



**ZONING & PLATTING COMMISSION
MINUTES**

**REGULAR MEETING
February 2, 2010**

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

Chair Betty Baker called the Board Meeting to order at 6:10 p.m.

Board Members in Attendance:

Betty Baker – Chair
Sandra Baldrige
Cynthia Banks
Gregory Bourgeois
Teresa Rabago
Patricia Seeger
Donna Tiemann

EXECUTIVE SESSION (No public discussion)

The Zoning & Platting 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 19, 2010.

The motion to approve the minutes from January 19, 2010, was approved on the Consent Agenda by Donna Tiemann's motion, Commissioner Teresa Rabao seconded the motion on a vote of 7-0.

C. PUBLIC HEARINGS

1. Code Amendment C20-2008-013

Request: Discussion and Action on the proposed Heritage Tree Ordinance
Staff: Michael Embesi, 974-1856, micheael.embesi@ci.austin.tx.us
Planning and Development Review Department

The Zoning and Platting Commission approve staff's recommendations with the following amendments:

Section 25-8-602 Definitions: Definition to read-

Heritage Tree means a tree that has at least 1 trunk 24-inches in diameter or more at four and one-half feet above natural grade, being consistent with the current Tree Protection Ordinance, and is a species prescribed by rule as eligible for Heritage Tree designation.

Section 25-8-624 Approval Criteria (A) (2) to read-

The Planning and Development Review Department may approve an application to remove a protected tree only after determining the tree (2) prevents a reasonable use of the property;

Section 25-8-626 Effective Date and Expiration of Approval (A) to read-

Approval of an application to remove a protected tree is effective

- (1) On the third day after it is granted; or
- (2) Immediately if the application was approved under subsection 25-8-624 (A) 3, 4, or 5

25-8-642 (D) Remove this paragraph to simplify the code and treat all trees defined as "Heritage Tree" the same (no two tier 24"/30" system) as these trees represent such a small percentage of our urban tree population and describe our most iconic and large tree specimens.

The Zoning and Platting Commission support the Planning Commission and its recommendation the Heritage Tree Ordinance is to pertain to all CoA departments to the same extent it pertains to citizens.

The Zoning and Platting Commission support the Environmental Board's conditions and rationale as outlined in back up material C1/4, 5, and 6.

The Zoning and Platting Commission support the Environmental Board and Planning Commission's recommendations for additional consideration of outstanding mitigation and enforcement issues.

The motion was made by Commissioner Donna Tiemann, Commissioner Patricia Seeger second the motion on a vote of 4-3; Commissioners Betty Baker, Gregory Bourgeois and Sandra Baldrige voted against the motion (nay).

- 2. Final Plat: C8-2008-0204.0A - Resubdivision of Lot 1, Shoalwood Addition Section 4**
- Location: 2615 Pembroke Trail, Shoal Creek Watershed
Owner/Applicant: Andrew Carr
Agent: Shaw Hamilton Consultants, (Shaw Hamilton)
Request: Approval of the Resubdivision of Lot 1, Shoalwood Section 4, comprised of 3 lots on 0.75 acres.
Staff Rec.: **Recommended**
Staff: Don Perryman, 974-2786, don.perryman@ci.austin.tx.us
Planning and Development Review Department

The motion to deny staff's recommendation of the Shoalwood Section re-subdivision; was approved by Commissioner Patricia Seeger's motion, Commissioner Teresa Rabago second the motion on a vote of 5-2; Commissioners Sandra Baldrige and Chair Betty Baker voted against the motion (nay).

- 3. Rezoning: C814-2008-0136 - North Austin Medical Center Planned Unit Development**
- Location: 12221 N Mopac Expy NB, Walnut Creek Watershed
Owner/Applicant: St. David's Healthcare Partnership, L.P., LLP (Malcolm Belisle)
Agent: Clark, Thomas & Winters, P.C. (John Joseph)
Request: GO, GR, LO, GR-CO to PUD
Staff Rec.: **Recommendation Pending; Postponement request by the staff to 3/16/2010**
Staff: Joi Harden, 974-2122, joi.harden@ci.austin.tx.us
Planning and Development Review Department

The motion to postpone to March 16, 2010 by the request of staff; was approved by Commissioner Donna Tiemann's motion, Commissioner Teresa Rabago second the motion on a vote of 7-0.

- 4. Rezoning: C14-2009-0097 - 11505 Anderson Mill Road Rezone**
- Location:** 11505 Anderson Mill Road, Bull Creek Watershed
Owner/Applicant: Marvin and Elizabeth Henry
Agent: Thrower Design (Ron Thrower)
Request: DR to LR
Staff Rec.: **Recommendation of LR-CO; with applicant's proposed conditions**
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
Planning and Development Review

The motion to approve staff's recommendation for LR-CO district zoning with the applicant's proposed conditions; was approved on the Consent Agenda by Commissioner Donna Tiemann's motion, Commissioner Cynthia Banks second the motion on a vote of 7-0.

5. **Rezoning:** **C14-2009-0107 - St. Vincent De Paul Catholic Church**
Location: 9500 Neenah Avenue, Lake Creek Watershed
Owner/Applicant: Catholic Diocese of Austin (W.M. Mulvey)
Agent: Baker-Aicklen & Associates (Arnold Gonzales, Jr.)
Request: SF-2 to MF-4
Staff Rec.: **Recommendation of GO-CO**
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
Planning and Development Review Department

The motion to approve staff's recommendation for GO-CO district zoning; was approved on the Consent Agenda by Commissioner Donna Tiemann's motion, Commissioner Teresa Rabago second the motion on a vote of 7-0.

