SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2009-0102(PART) – Upper Boggy Creek Vertical Mixed Use Building (V) Zoning Opt-In/Opt-Out Process, Tract 3

REQUEST:
Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to Tract 3, locally known as 4020 Airport Boulevard within the Upper Boggy Creek Neighborhood Planning Area. The planning area is bounded by IH 35, 26th Street and Comal Street to the west, Airport Boulevard to the north and east, and Martin Luther King, Jr. Boulevard, Cedar Boulevard, Rogers Boulevard, Walnut Boulevard and Manor Road to the south (Boggy Creek, Waller Creek Watersheds).

DEPARTMENT COMMENTS:
The subject area proposed to be excluded consists of one tract on 2.90 acres. There is a corresponding Neighborhood Plan Amendment case that addresses a Future Land Use Map (FLUM) change from Office to Mixed Use / Office on Tract 3 (NPA-2009-0012.03(PART)).

Tract 3 is zoned LO-NP with a public Restrictive Covenant attached to the 1985 rezoning ordinance (C14-83-307). Please refer to the attachment following this Summary Sheet. The Covenant establishes permitted uses, fencing, and other site design standards. Any changes to the Restrictive Covenant would be reviewed by the Planning Commission and Council by way of a separate application. Within the Covenant, Item #5 establishes that any modifications, amendments or terminations require action by three-fourths (6 out of 7) members of the City Council.

The adjacent property owners to the west who were involved in the creation of the 1985 Covenant support the exclusion of Tract 3 from the VMU overlay district. The property owner has submitted a petition in opposition to exclusion from the VMU overlay district. The petition is valid, and therefore, six votes are necessary to exclude the property from the VMU district. In the absence of six votes, the property would receive LO-V-NP district zoning.

Tract 3 is unplatted and does not contain any private deed restrictions.

The VMU Overlay District includes approximately 24.82 acres (20 tracts). The Upper Boggy Creek Neighborhood Planning Contact Team recommends to opt-in 40 additional properties outside of the district's boundaries to receive the VMU (V) zoning designation; the opt-in properties are, in total, 29.47 acres (10 tracts). The Contact Team recommends amending the VMU Overlay District boundaries to exclude 3.07 acres (7 tracts) from the overlay.

Martin Luther King, Jr. Boulevard is designated as a Core Transit Corridor.
Airport Boulevard and Manor Road are designated as Future Core Transit Corridors.

APPLICANT AND AGENT: City of Austin, Planning & Development Review Department (Jacob Browning).

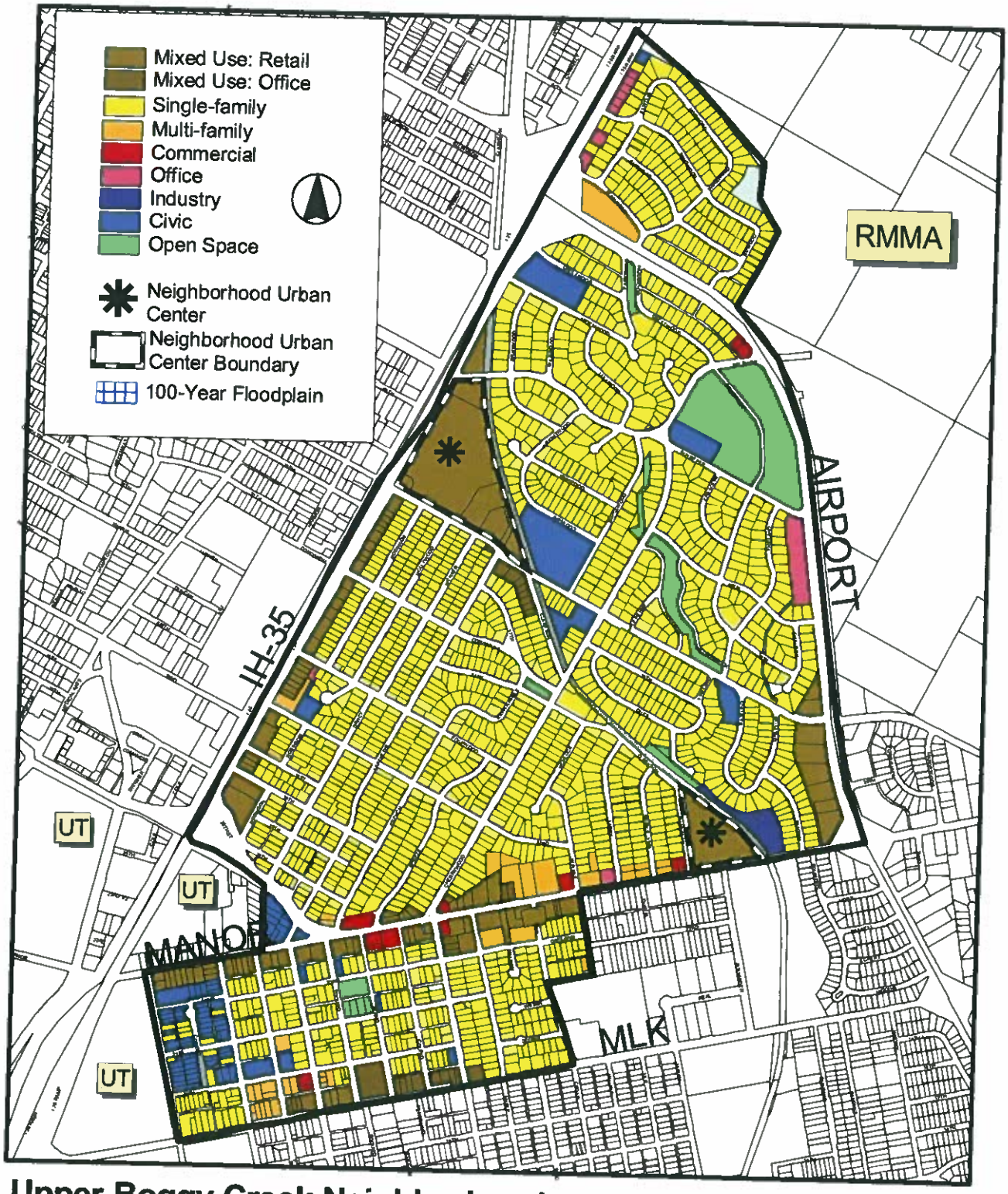
DATE OF FIRST READING: March 11, 2010, Approved First Reading of an ordinance to amend the VMU Overlay District to exclude Tracts 3, 11, 13, 15, 17, 19, 21 and 22 from the VMU Overlay District was approved on Council Member Morrison's motion, Council Member Spelman's second on a 5-1 vote. Mayor Pro Tem Martinez voted nay. Council Member Shade abstained.

CITY COUNCIL HEARING DATE: May 27, 2010

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Jacob Browning, e-mail: jacob.browning@ci.austin.tx.us



Upper Boggy Creek Neighborhood Planning Area: Future Land Use Map

NPZD
City of Austin

This map is for informational purposes only. No guarantee can be made as to its accuracy.

N

BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

CASE#: C14-2009-0102 (PART)
ADDRESS: 4020 AIRPORT BLVD
GRID: L24
CASE MANAGER: W. RHOADES

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. 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: **C14-2009-0102 (PART)** Date: May 13, 2010

4020 AIRPORT BLVD

Total Area Within 200' of Subject Tract 126,388.09

1	02151213010000	RICHARDSON LACRETA S TRUSTEE	126388.09	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%
26				0.00%
27				0.00%

Validated By: Beau Barnett

Total Area of Petitioner: **126,388.09**

Total % **100.00%**

PETITION

Date: 5/10/2010

File Number: C14-2009-0102 (Part)

Address of
Rezoning Request: 4020 Airport Blvd.

To: Austin City Council

We, the undersigned owners of property affected 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 LO-V-MP.

(STATE REASONS FOR YOUR PROTEST)

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

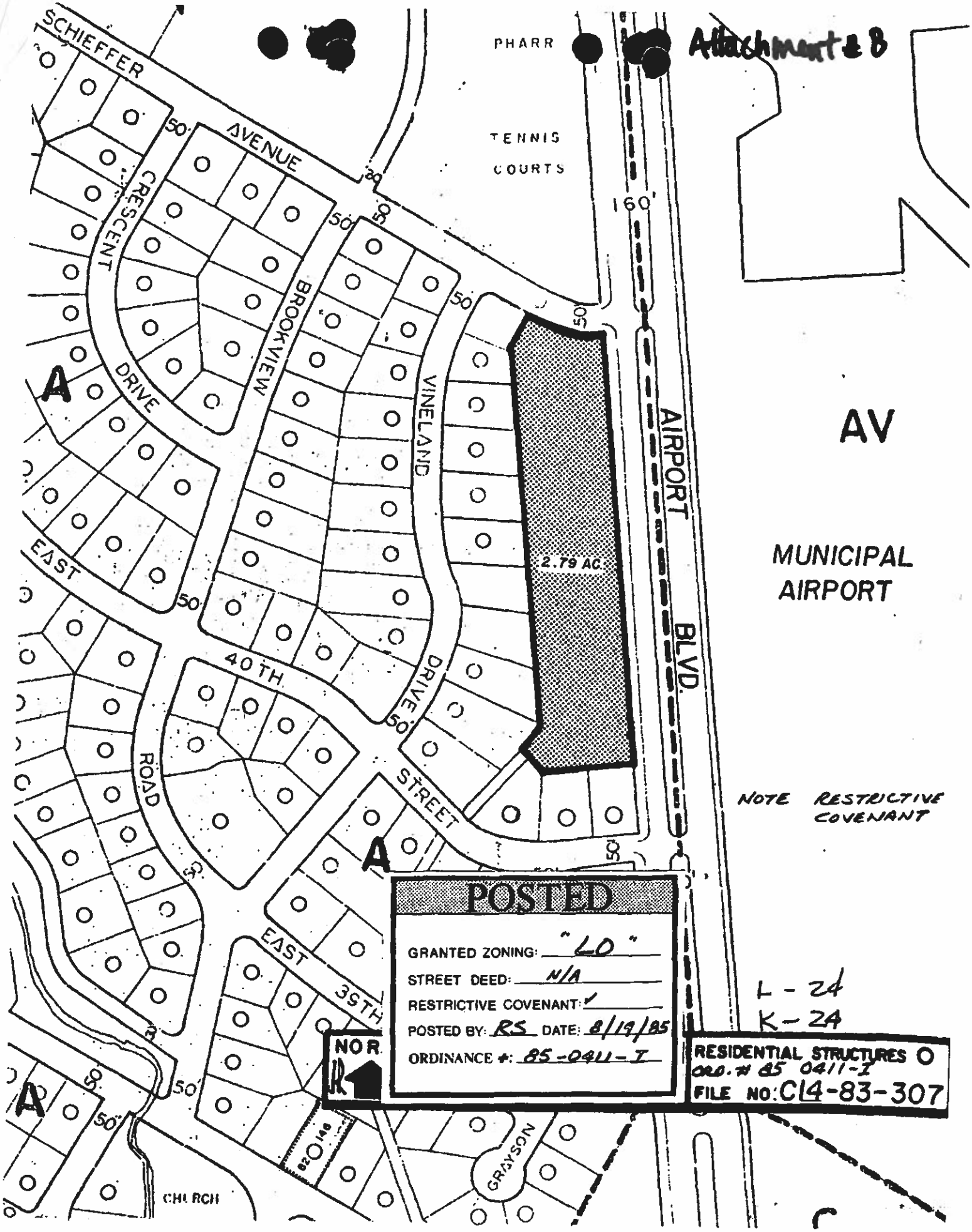
Signature	Printed Name	Address
Lacreta S. Richardson AS Trustee	Lacreta S. Richardson	313 W. Durham Pl. Broken Arrow OK. 74011

Date: 5/10/2010

Contact Name: Amelia Lopez

Phone Number: 512-453-0767/512-809-8790

Attachment # B



1900

C14-83-307

RESTRICTIVE COVENANT

THE STATE OF TEXAS)
)
COUNTY OF TRAVIS)

0 3 91 8188

WHEREAS, Willie J. Kopecky, Jr., Gustavo L. Garcia, and Pedro Tress Hernandez, all of Travis County, Texas, are co-owners of the following described property, to wit:

> 2.79 acres more or less, out of the THOMAS HAWKINS SURVEY NO. 9, Abstract No 346, Travis County, Texas, further described by metes and bounds in Exhibit "A", attached hereto, incorporated by reference herein and made a part hereof for all purposes.

