

ZONING REVIEW SHEET**CASE:** C14-2007-0264**P.C. DATE:** February 26, 2008
March 25, 2008**ADDRESS:** 100 East 50th Street**OWNER:** Texas Park and Wildlife Department (Scott Boruff)**APPLICANT:** Jim Bennett Consulting (Jim Bennett)**REZONING FROM:** Unzoned land (State of Texas – Texas Parks and Wildlife Department)**TO:**

Tract 1: MF-2-NCCD-NP (Multi-family residence – Low Density - Neighborhood Conservation Combining District- Neighborhood Plan); and

Tract 2: MF-4-NCCD-NP (Multi-family residence – Moderate-High Density - Neighborhood Conservation Combining District- Neighborhood Plan)

AREA: 6.6 Acres (Tract 1: 2.378 acres; Tract 2: 4.286 acres)**SUMMARY PLANNING COMMISSION RECOMMENDATION:****March 25, 2008:****[M.Dealey; J.Reddy 2nd] (7-2)****General recommendations applying to both tracts combined:**

1. Tracts 1 and 2 shall be limited to less than 2,000 vehicle trips per day cumulatively;
2. Street trees shall be planted along 51st Street sidewalk;
3. Require bicycle and pedestrian access from 50th Street to the subject property with public pedestrian access to existing pedestrian bridge to Waller Creek; and
4. Per [LDC, Sec. 25-6-51 and 25-6-55], 43 feet of right-of-way from the existing centerline shall be dedicated for West 51st Street according to the Transportation Plan.

Furthermore the NCCD designation shall incorporate the following conditions to each tract:

Tract 1:

1. Multi-family Residential Use shall be permitted in addition to uses permitted in North Hyde Park NCCD – Residential District;
2. Prohibit Group Residential and Club or Lodge except for one club building that may serve the entire development and may be located on Tract 2 tract only;
3. Limit to 17 units per acre (40.426 units);
4. Maximum number of bedrooms: 59 per acre (140.302 bedrooms);
5. The setback for the buildings along the eastern side of the tract abutting residential shall be 25' minimum required for compatibility;
6. Maximum height: 30 feet;
7. Maximum Building cover: 40%;
8. Maximum Impervious cover: 60%;
9. Maximum FAR: .75:1 (garage units will not be included in the FAR unless McMansion triggered);

10. Landscaping: Existing healthy Class 1 or Class 2 trees, according to the Environmental Criteria Manual, within the 25' compatibility setback along the eastern property line shall be maintained;
11. Vehicular access between Tract 1 and the Hyde Park Neighborhood through East 50th Street and East 49th Street is prohibited with the exception of emergency vehicle access.
12. Units in Tract 1 shall back to the existing homes that face Rowena Street so that parking for the MF2 tract does not directly abut the homes on Rowena that border the eastern property line of the MF2 Tract. The units shall face West; and
13. If Tract 1 is developed with single-family use, then the development regulations will match those of the North Hyde Park NCCD –Residential District.

Tract 2:

1. Multi-family Residential Use shall be permitted in addition to uses permitted in North Hyde Park NCCD – Residential District;
2. Prohibit Group Residential and Club or Lodge except for one club building that may serve the entire development and may be located on Tract 2 tract only;
3. Limit to 23 units per acre (98.578 units);
4. Maximum number of bedrooms: 81 per acre (347.166 bedrooms);
5. Setbacks: 0' setback from 51st Street is permitted;
6. Maximum height: Height limit must meet compatibility standards with the exception that the height maximum within the first 360 feet from the Northern property line (51st Street) may be up to fifty (50) feet. (CIS is determining the above number) and at a distance of at least 130' from the Eastern property line height may be 50' even if it exceeds the compatibility height limit.
7. Maximum building cover: 50% ;
8. Maximum impervious cover: 70%
9. Maximum FAR: 0.75:1;
10. Access: All driveways shall enter and exit West. 51st Street unless otherwise required by Code. Said driveways shall be constructed at the minimum width required by the City of Austin. Vehicular access between Tract 2 and the Hyde Park Neighborhood is prohibited with the exception of emergency vehicle access.

SUMMARY STAFF RECOMMENDATION:

The Staff offers an alternate recommendation of MF-1-NCCD-NP. The subject property will be incorporated into the North Hyde Park NCCD and subject to the provisions of No. 20050818-064 (Please see Attachment "A") except as modified below.

General recommendations applying to both tracts combined:

1. Tracts 1 and 2 shall be limited to less than 2,000 vehicle trips per day cumulatively; and
2. Per [LDC, Sec. 25-6-51 and 25-6-55], 43 feet of right-of-way from the existing centerline shall be dedicated for West 51st Street according to the Transportation Plan.

Furthermore the NCCD designation shall incorporate the following conditions to each tract:

Tract 1:

1. Multi-family Residential Use shall be permitted in addition to uses permitted in North Hyde Park NCCD – Residential District;
2. Prohibit Group Residential and Club or Lodge except for one club building that may serve the entire development and may be located on Tract 2 tract only;
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6. Maximum height: 30 feet;
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9. Maximum FAR: .75:1 (garage units will not be included in the FAR unless McMansion triggered);
10. Landscaping: Existing healthy Class 1 or Class 2 trees, according to the Environmental Criteria Manual, within the 25' compatibility setback along the eastern property line shall be maintained;
11. Vehicular access between Tract 1 and the Hyde Park Neighborhood through East 50th Street and East 49th Street is prohibited with the exception of emergency vehicle access.
12. Units in Tract 1 shall back to the existing homes that face Rowena Street so that parking for the MF2 tract does not directly abut the homes on Rowena that border the eastern property line of the MF2 Tract. The units shall face West; and
13. If Tract 1 is developed with single-family use, then the development regulations will match those of the North Hyde Park NCCD –Residential District.

Tract 2:

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2. Prohibit Group Residential and Club or Lodge except for one club building that may serve the entire development and may be located on Tract 2 tract only;
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7. Maximum building cover: 50% ;
8. Maximum impervious cover: 70%
9. Maximum FAR: 0.75:1;
10. Access: All driveways shall enter and exit West. 51st Street unless otherwise required by Code. Said driveways shall be constructed at the minimum width required by the City of Austin. Vehicular access between Tract 2 and the Hyde Park Neighborhood is prohibited with the exception of emergency vehicle access.

The recommendation is based on the following considerations:

- 1.) The Hyde Park Neighborhood Plan seeks ways to allow intensively developed properties become more compatible with the neighborhood and to encourage the compatible;
- 2.) The recommended zoning classification and conditions will encourage the compatibility of land uses within the Residential District of the North Hyde Park NCCD;
- 3.) The recommended conditions allow for a land use intensity transition from the established residential neighborhood to the east of the subject property; and
- 4.) All other conditions of Ordinance No. 20050818-064 shall remain applicable to the site.

DEPARTMENT COMMENTS:

The subject rezoning area consists of two tracts on 6.6 acres comprised of Tract 1 (2.378 acres) and Tract 2 (4.286 acres) of unzoned land under ownership by the Texas Park and Wildlife Department. Access to the property is via 51st Street with existing driveway access to the site. The State is seeking to sell this portion of land for private development. An agreement between the applicant and the Hyde Park Neighborhood Association has been reached to incorporate this property into the North Hyde Park NCCD.

The applicant seeks to rezone the property from to MF-2-NCCD-NP and MF-4-NCCD-NP allow multifamily development on the site. A total of 140 units are proposed with access from 51st Street and the prohibition of vehicular access to East 50th Street and East 49th Street with the exception of emergency vehicles.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	Unzoned land	State of Texas – Texas Park and Wildlife Department
<i>North</i>	SF-3-NP	Cemetery
<i>South</i>	Unzoned land	University of Texas intramural fields
<i>East</i>	SF-3-NCCD-NP	Single-family residences
<i>West</i>	Unzoned land	University of Texas intramural fields

NCCD: North 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:

34--Hyde Park Neighborhood Assn.
 1082--First American Commercial Property Group
 283--North Austin Neighborhood Alliance
 941--Northfield Neighborhood Assn.
 742--Austin Independent School District
 786--Home Builders Association of Greater Austin
 937--Taking Action Inc.
 511--Austin Neighborhoods Council
 603--Mueller Neighborhoods Coalition
 687--North Loop Neighborhood Planning Team
 704--North Loop Neighborhood Planning Liaison-COA
 631--Alliance to Save Hyde Park
 1037--Homeless Neighborhood Organization
 1075--League of Bicycling Voters

SCHOOLS:

Austin Independent School District

CASE HISTORIES:

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 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 01/31/02: APVD NCCD PER PLAN DESCRIBED IN MEMO TO CC D'D 11-28-01 (6-1, DT-NO)
C14-04-0196	North Hyde Park NCCD	07/12/05: APVD HYDE PARK NCCD W/EXCEPTION OF REC OF 4505 DUVAL (7-1, MM-NO) 09/27/05: 609 FAIRFIELD: APVD SF-3-CO-NCCD-NP W/COND TO APPLY CURRENT SF-3 RESTRICTIONS (8-0)	07/28/05: APVD ON 1ST RDG (7-0) EXCEPT 4505 DUVAL WHICH WAS PP TO 8-18-05 08/08/05: APVD HYDE PARK NORTH NCCD-NP (6-0); 2ND/3RD RDGS 09/29/05: FOR 4505 DUVAL: APVD GR-MU-NCCD-NP (7-0); 2ND/3RD RDGS

ABUTTING STREETS:

<u>Name</u>	<u>ROW</u>	<u>Pavement</u>	<u>Classification</u>	<u>Daily Traffic</u>
W. 51st Street	50'	28'	MNR 2/3 (AMATP)	Not Available

CITY COUNCIL DATE:

April 10, 2008

ACTION:

This item was postponed to April 24, 2008 at the neighborhood's request (consent). 7-0

