)

Address 614 W. MONROE, 78704

☒ I object

(No estoy de acuerdo)

INFORMATION ON PUBLIC HEARINGS

THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT HAS FILED AN APPLICATION TO IMPLEMENT THE VERTICAL MIXED-USE (VMU) LAND USE REGULATIONS. THIS NOTICE HAS BEEN MAILED TO YOU.

CHRISTENSEN

10 November 2007

Neighborhood Planning and Zoning Department
PO Box 1088
c/o Melissa Laursen
Austin, TX 78767-8835

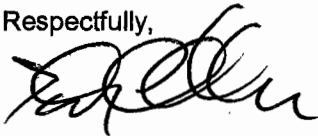
Re: File # C14-2007-0220
Re-definitions of VMU Design Standards

Interested Parties:

Regarding development of properties along South First Street, and, relaxation of Dimensional Standards and Parking Requirements for Commercial Uses, I make the following comments.

- Given that we will eventually need to widen South First Street, It does not make sense to have no street-side setbacks requirements.
- Given that commercial properties along South First Street abut residential areas, it seems reasonable to hold commercial development to the same setback and height requirements of residential development along those boundaries.
- Given that, with increasing frequency, commercial parking overflow chokes neighborhood cross streets along South Congress and South First, we would serve those neighborhoods best by requiring commercial establishments to provide adequate parking for their customers, and would serve adjacent neighborhoods poorly by relaxing minimum off-street parking requirements.

Respectfully,



John Christensen
614 West Monroe Street
Austin, TX 78704

w: 512 462 3342
h: 512 442 2135
christensenoko@sbcglobal.net

John Christensen
614 W Monroe Street, Austin, TX 78745
512 462 3342 512 442 2135

PLANNING COMMISSION COMMENT FORM

You may send your written comments to the Neighborhood Planning and Zoning Department, P. O. Box 1088, C/O Melissa Laursen, Austin, TX 78767-8835.

File # C14-2007-0220

Planning Commission Hearing Date: November 13, 2007

Name (please print) Dan Schulman

☐ I am in favor
(Estoy de acuerdo)

Address 603 W LIVE OAK

☒ I object
(No estoy de acuerdo)

VMU promotes too much density for
this neighborhood. Keep it DT.

PLANNING COMMISSION COMMENT FORM

You may send your written comments to the Neighborhood Planning and Zoning Department, P. O. Box 1088, C/O Melissa Laursen, Austin, TX 78767-8835.

File # C14-2007-0220

Planning Commission Hearing Date: November 13, 2007

Name (please print)

ALVARO BASTIDAS

Address

1708 PRIAR ST.

- ☐ I am in favor
(Estoy de acuerdo)
- ☒ I object
(No estoy de acuerdo)

PLANNING COMMISSION HEARING

DATE: November 13, 2007

TIME: 6:00 P.M.

LOCATION: City Hall, Rm. 1002, Council Chambers
301 W. 2nd Street, Austin

CITY COUNCIL HEARING

DATE: November 29, 2007

TIME: 4:00 P.M.

LOCATION: City Hall, Rm. 1002, Council Chambers
301 W. 2nd Street, Austin

For questions regarding the proposed application of Vertical Mixed Use (VMU) regulations in the Bouldin Creek Neighborhood Planning Area, please call Melissa Laursen at (512) 974-7226 or email at: melissa.laursen@ci.austin.tx.us. Si Ud Necesita información en Español, favor de llamar a Andrew Holubeck al (512) 974-2054. Office hours are 8:00 AM to 5:00 PM Monday through Friday. Please be sure to refer to the File Number on the first page when you call. See attached sheets for more information.

PLANNING COMMISSION COMMENT FORM

You may send your written comments to the Neighborhood Planning and Zoning Department, P. O. Box 1088, C/O Melissa Laursen, Austin, TX 78767-8835.

File # C14-2007-0220

Planning Commission Hearing Date: November 13, 2007

Name (please print)

DAGMAR + TERENCE GRIEDER

I am in favor

Address

502 W. LIVE OAK, AUSTIN, TX 78704

(Estoy de acuerdo)

I object

(No estoy de acuerdo)

1 OBJECT TO THE RELAXED BUILDING STANDARDS

INFORMATION ON PUBLIC HEARINGS

THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT HAS FILED AN APPLICATION TO IMPLEMENT THE VERTICAL MIXED-USE (VMU) LAND USE REGULATIONS. THIS NOTICE HAS BEEN MAILED TO YOU BECAUSE YOU OWN PROPERTY WITHIN 300 FEET OF A VMU ELIGIBLE PROPERTY OR YOU ARE A CONTACT PERSON FOR A NEIGHBORHOOD ORGANIZATION WHOSE BOUNDARIES INCLUDE A VMU ELIGIBLE PROPERTY.

This request for zoning/rezoning will be reviewed and acted upon at two public hearings: First, before the Planning Commission and then before the City Council. After a public hearing, the Planning Commission reviews and evaluates City staff recommendation and public input and then sends its own recommendation on the proposed VMU land use regulations to the City Council. Meeting dates and locations are shown on this notice.

