



**PLANNING COMMISSION
CODES AND ORDINANCES SUBCOMMITTEE MINUTES**

**REGULAR MEETING
Tuesday, February 19, 2013**

The Planning Commission Codes and Ordinances Subcommittee convened in a regular meeting on Tuesday, February 19, 2013, 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
Dave Anderson
James Nortey
Myron Smith

Jean Stevens
Stephen Oliver
Jeff Jack – Ex-Officio

City Staff in Attendance:

Greg Dutton, Planning and Development Review
Carol Gibbs, Planning and Development Review
Jerry Rusthoven, Planning and Development Review
George Adams, Planning and Development Review
John McDonald, Planning and Development Review
Greg Guernsey, Planning and Development Review
Annick Beaudet, Public Works
Eric Dusza, Public Works
Tom Nelson, Parks and Recreation
Gary Gregson, Parks and Recreation
Liz Johnson, Planning and Development Review
Robin Camp, Public Works
Ron Potts, Code Compliance
Scott Hiers, Watershed Protection

Others in Attendance:

Jonathan Beall, FBSP
Nuria Zaragoza, OWUNA
Blayne Stansberry, Stansberry Engineering
Bill Bunch, SOS Alliance
Jeff Clifford, Larson Burns and Smith
Brian Larson, Larson Burns and Smith
Kim Butler, Hill Country Estates HOA
Stuart Sampley, AIA Austin
Karen Kreps
Bernard Brown
Brian Leonard
Nelson Guda

Ralph Webster, APF
Gary Beyer, FBSP
Emma Cravey, FBSP
Michael Hsu, AIA Austin
Bart Whatley, AIA
Paul Detke, AIA
Blake Tollett
Maureen Hatfield
Mike Cannatti, FBSP
Melissa Neslund, Bury
Philip Southwick, AIA Austin
Steven Zettner

1. CITIZEN COMMUNICATION: GENERAL

- a. None.

2. APPROVAL OF MINUTES

- a. A motion was made to approve the January 15, 2013 minutes by Commissioner Smith, seconded by Commissioner Nortey, with the following amendment. Vote: 4-0-1 (Commissioner Anderson absent, Commissioner Stevens 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. **Urban Farms** – Discussion and possible initiation of an amendment to 25-2 of the City Code to clarify, update, and revise regulations related to urban farms, livestock, size of farm, employees and dwelling. City Staff: Jerry Rusthoven, Planning and Development Review, 974-3207, Jerry.Rusthoven@austintexas.gov (Discussion and/or Possible Action)

Greg Dutton explained that a recent Sustainable Food Policy Board resolution called for examining the City Code to look for ways to encourage sustainable urban farming. Specifically, the resolution called for clarifications and updates, and revising language in the code as it relates to urban farms, livestock, size of farm, employees, and dwelling.

A motion was made to recommend to the full Planning Commission for initiation by Commissioner Stevens, seconded by Commissioner Smith. Vote: 5-0 (Commissioner Anderson absent).

- b. **Temporary Signs** – Discussion and possible initiation of an amendment to Chapter 25 of the City Code to allow temporary signs in the downtown area for special events. City Staff: Greg Guernsey, Planning and Development Review, 974-2387, Greg.Guernsey@austintexas.gov (Discussion and/or Possible Action)

Greg Guernsey expressed a need for a code amendment that would allow temporary signs (primarily projected signs) in the downtown area (with CBD and DMU zoning) for special events. Mr. Guernsey also said that staff would look at what other cities do to minimize intrusion of lighted signs, and would also look at how to define “temporary” for these signs.

A motion was made to recommend to the full Planning Commission for initiation by Commissioner Stevens, seconded by Commissioner Oliver. Vote: 5-0 (Commissioner Anderson 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. **STAFF BRIEFING: Subchapter E. Amendments** – Discuss amendments to Chapter 25 of the City Code to make clarifications, revisions, updates, and additions to Subchapter E., as related to design standards and mixed use. City Staff: George Adams, Planning and Development Review Department, 974-2146, George.Adams@austintexas.gov (Discussion and/or Possible Action)

George Adams went through an overview of the changes to Subchapter E, which includes clarifications, revisions, updates, and additions. Mr. Adams explained that the revisions to Subchapter E have been ongoing for several years and that the changes being proposed would need to be rolled into the upcoming overall code revision.

Concerns from commissioners included sign requirements, which often come up at Board of Adjustment meetings, and a need for more of the “menu” options (Article 4, Table D) to be required instead of optional. Public input included concerns about suburban roadway setbacks, the requirement to plat internal circulation routes, and a request to define some of the elements in Article 4, Table D. There was also a question about the inclusion of village centers, and whether Subchapter E would be an appropriate place to encourage their use and proximity to transit stations.

Residential Permit Parking changes were discussed; commissioners felt that the previous language, that required a percentage of the residents on the street in question to approve, was better than the proposed language, which would leave the approval up to neighborhood associations. Mr. Adams indicated he would discuss the issue with the Transportation Department.

A motion was made to recommend to the full Planning Commission by Commissioner Nortey, seconded by Commissioner Smith, with direction to staff to look into the issues that were raised. Vote: 5-0 (Commissioner Anderson absent).

- b. **Definition of Bedroom** – Discuss amending Chapter 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 (Discussion and/or Possible Action)

John McDonald explained that a recent Board of Adjustment ruling was currently in effect, such that staff was using the BOA interpretation for bedrooms in duplexes, and added that he felt the BOA interpretation was sufficient for staff to work with.

