

A U S T I N C I T Y C O U N C I L
AGENDA

Thursday, July 27, 2006

[Back](#) [Print](#)**Zoning and Neighborhood Plan Amendments
(Public Hearings and Possible Action)
RECOMMENDATION FOR COUNCIL ACTION****ITEM No. 125**

Subject: C14-05-0013 - 1203 Baylor - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1203 Baylor Street (Shoal Creek Watershed) from multi-family residence-moderate high density-neighborhood plan (MF-4-NP) combining district zoning to limited office-neighborhood plan (LO-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning. Applicant and Agent: Tanisa Bernard. City Staff: Jorge E. Rousselin, 974-2975.

**Additional Backup
Material**

(click to open)

[Staff Report](#)**For More Information:** Jorge E. Rousselin, 974-2975.

ZONING REVIEW SHEET**CASE:** C14-05-0013**P. C. DATE:** October 11, 2005
December 13, 2005
May 23, 2006
June 27, 2006**ADDRESS:** 1203 Baylor Street**OWNER / AGENT:** Tenisa Bernard**REZONING FROM:**

MF-4-NP (Multi-family residence – moderate high density – neighborhood plan)

TO: LO-NP (Limited office-neighborhood plan)**AREA:** 0.060 Acres (2,613.6 square feet)**SUMMARY PLANNING COMMISSION RECOMMENDATION:***June 27, 2006:****RECOMMENDED NO-MU-NP.******[M.DEALEY; P.CAVAZOS, 2ND] (9-0)*****SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of LO-MU-NP (Limited office – mixed use— neighborhood plan) combining district zoning. The recommended recommendation is based on the following considerations:

- 1.) The land uses under LO are compatible with existing office and commercial uses along the east portion of Baylor Street and West 12th Street;
- 2.) The recommended mixed-use overlay will diversify the use of the property by retaining a residential option; and
- 3.) The proposed land uses will not infringe on the residential character of the established neighborhood west of Baylor Street.

ISSUES:

A zoning violation was found on November 8, 2004 for the operation of a business without the proper zoning (Please see Attachment A). Inspections referred property owner to Neighborhood Planning and Zoning Department to apply for a change of zoning. A change of zoning to an office-based zoning classification will allow for the use of the property as such. At the request of Staff, the Planning Commission indefinitely postponed action on this case on December 13, 2005 to allow for a plan amendment to initiate addressing the subject property.

The applicant has agreed to accept the Planning Commission's recommendation of NO-MU-NP.

DEPARTMENT COMMENTS:

The subject rezoning area consists of a 0.060 Acres (2,613.6 square feet) site zoned MF-4-NP fronting on Baylor Street and located within the Residential Core as defined on page 26 of the Old West Austin Neighborhood Plan ("OWA Plan"). The site is currently developed with a single-family residence used as an office. The subject property was rezoned from MF-4 to MF-4-NP under

Ordinance No. 020926-26 enacting the Old West Austin Neighborhood Plan Area. The applicant proposes to rezone the site to LO-NP continue operation of an office.

In conjunction with the subject rezoning, a Neighborhood Plan Text Amendment addressing the following:

Existing language

Residential Core No zoning changes to a more permissive zoning category should be permitted. Preservation of existing older residential structures is strongly encouraged. (See the attached Neighborhood District Map, which identifies the Residential Core as the area bounded by Enfield, Newfield, the rear lot line of the first lot on the north side of 6th Street, the rear lot line of the first lot on the west side of Lamar from W. 6th to the alley between 9th and 10th, then continuing on Baylor from the alley between 9th and 10th, to 12th, from the rear lot line of the first lot on the west side of Lamar from 12th to Parkway, from the rear lot line of the first lot on the west side of Parkway from Lamar to Baylor, along Lamar [facing Pease Park] from Parkway to 15th Street [excluding the first 3 southern-most lots of this section], and finally along 15th Street to Enfield).

Lamar District, 6th to 15th Street (lots between the center line of Lamar and the western edge of the residential area, defined above). Allow mixed use development. Heights should be limited to 40 feet. The neighborhood plan recommends rezoning all CS and CS-1 properties on Lamar to allow mixed use development.

Recommended Changes

(Changes indicated by bold italic text)

Residential Core No zoning changes to a more permissive zoning category should be permitted. Preservation of existing older residential structures is strongly encouraged. (See the attached Neighborhood District Map, which identifies the Residential Core as the area bounded by Enfield, Newfield, the rear lot line of the first lot on the north side of 6th Street, the rear lot line of the first lot on the west side of Lamar from W. 6th to the alley between 9th and 10th, then continuing on Baylor from the alley between 9th and 10th, to 12th, from the rear lot line of the first lot on the west side of Lamar from 12th to Parkway, from the rear lot line of the first lot on the west side of Parkway from Lamar to Baylor, along Lamar [facing Pease Park] from Parkway to 15th Street [excluding the first 3 southern-most lots of this section], and finally along 15th Street to Enfield). ***1201 and 1203 Baylor Street are excluded from the Residential Core.***

Lamar District, 6th to 15th Street (lots between the center line of Lamar and the western edge of the residential area, defined above). ***1201 and 1203 Baylor Street are included in the Lamar District.*** Allow mixed use development. Heights should be limited to 40 feet. The neighborhood plan recommends rezoning all CS and CS-1 properties on Lamar to allow mixed use development.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-4-NP	Single-family residence
<i>North</i>	GO-NP	Offices
<i>South</i>	MF-4-NP	Single-family residence
<i>East</i>	CS-MU-CO-NP	Automotive repair
<i>West</i>	MF-4-NP / SF-3-NP	Apartments / Single-family residence

NEIGHBORHOOD PLAN AREA:

Old West Austin

TIA: Waived (See Transportation comments)**WATERSHED:** Shoal Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** N/A**NEIGHBORHOOD ORGANIZATIONS:**

18--Old West Austin Neighborhood Assn.
 118--Clarksville Community Development Corp.
 511--Austin Neighborhoods Council
 742--Austin Independent School District
 998--West End Austin Alliance

SCHOOLS:

Austin Independent School District

- Matthews Elementary School
- O. Henry Middle School
- Austin High School

RELATED CASES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-02-0112	Old West Austin Neighborhood Plan Rezoning	08/14/02: APVD (6-0, DS- RECUSED) SF-2-NP, SF-2-H-NP, SF-3-NP, SF-3-H-NP, SF-4A-NP, SF-6-NP, MF-2-NP, MF-3-NP, MF-3-H-NP, MF-4-NP, MF-4-H- NP, NO-NP, NO-CO-NP, NO- MU-H-CO-NP, P-NP, P-H-NP, LO-NP, LO-CO-NP, LO-H-NP, LO-MU-NP, GO-NP, GO-CO-NP, LR-NP, GR-NP, GR-MU-CO-NP, CS-MU-CO-NP, CS-H-MU-CO- NP, CS-1-MU-CO-NP, LI-CO-NP, PUD-NP.	08/29/02: APVD ON 1 ST RDG: SF- 2-NP, SF-2-H-NP, SF-3-NP, SF-3- H-NP, SF-4A-NP, SF-6-NP, MF-2- NP, MF-3-NP, MF-3-H-NP, MF-4- NP, MF-4-H-NP, NO-NP, NO-CO- NP, NO-MU-H-CO-NP, P-NP, P-H- P, LO-NP, LO-CO-NP, LO-H-NP, LO-MU-NP, GO-NP, GO-CO-NP, LR-NP, GR-NP, GR-MU-CO-NP, CS-MU-CO-NP, CS-H-MU-CO- NP, CS-1-MU-CO-NP, LI-CO-NP, PUD-NP (7-0) 09/26/02: APVD SF-2-NP, SF-2-H- NP, SF-3-NP, SF-3-H-NP, SF-4A- NP, SF-6-NP, MF-2-NP, MF-3-NP, MF-3-H-NP, MF-4-NP, MF-4-H- NP, NO-NP, NO-CO-NP, NO-MU- H-CO-NP, P-NP, P-H-NP, LO-NP,