If you have any questions concerning this notice, please contact the City of Austin Neighborhood Planning and Zoning Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

November 6, 2007

Neighborhood Planning and Zoning Department
P.O. Box 1088
C/O Melissa Larson
Austin, TX 78767-8835

Dear Ms. Larson:

I am writing to express my and my partner's, Scott F. Creamer, support for the proposed vertical mixed use zoning application for the Bouldin Creek Neighborhood currently being reviewed by the Austin Neighborhood Planning and Zoning Department. I lived in South Austin fifteen years ago and traveled through the Bouldin Creek Neighborhood on a daily basis. At the time there were many run down and ill maintained properties. I left Austin and returned with my partner in 2002, at which time we purchased our current residence at 419 West Johanna Street.

There has been a considerable amount of change in the last five years and almost all of it has been for the better. While there is more traffic to contend with, it hardly outweighs the benefits of a lower crime rate, increased services, dining and shopping opportunities for the neighborhood residents. However, even with the improvements our neighborhood has seen, there still exist several properties through out the neighborhood, along South 1st Street and South Congress that remain run down and/or non productive because the current zoning makes it cost prohibitive for the owner to develop and/or sell the property. These underdeveloped properties are a major obstacle keeping the Bouldin Creek neighborhood from being one of the City's shining stars.

In my opinion, the Bouldin Creek Neighborhood Association, of which I was formerly a member, represents the view of only a minority of the neighborhood's residents. My experience with the Association leads me to believe the officers have as their primary interest fighting growth in all forms. My partner and I welcome and encourage Austin's larger initiative to increase the residential density in central Austin, which will require revising current zoning in all the neighborhoods adjacent to downtown. My partner and I encourage the Neighborhood Planning and Zoning Department to recognize the importance of increasing the density in the Bouldin Creek neighborhood as vital to the smart growth of central Austin.

Sincerely,



Timothy M. Lee

48 East Avenue
Austin, TX 78701

512-474-6061 v
512-474-1605 f

www.TMLlegal.com

PLANNING COMMISSION HEARING

DATE: November 13, 2007

TIME: 6:00 P.M.

LOCATION: City Hall, Rm. 1002, Council Chambers
301 W. 2nd Street, Austin

CITY COUNCIL HEARING

DATE: November 29, 2007

TIME: 4:00 P.M.

LOCATION: City Hall, Rm. 1002, Council Chambers
301 W. 2nd Street, Austin

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PLANNING COMMISSION COMMENT FORM

You may send your written comments to the Neighborhood Planning and Zoning Department, P. O. Box 1088, C/O Melissa Laursen, Austin, TX 78767-8835.

File # C14-2007-0220

Planning Commission Hearing Date: November 13, 2007

Name (please print)

Timothy M. Lee / Scott F. Creamer

☒ I am in favor
(Estoy de acuerdo)

Address

419 W. Johanna Street.

☐ I object
(No estoy de acuerdo)

INFORMATION ON PUBLIC HEARINGS

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This request for zoning/rezoning will be reviewed and acted upon at two public hearings: First, before the Planning Commission and then before the City Council. After a public hearing, the Planning Commission reviews and evaluates City staff recommendation and public input and then sends its own recommendation on the proposed VMU land use regulations to the City Council. Meeting dates and locations are shown on this notice.

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From: [REDACTED]
Sent: Tuesday, November 13, 2007 11:17 AM
To: melissa.laurensen@ci.austin.tx.us; Holubeck, Andrew
Subject: File C14-2007-0220 and File C14-2007-0224

Hello-

I am writing you in regards to the following cases/ zoning changes File C14-2007-0220 and File C14-2007-0224. I live at 1709 Eva Street and my property is effected by these changes. I am not in favor of these changes. I did not send in the Planning Commission form. Does this email count as a vote or do I need to show up to the meeting tonight?

Thanks,

Kathleen Flannery
Tailor and Sell
Delivery Integration/Portfolio Team
GeBM PMO Website
512-728-1847

Laursen, Melissa

From: Jenny Huth [REDACTED]
Sent: Tuesday, November 13, 2007 1:48 PM
To: Laursen, Melissa; melissa.laursen@ci.austin.tx.us
Subject: VMU hearing tonight

Hello Melissa,

My name is Jennifer Huth, and I called you last week re: the Bouldin Creek VMU zoning application (file #: C14-2007-0220). I was planning on attending the hearing tonight, but I am unfortunately unable to attend.

You said that I could email you with any concerns if I wasn't able to attend, so I will pass this on:

I would like to go on record as saying that I am opposed to the VMU zoning for Tract #101 in the Bouldin Creek zone as I believe it has the potential to create a substantial negative impact on the homes which border this tract. I live at 1000 Daniel Dr. and my property abutts Tract #101 in the Bouldin Creek VMU zone. Tract 101 is a relatively narrow slice of property that already comes very close to our property (we overlook the roof of Vinnie's Italian Cafe). Under the VMU zoning, it appears that a larger building could possibly be built on this property, negatively impacting our property, which we purchased before VMU zoning was even being discussed. The revised setbacks would allow for a buliding that I fear will loom over our back yard and decrease the value of our home significantly.