April 24, 2008

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Jorge E. Rousselin, NPZD

PHONE: 974-2975

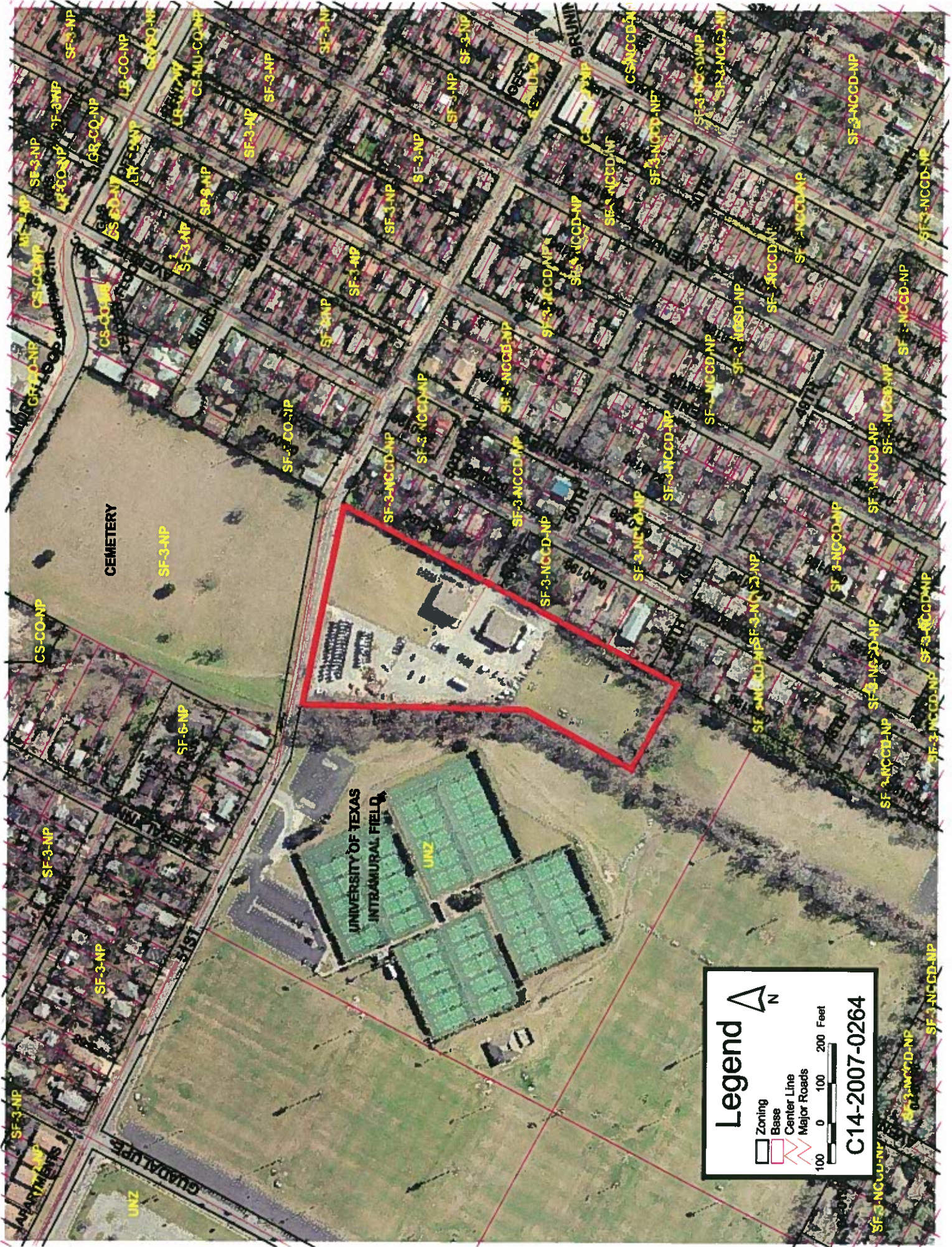
E-MAIL: jorge.rousselin@ci.austin.tx.us



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.

1" = 400'



MF-2

site area = 105,300 sf (2.4ac)

building coverage:

allowed 80% (52,650 sf)
shown 80% (52,650 sf) 81,900 sf

impermeable coverage:

allowed 60% (31,890 sf)
shown 60% (31,890 sf) 42,110 sf

minimum site area

2000 sf / 16 units = 125 units

2400 sf / 24 units = 100 units

92,000 sf of site area reqd

Parking

16 ft x 25 ft = 24
25 ft x 25 ft = 50
74 spaces shown (92% open)

density allowed 17.4 ac

shown 17.4 ac

W. 51ST STREET AUSTIN, TEXAS

MF-4

site area = 184,809 sf (4.24 ac)

building coverage:

allowed 60% (110,885 sf)
shown 25% (46,424 sf)

impermeable coverage:

allowed 70% (129,366 sf)
shown 54% (100,180 sf)

minimum site area

5800 sf / 28 units = 207 units

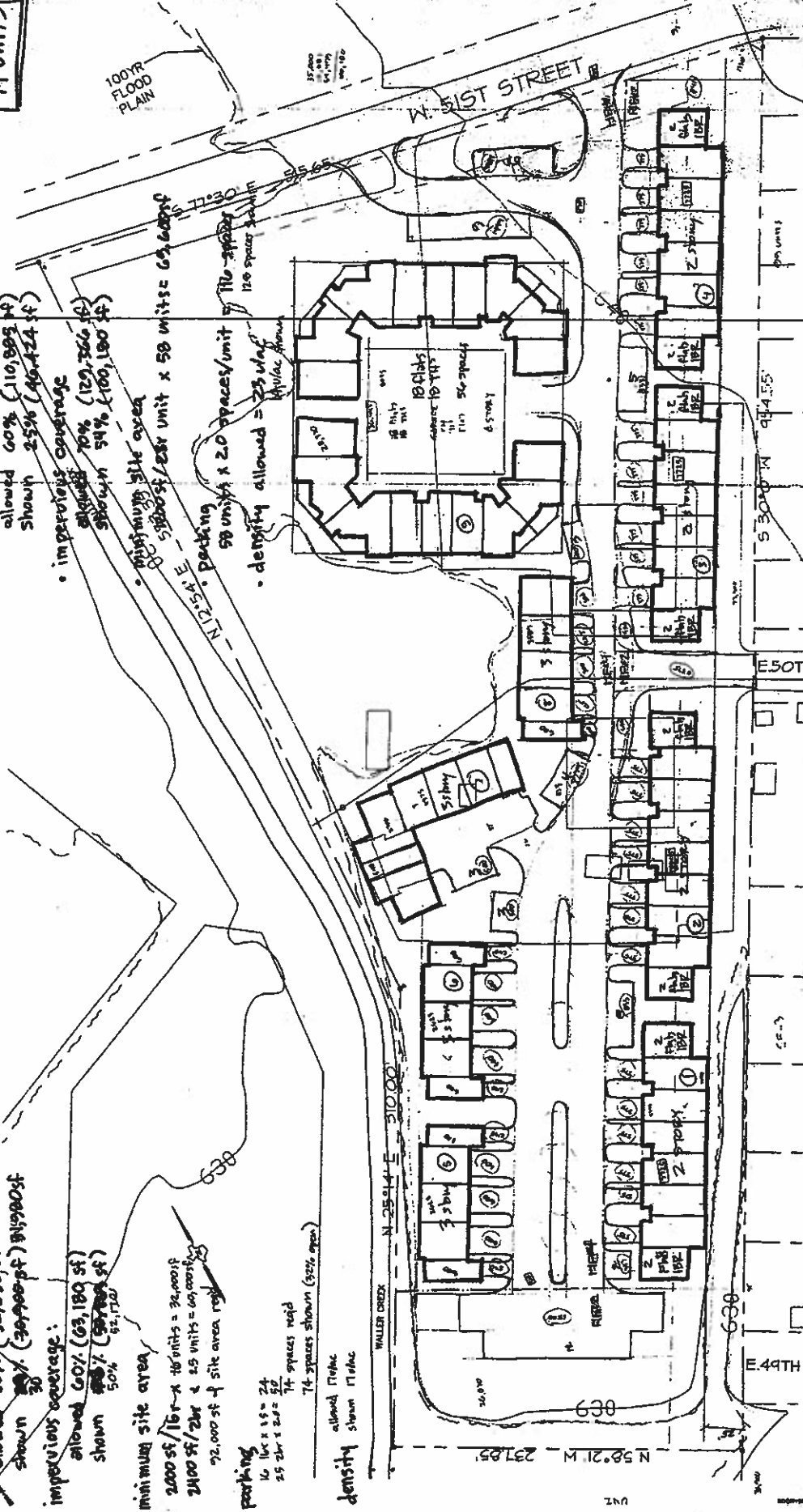
Parking

58 units x 2.0 spaces/unit = 116 spaces
density allowed = 23.4 ac

shown 23.4 ac

07-26-07

99 UNITS



THIS SITE IS AN EXISTING BUILDING. THE ARCHITECT HAS REVIEWED THE EXISTING RECORDS AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE CITY OF AUSTIN'S REQUIREMENTS. THE ARCHITECT HAS NOT CONDUCTED A SURVEY OF THE SITE AND HAS NOT BEEN ADVISED OF ANY CHANGES TO THE EXISTING RECORDS. THE ARCHITECT HAS NOT CONDUCTED A SURVEY OF THE SITE AND HAS NOT BEEN ADVISED OF ANY CHANGES TO THE EXISTING RECORDS.

THESE RECORDS HAVE BEEN APPROVED BY THE CITY OF AUSTIN AND THEY HAVE BEEN APPROVED BY THE CITY OF AUSTIN. THE ARCHITECT HAS NOT CONDUCTED A SURVEY OF THE SITE AND HAS NOT BEEN ADVISED OF ANY CHANGES TO THE EXISTING RECORDS. THE ARCHITECT HAS NOT CONDUCTED A SURVEY OF THE SITE AND HAS NOT BEEN ADVISED OF ANY CHANGES TO THE EXISTING RECORDS.

SITE PLAN

Chiles Architects, Inc.

26 OCT 07

STAFF RECOMMENDATION

The Staff offers an alternate recommendation of MF-1-NCCD-NP. The subject property will be incorporated into the North Hyde Park NCCD and subject to the provisions of No. 20050818-064 (Please see Attachment "A") except as modified below.

