

CASE: C14-2013-0152 / 4020 Airport Boulevard **P.C. DATE:** January 28, 2014

ADDRESS: 4020 Airport Boulevard **AREA:** 2.89 acres

OWNER: D Airport Blvd. Trust (Betty G. Terrell)

APPLICANT: PSW Real Estate, LLC (Glen Coleman)

ZONING FROM: LR-V-MU-CO-NP, Neighborhood Commercial-Vertical Mixed Use Building-Mixed Use-Conditional Overlay-Neighborhood Plan combining district zoning

ZONING TO: LR-V-MU-CO-NP, Neighborhood Commercial-Vertical Mixed Use Building-Mixed Use-Conditional Overlay-Neighborhood Plan combining district zoning, to amend a condition of zoning

NEIGHBORHOOD PLAN AREA: Upper Boggy Creek

SUMMARY STAFF RECOMMENDATION

To amend the Conditional Overlay by

- 1) Striking Item F, "Development of the Property may not exceed 65 percent residential use",
- 2) Striking "Art Workshop" from Item I; and
- 3) Replacing Item D, "Restaurant (general), restaurant (limited) or food sales uses must be a minimum of 500 square feet in building coverage" with "If Restaurant (general), restaurant (limited) or food sales uses are developed on the Property, each such use must be a minimum of 500 square feet in building coverage."

PLANNING COMMISSION RECOMMENDATION:

January 28, 2014

To Grant amendments to the Conditional Overlay as recommended by staff (Motion: S. Oliver; Second: R. Hatfield, 7-0, Absent: Jim Nortey; B. Roark)

DEPARTMENT COMMENTS:

The subject tract is located east of IH35 on Airport Boulevard, approximately 2100 feet north of Manor Road (see Exhibits A). The tract is on the west side of Airport Boulevard, abutting Schieffer Avenue to the north, and just above East 40th Street to the south. Access to Schieffer Avenue is prohibited, however, in the current Conditional Overlay. Single-family properties are adjacent to the site along the south and west, while City parkland lies to the north. Across Airport Blvd. is an open space tract with a trail, part of the Mueller Planned Unit Development. The subject tract is currently undeveloped.

The current zoning on the property was granted in summer 2012, a rezoning from LO-V-NP to LR-V-MU-CO-NP. Before that, the zoning was changed in 1983 from SF-3 to LO. As part of the 1983 rezoning case, the property owners agreed to enter into a public restrictive covenant (RC) that included prohibited land uses, placement specifics for new structures, window placement within structures, a requirement for terra cotta tile roofs, and so forth. That RC became a defacto zoning site plan, which the City stopped using in the 1980s. Associated with the 2012 rezoning case was a request to terminate that restrictive covenant. This RC termination request was also granted.

However, as part of the 2012 rezoning case and attendant RC termination, new restrictions were added as part of a Conditional Overlay adopted with the zoning ordinance (see Exhibit B). Among those restrictions is that no more than 65% of the property may be developed as residential; in other words, a mixed use building, or a development with a mix of uses, is required. The owner is considering a few different development scenarios, including a project that is solely residential, without a mix of restaurant or other commercial uses.

Likewise, one of the potential mixed-use scenarios under consideration could, conceivably, include artists' live-and-work areas. Hence the applicant's request to remove the prohibition against Art Workshop use.

Lastly, the condition that restaurant or food sales uses must be a minimum square footage could be interpreted that such a use is required, presumably as part of the minimum 35% of development that is not residential. Staff thinks the intent was not to mandate such uses, but rather to establish a minimum footprint for such uses if they were developed. To clarify the minimum size applies only if these uses are pursued, staff proposes the clarification.

Correspondence from stakeholders received by staff and submitted by the applicant has been attached (see Exhibit C).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	LR-V-MU-CO-NP	Undeveloped
West	SF-3-NP	Single-family residential
East	PUD	Airport Blvd; Mueller PUD (Open Space; Mixed Residential denoted as MR-2)
North	LO-V-NP; P-NP	Undeveloped*; Schieffer Avenue; Parkland
South	SF-3-NP	Single-family residential

* The approximately 1055 square foot tract at the southwest corner of the Schieffer Ave/Airport Blvd intersection is owned by the City of Austin. Although the acquisition and intended use for this are unknown, the subdivision plat of Schieffer Place Section 5, recorded in November 1960 and which includes Vineland Drive and the lots on either side of this right-of-way, already identified this as City of Austin property.

AREA STUDY: Upper Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

WATERSHED: Boggy Creek (Urban)

TIA: Not required

IMAGINE AUSTIN CORRIDOR: Yes (Airport Boulevard)

CORE TRANSIT CORRIDOR: Yes (Airport Boulevard)

NEIGHBORHOOD & COMMUNITY ORGANIZATIONS	REGISTRY ID
Cherrywood Neighborhood Assn.	141
Austin Neighborhoods Council	511
Upper Boggy Creek Neighborhood Planning Team	689
Austin Independent School District	742
Mueller Master Community Inc	776
PODER	972

Homeless Neighborhood Assn.	1037
Mueller Property Owners Association	1060
Mueller Neighborhood Assn	1067
Bike Austin	1075
Super Duper Neighborhood Objectors and Appealers Organization	1200
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Del Valle Community Coalition	1258
Austin Heritage Tree Foundation	1340
SEL Texas	1363
Schieffer/Willowbrook	1379
Beyond2ndNature	1409
Preservation Austin	1424

SCHOOLS:

Austin Independent School District		
Mapplewood Elementary School	Kealing Middle School	McCallum High School

ABUTTING STREETS & TRANSIT:

Name	ROW	Pavement	Class	Average Daily Trips	Side-walks	Bike Route / Plan	Bus Service
Airport Boulevard	160 feet	68 feet	Major Arterial Divided-6Lanes (MAD 6)	30,917 (2010)	Yes	Yes, Route 39	Yes, Routes 135 & 350
Scheiffer Avenue	50 feet	27 feet	Local Residential	347 (2010)	No	No	No

AREA CASE HISTORIES:

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
<i>West of Airport Boulevard</i>			
4100-4224 Block Airport Blvd (COA) C14-67-145	"A" 1 st H&A to "GR" 1 st H&A		Dismissed 06/01/1972
1400 Wilshire Patterson Park; COA C14-87-080	SF-3 to P		Approved; 05/26/1988
3710, 3724, 3800, 3800 ½, 3822, 3834, &	CS to CS-MU-NP	Recommended; 0612/2002	Approved; 08/01/2002

3900 Airport Blvd C14-02-0057 *			
3800, 3802 ½, 3808 ½ 3810, 3822, 3840, 3842, 3848, & 3850 Airport Blvd, and 1825 E 38 th St (part of 51.39 acres) C14-2009-0102	CS-MU-NP to CS-MU-V-NP	Recommended; 02/09/2010	Approved; 03/11/2010
<i>East of Airport Boulevard</i>			
4209 Airport (Airport Hanger) C14H-02-0008	AV to AV-H	Recommended; 11/13/2002	Approved; 01/30/2003
The Mueller PUD (approx. 698 acres C814-04-0055	AV (Aviation) to PUD	Recommended; 05/25/2004	Approved; 08/26/2004
As amended in C814-055.02	PUD to PUD	Recommended; 03/24/2009	Approved; 04/23/2009

* The Upper Boggy Creek Neighborhood Plan was adopted by the Council in August 2002. As part of that Plan's adoption, some of the parcels within the Plan area were rezoned to a different base zoning district; the majority of land within the planning area was appended with the NP combining zoning district designation and not assigned a different base district (case number C14-02-0057).

In 2006 an ordinance was adopted that amended the neighborhood plan zoning map to create new subdistricts in the Upper Boggy Creek Neighborhood Plan area, and to permit special uses within those subdistricts (C14-2005-0204). Specifically, four new subdistricts were created and the Cherrywood subdistrict was reaffirmed. The new subdistricts are Blackland, Rogers-Washington-Holy Cross, Wilshire Wood/Delwood I, and Delwood II. The subject tract is within the Cherrywood subdistrict. The uses and restrictions specified in this subdistrict ordinance apply only to single-family residential, duplex residential, or two-family residential, which would be allowed uses under the current LR-MU zoning.

More recently, vertical mixed use building (V) was adopted for properties along Airport Boulevard, IH35, Manor Road, and East Martin Luther King, Jr. Boulevard as part of the neighborhood planning areas' opt-in/opt-out process. Although that case (C14-2009-0102) included the majority of parcels so designated, the subject tract, as noted below, was granted V zoning separately, at a later date.

PREVIOUS CASE HISTORIES (THIS TRACT):

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
C14-83-307	"A" 1 st H&A to "O-1" 1 st H&A	Recommended "O-1" 1 st H&A; 10/16/1984	Approved LO w/conditions; 04/11/1985 (Public RC with use, site development, and

			building conditions);
C14-2009-0102	LO-NP to LO-V-NP	Recommended; 02/09/2010	Approved; 06/24/2010
NPA-2011-0012.01; C14-2011-0085 and C14-83-307(RCT)	Amend FLUM from Mixed Use/Office to Neighborhood Mixed Use; Rezone LO-V- NP to LR-V-NP and Terminate RC	Recommended w/conditions; 05/22/2012	Approved; 06/28/2012 (CO attached, Ex B).

CITY COUNCIL DATE:

Scheduled for consideration February 27, 2014

CITY COUNCIL ACTION:**ORDINANCE READINGS:** 1st 2nd 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Lee Heckman
e-mail address: lee.heckman@austintexas.gov**PHONE:** 974-7604

STAFF RECOMMENDATION**C14-2013-0152**

To amend the Conditional Overlay by

- 1) Striking Item F, "Development of the Property may not exceed 65 percent residential use",
- 2) Striking "Art Workshop" from Item I; and
- 3) Replacing Item D, "Restaurant (general), restaurant (limited) or food sales uses must be a minimum of 500 square feet in building coverage" with "If Restaurant (general), restaurant (limited) or food sales uses are developed on the Property, each such use must be a minimum of 500 square feet in building coverage."

BACKGROUND

The current – and proposed – zoning of the subject tract is LR-V-MU-CO-NP, or Neighborhood Commercial-Vertical Mixed Use Building-Mixed Use-Conditional Overlay-Neighborhood Plan combining district zoning. This rezoning request involves conditions of the current zoning as incorporated into the Conditional Overlay. Specifically, and as discussed below, the request is to remove two conditions and clarify a third.

BASIS FOR RECOMMENDATION

Zoning should be consistent with an adopted study, the Future Land Use Map (FLUM) or an adopted neighborhood plan.

The Future Land Use Map (FLUM) adopted in 2002 in conjunction with the Upper Boggy Creek Neighborhood Plan depicted this property as Mixed Use/Office. In 2012, and in association with the property being rezoned from LO-V-NP to LR-V-MU-NP, the FLUM was amended to Neighborhood Mixed Use. On the surface, because the zoning assigned to the subject tract is not changing, consistency with the current FLUM remains.

