



**PLANNING COMMISSION
MINUTES**

April 23, 2019

The Planning Commission convened in a regular meeting on April 23, 2019 @ 301 W. 2nd Street, Austin, TX 78701.

Vice-Chair Kazi called the Commission Meeting to order at 6:15 p.m.

Commission Members in Attendance:

**Greg Anderson
Awais Azhar
Fayez Kazi – Vice-Chair
Yvette Flores
Patrick Howard
Conor Kenny
Karen McGraw
James Schissler
Robert Schneider
Todd Shaw
Jeffrey Thompson**

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

Absent:

**James Shieh – Chair
Patricia Seeger**

Robert Mendoza – Ex-Officio

One 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.**

- 1) Ms. Zoila Vega – Ms. Vega discussed matters related to the Heritage Tree ordinance.
- 2) Angela Benavidez – Ms. Benavidez discussed matters related to the Code rewrite.

B. APPROVAL OF MINUTES

1. Approval of minutes from April 9, 2019

Motion to approve the minutes from April 9, 2019 motion was approved on the consent agenda by Commission Schissler, seconded by Commissioner Kenny on a vote of 11-0. Chair Shieh and Commissioner Seeger absent.

C. PUBLIC HEARINGS

1. Plan Amendment: [NPA-2017-0018.01 - Burnet Lane; District 7](#)

Location: 2106 Payne Avenue, Shoal Creek Watershed; Brentwood / Highland Combined (Brentwood) NP Area
Owner/Applicant: ARCH Properties, Inc.
Agent: Drenner Group (Amanda Swor)
Request: Single Family to Mixed Use/Office land use
Staff Rec.: **Pending. Postponement request by Staff to May 14, 2019.**
Staff: [Maureen Meredith](#), 512-974-2695
Planning and Zoning Department

Motion to grant Staff's request for postponement of this item to May 14, 2019 was approved on the consent agenda by Commission Schissler, seconded by Commissioner Kenny on a vote of 11-0. Chair Shieh and Commissioner Seeger absent.

2. Plan Amendment: [NPA-2018-0021.01 - 5101 East Oltorf; District 3](#)

Location: 5101 East Oltorf Street, Country Club West Watershed; East Riverside / Oltorf Combined NP Area
Owner/Applicant: Charitable Holdings, II (Michael Nellis)
Agent: Armbrust & Brown, PLLC (Richard T. Suttle, Jr. and Ferris Clements)
Request: Commercial to Mixed Use land use
Staff Rec.: **Pending. Postponement request by Staff and the Applicant to May 14, 2019.**
Staff: [Kathleen Fox](#), 512-974-7877
Planning and Zoning Department

Motion to grant Staff's request for postponement of this item to May 14, 2019 was approved on the consent agenda by Commission Schissler, seconded by Commissioner Kenny on a vote of 11-0. Chair Shieh and Commissioner Seeger absent.

3. Rezoning: [C14-2018-0080 - 5101 East Oltorf; District 3](#)

Location: 5101 East Oltorf Street, Country Club West Watershed; East Riverside / Oltorf Combined (Parker Lane) NP Area
Owner/Applicant: Charitable Holdings, II (Michael Nellis)
Agent: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.)
Request: GR-CO-NP to CS-MU-CO-NP
Staff Rec.: **Pending. Postponement request by Staff and the Applicant to May 14, 2019.**
Staff: [Wendy Rhoades](#), 512-974-7719
Planning and Zoning Department

Motion to grant Staff's request for postponement of this item to May 14, 2019 was approved on the consent agenda by Commission Schissler, seconded by Commissioner Kenny on a vote of 11-0. Chair Shieh and Commissioner Seeger absent.

4. Plan Amendment: [NPA-2018-0005.01 - 1501 Airport Commerce; District 3](#)

Location: 1501 Airport Commerce Drive, Carson Creek Watershed; Montopolis NP Area
Owner/Applicant: W2 Hill ACP II LP
Agent: Drenner Group (Amanda Swor)
Request: Commercial to Mixed Use land use
Staff Rec.: **Pending. Postponement request by Staff to May 14, 2019.**
Staff: [Jesse Gutierrez](#), 512-974-1606
Planning and Zoning Department

Motion to grant Staff's request for postponement of this item to May 14, 2019 was approved on the consent agenda by Commission Schissler, seconded by Commissioner Kenny on a vote of 11-0. Chair Shieh and Commissioner Seeger absent.

