

ZONING CHANGE REVIEW SHEET

CASE: C14-2007-0263.001 – Hyde Park
Neighborhood Planning Area
Vertical Mixed Use Building (V)
Zoning Opt-In/Opt-Out Process, Tract 100

P.C. DATE: April 22, 2008

ADDRESS: 4000 Avenue B

ZONING FROM: LR-MU-NCCD **TO:** LR-MU-V-NCCD

AREA: 1 tract on 0.0713 acres (approximately 3,105 square feet)

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

AGENT: City of Austin, Neighborhood Planning and Zoning Department (NPZD),
Wendy Rhoades

SUMMARY PLANNING COMMISSION RECOMMENDATION:

April 22, 2008: *APPROVED LR-MU-V-NCCD DISTRICT ZONING FOR TRACT 100 (4000 AVENUE B) WITH THE APPLICATION OF RELAXED DIMENSIONAL STANDARDS, PARKING REDUCTION AND A 60% MFI AFFORDABILITY LEVEL FOR RENTAL PROPERTY; BY CONSENT.*

[M. DEALEY; S. KIRK – 2ND] (8-0) P. CAVAZOS – ABSENT; T. ATKINS – NOT YET ARRIVED

NEIGHBORHOOD ORGANIZATIONS:

34 – Hyde Park Neighborhood Association
283 – North Austin Neighborhood Alliance
511 – Austin Neighborhoods Council
603 – Mueller Neighborhoods Coalition
631 – Alliance to Save Hyde Park
742 – Austin Independent School District
754 – Central Austin Neighborhoods Planning Area Committee
786 – Home Builders Association of Greater Austin
1037 – Homeless Neighborhood Organization
1074 – League of Bicycling Voters
1082 – First American Commercial Property Group

AREA OF PROPOSED ZONING CHANGES:

The subject property is located at the southwest corner of West 40th Street and Avenue B, within the Hyde Park Neighborhood Planning Area. Hyde Park NPA is bounded by 51st Street to the north; Red River to 45th Street to Duval Street to the east; 38th Street to the south; and Guadalupe Street to 47th Street and along Waller Creek to the west.

WATERSHED: Waller Creek – Urban

DESIRED DEVELOPMENT ZONE: Yes

SCHOOLS: Lee Elementary School, Kealing Jr. High School and McCallum High School

APPLICABLE CORE TRANSIT CORRIDORS WITHIN HYDE PARK NPA:

Guadalupe Street and East 38th Street are designated as Core Transit Corridors.

STAFF COMMENTS:

The Hyde Park Planning Team and the Hyde Park Neighborhood Association have recommended that 4000 Avenue B (designated as Tract 100) be opted-into the Vertical Mixed Use Overlay District, and that the relaxed dimensional standards, parking reductions and a 60% MFI affordability level for rental property be applied. Tract 100 was included with the original Hyde Park VMU application, but was not correctly notified to the adjacent property owners. Hence, a separate zoning case has been filed to provide correct notice.

The VMU Overlay District in the Hyde Park Neighborhood Planning Area includes 13 tracts on 11.31 acres. The Hyde Park Neighborhood Association is recommending excluding tracts 1-12 from the Overlay District and opting-in Tract 100.

LIST OF ATTACHMENTS:

Exhibits A and A-1: Zoning Map and Aerial View

Attachment 1: Hyde Park Neighborhood Planning Area Report on VMU and (VMU) Opt-In / Opt-Out Application

Attachment 2: List of Hyde Park Neighborhood Planning Area VMU Application Properties by Tract #, TCAD Property ID and City of Austin Address for properties in the VMU Overlay District

Attachment 3: Hyde Park Neighborhood Association VMU Neighborhood Recommendations

Attachment 4: Hyde Park Neighborhood Planning Area VMU Overlay District Map and VMU Tract Map

Attachment 5: Overview of Vertical Mixed Use (VMU) and the VMU Opt-In/Opt-Out Process

ISSUES: None at this time.

CITY COUNCIL DATE: May 8, 2008 **ACTION:**

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us

PHONE: 974-7719

NEIGHBORHOOD RECOMMENDATION

The Hyde Park Neighborhood Association has recommended to Opt-In Tract 100, as further described on Attachment 1.

A table summarizing the neighborhood recommendations is found in Attachment 3.

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 C14-2007-0263 is the final step in the Vertical Mixed Use Opt-In/Opt-Out process for the Hyde Park Neighborhood application area. A more detailed overview of Vertical Mixed Use and the Opt-In/Opt-Out process is provided in Attachment 6.

The President of the Hyde Park Neighborhood Association submitted a Vertical Mixed Use (VMU) Opt-In / Opt-Out Application to the City on May 30, 2007. See the "Neighborhood Recommendation" section above for more details

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.

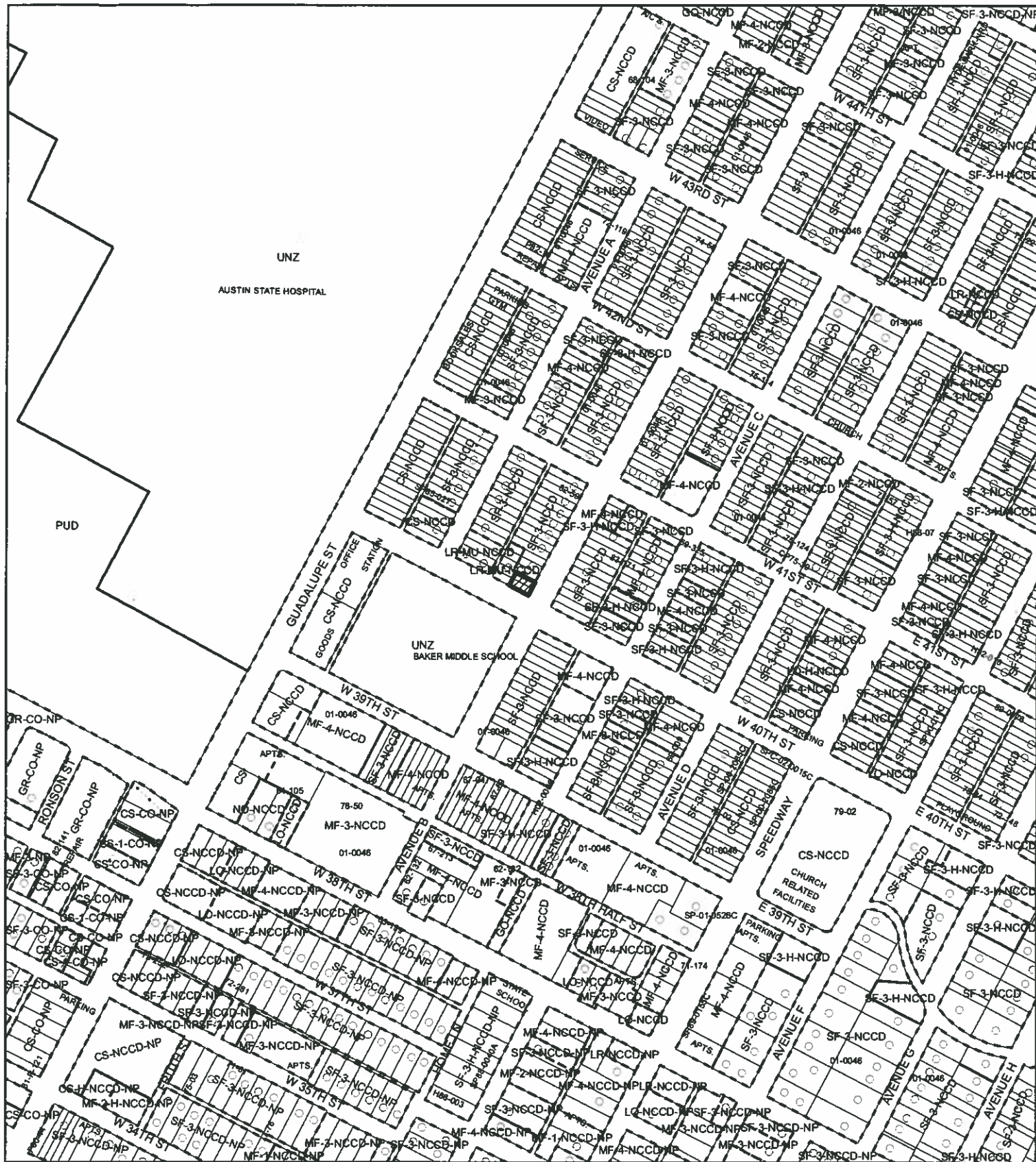
A Traffic Impact Analysis (TIA) will be required during the site plan review stage for any proposed land use that would generate over 2,000 vehicle trips per day. Additional ROW, participation in roadway improvements, and/or limitation on development intensity may also be recommended based on review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



