

CITY PLANNING COMMISSION**January 30, 2007****City Hall – Council Chambers****301 W. 2nd Street****1st Floor*****Annotated & Summary Agenda*****CALL TO ORDER – 6:00 P.M.****COMMENCED: 6:12 P.M.****ADJOURNED: 11:48 P.M.**

____ Tracy Atkins

____ Jay Reddy – Vice-Chair

____ Perla Cavazos

____ Chris Riley

____ Mandy Dealey - Parliamentarian

____ Gary Stegeman

____ Cid Galindo - Secretary

____ Dave Sullivan - Chair

____ Saundra Kirk

All Present**CONDUCT OF PUBLIC HEARINGS**

1. Chair announces request.
2. Staff presents a summary of the case.
3. Chair calls on those FAVORING the request.
4. Applicant's presentation (5 minutes).
5. Others favoring the request (3 minutes).
6. Chair calls on those OPPOSING the request.
7. Primary presentation (5 minutes).
8. Others opposing the request (3 minutes).
9. Applicant is given opportunity to answer objections stated. (3 minutes)
10. Staff summation and questions from the Commission.
11. The public hearing on a zoning case may be closed and no further testimony is taken from the public.
12. If the public hearing is closed, the Commission shall make a recommendation to the City Council within 14 days or the case will be forwarded to the City Council without a recommendation. (Section 25-2-282).

All of the following items may be acted upon by one motion. The Commission does not consider items earlier than the time stated on the agenda; "Other Business" items can be taken at any time. After the posted time, the Commission Chairperson may announce the item and, if there is no opposition, the item may be taken "by consent" for approval without discussion.

CITIZENS WISHING TO SPEAK BEFORE THE COMMISSION OR CITIZENS THAT ARE UNABLE TO SPEAK BUT WOULD LIKE TO MAKE THE COMMISSION AWARE OF THEIR POSITION ARE REQUESTED to REGISTER BY SIGNING A CARD AT THE ENTRANCE.

Any interested party aggrieved by a decision of the Planning Commission on a Hill Country Site Plan, Conditional Use Permit, Replacement Site Plan, or a Preliminary Subdivision Plan with an environmental variance may only appeal the Commission's decision to the City Council. The notice of appeal must be submitted in writing on a form provided by the Director of Neighborhood Planning & Zoning Department within fourteen (14) days following the decision of the Planning Commission.

The Commission may recommend additional future land use designations that have not been requested or future land use designations that are more or less intensive than the requested future land use. The

Commission may also recommend zoning that includes combining districts such as mixed use, conditional overlays, or other combining districts.

AGENDA POSTING & POSTPONEMENT POLICIES

AGENDA POSTING POLICY

Normally when placing an item on a future agenda, commissioners should inform the chair prior to a meeting and announce the item under Items from Commission at the end of the agenda.

If the topic is of a sensitive nature or may be considered outside the scope of the Commission's charge, then the chair may request that it be presented to the Executive Committee for consideration prior to being placed on the agenda.

- An item that arises during the conduct of a meeting may be announced during the pertinent discussion or at the end of the meeting.
- If no objection is raised to the posting of an item, a vote and a second on the posting will not be required.
- If a disagreement arises on the posting of an item, the Commission will act upon the posting by a motion and vote.

POSTPONEMENT POLICY

General Policy: Anyone may request a postponement of a public hearing by following the instructions provided below. Individual commissioners may request postponements to be voted on by the full Commission. Note that requests for postponements of Neighborhood Plans or the rezonings that stem from Neighborhood Plans are strongly discouraged, and will not be granted except in extraordinary circumstances. Examples may include a significant defect in the planning process (e.g. lack of notification) or the availability of relevant and significant information that was not available during the planning process (e.g. the development of the Airport Overlay Zone around Austin-Bergstrom International Airport).

To Request a Postponement:

1. **Write a letter to the case manager** (case manager's name is provided in the agenda item under "City Staff") that includes 1) the date/time the letter was delivered to city staff, 2) the reason for requesting postponement, 3) requested postponement date.
2. **Ensure that the case manager or the Planning Commission Coordinator receives your letter by the beginning of the Planning Commission meeting.** Do not send requests for postponement directly to the Planning Commission. Letters to the Planning Commission Coordinator may be mailed or faxed to the address/number given below, or hand delivered to 505 Barton Springs Road, 5th floor.
3. **Attend the Commission meeting in case the request for postponement is discussed.**

CORRESPONDENCE WITH THE PLANNING COMMISSION

E-mail: E-mail addresses for individual Commissioner's are available on the last page of this agenda.

Mail: Neighborhood Planning & Zoning Department
Attn: Planning Commission Coordinator
P.O. Box 1088, Austin TX, 78767

Fax: Fax: (512) 974-6054
Attn: Planning Commission Coordinator

MORE INFORMATION

Planning Commission Web Page:
COA Development Web:

www.cityofaustin.org/smartgrowth/pc.htm
www.cityofaustin.org/development/

Facilitator: Robert Heil, 974-2330
City Attorney: Ross Crow, 974-2159

6:00 P.M.

PUBLIC HEARING

A. REGULAR AGENDA

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 Planning Commission may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

CITIZEN COMMUNICATION:

1. The first four (4) speakers signed up to speak will each be allowed a three-minute allotment to address their concerns regarding items *not* posted on the agenda.