Ron Potts from Code Compliance explained that enforcement of occupancy rules is very difficult; Code Compliance officers may enter residences if the occupant agrees, but must otherwise obtain a warrant to do so. Mr. Potts suggested that some kind of rental registration program might be helpful, but that the cooperation of multiple departments (Code Compliance, Health and Human Services, Austin Police) is necessary to make an impact.

Suggestions from the public in attendance included designating any private room as a bedroom, and requiring parking for homes with more than five bathrooms, as well as the necessity of some mechanism to more easily fine owners for violations.

Commissioners expressed concerns that negative unintended consequences could result from trying to redefine what a bedroom is, and that applicability of said redefinition might be more appropriately applied to only certain parts of Austin where stealth dorms have been an issue.

A motion was made to form a working group to discuss the issue, the formation of which is to be discussed at full Planning Commission, by Commissioner Nortey, seconded by Commissioner Oliver, with direction to the working group to consider the current PACE program, residential registration, bathrooms and parking requirements, and possible geographic constraints. Vote: 6-0.

- 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 (Discussion and/or Possible Action)

Annick Beaudet went through an overview of the changes to Chapter 25 related to bicycle parking, primarily explaining the incentives that would allow property owners to forgo automobile parking if they provide certain bicycle-related amenities.

Concerns from commissioners included whether it is appropriate to include bars and restaurants in the incentive program, since these uses require a lot of parking, and any reduced parking could cause spillover into adjacent neighborhoods. A suggestion was made that it might be appropriate for areas where Residential Permit Parking has already been applied. There was also a question about how much parking could be reduced, in total, if multiple incentives were utilized. The fee that developers would have to pay as part of utilizing the incentives was also discussed, with the suggestion that the current proposal might be too low.

A motion was made to recommend to the full Planning Commission by Commissioner Stevens, seconded by Commissioner Smith, with direction to staff to come back to subcommittee to discuss the following: cumulative effects of parking reductions, the proposed fee, a possible cap on the extent to which parking can be reduced, and possible geographic approach to applicability. Vote: 6-0.

- 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 (Discussion and/or Possible Action)

Liz Johnston briefing explained the Barton Springs General Grounds Improvements. A number of stakeholders present at the meeting raised the following concerns:

- Any increase in the impervious cover would set a bad precedent.
- The Barton Springs Master Plan specifically recommends no change to the south lawn.
- The monument should be moved outside of the south lawn, so that paying admission is not required to view the monument.
- The Sierra Club is opposed to the south overlook.

There was discussion of disability access to the south lawn, with some opposed and some in favor of it. Friends of Barton Springs Pool indicated that they were generally in favor of the proposed changes, but impervious cover is discussed extensively as the primary concern.

A motion was made by Commissioner Anderson, seconded by Commissioner Smith, to recommend to the full Planning Commission the staff proposals, minus the south lawn overlook, and with parking moved out of the water quality transition zone in order to maintain the current level of impervious cover. Vote: 6-0.

- e. **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 (Discussion and/or Possible Action)

Jerry Rusthoven explained that under the current code, churches or schools that want to have a temporary outdoor assembly (a fund-raising festival, for instance) are not permitted to do so if they have certain zoning. The proposed code amendment would allow them to pull a temporary permit to hold a temporary outdoor public assembly. A concern was raised from stakeholders that there should be a cap on the number of permits that are allowed to be pulled per year, per property. Mr. Rusthoven said he felt that four or six events would be a good cap; stakeholders indicated that they would like to see four.

A motion was made to recommend to the full Planning Commission by Commissioner Nortey, seconded by Commissioner Anderson, with a cap of four events per year, per property. Vote: 6-0.

- f. **Subchapter F. Correction** – Consider ordinances amending Chapter 25 of the City Code to add back a provision in Subchapter F. regarding 15 foot ceiling heights, which was inadvertently removed. City Staff: Greg Dutton, Planning and Development Review Department, 974-3509, Greg.Dutton@austintexas.gov (Discussion and/or Possible Action)

Greg Dutton explained that a provision in the code that refers to how 15 foot ceiling heights are calculated (as a part of gross area calculations) was inadvertently removed; the code amendment would re-insert said provision.

A motion was made to recommend to the full Planning Commission by Commissioner Oliver, seconded by Commissioner Stevens. Vote: 6-0.

- g. **Conservation Single Family Residential** – Consider an amendment to 25-2 of the City Code to add back a section of code pertaining to conservation single family residential use that was inadvertently removed. City Staff: Jerry Rusthoven, Planning and Development Review, 974-3207, Jerry.Rusthoven@austintexas.gov (Discussion and/or Possible Action)

Jerry Rusthoven explained that a provision in the code on conservation single family residential, which allows SF-1 homes to be clustered to preserve open space, was inadvertently removed; the code amendment would re-insert said provision.

A motion was made to recommend to the full Planning Commission by Commissioner Smith, seconded by Commissioner Stevens. Vote: 6-0.

5. OTHER BUSINESS

- a. **McMansion** – Updates on Chapter 25 of the City Code relating to Subchapter F: Residential Design and Compatibility Standards (McMansion) regulations within the City’s zoning jurisdiction. City Staff: Greg Guernsey, Planning and Development Review, 974-2387, Greg.Guernsey@austintexas.gov

Greg Guernsey was not present for the item, which will be heard at a future subcommittee meeting. The item was not discussed. No action was taken.

- b. **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

No updates were needed or given. The item was not discussed. 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/or possible recommendation to the full Planning Commission at a FUTURE meeting.

ADJOURNMENT

Commissioner Chimenti adjourned the meeting without objection at 10:51 p.m.

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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