

ZONING CHANGE REVIEW SHEET

CASE: C14-2014-0111 (4500 Speedway)

P.C. DATE: September 9, 2014
October 14, 2014
October 28, 2014
November 12, 2014
December 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*~~
NO-NCCD-NP **AREA:** .1873 acres
(8,158.79 sq. ft.)

*On October 14, 2014, the applicant submitted a letter (Please see Attachment D) amending their rezoning request from LR-NCCD-NP zoning to NO-NCCD-NP zoning, including an amendment to the North Hyde Park NCCD with the following conditions applicable to this Property:

- 1) In addition to those uses already permitted in an NO base zoning district within the Residential District of the NCCD, the following uses shall be permitted uses in an NO base zoning district within the Residential District of the NCCD: Food Preparation, Food Sales, General Retail Sales (General), General Retail Sales (Convenience), Personal Improvement Services and Personal Services.
- 2) Restaurant (General) use shall be a conditional use in an NO base zoning district within the Residential District of the NCCD.
- 3) A Restaurant (General) use in an NO base zoning district within the Residential District of the NCCD shall be subject to the following restrictions:
 - a. The gross indoor floor area may not exceed 2,500 square feet.
 - b. A Restaurant (General) use may operate between the hours of 7:00 a.m. and 11:00 p.m.
 - c. An Outdoor seating area may not exceed 500 square feet or be located within 50 feet of an adjacent property with a single-family use or an adjacent property zoned as a townhouse and condominium residence (SF-6) or more restrictive district.
 - d. Outdoor Entertainment as an accessory use is prohibited.
 - e. Outdoor amplified sound is prohibited.
 - f. Drive-In Service is prohibited.
 - g. The total impervious cover of all structures on the Property may not exceed 2,200 square feet.
 - h. A Restaurant (General) use in an NO base zoning district within the Residential District of the NCCD shall not be required to provide off-street parking.

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant NO-NCCD-NP, Neighborhood Office-Neighborhood Conservation Combining-Neighborhood Plan District, zoning. However, the staff does not recommend the applicant's request to amend provisions of the Residential District within the North Hyde Park NCCD.

In addition, 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 3rd 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:

9/09/14: Postponed to October 14, 2014 at the request of applicant (6-0, A. Hernandez, J. Nortey and L. Varghese-absent); S. Oliver-1st, J. Stevens-2nd.

10/14/14: Postponed to October 28, 2014 at the applicant's request by consent (7-0); S. Oliver, J. Nortey.

10/28/14: Postponed to November 12, 2014 by request of staff by consent (8-0; B. Roark-absent); J. Stevens-1st, A. Hernandez-2nd.

11/12/14: Postponed to December 9, 2014 at the applicant and neighborhood's joint request by consent (8-0; L. Varghese-absent); R. Hattfield-1st, B. Roark-2nd.

12/11/14: Motion to deny the rezoning request (4-1, R. Hattfield-No, B. Roark, J. Nortey and A. Hernandez-absent, R. Oliver-arrived late)); J. Stevens-1st, L. Varghese-2nd. Motion failed. Case forwarded to City Council without a 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 45th Street and Speedway. These lots are currently developed with a single-family residence that fronts onto Speedway. The applicant is requesting NO-NCCD-NP, Neighborhood Office-Neighborhood Conservation Combining-Neighborhood Plan District, zoning and an amendment to conditions for the Residential District within the North Hyde Park NCCD to redevelop this parcel of land 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).

The staff recommends a re-zoning of the property to NO-NCCD-NP as the location meets the intent of the Neighborhood Office District because it will serve neighborhood or community needs and is located in or adjacent to a residential neighborhood. The proposed zoning is consistent with surrounding land use patterns as it is located adjacent to multifamily residential zoning to the north

(MF-4-NCCD-NP), east (MF-4-NCCD-NP), and west MF-3-NCCD-NP). The Residential District of the North Hyde Park NCCD permits single-family residential uses within the NO base district.

The staff does not recommend the applicant's request to for an amendment to the North Hyde Park NCCD to add uses and conditions to the Residential District within NCCD. The proposed NCCD amendment is incongruous with the intent and uses set out for this district in the North Hyde Park NCCD. In addition, the NCCD amendment 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 staff also has concerns that the applicant is requesting to amend the NCCD to state that Restaurant uses within the Residential District shall not to be required to provide parking for patrons on-site. Therefore, the anticipated traffic from the proposed restaurant use at this location will be obligated to park within the right-of-way along Speedway and adjacent streets.

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

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<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
45th 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.

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. 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. 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 st ,D. Chimenti-2 nd .	2/06/12: Approved NCCD- NP on all 3 readings (6-0, B. Spelman-recused himself); S. Cole-1 st , L. Morrison-2 nd .

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 st reading 3/08/07: Approved NCCD-NP zoning (6-0); 2 nd /3 rd 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)	GR to GR-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 nd /3 rd readings
(4505 Duval - Part B)	MF-3 to MF-3-NCCD-NP		
C14-04-0196 (To establish the NCCD boundaries as 51 st Street to the north, 45 th 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 st 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 nd /3 rd 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 th Street	60'	40'	MNR 4	18,045

CITY COUNCIL DATE: October 16, 2014

ACTION: Postponed to November 6, 2014 at the staff's request (7-0); S. Cole-1st, L. Morrison-2nd.

November 6, 2014

ACTION: Postponed to December 11, 2014 at the staff's request (6-0; B. Spelman-absent); L. Morrison-1st, M. Martiez-2nd.

December 11, 2014

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 512-974-3057
sherri.sirwaitis@austintexas.gov

STAFF RECOMMENDATION

The staff's recommendation is to grant NO-NCCD-NP, Neighborhood Office-Neighborhood Conservation Combining-Neighborhood Plan District, zoning. However, the staff does not recommend the applicant's request to amend provisions of the Residential District within the North Hyde Park NCCD.

In addition, 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 3rd 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 office (NO) district is the designation for a small office use that serves neighborhood or community needs, is located in or adjacent to a residential neighborhood and on a collector street that has a width of 40 feet or more, and does not unreasonably affect traffic. An office in an NO district may contain not more than one use. Site development regulations applicable to an NO district use are designed to preserve compatibility with existing neighborhoods through renovation and modernization of existing structures.

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 applicant's request to permit the Restaurant (General) use, which is first permitted within the LR, Neighborhood Commercial, base district within the Residential District is not consistent with the intent for this area within the North Hyde Park NCCD.

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 proposed NCCD amendment request does not meet the goals and objectives of the Speedway District within the Hyde Park Neighborhood Plan to maintain the residential character and value of the area.