PAUL CREWS – Advocating for Comprehensive, Transportation & Urban Planning and future growth.

**Commissioner Galindo requested to have this item on the February 13, 2007, agenda.*

APPROVAL OF MINUTES

2. Approval of minutes from December 12, 2006.

***APPROVED MINUTES FOR DECEMBER 12, 2006; BY CONSENT.
[G.STEGEMAN, C.RILEY 2ND] (8-0-1) T.ATKINS – ABSTAINED***

CODE AMENDMENT

3. **Code** C20-07-001
Amendment:
 Request: Discussion and Action regarding proposed amendments to LDC Chapter 25-2, Subchapter E (Design Standards and Mixed Use), Sections 4.3.2. and 4.3.5.
 Staff: George Adams, 974-2146, george.adams@ci.austin.tx.us
 Neighborhood Planning & Zoning Department
 Deborah Thomas, 974-2172, deborah.thomas@ci.austin.tx.us
 Law Department

***APPROVED STAFF'S RECOMMENDATION WITH INCLUSION THAT ONCE THE OPT-IN/OPT-OUT PROCESS HAS BEEN COMPLETED, THEN THAT OPTION IS VOIDED.
[J.REDDY, C.RILEY 2ND] (9-0)***

Facilitator: Robert Heil, 974-2330

City Attorney: Ross Crow, 974-2159

4. Code C20-06-010**Amendment:****Request:**

This proposed amendment to Chapter 25-2 of the City Code provides that a large retail use of 100,000 square feet or more of gross floor area may be established as a permitted use by the City Council in a community commercial (GR) or less restrictive zoning district. The amendment further provides: 1) that to ensure compatibility with surrounding uses, the City Council shall evaluate the zoning request in accordance with the same criteria contained in Section 25-5-145 used to evaluate Conditional Use Site Plans and may establish a conditional overlay consistent with the same conditions considered for Conditional Use Site Plans in Section 25-5-146. 2) that the City Council may consider the potential for redevelopment of the site. 3) that notice of an application shall be provided to all registered neighborhood associations within a one mile radius of the property. 4) additional signage requirements.

Staff:

Susan Scallon, 974-2659, susan.scallon@ci.austin.tx.us
Watershed Protection & Development Review

MOTION MADE TO:

1. Approve the December 14 City Council meeting version of the big box ordinance, with the following changes:

*(a) Substitute language from the 1/24/07 draft, Part 1(A), which closes the adjacent structure loophole by tying the tying together square footage of primary and accessory uses.
(b) Add the new Part 2(C)(4) from the 1/24/07 draft, which provides for considering possible effects future re-use of big box sites.*

2. Recommend the City Council consider creating a new zoning district or overlay that allows large retail development as a permitted use. Suggested elements may include: sites should be close to major highways; sites should be clearly labeled on zoning maps so anyone can readily identify big box retail sites; setback requirements should generally track the site development setback standards required for major industrial (MI) uses (e.g., >50 ft) and may provide such requirements as vegetative buffers.

3. Notice requirements for proposed big box developments should also include notice to area business owners who rent their workplaces or establishments.

[J.REDDY; S.KIRK 2ND] (9-0)

NEIGHBORHOOD PLAN

- 5. Neighborhood Plan:** **NP-05-0021 (PART) - East Riverside/Oltorf Combined Neighborhood Plan (PART)**
Location: 1818 S. Lakeshore Boulevard, Town Lake Watershed, Riverside NPA
Owner/Applicant: City of Austin-Neighborhood Planning & Zoning Dept.
Agent: City of Austin-Neighborhood Planning & Zoning Dept.
Request: Conduct a public hearing to consider adopting portions of the East Riverside/Oltorf Combined Neighborhood Plan, specifically a tract located within the Riverside Neighborhood Planning Area.

Staff Rec.: **Recommended**
Staff: Melissa Laursen, 974-7226, melissa.laursen@ci.austin.tx.us
Neighborhood Planning and Zoning Department

APPROVED STAFF'S RECOMMENDATION FOR EAST RIVERSIDE/OLTORF COMBINED NEIGHBORHOOD PLAN (PART).
[M.DEALEY, J.REDDY 2ND] (9-0)

Related Zoning Case

- 6. Rezoning:** **C14-05-0112 (PART) - Riverside Neighborhood Plan (PART)**
Location: 1818 S. Lakeshore Boulevard, Town Lake Watershed, Riverside NPA
Owner/Applicant: City of Austin-Neighborhood Planning & Zoning Dept.
Agent: City of Austin-Neighborhood Planning & Zoning Dept.
Request: MF-3 to MF-3-NP
Staff Rec.: **Recommended**
Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
Melissa Laursen, 974-7226, melissa.laursen@ci.austin.tx.us
Neighborhood Planning and Zoning Department

APPROVED STAFF'S RECOMMENDATION FOR MF-3-NP ZONING.
[M.DEALEY, J.REDDY 2ND] (9-0)

NEIGHBORHOOD PLAN AMENDMENT

- 7. Neighborhood Plan Amendment:** **NPA-06-0019.01 - East Avenue Planned Unit Development (PUD)**
- Location: 3400 N. IH-35 (Concordia University), Waller Creek Watershed, Hancock NPA
- Owner/Applicant: Concordia Lutheran College /East Avenue I.G L.P.
- Agent: Alice Glasco (Alice Glasco Consulting)
- Request: To change the future land designation at 3400 N. IH-35 (Concordia University) within the Central Austin Combined Neighborhood Planning Area from CIVIC to HIGH-DENSITY MIXED-USE.
- Staff Rec.: **Alternative recommendation of MIXED-USE**
- Staff: Mark Walters, 974-7695, mark.walters@ci.austin.tx.us
Neighborhood Planning and Zoning Department

