

**Zoning Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-24  
AGENDA DATE: Thu 07/28/2005  
PAGE: 1 of 1**

**SUBJECT:** C14-04-0196 - Hyde Park North NCCD - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as an area bounded by 51<sup>st</sup> Street to the north, Red River Street to the east, Guadalupe to the west and 45<sup>th</sup> Street to the south (Waller Creek Watershed). The proposed zoning change will create a Neighborhood Plan Combining District (NP) and a Neighborhood Conservation Combining District (NCCD) for the entire area. Under the proposed North Hyde Park NPCD, "Small Lot Amnesty" is proposed for the entire area. The Neighborhood Mixed Use Building special use is proposed for Tracts 2, 3 and 4. The North Hyde Park NCCD proposes modified site design and development standards including but not limited to the following: land use, floor area ratios (FAR), building heights, mixed use developments, garages, parking, impervious and building coverage allowances, setbacks, and driveway and parking access. The proposed zoning change also implements the land use recommendations of the Hyde Park Neighborhood Plan for the area. The City Council may approve a zoning change to any of the following: rural residence (RR) district; single-family residence – large lot (SF-1) district; single-family residence standard lot (SF-2) district; family residence (SF-3) district; single-family – small lot and condominium site (SF-4A/B) district; urban family residence (SF-5) district; townhouse and condominium residence (SF-6) district; multi-family residence - limited density (MF-1) district; multi-family residence - low density (MF-2) district; multi-family residence - medium density (MF-3) district; multi-family residence – moderate-high density (MF-4) district; multi-family residence - high density (MF-5) district; multi-family residence - highest density (MF-6) district; mobile home residence (MH) district; neighborhood office (NO) district; limited office (LO) district; general office (GO) district; commercial recreation (CR) district; neighborhood commercial (LR) district; community commercial (GR) district; warehouse/limited office (W/LO) district; general commercial services (CS) district; commercial-liquor sales (CS-1) district; commercial highway (CH) district; industrial park (IP) district; major industrial (MI) district; limited industrial services (LI) district; research and development (R&D) district; development reserve (DR) district; agricultural (AG) district; planned unit development (PUD) district; historic (H) district; and public (P) district. Neighborhood conservation combining district (NCCD) or neighborhood plan special use (NP) may also be added to these zoning base districts. Planning Commission Recommendation: To grant neighborhood conservation combining district (NCCD) district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department (Glenn Rhoades, 974-2775, Alex Koenig, 974-3515).

**REQUESTING**     Neighborhood Planning  
**DEPARTMENT:**     and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guemsey

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0196

**P.C. DATE:** March 8, 2005  
March 22, 2005  
April 26, 2005  
June 14, 2005  
July 12, 2005  
June 23, 2005  
**C.C. DATE:** July 28, 2005

**H.L.C. DATE:** Feb. 28, 2005

**ADDRESS:** Bounded by 45<sup>th</sup> Street to the South, Guadalupe Street to the West, 51<sup>st</sup> Street to the north and Red River Street to the east (Hyde Park North).

**APPLICANT:** City of Austin

**AGENT:** Neighborhood Planning and Zoning Department

**ZONING FROM:** various districts

**TO:** NCCD, NP and other various districts

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of the neighborhood conservation combining district (NCCD) and neighborhood plan (NP) combining district zoning, with the following change: Staff recommends against down zoning Tracts 2, 3 and 4 (See Exhibit "A") from commercial district zoning to multifamily district zoning. Staff recommends leaving the existing commercial base districts on these tracts and adding a mixed use (MU) combining district.

### **PLANNING COMMISSION RECOMMENDATION:**

March 8, 2005 – Postponed at the request of staff until March 22, 2005 (Vote: 7-0).

March 22, 2005 – Postponed at the request of Commission until April 26, 2005, in order to bring this application before the Neighborhood Planning sub-committee. The Committee met on April 13, 2005. Please see attached minutes from the meeting. The Sub-Committee directed staff to send notification of a City sponsored meeting with all interested parties and to report back to the Sub-Committee on June 8, 2005. The City sponsored meeting was held on May 23, 2005. However, due to a lack of a quorum at the June 8<sup>th</sup> meeting a report was not given.

April 26, 2005 – Postponed to June 14, 2005 by the Commission (Vote: 8-0).

June 14, 2005 - Postponed at the request of staff to July 12, 2005 (Vote: 7-0).

July 12, 2005- *APPROVED THE HYDE PARK NCCD (as recommended by Staff); WITH THE EXCEPTION OF THE RECOMMENDATION FOR 4505 DUVAL. COMMISSION RECOMMENDS LIMITING THE PROPERTY TO EXISTING COMPATIBILITY STANDARDS. ALSO ADDITIONAL RESTRICTIONS AGREED UPON BY NEIGHBORHOOD AND APPLICANT ON 4500 DUVAL TO PROHIBIT AUTO WASHING,*

***EXCEPT AS AN ACCESSORY USE; NOT TO EXCEED 20% OF THE SITE AREA, AND TO LIMIT THE HEIGHT TO 30-FEET FROM THE WEST PROPERTY LINE, 35-FEET FOR THE REMAINDER.***

**[JMC, DS 2<sup>ND</sup>] (7-1) M.M – NAY**

**ISSUES:**

Staff has included a comparison sheet demonstrating the differences in site development regulations for the following proposed NCCD areas: Residential, Avenue A, Duval and Guadalupe districts. This comparison sheet explains the differences between what is allowed by the Land Development Code presently and what is being proposed in the NCCD.

On January 31, 2001, the City Council approved a NCCD for the Hyde Park South neighborhood that is bounded by 45<sup>th</sup> Street to the North, Guadalupe Street to the West, Red River to the east and 38<sup>th</sup> Street to the South. This application proposes to complete the process of adding a NCCD to the Hyde Park area.

The City of Austin is initiating this NCCD at the request of Council and with the assistance of stakeholders from the Hyde Park Neighborhood, and in particular the Hyde Park Neighborhood Association (HPNA). HPNA has done the majority of the work in bringing this application forward. Most of the proposed language and format of the proposed NCCD mirrors the previously adopted Hyde Park South NCCD. Staff has been reviewing the stakeholder's proposed NCCD language and made comments on the document during its creation.

Staff recommends the NCCD with the following change:

Staff recommends against down zoning Tracts 2, 3 and 4 (See Exhibit "A") from commercial zoning to multifamily zoning. Staff is recommending against this down zoning, because the neighborhood plan recommends mixed uses for these properties. Staff recommends leaving the existing commercial base districts and adding a MU combining district. The stakeholders that are supporting this down zoning request, because the properties are currently developed with apartments.

The NCCD also proposes to down zone several properties from SF-3 to SF-2. Staff supports these changes, because many of these properties are deed restricted from anything other than a single-family use. The difference between SF-2 and SF-3 is that the SF-3 district would allow for a duplex residential use or two family residential use on lots that are 7,000 square feet or more.

The Planning Commission has directed the neighborhood stakeholders and the Neighborhood Housing and Community Development Office (NHCDO) to come up with possible affordable housing options. Neighborhood stakeholders and NHCDO have had a constructive meeting and agreed to several options that would encourage affordable housing in the neighborhood. These options have been incorporated into the NCCD language draft.

There are no properties within the NCCD that are proposed for Historic zoning at this time.

**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:**

Hyde Park Neighborhood Association

**ABUTTING STREETS:**

NAME	ROW	PAVEMENT	CLASSIFICATION	SIDEWALKS	CAPITAL METRO ROUTE	BICYCLE PLAN ROUTE
Guadalupe St.	70'	60'	Collector	Yes	IF	#47
Red River St.	56'	30'	Collector	No	#15	#51
W. 45 <sup>th</sup> St.	64'	40'	Arterial	Yes	#5	#32
E. 51 <sup>st</sup> St.	50'	30'	Arterial	Yes	N/A	#30
Duval Rd.	60'	40'	Collector	Yes	#7	#49
Speedway	Varies	Varies	Collector	No	#5/IF	#47
W. 47 <sup>th</sup> St.	56'	26'	Collector	No	N/A	#57

