



**PLANNING COMMISSION
MINUTES**

**REGULAR MEETING
March 25, 2014**

The Planning Commission convened in a regular meeting on March 25, 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

James Nortey

Stephen Oliver

Brian Roark

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

Stuart Hersh – Addressed the Commission regarding a proposed code amendment on repairs to substandard and dangerous buildings, and prepare the required Affordability Impact Statement.

B. APPROVAL OF MINUTES

1. Approval of minutes from March 11, 2014.

The motion to approve the minutes from March 11, 2014 was approved on the consent agenda by Commissioner Jean Stevens, Commissioner Danette Chimenti seconded the motion on a vote of 8-0; Commissioner Myron Smith was absent.

C. PUBLIC HEARINGS

- 1. Neighborhood Plan:** **NP-2013-0030 - South Austin Combined Neighborhood Plan**
- Location: West Ben White Boulevard on the north, South 1st Street on the east, West William Cannon Drive on the south, and Deatonhill Drive and generally along the lot line and Westgate Boulevard on the west, West Bouldin Creek/Williamson Creek Watersheds
- Owner/Applicant: City of Austin
- Agent: Planning and Development Review Department
- Request: To approve the South Austin Combined Neighborhood Plan and the Character District Map/FLUM
- Staff Rec.: **Recommended**
- Staff: Francis Reilly, 512-974-7657, Francis.Reilly@austintexas.gov; Planning and Development Review Department

The motion to postpone to April 22, 2014 by request of the neighborhood was approved by Commissioner Dave Anderson, Commissioner James Nortey seconded the motion on a vote of 8-0; Commissioner Myron Smith was absent.

- 2. Rezoning:** **C14-2014-0017 - Westgate Neighborhood Plan Area Rezonings**
- Location: West Ben White Boulevard on the north, Manchaca Road on the east, West Stassney Lane on the south, and generally along the lot line and Westgate Boulevard on the west, Williamson Creek Watershed
- Owner/Applicant: City of Austin
- Agent: Planning and Development Review Department
- Request: To approve a neighborhood plan (-NP) combining district that adopts on area-wide basis: 1) infill options including small-lot amnesty, cottage lot, urban home, secondary apartments and corner store; 2) design tools including parking placement and impervious cover restrictions, garage placement, and front porch setback; and 3) mobile food establishment restrictions for the Westgate Neighborhood Plan.
- Staff Rec.: **Recommended**
- Staff: Francis Reilly, 512-974-7657, Francis.Reilly@austintexas.gov; Planning and Development Review Department

The motion to postpone to April 22, 2014 by request of the neighborhood was approved by Commissioner Dave Anderson, Commissioner James Nortey seconded the motion on a vote of 8-0; Commissioner Myron Smith was absent.

- 3. Rezoning: C14-2014-0018 - South Manchaca Neighborhood Plan Area**
Rezoning
- Location: West Ben White Boulevard on the north, South 1st Street on the east, West Stassney Lane on the south, and Manchaca Road on the west, West Bouldin Creek/Williamson Creek Watersheds
- Owner/Applicant: City of Austin
- Agent: Planning and Development Review Department
- Request: To approve a neighborhood plan (-NP) combining district that adopts on an area-wide basis: 1) infill options including small-lot amnesty, cottage lot, urban home, secondary apartments and corner store; 2) design tools including parking placement and impervious cover restrictions, garage placement, and front porch setback; and 3) mobile food establishment restrictions for the Manchaca Neighborhood Plan.
- Staff Rec.: **Recommended**
- Staff: Francis Reilly, 512-974-7657, Francis.Reilly@austintexas.gov; Planning and Development Review Department

The motion to postpone to April 22, 2014 by request of the neighborhood was approved by Commissioner Dave Anderson, Commissioner James Nortey seconded the motion on a vote of 8-0; Commissioner Myron Smith was absent.