ZONING

EXHIBIT A



- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE

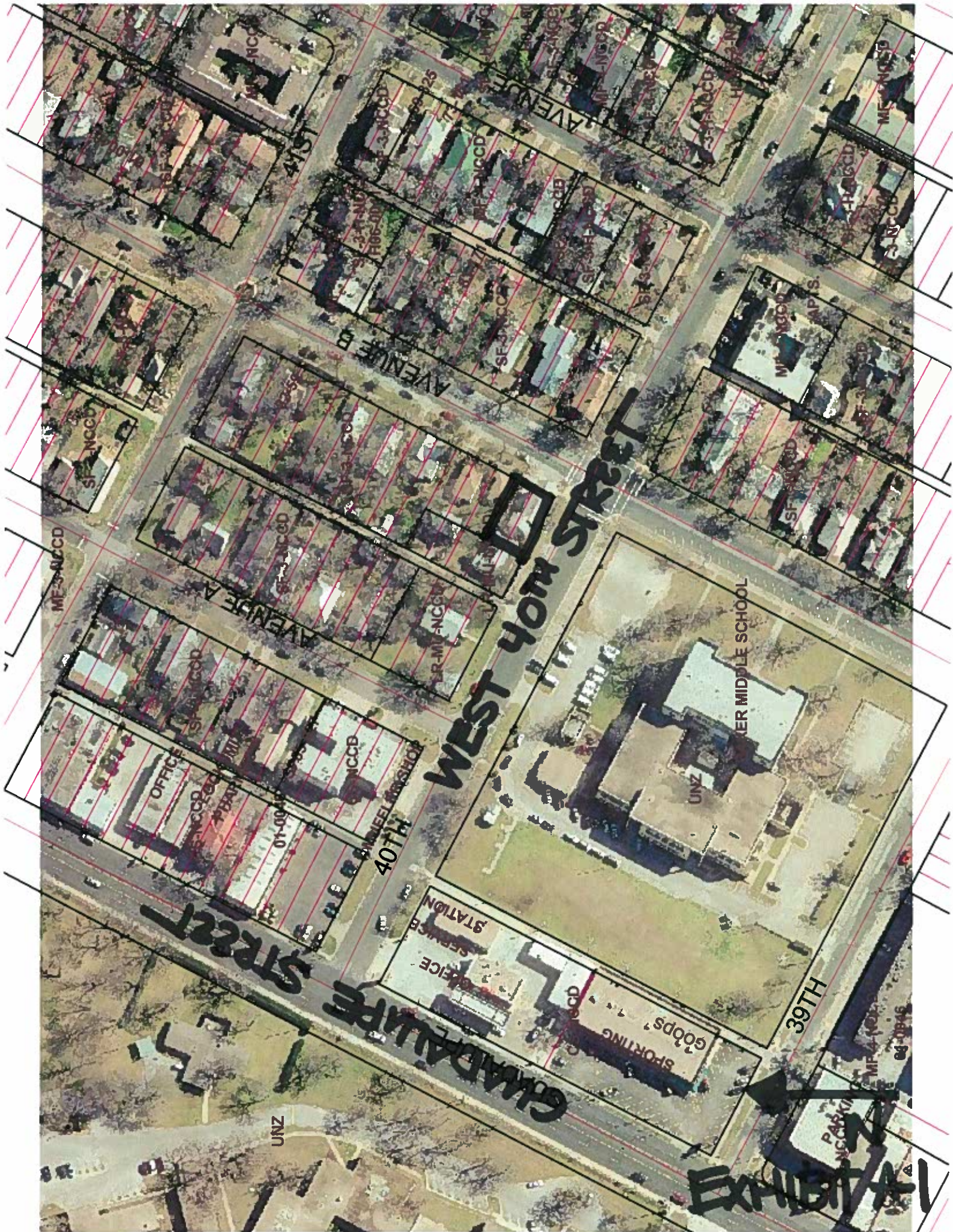
ZONING CASE#: C14-2007-0263.001
 ADDRESS: 4000 AVENUE B
 SUBJECT AREA: 0.0713 ACRES
 GRID: J25
 MANAGER: W. RHOADES

OPERATOR: S. MEEKS



1" = 400'

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.



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*: Hyde Park

*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 Karen McGraw

PHONE 459 2261

E-MAIL mcgrawka@earthlink.net

MAILING ADDRESS 4315 Avenue C 78751

SECONDARY CONTACT INFORMATION:

NAME Elaine Meenehan

PHONE 323.9772

E-MAIL elaine.meenehan@gmail.com

MAILING ADDRESS 4100 Duval St.

Austin 78751

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.

VERTICAL MIXED USE OVERLAY DISTRICT FORM

ADDRESS OF PROPERTY*	APPLICATION AREA:			PAGE of	
	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)
3809 Guadalupe	✓				
3815 Guadalupe	✓				
3825 Guadalupe	✓				
571 W. 39th	✓				
3901 Guadalupe	✓				
4001 "	✓				
4005 "	✓				
4015 "	✓				
4021 "	✓				
4025 "	✓				
4031 "	✓				
4101-03 "	✓				
4111 "	✓				
4115 "	✓				

* 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.

May 30, 2007

Mayor Winn, Mayor Pro Tem Dunkerley and City Council Members McCracken, Leffingwell, Kim, Martinez and Cole,

We are responding to the request for VMU consideration in Hyde Park. We greatly appreciate the opportunity to participate in determining the application of this zoning. We have held meetings and arrived at a position that includes the entire area within the boundaries of the Hyde Park Neighborhood Association and Hyde Park Neighborhood Plan. The neighborhood plan zoning districts include the Hyde Park NCCD and the North Hyde Park NCCD. The completed application form is attached.

We fully support the goals of VMU and the inclusion of affordable housing in our neighborhood. In fact, according to City statistics, the Hyde Park neighborhood already has 75% rental units, many of them affordable due to their age and the modest size of apartment units. Hyde Park has recently established two Neighborhood Conservation Combining Districts, the Hyde Park NCCD, 2002, and the North Hyde Park NCCD, 2005, both of which include mixed use zoning rights in the Guadalupe corridor and on other commercial properties. For these and other reasons stated below, we respectfully request that at this time the City exclude all of the property with commercial zoning in Hyde Park from VMU. However, that does not mean that we are precluding the use of this tool in Hyde Park at a later time. Since neighbors and property owners have recently crafted good, compatible mixed-use zoning and have negotiated specific development rights on certain tracts, we do not believe that reconfiguring the zoning at this time is beneficial. In the future a property owner may want to discuss and modify those rights and it would be appropriate to consider a VMU plan amendment at that time in the context of an actual proposal. Sites where this may be acceptable are identified below.

In the Guadalupe Corridor between 38th and 45th Streets, in an effort to insure the continuance of commercial uses on Guadalupe and to encourage mixed use, neighbors crafted the Hyde Park NCCD to provide many of same standards offered in the Dimensional Standards for VMU:

- 1) Setbacks: No minimum front (maximum 10'), no minimum side, and 10' side street (VMU has 0' street side setback).
- 2) FAR: 2:1. Much of this district abuts single-family homes that trigger compatibility. Current height limitations for property between 40th and 45th Streets were established based upon the compatibility requirements and are set at 40' with a reduction to 30' in the rear. Under these height limitations it is virtually impossible to build out the 2:1 FAR in this district so FAR is essentially unlimited within the permitted development envelope.
- 3) Building Coverage: The entire Guadalupe district south of 45th Street is zoned CS-NCCD and has a 95% building coverage limit. Considering the 10' rear setback, a building could not cover more than 95% of the site.
- 4) Minimum Site Area: Given existing-height limitations, the site area regulations for the CS district will not likely constrain maximizing housing development on second or third floors in the area north of 40th Street.

Additional zoning entitlements provided in 2002 NCCD:

A uniform and reduced rear setback was established due to the proximity to single family homes. In fact, the rear setback, generally required to be 13' in addition to the 12' alley, to meet the 25' compatibility setback, was set at a uniform 10' from the alley. Parking is permitted in this 10' setback area in recognition of the shortage of parking as well as other challenges in developing small sites. This setback is in effect from 38th to 45th Streets and was also noted as a trade-off for the 0' front setback.

Mixed use is permitted on all property in the Guadalupe corridor shown on the overlay map. The current NCCD zoning does not permit a residential use in the front 70% of a ground floor between 38th street and 45th Streets as well as at 4501 Guadalupe.

Excess parking is not permitted in the HP NCCD (south of 45th St.) for uses other than single family uses. For this reason it is not desirable to reduce required parking to 60% as it might be too severe a limitation. For a VMU development, the residential uses would require one parking space per bedroom for multi-family development with a by right reduction to 60% and a commercial requirement of 80% per the Urban Core Reduction. Since excess parking would be prohibited, any VMU parking reduction should be crafted for a specific project via a plan amendment.

