

ZONING REVIEW SHEET

CASE: C14-2007-0210

P.C. DATE: February 12, 2008

ADDRESS: 511 West 41st Street

OWNER/APPLICANT: Michael Rhodes

REZONING FROM:

SF-3 -NCCD (Family residence - Neighborhood Conservation Combining District) combining district

TO: NO-H-NCCD (Neighborhood office – Historic – Neighborhood Conservation Combining District)

AREA: 0.137 Acres (5,967.72 square feet)

SUMMARY PLANNING COMMISSION RECOMMENDATION:

February 12, 2008

APPROVED STAFF'S RECOMMENDATION OF NO-H-NCCD DISTRICT ZONING; BY CONSENT.

[J.REDDY, M.DEALEY 2ND] (8-0)

SUMMARY STAFF RECOMMENDATION:

The Staff recommends approval of the rezoning from SF-3-NCCD to NO-H-NCCD. All provisions Ordinance No. 020131-20 shall remain in place with the exception of the following modifications:

The following uses shall be prohibited on the site:

- Day care services (limited);
- Day care services (general); and
- Day care services (commercial).
- The site shall be limited to less than 2,000 vehicle trips per day.

The recommendation is based on the following considerations:

- 1.) The requested zoning classification is compatible with existing commercial and residential land uses in the area;
- 2.) The recommended prohibited uses will encourage the compatibility of land uses within the Residential District of the NCCD; and
- 3.) All other conditions of Ordinance No. 020131-20 shall remain applicable to the site.

DEPARTMENT COMMENTS:

The subject rezoning area consists of a 0.137 acre (5,967.72 square feet) property zoned SF-3 – NCCD developed with a duplex structure. On January 31, 2002, the property was rezoned from SF-3 to SF-3-NCCD by Ordinance No. 020131-20 (Please see Attachment “A”). The site lies within the Residential District of the Hyde Park NCCD. Access to the property is via West 51st Street. A concurrent historic overlay case is in effect under case C14H-2007-0011.

On May 21, 2007, the Historic Landmark Commisison (HLC) initiated a rezoning case on the property requesting to implement an historic overlay on the property and on January 28, 2008, the HLC unanimously recommended historic zoning on the property. The site lies within the Hyde Park National Register Historic District.

The applicant seeks to rezone the property from SF-3NCD to NO-H-NCCD to facilitate office uses on the site. Both the applicant and the Hyde Park Neighborhood Association will enter into a private restrictive covenant to facilitate site development regulations on the site.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NCCD	Duplex
<i>North</i>	MF-3-NCCD	Apartments
<i>South</i>	SF-3-NCCD	Single-family residence
<i>East</i>	SF-3-NCCD	Single-family residence
<i>West</i>	CS-NCCD	Retail

NCCD: Hyde Park

TIA: Waived; See Transportation comments

WATERSHED: Waller Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

283--North Austin Neighborhood Alliance
 34--Hyde Park Neighborhood Assn.
 511--Austin Neighborhoods Council
 603--Mueller Neighborhoods Coalition
 742--Austin Independent School District
 754--Central Austin Neighborhoods Planning Area Committee
 937--Taking Action Inc.
 786--Home Builders Association of Greater Austin
 631--Alliance to Save Hyde Park
 1037--Homeless Neighborhood Organization
 1075--League of Bicycling Voters

SCHOOLS:

Austin Independent School District

- Ridgetop Elementary School
- Lamar Middle School
- McCallum High School

RELATED CASES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-01-0046	Hyde Park NCCD	05/22/01: APVD STAFF REC W/CONDS (8-0); APVD MF-1/MF-2/SF-3/SF-3-H/LO/LO-H/LR/GR/MF-3/MF-4/CS + NCCD ON ALL	08/23/01: APVD STAFF REC OF MF-1-NCCD, MF-2-NCCD, MF-3-NCCD, MF-4-NCCD, SF-3-NCCD, SF-3-H-NCCD, LO-NCCD, LO-H-NCCD, LR-NCCD, GR-NCCD, & CS-NCCD (5-2, KW/DT-NO); 1ST RDG

			<p>10/25/01: APVD MF-1-NCCD, MF-2-NCCD, SF-3-NCCD, SF-3-H-NCCD, LO-NCCD, LO-H-NCCD, LR-NCCD, GR-NCCD, MF-3-NCCD, MF-4-NCCD, & CS-NCCD (4-2, KW/DT-NO) 2ND RDG ONLY</p> <p>01/31/02: APVD NCCD PER PLAN DESCRIBED IN MEMO TO CC D'D 11-28-01 (6-1, DT-NO)</p>
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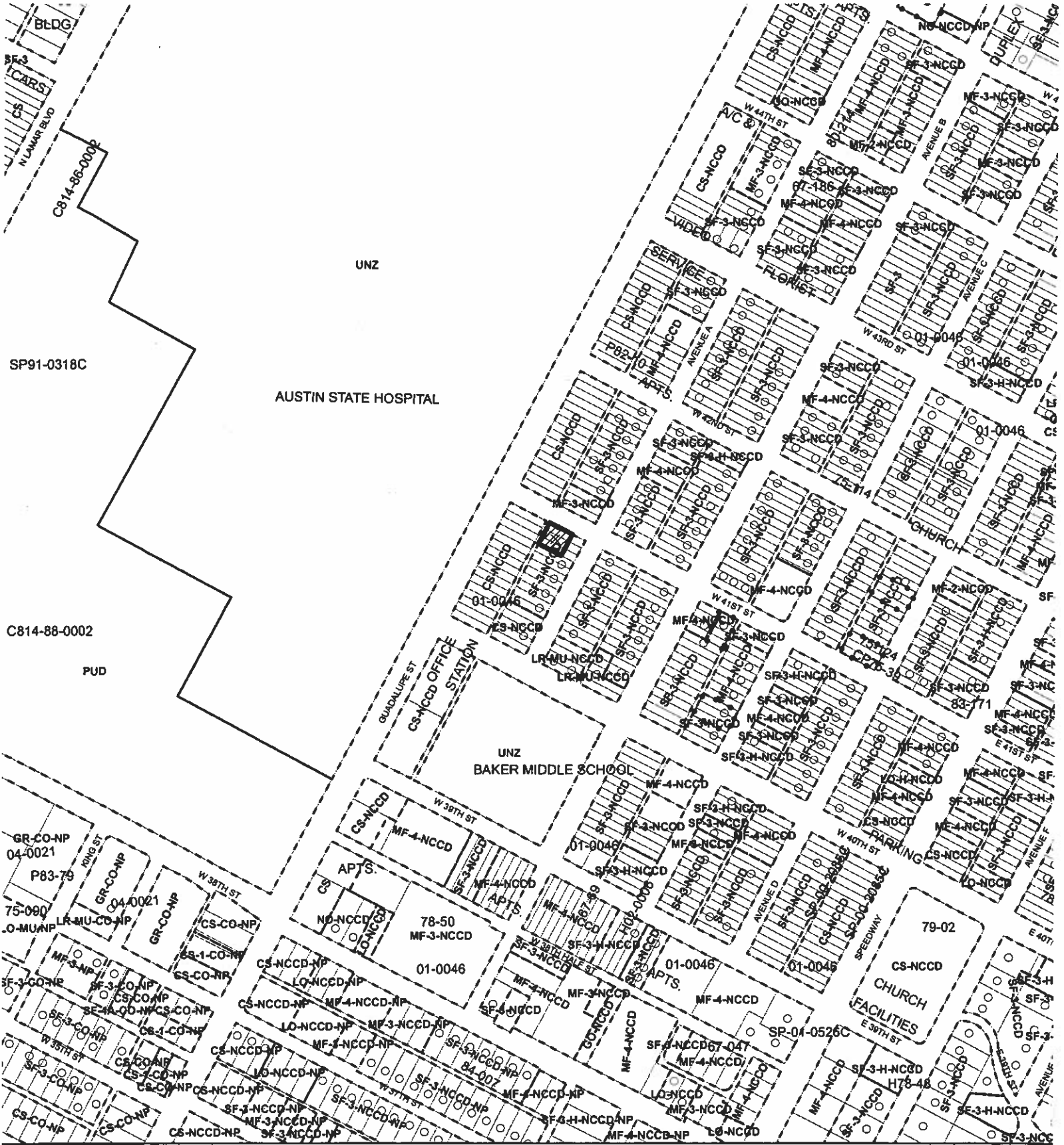
ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
W 41 st St	63'	33'	Collector	No	Rte 22	101 N Lamar 1 N Lamar 481 Night Owl North

CITY COUNCIL DATE:

March 20, 2008

ACTION:**ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Jorge E. Rousselin, NPZD**PHONE:** 974-2975**E-MAIL:** jorge.rousselin@ci.austin.tx.us



N

Subject Tract

Zoning Boundary

Pending Cases

ZONING

ZONING CASE#: C14-2007-0210

ADDRESS: 511 W 41ST ST

SUBJECT AREA: 0.137 ACRES

GRID: J25

MANAGER: J. ROUSSELIN



1" = 400' OPERATOR: S MEEKS

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

STAFF RECOMMENDATION

The Staff recommends approval of the rezoning from SF-3-NCCD to NO-H-NCCD. All provisions Ordinance No. 020131-20 shall remain in place with the exception of the following modification:

The following uses shall be prohibited on the site:

- Day care services (limited);
- Day care services (general); and
- Day care services (commercial).
- The site shall be limited to less than 2,000 vehicle trips per day.

