



**REGULAR MEETING
MINUTES**

**PLANNING COMMISSION
August 25, 2015**

**The Planning Commission convened in a regular meeting on August 25, 2015 @ 301 W.2nd Street,
Austin, TX 78701**

Chair Stephen Oliver called the Commission Meeting to order at 6:05 p.m.

Commission Members in Attendance:

Stephen Oliver - Chair

Fayez Kazi

Tom Nuckols

James Schissler

Patricia Seeger

James Shieh

Jeffrey Thompson

Jose Vela

Trinity White

Michael Wilson

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

Bryan King – Demolition Process & Permits – Notification for Hazardous Materials during demolitions, PUD Ordinance needs review, Audit PUD's

B. APPROVAL OF MINUTES

- 1. Approval of minutes from August 11, 2015.

The motion to postpone to September 8, 2015 by request of staff was approved on consent by Commissioner James Schissler, Commissioner Nuria Zaragoza seconded the motion on a vote of 11-0; Commissioner Jean Stevens was absent.

C. PUBLIC HEARINGS

1. Plan Amendment: NPA-2015-0017.01 - Korean United Presbyterian Church FLUM Amendment; District 10

Location: 2000 Justin Lane, Shoal Creek Watershed, Crestview/Wooten Combined NPA
Owner/Applicant: Korean United Presbyterian Church (Roy. M. Kim)
Agent: Thrower Design (Ron Thrower)
Request: Civic to Multifamily
Staff Rec.: **Recommended**
Staff: Maureen Meredith, 512-974-2695, maureen.meredith@austintexas.gov; Planning and Zoning Department

Public hearing closed.

The motion to approve staff’s recommendation with conditions read into the record by Commissioner James Shieh of:

- 2 story setback, 50’ from Harding;
- Access to Harding with Cullen as optional;
- 24 unit maximum;
- 100% parking on-site;

Motion made by Commissioner Michael Wilson, Commissioner Jose Vela seconded the motion on a vote of 9-2; Commissioners Patricia Seeger and Nuria Zaragoza voted against the motion (nay), Commissioner Jean Stevens was absent.

- 2. Rezoning: C14-2015-0025 - Korean United Presbyterian Church Re-Zoning; District 10**
- Location: 2000 Justin Lane, Shoal Creek Watershed, Crestview/Wooten Combined NPA
- Owner/Applicant: Korean United Presbyterian Church (Roy. M. Kim)
- Agent: Thrower Design (Ron Thrower)
- Request: SF-3-NP to MF-3-NP
- 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 with conditions read into the record by Commissioner James Shieh of:

- 2 story setback, 50' from Harding;
- Access to Harding with Cullen as optional;
- 24 unit maximum;
- 100% parking on-site;

Motion made by Commissioner Michael Wilson, Commissioner Jose Vela seconded the motion on a vote of 9-2; Commissioners Patricia Seeger and Nuria Zaragoza voted against the motion (nay), Commissioner Jean Stevens was absent.

- 3. 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.: **Not recommended**
- Staff: Maureen Meredith, 512-974-2695, maureen.meredith@austintexas.gov; Planning and Zoning Department

Public hearing closed.

The motion to approve Mixed Use was made by Commissioner James Shieh, Commissioner Jeffrey Thompson seconded the motion on a vote of 8-3; Commissioners Tom Nuckols, Trinity White and Nuria Zaragoza voted against the motion (nay), Commissioner Jean Stevens was absent.

- 4. 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.: **Not recommended**
Staff: Heather Chaffin, 512-974-2122, Heather.Chaffin@austintexas.gov;
Planning and Zoning Department

Public hearing closed.

The motion to approve CS-MU-V-NP zoning with the conditions of:

- 1. Limit to <2000 Vehicle Trips.**
- 2. Prohibit Uses Proposed by Applicant:**
 - a. Campground
 - b. Kennels
 - c. Laundry services
 - d. Pawn shop services
 - e. Residential treatment
 - f. Vehicle storage
 - g. Agricultural sales and services
 - h. Automotive rentals
 - i. Automotive repair services
 - j. Automotive sales
 - k. Automotive washing (of any type)
 - l. Building maintenance services
 - m. Construction sales and services
 - n. Commercial off-street parking
 - o. Equipment sales
 - p. Limited warehousing and distribution
 - q. Residential treatment
 - r. Vehicle storage
 - s. Laundry services
 - t. Equipment repair services
- 3. The following are Prohibited uses:**
 - a. Adult Oriented Businesses
- 4. The following are Conditional uses:**
 - a. ALL residential uses
 - b. Hotel Motel
 - c. Restaurant
 - d. Brewery

Motion was made by Commissioner James Shieh, Commissioner Jeffrey Thompson seconded the motion on a vote of 8-3; Commissioners Tom Nuckols, Trinity White and Nuria Zaragoza voted against the motion (nay), Commissioner Jean Stevens was absent.

