

**CITY PLANNING COMMISSION**

**February 24, 2004  
One Texas Center  
505 Barton Springs Road  
Conference Room 325**

**CALL TO ORDER – 6:00 P.M.**

\_\_\_\_ Maggie Armstrong, Secretary  
\_\_\_\_ Cynthia Medlin, Asst. Secretary  
\_\_\_\_ Matthew Moore  
\_\_\_\_ 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.

***NO CITIZENS SPOKE UNDER CITIZEN COMMUNICATION***

**APPROVAL OF MINUTES**

2. Approval of minutes from February 10, 2004.

***MOTION: APPROVE MINUTES BY CONSENT (INCLUDING CHANGES ON PAGE 12  
DISTRIBUTED ON DAIS)  
VOTE: 7-0 (NS-1<sup>ST</sup>, DS-2<sup>ND</sup>)***

**DISCUSSION AND ACTION**

3. **Neighborhood Plan:** Brentwood/Highland Combined Neighborhood Plan

Location: The Brentwood/Highland Neighborhood Planning area is bounded on the north by Justin Lane and Anderson Lane, on the east by Middle Fiskville Road and Twin Crest Drive, on the south by 45th Street and Koenig Lane, and on the west by Burnet Road., Brentwood: Shoal Creek & Waller Creek; Highland: Waller Creek, Buttermilk Creek & Tannehill Creek Watershed, Brentwood & Highland NPA

Owner/Applicant: City of Austin-NPZD

Agent: City of Austin-NPZD

Request: Conduct a public hearing to consider adopting the Brentwood/Highland Combined Neighborhood Plan, encompassing the Brentwood and Highland planning areas.

Staff Rec.: **Recommended**

Staff: Brian Block, 974-7687, Brian.Block@ci.austin.tx.us  
Lisa Kocich, 974-3509, kathleen.welder@ci.austin.tx.us  
Neighborhood Planning and Zoning Department

**4. zoning: C14-04-0012 - Brentwood/Highland Combined Neighborhood Planning Area**

Location: The Brentwood/Highland Neighborhood Planning area is bounded on the north by Justin Lane and Anderson Lane, on the east by Middle Fiskville Road and Twin Crest Drive, on the south by 45th Street and Koenig Lane, and on the west by Burnet Road., Brentwood: Shoal Creek & Waller Creek; Highland: Waller Creek, Buttermilk Creek & Tannehill Creek Watershed, Brentwood & Highland NPA

Owner/Applicant: City of Austin-NPZD

Agent: City of Austin-NPZD

**Request:** The proposed zoning change will create two Neighborhood Plan Combining Districts (NPCD) covering the entire area. Under the proposed Brentwood NPCD, "Small Lot Amnesty," "Secondary Apartment," "Garage Placement," "Front Porch Setback" and "Impervious Cover and Parking Placement Restrictions" are proposed for the entire area. The Urban Home special use is proposed for the Romeria Gateway subdistrict, which includes all lots adjacent to Romeria between Lamar Blvd. and the Grover Drainage Channel. The Neighborhood Urban Center (NUC) special use is proposed for Tracts 1 and 2.

Under the proposed Highland NPCD, "Small Lot Amnesty" and "Secondary Apartment" are proposed for the entire area. "Garage Placement," "Front Porch Setback" and "Impervious Cover and Parking Placement Restrictions" are proposed for the entire area with the exception of all lots adjacent to St. Johns Avenue. The Cottage Lot special use is proposed for the North and South Highland subdistricts. The North Highland subdistrict is bounded on the north by Crestland Drive, on the east by Twin Crest Drive, on the south by St. Johns Avenue, and on the west by Lamar Blvd. The South Highland subdistrict is bounded on the north and east by Airport Blvd., on the south by Denson Drive, and on the west by Lamar Blvd. The Neighborhood Mixed Use Building (MUB) special use is proposed for Tract 221 and the Neighborhood Urban Center special use is proposed for Tracts 200, 201, 202, 222a, 222b, 222c, 223, 241, 242, 243a, 243b, 243c, 275, 276, and 277.

The proposed zoning change also implements the land use recommendations of the Brentwood/Highland Neighborhood Plan for a total of 233 tracts of land. The Planning Commission may recommend and the City Council may approve a zoning change to any of the following: Rural Residential (RR); Single-Family Residence – Large Lot (SF-1); Single-Family Residence—Standard Lot (SF-2); Family Residence (SF-3); Single-Family – Small Lot & Condominium Site (SF-4A/B); Urban Family Residence (SF-5); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-family Residence - Low Density (MF-2); Multi-family Residence - Medium Density (MF-3); Multi-family Residence – Moderate-High Density (MF-4); Multi-family Residence - High Density (MF-5); Multi-family Residence - Highest Density (MF-6); Mobile Home Residence (MH); Neighborhood Office (NO); Limited Office (LO); General Office (GO); Commercial Recreation (CR); Neighborhood Commercial (LR); Community Commercial (GR); Warehouse / Limited Office (W/LO); Commercial Services (CS); Commercial-Liquor Sales (CS-1); Commercial Highway (CH); Industrial Park (IP); Major Industrial (MI); Limited Industrial Services (LI); Research and Development (R&D); Development Reserve (DR); Agricultural (AG); Planned Unit Development (PUD); and Public (P). A Conditional Overlay (CO), Planned Development Area Overlay (PDA), Mixed Use Combining District Overlay (MU) or Neighborhood Plan Special Use (NP) may also be added to these zoning base districts.

**Staff Rec.:**

**Staff:**

**Recommended**

Brian Block, 974-7687, [Brian.Block@ci.austin.tx.us](mailto:Brian.Block@ci.austin.tx.us)  
 Annick Beaudet, 974-2975, [annick.beaudet@ci.austin.tx.us](mailto:annick.beaudet@ci.austin.tx.us)  
 Neighborhood Planning and Zoning Department

**Items 3 and 4**

Brian Block and Lisa Kocich presented the neighborhood plan and the zoning. Mr. Block noted that the staff recommendation for tracts 255 and 260, has changed from LR-MU-CO-NP to SF-6.