Thanks for taking the time to answer my questions the other day, and thanks for bringing this concern into account during the hearing tonight.

Jennifer Huth

11/13/2007

Agenda Item

PLANNING COMMISSION HEARING

DATE: November 13, 2007

TIME: 6:00 P.M.

LOCATION: City Hall, Rm. 1002, Council Chambers

301 W. 2nd Street, Austin

CITY COUNCIL HEARING

DATE: November 29, 2007

TIME: 4:00 P.M.

LOCATION: City Hall, Rm. 1002, Council Chambers

301 W. 2nd Street, Austin

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File # C14-2007-0220

Planning Commission Hearing Date: November 13, 2007

Name (please print)

Robert Bauer

☐ I am in favor

(Estoy de acuerdo)

Address

1003 Daniel Dr. Austin, TX 78704

☒ I object

(No estoy de acuerdo)

INFORMATION ON PUBLIC HEARINGS

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PLANNING COMMISSION HEARING

DATE: November 13, 2007

TIME: 6:00 P.M.

LOCATION: City Hall, Rm. 1002, Council Chambers
301 W. 2nd Street, Austin

Agenda Item [REDACTED]

CITY COUNCIL HEARING

DATE: November 29, 2007

TIME: 4:00 P.M.

LOCATION: City Hall, Rm. 1002, Council Chambers
301 W. 2nd Street, Austin

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File # C14-2007-0220

Planning Commission Hearing Date: November 13, 2007

Name (please print) Martha Bauer

☐ I am in favor
(Estoy de acuerdo)

Address 1003 Daniel Dr. Austin, TX 78704

☒ I object
(No estoy de acuerdo)

INFORMATION ON PUBLIC HEARINGS

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If you have any questions concerning this notice, please contact the City of Austin Neighborhood Planning and Zoning Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

PLANNING COMMISSION HEARING

DATE: November 13, 2007 TIME: 6:00 P.M.

LOCATION: City Hall, Rm. 1002, Council Chambers
301 W. 2nd Street, Austin

Agenda Item

CITY COUNCIL HEARING

DATE: November 29, 2007 TIME: 4:00 P.M.

LOCATION: City Hall, Rm. 1002, Council Chambers
301 W. 2nd Street, Austin

For questions regarding the proposed application of Vertical Mixed Use (VMU) regulations in the Bouldin Creek Neighborhood Planning Area, please call Melissa Laursen at (512) 974-7226 or email at: melissa.laursen@ci.austin.tx.us. Si Ud Necesita información en Español, favor de llamar a Andrew Holubeck al (512) 974-2054. Office hours are 8:00 AM to 5:00 PM Monday through Friday. Please be sure to refer to the File Number on the first page when you call. See attached sheets for more information.

PLANNING COMMISSION COMMENT FORM

You may send your written comments to the Neighborhood Planning and Zoning Department, P. O. Box 1088, C/O Melissa Laursen, Austin, TX 78767-8835.

File # C14-2007-0220

Planning Commission Hearing Date: November 13, 2007

Name (please print) Mark J. Iannini

Address 1008 Daniel Drive

☒ I am in favor
(Estoy de acuerdo)

☐ I object
(No estoy de acuerdo)

INFORMATION ON PUBLIC HEARINGS

THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT HAS FILED AN APPLICATION TO IMPLEMENT THE VERTICAL MIXED-USE (VMU) LAND USE REGULATIONS. THIS NOTICE HAS BEEN MAILED TO YOU BECAUSE YOU OWN PROPERTY WITHIN 300 FEET OF A VMU ELIGIBLE PROPERTY OR YOU ARE A CONTACT PERSON FOR A NEIGHBORHOOD ORGANIZATION WHOSE BOUNDARIES INCLUDE A VMU ELIGIBLE PROPERTY.

This request for zoning/rezoning will be reviewed and acted upon at two public hearings: First, before the Planning Commission and then before the City Council. After a public hearing, the Planning Commission reviews and evaluates City staff recommendation and public input and then sends its own recommendation on the proposed VMU land use regulations to the City Council. Meeting dates and locations are shown on this notice.

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Agenda Item

PLANNING COMMISSION HEARING

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File # C14-2007-0220

Planning Commission Hearing Date: November 13, 2007

Name (please print) Alex Guerra

Address 610 Bouldin Ave.

AUSTIN, TX 78704

- ☐ I am in favor
(Estoy de acuerdo)
☒ I object
(No estoy de acuerdo)

INFORMATION ON PUBLIC HEARINGS

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Laursen, Melissa

From: Jenny Huth [REDACTED]
Sent: Tuesday, November 13, 2007 1:48 PM
To: Laursen, Melissa; melissa.lauresen@ci.austin.tx.us
Subject: VMU hearing tonight

Hello Melissa,

My name is Jennifer Huth, and I called you last week re: the Bouldin Creek VMU zoning application (file #: C14-2007-0220). I was planning on attending the hearing tonight, but I am unfortunately unable to attend.