The recommendation is based on the following considerations:

- 1.) The requested zoning classification is compatible with existing commercial and residential land uses in the area;
- 2.) The recommended prohibited uses will encourage the compatibility of land uses within the Residential District of the NCCD; and
- 3.) All other conditions of Ordinance No. 020131-20 shall remain applicable to the site.

BASIS FOR RECOMMENDATION

- 1. Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The proposed rezoning will promote a compatible mix of land uses within the designated residential district of the NCCD and will preserve the residential character of the established residential district.

- 1. The proposed zoning should promote consistency and orderly planning.*

The proposed rezoning will be consistent with the permitted, conditional and prohibited land uses as listed in the NCCD ordinance.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area consists of a 0.137 acre (5,967.72 square feet) property zoned SF-3 – NCCD developed with a duplex structure. On January 31, 2002, the property was rezoned from SF-3 to SF-3-NCCD by Ordinance No. 020131-20 (Please see Attachment “A”). The site lies within the Residential District of the Hyde Park NCCD. Access to the property is via West 51st Street. A concurrent historic overlay case is in effect under case C14H-2007-0011.

On May 21, 2007, the Historic Landmark Commisison (HLC) initiated a rezoning case on the property requesting to implement an historic overlay on the property and on January 28, 2008, the HLC unanimously recommended historic zoning on the property. The site lies within the Hyde Park National Register Historic District.

Transportation

1. No additional right-of-way is needed at this time.

2. 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]

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller 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. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Water and Wastewater

1. 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 the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, an abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. 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.

Site Plan and Compatibility Standards:

1. Site plans will be required for any new development other than single-family or duplex residential.
2. This site is in a National Register Historic District, and review by the Historic landmark commission is required.

3. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

Compatibility Standards

- a. The site is subject to compatibility standards. Along the South, East, and North property lines, the following standards apply:
- b. No structure may be built within 25 feet of the property line.
- c. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- d. No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- e. For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- f. An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- g. No parking or driveways are allowed within 25 feet of the property line.
- h. A landscape area at least 15 feet 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.

Additional design regulations will be enforced at the time a site plan is submitted.

ORDINANCE NO. 020131-20

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE TO ESTABLISH THE HYDE PARK NEIGHBORHOOD CONSERVATION COMBINING DISTRICT (NCCD) FOR THE PROPERTY WHOSE BOUNDARIES ARE 45TH STREET TO THE NORTH, 38TH STREET TO THE SOUTH, GUADALUPE STREET TO THE WEST AND DUVAL STREET TO THE EAST, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND TO MODIFY CERTAIN BASE DISTRICTS IN THE NCCD; AND DECLARING AN EMERGENCY.

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 establish the Hyde Park neighborhood conservation combining district (NCCD) and to add a NCCD to each base zoning district within the property bounded by 45th Street to the north, 38th Street to the south, Guadalupe Street to the west, and Duval Street to the east, described in File C14-01-0046 and as more particularly identified in the map attached as Exhibit "A," SAVE AND EXCEPT Lots 5 through 16 of Block 12 of the Hyde Park Addition No. 1, and to change the base zoning districts on 13 tracts of land within the NCCD.

PART 2. The base zoning of the 13 tracts shown in the chart below are changed from family residence (SF-3) district, multifamily residence medium density (MF-3) district, multifamily residence moderate- high density (MF-4) district, multifamily residence moderate-high density-historic (MF-4-H) combining district, limited office-historic (LO-H) combining district, and general commercial services (CS) district, to multifamily residence limited density neighborhood conservation (MF-1-NCCD) combining district, multifamily residence low density neighborhood conservation (MF-2-NCCD) combining district, family residence neighborhood conservation (SF-3-NCCD) combining district, family residence-historic-neighborhood conservation (SF-3-H-NCCD) combining district, limited office-historic-neighborhood conservation (LO-H-NCCD) combining district, neighborhood commercial neighborhood conservation (LR-NCCD) combining district, and multifamily residence medium density neighborhood conservation (MF-3-NCCD) combining district.

MAP TRACT #	PROPERTY ADDRESS	FROM	TO
2	4309 Avenue D	MF-4	SF-3-NCCD
2	4307 Avenue D	MF-4	SF-3-NCCD
2	4311 Avenue D	MF-4	SF-3-NCCD
3	4416 Speedway	MF-3	SF-3-NCCD
3	4414 Speedway	MF-3	SF-3-NCCD
3	4412 Speedway	MF-3	SF-3-NCCD
3	4410 Speedway	MF-3	SF-3-NCCD
3	4408 Speedway	MF-3	SF-3-NCCD
3	4406 Speedway	MF-3	SF-3-NCCD
3	4404 Speedway	MF-3	SF-3-NCCD
3	4402 Speedway	MF-3	SF-3-NCCD
3	4400 Speedway	MF-3	SF-3-NCCD
4	4313 Speedway	MF-3	SF-3-NCCD
4	4311 Speedway	MF-3	SF-3-NCCD
4	4309 Speedway	MF-3	SF-3-NCCD
6	4408 Duval Street	MF-4	SF-3-NCCD
6	4406 Duval Street	MF-4	SF-3-NCCD
6	4404 Duval Street	MF-4	SF-3-NCCD
6	4402 Duval Street	MF-4	SF-3-NCCD
6	4400 Duval Street	MF-4	SF-3-NCCD
6	4316 Duval Street	MF-4	SF-3-NCCD
6	4314 Duval Street	MF-4	SF-3-NCCD
6	4308 Duval Street	MF-4	SF-3-NCCD
6	4306 Duval Street	MF-4	SF-3-NCCD
6	4302 Duval Street	MF-4	SF-3-NCCD
6	4204 Duval Street	MF-4	SF-3-NCCD
6	4202 Duval Street	MF-4	SF-3-NCCD
6	4106 Duval Street	MF-4	SF-3-NCCD
6	4104 Duval Street	MF-4	SF-3-NCCD
6	4100 Duval Street	MF-4	SF-3-NCCD
6	4016 Duval Street	MF-4	SF-3-NCCD
6	4012 Duval Street	MF-4	SF-3-NCCD
6	4014 Duval Street	MF-4	SF-3-NCCD
6	4008 Duval Street	MF-4	SF-3-NCCD
6	4006 Duval Street	MF-4	SF-3-NCCD
6	4004 Duval Street	MF-4	SF-3-NCCD
6	4200 Duval Street	MF-4	SF-3-NCCD

MAP TRACT #	PROPERTY ADDRESS	FROM	TO
7	4112 Duval Street	MF-4	MF-2-NCCD
8	4214 Speedway	MF-4	SF-3-NCCD
8	4210 Speedway	MF-4	SF-3-NCCD
8	4213 Speedway	MF-4	SF-3-NCCD
8	4203 Speedway	MF-4	SF-3-NCCD
8	4112 Speedway	MF-4-H	SF-3-H-NCCD
8	4201 Speedway	MF-4	SF-3-NCCD
8	4110 Speedway	MF-4-H	SF-3-H-NCCD
8	4115 Speedway	MF-4	SF-3-NCCD
8	4113 Speedway	MF-4	SF-3-NCCD
8	4108 Speedway	MF-4-H	SF-3-H-NCCD
8	4104 Speedway	MF-4	SF-3-NCCD
8	4109 Speedway	MF-4	SF-3-NCCD
8	4107 Speedway	MF-4	SF-3-NCCD
8	4100 Speedway	MF-4	SF-3-NCCD
8	4101 Speedway	MF-4	SF-3-NCCD
9	4006 Speedway	LO-H	LO-H-NCCD
10	4007 Speedway	MF-4	SF-3-NCCD
10	4009 Speedway	MF-4	SF-3-NCCD
11	3913 Avenue C (2 parcels)	MF-4-H	SF-3-H-NCCD
12	3900 Avenue C (2 parcels)	MF-4-H	SF-3-H-NCCD
13	4002 Avenue B	CS	SF-3-NCCD
14	408 W 40th Street	CS	LR-MU-NCCD
14	406 W 40 th Street	CS	LR-MU-NCCD
14	4000 Avenue B	CS	LR-MU-NCCD
15	3815 Guadalupe Street	CS	CS-NCCD for first 120' from the r.o.w.; MF-3-NCCD for remainder

PART 3. DEFINITIONS. In this ordinance:

ACCESSORY BUILDING means a building in which an accessory use is located that is detached from and located on the same site as a building in which a principal use is located.

