



**REGULAR MEETING
MINUTES**

**PLANNING COMMISSION
November 10, 2015**

**The Planning Commission convened in a regular meeting on November 10, 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:

**Stephen Oliver - Chair
Tom Nuckols
James Schissler
Patricia Seeger
James Shieh
Jeffrey Thompson
Jose Vela
Trinity White
Michael Wilson
Nuria Zaragoza**

**Dr. Jayme Mathias – AISD Ex-Officio
Howard Lazarus – Ex-Officio**

**Fayez Kazi - Absent
Jean Stevens - Absent
William Burkhardt - Absent
1 Vacancy**

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

1. Mr. Stuart Hersh: Mr. Hersh took issue with the public hearing process at the Code and Ordinance meetings. He stated that due to the lack of public participation the adopted recommendations to amend the short-term rental ordinance regarding Type 2 properties failed to include a recommendation that the ordinance pass as an emergency item; and also failed to include the recommendation to repeal the current advertising provision. Mr. Hersh continued

by stating the Planning Commission also erred in recommending a provision as to the zoning categories where Type 2 short-term rentals will continue to be permitted. Mr. Hersh closed his remarks by stating that allowing the entitlement of Type 2 short-term rental units to operate on commercially zoned properties, as he cited from the report [Staff Task Force on Gentrification \(2003\)](#), could be a source of gentrification and result in a lack of housing for home ownership.

B. APPROVAL OF MINUTES

1. Approval of minutes from October 27, 2015.

The motion to approve the minutes from October 27, 2015 was approved on the consent agenda by agenda by Commissioner Nuria Zaragoza, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Vice-Chair Fayez Kazi and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

C. PUBLIC HEARINGS

- 1. Plan Amendment: NPA-2015-0002.02 - 901 Spence, District 3**
Location: 901 Spence Street, Lady Bird Lake Watershed, East Cesar Chavez NPA
Owner/Applicant: Margot Perez-Greene, Executor Estate of Ananias B. Perez
Agent: Gayle Rosenthal, Attorney/Broker
Request: Single Family land use to Mixed Use/Office land use
Staff Rec.: **Not recommended**
Staff: Maureen Meredith, 512-974-2695, maureen.meredith@austintexas.gov
Planning and Zoning Department

The motion to grant applicant's request for postponement of this item to December 8, 2015 was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Vice-Chair Fayez Kazi and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

- 2. Rezoning: C14-2015-0109 - 901 Spence; District 3**
Location: 901 Spence Street, Lady Bird Lake Watershed, East Cesar Chavez NPA
Owner/Applicant: Margot Perez-Greene, Executor Estate of Ananias B. Perez
Agent: Gayle Rosenthal, Attorney/Broker
Request: SF-3-NP to GO-MU-NP
Staff Rec.: **Not recommended**
Staff: Heather Chaffin, 512-974-2122, heather.chaffin@austintexas.gov
Planning and Zoning Department

The motion to grant applicant's request for postponement of this item to December 8, 2015 was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Vice-Chair Fayez Kazi and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

- 3. Plan Amendment: NPA-2015-0003.01 - New Hope Baptist Church, District 1**
 Location: 2405 East 16th Street, Boggy Creek Watershed, Chestnut NPA
 Owner/Applicant: New Hope Baptist Church
 Agent: Husch Blackwell, LLP (Nikelle Meade)
 Request: Civic land use to Office land use
 Staff Rec.: **Recommended**
 Staff: Maureen Meredith, 512-974-2695, maureen.meredith@austintexas.gov
 Planning and Zoning Department

Public hearing closed.

The motion to grant staff's recommendation of Office land use for C14-2015-0107 - New Hope Baptist Church located at 2405 East 16th Street was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Vice-Chair Fayez Kazi and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

- 4. Rezoning: C14-2015-0107 - New Hope Baptist Church; District 1**
 Location: 2405 East 16th Street, Boggy Creek Watershed, Chestnut NPA
 Owner/Applicant: New Hope Baptist Church
 Agent: Husch Blackwell, LLP (Nikelle Meade)
 Request: P-NP to LO-CO-NP
 Staff Rec.: **Recommended**
 Staff: Heather Chaffin, 512-974-2122, heather.chaffin@austintexas.gov
 Planning and Zoning Department

Public hearing closed.

