

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



**AGENDA ITEM NO.: 48**  
**AGENDA DATE: Thu 04/15/2004**  
**PAGE: 1 of 1**

**SUBJECT:** C14-03-0167 - Guadalupe Street Lofts - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4525 Guadalupe Street (Waller Creek Watershed) from general commercial services (CS) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. First reading on February 26, 2004. Vote: 6-0, D. Thomas - off dais. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Austin WFD Ltd. Agent: Codney Group Inc. (Mike Rhoades). City Staff: Glenn Rhoades, 974-2775.

<b>REQUESTING</b>	Neighborhood Planning	<b>DIRECTOR'S</b>
<b>DEPARTMENT:</b>	and Zoning	<b>AUTHORIZATION:</b> <u>Greg Guernsey</u>

-----

## **SECOND/THIRD READING SUMMARY SHEET**

**ZONING CASE NUMBER:** C14-03-0167

**REQUEST:**

Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code, zoning the property locally known as 4525 Guadalupe Street from general commercial (CS) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) district zoning. The conditional overlay will prohibit the following uses:

Automotive Rentals	Automotive Repair Services
Automotive Sales	Automotive Washing (of any type)
Commercial Off-Street Parking	Drop-Off Recycling
Exterminating Services	Funeral Services
Hotel-Motel	Off-Site Accessory Parking
Outdoor Sports and Recreation	Pawn Shop Services
Pet Services	

In addition, the applicant has agreed to limit the height of the building to 50 feet and limit vehicle trips to 2,000 per day.

As of April 8, 2004 the neighborhood has requested to prohibit several uses that were not approved on 1<sup>st</sup> ordinance reading. They are as follows:

Bed and Breakfast (Group 1 and 2)	Outdoor Entertainment
Plant Nursery	Custom Manufacturing
Urban Farm	Club or Lodge
College and University Facilities	Counseling Services
Guidance Services	Hospital (General)
Group Residential	

The applicant agrees with the request to prohibit the above uses, with the exception of outdoor entertainment.

**DEPARTMENT COMMENTS**

The subject tract is located in the Hyde Park Neighborhood planning area. However, in this section of the planning area, a zoning ordinance has not yet been completed. At this time, the Hyde Park Neighborhood Association (HPNA) is working towards submitting a Neighborhood Conservation Combining District (NCCD) to the City for review and approval. It has not yet been completed, and staff is reviewing this submittal as a regular zoning case. At this time the applicant is working with the HPNA on a private restrictive covenant. It has not yet been finalized.

**APPLICANT:** Austin WFD Ltd.

**AGENT:** Codney Group Inc. (Mike Rhodes)

**DATE OF FIRST READING/VOTE:**

First ordinance reading was approved on February 26, 2004 (Vote: 6-0, D. Thomas-off dais).

**CITY COUNCIL DATE:**

February 26, 2004 – Approved community commercial-conditional overlay (GR-CO) district zoning on first ordinance reading.





March 25, 2004 – Postponed at the request of the applicant to April 15, 2004 (Vote: 7-0).

**ASSIGNED STAFF:** Glenn Rhoades

**PHONE:** 974-2775

**E-MAIL:** glenn.rhoades@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT		<b>ZONING EXHIBIT A</b>		CITY GRID REFERENCE NUMBER  J26
	PENDING CASE				
	ZONING BOUNDARY		CASE #: C14-03-0167 ADDRESS: 4525 GUADALUPE ST SUBJECT AREA (acres): 0.360	DATE: 03-12 INTLS: SM	
	CASE MGR: G. RHOADES				

**Rhoades, Glenn**

---

**From:** Karen McGraw [mcgrawka@earthlink.net]  
**Sent:** Thursday, April 08, 2004 2:15 AM  
**To:** Glenn.Rhoades@ci.austin.tx.us  
**Cc:** Mike Rhodes  
**Subject:** 4525 Guadalupe

Glenn,

Sorry for taking so long. Just been swamped. Can we add the following?

Comments to Review Sheet for 4525 Guadalupe

1. Height will be limited to 50 ' *for a flat roof or 45' for any other roof design. Building is limited to 4 stories.*

2. Please add the following prohibited uses to your list:

*Auto Sales*

*Bed & Breakfast 1& 2*

*Outdoor entertainment*

*Plant nursery*

*Custom manufacturing*

*Urban Farm*

*Club or Lodge*

*College & University facilities*

*Counseling Services*

*Guidance Services*

*Hospital (General)*

*Group Residential*

4/8/2004

3. ***For any multi-family use, there shall be at least one parking space for each bedroom.*** Please note that this is more restrictive - not more permissive than the code.

4. ***A fence located in the front yard may not exceed a height of 4 feet.*** Please note that this is more restrictive - not more permissive than the code.

Driveway width - This is really important - did you ever see the 40' driveway at Walgreen's? What a disaster! We asked for max. of 18'. Can't we restrict to no more than 25'?

Thanks,

Karen

459-2261

4/8/2004

ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE  
2 PROPERTY LOCATED AT 4525 GUADALUPE STREET FROM GENERAL  
3 COMMERCIAL SERVICES (CS) DISTRICT TO COMMUNITY COMMERCIAL-  
4 MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO) COMBINING DISTRICT.

