



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

**AGENDA ITEM NO.:** 67  
**AGENDA DATE:** Thu 08/26/2004  
**PAGE:** 1 of 1

**SUBJECT:** Conduct a public hearing and approve an ordinance amending section 25-2-513 of the Code regarding structures allowed in a setback and section 25-2-531 of the Code regarding height limit exceptions.

**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:** Council conducted a public hearing on March 25, 2004 and voted to postpone further action.

**BOARD AND COMMISSION ACTION:** Recommended with additional amendments by the Planning Commission.

**PURCHASING:** N/A

**MBE / WBE:** N/A

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The Board of Adjustment (BOA) requested the following amendments to Chapter 25-2 of the City Code. The Board asked for these amendments because requests for variances from the Code requirements are frequently requested. The Board typically finds these variance requests to be reasonable, there is rarely any opposition, and the Board routinely grants the requests. In reviewing the proposed amendments, the Planning Commission voted to approve the amendments and recommended additional amendments to Chapter 25-2 described in items 2 and 3 below.

Section 25-2-513:

1. Add a box window or cantilevered bay window to the list of features, which may encroach two feet into a required yard (recommended by Planning Commission).
2. Allow uncovered steps or a porch or a stoop that is not more three feet (changed from two feet) above ground to project three feet into a required yard (recommended by the Planning Commission).
3. Allow a covered porch that is open on three sides to project five feet into a required front yard for any building in MF-3 or more restrictive zoning districts if the porch is at least 20 feet from the front lot line (recommended by the Planning Commission).

Section 25-2-531:

4. Allow a spire to exceed the zoning district height limit by 30 percent. This change would allow church steeples to exceed their height limit by up to 30 percent (recommended by the



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**PAGE:** 2 of 1

Planning Commission).

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTIONS 25-2-513 AND 25-2-531 OF THE CITY CODE RELATING TO OPENNESS OF REQUIRED YARDS AND HEIGHT LIMIT EXCEPTIONS.

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

**PART 1.** Section 25-2-513 of the City Code is amended to amend Subsections (B), (C), and (G) to read:

(B) A window sill, belt course, cornice, flue, chimney, ~~[or] eave, box window, or cantilevered bay window~~ may project two feet into a required yard. The two foot limitation does not apply to a feature required for a passive energy design.

(C) Uncovered steps or a porch or stoop that is not more than three ~~[two]~~ feet above ground level may project three feet into a required yard.

(G) This subsection applies to a building located in a multifamily residence medium density (MF-3) or more restrictive district ~~[and for which a building permit was issued before March 1, 1986]~~. A covered porch that is open on three sides may project five feet into a required front yard.

**PART 2.** Section 25-2-531(C) of the City Code is amended to read:

(C) A structure described in Subsection (B) may exceed a zoning district height limit by the greater of:

(1) 15 percent;

(2) the amount necessary to comply with a federal or state regulation; ~~[or]~~

(3) for a stack or vent, the amount necessary to comply with generally accepted engineering standards; or

(4) for a spire, 30 percent.

1 **PART 3.** This ordinance takes effect on \_\_\_\_\_, 2004.

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3 **PASSED AND APPROVED**

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7 \_\_\_\_\_, 2004

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8 \_\_\_\_\_ Will  
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12 **APPROVED:**

13 \_\_\_\_\_  
14 David Allan Smith  
City Attorney

**ATTEST:**

\_\_\_\_\_  
Shirley A. Brown  
City Clerk



## MEMORANDUM

**TO:** Mayor and Council Members

**FROM:** Joseph G. Pantalion, P.E., Director  
Watershed Protection and Development Review Department

**DATE:** July 30, 2004

**SUBJECT:** Board of Adjustment and Sign Review Board Code Amendments

On March 25, 2004, the Watershed Protection and Development Review Department presented to the City Council seven proposed code amendments that were initiated by the Board of Adjustment and the Sign Review Board. A public hearing was conducted on that date and no citizens spoke either for or against the proposed changes. Council voted to postpone further action on these amendments and requested one-on-one briefings from staff, which were conducted during May and June.

Staff from the Watershed Protection and Development Review Department also shared the recommended changes in Chapter 25-10 SIGN REGULATIONS with the Transportation, Planning, and Sustainability Department staff currently working on the commercial design amendments. Both departments have agreed that the three recommended changes to the sign regulations should be withheld and packaged with the commercial design amendments to avoid conflicts with the two sets of proposals. These amendments are currently expected to be forwarded for Council consideration in January 2005.

