

NEIGHBORHOOD PLAN AMENDMENT & ZONING CHANGE REVIEW SHEET

CASE: NPA- 2008-0023.02 and C14-2008-0044 (Part)
Vertical Mixed Use Building (V) Rezoning

P.C. DATE: April 22, 2008

CC DATE: May 8, 2008

ADDRESS: 1801 Briarcliff Boulevard (Tract 30) **AREA:** 0.39 Acres

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

AGENT: City of Austin, Neighborhood Planning and Zoning Department (NPZD),
Minal Bhakta

LAND USE FROM: Commercial **TO:** Mixed Use

ZONING FROM: GR-NP **TO:** GR-V-NP

PLANNING COMMISSION APPROVAL DATE: 04-22-08

- *APPROVED VERTICAL MIXED USE BUILDING (V) ZONING WITH ADDITIONAL USES IN OFFICE DISTRICTS ON TRACT 30 (1801 BRIARCLIFF BOULEVARD).*
- *APPROVED AN AFFORDABILITY LEVEL OF 60% OF THE MEDIAN FAMILY INCOME FOR 10% OF RENTAL UNITS IN A VERTICAL MIXED USE BUILDING ON TRACT 30 1801 BRIARCLIFF BOULEVARD.*

[J.REDDY, T.ATKINS 2ND] (8-0) P.CAVAZOS – ABSENT

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
Home Builders Association of Greater Austin
Taking Action Inc.
Austin Neighborhoods Council
Homeless Neighborhood Organization
Volunteers of America Texas
North American Islamic Trust
Mueller Community Association
PODER People Organized in Defense of Earth & Her Resources

League of Bicycling Voters
University Hills Neighborhood Association
Windsor Park Neighborhood Association
Responsible Growth for Windsor Park
University Hills/Windsor Park NPA Staff Liaison
Austin Independent School District
American Cancer Society
Ridgetop Neighborhood Association
Gaston Place Neighborhood Association

AREA OF PROPOSED ZONING CHANGE: 1801 Briarcliff Boulevard tract is located within the Windsor Park Neighborhood Planning Area and along a Core Transit Corridor. The Windsor Park Neighborhood Planning Area is bounded by US Highway 290 to the north, 51st Street to the south, Northeast Drive and Manor Road to the east, and IH 35 to the west.

WATERSHEDS: Tannehill Branch, Fort Branch, and Little Walnut Creek (urban)

DESIRED DEVELOPMENT ZONE: Yes

SCHOOLS: Blanton Elementary School, Andrews Elementary School, Harris Elementary, Pearce Middle School.

APPLICABLE CORE TRANSIT CORRIDORS:

Core Transit Corridors: Portion of Briarcliff & Gaston Place

STAFF COMMENTS:

Tract 1801 Briarcliff Boulevard is located within the Windsor Park Neighborhood Planning Area and is .44 acres. The subject tract fronts on a Core Transit Corridor- Briarcliff. The Windsor Park neighborhood plan was adopted in August 2007 as part of the University Hills/ Windsor Park Combined Neighborhood Plan.

On March 25, 2008 the Planning Commission directed staff to initiate a neighborhood plan amendment case to change the land use on 1801 Briarcliff Boulevard from Commercial to Mixed Use on the Future Land Use Map because the tract is within the VMU Overlay District.

The Windsor Park Neighborhood Association and Responsible Growth for Windsor Park recommendations are stated below:

- **Windsor Park Neighborhood Association** recommendations:
 - Apply VMU zoning with Additional Ground Floor Uses incentive to the subject tract within the overlay district (.4 acres).
 - Allow a 60% affordability level for 10% of the residential units available for rental within a VMU building.
- **Responsible Growth for Windsor Park** recommendations:
 - Amend the VMU overlay district to exclude 1801 Briarcliff Boulevard (.4 acres).

Responsible Growth for Windsor Park expressed concerns about the effect of VMU buildings on the neighborhood character.

The Windsor Park neighborhood plan was adopted in August 2007 as part of the University Hills/ Windsor Park Combined Neighborhood Plan.

On March 25nd, the Planning Commission made a recommendation on the Windsor Park Neighborhood Planning Area VMU opt in/opt out application. Below is an analysis of the Planning Commission recommendation (Please refer to Attachment 1):

- Apply VMU zoning with all incentives to 150.1 acres within the overlay district (Tracts 1-14, 17-25, 27-29 and 31).
- Amend the VMU overlay district to exclude 3.02 acres (Tracts 15, 16, and 26).

