

# Late Backup

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP TO ADD A VERTICAL MIXED USE BUILDING (V) COMBINING DISTRICT TO PROPERTY LOCATED AT 4020 AIRPORT BOULEVARD IN THE UPPER BOGGY CREEK NEIGHBORHOOD PLANNING AREA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to add a vertical mixed use building (V) combining district and rezone property located at 4020 Airport Boulevard, also known as Tract 3 (the "Property") described in Zoning Case No. C14-2009-0102 (Part), on file at the Planning and Development Review Department, as shown on in the tract map attached as Exhibit "A" (*Upper Boggy Creek Neighborhood Planning Area*), locally known as the Upper Boggy Creek neighborhood planning area, bounded by IH-35, 26<sup>th</sup> Street and Comal Street on the west, Airport Boulevard on the north and east, and Martin Luther King, Jr. Boulevard, Cedar Boulevard, Rogers Boulevard, Walnut Boulevard and Manor Road on the south, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B" (*the Zoning Map*).

Except as specifically provided in this ordinance, the existing base zoning districts, combining districts, and other conditions remain in effect.

**PART 2.** The zoning district for the Property is changed from limited office-neighborhood plan (LO-NP) combining district to limited office-vertical mixed use building-neighborhood plan (LO-V-NP) combining district, as more particularly described and identified in the chart below:

Tract #	TCAD Property ID	City of Austin Address	Zoning From	Zoning To
3	209485	4020 AIRPORT BLVD	LO-NP	LO-V-NP
	209501	ABS 346 SUR 9 HAWKINS T ACR .05		

1 **PART 3.** The Property is subject to Chapter 25-2, Subchapter E, Article 4.3 (*Vertical*  
2 *Mixed Use Buildings*) as follows:

- 3
- 4 A. Ten percent of residential units available for rental in a vertical mixed use  
5 building shall be reserved for households earning no more than 60 percent of  
6 the Annual Median Family Income.
- 7
- 8 B. The property is exempt from the dimensional standards identified in Article  
9 4.3.3 E.2. (*Dimensional and Parking Requirements*).
- 10
- 11 C. The property is subject to the parking reductions identified in Article 4.3.3 E.3.  
12 (*Dimensional and Parking Requirements*).
- 13
- 14 D. For property in office districts, the additional uses allowed under Article 4.3.3.  
15 C.2 (*Ground-Floor Commercial Uses Allowed*) apply.
- 16

17 **PART 4.** This ordinance takes effect on \_\_\_\_\_, 2010.

18

19  
20 **PASSED AND APPROVED**

21  
22 §  
23 §  
24 \_\_\_\_\_, 2010 § \_\_\_\_\_  
25 Lee Leffingwell  
26 Mayor

27  
28  
29 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
30 Karen M. Kennard Shirley A. Gentry  
31 Acting City Attorney City Clerk

# Late Backup

Motion Sheet  
City Council Hearing  
June 24, 2010  
C14-2009-0102(PART) and NPA-2009-0012.03(PART)

Agenda Items 114 and 115

VMU Application Area: Upper Boggy Creek Neighborhood Planning Area						
Motion	Proposed Action	Prior City Council Action	Valid Petition by Property Owner	Planning Commission Recommendations (February 9, 2010)	Neighborhood Recommendation	Staff/Comments
C14-2009-0102(PART) [Agenda Item #114]						
1	Amend the VMU Overlay District to exclude Tract 3.	<p><b>March 11, 2010</b> The first reading of the ordinance to exclude Tract 3 from the VMU Overlay District was approved on Council Member Morrison's motion, Council Member Spelman's second (5-1). Mayor Pro Tem Martinez voted nay. Council Member Shade abstained.</p> <p><b>June 10, 2010</b> The second reading of the ordinance to exclude Tract 3 from the VMU Overlay District was approved on Council Member Morrison's motion, Mayor Leffingwell's second (4-3). Mayor Pro Tem Martinez and Council Members Riley and Shade voted nay.</p>	Yes. Therefore, at third reading, six votes are necessary in order to exclude Tract 3 from the VMU Overlay District.	<p>Recommended the approval of vertical mixed use building (V) designation with all VMU-related standards to Tract 3.</p> <p>Small, Dealey. Approved 8-0 (Reddy absent).</p>	The Upper Boggy Creek Neighborhood Plan Contact Team recommended to apply vertical mixed use building (V) designation with all VMU-related standards to Tract 3.	This item is ready for third reading.
NPA-2009-0012.003(PART) [Agenda Item #115]						
1	Approve a future land use designation of Mixed Use / Office for Tract 3.	<p><b>March 11, 2010</b> At first reading, the City Council voted to exclude Tract 3 from the Vertical Mixed Use Overlay District; therefore, the tract did not receive vertical mixed use building (V) zoning nor did it receive its Mixed Use/Office future land use designation.</p>	No	<p>Recommended the approval of a future land use designation of Mixed Use / Office for Tract 3.</p> <p>Small, Dealey. Approved 8-0 (Reddy absent).</p>	None	<p>Staff recommends a future land use designation change to Mixed Use / Office should the "V" zoning be applied to Tract 3. This would also be complementary to adjacent properties within the Upper Boggy Creek Neighborhood Planning Area.</p> <p>This item is ready for all 3 readings.</p>