



**PLANNING COMMISSION
MINUTES**

**REGULAR MEETING
April 12, 2011**

The Planning Commission convened in a regular meeting on April 12, 2011 @ 301 W. 2nd Street in Austin, Texas.

Chair Dave Sullivan called the Board Meeting to order at 6:06 p.m.

Board Members in Attendance:

**Dave Sullivan – Chair
Dave Anderson
Tina Bui
Danette Chimenti
Mandy Dealey
Richard Hatfield
Alfonso Hernandez
Saundra Kirk
Jay Reddy**

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

Susana Almanza – Montopolis Neighborhood Plan

B. APPROVAL OF MINUTES

1. Approval of minutes for March 22, 2011.

The motion to approve the minutes for March 22, 2011 with amendments; was approved on the consent agenda by Commission Saundra Kirk's motion, Commissioner Dave Anderson second the motion on a vote of 8-0-1; Commissioner Tina Bui abstained from the minutes.

C. PUBLIC HEARINGS

1. Code Amendment: C20-2011-008 - Special Exemptions and Fee Waivers for Certain Code Violations

Owner/Applicant: City of Austin
Agent: Planning and Development Review Department
Request: This amendment would recognize that conditions non-compliant with building permit and land use codes may exist on certain residential properties within the City of Austin and that many long-term property owners may not be aware of these conditions. As a means to address compliance and life safety issues and equitability, the proposed ordinance would allow an expansion of the City's amnesty program by authorizing the Board of Adjustment to grant a special exception in limited circumstances, as authorized by State law.
Staff Rec.: **Recommended**
Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
Greg Guernsey, 974-2387, Greg.Guernsey@ci.austin.tx.us
Planning and Development Review Department

The motion to approve staff's recommendation with language changes to two sections in Part 5; was approved by Commissioner Jay Reddy's motion, Commissioner Dave Anderson seconded the motion on a vote of 9-0.

2. Plan Amendment: NPA-2010-0005.03 - McElhenney Tract

Location: 530 & 626 Bastrop Highway, Carson Creek Watershed, Montopolis NPA
Owner/Applicant: Jennifer McElhenney-Bertino; Amy Barbee (nee McElhenney); Thomas McElhenney, Jr.; John McElhenney; Ada McElhenney
Agent: Drenner & Golden Stuart Wolff, L.L.P. (Michele Haussmann)
Request: Single Family to Commercial
Staff Rec.: **Pending**
Staff: Maureen Meredith, 974-2695, maureen.meredith@ci.austin.tx.us
Planning & Development Review Department

The motion to postpone to May 10, 2011 by the request of staff; was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Dave Anderson seconded the motion on a vote of 9-0.

- 3. Rezoning: C14-2010-0138 - McElhenney Tract**
 Location: 530 & 626 Bastrop Highway, Carson Creek Watershed, Montopolis NPA
 Owner/Applicant: Jennifer McElhenney-Bertino; Amy Barbee (nee McElhenney); Thomas McElhenney, Jr.; John McElhenney; Ada McElhenney
 Agent: Drenner & Golden Stuart Wolff, L.L.P. (Michele Haussmann)
 Request: CS-NP, GR-CO-NP and SF-2-NP to CS-NP
 Staff Rec.: **Pending**
 Staff: Stephen Rye, 974-7604, stephen.rye@ci.austin.tx.us
 Planning and Development Review Department

The motion to postpone to May 10, 2011 by the request of staff; was approved on the consent agenda by Commissioner Sandra Kirk's motion; Commissioner Dave Anderson seconded the motion on a vote of 9-0.

- 4. Plan Amendment: NPA-2010-0018.03 - EP Austin Neighborhood Plan Amendment**
 Location: 5011 Burnet Road (0.559 acres), Shoal Creek Watershed, Brentwood/Highland Combined NPA
 Owner/Applicant: EP Austin Properties, L.P. (George C. Thorne & Robert L. Rock)
 Agent: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.)
 Request: Single Family to Mixed Use
 Staff Rec.: **Recommended**
 Staff: Maureen Meredith, 974-2695, maureen.meredith@ci.austin.tx.us
 Planning and Development Review Department

The motion to approve staff's recommendation for mixed use; was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Dave Anderson seconded the motion on a vote of 9-0.

