



PLANNING COMMISSION

MINUTES

May 9, 2023

The Planning Commission convened in a meeting on May 9, 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 6:08 p.m.

Commission Members in Attendance:

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

Jessica Cohen – Ex-Officio

One vacancy

Absent:

**Arati Singh – 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 April 25, 2023.

Approval of minutes from April 25, 2023 postponed to May 23, 2023; approved on the consent agenda on the motion by Commissioner Connolly, seconded by Commissioner Woods on a vote of 12-0. One vacancy on the dais.

PUBLIC HEARINGS

2. **Plan Amendment:** [NPA-2022-0008.01 - 3117-3121 E. 12th Street; District 1](#)
Location: 3121 E. 12th Street, Boggy Creek Watershed Rosewood NP Area
Owner/Applicant: 3121 E. 12th Horizontal Investors, LP
Agent: Armbrust & Brown, PLLC (Michael J. Whellan)
Request: Commercial to Mixed Use land use
Staff Rec.: **Recommended**
Staff: Maureen Meredith, 512-974-2695,
maureen.meredith@austintexas.gov
Planning Department

Motion to grant Neighborhood's request for postponement of this item to May 23, 2023 was approved on the consent agenda on the motion by Commissioner Connolly, seconded by Commissioner Woods on a vote of 12-0. One vacancy on the dais.

3. **Rezoning:** [C14-2022-0150 - 3117 and 3121 E. 12th Street; District 1](#)
Location: 3117 and 3121 E. 12th Street, Boggy Creek Watershed; Rosewood NP Area
Owner/Applicant: 3121 E.12th Horizontal Investors, LP
Agent: Armbrust & Brown (Michael J. Whellan)
Request: CS-1-CO-NP, CS-CO-NP, and CS-MU-V-CO-NP to CS-MU-V-CO-NP
Staff Rec.: **Recommended**
Staff: Jonathan Tomko, (512) 974-1057, jonathan.tomko@austintexas.gov
Planning Department

Motion to grant Neighborhood's request for postponement of this item to May 23, 2023 was approved on the consent agenda on the motion by Commissioner Connolly, seconded by Commissioner Woods on a vote of 12-0. One vacancy on the dais.

4. **Plan Amendment:** [NPA-2022-0014.05 - Bergstrom Trail; District 2](#)
Location: 6300 and 6410 Burleson Road, Onion Creek Watershed; Southeast Combined (Southeast) NP Area
Owner/Applicant: ZIFS Burleson6300, LLC
Agent: Husch Blackwell (Micah King)
Request: Industry and Transportation to Mixed Use land use
Staff Rec.: **Not Recommended**
Staff: Jesse Gutierrez, 512-974-1606, jesse.gutierrez@austintexas.gov
Planning Department

Public Hearing closed.

Motion by Commissioner Anderson, seconded by Commissioner Mushtaler to grant Mixed Use land use for NPA-2022-0014.05 - Bergstrom Trail located at 6300 and 6410 Burleson Road was approved on a vote of 11-1. Chair Shaw voted nay. One vacancy on the dais.

5. **Rezoning:** [C14-2022-0146 - Bergstrom Trail - Western Tract; District 2](#)
Location: 6300 Burleson Road, Onion Creek Watershed ; Southeast Combined (Southeast) NP Area
Owner/Applicant: ZIFS Burleson6300, LLC (Zain Fidai)
Agent: Husch Blackwell LLP (Micah King)
Request: LI-NP to CS-V-MU-NP
Staff Rec.: **Not Recommended**
Staff: Nancy Estrada, 512-974-7617, nancy.estrada@austintexas.gov
Planning Department

Public Hearing closed.

Motion by Commissioner Anderson, seconded by Commissioner Mushtaler CS-V-MU-NP combining district zoning for C14-2022-0146 - Bergstrom Trail - Western Tract located at 6300 Burleson Road was approved on a vote of 11-1. Chair Shaw voted nay. One vacancy on the dais.

