



**PLANNING COMMISSION
MINUTES**

October 23, 2018

The Planning Commission convened in a regular meeting on October 23, 2018 @ 301 W. 2nd Street, Austin, TX 78701.

Chair Shieh called the Commission Meeting to order at 6:02 p.m.

Commission Members in Attendance:

**Greg Anderson
Yvette Flores
Fayez Kazi – Vice-Chair
Conor Kenny
Karen McGraw
James Schissler
Patricia Seeger
Todd Shaw
James Shieh - Chair
Jeffrey Thompson
Tracy Witte**

William Burkhardt – Ex- Officio

Absent:

Angela De Hoyos Hart

**Ann Teich – Ex-Officio
Robert Mendoza – Ex-Officio**

1 Vacancy on the Commission

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

The first four (4) speakers signed up prior to the meeting being called to order will each be allowed a three-minute allotment to address their concerns regarding **items not posted on the agenda.**

Mr. Stuart Hersh – Mr. Hersh conveyed his concerns regarding the Strategic Housing Blueprint.

B. APPROVAL OF MINUTES

1. Approval of minutes from October 9, 2018.

Motion to approve the minutes from October 9, 2018 was approved on the consent agenda by Commissioner Seeger, seconded by Commissioner Kenny on a vote of 10-0. Vice-Chair Kazi off the dais. Commissioner De Hoyos Hart absent. One vacancy on the dais.

C. PUBLIC HEARINGS

1. **Plan Amendment:** [NPA-2017-0021.01 - East Riverside/Oltorf FLUM Amendment; District 3](#)

Location: 4530 E. Ben White Blvd., Country Club Creek Watershed; East Riverside/Oltorf Combined NP Area
Owner/Applicant: Belco Equities, Inc.
Agent: Coats Rose (John M. Joseph)
Request: Commercial to Mixed Use land use
Staff Rec.: **Pending; Staff postponement request to November 27, 2018**
Staff: [Maureen Meredith](#), 512-974-2695
Planning and Zoning Department

Motion to grant Staff's request for postponement of this item to November 27, 2018 was approved on the consent agenda by Commissioner Seeger, seconded by Commissioner Kenny on a vote of 10-0. Vice-Chair Kazi off the dais. Commissioner De Hoyos Hart absent. One vacancy on the dais.

2. **Plan Amendment:** [NPA-2018-0023.01 - Berkman Terraces; District 1](#)

Location: 6203, 6205, 6207 Berkman Drive and 6210 Hickman Avenue, Fort Branch Watershed; University Hills/Windsor Park Combined NP Area
Owner/Applicant: Berkman Terraces, LLC (Pierre Fay, Manager)
Agent: Keepers Consulting (Ricca Keepers)
Request: Higher Density Single Family to Mixed Use
Staff Rec.: **Staff recommends Neighborhood Mixed Use on entire tract**
Staff: [Maureen Meredith](#), 512-974-2695
Planning and Zoning Department

Public Hearing closed.

Motion by Commissioner Kenny, seconded by Commissioner Schissler to grant Mixed Use land use for NPA-2018-0023.01 - Berkman Terraces located at 6203, 6205, 6207 Berkman Drive and 6210 Hickman Avenue was approved on a vote of 8-3. Commissioners McGraw, Seeger, and Witte voted nay. Commissioner De Hoyos Hart absent. One vacancy on the dais.

- 3. Rezoning:** [C14-2018-0037 - Berkman Terraces; District 1](#)
Location: 6203, 6205, 6207 Berkman Drive and 6210 Hickman Avenue, Fort Branch Watershed; University Hills/Windsor Park Combined NP Area
Owner/Applicant: Berkman Terraces, LLC (Pierre Fay, Manager)
Agent: Keepers Consulting (Ricca Keepers)
Request: LR-MU-NP, SF-6-NP to GR-MU-NP
Staff Rec.: **Staff recommendation of LR-MU-NP**
Staff: [Heather Chaffin](#), 512-974-2122
Planning and Zoning Department

Public Hearing closed.

Motion by Commissioner Kenny, seconded by Commissioner Schissler to grant GR-MU-CO-NP combining district zoning for C14-2018-0037 - Berkman Terraces located at 6203, 6205, 6207 Berkman Drive and 6210 Hickman Avenue was approved on a vote of 8-3. Commissioners McGraw, Seeger, and Witte voted nay. Commissioner De Hoyos Hart absent. One vacancy on the dais.

