



**REGULAR MEETING
MINUTES**

**PLANNING COMMISSION
August 9, 2016**

**The Planning Commission convened in a regular meeting on August 9, 2016 @ 301 W. 2nd Street,
Austin, TX 78701**

Vice-Chair Fayez Kazi called the Commission Meeting to order at 6:02 p.m.

Commission Members in Attendance:

**Fayez Kazi – Vice – Chair
Tom Nuckols
Angela PineyroDeHoyos
James Schissler
Patricia Seeger
James Shieh
Jose Vela
Michael Wilson
Nuria Zaragoza**

Absent:

**Stephen Oliver – Chair
Karen McGraw
Patricia Seeger
Jeffrey Thompson
Trinity White**

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

Mr. Stuart Hersh – Mr. Hersh conveyed his concern regarding an amendment pertaining to enclosed garages and an amendment related to mobile home parks. ([Stuart Hersh memorandum](#))

B. APPROVAL OF MINUTES

1. Approval of minutes from August 9, 2016.

The motion to approve the minutes from August 9, 2016 was approved on the consent agenda by Commissioner Nuria Zaragoza, seconded by Commissioner James Shieh on a unanimous vote. Chair Stephen Oliver and Commissioners Karen McGraw, Patricia Seeger, Jeffrey Thompson and Trinity White absent.

C. PUBLIC HEARINGS

1. Plan Amendment: [NPA-2016-0013.01 - Bouldin Court; District 9](#)

Location: 908, 1000, & 1002 South 2nd Street, East Bouldin Creek Watershed;
Bouldin Creek NP Area
Owner/Applicant: 1st Street Highlands, LP
Agent: Jarred Corbell
Request: Single Family to Higher Density Single Family land use
Staff Rec.: **Postponement request by the Staff to September 27, 2016**
Staff: [Maureen Meredith](#), 512-974-2695
Planning and Zoning Department

The motion to grant staff's request for postponement of this item to September 27, 2016 was approved on the consent agenda by Commissioner Nuria Zaragoza, seconded by Commissioner James Shieh on a unanimous vote. Chair Stephen Oliver and Commissioners Karen McGraw, Patricia Seeger, Jeffrey Thompson and Trinity White absent.

2. Plan Amendment: [NPA-2016-0025.01 - Lantana Tract 33, District 8](#)

Location: 6701, 6825-1/2 & 7045-1/2 Rialto Boulevard, Barton Creek, Williamson Creek Watersheds-Barton Springs Zone; Oak Hill Combined NP Area (East Oak Hill)
Owner/Applicant: Lantana Tract 33, L.P.
Agent: Smith, Robertson, Elliott & Douglas, L.L.P. (David Hartman)
Request: Office to Multifamily land use
Staff Rec.: **Postponement request by the Staff to August 23, 2016**
Staff: [Maureen Meredith](#), 512-974-2695
Planning and Zoning Department

The motion to grant staff's request for postponement of this item to August 23, 2016 was approved on the consent agenda by Commissioner Nuria Zaragoza, seconded by Commissioner James Shieh on a unanimous vote. Chair Stephen Oliver and Commissioners Karen McGraw, Patricia Seeger, Jeffrey Thompson and Trinity White absent.

3. Rezoning: [C14-2016-0011 - Lantana 33; District 8](#)

Location: 6701, 6825-1/2 & 7045-1/2 Rialto Boulevard, Barton Creek, Williamson Creek Watersheds-Barton Springs Zone; Oak Hill Combined NP Area (East Oak Hill)
Owner/Applicant: Lantana Tract 33, LP by Green/Lion GP Two, LLC (Barry Marcus)
Agent: Smith, Robertson, Elliott & Douglas (David Hartman)
Request: GO-NP to MF-4-NP
Staff Rec.: **Postponement request by the Staff to August 23, 2016**
Staff: [Andrew Moore](#), 512-974-7604
Planning and Zoning Department

The motion to grant staff's request for postponement of this item to August 23, 2016 was approved on the consent agenda by Commissioner Nuria Zaragoza, seconded by Commissioner James Shieh on a unanimous vote. Chair Stephen Oliver and Commissioners Karen McGraw, Patricia Seeger, Jeffrey Thompson and Trinity White absent.

