



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

AGENDA ITEM NO.: 29
AGENDA DATE: Thu 02/05/2004
PAGE: 1 of 1

SUBJECT: Conduct a public hearing and approve an ordinance amending Chapter 25-10 of the City Code relating to nonconforming sign technology and sign area.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Watershed Protection and **DIRECTOR'S**
DEPARTMENT: Development Review **AUTHORIZATION:** Joe Pantalione

FOR MORE INFORMATION CONTACT: Donna Cerkan - 974-3345, Martha Vincent, 974-3371

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: Recommended by the Codes and Ordinances Committee of the Planning Commission, and the Planning Commission.

PURCHASING: N/A

MBE / WBE: N/A

The changes proposed to Chapter 25-10 of the Land Development Code would prohibit changing the method or technology used to convey the message on a billboard. The changes would also include a sign apron or similar feature and an area displaying the sign company name or symbol to the total sign area (for calculation purposes).

The purpose of this proposed amendment is to clearly prohibit electronically controlled multi-message billboards as well as any future technological advancements, such as video billboards. Four existing tri-message billboards as well as the existing mechanical "Texas Lotto" billboards will be grandfathered.

The proposed amendment to sign area is a result of billboard replacements that occurred under the 2001 ordinance requiring a 25% reduction in total sign area. The apron at the bottom portion of the face structure creates a larger sign than what was intended by the reduction regulations. The purpose of this proposed amendment is to clearly include all of the face structure in the sign area calculations, and create actual reductions in the structure size as well as advertising size of signs. Additionally, the space commonly used for the billboard company name will also be included in the sign area. This amendment is intended to clarify and enforce the objectives of previous sign ordinance amendments, especially those concerning billboard replacements.

ORDINANCE AMENDMENT REVIEW SHEET

Amendment Case #: C20-03-018

Planning Commission Date: December 9, 2003

Codes and Ordinances Committee Date: November 4, 2003

Codes and Ordinances Committee Action: Recommended

Planning Commission Action: Recommended

Sponsoring Department: Watershed Protection and Development Review Department

Purpose/Background:

City Council has directed the Watershed Protection and Development Review Department to amend Chapter 25-10 of the Land Development Code to regulate electronically controlled messages on billboards and to more strictly regulate sign area calculations.

Recommendation:

Technology

There are 4 "tri-message" billboards in Austin. Staff interpretation of the code has been that this increases the noneconformity and changes the construction design, which is prohibited (25-10-152). The purpose of this proposed amendment is to clearly prohibit electronically controlled multi-message billboards as well as any advanced or future technological changes, such as video billboards. The 4 existing tri-message billboards as well as the 3 or 4 existing "Texas Lotto" billboards will be grandfathered.

Sign Area

This amendment initiative by City Council is a result of billboard replacements such as the billboard at 1009 1/2 W. 6th St. This billboard was replaced under the 2001 ordinance requiring a 25% reduction in total sign area. The sign area reduction enabled the billboard face structure above the pole to be constructed at about the same size as it had been. Although the advertising area was reduced, the "apron" at the bottom portion of the face structure creates a larger appearance than what was intended by the reduction regulations.

The purpose of this proposed amendment is to clearly include all of the face structure in the sign area calculations, and create actual reductions in the structure size as well as advertising size of signs. Additionally, the space commonly used for the billboard company name will also be included in the sign area. This will help clarify and enforce the objectives of previous sign ordinance amendments, especially those concerning billboard replacements.

City Staff: Donna Cerkan
974-3345
Donna.Cerkan@ci.austin.tx.us

MEETING SUMMARY
(Draft- Pending PC Approval)

CITY PLANNING COMMISSION

December 9, 2003

One Texas Center

505 Barton Springs Road
Conference Room 325

CALL TO ORDER 6:00 P.M. **COMMENCED 6:10PM, ADJOURNED AROUND 9PM.**

____ Maggie Armstrong, Secretary

____ Michael Casias

____ Cynthia Medlin, Asst. Secretary

____ Matthew Moore

ON LEAVE ____ Lydia Ortiz, Chair

____ Chris Riley, Vice Chair

____ Niyanta Spelman

____ Dave Sullivan, Parliamentarian

A. REGULAR AGENDA

EXECUTIVE SESSION (No public discussion)

The Planning Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Planning Commission may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney Section 551.071

CITIZEN COMMUNICATION:

1. The first four (4) speakers signed up to speak will each be allowed a three-minute allotment to address their concerns regarding items *not* posted on the agenda.

