

**NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET**

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**NEIGHORHOOD PLAN:** Upper Boggy Creek Neighborhood Plan

**CASE#:** NPA-2011-0012.01

**Date Filed:** July 28, 2011 (In-cycle)

**PC DATE:** May 22, 2012  
March 27, 2012  
February 28, 2012  
January 24, 2012

**ADDRESS/ES:** 4020 Airport Blvd.

**SITE AREA:** Approx. 2.79 acres

**APPLICANT/AGENT:** Jim Bennett Consulting (Jim Bennett)

**OWNER:** Airport Boulevard Trust (Betty Terrell)

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Mixed Use/Office

**To:** Mixed Use

**Base District Zoning Change**

**Related Zoning Case:** C14-2011-0085 (CP)

**From:** LO-V-NP

**To:** GR-V-NP

**Restrictive Covenant Termination:** C14-83-307 (RCT)

**NEIGHBORHOOD PLAN ADOPTION DATE:** August 1, 2002

**PLANNING COMMISSION RECOMMENDATION:** Final recommendation is pending.

Previous Actions:

On **January 24, 2012**, the motion to postpone to February 28, 2012 by the request of staff, was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Sandra Kirk was absent.

On **February 28, 2012**, the motion to postpone to March 27, 2012 by the request of staff, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Richard Hatfield seconded the motion on a vote of 9-0.

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On March 27, 2012, the motion to postpone to May 22, 2012 by the request of staff, was approved on the consent agenda by Commissioner Mandy Dealey's motion, Commissioner Donna Tiemann seconded the motion on a vote of 8-0; Commissioner Alfonso Hernandez was absent.

**STAFF RECOMMENDATION:** Staff recommends Neighborhood Mixed Use land use, which is appropriate for this narrow tract adjacent to residential uses.

The recommended land use meets the following Goals, Objectives, and Recommendations:

## **UPPER BOGGY CREEK NEIGHBORHOOD PLAN VISION**

*The Upper Boggy Creek Neighborhood Planning Area seeks to be an attractive, human-scaled, pedestrian- and cyclist-oriented group of neighborhoods. The neighborhoods also seek to limit commercial encroachment into residential areas, reduce the negative effects of traffic, enhance the physical and environmental beauty, and preserve and enhance the existing unique character of each distinct neighborhood.*

### **Goal One COMMUNITY CHARACTER**

*Preserve the character of each neighborhood in the Upper Boggy Creek Neighborhood Planning Area.*

**Objective 1.1:** Commercial or institutional uses adjacent to residential uses in the Upper Boggy Creek Neighborhood Planning Area should be complementary and compatible in scale. For example, the University of Texas should be encouraged to meet with the affected neighborhood associations when designing or expanding their facilities.

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## Goal Two LAND USE

*Ensure that the new businesses and commercial development within the Upper Boggy Creek Neighborhood Planning Area is neighborhood-appropriate, neighborhood-scaled, neighborhood-friendly, and serves the nearby neighborhoods.*

Commercial development in the established residential areas is discouraged and new commercial development and redevelopment should be focussed on the planning area's commercial corridors. Property currently zoned for single or multi-family development should not be changed to allow for commercial uses unless those locations are designated as mixed-use. Commercial uses will remain along the existing commercial corridors. Those that are neighborhood-friendly and neighborhood-compatible, and offer convenient access to pedestrians and bicyclists are welcome along the less intensive commercial corridors in the planning area—Manor Road, East 38<sup>th</sup> ½ Street, and MLK Boulevard.

Commercial uses that serve a broader range than the adjacent neighborhoods will be located on the boundaries of the Upper Boggy Creek Neighborhood Planning Area. These locations include along Airport Boulevard south of Schieffer Avenue, the Delwood Shopping Center, and to a lesser degree along the IH-35 frontage road between 26<sup>th</sup> Street/Dean Keeton Street and East 38<sup>th</sup> ½ Street.

### AIRPORT BOULEVARD CORRIDOR

**Objective 2.9:** From north to south, the land uses along the western side of Airport Boulevard slowly transitions from residential to more intense commercial uses. This land use pattern should continue.