4. Restrictive Covenant Termination: [C14-85-288.8 \(RCT\) - Lantana Tract 33, LP; District 8](#)

Location: 6701, 6825-1/2 & 7045-1/2 Rialto Boulevard, Barton Creek, Williamson Creek Watersheds-Barton Springs Zone; Oak Hill Combined NP Area (East Oak Hill)
Agent: Smith, Robertson, Elliott & Douglas (David Hartman)
Request: Termination of the restrictive covenant related to this property
Staff Rec.: **Postponement request by the Staff to August 23, 2016**
Staff: [Andrew Moore](#), 512-974-7604
Planning and Zoning Department

The motion to grant staff's request for postponement of this item to August 23, 2016 was approved on the consent agenda by Commissioner Nuria Zaragoza, seconded by Commissioner James Shieh on a unanimous vote. Chair Stephen Oliver and Commissioners Karen McGraw, Patricia Seeger, Jeffrey Thompson and Trinity White absent.

5. Rezoning: [C14-2016-0020 - Lantana IV; District 8](#)

Location: 7717 Southwest Parkway, Williamson Creek Watershed-Barton Springs Zone; Oak Hill Combined NP Area (East Oak Hill)
Owner/Applicant: JDI Holdings LLC (J. Douglas Ivey)
Agent: Permit Partners LLC (David Cancialosi)
Request: LR-MU-NP to GR-MU-NP
Staff Rec.: **Postponement request by the Staff to August 23, 2016**
Staff: [Andrew Moore](#), 512-974-7604
Planning and Zoning Department

The motion to grant staff's request for postponement of this item to September 13, 2016 was approved on the consent agenda by Commissioner Nuria Zaragoza, seconded by Commissioner James Shieh on a unanimous vote. Chair Stephen Oliver and Commissioners Karen McGraw, Patricia Seeger, Jeffrey Thompson and Trinity White absent.

6. Rezoning: [C14-2016-0074 - Element Hotel; District 7](#)

Location: 10728 Burnet Road, Walnut Creek Watershed; North Burnet/Gateway NP Area; Oak Hill Combined NP Area (East Oak Hill)
Owner/Applicant: DBG Austin Domain, LLC
Agent: Bennett Consulting (Rodney Bennett)
Request: MI-PDA to MI-PDA, to change a condition of zoning
Staff Rec.: **Recommended**
Staff: [Sherri Sirwaitis](#), 512-974-3057
Planning and Zoning Department

Public Hearing Closed

The motion to grant staff's recommendation of MI-PDA district zoning for C14-2016-0074 - Element Hotel located at 10728 Burnet Road was approved on the consent agenda by Commissioner Nuria Zaragoza, seconded by Commissioner James Shieh on a unanimous vote. Chair Stephen Oliver and Commissioners Karen McGraw, Patricia Seeger, Jeffrey Thompson and Trinity White absent.

7. 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**
Staff: [Lauren Avioli](#), 512-974-3141
Neighborhood Housing and Community Development

(Public Hearing was closed on June 28, 2016)

There was a motion by Commissioner Nuria Zaragoza, seconded by Commissioner Tom Nuckols to grant staff's recommendation for amendments to Title 25 of the Land Development Code related to tenant relocation assistance requirements, with additional amendments, the motion failed on a vote

of 6-1-1. Those voting aye were: Vice-Chair Fayez Kazi and Commissioners Angela PineyroDeHoyos, Tom Nuckols, James Shieh, Jose Vela, and Nuria Zaragoza. Commissioner Michael Wilson voting nay. Commissioner James Schissler recused himself from this item (*Professional services rendered to client*). Chair Stephen Oliver and Commissioners Karen McGraw, Patricia Seeger, Jeffrey Thompson, and Trinity White absent.