**PUBLIC HEARING**

**Richard Brock**, with the neighborhood association, outgoing president, current vice-president, represents the homeowners. The highest priority was to preserve the residential character. The

tracts with outstanding issues are tracts 6, 11, 12, 13, 15a, 15b, 31b, 41a, 41b, 52, 53, 77a, 77b, 79a, 89, and 90. For Koenig Lane the neighborhood promoted NO zoning because abuts single-family. They feel like the staff recommendation along Koenig Lane is a compromise.

Commissioner Medlin asked Mr. Brock about the single-family on the northern portion along Burnet Road behind the commercial and said the housing stock appears to be impacted by the commercial. Commissioner Medlin asked about rezoning to create a buffer between Burnet Road and the houses.

Mr. Brock said that the CS zoning along Burnet Road existed for many years, and the abutting residential uses don't seem to have a problem with the commercial uses. The neighborhood would not support rezoning to create a buffer of office zoning because that would bring commercial closer into the neighborhood. Commissioner Medlin asked if residents of Laird are okay with the current zoning along Burnet. Mr. Brock said that Laird still feels residential.

Commissioner Armstrong asked Mr. Brock to rate staff on their ability to educate the neighborhood on infill, public transit, land use, and sprawl. Mr. Brock said that staff did a good job with limited resources. He said that there was some information he would have liked earlier in the process, but doesn't want to second guess staff's decision to present information.

**David McGrath** spoke in favor of the neighborhood plan. He is a resident and business owner in the Brentwood neighborhood. He thinks that there were some good, logical compromises made, even though not everyone got their way on. Most of the issues were hashed out, city staff direction.

Commissioner Armstrong said that she notices some neighborhoods differ in their relationship with the neighborhood businesses and asked if Mr. McGrath could comment on why Brentwood worked well with the businesses. Mr. McGrath complimented Brian Block's work.

Mr. Woods, the president of the Highland Neighborhood association said a lot has to happen to the St. John's corridor to make it walkable. Most peoples' mailboxes on St. John are sideways because trucks hit them. There is not enough room for the three lanes of traffic. A preliminary traffic calming study indicated it is feasible to stripe a middle turn lane. The neighborhood would like bike lanes, but were told that there is not enough room.

Commissioner Riley asked why the recommendation for St. John includes office uses. Mr. Hitt said that they had talked about all those uses, such as commercial, but the neighbors are concerned about the level of uses allowed in the LR zoning, and were concerned about the traffic. Commissioner Riley pointed out that the traffic from office uses would be dumped onto the roads at the worst times. Mr. Hitt said that with office that there would be less traffic than with commercial.

Commissioner Sullivan asked why the eastern edge of the neighborhood is where it is- why does it not include Webb and Middle Fiskville Road? Mr. Hitt said that Twin Crest is the boundary on the east, and Denson on the south. They did get participation for people from Skyview.

**James Wiersema**, handed out a letter on the dais, and stated he is a member of the Austin Gem and Mineral Society. The society owns property at 6719 Burnet Road. The current zoning is CS. The staff is recommending CS-MU-CO-NP. He requests that the Planning Commission support the staff recommendation.

**Roger Falk**, property owner and business owner on Koenig Lane, spoke in favor of the neighborhood plan. The arterial streets, though carrying a great amount of traffic, like Koenig, do not have the zoning. There will always be some residents that will be unhappy with the commercial along the road.

**William Faust**, is a long time resident of this area, and was a business owner on Burnet Road for 20 years. He supports the plan.

**Mary Pruett**, owner of tract 112, said staff recommends office zoning for their property. They support that recommendation- it is a compromise.

**Doug Irving**, resident of Ruth Avenue, said that there is only one commercial property near Ruth Avenue that has conditional overlay A, instead of conditional overlay B, like the other properties. He said that because of the close proximity to the houses, it seems like conditional overlay B should be applied to that property. He said that fumes from the auto body shop, and noise are a problem along his street.

Commissioner Riley asked for clarification about which tracts. Mr. Irving said they were tracts 77a, 77b and 79a. Commissioner Spelman pointed out that tract 77b shares property line with single-family, tracts 77a and 79a are across the street from single-family. Brian Block explained that conditional overlay B is for those properties that share a property line with single-family, and conditional overlay A is for those that do not.

Mr. Irving explained that even with the road separating the commercial from the residential, the residential is not far behind and is still negatively impacted.

**Damon Howze**, vice president of the north sector of the Highland neighborhood, said that there was a lot of compromise. He explained the piecemeal zoning on St. Johns. He said that the neighborhood residents can currently walk to buy food.

Commissioner Riley clarified that the existing commercial services are enough for the neighborhood, and Mr. Howze said yes, there are already shops that are within walking distance. Mr. Howze explained that the corner properties back-up to residential, so that is why office was preferred over a corner store use.

**Brad Greenblum**, represents numerous property owners along Koenig Lane, and said they were active participants and wanted to commend staff, especially Brian Block, for all their work and the compromises that were developed. The property owners support the recommendations. He also represents three property owners in the Highland neighborhood, and they also support the recommendations.

**Chuck Geffen**, president of Brentwood neighborhood association, wanted to say thanks to staff and Brian, for listening to different comments. He said that there are many proposed zoning changes that affect the residents. He asked that the Commission consider alternate proposals from the residents.

**Don Leighton-Burwell**, is a twenty year resident of Brentwood, and has been the zoning chair for Brentwood for 17 years. Has a private architect practice. He said staff, especially Brian Block, is an asset to the City. What has been lost as part of this process will be lost revenue for the City from not having individual zoning cases, and have lost the specificity. With that said, he stressed that two land use goals of compatible scale and mixed use along the major corridors. Many of the zoning choices staff unilaterally made were attempts to lessen the impacts, however the zonings proposed have only been mitigated with extensive conditional overlays to allow existing uses that today would not be permitted or encouraged. He handed out a chart and indicated on the chart with yellow the properties with compromises.