5. **Rezoning:** [C14-2019-0029 - 1501 Airport Commerce Dr; District 3](#)

Location: 1501 Airport Commerce Drive, Carson Creek Watershed; Montopolis NP Area
Owner/Applicant: W2 Hill ACP II, LP
Agent: Drenner Group, PC (Amanda Swor)
Request: CS-CO-NP to CS-MU-CO-NP
Staff Rec.: **Pending. Postponement request by Staff to May 14, 2019.**
Staff: [Sherri Sirwaitis](#), 512-974-3057
Planning and Zoning Department

Motion to grant Staff's request for postponement of this item to May 14, 2019 was approved on the consent agenda by Commission Schissler, seconded by Commissioner Kenny on a vote of 11-0. Chair Shieh and Commissioner Seeger absent.

6. **Restrictive Covenant Termination:** [C14-85-244\(RCT\) - 10001 Stonelake; District 7](#)

Location: 10001 Stonelake Boulevard, Shoal Creek Watershed; North Burnet / Gateway NP Area
Owner/Applicant: Mary Elizabeth Notley Morse, Fredrick Clarke Morse, III, Scott Morse 2012 Family Trust (Scott Notley Morse, Trustee)
Agent: The Drenner Group, PC (Leah M. Bojo)
Request: The Applicant is requesting a termination of the restrictive covenant on the property that prohibits new development from exceeding a maximum floor-to-area ratio (FAR) of 0.9:1.
Staff Rec.: **Item withdrawn from agenda due to notification error.**
Staff: [Sherri Sirwaitis](#), 512-974-3057
Planning and Zoning Department

Notification error; item disposed without action.

7. **Rezoning:** [C14-2018-0141 - 1907 Inverness Zoning Change; District 5](#)

Location: 1907 Inverness Boulevard, Williamson Creek Watershed; South Austin Combined (South Manchaca) NP Area
Owner/Applicant: Marquee Investments, LLC (Alex Bahrami)
Agent: Austex Building Consultants (Jonathan Perlstein)
Request: SF-3-NP to NO-MU-NP, as amended
Staff Rec.: **Recommended**
Staff: [Wendy Rhoades](#), 512-974-7719
Planning and Zoning Department

Public Hearing closed.

Motion by Commissioner Kenny, seconded by Commissioner Schissler to grant staff's recommendation of NO-MU-NP combining district zoning for C14-2018-0141 - 1907 Inverness Zoning Change, located at 1907 Inverness Boulevard was approved on a vote of 7-4.

Commissioners Flores, McGraw, Shaw and Schneider voted nay. Chair Shieh and Commissioner Seeger absent.

- 8. Heritage Tree** [SP-2018-0032C.SH - 2111 Rio Grande: Tree #19730 and Tree #19726; District 9](#)
Variance: [SP-2018-0032C.SH - 2111 Rio Grande: Tree #19730 and Tree #19726; District 9](#)
Location: 2111 Rio Grande Street
Owner/Applicant: Jason Rogers, Garrett-Ihnen Civil Engineering
Request: Request to vary from 25-8-641 to allow the removal of two heritage trees, each with a single-stem greater than 30” in diameter.
Staff Rec.: Tree #19730 (34-inch Pecan): **Recommended**
 Tree #19726 (37-inch Pecan): **Not Recommended**
Staff: [Jim Dymkowski](#), 512-974-2772
 Development Services Department

Public Hearing closed.

Motion by Commissioner Anderson, seconded by Commissioner Schissler to grant Staff’s recommendation for SP-2018-0032C.SH - 2111 Rio Grande located at 2111 Rio Grande Street, including the following condition:

Moving Tree #19726 (37-inch Pecan) and if it does not work, Staff has the authority to take the fiscal holding.

The motion was approved on a vote of 9-1. Commissioner McGraw voted nay. Chair Shieh and Commissioner Seeger absent.

- 9. Resubdivision:** [C8-2018-0157.0A - Clawson New Hope; District 5](#)
Location: 4201 Clawson Road, West Bouldin Creek Watershed; South Lamar NP Area
Owner/Applicant: A New Hope Investments LLC
Agent: Hector Avila
Request: Approval of the Clawson New Hope plat, a resubdivision of a portion of Lot 9, Banister Heights, comprised of one lot on 4,320 square feet.
Staff Rec.: **Recommended**
Staff: [Steve Hopkins](#), 512-974-3175
 Development Services Department

Public Hearing closed.

Motion to grant Staff’s recommendation for C8-2018-0157.0A - Clawson New Hope located at 4201 Clawson Road was approved on the consent agenda by Commission Schissler, seconded by Commissioner Kenny on a vote of 11-0. Chair Shieh and Commissioner Seeger absent.