The motion to grant staff's recommendation of LO-CO-NP combining district zoning for C14-2015-0107 - New Hope Baptist Church located at 2405 East 16th Street was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Vice-Chair Fayez Kazi and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

Additional conditions as read into the record are:

Any site development shall be limited to a maximum of 500 vehicle trips per day; and the following land uses shall be prohibited: Communication Service Facilities; Community Events; Congregate Living, Counseling Services, and Residential Treatment.

- 5. Plan Amendment: NPA-2015-0008.01 - Sol Wilson, District 1**
 Location: 2612 Sol Wilson Avenue, Boggy Creek Watershed, Rosewood NPA
 Owner/Applicant: Fox Investment Properties, LLC
 Agent: Lenworth Consulting, LLC (Nash Gonzales, Jr.)
 Request: Civic land use to Mixed Use land use
 Staff Rec.: **Staff recommendation is for Neighborhood Mixed Use land use**
 Staff: Maureen Meredith, 512-974-2695, maureen.meredith@austintexas.gov
 Planning and Zoning Department

The motion to grant staff's request for postponement of this item to December 8, 2015 was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Vice-Chair Faye Kazi and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

- 6. Rezoning: C14-2015-0102 - Sol Wilson; District 1**
Location: 2612 Sol Wilson Avenue, Boggy Creek Watershed, Rosewood NPA
Owner/Applicant: Fox Investment Properties, LLC
Agent: Lenworth Consulting, LLC (Nash Gonzales, Jr.)
Request: LR-MU-V-NP to CS-MU-CO-NP
Staff Rec.: **Not recommended**
Staff: Heather Chaffin, 512-974-2122, heather.chaffin@austintexas.gov
Planning and Zoning Department

The motion to grant staff's request for postponement of this item to December 8, 2015 was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Vice-Chair Faye Kazi and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

- 7. Plan Amendment: NPA-2015-0005.03 - Montopolis Zoning Change, District 3**
Location: 2407-2409 Montopolis Drive, Country Club East and Carson Creek Watersheds, Montopolis NPA
Owner/Applicant: Petree Rentals, Elizabeth and Larry Petree
Agent: Permit Partners (David Cancialosi)
Request: Commercial land use to Mixed Use land use
Staff Rec.: **Recommended**
Staff: Maureen Meredith, 512-974-2695, maureen.meredith@austintexas.gov
Planning and Zoning Department

Public hearing closed.

The motion to grant staff's recommendation of Mixed Use land use for NPA-2015-0005.03 - Montopolis Zoning Change located at 2407-2409 Montopolis Drive, was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Vice-Chair Faye Kazi and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

- 8. Rezoning: C14-2015-0099 - Montopolis Zoning Change; District 3**
Location: 2407-2409 Montopolis Drive, Country Club Creek and Carson Creek Watersheds, Montopolis NPA
Owner/Applicant: Petree Rentals, Elizabeth and Larry Petree
Agent: Permit Partners (David Cancialosi)
Request: CS-CO-NP to CS-MU-CO-NP
Staff Rec.: **Recommended**
Staff: Andrew Moore, 512-974-7604, andrew.moore@austintexas.gov
Planning and Zoning Department

Public hearing closed.

The motion to grant staff's recommendation of CS-MU-CO-NP combining district zoning for C14-2015-0099 - Montopolis Zoning Change located at 2407-2409 Montopolis Drive, was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Vice-Chair Fayez Kazi and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

- 9. Rezoning: C14-2015-0047 - 2303-2309 Thornton Road; District 5**
Location: 2303-2309 Thornton Road, West Bouldin Creek Watershed, South Lamar NPA
Owner/Applicant: UT Land Company, Ltd. (Jimmy Nassour)
Agent: Alice Glasco Consulting (Alice Glasco)
Request: CS to CS-MU-V
Staff Rec.: **Recommendation of CS-MU-CO**
Staff: Andrew Moore, 512-974-7604, andrew.moore@austintexas.gov
Planning and Zoning Department

The motion to grant applicant's request for postponement of this item to December 8, 2015 was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner Patricia Seeger seconded the motion on a vote of 8-0-2; Commissioner James Schissler and James Shieh both recused on this item; Vice-Chair Fayez Kazi and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

- 10. Rezoning: C14-2015-0091 - 1900 Burton Drive; District 3**
Location: 1900 Burton Drive & 1901 Mariposa Drive, Lady Bird Lake Watershed, East Riverside/Oltorf Combined (Riverside) NPA
Owner/Applicant: Flats on Burton, LLC (Richard Bruggeman)
Agent: Metcalfe, Wolfe, Stuart & Williams (Michele R. Lynch)
Request: MF-2 & MF-3 to MF-4-CO
Staff Rec.: **Recommendation of MF-4-CO**
Staff: Andrew Moore, 512-974-7604, andrew.moore@austintexas.gov
Planning and Zoning Department

Public hearing closed.

