



**Planning Commission
December 8, 2009 @ 6:00 P.M.
City Hall – Council Chambers
301 W. 2nd Street
Austin, TX. 78701**

Dave Anderson
Danette Chimenti - Parliamentarian
Mandy Dealey – Vice-Chair
Saundra Kirk

Jay Reddy – Secretary
Clint Small
Dave Sullivan - Chair
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

The first four (4) speakers signed up prior to the meeting being called to order will each be allowed a three-minute allotment to address their concerns regarding items not posted on the agenda.

B. APPROVAL OF MINUTES

1. Approval of minutes for November 10, 2009.

C. PUBLIC HEARING

1. Discussion and Possible Action

Request: Discussion and possible action on directing staff to initiate an ordinance amending the CURE overlay in terms of height, floor-to-area ratio, and other bonuses.

2. Discussion and Possible Action

Request: Discussion and possible action on the Density Bonus Program.
Staff: Jim Robertson, 974-3564; Jim.Robertson@ci.austin.tx.us; Planning and Development Review

3. Discussion and Possible Action

Request: Discussion and possible action on amending the Downtown Affordability Housing Strategy.

4. Ordinance Amendment:

Amendment to the Land Development Agreement between the City of Austin and Austin Independent School District
Location: 5600 Sunshine Drive, Shoal Creek, Brentwood/Highland Combined NP
Request: Consider an amendment to the height regulations for a structure associated with a Performing Arts Center at McCallum High School Campus. This is the proposed third amendment to the School District Land Development Standards Agreement between the City of Austin and Austin Independent School District.
Staff Rec.: Recommended
Staff: Nikki Hoelter, 974-2863; nikki.hoelter@ci.austin.tx.us; Planning and Development Review Department

5. Code Amendment: **Heritage Tree Ordinance**

Location: Citywide
Agent: City of Austin (Planning and Development Review Department)
Request: Discussion and possible action on the Heritage Tree Ordinance.
Staff: Michael Embesi, 974-1876; Michael.embesi@ci.austin.tx.us; Planning and Development Review Department

- 6. Code Amendment: C2O-2009-024 – Barton Springs Pool Gravel Bar Removal**
 Location: 2201 Barton Springs Road, Barton Creek, Barton Hills NPA
 Owner/Applicant: City of Austin (Watershed Protection Department)
 Agent: David Johns
 Request: A site specific amendment of Chapter 25-8 of the Land Development Code to permit construction in the Critical Water Quality Zone, related to the removal of a gravel bar in Barton Springs Pool.
 Staff Rec.: Recommended
 Staff: David Johns, 974-2781; david.johns@ci.austin.tx.us; Watershed Protection Department
- 7. Code Amendment: C2O-2009-019 – Requirements for keeping fowl as an accessory use**
 Location: Citywide
 Owner/Applicant: City of Austin
 Agent: Robert Heil
 Request: A proposed amendment to City Code Section 25-2-893 relating to requirements for fowl as an accessory use for a principal residential use.
 Staff Rec.: Recommended
 Staff: Robert Heil, 974-2330; Robert.heil@ci.austin.tx.us; Planning and Development Review Department
- 8. Annexation: C12M-2009-0003 – Moore’s Crossing Municipal Utility District**
 Location: S. FM 973, Onion Creek
 Owner/Applicant: William Gurasich, SR Development, Inc.
 Agent: Greg Ulcak, Civil Land Group
 Request: Request the City’s consent to the annexation of 33.93 acres into Moore’s Crossing MUD
 Staff Rec.: Recommended
 Staff: Virginia Collier, 974-2022, Virginia.collier@ci.austin.tx.us; Planning and Development Review

9. Rezoning **C14-2009-0106 Rosewood Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-In/Opt-Out Process**

Location: The Rosewood Neighborhood Planning Area is bounded by the Manor Road on the north; Airport Boulevard to the east; Northwestern and Webberville Road on the south; and Northwestern to Rosewood to Chicon to 12th Street, north along Austin & NW Railroad to Martin Luther King Boulevard to Stafford to Rogers to Walnut to the west.; Boggy Creek, Tannehill Branch and Town Lake watershed; Rosewood NPA

Owner/Applicant: City of Austin – Planning and Development Review

Request: To implement Vertical Mixed Use Building (V) zoning regulations within the Rosewood 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 Rosewood Neighborhood Planning Area from the overlay district.