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

The proposed zoning is 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 Residential District of the North Hyde Park

NCCD permits single-family residential uses within the NO base district.

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 45th 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. 45th 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 45th 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 38th 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 45th 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 45th 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% and by the NO zoning district would be 60%. 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.

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 45th 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, 1-12.

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. 45th 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. 45th Street.
There are existing sidewalks along W. 45th 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 th 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.



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

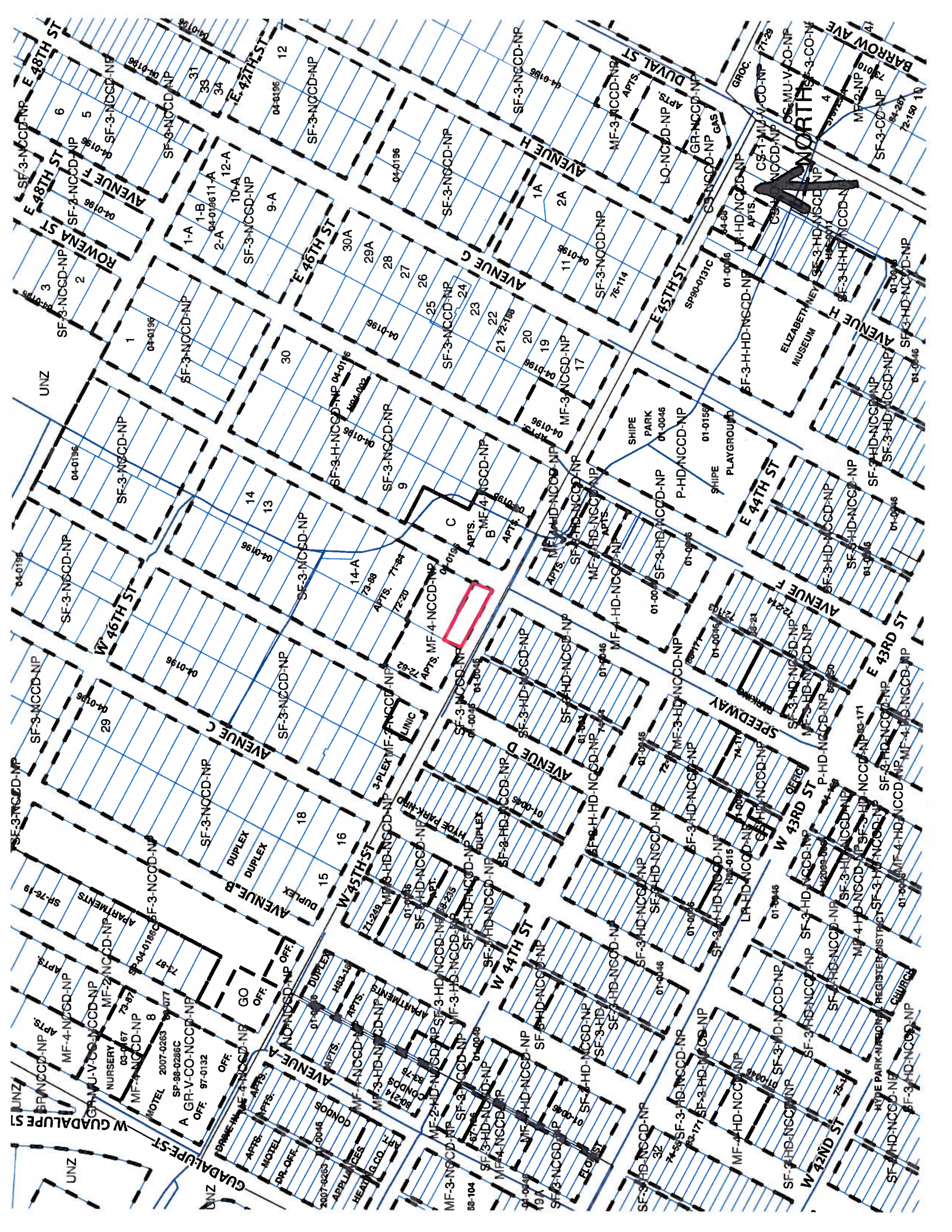
