

**North Shoal Creek Neighborhood Association
General Membership Meeting
March 6, 2012
Pillow Elementary**

Item 1: Call to Order; Adoption of Agenda

Meeting called to order at 6:34 pm by President Kenneth Webb. Motion by Dallas Maham to adopt the proposed agenda. Seconded; motion carried.

Item 2: Rezoning of 8100 Burnet

President Kenneth Webb explained that this issue had to be considered first because the rezoning change would be voted on by the City of Austin Zoning and Platting Commission that evening. He said at least two Development Committee members were attending the commission meeting, and he would let them know the members' decision to convey to the commission.

Kenneth recapped the events that occurred regarding NSCNA and the 8100 Burnet development since the NSCNA special called meeting on February 16, 2012. The developer presented NSCNA with a signed agreement on Feb. 21 that differed significantly from the agreement the members voted to use as a starting point for Development Committee negotiations. After further negotiations, the Development Committee received an updated signed agreement from the developer on March 5, which still did not include all the changes the Development Committee wanted.

Kenneth asked members to review a resolution he handed out that objected to the rezoning of the 8100 Burnet Road development, which is reproduced below:

RESOLUTION OBJECTING TO REZONING OF 8100 BURNET ROAD

"Whereas, The Bylaws of the North Shoal Creek Neighborhood Association provide that the purpose of the Association is to promote and protect the quality of life, safety, residential characteristics, and property values of this neighborhood primarily, and all neighborhoods generally; and

Whereas, Bury & Partners, Inc., representing Alliance Realty Partners, LLC, has applied for rezoning of property at 8100 Burnet Road, Case Number C14-2011-0167, from CS to MF-6 with height limitation to 60 feet; and

Whereas, on March 5, 2012 NSCNA received a Covenant Agreement between Alliance Residential Company and North Shoal Creek Neighborhood Association, dated March 6, 2012, and a Declaration of Restrictive Covenant, both documents relating to 8100 Burnet Road, from Alliance Realty Partners; now therefore, be it

Resolved, That North Shoal Creek Neighborhood in general membership assembled, does not approve the Covenant Agreement between Alliance Residential Company and North Shoal Creek Neighborhood Association;

Resolved, That North Shoal Creek Neighborhood Association objects to the rezoning of the property at 8100 Burnet Road from CS to MF-6, due to the following considerations:

The proposed development is incompatible with the neighborhood because the density is too great (250-300 units on 4 acres) and the height is too tall (60 feet or 5 stories)

The residential units in the immediate vicinity of the proposed development are three stories or less

The MF-6 zoning is unprecedented, not only in our neighborhood but also in other areas north of Koenig Lane. Rezoning this property to MF-6 could then facilitate other undeserving properties being rezoned to MF-6 also

The MF-6 zoning request is a spot zoning request that undermines any sense of orderly planning by the neighborhood and by the city. NSCNA has been requesting a neighborhood plan for about 5 years. Further, NSCNA works with area neighborhoods and associations such as Wooten, Allandale, Crestview and Sustainable Neighborhoods to actively plan the future development of north central Austin. This spot zoning request is not compatible with what these groups have been working toward together for years

Burnet Road, Anderson Lane and intersections of these roads in our area cannot currently support the very high volume of traffic. Several years ago the intersection at Burnet and Anderson Lane received a D minus grade from the city's own traffic analysis. With over a dozen new stores added to Northcross in addition to the Walmart, traffic conditions have only worsened. A significant part of the traffic into and out of the proposed development would occur during peak traffic times, further adding to the congestion; and

Resolved, That North Shoal Creek Neighborhood Association recommends a zoning of MF-3, with a restriction of 40 feet in height for the property at 8100 Burnet Road."

Motion from Marlene Bartlett to adopt the resolution; seconded.

Discussion: Members asked Kenneth and Development Committee Chair Kevin Wier about the ways the March 5 agreement differed from the agreement distributed at the Feb. 16 meeting, and why specific items weren't included in the March 5 agreement.

Chip Rosenthal pointed out that the membership must vote to reconsider the rezoning issue before voting on the motion currently before the group, because of the resolution approved at the Feb. 16 meeting. Kenneth said the motion before the group needed to be tabled before reconsideration.

Chip asked why the President and Development Committee were proposing a resolution to oppose the zoning change after supporting negotiations/an agreement at the Feb. 16 meeting. Kenneth replied that new information showed the development would not preserve the quality of the neighborhood.

Kenneth stepped down temporarily as meeting chair so he could participate in the discussion. Vice President Donna Eagar assumed the chair at 6:53 pm.

Kenneth said he reviewed the NSCNA charter and bylaws and that he believed the 8100 Burnet development would not be in keeping with NSCNA's purpose, which he read from the bylaws. While a multi-family development could be beneficial to the neighborhood, the height, design and location (apartments would overlook homes on Pinewood Cove) were unacceptable.

