

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0022.01

North University NCCD Amendment

P. C. DATE: 07-12-11

ADDRESS: 38th Street to the north, San Jacinto Blvd.
& 27th Street to the South, Guadalupe Street to the
West and Duval Street to the East

AREA: 234 acres

APPLICANT: City of Austin, Planning Commission initiated. **AGENT:** Clark Patterson

NEIGHBORHOOD PLAN AREA: Central Austin Combined, North University

CAPITOL VIEW: No

T.I.A.: No

HILL COUNTRY ROADWAY: No

DESIRED DEVELOPMENT ZONE: Yes

WATERSHED: Waller, Boggy & Shoal Creeks

SUMMARY STAFF RECOMMENDATION:

Staff recommends amending the North University Neighborhood Conservation Combining District (Ord. #040826-58) in order to: 1) allow a two-family residential use in any district on a lot that is 7,000 square feet or larger and has a front lot width of at least 48 feet; and 2) to reduce the minimum lot size requirement of 7,000 square feet for a two-family residential use to 5,750 square feet. This would allow for a two-family residential use on a lot that has at least 5,750 square feet as long as all other NCCD/Code requirements are met and if the floor-to-area ratio as defined by Subchapter F does not exceed 0.4 to 1.

PLANNING COMMISSION RECOMMENDATION:

The motion to approve the North University NCCD amendment, was approved on the consent agenda by Commissioner Dave Anderson's motion, Commissioner Mandy Dealey seconded the motion on a vote of 7-0; Commissioner Danette Chimenti was absent, 1 vacancy on the commission.

DEPARTMENT COMMENTS:

The North University Neighborhood Association (NUNA) has indicated that they would like to change the minimum lot size for a two family use in order to encourage density and infill in the neighborhood. In particular NUNA has requested to amend their Neighborhood Conservation Combining District (Ord. #040826-58), "Part 6 (5) Two family residential use". The request is to amend the North University Neighborhood Conservation Combining District (NCCD) in order to: 1) allow a two-family residential use (garage apartment) in any district (not just in the Residential District) on a lot that is 7,000 square feet or larger and has a front lot width of at least 48 feet (instead of 50 feet); and 2) to reduce the minimum lot size requirement of 7,000 square feet for a two-family residential use to 5,750 square feet. This would allow for a two-family residential use on a lot with 5,750 square feet as long as all other NCCD/Code requirements are met and if the floor-to-area ratio as defined by Subchapter F does not exceed 0.4 to 1. The request to limit the minimum lot size to 5,750 square feet would be in keeping with what is made available through the Special Use Infill Options and Design Tools available through the Neighborhood Plan Combining District.

The proposed revision for Two-family uses in the North University Neighborhood Conservation-Neighborhood Plan (NCCD-NP) Combining District (Ordinance No. 040826-58) is as follows:

Part 6 (5) Two-family residential use.

a. ~~In the Residential District,~~ a two family residential use is permitted on a lot that is 7,000 square feet or larger and has a front lot width of at least ~~50~~ 48 feet.

b. ~~In District 1A, a two family use is permitted on a lot that is at least 7,000 square feet or larger and has a front lot width of at least 48 feet.~~

Two-family use is permitted on a lot that has a minimum of 5,750 square feet if all other LDC and NCCD requirements are met AND if the FAR as defined by Subchapter F does not exceed .4/1.0.

c. 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:

- 1) living space is provided on the ground floor.
- 2) one unit has frontage on an north-south street; and
- 3) one unit has frontage on an east-west street.

BASIS FOR RECOMMENDATION:

1. *Zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing.*

This request to modify the NCCD to reduce the minimum lot size for a two family use in order to encourage density and infill in the neighborhood will offer an affordable option in the area.