Relaxation of FAR and Site Area Requirements may be desirable, except that parking is currently quite limited on Guadalupe and until a parking solution is found, extra dwelling units may not be desirable.

Additional ground floor uses are not necessary as the entire Guadalupe Corridor is zoned CS or GR and in office districts uses have been designated that work well on specific sites.

Specific areas:

3800-3900 Blocks of Guadalupe – VMU Future consideration

South of W. 40th Street height limitations increase to 50-60' as these tracts are not as close to single-family homes and compatibility does not reduce height limits significantly. In that area, the Guadalupe Corridor lies adjacent to Baker School and apartment and commercial uses. These tracts are our current priority for consideration of future VMU development. Our one stipulation is that we would expect this to be preceded by the return of Baker School, constructed in 1911 by Monroe Shipe for Hyde Park, to school use. It is currently used by AISD as an office building. We believe that affordable housing should be provided near our public schools and that good central city schools encourage families to locate in the central city. A VMU development on these blocks could result in a fully built out "box" or "building envelope" up to 60' tall given the exemption from FAR and Site Area Requirements. Neighbors prefer to negotiate such a development rather than agree to it outright at this time.

4000-4200 Blocks of Guadalupe – No VMU

The Hyde Park Neighborhood Association is currently undertaking the establishment of a Local Historic District. This effort is long overdue in preserving this unique part of Austin. These three blocks include structures that may be included in that district or may contribute to the National Register District although they are not currently designated. The building at 4113 is already listed in the Hyde Park Historic District (National Register) and thus exempt from VMU. Other buildings would be considered eligible in an updating of the district.

4300-4400 Blocks of Guadalupe -- No VM

The Bluebonnet Courts at 4407 is listed in the Hyde Park Historic District (National Register) and thus exempt. A portion of the 4300 Block abuts single-family homes. This area is not a desirable place for VMU designation.

4500-4600 Blocks of Guadalupe - North Hyde Park NCCD - Some Potential VMU sites

The Guadalupe Corridor north of 45th Street was rezoned to mixed use in the North Hyde Park NCCD in 2005. This area includes sites that may be considered for VMU in the future since the Guadalupe Corridor abuts apartment buildings. Single-family homes are a full block to the east except for three homes on the east side of Avenue A. The height limit along Guadalupe is 50'. Other regulations include FAR of 1:1, Building coverage 60-75%, Impervious Coverage 80-90%, minimum front yard setback 0' (maximum 10'), minimum street side yard setback 10' (maximum 15'), minimum interior side yard setback is 0', minimum rear yard setback is 5'. There may be opportunity to relieve some regulations (BC, IC, Site Area and FAR, but not height) in this district for VMU on selected sites in the future via a new negotiation between neighbors and property owners and a Neighborhood Plan Amendment.

Specific sites north of 45th are as follows:

4501 Guadalupe is the site of a fairly new Walgreen's Store that will not likely be redeveloped anytime soon. However, a VMU development might be possible. This site goes through to Avenue A where residential frontage would be more desirable than the current parking lot. The height limit for Avenue A portion is 40'.

4525 Guadalupe has a site plan that creates condominiums over a retail space on the Guadalupe side and utilizes the old Ramsey Nursery garden area abutting Avenue A as green space that preserves trees from the Ramsey legacy. Although the Ramsey Nursery building has been demolished and the site is currently vacant, the neighborhood has invested much time and effort in working with the developer, has obtained a private deed restriction and wishes the green space to be preserved as agreed. This site should not be considered for VMU.

4535-4539 Guadalupe is occupied by the Aspen Wood Apartments, a large complex developed in the 1960's. It may be a candidate for redevelopment sooner than other properties on this corridor and a VMU plan amendment could be considered here.

4611 Guadalupe is occupied by the Horn Building which was constructed 25 years ago. It houses the University Federal Credit Union and was recently purchased by a group of doctors who expect to renovate and use the rest of the building for many years. The neighborhood worked with both owners in the last three months to obtain a minor zoning change that was recently approved by the City Council to accommodate this new use. This property is not expected to be redeveloped in the near future.

Other locations:

W. 38th st. is designated a Future Core Transit Corridor that ends at Speedway. There are several small lots scattered along this street on the city's VMU map. Some are shaded, some are not, some are zoned for office and some are zoned multi-family. These scattered small sites lie in the midst of a large area of multi-family developments that lie across from many homes in the North University Neighborhood that are zoned SF3-NCCD. There is currently no bus service on W.

38th. This area should not be designated as a VMU overlay at this time. It would make much more sense to revisit this entire area at a later date.

On W. 40th St. between Avenues A and B three properties are designated "MU" on the city map provided. Two of these properties have contributing structures in the National Register District exempting them from VMU. The one remaining property is a tiny lot of 3,105 square feet that has a two story mixed use building. Due to the size of the lot, redevelopment is very limited but the owners would like to have the right to use the VMU designation. We believe on this site in the Residential District, with it's 30' height limit and compatibility regulations to contend with, this might be a viable use and would therefore opt-in this one property at 4000 Avenue B.

Level of Affordability – 60% of MFI.

* * * *

All other commercial property in the Hyde Park NCCD and North Hyde Park NCCD is made up of small sites and lots in the interior of the neighborhood. The one large site at 4505 Duval was the subject of a complex negotiation to permit mixed use that is compatible with the surrounding area. This rezoning, adopted in 2005 should not be changed. All of these properties should be opted out of the VMU (if included) or not opted in if not included.

Additionally, there are three sites that are outside the HPNA boundary but just across the street from single family homes in Hyde Park that we ask not be opted in. These are currently residential uses and are located at 4627, 4701 and 4705 Red River.

Respectfully submitted:

Hyde Park Planning Team

Hyde Park Neighborhood Association



Karen McGraw AIA
Chairman, Hyde Park Planning Team
Chairman, Hyde Park Planning Committee, Hyde Park Neighborhood Association
(512) 917-1761

VERTICAL MIXED USE OVERLAY DISTRICT FORM

ADDRESS OF PROPERTY*	APPLICATION AREA:			PAGE	
	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)
4113 Guadalupe	✓				
4115 "	✓				
4117 "	✓				
4121 "	✓				
4125 "	✓				
505 W. 42nd	✓				
4201 Guadalupe	✓				
4203 "	✓				
4205 "	✓				
4209 "	✓				
4225 "	✓				
4227 "	✓				
4301 "	✓				
4303 "	✓				

* 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.

VERTICAL MIXED USE OVERLAY DISTRICT FORM

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4331 Buena Vista	✓				
4401 "	✓				
4403 "	✓				
4405 "	✓				
4407 "	✓				
4409 "	✓				
4411 "	✓				
4413 "	✓				
4505 "	✓				
4525 "	✓				
504 W. 38th	✓				
500 W. 38th	✓				
3800 Speedway	✓				
108 W. 38th	✓				

* 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.

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.

VERTICAL MIXED USE OPT-IN FORM

[illegible]

* 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.

The following vote was taken at a General Meeting of the Hyde Park Neighborhood Association. The Planning Team & HONA Planning Committee met twice previous to this and I forwarded the recommendation to HONA.

B. Please provide the results of the vote:

For 22 Against 0
Neighborhood Planning and Zoning Department

C. Number of people in attendance at the meeting: 25 (3 ineligible to vote)

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

email to listserve - 500 members
" " planning team list - 92 members

E. Please attach a copy of the notice of the meeting at which the vote was taken.

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:

We have no Planning Team by-laws at this time.
yes

[Signature]
SIGNATURE OF CHAIR (OR DESIGNEE)

May 30, 2007
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

Hyde Park

**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.
- ☒ 7. Notice, Sign-in sheet & minutes of April 16 meeting.
- ☒ 8. Notice, Sign-in sheet & minutes of April 30 meeting.
- ☒ 9. Letter to City Council.