POSTPONED TO 02/13/07 (STAFF)
[G.STEGEMAN, C.RILEY 2ND] (9-0)

Related Zoning Case (to #8)

- 8. Rezoning:** **C814-06-0175 - East Avenue PUD**
- Location: 3400 North IH- 35 Service Road, Waller Creek and Boggy Creek Watershed, Central Austin Combined - Hancock NPA
- Owner/Applicant: Concordia University (David Kluth)
- Agent: Alice Glasco Consulting (Alice Glasco)
Armbrust and Brown, LLP (Richard Suttle)
- Request: GO-NP, LO-MU-NP, and CS-MU-NP to PUD-NP
- Staff Rec.: **Recommended with Conditions**
- Staff: Jorge Rousselin, 974-2975, jorge.rousselin@ci.austin.tx.us
Neighborhood Planning & Zoning Department

PULLED; NO ACTION REQUIRED

- 9. Neighborhood Plan Amendment:** **NPA-06-0015.01 - Springdale Road- East MLK**
- Location: 0 (21.12 Ac. of Abs 22 Sur 29 Tannehill JC) Springdale Road, Little Walnut Watershed, East MLK NPA
- Owner/Applicant: City of Austin (Seiders Family Trust, Et. Al)
- Agent: Peter Cesaro
- Request: From Open Space to Mixed Use
- Staff Rec.: **RECOMMEND APPROVAL**
- Staff: Kathleen Welder, 974-2856, Kathleen.Welder@ci.austin.tx.us
Neighborhood Planning & Zoning Department

APPROVED THE SPRINGDALE ROAD-EAST MLK NEIGHBORHOOD PLAN AMENDMENT; WITH AMENDED CHANGE FROM OPEN SPACE TO MIXED USE.
[J.REDDY, T.ATKINS 2ND] (9-0)

Facilitator: Robert Heil, 974-2330
City Attorney: Ross Crow, 974-2159

Related Zoning Case (to #10)

- 10. Rezoning:** **C14-06-0221 - Springdale Road- East MLK**
Location: 0 (21.12 Ac. of Abs 22 Sur 29 Tannehill JC) Springdale Road, Little Walnut Watershed, East MLK NPA
Owner/Applicant: City of Austin (Seiders Family Trust, Et. Al)
Agent: Peter Cesaro
Request: P-NP to GR-MU-CO-NP
Staff Rec.: **GR-MU-CO-NP and MF-3-NP**
Staff: Jerry Rusthoven, 974-3207, jerry.rusthoven@ci.austin.tx.us
Neighborhood Planning & Zoning Department

APPROVED GR-MU-CO-NP, PROHIBIT MULTI-FAMILY RENTAL; AND SF-6-NP ZONING.

[J.REDDY, T.ATKINS 2ND] (9-0)

- 11. Neighborhood Plan Amendment:** **NPA-06-009.02 (associated with C14-06-0162) - Los Abogados Gueros**
Location: 1214 E 7th Street, Waller Creek Watershed, Central East Austin NPA
Owner/Applicant: Los Abogados Gueros (James. W. Evans)
Agent: Lopez-Phelps & Associates (Amelia Lopez-Phelps)
Request: From Single Family to Office
Staff Rec.: **Denial**
Staff: Katie Halloran, 974-3509, Katie.Halloran@ci.austin.tx.us
Neighborhood Planning and Zoning Department

POSTPONED TO 03/13/07 (APPLICANT)

[G.STEGEMAN, C.RILEY 2ND] (9-0)

Related Zoning Case (to #12)

- 12. Rezoning:** **C14-06-0162 (associated with NPA-06-009.02) - Los Abogados Gueros**
Location: 1214 E 7th Street, Waller Creek Watershed, Central East Austin NPA
Owner/Applicant: Los Abogados Gueros (James. W. Evans)
Agent: Lopez-Phelps & Associates (Amelia Lopez-Phelps)
Request: From SF-3-NP to GO-NP
Staff Rec.: **Denial**
Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
Neighborhood Planning and Zoning Department

POSTPONED TO 03/13/07 (APPLICANT)

[G.STEGEMAN, C.RILEY 2ND] (9-0)

DISCUSSION AND ACTION ON ZONING CASES

- 13. Rezoning:** **C14H-06-0038 - Thomas Cranfill House**
 Location: 1901 Cliff Street, Shoal Creek Watershed, Caswell Heights NPA
 Owner/Applicant: George and Matilde Schade
 Agent: Elizabeth Churchill
 Request: SF-3-CO-NP to SF-3-CO-NP-H
 Staff Rec.: **Recommended**
 Staff: Beth Wilson, 974-3524, beth.wilson@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

PULLED; NO ACTION REQUIRED BY COMMISSION.

