



**PLANNING COMMISSION
MINUTES**

November 27, 2018

The Planning Commission convened in a regular meeting on November 27, 2018 @ 301 W. 2nd Street, Austin, TX 78701.

Chair Shieh called the Commission Meeting to order at 6:05 p.m.

Commission Members in Attendance:

**Angela De Hoyos Hart
Yvette Flores
Fayez Kazi – Vice-Chair
Conor Kenny
Karen McGraw
Robert Schneider
James Schissler
Patricia Seeger
Todd Shaw
James Shieh - Chair
Jeffrey Thompson
Tracy Witte**

**Ann Teich – Ex-Officio
William Burkhardt – Ex- Officio**

Absent:

Greg Anderson

Robert Mendoza – 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

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. Ron Thrower – Mr. Thrower conveyed his concern regarding the Code amendments process. Mr. Thrower also discussed the spending of bond monies for sidewalks.

Mr. Sean Garretson – Mr. Garretson discussed development costs and issues related to building affordable projects.

Mr. Stuart Hersh – Mr. Hersh discussion smart housing and gentrification mitigation.

B. APPROVAL OF MINUTES

1. Approval of minutes from November 13, 2018.

Motion to approve the minutes from November 13, 2018 was approved on the consent agenda by Commissioner Flores, seconded by Commissioner Seeger on a vote of 12-0. Commissioner Anderson absent.

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; Applicant postponement request to January 22, 2019.**
Staff: Maureen Meredith, 512-974-2695, Maureen.meredith@austintexas.gov
Planning and Zoning Department

Motion to grant Staff's request for postponement of this item to January 22, 2019 was approved on the consent agenda by Commissioner Flores, seconded by Commissioner Seeger on a vote of 12-0. Commissioner Anderson absent.

2. 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; Staff postponement request to December 11, 2018.**
Staff: Maureen Meredith, 512-974-2695, maureen.meredith@austintexas.gov
Planning and Zoning Department

Motion to grant Staff's request for postponement of this item to December 11, 2018 was approved on the consent agenda by Commissioner Flores, seconded by Commissioner Seeger on a vote of 12-0. Commissioner Anderson absent.

3. 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; Staff postponement request to December 11, 2018.**
Staff: Heather Chaffin, 512-974-2122, heather.chaffin@austintexas.gov
Planning and Zoning Department

Motion to grant Staff's request for postponement of this item to December 11, 2018 was approved on the consent agenda by Commissioner Flores, seconded by Commissioner Seeger on a vote of 12-0. Commissioner Anderson absent.

4. Plan Amendment: NPA-2018-0012.01 - 3200 Merrie Lynn Avenue; District 9

Location: 3200 Merrie Lynn Avenue, Boggy Creek Watershed; Upper Boggy Creek NP Area
Owner/Applicant: 3200 Merrie Lynn, LLC (David Kanne)
Agent: Drenner Group (Amanda Swor)
Request: Multifamily to Mixed-Use/Office land use
Staff Rec.: **Recommended**
Staff: Jeff Engstrom, 512-974-1621, jeffrey.engstrom@austintexas.gov
Planning and Zoning Department

Public Hearing closed.

Motion to grant Staff's recommendation of Mixed-Use/Office land use located at 3200 Merrie Lynn Avenue was approved on the consent agenda by Commissioner Flores, seconded by Commissioner Seeger on a vote of 12-0. Commissioner Anderson absent.

- 5. Rezoning: C14-2018-0087 - 3200 Merrie Lynn Avenue; District 9**
- Location: 3200 Merrie Lynn Avenue, Boggy Creek Watershed; Upper Boggy Creek NP Area
- Owner/Applicant: 3200 Merrie Lynn, LLC (David Kanne)
- Agent: Drenner Group (Amanda Swor)
- Request: MF-4-NP to LO-MU-NP
- Staff Rec.: **Recommended**
- Staff: Heather Chaffin, 512-974-2122, heather.chaffin@austintexas.gov
Planning and Zoning Department

Public Hearing closed.

