



**PLANNING COMMISSION
MINUTES**

**REGULAR MEETING
March 12, 2013**

The Planning Commission convened in a regular meeting on March 12, 2013 @ 301 W. 2nd Street, Austin, Texas 78701

Vice-Chair Danette Chimenti called the Board Meeting to order at 6:03 p.m.

Board Members in Attendance:

Danette Chimenti – Vice-Chair

Richard Hatfield

Alfonso Hernandez

James Nortey

Stephen Oliver

Brian Roark

Myron Smith

Jean Stevens

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

Executive Session:

Request: Discuss legal issues related to development regulations applicable to City Code Chapter 25-1 relating to project duration and project dormancy (private consultation with legal counsel pursuant to Section 551.071 of the Government Code).

Planning Commission went into Executive Session with City Attorney Brent Lloyd.

A. CITIZEN COMMUNICATION: GENERAL

No Speakers.

B. APPROVAL OF MINUTES

1. Approval of minutes from February 26, 2013.

The motion to approve the minutes from February 26, 2013 was approved on the consent agenda by Commissioner James Nortey's motion, Commissioner Richard Hatfield seconded the motion on a vote of 7-0-1; Commissioner Richard Hatfield abstained from the minutes only, but voted on the consent agenda; Chair Dave Anderson was absent.

C. PUBLIC HEARINGS

1. Code Amendment:

Request: Conduct a public hearing and consider an ordinance amending City Code Chapter 25-1 relating to project duration and project dormancy, initiating code amendments to Chapter 25-1 relating to vested rights applications, and declaring an emergency.

Staff: Greg Guernsey, 512-974-2387; greg.guernsey@austintexas.gov; Director of Planning and Development Review Department

The motion to approve the code amendment to amend City Code Chapter 25-1, was approved by Commissioner James Nortey's motion, Commissioner Richard Hatfield seconded the motion on a vote of 5-3; Commissioner Jean Stevens, Danette Chimenti and Myron Smith voted against the motion (nay), Chair Dave Anderson was absent.

2. Briefing:

Owner/Applicant: City of Austin

Agent: Planning and Development Review Department (Greg Dutton)

Request: Briefing on proposed recommendations to amend Chapter 13 and Chapter 25 of the City Code, as related to heli-facilities.

Staff: Greg Dutton, 512-974-3509; greg.dutton@austintexas.gov; Planning and Development Review Department

Briefing given by Greg Dutton to the Planning Commission.

- 3. Code Amendment: C20-2012-016 – Temporary Outdoor Public Assembly**
Owner/Applicant: City of Austin
Agent: Planning and Development Review Department (Greg Dutton)
Request: Amend Chapter 25-2-921 of the City Code relating to temporary outdoor public assembly, to allow religious and educational institutions to hold temporary outdoor public assemblies.
Staff Rec.: **Recommended**
Staff: Greg Dutton, 512- 974-3509; greg.dutton@austintexas.gov; Planning and Development Review Department

The motion to approve staff's recommendation to amend Chapter 25-2-921 of the City Code pertaining to Temporary Outdoor Public Assembly, was approved on the consent agenda by Commissioner James Nortey's motion, Commissioner Richard Hatfield seconded the motion on a vote of 8-0; Chair Dave Anderson was absent.

- 4. Code Amendment: C20-2013-0003 – Conservation Single Family Residential**
Owner/Applicant: City of Austin
Agent: Planning and Development Review Department (Greg Dutton)
Request: Amend Chapter 25-2 of the City Code to re-insert a section of code pertaining to conservation single family residential use that was inadvertently removed.
Staff Rec.: **Recommended**
Staff: Greg Dutton, 512- 974-3509; greg.dutton@austintexas.gov; Planning and Development Review Department

The motion to approve staff's recommendation to amend Chapter 25-2 of the City Code pertaining to Conservation Single Family Residential, was approved on the consent agenda by Commissioner James Nortey's motion, Commissioner Richard Hatfield seconded the motion on a vote of 8-0; Chair Dave Anderson was absent.

- 5. Code Amendment: C20-2011-031 – Subchapter F Ceiling Height**
Owner/Applicant: City of Austin
Agent: Planning and Development Review Department (Greg Dutton)
Request: Amend Chapter 25-2 of the City Code to re-insert a section of code pertaining to a provision in Subchapter F regarding 15 foot ceiling heights, which was inadvertently removed.
Staff Rec.: **Recommended**
Staff: Greg Dutton, 512-974-3509; greg.dutton@austintexas.gov; Planning and Development Review Department

The motion to approve staff's recommendation to amend Chapter 25-2 of the City Code pertaining to Subchapter F Ceiling Height, was approved on the consent agenda by Commissioner James Nortey's motion, Commissioner Richard Hatfield seconded the motion on a vote of 8-0; Chair Dave Anderson was absent.

