

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

WHAT IS A VERTICAL MIXED USE BUILDING?

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



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

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

WHY VERTICAL MIXED USE BUILDINGS?

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

WHAT ARE THE STANDARDS FOR A BUILDING?

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

WHAT ARE THE RELAXED SITE DEVELOPMENT STANDARDS?

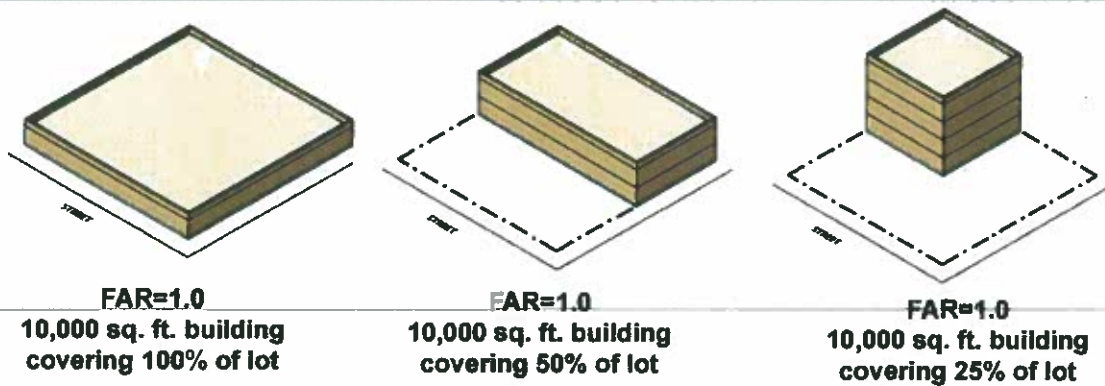
Dimensional Standards

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

- **Setbacks**—no minimum front, street side or interior side yard setbacks. A setback refers to how far a building must be placed from a particular property line.
- **Floor to Area Ratio**—no floor to area ratio (FAR) limit.

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

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



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

Off-Street Parking Reduction

Minimum off-street parking for the commercial uses within a VMU building can be reduced to 60% of the normal Land Development Code requirements. Residential uses within a VMU building receive this parking reduction by right and cannot be changed through this process. The parking reduction cannot be used in addition to any other parking reduction allowances.

such as the one for properties within the Urban Core. Below are some typical uses and the amount of parking required.

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

Additional Ground Floor Commercial Uses in Office Districts

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

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

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

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

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

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

WHAT TYPES OF RECOMMENDATIONS CAN BE MADE BY THE NEIGHBORHOOD?

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

- 4) **Affordability Level**—If VMU Buildings are approved through the opt-in/opt-out process and take advantage of the dimensional and/or parking exemptions they are subject to certain affordability requirements.

Owner-Occupied Units—Five percent of residential units shall be affordable for households earning no more than 80 percent of the current Median Family Income (MFI). Five percent of the residential units shall be affordable for households earning no more than 100 percent of the MFI. The affordability period is 99 years.

Rental Units—Ten percent of the residential units shall be affordable for households earning no more than 80 percent of the current MFI. As part of the opt-in/opt-out process, a neighborhood association or neighborhood planning team may request that the affordable rental units be available for renters earning a lower percentage of the median family income. This percentage can range from 80% to as low as 60 percent of the median family income. The affordability period is 40 years.

OTHER FREQUENTLY ASKED QUESTIONS:

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

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

HOW HIGH CAN A VERTICAL MIXED USE BUILDING BE BUILT?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment 8