Amendments are as follows.

- Incorporate revised language related to the notice of affected tenant/tenants as reflected in [Exhibit A](#)
- Incorporate language to require payment of a Tenant Relocation fee for rezoning and discretionary land use permits unless a waiver is granted by Council (*see* [Draft Ordinance Pg. 10 of 58; 25-1-715](#))
- Offense requires a culpable mental state; language to be determined by the Law Department (*see* [Draft Ordinance pg. 11 of 58; 25-1-717 \(B\)](#))
- Offense requires a culpable mental state; language to be determined by the Law Department (*see* [Draft Ordinance pg. 11 of 58; 25-1-717 \(B\)](#))
- Include a bad actor clause; language to be determined by the Law Department

There was a substitute motion by Commissioner Jose Vela, seconded by Commissioner James Shieh to grant staff's recommendation for amendments to Title 25 of the Land Development Code related to tenant relocation assistance requirements, with additional amendments, the motion failed on a vote of 4-2-1-1. Those voting aye were: Vice-Chair Fayez Kazi and Commissioners James Shieh, Jose Vela, and Michael Wilson. Those voting nay were: Commissioners Angela PineyroDeHoyos and Nuria Zaragoza. Commissioner Tom Nuckols abstained. Commissioner James Schissler recused himself from this item (*Professional services rendered to client*). Chair Stephen Oliver and Commissioners Karen McGraw, Patricia Seeger, Jeffrey Thompson, and Trinity White absent.

Amendments of failed motion are as follows.

- Incorporate revised language related to the notice of affected tenant/tenants as reflected in [Exhibit A](#)
- Incorporate language to require payment of a Tenant Relocation fee for rezoning and discretionary land use permits unless a waiver is granted by Council (*see* [Draft Ordinance Pg. 10 of 58; 25-1-715](#))
- Revise the proposed notice requirement from 5 units to 12 or more units (*see* [Draft Ordinance pg. 6 of 58; 25-1-712 \(A\) \(1\)](#))
- Revise 270 day notification to 180 day notification for mobile home park. (*see* [Draft Ordinance pg. 6 of 58; 25-1-712 \(B\) \(1\) \(b\)](#))
- Offense requires a culpable mental state; language to be determined by the Law Department (*see* [Draft Ordinance pg. 11 of 58; 25-1-717 \(B\)](#))
- Offense requires a culpable mental state; language to be determined by the Law Department (*see* [Draft Ordinance pg. 11 of 58; 25-1-717 \(B\)](#))
- Include a bad actor clause; language to be determined by the Law Department

Motion to grant staff's recommendation for amendments to Title 25 of the Land Development Code related to tenant relocation assistance requirements was approved on the motion by Commissioner Nuria Zaragoza, seconded by Commissioner Tom Nuckols on an affirmative vote of 7-0-1. Commissioner James Schissler recused himself from this item (*Professional services rendered to client*). Chair Stephen Oliver and Commissioners Karen McGraw, Patricia Seeger, Jeffrey Thompson, and Trinity White absent.

Amendments are as follows.

- Incorporate revised language related to the notice of affected tenant/tenants as reflected in [Exhibit A](#)
- Incorporate language to require payment of a Tenant Relocation fee for rezoning and discretionary land use permits unless a waiver is granted by Council (*see* [Draft Ordinance Pg. 10 of 58; 25-1-715](#))
- Revise the proposed notice requirement from 5 units to 12 or more units (*see* [Draft Ordinance pg. 6 of 58; 25-1-712 \(A\) \(1\)](#))
- Offense requires a culpable mental state; language to be determined by the Law Department (*see* [Draft Ordinance pg. 11 of 58; 25-1-717 \(B\)](#))
- Offense requires a culpable mental state; language to be determined by the Law Department (*see* [Draft Ordinance pg. 11 of 58; 25-1-717 \(B\)](#))
- Include a bad actor clause; language to be determined by the Law Department

