

# AGENDA



## Recommendation for Council Action

Austin City Council	Item ID	64833	Agenda Number	9.
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Meeting Date:	11/10/2016	Department:	Planning and Zoning
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## Subject

Amend Ordinance No. 20090827-078 to correct a reference to zoning for property described in zoning file C14-2009-0055.

## Amount and Source of Funding

## Fiscal Note

### Purchasing Language:

### Prior Council Action:

May 13, 2004 - Council approved Ordinance No. 040513-33A with additional motions on other properties (Zoning Case File No. C14-04-0012).  
August 27, 2009 - Council approved Ordinance No. 20090827-078 for the addition of vertical mixed use building (V) combining district zoning overlay was approved for Tracts 1-3, 11, 13-16, and 18-21 with dimensional standards, parking reduction and additional uses in office districts; for Tracts 4-10 with dimensional standards and additional uses in office districts; An affordability level of 60% of the median family income for 10% of rental units in a vertical mixed use building (Zoning Case File No. C14-2009-0055).

### For More Information:

Wendy Rhoades, 512-974-7719

### Council Committee, Boards and Commission Action:

February 24, 2004 - Planning Commission approved commercial services-mixed use-conditional overlay (CS-MU-CO-NP ) combining district zoning for 5531 Burnet Road and the front portion of 5605 Burnet Road, and LR-MU-CO-NP combining district zoning for the rear portion of 5605 Burnet Road, which frontage on Adams Avenue.  
August 11, 2009 - Planning Commission approved vertical mixed use building (V) district zoning with dimensional standards, parking reduction and additional uses in office districts to Tracts 1-3, 11, 13-16 and 18-21; vertical mixed use building (V) district zoning with dimensional standards and additional uses in office districts to Tracts 4-10; to exclude Tract 17 from the vertical mixed use overlay district; and, an affordability level of 60% of the median family income for 10% of rental units in a VMU building on a vote of 6-0 with Commissioners Small, Anderson, and Castillo absent.

### MBE / WBE:

### Related Items:

## Additional Backup Information

On May 13, 2004, the City Council approved a rezoning ordinance on third reading that rezoned 137 tracts in the Brentwood Neighborhood Planning Area. The ordinance includes a table that references the zoning changes for each property identified to be rezoned (Exhibit A).

In the 2004 ordinance, the zoning identified in the "FROM" column of the table and the proposed zoning identified in the "TO" column of Tracts 10c (5501, 5525, 5531 & front portion of 5605 Burnet) and Tract 11 (rear portion of 5605 Burnet) were correct, but the approved zoning districts were incorrectly assigned on the City's zoning map. Thus, the zoning for Tract 11 (rear portion of 5605 Burnet with frontage on Adams Avenue) was changed from family residence (SF-3) district zoning to neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning; however, LR-MU-CO-NP was inadvertently mapped on the rear portions of 5525 and 5531 Burnet instead of the rear portion of 5605 Burnet. The Burnet Road frontage was correctly assigned general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 10c. The properties share a common lot line and the two zoning districts were inadvertently switched during the mapping phase.

On August 27, 2009, the City Council approved a rezoning ordinance on all three readings that applied the vertical mixed use building (V) combining district to specific properties in the Brentwood Neighborhood Planning Area. The ordinance includes a table that references the zoning changes for each property identified to be rezoned (Exhibit B).

There were no rezonings of these properties between the time of the Brentwood Neighborhood Planning Area rezonings in 2004 and the Vertical Mixed Use Building rezonings in 2009. Hence, the zoning map error is reflected in both the table and the zoning map in the 2009 ordinance. Specifically, the zoning identified in the "FROM" column of the table and the proposed zoning identified in the "TO" column were drafted incorrectly for 3 of the 9 properties that make up *Tract 4*. The zoning for 5525, 5531 and 5605 Burnet Road as described above should have been listed and mapped as what was approved in the Brentwood Neighborhood Planning Area Rezoning Ordinance (Exhibit B) as a portion of Tract 10c and Tract 11 in the Tract Table.

There have not been any rezonings of these properties since the Vertical Mixed Use Building (V) rezonings in 2009 to the present. Hence, staff errors made during the mapping of zoning changes went unnoticed after Council approval in 2004 and continued when the draft VMU ordinance was approved by City Council on August 27, 2009. The zoning map has remained unchanged since that time.

The proposed amendments to the adopted zoning Ordinances (Nos. 040513-33A and 20090827-078) will correct the table in the 2009 ordinance and the corresponding zoning map for these properties as shown below. All conditions of zoning identified in the Ordinances will remain unchanged.

TRACT	TCAD PROP ID#	COA ADDRESS POINT	FROM	TO
4	229533	5531 Burnet Road (South 75.1 ft. of Lot 7 and all of Lot 15 Block 1 Broadacres)	CS-MU-CO-NP; LR-MU-CO-NP	CS-MU-V-CO-NP
	229534	5605 Burnet Road (North 75.2 ft of Lot 7 Block 1 Broadacres)	CS-MU-CO-NP	CS-MU-V-CO-NP
	229534	5605 Burnet Road (All of Lot 14, less the East 5 ft of Block 1 Broadacres)	CS-MU-CO-NP	LR-MU-V-CO-NP
	229538	5525 Burnet Road (Lot 15 and 16 Block 1, Broadacres)	LR-MU-CO-NP CS-MU-CO-NP	CS-MU-V-CO-NP