			LO-CO-NP, LO-H-NP, LO-MU-NP, GO-NP, GO-CO-NP, LR-NP, GR-NP, GR-MU-CO-NP, CS-MU-CO-NP, CS-H-MU-CO-NP, CS-1-MU-CO-NP, LI-CO-NP, PUD-NP AND DIRECTED STAFF TO INITIATE REZONING OF 1706 & 1708 W 6TH FROM SF-2-NP TO NO-MU-CO-NP
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CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0149.05	MF-4-NP to SF-3-NP	02/22/05: APVD SF-3-NP BY CONSENT (7-0)	04/28/05: APVD SF-3-NP (5-0); ALL 3 RDGS
C14-04-0149.09	MF-3-NP to SF-3-NP	02/22/05: APVD SF-3-NP BY CONSENT (7-0)	04/28/05: APVD SF-3-NP (5-0); ALL 3 RDGS
C14-04-0149.13	MF-3-NP to SF-3-NP	01/25/05: APVD SF-3-NP BY CONSENT (8-0)	03/03/05: APVD SF-3-NP ON CONSENT (7-0); ALL 3 RDGS
C14-04-0149.14	MF-3-NP to SF-3-NP	01/25/05: APVD SF-3-NP BY CONSENT (8-0)	03/03/05: APVD SF-3-NP ON CONSENT (7-0); ALL 3 RDGS
C14-04-0149.29	MF-3-NP to SF-3-NP	01/25/05: APVD SF-3-NP BY CONSENT (8-0)	03/24/05: APVD SF-3-NP (7-0); ALL 3 RDGS
C14-04-0149.44	MF-3-NP to SF-3-NP	01/25/05: APVD SF-3-NP BY CONSENT (8-0)	03/03/05: APVD SF-3-NP ON CONSENT (7-0); ALL 3 RDGS
C14-04-0149.47	MF-3-NP to SF-3-NP	01/25/05: APVD SF-3-NP BY CONSENT (8-0)	03/03/05: APVD SF-3-NP ON CONSENT (7-0); ALL 3 RDGS

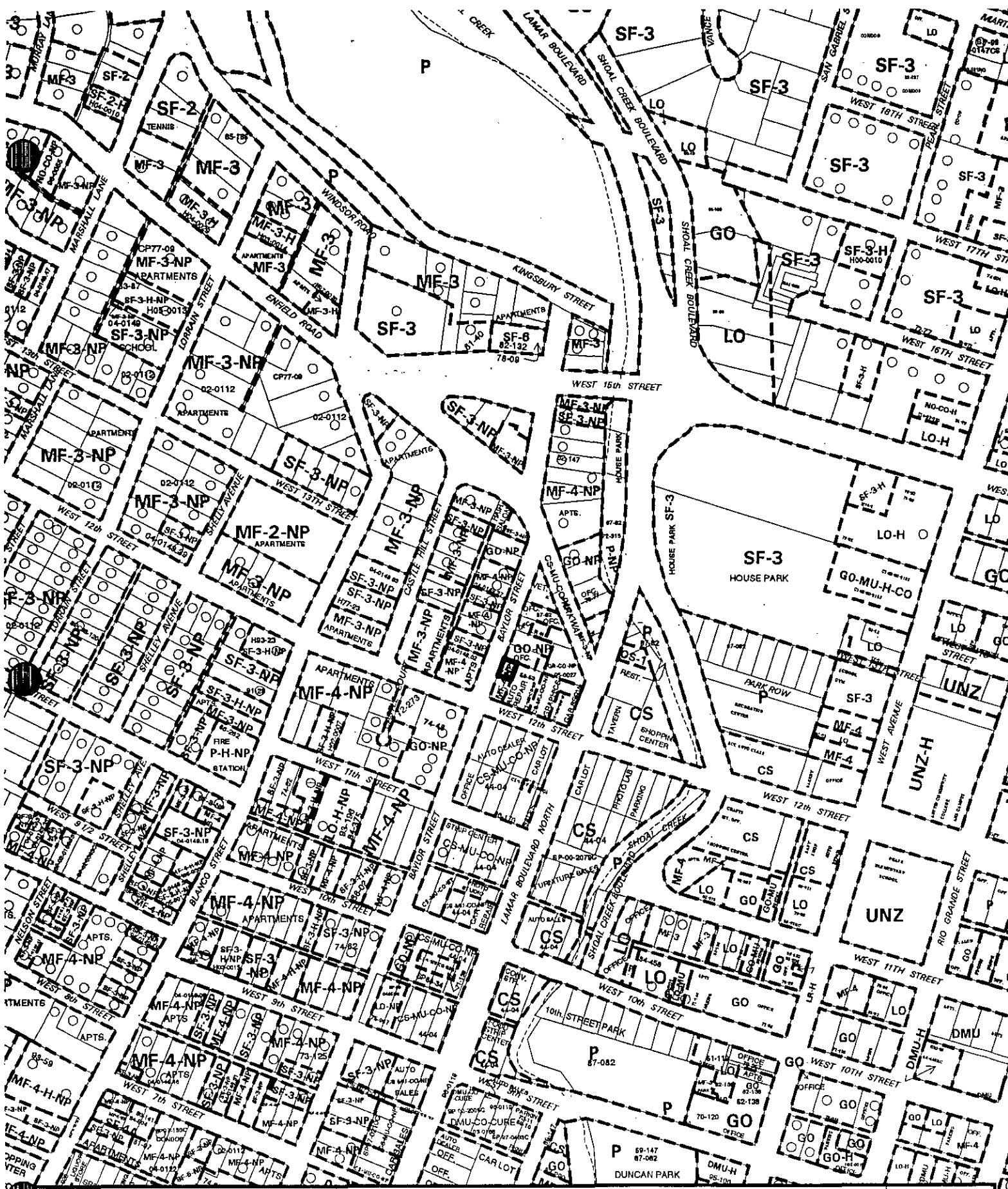
ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Baylor	60'	30'	Collector
12 th Street	60'	30'	Collector

CITY COUNCIL DATE:

July 27, 2006

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



SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: J.ROUSSELIN

CASE #: C14-05-0013
ADDRESS: 1203 BAYLOR ST
SUBJECT AREA (acres): 0.060

ZONING
DATE: 06-05
INTLS: SM

CITY GRID
REFERENCE
NUMBER
H23

1" = 400'



1203 Baylor St.
C14-05-0013

Legend

- Zoning
- Base
- Center Line

30 0 30 60 Feet

C14-05-0013

STAFF RECOMMENDATION

Staff recommends approval of LO-MU-NP (Limited office – mixed use— neighborhood plan) combining district zoning. The recommended recommendation is based on the following considerations:

- 1.) The land uses under LO are compatible with existing office and commercial uses along the east portion of Baylor Street and West 12th Street;
- 2.) The recommended mixed-use overlay will diversify the use of the property by retaining a residential option; and
- 3.) The proposed land uses will not infringe on the residential character of the established neighborhood west of Baylor Street.

BASIS FOR RECOMMENDATION

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

The proposed rezoning will preserve the residential character of the neighborhood by keeping office and commercial uses along the eastern portion of Baylor Street. Furthermore, the recommendation of a mixed-use overlay will diversify the use of the property by retaining a residential option on the site.

2. *Zoning should allow for reasonable use of the property.*

The proposed rezoning will allow for reasonable use of the site while maintaining the residential character of the neighborhood.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area consists of a 0.060 Acres (2,613.6 square feet) site zoned MF-4-NP fronting on Baylor Street and located within the Residential Core as defined on page 26 of the *Old West Austin Neighborhood Plan* ("OWA Plan"). The site is currently developed with a single-family residence used as an office. The subject property was rezoned from MF-4 to MF-4-NP under Ordinance No. 020926-26 enacting the Old West Austin Neighborhood Plan Area.

Transportation

1. No additional right-of-way is needed at this time.
2. The trip generation under the requested zoning is estimated to be 61 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).
3. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]
4. There are existing sidewalks along 12th Street and Baylor.
5. 12th Street is classified in the Bicycle Plan as a Priority 1 bike route.

6. Capital Metro bus service is available along 12th Street.

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal 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. 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.
2. According to flood plain maps, there is no flood plain within the project area.
3. 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.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

Water and Wastewater

1. The site is served with City water and wastewater utilities.
2. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation or utility adjustment are required, the landowner, at own expense, will be responsible for providing.
3. Also, the utility plan must be reviewed and approved by the Austin Water Utility.
4. The plan must be in accordance with the City utility design criteria.
5. The landowner must pay the tap and impact fee once the landowner makes an application for a City water and wastewater utility tap permit.

