



**REGULAR MEETING
MINUTES**

**PLANNING COMMISSION
July 28, 2015**

The Planning Commission convened in a regular meeting on July 28, 2015 @ 301 W.2nd Street, Austin, TX 78701

Chair Stephen Oliver called the Commission Meeting to order at 6:02 p.m.

Commission Members in Attendance:

**Fayez Kazi
Tom Nuckols
Stephen Oliver
James Schissler
Patricia Seeger
James Shieh
Jean Stevens
Jeffrey Thompson
Trinity White
Nuria Zaragoza**

Howard Lazarus – Ex-Officio

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

Daniel Llanes – Moratorium on East Cesar Chavez Corridor
Susana Almanza – Moratorium on East Cesar Chavez Corridor
Gavino Fernandez – Moratorium on East Cesar Chavez Corridor
Liz Link – Moratorium on East Cesar Chavez Corridor

B. APPROVAL OF MINUTES

- 1. Approval of minutes from July 14, 2015.

The motion to approve the minutes from July 14, 2015 was approved on the consent agenda by Commissioner James Schissler, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Commissioners Jose Vela and Michael Wilson were absent.

C. PUBLIC HEARINGS

- 1. **Discussion and Possible Action to Rescind Action taken on a Restrictive Covenant**

C14-86-103(RCT) - Greater Mt. Zion Baptist Church; District 1

Termination case:

Location: 1801 Pennsylvania Avenue, Lady Bird Lake Watershed, Central East Austin NPA
Owner/Applicant: Greater Mt. Zion Baptist Church (David Mims Jr.)
Agent: Henry H. Gilmore
Request: Discussion and possible action to rescind action taken on June 23, 2015, regarding case # C14-86-103(RCT) – Greater Mount Zion Baptist Church, located at 1801 Pennsylvania Avenue.
Staff: Heather Chaffin, 512-974-2122, Heather.Chaffin@austintexas.gov; Planning and Zoning Department

Public hearing closed.

Motion made to rescind action was made by Commissioner Tom Nuckols, Commissioner Patricia Seeger seconded the motion on a vote of 9-1; Commissioner James Schissler voted against the motion; Commissioners Jose Vela and Michael Wilson were absent.

2. Restrictive Covenant Termination: C14-86-103(RCT) - Greater Mt. Zion Baptist Church; District 1

Location: 1801 Pennsylvania Avenue, Lady Bird Lake Watershed, Central East Austin NPA
Owner/Applicant: Greater Mt. Zion Baptist Church (David Mims Jr.)
Agent: Henry H. Gilmore
Request: To terminate a Restrictive Covenant
Staff Rec.: **Recommended**
Staff: Heather Chaffin, 512-974-2122, heather.chaffin@austintexas.gov; Planning and Zoning Department

Public hearing closed.

1st motion: The motion to terminate the restrictive covenant was made by Commissioner James Schissler, Commissioner Tom Nuckols seconded the motion on a vote of 3-7; MOTION FAILED.

2nd motion: The motion to deny terminating the restrictive covenant and keep it in place was made by Commissioner Nuria Zaragoza, Commissioner James Shieh seconded the motion on a vote of 7-3; Commissioners Tom Nuckols, Stephen Oliver and James Schissler voted against the motion (nay); Commissioners Michael Wilson and Jose Vela were absent.

3. Plan Amendment: NPA-2015-0027.01 - Parandian NPA; District 10

Location: 1506 West 34th Street, Shoal Creek Watershed, Central West Austin Combined NPA
Owner/Applicant: Farshid and Jennifer Paradian
Agent: Sneed, Vine & Perry, P.C. (Robert Kleeman)
Request: Single Family to Neighborhood Mixed Use
Staff Rec.: **Recommendation of Mixed Use/Office; Postponement request to September 8, 2015 by applicant.**
Staff: Maureen Meredith, 512-974-2695, maureen.meredith@austintexas.gov; Planning and Zoning Department

The motion to postpone to September 8, 2015 by request of the applicant was approved on the consent agenda by Commissioner James Schissler, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Commissioners Jose Vela and Michael Wilson were absent.