6. **Rezoning:** [C14-2022-0148 - Bergstrom Trail - Eastern Tract; District 2](#)
Location: 6410 Burleson Road, Onion Creek Watershed Southeast Combined (Southeast) NP Area
Owner/Applicant: ZIFS Burleson6300, LLC (Zain Fidai)
Agent: Husch Blackwell LLP (Micah King)
Request: LI-NP to CS-V-MU-NP
Staff Rec.: **Not Recommended**
Staff: Nancy Estrada, 512-974-7617, nancy.estrada@austintexas.gov
Planning Department

Public Hearing closed.

Motion by Commissioner Anderson, seconded by Commissioner Mushtaler CS-V-MU-NP combining district zoning for C14-2022-0148 - Bergstrom Trail - Eastern Tract located at 6410 Burleson Road was approved on a vote of 11-1. Chair Shaw voted nay. One vacancy on the dais.

7. **Rezoning:** [C814-97-0001.15 - Leander Rehabilitation PUD Amendment #16; District 6](#)
Location: 13430 1/2 through 13450 1/2 Lyndhurst Drive, Lake Creek Watershed; Northwest Park and Ride Town Center TOD
Owner/Applicant: Austin 129, LLC
Agent: Drenner Group, PC (Leah M. Bojo)
Request: PUD to PUD, to change a condition of zoning.
Staff Rec.: **Pending**
Staff: Sherri Sirwaitis, 512-974-3057, sherri.sirwaitis@austintexas.gov
Planning Department
Postponement Request: Staff and Applicant postponement request to May 23, 2023

Motion to grant Staff and Applicant's request for postponement of this item to May 23, 2023 was approved on the consent agenda on the motion by Commissioner Connolly, seconded by Commissioner Woods on a vote of 12-0. One vacancy on the dais.

8. **Restrictive Covenant Termination:** [C14-77-138\(RCT\) - 10601 N Lamar Blvd. RCT; District 4](#)

Location: 10601 and 10601 1/2 N. Lamar Boulevard, Little Walnut Creek Watershed; North Austin Civic Association NP

Owner/Applicant: CSW 10601 N Lamar, LP

Agent: Drenner Group, PC (Amanda Swor)

Request: To terminate the restrictive covenant that was recorded in association with the 1977 zoning case no. C14-77-138, and as amended in 1983, to removed restrictions requiring a 10-foot pedestrian easement across the Property, a 15-foot no-build setback along rear adjacent property lines, and a 60-foot setback adjacent to the 15-foot setback that allows only a street or open space.

Staff Rec.: **Pending**

Staff: Sherri Sirwaitis, 512-974-3057, sherri.sirwaitis@austintexas.gov

Postponement Request: Indefinite Postponement request by Staff

Motion to grant Staff⁷ request for Indefinite Postponement was approved on the consent agenda on the motion by Commissioner Connolly, seconded by Commissioner Woods on a vote of 12-0. One vacancy on the dais.

9. **Rezoning:** [C14-2022-0162 - 10601 N Lamar Blvd.; District 4](#)

Location: 10601 and 10601 1/2 N Lamar Boulevard, Little Walnut Creek Watershed; North Austin Civic Association NP

Owner/Applicant: CSW 10601 N Lamar, LP

Agent: Drenner Group, PC (Amanda Swor)

Request: CS-NP, LO-NP and SF-3-NP to CS-V-CO-NP

Staff Rec.: **Pending**

Staff: Sherri Sirwaitis, 512-974-3057, sherri.sirwaitis@austintexas.gov

Postponement Request: Indefinite Postponement request by Staff

Motion to grant Staff⁷ request for Indefinite Postponement was approved on the consent agenda on the motion by Commissioner Connolly, seconded by Commissioner Woods on a vote of 12-0. One vacancy on the dais.