### **Proposed Sign Amendments:**

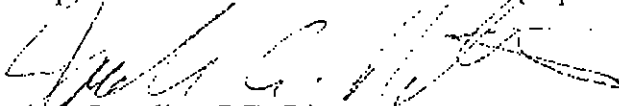
- ❑ Section 25-10-101 SIGNS ALLOWED IN ALL SIGN DISTRICTS WITHOUT AN INSTALLATION PERMIT: Amend subsection (G) 1. to allow schools to have one wall sign and one freestanding sign; 2. to restrict the size of each sign to 32 square feet; and 3. to increase the height of the freestanding sign to 13 feet above grade.
- ❑ Section 25-10-123 EXPRESSWAY CORRIDOR SIGN DISTRICT REGULATIONS: Amend subsection (B) to provide for the building official to allow a sign height of up to 50 feet in the Expressway Corridor Sign District, if the view of the sign is obstructed by an elevated highway.
- ❑ Section 25-10-124 SCENIC ROADWAY SIGN DISTRICT REGULATIONS: Amend subsection (F) to allow the internal lighting of a symbol or logo as well as the individual letters for signs in the Scenic Roadway District.

The remaining four proposed amendments described in more detail in the attached Ordinance Amendment Review Sheet include changes to Chapter 25-2 ZONING only and are proposed for Council consideration on August 26, 2004.

**Proposed Zoning Amendments:**

- ☐ Section 25-2-513 OPENNESS OF REQUIRED YARDS: To add a box window or cantilevered bay window to the list of features which may encroach two feet into a required yard.
- ☐ Modify subsection (C) to allow uncovered steps or a porch or a stoop that is not more three feet above ground to project three feet into a required yard.
- ☐ Modify subsection (G) that allows a covered porch that is open on three sides to project five feet into a required front yard for any building in MF-3 or more restrictive zoning districts by eliminating the restriction that a building permit for the house must be issued before March 1, 1986.
- ☐ Section 25-2-531 HEIGHT LIMIT EXCEPTIONS:  
Amend subsection (C) to allow a spire to exceed the zoning district height limit by 30 percent.

If I can provide additional information on the proposed amendments, please let me know.

  
Joseph G. Pantaloni, P.E., Director  
Watershed Protection and Development Review Department

JP:LG:lg

Attachment

cc: Toby Hammett Futrell, City Manager  
Laura J. Huffman, Assistant City Manager

## ORDINANCE AMENDMENT REVIEW SHEET

### AMENDMENTS INITIATED BY THE BOARD OF ADJUSTMENT

**Amendment Case #:** C20-03-002

**Planning Commission Date:** September 24, 2003

**Codes and Ordinances Committee Date:** August 20, 2003

**Planning Commission Review:** September 24, 2003

**City Council public hearing conducted:** March 25, 2004

**Sponsoring Department:** Watershed Protection and Development Review  
Department

#### **Purpose/Background:**

The Board of Adjustment (BOA) has initiated the following ordinance amendments based on variance requests brought before them. The board has requested these amendments to Chapter 25-2, the Zoning Chapter, of the Land Development Code because variances to the listed sections are frequently requested. *The boards typically find these variance requests to be reasonable, there is rarely any opposition, and the board routinely grants the requests.*

In reviewing the proposed amendments, the Planning Commission approved the proposed amendments and added two additional amendments as described in items 2 and 3 below.

#### **Recommendations:**

##### **Section 25-2-513 OPENNESS OF REQUIRED YARDS:**

1. Amend subsection (B) to add a box window or cantilevered bay window to the list of features which may encroach two feet into a required yard. Current code requirements allow a window sill, belt course, cornice, flue, chimney, or eave to project two feet into a required yard. This amendment was approved by the Planning Commission.
2. Modify subsection (C) to allow uncovered steps or a porch or a stoop that is not more three feet above ground to project three feet into a required yard. Current code requirements allow uncovered steps or a porch or a stoop that is not more than two feet above ground to project into a required yard. This amendment was added at the request of the Codes and Ordinances Committee and approved by the Planning Commission.

3. Modify subsection (G) that allows a covered porch that is open on three sides to project five feet into a required front yard for any building in MF-3 or more restrictive zoning districts by eliminating the restriction that a building permit for the house must be issued before March 1, 1986. Staff recommends adding a restriction that the porch must be at least 20 feet from the front lot line before this allowance is granted. This amendment was added at the request of the Codes and Ordinances Committee and approved by the Planning Commission.