8. Final Plat: [C8-2015-0223.0A - Walton Terrace; District 3](#)

Location:	1104 - 1112 Walton Lane, Boggy Creek Watershed; Johnston Terrace NP Area
Owner/Applicant:	Walton RRA Homes, LLC (Raymond Chow)
Agent:	Genesis 1 Engineering (George Gonzalez)
Request:	Approval of the final plat composed of six lots on 1.188 acres.
Staff Rec.:	Recommended
Staff:	Cesar Zavala , 512-974-3404 Development Services Department

Public Hearing Closed

The motion to grant staff's recommendation for C8-2015-0223.0A - Walton Terrace located at 1104 - 1112 Walton Lane was approved on the consent agenda by Commissioner Nuria Zaragoza, seconded by Commissioner James Shieh on a unanimous vote. Chair Stephen Oliver and Commissioners Karen McGraw, Patricia Seeger, Jeffrey Thompson and Trinity White absent.

9. Resubdivision: [**C8-2015-0284.0A - Bouldin Stand Two; District 9**](#)

Location: 811 & 901 Bouldin Avenue, West Bouldin Creek / East Bouldin Creek Watersheds; Bouldin Creek NP Area
Owner/Applicant: 811-901 Bouldin, LLC & Legacy DCS, LLC (Cass Brewer)
Agent: Land Dev Consulting (Darren Webber)
Request: Approval of the final plat composed of two lots on 0.462 acres.
Staff Rec.: **Recommended**
Staff: [Cesar Zavala](#), 512-974-3404
Development Services Department

Public Hearing Closed

The motion to grant staff's recommendation for C8-2015-0284.0A - Bouldin Stand Two located at 811 & 901 Bouldin Avenue was approved on the consent agenda by Commissioner Nuria Zaragoza, seconded by Commissioner James Shieh on a unanimous vote. Chair Stephen Oliver and Commissioners Karen McGraw, Patricia Seeger, Jeffrey Thompson and Trinity White absent.

10. Resubdivision: [**C8-2015-0286.0a - E M Franklin Second Resubdivision of Lots 8 & 9, Block 2, Crest Haven Addition; District 1**](#)

Location: 2001 E M Franklin Avenue, Tannehill Branch Creek Watershed; M.L.K. NP Area
Owner/Applicant: EM Franklin GP, LLC (J. Ryan Diepenbrock)
Agent: PSW Homes, LLC (Casey Giles)
Request: Approval of the resubdivision composed of 30 lots on 4.647 acres.
Staff Rec.: **Recommended**
Staff: [Cesar Zavala](#), 512-974-3404
Development Services Department

**11. Final Plat
(previously
unplatted):** [**C8-2016-0154.0A - Stuart Subdivision; District 4**](#)

Location: 8817 North Lamar Boulevard, Walnut Creek Watershed; Georgian Acres NP Area
Owner/Applicant: Sally J. Stuart
Agent: Cartex Engineering Services, Inc. (Gary E Jones)
Request: The approval of the Stuart Subdivision, composed of 1 lot on 3.53 acres
Staff Rec.: **Disapproval**
Staff: Development Services Department