(NPZD)

#### Action Item 19.

Rezone the commercially-zoned property located between Schieffer Avenue and 40<sup>th</sup> Street from Limited Office (LO) to Neighborhood Commercial (LR). Allow the Neighborhood Mixed-Use Building and mixed use overlay and prohibit the following use:

#### Prohibited Uses

Service Station

Drive-in Services Accessory use

(NPZD)

**Staff Analysis:** The Upper Boggy Creek Neighborhood Plan supports the rezoning of this property to LR – Neighborhood Commercial as stated in Action Item 19 above. The property is located on a major arterial divided six-lane roadway and a future core transit corridor where commercial uses are appropriate. The Neighborhood Mixed Use land use and the Neighborhood Commercial zoning is an appropriate intensity for the property's proximity to the residential uses to the west. See the land use definition for Neighborhood Commercial below:

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**Neighborhood Commercial** (Staff's recommendation)

Lots or parcels containing small-scale retail or offices, professional services, convenience retail, and shopfront retail that serves a market at a neighborhood scale.

***Purpose***

- Accommodate low-intensity commercial services that serve surrounding neighborhoods; and
- Encourage small-scale retail within walking distance from residential areas.

***Application***

- Appropriate for areas such as minor arterials and collectors, small parcels along major arterials that abut single-family residential development, and areas in environmentally sensitive zones where high intensity commercial uses are discouraged; and
- May be used to encourage high intensity commercial to transition to residential uses.

**Mixed Use** (Applicant's request)

***Mixed Use***

An area that is appropriate for a mix of residential and non-residential uses.

***Purpose***

- Encourage more retail and commercial services within walking distance of residents;
- Allow live-work/flex space on existing commercially zoned land in the neighborhood;
- Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic uses (with the exception of government offices) to encourage linking of trips;
- Create viable development opportunities for underused center city sites;
- Encourage the transition from non-residential to residential uses;
- Provide flexibility in land use standards to anticipate changes in the marketplace;
- Create additional opportunities for the development of residential uses and affordable housing; and
- Provide on-street activity in commercial areas after 5 p.m. and built-in customers for local businesses.

***Application***

- Allow mixed use development along major corridors and intersections;
- Establish compatible mixed-use corridors along the neighborhood's edge
- The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood Mixed Use Building, Neighborhood Urban Center, Mixed Use Combining District);
- Mixed Use is generally not compatible with industrial development, however it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;

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- The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating or maintaining a non-conforming use; and
- Apply to areas where vertical mixed use development is encouraged such as Core Transit Corridors (CTC) and Future Core Transit Corridors.

## LAND USE PLANNING PRINCIPLES

***The property fronts onto Airport Blvd, which is busy commercial corridor where one could find Neighborhood Mixed Use land use with residential adjacency. The property is also directly across the street from the mixed use Mueller Development.***

- Ensure that the decision will not create an arbitrary development pattern;
- Avoid creating undesirable precedents;
- Consider infrastructure when making land use decisions;
- Ensure similar treatment of land use decisions on similar properties;

***Neighborhood Mixed Use would allow for residential uses, in addition to neighborhood-serving commercial uses.***

- Ensure an adequate and diverse supply of housing for all income levels;

***Neighborhood Mixed Use is designed for residential adjacency.***

- Ensure adequate transition between adjacent land uses and development intensities;
- Ensure neighborhood businesses are planned to minimize adverse effects to the neighborhood;
- Discourage intense uses within or adjacent to residential areas;
- Minimize negative effects between incompatible land uses;
- Promote development that serves the needs of a diverse population.

***Development of the property could provide job opportunities for the area.***

- Promote expansion of the economic base and create job opportunities;
- Recognize current City Council priorities;

***The plan amendment request supports the Upper Boggy Creek Neighborhood Plan goals.***

- Balance individual property rights with community interests and goals;

***Developed property often has better water quality than undeveloped land once detention/retention ponds and other water quality features are added.***

- Minimize development in floodplains and environmentally sensitive areas;
- Promote goals that provide additional environmental protection;

***These land use principles are not directly applicable to the plan amendment request.***

- Protect and promote historically and culturally significant areas;
- Recognize suitable areas for public uses, such as hospitals and schools that will minimize the impacts to residential areas;

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- Consider regulations that address public safety as they pertain to future developments (e.g. overlay zones, pipeline ordinances that limit residential development);

**BACKGROUND:** The application was filed on July 28, 2011, which is in-cycle for City Council-approved neighborhood planning areas located on the east side of I.H.-35.

Due to the turn-over for agents representing the property owner and the controversial nature of the case, the discussion of the cases at Planning Commission has been postponed numerous times.

The plan amendment request is to change the future land use map from Mixed Use/Office to Mixed Use.

In the associated zoning case (C14-2011-0085) the applicant requests a change in zoning from LO-V-NP to GR-V-NP. There is also a restrictive covenant termination request (C14-83-307 (RCT)). The details of these cases will be presented in the zoning case report.

