



**REGULAR MEETING
MINUTES**

**PLANNING COMMISSION
January 26, 2016**

**The Planning Commission convened in a regular meeting on January 26, 2016 @ 301 W. 2nd Street,
Austin, TX 78701**

Chair Stephen Oliver called the Commission Meeting to order at 6:03 p.m.

Commission Members in Attendance:

**Stephen Oliver – Chair
Fayez Kazi – Vice - Chair
Tom Nuckols
Angela Pineyro De Hoyos
James Schissler
James Shieh
Jeffrey Thompson
Jose Vela
Michael Wilson
Nuria Zaragoza**

**William Burkhardt – Ex-Officio
Dr. Jayme Mathias – Ex-Officio
Howard Lazarus – Ex-Officio**

**Patricia Seeger - Absent
Jean Stevens - Absent
Trinity White - Absent**

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

1) Susana Almanza – Ms. Almanza provided a brief chronicle and historical background of East Austin and the negative consequences caused by previous zoning policies and practices. As the commission and council discuss and consider a code amendment regarding Neighborhood Contact Teams, Ms. Almanza stressed the importance of reviewing and keeping in mind the effects of past zoning practices.

B. APPROVAL OF MINUTES

1. Approval of minutes from January 26, 2016.

The motion to approve the minutes from January 26, 2016 was approved on the consent agenda by Commissioner Jose Vela and seconded by Vice-Chair Faye Kazi on a vote of 10-0; Commissioner Patricia Seeger, Commissioner Jean Stevens and Commissioner Trinity White absent.

C. PUBLIC HEARINGS

1. Plan Amendment: [NPA-2015-0023.01 - Boys and Girls - Legacy Club of Austin; District 1](#)

Location: 4717 Turner Lane, Walnut Creek and Little Walnut Creek Watersheds; University Hills/Windsor Hills NP Area
Owner/Applicant: Boys and Girls Club of America (Chuck Carroll)
Agent: Drenner Group. P.C. (Stephen Rye)
Request: Higher Density Single Family, Transportation, and Commercial to Civic 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 Civic land use for NPA-2015-0023.01 - Boys and Girls - Legacy Club of Austin located at 4717 Turner Lane was approved by Commissioner Angela Pineyro De Hoyos, Commissioner James Schissler second on a 10-0 vote. Commissioner Patricia Seeger, Commissioner Jean Stevens and Commissioner Trinity White absent.

2. Rezoning: [C14-2015-0086 - Boys and Girls - Legacy Club of Austin; District 1](#)

Location: 4717 Turner Lane, Walnut Creek and Little Walnut Creek Watersheds; University Hills/Windsor Hills NP Area
Owner/Applicant: Boys and Girls Club of America (Chuck Carroll)
Agent: Drenner Group. P.C. (Stephen Rye)
Request: SF-3-NP, SF-6-NP, and LR-CO-NP to GR-CO-NP

Staff Rec.: **Recommended with conditions**
Staff: Heather Chaffin, 512-974-2122, heather.chaffin@austintexas.gov
Planning and Zoning Department

Public hearing closed.

Motion by Commissioner Angela PineyroDeHoyos, seconded by Commissioner James Schissler to grant staff's recommendation of (GR-CO-NP) combining district zoning for C14-2015-0086 - Boys and Girls - Legacy Club of Austin located at 4717 Turner Lane.

Friendly amendments by Commissioner Nuria Zaragoza as accepted by the maker and seconded by Commissioner James Schissler are as follow.

- 1) Instruct staff to parse the conditions in the following manner: Primarily capture the conditions in an ordinance by way of a conditional overlay. Additional conditions shall then be incorporated in a public restrictive covenant, with the remainder of the conditions memorialized in a private restrictive covenant.

The conditions referenced are as recommended by staff and agreed upon by the applicant along with the conditions read into the record by Commissioner Nuria Zaragoza:

Hotel/motel prohibited use
Perimeter fencing
No extension of Ashland Drive
Field lighting
Building height 42 feet
Hours of operation
Max building size (tied to use)
Pickup drop / drop off times and locations.