5  
6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

7  
8 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to  
9 change the base district from general commercial services (CS) district to community  
10 commercial-mixed use-conditional overlay (GR-MU-CO) combining district on the  
11 property described in Zoning Case No.C14-03-0167, on file at the Neighborhood Planning  
12 and Zoning Department, as follows:

13  
14 Lot 8, Block 1, Pipers Place Subdivision, a subdivision in the City of Austin,  
15 Travis County, Texas, according to the map or plat of record in Plat Book 39, Page  
16 46, of the Plat Records of Travis County, Texas, (the "Property")

17  
18 locally known as 4525 Guadalupe Street, in the City of Austin, Travis County, Texas, and  
19 generally identified in the map attached as Exhibit "A".

20  
21 **PART 2.** The Property within the boundaries of the conditional overlay combining district  
22 established by this ordinance is subject to the following conditions:

- 23  
24 1. A site plan or building permit for the Property may not be approved, released, or  
25 issued, if the completed development or uses of the Property, considered cumulatively  
26 with all existing or previously authorized development and uses, generate traffic that  
27 exceeds 2,000 trips per day.  
28  
29 2. The following uses are prohibited uses of the Property:

30  
31 Automotive rentals  
32 Automotive sales  
33 Commercial off-street parking  
34 Exterminating services  
35 Hotel-motel  
36 Outdoor sports and recreation  
37 Pet services

Automotive repair services  
Automotive washing (of any type)  
Drop-off recycling collection facility  
Funeral services  
Off-site accessory parking  
Pawn shop services

1 3. A building or structure constructed on the Property may not exceed a height of 50 feet  
2 from ground level.

3  
4 Except as specifically restricted under this ordinance, the Property may be developed and  
5 used in accordance with the regulations established for the community commercial (GR)  
6 base district and other applicable requirements of the City Code.

7  
8 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2004.

9  
10  
11 **PASSED AND APPROVED**

12  
13  
14  
15 \_\_\_\_\_, 2004

§  
§  
§

Will Wynn  
Mayor

16  
17  
18  
19  
20 **APPROVED:**

David Allan Smith  
City Attorney

**ATTEST:**

Shirley A. Brown  
City Clerk



## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-03-0167

**P.C. DATE:** December 23, 2003

January 13, 2004

January 27, 2004

**C.C. DATE:** February 26, 2004

March 25, 2004

April 15, 2004

**ADDRESS:** 4525 Guadalupe Street

**OWNER/APPLICANT:** Austin WFD Ltd.

**AGENT:** Codney Group Inc.  
(Mike Rhodes)

**ZONING FROM:** CS

**TO:** CS-MU-CO

**AREA:** .77 acres

Amended to GR-MU-CO  
by applicant.

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends the proposed change to GR-MU-CO, Community Commercial Services-Mixed Use-Conditional Overlay combining district zoning. The conditional overlay will limit vehicle trips to 2,000 per day in addition to the items listed below.

### **PLANNING COMMISSION RECOMMENDATION:**

December 23, 2003 – Postponed at the request of staff to January 13, 2004 (Vote: 5-0, D. Sullivan – absent, L. Ortiz – on leave).

January 13, 2004 – Postponed to January 17, 2004 at the request of the applicant (Vote: 5-0, C. Riley – absent, L. Ortiz – on leave).

January 27, 2004 – Approved GR-MU-CO by consent (Vote: 7-0). The conditional overlay will limit the property to the standards listed below.

### **ISSUES:**

The subject tract is located in the Hyde Park Neighborhood planning area. However, in this section of the planning area, a zoning ordinance has not yet been completed. At this time, the Hyde Park Neighborhood Association (HPNA) is working towards submitting a Neighborhood Conservation Combining District (NCCD) to the City for review and approval. It has not yet been completed, and staff is reviewing this submittal as a regular zoning case.

The applicant has amended the request to GR-MU-CO. In addition to the 2,000 trip limit, the applicant has agreed to the following uses:

1. Height will be limited to 50 feet.
2. The following uses shall be prohibited: automotive rentals, automotive repair services, automotive rentals, automotive washing (of any type), commercial off-street parking, drop-off recycling collection facility, exterminating services, funeral services, hotel-motel, off-site-

accessory parking, outdoor sports and recreation, pawn shop services, pet services, restaurant (drive-in, fast food), service station.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS	Vacant building
<i>North</i>	CS and MF-4	Apartments
<i>South</i>	GR-CO	Retail
<i>East</i>	GO MF-2	Office Apartments
<i>West</i>	Not Zoned	Hospital

**AREA STUDY:** Hyde Park Neighborhood Plan

**TIA:** N/A

**WATERSHED:** Waller Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

#034 – Hyde Park Neighborhood Association  
 #283 – North Austin Neighborhood Alliance  
 #511 – Austin Neighborhoods Council  
 #603 – Mueller Neighborhoods Coalition  
 #631 – Alliance to Save Hyde Park  
 #937 – Taking Action Inc.

