



PLANNING COMMISSION

MINUTES

November 8, 2022

The Planning Commission convened in a meeting on November 8, 2022 in 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 6:10 p.m.

Commission Members in Attendance:

**Greg Anderson
Awais Azhar
Grayson Cox
Yvette Flores
Claire Hempel – Vice-Chair
Patrick Howard
Jennifer Mushtaler
Carmen Llanes Pulido
Todd Shaw – Chair
Robert Schneider
James Shieh
Jeffrey Thompson**

Jessica Cohen – Ex-Officio

Absent:

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

One vacancy on the Commission (District 2)

PUBLIC COMMUNICATION

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

1. Mr. Curtis Rogers conveyed remarks regarding parking requirements.
2. Mr. Stuart Hersh conveyed remarks regarding SMART Housing.
3. Ms. Monica Guzman conveyed remarks regarding speaker registration.
4. Ms. Cynthia Vasquez conveyed remarks regarding speaker registration.
5. Mr. Mario Cantu conveyed remarks regarding meeting on Election Day.

APPROVAL OF MINUTES

1. Approve the minutes of October 25, 2022.

Motion to approve minutes of October 25, 2022, was approved on the consent agenda on the motion by Vice-Chair Hempel, seconded by Commissioner Shieh on a vote of 11-0. Commissioner Schneider absent. One vacancy on the dais.

PUBLIC HEARINGS

2. **Zoning and Rezoning:** [C814-2021-0099 - Brodie Oaks Redevelopment PUD; District 5](#)
Location: 4021, 4025, 4107, 4109, 4115, and 4141 South Capital of Texas Highway Northbound; 3940, 4006, 4024 - 4040, 4200, 4220, 4236 South Lamar Boulevard Southbound, Barton Creek Watershed – Barton Springs Zone
Owner/Applicant: Lionstone Investments, LCFRE Austin Brodie Oaks LLC (John Schaefer)
Agent: Lionheart Places (Rebecca Leonard)
Request: Unzoned; GR; CS; CS-1 to PUD
Staff Rec.: **Recommended, with conditions**
Staff: Wendy Rhoades, 512-974-7719, wendy.rhoades@austintexas.gov
Housing and Planning Department

Motion to grant Neighborhood's request for postponement of this item to November 15, 2022 was approved on the consent agenda on the motion by Vice-Chair Hempel, seconded by Commissioner Shieh on a vote of 11-0. Commissioner Schneider absent. One vacancy on the dais.

3. **Restrictive Covenant Amendment:** [C14R-81-033\(RCA\) - Brodie Oaks Restrictive Covenant Amendment; District 5](#)
- Location: 4021, 4025, 4107, 4109, 4115, and 4141 South Capital of Texas Highway Northbound; 3940, 4006, 4024 - 4040, 4200, 4220, 4236 South Lamar Boulevard Southbound, Barton Creek Watershed – Barton Springs Zone; South Lamar Combined (Barton Hills) (Suspended) NP Area
- Owner/Applicant: Lionstone Investments, LCFRE Austin Brodie Oaks LLC (John Schaefer)
- Agent: Armbrust & Brown, PLLC (Jewels Cain)
- Request: Amend the existing Restrictive Covenant for Lots A and B of the Barton Creek Plaza Subdivision modifying conditions related to height.
- Staff Rec.: **Recommended**
- Staff: Wendy Rhoades, 512-974-7719, wendy.rhoades@austintexas.gov
Housing and Planning Department

Motion to grant Neighborhood’s request for postponement of this item to November 15, 2022 was approved on the consent agenda on the motion by Vice-Chair Hempel, seconded by Commissioner Shieh on a vote of 11-0. Commissioner Schneider absent. One vacancy on the dais.

4. **Code Amendment - Save Our Springs (SOS) Ordinance:** [Brodie Oaks Redevelopment Site Specific SOS Amendment; District 5](#)
- Location: 4021, 4025, 4107, 4109, 4115, and 4141 South Capital of Texas Highway Northbound; 3940, 4006, 4024 - 4040, 4200, 4220, 4236 South Lamar Boulevard Southbound, Barton Creek Watershed – Barton Springs Zone
- Owner/Applicant: Lionstone Investments, LCFRE Austin Brodie Oaks LLC (John Schaefer)
- Agent: Armbrust & Brown, PLLC (David Armbrust)
- Request: In response to Council Resolution 20221011-076, consider a site-specific amendment to City Code Chapter 25-8, Subchapter A, Article 13 (Save Our Springs Initiative), as minimally required to allow for limits to impervious cover as proposed in application
- Staff Rec.: **Recommended, with conditions**
- Staff: Leslie Lilly, Environmental Program Coordinator, leslie.lilly@austintexas.gov
Watershed Protection Department

Motion to grant Neighborhood's request for postponement of this item to November 15, 2022 was approved on the consent agenda on the motion by Vice-Chair Hempel, seconded by Commissioner Shieh on a vote of 11-0. Commissioner Schneider absent. One vacancy on the dais.

