Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: 73
AGENDA DATE: *Thu 09/29/2005*
PAGE: 1 of 1

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

REQUESTING DEPARTMENT:	Neighborhood Planning and Zoning	**DIRECTOR'S AUTHORIZATION:** Greg Guernsey

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RCA Serial#: 9990 Date: 09/29/05 Original: Yes
Disposition:

Published:
Adjusted version published:

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0196

REQUEST:

Approve second and third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4505 Duval Street (Waller Creek Watershed) from multi-family residence - medium density (MF-3) district and community commercial (GR) district zoning to multi-family residence - medium density-neighborhood conservation-neighborhood plan (MF-3-NCCD-NP) combining district zoning and community commercial-neighborhood conservation-neighborhood plan (GR-NCCD-NP) combining district zoning. The Neighborhood Mixed Use Building special use is proposed for this property. 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.

DEPARTMENT COMMENTS:

Staff understands the neighborhood stakeholders and the property owner (owned by Ed Blaine) have reached and an agreement and is reflected in the attached ordinance. Mr. Blaine maintains the valid petition against the inclusion of his property into the NCCD; however, Staff understands he is in agreement with the proposed ordinance.

APPLICANT: City of Austin

AGENT: Neighborhood Planning and Zoning Department

CITY COUNCIL DATE AND ACTION:

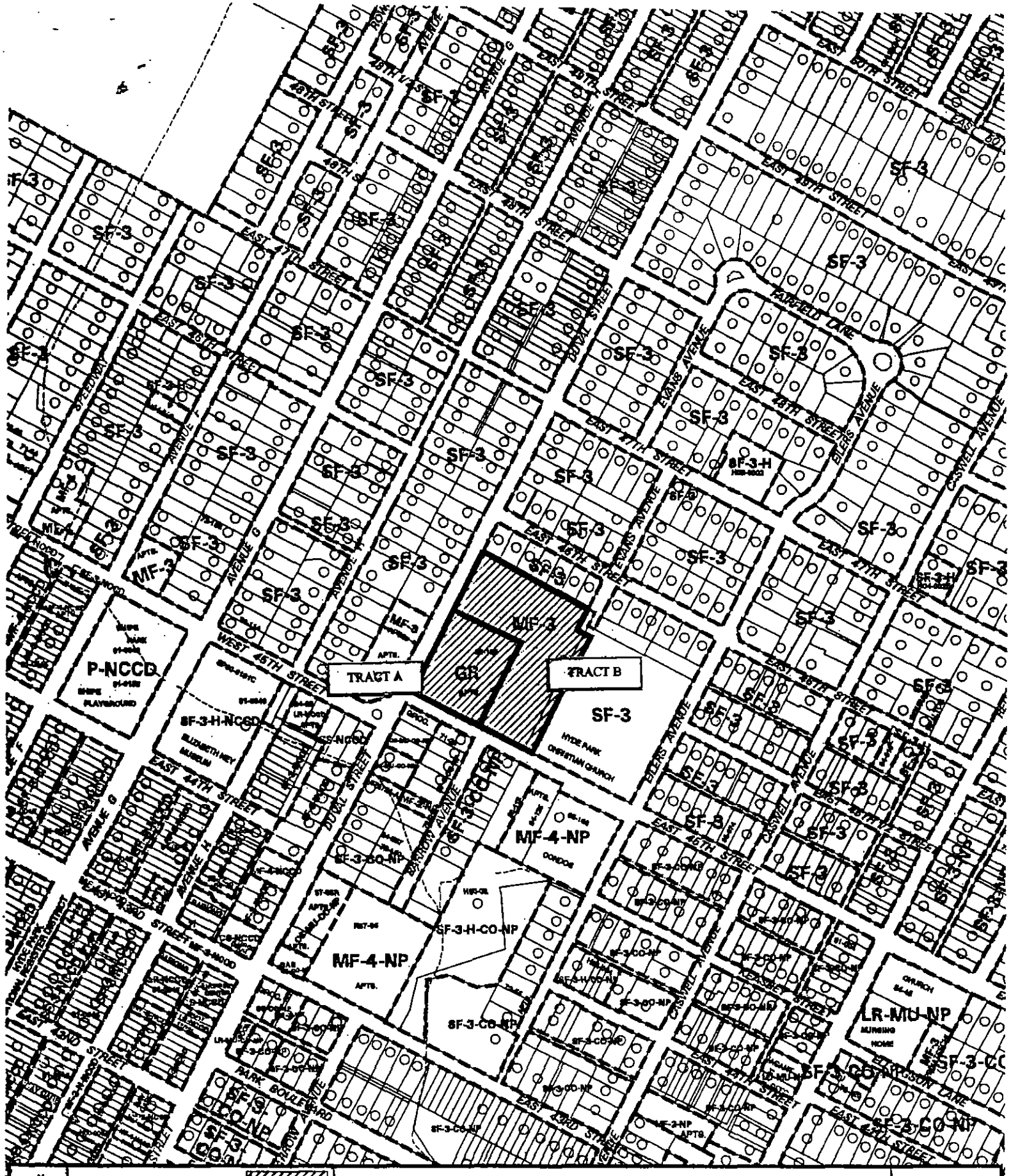
August 18, 2005: Approved on first reading only of the revised ordinance to include 4505 Duval Street into the Hyde Park NCCD-NP with the following added conditions; establishes a Part A and Part B for 4505 Duval, with Part A being zoned GR and Part B being zoned MF-3 and located in the Duval District; to allow parking for commercial uses anywhere on the site as it exists on April 1, 2005; establish a minimum street side yard setback of 10 feet and to allow the property to redevelop for both parts under the Smart Housing guidelines set forth in Part 11, Section 1 of the approved ordinance. (Vote: 6-0, B. McCracken – off dais).

August 25, 2005: Postponed at the request of staff until September 1, 2005 (Vote: 7-0).

September 1, 2005: Postponed by neighborhood/applicant until September 29, 2005 (Vote: 7-0).

ASSIGNED STAFF: Glenn Rhoades

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



N 1"=400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: G. RHOADES	ZONING CASE #: C14-04-0196 ADDRESS: 4505 DUVAL ST SUBJECT AREA (acres): N/A	DATE: 05-09 INTLS: SM	CITY GRID REFERENCE NUMBER K26

DRAFT ORDINANCE PREPARED BY FLECKMAN & MCGLYNN, PLLC, ATTORNEYS FOR OWNER OF 4505 DUVAL, REFLECTING AGREEMENT OF THE OWNER AND THE HYDE PARK PLANNING TEAM

ORDINANCE NO. _____

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

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

PART 1. Ordinance No. 20050818-064 is amended to include the property identified in this Part in the North Hyde Park neighborhood conservation-neighborhood plan combining district. The zoning map established by Section 25-2-191 of the City Code is amended to rezone the property described in Zoning Case No. C14-04-0196, on file at the Neighborhood Planning and Zoning Department, as follows:

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

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

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

PART 2. Except as amended below the Property is subject to the use and site development regulations established in Ordinance No. 20050818-064.

PART 3. Part 3 (*Definitions*) is amended to include the following definitions:

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

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

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

3. The Duval Commercial District – located at 4500, 4505 (Part A), 4510, 5011 and 5012 Duval Street.

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

(iv) The front 20 feet of the portion of a building at 4505 Duval (Part A) that is directly across the street from a single family use may be developed only with a residential use in Column B of this Part 5 or a use in Column B that is permitted in a limited office (LO) district.

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

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

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

12. The height limits shown on the attached Exhibit "D" [Is there an Exhibit "C"?] apply to 4505 Duval (Part A and Part B).

a. Within 50 feet of the north and east property lines of 4505 Duval (Part B) adjacent to a single family use or single family zoning district, the maximum height is 30 feet and 2.5 stores.

b. Subject to ~~Except as provided in~~ Section 12.a., the maximum height is 35 feet as to all portions of the Property that lie within 125 feet from (i) a single family use or single family zoning district that is across from the north, south, or west property lines, or the northeast corner of the Property, or (ii) within 125 feet from the west side of Duval Street or the south side of East 45th Street.

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

~~d. For the part of 4505 Duval (Part A) that is at least 100 feet from East 45th Street, the maximum height is 45 feet.~~

ed. The maximum height of the area not covered by ~~included in~~ the height limits shown in subsections a, b, and c, ~~and d~~ above, is 40 feet.

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

15. The following site development standards apply to 4505 Duval (Part B):

    a. The maximum building coverage is 55 percent; and

    b. The maximum impervious cover is 65 percent; and

    c. The floor to area ratio (FAR) may not exceed a ratio of 0.75 to 1.0.