R.O.W. Management

1. The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded City of Austin Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) projects. A comment from this reviewer that no right-of-way is needed applies only to needs for these categories, and does not preclude the need to dedicate right-of-way to satisfy requirements by others. There are separate right-of-way dedication and reservation requirements enforced by other City Departments and other governmental jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan that may not yet be funded, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

2. No aspect of the proposed project is being considered or approved as part of this review other than the need for right-of-way for City-funded projects. If the configuration of the site/subdivision/plan will require any variances to Transportation Criteria Manual standards, the variance request(s) must be submitted separately through the assigned City of Austin case manager.
3. 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.

Site Plan

1. This site would be required to comply with any site development regulations outlined in the Old West Austin Neighborhood Plan ordinance.
2. The property will be subject to Compatibility Standards along the west property line should the site be redeveloped.

Case History: 1203 Baylor Street

Legally Known As: N.57.5 OF W 45' OF LOT 14 OLT 6 DIV Z PEASE SUBD
OF HORACE LUCKETT

InspeTrack Case Number: IT # 04-019455

Date Opened: 10/28/2004 Case Status: CLOSED TCAD #: 02100008110000 Plat #:

Assigned Inspector(s):

10/28/2004-Present #738 John McTier

Owner Information:

Law Office, c/o Erma Benard
1356 S. Ridgeley Drive, Los Angeles, CA 90019-2659

Interested Parties:

OCCUPANT: Bernard, Brian
1203 Baylor Street, Austin, TX 78744-4612

Complainant Information:

Anonymous

INITIAL COMPLAINT

Date: 10/28/2004

Complainant: Anonymous

Description: Law office out of a residence, there is a sign advertising the business.

Manager Contacted: No

INSPECTION FINDINGS**Premises**

Status: 11/8/2004 - Unoccupied

Findings: 11/8/2004 - Zoning violation(s) found

12/3/2004: Recommended Cease all business activity done without appropriate permits or Certificates of Occupancy for the within 30 days.

12/3/2004: Recommended Contact the City of Austin Development Assistance Center at (512)974-6370 for help in bringing this violation into compliance by changing the zoning classification of the property for these within 30 days.

12/3/2004: Recommended Obtain a required site plan, change-of use permit, and zoning change for the residential to commercial use of the within 30 days.

12/3/2004: Recommended If a Site Plan, Permits and a Certificate of Occupancy is not obtained, remove all improvements and developments and restore the original condition of the within 30 days.

Red Tag/EBS:

INSPECTORS' LOG

Case History: 1203 Baylor Street

10/28/2004	#738 (John McTier)	Conducted An Initial Inspection of the Property. Inspector's Comments: "sheduled for inspection on or before"
11/8/2004	#738 (John McTier)	Information Update and research results. Inspector's Comments: "Property is actually zoned as CS-MU-NP as part of West Austin Neighborhood Plan. Commercial use is allowed. Check for CO or change of use."
11/10/2004	#738 (John McTier)	Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "Contacted attorney Brian Bernard on site, He is the practicing attorney and owner of the firm. Inspector advised him that the property is now being used as a professional office and was originally permitted for residential use. Further advised him that a certificate of occupancy and/or change of use needs to be obtained. Mr. Bernard stated that he would make the application." Follow-Up on 11/23/2004
12/3/2004	#738 (John McTier)	Information Update and research results. Inspector's Comments: "Review of records show no change of use or C. O., Verified zoning as MF-4 NP. Send notice for non permitted use and no C. O. as well as no site plan."
12/16/2004	#738 (John McTier)	Information Update and research results. Inspector's Comments: "Received a call from Ricardo Soliz, Planner for OWA-NP, stating that he had spoke w/ Mrs Bernanrd, she is seeking to have the property rezoned but the application process will not be opened until February of 2005. Advised Ricardo that I would need a request for an extension from Mrs. Bernard. Also advised Ricardo that he would most likely hear from the operator of a real estate business at 1201 Baylor, for the same type of request."
12/29/2004	#738 (John McTier)	Information Update and research results. Inspector's Comments: "12/10/2004 Received a call from Mrs Bernanrd inquiring as to what needed to be done. Inspector advised Mrs. Bernard that that the property is zoned for residential use only. The options are to petition for a commercial rezone; return the premises to a residential use and operate under the regulations of the Home Occupation regulations; discontinue the business use and return premises to residential use. Mrs. Bernanrd stated she woul go to DAC and then weigh her options."
1/10/2005	#738 (John McTier)	Inserts a tracking notice comment for date executed. Inspector's Comments: "Certified tracking notice has been delivered."
2/1/2005	#738 (John McTier)	Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "Observed sign remains in place, left message for Brian Bernanrd with the receptionist. No response to date send second notice."
2/23/2005	#738 (John McTier)	Information Update and research results. Inspector's Comments: "Rezone application made case # C1405-0013" Follow-Up on 3/15/2005
3/1/2005	#738 (John McTier)	Information Update and research results. Inspector's Comments: "Received call from Tannisa Jeffers inquiring as to why a second notice was sent. ?Inspector advised her that no information had been received regarding the status of rezoning petition. Insector further advised Ms. Jeffers that attempts to contact Mr. Bernard proved unsuccessful. Ms. Jeffers indicated that all contact regarding the property should be through her. (512)441-5553 (512) 7972829 (cell)"
4/2/2005	#738 (John McTier)	Information Update and research results. Inspector's Comments: "Awiting results of hearing for rezone action"
5/18/2005	#738 (John McTier)	Information Update and research results. Inspector's Comments: "Pending final review from Neighborhood Planning and Zoning" Follow-Up on 6/15/2005
9/16/2005	#738 (John McTier)	Information Update and research results. Inspector's Comments: "# C1405-0013, hearing postponed untill 10/11/2005" Follow-Up on 10/15/2005
3/1/2006	#738 (John McTier)	Case closed for voluntary compliance. Inspector's Comments: "Property owners have applied for rezoning, no determination as to hearing results. Close until hearing results are obtained."

CODE VIOLATIONS

Valid Conditions in Violation of the Austin City Code (Land Development Code):

Premises

Case History: 1203 Baylor Street

11/08/2004	PERMITTED, CONDITIONAL AND PROHIBITED USE	Code Ref: 25-2-491 Dwelling unit converted to law offices in a residential zone district; non permitted use as wellas no C.O. or change of use,	Cleared: 3/1/2006
11/08/2004	SITE DEVELOPMENT	Code Ref: 25-2-492 Dwelling unit converted to law offices in a residential zone district; non permitted use as wellas no C.O. or change of use,	Cleared: 3/1/2006

Housing Notices Sent

Legal Notice (Zoning) sent on 12/10/2004 to (the owner) Erma Benard, certified #7003 2260 0003 3350 6941. Status: Recived on 1/10/2005 by E. Benard

Initial Notice of Violation sent on to (the owner) Erma Benard, certified #. Status: Return Receipt Not Yet Received

Legal Notice (Zoning) sent on 2/2/2005 to (the owner) Erma Benard, certified #7003 2260 0003 3352 3108. Status: Recived on 2/18/2005 by Erma Benard

ORDINANCE NO. 020926-26

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP TO ADD A NEIGHBORHOOD PLAN COMBINING DISTRICT TO THE BASE ZONING DISTRICTS ON APPROXIMATELY 416 ACRES OF LAND GENERALLY KNOWN AS THE OLD WEST AUSTIN NEIGHBORHOOD PLAN AREA ("OLD WEST AUSTIN") AND TO CHANGE THE BASE ZONING DISTRICTS ON 61 TRACTS OF LAND IN OLD WEST AUSTIN.

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 add a neighborhood plan (NP) combining district to each base zoning district within the property and to change the base zoning districts on 61 tracts of land within the property described in Zoning Case No. C14-02-0112, on file at the Neighborhood Planning and Zoning Department, as follows:

Approximately 416 acres of land, in the City of Austin, Travis County, Texas, more particularly described and identified in the attached Exhibit "A", (the "Property"),

generally known as the Old West Austin Neighborhood Plan (NP) combining district, locally known as the property bounded by Enfield Road and 15th Street on the north, Lamar Boulevard on the east, MoPac Expressway on the west and Town Lake on the south, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

PART 2. The base zoning districts for the 61 tracts of land are changed from general office (GO) district, community commercial-conditional overlay (GR-CO) combining district, general commercial services (CS) district, general commercial services-historic (CS-H) district, commercial-liquor sales (CS-1) district, limited industrial services (LI) district, to general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district, neighborhood commercial-conditional overlay-neighborhood plan, community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district, general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district, general commercial services-historic-mixed use-conditional-overlay (CS-H-MU-CO-NP) district, commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining

district, limited industrial services-neighborhood plan (LI-CO-NP) combining district, as more particularly described and identified in the chart below.

