



**REGULAR MEETING
MINUTES**

**PLANNING COMMISSION
July 26, 2016**

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

Chair Stephen Oliver called the Commission Meeting to order at 6:01 p.m.

Commission Members in Attendance:

**Stephen Oliver – Chair
Fayez Kazi – Vice – Chair
Karen McGraw
Tom Nuckols
James Schissler
Patricia Seeger
James Shieh
Jose Vela
Trinity White
Michael Wilson
Nuria Zaragoza**

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

Absent:

**Angela PineyroDeHoyos
Jeffrey Thompson**

Robert Hinojosa

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

Mr. Gavino Fernandez – Mr. Fernandez introduced himself and stated he is a neighborhood coordinator with El Concilio. Mr. Fernandez expressed his concern with the continuing growth on East Cesar Chavez Street. Mr. Fernandez asked that the Commission reconsider a moratorium in an effort to limit the number of bars adjacent to neighborhood residences.

Mr. Cory Walton – Mr. Walton introduced himself and stated he is a member of the Bouldin Creek Neighborhood and asked the Commission to initiate an amendment to their neighborhood plan to allow the adoption of the Garage Placement tool.

Mr. Mario Cantu – Mr. Cantu introduces himself and stated he is a member of the South Congress Combined Contact Team. He informed the Commission that the Contact Team is meeting and continues to focus on matters related to quality of life and public safety.

B. APPROVAL OF MINUTES

1. Approval of minutes from June 12, 2016.

The motion to approve the minutes from July 12, 2016 was approved on the consent agenda by Chair Stephen Oliver, Commissioner Trinity White seconded the motion on a vote of 9-1. Commissioner Patricia voting nay. Vice-Chair Faye Kazi (*arrived late*), Commissioners Angela PineyroDeHoyos, and Jeffrey Thompson absent.

C. PUBLIC HEARINGS

1. Plan Amendment: NPA-2015-0015.03 - 5010 & 5102 Heflin Lane; District 1

Location:	5010 & 5102 Heflin Lane, Fort Branch Creek Watershed; MLK-183 Combined NP Area
Owner/Applicant:	Heflin Phase 1, LLC (Lynn Yuan)
Agent:	Metcalf, Wolff, Stuart & Williams, LLP. (Michele R. Lynch)
Request:	Single Family to High Density Single Family land use
Staff Rec.:	Postponement request by Applicant to September 13, 2016.
Staff:	Kathleen Fox, 512-974-7877 Planning and Zoning Department

The motion to grant the Applicant's request for postponement of this item to September 13, 2016 was approved on the consent agenda by Chair Stephen Oliver, Commissioner Trinity White seconded the motion on a vote of 9-1. Commissioner Patricia Seeger voted nay. Vice-Chair Faye Kazi (*arrived late*), Commissioners Angela PineyroDeHoyos, and Jeffrey Thompson absent.

2. Rezoning: C14-2015-0114 - 5010 & 5102 Heflin Lane; District 1

Location: 5010 & 5102 Heflin Lane, Fort Branch Creek Watershed; MLK-183 Combined NP Area
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.: **Postponement request by Applicant to September 13, 2016.**
Staff: Heather Chaffin, 512-974-2122
Planning and Zoning Department

The motion to grant the Applicant's request for postponement of this item to September 13, 2016 was approved on the consent agenda was approved on the consent agenda by Chair Stephen Oliver, Commissioner Trinity White seconded the motion on a vote of 9-1. Commissioner Patricia Seeger voted nay. Vice-Chair Faye Kazi (*arrived late*), Commissioners Angela PineyroDeHoyos, and Jeffrey Thompson absent.

3. Plan Amendment: NPA-2016-0010.02 - East Sixth Street Village, District 3

Location: 622 Pedernales Street (previously listed at 2422 Hidalgo St.), Lady Bird Lake Watershed; Holly NP Area
Owner/Applicant: 2422 Hidalgo Street, L.P. (M. Timothy Clark)
Agent: 2422 Hidalgo Street, L.P. (David Cox)
Request: Industry to Mixed Use land use
Staff Rec.: **Recommended**
Staff: Maureen Meredith, 512-974-2695
Planning and Zoning Department

Public Hearing closed.

The motion to grant staff's recommendation of Mixed Use land use for NPA-2016-0010.02 - East Sixth Street Village located at 622 Pedernales Street was approved on the consent agenda by Chair Stephen Oliver, Commissioner Trinity White seconded the motion on a vote of 8-1-1. Commissioner James Schissler recused himself from this item (*professional services rendered*). Commissioner Patricia Seeger voted nay. Vice-Chair Faye Kazi (*arrived late*), Commissioners Angela PineyroDeHoyos, and Jeffrey Thompson absent.