16. The portion of a parking garage above the second floor of a structure at 4505 Duval (Part B) may not have an open side or transparent or translucent materials that face and are visible from the north or west property lines of the Property.

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

10. The following site development standards apply to 4505 Duval (Part A).

    a. The maximum building coverage is 75 percent.

    b. The maximum impervious cover is 90 percent.

    c. The floor to area (FAR) ratio may not exceed a ratio of 2.0 to 1.0.

11. For a building that fronts on Duval Street or 45th Street and is located at 4505 Duval (Part A) the minimum front yard or side street yard setback is 5 feet and the maximum front yard or side street yard setback is 10 feet.

PART 10. Part 11 (*Affordable Housing*) Section 1 is amended as follows:

1. Redevelopment of Rental properties. This section applies to 4505 (Part A and Part B), 4510, 4520, and 5012 Duval Street.

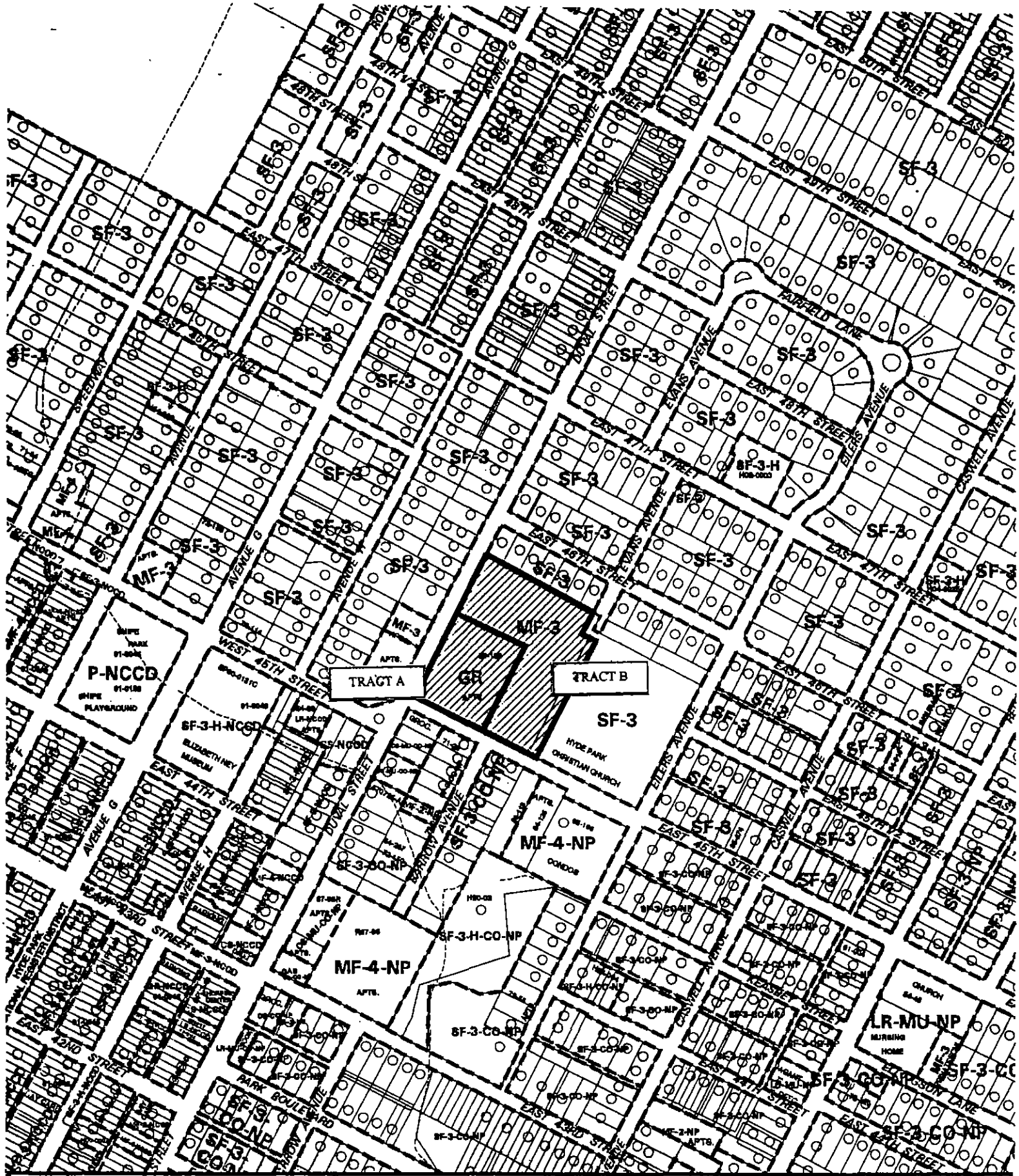
PART 11. This ordinance takes effect on _____, 2005.

PASSED AND APPROVED

§
§
_____, 2005 § _____
Will Wynn
Mayor

APPROVED:_____ **ATTEST:**_____
David Allan Smith
City Attorney

Shirley A. Brown
City Clerk



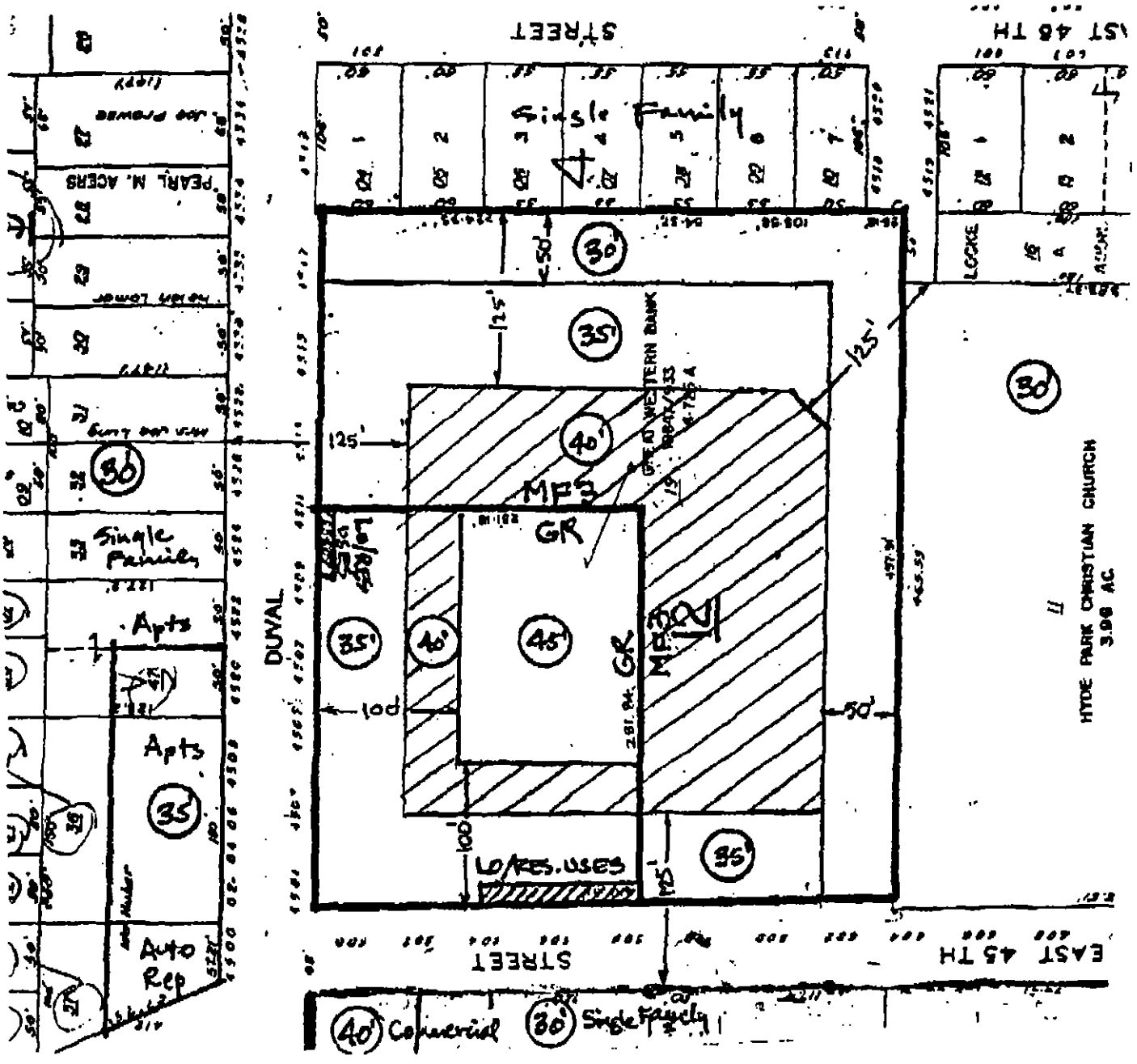
N 1" = 400'	SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: G. RHOADES	ZONING CASE #: C14-04-0196 ADDRESS: 4505 DUVAL ST SUBJECT AREA (acres): N/A	DATE: 05-09 INTLS: SM	CITY GRID REFERENCE NUMBER K26

4505 DUVAL St.

Hyde Park NCCD

(Neighborhood Conservation Combining District)

Illustration of Height Limits and Special Frontage Regulations



July 30, 2004

SECOND/THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-04-0196

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DEPARTMENT COMMENTS:

Staff understands the neighborhood stakeholders and the property owner (owned by Ed Blaine) have reached and an agreement and is reflected in the attached ordinance. Mr. Blaine maintains the valid petition against the inclusion of his property into the NCCD; however, Staff understands he is in agreement with the proposed ordinance.

