



**PLANNING COMMISSION
MINUTES**

**REGULAR MEETING
June 14, 2011**

The Planning Commission convened in a regular meeting on June 14, 2011 @ 301 W. 2nd 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
Tina Bui
Danette Chimenti
Mandy Dealey
Richard Hatfield
Alfonso Hernandez

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

Paul Robbins
Terry Ortiz

B. APPROVAL OF MINUTES

1. Approval of minutes for May 24, 2011.

The motion to approve the minutes for May 24, 2011, was approved on the consent agenda by Commissioner Richard Hatfield's motion, Commissioner Mandy Dealey seconded the motion on a vote of 5-0-2; Commissioner Danette Chimenti and Dave Anderson abstained, Commissioner Sandra Kirk was absent, 1 vacancy on the commission.

2. Approval of minutes for May 25, 2011, Planning Commission and Community Development Commission Joint Meeting.

The motion to approve the minutes for the Joint Meeting of the Planning Commission & Community Development Commission on May 25, 2011, was approved on the consent agenda by Commissioner Richard Hatfield's motion, Commissioner Mandy Dealey seconded the motion on a vote of 5-0-2; Commissioner Danette Chimenti and Dave Anderson abstained, Commissioner Sandra Kirk was absent, 1 vacancy on the commission.

C. PUBLIC HEARINGS

1. Code Amendment: C20-2011-009 - ETJ Plat Notification

Location: For property located in the City of Austin Extraterritorial Jurisdiction in Travis County.

Owner/Applicant: City of Austin - Planning and Development Review Department

Agent: David Wahlgren (City Staff)

Request: To amend City Code Chapter 30-2 (Subdivision Requirements) to add a new Section 30-2-287 requiring residential plats in the extra-territorial jurisdiction of Travis County to include a consumer protection notice alerting homebuyers that minimal land use regulations apply outside the city limits.

Staff Rec.: **No Recommendation**

Staff: David Wahlgren, 974-6455, David.Wahlgren@ci.austin.tx.us; Planning and Development Review Department

The motion to approve the code amendment with the following actions; 1) to look at including additional notification document that would show up with the title commitments, and to have the notification show up in the sales contract., 2) Ask the Council to request that the County work with other stakeholders with the wording of the notice, and 3) To work with the City of Austin Law Department regarding any concerns of grandfathering that they may have; was approved by Commissioner Danette Chimenti's motion, Commissioner Alfonso Hernandez seconded the motion on a vote of 7-0; Commissioner Sandra Kirk was absent, 1 vacancy on the commission.

2. Plan Amendment: NPA-2011-0025.01 - 6804 Covered Bridge

Location: 6804 Covered Bridge Drive, Williamson Creek Watershed – Barton Springs Zone, Oak Hill Combined NPA

Owner/Applicant: Covered Bridge Assisted Living, L.P.

Agent: Thrower Design (A. Ron Thrower)

Request: Higher Density Single Family & Mixed Use to Multifamily

Staff Rec.: **Recommended**

Staff: Maureen Meredith, 974-2695, maureen.meredith@ci.austin.tx.us; Planning & Development Review Department

1st motion: The motion to postpone for 6-months was made by Commissioner Mandy Dealey, Commissioner Danette Chimenti seconded the motion on a vote of 4-3; Commissioners Alfonso Hernandez, Dave Sullivan and Richard Hatfield voted against the motion (nay), Commissioner Sandra Kirk was absent, 1 vacancy. MOTION FAILED.

2nd motion: The motion to approve staff's recommendation for Multifamily was made by Commissioner Alfonso Hernandez, Commissioner Richard Hatfield seconded the motion on a vote of 3-4; Commissioners Mandy Dealey, Danette Chimenti and Tina Bui voted against the motion (nay), Commissioner Sandra Kirk was absent, 1 vacancy. MOTION FAILED.

3rd action: The case will be forwarded to City Council with NO RECOMMENDATION from the Planning Commission.

- 3. 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; Postponement request by the Staff to August 9, 2011**
Staff: Wendy Rhoades, 974-7719, wendy.rhoades@ci.austin.tx.us; Planning and Development Review Department

The motion to postpone to August 9, 2011 by the request of staff, was approved on the consent agenda by Commissioner Richard Hatfield's motion, Commissioner Mandy Dealey seconded the motion on a vote of 7-0; Commissioner Sandra Kirk was absent, 1 vacancy on the commission.