Staff: Melissa Laursen, 974-7226; Melissa.laursen@ci.austin.tx.us; Planning and Development Review Department

10. Rezoning: **C14H-2009-0035 – Scarbrough House**

Location: 1801 West Avenue, Waller Creek, Downtown NPA

Owner/Applicant: Jo Sue Howard

Agent: Phoebe Allen

Request: Historic Zoning case but also a base zoning change from MF-4 to SF-3-H

Staff Rec.: Recommended

Staff: Steve Sadowsky, 974-6454, Steve.Sadowsky@ci.austin.tx.us; Planning and Development Review Department

11. Rezoning: **C14H-2009-0060 – Lassberg House**

Location: 1608 Woodlawn Boulevard, Shoal Creek, Windsor Road NPA

Owner/Applicant: Jane Schweppe

Agent: Tina Contros

Request: SF-3 to SF-3-H

Staff Rec.: Recommended

Staff: Steve Sadowsky, 974-6454; Steve.sadowsky@ci.austin.tx.us; Planning and Development Review Department

12. Rezoning: C14H-2009-0061 – Arthur Pope and Eleanor Covert Watson House
Location: 11 (1705) Niles Road, Shoal Creek, Windsor Road NPA
Owner/Applicant: Marlene Romanczak and Brian Magierski
Agent: Tina Contros
Request: SF-3 to SF-3-H
Staff Rec.: Recommended
Staff: Steve Sadowsky, 974-6454; Steve.sadowsky@ci.austin.tx.us; Planning and Development Review Department

13. Rezoning: C14H-2009-0058 – Graham-Bybee House
Location: 1406 Enfield Road, Shoal Creek, Windsor Road NPA
Owner/Applicant: Ethan and Tracey Stead
Request: MF-3 to MF-3H
Staff Rec.: Recommended
Staff: Steve Sadowsky, 974-6454; Steve.sadowsky@ci.austin.tx.us; Planning and Development Review Department

14. Restrictive Covenant Amendment C14-72-015 (RCA) 1517 E. Anderson Lane – Restrictive Covenant Amendment
Location: 1517 East Anderson Lane, Buttermilk Branch, Coronado Hills NPA
Owner/Applicant: ZIF Holdings, Inc. (Iniyat Fidai)
Agent: DCI Permitting and Land Consulting (David Cancialosi)
Request: To amend the Restrictive Covenant to 1. Delete Item (1) (e) which prohibits drive-in type cafes (but not prohibiting restaurants or eating places whereby all customers are served inside a building); 2. Delete Item (1) (h) which prohibits auto repair garages (but not prohibiting filing stations); and 3. Delete Item (1) (j) which prohibits new or used car or automobile selling lots.
Staff Rec.: Staff recommends amending the Restrictive Covenant to delete Item (1) (e) which prohibits drive-in type cafes (but not prohibiting restaurants or eating places whereby all customers are served inside a building). Staff does not recommend deleting Item (1) (h) which prohibits auto repair garages (but not prohibiting filing stations); and Item (1) (j) which prohibits new or used car or automobile selling lots.
Staff: Joi Harden, 974-2122, joi.harden@ci.austin.tx.us; Planning and Development Review Department

- 15. Site Plan Extension** **SPC-2007-0439C (XT) Western Oaks Retail Center**
- Location: 4625 W. William Cannon Dr.; Williamson Creek (BSZ); East Oak Hill NPA
- Owner/Applicant: AVG-Austin, LP. (Doug Jaquay)
- Agent: Land Strategies, Inc. (Paul Linehan)
- Request: To extend the approved site plan for 5 years.
- Staff Rec.: Recommended
- Staff: Lynda Courtney, 974-2810, Lynda.Courtney@ci.austin.tx.us; Planning and Development Review Department
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- 16. Site Plan CUP** **SP-2008-0563D – Blunn Creek Warehouse Row WQ Pond #1**
- Location: 3600-4012 Warehouse Row; Blunn Creek, St. Edwards NPA
- Owner/Applicant: COA Public Works Engineering (Richard Fraser)
- Agent: City of Austin (Richard Fraser)
- Request: To approve a Conditional Use Permit for a site plan greater than one acre in P-Public Zoning.
- Staff Rec.: Recommended
- Staff: Benny Ho, 974-3402; Benny.Ho@ci.austin.tx.us; Planning and Development Review Department
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- 17. Site Plan CUP** **SP-2008-0577D – Blunn Creek Warehouse Row WQ Pond #2**
- Location: 3600-4200 Warehouse Row; Blunn Creek, St. Edwards NPA
- Owner/Applicant: COA Public Works Engineering (Richard Fraser)
- Agent: City of Austin (Richard Fraser)
- Request: To approve a Conditional Use Permit for a site plan greater than one acre in P-Public Zoning.
- Staff Rec.: Recommended
- Staff: Benny Ho, 974-3402; Benny.Ho@ci.austin.tx.us; Planning and Development Review Department

