



**PLANNING COMMISSION
CODES AND ORDINANCES SUBCOMMITTEE MINUTES**

**REGULAR MEETING
Tuesday, September 17, 2013**

The Planning Commission Codes and Ordinances Subcommittee convened in a regular meeting on Tuesday, September 17, 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
Myron Smith
Jean Stevens

James Nortey
Stephen Oliver
Jeff Jack – Ex-Officio

City Staff in Attendance:

Greg Dutton, Planning and Development Review
Carol Gibbs, Planning and Development Review
Kate Vickery, Parks and Recreation
Greg Dutton, Planning and Development Review
Carol Gibbs, Planning and Development Review
John McDonald, Planning and Development Review
Greg Guernsey, Planning and Development Review
Jerry Rusthoven, Planning and Development Review
Brent Lloyd, Law Department
Chris Yanez, Parks and Recreation Department
Gina Copic, Neighborhood Housing and Community Development

Others in Attendance:

Annie Armbrust, RECA
Ron Thrower
Katherine Nicely, Sustainable Food Policy Board
Paula McDermott, Sustainable Food Policy Board
Stuart Hersh
Sewah Arche
Susan Hausmann
Jules Kniolek
Nine Francois
Joan Hausmann

Mark Hausmann
Katie Ogden
Amanda Swor, Winstead PC
Mandy DeMayo, Housing Works
Mary Ingle, ANC, NUNA
Isabel Shelton
Jessi Koch
Will Herring

1. CITIZEN COMMUNICATION: GENERAL

- a. Stuart Hersh requested that a future item related to amnesty certificate of occupancy be placed on a future Codes and Ordinances agenda.

2. APPROVAL OF MINUTES

- a. A motion was made to approve the July 16, 2013 minutes by Commissioner Nortey, seconded by Commissioner Oliver. Vote: 5-0.

3. POTENTIAL CODE AMENDMENTS: Proposed for Discussion and/or Initiation

Potential amendments to the code are offered for discussion and/or possible recommendation for initiation. If initiated, Staff will research the proposal and report back to the subcommittee.

- a. **Educational Facility Site Plan Exemptions** – Initiate an amendment to Title 25 of the City Code, to delete section 25-5-2(G), related to educational facility site plan exemptions. City Staff: Andy Linseisen, Planning and Development Review Department, 974-2239, Andy.Linseisen@austintexas.gov (Discussion and/or Possible Action)

This item was postponed, without objection, to the October 15, 2013 subcommittee agenda.

- b. **School Signs** – Initiate an amendment to Title 25 of the City Code to allow independent school districts to install and modify signs without a sign permit. City Staff: Greg Guernsey, Planning and Development Review Department, 974-2387, Greg.Guernsey@austintexas.gov (Discussion and/or Possible Action)

Greg Guernsey explained that Code Compliance had issued citations for certain temporary school signs that are not currently allowed under City Code; a proposed amendment would allow schools to do so.

A motion was made to recommend initiation to full Planning Commission, by Commissioner Oliver, seconded by Commissioner Nortey. