



PLANNING COMMISSION

MINUTES

April 11, 2023

The Planning Commission convened in a meeting on April 11, 2023, 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 6:06 p.m.

Commission Members in Attendance:

**Greg Anderson
Awais Azhar
João Paulo Connolly
Grayson Cox
Adam Haynes
Claire Hempel – Vice-Chair
Patrick Howard
Felicity Maxwell
Jennifer Mushtaler
Todd Shaw – Chair
Jeffrey Thompson
Alice Woods**

Jessica Cohen – Ex-Officio

Absent:

Yvette Flores - Secretary

**Arati Singh – Ex -Ex-Officio
Richard Mendoza – Ex-Officio
Jesús Garza– Ex-Officio**

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.

APPROVAL OF MINUTES

1. Approve the minutes of March 28, 2023.

Motion to approve the minutes of March 28, 2023 was approved on the consent agenda on the motion by Commissioner Azhar , seconded by Commissioner Woods on a vote of 11-0. Commissioner Haynes off the dais. Commissioner Flores absent.

PUBLIC HEARINGS

2. **Plan Amendment:** [NPA-2022-0005.02 - Second Alpha .95; District 3](#)
Location: 2404 Thrasher Lane, Carson Creek Watershed; Montopolis NP Area
Owner/Applicant: Alpha Builders (Gino Shvetz)
Agent: Rodney K. Bennett
Request: Commercial to Single Family land use
Staff Rec.: **Recommended**
Staff: Maureen Meredith, 512-974-2695,
maureen.meredith@austintexas.gov
Planning Department

Public Hearing closed.

After debate and discussion, item forward to Council without a recommendation due to lack of an affirmative vote.

3. **Rezoning:** [C14-2022-0114 - Second Alpha .96; District 3](#)
Location: 2404 Thrasher Lane, Carson Creek Watershed; Montopolis NP Area
Owner/Applicant: Alpha Builders (Gino Shvetz)
Agent: Bennett Consulting (Rodney K. Bennett)
Request: CS-NP to SF-3-NP
Staff Rec.: **Recommended**
Staff: Nancy Estrada, 512-974-7617, nancy.estrada@austintexas.gov
Planning Department

Public Hearing closed.

After debate and discussion, item forward to Council without a recommendation due to lack of an affirmative vote.

4. **Plan Amendment:** [NPA-2022-0005.01 - Vargas Mixed Use; District 3](#)
Location: 400 Vargas Road and 6520 Lynch Lane, Country Club East Creek and Colorado River Watersheds; Montopolis NP Area
Owner/Applicant: Vargas Properties I, LTD and Jayco Holdings I, LTD
Agent: Thower Design, LLC (Ron Thower and Victoria Haase)
Request: Commercial to Mixed Use land use
Staff Rec.: **Recommended**
Staff: Maureen Meredith, 512-974-2695, maureen.meredith@austintexas.gov
Planning Department

Public Hearing closed.

Motion to grant Staff's recommendation of Mixed Use land use for NPA-2022-0005.01 - Vargas Mixed Use located at 400 Vargas Road and 6520 Lynch Lane was approved on the motion by Commissioner Cox, seconded by Commissioner Mushtaler on a vote of 12-0. Commissioner Flores absent.

5. **Rezoning:** [C14-2022-0107 - Vargas Mixed Use; District 3](#)
 Location: 400 Vargas Road & 6520 Lynch Lane, Country Club East Creek and Colorado River Watersheds; Montopolis NP Area
 Owner/Applicant: Vargas Properties I LTD & Jayco Holdings I LTD (Jay Chernosky)
 Agent: Thrower Design, LLC (Victoria Haase)
 Request: GR-NP to CS-MU-NP for Tract 1;
 LR-NP to LR-MU-NP for Tract 2
 Staff Rec.: **Recommended for GR-MU-CO-NP for Tract 1;
 LR-MU-NP for Tract 2**
 Staff: Nancy Estrada, 512-974-7617, nancy.estrada@austintexas.gov
 Planning Department

Public Hearing closed.

Motion to grant Applicant’s request of CS-MU-NP for Tract 1; LR-MU-NP for Tract 2, for C14-2022-0107 - Vargas Mixed Use, with additional conditions, located at 400 Vargas Road and 6520 Lynch Lane was approved on the motion by Commissioner Cox, seconded by Commissioner Mushtaler on a vote of 12-0. Commissioner Flores absent.

Conditions:

Property shall not exceed 80% impervious cover.

Following uses prohibited:

Automotive Rentals, Automotive Repairs & Services, Automotive Sales, Automotive Washing (of any type), Bail Bond Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Exterminating Services, Off-Site Accessory Parking, and Pawn Shop Services. Adult Oriented Businesses, Agricultural Sales & Service, Commercial Blood & Plasma Center, Construction Sales & Service and Kennels

6. **Plan Amendment:** [NPA-2022-0014.05 - Bergstrom Spur Trail Mixed Use; District 2](#)
 Location: 6300 and 6410 Burlinson Road, Onion Creek Watershed; Southeast Combined (Southeast) NP Area
 Owner/Applicant: ZIFS Burlinson6300, LLC
 Agent: Husch Blackwell (Micah King)
 Request: Industry and Transportation to Mixed Use land use
 Staff Rec.: **Pending**
 Staff: Jesse Gutierrez, 512-974-1606, jesse.gutierrez@austintexas.gov
 Planning Department
Postponement Request: Postponement request by Staff to April 25, 2023

Motion to grant Staff's request for postponement of this item to April 25, 2023 was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Commissioner Woods on a vote of 11-0. Commissioner Haynes off the dais. Commissioner Flores absent.

- 7. Rezoning:** [C14-2022-0146 - Bergstrom Trail Area Infill - Western Tract; District 2](#)
- Location: 6300 Burluson Road, Onion Creek Watershed; Southeast Combined (Southeast) NP Area
- Owner/Applicant: ZIFS Burluson6300, LLC (Zain Fidai)
- Agent: Husch Blackwell LLP
(Micah King)
- Request: LI-NP to CS-V-MU-NP
- Staff Rec.: **Pending**
- Staff: Nancy Estrada, 512-974-7617, nancy.estrada@austintexas.gov
Planning Department
- Postponement Request:** **Postponement request by Staff to April 25, 2023**

Motion to grant Staff's request for postponement of this item to April 25, 2023 was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Commissioner Woods on a vote of 11-0. Commissioner Haynes off the dais. Commissioner Flores absent.

- 8. Rezoning:** [C14-2022-0148 - Bergstrom Trail Area Infill - Eastern Tract; District 2](#)
- Location: 6410 Burluson Road, Onion Creek Watershed; Southeast Combined (Southeast) NP Area
- Owner/Applicant: ZIFS Burluson6300, LLC (Zain Fidai)
- Agent: Husch Blackwell LLP
(Micah King)
- Request: LI-NP to CS-V-MU-NP
- Staff Rec.: **Pending**
- Staff: Nancy Estrada, 512-974-7617, nancy.estrada@austintexas.gov
Planning Department
- Postponement Request:** **Postponement request by Staff to April 25, 2023**

Motion to grant Staff's request for postponement of this item to April 25, 2023 was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Commissioner Woods on a vote of 11-0. Commissioner Haynes off the dais. Commissioner Flores absent.

9. **Rezoning:** [C14-2022-0102 - 506 and 508 West Rezoning; District 9](#)
Location: 506, 508 West Avenue, Shoal Creek Watershed; Downtown Austin Plan (Lower Shoal Creek District)
Owner/Applicant: 506 West Avenue, LP (Tyler Grooms)
Agent: Armbrust and Brown, PLLC (Richard T. Suttle, Jr.)
Request: DMU to CBD
Staff Rec.: **Recommendation of CBD-CO**
Staff: Nancy Estrada, 512-974-7617, nancy.estrada@austintexas.gov
Planning Department

Motion to grant Neighborhood's request for postponement of this item to April 25, 2023 was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Commissioner Woods on a vote of 11-0. Commissioner Haynes off the dais. Commissioner Flores absent.