WHEREAS, the City of Austin and Willie J. Kopecky, Jr., Gustavo L. Garcia and Pedro Tress Hernandez have agreed that the above described property should be impressed with certain covenants and restrictions running with the land and desire to set forth such agreement in writing;

NOW, THEREFORE, Willie J. Kopecky, Jr., Gustavo L. Garcia and Pedro Tress Hernandez, for and in consideration of One and No/100 Dollar ($1.00) and other good and valuable consideration in hand to the undersigned paid by the City of Austin, the receipt of which is hereby acknowledged, do hereby agree with respect to said property described above, such agreement to be deemed and considered as a covenant running with the land, and which shall be binding on them, their successors and assigns, as follows, to-wit:

1. No building or portion thereof shall be used and no building or portion thereof shall be constructed except for one or more of the uses allowed under the "O-1" Office District zoning and first height and area of tbe City of Austin Zoning Ordinance Sec. 13-2-61.1 and Sec. 13-2-62, except that no building or portion thereof shall be used and no building or portion thereof shall be constructed for any of the following uses:

AV 2-18-85 0906 * 19.00

REAL PROPERTY RECORDS
Travis County, Texas

a. Hotels

b. An office for the conduct of the occupations of physical therapist, barber, cosmetologist, hairdresser or manicurist.

c. Studios for art, dance, drama, music, photography.

d. A rental library or book shop.

e. A prescription pharmacy or dental or medical laboratory.

f. Community buildings or art galleries.

g. Clubs and fraternal organizations.

h. Dental and medical clinics, children's homes, convalescent homes, maternity homes and homes for the aged.

i. Business machines display, sales and rental, and instant printing-copy duplicating service.

j. Service and repair of office or business machines.

k. Employee or customer training facilities.

l. Any and all uses permitted by special permit only.

m. Meeting or union halls.

There shall be constructed a six foot high fence designed and placed as indicated by the attached site plan (see EXHIBIT A, T.K.G. PROPERTIES SITE PLAN). The undersigned owners, their heirs and assigns, will properly maintain the fence as well as all grounds within the above-described property.

All building windows facing adjacent private residential property shall be designed so that a person of average height (5'10"), sitting or standing in a normal posture, cannot see neighboring yards or windows of nearby homes. This shall be accomplished by the use of louvres, placement above normal eye level, or any other effective means. Any fixtures installed for this purpose shall be permanent and shall not be adjusted or removed by building tenants or owners.

No building or land shall be used for any purpose that requires 24-hour a day activity or for any purpose that requires

other than normal hours of operation. For the purpose of this agreement normal hours of operation are defined as from 7:00 a.m. to 7:00 p.m., Monday through Friday.

Any and all outside lighting constructed on said property shall be directed away from the adjoining residences, shall be low level lighting, and no high pressure sodium lighting shall be used.

No portable structures or structures of a temporary nature shall be constructed on said property.

No building or land shall be used and no building shall be erected or structurally altered for any use that will require the on-site storage of heavy equipment including, but not limited to drilling rigs, generators, trucks, tractors, and construction equipment or for any use which will generate excessive noise, dust or air pollutants.

No improvements shall be constructed on the above-described property except those indicated on a site plan approved by the Austin City Council.

Exterior walls shall be constructed of brick and roofs shall be pitched and of clay or concrete tile similar to mission or spanish tile. No building shall have more than two (2) stories nor shall it exceed City of Austin first height and area requirements. The gross building area, based on outside wall measurements of all buildings shall not exceed 40,000 square feet.

All site trash receptacles shall be placed behind fences, wall, or screens so that they will not be visible.

No signs shall be erected which are in violation of the City of Austin Sign Ordinance.

The owners of the property shall provide for periodic security patrols of the building premises as required to ensure the peace and tranquility of the adjoining property owners.

The site plan for the described property is attached to this

Restrictive Covenant and labled "EXHIBIT A, T.K.G. PROPERTIES SITE PLAN." That site plan is hereby incorporated into this document by reference as if copied and set forth in full. All restrictions, requirements and designs appearing on that site plan are hereby mandated by this Covenant.

All zoning ordinances, building codes, or any other requirements referred to in this Restrictive Covenant or in the Site Plan, are those which were in effect on September 1, 1984, provided, however, that this provision does not relieve owner of its obligation to meet new code and ordinance requirements which may be in effect at the time of any new construction. Owner shall comply with the terms of this Covenant or the requirements of applicable codes or zoning restrictions, whichever may be stricter.

2. If any person, persons, corporation or entity of any other character shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for any person owning property within 200 feet of said property, his successors and assigns, and for the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law, or in equity, against said person, or entity violating or attempting to violate such agreement or covenant and to prevent said person or entity from violating or attempting to violate such agreement or covenant.

3. If any part or provision of this agreement or covenant herein contained shall be declared invalid, by judgment or court order, the same shall in nowise affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full force and effect.

4. The failure at any time to enforce this agreement by the City of Austin, its successors and assigns, or by any person owning property within 200 feet of the above described property, his successors and assigns whether any violations hereof are

known or not, shall not constitute a waiver or estoppel of the right to do so.

5. This agreement may be modified, amended or terminated only by action of three-fourths of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, after notice and opportunity for hearing before such governing body has been given to the owners of property within 200 feet of the described property. A condition precedent to the consideration by the Austin City Council, or its successors, of any proposed modification, amendment or termination of this agreement, shall be the requirement that the owners of the subject property shall first exhaust all administrative remedies and avenues available through the City of Austin Planning Commission, City Planning Department and related or successor offices.

EXECUTED, this the 15th day of OCTOBER, 1984.

Willie J. Kopecky
WILLIE J. KOPECKY

Gustavo L. García
GUSTAVO L. GARCIA

Pedro Tress Hernandez
PEDRO TRESS HERNANDEZ *

THE STATE OF TEXAS)
)
COUNTY OF TRAVIS)

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared WILLIE J. KOPECKY, GUSTAVO L. GARCIA, and PEDRO TRESS HERNANDEZ * known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they have executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 15th day of October, 1984.

NOTARY SEAL

Patti E. Allen
Notary Public in and for
the State of Texas

My commission expires: 1/28/87

Printed name of Notary

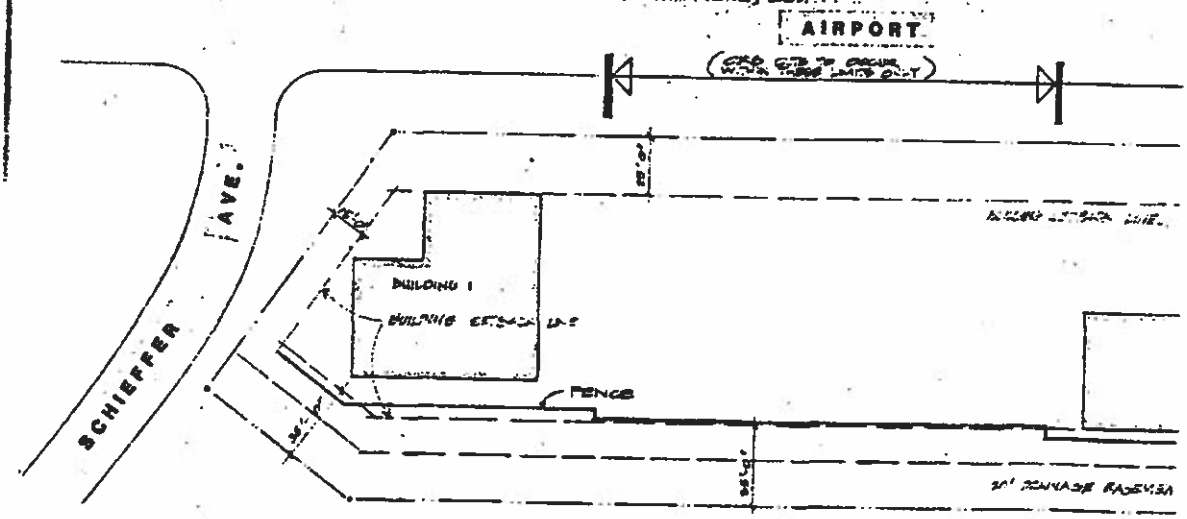
PATTI E. ALLEN NOTARY PUBLIC IN THE STATE OF TEXAS FOR THE COUNTY OF TRAVIS. MY COMMISSION EXPIRES JANUARY 28, 1987.

RESTRICTIVE COVENANT - 5
Kopecky, Garcia, and Tress
TKG/DOCS1/101184

* REPRESENTED by GUSTAVO L. G[illegible]A, HOLDER POWER of ATT[illegible]

NOTES:

1. BUILDING LOCATIONS ARE APPROXIMATE, HOWEVER, NO OUTSIDE BUILDING WALL SHALL BE ERECTED MORE THAN 25'-0" FROM LOCATION INDICATED ON PLAN, AND NO BUILDING SHALL BE ERECTED BETWEEN THE BUILDING SETBACK LINES AND THE PROPERTY LINES.
2. MAXIMUM CONSTRUCTION WILL NOT EXCEED 40,000 SQ. FT.
3. NO CURB CUTS WILL BE CONSTRUCTED OTHER THAN WITHIN THE LIMITS INDICATED ON PLAN. NO CURB CUTS WILL BE CONSTRUCTED FRONTING ON SCHIEFFER AVE.
4. ALL CURB CUTS WILL MEET CITY OF AUSTIN CODES AND ORDINANCE REQUIREMENTS.
5. FENCE LOCATIONS ARE APPROXIMATE, HOWEVER, NO PORTION OF FENCE SHALL BE LOCATED MORE THAN 10'-0" FROM LOCATION INDICATED AND ALL FENCING SHALL BE WITHIN PROPERTY LINES.