**COMMUNITY MEETING:** The ordinance-required plan amendment meeting was held on March 19, 2012. Approximately 228 notices were mailed to property and utility account holders located within 500 feet of the property, in addition to neighborhood organizations and environmental groups registered on the Community Registry. Approximately 36 people attended the meeting in addition to three city staff members.

After Jim Bennett's brief presentation, the following questions were asked:

**Q. Does the owner have elaborate plans for the property?**

A. There are no plans for the property at this time. The property is on the market for a potential owner to develop. The first process is the zoning, then the site plan, then the building permit process. The person who purchases the property will submit a site plan for city approval.

**Q. What is the justification for requesting GR- Community Commercial zoning when LO – Limited Office offers many uses?**

A. Vertical Mixed Use (V) was added in 2010. The property was rezoned to LO during the neighborhood planning process. The property has been undeveloped for many years, we believe because the restrictive covenant is too limited for it to be viably developed.

**Q. The lot is long and narrow. With 90% impervious cover it could negatively affect the neighborhood with water run-off.**

A. If the property is rezoned, during the site planning process an engineer survey will be conducted to determine the water run-off so an effective detention/retention pond can be constructed. Sometimes water run-off can be improved for surrounding neighborhoods when a property is developed.

**Q. How will the restrictive covenant be addressed if it is not changed, but it conflicts with the Commercial Design Standards?**

A. We are still researching this with the City's Law Department.

**Q. Could the surrounding property owners sign-off on the restrictive covenant?**

A. The applicant is requesting the existing RC be terminated and a new one could be approved.

**Q. Will there be traffic studies? The neighborhood has many children and the commercial development of the property could increase car traffic on our residential streets.**

A. The property owner has agreed to a maximum of 2000 trips a day, so a Traffic Impact Analysis will not be needed.

**Q. How can you address cut-through traffic?**

A. We could prohibit a driveway on Scheffer Street to the property.

**Q. Does the valid petition carry any weight?**

A. Yes, for the zoning case. A valid petition does not apply to the plan amendment case.

**Q. Vineland Street is directly to the west of the property. The people who live here are concerned with tall commercial buildings on the property.**

A. The setbacks required by the Compatibility Standards required by the Development Code will protect the adjacent houses.

**Q. How much will the property owner sell the land for?**

A. We don't know until/if the property is rezoned.

**Q. How much did the owner pay for the land?**

A. The owner paid \$350,000 as part of a retirement portfolio investment.

In general, the tenor of the discussion from attendees was for the property to either remain undeveloped as a City park, or for the property to keep the existing zoning of LO-V-NP with the existing restrictive covenant. Major concerns were the impact of an intense commercial development on the single family homes directly to the west and of the potential for cut-through traffic on the residential streets near the development.

The Upper Boggy Creek Planning Contact Team will meet the evening of May 16, 2012. Their recommendation will be distributed at the May 22, 2012 Planning Commission hearing.

