

**Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 65
AGENDA DATE: Thu 01/13/2005
PAGE: 1 of 1**

SUBJECT: Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2307 (S. 23.3 Ft. of Lot 3 Olt. 37 Div. D Louis Horst Subdivision) and 2309 Rio Grande St. (Tract 80A) in the West University Neighborhood Planning Area. The proposed change will create a Neighborhood Plan (NP) combining district. Under the proposed West University NP, "Small Lot Amnesty", "Garage Placement", "Front Porch Setback", "Impervious Cover and Parking Placement Restrictions" and "Front or Side Yard Restrictions" may apply. The Neighborhood Mixed-Use Building special use is proposed for Tract 80A. City Council may approve a zoning change from General Office (GO) district zoning to Multi-family Residence - Moderate-High Density (MF-4) district zoning; Neighborhood Office (NO) district zoning; Limited Office (LO) district zoning; Neighborhood Commercial (LR) district zoning; Community Commercial (GR) district zoning; and Commercial Services (CS) district zoning. A Conditional Overlay (CO) combining district, Mixed Use (MU) combining district; or special use for a Neighborhood Plan (NP) combining district may also be added to these zoning base districts. First reading on June 10, 2004. Vote: 7-0. Second Reading on August 5, 2004. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Mark Walters, 974-7695, and Glenn Rhoades, 974-2775. Note: A petition has been filed in opposition to this zoning request.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Alice Glasco

BACKGROUND: The Planning Commission recommended approval of the Central Austin Combined Neighborhood Plan on May 25, 2004. The City Council approved the plan on third reading on August 26, 2004; however, this property was excluded for further consideration at a later time. On December 2, 2004, it was postponed to this date.

THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0021 (Part)

REQUEST:

Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2307 (S. 23.3 Ft. of Lot 3 Olt. 37 Div. D Louis Horst Subdivision) and 2309 Rio Grande Street (Tract 80A) in the West University Neighborhood Planning Area. The proposed change will create a Neighborhood Plan (NP) combining district. Under the proposed West University NP, "Small Lot Amnesty", "Garage Placement", "Front Porch Setback", "Impervious Cover and Parking Placement Restrictions" and "Front or Side Yard Restrictions" may apply. The Neighborhood Mixed-Use Building special use is proposed for Tract 80A. City Council may approve a zoning change from Multi-Family Residence - Moderate-High Density (MF-4) district zoning and General Office (GO) district zoning to Family Residence (SF-3) district zoning; Urban Family Residence (SF-5) district zoning; Townhouse & Condominium Residence (SF-6) district zoning; Multi-Family Residence - Limited Density (MF-1) district zoning; Multi-family Residence - Low Density (MF-2) district zoning; Multi-family Residence - Medium Density (MF-3) district zoning; Multi-family Residence - Moderate-High Density (MF-4) district zoning; Neighborhood Office (NO) district zoning; Limited Office (LO) district zoning; General Office (GO) district zoning; Neighborhood Commercial (LR) district zoning; Community Commercial (GR) district zoning; and General Commercial Services (CS) district zoning. A Conditional Overlay (CO) combining district, Mixed Use (MU) combining district; or special use for a Neighborhood Plan (NP) combining district may also be added to these zoning base districts. First reading on June 10, 2004. Vote: 7-0. Second Reading on August 5, 2004. Vote: 7-0. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Mark Walters, 974-7695, and Glenn Rhoades, 974-2775. Note: Valid petitions have been filed in opposition to this zoning request.

DEPARTMENT COMMENTS:

Tract 80A – Council approved general office-neighborhood plan (GO-NP) combining district zoning on second ordinance reading. The property owner is requesting general commercial services-neighborhood plan (CS-NP) combining district zoning, with the option to do mixed use building. Staff does not object to the applicant's request of CS-NP zoning

APPLICANT: City of Austin

AGENT: Neighborhood Planning and Zoning Department

CITY COUNCIL DATE AND ACTION:

June 10, 2004 – Approved on 1st Reading the Planning Commission Recommendation for each of the three neighborhood plan rezoning areas with condition to continue to find resolution to contested rezoning. (VOTE 7-0).

July 29, 2004 – Postponed to 8-12-04.

August 5, 2004 – Approved on 2nd Reading for each of the three neighborhood plan rezoning areas with conditions. (VOTE 7-0). *Schedule 3rd reading for 8-12-04.*

August 12, 2004 – Postponed at the request of Council to August 26 (VOTE 6-0, J. Goodman – off dais).

August 26, 2004 – Approved third reading of the North University NPCD and portions of the West University NPCD and Hancock NPCD. The contested properties will be brought back for final ordinance reading on September 2, 2004. (VOTE: 7-0).

September 2, 2004 – Approved third reading of portions of the West University NPCD and Hancock NPCD. The contested properties will be brought back for final ordinance reading on September 30, 2004 and October 7, 2004. (VOTE: 7-0).

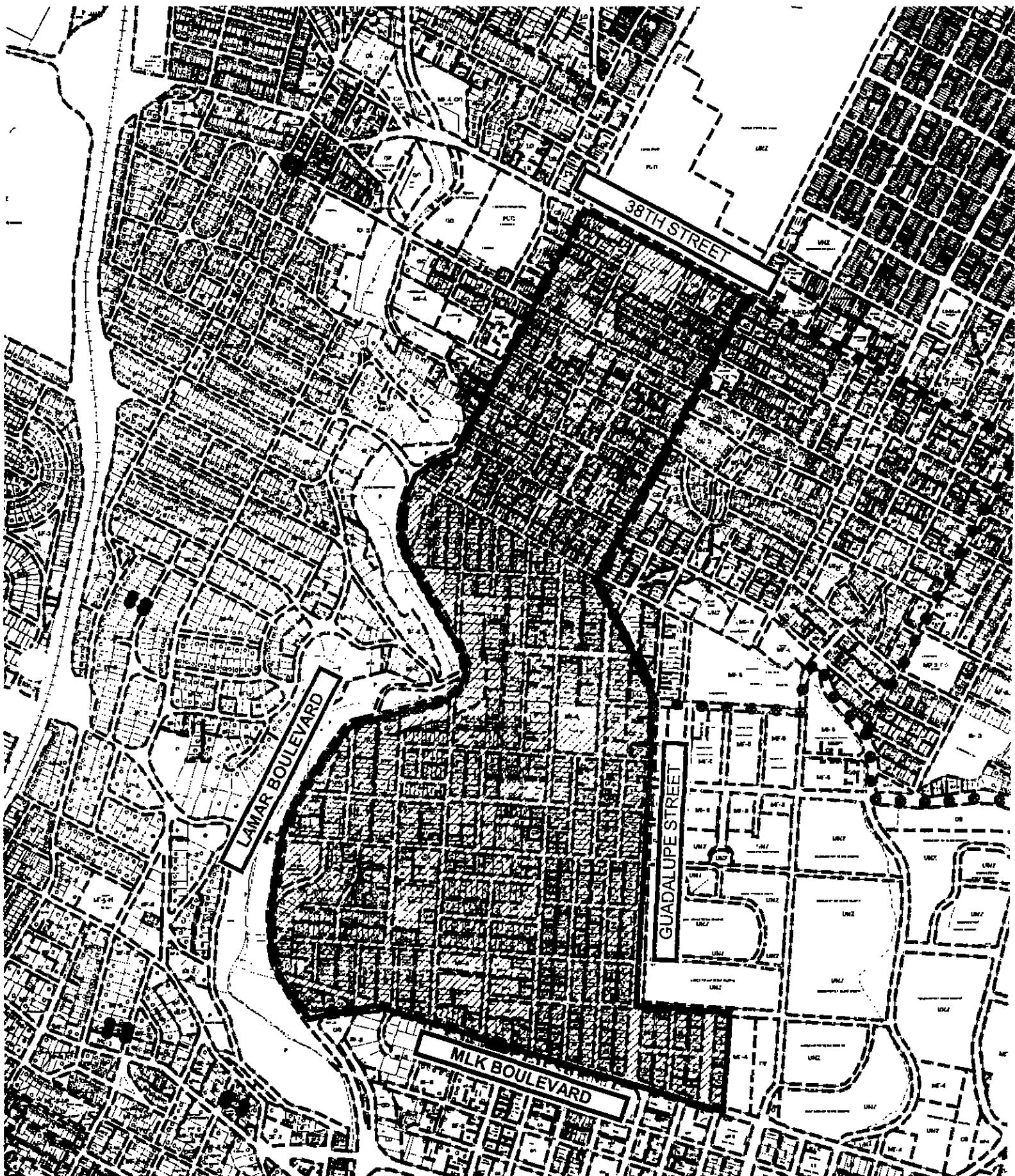
September 30, 2004 – Postponed action on tracts 34 and 35 to December 2, 2004 (Vote: 7-0).