You said that I could email you with any concerns if I wasn't able to attend, so I will pass this on:

I would like to go on record as saying that I am opposed to the VMU zoning for Tract #101 in the Bouldin Creek zone as I believe it has the potential to create a substantial negative impact on the homes which border this tract. I live at 1000 Daniel Dr. and my property abutts Tract #101 in the Bouldin Creek VMU zone. Tract 101 is a relatively narrow slice of property that already comes very close to our property (we overlook the roof of Vinnie's Italian Cafe). Under the VMU zoning, it appears that a larger building could possibly be built on this property, negatively impacting our property, which we purchased before VMU zoning was even being discussed. The revised setbacks would allow for a buliding that I fear will loom over our back yard and decrease the value of our home significantly.

Thanks for taking the time to answer my questions the other day, and thanks for bringing this concern into account during the hearing tonight.

Jennifer Huth

PLANNING COMMISSION HEARING

DATE: November 13, 2007

TIME: 6:00 P.M.

LOCATION: City Hall, Rm. 1002, Council Chambers
301 W. 2nd Street, Austin

CITY COUNCIL HEARING

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PLANNING COMMISSION COMMENT FORM

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File # C14-2007-0220

Planning Commission Hearing Date: November 13, 2007

Name (please print)

YOLANDA PEREZ

☐ I am in favor

Address

203 W Elizabeth St.

☐ (Estoy de acuerdo)

☒ I object

(No estoy de acuerdo)

78704

INFORMATION ON PUBLIC HEARINGS

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If you have any questions concerning this notice, please contact the City of Austin Neighborhood Planning and Zoning Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

I strongly object to implementation of VMU land use due to the following:

It will lead to already crowded conditions.

No room for homeowners to park near their homes.

Too many strangers in the neighborhood and they do not hide their total disregard for the privacy of the homeowners.

It is Easy for criminals to "hide" in the crowd.

There are narrow roads and the School for the Deaf is nearby.

Cars cannot see to pull out into the road from driveways.

Debris from activities held on So. Congress

such as South by Southwest, First Thursdays, and weekends.

Found vomit, clothing, and needles on the other side of the yard which presents a health issue for people that live in the area and are forced to dispense of these items.

It is not a good environment for children to grow up in. There is no playground and they could not play outside because there are too many people around. It would not be safe and the children could be exposed to people who are drunk, and may not be in control of their behaviour. "Leslie" was caught relieving himself between 2 parked cars by the side of our house in the middle of the day. It was disgusting and I can only imagine what a child may think of that.

When I mention SOCO, people go "Oh, there!. It is known for a place to Go to have a good time, but not to live there because of what does go on there.

For this reason, people will not stay there long and there will be a constant Turnover. These living conditions will be aimed for a particular group of the Population.

5% of the units will be for affordable housing – come on!!!

Wanda Parry
11-12-7



AFFORDABILITY IMPACT STATEMENT

NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT

CITY COUNCIL AGENDA: NOV. 29 CASE NUMBER: C14-2007-0216, C14-2007-0220;
C14-2007-0222

PROPOSED CODE AMENDMENT:	VERTICAL MIXED USE OPT-IN / OPT-OUT RECOMMENDATIONS
IMPACT ON REGULATORY BARRIERS TO HOUSING DEVELOPMENT	☐ INCREASE ☐ DECREASE ☒ NO IMPACT
LAND USE / ZONING OPPORTUNITIES FOR AFFORDABLE HOUSING DEVELOPMENT	☒ INCREASE ☐ DECREASE ☐ NO IMPACT
IMPACT ON COST OF DEVELOPMENT	☐ INCREASE ☐ DECREASE ☒ NO IMPACT
PROPOSED CHANGES IMPACTING HOUSING AFFORDABILITY:	NHCD SUPPORTS THE RECOMMENDATIONS OF NEIGHBORHOODS REQUESTING THAT A 60% MFI REQUIREMENT APPLY TO VERTICAL MIXED USE DEVELOPMENTS IN THEIR NEIGHBORHOOD.
OTHER RECOMMENDATIONS:	NHCD RECOMMENDS A SIX-MONTH AND TWELVE-MONTH EVALUATION PERIOD FOLLOWING ADOPTION OF OPT-IN / OPT-OUT RECOMMENDATIONS TO DETERMINE LEVELS OF PARTICIPATION AND AFFORDABLE HOUSING PRODUCTION. THE MFI STANDARDS SHOULD ALSO BE REVIEWED IN LIGHT OF THE PENDING HOUSING MARKET STUDY CONDUCTED AS PART OF NHCD'S 5-YEAR CONSOLIDATED PLAN.
DATE PREPARED:	NOVEMBER 15, 2007

DIRECTOR'S SIGNATURE: _____
PAUL HILGERS

RECEIVED

MAY 31 2007

Neighborhood Planning & Zoning

VERTICAL MIXED USE (VMU) OPT-IN/OPT-OUT APPLICATION

The purpose of this application is to provide recommendations on the location and standards for Vertical Mixed Use within the below named area.

