



**PLANNING COMMISSION
MINUTES**

**REGULAR MEETING
February 9, 2010**

The Planning Commission convened in a regular meeting on February 9, 2010 @ 301 W. 2nd Street in Austin, Texas.

Chair Dave Sullivan called the Board Meeting to order at 6:07 p.m.

Board Members in Attendance:

Dave Sullivan – Chair
Dave Anderson
Danette Chimenti
Mandy Dealey
Benjamin DeLeon
Saundra Kirk
Clint Small
Kathryne Tovo

EXECUTIVE SESSION (No public discussion)

The Planning Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The commission may not conduct a closed meeting without the approval of the city attorney.

Private Consultation with Attorney – Section 551.071

A. CITIZEN COMMUNICATION: GENERAL

No Speakers.

B. APPROVAL OF MINUTES

1. Approval of minutes from January 26, 2010.

The motion to approve the minutes from January 26, 2010; were approved on the Consent Agenda by Commissioner Clint Small's motion, Commissioner Mandy Dealey second the motion on a vote of 8-0; Commissioner Jay Reddy was absent.

C. PUBLIC HEARINGS

- 1. Master Plan: MP-2009-0001 - East Riverside Corridor Master Plan**
Location: East Riverside / Oltorf Combined and Montopolis NPA
Owner/Applicant: City of Austin - Planning and Development Review Dept.
Request: Adopt the East Riverside Corridor Master Plan as an amendment to the Austin Tomorrow Comprehensive Plan as recommended by staff.
Staff Rec.: **Recommended**
Staff: Erica Leak, 974-2856, erica.leak@ci.austin.tx.us
Planning and Development Review Department

The motion to approve staff's recommendation of the East Riverside Corridor Master Plan as an amendment to the Austin Tomorrow Comprehensive Plan; was approved with the following amendments:

- The plan should state that all compatibility standards should apply for all current and future SF-5 and more restrictive properties.
- The areas in the master plan area that are currently zoned single family should be changed to the Neighborhood Residential land use district.

The motion was made by Commissioner Clint Small and seconded by Commissioner Dave Anderson on a vote of 8-0; Commissioner Jay Reddy was absent.

- 2. Code Amendment: C20-2009-013 - Reclassification of East Riverside Drive between Pleasant Valley Rd. and Hwy. 71 as a Core Transit Corridor**
Location: East Riverside / Oltorf Combined and Montopolis NPA
Owner/Applicant: City of Austin - Planning and Development Review Dept.
Request: Approve an amendment to the Land Development Coded (LDC) Chapter 25-2 Subchapter E: Design Standards and Mixed used to reclassify East Riverside Drive between Pleasant Valley Road and Highway 71 from an Urban Roadway to a Core Transit Corridor.
Staff Rec.: **Recommended**
Staff: Erica Leak, 974-2856, erica.leak@ci.austin.tx.us
Planning and Development Review Department

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- The plan should state that all compatibility standards should apply for all current and future SF-5 and more restrictive properties.
- The areas in the master plan area that are currently zoned single family should be changed to the Neighborhood Residential land use district.

The motion was made by Commissioner Clint Small and seconded by Commissioner Dave Anderson on a vote of 8-0; Commissioner Jay Reddy was absent.

- 3. Neighborhood Plan Amendment:** **NPA-2009-0012.03 - Upper Boggy Creek Vertical Mixed Use Neighborhood Plan Amendment**
- Location: IH 35, 26th Street and Comal Street on the west, Airport Boulevard to the north and east, and Martin Luther King, Jr. Boulevard, Cedar Boulevard, Rogers Boulevard, Walnut Boulevard and Manor Road to the south, Boggy Creek; Waller Creek Watershed, Upper Boggy Creek NPA
- Owner/Applicant: City of Austin - Planning and Development Review Department (Jacob Browning)
- Request: To change the land use designation on the Future Land Use Map (FLUM) from Single Family, Office and Commercial to Mixed Use on selected tracts within the Upper Boggy Creek Neighborhood Planning Area.
- Staff: Jacob Browning, 974-7657, jacob.browning@ci.austin.tx.us
Planning and Development Review Department

The motion to approve the Neighborhood Plan Amendment, excluding Tract #2; was made by Commissioner Clint Small and seconded by Commissioner Mandy Dealey on a vote of 8-0; Commissioner Jay Reddy was absent.

