

ZONING CHANGE REVIEW SHEET

CASE: C14-2007-0235—Judges' Hill
Vertical Mixed Use Building (V) Rezoning

P.C. DATE: December 11, 2007
January 15, 2008

AREA: 4 tracts on 1.16 acres

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

AGENT: City of Austin, Neighborhood Planning and Zoning Department (NPZD – Jorge E. Rousselin)

SUMMARY PLANNING COMMISSION RECOMMENDATION:

December 13, 2007:

POSTPONED TO JANUARY 15, 2008 AT THE REQUEST OF PROPERTY OWNERS.

January 15, 2008:

APPROVED THE NEIGHBORHOOD RECOMMENDATION TO EXCLUDE ALL 4 PROPERTIES FROM THE VMU OVERLAY. [M. DEALEY; T. ATKINS 2ND; 8-0]

NEIGHBORHOOD ORGANIZATIONS:

- Old Austin Neighborhood
- Judges' Hill Neighborhood Association
- University Area Partners
- Clarksville Community Development Corp.
- Five Rivers Neighborhood Assn.
- Old Enfield Homeowners Assn.
- Austin Neighborhoods Council
- West Campus Neighborhood Association
- Downtown Austin Neighborhood Assn. (DANA)
- City of Austin Downtown Commission
- Caswell Pease Neighborhood Association
- West End Austin Alliance
- Austin Independent School District
- Sentral Plus East Austin Koalition (SPEAK)
- Central Austin Neighborhoods Planning Area Committee
- Downtown Austin Neighborhood Coalition
- Caswell Heights Neighborhood Association
- Home Builders Association of Greater Austin
- Taking Action Inc.
- Greater West Austin Neighborhood Planning Area
- Old West Austin Neighborhood Plan Contact Team
- The Original West University Neighborhood Association
- Non-Profit Student Housing Preservation Group
- Homeless Neighborhood Organization

AREA OF PROPOSED ZONING CHANGES: The Judges' Hill Neighborhood Association Area is bounded by Martin Luther King, Jr. Boulevard on the north; 15th Street on the south; West Avenue on the east; and Shoal Creek on the west. Please refer to Attachments.

WATERSHEDS: Shoal Creek- Urban;

DESIRED DEVELOPMENT ZONE: Yes**SCHOOLS:** Mathews Elementary School; O. Henry Middle School; Austin High School**APPLICABLE CORE TRANSIT CORRIDORS:** West Martin Luther King Jr. Boulevard**STAFF COMMENTS:**

The VMU Overlay District for the Judges Hill neighborhood includes approximately 1.16 acres. The following is a summary of the Neighborhood Planning Contact Team (NPCT) recommendations:

- Exclude all four (4) tracts (total area of 1.16 acres) from the VMU overlay District

LIST OF ATTACHMENTS:**Attachment 1:** Vertical Mixed Use (VMU) Opt-In / Opt-Out Application**Attachment 2:** List of Judges' Hill VMU Application Properties by Tract #, TCAD
Property ID and City of Austin Address**Attachment 3:** Judges' Hill VMU Neighborhood Recommendations**Attachment 4:** Judges' Hill VMU Tract Map**Attachment 5:** Zoning Map**Attachment 6:** Overview of Vertical Mixed Use (VMU) and the Opt-In/Opt-Out Process**PLANNING COMMISSION RECOMMENDATION:**

December 11, 2007:

ISSUES: None at this time.**CITY COUNCIL DATE:****ACTION:**

January 10, 2007

Postponed to January 31, 2008 at the request of
Staff

January 31, 2008

ORDINANCE READINGS: 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E. Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** jorge.rousselin@ci.austin.tx.us

STAFF RECOMMENDATION

Staff supports the neighborhood recommendations to exclude the tracts from the VMU overlay district.

The neighborhood recommendation to exclude the subject tracts will encourage the protection of the residential character of the neighborhood.

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 C14-2007-0235 is the final step in the Vertical Mixed Use Opt-In/Opt-Out process for the Judges’ Hill application area. A more detailed overview of Vertical Mixed Use and the Opt-In/Opt-Out process is provided in Attachment 6.

Representatives of the Judges’ Hill Neighborhood Association (JHNA) met May 14, 2007 and submitted a Vertical Mixed Use (VMU) Opt-In / Opt-Out Application to the City on June 4, 2007. Please refer to Attachment A.

