4-1-04
#34

MEETING SUMMARY
Approved by PC 3-23-04

CITY PLANNING COMMISSION
March 9, 2004
One Texas Center
505 Barton Springs Road
Conference Room 325

CALL TO ORDER – 6:00 P.M.
ALL PRESENT

_____Maggie Armstrong, Secretary
_____Cynthia Medlin, Asst. Secretary
_____Matthew Moore
_____Lydia Ortiz, Chair
_____Jerome Newton
_____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 SIGNED UP TO SPEAK

APPROVAL OF MINUTES

2. Approval of minutes from February 24, 2004.

MOTION: APPROVE BY CONSENT.
VOTE: 8-0 (DS-1st, NS-2nd)

DISCUSSION AND ACTION

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

Tammie Williamson presented service delivery model accomplishments. She pointed out the following, in addition to presenting the statistics:

- WPDR requires applicants to make pre-submittal application.
- Placed completeness check lists on the City's development website.

Facilitator: Katie Larsen, 974-6413
katie.larsen@ci.austin.tx.us

- Upper-level, experienced staff flag projects with issues during completeness check to deal with them before submittal.
- Formed dynamic geographic boundaries to allow shifting of workload to maintain balance.
- Cross-trained team reviewers.
- If an application is dormant for 60 days, the City sends a letter to the owner and the applicant asking them if they need assistance to follow through.

Ms. Williamson noted that there is a City of Austin survey online asking for input on designing the second phase of the development review process. She will also be presenting to neighborhood associations and professional boards and commissions.

Commissioner Sullivan asked about technological development.

Ms. Williamson said that this week there is a new tool on the web that allows someone to find the status of a permit through GIS.

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

Beverly Silas presented the results of the Envision Central Texas survey. March 31 is the last day the consultants will work on this project.

Commissioner Sullivan asked if the consultants will provide a nuts and bolts plan showing what is needed in the region to implement the vision.

Ms. Silas said there is an implementation subcommittee of the Envision Central Board. The consultants can make suggestions or recommendations, and Envision Utah officials are being invited to discuss implementation. Since it is regional visioning and not planning, they will not have a nuts and bolts planning document.

Ms. Silas said that ECT will change from being a visioning organization to becoming an assistant to communities that voluntarily adopt the ECT vision. The vision process allows for updating the vision in 5 years if necessary, and 10 years, to correspond with new census data.

Commissioner Riley asked about the availability of ECT to make presentations to neighborhood planning groups to get them talking early on in the process. Ms. Silas said she is doing that now, and speaks to neighborhood associations all the time.

5. Plan Amendment: **NPA-04-0011.01 - 51st Street Mixed Use**
Location: 100-104 East 51st Street, Waller Creek Watershed, North Loop NPA
Owner/Applicant: Northfield Design Association (Don Smith)
Agent: same
Request: From single family to commercial mixed use
Staff: Kathleen Welder, 974-2856, kathleen. Welder@ci.austin.tx.us
Neighborhood Planning and Zoning

MOTION: APPROVE BY CONSENT POSTPONEMENT REQUEST BY STAFF AND THE NEIGHBORHOOD TO APRIL 6, 2004.
VOTE: 8-0 (DS-1st, NS-2nd)

6.	**Zoning:**	**C14-04-0015 - 51st Street Mixed Use**
	Location:	100-104 East 51st Street, Waller Creek Watershed, North Loop NPA
	Owner/Applicant:	Northfield Design Association (Don Smith)
	Agent:	same
	Request:	SF-3-NP to LR-MU-CO-NP
	Staff Rec.:	**Alternate Recommendation of SF-5**
	Staff:	Glenn Rhoades, 974-2775, glenn.rhoades@ci.austin.tx.us Neighborhood Planning and Zoning

MOTION: APPROVE BY CONSENT POSTPONEMENT REQUEST BY STAFF AND THE NEIGHBORHOOD TO APRIL 6, 2004.
VOTE: 8-0 (DS-1st, NS-2nd)

7.	**Zoning:**	**C14H-04-0003 - Un-named houses**
	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.:	**Not Recommended**
	Staff:	Steve Sadowsky, 974-6454, steve.sadowsky@ci.austin.tx.us Transportation, Planning and Sustainability

Steve Sadowsky presented the staff recommendation for denying historic zoning.

