



**PLANNING COMMISSION
MINUTES**

**REGULAR MEETING
April 8, 2014**

The Planning Commission convened in a regular meeting on April 8, 2014 @ 301 W. 2nd Street, Austin, Texas 78701

Chair Dave Anderson called the Board Meeting to order at 6:00 p.m.

Board Members in Attendance:

Dave Anderson – Chair

Danette Chimenti

Richard Hatfield

Alfonso Hernandez

James Nortey

Stephen Oliver

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 March 25, 2014.

The motion to approve the minutes from March 25, 2014 was approved on the consent agenda by Commissioner Richard Hatfield, Commissioner Alfonso Hernandez seconded the motion on a vote of 9-0.

C. PUBLIC HEARINGS

1. 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

Public hearing closed.

The motion to adopt staff's recommendation with language in 25-1-541(D), but adding that decision determinations should be published online with Findings of Fact; if an applicant is denied they do not have to pursue a variance prior to exhausting their administrative remedies. Strike the 250 acre minimum requirement for MGAs, nine (9) years for progress of completion no matter where the project is, starting at the date of application (not approval). Motion was made by Commissioner Brian Roark, Commissioner Richard Hatfield seconded the motion on a vote of 7-1; Chair Dave Anderson voted against the motion (nay), Commissioner Alfonso Hernandez was off the dais

2. Plan Amendment: NPA-2014-0027.01 - 2208 Lake Austin

Location: 2208 Lake Austin Boulevard, Johnson Creek/Lady Bird Lake Watersheds, Central West Austin Combined NPA

Owner/Applicant: 2208 Lake Austin, LLC (Vance Elliott)

Agent: Alice Glasco Consulting (Alice Glasco)

Request: Neighborhood Commercial 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.

1st Motion: The motion to approve staff's recommendation prohibiting short-term rentals were made by Commissioner Richard Hatfield, Commissioner Stephen Oliver seconded the motion on a vote of 4-4; Commissioners Myron Smith, Brian Roark, Danette Chimenti and Jean Stevens voted against the motion (nay). MOTION FAILED.

2nd Motion: The motion to deny staff's recommendation was made by Commissioner Jean Stevens; Commissioner Myron Smith seconded the motion on a vote of 4-4. MOTION FAILED.

Forward to City Council with no recommendation from Planning Commission.

- 3. Restrictive Covenant Termination:** **C14-80-016(RCT) - 2208 Lake Austin Restrictive Covenant Termination**
- Location: 2208 Lake Austin Boulevard, Johnson Creek/Lady Bird Lake Watersheds, Central West Austin NPA
- Owner/Applicant: 2208 Lake Austin, LLC (Vance Elliott)
- Agent: Alice Glasco Consulting (Alice Glasco)
- Request: To terminate a public restrictive covenant restricting the site to professional office use only.
- Staff Rec.: **Recommended**
- 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 to terminate a public restrictive covenant was approved by Commissioner Jean Stevens, Commissioner Myron Smith seconded the motion on a vote of 8-0; Commissioner Alfonso Hernandez was off the dais.

- 4. Rezoning:** **C14-2014-0015 - 2208 Lake Austin**
- Location: 2208 Lake Austin Boulevard, Johnson Creek/Lady Bird Lake Watersheds, Central West Austin NPA
- Owner/Applicant: 2208 Lake Austin, LLC (Vance Elliott)
- Agent: Alice Glasco Consulting (Alice Glasco)
- Request: LO-NP to LO-MU-NP
- Staff Rec.: **Recommendation of LO-MU-CO-NP**
- Staff: Sherri Sirwaitis, 512-974-3057, Sherri.Sirwaitis@austintexas.gov; Planning and Development Review Department

Public hearing closed.

1st Motion: The motion to approve staff's recommendation prohibiting short-term rentals were made by Commissioner Richard Hatfield, Commissioner Stephen Oliver seconded the motion on a vote of 4-4; Commissioners Myron Smith, Brian Roark, Danette Chimenti and Jean Stevens voted against the motion (nay). MOTION FAILED.

2nd Motion: The motion to deny staff's recommendation was made by Commissioner Jean Stevens; Commissioner Myron Smith seconded the motion on a vote of 4-4. MOTION FAILED.

Forward to City Council with no recommendation from Planning Commission.

- 5. 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 approve staff’s recommendation with one amendment; the amendment to the draft ordinance to remove the new requirement limiting repairs on structural components of legal non-complying docks to only 1 piling once every year and replace it with a new provision that would enable legal non-complying docks to maintain structural components while keeping the existing vertical and horizontal footprint in perpetuity generally consistent with Lake Austin Task Force consensus recommendation BDB1(see attached draft ordinance); motion made by Commissioner Brian Roark, Commissioner James Nortey seconded the motion on a vote of 8-0; Commissioner Alfonso Hernandez was off the dais.

