



**REGULAR MEETING
MINUTES**

**PLANNING COMMISSION
August 23, 2016**

**The Planning Commission convened in a regular meeting on August 23, 2016 @ 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
Fayez Kazi – Vice-Chair (*left early*)
Karen McGraw
Tom Nuckols
Angela PineyroDeHoyos
James Schissler
Patricia Seeger
James Shieh
Jeffrey Thompson
Jose Vela
Trinity White
Nuria Zaragoza**

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

Absent:

Michael Wilson

Robert Hinojosa – 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

Ms. Susan Almanza – Ms. Almanza conveyed her concerns regarding a proposed timeline to assist displaced tenants of the Cactus Rose Mobile Home Park. Ms. Almanza provided suggestions for possible funding sources to assist in facilitating a possible relocation for the tenants.

Mr. Stuart Hersh – Mr. Hersh conveyed his concern regarding an amendment pertaining to enclosed garages and an amendment related to mobile home parks. Mr. Hersh also provided comments regarding the tenant relocation ordinance.

Mr. Daniel Llanes – Mr. Llanes conveyed his support for East Cesar Chavez interim regulations and stated he would be available to assist in outreach efforts to contact neighborhood organizations to inform them of a public hearing on the matter.

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, Commissioner James Schissler seconded the motion on a unanimous vote. Commissioner Michael Wilson absent.

C. PUBLIC HEARINGS

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

Location:	6701, 6825-1/2 & 7045-1/2 Rialto Boulevard, Williamson and Barton 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 September 13, 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 13, 2016 was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner James Schissler seconded the motion on a unanimous vote. Commissioner Michael Wilson absent.

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

Location: 6701, 6825-1/2 and 7045-1/2 Rialto Boulevard, Williamson and Barton Creek Watersheds-Barton Springs Zone; Oak Hill Combined NP Area (East Oak Hill)

Owner/Applicant: Green/Lion GP Two, LLC (Barry Marcus)

Agent: Smith, Robertson, Elliott & Douglas, L.LP (David Hartman)

Request: GO-NP to MF-4-NP

Staff Rec.: **Postponement request by the Staff to September 13, 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, Commissioner James Schissler seconded the motion on a unanimous vote. Commissioner Michael Wilson absent.

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

Location: 6701, 6825-1/2 and 7045-1/2 Rialto Boulevard, Williamson and Barton Creek Watersheds-Barton Springs Zone; Oak Hill Combined NP Area (East Oak Hill)

Owner/Applicant: Green/Lion GP Two, LLC (Barry Marcus)

Agent: Smith, Robertson, Elliott & Douglas, L.L.P. (David Hartman)

Request: Terminate a Restrictive Covenant related to this property.

Staff Rec.: **Postponement request by the Staff to September 13, 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, Commissioner James Schissler seconded the motion on a unanimous vote. Commissioner Michael Wilson absent.

4. Rezoning: [C14-2016-0063.SH - Villas at Vinson Oak Rezone; District 3](#)

Location: 4507 and 4511 Vinson Drive, Williamson Creek Watershed; South Austin Combined (South Manchaca) NP Area

Owner/Applicant: Notigius, LLC (Antonio Giustino)

Agent: Perales Engineering, LLC (Jerry Perales)

Request: SF-3-NP to SF-6-NP

Staff Rec.: **Recommended**

Staff: [Wendy Rhoades](#), 512-974-7719
Planning and Zoning Department

The motion to grant Applicant's request for postponement of this item to September 13, 2016 was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner James Schissler seconded the motion on a unanimous vote. Commissioner Michael Wilson absent.