PHARR

TENNIS
COURTS

AV

MUNICIPAL
AIRPORT

NOTE RESTRICTIVE
COVENANT

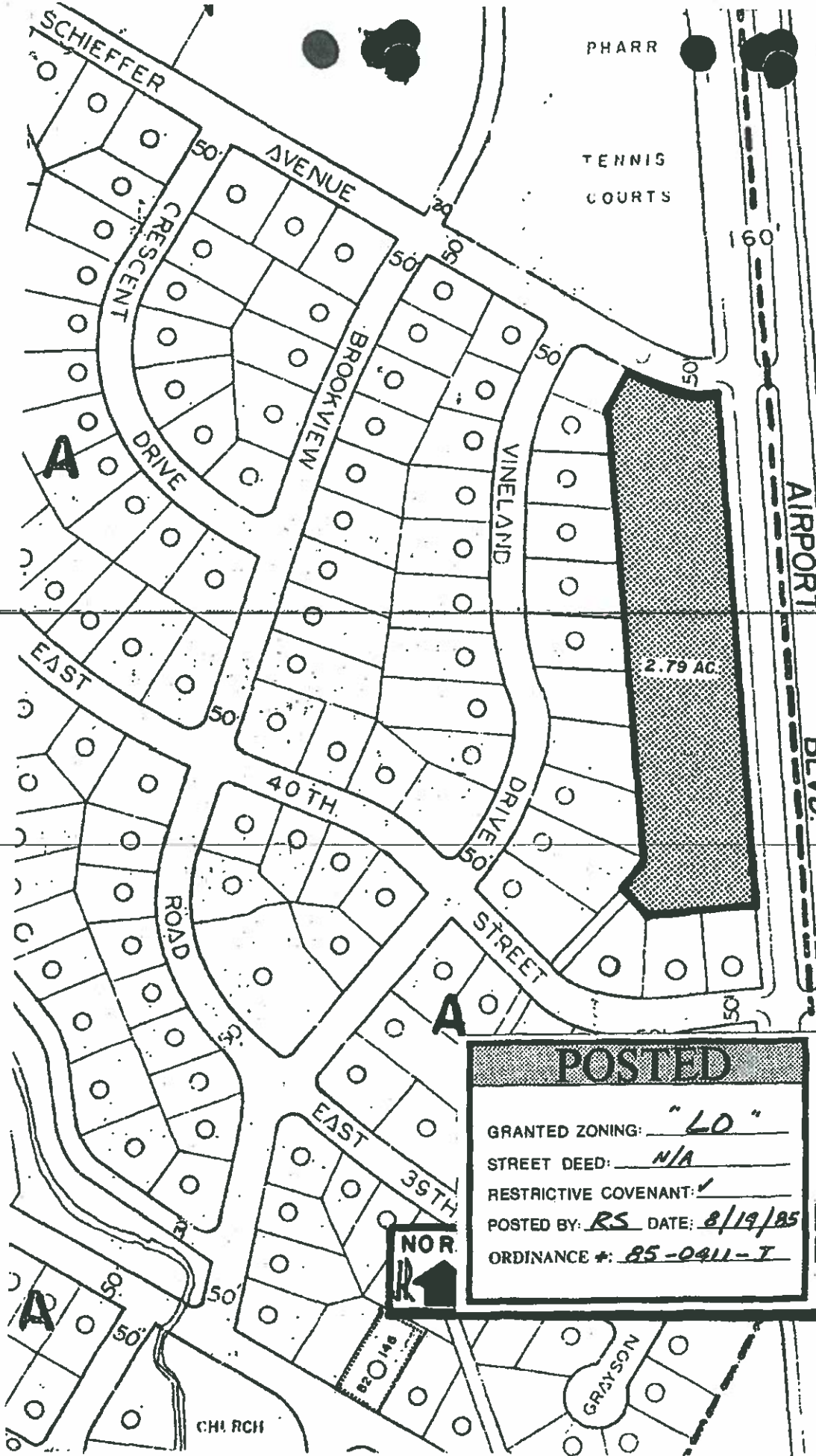
POSTED

GRANTED ZONING: "L0"
STREET DEED: N/A
RESTRICTIVE COVENANT: ✓
POSTED BY: RS DATE: 8/19/85
ORDINANCE #: 85-0411-T

L - 24
K - 24

RESIDENTIAL STRUCTURES O
ORD. # 85 0411-T
FILE NO: C14-83-307

NOR



RESTRICTIVE COVENANT

THE STATE OF TEXAS
COUNTY OF TRAVIS

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)

03918188

1900
C14-83-307

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 the 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:

REAL PROPERTY RECORDS
Travis County, Texas

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- 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

RESTRICTIVE COVENANT - 2
Kopecky, Garcia, and Tress
TKG/DOCS1/101184

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 - 3
Kopecky, Garcia, and Tress
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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

RESTRICTIVE COVENANT - 4
Kopecky, Garcia, and Tress
TKG/DOCS1/101184

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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. Garcia
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

Willie J. Kopecky

Notary Public in and for
the State of Texas

My commission expires: 1/28/87

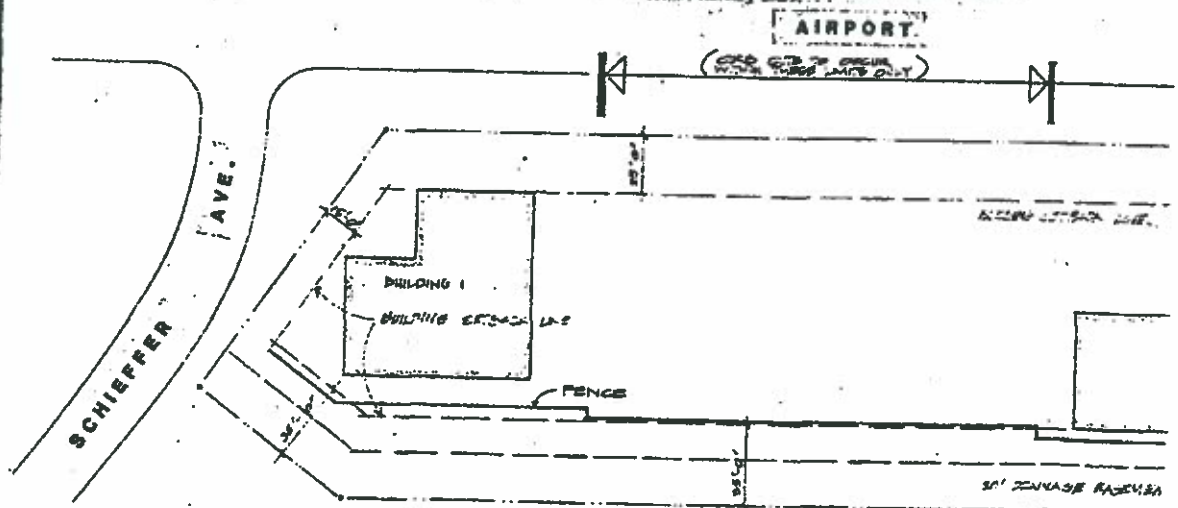
Printed Name of Notary Public in the
State of Texas for the County of Travis.
My Commission Expires January 28, 1987.