CASE HISTORIES:

CASE NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-01-0046	Hyde Park NCCD	Approved NCCD [Vote: 8-0]	Approved NCCD [Vote: 5-2]
C14-04-0022	North University Neighborhood NCCD	Approved NCCD [Vote: 8-0]	Approved NCCD [Vote: 7-0]

NEIGHBORHOOD ORGANIZATION:

Eastwoods Association
Hancock Neighborhood Assn.
Heritage Neighborhood Assn.
Hyde Park Neighborhood Assn.
North University Neighborhood Assn.
University Area Partners
North Austin Neighborhood Alliance
Austin Neighborhoods Council

Mueller Neighborhoods Coalition
Alliance to Save Hyde Park
West Campus Neighborhood Association
Austin Independent School District
Central Austin Neighborhoods Planning Area
Committee
North University Planning Team
Taking Action Inc.

SCHOOLS:

Mathews Elementary School
 O. Henry Middle School
 AustinMcCallum High School

SITE PLAN:

The proposed "two-family" dwelling is assumed to be similar to a duplex. Any new development with more than 2 units will require a site plan to make any modifications to the site.

TRANSPORTATION:

TR1: Since the rezoning of this area is being initiated by the City of Austin and does not reflect a specific development proposal, no trip generation calculations are provided.

TR2: This NCCD amendment was initiated to allow garage apartments on lots less than 7,000 square feet and lot width at least 48 feet. A traffic impact analysis is not required for residential building permits or for projects that do not exceed the threshold of 2,000 vehicle trips per day [LDC, 25-6-113].

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	SIDEWALKS	CAPITAL METRO ROUTE	BICYCLE PLAN ROUTE
Guadalupe	90'	Varies	Arterial	Varies	N/A	N/A
Duval	70'	44'	Collector	Varies	#7, #60	#49
27th Street	60'	30'	Collector	No	#55	N/A
29th Street	60'	Varies	Collector	No	N/A	#40
38th Street	60'	Varies	Arterial	Varies	N/A	#36

CITY COUNCIL DATE: August 4th, 2011

ACTION:

ORDINANCE READINGS:

1ST

2ND

3RD

ORDINANCE NUMBER:

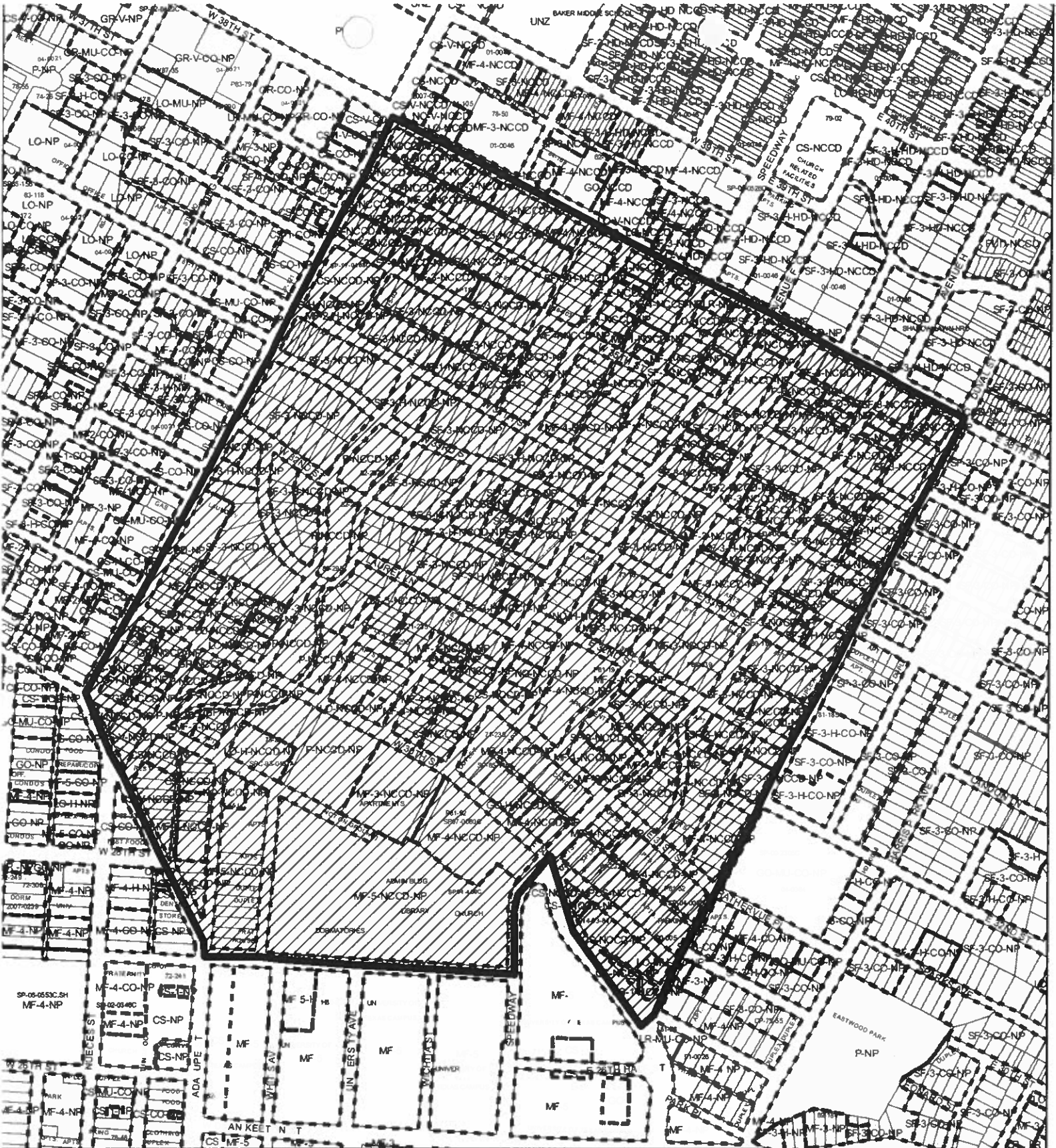
CASE MANAGER: Clark Patterson
Clark.patterson@ci.austin.tx.us

PHONE: 974-7691

PART 6. General Provisions. Except as otherwise provided in this ordinance, the following provisions apply to all property within the NCCD-NP. This section does not apply to Waller Creek/Seminary District 7 or District 7A.

1. Pedestrian-oriented uses. A pedestrian-oriented use, a civic 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 provided in Subsection 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.
 - b. A building on a through lot located west of Speedway between West 33rd Street and West 34th Street shall front on West 33rd Street.
3. Street yard setbacks.
 - a. Front yard setback.. 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.
 - b. Street side yard setbacks. Except as otherwise provided in this section, minimum street side yard setbacks are established by Exhibit "E".
 - 1) On a block face that includes an alley approach, the street yard setback of the subject property may equal the average of the street yard setbacks of the buildings on adjoining lots that front the same street. 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 building that contains a living unit on the ground floor that fronts on the same street.
 - 2) If there are no adjoining buildings that contain a living unit on the ground floor that fronts on the same street to establish an average setback, then the street yard setbacks are according to the Setback Map attached as Exhibit "E".
 - c. Notwithstanding any other provision in this section, a street side yard setback may not be less than five feet.

4. Site development standards for certain two-family residential uses. Except in the Guadalupe District, this section applies to construction of a 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 standard of the Code.
5. Two-family residential use.
 - a. In the Residential District, a two family residential use is permitted on a lot that is 7,000 square feet or larger and has a front lot width of at least 50 feet.
 - b. In District 1A, a two family use is permitted on a lot that is at least 7,000 square feet or larger and has a front lot width of at least 48 feet.
 - c. 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:
 - 1) living space is provided on the ground floor.
 - 2) one unit has frontage on a north-south street; and
 - 3) one unit has frontage on an east-west street.
6. Duplex residential use. In the Residential District, a duplex residential use is permitted on a lot that is 7,000 square feet or larger and has a front lot width of at least 50 feet.
7. Parking.
 - a. Except as otherwise provided in this section, a parking space for a residential use may not be located in a street side yard.
 - b. The maximum number of parking spaces in all street yards on a site is two.
 - c. Pavement for a parking space in a front yard may not be located in front of a principal structure.