- 5. Rezoning: C14-2010-0025 - EP Austin**
 Location: 5011 Burnet Road, Shoal Creek Watershed, Brentwood/Highland Combined NPA
 Owner/Applicant: EP Austin Properties, L.P. (George C. Thorne & Robert L. Rock)
 Agent: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.)
 Request: SF-3-NP to GO-CO-MU-NP
 Staff Rec.: **Recommendation of GO-MU-CO-NP**
 Staff: Clark Patterson, 974-9761, clark.patterson@ci.austin.tx.us
 Planning and Development Review Department

The motion to approve staff's recommendation for GO-MU-CO-NP district zoning was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Dave Anderson second the motion on a vote of 9-0.

- 6. Plan Amendment: NPA-2011-0005.01 - Riverside Gardens**
 Location: 6716 East Riverside Drive, Carson Creek Watershed, Montopolis NPA
 Owner/Applicant: Equity Secured Capital, L.P.
 Agent: Carlson, Brigance & Doering, Inc. (Charles R. Brigance, Jr., P.E.)
 Request: Commerical to Multifamily (on Tract 2)
 Staff Rec.: **Staff recommends Higher Density Single Family on Tracts 1 & 2 and Mixed Use on Tract 3**
 Staff: Maureen Meredith, 974-2695, maureen.meredith@ci.austin.tx.us
 Planning and Development Review Department

The motion to approve staff’s recommendation for higher density single family on tracts 1 & 2 and mixed use on tract 3; was approved by Commissioner Danette Chimenti’s motion, Commissioner Sandra Kirk seconded the motion on a vote of 7-2; Commissioners Alfonso Hernandez and Jay Reddy voted against the motion (nay).

- 7. Rezoning: C14-2010-0204 - Riverside Gardens**
 Location: 6716 East Riverside Drive, Carson Creek Watershed, Montopolis NPA
 Owner/Applicant: Equity Secured Capital, L.P.
 Agent: Carlson, Brigance & Doering, Inc. (Charles R. Brigance, Jr., P.E.)
 Request: MF-3-NP and CS-NP to SF-4A-NP
 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 SF-4A-NP district zoning; was approved by Commissioner Danette Chimenti’s motion, Commissioner Sandra Kirk seconded the motion on a vote of 7-2; Commissioners Alfonso Hernandez and Jay Reddy voted against the motion (nay).

- 8. Plan Amendment: NPA-2010-0021.02 - Parker Lane**
 Location: 1406 - 1506 Parker Lane, Town Lake Watershed, East Riverside/Oltorf Combined NPA
 Owner/Applicant: J. Ryan Diepenbrock
 Agent: J. Ryan Diepenbrock
 Request: Single Family to Higher-Density Single Family
 Staff Rec.: **Withdrawn by applicant.**
 Staff: Maureen Meredith, 974-2695, maureen.meredith@ci.austin.tx.us
 Planning & Development Review Department

This item was withdrawn by the applicant.

- 9. Rezoning: C14-2010-0140 - Parker Lane**
 Location: 1406 - 1506 Parker Lane, Town Lake Watershed, East Riverside/Oltorf
 Combined NPA
 Owner/Applicant: J. Ryan Diepenbrock
 Agent: J. Ryan Diepenbrock
 Request: SF-3-NP to SF-6-CO-NP
 Staff Rec.: **Withdrawn by applicant.**
 Staff: Stephen Rye, 974-7604, stephen.rye@ci.austin.tx.us
 Planning and Development Review Department

This item was withdrawn by the applicant.

- 10. 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: Coats Rose (Kelly Wright)
 Request: **GR-CO-NP; PUD-NP to PUD-NP**
 Staff Rec.: **Recommendation Pending**
 Staff: Wendy Rhoades, 974-7719, wendy.rhoades@ci.austin.tx.us
 Planning and Development Review Department

The motion to postpone to June 14, 2011 by the request of staff; was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Dave Anderson seconded the motion on a vote of 9-0.

- 11. Rezoning: C14-2011-0011 - North Austin Recreation Center**
 Location: 1000 West Rundberg Lane, Little Walnut Creek Watershed, North
 Austin Civic Association NPA
 Owner/Applicant: City of Austin (Mark Schruben)
 Agent: Urban Design Group (Laura Toups)
 Request: MF-2-NP to P-NP
 Staff Rec.: **Recommended**
 Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@ci.austin.tx.us
 Planning and Development Review Department

The motion to approve staff's recommendation for P-NP zoning; was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Dave Anderson seconded the motion on a vote of 9-0.