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

* REPRESENTED by Gustavo L. Garcia, HOLDER
of Power of ATT

NOTES:

1. BUILDING LOCATIONS ARE APPROXIMATE, HOWEVER, NO OUTSIDE BUILDING WALL SHALL BE BUILT MORE THAN 25' 0" FROM LOCATION INDICATED ON PLAN, AND NO BUILDING SHALL BE BUILT BETWEEN THE BUILDING SETBACK LINES AND THE PROPERTY LINES.
2. MAXIMUM CONSTRUCTION WILL NOT EXCEED 15,000 SQ. FT.
3. NO GROUND WILL BE CONSTRUCTED OTHER THAN WITHIN THE LIMITS INDICATED ON PLAN. NO GROUND WILL BE CONSTRUCTED FRONTING ON SCHIEFFER AVE.
4. ALL GROUND WILL MEET CITY OF ARIZONA CODE AND DRAINAGE REQUIREMENTS.
5. FENCE LOCATIONS IS APPROXIMATE, HOWEVER, NO PORTION OF FENCE SHALL BE LOCATED MORE THAN 10' 0" FROM LOCATION INDICATED AND ALL FENCE SHALL BE WITHIN SETBACK LINES.



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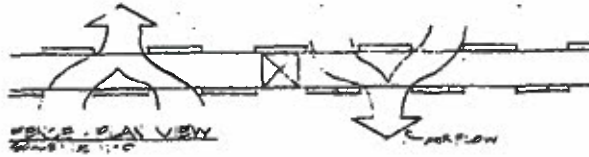
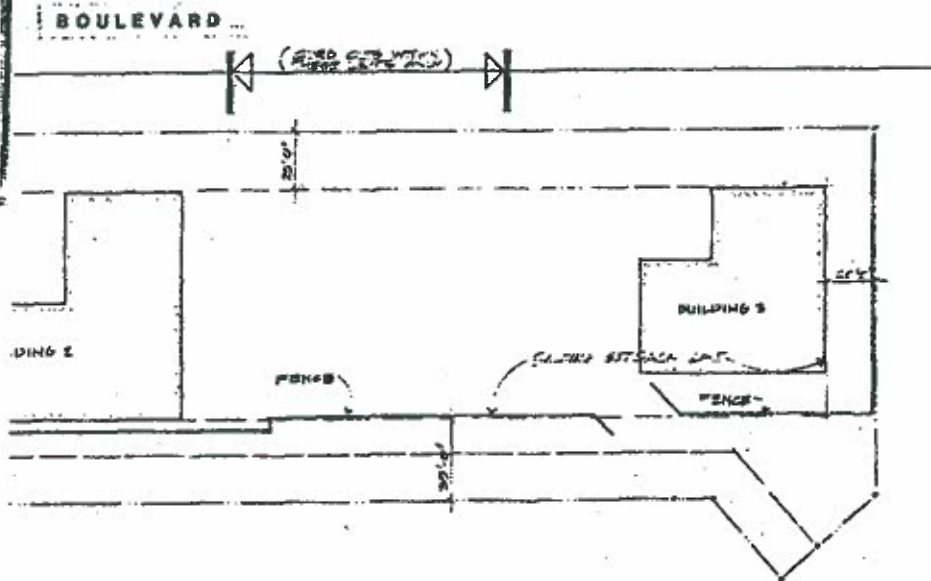


EXHIBIT A
T.K.G. PROPERTIES
SITE PLAN



0232

09178 0233

VILLALVA • COTERA • KOLAR

ARCHITECTS AND PLANNERS
1100 East 8th Street • Austin, Texas 78702 • (512) 474-6526

DESIGNED BY	DATE	REVISION

PETITIONHearing Date: March 11, 2010File Number: C14-2009-0102 Tract 3

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 other than LO-NP.

Reasons for protest:

We are a neighborhood of 1 story homes. VMU would allow multi-stories which would overshadow our homes just as "Mc-Mansions" have done in our older neighborhoods. This narrow tract of land is immediately adjacent to many of our back yards.

~~The height of VMU buildings will make our homes and yards viewable from their higher stories, resulting in significant loss of our privacy. In addition, the higher~~
density will increase noise, congestion, and glaring lights, and possibly, animal and sanitation problems from large outdoor garbage containers.

