



**PLANNING COMMISSION
MINUTES**

**REGULAR MEETING
October 8, 2013**

The Planning Commission convened in a regular meeting on October 8, 2013 @ 301 W. 2nd Street, Austin, Texas 78701

Chair Dave Anderson called the Board Meeting to order at 6:05 p.m.

Board Members in Attendance:

Dave Anderson – Chair

Danette Chimenti

Richard Hatfield

Alfonso Hernandez

James Nortey

Brian Roark

Myron Smith

Jean Stevens

Jeff Jack – Ex-Officio Member

Howard Lazarus – 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

No Speakers.

B. APPROVAL OF MINUTES

1. Approval of minutes from September 24, 2013.

The motion to postpone the minutes for September 24, 2013 was approved on the consent agenda by Commissioner Danette Chimenti, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Stephen Oliver was absent.

C. PUBLIC HEARINGS

1. Code **Initiate a Code Amendment - Posting of Signs**

Amendment:

Owner/Applicant: City of Austin
Agent: Planning and Development Review Department
Request: Discussion and possible action to initiate an amendment to Section 25-1-135 of the City Code to require signs to be posted by property owners instead of City of Austin staff.
Staff: Greg Guernsey, 512-974-2387, greg.guernsey@austintexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to initiate an amendment to Section 25-1-134 of the City Code for Posting of Signs, was approved on the consent agenda by Commissioner Danette Chimenti, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Stephen Oliver was absent.

2. Code **C20-2013-011 - Vested Development Rights**

Amendment:

Owner/Applicant: City of Austin
Agent: Planning and Development Review Department
Request: Amend City Code Chapters 25-1 and 25-5 relating to vested development rights under Chapter 245 and Section 43.002 of the Texas Local Government Code.
Staff Rec.: **Recommended**
Staff: Greg Guernsey, 512-974-2387, greg.guernsey@austintexas.gov; Planning and Development Review Department

Commissioner Jean Stevens made a motion to go into Executive Session at 6:40 p.m., Commissioner Myron Smith seconded the motion on a vote of 8-0; Commissioner Stephen Oliver was absent.

Public hearing closed.

The motion to approve staff's recommendation to amend City Code Chapters 25-1 and 25-5 relating to vested development rights was approved by Commissioner Danette Chimenti, Commissioner Myron Smith seconded the motion on a vote of 8-0; Commissioner Stephen Oliver was absent.

- 3. Code C20-2013-006 - Temporary Signs**
Amendment:
Owner/Applicant: City of Austin
Agent: Planning and Development Review Department
Request: Amend Title 25 of the City Code to allow commercial images to be temporarily projected onto building facades in the downtown area during certain special events and establish permitting requirements.

Staff Rec.: **Recommended**
Staff: Viktor Auzenne, 512-974-2941, viktor.auzenne@austintexas.gov; Planning and Development Review Department

The motion to postpone to October 22, 2013 by the request of an interested party was approved on the consent agenda by Commissioner Danette Chimenti, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Stephen Oliver was 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 November 12, 2013 by the request of the applicant and neighborhood was approved by Commissioner Danette Chimenti's motion, Commissioner James Nortey seconded the motion on a vote of 8-0; Commissioner Stephen Oliver was absent.

- 5. Plan Amendment: NPA-2013-0022.01 - Congress Avenue Baptist Church**
Location: 1511 South Congress Ave., East Bouldin Watershed, Greater South River City (South River City) NPA
Owner/Applicant: Congress Avenue Baptist Church (Tut Hill)
Agent: Thrower Design (A. Ron Thrower)
Request: Civic to Mixed Use 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 December 10, 2013 by the request of South Congress Merchants Association was approved on the consent agenda by Commissioner Danette Chimenti, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Stephen Oliver was absent.