The proposed amendment to the Conditional Overlay that would remove the requirement that residential use not exceed 65% of development is also consistent with the current FLUM. Neighborhood Mixed Use as a land use is typically associated with neighborhood commercial (LR), neighborhood and limited office (NO and LO, respectively), as well as all single-family zoning districts (SF-1 to SF-6) and the two least-intense multifamily zoning districts (MF-1 and MF-2). Removing the condition that 35% of the developed site must be non-residential allows for the site to be developed solely as residential, solely as commercial, or some combination of both, all as allowed under the LR-MU designation. Whether the ultimate development is wholly commercial, wholly residential, or a mixed use development, any development scenario would be consistent with the FLUM.

Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character; and

Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.

These two zoning principles are related. The subject tract is bounded on two sides by existing single-family residential. Across Schieffer Avenue is City parkland. The Mueller PUD, a mixed use development, is on the opposite side of Airport Boulevard; however, the area of Mueller adjacent to this part of Airport Blvd is used as open space and contains a trail that connects larger open space areas to the north and south in Mueller.

Under the current LR-MU zoning, the property could be developed as commercial or commercial-mixed use by right; the property could also be developed as residential – if the property wasn't conditioned with a requirement for 35% non-residential uses. The owner is considering a number of different development scenarios and one would be residential. In order to develop the property under such a residential-only scenario, the condition of a cap of 65% residential must be removed.

A residential project is certainly compatible with adjacent and nearby uses. In general, staff holds that a residential project is more compatible with the adjacent single-family than some commercial uses which could be pursued, and are allowed by right, under the LR base zoning district. At the same time, any development of the property will be at a density and scale above that of single-family; because the property fronts on Airport Boulevard, residential development at a higher density is warranted, while simultaneously providing a transition from, and buffer between, Airport Boulevard and the single-family residential along Vineland Drive, Schieffer Avenue, and East 40th Street.

Staff is generally supportive of mixed-use developments, be they vertical mixed use or a mix of uses across a site. Yet, not every site is recommended for mixed use, and mixed use on some sites is simply not desirable or feasible, even if it is located on an Imagine Austin corridor. Removing the requirement that 35% of the site must be developed as non-residential does not remove the mixed use possibilities, only the requirement that it must be mixed use. Staff is unaware of any other zoning case, with the exceptions of PUDS, in which a mix of residential and non-residential uses was mandated, and that this mandate was quantified. As written in the conditional overlay, for every 2 feet of residential use developed, 1 foot of commercial must be developed. That is a very high ratio, given that the typical mixed use development is three to four floors of residential above a single story of commercial.

As one considers the public parkland to the north and single-family residential to the west and south, staff cannot support a requirement that 35% of the development be dedicated to commercial uses. The nearest commercially zoned properties are 1000 feet to the south, at Airport and East 38th ½ Street, and about the same distance to the north above the intersection of Airport with Wilshire Boulevard/Aldrich Street. If there are pedestrians on this side of Airport, walking between the commercial node to the south and the City parkland to the north, then staff thinks the owner should have the option and opportunity to serve them or other patrons through commercial uses; staff does not think this service should be required. Put simply, a developer should have the option to develop a project that is a mix of residential and non-residential, and may elect to do so at a ratio of 3 to 2, but should not be required to do so when the same is not required of similarly situated infill properties in other predominately residential areas.

Staff also recommends deleting the conditional overlay that prohibits the use of the property for art workshop. As defined in the City's Local Development Code, this is the use of a site for the production of art or handcrafted goods, and it includes the incidental sale of the art produced. As a use, art workshop is permitted within all office and commercial zoning districts. Office zoning, especially neighborhood and limited office (NO and LO, respectively) districts, is compatible with, and often used as a transition to, single-family and other forms of residential uses. Since art workshop is allowed in NO and LO districts, one can infer that art workshop use is not inherently incompatible with adjacent or nearby residential uses. Because another potential development scenario includes more of a live-work scheme, often conceived of as artists' live-work spaces, there is a request to remove

the prohibition against art workshop. Staff thinks this is a reasonable request, and if art workshop as a use was incorporated into a mixed-use, live/work type of development, such a scenario would still be compatible with adjacent residential and other uses.

Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.

While Airport Boulevard is a major arterial, Schieffer Avenue is a local residential street. Under LR-MU zoning, the property could be developed with entirely commercial uses. Removing the requirement that 35% of the site's development must be commercial does not lessen the transportation burden on Schieffer or Airport; it's immaterial by itself. Access to Schieffer Avenue is already prohibited in the conditional overlay.

However, if the site were developed under a residential-only scenario, which requires removal of the condition that no more than 65% of the development may be residential, there is flexibility and possibility that the site will generate less vehicular traffic. Additionally, given that sidewalks exist along Airport, that Airport contributes to a bicycle route, and that Airport does have bus service, clearly any residents would be well-served with transit options. While the same holds true for commercial patrons, the reality is that this site is not at the intersection of a fully functional intersection (given the access prohibition in place). To the extent there is potential for reduction in commercial activity on this site (by not requiring the use), there would likely be a comparable reduction in vehicular activity to and from this site.

Zoning should satisfy a public need and not constitute a grant of special privilege to an individual owner; the request should not result in spot zoning;

Granting a request for zoning should result in an equal treatment of similarly situated properties; and

Zoning should allow for a reasonable use of the property.

As has been discussed above, the LR-MU zoning designation would allow for the property to be developed with 100% commercial, 100% residential, or any mix in between – if it were not for the conditional overlay limiting residential uses to 65% of development. Office and commercially-zoned properties throughout the City have been zoned with the MU (mixed use) combining district, the intent of which is to provide for and encourage development or redevelopment that contains a compatible mix of residential, commercial, and institutional uses. The MU combining district was adopted as a zoning tool to encourage a balanced and sustainable mix of uses and to promote an efficient pedestrian-access network connecting residential and nonresidential uses and transit facilities.