Tract	Address	Zoning	
		From	To
1	1300 WEST LYNN ST	CS	CS-MU-CO-NP
2	1601 WATERSTON AV, 1200 WEST LYNN ST	CS	CS-MU-CO-NP
3	1110 WEST LYNN ST	CS	CS-MU-CO-NP
4	1010, 1018 WEST LYNN ST	CS	CS-MU-CO-NP
5	1000 WEST LYNN ST	CS	CS-MU-CO-NP
6	1601 10 ST W	CS	CS-MU-CO-NP
7	1201, 1213 WEST LYNN ST, 1516 12 ST W	CS	CS-MU-CO-NP
8	1113, 1115 WEST LYNN ST	CS	CS-MU-CO-NP
8	1102, 1104, 1106 EASON, 1001, 1005, 1009, 1011, 1013, 1101 WEST LYNN	CS, SF-3	CS-MU-CO-NP, SF-3-NP
9	1220 PARKWAY	CS	CS-MU-CO-NP
10	1204 LAMAR BV N, 1004 12 ST W	CS	CS-MU-CO-NP
10	1205 BAYLOR ST	CS & GO	CS-MU-CO-NP, GO-NP
11	1006 12 ST W	CS	CS-MU-CO-NP
12	1200 LAMAR BV N	CS	CS-MU-CO-NP
13	1101, 1107 BAYLOR ST, 1108, 1110, 1120 LAMAR BV N., 1004, 1010 11 ST W	CS	CS-MU-CO-NP
	1104 LAMAR BV N	CS & CS-1	CS-MU-CO-NP & CS-1-MU-CO-NP
14	1014 LAMAR BV N, 1007, 1009 BAYLOR ST, 1011 11 ST W	CS	CS-MU-CO-NP
15	1010 LAMAR BV N., 1006, 1008, 1010 10 ST W	CS	CS-MU-CO-NP
16	1000 LAMAR BV N	CS	CS-MU-CO-NP
17	914 LAMAR BV N	CS & CS-1	CS-MU-CO-NP & CS-1-MU-CO-NP
18	900, 904 LAMAR BV N, 1008 9 ST W	CS	CS-MU-CO-NP
19	724 LAMAR BV N	CS	CS-MU-CO-NP
20	704, 706, 708 LAMAR BV N	CS	CS-MU-CO-NP
21	700 LAMAR BV N	CS	CS-MU-CO-NP
22	626, 632 LAMAR BV N	CS	CS-MU-CO-NP
	624 LAMAR BV N	CS & CS-1	CS-MU-CO-NP & CS-1-MU-CO-NP
23	1312 6 ST W	CS	CS-MU-CO-NP
24	1214 6 ST W	CS	CS-MU-CO-NP
25	1200, 1206 6 ST W	CS	CS-MU-CO-NP
26	1128 6 ST W	CS & CS-1	CS & CS-1-MU-CO-NP
26	1100, 1102, 1106, 1110, 1112, 1116, 1118, 1122 6 ST W, 607 BLANCO ST, 604 BAYLOR ST	CS	CS-MU-CO-NP

27	603, 605 BAYLOR ST, 0 6 ST W (184 X 200 FT OF BLK D OLT 2 DIV Z & LOT 1, RESUB OF A PORTION OF BLK D RAYMOND SUBD)	CS	CS-MU-CO-NP
28	1219, 1221 6 ST W	CS	CS-MU-CO-NP
29	1201, 1203, 1205, 1207 6 ST W; 508, 510 WALSH ST	CS	CS-MU-CO-NP
30	1114, 1120 5 ST W; 503, 505, 507 WALSH ST; 1111, 1133, 1137 6 ST W; 1136 SAYERS ST; 502, 508 BAYLOR ST; 0 WALSH ST (S 58.5 FT OF W 71 FT OF LOT 2, & W 71 FT OF LOT 3 BLK 1 OLT 1 DIV Z DUVAL SUBD)	CS	CS-MU-CO-NP
30	506, 510 BAYLOR ST	CS-H	CS-H-MU-CO-NP
31	1127 6 ST W	CS	CS-MU-CO-NP
32	1006, 1026 5 ST W; 500, 506 LAMAR BV N; 1009 6 ST W; 0 6 ST W (N 104.3 FT OF LOT 13, & N 104.3 FT OF E 26' LOT 14 BLK 2 OLT 11 DIV Z RAYMONDS PLATEAU)	CS	CS-MU-CO-NP
33	507 CAMPBELL ST	CS	CS-MU-CO-NP
34	1614, 1624 5 ST W	CS	CS-MU-CO-NP
35	1614 5 ST W	CS	CS-MU-CO-NP
36	1604, 1612 5 ST W	CS	CS-MU-CO-NP
36	1600, 1602 5 ST W	CS-1	CS-1-MU-CO-NP
37	1514 5 ST W	CS	CS-MU-CO-NP
38	1501 6 ST W; 1502 5 ST W	CS & GO	CS-MU-CO-NP & GO-MU-CO-NP
38	1504 5 ST W	CS	CS-MU-CO-NP
39	500, 502 OAKLAND AV	CS	CS-MU-CO-NP
40	507 PRESSLER ST	CS	CS-MU-CO-NP
41	1316 5 ST W	CS	CS-MU-CO-NP
42	1314 5 ST W	CS	CS-MU-CO-NP
43	1304 5 ST W	CS	CS-MU-CO-NP
44	504, 506 WALSH ST; 1202, 1204, 1210, 1214 5 ST W; 0 WALSH ST ^{II} (W 100 FT OF LOT 23 BLK 1 OLT 1 DIV Z DUVAL SUBD)	CS	CS-MU-CO-NP
45	1515 5 ST W	GR-CO	GR-MU-CO-NP
46	1005, 1007, 1011, 1025 5 ST W; 407 BAYLOR ST; 316 LAMAR BV N; 0 LAMAR BV N (N 52 FT OF S 104 FT OF LOT 5-8 BLK 3, LESS E 19.12' AV OLT 11 DIV Z RAYMONDS PLATEAU)	CS	CS-MU-CO-NP
47	1409 3 ST W	CS-1	CS-1-MU-CO-NP
48	1611 5 ST W	LI	LI-CO-NP
49	402 PAUL ST	LI	LI-CO-NP
50	1407 5 ST W, 403 PAUL ST, 410 PRESSLER ST	LI	LI-CO-NP
51	401 PRESSLER ST	LI	LI-CO-NP
52	1301 5 ST W	LI	LI-CO-NP

53	401, 403 ORCHARD ST; 1205, 1211, 1213 5 ST W; 1208 4 ST W	LI	LI-CO-NP
54	1204 4 ST W ; 1203 5 ST W	LI	LI-CO-NP
55	1115, 1123, 1117 B, 1123 5 ST W ; 1105, 1107, 1108 ROSE ST; 410 BAYLOR ST; 0 4 ST W (LOT 13-18 & NW TRI OF LOT 19 BLK 2 OLT 1 DUVAL SUBD); 0 BAYLOR ST (534 X 132.5 FT OF BLK 9 OLT 11 DIV Z RAYMONDS PLATEAU)	LI	LI-CO-NP
56	404 BAYLOR ST	LI	LI-CO-NP
57	300 LAMAR BV N	LI	LI-CO-NP
59	1501, 1503, 1505 3 ST W	LI	LI-CO-NP
60	1327, 1401 3 ST W	LI	LI-CO-NP
61	218 LAMAR BV N	LI	LI-CO-NP
62	0 3 ST W (100 X 55 FT AV OLT 1 DIVISION Z); 1213 3 ST W	LI	LI-CO-NP

PART 3. The following applies to an existing legal lot with single-family residential use within the boundaries of the NP combining district:

1. The minimum lot area is 2,500 square feet.
2. The minimum lot width is 25 feet.
3. For a lot with an area of 3,500 square feet or less, the impervious coverage may not exceed 65 percent.

PART 4. Secondary apartment special use is permitted on lots in residential districts within the boundaries of the NP combining district as set forth in Sections 25-2-1462 and 25-2-1463 of the Code

PART 5. Tracts 1-57 and 59-62, may be developed as a neighborhood mixed use building special use as set forth in Sections 25-2-1502 through 25-2-1504 of the Code:

PART 6. The Property within the boundaries of the conditional overlay-combining district established by this ordinance is subject to the following conditions.

1. The height of a building or structure constructed on Tracts 1-8, 9, 11, 19, 20, 21, and 22 may not exceed 40 feet measured from ground level.

2. In addition to applicable compatibility standards, height is restricted on Tracts 10, 12, 13, 14, 15, 16, 17, and 18 to a mean sea level (msl) elevation as listed below:

Tract 10 - 518.6 msl

Tract 15 - 516.0 msl

Tract 12 - 518.5 msl

Tract 16 - 515.9 msl

Tract 13 - 516.4 msl

Tract 17 - 515.7msl

Tract 14 - 516.2 msl

Tract 18 - 512.5 msl

3. In addition to applicable compatibility standards, height is restricted on Tract 27 as described below and as shown on Exhibit "C".

Beginning at a point on the northern boundary of the property that is 40 feet west of the northeast corner of the property (A), and proceeding 80 feet to the southwest (to a point that is 40 feet from the Lamar boundary of the property) (B), and proceeding northwest to the Baylor St. boundary of the property (to a point that is 80 feet from the northwest corner of the property) (C), and proceeding northeast to the northwest corner of the property (D), and proceeding to a point on the northern boundary of the property that is 40 feet west of the northeast corner of the property (A): within the area bounded by these points, building height may not exceed 40 feet.

Beginning at a point on the Lamar boundary of the property that is 75 feet north of the southeast corner of the property (E), and proceeding northwest to a point that is 200 feet from the Lamar boundary of the property and 75 feet from the 6th Street boundary of the property (F), and proceeding southwest to the 6th Street boundary of the property (to a point that is 200 feet west of the southeast corner of the property)(G): to the north and west of the line formed by these points, building height may not exceed 50 feet. To the south and east of the boundary formed by these points, building height may not exceed 55 feet.

4. The following uses are conditional uses on Tracts 1-10, 13, 14, 15, 17, 18, 21-30, 32, 33, 34, 36, 38, 39, 40, 41, 43, and 44:

Automotive rentals

Automotive repair services

Automotive sales

Automotive washing (of any type)

Commercial blood plasma center

Construction sales and service

Convenience storage
Equipment sales
Laundry services
Residential treatment

Equipment repair services
Guidance services
Maintenance and service facilities
Service station

5. The following uses are conditional uses on Tracts 46 and 47:

Automotive rentals
Automotive sales
Commercial blood plasma center
Equipment repair service
Guidance services
Maintenance and service facilities
Service station

Automotive repair services
Automotive washing (of any type)
Convenience storage
Equipment sales
Limited warehousing and distribution
Residential treatment

6. On Tracts 45-57 and 59-62, a construction sales and service use that exceeds a site area of 10,000 square feet is a conditional use. A laundry services use that exceeds a site area of 6,000 square feet is a conditional use.

7. The following uses are prohibited uses on Tracts 1- 44:

Drop-off recycling collection facilities
Kennels
Limited warehousing and distribution

Exterminating services
Adult oriented businesses
Vehicle storage

8. The following uses are prohibited uses on Tracts 45-47:

Drop-off recycling collection facilities
Kennels
Vehicle storage

Exterminating services
Adult oriented businesses

9. The following uses are conditional uses on Tracts 53, 55, 57, and 59-62:

Automotive rentals
Automotive sales
Convenience storage
Equipment sales
Maintenance and service facilities

Automotive repair services
Automotive washing (of any type)
Equipment repair services
Limited warehousing and distribution

10. The following uses are prohibited uses on Tracts 48-57 and 59-62:

Basic industry
Exterminating services
Kennels
Resource extraction
Vehicle storage

Drop-off recycling collection facilities
General warehousing and distribution
Recycling center
Scrap and salvage

11. The following uses are conditional uses on Tracts 11, 31, and 42:

Automotive rentals
Automotive washing (of any type)
Construction sales and service
Equipment repair services
Guidance services
Maintenance and service facilities
Service station

Automotive sales
Commercial blood plasma center
Convenience storage
Equipment sales
Laundry services
Residential treatment

12. The following uses are conditional uses on Tract 12:

Automotive rentals
Automotive sales
Commercial blood plasma center
Convenience storage
Equipment sales
Laundry services
Residential treatment

Automotive repair services
Automotive washing (of any type)
Construction sales and services
Equipment repair services
Guidance services
Maintenance and service facilities

13. The following uses are conditional uses on Tract 16:

Automotive rentals
Automotive sales
Commercial blood plasma center
Convenience storage
Equipment sales
Laundry services
Service station

Automotive repair services
Automotive washing (of any type)
Construction sales and service
Equipment repair services
Guidance services
Residential treatment

14. The following uses are conditional uses on Tract 19:

Automotive rentals	Automotive washing (of any type)
Commercial blood plasma center	Construction sales and service
Convenience storage	Equipment repair services
Equipment sales	Guidance services
Laundry services	Maintenance and service facilities
Residential treatment	Service station

15. The following uses are conditional uses on Tract 20:

Automotive rentals	Automotive repair services
Automotive washing (of any type)	Commercial blood plasma center
Construction sales and service	Convenience storage
Equipment repair services	Equipment sales
Guidance services	Laundry services
Maintenance and service facilities	Residential treatment
Service station	

16. The following uses are conditional uses on Tract 45:

Automotive rentals	Automotive repair services
Automotive washing (of any type)	Commercial blood plasma center
Convenience storage	Equipment repair services
Equipment sales	Guidance services
Limited warehousing and distribution	Maintenance and service facilities
Residential treatment	Service station

17. The following uses are conditional uses on Tract 35:

Automotive repair services	Automotive sales
Automotive washing (of any type)	Commercial blood plasma center
Construction sales and service	Convenience storage
Equipment repair services	Equipment sales
Guidance services	Laundry services
Maintenance and service facilities	Residential treatment
Service station	

18. The following uses are conditional uses on Tract 37:

Automotive rentals
Automotive sales
Construction sales and service
Equipment repair services
Guidance services
Maintenance and service facilities
Service station

Automotive repair services
Commercial blood plasma center
Convenience storage
Equipment sales
Laundry services
Residential treatment

19. The following uses are conditional uses on Tract 48:

Automotive rentals
Automotive washing (of any type)
Equipment repair services
Maintenance and service facilities

Automotive sales
Convenience storage
Limited warehousing and distribution
Service station

20. The following uses are conditional uses on Tract 49:

Automotive rentals
Automotive washing (of any type)
Equipment repair services
Limited warehousing and distribution
Service station

Automotive repair services
Convenience storage
Equipment sales
Maintenance and service facilities

21. The following uses are conditional uses on Tract 50:

Automotive rentals
Automotive washing (of any type)
Equipment repair services
Limited warehousing and distribution
Service station

Automotive sales
Convenience storage
Equipment sales
Maintenance and service facilities

22. The following uses are conditional uses on Tract 51:

Automotive rentals
Automotive sales
Equipment repair services
Limited warehousing and distribution

Automotive repair services
Automotive washing (of any type)
Equipment sales
Maintenance and service facilities

Service station

23. The following uses are conditional uses on Tract 52:

Automotive rentals
Automotive sales
Convenience storage
Equipment sales
Service station

Automotive repair services
Automotive washing (of any type)
Equipment repair services
Limited warehousing and distribution

24. The following uses are conditional uses on Tract 54:

Automotive repair services
Automotive washing (of any type)
Equipment repair services
Limited warehousing and distribution
Service station

Automotive sales
Convenience storage
Equipment sales
Maintenance and service facilities

25. The following uses are conditional uses on Tract 56:

Automotive rentals
Automotive sales
Convenience storage
Equipment sales

Automotive repair services
Automotive washing (of any type)
Equipment repair services
Maintenance and service facilities

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

PART 7. The Council waives the requirements of Sections 2-2-3 and 2-2-7 of the City Code for this ordinance.

PART 8. This ordinance takes effect on October 7, 2002.