One speaker.

Pearline Bell, resident of 2301 Carver St. complained about the music and the people coming into her yard, as well as traffic and prostitution, and she is requesting that somebody do something about her area, and the number of bars in the area.

APPROVAL OF MINUTES

2. Approval of minutes from November 25, 2003.

MOTION: APPROVE BY CONSENT (WITH REQUESTS TO EDIT MINUTES)

VOTE: 7-0 (DS-1ST, NS-2ND; LO-ON LEAVE)

DISCUSSION AND ACTION

3. **Code** **C20-03-018 - Amendments to Chapter 25-10 of the Land Development Code relating to electronically-controlled billboards and sign area calculations**
Amendment:
Staff: Donna Cerkan, 974-3345, donna.cerkan@ci.austin.tx.us
 Watershed Protection and Development Review

MOTION: APPROVE BY CONSENT

VOTE: 7-0 (DS-1ST, NS-2ND; LO-ON LEAVE)

4. **Code** **C20-03-020 - Amendments to Land Development Code relating to pedestrian-oriented uses and ROW vacations.**
Amendment:
Staff: Katie Larsen, 974-6413, katie.larsen@ci.austin.tx.us
 Transportation, Planning & Sustainability Department

PULLED. NO ACTION TAKEN.

5. **Zoning:** **C14-03-0049 - House of Tutors**
Location: 2400 Pearl Street, Shoal Creek Watershed, Central Austin NPA
Owner Applicant: House of Tutors Inc. (Hussain Malik)
Agent: Jimmy Holland
Request: GO-MU to CS-MU and MF-6
Staff Rec.: **Alternate Recommendation of CS-MU-CO and MF-6-CO**
Staff: Glenn Rhoades, 974-2775, glenn.rhoades@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

DISCUSSION

A 175 height limit is proposed for the area and Commissioner Sullivan expressed his surprise that the height limit proposed is higher than that permitted for DMU.

Commissioner Moore asked for clarification as to whether retail is planned and if it will be required. Mr. Rhoades said not required under the conditions of the zoning, just permitted.

Commissioner Spelman expressed her concern about future requests to increase the CS height, as was done for the case to the south. Mr. Rhoades explained that a request will be much more difficult because it will require a neighborhood plan amendment, which only occurs once a year.

PUBLIC HEARING

Jimmy Holland, architect for the applicant, said the applicant intends to keep the House of Tutors and to increase multi-family on the site. He noted that a market study was done and it said there is very little demand for commercial in the area. He said the applicant has included all neighborhood conditions into their development plans, including driveway and trees. He said the neighborhood expressed the concern about the tunneling affect of tall buildings along 24th Street, and so they agreed to a setback of the building. He explained that the first two floors will be the office, about 10,000sf total (5,000sf each). Parking is underneath, and then there are four floors of multi-family above the office.

Commissioner Spelman and Riley asked about the planned uses, the location of the garage. Commissioner Riley asked if there was consideration of continuing retail along the parking garage along Pearl Street. Mr. Holland explained that due to the skinny site, it would be difficult.

Commissioner Sullivan asked about the impervious cover limit planned for the site. Mr. Holland said that the building coverage is 80%.

FOR

Hussein Malik, owner of the learning center since 1982, said he intends to keep the business, and very keen to creating quality development. He said that they will exceed the landscaping requirement.