ZONING
CASE#: C14-2014-0111

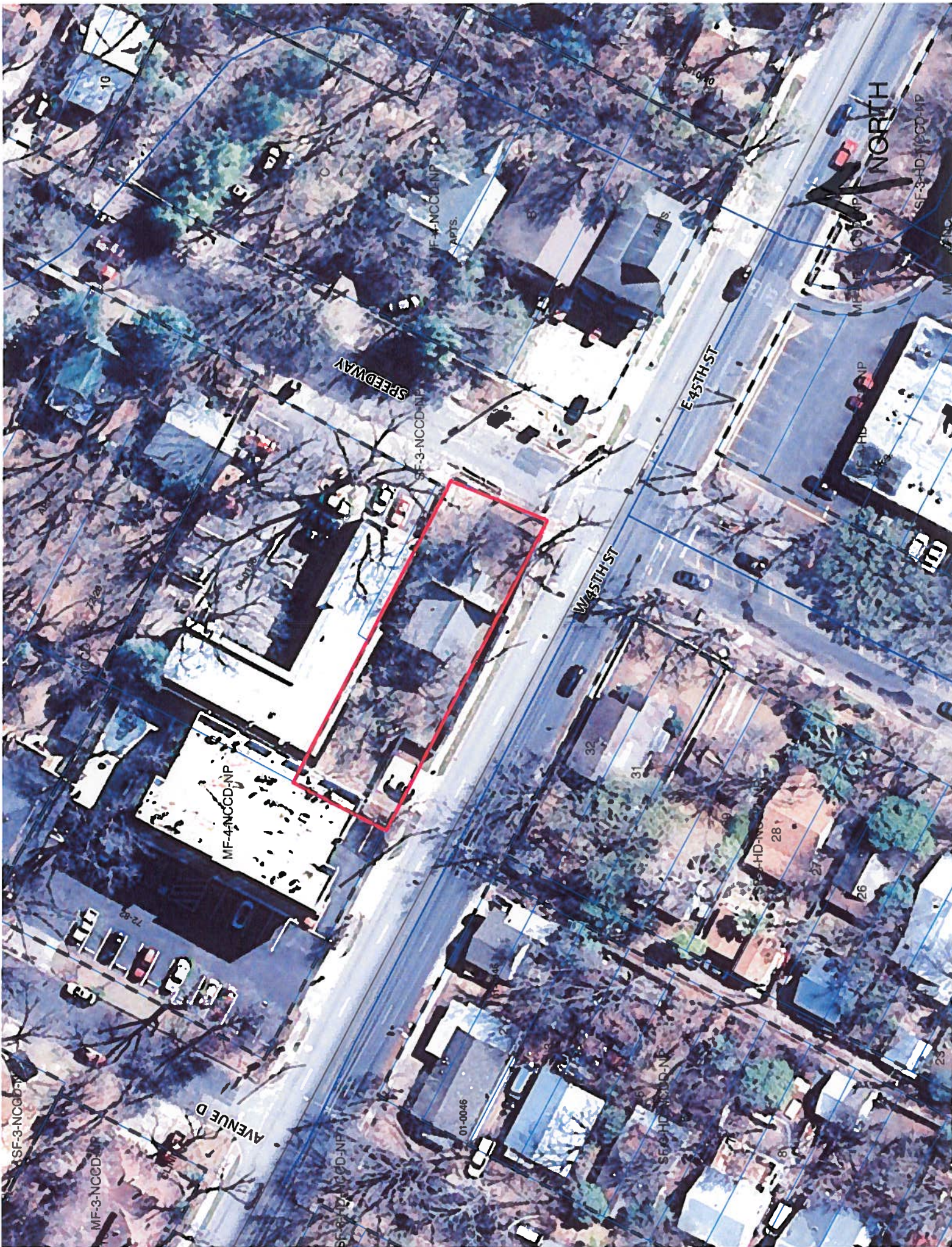


1" = 200'

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.





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)

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

512-974-3057(office)

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.

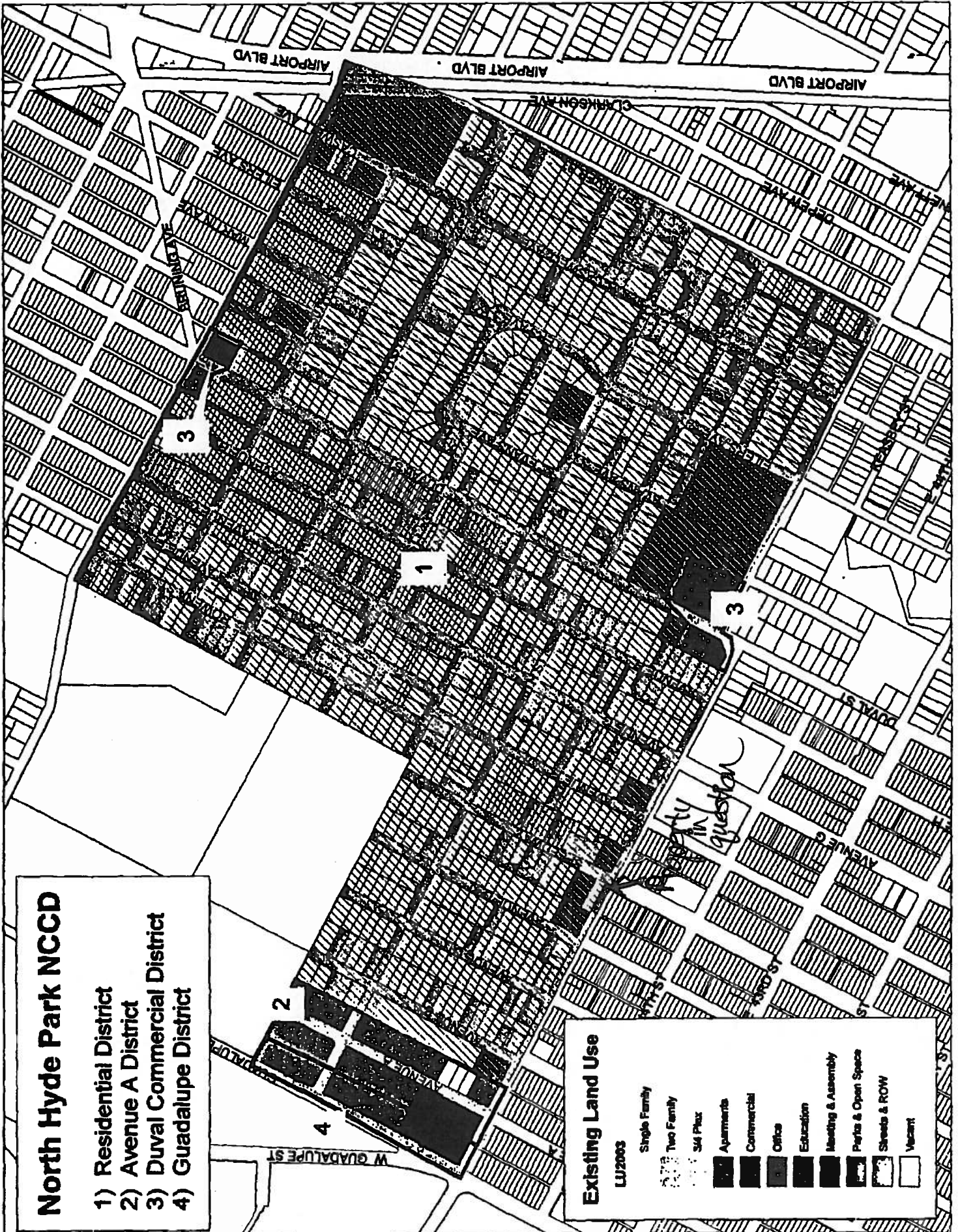
Right now its zoned SF-3; however, they are proposing a zone change to LR. I know the ORDER of PROCESS – however, their pending zone change to LR does not permit S-F Res. Let alone Two-Family Res.

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

**** 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)



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	A	B	C	D
	Residential District	Duval Commercial District	Avenue A District	Avenue A District
USES	NO	CS/GR	GR	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	--	--

COLUMN USES	A Residential District	B Duval Commercial District	C Avenue A District	D Avenue A District
	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	-

COLUMN	A	B	C	D
	Residential District	Duval Commercial District	Avenue A District	Avenue A District
USES	NO	CS/GR	GR	GO
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.