#### NEUTRAL

**Chip Somerville**, represents property owner of property (first tract 231) just north of the intersection of Airport and Guadalupe. The existing zoning is LR, and the proposed zoning is SF-6. His client prefers that for the first 94 feet, zone it to SF-6, but for the back 54 feet, rezone to LR-MU-CO or CS-MU-CO for the frontage abutting on Kenniston. He said that the current property owner purchased the property last year with the intention of building a small building on the back portion of the property for a small mail business. He said that the area is near commercial.

Commissioner Riley asked if the neighborhood supports the compromise. Mr. Hitt said he supports the compromise.

**Nikelle Meade** said she represents the owner of the third property of tract 251a (currently zoned CS). The proposed rezoning would impose restrictions that do not currently occur. They are not opposed to the rezoning request, even though it imposes restrictions. They recognize that the MU adds development rights.

**Randal Smith**, resident on Gaylor Street, supports the recommendations, however concerned about tract 255 and 260. He lives at 615 Gaylor, next to 617 Gaylor. He said that he would like the properties to remain SF-3, or SF-6. He is opposed to only even numbers be rezoned to SF-6, and does not understand why odd numbers are not included in the SF-6.

Commissioner Ortiz asked staff to address Mr. Smith's questions. Mr. Block said that the rationale is that normally staff would want to have properties facing each other to have similar uses, but one group of stakeholders thought the backlots should be compatible, and another group supported staff. Ultimately the neighborhood decided to upzone the north side of the street only to SF-6.

**Gail McDonald**, resident on Clay Avenue, has lived there since 1978. She agrees with the rezoning of Tract 16 to SF-3 zoning. She said that their recommendation for Tract 15b is LR, not

GR (staff recommendation), because it is not a very long street, and is not a major entrance. If the zoning goes to GR, then there is more traffic. She said that piecemeal zoning does not work, and would like the Commission to preserve the vision of the plan. Tract 12, Adams Avenue, would like LO zoning. On 15b is the old Stripling Blake site originally not proposed to have the zoning change to GR. The site is a courtyard of antique stores with driveways at the rear into the neighborhood. When Harrell's was redeveloped, the rear driveway was cut-off, which made the development more compatible with the neighborhood. Tract 15b, in combination with tract 15a, is currently used as through lots.

Mr. Block said that none of the lots on tract 15b actually go to Clay, but the property owners also own tract 15a, so the properties are used together for courtyard antique shops, which are GR uses. Regarding tract 12, the zoning matches tract 11.

#### AGAINST

**Amelia Lopez-Phelps**, representing owner of tract 101, 1401 Koenig Lane, stated that the owners support the recommendation.

**Amelia Lopez-Phelps**, representing Pam and William Fuller, owners of property in tract 15b, said the property was zoned CS in 1997. She said the property owner wants to keep the business in the neighborhood, and would like CS-MU-CO-NP zoning instead of the plan proposal for GR-MU-CO-NP. Ms. Lopez-Phelps said that at the very least the building should be rezoned CS-MU-CO-NP to maintain the current use.

Commissioner Spelman clarified that the CS is not needed for the current use, but the owner would like to keep the CS to keep the investment. Ms. Lopez-Phelps said that the southern property in tract 15b is a CS use, the other properties above it are GR uses. Mr. Block added that the recommendation for tract 15b is for GR because it fronts on Clay Avenue, which would make the Fuller's existing construction sales and service use non-conforming. The use would be grandfathered though.

Commissioner Armstrong suggested that the owner consider construction sales and service use and LR uses, which does not allow automotive-oriented uses, to make the proposal more acceptable to the neighborhood. Mr. Block said that the conditional overlay-C already prohibits the automotive oriented uses. The overlay allows uses similar to LR zoning.

**Amelia Lopez-Phelps** explained her client's proposals, which differ from the staff recommendation (detailed information provided in red folder).

Commissioner Spelman said that the client is making a lot of requests and she asked if her or her clients participated in the process. Ms. Lopez-Phelps said that she or the landowners, or both, would attend the meetings. She said the owners would voice their concerns, or try to. Ms. Lopez-Phelps said that during the process there was not a compromise to work on.

Commissioner Sullivan asked in what instances the proposed staff recommendation limits the property owner's rights. Ms. Lopez-Phelps said that the vehicle storage is proposed to be

prohibited, which if the property owner moved vehicles on a site separate from the sales lot, the parked cars would be considered vehicle storage and limited warehousing. She added that most of the sites have been developed under CS regulations. Though it may not seem to make a huge difference for impervious cover between CS and GR, there would be reduced impervious cover if the site is redeveloped, as well as compatibility standards. Ms. Lopez-Phelps said that the owner would be open to a restrictive covenant that would restrict the terms of the vehicle storage and limited warehousing use.

Commissioner Spelman asked Mr. Block about the properties. Mr. Block said that the preference was to have the CS zoning for the major corridors, but Koenig Lane is not considered a major corridor. The compromise for Koenig Lane is to rezone it to GR, and none of the uses along Koenig Lane need CS zoning. Mr. Block added that the vehicle storage can be an accessory use to auto sales, but if it is over 10% of floor area, then becomes a second primary use.

Commissioner Sullivan asked if those tracts are all of the auto lots. Mr. Block said that there is one piece of Roger Beasley that is not part of this area, but is part of the neighborhood plan.

Commissioner Medlin asked if the MF-4 zoning is buffer zone and for tract 240 it appears to be adjacent to SF-3, and asked if it is a buffer. Mr. Block said that compatibility standards would provide the buffer.

Commissioner Spelman asked if there were discussions with the commercial owners. Mr. Block said that there were neighborhood residents on one side, and commercial property owners on the other, and staff presenting a compromise. There were outliers that did not agree with the compromise.

**Kris Kasper**, representing tract 15a and 15b, the antique mall. There are seven lots, referenced as four different tracts. The property is currently zoned CS. The back portion is proposed to be rezoned to GR. According to his research, the property has been zoned commercial for at least 40 years. There are uses currently out there that require CS zoning, such as furniture warehousing. He said that large trucks are very infrequent. In fact, a nearby property owner said he had not seen an 18 wheeler truck in 13 years. The back driveway is locked up, so is not, but the access is needed. The owner would like to keep the CS zoning to maintain the current use.

