



## **PLANNING COMMISSION**

### **MINUTES**

**March 22, 2022**

**The Planning Commission convened in a meeting on March 22, 2022 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas and via videoconference @ <http://www.austintexas.gov/page/watch-atxn-live>**

**Chair Shaw called the Commission Meeting to order at 6:07 p.m.**

#### **Commission Members in Attendance:**

**Awais Azhar  
Grayson Cox  
Yvette Flores  
Claire Hempel – Vice-Chair  
Patrick Howard  
Carmen Llanes Pulido  
Solveij Rosa Praxis  
James Shieh  
Robert Schneider  
Todd Shaw – Chair  
Jeffrey Thompson**

**Jessica Cohen – Ex-Officio**

#### **Absent:**

**Joao Paulo Connolly  
Jennifer Mushtaler**

**Arati Singh – Ex-Officio  
Richard Mendoza – Ex-Officio  
Spencer Cronk – Ex-Officio**

## CITIZEN COMMUNICATIONS

### A. APPROVAL OF MINUTES

1. Approve the minutes of March 8, 2022.

Motion to approve minutes of March 8, 2022 was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Vice-Chair Hempel on a vote of 9-0. Commissioners Llanes Pulido and Praxis off the dais. Commissioners Mushtaler and Connolly absent.

### B. PUBLIC HEARINGS

1. **Plan Amendment:** [NPA-2021-0005.02 - Montopolis Multifamily; District 3](#)  
Location: 2601 Montopolis Drive, 6700 & 6800 E. Ben White Blvd SVRD  
WB, Carson Creek, Country Club Creek Watersheds; Montopolis  
NP Area  
Owner/Applicant: Montopolis QO2B, LLC  
Agent: Thrower Design, LLC (Ron Thrower and Victoria Haase)  
Request: Industry to Mixed Use land use  
Staff Rec.: **Not Recommended**  
Staff: Maureen Meredith, 512-974-2695,  
maureen.meredith@austintexas.gov  
Housing and Planning Department  
Postponement **Applicant postponement request to April 26, 2022**  
Request:

Motion to grant Applicant's request for postponement of this item to April 26, 2022 was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Vice-Chair Hempel on a vote of 9-0. Commissioners Llanes Pulido and Praxis off the dais. Commissioners Mushtaler and Connolly absent.

2. **Plan Amendment:** [NPA-2021-0016.05.SH - Live Make Apartments; District 3](#)  
Location: 1127, 1129 Tillery Street (portion of), 1129 1/2 Tillery Street (portion of), 1118, 1202 and 1204 Henninger Street, Boggy Creek Watershed; Govalle/Johnston Terrace Combined (Govalle) NP Area  
Owner/Applicant: Austin Housing and Finance Corp.  
Agent: Live Make Housing Partners, LP (Hilary Andersen Carter)  
Request: Single Family to Neighborhood Mixed Use land use  
Staff Rec.: **Recommended**  
Staff: Maureen Meredith, 512-974-2695, Maureen.Meredith@austintexas.gov  
Housing and Planning Department  
Postponement Request: **Staff postponement request to April 12, 2022**

Motion to grant Staff's request for postponement of this item to April 12, 2022 was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Vice-Chair Hempel on a vote of 9-0. Commissioners Llanes Pulido and Praxis off the dais. Commissioners Mushtaler and Connolly absent.

3. **Rezoning:** [C14-2021-0172 - Live Make Apartments; District 3](#)  
Location: 1127 Tillery Road, Boggy Creek Watershed; Govalle/Johnston Terrace Combined (Govalle) NP Area  
Owner/Applicant: Austin Housing and Finance Corp.  
Agent: Live Make Housing Partners, LP (Hilary Andersen Carter)  
Request: SF-3-NP to LO-MU-CO-NP  
Staff Rec.: **Recommended**  
Staff: Heather Chaffin, 512-974-2122, heather.chaffin@austintexas.gov  
Housing and Planning Department  
Postponement Request: **Staff postponement request to April 12, 2022**

Motion to grant Staff's request for postponement of this item to April 12, 2022 was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Vice-Chair Hempel on a vote of 9-0. Commissioners Llanes Pulido and Praxis off the dais. Commissioners Mushtaler and Connolly absent.

