



**PLANNING COMMISSION
MINUTES**

**REGULAR MEETING
February 28, 2012**

The Planning Commission convened in a regular meeting on February 28, 2012 @ 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

Dave Anderson

Danette Chimenti

Mandy Dealey

Richard Hatfield

Alfonso Hernandez

Saundra Kirk

Jean Stevens

Donna Tiemann

Jeff Jack – Ex-Officio member

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

B. APPROVAL OF MINUTES

1. Approval of minutes for February 14, 2012.

The motion to approve the minutes from February 14, 2012, was approved on the consent agenda by Commissioner Saundra Kirk's motion, Commissioner Richard Hatfield seconded the motion on a vote of 6-0-3; Commissioners Danette Chimenti, Donna Tiemann and Jean Stevens abstained from the minutes.

C. PUBLIC HEARING

1. **Briefing:** **Imagine Austin Comprehensive Plan**

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

Request: Briefing on the Imagine Austin Comprehensive Plan. This plan was authorized by the City Council in the Fiscal Year 2008-2009 city budget. The comprehensive plan contains the Council's policies for growth, development and beautification of the land within the corporate limits and the extraterritorial jurisdiction of the city. The plan addresses the following elements: future land use; traffic circulation and mass transit; wastewater, solid waste, drainage and potable water; conservation and environmental resources; recreation and open space; housing element; public services and facilities, which shall include but not be limited to a capital improvement program; public buildings and related facilities; economic for commercial and industrial development and redevelopment; health and human service; creativity; historic and cultural preservation; children, families, and education; arts, culture, and creativity; and urban design. The Comprehensive Planning Committee of the Planning Commission has been involved in the development of the plan throughout the two-year process of developing the plan.

Staff: Mark Walters, 974-7695, mark.walters@austintexas.gov;
Planning and Development Review Department

Briefing on the Imagine Austin Comprehensive Plan was given to Planning Commission by Greg Guernsey and Gardner Stoll.

2. **Code Amendment:** **C20-2011-036 - Land Use Determination**

Location: Citywide

Owner/Applicant: City of Austin

Agent: Planning and Development Review Department (Robert Heil)

Request: Conduct a public hearing and consider an ordinance amending City Code Chapters 25-1 (General Requirements and Procedures) and 25-2 (Zoning) to: (A) establish appropriate requirements for the issuance, notification, and appeal of zoning use determinations; and (B) require that use determinations be made either concurrent with issuance of a development approval or as part of a pre-permitting review process that provides for public notice.

Staff Rec.: **Recommended**

Staff: Robert Heil, 974-2330, Robert.Heil@AustinTexas.gov;
Planning and Development Review Department

The motion to approve the revised ordinance (dated February 28, 2012), was approved by Commissioner Mandy Dealey's motion, Commissioner Danette Chimenti seconded the motion on a vote of 9-0.

3. Code Amendment: C20-2011-037 - Alternative Financial Services

Location: Citywide
Owner/Applicant: City of Austin
Agent: Planning and Development Review Department (Robert Heil)
Request: Conduct a public hearing and consider an ordinance amending the City Land Development Code to regulate the location and use of buildings and land for alternative financial services businesses.
Staff Rec.: **Recommended**
Staff: Robert Heil, 974-2330, Robert.Heil@AustinTexas.gov;
Planning and Development Review Department

The motion to approve staff's recommendation with the provision of identifying what a small consumer loan is, \$2500 limit or less; the motion was approved by Commissioner Mandy Dealey, Commissioner Sandra Kirk seconded the motion on a vote of 7-2; Commissioners Richard Hatfield and Alfonso Hernandez voted against the motion (nay).

4. Plan Amendment: NPA-2011-0015.02- Tillery Street

Location: 2200 Tillery Street, Boggy Creek/Tannehill Branch Watersheds, East MLK Combined NPA
Owner/Applicant: DCR III Mortgage, Sub I, LLC. (Lance B. Amano)
Agent: Richard H. Crank
Request: Mixed Use to Commercial
Staff Rec.: **Not Recommended**
Staff: Maureen Meredith, 974-2695, maureen.meredith@austintexas.gov;
Planning and Development Review Department

The motion to postpone to March 13, 2012 by the request of the neighborhood and the applicant, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Richard Hatfield seconded the motion on a vote of 9-0.