- 5. Plan Amendment:** [NPA-2022-0007.01 - 10810 Newmont Rd; District 4](#)
Location: 10810 Newmont Road, Little Walnut Creek Watershed; North Austin Civic Association (NACA) NP Area; North Austin Civic Association (NACA) NP Area
Owner/Applicant: 10810 Newmont Apartments, LLC (Kinereth Polner)
Agent: Kim Polner
Request: From Single Family to Mixed Use/Office 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 November 15, 2022.**

Motion to grant Neighborhood's request for postponement of this item to November 15, 2022 was approved on the consent agenda on the motion by Vice-Chair Hempel, seconded by Commissioner Shieh on a vote of 11-0. Commissioner Schneider absent. One vacancy on the dais.

- 6. Plan Amendment:** [NPA-2022-0002.01 - 1700 E. 2nd Street, District 3](#)
Location: 1700 E. 2nd Street & 205 Chalmers Ave, Lady Bird Lake Watershed; East Cesar Chavez NP Area
Owner/Applicant: 2nd Street, LLC
Agent: Drenner Group, PC (Leah M. Bojo)
Request: From Multifamily Residential to Mixed Use
Staff Rec.: **Recommended**
Staff: Maureen Meredith, 512-974-2695, maureen.meredith@austintexas.gov
Housing and Planning Department

Public Hearing closed.

Motion to grant Staff's recommendation of Mixed Use for NPA-2022-0002.01 - 1700 E. 2nd Street located at 1700 E. 2nd Street & 205 Chalmers Ave was approved on the consent agenda on the motion by Vice-Chair Hempel, seconded by Commissioner Shieh on a vote of 11-0. Commissioner Schneider absent. One vacancy on the dais.

7. **Rezoning:** [C14-2022-0091 - 1700 E. 2nd Street; District 3](#)
 Location: 1700 East 2nd Street and 205 Chalmers Avenue, Lady Bird Lake Watershed; East Cesar Chavez NP Area
 Owner/Applicant: 2nd Street, LLC
 Agent: Drenner Group, PC (Leah Bojo)
 Request: CS-MU-CO-NP to CS-MU-V-CO-NP
 Staff Rec.: **Recommended**
 Staff: Heather Chaffin, (512) 974-2122, heather.chaffin@austintexas.gov
 Housing and Planning Department

Public Hearing closed.

Motion to grant Staff's recommendation of CS-MU-V-CO-NP combining district zoning for C14-2022-0091 - 1700 E. 2nd Street located at 1700 East 2nd Street and 205 Chalmers Avenue was approved on the consent agenda on the motion by Vice-Chair Hempel, seconded by Commissioner Shieh on a vote of 11-0. Commissioner Schneider absent. One vacancy on the dais.

8. **Plan Amendment:** [NPA-2022-0010.03 - Holly Mixed Use; District 3](#)
 Location: 2309 E. 2nd St.; 2320 E. Cesar Chavez St.; 2315 E. 2nd St.; 2403 E. 2nd St.; 2405 E. 2nd St.; 2409 E. 2nd St.; 2411 E. 2nd St., Lady Bird Lake Watershed; Holly NP Area
 Owner/Applicant: 2324 ECC-Arc L+G10LC, a Delaware limited liability company, and 2400 ECC-Arc LLC, a Delaware limited liability
 Agent: Armbrust & Brown, PLLC (Ferris Clements)
 Request: From Single Family and Civic to Mixed Use land use
 Staff Rec.: **Recommended**
 Staff: Maureen Meredith, 512-974-2695, maureen.meredith@austintexas.gov
 Housing and Planning Department
Postponement Request: Neighborhood postponement request to December 13, 2022.