AVENUE means a street running in a north-south direction and designated as an avenue.

CIRCULAR DRIVEWAYS means a cul-de-sac type driveway with one access point or a half-circular driveway with two access points.

COMMERCIAL DISTRICT means the districts within the hierarchy of zoning districts from neighborhood office (NO) district through commercial-liquor sales (CS-1) district.

DISTRICT means the Residential District, Speedway District, West 38th District, Guadalupe District, Duval District, or the Hyde Park Civic District.

DRIVEWAY RUNNERS means a pair of pavement strips acting as a driveway.

FULL BATHROOM means a bathroom with a toilet, sink, and a bathtub or shower or shower/bathtub combination.

REDEVELOPMENT means development in which the value of the improvements is 50 percent of the value of all existing improvements on the site or development that requires a site plan.

TANDEM PARKING means one car behind another so that one car must be moved before the other can be accessed.

PART 4. The Hyde Park NCCD is divided into the following districts which are more particularly identified on the map attached as Exhibit B.

1. The Residential District - includes all property not included in another district.
2. The Speedway District - generally located one-half block on each side of Speedway Street from 38th Street to 45th Street.
3. The Duval District – generally located one-half block west of Duval Street from 40th Street to 45th Street.
4. The West 38th Street District - generally located one block between West 38th Street and West 38th ½ Street from one lot back from Speedway to one lot back from Guadalupe Street.

5. The Guadalupe District – generally located from Guadalupe Street to one-half block east of Guadalupe Street from 38th Street to 45th Street.
6. The Hyde Park Civic District - generally located in the area of Speedway and 40th Street.

PART 5. Development in the Hyde Park Civic District is subject to Ordinance No. 900830-Q. The regulations in Part 6 (Permitted and Conditional Uses), Part 7 (General Provisions), Part 8 (Residential District) and Part 9 (Speedway District) of this ordinance apply to development in the Hyde Park Civic District if they do not conflict with Ordinance No. 900830-Q, as amended. If a use regulation or site development standard is not addressed by Ordinance No. 900830-Q or this ordinance, then the base zoning district regulations as they existed on August 30, 1990 apply.

PART 6. Permitted and Conditional Uses.

1. The following table establishes the permitted and conditional uses for property in commercial zoning districts in the Hyde Park NCCD. Use regulations in this section may be modified in Section 2 of this part.

Column (A) applies to property with commercial zoning in the Residential, Speedway, Duval, West 38th, and Hyde Park Civic Districts that are not included in Column (B) or Column (C).

Column (B) applies to property at the following locations: 408 E. 43rd Street; the Duval Shopping Center which includes 411, 413, 417, and 419 E.43rd Street and 4220, 4222, 4224 and 4230 Duval Street; and 4206 Duval Street.

Column (C) applies to property located at 4300 Speedway.

USES:	Column A					Column B			Column C
	CS	GR	GO	LO	NO	CS	GR	LR	CS
Administrative and business offices	P	P	P	P	P	P	P	P	P
Art and craft studio (limited)	P	P	P	P	--	P	P	P	P

USES:	Column					Column			Column
	A					B			C
	CS	GR	GO	LO	NO	CS	GR	LR	CS
Art and craft studio (general)	P	--	--	--	--	P	--	--	P
Commercial off-street parking	C	C	--	--	--	C	C	--	C
Condominium Residential	--	--	--	--	--	--	--	--	P
Congregate living	C	C	C	C	C	C	C	C	C
Consumer convenience services	C	C	--	--	--	P	P	P	P
Consumer repair services	C	C	--	--	--	P	P	P	P
Cultural services	P	P	P	P	--	P	P	P	P
Custom manufacturing	--	--	--	--	--	C	--	--	--
Club or lodge	C	C	C	C	--	C	C	C	C
Day care services (limited)	P	P	P	P	P	P	P	P	P
Day care services (general)	P	P	P	P	P	P	P	P	P
Day care services (commercial)	P	P	P	P	P	P	P	P	P
Duplex residential	P	P	P	P	P	P	P	P	P
Family home	P	P	P	P	P	P	P	P	P
Financial services	C	C	--	--	--	P	P	P	P
Food sales	C	C	--	--	--	P	P	P	P
General retail sales (convenience)	C	C	--	--	--	P	P	P	P
General retail sales (general)	C	C	--	--	--	P	P	--	--
Group home class I (limited)	P	P	P	P	P	P	P	P	P
Group home class I (general)	P	P	P	P	P	P	P	P	P
Group home class II	P	P	P	C	C	P	P	P	P
Guidance services	P	P	P	--	--	P	P	P	P
Hospital (limited) not to exceed 2500 s.f.	P	P	P	C	--	P	P	C	P
Indoor entertainment	C	C	--	--	--	C	C	--	--
Laundry services	--	--	--	--	--	C	--	--	--
Local utility services	--	--	--	--	--	C	C	C	--
Medical offices (not over 5000 s.f.)	P	P	P	P	--	P	P	P	P

USES:	Column A					Column B			Column C
	CS	GR	GO	LO	NO	CS	GR	LR	CS
Medical offices (over 5000 s.f.)	--	--	--	--	--	--	--	--	P
Multifamily residential	--	--	--	--	--	--	--	--	P
Off-site accessory parking	C	C	C	--	--	C	C	C	C
Personal improvement services	P	P	--	--	--	P	P	--	P
Personal services	P	P	P	--	--	P	P	P	P
Private primary educational facilities	P	P	P	P	P	P	P	P	P
Private secondary educational facilities	P	P	P	P	P	P	P	P	P
Public primary educational facilities	P	P	P	P	P	P	P	P	P
Public secondary educational facilities	P	P	P	P	P	P	P	P	P
Professional office	P	P	P	P	P	P	P	P	P
Religious assembly	P	P	P	P	P	P	P	P	P
Restaurant (drive-in, fast food)	--	--	--	--	--	C	C	C	--
Restaurant (limited)	--	--	--	--	--	P	P	P	P
Restaurant (general)	--	--	--	--	--	P	P	P	P
Service Station	--	--	--	--	--	C	C	C	--
Single-family residential	P	P	P	P	P	P	P	P	P
Software development	C	C	C	C	C	P	P	P	P
Theater	C	C	--	--	--	P	P	--	C
Two-family residential	P	P	P	P	P	P	P	P	P
Veterinary services (not to exceed 2500 s.f.)	P	--	--	--	--	P	--	--	P

2. The section applies to the uses established in Section 1 of this part.

- a. The maximum size of a day care services (commercial) use permitted under Column A is 5000 square feet, under Column B is 2500 square feet, and under Column C is 5000 square feet.

- b. A financial service use or food sales use permitted under Column B and Column C may not include a drive-in service.
 - c. A medical office (over 5000 square feet) permitted under Column C may not exceed 8000 square feet plus 50 percent of the gross floor area of a building over 8000 square feet.
 - d. A multifamily residential use, condominium residential use, or any combination of multifamily and condominium residential uses permitted under Column C may not exceed 75 percent of the gross floor area of all buildings constructed on a site.
 - e. The maximum size of a private primary educational facilities use permitted under Column A is 5000 square feet, under Column B is 2500, and under Column C is 2500 square feet. .
 - f. The maximum size of a private secondary educational facilities use permitted under Column A is 5000 square feet, under Column B is 2500 square feet, and under Column C is 5000 square feet.
 - g. The maximum size of a restaurant (limited) and restaurant (general) use permitted under Column C is 3500 square feet.
 - h. The maximum size of a theater use established under Column A and Column B is 5000 square feet.
- 3. On property located at 4307 Speedway, the permitted uses are those permitted in a multifamily residence medium density (MF-3) district and off-site accessory parking.
 - 4. The following uses are permitted on property located in the Guadalupe District.
 - a. Permitted uses.

