

MINUTES
AUSTIN CITY PLANNING COMMISSION
TUESDAY, JUNE 14, 2005
5:30 P.M.
AUSTIN CITY COUNCIL CHAMBERS

MEMBERS PRESENT: Suzanne McCarthy, Lynn Spainhower, Sue Grove, Brian D Johnson, Gordon Kuehne, Elizabeth Bankes and Glen Mair

MEMBERS ABSENT: Rich Bergstrom and Janet Anderson

OTHERS PRESENT: Craig Hoium, Council Member Dick Pacholl, public and media

The meeting was called to order by Commission Member Brian D. Johnson at 5:33 P.M.

Commission Member Kuehne made a motion to approve the May 10, 2005 minutes, seconded by Commission Member Mair. Motion passed unanimously.

OPEN PUBLIC HEARING: To consider a request from Sarah B. Eitelbach, 1000 2nd Avenue, #3500, Seattle, WA, for a conditional use permit to allow for a proposed twin home development to be constructed in the 2500 block of 10th Ave SW. This action is pursuant to Austin City Code Section 11.30, Subd.3(F)

Craig Hoium reviewed the request.

Commission Member Spainhower asked the square footage of the upper floor.

Mr. Hoium reviewed square footage of all areas: garage, 598 sq.ft., main floor 1289 sq.ft and upper floor 621 sq.ft. with two bedrooms. He went on to say that mailings had gone out to homeowners in the area with quite a few responding. There are citizens here to speak tonight.

Jim Rodney, Elkton, MN, I would like to build this twin home along with my wife, father-in-law and mother-in-law. We have not done a landscape plan yet but intend to do a nice plan.

Mark Jenkins, 2503 10th Ave SW, I have a lot of questions. I didn't realize you could change from a "R-1" district to a "R-2" district. Some of my concerns are whether this could become a rental property, could it depreciate my property value plus this property sits in a very low area. Where will the water that sits on this property go. I have no problems with neighbors but I thought it would be a single-family dwelling.

Commissioner Member Johnson said we are not rezoning this property to an “R-2” but as a conditional use permit in an “R-1” district. And I assume it could be a rental property at some point.

Mr. Hoium said this area is of a rural design with no curb and gutter. There is specific criteria that has to be met for drainage and elevations. A culvert would have to be put in like all the other residents.

Dave Scherer, 2422 9th Ave SW, my concern is that in the future this twinhome will set precedence in the area where there are more empty lots.

Commission Member Kuehne pointed out that about 500 feet to the south is a whole mess of twin homes.

Mr. Scherer said he thinks they are far enough away from his property.

Commission Member Kuehne said he doesn’t think the twinhomes in that area is affecting property values in the area.

Mr. Scherer also wondered if they could put up four homes on that lot size.

Mr. Hoium said if you had an acre of land, you would have to have a minimum lot frontage of sixty feet for each parcel. Within that acre of land you might be required to extend public right of way for that. You would have to plat the land for that and that would require a minimum of three public hearings.

Commission Member McCarthy said in response to the rental property that any house could become a rental property. Single-Family dwellings get rented out frequently all over town. Someone could build a new house and rent out their old one at any time.

Mr. Hoium said industrial is the only zoning district that prohibits residential land-use, it doesn’t matter if it is owner occupied or rented.

Commission Member Spainhower stated that this district is not being rezoned, it will remain an “R-1” district.

Commission Member Bankes asked if the buildings have to be raised up how does that affect the ditches with no curb and gutter.

Mr. Hoium said the drainage plan would have to go to the ditch line adjacent to 10th Avenue SW. This is more of a civil action that you cannot adversely effect adjacent properties with your site drainage.

Doug Myers, 2501 10th Ave SW, he built his home years ago when there was still 80 acres of corn and soybeans next door. This neighborhood has been all large lot single-family homes and we like it that way. Sarah Eitelbach is the property owner, is she the developer?

Commission Member Johnson said the permit has to go to the land owner.

Mr. Hoium said when any kind of petition is filed for, at a minimum there has to be a signature on the application from the current land owner. When a conditional use permit is issued that permit is not issued to the occupant or developer it is a recorded document that goes with that parcel of land. If the developer were to sell that property after it is developed the permit stays with the property.

Mr. Myers asked if this is a development.

Mr. Hoium said this is a conditional land use for an “R-1” district. You could call it a development you want.

Mr. Myers asked if Mr. Rodney is the developer. He was concerned about issuing a conditional use permit that doesn’t belong to the owner.

Mr. Hoium said if the Planning Commission approves this request it is not who is going to occupy the property but the plans that have submitted. The project has to be completed according to that plan. If they want to change anything on the plan they would have to come back to amend that permit.

Commission Member Johnson said the permit runs with the property not the person.

Commission Member Kuehne said this is more restrictive.

Mr. Myers said you are going to sell a permit to a lady who is going to sell the land.

Commission Member Spainhower said we do not know that.

Mr. Myers said that is my point of do you really know what is going in there and if you didn’t know would you issue the permit. She hasn’t submitted any plans.

Commission Member Johnson said we have plans. This plan becomes part of the application and that is what we are approving. As Mr. Hoium said if they wanted to change that land use at all they would have to ask for an amendment. Whether it is the land owner or her successor that uses the property that isn’t part of the conditional use permit.

Mr. Myers said the land owner is selling the land and would you give a permit to a land owner that has bare land.

Commission Member Kuehne said it is a mute point because 500 feet away you have about fourteen twin homes.