Ken Moyer asked why this issue wasn't addressed at the Feb. 16 meeting, and Kenneth explained that he had overlooked the charter and bylaws. He felt NSCNA was going in the wrong direction.

Motion by Chip Rosenthal to table the standing motion from Marlene Bartlett; seconded. Approved by consensus.

Motion by Kevin Wier to rescind the resolution regarding 8100 Burnet that was passed at the February special meeting (which Donna read); seconded. Approved by a vote of 29-0.

Motion by James Leal to adopt the resolution opposing the rezoning of 8100 Burnet Road; seconded.

Discussion about the development's possible impact on neighborhood roads and traffic, and the possibility of supporting a mixed-use development at 8100 Burnet.

Motion from Chip Rosenthal to amend the resolution to change references of “MF-3” to “MF-3MU.” Seconded. Chip explained that this zoning would allow mixed-use possibilities but not require them.

Rebecca Fitch asked what was decided at the special called meeting, and who wrote the resolution to object to the development. Donna explained that the Feb. 16 decision was to allow the Development Committee to negotiate an agreement. Kevin said he and Kenneth wrote the resolution.

Kenneth said the last communication NSCNA made to the City of Austin was to object to the development unless an agreement was reached, and that still stood. He thought the Zoning and Platting Commission would consider that objection that evening unless we communicated otherwise with them.

Discussion about the agreement and the acre of the property that would not be rezoned as part of this zoning change but would remain commercial.

Juliette Kernion asked if the Development Committee drafted or reviewed this resolution. Kevin said no, only a few NSCNA members worked on it. Juliette asked if the NSCNA Board of Directors had reviewed this resolution. Kenneth said no, it had been drafted that day.

Chip Rosenthal's amendment was approved by a vote of 23-0.

Motion from Lois McEvoy to amend the resolution to remove “With over a dozen new stores added to Northcross in addition to the Walmart, traffic conditions have only worsened.” Seconded. Approved by a vote of 26-0.

Motion from Kenneth Webb to amend the resolution to remove the paragraph beginning with “Burnet Road, Anderson Lane” and ending with “adding to the congestion.” Seconded. Failed to pass with a vote of 0-23.

The amended resolution to oppose the development was approved by a vote of 27-0. The text of the approved resolution is reproduced below:

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Resolved, That North Shoal Creek Neighborhood Association recommends a zoning of MF-3 or MF-3 MU, with a restriction of 40 feet in height for the property at 8100 Burnet Road.

Kevin said he would call the NSCNA members at the Platting and Zoning Commission meeting immediately and let them know. He said Development Committee member Jon Menegay would speak for NSCNA and let the commission know the members voted to oppose the zoning change.

Item 3: Approval of Minutes

Motion by Marlene Bartlett to approve the January 10, 2012 general membership meeting minutes. Seconded; approved by consent.

Motion by Marlene Bartlett to approve the February 16, 2012 special called meeting minutes. Seconded; approved by consent.

Item 4: Committee Reports

4a. Media Committee – Marlene Bartlett, Media Chair, reported that the latest newsletter was published and had been delivered, including to areas where NSCNA had not delivered newsletters before. She thanked everyone who helped with the newsletter delivery, and said she would be visiting soon with a candidate for the newsletter editor position.

4b. Social Committee – Donna Eagar let the membership know that Social Chair Amelia Cobb has resigned as the chair and from the Board of Directors, and a new Social Chair is needed.

4c. Beautification Committee – Donna said that the new trees from the city grant were planted, thanks to Sharon Justice and Mary Jane Wier. Sharon reported that the grant process started 18 months ago and finished on Feb. 23, 2012, when 15 trees were planted around the neighborhood.

4d. Treasurer – Jeri Wines handed out a financial report for NSCNA from January to March 2012. The NA started the year with a balance of \$4296.86, and now has a balance of \$6140.19.

Motion by Ernie Garcia to approve the treasurer's report; seconded; approved by consent.

Item 5: Announcements

Alice Kubacak announced that new voter registration cards should be issued and mailed shortly before the May 12 election, and advised attendees to make sure they are still registered to vote, since you must be registered 30 days before the election.

Donna Eagar stepped down as meeting chair at 7:42 pm. President Kenneth Webb re-assumed the chair.

Ellen Smith announced a CPR and First Aid refresher course on Saturday, March 31 at Village Christian, and handed out information on the event.

Kenneth announced that a tree planting project around the bus stops in the area would take place on Sunday, and said details would be posted to the NSCNA website tomorrow.

Item 6: New Business

Kenneth asked whether NSCNA had a policy regarding city code enforcement or variance-request voting. The membership discussed code enforcement but was unaware of any formal policies.

Item 7: Adjournment

The meeting was adjourned by President Kenneth Webb at 7:50 pm.

Minutes submitted by Juliette Kernion, Secretary, North Shoal Creek Neighborhood Association.

Minutes approved at NSCNA General Meeting, May 1, 2012.