**CITY COUNCIL DATE:** June 28, 2012

**ACTION:** (pending)

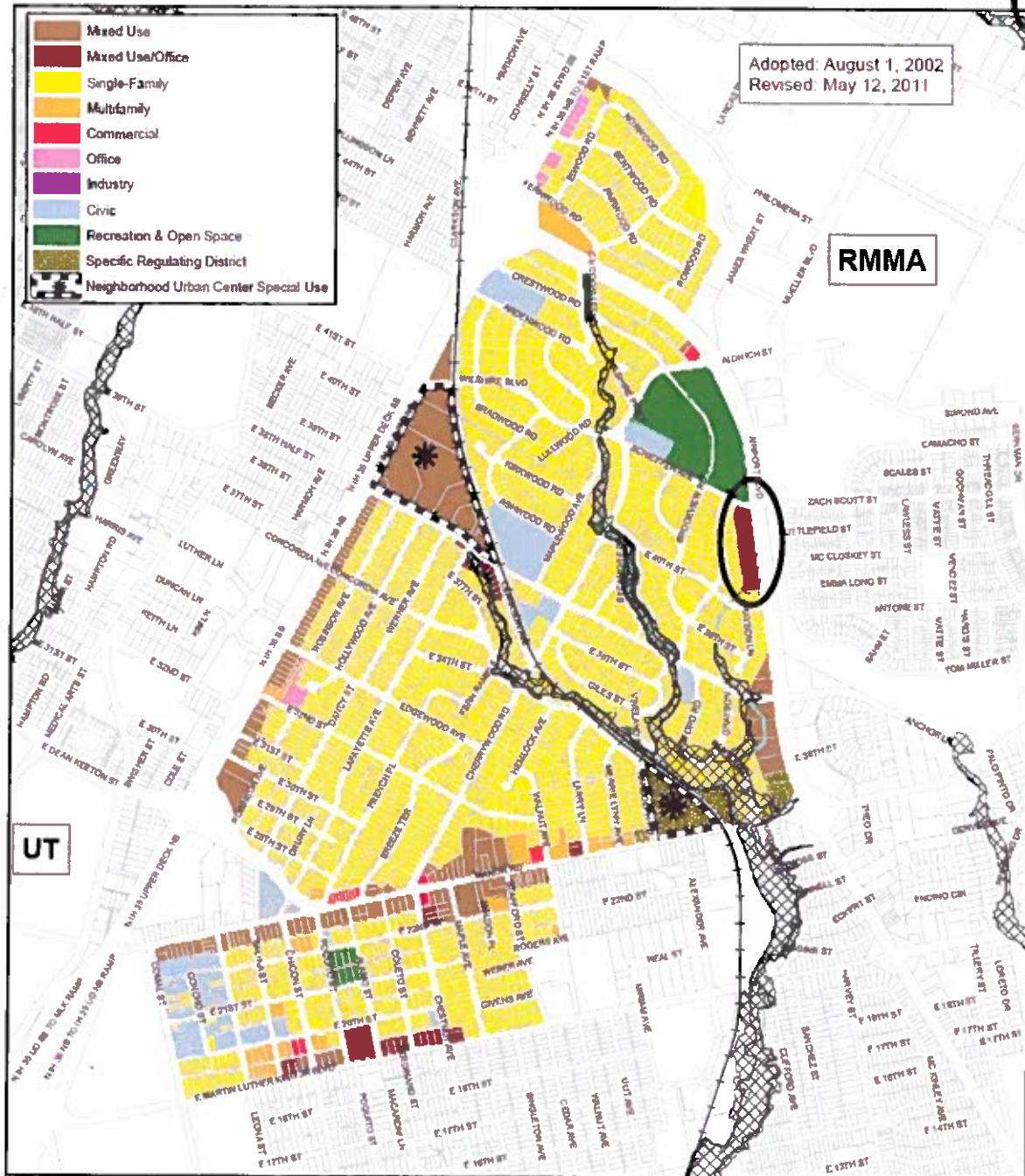
**CASE MANAGER:** Maureen Meredith

**PHONE:** 974-2695

**EMAIL:** maureen.meredith@austintexas.gov



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Upper Boggy Creek Neighborhood  
Planning Area: Future Land Use Map



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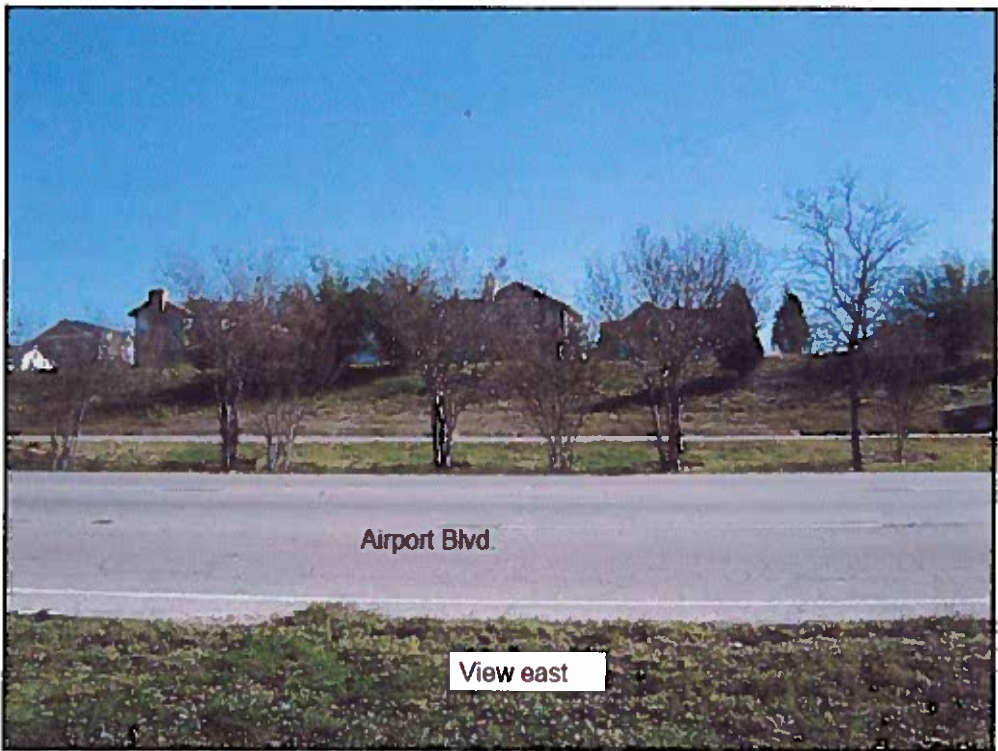


