



**PLANNING COMMISSION
CODES AND ORDINANCES SUBCOMMITTEE MINUTES**

**REGULAR MEETING
Tuesday, March 19, 2013**

The Planning Commission Codes and Ordinances Subcommittee convened in a regular meeting on Tuesday, March 19, 2013, at 301 W. 2nd 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

Myron Smith

Jean Stevens

Stephen Oliver

Jeff Jack – Ex-Officio

City Staff in Attendance:

Greg Dutton, Planning and Development Review

Jerry Rusthoven, Planning and Development Review

Erica Leak, Planning and Development Review

Christine Freundl, Planning and Development Review

Annick Beaudet, Public Works

Eric Dusza, Public Works

Michael Simmons-Smith, Planning and Development Review

Others in Attendance:

Julie Fitch, DAA

Annie Armbrust, RECA

Ron Thrower, Thrower Design

Brooke Bailey, WPAB

David King, Zilker NA

Jean Mather, SRCC

Jack Murray, Jack & Adam's

1. CITIZEN COMMUNICATION: GENERAL

- a. None.

2. APPROVAL OF MINUTES

- a. A motion was made to approve the February 19, 2013 minutes by Commissioner Anderson, seconded by Commissioner Smith, with the following amendment: correction to item 4.a. to clarify the desire of the subcommittee to retain the original requirements for residential permit parking (RPP). Vote: 5-0 (Commissioner Nortey absent).

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. None.

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: Downtown Austin Interim Density Bonus and CURE** – Discuss the downtown interim density bonus program, Central Urban Redevelopment zoning, and other downtown density bonus issues. City Staff: Jim Robertson, Planning and Development Review Department, 974-3564, Jim.Robertson@austintexas.gov (Discussion and/or Possible Action)

Erica Leak explained that up to this point most developers have been using CURE and providing community benefits on a case-by-case basis, as there are no defined benefits that accompany CURE. The interim density bonus program has never been used. A recent resolution from Council directed staff to codify a density bonus program, and Ms. Leak indicated that staff will return to Council in June to present that ordinance for adoption.

No action was taken.

- 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 went over the background of the proposed changes related to bicycle parking, and pointed out that there were a few changes that staff was proposing:

- Retracted: proposed incentives to allow over-bicycle parking.
- Revised: Incentives to build showers.
- Revised: Bicycle transportation-related reductions in motor vehicle parking such that reductions over 40% require Planning Commission approval.

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

- c. **Plaza Saltillo** – Consider an amendment to Chapter 25-2 of the City Code, to allow Indoor Entertainment as a Conditional Use in the TOD Mixed Use zoning category. City Staff: Christine Freundl, Planning and Development Review Department, 974-2868, Christine.Freundl@austintexas.gov (Discussion and/or Possible Action)

Christine Freundl explained that in the TOD Mixed Use zoning district that Indoor Entertainment is currently prohibited. Since most types of indoor entertainment occur in a cocktail lounge setting, which is conditional in TOD Mixed Use, it would make sense that an indoor entertainment use without alcohol also be made conditional.

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

- d. **Short-Term Rentals** – Consider an ordinance amending Chapter 25 of the City Code, to improve compliance, notification, enforcement, and efficiency. City Staff: Jerry Rusthoven,

Planning and Development Review Department, 974-3207, Jerry.Rusthoven@austintexas.gov (Discussion and/or Possible Action)

Jerry Rusthoven explained that staff was currently working on amendments to the short-term rental (STR) ordinance as directed by a Council resolution. The resolution directed staff to work on a number of code amendments, as well as changes to how the STR ordinance is being implemented. In particular, Mr. Rusthoven pointed out that the resolution calls for allowing an owner who is present on the property to be able to rent less than the entire structure to a single party. The resolution also calls for a new type of STR (Type 3) for multi-family properties, subject to similar requirements as Type 2 STRs. Mr. Rusthoven said he believed the bulk of the code amendment work would center on these two proposed amendments.

Commissioners asked that staff from Code Compliance be present at next meeting, when draft language would be reviewed.

No action was taken.

- e. **Waterfront Overlay Boundary** – Consider an ordinance amending Chapter 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 (Discussion and/or Possible Action)

Greg Dutton presented background information on a proposed code amendment to adjust the boundary between the Auditorium Shores Subdistrict and the Butler Shores Subdistrict of the Waterfront Overlay. The proposed amendment would move the boundary so that commercial properties near the intersection of Barton Spring Road and South Lamar Blvd would be treated equally; currently the property at 1210 Barton Springs Road is the only commercial property in the secondary setback of the Auditorium Shores Subdistrict.

Brook Bailey of the Waterfront Planning Advisory Board explained the WPAB's recommendation that the boundary not be changed, but that additional entitlements be given to 1210 Barton Springs Road. Discussion ensued on whether there are criteria in the LDC for making a boundary change, and whether the Board of Adjustment or WPAB could grant a variance to except the property from certain provisions of the Waterfront Overlay code. Commissioners requested that any future discussion of the item at Planning Commission should have Law staff present to answer questions.

A motion was made to forward, without a recommendation, to the full Planning Commission by Commissioner Stevens, seconded by Commissioner Oliver. Vote: 5-0 (Commissioner Nortey absent).

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 gave a brief update of ongoing and upcoming 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/or possible recommendation to the full Planning Commission at a FUTURE meeting.

ADJOURNMENT

Commissioner Chimenti adjourned the meeting without objection at 7:45 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