- 6. Rezoning: C14-2013-0022 - Congress Avenue Baptist Church**
Location: 1511 South Congress Ave., East Bouldin Watershed, Greater South River City (South River City) NPA
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
Staff Rec.: **GO-CO-NCCD-NP or Amend NCCD**
Staff: Lee Heckman, 512-974-7604, lee.heckman@austintexas.gov; Planning and Development Review Department

The motion to postpone to December 10, 2013 by the request of South Congress Merchants Association was approved on the consent agenda by Commissioner Danette Chimenti, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Stephen Oliver was absent.

- 7. Plan Amendment: NPA-2013-0019.01 - Commodore Perry Estate**
Location: 710 E. 41st Street, Waller Creek Watershed, Central Austin Combined (Hancock) NPA
Owner/Applicant: Perry Estate, LLC (Clark Lyda)
Agent: Smith, Robertson, Elliott, Glen, Klein & Douglas, LLP. (David Hartman)
Request: Civic to Mixed Use 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 November 12, 2013 by the request of the neighborhood was approved on the consent agenda by Commissioner Danette Chimenti, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Stephen Oliver was absent.

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

The motion to postpone to November 12, 2013 by the request of the neighborhood was approved on the consent agenda by Commissioner Danette Chimenti, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Stephen Oliver was absent.

- 9. Plan Amendment: NPA-2013-0008.01 - NPA for 2804 Sol Wilson**
Location: 2804 Sol Wilson Ave., Boggy Creek Watershed, Rosewood NPA
Owner/Applicant: Bih Jau Sheu
Agent: Noa Levy
Request: Commerical to 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 Mixed Use land use was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Stephen Oliver was absent.

- 10. Rezoning: C14-2013-0091 - 2804 Sol Wilson - Zoning Change**
Location: 2804 Sol Wilson Ave., Boggy Creek Watershed, Rosewood NPA
Owner/Applicant: Bih Jau Sheu
Agent: Noa Levy
Request: CS-CO-NP to CS-MU-CO-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 CS-MU-CO-NP zoning was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Stephen Oliver was absent.

- 11. Rezoning: C14-2013-0087 - 1402 West Ave.**
Location: 1402 West Ave., Shoal Creek Watershed, Downtown NPA
Owner/Applicant: Saleem Tawil
Agent: Husch Blackwell, L.L.P. (Jerry Harris)
Request: LO-H to DMU-H
Staff Rec.: **Recommendation of DMU-H-CO**
Staff: Clark Patterson, 512-974-7691, clark.patterson@austintexas.gov;
Planning and Development Review Department

Public hearing closed.

The motion to approve staff's recommendation for DMU-H-CO zoning with Historic Landmark Commission's recommendations, was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Stephen Oliver was absent.

- 12. Site Plan - SP-2013-0175C - Cirrus Logic Research Facility**
Waivers only:
Location: 605 W. 4th Street, Shoal Creek Watershed, Downtown NPA
Owner/Applicant: Cirrus Logic Inc., (Jeremy R. Allen)
Agent: Garza Bury (John Pelham)
Request: The applicant requests approval of a waiver from 25-6-591(B)(5) and 25-2-691(C)(11) in order for a parking garage to be separated from an adjacent street by other uses in addition to pedestrian-oriented uses. Applicant requests approval of a waiver from 25-6-592 in order to use the public right-of-way in the downtown area to maneuver in and out of an off-street loading facility and trash receptacle location.
Staff Rec.: **Recommended with conditions**
Staff: Donna Galati, 512-974-2733, donna.galati@austintexas.gov;
Caleb Gutshall, 512-974-6240, caleb.gutshall@austintexas.gov;
Planning and Development Review Department

Public hearing closed.

The motion to approve staff's recommendation to approve a site plan with waivers was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Stephen Oliver was absent.

