



**PLANNING COMMISSION
MINUTES**

**REGULAR MEETING
September 27, 2011**

The Planning Commission convened in a regular meeting on September 27, 2011 @ 301 W. 2nd Street in Austin, Texas.

Chair Dave Sullivan called the Board Meeting to order at 6:03 p.m.

Board Members in Attendance:

**Dave Sullivan – Chair
Danette Chimenti
Mandy Dealey
Richard Hatfield
Alfonso Hernandez
Saundra Kirk
Jean Stevens
Donna Tiemann**

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 for September 13, 2011.

The motion to approve the minutes for September 13, 2011, were approved on the consent agenda by Commissioner Saundra Kirk, Commissioner Dave Anderson seconded the motion on the consent agenda, but abstained from approving the September 13, 2011 minutes, due to being absent. The motion passed on a vote of 7-0-2; Commissioners Dave Anderson and Alfonso Hernandez abstained.

C. PUBLIC HEARING

1. **Heritage Tree** **TP 10617196 - 311, 313, 315 Bowie Street**

Variance:

Location: 311, 313, 315 Bowie Street, Shoal Creek Watershed, Downtown NPA

Owner/Applicant: Cerco Development, Inc.

Agent: Will Marsh

Request: The applicant is requesting to remove a heritage tree with a stem greater than 30" in diameter.

Staff Rec.: **No Recommendation**

Staff: Keith Mars, 974-2755, keith.mars@austintexas.gov
Planning and Development Review Department

The motion to postpone to October 11, 2011 by the request of the Planning Commission, was approved by Commissioner Danette Chimenti's motion, Commissioner Sandra Kirk seconded the motion on a vote of 9-0.

* Public hearing remained open.

2. **Code Amendment: C20-2011-011 - Flag lot code amendments**

Location: City-wide

Owner/Applicant: City of Austin

Agent: Planning and Development Review Department

Request: Discussion and possible action on amendments to Title 25 for flag lots.

Staff Rec.: **Recommended with conditions**

Staff: Don Perryman, 974-2786, don.perryman@austintexas.gov
Planning and Development Review Department

The motion to approve the flag lot code amendments, Title 25, with additional amendment to add definition of items A, B, C and D; the motion was approved by Commissioner Danette Chimenti's motion, Commissioner Mandy Dealey seconded the motion on a vote of 7-2; Commissioners Alfonso Hernandez and Richard Hatfield voted against the motion (nay).

- 3. Rezoning: C14-2011-0103 - IBC Mueller View**
 Location: 1206, 1208, 1210, 1212, 1216 & 1218 E. 51st Street, Tannehill Branch Watershed, Windsor Park NPA
 Owner/Applicant: Tommie Nell Bernal, Gary & Doyal Valdez, Larry Bartling, Mueller View, L.P., Austin Gay & Lesbian International Film Festival & Thomas McDonald
 Agent: Graves, Dougherty, Hearon & Moody (Peter Cesaro)
 Request: GR-MU-V-CO-NP to GR-MU-V-CO-NP, to change a condition of zoning
 Staff Rec.: **Recommendation Pending**
 Staff: Clark Patterson, 974-7691, clark.patterson@austintexas.gov
 Planning and Development Review Department

The motion to postpone to October 25, 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. Site Plan Conditional Use Permit: SPC-2009-0362C(R1) - Waller Creek Tunnel Project-Waller Beach Improvements**
 Location: 74 Trinity Street, Waller Creek, Town Lake Watersheds
 Owner/Applicant: City of Austin Watershed Protection Department (Gary Jackson)
 Agent: Kellogg Brown and Root (Jason Devaney)
 Request: To approve the revision of a CUP to define an outlet structure for the Waller Creek Tunnel.
 Staff Rec.: **Recommended**
 Staff: Lynda Courtney, (512) 974-2810, Lynda.Courtney@austintexas.gov
 Planning and Development Review Department

This item was pulled from the agenda; no action was required.