**CITY COUNCIL DATE:** June 23, 2005

**ACTION:** Postponed by staff until  
7/28/05 (Vote: 7-0).

July 28, 2005

**ORDINANCE READINGS:** 1<sup>st</sup>

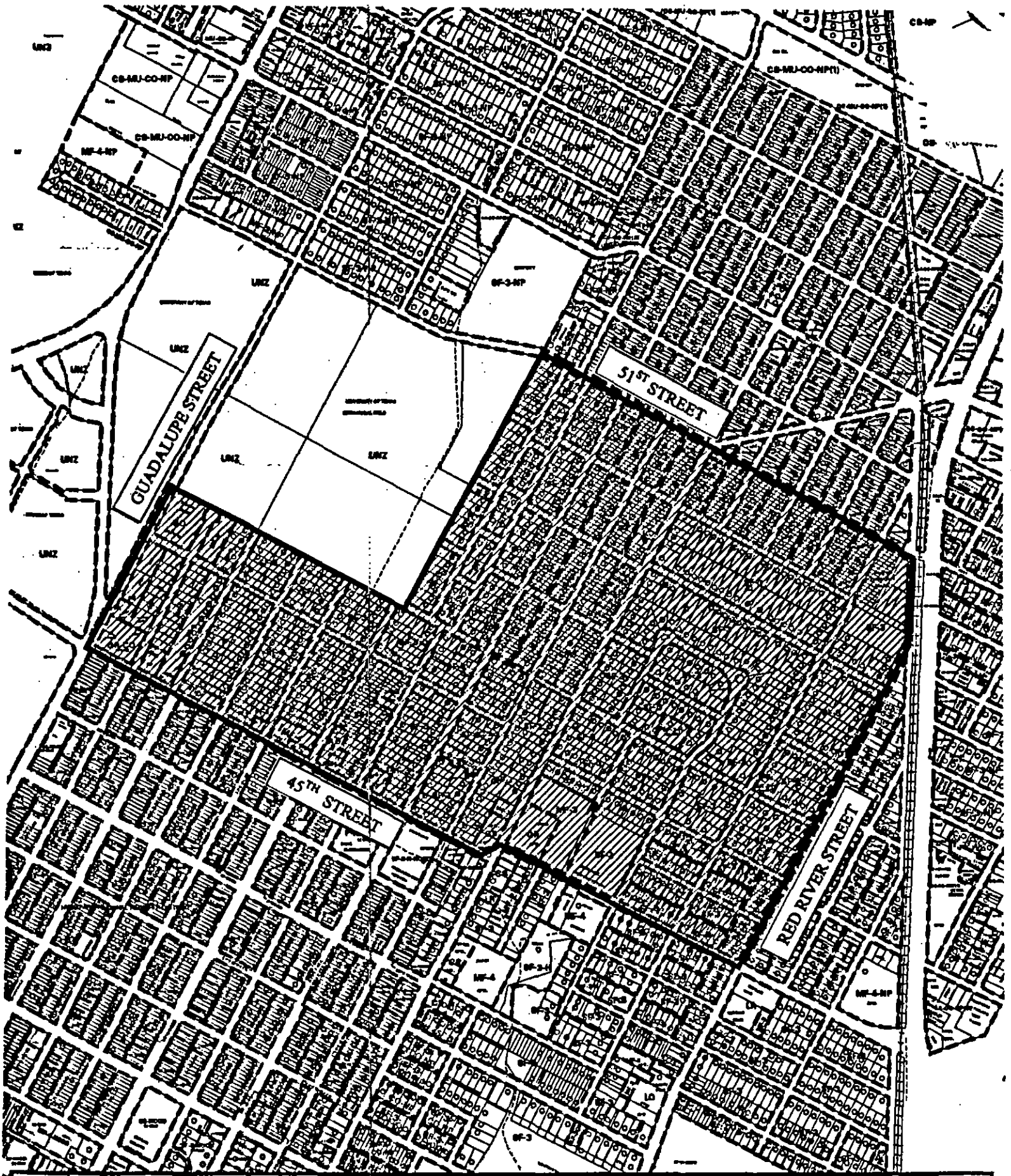
2<sup>nd</sup>





3<sup>rd</sup>

**ORDINANCE NUMBER:**

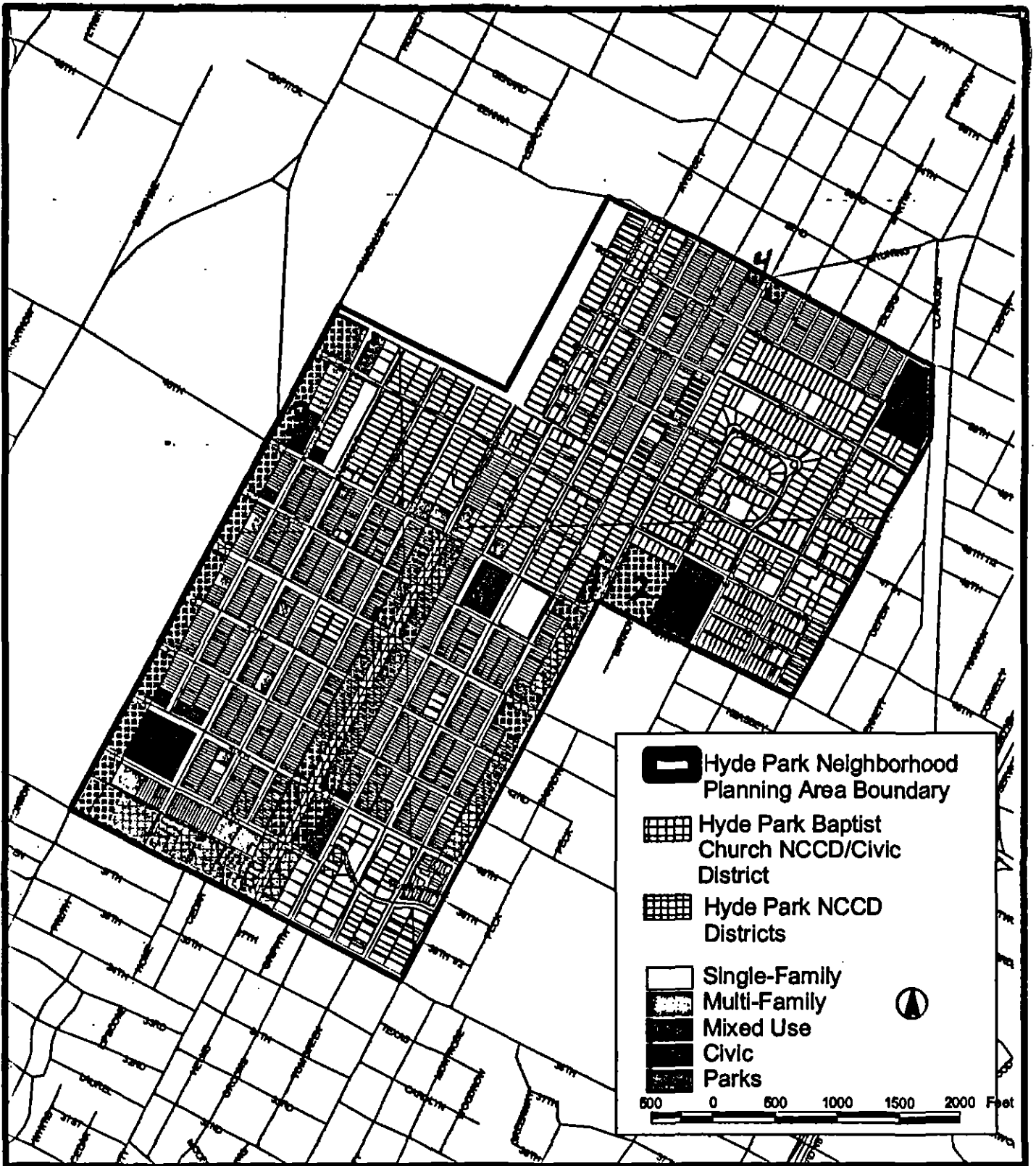
**CASE MANAGER:** Glenn Rhoades

**PHONE:** 974-2775



 <p>1"=800'</p> <p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: G. RHOADES</p>	<p><b>ZONING</b></p> <p>CASE #: C14-04-0196</p> <p>ADDRESS: HYDE PARK NCCD</p> <p>SUBJECT AREA (acres): N/A</p> <p>DATE: 05-02</p> <p>INTLS: SM</p>	<p><b>CITY GRID REFERENCE NUMBER</b></p> <p>K26</p>
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# Exhibit A



**Hyde Park Neighborhood  
Planning Area: Future  
Land Use Map**

- 1) 4510 Duval
- 2) 4505 Duval
- 3) 4539 - 4553 Guadalupe
- 4) 5012 - Duval

# Comparison of Current and Proposed Development Standards

## Residential District

	SF-2 Current	SF-2 Proposed
Min. lot size	5750 SF	5750 SF
Min. lot width	50 ft	50 ft
Max. F.A.R.	NA	NA
Max. building coverage	40%	40%
Max. impervious cover	45%	45%
Max. height	15 ft	30 ft/2.5 stories
Min. side yard setback	5 ft	5 ft
Min. rear yard set back	10 ft	10 ft

	SF-3 Current	SF-3 Proposed
Min. lot size	5750 SF	5750 SF
Min. lot width	50 ft	50 ft
Max. F.A.R.	NA	NA
Max. building coverage	40%	40%
Max. impervious cover	45%	45%
Max. height	15 ft	30 ft/2.5 stories
Min. side yard setback	5 ft	5 ft
Min. rear yard set back	10 ft	10 ft

	MF-3 Current	MF-3 Proposed
Min. lot size	8000 SF	8000 SF
Min. lot width	50 ft	50 ft
Max. F.A.R.	75%	75%
Max. building coverage	50%	50%
Max. impervious cover	55%	60%
Max. height	10 ft	30 ft/2.5 stories
Min. side yard setback	5 ft	5 ft
Min. rear yard set back	10 ft	10 ft

	MF-4 Current	MF-4 Proposed
Min. lot size	8000 SF	8000 SF
Min. lot width	50 ft	50 ft
Max. F.A.R.	75%	75%
Max. building coverage	50%	50%
Max. impervious cover	60%	60%
Max. height	10 ft	30 ft/2.5 stories
Min. side yard setback	5 ft	5 ft
Min. rear yard set back	10 ft	10 ft

## Avenue A District

	SF-3 Current	SF-3 Proposed	MF-2 Current	MF-2 Proposed
Min. lot size	5750 SF	5750 SF	8000 SF	8000 SF
Min. lot width	50 ft	50 ft	50 ft	50 ft
Max. F.A.R.	NA	NA	N/A	.5:1
Max. building coverage	40%	40%	50%	50%
Max. impervious cover	45%	45%	60%	60%
Max. height	35 ft	35 ft	35 ft	35 ft
Min. side yard setback	5 ft	5 ft	5 ft	5 ft
Min. rear yard set back	10 ft	10 ft	10 ft	10 ft

	MF-3 Current	MF-3 Proposed	MF-4 Current	MF-4 Proposed
Min. lot size	8000 SF	8000 SF	8000 SF	8000 SF
Min. lot width	50 ft	50 ft	50 ft	50 ft
Max. F.A.R.	.75:1	.75:1	.75:1	.75:1
Max. building coverage	55%	55%	60%	60%
Max. impervious cover	65%	65%	70%	70%
Max. height	35 ft	35 ft	35 ft	35 ft
Min. side yard setback	5 ft	5 ft	5 ft	5 ft
Min. rear yard set back	10 ft	10 ft	10 ft	10 ft

	GR Current	GR Proposed	GO Current	GO Proposed
Min. lot size	5750 SF	5750 SF	5750 SF	5750 SF
Min. lot width	50 ft	50 ft	50 ft	50 ft
Max. F.A.R.	1:1	1:1	1:1	1:1
Max. building coverage	5%	60%	60%	60%
Max. impervious cover	0%	80%	80%	80%
Max. height	0 ft	40 ft	35 ft	40 ft
Min. side yard setback	5 ft	5 ft	5 ft	5 ft
Min. rear yard set back	10 ft	10 ft	10 ft	10 ft



## Duval District

	CS Current	CS Proposed
Min. lot size	5750 SF	5750 SF
Min. lot width	50 ft	50 ft
Max. F.A.R.	1:1	1:1
Max. building coverage	55%	50%
Max. impervious cover	55%	80%
Max. height	60 ft	80 ft/2.5 stories
Min. side yard setback	N/A	5 ft
Min. rear yard set back	N/A	10 ft

## Guadalupe District

	GO Current	GO Proposed
Min. lot size	5750 SF	5750 SF
Min. lot width	50 ft	50 ft
Max. F.A.R.	1:1	1:1
Max. building coverage	60%	60%
Max. impervious cover	80%	80%
Max. height	60 ft	50 ft
Min. side yard setback	5 ft	0 ft
Min. rear yard set back	5 ft	5 ft

	GR Current	GR Proposed
Min. lot size	5750 SF	5750 SF
Min. lot width	50 ft	50 ft
Max. F.A.R.	1:1	1:1
Max. building coverage	75%	75%
Max. impervious cover	90%	90%
Max. height	60 ft	50 ft
Min. side yard setback	0 ft	0 ft
Min. rear yard set back	0 ft	5 ft

# NCCD LANGUAGE DRAFT

**PURPOSE:** The purpose of a neighborhood conservation (NC) combining district is to preserve neighborhoods with distinctive architectural styles that were substantially built out at least 30 years before the date an application for an NC combining district classification is filed. (25-2-173)

The Neighborhood Conservation (NC) Combining District modifies use and site development regulations of a base district located in the NC combining district in accordance with a neighborhood plan. (25-2-371)

**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 45<sup>th</sup> Street to the south, 51<sup>st</sup> 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 8 tracts of land within the NCCD.

**PART 2.** The base zoning of the 9 tracts shown in the chart below are changed from family residence (SF-3) district, family residence historic (SF-3-H) district, (SF-5) urban family residence district, (LO) limited office, Community Commercial (GR) district, Community Commercial Conditional Overlay (GR-CO) district and (CS) general commercial services district, to (SF-2-NCCD) single family residence district neighborhood conservation combining district, (SF-2-H-NCCD) single family residence district historic neighborhood conservation combining district, (SF-3-NCCD) family residence district neighborhood conservation combining district,, (SF-3-H-NCCD) family residence district historic neighborhood conservation combining district, (NO-NCCD) neighborhood office - neighborhood conservation combining district, (LO-NCCD) Limited Office District - neighborhood conservation combining district, (GR-NCCD) Community Commercial - neighborhood conservation combining district and (MF-3-NCCD) multifamily residence medium density - neighborhood conservation combining district, (MF-4-NCCD) multifamily residence moderate high density neighborhood conservation combining district.

## MAP

TRACT #	PROPERTY ADDRESS	FROM	TO
1	4812 Rowena	SF-5	SF-3-NCCD
3	4510 Duval	CS	LO-NCCD
4	4505 Duval (part)	GR	MF-3-NCCD
5	4500 Avenue B	LO	NO-NCCD
6	4502 Avenue A	GR-CO	MF4-NCCD
7	4539-4553 Guadalupe	CS	GR-NCCD

8	600-620 Fairfield Lane; 4700-4705, 4707, 4709, 4800-4811 Eilers Avenue; 4700-4714 and 4800-4806 Evans Avenue; 601-615 E. 48 <sup>th</sup> St.; 4701, 4703, 4705, 4707, 4709, 4711, 4713, 4715, 4801, 4803, 4805, 4807, 4809 Duval St.; 600-602 E. 47 <sup>th</sup> St.	SF-3	SF-2-NCCD
9	604 E. 47 <sup>th</sup> St.	SF-3-H	SF-2-H-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.