Section 25-2-531 HEIGHT LIMIT EXCEPTIONS:

4. Amend subsection (C) to allow a spire to exceed the zoning district height limit by 30 percent. Only a 15% increase in height is allowed by the current code for features which cannot be occupied such as chimneys, vents, ornamental towers, cupolas, and domes. This additional height allowance would apply only to spires, such as church steeples. This amendment was approved by the Planning Commission.



# MEETING SUMMARY

## CITY PLANNING COMMISSION

September 24, 2003

One Texas Center

505 Barton Springs Road

3<sup>rd</sup> Floor Conference Room

CALL TO ORDER - 6:00 P.M. *Meeting called to order 6:09pm*

\_\_\_\_ Maggie Armstrong, Secretary

\_\_\_\_ Rhonda Pratt - RESIGNED

\_\_\_\_ Michael Casias

\_\_\_\_ Chris Riley, Vice Chair

\_\_\_\_ Cynthia Medlin, Asst. Secretary

\_\_\_\_ Niyanta Spelman

\_\_\_\_ Matthew Moore

\_\_\_\_ Dave Sullivan, Parliamentarian

\_\_\_\_ Lydia Ortiz, Chair

### 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 SPEAKERS***

#### APPROVAL OF MINUTES

2. Approval of minutes from September 10, 2003.

***PULLED. NO ACTION TAKEN.***

#### DISCUSSION AND ACTION

3. 

Code	C2O-03-002 - Amendments to Church Steeple Height, Expressway
Amendment:	Corridor Sign Height, Educational Facility Sign Height and
	Number, Internal Illumination of Logos on Signs and Bay
	Windows and porches in Required Yard.
Staff:	Luci Gallahan, 974-2669, luci.gallahan@ci.austin.tx.us
	Watershed Protection and Development Review

#### STAFF PRESENTATION

Luci Gallahan presented staff recommendation.

**PUBLIC HEARING**

**Herman Thun**, Chairman of the Board of Adjustment, does not have positive or negative comments. *He encourages approval of Committee recommendations. There is a burden of expense on people that don't need to make the expense. He respects that decision to not amend the Code for church steeples.*

Commissioner Sullivan asked why do churches need taller steeples. Mr. Thun said that for many its an issue for how you handle a design, and how to provide reasonable acoustic. When only add 15%, truly inadequate, for various religious steeples. Commissioner Sullivan asked if there are older churches that have taller steeples. Mr. Thun explained that the Board of Adjustment granted 6 variances. *There is reasonable cause to allow a congregation to praise whatever it may praise.*

Commissioner Riley asked if there were any instances the height variance was denied. Mr. Thun said he recalls a denial due to topographical issues. He explained that the Board must make decisions based on state rules to assess hardship.

**Betty Edgemond**, agreed with Mr. Thun. Steeples originally thought to bring people closer to God. *Where she comes from there are many steeples. Steeples are passive, just there. The Board gave Bowie High School a variance, and the sign is located on a scenic roadway. If the schools are on a scenic highway, require educational signs to go to the Board of Adjustment to get a variance for height. Otherwise, agree that the signs needs to be higher. She supports an increase in height for steeples.*

AGAINST, but did not speak:

Tammy Maddox-Meier is against 25-10-101.

Heather Golden is against 25-10-101. – against school signs.

Ryan Leahy is against 25-10-101 schools signs in the scenic roadway.

Joe P. Reynolds

**Linda Klar**, is a seventeen year resident of Tanglewood Forest, between Brodie and Slaughter. *She worked on the designation of Brodie as a Scenic Roadway. Regarding internal illumination of logos, there needs to be citizen input on scenic roadways- if take away prohibition against internal illumination, what will be next? The list of scenic roadways includes Barton Springs Road, parts of 2222, 2244 and Mopac. Regarding the issue of heights of educational signs, this would also apply to scenic roadway. It is not necessarily appropriate for schools to have a 13 foot sign or an additional sign. She agrees with Herman Thun's recommendation not to have rolling messages, and to limit time of illumination. There needs to be community input. She does not think a public school should have anymore standing than other uses on a scenic roadway.*

Commissioner Sullivan clarified that Ms. Klar is against increase in height for educational signs and illumination of logo. Ms. Klar confirmed that she would oppose any changes that would change sign regulations in the scenic roadway.

