



**PLANNING COMMISSION  
MINUTES**

**REGULAR MEETING  
December 8, 2009**

The Planning Commission convened in a regular meeting on December 8, 2009 @ 301 W. 2<sup>nd</sup> Street in Austin, Texas.

Chair Dave Sullivan called the Board Meeting to order at 6:10 p.m.

**Board Members in Attendance:**

**Dave Sullivan - Chair  
Dave Anderson  
Danette Chimenti  
Mandy Dealey  
Saundra Kirk  
Jay Reddy  
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 November 10, 2009.

The motion to approve the minutes from November 10, 2009; were approved on the Consent Agenda by Commissioner Mandy Dealey's motion, Commissioner Jay Reddy second the motion on a vote of 7-0-1; Commissioner Dave Anderson abstained, 1 vacancy on the Commission.

## C. PUBLIC HEARINGS

### 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.

Motion made to initiate an ordinance to revise the CURE ordinance to not include height or F.A.R. increases. (This does nothing other than to begin the work to write an ordinance to modify CURE.); made by Commissioner Danette Chimenti, Commissioner Jay Reddy second the motion on a vote of 8-0; 1 vacancy on the commission.

### 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](mailto:Jim.Robertson@ci.austin.tx.us); Planning and Development Review

Motion made by Planning Commission to continued the item to January 12, 2010, keeping open the public hearing. The Exec Committee (Sullivan, Dealey, Reddy, Chimenti) will meet to write a draft letter to the City Council that will be debated and voted on after the close of the hearing on Jan. 12<sup>th</sup>; motion made by Commissioner Mandy Dealey, Commissioner Dave Anderson second the motion on a vote of 7-0-1; Commissioner Kathryne Tovo abstained from this item; 1 vacancy on the Commission.

### 3. Discussion and Possible Action

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

Motion made to:

- 1) Adopt the price point targets suggested by Housing Works: 1,000 units priced of ownership and rental for families earning \$41,000- \$88,000/year; 400 units priced for rental housing for families earning \$20,000 - \$40,000/year; and 250 supportive housing units for persons with special needs earning up to \$20,000/year.
- 2) Protect existing Downtown affordability, including the Lakeside Senior Apartments.
- 3) Make efforts to include new affordable units within projects with market rate housing.

The main motion made by Commissioner Danette Chimenti, Commissioner Jay Reddy second the motion on a vote of 8-0; 1 vacancy on the commission.

- 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](mailto:nikki.hoelter@ci.austin.tx.us); Planning and Development Review Department

The motion to approve staff’s recommendation for amending the height regulations for the Performing Arts Center at McCallum High School; was approved on the Consent Agenda by Commissioner Mandy Dealey, Commissioner Jay Reddy second the motion on a vote of 7-0-1; Commissioner Dave Sullivan abstained; 1 vacancy on the commission.

- 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](mailto:Michael.embesi@ci.austin.tx.us); Planning and Development Review Department

Motion made to approve staff’s recommendation with the following amendments:

- 1) 25-8-602 (1) HERITAGE TREE means a tree that has a total diameter of 24 inches or more, measured four and one-half feet above natural grade, and is a species prescribed by ordinance as eligible for heritage tree designation.
- 2) As noted above, the list of species will be prescribed by ordinance.
- 3) In 25-8-624 (A) (4) and 25-8-642 (A) (1), delete reference to "dying or" in "dying or dead."
- 4) Revise 25-8-621 (B) to specify "...damaged protected tree that is an imminent hazard..."
- 5) Specify that the ordinance pertains to all CoA departments to the same extent it pertains to citizens.
- 6) Delete 25-8-642 (C)
- 7) The review process for 25-8-642 (D) should be amended to state that the director may grant a variance from Sec. 25-8-641 to allow removal of a heritage tree ... only after receiving a recommendation from the Urban Forestry Board and after determining, based on the city arborist's recommendation...
- 8) Revise 25-8-624 (A) (2) prevents all reasonable use of the property;

9) Also directed the PC Codes & Ordinances Subcommittee to consider the mitigation and enforcement issues to be added later to the HTO, but this should not hold up the current ordinance.

Motion made by Commissioner Jay Reddy, Commissioner Dave Anderson second the motion on a vote of 7-1; Commissioner Clint Small voted nay; 1 vacancy on the commission,

- 6. Code** **C2O-2009-024 – Barton Springs Pool Gravel Bar Removal**  
**Amendment:**  
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](mailto:david.johns@ci.austin.tx.us); Watershed Protection Department

The motion to approve staff's recommendation to amend Chapter 25-8; was approved by Commissioner Jay Reddy's motion, Commissioner Dave Anderson second the motion on a vote of 8-0; 1 vacancy on the commission.

- 7. Code** **C2O-2009-019 – Requirements for keeping fowl as an accessory use**  
**Amendment:**  
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](mailto:Robert.heil@ci.austin.tx.us); Planning and Development Review Department

The motion to send back to Codes & Ordinances Subcommittee and return to the full Commission at a later date; was approved by Commissioner Mandy Dealey's motion, Commissioner Jay Reddy second the motion on a vote of 8-0; 1 vacancy on the commission.

- 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](mailto:Virginia.collier@ci.austin.tx.us); Planning and Development Review

The motion to approve staff’s recommendation for annexation of 33.93 acres; was approved on the Consent Agenda by Commissioner Mandy Dealey’s motion, Commissioner Jay Reddy second the motion on a vote of 8-0; 1 vacancy on the Commission.

