



**PLANNING COMMISSION
MINUTES**

**REGULAR MEETING
September 10, 2013**

The Planning Commission convened in a regular meeting on September 10, 2013 @ 301 W. 2nd Street, Austin, Texas 78701

Chair Dave Anderson called the Board Meeting to order at 6:01 p.m.

Board Members in Attendance:

Dave Anderson – Chair

Danette Chimenti

Richard Hatfield

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

A. CITIZEN COMMUNICATION: GENERAL

Stuart Hersh – Building Permits (Amnesty)

B. APPROVAL OF MINUTES

1. Approval of minutes from August 27, 2013.

The motion to approve the minutes from August 27, 2013 was approved on the consent agenda by Commissioner Stephen Oliver, Commissioner Jean Stevens seconded the motion on a vote of 7-0; Commissioners Alfonso Hernandez and James Nortey were absent.

C. PUBLIC HEARINGS

- 1. Briefing and Possible Action:** **Imagine Austin: The Way Forward 2013 Annual Report**
Location: City and ETJ
Owner/Applicant: City of Austin
Request: Briefing and possible discussion and action on the Planning Commission's endorsement of Imagine Austin: The Way Forward 2013 Annual Report
Staff Rec.: **Recommended**
Staff: Cristin Kenyon, 512-974-2976, cristin.kenyon@austintexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to approve staff's recommendation with amendments as stated by staff, was approved by Commissioner Richard Hatfield's motion, Commissioner Jean Stevens seconded the motion on a vote of 7-0; Commissioners James Nortey and Alfonso Hernandez were absent.

- 2. Comprehensive Plan Amendment:** **CPA-2013-0001 - Corrections and minor additions to Imagine Austin**
Owner/Applicant: City of Austin
Request: Review and possible discussion and action on corrections and minor additions to Imagine Austin (Ordinance # 20120614-058)
Staff Rec.: **Recommended**
Staff: Cristin Kenyon, 512-974-2976, cristin.kenyon@austintexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to approve staff's recommendation with amendments as stated by staff, was approved by Commissioner Richard Hatfield's motion, Commissioner Jean Stevens seconded the motion on a vote of 7-0; Commissioners James Nortey and Alfonso Hernandez were absent.

- 3. Code C20-2013-002 - Neighborhood Plan Amendment Procedures**
Amendment:
Owner/Applicant: City of Austin
Agent: Planning and Development Review Department (Stevie Greathouse)
Request: Amend Chapter 25-1 of the City of Austin Land Development Code to change the requirements for neighborhood plan amendment procedures.
Staff Rec.: **To withdraw the proposed amendment**
Staff: Stevie Greathouse, 512-974-7226, stevie.greathouse@austintexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to approve staff's recommendation to withdraw the proposed amendment, was approved on the consent agenda by Commissioner Stephen Oliver, Commissioner Jean Stevens seconded the motion on a vote of 7-0; Commissioners James Nortey and Alfonso Hernandez were absent.

- 4. Municipal Utility C12M-2013-0001 - Cascades MUD No. 1**
District:
Location: 11601 S IH 35, Onion Creek Watershed
Owner/Applicant: T. Marc Knutsen
Agent: Armbrust & Brown (Sue Brooks Littlefield)
Request: Consent to Create a Municipal Utility District (MUD)
Staff: Virginia Collier, 512-974-2022, virginia.collier@austintexas.gov; Planning and Development Review Department

The motion to postpone to September 24, 2013 by the request of the Planning Commission, was approved on the consent agenda by Commissioner Stephen Oliver, Commissioner Jean Stevens seconded the motion on a vote of 7-0; Commissioners James Nortey and Alfonso Hernandez were absent.

5. **Water District: C12M-2013-0004 - Annexation into WCID No. 10**
Location: 5210 Fossil Rim Road, Lake Austin Watershed
Owner/Applicant: CAAMR Investments, LLC
Agent: Ronald Rodriguez
Request: City Consent to annexation of a 3.75 acre tract into Travis County WCID No. 10
Staff Rec.: **Recommended**
Staff: Virginia Collier, 512-974-2022, virginia.collier@austintexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to approve staff's recommendation to annex into WCID No. 10, was approved on the consent agenda by Commissioner Stephen Oliver, Commissioner Jean Stevens seconded the motion on a vote of 7-0; Commissioners James Nortey and Alfonso Hernandez were absent.