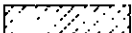


October 21, 2004 – Postponed action on item 80A to December 2, 2004 (Vote: 7-0).

December 2, 2004 – Postponed action on item 80A to January 13, 2005 (Vote: 7-0).

ASSIGNED STAFF: Glenn Rhoades

PHONE: 974-2775
glenn.rhoades@ci.austin.tx.us



SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: G. RHOADES

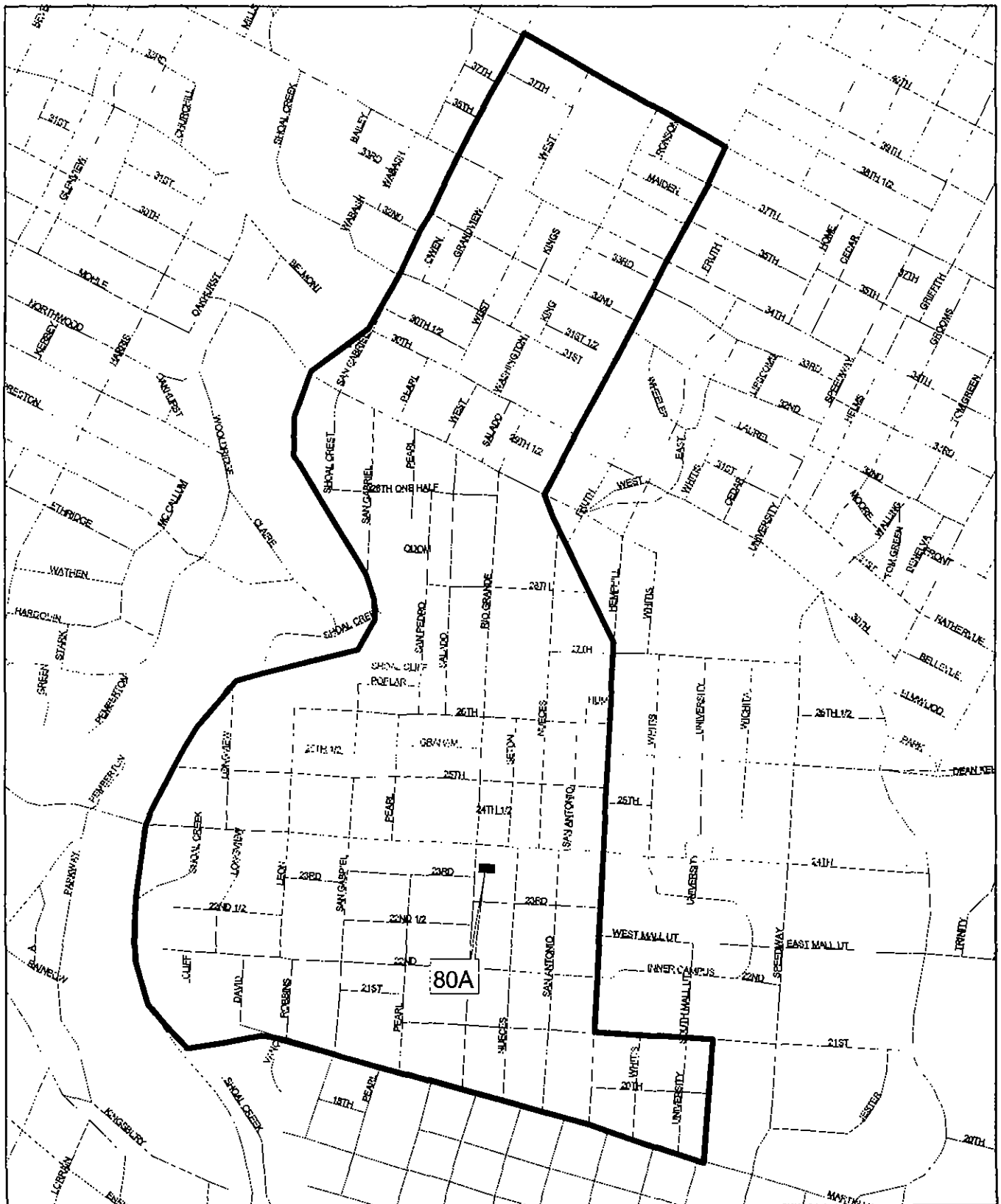
CASE #: C14-04-0021
 ADDRESS: WEST UNIVERSITY
 NEIGHBORHOOD PLANNING AREA
 SUBJECT AREA (acres): 454.740

ZONING

DATE: 04-03

INTLS: SN

CITY GRID
 REFERENCE
 NUMBER
 J23-25 H23-2
 4



West University Neighborhood Planning Area: Rezonings Approved on 3rd Reading 1-13-05

Case #C14-04-0021




City of Austin
Neighborhood Planning and Zoning Department



Legend

900 0 900 Feet

 Properties with proposed zoning changes

 Tract Number

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0021 – West University NPCD

P.C. DATE: April 13, 2004
April 27, 2004
May 25, 2004

C.C. DATE: May 6, 2004
June 10, 2004
July 29, 2004
August 5, 2004
August 12, 2004
August 26, 2004
September 2, 2004
September 30, 2004
October 7, 2004
October 21, 2004
October 28, 2004
December 2, 2004
January 13, 2005

APPLICANT: City of Austin, Neighborhood Planning and Zoning Department (NPZD),
Mark Walters, Thomas Bolt, Jackie Chuter, Laura Patlove

AGENT: City of Austin, Neighborhood Planning and Zoning Department (NPZD),
Glenn Rhoades

NEIGHBORHOOD ORGANIZATIONS:

#25 Eastwoods Association
#31 Hancock Neighborhood Association
#33 Heritage Neighborhood Association
#34 Hyde Park Neighborhood Association
#47 Beau Site Neighborhood
#48 North University Neighborhood Association
#58 Judges' Hill Neighborhood Association
#66 Rosedale Neighborhood Association
#69 University Area Partners
#88 West Austin Neighborhood Group
#113 Wilshire Wood – Dellwood I Neighborhood Association
#141 Cherrywood Neighborhood Association
#142 Five Rivers Neighborhood Association
#156 Brykerwoods Neighborhood Association
#159 North Capitol Area Neighborhood Association
#173 Old Enfield Homeowners Association
#259 Shoal Crest Neighborhood Association
#283 North Austin Neighborhood Alliance
#294 West University Neighborhood
#344 M.K. Hage
#402 Downtown Austin Neighborhood Association
#438 Downtown Austin Alliance
#493 Dellwood Neighborhood Association
#511 Austin Neighborhoods Council

#603 Mueller Neighborhoods Coalition
#609 EYE-H35/Airport Blvd. Neighborhood Association
#623 City of Austin Downtown Commission
#631 Alliance to Save Hyde Park
#644 Pemberton Heights Neighborhood Association
#682 Caswell Pease Neighborhood Association
#687 North Loop Neighborhood Association
#689 Upper Boggy Creek Neighborhood Planning Team
#698 West Campus Neighborhood Association
#700 Keep the Land
#937 Taking Action Inc.
#972 Poder people Organized in Defense of Earth and Her Resources
#981 Anberly Airport Association

AREA STUDY: Central Austin Combined Neighborhood Planning Area

TIA: Is not required

WATERSHEDS: Shoal Creek; Waller Creek;
Boggy Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

SCHOOLS:

Lee Elementary School

SUMMARY STAFF RECOMMENDATION:

The proposed zoning change creates a Neighborhood Plan Combining District (NPCD) covering the entire area. In addition to the NPCD, properties within the North University Planning area will also have a Neighborhood Conservation Combining District (NCCD).

PLANNING COMMISSION RECOMMENDATION:

April 27, 2004

MOTION: APPROVE STAFF RECOMMENDATION FOR THE NEIGHBORHOOD PLAN AND ZONING WITH ADDENDA PROVIDED TO THE PLANNING COMMISSION. FOR UNRESOLVED ZONING CASES ASK THAT STAFF CONTINUE TO INITIATE DISCUSSION BETWEEN THE VARIOUS PARTIES AND FIND APPROPRIATE COMPROMISES BEFORE COUNCIL. IF ZONING CASES ARE NOT RESOLVED CLEARLY INDICATE STAFF RECOMMENDATIONS OF THE OWNER OR NEIGHBORHOOD ASSOCIATIONS.