- 14. Rezoning:** **C14-06-0234 - The Mohawk**
 Location: 912 Red River Street, Waller Creek Watershed, Downtown NPA
 Owner/Applicant: Jim Bennett Consulting
 Agent: Jim Bennet
 Request: CS-1 to CBD
 Staff Rec.: **Recommendation Pending; Staff requests a postponement to February 13, 2007**
 Staff: Jorge Rousselin, 974-2975, jorge.rousselin@ci.austin.tx.us
 Neighborhood Planning & Zoning Department

POSTPONED TO 02/13/07 (STAFF)
[G.STEGEMAN, C.RILEY 2ND] (9-0)

- 15. Rezoning:** **C14-06-0121 - The Domain**
 Location: 10700-11000 Burnet Road, 11100-11900 Burnet Road, 2800 Block of Braker Lane, and 3300 West Braker Lane, Walnut Creek Watershed, North Burnet / Gateway NPA
 Owner/Applicant: RREEF Domain, L.P. (Chad Marsh)
 Agent: Drenner+Golden, Stuart, Wolff, LLP. (Michele Haussmann)
 Request: MI-PDA to MI-PDA
 Staff Rec.: **Recommended with conditions**
 Staff: Jorge Rousselin, 974-2975, jorge.rousselin@ci.austin.tx.us
 Neighborhood Planning & Zoning Department

POSTPONED TO 02/13/07 (STAFF)
[G.STEGEMAN, T.ATKINS 2ND] (9-0)

- 16. Rezoning: C14-04-0196.01 - Horn Building**
 Location: Guadalupe Street and Avenue A, Waller Creek Watershed, Hyde Park North NCCD NPA
 Owner/Applicant: Horn Building Partnership (Richard Horn)
 Request: The Owner / Applicant is requesting to allow Hospital Services Limited use for Property that is zoned GO, General Office district in the Avenue A and Guadalupe Districts of the Hyde Park North NCCD. The proposed amendment would allow the property at 4611 Guadalupe Street to be used for a Hospital Services Limited use.
 Staff Rec.: **Recommended**
 Staff: Glenn Rhoades, 974-2775, glenn.rhoades@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

POSTPONED TO 02/13/07 (APPLICANT)
[G.STEGEMAN, C.RILEY 2ND] (9-0)

- 17. Rezoning: C14-06-0188 - 1406 Parker Lane**
 Location: 1406-1506 Parker Lane, Town Lake Watershed, Riverside NPA
 Owner/Applicant: Diepenbrock, Schleber, Hackett & Colman
 Agent: LOC Consultants (Sergio Lozano-Sanchez)
 Request: SF-3 to MF-4
 Staff Rec.: **Not Recommended**
 Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

POSTPONED TO 02/13/07 (APPLICANT)
[G.STEGEMAN, C.RILEY 2ND] (9-0)

- 18. Rezoning: C14-06-0210 - Burger King**
 Location: 7105 N IH 35 Service Road, Buttermilk Branch Watershed, St Johns NPA
 Owner/Applicant: Leemak, LP (Fazil Malik)
 Agent: A. J. Ghaddar, P.E. and Associates (A. J. Ghaddar)
 Request: LI to CS
 Staff Rec.: **Alternative Recommendation of CS-CO**
 Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

APPROVED STAFF'S RECOMMENDATION OF CS-CO ZONING WITH RESTRICTIVE COVENANT IN PLACE.

***Commission would like to make shade trees a requirement on St. John's and the access roads.**
[J.REDDY, P.CAVAZOS 2ND] (9-0)

- 19. Rezoning: C14-06-0211 - Valdez Zoning**
 Location: 2819-2823 Manor Drive, Boggy Creek Watershed, Rosewood NPA
 Owner/Applicant: Valdez Trust (F. Gary & Doyle Valdez)
 Agent: Alice Glasco Consulting (Alice Glasco)
 Request: LR-MU-NP to CS-MU-NP
 Staff Rec.: **Alternative Recommendation of CS-MU-CO-NP**
 Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
 Neighborhood Planning and Zoning

APPROVED STAFF'S RECOMMENDATION OF CS-MU-CO-NP WITH AMENDED CONDITIONS OF:

- ***MAXIMUM OF 2000 DAILY VEHICLE TRIPS;***
- ***MAXIMUM 40-FEET HEIGHT LIMIT;***
- ***MINIMUM OF 10% GROSS SQUARE FEET OF RETAIL;***
- ***MINIMUM OF 20% GROSS SQUARE FEET OF RESIDENTIAL;***
- ***MUST USE COMMERCIAL DESIGN STANDARDS.***

[G.STEGEMAN, C.RILEY 2ND] (9-0)

- 20. Rezoning: C14-06-0220 - The Bungalows**
 Location: 2206-2210 Thornton Road, West Bouldin Creek Watershed, South Lamar NPA
 Owner/Applicant: Thornton Cottages LP (James Austin)
 Agent: Stansberry Engineering (Blayne Stansberry)
 Request: SF-5-CO to SF-4B-CO
 Staff Rec.: **Recommended**
 Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
 Neighborhood Planning and Zoning

APPROVED STAFF'S RECOMMENDATION OF SF-4B-CO ZONING WITH ADDITION THAT NUMBER OF UNITS OVER 14 (15-18) WOULD BE 50% MFI.