- 12. Final Plat (previously unplatted):** [C8-2016-0153.0A - Silveredge Creek Subdivision; District 1](#)
- Location: 1400 East Applegate Drive, Walnut Creek Watershed; Windsor Hills NP Area
- Owner/Applicant: Dessau Silveredge LP
- Agent: Cuatro Consultants, Ltd. (Hugo Elizondo Jr. P.E.)
- Request: The approval of the Silveredge Creek Subdivision, composed of 13 lots on 8.039 acres
- Staff Rec.: **Disapproval**
- Staff: [Cesar Zavala](#), 512-974-3404
Development Services Department
- 13. Final Plat (previously unplatted):** [C8-2016-0150.0A - El Buen Pastor A/G Mosqueda; District 3](#)
- Location: 1128 Tillery Street, Boggy Creek Watershed; Govalle NP Area
- Owner/Applicant: Virginia Contreras; Sylvia Tonche; Carol Gonzales; Diana Gonzales; Evangelina Mendoza
- Agent: I.T. Gonzales Engineers (I.T. Gonzales)
- Request: The approval of the El Buen Pastor A/G Mosqueda composed of 2 lots on a 4.01 acres
- Staff Rec.: **Disapproval**
- Staff: Development Services Department
- 14. Final Plat - Resubdivision:** [C8-2016-0149.0A - 19 Block Block A Tillery Square Subdivision; Resubdivision of Lot; District 3](#)
- Location: 201 Tillery Square, Colorado River Watershed; Govalle NP Area
- Owner/Applicant: MX3 Homes, LLC (Kyle Cluck)
- Agent: Southwest Engineers (Miguel Gonzales)
- Request: The approval of the 19 Block Block A Tillery Square Subdivision; Resubdivision of Lot composed of 3 lots on 0.47 acres
- Staff Rec.: **Disapproval**
- Staff: Development Services Department
- 15. Final Plat with Preliminary:** [C8-2013-0081.SH.4A - Colorado Crossing Subdivision Section Nine; District 2](#)
- Location: Autumn Bay Drive, Onion Creek Watershed; Southeast NP Area
- Owner/Applicant: Lennar Buffington Zach Scott, LP (Ryan Mattox)
- Agent: Lakeside Engineers (Chris Ruiz)
- Request: The approval of the Colorado Crossing Subdivision Section Nine composed of 238 lots on 49.84 acres
- Staff Rec.: **Disapproval**
- Staff: Development Services Department

**16. Final Plat - [C8-2016-0151.0A - One Two East; District 1](#)
Resubdivision:**

Location: 1109 North IH 35 Service Road Northbound, Waller Creek Watershed;
Central East Austin NP Area
Agent: JH West 12th Street Partners, Ltd (Haythem Dawlett)
Request: The approval of the One Two East composed of 1 lot on 2.84 acres
Staff Rec.: **Disapproval**
Staff: Development Services Department

Public Hearing closed.

The motion to disapprove Items #11-16 was approved on the consent agenda by Commissioner Nuria Zaragoza, seconded by Commissioner James Shieh on a unanimous vote. Chair Stephen Oliver and Commissioners Karen McGraw, Patricia Seeger, Jeffrey Thompson and Trinity White absent.

D. NEW BUSINESS

1. Discussion and possible action regarding Planning Commission Working Groups comments and findings of the CodeNEXT - Prescription Papers.

Item discussed; no action taken.

2. Discussion and possible action on the adoption of Bylaws.

Motion by Commissioner James Schissler, seconded by Commissioner Jose Vela to adopt the bylaws, as amended, was approved on a vote of 8-0. Chair Stephen Oliver and Commissioners Karen McGraw, Patricia Seeger, Jeffrey Thompson and Trinity White absent.

F. ITEMS FROM COMMISSION

G. COMMITTEE REPORTS

Citizen Code Advisory Group – Commissioner Nuria Zaragoza stated the Group met at the Carver Library to receive feedback on the Mobility Prescription Paper. Commissioner Nuria Zaragoza stated the meeting was well attended but expressed the difficulty of accessing a diverse cross-section of groups in the Community to provide feedback.

Codes and Ordinances Joint Committee – Have not met since previous report

Comprehensive Plan Joint Committee – Meeting August 11, 2016

Small Area Planning Joint Committee – Commissioner James Shieh stated the Committee did not meet due to lack of quorum.

ADJOURNMENT

Vice-Chair Fayez Kazi adjourned the meeting without objection on Tuesday, August 9, 2016 at 8:11 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.