- 4. Rezoning: C14-2014-0019 - Garrison Park Neighborhood Plan Area**
Rezoning
- Location: West Stassney Lane on the north, South 1st Street on the east, West William Cannon Drive on the south, and Deatonhill Drive and generally along the lot line, and Westgate Boulevard to the west, Williamson Creek Watershed
- Owner/Applicant: City of Austin
- Agent: Planning and Development Review Department
- Request: To approve a neighborhood plan (-NP) combining district that adopts on an area-wide basis: 1) infill options including small-lot amnesty, cottage lot, urban home, secondary apartments and corner store; 2) design tools including parking placement and impervious cover restrictions, garage placement, and front porch setback; and 3) mobile food establishment restrictions for the Garrison Park Neighborhood Plan.
- Staff Rec.: **Recommended**
- Staff: Francis Reilly, 512-974-7657, Francis.Reilly@austintexas.gov; Planning and Development Review Department

The motion to postpone to April 22, 2014 by request of the neighborhood was approved by Commissioner Dave Anderson, Commissioner James Nortey seconded the motion on a vote of 8-0; Commissioner Myron Smith was absent.

- 5. Rezoning: C14-2013-0136 - Austin Elm Terrace, LP**
Location: 3215 Exposition Boulevard, Taylor Slough South Watershed, Central West Austin Combined 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

Public hearing closed.

The motion to approve staff's recommendation of SF-6-CO district zoning was approved by Commissioner Brian Roark, Commissioner Danette Chimenti seconded the motion on a vote of 6-2; Commissioner Dave Anderson and Stephen Oliver voted against the motion (nay), Commissioner Myron Smith was absent.

- 6. Rezoning: C14H-2014-0001 - Baylor House**
Location: 1607 W. 10th Street, Shoal Creek Watershed, Old West Austin NPA
Owner/Applicant: City Historic Landmark Commission
Request: SF-3-NP to SF-3-H-NP
Staff Rec.: **No recommendation**
Staff: Steve Sadowsky, 512-974-6454, Steve.Sadowsky@austintexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to deny SF-3-NP district zoning was made by Commissioner Brian Roark, Commissioner Richard Hatfield seconded the motion on a vote of 4-4; Commissioners Dave Anderson, James Nortey, Danette Chimenti and Jean Stevens voted against the motion (nay); Commissioner Myron Smith was absent. MOTION FAILED.

Request made by Commission to forward to City Council with no recommendation from Planning Commission.

- 7. Rezoning: C14-2014-0035 - Adams House**
Location: 4300 Avenue G, Waller Creek Watershed, Hyde Park NPA
Owner/Applicant: Sidney Lock
Agent: McHone Real Estate (Mike McHone)
Request: SF-3-NCCD-NP to SF-3-NCCD-NP, to change a condition of zoning. Postponement request by Staff to April 22, 2014
Staff Rec.: **Recommended**
Staff: Heather Chaffin, 512-974-2122, Heather.Chaffin@austintexas.gov; Planning and Development Review Department

The motion to postpone to April 22, 2014 by request of staff was approved on the consent agenda by Commissioner Jean Stevens, Commissioner Danette Chimenti seconded the motion on a vote of 8-0; Commissioner Myron Smith was absent.

8. **Site Plan - Conditional Use Permit:** **SPC-2013-0409A - Austin Megabus**
- Location: 2002 Whitis Avenue, Shoal Creek/Waller Creek Watersheds, Central West Austin Combined NPA
- Owner/Applicant: Megabus NE, LLC (Bryony Chamberlain)
- Agent: Baker-Aicklen & Assoc. (Tammi Migl)
- Request: Approve a Conditional Use Permit for a Transportation Terminal
- Staff Rec.: **Recommended**
- Staff: Lynda Courtney, 512-974-2810, Lynda.Courtney@austintexas.gov; Planning and Development Review Department

The motion to postpone to April 8, 2014 by an interested party was approved on the consent agenda by Commissioner Jean Stevens, Commissioner Danette Chimenti seconded the motion on a vote of 8-0; Commissioner Myron Smith was absent.

9. **Site Plan - Extension:** **SP-98-0197C(XT4) - Wesco Acres**
- Location: 8656 West SH 71, Williamson Creek Watershed-Barton Springs Zone (Contributing), Oak Hill Combined NPA
- Owner/Applicant: Wesco Holdings, LLC (Michael Barron)
- Agent: Hutson Land Planners (Charles Dunn)
- Request: To approve a 10-year extension to the approved site plan.
- Staff Rec.: **Alternate Recommendation - 6 year extension**
- Staff: Michael Simmons-Smith, 512-974-1225, Michael.Simmons-Smith@austintexas.gov; Planning and Development Review Department
- Jim Dymkowski, 512-974-2707, james.dymkowski@austintexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to approve staff's recommendation for a 6-year extension was approved on the consent agenda by Commissioner Jean Stevens, Commissioner Danette Chimenti seconded the motion on a vote of 8-0; Commissioner Myron Smith was absent.

