



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

AGENDA ITEM NO.: 50
AGENDA DATE: Thu 04/22/2004
PAGE: 1 of 1

SUBJECT: Conduct a public hearing to consider an ordinance amending Chapter 25-10 of the City Code relating to nonconforming signs to allow location of new off-premise signs (billboards) in various locations in the City if an existing off-premise sign is removed and approve an amendment of Ordinance No. 030908-04 (fee ordinance) to add a sign removal and relocation fee.

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 Pantalion

FOR MORE INFORMATION CONTACT: Luci Gallahan, 974-2669; Martha Vincent, 974-3371

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: Not recommended by the Planning Commission.

PURCHASING: N/A

MBE / WBE: N/A

The proposed ordinance amendment would accomplish the following:

It would allow a nonconforming off-premise sign in the City to be relocated to a tract that:

- Is located in a commercial, industrial, or commercial/mixed use zoning district.
- Is not in an urban renewal or redevelopment area designated by Council.
- Does not abut residential development.
- Is not located within 500 feet of a historic structure or district.
- Does not abut a scenic roadway as defined in Section 25-10-6 of the City Code.

The proposed ordinance would allow the face of the relocated sign to be the same size as the sign to be removed. It would also allow the height of the new sign face to be altered to take into account both positive and negative changes in grade (elevation).

The sign owner would be required to file a removal and relocation application with the Watershed Protection and Development Review Department at least 90 days before removing a sign. The sign owner would be required to notify the property owner of the tract where the sign is to be removed that a removal and relocation application has been filed.

The sign owner would be required to construct the relocated sign not later than three years from the date the removal/relocation application is approved by the Watershed Protection and Development Review Department.



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PAGE: 2 of 1

A new fee of \$120 is proposed for sign removal/relocation applications.

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 Pantaloni, 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 site 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 Cerkar, 974-3345, donna.cerkar@ci.austin.tx.us

Donna Cerkar 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. Cerkar 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. Cerkar said no.

Commissioner Ortiz asked if it is the City's intent to discourage billboards in the City. Ms. Cerkar 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. Cerkar confirmed those numbers.

Commissioner Medlin asked if under the current ordinance a billboard that is damaged by wind could be rebuilt. Ms. Cerkar 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. Cerkar 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.

MEETING SUMMARY

CITY PLANNING COMMISSION
Codes and Ordinances Committee
Tuesday, March 2, 2004
505 Barton Springs Road
One Texas Center, 5th Floor Conference Room 500
Austin, Texas

CALL TO ORDER –12:00pm
COMMENCED 12:05PM, ADJOURNED 1:10PM

Codes and Ordinances Committee Members: ALL PRESENT

(note: a quorum of the Planning Commission may be present at this meeting.)

Maggie Armstrong, Chair
Cynthia Medlin
Niyanta Spelman
Matt Moore

OTHERS PRESENT:

<u>Name</u>	<u>Affiliation</u>
Tim Clark	Scenic Austin
Deborah Thomas	LAW
Marty Terry	LAW
Mike McGinnis	sign and property owner
Girard Kinney	Scenic Austin
Kate Mechan	Scenic Austin
Kristalee Guerra	
Luci Gallahan	WPDR
Donna Cerkar	WPDR
Gloria Aguilera	Councilmember Betty Dunkerley's Office

A. MEETING CALLED TO ORDER

1. Introduce members of the Committee and Staff
2. Inform audience of procedure

B. REGULAR AGENDA

1. **C2O-04-001. A proposal to amend section 25-10-152 of the City Code relating to the relocation of nonconforming off-premise signs; and to amend ordinance number 030908-04 to add a sign removal and relocation fee.**

City staff: Luci Gallahan, luci.gallahan@ci.austin.tx.us, 974-2669, and Donna Cerkar, donna.cerkar@ci.austin.tx.us, 974-3345.

Donna Cerkar, WPDR staff member, presented the three current ways a billboard can be replaced:

- The modification or replacement reduces the sign area by at least 25%
- The modified or replacement sign is constructed in the same location with the same type of materials and construction design as the original sign
- Billboard is removed from a scenic roadway, and size is reduced (referred to as 2 for 1 trade)

MEETING SUMMARY

The only way a billboard can be relocated is if a roadway is being widened and the billboard must be moved back on the same site.