HUSCH BLACKWELL

111 Congress Avenue, Suite 1400
Austin, Texas 78701
512.472.5456

Attachment D

Nikelle S. Meade
Partner
512.479.1147 direct
512.226.7373 direct fax
nikelle.meade@huschblackwell.com

October 14, 2014

VIA EMAIL – Sherri.Sirwaitis@austintexas.gov

Sherri Sirwaitis
City of Austin
Planning and Development Review Department
505 Barton Springs Road
Austin, Texas 78704

RE: Case No. C14-2014-0111; 4500 Speedway; Zoning Application Amendment

Dear Ms. Sirwaitis:

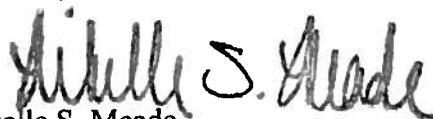
On behalf of the applicant in the above-referenced zoning case and based upon input we have received from City staff and neighbors, by this letter we are amending the rezoning application for 4500 Speedway (the "Property"). We hereby request rezoning to NO-NCCD-NP rather than LR-NCCD-NP and an amendment to the North Hyde Park NCCD, Ordinance No. 20050818-064 (the "NCCD") to include the following conditions applicable to this Property:

1. In addition to those uses already permitted in an NO base zoning district within the Residential District of the NCCD, the following uses shall be permitted uses in an NO base zoning district within the Residential District of the NCCD: Food Preparation, Food Sales, General Retail Sales (General), General Retail Sales (Convenience), Personal Improvement Services and Personal Services.
2. Restaurant (General) use shall be a conditional use in an NO base zoning district within the Residential District of the NCCD.
3. Restaurant (General) use in an NO base zoning district within the Residential District of the NCCD shall be subject to the following restrictions:
 - a. The gross indoor floor area may not exceed 2,500 square feet.
 - b. A Restaurant (General) use may operate only after 7:00 a.m. and before 11:00 p.m.
 - c. An outdoor seating area may not:
 - i. Exceed 500 square feet of area; or

- ii. Be located within 50 feet of an adjacent property with a single-family use or an adjacent property zoned as a townhouse and condominium residence (SF-6) or more restrictive district.
 - d. Outdoor entertainment as an accessory use is prohibited.
 - e. Outdoor amplified sound is prohibited.
 - f. A drive-through facility is prohibited.
 - g. The total impervious cover of all structures on the Property may not exceed 2,200 sq. ft.
4. A Restaurant (General) use in an NO base zoning district within the Residential District of the NCCD shall not be required to provide off-street parking.

Thank you for your consideration of this amendment, and please contact me if you need any additional information.

Sincerely,


Nikelle S. Mcade

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

Begin forwarded message:

From: "Karen McGraw" <mcgrawka@earthlink.net>
To: "HydeParkAustin@yahoogroups.com" <HydeParkAustin@yahoogroups.com>
Cc: "hydeParkContactTeam@yahoogroups.com" <hydeParkContactTeam@yahoogroups.com>
"Developmenthpna.com" <developmentreview@googlegroups.com>, "Rusthoven, Jerry"
<Jerry.Rusthoven@austintexas.gov>, "Guernsey, Greg" <Greg.Guernsey@austintexas.gov>
"Meredith, Maureen" <Maureen.Meredith@austintexas.gov>, "Morrison, Laura"
<Laura.Morrison@austintexas.gov>, "Leffingwell, Lee" <Lee.Leffingwell@austintexas.gov>
"Riley, Chris" <Chris.Riley@austintexas.gov>, "Cole, Sheryl" <Sheryl.Cole@austintexas.gov>
"Tovo, Kathie" <Kathie.Tovo@austintexas.gov>, "Martinez, Mike [Council Member]"
<Mike.Martinez@austintexas.gov>, "Spelman, William" <bill.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

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!

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

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>>.

To post to this group, send email to 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

From: Allison Moseley <moselevac@gmail.com>
Sent: Tuesday, September 02, 2014 11:47 AM
To: Sirwaitis, Sherri
Subject: C14-2014-0111

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

moselevac@gmail.com

PUBLIC HEARING INFORMATION

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

For additional information on the City of Austin's land development process, visit our website:
<http://www.austintexas.gov/development>.

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

Case Number: C14-2014-0111

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Sep 9, 2014, Planning Commission

Oct 16, 2014, City Council

Jay Gerard

Your Name (please print)

4411 Ave. D (78750)

Your address(es) affected by this application

[Signature]

Signature

Date

Daytime Telephone: *512-371-1546*

9.3.14

Comments: *This Intersection is 100% residential. New zoning is out of place.*

There is no commercial business on Speedway north of the intersection at 38th St. Please do not allow this change. Thanks!

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2014-0111

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Sep 9, 2014, Planning Commission

Oct 16, 2014, City Council

Your Name (please print)

Ann Meger

4514 Speedway

Your address(es) affected by this application

☐ I am in favor
☒ I am object

Signature

Date

Daytime Telephone:

Comments:

We don't want a quickymart
small office ok

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2014-0111

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Sep 9, 2014, Planning Commission

Oct 16, 2014, City Council

Brandon DeKosky
Your Name (please print)

4409 Speedway #201

Your address(es) affected by this application

9/5/2014
Date

[Signature]
Signature

Daytime Telephone: 913-593-6315

Comments: A variety of reasons make the rezoning objectionable, including:

- Residential character of the neighborhood

- Use inconsistent with Hyde Park proposed land use plan

- Increased vehicular traffic

- Inadequate parking

- Inadequate space for support facilities (eg. Dumpsters, etc.)

- Noise/smell/animals in trash that comes alongside

→ This is just not a good idea for the neighborhood!!

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2014-0111

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Sep 9, 2014, Planning Commission

Oct 16, 2014, City Council

TOM STARWES

Your Name (please print)

4403 Avenue C

Your address(es) affected by this application

[Signature]

Signature

9/5/14

Date

Daytime Telephone: (512) 345-4074

Comments: ATTACHED LETTER & PHOTOS

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

Case #: C14-2014-0111
4500 Speedway Rezone

The house at 4500 Speedway should remain a residence and not be changed to commercial property – restaurant, coffee house or whatever. There is housing on all sides of the property now. The caddy-corner angle is Shipe Park - nothing commercial around. There is zero parking available there, no place to make spaces, and Speedway there is already loaded up with parked cars (see photo from a 3pm weekday). Obviously 45th is busy with no parking.

There are homes, a duplex or two, and a couple old apartment complexes adjacent. The house at 4500 fits nicely in the neighborhood and should be preserved as such.

Hyde Park already has assorted locations where business can flourish. Changing 4500 is not beneficial. There are plenty of locations already zoned in Hyde Park for commercial and non-residential use, and many appear to be underutilized and even boarded up – especially along Guadalupe. The character of Hyde Park is critical to its value and opening the door to new commerce especially along the center would be an irreversible detriment.

Perhaps the biggest concern to the zoning change is that even if the proposed use of the property sounds good, should the business either fail or just sell out to the next buyer, the property use is now in some larger category that would allow many other, perhaps less desirable, purpose for which there would be limited ability to rein in.

Ultimately, Hyde Park is a unique neighborhood and its character is critical to its vitality and value. It doesn't need more coffee houses, donut shops, grocers, vapor stores, tattoo parlors, or even art galleries. It needs an available pool, the existing parkland, and some care given to some of the houses in which people live and churches where they might commune. There are plenty of gathering spots spewing Wi-Fi, food, and drink. The location at 4500 Speedway looks like it would be a bad choice in any case.

