

C5  
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## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2014-0111 (4500 Speedway)

**P.C. DATE:** September 9, 2014

**ADDRESS:** 4500 Speedway

**OWNER/APPLICANT:** Navid Hoomanrad

**AGENT:** Husch Blackwell, LLP (Alexandra Jashinsky)

**ZONING FROM:** SF-3-NCCD-NP    **TO:** LR-NCCD-NP    **AREA:** .1873 acres  
(8,158.79 sq. ft.)

### SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to deny LR-NCCD-NP, Neighborhood Commercial-Neighborhood Conservation Combining-Neighborhood Plan District, zoning.

However, if the requested zoning is recommended for this site by the Planning Commission, then Transportation review recommends that 30 feet of right-of-way from the centerline of Speedway be dedicated to the City through a street prior to 3<sup>rd</sup> reading of this case at City Council in accordance with the Transportation Criteria Manual. LDC, 25-6-55: TCM, Tables 1-7, 1-12.

### PLANNING COMMISSION RECOMMENDATION:

#### ISSUES:

There is an active code violation on the site. On July 23, 2009, a Notice of Code Violation was submitted on this property for the unpermitted removal of a 23 inch Hackberry tree. The Environmental Inspector stated in her comments that 100% mitigation is required with 23 inch class one trees to be planted, a minimum 2 inches in diameter (Please see Code Violation - Attachment A).

According to Residential Plan Review, the property owner is currently requesting a new detached second dwelling per LDC Section 25-2-774 at this location (Please see Correspondence from Paul Yadro-Attachment B). As the applicant is concurrently asking to rezone the property to LR-NCCD-NP through this case, it should be noted that the proposed zoning will not permit the existing single-family residential use or the proposed two-family residential use on this site.

### DEPARTMENT COMMENTS:

The property in question is located at the northwest corner of West 45<sup>th</sup> Street and Speedway. These lots are currently developed with a single-family residence that fronts onto Speedway. The applicant is requesting LR-NCCD-NP, Neighborhood Commercial-Neighborhood Conservation Combining-Neighborhood Plan District, zoning to redevelop the site with a 2,436 sq. ft. restaurant use.

The site under consideration is within the Residential District of the North Hyde Park Neighborhood Conservation Combining District (NCCD). The Residential District does not permit Restaurant (limited) or Restaurant (general) uses (Please see Attachment C- North Hyde Park NCCD Ordinance No.20050818-064, Pages 5, 6 & 7).

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The staff does not recommend a zoning change to LR-NCCD-NP at this location as it will not allow for a restaurant use on the property. The applicant's request does not include an NCCD amendment to permit this particular use on this site within the designated Residential District. The proposed zoning is incongruous with the intent and uses set out for this district in the North Hyde Park NCCD. In addition, the rezoning request does not meet the goals and objectives of the Speedway District in the Hyde Park Neighborhood Plan (Please see Comprehensive Planning Review comments below). The proposed zoning is not consistent with surrounding land use patterns as it is located adjacent to residential zoning to the north (MF-4-NCCD-NP), south (SF-3-HD-NCCD-NP), east (MF-4-NCCD-NP), and west MF-3-NCCD-NP). The staff has also expressed concern that this site is not adequate in size to meet the parking requirements for the intended restaurant use (1 space for each 100 sq. ft.).

The applicant does not agree with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NCCD-NP	Single Family Residence
<i>North</i>	MF-4-NCCD-NP	Multi-Family Residence (Studio 45)
<i>South</i>	SF-3-HD-NCCD-NP	Single Family Residences
<i>East</i>	MF-4-NCCD-NP	Multi-Family Residence (Texas First Properties)
<i>West</i>	MF-3-NCCD-NP	Multi-Family Residence (108 Place Apartments)

**AREA STUDY:** North Hyde Park NCCD  
Hyde Park Neighborhood Plan

**TIA:** Waived

**WATERSHED:** Waller Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
Austin Neighborhoods Council  
Bike Austin  
Central Austin Community Development  
45<sup>th</sup> St. Concerned Citizens  
Friends of the Emma Barrientos MACC  
Homeless Neighborhood Association  
Hyde Park Neighborhood Association  
Hyde Park Neighborhood Plan Contact Team  
North Austin Neighborhood Alliance  
Preservation Austin  
Sierra Club, Austin Regional Group  
SELTEXAS  
Super Duper Neighborhood Objectors and Appealers Organization  
Sustainable Neighborhoods  
The Real Estate Council of Austin, Inc.

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**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0196.03 (North Hyde Park NCCD Amendment #3- initiated by the Planning Commission)	To amend the NCCD: 1) to establish a maximum amount of development permitted on property for a variety of residential and some civic land uses and 2) to delete a driveway provision for duplex development.	1/27/12: Approved staff's rec. for an NCCD amendment to modify Part 6. General Provisions: 11. The following provisions apply in all Districts except the Guadalupe District. a. A one lane circular driveway is permitted on lots over 100 feet 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 a total of 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 a total of 100 feet of frontage or more and has two units or is a through lot. <del>For a duplex use or single family attached use, a lot that is at least 50 feet wide may have two one lane driveways that are a maximum of 10' wide if they are separated by the house.</del>  Add in Part 6. General Provisions:  The maximum amount of development permitted on a property subject to the City of Austin Land Development Code, Subchapter F, Article 2, Section 2.1 and this NCCD is limited to 0.4 to 1.0 floor-to-area ratio, on the consent (6-0); M. Dealey- 1 <sup>st</sup> , D. Chimenti-2 <sup>nd</sup> .	2/06/12: Approved NCCD-NP on all 3 readings (6-0, B. Spelman-recused himself); S. Cole-1 <sup>st</sup> , L. Morrison-2 <sup>nd</sup> .

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C14-04-0196.02 (The Enclave: 4525 Guadalupe Street)	MF-4-NCCD-NP to MF-4-NCCD-NP to allow a change in the site development standards on the property	1/15/08: Approved staff rec. of MF-4-NCCD-NP by consent (7-0)	1/31/08: Approved MF-4-NCCD-NP (7-0); all 3 readings
C14-04-0196.01 (Horn Building: 4611 Guadalupe Street)	To allow Hospital Services-Limited Use on the property at 4611 Guadalupe Street in the Avenue A District of the North Hyde Park NCCD	2/13/07: Approved staff rec. of NCCD-NP amendment by consent, limited to 10,000 sq. ft. (9-0)	2/15/07: Approved NCCD to change condition of zoning (7-0); 1 <sup>st</sup> reading  3/08/07: Approved NCCD-NP zoning (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-04-0196 (609 Fairfield Lane)	SF-3 to SF-2-NCCD-NP	9/27/05: Approved SF-3-NCCD-NP w/condition to apply current SF-3 restrictions (8-0)	10/06/05: Approved SF-2-NCCD-NP zoning (7-0); all 3 readings
C14-04-0196 (4505 Duval - Part A)  (4505 Duval - Part B)	GR to GR-NCCD-NP  MF-3 to MF-3-NCCD-NP	7/12/05: See Below	9/29/05: Approved GR-MU-NCCD-NP for 4505 Duval-Part A and MF-3-NCCD-NP for 45-5 Duval - Part B (7-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings
C14-04-0196 (To establish the NCCD boundaries as 51 <sup>st</sup> Street to the north, 45 <sup>th</sup> Street to the south, Guadalupe Street to the west and Red River Street to the east)	To establish the North Hyde Park NCCD, to add NCCD-NP to each base zoning district and to change the base zoning districts on 11 tracts of land.	7/12/05: Approved Hyde Park NCCD, with exception of rec. for 4505 Duval (7-1, MM-No)	7/28/05: Approved North Hyde Park NCCD on 1 <sup>st</sup> reading, except 4505 Duval, which was postponed to 8/18/05 (7-0)  8/18/05: Approved Hyde Park North NCCD-NP (6-0); 2 <sup>nd</sup> /3 <sup>rd</sup> readings

**RELATED CASES:** C14-04-0196, C14-04-0196.01, C14-04-0196.02, C14-04-0196.03

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	ADT
Speedway	Varies	30'	Collector	6,290
W. 45 <sup>th</sup> Street	60'	40'	MNR 4	18,045

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**CITY COUNCIL DATE:** October 16, 2014

**ACTION:**

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

2<sup>nd</sup>

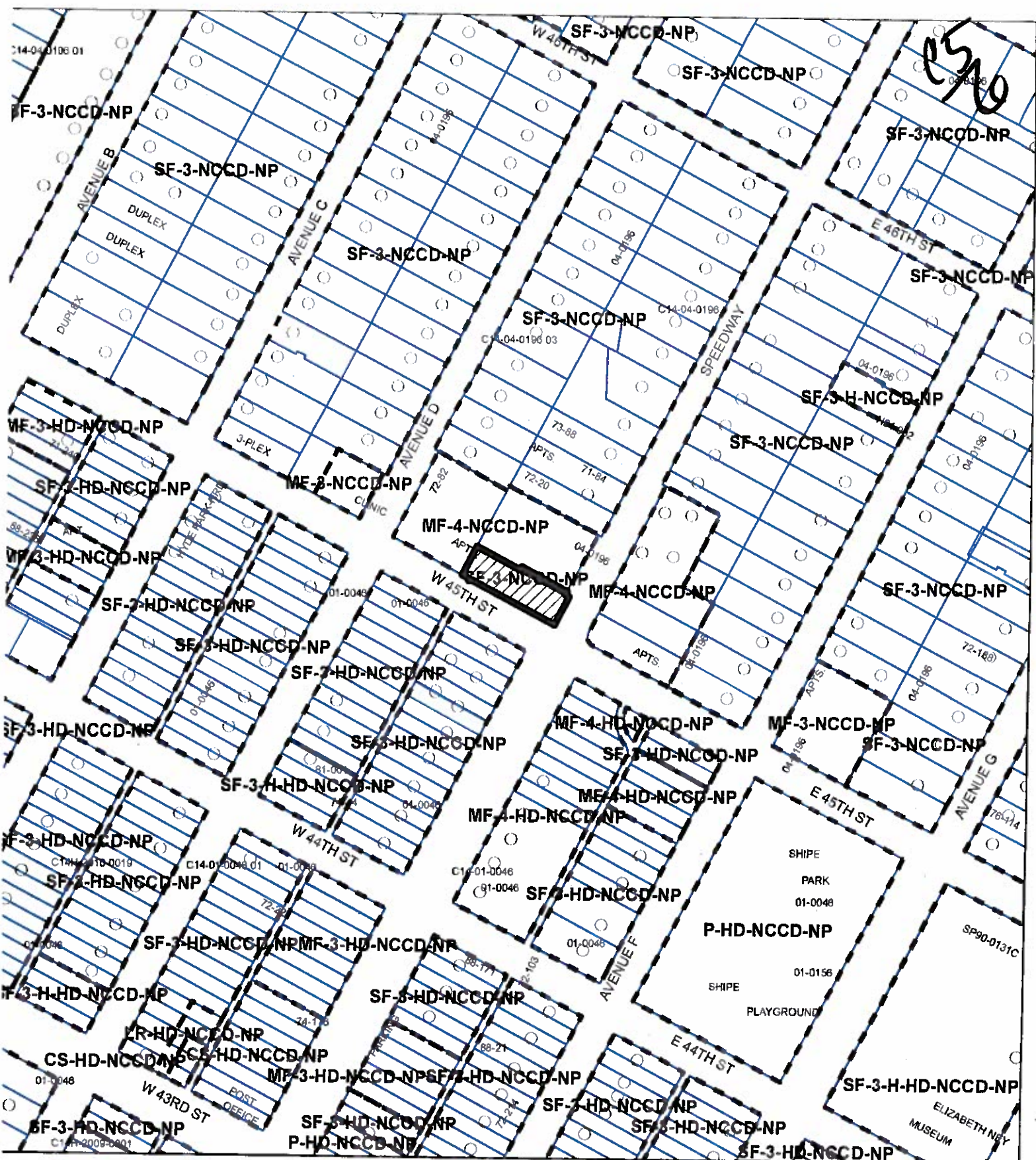
3<sup>rd</sup>





**ORDINANCE NUMBER:**

**CASE MANAGER:** Sherri Sirwaitis

**PHONE:** 974-3057

[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)




 SUBJECT TRACT  
 PENDING CASE  
 ZONING BOUNDARY

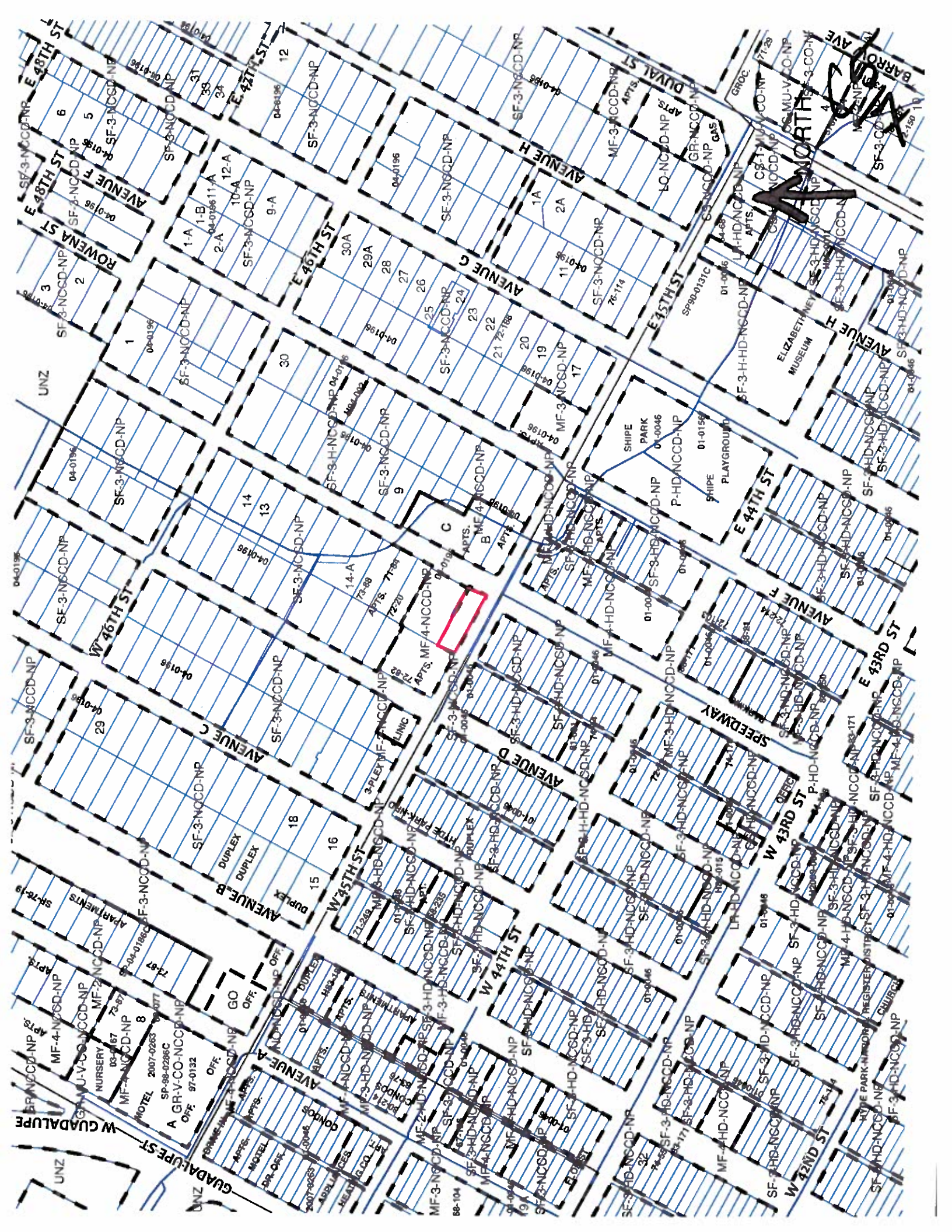
**ZONING**  
 CASE#: C14-2014-0111



1" = 200'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.  
  
 This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.











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## STAFF RECOMMENDATION

The staff's recommendation is to deny LR-NCCD-NP, Neighborhood Commercial-Neighborhood Conservation Combining-Neighborhood Plan District, zoning.

However, if the requested zoning is recommended for this site by the Planning Commission, then Transportation review recommends that 30 feet of right-of-way from the centerline of Speedway be dedicated to the City through a street prior to 3<sup>rd</sup> reading of this case at City Council in accordance with the Transportation Criteria Manual. LDC, 25-6-55; TCM, Tables 1-7, 1-12.

## BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

*Neighborhood commercial (LR) district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment.*

*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.*

The site under consideration is within the Residential District of the North Hyde Park Neighborhood Conservation Combining District (NCCD). On the Commercial Base District Table in the original North Hyde Park NCCD Ordinance (Ordinance No. 20050818-064), it establishes the permitted and conditional uses for the property in commercial zoning districts within the North Hyde Park NCCD. Column A of this table shows that the Residential District does not allow for uses that are permitted in less restrictive zoning districts than the NO, Neighborhood Office District. Therefore, the Residential District does not permit Restaurant (limited) or Restaurant (general) uses.

