



**PLANNING COMMISSION**

**CODES AND ORDINANCES SUBCOMMITTEE MINUTES**

**REGULAR MEETING**

**Tuesday, September 18, 2012**

**The Planning Commission Codes and Ordinances Subcommittee convened in a regular meeting on Tuesday, September 18, 2012, at 301 W. 2<sup>nd</sup> Street, City Hall, Room #1027, in Austin, Texas.**

Commissioner Anderson called the meeting to order at 6:03 p.m.

**Subcommittee Members in Attendance:**

Danette Chimenti - Chair  
Dave Anderson  
Stephen Oliver  
Jean Stevens  
Myron Smith

**City Staff in Attendance:**

Greg Dutton, Senior Planner, Planning and Development Review  
Alyson McGee, Senior Planner, Planning and Development Review  
Carol Haywood, Manager – Comprehensive Planning, Planning and Development Review  
Erica Leak, Planner Principal, Planning and Development Review  
John McDonald, Planner Principal, Planning and Development Review  
Greg Guernsey, Director – Planning and Development Review

**Others in Attendance:**

Kelly Wright, Coats/Rose  
Amanda Morrow, Armbrust & Brown  
Ron Thrower, Thrower Design  
Annie Armbrust, Real Estate Council of Austin  
Emily Chenevert, Austin Board of Realtors  
Jan Long, EROC Contact Team/EROC Working Group  
Nuria Zaragoza, CANPAC

**1. CITIZEN COMMUNICATION: GENERAL**

a. None

**2. APPROVAL OF MINUTES**

a. None

**3. APPOINT SUBCOMMITTEE CHAIR**

a. Commissioner Chimenti was nominated by Commissioner Stevens as the Chair and appointed without objection. Vote: 5-0.

#### **4. POTENTIAL CODE AMENDMENTS: Proposed for Initiation and Discussion**

*Potential amendments to the code are offered for discussion and possible recommendation for initiation. If initiated, Staff will research the proposal and report back to the subcommittee.*

- a. **Subdivision** – A staff presentation on potential amendments to the subdivision code to promote neighborhood connectivity and improve accessibility. City Staff: Carol Haywood, Planning and Development Review Department, 974-7685  
[Carol.Haywood@AustinTexas.gov](mailto:Carol.Haywood@AustinTexas.gov) (Discussion and/or Possible Action)

Carol Haywood explained that part of a Community Transformation grant that was accepted by City Council is an examination of the city's existing subdivision code. The Center for Transportation Research is currently examining said code, and will have a report done at the end of September. Ms. Haywood explained that any revisions to the existing subdivision code would be influenced by the Imagine Austin comprehensive plan's themes of "compact and connected" and by the priority programs in Imagine Austin, as they relate to health. Complete streets would also likely be a part of any new subdivision code revision. The commissioners agreed that the revision was a good idea, but asked that this item be brought back at the next (October) subcommittee meeting, with a more specific outline of possible grant-related deadlines and requirements, and how the revision of the subdivision code would dovetail with the larger land development code rewrite coming in the near future.

No action was taken.

- b. **Rainey Street Subdistrict Density and Height Regulations** – Consider an ordinance amending Title 25 of the City Code to modify Rainey Street Subdistrict density and height regulations. City Staff: Alyson McGee, Planning and Development Review Department, 974-7801, [Alyson.McGee@AustinTexas.gov](mailto:Alyson.McGee@AustinTexas.gov) (Discussion and/or Possible Action)

Alyson McGee explained that existing Rainey Street subdistrict regulations provide incentives for relocation of historically significant structures inside the subdistrict; the proposed code amendment would allow the same structures to be relocated outside the subdistrict in order to increase the chances that redevelopment projects will pursue relocate them (instead of demolishing them). The proposed code amendment would allow a development to qualify for five points for every historically significant structure moved off-site to a site deemed appropriate by the Historic Landmark Commission.

A motion was made to initiate the code amendment by Commissioner Anderson, seconded by Commissioner Stevens, on a 5-0 vote.

- c. **Land Uses in DMU Zoning** – Consider an ordinance amending Title 25 of the City Code to allow Electronic Testing and Electronic Prototype Assembly within the DMU zoning district. City Staff: Greg Dutton, Planning and Development Review Department, 974-3509, [Greg.Dutton@AustinTexas.gov](mailto:Greg.Dutton@AustinTexas.gov) (Discussion and/or Possible Action)

Greg Dutton explained that this code amendment had mistakenly been placed on the agenda; this code amendment had already been initiated and is in process.