APPLICANT: City of Austin

AGENT: Neighborhood Planning and Zoning Department

CITY COUNCIL DATE AND ACTION:

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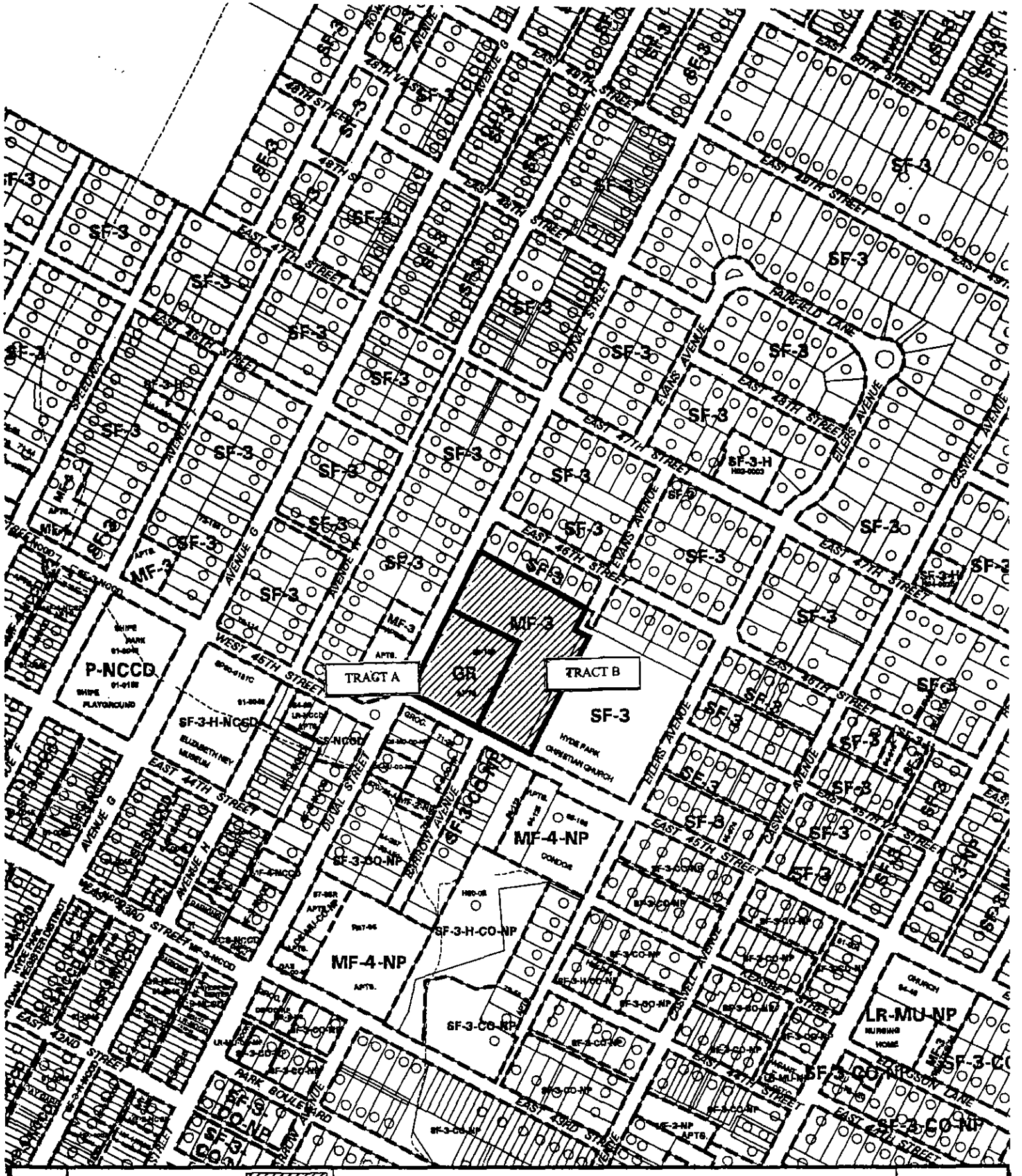
August 25, 2005:

ASSIGNED STAFF: Glenn Rhoades **PHONE:** 974-2775
glenn.rhoades@ci.austin.tx.us



N

1" = 400'

SUBJECT TRACT

PENDING CASE

ZONING BOUNDARY

CASE MGR: G. RHOADES

ZONING

CASE #: C14-04-0196

ADDRESS: 4505 DUVAL ST

SUBJECT AREA (acres): N/A

DATE: 05-09

INTLS: SM

CITY GRID REFERENCE NUMBER

K26

CITY COUNCIL ANNOTATED AGENDA
September 1, 2005

7. Approve second/third readings of an ordinance to annex the Watersedge Area for the limited purposes of planning and zoning (Approximately 418 acres in Travis County east of Austin Bergstrom International Airport at the northwest corner of the intersection of State Highway 71 East and Doctor Scott Drive). (Limited purpose annexation does not have a significant impact on the general fund.) (Related Item 8)

Ordinance No. 20050901-007 was approved (consent). 7-0

8. Approve second/third readings of an ordinance approving a regulatory plan for the Watersedge Area, to be annexed for limited purposes of planning and zoning. (Limited purpose annexation does not have a significant impact on the general fund.) (Related Item 7)

Ordinance No. 20050901-008 was approved (consent). 7-0

16. Authorize negotiation and execution of an amendment to the professional services agreement with COPLEY WOLFF DESIGN GROUP, Boston, MA, for design of the Second Street District Streetscape Improvement Project, for construction administration services and the addition of design services for construction improvements construction of Colorado and Brazos streets from Cesar Chavez to 3rd Street in an amount not to exceed $250,000, for a total amount not to exceed $905,381. (Funding is available in the Fiscal Year 2004-2005 Amended Capital Budget of the Neighborhood Planning and Zoning Department.) Original recommendation was based on the best of six qualification statements received. 10.40% MBE and 17.71 WBE sub-consulting participation to date.

The motion authorizing the negotiation and execution of an amendment to the professional services agreement was approved (consent). 7-0