- 6. 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 approve staff’s recommendation to create an overlay was approved by Commissioner James Nortey, Commissioner Richard Hatfield seconded the motion on a vote of 7-1; Commissioner Brian Roark voted against the motion (nay), Commissioner Alfonso Hernandez was off the dais.

- 7. Rezoning: C14-2014-0003 - 1307 Waller**
Location: 1307 Waller Street, Waller Creek Watershed, Central East Austin NPA
Owner/Applicant: Blake and Toria English
Agent: McClean & Howard, LLP (Katie Van Dyk)
Request: SF-3-NP to SF-4A-NP
Staff Rec.: **SF-4A-CO-NP**
Staff: Heather Chaffin, 512-974-2122, Heather.Chaffin@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 Richard Hatfield; Commissioner Alfonso Hernandez seconded the motion on a vote of 9-0.

- 8. Rezoning: C14-2014-0030.SH - Rutledge Spur Apartments**
Location: 13635 Rutledge Spur, Lake Creek Watershed, Northwest Park & Ride TOD
Owner/Applicant: Chris Collins
Agent: Civiltude (Fayez Kazi)
Request: I-RR , CS-MU to MF-4
Staff Rec.: **Recommendation of MF-4-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 for MF-4-CO district zoning was approved on the consent agenda by Commissioner Richard Hatfield; Commissioner Alfonso Hernandez seconded the motion on a vote of 9-0.

- 9. Site Plan: SP-2013-0315D - Follett Residence**
Location: 5600 Craggy Point, Lake Austin Watershed
Owner/Applicant: Brian Follett
Agent: Richard H. Crank, ASLA
Request: Site Plan- Shoreline Modification Only
Staff Rec.: **Recommended**
Staff: Liz Johnston, 512-974-1218, Liz.Johnston@AustinTexas.gov; Planning and Development Review Department
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 – Shoreline Modification Only, was approved on the consent agenda by Commissioner Richard Hatfield, Commissioner Alfonso Hernandez seconded the motion on a vote of 9-0.

10. Site Plan - Conditional Use Permit: SPC-2013-0409A - Austin Megabus

Location: 2002 Whitis Avenue, Shoal Creek/Waller Creek Watersheds, West University/ Central Austin Combined NPA
Owner/Applicant: Megabus NE, LLC
Agent: Baker-Aicklen and Assoc. (Tammi Migl)
Request: To approve a conditional use permit for a change of use from a commercial parking lot to 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 May 13, 2014 by request of the Planning Commission was approved by Commissioner Jean Stevens, Commissioner Stephen Oliver seconded the motion on a vote of 8-0; Commissioner Alfonso Hernandez was off the dais.

11. Final Plat-Resubdivision: C8-2013-0185.0A - Blazek Subdivision

Location: 1100 Taulbee Lane, Waller Creek Watershed, Crestview/Wooten Combined (Crestview) NPA
Owner/Applicant: Jason Blazek
Agent: IT Gonzalez Engineers (Bill Graham)
Request: Approval of the Blazek Subdivision which proposes a resubdivision of 1 lot to 2 lots on 0.333 acres
Staff Rec.: **Recommended.**
Staff: Don Perryman, 512-974-2786, Don.Perryman@AustinTexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to approve staff's recommendation for approval of the Blazek Subdivision was approved on the consent agenda by Commissioner Richard Hatfield, Commissioner Alfonso Hernandez seconded the motion on a vote of 9-0.

- 12. Final Plat-Resubdivision:** **C8-2013-0034.0A - Baker Buyer Subdivision, a Resubdivision of a portion of Lot 8 G.K. Becket**
 Location: 5500 Reynolds Road, Williamson Creek Watershed-Barton Springs Zone, Oak Hill Combined (West Oak Hill) NPA
 Owner/Applicant: T.E. & Regina F. Anderson
 Agent: RPS Espey (Dale W. Gray, P.E.)
 Request: Approval of the Baker Buyer Subdivision, a Resubdivision of a portion of Lot 8 G.K. Becket proposed to create 1 lot on 1.197 acres.
 Staff Rec.: **Recommended**
 Staff: Don Perryman, 512-974-2786, Don.Perryman@AustinTexas.gov; Planning and Development Review Department

Public hearing closed.

The motion to approve staff's recommendation approval of the Baker Buyer Subdivision was approved on the consent agenda by Commissioner Richard Hatfield, Commissioner Alfonso Hernandez seconded the motion on a vote of 9-0.