Commissioner Riley asked her what the problem is with raising the height for an educational

sign. He thinks that a lower sign that has been vandalized would be more unsightly than raising the sign. Ms. Klar responded said that she does not have data indicating that the lower signs are being vandalized. Ms. Klar also clarified for Commissioner Riley that the educational sign amendments would impact the scenic roadway sign districts. That is her primary concern, but she added that it is not appropriate for all public schools. Commissioner Casias confirmed with Ms. Klar that if the educational sign amendments are not applied in the scenic roadway sign districts. Commissioner Riley said that the current scenic roadway district allows signs up to 12 feet.

Commissioner Sullivan asked staff if the educational sign amendments could apply to all sign districts except the scenic roadway district. Donna Cerkan, WPDR staff, said yes.

In response to Commissioner Casias' question, Ms. Cerkan said that Riverside Drive was made a Scenic Roadway even after it looks the way it does now. Ms. Cerkan said that it requires an ordinance amendment to add and remove roadways from the scenic roadway sign district.

Commissioner Casias asked about limiting lumen levels for signs. Stuart Hersh added an example of a neighborhood affected by a bright sign. When the trees shed, the residences could see the signs.

Commissioner Casias read from the Corner Store ordinance that limits footcandles to 0.4. Commissioner Sullivan added that the Planned Development Area also limits footcandles.

***MOTION: CLOSE PUBLIC HEARING***

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

**DISCUSSION OF AMENDMENT #1 (CHURCH STEEPLES)**

Commissioner Medlin said that religious assembly can be located on any kind of zoning, the way it is written, no matter where the religious assembly use is located, the steeple height can be increased.

Susan Walker explained that the current ordinance allows a 15% increase from the base district height. The rest of the roof is at 30 feet, the steeple. The steeple is treated separately from the rest of the roof.

***MOTION FOR AMENDMENT #1 (CHURCH STEEPLES): APPROVE STAFF  
RECOMMENDATION***

***VOTE: 6-1-1 (MA-1<sup>st</sup>, MC-2<sup>nd</sup>; CM, NS- opposed)***

**DISCUSSION OF AMENDMENT #2 (EXPRESSWAY CORRIDOR)**

Commissioner Armstrong made a motion to approve staff recommendation for the Expressway Corridor Sign District. Commissioner Casias seconded the motion. The vote was 3-4 (NS, DS, MC, CM- opposed) and the motion failed.

Commissioner Armstrong said the amendment would save staff time. Commissioner Casias would personally not to see signs really high up, but would give Building Official authorization to approve them.

Commissioner Sullivan said he could see how an entitlement is taken away when an elevated freeway blocks a business' sign. He does not think there is a hardship created when the sign is blocked, because you can see the sign from the access road. If you see the sign on the upper deck, have passed the exit. Businesses now have more opportunities to advertise, such as SPAM, purchasing ad rights on university buildings, pop-up ads on . There is no limit to the imagination of advertising, so he is against the proposed amendment.

Commissioner Riley asked Mr. Thun does this issue come to the Board. There were 17 requests, the Board denied 7, in the last couple years. It is a consistent request. Mr. Thun spoke eloquently about the issue, but the way the Board sees it is that the sign needs to be sign. By building an elevated expressway, have limited that. He can't speak specifically to the denials, but there is some neighborhood opposition, but it could also be the evidence didn't support the request for an increase in height.

***MOTION FOR AMENDMENT #2 (EXPRESSWAY SIGNS): NO CHANGE TO CURRENT ORDINANCE***

***VOTE: 8-0 (DS-1<sup>st</sup>, CR-2nd)***

***DISCUSSION OF AMENDMENT #3 (EDUCATIONAL SIGNS)***

***MOTION:*** Approve staff recommendation with the following additions/revisions:

- 1) does not apply to scenic roadways
- 2) prohibit marquee, rolling letter signs.
- 3) Committee recommendation

MA-1<sup>st</sup>, MC-2nd

Commissioner Casias asked for friendly amendment of Committee recommendation.

Commissioner Moore asked for another friendly amendment to include a lumen level, and allow staff to develop a recommended lumen level for Council.

Commissioner Casias pointed out that the additional recommendations are more restrictive than what is permitted in the scenic roadway district.

Donna Cerkan explained that electronic message signs are permitted in the scenic roadway district, can have a sign that is 64 square feet, and have a height of 12 feet.

Commissioner Sullivan modified the motion to the following:

All sign districts, except in Scenic roadway, have two signs.

Keep conditions apply to educational signs in scenic roadways.

Commissioner Riley, suggested that the Planning Commission request staff to have additional restrictions apply to scenic roadway, but have more permissive changes not apply to scenic roadway, and allow staff to work on wordsmith.