No action was taken.

- d. **Public Assembly Permit** – Consider an ordinance amending Title 25 of the City Code to allow schools, churches, and other entities with residential zoning to conduct public assembly events. City Staff: Greg Dutton, Planning and Development Review Department, 974-3509, [Greg.Dutton@AustinTexas.gov](mailto:Greg.Dutton@AustinTexas.gov) (Discussion and/or Possible Action)

Greg Dutton explained that the city's current code does not allow institutions such as churches and schools, that have certain residential zoning, to apply for a temporary use permit that would be needed to conduct temporary outdoor events, such as fund-raising events or festivals. The proposed code amendment would allow staff to explore how to best address the issue.

A motion was made to initiate the code amendment by Commissioner Stevens, seconded by Commissioner Anderson, on a 5-0 vote.

- e. **Waterfront Overlay Boundary** – Consider an ordinance amending Title 25 of the City Code to modify the boundary of the Waterfront Overlay District – Auditorium Shores and Butler Shores Subdistricts. City Staff: Greg Dutton, Planning and Development Review Department, 974-3509, [Greg.Dutton@AustinTexas.gov](mailto:Greg.Dutton@AustinTexas.gov) (Discussion and/or Possible Action)

Greg Dutton explained that a citizen with property currently in the Auditorium Shores subdistrict had request that the Waterfront Overlay boundaries be amended so that their property would fall into the Butler Shores subdistrict. They made this request so that the uses allowed on the property could be expanded to include uses currently prohibited in the Auditorium Shores subdistrict. Commissioners requested that the Waterfront Planning Advisory Board take specific action or make a clear motion on this item before coming back to the Codes and Ordinances Subcommittee for initiation.

A motion was made to send the proposed code amendment to the Waterfront Planning Advisory Board by Commissioner Oliver, seconded by Commissioner Stevens, on a 5-0 vote.

- f. **Unfinished Space Exemption** – Consider an ordinance amending Title 25 of the City Code to describe how unfinished space is calculated and exempted from gross floor area calculations. City Staff: Greg Dutton, Planning and Development Review Department, 974-3509, [Greg.Dutton@AustinTexas.gov](mailto:Greg.Dutton@AustinTexas.gov) (Discussion and/or Possible Action)

Ms. Zaragoza explained that she felt that unfinished attic spaces were being used as bedrooms or habitable spaces, which has been a problem around the University. Her request is to examine how unfinished spaces are exempted from gross floor area calculations (specifically attics) and see if there is a better way to define what is exempted.

A motion was made to initiate the code amendment by Commissioner Stevens, seconded by Commissioner Oliver, on a 5-0 vote.

- g. **McMansion** – Consider an ordinance amending Title 25 of the City Code relating to Subchapter F: Residential Design and Compatibility Standards (McMansion) regulations within the City's zoning jurisdiction. City Staff: John McDonald, Planning and

Development Review Department, 974-2728, [John.McDonald@AustinTexas.gov](mailto:John.McDonald@AustinTexas.gov)  
(Discussion and/or Possible Action)

John McDonald requested a postponement of this item to allow staff more time to research the topic. Commissioner Chimenti explained that while tweaks to the McMansion ordinance could be explored, there was no desire to revisit the topic in its entirety. Commissioners suggested working with AIA and RDCC in any discussions.

No action was taken.

- h. **Definition of Bedroom** – Consider an ordinance amending Title 25 of the City Code clarifying the definition of bedroom in City Code. City Staff: John McDonald, Planning and Development Review Department, 974-2728, [John.McDonald@AustinTexas.gov](mailto:John.McDonald@AustinTexas.gov)  
(Discussion and/or Possible Action)

Ms. Zaragoza explained that she felt that rooms and spaces which are not meant to be used as bedrooms (such as a study or game room) are ultimately being used as bedrooms, violating existing city code, and has been a problem around the University. Her request is to examine how a bedroom is defined in the city code and see if there is a better or different way to define them.

A motion was made to initiate the code amendment by Commissioner Anderson, seconded by Commissioner Smith, on a 5-0 vote.