- 4. Rezoning:** **C14-2009-0102 - Upper Boggy Creek Vertical Mixed Use Building (V) Zoning Opt-In/Opt-Out Process**
- Location: IH 35, 26th Street and Comal Street on the west, Airport Boulevard to the north and east, and Martin Luther King, Jr. Boulevard, Cedar Boulevard, Rogers Boulevard, Walnut Boulevard and Manor Road to the south, Boggy Creek; Waller Creek Watershed, Upper Boggy Creek NPA
- Owner/Applicant: City of Austin - Planning and Development Review Department (Jacob Browning)
- Request: To implement Vertical Mixed Use Building (V) zoning regulations within the Upper Boggy Creek Neighborhood Planning Area. These include Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments. The Planning Commission may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties within the Upper Boggy Creek Neighborhood Planning Area from the overlay district.
- Staff: Jacob Browning, 974-7657, jacob.browning@ci.austin.tx.us
Planning and Development Review Department

The motion to approve Vertical Mixed Use process with 60% median family income; and opt-out on Tract #2; was approved by Commissioner Clint Small's motion, Commissioner Mandy Dealey second the motion on a vote of 8-0; Commissioner Jay Reddy was absent.

5. **Rezoning:** **C14-2009-0163 - Lot 1 Leon A. Schmidt Addition**
Location: 8565 Research Boulevard North Bound, Little Walnut Creek Watershed, North Austin Civic Association NPA
Owner/Applicant: Obrien Cedrone Inc. (Alfredo Cedrone)
Agent: Conley Engineering, Inc. (Carl Conley)
Request: GR-NP to CS-1-NP
Staff Rec.: **CS1-CO-NP**
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
Planning and Development Review Department

The motion to approve staff's recommendation for CS1-CO-NP zoning with a 2000 vehicle trip limit; was approved on the Consent Agenda by Commissioner Clint Small's motion, Commissioner Mandy Dealey second the motion on a vote of 8-0; Commissioner Jay Reddy was absent.

6. **Rezoning:** **C814-2008-0145 - The Park PUD**
Location: 801 Barton Springs Road, Lady Bird Lake Watershed, Bouldin Creek NPA
Owner/Applicant: Texas American Headquarters (David Honeycutt)
Agent: Drenner & Golden Stuart Wolff, LLP. (Michele Haussmann)
Request: From CS-1-NP to PUD-NP
Staff Rec.: **Not Recommended**
Staff: Clark Patterson, 974-7691, clark.patterson@ci.austin.tx.us
Planning and Development Review Department

The motion to approve staff's recommendation to deny PUD-NP zoning; was approved by Commissioner Danette Chimenti's motion, Commissioner Sandra Kirk second the motion on a vote of 8-0; Commissioner Jay Reddy was absent.

7. **Rezoning:** **C814-2009-0099 - West Park PUD**
Location: 7914 - 8023 West U.S. Highway 290 (except 7912 West U.S. Highway 290), Williamson Creek - Barton Springs Zone Watershed, Oak Hill Combined (West Oak Hill) NPA
Owner/Applicant: Buffalo Equities, Ltd. (Rudy Belton)
Agent: Clark, Thomas & Winters, P.C. (Kelly Wright)
Request: GR-CO-NP; PUD-NP to PUD-NP
Staff Rec.: **Recommendation Pending; Indefinite Postponement request by the Staff**
Staff: Wendy Rhoades, 974-7719, wendy.rhoades@ci.austin.tx.us
Planning and Development Review Department

The motion to Indefinitely Postpone by the request of staff; was approved on the consent agenda by Commissioner Clint Small's motion; Commissioner Mandy Dealey second the motion on a vote of 8-0; Commissioner Jay Reddy was absent.

- 8. Rezoning: C14-2009-0156 - Los Comales**
Location: 2136 East 7th Street, Town Lake Watershed, Central East Austin NPA
Owner/Applicant: Merced and Graciela Benitez
Agent: Evergreen Global Group, L.L.C. (Roger Chan)
Request: CS-CO-MU-NP to CS-1-CO-MU-NP
Staff Rec.: **Not Recommended**
Staff: Joi Harden, 974-2122, joi.harden@ci.austin.tx.us
Planning and Development Review Department

The motion to approve staff's recommendation to deny the request for CS-1-CO-MU-NP zoning; was approved by Commissioner Danette Chimenti's motion, Commissioner Kathryne Tovo second the motion on a vote of 5-3; Commissioners Mandy Dealey, Benjamin DeLeon and Dave Anderson voted against the motion (nay); Commissioner Jay Reddy was absent.