General recommendations applying to both tracts combined:

1. Tracts 1 and 2 shall be limited to less than 2,000 vehicle trips per day cumulatively; and
2. Per [LDC, Sec. 25-6-51 and 25-6-55], 43 feet of right-of-way from the existing centerline shall be dedicated for West 51st Street according to the Transportation Plan.

Furthermore the NCCD designation shall incorporate the following conditions to each tract:

Tract 1:

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10. Access: All driveways shall enter and exit West. 51st Street unless otherwise required by Code. Said driveways shall be constructed at the minimum width required by the City of Austin. Vehicular access between Tract 2 and the Hyde Park Neighborhood is prohibited with the exception of emergency vehicle access.

The recommendation is based on the following considerations:

- 1.) The Hyde Park Neighborhood Plan seeks ways to allow intensively developed properties become more compatible with the neighborhood and to encourage the compatible;
- 2.) The recommended zoning classification and conditions will encourage the compatibility of land uses within the Residential District of the North Hyde Park NCCD;
- 3.) The recommended conditions allow for a land use intensity transition from the established residential neighborhood to the east of the subject property; and
- 4.) All other conditions of Ordinance No. 20050818-064 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 recommended 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.

2. The proposed zoning should promote consistency and orderly planning.

The recommended conditions will encourage a compatible mix of uses to and transition more intensive multifamily uses away from the established residential neighborhood.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area consists of two tracts on 6.6 acres comprised of Tract 1 (2.378 acres) and Tract 2 (4.286 acres) of unzoned land under ownership by the Texas Park and Wildlife Department. Access to the property is via 51st Street with existing driveway access to the site.

Transportation

1. The Austin Metropolitan Area Transportation Plan calls for 86 feet of right-of-way for West 51st Street. If the requested zoning is granted for this site, then 43 feet of right-of-way from the existing centerline should be dedicated for West 51st Street according to the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55]
2. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]
3. There are existing sidewalks along the south side of West 51st Street.
4. West 51st Street is classified in the Bicycle Plan as a Priority 1 bike route.

5. Capital Metro bus service is available along Guadalupe Street (IF UT Shuttle) and Duval Street (Route 7 Duval / Route 27 Dove Springs).

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 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 such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
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, and 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. The site is subject to compatibility standards. Along the eastern/ southeastern property line, the following standards apply:
 - No structure may be built within 25 feet of the property line.
 - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - No parking or driveways are allowed within 25 feet of 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.
2. Additional commercial design regulations will be enforced at the time a site plan is submitted.

ORDINANCE NO. 20050818-064

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE TO ESTABLISH THE NORTH HYDE PARK NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN (NCCD-NP) COMBINING DISTRICT FOR THE PROPERTY WHOSE BOUNDARIES ARE 51ST STREET TO THE NORTH, 45TH STREET TO THE SOUTH, GUADALUPE STREET TO THE WEST AND RED RIVER STREET TO THE EAST, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND TO MODIFY CERTAIN BASE DISTRICTS IN THE NCCD-NP.

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 North Hyde Park neighborhood conservation-neighborhood plan (NCCD-NP) combining district and to add a NCCD-NP to each base zoning district within the property and to change the base zoning districts on 11 tracts of land on the property described in Zoning Case No. C14-04-0196, on file at the Neighborhood Planning and Zoning Department, as follows:

Approximately 253 acres of land, more or less, in the City of Austin, Travis County, Texas, more particularly described and identified in the attached Exhibit "A" incorporated into this ordinance, Save and Except the following property (the "Property"),

609 Fairfield Lane (out of Tract 11), and

4505 Duval Street,

generally known as the North Hyde Park conservation-neighborhood plan combining district, locally known as the area bounded by 51st Street to the north, 45th Street to the south, Guadalupe Street to the west, and Red River Street to the east, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The base zoning of the 11 tracts shown in the chart below are changed from family residence (SF-3) district, family residence-historic (SF-3-H) combining district, urban family residence (SF-5) district, limited office (LO) district, community commercial-conditional overlay (GR-CO) combining district, and general commercial services (CS)

district, to single family residence standard lot-neighborhood conservation-neighborhood plan (SF-2-NCCD-NP) combining district, single family residence standard lot-historic-neighborhood conservation-neighborhood plan (SF-2-H-NCCD-NP) combining district, family residence neighborhood conservation-neighborhood plan (SF-3-NCCD-NP) combining district, multifamily residence moderate high density-neighborhood conservation-neighborhood plan (MF-4-NCCD-NP) combining district, neighborhood office-neighborhood conservation-neighborhood plan (NO-NCCD-NP) combining district, limited office-neighborhood conservation-neighborhood plan (LO-NCCD-NP) combining district, and community commercial-neighborhood conservation-neighborhood plan (GR-NCCD-NP) combining district.

MAP TRACT #	PROPERTY ADDRESS	FROM	TO
1	4812 Rowena	SF-5	SF-3-NCCD-NP
2	4510 Duval	CS	LO-NCCD-NP
4	4500 Avenue B	LO	NO-NCCD-NP
5	4502 Avenue A	GR-CO	MF-4-NCCD-NP
6	4539-4553 Guadalupe	CS	GR-NCCD-NP
7	600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620 Fairfield Ln. 4807, 4809 Eilers Av. 4800, 4802, 4804, 4806 Evans Av. 4801, 4803, 4805, 4807, 4809, Duval St.	SF-3	SF-2-NCCD-NP
8	604 E. 47 th St.	SF-3-H	SF-2-H-NCCD-NP
9	4700, 4702 Eilers Av 601, 603, 605, 607, 609, 611, 613, 615, E. 48 th St 4701, 4703, 4705 Evans 600, 602 E. 47 th St.	SF-3	SF-2-NCCD-NP
10	4700, 4702, 4704, 4706, 4708, 4710,	SF-3	SF-2-NCCD-NP

MAP TRACT #	PROPERTY ADDRESS	FROM	TO
	4712, 4714 Evans Av 4701, 4703, 4705, 4707, 4709, 4711, 4713, 4715 Duval St		
11	4801, 4803, 4805 Evans Av 603, 605, 607, 611, Fairfield Ln 4802, 4804 Eilers Av 602, 604, 606, 608, 610, 612 E. 48 th St	SF-3	SF-2-NCCD-NP
12	4701, 4703, 4705, 4707, 4709, 4801, 4803, 4805 Eilers Av	SF-3	SF-2-NCCD-NP

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 DRIVEWAY 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, Avenue A District, Guadalupe District, and Duval District.

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

EXCESS PARKING means parking spaces that exceed the parking required by Title 25 of the Code and the regulations in this ordinance.

FRONT OF BUILDING means the side of a building that includes the main entrance to the building including any offset.

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

HALF-STORY means livable space that is contained between the eave and ridge of a dwelling.

HABITABLE SPACE has the meaning used in the Building Code.

MANEUVERING means managing a vehicle into or out of a driveway or parking space from a public right-of-way.

PEDESTRIAN-ORIENTED USES means those uses identified in Subsection (C) of Section 25-2-691 (*Waterfront Overlay District Uses*).

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 North Hyde Park NCCD-NP is divided into the following districts which are more particularly identified on the map attached as Exhibit "C".

1. The Residential District - includes all property not included in another district.
2. The Avenue A District - generally located one-half block east and one-half block west of Avenue A from 45th Street to the Intramural Fields.
3. The Duval Commercial District - located at 4500, 4510, 5011 and 5012 Duval Street.
4. The Guadalupe District – generally located from Guadalupe Street to one-half block east of Guadalupe Street from 45th Street to the Intramural Fields.

PART 5. Permitted and Conditional Uses.

1. Residential Base Districts.

- a. Except as provided in this section, the permitted and conditional uses for the residential base zoning districts apply in accordance with the Code.
- b. A group residential use is prohibited in the North Hyde Park NCCD-NP.

2. Commercial Base District.

- a. Except as otherwise provided in this ordinance, the following table establishes the permitted and conditional uses for property in commercial zoning districts in the North Hyde Park NCCD-NP.
- b. Column A applies to property with commercial zoning in the Residential District.
- c. Column B applies to property in the Duval District.
- d. Columns C & D apply to property that has commercial zoning in the Avenue A District.

COLUMN	A	B	C	D
	Residential District	Duval Commercial District	Avenue A District	Avenue A District
USES	NO	CS/GR	GR	GO
Administrative and business offices	P	P	P	P
Art Gallery	--	P	P	P
Art Workshop	--	P	P	-
Commercial off-street parking	--	--	C	-
Condominium Residential	--	P	--	-
Congregate living	C	--	C	C
Consumer convenience services	--	P	P	-
Consumer repair services	--	P	P	-
Cultural services	--	P	P	P
Custom manufacturing	--	C	--	--

COLUMN USES	A	B	C	D
	Residential District	Duval Commercial District	Avenue A District	Avenue A District
	NO	CS/GR	GR	GO
Club or lodge	--	--	--	--
Day care services (limited)	P	P	P	P
Day care services (general)	P	P	P	P
Day care services (commercial)	--	C	P	C
Duplex residential	P	P	P	P
Family home	P	P	P	P
Financial services	--	P	P	P
Food Preparation	--	P	--	--
Food sales	--	P	P	-
General retail sales (convenience)	--	P	--	--
General retail sales (general)	--	P	P	-
Group home class I (limited)	P	P	P	P
Group home class I (general)	P	P	P	P
Group home class II	C	C	P	P
Guidance services	--	P	P	P
Hospital (limited) not to exceed 2500 s.f.	--	P	P	-
Indoor entertainment	--	C	--	--
Laundry services	--	C	--	--
Local utility services	--	P	P	P
Medical offices (not over 2500 s.f.)	--	P	P	P
Medical offices (over 5000 s.f.)	--	--	P	P
Multifamily residential	--	P	P	-
Off-site accessory parking	--	--	C	--
Personal improvement services	--	P	P	-
Personal Services	--	P	P	P
Private primary educational facilities	P	P	P	P
Private secondary educational facilities	P	P	P	P
Professional office	P	P	P	P
Public primary educational facilities	P	P	P	-
Public secondary educational facilities	P	P	P	-
Religious assembly	P	P	P	P
Restaurant (limited)	--	P	P	-
Restaurant (general)	--	P	P	-
Single-family residential	P	P	P	-

COLUMN	A	B	C	D
	Residential District	Duval Commercial District	Avenue A District	Avenue A District
USES	NO	CS/GR	GR	GO
Software development	C	P	P	P
Theater	-	P	C	-
Two-family residential	P	P	P	-
Veterinary services (not to exceed 2500 s.f.)	-	P	P	-

3. This section applies to the uses established in Section 2 of this part.
- The maximum size of a day care services (commercial) use permitted under Column A is 2500 square feet, under Column B is 5000 square feet, and under Column C and Column D is 5000 square feet.
 - A financial service use or food sales use permitted under Column B or Column D may not include a drive-in service.
 - The maximum size of a private primary educational facilities use permitted under Column A is 2500 square feet, under Column B is 5000 square feet, and under Column C is 5000 square feet.
 - The maximum size of a private secondary educational facilities use permitted under Column A is 2500 square feet, under Column B is 5000 square feet, and under Column C is 5000 square feet.
 - The maximum size of a restaurant (limited) and restaurant (general) use permitted under Column B or Column C is 2500 square feet.
 - The maximum size of a theater use permitted under Column B or Column C is 5000 square feet.
 - The maximum size of a cultural services use permitted under Column D is 5000 square feet.

h. The following applies to a use in Column B.