## 5. REGULAR AGENDA

- a. **Briefing on East Riverside Corridor Regulating Plan** - Consider an ordinance amending Title 25 of the City Code to implement the East Riverside Corridor Regulating Plan. City Staff: Erica Leak, Planning and Development Review Department, 974-2856, [Erica.Leak@AustinTexas.gov](mailto:Erica.Leak@AustinTexas.gov) (Discussion and/or Possible Action)

Erica Leak presented an overview of the East Riverside Master Plan and Regulating Plan, the latter of which is scheduled for adoption later this year. Ms. Leak explained that the regulating plan will implement the Riverside Corridor Master Plan, with an emphasis on urban form and proposals for a revised compatibility standard for properties in the study area. A new “ERC” zoning district will be applied to properties inside the ER planning area, and a new development bonus is also being proposed by the regulating plan. Ms. Leak also explained that the ER Master Plan and Regulating Plan fit well with the recently adopted Imagine Austin Comprehensive Plan, which calls for East Riverside to be an activity corridor. Ms. Leak indicated that she would return at the October subcommittee meeting to take any other questions.

No action was taken.

- b. **Old Enfield** – Consider an ordinance Conduct a public hearing and consider an ordinance amending City Code Title 25 to designate the Planning Commission as the Land Use Commission for the Old Enfield neighborhood planning area. City Staff: Greg Dutton,

Planning and Development Review Department, 974-3509, [Greg.Dutton@AustinTexas.gov](mailto:Greg.Dutton@AustinTexas.gov) (Discussion and/or Possible Action)

Greg Guernsey explained that this code amendment addresses the desire for the Old Enfield neighborhood planning area to be under the purview of the Planning Commission (as opposed to Zoning and Platting). Because the Old Enfield neighborhood planning area does not have a neighborhood plan it would normally go to ZAP for zoning and land use-related matters. However, Old Enfield is surrounded by areas that do have complete neighborhood plans (Old West Austin, Central West Austin Combined, Central Austin Combined, and Downtown), and being under the same development pressures and dealing with the same issues as surrounding areas, it was deemed appropriate to designate PC as the reviewing body for Old Enfield.

A motion was made to recommend the proposed code amendment to the full Planning Commission by Commissioner Oliver, seconded by Commissioner Stevens, on a 4-0 vote (Commissioner Anderson absent).

- c. **Special Exceptions** - Consider an ordinance amending Chapter 25-2-476, relating to the granting of special exceptions. City Staff: Greg Dutton, Planning and Development Review Department, 974-3509, [Greg.Dutton@AustinTexas.gov](mailto:Greg.Dutton@AustinTexas.gov) (Discussion and/or Possible Action)

Greg Guernsey explained that this code amendment tweaks an existing ordinance that was adopted in 2011 to allow the Board of Adjustment to grant special exceptions. The 2011 ordinance allows residents with long-standing code violations, that pose no threat to health or safety, to apply for a special exception with the Board of Adjustment so that Code Compliance can concentrate on more egregious violations. The tweak that the current code amendment makes is changing language stating that the BOA “may” grant a special exception to it “shall” grant said exception, if all the criteria are met.

A motion was made to recommend the proposed code amendment to the full Planning Commission by Commissioner Stevens, seconded by Commissioner Smith, on a 4-0 vote (Commissioner Anderson absent).

## 6. OTHER BUSINESS

- a. **Update on current code amendments and process** - City Staff: Greg Dutton, Planning and Development Review Department, 974-3509, [Greg.Dutton@AustinTexas.gov](mailto:Greg.Dutton@AustinTexas.gov)

Greg Dutton reviewed the current code amendment process and went over a list of code amendment cases that are in process. The Commissioners requested that a simple update on the status of ongoing cases be presented at future meetings.

## 7. FUTURE AGENDA ITEMS

- a. **None**

## ADJOURNMENT

Commissioner Chimenti adjourned the meeting without objection at 9:03 p.m.

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 Greg Dutton at Planning and Development Review Department, at 512-974-3509, for additional information; TTY users route through Relay Texas at 711.

For more information on the Planning Commission Codes and Ordinances Subcommittee, please contact Greg Dutton at (512) 974-3509 or at [greg.dutton@austintexas.gov](mailto:greg.dutton@austintexas.gov)

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