PUBLIC HEARING

Steve Colburn with the Old West Austin Neighborhood Association, said the houses met several criteria.

Robin Carter, a resident of Old West Austin, passed out photocopies of documents providing supporting evidence that the houses were railroad section houses. The documents showed images of the houses themselves in the current condition, and 1915 plans of railway section houses. Over time the standard plans developed. Section housing used the flat bed of a railroad car. Some were made out of box cars. The subject houses meet all the dimensions of the standard plans. The diagram she handed out is an illustration of how the railroad wanted the section houses situated on the lot. The layout of the houses are identical to the layout of the standard plan (spacing, setback). An engineer from the Austin Steam Train Association said the paint on the house is associated with railroad work, such as the iron oxide, or boxcar red, on the sides of the houses.

Commissioner Riley asked Ms. Carter about the house at 800 West Lynn, and she said that it was demolished. There has not been time to research that house to see if it too was railroad housing. Ms. Carter said her theory is that the ING lay track from Palestine to Austin, and they reached Austin in 1879, and received a contract in 1880 to go from Austin to San Antonio. The section houses that these are would have been progression houses that would have been moved to the site. Ms. Carter said that the houses may have been relocated there at the time the siding was added. The railway company would have been responsible for the move, even if they did not own them. The mismatch of the windows and the makeshift quality of the doorways are also an indication that the houses were section housing.

Rosemary Merriam read a letter from Pauline Brown, a resident in the area. Excerpts from Ms. Brown's letter: The three little houses have been there unchanged all her life. Her family referred to them as section housing, and as a place for the workers at the old Confederate Home. They deserved to be preserved because they show the types of housing that was provided because it shows how working people lived in a long gone era. Ms. Merriam also read a letter from Jane Smoot: I have lived in the area since born in 1919. 1316 West 6th Street. All the houses have had is exterior painting- no exterior renovations. They are marvelous examples of the kind of housing that was lived in by the working class. I urge you to preserve these houses which add great value to our understanding of the cultural heritage of our City and our neighborhood.

Linda MacNeilage, chair of the Old West Austin Neighborhood Association, referred to the neighborhood plan goal of protecting and preserving housing. All historic and potentially historic properties must be identified and targeted for preservation. They are trying to find funding, such as from the Meadows Foundation and the LCRA, to study railroad history in the neighborhood. She read from Mr. Osburn's letter – these are the only examples of section housing in the neighborhood- therefore is unique.

Jan Wilson in 1972 moved into house across the street from the houses. She said that she spoke with the old lady that lived in the house, and she had referred to them as railroad houses.

Kip Garth said he researched the old directories. There is consistency in looking at the directory: a 1903 listing of the southwest corner of West Lynn and 9th Street, as well as 1900 to 1897- Mr. Robertson was listed. It seems the houses were listed as early as 1895. Their interest is directly concerned with historic preservation. These houses used by the railroad were most likely moved to the current property in 1891. The available standard plans are post 1900 and are almost identical for the houses. This suggests they were moveable houses. They were rental, but important to Austin history. He asked for a local historic district tool because the longer the wait, everybody loses.

Commissioner Ortiz asked about his statement that there was a good indication that the houses were moved. Mr. Garth explained that the railroad would sell off land, and structures on the land had to be moved. The houses would have been acquired at the time of the disposal of the land. If one fills in the gaps of their history, the houses were probably moved from the eastern side of Mopac since flatter.

