



## REVISED

### PLANNING COMMISSION MINUTES

REGULAR MEETING  
August 25, 2009

The Planning Commission convened in a regular meeting on August 25, 2009 @ 301 W. 2<sup>nd</sup> Street in Austin, Texas.

Chair Dave Sullivan called the Board Meeting to order at 6:02 p.m.

#### Board Members in Attendance:

Dave Sullivan - Chair  
Dave Anderson  
Danette Chimenti  
Mandy Dealey  
Saundra Kirk  
Jay Reddy  
Clint Small  
Kathryne Tovo

### 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

#### Executive Session:

Request: Discussion and Legal Consultation on Resubdivisions and Deed Restrictions.

Commissioners went into Executive Session with Attorney Brent Lloyd.

#### A. CITIZEN COMMUNICATION: GENERAL

Daniel Llanes – Comprehensive Planning in NP Areas.

## **B. APPROVAL OF MINUTES**

1. Approval of minutes from August 11, 2009.

The motion to approve the minutes from August 11, 2009; were approved on the Consent Agenda by Commissioner Jay Reddy's motion, Commissioner Dave Anderson second the motion on a vote of 6-0-2; Commissioners Dave Anderson and Clint Small abstained; Commissioner Gerardo Castillo was absent.

## **C. PUBLIC HEARINGS**

- 1. Code Amendment: C20-2008-018 - Neighborhood Plan Amendment Ordinance**  
Location: City-wide  
Owner/Applicant: City of Austin  
Agent: Planning and Development Review Department (Melissa Laursen)  
Request: Amend Chapter 25-1, Article 16 of the City Code to change the requirements for neighborhood plan amendment procedures and incorporate additional requirements for neighborhood plan contact teams.  
  
Staff Rec.: **Recommended**  
Staff: Melissa Laursen, 974-7226, melissa.laursen@ci.austin.tx.us  
Planning and Development Review Department

The motion to approve staff's recommendation with Commission amends, to Amend Chapter 25-1, Article 16 of the City Code was approved by Commissioner Clint Small's motion, Commissioner Saundra Kirk second the motion on a vote of 8-0; Commissioner Gerardo Castillo was absent.

- 2. Code Amendment: C20-2009-014 - Water and Waste Water Approval in Site Plan Ordinance**  
Location: City-wide  
Owner/Applicant: City of Austin  
Agent: Austin Water (Bart Jennings)  
Request: Modify Chapter 25-5 (Site Plans) to add new section 25-5-5 to require approval of non-City water and wastewater utilities during site plan approval.  
  
Staff Rec.: **Recommended**  
Staff: Bart Jennings, 972-0118, bart.jennings@ci.austin.tx.us  
Austin Water

The motion to approve staff's recommendation to modify Chapter 25-5 (site plans) to add new section 25-5-5; was approved by Commissioner Jay Reddy's motion, Commissioner Clint Small second the motion on a vote of 8-0; Commissioner Gerardo Castillo was absent.

- 3. Ordinance**                      **C20-2009-012 - Interlocal Development Agreement Ordinance**  
**Amendment:**  
Request:                      An Ordinance amending City Code Chapter 25-1 to add a new article 17 establishing public notice and hearing requirements for interlocal development agreements.  
Staff:                      Jose Guerrero, 974-3386, jose.guerrero@ci.austin.tx.us  
Pat Murphy, 974-2821, Pat.Murphy@ci.austin.tx.us  
Watershed Protection and Development Review Department

The motion to approve staff's recommendation to amend City Code Chapter 25-1 to add a new article 17; was approved by Commissioner Jay Reddy's motion, Commissioner Mandy Dealey second the motion on a vote of 8-0; Commissioner Gerardo Castillo was absent.

- 4. Neighborhood**                      **NPA-2009-0017.01 - Crestview Neighborhood Planning Area**  
**Plan Amendment:**                      **Vertical Mixed Use Neighborhood Plan Amendment**  
Location:                      Anderson Lane on the north; Lamar Boulevard on the east; Justin Lane on the south; and Burnet Road on the west, Shoal Creek; Waller Creek Watershed, Crestview NPA  
Owner/Applicant:                      City of Austin - Planning and Development Review Department  
Request:                      To change the land use designation on the Future Land Use Map (FLUM) from Commercial to Mixed Use on selected tracts within the Crestview Neighborhood Planning Area.  
Staff:                      Greg Montes, 974-2629, gregory.montes@ci.austin.tx.us  
Planning and Development Review Department

The motion to approve the Neighborhood's recommendation with amendments; was approved by Commissioner Clint Small's motion, Commissioner Danette Chimenti second the motion on a vote of 8-0; Commissioner Gerardo Castillo was absent.