Commissioner Armstrong said there needs to be more work on the car leasing areas and the antique mall. She asked that those involved not focus on the zoning district, but on the uses and the site development regulations.

Commissioner Riley added that in the future the lots fronting Clay Avenue with the CS zoning could be developed to have CS uses face that street. Mr. Kasper said that the overlay would make the zoning appropriate for those lots that would be developed along Clay.

Commissioner Ortiz pointed out that there are no prohibited uses in the conditional overlay for the properties that front Adams. Commissioner Ortiz asked about the other deliveries that go out on Clay Avenue. Mr. Kasper, said that based on conversations he had with the owner, that a delivery could occur 1 to 2 times a day.



**John Joseph Jr.**, representing the owner of 7427 Lamar Blvd, tract 210b, said the tract is zoned CS-1. Staff is recommending for the adjacent properties currently zoned CS, CS zoning. For the SF properties, staff is recommending CS zoning. But for his client's property, they are recommending a downzoning from CS-1 to CS. Mr. Joseph explained that the Mr. Block of staff told him that staff heard concerns about the presence of CS-1 on Lamar Blvd, and that is why they were recommending. Commissioner Medlin asked why the owner wants CS-1 zoning when the current use is not a CS-1 use. Mr. Joseph responded that it is not fair to base zoning on current uses. The property owner makes plans for a property, and the removal of CS-1 through the neighborhood planning process changes those plans. He said that the CS-1 zoning is compatible with the current and proposed CS zoning.

**Jim Bennett** said he represents three property owners. One property owner owns property at 1701 and 1703 Palo Duro (tracts 89 and 90) with CS and MF zoning. The property owner is okay with the proposed LR zoning, but does not want the land use change to anything less than LR. The second property owner, tract 41a, is okay with the proposed changing.

**Joy Stollings** said she and Kristin Johnson support the plan. They both live on Romeria Drive, and are supportive of the Romeria gateway district. She is concerned about the two lots that face Romeria in tract 77b. The residents of Romeria would like LO or LR zoning for the two lots that face Romeria.

**Mark Cashman** has petitioned to preserve his CS zoning on his property in tract 15b (on Clay Avenue). He has been the owner since 1991. He would like to continue his CS uses. There is currently an office/warehousing use on site. He said the site is secluded and away from Burnet, and the marketplace does not see that property as a retail site.

Commissioner Ortiz asked if his property fronts Clay and Adams. He said that his property does not front on Adams. Commissioner Spelman asked if this is the property that would be non-conforming with the GR zoning. Mr. Block said that the owner would need CS zoning if they are warehousing items and it is more than 10% of the building area. Mr. Cashman said that his uses are building maintenance and limited warehousing and distribution, both CS uses. He said that there might be deliveries by a UPS truck infrequently.

**HR Mickey Bentley**, representing Robert Whiteside, the owner of 1400 Koenig Lane (tract 93), at the corner of Woodrow and Koenig Lane, said the current zoning is GR-CO and the proposed zoning is LR. The owner has been there for over 15 years, and gave the City land in exchange for the zoning. The current use is auto sales, a use not permitted under the proposed LR zoning.

**HR Mickey Bentley**, representing William Wildo, the owner of a portion of tract 10b, said the owner wants to maintain the current zoning of CS, and does not support the proposed zoning of CS-MU-CO-NP. The current use on the property is sales of granite, computers and furniture. The property used to be for transmission sales. Commissioner Riley asked Mr. Bentley if the owner has a problem with the conditional overlay. Mr. Bentley said the property is on Burnet Road, a commercial roadway- CS uses should be allowed.

Mr. Bentley, representing Frank Boner, the other owner of tract 10b, said that Mr. Boner does not want the zoning changed for Lots 1-4. That property has been in the Boner family for 50 years. It was their homestead. The owner has given the City land as a condition of previous zoning so there is also a contractual agreement to keep the existing zoning.

**Don Jackson**, owner of 816 Romeria, has maintained the property for 40 years. When he got the zoning, he had to give the City 10 feet for Mayfield Street. About five years ago, the City had asked him if changing the name from Mayfield to Romeria was okay, but did not realize that agreeing to that would affect him now. He would like to have the property left the way it is. He noted that some non-CS-1 uses are still being left CS-1 zoning. There is inconsistency. There is no regard for the commercial owners. He was notified of the proposed zoning change in December, long after the meetings that were held months before. The proposed rezoning is taking away his property rights.

**Tom Zachary**, owner of tract 231, said he is highly in favor of the property owner's request for tract 231. For tract 228, he does not have a problem with rezoning the property to SF-6. For tract 232, he does not want the zoning changed at all- he wants to keep it SF-3, not up-zoned to SF-6 because of property tax concerns and because the site is too small. For tract 237, he said he is okay with the proposed SF-6 zoning.

**Mike O'Dell**, owner of tract 16, said that the property was rezoned to office zoning in the 1970s. The surrounding properties are commercial in that they are duplex rental properties, not single-family. Almost the entire street on his side is duplexes. Six of the seven property owners on Clay Avenue signed his petition in support of his request to keep the office zoning. Most of the problems in the neighborhood come from the duplexes. He was not involved in this process, until he heard about it from a friend in October. There were about 50 people upset about the process, and the commercial owners felt like they were cut-out of what appeared to be a neighborhood association process.

Commissioner Armstrong asked if there had been a church on the site. Mr. O'Dell said that the church was built on the site in the 1960s, and was later converted to offices.

**Lacy Sawyer** said she just bought a house on 200 West Lisa and said her concern is for the property in tract 219c. She just bought her property so she was not involved with the neighborhood planning process. She is concerned about the parking lot that could be built on the tract 219c property and the traffic. The current use on tract 219c is a single-family house.