**HALF-STORY** means livable space that is contained between the eave and ridge of a dwelling.

**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, 4505, 4510, 5011 and 5012 Duval Street.
4. The Guadalupe District – generally located from Guadalupe Street to one-half block east of Guadalupe Street from 45<sup>th</sup> Street to Intramural Field.

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

1. Residential Uses:

Group Residential Use is not permitted in this NCCD.

2. 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 in the Duval District.

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

COLUMN	A	B	C	C
base district designation	per NCCD	per NCCD	per NCCD	per code
USES:	NO	CS/GR	GR	GO
	4500 B	Duval	4500 A/UCU	4501 A/UCU
Administrative and business offices	P	P	P	P
Art Gallery	--	P	P	P
Art Workshop	--	P	P	-
Automotive Rentals	-	C	-	-
Automotive Repair Services	-	P	-	-
Automotive Sales	-	C	-	-
Automotive Washing	-	C	-	-
Commercial off-street parking	--	C	C	-
Condominium Residential	--	P—	--	-
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	P
Food Preparation	--	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	P	-
Off-site accessory parking	--	C	C	--
Personal improvement services	--	P	P	-
Personal Services	--	P	P	P
Private primary educational facilities	P	P	P	P
Private secondary educational facilities	P	P	P	P
Professional office	P	P	P	P
Public primary educational facilities	P	P	P	-
Public secondary educational facilities	P	P	P	-
Religious assembly	P	P	P	P
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	-

**3. The section applies to the uses established in Section 2 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 B or 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 square feet, 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 in Column D is limited to 5,000 SF.
- h. Residential uses are permitted only above the first floor and commercial uses are required on the first floor in Column B for 4500 and 5011 Duval.
- i. Commercial uses are permitted only on the ground floor at 5012 Duval.
- j. 4510 Duval is restricted to LO and MF3 uses. Up to 2,500 square feet of LO uses are permitted on the ground floor of a residential use at 4510 Duval. No commercial use is permitted above the ground floor.
- k. Food Preparation use where permitted requires that a food sales or restaurant use is also located on the site. Food Preparation is permitted up to 5,000 square feet but may not exceed the square footage of the food sales and/or restaurant uses on the same site.
- l. Automotive uses and parking uses in column B are permitted only at 4500 Duval and are limited to the lot size existing on April 1, 2005. These uses are not permitted at other sites in the Duval District.
- m. Parking for commercial uses at 4505 Duval may be located anywhere on the site, as the site exists on April 1, 2005, including on the portion zoned MF-3.

**4. The following uses are permitted on property located in the Guadalupe District.**

**a. Permitted uses.**

Administrative and business offices  
 Art and craft studio (general)  
 Business or trade school  
 Communication service facilities  
 Community recreation (private)  
 Consumer convenience services  
 Cultural services  
 Day care services (general)  
 Duplex residential  
 Financial services  
 General retail sales (convenience)  
 Group home class I (general)  
 Group home class II  
 Indoor entertainment  
 Local utility services  
 Multifamily residential  
 Personal services  
 Printing and Publishing  
 Private secondary educational facilities  
 Public primary educational facilities

Art and craft studio (limited)  
 Business support services  
 Community recreation (public)  
 Congregate living  
 Consumer repair services  
 Day care services (commercial)  
 Day care services (limited)  
 Family home  
 Food sales  
 General retail sales (general)  
 Group home class I (limited)  
 Hospital services (limited)  
 Indoor sports and recreation  
 Medical offices  
 Personal improvement services  
 Plant nursery  
 Private primary educational facilities  
 Professional office  
 Public secondary educational facilities

Religious assembly	Research services
Residential treatment	Restaurant (limited)
Restaurant (general)	Safety services
Single-family residential	Software development
Theater (not to exceed 5000 s.f.)	Two-family 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. **PEDESTRIAN-ORIENTED USES** – If a parking facility is located on the ground floor of a building, pedestrian-oriented uses or habitable space must be located at the front of the building on the ground floor.
2. **FRONT OF BUILDING AND LOT**
  - a. Except as otherwise provided, a building shall front 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.
  - e. 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.
  - f. The area east of Duval Street is exempt from this regulation.
3. **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. A building setback more than 35' is not considered in averaging. The area east of Duval Street is exempt from this regulation.
  - 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 a block to establish an average setback, then street yard setbacks are per current City of Austin code.
  - d. Notwithstanding any other provision in this section, a street yard setback may not be less than five feet.
  - e. For the purposes of these regulations, 45 ½ Street between Avenue G and Avenue H is considered to be an alley.

- f. For the purposes of these regulations, the 4500 blocks of Avenue G and Avenue H are each considered to be one block in length for setback averaging purposes.
  - g. In the area between Rowena and Avenue F, a building may be replaced at the same front setback line as a primary structure that existed April 1, 2005.
4. 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. A solid natural stone wall not over 36" tall at any point is also permitted.
  5. This section applies to a fence located in a street side yard that abuts the front of another property 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.
  6. A fence located along an alley shall have an inset or shall be set back to accommodate trash receptacles. The area provided shall be a minimum 18 square feet.
  7. 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.

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.

- a. For multi-family use this applies to the portion of the building abutting the street.
  - b. For a duplex use this applies to one dwelling unit.
  - c. If a lot only has frontage on an alley the entrance of a building may face the alley.
9. Except for a single-family, duplex, or two-family residential use, excess parking is prohibited.
  10. 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.
  11. Alley auto access to a lot is permitted if the access complies with applicable City regulations for maneuverability. At least 25' maneuverability space perpendicular to a parking area is required and may include the alley width.
  12. 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.
  13. Except as otherwise provided in this section, the following provisions apply in all Districts except the Guadalupe District.
    - a. A one-lane circular driveway is permitted on lots over 100' wide.
    - 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 or is a through lot. For a duplex



use or single-family attached use, a lot that is at least 50' wide may have two one-lane driveways that are a maximum of 10' wide if they are separated by the house.

c. The width of a driveway:

- 1) located in a front yard 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) May not exceed 18' on a side street.
- 3) Is not limited on an alley.
- 4) For a residence that had a double driveway and/or garage on the front of the building that existed prior to February 1, 2005, the double driveway and garage may be continued to serve the existing residence even if additional square footage is added to the residence.
- 5) 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) 300 square feet or more are added to the conditioned gross building floor area; this includes the conversion of accessory space to habitable space.
- b) the principal use changes; or
- c) a full bathroom is added to a dwelling unit that has three or more bathrooms; and

- 2a) person may not reduce the parking spaces to a number less than the number of spaces prescribed in the City Code for a present use or may they reallocate those parking spaces to a new use unless the old use is terminated or reduced in size.

A required or excess parking space may not be located in a street yard except that 25% of the width of a front yard, up to a maximum of 20', may be used for a maximum of 2 required parking spaces.

e. The following provision applies to parking required under Subsection d.

1) Tandem parking:

- a) for a single-family, two-family or duplex residential use, is permitted;
- 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 for all single-family uses in the Residential District.

f. For a Multi-family use, at least one parking space is required for each bedroom.

**PART 7. RESIDENTIAL DISTRICT.** The following site development regulations apply in the Residential District.

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

RESIDENTIAL DISTRICT				
	Site Development Standards			
	SF-2	SF-3	MF-3	MF-4
Minimum lot size (see a.)	5750	5750	8000	8000
Minimum lot width	50	50	50	50
Maximum FAR			0.5 to 1	0.5 to 1
Maximum building coverage	40%	40%	50%	50%
Maximum impervious cover	45%	45%	60%	60%
Maximum height (see b.)	30' and 2.5 stories	30' and 2.5 stories	30' and 2.5 stories	30' and 2.5 stories
Minimum interior side yard setback	5	5	5	5
Minimum rear setback	10	10	10	10

- a. The minimum lot size for a Single-family Attached use is 11,500 square feet with a minimum of 5,750 square feet for each dwelling unit.
  - b. The maximum height for an accessory structure or secondary dwelling unit is 25'.
  - c. The maximum height for 4505 Duval (MF3 area) is 40' except that within 100' of single family use or zoning the maximum height limit is 30' and 2.5 stories.
2. Except as otherwise provided in Part 6, on an Avenue, Duval Street, Fairfield and east-west streets east of Duval Street. ,
    - a. the minimum street yard setback is 25 feet; and
    - b. the maximum street yard setback is 30 feet.
  3. This section applies to a street other than a street identified in Section 2 of this part. Except as otherwise provided in this part, the minimum street yard setback is 15 feet.
  4. A two-family residential or duplex use is permitted in the Residential District on a lot that is 7000 square feet or larger.
  5. A porch may extend:
    - a. where a setback is at least 25', a maximum of eight feet in front of the street yard setback; and
    - b. where the setback is at least 15', a maximum of five feet in front of a 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 11 and 12 in this part, for an accessory building the minimum setback from:
    - a. a front property line is 60 feet;
    - b. a side street is 15 feet; and
    - c. an interior side property line is five feet.

8. Except as otherwise provided in this part, the minimum setback from an alley for an accessory building or a rear unit of a two-family use that is not more than 20 feet in height, is five feet.
9. A non-complying accessory building may be reconstructed at its existing location, but may not be less than three feet from the rear and interior and street side property lines.
10. West of Duval Street an attached garage shall be a minimum of 60 feet from a front property line.
11. On any lot that is less than 90' deep
  - a. an accessory building or garage front setback line must be at least 15' behind the front building setback line.
  - b. A new primary structure may be constructed on the non-complying front setback line of a building that has been removed not more than one year prior to the new construction.
12. East of Duval Street an attached or detached garage and/or carport with vehicle entrances that face a front yard must be located flush with or behind the front façade of the house. The width of this parking structure may not exceed 50% of the width of the front façade of the house.
14. 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.
15. Driveway runners or gravel driveways are permitted to provide access to up to 4 parking spaces. The design and construction must be approved by the Director of the Watershed Protection and Development Review Department.
16. 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 that is at least 8,000 square feet, the rear dwelling unit may exceed 850 square feet if the following conditions and other applicable site development regulations are satisfied:
  - a. the ground floor of the rear unit is enclosed;
  - b. one unit has frontage on an north-south street; and
  - c. one unit has frontage on a numbered street.

**PART 8. AVENUE A DISTRICT.** The following provisions apply in the Avenue A 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 Developm ent 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
<p>*Property on the east side of Avenue A - height limit 30' and 2.5 stories in rear 50' - otherwise 35'.</p> <p>*Property on the west side of Avenue A - height limit 40'.</p>						

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. 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. On the East side of Avenue A, the minimum setback from a rear property line for an accessory building for a single family development that is not more than 20 feet in height is five feet.
9. 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.
10. An attached garage shall be a minimum of 60 feet from a property line facing Ave. A.
11. 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.

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.

For a throughlot with frontage on both Guadalupe Street and Avenue A, both frontages shall be treated as front streets.

14. Parking garage openings may not be visible on the Avenue A side of a building.

**PART 9. DUVAL DISTRICT.** The following provisions apply in the Duval District.

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

DUVAL DISTRICT		
	SITE DEVELOPMENT STANDARDS CS/GR Zoning Districts	
Minimum lot size		8000
Minimum lot width		50
Maximum FAR		1.5:1 1:1
Maximum building coverage		95% / 75%
Maximum impervious cover		95% / 90%
Maximum height		30' and 2.5 stories / 40'
Minimum interior side yard Setback		0'
Minimum rear setback		10

Site Development Standards for 4510 Duval that is zoned LO are per the LDC except for the height limit which is 30' and 2.5 stories.