I oppose this proposed zoning change. There are so many other options available that don't require any change.

Tom Starnes
8513 Alverstone Way
Austin TX 78759
(512) 345-4074
Owner of house at 4403 Avenue C

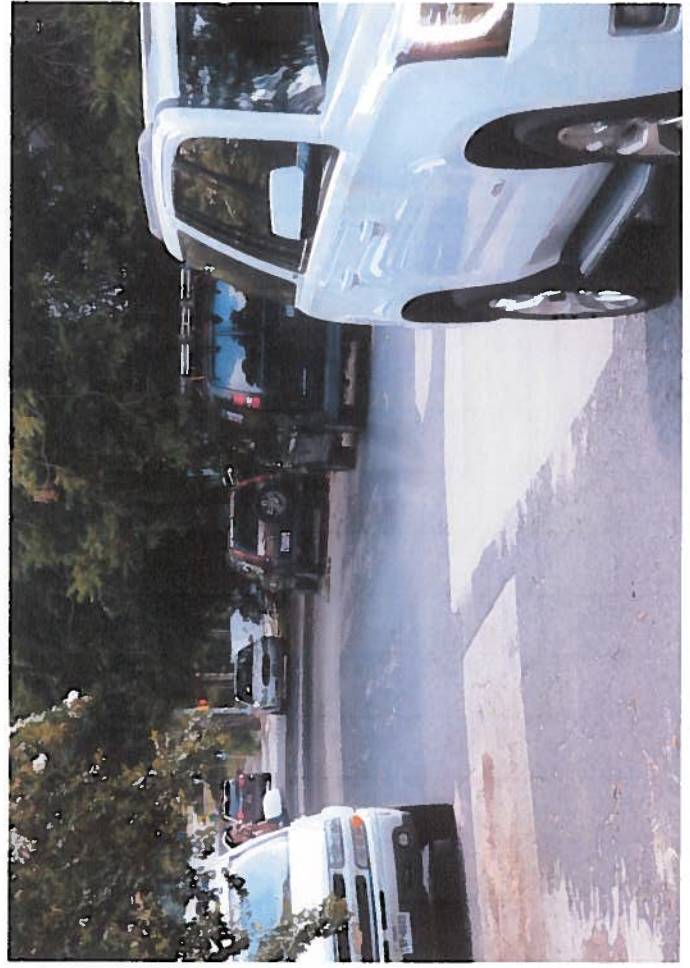
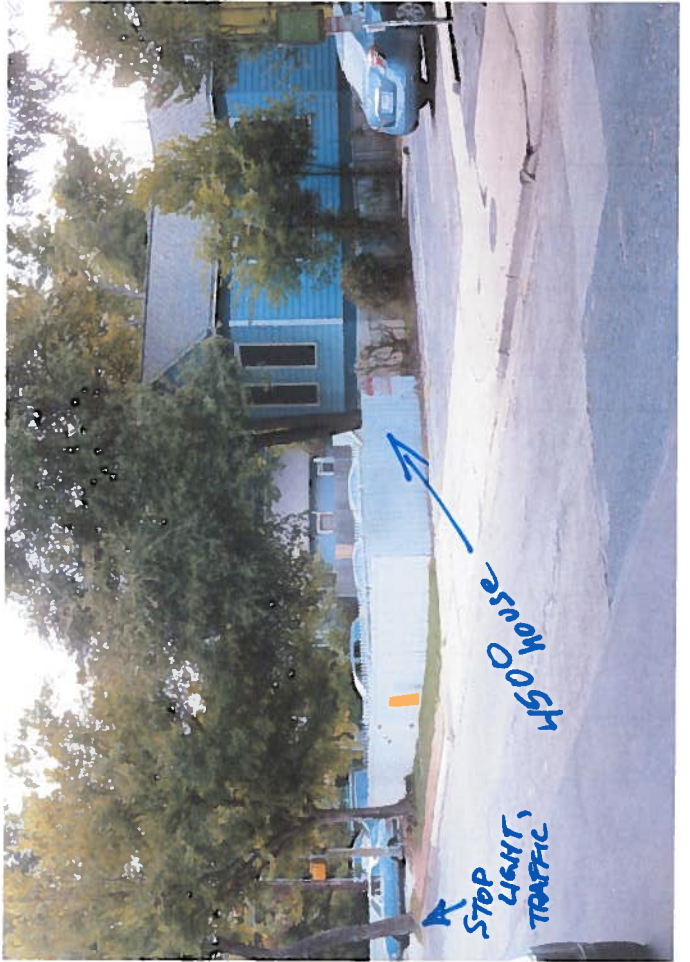


Sept 5, 2014

CASE C14-2014-0111
4500 Speedway

← ALREADY THE STREET IS CLOGGED
WITH PARKED CARS, MAKING DIFFICULT
TRAVEL FOR ALL

(ALL VIEWS ARE SOUTH ON 45th)
→ SPEEDWAY TOWARD 45th



Sirwaitis, Sherri

From: Lisa Harris <ljharrisus@yahoo.com>
Sent: Sunday, October 12, 2014 8:30 PM
To: Sirwaitis, Sherri
Subject: C14-2014-0111 - 4500 Speedway

Ms. Sirwaitis:

Please share this email with the Planning Commission, which is scheduled to consider this rezoning application on Tuesday.

I oppose this proposal. When we bought our home almost ten years ago we intentionally did not buy at the edge of a residential area but well within a residential area, in the 4500 block of Avenue F, a block away from the single family home at 4500 Speedway that the applicant is proposing to turn into a restaurant with no parking. A restaurant that would be open from 7 AM to 11 PM, as is proposed for this location, would have negative impacts on the residential area even if it did have parking, and a restaurant with no parking will put an additional burden on nearby streets that already are periodically overburdened because of the high number of vehicles associated with many residences. Since a significant amount of 4500 Speedway lies in floodplain opportunities for providing off-street parking at this location are very limited. This is not an appropriate site for any use that will draw a significant number of vehicles. Please vote against this rezoning proposal. Thank you.

Respectfully yours,

Lisa J. Harris

PUBLIC HEARING INFORMATION

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Case Number: C14-2014-0111

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Oct 28, 2014, Planning Commission

Nov 6, 2014, City Council

William Childs

Your Name (please print)

4404 Arroyo 78751

Your address(es) affected by this application

10117122

Date

Signature

413-387-7262

Daytime Telephone:

Comments: Narrat has been an excellent neighbor to
Hyde Park and I am excited to see his next
project!