- 4. Rezoning: C14-2015-0023 - Parandian Rezoning; District 10**
Location: 1506 West 34th Street, Shoal Creek Watershed, Central West Austin
Combined NPA
Owner/Applicant: Farshid and Jennifer Paradian
Agent: Sneed, Vine & Perry, P.C. (Robert Kleeman)
Request: SF-3-NP to LO-MU-NP
Staff Rec.: **Recommended; Postponement request to September 8, 2015 by applicant.**
Staff: Tori Haase, 512-974-7691, Tori.Haase@austintexas.gov;
Planning and Zoning Department

The motion to postpone to September 8, 2015 by request of the applicant was approved on the consent agenda by Commissioner James Schissler, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Commissioners Jose Vela and Michael Wilson were absent.

- 5. Plan Amendment: NPA-2015-0016.01 - Shady Lane Mixed Use; District 3**
Location: 500 Shady Lane, Boggy Creek Watershed, Govalle/Johnston Terrace
Combined NPA
Owner/Applicant: 600 Shady Lane, Ltd. (Jimmy J. Nassour)
Agent: Alice Glasco Consulting (Alice Glasco)
Request: Industry to Mixed Use
Staff Rec.: **Recommended**
Staff: Maureen Meredith, 512-974-2695, maureen.meredith@austintexas.gov;
Planning and Zoning Department

The motion to postpone to September 11, 2015 by request of staff was approved on the consent agenda by Commissioner James Schissler, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Commissioners Jose Vela and Michael Wilson were absent.

- 6. Rezoning: C14-2015-0043 - Shady Lane Mixed Use; District 3**
Location: 500 Shady Lane, Boggy Creek Watershed, Govalle/Johnston Terrace
Combined NPA
Owner/Applicant: 600 Shady Lane, Ltd. (Jimmy J. Nassour)
Agent: Alice Glasco Consulting (Alice Glasco)
Request: LI-CO-NP to CS-MU-V-NP
Staff Rec.: **Recommendation of CS-MU-V-CO-NP**
Staff: Heather Chaffin, 512-974-2122, Heather.Chaffin@austintexas.gov;
Planning and Zoning Department

The motion to postpone to September 11, 2015 by request of staff was approved on the consent agenda by Commissioner James Schissler, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Commissioners Jose Vela and Michael Wilson were absent.

- 7. Rezoning: C14H-2015-0053 - Harrell-Perkins House; District 9**
 Location: 113 W. 33rd Street, Waller Creek Watershed, North University NPA
 Owner/Applicant: Abby and Brandon Tucker
 Request: SF-3-NP to SF-3-H-NP
 Staff Rec.: **Recommended**
 Staff: Steve Sadowsky, 512-974-6454, steve.sadowsky@austintexas.gov;
 Planning and Zoning Department

Public hearing closed.

The motion to approve SF-3-H-NP zoning was made by Commissioner Jean Stevens, Commissioner Trinity White seconded the motion on a vote of 9-1; Commissioner Patricia Seeger voted against the motion (nay); Commissioners Michael Wilson and Jose Vela were absent.

- 8. Restrictive Covenant Amendment: C14-04-0004.002(RCA) - Midtown Commons; District 7**
 Location: 7010-7020, 7200 Easy Wind Drive; 810 W St. Johns Avenue, Waller Creek Watershed, Crestview NPA
 Owner/Applicant: Midtown Commons Office Center, LLC, Midtown Commons I Apartment Community, LLC, Midtown Commons II Apartment Community (Greg Merage)
 Agent: Kane Russell Coleman & Logan PC (Raymond J. Kane)
 Request: To terminate a 2004 public restrictive covenant as it applies to this property.
 Staff Rec.: **Recommended**
 Staff: Tori Haase, 512-974-7691, Tori.Haase@austintexas.gov;
 Planning and Zoning Department

Public hearing closed.

The motion to approve staff's recommendation to terminate a restrictive covenant amendment was approved on consent by Commissioner James Schissler, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Commissioners Michael Wilson and Jose Vela were absent.