Administrative and business offices
 Art and craft studio (general)
 Automotive rentals
 Business or trade school
 Business support services
 Communication service facilities

Agricultural sales and services
 Art and craft studio (limited)
 Automotive washing (of any type)
 Veterinary services
 College and university facilities
 Communications services

Community recreation (public)
 Congregate living
 Consumer repair services
 Cultural services
 Day care services (commercial)
 Day care services (limited)
 Exterminating services
 Family home
 Food sales
 General retail sales (convenience)
 Group home class I (general)
 Group home class II
 Hospital services (limited)
 Indoor entertainment
 Local utility services
 Monument retail sales
 Outdoor sports and recreation
 Personal improvement services
 Pet services
 Private secondary educational facilities
 Public secondary educational facilities
 Religious assembly
 Residential treatment
 Restaurant (general)
 Plant nursery
 Theater (not to exceed 5000 s.f.)
 Duplex residential

Community recreation (private)
 Consumer convenience services
 Counseling services
 Custom manufacturing
 Day care services (general)
 Electronic prototype assembly
 (not to exceed 7500 s.f.)
 Financial services
 Funeral services
 General retail sales (general)
 Group home class I (limited)
 Guidance services
 Hotel-motel
 Indoor sports and recreation
 Medical offices
 Multifamily residential
 Pawn shop services
 Personal services
 Private primary educational facilities
 Public primary educational facilities
 Professional office
 Research services
 Restaurant (limited)
 Safety services
 Software development
 Single-family residential
 Two-family residential

- b. An automotive repair services use is a permitted use on property north of 4001 Guadalupe Street. The maximum lot size for the use is 9500 square feet.
- c. A limited warehousing and distribution use is a permitted use on property south of 40th Street. The use may not exceed 7500 square feet.
- d. A telecommunications tower use is a permitted or conditional use as determined by Section 25-2-839 of the City Code.
- e. A residential use may not be located in the front 70 percent of the ground floor of a building.

5. The following uses are conditional uses on property in the Guadalupe District.

a. Conditional uses.

Building maintenance services
Commercial off-street parking
Convenience storage
Equipment repair services
Laundry services
Hospital services (general)
Off-site accessory parking

Commercial blood plasma center
Construction sales and services
Drop-off recycling collection facility
Equipment sales
Service station
Club or lodge

b. Except as otherwise provided in this subsection, a restaurant (drive-in, fast food) use is a conditional use. A drive-in service is prohibited on property located between 40th and 43rd Streets.

PART 7. GENERAL PROVISIONS. Except as otherwise provided in Part 5 of this ordinance or in this part, the following provisions apply to all property within the NCCD.

1. Except as otherwise provided, a building shall front on a north-south street. A building located on a lot that only has frontage on a numbered street may front on the numbered street. A building on a through lot located west of Speedway on West 38th Street or West 39th Street shall front on West 38th Street or West 39th Street. The street on which a building fronts under this section is the front of the property on which the building is located for purposes of this ordinance.
2. This section applies to a property that is redeveloped for multifamily, commercial or civic use.
 - a. A site for a dumpster shall be provided on the property. The dumpster shall be screened from the view of adjacent property.
 - b. Except as otherwise provided in this subsection, each parking space shall be independently accessible. For a multifamily use, tandem parking is permitted if the spaces are assigned to one dwelling unit.
3. Except as otherwise provided in this section, the maximum gross floor area of the rear dwelling unit of a two-family residential use is 850 square feet. On a corner lot, the

rear dwelling unit may exceed 850 square feet if the following conditions and other applicable site development regulations are satisfied:

- a. living space is provided on the ground floor;
 - b. one unit has frontage on a north-south street; and
 - c. one unit has frontage on a numbered street.
4. Accessory buildings may not exceed 10 percent of the site area.
 5. A fence located in a front yard may not exceed a height of four feet and shall have a ratio of open space to solid material of not less than 1 to 1.5.
 6. This section applies to a fence located in a street side yard that faces an avenue and is greater than four feet in height. The portion of a fence that is greater than four feet shall have a ratio of open space to solid material of not less than 1 to 1.5.
 7. A fence located along an alley shall have an inset to accommodate a trash receptacle. The inset shall be a minimum 18 square feet.
 8. A driveway that provides four or fewer required parking spaces may be designed with gravel surfacing or using driveway runners. Design and construction must be approved by the Director of the Watershed Protection and Development Review Department. A driveway apron shall comply with City of Austin specifications.
 9. A required or excess parking space may not be located in a street yard. This provision does not apply to property in the West 38th Street District or to property located at 4300 or 4307 Speedway if provisions for those areas permit parking in the street yard.
 10. Except as otherwise provided in this section, the entrance of a building in which a principal use is located shall be located on the front of a building.
 11. If a parking facility is located on the ground floor of a building, pedestrian-oriented uses must be located at the front of the building.
 12. Except for a single-family, duplex, or two-family residential use, excess parking is prohibited. This section does not apply to property located at 4300 or 4307 Speedway if excess parking is permitted by the provisions applicable to the property.

13. This section applies to a multifamily use.
 - a. A maximum of one sign is permitted on a building.
 - b. The size of a sign may not exceed one foot in height and eight feet in length.
 - c. Internal lighting of a sign is prohibited except for the internal lighting of individual letters.
 - d. Free-standing signs are prohibited.
14. Alley access is permitted if the access complies with applicable City regulations.
15. Except in the Guadalupe District, this section applies to construction of a single-family, duplex or two-family residential use on property that is located in a townhouse and condominium residence (SF-6) district or less restrictive zoning district. Except as otherwise provided in this section, construction must comply with the regulations for the family residence (SF-3) district. Construction may comply with the regulations of the district in which the use is located if construction complies with the compatibility standards of the City Code.
16. Except as otherwise provided in this section, parking is permitted in a street yard on West 38th ½ Street. Parking may not be closer than ten feet to a property line.
17. Except as otherwise provided in this section, the following provisions apply in all Districts except the Guadalupe District.
 - a. A circular driveway is not permitted.
 - b. Except as otherwise provided in the section, access to a site is limited to one curb cut. Except in the Residential District, a site that has 100 feet of frontage or more may have two curb cuts. In the Residential District, a site may have two curb cuts if the site has 100 feet of frontage or more and has two dwelling units. Property located at 4300 Speedway may have 3 curb cuts.
 - c. The width of a driveway:

1. for a residential use, may not exceed 12 feet from the driveway apron to the building setback line and 24 feet from the building setback line to a parking area;
 2. for a commercial, civic, multifamily residential, or condominium residential use, may not exceed 25 feet.
- d. For an existing single-family, duplex, or two-family residential use:
1. compliance with current City parking regulations is required if:
 - a. 200 square feet or more are added to a building floor area;
 - b. the principal use changes; or
 - c. a full bathroom is added to a dwelling unit that has three or more bathrooms; and
 2. a person may not reduce the parking spaces to a number less than the number of spaces prescribed in the City Code.
- e. For property located at 4300 Speedway:
1. the minimum parking requirement is 70 percent of the minimum requirement established by the City Code;
 2. the maximum parking allowed is 100 percent of the minimum requirement established by the City Code;
 3. parking in excess of the maximum allowed is not permitted, provided that excess parking that exists on the effective date of this ordinance may continue as long as not more than 5000 square feet of gross floor area is added to the property; and
 4. off-site parking at 4307 Speedway does not count against the maximum parking allowed at 4300 Speedway.
- f. The design and location of parking facilities located at 4300 and 4307 Speedway is permitted as shown on the survey of the property conducted by Roy D. Smith

Surveyors and dated August 26, 1993, attached to this ordinance as Exhibit "C" and on file with the Director of Neighborhood Planning and Zoning Department in File C14-01-0046.

g. The following provision applies to parking required under Subsection d.

1. Tandem parking:

- a. for a single-family or duplex residential use, is permitted; and
- b. for a multi-family use, is permitted if both spaces are assigned to the same unit.

2. Two parking spaces per dwelling unit are required in the Residential District and the West 38th Street District.

h. This subsection applies to property located at 4307 Speedway. Parking is permitted in a street yard for any use if an off-site accessory parking use exists on any part of the property.

PART 8. RESIDENTIAL DISTRICT. The following site development regulations apply in the Residential District.

1. Site Development Standards Table. Except as otherwise modified in this part, the following site development regulations apply in the Residential District.