12. Rezoning: C14-2011-0010 - 821 W. 11th.
 Location: 821 W. 11th Street, Shoal Creek Watershed, Downtown NPA
 Owner/Applicant: Dwight Monteith
 Agent: Kari Blachley
 Request: MF-3 to DMU
 Staff Rec.: **Recommendation of DMU-CO**
 Staff: Clark Patterson, 974-7691, clark.patterson@ci.austin.tx.us
 Planning and Development Review Department

The motion to approve staff’s recommendation for DMU-CO district zoning with the added conditions of:

- 40 feet height limit;
- Prohibit the following uses: Adult oriented businesses, pawnshops, liquor sales and cocktail lounges; was approved on the consent agenda by Commissioner Sandra Kirk’s motion, Commissioner Dave Anderson second the motion on a vote of 9-0.

13. Plat Vacation: C8-07-0006.0A(VAC) - A Resubdivision of the East One-Half of Lot 13 Banister Heights
 Location: 1405 Morgan Lane, West Bouldin Creek Watershed, South Lamar NPA
 Owner/Applicant: Friday and Buchanan, LLC (Robb Buchanan)
 Agent: Austin Civil Engineering (Brent Hammond)
 Request: Approval of a total vacation of A Resubdivision of the East One-Half of Lot 13 Banister Heights.
 Staff Rec.: **Recommended**
 Staff: David Wahlgren, 974-6455, David.Wahlgren@ci.austin.tx.us
 Planning and Development Review Department

The motion to approve staff’s recommendation for approval of a total vacation; was approved on the consent agenda by Commissioner Sandra Kirk’s motion; Commissioner Dave Anderson seconded the motion on a vote of 9-0.

14. Preliminary Plan: C8-2011-0001.SH - Mueller Section V, Block 59A, Resubdivision Preliminary Plan
 Location: 3600 Manor Road, Tannehill Branch Watershed, RMMA
 Owner/Applicant: COA Redevelopment Services Office (Pam Hefner)
 Agent: Bury & Partners, Inc. (David Miller)
 Request: Approval of the Mueller Section V, Block 59A, Resubdivision Preliminary Plan composed of 8 lots on 3.342 acres.
 Staff Rec.: **Recommended.**
 Staff: Don Perryman, 974-2786, don.perryman@ci.austin.tx.us
 Planning and Development Review Department

The motion to approve staff’s recommendation for approval of the Mueller Section V, Block 59A, Re-subdivision of a Preliminary Plan; was approved on the consent agenda by Commissioner Sandra Kirk’s motion, Commissioner Dave Anderson seconded the motion on a vote of 9-0.

- 15. Resubdivision:** **C8-2010-0133.0A - Lot 1, Block 43A, 401 Colorado Subdivision (A Replat of the South 23-Ft. of Lot 10, Lot 11 & 12, Block 43, Original City of Austin Subdivision)**
- Location: 401 Colorado Street, Lady Bird Lake (formerly Town Lake) Watershed, Downtown NPA
- Owner/Applicant: Austin Trust Company, Ann Chiles Graham, Susan Chiles Harris, John C Horton, III & Wilmot R. Horton
- Agent: Bury & Partners, Inc. (Alastair Jenkins)
- Request: Approve the resubdivision of part of one lot and 2 other lots into one lot on 0.421 acres.
- Staff Rec.: **Recommended**
- Staff: Sylvia Limon, 974-2767, sylvia.limon@ci.austin.tx.us
Planning and Development Review Department

The motion to approve staff’s recommendation to approve the re-subdivision of part of one lot and 2 other lots into one lot; was approved on the consent agenda by Commissioner Sandra Kirk’s motion, Commissioner Dave Anderson seconded the motion on a vote of 9-0.

- 16. Resubdivision:** **C8-2010-0136.0A - Resubdivision of the East One-Half of Lot 13 Banister Heights**
- Location: 1405 Morgan Lane, West Bouldin Creek Watershed, South Lamar NPA
- Owner/Applicant: Friday and Buchanan, LLC (Robb Buchanan)
- Agent: Austin Civil Engineering (Brent Hammond)
- Request: Approval of the Resubdivision composed of 2 lots on 0.499 acres.
- Staff Rec.: **Recommended**
- Staff: David Wahlgren, 974-6455, David.Wahlgren@ci.austin.tx.us
Planning and Development Review Department

The motion to approve staff’s recommendation for approval of a re-subdivision on Banister Heights; was approved on the consent agenda by Commissioner Sandra Kirk’s motion; Commissioner Dave Anderson seconded the motion on a vote of 9-0.