☒ I am in favor
☐ I object

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2014-0111

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Oct 28, 2014, Planning Commission

Nov 6, 2014, City Council

ALLISON MOSELEY

Your Name (please print)

4502 AVENUE D

Your address(es) affected by this application

A. Moseley

Signature

10-18-14

Date

Daytime Telephone: 386-383-9574

Comments:

Opening a restaurant on a narrow, heavily trafficked residential street would be tantamount to opening a Pandora's box; other property owners would begin petitioning for commercial rezoning & 45th could turn into another overburdened strip like Burnet - a street that is utterly unable to sustain the traffic that traverses it. We don't want the kinds of problems caused by the Walgreens at 45th + Burnet. This is a mainly residential area & it needs to remain one.

- Thank you.

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-2014-0111

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Oct 28, 2014, Planning Commission

Nov 6, 2014, City Council

John Spence / Cindy Agee
Your Name (please print)

4414 Speedway
Your address(es) affected by this application

John Spence
Signature

Date

10-18-14

Daytime Telephone: (512) 565-0064

Comments:

Since there is no off street parking required and no parking allowed on 45th St, we feel there would be an over burden of the already limited parking on Speedway and adjacent neighborhood streets.

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

City of Austin
Planning & Development Review Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2014-0111

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Oct 28, 2014, Planning Commission

Nov 6, 2014, City Council

Lisa Harris

Your Name (please print)

4522 Avenue F

Your address(es) affected by this application

Sherri Sirwaitis

Signature

10-19-14

Date

Daytime Telephone: (512) 322-8777

Comments: Our home is currently in a solidly residential area. We would not have bought a home on the edge of a residential area rather than the heart of a residential area.

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2014-0111
Contact: Sherri Sirwaitis, 512-974-3057
Public Hearing: Oct 28, 2014, Planning Commission
Nov 6, 2014, City Council

Brandon DeKosky
Your Name (please print)

4409 Speedway #201
Your address(es) affected by this application

[Signature] 10/21/14
Signature Date

Daytime Telephone: 913-593-6315

Comments: see attached

☐ I am in favor
☒ I object

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

City of Austin
Planning & Development Review Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

City of Austin
Planning & Development Review
Re: Case Number C14-2014-0111

October 21, 2014

Dear Planning & Development Review,

I object to the proposed 4500 Speedway zoning changes and amendments for the following reasons:

1. 4500 Speedway is not suitable for commercial restaurant use.

Several major issues surround the conversion of this property to a restaurant:

- The property is surrounded by residential (SF and MF) zoning on all sides
- Increased vehicular traffic would be detrimental to residential character of the neighborhood and to bicycle transportation on Speedway.
- Inadequate on-site parking. Street parking for the proposed restaurant is not a viable alternative, as street parking is either limited or completely unavailable on all adjacent streets.
- No adequate space for support facilities (e.g. Dumpsters, etc.)
- Noise/smell/animals from restaurant waste would be detrimental to the residential neighborhood
- Restaurant use is inconsistent with the Hyde Park Neighborhood Plan (see below)

2. Restaurants in the Speedway district are specifically prohibited by the publicly-available Hyde Park Neighborhood Plan, and by our NCCD.

- The Hyde Park Neighborhood Plan (adopted April 13, 2000) states that zoning revisions for the Speedway district must *"Roll back properties to the least intensive zoning district that supports current use or a proposed less intense use."* (page 13).
- The NCCD-NP specifically prohibits restaurant use in residential districts (Ordinance No. 20050818-064, page 6).

3. The proposed amendments to NCCD-NP would establish a back-door precedent to circumvent zoning guidelines, with potential unforeseen implications.

- Passing an amendment that alters neighborhood office zoning on a case-by-case basis would give precedent to other higher-intensity commercial use rezoning requests that may be similarly inconsistent with our established neighborhood plan.

Hyde Park is by any measure a highly successful neighborhood, partly because of our established zoning guidelines. When evaluating rezoning proposals we must be guided by our neighborhood plan and the NCCD-NP that have enabled Hyde Park's success, and therefore we must reject the current proposal.

Sincerely,

Brandon DeKosky
4409 Speedway #201

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Case Number: C14-2014-0111

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Oct 28, 2014, Planning Commission

Nov 6, 2014, City Council

PATRICIA GALLOWAY

Your Name (please print)

4406 Speedway, Austin TX 78751

Your address(es) affected by this application

Patricia Galloway

Signature

10/23/2014

Date

Daytime Telephone: 512-232-9220

Comments: This location is at the junction of two

heavily traveled bus routes, which means there can
be no parking on 45th or Speedway; and the surrounding
streets are clogged with parking as it is. The hours of
operation will disturb the neighborhood and the
statement about "no amplified sound" is a blind
that does not forbid non-amplified sound.

I therefore object on grounds of potential parking
abuse, disturbing hours of operation, and reduction of
my property value.

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2014-0111

Contact: Sherri Sirvaitis, 512-974-3057

Public Hearing: Nov 12, 2014, Planning Commission

Dec 11, 2014, City Council

MATT MANNING

Your Name (please print)

4508 SPEEDWAY

Your address(es) affected by this application

10/31/14

Date

Daytime Telephone: **512-203-4431**

Signature

Comments: **My wife and I wholeheartedly support this request. We understand it will have some impact on parking but are okay with that.**

☒ I am in favor
☐ I object

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

City of Austin
Planning & Development Review Department
Sherri Sirvaitis
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2014-0111

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Nov 12, 2014, Planning Commission

Dec 11, 2014, City Council

Elizabeth Nettleton; Patrick McGurk

Your Name (please print)

4409 Speedway #102

Your address(es) affected by this application

11/11/2014

Signature

Date

Daytime Telephone: 605-490-3076

Comments: We own a condo across the street from

4500 Speedway and am opposed to the

rezoning request for several reasons, chiefly

① the property is surrounded by SF? MF zoning

on all sides, ② increased traffic would be damaging

to the neighborhood, ③ inadequate parking,

④ noise/smells/pests would harm the residential

neighborhood, and ⑤ the proposed zoning is

inconsistent with the Hyde Park Neighborhood Plan.

