



**PLANNING COMMISSION  
CODES AND ORDINANCES SUBCOMMITTEE MINUTES**

**REGULAR MEETING  
Tuesday, May 21, 2013**

**The Planning Commission Codes and Ordinances Subcommittee convened in a regular meeting on Tuesday, May 21, 2013, at 301 W. 2<sup>nd</sup> Street, City Hall, Room #1027, in Austin, Texas.**

Commissioner Chimenti called the meeting to order at 6:01 p.m.

**Subcommittee Members in Attendance:**

Danette Chimenti - Chair  
Myron Smith  
Jean Stevens  
Dave Anderson

James Nortey  
Stephen Oliver  
Jeff Jack – Ex-Officio

**City Staff in Attendance:**

Greg Dutton, Planning and Development Review  
Jerry Rusthoven, Planning and Development Review  
Greg Guernsey, Planning and Development Review  
Erica Leak, Planning and Development Review  
Javier Delgado, Neighborhood Housing and Community Development  
Gina Copic, Neighborhood Housing and Community Development

**Others in Attendance:**

Will Herring, Metcalfe and Wolff  
Annie Armbrust, RECA  
Stuart Hersh  
Mike McHone, University Area Partners

Sarah Crocker  
Michele Haussmann, Kaufman and Killen  
Richard Suttle  
Greg Anderson

**1. CITIZEN COMMUNICATION: GENERAL**

- a. None.

**2. APPROVAL OF MINUTES**

- a. A motion was made to approve the May 21, 2013 minutes by Commissioner Stevens, seconded by Commissioner Oliver. Vote: 6-0.

**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) (Discussion and/or Possible Action)

Staff requested a postponement to the June Codes and Ordinances Subcommittee. A motion was made to approve the postponement by Commissioner Stevens, seconded by Commissioner Smith. Vote: 6-0.

- b. Board of Adjustment Special Exceptions Extension** – Discussion and possible initiation of a code amendment to Chapter 25 of the City Code to extend the time period during which special extensions may be sought and granted. City Staff: Greg Guernsey, Planning and Development Review, 974-2387, [Greg.Guernsey@austintexas.gov](mailto:Greg.Guernsey@austintexas.gov) (Discussion and/or Possible Action)

Greg Guernsey explained that there was a desire to extend the window of time during which property owners may apply for a special exception at the Board of Adjustment, with the goal of allowing additional properties to come into compliance. Mr. Guernsey also indicated that although the existing ordinance references violations that have existed for at least 15 years, that this timeframe might be re-considered for the proposed amendment.

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

- c. Signs** – Discussion and possible initiation of a code amendment to Chapter 25 of the City Code to allow signs to be installed by property owners. City Staff: Greg Guernsey, Planning and Development Review, 974-2387, [Greg.Guernsey@austintexas.gov](mailto:Greg.Guernsey@austintexas.gov) (Discussion and/or Possible Action)

Greg Guernsey explained that the proposed amendment would allow property owners to install their own zoning signs, instead of city staff. This would likely require the property owner to sign an affidavit and involve photographic proof of the sign's installment, to ensure adequate public notice and awareness of the sign's existence.

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

#### **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 Austin Density Bonus Program and CURE Amendments** – Consider an ordinance amending Chapter 25, related to downtown density bonus program codification and Central Urban Redevelopment (CURE) zoning amendments initiated per Council direction. City Staff: Jim Robertson, Planning and Development Review Department, 974-3564, [Jim.Robertson@austintexas.gov](mailto:Jim.Robertson@austintexas.gov) (Discussion and/or Possible Action)

Erica Leak went over the proposed code amendment, which would move forward a more streamlined version of the density bonus program in the Downtown Austin Plan. This streamlined version would apply to the downtown area, but not the area covered by the Waterfront Overlay; the Waterfront Planning Advisory Board is working on a separate density

bonus for that overlay. Mrs. Leak explained that the calibration of the density bonus wasn't done yet, but should be prepared for the June 11<sup>th</sup> meeting of the full Planning Commission. Commissioners wondered how best to calibrate the bonus to ensure that some affordable housing units were actually built downtown, instead of the developer paying entirely fee-in-lieu. There were also concerns that the MFI level set in the Downtown Austin Plan is too high to accommodate deep levels of affordability.

A motion was made to recommend approval to the full Planning Commission by Commissioner Nortey, seconded by Commissioner Oliver; Commissioner Anderson abstaining. Vote: 5-0-1.

- b. UNO Affordability** – Consider an ordinance amending City Code Chapter 25-2 (University Neighborhood Overlay District Requirements), relating to affordable housing regulations in the University Neighborhood Overlay District affordability requirements. City Staff: Javier Delgado, Neighborhood Housing and Community Development, 974-3154, [Javier.Delgado@austintexas.gov](mailto:Javier.Delgado@austintexas.gov) (Discussion and/or Possible Action)

Javier Delgado explained that two additional recommendations had been added to the UNO affordability amendments that the Planning Commission had already voted on (on June 26, 2012). The additional amendments would: 1) Add group residential to affordability requirements, and 2) increase requirements to include \$0.50 for each square foot of net rentable space, in addition to existing on-site requirements for affordable housing.

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

- c. Electronic Testing and Electronic Prototype Assembly in DMU & CBD** – Consider an ordinance amending Chapter 25 of the city code, to permit electronic prototype assembly and electronic testing in DMU and CBD zoning. 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 described the proposed code amendment, which would permit electronic testing and electronic prototype assembly in CBD and DMU base zoning districts, where those uses are currently prohibited. The Commissioners raised concerns about the possible use of hazardous materials associated with those uses, and the possible proximity to residences.

A motion was made to recommend approval to the full Planning Commission by Commissioner Anderson, seconded by Commissioner Oliver, with direction to staff to obtain input from the Fire Department on possible hazardous materials issues, and present any new information to the full Planning Commission. Vote: 6-0.

## **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) (Discussion)

Greg Dutton gave a brief update of ongoing and upcoming code amendments. Commissioners requested that at a future meeting a list of existing code amendments that might be rolled into the comprehensive code rewrite be presented.

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 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](mailto:greg.dutton@austintexas.gov)