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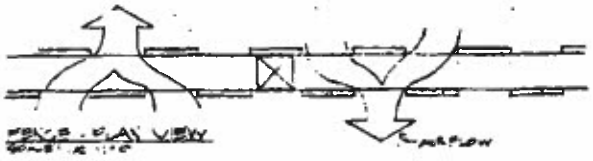
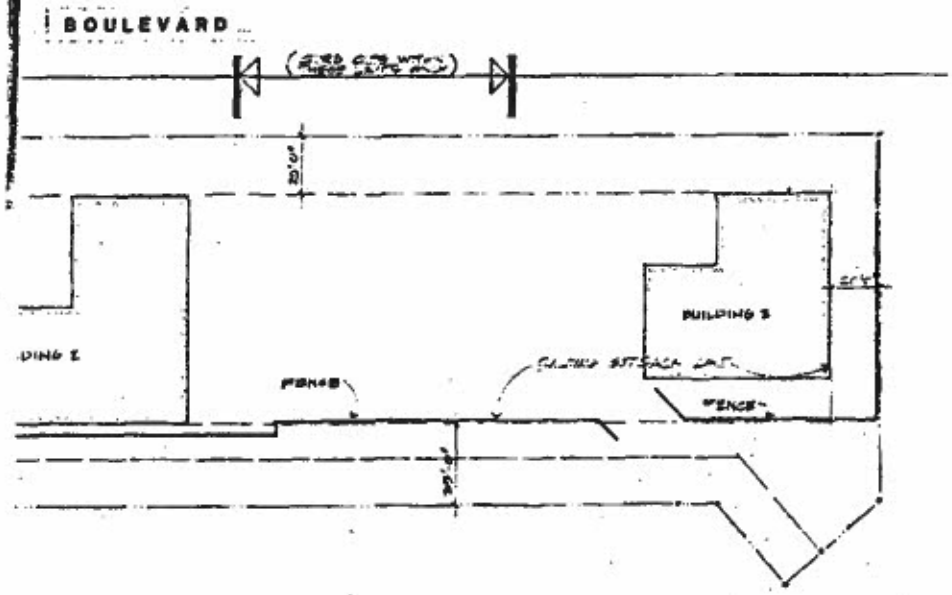


VILLALVA · COTERA · KOLAR
ARCHITECTS AND PLANNERS
1100 East 8th Street · Austin, Texas 78702 · (512) 474-6526

EXHIBIT A
T.K.G. PROPERTIES
SITE PLAN



ZONING CHANGE REVIEW SHEET

CASE: C14-2009-0102, Upper Boggy Creek Neighborhood Planning Area Vertical Mixed Use Building (V) Rezonings

P.C. DATE: February 9, 2010

AREA: 37 tracts on 57.36 acres

APPLICANT: City of Austin, Planning and Development Review Department (PDRD)

AGENT: City of Austin, Planning and Development Review Department (PDRD); Jacob Browning, Neighborhood Planner

NEIGHBORHOOD ORGANIZATIONS:

Anberly Airport Assn.
Austin Heights Neighborhood Assn.
Austin Independent School District
Austin Monorail Project
Austin Neighborhoods Council
Austin Parks Foundation
Austin Street Futbol Collaborative
Blackland Neighborhood Assn.
Cherrywood Neighborhood Assn.
Chestnut Addition Neighborhood Assn. (C.A.N.A.)
Chestnut Neighborhood Revitalization Corporation
City of Austin Neighborhood Planning (Chestnut)
Concordia Neighborhood Association
Davis-Thompson American Millenium Neighborhood Association
Dellwood Neighborhood Assn.
Delwood II Neighborhood Organization
East MLK Combined Neighborhood Association
East MLK Combined Neighborhood Contact Team
East MLK Neighborhood Plan Contact Team
Eastwoods Association
Email Notification Test Group
Friends of Chestnut Neighborhood Planning Team
Friends of Las Manitas and Escuelita del Alma
Hancock Neighborhood - City of Austin Staff Contact
Hancock Neighborhood Assn.
Home Builders Association of Greater Austin
Homeless Neighborhood Organization
Keep the Land
League of Bicycling Voters
Martin Luther King Jr./Airport Blvd. Sector
MLK Jr. Blvd TOD Staff Liaison
Mueller Community Association
Mueller Master Community Inc

Mueller Neighborhood Assn.
Mueller Neighborhoods Coalition
Mueller Property Owners Association
North Austin Neighborhood Alliance
Organization of Central East Austin Neighborhoods (OCEAN)
PODER People Organized in Defense of Earth & Her Resources
Rosewood Neighborhood Contact Team
Sentral Plus East Austin Koalition (SPEAK)
Sierra Club, Austin Regional Group
Super Duper Neighborhood Objectors and Appealers Organization
The Real Estate Council of Austin, Inc.
The University of Texas at Austin
UBC Neighborhood Planning Team Contact
United East Austin Coalition
Upper Boggy Creek Neighborhood Planning Team
Upper Boggy Creek Neighborhood Planning Team Contact
Wilshire Wood - Delwood I Neighborhood Assn.

AREA OF PROPOSED ZONING CHANGES: The Upper Boggy Creek Neighborhood Planning Area is bounded by IH 35, 26th Street and Comal Street to the west, Airport Boulevard to the north and east, and Martin Luther King, Jr. Boulevard, Cedar Boulevard, Rogers Boulevard, Walnut Boulevard and Manor Road to the south.

WATERSHEDS: Boggy Creek (Urban), Waller Creek (Urban)

DESIRED DEVELOPMENT ZONE: Yes

SCHOOLS: Maplewood Elementary School

APPLICABLE CORE TRANSIT CORRIDORS: Airport Boulevard and Manor Road, Future Core Transit Corridors; Martin Luther King, Jr. Boulevard, Core Transit Corridor

STAFF COMMENTS: The VMU Overlay District includes approximately 24.82 acres (20 tracts). The Upper Boggy Creek Neighborhood Planning Contact Team recommends to opt-in 40 additional properties outside of the district's boundaries to receive the VMU (V) zoning designation; the opt-in properties are, in total, 29.47 acres (10 tracts). The Contact Team recommends amending the VMU Overlay District boundaries to exclude 3.07 acres (7 tracts) from the overlay.

The Contact Team also recommends a 60% affordability level for 10% of the residential units available for rent within a VMU building.

Properties located within the boundaries of the MLK Jr. Station Area Plan were removed from the Vertical Mixed Use application process.

The planning team's recommendations are not entirely consistent with the Upper Boggy Creek Future Land Use Map (FLUM), adopted in August of 2002. Several properties (included in tracts 1 - 3, 16, 18 and 109) have future land use designations of commercial and

office; a portion of tract 16 is designated as single-family and a portion of tract 18 is designated as multifamily. These properties should be designated as mixed-use and/or mixed-use/office to receive the V zoning. These parcels are the subject of the accompanying neighborhood plan amendment case, NPA-2009-0012.03.

LIST OF ATTACHMENTS:

Attachment 1: Vertical Mixed Use (VMU) Opt-In / Opt-Out Application
Attachment 2: Upper Boggy Creek VMU Tract Table
Attachment 3: Upper Boggy Creek VMU Neighborhood Recommendations
Attachment 4: Upper Boggy Creek VMU Overlay District & Opt-In Tract Map
Attachment 5: Zoning Map
Attachment 6: Upper Boggy Creek Aerial Map
Attachment 7: Overview of Vertical Mixed Use (VMU) and the Opt-In/Opt-Out Process
Attachment 8: Copy of a Restrictive Covenant for 4020 Airport Boulevard (a portion of Tract 3)
Attachment 9: Statement of Opposition signed by 36 people regarding Tract 3
Attachment 10: Explanation of VMU Petitions
Attachment 11: Received Comment Forms or Emails
Attachment 12: Upper Boggy Creek VMU Overlay District & Opt-In Excluded Parcels Tract Map
Attachment 13: Updated Zoning Map (excluded tracts are not shown)

PLANNING COMMISSION RECOMMENDATION:
Approve vertical mixed use building (V) designation to Tract 1 with no VMU-related standards; Approve vertical mixed use building (V) designation with all VMU-related standards to Tracts 3 - 9, 27, and 100 - 109; Approve vertical mixed use building (V) designation with only Parking Reduction to Tracts 10, 12, 14, 16, 18, 20, and 23 - 26; Amend the VMU Overlay District to exclude Tracts 2, 11, 13, 15, 17, 19, 21, and 22; Approve an affordability level of 60% of the median family income for 10% of rental units within a vertical mixed use building. Motion made by Commissioner Clint Small, Commissioner Mandy Dealey seconded the motion on a vote of 8-0, with Commissioner Jay Reddy absent.

ISSUES: A restrictive covenant is in place for a portion of Tract 3 (4020 Airport Boulevard). This zoning change will not affect the regulations set forth in the restrictive covenant. The restrictive covenant is included in the back-up for this case as Attachment 8.

Thirty-six people have signed a statement of opposition to apply VMU zoning to Tract 3. The statement is included in this backup as Attachment 9. Because a valid petition cannot be applied to eligible tracts in the VMU Overlay District, this statement of opposition will be attached in its place. Please refer to Attachment 10, Explanation of VMU Petitions, for more information.

CITY COUNCIL DATE and ACTION:
March 11, 2010: The public hearing was closed and Ordinance No. 20100311-062 with the following provisions was approved on Council Member Morrison's motion, Council Member

Spelman's second on a 5-1 vote. Mayor Pro Tem Martinez' voted nay. Council Member Shade abstained.

Tract 1 was approved for vertical mixed use building (V) designation with no VMU-related standards.

Tract 2 was excluded from the VMU Overlay District.

Tracts 4-9, 27 and 100-109 were approved for vertical mixed use building (V) designation with all VMU-related standards.

Tracts 10, 12, 14, 16, 18, 20 and 23-26 were approved for vertical mixed use building (V) designation with only parking reduction.

An affordability level of 60% of the median family income for 10% of rental units in a vertical mixed use building was included.

The first reading of the ordinance to amend the VMU Overlay District to exclude Tracts 3, 11, 13, 15, 17, 19, 21 and 22 from the VMU Overlay District was approved on Council Member Morrison's motion, Council Member Spelman's second on a 5-1 vote. Mayor Pro Tem Martinez' voted nay. Council Member Shade abstained.

April 22, 2010: Approved a Postponement request by Staff to May 13, 2010 (7-0).

May 13, 2010: The second and third readings of the ordinance to amend the VMU Overlay District to exclude Tracts 11, 13, 15, 17, 19, 21, and 22 from the VMU Overlay District was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

May 27, 2010:

CASE MANAGER: Jacob Browning **PHONE:** 974-7657

E-MAIL: jacob.browning@ci.austin.tx.us

NEIGHBORHOOD RECOMMENDATION

The Upper Boggy Creek Neighborhood Planning Contact Team met in June 2007 to make recommendations on the vertical mixed use opt-in/opt-out process in their neighborhood. The Contact Team reached consensus to apply a variety of VMU bonuses to several tracts within the VMU Overlay District. The breakdown of applicable VMU bonuses is as follows:

- Tract 1: Apply no VMU bonuses
- Tract 2: Apply Dimensional Standards only
- Tracts 3-9 and 27: Apply all VMU bonuses
- Tracts 10, 12, 14, 16, 18, 20, 23-26: Apply Dimensional Standards and Ground Floor Uses

The Contact Team also recommends opting-in ten additional tracts (tracts 100-109) that are not originally part of the VMU Overlay District. According to the submitted application, *all VMU bonuses are to be applied to these opt-in properties.*

The Contact Team recommends amending the boundaries of the VMU Overlay District to exclude the following tracts from the overlay: Tracts 11, 13, 15, 17, 19, 21, and 22.

The Contact Team set a 60% MFI affordability level for 10% of residential units for rent within VMU buildings.

See the attachments for the "Neighborhood Recommendations Tables."

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 <u>not</u> fronting on the Core Transit Corridors are <u>not</u> 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 C14-2009-0102 is the final step in the Vertical Mixed

Use Opt-In/Opt-Out process for the Upper Boggy Creek application area. A more detailed overview of Vertical Mixed Use and the Opt-In/Opt-Out process is provided in Attachment 7.