**SEE MOTION SHEET.**

- 5. Rezoning: C14-2009-0065 - Crestview Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-In/Opt-Out Process**
- Location: Anderson Lane on the north; Lamar Boulevard on the east; Justin Lane on the south; and Burnet Road on the west, Shoal Creek; Waller Creek Watershed, Crestview NPA
- Owner/Applicant: City of Austin - Planning and Development Review Department
- Request: To implement Vertical Mixed Use Building (V) zoning regulations within the Crestview Neighborhood Planning Area. These include Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments. The Planning Commission may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties within the Crestview Neighborhood Planning Area from the overlay district.
- Staff: Greg Montes, 974-2629, gregory.montes@ci.austin.tx.us  
Planning and Development Review Department

The motion to approve the Neighborhood's recommendation with amendments; was approved by Commissioner Clint Small's motion, Commissioner Danette Chimenti second the motion on a vote of 8-0; Commissioner Gerardo Castillo was absent.

**SEE MOTION SHEET.**

- 6. Plan Amendment: NPA-2009-0022.02 - Congress Avenue Baptist Church**
- Location: 1511 South Congress Avenue, East Bouldin Creek Watershed, Greater South River City Combined Neighborhood Plan NPA
- Owner/Applicant: Congress Avenue Baptist Church
- Agent: Henry H. Gilmore (DuBois, Bryant, & Campbell L.L.P)
- Request: Civic to Mixed Use on the western portion of the tract
- Staff Rec.: **Recommended**
- Staff: Maureen Meredith, 974-2695, maureen.meredith@ci.austin.tx.us  
Neighborhood Planning and Zoning Department  
Neighborhood Planning and Zoning Department

The motion to approve staff's recommendation for mixed use on the western portion of the tract was approved with amendments by Commissioner Clint Small's motion, Commissioner Sandra Kirk second the motion on a vote of 6-1-1; Kathryn Tovo voted against the motion (nay); Commissioner Danette Chimenti abstained, Commissioner Gerardo Castillo was absent.

7. **Rezoning:** **C14-2009-0032 - Congress Avenue Baptist Church**  
Location: 1511 South Congress Avenue, East Bouldin Creek Watershed, South River City Combined Neighborhood Plan NPA  
Owner/Applicant: Congress Avenue Baptist Church (Jim Gotcher)  
Agent: Dubois, Bryant & Campbell (Henry Gilmore)  
Request: SF-3-NCCD-NP to CS NCCD-NP & GO-NCCD-NP  
Staff Rec.: **Recommended with conditions**  
Staff: Stephen Rye, 974-7604, [stephen.rye@ci.austin.tx.us](mailto:stephen.rye@ci.austin.tx.us)  
Planning and Development Review Department

The motion to approve staff's recommendation for CS-NCCD-NP & GO-NCCD-NP was approved with the additional request for a restrictive covenant to be provided by the applicant that will state that South Congress Baptist Church will not oppose a rollback to single-family zoning if the use on the property ceases; motion was made by Commissioner Clint Small's motion, Commissioner Saundra Kirk second the motion on a vote of 6-1-1; Commissioner Kathryne Tovo voted against the motion (nay); Commissioner Danette Chimenti abstained, Commissioner Gerardo Castillo was absent.

8. **Rezoning:** **C14-2009-0041 - Central East Austin Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-In/Opt-Out Process**  
Location: Martin Luther King, Jr. Boulevard on the north, Northwestern Avenue, Rosewood Avenue and Chicon Street on the east; the alley between East 6th and 7th Streets, and East 7th Street on the south and IH-35 on the west, East Boggy Creek; Town Lake; Waller Creek Watershed, Central East Austin NPA  
Owner/Applicant: City of Austin - Planning and Development Review Department  
Request: To implement Vertical Mixed Use Building (V) zoning regulations within the Central East Austin Neighborhood Planning Area. These include Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments. The Planning Commission may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties within the Central East Austin Neighborhood Planning Area from the overlay district.  
Staff: Minal Bhakta, 974-6453, [minal.bhakta@ci.austin.tx.us](mailto:minal.bhakta@ci.austin.tx.us)  
Planning and Development Review Department

The motion to approve Neighborhood's recommendation for V zoning regulations within the Central East Austin Neighborhood Planning Area; was approved by Commissioner Mandy Dealey's motion, Commissioner Jay Reddy second the motion on a vote of 8-0; Commissioner Gerardo Castillo was absent.