Conditional Overlay:

1. The maximum building height shall be 40 feet or 3 stories.
2. Vehicular access to Hickman Avenue shall be prohibited.
3. The following land uses shall be prohibited: Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Bail Bond Services, Business or Trade School, Business Support Services, Commercial Off-Street Parking, Communications Services, Drop-off Recycling Collection Facility, Exterminating Services, Food Preparation, Funeral Services, Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Research Services, Short Term Rental, Theater, and Hospital Services-General.
4. The following land uses shall be conditional: Alternative Financial Services, Medical Offices-Exceeding 5,000 sq/ft, Community Recreation -Private, Community Recreation - Public, Congregate Living, Group Home Class II, Hospital Services-Limited, and Residential Treatment.
5. The following land uses are subject to LDC Section 25-2-587(d) of City Code: General Retail Sales-General, Personal Improvement Services, and Restaurant (General).

4. **Plan Amendment:** [NPA-2017-0016.03 - 3232 & 3306 E. Cesar Chavez Street; District 3](#)
 Location: 3232 & 3306 E. Cesar Chavez Street, Colorado River Watershed;
 Govalle/Johnston Terrace Combined NP Area
 Owner/Applicant: The Betty Sue Kurtz Trust and The Thelma Ann Zirkelbach Trust
 Agent: Husch Blackwell, LLP (Stacey L. Milazzo)
 Request: Commercial to Mixed Use land use
 Staff Rec.: **Pending; Postponement request by the Staff to November 27, 2018**
 Staff: [Maureen Meredith](#), 512-974-2695
 Planning and Zoning Department

Motion to grant Staff's request for postponement of this item to November 27, 2018 was approved on the consent agenda by Commissioner Seeger, seconded by Commissioner Kenny on a vote of 10-0. Vice-Chair Kazi off the dais. Commissioner De Hoyos Hart absent. One vacancy on the dais.

5. **Rezoning:** [C14-2017-0138 - 3232 & 3306 E. Cesar Chavez Street; District 3](#)
 Location: 3232 & 3306 E. Cesar Chavez Street, Colorado River Watershed;
 Govalle/Johnston Terrace Combined NP Area
 Owner/Applicant: The Betty Sue Kurtz Trust and The Thelma Ann Zirkelbach Trust
 Agent: Husch Blackwell, LLP (Stacey L. Milazzo)
 Request: GR-CO-NP and CS-CO-NP to MF-6-CO-NP and CS-MU-CO-NP
 Staff Rec.: **Pending; Postponement request by the Staff to November 27, 2018**
 Staff: [Heather Chaffin](#), 512-974-2122
 Planning and Zoning Department

Motion to grant Staff's request for postponement of this item to November 27, 2018 was approved on the consent agenda by Commissioner Seeger, seconded by Commissioner Kenny on a vote of 10-0. Vice-Chair Kazi off the dais. Commissioner De Hoyos Hart absent. One vacancy on the dais.

6. **Zoning:** [C14-2018-0094 - 2432 W Ben White Blvd Service Road Westbound; District 5](#)
 Location: , Barton Creek Watershed-Barton Springs Zone; South Lamar NP Area
 Owner/Applicant: Vaquero Austin Lamar Partners, LP (W.A. Landreth, III)
 Agent: Coats Rose (John M. Joseph)
 Request: Unzoned to CS
 Staff Rec.: **Recommended**
 Staff: [Scott Grantham](#), 512-974-3574
 Planning and Zoning Department

Public Hearing closed.

Motion to grant Staff's recommendation of CS district zoning for C14-2018-0094 - 2432 W Ben White Blvd Service Road Westbound located at 2432 West Ben White Boulevard Service Road Westbound was approved on the consent agenda by Commissioner Seeger, seconded by Commissioner Kenny on a vote of 10-0. Vice-Chair Kazi off the dais. Commissioner De Hoyos Hart absent. One vacancy on the dais.