- (i) A residential use in Column B is permitted only above the ground floor for 4500 and 5011 Duval Street.
- (ii) A commercial use in Column B is required to be located on the ground floor of 4500 and 5011 Duval Street.
- (iii) A commercial use in Column B is permitted only on the ground floor of 5012 Duval Street.

i. A food preparation use in Column B:

- (i) must be located on the same site as a food sales use or a restaurant use; and
- (ii) may not exceed 5000 square feet of building coverage, and not more than the total square feet of a food sales use or a restaurant use.

j. The following applies to 4510 Duval Street

- (i) The property may be developed only with the uses permitted in a limited office (LO) district and a multifamily residence medium density (MF-3) district; and
- (ii) A limited office (LO) use may not exceed 2500 square feet of a residential use on the ground floor; and
- (iii) A commercial use is prohibited above the ground floor.

k. The following applies to 4500 Duval Street.

- (i) The following additional uses are permitted for 4500 Duval Street and are limited to the lot size that existed on April 1, 2005.

Automotive rentals
Automotive sales

Automotive repair services
Service station

- (ii) The following are additional conditional uses for the property:

Commercial off-street parking	Off-site accessory parking
Plant nursery	

- (iii) The following uses are additional permitted uses for the property:

Bed and breakfast residential (Group 1)
Bed and breakfast residential (Group 2)
Hotel-motel

- (iv) Automotive washing (of any type) use is allowed only in conjunction with another permitted use, and is limited to 20 percent of the gross site area.
- (v) A printing and publishing use may not generate traffic that exceeds 300 trips per day.

1. The following applies to property located in the Guadalupe District.

- (i) Permitted uses.

Administrative and business offices	Art gallery
Art workshop	Business or trade school
Business support services	Communication service facilities
Community recreation (public)	Community recreation (private)
Congregate living	Consumer convenience services
Consumer repair services	Cultural services
Day care services (commercial)	Day care services (general)
Day care services (limited)	Duplex residential
Family home	Financial services
Food sales	General retail sales (convenience)
General retail sales (general)	Group home class I (general)
Group home class I (limited)	Group home class II
Hospital services (limited)	Indoor entertainment
Indoor sports and recreation	Local utility services
Medical offices	Multifamily residential
Personal improvement services	Personal services
Private primary educational facilities	Private secondary educational facilities
Public primary educational facilities	Public secondary educational facilities
Professional office	Religious assembly

Research services
Restaurant (limited)
Safety services
Software development
Single-family residential
Two-family residential

Residential treatment
Restaurant (general)
Plant nursery
Theater
Printing and publishing

- (ii) A theater use may not exceed a building coverage of 5000 square feet.
- (iii) A residential use may not be located in the front 70 percent of the ground floor of a building located on the west one-half of 4501 Guadalupe Street.
- (iv) A telecommunication tower use is a permitted or conditional use as defined by Section 25-2-839 (*Telecommunication Towers*) of the Code.
- (v) A drive-in service use as an accessory use to a restaurant use is prohibited.

PART 6. General Provisions. Except as otherwise provided in this ordinance, the following provisions apply to all property within the NCCD-NP.

1. Pedestrian-oriented uses. If a parking facility is located on the ground floor of a building, a pedestrian-oriented use or habitable space shall be located at the front of a building on the ground floor.
2. Front of building and lot.
 - a. 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 or an east-west street may front on the numbered street or the east-west street.
 - b. A building shall front on the short side of the lot or where lots have been combined, on the side where the original short ends of the lots fronted.
 - c. 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.
 - d. The area east of Duval Street is exempt from the regulations in this section.

3. Street yard setbacks. The following provisions apply to all Districts except the Duval District and the Guadalupe District.

a. Front yard setback.

- (i) The minimum front yard setback equals the average of the front yard setbacks of the principal single family buildings on the same side of the street of a block. The maximum setback may not exceed the average setback by more than five feet. If more than one principal building is located on a property, then the setback of the building closest to the prevailing setback line shall be used in this calculation.
- (ii) A building setback more than 35 feet shall not be used in averaging a setback.
- (iii) The area east of Duval Street is exempt from the regulations in this section.
- (iv) The front yard setback for multifamily residential development in the Avenue A District is established under Part 8, Section 1 of this ordinance.

b. Street side yard setbacks. Except as otherwise provided in this section, minimum street side yard setbacks are established by City Code.

- (i) On a block face that does not include the fronts of lots, the street yard setback of the subject property may equal the average of the street yard setbacks of the buildings on adjoining lots. In this section, a building across an alley is a building on an adjoining lot. The street side 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.
- (ii) If there are no principal buildings on the same side of a street to establish an average setback, then the street yard setbacks are established by City Code.
- (iii) Notwithstanding any other provision in this section or in Part 7, a street side yard setback may not be less than five feet in all Districts.

c. For purposes of this section, 45 ½ Street between Avenue G and Avenue H is considered to be an alley.

- d. For purposes of this section, the 4500 blocks of Avenue G and Avenue H are each considered to be one block in length for setback averaging calculations.
- e. In the area between Rowena Street and Avenue F, between East 51st street and East 47th Street, a building may be replaced at the same front setback line as a principal structure that existed on April 1, 2005.

4. Fences.

- a. 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. A solid natural stone wall not over 36 inches tall is permitted.
- b. This subsection applies to a fence located in a street side yard that abuts the front of an adjacent property 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.
- c. A fence located along an alley shall have an inset to accommodate a trash receptacle. The inset shall be a minimum 18 square feet.

5. Driveway and parking access.

A driveway that provides access to four or fewer required parking spaces may be designed with gravel surfacing or using driveway runners. The Director of the Watershed Protection and Development Review Department must approve design and construction. A driveway apron shall comply with City of Austin specifications.

6. 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.
- a. For a multifamily use, this applies to the portion of the building that abuts the street.
 - b. For a duplex use this applies to one dwelling unit.
 - c. If a lot only has frontage on an alley, the entrance of a building may face the alley.

7. Except for a single-family, duplex, or two-family residential use, excess parking is prohibited.
8. 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.
9. Alley access is permitted if the access complies with applicable City regulations for maneuverability. At least 25 feet maneuverability space perpendicular to a parking area is required and may include the alley width.
10. 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 Code.
11. The following provisions apply in all Districts except the Guadalupe District.
 - a. A one-lane circular driveway is permitted on lots over 100 feet wide.
 - 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 a total of 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 a total of 100 feet of frontage or more and has two dwelling units or is a through lot. For a duplex use or single-family attached use, a lot that is at least 50 feet wide may have two one-lane driveways that are a maximum of 10 feet wide if they are separated by the house.
 - c. Driveways.

- (i) A driveway located in a front yard for a residential use, may not exceed a width of 12 feet from the driveway apron to the building setback line and 24 feet from the building setback line to a parking area.
 - (ii) A driveway may not exceed a width of 18 feet on a side street.
 - (iii) The width of a driveway is not limited on an alley.
 - (iv) The width of a driveway may not exceed 25 feet for a commercial, civic, multifamily residential, or condominium residential use.
 - (v) For a residence that had a double driveway or garage at the front of a building that existed on February 1, 2005, the double driveway and garage may continue to serve the existing residence even if additional square footage is added to the residence.
- d. Parking. This section applies to a single family, duplex, or two-family residential use.
- (i) Current parking regulations are required:
 - (a) if 300 square feet or more are added to the air conditioned gross building floor area of a structure. This includes conversion of accessory space to habitable space; or,
 - (b) if the principal use changes; or
 - (c) if a full bathroom is added to a dwelling unit that has three or more bathrooms.
 - (ii) A person may not reduce existing parking spaces to a number less than the number of spaces prescribed in the City Code for the present use nor may a person reallocate existing parking spaces to a new use unless the prior use is terminated or reduced in size.
 - (iii) A required or excess parking space may not be located in a street yard except that 25 percent of the width of a front yard or a maximum of 20 feet, may be used for not more than two required parking spaces.

- (iv) Tandem parking is permitted for a single family, two family or duplex residential use and for a multifamily use if both spaces are assigned to the same dwelling unit.
- (v) Two parking spaces per dwelling unit are required for a single family use in the Residential District.
- (vi) For a multifamily use, at least one parking space is required for each bedroom.

PART 7. RESIDENTIAL DISTRICT. The following site development regulations apply in the Residential District.