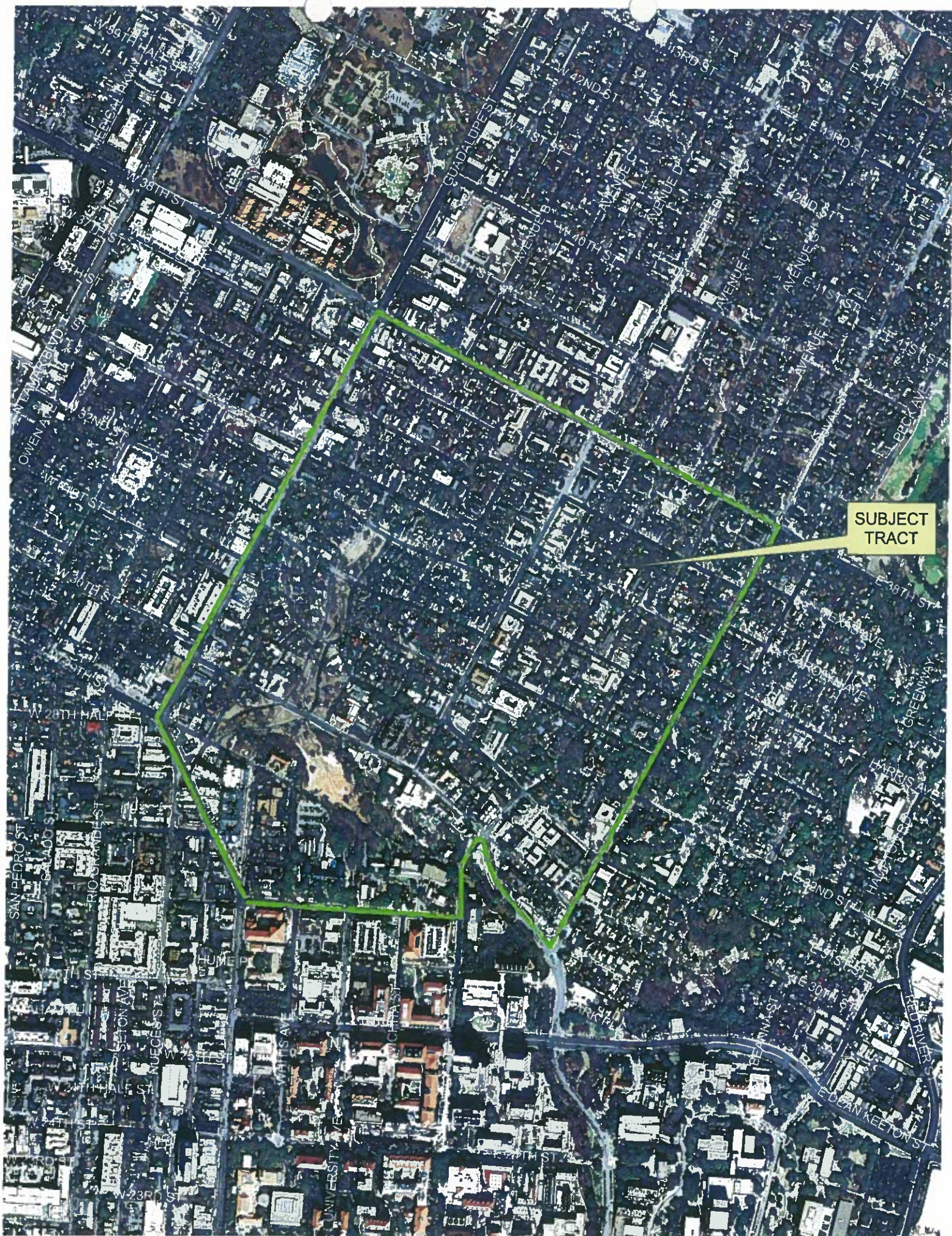
ZONING

-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING CASE#: C14-04-0022.01
LOCATION: W 38TH ST
SUBJECT AREA: 234.87 ACRES
GRID: J24/J25
MANAGER: C.PATTERSON