- 10. Rezoning:** [C14-2022-0163 - 10001 N. Capital of Texas Highway](#)
Location: 10001 N. Capital of Texas Highway, Shoal Creek Watershed; North Burnet/Gateway NP
Owner/Applicant: Austin H. Arboretum Propco, LP
Agent: DuBois, Bryant & Campbell, L.L.P. (David Hartman)
Request: NBG-CMU-NP to NBG-CMU (Gateway Zone)-NP
Staff Rec.: **Pending**
Staff: Sherri Sirwaitis, 512-974-3057, sherri.sirwaitis@austintexas.gov
Postponement Request: Staff Postponement request to June 27, 2023

Motion to grant Staff's request for postponement of this item to June 27, 2023 was approved on the consent agenda on the motion by Commissioner Connolly, seconded by Commissioner Woods on a vote of 12-0. One vacancy on the dais.

- 11. Rezoning:** [C14-2022-0164 - 504 Oakland Ave.; District 9](#)
Location: 504 Oakland Ave., Lady Bird Lake; Old West Austin Neighborhood Planning Area
Owner/Applicant: Reg ATX 504 Oakland, Ltd.
Agent: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.)
Request: LO-MU-NP to CS-MU-NP
Staff Rec.: **Recommended**
Staff: Jonathan Tomko, (512) 974-1057, jonathan.tomko@austintexas.gov
Planning Department

Public Hearing closed.

Motion to grant CS-MU-CO-NP combining district zoning for C14-2022-0164 - 504 Oakland Ave. located at 504 Oakland Ave. was approved on the consent agenda on the motion by Commissioner Connolly, seconded by Commissioner Woods on a vote of 12-0. One vacancy on the dais.

Conditional Overlay:

Following uses are prohibited:

Adult-Oriented Business, Agricultural Sales and Services, Automotive Repair Services, Automotive Washing—of any type, Bail Bond Services, Building Maintenance Services, Campground, Commercial Off-Street Parking, Construction Sales and Services, Convenience storage, Drop-Off Recycling, Collection Facilities, Electronic Prototype Assembly, Exterminating Services, Indoor Crop Production, Kennels, Monument Retail Services, Pawn Shop Services, Research Services, Service Station, Vehicle Storage, Custom Manufacturing, Limited Warehousing and Distribution.

- 12. Rezoning:** [C814-06-0175.04 - East Avenue PUD Amendment Parcel H; District 9](#)
- 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:** **Staff postponement request to May 23, 2023**

Motion to grant Staff’s request for postponement of this item to May 23, 2023 was approved on the consent agenda on the motion by Commissioner Connolly, seconded by Commissioner Woods on a vote of 12-0. One vacancy on the dais.

- 13. Rezoning:** [C14-2022-0160 - Greystar 290; District 8](#)
- Location: 8112 Scenic Brook Drive and 8352 West US 290 Hwy, Williamson Creek Watershed; Oak Hill Combined (West Oak Hill) NP Area
- Owner/Applicant: Schmidt Investments LTD (Robert Schmidt)
- Agent: Armbrust & Brown, PLLC (Richard Suttle)
- Request: LO-NP, LR-NP, SF-1, LR-MU-NP to MF-5-NP, LO-MU-NP, LR-MU-NP
- Staff Rec.: **Pending**
- Staff: Nancy Estrada, 512-974-7617, nancy.estrada@austintexas.gov
Planning Department
- Postponement Request:** **Indefinite Postponement request by Applicant**

Motion to grant Applicant’s request for Indefinite Postponement was approved on the consent agenda on the motion by Commissioner Connolly, seconded by Commissioner Woods on a vote of 12-0. One vacancy on the dais.