- 10. Site Plan** **SP-2013-0398DS - 3213 Smoky Ridge (Boat Dock)**
Variance:
Location: 3123 Smoky Ridge, Lake Austin Watershed
Owner/Applicant: Roger & Rebecca Leick
Agent: Aupperle Company (Bruce Aupperle, P.E.)
Request: 1) To allow construction of a boat dock and associated access within a Critical Environmental Feature buffer - LDC 25-8-281(C)(1)(a), and 2) to allow the proposed dock width to exceed 20 percent of the shoreline width of the lot on which the structure is to be constructed - LDC 25-2-1176(D)(2).

Staff Rec.: **Recommended with conditions**
Staff: Michael Simmons-Smith, 512-974-1225, Michael.Simmons-Smith@austintexas.gov; Planning and Development Review Department
Liz Johnston, 512-974-1218, liz.johnston@austintexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to approve staff's recommendation for a site plan variance to LDC 25-8-281(C)(1)(a) and LDC 25-2-1176(D)(2) was approved on the consent agenda by Commissioner Jean Stevens, Commissioner Danette Chimenti seconded the motion on a vote of 8-0; Commissioner Myron Smith was absent.

- 11. Site Plan** **SP-2013-0466DS - 5205 S. Scout Island Circle (Boat Dock)**
Variance:
Location: 5205 S. Scout Island Circle, Lake Austin Watershed
Owner/Applicant: Jonathan Green
Agent: Aupperle Company (Bruce Aupperle, P.E.)
Request: 1) To allow a boat dock to extend more than 30 feet from the shoreline - LDC 25-2-1176, and 2) to approve dredging to accommodate watercraft access to the proposed boat dock - LDC Section 25-8-652(C)

Staff Rec.: **Recommended**
Staff: Michael Simmons-Smith, 512-974-1225, Michael.Simmons-Smith@austintexas.gov; Planning and Development Review Department
Liz Johnston, 512-974-1218, liz.johnston@austintexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to approve staff's recommendation for a site plan variance to LDC 25-2-1176 and LDC Section 25-8-652(C) was approved on the consent agenda by Commissioner Jean Stevens, Commissioner Danette Chimenti seconded the motion on a vote of 8-0; Commissioner Myron Smith was absent.

- 12. Site Plan - Conditional Use Permit:** **SP-2013-0317D - Walnut Creek Influent Bank Stabilization - Site #5**
- Location: 7113 FM 969, Walnut Creek Watershed, East MLK Combined NPA
Owner/Applicant: City of Austin, Public Works Department (Steve Parks)
Agent: Baer Engineering and Environmental Consulting (David Sperry)
Request: To stabilize the banks and protect existing utility pipes with associated improvements.
Staff Rec.: **Recommended**
Staff: 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 for a Site Plan Conditional Use Permit was approved on the consent agenda by Commissioner Jean Stevens, Commissioner Danette Chimenti seconded the motion on a vote of 8-0; Commissioner Myron Smith was absent.

- 13. Site Plan - Compatibility Waiver Only:** **SP-2013-0185D - Southern Datacom Inc. Site Improvements**
- Location: 3508 Montopolis Drive, Carson Creek Watershed, Southeast NPA
Owner/Applicant: Southern Datacom, Inc. (Michael Pounds)
Agent: Watershed (Don Jones)
Request: Request waiver from 25-2-1067(H), Compatibility setbacks.
Staff Rec.: **Recommended**
Staff: Amanda Couch, 512-974-2881, Amanda.Couch@austintexas.gov; Planning and Development Review Department

The motion to postpone to May 13, 2014 by request of the applicant was approved on the consent agenda by Commissioner Jean Stevens, Commissioner Danette Chimenti seconded the motion on a vote of 8-0; Commissioner Myron Smith was absent.