The motion to grant staff's recommendation of MF-4-CO combining district zoning for C14-2015-0091 - 1900 Burton Drive located at 1900 Burton Drive & 1901 Mariposa Drive, was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Vice-Chair Fayez Kazi and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

- 11. Rezoning: C14-2015-0111 - Gilfillan House; District 9**
 Location: 603 West 8th Street, Shoal Creek Watershed, Downtown Austin Plan
 Owner/Applicant: 2015 Austin Gilfillan LP (Rene O. Campos)
 Agent: Drenner Group (John Donisi)
 Request: GO-H to DMU-H
 Staff Rec.: **Recommended**
 Staff: Victoria Haase, 512-974-7691, tori.haase@austintexas.gov
 Planning and Zoning Department

The motion to grant applicant’s request for indefinite postponement of this item was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Vice-Chair Fayez Kazi and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

- 12. Rezoning: C14-2015-0114 - 5010 & 5102 Heflin Lane; District 1**
 Location: 5010 & 5102 Heflin Lane, Fort Branch Creek Watershed, MLK-183 Combined NPA
 Owner/Applicant: Heflin Phase 1, LLC, (Lynn Yuan)
 Agent: Metcalfe, Wolff, Stuart & Williams, LLP. (Michele R. Lynch)
 Request: SF-4A-NP to SF-6-NP
 Staff Rec.: **Indefinite Postponement request by Staff**
 Staff: Heather Chaffin, 512-974-2122, heather.chaffin@austintexas.gov
 Planning and Zoning Department

The motion to grant staff’s request for indefinite postponement was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Vice-Chair Fayez Kazi and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

- 13. Rezoning: C14-2015-0121 - 1023 Springdale; District 3**
 Location: 1023 Springdale Road, Tannehill Branch and Boggy Creek Watersheds, East MLK Combined NPA
 Owner/Applicant: Daryl Kunik
 Agent: South Llano Strategies (Glen Coleman)
 Request: CS-CO-NP to CS-CO-NP, to change a condition of zoning
 Staff Rec.: **Recommended**
 Staff: Heather Chaffin, 512-974-2122, heather.chaffin@austintexas.gov
 Planning and Zoning Department

Public hearing closed.

The motion to grant staff’s recommendation of CS-CO-NP combining district zoning for C14-2015-0121 – 1023 Springdale located at 1023 Springdale Road was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Vice-Chair Fayez Kazi and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

- 14. Rezoning:** **C14-2015-0132 – Calvin’s Liquor; District 7**
 Location: 8820 Burnet Road, Ste. 505, Shoal Creek Watershed, Burnet Road, Anderson Lane and North Shoal Creek NPA
 Owner/Applicant: MWM Fund VII, Ltd. f/o Durhman & Bassett Realty Group, Inc.(Jay Kaplan)
 Agent: Lenworth Consulting, LLC (Nash Gonzales, Jr.)
 Request: CS to CS-1
 Staff Rec.: **Recommendation of CS-1-CO**
 Staff: Sherri Sirwaitis, 512-974-3057, sherri.sirwaitis@austintexas.gov
 Planning and Zoning Department

Public hearing closed.

The motion to grant staff’s recommendation of CS-1-CO combining district zoning for C14-2015-0132 – Calvin’s Liquor located at 8820 Burnet Road, Ste. 505, was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Vice-Chair Faye Kazi and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

- 15. Resubdivision:** **C8-2015-0137.0A - The Grange Commons, District 3**
 Location: 732 Springdale Road, Boggy Creek Watershed, Govalle NPA
 Owner/Applicant: Jesus Herrera, Tim Fielding
 Agent: Cormier Architecture (James Cormier)
 Request: Approve the resubdivision of part of one lot into 3 lots on 0.658 acres.
 Staff Rec.: **Recommended**
 Staff: Sylvia Limon, 512-974-2767, sylvia.limon@austintexas.gov
 Development Services Department

Public hearing closed.