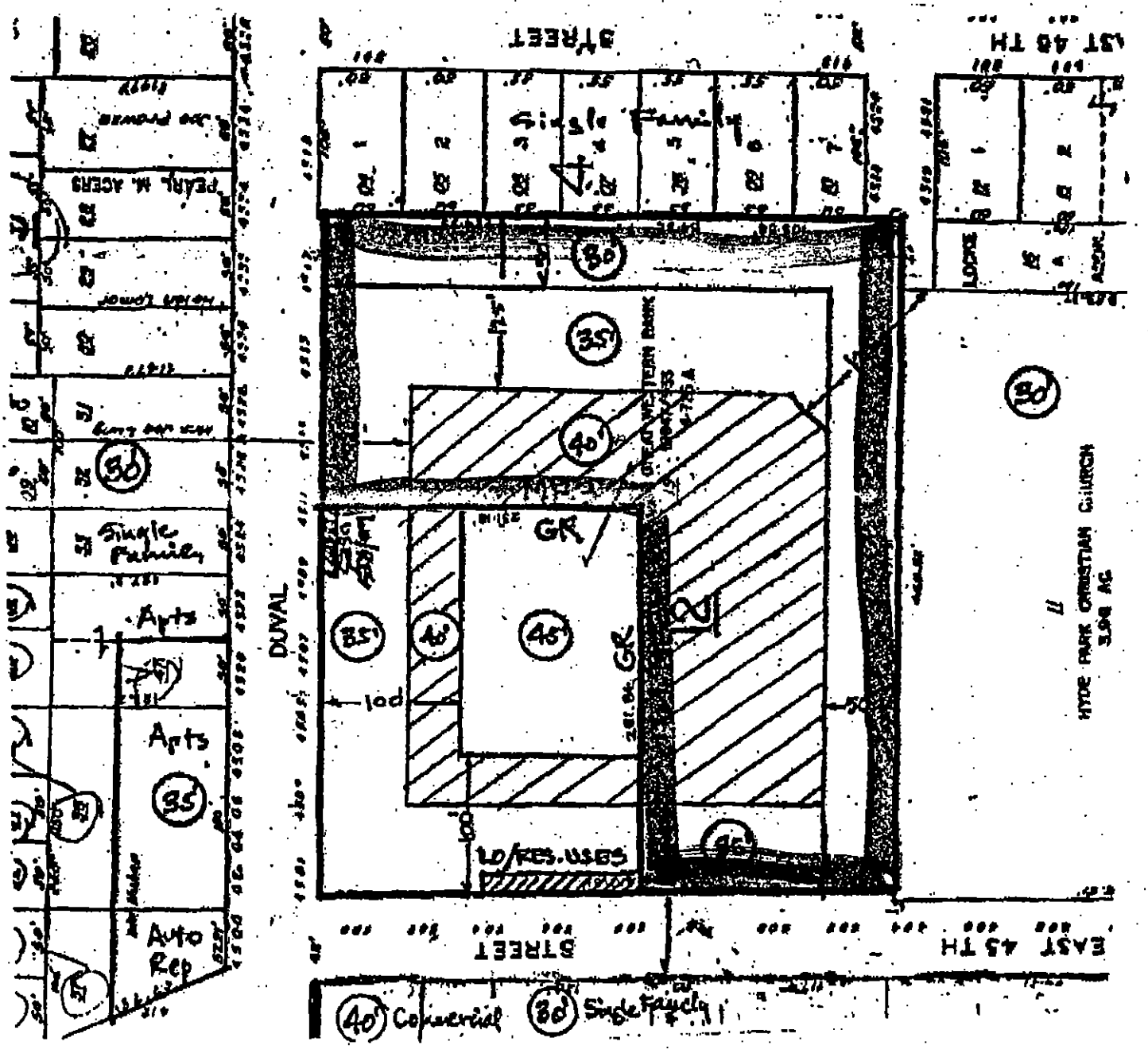
48. Set a public hearing to consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Greater South River City Combined Neighborhood Plan. The combined neighborhood plan is comprised of the South River City and St. Edward's neighborhood planning areas, bounded by Town Lake on the north, IH-35 South on the east, Ben White Blvd. on the south, and South Congress on the west. (Suggested date and time: September 29, 2005 at 4:00 p.m., City Hall Council Chamber, 301 West Second Street.)
The public hearing was set for September 29, 2005 at 6:00 p.m., City Council Chambers, 301 West Second Street.

4505 DUVAL St.

Hyde Park NCCD

(Neighborhood Conservation Combining District)

Illustration of Height Limits and Special Frontage Regulations



July 30, 2004

ATTACHMENT "B"

PETITION

Case Number: **C14-04-0196** Date: Aug. 17, 2005

4505 DUVAL STREET

Total Area within 200' of subject tract: (sq. ft.) 209,913.11

1	02-2108-1219	BAUSTIN OAK PARK LTD	209,913.11	100.00%
2				0.00%
3				0.00%
4				0.00%
5				0.00%
6				0.00%
7				0.00%
8				0.00%
9				0.00%
10				0.00%
11				0.00%
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25				0.00%
26				0.00%
27				0.00%
28				0.00%

Validated By: Stacy Meeks

Total Area of Petitioner: **209,913.11**

Total % **100.00%**

FLECKMAN & McGLYNN, PLLC

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

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

July 26, 2005

VIA HAND DELIVERY

Austin City Council
City Hall
301 W. 2nd Street, 2nd Floor
Austin, Texas 78701

Re: Proposed Neighborhood Conservation Combining District ("NCCD") for North Hyde Park (File No. C14-04-0196)

Dear City Council Members:

On behalf of the owner of the property at 4505 Duval Street, we are submitting the enclosed Petition opposing the proposed Neighborhood Conservation Combining District ("NCCD") for North Hyde Park (File No. C14-04-0196).

Sincerely,

Zachariah Wolfe

ZW/smr
Encl.

cc: Mr. Glenn Rhoades (w/encl. via fax)
Mr. Ed Blaine (w/encl.)
Mr. Steven A. Fleckman

PETITION

Date: July 25, 2005

File Number: C14-04-0196 (Proposed Neighborhood Conservation Combining District for North Hyde Park)

Address of Rezoning Request: 4505 Duval Street

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than (1) GR or GR-MU (as to the portion of the property currently zoned GR) or (2) MF-3 (as to the portion of the property currently zoned MF-3).

Please note, however, that the owner would not oppose any change granting a more intensive zoning classification or less restrictive site development standards. The language above has been included in order to comply with the instructions provided by the City of Austin.

The reasons for the owner's opposition to the proposed zoning changes are stated in the Memorandum attached hereto as **Exhibit A**. In summary, the owner opposes the draft proposal dated June 3, 2005 (the "Proposal") 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 would be inconsistent with new urbanism and City goals.
- It would limit density at a busy intersection in a thriving central Austin neighborhood with long-standing multi-family and commercial uses.
- The practical effect of the Proposal is that it would discourage rather than encourage reinvestment and a more attractive re-development of the existing 1970s apartment complex.
- The Proposal does not address or advance the stated 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.

Respectfully submitted,

BAUSTIN OAK PARK, LTD.

By: EGBl
Edward Blaine, Authorized Representative

Date: 7/25/05

Contact Name: Zachariah Wolfe
Fleckman & McGlynn, PLLC
Attorneys for Owner

Phone Number: (512) 476-7900

EXHIBIT "A"

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

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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 45th and Duval**

- The Oak Park apartment complex has been in the neighborhood for over 30 years. It is at the northeast corner of 45th 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. 45th 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 45th or Duval. The residences across 45th 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 35th 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. <u>The Owner's Vision for Future Redevelopment</u>

- 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 45th 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 45th 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 45th 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 45th 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. <u>Proposed Change – Site Development Standards</u>

- 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. <u>Unfair and Undesirable Impact of the Proposed Changes</u>

- 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 45th 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**.

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,

Zachariah Wolfe

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

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0196

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

P.C. DATES: March 8, 2005
March 22, 2005
April 26, 2005
June 14, 2005
July 12, 2005

C.C. DATES: June 23, 2005
July 28, 2005
August 18, 2005
August 25, 2005
September 1, 2005
September 29, 2005

ADDRESS: Bounded by 45th Street to the South, Guadalupe Street to the West, 51st 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 8th 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).

PLANNING COMMISSION RECOMMENDATION (cont'd):

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 2ND] Vote: 7-1, M.Moore – 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 45th Street to the North, Guadalupe Street to the West, Red River to the east and 38th 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. 45th St.	64'	40'	Arterial	Yes	#5	#32
E. 51st 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. 47th St.	56'	26'	Collector	No	N/A	#57

CITY COUNCIL DATE AND ACTIONS:

June 23, 2005 - Postponed by staff until 7/28/05 (Vote: 7-0)

July 28, 2005 - Closed the public hearing and approve the first reading of the Hyde Park North Neighborhood Conservation-Neighborhood Plan (NCCD-NP) combining district, and excluding those tracts on which there were valid petitions and adopt the changes in base zoning as described in the handout (Tracts 1,2,4,5,6,7,8,9,10, 11, & 12) was approved on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 6-0, Council Member Kim off the dais. *Note: This motion did not include the property at 609 Fairfield that will be considered on another day.*

To include the properties at 4912 Avenue G, 4700 Red River, 812 E. 47th Street, and 816 E. 47th Street (owned by Herb Jahnke and Lynn Saarinen) in the NCCD was approved on Council Member Alvarez' motion, Council Member Leffingwell's second on a 7-0 vote.

To include 808, 810, and 812 E 46th Street (owned by Dan Day) in the NCCD was approved on Council Member Leffingwell's motion, Mayor Wynn's second on a 7-0 vote.

To include 4500 Duval owned by Guy Oliver) in the NCCD with the following additional permitted uses: bed and breakfast (Type 1 and 2), convenience services, hotel-motel, printing and publishing (limited to 300 trips per day), auto washing (only in conjunction with another use and limited to no more than 20% of the site area), auto rental, auto sales, service station; add plant nursery as a conditional use; and limiting the property to existing compatibility standards and limiting the height

to 30 feet from the west property line and extending east for a distance of 50 feet, and 35 feet for the remainder of the property was approved on Council Member McCracken's motion, Mayor Pro Tem Thomas' second on a 7-0.