Motion to grant Staff’s recommendation of LO-MU-NP combining district zoning for C14-2018-0087 - 3200 Merrie Lynn Avenue located at 3200 Merrie Lynn Avenue was approved on the consent agenda by Commissioner Flores, seconded by Commissioner Seeger on a vote of 12-0. Commissioner Anderson absent.

- 6. Plan Amendment: NPA-2018-0025.01 - Southwest Parkway and Vega Avenue; District 8**
- Location: 6113 Southwest Parkway, Barton Creek Watershed-Barton Springs Zone; East Oak Hill NP Area
- Owner/Applicant: St. Andrew's Episcopal School
- Agent: McLean & Howard, L.L.P. (Jeff Howard)
- Request: Neighborhood Mixed Use to Mixed Use land use
- Staff Rec.: **Recommended**
- Staff: Sabina Mora, 512-974-1485, sabina.mora@austintexas.gov
Planning and Zoning Department

Public Hearing closed.

Motion by Commissioner Schissler, seconded by Commissioner De Hoyos Hart to grant Mixed Use land use for NPA-2018-0025.01 - Southwest Parkway and Vega Avenue located at 6113 Southwest Parkway was aproved on a vote of 10-1. Commissioner McGraw voted nay. Commissioner Kenny recused due to a conflict of inteterst (*family member employed by Applicant*). Commissioner Anderson absent.

- 7. Rezoning: C14-2018-0085 - Southwest Parkway and Vega Avenue; District 8**
- Location: 6113 Southwest Parkway, Barton Creek Watershed-Barton Springs Zone; East Oak Hill NP Area
- Owner/Applicant: St. Andrew's Episcopal School
- Agent: McLean & Howard, L.L.P. (Jeff Howard)
- Request: LR-MU-NP to GR-MU-CO-NP
- Staff Rec.: **Recommendation of GR-MU-CO-NP**
- Staff: Scott Grantham, 512-974-3574, scott.grantham@austintexas.gov
Planning and Zoning Department

Public Hearing closed.

Motion by Commissioner Schissler, seconded by Commissioner De Hoyos Hart to grant Staff's recommendation of GR-MU-CO-NP for C14-2018-0085 - Southwest Parkway and Vega Avenue located at 6113 Southwest Parkway was approved on a vote of 10-1. Commissioner McGraw voted nay. Commissioner Kenny recused due to a conflict of interest (*family member employed by Applicant*). Commissioner Anderson absent.

8. Rezoning: C14-2018-0065 - Town Lake Circle I; District 3

Location: 2215 and 2315 Town Lake Circle; Lady Bird Lake Watershed; East Riverside / Oltorf Combined NP Area
Owner/Applicant: FBZ Town Lake Circle LP
Agent: Drenner Group (Leah Bojo)
Request: ERC-NMU to ERC-CMU
Staff Rec.: **Pending; Staff postponement request to January 22, 2019**
Staff: Scott Grantham, 512-974-3574, scott.grantham@austintexas.gov
Planning and Zoning Department

Motion to grant Staff's request for postponement of this item to January 22, 2019 was approved on the consent agenda by Commissioner Flores, seconded by Commissioner Seeger on a vote of 12-0. Commissioner Anderson absent.

9. Rezoning: C14-2018-0064 - Town Lake Circle II; District 3

Location: 2423 and 2439 Town Lake Circle, 2425 Elmont Drive, Lady Bird Lake and Country Club West Watersheds; East Riverside / Oltorf Combined NP Area
Owner/Applicant: FBZ Town Lake Circle LP
Agent: Drenner Group (Leah Bojo)
Request: ERC-NMU to ERC-CMU
Staff Rec.: **Pending; Staff postponement request to January 22, 2019**
Staff: Scott Grantham, 512-974-3574, scott.grantham@austintexas.gov
Planning and Zoning Department

Motion to grant Staff's request for postponement of this item to January 22, 2019 was approved on the consent agenda by Commissioner Flores, seconded by Commissioner Seeger on a vote of 12-0. Commissioner Anderson absent.