5. Rezoning: [C14-2016-0065 - Pioneer Bank, SSB; District 9](#)

Location: 623 West 38th Street, Waller Creek Watershed; Central Austin Combined (West University) NP Area
Owner/Applicant: Pioneer Bank (Brian May)
Agent: Doucet & Associates (Ted McConaghy)
Request: GR-CO-NP to GR-CO-NP, to change a condition of zoning
Staff Rec.: **Recommended**
Staff: [Heather Chaffin](#), 512-974-2122
Planning and Zoning Department

The motion to grant Applicant's request for postponement of this item to September 13, 2016 was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner James Schissler seconded the motion on a unanimous vote. Commissioner Michael Wilson absent.

6. Rezoning: [C14-2015-0119 - Neal Mixed Use Zoning; District 9](#)

Location: 1507, 1509, 1511, 1601, & 1603 Shoal Creek Boulevard, Shoal Creek Watershed; Downtown Austin Plan
Owner/Applicant: F. Scott Holdings LLC (John S. Neal), Neal Family Chalet LP, Caroline Neal, Francis CC Neal Trust
Agent: Site Specifics (John Hussey)
Request: LO, GO to GO-MU-V, as amended
Staff Rec.: **Recommended**
Staff: [Andrew Moore](#), 512-974-7604
Planning and Zoning Department

Public Hearing closed by unanimous consent.

There was a motion by Commissioner Karen McGraw, seconded by Tom Nuckols to deny the rezoning request. The motion failed on a vote of 5-4-2. Those voting aye were Commissioners Karen McGraw, Tom Nuckols, James Shieh, Trinity White and Nuria Zaragoza. Those voting nay were Commissioners James Schissler, Patricia Seeger, Jeffrey Thompson and Jose Vela. Chair Stephen Oliver and Commissioner Angela PineyroDeHoyos abstained on this item. Vice-Chair Faye Kazi (left early) and Commissioner Michael Wilson absent.

Motion by Commissioner James Schissler, seconded by Commissioner James Shieh to re-open the public hearing and continue this item to September 13, 2016.

Friendly amendment by Commissioner Karen McGraw to continue the item to October 11, 2016; amendment accepted by the maker and seconder.

Motion by Commissioner James Schissler, seconded by Commissioner James Shieh and friendly amendment by Commissioner Karen McGraw was approved on a vote of 10-1. Commissioner Tom Nuckols voted nay. Vice-Chair Faye Kazi (*left early*) and Commissioner Michael Wilson absent.

7. **Rezoning:** [**C14H-2016-0008 - Freeman-Whiteside-Tuke-Gamboa House; District 3**](#)
- Location: 2205 E. Cesar Chavez Street, Lady Bird Lake Watershed; East Cesar Chavez NP Area
- Owner/Applicant: James Shieh, for owners Kenneth and Myung Soon Lemond
- Request: CS-CO-MU-NP to CS-CO-MU-H-NP
- Staff Rec.: **Recommended**
- Staff: [Steve Sadowsky](#), 512-974-6454
Planning and Zoning Department

Public Hearing closed.

The motion to grant staff's recommendation of CS-CO-MU-H-NP combining district zoning for C14H-2016-0008 - Freeman-Whiteside-Tuke-Gamboa House located at 2205 E. Cesar Chavez Street was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner James Schissler seconded the motion on a vote of 11-0-1. Commissioner James Shieh recused himself on this item (*rendered professional services*). Commissioner Michael Wilson absent.

8. **Rezoning:** [**C14H-2016-0009 - Russell Lee Elementary School; District 9**](#)
- Location: 3308 Hampton Road, Waller Creek Watershed; Hancock NP Area
- Owner/Applicant: Historic Landmark Commission
- Agent: Steve Sadowsky, Historic Preservation Office
- Request: P-NP to P-H-NP
- Staff Rec.: **Recommended**
- Staff: [Steve Sadowsky](#), 512-974-6454
Planning and Zoning Department

The motion to postpone this item by Planning Commission to October 25, 2016 was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner James Schissler seconded the motion on a unanimous vote. Commissioner Michael Wilson absent.

9. **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

Public Hearing closed.