6. **Rezoning:** **C14-2009-0162 – AAA Limousine**
Location: 11902 North Interstate Highway-35 Service Road Southbound, Walnut Creek Watershed
Owner/Applicant: Mohammad Boujabadi
Agent: A.E.C. Inc (Phil Moncada)
Request: LO to GR
Staff Rec.: **Recommendation of GR-CO**
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
Planning and Development Review Department

This item was pulled from the agenda due to notice error.

7. **Site Plan – Conditional Use Permit and Waiver Request** **SPC-2009-0309A – 3515 Daycare**
Location: 3515 Convict Hill Road, Williamson Creek (BSZ) Watershed
Agent: George Lohr
Request: The applicant is requesting a conditional use permit to change the use of the property to Day Care Services (Commercial). The applicant is also requesting a variance from Sec. 25-2-1067(F) – An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining property used or zoned as SF-5 or more restrictive. The applicant is proposing to locate a playground with a 26 foot setback from the property to the north and a 5 foot setback from the property to the east.
Staff Rec.: **Recommended**
Staff: Sarah Graham, 974-2826, sarah.graham@ci.austin.tx.us
Planning and Development Review Department

This item was pulled from the agenda due to notice error.

8. **Site Plan – Conditional Use Permit** **SPC-2009-0066C – Jefferson Street Rehabilitation Hospital**
- Location:** 1600 W. 38th Street, Shoal Creek Watershed
Owner/Applicant: 1600 W. 38th LTD (Gerald Kucera)
Agent: The Kucera Companies, Sarah Crocker
Request: The applicant is requesting a conditional use permit for a hospital services, general.
Staff Rec.: **Recommended with conditions**
Staff: Sue Welch, 974-3294, sue.welch@ci.austin.tx.us
Amber Mitchell, 974-3428, amber.mitchell@ci.austin.tx.us
Planning and Development Review Department

This item was pulled from the agenda due to notice error.

9. **Resubdivision** **C8-2010-0005.0A – Resubdivision of Lot 10 & 11, Block F, Summit Oaks**
- Location** Tweed Court, Walnut Creek Watershed
Owner/Applicant John Boulton
Agent: Way Consulting Engineers, Inc. (Way Atmadja)
Request: The approval of the Resubdivision of Lot 10 & 11, Block F, Summit Oaks composed of 2 lots on 2.95 acres.
Staff Rec.: **Disapproval**
Staff: Planning & Development Review Department
10. **Final without Preliminary:** **C8J-2010-0003.0A Verna Fowler Banks Subdivision**
- Location:** 13300 FM 969 Road, Decker Creek Watershed
Owner/Applicant: Linda Banks Kneppel
Agent: Jacobs (Ricky De Camps & Suzanne Dean)
Request: Approval of the Verna Fowler Banks Subdivision composed of 2 lots on 16.28 acres.
Staff Rec. **Disapproval**
Staff: Planning & Development Review Department
11. **Preliminary:** **C8J-2010-0008 – Elm Creek Centre Preliminary Plat (W/D & Resub of C8J-2009-0007)**
- Location:** 12500 FM 969 Road, Elm Creek Watershed
- Owner/Applicant** CB2Ls, LLC (Buck Baccus)
Agent: Vickrey & Associates, Inc. (Steve Frost)
Request: Approval of the Elm Creek Centre Preliminary Plat (W/D & Resub of C8J-2009-0007) composed of 7 lots on 8.55 acres.
Staff Rec.: **Disapproval**
Staff: Planning & Development Review Department

12. Preliminary: **C8J-2010-0009 – Park 130 Preliminary Plat (W/D & Resub of C8J-2009-0008)**
Location: N SH 130 NB, Elm Creek and Decker Creek Watersheds
Owner/Applicant: CB2Ls, LLC (Buck Baccus)
Agent: Vickrey & Associates, Inc. (Steve Frost)
Request: Approval of the Park 130 Preliminary Plat (W/D & Resub of C8J-2009-0008) composed of 9 lots on 12.82 acres.
Staff Rec.: **Disapproval**
Staff: Planning & Development Review Department

13. Preliminary: **C8-07-0043.01 – Northwoods At Lakeline**
Location: N. Lakeline Blvd., South Brushy Creek Watershed
Owner/Applicant: Northwoods Lakeline Ranch, LLC (Todd Janssen)
Agent: Bury & Partners, Inc. (David A. Miller)
Request: Approval of the Northwoods At Lakeline composed of 838 lots on 177.63 acres.
Staff Rec.: **Disapproval**
Staff: Planning & Development Review Department

14. Final with Preliminary: **C8-2009-0030.1A – The Springs of Walnut Creek Phase 1**
Location: 12009 ½ North IH 35 Northbound, Walnut Creek Watershed
Owner/Applicant : Yager Development, LLC (Richard Kunz)
Agent: Pape-Dawson Engineers, Inc. (Dustin Goss)
Request: Approval of the Springs of Walnut Creek Phase 1 composed of 29 lots on 9.3 acres.
Staff Rec.: **Disapproval**
Staff: Planning & Development Review Department

Items #9-14;

The motion to disapprove Items #9-14; was approved on the Consent Agenda by Commissioner Donna Tiemann's motion, Commissioner Teresa Rabago second the motion on a vote of 7-0.

D. NEW BUSINESS

E. ADJOURN

Chair Betty Baker adjourned the meeting at 11:04 p.m. without objection.