4. Rezoning: C14-2016-0043 - East Sixth Village North; District 3

Location: 622 Pedernales Street, Lady Bird Lake Watershed; Holly NP Area
Owner/Applicant: 2422 Hidalgo Street, L.P. (David Cox)
Agent: 2422 Hidalgo Street, L.P. (David Cox)
Request: LI-CO-NP to CS-MU-CO-NP
Staff Rec.: **Recommended**
Staff: Heather Chaffin, 512-974-2122
Planning and Zoning Department

Public Hearing closed.

The motion to grant staff's recommendation of CS-MU-CO-NP combining district zoning, with an additional condition to prohibit outdoor amplified sound, for C14-2016-0043 - East Sixth Village North located at 622 Pedernales Street was approved on the consent agenda by Chair Stephen Oliver, Commissioner Trinity White seconded the motion on a vote of 8-1-1. Commissioner James Schissler recused himself from this item (*professional services rendered*). Commissioner Patricia Seeger voted nay. Vice-Chair Faye Kazi (*arrived late*), Commissioners Angela PineyroDeHoyos, and Jeffrey Thompson absent.

5. Rezoning: C14-2016-0041 - East Sixth Village South; District 3

Location: 2416 East 6th Street, Lady Bird Lake Watershed; Holly NP Area
Owner/Applicant: 2416 East Sixth Street, L.P. (David Cox)
Agent: 2416 East Sixth Street, L.P. (David Cox)
Request: LI-CO-NP to CS-V-CO-NP
Staff Rec.: **Recommended**
Staff: Heather Chaffin, 512-974-2122
Planning and Zoning Department

Public Hearing closed.

The motion to grant staff's recommendation of CS-V-CO-NP combining district zoning, with an additional condition to prohibit outdoor amplified sound, for C14-2016-0041 - East Sixth Village South located at 622 Pedernales Street was approved on the consent agenda by Chair Stephen Oliver, Commissioner Trinity White seconded the motion on a vote of 8-1-1. Commissioner James Schissler recused himself from this item (*professional services rendered*). Commissioner Patricia Seeger voted nay. Vice-Chair Faye Kazi (*arrived late*), Commissioners Angela PineyroDeHoyos, and Jeffrey Thompson absent.

6. Restrictive Covenant Termination: C14-79-065(RCT) - Earl M. McClure, District 9

Location: 80 Red River Street, Waller Creek Watershed; Downtown Austin Plan
Owner/Applicant: Villas of Town Lake HOA (Gary L Johnson)
Agent: Consort, Inc. (Ben Turner)
Request: To terminate a restrictive covenant
Staff Rec.: **Recommended**
Staff: Wendy Rhoades, 512-974-7719
Planning and Zoning Department

The motion to grant the Applicant and Neighborhood's request for postponement of this item to September 13, 2016 was approved on the consent agenda by Chair Stephen Oliver, Commissioner Trinity White seconded the motion on a vote of 9-1. Commissioner Patricia Seeger voted nay. Vice-Chair Faye Kazi (*arrived late*), Commissioners Angela PineyroDeHoyos, and Jeffrey Thompson absent.

7. Rezoning: C14-2016-0032 - Smither's RV Storage; District 4

Location: 10400 North Lamar Boulevard, Little Walnut Creek Watershed; North Austin Civic Association NP Area
Owner/Applicant: Ben F. Smithers
Request: GR-CO-NP to CS-NP
Staff Rec.: **Recommendation of CS-CO-NP**
Staff: Sherri Sirwaitis, 512-974-3057
Planning & Zoning Department

Public Hearing closed.

The motion to grant staff's recommendation of CS-CO-NP combining district zoning for C14-2016-0032 - Smither's RV Storage located at 10400 North Lamar Boulevard was approved on the consent agenda by Chair Stephen Oliver, Commissioner Trinity White seconded the motion on a vote of 9-1. Commissioner Patricia Seeger voted nay. Vice-Chair Fayeze Kazi (*arrived late*), Commissioners Angela PineyroDeHoyos, and Jeffrey Thompson absent.

8. Rezoning: C14-2016-0059 - KKG1 Rezoning; District 9

Location: 2001 University Avenue, Waller Creek Watershed; West University of the Central West Austin Combined NPA
Owner/Applicant: House Association of Beta XI Chapter of Kappa Kappa Gamma (Ellen Morrison)
Agent: Thrower Design (Ron Thrower)
Request: MF-4-H-NP to GO-H-NP
Staff Rec.: **Recommended**
Staff: Sherri Sirwaitis, 512-974-3057
Planning & Zoning Department

Public Hearing closed.