Impervious Cover

The maximum impervious cover limits for the proposed zoning districts are as follows:

LI, Limited Industrial Service	80 %
CS, General 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

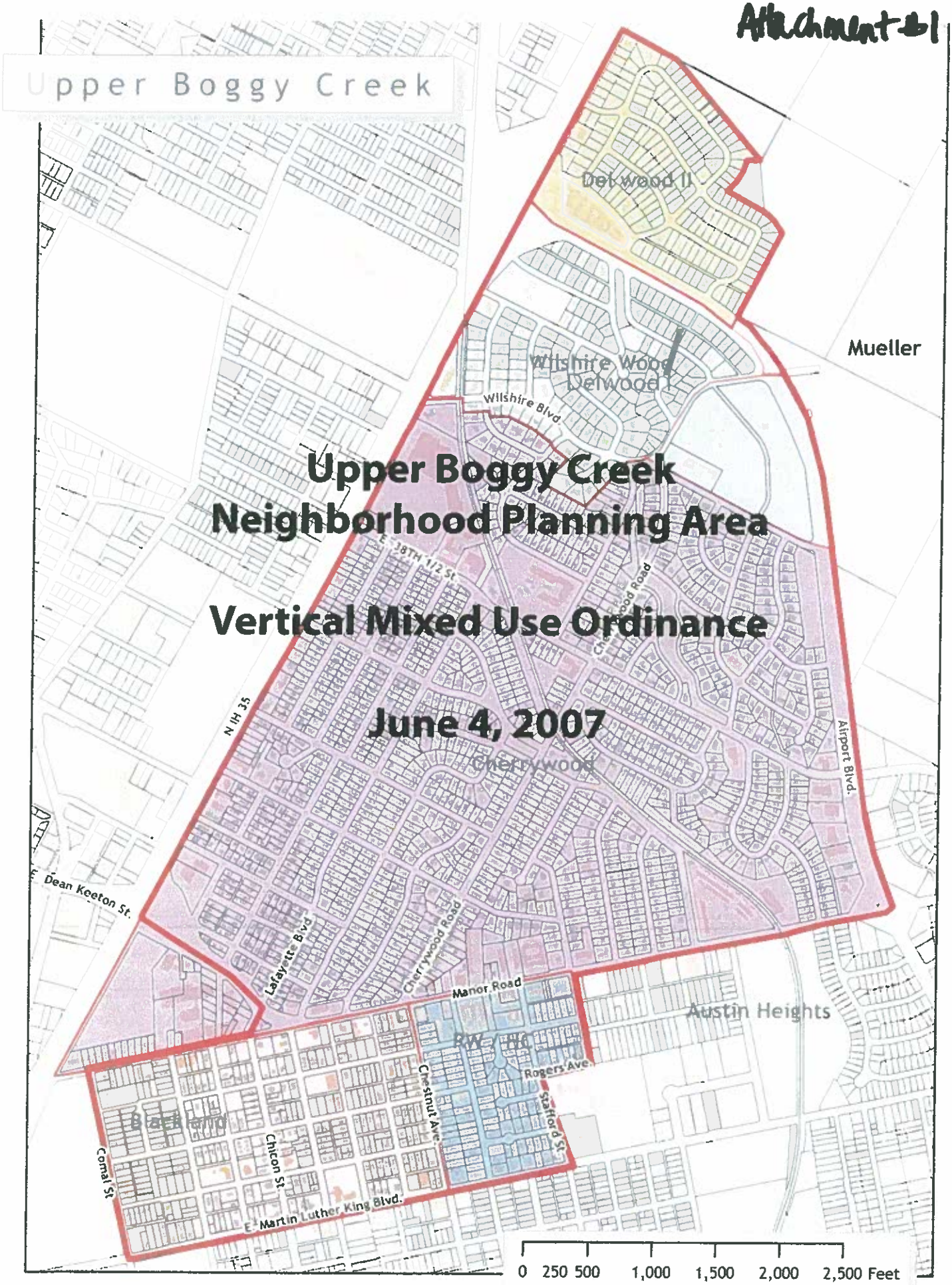
The area is served with City of Austin water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the water and wastewater 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

Site plans will be required for any new development other than single-family or duplex residential.

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.

Attachment #1



Upper Boggy Creek Neighborhood Planning Area

Vertical Mixed Use Ordinance

June 4, 2007

Map created April 2007 with City of Austin GIS Data available:
ftp://coageoid01.ci.austin.tx.us/GIS-Data/Regional/coa_gis.html
For more information contact Jules Vieau, 512-495-9569

UPPER BOGGY CREEK NEIGHBORHOOD PLANNING TEAM

Rogers-Washington/Holy Cross * Blackland * Cherrywood * Wilshire Wood/Delwood 1 * Delwood 2

4 June 2007

Attn: George Adams
Neighborhood Planning & Zoning Dept.
One Texas Center
505 Barton Springs Rd, 5th Floor

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Dear Mr. Adams:

Enclosed you'll find the Vertical Mixed Use Ordinance packet for the Upper Boggy Creek Neighborhood Planning Area.

Because our neighborhood planning district is divided into five sub-districts, this packet is contains five section representing the VMU preferences as expressed by the neighborhood representatives from each sub-district.

I would like to note here the unanimous displeasure among members of our planning team with the process required for evaluating the VMU and submitting the required documentation. From the initial, incomplete information provided to us from city officials to the extraordinarily confusing language on the forms in the packet (which require Yes/No answers to Opt-In/Opt-Out terminology), our team members found this process to be needlessly time-consuming and frustrating.

This packet includes the maps for your reference, although the specific recommendations and preferences for the property-by-property VMU "opt-ins" and "opt-outs" are noted on the forms and in descriptive text.

Please contact me – or the secondary contacts from each sub-district -- if you have any questions.

Sincerely,

Jay Velgos

Jay Velgos
Chair, Upper Boggy Creek Neighborhood Planning Team
c/o 1304 Crestwood Road
Austin, TX 78722
jvelgos@austin.rr.com

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VERTICAL MIXED USE (VMU) OPT-IN/OPT-OUT APPLICATION

The purpose of this application is to provide recommendations on the location and standards for Vertical Mixed Use within the below named area.

Detailed instructions for completing this application can be found by clicking on this link: *ftp://coageoid01.ci.austin.tx.us/GIS-Data/planning/CommercialDesign/vmu_instructions.pdf*. ***Please read these instructions prior to completing this application.*** A "Submittal Checklist" is provided at the end of this document to help ensure that all application materials are included in the neighborhood submittal.

If you have questions or need additional information please contact the VMU Help Line at:

vmu@ci.austin.tx.us or (512) 974-2150

1. IDENTIFY YOUR NEIGHBORHOOD PLANNING OR APPLICATION AREA AND PROVIDE THE FOLLOWING INFORMATION:

A. NAME OF NEIGHBORHOOD PLANNING AREA OR VMU APPLICATION AREA*:

UPPER BOGGY CREEK NEIGHBORHOOD PLANNING AREA
A.K.A. "UBC"

*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 JAY VELGOS

PHONE 512-560-9014

E-MAIL JVELGOS@AUSTIN.RR.COM

MAILING ADDRESS 1304 CRESTWOOD ROAD
AUSTIN, TX 78722

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SECONDARY CONTACT INFORMATION:

~~NAME~~ SEE ATTACHED PAGE FOR

~~PHONE~~ PLANNING AREA SUB-DISTRICT

~~E-MAIL~~ CONTACTS.

~~MAILING ADDRESS~~

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.

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VERTICAL MIXED USE OVERLAY DISTRICT FORM

ADDRESS OF PROPERTY*	APPLICATION AREA:			PAGE ___ of ___	
PLEASE SEE FORMS IN EACH SUB-DISTRICT SECTION	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)

* If the detailed map does not include an address for a property of interest please assign a number or address to the property and note the number or address on both the detailed map and the opt-out form.

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4. **IF YOUR AREA HAS PROPERTIES <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.

PLEASE SEE SECTIONS
FOR EACH SUBDISTRICT

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VERTICAL MIXED USE OPT-IN FORM

ADDRESS OF PROPERTY*	APPLICATION AREA:			PAGE ____ of ____
PLEASE SEE SECTIONS FOR EACH	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.
SUB-DISTRICT				

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* If the detailed map does not include an address for a property of interest please assign a number or address to the property and note the number or address on both the detailed map and the opt-out form.

5. IDENTIFY A RECOMMENDED LEVEL OF AFFORDABILITY FOR FUTURE VMU RENTAL UNITS.

Indicate a level of affordability for residential rental units. The affordability requirements are triggered only when a VMU Building takes advantage of the dimensional standards and parking reductions approved for a site.

Note: A single affordability level applies to all VMU-eligible properties within the application area. See Instructions for VMU Opt-In/Opt-Out Process for more detail.

Recommended Affordability Level for VMU-eligible properties (check one):

_____ 80% of median family income

_____ 70% of median family income

____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.

NEIGHBORHOOD PLANNING TEAM MEMBERS INCLUDE DULY-APPOINTED REPRESENTATIVES ~~FOR~~ FROM EACH OF THE 5 SUB-DISTRICTS.

B. Please provide the results of the vote:

For 14 Against 0

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C. Number of people in attendance at the meeting: 14

D. Please explain how notice of the meeting at which the vote was taken was provided:
FOLLOWING MONTHS OF DISCUSION ON VMU AT OUR REGULARLY SCHEDULED MEETINGS, TEAM MEMBERS WERE NOTIFIED IN-PERSON TWO WEEKS IN ADVANCE OF THE VOTE. THEY ALSO RECEIVED REMINDERS BY E-MAIL.

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

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

G. Please read and sign the following:

THE ABOVE STATED INFORMATION IS ACCURATE AND COMPLETED IN ACCORDANCE WITH :

Neighborhood Plan Team By-Laws: X
Neighborhood Association By-Laws: X
Other, as described in question A.; above: _____

SIGNATURE OF CHAIR (OR DESIGNEE)

4 JUNE 2007
DATE

7. MAIL COMPLETED APPLICATION AND DETAILED MAPS TO:

Neighborhood Planning and Zoning Department
Attn: George Adams
P.O. Box 1088
Austin, TX 78767

or, drop-off at the NPZD office at:

One Texas Center
505 Barton Springs Road, 5th floor

UPPER BOGGY CREEK NEIGHBORHOOD PLANNING TEAM

Rogers-Washington/Holy Cross * Blackland * Cherrywood * Wilshire Wood/Delwood 1 * Delwood 2

VERTIAL MIXED USE ORDINANCE
SECONDARY CONTACTS:

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Delwood 2 Subdistrict

Ken Ronsonette
512-451-5941
ronsonette@grandecom.net
1207 Fairwood Rd
Austin, TX 78722

Kathy Bolstorff
512-302-3366
bolsy@grandecom.net

Wilshire Wood/Delwood 1 Subdistrict

Leslie Lawson
512-302-0396
lolawson@io.com
1302 Ardenwood Road
Austin, TX 78722

Isaiah Tibbs
512-423-4343
realtor77@gmail.com
1300 Crestwood Road
Austin, TX 78722

Cherrywood Subdistrict

Girard Kinney
girard@kinneyarchitects.com
512-478-5042
5 Kern Ramble St
Austin, TX 78722

Blackland Subdistrict

Johnnie M Overton
JohnnieOverton@grandecom.net
512-927-2864
5308 Beechmoor Dr
Austin, TX 7872 ·

Rogers-Washington/Holy Cross Subdistrict

Lavon Marshall
512-472-5944
lavonmar@sbcglobal.net
2508 Givens Ave.
Austin, TX 78722

Billy Thogerson
billy@hotbilly.com
2104 Stafford
Austin, TX 78722

PRIMARY UBC CONTACT:

Jay Velgos
Chair, Upper Boggy Creek Neighborhood Planning Team
jvelgos@austin.rr.com
512-560-9014
1304 Crestwood Road
Austin, TX 78722

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VERTICAL MIXED USE APPLICATION
SUBMITTAL CHECKLIST

✓ 1. Completed application with signature of chairperson.

✓ 2. Detailed maps SEE FORMS FOR DETAILS ~~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.