Commissioner Medlin asked about the boundaries of the proposed historic district. Mr. Garth

said that they are not in the Clarksville Historic District (they are one block south of that). Mr. Garth said that the Old West Austin Neighborhood Association and the Clarksville Community Development Board are working on historic district designation, and the houses are within that proposed historic district.

Lisa Laky, chair of the Austin Historic Landmark Commission, said that the Commission overwhelmingly supported the historic zoning. Every time there has been a hearing, there is more information that is presented that provides strong evidence. The properties should remain on the site to stay within their context.

Commissioner Riley asked her to point out the criteria that she thinks are particularly significant. Ms. Laky said it meets criteria #3, no doubt, since she does not know of any other section housing in Austin. It is a comprehensive site- it's the grouping of the houses together that is important. These are not everyday little wooden houses. It's always been of value, but did not know it.

Commissioner Riley asked her what her experience is with the track record of proposing historic zoning for owners that are opposed. Ms. Laky said the 1860 stone house on Bluff Springs Road was an owner opposition case. The roof and windows are gone and there is vandalism. Since then there has been discussions about how to reuse the property. Ms. Laky said that there are many owner-opposed cases that do not make it to Council, because they learn of options.

Ms. Laky said that since this house has been at the stie at least 100 years, the context should stay. Commissioner Moore asked if in the process of moving the house does that reduce its historic significance. Ms. Laky said context is important.

Commissioner Moore asked if they have a responsibility to come up with compensation to maintain the house. Ms. Laky said that the compensation is in the tax break. Commissioner Moore asked how do you reconcile a person's willingness to sign a petition versus their willingness to pay to preserve the houses. Ms. Laky said that there should not be an obligation, it is for the public good to preserve the houses.

Commissioner Medlin asked what would be the significance if the houses are not restored. One of them has been condemned. If you can't go inside or can't read information about the housing and the people, how is preserving the homes important? Ms. Laky said it is not the inside that provides the importance- its preservation of the exterior.

Paula Cocke said she started attending Matthews School in 1955. She does remember as a child walking down West Lynn, walking past the old houses. The houses are sitting on a small site, with three large post oak trees. She said that Jim Rhoades, city staff member, said that the very best way to protect these trees is to give historic zoning to the site. The trees fill the site.

AGAINST

Jim Bennett speaking on behalf of Muskin Properties, said that he has heard several scenarios from the neighborhood about the houses. He said that there is no factual evidence that a railroad owned these houses. If they were section houses, then they would have been moved to the end of

the track, which in this case would have been San Antonio. The neighborhood says that the houses have not changed for decades. The document he passed out to the Commissioner's showed the survey of the corner house that was demolished. There is no evidence. Cedar piers were commonly used as a foundation. There are many board and batten wood houses in Austin. Proponents for historic zoning say that possibly the railroad moved the houses. Some electric rail employees have lived there. The residents say that some indicate that the houses are railroad houses- they label the house based on who lived there. The deeds showed that the Houston railroad owner owned the property but the deed records show the railroad never owned the land. The HLC voted 5-2 to recommend historic zoning. He said that the HLC badgered staff to determine if additional criteria could be met. Mr. Bennett said that the decision should not be based on maybes or the emotional side, but should be based on the facts. The fact that is there is no evidence. We will pay up to the demolition costs to relocate the structures.

Mr. Bennett concluded by saying that the houses are outside the Clarksville Historic District, the neighborhood's own survey indicated that the properties are indicated to "historic with 3 or 4 alterations-may or may not be historic," they are greatly in disrepair, no one historically significant designed or built the houses, and there have been alterations.

Commissioner Riley asked Mr. Bennett if the houses were built for railroad employees. Mr. Bennett said that perhaps railroad employees rented the housing because it would have been close to their work.

Commissioner Medlin asked about the condition of the substandard housing. Do his plans include taking out the oak trees? Mr. Bennett said that the trees are a valuable asset to the development- the lots would not be as valuable without the trees.

Commissioner Ortiz asked if the tax breaks would be for each house or the lot. Mr. Bennett said it is for the lot, with all three houses.