- 2) The property shall be subject to neighborhood commercial land uses with the exception to allow community commercial land uses of indoor and outdoor sports and recreation. The property is subject to neighborhood commercial site development standards.

The motion along with the friendly amendments made by Commissioner Nuria Zaragoza were approved on the motion of Commissioner Angela PineyroDeHoyos, Commissioner James Schissler second on a 10-0 vote. Commissioner Patricia Seeger, Commissioner Jean Stevens and Commissioner Trinity White absent.

3. **Plan Amendment:** [**NPA-2015-0005.04 - Lenox Oaks; District 3**](#)
Location: 6705, 6707, 6709 Ponca Street; 434 Bastrop Hwy SB; 444, 446, 448, 450, 452, 454 & 456 Bastrop Hwy SB; 500 Bastrop Hwy SB, Montopolis NP Area
Owner/Applicant: 422 Bastrop Hwy, Ltd.; 500 Bastrop Hwy, Ltd.; and Chase Equities, Inc.
Agent: Smith, Robertson, Elliott & Douglas, LLP (David Hartman)
Request: Single Family, Commercial and Office to Mixed Use land use
Staff Rec.: **Recommendation of Mixed Use, Commercial, Mixed Use/Office and Multifamily land uses**

Staff: Maureen Meredith, 512-974-2695, maureen.meredith@austintexas.gov
Planning and Zoning Department

Items C-03, C-04 and C-16 acted upon concurrently. See annotation under Item C-04.

4. **Rezoning:** **C14-2015-0104 - Lenox Oaks; District 3**
Location: 434 Bastrop Hwy SB, 444-456 Bastrop Hwy SB, 500 Bastrop Hwy SB, 6705-6709 Ponca Street, Colorado River and Carson Creek Watersheds; Montopolis NP Area
Owner/Applicant: Chase Equities (Jimmy Nassour), 422 Bastrop Hwy, Ltd. (Jimmy Nassour), 500 Bastrop Hwy, Ltd. (Jimmy Nassour)
Agent: Smith, Robertson, Elliott & Douglas, LLP (David Hartman)
Request: CS-NP, SF-3-NP, GO-NP & SF-2-NP to CS-MU-NP
Staff Rec.: **Recommendation of CS-CO-NP, CS-MU-CO-NP, LR-MU-CO-NP, GO-MU-CO-NP, MF-2-CO-NP**
Staff: Andrew Moore, 512-974-7604, andrew.moore@austintexas.gov
Planning and Zoning Department

Public hearings closed.

There was a motion by Vice-Chair Fazey Kazi, seconded by Commissioner Jose Vela to grant staff recommendations with additions to the conditional overlay as follow. 1) Extend Ponca Street. 2) The remainder parcel to the south of Ponca St. shall be rezoned (MH) district zoning. The motion failed on Vice-Chair Fayeze Kazi's motion, Commissioner Jose Vela second on a vote of 3-5-1-1. Those voting aye were: Vice-Chair Fayeze Kazi, Commissioner Michael Wilson and Commissioner Jose Vela. Those voting nay were: Chair Stephen Oliver, Commissioner Angela Pineyro De Hoyos, James Shieh, Jeffrey Thompson, and Commissioner Nuria Zaragoza. Commissioner Tom Nuchols abstained. Commissioner James Schissler recused himself from items C-03, C-04 and C-16 (*Due to rendering professional services*). Commissioner Patricia Seeger, Commissioner Jean Stevens and Commissioner Trinity White were absent.

There was a motion by Commissioner James Shieh, seconded by Commissioner Jose Vela to grant staff recommendations with the additional condition that the applicant shall include an affordability and relocation assistance component. There was a friendly amendment by Chair Steven Oliver to decouple item C-16 (*Vacation of a portion of right-of-way located between southbound U.S. Highway 183 and Ponca Street, immediately south of Vargas Road*) as accepted by the maker, seconded by Commissioner Jose Vela. There was a friendly amendment by Vice-Chair Fayeze Kazi to preserve 30 manufactured homes and accepted by the maker, Commissioner Jose Vela second.