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-97-0132	GO, MF-4 and CS to GR-CO	Approved GR-CO. The CO prohibits access to Ave. A, access to Guadalupe restricted to right in and right out and prohibits the following uses: Auto rental, auto repair, auto sales, auto washing, business or trade school, business support services, commercial off0street parking, communications services, drop-off recycling collection facilities, exterminating services, funeral services, general retail sales general, hotel-motel, indoor entertainment, indoor sports and recreation, outdoor entertainment, outdoor sports and recreation, pawn shop services,	

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	DAILY TRAFFIC
Guadalupe Street	Varies	Varies	Collector	N/A
Avenue A	50'	36'	Local	N/A

**CITY COUNCIL DATE:** February 26, 2004

**ACTION:** Approved the proposed change  
on 1<sup>st</sup> reading (Vote: 6-0, D.  
Thomas-off dais).

March 25, 2004

Postponed at the request of the  
applicant to 4/15/04 (Vote: 7-0).

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Glenn Rhoades

**PHONE:** 974-2775

## **STAFF RECOMMENDATION**

Staff recommends the proposed change to GR-MU-CO, Community Commercial Services-Mixed Use-Conditional Overlay combining district zoning. The conditional overlay will limit vehicle trips to 2,000 per day in addition to the items listed above.

## **BASIS FOR RECOMMENDATION**

The proposed change is in conformance with the Hyde Park Neighborhood Plan. The property is in the Guadalupe District of the Hyde Park Neighborhood Plan. The Plan encourages mixed uses and to maintain this corridor as a commercial area.

*The proposed zoning should be consistent with the neighborhood plan and the purpose statement of the district sought.*

GR – Community Commercial district zoning is intended for office or commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major traffic ways.

The applicant is requesting the change in order to develop the site with a mixed-use building. The owner intends to have ground level retail and multifamily above and to the rear on Avenue A. The request, as presented by the applicant, complies with the adopted neighborhood plan and meets the purpose statement set forth in the Land Development Code. The property is on the periphery of the Hyde Park neighborhood and will potentially serve the adjacent residents

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

GR-MU allows for the same multifamily density, and is subject to the same development standards as MF-4 district zoning. The proposed change would be compatible with the existing MF-4 to the north and other multifamily developments to the east.

In addition, the proposed change is a down zoning and the GR-MU being requested would be more compatible with the area than the existing CS zoning district

*The proposed zoning should allow for a reasonable use of the property.*

The GR-MU zoning district would allow for a fair and reasonable use of the site. GR-MU zoning is appropriate for this site because of the location of the property and the commercial character of the area.

*Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

CS zoning is generally reserved for property at the intersection of an arterial roadway and a collector. Since the property fronts a collector street, GR-MU would be a more appropriate zoning category.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently occupied with a vacant office building.

### **Transportation**

No additional right-of-way is needed at this time. Additional right-of-way may be required with the subdivision and/or site plan.

The trip generation under the requested zoning is estimated to be 3,378 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Capital Metro bus service is available along Guadalupe Street (Route #1)

Guadalupe is classified in the Bicycle Plan as a Priority 1 bike route.

There are existing sidewalks along Guadalupe Street and Avenue A.

### **Impervious Cover**

The maximum impervious cover allowed under GR zoning is 90%.

### **Environmental**

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. Impervious cover is not limited in this watershed class. 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.

According to flood plain maps, there is no flood plain within the project 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.

### **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 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.

### **Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. Water and wastewater utility improvements, offsite main extension and system upgrades are required. The landowner/developer will be responsible for all costs and providing.

The water and wastewater utility improvements,. Offsite main extensions and system upgrades must be in accordance with the City's utility design criteria. The utility plan must be reviewed and approved by the Austin Water Utility. The construction must be inspected by the City.

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.


### **Compatibility Standards**

The site is subject to compatibility standards due to the existing SF-3 zoned property within 540-feet of the site. The following regulations will apply:

- For a structure less than 300 feet from the SF-3 property line, a structure may attain a height of 40 feet plus one foot for each 10 feet if distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- For a structure more than 300 feet but not more than 540 feet from the property line, a structure may attain a height of 60 feet plus one foot for each four feet if distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

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



 1" = 400'	<b>SUBJECT TRACT</b> PENDING CASE ZONING BOUNDARY CASE MGR: G. RHOADES	<b>ZONING</b> CASE #: C14-03-0167 ADDRESS: 4525 GUADALUPE ST SUBJECT AREA (acres): 0.360	DATE: 03-12 INTLS: SM	<b>CITY GRID REFERENCE NUMBER</b> J26
---	---	---	--------------------------	--





### Speedway District



**Purpose:** To preserve the remaining single family homes in an appropriate context by permitting some redevelopment of multi-family projects that may offer a relaxing of some rules in exchange for putting back the traditional elements (primarily of the streetscape) that were lost when the apartments replaced homes. Additionally, to encourage owners of single family homes to roll back their base zoning to single family, to maintain the civic uses in a scale

and use compatible with the predominant residential character and to seek to reduce the amount of surface parking in this district.