TRIANGLE STATE

HYDE PARK

1 inch = 440 feet

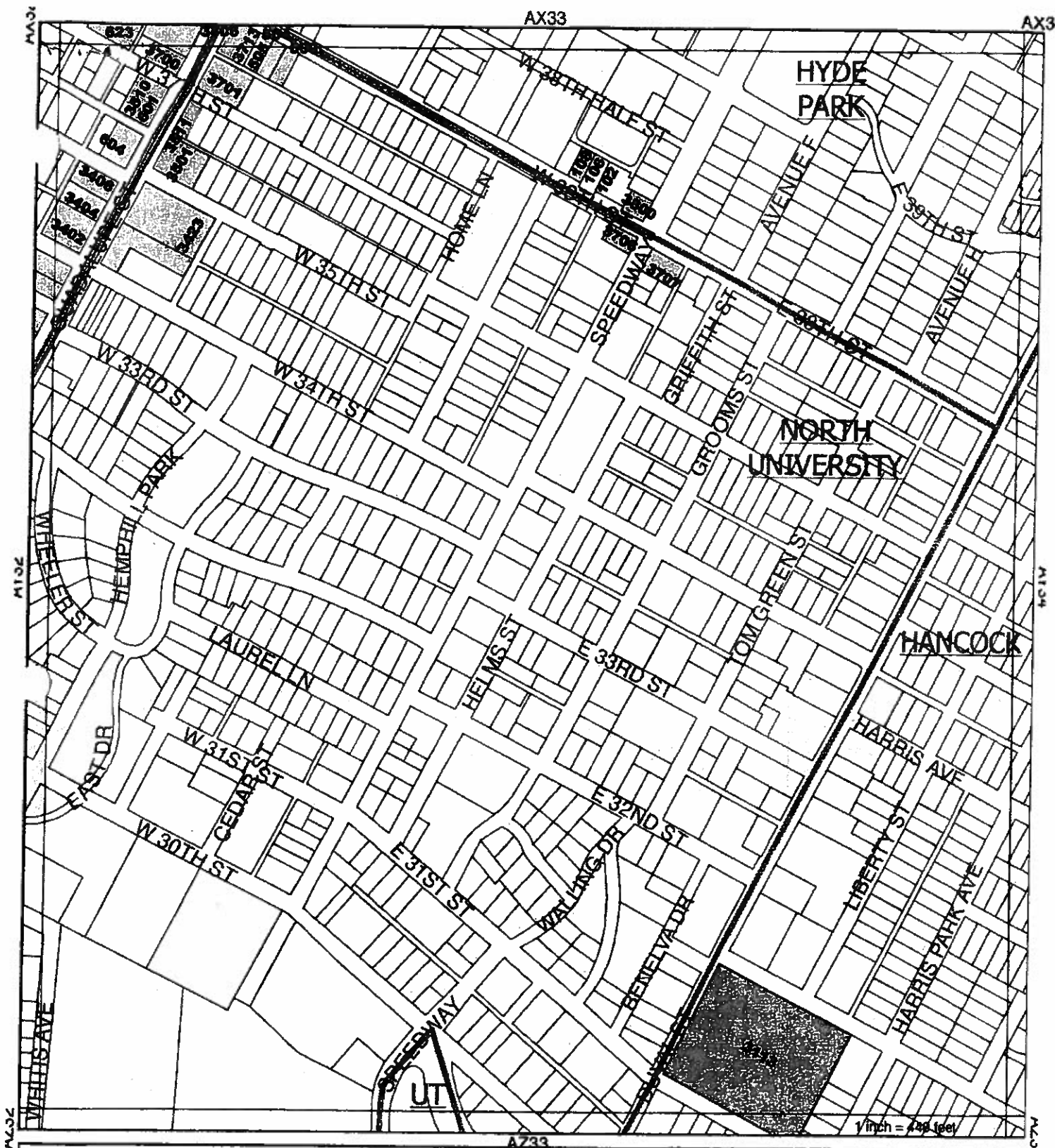
**Detailed Maps for Vertical Mixed Use
Opt-In/Opt Out Process
Grid Page: AX33**



Produced by City of Austin Neighborhood Planning and Zoning Dept., October 21, 2008. 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







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



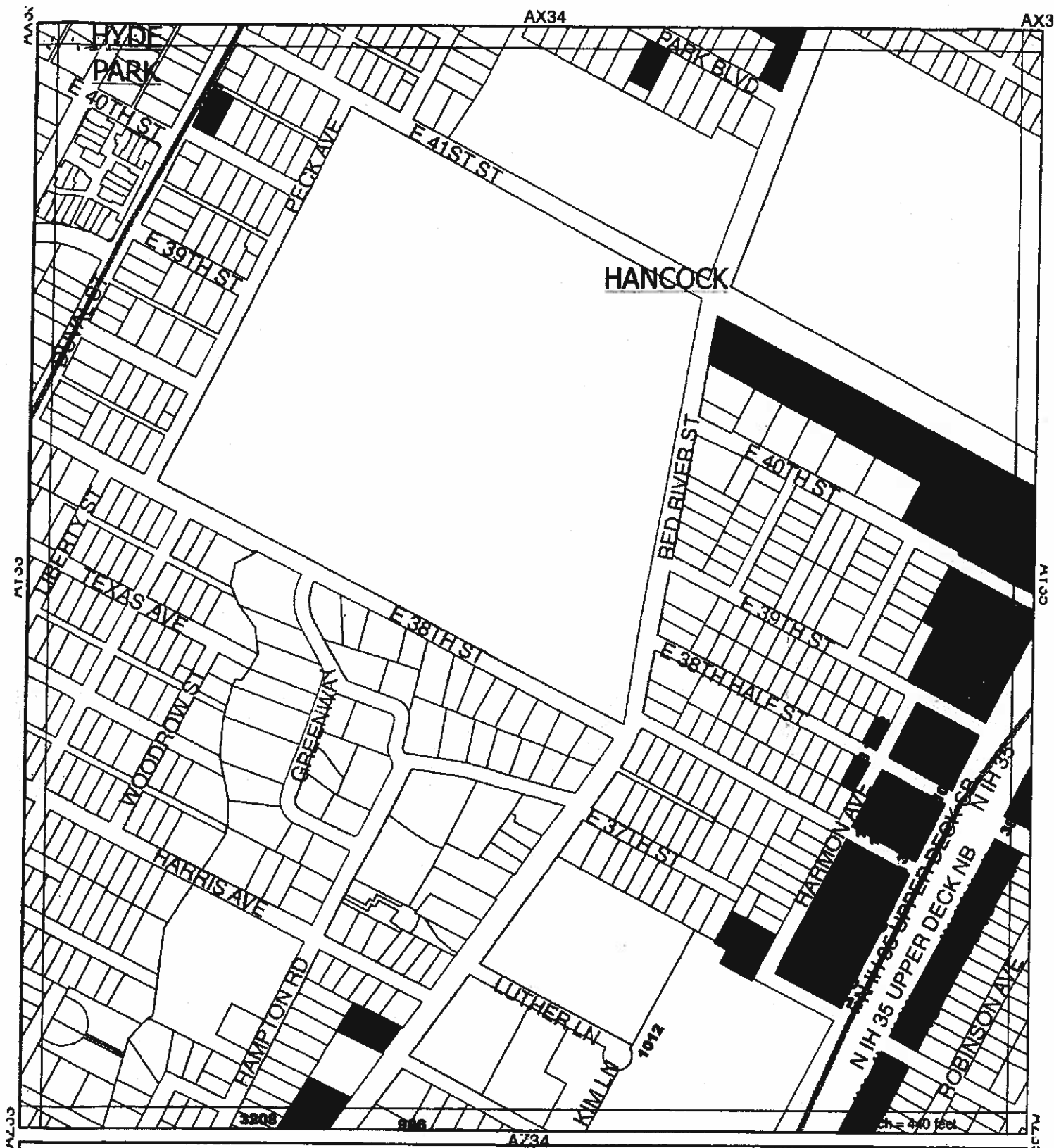
**Detailed Maps for Vertical Mixed Use
Opt-In/Opt Out Process**
Grid Page: AY33

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



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Vertical Mixed Use Map Grids Black and White.mxd



