

**Zoning Ordinance Approval
CITY OF AUSTIN**



RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: 73

AGENDA DATE: Thu 09/29/2005

PAGE: 1 of 1

SUBJECT: C14-04-0196 - Hyde Park North NCCD (4505 Duval) - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4505 Duval Street (Waller Creek Watershed) from multi-family residence-medium density (MF-3) district zoning and community commercial (GR) district zoning to community commercial-mixed use-neighborhood combining conservation district-neighborhood plan (GR-MU-NCCD-NP) combining district zoning and multi-family residence-medium density-neighborhood combining conservation district-neighborhood plan (MF-3-NCCD-NP) district zoning. First reading approved on August 18, 2005. Vote: 6-0 (McCracken off the dais). Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Glenn Rhoades, 974-2775.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey



LAW DEPARTMENT

MEMORANDUM

TO: Mayor and City Council Members

FROM: Marci Morrison, Assistant City Attorney

DATE: September 28, 2005

SUBJECT: September 29, 2005 City Council Meeting, Item No. 73

In an e-mail from Karen McGraw, Chairman of the Hyde Park Planning Team, dated September 26, 2005, Ms. McGraw stated she felt strongly that the landowner's attorney's proposed language should be used in the proposed ordinance for Case No. C14-04-0196, Hyde Park North NCCD (4505 Duval). City staff has been working with Ms. McGraw and Zach Wolfe to address their concerns. Ms. McGraw, Mr. Wolfe, and the City have now reached an agreement regarding the landowner's requested revisions and they are reflected in the City ordinance provided as backup.

If you have questions, please do not hesitate to contact me.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 20050818-064, REZONING AND CHANGING THE ZONING MAP TO ADD NORTH HYDE PARK NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN COMBINING DISTRICT TO THE BASE ZONING DISTRICTS OF 4505 DUVAL STREET IN THE NORTH HYDE PARK NEIGHBORHOOD CONSERVATION-NEIGHBORHOOD PLAN COMBINING DISTRICT AREA.

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

PART 1. Ordinance No. 20050818-064 is amended to include the property identified in this Part in the North Hyde Park neighborhood conservation-neighborhood plan combining district. The zoning map established by Section 25-7 of the City Code is amended to rezone the property described in Zoning Case 2004-0196, on file at the Neighborhood Planning and Zoning Department,

4505 Duval-Part A: From community commercial (GR) to community commercial neighborhood conservation-neighborhood plan (GR-NCCD-NP) combining district; and

4505 Duval-Part B: From multifamily residence medium density (MF-3) to multifamily residence medium density-neighborhood conservation-neighborhood plan (MF-3-NCCD-NP) combining district;

locally known as 4505 Duval Street (the "Property"), in the City of Austin, Travis County, Texas, and generally depicted on Exhibits "A" and "B" attached to this ordinance.

PART 2. Except as otherwise provided, the Property is subject to the use and site development regulations of Ordinance No. 20050818-064.

PART 3. Ordinance No. 20050818-064 is amended to include the following definitions:

4505 DUVAL-PART A means the portion of the Property zoned community commercial (GR) district and located in the Duval District.

4505 DUVAL-PART B means the portion of the Property zoned multifamily residence medium density (MF-3) district and located in the Residential District.

PART 4. Part 4, Section 3 is amended as follows:

3. The Duval Commercial District - located at 4500-4505 (Part A), 5010, 5011 and 5012 Duval Street.

PART 5. Part 5 (*Permitted and Conditional Uses*), Section 3.h. is amended to add the following:

(iv) The front 20 feet of the portion of a building across Duval (Part A) that is directly across the street from a single family use may be developed solely with a residential use in Column B or a use in Column B that is permitted in a limited office (LO) district.

PART 6. Part 5 (*Permitted and Conditional Uses*), Section 3 is amended to add the following:

- m. For a commercial use of 4505 Duval (Part B), parking is permitted on the site that includes the MF-3 zoned portion of the site existed on April 1, 2005.

PART 7. Part 6 (*General Provisions*) is amended to add the following:

12. The height limits shown in the attached Exhibit "D" apply to 4505 Duval (Part A and B).

- a. Within the lot of the west and east property lines of 4505 Duval (Part B) adjacent to a single family use or a single family zoning district, the maximum height is 30 feet and 2.5 stories.

- b. Except as provided in this section, the maximum height is 35 feet for the Property that lie within 125 feet from (i) a single family use or a single family zoning district that is across from the north, west or east property lines, or the northeast corner of the Property, or (ii) 45th Street from the west side of Duval Street or the south side of East 45th Street.

- c. For the portion of 4505 Duval (Part A) that is at least 100 feet from both Duval Street and East 45th Street, the maximum height is 45 feet.

- d. The maximum height of the area not included in the height limits shown in

subsections a, b, and c, is 40 feet.

PART 8. Part 7 (*Residential District*) is amended to add the following:

15. The following site development standards apply to 4505 Duval (Part A).
 - a. The maximum building coverage is 55 percent.
 - b. The maximum impervious cover is 65 percent.
 - c. The floor to area ratio (FAR) may not exceed a ratio of 1.5 to 1.0.
16. The portion of a parking garage above the ground floor of a structure at 4505 Duval (Part B) may not have an opening of transparent or translucent materials that face and are visible from the nearest property lines of the Property.

PART 9. Part 9 (*Duval District*) is amended to add the following:

10. The following site development standards apply to 4505 Duval (Part A).
 - a. The maximum building coverage is 60 percent.
 - b. The maximum impervious cover is 90 percent.
 - c. The floor to area ratio (FAR) may not exceed a ratio of 2.0 to 1.0.
11. For a building located on Duval Street or 45th Street and is located at 4505 Duval (Part A), the front yard or side street yard setback is 5 feet and the maximum side street yard setback is 10 feet.

PART 10. Part 10 (*Multi-Family Housing*) Section 1 is amended as follows:

1. Rental properties. This section applies to 4505 (Part A and Part B), 5012 Duval Street, and 5012 Duval Street.

PART 11. This ordinance takes effect on _____, 2005

PASSED AND APPROVED

_____, 2005 §
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Will W.
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTES

Shirley A. Brown
City Clerk