- Initiate a neighborhood plan amendment for Tract 30 to change future land use designation from Commercial to Mixed Use.

LIST OF ATTACHMENTS:

Attachment 1: 1801 Briarcliff Boulevard VMU Overlay District Map.

Attachment 2: Neighborhood Plan Amendment Map.

Attachment 3: VMU Neighborhood Recommendations Table & Address Table.

Attachment 4: Zoning Map.

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

PLANNING COMMISSION RECOMMENDATION: April 22, 2008

ISSUES: None at this time.

CITY COUNCIL DATE: May 8, 2008

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Minal Bhakta
e-mail: minal.bhakta@ci.austin.tx.us

PHONE: 974-6453

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 C14-2008-0044 is the final step in the Vertical Mixed

Use Opt-In/Opt-Out process for the Windsor Park Neighborhood application area. A more detailed overview of Vertical Mixed Use and the Opt-In/Opt-Out process is provided in Attachment 4.

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.



Windsor Park Neighborhood Planning Area 1801 Briarcliff Boulevard C14-2008-0044 (PART)

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Produced by City of Austin
 Neighborhood Planning and Zoning Dept.
 April 22, 2008



Future Land Use

- Single-Family
- Higher-Density Single-Family
- Multifamily
- Mixed Use
- Mixed Use/Office
- Civic
- Recreation & Open Space
- Commercial

Windsor Park Neighborhood Planning Area

1801 Briarcliff Boulevard (Tract 30)

NPA-2008-0023.02

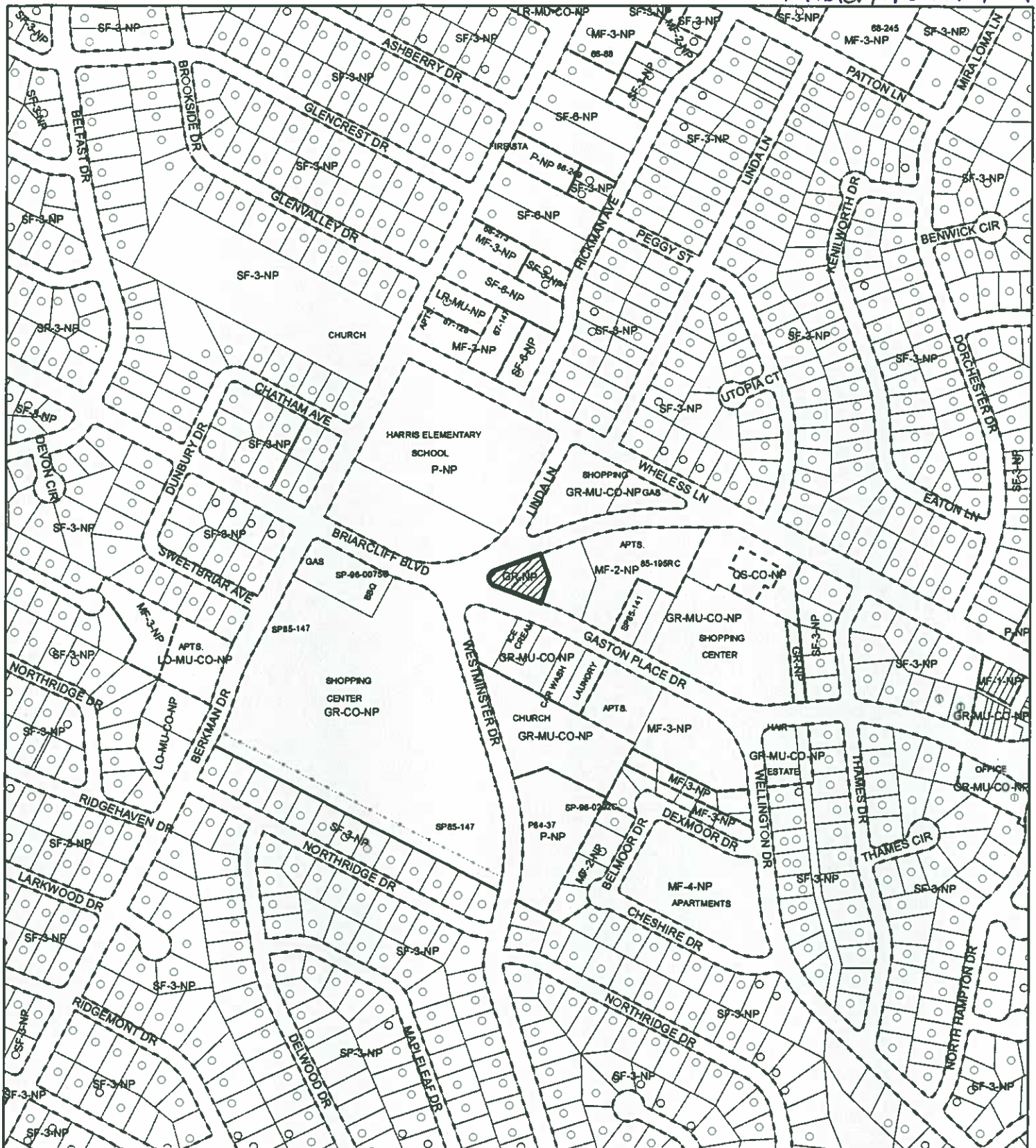
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Address Table		
NPA-2008-0023.01 & C14-2008-0044 (Part)		
Property Address	TCAD PROPERTY ID # (1)	CITY OF AUSTIN ADDRESS (2)
1801 Briarcliff Boulevard	220829	1801 Briarcliff Boulevard
(1) TCAD Property ID number represents a property, as recorded by the Travis Central Appraisal District.		
(2) The COA Address listed for the property is the addresses on file with the City pertaining to that property.		