Commissioner Casias made motion for C&O recommendation. Staff clarified that the more restrictive would apply to the scenic roadway district.

***MOTION FOR AMENDMENT #3 (EDUCATIONAL SIGNS): Approve Codes and Ordinances Committee recommendation, with understanding that the more restrictive regulations do apply in the Scenic Roadway Sign District.***

***VOTE: 8-0 (MC-1<sup>st</sup>, MA-2<sup>nd</sup>)***

**DISCUSSION OF AMENDMENT #4 (SCENIC ROADWAY ILLUMINATION)**

Commissioner Armstrong explained her motion that letters already are illuminated. Commissioner Riley said that illuminating a logo is a move toward lighting up the entire sign, since letters are already illuminated.

Commissioner Spelman said she thought the logo could not cover the entire sign. Ms. Cerkar said that the logo is adjacent to the lettering. Mr. Thun said examples are Nike, Exxon, and Jaguar the logo and initials are one in the same.

Commissioner Riley asked if frequent. Mr. Thun said it is a frequent request, does not believe ever denied, however do review the sign to see if intent is met. Mr. Thun said he does not see this leading to a full sign illumination. Commissioner Ortiz clarified Commissioner Riley's concern that a business owner could build a sign that is entirely illuminated. Mr. Thun explained the point is that there are many requests, however Commissioner Ortiz brings up a good point that could happen.

Commissioner Spelman asked how the logo could be regulated. Ms. Cerkar said that letters and logos have to follow size requirements. The fear of illuminating the background, that is reviewed in the sign review process. Commissioner Casias said that the Commission could go through a worst-case scenario, but there is some savings for staff and small business owners.

Commissioner Sullivan said that there might be some businesses have been deterred from lighting a logo, and that approving of this may increase the signs.

Commissioner Riley suggested wording that the phrase a logo not in disproportionate. David Lloyd explained that the Jaguar sign did not have any lettering, but rather just the logo.

Commissioner Ortiz said that she would support the motion, and she thinks the other sign regulations would limit the sign.

***MOTION FOR AMENDMENT #4 (SCENIC ROADWAY): APPROVE STAFF RECOMMENDATION.***

***VOTE: 6-2 (MA-1<sup>st</sup>, NS-2<sup>nd</sup>; CR, DS- opposed)***

**DISCUSSION OF AMENDMENT #5 (OPENNESS OF REQUIRED YARDS)**

Commissioner Armstrong made a motion to approve the staff recommendation with additional recommendation to clarify that passive energy design is exempted from two-foot limitation. She the amendment provides flexibility. Commissioner Sullivan said in general he supports houses closer together.

Commissioner Casias offered a friendly amendment to include all of the Codes and Ordinances

Committee recommendation.

Commissioner Armstrong asked staff if the projection height has to be stated. Ms. Gallahan responded yes, because the section does limit the height.

Commissioner Medlin said she supports staff, not the Codes and Ordinances Committee recommendation. Commissioner Casias said that the two foot height does not require handrails, whereas the 3 foot height would require it, and would include that.

Commissioner Armstrong made motion to approve Codes and Ordinances Committee recommendation. Commissioner Casias made friendly amendment to remove clarification of passive energy design.

Stuart Hersh explained the passive energy code. He explained that the zoning ordinance says you can encroach two feet (5 feet less two feet goes to three feet, the minimum before triggering one hour fire resistance standard.) As long as don't encroach more than two feet.

***MOTION FOR AMENDMENT #5: APPROVE STAFF RECOMMENDATION WITH ADDITION TO CHANGE PART (C) FROM TWO FEET TO THREE FEET.***

***VOTE: 8-0 (MA-1<sup>st</sup>, DS-2<sup>nd</sup>)***

**DISCUSSION OF AMENDMENT #6: PORCHES**

Commissioner Armstrong spoke to PCA #6 saying that it overlaps somewhat with the neighborhood planning tool going to Council this Thursday, but this one will apply city-wide.