To postpone action on Tract 3, 4505 Duval (owned by Ed Blaine) to August 18, 2005, time certain, was approved on Council Member McCracken's motion, Council Member Alvarez' second on a 7-0 vote.

To reconsider the Hyde Park North Neighborhood Conservation-Neighborhood Plan (NCCD-NP) combining district and amend it to reflect these additional standards for Avenue "A" District that would limit the maximum building coverage and impervious cover for all multi-family (MF-2-NCCD-NP, MF-3-NCCD-NP, MF-4-NCCD-NP) zoning districts to 70%, set minimum front setback at 10 feet and maximum front setback at 20 feet was approved on Council Member Alvarez' motion, Mayor Pro Tem Thomas' second on a 7-0 vote.

August 18, 2005 – At this hearing, Council approved the following on all 3 readings:

1. Approved the Hyde Park Neighborhood Conservation Combining District with the exception of the properties with valid petitions (Vote: 6-0, B. McCracken – off dais).

2. To include the following properties with valid petitions into the Hyde Park NCCD; 4912 Ave. G, 4700 Red River, 812 and 816 E. 47th St., 808, 810, 812 E. 46th St., 4701 Eilers Ave and 4715 Ave. G. (Vote: 6-0, B. McCracken – off dais).

3. To include 4500 Duval with additional height limits and uses that were included in the draft ordinance before third reading. (Vote: 6-0, B. McCracken – off dais).

4. Approved on first reading only of the revised ordinance to include 4505 Duval into the Hyde Park NCCD with the following added conditions; establishes a Part A and Part B for 4505 Duval, with Part A being zoned GR and Part B being zoned MF-3 and located in the Duval District; to allow parking for commercial uses anywhere on the site as it exists on April 1, 2005; establish a minimum street side yard setback of 10 feet and to allow the property to redevelop for both parts under the Smart Housing guidelines set forth in Part 11, Section 1 of the approved ordinance. (Vote: 6-0, B. McCracken – off dais).

August 25, 2005 – Postponed second/third reading until September 1, 2005 at the request of staff (Vote: 7-0).

September 1, 2005 – Postponed second third reading until September 29, 2005 at the request of the applicant and neighborhood (Vote: 7-0).

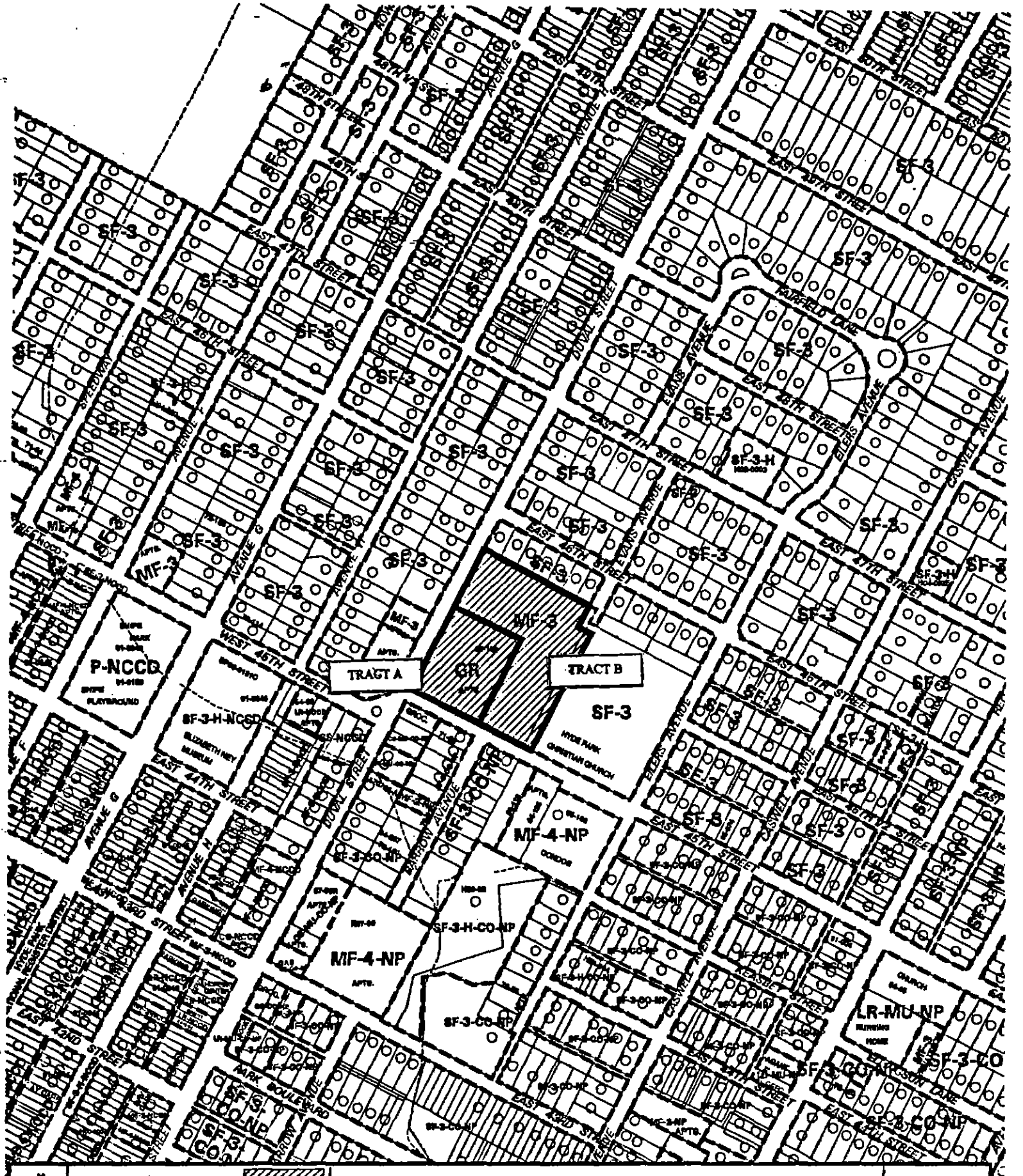
ORDINANCE READINGS: 1st 7/28/05* 2nd/3rd 8/18/05**

*excluding 609 Fairfield and 4505 Duval (Tract 3).

**excluding 4505 Duval Street. It was approved on first reading only.

ORDINANCE NUMBER:

CASE MANAGER: Glenn Rhoades **PHONE:** 974-2775
glenn.rhoades@ci.austin.tx.us



N	SUBJECT TRACT	ZONING	CITY GRID REFERENCE NUMBER
	PENDING CASE	CASE #: C14-04-0196	
	ZONING BOUNDARY	ADDRESS: 4505 DUVAL ST	DATE: 05-09
	CASE MGR: G. RHOADES	SUBJECT AREA (acres): N/A	INTLS: SM
1" = 400'			K26


GUADALUPE STREET
51ST STREET
45TH STREET
RED RIVER STREET
SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: G. RHOADES
1" = 800'
ZONING
CASE #: C14-04-0196
ADDRESS: HYDE PARK NCCD
SUBJECT AREA (acres): N/A
DATE: 05-02
INTLS: SM
CITY GRID REFERENCE NUMBER
K26

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	[illegible]	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	[illegible]	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.	[illegible]	[illegible]
Max. building coverage	[illegible]	60%
Max. impervious cover	[illegible]	60%
Max. height	[illegible]	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.	[illegible]	[illegible]
Max. building coverage	[illegible]	50%
Max. impervious cover	[illegible]	60%
Max. height	[illegible]	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	[illegible]	[illegible]	[illegible]	[illegible]
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	[illegible]	[illegible]	[illegible]	[illegible]
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	[illegible]	[illegible]	60%	60%
Max. impervious cover	[illegible]	[illegible]	80%	80%
Max. height	[illegible]	[illegible]	[illegible]	[illegible]
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.	[redacted]	[redacted]
Max. building coverage	[redacted]	[redacted]
Max. Impervious cover	[redacted]	[redacted]
Max. height	[redacted]	[redacted]
Min. side yard setback	[redacted]	[redacted]
Min. rear yard set back	[redacted]	[redacted]