10. **Rezoning:** [C14-2022-0093 - SDC-MLK; District 9](#)
Location: 607, 611, 615 W. Martin Luther King Jr. Boulevard & 1809 Rio Grande Street, Shoal Creek Watershed; Downtown Austin Plan (Lower Shoal Creek District)
Owner/Applicant: Jack Brown Family II Limited Partnership (Paul Brown)
Agent: Alice Glasco Consulting (Alice Glasco)
Request: CS to DMU-V
Staff Rec.: **Recommended**
Staff: Sherri Sirwaitis, 512-974-3057, sherri.sirwaitis@austintexas.gov
Planning Department
Postponement Request: Applicant postponement request to May 23, 2023.

Motion to grant Applicant's request for postponement of this item to May 23, 2023 was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Commissioner Woods on a vote of 11-0. Commissioner Haynes off the dais. Commissioner Flores absent.

- 11. Rezoning:** [C814-06-0175.04 - East Avenue PUD Amendment Parcel H](#)
Location: 3300 North IH 35 Service Road Southbound, Waller Creek Watershed; Central Austin Combined (Hancock) NP Area
Owner/Applicant: LHREV Austin University Park LP (Aaron Russell)
Agent: Drenner Group (Amanda Swor)
Request: PUD-NP to PUD-NP, to allow administrative and business office use to exceed 75% of the ground floor area as depicted on Exhibit C-3 of the ordinance.
Staff Rec.: **Pending**
Staff: Nancy Estrada, 512-974-7617, nancy.estrada@austintexas.gov
Planning Department
Postponement Request: Postponement request by Staff to May 9, 2023

Motion to grant Neighborhood's request for postponement of this item to May 9, 2023 was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Commissioner Woods on a vote of 11-0. Commissioner Haynes off the dais. Commissioner Flores absent.

- 12. Rezoning:** [C14-2023-0009 - 2310 Goodrich; District 5](#)
Location: 2130 Goodrich Avenue, West Bouldin Creek; South Lamar Combined (Zilker) NP Area
Owner/Applicant: 2130 Goodrich Ave Partners LP (Christopher Affinito)
Agent: Leah Bojo (Drenner Group)
Request: CS-MU-CO to CS-MU, Remove Conditional Overlay
Staff Rec.: **Recommendation of CS-MU-CO**
Staff: Michael Watson, 512-974-3043, michael.watson@austintexas.gov
Planning Department

Public Hearing closed.

Motion to grant Staff's recommendation of CS-MU-CO combining district zoning for C14-2023-0009 - 2310 Goodrich located at 2130 Goodrich Avenue was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Commissioner Woods on a vote of 11-0. Commissioner Haynes off the dais. Commissioner Flores absent.

- 13. Rezoning:** [C14-2022-0157 - Domain I and II PDA Amendment; District 7](#)
Location: 11506 Century Oaks Terrace and 3414 W. Braker Lane, Shoal Creek, Walnut Creek Watersheds
Owner/Applicant: The Domain Mall II, LLC and The Domain Mall, LLC
Agent: Armbrust & Brown, PLLC (Richard Suttle)
Request: MI-PDA to MI-PDA, to change a condition of zoning
Staff Rec.: **Recommended**
Staff: Sherri Sirwaitis, 512-974-3057, sherri.sirwaitis@austintexas.gov
Planning Department

Public Hearing closed.

Motion to grant Staff's recommendation of MI-PDA, to change a condition of zoning, combining district zoning, for C14-2022-0157 - Domain I and II PDA Amendment located at 11506 Century Oaks Terrace and 3414 W. Braker Lane was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Commissioner Woods on a vote of 11-0. Commissioner Haynes off the dais. Commissioner Flores absent.