The land is a narrow strip with a creek and water drainage issues. Allowing more density and relaxed restrictions will cause added drainage problems.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

SignaturePrinted NameAddress

<u>Suzan O. Bradbury</u>	<u>SUZAN O. BRADBURY</u>	<u>4009 VINELAND</u>
<u>Raymond S. Joseph</u>	<u>RAYMOND S. JOSEPH</u>	<u>1816 E. 40TH ST.</u>
<u>Vivian N. Joseph</u>	<u>VIVIAN N. JOSEPH</u>	<u>1816 E. 40TH ST.</u>
<u>Thomas Johnson</u>	<u>THOMAS JOHNSON</u>	<u>1814 E. 40TH ST</u>
<u>Bruce Miller</u>	<u>BRUCE MILLER</u>	<u>4001 Vineland Dr.</u>
<u>Mary E. Haynes</u>	<u>MARY E. HAYNES</u>	<u>4005 Vineland Dr.</u>
<u>Matilda Attal</u>	<u>MATILDA ATTAL</u>	<u>4003 VINELAND</u>

Date _____

Contact Name _____

Phone Number _____

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<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
<u>Earl Burg</u>	<u>EARL BURG</u>	<u>4007 VINELAND DR</u>
<u>Teresa M. Cory</u>	<u>TERESA M CORY</u>	<u>4011 VINELAND DR</u>
<u>Charles R Jones</u>	<u>CHARLES R. JONES</u>	<u>4014 VINELAND DR</u>
<u>Michael Emery</u>	<u>MICHAEL EMMERY</u>	<u>4010 VINELAND</u>
<u>Jim Martindale</u>	<u>JIM MARTINDALE</u>	<u>4012 VINELAND DR</u>
<u>Alvin Youngblood Jr</u>	<u>ALVIN YOUNGBLOOD JR</u>	<u>4015 VINELAND DR</u>
<u>Kathleen Youngblood</u>	<u>KATHLEEN YOUNGBLOOD</u>	<u>4015 VINELAND DR</u>
<u>Robert P. Dailey</u>	<u>ROBERT P. DAILEY</u>	<u>4002 VINELAND DR</u>

Date _____

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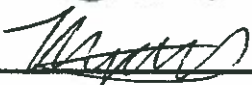
Printed Name

Address



ERIK BARTH

1804 E 40TH ST



Ryan Heglich

4008 Vineland Dr.



CHRISTA PALAZZO

4016 Vineland Dr.



David Boston

4001 Vineland



Patricia Johnson

1814 E-40th St.



Carolyn Greene

3907 Vineland Dr.



Laura Correa

4013 Vineland Dr.

Date _____

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Signature

Printed Name

Address

Mrs Ross Meilroy MRS. ROSS MEILROY 3911 GRAYSON LANE
R.E. MEBANE RETHLEN 1818 E. 40TH.

Nicki Mebane NICKI MEBANE 4000 VINELAND

Forrest E. Ward FORREST E. WARD 4018 VINELAND

Pierce S. Haynes PIERCE S. HAYNES 4005 VINELAND DR.

Robin E. Graham-Moore Robin E. Graham-Moore 1817 E 40th St

Brian Graham-Moore Brian Graham-Moore 1817 E 40th St

Date _____

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Signature

Printed Name

Address

<i>Katherine Robertson</i>	Katherine Robertson	4006 Vineland Austin 78722
<i>Alfred Hernandez</i>	Alfred Hernandez	4019 Vineland Dr Austin 78722
<i>Stephanie Francis</i>	Stephanie Francis	4016 Vineland Dr Austin 78722
<i>Vera Y Arredondo</i>	VERA ARREDONDO	4021 Vineland Dr. 78722
<i>Tim Jones</i>	Tim Jones	4017 Vineland Dr.

