

Original Austin Neighborhood Association (OANA)
Wednesday 15 June 2011

The Board of Directors (BoD) of OANA came together on Wednesday 15 June 2011 at 4 PM at the Common Room of the Regency Apartments. NOTE-We normally meet the second Tuesday of the month but scheduling conflicts necessitated the change. Members in attendance were Albert, Ted, Richard, Bill, Perry, Jocelyn and Blake. John and Mark sent their regrets.

The first order of business was the review and adoption of last month's minutes, and after noting and correcting a misspelling of someone's name in the Draft version, on motion by Albert with a second by Bill, the 05-10-11 minutes were so adopted.

We then reviewed the ongoing lawsuit involving Emerald City Press against board member Perry Lorenz, and amongst other defendants, Ted Siff in his capacity as President of OANA. It can be reported that there is a settlement of this matter in progress.

The Board then reluctantly accepted the resignation of Mark Holzbach. Mark's enthusiasm, dedication and en fuego (on fire) approach to his role in OANA will be sorely missed. We thank you Mark.

We discussed the open Board position and gave Albert permission to approach a prospective new member. The question of filling the Mark's Vice-President position on the Board was left open. Jocelyn agreed to take on some of the marketing/social media functions Mark was doing with an eye to building membership. Bill volunteered to help there also.

We then had a financial report from Albert. Dues have brought in \$950 so far this year with another \$250 in donations, and after expenses we have just under \$2,500 in the bank.

Consent Agenda-There were no submitted reports from the Committee Chairs.

Planning & Zoning Committee, Albert Stowell, Chair:

C14-2010-0207

510 West 8th Street

Owner/Applicant: Darnell Robinson Family, LLC (Michael Ginsberg)

Agent: Alice Glasco Consulting (Alice Glasco)

This rezoning request is to change the zoning district from MF-4 (Multi Family Residential-Moderate High Density) to DMU-CO (Downtown Mixed Use-Conditional Overlay). There was an in place agreement between the applicant and OANA and the request had gone before the Planning Commission (PC) back in February of this year, but the applicant sought and received an indefinite postponement of the matter. The relevant portion of that agreement states:

“The Board of Directors of the Original Austin Neighborhood Association (OANA), within whose defined borders the above referenced rezoning request lies, supports the requested rezoning from MF-4 to DMU-CO with the following conditions:

- 1) The maximum height of a building or structure is not more than 90 feet from ground level.
- 2) By agreement between OANA and the applicant, and recognizing that the referenced property lies within the Criminal Justice Overlay, the following Uses are accepted as Prohibited rather than Conditional: bail bond services, a stand alone cocktail lounge use, pawn shop use and liquor/package store. In addition, an outdoor entertainment/amplified music use of the site is prohibited. A food service use and a cocktail lounge use would be a permissible Conditional Use if associated with an onsite club, hotel or bed & breakfast establishment.
- 3) By agreement between OANA and the applicant, if the proposed structure exceeds 60 feet in height then a minimum of 15% of the structure will be residential in use.
- 4) By agreement between the City of Austin and the applicant, vehicle trips per day are limited to less than 2,000.”

The property has conditionally changed hands and the potential new applicant inquired whether OANA’s position of conditional support had changed. After discussion, and by mutual agreement of the parties, the residential requirement condition was changed to state that for building height above 60 feet, 50% of that increase would be residential. The PC accepted this conditional support and on consent passed the rezoning request on to City Council.

NOTE: All parties need to be very careful in how these mutually agreeable conditions are worded. A literal reading of the original residential required condition could be construed to mean if a 61-foot building were constructed at the site, then 15% of the entire building would have to be residential.

C14-2011-0006

701 & 711 West 7th Street

Owner/Applicant: LOWA, Ltd. (Daryl Kunik)

Agent: Thrower Design (A. Ron Thrower)

The rezoning request is to change the zoning district from GO (General Office) and GR (Community Commercial) to CBD (Central Business District). We had looked at this request last month and decided we were more comfortable with a zoning district of DMU-CURE (Downtown Mixed Use-Central Urban Redevelopment). (NOTE: The purpose of a central urban redevelopment (CURE) combining district is to promote the stability of neighborhoods in the central urban area.) The following letter to the Planning Commission was generated:

“One of OANA’s primary goals is protect, preserve and enhance the historic and residential character of our neighborhood. Given this goal, we opposed unconditional CDB zoning being granted to this property, and recommend the following:

Zoning: DMU-CURE

With a Conditional Overlay (CO)

- limiting height to 375'
- restricting use to no less than 50% residential
- requiring at least one (1) floor of underground parking
- limiting the total number of trips per day generated by the development to no more than 2,000

Prohibiting the following uses:

- any use that would require an outdoor music permit
- pawnshop services;
- automotive services;
- bail bond services; and
- other uses that applicant and neighborhood association mutually agree to expressly prohibit.”