- 4. Rezoning: C14-2011-0040 - St. Stephen's Baptist Church**
Location: 3103-3107 East 51st Street, Fort Branch Watershed, East MLK Combined NPA
Owner/Applicant: St. Stephen's Baptist Chrch (Herbert Johnson)
Agent: PAX Engineering, LLC (David Smith)
Request: SF-3-NP to MF-2-NP
Staff Rec.: **Recommendation Pending**
Staff: Joi Harden, 974-2122, joi.harden@ci.austin.tx.us; Planning and Development Review Department

This item was pulled; no action was required by the Commission.

- 5. Rezoning: C14-2011-0006 - 701 & 711 West 7th Street Rezoning**
 Location: 701 & 711 West 7th Street, Shoal Creek Watershed, Downtown NPA
 Owner/Applicant: LOWA, Ltd. (Daryl Kunik)
 Agent: Thrower Design (A. Ron Thrower)
 Request: GO & GR to CBD
 Staff Rec.: **Recommendation of CBD-CO**
 Staff: Clark Patterson, 974-7691, clark.patterson@ci.austin.tx.us;
 Planning and Development Review Department

The motion to approve DMU-CURE with what O.W.A.N.A brought forward; was approved by Commissioner Danette Chimenti’s motion, Commissioner Mandy Dealey seconded the motion on a vote of 5-2; Commissioners Richard Hatfield and Tina Bui voted against the motion (nay), Commissioner Sandra Kirk was absent, 1 vacancy on the commission.

- 6. Rezoning: C14-2010-0207 - Robinson Foundation Offices**
 Location: 510 West 8th Street, Shoal Creek Watershed, Downtown NPA
 Owner/Applicant: Darnell Robinson Family, LLC (Michael Ginsberg)
 Agent: Alice Glasco Consulting (Alice Glasco)
 Request: MF-4 to DMU
 Staff Rec.: **Recommendation of DMU-CO**
 Staff: Stephen Rye, 974-7604, stephen.rye@ci.austin.tx.us;
 Planning and Development Review Department

The motion to approve staff’s recommendation for DMU-CO district zoning with an added condition that if the proposed structure exceeds 60 feet in height, a minimum of 50% of the net rentable conditioned space of any such building must be residential; the motion was approved on the consent agenda by Commissioner Richard Hatfield, Commissioner Mandy Dealey seconded the motion on a vote of 7-0, Commissioner Sandra Kirk was absent, 1 vacancy on the commission.

- 7. Rezoning: C14-84-310(RCT) - Riverside Gardens RCT**
 Location: 6716 East Riverside Drive, Carson Creek Watershed, Montopolis NPA
 Owner/Applicant: Equity Secured Capital, LP
 Agent: Carlson, Brigance & Doering, Inc. (Charles Brigance)
 Request: Termination of a restrictive covenant requiring a building setback line.
 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 to terminate a restrictive covenant; was approved on the consent agenda by Commissioner Richard Hatfield’s motion, Commissioner Mandy Dealey seconded the motion on a vote of 7-0; Commissioner Sandra Kirk was absent, 1 vacancy on the commission.

- 8. Rezoning: C14-2011-0043 - 753 Montopolis**
 Location: 753 Montopolis Drive, Country Club East Watershed, Montopolis NPA
 Owner/Applicant: Babubhai Mohammad
 Agent: Rafiq B. Mohammad
 Request: CS-NP and CS-1-NP to CS-1-NP and CS-NP
 Staff Rec.: **Recommended**
 Staff: Stephen Rye, 974-7604, stephen.rye@ci.austin.tx.us;
 Planning and Development Review Department

The motion to postpone to June 28, 2011 by the request of the neighborhood, was approved by Commissioner Dave Anderson’s motion, Commissioner Danette Chimenti seconded the motion on a vote of 7-0; Commissioner Sandra Kirk was absent, 1 vacancy on the commission.