RESIDENTIAL DISTRICT			
	Site Development Standards		
	Single-family Zoning Districts	Multifamily Zoning Districts	Commercial Zoning Districts
Minimum lot size	5750	8000	5750
Minimum lot width	50	50	50
Maximum FAR		0.5 to 1	0.5 to 1

Maximum building coverage	40%	50%	50%
Maximum impervious cover	45%	60%	70%
Maximum height	30	30	30
Minimum interior side yard setback	5	5	5
Minimum rear setback	10	10	10

2. Except as otherwise provided in this part, on an avenue, Duval Street, and the south side of West 39th Street:
 - a. the minimum street yard setback is 25 feet; and
 - b. the maximum street yard setback is 30 feet.
3. This section applies to a street other than a street identified in Section 2 of this part. Except as otherwise provided in this part, the minimum street yard setback is 15 feet.
4. This section applies to the minimum street yard setback established in Subsection 2.a. of this part.
 - a. The minimum street yard setback may equal the average of the street yard setbacks of the principal buildings on the same side of the block that are 25 feet or less from the street property line. If more than one principal building is located on a property, then the setback of the building closest to the street property line is used in the calculation.
 - b. Notwithstanding any provision in this section, a setback may not be less than five feet.
5. This subsection applies to the street yard setback established in Section 3 of this part.

- a. The street yard setback of the subject property may equal the average of the street yard setbacks of the buildings on adjoining lots if the setbacks are 15 feet or less. In this section, a building across an alley is a building on an adjoining lot. The street yard setback may be established by a principal building or an accessory building that contains a living unit on the ground floor that fronts on the street.
 - b. Notwithstanding any provision in this section, a setback may not be less than five feet.
6. For a building façade that is longer than 50 feet, the façade may not extend horizontally in an unbroken line for more than 30 feet.
7. A two-family residential use is permitted in the Residential District on a lot that is 7000 square feet or larger.
8. Except as provided in Section 9 of this part, a porch may extend:
 - a. on an avenue, a maximum of eight feet in front of the street yard setback; and
 - b. on a street other than an avenue, a maximum of five feet in front of a street yard setback.
9. A porch must be at least five feet from a property line that faces a street.
10. Except as otherwise provided in Sections 13 and 14 in this part, for an accessory building the minimum setback from:
 - a. a property line facing an avenue, Duval Street, or the south side of West 39th Street is 60 feet;
 - b. a property line facing a street other than a street identified in Subsection a. of this section is 15 feet; and
 - c. an interior side property line is five feet.
11. Except as otherwise provided in Section 12, 13, and 14 of this part, the minimum setback from a rear property line for an accessory building that is not more than 30 feet in height, is five feet.

12. Section 11 of this part does not apply to a through lot.
13. An attached or detached garage that has vehicular access on an alley or street shall be set back at least 20 feet from the alley or street.
14. A non-complying accessory building may be reconstructed at its existing location, but may not be less than three feet from the rear and interior and street side property lines.
15. An attached garage shall be a minimum of 60 feet from the property line facing an avenue, Duval Street, or the south side of West 39th Street.
16. This section applies to a duplex or two-family residential use if there are at least five bathrooms in all buildings in which the use is located. An additional parking space is required for each new full bathroom constructed on the property.
17. Driveway runners or gravel driveways are permitted. The design and construction must be approved by the Director of the Watershed Protection and Development Review Department.

PART 9. SPEEDWAY DISTRICT. The following provisions apply in the Speedway District.

1. Site Development Standards Table. Except as otherwise modified in this part, the following site development regulations apply in the Speedway District.

SPEEDWAY DISTRICT		
	SITE DEVELOPMENT STANDARDS	
	SF-3 Zoning District	Multifamily & Commercial Zoning Districts
Minimum lot size	5750	8000
Minimum lot width	50	50
Maximum FAR	--	0.5 to 1
Maximum building coverage	40%	50%

Maximum impervious cover	50%	70% MF 80% commercial
Maximum height	30	30
Minimum interior side yard Setback	5	5
Minimum rear setback	10	10

2. Except as otherwise provided in this part, on Speedway:
 - a. the minimum street yard setback is 25 feet; and
 - b. the maximum street yard setback is 30 feet.
3. This section applies to a street other than Speedway. Except as otherwise provided in this part, the minimum street yard setback is 15 feet.
4. This section applies to the minimum street yard setback established in Subsection 2.a. of this part.
 - a. The minimum street yard setback may equal the average of the street yard setbacks of the principal buildings on the same side of the block that are 25 feet or less from the street property line. If more than one principal building is located on a property, then the setback of the building closest to the street property line is used in the calculation.
 - b. Notwithstanding any provision in this section, a setback may not be less than five feet.
5. This subsection applies to the street yard setback established in Section 3 of this part.
 - a. The street yard setback of the subject property may equal the average of the street yard setbacks of the buildings on adjoining lots if the setbacks are 15 feet or less. In this section, a building across an alley is a building on an adjoining lot. The street yard setback may be established by a principal building or an accessory building that contains a living unit on the ground floor that fronts on the street.

- b. Notwithstanding any provision in this section, a setback may not be less than five feet.
6. The following site development regulations apply to property located at 4300 Speedway.
- a. The maximum floor-to-area ratio is 0.75 to 1.
 - b. Except as otherwise provided in this subsection, the maximum height is 30 feet. A building may have a height of 36 feet if the building has a pitched roof, measured to the average height of the highest gable.
 - c. There is not a maximum street yard setback on Speedway. There is not a street yard setback on West 43rd Street. There is not an interior side yard or rear yard setback.
 - d. The maximum impervious cover is 80 percent.
 - e. The maximum building coverage is 55 percent.
 - f. Chapter 25-2, Subchapter C, Article 10 (*Compatibility Standards*) of the City Code does not apply to the modification of the structure that exists at 4300 Speedway on the effective date of this ordinance if:
 - 1. 5000 square feet of gross floor area or less is added to the structure; and
 - 2. the modifications are permitted for noncomplying structures under Section 25-2-963 (*Modifications and Maintenance of Noncomplying Structures*) of the City Code.
7. There is not a minimum or maximum street yard setback on Speedway for an off-site accessory parking use on property located at 4307 Speedway.
8. A duplex or two-family residential use is permitted on a lot that is 6000 square feet or larger.
9. Except as provided in Section 10 of this part, a porch may extend:
- a. on Speedway, a maximum of ten feet in front of the street [~~front~~] yard setback; and

- b. on a street other than Speedway, a maximum of five feet in front of the street yard setback.
10. A porch must be at least five feet from a property line that faces a street.
 11. Except as otherwise provided in Sections 14 and 15 in this part, for an accessory building, the minimum setback from:
 - a. a property line facing Speedway is 60 feet;
 - b. a property line facing a street other than Speedway is 15 feet; and
 - c. an interior side property line is five feet.
 12. Except as otherwise provided in Section 13, 14, and 15 of this part, the minimum setback from a rear property line for an accessory building that is not more than 30 feet in height is five feet.
 13. Section 12 of this part does not apply to a through lot.
 14. An attached or detached garage that has vehicular access on an alley or street must be set back at least 20 feet from the alley or street.
 15. A non-complying accessory building may be reconstructed at its existing location, but may not be less than three feet from the rear and interior and street side property lines.
 16. An attached garage shall be a minimum of 60 feet from a property line facing Speedway.
 17. This section applies to a duplex or two-family residential use if there are at least five bathrooms in all buildings in which the use is located. An additional parking space is required for each new full bathroom constructed on the property.
 18. Driveway runners and gravel surfacing driveways are permitted. Design and construction must be approved by the Director of the Watershed Protection and Development Review Department.

19. This section applies to a restaurant use at 4300 Speedway that provides outdoor seating.

a. The outdoor seating area does not count against the allowable square footage for a restaurant (limited) and restaurant (general) use established in Part 6, Subsection 2.g. of this ordinance and is not used to determine the parking requirement if:

1. the outdoor seating does not exceed 40 percent of the total seating; and
2. not more than 10 tables are located outside.

b. The outdoor seating area that exceeds 40 percent of the total seating area is counted as part of the allowable square footage for a restaurant (limited) and restaurant (general) use and shall be used to determine the parking requirement.

PART 10. DUVAL DISTRICT. The following provisions apply in the Duval District.

1. Site Development Standards Table. Except as otherwise modified in this part, the following site development regulations apply in the Duval District.

