



PLANNING COMMISSION **REGULAR MEETING**
CODES AND ORDINANCES SUBCOMMITTEE MINUTES **Tuesday, December 18, 2012**

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

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

Subcommittee Members in Attendance:

Danette Chimenti - Chair
Stephen Oliver
Jean Stevens
Dave Anderson
James Nortey*
Jeff Jack – Ex-Officio

City Staff in Attendance:

Greg Dutton, Planning and Development Review
Carol Gibbs, Planning and Development Review
George Zapalac, Planning and Development Review
Jerry Rusthoven, Planning and Development Review
Eric Dusza, Public Works
Annick Beaudet, Public Works
Bart Jennings, Austin Water Utility
Phillip Jaeger, Austin Water Utility

Others in Attendance:

John Donisi, Winstead
Frank Harren, Coldwell Banker
Kim Butler, Hill Country Estates
Robert Kleeman, Hill Country Estates
Brian Larson, Larson Burns and Smith
Annie Armbrust, Real Estate Council of Austin
Amanda Morrow, Armbrust and Brown
Michele Lynch, Metcalfe and Williams
Blayne Stansberry, Stansberry Engineering

***Commissioner Nortey was appointed to the subcommittee by Chair Chimenti, without objection.**

1. CITIZEN COMMUNICATION: GENERAL

- a. Frank Harren expressed concern that there were certain code amendments currently underway (such as the comprehensive watershed protection code amendment) that should be dovetailed

with the larger overall code revision set to start soon. In addition, he suggested that any large revisions that come to Planning Commission for initiation should be held off on and rolled into the large code revision. Commissioners supported this idea and explained that they agreed with rolling larger code amendments into the overall rewrite, with the subdivision code amendment as an exception, due to constraints of the associated grant. No action was taken.

2. APPROVAL OF MINUTES

- a. A motion was made to approve the October 16, 2102 minutes by Commissioner Stevens, seconded by Commissioner Oliver. Vote: 4-0-1 (Commissioner Smith absent, Commissioner Nortey abstained).

3. 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. **Barton Springs** – Request initiation of a site specific amendment to City Code section 25-8-514 (Save Our Springs Initiative) to allow construction in the critical water quality zone of Barton Springs Pool General Grounds Improvement Project which includes new hardscape, landscape, an expanded parking lot and an accessible walkway to the south pool deck from the existing south side parking lot. City Staff: Liz Johnston, Planning and Development Review, 974-1218, Liz.Johnston@austintexas.gov (Discussion and/or Possible Action)

Blayne Stansberry explained that several site-specific amendments to the Save Our Springs (SOS) Initiative were needed to allow for improvements at the Barton Springs Pool. Commissioners requested that at a future date, when the amendment comes back to CO subcommittee, that a presentation be made to show how the project design has evolved over time.

A motion was made to initiate the code amendment and forward to the full Planning Commission on 01/08/12, by Commissioner Anderson, seconded by Commissioner Oliver. Vote: 5-0 (Commissioners Smith absent).

4. REGULAR AGENDA: Previously Initiated

Previously initiated amendments to the code are offered for discussion and possible recommendation to the full Planning Commission.

- a. **Downtown Parking** – Consider an ordinance amending Chapter 25 of the city code, as it relates to downtown parking requirements. City Staff: George Zapalac, Planning and Development Review Department, 974-2725, George.Zapalac@austintexas.gov (Discussion and/or Possible Action)

George Zapalac presented proposed code amendment language to eliminate parking requirements downtown, in DMU and CBD zoning. Current parking requirements downtown are 20-60% of what they are in other zoning districts, and off-site accessory parking is a conditional use. Mr. Zapalac explained that there had been requests to change off-site accessory parking from a conditional use to a permitted use if all other parking requirements were going to be eliminated, and that bicycle parking and parking for the disabled will still be required. Mr.

Zapalac further noted that parking is often required by lenders and that parking would likely continue to be built to meet market demand. And spill-over parking from downtown that impacted adjacent neighborhoods could be addressed with residential permit parking (RPP).

Commissioners suggested involving the Downtown Austin Neighborhood Association for any public hearing at Planning Commission, and requested that some input on the proposed code changes be solicited from lenders.

A motion was made to forward to the full Planning Commission, by Commissioner Nortey, seconded by Commissioner Anderson, with all staff-recommended changes and the additional recommendations by Commissioners: Change off-site accessory parking from a conditional to a permitted use. Vote: 5-0 (Commissioner Smith absent).

- b. Bicycle Parking** – Consider an ordinance to amend Chapter 25 of the City Code related to bicycle parking. City Staff: Annick Beaudet, Public Works Department, 974-6505, Annick.Beaudet@austintexas.gov (Discussion and/or Possible Action)

Annick Beaudet reviewed a suite of changes to Chapter 25 code that would address definitions, clarifications, and new provisions, as related to bicycle parking. Discussion centered on the proposal to reduced automobile parking requirements in return for bicycle parking and shower facilities. Commissioners were concerned that for some uses it might not be appropriate to reduce automobile parking to too great an extent, and that some businesses might not be able to support themselves with patrons arriving by bicycle instead of by car.

A motion was made to forward to the full Planning Commission, by Commissioner Nortey, seconded by Commissioner Stevens, with all staff-recommended changes, except for the following: Proposed code amendments to 25-2-478 that are not related to Subchapter E (to be further reviewed at subcommittee on 1/15/13). Vote: 5-0 (Commissioner Smith absent).