Again, the intent of the mixed use overlay is to allow, encourage, and promote...not require. Removing the requirement for a minimum of 35% non-residential use and a maximum of 65% residential use is not a special privilege; rather, it is treating this LR-MU tract as other similarly situated properties which have been granted LR-MU zoning. Granting MU to office and commercial properties is seen as an enhancement, allowing for additional flexibility; it is not meant to be a mandatory requirement. Removal of the condition would allow for a mix of uses, but neither preclude nor require them.

This property was zoned office (with site development requirements) from 1983 through 2012; it was granted the Vertical Mixed Use Building (V) option in 2009. In 2012 it was rezoned to its current designation. Yet, the property remains undeveloped.

Removal of the 35% minimum nonresidential requirement would allow for the most flexibility to develop under the LR-MU zoning, or even under V if the owner chose to pursue that option. If the property were to be ultimately developed 100% commercial, 100% residential, or some mix in-between, any of those scenarios is a reasonable use of the site.

Similarly, the request to remove the prohibition against art workshop use is reasonable. It is allowed in all other office and commercial zoning districts.

The rezoning should be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission.

Item D of the current conditional overlay relates to restaurant and food sales uses. As written below, this could be interpreted that restaurant and food sales uses are required:

Restaurant (general), restaurant (limited) or food sales uses must be a minimum of 500 square feet in building coverage.

Staff thinks the intent of this condition, which was added between Planning Commission's approval of the rezoning case and City Council's adoption of the ordinance on consent, was that if these uses were developed, such uses must meet these minimum size requirements. Clearly these uses are not prohibited, and their maximum size would be limited by other site uses and development standards. To clarify that these requirements for minimum size apply only if the use is developed, staff recommends this condition be amended to read as follows:

If Restaurant (general), restaurant (limited) or food sales uses are developed on the Property, each such use must be a minimum of 500 square feet in building coverage.

EXISTING CONDITIONS & REVIEW COMMENTS

Current Conditions

The subject tract is approximately 2.79 acres, located at the southwest corner of the Airport Boulevard/Shieffer Avenue intersection. It is undeveloped. The tract slopes away from Airport toward an unnamed natural channel along the western/southwestern property line (see Exhibit A-3). There appears to be some COA fully-developed floodplain on the property associated with this stream, but this is likely already contained within a drainage and public utility easement along the western property line. There are existing concrete facilities in the easement area.

There are numerous trees on the subject tract, but it is unknown whether any are of the protected variety. There are no known critical environmental features or other specific constraints that would impact development of the site. Design of the site in response to existing trees, drainage channels, compatibility standards triggered by abutting single-family residential, and other parameters will be addressed at the site planning stage.

NPZ Environmental Review

December 10, 2013 (MM)

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is a floodplain within or adjacent to the project location. Based upon the location of the floodplain, offsite drainage should be calculated to determine whether a Critical Water Quality Zone exists within the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

PDR Site Plan Review

December 10, 2013 (CBH)

SITE PLAN REVIEW OF ZONING CASES

SP 1 Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP 2 The site is subject to compatibility standards. Along the east, west, and north property lines, the following standards apply:

- a. No structure may be built within 25 feet of the property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- c. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- d. No parking or driveways are allowed within 25 feet of the property line.
- e. A landscape area at least 25feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- f. Additional design regulations will be enforced at the time a site plan is submitted.

SP 3 This site is within the Upper Boggy Creek Neighborhood Planning Area.

PDR Transportation Review

December 13, 2013 (CG)

- TR1. If the requested zoning is granted, it is recommended that access previously prohibited to Schieffer Avenue with zoning case C14-2011-0085 be applied to this rezoning request.
- TR2. Single-family residential lots should not normally front on arterial streets or neighborhood collectors. TCM Sec. 1.3.2.B.2 and C.1. If the requested zoning is granted, it is recommended that joint access be required for single-family units proposed for the site.
- TR3. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]
- TR4. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows: Airport Boulevard serves route no. 39 with an existing Shared Lane and recommended Bike Lane.
- TR5. Eric Dusza with Neighborhood Connectivity Division may have additional comments regarding multi-modal enhancements and facilities.

Update 12/18/2013: No additional NCD comments.

TR6. Existing Street Characteristics:

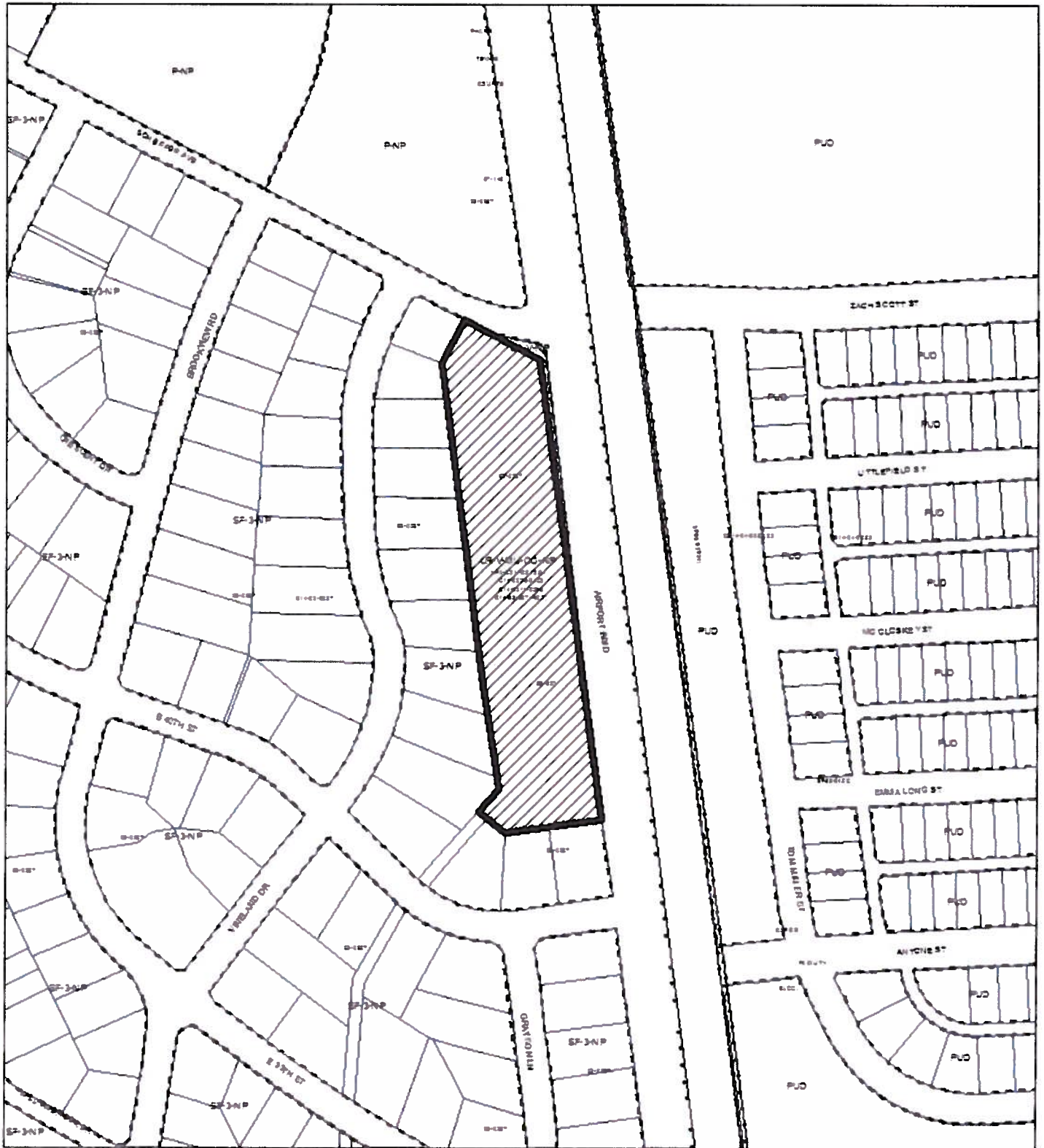
Name	ROW	Pavement	Classification	Daily Traffic
Airport Blvd	160'	68'	Major Arterial Divided-6Lanes (MAD 6)	30,917 ('10)
Scheiffer Ave	50'	27'	Local Residential	347 ('10)

TR7. Capital Metro bus routes 135 and 350 are available along Airport Boulevard.

PDR Austin Water Utility Review

December 2, 2013 (BB)

WW1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.



ZONING

ZONING CASE#: C14-2013-0152



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 200'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Exhibit A

