



**PLANNING COMMISSION
MINUTES**

**REGULAR MEETING
January 28, 2014**

The Planning Commission convened in a regular meeting on January 28, 2014 @ 301 W. 2nd Street, Austin, Texas 78701

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

Board Members in Attendance:

Dave Anderson – Chair

Danette Chimenti

Richard Hatfield

Alfonso Hernandez

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 – Affordability citywide

B. APPROVAL OF MINUTES

1. Approval of minutes from January 14, 2014.

The motion to postpone to February 11, 2014 by the request of staff was approved on the consent agenda by Commissioner Richard Hatfield, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner James Nortey was absent.

C. PUBLIC HEARINGS

1. Municipal Utility C12M-2013-0001 – Cascades MUD No. 1

District:

Location: 11601 South IH 35, Onion Creek Watershed
Owner/Applicant: T. Marc Knutsen
Agent: Armbrust & Brown PLLC (Sue Brooks Littlefield)
Request: Consent to Create a Municipal Utility District (MUD) – PUBLIC HEARING CLOSED.
Staff: Virginia Collier, 512-974-2022, Virginia.Collier@AustinTexas.gov; Planning and Development Review Department

Public hearing closed.

The Planning Commission recommended approval of the consent agreement that incorporates the items contained in the staff report with five additional conditions as follows:

1. The area will be annexed for limited purposes and receive an interim rural residence (I-RR) zoning designation. This will ensure that the applicant applies for Planned Unit Development (PUD) zoning which will be reviewed by the Planning Commission to ensure that the desired density and land uses that the Imagine Austin comprehensive plan envisions for this area will be required as part of the zoning for any future development.
2. The applicant will have a conversation with Capital Metro to discuss a multi-modal transit location in the MUD.
3. As part of any consent to the Cascade MUD, the MUD property owner must convey to the City, at the time of Council approval, in a location, form, and content acceptable to the City, water and wastewater easements across the MUD property for the purpose of the City providing water and wastewater service to the 58 acre tract (located at 12000 S IH 35 Service Road) and to other areas within the City's service area.
4. Prior to Council approval, the applicant will provide a definitive answer as to whether or not this development is going to negatively impact the surrounding pieces of property from a flood perspective.
5. Prior to Council approval, the applicant will provide a mechanism to guarantee affordable homeownership at the level promised for 99 years.

The motion was made by Chair Dave Anderson, Commissioner Stephen Oliver seconded the motion on a vote of 8-0; Commissioner James Nortey was absent.

- 2. Code** **C20-2013-027 – Downtown Density Bonus and Rainey Subdistrict**
Amendment: **Amendments**
 Owner/Applicant: City of Austin
 Agent: Planning and Development Review Department
 Request: Consider an ordinance to Title 25 of the City Code to codify the remainder of the community benefits of the Downtown Density Bonus Program, make the Rainey Street Subdistrict eligible to participate in the Downtown Density Bonus Program, and to create an affordability period and mechanism for an affordable housing land trust for affordable housing units in the Rainey Street Subdistrict.
- Staff Rec.: **Recommended**
 Staff: Erica Leak, 512-974-2856, Erica.Leak@AustinTexas.gov;
 Planning and Development Review Department

Public hearing closed.

The motion to approve Downtown Commission’s recommendation with amendment to incorporate the recommendations from Housing Works was approved by Commissioner Myron Smith, Commissioner Alfonso Hernandez seconded the motion on a vote of 7-1; Commissioner Richard Hatfield voted against the motion (nay), Commissioner James Nortey was absent.

- 3. Code** **C20-2013-023 – Accessible Ramps**
Amendment:
 Owner/Applicant: City of Austin
 Agent: Planning and Development Review Department
 Request: Amend Title 25 of the City Code to allow placement of accessible ramps in required yard setbacks.
- Staff Rec.: **Recommended**
 Staff: John McDonald, 512-974-2728, John.McDonald@AustinTexas.gov;
 Planning and Development Review Department

Public hearing closed.

The motion to approve staff’s recommendation with amendment of directing staff to reach out to community groups or stakeholders who care about this issue, before this goes to Council and provide language that directs the permit expediting to occur in a better way and less than 5 days; motion was approved by Commissioner Stephen Oliver’s motion, Commissioner Danette Chimenti seconded the motion on a vote of 8-0; Commissioner James Nortey was absent.

