SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2008-0003 – Windsor Road Vertical Mixed Use Building (V) Zoning Opt-In/Opt-Out Process, Tract 1A, 1B, 1D and 2

REQUEST:
Conduct a public hearing and approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning selected tracts within the Windsor Road Neighborhood Planning Area with the vertical mixed use building "V" combining district. The planning area is bounded by West 35th Street to the north, North Lamar Boulevard to the east; Enfield Road to the south; and North MoPac Expressway Northbound to the west (Shoal Creek; Johnson Creek watersheds).

DEPARTMENT COMMENTS:
North Lamar Boulevard and West 35th Street are designated as Core Transit Corridors. The rezonings consist of one full tract and three sub-tracts on 1.126 acres.

The property owners of Tracts 1A, 1B, 1D and 2 have each filed a valid petition opposing exclusion from the Vertical Mixed Use (VMU) overlay district. Please refer to Attachment A following Page 7 of the Staff report.

APPLICANT: City of Austin, Neighborhood Planning & Zoning Department

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

DATE OF FIRST READING: May 22, 2008, approved First Reading of an ordinance to exclude Tracts 1A, 1B, 1D and 2 (addressed as 1807 West 35th Street, 1811 West 35th Street, 1815 West 35th Street, and 1721 West 35th Street) from the vertical mixed use overlay district (7-0).

CITY COUNCIL HEARING DATE: June 18, 2008

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Rhoades, e-mail: wendy.rhoades@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET

CASE: C14-2008-0003 – Windsor Road **P.C. DATE:** January 29, 2008
Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning
Opt-In/Opt-Out Process

AREA: 21 tracts on 27.46 acres

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

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

NEIGHBORHOOD ORGANIZATIONS:

West Austin Neighborhood Group
Old West Austin Neighborhood Assn.
Heritage Neighborhood Association
Clarksville Community Development Corporation
BrykerWoods Neighborhood Association
Old Enfield Homeowners Association
Oakmont Heights Neighborhood Association
Shoal Crest Neighborhood Association
North Austin Neighborhood Alliance
M.K. Hage
Rosedale Neighborhood Association
University Area Partners
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.
Austin Neighborhoods Council
West Campus Neighborhood Association
Downtown Austin Neighborhood Assn (DANA)
City of Austin Downtown Commission
Pemberton Heights Neighborhood Association
Caswell Pease Neighborhood Association
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
Save Barton Creek Association
Homeless Neighborhood Organization
2222 Coalition of Neighborhood Assns.
Ridgelea Neighborhood Association

AREA OF PROPOSED ZONING CHANGES: The Windsor Road Neighborhood Planning Area is bounded by West 35th Street on the north; North Lamar Boulevard on the east; Enfield Road on the south; and North MoPac Expressway on the west.

WATERSHEDS: Town Lake; Shoal Creek; Johnson Creek – **Urban**

DESIRED DEVELOPMENT ZONE: Yes

SCHOOLS: Bryker Woods Elementary School

APPLICABLE CORE TRANSIT CORRIDORS:
North Lamar Boulevard and West 35th Street

STAFF COMMENTS:

The VMU Overlay District in the Windsor Road Neighborhood Planning Area includes 27.46 acres. The Bryker Woods Neighborhood Association is recommending excluding six tracts from the Overlay District, generally located on the south side of West 35th Street, for a total of approximately 4.367 acres. The net acreage of the neighborhood association's recommendations for 15 tracts to be included in the VMU Overlay District is about 22.82 acres, and generally located on the south side of West 38th Street and the west side of North Lamar Boulevard.

LIST OF ATTACHMENTS:

Attachment 1: Bryker Woods Neighborhood Association VMU Opt-In / Opt-Out Application

Attachment 2: List of Windsor Road 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: Windsor Road Neighborhood Planning Area VMU Neighborhood Recommendations

Attachment 4: Windsor Road Neighborhood Planning Area VMU Overlay District Map and VMU Tract Map

Attachment 5: Zoning Map

Attachment 6: Overview of VMU and the VMU Opt-In/Opt-Out Process

Attachment 7: Planning Commission Recommendations –
- VMU Tract Table – Properties with VMU Building (V) Zoning
- VMU Tract Table – Properties Excluded from the VMU Overlay District
- Tract Map
- Zoning Map illustrating Properties with VMU Building (V) Zoning

PLANNING COMMISSION RECOMMENDATION:
January 29, 2008:

- *APPROVED MOTION 1 TO GRANT VERTICAL MIXED USE BUILDING (V) DISTRICT ZONING WITH DIMENSIONAL STANDARDS, PARKING REDUCTION AND ADDITIONAL USES IN OFFICE DISTRICTS TO TRACTS 7-21*
- *APPROVED MOTION 2 TO EXCLUDE TRACTS 1-6 FROM THE VERTICAL MIXED USE OVERLAY DISTRICT*

- *APPROVED MOTION 3 TO GRANT AN AFFORDABILITY LEVEL OF 60% OF THE MEDIAN FAMILY INCOME FOR 10% OF RENTAL UNITS IN A VMU BUILDING.*
  [T. ATKINS; P. HUI – 2ND] (8-0)

ISSUES: Three of the four property owners of Tract 1 and the property owner of Tract 2 have filed valid petitions in opposition to exclusion from the Vertical Mixed Use (VMU) overlay district.

The property owner of 1715 West 35th Street (Tract 3A) has filed a valid petition in opposition to exclusion from the Vertical Mixed Use (VMU) overlay district.

For petition information and results, please refer to Attachment A following Page 6 of the Staff report.

CITY COUNCIL DATE:	February 14, 2008	**ACTION:** Approved First Reading of an ordinance for vertical mixed use building (V) district zoning, except for Tracts 1A, 1B and 1D and Tract 2 (1807 West 35th Street, 1811 West 35th Street, 1815 West 35th Street, and 1721 West 35th Street) which were postponed to March 20, 2008 (6-0, Kim-absent).
	March 20, 2008	Approved a Postponement request by the Staff to April 24, 2008 (7-0).
	April 24, 2008	Postponed by the Council to May 8, 2008 (7-0).
	May 8, 2008	Postponed by the Council to May 22, 2008 (7-0).
	May 22, 2008	Approved Vertical Mixed Use Building (V) zoning with dimensional standards, parking reduction, and additional uses in office districts for Tracts 7-21, and an affordability level of 60% of the median family income for 10% of the rental units in a vertical mixed use building; and excluding Tracts 1C, 3A, 3B, 4, 5 and 6 from the vertical mixed use overlay district, as on 1st Reading, on 2nd and 3rd Readings (7-0).

Approved excluding Tracts 1A, 1B, 1D and 2 from the Vertical Mixed Use Overlay district, on 1st Reading (7-0).

June 18, 2008

ORDINANCE READINGS (Tracts 1C, 3A, 3B, 4, 5 and 6, and 7 -21):
1st February 14, 2008 2nd May 22, 2008 3rd May 22, 2008

ORDINANCE NUMBER: 20080522-045

ORDINANCE READINGS (Tracts 1A, 1B, 1D and 2): 1st May 22, 2008
2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades **PHONE:** 974-7719
e-mail: wendy.rhoades@ci.austin.tx.us

NEIGHBORHOOD RECOMMENDATION

Representatives of the Bryker Woods Neighborhood Association are recommending that 15 eligible tracts, located along the south side of West 38^{h} Street and the west side of North Lamar Boulevard, remain within the Windsor Road Neighborhood Planning Area's VMU Overlay District. All 15 tracts are proposed to receive all VMU related standards, including dimensional standards, parking reduction, and additional ground floor uses in Office districts. The Neighborhood Association is recommending that six tracts, located along the south side of West 35th Street, be excluded from the VMU Overlay District.

The neighborhood is recommending an affordability level of 60% of the median family income for future VMU Rental Units.

A table summarizing the Neighborhood Association's 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 C14-2008-0003 is the final step in the Vertical Mixed Use Opt-In/Opt-Out process for the Windsor Road Neighborhood Planning Area application area. A more detailed overview of Vertical Mixed Use and the Opt-In/Opt-Out process is provided in Attachment 6.

The Chair of the Bryker Woods Neighborhood Association submitted a Vertical Mixed Use (VMU) Opt-In / Opt-Out Application to the City in June 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 Land Development Code)

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.

Rhoades, Wendy

From: Allen Brady [redacted]
Sent: Thursday, February 14, 2008 10:29 AM
To: [redacted] May, Rachel; Rhoades, Wendy
Subject: Case C14-2008-003 - Windsor Road VMU Opt-In/Opt-Out Process
Attachments: B. Allen Brady (abrady@bradylawfirm.com).vcf

Below please find the text of the email I sent to the Mayor and all Council Member this morning. I am sending this to each of you as a courtesy copy.

Best regards,

Allen Brady

Dear Mayor and Council Members:

I write on behalf of Betty Brady and Holton and Farish Burns. Betty Brady owns the property located at 1807 W. 35th. Holton and Farish Burns own the property located at 1811 and 1815 W. 35th Street. It has recently come to our attention that the BrykerWoods Neighborhood Association filed a petition to opt out all of the properties eligible for VMU designation on the south side of 35th Street between Oakmont and Jefferson, including the Brady and Burns properties.

We have spoken with several of the other property owners along this stretch of 35th Street and it is clear that none of the commercial property owners were consulted by the neighborhood association or otherwise invited to participate in the discussion at the neighborhood association level. Moreover, at least one property owner made several attempts to gather more information on the issue from the city after he received a planning commission notice and, by his statements, he did not receive so much as a returned phone call or returned email.

In light of the lack of input from the business owners, I request that you postpone the hearing on the case, currently scheduled for Thursday, February 14, 2008, until March 20, 2008, or such other date as the council may select, to allow the business owners the opportunity to provide the council with their input.

To the extent that a postponement is not possible, please be advised that the owners of 1721, 1807, 1811 and 1815 W. 35th are opposed to the opt-out petition filed by the neighborhood association. These owners intend to file their own petition this morning with the planning department. The petition opposes the change of zoning to any designation other than the appropriate VMU designation for each respective property.

I had intended to attend today's council meeting to speak on behalf of several of the property owners. However, late yesterday I learned that my father in law will undergo an emergency by-pass surgery today in Houston. Since I will not be able to attend the hearing, please allow this letter to convey my comments on behalf of the Brady and Burns property owners.

I have reviewed the neighborhood association's petition. The justification used by the neighborhood

ATTACHMENT A

association to opt these properties out of the overlay district fails to acknowledge the fundamental intent and purpose of the VMU ordinance. Moreover, is excluding these properties from the VMU overlay district will simply maintain the status quo, thereby continuing and exacerbating the very issues cited by the neighborhood association. With respect to the stretch of 35th street in question, the neighborhood cites the following reasons in support of their opt out decision:

1. The properties all abut single family homes;
2. The neighborhood currently has parking issues near the proposed VMU overlay district; and
3. The neighborhood currently has a problem with congestion and cut through traffic near the VMU overlay district.