Mr. Myers said that doesn’t have anything to do with it and they are a long way from us. 9th and 10th Avenue has all single-family homes all the way around.

Commission Member Johnson said the permit says the petitioner and mother and father-in-law will reside there. We cannot say who can own the property or who can use it, we are talking about the land-use.

Mr. Hoium said when an application is made if a petitioner wants to co-sign a land-use or any type of zoning request they can. Legally at a minimum the current property owner has to sign that petition. If there is a concern about how this land is going to be developed and the Planning Commission should choose to approve this request that motion could state that the site shall be developed in accordance to exhibit A & B identified in your material.

Commission Member Johnson asked if the co-petitioner is Mr. Rodney.

Mr. Hoium said it could be, it is a mute point.

Judy Myers, 2501 10th Ave SW, my question is about the utility lines that run on that property. Trucks drive on that empty lot when they need to do repairs and I want to know how the lines would be accessed if a home was built there.

Mr. Hoium said he assumes that if there is a power line pole, generally adjacent to them there would be fifteen foot easements and the easement is usually split on each side of the line. I don't know if they would change that if this were approved.

Arden King, 2419 9th Ave SW, I have concerns with the drainage problems. A lot of homes in the area have water in their basements. This piece of property is like a holding pond. If the land is elevated the people that are east and south will be probably be affected. Also the easement, does that make the lot narrower and what is the width of that lot.

Mr. Hoium said the front of the lot is over 200 feet. If you were to have a 7 ½ foot easement on each side of that power line you could build up to that 7 ½ foot line. That would actually increase the minimum setback by 2 ½ feet. If the Planning Commission approves this they can place a condition that a certified survey be done that would show the site drainage, that could be reviewed by the City Engineer for his approval.

Commission Member McCarthy asked if this would be an issue if it was a single-family home being developed.

Mr. Jenkins said probably because of drainage.

Commission Member McCarthy asked if the land owner lives in Washington but Mr. Rodney is the one who will be building.

Mr. Hoium said to proceed is they would have to go through a minor subdivision and with that they would be required to have a consulting engineer do a certified survey and their would have to be legal descriptions drafted for each parcel which has to go to the City Council for approval.

Commission Member asked for a motion.

Mr. Hoium said the survey for the lot split has to be done. A condition you might want to consider would be to include a site drainage plan that would show the footprint of the structure and identify the drainage.

Commission Member Spainhower said wouldn't that be done at the time of the approval process with subdevelopment so they know before they start building if that is going to be a problem.

Commission Member Grove made a motion to deny the conditional use permit as it does not fit the area and the drainage issues, seconded by Commission Member McCarthy. Motion passed with five ayes and two nays which were Commission Member Kuehne and Mair.

OPEN PUBLIC HEARING: To consider a request from the Austin Medical Center, 1000 1st Drive NW, for a variance to be issued pursuant to Austin City Code Section 11.31 Subd.5.A from the maximum 40% lot coverage for properties located in an "R-2" Multi-Family Residence District. The petitioner is proposing two separate building additions and a 71 stall off-street parking addition.

Mr. Hoium reviewed both the variance and conditional use permit for the Austin Medical Center. In your back-up material there was a plan to make a request for tree mitigation with a tree preservation ordinance and they are not going to proceed with that. The project will be in compliance with that ordinance.

Steve Gollehon, Austin Medical Center, we will be addressing the site lighting for the parking lots there is a code minimum. On the parking lot nearest to the four story addition there are enough existing lights that will be relocated. We will be adding lights to the approximate 97 stall parking lot addition.

Mr. Hoium asked if the lighting fixtures are the type that direct the light downwards.

Mr. Gollehon said the lights are a basic shoe box design which do direct light down. One issue we will have to work through is that the lights are fairly close to the helipad and we will have to meet certain standards.

Rod Nording, AMC, said in the new area the fixtures will be lower and light will go downwards. From an appearance standpoint we do not want to go backwards.

Commission Member Kuehne asked if this was separate or joint.

Commission Member Johnson said separate, first on the agenda is the conditional use and then the variance.

Commission Member Mair asked if the lot coverage was 69%.

Mr. Hoium said yes.

Commission Member Mair made a motion to recommend approval since it is in keeping with the spirit and intent with the added condition from the staff, seconded by Commission Member Grove. Motion passed unanimously.

OPEN PUBLIC HEARING: To consider a request from the Austin Medical Center, 1000 1st Drive NW for a conditional use permit amendment pursuant to Austin City Code Section 11.31, Subd.3.A. This requested action relates to the proposed building additions to the AMC Hospital building and Integration building.

Mr. Hoium said before this was voted on to see if any public would like to speak.

Commission Member Johnson asked if anyone would like to comment.

Mr. Hoium said the second sentence in number three of the staff report needs to be omitted.

Commission Member Kuehne made a motion to grant the conditional use permit with four staff conditions which include the following: 1) Off-street parking areas to be in compliance and verified with Section 11.70 of City Code. 2) Traffic flow direction must meet the approval of City Engineering and Planning Departments, along with fire lane requirements of Austin Fire Department. 3) Landscape plan to meet the approval of the Austin City Planning Department. 4) All signage for facility to be in compliance to City Code Section 4.50, seconded by Commission Member Bankes. Motion passed unanimously.

ADJOURN:

Commission Member Kuehne made a motion to adjourn the Planning Commission Meeting at 6:41 P.M., seconded by Commission Member Grove. Motion passed unanimously.