4. **Plan Amendment:** [NPA-2020-0015.02.SH - 2011 & 2015 E. M. Franklin; District 1](#)

Location: 2011 & 2015 E. M. Franklin Ave., Tannehill Branch Watershed;  
East MLK Combined (MLK) NP Area  
Owner/Applicant: 2011 & 2015 E. M. Franklin, LLC (Anmol Mehra)  
Agent: Civiltude, LLC (Conor Kenny)  
Request: Single Family to Multifamily Residential and Neighborhood Mixed  
Use land uses  
Staff Rec.: **Recommended**  
Staff: Maureen Meredith, 512-974-2695,  
Maureen.Meredith@austintexas.gov  
Housing and Planning Department

Motion to grant Applicant's request for postponement of this item to April 12, 2022 was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Vice-Chair Hempel on a vote of 9-0. Commissioners Llanes Pulido and Praxis off the dais. Commissioners Mushtaler and Connolly absent.

5. **Rezoning:** [C14-2022-0008.SH - 2011 & 2015 E. M. Franklin; District 1](#)

Location: 2011 & 2015 E. M. Franklin Ave., Tannehill Branch Watershed;  
East MLK Combined (MLK) NP Area  
Owner/Applicant: 2011 & 2015 E. M. Franklin, LLC (Anmol Mehra)  
Agent: Civiltude, LLC (Conor Kenny)  
Request: SF-3-NP to MF-4-NP and LR-MU-NP  
Staff Rec.: **Recommended**  
Staff: Heather Chaffin, 512-974-2122, heather.chaffin@austintexas.gov  
Housing and Planning Department

Motion to grant Applicant's request for postponement of this item to April 12, 2022 was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Vice-Chair Hempel on a vote of 9-0. Commissioners Llanes Pulido and Praxis off the dais. Commissioners Mushtaler and Connolly absent.

6. **Rezoning:** [C14-2021-0190 - 3000 E Cesar Chavez, District 3](#)

Location: 3020 East Cesar Chavez Street, Colorado River Watershed; Govalle-  
Johnston Terrace NP Area  
Agent: Drenner Group, PC (Leah M. Bojo)  
Request: CS-MU-CO-NP to CS-MU-V-NP  
Staff Rec.: **Recommendation of CS-MU-V-CO-NP**  
Staff: Heather Chaffin, 512-974-2122, heather.chaffin@austintexas.gov  
Housing and Planning Department  
Postponement Request: **Applicant postponement request to April 26, 2022**

Motion to grant Applicant's request for postponement of this item to April 26, 2022 was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Vice-Chair Hempel

on a vote of 9-0. Commissioners Llanes Pulido and Praxis off the dais. Commissioners Mushtaler and Connolly absent.

7. **Rezoning:** [C14-2022-0010 - 3402 Kerbey Lane; District 10](#)  
Location: 3402 Kerbey Lane, Shoal Creek Watershed; Central West Austin  
Combined (Windsor Road) NP Area  
Owner/Applicant: Kerbey Lane Commercial LLC (Stephen Straus)  
Agent: Smith Robertson LLP (David Hartman)  
Request: NO-NP to GO-NP  
Staff Rec.: **Recommendation of GO-CO-NP**  
Staff: Wendy Rhoades, 512-974-7719, [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)  
Housing and Planning Department

Public Hearing closed.

Motion by Commissioner Cox, seconded by Commissioner Shieh to grant LO-NP combining district zoning for C14-2022-0010 - 3402 Kerbey Lane located at 3402 Kerbey Lane was approved on a vote of 10-0. Commissioner Llanes Pulido abstained. Commissioners Connolly and Mushtaler absent.

8. **Rezoning:** [C14-2022-0013 - 5410-5504 Viewpoint Drive; District 2](#)  
Location: 5410, 5412, 5500, 5502, and 5504 Viewpoint Drive, Williamson  
Creek Watershed; Southeast Combined (McKinney) NP Area  
Owner/Applicant: Jason Martin and Marshall Fleniken  
Agent: Drenner Group, PC (Leah Bojo)  
Request: SF-2-NP to SF-3-NP  
Staff Rec.: **Recommended**  
Staff: Wendy Rhoades, 512-974-7719, [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)  
Housing and Planning Department

Public Hearing closed.