*The purpose of a neighborhood plan (NP) combining district is to allow infill development by implementing a neighborhood plan that has been adopted by the council as an amendment to the comprehensive plan.*

The rezoning request does not meet the goals and objectives of the Speedway District within the Hyde Park Neighborhood Plan (please see Comprehensive Planning Comments below).

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

The proposed zoning is not consistent with surrounding land use patterns as it is located adjacent to residential zoning to the north (MF-4-NCCD-NP), south (SF-3-HD-NCCD-NP), east (MF-4-NCCD-NP), and west MF-3-NCCD-NP).

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## EXISTING CONDITIONS

### Site Characteristics

The site under consideration is developed with a single-family residence that fronts onto Speedway. There are multifamily residential uses directly to the north, east and west and single-family residential homes to the south, across West 45<sup>th</sup> Street.

### Comprehensive Planning

SF-3-NCCD-NP to LR-CO-NCCD-NP

The zoning case is located on the northwest corner of Speedway and W. 45<sup>th</sup> Street, in the Hyde Park Neighborhood Plan area. The property contains a single family house, which is situated on a .187 acre parcel. Surrounding land uses includes apartment buildings to the north, east and west, and single family housing to the south. The proposed use is commercial.

### **The Hyde Park Neighborhood Plan (HPNP)**

The HPNP does not have a Future Land Use Map. The following goals, objectives and text are relevant to this case:

**Goal 1:** Preserve and enhance the unique historic and residential character of Hyde Park. (p 11)

**Objective 1.3.** Preserve historic structures and encourage appropriate maintenance and restoration.

**Speedway District:** (p 13) Purpose: To preserve the remaining single family homes in an appropriate context by permitting some redevelopment of multi-family projects that may offer a relaxing of some rules in exchange for putting back the traditional elements (primarily of the streetscape) that were lost when the apartments replaced homes. Additionally, to encourage owners of single family homes to roll back their base zoning to single family, to maintain the civic uses in a scale and use compatible with the predominant residential character and to seek to reduce the amount of surface parking in this district.

**Zoning Code Revisions:** Roll back properties to the least intensive zoning district that supports current use or a proposed less intense use. Offer some incentive for redevelopment as an encouragement for rollbacks. Maintain traditional civic and commercial uses without encroaching on residential character and value, including the streetscape value. Modify site development rules to preserve and enhance traditional development patterns. (p. 13)

1. **Complete the Neighborhood Conservation Combining District (NCC) ordinance** which will revise the zoning laws to foster the preservation of the neighborhood while respecting different the different land uses in different parts of Hyde Park. Elements of this ordinance will include addressing the following: Change uses and structures and build new structures only in ways that are in scale and compatible with surrounding uses and structures. (p. 16)

+ New development along 45<sup>th</sup> Street should be required to face the avenues.

This is an existing pattern in most of the neighborhood that should be preserved. Planning Principle DRID (p 31)



36. Large trucks should be prohibited from using 38<sup>th</sup> street at all times. Appropriate signage at access points should be installed. It is understood that this road functions as an arterial. Truck traffic on 45<sup>th</sup> and IH-35 if preferred. City Action Item PWF

+ Single family developments on 45th and E. 38th should keep current single family zoning and use. Planning Principle: DRID (p 31)

Based on the goals and text above, it appears that the HPNP does not support rezoning residentially zoned properties to commercial along 45<sup>th</sup> Street.

### **Imagine Austin**

Because the property is not located along an Activity Corridor or within an Activity Center as per the Imagine Austin Growth Concept Map, it falls below the scope of Imagine Austin; and consequently the plan is neutral on the proposed rezoning.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Zoning district impervious cover limits apply in the Urban Watershed classification.

According to floodplain maps there is a floodplain and a critical water quality zone within the project location. Development is limited within the floodplain and the critical water quality zone per LDC 25-8-364 and LDC 25-8-261, respectively.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 sq. ft. cumulative is exceeded, and on site control for the two-year storm.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

### **Impervious Cover**

The maximum impervious cover allowed by the LR zoning district would be 80%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

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Zoning district impervious cover limits apply in the Urban Watershed classification.

### **Site Plan**

Site plans will be required for any new development other than single-family or duplex residential.

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

The site is subject to compatibility standards. Along the W 45<sup>th</sup> St property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

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

FYI: This site is in a NCCD, it is also within the Hyde Park neighborhood plan.

### **Stormwater Detention**

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

### **Transportation**

If the requested zoning is recommended for this site, 30 feet of right-of-way should be dedicated from the centerline of Speedway in accordance with the Transportation Criteria Manual. LDC, 25-6-55; TCM, Tables 1-7, I-12.

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

Speedway is classified in the Bicycle Plan as Bike Route No. 47. W. 45<sup>th</sup> Street is classified in the Bicycle Plan as Bike Route No. 32.

Capital Metro bus service (Route No. 681 UT Shuttle) is available along Speedway. Capital Metro bus service (Route No. 338) is available along W. 45<sup>th</sup> Street.



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There are existing sidewalks along W. 45<sup>th</sup> Street but no sidewalks along Speedway.

Please contact Nadia Barrera, Urban Trails, Public Works Department regarding pedestrian connectivity per the Council Resolution.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	ADT
Speedway	Varies	30'	Collector	6,290
W. 45 <sup>th</sup> Street	60'	40'	MNR 4	18,045

**Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.



# City of Austin

Founded by Congress, Republic of Texas, 1837  
Watershed Protection and Development Review Department  
One Texas Center, 505 Barton Springs Road  
P.O. Box 1088, Austin, Texas 78767

Attachment A  
C5  
14  
Albert Ledesma

## NOTICE OF ORDINANCE / AUSTIN CITY CODE VIOLATION LAND DEVELOPMENT CODE SECTION 25-8: ENVIRONMENT SUBCHAPTER B, ARTICLE 1: TREE AND NATURAL AREA PROTECTION

Date: 7-23-09

23" HB  
down

Site Plan No. / Case No. / Building Permit No.: SF

Address/Location: 4500 Speedway (@ 45th)

Owner Name / Address: 1

Environmental Inspector: Bonny Holmes

An inspection of the above referenced property has confirmed that a protected sized tree, that is, a tree with a circumference of 60 inches or more, measured four and one-half feet above natural grade, has not met the minimum preservation standards and is in violation of the tree preservation ordinances.