- 9. Rezoning: C14-2011-0041 - Bowie Street Rezoning**
 Location: 309, 311 & 315 Bowie Street, Shoal Creek Watershed, Downtown NPA
 Owner/Applicant: Bowie Street Partners, Ltd. (Perry Lorenz)
 Agent: Cerco Development, Inc. (Jamil Alam)
 Request: DMU to DMU-CURE
 Staff Rec.: **Recommendation of DMU-CURE-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-CURE-CO district zoning; was approved on the consent agenda by Commissioner Richard Hatfield’s motion, Commissioner Mandy Dealey seconded the motion on a vote of 7-0; Commissioner Sandra Kirk was absent, 1 vacancy on the commission.

- 10. Site Plan - SPC-2010-0288A - Pepper's Bistro**
Conditional Use Permit:
 Location: 1926 E. Riverside Drive, Town Lake Watershed, East Riverside NPA
 Owner/Applicant: Pepper's Bistro (Raul Aguilar)
 Agent: A.E.C. Inc (Phil Moncada)
 Request: The applicant is proposing a change of use from a restaurant to a cocktail lounge.
 Staff Rec.: **Recommended**
 Staff: Sarah Graham, 974-2826, sarah.graham@ci.austin.tx.us;
 Planning and Development Review Department

The motion to deny staff’s recommendation for a conditional use permit, was approved by Commissioner Danette Chimenti’s motion, Commissioner Mandy Dealey seconded the motion on a vote of 5-1-1; Commissioner Alfonso Hernandez voted against the motion (nay), Commissioner Dave Anderson recused himself from this item, Commissioner Sandra Kirk was absent, 1 vacancy on the commission.

11. Site Plan - Compatibility **SP-2010-0229C - Leija Villa**

Waiver Only:

Location: 3306 East 5th Street, Boggy Creek Watershed, Govalle NPA
Owner/Applicant: The Lunaire Group LP (Graciela Leija)
Agent: Cuatro Consultants, Ltd. (Hugo Elizondo)
Request: Waiver: To allow parking areas and driveway within 5 ft. from the SF (zoned or used) property line adjacent to an SF-5 or more restrictive use or district. [Section 25-2-1067].

Staff Rec.: **Recommended**
Staff: Sue Welch, 974-3294, sue.welch@ci.austin.tx.us;
Keith Mars, 974-2755, keith.mars@ci.austin.tx.us;
Planning and Development Review Department

The motion to approve staff’s recommendation for a site plan compatibility waiver to Section 25-2-1067; was approved on the consent agenda by Commissioner Richard Hatfield’s motion, Commissioner Mandy Dealey seconded the motion on a vote of 7-0; Commissioner Sandra Kirk was absent, 1 vacancy on the commission.

12. Site Plan: **SP-2011-0032C.SH - Block at 26th Street**

Location: 900 W. 26th Street, Shoal Creek Watershed, Central Austin Combined NPA

Owner/Applicant: Armburst & Brown, PLLC (Lynn Ann Carley)
Agent: Armburst & Brown, PLLC (Lynn Ann Carley)
Request: The applicant is requesting to remove a heritage tree with a stem greater than 30 inches as allowed under LDC 25-8-643.

Staff Rec.: **Postponement to June 28, 2011 by the request of staff.**
Staff: Keith Mars, 974-2755, keith.mars@ci.austin.tx.us;
Planning and Development Review Department

The motion to postpone to June 28, 2011 by the request of staff; was approved on the consent agenda by Commissioner Richard Hatfield’s motion, Commissioner Mandy Dealey seconded the motion on a vote of 7-0; Commissioner Sandra Kirk was absent, 1 vacancy on the commission.

13. Resubdivision: **C8-2010-0052.0A - Resubdivision of Part of Block 11 and 12, J. Gordon Brown**

Location: 6015 Ponca Street, Country Club East Watershed, Montopolis NPA
Owner/Applicant: Sabot Development, Ltd. (James W. Young)
Agent: Stansberry Engineering (Blayne Stansberry)
Request: Approve the resubdivision of part of 2 lots into 3 lots on 0.965 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 for approval of a re-subdivision of Part of Block 11 & 12, J. Gordon Brown; was approved on the consent agenda by Commissioner Richard Hatfield’s motion, Commissioner Mandy Dealey seconded the motion on a vote of 7-0; Commissioner Sandra Kirk was absent, 1 vacancy on the commission.