Mr. Bennett read from the neighborhood association website- it asked neighborhood residents to sign a petition, and asked residents if they wanted high-density apartments or condos on the site. Mr. Bennett said that the neighborhood petition includes signatures of those not wanting high-density apartments and condos, not to preserve the housing.

Alan Muskin said all three properties are in poor condition. The tenant of the property complained about the condition of the property, and the City condemned the property. He said that the house has plumbing problems, rotted wood, safety issues with the water heater, and general safety issues- it is very poor construction.

DID NOT SPEAK
Rodney Bennet
Tom Cummins

REBUTTAL
Steve Colburn, zoning chair of Old West Austin neighborhood association, said that the neighborhood is convinced that the houses are railroad section housing. The neighborhood is not

pursuing historic zoning to prevent the new development, but because they recognize that the houses are special. What Mr. Bennett read was an email on the association website, but did not necessarily reflect the association's viewpoint. Dedicated individuals are researching the history of the properties and finding additional information does change the story. The houses meet 8 of the 13 criteria.

Commissioner Riley asked about the information that was presented to the neighborhood at the time of the petition. Mr. Colburn said that those that signed loved the houses, and were supportive of the houses as they were. He added that when people asked what would go up in their place, he said he did not know.

Commissioner Ortiz said she is having a hard time understanding the importance because a neighborhood windshield survey did not flag these houses as significant. Mr. Colburn said that the houses are outside the Clarksville Historic District, but it is encompassed by the boundaries of the other proposed historic district in Old West Austin. He said he could not speak to the windshield survey, but said that by digging for information discovered they were section housing.

Commissioner Riley said that it appears the lot is in a solidly residential area and asked if the future land use map has residential for the area. Mr. Colburn said yes to Commissioner Riley's question about whether he would support non-residential uses to make preservation of the houses more feasible.

Commissioner Spelman asked Mr. Colburn to counter Mr. Bennett's argument that there is no evidence that they are section housing. Mr. Colburn said the expert testimony said that the houses are made out of railroad materials, such as paint.

Commissioner Spelman asked Mr. Bennett about his evidence that they are not railroad section housing. Mr. Bennett said that the property was never owned by a railroad company, but rather was owned privately.

Steve Sadowsky said it is speculation that the houses were moved to that site.

Commissioner Riley asked if Viola Eilers was related to Eilers Park. Mr. Sadowsky said that the park is not named after that person, but Viola may have been related to the Eilers family, but it is only speculation.

MOTION: CLOSE PUBLIC HEARING
VOTE: 7-0 (NS-1st, MA-2nd; DS- recused)

DISCUSSION OF MOTION

Commissioner Riley said this is a difficult case since the owner is opposed, however there is significant community support as evidenced with over 400 signatures supporting historic zoning and made a motion to approve historic zoning. That support is reflected in the criteria used to determine historic significance. The evidence is strong that there is some connection to the railroad and to that neighborhood, and perhaps there is a connection to Eilers Park. Other criteria

are also important, and as chair of Historic Landmark Commission said, clearly meets criteria number three, since railroad workers lived there. He said that there could be interesting uses for the site that would draw attention to their historic significance. He said he would be receptive to a rezoning request to allow retail.

Commissioner Spelman said she would support the motion and provided the second. Experts do disagree, and Mr. Sadowsky has a higher bar to pass in order to recommend historic zoning. The Historical Landmark Commission's arguments were compelling. The fact that there is a lack of evidence before the turn of the century does not mean that there is not evidence. She said that when the neighborhood relies on historical research and oral history, as they have done in her neighborhood, it takes awhile to gather the information. Historic is also about the working class, and the conditions they lived in. There is plenty of circumstantial evidence that cannot be ignored, such as the standard plans for railroad section housing.