Motion by Commissioner Jose Vela, seconded by Commissioner James Shieh to grant staff's recommendation for C8-2015-0286.0A - E M Franklin Second Resubdivision of Lots 8 & 9, Block 2, Crest Haven Addition located at 2001 E M Franklin Avenue was approved on a vote of 10-1. Commissioner Karen McGraw voted nay. Vice-Chair Fayez Kazi (left early) and Commissioner Michael Wilson absent.

10. Resubdivision: **[C8J-2015-0269.0A - Sol Wilson Subdivision; District 5](#)**

Location: 2600 Sol Wilson Road, Boggy Creek Watershed; Rosewood NP Area
Owner/Applicant: Southwest Engineers (Miguel Gonzales)
Agent: JJ&B Engineers
Request: Resubdivision of a portion of Lot 1, Owens Subdivision No 1, comprised of one lot on 6,095 sf.
Staff Rec.: **Recommended**
Staff: [Steve Hopkins](#), 512-974-3175
Development Services Department

Public Hearing closed.

Motion by Commissioner Jose Vela, seconded by Commissioner James Shieh to grant staff's recommendation for C8J-2015-0269.0A - Sol Wilson Subdivision located at 2600 Sol Wilson Road was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner James Schissler seconded the motion on a unanimous vote. Commissioner Michael Wilson absent.

11. Conditional Use **[SPC-2016-0110A - Night Owl; District 7](#)**
Permit & Site Plan

Variance:

Location: 8315 Burnet Road, Unit D, Shoal Creek Watershed; Crestview/Wooten Combined Neighborhood Plan
Owner/Applicant: Jimmy Nassour
Request: Approve a Conditional Use Permit for a proposed cocktail lounge with late hours located within 540 feet of property zoned SF-3-NP, and approve a variance from LDC Section 25-5-146(B), which requires that parking for a cocktail lounge be placed not less than 200 feet from SF-6 or more restrictive zoning districts.
Staff Rec.: **Recommended with conditions**
Staff: [Michael Simmons-Smith](#), 512-974-1225
Development Services Department

Public Hearing closed.

Motion by Commissioner Nuria Zaragoza, seconded by Commissioner James Shieh to grant a Conditional Use Permit for SPC-2016-0110A - Night Owl with the following conditions.

Prohibit live music
Prohibit amplified outdoor sound
Require a 7ft. masonry wall along the eastern property line (≈ 175 ft.)

Substitute motion by Jose Vela, seconded by James Schissler to grant a Conditional Use Permit for SPC-2016-0110A - Night Owl with the following conditions.

Prohibit live music

Prohibit amplified outdoor sound

The motion failed on a vote of 5-6. Those voting aye were Chair Stephen Oliver and Commissioners Angela PineryoDeHoyos, James Schissler, Jeffrey Thompson and Jose Vela. Those voting nay were Commissioners Tom Nuckols, Karen McGraw, Patricia Seeger, James Shieh, Trinity White and Nuria Zaragoza. Vice-Chair Fayez Kazi (left early) and Commissioner Michael Wilson absent.

Motion by Commissioner Nuria Zaragoza, seconded by Commissioner James Shieh was approved on a vote of 9-2. Commissioner James Schissler and Commissioner Patricia Seeger voted nay. Vice-Chair Fayez Kazi (left early) and Commissioner Michael Wilson absent.

12. Code Amendment: [C20-2016-011 - Historic Compatibility](#)

Request:	Consider an amendment to Title 25 of the City Code to require properties zoned historic landmark (H) combining district or historic area (HD) combining district to comply with ARTICLE 10 COMPATIBILITY STANDARDS.
Staff Rec.:	Recommended
Staff:	<u>Jerry Rusthoven</u> , 512-974-3207 Planning and Zoning Department

Public Hearing closed.

The motion to grant staff's recommendation for an amendment to Title 25 of the City Code to require properties zoned historic landmark (H) combining district or historic area (HD) combining district to comply with ARTICLE 10 COMPATIBILITY STANDARDS was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner James Schissler seconded the motion on a vote of 11-0-1. Commissioner Karen McGraw recused herself on this item (*affects project by Commissioner McGraw*). Commissioner Michael Wilson absent.