14. Site Plan - Shoreline Modification: SP-2013-0121D - 14708 Flat Top Ranch Shoreline Modification

Location: 14708 Flat Top Ranch Road, Lake Austin Watershed
Owner/Applicant: Steven Welch
Agent: GEO Solutions, Inc. (Sean Douglas)
Request: Request for approval of shoreline modification with a bulk head.
Staff Rec.: **Recommended**
Staff: Liz Johnston, 512-974-1218, Liz.Johnston@austintexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to approve staff's recommendation for approval of 14708 Flat Top Ranch Shoreline Modification was approved on the consent agenda by Commissioner Jean Stevens, Commissioner Danette Chimenti seconded the motion on a vote of 8-0; Commissioner Myron Smith was absent.

15. Site Plan - Conditional Use Permit: SPC-2013-0420A - 88 Rainey

Location: 88 Rainey Street, Waller Creek Watershed, Downtown NPA
Owner/Applicant: 88 Rainey Street, LLC (Jesse Lunsford)
Agent: Bowman Consulting Group (Jim Herbert)
Request: Request for approval for a Conditional Use Permit as a cocktail lounge in the Rainey Street District.
Staff Rec.: **Recommended**
Staff: Amanda Couch, 512-974-2881, Amanda.Couch@austintexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to approve staff's recommendation for approval of a conditional use permit for 88 Rainey Street was approved on the consent agenda by Commissioner Jean Stevens, Commissioner Danette Chimenti seconded the motion on a vote of 8-0; Commissioner Myron Smith was absent.

- 16. Final Plat; Replat:** **C8-2014-0047.0A - Tuttle Addition; Replat (Withdrawal/Resubmittal of C8-2013-0001.0A)**
Location: 608 Baylor Street, Lady Bird Lake Watershed, Old West Austin NPA
Owner/Applicant: Marc & Janice Burckhardt and Tyson & Nicole Caspers Tuttle
Agent: Crocker Consultants (Sarah Crocker)
Request: Approval of the Tuttle Addition; Replat of (Withdrawal/Resubmittal of C8-2013-0001.0A) composed of 2 lots on 0.898 acres.
Staff Rec.: **Disapproval**
Staff: Planning and Development Review Department
- 17. Final Plat-Resubdivision:** **C8-2014-0049.0A - Part of Lot 5 of the J Goodwin Jones Subdivision Recorded in Volume 496, Page 56**
Location: 732 Springdale Road, Boggy Creek Watershed, Govalle NPA
Owner/Applicant: Jesse Herrera
Agent: Cormier Arch (James Cormier)
Request: Approval of the Part of Lot 5 of the J Goodwin Jones Subdivision Recorded in Volume 496, Page 56 composed of 4 lots on 0.658 acres.
Staff Rec.: **Disapproval**
Staff: Planning and Development Review Department
- 18. Final Plat:** **C8-2013-0074.1A - Enclave at Covered Bridge**
Location: 18437 West SH 71, Williamson Creek Watershed-Barton Springs Zone, West Oak Hill NPA
Owner/Applicant: The Brohn Group (Jennifer Stewart)
Agent: Carlson, Brigrance & Doering (Geoff Guerrero)
Request: Approval of the Enclave at Covered Bridge composed of 91 lots on 4.61 acres.
Staff Rec.: **Disapproval**
Staff: Planning and Development Review Department
- 19. Final Plat w/Preliminary:** **C8-04-0043.07.1A.SH - Mueller Section IX Final Plat**
Location: 3600 Manor Road, Tannehill Branch Watershed, RMMA
Owner/Applicant: City of Austin (Pam Hefner)
Agent: Bury & Partners (Joe Farias)
Request: Approval of the Mueller Section IX Final Plat composed of 302 lots on 37.995 acres.
Staff Rec.: **Disapproval**
Staff: Planning and Development Review Department

- 20. Fina Plat w/Preliminary:** **C8-2013-0081.SH - Colorado Crossing IV, Section Three**
Location: Autumn Bay Drive, Onion Creek Watershed, Southeast NPA
Owner/Applicant: Lennar Buffington Colo Cross (Ryan Mattox)
Agent: Lakeside Engineers (Christopher M. Ruiz)
Request: Approval of the Colorado Crossing IV, Section Three composed of 139 on 28.33 acres.
Staff Rec.: **Disapproval**
Staff: Planning and Development Review Department

Items #16-20;

The motion to disapprove Items #16-20 was approved on the consent agenda by Commissioner Jean Stevens, Commissioner Danette Chimenti seconded the motion on a vote of 8-0; Commissioner Myron Smith was absent.