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, scott.grantham@austintexas.gov
Planning and Zoning Department

Public Hearing closed.

Motion by Commissioner Kenny, seconded by Commissioner DeHoyos Hart to grant Staff's recommendation of GR-MU-CO-NP combining district zoning for C14-2018-0062 - University of Texas Law School Foundation located at 2902 Medical Arts Street was approved on a vote of 7-5. Those voting aye were Vice-Chair Kazi and Commissioners DeHoyosHart, Flores, Kenny, Schisler, Schnieder, Thompson. Those voting nay were Chair Shieh and Commissioners McGraw, Shaw, Seeger and Witte. Commissioner Anderson absent.

11. Rezoning: C14-2018-0090 - Denizen Two; District 9

Location: 1001 Cumberland Road, West Bouldin Creek Watershed; Galindo / South Lamar Combined NP Area

Owner/Applicant: Salvation Army (Andrew Kelly)

Agent: Alice Glasco Consulting (Alice Glasco)

Request: SF-6-CO to SF-6-CO, to change a condition of zoning

Staff Rec.: **Recommended**

Staff: Heather Chaffin, 512-974-2122, heather.chaffin@austintexas.gov
Planning and Zoning Department

Public Hearing closed.

Motion to grant Staff's recommendation of SF-6-CO, to change a condition of zoning, combing district zoning for C14-2018-0090 - Denizen Two located at 1001 Cumberland Road was approved on the consent agenda by Commissioner Flores, seconded by Commissioner Seeger on a vote of 11-0. Commissioner McGraw abstained on this item. Commissioner Anderson absent.

12. Rezoning: C14H-2018-0103 - Philip D. Creer House; District 9

Location: 1605 Gaston Avenue, Shoal Creek Watershed; Windsor Road / Central West Austin Combined NP Area

Owner/Applicant: Nicole Kessler, owner

Request: SF-3-NP to SF-3-H-NP

Staff Rec.: **Recommended**

Staff: Steve Sadowsky, 512-974-6454, steve.sadowsky@austintexas.gov
Planning and Zoning Department

Motion by Commissioner McGraw, seconded by Commissioner Seeger to grant SF-3-H-NP combining district zoning for C14H-2018-0103 - Philip D. Creer House located at 1605 Gaston Avenue was approved on a vote of 8-3. Commissioners Kenny, Thompson and Witte voted nay. Commissioner Anderson absent.

13. 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-NP to CS-MU-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 Seeger, seconded by Commissioner Shaw to grant CS-MU-NP, combining district zoning, for C14-2018-0056 - 6901 Old Bee Caves Road Road located at 6901 Old Bee Caves Road was approved on a vote of 9-0. Vice-Chair Kazi recused due to a conflict of interest (rendered professional services). Commissioner Schissler recused due to a conflict of interest (rendered professional services). Commissioner McGraw abstained. Commissioner Anderson absent.

14. 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 modify conditions of a restrictive covenant.
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 Seeger, seconded by Commissioner Shaw to grant the modification of the restrictive covenant amendment, for C14-85-288.43(RCA) - 6901 Old Bee Caves Road located at 6901 Old Bee Caves Road was approved on a vote of 9-0. Vice-Chair Kazi recused due to a conflict of interest (*rendered professional services*). Commissioner Schissler recused due to a conflict of interest (*rendered professional services*). Commissioner McGraw abstained. Commissioner Anderson absent.

15. Site Plan - Conditional Use Permit: SPC-2018-0253CX - AISD - Govalle Elementary School; District 3

Location: 3601 Govalle Avenue, Boggy Creek Watershed; Govalle / Johnston Terrace Combined NP Area
Owner/Applicant: Austin Independent School District
Agent: PBK (Luis Salazar)
Request: Request approval of a conditional use site plan because the site is zoned P, public and over an acre. [LDC Sec. 25-2-625(D)(2)]
Staff Rec.: **Recommended, with conditions**
Staff: Nikki Hoelter, 512-974-2863, nikki.hoelter@austintexas.gov
Development Services Department

Public Hearing closed.