- 9. Rezoning: C14-2009-0165 - 5639 Airport Boulevard Rezone**
Location: 5639 Airport Boulevard, Tannihill Branch Watershed, North Loop NPA
Owner/Applicant: Wonderworkers Properties, L.L.C. (David Jabour)
Agent: Thrower Design (Ron Thrower)
Request: CS-V-CO-NP to CS-1-V-CO-NP
Staff Rec.: **Recommended**
Staff: Clark Patterson, 974-7691, clark.patterson@ci.austin.tx.us
Planning and Development Review Department

The motion to approve staff's recommendation for CS-1-V-CO-NP zoning; was approved on the consent agenda by Commissioner Clint Small's motion, Commissioner Mandy Dealey second the motion on a vote of 8-0; Commissioner Jay Reddy was absent.

- 10. Rezoning: C14-2009-0166 - Westend Bistro**
Location: 1315 West 6th Street, Shoal Creek Watershed, Old West Austin NPA
Owner/Applicant: AGSA Group, L.L.C. (Gretchen Alley)
Agent: Jim Bennett Consulting (Jim Bennett)
Request: LO-NP & LO-V-NP to GR-V-NP
Staff Rec.: **Recommended**
Staff: Clark Patterson, 974-7691, clark.patterson@ci.austin.tx.us
Planning and Development Review Department

The motion to approve staff's recommendation for GR-V-NP zoning; was approved on the consent agenda by Commissioner Mandy Dealey's motion, Commissioner Dave Anderson second the motion on a vote of 8-0; Commissioner Jay Reddy was absent.

11. Rezoning: C14-2010-0005 - Athena School Haussmann
 Location: 1405 Morgan Lane, West Bouldin Creek Watershed, South Lamar
 Planning Area NPA
 Owner/Applicant: Robb Buchanan
 Agent: Karl D. Haussmann
 Request: SF-3 to NO-CO and GO-CO
 Staff Rec.: **Recommended**
 Staff: Stephen Rye, 974-7604, stephen.rye@ci.austin.tx.us
 Planning and Development Review Department

The motion to approve staff's recommendation for GO-CO zoning; was approved on the Consent Agenda by Commissioner Clint Small's motion, Commissioner Mandy Dealey second the motion on a vote of 7-0-1; Commissioner Kathryne Tovo recused herself from this item; Commissioner Jay Reddy was absent.

12. Site Plan Extension SPC-2007-0439C(XT2) - Western Oaks Retail Center
Request:
 Location: 4625 W. Wm. Cannon, Williamson Creek (BSZ) Watershed, East Oak
 Hill NPA
 Owner/Applicant: AVG-Austin, LP. (Doug Jaquay)
 Agent: Land Strategies, Inc. (Paul Linehan)
 Request: Approval of a four-year extension to an administratively extended site
 plan
 Staff Rec.: **Recommended**
 Staff: Lynda Courtney, 974-2810, lynda.courtney@ci.austin.tx.us
 Planning and Development Review Department

The motion to approve staff's recommendation for approval of a four-year extension; was approved by Commissioner Mandy Dealey's motion, Commissioner Benjamin DeLeon second the motion on a vote of 6-2; Commissioner Kathryne Tovo and Danette Chimenti voted against the motion (nay); Commissioner Jay Reddy was absent.

*Request made by Commission to investigate rain water collection/harvesting and to protect trees.

SPC-2009-0221A - Happy Faces

7109 Blessing Ave, Buttermilk Branch Watershed, St. Johns
Neighborhood Planning Area NPA
Rosalina Abrego
Approval of a conditional use permit to change the use of the property to
Day Care Services (General). The applicant is also requesting a
variance from Sec. 25-2-1067(F) to locate a playground with a 5 foot
setback from the property to the south.
Recommended
Sarah Graham, 974-2826, sarah.graham@ci.austin.tx.us
Planning and Development Review Department

The motion to approve staff's recommendation for approval of a conditional use permit; was approved on the consent agenda by Commissioner Clint Small's motion, Commissioner Mandy Dealey second the motion on a vote of 8-0; Commissioner Jay Reddy was absent.