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# PUBLIC HEARING COMMENT FORM

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

City of Austin

Planning and Development Review Department

974-2695

P. O. Box 1088

Austin, TX 78767-8810

RECEIVED  
1/24/12

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2011-0012.01

Contact: Maureen Meredith, (512) 974-2695

Public Hearing: Jan 24, 2012, Planning Commission

Your Name (please print)

EARL BURG

☐ I am in favor

☐ I object

Your address(es) affected by this application

Earl Burg 4007 Vineland Dr

1-16-12

Signature

Date

Comments: hrs of use is

A problem for Resident

if it goes commercial,

Please leave office,

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Case Number: NPA-2011-0012.01

Contact: Maureen Meredith, (512) 974-2695

Public Hearing: Jan 24, 2012, Planning Commission

Stephen Dock

Your Name (please print)

1803 E. 40th St

Your address(es) affected by this application

*[Signature]*

Signature

☐ I am in favor  
☒ I object

1/19/12

Date

Comments:

There would be serious traffic  
problems with any commercial  
or mixed use development



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# PUBLIC HEARING COMMENT FORM

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

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Planning and Development Review Department  
974-2695  
P. O. Box 1088  
Austin, TX 78767-8810

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1/23/12

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2011-0012.01  
Contact: Maureen Meredith, (512) 974-2695  
Public Hearing: Jan 24, 2012, Planning Commission

Your Name (please print)

Brian Graham-Moore  
1817 E 40th St

Your address(es) affected by this application

Brian Graham-Moore

Signature

☐ I am in favor  
☒ I object

Date

1-14-12

The proposed amendment to change the zoning of 4020 Airport Blvd cannot be completed until there is 1) an environmental impact study and a 2) traffic study.

1) The creek between the property and the homeowners is prone to overflowing when daily rain totals exceed 5 inches. It still appears that the culvert connected to this creek gets drainage from Mueller across the street. Channeling of this creek has been attempted by the City but it starts at 40th St. All of the Vineland properties are subject to flooding from this creek. If the City would consider more channeling, it would decrease the chances of flooding and erosion. Commercial zoning would have to include considerable paving for parking, thus increasing runoff from this property.

2) Commercial zoning will add to the traffic already being handled by Airport Blvd. Probably a stoplight at Schieffer would be necessary. Any commercial activity at 4020 Airport Blvd will likely increase traffic on 40th St and Vineland Dr. It would probably increase parking on these quiet streets. This is a residential area of mostly single family homes.

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# PUBLIC HEARING COMMENT FORM

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

City of Austin

Planning and Development Review Department

974-2695

P. O. Box 1088

Austin, TX 78767-8810

Rec'd  
3/19/12

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2011-0012.01

Contact: Maureen Meredith, (512) 974-2695

Public Hearing: Jan 24, 2012, Planning Commission

Your Name (please print) Lillian C. Potter

4005 Brookview

Your address(es) affected by this application

Lillian C. Potter

Signature

☐ I am in favor  
☒ I object

Mar. 19, 2012

Date

Comments: This project will increase  
traffic in the neighborhood, especially  
on Airport Blvd and Schaffer. The  
traffic will endanger foot traffic in the  
neighborhood. Some of the businesses  
that locate there may not be appropriate  
for a family area. The noise level from  
traffic will be increased. It's already  
very high.

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**PUBLIC HEARING COMMENT FORM**

If you use this form to comment, it may be submitted to:  
City of Austin  
Planning and Development Review Department  
974-2695  
P. O. Box 1088  
Austin, TX 78767-8810

**RECEIVED**  
3/20/12

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2011-0012.01  
Contact: Maureen Meredith, (512) 974-2695  
Public Hearing: Jan 24, 2012, Planning Commission

Your Name (please print) Dora + Doug Davis  
Your address(es) affected by this application 4016 Crescent Dr. 78722

☐ I am in favor  
☒ I object

Signature [Signature] Date 7/15/12

Comments:

**PUBLIC HEARING COMMENT FORM**

If you use this form to comment, it may be submitted to:  
City of Austin  
Planning and Development Review Department  
974-2695  
P. O. Box 1088  
Austin, TX 78767-8810

**RECEIVED**  
3/20/12

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Case Number: NPA-2011-0012.01  
Contact: Maureen Meredith, (512) 974-2695  
Public Hearing: Jan 24, 2012, Planning Commission

Your Name (please print) Kiviana Joseph  
Your address(es) affected by this application 1816 E. 40th

☐ I am in favor  
☒ I object

Signature [Signature] Date 7/15/12

Comments: This property backs up to 14 homes.  
~~It is not possible for them to be a commercial use.~~  
~~It is not possible for them to be a commercial use.~~  
The change to commercial would  
leave the property open to all kind of  
businesses that would be detrimental  
to the neighborhood. There are many nice  
homes that would be affected by this change.  
I strongly oppose this amendment.