Date _____

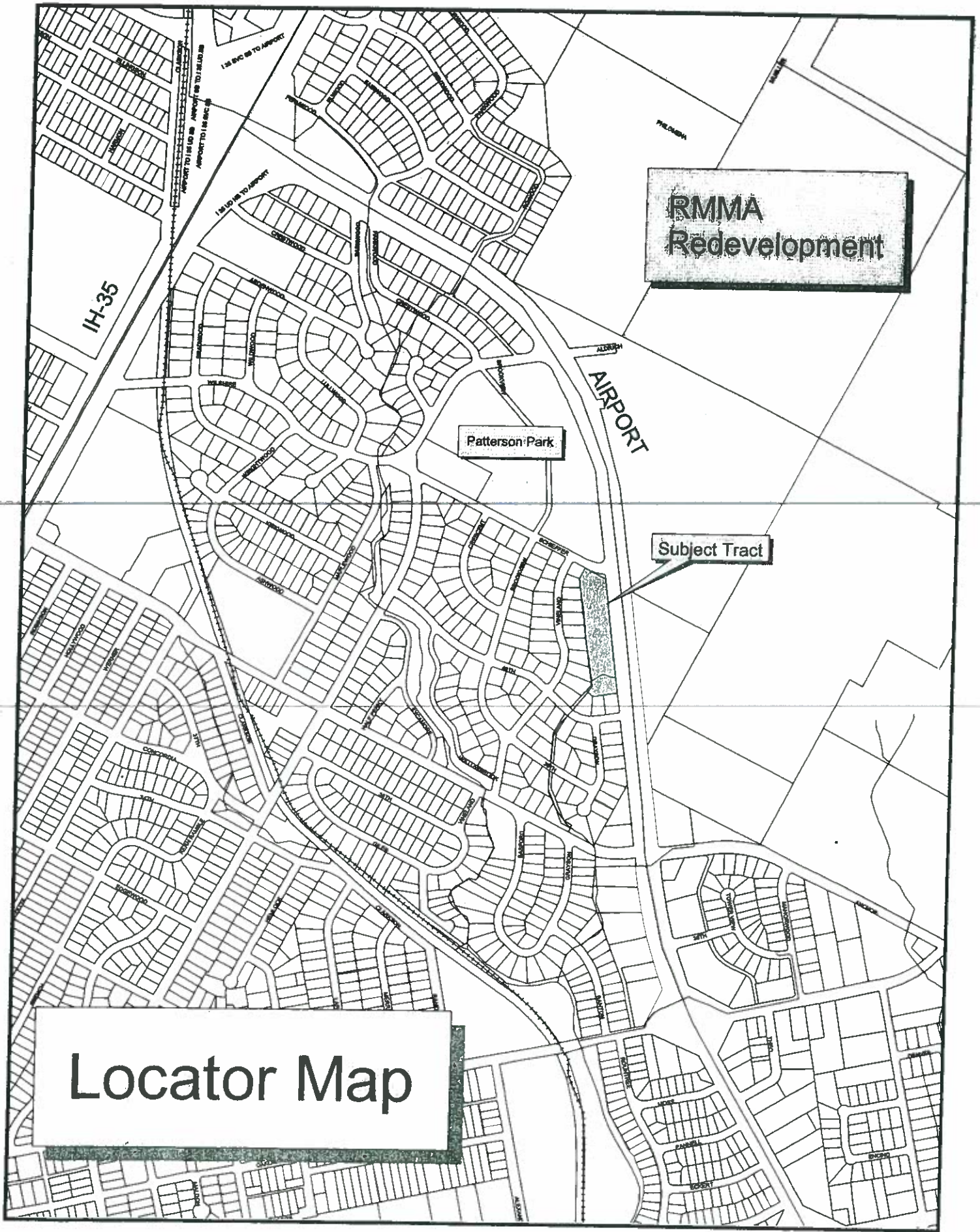
Contact Name _____

Phone Number _____

CARLOS GONZALEZ
KELLY GONZALEZ

1815 E. 40th

AUSTIN, TX 78722



**RMMA
Redevelopment**

Patterson Park

AIRPORT

Subject Tract

Locator Map



Neighborhood Planning & Zoning Department

P.O. Box 1088
Austin, TX 78767

EXPLANATION OF VMU PETITIONS

BACKGROUND—DESIGN STANDARDS AND MIXED USE

On August 31, 2006, Austin's City Council adopted Subchapter E of Chapter 25-2 of the City Code (*Design Standards and Mixed Use*), commonly called the Design Standards. The Design Standards became effective on January 13, 2007.

One of the purposes of the Design Standards was to foster the development of vertical mixed use (VMU) buildings. ~~VMU buildings are allowed as a matter of right in a vertical mixed use overlay district.~~ VMU buildings may also be allowed in a mixed use combining district or by conditional use permit under certain conditions. The Design Standards establish certain development incentives for VMU buildings that provide for affordable housing.

Under the Code amendment that established the Design Standards, regulations regarding applicability of the development incentives are not established until the "opt-in/opt-out process" takes place. The Code provides that a person may not take advantage of the incentives until the opt-in/opt-out process is concluded. Before finalizing the regulations, the Council wanted to obtain recommendations from the neighborhoods and the Planning Commission about how ~~the development incentive regulations would apply to properties in the neighborhoods.~~ After hearing the recommendations, the Council will then establish the regulations for each neighborhood.

WHAT IS A VALID PETITION?

Section 211.0069(d) of the *Local Government Code* provides that a proposed change in a zoning regulation or boundary must be approved by at least three-fourths of the members of the Council if the change is protested by 20 percent of the owners of either (1) the area of the land covered by the proposed change or (2) the area of the land immediately adjoining the area covered by the proposed change and extending for 200 feet.

CAN A PERSON PROTEST THE NEIGHBORHOOD RECOMMENDATIONS REGARDING THE APPLICABILITY OF THE DEVELOPMENT INCENTIVES TO AN INDIVIDUAL PROPERTY (OPT-OUT RECOMMENDATIONS)?

No, the opt-out recommendations are not proposals concerning the zoning for individual properties. The Council's determinations regarding the applicability of the development incentives are the finalization of the Code amendment process that established the Design Standards. The determinations are not the zoning of individual property. The Council is setting

May 4, 2008

the standards that apply in the VMU overlay districts. This is similar, for example, to the Council setting the height or impervious cover limitations of the SF-3 zoning district.

As with all amendments to the zoning regulations of the Code, citizens could have protested the adoption of the Design Standards in August 2006. A valid protest would require a written opposition by 20 percent of the owners of land in the City.