**Zoning Code Revisions:** Roll back properties to the least-intensive zoning district that supports current use or a proposed less intense use. Offer some incentive for redevelopment as an encouragement for rollbacks.

Maintain traditional civic and commercial uses without encroaching on residential character and value, including the streetscape value. Modify site development rules to preserve and enhance traditional development patterns.

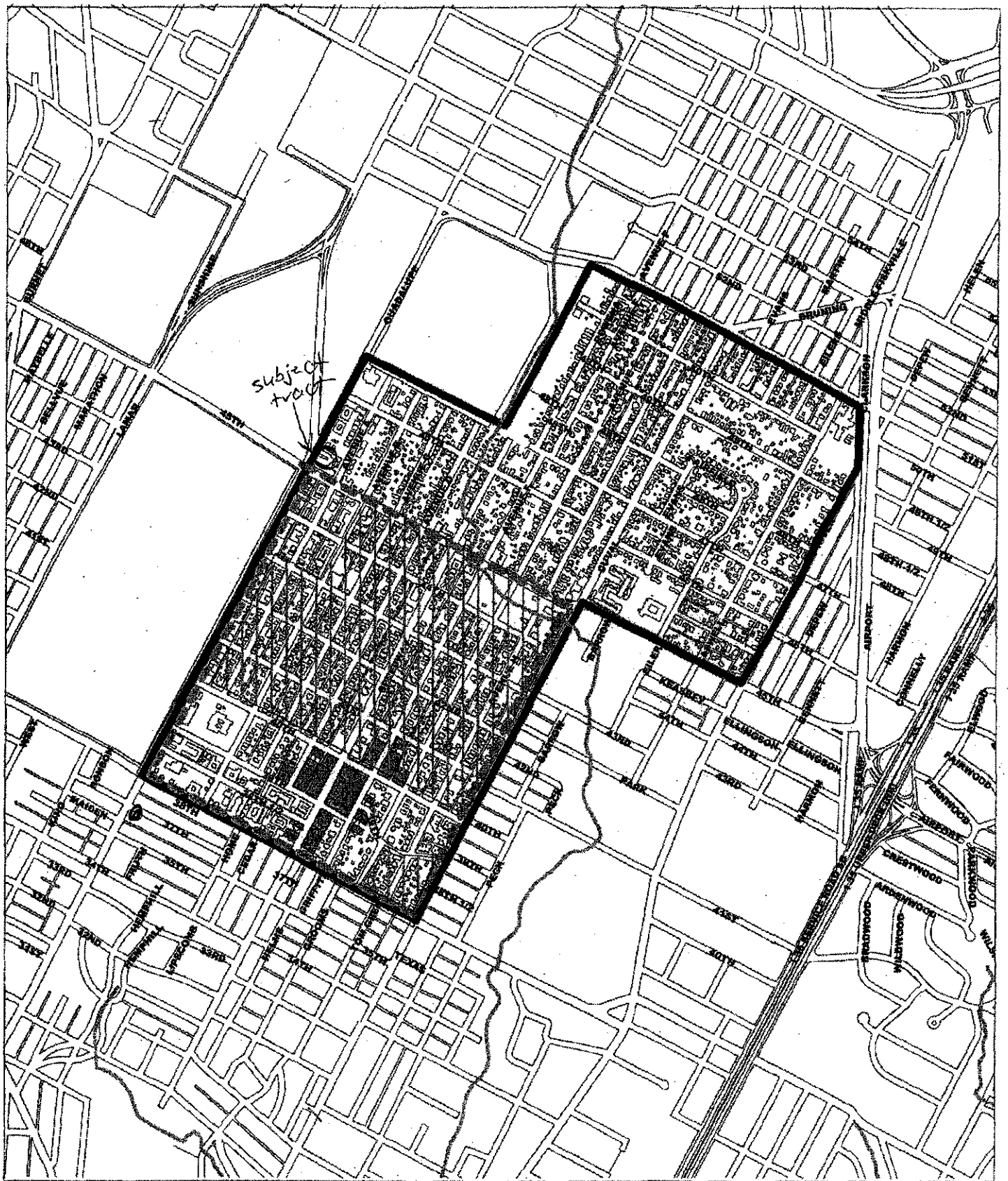
### Guadalupe District



**Purpose:** To maintain Hyde Park's traditional commercial district with the scale and uses compatible with adjacent single family district. Additionally, to encourage preservation of eligible historic buildings and to encourage appropriate mixed use.

**Zoning Code Revisions:** Modify site development rules to preserve and enhance traditional development patterns. Prohibit uses that are not appropriate in this district. Limit the size of some uses. Add a mixed use provision for residential on the second floor.

(At present, the Hyde Park Civic NCCD of 1990 lies within portions of the Residential, W. 38<sup>th</sup> and Speedway Districts)(See Map - pg.14)



## Hyde Park Neighborhood Planning Area

### Base Map



PECS  
Neighborhood Planning  
Plotted: April 1999



Hyde Park Historic  
District Boundary



Hyde Park Civic  
NCCD (Baptist Church)



Proposed Neighborhood  
Conservation Combining District



Hyde Park Neighborhood  
Planning Boundary



## **STAFF RECOMMENDATION**

Staff recommends the proposed change to GR-MU-CO, Community Commercial Services-Mixed Use-Conditional Overlay combining district zoning. The conditional overlay will limit vehicle trips to 2,000 per day in addition to the items listed above.

## **BASIS FOR RECOMMENDATION**

The proposed change is in conformance with the Hyde Park Neighborhood Plan. The property is in the Guadalupe District of the Hyde Park Neighborhood Plan. The Plan encourages mixed uses and to maintain this corridor as a commercial area.

*The proposed zoning should be consistent with the neighborhood plan and the purpose statement of the district sought.*

GR – Community Commercial district zoning is intended for office or commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major traffic ways.

The applicant is requesting the change in order to develop the site with a mixed-use building. The owner intends to have ground level retail and multifamily above and to the rear on Avenue A. The request, as presented by the applicant, complies with the adopted neighborhood plan and meets the purpose statement set forth in the Land Development Code. The property is on the periphery of the Hyde Park neighborhood and will potentially serve the adjacent residents

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

GR-MU allows for the same multifamily density, and is subject to the same development standards as MF-4 district zoning. The proposed change would be compatible with the existing MF-4 to the north and other multifamily developments to the east.

In addition, the proposed change is a down zoning and the GR-MU being requested would be more compatible with the area than the existing CS zoning district

*The proposed zoning should allow for a reasonable use of the property.*

The GR-MU zoning district would allow for a fair and reasonable use of the site. GR-MU zoning is appropriate for this site because of the location of the property and the commercial character of the area.

*Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.*

CS zoning is generally reserved for property at the intersection of an arterial roadway and a collector. Since the property fronts a collector street, GR-MU would be a more appropriate zoning category.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is currently occupied with a vacant office building.

### **Transportation**

No additional right-of-way is needed at this time. Additional right-of-way may be required with the subdivision and/or site plan.

The trip generation under the requested zoning is estimated to be 3,378 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Capital Metro bus service is available along Guadalupe Street (Route #1)

Guadalupe is classified in the Bicycle Plan as a Priority 1 bike route.

There are existing sidewalks along Guadalupe Street and Avenue A.

### **Impervious Cover**

The maximum impervious cover allowed under GR zoning is 90%.

### **Environmental**

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. Impervious cover is not limited in this watershed class. 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.

According to flood plain maps, there is no flood plain within the project 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.

### **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 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.

### **Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. Water and wastewater utility improvements, offsite main extension and system upgrades are required. The landowner/developer will be responsible for all costs and providing.

The water and wastewater utility improvements,. Offsite main extensions and system upgrades must be in accordance with the City's utility design criteria. The utility plan must be reviewed and approved by the Austin Water Utility. The construction must be inspected by the City.

### **Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

### **Compatibility Standards**

The site is subject to compatibility standards due to the existing SF-3 zoned property within 540-feet of the site. The following regulations will apply:

- For a structure less than 300 feet from the SF-3 property line, a structure may attain a height of 40 feet plus one foot for each 10 feet if distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- For a structure more than 300 feet but not more than 540 feet from the property line, a structure may attain a height of 60 feet plus one foot for each four feet if distance in excess of 300 feet from the property zoned SF-5 or more restrictive.

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

## NORTH HYDE PARK NCCD

From Neighborhood

## Neighborhood Conservation Combining District

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE TO ESTABLISH THE NORTH HYDE PARK NEIGHBORHOOD CONSERVATION COMBINING DISTRICT (NCCD) FOR THE PROPERTY WHOSE BOUNDARIES ARE 45<sup>TH</sup> STREET TO THE SOUTH, 51ST STREET TO THE NORTH, 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; AND DECLARING AN EMERGENCY.

## BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to establish the North Hyde Park neighborhood conservation combining district (NCCD) and to add a NCCD to each base zoning district within the property bounded by 45th Street to the south, 51st Street to the north, Guadalupe Street to the west, and Red River Street to the east, identified in the map attached as Exhibit "A" and to change the base zoning districts on 7 tracts of land within the NCCD.

**PART 2.** The base zoning of the 7 tracts shown in the chart below are changed from family residence (SF-5) district, limited office (LO), and general commercial services (CS) district, to single family residence neighborhood conservation combining district, (SF-3-NCCD), neighborhood office - neighborhood conservation combining district (NO-NCCD), Community Commercial - neighborhood conservation combining district (GR-NCCD) and multifamily residence medium density neighborhood conservation combining district, (MF-3-NCCD).