- 5. Plan Amendment: NPA-2015-0029.01 - Sunrise Pharmacy; District 4**
 Location: 7104, 7106, & 7108 Bennett Ave., Buttermilk Creek Watershed, St. John/Coronado Hills Combined NPA
 Owner/Applicant: 11800 Metric, Inc. (Abul Patel)
 Agent: Land Answers, Inc. (Jim Wittliff)
 Request: Single Family to Neighborhood Mixed Use
 Staff Rec.: **Not recommended**
 Staff: Maureen Meredith, 512-974-2695, maureen.meredith@austintexas.gov; Planning and Zoning Department

Public hearing closed.

The motion to approve Neighborhood Mixed Use was made by Commissioner Jose Vela, Commissioner Tom Nuckols second the motion on a vote of (9-2) Commissioners James Shieh and Nuria Zaragoza voted against the motion (nay), Commissioner Jean Stevens was absent.

- 6. 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**
 Staff: Heather Chaffin, 512-974-2122, heather.chaffin@austintexas.gov; Planning and Zoning Department

Public hearing closed.

The motion to approve LR-CO-MU-NP district zoning with the following conditions:

- Prohibit service stations;
- Prohibit alcohol sales;
- 300 vehicle trips per day;
- Right-of-Way dedication be resolved;
- Group Home cannot be prohibited

Was approved by Commissioner Jose Vela, Commissioner Tom Nuckols seconded the motion on a vote of 9-2; Commissioners James Shieh and Nuria Zaragoza voted against the motion (nay), Commissioner Jean Stevens was absent.

- 7. Code Amendment: C20-2014-026 - Construction and Demolition Material Diversion**
 Request: Consider an amendment to Title 25 of the City Code to require recycling of construction materials from construction and demolition sites.
Recommended
 Staff: Woody Raine, 512-974-3460, woody.raine@austintexas.gov; Austin Resource Recovery Department

Motion made to send back to Codes & Ordinances Committee meeting in September was made by Commissioner Tom Nuckols, Commissioner James Schissler seconded the motion on a vote of 11-0; Commissioner Jean Stevens was absent.

- 8. Rezoning: C14-2015-0078 - 1407 W 5th Street & 403 Paul Street; District 9**
 Location: 1407 W 5th Street & 403 Paul Street, Lady Bird Lake Watershed, Old West Austin NPA
 Owner/Applicant: Matthews-Barnes Brothers Investments (Andra)
 Agent: Armbrust & Brown, LLP (Richard Suttle)
 Request: LI-CO-NP to LI-PDA-NP
 Staff Rec.: **Pending**
 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 staff was approved on the consent agenda by Commissioner James Schissler, Commissioner Nuria Zaragoza seconded the motion on a vote of 11-0; Commissioner Jean Stevens was absent.

- 9. 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**
 Staff: Heather Chaffin, 512-974-2122, heather.chaffin@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 Nuria Zaragoza seconded the motion on a vote of 10-0-1; Commissioner Michael Wilson recused from this item, Commissioner Jean Stevens was absent.

- 10. Rezoning: C14-2015-0065 - New Central Library; District 9**
 Location: 710 W Cesar Chavez Street, Shoal Creek Watershed, Downtown Austin Plan NPA
 Owner/Applicant: City of Austin
 Agent: City of Austin (Mashell Smith - Real Estate Services)
 Request: P to CBD
 Staff Rec.: **Recommended**
 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 staff was approved on the consent agenda by Commissioner James Schissler, Commissioner Nuria Zaragoza seconded the motion on a vote of 11-0; Commissioner Jean Stevens was absent.

11. Rezoning: C14-2015-0091 - 1900 Burton Drive
 Location: 1900 Burton Drive and 1901 Mariposa, Lady Bird Lake Watershed, East Riverside/Oltorf Combined (Riverside) NPA
 Owner/Applicant: Richard J. Bruggeman
 Agent: Metcalfe, Wolff, Stuart & Williams (Michele Rogerson Lynch)
 Request: MF-2; MF-3 to MF-4-CO
 Staff Rec.: **Recommended**
 Staff: Andy Moore, 512-974-7604, Andrew.Moore@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 Nuria Zaragoza seconded the motion on a vote of 11-0; Commissioner Jean Stevens was absent.