2. Except as otherwise provided in this part, on Duval Street:
- the minimum street yard setback is 5 feet; and
  - the maximum street yard setback is 10 feet.
3. This section applies to a street other than a Street identified in Section 2 of this part. Except as otherwise provided in this part, the minimum street yard setback is 10 feet.
4. The minimum setback from a rear property line for an accessory building that is not more than 20 feet in height is five feet.
5. An attached or detached garage that opens on an alley or street must be set back at least 20 feet from the alley or street.
6. A non-complying accessory building may be reconstructed at its existing location but may not be less than three feet from the rear and interior and street side property lines.
7. The maximum height for 4505 Duval (GR area) is 40' except that within 100' of single family use or zoning the maximum height limit is 30' and 2.5 stories.

**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.

<b>GUADALUPE DISTRICT</b>	
	<b>SITE DEVELOPMENT STANDARDS GO / GR</b>
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	5'

**2. On Guadalupe Street:**

- a. the minimum street yard setback is 0 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; except

A building height of 50' is allowed for a flat-roofed building with a maximum of an additional 10% of the building height allowed for parapets, elevator shafts and other unoccupied spaces provided the following:

- 1) No living space is permitted above the 50' height.
- 2) The building is limited to 4 stories.
- 3) No roof-top use is permitted except for equipment that is screened.
- 4) A parapet wall may exceed the height established in this part by 10 percent.

**5. 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.**

**67. This section applies to a restaurant use that provides outdoor seating.**

- a. The outdoor seating area is not used to determine the parking requirement if:

- 1. the outdoor seating does not exceed 40 percent of the total seating; and
- 2. not more than 10 tables are located outside.

- b. The outdoor seating area that exceeds 40 percent of the total seating area shall be used to determine the parking requirement.

## PART 11. AFFORDABLE HOUSING

**1. Rental – Redevelopment of existing multi-family developments applies to the following - 4505 Duval, 4510 Duval, 4520 Duval and 5012 Duval.**

*Allow existing multi-family development not located in the 100 year flood plain to be rebuilt at the same height in stories, number of units, and building footprint provided that they meet S.M.A.R.T. Housing™ technical standards for accessibility, Green Building, and Transit-oriented design and meet the sprinkler requirements of the 2003 International Building Code if at least 10% of the units are "reasonably-priced" (rent to households at or below 80% Median Family Income who spend no more than 30% of their gross income on rent and utilities. Applicants who meet these conditions would not be required to meet compatibility standards or increase parking or site detention.*

All NCCD provisions will apply in addition to the following:

**\*Height may be the greater of existing height or height permitted in the NCCD.**

**\*Balconies, entrances, patios, open walkways and open stairways are not permitted within 20' of any single-family use.**

**\*All trash receptacles must have a permanent location in the rear of the property or if no alley is available they must be on the property in an enclosure.**

**\*Fencing is required between any parking facility and any single family residence.**

**2.Home Ownership – Allow Single Family-Attached use for affordable housing option.**

*Allow existing duplexes not located on lots in the 100 year flood plain or on lots that are less than 7,000 square feet in area and do not have plat or deed restriction limiting density to one residential unit per lot to be redeveloped as single-family attached. At least one of the units must be sold to an owner who meets the "reasonably-priced" test described above; must have existed as a duplex on January 1, 1987; and the proposed development complies with all other applicable code requirements (all plumbing and wiring for each unit must be relocated on each respective lot; one-hour fire resistant construction at the lot line with no door or window openings within 3 feet of the lot line; no Housing Code violations; and all other zoning and subdivision code requirements).*

**\*The size of each respective unit may be increased by no more than 20% over the size of the units that existed on April 1, 2005.**

**\*No single unit may exceed 1200 square feet.**

**\*These development regulations would apply in perpetuity while the affordable housing program will apply for 15 years.**

**City Planning Commission**  
**Neighborhood Planning Committee**  
Wednesday, April 13, 2005  
505 Barton Springs Road  
One Texas Center, Conference Room 500  
Austin, Texas

**ANNOTATED AGENDA**

**Call to Order – 4:30pm**

**Neighborhood Planning Committee Members:**

(note: a quorum of the Planning Commission may be present at this meeting.)

Cynthia Medlin  
Cid Galindo  
Jay Reddy

**A. Meeting Called to Order**

Introduce members of the Committee and Staff  
Inform audience of procedure

**B. Regular Agenda**

Discussion and Action

1. Discuss proposed North Hyde Park Neighborhood Conservation Combining District

**STAFF DIRECTED TO FACILITATE MEETING WITH NEIGHBORHOOD TEAM  
AND PROPERTY OWNERS AND TO REPORT BACK TO THE COMMITTEE IN  
60 DAYS (6/8/05) (SEE ATTACHED MINUTES) (VOTE: 3-0)**

2. Discuss how down zonings affect the financial standings of a structure

**POSTPONED TO 3/11/05 COMMITTEE MEETING (VOTE: 3-0)**

**C. Other Business**

Directives to Staff

For information about neighborhood planning, go to  
<http://www.ci.austin.tx.us/neighborhood/npzd.htm>

For information, contact Adam Smith, Neighborhood Planning and Zoning Department, 974-7685.

The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call Ron Menard, Watershed Protection and Development Services Department, 974-2384 for information.
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## **MINUTES FROM THE 4/13/05 NEIGHBORHOOD PLANNING COMMITTEE MEETING**

### **1. Discuss proposed North Hyde Park Neighborhood Conservation Combining District.**

At the March 22, 2005, the Planning Commission directed the North Hyde Park NCCD to the Neighborhood Planning Committee to discuss four issues: 1) affordable housing; 2) Ridgeway annexation; 3) the four properties requesting mixed-use zoning; and, 4) the zoning of 4500 Duval Street.

Karen McGraw, Hyde Park resident, provided the Committee members a handout that included affordable housing-related recommendations from Stuart Hersh (Neighborhood Housing and Community Development) and neighborhood response. [Staff did not receive a copy of the handout, but will obtain one from Ms. McGraw]

Jerry McCuiston, property owner, argued that property values have already exceeded the ability to develop for-sale affordable housing.

Commissioner Galindo questioned whether there is any point in discussing affordable housing if in fact land values are too high. Staff will ask Stuart Hersh to comment.

Karen McGraw stated that it is very difficult to incorporate affordable housing in a built-out neighborhood, particularly when the neighbors can't control land values and taxes.

Glenn Rhoades, case manager of the North Hyde Park NCCD, reiterated Ms. McGraw's assessment that the Ridgeway area is largely built-out with little to no raw land available to construct affordable housing.

Commissioner Medlin asked whether the other issues had been resolved aside from affordable housing.

Karen McGraw responded that items #2 and #3 from her handout had been resolved.

Lynn Saarinen, non-resident property owner, brought up the issue of notification. She argued that property owners may not have received notification and therefore, not aware that the NCCD was being developed. Also, she contended that consensus may have been reached among the neighborhood team, but that there is not consensus among the property owners.

Glenn Rhoades explained that legal notification for filing of application, Planning Commission, and City Council was sent to property owners. However, the City did not send notification for the neighborhood meetings at which the NCCD was developed. He was informed by Karen McGraw that the Pecan Press (neighborhood newsletter), the

Hyde Park website, listserv, and neighborhood association meetings were used to notify people of those meetings.

Herb Jahnke, property owner, claimed that the property owners haven't had enough time to review and comment on the NCCD, that notification was inadequate, and asked whether a historical survey was conducted per the Land Development Code.

Karen McGraw responded by saying a survey was conducted to look at development patterns rather than historic homes.

A Hyde Park resident who worked in the development of the NCCD commented that there are currently four historic landmark properties in the North Hyde Park area and that the area between Duval/Red River/45<sup>th</sup> St/51<sup>st</sup> St. may qualify for a National Historic District.

Karen McGraw described the process thus far which involved conducting a survey, developing a draft NCCD, working with the Law Department for months on crafting the NCCD, modifying the NCCD based on new information, and now, relying on the City notification to hear back from property owners about any further modifications that need to be done.

Herb Jahnke stated he would need 120 days to finalize a survey, mail the survey, gather the results, and consult Greg Guernsey and other professional planners to discuss possible modifications to the NCCD.

Karen McGraw contended that Mr. Jahnke, Mr. McCuiston, and Ms. Saarinen's complaints related to procedural issues and not substantive ones. She asked why the neighborhood team and these property owners couldn't simply meet to resolve their issues, modify the NCCD as needed for their properties, and proceed with the approval process.

Nikelle Meade, agent for a property owner, stated that the procedural issue is the substantive issue. She explained the notification is vague and does not describe the specifics of what is being proposed. Also, she stated that property owners should have been notified during the development of the NCCD and asked why this didn't go through the neighborhood planning process.

Glenn Rhoades explained that the plan was adopted in 2000 and the neighborhood-wide rezoning in 2002. At the time the zoning was approved in 2002, NPZD did not have the resources or staff to develop a NCCD for North Hyde Park, but the neighbors could proceed in developing one and come to staff to process the NCCD once it was completed.

Residents asked what the survey was going to ask. After several minutes of discussion, Mr. Jahnke said that he would work with the neighborhood in developing the survey and request that property owners return survey results to the City staff so that could tabulate the findings.

Commissioner Medlin clarified that amendments to the neighborhood plan are not being discussed. Discussions need to be focused on the details of the NCCD. Anything that requires a plan amendment will be handled through the plan amendment process and should be handled separately from discussions on the NCCD.

Commissioner Medlin asked for a motion.

Commissioner Galindo stated that some deference should be given to property owners who were not notified of the NCCD development meetings.

Adam Smith (NPZD) stated NPZD would mail a meeting notice and summary of the NCCD to every property owner in the Ridgetop area in lieu of conducting a survey. NPZD would facilitate one, possibly two meetings, with the neighborhood team and property owners to discuss the details of the NCCD and resolve any outstanding issues.

A motion was made to approve staff's recommendation and to update the committee in 60 days (6/11/05).

The motion was approved 3-0.

March 22, 2005

Dear Austin Planning Commission,

At its last general meeting on March 7, the Hyde Park Neighborhood Association voted overwhelmingly to support the draft NCCD proposal now before you. There were no nays, one abstention, and the rest ayes.

During the past three decades the residents of Hyde Park have invested heavily of their own funds and labor to turn what had been a declining inner city neighborhood into an Austin showplace. The NCCD is one of the strongest tools we have to protect ourselves from incessant pressure for over-development that could easily spoil the residential, old-fashioned quality of the neighborhood.

We ask your help in that effort.

Thank you.

A handwritten signature in black ink, appearing to read "John Kerr", with a long, sweeping horizontal line extending to the right.

John Kerr, President  
Hyde Park Neighborhood Association

## PUBLIC HEARING INFORMATION

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

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

February 28, 2005 Historic Landmark Commission

March 8, 2005 Planning Commission

Andy Jones  
Your Name (please print)

4900 Rowena

Your address(es) affected by this application

2-24-05

Date

Signature

Comments:

THIS IS A GREAT  
WAY TO PRESERVE OUR  
NEIGHBORHOOD AS A REAL  
NEIGHBORHOOD.

NO MU SHOULD BE  
ALLOWED BY THE  
CITY COUNCIL  
Andy

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

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

March 8, 2005 Planning Commission

GREG CLARK

Your Name (please print)

607 E. 50th Street

Your address(es) affected by this application

Greg Clark

Signature

Date

3-5-05

Comments:



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

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

February 28, 2005 Historic Landmark Commission

March 8, 2005 Planning Commission

*Jon CHAMBERLY*

Your Name (please print)

*4902 AVENUE H*

Your address(es) affected by this application

*Jon S. Chamberly* *2/24/05*

Signature

Date

Comments:

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

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

February 28, 2005 Historic Landmark Commission

March 8, 2005 Planning Commission



Tracy Cabel + Mark Willis  
Your Name (please print)

1001 E. 47th Street Austin 78751

Your address(es) affected by this application

Shayla Hull Moll Moll  
Signature

2/24/05  
Date

Comments:

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City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades

P. O. Box 1088

Austin, TX 78767-8810



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Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

February 28, 2005 Historic Landmark Commission

March 8, 2005 Planning Commission



PEDRO M. HERNANDEZ

Your Name (please print)

4805 BRANZ AVE, AUSTIN TX

Your address(es) affected by this application

PAUL OLIVERA

Signature

23 FEB 05

Date

Comments:

THIS WOULD BE OF GREAT  
TOTAL VALUE & BENEFITS  
TO OUR GREAT AUSTIN  
AREA.