Upper Boggy Creek: Blackland Sub-District

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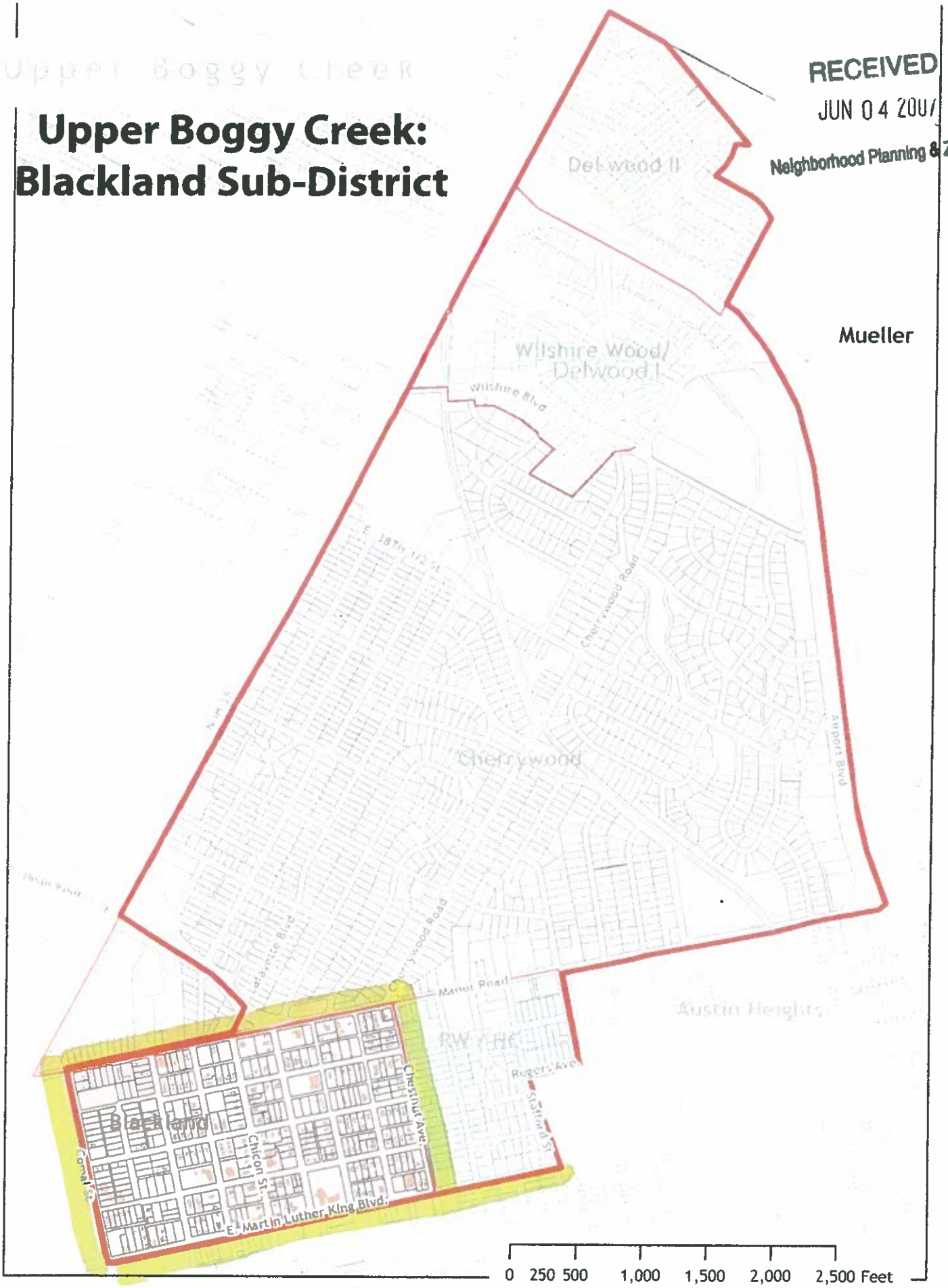

Map created April 2007 with City of Austin GIS Data available:
ftp://coageoid01.ci.austin.tx.us/GIS-Data/Regional/coa_gis.html
For more information contact Juler Vieau, 512-495-9569

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VERTICAL MIXED USE OVERLAY DISTRICT FORM

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	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)
2101 Manor Rd.	✓				
2201 Manor Rd.	✓				
1814 East MLK	✓				
Note: Blackland Neighborhood Association desires to opt-out of parking reductions for all properties.					

* 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.

Upper Boggy Creek: Rogers-Washington/ Holy Cross Sub-District

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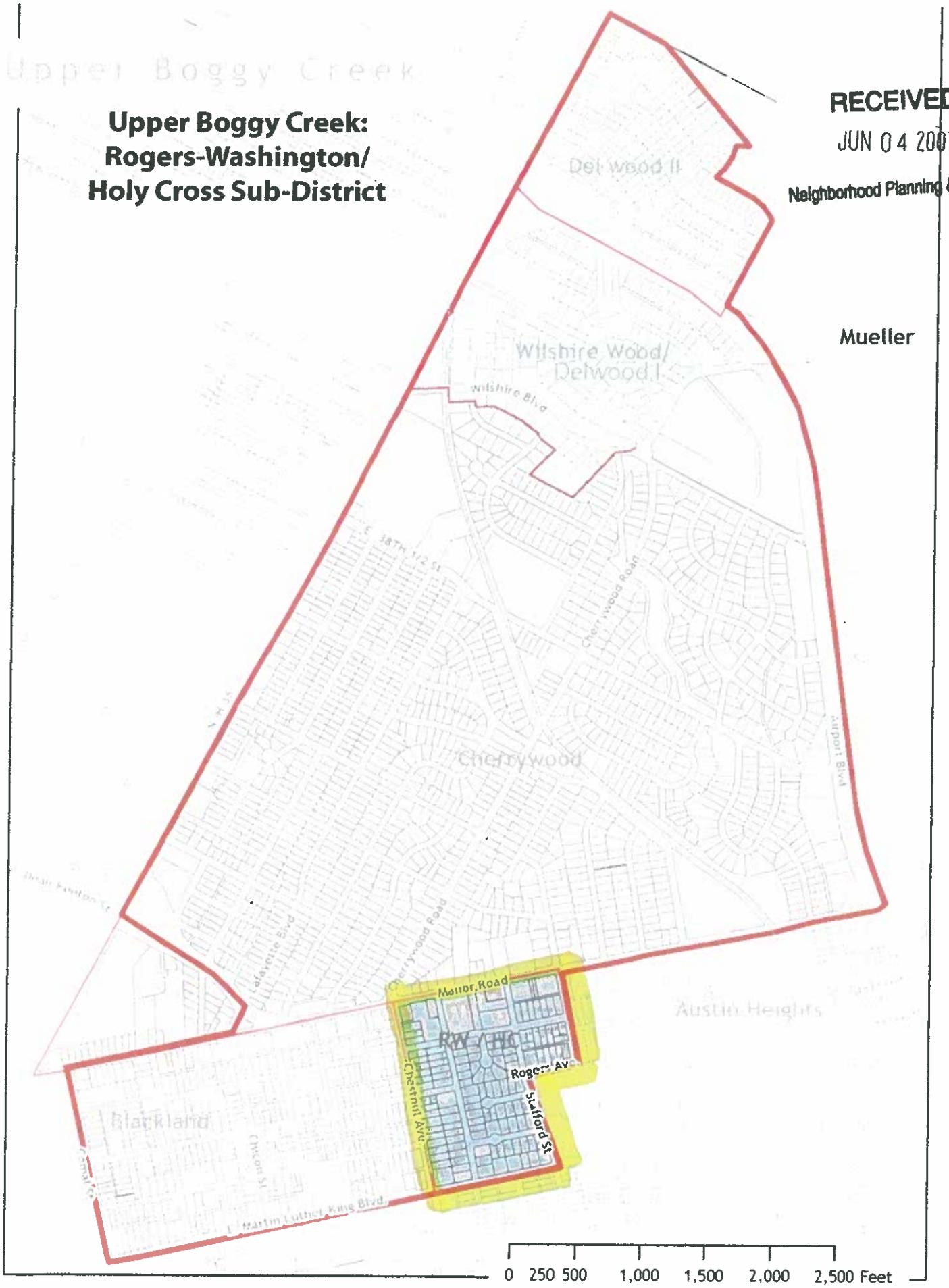

0 250 500 1,000 1,500 2,000 2,500 Feet

1 inch equals 1,000 feet

Map created April 2007 with City of Austin GIS Data available:
ftp://coageoid01.ci.austin.tx.us/GIS-Data/Regional/coa_gis.html
For more information contact Jules Vieau, 512.495.9569

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2615 Manor Rd.	X				
2613 Manor Rd	X				
2605 Manor Rd	X				
2310 Manor Rd	X				
2300 Manor Rd	X				
2309 Manor Rd	X				
2301 Manor Rd.	X				
2610 Manor Rd.	X				
2406 Manor Rd	X				
2627 Manor Rd.	X				
2409 Manor Rd.	X				
2206 Maple Ave.		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.

Do not allow reduction in on-site parking for Rogers-Washington-Holy Cross neighborhood.

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VERTICAL MIXED USE OPT-IN FORM

ADDRESS OF PROPERTY*	APPLICATION AREA:			PAGE ____ of ____
	Opt-In for Dimensional Standards (These standards are a "package" and must be accepted or rejected as such)	Opt-In for Parking Reductions (commercial uses only)	Opt-In for Ground Floor Uses in office zoning districts (NO, LO, GO)	The neighborhood recommends opt-in for all VMU related standards.
N/A				

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Upper Boggy Creek
Neighborhood Planning Team

Minutes from May 29, 2007 Special Meeting

In attendance, Voting Members:
Jay Velgos (WWD1); Brad Roseman (D2); Kathy Bolstorff (D2); Leslie Lawson (WWD1); Bo McCarver (BL); Girard Kinney (CW); Wade McElroy (CW); Johnnie M. Overton (BL); Isaiah Tibbs (WWD1); Lavon Marshall (RWHC); Ora Houston (BL); Edna Parra (RWHC); Ken Ronsonette (D2); Michael Bray (CW)

AGENDA

1. Read and approve minutes from May 15, 2007 Meeting

2. Verify Neighborhood Representation

3. Discuss Vertical Mixed Use preferences for each of the UBC subdistricts and record decisions for reporting to the City of Austin
Motion to Endorse Each Subdistrict's VMU Recommendations.
Vote: 14 For; 0 Against

4. Discuss and decide on UBC-wide preference for economic threshold on affordable housing: 60 percent, 70 percent, or 80 percent Median Household Income.
Motion to Recommend Planning Area-Wide Affordable Housing for MHI at 60 percent. Vote: 10 For; 4 Against; 1 Abstain

5. New Business: None

6. Adjourn at 8:10 pm

From: Jay Velgos <jvelgos@austin.rr.com>
Subject: **UBC Special Meeting: TOMORROW**
Date: May 28, 2007 7:22:32 PM CDT
To: Jay Velgos <jvelgos@austin.rr.com>, Leslie Lawson <lolawson@lo.com>, Isaiah Tibbs <realtor77@gmail.com>, Kathy Bolstorff <bolsy@grandecom.net>, Robyn Hembree <rhembree77@yahoo.com>, Brad Roseman <brad@brokerbrad.com>, Desiny Villarreal <desinyv@grandecom.net>, Amy Brotman <amy.brotman@yahoo.com>, Dorothy Wade <WadeDee[illegible]>, Michael Bray <braym@southwestern.edu>, Wade McElroy <WadeMcElroy@gmail.com>, Tom Wald <tomwald@hotmail.com>, Girard Kinney <girard@kinneyarchitects.com>, Ora Houston <oraann1@yahoo.com>, Johnnie Overton <JohnnieOverton@grandecom.net>, Bo McCarver <bmccarver@austin.rr.com>, Arellio Torres <Atorres9@msn.com>, Billy Thogersen <billy@hotbilly.com>, Lavon Marshall <lavonmar@sbcglobal.net>, Tammy Carter <tcarter@austinisd.org>, Bonnie Cullum <vortex@vortexrep.org>
Cc: Mark Schiff <gortpara@yahoo.com>, Mark Walters <Mark.Walters@ci.austin.tx.us>, Stephen Kreger <tark427@hotmail.com>

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Greetings!