- 9. Zoning: C814-2012-0152 - Pilot Knob Planned Unit Development; District 2**
 Location: East and southeast of the intersection of William Cannon Drive and McKinney Falls Parkway, and west of South U.S. Highway 183 and FM 1625, Cottonmouth Creek, North Fork Dry Creek, South Fork Dry Creek Watershed, Pilot Knob MUD No. 1-5 NPA
 Owner/Applicant: Carma Easton, Inc. (Logan Kimble)
 Agent: Armbrust & Brown, L.L.P. (Lynn Ann Carley)
 Request: I-RR; I-SF-4A to PUD
 Staff Rec.: **Pending; Postponement request by the Staff to August 25, 2015**
 Staff: Wendy Rhoades, 512-974-7719, wendy.rhoades@austintexas.gov;
 Planning and Zoning Department

The motion to postpone to September 8, 2015 by request of staff was approved on the consent agenda by Commissioner James Schissler, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Commissioners Jose Vela and Michael Wilson were absent.

- 10. Rezoning: C14-2015-0001 - Marlo Heights Rezoning; District 1**
 Location: 4905, 5001, and 5003 Pecan Springs Road, Fort Branch Creek Watershed, East MLK Combined NPA
 Owner/Applicant: Christopher Chollet and Carianne Shulte, Luke and Peni Ellis, Stephen Reynolds
 Agent: Garrett-Ihnen Civil Engineers (Steve Ihnen)
 Request: SF-3-NP to MF-2-NP
 Staff Rec.: **Staff recommendation for Tract 1: MF-2-CO-NP and Tract 2: SF-6-CO-NP; Postponement request by Neighborhood to August 25, 2015**
 Staff: Heather Chaffin, 512-974-2122, heather.chaffin@austintexas.gov; Planning and Zoning Department

The motion to postpone to August 25, 2015 by request of the applicant was approved on the consent agenda by Commissioner James Schissler, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Commissioners Jose Vela and Michael Wilson were absent.

- 11. Rezoning: C14-2015-0050 - Sunrise Pharmacy; District 4**
 Location: 7104, 7106, and 7108 Bennett Avenue, Buttermilk Creek Watershed, St. John / Coronado Hills Combined NPA
 Owner/Applicant: 11800 Metric Inc. (Abdul Patel)
 Agent: Land Answers, Inc. (Jim Wittliff)
 Request: SF-3-NP to LR-CO-MU-NP
 Staff Rec.: **Not Recommended; Postponement request by Staff to August 11, 2015**
 Staff: Heather Chaffin, 512-974-2122, heather.chaffin@austintexas.gov; Planning and Zoning Department

The motion to postpone to August 11, 2015 by request of staff was approved on the consent agenda by Commissioner James Schissler, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Commissioners Jose Vela and Michael Wilson were absent.

- 12. Rezoning: C14-2015-0063 - Capella Storage; District 3**
 Location: 2525 South IH-35 Service Road Northbound, Country Club Watershed, East Riverside/Oltorf Combined (Parker Lane) NPA
 Owner/Applicant: Mohan Patel/Super Success
 Agent: Don Pool
 Request: GR-NP to CS-NP
 Staff Rec.: **Recommendation of CS-CO-NP**
 Staff: Andrew Moore, 512-974-7604, andrew.moore@austintexas.gov; Planning and Zoning Department

Public hearing closed.

The motion to approve staff's recommendation with added conditions to prohibit adult oriented businesses, pawnshops and bail bond services was approved by Commissioner Patricia Seeger, Commissioner James Schissler seconded the motion on a vote of 10-0; Commissioners Jose Vela and Michael Wilson were absent.

- 13. Site Plan - Waiver Only: SP-2014-0281C - 1713 Bluebonnet; District 5**
- Location: 1713 Bluebonnet Lane, West Bouldin Creek Watershed, Zilker NPA
 Owner/Applicant: 1713 BB, LLC (Dan Foster)
 Agent: KBGE (Chad Kimbell)
 Request: Request a waiver from a 15-foot, to an approximately 5-foot compatibility setback for a detention pond, Section 25-2-1062(B).
- Staff Rec.: **Recommended**
 Staff: Christine Barton-Holmes, 512-874-2788, christine.barton-holmes@austintexas.gov;
 Development Services Department

The motion to postpone to August 25, 2015 by request of the applicant was approved on the consent agenda by Commissioner James Schissler, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Commissioners Jose Vela and Michael Wilson were absent.