The first reason cited by the association is certainly an accurate statement of fact, but does little to address whether the VMU development would be good or bad for the neighborhood. Each of the subject properties has some form of commercial zoning designation. Regardless of whether vertical mixed use structures are used, these residences will always abut some sort of commercial property. Vertical mixed use development would only ad a residential component to the use of the property. The addition of residential living to a commercial property that abuts a residence does not materially change the effect of the property on the residential property. If anything, it would enhance the residential property from a security standpoint and provide the opportunity to integrate the commercial areas into the neighborhood. While the neighborhood association will likely raise concerns about the relaxed for set backs and building dimension standards, the residential neighbors will be adequately protected by existing compatibility regulations and height limitations. With a choice between purely commercial use versus mixed use, mixed use benefits the residential neighbor.

As for the parking and congestion issues, the neighborhood association's position fails to take into consideration the purpose of the mixed use development. VMU developments foster the integration of residential living and commercial enterprise to reduce dependence on auto commuting. Businesses benefit because the do not have to rely on commuting customers and employees. And individuals benefit because they can work, shop and live in a small geographic area. Vertical mixed use developments are intended to reduce traffic, congestion and commuter parking, not increase it.

The neighborhood's position, which would maintain the status quo, provides no opportunity to solve the issues it raises in support of its opt out request. Preserving the opportunity for VMU development at least allows for the chance that the commercial properties along 35th Street may be developed in a way to reintegrate this street back into Brykerwoods in a way that could reduce congestion and consumption.

Finally, I would like to leave you with my own anecdotal impression of this area. My mother has owned and operated her business on 35th Street for more than 40 years. During my formative years, my grandmother lived in a house that backed up to one of the commercial properties that is the subject of the association's petition. I spent a significant portion of my life in and around the neighborhood and the adjacent businesses. When I was young, my grandmother and the other residents of the neighborhood frequently walked to businesses on and around 35th Street. A grocery store, dime store, ice cream store, pharmacy and many other local businesses were in walking distance and the neighborhood took advantage of their proximity. Personally, my dentist and, later, my orthodontist both had offices on 35th Street and I generally walked to my appointments.

My sense is that situation has changed. While I am sure the residents of Brykerwoods still enjoy a stroll through their neighborhood, it is my impression that the commercial businesses along 35th Street are no longer viewed as part of the neighborhood, but as a boundary for the neighborhood. When the residents of neighborhood shop, go to work, meet for coffee, take their children for ice cream, go to the

dentist, or any number of other similar activities, they do not walk to a neighborhood business. Rather, they get in a car and go somewhere else to conduct their business. Of course, this only serves to increase the traffic congestion in their neighborhood and others. Eliminating the possibility of mixed use development is not the solution, but may in fact continue and exacerbate the existing problems.

Reduction in traffic congestion and parking problems are goals that are embraced by the commercial property owners and the neighborhood residents alike. Depriving this stretch of 35th Street from the opportunity to develop under the VMU ordinance will not solve or change any of the traffic or congestion problems. But allowing the commercial area to develop in a way that does not exclusively depend on commuter traffic provides an opportunity to address these concerns in the future.

On behalf of the these property owners, we request that the council deny the neighborhood association's petition as to this entire stretch of 35th Street and specifically as to Tract 1 as identified in the petition.

Sincerely,

B. Allen Brady

cc: Ray Zvonek, Betty Brady, Nancy Phelan, Dr. Martin Stocker, Wendy Rhoades, Rachel May.

B. Allen Brady
The Brady Law Firm
550 Westcott, Suite 420
Houston, Texas 77007
(713) 869-3900
(713) 864-5281 Fax
abrady@bradylawfirm.com

PETITION

Date: February 13, 2008

File Number: C14-2008-0003 – Windsor Road
Neighborhood Planning Area Vertical Mixed Use Building (v)
Zoning Opt-In/Opt-Out Process

Address of Rezoning Request: 1807 W. 35th Street
1811 W. 35th Street
1815 ~~1813~~ W. 35th Street
1721 W. 35th Street

We, the undersigned owners of property effected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than Vertical Mixed Use (VMU) or the corresponding V zoning designation for each property.

The undersigned owners of the property effected by the requested zoning change believe that the vertical mixed use zoning standards may provide the owners with the opportunity to develop their property in the future with a pedestrian orientation. The undersigned owners further believe that depriving these properties of a vertical mixed use development option will only perpetuate the parking and congestion concerns which have been raised others in the neighborhood.

Signed this the 13th day of February, 2008 by the undersigned:

Holton Burns
1811 and 1815 W. 35th Street
Austin, Texas 78703

Farish Burns
1811 and 1815 W. 35th Street
Austin, Texas 78703

Zahnlarzt Properties, LLC
A Texas Limited Liability Company

By: _____
Martin Stocker, Director
1721 W. 35Th Street
Austin, Texas 78703

Betty Brady
1807 W. 35th Street
Austin, Texas 78703

Contact: B. Allen Brady
Phone number: (713) 869-3900

ATTACHMENT A



PETITION

CASE#: C14-2008-0003
ADDRESS: 1815 W 35TH ST
GRID: H25
CASE MANAGER: W. RHOADES

N

SubjectTract
PropertyOwner
Buffer
Zoning Boundary

1" = 200' OPERATOR: SM

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.

CITY OF AUSTIN
FOUNDED 1839

PETITION

Case Number: **C14-2008-0003** Date: Feb. 14, 2008

1815 W 35TH STREET

Total Area within 200' of subject tract: (sq. ft.) **12361.43855**

1	01-2001-0931	BURNS HOLTON L & FARISH V	12361.44	100.00%
2				0.00%
3				0.00%
4				0.00%
5				0.00%
6				0.00%
7				0.00%
8				0.00%
9				0.00%
10				0.00%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
18				0.00%
19				0.00%
20				0.00%
21				0.00%
22				0.00%
23				0.00%
24				0.00%
25				0.00%

Validated By: **Total Area of Petitioner:** **Total %**

Stacy Meeks **12,361.44** **100.00%**



PETITION

CASE#: C14-2008-0003
ADDRESS: 1811 W 35TH ST
GRID: H25
CASE MANAGER: W. RHOADES

N

SubjectTract
PropertyOwner
Buffer
Zoning Boundary

1" = 200' OPERATOR: SM

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CITY OF AUSTIN
FOUNDED 1839

PETITION

Case Number: **C14-2008-0003** Date: Feb. 14, 2008

1811 W 35TH STREET

Total Area within 200' of subject tract: (sq. ft.) **11159.9911**

1	01-2001-0932	BURNS HOLTON L & FARISH V	11159.99	100.00%
2				0.00%
3				0.00%
4				0.00%
5				0.00%
6				0.00%
7				0.00%
8				0.00%
9				0.00%
10				0.00%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
18				0.00%
19				0.00%
20				0.00%
21				0.00%
22				0.00%
23				0.00%
24				0.00%
25				0.00%

Validated By: **Total Area of Petitioner:** **Total %**

Stacy Meeks **11,159.99** **100.00%**

PETITION

Case Number: **C14-2008-0003** Date: Feb. 14, 2008

1807 W 35TH STREET

Total Area within 200' of subject tract: (sq. ft.) **10833.39045**

1	01-2001-0904	BRADY BETTY R	10833.39	100.00%
2				0.00%
3				0.00%
4				0.00%
5				0.00%
6				0.00%
7				0.00%
8				0.00%
9				0.00%
10				0.00%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
18				0.00%
19				0.00%
20				0.00%
21				0.00%
22				0.00%
23				0.00%
24				0.00%
25				0.00%

Validated By: **Total Area of Petitioner:** **Total %**

Stacy Meeks **10,833.39** **100.00%**



PETITION

CASE#: C14-2008-0003
ADDRESS: 1807 W 35TH ST
GRID: H25
CASE MANAGER: W. WALSH

N

SubjectTract
PropertyOwner
Buffer
Zoning Boundary

1" = 200' OPERATOR: SM

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.

CITY OF AUSTIN FOUNDED 1839

PETITION

Case Number: **C14-2008-0003** Date: Feb. 14, 2008

1721 W 35TH STREET

Total Area within 200' of subject tract: (sq. ft.) **14710.63095**

1	01-2001-0908	ZAHNARZT PROPERTIES LLC	14710.63095	100.00%
2				0.00%
3				0.00%
4				0.00%
5				0.00%
6				0.00%
7				0.00%
8				0.00%
9				0.00%
10				0.00%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
18				0.00%
19				0.00%
20				0.00%
21				0.00%
22				0.00%
23				0.00%
24				0.00%
25				0.00%

Validated By: **Total Area of Petitioner:** **Total %**

Stacy Meeks **14,710.63** **100.00%**



PETITION

N

SubjectTract
PropertyOwner
Buffer
Zoning Boundary

CASE#: C14-2008-0003
ADDRESS: 1721 W 35TH ST
GRID: H25
CASE MANAGER: W. WALSH

CITY OF AUSTIN
FOUNDED 1839

1" = 200' OPERATOR: SM

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.