Windsor Park Neighborhood Association VMU Recommendation					
NPA-2008-0023.01 & C14-2008-0044 (Part)					
VMU Overlay District					
Property Address	All VMU-Related Standards Apply	OPT OUT (1)			Exclude from VMU Overlay District
		Dimensional Standards	Parking Reduction	Additional Ground Floor Uses in Office Districts	
1801 Briarcliff Boulevard		X	X		
(1) Please refer to attached information for explanations of Opt-Out options.					

Responsible Growth for Windsor Park VMU Recommendation					
NPA-2008-0023.01 & C14-2008-0044 (Part)					
VMU Overlay District					
Property Address	All VMU-Related Standards Apply	OPT OUT (1)			Exclude from VMU Overlay District
		Dimensional Standards	Parking Reduction	Additional Ground Floor Uses in Office Districts	
1801 Briarcliff Boulevard					X
(1) Please refer to attached information for explanations of Opt-Out options.					



ZONING

- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE

ZONING CASE#: C14-2008-0044(PART)
 ADDRESS: 1801 BRIARCLIFF BLVD
 SUBJECT AREA: 0.3911 ACRES
 GRID: L26
 MANAGER: M. BHAKTA

OPERATOR: S. MEEKS

1" = 400'

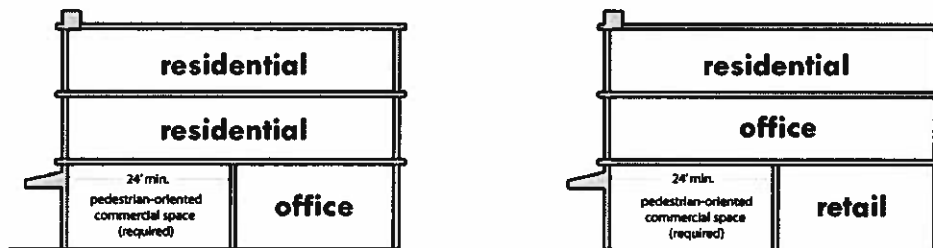
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OVERVIEW OF VERTICAL MIXED USE (VMU) AND THE VMU OPT-IN/OPT-OUT PROCESS

WHAT IS A VERTICAL MIXED USE BUILDING?

A vertical mixed use building contains a mix of residential and commercial uses. Typically, commercial uses (i.e. retail shops, restaurants, offices) are located on the ground floor, while residential units (condominiums or apartments) are located on upper levels. Below, are some examples of a vertical mixed use building:



WHAT IS THE VERTICAL MIXED USE (VMU) OVERLAY DISTRICT?

In an effort to encourage vertical mixed use buildings, the City Council established a vertical mixed use (VMU) overlay district. The district includes most commercially zoned and used properties along Core Transit Corridors and Future Core Transit Corridors as defined in the Commercial Design Standards. Core Transit Corridors include roadways that have or will have a sufficient population density, mix of uses, and transit facilities to encourage and support transit use. Examples include sections of South Congress Avenue, Riverside Drive, North and South Lamar Boulevard, and Guadalupe Street. Properties within this district have the additional option to develop a vertical mixed use building subject to specific design standards.

WHY VERTICAL MIXED USE BUILDINGS?

