



**PLANNING COMMISSION  
CODES AND ORDINANCES SUBCOMMITTEE MINUTES**

**REGULAR MEETING  
Tuesday, January 15, 2013**

**The Planning Commission Codes and Ordinances Subcommittee convened in a regular meeting on Tuesday, January 15, 2013, at 301 W. 2<sup>nd</sup> Street, City Hall, Room #1027, in Austin, Texas.**

Commissioner Chimenti called the meeting to order at 6:02 p.m.

**Subcommittee Members in Attendance:**

Danette Chimenti - Chair  
Dave Anderson  
James Nortey  
Myron Smith

**City Staff in Attendance:**

Greg Dutton, Planning and Development Review  
Carol Gibbs, Planning and Development Review  
Christine Freundl, Planning and Development Review  
Jerry Rusthoven, Planning and Development Review  
Alyson McGee, Planning and Development Review  
Tom Nelson, Parks and Recreation  
Gary Gregson, Parks and Recreation  
Liz Johnson, Planning and Development Review  
Robin Camp, Public Works

**Others in Attendance:**

Annie Armbrust, Real Estate Council of Austin  
Nuria Zaragoza, OWUNA  
Blayne Stansberry, Stansberry Engineering  
Michele Lynch, Metcalfe and Williams  
Jeff Clifford, Larson Burns and Smith  
Brian Larson, Larson Burns and Smith  
Kim Butler, Hill Country Estates HOA  
Stuart Sampley, AIA Austin  
Karen McGraw, Residential Design and  
Compatibility Commission  
Harry Savio, HBA  
Brian Leonard

Dave Madden  
Blenda Ryan  
Cindy Pitts  
Ryan Adams  
Micah Sutton  
Nelson Guda  
Tammy West  
Alan Kultruffe  
Steve Hafner  
Stephen Summers  
Mary Yarrington

## 1. CITIZEN COMMUNICATION: GENERAL

- a. None.

## 2. APPROVAL OF MINUTES

- a. A motion was made to approve the October 16, 2102 minutes by Commissioner Anderson, seconded by Commissioner Nortey, with the following amendment:
  - Remove the word “reduce” from item 4.f.Vote: 3-0-1 (Commissioners Oliver and Stevens absent, Commissioner Smith 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. **Planned Unit Development (PUD) Changes** – Discuss and direct staff to initiate an amendment to Division 5 Planned Unit Developments Subpart B Sections 2.5.2 A and 2.5.6 B, relating to the affordable housing requirements for certain PUDs. City Staff: Jerry Rusthoven, Planning and Development Review, 974-3207, [Jerry.Rusthoven@austintexas.gov](mailto:Jerry.Rusthoven@austintexas.gov)

Postponed without objection by staff to the February 26, 2013, subcommittee meeting.

## 4. REGULAR AGENDA: Previously Initiated

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

- a. **STAFF BRIEFING: Definition of Bedroom** – Discuss 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)

John McDonald explained that a bedroom is not currently defined in the zoning code, but instead refers to the international building code, where some specifics of a bedroom are spelled out. The zoning code (25-2) currently speaks to a maximum of six bedrooms allowed in a duplex; this has been problematic in the University area, where rooms that are were not defined as bedrooms when reviewed by staff have later been converted to bedrooms. This “stealth dorm” issue has led to over-parking, congestion, and noise issues. Mr. McDonald pointed out that there are occupancy rules currently in place that limit six unrelated persons to a duplex, but that Code Compliance has difficulty enforcing this rule if they are unable to access the interior of the building.

Nuria Zaragoza proposed a definition of bedroom, based on the International Property Maintenance Code and a recent Board of Adjustment interpretation, and pointed out the proposed definition was aimed only at duplexes on lots under 10,000 square feet. Mr. McDonald pointed out the BOA interpretation was pending an appeal and added that Residential Review staff currently does not review for technical codes if the plan has been sealed/signed by a Texas-registered architect.

Concerns were raised about unintended negative consequences of trying to narrowly define what a bedroom is, and the impact on resources and staff time. Commissioners suggested coming back at a future meeting to discuss more specific recommendations, and to have staff from Code Compliance present for the discussion.

A motion was made by Commissioner Nortey, seconded by Commissioner Smith, to table the discussion and continue at a future subcommittee meeting, with Code Compliance staff present. Vote: 4-0.

- b. STAFF BRIEFING: Unfinished Space Exemption** – Discuss amending Title 25 of the City Code to describe how unfinished space is calculated and exempted from gross floor area calculations. 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 explained that unfinished space has traditionally been exempted from gross floor calculations under Subchapter F. Nuria Zaragoza stated that currently in the code, there is a clear explanation of what is exempted from gross floor area calculations, and unfinished space is not defined or mentioned. She feels that this needs to be clarified in the code so that it's clear if/how unfinished should be treated. Unfinished space has been a problem in some areas, as it later gets finished out and can lead to a "stealth dorm" issue.

A motion was made by Commissioner Anderson, seconded by Commissioner Smith, to refer the issue to the Residential Design and Compatibility Commission for their review and possible recommendations on how to address the issue. Vote: 4-0.