6. **Tree Permit: # 10949349 - 1015 E. 12th Street**
Location: 1015 E. 12th Street, Waller Creek Watershed, Central East Austin NPA
Owner/Applicant: Keep Investment Group, LLC (Austin Stowell)
Agent: Keep Investment Group, LLC (Austin Stowell)
Request: The applicant is requesting to remove a heritage tree with a stem greater than 30" in diameter.
Staff Rec.: **Recommended**
Staff: Keith Mars, 512-974-2755, keith.mars@austintexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to approve staff's recommendation to remove a heritage tree was approved by Commissioner Brian Roark's motion, Commissioner Richard Hatfield seconded the motion on a vote of 7-0; Commissioners James Nortey and Alfonso Hernandez were absent.

- 7. Plan Amendment: NPA-2013-0025.01 - Harper Park Residential**
Location: 5816 Harper Park Drive, Barton Creek Watershed-Barton Springs Zone, Oak Hill Combined NPA (East Oak Hill)
Owner/Applicant: Harper Park Two LP (Gail M. Whitfield)
Agent: The Whitfield Company (Marcus Whitfield)
Request: Office to Mixed Use/Office land use
Staff Rec.: **Recommended**
Staff: Maureen Meredith, 512-974-2695,
maureen.meredith@austintexas.gov;
Planning and Development Review Department

The motion to postpone to September 24, 2013 by the request of the applicant, was approved on the consent agenda by Commissioner Stephen Oliver's motion, Commissioner Jean Steven seconded the motion on a vote of 7-0; Commissioners James Nortey and Alfonso Hernandez were absent.

- 8. Restrictive Covenant Amendment: C14R-86-077(RCA) - Harper Park Residential Restrictive Covenant Amendment**
Location: 5816 Harper Park Drive, Barton Creek Watershed-Barton Springs Zone, Oak Hill Combined NPA (East Oak Hill)
Owner/Applicant: Harper Park Two LP (Gail M. Whitfield)
Agent: The Whitfield Company (Marcus Whitfield)
Request: No amendment proposed; application to amend should restrictions be required as part of associated zoning case only.
Staff Rec.: **Recommended to Amend Only as Necessary**
Staff: Lee Heckman, 512-974-7604, lee.heckman@austintexas.gov;
Planning and Development Review Department

The motion to postpone to September 24, 2013 by the request of the applicant, was approved on the consent agenda by Commissioner Stephen Oliver's motion, Commissioner Jean Steven seconded the motion on a vote of 7-0; Commissioners James Nortey and Alfonso Hernandez were absent.

- 9. Rezoning: C14-2013-0006 - Harper Park Residential**
Location: 5816 Harper Park Drive, Barton Creek Watershed-Barton Springs Zone, Oak Hill Combined NPA (East Oak Hill)
Owner/Applicant: Harper Park Two LP (Gail M. Whitfield)
Agent: The Whitfield Company (Marcus Whitfield)
Request: LO-CO-NP to LO-MU-CO-NP
Staff Rec.: **Recommended**
Staff: Lee Heckman, 512-974-7604, lee.heckman@austintexas.gov; Planning and Development Review Department

The motion to postpone to September 24, 2013 by the request of the applicant, was approved on the consent agenda by Commissioner Stephen Oliver's motion, Commissioner Jean Steven seconded the motion on a vote of 7-0; Commissioners James Nortey and Alfonso Hernandez were absent.

- 10. Plan Amendment: NPA-2013-0022.01 - Congress Avenue Baptist Church**
Location: 1511 South Congress Ave., East Bouldin Watershed, Greater South River City NPA (South River City)
Owner/Applicant: Congress Avenue Baptist Church (Tut Hill)
Agent: Thrower Design (A. Ron Thrower)
Request: Civic to Mixed Use land use; Postponement Request by SRCC & Applicant to 10/08/2013
Staff Rec.: **Recommended**
Staff: Maureen Meredith, 512-974-2695, maureen.meredith@austintexas.gov; Planning and Development Review Department

The motion to postpone to October 8, 2013 by the request of the neighborhood, was approved on the consent agenda by Commissioner Stephen Oliver's motion, Commissioner Jean Steven seconded the motion on a vote of 7-0; Commissioners James Nortey and Alfonso Hernandez were absent.