Mike McHone, representing the University Area Partners, helped Mr. Malik get the property in 1982. This is the first true MF-6. The MF-4 zoning blanketing the area does not permit the density desired. A restrictive covenant will be filed with the conditions agreed to, that will apply to this property. To bring the students back to the university, development needs to go vertical. An overlay is planned for the area to allow for higher vertical development.

Commissioner Sullivan asked about the plans for parking, including leasing. He said he thought the location of the garage would be too far from the university to lease to students. Mike McHone explained that there is excess parking for projects built to the code in the 1980s.

Mr. McHone said that the restrictive covenant will be between the owner and University Area Partners.

Commissioner Casias asked if it would also be appropriate to have a pedestrian café along Pearl Street. Mr. McHone said that there are residential sorority uses, and have to be careful to extend the retail. He said that they look at each street to look at appropriateness at becoming a mixed-use commercial corridor.

MOTION: Close public hearing.

VOTE: 7-0 (NS-1st, DS-2nd ; LO- on leave)

MOTION: Approve staff recommendation with additional conditions:

- **Impervious cover limit of 80%**
- **15 foot front yard setback**
- **Height limit of 40 feet for the first 75 feet north of 24th Street.**

VOTE: (7-0; DS-1st, MC-2nd ; LO- on leave)

DISCUSSION OF MOTION

Commissioner Casias noted that if they did not have the information about the neighborhood plan, that the request would appear to be inconsistent. He said he does not know if that information is to be considered, but he said it opens up the other property owners for asking for the increased height.

Commissioner Armstrong asked why CS is requested instead of keeping the GO zoning district. Mr. Rhoades said the CS would permit more retail uses. Mr. Holland said that the CS permits the retail uses. Commissioner Armstrong said it seems GR would work, instead of the more intense GR zoning.

Commissioner Sullivan said that there is CS and MF-4 along the corridor. Commissioner Armstrong said that CS is not supposed to be compatible with residential, so the request is weird.

Mr. Malik added that the existing zoning is a mixed-use zoning. The property is already being used as multi-family and commercial.

6. Zoning:	C14-03-0144 - 37th Street Houses
Location:	609 West 37th Street, Waller Creek Watershed, Central Austin NPA
Owner/Applicant:	Lee Properties (Robert Lee)
Agent:	Lopez-Phelps and Associates (Amelia Phelps)
Request:	LO to SF-4A
Staff Rec.:	Recommended
Staff:	Glenn Rhoades, 974-2775, glenn.rhoades@ci.austin.tx.us Neighborhood Planning and Zoning Department

Glenn Rhoades presented the staff recommendation.

PUBLIC HEARING

Amelia Lopez-Phelps, agent representing Robert Lee, said the property owner was aware of the LO zoning, and proceeded to close on the property after Ms. Phelps contacted the neighborhood to know if the neighborhood would support the rezoning to SF-4A. The neighborhood was supportive, however at the first scheduled public hearing, the applicant requested a postponement because a neighbor objected to the rezoning. She and the applicant met with the neighbor and agreed to some conditions, such as no windows except for bathrooms, facing her house.

Commissioner Spelman asked if it is common in the neighborhood to have the garage in the front. Ms. Phelps explained that there is a combination of duplexes, single-family uses on larger lots that do have garages in the back. Commissioner Spelman said that the proposed house is very suburban. Commissioner Medlin asked about the square footage of the houses. Ms. Phelps responded that the total is about 2600sf, including garage.

Laurie Limbacher responded to the comment about the garage facing the street at the front of the house. Ms. Limbacher said that they raised the concern too, and they suggested that the front porch be pulled forward ahead of the garage and to have the garage painted a color similar to the stone.

AGAINST

Ron Thrower, representing the owner of the MF-3 property to the west, said the client is opposed to the proposed rezoning. Mr. Thrower said that SF-4A is not appropriate across the street from LO and GO.

Commissioner Spelman asked what is between the MF-3 property and the subject property, and Mr. Thrower responded that the property has a single-family house.

MOTION: Close the public hearing.

VOTE: 7-0 (NS-1st, DS-2nd; LO- on leave)

MOTION: Approve staff recommendation.