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# PUBLIC HEARING COMMENT FORM

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Planning and Development Review Department

974-2695

P. O. Box 1088

Austin, TX 78767-8810

RECEIVED

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Case Number: NPA 2011-0012-01

Contact: Maureen Meredith, (512) 974-2695

Public Hearing: Jan 24, 2012, Planning Commission

MITCH PREYOR

Your Name (please print)

2204 TOM MILLER ST.

Your address(es) affected by this application

☐ I am in favor  
☒ I object

JAN 20, 2012

Date

Signature

Comments: I oppose the change to commercial as no site plan or other presentation on the intended use has been presented. I am concerned about anything that cannot abide the current zoning designation which seems reasonable for its size and location

**From:** Ryan Steglich  
**Sent:** Thursday, February 09, 2012 4:20 PM  
**To:** Meredith, Maureen  
**Cc:** David Boston  
**Subject:** 4020 Airport - Neighborhood Position

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Maureen,

I wanted to share with you a presentation of the concerns the neighborhood has with the 4020 Airport rezoning request for you to share with city staff as they are working on a recommendation for the commission. This presentation is still a work in progress, but has some important information for staff to consider in making their recommendation. Please confirm you received this and will share with staff and contact me if you have further questions. I look forward to meeting you at the neighborhood discussion you will be hosting on this. Please keep me informed of the dates as I will gladly attend.

Thanks,

Ryan Steglich  
4008 Vineland Dr.  
512.983.6196

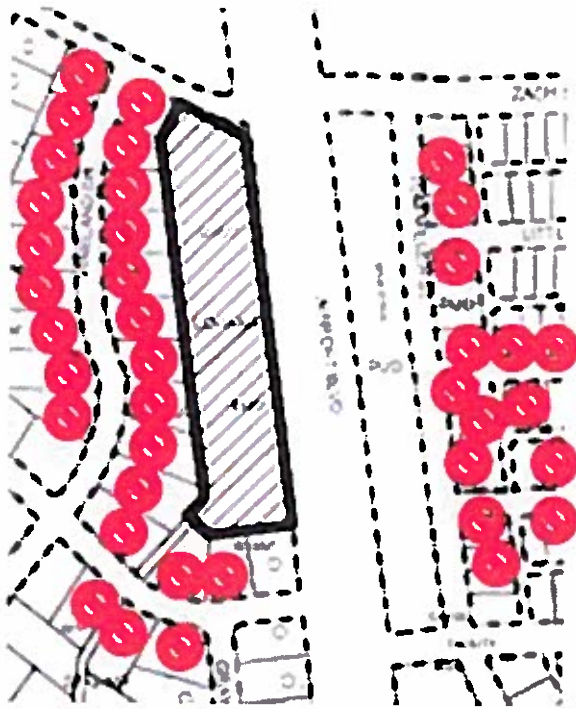
### 4020 Airport

#### **Points of Opposition to Removing Restrictions and/or Changing Zoning**

1. Voice of the Neighborhood – Clear neighborhood opposition to lifting restrictions that protect privacy, property value and community
2. No Demand for Development – significant vacancy and less neighborhood-friendly businesses on nearby corridor with commercial zoning
3. Environmental Impact – Creek on property allows for watershed. Impervious cover would cause significant issues with drainage/property impact.

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## Voice of the Neighborhood