Detailed instructions for completing this application can be found by clicking on this link: ftp://coageoid01.ci.austin.tx.us/GIS-Data/planning/CommercialDesign/vmu_instructions.pdf. Please read these instructions prior to completing this application. A "Submittal Checklist" is provided at the end of this document to help ensure that all application materials are included in the neighborhood submittal.

If you have questions or need additional information please contact the VMU Help Line at:

vmu@ci.austin.tx.us

or (512) 974-2150

1. IDENTIFY YOUR NEIGHBORHOOD PLANNING OR APPLICATION AREA AND PROVIDE THE FOLLOWING INFORMATION:

A. NAME OF NEIGHBORHOOD PLANNING AREA OR VMU APPLICATION AREA*:

BOULDER CREEK

*Note: A map of the Neighborhood Planning and VMU application areas can be found by clicking on this link: <ftp://coageoid01.ci.austin.tx.us/GIS-Data/planning/maps/CommercialDesign/VerticalMixedUseColorMap.pdf>. This map also shows properties within the VMU Overlay District and properties with the MU Combining District that are included in the opt-in/opt-out process.

B. NAME OF NEIGHBORHOOD PLANNING TEAM CHAIR OR NEIGHBORHOOD ASSOCIATION CHAIR AND SECONDARY CONTACT.

NEIGHBORHOOD PLANNING TEAM OR NEIGHBORHOOD ASSOCIATION CHAIR CONTACT INFORMATION:

NAME

PHONE

E-MAIL

MAILING

SECONDA

NAME _____

PHONE _____

E-MAIL _____

MAILING A

2. PRINT AND REVIEW THE DETAILED MAPS FOR YOUR AREA

Detailed maps for each application area can be found by going to the map located at the bottom of www.ci.austin.tx.us/planning/verticalmixeduse.htm.

3. IF YOUR AREA HAS PROPERTIES IN THE VMU OVERLAY DISTRICT COMPLETE THE ATTACHED VMU OVERLAY DISTRICT FORM.

See Instructions for VMU Opt-In/Opt-Out Process for more detail.

A blank copy of the VMU Overlay District form is provided below. Please print additional copies as needed.

MAY 31 2007

VERTICAL MIXED USE OVERLAY DISTRICT FORM

[illegible]

Neighborhood Planning and Zoning Department

RECEIVED

MAY 31 2007

Neighborhood Planning & Zoning

4. IF YOUR AREA HAS PROPERTIES OUTSIDE OF THE VMU OVERLAY DISTRICT ON WHICH THE NEIGHBORHOOD WISHES TO PERMIT VMU COMPLETE THE ATTACHED VMU OPT-IN FORM.

NONE X

See Instructions for VMU Opt-In/Opt-Out Process for more detail. Note: If your area does not wish to recommend VMU for properties outside of the VMU Overlay District no application is required.

A blank copy of the VMU Opt-In form is provided below. Please print additional copies as needed.

* THIS IS NOT AN OPT-IN
PROPERTY. IT IS CORRECTING
AN ERROR ON THE CITY MAP.

VERTICAL MIXED USE ~~OPT-IN~~ FORM

ADDRESS OF PROPERTY*	APPLICATION AREA:			PAGE of
	Opt-In for Dimensional Standards (These standards are a "package" and must be accepted or rejected as such)	Opt-In for Parking Reductions (commercial uses only)	Opt-In for Ground Floor Uses in office zoning districts (NO, LO, GO)	The neighborhood recommends opt-in for all VMU related standards.
* 1006 S. FIRST				
should replace				
602 + 604				
ON THE CITY MAP				
602 + 604				
ARE AN ERROR				
1006 IS THE				
CORRECT PROPERTY				

(MAP
PAGE
ONE)

* If the detailed map does not include an address for a property of interest please assign a number or address to the property and note the number or address on both the detailed map and the opt-out form.

5. IDENTIFY A RECOMMENDED LEVEL OF AFFORDABILITY FOR FUTURE VMU RENTAL UNITS.

Indicate a level of affordability for residential rental units. The affordability requirements are triggered only when a VMU Building takes advantage of the dimensional standards and parking reductions approved for a site.

Note: A single affordability level applies to all VMU-eligible properties within the application area. See Instructions for VMU Opt-In/Opt-Out Process for more detail.

Recommended Affordability Level for VMU-eligible properties (check one):

_____ 80% of median family income

_____ 70% of median family income

* ☒ 60% of median family income

_____ Other level between 60-80% of median family income

VOTED ON AT THE 5/7/05 MEETING

FOR
9

AGAINST
1

ABSTAIN
7

6. PLEASE PROVIDE THE FOLLOWING INFORMATION:

A. The following questions refer to the official vote taken by the Neighborhood Planning Team or Neighborhood Association on the Opt-In/Opt-Out application.

A. Was the vote taken in accordance with the Neighborhood Plan Team or Neighborhood Association by-laws?

Yes ☒ No ☒

If No, please explain why and how the vote was taken. For example: multiple neighborhood associations were involved with the vote and each association has different by-laws.