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

RESIDENTIAL DISTRICT				
Site development standards				
	SF-2	SF-3	MF-3	MF-4
Minimum lot size (see a.)	5750	5750	8000	8000
Minimum lot width	50	50	50	50
Maximum FAR			0.5 to 1	0.5 to 1
Maximum building coverage	40%	40%	50%	50%
Maximum impervious cover	45%	45%	60%	60%
Maximum height (see b.)	30'and2.5 stories	30'and2.5 stories	30'and 2.5 stories	30'and2.5 stories
Minimum interior side yard setback	5	5	5	5
Minimum rear yard setback	10	10	10	10

- a. The minimum lot size for a single-family attached use is 11,500 square feet with a minimum of 5,750 square feet for each dwelling unit.
 - b. The maximum height for an accessory structure or secondary dwelling unit is 25 feet from ground level.
2. Except as otherwise provided in Part 6 (General Provisions), on an avenue, Duval Street, Fairfield Lane, and the east-west streets east of Duval 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. A two-family residential or duplex use is permitted on a lot that is 7000 square feet or larger.
5. A porch may extend:
 - a. where a setback is at least 25 feet, a maximum of eight feet in front of the street yard setback; and
 - b. where a setback is at least 15 feet, a maximum of five feet in front of a street yard setback.
6. A porch must be at least five feet from a property line that faces a street.
7. Except as otherwise provided in Section 11a in this part, for an accessory building the minimum setback from:
 - a. a front property line is 60 feet; and
 - b. a side street is 15 feet; and
 - c. an interior side property line is five feet.
8. Except as otherwise provided in this part, the minimum setback from an alley for an accessory building or the rear dwelling unit of a two-family residential use that is not more than 20 feet in height, is five feet.
9. A non-complying accessory building may be reconstructed at its existing location, but may not be less than three feet from the rear yard, interior side yard, and street side yard property lines.
10. Except as otherwise provided in Section 11a, on properties located west of Duval Street, an attached garage shall be a minimum of 60 feet from a front property line.

11. For a lot that is less than 90 feet deep:

- a. the front setback line of an accessory building or garage must be at least 15 feet behind the front building setback line; and
- b. a new principal structure may be constructed on the non-complying front setback line of a building that has been removed not more than one year prior to the new construction.

12. On properties located east of Duval Street, an attached or detached garage or carport with a vehicular access facing a front yard must be located on a line with the front façade of the house, or behind the front façade of a house. The width of the parking structure may not exceed 50 percent of the width of the front façade of the house.

13. 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.

14. Except as otherwise provided in this section, the maximum gross floor area of the second floor of a rear dwelling unit of a two-family residential use is 550 square feet. On a corner lot that is at least 8000 square feet, a rear dwelling unit may exceed 850 total square feet and 550 square feet on a second floor, if:

- a. the ground floor of the rear unit is enclosed; and
- b. one unit has frontage on a north-south street; and
- c. one unit has frontage on an east-west street.

PART 8. AVENUE A DISTRICT. The following site development regulations apply in the Avenue A District.

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

AVENUE A DISTRICT						
SITE DEVELOPMENT STANDARDS						
	SF-3	MF-2	MF-3	MF-4	GR	GO
Minimum lot size	5750	8000	8000	8000	5750	5750
Minimum lot width	50	50	50	50	50	50
Maximum FAR	--	0.5	0.75	0.75	1	1
Maximum building coverage	40%	70%	70%	70%	60%	60%
Maximum impervious cover	45%	70%	70%	70%	80%	80%
Maximum height*	30	35	35	40	40	35/40
Min. interior side yard setback	5	5	5	5	5	5
Minimum rear yard setback	10	10	10	10	10	10
Minimum front yard setback	--	10	10	10	--	--
Maximum front yard setback	--	20	20	20	--	--
*Property on the east side of Avenue A - height limit 30' and 2.5 stories in rear 50' - otherwise 35'.						
*Property on the west side of Avenue A - height limit 40'.						

2. Except as otherwise provided in this part, on Avenue A:
 - a. the minimum street yard setback is 15 feet; and
 - b. the maximum street yard setback is 20 feet.
3. This section applies to West 45th Street and West 46th Street. Except as otherwise provided in this part, the minimum street yard setback is 15 feet.
4. A two-family residential use or duplex use is permitted on a lot that is 6000 square feet or larger.

5. Except as provided in Section 6 of this part, a porch may extend:
 - a. on Avenue A, a maximum of five feet in front of the street front yard setback; and
 - b. on a street other than Avenue A, a maximum of five feet in front of a street yard setback.
6. A porch must be at least five feet from a property line that faces a street.
7. For an accessory building the minimum setback from:
 - a. a property line facing Avenue A is 60 feet; and
 - b. a property line facing a street other than Avenue A is 15 feet; and
 - c. an interior side property line is five feet.
8. On the east side of Avenue A the minimum setback from a rear property line for an accessory building for a single-family use that is not more than 20 feet in height, is five feet.
9. A non-complying accessory building may be reconstructed at its existing location for a single-family use, but may not be less than three feet from the rear yard, interior side yard, and street side yard property lines.
10. An attached garage shall be a minimum of 60 feet from a property line facing Avenue A.
11. 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.
12. Driveway runners or gravel driveways are permitted to provide access for a maximum of four parking spaces. The design and construction must be approved by the Director of the Watershed Protection and Development Review Department.
13. For a through lot with frontage on both Guadalupe Street and Avenue A, both frontages shall be treated as front streets.

PART 9. DUVAL COMMERCIAL DISTRICT. The following site development regulations apply in the Duval District.

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

DUVAL COMMERCIAL DISTRICT		
	SITE DEVELOPMENT STANDARDS	
	CS	GR
Minimum lot size	8000	8000
Minimum lot width	50	50
Maximum FAR	1.5: 1.0	1.0: 1.0
Maximum building coverage	95%	75%
Maximum impervious cover	95%	90%
Maximum height	35'	40'
Minimum interior side yard setback	0	0
Minimum rear setback	10	10

2. Height limits.
 - a. The maximum height for a structure within 50 feet of a single family use or zoning district is 30 feet from ground level.
 - b. The maximum height for a structure within 50 feet of a single family use or zoning district is 2.5 stories.
 - c. The maximum height for a structure within 125 feet of a single family use or zoning district is 35 feet from ground level
3. Except as otherwise provided in this part, the following applies.
 - a. the minimum street yard setback is five feet; and
 - b. the maximum street yard setback is 10 feet.
4. The minimum street side yard setback for 4500, 5011 and 5012 Duval Street is 10 feet.

5. The minimum setback from a rear property line for an accessory building that is not more than 20 feet in height, is five feet.
6. 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.
7. A non-complying accessory building may be reconstructed at its existing location but may not be less than three feet from the rear yard, interior side yard, and street side yard property lines.
8. Except as otherwise provided in this part, the FAR for 4500 Duval Street is 1.5 to 1.0.
9. Except as otherwise provided in this section, the maximum height for a building at 4500 Duval Street is 35 feet from ground level. For a building located within 50 feet of the west property line, the maximum height is 30 feet from ground level.

PART 10. GUADALUPE DISTRICT. The following provisions apply in the Guadalupe District.

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

GUADALUPE DISTRICT		
	SITE DEVELOPMENT STANDARDS	
	GO	GR
Minimum lot size	5750	5750
Minimum lot width	50	50
Maximum FAR	1.0: 1.0	1.0: 1.0
Maximum building coverage	60%	75%
Maximum impervious cover	80%	90%
Minimum interior side yard setback	0	0
Minimum rear yard setback	5	5

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:
 - a. the minimum street yard setback is 10 feet; and
 - b. the maximum street yard setback is 15 feet.
4. Except as otherwise provided in Section 5, the maximum height for property north of 45th Street is 45 feet from ground level.
5. A building with a flat roof may have a height of 50 feet. A maximum of an additional 10 percent of the building height is allowed for a parapet, elevator shaft or open space provided that:
 - a. a living space is not permitted above the 50 foot height; and
 - b. the building height does not exceed 4 stories; and
 - c. a roof-top use is permitted only for equipment that is screened.
6. A parapet wall allowed in Section 5 may exceed the height established in this part by 10 percent.
7. A sidewalk sign is permitted for a commercial use. 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.
8. Parking for a restaurant use with outdoor seating.
 - a. The outdoor seating area is not used to determine the parking requirement if:
 - (i) The outdoor seating does not exceed 40 percent of the total seating; and

(ii) 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. AFFORDABLE HOUSING. Housing developed under the Smart Housing Initiative Policy must comply with the standards set forth in Resolution No. 040115-44 and the provisions in this part.

S.M.A.R.T.HOUSING™ PROGRAM (Safe, Mixed-Income, Accessible, Reasonably Priced, Transit Oriented) is an initiative that stimulates the creation of reasonably priced homes in Austin. It offers developers incentives by way of a single point of contact to advocate through the city development process and provides fee waivers for developments in which at least 10 percent of the units meet the "reasonably priced" standard, by serving families at or below 80 percent of the Austin Area Median Family Income. The policy also requires that all new construction meet Green Builder Standards.

REASONABLY PRICED means housing available to a family whose earnings do not exceed 80 percent of median family income and who spend not more than 30 percent of their gross income on rent and utilities.

GREEN BUILDING PROGRAM means the Austin Energy program designed to encourage sustainable building techniques in residential, multifamily, commercial and municipal construction.

1. **Redevelopment of Rental properties.** This applies to 4510, 4520, and 5012 Duval Street.
 - a. A multifamily development not located in the 100-year floodplain may be rebuilt at its existing height in stories, number of units, and building footprint, provided that they meet S.M.A.R.T. Housing™ technical standards for accessibility, Green Building, and Transit-oriented design; and, meet the sprinkler requirements of the 2003 International Building Code; and, if at least 10 percent of the units are reasonably priced.
 - b. Applicants who meet these conditions are not required to meet compatibility standards or increase parking or site detention.
 - c. Except as otherwise provided in this section, development must comply with the provisions of the NCCD.

- (i) Height may be the greater of the existing height or the height permitted in the NCCD.
 - (ii) A balcony, entrance to a building, patio, open walkway or stairway is not permitted within 20 feet of a single-family use.
 - (iii) A trash receptacle must be located permanently in an alley at the rear of a property. If no alley is available, it must be in an enclosure on the property.
 - (iv) A six-foot fence is required between a parking facility and a single family residence.
2. Home Ownership. This applies to redevelopment of an existing duplex to single-family attached.
- a. To be qualified under this section, an existing duplex must meet the following requirements:
 - (i) it may not be located on a lot in the 100-year floodplain, and
 - (ii) it may not be located on a lot that is less than 7000 square feet; and
 - (iii) it must not have a plat or deed restriction limiting density to one residential unit per lot; and
 - (iv) it must have existed as a duplex on January 1, 1987; and
 - (v) at least one of the units must be sold to an owner who meets the reasonably priced test; and
 - b. All development of the property must comply with applicable City Codes, including the following:
 - (i) plumbing and wiring for each unit must be located on its respective lot; and
 - (ii) a one-hour fire resistant construction must be provided at the lot line with no door or window openings within three feet of the lot line; and
 - (iii) no Housing Code violations are allowed; and

(iv) the square footage of a unit may be increased not more than 20 percent of the square footage of a unit that existed on April 1, 2005; and

(v) a unit may not exceed 1200 square feet; and

(vi) all development regulations apply in perpetuity.