- The JHNA recommended excluding all four (4) tracts from the VMU overlay.

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.

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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:

JUDGES HILL NEIGHBORHOOD - DOWNTOWN

*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

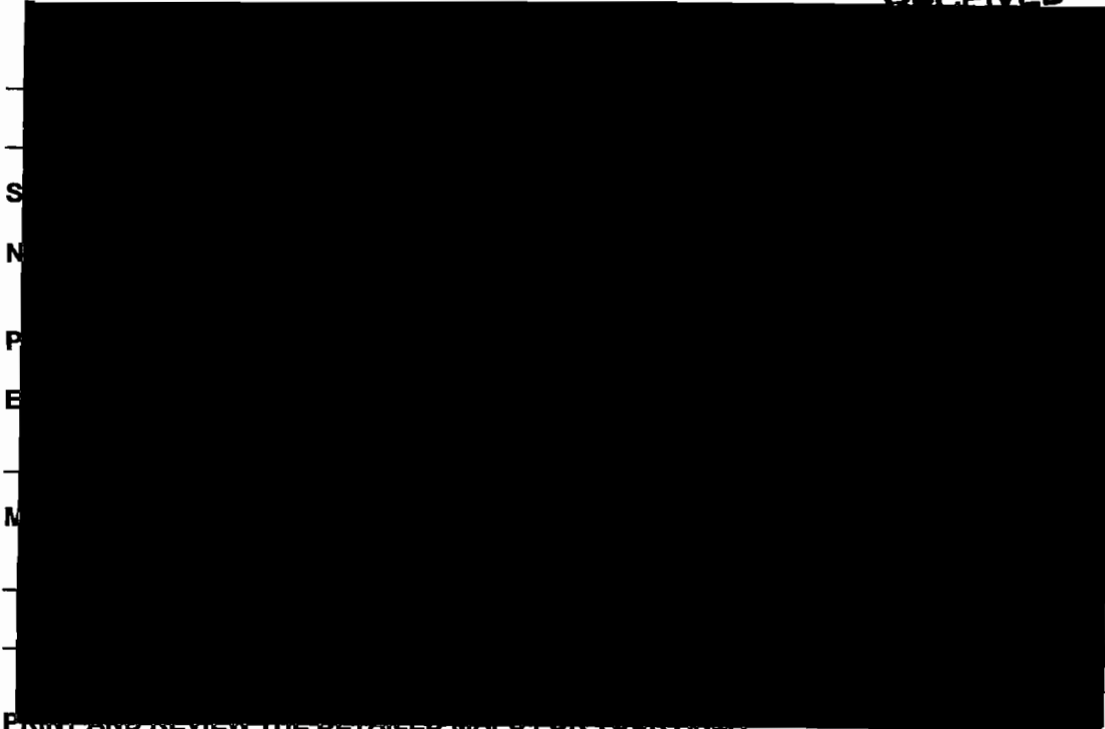
E-MAIL

MAILING

Neighborhood

February 20, 2007

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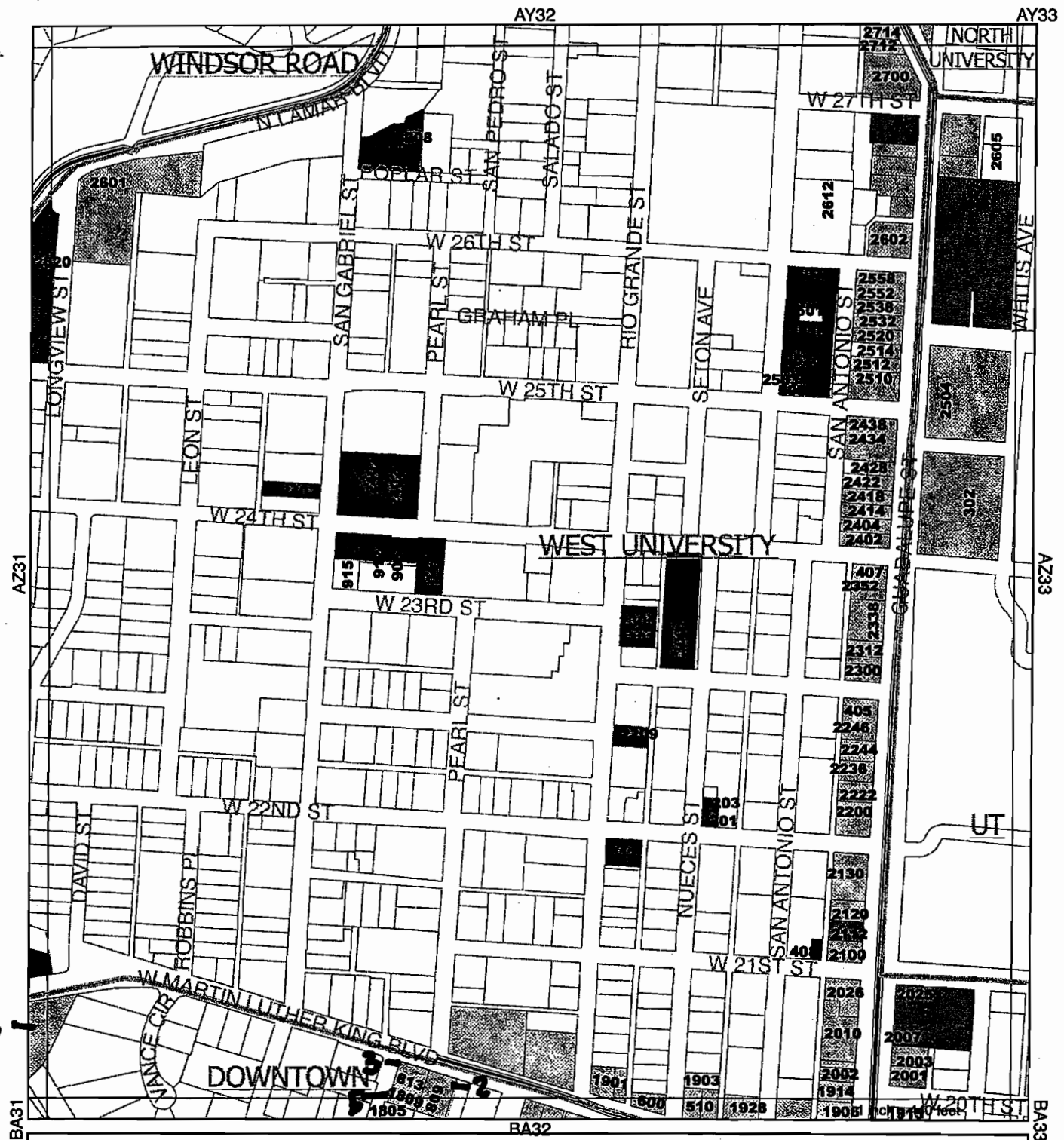
2. PRINT AND REVIEW THE DETAILED MAP FOR YOUR AREA.

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.