- 13. Final Plat-Resubdivision:** **C8-2011-0101.2A - Crestview Station, Phase 4, Lot 7 Resubdivision**
 Location: Waller Creek Watershed, Crestview NPA
 Owner/Applicant: Gray Engineering (Brian A. Williams)
 Agent: Gray Engineering (Brian A. Williams)
 Request: Approval of the Crestview Station, Phase 4, Lot 7 Resubdivision composed of 66 lots on 2.95 acres.
 Staff Rec.: **Disapproval**
 Staff: Planning and Development Review Department
- 14. Final Plat with Preliminary:** **C8-2011-0101.3A - Crestview Station Lot 7 Phase 5; Resubdivision**
 Location: 950 Banyon Street, Waller Creek Watershed, Crestview NPA
 Owner/Applicant: Crestview Station LLR Land (James Matoushek)
 Agent: Gray Engineering (Brian A. Williams)
 Request: Approval of the Crestview Station Lot 7 Phase 5; Resubdivision composed of 75 lots on 5.46 acres.
 Staff Rec.: **Disapproval**
 Staff: Planning and Development Review Department

15. Final Plat without a Preliminary: **C8-2014-0050.0A - Walnut Acres**
Location: 6121 FM 969 Road, Walnut Creek Watershed, MLK NPA
Owner/Applicant: Arami Masoud/Majid, Kamalipour (Arami Mohammad)
Agent: Jacobs Engineering (Brandy Waters)
Request: Approval of the Walnut Acres composed of 1 lot on 6.1 acres.
Staff Rec.: **Disapproval**
Staff: Planning and Development Review Department

16. Final Plat-Amended Plat: **C8-2014-0052.0A - Von Addition; Amended Plat**
Location: 3302 Exposition Boulevard, Taylor Slough South Watershed, West Austin Neighborhood Group NPA
Owner/Applicant: Herb Tays
Agent: Thrower Design (Ron Thrower)
Request: Approval of the Von Addition; Amended Plat composed of 2 lots on 0.333 acres.
Staff Rec.: **Disapproval**
Staff: Planning and Development Review Department

Public hearing closed.

Items #13 -16;

The motion to disapprove Items #13-16 was approved on the consent agenda by Commissioner Richard Hatfield, Commissioner Alfonso Hernandez seconded the motion on a vote of 9-0.

17. Briefing and Possible Action: **Project Connect Central Corridor**
Request: Briefing and possible action on the Project Connect Central Corridor Update
Staff: Kyle Keahey, Project Lead, HNTB

Briefing given to the Planning Commission by Kyle Keahey.

18. Briefing: **CodeNEXT Listening to the Community Report**
Owner/Applicant: City of Austin
Agent: Cultural Strategies (Sebastian Puente) and Health and Community Strategies (Mark Yznaga)
Request: Briefing on the Listening to the Community report
Staff: George Zapalac, 512-974-2725, George.Zapalac@AustinTexas.gov; Planning & Development Review Department

Briefing given to the Planning Commission by Mark Yznaga.

19. Briefing and Possible Action:

Bicycle Master Plan and Urban Trails Master Plan

Request: Briefing and possible action on the Bicycle Master Plan Update and Urban Trails Master Plan.
Staff: Nathan Wilkes, 512-974-7016, Nathan.Wilkes@AustinTexas.gov;
Public Works Department
Nadia Barrera, 512-974-7142, Nadia.Barrera@AustinTexas.gov;
Public Works Department

The motion to postpone to April 22, 2014 by request of the staff was approved on the consent agenda by Commissioner Richard Hatfield, Commissioner Alfonso Hernandez seconded the motion on a vote of 9-0.

C. NEW BUSINESS

1. New Business:

Request: Initiation of a rezoning case for property located at 2410 Cedar Bend Drive, to clarify the landscape buffer requirements
Recommended
Staff: Jerry Rusthoven, 512-974-3207, Jerry.Rusthoven@AustinTexas.gov;
Planning and Development Review Department

The motion to initiate a rezoning case for 2410 Cedar Bend Drive was approved on the consent agenda by Commissioner Richard Hatfield, Commissioner Alfonso Hernandez seconded the motion on a vote of 9-0.

2. New Business:

2013 Annual Report and 2014 Work Plan

Request: Discussion and possible action on the 2013 Annual Report and 2014 Work Plan

The motion to approve the 2013 Annual Report and 2014 Work Plan was approved on the consent agenda by Commissioner Richard Hatfield, Commissioner Alfonso Hernandez seconded the motion on a vote of 9-0.

D. NEW BUSINESS

E. SUBCOMMITTEE REPORTS

F. ADJOURN

Chair Dave Anderson adjourned the meeting without objection at 12:45 a.m.