

From Planning & Zoning Committee meeting April 7, 2004

Thanks for the notes. I do plan to provide a report to all summarizing the three P&Z meetings we have had over the last several weeks, but this interim report on these specific issues are helpful. I have added some points interspersed among your notes:

GBennett wrote:

. "P&Z" (CNA's Planning & Zoning Committee) did the following yesterday: . (1) Reviewed historic "deed restrictions" discovered to affect the Willowbrook Subdivision. These may render a coffee house proposed for 3809 Maplewood illegal. One restriction provides "no businesses." As written, it could be modified next only in 2006, and only then if 75% of owners approve. Since such restrictions imposed a half-century ago complicate current planning, the City is studying what might be done. (This subdivision covers Schieffer to 38½½ N/S, and Brookview to Maplewood E/W.)

GK: The Agenda Item here was actually an Update of the Coffee Shop issue. I reported that Mr. Escame had reported that the deed restriction problem may prevent them from proceeding with their project on Maplewood. This led to a larger discussion about deed restrictions and easements in our neighborhood. With regard to issue of deed restrictions, we have alerted the City to the fact that many, many subdivisions in Austin contain such restrictions (i.e., "no businesses", "no garage apartments" and others) that are in conflict with provisions in the Neighborhood Infill Options available through the Neighborhood Plans. We anticipate a report from the City, with benefit of the City Law Department, to help us know how to deal with this issue, and we believe that this briefing needs to occur prior to our making a decision about which of the Neighborhood Infill Options we may adopt.

. (2) A resident owner on Hollywood is meeting resistance from the (absentee) owner next door to a variance that would allow her new carport to be build 6" (that's right, 6 inches) too close to his house. P&Z is seeking a solution. Sigh, what can I say?

GK: This Item was not on the published Agenda, but was rather a report from me regarding a case where CNA had taken a position in opposition to a resident's application for a Variance last fall. Our opposition had been based on the fact that a carport had been built without a Building Permit and intruding about 3 feet into the side yard to within about 5 feet of an existing residential structure on the adjacent property, in conflict with CNA Design Guidelines, and that the adjacent Owner was opposed to the variance. She withdrew her application for a variance last fall, and is now attempting to the carport to bring it into compliance with Set Back requirements, but has she has found that she will still need a variance; now for a 6" intrusion. The owner is still opposed, but the wishes of the resident is not know (in fact the rental house may be vacant). We have indicated that we are open to considering a new variance application.

(3) The Upper Boggy Creek Neighborhood Plan planning team -- a body of 20 at full capacity -- needs an additional Cherrywood representative, specifically a tenant. We have two general reps (Stephen Kreger & Lex Dale Owens) and a business rep (Steve Wilson, general mgr at Fiesta), but no tenant. Since Cherrywood is about 50/50% tenants/owners, we should be able to find someone. Anyone out there interested? Your participation would bring our delegation to full strength. (If you reply to me, I will put you in contact.)

GK: This was an Agenda Item to consider the 3 Tools that are available to adopted neighborhood plans (such as our Upper Boggy Creek Neighborhood Plan), in order for CNA to make a recommendation to the UBC Planning Team for an Amendment to our plan this September (the end of the 2 year freeze on amendments). CNA has already voted both in Steering Committee and in a General Meeting that we want the UBC Team to pursue the Front Porch Tool (this is one of the three tools available), so without objection our focus will be on the two other Tools (see #4 below).

. Come September it will become possible for the first time to amend the 2002 UBC Plan. . (4) Do we favor any of 3 “Tools” UBC has yet to adopt? < <http://www.ci.austin.tx.us/zoning/downloads/tools.pdf> > A tool could be adopted for the whole UBC planning area, or for just Cherrywood if the other neighborhoods aren’t interested. Up for consideration are: . . . (a) Require 40% pervious cover (that is, lawn) in the front yard. The intent would be to discourage paved parking spaces in front (present rules apply to the whole lot -- if the back is grassy, the front is allowed to be all pavement).

GK: The above is stated in error. The Requirement would be LIMITING THE IMPERVIOUS COVER in the front yard to 40%. Stated another way, it would require 60% pervious cover in the front yard. Also, not only lawn but also flower beds, mulch, loose rocks and gravel and vegetative ground covers are all classified as "pervious" (i.e. allow rainwater to soak in rather than run off). Note too that this requirement applies New single family, duplexes and two family properties.

. . . (b) Require a garage or carport be built to the side or behind a house. Here too, the intent here would be to encourage lawns out front, not vehicle storage.

GK: The requirement, also applicable only to New Construction, focuses more on the structure itself, requiring that the portion of the residential structure that is closest to the street is not the carport or garage, and that where carports or garages occur near the front facade of the house, they not exceed half the width of the rest of the house. The idea here is that when the garage or carport can be held back behind the facade of the main house, not only lawn but many other pedestrian and street-friendly amenities can then be place in the front yard, including porches, decks, gardens, sitting areas; all things that promote functional and visual compatibility with pedestrians using the street.

. . . (c) Allow a front porch to be closer to the street than now allowed. The intent here would be to encourage sitting porches, which are desirable for community.

GK: This Tool has already been discussed and recommended by CNA to be included as a Tool by UBC. If there is further consideration of this item, we will of course be open to it, but there is a lot on our plate and unless someone wants to reconsider this I suggest that we focus on the other two tools.

. (5) Do we favor any of the “Infill Options” UBC (or the Cherrywood subdistrict) has yet to adopt (Cottage Lot, Urban Home, Residential Infill, Corner Store)?

GK: this was not an Agenda Item for last night's meeting, but will be the focus of future meetings when, as explained above, we have more information from the City about the implications of the Deed Restrictions which preclude many of the options offered in these Options.

< <http://www.ci.austin.tx.us/zoning/downloads/booklet.pdf> > If Café Lux goes forward, either the Corner Store or a site-specific Mixed Use Building amendment would be necessary. Or it might make an amendment apply only to a new subdistrict carved out for the purpose. But we get ahead of the story... .
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Comments above preceded with **GK** are mine.

Girard Kinney, AIA Chair CNA Planning and Zoning Committee