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1**ORDINANCE AMENDMENT REVIEW SHEET****Amendment:** C20-2012-014 Old Enfield**Description:** Amend Consider an amendment to Chapter 25-1-46 of the city code, designating the Planning Commission as the land use commission for the Old Enfield Neighborhood Planning Area.**Proposed Language:**

The proposed code amendment would add the following language to chapter 25 of the Land Development Code:

§ 25-1-46 LAND USE COMMISSION.

- (A) The Planning Commission or the Zoning and Platting Commission may act as the Land Use Commission, as prescribed by this section.
- (B) A determination of which commission shall act as the land use commission to consider a particular application is made on the date that the application is filed. After the determination is made, the designated commission continues to act as the land use commission until the application is approved or denied.
- (C) The Zoning and Platting Commission shall act as the Land Use Commission for all applications, except as provided in Subsection (D).
- (D) The Planning Commission shall act as the land use commission for property that is wholly or partly within:
 - (1) the boundaries of a neighborhood plan that the council has adopted as a component of the comprehensive plan;
 - (2) the former Robert Mueller Municipal Airport site;
 - (3) a transit oriented development (TOD) district; [or]
 - (4) the Old Enfield neighborhood planning area; or
 - (5)[(4)]the boundaries of a proposed neighborhood plan that the Planning Commission is considering as an amendment to the comprehensive plan. In this subsection, Planning Commission consideration of a proposed neighborhood plan:
 - (a) begins on the effective date of a council resolution or ordinance directing the Planning Commission to consider a neighborhood plan for an identified area; and
 - (b) ends on the date that the council adopts or rejects the proposed neighborhood plan or withdraws its directive to the Planning Commission to consider a neighborhood plan for the area.

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- (E) A liaison committee of the Planning Commission and the Zoning and Platting Commission is established. The chair of each commission shall appoint two commission members to serve on the committee. The committee shall meet regularly to exchange information relating to the commissions and make recommendations to the commissions on common policies, objectives, issues, and activities.

Staff Recommendation: Staff recommends this amendment.

Background: Initiated by Council Resolution 20120524-084.

The Old Enfield does not currently have a neighborhood plan, however, areas that surround the Old Enfield neighborhood do have neighborhood plans. Since Planning Commission is the body that reviews rezonings and other development-related matters in areas where a neighborhood plan has been done, and the Old Enfield is surrounded by such areas, it was deemed appropriate to designate Planning Commission as the body responsible for the Old Enfield neighborhood planning area.

Board and Commission Actions

Planning Commission Subcommittee on Codes and Ordinances – Voted to send this item to full Planning Commission on September 18, 2012. Vote: 4-0.

Planning Commission – A public hearing at Planning Commission has been set for September 25, 2012.

Council Action

City Council – A public hearing at City Council has been set for September 27, 2012.

Ordinance Number: NA

City Staff: Greg Dutton

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ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 25-1-46 OF THE CITY CODE DESIGNATING THE PLANNING COMMISSION AS THE LAND USE COMMISSION FOR THE OLD ENFIELD NEIGHBORHOOD PLANNING AREA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 25-1-46 (*Land Use Commission*) is amended as follows:

§ 25-1-46 LAND USE COMMISSION.

- (A) The Planning Commission or the Zoning and Platting Commission may act as the Land Use Commission, as prescribed by this section.
- (B) A determination of which commission shall act as the land use commission to consider a particular application is made on the date that the application is filed. After the determination is made, the designated commission continues to act as the land use commission until the application is approved or denied.
- (C) The Zoning and Platting Commission shall act as the Land Use Commission for all applications, except as provided in Subsection (D).
- (D) The Planning Commission shall act as the land use commission for property that is wholly or partly within:
 - (1) the boundaries of a neighborhood plan that the council has adopted as a component of the comprehensive plan;
 - (2) the former Robert Mueller Municipal Airport site;
 - (3) a transit oriented development (TOD) district; [øf]
 - (4) the Old Enfield neighborhood planning area; or
 - (5)[(4)] the boundaries of a proposed neighborhood plan that the Planning Commission is considering as an amendment to the comprehensive plan. In this subsection, Planning Commission consideration of a proposed neighborhood plan:
 - (a) begins on the effective date of a council resolution or ordinance directing the Planning Commission to consider a neighborhood plan for an identified area; and

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- (b) ends on the date that the council adopts or rejects the proposed neighborhood plan or withdraws its directive to the Planning Commission to consider a neighborhood plan for the area.
- (E) A liaison committee of the Planning Commission and the Zoning and Platting Commission is established. The chair of each commission shall appoint two commission members to serve on the committee. The committee shall meet regularly to exchange information relating to the commissions and make recommendations to the commissions on common policies, objectives, issues, and activities.

PART 5. This ordinance takes effect on _____, 2012.

PASSED AND APPROVED

_____, 2012 §
 §
 § _____
 Lee Leffingwell
 Mayor

APPROVED: _____
 Karen M. Kennard
 City Attorney

ATTEST: _____
 Shirley A. Gentry
 City Clerk

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RESOLUTION NO. 20120524-084

WHEREAS, on December 14, 2006, at the request of representatives from the Old Enfield Homeowners Association, the Austin City Council voted to exclude the Old Enfield neighborhood from the neighborhood planning process initiated for the Central West Austin neighborhoods; and

WHEREAS, the Planning Commission is the Land Use Commission responsible for reviewing requests for rezoning and other development-related matters in areas where neighborhood plans are adopted or have been initiated; and

WHEREAS, all of the areas surrounding the Old Enfield neighborhood now have adopted neighborhood plans, and requests for rezoning and other development-related matters in those areas are considered by the Planning Commission; and

WHEREAS, as the body that reviews these related neighborhood plans, the Planning Commission has a unique perspective on the challenges facing the Old Enfield area and can offer insight on how decisions made might interact with the plans for the surrounding areas; and

WHEREAS, the Old Enfield Homeowners Association requested that the zoning cases in the Old Enfield neighborhood be directed to the Planning Commission, as is the case with comparable neighboring districts; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is directed to initiate an amendment to the Land Development Code to designate the Planning Commission as the Land Use

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Commission responsible for the Old Enfield neighborhood planning area.

The boundaries for the Old Enfield neighborhood planning area are identified on the map attached as Exhibit "A".

BE IT FURTHER RESOLVED:

The City Manager is directed to bring this code amendment back to the City Council for consideration on or before August 2, 2012.

ADOPTED: May 24, 2012

ATTEST:

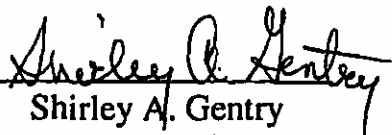

Shirley A. Gentry
City Clerk

Exhibit A

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