PETITION

Case Number: **C14-2008-0003** Date: Mar. 13, 2008

1715 W 35TH STREET

Total Area within 200' of subject tract: (sq. ft.) **21994.29445**

1	01-2001-0933	WEST END	21994.29445	100.00%
2				0.00%
3				0.00%
4				0.00%
5				0.00%
6				0.00%
7				0.00%
8				0.00%
9				0.00%
10				0.00%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
18				0.00%
19				0.00%
20				0.00%
21				0.00%
22				0.00%
23				0.00%
24				0.00%
25				0.00%

Validated By: **Total Area of Petitioner:** **Total %**

Stacy Meeks **21,994.29** **100.00%**


W 37TH ST
W 36TH ST
W 35TH ST
W 34TH ST
W 33RD ST
LAWTON AVE
BULL CREEK RD
PETES PATH
OAKMONT BLVD
BEVERLY RD
BRYKER DR
JEFFERSON ST
GLENVIEW AVE
KERBEY LN
SF-3
SF-3-H
MF-2
MF-3
LO
LR
GR
CS
CS-H
CS-1-CO
NO
NO-MU
NO-MU-CO
LR-CO
GR-MU-CO
OFFICES
SHOPPING CENTER
TOWN HOUSES
APARTMENTS
STUDIO
PARKING
FAST FOOD
GIFT SHP.
OFFICE
CLEANERS
RESTAURANT
REALTY
BANK
SCHOOL
CLINIC
OFC.
SALES
REALTOR
GIFTS
DENTIST
DRUG STR.
LAUNDRY
SERVS. STA.
RETAIL
BEAUTY SHOP
LAWN SERV
SP-01-0432C
SP-02-0390C
SP-01-0390D
SP-98-0220C
SP-88-0180CS
SP-88-0430C
SP-85-0577
SPC-05-0016A
C14-01-0161
C14-85-010
C14-85-115
C14-72-116
C14-72-119
C14-72-27
C14-81-175
C14-82-50
C14-79-094
C14-54-54
C14-82-224
C14-84-43RC
C14-81-54RC
C14-84-271
C14-88-39
C14-74-71
C14-77-161
C14-69-27
C14-82-139
C14-67-212
C14-67-39
C14-73-164
C14-67-44
C14-73-01
C14-00-2233
C14-98-0108T
C14-85-89
C14-67-164
C14-70-19
C14-90-16
C14-67-215
C14-52-39
C14-65-36
C14-H01-0009
C14-73-208
C14-79-5
C14-82-194
C14-85-89
C14-85-89
C14-85-89

PETITION

Date: March 12, 2008
File Number: C14-2008-0003

Address of
Rezoning Request:
1715 West 35th
Austin, Texas 78703

To: Austin City Council

My name is Roya Johnson; my company, West End Properties, Inc., owns the property located at 1715 West 35th Street, Austin, Texas 78703. I, the owner/president of West End Properties Inc., object to any change of the Land Development Code, which would zone the property to any classification other than VMU.

I believe VMU is the best use for this property. West 35th street is one of the main Austin streets which can be much more pleasant then it is. I think the VMU zoning allowed in other areas throughout the City of Austin (a good example is 2nd street, downtown) would be great for our street. Under VMU zoning, 35th street would offer not only great retail shops and offices, but also affordable living quarters, specially, for many of us who work and live in the area. My husband and I are planning to live in a unit we will develop under VMU zoning. Currently there are 4 businesses in the building, 3 retail shops and our real estate office. Our plan has always been to redevelop the property as VMU and live in one of the units. We bought the property, and held it, with this in mind, so we can live there when we retire. This property is our retirement savings and place for us to live. I believe neighborhood associations would like to see property owners who have vast interest in Central West Austin Neighborhood and care about its well being to be able to hold on their properties and live and work at their properties. We are such property owner. Both my husband and I have lived and worked in Central West Austin for last 36 years.

As many of you know, property taxes in Austin are very high. Limiting the use is not realistic to land owners financial restraints. By limiting the use of the land, you will be forcing many small business owners like us to sell rather than improve. The best use of the property is both, being able to live and work here; we bought the properties relying on the ability to live above our businesses. VMU usage is common through out the world. Some of the most beautiful cities are Paris, London, Venice, Madrid, and others which make use of VMU. Restricting land limits the best use of property, because it forces us to sell our properties to developers who have the kind of finances and power to develop this whole block into big commercial buildings (an example are the big medical buildings on 38th street). I believe most people will benefit from the fruits of a nice VMU zone,

Real Estate Broker ♦ *Residential* ♦ *Investment* ♦ *Relocation* ♦ *Property Management*
1715 West 35th Street ♦ Austin, Texas 78703
512-472-1000 ♦ 512-472-FAX1

ATTACHMENT A

rather than the zoning of those huge buildings just few blocks down the street. With VMU Zoning you are enabling the people, who work in neighborhood is able to live in the neighborhood, therefore cutting down on traffic and commuting which will benefit all.

As a resident of Central West Austin since 1972, a property owner, and one of the most active realtors in the area for over 26 years, I truly enjoy doing business in West Austin and living in a centrally located, close-in neighborhood. We have vast interest and want to keep our neighborhood consistent and beautiful, but I believe it to be very short sighted if we don't allow VMU zoning on West 35th street for properties like ours. My husband, our children and I love living in West Austin; we have for the last 36 years. I believe the best use for these properties located on West 35th street, from (Loop 1) MoPac to Lamar, is VMU.

We should keep our street attractive to business and living, and prevent big developers from purchasing the block and putting up huge commercial buildings, or building hospitals. If some owners elect to keep their CS zoning, that should be their option, but we should not be forced to sell, or modify our dreams. I believe a VMU use zone will enhance the neighborhood and make our neighborhood more user-friendly and livable. This will give property owners an option to hold on their properties and makes it easy for them to develop their properties so that they can work and live in Central West Austin.

I pray that you will look at the facts and plan for long term and allow VMU zoning for our property on 1715 West 35th Street. Families like us who own these properties and businesses offer valuable services to the area. We are part the neighborhood and want to continue to be a valuable part of neighborhood. As business owners we have always been an integral part of the Austin Community for the last 36 years. We want to keep Austin beautiful and living in Central West Austin pleasant just like the neighborhood associations do.

Sincerely,

Roya J 3/12/08

Roya Johnson President/owner
1715 West 35th Ste 102
Austin, Texas 78703
512-472-1000

PLANNING COMMISSION HEARING
DATE: January 29, 2008 TIME: 6:00 P.M.
LOCATION: City Hall, Rm. 1002, Council Chambers
301 W. 2nd Street, Austin

CITY COUNCIL HEARING
DATE: February 14, 2008 TIME: 4:00 P.M
LOCATION: City Hall, Rm. 1002, Council Chambers
301 W. 2nd Street, Austin

For questions regarding the vertical mixed use application for the Windsor Road Neighborhood Planning Area, please call Wendy Rhoades at (512) 974-7719 or email at: wendy.rhoades@ci.austin.tx.us. **Si Ud Necesita información en Español, favor de llamar a Andrew Holubeck al (512) 974-2054.** Office hours are 8:00 AM to 5:00 PM Monday through Friday. Please be sure to refer to the File Number on the first page when you call. See attached sheets for more information.

PLANNING COMMISSION COMMENT FORM

You may send your written comments to the Neighborhood Planning and Zoning Department, P. O. Box 1088, C/O Wendy Rhoades, Austin, TX 78767-8835.

File # C14-2008-0003 **Planning Commission Hearing Date: January 29, 2008**

Name (please print) Roya Johnson / West End Properties

Address 1715 W. 35th St 78703

See attached Petition

☐ I am in favor *(Estoy de acuerdo)*

☐ I object (No estoy de acuerdo)

INFORMATION ON PUBLIC HEARINGS

THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT HAS FILED AN APPLICATION TO IMPLEMENT THE VERTICAL MIXED-USE (VMU) LAND USE REGULATIONS. THIS NOTICE HAS BEEN MAILED TO YOU BECAUSE YOU OWN PROPERTY WITHIN 300 FEET OF A VMU ELIGIBLE PROPERTY OR YOU ARE A CONTACT PERSON FOR A NEIGHBORHOOD ORGANIZATION WHOSE BOUNDARIES INCLUDE A VMU ELIGIBLE PROPERTY.

This request for zoning/rezoning will be reviewed and acted upon at two public hearings: First, before the Planning Commission and then before the City Council. After a public hearing, the Planning Commission reviews and evaluates neighborhood recommendations and public input and then sends its own recommendation on the proposed VMU land use regulations to the City Council. Meeting dates and locations are shown on this notice.

During its public hearing, the board or commission may postpone or continue an applicant's hearing to a later date. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

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*:

Bryker Woods Neighborhood (Windsor Road NP)

*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 Edward Tasch

PHONE 512.478.1337

E-MAIL edward@brykerwoods.org

MAILING ADDRESS 1710 Northwood Rd. 78703

ATTACHMENT 1

SECONDARY CONTACT INFORMATION:

NAME Derek Barcinski

PHONE 512.914.0317

E-MAIL dbarcinski@aol.com

MAILING ADDRESS 3211 Glenview Ave. 78703

✓ **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)
3405 Oakmont	X				
1811 West 35th	X				
1809 "	X				
1807 "	X				
1721 "	X				
1715 "	X				
1701 "	X				
3427 Jefferson	X				
3411 Glenview	X				
1601 West 35th	X				
[illegible]	[illegible]				
1515 West 34th	X				
3501 Crawford	X				

* 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 <u>OUTSIDE</u> 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

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.

* 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

__X__ 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__X__ 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__23__ Against__0__

C. Number of people in attendance at the meeting: 25

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

- email distribution
- neighborhood listserve
- neighborhood website

✓ 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: ✓

Edward Pasch — 06-04-07

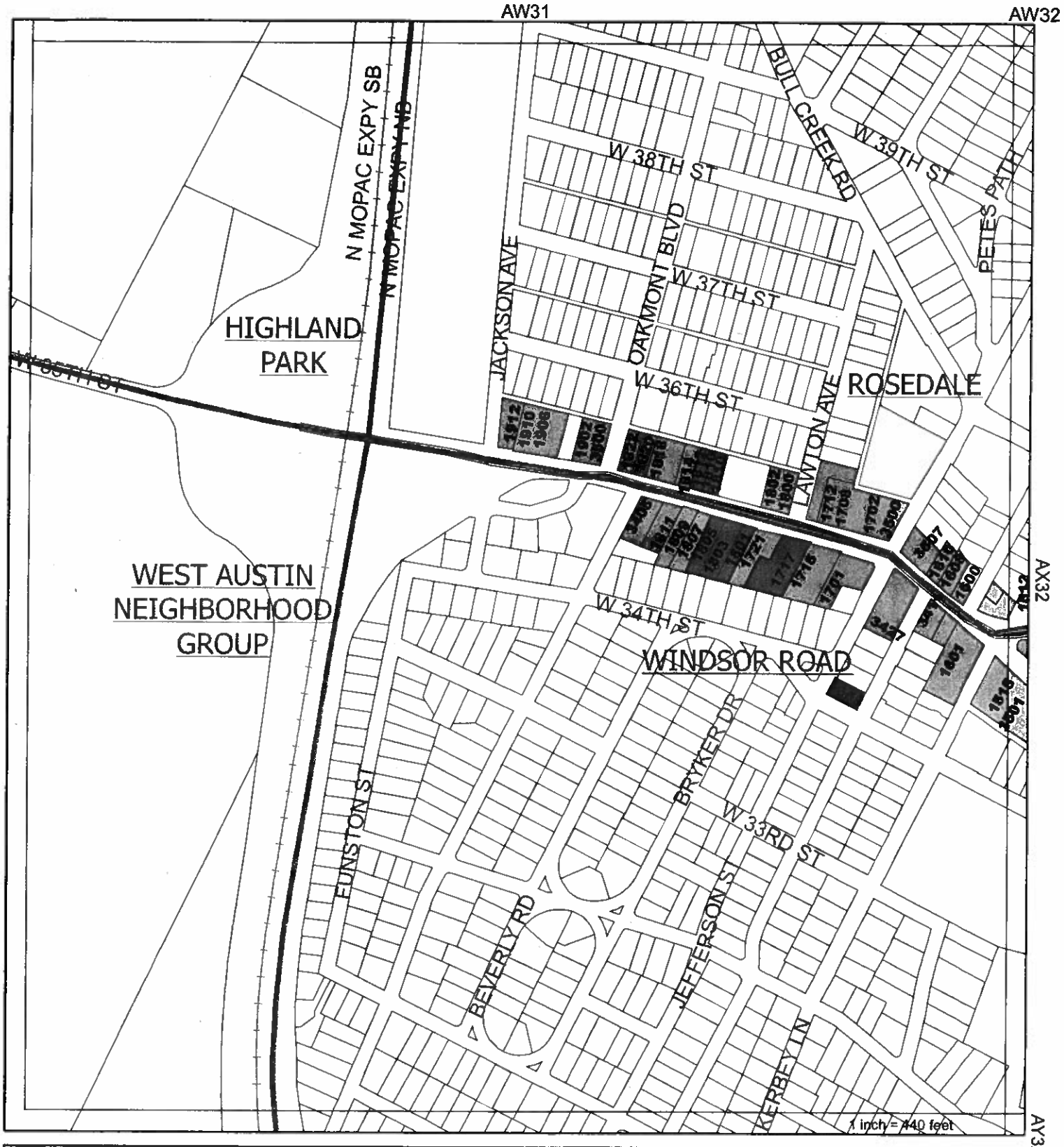
SIGNATURE OF CHAIR (OR DESIGNEE) **DATE**