VOTE: 8-0 (MA-1st, DS-2nd, NS recused)

May 25, 2004

MOTION: STAFF RECOMMENDATION FOR WEST UNIVERSITY, EXCEPT RECOMMEND SF-4A for TRACT 133 AND 133A, AND INCLUDE 100 FEET OF NORTH PORTION OF TRACT 1013 (BEND AROUND SHOAL CREEK) WITH RECOMMENDATION OF LO-MU-CO-NP ON TRACT 44.

VOTE: 8-0 (MA-1st, DS-2nd; CG- ABSTAIN)

MOTION: APPROVE STAFF RECOMMENDATIONS FOR NORTH UNIVERSITY NEIGHBORHOOD PLAN, WITH RECOMMENDATION THAT FOR PROPERTIES THAT ARE STILL UNDER NEGOTIATION, EXISTING LEGAL USES SHOULD BE ALLOWED TO CONTINUE UNDER THE PROPOSED ZONING.

VOTE: 7-0 (MA-1st, DS-2nd; NS- RECUSE; CG-ABSTAIN)

CITY COUNCIL DATE: May 6, 2004, June 10, 2004, July 29, 2004, August 26, 2004

ACTION: May 6, 2004 - Postponed by staff, re-notified for June 10, 2004 hearing.

June 10, 2004 – C14-04-0021 - West University NPCD
C14-04-0022 - North University NCCD-NPCD
C14-04-0023 - Hancock NPCD

The public hearing was closed on Council Member McCracken's motion, Council Member Slusher's second on a 7-0 vote. The first reading of the ordinance approving Planning Commission's recommendation on all uncontested zoning tracts was approved on Mayor Pro Tem Goodman's motion, Mayor Wynn's second on a 7-0 vote. The first reading of the ordinance approving Planning Commission's recommendation on all contested zoning tracts was approved on Mayor Pro Tem Goodman's motion, Council Member Thomas' second on a 7-0 vote.

July 29, 2004 - C14-04-0021 - West University NPCD
C14-04-0022 - North University NCCD-NPCD
C14-04-0023 - Hancock NPCD

Second Reading on the North University NCCD was postponed to August 5, 2004 at staff's request on Council Member McCracken's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.

Second Reading on the Hancock & West University NPCDs was postponed to August 5, 2004 on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second, on a 7-0 vote.

Approved 2nd reading of the Central Austin Combined Neighborhood Plan on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second, on a 7-0 vote.

August 5, 2004 C14-04-0021 - West University NPCD
C14-04-0022 - North University NCCD-NPCD
C14-04-0023 - Hancock NPCD

Approved 2nd Reading of the zoning cases with changes. [Numerous motions.]

August 12, 2004 C14-04-0021 - West University NPCD

C14-04-0022 - North University NCCD-NPCD
C14-04-0023 - Hancock NPCD

Postponed to August 26, 2004 the third reading of the ordinance for the Central Austin Combined Planning Area and associated zonings in the West University, North University and Hancock Neighborhood Planning Areas on Council Member Dunkerly's motion, Mayor Wynn's second, on a vote of 6-0, with Mayor Pro Tem Goodman off the dais.

August 26, 2004 C14-04-0021 – West University NPCD
C14-04-0022 – North University NPCD
C14-04-0023 – Hancock NPCD

Approved the rezonings in the North University NPCD and portions of the West University NPCD and Hancock NPCD. The contested properties will be brought back for final reading on September 2, 2004. Vote: 7-0.

September 2, 2004 C14-04-0021
C14-04-0023

Approved portions of the West University NPCD and Hancock NPCD. The contested properties will be brought back for final reading on September 30, 2004. Vote: 7-0.

September 30, 2004 C14-04-0021

Approved portions of the West University NPCD and Hancock NPCD. The contested properties will be brought back for final reading on October 7, 2004. Vote: 7-0.

October 7, 2004 C14-04-0021

Approved portions of the West University NPCD and Hancock NPCD. The contested properties will be brought back for final reading on October 28, 2004. Vote: 7-0.

December 2, 2004 C14-04-0021

Approved portions of the West University NPCD and Hancock NPCD. The contested property will be brought back for final reading on January 13, 2005. Vote: 7-0.

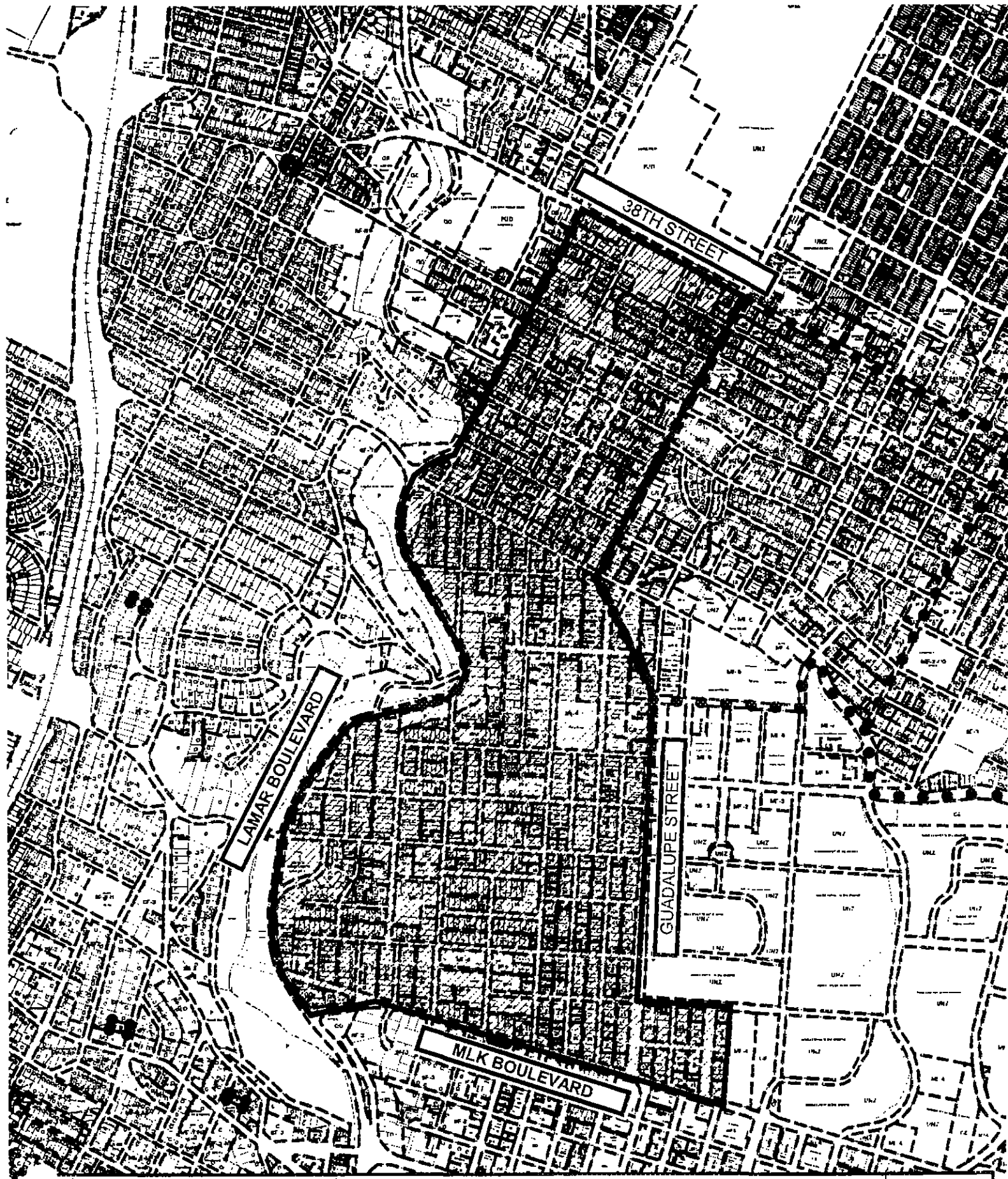
ORDINANCE READINGS: 1st June 10, 2004 2nd July 29, 2004, August 5, 2004 3rd

ORDINANCE NUMBER:

Central Austin Combined Neighborhood Plan
West University Neighborhood Planning Area
North University Planning Area
Hancock Planning Area

CASE MANAGER: Glenn Rhoades

PHONE: 974-2775



SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: G. RHOADES

CASE #: C14-04-0021
ADDRESS: WEST UNIVERSITY
NEIGHBORHOOD PLANNING AREA
SUBJECT AREA (ACRES): 454.740

ZONING

DATE: 04-03
INTLS: SN

CITY GRID
REFERENCE
NUMBER
123-25 H23-2
4

STAFF RECOMMENDATION

The proposed zoning change creates a Neighborhood Plan Combining District (NPCD) covering the entire area. Approximately 580 tracts are proposed for a base district rezoning, change in conditional overlay, or the addition of infill options. In addition to the NPCD, properties within the North University Planning area will also have a Neighborhood Conservation Combining District (NCCD). The NCCD contains approximately 250 tracts.