- 14. Final without Preliminary:** **C8-2011-0001.1A.SH - Mueller Section V, Block 59A, Resubdivision of Final Plat**
 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 of Final Plat 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 Final Plat; was approved on the consent agenda by Commissioner Richard Hatfield’s motion, Commissioner Mandy Dealey seconded the motion on a vote of 7-0; Commissioner Sandra Kirk was absent, 1 vacancy on the commission.

- 15. Resubdivision:** **C8-2011-0013.0A - Resubdivision of Lots 14 & 15, Section One Block B, Violet Crown Heights**
 Location: 1109 Ruth Ave., Shoal Creek Watershed, Brentwood NPA
 Owner/Applicant: Lisa Gray
 Agent: Michael McHone
 Request: Approval of the Resubdivision of Lots 14 & 15, Section One Block B, Violet Crown Heights composed of 1 lot and a portion of another lot to create two lots on 0.286 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 re-subdivision of Lots 14 & 15, Section One Block B, Violet Crown Heights; was approved on the consent agenda by Commissioner Richard Hatfield’s motion, Commissioner Mandy Dealey seconded the motion on a vote of 7-0; Commissioner Sandra Kirk was absent, 1 vacancy on the commission.

- 16. Preliminary Plan Revision:** **C8-04-0043.05.SH - Mueller Section 2 Preliminary Plan Revision 5**
 Location: 3600 Manor Road, Boggy/Tannehill Branch Watersheds, RMMA
 Owner/Applicant: City of Austin (Pam Hefner)
 Agent: Bury & Partners (David Miller)
 Request: Approval of the Mueller Section 2 Preliminary Plan Revision 5 composed of 1,256 lots on 376.72 acres.
 Staff Rec.: **Disapproval**
 Staff: Planning and Development Review Department

- 17. Replat: C8-2011-0061.0A - Park Plaza Subdivision Replat**
 Location: 115 Sandra Muraida Way, Town Lake Watershed, Downtown NPA
 Owner/Applicant: LG Park Plaza Limited Partnership (Ben Pisklak)
 Agent: Bury & Partners (Darren Huckert)
 Request: Approval of the Park Plaza Subdivision Replat composed of 1 lot on 4.5 acres.
 Staff Rec.: **Disapproval**
 Staff: Planning and Development Review
- 18. Amended Plat: C8-2011-0054.0A - Pfaefflin Resubdivison, Lots 1-A, 2-A & 3-A; Amended Plat**
 Location: 3107 East 51st Street, Fort Branch Watershed, East MLK NPA
 Owner/Applicant: St. Stephen's Baptist Chrch (Herbert Johnson)
 Agent: PAX Engineering, LLC (David Smith)
 Request: Approval of the Pfaefflin Resubdivision, Lots 1-A, 2-A & 3-A; Amended plat composed of 3 lots on 3.4 acres.
 Staff Rec.: **Disapproval**
 Staff: Planning and Development Review Department
- 19. Final without Preliminary: C8-2011-0067.0A - 201 W. 5th Street**
 Location: 201 West 5th Street, Town Lake Watershed, Downtown NPA
 Owner/Applicant: John Colemann Horton III
 Agent: Bury & Partners, Inc. (Alastair Jenkins)
 Request: Approval of the 201 West 5th Street Subdivision composed of 1 lot on 0.542 acres.
 Staff Rec.: **Disapproval**
 Staff: Planning and Development Review Department

Items #16-19;

The motion to disapprove items #16-19; was approved on the consent agenda by Commissioner Richard Hatfield's motion, Commissioner Mandy Dealey seconded the motion on a vote of 7-0; Commissioner Sandra Kirk was absent, 1 vacancy on the commission.

D. NEW BUSINESS

1. New Business:

Request: Discuss letter recognizing former-Commissioner Reddy.

Chair Sullivan will speak under Citizen's Communication at the next City Council meeting to recognize former-Commissioner Reddy.

E. SUBCOMMITTEE REPORTS

Codes & Ordinances Committee – June 20, 2011 @ One Texas Center @ 7 p.m.

Neighborhood Planning Committee – June 15, 2011 @ 6 p.m

F. ADJOURNMENT

Chair Dave Sullivan adjourned the meeting without objection at 9:15 p.m.