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:

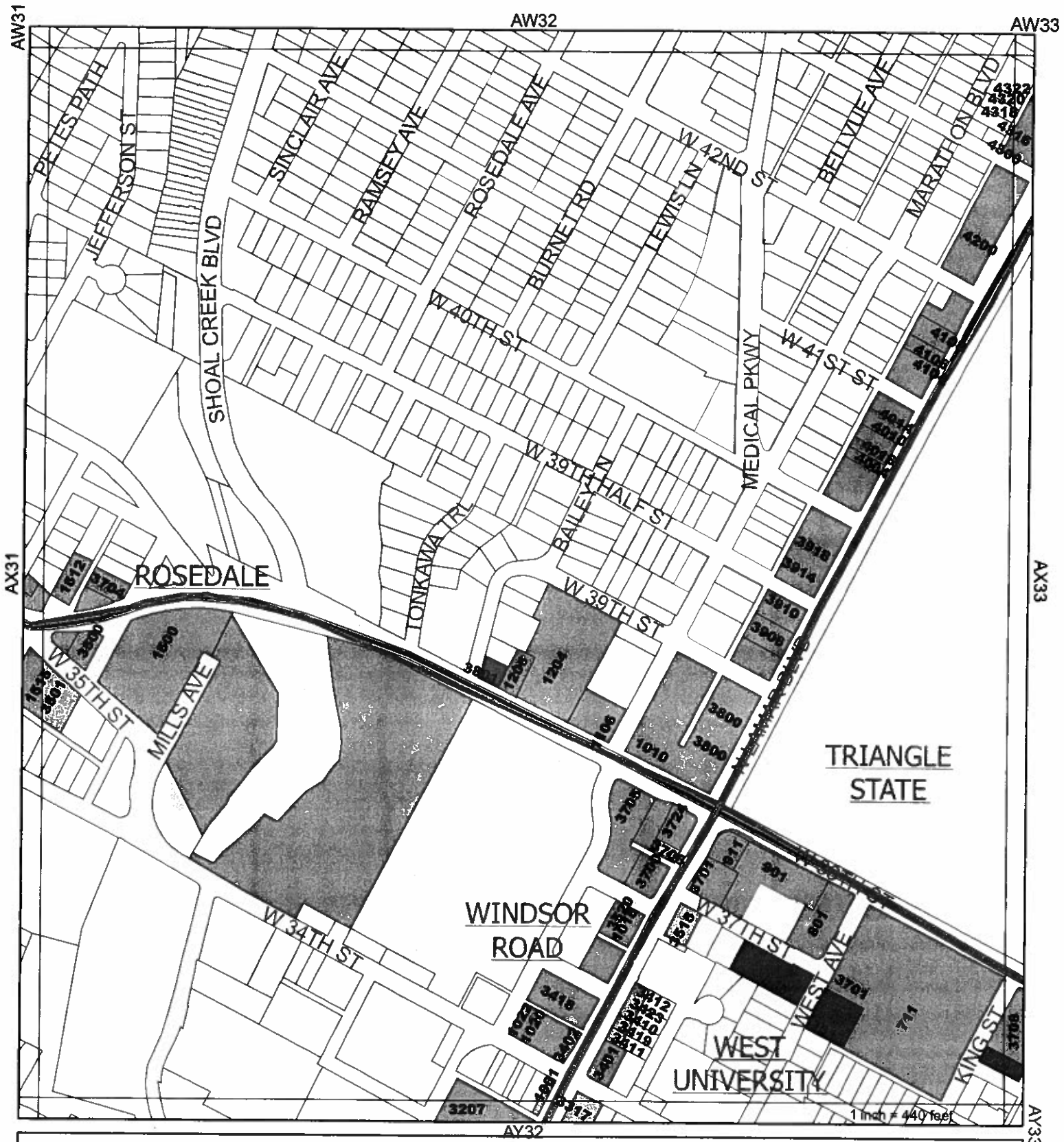
One Texas Center
505 Barton Springs Road, 5th floor



Detailed Maps for Vertical Mixed Use Opt-in/Opt Out Process
Grid Page: AX31

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

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



Detailed Maps for Vertical Mixed Use Opt-in/Opt Out Process
Grid Page: AX32

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

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

BrykerWoods Neighborhood Association (BWNA)
May 22nd Board Meeting Agenda
Howson Library - 7pm

1. **Greetings, call to order and meeting agenda overview** (assign task of meeting minutes)

2. **Approval of April BWNA meeting minutes** – note that the April BWNA meeting was canceled due to severe weather (no minutes to approve)

3. **Neighborhood communications** (comments/statements/requests)

4. **Meeting business items** (listed below)

   - BWNA reports:
     - Treasury (Bill)
     - Social Committee (Cord Dover)
     - MONAC update (Joyce)
     - Zoning Committee (Bill & Joyce)

   - BWNA neighborhood Spring '07 survey (report)

   - Intrusive commercial parking on Oakmont – BWNA drafting letter to City

   - Neighborhood street 25 mph speed limit request for Northwood Rd. and 29th Streets (any other streets in need on 25mph speed limit signs?)

   - ***Vertical Mixed Use (VMU) - public meeting, discussion and neighborhood vote, see handouts and maps***

5. **Discussion/action for neighborhood comments/statements/requests**

6. **Adjourn meeting by 8:50pm** (next BWNA meeting is June19th)

BRYKER WOODS NEIGHBORHOOD ASSOCIATION

Profile of BrykerWoods
Historical Information
BrykerWoods Elementary
Neighborhood Parks
City and Neighborhood Links
• Neighborhood News
BWNA Newsletter Archive
#19 CapMetro Bus Schedule
Neighborhood Forum
MoPac Improvement Study

Bryker Woods Neighborhood News

- Read the latest BrykerWoods Hearld Newsletter
- Visit and contribute to the BWNA newsgroup!
- Old West Austin Historical District (OWAHD)
- Purchasing a home in BrykerWoods? (read this)
- Learn how to protect & preserve neighborhood trees
- Latest MoPac highway construction information
- Traffic problems within the Neighborhood
- State of the Neighborhood (message from president)
- Join the Bryker Woods Neighborhood Association!

---> Read the latest BWNA Hearld newsletter!

Inappropriate



Help Create the Central West Austin Neighborhood Plan!

You're invited to join your neighbors to create a vision for the future of the Tarrytown, Bryker Woods, and Pemberton Heights Neighborhoods through the Central West Austin Neighborhood Plan.

Neighborhood Plan Kickoff Meeting
Thursday, June 21 6:30 - 8:30pm
Lions Club House @ Lions Municipal Golf Course
2901 Enfield Road

This meeting is intended for home-owners, renters, business owners and employees, non-resident property owners, institutions such as churches and schools, non-profit groups, and anyone else interested in the Central West Austin neighborhood. If you meet any of these descriptions, you are a stakeholder in the planning process. As a stakeholder, you have an important voice in determining the future of your neighborhood. Even if you cannot attend the Kickoff, you can participate in the planning process at any time, but you are encouraged to get involved early in the process. The Neighborhood Planning Process will address a number of important issues, including:

- Parks & the Environment
- Transportation
- Urban Design/Neighborhood Character
- Land Use & Zoning (properties may be rezoned as a result of the planning process)

How can I get involved?

- Take the Survey at: http://www.ci.austin.tx.us/zoning/central_west_austin.htm

This website will also contain other important information about this planning process. If you do not have access to a computer, call (512) 974-2865 or (512) 974-6355 and Neighborhood Planning staff will send you a copy of the survey and a return envelope.

The purpose of this survey is to provide Neighborhood Planning staff with a general understanding of the issues in your neighborhood. Preliminary survey results will be available at the Kickoff Meeting. *Please complete the survey before Friday, June 15, 2007.*

- Sign up for the Interest List

At the end of the survey, please provide your contact information if you would like to be notified about future meetings. A large and diverse number of stakeholders is important to a successful neighborhood planning process, so we welcome and encourage your participation.

• Attend planning meetings

Below is a list of upcoming meetings. Try to attend these and as many future meetings as you can. If you can't attend a meeting, look for the meeting minutes on the Central West Austin Neighborhood Plan website: http://www.ci.austin.tx.us/zoning/central_west_austin.htm.

Vertical Mixed Use and the BrykerWoods Neighborhood

Please see the information below and visit the city of Austin website to learn more of VMUs (Vertical Mixed Use zoning.) Documents, maps and public informational meeting times/dates are posted and made available. The issue of VMUs is important for the BrykerWoods neighborhood because the 35th Street corridor is considered eligible for such category of zoning.

The next BWNA board meeting* will be on Tuesday evening May 22nd and meeting topic will be the city's VMU concept and how it might effect BrykerWoods. At this meeting the BrykerWoods neighborhood will officially vote to "opt-in" or opt-out" of the city's proposed VMU overlay. Attend the May22nd meeting to learn more and share your opinion. Come to the meeting and let the BWNA know what you think of the VMU concept!