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Neighborhood Planning and Zoning Department

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P. O. Box 1088

Austin, TX 78767-8810

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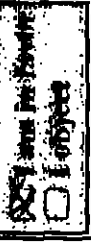
Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

February 28, 2005 Historic Landmark Commission

March 8, 2005 Planning Commission



DORIS COWARD

Your Name (please print)

4808 REV RIVER ST

Your address(es) affected by this application

Doris Coward

Signature

3/2/05

Date

Comments: The proposed MU

will help the present

characteristics of my

neighborhood

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

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

February 28, 2005 Historic Landmark Commission

March 8, 2005 Planning Commission



DORIS COWARD

Your Name (please print)

4810 RED RIVER ST.

Your address(es) affected by this application

Doris Coward

Signature

3/1/05

Date

Comments:

This proposal needed  
for North Hyde Park will  
help protect the present  
character of my neighborhood.

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

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

March 8, 2005 Planning Commission

Deborah Volker

Your Name (please print)

4810 Red River St. Austin

Your address(es) affected by this application

Deborah Volker

Signature

3/2/05

Date

Comments:

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

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades

P. O. Box 1088

Austin, TX 78767-3810

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Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

February 28, 2005 Historic Landmark Commission  
March 8, 2005 Planning Commission

Deborah Volker

Your Name (please print)

4808 Red River St. Austin

Your address(es) affected by this application

Deborah Volker

Signature

Date

3/2/05

Comments:

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

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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City of Austin  
Neighborhood Planning & Zoning Dept.  
Glenn Rhoades  
PO Box 1088  
Austin, Texas  
78767-8810

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Case Number: C14-04-0196  
Contact: Glenn Rhoades, (512) 974-2775  
Public Hearing:  
March 8, 2005 Planning Commission

Monique Lee  
Your Name (please print)

☒ I am in favor  
☐ I object

Monique Lee  
Your address(es) affected by this application

510 Ave G

3-2-05

Signature

Date

Comments:

No more huge houses on South  
City lots!

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

City of Austin  
Neighborhood Planning and Zoning Department  
Glenn Rhoades  
P. O. Box 1088  
Austin, TX 78767-8810

# ING INFORMATION

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on the City of Austin's land website: tx.us/development

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Glenn Rhoades  
P. O. Box 1088  
Austin, TX 78767-8810

Comments: This proposal moves us in the right direction. Preserving the neighborhood's character while allowing for urban in-fill.

Thanks,

Signature

Your address(es) affected by this application

4526 AVENUE F

Your Name (please print)

ROGER FRAHM

March 8, 2005 Planning Commission

Public Hearing:

Contact: Glenn Rhoades, (512) 974-2775

Case Number: C14-04-0196

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☒ I am in favor  
☐ I object



Glenn Rhoades  
Box 1088  
Austin TX 78767-8810

78767+1088

ON

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Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

February 28, 2005 Historic Landmark Commission

March 8, 2005 Planning Commission



*Christine May*

Your Name (please print)

*2690 Larkspur St (4500 Bennett)*

Your address(es) affected by this application

*[Signature]*

Signature

Date

Comments:

*Glenn why won't the area to include all properties up to the railroad track area that also east of Red River so as to complete the triangle.*

*Glenn Rhoades*

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City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades

P. O. Box 1088

Austin, TX 78767-8810



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Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

**Public Hearing:**

February 28, 2005 Historic Landmark Commission

March 8, 2005 Planning Commission



JEFFREY J. KOSTRZEWSKY

Your Name (please print)

Diana Fisher

4915 AVENUE G

Your address(es) affected by this application

Jeffrey J. Kostrowsky

Signature

2/27/05

Date

Comments:

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

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Neighborhood Planning and Zoning Department

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Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

March 8, 2005 Planning Commission

David Hoffman

Your Name (please print)

5102 Avenue G

Your address(es) affected by this application

David Hoffman

Signature

March 2005

Date

Comments:

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City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades

P. O. Box 1088

Austin, TX 78767-8810



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Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

March 8, 2005 Planning Commission

Beverly + Donald R. Tompkins

Your Name (please print)

4603 Eilers Ave., Austin, TX 78751

Your address(es) affected by this application

Beverly Tompkins

3-3-05

Signature

Date

Comments: We strongly support SE 2 NCCD.

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

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades

P.O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

**Public Hearing:**

February 28, 2005 Historic Landmark Commission

March 8, 2005 Planning Commission



David R. CAMPBELL

Your Name (please print)

604 E. 48th St.

Your address(es) affected by this application

David R. Campbell 2/23/05

Signature

Date

Comments: I have followed the efforts of the Hyde Park Neighborhood Association for several years now, and entirely support this plan and the goals behind it. As a long-time owner and resident (16 years), I believe zoning restrictions that preserve the original character of the neighborhood are in my interest and those of people who will live here after me.

Assuming we get the NCCD, I hope the City of Austin will actively enforce its provisions.

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

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0196

Contact: Glenn Rhoades (512) 974-2775 or Alex Koenig (512) 974-3515, One Texas Center

Public Hearing:

July 12, 2005 Planning Commission

Claire deYoung

Your Name (please print)

4612 Red River Austin Texas

Your address(es) affected by this application

Claire deYoung

(Signature)

7-11-05

Date

Comments:

It is important to maintain the integrity of the neighborhood. Overpopulation has to be avoided, so previous cover rules have a sound purpose. Builders have many appropriate options. Historical areas are useful to an entire urbanized place. Our neighborhood has features worthy of protection, & is more than just holding "units" for collection of payments.

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

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades (512) 974-2775 or Alex Koenig (512) 974-3515

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0196

Contact: Glenn Rhoades (512) 974-2775 or Alex Koenig (512) 974-3515, One Texas Center

Public Hearing:

July 12, 2005 Planning Commission



AMBER NOVAK

Your Name (please print)

4807 Eilers Ave

Your address(es) affected by this application

AMBER NOVAK

Signature

7-11-05

Date

Comments: Street parking due to unrestricted development and multi-unit housing is making the roads dangerous for pedestrians - especially the children in the neighborhood. These are streets w/o sidewalks, and in several areas there isn't even enough room for the two vehicles to pass each other when just kids, jogging strollers, etc.

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

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades (512) 974-2775 or Alex Koenig (512) 974-3515

P. O. Box 1088

Austin, TX 78767-8810

## PUBLIC HEARING INFORMATION

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Case Number: C14-04-0196

Contact: Glenn Rhoades (512) 974-2775 or Alex Koenig (512) 974-3515, One Texas Center

Public Hearing:

July 12, 2005 Planning Commission

Cheryl Taylor

Your Name (please print)

610 E. 46th

Your address(es) affected by this application

Cheryl Taylor

Signature

7/11/05

Date

Comments:

Please adopt this plan for North Hyde Park

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Case Number: C14-04-0196

Contact: Glenn Rhoades (512) 974-2775 or Alex Koenig (512) 974-3515, One Texas Center

Public Hearing:

July 12, 2005 Planning Commission

Michael & Leslie Robbins

Your Name (please print)

4511 Ave C

Your address(es) affected by this application

4511 Ave C

Signature

Date

Comments:

We support this proposal. It's good for the neighborhood.

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P. O. Box 1088

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Case Number: C14-04-0196

Contact: Glenn Rhoades (512) 974-2775 or Alex Koenig (512) 974-3515, One Texas Center

Public Hearing:

July 12, 2005 Planning Commission

Mercy Lawler

Your Name (please print)

4526 Red River St., 815 E. 46<sup>th</sup> 78751

Your address(es) affected by this application

[Signature]

Signature

7-6-05

Date

Comments: 1

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

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades (512) 974-2775 or Alex Koenig (512) 974-3515

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0196

Contact: Glenn Rhoades (512) 974-2775 or Alex Koenig (512) 974-3515, One Texas Center

Public Hearing:

July 12, 2005 Planning Commission

Denise Girard

Your Name (please print)

4520 Red River St.

Your address(es) affected by this application

Denise M. Girard

Signature

Date

7/8/05

Comments: I believe this is in the

best interest of North Hyde

Park.

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

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades (512) 974-2775 or Alex Koenig (512) 974-3515

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0196

Contact: Glenn Rhodes (512) 974-2775 or Alex Koenig (512) 974-3515, One Texas Center

Public Hearing:

July 12, 2005 Planning Commission

Hermelinda Zamarrin

Your Name (please print)

4811 Caswell Ave. 78757

Your address(es) affected by this application

Herminia Zamarrin

Signature

Date

Comments:

Super duplexes are ruining the face of this family-oriented and pleasant neighborhood. Inadequate parking spills into the street, making it dangerous to navigate streets safely. 47th Street is a prime example. I avoid it at all costs.

Appreciate your favorable support of the Note by P&K NCCD. Gracias,

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhodes (512) 974-2775 or Alex Koenig (512) 974-3515

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: CJ4-04-0196

Contact: Glenn Rhoades (512) 974-2775 or Alex Koenig (512) 974-3515, One Texas Center

Public Hearing:

July 12, 2005 Planning Commission

Thomas Vessey

Your Name (please print)

4805 CASWELL AVE AUSTIN 78741

Your address(es) affected by this application

Signature

Date

7-10-05

Comments:

I value the spirit, historical aspect of this historical neighborhood. This is a vibrant healthy neighborhood, and I ask that the city help to preserve and protect our quality of life.

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

City of Austin.

Neighborhood Planning and Zoning Department

Glenn Rhoades (512) 974-2775 or Alex Koenig (512) 974-3515

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-04-0196

Contact: Glenn Rhodes (512) 974-2775 or Alex Koenig (512) 974-3515, One Texas Center

Public Hearing:

July 12, 2005 Planning Commission

Care Cofham

Your Name (please print)

4512 Caswell Ave

Your address(es) affected by this application

Care Cofham

Signature

Date

7/12/05

Comments:

What I love about  
this neighborhood is the character  
of the older homes.  
The super duplexes do not  
belong here + via the  
character of our historic neighborhood.

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

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhodes (512) 974-2775 or Alex Koenig (512) 974-3515

P. O. Box 1088

Austin, TX 78767-8810

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Fax: 979-6054

Case Number: C14-04-0156

Contact: Glenn Rhodes (512) 974-2775 or Alex Koenig (512) 974-

3515, One Texas Center

Public Hearings:

July 12, 2005 Planning Commission

*Cindy Beall*

Your Name (please print)

4807 Caswell

Your address(es) affected by this application

*C. Beall*

Signature

Comments: *In favor of keeping*

*the quaintness of the neighborhood*

*by not allowing these huge box*

*style multi-family living*

*spaces to be built.*

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

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhodes (512) 974-2775 or Alex Koenig (512) 974-3515

P. O. Box 1088

Austin, TX 78767-0810

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Case Number: C14-04-0196

Contact: Glenn Rhodes (512) 974-2775 or Alex Koenig (512) 974-3515, One Texas Center

Public Hearing:

July 12, 2005 Planning Commission

David Hoffman

Your Name (please print)

5102 Avenue G

Your address(es) affected by this application

Signature

Date

Comments:

It's time for the City Council to protect those who live in central Austin. Those paying inflated property taxes while not contributing to sprawl.