C14-2013-0152 / 4020 Airport Boulevard



Imagery: 01-2012

Exhibit A - 1
Aerial

0 250 500 1,000 Feet

1 inch = 500 feet

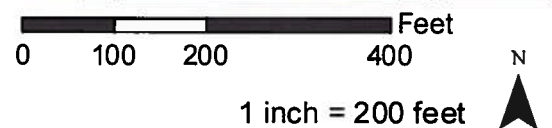


C14-2013-0152 / 4020 Airport Boulevard

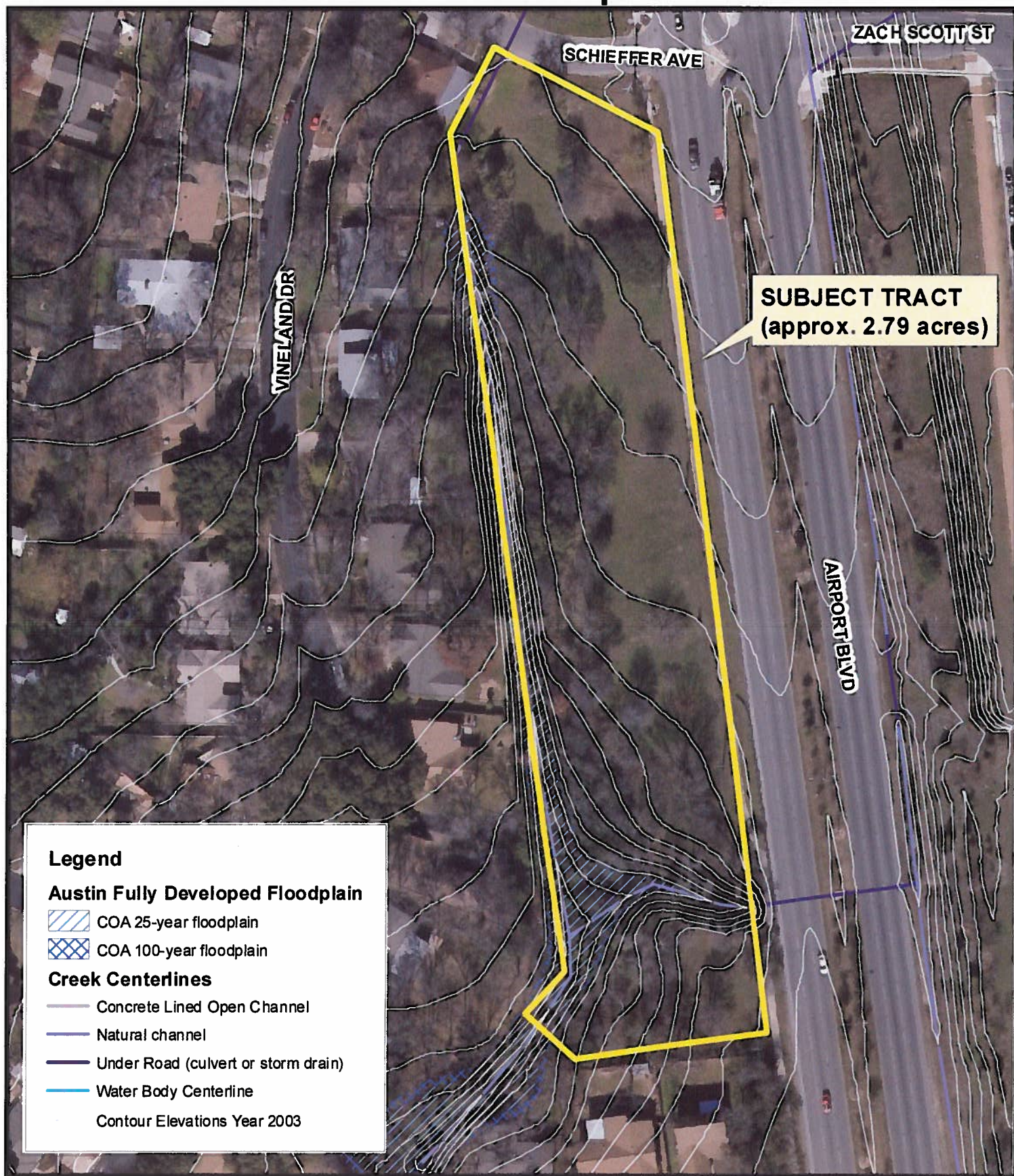


Imagery: 01-2012

Exhibit A - 2
Aerial & Zoning



C14-2013-0152 / 4020 Airport Boulevard



Imagery: 01-2012
Contours: 2003

Exhibit A - 3 Contours & Creek

0 50 100 200 300 Feet
1 inch = 100 feet

ORDINANCE NO. 20120628-106

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4020 AIRPORT BOULEVARD IN THE UPPER BOGGY CREEK NEIGHBORHOOD PLAN AREA FROM LIMITED OFFICE-VERTICAL MIXED USE BUILDING-NEIGHBORHOOD PLAN (LO-V-NP) COMBINING DISTRICT TO NEIGHBORHOOD COMMERCIAL-MIXED USE-VERTICAL MIXED USE BUILDING-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (LR-V-MU-CO-NP) COMBINING DISTRICT.

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 change the base district from limited office-vertical mixed use building-neighborhood plan (LO-V-NP) combining district to neighborhood commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (LR-V-MU-CO-NP) combining district on the property described in Zoning Case No. C14-2011-0085, on file at the Planning and Development Review Department, as follows:

A 2.79 acre tract of land, more or less, out of the Thomas Hawkins Survey #9, ABST. 346 the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance (the "Property"),

locally known as 4020 Airport Boulevard in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. Except as specifically provided in Part 3 and Part 4 of this ordinance, the Property may be developed and used in accordance with the regulations established for the neighborhood commercial (LR) base district and other applicable requirements of the City Code.

PART 3. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. Except as modified in this ordinance, development of the Property must comply with the site development regulations of the limited office (LO) zoning district as set out in City Code § 25-2-492.

Exhibit B - 1

- B. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
- C. Vehicular access from the Property to Shieffer Avenue is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
- D. Restaurant (general), restaurant (limited) or food sales uses must be a minimum of 500 sq. ft. in building coverage.
- E. Development of the Property may not exceed 45,000 square feet of building coverage.
- F. Development of the Property may not exceed 65 percent residential use.
- G. Hours of operation for any business on the Property are limited to 7:00 a.m. to 9:00 p.m.
- H. The height, as defined in City Code § 25-1-21, of any building or structure may not exceed 32 feet and a maximum of two stories.
- I. The following uses are prohibited uses of the Property:

Service station
Pet services
Art workshop

Off-site accessory parking
Financial services
Printing and publishing

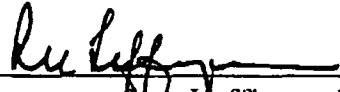
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the neighborhood commercial (LR) base district, the mixed use combining district and other applicable requirements of the City Code.

PART 4. The Property is subject to Ordinance No. 20020801-92 that established the Upper Boggy Creek neighborhood plan combining district.

Exhibit B - 2

PART 5. This ordinance takes effect on July 9, 2012.

PASSED AND APPROVED

§
§
June 28, 2012 § 
Lee Deffingwell
Mayor

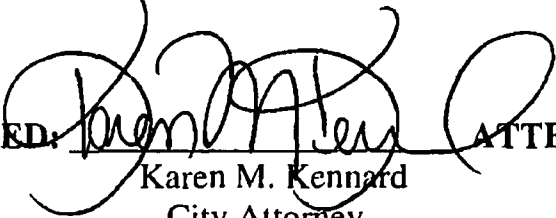
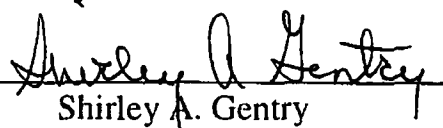
APPROVED:  ATTEST: 
Karen M. Kennard
City Attorney
Shirley A. Gentry
City Clerk

Exhibit B - 3



The Cherrywood Neighborhood is bounded by IH-35, Airport Boulevard and Manor Road and is a flourishing neighborhood of homes, businesses, and green spaces in Central Austin.