7. **Rezoning:** [C14-2018-0056 - 6901 Old Bee Caves Road, District 8](#)
 Location: 6901 Old Bee Caves Road, Williamson Creek Watershed-Barton Springs Zone; Oak Hill Combined NP Area
 Owner/Applicant: SRE/MRE Oak Hill Ltd. (J. Mark Stevenson)
 Agent: Drenner Group PC (Amanda Swor)
 Request: CS-CO-NP to CS-MU-CO-NP
 Staff Rec.: **Postponement request by the Staff to November 13, 2018**
 Staff: [Heather Chaffin](#), 512-974-2122
 Planning and Zoning Department

Motion to grant Staff's request for postponement of this item to November 13, 2018 was approved on the consent agenda by Commissioner Seeger, seconded by Commissioner Kenny on a vote of 10-0. Vice-Chair Kazi off the dais. Commissioner De Hoyos Hart absent. One vacancy on the dais.

8. **Restrictive Covenant Amendment:** [C14-85-288.43\(RCA\) - 6901 Old Bee Caves Road, District 8](#)
 Location: 6901 Old Bee Caves Road, Williamson Creek Watershed-Barton Springs Zone; Oak Hill Combined NP Area
 Owner/Applicant: SRE/MRE Oak Hill Ltd. (J. Mark Stevenson)
 Agent: Drenner Group PC (Amanda Swor)
 Request: To amend an existing restrictive covenant.
 Staff Rec.: **Postponement request by the Staff to November 13, 2018**
 Staff: [Heather Chaffin](#), 512-974-2122
 Planning and Zoning Department

Motion to grant Staff's request for postponement of this item to November 13, 2018 was approved on the consent agenda by Commissioner Seeger, seconded by Commissioner Kenny on a vote of 10-0. Vice-Chair Kazi off the dais. Commissioner De Hoyos Hart absent. One vacancy on the dais.

9. **Rezoning:** [C14-2018-0078 - Zips Cleaners Burnet Road; District 7](#)
 Location: 8105 Burnet Road, Shoal Creek Watershed; Crestview/Wooten NP Area
 Owner/Applicant: Smithers Family Partnership
 Agent: Armbrust & Brown, PLLC (G. Ferris Clements)
 Request: GR-NP to CS-NP
 Staff Rec.: **Recommendation of CS-MU-CO-NP**
 Staff: [Sherri Sirwaitis](#), 512-974-3057
 Planning and Zoning Department

Public Hearing closed.

Motion to grant Staff's recommendation of CS-MU-CO-NP combining district zoning for C14-2018-0078 - Zips Cleaners Burnet Road located at 8105 Burnet Road was approved on the consent agenda by Commissioner Seeger, seconded by Commissioner Kenny on a vote of 10-0. Vice-Chair Kazi off the dais. Commissioner De Hoyos Hart absent. One vacancy on the dais.

- 10. Rezoning:** [C14-2018-0062 - University of Texas Law School Foundation; District 9](#)
- Location: 2902 Medical Arts Street, 2901 Hampton Road, Waller Creek Watershed; Hancock NP Area
- Owner/Applicant: University of Texas Law School Foundation (Susan Hartenstein)
- Agent: Jackson Walker L.L.P. (Katherine Loayza)
- Request: LR-MU-CO-NP to GR-MU-CO-NP
- Staff Rec.: **Recommendation of GR-MU-CO-NP**
- Staff: [Scott Grantham](#), 512-974-3574
Planning and Zoning Department

Motion to grant Neighborhood’s request for postponement of this item to November 27, 2018 was approved on the consent agenda by Commissioner Seeger, seconded by Commissioner Kenny on a vote of 10-0. Vice-Chair Kazi off the dais. Commissioner De Hoyos Hart absent. One vacancy on the dais.

- 11. Rezoning:** [C14H-2018-0105 - Hillside Pharmacy; District 1](#)
- Location: 1209 E. 11th Street, Boggy Creek Watershed; Central East Austin NP Area
- Owner/Applicant: Historic Landmark Commission, applicant; Alton Turner, owner
- Request: CS-1-NCCD-NP to CS-1-H-NCCD-NP
- Staff Rec.: **Recommended**
- Staff: [Steve Sadowsky](#), 512-974-6454
Planning and Zoning Department

Public Hearing closed.

Motion to grant Staff’s recommendation of CS-1-H-NCCD-NP combining district zoning for C14H-2018-0105 - Hillside Pharmacy located at 1209 E. 11th Street was approved on the consent agenda by Commissioner Seeger, seconded by Commissioner Kenny on a vote of 10-0. Vice-Chair Kazi off the dais. Commissioner De Hoyos Hart absent. One vacancy on the dais.