The motion to grant staff’s recommendation for C8-2015-0137.0A - The Grange Commons located at 732 Springdale Road, was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Vice-Chair Faye Kazi and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

- 16. Final Plat - Resubdivision:** **C8-2014-0197.0A - Green Valley No. 1 Lot 1 Block 5; Resubdivision; District 1**
 Location: 1126 Lott Avenue, Fort Branch Creek Watershed, MLK-183 NPA
 Owner/Applicant: Leticia Smith
 Agent: Hector Avila
 Request: Approval of Green Valley No. 1 Lot 1 Block 5; Resubdivision composed of 4 lots on 0.904 acres. In addition, the applicant requests a variance from LDC Section 25-4-175(A)(2) to utilize a flag lot design for a residential resubdivision.
 Staff Rec.: **Recommendation pending; Staff requests a postponement to December 8, 2015**
 Staff: Don Perryman, 512-974-2786, Don.perryman@austintexas.gov
 Development Services Department

The motion to grant staff's request for postponement of this item to December 8, 2015 was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Vice-Chair Faye Kazi and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

17. Final Plat - C8-2014-0244.0A - Carrington Subdivision Resubdivision; District 9 Resubdivision:

Location: 1906 David Street, Shoal Creek Watershed, West University NPA
Owner/Applicant: ALTERSTUDIO INC. (Ernesto Cragnolino)
Agent: Hector Avila
Request: Approval of the Carrington Subdivision Resubdivision composed of 2 lots on 0.312 acres.
Staff Rec.: **Recommended**
Staff: Don Perryman, 512-974-2786, Don.perryman@austintexas.gov
Development Services Department

Public hearing closed.

The motion to grant staff's recommendation for C8-2014-0244.0A - Carrington Subdivision Resubdivision located at 1906 David Street was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Vice-Chair Faye Kazi and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

18. Resubdivision: C8-2015-0023.0A - Resubdivision of Lot A Sellstrom-Spear Addition; District 10

Location: 2617 Pecos Street, Taylor Slough South Watershed, West Austin NPA
Owner/Applicant: Ashley Amini
Agent: Big Red Dog Engineering (Aaron Bourgeois)
Request: Approval of the resubdivision of an existing lot into a two lot subdivision on 1.06 acres
Staff Rec.: **Recommendation pending**
Staff: Cesar Zavala, 512-974-3404, cesar.zavala@austintexas.gov
Development Services Department

The motion to postpone this item to December 8, 2015 as requested by staff was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Vice-Chair Faye Kazi and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

19. Final Plat: C8-2015-0227.0A - 1023 Springdale Subdivision; District 3

Location: 1023 Springdale Road, Boggy Creek Watershed, East MLK Combined NPA
Owner/Applicant: 1023 Holdings, LLC (Daryl Kunik)
Agent: 1023 Holdings, LLC (Daryl Kunik)
Request: Approval of the 1023 Springdale Subdivision composed of 1 lot on 9.99 acres
Staff Rec.: **Disapproval**
Staff: Development Services Department

20. Final Plat: C8-2015-0223.0A - Walton Terrace; District 3

Location: 1104 Walton Lane, Boggy Creek Watershed, Johnston Terrace NPA
Owner/Applicant: Raymond Chow
Agent: Genesis 1 Engineering (George Gonzalez)
Request: Approval of Walton Terrace composed of 6 lots on 1.188 acres.
Staff Rec.: **Disapproval**
Staff: David Wahlgren, 512-974-6455, David.wahlgren@austintexas.gov
Development Services Department

21. Final Plat: C8-2015-0225.0A - Crow's Subidivision; District 1

Location: 1709 Poquito Street, Boggy Creek Watershed, Chestnut NPA
Owner/Applicant: Benjamin & Harvenetta Franklin
Agent: South Engineers (Miguel Gonzales)
Request: Approval of the Crow's Subdivision composed of 1 lot on 0.299 acres.
Staff Rec.: **Disapproval**
Staff: Steve Hopkins, 512-974-3175, steve.hopkins@austintexas.gov
Development Services Department

22. Final Plat - Resubdivision: C8-2015-0226.0A - Cherico Gardens; District 3

Location: 3403 Neal Street, Boggy Creek Watershed, Govalle NPA
Owner/Applicant: Deleon Beatriz Castillo Life Estate
Agent: Southwest Engineers (Miguel Gonzales)
Request: Approval of the Cherico Gardens composed of 3 lots on 0.494 acres
Staff Rec.: **Disapproval**
Staff: Development Services Department