PASSED AND APPROVED

September 26, 2002

§
§
§

Gustavo L. Garcia

Gustavo L. Garcia
Mayor

APPROVED:

Sedora Jefferson
Sedora Jefferson
City Attorney

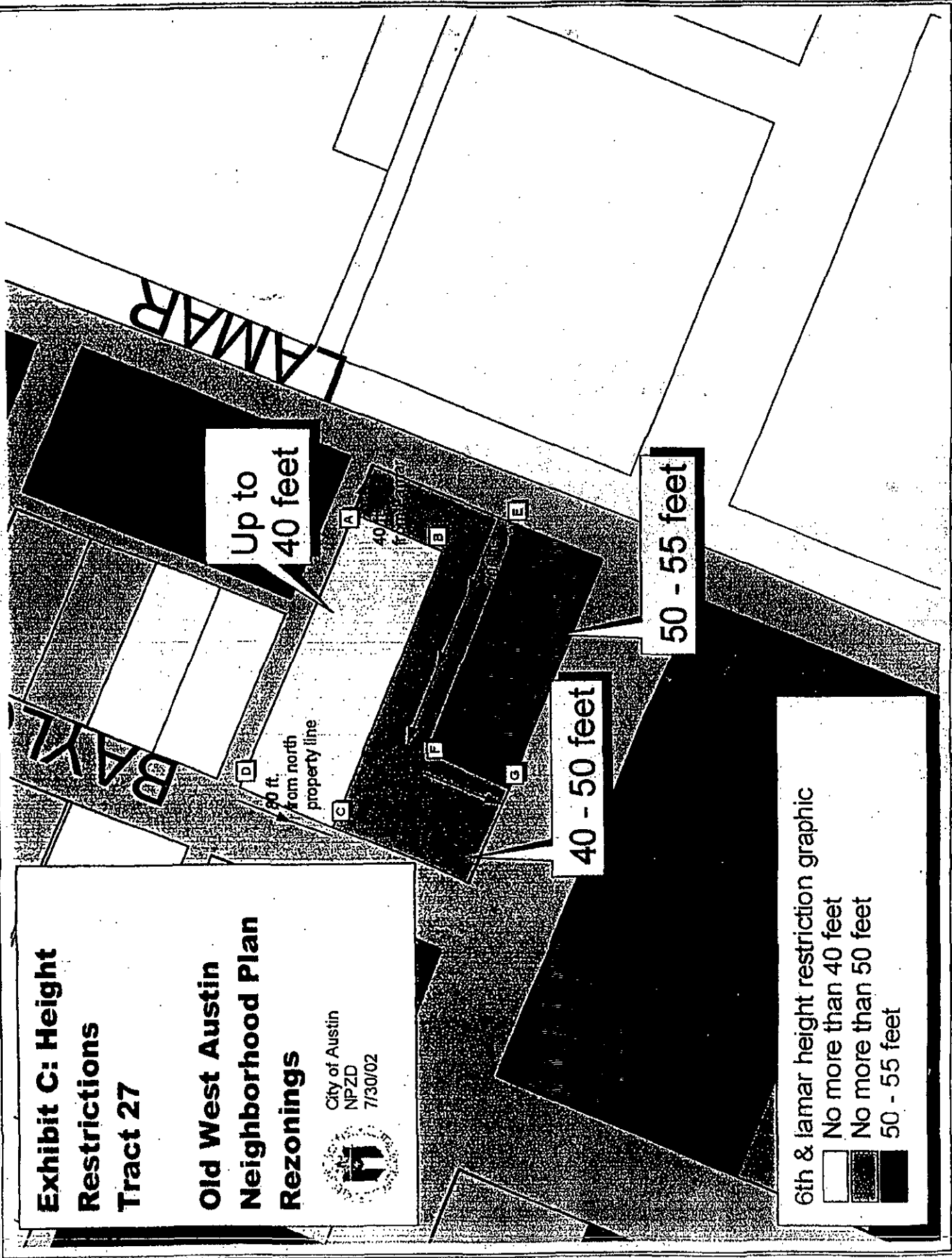
ATTEST:

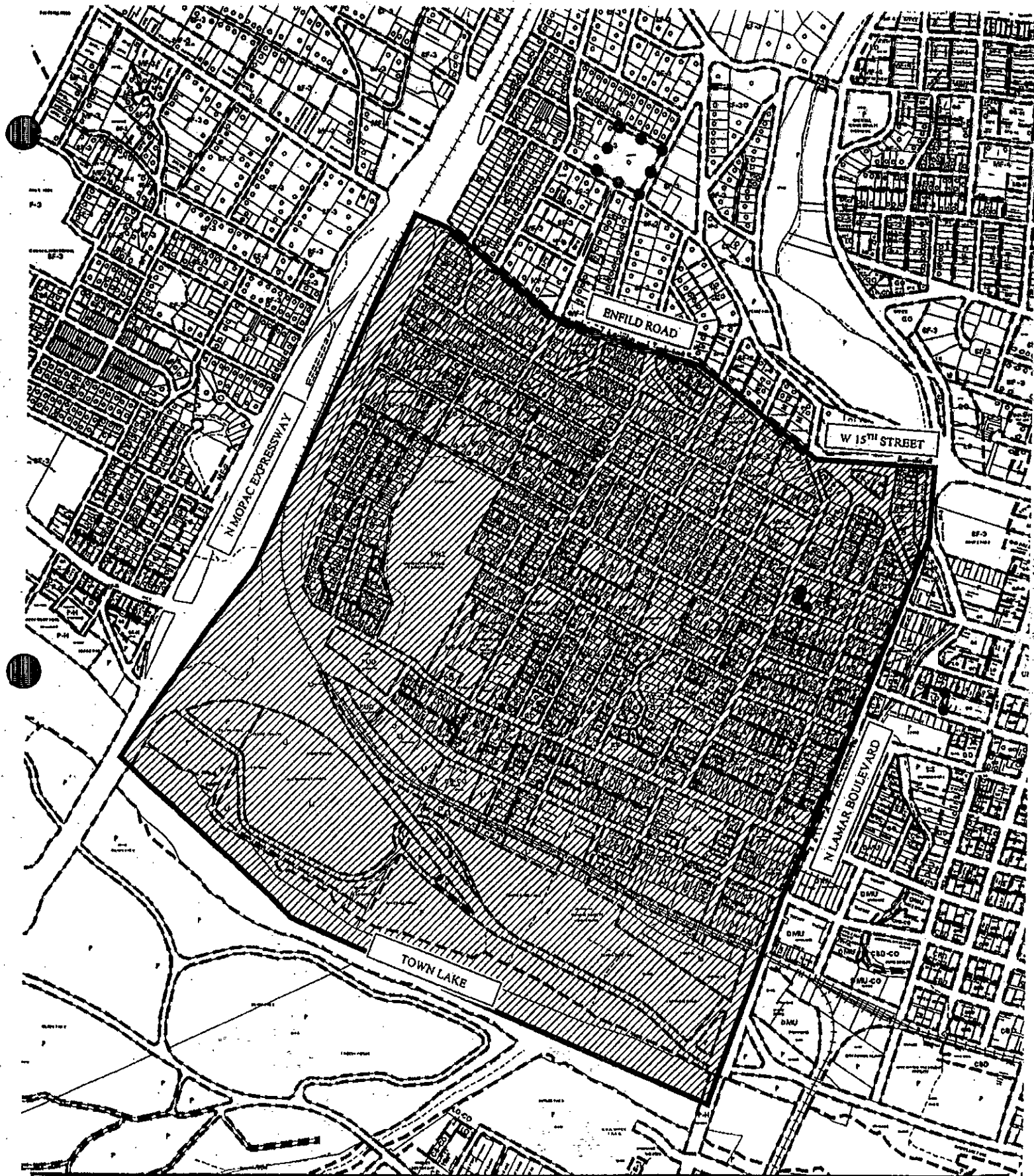
Shirley A. Brown
Shirley A. Brown
City Clerk

Exhibit C: Height Restrictions Tract 27

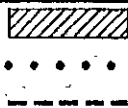
Old West Austin Neighborhood Plan Rezoning