In order to expedite compliance with City Code, a Tree Ordinance Review Application must be submitted to the City Arborist, Watershed Protection and Development Review Department, One Texas Center, 505 Barton Springs Road, P.O. Box 1088, Austin, TX 78767 (or facsimile 974-3010) within seven (7) days of receipt of this notice, together with the applicable application fee. A copy of the application is attached. Additional information may be obtained at [http://www.ci.austin.tx.us/trees/preserve\\_code.htm](http://www.ci.austin.tx.us/trees/preserve_code.htm).

Failure to comply with this Notice may result in further legal action by the City of Austin, including criminal penalties of up to \$2,000.00 per day.

Please contact the City Arborist, at (512) 974-1876, for information and assistance in complying with these requirements.

Sincerely,

B. Holmes

100% replacement

For: Victoria J. Li, P.E., Director  
Watershed Protection and Development Review Department

☒ Notice received by:

☐ Notice posted on site

Owner/Engineer/Contractor:

Albert Ledesma

White Copy - City Arborist

Yellow Copy - EV Inspector

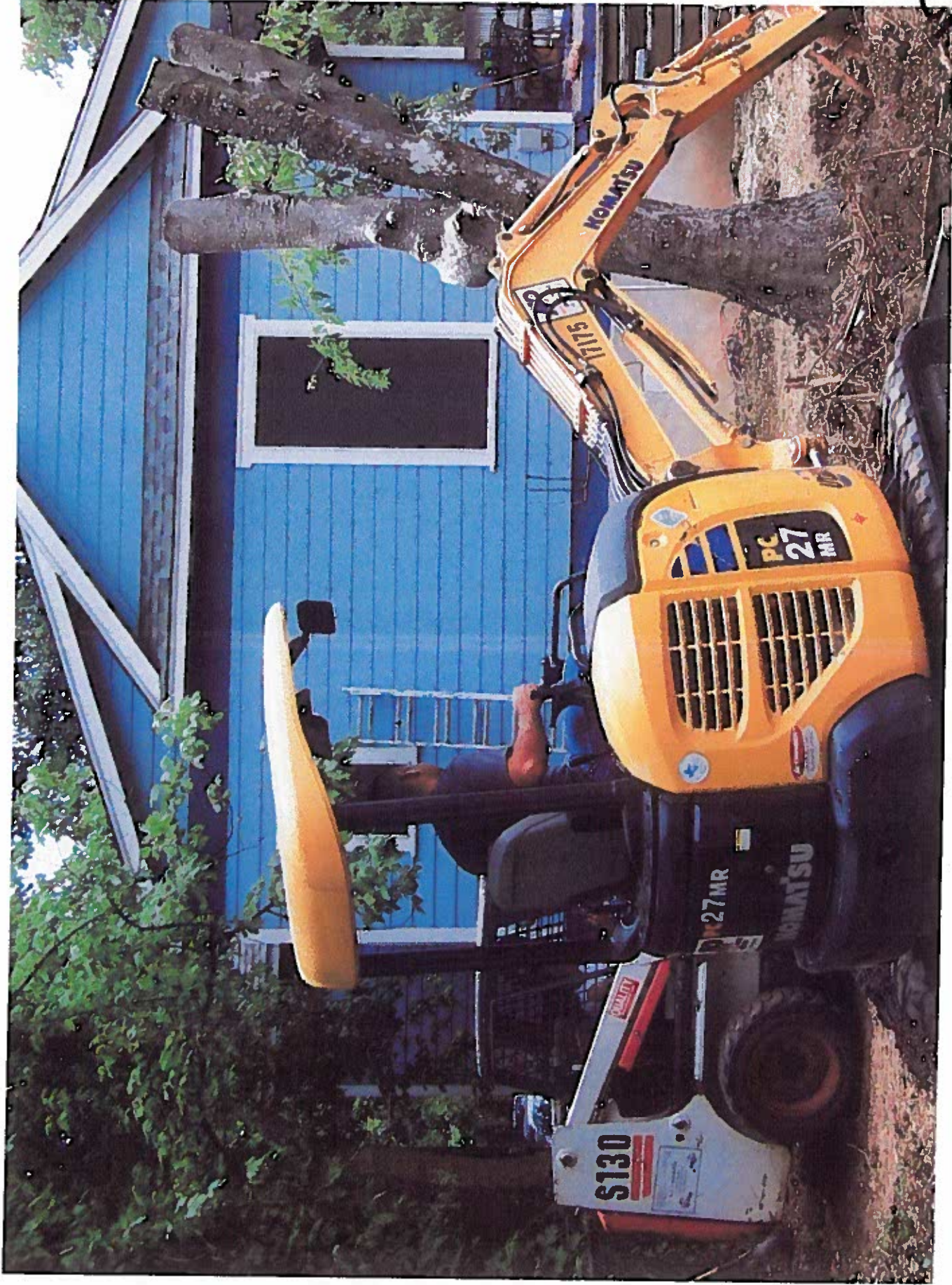
Pink Copy - Owner/Engineer/Contractor Posted on Site



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CS  
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**Sirwaitis, Sherri**

**From:** Sirwaitis, Sherri  
**Sent:** Tuesday, August 12, 2014 11:02 AM  
**To:** Heckman, Lee  
**Cc:** Yadro, Paul  
**Subject:** RE: Re: 4500 Speedway (Zone Change and Res. PR have been submitted)

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Hi Lee and Paul,

Thanks for the information. Jerry recently handed me the zoning case and I have just begun working on it. I will pass Paul's comments on to the applicant and ask if they still intend to proceed with the rezoning of the property as the proposed zoning will not permit the residential use.