- 14. Site Plan:** [SP-2022-0852C - 62 East Avenue; District 9](#)
Location: 62 and 64 East Avenue, Waller Creek / Lady Bird Lake Watersheds; Downtown Austin Plan
Owner/Applicant: 62-64 East Ave Owner, LLC
Agent: Drenner Group
Request: FAR request of 29:1 to exceed 15:1 administrative allowance through the Downtown Density Bonus Program.
Staff Rec.: **Recommended**
Staff: Zack Lofton, 512-974-9363, zack.lofton@austintexas.gov,
Planning Department
Randall Rouda, 512-974-3338. Randall.Rouda@austintexas.gov
Development Services Department

Public Hearing closed.

Motion by Commissioner Azhar, seconded by Commissioner Connolly to grant FAR request of 29:1 to exceed 15:1 administrative allowance through the Downtown Density Bonus Program for SP-2022-0852C - 62 East Avenue located at 62 and 64 East Avenue was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Commissioner Woods on a vote of 11-0. Commissioner Haynes off the dais. Commissioner Flores absent.

- 15. Code** [C20-2023-002 - Commercial Highway District Regulations](#)
Amendment: [Amendment](#)
Request: Discuss and consider a recommendation to amend City Code Section 25-2-582 Commercial Highway (CH) District Regulations to eliminate the regulations found in 25-2-582(C) and clarify that a zoning ordinance establishing a CH-PDA controls over any conflicting CH regulations.
Staff Rec.: **Recommended**
Staff: Joi Harden, 512-974-1617, joi.harden@austintexas.gov
Planning Department

Public Hearing closed.

Motion to grant Staff's recommendation to amend City Code Section 25-2-582 Commercial Highway (CH) District Regulations to eliminate the regulations found in 25-2-582(C) and clarify that a zoning ordinance establishing a CH-PDA controls over any conflicting CH regulation was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Commissioner Woods on a vote of 11-0. Commissioner Haynes off the dais. Commissioner Flores absent.

- 16. EV Variance:** [SP-2021-0091C - Oltorf Site Plan; District 3](#)
Location: 4544 E Oltorf, Country Club West Watershed; East Riverside / Oltorf Combined NP Area
Owner/Applicant: 2440 Wickersham LLC
Agent: Jim Witliff / Land Answers
Request: Request to vary from LDC 25-8-301 to allow driveways on slopes over 15%. Request to vary from LDC 25-8-341 to allow cut over 4 feet up to 8 feet. Request to vary from LDC 25-8-342 to allow fill over 4 feet up to 20.5 feet.
Staff Rec.: **Recommended**
Staff: Mike McDougal, 512-974-6380, mike.mcdougal@austintexas.gov
Rosemary Avila, 512-974-2784
Development Services Department
Postponement Request: **Applicant request for Indefinite Postponement**

Public Hearing closed.

Motion to grant Applicant's request for Indefinite Postponement of this item was approved was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Commissioner Woods on a vote of 11-0. Commissioner Haynes off the dais. Commissioner Flores absent.

17. Preliminary Plan: [C8-2022-0330 - Harris Branch Commerce Park Preliminary Plan; District 1](#)

Location: 6400 E Parmer Lane, Harris Branch and Gilleland Creek Watersheds
Owner/Applicant: Austin HB Residential Properties
Agent: CSF Civil Group (Charles Steinman, P.E.)
Request: Preliminary Plan approval to create 14 total lots on 297.37 acres and associated improvements.
Staff Rec.: **Disapproval for Reasons, per Exhibit C**
Staff: Juan Enriquez, 512-974-2767, juan.enriquez@austintexas.gov
Development Services Department

Public Hearing closed.

Motion to Disapprove for Reasons per Exhibit C of C8-2022-0330 - Harris Branch Commerce Park Preliminary Plan located at 6400 E Parmer Lane was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Commissioner Woods on a vote of 11-0. Commissioner Haynes off the dais. Commissioner Flores absent.