The motion along with the friendly amendments failed on Commissioner James Shieh's motion, Commissioner Jose Vela second on a vote of 6-2-1-1. Those voting aye were: Chair Stephen Oliver, Vice-Chair Fayeze Kazi, Commissioner James Shieh, Commissioner Jeffrey Thompson, Commissioner Jose Vela and Commissioner Michael Wilson. Those voting nay were: Commissioner Angela Pineyro De Hoyos and Commissioner Nuria Zaragoza. Commissioner Tom Nuchols abstained. Commissioner James Schissler recused himself from items C-03, C-04 and C-16 (*Due to rendering professional services*). Commissioner Patricia Seeger, Commissioner Jean Stevens and Commissioner Trinity White were absent.

There was a substitute motion by Commissioner Angela Pineyro De Hoyos to grant staff recommendation with the additional condition to extend Ponca St. and preserve 2.35 or 2.5 acres of (MH) district zoning. The motion was later withdrawn.

Items C-03, C-04, C-16 are forwarded to the Austin City Council without a recommendation due to lack of a vote in the affirmative.

5. **Rezoning:** [C14-2015-0062 - US 183 & McCall Lane Rezoning; District 2](#)
Location: 2900, 3000, 3024 U.S. 183 Highway South and 3120 McCall Lane, Carson Creek and Onion Creek Watersheds; Southeast Combined (Southeast) NP Area
Owner/Applicant: Met Center NYCTEX Phase II, Ltd. (Howard Yancy)
Agent: Thrower Design (Ron Thrower)
Request: LI-NP; LI-CO-NP to LI-PDA-NP
Staff Rec.: **Pending; Postponement request by the Staff to March 22, 2016**
Staff: Wendy Rhoades, 512-974-7719, wendy.rhoades@austintexas.gov
Planning and Zoning Department

The motion to grant staff's request for postponement of this item to March 22, 2016 was approved on the consent agenda by Commissioner Jose Vela and seconded by Vice-Chair Faye Kazi on a vote of 10-0; Commissioner Patricia Seeger, Commissioner Jean Stevens and Commissioner Trinity White absent.

6. A. **Rezoning:** [C14-2015-0133 A - 1204 San Antonio & 1205 Nueces Rezoning; District 9](#)
Location: 1204 San Antonio & 1205 Nueces Street, Shoal Creek Watershed; Downtown Austin Plan
Owner/Applicant: Texas Association of Counties (Gene Terry)
Agent: Alice Glasco Consulting (Alice Glasco)
Request: GO to DMU
Staff Rec.: **Recommendation of DMU-CO**
Staff: Victoria Haase, 512-974-7691, tori.haase@austintexas.gov
Planning and Zoning Department

The motion to grant the neighborhood's request for postponement of this item to February 23, 2016 was approved on the consent agenda by Commissioner Jose Vela and seconded by Vice-Chair Faye Kazi on a vote of 10-0; Commissioner Patricia Seeger, Commissioner Jean Stevens and Commissioner Trinity White absent.

6. B. **Rezoning:** [C14-2015-0133 B - 1204 San Antonio & 1205 Nueces Rezoning; District 9](#)
Location: 1204 San Antonio & 1205 Nueces Street, Shoal Creek Watershed; Downtown Austin Plan
Owner/Applicant: Texas Association of Counties (Gene Terry)
Agent: Alice Glasco Consulting (Alice Glasco)

Request: GO to DMU
Staff Rec.: **Recommendation of DMU-CO**
Staff: Victoria Haase, 512-974-7691, tori.haase@austintexas.gov
Planning and Zoning Department

The motion to grant the neighborhood's request for postponement of this item to February 23, 2016 was approved on the consent agenda by Commissioner Jose Vela and seconded by Vice-Chair Faye Kazi on a vote of 10-0; Commissioner Patricia Seeger, Commissioner Jean Stevens and Commissioner Trinity White absent.