12. Final Plat with Preliminary: C8-04-0043.07.3A.SH - Mueller Section 7E Subdivision; District 9
 Location: 36010 Manor Road, Colorado River Watershed, RMMA
 Owner/Applicant: COA-Redevelopment Services Office (Pam Hefner)
 Agent: Bury-Aus, Inc. (Joe Farias, P.E.)
 Request: Approval of the Mueller Section 7E Subdivision composed of 17 lots on 0.8785 acres.
 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 the Mueller Section 7E Subdivision was approved on the consent agenda by Commissioner James Schissler, Commissioner Nuria Zaragoza seconded the motion on a vote of 11-0; Commissioner Jean Stevens was absent.

13. Final Plat: C8-2015-0090.0A - McGuire's Subdivision No. 1; Resubdivision of Lots 6 & 7 and a Portion of Lot 5 Block 4; District 10
 Location: 4009 Sinclair Avenue, Shoal Creek Watershed, Rosedale NPA
 Owner/Applicant: Robert & Olga Levin
 Agent: Hector Avila
 Request: Approval of the McGuire's Subdivision No. 1; Resubdivision of Lots 6 & 7 and a portion of Lot 5 Block 4 composed of 1 lot on 0.373 acres.
 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 the McGuire's Subdivision was approved on the consent agenda by Commissioner James Schissler, Commissioner Nuria Zaragoza seconded the motion on a vote of 11-0; Commissioner Jean Stevens was absent.

14. Final Plat: **C8-2015-0168.0A - Lot 1 and Block 6 Outlot 3, Resubdivision; District 1**
Location: 1700 East 13th Street, Boggy Creek Watershed, Central East Austin NPA
Owner/Applicant: Rex Bowers
Agent: Perales Engineering (Jerry Perales)
Request: Approval of Lot 1 and Block 6 Outlot 3, Resubdivision composed of 3 lots on 0.4291 acres.
Staff Rec.: **Disapproval**
Staff: Development Services Department

15. Final Plat: **C8-2015-0170.0A - Gunter St. Subdivision**
Location: 1126 Gunter Street, Boggy Creek, Govalle NPA
Owner/Applicant: Pendleton Plus (Bruce Beaty)
Agent: Servant Engineering (Mauricio Quintero)
Request: Approval of the Gunter St. Subdivision composed of 2 lots on 0.313 acres.
Staff Rec.: **Disapproval**
Staff: Development Services Department

16. Final Plat: **C8-2015-0172.0A - Lot 3 Resubdivision; Amended Plat**
Location: 1807 Webberville Road, Fort Branch Watershed, MLK-183 NPA
Owner/Applicant: Nancy Van Praag
Agent: Land Answers, Inc. (Jim Wittliff)
Request: Approval of the Lot 3 Resubdivision; Amended Plat composed of 3 lots on 1.3 acres.
Staff Rec.: **Disapproval**
Staff: Development Services Department

Items 14-16;

Public hearing closed.

The motion to disapprove Items 14-16 was approved on the consent agenda by Commissioner James Schissler, Commissioner Nuria Zaragoza seconded the motion on a vote of 11-0; Commissioner Jean Stevens was absent.

17. **Final Plat - Amended Plat:** **C8-2015-0171.0A - Double Creek Village Resubdivision of Lot 1A1-1 Resubdivision of Lot 1A1 Resubdivision of Lot 1 Block B**
 Location: 11206 South IH 35 Service Road Southbound, Onion Creek Watershed, North Lamar NPA
 Owner/Applicant: Haviland Lake Partners, LP (Jeff Drinkard)
 Agent: 360 Professional Services, Inc. (Scott Foster)
 Request: Approval of the Double Creek Village Resubdivision of Lot 1A1-1 Resubdivision of Lot 1A1 Resubdivision of Lot 1 Block B composed of 3 lots on 7.50 acres
 Staff Rec.: **Disapproval**
 Staff: Development Services Department

The motion to disapprove Item 17 was approved by Vice-Chair Fayez Kazi, Commissioner Nuria Zaragoza seconded the motion on a vote of 10-0-1; Commissioner James Schissler recused himself on this item; Commissioner Jean Stevens was absent.

18. **Site Plan - Variance:** **SP-2014-0281C - 1713 Bluebonnet; District 5**
 Location: 1713 Bluebonnet Lane, West Bouldin Creek Watershed, Zilker NPA
 Owner/Applicant: Adobe Homes (DBA 1713BB LLC)
 Agent: Kimball Breuehl Garcia Estes (Chad Kimbell)
 Request: To reduce a compatibility setback from 15 feet to 5 feet for a detention pond, proposed as an accessory to condominiums.
 Staff Rec.: **Recommended**
 Staff: Scott Grantham, 512-974-2942, scott.grantham@austintexas.gov; Development Services Department

Public hearing closed.

The motion to approve staff's recommendation for 1713 Bluebonnet was made by Commissioner Nuria Zaragoza, Commissioner Fayez Kazi seconded the motion on a vote of 11-0; Commissioner Jean Stevens was absent.