5. Rezoning: C14-2011-0088 - Tillery Street

Location: 2200 Tillery Street, Boggy Creek/Tannehill Branch Watersheds, East MLK Combined NPA
Owner/Applicant: DCR III Mortgage, Sub I, LLC. (Lance B. Amano)
Agent: Richard H. Crank
Request: LO-MU-NP to CS-MU-NP
Staff Rec.: **Recommendation of CS-MU-CO-NP**
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@austintexas.gov;
Planning and Development Review Department

The motion to postpone to March 13, 2012 by the request of the neighborhood and the applicant, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Richard Hatfield seconded the motion on a vote of 9-0.

6. Restrictive Covenant Termination: C14-84-361 (RCT) - Tillery Street

Location: 2200 Tillery Street, Boggy Creek/Tannehill Branch Watersheds, East MLK Combined NPA
Owner/Applicant: DCR III Mortgage, Sub I, LLC. (Lance B. Amano)
Agent: Richard H. Crank
Request: To terminate the public restrictive covenant for this property.
Staff Rec.: **Recommended**
Staff: Sherri Sirwaitis, 974-3057, sherri.sirwaitis@austintexas.gov; Planning and Development Review Department

The motion to postpone to March 13, 2012 by the request of the neighborhood and the applicant, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Richard Hatfield seconded the motion on a vote of 9-0.

7. Plan Amendment: NPA-2011-0012.01 - 4020 Airport

Location: 4020 Airport Boulevard, Boggy Creek Watershed, Upper Boggy Creek NPA
Owner/Applicant: Airport Boulevard Trust
Agent: Jim Bennett Consulting (Jim Bennett)
Request: Mixed Use/Office to Commercial
Staff Rec.: **Recommendation Pending. Staff requests postponement to March 27, 2012.**
Staff: Maureen Meredith, 974-2695, maureen.meredith@austintexas.gov; Planning and Development Review Department

The motion to postpone to March 27, 2012 by the request of staff, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Richard Hatfield seconded the motion on a vote of 9-0.

8. Restrictive Covenant Termination: C14-83-307(RCT) - 4020 Airport

Location: 4020 Airport Boulevard, Boggy Creek Watershed, Upper Boggy Creek NPA
Owner/Applicant: O Airport Boulevard Trustee (Betty Terrell)
Agent: Jim Bennett Consulting (Jim Bennett)
Request: To terminate the public restrictive covenant for this property.
Staff Rec.: **Recommendation Pending**
Staff: Clark Patterson, 974-7691, clark.patterson@austintexas.gov; Planning and Development Review Department

The motion to postpone to March 27, 2012 by the request of staff, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Richard Hatfield seconded the motion on a vote of 9-0.

- 9. Rezoning: C14-2011-0085 - 4020 Airport**
Location: 4020 Airport Boulevard, Boggy Creek Watershed, Upper Boggy Creek NPA
Owner/Applicant: O Airport Boulevard Trustee (Betty Terrell)
Agent: Jim Bennett Consulting (Jim Bennett)
Request: LO-V-NP to GR-V-NP
Staff Rec.: **Recommendation Pending**
Staff: Clark Patterson, 974-7691, clark.patterson@austintexas.gov; Planning and Development Review Department

The motion to postpone to March 27, 2012 by the request of staff, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Richard Hatfield seconded the motion on a vote of 9-0.

- 10. Rezoning: C14-2011-0165 - Randerson Creekside Rezoning**
Location: 3108 E. 51st Street, Fort Branch Watershed, Pecan Springs-Springdale /E. MLK Combined NPA
Owner/Applicant: CNB Austin (Mark Kalish)
Agent: Central Tx Development Assessments, Inc. (Mike Wilson)
Request: SF-3-NP to MF-2-NP
Staff Rec.: **Recommendation of SF-6-CO-NP**
Staff: Heather Chaffin, 974-2122, heather.chaffin@austintexas.gov; Planning and Development Review Department

The motion to postpone to April 10, 2012 by the request of the neighborhood, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Richard Hatfield seconded the motion on a vote of 9-0.

- 11. Rezoning: C14-2011-0157 - Animal Allergy Center**
Location: 2207 Lake Austin Boulevard, Town Lake Watershed, Central West Austin NPA
Owner/Applicant: Minerva, LTD. (Doug Kadison)
Agent: Animal Allergy Center (Patrick Nicholes, DVM)
Request: NO-NP to LR-NP
Staff Rec.: **Recommendation of LR-CO-NP**
Staff: Clark Patterson, 974-7691, clark.patterson@austintexas.gov; Planning and Development Review Department

The motion to approve staff's recommendation for LR-CO-NP district zoning, was approved by Commissioner Mandy Dealey's motion, Commissioner Dave Anderson seconded the motion on a vote of 6-3; Commissioners Danette Chimenti, Jean Stevens and Donna Tiemann voted against the motion (nay).