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2014-0111

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Nov 12, 2014, Planning Commission

Dec 11, 2014, City Council

Lisa Harris

Your Name (please print)

4522 Avenue F

Your address(es) affected by this application

Lisa Harris 11-2-14

Signature

Date

Daytime Telephone: (512) 322-8774

Comments: I object to intense commercial use in the middle of a residential district and to the proposed redefinition of neighborhood office to allow more intense uses. I object also to allowing a restaurant with no parking to operate. Reducing parking requirements in an area with narrow driveways will result in increased accidents due to people having no ability to see. If you use this form to comment, it may be returned to: traffic they are backing into, especially dangerous for pedestrians & cyclists,

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

(Because of vehicles parked immediately adjacent to driveway)

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Case Number: C14-2014-0111

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Nov 12, 2014, Planning Commission

Dec 11, 2014, City Council

Bruce Sirwaitis

Your Name (please print)

4522 Ave F

Your address(es) affected by this application

Bruce Sirwaitis

Signature

11/2/14

Date

Daytime Telephone: _____

Comments: _____

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2014-0111

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Nov 12, 2014, Planning Commission

Dec 11, 2014, City Council

CYNTHIA RHINES

Your Name (please print)

4521 AVENUE D 78751

Your address(es) affected by this application

Cynthia Rhines

Signature

11/2/14

Date

Daytime Telephone: 512.762.3422

Comments: I object to the zoning change

proposed for 4500 Speedway. This

property does not offer adequate

parking for a business. Street parking

is limited on Speedway to the north

of 45th, there are many apartment

buildings & limited street parking.

Street parking is not available on

Speedway south of 45th. Parking would

no doubt

overflow to

Avenue D & F,

causing problems

for residents

such as increased traffic

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2014-0111

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Nov 12, 2014, Planning Commission

Dec 11, 2014, City Council

Brandon DeKosky
Your Name (please print)

☐ I am in favor
☒ I object

4409 Speedway #201

Your address(es) affected by this application

BP. [Signature]

Signature

Nov 3, 2014
Date

Daytime Telephone: 913-593-6315

Comments: see attached

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

City of Austin
Planning & Development Review
Re: Case Number C14-2014-0111

November 3, 2014

Dear Planning & Development Review,

I object to the proposed 4500 Speedway zoning changes and amendments for the following reasons:

- 1. The proposed zoning change is explicitly prohibited by our publicly-available Hyde Park Neighborhood Plan and by our NCCD-NP.**
 - The Hyde Park Neighborhood Plan (Ordinance No. 000413-63, adopted April 13, 2000) states that *"Single family developments on 45th and E. 38th should keep current single family zoning and use."* (page 31, attached)
 - The Hyde Park Neighborhood Plan further states that the Speedway district must *"Roll back properties to the least intensive zoning district that supports current use or a proposed less intense use."* (page 13).
 - Our NCCD-NP specifically prohibits food preparation, food sales, retail sales, personal improvement services, personal services, and restaurant use in residential districts (Ordinance No. 20050818-064, adopted Aug 18, 2005, pg 6).

- 2. Amending our NCCD-NP and ignoring the Neighborhood Plan for 4500 Speedway will give precedent for deviation from our established zoning plans with drastic consequences to the neighborhood, especially along the 45th Street and Speedway corridors.**
 - New applications with other commercial zoning change requests will come in quickly from property owners on 45th Street and on Speedway.
 - Tremendous resources will be required from the City of Austin planning department and the neighborhood residents to discuss at length the merits of each individual zoning request that deviates from our zoning guidelines. Many will pass, given the new precedent.
 - The 45th Street and Speedway corridors could easily transform into commercial districts with precedent resulting from amending our NCCD-NP at 4500 Speedway (thus negating the explicit goals of our neighborhood plan!)
 - Enforcement of our previously established zoning guidelines is essential to maintaining the stability of our neighborhood plan

3. Property values along 45th Street will invert if the zoning change is approved

- Property values have been based on established zoning controls outlined in our Neighborhood Plan and NCCD-NP.
- Changing 4500 Speedway from single-family to commercial zoning would drastically decrease the value of adjacent residential properties.
- Noise and traffic markedly increase with commercial use.
 - The Shipe Park playground on Avenue F is only a block away!
- Changing 4500 Speedway to commercial use is particularly unfair to surrounding residents given that commercial zoning on 45th Street and on Speedway is explicitly prohibited by our established neighborhood zoning plan and our NCCD!

4. 4500 Speedway is not suitable for commercial restaurant use.

- The property is surrounded by residential (SF and MF) zoning on all sides
- Increased vehicular traffic would be detrimental to residential character of the neighborhood and to bicycle transportation on Speedway.
- Inadequate on-site parking. Street parking for the proposed restaurant is not a viable alternative, as street parking is either limited or completely unavailable on all adjacent streets.
- No adequate space for support facilities (e.g. Dumpsters, etc.)
- Noise/smell/animals from restaurant waste would be detrimental to the residential neighborhood
- Restaurant use is inconsistent with the Hyde Park Neighborhood Plan and NCCD-NP (see #1 above)

Hyde Park is a highly successful and desirable neighborhood, in large part due to our carefully established zoning guidelines. When evaluating rezoning proposals we must take care to enforce the Hyde Park Neighborhood Plan and NCCD-NP that have enabled Hyde Park's success (especially in the case of controversial zoning change requests). In upholding our established neighborhood plan, we must reject the current proposal.

Sincerely,

Brandon DeKosky
4409 Speedway #201

Traffic calming devices – traffic circles and additional 4-way stop signs – have been installed to reduce speeds. Public Works and the neighborhood will continue to monitor the success and consider other locations for traffic calming measures.

- ◆ Streets should be maintained but not improved to accommodate larger amounts of traffic flow unless such improvements are compatible with the character of Hyde Park. Planning Principle: PW&T, NPT
- 30. The City of Austin should continue to present significant plans for improvement to any streets in Hyde Park to the Hyde Park Neighborhood Association/ Planning Team for review prior to implementation. City Action Item: PWT, Capital Metro
- 31. Request that the Hyde Park Baptist Church, in conjunction with current and future development plans, address on-going traffic and parking associated with church and school activities. Neighborhood Action Item: NPT, HPBC, HPNA
- 32. The speed limit on Duval Street should be changed to 30 mph. This is a major route to the University of Texas and Robert E. Lee Elementary School and is heavily used by bicyclists. City Action Item: PWT
- 33. Street crossings at 45th Street and Avenues F, G, and H should have pedestrian crossings painted on the street and appropriate signage for vehicles to slow down and stop for pedestrians with a signal light crossing to access Shipe Park. City Action Item: PWT, NPT
- 34. Ensure safe crossings to other natural green spaces (Central Park, Shipe Park, Hancock, 40th/41st and Duval). City Action Item: PWT, NPT
- ◆ New development along 45th 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
- 35. Restripe the intersection of 38th and Avenue B to facilitate left turns by the eastbound traffic on 38th street. It is understood that the limited right-of-way may narrow the bike lane significantly. It is desired that an attempt to accommodate the bicycle lane at this point is designed, but due to the congestion of traffic at this point the turn lane may benefit all modes of transportation along 38th Street. City Action Item: PWT
- 36. Large trucks should be prohibited from using 38th 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 45th and IH-35 is preferred. City Action Item: PWT
- ◆ Single family developments on 45th and E. 38th should keep current single family zoning and use. Planning Principle: DRID
- ◆ Maintain pedestrian safety of 51st, 45th and 38th by not decreasing the currently

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Case Number: C14-2014-0111

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Oct 28, 2014, Planning Commission

Nov 6, 2014, City Council

McCall McWhorter

Your Name (please print)

4511 Ave D, 5018 Ave F

Your address(es) affected by this application

McCall McWhorter LLC

Signature

10/25/14

Date

Daytime Telephone: 512 203 4991

Comments: Our local boutique eateries & businesses are the reason I love Hyde Park so much. I feel that our community benefit our community.