DUVAL DISTRICT		
	SITE DEVELOPMENT STANDARDS	
	SF-3 Zoning District	Multifamily & Commercial Zoning Districts
Minimum lot size	5750	8000
Minimum lot width	50	50
Maximum FAR		0.5 to 1
Maximum building coverage	40%	50%
Maximum impervious cover	50%	60% MF 80% commercial
Maximum height	30	30

Minimum interior side yard Setback	5	5
Minimum rear setback	10	10

2. Except as otherwise provided in this part, on Duval Street and Avenue H:
 - a. the minimum street yard setback is 25 feet; and
 - b. the maximum street yard setback is 30 feet.
3. This section applies to a street other than a street identified in Section 2 of this part. Except as otherwise provided in this part, the minimum street yard setback is 15 feet.
4. This section applies to the minimum street yard setback established in Subsection 2.a. of this part.
 - a. The minimum street yard setback may equal the average of the street yard setbacks of the principal buildings on the same side of the block that are 25 feet or less from the street property line. If more than one principal building is located on a property, then the setback of the building closest to the street property line is used in the calculation.
 - b. Notwithstanding any provision in this section, a setback may not be less than five feet.
5. This subsection applies to the street yard setback established in Section 3 of this part.
 - a. The street yard setback of the subject property may equal the average of the street yard setbacks of the buildings on adjoining lots if the setbacks are 15 feet or less. In this section, a building across an alley is a building on an adjoining lot. The street yard setback may be established by a principal building or an accessory building that contains a living unit on the ground floor that fronts on the street.
 - b. Notwithstanding any provision in this section, a setback may not be less than five feet.

6. A duplex or two-family use is permitted on a lot that is 5900 square feet or larger.
7. Except as provided in Section 8 of this part, a porch may extend:
 - a. on an avenue, a maximum of eight feet in front of the street yard setback; and
 - b. on a street other than an avenue, a maximum of five feet in front of a street yard setback.
8. A porch must be at least five feet from a property line that faces a street.
9. Except as otherwise provided in Sections 12 and 13 in this part, for an accessory building the minimum setback from:
 - a. a property line facing Duval Street or Avenue H is 60 feet;
 - b. a property line facing a street other than Duval Street and Avenue H is 15 feet; and
 - c. an interior side property line is five feet.
10. Except as otherwise provided in Section 11, 12, and 13 of this part, the minimum setback from a rear property line for an accessory building that is not more than 30 feet in height is five feet.
11. Section 10 of this part does not apply to a through lot.
12. An attached or detached garage that opens on an alley or street must be set back at least 20 feet from the alley or street.
13. A non-complying accessory building may be reconstructed at its existing location but may not be less than three feet from the rear and interior and street side property lines.
14. An attached garage:
 - a. shall be a minimum of 60 feet from a property line facing Duval Street or Avenue H; and
 - b. may not face Duval Street or Avenue H.

15. This section applies to a restaurant use that provides outdoor seating.

a. The outdoor seating area is not used to determine the parking requirement if:

1. the outdoor seating does not exceed 40 percent of the total seating; and
2. not more than 10 tables are located outside.

b. The outdoor seating area that exceeds 40 percent of the total seating area shall be used to determine the parking requirement.

PART 11. WEST 38TH STREET DISTRICT. The following provisions apply in the West 38th Street District.

1. Site Development Standards Table. Except as otherwise modified in this part, the following site development regulations apply in the West 38th Street District.

WEST 38 TH STREET DISTRICT		
	SITE DEVELOPMENT STANDARDS	
	All Residential Zoning Districts	Commercial Zoning Districts
Minimum lot size	5750 SF residential 6000 two-family, duplex 8000 MF	5750
Minimum lot width	50	50
Maximum FAR	0.6 to 1 MF	0.6 to 1
Maximum building coverage	45% SF 55% MF	55%
Maximum impervious cover	50% SF 70% MF	70%
Maximum height	30	30

Minimum interior side yard Setback	5	5
Minimum rear setback	10	10

2. On 38th Street, 38th ½ Street, and Avenue B, the minimum street yard setback is 25 feet.
3. On 38th Street and 38th ½ Street, the maximum street yard setback is 50 feet.
4. On Avenue B, the maximum street yard setback is 30 feet.
5. In a neighborhood office (NO) district:
 - a. floor-to-area ratio is 0.35 to 1;
 - b. maximum impervious cover is 60%; and
 - c. maximum building coverage is 45%.
6. In a general office (GO) district:
 - a. maximum impervious coverage is 80%; and
 - b. maximum building coverage is 60%.
7. A parking area may be located at ground level under a building if the parking area is screened from the street.
8. A building may be 40 feet in height if the following is provided:
 - a. a screened ground level parking area below the building, and
 - b. a minimum of one tree at least every 12 feet the width of the landscape yard.
9. An attached or detached garage that has vehicular access on an alley shall be set back at least 20 feet from the alley.

PART 12. GUADALUPE DISTRICT. The following provisions apply in the Guadalupe District.

1. Site Development Standards Table. Except as otherwise modified in this part, the following site development regulations apply in the Guadalupe District.

GUADALUPE DISTRICT	
	SITE DEVELOPMENT STANDARDS ALL USES
Minimum lot size	4000
Minimum lot width	25
Maximum FAR	2 to 1
Maximum building coverage	95%
Maximum impervious cover	95%
Minimum interior side yard setback	0
Minimum rear setback	10

2. On Guadalupe Street:
 - a. the minimum street yard setback is 0 feet; and
 - b. the maximum street yard setback is 10 feet.
3. On a street other than Guadalupe Street, the minimum street yard setback is ten feet.

4. The maximum height:
 - a. on property north of 40th Street is 40 feet; and
 - b. on property south of 40th Street is 60 feet.
5. This section applies to property north of 40th Street. A building that is 30 feet or less from the rear property line may not exceed 30 feet in height. A parapet wall may exceed the height established in this part by 10 percent.
6. A sidewalk sign is permitted. Section 25-10-153 (*Sidewalk Sign in Downtown Sign District*) applies to a sidewalk sign. A projecting sign is permitted. Section 25-10-129 (*Downtown Sign District Regulations*) applies to a projecting sign.
7. This section applies to a restaurant use that provides outdoor seating.
 - a. The outdoor seating area is not used to determine the parking requirement if:
 1. the outdoor seating does not exceed 40 percent of the total seating; and
 2. not more than 10 tables are located outside.
 - b. The outdoor seating area that exceeds 40 percent of the total seating area shall be used to determine the parking requirement.
8. Chapter 25-2, Subchapter C, Article 10 (*Compatibility Standards*) of the City Code does not apply to the rear yard setback established in Section 1 of this part. Parking is permitted in the rear setback.

PART 13. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 14. The Council finds that the ambiguity concerning the appropriate development regulations to be applied to the Hyde Park neighborhood combining district should finally be resolved in an expeditious manner because the issue has been debated too long, which constitutes an emergency. Because of this emergency, this ordinance takes effect immediately on the passage for the immediate preservation of the public peace, health and safety.

PASSED AND APPROVED

January 31, 2002

§
§
§

Gustavo L. Garcia

Gustavo L. Garcia
Mayor





APPROVED:

Sedora Jefferson
Sedora Jefferson
City Attorney

ATTEST:

Shirley A. Brown
Shirley A. Brown
City Clerk



 1" = 600'	SUBJECT TRACT 	ZONING EXHIBIT A pg 1 of 2 CASE #: C14-01-0046 ADDRESS: HYDE PARK NCCD SUBJECT AREA (acres): N/A	CITY GRID REFERENCE NUMBER J25,26 K25,2 8	
	PENDING CASE 			DATE: 02-02
	ZONING BOUNDARY 			INTLS: TRC
	CASE MGR: C.WILLIAMS			