4. Code C20-2013-035 - Occupancy

Amendment:

Owner/Applicant: City of Austin
Agent: Planning and Development Review Department
Request: Consider an ordinance to amend Title 25 of the City Code to change the occupancy limit for the number of unrelated individuals who reside in certain types of residential uses.
Staff Rec.: **Pending**
Staff: Jerry Rusthoven, 512-974-3207, Jerry.Rusthoven@AustinTexas.gov; Planning and Development Review Department

1st Motion: Approve Codes & Ordinance’s recommendation with clarification that group homes are not included in this ordinance and it applies citywide; and limited to 4 unrelated individuals for SF zoned properties, including duplexes; motion made by Commissioner Danette Chimenti, Commissioner Jean Stevens seconded the motion on a vote of 4-3; Commissioners Richard Hatfield, Dave Anderson and Alfonso Hernandez voted against the motion (nay), Commissioner James Nortey was absent, Commissioner Brian Roark was off the dais. MOTION FAILED.

2nd Motion: Motion made to forward to City Council with no recommendation from Planning Commission; motion made by Commissioner Alfonso Hernandez, no second to the motion. MOTION FAILED.

3rd Motion: Motion made to approve ordinance with amendments of 4 individuals for a single-family dwelling and 6 individuals for a duplex; motion made by Commissioner Alfonso Hernandez, Commissioner Richard Hatfield seconded the motion on a vote of 3-4; MOTION FAILED.

4th Motion: Approve Codes & Ordinance’s recommendation with clarification that group homes are not included in this ordinance and it applies citywide; Limited to 4 unrelated individuals for SF zoned property including duplexes for a set 2 year time period while rules and regulating plans are being created; if rules are not created then it reverts back to current status and that affordability also be tracked. Motion made by Commissioner Stephen Oliver, Commissioner Jean Stevens seconded the motion on a vote of 7-0; Commissioner Brian Roark off dais, Commissioner James Nortey was absent.

- 5. Code** **C20-2013-026 - Breweries**
Amendment:
 Owner/Applicant: City of Austin
 Agent: Planning and Development Review Department
 Request: Consider an ordinance to amend Title 25 of the City Code to allow breweries to sell alcohol that is produced on-site for on-site consumption.
 Staff Rec.: **Recommended**
 Staff: Greg Dutton, 512-974-3509, Greg.Dutton@AustinTexas.gov; Planning and Development Review Department

The motion to postpone to February 25, 2014 by the request of staff was approved on the consent agenda by Commissioner Richard Hatfield, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner James Nortey was absent.

- 6. Appeal:** **C14H-1989-0010 – Dabney-Horne House**
 Location: 507 W. 23rd Street, Waller Creek Watershed, Central West Austin Combined (UNO) NPA
 Owner/Applicant: University Cooperative Society, Inc. (George Mitchell)
 Agent: Mike McHone
 Request: Appeal of the denial of a Certificate of Appropriateness from the Historic Landmark Commission to move the house approximately 12 feet to the northwest.
 Staff: Steve Sadowsky, 512-974-6454, Steve.Sadowsky@AustinTexas.gov; Planning and Development Review Department

Pulled from agenda, no action required from Planning Commission.

- 7. Restrictive Covenant Termination:** **C14-91-0031(RCT) – Dabney-Horne House**
 Location: 507 W. 23rd Street, Central West Austin Combined (UNO) Watershed, Waller Creek NPA
 Owner/Applicant: University Cooperative Society, Inc. (George Mitchell)
 Agent: Mike McHone
 Request: Request to terminate a restrictive covenant
 Staff Rec.: **Recommended with conditions**
 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 to terminate the restrictive covenant was made by Commissioner Alfonso Hernandez, Commissioner Stephen Oliver seconded the motion on a vote of 7-0; Commissioner Brian Roark was off the dais, Commissioner James Nortey was absent.

- 8. Rezoning: C14-2013-0148 – Dabney-Horne House**
Location: 507 W. 23rd Street, Central West Austin Combined (UNO) Watershed, Waller Creek NPA
Owner/Applicant: University Cooperative Society, Inc. (George Mitchell)
Agent: Mike McHone
Request: GO-CO-NP-H to GO-NP
Staff Rec.: **Recommended with conditions**
Staff: Heather Chaffin, 512-974-2122, Heather.Chaffin@AustinTexas.gov; Planning and Development Review Department

Public hearing closed.