- 14. Total Plat Vacation: C8s-72-77(VAC) - Earl and Lena Podolnick Subdivision; District 5**
- Location: Elmont Drive and Pleasant Valley Road, Lady Bird Lake Watershed, East Riverside/Oltorf Combined NPA
 Owner/Applicant: 1500 SPV LLC
 Agent: Big Red Dog Engineering/Consulting
 Request: Approval of the total Vacation of the Earl and Lena Podolnick Subdivision containing one lot.
- Staff Rec.: **Recommended**
 Staff: Don Perryman, 512-974-2786, don.perryman@austintexas.gov;
 Development Services Department

Public hearing closed.

The motion to approve staff's recommendation for approval of Earl and Lena Podolnick Subdivision was approved on consent by Commissioner James Schissler, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Commissioners Michael Wilson and Jose Vela were absent.

- 15. Final Plat: C8-2015-0144.0A - East End Partners Subdivision**
- Location: 501 Cater Drive, Lady Bird Lake Watershed, Zilker NPA
 Owner/Applicant: Long Real Estate Holdings, LLC (Paul Long)
 Agent: Land Answers, Inc. (Jim Wittliff)
 Request: Approval of East End Partners Subdivision composed of 2 lots on 0.9785 acres.
- Staff Rec.: **Disapproval**
 Staff: Development Services Department

- 16. Final Plat:** **C8-2015-0147.0A - Kuehne B; Outlot 7 Division C Survey**
 Location: 3304 Liberty Street, Waller Creek Watershed, North University NPA
 Owner/Applicant: Nigel A. Leifeste
 Agent: Perales Engineering (Jerry Perales)
 Request: Approval of the Kuehne B; Outlot 7 Division C Survey composed of 2 lots on 0.3152 acres.
 Staff Rec.: **Disapproval**
 Staff: Development Services Department
- 17. Final Plat:** **C8-2015-0148.0A - Travis Heights; Resubdivision of Lot 1 Block 19; District 9**
 Location: 703 East Live Oak Street, Blunn Creek Watershed, South River City NPA
 Owner/Applicant: Dominic Lougi
 Agent: Hector Avila
 Request: Approval of the Travis Heights; Resubdivision of Lot 1 Block 19 composed of 2 lots on 0.355 acres.
 Staff Rec.: **Disapproval**
 Staff: Development Services Department

Items 15-17;

Public hearing closed.

The motion to disapprove Items #15-17 was approved on the consent agenda by Commissioner James Schissler, Commissioner Patricia Seeger seconded the motion on a vote of 10-0;

- 18. Street Vacation:** **F#9514-1504**
 Request: Vacation of a portion of an unconstructed alley between East 4th Street and East 5th Street, immediately west of Rober T. Martinez Jr. Street.
Recommended
 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 between East 4th Street and East 5th Street was approved on consent by Commissioner James Schissler, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Commissioners Jose Vela and Michael Wilson were absent.

19. Briefing and Possible Action:

- Request: Briefing from City Legal on A.I.S.D representative serving on Planning Commission as an ex-officio member.

Deborah Thomas briefed the Commission, stating that Council is working on an ordinance regarding ex-officio members on boards and commissions.

Commission will wait until after the ordinance is final from City Council to take up this topic again in the future.

D. NEW BUSINESS

- 1. New Business: Greater Mt. Zion Baptist Church; District 1**
 - Location: 1801 Pennsylvania Avenue, Lady Bird Lake Watershed, Central East Austin NPA
 - Request: Discussion and possible initiation of rezoning for property located at 1801 Pennsylvania Avenue. Request made by Commissioners Jean Stevens and Nuria Zaragosa.