10. Site Plan: [SPC-2018-0574A - 70 Rainey Street; District 9](#)

Location: 70 Rainey Street, Lady Bird Lake Watershed, Downtown Master Plan
Owner/Applicant: 70 Rainey Street Owner, LLC
Agent: Big Red Dog Engineering
Request: The applicant is proposing a cocktail lounge within the Rainey Street subdistrict of the Waterfront Overlay requiring a conditional use permit 25-2-692(K). The applicant also requests a variance from 25-5-146(B) for parking to serve a cocktail lounge within 200 feet of a single-family use.
Staff Rec.: **Recommended**
Staff: [Jeremy Siltala](#), 512-974-2945
Development Services Department

Public Hearing closed.

Motion to grant Staff's recommendation for SPC-2018-0574A - 70 Rainey Street Hope located at 70 Rainey Street was approved on the consent agenda by Commission Schissler, seconded by Commissioner Kenny on a vote of 11-0. Chair Shieh and Commissioner Seeger absent.

11. CodeAmendment: [C20-2019-004 - Planned Development Area](#)

Request: Consider an ordinance to amend Title 25 of the Land Development Code to exempt properties within a Planned Development Area that do not contain industrial uses from specific industrially-focused regulations.
Staff Rec.: **Recommended**
Staff: [Jerry Rusthoven](#), 512-974-3207
Planning and Zoning Department

Public Hearing closed.

Motion to recommend amending Title 25 of the Land Development Code to exempt properties within a Planned Development Area that do not contain industrial uses from specific industrially-focused regulations was approved on the consent agenda by Commission Schissler, seconded by Commissioner Kenny on a vote of 11-0. Chair Shieh and Commissioner Seeger absent.

12. CodeAmendment: [C20-2019-005 - University Neighborhood Overlay Height Change](#)

Request: Consider an ordinance amending Title 25 of the Land Development Code to change allowable building height in the Outer West Campus Subdistrict of the University Neighborhood Overlay District.
Staff Rec.: **Recommended**
Staff: [Jerry Rusthoven](#), 512-974-3207
Planning and Zoning Department

Public Hearing closed.

Motion to recommend amending Title 25 of the Land Development Code to change allowable

building height in the Outer West Campus Subdistrict of the University Neighborhood Overlay District was approved on the consent agenda by Commissioner Schissler, seconded by Commissioner Kenny on a vote of 11-0. Chair Shieh and Commissioner Seeger absent.

13. CodeAmendment: [C20-2019-006 - Residential Affordable Housing Development Bonus Program](#)

Request: Consider an ordinance amending Title 25 of the Land Development Code that establishes a residential affordable housing development bonus program and authorizes certain modifications, waivers, and requirements related to site development requirements; and discuss and consider modified site plan requirements for certain residential affordable housing developments.

Staff Rec.: **Recommended**

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

Public Hearing closed.

Motion by Commissioner Azhar, seconded by Commissioner Howard to grant Staff's recommendation for C20-2019-006 - Residential Affordable Housing Development Bonus Program, as amended.

Amendments by Commissioner Azhar, seconded by Commissioner Kenny:

- 1. Clarify under 25-1-722 ELIGIBILITY that program includes redevelopment of non-multifamily residential structures**
- 2. Clarify under 25-1-722 ELIGIBILITY Section B tenant protections are requirements for rental properties**
- 3. Clarify under 25-1-723 AFFORDABILITY REQUIREMENTS that affordability periods are minimums.**
- 4. Clarify under 25-1-725 CONSTRUCTION REQUIREMENTS AND ENFORCEMENT that annual documentation/certification is for rental properties.**
- 5. Amend either Part 3, 25-2-518 or Part 4, 25-2-534 to waive minimum site area requirements.**
- 6. Amend 25-1-722 ELIGIBILITY to require 25% of the affordable units include two or more bedrooms, supportive housing, housing for older person, or any combination of the three.**
- 7. Require under 25-1-722 ELIGIBILITY Section B to include RHDA Lease Addendum**

Amendment adopted on a vote of 9-2. Commissioners McGraw and Shaw voted nay. Chair Shieh and Commissioner Seeger absent.

Amendment by Commissioner Shaw seconded by Vice-Chair Kazi:

ADD 25-1-722(A) (6) Development must be within ½ mile from Imagine Austin activity corridors and centers including the Transit Priority Network roadways identified in Strategic Mobility Plan or within a High Opportunity Area identified in Strategic Housing Blueprint Implementation Plan.

