



**PLANNING COMMISSION
NEIGHBORHOOD PLAN SUBCOMMITTEE MINUTES**

**REGULAR MEETING
Wednesday, May 18, 2011**

The Planning Commission Neighborhood Plan Subcommittee convened in a regular meeting on Wednesday, May 18, 2010, at 301 W. 2nd Street, City Hall, Room #2016, in Austin, Texas.

Commissioner Kirk called the meeting to order at 6:09 p.m.

Subcommittee Members in Attendance:

Danette Chimenti, Chair
Saundra Kirk
Dave Sullivan

City Staff in Attendance:

Greg Guernsey, Director, PDRD
Jody Zemel, Neighborhood Advisor, PDRD

Others in Attendance:

Mark Cathcart
Allen Hill
Terry Irion
Karen McGraw, Chair, Hyde Park Neighborhood Plan Contact Team
Phil Moncada, Moncada Consulting
Mity Myhr
Cassidy Neal, Secretary, Bouldin Creek Neighborhood Plan Contact Team

1. CITIZEN COMMUNICATION: GENERAL

a. **Karen McGraw:** Ms. McGraw wished to address a concern regarding the processing of a North University Neighborhood Association (NUNA) zoning case she had filed recently to amend the North University Neighborhood Conservation Combining District (NCCD). Ms. McGraw stated that she filed the zoning case and was charged an approximately \$7,000 fee. She subsequently went to the Codes and Ordinances subcommittee of the Planning Commission to receive permission to waive the fee; the subcommittee members forwarded the case to the full Planning Commission on April 26, 2011, where the Commission directed staff to begin the amendment process to the NCCD (item was approved on consent). Ms. McGraw has since talked with City staff who directed her to re-file the application which, apparently, goes against the usual process of Planning Commission-initiated cases. After Ms. McGraw asked what the correct process should be, Commissioner Kirk suggested that this was not an appropriate venue to discuss this issue and suggested for Ms. McGraw to talk with City staff outside of the meeting or to create an agenda item at a later subcommittee meeting. It was decided to talk about this issue in tandem with Agenda Item 4b of this meeting.

2. APPROVAL OF MINUTES

a. The minutes for the regular meeting of April 20, 2011, were approved on Commissioner Sullivan's motion; Commissioner Kirk's second on a 2 to 0 vote with Commissioner Chimenti absent.

3. OLD BUSINESS

a. None.

4. NEW BUSINESS

a. 603 Johanna Street. Terry Irion and Phil Moncada discussed the possibility of filing an out-of-cycle zoning application for 603 Johanna Street, an item originally presented in Citizens' Communication at the April 20, 2011, subcommittee meeting.

Mr. Irion, an attorney representing Polvo's Restaurant, mentioned certain improvements (i.e., the construction of a porch and/or deck with additional seating) made to the restaurant have created the need for more parking spaces at the restaurant. The owner of Polvo's has acquired a nearby property that is used for parking (it is currently zoned LR, for which parking is allowed); the owner also owns the property at 603 Johanna Street, immediately to the west of Polvo's and south of the additional parking area. The owner wishes to construct an access-way on the 603 Johanna property connecting the existing Polvo's parking lot to the additional parking area. The owner is seeking to change the zoning of the 603 Johanna property to LR-MU to allow for the construction of this access-way and to retain use of the single-family home located on the property. The zoning case needs to be filed out-of-cycle to meet the parking requirements of the City Code. Mr. Irion said that he and Mr. Moncada, a consultant on the project, have spoken with the Bouldin Creek Neighborhood Plan Contact Team (BCNPCT) and with someone behind the School for the Deaf. Cassidy Neal, the Secretary of the BCNPCT, says that no one has spoken directly with the BCNPCT; instead, she said, that they met with the Bouldin Creek Neighborhood Association's steering committee. Mr. Moncada stated that there is a site plan prepared for the property that meets code and zoning requirements; however, if this plan should fail, there is an alternate plan in the works that may create more impacts for the adjacent neighborhood.

Mark Cathcart, owner of 605 Johanna Street, stated that he has never been approached by the applicants in this case. He was invited to the Bouldin Neighborhood Association's April meeting, but the discussion there was not about the parking requirements for Polvo's or 603 Johanna. If the zoning change is allowed, Mr. Cathcart said that he will be able to see the parking lot from his home. He mentioned that the commercial extension into the neighborhood that Polvo's representatives seek is against the Bouldin Neighborhood Plan.