- 11. Rezoning: C14-2013-0022 - Congress Avenue Baptist Church**
Location: 1511 South Congress Ave., East Bouldin Watershed, Greater South River City NPA (South River City)
Owner/Applicant: Congress Avenue Baptist Church (Tut Hill)
Agent: Thrower Design (A. Ron Thrower)
Request: SF-3-CO-NCCD-NP to GR-CO-NCCD-NP; Postponement Request by SRCC & Applicant to 10/08/2013
Staff Rec.: **GO-CO-NCCD-NP or Amend NCCD; Grant Postponement Request**
Staff: Lee Heckman, 512-974-7604, lee.heckman@austintexas.gov; Planning and Development Review Department

The motion to postpone to October 8, 2013 by the request of the neighborhood, was approved on the consent agenda by Commissioner Stephen Oliver's motion, Commissioner Jean Steven seconded the motion on a vote of 7-0; Commissioners James Nortey and Alfonso Hernandez were absent.

- 12. Plan Amendment: NPA-2013-0019.01 - Commodore Perry Estate**
Location: 710 E. 41st Street, Waller Creek Watershed, Central Austin Combined NPA (Hancock)
Owner/Applicant: Perry Estates, LLC (Clark Lyda)
Agent: Smith, Robertson, Elliott, Glen, Klein & Douglas, LLP. (David Hartman)
Request: Civic to Higher Density Single Family and Mixed Use land use
Staff Rec.: **Postponement request by Staff to 9-24-2013**
Staff: Maureen Meredith, 512-974-2695, maureen.meredith@austintexas.gov; Planning and Development Review Department

The motion to postpone to September 24, 2013 by the request of staff, was approved on the consent agenda by Commissioner Stephen Oliver's motion, Commissioner Jean Steven seconded the motion on a vote of 7-0; Commissioners James Nortey and Alfonso Hernandez were absent.

- 13. Rezoning: C14-2013-0040 - Commodore Perry Estate**
Location: 710 E. 41st Street, Waller Creek Watershed, Central Austin Combined NPA (Hancock)
Owner/Applicant: Perry Estates, LLC (Clark Lyda)
Agent: Smith, Robertson, Elliott, Glen, Klein & Douglas, LLP. (David Hartman)
Request: SF-3-CO-NP to GR-MU-CO-NP for Tract 1, SF-3-CO-NP to GR-MU-CO-NP for Tract 2, SF-3-CO-NP to GR-MU-CO-H-NP for Tract 1A
Staff Rec.: **Postponement request by Staff to 9-24-2013**
Staff: Clark Patterson, 512-974-7691, clark.patterson@austintexas.gov; Planning and Development Review Department

The motion to postpone to September 24, 2013 by the request of staff, was approved on the consent agenda by Commissioner Stephen Oliver's motion, Commissioner Jean Steven seconded the motion on a vote of 7-0; Commissioners James Nortey and Alfonso Hernandez were absent.

- 14. Plan Amendment: NPA-2013-0009.01 - 1311 East 12th Street**
Location: 1311 East 12th Street, Boggy Creek Watershed, Central East Austin NPA
Owner/Applicant: Four Springs Investments, LLC (Darrell Pierce)
Agent: City of Austin – Planning and Development Review Department (Jerry Rusthoven)
Request: Single Family to Neighborhood Mixed Use land use
Staff Rec.: **Recommended**
Staff: Maureen Meredith, 512-974-2695, maureen.meredith@austintexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to approve staff's recommendation for neighborhood mixed use land use, was approved on the consent agenda by Commissioner Stephen Oliver, Commissioner Jean Stevens seconded the motion on a vote of 7-0; Commissioners James Nortey and Alfonso Hernandez were absent.