13. Code Amendment: [C20-2016-012 - Historic Civic](#)

Request:	Consider an amendment to Title 25 of the City Code to require Historic Landmark Commission review of demolition applications for structures that are fifty years or older and dedicated to certain civic uses.
Staff Rec.:	Recommended
Staff:	<u>Jerry Rusthoven</u> , 512-974-3207 Planning and Zoning Department

The motion to postpone this item by Planning Commission to September 13, 2016 was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner James Schissler seconded the motion on a unanimous vote. Commissioner Michael Wilson absent.

**14. Imagine Austin
Report and
Amendments:**

2016 Imagine Austin Annual Report and Amendments

Request: Discussion and possible action to forward the 2016 Imagine Austin amendments to City Council.

Staff Rec.: **Recommended**

Staff: [Matthew Dugan](#), 512-974-7665,
Planning and Zoning Department

Motion by Commissioner Jose Vela, seconded by Commissioner James Schissler to divide the question and take action on amendment CPA-2016-0003PA-2016-0003: Activity Corridor on Guadalupe Street from 29th to 51st Streets separate from amendments CPA-2016-0001: Colony Park Master Plan; CPA-2016-0002: South Central Waterfront Vision Framework Plan; CPA-2016-0004: Vision Zero Action Plan; and CPA-2016-0005: Age Friendly amendment. Motion was approved by unanimous consensus. Commissioner Karen McGraw recused herself from this item (*owner of property within subject corridor*).

Motion by Commissioner Jose Vela, seconded by Commissioner James Schissler to recommend approval of amendment CPA-2016-0003: Activity Corridor on Guadalupe Street from 29th to 51st Streets failed on Commissioner Jose Vela's motion, Commissioner James Schissler's second on a vote of 6-3-1-1. Those voting aye were: Chair Steven Oliver and Commissioners James Schissler, James Shieh, Jeffrey Thompson, Jose Vela and Nuria Zaragoza. Those voting nay were: Commissioners Angela PineryoDeHoyos, Tom Nuckols and Patricia Seeger. Commissioner Trinity White abstained. Commissioner Karen McGraw recused herself from this item (*owner of property within subject corridor*). Vice-Chair Faye Kazi (*left early*) and Commissioner Michael Wilson absent.

Amendment CPA-2016-0003: Activity Corridor on Guadalupe Street from 29th to 51st Streets is forwarded to Council without a recommendation due to lack of an affirmative vote.

Motion by Commissioner Tom Nuckols, seconded by Commissioner Patricia Seeger to recommend approval of CPA-2016-0001: Colony Park Master Plan; CPA-2016-0002: South Central Waterfront Vision Framework Plan; CPA-2016-0004: Vision Zero Action Plan; and CPA-2016-0005: Age Friendly amendment.

Friendly amendment by Commissioner Nuria Zaragoza for Council to consider directing staff reexamine the growth concept map with emphasis on centers and corridors west of Mo-Pac in addition to other potential growth areas in preparation of the 5-year update to the Comprehensive Plan. Friendly amendment accepted by the maker, seconded by Commissioner Patricia Seeger.

The main motion by Commissioner Tom Nuckols, seconded by Commissioner Patricia Seeger and the friendly amendment by Commissioner Nuria Zaragoza was approved on a vote of 10-1. Commissioner Jeffrey Thompson voted nay. Vice-Chair Fayez Kazi (*left early*) and Commissioner Michael Wilson absent.