Ms. Cerkar said there are 650 billboards total within the City. An inventory of billboards was done in 1998-99, and there were a total of 804 in the Austin area, with 708 in Austin and the ETJ. Since that inventory, 59 billboards have been removed.

Girard Kinney explained that the City prohibited billboards in 1983, and prohibited them in the ETJ in 1986.

Donna Cerkar explained that in the proposed ordinance, the sign may not be relocated to a tract that abuts property zoned as a residential base district, which includes MF, SF and MH zoning districts.

Girard Kinney said he had concerns about the word "abutting" because it does not include residential properties across the street from a residential property.

Mike McGinnis said that the ordinance is a response to move his sign off his property near the proposed federal courthouse downtown. He presented a matrix of how to determine appropriate new sign locations.

Commissioner Armstrong made a proposal to:

- Have criteria for determining where signs can be moved (like Mike McGinnis' matrix)
- Require notification for place A and place B
- Require a public process for approval by the Sign Review Board

Commissioner Ortiz said only with criteria, such as in McGinnis' matrix, would she even think about a relocation ordinance.

Girard Kinney expressed his support for a notification requirement for both place A and place B if the relocation ordinance is recommended, though he stressed he is opposed to the relocation ordinance.

Donna Cerkar said that replacement applications must be submitted before the sign is taken down. Most landowners call too late about replacing a billboard, and once they realize it is too late to submit an application, do not reveal their site.

Girard Kinney suggested requiring a demolition permit for a billboard. Ms. Cerkar, in response to Commissioner Spelman's question about enforcement, said that enforcement is done on a complaint-basis. There is only one sign inspector, and he receives about 100 complaints a day, and on a good day can check out 15 of the complaints. Most of the complaints are related to bandit signs or banner signs that are up too long.

Mike McGinnis suggested a trial period for small, specific districts to see the effect of the ordinance.

Commissioner Armstrong asked if it is possible to impose conditions on a sign relocation, such as

MEETING SUMMARY

not allowing advertisements of tobacco and alcohol products, or promoting adult-oriented businesses.

Marty Terry, a City attorney, said the City cannot impose those types of conditions because getting into first amendment free speech issues.

Commissioner Ortiz asked Councilmember Dunkerley at the Planning Commission meeting to define an area where they could be moved from, not just to.

Kate Meehan, with Scenic Austin, said the current ordinance does not allow replacement without conditions. The proposed ordinance is a 1:1 trade that allows construction of very sturdy new signs.

Girard Kinney added that attrition is the best, most effective way to remove signs.

Commissioner Moore asked if Council can pass a resolution to move one billboard. Ms. Terry said she has not looked into it, but suggested creating a class of billboards that could be relocated.

Mr. McGinnis agreed it is bad public policy to allow a free move for a sign company.

Girard Kinney added that in 2011, Houston will no longer have billboards. Since 1985, Houston has lost about 4,000 billboards. Natural attrition through redevelopment of a site will help buy out the signs in Austin.

Ms. Terry confirmed for Commissioner Spelman that criteria would establish the class of billboards that could be relocated. Ms. Terry added that after establishing criteria, reasons must be articulated as to why those class of billboards are egregious.

Deborah Thomas, also a City attorney, said that the term "renewal district" in the proposed will have to be defined.

Mr. McGinnis suggested establishing criteria, and limiting the number of sign relocation permits that can be issued.

Commissioner Spelman said she would also like to see spacing requirements. Mr. Kinney said that state law establishes minimum distance requirements. Ms. Cerkan clarified that those apply to state roads.

Mr. Kinney said that the Committee must think about billboards in terms of blocking view, not just on what property it is on. Some may say that Mike McGinnis' billboard is not egregious because it can't be seen very well.

Commissioner Armstrong offered the following suggestions to change the draft ordinance:

- Establish relocation criteria
- Require notification at the original site and the proposed site
- Require a public review process and Sign Review Board approval
- Require demolition permits for billboards

Ms. Thomas said that she would clarify in the ordinance the term "renewal district," that "abut" refers to the entire tract (not just the tract the sign actually sits on). She asked if "abut" should

MEETING SUMMARY

also include properties across the street.