Commissioner Sullivan said that traffic has increased along St. Johns, and the neighborhood is concerned that the houses would deteriorate because the houses would become rental properties due to the conditions of living on a busy street, so the neighborhood supports rezoning to allow office zoning.

Commissioner Armstrong said that the NO-MU-CO would allow for neighborhood offices, and the MU would allow for a live-work situation. Commissioner Riley added that with the MU, there is always the option to have a residential use.

**William Bickford**, owner of 608 West St. Johns, said his concern is the process. He received a notice that his property would be rezoned to NO-MU. The recommendation was then changed to SF-6. For tract 213b, the proposed zoning to SF-6 is not appropriate. For tract 221, it is proposed to be LR-MU, and tract 213a and 213c are proposed to be NO, and 222a is proposed to be Neighborhood Urban Center. These proposed changes for St. Johns may be appropriate for an area with high traffic, but it does not make sense to require SF-6 zoning for three properties sandwiched between office/commercial zoning. He urges the Commission to return the properties to the original recommendation of NO-MU to give the property owners an option to dispose of the property. This is not what he wanted when he purchased the property.

Commissioner Medlin asked what is on tract 221. Mr. Buford said that all of tracts 221 and 212b and 220a are single-family.

Commissioner Riley sought clarification of his concerns- Mr. Buford said that his concern is his ability to sell the house as single-family when the adjacent properties and the properties across the street would be zoned commercial and office.

Commissioner Riley said that he heard concerns that leaving single-family on St. Johns would hurt those property values, and he added that housing in a retail area could be good for values.

**DID NOT SPEAK**

FOR

Jac Vinson

Tom Arbuckle

**AGAINST**

Gary Boulden

Frank Bomar

Kristin Johnson[

Michael Kuhn

William Fuller

Pam Fuller

Sean McIntosh

Shaw Hamilton

Nancy Kieller

Robin Whiteside

***MOTION: CLOSE THE PUBLIC HEARING***

***VOTE: 6-0 (DS-1<sup>st</sup>, NS-2<sup>nd</sup>; MM- LEFT EARLY)***

Mr. Hitt and Mr. Howze said they support Mr. Buford's statements for tract 213b.

Commissioner Spelman asked what was the reasoning for the SF-6 across from the LR? Mr. Block said that there was a lot of discussion, and there was a proposal to zone the property as NO-MU at the time of the courtesy notice sent in October.

Commissioner Medlin asked about the notification process. Mr. Block explained that the draft rezonings were prepared by August 2003, and a courtesy notice was sent to owners in October 2003, inviting them to a meeting to discuss the proposed rezonings. Mr. Block said that all owners, residents and renters were notified of the neighborhood planning process.

In response to Commission's discussion about the removal of CS-1 zoning, Mr. Hitt, representing the Highland neighborhood, said that there is a lot of CS-1 zoning in the area. Commissioner Sullivan asked if there is text in the plan specifically stating that the neighborhood seeks to reduce the amount of CS-1. Mr. Hitt said no.

Commissioner Sullivan said that there was a recent case on Lamar Blvd for CS-1. There is not a map for him to look at to evaluate the extent of CS-1 zoning in the area, and so does not want to decide on whether or not to support requests for CS-1 zoning without that information.

***MOTION: APPROVE STAFF RECOMMENDATION (NEIGHBORHOOD PLAN AND REZONINGS) WITH THE FOLLOWING EXCEPTIONS FOR THE ZONING:***

- ***TRACT 231- APPROVE COMPROMISE HANDED OUT ON DAIS BY THE OWNER (SF-6 FOR FRONTAGE ABUTTING ON GUADALUPE TO A DEPTH OF 94 FEET AND CS-MU-CO FOR FRONTAGE ABUTTING ON KENNISTON (THE REMAINING 54 FEET)). THE CO ON CS-MU WOULD BE CONDITIONAL OVERLAY B.***
- ***TRACT 79A- APPROVE CS-1 FOR THE BUILDING FOOTPRINT***
- ***TRACT 231B- APPROVE NO-MU-NP ZONING***
- ***TRACT 16- APPROVE NO-MU ZONING***

***IN ADDITION, THE PLANNING COMMISSION RECOMMENDED THAT THE FOLLOWING TWO ISSUES BE RESOLVED:***

1. ***THE PROPERTIES FACING CLAY AVENUE WITH COMMERCIAL ZONING- ADDRESS FUTURE INTRUSION ISSUES***
2. ***HAVE STAFF DETERMINE IF THE GR ZONING PROPOSED FOR THE AUTO DEALERSHIP LOTS WILL WORK, OR IF VEHICLE STORAGE, A CS USE, SHOULD BE INCLUDED.***

***VOTE: 6-0 (DS-1<sup>st</sup>, MA-2<sup>nd</sup>; MM- LEFT EARLY)***

Commissioner Ortiz said she would support the motion, but said she would have supported Commissioner Riley's friendly amendment to allow CS-1 on tract 210b. She said she understands the neighborhoods concern, but thinks that it would be appropriate to have the CS-1 zoning.

Commissioner Riley said he is still troubled with the recommendation for tract 15b. He really likes that site, and hopes that more discussion occurs to make the site what it can be as an asset to the neighborhood. He said tonight's focus has been on zoning, but the plan addresses other issues, such as open space. He encouraged the neighborhood to continue to implement the plan.