This map has been produced by the Communication Technology Management Planning Development Review Dept for the sole purpose of geographic reference the City of Austin regarding specific accuracy or completeness



SUBJECT
TRACT

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Case Number: C14-04-0022.01

Contact: Clark Patterson, 512-974-7691

Public Hearing: July 12, 2011, Planning Commission

August 4, 2011, City Council

ROBERT KALER
Your Name (please print)

☒ I am in favor
☐ I object

207E 24TH ST

Your address(es) affected by this application

Robert Kaler

Signature

7.1.11

Date

Daytime Telephone: 512.322.9041

Comments: TWO AMENDMENT IS IMPORTANT
BECAUSE THE GARAGE APARTMENT IS
THE BEST WAY TO INCREASE DENSITY
IN THESE OTHER NEIGHBORHOODS
WITHOUT DESTROYING THE HISTORIC
GLASS. TO THAT END I WOULD
RECOMMEND THAT MAXIMUM FLOOR
AREA BE LIMITED TO 800 FT THAT ALLOWS
A 3 CAR GARAGE + STORAGE STAIR
22' X 36'

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

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Contact: Clark Patterson, 512-974-7691

Public Hearing: July 12, 2011, Planning Commission

August 4, 2011, City Council

Shannah West

Your Name (please print)

104 W 38 1/2 St. #209

Your address(es) affected by this application

Shannah West

Signature

Date

Daytime Telephone: 512-560-3368

Comments: I feel the occupant of a residency should be the one to decide if a space is adjacent for their living quarter needs. I also feel like more occupancy housing in this area would be nice.

I found the in closed map very hard to understand/hard to read. Zoned area.

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Contact: Clark Patterson, 512-974-7691

Public Hearing: July 12, 2011, Planning Commission
August 4, 2011, City Council

Carol Journey
Your Name (please print)

207 E 34th St

Your address(es) affected by this application

Carol Journey
Signature

7/1/11
Date

Daytime Telephone: 512 478 8614

Comments: I would prefer that the size of the garage apartment be limited to 800 sq ft. This would allow a 3 car garage ~~and~~ would be more in scale with the neighborhood.

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Contact: Clark Patterson, 512-974-7691

Public Hearing: July 12, 2011, Planning Commission

August 4, 2011, City Council

Christopher Bauserman
Your Name (please print)

☒ I am in favor
☐ I object

300 W 35th St

Your address(es) affected by this application

Ch Bauserman

7/4/11

Signature

Date

Daytime Telephone: 512-286-5275

Comments: Common Sense applies

to get more value from land

Owners w/o changing style

"House" feel of neighborhood.

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Contact: Clark Patterson, 512-974-7691

Public Hearing: July 12, 2011, Planning Commission
August 4, 2011, City Council

☒ I am in favor
☐ I object

Your Name (please print)

Sheri Reuth for Ali M. Alkasbi
Your address(es) affected by this application

Sheri Reuth

Signature

Date

Daytime Telephone: 512-282-1400 7-4-11

Comments:

owner lives north of country
I was agent for yes vote.

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

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Contact: Clark Patterson, 512-974-7691

Public Hearing: July 12, 2011, Planning Commission

August 4, 2011, City Council

Philip Uri Treisman

Your Name (please print)

805 E 35th St Austin 78705

Your address(es) affected by this application

[Signature]

Signature

7-2-11

Date

Daytime Telephone: 512 471-1148

Comments:

The neighborhood is too crowded with too little parking. Making it more densely populated will reduce quality of life.