- c. Water and Wastewater Reimbursement and Cost Participation** – Consider an ordinance to amend Chapter 25-9 of the City Code with regard to the City’s cost reimbursement and cost participation of certain water and wastewater infrastructure that is oversized at the request of the City. City Staff: Phillip Jaeger, Austin Water Utility, 972-0232, Phillip.Jaeger@austintexas.gov (Discussion and/or Possible Action)

Phillip Jaeger explained that the proposed code amendment would eliminate 100% cost reimbursement and that going forward any oversizing of water/wastewater infrastructure would be subject to cost participation. Austin is currently the only city in Texas, other than Corpus Christi, that provides 100% cost reimbursement.

A motion was made to forward to the full Planning Commission with all staff-recommended changes, by Commissioner Anderson, seconded by Commissioner Stevens. Vote: 5-0 (Commissioner Smith absent).

- d. DMU Land Uses** – Consider an ordinance amending Chapter 25 of the city code, to permit electronic prototype assembly and electronic testing in DMU zoning. City Staff: Greg Dutton, Planning and Development Review Department, 974-3509, Greg.Dutton@austintexas.gov (Discussion and/or Possible Action)

Greg Dutton presented draft ordinance language that would allow electronic prototype assembly and electronic testing in DMU base zoning district, where those uses are currently not permitted. Commissioners raised concerns about possible hazardous material; Jerry Rusthoven pointed out that assembly would be of finished components (not manufacturing from raw materials) and testing of those components. Commissioners suggested that since these uses were previously not permitted, and pertinent step would be to make the uses conditional; Commissioner Oliver felt appropriate safeguards were already in place to deal with any possible hazardous material issues.

A motion was made to forward to the full Planning Commission, by Commissioner Nortey, seconded by Commissioner Stevens, with a change to staff recommendation such that the proposed uses of electronic prototype assembly and electronic testing be made conditional and not permitted. Vote: 4-1 (Commissioner Oliver opposed, Commissioner Smith absent).

- e. **Public Assembly** – Consider an ordinance amending Chapter 25 of the city code, to allow temporary public assembly in certain zoning districts. City Staff: Greg Dutton, Planning and Development Review Department, 974-3509, Greg.Dutton@austintexas.gov (Discussion and/or Possible Action)

Postponed without objection to the 1/15/13 subcommittee meeting.

- f. **Amphitheater** – Consider an ordinance amending Chapter 25 of the city code, to make amphitheaters a conditional structure. City Staff: Greg Dutton, Planning and Development Review Department, 974-3509, Greg.Dutton@austintexas.gov (Discussion and/or Possible Action)

Greg Dutton explained a draft ordinance that would make an amphitheater structure conditional in all zoning districts, such that it would need approval by the Planning Commission, and that all existing amphitheaters would be made non-complying. Discussion ensued over how an amphitheater should be defined, particularly whether a capacity threshold should exist which would trigger the need for PC approval. Staff recommended a threshold of 100 people, while some Commissioners felt this was too high, or that there should be no capacity defined in the definition of amphitheater. Commissioners also asked for other minor wording changes in definition, as well as general criteria for evaluating proposed amphitheaters when plans are presented to PC for approval.

A motion was made to forward to the full Planning Commission, by Commissioner Stevens, seconded by Commissioner Oliver, with the following changes to staff recommendation:

- ~~Reduce or~~ Remove capacity threshold
 - Minor wording changes to the definition of amphitheater
 - Addition of general criteria for evaluating amphitheater proposals when reviewed by PC
- Vote: 5-0 (Commissioner Smith absent).

- g. **Update: Rainey Street Cocktail Lounges** – Consider an ordinance amending Chapter 25 of the city code, to make cocktail lounges a conditional use on Rainey Street. City Staff: Greg Dutton, Planning and Development Review Department, 974-3509, Greg.Dutton@austintexas.gov (Discussion and/or Possible Action)

Postponed without objection to the 1/15/13 subcommittee meeting.

5. OTHER BUSINESS

- a. Update on potential upcoming and current code amendments, and the amendment process** - City Staff: Greg Dutton, Planning and Development Review Department, 974-3509, Greg.Dutton@austintexas.gov

Greg Dutton reviewed a list of current and ongoing code amendments. Commissioner Jack suggested that at a future date the following items be discussed for possible initiation: Amendments to the sign ordinance, and amendments to the special exceptions ordinance. The following Commissioners agreed to co-sponsor the items so that they can be placed on a future agenda for discussion: Commissioner Stevens and Commissioner Oliver. The items will be placed on a future agenda for discussion and possible initiation.

6. FUTURE AGENDA ITEMS

Future agenda items will NOT be discussed at the current meeting, but will be offered for initiation, discussion, and possible recommendation to the full Planning Commission at a FUTURE meeting.

- a. 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 (Discussion and/or Possible Action)
- b. North Burnet Gateway Code Amendments** – Water Quality Control, Subdistrict Map, Sign Regulations, Two Story Minimum. City Staff: Christie Freundl, Planning and Development Review, 974-2868, Christine.Freundl@austintexas.gov (Discussion and/or Possible Action)
- c. Subchapter E Changes** – Design Standards and Mixed Use. City Staff: George Adams, Planning and Development Review, 974-2146, George.Adams@austintexas.gov (Discussion and/or Possible Action)
- d. Private Lateral Sewer Line Agreements** - Proposed amendments to Chapter 15-11 of the Austin City Code with regard to the City's requirements, policies, and enforcement actions for private lateral sewer lines. City Staff: TBD.

ADJOURNMENT

Commissioner Chimenti adjourned the meeting without objection at 8:05 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