[C.GALINDO, P.CAVAZOS 2ND] (9-0)

- 21. Rezoning: C14-06-0226 - Perry Road**
 Location: 1141 1/2 - 1127 Perry Road, Boggy Creek Watershed, Govalle NPA
 Owner/Applicant: Perry Equity Partners, LLC (Chris Kager)
 Agent: Perry Equity Partners, LLC (Chris Kager)
 Request: SF-3 to SF-4A (Request from the applicant for a postponement until February 13)
 Staff Rec.: **Recommended**
 Staff: Robert Heil, 974-2330, robert.heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

POSTPONED TO 02/13/07 (APPLICANT)

[G.STEGEMAN, C.RILEY 2ND] (9-0)

- 22. Rezoning: C14-06-0229 - Encinco Trace**
 Location: 5707 Southwest Parkway, Barton Creek Watershed, Oak Hill NPA
 Owner/Applicant: Carl & Verne Roe Family Trust (Carl Roe)
 Agent: Drenner & Golden Stuart, Wolff LLP (Michelle Rogerson)
 Request: From DR to GO
 Staff Rec.: **PULLED - No Action Necessary (will be renotified)**
 Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

PULLED; NO ACTION REQUIRED BY COMMISSION.

- 23. Rezoning: C14-06-0230 - Nomad Wine & Cheese**
 Location: 1213 - 1215 Corona Drive, Tannehill Branch Watershed, Windsor Park NPA
 Owner/Applicant: Sam Calliham
 Agent: Permit Me (Maureen Morphew)
 Request: From CS to CS-1-CO
 Staff Rec.: **Recommended**
 Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

***APPROVED STAFF'S RECOMMENDATION FOR CS-1-CO ZONING.
 [J.REDDY, M.DEALEY 2ND] (9-0)***

- 24. Rezoning: C14-06-0231 - Gloyd/Quiroz Rezoning**
 Location: 7219 Mowinkle Drive, Barton Creek Watershed, Oak Hill NPA
 Owner/Applicant: Bob Gloyd and Danny Quiroz
 Agent: Frie Planning and Consulting (Ross Frie)
 Request: RR to SF-1
 Staff Rec.: **Recommended**
 Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

***POSTPONED TO 02/13/07 (NEIGHBORHOOD)
 [J.REDDY, M.DEALEY 2ND] (9-0)***

- 25. Rezoning: C14-06-0109 - Lakeshore PUD**
 Location: South Lakeshore Drive, Town Lake Watershed, Riverside NPA
 Owner/Applicant: Lakeshore LTD (Jim Porter)
 Agent: Armbrust & Brown LLP (Dave Armbrust)
 Request: From MF-3 to PUD
 Staff Rec.: **Approval (Postponement by staff to 2/13/07)**
 Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

***POSTPONED TO 02/13/07 (STAFF)
 [G.STEGEMAN, C.RILEY 2ND] (9-0)***

Facilitator: Robert Heil, 974-2330
 City Attorney: Ross Crow, 974-2159

26. Rezoning: C14-07-0003 - Manor Road
 Location: 4611 Manor Road, Tannehill Branch Watershed, MLK NPA
 Owner/Applicant: American Cancer Society (John Martin)
 Agent: Davcar Engineering (Jim Herbert)
 Request: From PUD-NP to SF-4A-NP
 Staff Rec.: **Postponement by staff until 2/13/07**
 Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

POSTPONED TO 02/13/07 (STAFF)
[G.STEGEMAN, C.RILEY 2ND] (9-0)

DISCUSSION AND ACTION ON SITE PLAN CASES

27. Site Plan - SPC-05-0027A - Encore House Revision 1
Conditional Use
Permit:
 Location: 1109 E 52nd St., Tannehill Branch Watershed, Windsor Park NPA
 Owner/Applicant: Eugene Mees
 Agent: Clark, Thomas & Winters, PC (John Joseph Jr.)
 Request: Request approval to revise a conditional use permit to increase the number of beds for a transitional home from 35 to 58.
 Staff Rec.: **Not Recommended**
 Staff: Donna Cerkan, 974-2733, donna.cerkan@ci.austin.tx.us
 Sue Welch, 974-3294, Sue.Welch@ci.austin.tx.us,
 Watershed Protection and Development Review Department

THE CUP WAS APPROVED WITH THE FOLLOWING CONDITIONS:

It was approved pending compliance with the parking (25-5-147-B-2). If they do not get their parking within 60 days, the site plan expires. (25-5-148).

The following were also added to the conditions;

- **Successful enforcement of rules & regulations**
- **Do a restrictive covenant with immediate neighbors & neighborhood associations**
- **Insurance bond of \$15K;**
- **have an on-site manager;**
- **have 24-hour security;**
- **employees must walk property daily; and**
- **add a prohibition on state/county releasees**

[M.DEALEY, J.REDDY 2ND] (8-1) D.SULLIVAN – NAY

Summary

Donna Cerkan, staff, gave staff presentation.

D. Sullivan – May the commission grant a conditional use permit conditioned on the future on the variance for the parking?

Facilitator: Robert Heil, 974-2330
 City Attorney: Ross Crow, 974-2159

Ms. Cerkan – Yes, if Planning Commission makes a motion to approve this conditional use permit, it will need to include the condition of pending compliance with code; that would include off-site parking, on-site parking or the board of adjustment variance. The result of that approval the applicant would have 60-days to come into compliance.

D. Sullivan – What would be the affect of us granting the conditional use permit with no condition on that and the applicant not receiving the parking variance which they have to get from the Board of Adjustment?

Ms. Cerkan – According to Code, if Planning Commission were to make a motion to approve the permit, it would have to include the pending compliance with parking. If they did not get the variance, they would have 60 days to comply with the Code.