5. **Neighborhood**      **NPA-03-0005.03.SH - Steiner Tract - Montopolis Neighborhood**  
**Plan Amendment:**   **Plan Amendment**

Location: 7300-7320 Riverside Dr. & 900 Bastrop Hwy, Carson Creek Watershed, Montopolis NPA  
Owner/Applicant: Robert Steiner  
Agent: Minter, Joseph & Thornhill, P.C. (John Joseph, Jr.)  
Request: Amend the future land use map designation for a portion of this property from commercial to residential.  
Staff Rec.: **Not Recommended**  
Staff: Sonya Lopez, 974-7694, sonya.lopez@ci.austin.tx.us  
Annick Beaudet, 974-2975, annick.beaudet@ci.austin.tx.us  
Neighborhood Planning and Zoning Department

*See item #6 for discussion and action.*

**6. Zoning: C14-03-0154.SH - Steiner Tract**  
Location: 7300-7320 Riverside Dr. & 900 Bastrop Hwy, Carson Creek Watershed, Montopolis NPA  
Owner/Applicant: Robert Steiner  
Agent: Minter, Joseph & Thornhill, P.C. (John Joseph, Jr.)  
Request: Tract 1: SF-6-CO-NP to SF-4A, Tract 2: MF-3-CO-NP to SF-4A, Tract 3: CS-CO-NP to SF-4A, Tract 4: CS-MU-NP to SF-4A, Tract 5: CS-MU-NP to SF-4A  
Staff Rec.: **Tracts 1 & 2- Recommended, Tract 3- Not Recommended, Tract 4- Recommended, Tract 5- Not Recommended**  
Staff: Annick Beaudet, 974-2975, annick.beaudet@ci.austin.tx.us  
Neighborhood Planning and Zoning Department

*ITEMS 5 & 6 taken together.*

Sonya Lopez presented the staff recommendation.

Commissioner Ortiz said that the airport overlay was drafted with a gradation. The subject site is located in the farthest part of the airport overlay. Ms. Beaudet explained that housing is prohibited unless three conditions are met.

Commissioner Armstrong asked if the applicant plans to sound-proof the housing. Mr. Joseph Jr said yes. They will construct single-family detached housing and sound-proof it.

Commissioner Riley asked if tract 3 could be discussed later. He asked if the other tracts could be moved to Council, and postpone tract 3. Mr. Joseph Jr., said that the case is scheduled for Council March 4, but they would support a postponement for tract 3.

Commissioner Armstrong asked how staff would enforce a requirement to sound proof the houses.

David Peterson, with the Law Department, said that sound-proofing is an absolute requirement in the building code. A permit cannot be granted if the construction does not comply with the sound-proofing requirements in the building code. If any home is built in the A03 area, where the

residential is restricted, the sound-proofing automatically comes into play.

Ms. Beaudet added that the Commission could include in the conditional overlay a greater degree of noise mitigation.

Mr. Peterson said that the Montopolis neighborhood plan was sufficiently advanced that it was considered one of the areas where the residential already permitted should be grandfathered. In other areas that are not subject to the grandfathering, residential is prohibited. The problem of noise is not going to decrease over time. Not doing any favors for anyone that might live there to permit the residential. The Council may begin to hear from those residents about the noise from the airport.

Commissioner Spelman asked Mr. Peterson to explain the reasoning for the relocation of the airport and the development of the ordinance. Mr. Peterson said that the airport was moved because of the complaints from the surrounding neighborhoods. In developing the ordinance, those involved knew that the noise would increase over time, so the solution was to create a buffer zone so that houses would be prohibited, in order to prevent the situation of creepage of incompatible uses.

Commissioner Medlin said that MF-4 was previously approved for the site and so she asked Mr. Joseph, Jr. about the request for single-family. Once the applicant obtained the MF-4 zoning, Centex said that they were interested in developing the tract that they are requesting SF-4A zoning for. Commissioner Medlin asked why housing would be developed on that particular tract. Mr. Joseph Jr said it is a function of economics to create an affordable community.

AGAINST- DID NOT SPEAK  
Susana Almanza

**MOTION: CLOSE PUBLIC HEARING**  
**VOTE: 6-0 (DS-1<sup>st</sup>, NS-2<sup>nd</sup>)**

**MOTION: APPROVE STAFF RECOMMENDATION FOR TRACTS 1,2, 4 and 5.**  
**POSTPONE ACTION ON TRACT 3 TO MARCH 23, 2004 UNTIL APPLICANT AND**  
**NEIGHBORHOOD RESIDENTS MEET.**  
**VOTE: 6-0 (CR-1<sup>st</sup>, NS-2<sup>nd</sup>)**

Commissioner Spelman said she will support the motion but said she has to be honest that she will not support the rezoning request for tract 3 when it comes back.

Commissioner Riley said that the ordinance that was developed would allow housing with conditions. On that basis, he is open to a proposal that is acceptable to the neighborhood.

Commissioner Sullivan said that he cannot recommend housing on tract 3.

Commissioner Ortiz said that predictability is important, and that it is important to allow development that would comply with the Code.

Commissioner Sullivan said that his concern is about future residents and the impact of the airport.

***MOTION: REOPEN THE PUBLIC HEARING.***

***VOTE: 6-0 (DS-1<sup>st</sup>, DS-2<sup>nd</sup>; MM- LEFT EARLY)***

7. **Code** C2O-03-021 - Amendments to Chapter 25-2 and 25-6 relating to  
**Amendment:** pedestrian-oriented uses and ROW vacations.  
**Staff:** Katie Larsen, 974-6413, katie.larsen@ci.austin.tx.us  
 Transportation, Planning & Sustainability Department

***MOTION: POSTPONE TO MARCH 23, 2004***

***VOTE: 7-0 (CR-1<sup>ST</sup>, NS-2<sup>ND</sup>)***

8. **Code Amendment** C2O-04-001. Amend Chapter 25-10 of the Land Development  
**Code to allow the relocation of nonconforming off-premise signs.**  
**Staff:** Donna Cerkan, 974-3345, donna.cerkan@ci.austin.tx.us

Councilmember Betty Dunkerley said that the current ordinance does not allow an owner of a billboard to move the billboard to another more appropriate area.

Commissioner Sullivan asked Councilmember Dunkerley about the cost of removing a billboard. She said that to remove the billboard will cost over \$100,000. If the billboards are high-performing, they will not move. Her ordinance addresses the low-performing signs to allow them to move away from redevelopment areas, historic areas or residential areas. Signs become low-performing as a result of an area changing and no longer being a commercial area.

Commissioner Medlin asked about the financial implications of purchasing low-performing signs. Councilmember Dunkerley explained that the City cannot afford anything right now. The ordinance will allow a sign owner to move the sign to an area that might be more profitable than the current location, but a more appropriate area.