- 18. Site plan – Variance Only** **SP-2009-0123CS – Mundial Motors**
- Location: 4500 S. US Hwy 183, Onion Creek, Southeast NPA
- Owner/Applicant: Julio Alvarado
- Agent: A.E.C. Inc. (Phil Moncada)
- Request: To approval waivers from Land Development Code Sections 25-2-1063(B) - All proposed structures may not be constructed within 25 feet from property lines adjacent to an SF-5 or more restrictive use or district; Section 25-2-1067 - driveways shall maintain a setback of 17 feet; and 25-2-1067(C) - A permanently placed refuse receptacle, including a dumpster, may not be located 20 feet or less from property on which a use permitted in an SF-5 or more restrictive zoning district is located adjacent to a permitted single-family use.
- Staff Rec.: Recommended
- Staff: Sarah Graham, 974-2826; Sarah.graham@ci.austin.tx.us; Planning and Development Review Department
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- 19. Site Plan Conditional Use Permit** **SPC-2009-0262A – Music Gym & Lounge**
- Location: 517 N IH 35, Waller Creek, East Cesar Chavez NP (Plaza Saltillo TOD)
- Owner/Applicant: Robert Edward Penta Jr.
- Agent: Rock Ridge Consulting (James Herbert)
- Request: To approve a Conditional Use Permit for a cocktail lounge in CS-1-MU-CO-NP zoning.
- Staff Rec.: Recommended
- Staff: Donna Galati, 974-2733; donna.galati@ci.austin.tx.us; Planning and Development Review Department
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- 20. Site Plan Conditional Use Permit:** **SPC-2009-0239A – Detour Domain**
- Location: 11101 Burnet Road, Walnut Creek, North Burnet Gateway
- Owner/Applicant: Kelly Capital Group, Inc., (Kenneth R. Satterlee)
- Agent: Land Strategies Inc. (Erin Welch)
- Request: Request approval of a conditional use permit for a cocktail lounge.
- Staff Rec.: Recommended
- Staff: Nikki Hoelter, 974-2863; nikki.hoelter@ci.austin.tx.us; Planning and Development Review Department

21. Final without a Preliminary: **C8-2009-0025.0A – Melridge Terrace**
 Location: 1303 Robert E. Lee Road; Lady Bird Lake, South Lamar Combined (underway)
 Owner/Applicant: Woodside Development, Inc. (Thad Avery)
 Agent: Carlson, Brigrance & Doering (Brett Pasquerella)
 Request: Approve the subdivision of 1.586 acres of land into 6 single family lots.
 Staff Rec.: Recommended
 Staff: Sylvia Limon, 974-2767; Sylvia.limon@ci.austin.tx.us; Planning and Development Review Department

22. Resubdivision: **C8-2009-0088.0A – Resubdivision of Lot 1, Block “E”, Amended Plat of Lot 3, Block “D”, Mueller Sec III Subdivision & Lot 1, Block “E”, Mueller Sec XII Subdivision**
 Location: Barbara Jordan Blvd., Tannehill Branch/Boggy Creek, RMMA NPA
 Owner/Applicant: Catellus Austin, LLC (Leopoldo Lopez)
 Agent: Bury & Partners (Chris Randazzo)
 Request: Approval of the resubdivision of one lot into three lots comprised of 22.537 acres.
 Staff Rec.: Recommended
 Staff: Don Perryman, 974-2786; don.perryman@ci.austin.tx.us; Planning and Development Review Department

D. NEW BUSINESS

1. New Business:
 Request: Discussion and action on directing staff to initiate ordinance changes related to garage placement and design tools in neighborhood planning combining districts (-NP).

2. New Business:
 Request: Discussion and action on directing staff to initiate ordinance changes prohibiting relocation of billboards within 500 feet of a legal residential use.

3. New Business:
 Request: Discussion and action on directing staff to initiate ordinance changes designating North Lamar from US 183 to Braker Lane as a core transit corridor.

4. New Business:

Request: Discussion and action on directing staff to initiate ordinance changes related to flag lots, including recommendations from the flag-lot subcommittee.

5. New Business

Request: Selection of 2 members and 2 alternates to represent the Planning Commission as non-voting members of the Comprehensive Plan Citizens Advisory Task Force.

6. New Business

Request: Discussion and action on approving the 2010 Planning Commission meeting schedule.

E. SUBCOMMITTEE REPORTS

F. ADJOURNMENT

The City of Austin is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least 4 days before the meeting date. Please call Dora Anguiano at Neighborhood Planning & Zoning Department, at 974-2104, for additional information; TTY users route through Relay Texas at 711.