- 6. Variance: Tree 507 W. 23rd**
Permit ROW ID:
10884861
Location; 507 W. 23rd Street, Shoal Creek Watershed, Central Austin Combined (West University) NPA
Owner/Applicant: Mike McHone
Agent: Mike McHone
Request: Variance from LDC 25-8-641 to allow removal of a heritage tree
Staff Rec.: **Recommended under conditions**
Staff: Keith Mars, 512-974-2755; Keith.Mars@austintexas.gov; Planning and Development Review Department

The motion to postpone to March 26, 2013 by the request of the applicant, was approved on the consent agenda by Commissioner James Nortey's motion, Commissioner Richard Hatfield seconded the motion on a vote of 8-0; Chair Dave Anderson was absent.

- 7. Variance: Tree 2818 Rio Grande**
Permit ROW ID:
10827869
Location; 2818 Rio Grande, Shoal Creek Watershed, Central Austin Combined (West University) NPA
Owner/Applicant: Mike McHone
Agent: Mike McHone
Request: Variance from LDC 25-8-641 to allow removal of a heritage tree
Staff Rec.: **Recommended**
Staff: Keith Mars, 512-974-2755; keith.mars@austintexas.gov; Planning and Development Review Department

The motion to approve staff's recommendation with Environmental Board's recommendations included, was approved by Commissioner Jean Stevens' motion, Commissioner Myron Smith seconded the motion on a vote of 8-0; Chair Dave Anderson was absent.

- 8. Rezoning: C814-2012-0160 – 211 S. Lamar**
Location; 211 S. Lamar Boulevard, Lady Bird Lake Watershed, South Lamar Combined NPA
Owner/Applicant: Post Paggi, LLC
Agent: Winstead PC (Amanda Swor)
Request: CS & CS-V to PUD
Staff Rec.: **Recommended; Staff requests a postponement until April 9, 2013.**
Staff: Lee Heckman, 512-974-7604; lee.heckman@austintexas.gov; Planning and Development Review Department

The motion to postpone to April 9, 2013 by the request of the staff, was approved on the consent agenda by Commissioner James Nortey's motion, Commissioner Richard Hatfield seconded the motion on a vote of 8-0; Chair Dave Anderson was absent.

- 9. Rezoning: C14-2012-0100 – Woodland Commercial Park**
Location: 1640 South IH-35 Service Road, Harper's Branch Watershed, South River City Combined NPA
Owner/Applicant: Woodland I-35 LP
Agent: Brown McCarroll LLP (Nikelle Meade)
Request: GR-CO-NP to CS-CO-NP
Staff Rec.: **Recommended with Conditions. Applicant requests postponement until April 9, 2013.**
Staff: Lee Heckman, 512-974-7604; lee.heckman@austintexas.gov; Planning and Development Review Department

The motion to postpone to April 9, 2013 by the request of the applicant, was approved on the consent agenda by Commissioner James Nortey's motion, Commissioner Richard Hatfield seconded the motion on a vote of 8-0; Chair Dave Anderson was absent.

- 10. Conditional Use SPC-2012-0441A – 7th & Rio Grande Permit:**
Location; 615 West 7th Street, Shoal Creek Watershed, Downtown NPA
Owner/Applicant: Behringer Harvard Rio Project Owner LP (Brett Rhode)
Agent: Winstead, P.C. (John Donisi)
Request: Approve on-site commercial parking for a building in the CBD-CO-CURE/CBD-CO zoning districts
Staff Rec.: **Recommended**
Staff: Christine Barton-Holmes, 512-974-2788; Christine.Barton-Holmes@austintexas.gov; Planning and Development Review Department

The motion to approve staff's recommendation to approve an on-site commercial parking for a building, was approved on the consent agenda by Commissioner James Nortey's motion, Commissioner Richard Hatfield seconded the motion on a vote of 8-0; Chair Dave Anderson was absent.

- 11. Conditional Use Permit & Variance: SP-2012-0338CT – TPPF (Texas Public Policy Foundation)**
- Location; 901 Congress Avenue, Lady Bird Lake Watershed, Downtown NPA
Owner/Applicant: Texas Public Policy Foundation
Agent: Big Red Dog Engineering (Bob Brown)
Request: (1) Approve a conditional use permit for off-site parking for an office building in the CBD zoning district, and (2) approve a variance from providing a loading space for a vehicle to empty a trash receptable, and from providing an off-street loading facility.
- Staff Rec.: **Recommended**
Staff: Michael Simmons-Smith, 512-974-1225; Michael.Simmons-Smith@austintexas.gov; Planning and Development Review Department

The motion to approve staff's recommendation for a Conditional Use Permit and Variance, was approved by Commissioner James Nortey's motion, Commissioner Stephen Oliver seconded the motion on a vote of 8-0; Chair Dave Anderson was absent.

- 12. Conditional Use Permit & Waiver: SPC-2012-0329A – Truck Leasing & Transportation Terminal**
- Location: 907 East St. John's Avenue, Buttermilk Branch Watershed, St. John's NPA
Owner/Applicant: Bright Leasing Corp. c/o Penske Truck Leasing Co. L.P.
Agent: Abdul K. Patel/ Rey Cedillo
Request: Approval of a conditional use permit to allow a transporation terminal within the CS, General Commercial Services zoning district. Waiver – Request to allow a a parking area and driveway within 25 feet of a lot that is in a SF-5 or more restrictive zonining district [LDC Sec. 25-2-1067(G)(1)].
- Staff Rec.: **Recommended**
Staff: Nikki Hoelter, 512-974-2863; nikki.hoelter@austintexas.gov; Planning and Development Review Department

The motion to postpone to March 26, 2013 by the request of the applicant, was approved on the consent agenda by Commissioner James Nortey's motion, Commissioner Richard Hatfield seconded the motion on a vote of 8-0; Chair Dave Anderson was absent.