- Encourages density on commercial corridors with higher levels of transit service
- Focused on the creation of a high quality pedestrian and transit-supportive environment
- Consistent with Envision Central Texas (ECT) Preferred Scenario
- Provides a more sustainable development pattern

WHAT ARE THE STANDARDS FOR A BUILDING?

- Must have a mix of uses
- Must have pedestrian-oriented spaces on the ground floor
- Must contain residential dwelling units
- Possibility for relaxed site development standards—some of which require a residential affordability component

WHAT ARE THE RELAXED SITE DEVELOPMENT STANDARDS?

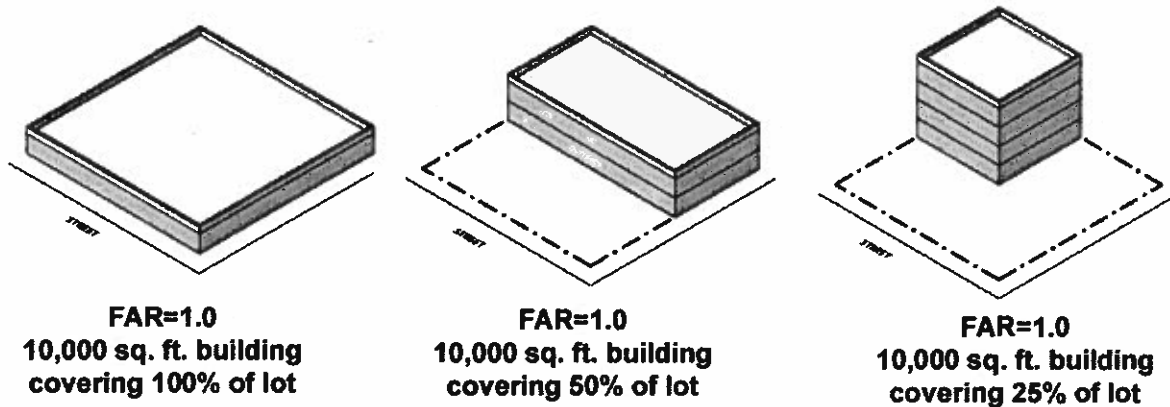
Dimensional Standards

These dimensional standards listed below 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. A setback refers to how far a building must be placed from a particular property line.
- **Floor to Area Ratio**—no floor to area ratio (FAR) limit.

The floor area ratio (FAR) is the principal bulk regulation controlling the size of buildings. FAR is the ratio of total building floor area in relation to the area of its zoning lot. Each zoning district has an FAR control which, when multiplied by the lot area of the zoning lot, produces the maximum amount of floor area allowable in a building on the zoning lot.

For example, on a 10,000 square-foot zoning lot in a district with a maximum FAR of 1.0, the floor area of a building cannot exceed 10,000 square feet.



- **Building Coverage**—no building coverage limit. Most zoning districts place a percentage limit on the amount of a lot that may be covered by a building. This provision would not change the amount of impervious cover allowed on site. Impervious cover is anything that stops water from being absorbed into the ground and includes such things as buildings, driveways, and sidewalks.
- **Minimum Site Area**—no "minimum site area" requirements. Site area requirements limit the number of dwelling units on a site by requiring a certain amount of square footage at a site for a specific type of multi-family unit (efficiency, one-bedroom, two-bedroom, etc.). For example, if a zoning district for a 10,000 square foot lot requires 2,500 square feet for each two-bedroom unit, then four two-bedroom units can be built on that lot.

Off-Street Parking Reduction

Minimum off-street parking for the commercial uses within a VMU building can be reduced to 60% of the normal Land Development Code requirements. Residential uses within a VMU building receive this 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. Below are some typical uses and the amount of parking required.

- A small restaurant or bar, billiard parlor—one space per 100 sq/ft of floor space
- Convenience Store, bank, bowling alley, liquor store, barber shop, yoga studio, pet shop—one space per 275 sq/ft of floor space
- Furniture or carpet store—one space per 500 sq/ft of floor space

Additional Ground Floor Commercial Uses in Office Districts

If approved through the opt-in/opt-out process, the following commercial uses will be allowed in a VMU building in an office zoning district (**NO, LO, GO**):

- Consumer convenience services (allows private postal boxes, safety deposit boxes, and ATMs)
- Food Sales (allows grocery stores, delicatessens, meat markets, retail bakeries, and candy shops),
- General Retail Sales Convenience and General (allows a full range of retail establishments)
- Restaurants Limited and General (without drive-thrus).

Zoning use information can be found starting on page 45 of the following document:
http://www.ci.austin.tx.us/zoning/downloads/np_guide.pdf.