1st Motion: The motion to approve staff's recommendation for GO-NP zoning was made by Commissioner Danette Chimenti, Commissioner Jean Stevens seconded the motion on a vote of 3-4; Commissioners Dave Anderson, Richard Hatfield, Stephen Oliver and Alfonso Herndnez voted against the motion (nay), Commissioner Brian Roark was off the dais and Commissioner James Nortey was absent. MOTION FAILED.

2nd Motion: The motion to approve applicant's request was made by Commissioner Richard Hatfield, Commissioner Stephen Oliver seconded the motion on a vote of 4-3. MOTION FAILED.

Forwarded to City Council with no recommendation from Planning Commission.

- 9. Rezoning: C14-2013-0136 – Austin Elm Terrace, LP**
Location: 3215 Exposition Boulevard, Central West Austin Combined Watershed, Taylor Slough North NPA
Owner/Applicant: Austin Elm Terrace, LP (Steve D. Beuerlein)
Agent: Husch Blackwell, LLP (Jerry L. Harris)
Request: SF-3 to MF-2
Staff Rec.: **Recommendation of SF-6-CO**
Staff: Sherri Sirwaitis, 512-974-3057, Sherri.Sirwaitis@AustinTexas.gov; Planning and Development Review Department

Pull from agenda, will be posted on the February 25, 2014 agenda.

- 10. Rezoning: C14-2013-0152 - 4020 Airport Boulevard**
 Location: 4020 Airport Blvd., Boggy Creek Watershed, Upper Boggy Creek NPA
 Owner/Applicant: D Airport Blvd. Trust (Betty G. Terrell)
 Agent: PSW Real Estate, LLC (Glen Coleman)
 Request: LR-V-MU-CO-NP TO LR-V-MU-NP, to change a condition of zoning
 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 LR-V-MU-NP to change a condition of zoning was approved by Commissioner Stephen Oliver, Commissioner Richard Hatfield seconded the motion on a vote of 7-0, Commissioner Brian Roark was off the dais, Commissioner James Nortey was absent.

- 11. Rezoning: C14-2013-0147 – 707 West Avenue**
 Location: 705, 707 and 709 West Avenue, Shoal Creek Watershed, Downtown NPA
 Owner/Applicant: Cirrus Logic, Inc. (Thurman Case)
 Agent: Armbrust & Brown, P.L.L.C. (Richard Suttle)
 Request: CS-CO to DMU
 Staff Rec.: **Recommendation of DMU-CO**
 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 DMU-CO district zoning was approved on the consent agenda by Commissioner Richard Hatfield, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner James Nortey was absent.

- 12. Rezoning: C14-2013-0107 - 600 Kemp Street**
 Location: 600 Kemp Street, Montopolis Watershed, Conuntry Club East NPA
 Owner/Applicant: Kemp Street Properties, LLC
 Agent: Thrower Design (Ron Thrower)
 Request: SF-3-NP to SF-6-NP
 Staff Rec.: **Recommended with Conditions**
 Staff: Lee Heckman, 512-974-7604, Lee.Heckman@AustinTexas.gov; Planning and Development Review Department

The motion to postpone to February 11, 2014 by request of the applicant was approved on the consent agenda by Commissioner Richard Hatfield, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner James Nortey was absent.

- 13. Site Plan – Waiver Only: SP-2013-0314C – 9th Red River**
- Location: 805 Neches Street, Waller Creek Watershed, Downtown NPA
- Owner/Applicant: Journeyman Austin Holdings, Inc (Bob Gallup)
- Agent: Noble Surveying & Engineering Works, LLC (Tres Howland)
- Request: The applicant is requesting a waiver from LDC 25-6-591(B)(5) and 25-2-691[C](12) concerning pedestrian uses between a parking garage and the adjacent streets in order to construct a hotel.
- 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 waiver for 9th Red River was approved on the consent agenda by Commissioner Richard Hatfield, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner James Nortey was absent.