Motion to grant Neighborhood's request for postponement of this item to December 13, 2022 was approved on the consent agenda on the motion by Vice-Chair Hempel, seconded by Commissioner Shieh on a vote of 11-0. Commissioner Schneider absent. One vacancy on the dais.

9. **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: From 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 Request: Applicant postponement request to December 13, 2022

Motion to grant Applicant's request for postponement of this item to December 13, 2022 was approved on the consent agenda on the motion by Vice-Chair Hempel, seconded by Commissioner Shieh on a vote of 11-0. Commissioner Schneider absent. One vacancy on the dais.

10. **Plan Amendment:** [NPA-2022-0022.01 - 406 and 428 E. Alpine Rd.; District 3](#)
Location: 406 and 428 East Alpine Road, Blunn Creek Watershed; Greater
South River City Combined NP Area
Owner/Applicant: Austin Memorial Home of Austin, Donald Dorsey, Agent
Agent: David Hartman, DuBois Bryant & Campbell
Request: From Office to Mixed Use land use
Staff Rec.: **Recommended**
Staff: Kathleen Fox, 512-974-7877, kathleen.fox@austintexas.gov
Housing and Planning Department
Postponement Request: Neighborhood postponement request to December 13, 2022.

Motion to grant Neighborhood's request for postponement of this item to December 13, 2022 was approved on the consent agenda on the motion by Vice-Chair Hempel, seconded by Commissioner Shieh on a vote of 11-0. Commissioner Schneider absent. One vacancy on the dais.

- 11. Rezoning:** [C14-2022-0101 - 406 and 428 Alpine Road Rezoning; District 3](#)
 Location: 406 and 428 East Alpine Road, Blunn Creek Watershed; Greater South River City Combined NP Area
 Owner/Applicant: Austin Memorial Home of Austin, Texas (Donald P. Dorsey)
 Agent: DuBois, Bryant & Campbell, L.L.P. (David Hartman)
 Request: GO-CO-NP to GO-MU-CO-NP
 Staff Rec.: **Recommended**
 Staff: Wendy Rhoades, 512-974-7719, wendy.rhoades@austintexas.gov
 Housing and Planning Department
 Postponement Request: **Neighborhood postponement request to December 13, 2022.**

Motion to grant Neighborhood’s request for postponement of this item to December 13, 2022 was approved on the consent agenda on the motion by Vice-Chair Hempel, seconded by Commissioner Shieh on a vote of 11-0. Commissioner Schneider absent. One vacancy on the dais.

- 12. Plan Amendment:** [NPA-2022-0020.01 - Industrial Blvd and Terry O Ln; District 3](#)
 Location: 439-511& 515 INDUSTRIAL BLVD (odd #s only) & 4208 Terry O Lane, Blunn Creek Watershed and Williamson Creek Watershed; South Congress Combined (East Congress) NP Area
 Owner/Applicant: BASALT CANNON LLC; DELWAU LLC; JASDAYAL LLC; UNGAR HOLDINGS LLC; TIMBERWOLF FAMILY LLC & PROSPECT CAPITAL HOLDINGS LLC and LUNAR Y, LLC
 Agent: Drenner Group, PC (Leah Bojo)
 Request: From Industry to Mixed Use land use
 Staff Rec.: **Pending**
 Staff: Maureen Meredith, 512-974-2695, maureen.meredith@austintexas.gov
 Housing and Planning Department
 Postponement Request: **Staff postponement request to December 13, 2022.**

Motion to grant Staff’s request for postponement of this item to December 13, 2022 was approved on the consent agenda on the motion by Vice-Chair Hempel, seconded by Commissioner Shieh on a vote of 11-0. Commissioner Schneider absent. One vacancy on the dais.

- 13. Plan Amendment:** [NPA-2022-0029.01 - 7601 Cameron Road; District 1](#)
Location: 7601 and 7601 1/2 Cameron Rd, Buttermilk Branch Watershed; St. John / Coronado Hills Combined NP Area
Owner/Applicant: Area 51st, LLC
Agent: Drenner Group (Leah M. Bojo)
Request: From Commercial to Mixed Use land use
Staff Rec.: **Recommended**
Staff: Maureen Meredith, 512-974-2695, maureen.meredith@austintexas.gov
Housing and Planning Department

Motion to grant Neighborhood's request for postponement of this item to December 13, 2022 was approved on the consent agenda on the motion by Vice-Chair Hempel, seconded by Commissioner Shieh on a vote of 11-0. Commissioner Schneider absent. One vacancy on the dais.