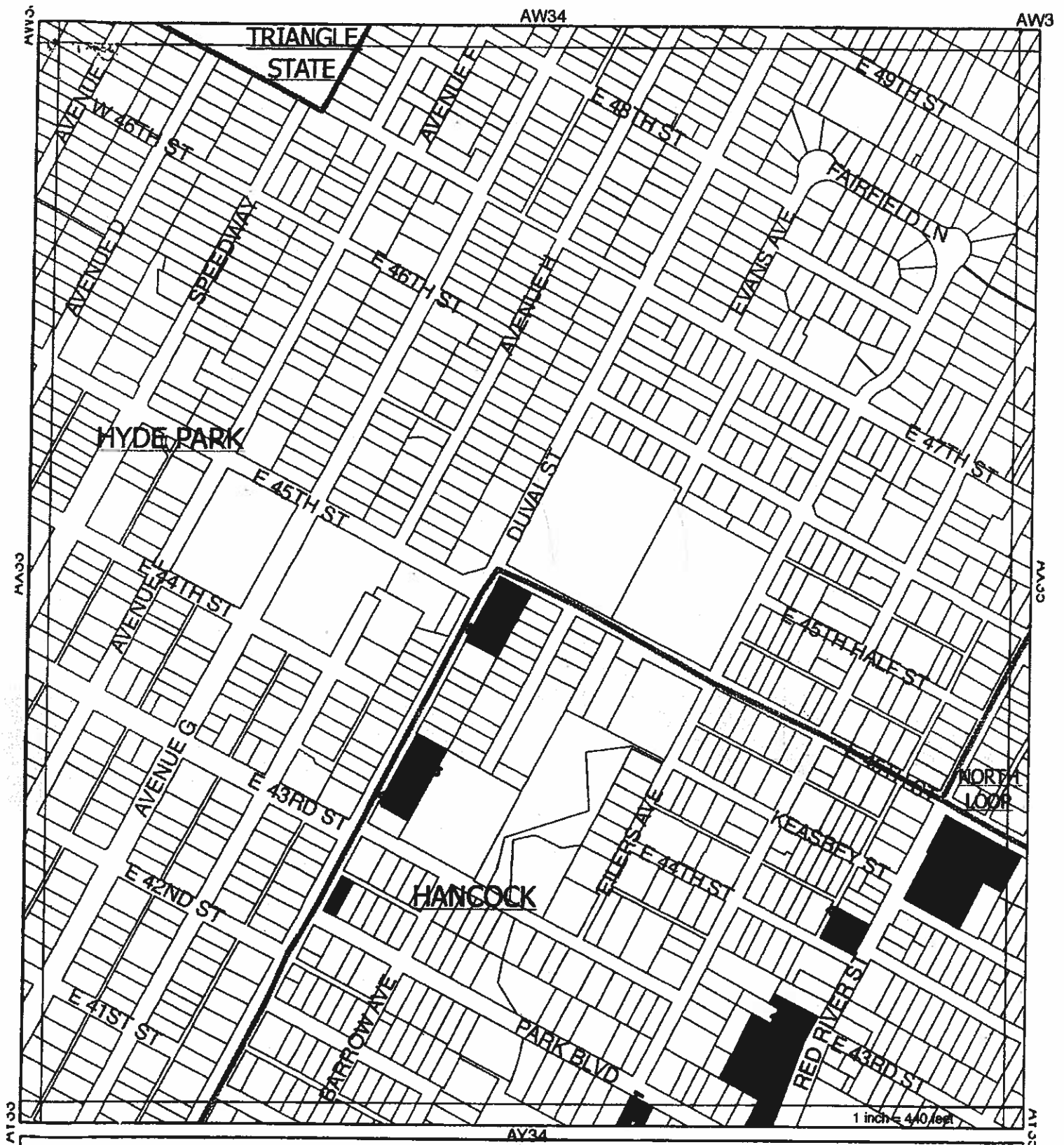
**Detailed Maps for Vertical Mixed Use
Opt-In/Opt Out Process
Grid Page: AY34**



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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

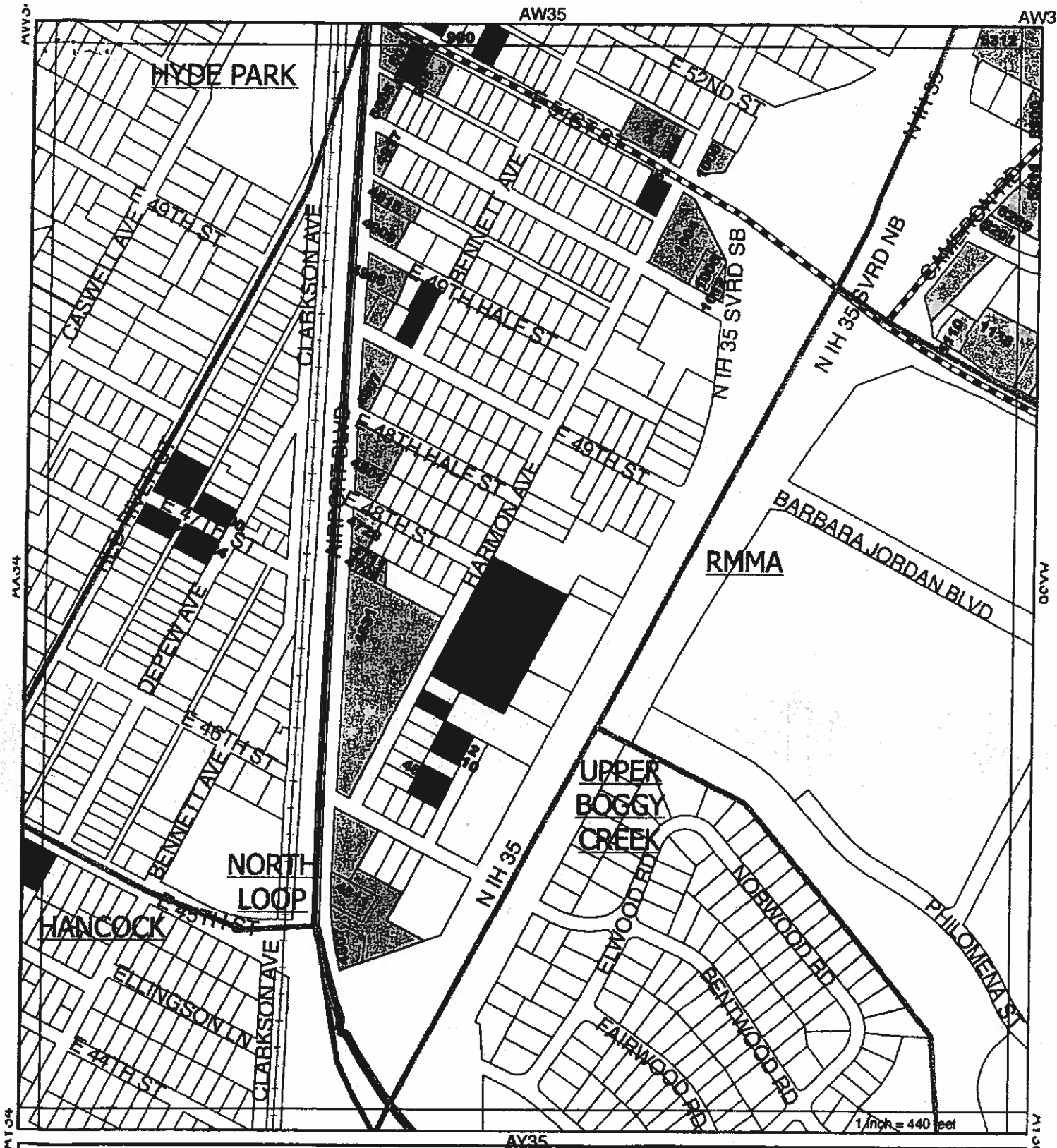


**Detailed Maps for Vertical Mixed Use
Opt-In/Opt Out Process
Grid Page: AX34**



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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



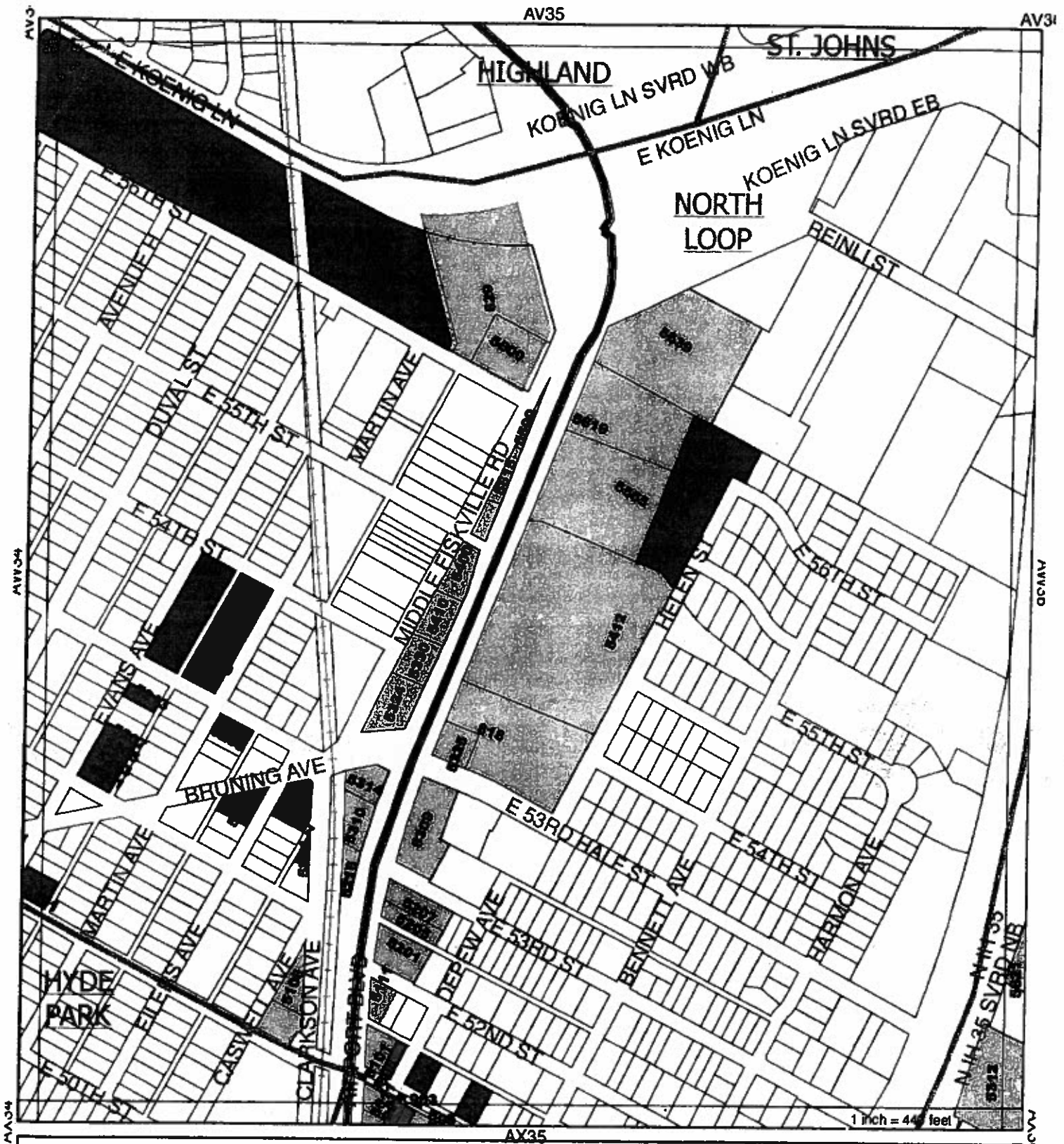
**Detailed Maps for Vertical Mixed Use
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Legend