Councilmember Dunkerley said her ordinance will shift one problem to another, but the shift will occur from one unacceptable area to a more commercial area. She wants to create an economic incentive.

Commissioner Riley asked Councilmember Dunkerley if she would support the Sign Review Board reviewing applications to move the billboard to serve as a check on the process. Councilmember Dunkerley asked the Commission to develop criteria, such as that, to help with determining appropriate areas. Council date is tentatively set at March 11.

Commissioner Armstrong said her concern was that billboards were prohibited, and with this proposed ordinance, that areas in the City that never had billboards, will then have billboards because they moved them from other areas. She is really concerned about the neighborhoods that

have never had billboards, may now have them. Also, the sign company can move, and her concern is that the property owner will no longer have the revenue from the sign company. Councilmember Dunkerely said that there are contractual agreements between the landowner and the sign owner that must be met.

Commissioner Ortiz asked whether or not she and the other sponsor had considered areas that would be considered appropriate. Councilmember Dunkerely explained that they have defined areas that the billboards could be moved from. Commissioner Ortiz asked if a Council date of March 11 is enough time for the Planning Commission to develop criteria.

Commissioner Spelman and Commissioner Ortiz asked if there could be a map of current billboards. Commissioner Riley asked for the map of the Expressway corridor sign districts.

## PUBLIC HEARING

### AGAINST

**Girard Kinney** said to go forward with this idea would be an error. He is a member of Scenic Austin. He pointed out the two main problems with the proposed ordinance. First, moving the signs to highways, gateways, and high traffic areas are places where billboards are also objectionable. 2. There will be a rush. There is a state law limiting the distance between billboards. He explained four ways a city could get rid of the billboards. 1. Buy them down. Ft. Worth bought one a few years ago- it was over \$100,000. 2. There is a good precedence of removing a sign if destroyed by fire or blown down- Austin has not enforced that, and should be enforced. 3. Currently not legal in Austin, but in the City of Houston, city amortized the value of the billboard- the billboard must be removed in the future. There is state legislation that enables Houston to do that. Mr. Kinney has said that he has tried to encourage the City to lobby for that enabling legislation. 4. Use attrition- not give the opportunity to give the billboard an opportunity to move. The property can become more valuable as a land use and not as an area for a billboard. A buyer will buy down the billboard. It is part of the natural process to remove the billboards that requires patience.

Commissioner Medlin asked about the amortization enabling legislation. Mr. Kinney said that there was legislation that allowed cities to remove billboards in the ETJ, but at the time of that legislation, cities were prevented from using amortization, except Houston.

**Roy Mann**, a member of the Board of Scenic Austin, thinks that the proposed change in ordinance would be a detriment to the City. As spam violates cyberspace, so do the billboards with the City. The City enacted the current regulations to prevent the addition of billboards. If the proposed amendment is passed, the problem will move from the frying pan to the fire. He thinks that approval of the proposed ordinance would result in sign companies moving their signs.

### ***MOTION: CLOSE PUBLIC HEARING***

***VOTE: 7-0 (DS-1st, NS-2nd)***

### ***MOTION: POSTPONE TO MARCH 9, 2004 (SEND TO THE MARCH 2 CODES AND ORDINANCES COMMITTEE MEETING)***



***VOTE: 7-0 (DS-1<sup>st</sup>, MA-2<sup>nd</sup>)***

9. **AMATP**                      **C2-03-07 Escarpment Blvd.**  
**Amendments**                **C2-04-02 North Lake Creek Parkway**  
                                      **C2-04-03 Manor Road**  
      Staff:                      Allan Purcell, 974-6442, allan.purcell@ci.austin.tx.us, and Teri  
                                      McManus, 974-6447, teri.mcmanus@ci.austin.tx.us

***MOTION: APPROVE AMENDMENTS C2-03-07 AND C2-04-03***

***VOTE: 7-0 (NS-1<sup>st</sup>, DS-2<sup>nd</sup>)***

***MOTION: POSTPONE C2-04-02 (NORTH LAKE CREEK PARKWAY) TO MARCH 23, 2004***

***VOTE: 7-0 (CR-1<sup>st</sup>, NS-2<sup>nd</sup>)***

10. **Zoning:**                      **C14H-03-0024 - Harris-Carter House**  
      Location:                      603 Carolyn Avenue, Waller Creek Watershed, CENTRAL AUSTIN  
                                      COMBINED NPA  
      Owner/Applicant:          Edward Lindlof, Jr. and Cynthia Lindlof  
      Agent:                          None  
      Request:                        SF-3 to SF-3-H  
      Staff Rec.:                      **Recommended**  
      Staff:                          Steve Sadowsky, 974-6454, steve.sadowsky@ci.austin.tx.us  
                                      Transportation, Planning and Sustainability

***MOTION: APPROVE HISTORIC ZONING BY CONSENT***

***VOTE: 7-0 (NS-1<sup>st</sup>, DS-2<sup>nd</sup>)***

11. **Zoning:**                      **C14H-04-0001 - Driver-Metcalf House**  
      Location:                      1204 Travis Heights Boulevard, Town Lake Watershed, SOUTH  
                                      RIVER CITY NPA  
      Owner/Applicant:          Historic Landmark Commission  
      Agent:                          None  
      Request:                        SF-3 to SF-3-H  
      Staff Rec.:                      **Not Recommended**  
      Staff:                          Steve Sadowsky, 974-6454, steve.sadowsky@ci.austin.tx.us  
                                      Transportation, Planning and Sustainability

Steve Sadowsky explained the staff recommendation. The HLC initiated the zoning case. The HLC vote for historic zoning was 5-3.

**AGAINST**

**Rusty Bannerman**, the owner of 1204 Travis Heights. He purchased the property 5 months ago. The realtor that sold him the house, who also lives in the neighborhood, said that she did not think there would be a problem. After purchasing the house, she contracted a guy to have the house moved. The house is in total decay. The porch is completely rotten. The house is built too

close to the street and to the other house. The house has been a rental for 70 years. In the Smart Growth initiative, his property falls into the Desired Development Zone, and he wants to enhance the local tax base by hiring local contractors to build the house.