* *This meeting as well as the other BWNA monthly meetings is open to all and held on the third Tuesday evening (7pm) at the Howson Library in Tarrytown on Exposition Blvd.*

BWNA Neighborhood Survey to be delivered Spring '07

The Bryker Woods Neighborhood is beginning the City of Austin neighborhood planning process. This process is an opportunity for neighbors to outline how our neighborhood will go forward. The neighborhood plan is a city action and is by definition quite inclusive - all property owners (residential and commercial) will be asked for input. Bryker Woods last underwent a similar process in 1987. Since then, pressures of central city redevelopment leave our neighborhood in real need of direction as determined by neighborhood residents.

For City purposes, Bryker Woods Neighborhood has been combined with the West Austin Neighborhood Group (west of Mopac) and the Pemberton Heights Neighborhood (south of Bryker Woods) to form a "greater" west Austin planning area. Although a timeline does not exist at this point, it is expected that the process will begin sometime this year and will be carried out for many months. The City will initiate conversations with respective neighborhood association leaders. After that, the City will seek input from residents and owners of the planning area. As opportunities develop for neighborhood participation, the city will notify both residents and area businesses. This process will be comprehensive, inclusive and extensive in duration. Everyone is encouraged to participate.

At this time the Bryker Woods Neighborhood Association (BWNA) is seeking to learn what is important to Bryker Woods Neighborhood residents. To be distributed is an initial neighborhood survey issued by the BWNA independent of the city. As we engage in the City planning process with other neighborhoods, it is imperative that we determine what is important to the residents. The objective is to get an idea of issues important to Bryker Woods Neighborhood and "take a neighborhood pulse" on issues with which the BWNA has been involved.

It is the Bryker Woods Neighborhood Association's hope that everyone will participate in the neighborhood planning process. Keep watch for the delivery of the BWNA resident survey - please complete and return the survey by specified date. This survey is just the start of our neighborhood planning process. Take this opportunity to let the BWNA know how you feel about various issues. Your voice is important and now is the time to express your opinion on how and in which direction the Bryker Woods Neighborhood will proceed. Thanks!

topica The Leader in Email Discussion Lists

Welcome G

home search start a list sign up now



BrykerWoods Neighborhood (VMU meeting notice)

edward tasch

May 16, 2007 19:46 PDT

Greetings BrykerWoods neighbors,

I am writing for 2 reasons. First, to let you know of an upcoming neighborhood vote on the city's "VMU" (Vertical Mixed Use zoning) concept and second, to remind you to return your completed BrykerWoods neighborhood survey if you have not already.

Vertical Mixed Use and the BrykerWoods Neighborhood

The next BWNA board meeting* will be on Tuesday evening May 22nd and meeting topic will be the city's VMU concept and how it might effect BrykerWoods. At this meeting the BrykerWoods neighborhood will officially vote to "opt-in" or opt-out" of the city's proposed VMU overlay. The issue of VMU's is important for the BrykerWoods neighborhood because the 35th Street corridor is considered eligible for such category of zoning.

Attend the May22nd meeting to learn more and share your opinion. Come to the meeting and let the BWNA know what you think of the VMU concept! More information on VMU's can be found at at http://www.BrykerWoods.org ('Neighborhood News' section)

* This meeting as well as the other BWNA monthly meetings is open to all and held on the third Tuesday evening (7pm) at the Howson Library in Tarrytown on Exposition Blvd.

BrykerWoods Neighborhood Survey

Also, please complete and return your BWNA survey if you have not already. Every property owner within the neighborhood was sent a BrykerWoods Neighborhood Association (BWNA) Survey. If you have completed and returned your copy of the survey, thank you! And if you did not receive a BWNA survey or misplaced your copy, I have several copies left – just email me your physical mailing address and I will send you another survey.

More information about the BWNA survey and the upcoming city of Austin Neighborhood Planning process for BrykerWoods may be found at http://www.BrykerWoods.org ('Neighborhood News' section)

The BrykerWoods Neighborhood will soon be undergoing official "neighborhood planning" and the topic of VMU is just the start of the discussion of neighborhood 'land use.'

Many thanks for your interest and support of the BrykerWoods neighborhood!

Edward Tasch
512.478.1337
BWNA President

Check It Out!



Topica Channels

Best of Topica
Art & Design
Books, Movies & TV
Developers
Food & Drink
Health & Fitness
Internet
Music
News & Information
Personal Finance
Personal Technology
Small Business
Software
Sports
Travel & Leisure
Women & Family

Start Your Own List!

Email lists are great for debating issues or publishing your views.

- Start a List Today!

Minutes on the VMU part of the BWNA May 22nd meeting:

1. You have the sign-in sheet with number of attendees.
2. Derek gave an overview of the City's VMU proposal and process drawing on the online material provided by the City and the information conveyed at the information sessions sponsored by Council Member McCraken. Maps and City of Austin information were made available to all participants.
3. Derek advised those assembled that the Bryker Woods Neighborhood Association was recommending for consideration of the neighborhood that we opt out of those VMU properties on W.35th Street (a core transit corridor) west of Kerbey Lane and not opting out of other VMU eligible properties to the east.
4. The floor was opened for discussion and the subject was debated. Concern was expressed over the fact that the City had included within the VMU overlay district certain property (parcels 1515 and 3501) located on that portion of 35th Street past the cut-off. dividing 35th Street and 38th Street. This portion of 35th St. heads south east toward Mills Ave. The opinion was expressed that this portion of 35th Street was not a core transit corridor, and, in any event, this property has very difficult ingress/egress issues even for the low density development that exists on the property today because of the speed and volume of traffic and the proximity of three commercial driveways and an irregularly configured intersection. Additionally, it was noted that there are four residences within 100 feet and an elementary school within an estimated 300 feet of the property in question.
5. After further discussion a motion was made to "opt out" parcels numbered [list parcels] being all of those properties in the proposed VMU overlay district which are south of 35th Street and west of Shoal Creek, to not "opt in" to any eligible parcels. Among the reasons discussed in support of this motion were the following:
    1. The subject VMU Overlay District properties west of Kerbey Lane all abut single family homes.
    2. In the case of parcels 1515 and 3501, they are separated from single family homes only by an alley, are not on a core transit corridor, are very close to Bryker Woods Elementary and have dangerous ingress and egress onto West 35th.
    3. The VMU Overlay District does not require development to provide residential parking meeting the minimum parking standards of other multifamily districts.
    4. The Bryker Woods neighborhood currently has a problem with commercial parking on residential streets in the immediate vicinity of the proposed VMU Overlay District.
    5. The Bryker Woods neighborhood currently has a problem with cut-through traffic on residential streets in the immediate vicinity of the proposed VMU Overlay District.
    6. In June 2007, the Bryker Woods neighborhood is beginning its City sponsored neighborhood planning process and it would undercut that process to create an overlay district immediately in advance of the start of that process.
    7. It will still be possible to consider the advisability of vertical mixed use on properties south of 35th Street and west of Shoal Creek during the neighborhood planning process. Additionally there are other VMU properties within the Central Austin planning area to the east of Shoal Creek that will be incorporated into the plan should their VMU status be confirmed by the City Council.
6. The motion was seconded. On a show of 23 hands the motion was unanimously adopted.

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.

Windsor Road Planning Area VMU Application Properties
C14-2008-0003

Vertical Mixed Use (VMU) Overlay District Properties				
Tract # (1)	**TCAD Property ID (2)**	**COA Address (3)**	**FROM**	**TO**
1A	120350	1815 W 35TH ST	LR	LR-V
1B	120351	1811 W 35TH ST	LR	LR-V
1C	120327	1809 W 35TH ST	LR	LR-V
1D	120328	1807 W 35TH ST	LR	LR-V
2	120332	1721 W 35TH ST	LO	LO-V
3A	120352	1707 W 35TH ST 1715 W 35TH ST	CS	CS-V
3B	120334	1701 W 35TH ST	CS	CS-V
4	119377	3427 JEFFERSON ST	CS; LR	CS-V; LR-V
5	119423	3411 GLENVIEW AVE	GR	GR-V
	119424	0 W 35TH ST E 50 FT OF LOT 7 GLENVIEW ADDN	LR	LR-V
	119425	1601 W 35TH ST 1605 W 35TH ST 3406 KERBEY LN	LR; LR-CO; LO	LR-V; LR-V-CO; LO V
6	119477	1515 W 35TH ST 3501 MILLS AVE	GR-MU-CO	GR-MU-V-CO
7	119491	3500 CRAWFORD AVE	GR	GR-V
	119492	0 W 35TH ST SE TRI OF LOT 2 *& W 62.5 FT OF LOT 3-6 *LESS 1401 SQ FT GLENRIDGE PLUS ADJ VAC ALLEY	GR	GR-V
8	119486	1500 W 35TH ST	GR	GR-V
9	119489	0 MILLS AVE BLK 12-14 GLENRIDGE PLUS 1/2 ADJ VAC STREET	GO	GO-V
10	499914	1301 1/2 W 38TH ST 1301 W 38TH ST 1320 W 34TH ST 1330 1/2 W 34TH ST	GO	GO-V

ATTACHMENT 2

Vertical Mixed Use (VMU) Overlay District Properties				
Tract # (1)	**TCAD Property ID (2)**	**COA Address (3)**	**FROM**	**TO**
11	214609	0 W 38TH ST ABS 697 SUR 7 SPEAR G W ACR .2486 (PRORATE 8/10/07 TO 12/31/07)	CS	CS-V
	214610	3706 N LAMAR BLVD	CS	CS-V
	214612	3724 N LAMAR BLVD	CS	CS-V
	Portion of 214613	3705 1/2 MEDICAL PKWY 3705 MEDICAL PKWY	CS	CS-V
12	214611	3700 N LAMAR BLVD	CS	CS-V
13	214605	1015 W 37TH ST 3520 N LAMAR BLVD	CS	CS-V
15	214603	3418 N LAMAR BLVD	CS	CS-V
16	214604	1020 W 34TH ST 3402 N LAMAR BLVD	CS; CS-1	CS-V; CS-1-V
17	214601	1001 W 34TH ST	CS	CS-V
18	214595	1004 W 32ND ST 3207 MEDICAL PKWY 3304 1/2 N LAMAR BLVD	CS; GO; GO-MU	CS-V; GO-V; GO-MU-V
19	214591	3110 N LAMAR BLVD	CS	CS-V
	214592	3108 N LAMAR BLVD	CS; GO	CS-V; GO-V
20	214587	3100 N LAMAR BLVD	CS	CS-V
21	211082	1001 1/2 W 31ST ST 1001 W 31ST ST	CS; GR; GO	CS-V; GR-V; GO-V

(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 Aaaraisal 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.