***MOTION FOR AMENDMENT #6 (PORCHES): APPROVE STAFF RECOMMENDATION.***

***VOTE: 8-0 (MA-1<sup>st</sup>, MC-2<sup>nd</sup>)***

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|-------------------|---|
| <b>4. Code</b>    | <b>C2O-03-012 - Amendments to Site Plan Exemptions:</b> Proposal is to                                    |
| <b>Amendment:</b> | increase the limits of construction for site plan exemptions from 1,000                                   |
|                   | sq. ft. to 3,000 sq. ft.  |
| <b>Staff:</b>     | Susan Scallon, 974-2659, <a href="mailto:susan.scallon@ci.austin.tx.us">susan.scallon@ci.austin.tx.us</a> |
|                   | Watershed Protection and Development Review   |

***MOTION: CLOSE PUBLIC HEARING***

***VOTE: 8-0 (MA-1<sup>st</sup>, NS-2<sup>ND</sup>)***

***MOTION: APPROVE STAFF RECOMMENDATION***

***VOTE: 8-0 (NS-1<sup>st</sup>, MA-2<sup>nd</sup>)***

- 5. Code Amendment:** **C2O-03-013 - Amendments to Commercial Uses:** Proposal is to modify "Restaurant Limited" definition. The regulations concerning restaurant drive-in, fast food, will be amended to provide that drive-in service is a conditional use in LR. Outdoor seating will be limited to no more than 50% of the total seating area. Additional code sections will be amended as necessary to reflect the modification of the "Restaurant Limited" category.
- Staff:** Susan Scallon, 974-2659. susan.scallon@ci.austin.tx.us  
Watershed Protection and Development Review

#### STAFF PRESENTATION

Greg Guernsey, briefly explained the proposed amendment and the Codes and Ordinances Committee recommendations and discussions.

#### PUBLIC HEARING

**Betty Edgemond**, said that if it will help get rid of the mobile vendors, she does not see how it will. So, she will speak against it, and will not be in support of the outdoor seating.

Commissioner Medlin asked where LR is located in Ms. Edgemond's neighborhood.

Commissioner Sullivan asked Ms. Edgemond what is the problem with mobile restaurants? Their look, and the health issues.

Commissioner Casias asked Mr. Guernsey to clarify that the amendment for limited restaurants has nothing to do with mobile food vendors.

**Clarke Hammond**, past president of the South River City Citizens, said that the designation of the limited restaurant for the mobile food vendor did not allow for public input. He recommends the language in definition in (59) exclude the sale and on-premise consumption of alcoholic beverages because some customers could drive up with a cooler of beer. An 11:00 pm closing is too late, a 10 pm prohibition would be better. Also add restriction that cannot be built within 100 feet of SF-3 or more restrictive, and an outdoor seating limitation of 25%, not 50%.

Commissioner Sullivan pointed out that a convenience store and gas stations are permitted in LR, and can cause the same problems as a limited restaurant.

**Sarah Crocker** said she represented the neighborhood in front of the Board of Adjustment. She said what is lacking is a balance. She said an Amy's Ice Cream is neighborhood friendly. An IHOP could be allowed under the proposed limited restaurant definition, so consider what could be permitted. She suggests a size limitation on the store.

Commissioner Sullivan said that with the 100 foot setback would prohibit a Mother's Café, Hyde Park Bar and Grill. Ms. Crocker said that a conditional use permit could be applied for to reduce the 100 foot setback. She thinks that the limited restaurant is poorly defined currently, but the proposed definition is too general- it allows an IHOP.

Commissioner Spelman asked Ms. Crocker if her point of view is based on the particular situation discussed with the mobile vendor, and if she represents the neighborhood as a speaker. Ms. Crocker said yes to both and that the particular situation points to the problems.

**Peg Treadwell** pointed out that the current ordinance is not broken. Most restaurants fit just fine into GR. If you have to change the limited restaurant, there should be a distinction between definitions and 58 and 59 to include no alcoholic, change hours to 10pm, there should be less than 50% outdoor seating, and should be farther than 30-40 feet away from residences.

Commissioner Sullivan asked if the neighborhood has called the police. Ms. Treadwell said they have called *hundreds of times*, but the Police in their sector do not have the resources to respond to the complaints. Commissioner Sullivan suggested the neighborhood fill out a report at the Police Station reporting the noise after hours.

Ms. Treadwell said that outdoor seating, alcoholic consumption, noise and hours are the main issues.

*Dawn Cizmar, lives at 1616 Sunnyvale, supports what has been said, but is opposed to the proposed definition of limited restaurant. She says it is an expensive effort to fight the limited restaurant.*

Tim Mahoney, president of the South River City Citizens, summarized the problems the neighborhood has had with a use defined as limited restaurant. The proposed amendment is a good start, but would like to provide more input. He requests more time for the neighborhood to review it.