- 23. Final Plat with Replat:** **C8-2015-0224.0A - St. Stephen's Square Phase Four; District 1**
 Location: 5007 Pecan Springs Road, Fort Branch Creek Watershed, MLK NPA
 Owner/Applicant: GICE (Mike Wilson)
 Agent: Garrett-Ihnen Civil Engineers (Norma Divine)
 Request: Approval of St. Stephen's Square Phase Four composed of 3 lots on 0.38 acres.
 Staff Rec.: **Disapproval**
 Staff: Don Perryman, 512-974-2786, Don.perryman@austintexas.gov
 Development Services Department

Public hearing closed.

The motion to disapprove C8-2015-0224.0A - St. Stephen's Square Phase Four was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner Patricia Seeger seconded the motion on a vote of 9-0-1; Commissioner Michael Wilson recused himself from this item; Vice-Chair Faye Kazi and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

- 24. Preliminary Plan:** **C8-04-0043.08.SH - Mueller - Section 2 Preliminary Plan Revision 8; District 9**
 Location: 3600 Manor Road, Boggy Creek and Tannehill Creek Watersheds, RMMA
 Owner/Applicant: City of Austin (Pam Hefner)
 Agent: Bury, Inc. (Jose Farias)
 Request: Approval of Mueller - Section 2 Preliminary Plan Revision 8 composed of 604 lots on 167.89 acres.
 Staff Rec.: **Disapproval**
 Staff: David Wahlgren, 512-974-6455, David.wahlgren@austintexas.gov
 Development Services Department

Items 19-24;

Public hearing closed.

The motion to disapprove Items #19-22 and #24 was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner Patricia Seeger seconded the motion on a vote of 10-0; Vice-Chair Faye Kazi and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

25. Site Plan and Waiver: SPC-2015-0143B - Block 188; District 9

Location: 202 Nueces St., Lady Bird Lake (Urban) Watershed, Downtown NPA

Owner/Applicant: COA, Economic Development Department (Fred Evins)

Agent: Jones & Carter (Jim Schissler, P.E.)

Request: Request approval of a site plan located in the North Shore Central Waterfront Overlay Subdistrict. **WAIVER:** Request a waiver to allow a building to encroach in to a required building envelope which is delineated by 70 degree angle starting at a line 45 feet above the property boundary line nearest Shoal Creek, with the base of the angle being a horizontal plane extending from the line parallel to and away from the surface of Shoal Creek [LDC Section 25-2-738(E)].

Staff Rec.: **Recommended**

Staff: Nikki Hoelter, 512-974-2863, nikki.hoelter@austintexas.gov
Development Services Department

Public hearing closed

The motion to grant staff's recommendation for SPC-2015-0143B - Block 188 located at 202 Nueces St., was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner Patricia Seeger seconded the motion on a vote of 9-0-1; Commissioner James Schissler recused himself from this item; Vice-Chair Faye Kazi and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

Request for waiver was withdrawn by the Applicant.

26. Encroachment of Right-of-Way: F#9572-1509; District 9

Request: Aerial Encroachment of the West 2nd Street right-of-way and the Nueces Street right-of-way by cantilevered enclosed building space

Staff Rec.: **Recommended**

Staff: Andy Halm, 512-974-7185, andy.halm@austintexas.gov
Office of Real Estate Services

Public hearing closed.

The motion to approve staff's recommendation for an aerial encroachment of the West 2nd Street right-of-way and the Nueces Street right-of-way was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner Patricia Seeger seconded the motion on a vote of 9-0-1; Commissioner James Schissler recused himself from this item; Vice-Chair Faye Kazi and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

27. Heritage Tree Variance: **504 East 8th Street Heritage Tree Variance; District 9**
 Location: 504-508 East 8th Street, Shoal Creek Watershed, Downtown Austin Plan
 Owner/Applicant: Barton Creek Capital LLC
 Request: The applicant is requesting to remove two Heritage Trees with stems greater than 30 inches as allowed under LDC 25-8-643
 Staff Rec.: **Recommended**
 Staff: Keith Mars, 512-974-2755, keith.mars@austintexas.gov
 Development Services Department

Public hearing closed.