- 21. Street Vacation: F#9156-1301**
Request: Vacation of a 4,646 sq ft. portion of South 2nd Street; and a 5,996 sq ft. portion of South 2nd Street; and a 2,184 sq ft. portion of an Alley north of Copeland, between South 1st & South 2nd. (Adjacent to 900 S. 1st Street)
Recommended with conditions
Staff: Eric 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 Jean Stevens, Commissioner Danette Chimenti seconded the motion on a vote of 8-0; Commissioner Myron Smith was absent.

- 22. Street Vacation: F#9157-1301**
Request: Vacation of a 8,200 sq ft. portion of Christopher Street, between the south line of Block 2 and the North line of Block 3, Oak Cliff Addition Subdivision, recorded in Vol. 3, Pg. 81, TCPR.
Recommended with conditions
Staff: Eric 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 Jean Stevens, Commissioner Danette Chimenti seconded the motion on a vote of 8-0; Commissioner Myron Smith was absent.

- 23. Code** **C20-2013-024 - Lake Austin Boat Dock and Shoreline**
Amendment: **Amendments**
Owner/Applicant: City of Austin
Agent: Planning and Development Review Department
Request: Consider an amendment to City Code Title 25 relating to Lake Austin (LA) District zoning regulations and general regulations for boat dock and shoreline development.

Staff Rec.: **Recommended**
Staff: Chris Herrington, 512-974-2840, Chris.Herrington@austintexas.gov; Watershed Protection Department

Public hearing closed.

The motion to Continue to April 8, 2014 and staff to bring back information on potential fiscal and economic impacts and trade-offs; and reorganize the chart was made by Commissioner Brian Roark, Commissioner Stephen Oliver seconded the motion on a vote of 7-1; Commissioner James Nortey voted against the motion (nay), Commissioner Myron Smith was absent.

** Request made to post at the beginning of the agenda.

- 24. Code** **C20-2013-025 - Lake Austin Overlay**
Amendment:
Owner/Applicant: City of Austin
Agent: Planning and Development Review Department
Request: Consider an amendment to City Code Title 25 to create a Lake Austin (LA) District Zoning overlay extending environmental protections from the LA base zoning district to properties within 1,000 feet of Lake Austin.

Staff Rec.: **Recommended**
Staff: Greg Dutton, 512-974-3509, Greg.Dutton@austintexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to Continue to April 8, 2014 and staff to bring back information on potential fiscal and economic impacts and trade-offs; and reorganize the chart was made by Commissioner Brian Roark, Commissioner Stephen Oliver seconded the motion on a vote of 7-1; Commissioner James Nortey voted against the motion (nay), Commissioner Myron Smith was absent.

** Request made to post at the beginning of the agenda.

25. Code C20-2013-011 - Vested Development Rights

Amendment:

Owner/Applicant: City of Austin
Agent: Planning and Development Review Department
Request: Consider an ordinance amending City Code Chapters 25-1, 25-4, 25-5, and 30-2, 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

The motion to postpone to April 8, 2014 was made by Commissioner Dave Anderson, Commissioner Stephen Oliver seconded the motion on a vote of 8-0; Commissioner Myron Smith was absent.

** Request made to place 1st on the April 8th agenda.

26. Briefing and

Possible Action:

Request: Briefing and possible action on the Long-Range Capital Improvement Program (CIP) Strategic Plan.

Staff: Mike Trimble, 512-974-3442, Michael.Trimble@AustinTexas.gov; Capital Planning Office
Annick Beaudet, 512-974-7959, annick.beaudet@austintexas.gov; Capital Planning Office

Public hearing closed.

The motion to approved the Long-Range Capital Improvement Program (CIP) Strategic Plan was approved on the consent agenda by Commissioner Jean Stevens, Commissioner Danette Chimenti seconded the motion on a vote of 8-0; Commissioner Myron Smith was absent.

D. NEW BUSINESS

Jerry Rusthoven addressed the Commission in regards to adding an item to the agenda to bring back an initiation of rezoning case to correct a vegetative buffer.

E. SUBCOMMITTEE REPORTS

F. ADJOURN

Chair Dave Anderson adjourned the meeting without objection at 11:20 p.m.