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

City of Austin  
Neighborhood Planning and Zoning Department  
Glenn Rhodes (512) 974-2775 or Alex Koenig (512) 974-3515  
P. O. Box 1088  
Austin, TX 78767-8810

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Case Number: C14-04-0196

Contact: Glenn Rhoades (512) 974-2775 or Alex Koenig (512) 974-3515, One Texas Center

Public Hearing:

July 12, 2005 Planning Commission

GALE H REESE

Your Name (please print)

4703 EVANS AVE Austin, TX 78751

Your address(es) affected by this application

Gale Reese

Signature

Date

7/12/05

Comments:

I am totally in favor of

supporting the North Hyde Park

Neighborhood NCCD zoning.

In the 27 years I have owned & lived

on my home I have seen more

and inappropriate building setbacks

& garage apartments than any other

sewer services & neighborhood cannot

be should not be and is beyond.

Help us save our neighborhood from

City of Austin

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Neighborhood Planning and Zoning Department

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P. O. Box 1088

Austin, TX 78767-8810



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Case Number: C14-04-0196

Contact: Glenn Rhoades (512) 974-2775 or Alex Koenig (512) 974-3515, One Texas Center

Public Hearing:

July 12, 2005 Planning Commission

ROBERT E. WALTZ

Your Name (please print)

4904 Red River Street

Your address(es) affected by this application

*[Signature]*

Signature

7-9-05

Date

Comments:

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City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades (512) 974-2775 or Alex Koenig (512) 974-3515

P. O. Box 1088

Austin, TX 78767-8810



## MEMORANDUM

**TO:** Austin City Council

**FROM:** Steven A. Fleckman  
Zachariah Wolfe  
Fleckman & McGlynn, PLLC  
Attorneys for Owner of Oak Park Apartments at 4505 Duval Street

**RE:** Proposed NCCD for North Hyde Park – Objections to Draft Proposal Dated June 3, 2005

**DATE:** July 21, 2005

---

**1. Summary of Grounds for Opposition to Proposed NCCD**

- We are submitting this Memorandum on behalf of the owner of the Oak Park Apartments at 4505 Duval Street (the "Property").
- This Memorandum states the grounds for the owner's opposition to the Neighborhood Conservation Combining District ("NCCD") for North Hyde Park, as proposed in the June 3, 2005 draft (the "Proposal") circulated by Ms. Karen McGraw, chair of the Hyde Park Planning Team.
- We have had constructive discussions with the City staff and representatives of the neighborhood planning team, and we are willing to work toward a meaningful agreement that will be fair to all sides and result in a real benefit to the neighborhood. However, we respectfully disagree with the draft Proposal dated June 3, 2005.
- We oppose the Proposal, as it applies to the Property, because:
  - The Proposal would impose arbitrary height limits that are more restrictive than existing compatibility standards – without justification.
  - It down-zones existing 3-story buildings into noncompliance – against City policy.
  - It imposes requirements for building coverage, impervious cover, and floor to area ratio (FAR) that are too restrictive.
  - The Proposal would discourage mixed use and be inconsistent with new urbanism and City goals.
  - It would limit density at a busy intersection in a thriving central Austin neighborhood.

- The practical effect of the Proposal is that it would discourage reinvestment and a more attractive re-development of the existing 1970s apartment complex.
  - The Proposal does not advance the purpose of the proposed NCCD – to preserve the distinctive architectural styles of the neighborhood.
  - The proposed restrictions are not a priority for ordinary neighborhood residents and do not benefit the neighborhood.
- At its meeting on July 12, 2005, the Planning Commission agreed with the owner's objections to the Proposal and recommended modification of the proposal to delete any provisions that would impose more restrictive zoning classifications or site development standards on the Property. The staff has confirmed that the letter attached as **Exhibit 1** accurately states the action taken by the Planning Commission. ¶

## **2. Background on the Oak Park Apartments at 45<sup>th</sup> and Duval**

- The Oak Park apartment complex has been in the neighborhood for over 30 years. It is at the northeast corner of 45<sup>th</sup> and Duval. This is a busy intersection with an auto body shop on the northwest corner and a convenience store and washateria on the southeast corner. 45<sup>th</sup> Street is classified as an Arterial street.
- The complex has 14 brick buildings with flat roofs. The buildings range from 2 to 3 stories in height. The perimeter is lined with tall trees, and the 3-story buildings do not overshadow any of the residences across the street on 45<sup>th</sup> or Duval. The residences across 45<sup>th</sup> Street do not even face toward the subject Property. The adjacent residences to the north back up to the Property and are separated from the Property by back yards, garages, a privacy fence, and a line of trees 30 feet or higher.
- A portion of the southwest corner of the Property is currently zoned GR (community commercial). The rest of the Property is currently zoned MF-3 (multi-family).

## **3. City Planning Philosophy and Priorities**

- Our understanding is that the City of Austin wants to encourage – not discourage – the vitality resulting from mixed use development in central city neighborhoods. Many attractive and desirable inner city locations combine retail and residential uses.
- This practice is justified by many philosophies of urban development. Jane Jacobs espoused the benefits of urban diversity as early as 1961 in her book *The Death and Life of Great American Cities*, and since that time diversity has become a key tenet of healthy urban redevelopment. It encourages vital neighborhoods that are like smaller villages within the greater city. The benefits of reinvestment and redevelopment are visible in many great U.S. cities such as Chicago, New York, and San Francisco, and we see it

materializing in Texas cities such as Fort Worth, Dallas, Houston, and more recently, downtown Austin.

- Recognizing that one use does not have to diminish the other, shops, restaurants, professional offices, multi-family residential buildings, laundries, and cafes can all enrich and serve the residential life of the neighborhood. The neighborhoods surrounding 35<sup>th</sup> Street, Jefferson Street, and Kerbey Lane all demonstrate the compatibility of and vitality resulting from such mixed uses. There is no compelling philosophical justification for making a reflexive assumption that these mixed uses cannot co-exist in a healthy inner city neighborhood. And mixed use is consistent with the City's priorities for light rail, transportation nodes, and smart growth.
- The City staff has recognized the mixed use potential for this Property, noting that the Future Land Use Map "recommends mixed uses" for the Property and recommending "leaving the existing base districts and adding MU" (mixed use).
- In addition, existing property rights should be respected. At the very least, the rights of property owners in the neighborhood should not be diminished without a compelling justification. Absent a compelling reason, no property should be the target of restrictions on its present zoning classification.

**4. The Owner's Vision for Future Redevelopment**

- The current owner of the Property has no immediate plans for development. However, the existing apartment complex is over 30 years old and will not last forever. At some point, either the current owner or a new owner will want to redevelop the Property, and this will present a major enhancement opportunity for both the owner and the neighborhood.
- The architectural style of the existing apartment buildings is not especially harmonious with the architecture of the homes in the neighborhood. These boxy apartment buildings with flat roofs were built in the 1970s and are certainly not an example of the "unique architectural styles" that the proposed NCCD is purportedly seeking to preserve. Ironically, however, the proposed restriction of the Property will tend to reduce interest in its redevelopment, and would be likely to extend the duration of the existing buildings.
- Thus, future redevelopment of the Property consistent with its present zoning actually offers an opportunity to build something new that is more attractive, harmonious, and beneficial to the neighborhood than the existing apartment buildings.
- The owner of the Property envisions a mixed-use development that would be more attractive, more harmonious with the historical architecture of the neighborhood, and more consistent with the City's current philosophy and priorities for new urban development. This would truly be the "highest and best use" for the Property. This could include pitched roofs, more attractive masonry, architectural features similar to the houses in the neighborhood, and any number of other desirable features that could be

designed in consultation with neighborhood residents to assure a compatible and appealing appearance.

- Agreeing with this point, the Planning Commission specifically commented that the existing Property is not harmonious with the neighborhood. The Commission stated its desire to encourage redevelopment of the Property by *not* imposing more onerous restrictions on the Property.

**5. The Proposed Changes**

- As to 4505 Duval, the Proposal is unfair to the property owner in that it strips the owner of valuable rights while not assuring any commensurate benefit to the neighborhood. It would hinder – not help – to realize the City's vision for mixed use development, a vision the owner supports.
- There are two proposed changes that are especially problematic: (1) changing almost two thirds of the "GR" (community commercial) portion of the Property to "MF-3" (multi-family); and (2) significantly reducing the maximum height limits for the Property.

**6. Proposed Change – Shrinking the "GR" Portion of the Property**

- The portion of the Property that is currently zoned GR (the "GR Portion") covers approximately 71,000 square feet. The GR Portion is in the southwest corner of the lot. It is bordered on the west side by Duval and on the south side by 45<sup>th</sup> Street.
- The properties on the west side of Duval that directly face the GR Portion of the Property are an auto shop, two other apartment complexes, and only one single-family home. The properties on the south side of 45<sup>th</sup> Street across from the GR Portion are a convenience store at the corner and the side yard of a single-family residence.
- The Proposal would significantly shrink the size of the GR Portion from approximately 71,000 square feet to 25,000 square feet – a 64% reduction of what the current zoning permits with no offer of compensation or reciprocal benefits to the owner! Particularly given that there has been no clearly articulated rationale for the proposed change, which would unquestionably diminish the value of the Property, the Proposal is both arbitrary and unfair.
- We therefore agree with the recommendation by the Planning Commission and the City staff to leave the GR zoning in place and to allow mixed use on the GR portion of the property.

**7. Proposed Change – Reducing the Existing Height Limits**

- The Proposal would also significantly reduce the maximum height limits for the Property, departing from established site development and compatibility standards.

- In the GR Portion, the standard maximum height of 60 feet would be reduced to 40 feet. Furthermore, the Proposal has a special provision that *singles out the property at 4505 Duval*, limiting the maximum height for the entire Property to 40 feet and limiting maximum height to only 30 feet and 2.5 stories within 100 feet of single family use or zoning. (See Proposal at p. 18)
- In addition, the maximum height on the MF-3 portion of the Property would be reduced from the standard 40 feet or three stories to 30 feet or 2.5 stories. (See Proposal at p. 13)
- The effect is that existing 3-story buildings – about which no one has stated any complaint – would be rezoned into non-compliance. This makes no sense and is inconsistent with the Neighborhood Planning staff's usual practice. As the staff commented, "staff does not as a rule zone property into non-compliance."
- One reason offered for the more restrictive height limits is that some of the houses in the neighborhood are only 15 feet high, but the height of homes in the neighborhood is not the issue. Those homes are already protected by existing compatibility standards. No one has stated a compelling reason why the homes in this particular neighborhood need more protection than other residential neighborhoods within the City. If anything, diversity is even more appropriate at the major intersection of 45<sup>th</sup> and Duval in a central city neighborhood. The Planning Commission commented that a taller structure towards the middle of the Property would be appropriate and fitting for this intersection.
- The only other reason offered for the reduced height limits is that similar height limits were included in the NCCD for *South Hyde Park*. This argument is unfair to the owner of the Property, who had no input in the process of creating the South Hyde Park NCCD. It also ignores the fact that North Hyde Park is a significantly different neighborhood, and that the apartment complexes in South Hyde Park are generally smaller than the Property at 4505 Duval, and the existence of the 45<sup>th</sup> Street corridor, which has long had commercial uses, is a notable distinction between the two neighborhoods. Moreover, the Planning Commission noted that the City's priorities have significantly evolved since the adoption of the South Hyde Park NCCD.

#### **8. Proposed Change – Site Development Standards**

- The Proposal would also impose site development requirements on the MF-3 portion of the Property that would be more restrictive than the existing standard requirements. (See Proposal at p. 13)
  - Maximum FAR would be reduced to .5 to 1 instead of the standard .75 to 1.
  - Maximum building coverage would be reduced to 50% instead of the standard 55%.
  - Maximum impervious cover would be reduced to 60% instead of the standard 65%.

- No one has identified a cogent reason for narrowing the existing and customary site development standards governing the Property. These changes would further constrain the owner's ability to redevelop the Property but offer no commensurate or identified benefit to the neighborhood.