VOTE: 7-0 (DS-1st, NS-2nd; LO- on leave)

Commissioner Sullivan said SF-4A provides affordable housing on a smaller lot.

Commissioner Spelman said that the zoning is appropriate for the area.

- 7. Zoning: C14H-03-0021- Eckhardt-Potts House**
Location: 209 East 34th Street, Waller Creek Watershed, Central Austin NPA
Owner/Applicant: David C. and Heidi M. Cook
Request: SF-3 to SF-3-H
Staff Rec.: **Recommended**
Staff: Steve Sadowsky, 974-6454, steve.sadowsky@ci.austin.tx.us
Transportation, Planning & Sustainability Department

MOTION: APPROVE BY CONSENT

VOTE: 7-0 (DS-1ST, NS-2ND; LO-ON LEAVE)

- 8. Plan Amendment: Brackenridge Urban Renewal Plan Amendment**
Owner/Applicant: Urban Renewal Agency of the City of Austin
Agent: 505 Barton Springs Rd #600, Austin, Tx 78704
Request: Consider and make a recommendation to Council on an amendment to the Brackenridge Urban Renewal Plan.
Staff: Sandra Harkins, 974-3128, sandra.harkins@ci.austin.tx.us
Neighborhood Housing and Community Development

Commissioner Casias recused himself from items 8, 11 and 12.

Commissioner Riley asked why this case was going to the Planning Commission instead of the Zoning and Platting Commission. Greg Smith, with NHCD, said that the plan amendment is going to the Planning Commission per state law.

Commissioner Riley said he noted for the record that the change is from B-1 to P-2. This is a state project that is generally not subject to local ordinances. Greg Smith responded that state projects are required to follow the urban renewal plan. Commissioner Riley said that the request is to change the land use to allow for another ground-level parking garage. The northeast quadrant of downtown has been decimated because of the numerous ground-level parking garages.

MOTION: Approve staff recommendation.

VOTE: 7-0 (NS-1st, DS-2nd; LO- on leave)

- 9. Neighborhood Plan Amendment:** **NPA-03-0014.03 - Colorado Crossing -Southeast Neighborhood Plan Amendment**
 Location: 6800 Burleson Road, Carson Creek / Onion Creek Watershed, Southeast NPA
 Owner/Applicant: Missile Partners Associates, L.P. (Stephen L. Millham) and Bergstrom Partners, L.P. (Stephen L. Millham and Gregory T. Weaver)
 Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP. (Michele Haussmann)
 Request: Amend the future land use map designation for this property from Industrial to Major Planned Development
 Staff Rec.: **Recommended**
 Staff: Sonya Lopez, 974-7694, sonya.lopez@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

MOTION: POSTPONE TO JANUARY 13, 2004 (APPLICANT'S FIRST REQUEST)

VOTE: 7-0 (MA-1ST, NS-2ND; LO-ON LEAVE)

- 10. Rezoning:** **C14-03-0116 - Colorado Crossing**
 Location: 6800 Burleson Road, Carson Creek / Onion Creek Watershed, Southeast NPA
 Owner/Applicant: Missile Partners Associates, L.P. (Stephen L. Millham) and Bergstrom Partners, L.P. (Stephen L. Millham and Gregory T. Weaver)
 Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP. (Michele Haussmann)
 Request: LI-CO-NP; RR-CO-NP to LI-PDA-NP
 Staff Rec.: **Recommended**
 Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

MOTION: POSTPONE TO JANUARY 13, 2004 (APPLICANT'S FIRST REQUEST)

VOTE: 7-0 (MA-1ST, NS-2ND; LO-ON LEAVE)

- 11. Neighborhood Plan Amendment:** **NPA-03-0009.03 - Central East Austin Neighborhood Plan Amendment**
 Owner/Applicant: Central East Austin Neighborhood Planning Contact Team (OCEAN)
 Request: Conduct a public hearing and consider an amendment to the Central East Austin Neighborhood Plan, part of the Austin Tomorrow Comprehensive Plan, to create subdistricts for the infill special use options.
 Staff Rec.: **RECOMMENDED**
 Staff: Lisa Kocich, 974-3509, lisa.kocich@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

Lisa Kocich presented the staff recommendation for the neighborhood plan amendment and the rezoning to create subdistricts.