12. Rezoning: **C14-2011-0065 - The Austin Hotel**
Location: 800 and 804 Congress Avenue, Town Lake Watershed, Downtown NPA
Owner/Applicant: Gone to Texas Capital One, L.P. (David Kahn); The Karotkin Family Real Estate Trust (Doris Karotkin, Trustee)
Agent: Winstead, P.C. (Michele Haussmann)
Request: CBD & CBD-H to CBD-CURE & CBD-H-CURE
Staff Rec.: **Recommended**
Staff: Clark Patterson, 974-7691, clark.patterson@austintexas.gov; Planning and Development Review Department

The motion to postpone to April 10, 2012 by the request of staff, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Richard Hatfield seconded the motion on a vote of 9-0.

13. Rezoning: **C14-2011-0169 - CSK Austin**
Location: 7016 East Ben White Boulevard, Carson Creek Watershed, Montopolis NPA
Owner/Applicant: CSK Partners, LLC (Steve Ihnen)
Agent: Garrett-Ihnen Civil Engineers (Chris Whitt)
Request: LI-NP and CS-NP to CS-MU-NP
Staff Rec.: **Recommended**
Staff: Stephen Rye, 974-7604, stephen.rye@austintexas.gov; Planning and Development Review Department

The motion to approve staff's recommendation for CS-MU-NP district zoning, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Richard Hatfield seconded the motion on a vote of 9-0.

14. Rezoning: **C14-79-074(RCT) - CSK Austin RCT1**
Location: 7016 East Ben White Boulevard, Carson Creek Watershed, Montopolis NPA
Owner/Applicant: CSK Partners, LLC (Steve Ihnen)
Agent: Garrett-Ihnen Civil Engineers (Chris Whitt)
Request: Termination of a 1979 restrictive covenant that requires a Planned Development Agreement (PDA) for an industrial site plan on the property.
Staff Rec.: **Recommended**
Staff: Stephen Rye, 974-7604, stephen.rye@austintexas.gov; Planning and Development Review Department

The motion to approve staff's recommendation to terminate a 1979 restrictive covenant, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Richard Hatfield seconded the motion on a vote of 9-0.

- 15. Rezoning:** **C14-79-285(RCT) - CSK Austin RCT 2**
Location: 7016 East Ben White Boulevard, Carson Creek Watershed, Montopolis NPA
Owner/Applicant: CSK Partners, LLC (Steve Ihnen)
Agent: Garrett-Ihnen Civil Engineers (Chris Whitt)
Request: Termination of a 1979 restrictive covenant that limits the property to the use of promotion, sale or lease of mobile or modular homes, or uses allowed under Community Commercial (GR) district zoning.
Staff Rec.: **Recommended**
Staff: Stephen Rye, 974-76904, stephen.rye@austintexas.gov; Planning and Development Review Department

The motion to approve staff's recommendation to terminate a 1979 restrictive covenant, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Richard Hatfield seconded the motion on a vote of 9-0.

- 16. Restrictive Covenant Amendment:** **C14-04-0181.SH(RCA) - Shire's Court**
Location: 1910 ½ Wickshire Lane, Country Club East Watershed, East Riverside/Oltorf Combined NPA
Owner/Applicant: Shire's Court G.P., Inc. (David Mahn)
Agent: Myra Goepp
Request: To amend the Restrictive Covenant and make Carlson Drive a private access roadway.
Staff Rec.: **Recommendation Pending**
Staff: Stephen Rye, 974-7604, stephen.rye@austintexas.gov; Planning and Development Review Department

The motion to postpone to March 13, 2012 by the request of staff, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Richard Hatfield seconded the motion on a vote of 9-0.

- 17. Compatibility Waiver: SP-2011-0166DT - 30th Street Parking Area**
- Location: 400 West 30th Street, Waller Creek Watershed, North University Neighborhood Association NPA
- Owner/Applicant: La Familia Partnership, Ltd.
- Agent: Armbrust & Brown (Richard T. Suttle)
- Request: To construct a parking area less than 25 feet from a lot in an SF-5 or more restrictive zoning district.
- Staff Rec.: **Recommended**
- Staff: Michael Simmons-Smith, 974-1225, michael.simmons-smith@austintexas.gov; Planning and Development Review Department

The motion to approve staff's recommendation for a compatibility waiver, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Richard Hatfield seconded the motion on a vote of 9-0.