Windsor Road Planning Area VMU Neighborhood Recommendations
C14-2008-0003

VMU Overlay District					
		OPT OUT (2)			
Tract # (1)	All VMU-Related Standards Apply	Dimensional Standards	Parking Reduction	Additional Ground Floor Uses in Office Districts	Exclude from VMU Overlay District
1-6					X
7-21	X				

RECOMMENDED AFFORDABILITY LEVEL FOR 10% OF RESIDENTIAL UNITS FOR RENTAL WITHIN A VERTICAL MIXED USE BUILDING: 60%

(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-In and Opt-Out options.

ATTACHMENT 3



Windsor Road Neighborhood Planning Area
VMU Overlay District Tract Map
C14-2008-0003

0 500 1,000 2,000 Feet

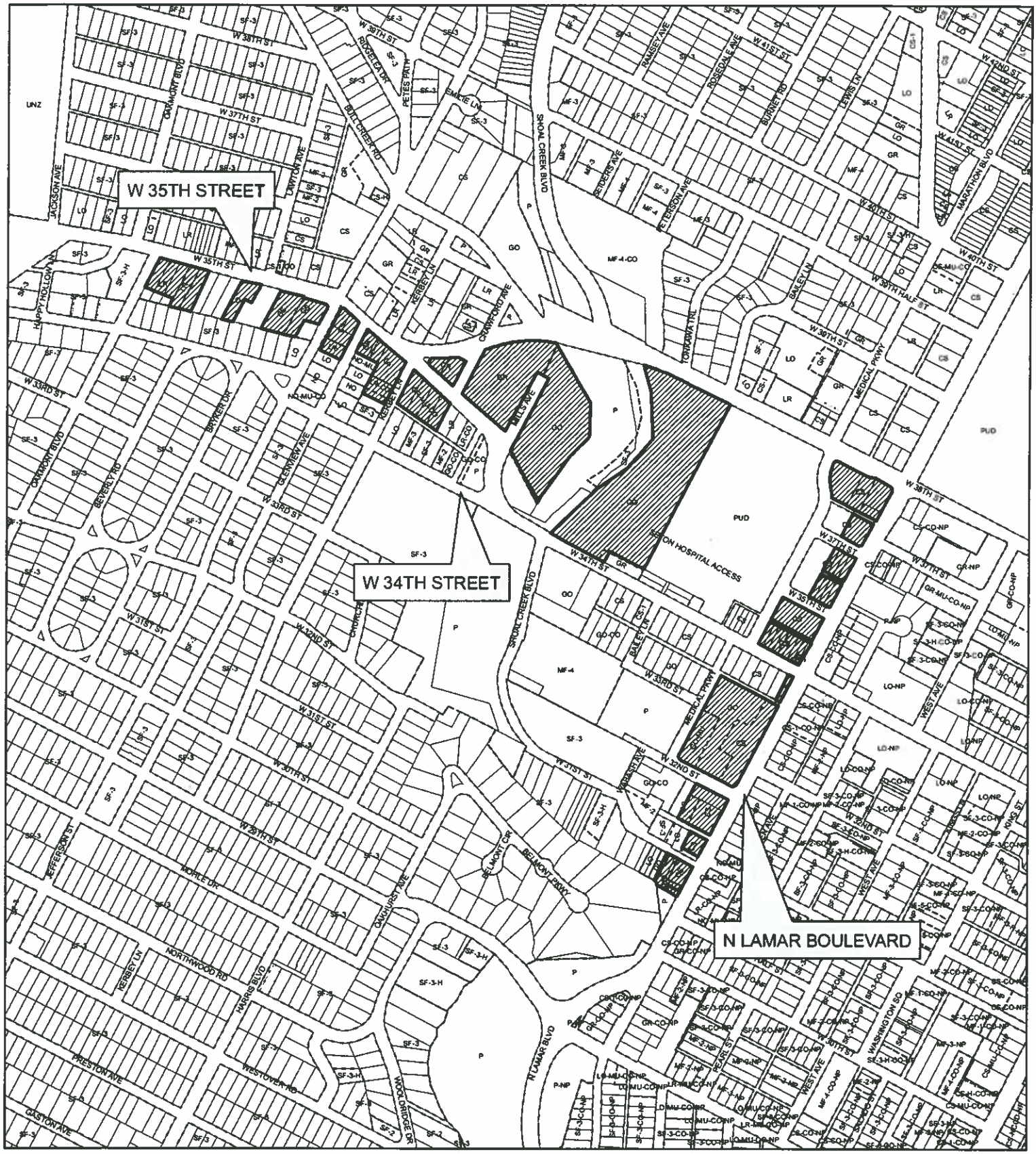
N
W E
S

ATTACHMENT 4

Please refer to attached tables "Windsor Road Planning Area VMU Application Properties" and "Windsor Road Planning Area VMU Neighborhood Recommendations" for more information.

Produced by City of Austin
Neighborhood Planning and Zoning Dept.
January 10, 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.



ZONING

ATTACHMENT 5

N

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

ZONING CASE#: C14-2008-0003
ADDRESS: WINDSOR ROAD NPA
SUBJECT AREA: 27.46 ACRES
GRID: H25 & J25
MANAGER: W. RHOADES

OPERATOR: S. MEEKS

1" =600'

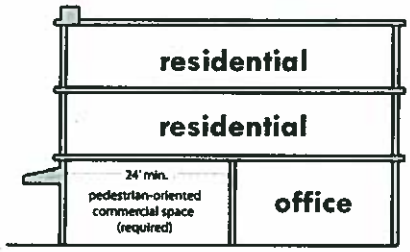
This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

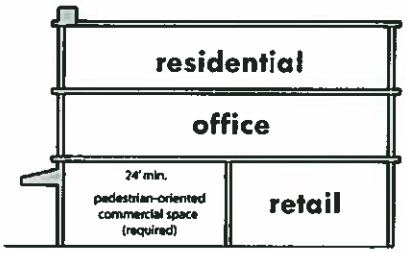
CITY OF AUSTIN FOUNDED 1839

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

ATTACHMENT 6

WHAT ARE THE RELAXED SITE DEVELOPMENT STANDARDS?

Dimensional Standards

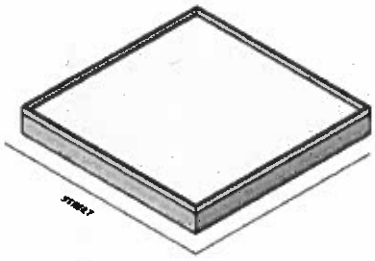
These dimensional standards listed below are a "package" and must be accepted or rejected as such in the opt-in/opt-out process.

- 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.

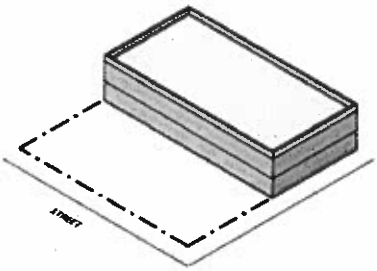
- Floor to Area Ratio—no floor to area ratio (FAR) limit.

  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.

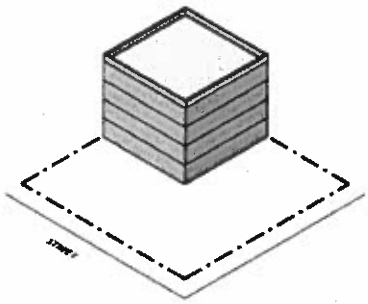
  For example, on a 10,000 square-foot zoning lot in a district with a maximum FAR of 1.0, the floor area of a building cannot exceed 10,000 square feet.



FAR=1.0
10,000 sq. ft. building
covering 100% of lot



FAR=1.0
10,000 sq. ft. building
covering 50% of lot



FAR=1.0
10,000 sq. ft. building
covering 25% of lot

- 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 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. Site plans approval requires a public hearing before the Planning Commission. All property owners and registered neighborhood organizations within 300 feet of a proposed vertical mixed use development will be notified of the public hearing 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

I am NOT in favor of Vertical Mixed-Use land regulations. There is already too much congestion and lack of parking in this area. Obviously this is just a way for certain developers to get the most bang for their buck, and for the city to raise property taxes. Why does Austin keep trying to look like Dallas? Put me down for an emphatic NO. I don't want some multi-story building blocking the view of the most utilized entrance to my building on the Lamar Boulevard side. Any tenant who needs this visual accessibility will have their business hurt by this relaxed building code.

(Dolores) Ann Joseph
owner: 1003 W. 34th. (Picket Fences)
506 Centex Sportsman Club Road
Belton, Texas 76513

PLANNING COMMISSION COMMENT FORM

You may send your written comments to the Neighborhood Planning and Zoning Department, P. O. Box 1088, C/O Wendy Rhoades, Austin, TX 78767-8835.

File # C14-2008-0003 **Planning Commission Hearing Date: January 29, 2008**

Name (please print) Dolores Ann Joseph

Address 506 Centex Sportsman Club Road
Belton, Texas
(owner 1003 W. 34)

☐ I am in favor
(Estoy de acuerdo)
☒ I object
(No estoy de acuerdo)

Windsor Road Planning Area
VMU Tract Table
C14-2008-0003

Properties with Vertical Mixed Use Building (V) Zoning				
Tract #	**TCAD Property ID**	**COA Address**	**FROM**	**TO**
7	119491	3500 CRAWFORD AVE	GR	GR-V
	119492	0 W 35TH ST SE TRI OF LOT 2 *& W 62.5 FT OF LOT 3-6 *LESS 1401 SQ FT GLENRIDGE PLUS ADJ VAC ALLEY	GR	GR-V
8	119486	1500 W 35TH ST	GR	GR-V
9	119489	0 MILLS AVE BLK 12-14 GLENRIDGE PLUS 1/2 ADJ VAC STREET	GO	GO-V
10	499914	1301 1/2 W 38TH ST	GO	GO-V
		1301 W 38TH ST		
		1320 W 34TH ST		
		1330 1/2 W 34TH ST		
11	214609	0 W 38TH ST ABS 697 SUR 7 SPEAR G W ACR .2486 (PRORATE 8/10/07 TO 12/31/07)	CS	CS-V
	214610	3706 N LAMAR BLVD	CS	CS-V
	214612	3724 N LAMAR BLVD	CS	CS-V
	Portion of 214613	3705 1/2 MEDICAL PKWY	CS	CS-V
		3705 MEDICAL PKWY		
12	214611	3700 N LAMAR BLVD	CS	CS-V
13	214605	1015 W 37TH ST	CS	CS-V
		3520 N LAMAR BLVD		
15	214603	3418 N LAMAR BLVD	CS	CS-V
16	214604	1020 W 34TH ST	CS; CS-1	CS-V; CS-1-V
		3402 N LAMAR BLVD		
17	214601	1001 W 34TH ST	CS	CS-V
18	214595	1004 W 32ND ST	CS; GO; GO-MU	CS-V; GO-V; GO-MU-V
		3207 MEDICAL PKWY		
		3304 1/2 N LAMAR BLVD		
19	214591	3110 N LAMAR BLVD	CS	CS-V
	214592	3108 N LAMAR BLVD	CS; GO	CS-V; GO-V
20	214587	3100 N LAMAR BLVD	CS	CS-V
21	211082	1001 1/2 W 31ST ST	CS; GR; GO	CS-V; GR-V; GO-V
		1001 W 31ST ST		