- 13. Site Plan - Extension: SP-2008-0349C(XT2) - Chestnut Plaza Phase III**
- Location: 2921 E. 17th Street, Boggy Creek Watershed, Chestnut NPA & MLK TOD
- Owner/Applicant: Freehaven Development Inc., (Tom Patton)
- Agent: Pape-Dawson Engineers Inc. (James McCann)
- Request: The applicant is requesting a three year extension to a previously approved site plan from July 14, 2013 to July 14, 2016.
- Staff Rec.: **Recommended**
- Staff: Donna Galati, 512-974-2733, donna.galati@austintexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to approve staff's recommendation for a site plan extension was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Stephen Oliver was absent.

- 14. Site Plan - Waivers only: SP-2012-0434C - Republic Square Mixed Use**
- Location: 401 Guadalupe Street, Town Lake Watershed, Downtown NPA
- Owner/Applicant: Gables Residential (Jennifer Wiebrand)
- Agent: Axiom Engineers, Inc (Alan Rhames, PE)
- Request: The applicant is proposing to construct an apartment building and hotel with associated improvements and is requesting a curb cut and unscreened parking garage opening on the street adjacent to a downtown park [Section 25-2-643(B)(1)].
- Staff Rec.: **No Recommendation**
- Staff: Marilyn Shashoua, 512-974-9372, marilyn.shashoua@austintexas.gov; Christine Barton-Holmes, 512-974-2788, christine.barton-holmes@austintexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to approve staff's recommendation with agreement made with Parks and Recreation Department was approved by Commissioner James Nortey's motion, Commissioner Danette Chimenti seconded the motion on a vote of 8-0; Commissioner Stephen Oliver was absent.

15. Site Plan - Conditional Use Permit: SPC-2012-0329A - Convenient Retail & Transportation Terminal

Location: 907 East St. John's Avenue, Buttermilk Branch Creek Watershed, St. John's NPA
Owner/Applicant: Bright Truck Leasing Corp. c/o Penske Truck Leasing Co. L.P.
Agent: Cedillos & Willson LLC (Rey Cedillos P.E.)
Request: Request approval of a conditional use permit to allow a transportation terminal within the CS, Commercial Services zoning district.
Staff Rec.: **Recommended**
Staff: Nikki Hoelter, 512-974-2863, nikki.hoelter@austintexas.gov; Planning and Development Review Department

The motion to postpone to October 22, 2013 by the request of the neighborhood was approved by Commissioner Jean Stevens' motion, Commissioner Richard Hatfield seconded the motion on a vote of 8-0; Commissioner Stephen Oliver was absent.

16. Final Plat; Resubdivision: C8-2013-0165.0A.SH - (Withdrawal & Resubmittal of) AHC Addition, Resubdivision of Lots 1 & 2, Travis 51 Addition No. 2 and Lot 1

Location: 7016 East Ben White Boulevard Westbound, Carson Creek Watershed, Montopolis NPA
Owner/Applicant: CSK Partners, LLC (Chris Whitt)
Agent: GICE, INC./DBA Garrett – Ihnen (Steve Ihnen)
Request: Approval of the (Withdrawal & Resubmittal of) AHC Addition, Resubdivision of Lots 1 & 2, Travis 51 Addition No. 2 and Lot 1 composed of 4 lots on 31.42 acres.
Staff Rec.: **Disapproval**
Staff: Planning and Development Review Department

17. Final Plat; Amended Plat: C8-2013-0168.0A - Tarry-Town No. 6, Lot 1A Replat of the North 1/2 of Lot 139 and all of Lot 140; Amended Plat

Location: 2512 Janice Drive, Taylor Slough South Watershed, West Austin Neighborhood Group NPA
Owner/Applicant: Suzanne Field
Agent: Land Answers, Inc. (Jim Wittliff)
Request: Approval of the Tarry-Town No. 6, Lot 1A Replat of the North 1/2 of Lot 139 and all of Lot 140; Amended Plat composed of 1 lot on 0.4028 acres.
Staff Rec.: **Disapproval**
Staff: Planning and Development Review Department