14. Restrictive Covenant Amendment: [C14-85-288.79\(RCA\) - Greystar 290; District 8](#)

Location: 8112 Scenic Brook Drive, Williamson Creek Watershed; Oak Hill Combined (West Oak Hill) NP Area

Owner/Applicant: Schmidt Investments LTD (Robert Schmidt)

Agent: Armbrust & Brown, PLLC (Richard Suttle)

Request: Amend Restrictive Covenant (C14-85-288.79) to remove maximum FAR limitations and replace language related to the Comprehensive Watershed Ordinance with current standards as defined in the Save Our Springs Initiative.

Staff Rec.: **Pending**

Staff: Nancy Estrada, 512-974-7617, nancy.estrada@austintexas.gov
Planning Department

Postponement Request: Indefinite Postponement request by Applicant

Motion to grant Applicant’s request for Indefinite Postponement was approved on the consent agenda on the motion by Commissioner Connolly, seconded by Commissioner Woods on a vote of 12-0. One vacancy on the dais.

15. Final Plat from approved Preliminary Plan: [C8J-2020-0091.1A - Gragg Manor Subdivision, Phase 1](#)

Location: 13300 – 13551 Gregg Manor Rd, Wilbarger Creek Watershed

Owner/Applicant: Lennar Homes of Texas Land and Construction, LTD (Kevin Pape)

Agent: Carlson, Brigance, and Doering, Inc. (Geoff Guerrero)

Request: Approval of a final plat consisting of 353 total lots on 114.461 acres.

Staff Rec.: **Approve with conditions, per Exhibit C.**

Staff: Paul Scoggins, 512-854-7619, paul.scoggins@traviscountytexas.gov
Travis County Development Services - Single Office

Public Hearing closed.

Motion to grant Staff’s recommendation for C8J-2020-0091.1A - Gragg Manor Subdivision located at 13300 – 13551 Gregg Manor Rd was approved on the consent agenda on the motion by Commissioner Connolly, seconded by Commissioner Woods on a vote of 12-0. One vacancy on the dais.

- 16. Site Plan - [SP-2021-028C - 2428 W Ben White Mixed Use Development; District 5](#)**
Appeal:
Location: 2428 W Ben White Blvd, Barton Creek & Williamson Creek
Owner/Applicant: Strait Lakehills, Ltd (Robert Strait)
Agent: Jones & Carter, Inc (Justin Cadieux)
Request: Appeal of Director's Interpretation
Staff Rec.: **Denial**
Staff: Christine Barton-Holmes, 512-974-2788, christine.barton-holmes@austintexas.gov
Development Services Department

Public Hearing closed.

Motion by Commissioner Azhar, seconded by Commissioner Woods to grant Applicant's appeal of Director's interpretation regarding SP-2021-028C - 2428 W Ben White Mixed Use Development located at 2428 W Ben White Blvd was approved on a vote of 8-4. Chair Shaw and Commissioners Barrera-Ramirez, Cox and Mushtaler voted nay. One vacancy on the dais.

- 17. ILA Amendment: [AISD Interlocal Agreement Amendment](#)**
Owner/Applicant: AISD (Jeremy Stiffler, Director of Real Estate)
Request: Discuss and consider a recommendation to amend the Austin Independent School District interlocal agreement, to support the District's efforts to improve telecommunication services on and around all school campuses, including providing for site development standards associated with telecommunication towers, as initiated by Council Resolution No. 20220616-090.
Staff Rec.: **Recommended**
Staff: Christopher Johnson, 512-974-2769, christopher.johnson@austintexas.gov
Development Services Department

Public Hearing closed.

Motion to grant Staff's recommendation to amend the Austin Independent School District interlocal agreement, to support the District's efforts to improve telecommunication services on and around all school campuses, including providing for site development standards associated with telecommunication towers, as initiated by Council Resolution No. 20220616-090 was approved on the consent agenda on the motion by Commissioner Connolly, seconded by Commissioner Woods on a vote of 12-0.