- 9. Rezoning: C14H-2009-0017 - Murray-Hatfield House**  
Location: 408 W. 32nd Street, Waller Creek Watershed, North University NPA  
Owner/Applicant: Historic Landmark Commission  
Request: SF-3-NCCD-NP to SF-3-H-NCCD-NP  
Staff Rec.: **Recommended**  
Staff: Steve Sadowsky, 974-6454, steve.sadowsky@ci.austin.tx.us  
Planning and Development Review Department

The motion to postpone to October 27, 2009 by the request of staff was approved on the Consent Agenda by Commissioner Jay Reddy's motion, Commissioner Dave Anderson second the motion on a vote of 8-0; Commissioner Gerardo Castillo was absent.

- 10. Rezoning: C14H-2009-0016 - Travis House**  
Location: 405 W. 18th Street, Waller Creek Watershed, West University NPA  
Owner/Applicant: Historic Landmark Commission  
Request: DMU to DMU-H  
Staff Rec.: **Recommended**  
Staff: Susan Villarreal, 974-3524, susan.villarreal@ci.austin.tx.us  
Planning and Development Review Department

The motion to postpone to October 13 2009 by the request of the owner; was approved on the Consent Agenda by Commissioner Jay Reddy's motion, Commissioner Dave Anderson second the motion on a vote of 8-0; Commissioner Gerardo Castillo was absent.

- 11. Site Plan - SPC-20089-0052C - Girls School of Austin**  
**Conditional Use Permit:**  
Location: 2007 McCall Road, Johnson Creek Watershed, West Austin  
Neighborhood Group NPA  
Owner/Applicant: Girls School of Austin (Lisa Schmitt)  
Request: Approval of a Conditional Use Permit for a Private Primary/Secondary Educational Facility (Pre-K through 8th grade school) with a waiver to 25-2-1067 to allow parking within 12 ft. of property zoned or used as Single Family.  
Staff Rec.: **Recommended with conditions**  
Staff: Sue Welch, 974-3294, sue.welch@ci.austin.tx.us  
Planning and Development Review

The motion to postpone to September 22, 2009 by the request of neighborhood; was approved on the Consent Agenda by Commissioner Jay Reddy's motion, Commissioner Dave Anderson second the motion on a vote of 8-0; Commissioner Gerardo Castillo was absent.

- 12. Site Plan Extension:** **SP-05-1125C(XT2) - Affordable Portables**  
Location: 10500 N. IH 35 Svc. Rd, SB, Walnut Creek Watershed, North Lamar NPA  
Owner/Applicant: Affordable Portables (Max Anderson)  
Agent: Max Anderson  
Request: Extension until to a previously approved site plan until March 17, 2010.  
Staff Rec.: **Recommended**  
Staff: Sue Welch, 974-3294, sue.welch@ci.austin.tx.us  
Planning and Development Review

The motion to approve staff's recommendation for an extension to a previously approved site plan; was approved on the Consent Agenda by Commissioner Jay Reddy's motion, Commissioner Dave Anderson second the motion on a vote of 8-0; Commissioner Gerardo Castillo was absent.

- 13. Site Plan Appeal of an Administrative Decision for a One-Year Site Plan Extension:** **SP-05-1575(XT) - The Shore**  
Location: 603 Davis St, Waller Creek Watershed, Downtown NPA  
Owner/Applicant: High Street Rainey LP (Patrick Jeffers)  
Agent: Bury & Partners, Inc (Alastair Jenkin)  
Request: Interested Party Marco Schneider is appealing the responsible director's decision under Section 25-5-62  
Staff Rec.: **Pulled**  
Staff: Sarah Graham, 974-2826, sarah.graham@ci.austin.tx.us  
Shandrian Jarvis, 974-2628, shandrian.jarvis@ci.austin.tx.us  
Planning and Development Review

The item was pulled with no action required by the Commission.

- 14. Partial Plat Vacation:** **C8-93-0211.0A(VAC) - Resubdivision of FBW Subdivision**  
Location: 6400 Manchaca Road, Williamson Creek Watershed  
Owner/Applicant: 6414 Urban South, L.P. (Peter Kehle)  
Agent: Prossner & Associates (Kurt Prossner)  
Request: Approval of the partial vacation of the Resubdivision of the FBW Subdivision for Lot 2, only.  
Staff Rec.: **Recommended**  
Staff: Sylvia Limon, 974-2767, sylvia.limon@ci.austin.tx.us  
Planning and Development Review Department

The motion to approve staff's recommendation for approval of the partial vacation of the Resubdivision of the FBW Subdivision; was approved on the Consent Agenda by Commissioner Jay Reddy's motion, Commissioner Dave Anderson second the motion on a vote of 8-0; Commissioner Gerardo Castillo was absent.