BACKGROUND

At the direction of the Austin City Council, Neighborhood Planning staff began working to develop a combined neighborhood plan for Central Austin in April 2002. The First Workshop was held on December 7th, 2002. Staff, residents, property owners, business owners, and representatives of area institutions have been attending meetings and developing the plan for 18 months.

The plan's goals, objectives, and action items were developed at numerous Central Austin Combined Neighborhood Planning meetings. The Neighborhood Plan will be considered concurrently with the subject rezoning case.

The proposed zoning change creates a Neighborhood Plan Combining District (NP) covering the entire area. The purpose of the NP is to allow infill development by implementing a neighborhood plan that has been adopted by Council as an amendment to the City's Comprehensive Plan. The NP may modify the base district of an individual parcel within the neighborhood to allow for the following special uses and design tools – Small Lot Amnesty; Mixed Use Building; Neighborhood Urban Center; Residential Infill; Cottage; Urban Home; Secondary Apartment; Parking Placement and Impervious Cover Restrictions; Garage Placement; and Front Porch Setback. The North University Planning area has proposed a Neighborhood Conservation Combining District to address the goals and objectives of the plan pertaining to the North University Planning Area. The ability to have mixed use within the planning area has been accommodated in the permitted land use charts contained in the proposed NCCD.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

The staff's basis for recommendation is derived from the goals and objectives for land use as described in the Crestview / Wooten Combined Neighborhood Plan:

Goals – Land Use

- Any new development or redevelopment should respect and complement the single-family character of the neighborhood.
- Preserve and enhance existing neighborhood-friendly businesses and encourage new neighborhood-friendly ones in appropriate locations.
- Enhance the safety and attractiveness of the neighborhoods.
- Maintain and enhance the single-family residential areas as well as existing community facilities and institutions in the Crestview and Wooten neighborhoods.
- Promote enhancement of major corridors by encouraging better quality development and redevelopment and discouraging strip development.

- Promote enhancement of major corridors by encouraging better quality and a mix of neighborhood serving development and redevelopment.
- Target and encourage redevelopment of dilapidated or vacant multifamily structures into quality multifamily.

Objectives – Land Use

- Rezone property as needed to ensure that new development is compatible with the desired residential character of the neighborhood.
- New single-family construction in residential areas should complement, reflect, and respect the vernacular building traditions of single-family houses in the area.
- Promote quality multi-family redevelopment that is compatible with single-family neighborhoods and preserves neighborhood ambiance
- Limit new commercial and multi-family spread into the single-family core of the neighborhoods by establishing a perimeter of apartments, offices and commercial uses.

EXISTING CONDITIONS

Zoning and Land Use

<u>Existing Land Use:</u>		<u>Existing Zoning:</u>	
Single Family	39.6 %	Single Family	43 %
Multi Family	24.5%	Multi-Family	28 %
Commercial	10.8%	Commercial	17.5%
Office	5 %	Office	8.8 %
Industrial	9 %	Industrial	0%
Civic	9.8 %	Public	1.6 %
Open Space	9.2 %	Mixed Use	.6%
Utilities	.1 %		
Undeveloped	1.1 %		

Impervious Cover

The maximum impervious cover limits for the proposed zoning districts are as follows:

LI, Limited Industrial Services	80 %
CS, Commercial Services	95 %
CS-1, Commercial – Liquor Sales	95 %
GR, Community Commercial	90 %
LR, Neighborhood Commercial	80 %
GO, General Office	80 %
LO, Limited Office	70 %
NO, Neighborhood Office	60 %
MF-3, Multi-family Residence (Medium Density)	65 %

MF-2, Multi-family Residence (Low Density)	60 %
SF-6, Townhouse & Condominium Residence	55 %
SF-3, Family Residence	45 %
SF-2, Single Family Residence	45 %
P, Public	varies (refer to Land Development Code)

The maximum amount of impervious cover is determined as the more restrictive figure of the zoning district and watershed class.

The Neighborhood Conservation Combining District (NCCD) has established varying impervious cover percentages based on the district in which the property is located. The proposed limits are established in the base zoning district site development regulations for each district contained in the attached NCCD.

Environmental

The neighborhood is not located over the Edwards Aquifer Recharge Zone. The neighborhood is located in the Shoal Creek and Waller Creek Watersheds of the Colorado River Basin, which are classified as Urban Watersheds by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone/ Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

The sites are 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.

According to flood plain maps, there is flood plain within the neighborhood area.

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.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Transportation

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Additional right-of-way (ROW) necessary for future roadway improvements within the proposed zoning may be required during the subdivision review process or the site plan review process.

Since the rezoning of this area is being initiated by the City of Austin through the neighborhood planning process and does not reflect a specific development proposal, no trip generation calculations are provided on a tract-by-tract basis for any proposed land uses as would typically be provided.

A Traffic Impact Analysis (TIA) will be required during the site plan review stage for any proposed land use that would generate over 2,000 vehicle trips per day. Additional ROW, participation in roadway improvements, and/or limitation on development intensity may also be recommended based on review of the TIA.

NAME	ROW	PAVEMENT	CLASSIFICATION	SIDEWALKS	CAPITAL METRO ROUTE	BICYCLE PLAN ROUTE
Guadalupe	90'	Varies	Arterial	Varies	N/A	N/A
MLK	80'	Varies	Arterial	Varies	N/A	N/A
Lamar Blvd.	80'	Varies	Arterial	Yes	N/A	N/A
24 th Street	60'	Varies	Arterial	Varies	#19	N/A
29 th Street	60'	Varies	Collector	No	N/A	#40
38 th Street	60'	Varies	Arterial	Varies	N/A	#36
Dean Keaton	Varies	60'	Arterial	Yes	#21, #22	#42
Duval	70'	44'	Collector	Varies	#7, #60	#49
IH-35	Varies	Varies	Arterial	No	#26, #38, #60	N/A
Red River	100'	60'	Arterial	Yes	#7	#51
41 st Street	Varies	Varies	Collector	Yes	N/A	#34
45 th Street	80'	50'	Arterial	Yes	#60	#32

TPSD Right-of-Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed rezoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The area is served with City water and wastewater utilities. If lot, or tract, or site require water or wastewater utility improvements, offsite main extension, or system upgrades, or utility relocation, or adjustment, the landowner will be responsible for all costs and providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City's utility design criteria. The construction must be inspected by the City.

Compatibility Standards

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

- 4. Zoning:** **C14-04-0021 - Central Austin Combined Neighborhood Plan (West University)**
- Location:** 38th Street to the north, Martin Luther King Jr. Blvd. To the south, Lamar Blvd. To the west and Guadalupe Street to the east, Central Austin Combined NPA
- Owner/Applicant:** City Of Austin-Neighborhood Planning and Zoning Department
- Agent:** City of Austin-Neighborhood Planning and Zoning Department
- Request:** Under the proposed West University NPCD, "Small Lot Amnesty" is proposed for the entire area. "Garage Placement," "Front Porch Setback," and "Impervious Cover and Parking Placement Restrictions" are proposed for the Heritage, Shoal Crest, and West University subdistricts. The Heritage subdistrict is bounded by Lamar Blvd. to the west, W. 38th St. to the north, Guadalupe St. to the east, and W. 29th St. to the south. The Shoal Crest subdistrict is bounded by Lamar Blvd. to the west, W. 29th St. to the north, Rio Grande St. to San Pedro St. to the east, and 28th St. to Poplar St. the south. The West University Neighborhood subdistrict is bounded by Lamar Blvd. to the west, W. 24th St. to the north, Leon St. and Robbins Pl. to the east, and MLK Jr. Blvd. to the south. The Neighborhood Mixed Use Building special use is proposed for Tracts 1-13, 15-16, 20, 20A, 22-27, 31-32, 40-42, 46-48, 58, 64-74, 77-97, 111-113, 115-125, 127-129, 138-143, 143C, 145-146, 148, 156-158, 166-167, 170, 172, 174, 176-180, 183, 192-196, 209-210, 213-214, 219-220, 225-226, 230, 235-239, 241, 243-256, 259-266.
- Staff Rec.:** **RECOMMENDED**
- Staff:** Tom Bolt and Glenn Rhoades, 974-2755 and 974-2775,
thomas.bolt@ci.austin.tx.us
Neighborhood Planning and Zoning Department

Tom Bolt presented the North University NPCD unresolved issues.