* DECISIONS AND VOTES WERE TAKEN OVER THE
COURSE OF FIVE (5) NEIGHBORHOOD TEAM MEETINGS
BETWEEN MARCH 21ST AND MAY 14TH 2007.

KEY MOTIONS AND VOTES ARE HIGHLIGHTED IN THE ATTACHED MINUTES

B. Please provide the results of the votes *

For _____ Against _____
Neighborhood Planning and Zoning Department 6

February 20, 2007

THIS VARIES - SEE ATTACHED MINUTES

C. Number of people in attendance at the meeting 47 (FORTY SEVEN)

D. Please explain how notice of the meeting at which the vote was taken was provided:

MEETING INFORMATION WAS POSTED ON THE
BCNPT E-LIST, AND ON THE LOCAL NEIGHBORHOOD
ASSOCIATION'S E-LIST, INDIVIDUALS WERE ALSO
CONTACTED BY BCNPT MEMBERS

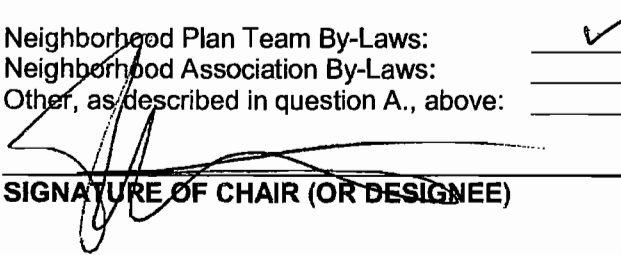
E. Please attach a copy of the notice of the meeting at which the vote was taken. ^(S)

F. Please provide a copy of the meeting minutes at which the vote was taken. ^(S)

G. Please read and sign the following:

THE ABOVE STATED INFORMATION IS ACCURATE AND COMPLETED IN ACCORDANCE WITH :

Neighborhood Plan Team By-Laws: ☒
Neighborhood Association By-Laws: ☐
Other, as described in question A., above: ☐


SIGNATURE OF CHAIR (OR DESIGNEE)

05/23/07
DATE

7. MAIL COMPLETED APPLICATION AND DETAILED MAPS TO:

Neighborhood Planning and Zoning Department
Attn: George Adams
P.O. Box 1088
Austin, TX 78767

or, drop-off at the NPZD office at:

One Texas Center
505 Barton Springs Road, 5th floor

**VERTICAL MIXED USE APPLICATION
SUBMITTAL CHECKLIST**

- ☒ 1. Completed application with signature of chairperson.
- ☒ 2. Detailed maps showing locations of properties opted-in or opted-out.
- ☒ 3. Completed VMU Opt-Out Form, if applicable
- ☒ 4. Completed VMU Opt-In Form, if applicable.
- ☒ 5. Copy of the notice of the meeting at which the vote was taken.
- ☒ 6. Copy of the meeting minutes at which vote was taken.

The Bouldin Creek Neighborhood Planning Team (BCNPT) and the VMU Process

5/25/07

Executive Summary

Background

The Bouldin Creek Neighborhood Planning Team (BCNPT) met on five occasions between March 21, 2007 and May 14th 2007. (See attached minutes).

The meetings were hosted by local business owner Melissa Gonzales at the Morning Star Trading Company, 1919 S. First St., Austin, TX 78704.

A total of 47 people (representing business owners, residents, and tenants) participated in the meetings.

The BCNPT made the following recommendations

- 1) Consistent with the broad outlines of the Bouldin Creek Neighborhood Plan, which calls for development on the arterials and the protection of the neighborhood interior from denser development
 - a) the BCNPT accepted to the VMU Overlay for properties with frontage on the major arterials of S. Congress Ave., S. First St., and Barton Springs Road.
 - b) the BCNPT rejected opting in as VMU any MU property in the interior of the neighborhood or any other MU property that does not have a frontage on the arterials
- 2) The BCNPT called for the most vigorous level of affordability (60% of MFI) to be applied to all VMU developments on the arterials.
- 3) The BCNPT identified and corrected a few plot errors on the current maps provided by the City.

Conclusion

While due diligence was applied to the VMU Opt-in/Opt-out framework, the BCNPT found the whole process to be problematic and impractical, if not unworkable. Apart from the short 90-day window, the lack of City staff support (such as facilitation, public notification of meetings, and legal advice -- all

available in the Neighborhood Planning process) left contentious issues (such as parking concerns, individual property rights versus the Neighborhood plan) to be tackled by the voluntary facilitators and participants with limited time and only the broadest of informational guidelines.

While the face-to-face dialog between interested parties was civil and informative, the decisions that were made (see above and attached minutes) were, by the constraints mentioned earlier, quite limited.

Stuart Hampton.
BCNPT Chair, on behalf of the BCNPT Executive Committee

Personal comments by the Chair

A flawed process, without question.