- c. 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](mailto:Annick.Beaudet@austintexas.gov) (Discussion and/or Possible Action)

Postponed without objection by staff to the February 26, 2013, subcommittee meeting.

- d. Barton Springs General Grounds Improvements** – Consider an ordinance 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](mailto:Liz.Johnston@austintexas.gov) (Discussion and/or Possible Action)

Parks and Recreation Department staff gave a presentation on the proposed general grounds improvements for Barton Springs Pool, with some background and explanation of each of the major components involved. Blayne Stansberry followed, giving a brief description of the code changes needed to make the general grounds improvements.

Discussion followed on some of the proposed improvements, with some members of the public in attendance expressing concern that the Barton Springs Pool grounds should be left as-is, without any changes. Commissioner Anderson suggested that the improvements would enhance water quality, but the Commissioners concurred with one another that more time would be

needed to review the proposed code changes and the proposed grounds improvements before they could make a recommendation to full Planning Commission.

A motion was made by Commissioner Anderson, seconded by Commissioner Smith, to table the discussion and continue at the February 19, 2013, subcommittee meeting. Vote: 4-0.

- e. **Rainey Street Historic District** – 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 the proposed ordinance, which would award points to developers willing to move structures out of the Rainey Street in lieu of demolishing them, and re-locating the structures to another appropriate location.

A motion was made to recommend to the full Planning Commission by Commissioner Nortey, seconded by Commissioner Anderson. Vote: 4-0.

- f. **North Burnet Gateway** – Consider ordinances amending Title 25 of the City Code to modify North Burnet Gateway regulations, as related to: water quality control; subdistrict map; sign regulations; and two story minimum. City Staff: Christine Freundl, Planning and Development Review, 974-2868, [Christine.Freundl@austintexas.gov](mailto:Christine.Freundl@austintexas.gov) (Discussion and/or Possible Action)

Christine Freundl explained four proposed amendments related to North Burnet Gateway. 1) Creek setback amendment so that the NBG plan correctly references Critical Water Quality Zones in the NBG area. 2) Sign regulation amendment would allow one freestanding monument sign, not to exceed 100 square feet, per property on roadways designated as NBG Core Transit Corridors. 3) Zoning map amendment allows the NBG Subdistrict Map to be changed to reflect a zoning change, without the need for a code amendment. 4) Two-story amendment provides clear direction on the design and limitation of double-height spaces within developments with a two-story minimum requirement.

A motion was made to recommend to the full Planning Commission by Commissioner Nortey, seconded by Commissioner Anderson. Vote: 4-0.

- g. **Temporary Outdoor Public Assembly** – Consider an ordinance amending Chapter 25 of the city code, to allow temporary outdoor public assembly in certain zoning districts. 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)

Jerry Rusthoven explained that under the current code, church and schools in certain zoning districts are not able to apply for temporary use permits for temporary outdoor events, such as fund raisers, festivals, etc. The proposed code amendment would allow churches and schools, regardless of zoning district, to apply for a temporary use permit so that they could hold temporary outdoor assemblies. Commissioners raised concerns that a temporary use permit could be abused such that an applicant could perpetually conduct a temporary use, but Mr. Rusthoven pointed out that a temporary use would not be permitted for likely more than a month. Members from public expressed concern that allowing temporary outdoor assemblies in

SF-3 and below zoning districts could be disruptive to residential areas, and a suggestion was made for a cap on the number of permits that could be applied for on an annual basis. Commissioners suggested that staff meet with stakeholders to further discuss the issue.

A motion was made to recommend to the full Planning Commission by Commissioner Anderson, seconded by Commissioner Nortey, with a direction that staff work with stakeholders and examine the idea of a cap on the number of permits that can be awarded on an annual basis. Vote: 4-0.

- h. 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](mailto:Greg.Dutton@austintexas.gov) (Discussion and/or Possible Action)

Jerry Rusthoven went over the background on the proposed code amendment, explaining that an resolution from Council in 2011 had asked staff to examine and number of issues in the Rainey Street area, and cocktail lounge use was among them. The proposed amendment would make cocktail lounge use conditional in the Rainey Street Waterfront Overlay subdistrict. Mr. Rusthoven further explained that there are about a dozen cocktail lounges currently in the Rainey Street area, with another dozen that have been approved but not yet built, and that cocktail lounge use is permitted by right in CBD zoning.

Michele Lynch expressed concern that a conditional permit process might be too costly for small business owners, and instead suggested a distance requirement. Commissioners voiced a concern that with so much of the area already converted to cocktail lounge use and so few remaining houses where conversion would be possible, that the proposed code amendment might not have much impact.

A motion was made to not recommend to the full Planning Commission by Commissioner Anderson, seconded by Commissioner Smith. Vote: 4-0.

## **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](mailto:Greg.Dutton@austintexas.gov)

Greg Dutton reviewed a list of current and ongoing code amendments.

No action was taken.

## **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. **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)

## ADJOURNMENT

Commissioner Chimenti adjourned the meeting without objection at 8:55 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)