Thank you,

**Sherri Sirwaitis**

*City of Austin*

*Planning & Development Review Department*

[sherri.sirwaitis@austintexas.gov](mailto:sherri.sirwaitis@austintexas.gov)

512-974-3057(office)

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**From:** Heckman, Lee  
**Sent:** Monday, August 11, 2014 2:56 PM  
**To:** Sirwaitis, Sherri  
**Cc:** Yadro, Paul  
**Subject:** FW: Re: 4500 Speedway (Zone Change and Res. PR have been submitted)

Sherri: Did this end up on your desk?

Paul: Great catch. I think they are doing something with the NCCD, too, but don't know enough to stick my head in and mix things up.

---

**From:** Yadro, Paul  
**Sent:** Monday, August 11, 2014 2:54 PM  
**To:** Heckman, Lee  
**Subject:** Re: 4500 Speedway (Zone Change and Res. PR have been submitted)

Lee,

I just started review on a Residential Plan Review for a new detached second dwelling per LDC 25-2-774 for this property and noticed that the applicant had submitted a Zone Change (you are the Case Manager) on 07/02/14 to change the zoning from SF-3-NCCD-NP to LR-NCCD-NP.

I believe that someone is going to have issues with this and I need to bring this to your attention and possibly meet with you to discuss.

Right now its zoned SF-3; however, they are proposing a zone change to LR. I know the ORDER of PROCESS – however, their pending zone change to LR does not permit S-F Res. Let alone Two-Family Res.

Let me know when you can meet,

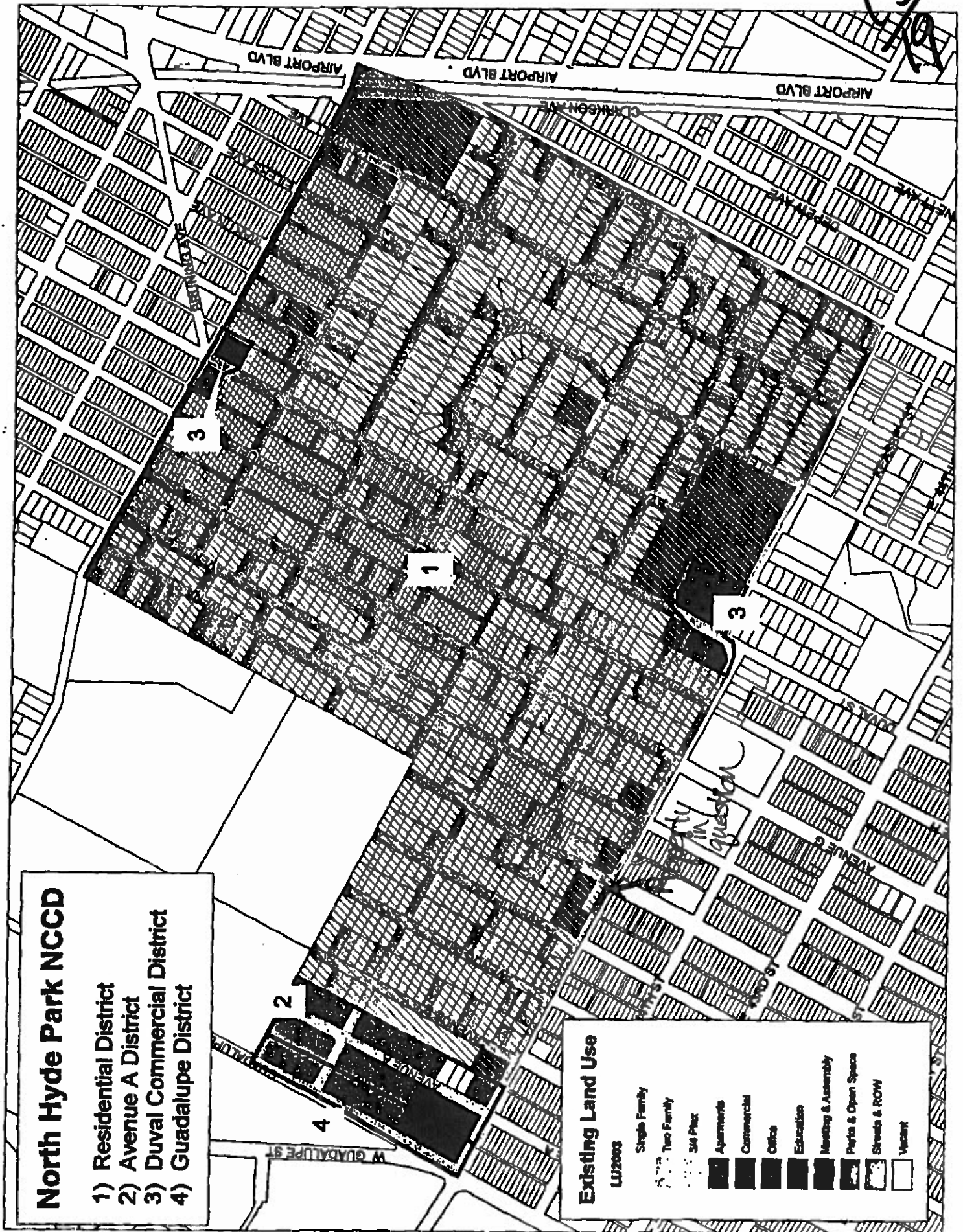


Paul W. Yadro Jr., AICP  
Planner Senior  
Planning and Development Review Dept. – City of Austin  
OSS / Residential Review Division  
505 Barton Springs Rd, Austin, TX 78704  
(512) 974-3553  
[Paul.Yadro@austintexas.gov](mailto:Paul.Yadro@austintexas.gov)

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\*\* We are currently experiencing a high volume of activity. We make every effort to respond to you by the end of the next business day. Thank you in advance for your patience. \*\*

\*\*\*NEW HOURS\*\*\* Effective January 28th, 2013  
Intake: Mon 8-11am, Wed 8-11am & 1-3pm, Fri 8-11am  
General Information Walk-Ins: Mon/Wed/Fri 8-11am  
CLOSED TUESDAY & THURSDAY (to perform reviews)



05/20

## PART 5. Permitted and Conditional Uses.

### 1. Residential Base Districts.

- a. Except as provided in this section, the permitted and conditional uses for the residential base zoning districts apply in accordance with the Code.
- b. A group residential use is prohibited in the North Hyde Park NCCD-NP.

