

**Upper Boggy Creek Neighborhood Planning Team  
(amended 12/11/)  
Decision Record  
12/4/01  
6:30 PM to 8:00 PM  
Maplewood Elementary**

\*Attendees:

Stephen Kreger
Bo McCarver
Mark Lind
Jay Velgos
Isabelle Headrick
E. T. Wray
David Westenbarger
Dixie Peterson
Vanessa Ronsonette
Gordon Bennett

\*Based on sign-in sheet

City of Austin Staff: Mark Walters, lead planner, and Kathleen Welder

Meeting formally began at 6:45 PM

**I. Decision Records 11/13 and 11/27**

*Decision: a motion to pass decision record 11/13/01 carried with one amendment. Bo advised that the property owners consult the Cap Metro (and CAMPO) plans.*

*Decision: A motion to pass decision record 11/27/01 carried with one amendment. A typo on page two will be corrected.*

**II. Old Business**

A handout describing nonconforming uses was discussed. The ninety day clause stating that once a nonconforming use closes business it may not reopen with the same use was true.

Mark Walters stated that he would talk with the owners of Capps and Crazy Lady to determine whether or not they would accept the terms of the proposed conditional overlay drafted by the team.

**III. Outstanding Business and/or Property issues**

A. Mr. Giles, owner of 38 1/2 street properties: Hanger's, Monarch Food Mart, Pato's, and Royal Touch- Mark Walters proposed an alternate conditional overlay that would not prohibit dry cleaning services on 38 1/2 St.

*Decision: A motion was made to adopt the staff proposal for conditional uses on page seven of the conditional overlay document. Motion passed. (Accessory drive as a prohibited use in was also approved).*

<b>Staff Recommended Prohibited Uses (PRIOR TO 12/4/01 MEETING)</b>
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Automobile Rental
Commercial Blood Plasma Center
Construction Sales and Services
Equipment Sales
Kennels (Conditional Use)
Maintenance and Service Facilities(Conditional Use)
Outdoor Entertainment (Conditional Use)
Outdoor Sports and Recreation (Conditional Use)
Vehicle Storage
Accessory Use Drive-in services
<b>Staff Conditional Uses* (PRIOR TO 12/4/01 MEETING)</b>
Custom Manufacturing (Conditional)
Electronic Prototype Assembly
Laundry Services
Limited Warehouse and Distribution

B. The team started at the beginning of the conditional overlay document and worked through it in order until the end of the meeting.

*Decision: A motion was made to add adult-oriented businesses to the prohibited use list on Manor road from I-35 to Walnut Avenue. Motion passed.*

There was discussion of Guy Oliver's property on Manor Road which includes Malik's Food Store and a service station. Mark read Mr. Oliver's lawyer's announcement and proposal for an individual conditional overlay on that lot.

C. *Decision: After discussion a motion was made to adopt a conditional overlay for the entire stretch of Manor Road from I-35 to Walnut Avenue. It was the list of prohibited uses proposed by staff in addition to other uses specified by team on the night of 12/4/01. The next motion (letter D\_ )adopted the conditional uses drafted by the team prior to 12/4/0. The results of that adoption are included in the following list.*

<b>Staff Recommended Prohibited Uses (PRIOR TO 12/4/01 MEETING)</b>
Agricultural Sales and Services
Automotive Rentals
Automotive Sales
Automotive Washing of any type
Campground
Commercial Blood Plasma Center
Commercial Off-Street Parking

Construction Sales and Services
Convenience Storage
Drop-Off Recycling Collection Facilities
Equipment Repair Services
Equipment Sales
Kennels
Limited Warehousing and Distribution
Maintenance and Service Facilities
Monument Retail Sales
Pawn Shop Services
Vehicle Storage
Accessory use Drive-in services
<b>TEAM INSERTED PROHIBITED USES (12/4/01)</b> Congregate living (THIS WAS ORIGINALLY CONDITIONAL IN STAFF PROPOSAL) Employee recreation Adult oriented businesses Service stations (except Mr. Oliver's property with Malik's food store & the service) (THIS WAS ORIGINALLY CONDITIONAL IN STAFF PROPOSAL)
<b>Team Conditional Uses (PRIOR TO 12/4/01 MEETING)</b>
<b><u>Team Conditional Uses</u></b>
Automotive Repair Services
Business or Trade School
Business Support Services
College and University Facilities
Community Recreation-Private
Exterminating Services
Financial Services
Hotel-Motel
Indoor Entertainment
Indoor Sports and Recreation
Local Utility Services
Outdoor Sports and Recreation
Pet Services
Plant Nursery
Residential Treatment
Veterinary Services

**TEAM INSERTED CONDITIONAL USES (12/4/01)**

Building maintenance facilities  
Communication service facilities  
Communication services  
Electronic prototype assembly  
Laundry services

*Motion passed.*

*8:10 PM Decision: A motion to extend the meeting to 8:30 PM passed.*

*D. Decision: A motion was made to vote on page two of the conditional overlay document without any discussion. Motion passed three to two.*

*Decision: The following motion to leave the Upper Boggy Creek conditional overlay as originally drafted by the team for the conditional uses on the first part of Manor Road (I-35 to Walnut) passed four to one. (results of this motion located in letter \_C\_ above.)*

*E. Decision: A motion was made to pass staff's recommendation for prohibited and conditional uses on Manor Road part two (Walnut Road to Airport Blvd) so that it will match Rosewood's prohibited and conditional uses on the South side of that stretch of Manor Road.*