Commissioner Sullivan said he suggest Mr. Mahoney look at strengthening the Volume I City Code noise ordinance, without necessarily changing zoning regulations. Mr. Mahoney said that there is no enforcement of this issue, so he would like to catch it up front in the zoning.

Commissioner Casias asked what the difference is between a mobile food vendor and the limited restaurant? Mr. Mahoney said the differences are tax collection, health standards, and capital expenditure. Commissioner Casias asked if noise is a difference? Mr. Mahoney said there is a wall on the limited restaurant.

***MOTION: CLOSE PUBLIC HEARING***

***VOTE: 8-0 (MA-1<sup>st</sup>, MC-2<sup>nd</sup>)***

Mr. Guernsey's rebuttal: The City of Austin does not have the ability to regulate alcoholic beverages- the TABC makes determination. Again, this is an ordinance that does not deal with mobile vendors.

Commissioner Sullivan asked if there would be a problem with adding clarification that it be in a permanent building. Mr. Guernsey said that the staff will consider that.

Mr. Guernsey said that Corner Store limits hours of operation.



Mr. Guernsey, responding to Commissioner Moore's question, said the restaurant discussed would not be permitted under the proposed definition because of the outdoor seating and the proximity to residential uses.

Commissioner Armstrong said that they are trying to accommodate the family restaurant in the LR zoning district.

Commissioner Medlin asked what the compatibility setback would be for an LR use near residential. Mr. Guernsey said that there is a 25 foot setback, and that outdoor seating is not permitted within that setback area.

Commissioner Armstrong suggested that the item be postponed to October 8 to give staff time to look at BYOB and alcoholic consumption on site.

Commissioner Casias said that when the limited restaurant definition is developed, need to exclude mobile food vendors. Mr. Guernsey said that there are two actions: 1) an enforcement action against the mobile food vendor and 2) another action filing a site plan. Construction has not begun on the site plan.

Commissioner Medlin asked the Commission to look at the entire definition of General Restaurant.

Commissioner Sullivan asked the Committee to look at the conditional use permit above a certain size for the limited restaurant.

Commissioner Moore asked Tim Mahoney of South River City Citizens to write a memo to explain the neighborhood's concerns. Mr. Mahoney said that he would not write a memo, or at least not sure at the time what issues would be addressed in the memo and would like to discuss this with Sarah Crocker and their attorney, but would attend a meeting to participate in the dialogue. Commissioner Spelman agreed that a written memo would be helpful.

***MOTION: POSTPONE TO OCTOBER 8, 2003.***

***VOTE: 8-0 (MA-1<sup>st</sup>, MC-2<sup>nd</sup>)***

- |                   |  |
|-------------------|--|
| <b>6. Code</b>    | <b>C2O-03-014 - Amendments to Platting Exceptions.</b> Proposal is to  |
| <b>Amendment:</b> | change the date from August 1987 to January 1995 for small parcels in the City's full purpose zoning jurisdiction.                                       |
| <b>Staff:</b>     | Susan Scallon, 974-2659, <a href="mailto:susan.scallon@ci.austin.tx.us">susan.scallon@ci.austin.tx.us</a><br>Transportation, Planning and Sustainability |

***MOTION: CLOSE PUBLIC HEARING***

***VOTE: 8-0 (MC-1<sup>st</sup>, NS-2<sup>nd</sup>)***

***MOTION: APPROVE STAFF RECOMMENDATION***

***VOTE: 8-0 (NS-1<sup>st</sup>, MC-2<sup>nd</sup>)***

7. **Code Amendment:** **C20-03-015 - Amendments to Off-Street Parking, Loading and Bicycle Parking Requirements.** Proposal is to reduce discrepancies among land uses for off-street parking, loading and bicycle parking requirements by increasing parking requirements for some land uses and decreasing parking requirements for other land uses, to allow a percent reduction in parking for properties within the urban core, and to allow administrative discretion to reduce bicycle parking requirements.
- Staff: Susan Scallon, 974-2659, [susan.scallon@ci.austin.tx.us](mailto:susan.scallon@ci.austin.tx.us)  
Watershed Protection and Development Review

#### PUBLIC HEARING

**Betty Edgemond** said that Herman Thun requested that the Commission reduce the convenience storage parking requirements from 1 per 1,000sf and 1 per 4,000sf.

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

**VOTE: 8-0 (MA-1<sup>st</sup>, MC-2<sup>nd</sup>)**

Commissioner Casias made a motion to approve the Codes and Ordinances Committee recommendation.

