



Request to remove C14-2025-0053 Duval-Harris Residential from the December 11 council agenda [Correcting typo in prior email]

From Ron Luke

Date Mon 12/8/2025 11:38 AM

To Garcia, Alexis <Alexis.Garcia@austintexas.gov>; Deller, Natalie <Natalie.Deller@austintexas.gov>; Hadri, Cynthia <Cynthia.Hadri@austintexas.gov>

Cc Helen Gaebler; Richard Boner; Susan Pryor; Charles d'Harcourt>; Eleanor Luke

External Email - Exercise Caution

On Saturday afternoon, December 6, 2025, Victoria Haase met virtually with Ron Luke, Richard Boner and Susan Pryor, and Charles d'Harcourt to discuss the pending request to rezone 3305 Duval from MF1 to MF3. The owner, Josh McGuire, was invited but according to Ms. Haase chose not to attend. Luke is the owner/occupant of 500 Harris Avenue and Boner and Pryor are the owner/occupants of 3300 Duval. Unable to attend due to travel was Helen Gaebler, owner/occupant of 504 Harris. All three properties are immediately next to 3305 Duval.

The request from Council staff was for the owner to meet with the neighborhood and attempt to arrive at a mutually agreeable zoning proposal. **Mr. McGuire has not been present at any meeting since that request.** As in all earlier meetings with his agent, Ms. Haase, she stated she had no authority to propose or negotiate any conditions or limits on the development of the property if MF3 zoning with no overlay was granted. She stated on Saturday, December 6, Mr. McGuire was opposed to any overlay on MF3 and wanted the ability to develop the property to the extent permitted under MF3.

Thus, this meeting, lasting a little less than an hour, served only to confirm Mr. McGuire's position had not changed. Per Ms. Haase, he has developed no conceptual plans, graphic or text, for the development of the property and has no immediate plans to do so. **We request that Councilperson xxx or Mayor Watson pull this item from the December 11 agenda and delay it indefinitely until the owner agrees to a reasonable overlay.**

Mr. McGuire bought the property in 2022 when it was zoned SF3. He found the rear structure was nonconforming because there were three units and it was partially in the setback. In 2024 he requested and was granted MF1 zoning with no objection from the neighborhood association. He also has a demolition permit for the rear unit. MF1 allows a maximum of four units on this property.

Therefore, MF1 zoning only made sense if his intent was to demolish the rear unit and construct a duplex. The duplex units could each have 3+ bedrooms, compared to the four bedrooms in the rear unit now, thus increasing the housing supply. Two such duplexes were successfully developed on Harris Avenue opposite Lee Elementary School. This is still the neighborhood's preferred result.

In early 2025, Mr. McGuire applied for MF3 zoning with no overlay and no plan. The Hancock Neighborhood Association formally opposed MF3 based on inconsistency with the character of the neighborhood, trash, parking, and traffic safety concerns for students at Lee Elementary School. The planning department recommended MF3 with a six-unit overlay. Based on a conceptual plan Mr. McGuire circulated in June 2025, this would allow maintenance of the duplex and new construction of four 3 bedroom units in the rear of the property. Mr. McGuire opposed the planning department recommendation at the planning commission.

It has always been assumed he planned to demolish the three-unit rear structure. Ms. Haase said he is not prepared to commit to maintain the duplex main structure. Mr. McGuire removed the tenants from both duplex units and did some work on the duplex several months ago which seemed to be primarily interior demolition. Nothing more has been done recently. Ms. Haase said the owner filed a permit application in August for interior renovation involving plumbing and wiring, but she did not know the status of the application. If he intended to keep the duplex on the property, it seems likely he would be more diligent in making them rentable again.

The neighbors fear that with MF3 zoning and no overlay the current or future owner of the property will demolish both existing units and replace them with an apartment block. With no overlay, the property is large enough to permit 10 or 11 units. To construct this many units, demolition of the duplex and the rear structure would be required. The most likely way to maximize the number of units and/or bedrooms is to build an apartment block.

Mr. McGuire is asking for "blank check" MF3 zoning with no overlay. He has refused to meet or engage in substantive discussion with the neighbors or the neighborhood association. The council should not approve a blank check zoning request that could result in development that is incompatible with the adjacent properties and cause problems with trash, parking, and traffic safety. The council can prevent this outcome by denying the request and keeping MF1 zoning or postponing consideration of the request until the owner actually meets with the neighborhood and negotiates a reasonable overlay.

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