- 18. Final Plat; Resubdivision:** **C8-2013-0156.0A - Resubdivision of Lot 2 Subdivision of a portion of the Santiago Del Valle 10 League Grant**
Location: 5117 Maufrais Lane, Williamson Creek Watershed, Franklin Park NPA
Owner/Applicant: Pete Carl Sconci
Agent: Austin Civil Engineering (Keith Parkan)
Request: Approval of the Resubdivision of Lot 2 Subdivision of a portion of the Santiago Del Valle 10 League Grant composed of 3 lots on 0.4943 acres.
Staff Rec.: **Disapproval**
Staff: Planning and Development Review Department
- 19. Final Plat; Previously Unplatted:** **C8-2013-0171.0A - Thornton Trails (Resubmittal of C8-2012-0109.0A)**
Location: 2505 Thornton Road, West Bouldin Creek Watershed, South Lamar NPA
Owner/Applicant: Thornton Apartments LP (Ryan Diepenbrock)
Agent: KBGE (Chad Kimbell)
Request: Approval of Thornton Trails (Resubmittal of C8-2012-0109.0A) composed of 3 lots on 3.995 acres.
Staff Rec.: **Disapproval**
Staff: Planning and Development Review Department
- 20. Final Plat:** **C8-2013-0160.0A - Kemp Grove**
Location: Kemp Street, Colorado River Watershed, Montopolis NPA
Owner/Applicant: Reclaimed Ridge, LLC (Erick Brickler)
Agent: Mike McHone Real Estate (Mike McHone)
Request: Approval of the Kemp Grove composed of 5 lots on 3.33 acres
Staff Rec.: **Disapproval**
Staff: Planning and Development Review Department

- 21. Final Plat-Resubdivision:** **C8-2013-0163.0A - First Resubdivision of a Portion of Lot 1 Block 6**
Location: 4400 Gillis Street, Williamson Creek Watershed, South Austin Combined NPA (South Manchaca)
Owner/Applicant: Dan Day Homes (Dan Day)
Agent: Real Estate (Mike McHone)
Request: Approval of the First Resubdivision of a Portion of Lot 1 Block 6 composed of 1 lot on 0.169 acres
Staff Rec.: **Disapproval**
Staff: Planning and Development Review Department
- 22. Final Plat-Resubdivision:** **C8-2013-0164.0A - Second Resubdivision of a Portion of Lot 1 Block 6 Banister Acres**
Location: 4400 Gillis Street, Williamson Creek Watershed, South Austin Combined NPA (South Manchaca)
Owner/Applicant: Dan Day Homes (Dan Day)
Agent: Real Estate (Mike McHone)
Request: Approval of the Second Resubdivision of a Portion of Lot 1 Block 6 Banister Acres composed of 2 lots on 0.331 acres
Staff Rec.: **Disapproval**
Staff: Planning and Development Review Department
- 23. Final Plat-Resubdivision:** **C8-2013-0157.0A - Resubdivision of Lot 1 and Part of Lot 2**
Location: 2601 Canterbury Street, Town Lake Watershed, Holly NPA
Owner/Applicant: GHB3 Design, LLC (George H. Blume III)
Agent: Thompson Land Engineering (Ric Thompson)
Request: Approval of the Resubdivision of Lot 1 and Part of Lot 2 composed of 4 lots on 0.59 acres
Staff Rec.: **Disapproval**
Staff: Planning and Development Review Department

Items #16-23;

The motion to disapprove Items #16-23 was approved on the consent agenda by Commissioner Danette Chimenti, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Stephen Oliver was absent.

D. NEW BUSINESS

E. SUBCOMMITTEE REPORTS

Comp Plan Committee – Meet October 17, 2013

CIP Committee – No Report

NP Committee – Meet October 16, 2013

C & O Committee – Meet October 15, 2013

Downtown Commission – Meet October 16, 2013

Code Rewrite – Meet October 16, 2013 @ 8:30 a.m.

F. ADJOURN

Chair Dave Anderson adjourned the meeting without objection at 8:18 p.m.