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	[redacted]	[redacted]
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	[redacted]	[redacted]
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 45th Street to the south, 51st Street to the north, Guadalupe Street to the west, and Red River Street to the east, identified in the map attached as Exhibit "A" and to change the base zoning districts on 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) multi-family 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 → waiting
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. 48th St.; 4701, 4703, 4705, 4707, 4709, 4711, 4713, 4715, 4801, 4803, 4805, 4807,4809 Duval St.; 600-602 E. 47th St.	SF-3	SF-2-NCCD
9	604 E. 47th 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 45th 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	D
base district designation USES:	per NCCD NO 4500 B	per NCCD CS/GR Duval	per NCCD GR 4500 A/UCU	per code GO 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 4510Duval. 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 April1, 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)	Art and craft studio (limited)
Business or trade school	Business support services
Communication service facilities	Community recreation (public)
Community recreation (private)	Congregate living
Consumer convenience services	Consumer repair services
Cultural services	Day care services (commercial)
Day care services (general)	Day care services (limited)
Duplex residential	Family home
Financial services	Food sales
General retail sales (convenience)	General retail sales (general)
Group home class I (general)	Group home class I (limited)
Group home class II	Hospital services (limited)
Indoor entertainment	Indoor sports and recreation
Local utility services	Medical offices
Multifamily residential	Personal improvement services
Personal services	Plant nursery
Printing and Publishing	Private primary educational facilities
Private secondary educational facilities	Professional office
Public primary educational facilities	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 frony sertback 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 fo 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'and2 .5 stories	30'and2.5 stories	30'and 2.5 stories	30'and2.5 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 Development Standards					
	SF-3	MF-2	MF-3	MF-4	GR	GO
Minimum lot size	5750	8000	8000	8000	5750	5750
Minimum lot width	50	50	50	50	50	50
Maximum FAR	–	0.5	0.75	0.75	1	1
Maximum building coverage	40%	50%	55%	60%	60%	60%

Maximum impervious cover	45%	60%	65%	70%	80%	80%
Maximum height*	30	35'	35'	40'	40'	35'/40'
Min. interior side yard setback	5	5	5	5	5	5
Minimum rear setback	10	10	10	10	10	10
*Property on the east side of Avenue A - height limit 30' and 2.5 stories in rear 50' - otherwise 35'.						
*Property on the west side of Avenue A - height limit 40'.						

2. Except as otherwise provided in this part, on Avenue A:

   a. the minimum street yard setback is 15 feet; and
   b. the maximum street yard setback is 20 feet.

3. This section applies to W. 45th St. and W. 46th 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
nimum 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' and2.5 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:

   a. the minimum street yard setback is 5 feet; and
   b. 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.

GUADALUPE DISTRICT	
	SITE DEVELOPMENT STANDARDS GO / GR
Minimum lot size	5750
Minimum lot width	50
Maximum FAR	1 to 1
Maximum building coverage	60% / 75%
Maximum impervious cover	80% / 90%
Minimum interior side yard setback	0
Minimum rear setback	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 45th 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 of Austin MEMO

P.O. Box 1088, Austin, TX 78767
www.cityofaustin.org/housing

Neighborhood Housing and Community Development Department
Paul Hilgers, Director
(512) 974-3108, Fax: (512) 974-3112, paulhilgers@ci.austin.tx.us

Date: June 8, 2005

To: Alice Glasco, Director
Neighborhood Planning and Zoning Department

From: Paul Hilgers, Director
Neighborhood Housing and Community Development Department

Subject: Affordability Impact Statement – North Hyde Park NCCD

The revised North Hyde Park NCCD addresses concerns about housing affordability by increasing opportunities for S.M.A.R.T. Housing™ rental redevelopment on existing multi-family sites and by creating options for "reasonably-priced" homeownership through the conversion of existing duplexes into single-family attached homeownership units.

The proposed housing affordability elements of the North Hyde Park NCCD create greater housing affordability opportunities than are available under existing regulations. The recommendations of the North Hyde Park Planning Team may be considered for replication in other neighborhoods throughout the City.

Please let me know if you need additional information.

Paul Hilgers, Community Development Officer
Neighborhood Housing and Community Development Department

PH:cl
C:\Memo-Glasco-AIS-North Hyde Park NCCD-6-7-05
Cc: Stuart Hersh

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.

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) Ridgetop 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 McCuistion, 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 Ridgetop 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 are and that the area between Duval/Red River/45th St/51st 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 medications that need to be done.

Herb Jehnke 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. Jehnke, Mr. McCuistion, 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. Jehnke 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.

John Kerr, President
Hyde Park Neighborhood Association

MEMORANDUM

TO: Chris Riley, Chair and Members of the Planning Commission

FROM: Dora Anguiano, PC Commission Coordinator
Neighborhood Planning and Zoning Department

DATE: July 25, 2005

SUBJECT: PC Commission Summary

Attached is a PC Commission summary, which will be forwarded to the City Council.

CASE # C14-04-0196

6. Zoning: **C14-04-0196 - Hyde Park North N.C.C.D.**

Location: Bounded by 51st Street to the north, Red River to the east, 45th Street to the south and Guadalupe Street to the west, Waller Creek Watershed, Hyde Park NPA

Owner/Applicant: City of Austin

Agent: NPZD (Glenn Rhoades)

Request: TO 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 situated north of 45th St., south of 51st St., between Red River St to the east and Guadelupe St to the west as shown on the attached zoning map. For each of the tracts, the attached chart lists the existing zoning, proposed zoning, and street address (es).

The Planning Commission may recommend and the City Council may approve a zoning change to any of the following: Rural Residential (RR); Single-Family Residence – Large Lot (SF-1); Single-Family Residence— Standard Lot (SF-2); Family Residence (SF-3); Single-Family – Small Lot & Condominium Site (SF-4A/B); Urban Family Residence (SF-5); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-family Residence - Low Density (MF-2); Multi-family Residence - Medium Density (MF-3); Multi-family Residence – Moderate-High Density (MF-4); Multi-family Residence - High Density (MF-5); Multi-family Residence - Highest Density (MF-6); Mobile Home Residence (MH); Neighborhood Office (NO); Limited Office (LO); General Office (GO); Commercial Recreation (CR); Neighborhood Commercial (LR); Community Commercial (GR); Warehouse / Limited Office (W/LO); Commercial Services (CS); Commercial-Liquor Sales (CS-1); Commercial Highway (CH); Industrial Park (IP); Major Industrial (MI); Limited Industrial Services (LI); Research and Development (R&D); Development Reserve (DR); Agricultural (AG); Planned Unit Development (PUD); Historic (H); and Public (P). Neighborhood Conservation Combining District (NCCD) or Neighborhood Plan Special Use (NP) may also be added to these zoning base districts.

Staff Rec.: RECOMMENDED

Staff: Glenn Rhoades, 974-2775, glenn.rhoades@ci.austin.tx.us
Neighborhood Planning and Zoning

SUMMARY

Glenn Rhoades, staff, made his presentation to the commission.

Commissioner Riley – "One of the first things that you mentioned was about how it was no longer necessary to add the MU overlay,.."

Mr. Rhoades – "Originally, the proposal was to down zone some of the properties from commercial, GR and CS, to multi-family because those lots were actually being used as apartments and staff's recommendation at that time was to keep the commercial base district and add a mixed use to it so that you can have a mixed use development there at some point or you could have apartments built there again as well".

Commissioner Riley – "So has there been some change in that..."

Mr. Rhoades – "Well according to the new draft it looks like within some of those districts, where the CS and GR property are, residential uses will be allowed under GR, which is something you can do with an NCCD; you can add uses to a base district. You can have apartments in the GR zoning or single-family or a duplex".

Commissioner Riley – "So when you go and look up that site on a zoning map would it just say GR or will there be a suffix that would flag it as being..."

Mr. Rhoades – "It would just say GR; however, when they do come in for the development permit, I'm hoping that when it is reviewed that we look at the zoning and the NCCD and that would be the bases for giving approval or denial".

Commissioner Riley – "But you wouldn't know it by just looking at the map?"

Mr. Rhoades – "No, not by just looking at the map, but it does make it cleaner than adding an MU to it, if you can already do it with a base district. Somebody who owns a property, I'm sure is going to know what they can or can't do with it".

Commissioner Sullivan – "Can you clarify that again; when we do have a overlay district like a PDA or MU, that shows on the zoning map; so an NCCD will not?"

Mr. Rhoades – "It would not show up on the zoning map, no".

Commissioner Riley – "Will the zoning map reflect the boundary of the NCCD?"

Mr. Rhoades – "It will reflect the boundary of the NCCD, but we're talking about Guadalupe, Red River, 51st and 45th Street, it wouldn't necessarily designate those particular properties as being allowed for a mixed use development".

Commissioner Riley – "The properties we're talking about are places where there already is apartments?"

Mr. Rhoades – "That's correct".

Commissioner Riley – "So if it's zoned GR and there are apartments there, that's kind of a hint that ..."

Mr. Rhoades – "These are fairly large lots and they will be developed by a fairly large developer at a very high cost, so I'm having a hard time seeing how somebody wouldn't know what they could put there if they did come in to redevelop".