7. **Rezoning:** [**C14-2015-0153 - Iglesia Filadelfia; District 4**](#)
Location: 9015 Capitol Drive, Little Walnut Creek Watershed; North Lamar
Combined NP Area
Owner/Applicant: Leonel Rangel
Request: SF-3-NP to GR-NP
Staff Rec.: **Recommendation of GO-CO-NP**
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 (GO-CO-NP) combining district zoning, with additions to the conditional overlay to limit the site to only permitted civic uses for C14-2015-0153 - Iglesia Filadelfia located at 9015 Capitol Drive was approved by Commissioner Angela PineyroDeHoyos and seconded by Commissioner James Schissler on a vote of 10-0; Commissioner Patricia Seeger, Commissioner Jean Stevens and Commissioner Trinity White absent.

There was a motion by Commissioner Tom Nuchols to prohibit the land use of Day Care Services. Motion was later withdrawn.

NOTE: The following uses prohibited on the property: Bed and Breakfast (Group 1), Bed and Breakfast (Group 2), Administrative and Business Offices, Art Gallery, Art Workshop, Business or Trade School, Business Support Services, Communication Services, Medical Offices-not exceeding 5000 sq. ft. gross floor area and Medical Offices –exceeding 5000 sq. ft. in gross floor area, Off-Site Accessory Parking, Personal Services, Printing and Publishing, Professional Office, Restaurant (Limited), Software Development, Special Use Historic, Community Garden and Urban Farm

8. **Final Plat -** [**C8-2014-0175.0A - Resubdivision of Lot A, The Louis Herrera**](#)
Resubdivision: [**Subdivision, District 1**](#)
Location: 2810 Oak Springs Drive, Boggy Creek Watershed; Rosewood NP Area
Owner/Applicant: Cesar Fuentes
Agent: Perales Engineering (Jerry Perales)
Request: Approval of the Resubdivision of Lot A, The Louis Herrera Subdivision.
Staff Rec.: **Recommended**
Staff: Steve Hopkins, 512-974-3175, steve.hopkins@austintexas.gov
Development Services Department

Public hearing closed.

The motion to grant staff's recommendation for C8-2014-0175.0A - Resubdivision of Lot A, The Louis Herrera Subdivision located at 2810 Oak Springs Drive was approved on the consent agenda by Commissioner Jose Vela and seconded by Vice-Chair Faye Kazi on a vote of 10-0; Commissioner Patricia Seeger, Commissioner Jean Stevens and Commissioner Trinity White absent.

9. **Final Plat - Resubdivision with flag lot variance:** [C8-2015-0079.0A - Shadowridge Crossing, District 8](#)
- Location: 9520 Rotan Drive, Williamson Creek Watershed-Barton Springs Zone; Oak Hill Combined (West Oak Hill) NP Area
- Owner/Applicant: Clark & Julianna Ross
- Agent: KBGE Engineering (Armando Portillo/Brian Estes)
- Request: Approval of the Resubdivision of Lot 2, Block B Shadowridge Crossing Section 9-B, and a flag lot variance
- Staff Rec.: **Recommended**
- Staff: Steve Hopkins, 512-974-3175, steve.hopkins@austintexas.gov
Development Services Department

Public hearing closed.

The motion to grant staff's recommendation for C8-2015-0079.0A - Shadowridge Crossing located at 9520 Rotan Drive was approved on the consent agenda by Commissioner Jose Vela and seconded by Vice-Chair Faye Kazi on a vote of 10-0; Commissioner Patricia Seeger, Commissioner Jean Stevens and Commissioner Trinity White absent.