**15. Replat:** **C8-2009-0073.0A - Replat of Lot 2, Block A of the Resubdivision of the FBW Subdivision**  
Location: 6400 Manchaca Road, Williamson Creek Watershed  
Owner/Applicant: 6414 Urban South, L.P. (Peter Kehle)  
Agent: Prossner & Associates (Kurt Prossner)  
Request: Approval of the replat of Lot 2, Block A, Resubdivision of the FBW Subdivision consisting of a 6.35 acre lot zoned GR-MU-V-CO.  
Staff Rec.: **Recommended**  
Staff: Sylvia Limon, 974-2767, sylvia.limon@ci.austin.tx.us  
Planning and Development Review Department

The motion to approve staff's recommendation for approval of the replat of Lot 2, Block A, Resubdivision of the FBW Subdivision; was approved on the Consent Agenda by Commissioner Jay Reddy's motion, Commissioner Dave Anderson second the motion on a vote of 8-0; Commissioner Gerardo Castillo was absent.

**16. Resubdivision:** **C8-2009-0013.0A - Resubdivision of Lot 15 And A Portion of Lots 14 And 16, Harper's Resubdivision of Blocks 5, 6, 7 And 8 Ward Addition**  
Location: 305 E. 38th Street, Waller Creek Watershed, North University NPA  
Owner/Applicant: David Rodewald  
Agent: Mike McHone  
Request: Approval of the resubdivision of one lot and portions of 2 other lots into 2 lots comprised of 0.321 acres.  
Staff Rec.: **Recommended**  
Staff: Sylvia Limon, 975-2767, sylvia.limon@ci.austin.tx.us  
Planning and Development Review Department

The motion to approve staff's recommendation for approval of the re-subdivision of one lot and portions of 2 other lots; was approved on the Consent Agenda by Commissioner Jay Reddy's motion, Commissioner Dave Anderson second the motion on a vote of 8-0; Commissioner Gerardo Castillo was absent.

**17. Resubdivision:** **C8-2009-0088.0A - Resubdivision of Lot 1, Block "E", Amended Plat of Lot 3, Block "D", Mueller Sec III Subdivision & Lot 1, Block "E", Mueller Sec XII Subdivision**  
Location: Barbara Jordan Blvd., Tannehill Branch/Boggy Creek Watershed, RMMA NPA  
Owner/Applicant: Catellus Austin, LLC (Leopoldo Lopez)  
Agent: Bury & Partners (Chris Randazzo)  
Request: Approval of the resubdivision of one lot into three lots comprised of 22.537 acres.  
Staff Rec.: **Disapproval**  
Staff: Planning and Devedlopment Review Department



**18. Final Plat:** **C8-2009-0092.0A - Live Oak Grove Addition; Resub of lot 1 blk A; Resub of a portion lot 2**  
 Location: 301 Cumberland Rd, E Bouldin Creek Watershed, Dawson NPA  
 Owner/Applicant: Lisa Ramnarian  
 Agent: Hector Avila  
 Request: Approval of the Live Oak Grove Addition; Resub of lot 1 blk A; Resub of a portion lot 2 composed of 2 lots on 0.268 acres  
 Staff Rec.: **Disapproval**  
 Staff: Planning and Development Review

Items #17-18;

The motion to disapprove items #17 & 18; was approved on the Consent Agenda by Commissioner Jay Reddy's motion, Commissioner Dave Anderson second the motion on a vote of 8-0; Commissioner Gerardo Castillo was absent.

#### **D. NEW BUSINESS**

**1. New Business:** **Election of Officers**  
 Request: Discussion and Action on electing Officers for the Planning Commission.

Chair - Dave Sullivan  
 Vice-Chair – Mandy Dealey  
 Paliammentarian – Danette Chimenti  
 Secretary – Jay Reddy

**2. New Business:**  
 Request: Discussion and Action on initiating work to amend the Land Development Code regarding placement and design of telecommunication towers and associated ground equipment.

The motion to direct staff to initiate work to amend the LDC regarding placement and design of telecommunication towers; was approved on the Consent Agenda by Commissioner Jay Reddy's motion, Commissioner Dave Anderson second the motion on a vote of 8-0; Commissioner Gerardo Castillo was absent.

**3. New Business:**

Request: Discussion and Action on initiating work to amend the Land Development Code regarding Subchapter E (Commercial Design Standards).

The motion to direct staff to initiate work to amend the LDC regarding Subchapter E; was approved on the Consent Agenda by Commissioner Jay Reddy's motion, Commissioner Dave Anderson second the motion on a vote of 8-0; Commissioner Gerardo Castillo was absent.

**E. SUBCOMMITTEE REPORTS**

Email 5<sup>th</sup> Tuesday topics to Carol Haywood.

**F. ADJOURNMENT**

**Commissioner Dave Sullivan adjourned the meeting without objection at 9:50 p.m.**