City of Austin
NPZD
7/30/02





SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MGR: T. BOLT



CASE #: C14-02-0112

ADDRESS: OLD WEST AUSTIN NPCD

SUBJECT AREA (acres): 416

ZONING EXHIBIT B

DATE: 02-07

INTLS: SM

CITY GRID
 REFERENCE
 NUMBER
 H22 H23

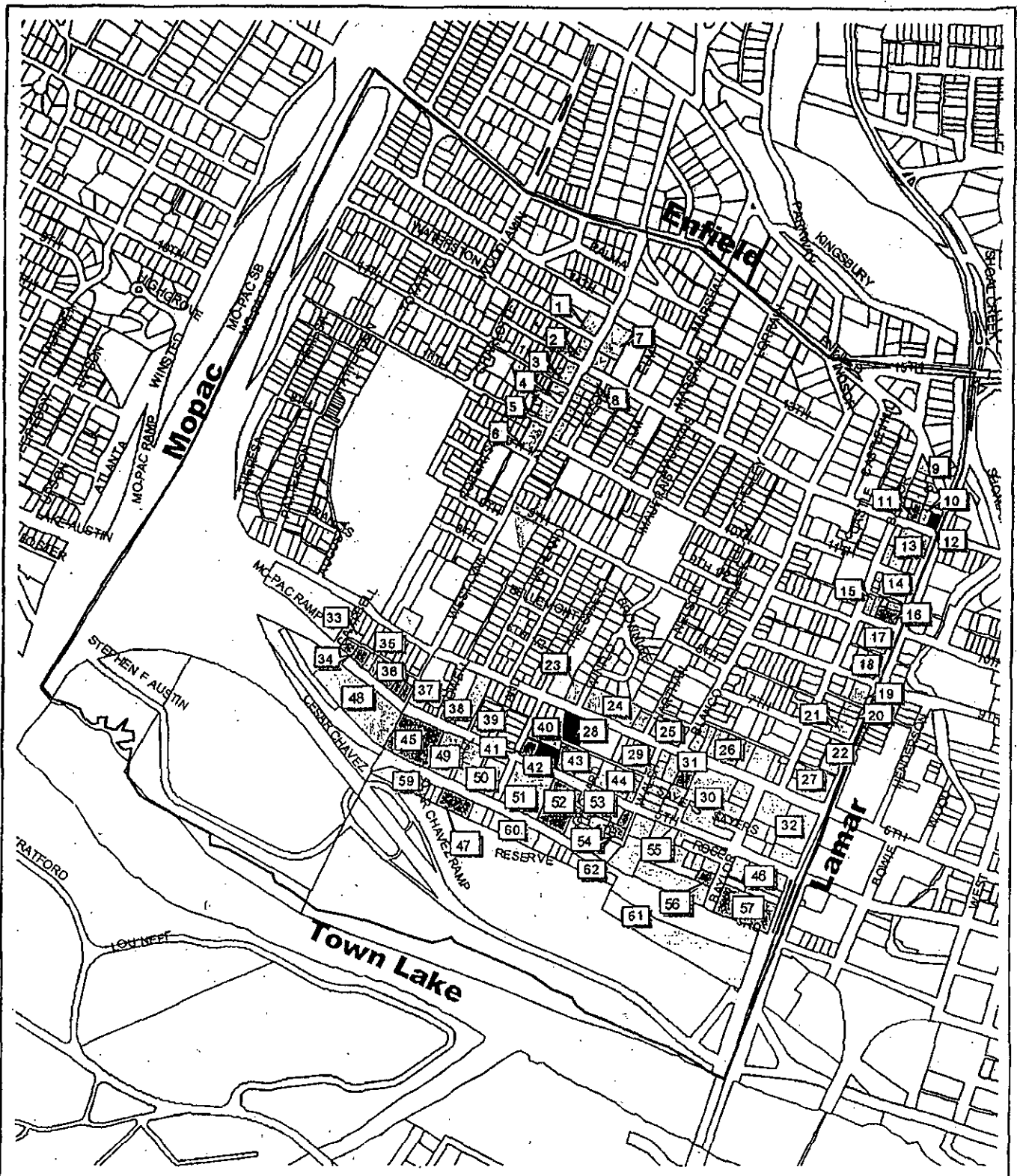


Exhibit A: Old West Austin Neighborhood Planning Area Rezoning Tracts Case #C14-02-0112



City of Austin
Neighborhood Planning and Zoning Dept
7125402

- No base district zoning change proposed
- Zoning change proposed
- Zoning change proposed
- Zoning change proposed
- Planning Area Boundary

August 10, 2005

Case Number: C14-05-0013 & C14-05-0012

Jorge Rousselin
City of Austin
Neighborhood Planning & Zoning Department
P.O. Box 1088
Austin, TX 78767-8810

Dear Jorge Rousselin,

I wanted to thank you again for taking the time to speak with me this afternoon regarding the above referenced rezoning cases that were originally scheduled to go before the Planning Commission on Tuesday, August 9, 2005. I wanted to re-cap and expand on our conversation and make others within the city's hierarchy aware of my feelings on these cases as well as the overall issues I have with the entire notification process.

First, let me state unequivocally that my wife, Paige Frederick-Pape, and I are **adamantly opposed to rezoning the properties in question** in these cases for the following reasons:

- The properties currently form part of the eastern border of our neighborhood and are included in the neighborhood plan. Rezoning these properties to LO will require them to be removed from our neighborhood plan. We are losing enough properties in our neighborhood to demolition, re-location and up-zoning that we cannot afford to lose more.
- Up-zoning these properties from MF-4-NP to LO is the most significant hurdle in what we believe is a slippery slope towards even more intense zoning (i.e., light industrial or commercial) in the future. While the property owners may never intend the pursue anything other than LO use, that does not preclude future owners from buying the properties and doing so.
- A line must be drawn somewhere if the residential character of our neighborhood is to be maintained. We, and the neighborhood, thought that line had been drawn with those houses. Permitting these properties to be up-zoned, moves that line inward a little bit more. Where does it stop? My house is only three (3) streets west. It frightens me to think that one day I may wake up and find downtown/retail/commercial development is right across the street from my house.
- The owners bought these properties knowing they were zoned MF-4-NP and then knowingly ignored the zoning restrictions and established offices/businesses in the houses. They now ask for forgiveness instead of seeking permission like every other law abiding citizen is required to do. These properties were and could still be operated as residential rental properties. As evidence of this fact are the four or five houses just south of these on Baylor that are residential rentals.

Second, and perhaps the most distressing aspect of this whole event, is the fact that **we did not receive our notices and ballots in the mail until Wednesday, August 10, 2005, a full day after the Planning Commission was set to hear these cases.** Given that the envelope containing the notices was not postmarked until August 8, 2005, there is no possible way we could have received the notices in time to vote or attend the hearing. I have attached a photocopy of the original envelope we received. As you explained to me, city ordinance dictates that notices must be mailed ten (10) days before the scheduled hearing date. Clearly, that standard was not met in this case. Were it not for the fact that the hearing on these cases was postponed at last night's Planning Commission meeting, our ballots would never have been counted and our comments and opinions would never have been weighed.

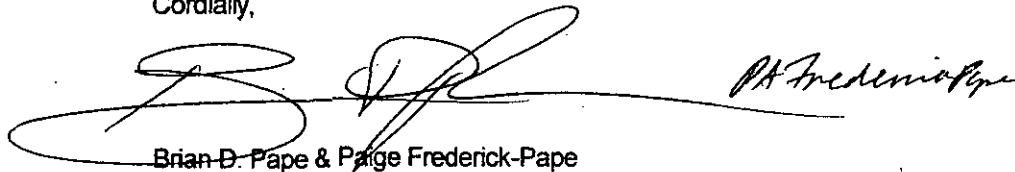
August 10, 2005

If I may, I'd like to make a suggestion to you, Greg Guernsey, Joe Pantaloni and Chris Riley. Ten days is woefully insufficient lead-time for mailing out notices. The ordinance should be changed to fifteen (15) business days or twenty (20) total days. Currently, the city produces notices on one day and mails them out the next. That eats up 1 to 2 days of the 10. Then the US Postal Service takes over consuming another 2 to 4 days, especially if a weekend falls into the mix. Next, allow a very reasonable 1 to 3 days for the recipient to open, read, digest, respond and put the notice back in the mail. Figure another 2 to 4 days for the postal service to get the response back to the city. Finally, allow 1 to 2 days for the mail to get routed within the city, opened, sorted and recorded. You are talking about anywhere from an extremely optimistic seven (7) day turnaround to a pessimistic fifteen (15) days. This timetable also dismisses the fact that city staff puts together information packets for the members of the commissions several days before the scheduled hearing date so they have time to read and review all of the relevant case information. Under either the optimistic or pessimistic scenario, this is simply not enough time for giving notice as it allows little to no margin for error on anyone's part.