The motion to grant staff's recommendation of GO-H-NP combining district zoning for C14-2016-0059 - KKG1 Rezoning located at 2001 University Avenue was approved on the consent agenda by Chair Stephen Oliver, Commissioner Trinity White seconded the motion on a vote of 9-1. Commissioner Patricia Seeger voted nay. Vice-Chair Fayeze Kazi (*arrived late*), Commissioners Angela PineyroDeHoyos, and Jeffrey Thompson absent.

9. Rezoning: C14-2016-0058 - KKG2 Rezoning; District 9

Location: 1911-1/2 University Avenue, Waller Creek Watershed; West University of the Central West Austin Combined NPA
Owner/Applicant: House Association of Beta XI Chapter of Kappa Kappa Gamma (Ellen Morrison)
Agent: Thrower Design (Ron Thrower)
Request: MF-4-NP to GO-NP
Staff Rec.: **Recommended**
Staff: Sherri Sirwaitis, 512-974-3057
Planning and Zoning Department

Public Hearing closed.

The motion to grant staff's recommendation of GO-NP combining district zoning for C14-2016-0058 - KKG2 Rezoning located at 1911-1/2 University Avenue was approved on the consent agenda by Chair Stephen Oliver, Commissioner Trinity White seconded the motion on a vote of 9-1. Commissioner Patricia Seeger voted nay. Vice-Chair Fayez Kazi (*arrived late*), Commissioners Angela PineyroDeHoyos, and Jeffrey Thompson absent.

10. Code Amendment: C20-2015-018 - Tenant Relocation

Request: Consider amendments to Title 25 of the Land Development Code related to recommendations regarding tenant relocation assistance requirements.
Staff Rec.: **Recommended; Postponement request by Staff to August 9, 2016.**
Staff: Lauren Avioli, 512-974-3141
Neighborhood Housing and Community Development

The motion to grant staff's request for postponement of this item to August 9, 2016 was approved on the consent agenda by Chair Stephen Oliver, Commissioner Trinity White seconded the motion on a vote of 8-1-1. Commissioner James Schissler recused himself from this item (*rendered professional services*). Commissioner Patricia Seeger voted nay. Vice-Chair Faye Kazi (*arrived late*), Commissioners Angela PineyroDeHoyos, and Jeffrey Thompson absent.

11. Resubdivision: C8-2015-0253.0A - Resubdivision of Lot 6, Block 6, Broadacres; District 7

Location: 5611 Jeff Davis Avenue, Shoal Creek Watershed; Brentwood NP Area
Owner/Applicant: 706 West 34th LLC (Michel Issa)
Agent: Noble Surveying and Engineering Works (Ryan Irion)
Request: Approval of the resubdivision of one lot into a two lot subdivision on 0.3360 acres, with a variance request from LDC Section 25-4-175 to allow a flag lot.
Staff Rec.: **Recommended**
Staff: Cesar Zavala, 512-974-3404
Development Services Department

Public Hearing closed.

The motion to grant staff's recommendation for C8-2015-0253.0A - Resubdivision of Lot 6, Block 6, Broadacres located at 5611 Jeff Davis Avenue was approved on the consent agenda by Chair Stephen Oliver, Commissioner Trinity White seconded the motion on a vote of 8-1-1. Commissioner James Shieh recused himself on this item (*professional services rendered*). Commissioner Patricia Seeger voted nay. Vice-Chair Faye Kazi (*arrived late*), Commissioners Angela PineyroDeHoyos, and Jeffrey Thompson absent.

- 12. Final Plat with Preliminary:** **C8-04-0043.08.1A.SH - Mueller - Section X (10) Final Plat; District 9**
Location: 3600 Manor Road, Tannehill Branch Watershed; RMMA
Owner/Applicant: City of Austin (Pam Hefner)
Agent: Bury, Inc. (Jose Farias)
Request: Approval of the Mueller - Section X (10) Final Plat composed of 250 lots on 45.05 acres
Staff Rec.: **Recommended**
Staff: Don Perryman, 512-974-2786
Development Services Department

Public Hearing closed.

The motion to grant staff's recommendation for C8-04-0043.08.1A.SH - Mueller - Section X (10) Final Plat located at 3600 Manor Road was approved on the consent agenda by Chair Stephen Oliver, Commissioner Trinity White seconded the motion on a vote of 9-1. Commissioner Patricia Seeger voted nay. Vice-Chair Faye Kazi (*arrived late*), Commissioners Angela PineyroDeHoyos, and Jeffrey Thompson absent.