John Joseph Jr., applicant, gave his presentation to the Commission.

FAVOR

Ruth Marie – Spoke in favor with reservations. I think it's our duty to work with citizens who are trying to get back into normal living; but my concern is the numbers, going from 40 to 58 is quite a jump. We would like to put a conditional overlay to say that if this happens; then decide to move or sell the contract, that it revert back to 40.

NEUTRAL

Rick Krivoniak – Spoke neutral to this case. The Federal Program is much more restrictive to the State or other Government facilities; that's why I'm neutral about this Federal Program. I would like to add the conditions that Ruth Marie talked about, but I would like to also add a requirement that Federal Marshals monitor the facility at all times.

Meg Brooks – We were hoping to add that if the contract is no longer being used or if they sell; then that transitional housing would no longer be available for that property.

OPPOSITION

Walter Olenick – Spoke in opposition. Does not approve the type of people this transitional housing would bring into the neighborhood.

Bob Mebane – Spoke in opposition. Spoke in regards to parking and problems brought into the neighborhood. This is not a logical place to put a half-way house.

Nicki Mebane – Spoke in opposition. Spoke about the problems in the past and how this transitional house would bring more problems into the neighborhood.

P.Cavazos – Has the liquor store & bar been there before the transitional housing?

Ms. Mebane – We've been in business since 1964; the liquor store went in about the same time, over 40 years ago.

J.Reddy – Wasn't this a nursing home before it became transitional housing?

Ms. Mebane – Yes it was and they were good neighbors.

G. Stegeman – Have you seen the rules for the transitional housing?

Ms. Mebane – I've seen the Bannum Rules. I haven't seen what the prison board requires.

REBUTTAL

John Joseph Jr. – Permits are not needed to replace & widen doors or to take down walls. Our restrictive covenant is limited to us only; it says that if the use discontinues, the contract is terminated or we stop the use for 90-days; then we are to notify the City; notify the Neighborhood Association and petition in writing to the City to terminate our conditional use permit; so it won't be reverting back to the 40 beds, it will be gone for good. We'll even put up some money in an account for the neighborhood, for a law suit in the event that we do not comply. We are also limited to the City's jurisdictions.

C. Riley – Your applicant will be working through a contract with the Federal Bureau of Prisons?

Mr. Joseph – Yes sir.

C. Riley - Instead of restricting this to you or your agent, it might work to say that it had to be limited to Federal personnel; like having a Marshal or security...

Mr. Joseph – That was actually on the list; we talked to Deborah Thomas and City Attorneys; and we can do the 24 hour security, on-site manager, employee who are required to walk the property daily. The Federal contract does not have the authority to require another jurisdiction to act. If we can do it legally, then we are fine with having Federal Marshals or Parole Officers on site.

J. Reddy – How close are you to having a finalized private restrictive covenant?

Mr. Joseph Jr. – We have a draft; we were notified today that the condition imposed as a conditional use permit, was not an acceptable vehicle so we threw something together...

D. Sullivan – Have the neighbors seen it?

Mr. Joseph – Yes; I have it to some of the neighbors.

D. Sullivan – Did you give it to the adjacent property owners?

Mr. Joseph – I don't think so; I didn't have too much time to circulate this draft.

There was discussion regarding the Bannum House Rules.

Mr. Joseph – Whatever conditions that the attorneys' say are legal, we'll be happy to do it.

G. Stegeman – How about parking; where do the occupants leave their cars?

Mr. Joseph – They will be prohibited from having vehicles on the property.

T. Atkins – Do you think the conditions that the applicant is putting forward, addresses the neighborhood's concerns?

Meg Brooks – The association did not take a vote on it, I think we were torn; I think that's the best we can do. I can't think of any other conditional uses to add that would make this better.

M. Dealey – What are the most restrictive conditions we can put on a conditional use...

Donna Cerkan – None of the restrictions can not include any other agency outside of the City of Austin; any condition has to be land use oriented. Staff cannot enforce a condition concerning this specific owner, things like 24 hour surveillance, patrolling; the things that were mentioned earlier. Anything having to do with Federal Agencies, U.S Marshals or other agencies outside of the City can not be put into a condition.

M. Dealey – What is the length of the conditional use permit?

Ms. Cerkan – As long as the use remains; anytime there is a change in use or zoning, then the conditional use permit would go away.

M. Dealey – Would it be possible to have a 2 year conditional use permit? At which time the operator can prove to the neighborhood that they can do this job; if it fails, then the neighborhood could protest or sue.

Ms. Cerkan – The life of a site plan is 3-years, so your conditional use permit is going to approve a site plan that has a 3-year expiration date. Staff cannot condition based on an owner.

M. Dealey – Is it possible to condition it based on the successful enforcement of the rules & regulations?

Ms. Cerkan – I don't know how that would be possible. I'll refer this to the legal department; however, they did tell me that it could not involve any other agency outside of the City of Austin.

S. Kirk – Can we connect this with the owner?

Ms. Cerkan – No, any condition has to be attached to land use.

C. Riley – So we can prohibit operation after a certain hour, so I'm wondering if we can prohibit the use of a facility as transitional housing for State and County releasees?

Ms. Cerkan – I don't know; that would be a question for the Legal Department.