Commissioner Ortiz said she does not think there needs to be a change to the current ordinance.

Commissioner Moore agreed with Commissioner Ortiz.

Commissioner Spelman said she is uncomfortable with creating a complicated process.

Commissioner Moore suggested the Committee recommend no change to the current ordinance.

Mr. McGinnis suggested that if the City wants to remove signs, they should buy down signs. The City could take hotel/motel tax money to buy down signs from property owners.

Girard Kinney said that Scenic Austin is not anti-sign, they are pro-responsible signage. He said he would like the City to work with the state to create blue state highway signs to reduce the number of billboards.

The Committee did not vote on a motion. The Committee will not have a recommendation for the Planning Commission.

C. OTHER BUSINESS Directives to Staff

For information, contact Katie Larsen, Transportation, Planning and Sustainability Department, 974-6413.

The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call Ron Menard, Watershed Protection and Development Services Department, 974-2384 for information.
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MEETING SUMMARY
Approved by PC 3-09-04

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-1ST, DS-2ND)

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

Annick Beaudet, 974-2975, 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-1st, NS-2nd; 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-1st, MA-2nd; 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-1st, NS-2nd)***

***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-1st, NS-2nd)***

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-1st, DS-2nd; 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-1st, NS-2nd)

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 Cerkar, 974-3345, donna.cerkar@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-1st, MA-2nd)

- 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-1ST, DS-2ND)

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

VOTE: 7-0 (CR-1ST, NS-2ND)

- 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-1ST, DS-2ND)

- 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-1ST, CM-2ND; MM-LEFT EARLY)

MOTION: APPROVE STAFF RECOMMENDATION TO DENY HISTORIC ZONING

VOTE: 6-0 (NS-1ST, CM-2ND; 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.

12. 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

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-1st, NS-2nd; DS-abstain)

MOTION: POSTPONE TO MARCH 9, 2004 (NEIGHBORHOOD'S FIRST REQUEST)

VOTE: 6-0 (CR-1st, NS-2nd; 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-1ST, NS-2ND)

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 II, 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-1ST, DS-2ND)

- 15. Briefing: Update on One Stop Shop for Development Review Process**
Staff: Joe Pantalion, 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.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 25-10-152 OF THE CITY CODE RELATING TO THE RELOCATION OF NONCONFORMING OFF-PREMISE SIGNS; AND AMENDING ORDINANCE NUMBER 030908-04 TO ADD A SIGN REMOVAL AND RELOCATION FEE.

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

PART 1. 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 district; or

iii. of monopole construction; or

b. two other non-conforming off-premises signs are permanently removed, and the location of a sign to be

removed is not included in a site plan that is pending approval.

(6) A nonconforming off-premise sign may be relocated to another tract if the requirements of this paragraph are met.

(a) The sign must be permanently removed from the original tract.

(b) The tract to which the sign is relocated:

(i) must be in an expressway corridor sign district or commercial sign district;

(ii) may not be in an urban renewal or redevelopment area designated by the council;

(iii) may not be within 500 feet of a historic sign district;

(iv) may not abut property zoned as a residential base district;

(v) if the tract is within the zoning jurisdiction, it must be zoned as a commercial or industrial base district.

(c) Sign district restrictions on sign face size otherwise applicable to the relocation tract do not apply to the relocated sign, but the sign face size of the relocated sign may not exceed that of the original sign. The relocated sign must comply with sign district restrictions on sign height.

(d) An applicant must:

(i) file an application for sign relocation with the director of the Watershed Protection and Development Review Department at least 90 days before relocating the sign; and

(ii) include with the application a statement from the owner of the tract from which the sign is to be removed agreeing to the permanent removal of the sign.

(e) An applicant must relocate the sign not later than three years after the date the director of the Watershed Protection and Development Review Department approves the application.

PART 2. The Fee Schedule in Ordinance Number 030908-04 is amended to add for the Watershed Protection and Development Review Department a "Sign Removal and Relocation Fee" in the amount of \$120.00.

PART 3. This ordinance takes effect on _____, 2004.

PASSED AND APPROVED

_____, 2004

www.wws.jp

Will
ayor

Wynn

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Brown
City Clerk