10. **Final Plat:** [C8-2016-0003.0A - Georgian Acres Resubdivision; District 4](#)
- Location: 9000 Georgian Drive, Little Walnut Creek Watershed; Georgian Acres NP Area
- Owner/Applicant: Susan Ponder
- Agent: Carlson, Brigrance & Doering, Inc. (Geoff Guerrero)
- Request: Approval of the Georgian Acres Resubdivision composed of 3 lots on 0.80 acres.
- Staff Rec.: **Disapproval**
- Staff: Development Services Department
11. **Final Plat - Resubdivision:** [C8-2016-0004.0A - Resubdivision of Lot 1, of the Resubdivision of Lots 1 & 2, JD Horn Addition; District 5](#)
- Location: 4016 Valley View Road, West Bouldin Creek Watershed; South Lamar NP Area
- Agent: Land Answers, Inc. (Jim Wittliff)
- Request: Approval of the Resubdivision of Lot 1, of the Resubdivision of Lots 1 & 2, JD Horn Addition composed of 3 lots on 0.62 acres
- Staff Rec.: **Disapproval**
- Staff: Development Services Department

- 12. Final Plat:** [**C8-2015-0285.0A - Warren-Holmans Subdivision; Resubdivision; District 7**](#)
 Location: 10615 Burnet Road, Little Walnut Creek Watershed; North Burnet TOD
 Owner/Applicant: Kerry Yom
 Agent: Vickrey & Associates, Inc. (Andrew Dodson)
 Request: Approval of Warren-Holmans Subdivision; Resubdivision composed of 2 lots on 2.9 acres.
 Staff Rec.: **Disapproval**
 Staff: David Wahlgren, 512-974-6455, david.wahlgren@austintexas.gov
 Development Services Department
- 13. Final Plat:** [**C8-2015-0283.0A - Uptown Business Park, Section 1; Resubdivision of Lot 1; District 1**](#)
 Location: 5112 Manor Road, Tannehill Branch Watershed; Windsor Park NP Area
 Owner/Applicant: North American Islamic Trust (Mothafar Mahmoud)
 Agent: AJ Ghaddar, P.E. & Associates (AJ Ghaddar)
 Request: Approval of Uptown Business Park, Section 1; Resubdivision of Lot 1 composed of 6 lots on 6.75 acres.
 Staff Rec.: **Disapproval**
 Staff: Steve Hopkins, 512-974-3175, steve.hopkins@austintexas.gov
 Development Services Department
- 14. Final Plat - Amended Plat:** [**C8-2015-0284.0A - Bouldin Stand Two; District 8**](#)
 Location: 5508 West US 290 Highway Westbound, West Bouldin Creek Watershed; East Oak Hill NP Area
 Owner/Applicant: Legacy DCS, LLC (Cass Brewer)
 Agent: LandDev Consulting (Darren Webber)
 Request: Approval of the Bouldin Stand Two composed of 2 lots on 0.46 acres
 Staff Rec.: **Disapproval**
 Staff: Development Services Department

Items 10-14;

Public hearing closed.

The motion to disapprove Items #10-14 was approved on the consent agenda by Commissioner Jose Vela and seconded by Vice-Chair Faye Kazi on a vote of 10-0; Commissioner Patricia Seeger, Commissioner Jean Stevens and Commissioner Trinity White absent.

- 15. Street Vacation:** [**F#9243-1308; F#9244-1308; F# 9245-1308; F#9246-1308; District 9**](#)
 Request: Vacation of a 6,722 square foot portion of East Avenue; a 5,052 square foot portion of East Avenue; a 3,347 square foot portion of East Avenue, and; a 4,617 square foot portion of East Avenue. Said portions of Right-of-Way collectively abutting 801 Lambie Street, 803 Lambie Street, 805 Lambie Street, and 48 East Avenue.
 Staff Rec.: **Recommended**
 Staff: Eric Hammack, 512-974-7079, Eric.Hammack@AustinTexas.gov
 Office of Real Estate Services

Public hearing closed.

The motion to grant staff's recommendation for the street vacations as described above were approved by Vice-Chair Faye Kazi, Commissioner James Schissler second on a vote of 10-0; Commissioner Patricia Seeger, Commissioner Jean Stevens and Commissioner Trinity White absent.

16. Street Vacation: [F#9575-1509; District 3](#)

Request: Vacation of a portion of right-of-way located between southbound U.S. Highway 183 and Ponca Street, immediately south of Vargas Road.