### 2. Commercial Base District.

- a. Except as otherwise provided in this ordinance, the following table establishes the permitted and conditional uses for property in commercial zoning districts in the North Hyde Park NCCD-NP.
- b. Column A applies to property with commercial zoning in the Residential District.
- c. Column B applies to property in the Duval District.
- d. Columns C & D apply to property that has commercial zoning in the Avenue A District.

COLUMN  USES	A  Residential District  NO	B  Duval Commercial District  CS/GR	C  Avenue A District  GR	D  Avenue A District  GO
Administrative and business offices	P	P	P	P
Art Gallery	--	P	P	P
Art Workshop	--	P	P	-
Commercial off-street parking	--	--	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	--	--



15/2

COLUMN	A	B	C	D
	Residential District	Duval Commercial District	Avenue A District	Avenue A District
USES	NO	CS/GR	GR	GO
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	--
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	-
Single-family residential	P	P	P	-

C/2

COLUMN	A	B	C	D
	<b>Residential District</b>	<b>Duval Commercial District</b>	<b>Avenue A District</b>	<b>Avenue A District</b>
<b>USES</b>	<b>NO</b>	<b>CS/GR</b>	<b>GR</b>	<b>GO</b>
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. This section applies to the uses established in Section 2 of this part.
- 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.
  - A financial service use or food sales use permitted under Column B or Column D may not include a drive-in service.
  - 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.
  - 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.
  - The maximum size of a restaurant (limited) and restaurant (general) use permitted under Column B or Column C is 2500 square feet.
  - The maximum size of a theater use permitted under Column B or Column C is 5000 square feet.
  - The maximum size of a cultural services use permitted under Column D is 5000 square feet.

Heckman, Lee

Case Manager

From: Harden, Joi  
Sent: Monday, July 28, 2014 2:44 PM  
To: Heckman, Lee  
Subject: FW: 4500 Speedway rezoning case  
Attachments: City of Austin Development Web Map.pdf

F9I C7/23

Begin forwarded message:

From: "Karen McGraw" [mailto:kmcgraw@earthlink.net]  
To: "HydeParkAustin@yahoo.com" [mailto:HydeParkAustin@yahoo.com]  
Cc: "HydeParkContactTeam@yahoo.com" [mailto:HydeParkContactTeam@yahoo.com]  
"Developmenthpna.com" [mailto:developmenthpna.com], "Rusthoven, Jerry"  
[mailto:Jerry.Rusthoven@austintexas.gov], "Guernsey, Greg"  
[mailto:Greg.Guernsey@austintexas.gov], "Meredith, Maureen"  
[mailto:Maureen.Meredith@austintexas.gov], "Morrison, Laura"  
[mailto:Laura.Morrison@austintexas.gov], "Lettingwell, Lee"  
[mailto:Lee.Lettingwell@austintexas.gov], "Riley, Chris"  
[mailto:Chris.Riley@austintexas.gov], "Cole, Sheryl"  
[mailto:Sheryl.Cole@austintexas.gov], "Tovo, Kathie"  
[mailto:Kathie.Tovo@austintexas.gov], "Martinez, Mike [Council Member]"  
[mailto:Mike.Martinez@austintexas.gov], "Spelman, William"  
[mailto:Will.Spelman@austintexas.gov]  
Subject: Re: 4500 Speedway rezoning case

Neighbors and City staff,

Here is the link to the case. The owners are seeking a restaurant use.

[https://www.austintexas.gov/devreview/b\\_showpublicpermitfolderdetails.jsp?FolderRSN=11175326](https://www.austintexas.gov/devreview/b_showpublicpermitfolderdetails.jsp?FolderRSN=11175326)

The North Hyde Park NCCD outlines permitted uses in the Residential district and "restaurant" uses are not permitted. See table on pages 5 and 6 of the North HP NCCD. Simply changing the zoning district to "LR" will not automatically allow restaurant use.

The city continues to declare that Hyde Park does not have a FLUM and therefore there is never a need to modify the adopted Neighborhood Plan regardless of the nature of a zoning case. The City completed and adopted the HP Neighborhood Plan before it thought of the idea of including a FLUM in neighborhood plans. This is now to the detriment of any neighborhood plan (HP included) adopted prior to the FLUM idea.

The "Proposed Land Use Plan" on page 15 of the adopted HP Neighborhood Plan clearly indicates that there are districts and that this property falls within the "Residential" District. To claim that there were no intended future land uses is incorrect. The Proposed Land Use Plan on page 15 certainly suffices as the equivalent to the "FLUM" with the only difference being the use of the word "FUTURE" instead of "PROPOSED". This proposed change to LR will require a change to the Table on pages 5 and 6 outlining permitted uses in the Residential District as well as a change to the PROPOSED LAND USE PLAN on page 15.



The city's proposed "CO" is both an inappropriate tag as an addition to the NCCD designation but absurd as a control to limit traffic at the site to no more than 2000 trips per day!

CS  
24

This property is fully within the city's 25 year floodplain and flooding was experienced days ago in this area. This is never mentioned in the application to rezone. Years ago when the LEE brothers bought this property they met with neighbors and said they wanted to build more housing on the site but found out it was in the flood plain after they had it under contract. Neighbors' understanding at the time was that nothing more could be added to the site including impervious cover. A few years ago the city issued a permit to put in a wide curb cut in front for more parking. Since this violated the NCCD it was withdrawn. Today neighbors report there is an airstream trailer on site (second dwelling unit?).