P. Cavazos – If the owner sells the property to another person, the conditional use sticks with the land?

Ms. Cerkan – Right; the previous conditional use permit was granted for 35 beds, now Bannum is coming in to revise the permit. On the civil side of things, outside the City's jurisdiction, Bannum may want to take over from Encore; that was the project name at the time that they applied; maybe there's a change of ownership, and that's not something that I would review, because that is on the Civil side of things and not the City's jurisdiction. That's why the name goes through as Encore House.

P. Cavazos – I thought some conditional overlays went away if you sold the property.

Ms. Cerkan – That would be on the civil side of things; that would be like through a restrictive covenant, through the neighborhood organization.

T. Atkins – Is the requirement for the Community Relations Board okay by legal?

Ms. Cerkan – No, that's an agency outside of the City.

John Joseph Jr. – That's something that I'm offering to do, but wouldn't be part of the conditional use.

J. Reddy and G. Stegeman moved to close the public hearing.

MOTION

M. Dealey – I move to grant the applicant's request for the change in conditional use permit. I would also like to tie that to the deed restriction that is being worked on by the applicant with the neighborhood; and the requirement that they get the parking. Also, if it's possible, anything that helps and protects the health, safety and welfare of persons and property.

D. Sullivan – So your motion is to grant the permit conditioned on the successful execution of the restrictive covenant.

M. Dealey – Can we add the performance bond to that too?

D. Sullivan – We'll make a motion first then discuss whether it's legal or not; I wish someone from legal was still here to help us. For now, the motion is to grant the request for the conditional use permit with a parking requirement; conditioned upon the successful execution of the restrictive covenant with the performance bond to ensure its enforceability.

J. Reddy – Second.

There was discussion regarding the restrictive covenant, as to whether it would be with the immediate neighbors or the neighborhood association.

C. Riley – I'd like to propose adding a prohibition of the use of the facility to State & County releasees.

D. Sullivan – What happens if we compose an illegal recommendation?

Robert Heil, staff – Those elements that are illegal would be considered null and void. It would not make the entire recommendation null and void, just those recommendations that are illegal.

Mr. Joseph Jr. – Why not just put all of it in the motion and let City legal determine which are legal and illegal; if it's not legitimately enforceable, then it won't be enforced; but if it is, then at least it would be on the motion and it can go on there as part of your recommendation. I think it's better to have it on there, for the neighbors, than not.

A 2-week postponement did not work for the applicant, because of previous postponements. It would destroy the deal.

D. Sullivan – We're going to have to start doing CUP's early in the agenda so that we can have City Legal here with us to direct us. So there's a motion to grant the permit with a parking requirement that they get the parking within 60 days; the 3 enforcement rules about 24-hour security, employees walking the property and on-site manager be included. Also, that there be a restrictive covenant that covers the neighborhood association and the surrounding neighbors; a \$15,000 insurance bond; and a prohibition on using the facility for State and County probationers and parolees.

C. Riley explained the difference between Federal, State and Local systems.

D. Sullivan – I will not be supporting the motion.

Motion carried. (8-1) D. Sullivan – Nay.

28. Site Plan/waivers only: SP-06-0408C - Brownstone Arms

Location: 1206 Elm Street, Town Lake (Urban) Watershed, Old West Austin NPA

Owner/Applicant: Brownstone Arms LTD (David W. Roberts)

Agent: Pate Engineers (Michael Fisher)

Request: Request approval of a waiver: (1.) 25-2-1062(C) reduce the compatibility setback to 18.5 feet along the northern property line, 5-feet on the southern property boundary, and 16-feet along the rear boundary. Postponed on 12-12-06 by neighborhood.

Staff Rec.: **recommended**

Staff: Javier Delgado, 974-7648, javier.delgado@ci.austin.tx.us
Watershed Protection and Development Review Department

APPROVED STAFF'S RECOMMENDATION; BY CONSENT.
[G.STEGEMAN, C.RILEY 2ND] (9-0)

29. Site Plan - Conditional Use Permit: SPC-06-0037A.SH - Lifeworks Resident Shelter

Location: 3708 South 2nd Street, West Bouldin Creek Watershed, Bouldin NPA

Owner/Applicant: Youth and Family Alliance, Inc.

Agent: Austin Civil Engineering

Request: Request approval of a conditional use permit for congregate living. Postponed 12-12-06 by Staff.

Staff Rec.: **Recommended**

Staff: Javier Delgado, 974-7648, javier.delgado@ci.austin.tx.us
Watershed Protection and Development Review Department

APPROVED STAFF'S RECOMMENDATION; BY CONSENT.
[G.STEGEMAN, C.RILEY 2ND] (9-0)

DISCUSSION AND ACTION ON SUBDIVISION CASES

- 30. Final Without Preliminary:** **C8-06-0188.0A - Replat of Cliffs of Westridge (aka Baron's Bluff)**
- Location: 1913 Westridge Drive, Barton Creek (In Barton Springs Zone)
Watershed, Bouldin NPA
- Owner/Applicant: Barbara B LLC (Beth Watley)
- Agent: Vaughn & Associates (Rick Vaughn)
- Request: Approval of the Replat of Cliffs of Westridge composed of 2 lots on 1.3 acres and the applicant requests a **VARIANCE** from Section 25-4-151 of the Land Development Code which requires streets in new subdivisions align with existing streets. The variance is to not extend Westridge Drive.
- Staff Rec.: **Recommended.**
- Staff: Don Perryman, 974-2786, don.perryman@ci.austin.tx.us
Watershed Protection & Development Review Department