*The motion was amended such that auto sales and accessory drive-in uses be added to prohibited uses and outdoor recreation to conditional uses of the staff recommended conditional overlay. Motion passed with amendment.*

<b>Staff Recommended Prohibited Uses</b>
Adult Oriented Businesses
Agricultural Sales and Services
Automobile Rentals
Automotive Washing
Campground
Commercial Blood Plasma Center
Commercial Off-street Parking
Construction Sales and Services
Convenience Storage
Drop-Off Recycling
Equipment Repair Services
Equipment Sales
Kennels
Laundry Services
Limited Warehouse and Distribution
Maintenance and Service Facilities

Pawn Shop
Research Services
Service Station
Vehicle Storage
TEAM INSERTED PROHIBITED (12/4/01)
<i>auto sales</i>
<i>accessory drive-in uses</i>
<b>Conditional Uses</b>
Exterminating Services
Guidance Services
Outdoor Sports and Recreation
Residential Treatment
Accessory use Drive-in services
Automotive Sales
Hotel-Motel
Monument Retail Sales
<b>TEAM INSERTED CONDITIONAL (12/4/01)</b>
Outdoor Recreation

F. *Decision: Motion was made to adopt the team recommendation on page five and six of the conditional overlay document with one amendment: switch fast food, drive-in restaurant use with accessory drive-in use under prohibited use list. (This was the only difference between the team and staff proposals) Motion passed.*

<b>Staff Recommended PROHIBITED Uses</b>
Adult Oriented Business
Agricultural Sales and Services
Automobile Rentals
Automotive Sales
Automotive Washing of any type
Campground
Commercial Blood Plasma Center
Commercial Off-street Parking
Construction Sales and Services
Convenience Storage
Drop-Off Recycling Collection Facility
Equipment Repair Services

Equipment Sales
Kennels
Laundry Services
Limited Warehouse and Distribution
Maintenance and Service Facilities
Monument Retail Sales
Outdoor Entertainment
Research Services
Service Station
Vehicle Storage
Accessory use Drive-in services
<b>Staff CONDITIONAL Uses</b>
Electronic Prototype Assembly
Residential Treatment
Exterminating Services
Guidance Services
Hotel-Motel
Outdoor Sports and Recreation

8:30 PM motion: A motion to extend the meeting to 8:45 PM passed four to one.

G. Decision: A motion was made to pass the staff recommended conditional overlay for the commercial IH-35 properties, U-HAUL and Academy. Motion passed.

<b>Staff Recommended Prohibited Uses</b>
Automotive Repair
Automotive Rental
Automotive Sales
Automotive Washing
Drop-Off Recycling
Equipment Sales
Equipment Repair
Kennels
Limited Warehouse and Distribution
Maintenance Service Facility
Service Station
Vehicle Storage
<b>Staff Conditional Uses</b>
Residential Treatment
Accessory use Drive-in services

*At the Academy and U-Haul sites the restaurant (drive-in/fast-food) use will be an allowed use but drive-in services will be a conditional accessory use. This will allow small establishments such as coffeehouses and sandwich shops, but allow community input on the allowance of drive-through on a particular project*

H. *Decision: A motion was made to adopt the following conditional overlay for IH-35 from 26th/ Dean Keaton to 38 1/2 - staff prohibited uses (only difference: drive-in accessory use vs. fast food restaurant use) plus team conditional uses (minus the plant nursery use) as listed on page nine of the conditional overlay document. Motion passed.*

<b>Staff Recommended Prohibited Uses</b>
Adult-Oriented Businesses*
Car Rental
Drop-Off Recycling
Equipment Repair
Equipment Sales
Kennels
Limited Warehouse and Distribution
Maintenance Service Facility
Vehicle Storage
Accessory use Drive-in services
Limit building height to forty feet (40) or three stories
<b>Team Conditional Uses</b>
Pet Services
Residential Treatment
Veterinary Services

I. *Decision: A motion was made to adopt the following conditional overlay for Airport Blvd.- staff prohibited uses listed on page ten in addition to Group Home II as prohibited and Group Home I as conditional. Motion passed.*

<b>Staff Recommended Prohibited Uses</b>
Accessory use drive-in services
Auto Sales
Auto Washing
Commercial off-street parking
Off-site accessory parking
Pawnshop
Service Station
<b>TEAM INSERTED PROHIBITED USE (12/4/01)</b>
Group Home II
<b>Staff Conditional Uses</b>

Auto Rentals  
Auto Repair Services

Group home I -Limited

**TEAM INSERTED PROHIBITED USE (12/4/01)**

Group Home I-General (see handout for description of Group Home classes)

## **Airport Boulevard: Large lot between Schieffer and 40th Street**

**(None drafted by team)**

### **Staff Recommended Prohibited Uses**

Group Home Class II

### **Staff Conditional Uses**

Accessory use Drive-in services

Group Home Class I

Service Stations

Limit building height to forty feet (40) or three stories

Summary: The team reviewed the entire conditional overlay document and adopted a new recommendation that took into consideration both the team's and staff's recommendations.

Meeting ended at 8:45 pm.

### **Requests:**

- Mark Walters will contact respective owners of Capp's and Crazy Lady to determine their receptiveness to the team's proposed conditional overlays for those properties.
- Determine the specifics of valid petition rights of property owners within the near vicinity of a rezoning request
- Mail Vanessa Ronsonette, resident of Delwood II, information about permitted uses in civic districts.
- Research the specific differences between a Neighborhood Mixed Use Building and buildings supported by the mixed use overlay.
- Make minor edits to the UBC future land use map discussed with the Mark Lind.