3. The affordable housing program will apply for 15 years from the date of the initial occupancy of a reasonably priced dwelling unit.

PART 12. This ordinance takes effect on August 29, 2005.

PASSED AND APPROVED


_____, August 18, 2005

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§
§




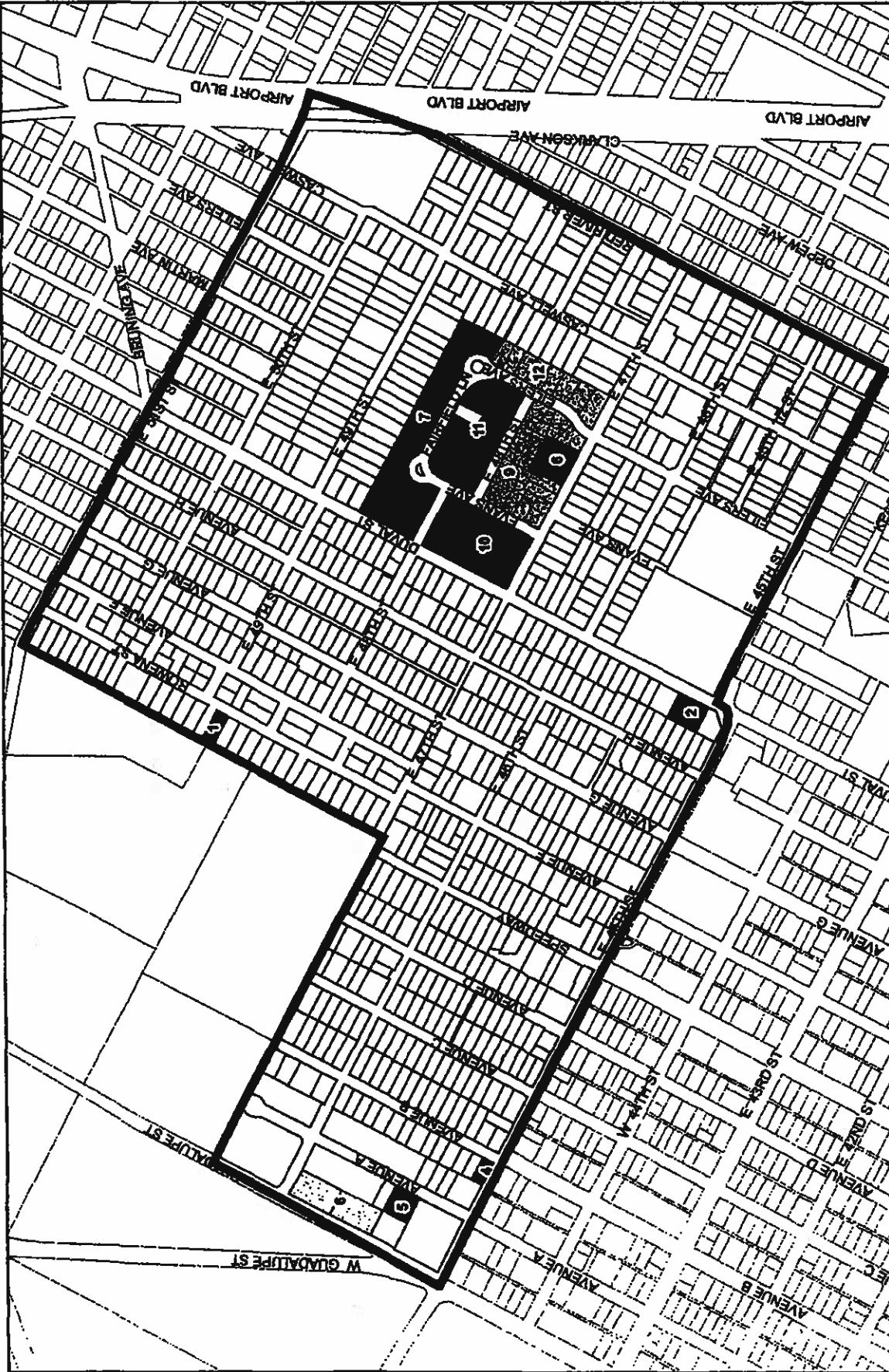
Will Wynn
Mayor

APPROVED:


David Anan Smith
City Attorney

ATTEST:

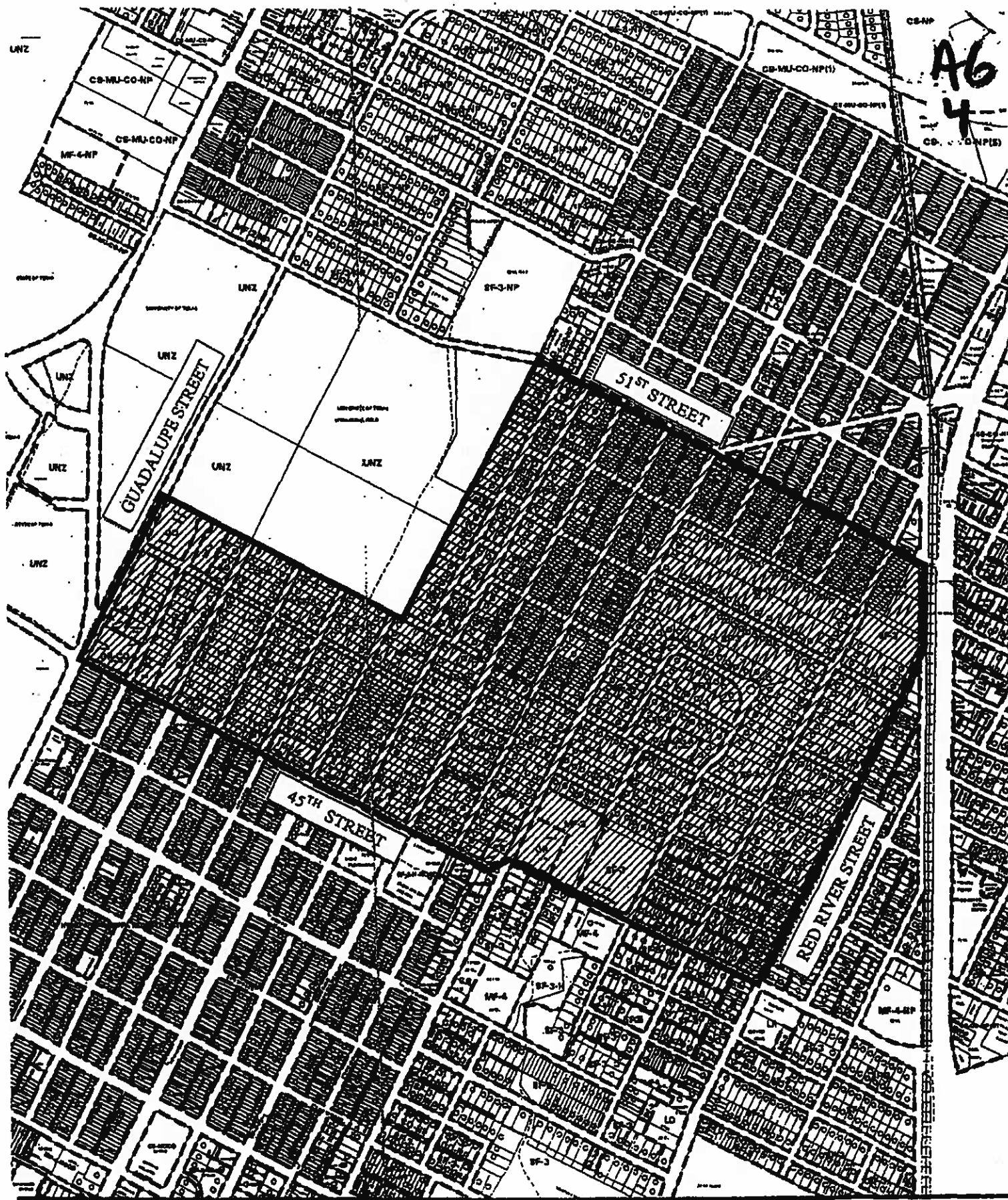

Shirley A. Brown
City Clerk







**North Hyde Park Neighborhood
Conservation Combining District**
Case # C14-04-0196 EXHIBIT A



City of Austin
Neighborhood Planning & Zoning Department



A6
4


 1" = 800'
 SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: G. RHOADES

ZONING EXHIBIT B
 CASE #: C14-04-0196
 ADDRESS: HYDE PARK NCCD
 SUBJECT AREA (acres): N/A
 DATE: 05-02
 INTLS: SM

CITY GRID
 REFERENCE
 NUMBER
 K26

North Hyde Park NCCD

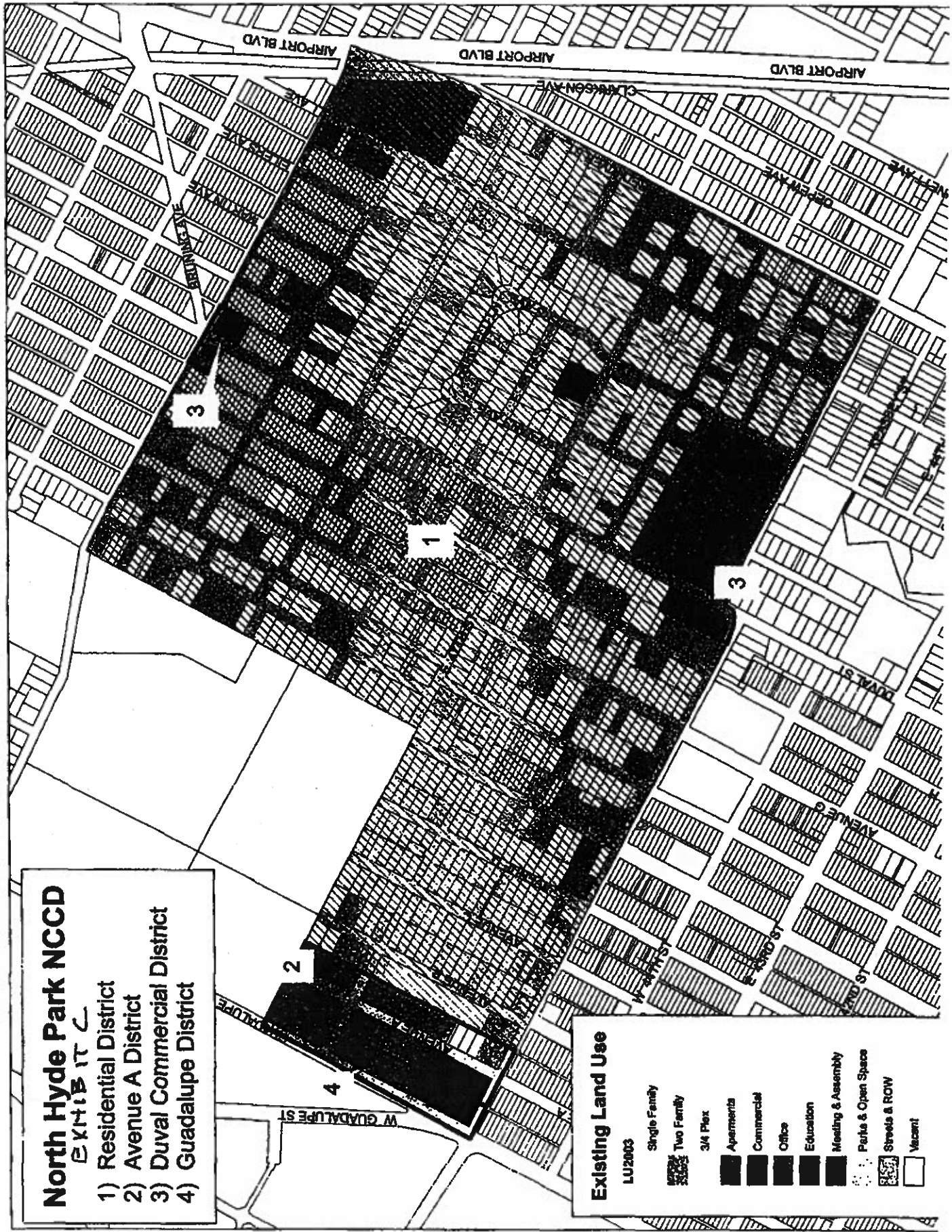
EXHIBIT C

- 1) Residential District
- 2) Avenue A District
- 3) Duval Commercial District
- 4) Guadalupe District

Existing Land Use

LU2003

	Single Family
	Two Family
	3/4 Plex
	Apartment
	Commercial
	Office
	Education
	Meeting & Assembly
	Park & Open Space
	Streets & ROW
	Vacant



Rousselin, Jorge

From: Alison Gardner [AGardner@mailbmc.com]
Sent: Tuesday, February 12, 2008 4:04 PM
To: Rousselin, Jorge
Cc: Nikelle Meade
Subject: Game Warden Tract - C14-2007-0264
Attachments: Agreement Hyde Park.DOC; site plan.pdf

Jorge,

Attached is the list of items that are agreed upon between the applicant and Hyde Park Neighborhood Association in order to draft the amended North Hyde Park NCCD. Additionally, I have attached a site plan that shows the line between MF-2 and MF-4 should you need it. I am not aware of an "amended application" - if there is one let me know or how procedurally you would like for us to amend the current application.

Of the items on the agreed upon terms includes the agreement to list the units for sale. I believe this is the only term that may not be able to be included in the NCCD. We plan on placing this item in a restrictive covenant, however if it can be in the NCCD let me know.

Thanks!

Alison Gardner
Brown McCarroll
111 Congress Avenue
Suite 1400
Austin, Texas 78701
(512) 479-9752
agardner@mailbmc.com

3/20/2008

W. 51st Street Project – Parks and Wildlife Tract

The site will be split into two tracts as shown on maps presented on November 1. These are defined as the MF-2 Tract and the MF-4 Tract.

The units will be offered for sale .

MF-2 Tract

Use: Multi-family Residential Use plus uses permitted in North HP NCCD – Residential District. Prohibit Group Residential and Club or Lodge except for one club building that may serve the entire development and may be located on the MF4 tract only. Mail Kiosk may be located on the MF2 Tract.

Number of units: Limit to 17 units per acre

Total number of bedrooms: Maximum 59 bedrooms per acre.

Setbacks: The setback for the buildings along the eastern side of the tract is the 25' minimum required for compatibility.

Height: Height limit is the same as determined by the City of Austin land development code for the North Hyde Park NCCD (NHPNCCD) maximum 30' and 2.5 stories.

Maximum Building cover: 40%

Maximum Impervious cover: 60%

Maximum FAR: .75:1 (garage units will not be included in the FAR unless McMansion triggered)

Site Area: per code for the zoning base district.

Parking: The city parking requirement will be met for each unit.

Landscaping: Existing healthy Class 1 or Class 2 trees, according to the Environmental Criteria Manual, within the 25' compatibility setback along the eastern property line will be kept if practicable. This 25' area will meet the requirements of the City of Austin Landscape Ordinance.

Access: The access between this development and the Hyde Park neighborhood is permitted only if emergency access is required by the City of Austin. This connection will not be open to auto traffic but if emergency access is required it will be gated with emergency vehicle access only. There will be no pedestrian and bicycle access. ₂

The units in the MF2 Tract shall back to the existing homes that face Rowena Street so that parking for the MF2 tract does not directly abut the homes on Rowena that border the eastern property line of the MF2 Tract. The units will face West.

If the MF2 Tract is developed for single-family use,, then the development regulations will match those of the North Hyde Park NCCD –Residential District.

MF-4 Tract

Use: Multi-family Residential Uses plus uses permitted in North HP NCCD – Residential District. Prohibit Group Residential and Club or Lodge except for one club building and mail Kiosk that may serve the entire development and may be located on this tract only.

Number of units: Limit to 23 units per acre.

Total number of bedrooms: Maximum 81 bedrooms per acre.

Setbacks: 0' setback from 51st Street is permitted.

Height: Height limit must meet compatibility standards with the exception that the height maximum within the first 360 feet from the Northern property line (51st Street) may be up to fifty (50) feet. (CIS is determining the above number) and at a distance of at least 130' from the Eastern property line height may be 50' even if it exceeds the compatibility height limit.

Maximum Building cover: 50%

Maximum Impervious cover: 70%

Maximum FAR: .75:1

Site Area: per code

Landscaping: per zoning base district.

Access: All driveways enter and exit W. 51st Street unless otherwise required by the City of Austin. Said driveways shall be constructed at the minimum width required by the City of Austin. The access between this development and the Hyde Park neighborhood is permitted only if emergency access is required by the City of Austin. This connection will not be open to auto traffic but if emergency access is required it will be gated with emergency vehicle access only.

Other [This section is not likely to go in the NCCD but represents CIS's agreement to the neighborhood]

The developer will support neighborhood recommendation as to whether the neighborhood wants to request that the city install a traffic signal at the entrance to this development.

PUBLIC HEARING INFORMATION

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During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

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

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

www.ci.austin.tx.us/development

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

Case Number: C14-2008-0047

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

March 25, 2008 Planning Commission

JOHN HARRIS

Your Name (please print)

509 WEST 18TH STREET

Your address(es) affected by this application

John Bolt Harris

Signature

3/17/08

Date

Comments:

Our property is ~~near~~ the adjacent tract west of the subject property. We approve and support the proposed rezoning.

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

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

☒ I am in favor
☐ I object

PUBLIC HEARING INFORMATION

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Case Number: C14-2007-0264

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

March 25, 2008 Planning Commission

Brian Barth

Your Name (please print)

100 E 51st St #3 Austin TX 78751

Your address(es) affected by this application



Signature

03/16/08
Date

Comments: As previously sent, please

consider a public park for this property. Traffic a noise are already excessive on 51st Street. Many cars travel down this road at 40-50mph. A large residential complex is not in the best interest of Hyde Park or central Austin.

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

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

PUBLIC HEARING INFORMATION

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Case Number: C14-2007-0264

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

March 25, 2008 Planning Commission

☐ I am in favor
☒ object

RANDAL M. BRANSEFORD

Your Name (please print)

5014 A & B ROWENA ST.

Your address(es) affected by this application

Randal M. Branseford

Signature

3-17-08

Date

Comments: I OPPOSE SUCH HIGH DENSITY

CANDID/TOWNHOME CONSTRUCTION

PRIMARILY DUE TO TRAFFIC ISSUES

ON 51ST STREET. I WOULD BE

CONCERNED ABOUT 51ST STREET

BECOMING A 4 LANE STREET & THE

ABILITY OF MY TENANTS TO SAFELY

ENTER & EXIT THE DRIVEWAYS ON

51ST STREET & ROWENA.

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

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-2007-0264

Contact: Jorge Rousselin, (512) 974-2975

Public Hearing:

March 25, 2008 Planning Commission

<input type="checkbox"/> I am in favor <input checked="" type="checkbox"/> I object
--

Janet Bisavi
Your Name (please print)

4810 Avenue F

Your address(es) affected by this application

Janet Bisavi 3/15/08
Signature Date

Comments: Would prefer to see this
land dedicated to a
park. Our neighborhood
needs more open space.
Cramming condos between
a traditional neighborhood
(Rowena) and the International
Fields seems impractical
at best. Don't think the
tract is ~~compatible~~ compatible
w/ development!