- 14. Rezoning:** [C14-2022-0094 - 7601 Cameron Road; District 1](#)
Location: 7601 and 7601 1/2 Cameron Rd, Buttermilk Branch Watershed; St. John / Coronado Hills Combined NP Area
Owner/Applicant: Area 51st, LLC
Agent: Drenner Group (Leah M. Bojo)
Request: GR-CO-NP to GR-MU-V-CO-NP
Staff Rec.: **Recommended**
Staff: Heather Chaffin, 512-974-2122, heather.chaffin@austintexas.gov
Housing and Planning Department

Motion to grant Neighborhood's request for postponement of this item to December 13, 2022 was approved on the consent agenda on the motion by Vice-Chair Hempel, seconded by Commissioner Shieh on a vote of 11-0. Commissioner Schneider absent. One vacancy on the dais.

- 15. Rezoning:** [C14-2022-0111 - Burnet & 183; District 7](#)
Location: 8909 and 9034 Burnet Road, Little Walnut Creek Watershed; Crestview / Wooten Combined (Wooten) NP Area
Owner/Applicant: PCD BURNET LTD (PCD BURNET LLC) (Peter L. Donovan, Manager)
Agent: Armbrust & Brown, PLLC (Michael J. Whellan)
Request: CS-NP to CS-MU-V-NP
Staff Rec.: **Recommended**
Staff: Sherri Sirwaitis, 512-974-3057, sherri.sirwaitis@austintexas.gov
Housing and Planning Department

Public Hearing closed.

Motion to grant Staff's recommendation of CS-MU-V-NP combining district zoning for C14-2022-0111 - Burnet & 183 located 8909 and 9034 Burnet Road was approved on the consent agenda on the motion by Vice-Chair Hempel, seconded by Commissioner Shieh on a vote of 11-0. Commissioner Schneider absent. One vacancy on the dais.

- 16. Rezoning:** [C14-2022-0141 - 12th & West Rezoning; District 9](#)
Location: 801 and 807 West 12th Street and 1108, 1110, and 1112 West Avenue, Shoal Creek Watershed; Downtown Area Plan (Northwest District)
Owner/Applicant: Ellis Real Estate Development LLC, Brian Larson, Brad Burns
Agent: Drenner Group (Amanda Swor)
Request: CS to DMU
Staff Rec.: **Recommendation of DMU-CO**
Staff: Sherri Sirwaitis, 512-974-3057, sherri.sirwaitis@austintexas.gov
Housing and Planning Department

Motion to grant Neighborhood's request for postponement of this item to December 13, 2022 was approved on the consent agenda on the motion by Vice-Chair Hempel, seconded by Commissioner Shieh on a vote of 11-0. Commissioner Schneider absent. One vacancy on the dais.

- 17. Rezoning:** [C14-2022-0203 - Riverside and Vargas; District 3](#)
Location: 6610 East Riverside Drive, Carson Creek Watershed; East Riverside Corridor (Montopolis NP Area)
Owner/Applicant: East Riverside Drive UP, LLC (Shawn A.J. Gross)
Agent: Drenner Group, PC (Amanda Swor)
Request: ERC, East Riverside Corridor (Corridor Mixed Use Subdistrict) and East Riverside Corridor (Neighborhood Mixed Use Subdistrict) to ERC, East Riverside Corridor (Corridor Mixed Use Subdistrict), and to amend Figure 1-6, (East Riverside Corridor Hub Map) to increase the maximum building height up to 120 feet through participation in a density bonus program.
Staff Rec.: **Recommended**
Staff: Wendy Rhoades, 512-974-7719, wendy.rhoades@austintexas.gov
Housing and Planning Department

Motion to grant Staff's request for postponement of this item to December 13, 2022 was approved on the consent agenda on the motion by Vice-Chair Hempel, seconded by Commissioner Shieh on a vote of 11-0. Commissioner Schneider absent. One vacancy on the dais.