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Chintam Modi

Your Name (please print)

300 E. 35th St.

Your address(es) affected by this application

Chintam Modi

Signature

Daytime Telephone: *973-224-2275*

Date

11-July-2011

☐ I am in favor
☒ I object

Comments: *part 6: joint a and b appear to contradict each other. there is no need for building high density housing in this neighborhood.*

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Public Hearing: July 12, 2011, Planning Commission

August 4, 2011, City Council

HELEN VANHOOK SPENCER
Your Name (please print)

3006 HEMP HILL PARK
Your address(es) affected by this application

Helen V.H. Spencer
Signature

(979) 696-2485
Daytime Telephone

7/9/2011
Date

☐ I am in favor
☒ I object

Comments: This neighborhood is fairly densely populated as it is. However, people plan to add garage apartments, anyhow? The last time a change in zoning occurred, a mega-apartment building went up right in the path of children's care + church + school. I see the nose of the camel under the tent flap.

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Case Number: C14-04-0022.01

Contact: Clark Patterson, 512-974-7691

Public Hearing: July 12, 2011, Planning Commission
August 4, 2011, City Council

Janet Adams

Your Name (please print)

304 W 37th St 78705

Your address(es) affected by this application

Janet Adams

Signature

Daytime Telephone: 512-484-4731

Date

7/6/11

☐ I am in favor
☒ I object

Comments: The city continues to promote

denser population but does not

provide the infrastructure necessary to

support it. My water pressure is already

too low to extinguish a fire according to

AFD. My streets are full of holes. There

is no parking available. Where will all

of these services come from?

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0022.01

Contact: Clark Patterson, 512-974-7691

Public Hearing: July 12, 2011, Planning Commission
August 4, 2011, City Council

Forrest Estep

Your Name (please print)

114 E. 31st St. #104

Your address(es) affected by this application

Forrest Estep

Signature

7/3/11

Date

Daytime Telephone: 936 321-5515

Comments:

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object

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Case Number: C14-04-0022.01

Contact: Clark Patterson, 512-974-7691

Public Hearing: July 12, 2011, Planning Commission

August 4, 2011, City Council

Anna M. Gann

Your Name (please print)

2014 Speedway #1

Your address(es) affected by this application

Anna M. Gann

Signature

Daytime Telephone: (954) 821-4708

Date

7/4/11

☐ I am in favor
☒ I object

Comments: There is already too much congestion in this area & a lack of street parking. Adding more residents will make it much more congested.

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

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Case Number: C14-04-0022.01

Contact: Clark Patterson, 512-974-7691

Public Hearing: July 12, 2011, Planning Commission

August 4, 2011, City Council

William Donnell

Your Name (please print)

3001 Cedar St #305

Your address(es) affected by this application

W. Donnell

7-2-2011

Signature

Date

Daytime Telephone: 702-360-6284

Comments: This area is already too cramped with such developments. There is little parking, if any, and too much congestion with this and outside commuter traffic. This just would add more to the problem.

A bad idea to change the zoning in my opinion!

Thanks W.D.

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P. O. Box 1088

Austin, TX 78767-8810



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Case Number: C14-2011-0058

Contact: Clark Patterson, 512-974-7691

Public Hearing: July 12, 2011, Planning Commission

Aug. 18, 2011, City Council

James S. Powell

Your Name (please print)

715 West Avenue } 78701
717 West Avenue }

Your address(es) affected by this application

JAMES POWELL

1-8-11

Signature

Date

Daytime Telephone: 512-477-9939

Comments:

I object. This

zoning requested is too high for
this area and is unprecedented.

Please deny the request.