- 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](mailto:Melissa.laursen@ci.austin.tx.us); Planning and Development Review Department

The motion to approve the neighborhood’s recommendation with removal of Tract 113 (church tract) and that Mr. Wallace meets with the Neighborhood Association; was approved by Commissioner Jay Reddy’s motion, Commissioner Clint Small second the motion on a vote of 8-0; 1 vacancy on the commission.

\* Commission requested that staff notify for 2600 & 2604 Rosewood Avenue, so that it can be included also; and brought back before the Planning Commission.

- 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](mailto:Steve.Sadowsky@ci.austin.tx.us); Planning and Development Review Department

The motion to approve staff’s recommendation for SF-3-H zoning; was approved on the Consent Agenda by Commissioner Mandy Dealey’s motion, Commissioner Jay Reddy second the motion on a vote of 8-0; 1 vacancy on the Commission.

- 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](mailto:Steve.sadowsky@ci.austin.tx.us); Planning and Development Review Department

The motion to approve staff’s recommendation for SF-3-H zoning; was approved on the Consent Agenda by Commissioner Mandy Dealey’s motion, Commissioner Jay Reddy second the motion on a vote of 8-0; 1 vacancy on the commission.

- 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](mailto:Steve.sadowsky@ci.austin.tx.us); Planning and Development Review Department

The motion to approve staff’s recommendation for SF-3-H zoning; was approved on the Consent Agenda by Commissioner Mandy Dealey’s motion, Commissioner Jay Reddy second the motion on a vote of 8-0; 1 vacancy on the commission.

- 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](mailto:Steve.sadowsky@ci.austin.tx.us); Planning and Development Review Department

The motion to approve staff’s recommendation for MF-3-H zoning; was approved on the Consent Agenda by Commissioner Mandy Dealey’s motion, Commissioner Jay Reddy second the motion on a vote of 8-0; 1 vacancy on the commission.

- 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](mailto:joi.harden@ci.austin.tx.us); Planning and Development Review Department

The motion to deny the amendment to the restrictive covenant; was approved by Commissioner Jay Reddy’s motion, Commissioner Clint Small second the motion on a vote of 8-0; 1 vacancy on the commission.

- 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](mailto:Lynda.Courtney@ci.austin.tx.us); Planning and Development Review Department

The motion to postpone to January 12, 2010 by the request of staff; was approved on the consent agenda by Commissioner Mandy Dealey’s motion, Commissioner Jay Reddy second the motion on a vote of 8-0; 1 vacancy on the commission.

- 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](mailto:Benny.Ho@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 Mandy Dealey’s motion, Commissioner Jay Reddy second the motion on a vote of 8-0; 1 vacancy on the commission.

- 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](mailto:Benny.Ho@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 Mandy Dealey’s motion, Commissioner Jay Reddy second the motion on a vote of 8-0; 1 vacancy on the commission.



**18. Site plan – SP-2009-0123CS – Mundial Motors  
Variance Only**

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](mailto:Sarah.graham@ci.austin.tx.us); Planning and Development Review Department

The motion to approve staff’s recommendation for approval of waivers to Sections 25-2-1063(B), Section 25-2-1067 and Section 25-2-1067(C); was approved on the consent agenda by Commissioner Mandy Dealey’s motion, Commissioner Jay Reddy second the motion on a vote of 8-0; 1 vacancy on the commission.

**19. Site Plan SPC-2009-0262A – Music Gym & Lounge  
Conditional Use  
Permit**

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](mailto:donna.galati@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 by Commissioner Clint Small’s motion, Commissioner Dave Anderson second the motion on a vote of 8-0; 1 vacancy on the commission.

- 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](mailto:nikki.hoelter@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 Mandy Dealey’s motion, Commissioner Jay Reddy second the motion on a vote of 8-0; 1 vacancy on the commission.

- 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, Brigance & 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](mailto:Sylvia.limon@ci.austin.tx.us); Planning and Development Review Department

The motion to postpone to January 12, 2010 by the request of the neighborhood; was approved by Commissioner Danette Chimenti’s motion, Commissioner Kathryn Tovo second the motion on a vote of 8-0; 1 vacancy on the commission.

- 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](mailto:don.perryman@ci.austin.tx.us); Planning and Development Review Department

The motion to approve staff’s recommendation for approval of a resubdivision; was approved on the consent agenda by Commissioner Mandy Dealey’s motion, Commissioner Jay Reddy second the motion on a vote of 8-0; 1 vacancy on the commission.

**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).

Motion made to direct staff to initiate ordinance changes; was approved on the consent agenda by Commissioner Mandy Dealey’s motion, Commissioner Jay Reddy second the motion on a vote of 8-0; 1 vacancy on the commission.

**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.

Pulled; replaced on the addendum.

**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.

Motion made to direct staff to initiate ordinance changes; was approved on the consent agenda by Commissioner Mandy Dealey’s motion, Commissioner Jay Reddy second the motion on a vote of 8-0; 1 vacancy on the commission.

**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.

Motion made to direct staff to initiate ordinance changes; was approved on the consent agenda by Commissioner Mandy Dealey’s motion, Commissioner Jay Reddy second the motion on a vote of 8-0; 1 vacancy on the commission.

**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.

Pulled; replaced on the addendum.

**6. New Business**

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

Motion made to approve the 2010 Planning Commission meeting schedule; was approved on the consent agenda by Commissioner Mandy Dealey's motion, Commissioner Jay Reddy second the motion on a vote of 8-0; 1 vacancy on the commission.

**E. SUBCOMMITTEE REPORTS**

**F. ADJOURNMENT**

**Commissioner Dave Sullivan adjourned the meeting without objection at 2:13 a.m.**