- 13. Vacation of Right-of-Way:** **F#9620-1511**
Location: Between Paul Street and Pressler Street, south of West 5th Street
Owner: Mathews-Brothers Investment, LP and Duchy East, LLC
Applicant: Reynolds M. Shelton
Request: Vacation of a portion of an alley right-of-way located between Paul Street and Pressler Street, south of West 5th Street
Staff Rec.: **Recommended**
Staff: Kim Vasquez, 974-9241
Office of Real Estate Services

Public Hearing closed.

The motion to grant staff recommendation for a vacation of a portion of an alley right-of-way located between Paul Street and Pressler Street, south of West 5th Street was approved on the consent agenda by Chair Stephen Oliver, Commissioner Trinity White seconded the motion on a vote of 9-1. Commissioner Patricia Seeger voted nay. Vice-Chair Faye Kazi (*arrived late*), Commissioners Angela PineyroDeHoyos, and Jeffrey Thompson absent.

- 14. Final Plat - Resubdivision:** **C8-2016-0144.0A - Fiskville School Addition; District 4**
Location: 211 Beaver Street, Little Walnut Creek Watershed; Georgian Acres NP Area
Owner/Applicant: Josue Flores
Agent: Miguel Gonzales, Jr. TBPE Firm No. 15437 (Miguel Gonzales)
Request: Approval of Fiskville School Addition, composed of 3 lots on 0.5 acres
Staff Rec.: **Disapproval**
Staff: Development Services Department

- 15. Final Plat:** **C8-2016-0138.0A - Latitude Webberville; District 1**
- Location: 1907 Webberville Road, Fort Branch Creek Watershed; MLK-183 Combined NP Area
- Owner/Applicant: Protestant Episcopal Church of the Diocese of Texas (Robert Biehl)
- Agent: Big Red Dog Engineering (Nicholas Kehl)
- Request: Approval of Latitude Webberville, composed of 77 lots on 11.67 acres.
- Staff Rec.: **Disapproval**
- Staff: David Wahlgren, 512-974-6455
Development Services Department
- 16. Final Plat:** **C8-2016-0140.0A - Travis Heights Subdivision Lot 9 and 10 Block 47; District 9**
- Location: 1327 Bonham Terrace, Harper's Branch Watershed; South River City NP Area
- Owner/Applicant: Parkside Homes (Andrew Milam)
- Agent: Jacobs Engineering (Joel Bock)
- Request: Approval of Travis Heights Subdivision Lot 9 and 10 Block 47, composed of 2 lots on 0.47 acres.
- Staff Rec.: **Disapproval**
- Staff: David Wahlgren, 512-974-6455
Development Services Department
- 17. Final Plat:** **C8-2016-0143.0A - James E. Boulding Estate, Resubdivision of Lot 1 Block C; District 9**
- Location: 810 Jewell Street, East Bouldin Creek Watershed; Bouldin Creek NP Area
- Owner/Applicant: Houchins James O & Susan C
- Agent: Power Engineering Group (Forrest Powers)
- Request: Approval of the James E. Boulding Estate, Resubdivision of Lot 1 Block C composed of 0.34 lots on 0.34 acres.
- Staff Rec.: **Disapproval**
- Staff: Development Services Department

EDIT:

Approval of the James E. Boulding Estate, Resubdivision of Lot 1 Block C composed of 2 lots on 0.34 acres.

- 18. Final Plat:** **C8-2016-0141.0A - Schieffer Place Section 5 Resubdivision of Lot 7, Block B; District 9**
- Location: 3901 Brookview Road, Boggy Creek Watershed; Upper Boggy Creek NP Area
- Owner/Applicant: BDB Ventures, LLC (Dale Thornton)
- Agent: Shawn Breedlove
- Request: Approval of the Schieffer Place Section 5 Resubdivision of Lot 7, Block B composed of 3 lots on 0.38 acres.
- Staff Rec.: **Disapproval**
- Staff: Development Services Department

Public Hearing closed.

The motion to disapprove Items #14-18 was approved on the consent agenda by Chair Stephen Oliver, Commissioner Trinity White seconded the motion on a vote of 9-1. Commissioner Patricia Seeger voted nay. Vice-Chair Fayez Kazi (*arrived late*), Commissioners Angela PineyroDeHoyos, and Jeffrey Thompson absent.

D. BRIEFINGS

1. 2016 Imagine Austin Annual Report and Amendments

Briefing, discussion and possible action to forward the 2016 Imagine Austin amendments to City Council.