APPROVED STAFF'S RECOMMENDATION WITH ADDITION TO INCLUDE A PEDESTRIAN EASEMENT THAT CONNECTS TO EACH SIDE OF WESTRIDGE DRIVE. [S.KIRK, G.STEGEMAN 2ND] (9-0)

- 31. Total Subdivision Vacation:** **C8-03-0027.0a(VAC) - Cliffs of Westridge**
- Location: 1913 Westridge Drive, Barton Creek (In Barton Springs Zone)
Watershed, Bouldin NPA
- Owner/Applicant: Barbara B LLC (Beth Watley)
- Agent: Vaughn & Associates (Rick Vaughn)
- Request: Approval of the total vacation of the approved Cliffs of Westridge final plat.
- Staff Rec.: **Recommended.**
- Staff: Don Perryman, 974-2786, don.perryman@ci.austin.tx.us
Watershed Protection & Development Review Department

APPROVED STAFF'S RECOMMENDATION WITH ADDITION TO INCLUDE A PEDESTRIAN EASEMENT THAT CONNECTS TO EACH SIDE OF WESTRIDGE DRIVE. [S.KIRK, G.STEGEMAN 2ND] (9-0)

STATUTORY DISAPPROVAL CASES

- 32. Final without Preliminary:** **C8-07-0008.0A - Clubview Terrace Subdivision**
 Location: 6010 E. Riverside Drive, Country Club Creek Watershed, Montopolis NPA
 Owner/Applicant: American Affordable Home, L.P. (Gene Watkins)
 Agent: Stansberry Engineering Co. (Blayne Stansberry)
 Request: Approval of the Clubview Terrace Subdivision composed of 2.5 acres on 1 lot.
 Staff Rec.: **DISAPPROVAL**
 Staff: Watershed Protection & Development Review
- 33. Final without Preliminary:** **C8-07-0007.0A - Govalle Plaza Subdivision**
 Location: 2915 E Cesar Chavez St, Colorado River Watershed, Govalle NPA
 Owner/Applicant: John Lewis
 Agent: Jon Neslund (Bury & Partners)
 Request: Approval of the Govalle Plaza Subdivision on 9.077 acres.
 Staff Rec.: **DISAPPROVAL**
 Staff: Watershed Protection & Development Review
- 34. Subdivision Final Without Prelim:** **C8-07-0005.0A - Champion Toyota Services**
 Location: Weidemar Ln., Williamson Creek Watershed, East Congress NPA
 Owner/Applicant: RI/RMT Acquisition, Ltd. (Bob Olufs)
 Agent: Corridor Consulting (Tim Hunter)
 Request: Approval of the Champion Toyota Services subdivision of 8.58 acres.
 Staff Rec.: **DISAPPROVAL**
 Staff: Watershed Protection & Development Review
- 35. Resubdivision:** **C8-07-006.0A - Banister Heights Resubdivision**
 Location: 1403-1503 Morgan Ln., West Bouldin Creek Watershed, South Lamar NPA
 Owner/Applicant: Karl Haussman
 Agent: Austin Civil Engineering (Brent Hammond)
 Request: Approval of the Banister Heights Resubdivision composed of 2 lots on 0.4993 acres.
 Staff Rec.: **DISAPPROVAL**
 Staff: Watershed Protection & Development Review

#32-#35; DISAPPROVED BY CONSENT.
[G.STEGEMAN, C.RILEY 2ND] (9-0)

B. OTHER BUSINESS

ITEMS FROM THE COMMISSION

1. Report from the Committee Chairs

***COMPREHENSIVE PLAN – FEBRUARY 6, 2007 @ 6:00 P.M. – CITY HALL
CODES & ORDINANCES – FEBRUARY 20, 2007 @ 6:00 P.M.
NEIGHBORHOOD PLAN – FEBRUARY ?***

2. **Other Business:**

Request: Discussion and action on the 2006-2007 Report & Workplan.

2006-2007 Report and Work plan approved.

3. **Other Business:**

Request: Discussion and action on scheduling changes to Planning Commission by-laws; suggested date February 13, 2007.

Revisions to by-laws will be placed on the February 13, 2007, agenda.

The City of Austin is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call Dora Anguiano, Neighborhood Planning & Zoning Department, at 974-2104, for information, text phone users route through Relay Texas at (800) 735-2989.

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STANDING COMMITTEES

<i>Committee</i>	CIP Meets Quarterly	Codes & Ordinances Meets 3rd Tuesday at 6:00pm	Comprehensive Plan Meets 1st Tuesday at 6:00pm	Neighborhood Planning Meets 2nd Wednesday at 3:30 pm	Executive Meets 1st Wednesday at 8:00 a.m.	Liaison
<i>Committee Members</i>	Riley Sullivan Stegeman Cavazos	Reddy Sullivan Dealey Stegeman Kirk Riley	Galindo Stegeman Dealey Sullivan Cavazos Kirk	Galindo Dealey Reddy Riley Kirk	Riley Sullivan Reddy Dealey	Riley
<i>Staff</i>	George Adams 974-2146	Sonya Lopez 974-7694	Mark Walters 974-7695	Mark Walters 974-7695	George Adams 974-2146	

Facilitator: Robert Heil, 974-2330
City Attorney: Ross Crow, 974-2159