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

To: City of Austin Planning Commission
c/o Sherri Sirwaitis

From: Kori and Chad Crow
4507 Avenue D, Austin, 78751
512-574-1250

Subject: SUPPORT FOR REZONING (Case Number C14-2014-0111)

Ladies and Gentlemen:

Thank you for taking time to review the concerns of neighbors regarding the proposed rezoning of 4500 Speedway. Our home at 4507 Avenue D will be one of the most impacted (for better or for worse) from any rezoning that occurs on this property. Our back yard is less than 150 feet north of the property in question, and as the wind generally blows from the south in Austin, any odors from dumpsters, sounds from the restaurant, etc. will hit us before any other homeowner in the area. Below is a crude diagram from Google maps to show our location relative to 4500 Speedway.



We bought our house as a "fixer upper" about two and a half years ago and have put a lot of our blood, sweat and tears into restoring it. We love the neighborhood and want to raise a family here and hopefully watch them raise a family here too. So while it may seem counterintuitive, we are actually very much in favor of rezoning the property to accommodate a restaurant, cafe, coffee shop or some other "amenity" for those in close proximity for the following reasons:

1. The owner of the property, Navid Hoomanrad, is a good community partner to those of us in Hyde Park. He owns "the flag store" gas station and grocery at Duval and 45th Street and has contributed positively to our neighborhood for many years. Thus far he has also been very inclusive of neighbors and accommodating to any concerns we have had about a prospective restaurant on the property, and he is dedicated to preserving the existing structure which is important to us.

2. If he is not able to proceed with his plans for a restaurant, we fear he may sell the property (for a handsome profit in this current real estate market) to an outsider who has no interest in our neighborhood and no incentive to work with neighbors to create something that benefits the entire community.

3. Considering the property is surrounded on all sides by large apartment complexes and a busy 4-lane street, it seems reasonable to assume that rezoning it as multi-family would not be very challenging. If it were changed to multi-family, then surely the early 1900's house would be demolished and replaced with yet another apartment complex, duplex, stealth dorm, etc. - all things we are trying to avoid in our area.

4. The few who oppose the restaurant in our neighborhood seem to believe this property will remain a 100-year old single family home indefinitely. We fear that this idea is naïve and short sighted. If we do not allow the house to be repurposed, then we will lose the house in short order. We do not regard this as a debate of house vs. restaurant. Instead it seems to be a debate of restaurant vs. condos, apartments, etc. House vs. restaurant is not realistic except for a very short period of time. Any suggestion to the contrary is out of touch with the realities going on north of 45th where one old house after another is being demolished for yet another McMansion or duplex.

5. If one stands on the lot for just 5 minutes and looks around, listens to the sounds, smells the smells, etc., any idea that this is a residential property will vanish from the mind. It is an island in the middle of a bustling commercial-esque intersection. While these apartment complexes surrounding it are not zoned commercial, they are in fact 24/7 commercial enterprises. Anyone who lives next to one will attest to that fact. Dumpsters, traffic, bright lights at night, coming and going at all hours, parking problems, noise, smells, delivery trucks, drainage issues...the list goes on and on. Small plexes are one thing, but once you get into 10,15,20,50 unit complexes, saying they are residential is a technicality.



Our home with 3-story apt complex next door

In summary, we already enjoy all of the downsides of living next to commercial-esque properties without any of the utility of a cafe or restaurant or place to shop. We see this as an opportunity to add a local small business to the neighborhood, to make our area more pedestrian and bike friendly, and to save an old house that we fear will be leveled in short order if it is not repurposed into something other than a single family home.

We have spent the last week talking with our neighbors, both renters and home owners, in close proximity to 4500 Speedway to gauge their opinions as well. We do not know how many of them will submit feedback for your review, but the response has been

overwhelmingly positive; particularly from the homeowners. There are a few very vocal opponents within the Hyde Park Neighborhood Association as well, and we are concerned the HPNA will vote against the rezoning at the Dec. 1 due to their influence over this process. Please keep in mind that a resolution passed by the HPNA is not representative of our neighborhood at large, particularly in this instance, as we have talked with many of our neighbors who are not members of HPNA. Even if they were to join today, would be ineligible to vote at the Dec. 1 meeting due to the bylaws that prohibit new members from voting for 30-days.

We hope that you receive a good deal of feedback from those in the immediate area around the property in question, as this idea would greatly benefit our little corner of Hyde Park. Thank you again for taking the time to hear our concerns. If you have any questions, please call the number at the top of the page anytime. We would be happy to speak with you.

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Case Number: C14-2014-0111

Contact: Sherri Sirwaitis, 512-974-3057

Public Hearing: Nov 12, 2014, Planning Commission

Dec 11, 2014, City Council

Cindy Agee
Your Name (please print)

4414 Speedway
Your address(es) affected by this application

5502 Abbott
Your address(es) affected by this application

11/4/14
Date

Signature

Daytime Telephone: *(512) 751-8286*

Comments:

this zone change would
unduly affect traffic in
an area that has a history
of pedestrian and car accidents
The allowance of no off street
parking would affect all
surrounding neighbors in a
negative way.

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

City of Austin

Planning & Development Review Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2014-0111

Contact: Sherri Sirvaitis, 512-974-3057

Public Hearing: Nov 12, 2014, Planning Commission

Dec 11, 2014, City Council

Gary A. Plouffe - Revival Investments
Your Name (please print)

☐ I am in favor
☒ I object

4409 Speedway #202, Austin, TX
Your address(es) affected by this application

Gary A. Plouffe
Signature

11-4-14
Date

Daytime Telephone: (512) 337-1796

Comments: I am against any change in zoning for this property. I purchased Gary Plouffe after ~~completing~~ a thorough home search & feel a modification in the zoning would not only have an adverse affect on my investment but would create traffic issues as well. I would not have invested my retirement money in an area that was so close to businesses.

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Sherri Sirvaitis
P. O. Box 1088
Austin, TX 78767-8810