This property is zoned SF3-NCCD-NP and as such is a residential building and site. There is currently a permit to descale a plumbing line in the boiler room of this "commercial" building. This is either a simple error or a misguided effort to create city errors and to get a "commercial" use on the record. This permit needs to be corrected or rescinded immediately.

There was an attempted "HP amendment filed in 2005 to rezone for office use". This appears to have been dropped.

The city needs to get information in order on this site, check all permits and current site use and activity, and make rational assessments of the flooding situation. In April of 2013 the Hyde Park Contact Team invited Kevin Shunk of Floodplain Management to a meeting to discuss the situation of the flooding of the 4500-4600 blocks of Avenue D and Speedway in North Hyde Park. This is currently designated as the #1 Priority Action Item by the HP Contact Team. Mr. Shunk noted that this area is high on the TOP 5 list of flood prone areas in the City of Austin. Since that time over 100 apartments have been completed along Waller Creek just above this area. We hear that UT will be relocating its tennis courts to the west side of Waller Creek and of course there city regulations are not applicable.

While some HP neighbors think a restaurant at this site is a neat idea, a restaurant with no parking will not survive, and paving more of this area will likely not be recommended by Floodplain Management staff. Restaurants generally require a trash dumpster, loading area and parking for staff as well as customers. There is no available street parking adjacent to this property.

All issues need to be addressed before this moves forward to any hearings and the NP amendment process is in order if this goes forward.

There are many homes on busy streets in Austin and many along 45th St. in this area. The owners of this property could certainly enhance the livability of this site by planting street trees and vegetation to buffer the noise and traffic as other owners have done. Changing the property to a commercial use is not an appropriate way to reasonably use this residential property.

So far this case is already taking up neighbors' time with only inadequate information available.

Thanks,

Karen McGraw AIA  
Former Hyde Park Contact Team Chairman  
4315 Avenue C

Austin, Texas 78751

6/25

On Jul 19, 2014, at 10:35 PM, 'David Conner' via DevelopmentReview wrote:

To Lee Heckman, city staff, and Alexandra Jashinsky, Husch Blackwell, LLP

Concerning Case Number 2014-069700 ZC 4500 Speedway 78751 Hyde Park

To whom it may concern,

This applicant has not come to the Hyde Park Development Review Committee (DRC) related to their request for a zoning change. Neighbors have now received notices without any specific information of why or what the request is for.

Also the owner nor the agent, Alexandra Jashinsky, contacted any Neighborhood representative.

As Chair of the Hyde Park Neighborhood Association (HPNA) Development Review Committee (DRC) and Past President of the Hyde Park Neighborhood Association, I strongly recommend that the agent and the owner contact DRC as soon as possible and let us know what the plans are.

I like to remind you the Hyde Park area is a National Register District and a Local Historic District and has a registered Neighborhood Plan (NP) on file with the city, and most importantly is a NCCD. Any zoning change that goes against the NP and the NCCD will need to be addressed.

Also, I am also Very Surprised that No City Staff nor the Agent has contacted DRC or HPNA and can let you know Now there is opposition to this zoning change and neighbors will be at the commissions, if necessary.

Sincerely,

David Conner, HPNA Development Review Committee Chair

--

You received this message because you are subscribed to the Google Groups "DevelopmentReview" group.

To unsubscribe from this group and stop receiving emails from it, send an email to [developmentreview+unsubscribe@googlegroups.com](mailto:developmentreview+unsubscribe@googlegroups.com) <<mailto:developmentreview+unsubscribe@googlegroups.com>>.

To post to this group, send email to [developmentreview@googlegroups.com](mailto:developmentreview@googlegroups.com) <<mailto:developmentreview@googlegroups.com>>.

Visit this group at <http://groups.google.com/group/developmentreview>.

For more options, visit <https://groups.google.com/d/optout>.

**Sirwaitis, Sherri**

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**From:** Allison Moseley [REDACTED]  
**Sent:** Tuesday, September 02, 2014 11:47 AM  
**To:** Sirwaitis, Sherri  
**Subject:** C14-2014-0111

C5/26

Dear Ms. Sirwaitis,

I again received a notice from the City of Austin regarding a proposed zoning change for a property close to our residence. I've read these notices through several times, and am still not sure exactly what the owner intends to do with the property, apart from changing the zoning from residential to commercial.

After looking at the documents online, it seems as if the owner is planning to open a restaurant, and plans to accommodate over 200 car trips per day. If this is indeed the case, I would like to know what the plans are for controlling vermin and traffic in the area. 45th is already a very busy street, accidents are frequent, and the street is dangerous for pedestrians. Adding more congestion to the corner is a concern. There is already a great deal of trouble with auto congestion and accidents at the entrance to the Walgreen's at 45th and Avenue A; having another busy parking lot just another few blocks away will certainly add to the danger. There is no center turn lane on 45th anywhere.

Also, a restaurant means dumpsters with leftover food, and that means rats. Having an infestation of rats in the area is not something anyone is interested in.

I hope someone is looking into these matters. Right now the neighborhood is mainly residential and fairly low-key. If you go to the area on Duval near 43rd, where several restaurants are located, you will see that the dumpsters behind the restaurants are filthy and smelly. They are located in a parking lot, so they are not particularly noticeable, but there is no real space at the property on 45th and Speedway to accommodate a large parking lot and dumpsters, so I wonder how this problem is going to be dealt with? The house borders on other residences, and rats can spill over in all directions. And where will there be space to park cars?

Although the notion of a nice restaurant nearby is theoretically nice, I wonder if it is really a practical, viable location.

Best,

Allison Moseley  
Austin, Texas

[REDACTED]