I own the next door property

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P. O. Box 1088

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Case Number: C14-04-0022.01

Contact: Clark Patterson, 512-974-7691

Public Hearing: July 12, 2011, Planning Commission

August 4, 2011, City Council

Byron M Smith

Your Name (please print)

302 E 34th 3405 Ave, 403404 W. 34th

Your address(es) affected by this application

516 E 40th - 7th under line 304 E. 42nd

4301 Ave. G Bryan TX 77801

Signature

Date

Daytime Telephone: 512-455-6506

Comments:

Yes, yes, yes

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

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Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☐ I object

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Case Number: C14-04-0022.01

Contact: Clark Patterson, 512-974-7691

Public Hearing: July 12, 2011, Planning Commission

August 4, 2011, City Council

JASDA Olson

Your Name (please print)

1030 Norwood Plaza, 78753 ①

3709 Goodlyffe St, 78703 ②

Your address(es) affected by this application

[Signature]

Signature

Date

Daytime Telephone: (512) 317-6256

☒ I am in favor
☐ I object

7/7/11

Comments:

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P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2011-0058

Contact: Clark Patterson, 512-974-7691

Public Hearing: July 12, 2011, Planning Commission

Aug. 18, 2011, City Council

William Archer

Your Name (please print)

717, 719 and 715

Your address(es) affected by this application

[Signature]

Signature

Date

Daytime Telephone: 413-3556

7-5-11

☒ I am in favor
☐ I object

W. Cox

Comments:

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

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

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Case Number: C14-04-0022.01

Contact: Clark Patterson, 512-974-7691

Public Hearing: July 12, 2011, Planning Commission

August 4, 2011, City Council

Alan Retamozo

Your Name (please print)

400 W. 34th St. Apt. 102

Your address(es) affected by this application

☒ I am in favor
☐ I object

7/6/11

Date

Signature

Daytime Telephone: 956-251-0606

Comments:

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

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Case Number: C14-04-0022.01

Contact: Clark Patterson, 512-974-7691

Public Hearing: July 12, 2011, Planning Commission

August 4, 2011, City Council

Clark Patterson
Your Name (please print)

☒ I am in favor
☐ I object

3204 Town Green St #4
Your address(es) affected by this application

Clark Patterson
Signature

7/4/2011
Date

Daytime Telephone: 512-215-9116

Comments:

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0022.01

Contact: Clark Patterson, 512-974-7691

Public Hearing: July 12, 2011, Planning Commission
August 4, 2011, City Council

Your Name (

B

Dr. Valerie Bauhofer
3307 Helms St
Austin, TX 78705

☒ I am in favor
☐ I object

Your address(es) affected by this application

Valerie Bauhofer 7/11/2011

Signature

Date

Daytime Telephone: (512) 524 8536

Comments: The size of the two lots

(showing the less than 7000 total)

Should be as equal as possible.

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

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Case Number: C14-04-0022.01

Contact: Clark Patterson, 512-974-7691

Public Hearing: July 12, 2011, Planning Commission
August 4, 2011, City Council

RONALD YAM
Your Name (please print)

602 HARRIS AVE, AUSTIN, TX 78705

Your address(es) affected by this application

☐ I am in favor
☒ I object

[Signature]
Signature

7/2/11
Date

Daytime Telephone: 512-468-1278

Comments:

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

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

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Case Number: C14-04-0022.01

Contact: Clark Patterson, 512-974-7691

Public Hearing: July 12, 2011, Planning Commission

August 4, 2011, City Council

Henry Coran

Your Name (please print)

3901 San Jacinto #107

Your address(es) affected by this application

[Signature]

Date

7-5-11

Daytime Telephone: *512-567-6022*

Comments:

☐ I am in favor
☒ I object

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

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

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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: C14-04-0022.01

Contact: Clark Patterson, 512-974-7691

Public Hearing: July 12, 2011, Planning Commission

August 4, 2011, City Council

J. Bawling

Your Name (please print)

3502 TOM GREEN ST. 78765

Your address(es) affected by this application

[Signature]

Signature

07/05/11

Date

Daytime Telephone:

Comments: The proposed revisions seem too site-specific to support a neighborhood-wide change to our NCCD ordinance.

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810