WHAT IS THE OPT-IN/OPT-OUT PROCESS?

The City Council established a one-time process whereby neighborhoods provided recommendations on the location and the development characteristics of Vertical Mixed Use (VMU) buildings. Application materials were sent to each registered neighborhood planning team, or neighborhood association if there was not an established planning team.

The Neighborhood Planning & Zoning Department is currently in the process of reviewing the application submittals and forwarding the neighborhood recommendations to Planning Commission and City Council. The Planning Commission reviews the neighborhood requests and forwards a recommendation to City Council. After considering the Neighborhood's and Planning Commission's recommendations, the City Council makes a decision on the vertical mixed use application.

WHAT TYPES OF RECOMMENDATIONS CAN BE MADE BY THE NEIGHBORHOOD?

- 1) Amend the boundaries of the vertical mixed use overlay district to remove a property from the overlay district. If a property is removed from the overlay district, a vertical mixed use building is not permitted on the property.
- 2) Allow for the vertical mixed use building option on properties outside of the VMU Overlay. A neighborhood can recommend to opt-in a commercially zoned property with any of the relaxed dimensional standards.
- 3) VMU Overlay District Opt-Out—the neighborhood can recommend to remove some or all of the relaxed site development standards to the VMU eligible properties within the overlay district.

- 4) **Affordability Level**—If VMU Buildings are approved through the opt-in/opt-out process and take advantage of the dimensional and/or 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 current 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. This percentage can range from 80% to as low as 60 percent of the median family income. The affordability period is 40 years.

OTHER FREQUENTLY ASKED QUESTIONS:

DO I HAVE TO BUILD A VERTICAL MIXED USE BUILDING IF I GET REZONED THROUGH THE OPT-IN/OPT-OUT PROCESS?

The vertical mixed use combining district adds an additional development *option* to a property. Any property owner that gets their property rezoned through the opt-in/opt-out process to add the vertical mixed use building “V” combining district will still have the right to (re)develop under their existing base zoning district.

HOW HIGH CAN A VERTICAL MIXED USE BUILDING BE BUILT?

A vertical mixed use building cannot be built any higher than the base zoning district. For example, if your zoning is GR-V (community commercial-vertical mixed use building-combining district), the height limit would be 60 feet which is permitted under GR zoning.

IF THERE IS NO MINIMUM FRONT, STREET SIDE OR INTERIOR SIDE YARD SETBACKS CAN A VMU BUILDING BE BUILT RIGHT ON MY PROPERTY LINE?

The City of Austin requires compatibility standards to help minimize negative impacts between low-intensity and high-intensity uses. Any lot zoned for condominium, multifamily, office, commercial, or industrial uses must comply with compatibility standards if it is adjacent to, across the street from, or within 540 feet of a single-family zoning district or use.

HOW WILL I KNOW IF/WHEN A VERTICAL MIXED USE BUILDING IS BEING CONSTRUCTED?

Any property owner/developer who chooses to construct a vertical mixed use building must submit a site plan to the City. Filing of a site plan requires a notice of application be sent to all property owners and registered neighborhood organizations within 300 feet of the site via US Mail.

WHAT CAN I DO IF I DO NOT AGREE WITH THE NEIGHBORHOOD RECOMMENDATION?

The Opt-In/Opt-Out process includes two public hearings, first at Planning Commission and then at City Council. If you do not agree with the neighborhood recommendations you can submit a public comment form or email the zoning case manager with your comments. All comments will be forwarded to both Planning Commission and City Council. There is also an opportunity to attend the public hearings and state your comments directly to the Commissioners and City Council members.

HOW CAN I GET A VMU BUILDING ON MY PROPERTY IF I AM NOT IN THE OVERLAY DISTRICT?

Any property owner can apply for a rezoning of their property to add the vertical mixed use building "V" combining district. The Planning Commission reviews the applicant's request and forwards a recommendation to City Council.

IF THERE IS NOT A MINIMUM BUILDING COVERAGE REQUIREMENT, ARE THERE ANY OTHER LIMITATIONS ON BUILDING COVERAGE ON A LOT?

The City's impervious cover limits and compatibility standards will still apply.

WHERE CAN I FIND MORE INFORMATION ABOUT THE COMMERCIAL DESIGN STANDARDS AND VMU?

http://www.ci.austin.tx.us/planning/downloads/Subchapter_E_Design_Standards.pdf

<http://www.ci.austin.tx.us/planning/verticalmixeduse.htm>