*Commercial*

*PARKING RATIOS. / FRONT PARKING / ACCESS IN/OUT FROM  
OFF SITE PARKING / THROUGH PARKING.  
HEIGHT-ELEV TOWER*

*GR MF DIST - MF-4 FAR*

*USES DON'T SAY MIX OK*

*EXPLAIN TABLE*

*SETBACK - POWER LINES. - ALL*

*ENT @ FRONT.*

MAP TRACT #	PROPERTY ADDRESS	FROM	TO
1	4812 Rowena	SF-5	SF-3-NCCD
2	5012 Duval	CS	MF-3-NCCD
3	4510 Duval	CS	MF-3-NCCD
4	4505 Duval	GR	MF-3-NCCD
5	4500 Avenue B	LO	NO-NCCD
6	4525 Guadalupe	CS	GR-NCCD
7	4539-4553 Guadalupe	CS	GR-NCCD

**PART 3. DEFINITIONS.** In this ordinance:

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

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

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

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

**DISTRICT** means the Residential District, Avenue A District, Guadalupe District, or Duval District.

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

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

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

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

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

1. The Residential District – includes all property not included in another district.

2. The Avenue A District – generally located one-half block on each side of Avenue A.
3. The Duval Commercial District –located at 4500 Duval Street and 5011 Duval Street.
4. The Guadalupe District – generally located from Guadalupe Street to one-half block east of Guadalupe Street from 45th Street to Intramural Field.

**PART 5. Permitted and Conditional Uses.**

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

Column A applies to property with commercial zoning in the Residential District.

Column B applies to property that has commercial zoning in the Duval District.

Columns C & D apply to property located that has commercial zoning in the Avenue A District.

<b>COLUMN</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>C</b>
base district designation	per NCCD	per NCCD	per NCCD	per code
<b>USES:</b>	<b>NO</b>	<b>CS</b>	<b>GR</b>	<b>GO</b>
	<b>4500 B</b>	<b>Duval</b>	<b>4500 A/UCU</b>	<b>4501 A/UCU</b>
Administrative and business offices	P	P	P	P
Art and craft studio (limited)	–	P	P	P
Art and craft studio (general)	–	P	P	–
Commercial off-street parking	–	C	C	–
Condominium Residential	–	–	–	–
Congregate living	C	–	C	C
Consumer convenience services	–	P	P	–
Consumer repair services	–	P	P	–
Cultural services	–	P	P	P
Custom manufacturing	–	C	–	–
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
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	-
Off-site accessory parking	--	C	C	--
Personal improvement services	--	P	P	-
Private primary educational facilities	P	P	P	P
Private secondary educational facilities	P	P	P	P
Public primary educational facilities	P	P	P	-
Public secondary educational facilities	P	P	P	-
Professional office	P	P	P	P
Religious assembly	P	P	P	P
Restaurant (drive-in, fast food)	--	--	--	--
Restaurant (limited)	--	P	P	-
Restaurant (general)	--	P	P	-
Service Station	--	C	--	--
Single-family residential	P	P	P	-
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	-

2. The section applies to the uses established in Section 1 of this part.
  - a. The maximum size of a day care services (commercial) use permitted under Column A is 2500 square feet, under Column B is 5000 square feet, and under Column C and Column D is 5000 square feet.
  - b. A financial service use or food sales use permitted under Column D may not include a drive-in service.
  - c. The maximum size of a private primary educational facilities use permitted under Column A is 2500 square feet, under Column B is 5000, and under Column C is 5000 square feet.
  - d. 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.
  - e. The maximum size of a restaurant (limited) and restaurant (general) use permitted under Column B or C is 2500 square feet.
  - f. The maximum size of a theater use established under Column B or Column C is 5000 square feet.
  - g. The maximum size of a cultural services use n Column D is limited to 5,000 SF.
4. The following uses are permitted on property located in the Guadalupe District.
  - a. Permitted uses.

Administrative and business offices	Art and craft studio (limited)
Art and craft studio (general)	Business support services
Business or trade school	Community recreation (public)
Communication service facilities	Congregate living
Community recreation (private)	Consumer repair services
Consumer convenience services	Day care services (commercial)
Cultural services	Day care services (limited)
Day care services (general)	Financial services
Family home	General retail sales (convenience)
Food sales	Group home class I (general)
General retail sales (general)	Group home class II
Group home class I (limited)	Indoor entertainment
Hospital services (limited)	Local utility services
Indoor sports and recreation	Multifamily residential
Medical offices	Personal services
Personal improvement services	

Private primary educational facilities  
Public primary educational facilities  
Professional office  
Research services  
Restaurant (limited)  
Safety services  
Software development  
Single-family residential  
Two-family residential

Private secondary educational facilities  
Public secondary educational facilities  
Religious assembly  
Residential treatment  
Restaurant (general)  
Plant nursery  
Theater (not to exceed 5000 s.f.)  
Duplex residential

- b. A telecommunications tower use is a permitted or conditional use as determined by Section 25-2-839 of the City Code.
- c. A residential use may not be located in the front 70 percent of the ground floor of a building located on the Western half of the Walgreen's Tract – 4501 Guadalupe.
- d. A drive-in restaurant service is prohibited

**PART 6. GENERAL PROVISIONS** - The following provisions apply to all property within the NCCD.

#### 1. FRONT OF BUILDING AND LOT

Except as otherwise provided, a building shall front

- a. on a north-south street.
- b. A building located on a lot that only has frontage on a numbered street or east-west street may front on the numbered street or east-west street.
- c. A building shall front on the short side of the lot or
- d. where lots have been combined, on the side where the original short ends of the lots fronted.