Sorry for the late reminder of this meeting...

WHAT: Upper Boggy Creek Neighborhood Planning Team Special Meeting

WHEN: Tuesday, May 29 - 6:30 - 8 pm

WHERE: Kleberg Hall at St. George's Church (4301 N. I-35 at Ardenwood Road)

As we discussed two weeks ago, the Upper Boggy Creek Neighborhood Planning Team will convene a SPECIAL MEETING to finalize our decisions regarding the properties in our area that we wish to opt in or out of the Vertical Mixed Use Ordinance.

I am hopeful this will be a short meeting. All that's required is that the VMU representatives from each of the neighborhoods be ready with their lists.

ALSO...

Here's my latest roster of UBC Representatives from each of the neighborhoods. Please let me know if I've left anyone off. (You should be able to see everyone's e-mail addresses in the TO field of this message.)

Delwood 2
Kathy Bolstorff - Homeowner
Robyn Hembree - Homeowner
Brad Roseman - Business Owner
Desiny Villarreal- Homeowner / alternate

Wilshire Wood/Delwood 1
Leslie Lawson - Homeowner
Jay Velgos - Homeowner
Isaiah Tibbs - Business Owner

Cherrywood
Amy Brotman - Homeowner
Dorothy Wade - Homeowner
Wade McElroy - Business Owner
Tom Wald - Renter
Michael Bray - Homeowner Alternate
Girard Kinney - Business/Homeowner Alternate

Blackland
Ora Houston - Homeowner
Johnnie Overton - Homeowner
Evoila Givan - Renter
Arellio Torres, Business Representative
Bo McCarver - Alternate Business Representative/Homeowner

Rogers-Washington/Holy Cross
Billy Thogerson - Homeowner
Lavon Marshall - Homeowner
Tammy Carter - Renter

Bonnie Cullum - Business Owner

See you tomorrow!

- Jay Velgos
Chair, Upper Boggy Creek Neighborhood Planning Team

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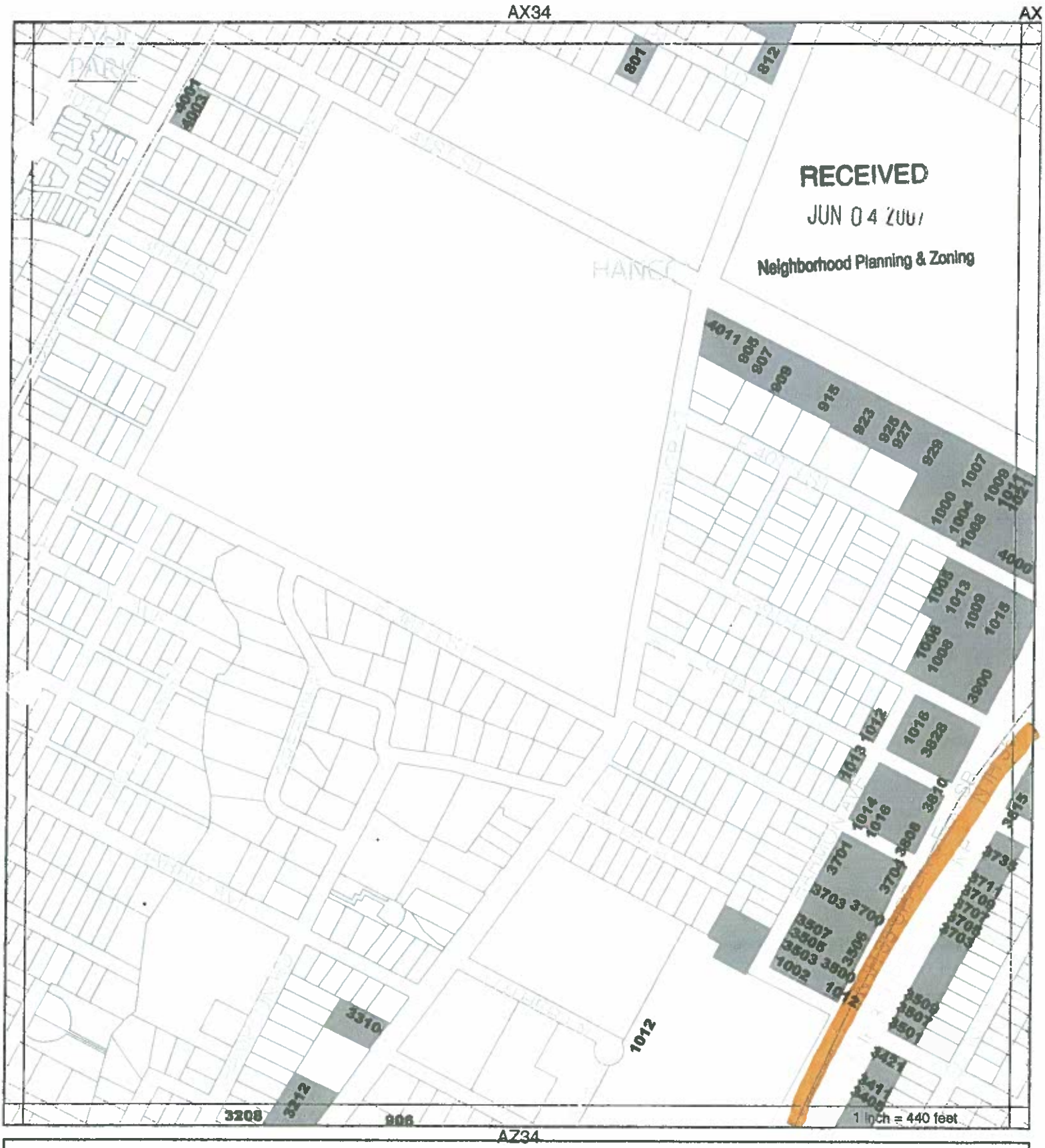
AW35

AY35

Detailed Maps for Vertical Mixed Use Opt-in/Opt Out Process
Grid Page: AX35

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.



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

Legend

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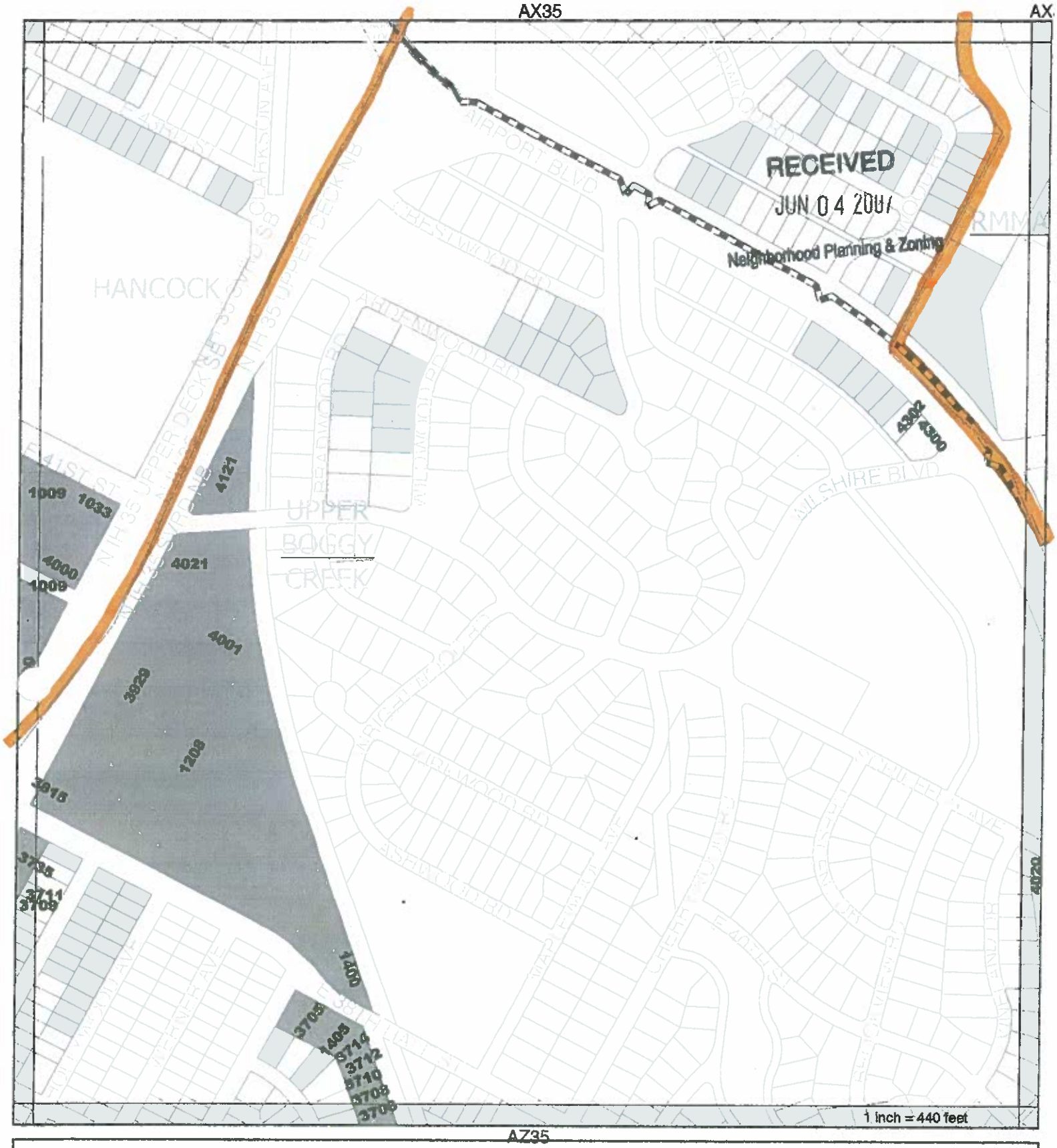

Detailed Maps for Vertical Mixed Use Opt-in/Opt Out Process
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AZ36