If the City was serious about whole neighborhood input in the process it would have done the following;

- 1) Set up and host a series of discussions with individual neighborhood planning teams (not just neighborhood reps) on VMU -- before the decision was taken to apply the VMU overlay to all arterials.
- 2) Publicly notify all affected persons (i.e. the whole neighborhood) of meetings about the VMU.
- 3) Be present as mediators and resource personnel.

The fact is, the decision to apply the VMU overlay had already been made by the City and the vehicle for changing that decision by the piecemeal de-selection of lots over a few weeks, with no City support (notification, mediation) gave credence to those who believe that the process was at best a fig leaf to cover the already decided upon Smart Growth/Densification initiative with a wash of "neighborhood" participation. At worst it was impractical, divisive, legally unsound, and counter to the spirit of the original NP process -- which took the time to create consensus about broadly applied (not piecemeal) and rational (constituent and equitable) zoning. (In Bouldin Creek's case -- MU overlay on all the arterials, SF zoning in the interior).



**Detailed Maps for Vertical Mixed Use
Opt-In/Opt Out Process**
Grid Page: BC31

①

Legend

- Planning Areas
- Core Transit Corridor
- Future Core Transit Corridor
- Vertical Mixed Use Overlay District ("Opt-out")
- Mixed Use Combining Districts ("Opt-in")
- TCAD Parcels

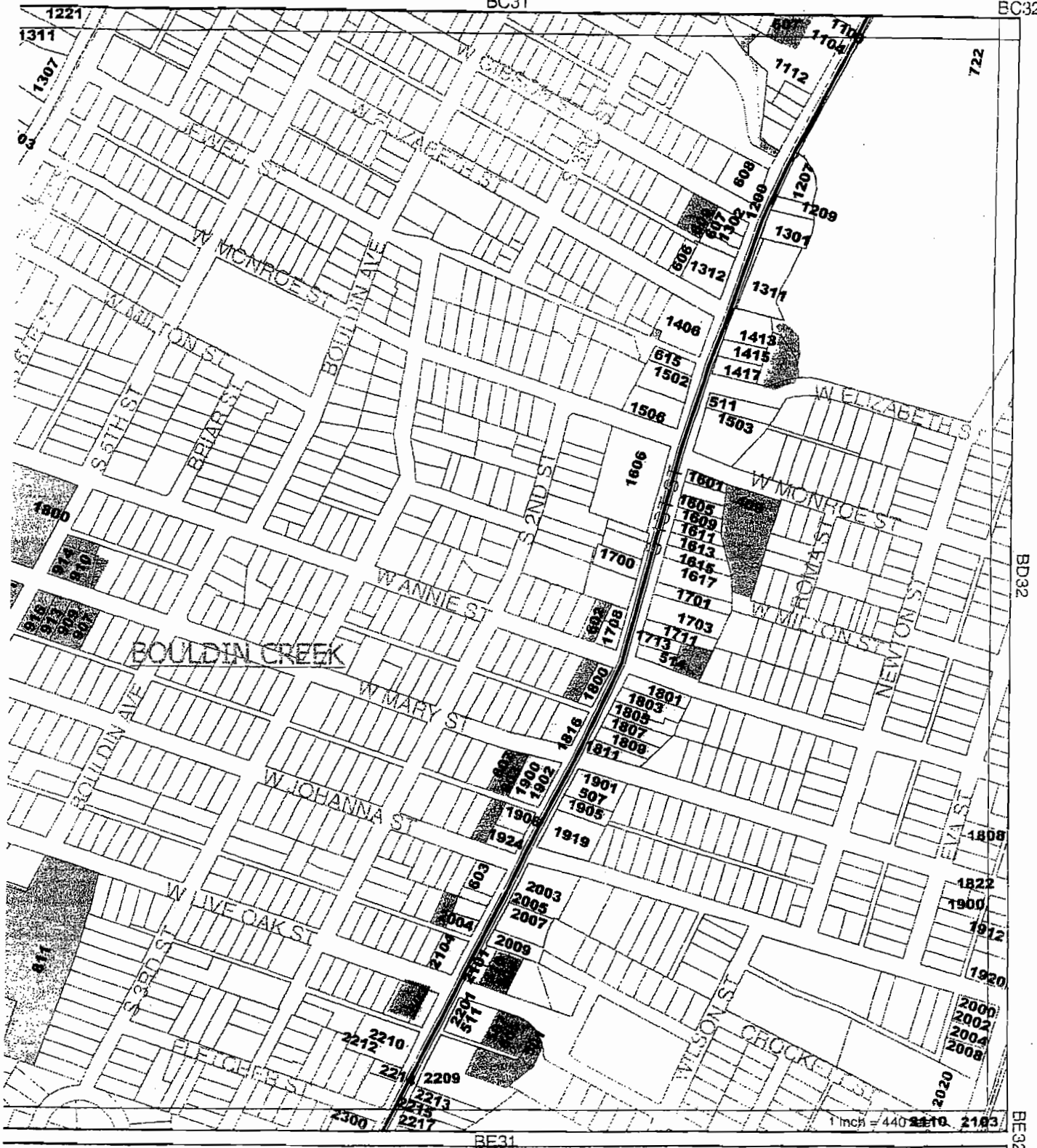


②

	<u>Planning Areas</u>
	Core Transit Corridor
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	TCAD Parcels