- 19. Site Plan - Variance: SP-2015-0202DS - Caven Boat Dock; District 10**
- Location: 2806 Scenic Drive, Taylor North Slough Watershed, West Austin Neighborhood Group NPA
- Owner/Applicant: Caven Hubbard Scott Jr. Trust
- Agent: Moncada Consulting (Phil Moncada)
- Request: To allow the construction of a boat dock within a 150-foot Critical Environmental Feature buffer (Canyon Rimrock), 25-8-281
- Staff Rec.: **Recommended**
- Staff: Christine Barton-Holmes, 512-974-2788, christine.barton-holmes@austintexas.gov; Development Services Department

Public hearing closed.

The motion to approve staff’s recommendation to allow construction on Caven Boat Dock was approved on the consent agenda by Commissioner James Schissler, Commissioner Nuria Zaragoza seconded the motion on a vote of 11-0; Commissioner Jean Stevens was absent.

- 20. Briefing, discussion and possible action: 2015 Imagine Austin Annual Report and amendments**
- Owner/Applicant: Planning and Zoning Department
- Request: Forward the 2015 Imagine Austin amendments to City Council
- Staff Rec.: **Recommended**
- Staff: Matt Dugan, 512-974-7665, matthew.dugan@austintexas.gov; Planning and Zoning Department

The motion to accept the 2015 Imagine Austin Annual Report and amendments and forward to City Council was made by Commissioner James Schissler, Commissioner Patricia Seeger seconded the motion on a vote of 11-0; Commissioner Jean Stevens was absent.

D. NEW BUSINESS

- 1. New Business:**
- Request: Discussion and possible action on a moratorium on all permits for hotel/motel, cocktail lounges, breweries, sound amplification and late night hours for the East Cesar Chavez Corridor between IH-35 on the west and U.S Highway 183 on the east.

The motion to forward to Small Area Plan Joint Committee was made by Commissioner Nuria Zaragoza, Commissioner Tom Nuckols seconded the motion on a vote of 11-0; Commissioner Jean Stevens was absent.

2. 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.

Small Area Planning Joint Committee Members were made on a vote of 11-0; Commissioner Jean Stevens was absent.

Members:

James Shieh
Trinity White
Jean Stevens
Jeffrey Thompson

Joint Sustainability Committee nominations were postponed to September 8, 2015 by request of the Planning Commission. Request made to get more information on duties of this committee.

3. 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, and Committee on Neighborhood Planning.

Comprehensive Plan Committee Members were made on a vote of 11-0; Commissioner Jean Stevens was absent.

Members:

Stephen Oliver
Michael Wilson
Tom Nuckols
Jose Vela

4. New Business:

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

Downtown Commission nomination was made on a vote of 11-0; Commissioner Jean Stevens was absent.

Member:

Jeffrey Thompson

5. New Business:

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

Motion made to Continue to September 8, 2015 by request of the Planning Commission was approved on the consent agenda by Commissioner James Schissler, Commissioner Nuria Zaragoza seconded the motion on a vote of 11-0; Commissioner Jean Stevens was absent.

6. New Business:

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

Motion made to Continue to September 8, 2015 by request of the Planning Commission was approved on the consent agenda by Commissioner James Schissler, Commissioner Nuria Zaragoza seconded the motion on a vote of 11-0; Commissioner Jean Stevens was absent.

7. New Business:

Request: **Code Amendment - Initiate a Code Amendment - Garage Facades**
Initiate an amendment to Title 25 of the City Code related to neighborhood plan design tool garage placement standards.

Recommended

Staff: Greg Dutton, 512-974-3509, greg.dutton@austintexas.gov
Planning and Zoning Department

The motion to initiate a Code Amendment on Garage Facades was approved on the consent agenda by Commissioner James Schissler, Commissioner Nuria Zaragoza seconded the motion on a vote of 11-0; Commissioner Jean Stevens was absent.

8. New Business:

Code Amendment - Initiate a Code Amendment - Educational Facilities Development Standards

Request: Initiate an amendment to Title 25 of the City Code regarding regulations for development of educational facilities.

Recommended

Staff: Greg Dutton, 512-974-3509, greg.dutton@austintexas.gov;
Planning and Zoning Department

The motion to initiate a Code Amendment on Educational Facilities Development Standards was approved on the consent agenda by Commissioner James Schissler, Commissioner Nuria Zaragoza seconded the motion on a vote of 11-0; Commissioner Jean Stevens was absent

E. ITEMS FROM COMMISSION

F. COMMITTEE REPORTS

G. ADJOURN

Chair Stephen Oliver adjourned the meeting without objection at 1:00 A.M.