CAN A PERSON PROTEST A RECOMMENDATION TO EXCLUDE A PROPERTY FROM A VMU OVERLAY DISTRICT?

Yes, either the owners of the affected property or the owners of property within 200 feet of the affected property can protest the complete exclusion of a property from a VMU overlay district. The Design Standards provides that property along a Core Transit Corridor that meets certain criteria is a part of a VMU overlay district. A recommendation to modify the VMU overlay district by excluding property is a proposal to change the zoning of an individual property. A protest will be "valid" if it complies with the requirements of the Local Government Code as stated above.

Some citizens who support a neighborhood recommendation to exclude a property from the district have asked if they can have a valid petition to require a three-fourths vote of Council not to exclude the property. No, a three-fourths vote can only be required if there is a protest opposing a proposed change. In this case, the "protesters" are in support of the proposed change.

CAN A PERSON PROTEST A RECOMMENDATION TO ALLOW A PROPERTY THAT IS NOT IN A VMU OVERLAY DISTRICT TO USE THE DEVELOPMENT INCENTIVES (OPT-IN RECOMMENDATIONS)?

Yes, a property that is not in a VMU overlay district must be given permission to use the development incentives. This is a change in the zoning of the individual property. Either the owners of the affected property or the owners of property within 200 feet of the affected property can protest the recommendation.

FOR QUESTIONS OR ADDITIONAL INFORMATION PLEASE CONTACT

George Adams, Assistant Director, Neighborhood Planning and Zoning Department, (512) 974-2146 or george.adams@ci.austin.tx.us.

May 4, 2008

PLANNING COMMISSION HEARING**DATE: Tuesday, February 9, 2010** **TIME: 6:00 P.M.****LOCATION: City Hall, Rm. 1002, Council Chambers**
301 W. 2nd Street, Austin**CITY COUNCIL HEARING****DATE: Thursday, March 11, 2010** **TIME: 2:00 P.M.****LOCATION: City Hall, Rm. 1002, Council Chambers**
301 W. 2nd Street, Austin

For questions regarding the vertical mixed use application for the Upper Boggy Creek Neighborhood Planning Area, please call Jacob Browning at (512) 974-7657 or email at: jacob.browning@ci.austin.tx.us. Si Ud. necesita información en español, favor de llamar a Jacob Browning (512) 974-7657. Office hours are 8:00 AM to 5:00 PM Monday through Friday. Please be sure to refer to the File Number on the first page when you call. See attached sheets for more information.

PLANNING COMMISSION COMMENT FORM

You may send your written comments to the Planning and Development Review Department,
P. O. Box 1088, C/O Jacob Browning, Austin, TX 78767-8835.

File # C14-2009-0102**Planning Commission Hearing Date: February 9, 2010**

Name (please print) _____

Axel Gerdau☒ I am in favor of VMU

(Estoy de acuerdo)

Address _____

2204 Chestnut Ave☐ I object to VMU

(No estoy de acuerdo)

Comments _____

*We need more mixed-use density + affordable housing.***INFORMATION ON PUBLIC HEARINGS**

THE PLANNING AND DEVELOPMENT REVIEW DEPARTMENT HAS FILED AN APPLICATION TO IMPLEMENT THE VERTICAL MIXED-USE (VMU) LAND USE REGULATIONS. THIS NOTICE HAS BEEN MAILED TO YOU BECAUSE YOU OWN PROPERTY, ARE A REGISTERED ENVIRONMENTAL OR NEIGHBORHOOD ORGANIZATION, OR HAVE A UTILITY SERVICE ADDRESS WITHIN 500 FEET OF A VMU ELIGIBLE PROPERTY.

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

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File # C14-2009-0102

Planning Commission Hearing Date: February 9, 2010

Name (please print) Lionel James

☒ I am in favor of VMU
(Estoy de acuerdo)

Address 2942 Moss St Apt 70722

☐ I object to VMU
(No estoy de acuerdo)

Comments _____

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File # C14-2009-0102

Planning Commission Hearing Date: February 9, 2010

Name (please print) Justin Clemens

☒ I am in favor of VMU
(Estoy de acuerdo)

Address 711 E. 43rd Austin TX 78751

☐ I object to VMU
(No estoy de acuerdo)

Comments _____

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File # C14-2009-0102

Planning Commission Hearing Date: February 9, 2010

Name (please print) _____

Gary L. Henry 512 431-5218

Address _____

2109 East 21st

Comments _____

Great neighbor hood with good mix of people.

☐ I am in favor of VMU

(Estoy de acuerdo)

☒ I object to VMU

(No estoy de acuerdo)

.....

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File # C14-2009-0102

Planning Commission Hearing Date: February 9, 2010

Name (please print) GERALD R. LAWSON

☐ I am in favor of VMU
(Estoy de acuerdo)

Address 3402 ROBINSON AVE

☒ I object to VMU
(No estoy de acuerdo)

Comments _____

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File # C14-2009-0102

Planning Commission Hearing Date: February 9, 2010

Name (please print) DEBORAH McELFISH

☒ I am in favor of VMU
(Estoy de acuerdo)

Address 4309 Airport Blvd, Austin Tx 78722

☐ I object to VMU
(No estoy de acuerdo)

Comments Let's move forward to update our City
to meet the needs of a growing population.