SP-2009-0194C - Thai Retail Center

850 E. Rundberg Lane, Little Walnut Creek Watershed, Windsor Hills
Neighborhood Planning Area NPA
First Nework Realty (Son (Shawn) Thai)
Duarte Engineering (Manny Duarte)
Approval of a waiver from Section 25-2-1063(B) to locate a building 10
feet away from an SF-3 zoned lot to the east, used as a school.
Recommended
Sarah Graham, 974-2826, sarah.graham@ci.austin.tx.us
Planning and Development Review Department

The motion to approve staff's recommendation for approval of a waiver from Section 25-2-1063(B); was approved on the consent agenda by Commissioner Clint Small's motion, Commissioner Mandy Dealey second the motion on a vote of 8-0; Commissioner Jay Reddy was absent.

- 15. Site Plan - Conditional Use Permit and Variance Request:** **SPC-2009-0331A - TNT-Taco Tequila (Late Hours Permit)**
- Location: 507 Pressler, Suite 400, Lady Bird Lake Watershed, Old West Austin NPA
- Owner/Applicant: Mesa SW Austin, LLC (James Baron)
- Agent: Custom Restaurant Development (David Pencsak)
- Request: Approval of a conditional use permit for a late hours permit and approval of a variance from § 25-5-146(B)(2) - A parking area for a cocktail lounge or a restaurant with a late-hours permit must be separated from a property used or zoned townhouse and condominium residence (SF-6) district or more restrictive by not less than 200 feet unless the Land Use Commission grants a variance from this requirement at the time of site plan approval.
- Staff Rec.: **Recommended with conditions**
- Staff: Sue Welch, 974-3294, sue.welch@ci.austin.tx.us
Sangeeta Jain, 974-2219, sangeeta.jain@ci.austin.tx.us
Planning and Development Review Department

The motion for Indefinite Postponement by the request of the applicant; was approved on the consent agenda by Commissioner Clint Small's motion, Commissioner Mandy Dealey second the motion on a vote of 8-0; Commissioner Jay Reddy was absent.

- 16. Resubdivision:** **C8-2010-0004.0A - Resubdivision of Lot 1A, Domain Shopping Center Section 1**
- Location: 3314 W. Braker Lane, Walnut/Shoal Creek Watershed, N. Burnet/Gateway NPA
- Owner/Applicant: The Domain Shopping Center Section 1, (Joe Stallsmith)
- Agent: Bury & Partners, Inc. (Joe Isaja & Alastair Jenkin)
- Request: Approval of the Resubdivision of Lot 1A, Domain Shopping Center Section 1 composed of 1 lot on 39.836 acres.
- Staff rec.: **DISAPPROVAL**
- Staff: Planning and Development Review Department
- 17. Final Plat:** **C8-2010-0012.0A - Met Center II, Resub**
- Location: Burleson Rd, Onion/Carson Creek Watershed
- Owner/Applicant: Met Center II Nyctex, Ph II, LTD (Howard Yancy)
- Agent: Thrower Design (Ron Thrower)
- Request: Approval of the Met Center II, Resub composed of 6 lots on 75.061 acres
- Staff rec.: **DISAPPROVAL**
- Staff: Planning and Development Review

18. Final Plat: **C8-95-0220.02.2A - Expo Center Section 1 Block 8**
 Location: Montopolis Drive, Williamson/Onion Creek Watershed
 Owner/Applicant: 143 Smith School Ltd. (Ed Henigin)
 Agent: Bury & Partners (Kelly J. Bell)
 Request: Approval of the Expo Center Section 1 Block 8 composed of 1 lot on 36.98 acres.
 Staff Rec.: **DISAPPROVAL**
 Staff: Planning and Development Review

Items #16-18;

The motion to disapprove Items #16-18; was approved on the Consent Agenda by Commissioner Clint Small's motion, Commissioner Mandy Dealey seconded the motion on a vote of 8-0; Commissioner Jay Reddy was absent.

D. NEW BUSINESS

1. Discussion and Possible action:

Request: Discussion and possible action on the process by which Planning Commission will convene a stakeholder working group to provide input to the Executive Committee of the Planning Commission on the recommendations of the proposed Density Bonus Program.

Chair Dave Sullivan will email a list to staff to forward to all commissioners.

E. SUBCOMMITTEE REPORTS

Codes & Ordinances Subcommittee Meeting – February 16, 2010 @ 6:00 p.m.

Executive Committee meeting – Cancelled for February 11, 2010; Repost for February 16, 2010 @ 5:00 p.m.

F. ADJOURNMENT

Commissioner Dave Sullivan adjourned the meeting without objection at 11:30 p.m.