Motion to grant Staff's recommendation of SF-3-NP combining district zoning for C14-2022-0013 - 5410-5504 Viewpoint Drive located at 5410, 5412, 5500, 5502, and 5504 Viewpoint Drive was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Vice-Chair Hempel on a vote of 9-0. Commissioners Llanes Pulido and Praxis off the dais. Commissioners Mushtaler and Connolly absent.

**9. Site Plan - [SP-2020-0162C - E 51st Street Multifamily Plan; District 1](#)  
Compatibility  
Waiver Request:**

Location: 3001 E 51st St, Fort Branch Watershed; MLK NP Area  
Owner/Applicant: Austin Home Support (Kurt Thiemer)  
Agent: Southwest Engineers (Matt Dringenberg, P.E.)  
Request: Request for compatibility waiver from LDC 25-2-1063.  
Staff Rec.: **Recommended**  
Staff: Christine Barton-Holmes, 412-974-2788, christine.barton-holmes@austintexas.gov  
Development Services Department

Public Hearing closed.

Motion to grant Staff's recommendation for SP-2020-0162C - E 51st Street Multifamily Plan located at 3001 E 51st St. was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Vice-Chair Hempel on a vote of 9-0. Commissioners Llanes Pulido and Praxis off the dais. Commissioners Mushtaler and Connolly absent.

**10. Conditional Use [SPC-2021-0247C - Earl J. Pomerleau Pocket Park; District 1](#)  
Permit:**

Location: 1906 Patton Lane, Fort Branch Watershed; Windsor Park NP Area  
Owner/Applicant: City of Austin - PARD  
Agent: 360 Professional Services, Inc. (Meredith Kizewski)  
Request: Permit a Community Recreation (Public) Use in an MF-3-NP combining district zoning.  
Staff Rec.: **Recommended**  
Staff: Randall Rouda, 512-974-3338, randall.rouda@austintexas.gov  
Development Services Department

Public Hearing closed.

Motion to grant Staff's recommendation for SPC-2021-0247C - Earl J. Pomerleau Pocket Park located at 1906 Patton Lane was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Vice-Chair Hempel on a vote of 9-0. Commissioners Llanes Pulido and Praxis off the dais. Commissioners Mushtaler and Connolly absent.

**11. Preliminary Plan:** [C8-2020-0112 - Braker Valley Subdivision Preliminary Plan; District 1](#)

Location: 4806 Blue Goose Rd, Walnut Creek Watershed  
Owner/Applicant: Ranch Road Braker Valley, LLC (Daniel E. Gilpin)  
Agent: BGE, Inc. (Chris Rawls)  
Request: Approval of Braker Valley Subdivision Preliminary Plan consisting of 597 single-family lots on 164.96 acres.  
Staff Rec.: **Disapprove for Reasons per Exhibit C**  
Staff: Joey de la Garza, 512-974-2664, joey.delagarza@austintexas.gov  
Development Services Department

Public Hearing closed.

Motion to Disapprove for Reasons per Exhibit C for C8-2020-0112 - Braker Valley Subdivision Preliminary Plan located at 4806 Blue Goose Rd was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Vice-Chair Hempel on a vote of 9-0. Commissioners Llanes Pulido and Praxis off the dais. Commissioners Mushtaler and Connolly absent.

**12. Final Plat:** [C8-2020-0188.0A - 1940 Webberville Road Subdivision; District 1](#)

Location: 1940 Webberville Road, Fort Branch Watershed; 1940 Webberville Road, LLC (Enge Xing)  
Owner/Applicant: Southwest Engineers, Inc. (Alberto Gutierrez)  
Request: Approval of the 5 lot subdivision on the 1.008 acres.  
Staff Rec.: **Disapprove for Reasons per Exhibit C**  
Staff: Cesar Zavala, 512-974-3404, cesar.zavala@austintexas.gov  
Development Services Department

Public Hearing closed.