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File # C14-2009-0102

Planning Commission Hearing Date: February 9, 2010

Name (please print) CARLOS M. RIVERO

☐ I am in favor of VMU
(Estoy de acuerdo)

Address 1917 MANOR RD AUSTIN, TX 78722

☒ I object to VMU
(No estoy de acuerdo)

Comments _____

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File # C14-2009-0102

Planning Commission Hearing Date: February 9, 2010

Name (please print) JAMES KOUREK

Address 3406 ROBINSON AVENUE

Comments _____

- ☒ I am in favor of VMU
(Estoy de acuerdo)
☐ I object to VMU
(No estoy de acuerdo)

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File # C14-2009-0102

Planning Commission Hearing Date: February 9, 2010

Name (please print) Chad Ballentine

☒ I am in favor of VMU
(Estoy de acuerdo)

Address 2204 Chestnut Ave

☐ I object to VMU
(No estoy de acuerdo)

Comments I live in an SFR adjacent to the
Proposed VMU, And I APPROVE. We need density & Light
Urban rail!

PLS call if you have questions or need assistance
INFORMATION ON PUBLIC HEARINGS 673-2105

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File # C14-2009-0102

Planning Commission Hearing Date: February 9, 2010

Name (please print)

WALTER JOHN KNETEN



I am in favor of VMU
(Estoy de acuerdo)

Address

3504 BANTON RD



I object to VMU
(No estoy de acuerdo)