ATTACHMENT 7

Windsor Road Planning Area
Tract Table
C14-2008-0003

Properties Excluded from the Vertical Mixed Use (VMU) Overlay District		
Tract #	**TCAD Property ID**	**COA Address**
1	120327	1809 W 35TH ST
	120328	1807 W 35TH ST
	120350	1815 W 35TH ST
	120351	1811 W 35TH ST
2	120332	1721 W 35TH ST
3	120334	1701 W 35TH ST
	120352	1707 W 35TH ST
		1715 W 35TH ST
4	119377	3427 JEFFERSON ST
5	119423	3411 GLENVIEW AVE
	119424	0 W 35TH ST E 50 FT OF LOT 7 GLENVIEW ADDN
	119425	1601 W 35TH ST
		1605 W 35TH ST
		3406 KERBEY LN
6	119477	1515 W 35TH ST
		3501 MILLS AVE

Rhoades, Wendy

From: [redacted]

Sent: Thursday, February 14, 2008 11:33 AM

To: Wynn, Will; Martinez, Mike [Council Member]; Cole, Sheryl; Kim, Jennifer; Leffingwell, Lee; Dunkerley, Betty; McCracken, Brewster; Schooler, Larry; Aguilera, Gloria; Bailey, Rich; Wilson, Beverly (Council Place 6); Garza, Bobby; May, Rachel; Moore, Andrew; Levinski, Robert; Williams, Nancy; Kenny Thompson

Cc: [redacted]; Rhoades, Wendy

Subject: Agenda Item #91 (C14-2008-0003) Windsor Road NP Area VMU Overlay District

Importance: High

Dear Mayor Wynn and Council members,

On behalf of the Bryker Woods Neighborhood Association (BWNA), I urge you to adopt the submitted Planning Commission recommendation for the Windsor Road NP Area VMU Overlay District (C14-2008-0003). This position on VMU zoning is the result of a long process initiated by the City. That process included analyzing the City listed properties, talking with neighbors, conferring with City staff, developing a position and voting on that position statement. The BWNA Board, the neighbors of Bryker Woods at an open meeting and the Planning Commission have all voted on the ordinance before you and each vote has been unanimously in favor of the ordinance as written.

Only the properties listed in this ordinance have gone through this process and the inclusion or exclusion of any other properties lacks the same careful consideration. **The Windsor Road NP area is a part of the Central West Austin Neighborhood Planning Area and that area is currently in the midst of the City's Official Neighborhood Planning Process. Future changes to the zoning of individual properties will be considered as a part of that process.**

It seems inappropriate to determine VMU zoning status for properties when that request is made for the first time at the City Council level. We hope that everyone understands that this is not the only opportunity to apply for VMU zoning. The opportunity exists at the end of the neighborhood planning process and as amendments to an approved plan. There is also an Opt-in application process available.

Should the matter of postponement arise the BWNA respectively requests the issue of postponement be discussed as there are quite a number of neighbors and property owners adversely affected.

Thank you for your consideration,

Sincerely,

Joyce Basciano, President
Bryker Woods Neighborhood Association

MICHAEL CURRY
ATTORNEY-MEDIATOR

211 EAST SEVENTH ST. SUITE 920
AUSTIN, TEXAS 78701
(512) 474-5573

FAX:
(512) 474-5580

AAM Certified Mediator
www.momediate.com

EMAIL:
mcmediate@msn.com

March 18, 2008

Hon. Will Wynn and
Members of the City Council
City Hall
301 W. 2nd St. 2nd Floor
Austin, Texas 78701

Re: C14-2008-0003
Windsor Road Neighborhood Planning Area Vertical Mixed Use Building (V)
Zoning Opt-in/Opt-Out Process
March 20, 2008 Agenda Items 44 and 75.

Dear Mayor Wynn, Mayor Pro Tem Dunkerly and Council Members,

I write to urge you to adopt the recommendations of the Planning Commission and the Bryker Woods neighborhood to exclude Tracts 1-6 from the VMU Overlay District. Those tracts are located on the south side of W. 35th St. and, according to City Staff, represent only 4.367 acres of the 27.46 acres VMU overlay, or roughly 16%. I am a resident of Bryker Woods and will be affected by the Council's action.

The Presumption Must Yield. I understand the City's rationale behind the presumption that all commercial property on a Core Transit Corridor is appropriate for the VMU Overlay District. Indeed, the Bryker Woods neighborhood did not object to application of a VMU overlay on approximately 84% of the proposed district. But to be fair to residents adjoining a proposed overlay district, the presumption which supports such blanket rezoning must yield to the facts on the ground, to the legitimate concerns of residents whose property will be directly affected by such development, and to the principles underlying the City-sponsored neighborhood planning process.

Facts, Questions, and Concerns. All Core Transit Corridors are not the same, neither are the areas that surround them. The westernmost portion of the proposed overlay district adjoins a nationally recognized historic single family neighborhood and most of that segment directly abuts single family homes. Bryker Woods residents have legitimate concerns over the effect that the reduced residential and/or commercial VMU parking will have on the pedestrian quality of their neighborhood streets. Bryker Woods currently has a non-resident on-street parking problem in its northwest quadrant, caused

by commercial establishments on W. 35th St., and this problem persists notwithstanding an existing residential permit parking district. Residents have legitimate concerns over the effect that large multistory structures (potentially exempted from existing side setback, FAR and building coverage regulations) will have on their single family homes which back-up to the proposed VMU district. The residents of Bryker Woods have legitimate questions and concerns over the amount of traffic that will be generated by multi-story developments and whether such increase will serve to redirect traffic from 35th Street onto residential streets. And, the residents have questions and concerns about the best long term redevelopment options for this portion of W. 35th Street. These questions and concerns, as they relate to Tracts 1-6, cannot be resolved through the opt-in/opt-out process and they should not be swept aside by the imposition of a VMU overlay.

City Sponsored Planning. The Bryker Woods neighborhood is in the middle of the City of Austin's neighborhood planning process. This is the planning process that had been promised to us in one form or fashion for decades. I have lived in Bryker Woods for over 30 years and I can tell you that the residents of this neighborhood have done everything the City has asked them to do. They participated in "Austin Plan," and "Sector Planning" and ultimately, while waiting for a city directed neighborhood planning process that never came, spent several years creating a neighborhood plan of their own. Now, at the City's request Bryker Woods residents are working evenings and weekends on the Central West Austin Neighborhood Plan. For the City to go outside of it's own neighborhood planning process and over the objection of the residents impose land use and site development changes in the planning area which preempt the very work the City Council has asked residents to do would be unfair and would undermine the planning process.

Future Opportunities For VMU. As evidenced by their recommendations in the opt-in/opt out process, the residents of Bryker Woods are not categorically opposed to mixed use in general or vertical mixed use in particular. In fact, in their VMU Opt-In/Opt-Out Application Bryker Woods residents expressly noted that it "will still be possible to consider the advisability of vertical mixed use on properties south of 35th Street and west of Shoal Creek during the neighborhood planning process." It will also be possible in the future to consider vertical mixed use projects on a case by case basis through the mixed use combining district provisions of the land development code. (Chapter 25-2, Subchapter E, §4.2.1). In those instances there will be an opportunity to assess on a block, site, or project specific basis whether a proposed use makes good sense for all involved. For example, there will be a chance to consider questions such as whether the compatibility standards are sufficient to protect single family homes when underlying site development regulations and standards have been relaxed or eliminated altogether, and whether there are ways to tailor mixed use developments within the design guidelines to a particular block or site or project to make them compatible with adjoining single family uses.

Questions About Petitions. The backup materials to these agenda items suggest that the hard-working city staff considers there to be one or more valid petitions by

commercial property owners "in opposition to exclusion from the Vertical Mixed Use (VMU) overlay district." It is unclear to me how a property owner *seeking* a zoning change can acquire petition rights in favor of that change when the nearby residents are the ones who have petition rights in this matter. It makes me wonder if staff considers the preliminary or conditional VMU overlay district ordinance which incorporates an opt-out process to have already constituted a zoning change reflected on the map. That view can't be correct and if it is it raises serious fairness, if not legal, questions about whether adjoining residential property owners were given the type of notice *they* deserve and have come to expect from the City that would have alerted them to *their* undisputed right to petition against this VMU re-rezoning. Fortunately, if the Council follows the lead of the Planning Commission and also votes unanimously to exclude Tracts 1-6 from the VMU overlay district, this issue is rendered moot.

Summary. The nature of any redevelopment of W. 35th Street is very important to the future of the Bryker Woods neighborhood. The neighborhood is in the midst of the City's planning process. There are very serious issues concerning the impact of the proposed vertical mixed use on the surrounding neighborhood and legitimate questions about whether additional or different adjustments or safeguards are needed to assure the viability and compatibility of future development projects. The facts on the ground clearly rebut the VMU presumption. The City-initiated VMU rezoning district should not be applied to Tracts 1-6.

My neighbors and I have operated under the assumption that you have an opt-in/opt-out process for a reason: that the opinions of the folks who are most familiar with the area and who will have to live with your decision matter. The Bryker Woods residents approached this process very seriously, worked on the issues long and hard, gathered together to discuss the issues and tried to be fair. I very respectfully request that you unanimously accept the recommendation of the Bryker Woods neighborhood and the Planning Commission and not include Tracts 1-6.

Thank you for your hard work on behalf of the citizens of Austin.

Sincerely,

Michael Curry
3307 Bryker Dr.

