



## AUSTIN CITY COUNCIL

## MINUTES

SPECIAL MEETING  
WEDNESDAY, AUGUST 9, 2006

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a special called meeting on Wednesday, August 9, 2006 in the Council Chambers of City Hall, 301 W. 2<sup>nd</sup> Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 1:10 p.m.

ZONING CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.

1. C14-05-0085 - Powers 20 - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11520 North IH-35 Service Road Southbound (Walnut Creek Watershed) from general office (GO) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading approved on March 2, 2006. Vote: 7-0. Applicant: Frank Alattar/Fred Powers. Agent: Fred Powers. City Staff: Jorge E. Rousselin, 974-2975. This item was postponed to October 19, 2006 at the applicant's request.
2. C814-06-0054 - Prominent Pointe II PUD - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5401, 5405, 5505 Bluffstone Lane; 8310 N. Capital of Texas Highway; and Bluffstone and Bluegrass Drive (Bull Creek Watershed) from interim-rural residence (I-RR) district zoning; single-family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning; limited office (LO) district zoning; community-commercial (GR) district zoning; and planned unit development (PUD) district zoning to planned unit development (PUD) district zoning. First reading approved on July 27, 2006. Vote: 7-0. Applicant: Prominent Northpoint, L.P. (Mark McAllister). Agent: Armbrust & Brown, L.L.P. (Amanda Morrow). City Staff: Sherri Sirwaitis, 974-3057.  
Ordinance No. 20060809-002 for planned unit development (PUD) district zoning, including the following language in the Restrictive Covenant, was approved. Restrictive Covenant Language, Page 2, Number 8 will read, "Requirements for construction sequencing are temporarily modified to allow construction of the building, parking garage and utilities to utilize the existing pond and additional erosion and sedimentation controls to allow the construction of the new pond to occur after the garage and utilities are completed."
3. C14-05-0150 - Fairfield at Woodland Park - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3226 West Slaughter Lane (Slaughter Creek Watershed - Barton Springs Zone) from multi-family residence-moderate high density-conditional

overlay (MF-4-CO) combining district zoning to multi-family residence-moderate high density-conditional overlay (MF-4-CO) combining district zoning to change a condition of zoning. Second Reading approved on May 25, 2006. Vote: 4-3 (Mayor Pro Tem Thomas, Alvarez and Kim - Nay). Applicant: John M. Harmon and Joyce W. Harmon. Agent: Graves, Dougherty, Hearon and Moody, P.C. (Michael J. Whellan). City Staff: Wendy Walsh, 974-7719.

**Ordinance No. 20060809-003 for multi-family residence-moderate high density-conditional overlay (MF-4-CO) combining district zoning to change a condition of zoning with the following changes was approved. The setback was reduced from 670 feet to 646 feet from the north property line. The Green Building Standards effective as of August 9, 2006 will be effective in this ordinance. Council Member Kim voted nay on this ordinance.**

4. C14-05-0151 - Flex 15 - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8420 Longview Road (Williamson Creek Watershed-Barton Springs Zone; South Boggy Creek Watershed) from rural residence (RR) district zoning to townhouse and condominium Residence (SF-6) district zoning. On March 23, 2006, Council approved single-family residence-small lot (SF-4A) district zoning on first reading. Vote: 7-0. Applicant: Flex Realty (Brett Vance). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Walsh, 974-7719. A valid petition has been filed in opposition to this rezoning request.  
**This item was postponed to August 31, 2006 at the neighborhood's request.**
5. C14-05-0176 - Shropshire Dessau Retail Tract 1 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11801 block of Dessau Road (Walnut Creek Watershed) from development reserve (DR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning with conditions. First reading approved on May 18, 2006. Vote: 4-1 (Alvarez-Nay; Thomas, Kim off the dais). Applicant: Complete Real Estae SVC, Inc. (David Schoenemann). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20060809-005 for community commercial-conditional overlay (GR-CO) combining district zoning with conditions was approved. Council Member Martinez voted nay.**
6. C14-05-0177 - Shropshire Dessau Retail Tract 2 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11000 Block of Dessau Road (Walnut Creek Watershed) from development reserve (DR) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions. First reading approved on May 18, 2006. Vote: 4-1 (Alvarez-Nay; Thomas, Kim off the dais). Applicant: Complete Real Estate SVC, Inc. (David Schoenemann). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20060809-006 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning with conditions was approved. Council Member Martinez voted nay.**

### ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member Cole's motion, Council Member McCracken's second on a 7-0 vote.