9. **Unfair and Undesirable Impact of the Proposed Changes**

- There is no compelling justification for the proposed changes aimed at 4505 Duval. They do not "preserve the distinctive architectural styles found in North Hyde Park," the stated purpose of the proposed NCCD. The Proposal does not purport to address any architectural design feature of the Property. It simply seeks to scale back the potential value of the Property to the owner (or to a purchaser), who might be willing to invest money to enhance the Property's appeal and appearance – to the *benefit* of the neighborhood.
- The existing compatibility standards and site development standards are sufficient to protect the neighborhood. Those standards have been adopted for a reason, they reflect a measured balance between the concerns of property owners, and they should not be tossed aside without an articulated necessity.
- The Proposal is at odds with the City's goals of encouraging density, mixed use, and more efficient means of transit along major roadways, as the Planning Commission recognized.
- The existing 3-story buildings have not had any negative impact on the neighboring residences. The homes adjoining the north side of the Property back up to the Property and are shielded from view by a privacy fence and tall trees. The church on the east side of the Property is set back a good distance from the property line and is on a higher elevation than the apartment buildings. Duval and 45<sup>th</sup> Street create a buffer between the apartments and the houses to the south and to the west. The south and west sides are lined by numerous old oak trees, many of which are taller than the apartment buildings.
- The driving concerns behind the proposed NCCD have little to do with the proposed changes affecting 4505 Duval. A neighborhood meeting with City staff and residents was held on May 23, 2005. Significantly, none of the residents at the May 23 neighborhood meeting expressed any concern that the existing zoning for 4505 Duval needs to be changed. In fact, the Property owner's attorney specifically asked whether anyone felt the existing height limits needed to be reduced, and not one resident expressed any strong opposition to the existing limits.
- As noted, the new restrictions that the proposed NCCD would impose on the Property would make new investment and redevelopment less likely. Ironically, the likely result is that the Property would continue to have an aging apartment complex that does not embody "distinctive architectural features."

- The answer is not to strip the Property of its rights, but instead to encourage an intelligent discourse about the features, characteristics, and design of what may eventually be built to replace the apartment complex. As the Planning Commission recognized, these are issues that may be better addressed through design standards. Imposing arbitrary limits on height and floor to area ratio is not an effective way to preserve distinctive architectural features.
- The proposed restrictions are akin to saying "we want the houses in the neighborhood to look architecturally attractive, so from now on no house can be bigger than 1,400 square feet." That is a non sequitur. It does nothing to assure that the houses will be attractive or improve the neighborhood. By the same token, reducing the height limit does not make the structures on the Property more attractive or harmonious. On the contrary, it discourages the level of investment that could enhance the neighborhood.

**10. Conclusion**

- For the reasons stated above, the owner of the Property at 4505 Duval opposes the Proposal dated June 3, 2005 and agrees with the Planning Commission's recommendations, as stated in Exhibit 1.



**FLECKMAN & McGLYNN, PLLC**

1800 BANK OF AMERICA TOWER  
515 CONGRESS AVENUE  
AUSTIN, TEXAS 78701-3503

TELEPHONE (512) 476-7900  
FACSIMILE (512) 476-7644

July 14, 2005

**VIA FAX**

Mr. Glenn Rhoades  
City of Austin  
Neighborhood Planning and Zoning Department  
One Texas Center  
505 Barton Springs Road  
Austin, Texas 78704

Re: Proposed NCCD for North Hyde Park

Dear Glenn:

It was good to see you at the Planning Commission meeting on July 12. Thank you for showing me your map reflecting the effect of the existing compatibility standards applicable to my client's property at 4505 Duval. If you could send me a copy of that map, I would appreciate it.

My understanding is that you will be preparing the documentation to forward to the City Council concerning the proposed Neighborhood Conservation Combining District ("NCCD") for North Hyde Park. Based on the motion passed at the meeting, my understanding is that the Commission is recommending the following to the City Council with respect to the property at 4505 Duval:

- The existing zoning classifications of GR and MF-3 will remain the same, except that the NCCD will allow mixed use on the GR portion of the property. Although the "MU" designation technically will not be added on the zoning map, the practical effect will be the same.
- The site development standards for maximum height, building coverage, impervious cover, and floor to area ratio (FAR) will not be made more restrictive than the existing standards. The Commission has recommended against adopting the more restrictive standards stated in the June 3 draft proposal.



I would be grateful if you would let me know if this is consistent with your understanding, and if you would provide me with copies of the documents to be provided to the City Council. Please feel free to give me a call at 476-7900 or email me at wolfe@fleckman.com if you have any questions. Thank you again for your courtesy.

Sincerely,

A handwritten signature in black ink, appearing to read 'Zach Wolfe', written in a cursive style.

Zachariah Wolfe

cc: Mr. Alex Koenig (via fax)  
Mr. Ed Blaine  
Mr. Steven A. Fleckman

## PUBLIC HEARING INFORMATION

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

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

*Please file - Please*

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-04-0196

Contact: Glenn Rhoades (512) 974-2775 or Alex Koenig (512) 974-3515, One Texas Center

Public Hearing:

July 12, 2005 Planning Commission

Your Name (please print)

Your address(es) affected by this application

Signature

Date

Comments:



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

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades (512) 974-2775 or Alex Koenig (512) 974-3515

P. O. Box 1088

Austin TX 78767-0810

# PUBLIC HEARING INFORMATION

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*Please file - Markley*

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Public Hearing:

July 12, 2005 Planning Commission



Your Name (please print)

*Lyann Savarion*

Your address(es) affected by this application

*4912 Ave G Austin*

Signature

Date

Comments:

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City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades (512) 974-2775 or Alex Koenig (512) 974-3515

P. O. Box 1088

Austin TX 78767-8810

Dear Hyde Park Property Owner,

**THIS IS AN IMPORTANT NOTICE ABOUT CHANGES TO THE CITY OF AUSTIN LAND DEVELOPMENT CODE THAT WILL AFFECT YOUR ABILITY TO EXPAND, REMODEL, AND/OR REBUILD THE STRUCTURE YOU OWN IN THE NORTH HYDE PARK AREA OF AUSTIN, TEXAS.**

You may or may not be aware that the City of Austin is proposing a Neighborhood Conservation Combining District (NCCD) for our neighborhood. While the details are much too complex to go into detail in this letter, I think it is fair to say that the NCCD as proposed will make it much more complicated and time-consuming to remodel or rebuild any existing structures on your property and to construct new structures on your property.

The City of Austin claims that it notified property owners who will be affected by this NCCD by placing letters on their doorsteps, but we are finding that very few property owners have received those notices (in fact, we are not sure any have received them) and that the notices don't explain and most property owners have not been given enough information to truly understand the full extent of this proposal with respect to property development and redevelopment and the negative impact it may have on property. We are sending this notice to you to determine:

- a) whether you have heard of this plan; and
- b) whether you agree with it.

There will be a City of Austin Planning Commission meeting about this issue on Wednesday, April 13<sup>th</sup>, at noon. It is imperative that we receive your written response ASAP, as our failure to generate any interest in this matter will likely be deemed as agreement with it by those who want to put this ordinance in place.

Sincerely,

Dan Day  
Email address: danday@swbell.net  
Phone Number: 476-3344

I own the property at 4623 Red River and

- ☒ Do not agree with the plan  
☐ Have not heard of the plan, or any of the proposed changes in the NCCD  
☐ Have heard of the plan and agree with the changes.

You can fax your responses back to Dan Day 476-1514, or email them to danday@swbell.net. You are also free to contact city staffer Glenn Rhoades at 974-2775, and/or attend the April 13<sup>th</sup> meeting at xxxxx at xxxxx o'clock.

David Pruitt  
4623 Red River

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Sincerely,

*Leslie Gage*

Dan Day

Email address: danday@swbell.net

Phone Number: 476-3344

I own the property at 808C East 46, and

- ☒ Do not agree with the plan
- ☐ Have not heard of the plan, or any of the proposed changes in the NCCD
- ☐ Have heard of the plan and agree with the changes.

You can fax your responses back to Dan Day 476-1514 or email them to danday@swbell.net. You are also free to contact city staffer Glenn Rhoades at 974-2775, and/or attend the April 13<sup>th</sup> meeting at xxxxx at xxxx o'clock.

*Leslie Gage*  
*808 East 46th ST*

Date: March 22, 2005

To: Mr. Chris Riley, Chairman, Planning Commission, City of Austin

To: All Members of the Planning Commission, City of Austin

To: Glenn Rhoades, Planning Department, City Of Austin, individually and as representative of the Planning Commission

From: A Neighborhood Committee of Ridgetop Annex Property Owners

**Re: Case Number C14-04-0196**

***Objection/Opposition To The North Hyde Park Annex NCCD  
Proposed Ordinance Concerning The Rezoning And Changing Of  
The Zoning Map ( hereinafter referred to as the "Proposed  
Rezoning Ordinance") Of Chapter 25-2 Of The City Code As It  
Pertains To Ridgetop Annex Area ( hereinafter referred to as  
"Ridgetop")***

***(Ridgetop is that area situated between Duval St. on the West and  
Red River on the East.)***

### **Executive Summary**

We support the City Council's goal of "achieving appropriate, compatible development with in the area." as defined in (part 1 (G)) of the ordinance that enacted April 13 Hyde Park Neighborhood plan . We also support the Hyde Park Neighborhood Plan Goal to preserve and enhance the unique historic and residential character of the planning areas particularly the unique residential character of Ridgetop Annex.

However, the undersigned property owners oppose the immediate

adoption of the Proposed Rezoning Ordinance as it applies to Ridgetop Annex and respectfully asks that you postpone consideration of it until the numerous citizens' concerns and questions have been answered. (*These questions are listed below*).

The citizens believe that the Proposed Rezoning Ordinance raises certain procedural, planning and legal questions and may not be consistent with the goals of Hyde Park Neighborhood Plan.

The concerned citizens would respectfully ask the Planning Commission to obtain answers from the Planning Department and the City Legal Department to the questions which are posed herein by the concerned citizens - prior to approval or adoption of the Proposed Rezoning Ordinance.

The concerned citizens are not sure whether the Proposed Rezoning Ordinance has received a complete review by Planning Department and by the City Legal Department nor whether the final draft was actually written by the Planning Department or by other citizens. The undersigned seek a better understanding as to what planning principles were used to develop this NCCD and specifically how they apply to Ridgetop Annex. It is believed that the actual final draft of the Proposed Rezoning Ordinance only appeared a few weeks ago on the City of Austin website.

It is believed that Ridgetop property owners may have had less than



30 business days to review the more complicated and important final draft of the Proposed Rezoning Ordinance.

The concerned Ridgetop Annex citizens are hereby respectfully and formally request:

- a. written opinions/answers from the Planning and Zoning Department and from the Legal Department to the questions listed below,
- b. Postponement of the approval and/or adoption of the Proposed Rezoning Ordinance until the questions can be answered and then reasonably reviewed by Ridgetop property owners,
- c. Postponement of the approval and/or adoption of the Proposed Rezoning Ordinance until the undersigned Ridgetop Neighborhood Committee completes a formal written survey of Ridgetop property owners with respect to the final draft of the Proposed Rezoning Ordinance.

#### **Factual Background**

**1. The Proposed Ordinance Appears To Significantly Diminish The Rights Of Ridgetop Property Owners, to wit: reducing permitted driveway size from present, reducing permissible building height to 30 feet, restricting "on-property" parking, changing certain setbacks and controlling**

the design of the front of buildings, among other things.

## **2. Ridgetop Annex Has A Unique Historic And Residential Character.**

Hyde Park area and Ridgetop Annex do not share the same history or historic building patterns. Hyde Park was developed in 1891, 1892 and 1882 by Monroe Shipley. He designed the 206 acre development in a grid with 400 feet long blocks with alleys. The standard lot was 25 foot wide and 120 to 130 feet deep. Almost all lots faced the Avenues.