Motion to Disapprove for Reasons per Exhibit C for C8-2020-0188.0A – 1940 Webberville Road Subdivision located at 1940 Webberville Road was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Vice-Chair Hempel on a vote of 9-0. Commissioners Llanes Pulido and Praxis off the dais. Commissioners Mushtaler and Connolly absent.

**13. Code Amendment:** [C20-2021-006 - Vertical Mixed Use Affordability Requirements](#)

Request: Consider an ordinance amending Title 25 of the City Code related to vertical mixed use (VMU) affordability requirements.  
Staff Rec.: **Recommended**  
Staff: Sam Tedford, 512-974-2613, sam.tedford@austintexas.gov  
Housing and Planning Department

Public Hearing closed.

Motion by Commissioner Schneider, seconded by Vice-Chair Hempel to approve Staff's

recommendation for Title 25 of the City Code related to vertical mixed use (VMU) affordability requirements as reflected in the [draft ordinance](#), was approved on a vote of 8-1. Commissioners Llanes Pulido and Cox abstained on this item. Commissioner Praxis voted nay. Commissioners Mushtaler and Connolly absent.

Additionally, motion to forward the following recommendations to Council was approved on the motion by Commissioner Azhar, seconded by Vice-Chair Hempel was approved on a vote of 8-3. Commissioners Cox, Llanes Pulido and Praxis voted nay. Commissioners Mushtaler and Connolly absent.

#### Additional Recommendations:

Assess the impact of compatibility on the VMU program, and other density bonus programs, and consider addressing any impacts on housing capacity.

Assess the distribution of the VMU program to examine the expansion of opportunities to add more housing, especially affordable housing, in high opportunity areas and ensure an equitable distribution of sites across the city.

Assess the applicability of the VMU program in Vulnerable Displacement Risk Areas as identified by the staff research and evaluate additional anti-displacement strategies.

Assess the need to eliminate or further reduce parking requirements in the VMU program, while maintaining accessible parking standards, and consider addressing any impacts on housing capacity and program participation.

Upon adoption of the ordinance, conduct a market feasibility analysis of the changes proposed to the VMU program and make any necessary revisions, while providing a periodic program report in the future.

### **C. ITEMS FROM THE COMMISSION**

1. Discussion and possible action to adopt 2022-23 Budget recommendations. (Sponsors: Chair Shaw and Commissioner Azhar)

Item disposed without action.

### **D. 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.*

Commissioner Azhar / Vice-Chair Hempel – Legal briefing regarding code amendment notification.



## **E. NOMINATIONS**

1. Comprehensive Plan Joint Committee – Nominate a member for Council consideration for the purpose of serving on the Comprehensive Plan Joint Committee.

The nomination of Commissioner Flores for Council consideration for the purpose of serving on the Comprehensive Plan Joint Committee was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Vice-Chair Hempel on a vote of 9-0. Commissioners Llanes Pulido and Praxis off the dais. Commissioners Mushtaler and Connolly absent.

## **F. BOARDS, COMMITTEES & WORKING GROUPS UPDATES**

### [Codes and Ordinances Joint Committee](#)

(Chair Shaw, Vice-Chair Hempel and Commissioners: Azhar and Connolly)

Commissioner Azhar stated the committee reviewed and approved the VMU code amendments.

### [Comprehensive Plan Joint Committee](#)

(Commissioners: Cox, Flores, Llanes Pulido and Schneider)

Commission Flores stated the committee reviewed goals, and discussed the off cycle memo.

### [Joint Sustainability Committee](#)

(Commissioners Praxis and Schneider *alternate*)

No report provided.

### [Small Area Planning Joint Committee](#)

(Commissioners: Howard, Mushtaler, Thompson and Shieh)

No report provided.

### [South Central Waterfront Advisory Board](#)

(Commissioner Thompson)

No report provided.

Mobility and Transportation Working Group

(Commissioners: Azhar, Cox, Thompson, Schneider, Shieh, Llanes Pulido)

No report provided.

**Chair Shaw adjourned the meeting without objection on Tuesday, March 22, 2022 at 11:13 p.m.**

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