Produced by City of Austin Neighborhood Planning and Zoning Dept., October 21, 2005. This map has been produced by the City of Austin for the sole purpose of aiding regional planning and is not warranted for any other use. No warranty is made regarding its accuracy or completeness.
Vertical Mixed Use Map Grids Black and White.mxd





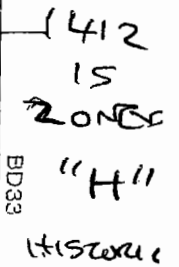
**Detailed Maps for Vertical Mixed Use
Opt-in/Opt Out Process
Grid Page: BD31**

3

Legend

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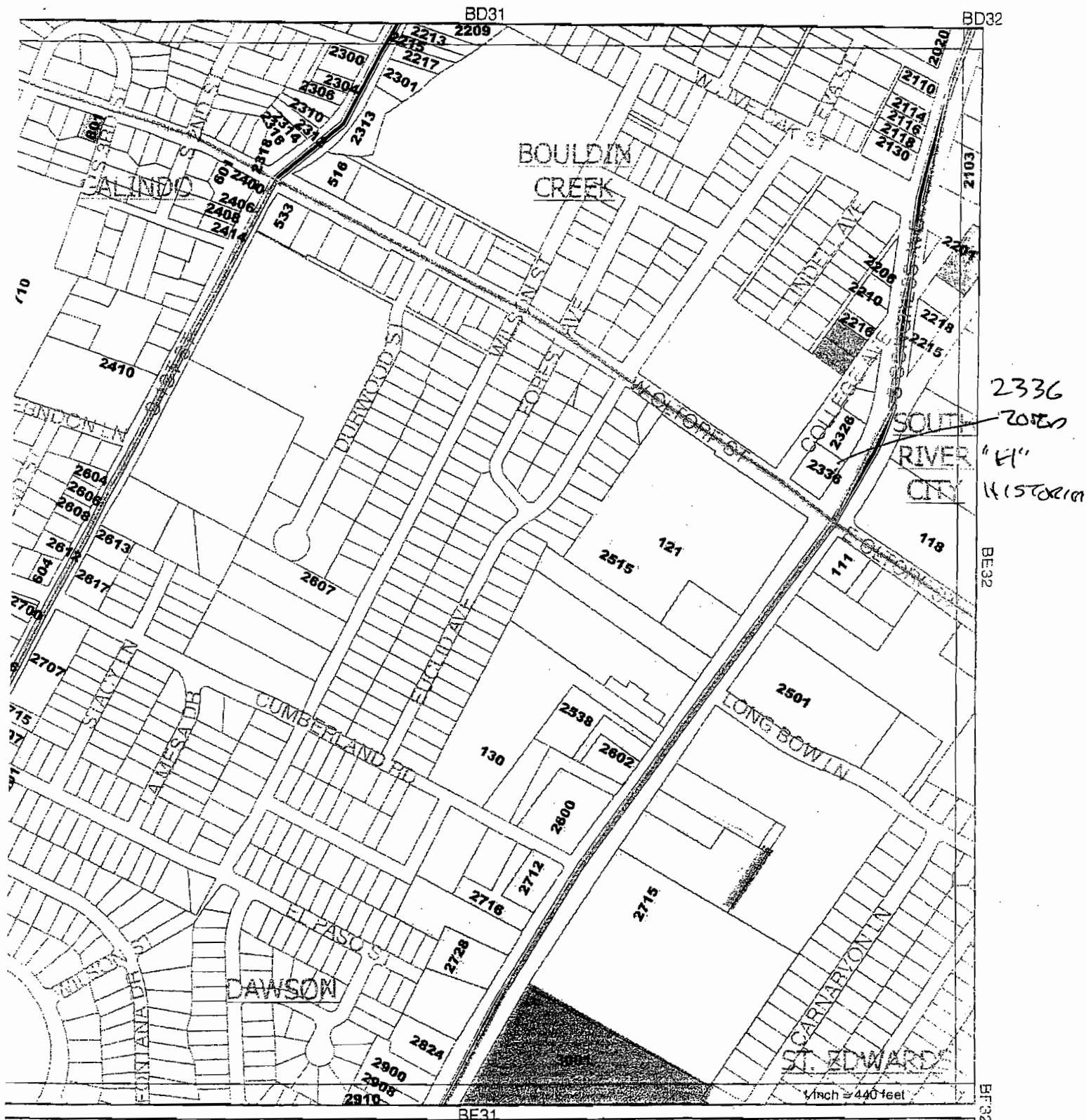
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4

Legend

-  **Planning Areas**
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-  Future Core Transit Corridor
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**Detailed Maps for Vertical Mixed Use
Opt-in/Opt Out Process
Grid Page: BE31**

5

Legend

- Planning Areas**
- Core Transit Corridor**
- Future Core Transit Corridor**
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