- 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



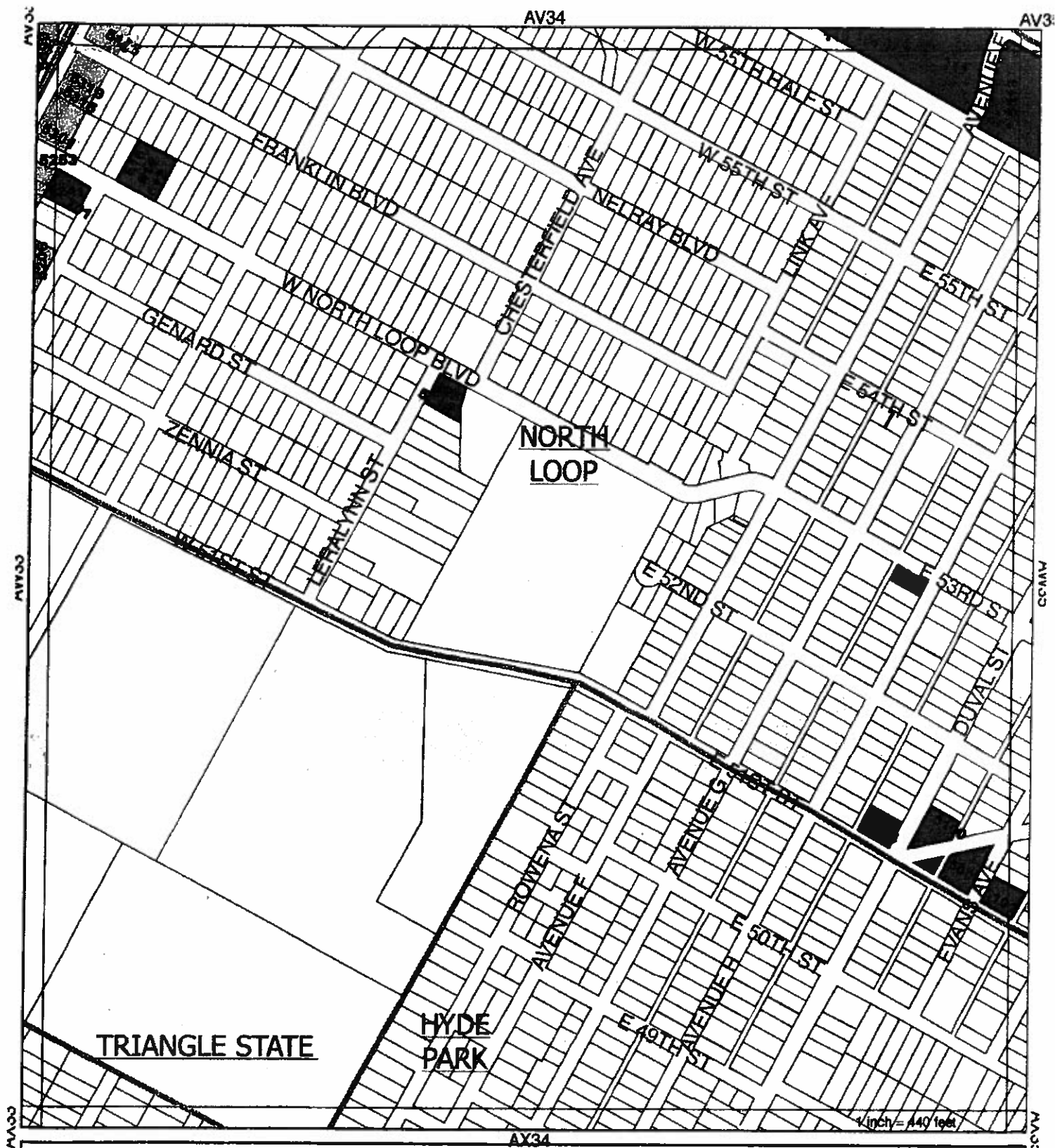
**Detailed Maps for Vertical Mixed Use
Opt-In/Opt Out Process
Grid Page: AW35**



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Legend

- Shading 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



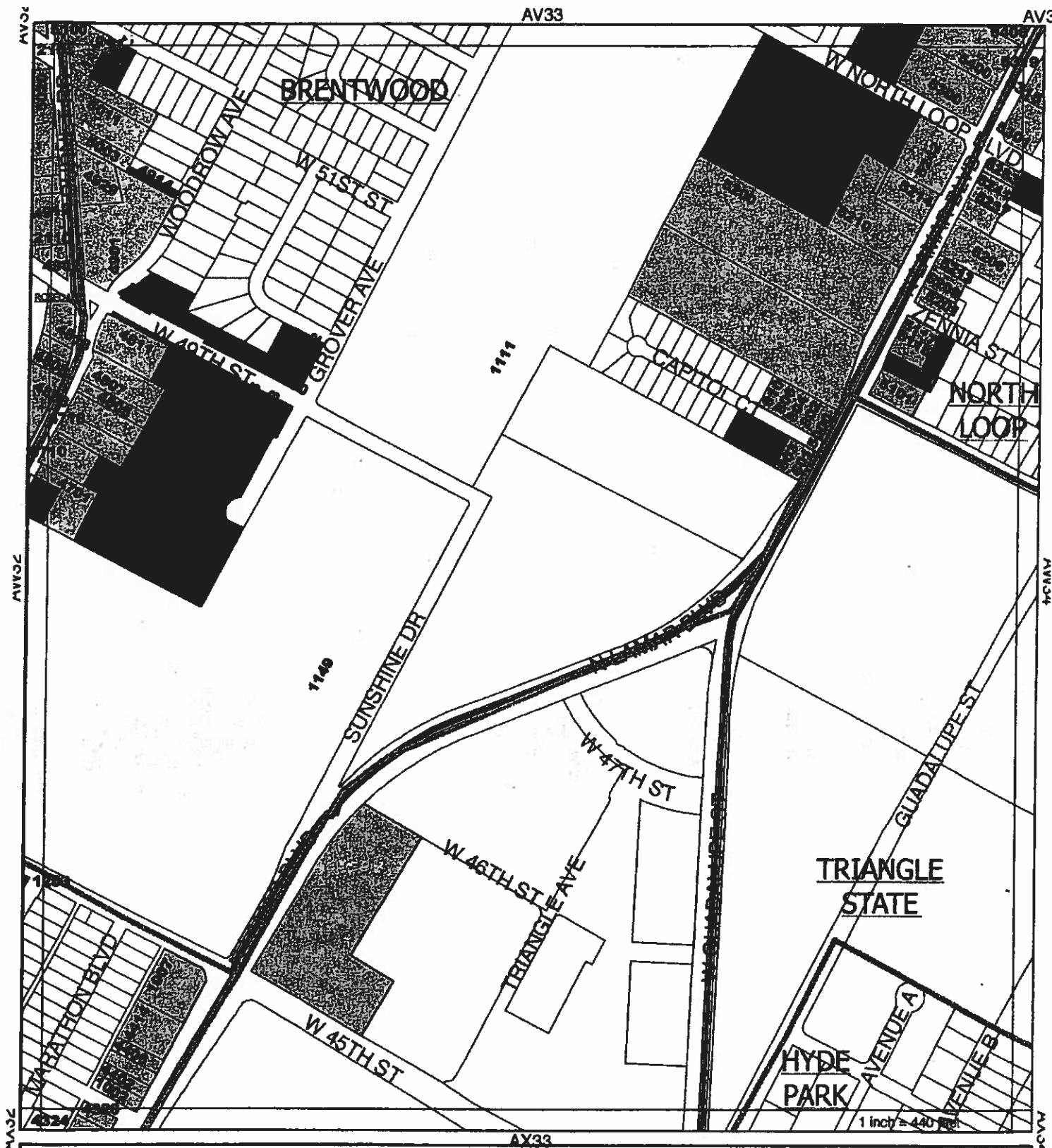
**Detailed Maps for Vertical Mixed Use
Opt-In/Opt Out Process
Grid Page: AW34**



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Legend

- Planning Area
- 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: AW33**



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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

From: Jennifer Berbas <jennifer_berbas@yahoo.com>
Subject: [HydePark] Notice- May Hyde Park Neighborhood Association Meeting
Date: April 30, 2007 8:47:42 AM CDT
To: hyde park <HydeParkAustin@yahoogroups.com>
Reply-To: HydeParkAustin@yahoogroups.com

May Hyde Park Neighborhood Association meeting

Monday May 7th

7:00 pm at

Hyde Park Methodist Church

Agenda items are:

Vote on HPNA response to the city of Austin Vertical
Mixed use Program (presentation from Planning
Committee and Planning Team with their
recommendations.)