- 13. Resubdivision:** **C8-2012-067.0A – Georgian Acres, Lot 2, Block D; Resubdivision**
Location: 8833 Georgian Drive, Little Walnut Creek Watershed, Georgian Acres NPA
Owner/Applicant: Luis Calderon Jaimes & Maria Felix Jaimes
Agent: Hector Avila
Request: Approval of the Georgian Acres, Lot 2, Block D; Resubdivision composed of 4 lots on 0.765 acres.
Staff Rec.: **Recommended**
Staff: Cesar Zavala, 512-974-3404; cesar.zavala@austintexas.gov; Planning and Development Review Department

The motion to approve staff's recommendation for approval of the Georgian Acres, Lot 2, Block D Resubdivision, was approved on the consent agenda by Commissioner James Nortey's motion, Commissioner Richard Hatfield seconded the motion on a vote of 8-0; Chair Dave Anderson was absent.

- 14. Final Plat/with Prelim:** **C8-07-0043.02.1A – Avery Station Section II B**
Location: 10239 Lakeline Boulevard, South Brushy Creek Watershed, Lakeline TOD
Owner/Applicant: Northwoods Avery Ranch LLC (Gary L. Newman)
Agent: Bury + Partners (Jonathan Fleming)
Request: Approval of Avery Station Section II B composed of 97 single family lots and 4 open space/drainage lots on 21.827 acres.
Staff Rec.: **Recommended**
Staff: David Wahlgren, 512-974-6455; David.Wahlgren@austintexas.gov; Planning and Development Review Department

The motion to approve staff's recommendation for approval of the Avery Station Section IIB, was approved on the consent agenda by Commissioner James Nortey's motion, Commissioner Richard Hatfield seconded the motion on a vote of 8-0; Chair Dave Anderson was absent.

- 15. Final Plat w/Preliminary:** **C8-06-0133.01.1A.SH – Goodnight Ranch Section Two**
Location: East Slaughter Lane, Onion Creek Watershed
Owner/Applicant: Austin Goodnight Ranch GP (David Mahn)
Agent: Travis County (Tom Nuckols)
Request: Approval of the Goodnight Ranch Section Two composed of 1 lot on 30.935 acres.
Staff Rec.: **DISAPPROVAL**
Staff: Planning and Development Review Department

- 16. Final Plat:** **C8-2013-0028.0A – 4515 S. 3rd Street Subdivision**
Location: 4515 S. 3rd Street, Williamson Creek Watershed, South Manchaca NPA
Owner/Applicant: Sanda Eames
Agent: Austin Civil Engineering (Hunter Shadburne)
Request: Approval of the 4515 S. 3rd Street Subdivision composed of 2 lots on 0.599 acres.
Staff Rec.: **DISAPPROVAL**
Staff: Planning and Development Review Department
- 17. Preliminary Plan:** **C8-2013-0022 – Circle C Ranch Tract 8A**
Location: SH 45 Eastbound, Slaughter Creek Watershed-Barton Springs Zone
Owner/Applicant: Standard Pacific Homes (Jay Byler)
Agent: LJA Engineering & Surveying, Inc. (John A. Clark)
Request: Approval of the Circle C Ranch Tract 8A composed of 38 lots on 18.3325 acres.
Staff Rec.: **DISAPPROVAL**
Staff: Planning and Development Review Department
- 18. Final Plat; Resubdivision:** **C8-2013-0024.0A – Lot 1 Block 6 Banister Acres; Resubdivision of**
Location: 4400 Gillis Street, Williamson Creek Watershed, South Manchaca NPA
Owner/Applicant: Dan Day Homes (Dan Day)
Agent: Real Estate (Michael McHone)
Request: Approval of Lot 1 Block 6 Banister Acres; Resubdivision composed of 3 lots on 0.4999 acres.
Staff Rec.: **DISAPPROVAL**
Staff: Planning and Development Review Department

Items #15-18;

The motion to disapprove Items #15-18 was approved on the consent agenda by Commissioner James Nortey's motion Commissioner Richard Hatfield seconded the motion on a vote of 8-0; Chair Dave Anderson was absent.

D. NEW BUSINESS

1. New Business:

Request: Discussion and action on directing Staff to initiate a rezoning case for property located at 1311 East 12th Street.

The motion to direct staff to initiate a rezoning case for property located at 1311 East 12th Street, was approved on the consent agenda by Commissioner James Nortey's motion, Commissioner Richard Hatfield seconded the motion on a vote of 8-0; Chair Dave Anderson was absent.

E. ADJOURN

Chair Dave Anderson adjourned the meeting without objection at 9:55 p.m.