The street on which a building fronts under this section is the front of the property on which the building is located for purposes of this ordinance.

#### 2. STREET YARD SETBACKS

- a. **AVERAGED FRONT SETBACK** The front setback shall not be more than 5' different from the average of the front yard setbacks of the principal single family buildings on the same side of the street on a block. If more than one principal building is located on a property, then the setback of the building closest to the prevailing setback line is used in the calculation.

- b. **AVERAGED SIDE STREET YARD SETBACK** - 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 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.
  - c. **STANDARD STREET YARD SETBACKS** - If there are no primary buildings on the same side of the block to establish an average setback, then street yard setbacks are per the attached map. (see EXHIBIT C.)
  - d. Notwithstanding any other provision in this section, a street yard setback may not be less than five feet.
3. Except as otherwise provided in this section, the maximum gross floor area of the rear dwelling unit of a two-family residential use is 850 square feet. On a corner lot, the rear dwelling unit may exceed 850 square feet if the following conditions and other applicable site development regulations are satisfied:
- a. living space is provided on the ground floor;
  - b. one unit has frontage on an north-south street; and
  - c. one unit has frontage on a numbered street.
4. Accessory buildings may not exceed 10 percent of the site area.
5. A fence located in a front yard may not exceed a height of four feet and shall have a ratio of open space to solid material of not less than 1 to 1.5.
6. This section applies to a fence located in a street side yard that faces an avenue and is greater than four feet in height. The portion of a fence that is greater than four feet shall have a ratio of open space to solid material of not less than 1 to 1.5.
7. A fence located along an alley shall have an inset to accommodate a trash receptacle. The inset shall be a minimum 18 square feet.
8. A driveway that provides access to four or fewer required parking spaces may be designed with gravel surfacing or using driveway runners. Design and construction must be approved by the Director of the Watershed Protection and Development Review Department. A driveway apron shall comply with City of Austin specifications.
9. A required or excess parking space may not be located in a street yard.

10. Except as otherwise provided in this section, the entrance of a building in which a principal use is located shall be located on the front of a building.
11. If a parking facility is located on the ground floor of a building, pedestrian-oriented uses must be located at the front of the building.
12. Except for a single-family, duplex, or two-family residential use, excess parking is prohibited.
13. This section applies to a multifamily use.
  - a. A maximum of one sign is permitted on a building.
  - b. The size of a sign may not exceed one foot in height and eight feet in length.
  - c. Internal lighting of a sign is prohibited except for the internal lighting of individual letters.
  - d. Free-standing signs are prohibited.
14. Alley access to a lot is permitted if the access complies with applicable City regulations.
15. This section applies to construction of a single family, duplex or two-family residential use on property that is located in a townhouse and condominium residence (SF-6) district or less restrictive zoning district. Except as otherwise provided in this section, construction must comply with the regulations for the family residence (SF-3) district. Construction may comply with the regulations of the district in which the use is located if construction complies with the compatibility standards of the City Code.
16. Except as otherwise provided in this section, the following provisions apply in all Districts except the Guadalupe District.
  - a. A circular driveway is not permitted.
  - b. Except as otherwise provided in the section, access to a site is limited to one curb cut. Except in the Residential District, a site that has 100 feet of frontage or more may have two curb cuts. In the Residential District, a site may have two curb cuts if the site has 100 feet of frontage or more and has two dwelling units.
  - c. The width of a driveway:
    - 1) for a residential use, may not exceed 12 feet from the driveway apron to the building setback line and 24 feet from the building setback line to a parking area;

- 2) for a commercial, civic, multifamily residential, or condominium residential use, may not exceed 25 feet.
- d. For an existing single-family, duplex, or two-family residential use:
  - 1) compliance with current City parking regulations is required if:
    - a) 200 square feet or more are added to a building floor area;
    - b) the principal use changes; or
    - c) a full bathroom is added to a dwelling unit that has three or more bathrooms; and
  - 2) a person may not reduce the parking spaces to a number less than the number of spaces prescribed in the City Code.
- e. The following provision applies to parking required under Subsection d.
  - 1) Tandem parking:
    - a) for a single-family or duplex residential use, is permitted; and
    - b) for a multi-family use, is permitted if both spaces are assigned to the same unit.
  - 2) Two parking spaces per dwelling unit are required in the Residential District
- f. For a Multi-family use, one parking space is required for each bedroom.