Detailed Maps for Vertical Mixed Use Opt-in/Opt Out Process
Grid Page: AY36

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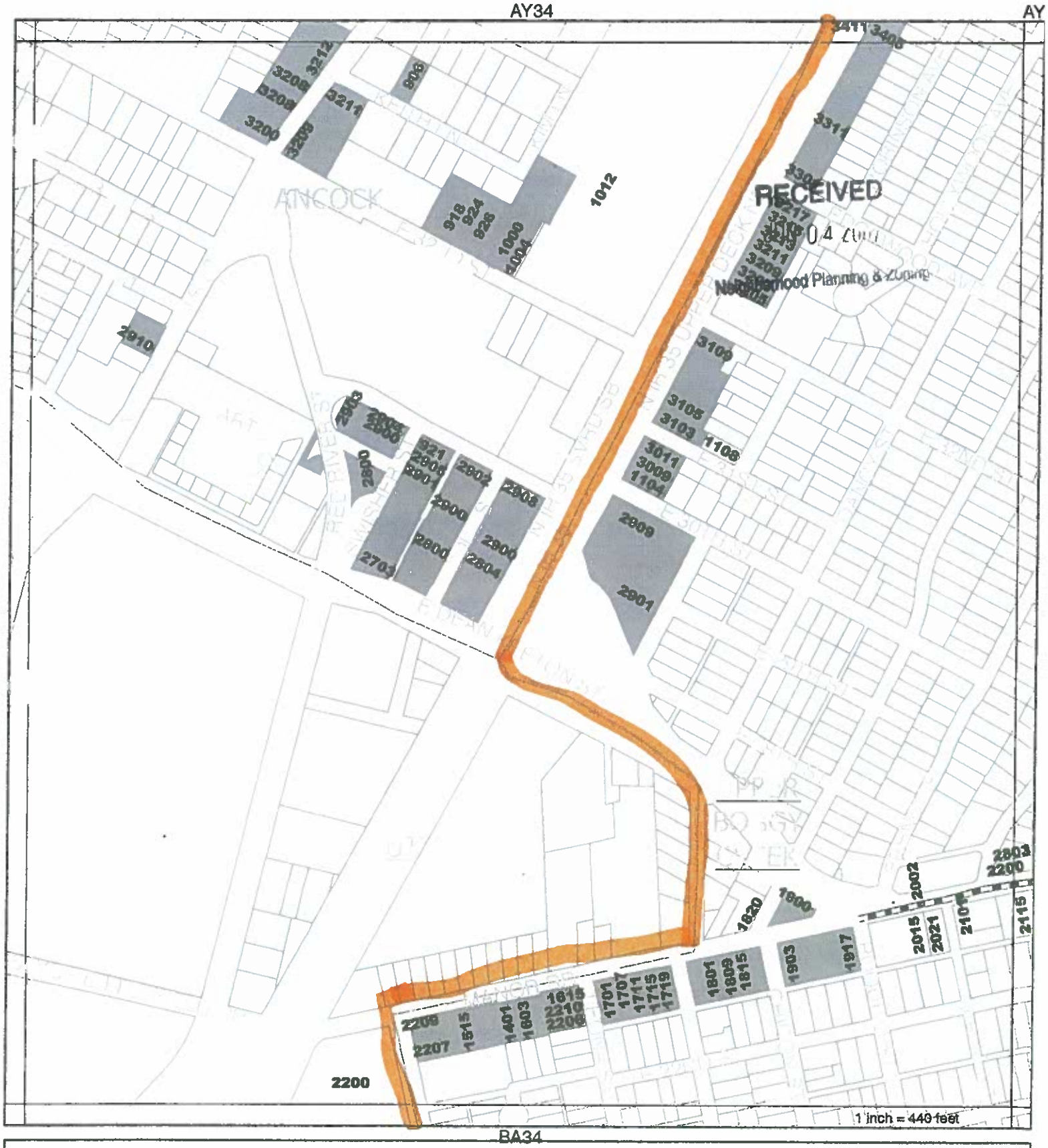

Detailed Maps for Vertical Mixed Use Opt-In/Opt Out Process
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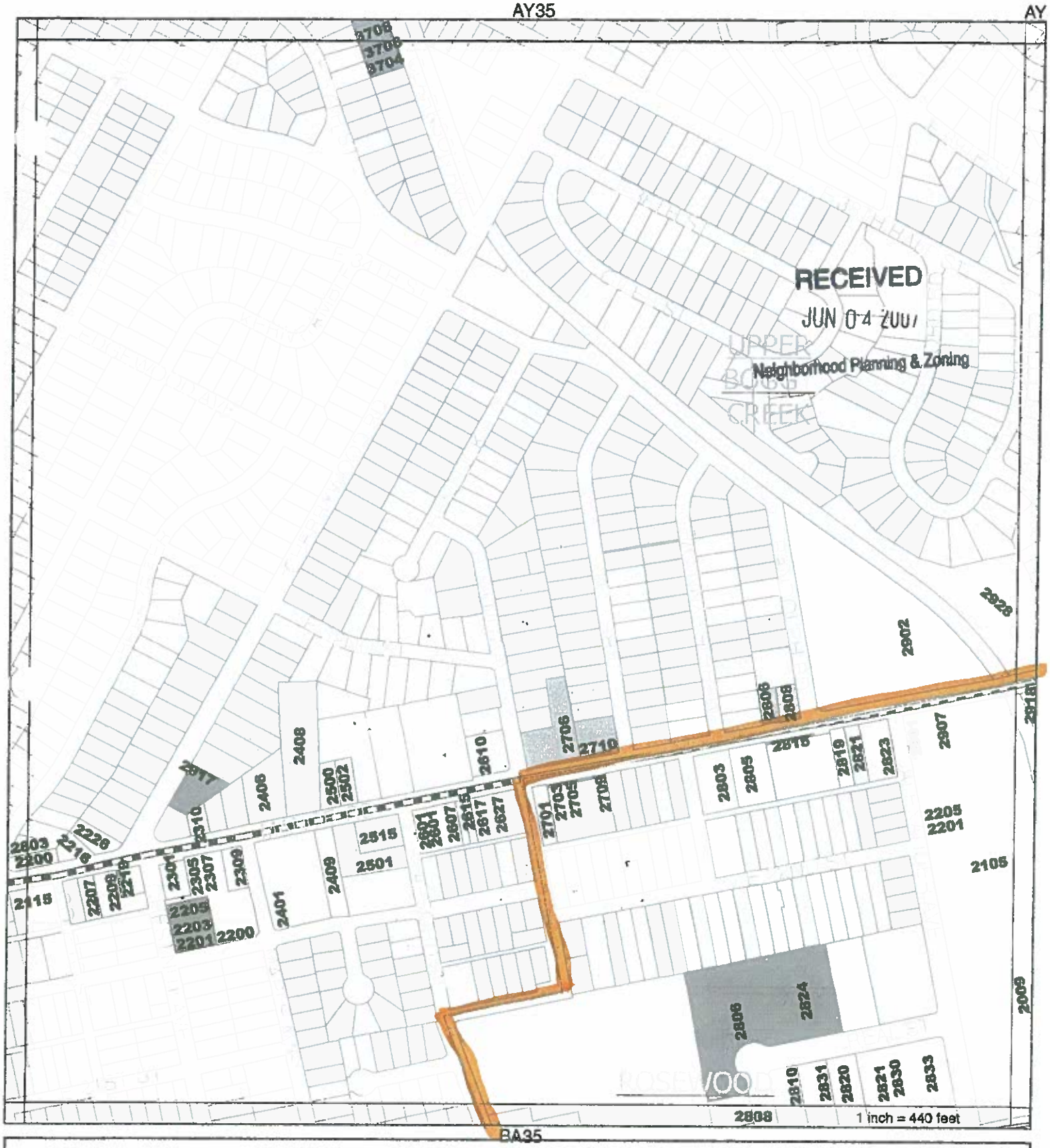

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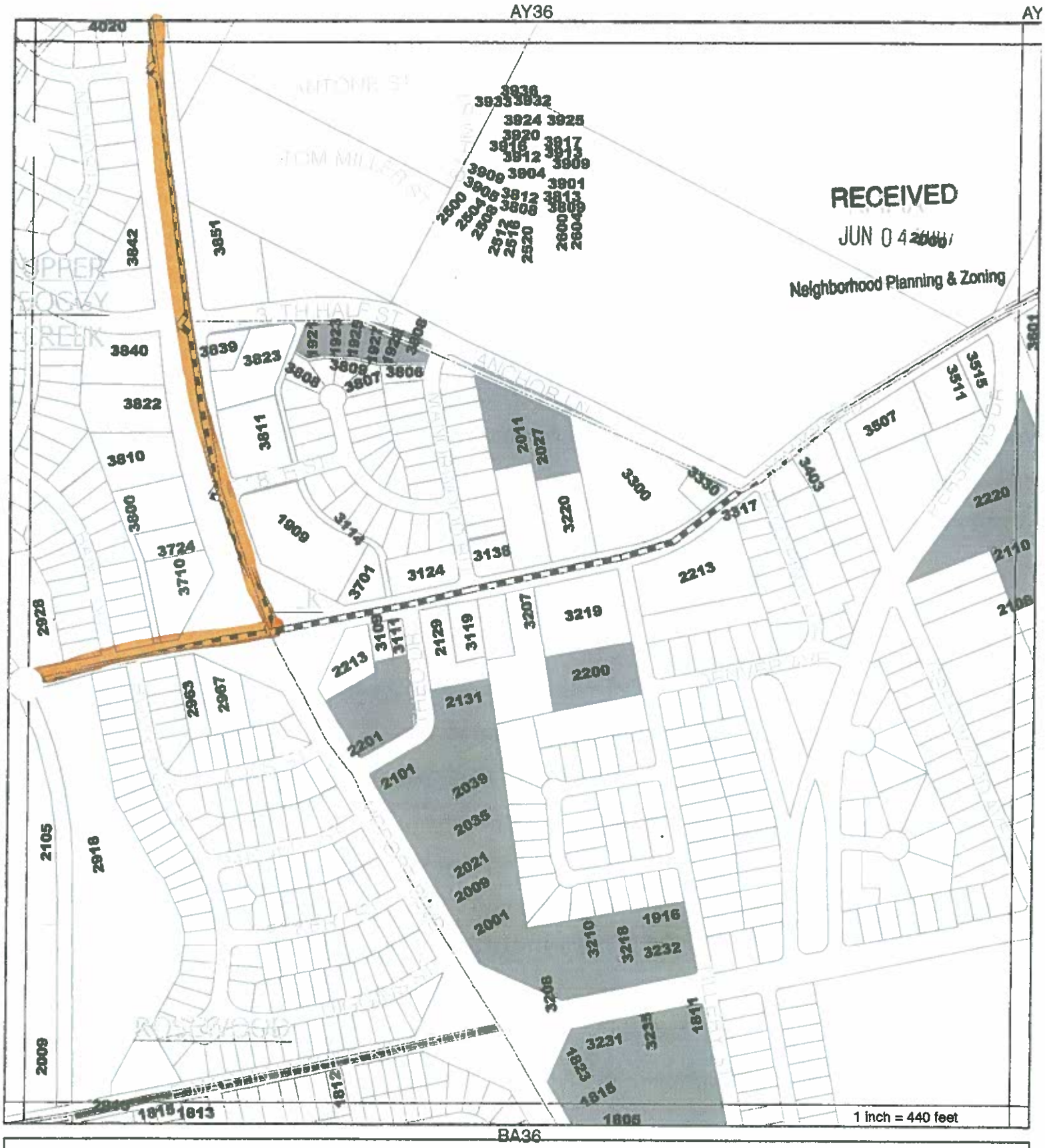