18. Code [C20-2022-0019 - Slaughter Lane SOS Site Specific Amendment](#)

Amendment:

Owner/Applicant: City of Austin (Corridor Program Office, Watershed Protection Department)

Request: Discuss and consider a code amendment granting a site-specific amendment to City Code Section 25-8-514 (Pollution Prevention Required) of the Save Our Springs Initiative, granting a variance to City Code Section 25-8-364 (Floodplain Modification) and Section 25-8-641 (Removal Prohibited) relating to the removal of a heritage tree, and waiving requirements of City Code Section 25-8-41 (Land Use Commission Variances) to allow construction of the Slaughter Lane Improvement Project from Loop 1 (MoPac) to 650 feet east of Brodie Lane, located at 5015 ½ West Slaughter Lane (C20-2022-019).

Staff Rec.: **Recommended**

Staff: Randy Harvey, 512-964-3040, randy.harvey@austintexas.gov
Leslie Lilly, leslie.lilly@austintexas.gov
Corridor Program Office

Public Hearing closed.

Motion to grant Staff's recommendation, and include Environment Commission Recommendations, for code amendment granting a site-specific amendment to City Code Section 25-8-514 (Pollution Prevention Required) of the Save Our Springs Initiative, granting a variance to City Code Section 25-8-364 (Floodplain Modification) and Section 25-8-641 (Removal Prohibited) relating to the removal of a heritage tree, and waiving requirements of City Code Section 25-8-41 (Land Use Commission Variances) to allow construction of the Slaughter Lane Improvement Project from Loop 1 (MoPac) to 650 feet east of Brodie Lane, located at 5015 ½ West Slaughter Lane (C20-2022-019). was approved on the consent agenda on the motion by Commissioner Connolly, seconded by Commissioner Woods on a vote of 12-0. One vacancy on the dais.

ITEMS FROM THE COMMISSION

19. Discussion and possible action initiating code amendments to City Code Chapter 25-2 relating to dwelling occupancy limits. (Sponsors: Commissioners Maxwell and Anderson)

Motion by Commissioner Haynes, seconded by Commissioner Anderson, as amended, to initiate a code amendment regarding to City Code Chapter 25-2 relating to dwelling occupancy limits and ensure they are consistent across the city, to improve the health and safety standards, increase housing affordability, and bring forward recommendations that comply with City of Austin fair housing regulations was approved on a vote of 12-0. One vacancy on the dais.

NOMINATIONS AND ELECTIONS

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

Commissioner Anderson nominated to serve on Codes and Ordinances Joint Committees a Joint Committees approved on a vote 12-0. 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](#)

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

Update provided by Vice-Chair Hempel.

[Comprehensive Plan Joint Committee](#)

(Commissioners: Connolly, Cox and Haynes)

No report provided.

[Joint Sustainability Committee](#)

(Commissioner Woods; alternate seat vacant)

No report provided.

[Small Area Planning Joint Committee](#)

(Commissioners: Barrera-Ramirez, Howard, Mushtaler and Shaw)

No report provided.

[South Central Waterfront Advisory Board](#)

(Commissioner Maxwell)

No report provided.

Accessory Dwelling Units and Duplexes
Working Group

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

Update provided by Commissioner Mushtaler

Austin Strategic Mobility Plan Working Group
(Commissioners Azhar, Connolly, Cox and
Maxwell)

Update provided by Commissioner Maxwell

Design Guidelines Update Working
Group
(Vice-Chair Hempel and
Commissioner Cohen)

No report provided.

Palm District Working Group
(Chair Shaw, Vice-Chair Hempel and Commissioners Anderson, Cohen and Howard)

Update provided by Commissioner Cohen

**Chair Shaw adjourned the meeting without objection on Tuesday, May 9, 2023 at 9:30
p.m.**

On May 25, 2023, minutes approved on consent agenda, motion by Commissioner Connolly,
seconded by Commissioner Maxwell, on a vote of 9-0. Commissioners Barrera-Ramirez, Cox
and Mushtaler absent. One vacancy on the Commission.

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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.