P.O. Box 463 | Austin, TX 78765 | www.cherrywood.org

January 9, 2014

Lee Heckman, AICP
City of Austin
Planning and Development Review
One Texas Center
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

RE: Cherrywood Neighborhood Association's vote on 4020 Airport Blvd.

Dear Mr. Heckman,

At our November 20, 2013 general meeting, the Cherrywood Neighborhood Association reviewed PSW Real Estate's proposals for 4020 Airport Blvd. and voted not to oppose the applicant's request for a project that would be 100 % residential. Please feel free to contact me if you have any questions.

Sincerely,

Chair, November 2013
Cherrywood Neighborhood Association Steering Committee

Cc: 2014 CNA Steering Committee

Steering Committee | Jennifer Potter-Miller, Chair | Rebecca Kohout, Treasurer |
Aaron Choate, Lia Davis, Terry Dyke, Frances Greene, Justin Irving, Girard Kinney, Jeremy Mazur, Mark Schiff, and Emily Schwartz, Members



Glen Coleman

airport blvd at E 40th

Fri, Dec 27, 2013 at 9:45 AM

To:

Glen, thanks for taking the time to show us your proposal for the airport blvd property that backs up to our property at 1818 E40th.

We are in support of the plan you showed us that is a residential use of the property.

We can be reached at [512-947-5938](tel:512-947-5938) if you need to get in touch with us.

Tx, Bob and Nicki Mebane

1818 E. 40th - ADJACENT



Glen Coleman

4020 airport project

Nicole Cooper
To: Glen Coleman

Fri, Dec 13, 2013 at 8:49 PM

Hi glen,
Got the notice in the mail for zoning changes. I'm in for the residential proposition.
Cheers - Nicole

Nicole Cooper

4009 - Adjacent -

Resident Realty, Ltd
[512-698-2393](tel:512-698-2393)

www.AustinAreaSpecialist.com

Schaeffer Willowbrook

Subject **SWNA policy on the 4020 tract**
From David Boston
To Glen Coleman
Cc Eduardo Garza
Date 2013-11-11 12:35

roundcube 

On November 7, SWNA voted an official position regarding requests to change current zoning at 4020 Airport. SWNA voted to affirm the current zoning agreement & restrictive covenant of the property at 4020 Airport Blvd as the representation of the neighborhood's development standards & interests. To begin a process requesting SWNA consideration of development outside of the current restrictions, SWNA would require a preliminary plat and site plan. This would enable clearer consideration of potential impacts to the neighborhood, as a reasonable point to start any dialogue.

Glen & Eduardo this was almost a unanimous vote with one abstention only at the last SWNA meeting.

David Boston
President SWNA

PUBLIC HEARING INFORMATION

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R 1/27/14

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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Case Number: C14-2013-0152

Contact: Lee Heckman, 512-974-7604

Public Hearing: Jan 28, 2014, Planning Commission

Feb 27, 2014, City Council

Thomas Johnson

Your Name (please print)

1814 E. 40th St

Your address(es) affected by this application

[Signature]

Signature

Date

1-23-14

Daytime Telephone: 512-589-4785

Comments:

NO Room on this

property to build my

Back yard has flooded

twice the last 2-3 years

laws we have had.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Lee Heckman

P.O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2013-0152

Contact: Lee Heckman, 512-974-7604

Public Hearing: Jan 28, 2014, Planning Commission

Feb 27, 2014, City Council

Cynthia Wise

Your Name (please print)

4013 Vineland Dr. 78722

Your address(es) affected by this application

Cynthia Wise

Signature

Daytime Telephone: 512/626-1016

Date

01/22/14

☐ I am in favor
☒ I object

Comments: NO further undermining of existing zoning and/or restrictions is needed. City Zoning committee has already disregarded neighbors' desires on this property. Changing zoning introduces issues with all Upper Boggy Creek VNU for Airport Blvd. Applicant development company has track record of chipping away at zoning in other neighborhoods, regardless of their promises to said neighborhoods not to.

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City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2013-0152

Contact: Lee Heckman, 512-974-7604

Public Hearing: Jan 28, 2014, Planning Commission

Feb 27, 2014, City Council

Laura Correa

Your Name (please print)

4013 Vineyard Dr.

Your address(es) affected by this application



Signature

1/24/14

Date

Daytime Telephone: 512-698-3207

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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Contact: Lee Heckman, 512-974-7604

Public Hearing: Jan 28, 2014, Planning Commission

Feb 27, 2014, City Council

EDWARD STYRE
Your Name (please print)

☐ I am in favor
☐ I object

4011 Vineland Dr.

Your address(es) affected by this application

E. Michael Gray
Signature

1/23/14
Date

Daytime Telephone: 512-797-1500

Comments:

If you use this form to comment, it may be returned to:

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Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2013-0152

Contact: Lee Heckman, 512-974-7604

Public Hearing: Jan 28, 2014, Planning Commission

Feb 27, 2014, City Council

Ryan Steglich

Your Name (please print)

4008 Vineyard

Your address(es) affected by this application

Rsteglich@gmail.com

11/23/14

Date

Signature

Daytime Telephone:

Comments: If the only change is to allow more than 65% Residential use, I am in favor. If there are any other changes, I would need to review before deciding. I support the private restrictive covenant staying in place as is.

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Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810

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R 1127114

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Case Number: C14-2013-0152

Contact: Lee Heckman, 512-974-7604

Public Hearing: Jan 28, 2014, Planning Commission

Feb 27, 2014, City Council

Edward & Nicole Skye
Your Name (please print)

4011 Vineland Dr.

Your address(es) affected by this application

Nicole Skye
Signature

1/23/14
Date

Daytime Telephone: 512-698-2393

Comments: I am in favor of removing the commercial minimum percentage and having all residential. Also I'm in favor of the wood fence as opposed to the brick fence. I am NOT in favor of ANY other changes.