The motion to postpone to September 8, 2015 by request of Planning Commission was approved by Commissioner Patricia Seeger, Commissioner Tom Nuckols seconded the motion on a vote of 10-0; Commissioners Jose Vela and Michael Wilson were absent.

- 2. New Business: Greater Mt. Zion Baptist Church; District 1**
 - Location: 1801 Pennsylvania Avenue, Lady Bird Lake Watershed, Central East Austin NPA
 - Request: Discussion and possible initiation of a neighborhood plan amendment for property located at 1801 Pennsylvania Avenue. Request made by Staff.

The motion to postpone to September 8, 2015 by request of Planning Commission was approved by Commissioner Patricia Seeger, Commissioner Tom Nuckols seconded the motion on a vote of 10-0; Commissioners Jose Vela and Michael Wilson were absent.

- 3. New Business:**
 - Request: Discussion and possible action on creating a working group to initiate corridor planning for Cameron Road and Rundberg Lane, between IH-35 and U.S Highway 183, as identified in Imagine Austin.

The motion to create a working group was made by Commissioner Nuria Zaragoza, Commissioner Jeffrey Thompson seconded the motion on a vote of 10-0; Commissioners Jose Vela and Michael Wilson were absent.

Working Group members:
Commissioners Trinity White, Jeffrey Thompson, James Shieh, Nuria Zaragoza and Howard Lazarus

Note: Working Groups do not need to be posted, cannot be a quorum of the Commission, and will not be staffed by a city employee

4. New Business:

Request: Discussion and possible action on appointing Commissioners to the Economic and Capital Budget Joint Committee, the Small Area Planning Joint Committee, and the Joint Sustainability Committee.

The motion to postpone to August 11, 2015 by request of Planning Commission was made by Commissioner Nuria Zaragoza, Commissioner James Schissler seconded the motion on a vote of 10-0; Commissioners Michael Wilson and Jose Vela were absent.

5. New Business:

Request: Discussion and possible action on appointing Commissioners to the following Committees of Planning Commission: Executive Committee, Committee on Comprehensive Planning, Committee on Capital Improvements Program, Committee on Codes and Ordinances, and Committee on Neighborhood Planning.

The motion to postpone nominations for Executive Committee, Committee on Comprehensive Plan, Capital Improvements Program and Neighborhood Plan Committee to August 11, 2015 was made by request of Planning Commission; Motion was made by Commissioner Nuria Zaragoza, Commissioner James Schissler seconded the motion on a vote of 10-0; Commissioners Michael Wilson and Jose Vela were absent.

Nominations were made for the Codes & Ordinances Committee with the following members:
Commissioner Patricia Seeger
Commissioner James Schissler
Commissioner Jean Stevens
Commissioner Trinity White
Commissioner Fayez Kazi

6. New Business:

Request: Discussion and possible action on appointing a Planning Commission member to Downtown Commission.

The motion to postpone to August 11, 2015 by request of Planning Commission was made by Commissioner Nuria Zaragoza, Commissioner James Schissler seconded the motion on a vote of 10-0; Commissioners Michael Wilson and Jose Vela were absent.

7. New Business:

Request: Discussion and possible action on amending the Planning Commission bylaws.

The motion to postpone to August 11, 2015 by request of Planning Commission was made by Commissioner Nuria Zaragoza, Commissioner James Schissler seconded the motion on a vote of 10-0; Commissioners Michael Wilson and Jose Vela were absent.

8. New Business:

Request: Discussion and possible action on amending the Planning Commission Rules and Procedures.

The motion to postpone to August 11, 2015 by request of Planning Commission was made by Commissioner Nuria Zaragoza, Commissioner James Schissler seconded the motion on a vote of 10-0; Commissioners Michael Wilson and Jose Vela were absent.

E. SUBCOMMITTEE REPORTS

Items from Commission

Post on next agenda: Request by Commissioners Nuria Zaragoza and Trinity White – Post an item for discussion and possible action on the East Cesar Chavez Corridor

Post and item on the process of neighborhood plan amendments addressing infill tools that were adopted during the neighborhood planning process.

F. ADJOURN

Chair Stephen Oliver adjourned the meeting without objection at 10:23 P.M.