FAVOR

Karen McGraw, Chairman of the Hyde Park Planning Team – Spoke in favor.

Commissioner Riley – "I want to make sure I have your recommendation right; on 4500 Duval, you want to prohibit auto washing as a stand alone use, but allow auto washing as an accessory use up to a maximum of 20% of the site?"

Ms. McGraw – "All those other items are already in the 63 Draft".

Commissioner Riley – "So the only changes from the 63 Draft would be add that item #6 to our motion?"

Ms. McGraw – "Yes".

Bruce Nadig, resident – Spoke in favor.

Commissioner Riley – "Does the June 3rd draft embody your recommendation?"

Mr. Nadig – "Yes, it embodies the SF-2 zoning. There was a city meeting, a public hearing on May 23rd that had a large number of people from Patterson Heights present, and we asked the question "was there anyone from Patterson Heights" and there were a large number of people standing; all were in favor".

Commissioner Riley – "Thank you".

Denise Girard – Spoke in favor.

Commissioner Moore – "During your research, did you all attempt to identify houses that were possibilities for redevelopment? I think what happens in neighborhoods like this one is that the land is worth more than the house; did you all come up with houses that in your opinion, the land was worth more than the house, if someone was going to redevelop it, they would have to move or tear down the house and rebuild it?"

Ms. Girard – "No that was not the focus of what we were doing; part if the survey was condition of houses and you could probably look at what has been torn down. Some of

that was in poor condition probably, but you can draw some conclusions from that; that would be really subjective".

Commissioner Moore – "That brings up an interesting point; all of this to me seems kind of subjective, being that it's one person or one group of people's opinion of what the neighborhood character should be and remain".

Ms. Girard – "I can show you what the survey forms look like; the survey was pretty specific in many areas; the only subjective parts were condition or if we made notes. It's possible that people noted that this might be a likely place for redevelopment, but that wasn't the thrust of the survey; the survey was to look at how many dwelling units there were on a property based on meters and mailboxes; where parking is located, so that we really had a feel for what this part of Hyde Park looks like as far as setbacks and where people park, where people are able to even park; I don't think that sort of data was subjective".

OPPOSITION

Zach Wolfe, Attorney in behalf of the apartment complex at 4505 Duval – Spoke in opposition.

Commissioner Medlin – "Were you to retain your GR and MF zoning currently with the right to develop it as a mixed use; what would be your vision of a reasonable accommodation in terms if it were redeveloped; a buffer zone between this property and the single-family homes behind it?"

Mr. Wolfe – "In our view, one of the things we should be looking at is whether we can come up with proposals that address the architectural features of the development so that what you would have there, even though it's commercial, would be something that blends in with the neighborhood".

Commissioner Medlin – "I take it that the GR is really not abutting the single-family homes".

Mr. Wolfe – "The GR portion as it stands now is on the Duval side, across the street from some apartments and one single-family residence; on the south side, 45th Street, there is one house where the side of the house faces towards what is now the GR portion of the property. So you're talking about 3 homes that are across the street from where you could have commercial use; we don't think that's a huge impact on the neighborhood".

Commissioner Sullivan – "On the zoning map it looks like the GR portion of this tract is larger than what's shown in the commercial district, on the corner of Duval and 45th Street, it looks like it's larger on the zoning map".

Glenn Rhoades – "It's probably larger; this isn't the scale".

Commissioner Sullivan – "If you look at this map that's up here, where you see the number 3, the rectangle across the street, is probably twice as big; than what is shown there".

Ms. McGraw – "When we looked at putting the GR back into the proposal, so that it would be mixed use, we were noticing that on Duval Street you have commercial then some apartments and then you have houses, well that GR faces that first house, 50-foot lot; on 45th Street the same thing, as you get to the eastern most end for 125-feet, the GR is directly across from a single-family house. I talked to Mr. Wolfe about the possibility that if we kept the entire GR area, that perhaps directly across from those houses, we could limit to residential use, so we would have any commercial uses directly across. That was the request and that hasn't yet been agreed to; we're still not in agreement about the size, because they aren't in agreement about restricting it to residential use".

Commissioner Sullivan – "Were the owners of those two lots present at any of the meetings or did they submit comments?"

Ms. McGraw – "Not that I know about. I don't want to start dominos".

Edward Blaine, owner of apartments on Duval Street – Spoke in opposition.

Jerry McCuistron, resident – Spoke in opposition

NEUTRAL

Annick Beaudet – Spoke neutral – "We have been working since the postponement with the neighborhood group, we've had many meetings and I will say that we've done a lot of work and have come a long way. The hand out that Commissioner Riley has, states the agreements that we've been able to come to with regard to 4500 Duval, which right across the street from 4505 Duval Street. I will say that I do agree with the comments made on that tract on behalf of the owner, that this corner isn't an Austin jewel, I think that it has potential in the future. This zoning is suppose to compliment the neighborhood plan, it's suppose to be the rezoning to accompany the neighborhood plan and the neighborhood plan is suppose to look 20 to 25 years. I think current regulations are restrictive enough, if we put the restrictions on; we're just going to restrict the incentives for people to come and redevelop, whether it is the current owner or a future owner. We've come to the agreements on the development regulations for our small site across the street; I did a site analysis and I thought the development regulations were a little bit too restrictive and we're just going to ensure that it was going to remain this 100% impervious cover auto use; we worked out these development regulations. A height of 30-feet and 2.5 stories in the adjacent 50-feet to single-family zoning or uses; then Karen and I worked out better wording that is 35-feet from 50-feet through the remainder of the lot; so that is what we agreed to on height, plus these other development regulations; everything that is current code. The last two issues that we're still working out, but I'd like to propose to the commission so that you can consider in your task tonight, we'd like a recommendation on it, it has to do with auto sales, auto rental and a service station; my

client has agreed to enter a covenant whether it be public or private, in regard to the neighborhoods concerns; for rental and sales to have no amplified sound, no speakers on the site, no hours of operation after 9:00 p.m., and to install tire stops along the property line at a distance away from the property line that would prohibit cars from encroaching overhanging into the right-of-way, so that area can stay clear; this would be for the rental and sales use. For a service station use we would require to install sidewalks per the city standards upon a change of use to service station, full sidewalks on 45th Street and Duval Street and have one driveway on Duval and one on 45th at the minimum width required for two-way traffic, which I believe is 25-feet on Duval and 30-feet on 45th and also have the no amplified sound provision; those are the three uses that we couldn't quite come to a permitted at; these are some of the things that we talked about and that the owner is willing to do in order to have them be permitted and he will file that prior to the ordinance being adopted by Council, if that were the recommendation by the commission".

Commissioner Medlin – "What is across the street from this property?"

Ms. McGraw – "There's a house on the corner to the south and then some apartments".

Ms. Beaudet – "So its apartments, service station, convenience store, homes and then our site".

Commissioner Medlin – "Thank you".

Commissioner Riley – "I thought that the agreement that you had with the neighborhood was what is in the June 3rd recommendation; except for this one provision about auto washing?"

Ms. Beaudet – "And... we just talked about it, and the provision of the height was not in the June 3rd draft".

Commissioner Riley – "On the height, it would be 30-feet height limit, 50-feet from the west property line and 35-feet height limit for the remainder. So if we just recommended the June 3rd recommendations with those two modifications, would that adequately reflect the agreement between you..."

Ms. Beaudet – "It would reflect the agreement, but not reflect the issue for the other three uses, yes".

Mr. Rhoades – "Just for the record, staff always prefer a private covenant as opposed to public".

REBUTAL

Ms. McGraw – "This is not arbitrary; he mentioned a reduction in FAR, that's something we can talk about, but we really haven't been able to sit down and talk. This is difficult

because they are saying that they would like to have the mixed use, but they don't want any restrictions, some of the things we've done here has relaxed the code, but unless we have a productive discussion we can't get those things done. On the GR part, we are relaxing the code from 10-feet to 5-feet, we're not dramatically down zoning this, what we're saying is, we think 50-feet of height is too much".

Commissioner Sullivan – "You said that based on compatibility standards that they could get up to 50-feet, where is that, is that at the corner?"

Ms. McGraw – "It's right in the middle, this is the highest point in the area".

Discussion continued regarding the 50-foot height issue.

There was discussion regarding architectural designs between Commissioner Moore and Karen McGraw.

Glenn Rhoades, staff – "I think it was suppose to be city staff who had to rebuttal since we initiated the case. It wasn't arbitrary; the Hyde Park NCCD is part of the larger Hyde Park Neighborhood Planning Area, in 2000 the Hyde Park South NCCD was approved. The reason staff came to the recommendation as far as height goes, and the base district changes were simply because we're just following along and finishing off the Hyde Park Neighborhood Planning Area; and similar height limits and use prohibitions were done in the south 3-years ago; we were simply just trying to complete the Hyde Park Neighborhood Plan".