Commissioner Armstrong said that the neighborhood had been in a position of taking all or nothing at the time of the first neighborhood plan rezonings. The Blackshear neighborhood took a leap of faith that if subdistricts were approved that an amendment would be requested to remove those neighborhoods.

Rudolph Williams, who built a house at 2905 East 9th Street, said that he would like to see the wishes of the residents, and to accept that the residents have made an informed decision on how the neighborhood will develop. He said they realize that redevelopment is inevitable but would like to maintain the integrity of the neighborhood.

Commissioner Sullivan asked Mr. Williams why he is opposed to secondary apartments. Mr. Williams responded that there are concerns about increased tax rates and increased density.

Linda Johnston, co-chair of the neighborhood planning team, and vice president of OCTAN, explained that the area has very narrow streets and has a preponderance of small lots and that is the reason for limiting the density. To keep the density at bay in that area, the neighborhood wants to eliminate secondary apartments and urban home. To make-up for the limited density, the neighborhood would allow increased density along corridors such as East 12th Street.

Willie Lewis said that the developers are paying exorbitant amounts for the properties. Because of that, his property was valued higher the next tax year.

Commissioner Sullivan asked Mr. Lewis if there are new houses without garage apartments that also resulted in higher values. Mr. Lewis did not have the information to answer.

Commissioner Moore asked about the rent in the area for a secondary apartment. Mr. Lewis said that rent is between \$550 and \$800 a month.

Nell Peterson, resident of the Blackshear neighborhood since 1956, said that the homes were purchased by resident's parents and grandparents. She said that not a lot of money is made with rent or selling in the area. With the urban homes and garage apartments, that would change the character. There are many trees in the area. The new homes are beautiful homes, but the property values, taxes and cost of living increase. She would like to continue to live there. She would like to maintain the character.

Ora Nobles, resident of 2008 East 11th Street, said that she grew up in the neighborhood and moved back, and would like to preserve the neighborhood.

FOR, BUT DID NOT SPEAK

Pearline Bell

Vera Mae Lanada

Edgar Norris

Caroleen Castillo

Bobbie Meddels

Anna Richardson

Tara Peterson-McGarity

Willie Bedford
 Briana Miriani
 Maria Ana Guevara

AGAINST
 None

REBUTTAL
 No rebuttal.

MOTION: Close public hearing.

VOTE: 6-0 (NS-1st, MA-2nd; LO- on leave, MC-abstained)

MOTION: Approve staff recommendation for neighborhood plan amendment.

VOTE: 6-0 (MA-1st, NS-2nd; LO- on leave, MC-abstained)

12. Rezoning:	C14-03-0175 - Central East Austin Neighborhood Plan amendment rezoning
Owner/Applicant:	Central East Austin Neighborhood Planning Contact Team (OCEAN)
Request:	Create subdistricts for Secondary Apartments and Urban Home Infill special use options.
Staff Rec.:	RECOMMENDED
Staff:	Lisa Kocich, 974-3509, lisa.kocich@ci.austin.tx.us Annick Beaudet, 974-2975, annick.beaudet@ci.austin.tx.us Neighborhood Planning and Zoning Department

PUBLIC HEARING

See Item 11. Items 11 and 12 heard together.

MOTION: Approve staff recommendation for rezoning.

VOTE: 4-2 (MA-1st, NS-2nd; MM, DS-opposed, MC- abstained)

MOTION FAILED DUE TO LACK OF QUORUM VOTE.

Commissioner Sullivan explained that his concern was that there is a lack of data associated with this neighborhood plan amendment. He said he wants to know if the property values are increasing because of the new construction or because of the secondary apartments. He said he would find the information to present to Council.