- 14. Site Plan – Conditional Use Permit: SPC-2012-0104D(R1) – Improvements at Zilker Metropolitan Park**
- Location: 2201 Barton Springs Road, Lady Bird Lake, Eanes Watershed, Barton Creek Watershed-Barton Springs Zone, Zilker NPA
- Owner/Applicant: City of Austin - Parks and Recreation Department (D'Anne Williams)
- Agent: Austin Sunshine Camps
- Request: Request approval of a conditional use permit because the improvements are greater than 1 acre and the site is zoned P, Public [LDC Section 25-2-625(D)(2)].
- Staff Rec.: **Recommended**
- Staff: Nikki Hoelter, 512-974-2863, Nikki.Hoelter@AustinTexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to approve staff’s recommendation for a site plan conditional use permit was approved on the consent agenda by Commissioner Richard Hatfield, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner James Nortey was absent.

**15. Site Plan – SPC-2013-0405A – Weather Up
Conditional Use
Permit:**

Location: 1808 East Cesar Chavez Street, Lady Bird Lake Watershed, East Cesar Chavez NPA
Owner/Applicant: C.O. Sam Turner, Atty.
Agent: Hajjar, Sutherland, Peters & Washmon, LLP (Kareem Hajjar)
Request: CUP for a late-hours permit and a variance to have parking within 200 feet of a single family residence.
Staff Rec.: **Recommended**
Staff: Brad Jackson, 512-974-3410, Brad.Jackson@AustinTexas.gov; Planning and Development Review Department

The motion to postpone to February 11, 2014 the request of the Planning Commission was approved by Commissioner Stephen Oliver, Commissioner Jean Stevens seconded the motion on a vote of 7-0; Commissioner Brian Roark was off the dais, Commissioner James Nortey was absent.

** Request made to place at the top of the next agenda.

**16. Site Plan – SP-2013-0133D – Boat Dock for 5 Humboldt Lane
Variance Request**

Location: 5 Humboldt Lane, Lake Austin (Water Supply Rural), Drinking Water Protection Zone
Owner/Applicant: Maureen Alexander
Agent: Braun & Gresham (David Braun)
Request: To allow construction of the proposed boat dock and access trail within a rimrock Critical Environmental Feature buffer (LDC Section 25-8-281(C)(1)(a) on the subject property.
Staff Rec.: **Recommended with conditions**
Staff: Michael Simmons-Smith, 512-974-1225; Michael.Simmons-Smith@AustinTexas.gov; Planning and Development Review Department

The motion to postpone to February 11, 2014 the request of the Planning Commission was approved by Commissioner Stephen Oliver, Commissioner Jean Stevens seconded the motion on a vote of 7-0; Commissioner Brian Roark was off the dais, Commissioner James Nortey was absent.

** Request made to place at the top of the next agenda.

- 17. Preliminary Plan: C8-2013-0133 – Riverside Vargas Subdivision – Idea School Preliminary**
- Location: 1701 Vargas Road, Carson Creek Watershed, Montopolis NPA
 Owner/Applicant: Vargas Properties (Marvin E. Chernovsky)
 Agent: Big Red Dog Engineering (Ricky De Camps)
 Request: Approval of the preliminary plan composed of one lot on 10.596 acres.
- Staff Rec.: **Recommended**
 Staff: Cesar Zavala, 512-974-3404, Cesar.Zavala@AustinTexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to approve staff’s recommendation for approval of the preliminary plan for Riverside Vargas Subdivision – Idea School Preliminary was approved on the consent agenda by Commissioner Richard Hatfield, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner James Nortey was absent.

- 18. Final Plat: C8-2013-0133.1A – Riverside Vargas**
- Location: 1701 Vargas Road, Carson Creek Watershed, Montopolis NPA
 Owner/Applicant: Vargas Properties (Marvin E. Chernovsky)
 Agent: Big Red Dog Engineering (Ricky De Camps)
 Request: Approval of the Riverside Vargas plat composed of 1 lot on 10.596 acres.
- Staff Rec.: **Recommended**
 Staff: Cesar Zavala, 512-974-3404, Cesar.Zavala@AustinTexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to approve staff’s recommendation approval of a Final Plat for Riverside Vargas was approved on the consent agenda by Commissioner Richard Hatfield, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner James Nortey was absent.