➤ **100%** of Neighbors in 200ft signed petition **against** changing zoning

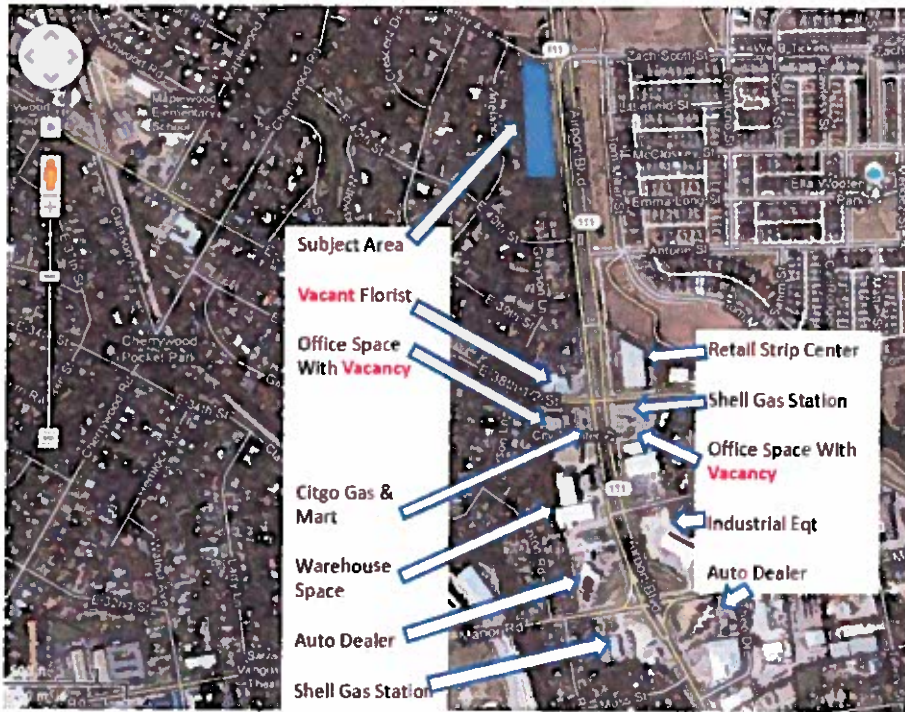
➤ **100%** of Neighbors contacted in 500ft signed petition **against** changing zoning

➤ 68 property owners in Cherrywood and Mueller neighborhoods are **against** changing zoning



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## Overhead View of Neighborhood



➤ Property is faced by 3 sides Residential and one side Patterson Park

➤ Nearby Commercial corridor already has significant vacancy

➤ Mueller chose not to develop mirror plot on other side of Airport Blvd



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## View of Airport/38<sup>th</sup> Intersection



### Southbound Side

1. Vacant Florist
2. Office Space With Vacancy
3. Citgo Gas & Mart



### Northbound Side:

4. Retail Strip Center (Includes 4 check cashing/payday loan stores, Dollar Store, Furniture Rental Store)
5. Office Space With Vacancy
6. Shell Gas Station

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## Environmental Impact

The tract identified as 4020 Airport Boulevard has a portion of a creek forming the Western Property line. This creek receives run off from as far north as 50th street and all the area along Airport Boulevard from Crestwood South. It also receives run off from the Mueller development the portions of the development which were formerly in the Tannehill Creek water shed now drain to this location. In addition to the surface run off the control flow discharge from an area wide water quality pond at Mueller also drain to this location. This discharge has converted a seasonal creek to a year around creek.

A second drain way from along and under Airport blvd. intersects this property about 100 feet north of the southern most property line. This drainage is from the medial and properties around Anchor lane almost to the golf course. During storm events a significant amount of water comes through this drainage.

<http://www.ci.austin.tx.us/GIS/DevelopmentWebMap/Viewer.aspx>

The combined flows have caused sever erosion to the properties along Vineland Street and East 40th. Significant flooding has occurred during major storm events. Water has flowed over East 40th street on more one occasion.

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## Environmental Impact



Airport Blvd:

Property has creek on it that is a main runoff route after rainfall.



40th St:

Significant drainage work would have to be done to allow amount of water to pass through property and not impact neighboring properties



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## History & Future

This portion of Airport has been an eye sore for years ever since it was urbanized and converted from farm land in the 1920's. Measure were being taken as early as the 1960's to beautify what was formerly the first impression of Austin after leaving the Mueller Airport.

Airport Blvd. is designated as a future Urban Corridor. An envisioning revitalization plan is being generated for this portion of Airport Blvd. and has already been drawn up to Airport and IH35. The Mueller prairie and greenbelt have done much to improve the aesthetics and make this area pedestrian accessible, it has received national recognition. The Prairie and Greenbelt are directly across Airport from this property

The current VMU is compatible with that plan. An unrestricted commercial building would become an encumbrance and slow the revitalization effort for decades. What was formerly a fringe area is now part of central Austin. The haphazard development that occurred previously should not be allowed to continue.