15. Urban Renewal 1311 East 12th Street

Plan Amendment:

Location: 1311 East 12th Street, Boggy Creek Watershed, Central East Austin NPA

Owner/Applicant: Four Springs Investments, LLC (Darrell Pierce)

Agent: City of Austin – Planning and Development Review Department (Jerry Rusthoven)

Request: Add “commercial and mixed-use” use to permitted uses for 1311 East 12th Street.

Staff Rec.: **Recommended**

Staff: Sandra Harkins, 512-974-3128, sandra.harkins@austintexas.gov; Neighborhood Housing and Community Development
Heather Chaffin, 512-974-2122, heather.chaffin@austintexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to approve staff’s recommendation for an Urban Renewal Plan Amendment, was approved on the consent agenda by Commissioner Stephen Oliver, Commissioner Jean Stevens seconded the motion on a vote of 7-0; Commissioners James Nortey and Alfonso Hernandez were absent.

16. Rezoning: C14-2013-0066 - 1311 East 12th Street

Location: 1311 East 12th Street, Boggy Creek Watershed, Central East Austin NPA

Owner/Applicant: Four Springs Investments, LLC (Darrell Pierce)

Agent: City of Austin – Planning and Development Review Department (Jerry Rusthoven)

Request: SF-3-NCCD-NP to LR-MU-NCCD-NP

Staff Rec.: **Recommended**

Staff: Heather Chaffin, 512-974-2122, heather.chaffin@austintexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to approve staff’s recommendation for LR-MU-NCCD-NP zoning, was approved on the consent agenda by Commissioner Stephen Oliver, Commissioner Jean Stevens seconded the motion on a vote of 7-0; Commissioners James Nortey and Alfonso Hernandez were absent.

17. Rezoning: C14-2013-0081 - Apostolic 1.5
Location: 517 East Oltorf Street, Blunn Creek Watershed, Greater South River City NPA (St. Edward's)
Owner/Applicant: Apostolic Assembly of the Faith in Christ Jesus, Inc. (Frank Balboa)
Agent: Jim Bennett Consulting (Jim Bennett)
Request: SF-3-NP to GR-NP
Staff Rec.: **Recommendation of GO-CO-NP with conditions**
Staff: Lee Heckman, 512-974-2695, lee.heckman@austintexas.gov; Planning and Development Review Department

The motion to postpone to October 22, 2013 by the request of the neighborhood, was approved on the consent agenda by Commissioner Stephen Oliver, Commissioner Jean Stevens seconded the motion on a vote of 7-0; Commissioners Alfonso Hernandez and James Nortey were absent.

18. Rezoning: C14-2013-0088 - 1300 Plaza II
Location: 1300 South Lamar Boulevard, West Bouldin Creek Watershed, Zilker NPA
Owner/Applicant: Lantzscht Family Trust (Thomas P. Lantzscht)
Agent: UTE Consultants, Inc. (Joan Ternus)
Request: CS-V to CS-1-V
Staff Rec.: **Recommended**
Staff: Lee Heckman, 512-974-7604, lee.heckman@austintexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to approve staff's recommendation for CS-1-V zoning was approved, with the recommendation that Council not act on the application until the private restrictive covenant was finalized; was approved on the consent agenda by Commissioner Stephen Oliver, Commissioner Jean Stevens seconded the motion on a vote of 7-0; Commissioners Alfonso Hernandez and James Nortey were absent.

19. Rezoning: C14-2013-0056 - 2505 & 2507 Bluebonnet Lane
Location: 2505 & 2507 Bluebonnet Lane, West Bouldin Creek Watershed, South Lamar NPA
Owner/Applicant: 2505 Bluebonnet, LLC (Scott Turner)
Agent: Thrower Design (Ron Thrower)
Request: SF-3 to MF-2
Staff Rec.: **Recommended**
Staff: Lee Heckman, 512-974-7604, lee.heckman@austintexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to approve MF-2-CO district zoning was approved with the condition as recommended by staff and two additional conditions relating to height and limited roof top access recommended by the Commission; was approved on the consent agenda by Commissioner Stephen Oliver, Commissioner Jean Stevens seconded the motion on a vote of 7-0; Commissioners Alfonso Hernandez and James Nortey were absent.