8. NPA-05-0006.01 - 1201 and 1203 Baylor - Conduct a public hearing and approve an ordinance amending Ordinance No. 000629-100, the Old West Austin Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, by amending text in the plan to remove 1201 and 1203 Baylor Street from the Residential Core district and place it in the Lamar District. City Staff: Mark Walters, 974-7695.  
**Ordinance No. 20060809-008 amending the Old West Austin Neighborhood Plan was approved.**

9. C14-05-0012 - 1201 Baylor - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1201 Baylor Street (Shoal Creek Watershed) from multi-family residence-moderate high density-neighborhood plan (MF-4-NP) combining district zoning to limited office-neighborhood plan (LO-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning. Applicant and Agent: Chris Pellegrino. City Staff: Jorge E. Rousselin, 974-2975.  
**Ordinance No. 20060809-009 for neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning was approved.**
10. C14-05-0013 - 1203 Baylor - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1203 Baylor Street (Shoal Creek Watershed) from multi-family residence-moderate high density-neighborhood plan (MF-4-NP) combining district zoning to limited office-neighborhood plan (LO-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning. Applicant and Agent: Tanisa Bernard. City Staff: Jorge E. Rousselin, 974-2975.  
**Ordinance No. 20060809-010 for neighborhood office-mixed use-neighborhood plan (NO-MU-NP) combining district zoning was approved.**
11. C14-06-0080 - San Jose Lofts - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 W. Gibson Street (East Bouldin Creek Watershed) from multi-family residence-moderate high density-neighborhood plan (MF-4-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Applicant: Southside Church of Christ. Agent: Armbrust & Brown (Amanda Morrow). City Staff: Robert Heil, 974-2330.  
**This item was postponed to August 24, 2006 at staff's request.**

#### **ZONING DISCUSSION ITEM**

12. C14-06-0065 - 2923 and 2933 Pecan Springs Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2923 and 2933 Pecan Springs Road (Fort Creek Watershed) from single-family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: Forward to Council without a recommendation. Applicant and Agent: Sam E. Presley. City Staff: Robert Heil, 974-2330.  
**The motion to lay this item on the table until 3:00 p.m. was approved on Council Member Leffingwell's motion, Council Member Kim's second on a 7-0 vote.**

Mayor Wynn recessed the Council Meeting at 1:41 p.m.

Mayor Wynn called the Council Meeting back to order at 4:37 p.m.

#### **ZONING DISCUSSION ITEM CONTINUED**

7. C14-06-0023 - Marks-4 - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2301 Riverside Drive (Town Lake Watershed) from family residence (SF-3) district zoning to neighborhood commercial-mixed use-conditional overlay (LR-

MU-CO) combining district zoning; and townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. First reading approved on June 22, 2006. Vote: 7-0. Applicant: Eddie Dean. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Robert Heil, 974-2330

**The second reading of the ordinance for neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning; and limited office (LO) district zoning, was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote.**