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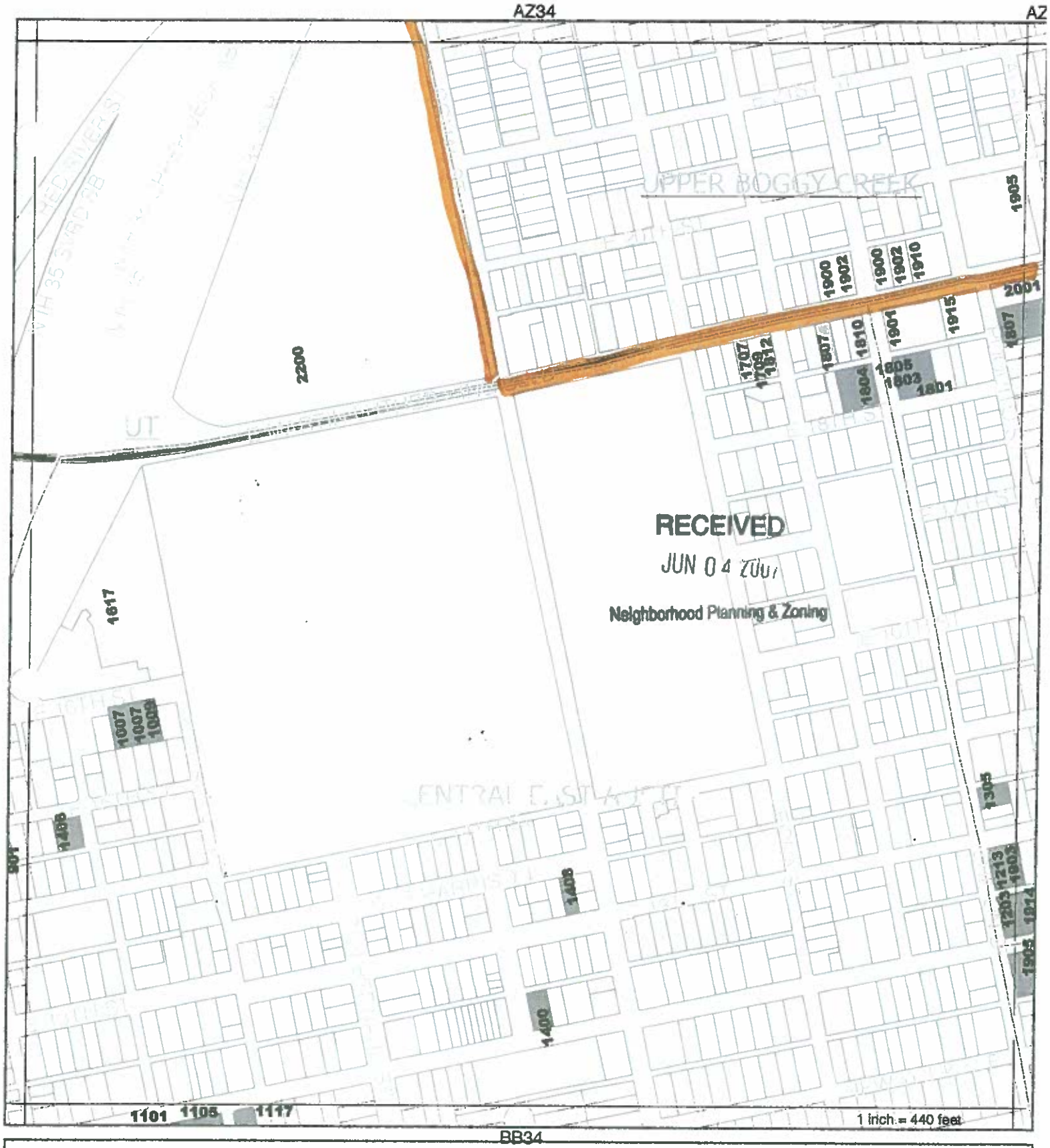

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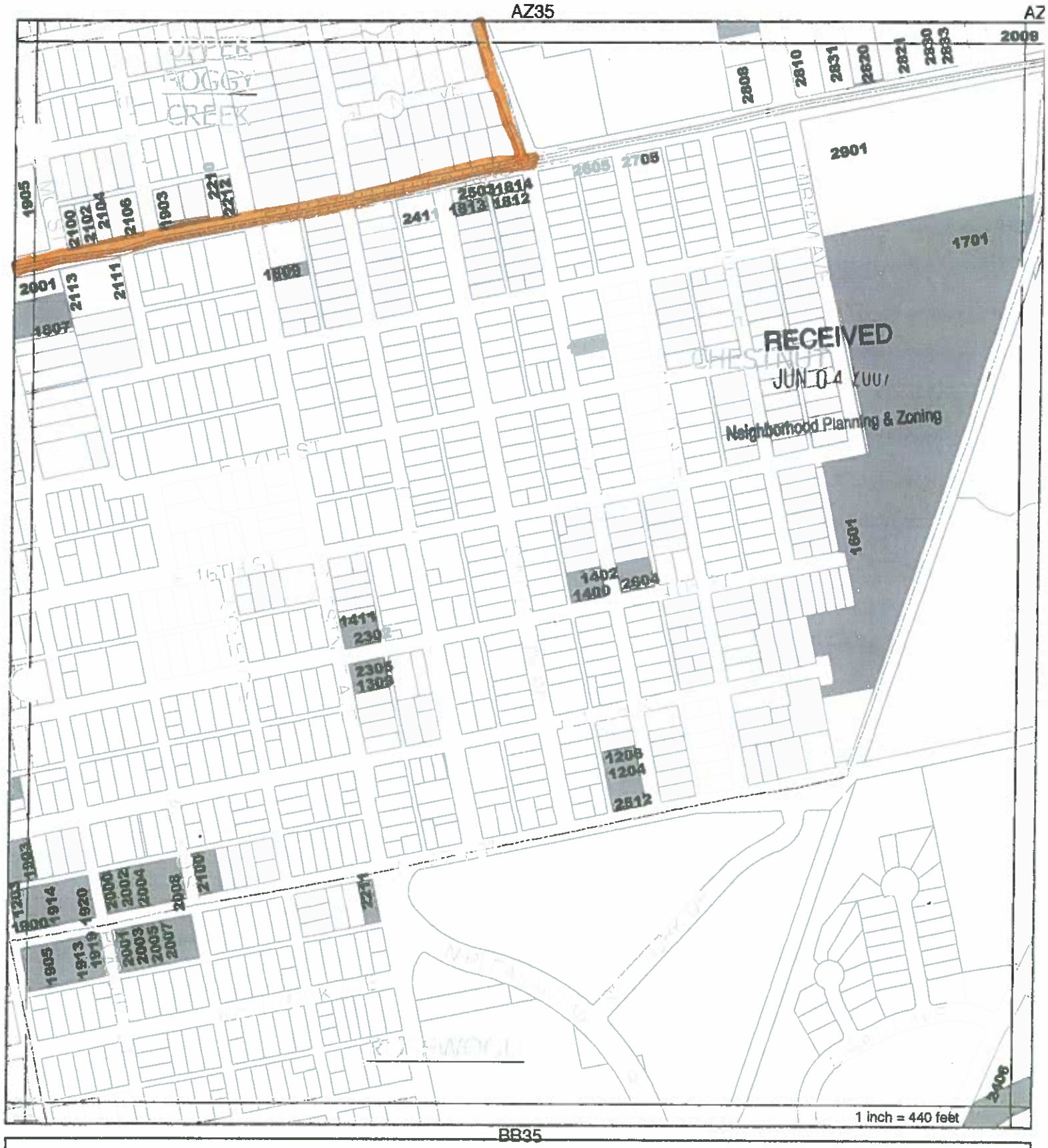

Detailed Maps for Vertical Mixed Use Opt-in/Opt Out Process
Grid Page: BA35

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

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Upper Boggy Creek: Wilshire Wood/Delwood I Subdistrict

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Map created April 2007 with City of Austin GIS Data available:
ftp://coageoid01.ci.austin.tx.us/GIS-Data/Regional/coa_gis.html
For more information contact Jules Vieau, 512-495-9569

1 inch equals 1,000 feet

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VERTICAL MIXED USE OVERLAY DISTRICT FORM

(WILSHIRE WOOD/DELWOOD I)

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)
4300 AIRPORT BV	NO	NO	NO	OPT-OUT	N/A
4302 AIRPORT BV	NO	NO	OPT-OUT	OPT-OUT	N/A

* If the detailed map does not include an address for a property of interest please assign a number or address to the property and note the number or address on both the detailed map and the opt-out form.

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(WILSHIRE WOOD/DELWOOD I)

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.
4103 I 35 N	OPT-IN	OPT-IN	N/A	YES

Upper Boggy Creek: Cherrywood Sub-District

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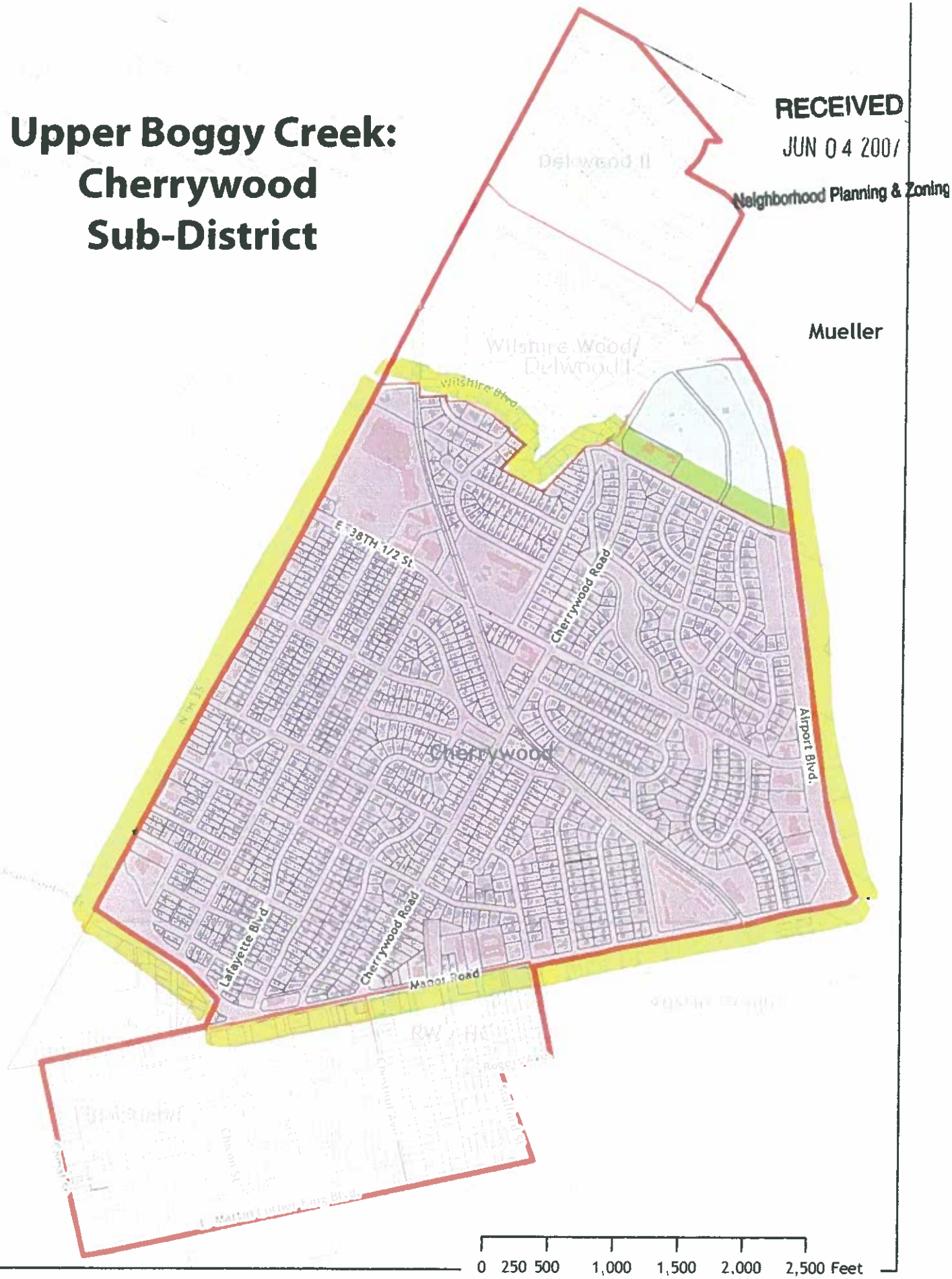

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