Commissioner Medlin said she is in agreement with Commissioner Sullivan. She does not see a correlation between property values and secondary apartments. She is supporting the motion because the neighborhood was promised the change. She wants to applaud residents of subdistrict 1 to accept the infill options that other neighborhoods have not.

Commissioner Moore said he would not support the motion because there is a need to increase density in the City. He would not be following his beliefs and the results of the Envision Central Texas surveys to vote to restrict density.

Commissioner Riley said that he will support the motion based on the input from the residents.

Commissioner Sullivan attempted to make second motion.

***MOTION: Approve recommendation regarding removal of Urban Homes from subdistrict 2.
VOTE: DS-1st, no second. MOTION FAILED DUE TO LACK OF SECOND.***

Responding to Commissioner Armstrong's statement that the neighborhood was promised subdistricts, Commissioner Sullivan said for the record he never made a promise to the neighborhood to create a subdistrict.

- 13. Neighborhood Plan Amendment:** **NPA-03-0005.02 - 805 E. Montopolis Neighborhood Plan Amendment**
 Location: 805 E. Montopolis Dr., Country Club Creek Watershed, Montopolis NPA
 Owner/Applicant: Farshad Raissedonna
 Agent: N/A
 Request: Amend the future land use map designation for this property from single family residential to mixed use
 Staff Rec.: **Recommended**
 Staff: Sonya Lopez, 974-7694, sonya.lopez@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

***MOTION: APPROVE BY CONSENT
VOTE: 7-0 (DS-1ST, NS-2ND; LO-ON LEAVE)***

- 14. Rezoning:** **C14-03-0117 - 805 E. Montopolis -Neighborhood Plan Amendment Rezoning**
 Location: 805 E. Montopolis Dr., Country Club Creek Watershed, Montopolis NPA
 Owner/Applicant: Farshad Raissedonna
 Agent: N/A
 Request: SF-3-NP to GR-MU-NP
 Staff Rec.: **Recommended**
 Staff: Annick Beaudet, 974-2975, annick.beaudet@ci.austin.tx.us
 Neighborhood Planning & Zoning Department

***MOTION: APPROVE BY CONSENT
VOTE: 7-0 (DS-1ST, NS-2ND; LO-ON LEAVE)***

- 15. Preliminary Plan: C8-03-0165 - Mueller Section 1 Preliminary Plan**
 Location: IH-35 at 51st St., Boggy Creek/ Tannehill Branch Watershed, Mueller Airport Planning Areas NPA
 Owner/Applicant: City of Austin (Pam Hefner)
 Agent: Bury & Partners, Inc. (Sydney S. Xinos, P.E.)
 Request: Approval of the Mueller Section 1 Preliminary Plan composed of 4 lots on 142.4 acres. VARIANCE : From Section 25-4-171(A) for private streets: WITHDRAWN BY APPLICANT
 Staff Rec.: **Recommended**
 Staff: Don Perryman, 974-2786, don.perryman@ci.austin.tx.us
 Watershed Protection and Development Review

MOTION: APPROVE BY CONSENT

VOTE: 7-0 (DS-1ST, NS-2ND; LO-ON LEAVE)

- 16. Final Plat: C8-03-0165.1A - Mueller Section 1, Phase A Subdivision**
 Location: IH-35 at 51st St., Boggy Creek/ Tannehill Branch Watershed, Mueller Airport Planning Areas NPA
 Owner/Applicant: City of Austin (Pam Hefner)
 Agent: Bury & Partners, Inc. (Sydney S. Xinos, P.E.)
 Request: Approval of the Mueller Section 1 Phase A Subdivision composed of 3 lots on 79.1 acres.
 Staff Rec.: **recommended**
 Staff: Don Perryman, 974-2786, don.perryman@ci.austin.tx.us
 Watershed Protection and Development Review

MOTION: APPROVE BY CONSENT

VOTE: 7-0 (DS-1ST, NS-2ND; LO-ON LEAVE)