12. C14-06-0065 - 2923 and 2933 Pecan Springs Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2923 and 2933 Pecan Springs Road (Fort Creek Watershed) from single-family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: Forward to Council without a recommendation. Applicant and Agent: Sam E. Presley. City Staff: Robert Heil, 974-2330.  
**This item was postponed to August 24, 2006 at the applicant's request on Council Member Kim's motion, Council Member Leffingwell's second on a 7-0 vote.**
13. C14-06-0136 - 1701 & 1703 Windoak Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1701 & 1703 Windoak Drive (Harpers Branch Watershed) from family residence (SF-3) district zoning to townhouse and condominium residence (SF-6) district zoning. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Applicant: FS Ventures (Jim Cummings). Agent: Urban Design (Laura Toups). City Staff: Robert Heil, 974-2330.  
**This item was postponed to August 24, 2006 at the applicant's request on Council Member Cole's motion, Council Member Leffingwell's second on a 7-0 vote.**
14. C14-06-0138 - 4711 East Riverside - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4711 East Riverside Drive (Country Club Creek Watershed) from general office (GO) district zoning to general office-mixed use (GO-MU) combining district zoning. Planning Commission Recommendation: To grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning. Applicant: TSB Resources (Terry Blankenship). Agent: Minter Joseph and Thornhill P.C. (John M. Joseph). City Staff: Robert Heil, 974-2330.  
**The first reading of the ordinance for general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning was approved on Council Member Cole's motion, Council Member McCracken's second on a 7-0 vote.**
15. Conduct a public hearing and approve an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the East Riverside/Oltorf Combined Neighborhood Plan. The combined planning area is bounded by IH-35 on the west, Town Lake and the Colorado River on the north, Grove Boulevard and Montopolis Drive on the east and State Highway 71 (Ben White Boulevard) (East) on the south.  
**This item was postponed to September 28, 2006 at staff's request on Council Member McCracken's motion, Council Member Martinez' second on a 7-0 vote.**
16. C14-05-0111 - Parker Lane Neighborhood Plan Combining District – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded on the north by Oltorf Street, on the east by Montopolis Drive, on the south by Ben White Blvd./US 71, and on the west by IH-35 (Blunn, Carson, Country Club, Harpers Branch, Town Lake, Williamson Watersheds). The proposed zoning change will create the Parker Lane Neighborhood Plan Combining District (NPCD) and implement the land use recommendations of the East Riverside/Oltorf Combined Neighborhood Plan for a total of 26 tracts (85.55 acres). Under the proposed Parker Lane NPCD, “Small

Lot Amnesty,” “Garage Placement,” “Impervious Cover and Parking Placement Restrictions,” and “Front or Side Yard Parking Restrictions” are proposed for the entire area. The “Urban Home” special use is proposed for the Iroquois/Reeves, Royal Hill, Parker Lane, and Mission Hill Subdistricts. The Iroquois/Reeves Subdistrict includes the lots adjoining Iroquois Ln., Reeves Circle, and Metcalfe Rd. within the Parker Heights Subdivision, Section One-B Amended. The Royal Hill Subdistrict includes the lots adjoining Mulford Cove, Little Valley Cove, Royal Hill Drive, and Parker Lane within the Greenbriar Subdivision, Section Four. The Parker Lane Subdistrict includes the lots adjoining the east side of Parker Ln. between Carlson Dr. and Wickshire Ln. within the Greenbriar Subdivision, Section Two, Resub of Block F. The Mission Hill Subdistrict includes the lots adjoining the north and south sides of Mission Hill Dr. within the Mission Hill and Mission Hill Section Four Subdivisions and the lots adjoining the south side of Mission Hill Dr. within the Mission Hill Section Three Subdivision. The Neighborhood Mixed Use Building special use is proposed for Tracts 209, 214, 216, and 217. 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); Historic (H); and Public (P). A Conditional Overlay (CO), Planned Development Area Overlay (PDA), Mixed Use Combining District Overlay (MU); Neighborhood Conservation Combining District (NCCD); or Neighborhood Plan Special Use (NP) may also be added to these zoning base districts. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.

**This item was postponed to September 28, 2006 at staff’s request on Council Member McCracken’s motion, Council Member Martinez’ second on a 7-0 vote.**

17. C14-05-0112 - Riverside Neighborhood Plan Combining District – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded on the north by Town Lake, on the east by Pleasant Valley Road, on the south by Oltorf Street, and on the west by IH-35.(Colorado River, Country Club, Harpers Branch, Town Lake Watersheds). The proposed zoning change will create the Riverside Neighborhood Plan Combining Districts (NPCD) and implement the land use recommendations of the East Riverside/Oltorf Combined Neighborhood Plan for a total of 63 tracts (246.42 acres). Under the proposed Riverside NPCD, “Small Lot Amnesty,” “Garage Placement,” “Impervious Cover and Parking Placement Restrictions,” and “Front or Side Yard Parking Restrictions” are proposed for the entire area. The “Urban Home” special use is proposed for the Valley Hill Subdistrict. The Valley Hill Subdistrict includes the lots adjoining the north and west sides of Valley Hill Dr. within the Colorado Hills Estates Subdivision, Section Six. The Neighborhood Mixed Use Building special use is proposed for Tracts 21, 22, 35, 37, 38, 41, 42, 43, 44, 45, 45A, and 47. The Neighborhood Urban Center special use is proposed for Tracts 21, 22, 35, 37, 38, 41, 42, 43, 44, 45, and 45A. 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); Historic (H); and Public (P). A Conditional Overlay (CO), Planned Development Area Overlay (PDA), Mixed Use Combining District Overlay (MU); Neighborhood Conservation Combining District (NCCD); or Neighborhood Plan Special Use (NP) may also be added to these zoning base districts. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.