- 19. Final Plat: C8-2014-0009.0A – Lincoln Place; Amended Plat of Lots 7, 8, 9 & 10, Block 2**
- Location: 716 Pedernales Street, Boggy Creek Watershed, Govalle NPA
 Owner/Applicant: MX3 Homes (Sal Martinez)
 Agent: Hector Avila
 Request: Approval of the Lincoln Place; Amended Plat of Lots 7, 8, 9 & 10, Block 2 composed of 4 lots on 0.6 acres.
- Staff Rec.: **Disapproval**
 Staff: Planning and Development Review Department

- 20. Final Plat; C8-2014-0010.0A – Polis Addition**
 Location: 1128 Gunter Street, Boggy Creek Watershed, Govalle NPA
 Owner/Applicant: Polis Properties (Chris Peterson)
 Agent: ATS Engineers (Andrew Evans)
 Request: Approval of the Polis Addition composed of 5 lots on 1 acre.
 Staff Rec.: **Disapproval**
 Staff: Planning and Development Review Department
- 21. Final Plat; C8-2014-0008.0A – Blue Bonnet Hills**
Resubdivision:
 Location: 1201 Robert E. Lee Road, Town Lake Watershed, Zilker NPA
 Owner/Applicant: Steven Radke
 Agent: Perales Engineering, LLC (Jerry Perales)
 Request: Approval of Blue Bonnet Hills composed of 10 lots on 3.13 acres.
 Staff Rec.: **Disapproval**
 Staff: Planning and Development Review Department
- 22. Final Plat; C8-2014-0015.0A – Theodore Low Heights Portion of Block 24;**
Resubdivision:
 Location: 3113 Clawson Road, West Bouldin Creek Watershed, South Lamar NPA
 Owner/Applicant: Kirsten Whitworth
 Agent: Hector Avila
 Request: Approval of the Theodore Low Heights Portion of Block 24; Resubdivision composed of 4 lots on 0.983 acres.
 Staff Rec.: **Disapproval**
 Staff: Planning and Development Review Department
- 23. Final Plat; C8-2014-0004.0A – Glenwood Addition**
Resubdivision:
 Location: 1207 Maple Avenue, Boggy Creek Watershed, Rosewood NPA
 Owner/Applicant: Polis Properties (Chris Peterson)
 Agent: ATS Engineers (Andrew Evans)
 Request: Approval of the Glenwood Addition composed of 5 lots on 0.427 acres
 Staff Rec.: **Disapproval**
 Staff: Planning and Development Review Department

- 24. Final Plat: C8-2014-0005.0A – IDEA School at Rundberg-Showplace**
Location: Showplace Lane, Little Walnut Creek Watershed, North Lamar Combined (North Lamar) NPA
Owner/Applicant: Showplace Commercial Park, LLC (Behzad Behrami)
Agent: Aaron Bourgeois
Request: Approval of the IDEA School at Rundberg- Showplace composed of 1 lot on 21.4257 acres
Staff Rec.: **Disapproval**
Staff: Planning and Development Review Department

Items #19-24;

Public hearing closed.

The motion to disapprove Items #19-24 was approved on the consent agenda by Commissioner Richard Hatfield, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner James Nortey was absent.

- 25. Street Vacation: F#9249-1309**
Request: Vacation of: 1. Whitis Avenue between West Martin Luther King Blvd. & West 20th Street; and 2. Vacation of the alley between Whitis Avenue & Guadalupe Street, and between West Martin Luther King Blvd. & West 20th Street.
Staff Rec.: **Recommended**
Staff: Eric J. Hammack, 512-974-7079, Eric.Hammack@AustinTexas.gov; Office of Real Estate Services

Public hearing closed.

The motion to approve staff's recommendation for a street vacation was approved on the consent agenda by Commissioner Richard Hatfield, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner James Nortey was absent.

- 26. Street Vacation: F#9231-1307**
Request: Partial Vacation of the Alley between Lupine Lane and Inglewood Street, and Summit Street and IH-35 (adjacent to 1507 Inglewood Street).
Staff Rec.: **Recommended**
Staff: Eric J. Hammack, 512-974-7079, Eric.Hammack@AustinTexas.gov; Office of Real Estate Services

Public hearing closed.

The motion to approve staff's recommendation for a street vacation was approved on the consent agenda by Commissioner Richard Hatfield, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner James Nortey was absent.

C. NEW BUSINESS

1. New Business:

Request: Discussion and Action on amending the Planning Commission's Rules and Procedures.

The motion to postpone to February 11, 2014 by request of the Planning Commission was approved on the consent agenda by Commissioner Richard Hatfield, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner James Nortey was absent.

E. SUBCOMMITTEE REPORTS

F. ADJOURN

Chair Dave Anderson adjourned the meeting without objection at 12:10 a.m.