Mary Collins Blackmon discusses the Elisabet Ney
Update on Landscape Restoration

Ann Graham - Floodlines presentation.

Adopt Shippe Park- Possible vote

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From: Karen McGraw <mcgrawka@earthlink.net>
Subject: [HydePark] VMU draft letter for HPNA Meeting Monday May 7
Date: May 7, 2007 1:12:36 AM CDT
To: HydeParkAustin@yahoogroups.com
Reply-To: HydeParkAustin@yahoogroups.com

Here is the draft letter we will consider on Monday night with changes discussed on April 30.

Neighbors,

In a nutshell, the objectives of the Vertical Mixed Use (VMU) ordinance are intended to encourage the provision of affordable housing along Core Transit Corridors (Guadalupe Street) in exchange for a relaxation of certain code requirements that will allow greater development and more dwelling units. The June 4 deadline is the last opportunity to request that the city Opt-out properties along Guadalupe in the Core Transit Corridor and along W. 38th in a Future Core Transit Corridor. We can always opt-in properties to this program in the future. The position agreed to at the two Planning Team/Planning Committee meetings is to request that all properties in Hyde Park be opted-out at this time (with one exception). The following is a draft letter to the City of Austin Neighborhood Planning and Zoning Department including revisions made at the last meeting. (Scroll down to see links to city information.)

We are responding to the request for VMU consideration in Hyde Park. We greatly appreciate the opportunity to participate in determining the application of this zoning. We have held meetings and arrived at a position that includes both the Hyde Park and the North Hyde Park areas. The completed application form is attached.

We fully support the goals of VMU and the inclusion of affordable housing in our neighborhood. In fact, according to City statistics, the Hyde Park neighborhood already has 75% rental units, many of them affordable due to their age and the modest size of apartment units. Hyde Park has recently established two Neighborhood Conservation Combining Districts, the Hyde Park NCCD, 2002, and the North Hyde Park NCCD, 2005, both of which include mixed use zoning rights in the Guadalupe corridor and on other commercial properties. For these and other reasons stated below, we respectfully request that at this time the City exclude all of the property with commercial zoning in Hyde Park from VMU. However, that does not mean that we are precluding the use of this tool in Hyde Park at a later time. Since neighbors and property owners have recently crafted good, compatible mixed-use zoning and have negotiated specific development rights on certain tracts, we do not believe that reconfiguring the zoning at this time is beneficial. In the future a property owner may want to discuss and modify those rights and it would be appropriate to consider a VMU plan amendment at that time in the context of an actual proposal. Sites where this may be acceptable are identified below.

In the Guadalupe Corridor between 38th and 45th Streets, in an effort to insure the continuance of commercial uses on Guadalupe and to encourage mixed use, neighbors crafted the Hyde Park NCCD to provide many of same standards offered in the Dimensional Standards for VMU:

- 1) Setbacks: No minimum front (maximum 10'), no minimum side, and 10' side street (VMU has 0' street side setback).
- 2) FAR: 2:1. Much of this district abuts single-family homes that trigger compatibility. Current height limitations for property between 40th and 45th Streets were established based upon the compatibility requirements and are set at 40' with a reduction to 30' in the rear. Under these height limitations it is virtually

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impossible to build out the 2:1 FAR in this district so FAR is essentially unlimited within the permitted development envelope.

3) **Building Coverage:** The entire Guadalupe district south of 45th Street is zoned CS-NCCD and has a 95% building coverage limit. Considering the 10' rear setback, a building could not cover more than 95% of the site.

4) **Minimum Site Area:** Given existing height limitations, the site area regulations for the CS district will not likely constrain maximizing housing development on second or third floors in the area north of 40th Street.

Additional zoning entitlements provided in 2002 NCCD:

A uniform and reduced rear setback was established due to the proximity to single family homes. In fact, the rear setback, generally required to be 13' in addition to the 12' alley, to meet the 25' compatibility setback, was set at a uniform 10' from the alley. Parking is permitted in this 10' setback area in recognition of the shortage of parking as well as other challenges in developing small sites. This setback is in effect from 38th to 45th Streets and was also noted as a trade-off for the 0' front setback.

Mixed use is permitted on all property in the Guadalupe corridor shown on the overlay map. The current NCCD zoning does not permit a residential use in the front 70% of a ground floor between 38th street and 45th Streets as well as at 4501 Guadalupe.

Excess parking is not permitted in the HP NCCD (south of 45th St.) for uses other than single family uses. For this reason it is not desirable to reduce required parking to 60% as it might be too severe a limitation. For a VMU development, the residential uses would require one parking space per bedroom for multi-family development with a by right reduction to 60% and a commercial requirement of 80% per the Urban Core Reduction. Since excess parking would be prohibited, any VMU parking reduction should be crafted for a specific project via a plan amendment.

Relaxation of FAR and Site Area Requirements may be desirable, except that parking is currently quite limited on Guadalupe and until a parking solution is found, extra dwelling units may not be desirable.

Additional ground floor uses are not necessary as the entire Guadalupe Corridor is zoned CS or GR and in office districts uses have been designated that work well on specific sites.

Specific areas:

3800-3900 Blocks of Guadalupe – VMU Future consideration

South of W. 40th Street height limitations increase to 50-60' as these tracts are not as close to single-family homes and compatibility does not reduce height limits significantly. In that area, the Guadalupe Corridor lies adjacent to Baker School and apartment and commercial uses. These tracts are our current priority for consideration of future VMU development. Our one stipulation is that we would expect this to be preceded by the return of Baker School, constructed in 1911 by Monroe Shipe for Hyde Park, to school use. It is currently used by AISD as an office building. We believe that affordable housing should be provided near our public schools and that good central city schools encourage families to locate in the central city. A VMU development on these blocks could result in a fully built out "box" or "building envelope" up to 60' tall given the exemption from FAR and Site Area Requirements. Neighbors prefer to negotiate such a development rather than agree to it outright at this time.

4000-4200 Blocks of Guadalupe – No VMU

The Hyde Park Neighborhood Association is currently undertaking the establishment of a Local Historic District. This effort is long overdue in preserving this unique part of Austin. These three blocks include structures that may be included in that district or may contribute to the National Register District although they are not currently designated. The building at 4113 is already listed in the Hyde Park Historic District (National Register) and thus exempt from VMU. Other buildings would be considered eligible in an updating of the district.
4300-4400 Blocks of Guadalupe – No VM

The Bluebonnet Courts at 4407 is listed in the Hyde Park Historic District (National Register) and thus exempt. A portion of the 4300 Block abuts single-family homes. This area is not a desirable place for VMU designation.

4500-4600 Blocks of Guadalupe - North Hyde Park NCCD - Some Potential VMU sites

The Guadalupe Corridor north of 45th Street was rezoned to mixed use in the North Hyde Park NCCD in 2005. This area includes sites that may be considered for VMU in the future since the Guadalupe Corridor abuts apartment buildings. Single-family homes are a full block to the east except for three homes on the east side of Avenue A. The height limit along Guadalupe is 50'. Other regulations include FAR of 1:1, Building coverage 60-75%, Impervious Coverage 80-90%, minimum front yard setback 0' (maximum 10'), minimum street side yard setback 10' (maximum 15'), minimum interior side yard setback is 0', minimum rear yard setback is 5'. There may be opportunity to relieve some regulations (BC, IC, Site Area and FAR, but not height) in this district for VMU on selected sites in the future via a new negotiation between neighbors and property owners and a Neighborhood Plan Amendment.

Specific sites north of 45th are as follows:

4501 Guadalupe is the site of a fairly new Walgreen's Store that will not likely be redeveloped anytime soon. However, a VMU development might be possible. This site goes through to Avenue A where residential frontage would be more desirable than the current parking lot. The height limit for Avenue A portion is 40'.