**This item was postponed to September 28, 2006 at staff's request on Council Member McCracken's motion, Council Member Martinez' second on a 7-0 vote.**

18. C14-05-0113 - Pleasant Valley Neighborhood Plan Combining District – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property bounded on the north by the Colorado River, on the east by Grove Blvd., on the south by Oltorf Street, and on the west by Pleasant Valley Road. (Colorado River, Country Club, Town Lake Watersheds). The proposed zoning change will create the Pleasant Valley Neighborhood Plan Combining District (NPCD) and implement the land use recommendations of the East Riverside/Oltorf Combined Neighborhood Plan for a total of 12 tracts (208.82 acres). Under the proposed Pleasant Valley NPCD, "Small Lot Amnesty," "Garage Placement," "Impervious Cover and Parking Placement Restrictions," and "Front or Side Yard Parking Restrictions" are proposed for the entire area. The Neighborhood Mixed Use Building and Neighborhood Urban Center special uses are proposed for Tract 309. 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); Historic (H); and Public (P). A Conditional Overlay (CO), Planned Development Area Overlay (PDA), Mixed Use Combining District Overlay (MU); Neighborhood Conservation Combining District (NCCD); or Neighborhood Plan Special Use (NP) may also be added to these zoning base districts. Applicant and Agent: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Robert Heil, 974-2330.

**This item was postponed to September 28, 2006 at staff's request on Council Member McCracken's motion, Council Member Martinez' second on a 7-0 vote.**

Mayor Wynn recessed the Council Meeting at 4:49 p.m.

Mayor Wynn called the Council Meeting back to order at 5:06 p.m.

19. Briefing on Commercial Design Standards.  
The presentation was made by George Adam, Neighborhood Planning and Zoning Department; Chris Duerksen, Clarion Associates; and Mat Goble, Clarion Associates.

20. Conduct a public hearing and approve an ordinance amending the City Code to establish design standards for commercial, multi-family and mixed use development. The design standards ordinance includes regulations addressing building location, streets and walkways, pedestrian and vehicular connections, parking, exterior lighting, screening, open space, shading, building design, and related land development code amendments. (Recommended by Planning Commission, Zoning and Platting Commission; Design Commission and, Environmental Board)

The public hearing was conducted but held open and the first reading of the enacting ordinance adopting the design guidelines as a separate chapter of the Municipal Code was approved with the following amendments on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote. The amendments were: A) Section 3.3.3 B on page 61, Alternative to Building Design Matrix, would be clarified so, "The use of trademarked design features about 12 feet is prohibited does not apply to signs or paint colors." This issue will be included in the sign ordinance. B) Data centers are not included in the design standards. They would receive the same treatment as industrial properties – that is, they are exempt from the design standards. C) An option will be included in the "opt out" process that neighborhoods adjacent to a core transit corridor can create a parking district and the process to do that will be defined. D) Under the affordability section, in addition to the 10% affordability currently in the guidelines, the City would have the right of first refusal to buy down an additional 10% of affordable housing. E) A statement on accessibility will be added. F) For the impervious cover credit on sidewalks and curbs, that is adopted by the Environmental Boards' recommendation is capped at 5% more.

Mayor Wynn adjourned the meeting at 7:44 p.m. without objection.

The minutes for the Special Called Meeting of August 9, 2006 were approved on this the 24th day of August, 2006 on Council Member Martinez' motion, Council Member Dunkerley's second on a 7-0 vote.