W. T. Caswell, starting in 1910, developed Ridgetop Annex. This is the W. T. Caswell that lived in the Caswell House at 15th and West and donated the land for the Caswell Tennis Courts. The Ridgetop Annex blocks are large and almost square blocks at 430 by 360 feet often without many alleys. In Ridgetop Annex the lots are mostly very large with irregular spacing often without clear patterns, spacing or orientation. Many structures are oriented toward the numbered streets. The NCCD rules may be logical for the historic Hyde Park Area but do not appear to preserve or enhance the unique historic and residential character of the Ridgetop Annex area as outlined in the goals for Hyde Park Neighborhood Plan.

## **3. Revitalization and Development.**

The Ridgetop Annex and Hyde Park annex areas (north of 45th) were for 40 years in the flight path of an international airport. The areas became run down and blighted. Once the

airport moved the area began to be revitalized. Property owners began investing in the renovation and replacement of buildings in the area. This revitalization process is not complete. There are still many substandard and unsightly buildings in the area that need to be addressed. The proposed Zoning Ordinance appears to create significant barriers to the redevelopment and reinvigoration of the area. The Proposed Rezoning Ordinance does not appear to promote the City Council goal of achieving appropriate, compatible development with in the (Ridgetop Annex) area.

**4. Existing Conditions Ignored.** Based on surveys it is estimated that approximately 50% of the properties in the Ridgetop Annex would not comply with the proposed NCCD rules. The proposed NCCD rules do reflect existing conditions in Ridgetop Annex.

**5. Hardship For Existing Property Owners:** It appears that the adoption of Proposed Rezoning Ordinance may make it difficult, if not impossible, for approximately 50% of the properties in the Ridgetop Annex to build an addition on to their properties. These rules will create economic hardship for property owners and hinder the reinvigoration of the area.

**6. The Proposal As Counter-Productive.** It appears that Proposed Zoning Ordinance and the NCCD rules may not in fact preserve and enhance the Ridgetop Annex area. Proposed Zoning Ordinance may in fact prevent

property owners from replicating existing and historic buildings in the area.

**7. Affordable Housing For Teachers And Fireman.** Further, it appears that there are 30 plus duplexes in the area (or about 15% of the structures East of Duval) and it appears that the Proposed Zoning Ordinance may effectively prevent the construction of new duplexes and may effectively prevent the subdivision and redevelopment of existing duplexes into affordable housing for teachers, firemen, and others.

**8. Study of Actual Effect.** It should be studied to determine whether there may be a diminution or taking of more than 25% of the future value of a citizen's private property. When viewed in the aggregate, the net effect of the proposed regulations may be unduly restrictive and may not be consistent with the goals of Hyde Park Neighborhood Plan.

#### **Questions Concerning The Proposed Rezoning Ordinance - Procedural, Planning, and Legal Questions**

**1. Adequate Notice.** Was the notice regarding this Proposed Rezoning Ordinance sufficient and adequate, in duration and substance, to give proper notice to citizens that the proposal is a restrictive downzoning which materially affects their property rights?

**2. Adequate Neighborhood Consensus.** Has a survey ever been commissioned of Ridgeway property owners?

**3. Different Historical Background.** Does the Ridgetop Annex have the same history as the historic Hyde Park area? Does Ridgetop Annex have the same block, lot or building orientation patterns as historic Hyde Park.

Should the NCCD rules that work for historic Hyde Park apply to Ridgetop Annex area?

**4. Ridgetop Neighborhood Association.** Should the Ridgetop owners should be allowed time now to create their own Neighborhood Association, separate from Hyde Park?

**5. The Ridgetop Annex Area Has A Unique History And Architectural Character.** It is not the same history or character as the historic Hyde Park area. The proposed NCCD rules may preserve and enhance the historic Hyde Park area but imposing of a variation of these rules on the Ridgetop annex may not enhance or preserve its unique history or residential character. Is imposing these rules on Ridgetop Annex area in this manner consistent with the City Council goals and the Neighborhood Plan for this area?

**6. Texas Open Meetings Act.** Is Proposed Rezoning Ordinance and the procedure used for its creation in compliance with the requirements of the Texas Open Meetings Act (see, *Texas-Open Meetings Act, Section 551.001 et. seq., Texas Government Code*) and other City of Austin policies? Do the processes used in creating the Proposed Rezoning Ordinance comply with

substantive and procedural due process? It is representative of Ridgetop property owners and the Ridgetop community?

**7. State and Federal Constitutional Issues.** Has an analysis been made as to whether there may be "taking, destroying, or damaging" of a person's property without adequate compensation under Article One, Section Seventeen of the Texas Constitution or Fifth and Fourteenth Amendments of the United States Constitution? Does the magnitude of the downzoning in the aggregate diminish and damage the value of Ridgetop citizens' property?

**8. Arbitrary Nature in Light of Differences in Historical Background.** Has there been a study made to determine if the Proposed Rezoning Ordinance satisfy the "arbitrary, capricious and discriminatory" and "equal protection" tests inasmuch as Ridgetop property owners are downzoned and rights diminished but other Austin citizens outside of the NCCD are not made subject to the same ordinance?

**9. Vested Rights Issue.** Has a review been made as to whether the Proposed Rezoning Ordinance interferes with the vested rights of Ridgetop owners who purchased their property with the reasonable expectation that it could be used for reasonable development under prevailing ordinances?

**10. Texas Private Real Property Rights Preservation Act.** Has it been determined whether *Section 2007.001 ET seq of the Texas Government*

*Code as amended, the Texas Private Real Property Rights Preservation Act*  
has application?

### **Conclusion**

We support the Hyde Park Neighborhood Plan Goal to Preserve and enhance the unique historic and residential character of the planning areas particularly the unique residential character of Ridgetop Annex. We support the City Council's goal of "achieving appropriate, compatible development within the area." as defined in (part 1 (G)) of the ordinance that enacted April 13 Hyde Park Neighborhood plan. We agree that we need to address the issues of negative development in the area.

The answer does not appear to one which imposes rules on Ridgetop Annex that do not preserve or enhance the neighborhood without the real consensus of Ridgetop-property owners.

At this time the undersigned property owners have no choice other than to object to and oppose the immediate adoption of the Proposed Rezoning Ordinance as it applies to Ridgetop Annex.

The undersigned respectfully ask that you postpone consideration of it until the outlined concerns and questions have been answered.

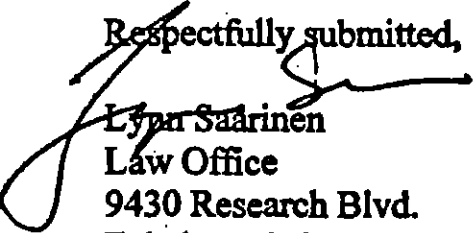
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business days to review the more complicated and important final draft of the Proposed Rezoning Ordinance.

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- a. written opinions/answers from the Planning and Zoning Department and from the Legal Department to the questions listed , ,
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Respectfully submitted,

  
Lynn Saarinen  
Law Office  
9430 Research Blvd.  
Echelon IV, Suite 400  
Austin, Texas 78759  
Tel: 866 655 6360

Respectfully submitted,

 by permission  
Jerry McCuiston  
Tel: 512 329 5639



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Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

February 28, 2005 Historic Landmark Commission

March 8, 2005 Planning Commission

RAYMOND R. ROSENTHAL

Your Name (please print)

604 East 49th

Your address(es) affected by this application

Raymond Rosenthal

Signature

Date

2-28-05

Comments:

There is no need to change the zoning - most all houses on 49th street are small houses - very few have owners living in the houses. In time I want to sell my house & without restrictive regulations I'd like to have it way be used & adapt to any zoning changes.

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

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor  
☒ I object

(OVER)

## PUBLIC HEARING INFORMATION

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Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

February 28, 2005 Historic Landmark Commission

March 8, 2005 Planning Commission

Michael S. Powers

Your Name (please print)

☐ I am in favor  
☒ I object

301 E. 4th St. Lot 1 Bldg 2 OUT 16 DVC

Your address(es) affected by this application

Redevelop Annex

Mike Powers

Signature

Date

3-7-05

Comments: I am opposed to any rezoning of my property, and to any zoning changes in the North Hyde Park MCD Plan. I believe the proposed Plan will not be advantageous to the area as a whole but will only help a select few. I also am in favor of postponing the Planning Commission meeting on March 8, 2005, until this plan can be studied further, and all of the affected property owners can be better informed as to its effect on their properties.

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Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

March 8, 2005 Planning Commission

Your Name (please print)

Se 12 Ave H

Your address(es) affected by this application

Signature

Date

Comments:

☐ I am in favor  
☒ I am object

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

City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades

P. O. Box 1088

Austin, TX 78767-8810

**ING INFORMATION**

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Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

February 28, 2005 Historic Landmark Commission

March 8, 2005 Planning Commission

James Frederick Keith

Your Name (please print)

5012 Ave. H

Your address(es) affected by this application

James Frederick Keith

Signature

5 MAR 05

Date

Comments:

Please note my new school address

new:

459 E. Olmes Dr.

San Antonio, TX

78212

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City of Austin

Neighborhood Planning and Zoning Department

Glenn Rhoades

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor  
☒ I object

## PUBLIC HEARING INFORMATION

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Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

March 8, 2005 Planning Commission

Your Name (please print)

*Ronald & Jean Williams*

☐ I am in favor  
☒ Subject

Your address(es) affected by this application

*4501 Ave B + 4503 Ave B*

Signature

*Ronald D. Williams*

Date

*3/7/05*

Comments:

*4502 Ave B Change from GR to MF-4?  
Too many people living in this area  
already. Need more stores.  
(It is a parking lot right now for Walgreens.)*

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Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

February 28, 2005 Historic Landmark Commission

March 8, 2005 Planning Commission

☐ I am in favor  
☒ I object

Sean Nelson Note  
Your Name (please print)

4613- Duval ST. Austin TX, 78751  
Your address(es) affected by this application

Sean Note 2/23/05  
Signature Date

Comments: \_\_\_\_\_

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Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

February 28, 2005 Historic Landmark Commission

March 8, 2005 Planning Commission

RAYMOND ROSCHKE

Your Name (please print)

604 East 49th

Your address(es) affected by this application

Raymond Roschke

Signature

2-28-05

Date

Comments:

There is no need to change the zoning - most all houses on 49th street are rent houses - very few have owners living in the houses. In time I want to sell my house without restrictive covenants as to how it may be used. I expect to say zoning changes.

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

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(OVER)

## PUBLIC HEARING INFORMATION

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Case Number: C14-04-0196

Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

February 28, 2005 Historic Landmark Commission

March 8, 2005 Planning Commission

Your Name (please print)

Barbara W. Spicer  
4705 Eilers Ave



Your address(es) affected by this application

Signature

Date

Comments:

3.8.05

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Case Number: C14-04-0196

Contact: Glenn Rhodes, (512) 974-2775

Public Hearing:

March 8, 2005 Planning Commission

Your Name (please print) RANDY FEIN

☒ I am in favor  
☐ I object

4503 Speedway  
Your address(es) affected by this application

Fuller

Date

Comments:

I believe this to

be a "taking" of

development

rights.

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

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Neighborhood Planning and Zoning Department

Glenn Rhodes

P. O. Box 1088

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Contact: Glenn Rhoades, (512) 974-2775

Public Hearing:

February 28, 2005 Historic Landmark Commission

March 8, 2005 Planning Commission

Your Name (please print)

Daniel A. Day

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

Your address(es) affected by this application

808 810 812 East 46th St.

Signature

Date

Comments:

I am opposed to any type of zoning that will restrict my ability to design and build or remodel my property in a manner or style of my choiced current development restrictions are satisfactory, I want my property excluded from the NCCD zoning overlay.

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P. O. Box 1088

Austin, TX 78767-8810