Motion to grant Staff’s recommendation for SPC-2018-0253CX - AISD - Govalle Elementary School located at 3601 Govalle was approved on the consent agenda by Commissioner Flores, seconded by Commissioner Seeger on a vote of 10-0. Vice-Chair Kazi recused due to a conflict of interest (*rendered professional services*). Commissioner Schissler recused due to a conflict of interest (*rendered professional services*). Commissioner Anderson absent.

Additional Conditions:

1. Complaints with the Texas Department of State Health Services Inspector must be resolved, no Phase I demolition can occur, and Phase I Asbestos Containing Materials must be removed prior to issuance of the Site Development Permit.
2. Third party continuous air monitoring must occur during all asbestos abatement activities (Phase I and Phase II) as a condition of Site Development Permit issuance.

16. Final Plat - Resubdivision: C8-2017-0183.0A - 4427 Gillis Subdivision; District 5

Location: 4427 Gillis Street, Williamson Creek Watershed; South Manchaca NP Area
Owner/Applicant: Cantegra Investments, LLC
Agent: Austin Civil Engineering
Request: Request approval of a resubdivision of one lot into two.
Staff Rec.: **Recommended**
Staff: Jeremy Siltala, 512-974-2945, jeremy.siltala@austintexas.gov
Development Services Department

Public Hearing closed.

Motion to grant Staff's recommendation for C8-2017-0183.0A - 4427 Gillis Subdivision located at 4427 Gillis Street was approved on the consent agenda by Commissioner Flores, seconded by Commissioner Seeger on a vote of 12-0. Commissioner Anderson absent.

- 17. Final Plat: C8-2018-0192.0A - Evergreen Subdivision; District 5**
- Location: 1800 Evergreen Avenue, West Bouldin Creek Watershed; Zilker NP Area
Owner/Applicant: 1800 Evergreen Development LLC
Agent: Thompson Land Engineering, LLC (Cindy Garza)
Request: Approval of Evergreen Subdivision composed of 1 lot on 0.75 acres
Staff Rec.: **Disapproval**
Staff: Development Services Department
- 18. Final Plat - Amended Plat: C8-2018-0190.0A - Mueller Section 1B-1 Subdivision, Amended Plat Lots 1 & 2; District 9**
- Location: 4815-½ Mueller Blvd, Boggy Creek Watershed; RMMA
Owner/Applicant: Mueller Aldrich Street, LLC
Agent: Garza EMC (Kelley Fowler, P.E.)
Request: Approval of the Mueller Section 1B-1 Subdivision, Amended Plat Lots 1 & 2 Final Plat composed of 1 lot on 3.33 acres
Staff Rec.: **Disapproval**
Staff: Development Services Department
- 19. Final Plat - Previously Unplatted: C8-2018-0203.0A - Vaquero Subdivision; District 5**
- Location: 4215 South Lamar Boulevard, Barton Creek Watershed-Barton Springs Zone; South Lamar NP Area
Owner/Applicant: Vaquero Austin Lamar Partners (W.A. Landreth III)
Agent: Big Red Dog Engineering/Consulting (Siri Soth)
Request: Approval of the Vaquero Subdivision Final Plat composed of 1 lot on 1.3553 acres
Staff Rec.: **Disapproval**
Staff: Development Services Department
- 20. Final Plat - Resubdivision: C8-2018-0194.0A - Chelsea Subdivision; District 9**
- Location: 1601 Chelsea Lane, Harpers Branch Watershed; South River City NP Area
Owner/Applicant: TAJ Holdings, LP (Tatiana Jitkoff)
Agent: Sunland Group (Joel Bock)
Request: Approval of Chelsea Subdivision composed of 3 lots on 0.85 acres
Staff Rec.: **Disapproval**
Staff: Development Services Department

- 21. Final Plat - Resubdivision: C8-2018-0207.0A - Chow Bazaar; District 3**
- Location: 5601 East Ben White Boulevard Service Road, Carson Creek Watershed; Montopolis NP Area
- Owner/Applicant: Venkman, LP (Thomas Cripps)
- Agent: CEC-KBGE, LLC (Armando Pottillo)
- Request: Approval of the Chow Bazaar composed of 2 lots on 3.6 acres
- Staff Rec.: **Disapproval**
- Staff: Development Services Department

Public Hearing closed.