**PART 7. RESIDENTIAL DISTRICT.** (pending)

**PART 8. AVENUE A DISTRICT.** The following provisions apply in the Speedway District.

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

Avenue A DISTRICT						
	Site Developme nt 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%	50%	55%	60%	60%	60%
Maximum impervious cover	45%	60%	65%	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 setback	10	10	10	10	10	10
*Property on the east side of Avenue A - height limit 30' 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 W. 45<sup>th</sup> St. and W. 46<sup>th</sup> St.. Except as otherwise provided in this part, the minimum street yard setback is 15 feet.
4. A duplex or two-family residential use is permitted on a lot that is 6000 square feet or larger.
5. Except as provided in Section 10 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 the 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 Sections 14 and 15 in this part, for an accessory building, the minimum setback from:
  - a. a property line facing Avenue A is 60 feet;
  - 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. Except as otherwise provided in Section 13, 14, and 15 of this part, the minimum setback from a rear property line for an accessory building for a single family development that is not more than 30 feet in height is five feet.
9. 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.
10. A non-complying accessory building may be reconstructed at its existing location for a single-family development, but may not be less than three feet from the rear and interior and street side property lines.
11. An attached garage shall be a minimum of 60 feet from a property line facing Ave. A.
12. 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.
13. Driveway runners and gravel surfacing driveways are permitted to access up to 4 parking spaces. Design and construction must be approved by the Director of the Watershed Protection and Development Review Department.

#### **PART 9. DUVAL DISTRICT (pending)**

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

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

GUADALUPE DISTRICT	
	SITE DEVELOPMENT STANDARDS GO / GR



Minimum lot size	5750
Minimum lot width	50
Maximum FAR	1 to 1
Maximum building coverage	60% / 75%
Maximum impervious cover	80% / 90%
Minimum interior side yard setback	0
Minimum rear setback	0

2. On Guadalupe Street:
  - a. the minimum street yard setback is 5 feet; and
  - b. the maximum street yard setback is 10 feet.
3. On a street other than Guadalupe Street, the minimum street yard setback is ten feet. The maximum street yard setback is 15'.
4. The maximum height:
  - a. on property north of 45<sup>th</sup> Street is 45 feet; and
5. A parapet wall may exceed the height established in this part by 10 percent.
6. For a Commercial Use: A sidewalk sign is permitted. Section 25-10-153 (*Sidewalk Sign in Downtown Sign District*) applies to a sidewalk sign. A projecting sign is permitted. Section 25-10-129 (*Downtown Sign District Regulations*) applies to a projecting sign. Other freestanding signs are not permitted.

Ex. B

THE STATE OF TEXAS }

**RESTRICTIVE COVENANT AGREEMENT**

COUNTY OF TRAVIS }

WHEREAS, Condev Group, Inc., a Texas Corporation, whose mailing address is PO Box 70161, Houston, TX 77270, is the owner of the following property, to wit:

Lot Eight (8), Piper's Place Subdivision, an Addition in the City of Austin, Travis County, Texas, according to the map or plat thereof, recorded in Volume 39 at Page 46 of the Plat Records of Travis County; and

WHEREAS, the City of Austin and Condev Group, Inc. have agreed that the above described property should be impressed with certain covenants and restrictions running with the land and desire to set forth such agreement in writing;

NOW, THEREFORE, Condev Group, Inc. and the City of Austin, for good and valuable consideration, including the recitals set forth herein, the receipt and sufficiency of which consideration is hereby acknowledged, do hereby agree with the respect to said property described above, such agreement to be deemed and considered a covenant running with the land, and which shall be binding on it, its successors and assigns, as follows, to wit:

1. The minimum setback shall be five (5) feet from the Guadalupe Street property line.
2. The maximum setback shall be ten (10) feet from the Guadalupe Street property line.
3. The maximum height of any building constructed on the Easterly one hundred twenty (120) feet of the property shall be thirty (30) feet. Otherwise, the maximum height of any building shall be fifty (50) feet. Parapet(s) may exceed the maximum heights by ten (10) percent, provided that there are no living uses above the maximum height requirements.
4. If a parking facility is located on the ground floor of a building fronting on Guadalupe, there shall be pedestrian or residential uses on the Guadalupe Side of the ground floor.
5. For a multifamily or condominium use, there shall be one parking space provided for each bedroom.

6. Any commercial use shall provide one parking space for every two hundred seventy-five (275) square feet of conditioned space, provided that any exterior space does not exceed the conditioned space by fifty (50) percent.

7. If any part or provision of this agreement or covenant herein contained shall be declared invalid by judgment, court order, administrative ruling, or legislative action, the same shall in no wise affect any of the other provisions of this agreement, and such remaining portions of this agreement shall remain in full force and effect.

8. The failure at any time to enforce this agreement by the City of Austin, its successors or assigns, whether any violations hereof are known or not, shall not constitute a waiver or estoppel of the right to do so.

9. This agreement may be modified, amended or terminated only in writing by joint action of both (a) a majority vote of the members of the City Council of the City of Austin, or or such other governing body as may succeed the City Council of the City of Austin, and (b) by the owners of the above described property at the time of such modification, amendment or termination.

WITNESS MY HAND this \_\_\_\_\_ day of December 2003.

Condev Group, Inc.

---

By: Michael Rhodes  
Its: President

THE STATE OF TEXAS }

COUNTY OF HARRIS }

BEFORE ME, the undersigned authority, on this day personally appeared Michael Rhodes, President of Condev Group, Inc., a Texas Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purposes and consideration therein expressed, on behalf of said corporation.

Given under my hand and seal of office on this the \_\_\_\_ day of \_\_\_\_\_ 2004.

\_\_\_\_\_  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:  
Michael Rhodes  
PO Box 70161  
Houston, TX 77270