**Detailed Maps for Vertical Mixed Use
Opt-in/Opt Out Process
Grid Page: AZ32**

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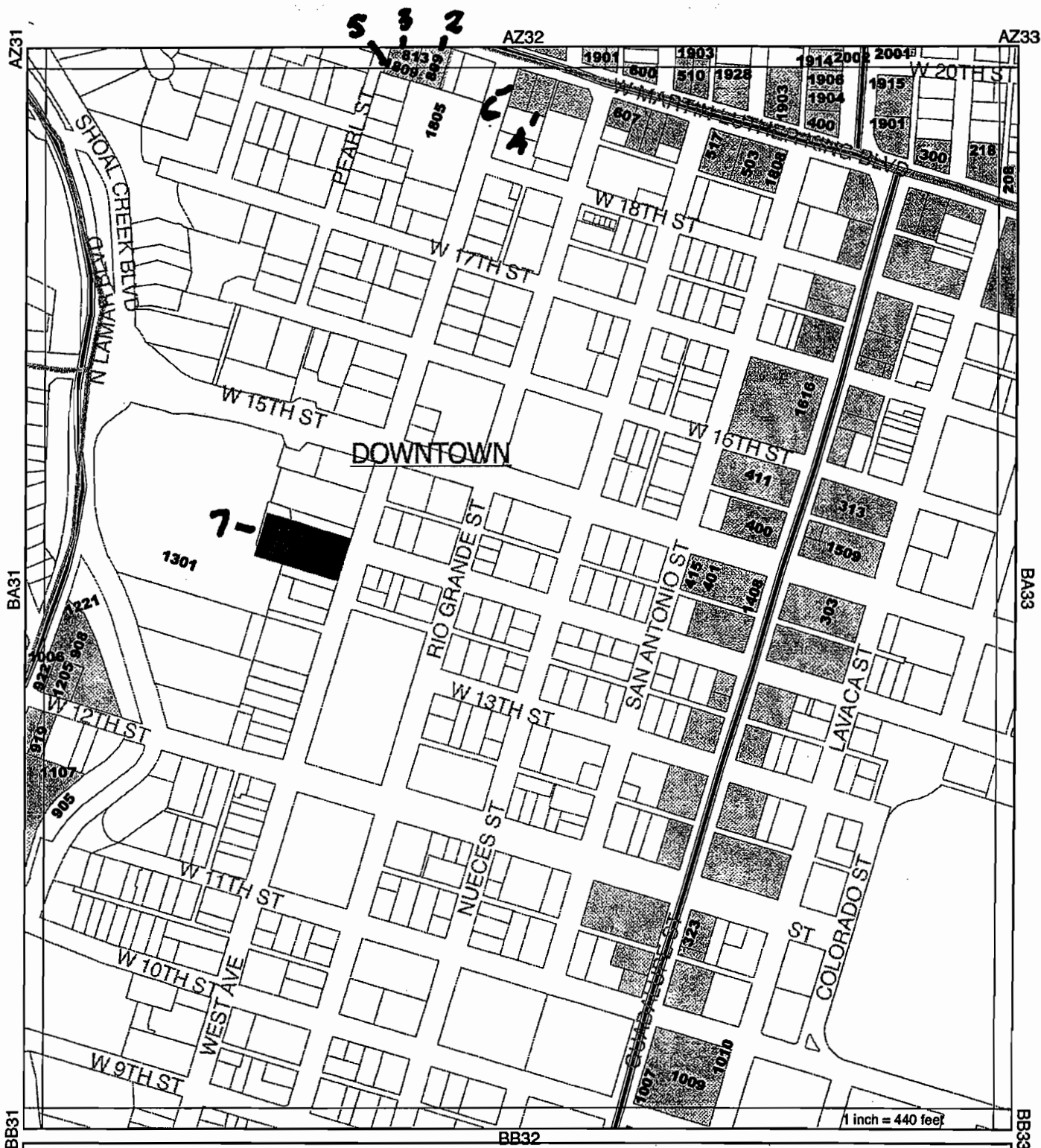


Produced by City of Austin Neighborhood Planning and Zoning Dept., October 2006. This map has been produced by the City of Austin for the sole purpose of aiding regional planning and is not warranted for any other use. No warranty is made regarding its accuracy or completeness.
Vertical Mixed Use Map Grids Black and White.mxd

Neighborhood Planning & Zoning

Legend

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



**Detailed Maps for Vertical Mixed Use
Opt-in/Opt Out Process
Grid Page: BA32**

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Vertical Mixed Use Map Grids Black and White.mxd

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

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Neighborhood Planning & Zoning

9240 42 32 : #1
BA 32 : #3-7

VERTICAL MIXED USE OVERLAY DISTRICT FORM

ADDRESS OF PROPERTY*	APPLICATION AREA:			PAGE 1 of 1	
	Amend the boundaries of the VMU Overlay District to exclude this property	This property is used exclusively for residential use and does not have the MU combining district. Please note whether the neighborhood recommends that this property opt-in to VMU.	Opt-Out of Dimensional Standards (These standards are a "package" and must be accepted or rejected as such)	Opt-Out of Parking Reductions (commercial uses only)	Opt-Out of Ground Floor Uses in office zoning districts (NO, LO, GO)
1801 N LAMAR	✓				
(809) 809 MLK	✓				
813 MLK	✓				
707 MLK	✓				
1809 PEARL	✓				
1805 WEST AVE	✓				
1400 WEST AVE	✓	(DO NOT OPT-IN)			

* 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.

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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.**

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.

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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.

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* 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

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.

B. Please provide the results of the vote:

For 16 Against 0
Neighborhood Planning and Zoning Department

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C. Number of people in attendance at the meeting: 21

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

A REGULARLY SCHEDULED QUARTERLY MEETING
WAS HELD ON MAY 14, 2007. STANDARD NOTIFICATION
PROCEDURES WERE USED.