Commissioner Riley asked about the emails he received from people stating that the maps presented this evening are different from previous maps. Mr. Bolt stated that the maps change as issues are resolved. Mr. Bolt said there is a change that resulted in a change along 34th Street, but not aware of any other changes like that.

Mark Walters, NPZ staff, presented the West University NPCD. Commissioner Riley asked Mr. Walters to explain changes in the map. Mr. Walters said there was a change that the owner requested, but Mr. Walters is not aware of a change that the owner was not aware of.

PUBLIC HEARING

FOR

Jerry Roemisch, said that a group of 7 neighborhoods ironed out the differences among the neighborhoods, and created a unified planning effort and processes to help staff. The North

University NCCD provides flexibility to tighten and relax regulations. The result is that they were able to get agreement to preserve some areas, but also allowing new development.

Mark Burch, on behalf of Hancock Neighborhood Association, reiterated their strong support for the proposed neighborhood plans. He stated his appreciation for the staff's work. The complaints he has heard has been about the idea of planning.

Laurie Limbacher, with the Heritage Neighborhood Association, explained the extent of the participation and meetings held both before and during the neighborhood planning process. She explained that the neighborhood worked to understand the compatibility standards and have been working with affected property owners to resolve issues, and stand ready to continue to work with other property owners concerned about the rezonings.

Barbara Bridges said that she hopes the heights do not destroy the neighborhood. They do not want the density to scare away single-family owners. After a condominium project was built, several single-family owners left due to the noise and traffic. The problem with density squeezing out single-family historic properties.

Jim Damron said they he would like to see some changes that appear to be ironed out. He asked that the special mixed-use district on West 24th Street on Lamar Blvd. be deleted. They prefer to be surrounded by office instead of heavy duty dense multi-family. It is important that multi-family is not overlooking their homes. Secondly, they asked that the heights be reduced from 35 feet to 30 feet, which is what the existing properties are in height. For tract 44, the rear of the property has been SF-3. It is naturally suitable for something other than SF-3, but have encouraged light office with some minor mixed-use. They have reached an agreement with the adjacent property for higher density residential uses. For that tract, they would like to have LO-MU-CO. They also ask that one additional be use prohibited in their area from all commercial districts- private community recreational use, which would allow for a party barn, or club, which would be incompatible with the single-family residences.

He clarified for Commissioner Sullivan that the conditions imposed on tract 43, the tract next to tract 44, were to keep the buildings below the height of the cliff to keep the views of the single-family neighborhood.

George Adams, originally going to speak just about tract 133a, is now also speaking on behalf of Shoal Crest Neighborhood Association. In general, Shoal Crest is supportive of the neighborhood plan. On Tract 133a, the staff recommendation for tract 133a was to maintain the SF-3 zoning and to add the CO and the NP consistent with the rest of the neighborhood. Two property owners requested multi-family zoning on the two properties. The staff recommendation then had changed from SF-3 to MF-2. There had been no discussion about the change. Staff does not disagree with maintaining the SF-3. The single-family zoning supports the goals of the plan. Each single-family house that is lost in the area has a disproportionate impact on the area. The neighborhood is vulnerable. Another one of the neighborhood plan goals is to allow mixed-use development. They have allowed that along 29th street. In addition, the neighborhood is accepting secondary apartment as long as they are limited to 650sf. In summation, he asked the Commission to honor the process, principles of the plan and the original staff recommendation for tract 133A.

Mark Walters explained that the property owners of tract 133A approached the staff late in the process, and due to a previous notification error, decided to discuss the possibility with the owners. If an agreement cannot be made, then the original staff recommendation to maintain SF-3 and add the CO-NP will be preserved.

Commissioner Medlin asked if the other property owners of tract 133a requested the change to multi-family. Mr. Walters said they did not request a change, but there is public ROW that separates the tract so that is why there is a break between the single-family and the multi-family.

Commissioner Armstrong asked if there had been discussion of SF-5. Mr. Adams said that it was discussed, but the owner did not attend the meeting, so the neighborhood decided to vote to maintain the SF-3.

Cyndy Powell owns property at 2802 and 2804 San Pedro. The best use of their property is multi-family. The neighborhood is requesting SF-6 instead of MF-2. It is a 3 block street, there are three condominium projects and two fraternity houses, and there are seven apartment complexes. So, it does not have the feel of a neighborhood, and so they request that the zoning remain MF-2.

Commissioner Medlin asked about the size of the lots. Ms. Powell said that the properties are duplexes, with a rental unit in the back, in addition to a single-family house. The lots currently have SF-3 zoning and are approximately 100 feet wide total.

Steve Maida, owner of 3007-3011 Speedway (tract RDE 842, SJD 842), is contracting to develop that property and agrees with the proposed rezoning. The issues are now resolved.

Liana Tomchesson, vice president of Shoal Crest Neighborhood Association, said that for tract 133A, the neighborhood association met and decided to preserve the single-family neighborhood. San Pedro is no longer a street. There are three houses and the street is now a driveway. Shoal Crest is a very small neighborhood and they would like to maintain the single-family zoning. They changed a lot of zoning on West 29th Street to accommodate residential uses. The neighborhood was in consensus that they wanted to maintain single-family zoning.

Commissioner Sullivan asked Mr. Walters about the garage apartment. Mr. Walters said that the neighborhood has a problem with the 650sf, would be a sub-district. There is plenty of buildable area currently for constructing secondary apartments.

Commissioner Armstrong asked about higher density single-family residential. Ms. Tomchesson said that she would like to say they'd support it if the project was nice, but that does not necessarily happen, so they'd like to keep the SF-3. San Pedro is a very narrow street.

John Foxworth said that he would like SF-3 to remain on the properties 2800-2808 San Pedro and 2708, 2710-2712 San Pedro. He distributed plats of the lots on San Pedro Avenue. The one way street channels into an alley, which was illegally paved, and is now a little highway. The neighborhood is not opposed to secondary units, but they do recognize that there are slopes that will make it difficult to add a secondary unit.

Matildi Schade, has owned his property for about 10 years, and has been used as rooming house, as MF-3 and is surrounded by multi-family on all sides. He would like to see the MF-3 remain on 2800 San Pedro (tract 133).

Mark Walters explained that the neighborhood is opposed to MF zoning on tract 133, which includes 2710, 2712 and 2800 San Pedro.

Jon Atkins, owns a condo at 808 West 29th Street, and is against the proposal to allow more multi-family being built. He lives in Dallas, but he feels like that the more apartments are built, the rent will decrease for his condo. His property is on the corner of 29th and Pearl.

Mike Alexander would like to see the single-family maintained in the Shoal Crest neighborhood. The concern is that people will have a large apartment complex like existing ones. In the long term it is better to keep the properties at SF-3 and allow compatibility standards to kick in as sites with existing apartments are redeveloped.

FOR, DID NOT SPEAK

Alison Macor

Nikelle Meade

Wilson Nolle

Dudley Simmons

Karen McGraw

Nancy Iverson

Rick Iverson

Colleen Daly (donated time to Jerry Roemisch)

Matt Rowe

Jerry Buttrey

Stephen White

Mary Ingle

Barbara Buttrey

Muriel Wright

Pam Morris

Mary Gay Maxwell

Scott Morris

Jeff Webster

Mike McHone

Dana Twombly

Matildi Schade

Alfred Godfrey

Mikal Grimes

Jan Moyle

Mary Sanches

Kathleen Fish

Richard Hardin (donated time to Jerry Roemisch)

AGAINST

Clifford May, 3316 Guadalupe, member of Heritage Association, Tract 220 of the West University NPA. The various site development regulations and water quality requirements will severely limit redevelopment of the Guadalupe corridor, especially for Neighborhood Mixed-Use Buildings. The rezoning for tract 220 seems unlikely to ever be utilized. If you want to see mixed-use redevelopment, the plan must be re-worked with economic analysis. The Guadalupe Square Neighborhood Association does not support the plan because of the height limits from compatibility standards. The height should remain at 60 feet. The existing buildings would have to be re-developed on tract 220 because of the height limit. He explained that the CO would restrict the height to 40 feet. He said that he wanted to be put on record that the limitations imposed would not allow neighborhood mixed-use building. He requests that the 60 foot height limit be allowed.