Commissioner Moore expressed concern that the Codes and Ordinances Committee recommendation as stated in the meeting summary was incomplete- that the 40% administrative reduction was also available to those projects support the Neighborhood or Comprehensive Plan.

Commissioner Armstrong said they wanted to push the envelope, and let businesses take the initiative to set parking requirements for urban development.

Commissioner Casias said that reducing parking was part of the Council resolution to allow small businesses to open. Thought staff did an amazing job to consolidate the parking ratios, but what the affect of 1:275 did was increase parking. The 1:300 ratio will be good city-wide.

Commissioner Sullivan said that he would not support an amendment that gave staff ability to reduce bicycle parking, and so offered a friendly amendment that always requires at the minimum two bicycle parking spaces, even if staff waives requirements.

Stuart Hersh said that he would like to see an exception to that requirement for multi-story multi-family developments that can provide bicycle parking underneath stairs instead of with bicycle racks. Commissioner Sullivan pointed out that a visitor would not be aware of the bicycle parking underneath the stairs. Mr. Hersh responded that the visitor could take the bicycle inside the apartment.

Commissioner Armstrong asked for the following items to be placed on the next C&O agenda:

Limited restaurant

PLANNING COMMISSION  
MEETING SUMMARY

September 24, 2003

Full parking amendment: Bicycle Parking issue and Director decision (Post to Committee agenda ONLY- not the other items).

Clarify that the previous C&O recommendation stands.

**MOTION: POSTPONE TO OCTOBER 8, PLACE AS FIRST ITEM ON AGENDA.**

**VOTE: 7-1 (NS-abstained)**

Commissioner Spelman abstained to indicate that she would have preferred to vote on parts of the proposal tonight instead of postponing the proposal altogether.

- 8. Code Amendment:** **C20-03-016 - Amendments to Floodplain regulations.** Proposal is to allow an administrative waiver from the Director for construction in the 25 and 100-year floodplain.  
**Staff:** Susan Scallon, 974-2659, susan.scallon@ci.austin.tx.us  
Watershed Protection and Development Review

**MOTION: APPROVED BY CONSENT**

**VOTE: 8-0 (DS-1<sup>st</sup>, NS-2<sup>nd</sup>)**

- 9. Rezoning:** **C14-03-0132 - St. Austin Catholic Parrish**  
**Location:** 500 West Martin Luther King, Shoal Creek Watershed, Central Austin Combined Neighborhood NPA  
**Owner/Applicant:** Catholic Chancery Office (Gregory M. Aymond)  
**Agent:** McHone Real Estate (Mike McHone)  
**Request:** Rezoning from CS-MU-CO and SJ-6-CO to CS-MU-CO and SF-6-CO  
**Staff Rec.:** **RECOMMENDED**  
**Staff:** Glenn Rhoades, 974-2775, glenn.rhoades@ci.austin.tx.us  
Neighborhood Planning & Zoning Dept.

**MOTION: APPROVED BY CONSENT**

**VOTE: 8-0 (DS-1<sup>st</sup>, NS-2<sup>nd</sup>)**

- 10. Subdivision:** **C8-03-0136.OA.SH - BOLM ROAD ACRES**  
**Location:** 5901 BOLM ROAD, Boggy Creek Watershed, JOHNSTON TERRACE NPA  
**Owner/Applicant:** Phillip John Stovall 6203 Shadow Mountain Cove Austin, T.X. 78731  
**Agent:** Martinez & Wright Engineers 7700 Chevy Chase Blvd., Suite 100, Austin, T.X. 78752 / Contact: Owen O. Harrod  
**Request:** STATUTORY DISAPPROVAL OF PLAT  
**Staff Rec.:** **RECOMMENDED**  
**Staff:** Javier Delgado, 974-7648, javier.delgado  
Bill Andrews, 974-7649, bill.andrews  
Watershed Protection and Development Review

**MOTION: DISAPPROVED BY CONSENT**

**VOTE: 8-0 (DS-1<sup>st</sup>, NS-2<sup>nd</sup>)**

**B. OTHER BUSINESS**

ITEMS FROM THE COMMISSION

*MOTION: Change Tuesday PC meeting times, effective first November meeting.*

*VOTE: MC-1st, DS-2<sup>nd</sup>*

*MOTION: For October 8 PC meeting:*

*Initiate amendments to Neighborhood Mixed-Use Building*

*Initiate a study of a City of Austin Parking Authority*

*VOTE: 8-0 (MC-1<sup>st</sup>, NS-2<sup>nd</sup>).*