Staff Rec.: **Recommended**

Staff: Eric Hammack, 512-974-7079, Eric.Hammack@AustinTexas.gov
Office of Real Estate Services

Items C-3,C-4 and C-16 acted upon concurrently. See annotation under C-04.

D. NEW BUSINESS

E. ITEMS FROM COMMISSION

1. New Business: [East 12th Street NCCD Partial Rezoning; District 1](#)

Location: 1501 E 12th St, 1511 E 12th St, 1517 E 12th St, 1521 E 12th St, 1601 E 12th St, 1603 E 12th St, 1611 E 12th St, 1615 E 12th St, 1701 E 12th St, 1709 E 12th St, 1717 E 12th St, 1721 E 12th St, 1713 E 12th St, 1803 E 12th St, 1805 E 12th St, 1809 E 12th St., Boggy Creek Watershed

Request: Discussion and possible initiation of rezoning for properties located on the south side of East 12th Street between Comal Street and Chicon Street in the East 12th Street Neighborhood Conservation Combining District.

Staff: Heather Chaffin, 512-974-2122, heather.chaffin@austintexas.gov
Planning and Zoning Department;
Sandra Harkins, 512-974-3128, sandra.harkins@austintexas.gov,
Neighborhood Housing and Community Development Department

Motion to postpone to March 22, 2016 and refer the item to the Small Area Planning Joint Committee approved by Commissioner Angela Pineyro De Hoyos and second by Commissioner James Schissler on a 10-0 vote; Commissioner Patricia Seeger, Commissioner Jean Stevens and Commissioner Trinity White absent.

- 2. New Business:** [Discussion and possible action relating to a resolution from the Small Area Planning Joint Committee to the Planning Commission regarding the development and application of interim development regulations along the East Cesar Chavez Street Corridor from I-35 to U.S. Highway 183. \(District 3\)](#)

Staff: Mark Walters, 512-974-7695, mark.walters@austintexas.gov
Planning and Zoning Department

Motion to postpone and refer this item to the Small Area Planning Joint Committee was approved by Commissioner Tom Nuchols, seconded by Commissioner Zaragoza on a 10-0 vote; Commissioner Patricia Seeger, Commissioner Jean Stevens and Commissioner Trinity White absent.

- 3. New Business:** [Initiate an amendment to Title 25 of the City Code to clarify portions of the code related to Lake Austin development and remove conflicts and unintended consequences resulting from the 2014 Lake Austin code amendments.](#)

Staff: Liz Johnston, 512-974-2619, liz.johnston@austintexas.gov
Watershed Protection Department

The motion to initiate the code amendment was approved on the consent agenda by Commissioner Jose Vela and seconded by Vice-Chair Faye Kazi on a vote of 10-0; Commissioner Patricia Seeger, Commissioner Jean Stevens and Commissioner Trinity White absent.

- 4. New Business:** [Initiate an amendment to Title 25 of the City Code to extend the period for which the Board of Adjustment may grant special exceptions and associated fee waivers.](#)

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

The motion to initiate the code amendment was approved on the consent agenda by Commissioner Jose Vela and seconded by Vice-Chair Faye Kazi on a vote of 10-0; Commissioner Patricia Seeger, Commissioner Jean Stevens and Commissioner Trinity White absent.

- 5. New Business:** [Initiate an amendment to Title 25 of the City Code to clarify that dwellings allowed under “Article 5. – Accessory Uses” are different and distinct from Two-Family Residential and Secondary Apartment use \(both commonly called accessory dwelling units\).](#)

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

The motion to initiate the code amendment was approved on the consent agenda by Commissioner Jose Vela and seconded by Vice-Chair Faye Kazi on a vote of 10-0; Commissioner Patricia Seeger, Commissioner Jean Stevens and Commissioner Trinity White absent.

F. COMMITTEE REPORTS

G. ADJOURN

Chair Stephen Oliver adjourned the meeting without objection on Tuesday, January 26, 2016 at 11:50 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 Planning & Zoning Department, at 512-974-3207, for additional information; TTY users route through Relay Texas at 711.