Motion by Commissioner Tom Nuckols, seconded by Commissioner James Schissler to grant the variance to remove the 30.25” heritage tree with 300% mitigation and to grant the variance to remove the 32” heritage tree subsequent to the Applicant adhering to the following conditions and events:

- a. No construction within the Critical Root Zone or tree canopy of the large tree on the former Jaime’s Spanish Village site.
- b. Applicant funds work necessary to determine if the 32” tree is transplantable.
- c. Upon the City Arborist determination the tree is transplantable, the tree is then to be transplanted and the Applicant funds the transplant and the necessary post-transplant care.
- d. If the transplant does not occur for any reason, the Applicant will pay 500% mitigation.
- e. Implement a five year tree care plan and the post-transplant care.
- f. An eight month transplant feasibility study shall be completed with the clock starting from the date of variance approval (November 10, 2015).
- g. Mitigation funds will be held as fiscal until the tree care plan is in place with the date and methodologies reviewed and approved by staff.

The motion prevailed on a vote of 9-1 vote; Commissioner Trinity White voting nay; Vice-Chair Fayez Kazi and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

28. Briefing, Discussion and Possible Action: Briefing, discussion and possible action on data about families with children in Austin, including the type of dwelling units families live in and what areas of Austin they live.
 Staff: Ryan Robinson, 512-974-6443, Ryan.Robinson@AustinTexas.gov
 Planning and Zoning Department

The presentation was made by Ryan Robinson, Demographer, Planning and Zoning Department.

Presentation: [Families with Children in Austin: A Demographic Snapshot](#)

D. NEW BUSINESS

- 1. New Business:** Discussion and possible action regarding recommendations for the CodeNext: SoundCheck event on November 16, 2015. (Commissioner Nuria Zaragoza ,Vice-Chair Fayez Kazi)

The motion to approve sending a memorandum to the Planning and Zoning Department regarding recommendations for the CodeNext: Sound Check event was approved by Commissioner James Shieh, Commissioner Trinity White seconded the motion on a vote of 9-0; Vice-Chair Fayez Kazi, Commissioner Patricia Seeger (*left early*) and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

Planning Commission Memorandum: [Code Next Sound Check Recommendations](#)

- 2. New Business:** Discussion and action on appointing a Commissioner to the Joint Sustainability Committee.

Commission tabled discussion; no nomination was made.

- 3. New Business:** Discussion and action on approving the 2016 Planning Commission meeting schedule.

The motion to approve the 2016 Planning Commission meeting schedule was approved by Commissioner Jose Vella, Commissioner James Schissler seconded the motion on a vote of 9-0; Vice-Chair Fayez Kazi, Commissioner Patricia Seeger (*left early*) and Commissioner Jean Stevens absent; 1 vacancy on the Commission.

E. ITEMS FROM COMMISSION

1. Commission requested an educational briefing regarding new subdivisions that are further resubdivided from duplex/ duplex lots to single-family attached and the allowed zoning districts.

Proposed date of briefing: January 12, 2016 (Development Services Department)

F. COMMITTEE REPORTS

Codes and Ordinances Subcommittee – Commissioner Nuria Zaragoza stated that the subcommittee will continue to focus on reviewing possible amendments and recommendations regarding the Short Term Rental Ordinance.

Committee on the Comprehensive Plan – Chair Gabriel Rojas stated the committee received a briefing from staff regarding the Capital Improvement Program. The committee also discussed proposed accomplishments in the upcoming year. The Committee established a Working Group for the Capital Improvement Program. The committee will set its meeting schedule at the next meeting.

Small Area Planning Joint Committee – Commissioner Jeffrey Thompson stated the committee received an overview from staff regarding the Waterfront Overlay Ordinance and clarified the transfer of responsibilities from the Waterfront Advisory Board to the Small Area Planning Joint Committee. Commissioner Jeffrey Thompson also stated the committee discussed community concerns regarding development along the East Cesar Chavez corridor. Staff also provided a briefing regarding Neighborhood Contact Teams, their regulations and possible changes to improve enforcement of the rules pertaining to Contact Teams.

G. ADJOURN

Chair Stephen Oliver adjourned the meeting without objection at 10:20 P.M.

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. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least 4 days before the meeting date. Please call Jerry Rusthoven at the Planning and Zoning Department, at 512-974-3207, for additional information; TTY users route through Relay Texas at 711.