Often times these cases, be they before the Planning Commission, Zoning & Platting Commission, Board of Adjustment or Historic Landmark Commission, are of critical importance to surrounding property owners both in terms of the investment they have in the property as well as their quality of life. Short of finding the time to attend these sometimes extremely lengthy hearings, this is the only vehicle/voice an effected property has to communicate how they feel. **Allowing property owners an adequate amount of time to react and respond is too important to only allow 10 total days for notification. We are asking you to please take immediate action to lengthen the notice requirement contained in the city ordinance(s) to fifteen (15) business days or twenty (20) total days.**

I look forward to hearing back from you in the next thirty (30) days.

Cordially,



Brian D. Pape & Paige Frederick-Pape

cc: Greg Guernsey, Neighborhood Planning & Zoning
Chris Riley, Chair, Planning Commission
Joe Pantaloni, Director, Watershed Protection & Development Review



City of Austin

Founded by Congress, Republic of Texas, 1839
Neighborhood Planning and Zoning Department
One Texas Center, 505 Barton Springs Road
P.O. Box 1088, Austin, Texas 78767

August 18, 2005

Mr. Brian D. Pape
Ms. Paige Frederick-Pape
1202 Shelley Ave.
Austin, TX 78703

Re: Your letter dated August 10, 2005 on C14-05-0012 & C14-05-0013 – Rezoning requests at 1201 & 1203 Baylor St.

Dear Mr. & Mrs. Pape,

Thank you for sending your comments regarding the cases above. Your concerns will be incorporated as part of the case file and staff report presented to the Planning Commission. These cases have been postponed by the commission to October 11, 2005 City Hall Council Chambers, 301 West 2nd Street beginning at 6:00 PM, in order to facilitate a neighborhood plan amendment request. Property owners within 300 feet of the affected property as well as members of the neighborhood planning team will receive notice of the public hearings.

Regarding your concern about notification, let me offer the following explanation. The Texas Local Government Code, Chapter 211.007 (c) gives the notification requirements for public meetings held on change of zoning requests considered by the commission:

§ 211.007 (c) Before the 10th day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed.

Therefore, notice is required under state law to property owners within 200 feet. The City of Austin requires notice to property owners within 300 feet of the property on which the change in classification is proposed, exceeding the minimum requirements of State law. The provision is listed under Chapter 25-1-132 (A):

§ 25-1-132 NOTICE OF PUBLIC HEARING.

(A) For a notice required to be given under this subsection, the responsible director shall give notice of a public hearing before a board or commission by mailing notice not later than the 11th day before the date of the hearing to the:

- (1) applicant;*
- (2) notice owner of property located within 300 feet of the subject property;*
- (3) neighborhood organization; and*
- (4) parties to an appeal.*

The notice you received was not sent by the City of Austin as your name does not appear on the notification list because your property lies at approximately 1,000 feet from the property on which the change in classification is proposed. Furthermore, the envelope would have the official City name, return address for the Neighborhood Planning and Zoning Department, and the case number(s). Notice of the public meeting was sent by the City to property owners within 300 feet from the property on which the change in classification is proposed as required by State law and City Ordinance. You may find information about the above cases using the following link:

http://www.ci.austin.tx.us/gis/reviewcases/rcase_table_search.cfm

Your suggestions about extending the notification period will be shared with the commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Jorge E. Rousselin". The signature is written in a cursive style with a horizontal line underneath the name.

Jorge E. Rousselin, Senior Planner
Neighborhood Planning and Zoning Department
Zoning Case Management Division
(512) 974-2975

Enclosures: Public notice for C14-05-0012 & C14-05-0013

Old West Austin Neighborhood Association
P.O. Box 2724
Austin, TX 78768

RECEIVED

JUN 21 2006

Planning Commission
Austin, TX

Neighborhood Planning & Zoning

RE: 1201 and 1203 Baylor Street (Case No.'s C14-05-0012 and C14-05-0013)

Dear Mr. Chairperson and Commissioners:

My name is Jean Stevens and I am the Chairperson of the Old West Austin Neighborhood Association's (OWANA) Zoning and Land Use Committee. I am sending this letter to inform you of OWANA's formal recommendation for the above referenced case numbers.

At the December 2005 OWANA General Membership meeting the issue of rezoning the two properties was discussed and approved a motion to not oppose NO zoning with conditions based on input and agreement by nearby neighbors.

While the applicants are requesting LO zoning, there is no need for that intensity when NO will suffice for them to continue the use of the property as offices which is their stated intention for now and in the future.

My committee has since met with nearby neighbors who would not oppose NO zoning with a conditional overlay that limits the future size of any structures on the properties to the current square footage there, in order to manage the potential for future traffic impacts. The neighbors will be submitting their opinions either at the hearing or by mail.

These properties, currently zoned MF-4, are inside (on the eastern edge) of the "residential core" as defined in the OWA Neighborhood Plan. The OWA NP states that there should be no upzoning within the residential core and therefore a change to NO would be an amendment to this.

Because this zoning change will be reflected as an amendment to the OWA NP, a recommendation was considered by the Neighborhood Plan Contact Team (NPCT) which consists of representatives from OWANA, (Laura Morrison), Clarksville Community Development Corporation, (Doug Baylor) and the West End Alliance Association (Evan Williams). The NPCT recommends an amendment to the Neighborhood Plan to reflect a rezoning of the property from MF-4 to NO with a conditional overlay limiting square footage as noted above. (Please let me know if you require a formal letter from the NPCT.)

In closing, I have made several attempts to arrange a meeting between OWANA's Zoning Committee and the owners of 1201 and 1203 Baylor Street to discuss this issue but have been rebuffed through their unwillingness to return my phone calls and e-mails. Therefore, I can only surmise that the owners do not wish to work towards an appropriate, and widely agreed upon, conclusion to this matter and I hope that you take both OWANA's and the nearby neighbor's input into consideration when determining the fate of these properties.

Thank you,

Jean Stevens
OWANA Zoning and Land Use Committee Chairperson
sjzone@sbcglobal.net

7/11/06

To: Mayor & City Council

I respectfully request a postponement of
Case C1405013 to August 10, 2006.

Thank You,
Chris Bernard

RECEIVED

JUL 11 2006

Neighborhood Planning & Zoning

Old West Austin Neighborhood Association
P.O. Box 2724
Austin, TX 78768

RECEIVED

JUL 13 2006

Mr. Jorge Rousselin
Neighborhood Planning and Zoning Department
505 Barton Springs Road, 5th Floor
Austin, TX 78704

Neighborhood Planning & Zoning

RE: 1201 and 1203 Baylor Street (Case No.'s C14-05-0012 and C14-05-0013)

Dear Mr. Rousselin:

After careful deliberation on June 27, 2006, the Planning Commission voted to recommend rezoning the above mentioned properties from MF-4-NP to NO-MU-NP.

As Chairperson of the Old West Austin Neighborhood Association's Zoning and Land Use Committee, I support this recommendation.

Thank you,

Jean Stevens
OWANA Zoning and Land Use Committee Chairperson
(512) 236-1626

David M. Walter

1200 Baylor Street • Unit #303 • Austin, Texas 78703 • (512) 294-8343 • DavidMWalter@earthlink.net

TO: Austin City Council
Austin Planning Commission

RECEIVED

FROM: David Walter

JUL 18 2006

DATE: July 17, 2006

Neighborhood Planning & Zoning

RE: Zoning of 1201 and 1203 Baylor Street, Austin, TX 78703

I am writing to show my support for a NO-MU-NP zoning classification for the properties located at 1201 and 1203 Baylor Street, Austin, TX 78703 ("the Properties").

As an owner and resident of the 1200 Baylor Street Remington Condominiums, located directly across the street and to the west of the Properties, ("the Remington Condos") I have taken a strong interest in the re-zoning of the Properties. During the Planning Commission's hearing of June 27, 2006, I supported the Old West Austin Neighborhood Association's ("OWANA") position to modify the Planning Commission's zoning recommendation for the Properties from Limited Office (LO) to Neighborhood Office (NO). Additionally, I have been in contact with, and have had a petition signed by, six other owners of the Remington Condos, all of whom support an NO zoning classification for the Properties. We feel that the NO zoning classification is the best option for all interested parties, as it permits the current owners of the Properties to continue to conduct their respective businesses without infringement, while preserving the nature and character of the neighborhood even if the current owners sell the Properties.

If you would like to discuss any aspect of this matter with me, please contact me at the number above. Thank you for your consideration.