Commissioner Moore said he would not support the motion. The most compelling evidence is needed when the City and the owner do not want historic zoning. The chain of title did not exist as a piece of evidence. There was intermittent occupancy by railroad workers. As far as preserving the houses, the owner has offered to allow their relocation and repair

Commissioner Armstrong said she will support the motion, and pointed out that the current historic preservation efforts have a big gap since there is not a way to preserve the modest history without burdening the owner.

Commissioner Medlin said that she will not support the motion, for the same reasons as Commissioner Moore and Armstrong. She would like to see the houses relocated.

Commissioner Ortiz said that she recognizes the difficulty of the case, but will support the motion because she does believe there is evidence that there is historic significance. More research should be done before it goes to Council. She understands that historical research is time-consuming and difficult.

MOTION: APPROVE HISTORIC ZONING
VOTE: 4-3 (CR-1st , NS-2nd; CR, LO, MA NS- for; JN, MM, CM- against; DS-recused)
FAILED

MOTION: DENY HISTORIC ZONING
VOTE: 3-4 (CR-1st , NS-2nd; CR, LO, MA NS- against, JN, MM, CM- for; DS-recused)
FAILED

MOTION: FORWARD TO COUNCIL WITHOUT A RECOMMENDATION
VOTE: 7-0 (CR-1st, LO-2nd; DS- recused)

B. OTHER BUSINESS
ITEMS FROM THE COMMISSION

Commission asked staff to bring back a proposal to revise the Planning Commission rules. The proposal should include changes addressing:

- Postponement policy
- Donation of time, as with Council and other Commissions.
- Videotapes

Commissioner Riley suggested staff bring rules in line with those of Council for donation of time.

Commissioner Spelman asked for the proposal to include a cap on the amount of donated time. Find out if Council has a cap on donation of time (like 15 minutes?).

Report from the Committee Chairs. ***NONE***
Periodic Reports from Zoning and Platting Commission. ***NONE***

CITY PLANNING COMMISSION

ADDENDUM

March 9, 2004
One Texas Center
505 Barton Springs Road
Conference Room 325

A. REGULAR AGENDA

DISCUSSION AND ACTION

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

Donna Cerkan presented the map showing historic sign districts.

Commissioner Sullivan asked about the safety issues associated with moving billboards from slow-moving traffic areas to areas with faster traffic. Ms. Cerkan explained that she has seen research that larger signs are needed in areas with faster traffic, but has not seen research regarding Commissioner Sullivan's concerns.

Commissioner Armstrong said that from reading the Council transcript, it appeared Council was interested in moving just a few signs. Commissioner Ortiz said that Councilmember Dunkerly said at the last Planning Commission meeting that she was open to suggestions that would address a smaller class of signs.

Commissioner Spelman asked if staff was available to identify the billboards that Council was interested in moving. Ms. Cerkan said no.

Commissioner Ortiz asked if it is the City's intent to discourage billboards in the City. Ms. Cerkan explained that the City prohibited billboards in 1983. Commissioner Ortiz asked about the number of billboards that have been removed- that 59 have been removed since the inventory in 1998-99, but more may have been removed since 1983. Ms. Cerkan confirmed those numbers.

Commissioner Medlin asked if under the current ordinance a billboard that is damaged by wind could be rebuilt. Ms. Cerkan said that the sign can be repaired as long as the repair costs are 60% or less of the cost of replacing the board. The repair must use the same materials, and the sign height and area can remain the same. Commissioner Medlin said she did not see in the proposed ordinance a requirement that the sign that is moved must be made out of the same materials. Ms. Cerkan said that the sign height and area would remain the same.

In response to Commissioner Moore's question to address specific signs, Deborah Thomas, City law staff, said it would be best to identify a class of signs instead of identifying specific signs.

Commissioner Armstrong said that the Codes and Ordinances Committee did not make a recommendation. Commissioner Spelman said that the Committee could not create a class of signs, and they did not want to open up a Pandora's box. Commissioner Armstrong said they had discussed criteria to identify egregious signs, and requiring public notification and a process requiring approval by a public body.