- 12. Rezoning:** [C14H-2018-0082 - Dabney-Horne House; District 9](#)
- Location: 901 Shoal Cliff Court, Shoal Creek Watershed; West University NP Area
- Owner/Applicant: Amanda Swor
- Request: MF-4-CO-NP to MF-4-H-CO-NP
- Staff Rec.: **Recommended**
- Staff: [Steve Sadowsky](#), 512-974-6454
Planning and Zoning Department

Public Hearing closed.

Motion to grant Staff’s recommendation of MF-4-H-CO-NP combining district zoning for C14H-2018-0082 - Dabney-Horne House located at 901 Shoal Cliff Court was approved on the consent agenda by Commissioner Seeger, seconded by Commissioner Kenny on a vote of 10-0. Vice-Chair

Kazi off the dais. Commissioner De Hoyos Hart absent. One vacancy on the dais.

- 13. Subdivision** [C8-2016-0141.0A\(VAC\) - Resubdivision of Lot 7, Block B, Schieffer Place, Section 5 Subdivision Vacation; District 9](#)
Vacation: [C8-2016-0141.0A\(VAC\) - Resubdivision of Lot 7, Block B, Schieffer Place, Section 5 Subdivision Vacation; District 9](#)
Location: 3901 Brookview Rd., Upper Boggy Creek NP Area; Upper Boggy Creek Watershed
Owner/Applicant: Emerson & Claire Smith
Agent: Hector Avila
Request: Approval of the subdivision vacation composed of 3 lots on 0.634 acres.
Staff Rec.: **Recommended**
Staff: [Cesar Zavala](#), 512-974-3404
Development Services Department

Public Hearing closed.

Motion to grant Staff's recommendation for C8-2016-0141.0A(VAC) - Resubdivision of Lot 7, Block B, Schieffer Place, Section 5 Subdivision Vacation located at 3901 Brookview Rd., was approved on the consent agenda by Commissioner Seeger, seconded by Commissioner Kenny on a vote of 10-0. Vice-Chair Kazi off the dais. Commissioner De Hoyos Hart absent. One vacancy on the dais.

- 14. Site Plan:** [SPC-2018-0286A - Cascade Merchant Company dba Boxcar Brew & Brew; District 7](#)
Location: 10025 Burnet Road, Little Walnut Creek Watershed; North Burnet / Gateway TOD
Owner/Applicant: Burnet Road Properties, LLC (Marc Siemes)
Agent: Cascade Merchant Company dba Boxcar Brew & Brew (Mark Harris)
Request: Approval of a conditional use permit for an addition to an existing structure and a change of use from restaurant (limited) to cocktail lounge with associated improvements.
Staff Rec.: **Recommended**
Staff: [Anaiah Johnson](#), 512-974-2932
Development Services Department

Public Hearing closed.

Motion to grant Staff's recommendation for SPC-2018-0286A - Cascade Merchant Company dba Boxcar Brew & Brew, located at 10025 Burnet Road was approved on the consent agenda by Commissioner Seeger, seconded by Commissioner Kenny on a vote of 10-0. Vice-Chair Kazi off the dais. Commissioner De Hoyos Hart absent. One vacancy on the dais.

15. **Final Plat - Resubdivision:** [C8-2018-0173.0A - Hartwell Addition Section 1, Resubdivision of Lot A Resubdivision, Lots 2 and 2 Block 3; District 3](#)
 Location: 203 Broadway, Colorado River Watershed; Govalle NP Area
 Owner/Applicant: McAdams Enterprises LLC
 Agent: Southwest Engineers, Inc. (Gabriel Hovdey)
 Request: Approval of Hartwell Addition Section 1, Resubdivision of Lot A Resubdivision, Lots 2 and 2 Block 3 composed of 2 lots on 0.3005 acres
 Staff Rec.: **Disapproval**
 Staff: Development Services Department

Public Hearing closed.

Motion to disapprove C8-2018-0173.0A - Hartwell Addition Section 1, Resubdivision of Lot A Resubdivision, Lots 2 and 2 Block 3 was approved on the consent agenda by Commissioner Seeger, seconded by Commissioner Kenny on a vote of 10-0. Vice-Chair Kazi off the dais. Commissioner De Hoyos Hart absent. One vacancy on the dais.