A similar letter in support of OANA’s position was generated by our sister organization, Downtown Austin Neighborhood Association (DANA).

This matter went before the Planning Commission on Tuesday 14 June, and the Commission, after discussion, voted to forward to City Council a recommendation of DMU-CURE with the conditions sought by OANA and DANA. The applicant was amenable to the conditions but did want a zoning district of CBD.

C14-2011-0041

309, 311 & 315 Bowie Street

Owner: Bowie Street Partners, Ltd./Perry Lorenz

Applicant: CERCO Development

The rezoning request is to change the zoning district from DMU to DMU-CURE.

C14-2011-0058

705-711 West Avenue and 710 West 7th Street

Owner: Cirrus Logic

Applicant: Armbrust & Brown, PLLC/Richard Suttle

The rezoning request is to change the zoning district from GO (General Office) to CS (Commercial Services) (NOTE: Commercial Services-Commercial or industrial activities which typically have operating characteristics or traffic service requirements generally incompatible with residential environments, such as equipment sales, custom manufacturing vehicle storage, or construction services.)

This rezoning request has arisen due to a desire by Cirrus Logic to do electronic testing of products not in their being constructed office building but rather in a close by off site structure. They bought these properties with that intent but are bumping up against City Land Development Code (LDC) use restrictions thus the need for the highly unrestricted zoning district. In reviewing zoning maps, this intense of zoning north of West 7th Street could very well be viewed as spot zoning. There is strong division of opinion on the board on the merits of this rezoning request and Albert and Ted have been charged with monitoring the situation closely.

Jocelyn then discussed the West 6th Street situation. The very rapid development of this area into a pure liquor sales/social scene entertainment destination is somewhat alarming to the folks that are pioneering the residential use in the area. Jocelyn is also on the board of DANA and was part of a meeting between area residents and the law firm, Drenner & Golden hired by some of the area venues. The meeting was held on 05/26/2011 with excerpts from that meeting's minutes below:

“Meeting with Drenner & Golden regarding certain members of the Texas Bar and Neighborhood Association on West Sixth Street

Summary: Drenner & Golden invited the board members of the Downtown Austin Neighborhood Association (DANA) to their offices to discuss issues with Drenner & Golden's West Sixth Street bar owner clients. DANA in turn also invited members of the Rainey Street Neighborhood Association (RNA) and the Original Austin Neighborhood Association (OANA).

Members of the neighborhood associations voiced their concerns about the failure of many bars, including outdoor music venues, to adhere to required sound ordinance sound decibel limits and cutoff times. Members also raised the issues members were having with crowds in areas that are more densely populated with bars, particularly in the late night hours when large numbers of patrons leave the bars intoxicated and spill out onto neighboring streets. Finally, while DANA appreciates the opportunity to discuss the matter, DANA reiterated its position in support of the Downtown Austin Plan's recommendation to make cocktail lounge a conditional use. Members agree that a residential neighborhood can accommodate some bars, but there must be a mix of uses, including retail, to prevent the neighborhood from turning into a bar district that becomes unlivable for residents.”

As mentioned in previous minutes, Albert has been working with a similar group of bar owners in the West 6th Street and Rainey Street areas in an effort to come to grips with amplified outdoor music (see the minutes from 12-14-10, for example), and these ongoing conflicts between entertainment operators and area residents don't really seem to be abating. These sorts of entertainment venues generate substantial amounts of revenue for their operators and landlords, so good intentions and respect of the property rights of others are sometimes misplaced. In the West 6th Street area, many of the properties have in recent years been rezoned CBD, and in that zoning district cocktail lounges are a permitted use that requires no public hearing, a public hearing being an opportunity for nearby property owners to be able to speak to how the use would affect their current use of their property. If cocktail lounge use were made a conditional use in the CBD zoning district, a change in the LDC recommended under the Downtown Austin Plan (DAP), a public hearing would be required before the use is permitted.

We had pretty much run out of time so a motion for adjournment was entertained and passed. Due to an inability to co-ordinate schedules we will not have a July 2011 meeting. Our next scheduled meeting will be Tuesday 9 August 2011 at the Common Room of the Regency Apartments.

Blake Tollett, Secretary
OANA