18. Final Plat out of approved Preliminary Plan: [C8-2022-0252.1A.SH - Goodnight Town Center, Phase 1, Section 1; District 2](#)

Location: 8901 Vertex Blvd, Onion Creek Watershed
Owner/Applicant: Austin Goodnight Ranch, LP (Myra Goepp)
Agent: HR Green (Greg Fortman, P.E.)
Request: Approval of Goodnight Town Center, Phase 1, Section 1 Final Plat which will dedicate 70' wide public ROW with associated drainage and utility improvements on 1.65 acres.
Staff Rec.: **Disapproval 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 of C8-2022-0252.1A.SH - Goodnight Town Center, Phase 1, Section 1 located at 8901 Vertex Blvd was approved on the consent agenda on the motion by Commissioner Azhar, seconded by Commissioner Woods on a vote of 11-0. Commissioner Haynes off the dais. Commissioner Flores absent.

ITEMS FROM THE COMMISSION

19. Discussion and possible action initiating code amendments to City Code Chapter 25-2 relating to the creation of a new zoning district. (Sponsors: Commissioners Anderson and Maxwell)

Motion by Commissioner Anderson, seconded by Commissioner Maxwell to initiate a code amendment to City Code Chapter 25-2 relating to the creation of a new zoning district was approved on a vote of 11-0. Commissioner Mushtaler abstained. Commissioner Flores absent.

20. Discussion and possible action initiating code amendments to City Code Chapter 25-2 relating to waivers for compatibility standards. (Sponsors: Commissioners Anderson and Azhar)

Motion by Commissioner Azhar, seconded by Commissioner Anderson to initiate code amendments to City Code Chapter 25-2 relating to waivers for compatibility standards was approved on a vote of 10-0. Commissioners Cox and Mushtaler abstained. Commissioner Flores absent.

21. Discussion and possible action to schedule a special called meeting of the Planning Commission. (Sponsors: Chair Shaw and Vice-Chair Hempel)

Motion for special called meeting to be held on May 30, 2023 was approved on a vote of 10-0. Commissioners Mushtaler and Thompson abstained. Commissioner Flores absent.

NOMINATIONS AND ELECTIONS

22. Election of Officers

After closing of nominations following members elected as officers on a vote 12-0. Commissioner Flores absent.

Commissioner Shaw – Chair
Commissioner Hempel – Vice- Chair
Commissioner Azhar – Parliamentarian
Commissioner Anderson - Secretary

23. Nomination of members to be considered by Council to serve on Joint Committees.

On a vote 11-0 following members were nominated to be considered by Council to serve on Joint Committees. Commissioner Howard off the dais. Commissioner Flores absent.

Commissioner Maxwell – Codes and Ordinance Joint Committee
Commissioner Conolly – Comprehensive Plan Joint Committee
Chair Shaw - Small Area Planning Joint Committee

24. Appointment of members to Working Groups.

Item disposed without action.

Item disposed without action.

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 and Flores)

No report provided.

[Joint Sustainability Committee](#)

(Commissioner Anderson; Alternate seat vacant)

No report provided.

[Small Area Planning Joint Committee](#)

(Commissioners: Howard, Mushtaler, and Thompson)

No report provided.

[South Central Waterfront Advisory Board](#)

(Commissioner Thompson)

No report provided.

Accessory Dwelling Units and Duplexes
Working Group

(Commissioners Anderson, Azhar, Cox, Howard, Mushtaler and
Cohen)

No report provided.

Austin Strategic Mobility Plan Working Group

(Commissioners Azhar, Connolly, Cox and
Maxwell)

No report provided.

Design Guidelines Update Working
Group

(Vice-Chair Hempel and Commissioner
Cohen)

Vice-Chair Hempel provided an update.

Palm District Working Group

(Chair Shaw, Vice-Chair Hempel and Commissioners Anderson, Cohen and Howard)

Commissioner Cohen provided an update.

**Chair Shaw adjourned the meeting without objection on Tuesday, April 11, 2023 at 9:59
p.m.**

On April 25, 2023 minutes of April 11, 2023 approved on the consent agenda on the motion by
Commissioner Barrera-Ramirez, seconded by Commissioner Maxwell on a vote of 8-0.
Commissioners Azhar, Connolly, Flores, Haynes and Woods absent.

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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.