Motion failed on a vote of 3-7. Vice-Chair Kazi and Commissioners Shaw and Schneider voted aye. Commissioner McGraw abstained. Chair Shieh and Commission Seeger absent.

Amendments listed in Exhibit: *Amendments to Affordability Unlocked (McGraw 4/23/19* <http://www.austintexas.gov/edims/document.cfm?id=318419>) proposed by Commissioner McGraw failed due to lack of a second.

Motion by Commissioner Kenny, seconded by Commissioner Anderson, as amended by Commissioner McGraw as follows:

Evaluate Fair Housing Act parking requirements versus ADA parking requirements and provide a report to Council describing the advantages of each. Include a chart with the backup of the accessible parking requirements for Affordability Unlocked projects.

Amendment adopted on a unanimous vote. Chair Shieh and Commission Seeger absent.

Motion by Commissioner Shaw, seconded by Commissioner McGraw proposed amendments in Exhibit:

Item C-13 Questions from Commissioner Shaw with Proposed Motions- Amended 4/22/2019 pg. 6 of 16 failed on a vote of 3-8. (Shaw <http://www.austintexas.gov/edims/document.cfm?id=318413>)Those voting for were Commissioners Shaw, Kenny and McGraw. Chair Shieh and Commissioner Seeger absent.

Amendment by Commissioner Schneider, seconded by Commissioner Anderson:

Consider changes to add screening and design requirements that minimize additional costs and don't negatively impact unit yield under the program.

Amendment adopted by a vote of 10-1. Commissioner Schissler voted nay. Chair Shieh and Commission Seeger absent.

Motion by Commissioner Azhar, seconded by Commissioner Howard to grant Staff's recommendation of C20-2019-006 - Residential Affordable Housing Development Bonus Program, as amended was approved on a vote 10-1. Commissioner McGraw voted nay. Chair Shieh and Commission Seeger absent.

14. **Final Plat - Amended Plat:** [C8-2019-0054.0A - Amended Plat Lot 1A, Block A, Airport Commerce Section 2; District 3](#)
 Location: 1501 Airport Commerce Drive, Carson Creek Watershed; Montopolis NP Area
 Owner/Applicant: W2 Hill ACP II LP
 Agent: Thrower Design (Ron Thrower)
 Request: Approval of the Amended Plat Lot 1A, Block A, Airport Commerce Section 2 somposed of 1 lot on 10.95 acres
 Staff Rec.: **Disapproval**
 Staff: Development Services Department
15. **Final Plat - Resubdivision:** [C8-2019-0051.1A - Lot 4 Block D Dean Terrace; District 4](#)
 Location: 205 East Walnut Drive, Little Walnut Creek Watershed; Georgian Acres / North Lamar Combined NP Area
 Owner/Applicant: Elliott Jempty
 Agent: Hector Avila
 Request: Approval of Lot 4 Block D Dean Terrace composed of 2 lots on 0.47 acres
 Staff Rec.: **Disapproval**
 Staff: Development Services Department
16. **Final Plat - Resubdivision:** [C8-2019-0049.0A - DCMC Dell Place Project-MOB; District 9](#)
 Location: 4900 Mueller Boulevard, Boggy Creek Watershed; RMMA
 Owner/Applicant: Seton Family of Hospitals
 Agent: Stantec Consulting Services Inc. (Daulton Wendel)
 Request: Approval of the DCMC Dell Place Project-MOB composed of 4 lots on 29.55 acres.
 Staff Rec.: **Disapproval**
 Staff: Don Perryman, 512-974-2786
 Development Services Department
17. **Final Plat - Resubdivision:** [C8-2019-0052.0A - Park Forest Section 6, Resubdivision of Lot 18, Block A; District 5](#)
 Location: 4703 Clawson Road, Williamson Creek Watershed; South Manchaca NP Area
 Owner/Applicant: Austin APG Propeties (Glenn Gibson)
 Agent: Perales Engineering (Jerry Perales, P.E.)
 Request: Approval of Park Forest Section 6, Resubdivision of Lot 18, Block A composed of 2 lots on 0.3 acres
 Staff Rec.: **Disapproval**
 Staff: Development Services Department

18. Preliminary Plan: [C8-2019-0050 - Artesia Riverside; District 2](#)

Location: 7401-½ East Ben White Blvd Eastbound, Carson Creek Watershed;
Southeast Combined NP Area
Owner/Applicant: Artesia Real Estate (Colin Brothers)
Agent: Big Red Dog Engineering (Kendall Hackney)
Request: Approval of the Artesia Riverside Preliminary Plan composed of 1 lot on
22.53 acres
Staff Rec.: **Disapproval**
Staff: Development Services Department