- 17. Final Plat:** **C8-2011-0045.0A - Herndon Subdivision**
- Location: 2903 Tarry Trail, Taylor Slough South Watershed, West Austin Neighborhood Group NPA
- Owner/Applicant: David & Dealey Herndon
- Agent: Bury & Partners, Inc. (Jonathan Neslund)
- Request: Approval of the Herndon Subdivision composed of 1 lot on 0.77 acres.
- Staff Rec.: **Disapproval**
- Staff: Planning and Development Review Department

- 18. Final Plat:** **C8-2011-0044.0A - Austin (Turner) DTP III, LLC Addition**
 Location: 4607 Turner Lane, Little Walnut Creek Watershed, University Hills/Windsor Park NPA
 Owner/Applicant: Steve Caskey
 Agent: Longaro & Clarke Consulting Engineers (Alex G. Clarke)
 Request: Approval of the Austin (Turner) DTP III, LLC Addition composed of 2 lots on 4.802 acres.
 Staff Rec.: **Disapproval**
 Staff: Planning and Development Review Department
- 19. Final without Preliminary:** **C8-2011-0041.0A - Lakeshore Phase 1**
 Location: 2201 S. Lakeshore Blvd., Town Lake Watershed, East Riverside/Oltorf Combined NPA
 Owner/Applicant: CRV Shoreline TRS Inc. (David Cox)
 Agent: Jones & Carter, Inc. (James Schissler)
 Request: Approval of the Lakeshore Phase 1 composed of 11 lots on 26.947 acres.
 Staff Rec.: **Disapproval**
 Staff: Planning and Development Review Department
- 20. Amended Plat:** **C8-2011-0046.0A - IBM East Subdivision, Block "A", Lots 1 & 2; Amended Plat**
 Location: 11501 Burnet Road, Walnut Creek Watershed, North-Burnet Gateway NPA
 Owner/Applicant: IBM (Jack Zahriser)
 Agent: Bury & Partners, Inc. (Jonathan Neslund)
 Request: Approval of the IBM East Subdivision, Block "A", Lots 1 & 2; Amended Plat composed of 2 lots on 105.42 acres.
 Staff Rec.: **Disapproval**
 Staff: Planning and Development Review Department

Items #17-20;

The motion to disapprove items #17-20; was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Dave Anderson seconded the motion on a vote of 9-0.

D. NEW BUSINESS

- 1. New Business: Food Preparation Use**
Location: Citywide
Request: To consider and take possible action on initiating an ordinance amending the 5,000 square foot limitation associated with the food preparation use.
Staff Rec.: **Recommend to Initiate**
Staff: Wendy Rhoades, 974-7719, Wendy.Rhoades@ci.austin.tx.us
Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
Planning and Development Review Department

The motion to approve staff's recommendation to initiate an ordinance regarding Food Preparation Use; was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Dave Anderson seconded the motion on a vote of 9-0.

- 2. New Business: Square Footage Limits in LR Zoning**
Location: Citywide
Request: To consider and take possible action on initiating an ordinance to clarify the square footage limitations on some land uses permitted within the district.
Staff Rec.: **Recommend to Initiate**
Staff: Greg Dutton, 974-3509, Greg.Dutton@ci.austin.tx.us
Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
Planning and Development Review Department

The motion to approve staff's recommendation to initiate an ordinance regarding square footage limits in LR zoning; was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Dave Anderson seconded the motion on a vote of 9-0.

- 3. New Business: Pedi-Cab Land Use Definition**
Location: Citywide
Request: To consider and take possible action on initiating an ordinance regarding the land use classification of the pedi-cabs and in which base zoning districts that use is permitted.
Staff Rec.: **Recommend to Initiate**
Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
Planning and Development Review Department

The motion to approve staff's recommendation to initiate an ordinance regarding Pedi-Cab Land Use Definition; was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Dave Anderson seconded the motion on a vote of 9-0.

- 4. New Business:**
Request: Discussion of the Special Called meeting agenda.

Chair Sullivan stated that there will be a Special Called meeting on April 16, 2011 and that the agenda has already been posted; he encouraged all of the PC Commissioners to attend.

E. SUBCOMMITTEE REPORTS

Neighborhood Planning Committee – Meets on April 20, 2011 @ 6:00 p.m.

CIP Committee – Meets on April 14, 2011 @ 5:00 p.m.

Special Called PC Meeting – Meets on April 16, 2011 @ 8:30 a.m.

F. ADJOURNMENT

Chair Dave Sullivan adjourned the meeting without objection at 7: 36 p.m.