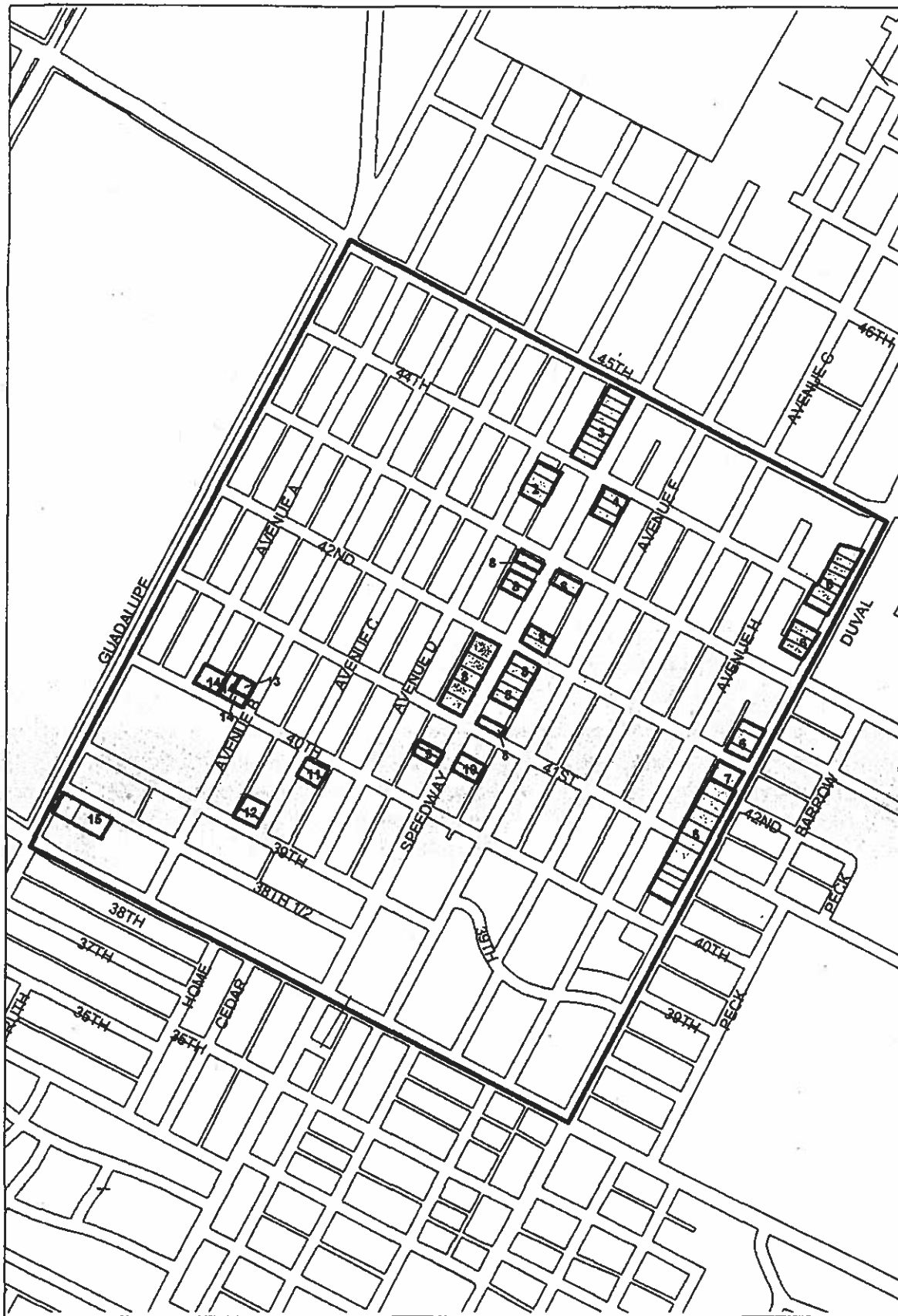


EXHIBIT A - pg. 2 of 2



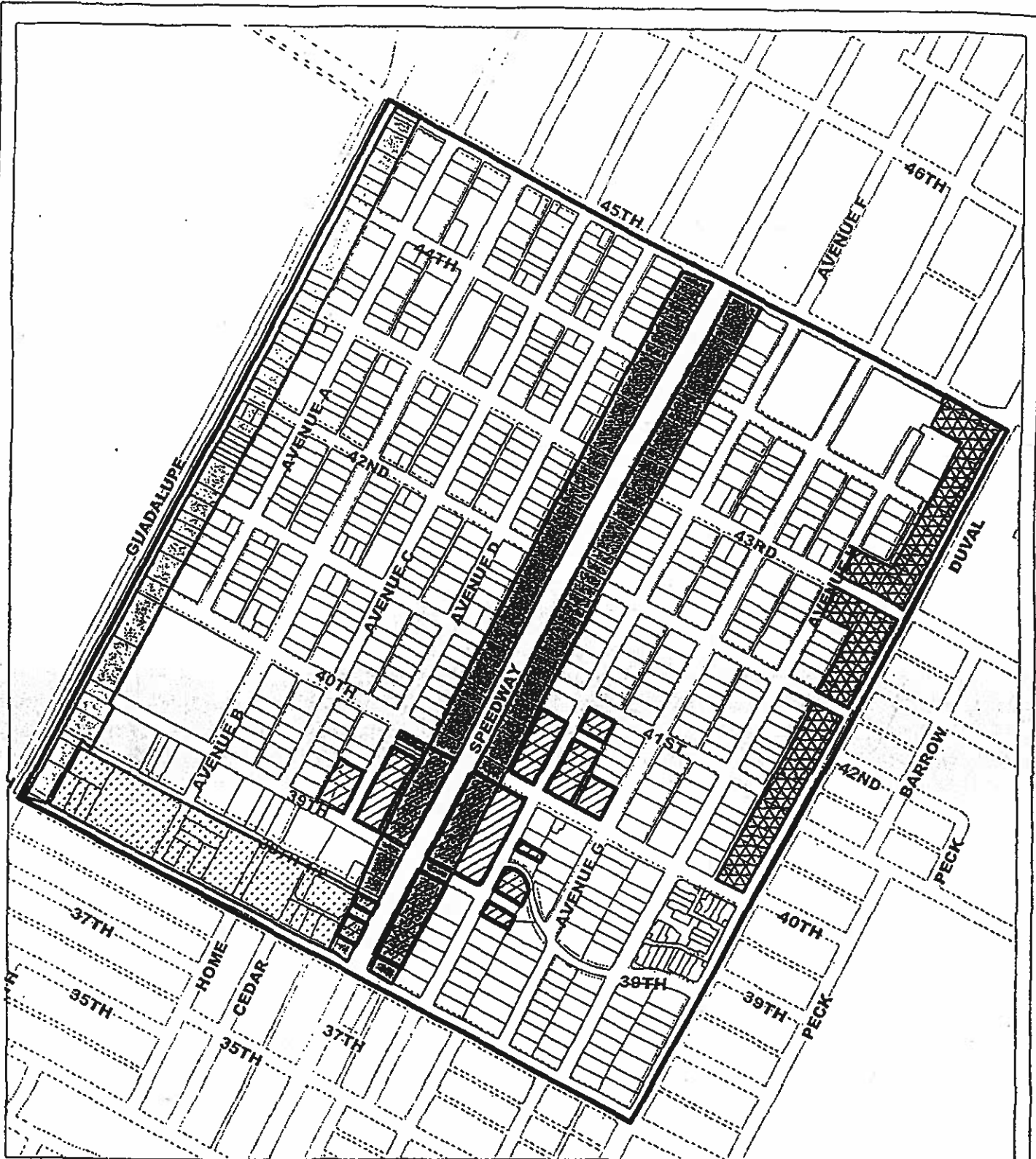
Proposed Hyde Park Neighborhood Conservation Combining District
Proposed Base District Zoning Changes

REC 50
Page 1 of 2

See attached chart for zoning recommendations.

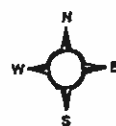
This map is for informational purposes only and does not constitute a legal document. The City of Miami is not responsible for any errors or omissions on this map. The City of Miami is not responsible for any damages or losses resulting from the use of this map.





Hyde Park Neighborhood Plan
 Proposed Hyde Park Neighborhood Conservation Combining District
 Proposed Subdistricts of the Hyde Park NCCD

EXHIBIT B



PCSD
 Revised April 2001

Proposed Hyde Park NCCD

- | | | |
|----------------------|--------------------|---|
| Residential District | Guadalupe District | Hyde Park Civic NCCD
(Hyde Park Baptist Church - Civic District) |
| Speedway District | Duval District | |
| W. 38th District | | |

This map has been produced by the City of Austin as a working map and is not warranted for any other use. The boundary is made by the City of Austin as a preliminary to a final map. Proportions are not guaranteed without prior written permission from Planning, Environmental & Construction Services Dept., City of Austin.