20. Site Plan Waiver SP-2012-0284C - Lightsey Condominiums
Only:
Location: 3001 Del Curto, West Bouldin Creek Watershed, South Lamar NPA
Owner/Applicant: PSW Lightsey (Ryan Diepenbrock)
Agent: KBGE (Brian Estes P.E.)
Request: To allow the construction of a structure within 25 feet or less from property in an urban family residence (SF-5) or more restrictive zoning district [LDC Section 25-2-1063(B)(1)].
Staff Rec.: **Recommended**
Staff: Nikki Hoelter, 512-974-2863, nikki.hoelter@austintexas.gov; Planning and Development Review Department

The motion to postpone to September 24, 2013 by the request of the neighborhood was approved on the consent agenda by Commissioner Stephen Oliver, Commissioner Jean Stevens seconded the motion on a vote of 7-0; Commissioners Alfonso Hernandez and James Nortey were absent.

21. Variance Request: **GF-2013-0001(LUR) - 1211 Holly Street**
Location: 1211 Holly Street, Lady Bird Lake Watershed, East Cesar Chavez NPA
Owner/Applicant: James Wilsford
Agent: James Wilsford
Request: The applicant is requesting to exceed the maximum allowable impervious cover of 40% on a single-family lot located within the Festival Beach Subdistrict of the Waterfront Overlay Combining District.
Staff Rec.: **Recommended**
Staff: Michael Simmons-Smith, 512-974-1225, michael.simmons-smith@austintexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to approve staff's recommendation for a variance on 1211 Holly Street and including the public restrictive covenant limiting it to 40% impervious cover, was approved on the consent agenda by Commissioner Stephen Oliver, Commissioner Jean Stevens seconded the motion on a vote of 7-0; Commissioners James Nortey and Alfonso Hernandez were absent.

22. Resubdivision: **C8-2012-0117.0A - Garadi Subdivision, A Resubdivision of a Portion of Lot 14 of Evergreen Heights**
Location: 1803 & 1807 S. Lamar Blvd., West Bouldin Creek Watershed, South Lamar NPA
Owner/Applicant: Garadi Corporation (Viswas S. Garadi)
Agent: Genesis 1 Engineering Co. (George Gonzalez)
Request: Approve the resubdivision of part of a lot into one lot on 0.33 acres.
Staff Rec.: **Recommended**
Staff: Sylvia Limon, 512-974-2767, sylvia.limon@austintexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to approve staff's recommendation for approval of the Garadi Subdivision, was approved on the consent agenda by Commissioner Stephen Oliver, Commissioner Jean Stevens seconded the motion on a vote of 7-0; Commissioners Alfonso Hernandez and James Nortey were absent.

23. Final Plat; C8-2013-0143.0A - Ridgetop Addition, Portion of Lot 1 Block M
Resubdivision: Amended Resubdivision; Resubdivision
Location: 1003 East 52nd Street, Tannehill Branch Watershed, North Loop NPA
Owner/Applicant: Wagwater Partners, LLC
Agent: Thrower Design (Ron Thrower)
Request: Approval of the Ridgetop Addition, Portion of Lot 1 Block M
 Amended Resubdivision; Resubdivision composed of 2 lots on 0.401
 acres.
Staff Rec.: **Disapproval**
Staff: Planning and Development Review Department

The motion to disapprove Item #23 was approved on the consent agenda by Commissioner Stephen Oliver, Commissioner Jean Stevens seconded the motion on a vote of 7-0; Commissioners James Nortey and Alfonso Hernandez were absent.

D. NEW BUSINESS

Post on a future Codes & Ordinances Committee an item related to amnesty on building permits.

E. SUBCOMMITTEE REPORTS

Comprehensive Plan Committee – No meeting set
Neighborhood Plan Committee – Sept. meeting canceled
CIP Committee – No Sept. meeting
Codes & Ordinances Committee – September 17, 2013
Downtown Committee – Gave an update only
Code Revision Committee – September 26, 2013

F. ADJOURN

Chair Dave Anderson adjourned the meeting without objection at 7:38 p.m.