- 17. Resubdivision: C8-03-0187.0A - Monroe Heights Subdivision, Lot 3, Block 23; Resubdivision**
 Location: 1505 Bouldin Ave., East Bouldin / West Bouldin Watershed, Bouldin NPA
 Owner/Applicant: Mayhen LLC. (Mark Hendrix)
 Agent: Vincent Gerard & Assoc. (David Holt)
 Request: Approval of the Monroe Heights Subdivision, Lot 3, Block 2; Resubdivision composed of 2 lots on .1786 acres.
 Staff Rec.: **Disapproval**
 Staff: Sylvia Limon, 974-2767, sylvia.limon@ci.austin.tx.us
 Watershed Protection and Development Review

MOTION: DISAPPROVE BY CONSENT

VOTE: 7-0 (DS-1ST, NS-2ND; LO-ON LEAVE)

- 18. Amended Plat:** **C8-03-0188.0A - The Highlands Amended Plat of Lots 29-32, Block 25**
Location: East 53rd St. and Evans Ave., Waller Creek / Tannehill Watershed, North Loop NPA
Owner/Applicant: KRDB (Christopher Roberts)
Agent: KRDB (Christopher Roberts)
Request: Approval of the Highlands Lot 29-32, Block 25; Amended Plat composed of 2 lots on .286 acres.
Staff Rec.: **Disapproval**
Staff: David Wahlgren, 974-6544, david.wahlgren@ci.austin.tx.us
Watershed Protection and Development Review

MOTION: DISAPPROVE BY CONSENT

VOTE: 7-0 (DS-1ST, NS-2ND; LO-ON LEAVE)

- 19. Preliminary:** **C8-03-0189 - Former Lockheed Tract Preliminary**
Location: 6800 Burleson Road, Carson Creek / Onion Creek Watershed, Southeast NPA
Owner/Applicant: Missile Partners Assoc. / Burleson Road Inv. / SM Brell II (Alan Haywood)
Agent: Bury & Partners, Inc. (Brad Lingvai)
Request: Approval of the Former Lockheed Tract Preliminary composed of 63 lots on 627.94 acres.
Staff Rec.: **Disapproval**
Staff: Don Perryman, 974-2786, don.perryman@ci.austin.tx.us
Watershed Protection and Development Review

MOTION: DISAPPROVE BY CONSENT

VOTE: 7-0 (DS-1ST, NS-2ND; LO-ON LEAVE)

- 20. Subdivision Final:** **C8-03-0189.1A - Lockheed Martin Subdivision Lot 5, Phase One; Resubdivision**
Location: Burleson Rd. at McKinney Falls Parkway, Carson Creek / Onion Creek Watershed, Southeast NPA
Owner/Applicant: Missile Partners Associates, L.P (Andrew Fremder)
Agent: Bury & Partners, Inc. (Brad Lingvai)
Request: Approval of the Lockheed Martin Subdivision Lot 5, Phase One; Resubdivision composed of 2 lots on 122.46 acres.
Staff Rec.: **Disapproval**
Staff: Don Perryman, 974-2786, don.perryman@ci.austin.tx.us
Watershed Protection and Development Review

MOTION: DISAPPROVE BY CONSENT

VOTE: 7-0 (DS-1ST, NS-2ND; LO-ON LEAVE)

- 21. Resubdivision: C8-03-0190.0A - Brell/Burleson Subdivision; Resubdivision**
 Location: Burleson Rd. at McKinney Falls Parkway, Carson Creek / Onion Creek Watershed, Southeast NPA
 Owner/Applicant: Missile Partners Associates, LP (Andrew Fremder), Burleson Road Investments, LLC (Lisa Clark), SM Brell II, LP (Ken McKay)
 Agent: Bury & Partners, Inc. (Brad Lingvai)
 Request: Approval of the Brell/Burleson Subdivision; Resubdivision composed of 2 lots on 51.155 acres.
 Staff Rec.: **Disapproval**
 Staff: Don Perryman, 974-2786, don.perryman@ci.austin.tx.us
 Watershed Protection and Development Review