4525 Guadalupe has a site plan that creates condominiums over a retail space on the Guadalupe side and utilizes the old Ramsey Nursery garden area abutting Avenue A as green space that preserves trees from the Ramsey legacy. Although the Ramsey Nursery building has been demolished and the site is currently vacant, the neighborhood has invested much time and effort in working with the developer, has obtained a private deed restriction and wishes the green space to be preserved as agreed. This site should not be considered for VMU.

4535-4539 Guadalupe is occupied by the Aspen Wood Apartments, a large complex developed in the 1960's. It may be a candidate for redevelopment sooner than other properties on this corridor and a VMU plan amendment could be considered here.

4611 Guadalupe is occupied by the Horn Building which was constructed 25 years ago. It houses the University Federal Credit Union and was recently purchased by a group of doctors who expect to renovate and use the rest of the building for many years. The neighborhood worked with both owners in the last three months to obtain a minor zoning change that was recently approved by the City Council to accommodate this new use. This property is not expected to be redeveloped in the near future.

Other locations:

W. 38th st. is designated a Future Core Transit Corridor that ends at Speedway. There are several small lots scattered along this street on the city's VMU map. Some are shaded, some are not, some are zoned for office and some are zoned multi-

family. These scattered small sites lie in the midst of a large area of multi-family developments that lie across from many homes in the North University Neighborhood that are zoned SF3-NCCD. There is currently no bus service on W. 38th. This area should not be designated as a VMU overlay at this time. It would make much more sense to revisit this entire area at a later date.

On W. 40th St. between Avenues A and B three properties are designated "MU" on the city map provided. Two of these properties have contributing structures in the National Register District exempting them from VMU. The one remaining property is a tiny lot of 3105 square feet that has a two story mixed use building. Due to the size of the lot, redevelopment is very limited but the owners would like to have the right to use the VMU designation. We believe on this site in the Residential District, with it's 30' height limit and compatibility regulations to contend with, this might be a viable use and would therefore opt-in this one property at 4000 Avenue B.

* * * * *

All other commercial property in the Hyde Park NCCD and North Hyde Park NCCD is made up of small sites and lots in the interior of the neighborhood. The one large site at 4505 Duval was the subject of a complex negotiation to permit mixed use that is compatible with the surrounding area. This rezoning, adopted in 2005 should not be changed. All of these properties should be opted out of the VMU (if included) or not opted in if not included.

Respectfully submitted:

Hyde Park Planning Team

Hyde Park Neighborhood Association

* * * * *

VMU -Vertical Mixed Use background

The 90 day Opt-in /Opt-out Process began Monday, March 5. All applications for VMU Opt-In/Opt-Out must be postmarked by June 4, 2007. The documents online are at <http://www.ci.austin.tx.us/planning/verticalmixeduse.htm>.

On the main page, there's also a grid map to help identify current commercial parcels along Core Transit Corridors (prospective VMU properties). I encourage everyone to surf the site : VMU Answer Line at (512) 974-2150 or e-mail: http://www.ci.austin.tx.us/connect/email_vmu.htm

Karen McGraw AIA
Chairman, Hyde Park Planning Team
(512) 459-2261

Hyde Park Neighborhood Association General Meeting May 7, 2007

Neighbors arrived at the Hyde Park Neighbor Association General Meeting held on Monday, May 7, to find a lengthy agenda of interesting business. President Elaine Meenehan presided.

Lorre Weidlich, Chair of the Homes Tour, gave an update about the 32nd Annual Hyde Park Homes Tour to be held June 16 & 17. The theme is Hyde Park – A Shady Sanctuary. Lorre needs tour guide volunteers. She also noted that for the first time, you can purchase tickets online at the tour website: www.hydeparkhomestour.org.

John Paul Moore, Chair of Tree Preservation, and the U.T. graduate students who did the tree study for the neighborhood presented their report, *A Participatory Approach to Urban Forest Management: A Case Study of Hyde Park, Austin*. The purpose of the project was to develop a model for management of trees in an urban area. They conducted surveys of neighbors and prepared digital maps of some of the important trees in the neighborhood. Neighbors responding to the survey noted that our trees are important due to the age and large size of trees. Members thanked the students for developing the model that we can use in the future.

Jason Meeker, representing Responsible Growth for Northcross, gave an update on their issues with the planned Wal-Mart development at Northcross Mall. The website is www.RG4N.org. He noted that they are not against Wal-Mart. Rather, they want a good development at the location. He asked that HPNA vote to take a stand to boycott Wal-Mart and to send a letter of support for them to the City Council. No HPNA member made such a motion.

Next, Ann Graham and Jaclyn Pryor reported on the success of the *floodlines* theater project held on April 22. They presented slides of the event, and encouraged all of us to watch for the project next year.

Mary Collins Blackmon, curator of the Elisabet Ney Museum, informed us about the planned restoration of the museum and grounds. Tere O'Connell, AIA, with Volz & Associates, Inc. told us about the work needed on the historic museum. Heritage Landscapes will recapture the landscape back to the natural and native state favored by Ms. Ney. They are working on a Comprehensive Master Plan and should have it available in about six months. Mary thanked HPNA for its past and continuing support of the museum.

Elaine thanked everyone who helped clean up Shipe Park. Ann Graham moved that HPNA formally adopt Shipe Park, and John Paul Moore seconded the motion. The motion passed unanimously. Elaine explained that by adopting the park and committing to cleaning it, the City of Austin may be more willing to provide extras.

Sharon Majors provided an update on the Local Historic District project south of 45th Street. She thanked Catherine Moore and Celeste Cromack for developing the

educational brochure. For additional information about the project, please refer to past newsletters.

Stan Kozinsky noted that the Texas Parks and Wildlife offices on 51st Street will be moving. As chair of the Development Review Committee, he plans to start a dialog with appropriate officials regarding the fate of these four acres of land.

Larry Freilich, Chair of the Beautification Commission, reported that a portion of the Austin Energy Mitigation Funds will be used for planting trees and shrubs along Guadalupe. He also encouraged all neighbors to call 311 to report graffiti.

Karen McGraw, Chair of the Planning Team, presented their recommendation regarding the Vertical Mixed Use (VMU) planned by the City of Austin. She noted that our NCCDs had accomplished many of the same goals. In keeping with the Planning Team's recommendation, Doris Coward moved that HPNA not opt into the VMU and recommended that the properties just east of 47th and Red River not opt into the VMU. Debbie Volker seconded the motion, which passed unanimously. All present thanked Karen and the Planning Team for their hard work.

Elaine then adjourned the meeting.

From: Karen McGraw <mcgrawka@earthlink.net>
Subject: [HydePark] Followup Planning Meeting Monday April 30
Date: April 26, 2007 1:04:00 PM CDT
To: HydeParkAustin@yahooogroups.com
Reply-To: HydeParkAustin@yahooogroups.com

Hyde Park Planning Team Meeting
HPNA Planning Committee Meeting
(posted to Planning Team and HPNA listserve - all are invited)

At the April 16 meeting those present generally agreed how to respond on the VMU Opt-in/Opt-out issue. We will meet again on Monday, April 30, to review a proposed letter to the City. I will post a draft of that letter in the next day or two. I am keeping the second agenda item on the agenda since we only spent a few minutes on that at the April 16 meeting. KM

Date: Monday, April 30

Time: 7-8:30 PM

Location: Hyde Park United Methodist Church, 4001 Speedway
****Chapel entrance on 40th Street****

AGENDA

1) Review draft response to the City regarding the (Vertical Mixed Use) VMU Op-In/Opt-out program. We will be considering only property that currently has commercial zoning.

2) Discuss options for customizing the McMansion ordinance for Hyde Park. The items that may be customized are described in 25-2-1406 (8) (a) of the Land Development Code (see ordinance below). These are maximum FAR, maximum gross floor area, linear feet of gables and dormers, height of side and rear setback planes, and minimum front yard setback. This item has no time deadline. Here is a link to the ordinance and McMansion code.

http://www.ci.austin.tx.us/zoning/downloads/C20-06-011_approved_ord.pdf

3) Set next meeting and agenda.

4) Adjourn

VMU -Vertical Mixed Use background

The 90 day Opt-in /Opt-out Process began Monday, March 5. All applications for VMU Opt-In/Opt-Out must be postmarked by June 4, 2007. The documents online are at <http://www.ci.austin.tx.us/planning/verticalmixeduse.htm>.

> On the main page, there's also a grid map to help identify current
> commercial parcels along Core Transit Corridors (prospective VMU
> properties). I encourage everyone to surf the site : VMU Answer
> Line at (512) 974-2150 or e-mail: [http://www.ci.austin.tx.us/connect/](http://www.ci.austin.tx.us/connect/email_vmu.htm)
> email_vmu.htm

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