E. Please attach a copy of the notice of the meeting at which the vote was taken **(NOT AVAILABLE)**

F. Please provide a copy of the meeting minutes at which the vote was taken.

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:

RES. SMITH
SIGNATURE OF CHAIR (OR DESIGNEE)

02 JUN 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

Judge's Hill VMU Application Properties
C14-2007-0235

Tract # (1)	TCAD Property ID (2)	COA Address (3)
1	201977	1809 PEARL
2	368761	809 W MARTIN LUTHER KING
3	202005	1805 WEST AVENUE
4	202006	707 W MARTIN LUTHER KING

(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.

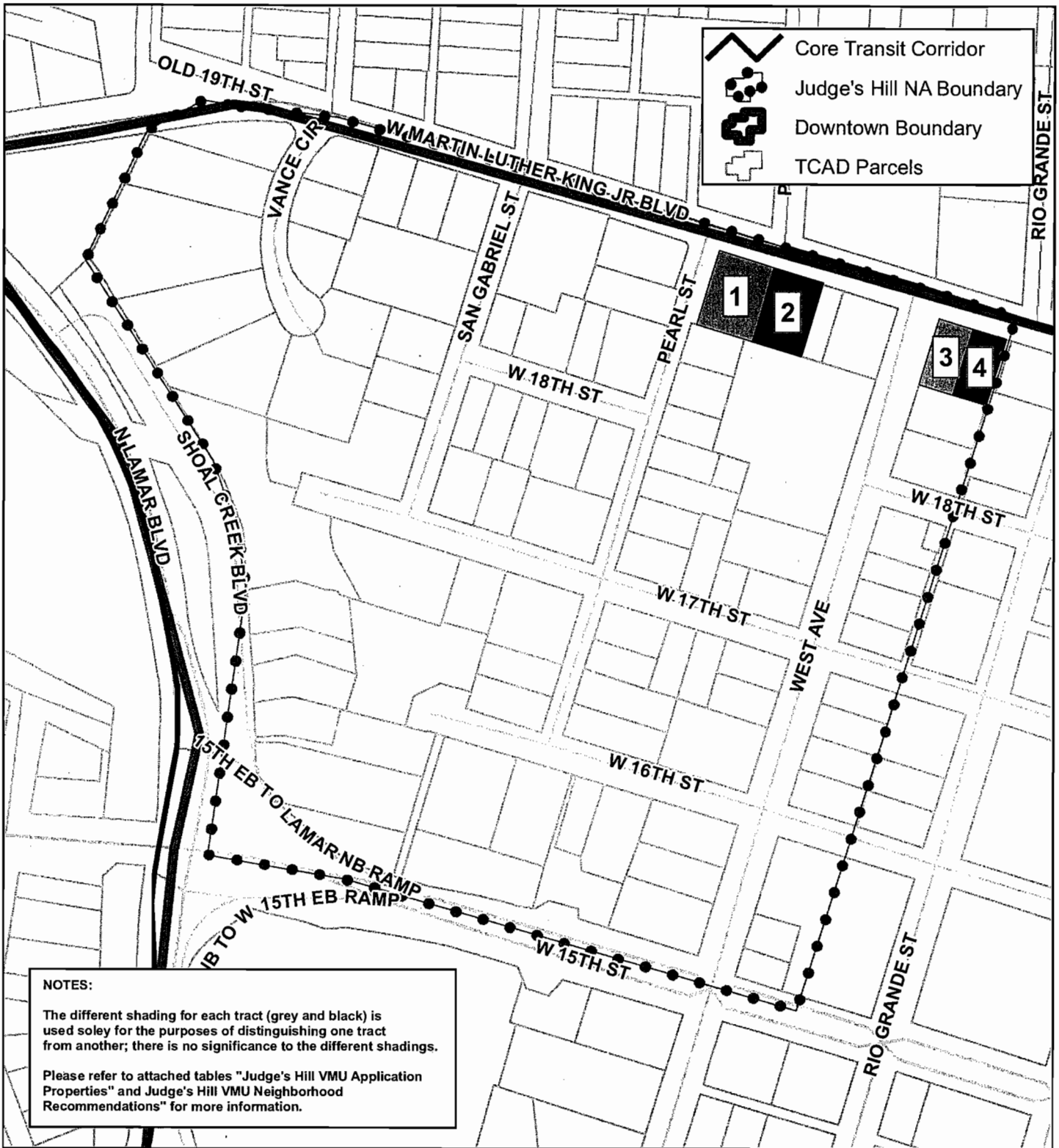
**Judge's Hill VMU Neighborhood Recommendations
C14-2007-0235**

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	
1-4					X

NO RECOMMENDATION FOR AFFORDABILITY LEVEL FOR VMU RENTAL UNITS

- (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.