Commissioner Riley said that one concern raised at the Historic Landmark Commission is that if the house is removed from the neighborhood, that would affect the designation of the neighborhood as a historic district. Mr. Banderman said he has a friend two blocks away that recommended an architect that would design the house to fit in with the neighborhood. There are new houses along Alameda that blend in with the neighborhood.

Commissioner Medlin noticed that the property consists of two lots. The house that will be moved is on one lot.

***MOTION: CLOSE PUBLIC HEARING***

***VOTE: 6-0 (NS-1<sup>ST</sup>, CM-2<sup>ND</sup>; MM-LEFT EARLY)***

***MOTION: APPROVE STAFF RECOMMENDATION TO DENY HISTORIC ZONING***

***VOTE: 6-0 (NS-1<sup>ST</sup>, CM-2<sup>ND</sup>; MM- LEFT EARLY)***

Commissioner Riley said he has not seen an outpouring of support for the preservation of this house.

Commissioner Sullivan said he tries to support the Historic Landmark Commission, but in this case the neighborhood has not indicated a strong desire to preserve the house. He resents the use of historic zoning to prevent new development.

Commissioner Ortiz said she finds it difficult to support historic zoning if the staff does not support historic zoning.

<b>12. Zoning:</b>	<b>C14H-04-0003 - Un-named houses</b>
Location:	802, 804 and 806 West Lynn Street, Town Lake Watershed, OLD WEST AUSTIN NPA
Owner/Applicant:	Historic Landmark Commission
Agent:	None
Request:	MF-4-NP to MF-4-H-Np
Staff Rec.:	<b>Not Recommended</b>
Staff:	Steve Sadowsky, 974-6454, <a href="mailto:steve.sadowsky@ci.austin.tx.us">steve.sadowsky@ci.austin.tx.us</a> Transportation, Planning and Sustainability

Commissioner Sullivan abstained from item 12 because he signed a petition regarding these properties.

**Linda MacNeilage** said that the properties at 802, 804 and 806 West Lynn Street are three

railway section bunkhouses. The HLC recommend H zoning. Dr. Robert Shone with the Austin Steam Train Association requests a postponement to do more research. The neighborhood would like him to perform do some research.

This is the neighborhood's first request.

**Kip Garth**, former resident of 806 West Lynn, 16 year resident of Clarksville, said that the houses deserve the due process to allow the neighborhood to perform the research, for it would be the neighborhood's loss if the houses are demolished. The neighborhood is circulating a petition against the demolitions.

Robin Carter said she is the primary researcher for the neighborhood.

Jim Bennett, speaking on behalf of Muskin Properties, said the demolition is not on a fast track. The demolition permit was requested in December 2003.

***MOTION: CLOSE PUBLIC HEARING FOR DISCUSSION OF POSTPONEMENT ONLY  
VOTE: 6-0 (CR-1<sup>st</sup>, NS-2<sup>nd</sup>; DS-abstain)***

***MOTION: POSTPONE TO MARCH 9, 2004 (NEIGHBORHOOD'S FIRST REQUEST)  
VOTE: 6-0 (CR-1<sup>st</sup>, NS-2<sup>ND</sup>; DS-ABSTAIN)***

**13. zoning:** **C14-04-0015 - 51st Street Mixed Use**  
**Location:** 100-104 East 51st Street, Waller Creek Watershed, North Loop NPA  
**Owner/Applicant:** Northfield Design Associates (Don Smith)  
**Agent:** Northfield Design Associates (Don Smith)  
**Request:** SF-3 to NO-MU-CO  
**Staff Rec.:** **Recommendation Pending**  
**Staff:** Glenn Rhoades, 974-2775, glenn.rhoades@ci.austin.tx.us  
 Neighborhood Planning and Zoning Department

***MOTION: POSTPONE TO MARCH 9, 2004 (STAFF REQUEST)  
VOTE: 7-0 (CR-1<sup>ST</sup>, NS-2<sup>ND</sup>)***

**14. Subdivision:** **C8-04-0017.OA.SH - THE VIEWPOINT AT WILLIAMSON CREEK, PHASE 1, BLOCK J; AND LOTS 7-30, BLOCK K; BLOCK I, LOTS 1-29; BLOCK H, LOTS 1-24; RESUBDIVISION OF LOTS 7,8,34 & 35 (S.M.A.R.T. HOUSING)**  
**Location:** VIEWPOINT DRIVE AT PEACH GROVE ROAD, WILLIAMSON CREEK Watershed, SOUTHEAST / COMBINED NPA NPA  
**Owner/Applicant:** STASSNEY CROSSING L.P. (TY CUNNINGHAM)  
**Agent:** LONGARO-CLARKE ENGINEERS (ALEX CLARKE)  
**Request:** DISAPPROVAL OF THE RE-SUBDIVISION; STATUTORY DISAPPROVAL  
**Staff Rec.:** **STAT. DISAPPROVAL**

Staff: Javier V. Delgado, 974-7648, javier.delgado@ci.austin.tx.us  
Bill Andrews, 974-7649, bill.andrews@ci.austin.tx.us  
Watershed Protection & Development Review

***MOTION: DISAPPROVE BY CONSENT***

***VOTE: 7-0 (NS-1<sup>ST</sup>, DS-2<sup>ND</sup>)***

**15. Briefing:** Update on One Stop Shop for Development Review Process  
**Staff:** Joe Pantaloni, Director, WPDR. Tammie Williamson, Acting Assistant Director, WPDR.,

***PULLED.***

**16. Briefing:** Envision Central Texas  
**Staff:** Beverly Silas, Executive Director, Envision Central Texas,

***PULLED.***

**B. OTHER BUSINESS**

**ITEMS FROM THE COMMISSION**

Commissioner Ortiz asked for volunteers for RMMA: PC appointed Commissioners Medlin and Riley.

Report from the Committee Chairs.  
Periodic Reports from Zoning and Platting Commission.