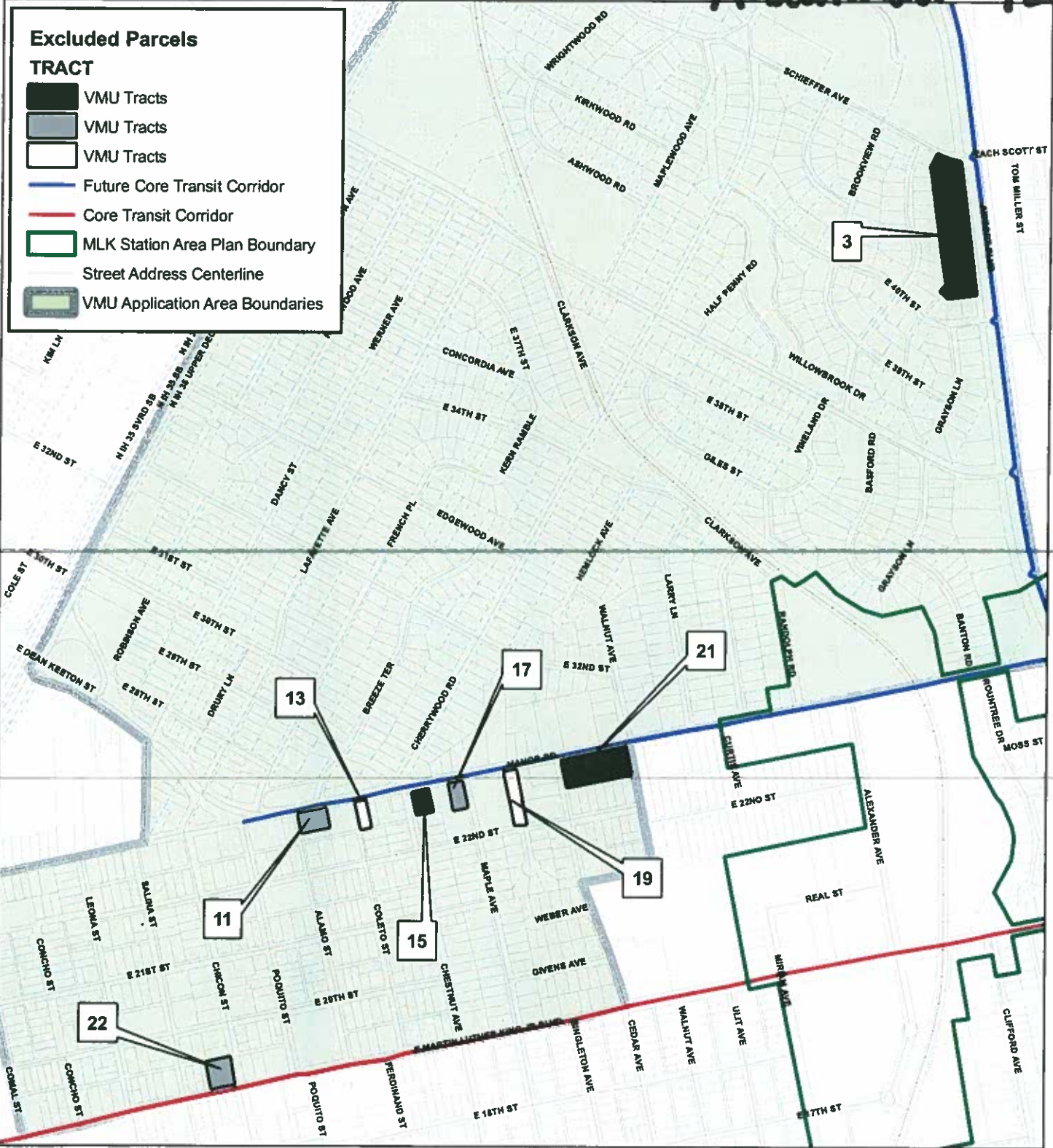
Comments

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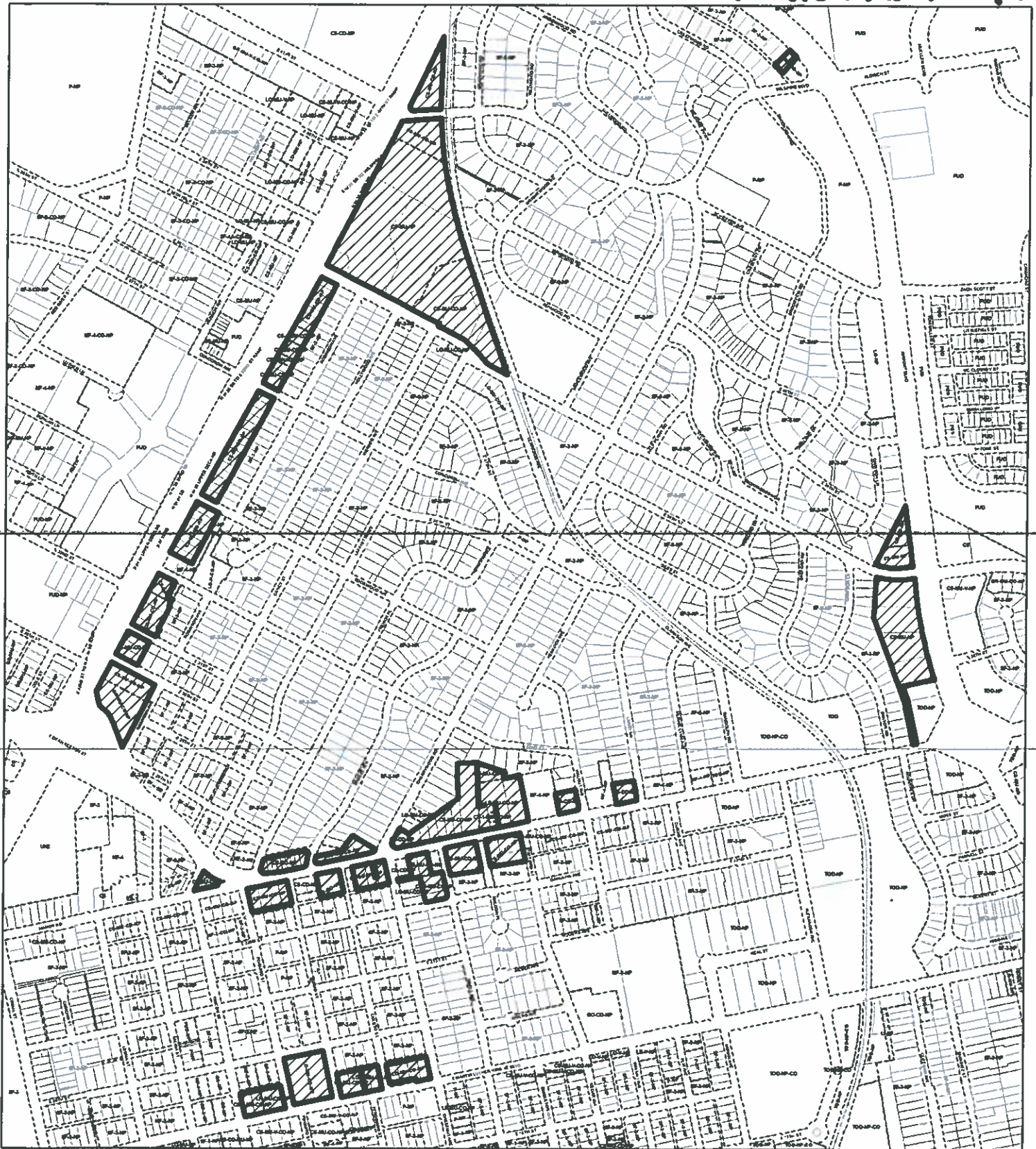
**Upper Boggy Creek Neighborhood Planning Area
Vertical Mixed Use (VMU) Opt-In/Opt-Out Process
Tract Map, C14-2009-0102 (part)**



Produced by City of Austin
Planning & Development Review Dept.
August 27, 2009



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.



 SUBJECT TRACT

 ZONING BOUNDARY

 PENDING CASE

OPERATOR: S. MEEKS

ZONING

ZONING CASE#: C14-2009-0102
 ADDRESS: UPPER BOGGY CREEK
 PLANNING AREA
 SUBJECT AREA: 51.39 ACRES
 GRID: K23-25 & L24
 MANAGER: J. BROWNING



1" = 800'

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