Staff: Matt Dugan, 512-974-7665, matthew.dugan@austintexas.gov; Planning and Zoning Department

Motion by Commissioner Nuria Zaragoza, seconded by Commissioner Tom Nuckols to divide the question and separate amendment CPA-2016-0003 Activity Corridor on Guadalupe Street; refer the Imagine Austin Plan to the Comprehensive Plan Joint Committee; and refer the amendments, including amendment CPA-2016-0003, to the Small Area Planning Joint Committee to report back to the Commission and hold a Public Hearing on August 23, 2016.

Friendly amendment by Commissioner Patricia Seeger to bifurcate the amendments and defer them to Small Area Planning Joint Committee as separate items. Friendly amendment not accepted by the maker.

Commissioner Nuria Zaragoza amended the motion to refer the Imagine Austin Plan and amendments, including amendment CPA-2016-0003, to Comprehensive Plan Joint Committee to report back to the Commission and hold a Public Hearing on August 23, 2016.

The amended motion by Nuria Zaragoza, seconded by Commissioner Tom Nuckols was approved on a vote of 9-1-1. Commissioner James Schissler voted nay. Commissioner Karen McGraw recused herself from amendment CPA-2016-0003 Activity Corridor on Guadalupe Street (*owner of property within corridor*). Commissioners Angela PineyroDeHoyos, and Jeffrey Thompson absent.

E. NEW BUSINESS

1. Discussion and possible action to initiate a code amendment to § 25-2-567, Special Requirement for Affordable Housing in Certain Multifamily Districts, to explore expanding MF-6 regulations to more restrictive Multifamily Districts. (Vice-Chair Fayez Kazi, Commissioner James Shieh)

Motion by Vice-Chair Fayez Kazi, seconded by Commissioner James Schissler to direct staff to initiate a code amendment to § 25-2-567, Special Requirement for Affordable Housing in Certain Multifamily Districts, to explore expanding MF-6 regulations to more restrictive Multifamily Districts.

The substitute motion to defer this item to the Codes and Ordinances Joint Committee for review and initiation failed on Commissioner James Shieh's motion, seconded by Commissioner Trinity White on a vote of 5-6. Those voting aye were: Commissioners Keren McGraw, Patricia Seeger, James Shieh, Trinity White and Nuria Zaragoza. Those voting nay were: Chair Stephen Oliver, Vice-Chair Faye Kazi, and Commissioners Tom Nuckols, James Schissler, Jose Vela, and Michael Wilson. Commissioners Angela PineyroDeHoyos, and Jeffrey Thompson absent.

The motion by Vice-Chair Faye Kazi, seconded by Commissioner James Schissler was approved on a vote of 10-1. Commissioner Karen McGraw voted nay. Commissioners Angela PineyroDeHoyos, and Jeffrey Thompson absent.

2. Discussion of CodeNEXT Prescription Papers and possible action to establish a Working Group tasked with reviewing and compiling Working Groups comments and findings of the CodeNEXT Prescription Papers.

Motion by Vice-Chair Faye Kazi, seconded by Commissioner Trinity White to establish a Working Group tasked to review and provide comments regarding Prescription Paper #3, made up of Commissioners Tom Nuckols, James Shieh and Jose Vela, was approved on a unanimous vote. Commissioners Angela PineyroDeHoyos, and Jeffrey Thompson absent.

3. Discussion and possible action on amending the Planning Commission Bylaws and forward to Audit and Finance for approval.

Motion by Commissioner James Schissler, seconded by Tom Nuckols to postpone this item to August 9, 2016 was approved on a unanimous vote. Commissioners Angela PineyroDeHoyos, and Jeffrey Thompson absent.

4. Discussion and possible action on amending the Planning Commission Rules of Procedure.

Commissioner Karen McGraw's motion, seconded by Commissioner James Schissler to adopt the Rules of Procedure without changes was approved on a unanimous vote. Commissioners Angela PineyroDeHoyos, and Jeffrey Thompson absent.

F. ITEMS FROM COMMISSION

G. COMMITTEE REPORTS

Codes and Ordinances Joint Committee - Commissioner Nuria Zaragoza informed the commission that the committee met and discussed the Tenant Relocation code amendment. Next meeting to be held on August 16, 2016.

Comprehensive Plan Joint Committee – Meeting August 11, 2016

Land Development Code Advisory Group – Commissioner Nuria Zaragoza informed the commission the Group discussed the layout of the new code with members of Opticos.

Small Area Planning Joint Committee – Commissioner James Shieh and Commissioner Trinity White informed the commission that the committee decided on a mission statement and continue discussing a work plan.

ADJOURNMENT

Chair Stephen Oliver adjourned the meeting without objection on Tuesday, July 26, 2016 at 8:39 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 2 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.