From: John Mitchell  
Sent: Thursday, January 19, 2012 1:33 PM  
To: Girard Kinney  
Cc: Meredith, Maureen  
Subject: Airport Blvd greenbelt

C17  
2X

Hello Girard,

Let me state yet again. Many of my Wilshire Woods neighbors and I are strongly opposed to ANY development on this parcel, would like to see this stay a greenbelt, perhaps in public hands, whether a part of Patterson Park (which may be getting renamed to Burg-Patterson, a la Mr. Burg) or not. We urge you and all parties involved in it's present ownership to solicit the city and/or the Parks department to purchase this and thereby put Ms. Terrell (spelling?) out of her misery, that is from the risk she took on when she purchased this property on pure speculation.

In fact the neighbors are so upset about this project that there is a petition going to pull all the homes north of 38th 1/2 Street out of the Cherrywood Neighborhood Association.

thank you,  
John Mitchell

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**Zoning Use Comparison Table**  
**P = Permitted and C = Conditional NO = we do not permit**

Type of Business	Zoning Code	
	LO	GR
Administrative/business office	P	P
Art Gallery	P/NO	P
Art Workshop	P	P
Auto Rental		P
Auto Repair		P
Auto Sales		P
Auto Washing		P
Bail Bond		PC
Business Trade School		P
Business Support Services		P
Off Street Parking		P
Communication Services	P/NO	P
Consumer Convenience Services	C/NO	P
Extermination Services		P
Financial Services		P
Food Preparation		C
Food Sales		P
Funeral Services		P
General Retail Sales Convenience		P
General Retail Sales General		P
Hotel/Motel		P
Indoor Equipment		P
Indoor Sports and Recreation		P
Medical Offices		P
Off-site Accessory Parking		P
Outdoor Entertainment		P
Outdoor Sports and Recreation		P
Pawn Shop		P
Personal Improvement Services		P
Personal Services		P
Pet Services		P
Plant Nursery	C	C
Printing and Publishing		P
Professional Office	P	P
Research Services		P
Restaurant General		P
Restaurant Limited		P
Service Station		P
Software Development	P	P
Special Historic Use	C	C
Theater		P
Custom Manufacturing		C
Community Garden	P	P
Urban Farm	P	P

Civic Uses = Many

Brian Graham-Moore  
 1817 E 40th St.  
 Austin, TX 78722

512 585-5780

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**Covenant for 4020 Airport and Suggested Changes @**

<b>Current Description</b>	<b>Change</b>
Zoning Code of O-1 Office District	LO per City Council vote of 2010. Vertical Mixed Use (VMU) an option.
List of businesses not allowed	List of approved commercial uses attached
6 foot privacy fence	8 foot privacy masonry fence kept in good repair with vegetative buffer on all sides not less than 15 feet in width. Major native trees spaced no more than 30 feet apart.
Privacy description	No change. Privacy is very important. Subchapter E may have guidelines.
No 24 hour activity	Business hours to be 7 a.m. to 7 p.m.
Lighting restrictions	No change and mostly covered in Subchapter E
No portable structures	No change
No heavy equipment	No change
Improvements per Site Plan Ex. A	Delete. Owners to show site plan with setbacks clearly shown with NLT 30% adjacent homeowners approval
Style of roof	Delete
Two stories only	Change. Three are permitted if VMU, with maximum height of 40 feet. This includes roof line.
Gross building cannot exceed 40,000 sq ft	Can't exceed percent of area per Subchapter E not including drainage ways, flood plains, and water quality setbacks.
Trash restrictions	As required in Subchapter E
No signs	Painted only with or without soft lighting. No kinetic or moving signs.
Security patrols	Security patrols at random times four times daily if only commercial use for property.
New codes/ordinances must be met	No change.
Covenant violation permits prosecution	Violations permit prosecution and penalties of not less than \$10,000 for each infraction.
Invalidation of any one part of the covenant by legal means does not invalidate remainder.	No change
City Council can modify, amend or terminate with a three quarter vote	Requires a super majority to modify, amend, or terminate this covenant.

@ Amendments will not change and must be applied to future zoning requests, e.g., LR, GR.

3/7/12

Brian Graham-Moore  
1817 E 40th St.  
Austin, TX 78722



C17  
30

# PUBLIC HEARING COMMENT FORM

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

City of Austin  
Planning and Development Review Department  
974-2695  
P. O. Box 1088  
Austin, TX 78767-8810

Red 5/16/12

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2011-0012.01  
Contact: Maureen Meredith, (512) 974-2695  
Public Hearing: May 22, 2012, Planning Commission  
Public Hearing: June 28, 2012, City Council

1815 E. 40th ST, AUSTIN, TX 78722

Your Name (please print)

CARLOS GONZALEZ

☐ I am in favor  
☒ I object

Your address(es) affected by this application

05/14/12

Signature

Date

Comments:

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