Laurie Limbacher, with the Heritage Neighborhood Association, said that the neighborhood did meet with Mr. May and was surprised that he is here speaking because she was of the understanding that they had addressed his concerns. She explained that the parking requirements would make it difficult to reach the maximum permitted with the site development regulations. She said that the 40 feet height limit is a restriction already in place due to compatibility standards. She admits that the "devil" is not the plan, but the existing compatibility standards.

Commissioner Riley asked what would be the neighborhood's opinion of removing the conditional overlay for the property. Ms. Limbacher said that they want the zoning to reflect the reality of what can be built on the site. She explained that Mr. May is expressing a broader concern about being able to develop the Neighborhood Mixed-use building, not really opposed to the proposed rezoning (he will not file a petition against the zoning). She thinks the size of the lots limits what can be built.

At the request of Commissioner Moore, Ms. Limbacher explained that her vision of Guadalupe is to have three story buildings up close to the street with pedestrian-oriented uses along the street.

Mr. May added that for economic feasibility purposes, the change would be helpful (to remove the compatibility height limit by a waiver).

Jim Bennett, representing Gary Beal's properties at 3410-3412 Speedway (tract SD874), 1903, 1905, 1909 Robins Place (tract 33), tract 52 and tract 1019. His client is opposed to the rezonings and has signed a petition.

Karen McGraw, said that they did not hear from Mr. Beal. She said that 3410-3412 Speedway are the poster child of super-duplexes. Technically the duplexes are single-family uses, so the neighborhood was interested in rezoning the property to MF-1. Across the street, there is the Fruth House, which has several cottages located on the site. She said that the neighborhood wanted MF-1 on that site as well. For both properties the MF-1 will allow the current use.

Mary Sanches, lives on Cliff Street in the West University neighborhood for 30 years. Mr. Beal has built 12 bedroom duplexes and has destroyed. If he gets one more lot with the MF zoning, he will get the

Martha Morgan, has lived in the Heritage Neighborhood Association for 38 years. She is retired and relies on the rental income for her income. She is opposed to the conditional use for a blood plasma center behind her multi-family properties. Her tract, 234, is locked into a residential use, and it would be good for the neighborhood to keep the site residential, however it has to be a viable residential site. Allowing the commercial blood plasma center would not make the site a viable residential site. She has been in limbo about whether to sale or to put money into the property.

Ms. Limbacher said that they will work on that issue before Council.

Rick Iverson, with NUNA, said that currently commercial blood plasma centers are not allowed within 1 mile of another plasma center.

Ms. Morgan said that she does not know the distance between the existing blood plasma centers and the site she is concerned about.

Ron Thrower, representing Dr. Joe Neal, and tract 44. The neighborhood is looking for limited multi-family development on the site. Tract 1013 does afford the property safer access to tract 44. There are still continuing negotiations with the neighborhood, and if needed, the neighborhood has said that they will continue to negotiate up to third reading of Council if needed.

Commissioner Sullivan explained that the table of comments about unresolved issues does not include the issues that Ron Thrower brought up. Mr. Thrower and Mr. Walters explained that the discussions are on-going.

The neighborhood's concern is about the encroachment of commercial and multi-family onto Shoal Creek.

Barbara Bridges, said that the neighborhood does not want to give up the SF-3 zoning on the Isley School because they are single-family dwellings and back up to single-family dwellings.

Mike McHone, with University Area Partners, said that the Shoal Creek/Lamar intersection is very dangerous. With the traffic study, it suggested to make Shoal Creek a cul-de-sac, and not have it connect to Lamar Blvd. That would definitely demarcate the SF area and properties on Lamar Blvd. Commissioner Riley said that he heard that the Parks Board was opposed to the widening of the Lamar intersection.

Ron Thrower said that tract 35 Robins Place properties have had MF zoning since 1931, however the proposed conditional overlay would restrict the development more than the existing zoning. Currently the compatibility standards do allow for a public hearing process to gain additional height. There is no need to "double-up" on the regulations (having the compatibility standard restrictions incorporated into a conditional overlay).

Mary Sanches said that allowing the building to be built to 60 feet would be out of character for neighborhood.

Mike McHone, with University Area Partners, said that the area proposed an overlay to allow a variety of housing. They want to incorporate compatibility requirements into the zoning overlay so that the market is aware of the actual limitations on the site.

Commissioner Galindo asked if there are other properties that have had a 60 feet height limit and. Mr. Walters said the area between San and Robins Place are limited in height to 40 feet, so it is a strategy used throughout the neighborhood. Mr. Bennett's client also opposed to the strategy.

Royce Gouzly said he is opposed to the height limit of 40 feet too. He understands why they are proposing that, but thinks it could affect his property in 10-15 years.

Malcolm J. Fox, owner of property in tract APD 843, West 30th Street/Fruth Street, is not opposed to the plan in general. He does object to the down-zoning of his property which would make his existing uses non-complying. He does not understand why the other properties on Fruth are allowed to continue with the CS zoning, but his does not for tract APD 846. At the last meeting there was a motion to ask staff to initiate contact with owners to discuss issues before Council. He has had the CS zoning since 1969. He sees the CS-NCCD-NP as a compromise to keep the CS zoning.

Commissioner Sullivan asked what use would be illegal if down-zoned. Mr. Fox said that two-thirds of the site is used for storage.

Commissioner Armstrong asked about staff's comments about new uses being permitted in the CS zoning district. Mr. Bolt added that there are no Certificate of Occupancies for the existing uses.

Karen McGraw said that when the neighborhood surveyed the property, they saw a residential use. If it is a residential use, that is not permitted in CS zoning. She said that despite the zoning, all the properties would have the same land uses.

Mary Gay Maxwell said that the neighborhood is willing to meet with Mr. Fox.

Royce Gouzly said he owns the property at 3408 Speedway, next to the super duplexes. He rents his property to comply with federal affordable housing requirements. If his property is burned down, he could not rebuild his structure because of the compatibility standards that would kick in because of the duplex considered as a residential use. Mr. Tom Bolt said that as part of the NCCD, the compatibility requirements are proposed to be waived by staff to allow him to rebuild the structure.

AGAINST, DID NOT SPEAK
Edgar Morgan

REBUTTAL

None.

MOTION: CLOSE PUBLIC HEARING

VOTE: 9-0 (8-0 for North University) (DS-1st, MA-2nd; NS- recused herself for item 3 North University public hearing)

MOTION: STAFF RECOMMENDATION FOR WEST UNIVERSITY, EXCEPT RECOMMEND SF-4A for TRACT 133 AND 133A, AND INCLUDE 100 FEET OF NORTH PORTION OF TRACT 1013 (BEND AROUND SHOAL CREEK) WITH RECOMMENDATION OF LO-MU-CO-NP ON TRACT 44.

VOTE: 8-0 (MA-1st, DS-2nd; CG- ABSTAIN)

Commissioner Galindo said he is uncomfortable with the process. His objection is that each tract should be voted on independently, because he can't support all of them, but he can support some of them. So he cannot support nor vote against the motion, so he'll have to abstain. His concern is about the process that has occurred in the last 2-3 hours.

Commissioner Riley commented that on the issue raised for tract 220 and tract 35, where the compatibility standard height limits are incorporated into the zoning. He will side on the neighborhood, however he wants the neighborhood will be willing to evolve and consider the height issue on a case-by-case.

MOTION: APPROVE STAFF RECOMMENDATIONS FOR NORTH UNIVERSITY NEIGHBORHOOD PLAN, WITH RECOMMENDATION THAT FOR PROPERTIES THAT ARE STILL UNDER NEGOTIATION, EXISTING LEGAL USES SHOULD BE ALLOWED TO CONTINUE UNDER THE PROPOSED ZONING.

VOTE: 7-0 (MA-1st, DS-2nd; NS- RECUSE; CG-ABSTAIN)

Commissioner Armstrong said that she encourages the negotiations, but in general the staff recommendation is a good mid-point.

Commissioner Sullivan said that something that should be tacked on to each motion is the statement that existing legal uses be allowed to continue. Commissioner Armstrong accepted that amendment. Marty Terry sought clarification. Commissioner Armstrong said that the intention is to allow what was properly permitted. Marty Terry clarified that the motion covers 100% of all properties within the NPCD.

HARDIN INTERESTS

2209 RIO GRANDE
AUSTIN, TEXAS 78705-5129
September 27, 2004

TELEPHONE (512) 322-9292
TELEFAX (512) 322-9128

Honorable Mayor & City Council
C/O Mark Walters, Senior Planner
City of Austin
505 Barton Springs Rd.
Austin, TX 78704
Also by Fax: (512) 974-6054

Re: Zoning Case # C14-04-0021, 2307 Rio Grande Street, Austin, Texas ("Property")
Owner/Applicant: Somerset Partners Limited Partnership a Nevada limited partnership.