Motion to disapprove Items C-17 - C-21, was approved on the consent agenda by Commissioner Flores, seconded by Commissioner Seeger on a vote of 12-0. Commissioner Anderson absent.

D. NEW BUSINESS

1. Initiation of Code Amendment related to University Neighborhood Overlay District

Discuss and consider the initiation of an amendment to Title 25 of the Land Development Code to amend allowable building height in the Outer West Campus Subdistrict of the University Neighborhood Overlay District. Staff: [Jerry Rusthoven](#), 512-974-3207, Planning and Zoning Department.

Motion to grant Staff's postponement request to February 12, 2019 was approved on the consent agenda by Commissioner Flores, seconded by Commissioner Seeger on a vote of 12-0. Commissioner Anderson absent.

2. Initiation of Code Amendment related to East Riverside Corridor Hub Map

Discuss and consider the initiation of an amendment to Title 25 of the Land Development Code to amend the East Riverside Corridor Hub Map to include additional properties. Staff: Jerry Rusthoven, 512-974-3207, Planning and Zoning Department.

Item withdrawn.

3. Initiation of Code Amendment related to definition of mirrored glass.

Discuss and consider the initiation of an amendment to Title 25 of the Land Development Code regarding the definition of mirrored glass. Staff: Mark Walters, 512-974-7695, mark.walters@austintexas.gov, Planning and Zoning Department

Motion to postpone this time to December 11, 2018, by the Planning Commission, was approved on the consent agenda by Commissioner Flores, seconded by Commissioner Seeger on a vote of 12-0. Commissioner Anderson absent.

4. Initiation of Code Amendment related to fee waivers for certain Neighborhood Contact Team initiated neighborhood plan amendments.

Discuss and consider the initiation of an amendment to Title 25 of the Land Development Code regarding fee waivers for Neighborhood Contact Team-initiated and SMART Housing-associated neighborhood plan amendments. Staff: Mark Walters, 512-974-7695, mark.walters@austintexas.gov, Planning and Zoning Department

Motion to initiate Code Amendment related to fee waivers for certain Neighborhood Contact Team initiated neighborhood plan amendments was approved on the consent agenda by Commissioner Flores, seconded by Commissioner Seeger on a vote of 12-0. Commissioner Anderson absent.

E. BRIEFINGS

1. Briefing regarding Capital Metro Project Connect

Briefing and discussion regarding Capital Metro - Project Connect.

Item postponed to a future meeting date was approved on the consent agenda by Commissioner Flores, seconded by Commissioner Seeger on a vote of 12-0. Commissioner Anderson absent.

F. ITEMS FROM COMMISSION

1. 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

Item not discussed.

G. 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.

Commissioners Thompson and McGraw - Request for briefing on University Overlay District and CANPAC

Commissioners Kenny and Schissler – Follow up on buildable units and demographics related to housing.

H. COMMITTEES & WORKING GROUPS UPDATES

[Codes and Ordinances Joint Committee](#)

(Vice-Chair Kazi and Commissioners McGraw, Schissler, and Seeger)

Commissioner Seeger stated the committee will meet on December 12, 2018.

[Comprehensive Plan Joint Committee](#)

(Commissioners Flores, Kenny, Schissler and Shaw)

No report provided.

[Joint Sustainability Committee](#)

(Chair Shieh and Commissioner Seeger)

Commissioner Seeger stated the committee will meet on November 28, 2018.

[Small Area Planning Joint Committee](#)

(Chair Shieh and Commissioners Anderson and Thompson)

Chair Shieh stated the committee will meet December 12, 2018.

Operating Model Working Group

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

No report provided.

ADJOURNMENT

Chair Shieh adjourned the meeting without objection on Tuesday, November 27, 2018 at 9:16 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.