**Judge's Hill Neighborhood Association
A Portion of the Downtown Planning Area
VMU Overlay District Tract Map
Case Number C14-2007-0235**

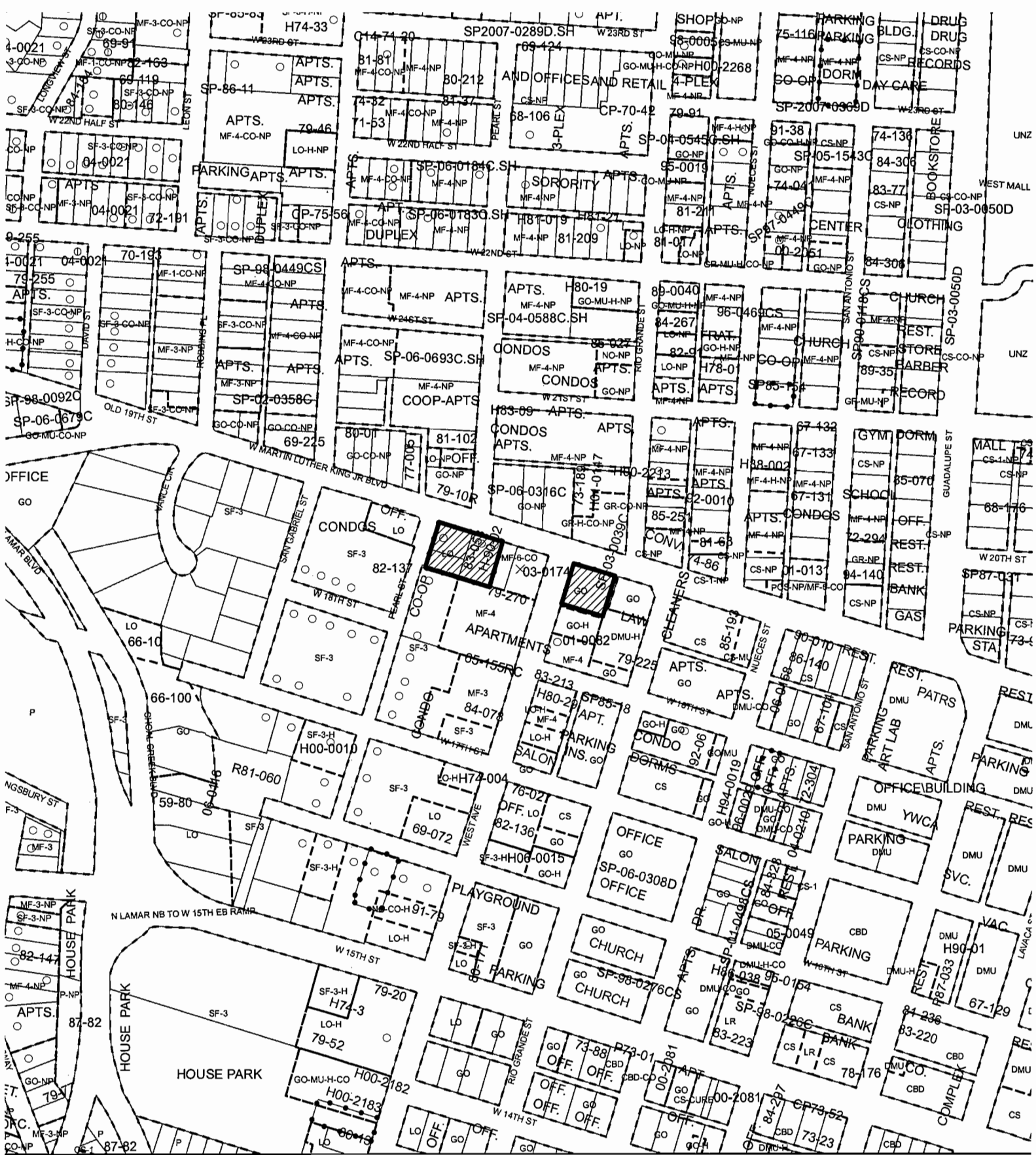


Produced by City of Austin
Neighborhood Planning and Zoning Dept.
November 21, 2007



0 50 100 200 300 400 500 Feet

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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>