15. Final Plat: [C8-2016-0162.0A - 1119 Walton Lane; District 3](#)

Location: 1119 Walton Lane, Boggy Creek Watershed
Owner/Applicant: MX3 Homes, LLC (Sal Martinez)
Agent: Miguel Gonzalez Jr.
Request: Approval of the 1119 Walton Lane Subdivision, composed of 3 lots on 0.8 acres.
Staff Rec.: **Disapproval**
Staff: Development Services Department

16. Final Plat: [C8-2016-0158.0A - East End Partners Subdivision; District 5](#)

Location: 1707 Barton Springs Road, Lady Bird Lake Watershed
Owner/Applicant: East End Partners LTD
Agent: Land Answers, Inc. (Jim Wittliff)
Request: Approval of the East End Partners Subdivision, composed of 1 lot on 0.65 acres.
Staff Rec.: **Disapproval**
Staff: Development Services Department

17. Final Plat: [C8-2016-0159.0A - Long Cater Subdivision; District 5](#)

Location: 501 Cater Drive, Lake Austin Watershed
Owner/Applicant: Paul Long
Agent: Land Answers, Inc. (Jim Wittliff)
Request: Approval of the Long Cater Subdivision, composed of 1 lot on 0.3604 acres.
Staff Rec.: **Disapproval**
Staff: Development Services Department

18. Final Plat - Amended Plat: [C8-2016-0157.0A - Airport Gateway; District 2](#)

Location: 3112 Caseybridge Court, Carson Creek Watershed
Owner/Applicant: Airport Gateway LP (Kenneth Satterlee)
Agent: Jacobs Engineering Group Inc. (Richard Grayum)
Request: Approval of the Airport Gateway Subdivision, composed of 4 lots on 9.07 acres.
Staff Rec.: **Disapproval**
Staff: [Steve Hopkins](#), 512-974-3175
Development Services Department

Public Hearing closed.

The motion to disapprove Items #15-18 was approved on the consent agenda by Commissioner Nuria Zaragoza, Commissioner James Schissler seconded the motion on a unanimous vote. Commissioner Michael Wilson absent.

D. BRIEFINGS

1. [Briefing by Members of the Land Development Code Advisory Group regarding Natural and Built Environment Code Prescription Paper.](#)

Land Development Code Advisory Group Members: Eleanor McKinney, Lauren Ice, and Guy Dudley

Briefing presented by Land Development Code Advisory Group Members: Eleanor McKinney, Lauren Ice, and Guy Dudley

E. NEW BUSINESS

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

Discussion occurred; final codified document to be presented to Council by Chair Stephen Oliver.

2. Discussion and possible action to establish a framework with stakeholders to evaluate possible solutions to address concerns related to a developing entertainment district within East Austin residential areas. (Sponsor: Commissioner Nuria Zaragoza; Co-Sponsor: Commissioner Tom Nuckols)

Motion by Commissioner Nuria Zaragoza, seconded by Commissioner Tom Nuckols to refer this item to the Small Area Planning Joint Committee with formal notification being sent to neighborhood organizations and stakeholders was approved by a unanimous vote. Vice-Chair Faye Kazi (*left early*) and Commissioner Michael Wilson absent.

3. Discussion and possible action regarding the Annual Internal Review of the Planning Commission.

Item tabled to September 13, 2016.

4. Discussion and possible action to nominate a Member of the Planning Commission for Council consideration of appointment to the Bond Election Advisory Task Force.

By proclamation, Commissioner Tom Nuckols nominated as a Member of the Planning Commission for Council consideration of appointment to the Bond Election Advisory Task Force.

F. NEW BUSINESS

Commissioner Karen McGraw proposed the Code and Ordinance Joint Committee review SF-3 Small Lot Subdivisions and compare it to SF-4A.

G. COMMITTEE REPORTS

Citizen Code Advisory Group – No report provided.

Codes and Ordinances Joint Committee – No report provided.

Comprehensive Plan Joint Committee – Commissioner Jose Vela and Commissioner Tom Nuckols stated the Committee approved their bylaws.

Small Area Planning Joint Committee – No report provided.

ADJOURNMENT

Chair Oliver adjourned the meeting without objection on Wednesday, August 24, 2016 at 12:05 a.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.