- 5. Resubdivision: C8-2011-0067.0A - 201 West 5th Subdivision, a Resubdivision of Lots 7 - 10, Block 44 Original City of Austin Plan**
 Location: 201 W. 5th Street, Town Lake Watershed, Downtown NPA
 Owner/Applicant: John C. Horton III / Estate of Wilmot R. Horton
 Agent: Bury & Partners (Joseph Isaja)
 Request: Approval of the 201 West 5th Subdivision, a Resubdivision of Lots 7 - 10, Block 44 Original City of Austin Plan, from 4 lots to a 1 lot subdivision on 0.542 acres.
 Staff Rec.: **Recommended**
 Staff: Cesar Zavala, 974-3404, Cesar.Zavala@austintexas.gov
 Planning and Development Review Department

The motion to approve staff's recommendation for approval of the 201 West 5th Subdivision, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Dave Anderson seconded the motion on a vote of 9-0.

- 6. Resubdivision: C8-2010-0105.0A - Resubdivision of Lot 1, Block C, Neans Place Section 1**
- Location: 1111 Neans Drive, Little Walnut Creek Watershed, North Austin Civic Association NPA
- Owner/Applicant: Francisco Guerrero
- Agent: George Gonzalez
- Request: Approval of the Resubdivision of Lot 1, Block C, Neans Place Section 1 composed of 3 lots on 0.430 acres.
- Staff Rec.: **Recommended**
- Staff: Don Perryman, 974-2786, don.perryman@austintexas.gov
Planning and Development Review Department

The motion to postpone to October 25, 2011 by the request of the Planning Commission; was approved by Commissioner Mandy Dealey's motion, Commissioner Donna Tiemann seconded the motion on a vote of 9-0.

* Request made by Commission to place 1st on the next agenda.

- 7. Final Plat: C8-2011-0062.0A - IBM East Subdivision, Resubdivision of Block "A" Lots 1A & 2A; Amended Plat of Lots 1 & 2 Block "A"**
- Location: 11205-11501 Burnet Road, Walnut Creek Watershed, North Burnet/Gateway NPA
- Owner/Applicant: IBM (Jack Zahriser)
- Agent: Bury & Partners, Inc. (Jonathan Neslund)
- Request: The approval of the IBM East Subdivision, Resubdivision of Block "A" Lot 1A & 2A and Amended Plat of Lots 1 & 2 Block "A", composed of 9 lots on 105.42 acres.
- Staff Rec.: **Pending**
- Staff: David Wahlgren, 974-6455, David.wahlgren@austintexas.gov
Planning and Development Review Department

The motion to postpone to October 11, 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.

- 8. Final without Preliminary: C8-2011-0120.0A - South Block - FLR II Subdivision**
- Location: 405 North Lamar Boulevard, Town Lake & Shoal Creek Watersheds, Downtown NPA
- Owner/Applicant: Schlosser Development Corp. (Paul Gaddis) & Fifth/Lamar Retail I Ltd. (Paul Gaddis)
- Agent: Axiom Engineers, Inc. (Alan Rhames, P.E.)
- Request: Approval of the South Block - FLR II Subdivision composed of 2 lots on 2.44 acres.
- Staff Rec.: **Disapproval**
- Staff: Planning and Development Review Department