TRAVEL PLAT OF LOTS 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, BLOCK 14
AND LOTS 27, 28, 29, 30, 31, BLOCK 15, HYDE PARK ADDITION, A SUBDIVISION
IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS AS RECORDED IN PLAT
BOOK 1, PAGE 67 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

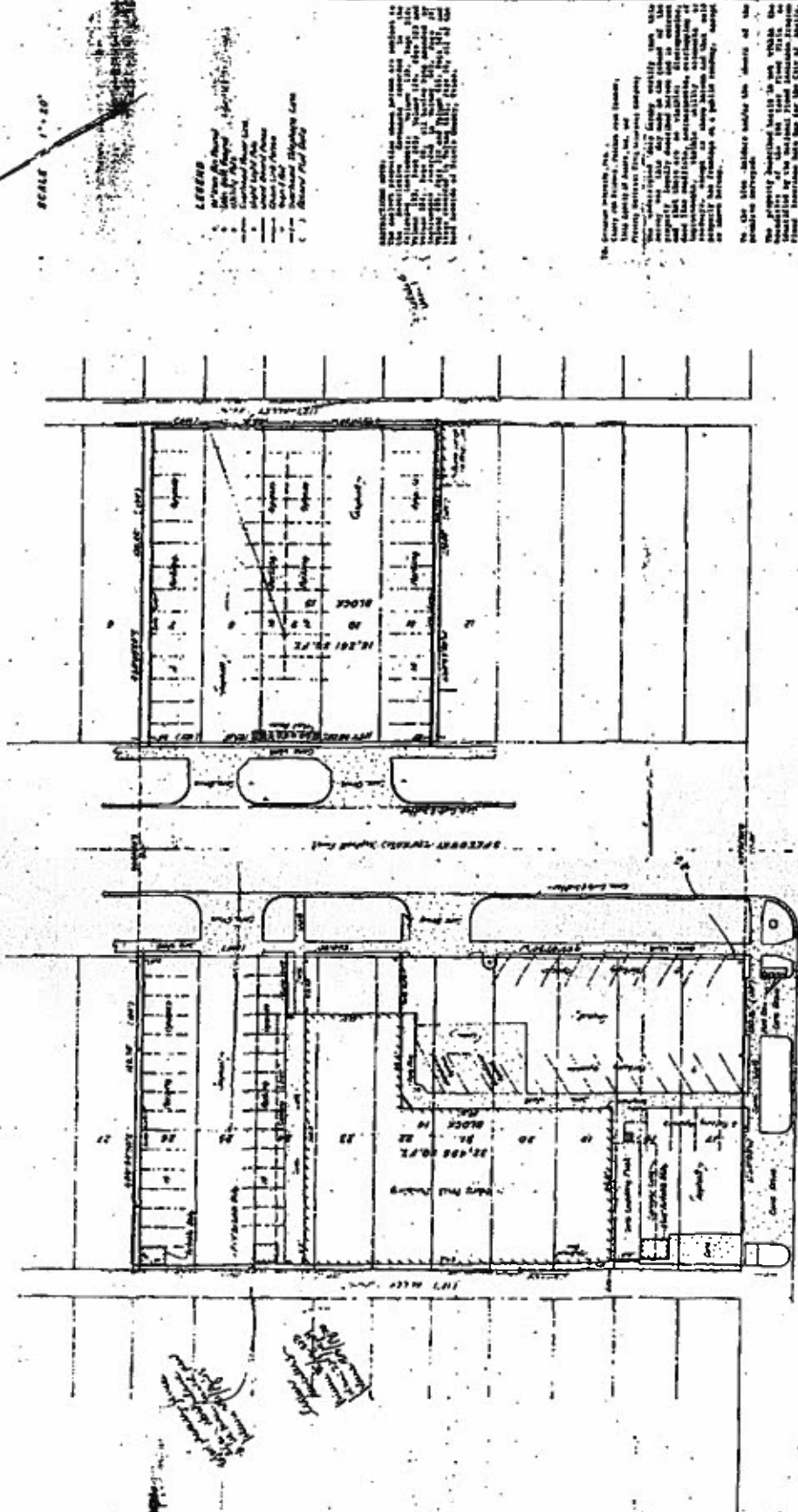


EXHIBIT C

LEGEND
 - 1/4 Section
 - 1/2 Section
 - 3/4 Section
 - 1/8 Section
 - 1/16 Section
 - 1/32 Section
 - 1/64 Section
 - 1/128 Section
 - 1/256 Section
 - 1/512 Section
 - 1/1024 Section
 - 1/2048 Section
 - 1/4096 Section
 - 1/8192 Section
 - 1/16384 Section
 - 1/32768 Section
 - 1/65536 Section
 - 1/131072 Section
 - 1/262144 Section
 - 1/524288 Section
 - 1/1048576 Section
 - 1/2097152 Section
 - 1/4194304 Section
 - 1/8388608 Section
 - 1/16777216 Section
 - 1/33554432 Section
 - 1/67108864 Section
 - 1/134217728 Section
 - 1/268435456 Section
 - 1/536870912 Section
 - 1/1073741824 Section
 - 1/2147483648 Section
 - 1/4294967296 Section
 - 1/8589934592 Section
 - 1/17179869184 Section
 - 1/34359738368 Section
 - 1/68719476736 Section
 - 1/137438953472 Section
 - 1/274877906944 Section
 - 1/549755813888 Section
 - 1/1099511627776 Section
 - 1/2199023255552 Section
 - 1/4398046511104 Section
 - 1/8796093022208 Section
 - 1/17592186044416 Section
 - 1/35184372088832 Section
 - 1/70368744177664 Section
 - 1/140737488355328 Section
 - 1/281474976710656 Section
 - 1/562949953421312 Section
 - 1/1125899906842624 Section
 - 1/2251799813685248 Section
 - 1/4503599627370496 Section
 - 1/9007199254740992 Section
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 - 1/1152921504606846976 Section
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 - 1/4611686018427387904 Section
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Hyde Park Neighborhood Association

P.O. Box 49427 • Austin, TX 78765 • www.austinhdepark.org

October 15, 2007

Mr. Jorge Rousselin
Principal Planner
City of Austin Neighborhood Planning and Zoning Department
PO Box 1088
Austin, Texas 78767

Re: 511 West 41st Street

Dear Mr. Rousselin:

At Hyde Park's September General HPNA meeting, Catherine Moore, Karen McGraw, Mike Rhodes and Michael Little presented the plans for the Willie Kocurek law office project. The following document titled, "Proposal to Rezone 511 W. 41st Street" was distributed to association members. The need to change the zoning for this property was also discussed. A motion was made to support historic zoning as well as to change the zoning on this property to neighborhood office (NO-H-NCCD). The motion passed 24 to one to accept the whole proposal as written in the following document.

The HPNA appreciates your careful consideration of this property and we hope you will join us in helping to preserve this unique piece of history.

If I can provide any other information to you, please let me know.

Best Regards,

Elaine Meenehan
President, Hyde Park Neighborhood Association



PROPOSAL TO REZONE 511 W. 41st STREET

From SF3-NCCD to NO-H-NCCD

Permitted Uses per column A of HP NCCD Use Chart except no Day Care Services.

Permitted Uses

- Administrative and Business offices
- Duplex residential
- Family Home
- Group Home Class 1 (ltd)
- Group home class I (general)
- Private primary educational facilities
- Private secondary educational facilities
- Public Primary facilities
- Public secondary Facilities
- Professional office
- Religious Assembly
- Single-family residential
- Two-family residential

Conditional Uses

- Congregate Living
- Group Home Class II
- Software Development

The intent of this re-zoning is to preserve by rehabilitating* or reconstructing* the two buildings on the site in substantially their existing configuration as proposed to the HPNA General membership on September 10, 2007 in order to preserve their historic presence and character. Allowance may be made for adequate structural considerations and new code requirements as approved by the Historic Landmarks Commission via the Certificate of Appropriateness process.

The intent regarding uses is that the East building be used for residential use only.

The occupancy limit for residential uses shall be no more than 2 unrelated adults in the East building and no more than 3 unrelated adults in the West building.

Parking is intended to be as currently configured with 5 spaces in the back yard. Parking will accommodate office use of the West building and Residential use of the East building. HPNA will support this parking plan and allow for the zoning to accommodate this reduced parking ratio.

Should the buildings not be recommended for "H" zoning by the historic Landmarks Commission, further assurances of the configuration, rehabilitation and restoration of the buildings will be documented via a Restrictive Covenant with HPNA. This will involve additional meetings of the HPNA membership as well as the Hyde Park Planning Team.

It is understood that the applicant may need to permit the construction work via a residential permit. HPNA will not oppose that as long as there is a restrictive Covenant to require the commercial use as outlined above.

Signage, sidewalks, lighting and landscaping shall be as required by the City of Austin via a Commercial Site Plan or by Restrictive Covenant with HPNA based upon plans presented to HPNA on September 10, 2007.

The Owner(s) of the property will agree to apply to list the property as contributing in the Hyde Park National Register District within 18 months.

Existing materials that reflect the historic character of the buildings will consist of at minimum the two westernmost front windows of the West building and the windows and screen doors of the East building.

Impervious Cover, Building Cover will not exceed existing conditions except that the building FAR may be slightly greater to accommodate a loft for the East building as presented on September 10, 2007.

The owners intend to direct drainage away from adjacent property by reducing impervious cover and directing runoff away from those properties.

Two-family use will be a permitted use under the current lot size in the existing buildings or a reconstruction of the existing buildings as presented on September 10, 2007.

- National Park Service Definitions

Rehabilitation is defined as the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

Reconstruction is defined as the act or process of depicting, by means of new construction, the form, features and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.