D. BRIEFINGS

1. [Reverend Jacob Fontaine Gold Dollar Building](#)

Presentation regarding changing the name of the Franzetti Store to the "Reverend Jacob Fontaine Gold Dollar Building" to recognize and commemorate the building's African-American heritage. Staff: Steve Sadowsky, Historic Preservation Officer, 512-974-3128 Planning and Zoning Department.

Briefing conducted by Steve Sadowsky, Historic Preservation Officer, 512-974-3128, Planning and Zoning Department

E. NEW BUSINESS

1. [Initiation of Code Amendment Related to Vertical Mixed Use Overlay District](#)

Discussion and possible action to initiate a code amendment to establish Vertical Mixed Use Overlay District within each Commercial zoning district for all parcels within ¼ mile of a Core Transit Corridor, Future Core Transit Corridor, Imagine Austin Corridor, or existing transit line.(Co-Sponsors: Commissioners Thompson and Anderson)

Item withdrawn by unanimous consent.

2. [Initiation of Code Amendment Related to Vertical Mixed Use Overlay District and Mixed Use Districts](#)

Discussion and possible action to initiate a code amendment to allow Vertical Mixed Use Overlay District in all Mixed Use Districts. (Co-Sponsors: Commissioners Thompson and Anderson)

Item withdrawn by unanimous consent.

3. [Initiation of Code Amendment Related to Multifamily Residential Use and Condominium Residential Use](#)

Discussion and possible action to initiate a code amendment to allow Multifamily Residential use and Condominium Residential use as permitted uses in all commercial zoning districts.
(Co-Sponsors: Commissioners Thompson and Anderson)

Motion to grant Neighborhood's request for postponement of this item to November 27, 2018 was approved on the consent agenda by Commissioner Seeger, seconded by Commissioner Kenny on a vote of 10-0. Vice-Chair Kazi off the dais. Commissioner De Hoyos Hart absent. One vacancy on the dais.

F. ITEMS FROM COMMISSION

4. Revision of the Austin Land Development Code

Discussion regarding matters related to the revision of the City of Austin Land Development Code including but not limited to staff updates, presentations and scheduling. Co-Sponsors: Chair Shieh, Vice-Chair Kazi

No discussion occurred on this item.

G. NOMINATIONS AND ELECTION

1. [Election of a Member to the Historic Landmark Commission Design Standards Working Group](#)

Nomination and election of a member of the Planning Commission to the Historic Landmark Commission Design Guidelines Working Group

Commissioner McGraw nominated and elected to the Historic Landmark Commission Design Standards Working Group on the motion by Commissioner Thompson, seconded by Commissioner Seeger on a vote of 11-0. Commissioner De Hoyos Hart absent. One vacancy on the dais.

H. FUTURE AGENDA ITEMS

Future agenda items will not be discussed at the current meeting, but will be offered for initiation, discussion or possible recommendation at a future meeting.

I. COMMITTEES & WORKING GROUPS UPDATES

[Codes and Ordinances Joint Committee](#)
[\(Vice-Chair Kazi and Commissioners McGraw, Schissler, and Seeger\)](#)

Commissioner Seeger stated the Committee is discussing a meeting date for December.

[Comprehensive Plan Joint Committee](#)

(Commissioners Flores, Kenny, Schissler and Shaw)

Commissioner Flores stated the Committee received briefings on the Austin Strategic Mobility Plan and the Long Range CIP Strategic Plan.

[Joint Sustainability Committee](#)

(Chair Shieh and Commissioner Seeger)

Chair Shieh stated the Committee discussed sustainability as it relates to respective Boards and Commissions. The Committee also received an update on the Austin Community Climate Plan.

[Small Area Planning Joint Committee](#)

(Chair Shieh and Commissioners Anderson and Thompson)

Chair Shieh stated the Committee discussed the East Riverside Corridor Plan.

Planning Commission Operating Model Working Group

(Chair Shieh, and Commissioners De Hoyos Hart, McGraw and Seeger)

Chair Shieh stated the working group continues to compile and review recommendations.

ADJOURNMENT

Chair Shieh adjourned the meeting without objection on Tuesday, October 23, 2018 at 8:09 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.