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

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Contact: Lee Heckman, 512-974-7604

Public Hearing: Jan 28, 2014, Planning Commission

Feb 27, 2014, City Council

RAYMOND S. JOSEPH

Your Name (please print)

1816 E. 40th ST

Your address(es) affected by this application

Raymond S. Joseph

Signature

Date

Daytime Telephone: 512-477-9158

Comments: My wife & I strongly object to any more zoning changes. We feel we have already agreed to enough changes.

☐ I am in favor
☒ I object

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R 1/29/14

However, in order to allow for mixed use development, the MU Council may add the MIXED USE (MU) DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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Case Number: C14-2013-0152

Contact: Lee Heckman, 512-974-7604

Public Hearing: Jan 28, 2014, Planning Commission

Feb 27, 2014, City Council

FORREST E. WARD
Your Name (please print)

4018 VINELAND

Your address(es) affected by this application

Signature: *Forrest E. Ward* Date: 1/26/14

Daytime Telephone: 512-789-2244

Comments:

On November 7, 2013, the Schieffer/Willowbrook Neighborhood Association voted an official position regarding current zoning agreement & restrictive covenant of the property at 4020 Airport Blvd as the current zoning agreement & restrictive covenant of the property at 4020 Airport Blvd as the representation of the neighborhood's development standards & interests. The carried 17 to 0. Therefore, no changes to the zoning is the wish of the neighborhood association.

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman

P. O. Box 1088

Austin, TX 78767 0810

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However, in order to allow for mixed use development, representation of the neighborhood's development standards & interests. The carried 17 to 0. Council may add the MIXED USE (MU) Therefore, no changes to the zoning is the wish of the neighborhood association. DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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Case Number: C14-2013-0152

Contact: Lee Heckman, 512-974-7604

Public Hearing: Jan 28, 2014, Planning Commission

Feb 27, 2014, City Council

ALVIN YOUNGBLOOD

Your Name (please print)

4015 VINELAND DR

Your address(es) affected by this application

☐ I am in favor
☒ I object

Alvin Youngblood 26 Jan 2014

Signature Date

Daytime Telephone: 512-680-8013

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-0818

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Case Number: C14-2013-0152

Contact: Lee Heckman, 512-974-7604

Public Hearing: Jan 28, 2014, Planning Commission

Feb 27, 2014, City Council

Holly Hewitt
Your Name (please print)

1815 E. 40th St Austin 78722

Your address(es) affected by this application

[Signature] 1/25/14
Date

Daytime Telephone: 646 510 0167

Comments:

On November 7, 2013, the Schieffer/Willowbrook Neighborhood Association voted an official position regarding requests to change current zoning at 4020 Airport. SWNA voted to affirm the current zoning agreement & restrictive covenant of the property at 4020 Airport Blvd as the representation of the neighborhood's development standards & interests. The carried 17 to 0.

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-0888

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Case Number: C14-2013-0152

Contact: Lee Heckman, 512-974-7604

Public Hearing: Jan 28, 2014, Planning Commission

Feb 27, 2014, City Council

James W. Martindale

Your Name (please print)

402 Vineland Drive
Austin TX 78722-1231

Your address(es) affected by this application

☐ I am in favor
☒ I object

2/27/2014

Date

Signature

Daytime Telephone: (512) 476 9203

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767 9910

PUBLIC HEARING INFORMATION

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During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. 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 in On November 7, 2013, the Schieffer/Willowbrook Neighborhood Association voted an official position regarding requests to change current zoning at 4020 Airport. SWNA voted to affirm the current zoning agreement & restrictive covenant of the property at 4020 Airport Blvd as the

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However, in order to allow for mixed use development, representation of the neighborhood's development standards & interests. The carried 17 to 0. Therefore, no changes to the zoning is the wish of the neighborhood association.

The MU DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2013-0152

Contact: Lee Heckman, 512-974-7604

Public Hearing: Jan 28, 2014, Planning Commission

Feb 27, 2014, City Council

MATILDA ATTAL

Your Name (please print)

4003 VINELAND DR.

Your address(es) affected by this application

☐ I am in favor
☒ I object

Matilda Attal 1/28/14

Date

Signature

Daytime Telephone: 512-477-8543

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-0888

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. 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 in On November 7, 2013, the Schieffer/Willowbrook Neighborhood Association voted an official position regarding requests to change current zoning at 4020 Airport. SWNA voted to affirm the current zoning agreement & restrictive covenant of the property at 4020 Airport Blvd as the representation of the neighborhood's development standards & interests. The carried 17 to 0.

However, in order to allow for mixed use development, the MU Council may add the MIXED USE (MU) DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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www.austintexas.gov

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2013-0152

Contact: Lee Heckman, 512-974-7604

Public Hearing: Jan 28, 2014, Planning Commission
Feb 27, 2014, City Council

Brian Graham-Moore, Ph.D.
Your Name (please print)

1817 E 40th St

Your address(es) affected by this application

Brian Graham-Moore

Signature

Date

Daytime Telephone: *512 5955180*

Comments:

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department
Lee Heckman
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. 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.

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However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2013-0152

Contact: Lee Heckman, 512-974-7604

Public Hearing: Jan 28, 2014, Planning Commission
Feb 27, 2014, City Council

Your Name (please print) Andrea Solitto

1904 McCloskey St.

Your address(es) affected by this application

Andrea Solitto

Signature

2/9/14

Date

Daytime Telephone: 512-799-6335

Comments:

If you use this form to comment, it may be returned to:

City of Austin
Planning & Development Review Department

Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810