RECEIVED

MAR 17 2008

Neighborhood Planning & Zoning

PETITION

Date: March 15, 2008
File Number: **C14-2008-0003**

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To: Austin City Council

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We support the position of the Bryker Woods Neighborhood Association and the Planning Commission.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
J Roger Williams	J. Roger Williams	1705 W. 34th
Diane Joseph Williams	Diana J. Williams	3313 Bryker
	D+R Properties	
	2412 Vista Ln	
	Austin TX 78703	

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MAR 17 2008

Neighborhood Planning & Zoning

PETITION

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(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
David Barmore	David Barmore	1716 W. 34th St. 78703
Sally Lundberg	SALLY LUNDBERG	3401 OAKMONT 78703
[illegible]	[illegible]	1901 W. 35th 78703
[illegible]	George Dallis	1817 W. 35th 78703
Shelley E. Todd	Shelley E. Todd	1810½ W 35th 78703
Dorothy M. Cavett	Dorothy M. Cavett	1901 W. 34th 78703
Allen W. Becker	Allen W. Becker	3311 Oakmont 78703
Preston Wong	Preston Wong	1704 W. 34th St 78705
Louis Nicholson	LOUIS NICHOLSON	1810 W. 35th ST - 03
[illegible]	JONATHAN PERRY	3400 OAKMONT BLVD - 78703
Carol Beeso	CAROL BEESO	1703 - 34th

Patrice Koen	PATRICE KOEN	1706 34th St.
Ruy Carrasco		1701 W 34th 78703
Jack Cardwell	Jack Cardwell	1804 W. 34th 78703
Jeff W. Autrey	Jeff W. Autrey	1711 W. 34th 78703
Irene Pickhardt	Irene Pickhardt (CARL PICKHARDT)	3311 Bryker 78703
Pace Logsen	PACE LOGSEN	1708 W 34TH 78703
Bill Bailey		3312 Beverly Rd. 78703
Gerald J Balaka	GERALD BALAKA	1800 W 34th St 78703
Elizabeth & Walter Buell	Walter Buell	1710 W. 34th 78703
Mary Lou Schmidt Walther	Mary Lou Walther	1714 W. 34th 78703
Lace B Archibald	LACE B. ARCHIBALD	1802 W. 34th 7870.
John Lairsen		1902 W. 34th St

Contact Name: Joyce Basciano
Tel. No. 454-0207

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Neighborhood Planning & Zoning

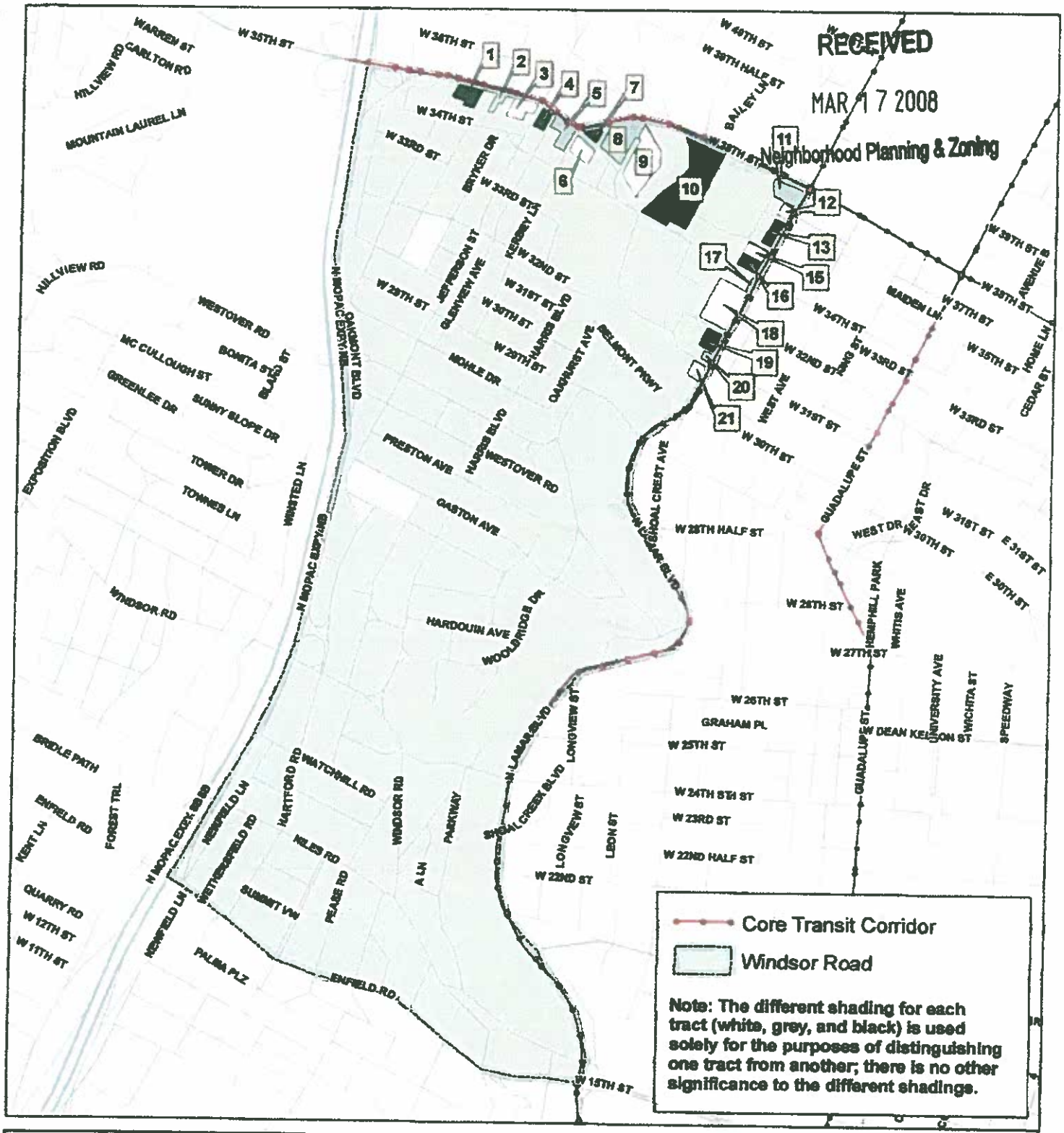
Windsor Road Planning Area
Tract Table
C14-2008-0003

Properties Excluded from the Vertical Mixed Use (VMU) Overlay District		
Tract #	**TCAD Property ID**	**COA Address**
1	120327	1809 W 35TH ST
	120328	1807 W 35TH ST
	120350	1815 W 35TH ST
	120351	1811 W 35TH ST
2	120332	1721 W 35TH ST
3	120334	1701 W 35TH ST
	120352	1707 W 35TH ST
		1715 W 35TH ST
4	119377	3427 JEFFERSON ST
5	119423	3411 GLENVIEW AVE
	119424	0 W 35TH ST E 50 FT OF LOT 7 GLENVIEW ADDN
	119425	1601 W 35TH ST
		1605 W 35TH ST
		3406 KERBEY LN
6	119477	1515 W 35TH ST
		3501 MILLS AVE

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Neighborhood Planning & Zoning



Windsor Road Neighborhood Planning Area
VMU Overlay District Tract Map
C14-2008-0003

ATTACHMENT H

N
W E
S

0 500 1,000 2,000 Feet

Please refer to attached tables "Windsor Road Planning Area VMU Application Properties" and "Windsor Road Planning Area VMU Neighborhood Recommendations" for more information.

Produced by City of Austin
Neighborhood Planning and Zoning Dept.
January 10, 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.

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Signature	Printed Name	Address
	THOMAS M. GIAMBOI	3312 Bryker Dr, 78703

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Neighborhood Planning & Zoning

Contact Name: Joyce Basciano
Tel. No. 454-0207

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Signature	Printed Name	Address
Jon Niermann	JON NIERMANN	3313 Beverly Road

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Tel. No. 454-0207

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Signature	Printed Name	Address
Pat Schieffer	PAT H. SCHIEFFER	1812½ W. 35th St. 78703

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MAR 19 2008

Neighborhood Planning & Zoning

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Signature	Printed Name	Address
Patricia Argust	Patricia Argust	1 Happy Hollow 78703
Kathleen Thornton	Thornton	3405 Oakmont 78703

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Signature	Printed Name	Address
Roland Garcia	Roland Garcia	1806 W. 34th Street

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Signature	Printed Name	Address
Jeff Christner, Executor	Estate of Mary K. Christner	1704 W. 34th St.
	JEFF Christner	
	ABC BANK 3915561	

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MAY 0 6 2008

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Signature	Printed Name	Address
Sylvia Emran Greenberg	Sylvia Emran Greenberg	3304 Beverly Rd
Susan B Cimino	Susan B Cimino	2910 Glenview Ave.
	Nathan J. Sharp	3311 Glenview Ave.
	Joyce DeShan	3202 Glenview Ave
Theresa Smith	Theresa Smith	3204 Glenview Ave
	Joseph Cart	3100 Glenview Ave
	David Gilden	1513 W. 31st
	Greg Underwood	3014 Kerby Ln.
Pat Falconer	PAT FALCONER	1516 W 31st St
	Michael Harlan	1507 W. 31st St.
	John Scott Donko	1506 W. 31st

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Signature	Printed Name	Address
	Scott E. Thurshin	3304 Beverly Rd
	Claire Tudor	3210 Beverly Rd.
	Betty Gross	3200 Beverly Rd.
	Blackman	3106 Beverly Rd.
	Evan Dial	3104 Beverly Rd
	MICHAEL F. LESSNER DDS	3107 BEVERLY RD.
	Ryan Hicks	3005 Beverly Rd
		303 Beverly Dr
	Michael Goss	1807 W. 30th
		3000 Oakmont Blvd
		3005 Oakmont Blvd
	Catherine Campbell	3101 Oakmont Blvd.

Ryan McGinn	1805 W. 32nd St. Austin TX 78703
Joe Frantz	3202 Oakmont
Brandon Rabke	3205 Oakmont 467-2744
Kourtney Harris	3204 Oakmont 454-4357
Eric Anguiano Rodriguez ERic	3207 Oakmont

Contact Name: Joyce Basciano
Tel. No. 454-0207

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Signature	Printed Name	Address
	Caroline Bruner	1805 W. 31st
	Stephen Thomas	3106 Harris Blvd.
	Jason Ewing	3103 Oakmont Blvd.
	chris Fabre PDS	1520 W. 32nd St.

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Signature	Printed Name	Address
Deborah Hornickel	Deborah Hornickel	3206 Oakmont Blvd.
Sybil Montgomery	SYBIL MONTGOMERY	1805 W. 33rd
Kurt Preston	KURT PRESTON	3204 BRYKER DR.
Melissa Caro	Melissa Caro	3206 Bryker Dr.
Lynn Stading	Lynn Stading	3203 Bryker Dr.
Marge Novak	Marge Novak	1105 W. 32nd
Cynthia W Ted	Cynthia H Ted	1709 W. 32nd ST
Catherine A. Mauzy	Catherine A. Mauzy	3201 Bryker Dr.
	Henry S. Harwood	3302 Bryker Drive
David Schade DDS	David Schade, DDS	1717 W. 30th
Larry J Greenberg	LARRY GREENBERG	3309 BEVERLY RD.