- 18. Rezoning:** [C14-2022-0211 - 909 Montopolis; District 3](#)
Location: 907, 909, & 913 Montopolis Drive, Carson Creek, Country Club East Watersheds; Montopolis NP Area
Owner/Applicant: Montopolis Real Estate Holdings, LP (Gerald S. Webberman)
Agent: Jackson Walker, LLP (Pamela Madere)
Request: MF-3-NP, SF-3-NP to SF-6-NP
Staff Rec.: **Recommended**
Staff: Sherri Sirwaitis, 512-974-3057, sherri.sirwaitis@austintexas.gov
Housing and Planning Department

Motion to grant Neighborhood's request for postponement of this item to December 13, 2022 was approved on the consent agenda on the motion by Vice-Chair Hempel, seconded by Commissioner Shieh on a vote of 11-0. Commissioner Schneider absent. One vacancy on the dais.

- 19. Site Plan:** [SP-2022-0010DT - The Alright Parking; District 1](#)
Location: 2205 1/2 Chestnut Ave, Upper Boggy Creek Watershed
Owner/Applicant: Long-Manor Holdings, LLC
Agent: DAVCAR Engineering Services (Thomas Duvall, PE, LEED AP)
Request: Conditional Use Permit for offsite accessory parking
Staff Rec.: **Recommended**
Staff: Christine Barton-Holmes, 512-974-2788, christine.barton-holmes@austintexas.gov
Development Services Department

Public Hearing closed.

Motion to grant Staff's recommendation for SP-2022-0010DT - The Alright Parking located at 2205 1/2 Chestnut Ave failed on the motion by Commissioner Sheih, seconded by Commissioner Mushtaler on a vote of 4-6. Those voting aye were Commissioners Cox, Mushtaler, Shieh, and Howard. Those voting nay were Chair Shaw and Vice-Hempel and Commissioners Azhar, Anderson, Thompson and Flores. Commissioner Llanes Pulido abstained. Commissioner Schneider absent. One vacancy on the dais.

- 20. Final Plat:** [C8-2022-0147.0A - Maxwell Subdivision; District 3](#)
Location: 2114 Maxwell Lane, Carson Creek Watershed; Montopolis NP Area
Owner/Applicant: The Real Holdings LLC, (Lynn Yuan)
Agent: LOC Consultants (Sergio Lozano, P.E.)
Request: Approval of the 5 lots subdivision on 0.59 acres.
Staff Rec.: **Disapproval for Reasons per Exhibit C**
Staff: Cesar Zavala, 512-974-3404, cesar.zavala@austintexas.gov
Development Services

Public Hearing closed.

ITEMS DISCUSSION AND ACTION

26. Discussion and possible action to approve the 2023 Planning Commission meeting calendar.

Item postponed to November 15, 2022 by unanimous consent.

ITEMS FROM THE COMMISSION

27. Discuss and consider initiating amendments to City Code Title 25 to amend zoning uses to allow for a compatibility of uses across multiple zones. (Co-Sponsors: Commissioners Azhar and Shieh).

Motion by Commissioner Azhar, seconded by Commissioner Shieh to approve initiating amendments to City Code Title 25 to amend zoning uses to allow for a compatibility of uses across multiple zones was approved on a vote of 8-1. Commissioner Llanes Pulido voted nay. Commissioner Mushtaler off the dais. Commissioner Schneider absent. One vacancy on the dais.

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.

BOARDS, COMMITTEES & WORKING GROUPS UPDATES

[Codes and Ordinances Joint Committee](#)

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

No report provided.

[Comprehensive Plan Joint Committee](#)

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

No report provided.

[Joint Sustainability Committee](#)

(Commissioner Schneider *alternate*)

No report provided.

[Small Area Planning Joint Committee](#)

(Commissioners: Howard, Mushtaler, Shieh and Thompson)

No report provided.

South Central Waterfront Advisory Board

(Commissioner Thompson)

No report provided.

Design Guidelines Update Working Group

(Vice-Chair Hempel and Commissioner Cohen)

No report provided.

Housing Working Group

(Commissioners Anderson, Azhar, Cohen, Howard, Llanes Pulido and Shieh)

No report provided.

Compatibility and Residential on Commercial Properties Working Group

(Commissioners Anderson, Azhar, Cohen, Shieh, Mushtaler, and Thompson)

No report provided.

Chair Shaw adjourned the meeting without objection on Tuesday, November 8, 2022 at 10:54 p.m.

Minutes approved on November 15, 2022 on the consent agenda on the motion by Commissioner Azhar, seconded by Commissioner Thompson on a vote of 9-0. Commissioners Cox, Shieh and Schneider absent.

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 the Housing and Planning Department, at 512-974-3207, for additional information; TTY users route through Relay Texas at 711.