There was discussion regarding Smart Housing in Hyde Park.

Commissioner Sullivan – "Where we have provisions in the NCCD to allow you to build closer to the street because of the relaxed front yard setback and the fact that you can rebuild a non-conforming structure if it burned down; do you think that that adds to the affordability because it relaxes some of the standards that we have in the code. There are new standards added in terms of the building height, but we're relaxing standards in terms of the setback and rebuilding non-conforming properties".

Stuart Hersh, staff – "No we don't believe that has any impact on housing affordability at all; whether you build this structure closer to the street or further back from the street, it's not as much of a driver as to whether that structure serves family at 80% or below. The big drivers are going to be the price of the land".

Commissioner Sullivan – "What about the requirement that the single-family height be no more than 30-feet? Because part of the rational when we imposed the requirement that single-family construction in any more intense zoning district, has to follow single-family site development standards. Part of the rational was that it would prevent constructing Mac-mansions where you had greater entitlements from impervious cover or height.

Mr. Hersh – "Affordable housing does not work at 30-feet, it doesn't work at 35-feet for single-family; so whether you left it at 35-feet or dropped it to 30-feet, the cost of construction are such that you don't want to be ornamental, if you're trying to do affordability. There's no benefit on affordability by leaving the height at 35-feet or dropping it to 30-feet".

Discussion continued regarding affordable house.

Commissioner Riley – "The last time this was before us it was not so positive..."

Mr. Hersh – "That would be an understatement".

Commissioner Riley – "Can you highlight the things that have changed from the last time that we met and this meeting as far as affordability?"

Mr. Hersh – "The two things that changed were the neighborhood has...on the multi-family sites that aren't on the floodplain and we do not encourage housing redevelopment in the floodplain, they are proposing that if you have an existing multi-family development, you can replace footprint exactly where it is with certain limitations and you don't have to increase the number of required parking spaces and you don't have to increase the amount of drainage infrastructure that exist on the site if you replace like with like. We think that promotes redevelopment under circumstances where now these building will be all fire sprinklers, done under the new code, which promotes safety. They will have to meet green building standards, which will provide higher levels of energy efficiency and at least 10% of the buildings will have to serve households at 80% median income or below".

Commissioner Riley – "Has Neighborhood Housing and Community Development taken a position or does it have an opinion on what to do about 4505 Duval?"

Mr. Hersh – "We've had no conversations with the owner; but I assume we will after tonight".

Commissioner Riley – "One argument might be that given that we haven't had any SMART Housing in this area, it might be one place where you might look to have a SMART Housing development in the future might be at 45th and Duval, from that standpoint you might want to avoid redevelopment of the lot".

Mr. Hersh – "We'll have to take a look at the height issue".

Discussion continued regarding affordable housing in Hyde Park.

Commissioner Reddy – "Mr. Rhoades, I understand your point about when the South Hyde Park NCCD done and this was a continuation, the 3-year process that you talked about, it seems that in those 3-years that things have changed a bit; the community at large seems to want density that supports transit; I'm looking at some of the reduction in

height for MF-4, we're talking about going from 60-feet to 30-feet, which to me seems like we're talking about reducing the possibility of density here, do those not seem kind countered to the larger goals?"

Mr. Rhoades – "We don't feel that things in this particular area have changed significantly enough for us to change that recommendation. This has been another neighborhood where that had been other developments that may have popped up where the character had changed from that time to now, we would have thought of that, but Hyde Park has pretty much remained static in that time".

Commissioner Riley – "Remind me what the June 3rd draft provide for 4505 Duval, does that include all the neighborhood's recommendations about height limits and setbacks?"

Mr. Rhoades – "It does, we are recommending that the base district stay as GR and we are going with what is being proposed in the draft ordinance with the height, so we are recommending those".

Commissioner Riley – "So staff is siding with the neighborhood on that?"

Mr. Rhoades – "We agree with what is in the proposed ordinance which represents the neighborhoods' recommendation".

Commissioner Riley – "Did staff have concerns about redevelopment on this site, was that considered?"

Mr. Rhoades – "No that wasn't considered, the same sort of height limit, 40-feet was also recommended for a multi-family property in the Hyde Park South, so we were being consistent with what has already been approved. We don't feel like there's been a significant enough change in this area for us to go contrary to what's been approved already".

MOTION

Commissioner Cortez and Jackson moved to close the public hearing.

Commissioner Cortez – "I make a motion to approve the NCCD, except for the property on 4505 Duval, my intent would be to have the standard compatibility requirements for that site; and in addition to 4500 Duval my motion includes the two variation from the June 3rd package that we heard about; those are prohibiting auto washing as a stand alone use, auto washing as a accessory use and may not exceed 20% of site area and a 30-foot height limit, 50-feet from the west property line and 35-foot height for the remainder".

Commissioner Sullivan – "Second".

Commissioner Cortez – "This is a lot of great work by the neighborhood and staff, I think the plan is very sound as far as the difference; I think that the apartments that are on 4505

Duval, there's a potential for redevelopment I do not think that 50-feet in the corner area of the GR is going to have a severely detrimental impact on the quality of the neighborhood there; I'm hoping that it gets redevelops because I think that what's there now is detracting seriously from that area, it isn't the prettiest thing to look at as opposed to the rest of the neighborhood. We want to encourage redevelopment of that piece of property and I'm excited to see what could happen there because it's a great location".

Mr. Rhoades – "Just a point of clarification, so your intent is to remove the height limit from 4505 and to go with standard compatibility; is that correct?"

Commissioner Cortez – "I think that is the case".

Mr. Rhoades – "Since your first motion was to go back to standard compatibility, I think you were doing that because of concern of height; so I just wanted to clarify".

Commissioner Cortez – "Were there other restrictions on there?"

Mr. Rhoades – "There are some limits with FAR, impervious cover and that kind of thing".

Commissioner Riley – "So do we want to just carve out 4505 and keep existing regulations on that site including height and impervious cover?"

Commissioner Sullivan – "My instinct is that with the commercial design standards that we would capture a lot of what want to do in terms of protecting the surrounding neighborhood from parking, by hiding the parking behind the buildings and things like that; we cover what we want to happen at that corner, so I think if we left it out of the NCCD or included it in the NCCD for the sake of completeness, but say that it would have standard site development regulations, that that might cover it".

Commissioner Riley – "Would staff be comfortable with that recommendation? Commissioner Cortez would meet the intent of your motion?"

Commissioner Cortez – "I think that would meet the intent of what I was trying to put forward".

Commissioner Galindo – "So the intent then is to not restrict the entitlements on that property from where they are today?"

Commissioner Sullivan – "Right, my hope would be that they would be restricted when the commercial design standards are put in place, but as far as that goes that would be on a level playing field with every other GR zoned tract".

Commissioner Cortez – "So then I would accept an amendment to my motion to approve the NCCD, in addition of these two items on 4500 Duval and to have the regular site development standards on the 4505 Duval property".

Commissioner Riley – "Is staff okay with that?"

Mr. Rhoades – "Yes, I understand the motion".

Commissioner Moore – "I won't support the motion because I believe that the source of the regulations is to lock and place the existing character of the neighborhood and I believe a neighborhood should evolve with time. I would be supportive of design standards if I believed that those design standards would allow that; I'm not support of design standards that are intended of this goal".

Commissioner Medlin – "When the neighborhood plan subcommittee first heard comments from people about this neighborhood plan the biggest point of controversy was the notification issue so I still feel very unhappy about the notification in this neighborhood plan, it's vastly different than other neighborhood plans in the rezoning for some reason. I only hope that in the future we don't see this great a deviation from our standards for notification. The owners of these properties were not given the same sort of details, were not given the same kind of opportunities for scrutiny as in other neighborhood plans or NCCD's in this area. So I have a real problem with that; I want it in the record that I will support it because of all the work that has gone into it, but I do not approve the notification that took place for this NCCD".

Commissioner Riley – "I'll call the question; the motion again is to approve the staff recommendation, except as to 4500 Duval, which has a couple of changes that we read, and 4505 which would be carved out of the NCCD, leaving current development regulations intact on that site".

Motion carried.

COMMISSION ACTION:	**CORTEZ, SULLIVAN**
MOTION:	**APPROVED THE HYDE PARK NCCD; 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.**
AYES:	**JACKSON, MEDLIN, REDDY, RILEY, CORTEZ, GALINDO, SULLIVAN**
NAY:	**MOORE**

MOTION CARRIED WITH VOTE: 7-1.