MOTION: DISAPPROVE BY CONSENT

VOTE: 7-0 (DS-1ST, NS-2ND; LO-ON LEAVE)

- 22. Resubdivision: C8-03-0191.0A - Lockheed Martin Subdivision Lot 5; Resubdivision**
 Location: Burleson Rd. at McKinney Falls Parkway, Carson Creek / Onion Creek Watershed, Southeast NPA
 Owner/Applicant: Missile Partners Associates, LP (Andrew Fremder), Burleson Road Investments, LLC (Lisa Clark), SM Brell II, LP (Ken McKay)
 Agent: Bury & Partners, Inc. (Brad Lingvai)
 Request: Approval of the Lockheed Martin Subdivision Lot 5; Resubdivision composed of 3 lots on 501.77 acres.
 Staff Rec.: **Disapproval**
 Staff: Don Perryman, 974-2786, don.perryman@ci.austin.tx.us
 Watershed Protection and Development Review

MOTION: DISAPPROVE BY CONSENT

VOTE: 7-0 (DS-1ST, NS-2ND; LO-ON LEAVE)

B. OTHER BUSINESS

ITEMS FROM THE COMMISSION

1. Resolution for Draft Clean Air Action Plan

MOTION: Approve resolution in support material.

VOTE: 5-0 (NS-1ST, CM-2ND; DS-abstain; MM-off dais)

Report from the Committee Chairs.

Periodic Reports from Zoning and Platting Commission.

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS 25-10-4 AND 25-10-152 OF THE CITY CODE RELATING TO SIGN AREA AND CHANGES TO NONCONFORMING SIGNS.

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

PART 1. Section 25-10-4(D) of the City Code is amended to read:

- (D) Sign area includes a sign apron or similar feature and an area displaying a sign company name or symbol. Sign area does not include a supporting structure, pole cover, or landscape feature unless used to convey a message.

PART 2. Section 25-10-152(B) of the City Code is amended to read:

- (B) A person may not change or alter a nonconforming sign except as provided in this subsection.
- (1) The face of the sign may be changed.
 - (2) The sign may be changed or altered if the change or alteration does not:
 - (a) increase the degree of the existing nonconformity;
 - (b) change the method or technology used to convey a message; or
 - (c) increase the illumination of the sign.
 - (3) The sign may be relocated on a tract, if the building official determines that the relocated sign will not be hazardous, and the sign is:
 - (a) located on a tract that is partially taken by condemnation or partially conveyed under threat of condemnation; or
 - (b) moved to comply with other regulations.
 - (4) Except as provided in Subsection (B)(5), a nonconforming sign may

be modified or replaced in the same location, if the modification or replacement reduces:

- (a) the sign area by at least 20 percent;
- (b) the height of the sign by at least 20 percent; or
- (c) both sign area and height of the sign by an amount which, combined, is equal to at least 20 percent of the sign area and height.

(5) A nonconforming off-premises sign may be replaced if:

- (a) each owner of a property from which a sign is to be removed or on which a sign is to be replaced agrees to the sign removal or replacement, as applicable;
- (b) each owner of a property from which a sign is to be removed designates the person who is responsible for removing the sign; and
- (c) the replacement sign:

- (i) does not direct illumination onto a property zoned or used for a residential use;

- (ii) does not exceed the height of the sign it replaces; and

- (iii) is constructed in the same location with same type of materials and construction design as the sign it replaces, and:

- 1. the face height and width of the replacement sign are each at least 25 percent less than the face height and width of the sign being replaced; or

- 2. the replacement sign is not located in, or within 500 feet of, a historic sign district, its sign area is at least 25 percent smaller than the sign area of the sign it replaces, and:

- a. one other nonconforming off-premises sign is permanently removed, the location of the sign to be removed is not included in a site plan that is pending approval, and if, before removal, the sign to be removed is:

- i. located in a scenic road-way sign district;

- ii. located in, or within 500 feet of, a historic sign