Honorable Mayor & City Council of Austin,

I represent Starlight L.P. owner of a property at 2209 Rio Grande Street, Austin Texas, (TCAD Parcel # 021201-0346). **Starlight L.P. is opposed to the current zoning request, including the granting of only a MU overlay for this Property.**

Under the existing UNO Ordinance, the Applicant can simply "opt-in" to UNO and thereby obtain many commercial uses as well as MU benefits, however they would be required to install a new sidewalk.

It appears that by this zoning request, the Applicant's single goal is to avoid replacing the sidewalk, like everyone else will be required to do. This will result in a missing link in the pedestrian sidewalk system precisely at the most densely developed heart of west campus.

UAP has offered to support MU overlay if this owner would agree in writing to install the West 23rd Street Sidewalk Plan, as other owners have done at 900 West 23rd Street, Villas of Guadalupe, the Intercooperative Council ("ICC") has done at the 2200 block of Pearl Street, and the Hillel Foundation is doing at West 22nd and San Antonio Street.

If Council chooses to affirm an MU overlay for this Property, at a minimum please require this Applicant to install the West 23rd Street Sidewalk Plan.

Sincerely,



Richard G. Hardin
President- Hardin Interests, Inc.
General Partner of Starlight L.P.
A Delaware Limited Partnership

HARDIN INTERESTS

2209 RIO GRANDE
AUSTIN, TEXAS 78705-5129

TELEPHONE (512) 322-9292
TELEFAX (512) 322-9128

September 27, 2004

Honorable Mayor & City Council
C/O Mark Walters, Senior Planner
City of Austin
505 Barton Springs Rd.
Austin, TX 78704
Also by Fax: (512) 974-6054

Re: **Letter of Opposition**
Zoning Case # C14-04-0021, 2309 Rio Grande Street, Austin, Texas ("Property")
Owner/Applicant: Michel Issa

Honorable Mayor & City Council of Austin,

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Sincerely,



Richard G. Hardin
President- Hardin Interests, Inc.
General Partner of Starlight L.P.
A Delaware Limited Partnership

Michael J. McGinnis
3407 Toro Canyon Rd.
Austin, Texas 78746
512-327-7664

September 29, 2004

Honorable Mayor & City Council
C/O Mark Walters, Senior Planner
505 Barton Springs Rd.
Austin, TX 78704
Also by Fax: (512) 974-6054

Re: **Letter of Opposition**
Zoning Case # C14-04-0021, 2309 Rio Grande Street, Austin, Texas ("Property")
Owner/Applicant: Michel Issa

Honorable Mayor & City Council of Austin,

I represent 600 J-V owners of a property at 2313 Rio Grande Street, Austin Texas (*TCAD Parcels # 021401-1510 & # 021401-1511*). **600 J-V is opposed to the current zoning request, including granting of only a MU overlay for this Property.**

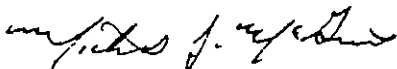
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Sincerely,



Michael J. McGinnis
for Local Family Limited Partnership as President of Its General Partner
Venturer- 600 J-V
A Texas Joint Venture

Michael J. McGinnis
3407 Toro Canyon Rd.
Austin, Texas 78746
512-327-7664

September 27, 2004

Honorable Mayor & City Council
C/O Mark Walters, Senior Planner City of Austin
505 Barton Springs Rd.
Austin, TX 78704
Also by Fax: (512) 974-6054

Re: **Letter of Opposition**
Zoning Case # C14-04-0021, 2307 Rio Grande Street, Austin, Texas ("Property")
Owner/Applicant: Somerset Partners Limited Partnership a Nevada limited
partnership

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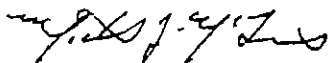
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Sincerely,



Michael J. McGinnis Attorney in fact and authorized agent
for Local Family Limited Partnership as President of its General Partner
Venturer- 600 J-V
A Texas Joint Venture

Michael J. McGinnis
3407 Toro Canyon Rd.
Austin, Texas 78746
512-327-7664

September 29, 2004

Honorable Mayor & City Council
C/O Mark Walters, Senior Planner
505 Barton Springs Rd.
Austin, TX 78704
Also by Fax: (512) 974-6054

Re: **Letter of Opposition**
Zoning Case # C14-04-0021, 2309 Rio Grande Street, Austin, Texas ("Property")
Owner/Applicant: Michel Issa

Honorable Mayor & City Council of Austin.

I represent Rio Grande del Rey L.P. owners of a property at 2305 Rio Grande Street, Austin, Texas (TCAD Parcel # 021401-1507). Rio Grande del Rey L.P. is opposed to the current zoning request, including the granting of only a MU overlay for this Property.

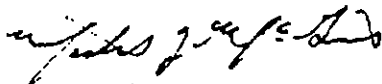
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If Council chooses to affirm an MU overlay for this Property, at a minimum please require this Applicant to install the West 23rd Street Sidewalk Plan.

Sincerely,



Michael J. McGinnis
Attorney in fact and authorized agent for
Rio Grande del Rey L.P.
A Texas Limited Partnership

Michael J. McGinnis
3407 Toro Canyon Rd.
Austin, Texas 78746
512-327-7664

September 29, 2004

Honorable Mayor & City Council
C/O Mark Walters, Senior Planner
505 Barton Springs Rd.
Austin, TX 78704
Also by Fax: (512) 974-6054

Re: Letter of Opposition
Zoning Case # C14-04-0021, 2307 Rio Grande Street, Austin, Texas ("Property")
Agent: Michel Issa / Ron Thrower
Owner/Applicant: Somerset Partners Limited Partnership a Nevada limited partnership

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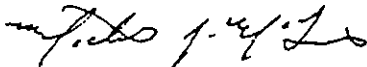
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If Council chooses to affirm an MU overlay for this Property, at a minimum please require this Applicant to install the West 23rd Street Sidewalk Plan.

Sincerely,



Michael J. McGinnis
Attorney in fact and authorized agent for
Rio Grande del Rey L.P.
A Texas Limited Partnership

FROM :

FAX NO. : 713-850-9099

Sep. 28 2004 09:48PM P3

Sent By: WUKASCH COMPANY;

5124727711;

sep-23-04 14:22;

Page 1/2

To: Wukasch Co. Hou

At: 1-713-850-9099

FROM :

FAX NO. : 713-850-9099

Sep. 02 2004 04:17PM P1

WUKASCH PROPERTIES, LTD., L.L.P.

AUSTIN
1810 GUADALUPE STREET
AUSTIN, TEXAS 78701-1217
TEL: (512) 472-4700
FAX: (512) 472-7711

CORRESPONDENCE
3808 DEL MONTE DRIVE
HOUSTON, TEXAS 77019-1002

HOUSTON
4844 POST OAK PLACE, SUITE 202
HOUSTON, TEXAS 77027-3419
TEL: (713) 850-1100
FAX: (713) 850-0099

September 2, 2004

TO: Austin City Council
and
Whom It May Concern

Wukasch Properties, Ltd., L.L.P., owner of the tract at 24th Street and Nueces (2306 Nueces), supports mixed used ("MU") designation being added to base zoning for the entire block encompassed by 23rd Street, Rio Grande, 24th Street and Nueces Street. This includes Tracts 80A, 80B, 81, and 2301 Rio Grande.

Thank you for your consideration and please feel free to contact me at (512) 479-8575.

Yours sincerely,

WUKASCH PROPERTIES, LTD., L.L.P.



Don C. Wukasch
General Partner

WUKASCH PROPERTIES, LTD., L.L.P.

AUSTIN
1810 GUADALUPE STREET
AUSTIN, TEXAS 78701-1217
TEL: (512) 472-4700
FAX: (512) 472-7711

CORRESPONDENCE
3960 DEL MONTE DRIVE
HOUSTON, TEXAS 77019-1002

HOUSTON
4544 POST OAK PLACE, SUITE 202
HOUSTON, TEXAS 77027-3419
TEL: (713) 850-1166
FAX: (713) 850-9099

September 27, 2004

TO: Whom It May Concern

RE: Wukasch Properties, Ltd., L.L.P. Letter dated September 2, 2004 to City of Austin and
To Whom It May Concern (attached hereto)

This letter is intended to clarify any misinterpretation of my attached letter dated September 2, 2004. The above captioned letter was not intended in any way to conflict with our position that we fully support the University Area Partners ("UAP") policy regarding neighborhood design guidelines as incorporated in the University Neighborhood Overlay ("UNO") passed by City Council on September 2, 2004, which I as an officer and director of UAP was proactive in developing and promulgating.