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

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

Planning Commission, Mayor and Council,

Please accept my apologies for not attending this meeting in person. The notice arrived after I had already made travel plans for work. ... AG, DIN

I am a neighbor (18 years) to the Texas Parks and Wildlife Game Warden Academy in north Hyde Park. There is a proposal to develop this property as the state is going to sell it (case number C14-2007-0264, TPWD6.6.) I have three points to make:

1. This property should be a city park. As we continue to infill concentrated development and gray infrastructure in our inner city we have not continued to include new inner-city parks. Due to increased population there is an increased demand and an increased impact on existing green infrastructure. Our smaller neighborhood parks are overwhelmed.
2. Traffic. We cannot afford to have more traffic on 51st street the **CUMULATIVE IMPACT** of the Mueller redevelopment alone has caused 51st street to become a horrible experience. The cut through traffic in the neighborhood has increased exponentially due to back ups on 51st. We have to plan ahead and we have to plan smart. Development of this tract accomplishes neither unless "developed" as open space.
3. Waller Creek. The **CUMULATIVE IMPACT** on Waller Creek must be taken into consideration. We cannot ignore what has happened to our watersheds as more development takes place. Flooding has increased at a great cost to Austin and Travis County taxpayers and we have started losing the biological diversity that comes with this great resource.

This site is perfectly located for a city park and nature education center. The Triangle (we got cheated out of the park that was supposed to be here), the neighborhood north of 51st and Hyde Park would all use this great resource. There is funding from the last bond initiative and that can be matched to state funds for the total. I stand ready to enlist all resources at my disposal to make this park a reality.

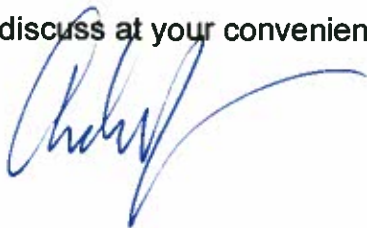
If developed, a SF3 per the Hyde Park NCCD is the only acceptable outcome.

I am available to discuss at your convenience.

Andy Jones

4900 Rowena

415-8027 mobile



Rousselin, Jorge

From: Elizabeth Zaby [ezaby@flash.net]

Sent: Monday, March 24, 2008 2:25 PM

To: Rousselin, Jorge

Subject: Case Number C14-2007-0264

To the Honorable Mayor, City Council, and Planning Commission:

My family and I own two homes which will each be *materially affected* should you grant the proposal set forth in Case Number C14-2007-0264 relating to the Texas Parks and Wildlife Game Warden Academy property. We had hoped to continue ownership of these homes for many years to come.

Our family belongs to the Hyde Park Neighborhood Association through my daughter, Allison Zaby, who resides in and jointly owns one of our homes. I greatly encourage and support the *preservation of the existing residential and historic character* of this northernmost portion of the Hyde Park neighborhood. The proposed land use for the Parks and Wildlife property is *inconsistent with* and *does not match the existing zoning* of the immediate vicinity of Hyde Park.

We own the homes located at 5001 and 5012 Rowena which were selected for our son and daughter due to the *quiet, family-oriented, residential quality* of the immediate vicinity which makes this street ideal for families, professors, and graduate students who require privacy, safety, and serenity. Both of our children have highly valued the nature of the neighborhood during their respective tenures in graduate school.

Further, it is significant that there is *ample availability of multi-family housing* in the nearby newly-constructed "Triangle" area off Lamar and Guadalupe which does not interfere with the use and enjoyment of any nearby residential neighborhood. The Triangle area has many units unoccupied and has additional phases which have not yet been built. I urge you to consider that the need for such multi-family housing in the area has been met by the Triangle construction already approved by the Commission.

Our 5012 Rowena property backs up to and is *immediately adjacent* to the proposed construction site; it will suffer the indignities of the *debris, dust, and noise of construction* as well as the *increased crime, invasion of privacy, and increased noise level* after the complexes have been completed. *Parking* on the west side of the street, especially close to 51st Street intersection will be *difficult, if not impossible*, due to the lack of good curbside and driveway parking for the residents already occupying that portion of the street, much less for the additional tenants of the newly constructed apartments. Further, for those younger students who will live in the new apartments, there are *no existing sidewalks or bike paths* on Rowena to accommodate their pedestrian and bike-riding needs.

The 5001 property is *directly across the street from the entrance* to the Texas Parks and Wildlife Academy, and will be impacted in a significant way during the construction phase by the ingress and egress of cement trucks, eighteen-wheeler trucks delivering the necessary lumber and building materials, dust and dirt from the construction, and the traffic and parking problems which will arise out of the numerous construction workers who will necessarily be working in the area. Post-construction, the increased parking, traffic (both automobile and pedestrian) will completely eliminate the sense of privacy and space of this home.

3/25/2008

For the entire neighborhood, the *environmental changes* which will necessarily occur should the rezoning request be granted are significant, especially as it relates to the *potential for flooding* from the nearby Waller Creek on the west side of the Texas Parks and Wildlife property, and the necessary change in the gradation of the property will affect the flooding of those homes on the low side of Rowena, such as our 5012 home. In the event of flooding, fire or other emergency, with the proposal before the Commission, *emergency evacuations* will be almost impossible due to the lack of adequate entrance and exits to the property.

I urge the Commission to consider the proposals to *establish a park, nature preserve, or greenbelt* on the Texas Parks and Wildlife property; this would be extremely desirable for the entire northern portion of the Hyde Park neighborhood. The closest park for the children of the area requires them to cross the very busy 45th Street, and that park is extremely crowded and well-used, making it advantageous for an additional park in this northern portion of the neighborhood.

To summarize, I urge that you *do not grant the rezoning request* and that you permit the Texas Parks and Wildlife property to be converted to a neighborhood park or other open space use such as a nature preserve or a greenbelt.

Thank you for your careful consideration of this matter. I apologize for my unavailability to attend the meeting on March 25, 2008. I will remain available by phone in the event you wish to contact me at: 214-827-1474 (home), 214-750-1919 (work) or 214-704-9891 (cell phone).

Sincerely,

Elizabeth F. Zaby

Elizabeth F. Zaby
Attorney and Counselor
6116 North Central Expressway
Suite 450
Dallas, TX 75206
214-750-1919 (Tel.)
214-750-4558 (Fax)

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Attorney and Counselor
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Dallas, TX 75206
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3/25/2008

Rousselin, Jorge

From: Allison Zaby [allison.zaby@gmail.com]

Sent: Monday, March 24, 2008 2:38 PM

To: Rousselin, Jorge

Subject: Case Number C14-2007-0264

Dear Mayor, City Council, and Planning Commission:

I have lived in the house I own on Rowena Ave. for three years now (my brother has lived on the street since 2001), I am a paying member of the Hyde Park Neighborhood Association, and I am a neighbor to the Texas Parks and Wildlife Game Warden Academy on the upper northwest edge of Hyde Park (I live directly in front of the property). There is a proposal to develop this property into condominiums and/or apartments as the state is going to sell it (case number C14-2007-0264, TPWD 6.6.). I have five main points to make:

1. **Parking and Traffic on Rowena:** This developer has not allocated enough primary resident or visitor parking for this unique location. The Parks and Wildlife property is closed off on three sides by a) a dead end into a wall of shrubbery, b) the UT Intramural Fields, and c) the Austin State Hospital cemetery. Since you are unable to park in the large lots at the IM fields unless you're a student or faculty member with a permit, this leaves only one outlet for overflow parking---Rowena. It is clear that the developer is not trying to make a contribution to the neighborhood and is instead focused on his financial bottom line. The cumulative effect will result in Rowena (a very narrow street) struggling to accommodate a LARGE increase in traffic flow, and will leave virtually no street parking available for the current Rowena residents.
2. **Traffic on 51st:** The traffic on 51st has been an increasing problem in the past couple of years. The curve leading from Guadalupe to Rowena makes it extremely dangerous to turn from our street into traffic that travels at high speeds. The large number of residents that will likely live in the new development will result in additional traffic coming from the west. Additional traffic from the west means that this curve will become even more dangerous. The city needs to take into account the potential dangers this could pose both to the new residents of the proposed development as well as the current residents of Rowena and Avenue F.
3. **Park Initiative:** Andy Jones has submitted a very viable proposal to turn the Parks and Wildlife property into a city park and nature education center. This would serve the needs of the local community (as there are no parks north of 45th, nor south of Koenig), and increase the value of the Parks and Wildlife tract, not for a single developer, but for an entire neighborhood. Before permanently altering the makeup of the Hyde Park neighborhood, please consider what is most important to continuing Austin residents.
4. **Privacy:** I, and I know many of my neighbors have similar stories, bought this property for specific reasons. I appreciated the grassy field behind my backyard, and the privacy this offered. In addition, I really appreciated that I would not back up to any other houses or an alley in the belief that this would lessen the threat of crime. Unfortunately, the plans set forth by the developer are building large condo/apartment units in an unbroken chain that will eliminate any view of the sunset from our house, as well as hulk over our back fences—destroying any privacy I may have as I tend my garden, enjoy my back deck, or leave my back window shades drawn. I am concerned that this extreme increase in population in the area will also have negative effects on the crime rate, especially if affordable

3/25/2008

housing is inserted into the property for the Texas tax breaks.

5. Waller Creek: Waller Creek is in the 100 year flood plain, and functions well, with minimal flooding, when there is a grassy area alongside it. Unfortunately, the new development has not appropriately taken this into account. The proposal for development is almost entirely cement. The City Council needs to take the cumulative impact on Waller Creek into consideration before you permit this development proposal to continue.

The site is possibly the worst location for a large condo/apartment complex in Austin. It will likely be difficult to lease (the Triangle, 3 blocks away is still not fully leased), it will be a detriment to its closest neighbors in terms of parking/increased traffic and decreased privacy, and it will have additional effects on the greater Hyde Park neighborhood due to its negative impact on Waller Creek.

This site is perfectly situated for a city park which would greatly enrich the family-oriented nature of Hyde Park. I urge you to consider the park proposal (which is being made in conjunction with Austin Parks Foundation and the Trust for Public Land) before making any changes in the zoning of the Parks and Wildlife land.

I am available to discuss any questions you may have at your convenience.

Allison Zaby
5012 Rowena Ave., Austin, TX, 78751
(214) 435-0148

Thanks!
Allison Zaby, Rowena Resident