19. Final Plat - Amended Plat: [C8-2019-0055.0A - Violet Crown Heights, Amended Plat of the Amended Plat of the Resubdivision of Lots 14, 15 & the West 5' of Lot 16 Block P; District 7](#)

Location: 1508 Alegria Road, Shoal Creek Watershed; Brentwood / Highland
Combined (Brentwood) NP Area
Owner/Applicant: Robert & Debra Peterson
Request: Approval of the Violet Crown Heights, Amended Plat of the Amended
Plat of the Resubdivision of Lots 14, 15 & the West 5' of Lot 16 Block
P, composed of 2 lots on 0.447 acres
Staff Rec.: **Disapproval**
Staff: Development Services Department

Public Hearing closed.

Motion to disapprove items C-14 – C-19 was approved on the consent agenda by Commission Schissler, seconded by Commissioner Kenny on a vote of 11-0. Chair Shieh and Commissioner Seeger absent.

D. BRIEFINGS

1. [Public Hearings Schedule Regarding a Proposed Mixed-Use Development in the Vicinity of Riverside Drive and Pleasant Valley Road](#)

Update on scheduling of public hearings regarding a proposed mixed-use development in the vicinity of Riverside Drive and Pleasant Valley Road. (Related cases: C14-72-204(RCA), C14-97-0010(RCT), C14-2018-0026, C14-2018-0027, C14-2018-0028) Staff: [Scott Grantham](#), 512-974-3574, Planning and Zoning Department

Presentation provided by Jerry Rusthoven, Assistant Director, Planning and Zoning Department. 512-974-3207.

2. **[Austin Strategic Housing Blueprint Update](#)**

Update on the Austin Housing Blueprint including the Austin Housing Blueprint Implementation Plan. Staff: [Erica Leak](#), Acting Assistant Director, 512-974-9375; [Jonathan Tomko](#), Housing Policy and Planning Manager, 512-974-1057. Neighborhood Housing & Community Development

Presentation provided by Erica Leak, Acting Assistant Director, 512-974-9375; Jonathan Tomko, Housing Policy and Planning Manager, 512-974-1057. Neighborhood Housing & Community Development

3. **[Proposed Code Amendments Pertaining to the City's Density Bonus Programs and Other Similar Incentive Programs.](#)**

Presentation regarding proposed code amendments to Title 25 (*Land Development*) to amend density bonus policies, source-of-income discrimination prohibitions, and good cause eviction protections. Staff: [Erica Leak](#), Acting Assistant Director, 512-974-9375; [Jonathan Tomko](#), Housing Policy and Planning Manager, 512-974-1057. Neighborhood Housing & Community Development

Presentation provided by Erica Leak, Acting Assistant Director, 512-974-9375; Jonathan Tomko, Housing Policy and Planning Manager, 512-974-1057. Neighborhood Housing & Community Development

E. ITEMS FROM COMMISSION

1. **Proposed Code Amendments Pertaining to the City's Density Bonus Programs and Other Similar Incentive Programs.**

Discuss and consider initiating code amendments to Title 25 (*Land Development*) to amend density bonus policies, source-of-income discrimination prohibitions, and good cause eviction protections.

Co-Sponsors: Commissioners Anderson, Azhar and Howard

Motion by Commissioner Anderson, seconded by Commissioner Howard to initiate code amendments to Title 25 (Land Development) to amend density bonus policies, source-of-income discrimination prohibitions, and good cause eviction protections was approved on a vote of 10-0. Commissioner McGraw abstained. Chair Shieh and Commissioner Seeger absent.

2. **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 disposed without discussion or action.

F. 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.

G. BOARDS, COMMITTEES & WORKING GROUPS UPDATES

[Codes and Ordinances Joint Committee](#)

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

No report provided.

[Comprehensive Plan Joint Committee](#)

(Commissioners Flores, Kenny, Schissler and Shaw)

No report provided.

[Joint Sustainability Committee](#)

(Chair Shieh and Commissioner Seeger)

No report provided.

[Small Area Planning Joint Committee](#)

(Chair Shieh and Commissioners Anderson and Thompson)

No report provided.

[South Central Waterfront Advisory Board](#)

(Commissioner Schissler)

No report provided.

HLC – Design Guidelines Working Group

(Commissioner McGraw)

No report provided.

ADJOURNMENT

Vice-Chair Kazi adjourned the meeting without objection on Tuesday, April 23, 2019 at 11:34 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.