- 18. Conditional Use Permit: SP-2011-0234C - Morris Williams Golf Course Pro Shop/Cart Barn Improvements**
- Location: 3851 Manor Road, Tannehill Branch Watershed, East MLK Combined NPA
- Owner/Applicant: City of Austin (David Kim Taylor)
- Agent: DAVCAR Engineering (Thomas Duvall)
- Request: Building and parking improvements on a P-NP zoned tract larger than 1-acre.
- Staff Rec.: **Recommended**
- Staff: Michael Simmons-Smith, 974-1225, michael.simmons-smith@austintexas.gov; Planning and Development Review Department

The motion to approve staff's recommendation for a conditional use permit, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Richard Hatfield seconded the motion on a vote of 9-0.

19. Site Plan: **SPC-2011-0271C - Northwood Multi-Family Tract**
Location: 10800 Lakeline Boulevard, South Brushy Creek Watershed, Northwest Park and Ride Transit Oriented District
Owner/Applicant: Northwoods Avery Ranch LLC (Glenn Aaronson)
Agent: LJA Engineering and Surveying (Danny Miller)
Request: To construct a multi-family development consisting of 16 apartment buildings (325 units), a clubhouse building, amenity area, parking, drives, and utilities.
Staff Rec.: **Recommended**
Staff: Donna Galati, 974-2733, donna.galati@austintexas.gov; Planning and Development Review Department

The motion to approve staff's recommendation to construct a multi-family development, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Richard Hatfield seconded the motion on a vote of 9-0.

20. Resubdivision: **C8-2011-0104.0A - Crestview Station, a Resubdivision of Lot 7, Phase 1**
Location: 950 Banyon Street, Waller Creek Watershed, Crestview/Wooten Combined NPA
Owner/Applicant: Trammell Crow
Agent: Gray Jansing Inc. (James Brewer)
Request: Approval of the Crestview Station, Resubdivision of Lot 7, Phase 1, composed of 95 lots on 9.16 acres. The preliminary plan for this site was approved on February 14, 2012.
Staff Rec.: **Recommended**
Staff: David Wahlgren, 974-6455, David.wahlgren@austintexas.gov; Planning and Development Review Department

The motion to approve staff's recommendation for approval of the Crestview Station, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Richard Hatfield seconded the motion on a vote of 9-0.

21. Resubdivision: **C8-2011-0120.0A - South Block - FLR II Subdivision**
Location: 405 North Lamar Boulevard, Town Lake / Shoal Creek Watersheds, Downtown NPA
Owner/Applicant: Fifth/Lamar Retail I, Ltd. (Paul Gaddis)
Agent: Axiom Engineers, Inc (Alan Rhames)
Request: Approval of the South Block - FLR II Subdivision, a Resubdivision of Lot 1, Block 4 from one lot to a two lot subdivision on 2.440 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 South Block – FLR II Subdivision, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Richard Hatfield seconded the motion on a vote of 9-0.

- 22. Final without Preliminary:** **C8-2012-0014.0A - Commerce Center South Section Two; Replat of Lot 1, Block B**
Location: 3400 Comsouth Drive, Carson Creek Watershed, Southeast Combined NPA
Owner/Applicant: MC-PAC Austin Industrial LP (Matthew Oyen)
Agent: Land Strategies (Paul W. Linehan)
Request: Approval of the Commerce Center South Section Two; Replat of Lot 1, Block B composed of 1 lot on 3.603 acres.
Staff Rec.: **Disapproval**
Staff: Planning and Development Review Department

The motion to disapprove item #22, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Richard Hatfield seconded the motion on a vote of 9-0.

- 23. Street Vacation:** **F#8957-1109**
Request: Vacation of a portion of 42,264 square feet of Street Right-of-Way adjacent to 55 East Avenue.
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 a street vacation adjacent to 55 East Avenue, was approved on the consent agenda by Commissioner Sandra Kirk's motion, Commissioner Richard Hatfield seconded the motion on a vote of 9-0.

D. NEW BUSINESS

E. SUBCOMMITTEE REPORTS

Comprehensive Plan Committee – March 19, 2012, March 26, 2012 (tentative), April 2, 2012
Codes & Ordinances Committee – March 20, 2012 @ 6 p.m
Work Session – Postponed to April
Neighborhood Planning Committee – March 21, 2012 @ 6 p.m.
CIP Committee – March 5, 2012 @ 5:30 p.m.

F. ADJOURNMENT

Chair Dave Sullivan adjourned the meeting without objection at 9:07 p.m.