Our letter states "that we support(s) mixed use ("MU") designation being added to base zoning for the entire block encompassed by 23rd, Rio Grande, 24th Street and Nueces Street."

This letter in no way was intended to imply that we do not fully support the UNO West Campus Design Guidelines including streetscape provisions as incorporated in the UNO ordinance amending Chapter 25-2 of the Austin City Code, or that any addition or change to the base zoning be used to avoid implementing said streetscape improvements.

I apologize for any confusion which may have resulted from misinterpretation of my letter of September 2, 2004.

Yours sincerely,

WUKASCH PROPERTIES, LTD., L.L.P.



Don C. Wukasch
General Partner

Attachment: Letter of September 2, 2004 as referenced above

WUKASCH COMPANY

AUSTIN
1810 GUADALUPE STREET
AUSTIN, TEXAS 78701-1217
TEL: (512) 472-4700
FAX: (512) 472-7711

CORRESPONDENCE
3950 DEL MONTE DRIVE
HOUSTON, TEXAS 77019-1002

HOUSTON
4544 POST OAK PLACE, SUITE 202
HOUSTON, TEXAS 77027-3419
TEL: (713) 850-1166
FAX: (713) 850-9069

FAX: (512) 481-1002

TO: Mike McHone

FROM: DON WUKASCH

DATE: 9/30/04

RE: LMO ZONING

NO. OF PAGES (Including this Cover Sheet): 5

PLEASE CALL (713) 850-1166 IF THIS FAX IS NOT RECEIVED IN GOOD ORDER. THANK YOU.

Mike —

As we discussed, to preserve my relationships with Michelle Issitt and Richard Davis, I request that you not use these unless you do not have a valid 20% petition without Wukasch AFTER counting the Bolin/Phi Doff LAND.

Sincerely,
Don Wukasch



Individual Member

CERTIFIED COMMERCIAL INVESTMENT MEMBER

PETITION

C14-04-0021 ✓

Address of Zoning Change:
2307 & 2309 Rio Grande

To: Austin City Council

We the property owners of property affected by the requested zoning change described as
49 tract, in item number 85 of the City Council Agenda of September 30, 2004 do hereby protest
against any change of the Land Development Code which would allow zoning of the property to any classification
other than GO-NP.

Signature Printed Name Date Address of Property Owned

Don C. Kubasch 9/29/04 2306, 2308, 2310 NUBES Street.

GENERAL PARTNER

WUBASCH PROPERTIES, LTD

C14-04-0021VV

PETITION

Address of Zoning Change:
2307 & 2309 Rio Grande

To: Austin City Council

We the property owners of property affected by the requested zoning change described as
49 tract, in item number 85 of the City Council Agenda of September 30, 2004 do hereby protest
against any change of the Land Development Code which would allow zoning of the property to any classification
other than GO-NP, without owner's commitment to implement UNO Streetscape plan at time of ~~development~~
red development.

Signature Printed Name Date Address of Property Owned

Don C. Wukasz

9/29/04

2306, 2308, 2310 NUYES Street.

GENERAL PARTNER

WUKASCH PROPERTIES, Ltd

FROM :

SEP-28-04 TUE 11:09 AM BOLIN INC.

FAX NO. : 713-850-9099

FAX NO.

SEP. 28 2004 09:48PM PE
713 840 0016 K. 2

5005 Riverway # 240
Houston, Texas 77056

.....

The University of Texas Phi Endowment Fund

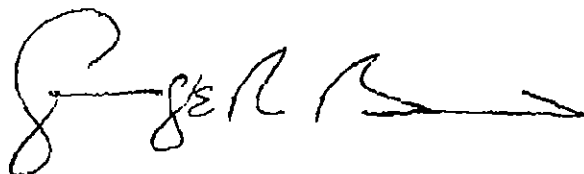
September 2, 2004

TO: Austin City Council
and
Whom It May Concern

The University of Texas Phi Endowment Fund, owner of the tract at 23rd Street and Nueces (2300 Nueces), supports mixed use ("MU") designation being added to base zonings for the entire block encompassed by 23rd Street, Rio Grande, 24th Street, and Nueces Street. This includes Tracts 80A, 80B, 81, and 2301 Rio Grande.

Thank you for your consideration and please feel free to contact me at 713-840-8300, or our attorneys Chris Bell or David Hartman at 512-225-5805.

Sincerely Yours,



The University of Texas Phi Endowment Fund,
George R. Bolin, President

.....

5005 Riverway # 240
Houston, Texas 77056

.....

The University of Texas Phi Endowment Fund

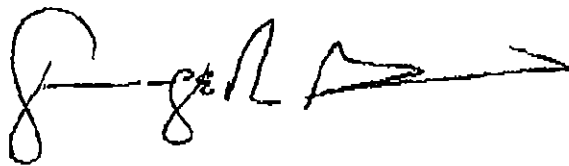
September 29, 2004

TO: Austin City Council

Dear City Council Members:

I, George R. Bolin, President of The University of Texas Phi Endowment Fund, which owns the tract at 2300, 2302 and 2304 Nueces, certify that I am authorized to sign the attached petition on behalf of the organization.

Sincerely,



The University of Texas Phi Endowment Fund
George R. Bolin, President

.....

[Click here and type slogan]

SIMMONS
VEDDER &
COMPANY

September 27, 2004

Honorable Mayor & City Council
C/O Mark Walters, Senior Planner
City of Austin
505 Barton Springs Rd.
Austin, TX 78704
Also by Fax: (512) 974-6054

Re: Zoning Case # C14-04-0021, 2307 Rio Grande Street, Austin, Texas ("Property")
Owner/Applicant: Somerset Partners Limited Partnership a Nevada limited
partnership.

Honorable Mayor & City Council of Austin,

I represent SV West Campus Limited Partnership owner of a property at 2209 Rio Grande Street, Austin Texas, (TCAD Parcel # 021201-0345). SV West Campus Limited Partnership is opposed to the current zoning request, including the granting of only a MU overlay for this Property.

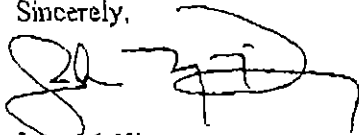
Under the existing UNO Ordinance, the Applicant can simply "opt-in" to UNO and thereby obtain many commercial uses as well as MU benefits, however they would be required to install a new sidewalk.

It appears that by this zoning request, the Applicant's single goal is to avoid replacing the sidewalk, like everyone else will be required to do. This will result in a missing link in the pedestrian sidewalk system precisely at the most densely developed heart of west campus.

UAP has offered to support MU overlay if this owner would agree in writing to install the West 23rd Street Sidewalk Plan, as other owners have done at 900 West 23rd Street, Villas of Guadalupe, the Intercooperative Council ("ICC") has done at the 2200 block of Pearl Street, and the Hillel Foundation is doing at West 22nd and San Antonio Street.

If Council chooses to affirm an MU overlay for this Property, at a minimum please require this Applicant to install the West 23rd Street Sidewalk Plan.

Sincerely,



John McKinnerney
Vice President

**SIMMONS
VEDDER &
COMPANY**

September 27, 2004

Honorable Mayor & City Council
C/O Mark Walters, Senior Planner
City of Austin
505 Barton Springs Rd.
Austin, TX 78704
Also by Fax: (512) 974-6054

Re: Letter of Opposition
Zoning Case # C14-04-0021, 2309 Rio Grande Street, Austin, Texas ("Property")
Owner/Applicant: Michel Issa

Honorable Mayor & City Council of Austin,

I represent SV West Campus Limited Partnership owners of a property at 2211 & 2215 Rio Grande Street, Austin, Texas, (TCAD Parcel # 021201-0345). **SV West Campus Limited Partnership is opposed to the current zoning request, including the granting of only a MU overlay for this Property.**

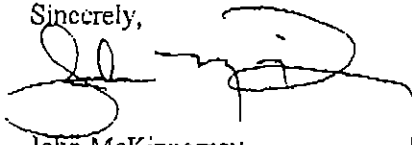
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If Council chooses to affirm an MU overlay for this Property, at a minimum please require this Applicant to install the West 23rd Street Sidewalk Plan.

Sincerely,



John McKinnerney
Vice President

221 West 6th Street
Suite Number 1900
Austin, Texas 78701
Phone: 512.499.0088
Fax: 512.499.0089

www.simmonsvedder.com