



Thursday, February 15, 2007

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**Public Hearings and Possible Actions**  
**RECOMMENDATION FOR COUNCIL ACTION**

**ITEM No. 71**

**Subject:** Conduct a public hearing and approve an ordinance amending Chapter 25-2, Subchapter E, Design Standards and Mixed Use, of the City Code regarding Vertical Mixed Use and the Opt-In/Opt-Out process

**Additional Backup  
Material**

(click to open)

**Planning Commission  
Action**

**For More Information:** George Adams, 974-2146; Sylvia Arzola 974-6448

**Boards and Commission Action:**(Recommended by Planning Commission)

**Prior Council Action:** The City Council adopted Subchapter E. Design Standards and Mixed Use. 12/14/06 - The City Council directed the City Manager to initiate amendments to Subchapter E (Design Standards and Mixed Use)

On December 14, 2006, the City Council directed the City Manager to initiate amendments to Subchapter E Design Standards and Mixed Use to clarify the applicability of opt-in and opt-out provisions to commercially zoned properties with residential uses, and to enable vertical mixed-use applications taking advantage of the bonuses and requirements in Section 4.3 3 and 4 3 4 to proceed before the completion of the 145-day opt-in/opt-out process. The proposed ordinance does the following: 1. Amends Section 4 3 2 to add a new section applicable to sites located in the Vertical Mixed Use Overlay District that are used exclusively for a residential use, specifying the procedures by which a vertical mixed use building may be developed. 2. Amends Section 4 3.5. to add a new section to provide that a neighborhood planning team or neighborhood association team may request and the Council may approve an amendment to the Vertical Mixed Use Overlay District to remove specific properties from the overlay district. Properties removed from the VMU Overlay District are not eligible to develop as a vertical mixed use building. 3. Provides that an applicant for a vertical mixed use building may request that Council establish the applicability of the dimensional standards, parking reductions, ground floor uses, and affordability standards in Section 4 3 3 before the completion of the opt-in/opt-out process currently established in Section 4 3 5 B. A request will only be considered if the applicant has a development assessment, zoning, site plan, or building permit application on file at the time that the request is made. The applicable neighborhood planning team or neighborhood association team will provide a recommendation to Council. The amendment also establishes notice, public hearing, and other procedural requirements that are applicable to a request.

**PLANNING COMMISSION ACTION**  
**January 30, 2007**

**CODE AMENDMENT**

**C2O-07-001 - Discussion and Action regarding proposed amendments to LDC Chapter 25-2, Subchapter E (Design Standards and Mixed Use), Sections 4.3.2. and 4.3.5.**

**MOTION:** Recommend approval with addition of a provision stating that the early determination process identified in Part 3 of the draft ordinance expires upon completion of the Opt-In/Opt-Out process described in Section 4.3.5 of Subchapter E

**MOTION CARRIED UNANIMOUSLY BY A VOTE OF 9-0**