Alan Hill, an attorney representing Mr. Cathcart, mentioned that parking in this area is horrible, potentially hindering access by emergency vehicles. Mr. Hill stated that the property being used as additional parking is completely covered with gravel (impervious cover) which is not allowed under its current LR zoning. He also stated that if 603 Johanna is rezoned, then commercial creep is extended into the neighborhood. Mr. Hill also noted that the neighborhood plan states that parking regulations should be given maximum scrutiny when being reviewed, especially at two intersections in the planning area--one being at South 1st Street and Johanna Street, the location of Polvo's Restaurant.

Commissioner Kirk stated that the focus of the discussion should shift to whether the Subcommittee wants to accept the responsibility of talking on the out-of-cycle zoning application.

Ms. Neal, the Secretary for the BCNPCT, refuted what was discussed at the April 20 Subcommittee meeting and that the Contact Team has no desire to grant the out-of-cycle application for the property at 603 Johanna. According to Ms. Neal, the Contact Team recently moved the parking requirement issue mentioned in the plan to a Top 5 priority. Ms. Neal also stated that the BCNPCT has not been made aware of the alternate plan mentioned by Mr. Moncada and that the BCNPCT has had limited opportunity to address the issues of this case.

Commissioner Kirk stated that the applicant has given thought to two possible solutions to address the parking issues at Polvo's and recommended that the representatives (Mr. Irion and Mr. Moncada) talk with the BCNPCT and the zoning steering committee of the Bouldin Neighborhood Association to come to an appropriate conclusion. Commissioner Chimenti said that getting everyone together to talk about the solutions could guarantee a better result for all involved.

No action was taken.

b. Hyde Park Neighborhood Conservation Combining District (NCCD). These items were sent to the Subcommittee after it was brought forth in Citizens' Communication at the April 26, 2011, Planning Commission hearing.

Part 1. Karen McGraw, chair of the Hyde Park Neighborhood Plan Contact Team, discussed the need to change the language of the North Hyde Park Neighborhood Conservation Combining District (NCCD). The current language has led to a misinterpretation that allowed for the construction of a 6-bedroom duplex (located at 4528 Avenue B) with two driveways not completely separated by the structure; the NCCD states that the structure should be completely within the two driveways with the intent to park cars behind homes in the neighborhood.

To mitigate future problems (i.e., construction of duplexes with incorrect driveways), Ms. McGraw requested the following statement be removed from the North Hyde Park NCCD ordinance (#20050818-064):

Part 6 (11)(b): “. . . . For a duplex use or single-family attached use, a lot that is at least 50 feet wide may have two one-lane driveways that are a maximum of 10' wide if they are separated by the house.”

The motion for the removal of language in Part 6(11)(b) of the North Hyde Park NCCD to be forwarded to the full Planning Commission was approved on Commissioner Sullivan's motion, Commissioner Kirk's second, on a 3-0 vote.

Part 2. Ms. McGraw also expressed interest in modifying the language of the McMansion Ordinance for the entire Hyde Park area to remove the following statement:

Article 2, Section 2.1: “. . . or 2,300 square feet of gross floor area as defined in Section 3.3.”

Ms. McGraw stated that the Hyde Park Contact Team would like to cap the maximum allowable development on properties to 0.4 floor-to-area ratio as currently allowed by Article 2, Section 2.1 of the Code. The Contact Team felt that the current language of the ordinance may allow for tear-downs of homes in the Hyde Park area and that the market may be skewed to tear down smaller homes that are prominent throughout the neighborhood.

The discussion turned to the affordability and family-friendliness of homes in the area and around the City. Commissioners made the point that an NCCD is to preserve the characteristics of a neighborhood and Commissioner Sullivan asked for more evidence regarding affordability in the area. Ms. McGraw also assured the Commissioners that the Hyde Park Contact Team approved the requested change to the ordinance language.

The motion for the initiation of the removal of language in Article 2, Section 2.1 of the McMansion Ordinance to be forwarded to the full Planning Commission was approved on Commissioner Kirk’s motion, Commissioner Sullivan’s second, on a 3-0 vote.

5. STAFF BRIEFINGS

a. None.

6. FUTURE AGENDA ITEMS

a. None.

ADJOURNMENT

Commissioner Chimenti adjourned the meeting without objection at 7:50 p.m.