- 9. Amended Plat:** **C8-2011-0127.0A - Original City of Austin, Block 129, Lots 1A & 4A; Amended Plat**
 Location: 1003 Rio Grande Street, Shoal Creek Watershed, Downtown NPA
 Owner/Applicant: 1003, FLP (George Nalle, III)
 Agent: Karey Oddo
 Request: Approval of the Original City of Austin, Block 129, Lots 1A and 4A; Amended Plat composed of 1 lot on 0.456 acres.
 Staff Rec.: **Disapproval**
 Staff: Planning and Development Review Department
- 10. Resubdivision:** **C8-2011-0121.0A - Resubdivision of Lots 3 & 4, Phase 1, Southpark Meadows Commercial Phase 6**
 Location: West Slaughter Lane, Slaughter Creek Watershed
 Owner/Applicant: BDDDB32, LTD (Will Marsh)
 Agent: GICE, Inc. (Jason Rodgers)
 Request: Approval of the Resubdivision of Lots 3 & 4, Phase 1, Southpark Meadows Commercial Phase 6, composed of 2 lots into 3 lots on 2.951 acres.
 Staff Rec.: **Disapproval**
 Staff: Planning and Development Review Department
- 11. Resubdivision:** **C8-2011-0114.0A - Lot 20, Blk 1, Fredericksburg Road Acres Subdivision; Resubdivision of 1.1729 Acres**
 Location: 2315 Thornton Road, West Bouldin Creek Watershed
 Owner/Applicant: Blaine & Delva Zimmer
 Agent: Zimmer Auto Repair Inc. (Delva Zimmer)
 Request: Approval of the Lot 20, Block 1, Fredericksburg Road Acres Subdivision; Resubdivision of 1.1729 acres composed of 2 lots on 1.1729 acres
 Staff Rec.: **Disapproval**
 Staff: Planning and Development Review Department
- 12. Final Plat:** **C8-2011-0117.0A - Lot 1 Block C Brentwood Terrace**
 Location: 1715 Karen Avenue, Shoal Creek Watershed, Brentwood NPA
 Owner/Applicant: Dean Chen
 Agent: Bleyl & Associates (Kenny Watkins)
 Request: Approval of the Lot 1, Block C Brentwood Terrace composed of 2 lots on 0.3078 acres.
 Staff Rec.: **Disapproval**
 Staff: Planning and Development Review Department

- 13. Final without Preliminary: C8-2011-0125.0A - Banister Heights**
 Location: 1400 Morgan Lane, West Bouldin Creek Watershed, South Lamar NPA
 Owner/Applicant: Banister Morgan LLC (Simon Studd)
 Agent: Banister Morgan LLC (Simon Studd)
 Request: Approval of the Banister Heights Subdivision composed of 3 lots on 0.499 acres.
 Staff Rec.: **Disapproval**
 Staff: Planning and Development Review Department

Items #8-13;

The motion to disapprove items #8-13; 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. Street Vacation: C10V-2011-03 - F#8938-1107**
 Request: Vacation of the alley between Nueces and San Antonio Streets, from West 22nd Street, 250' south.
 Staff Rec.: **Recommended**
 Staff: Jennifer Grant, 974-7991, jennifer.grant@austintexas.gov
 Office of Real Estate Services

The motion to approve staff’s recommendation for vacation of the alley between Nueces and San Antonio Streets, from West 22nd Street; 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: Bicycle Parking Code Amendment**
 Request: Discuss and consider directing staff to initiate an amendment clarifying and updating requirements for bicycle parking.

The motion to direct staff to initiate an amendment for the Bicycle Parking Code Amendment, 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: Mobile Retail Code Amendment**
 Request: Discuss and consider directing staff to initiate an amendment related open air markets and mobile retail sales.

The motion to direct staff to initiate an amendment for the Mobile Retail Code Amendment, 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: Cocktail Lounges in TOD Code Amendment**
Request: Discuss and consider directing staff to initiate an amendment related to the regulation of cocktail lounges in Transit Oriented Design districts, and the possibility of pursuing a temporary suspension of approval of new cocktail lounges in TOD zoning.

The motion to direct staff to initiate an amendment for the Cocktail Lounges in TOD Code Amendment, 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: Parking for Cocktail Lounge Code Amendment**
Request: Discuss and consider directing staff to initiate an amendment related to parking requirements for cocktail lounges including off site parking.

The motion to direct staff to initiate an amendment for the Parking for Cocktail Lounge Code Amendment, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Dave Anderson seconded the motion on a vote of 9-0.

E. SUBCOMMITTEE REPORTS

APA Conference – October 4, 2011 – October 7, 2011

F. ADJOURNMENT

Chair Dave Sullivan adjourned the meeting without objection at 8:51 p.m.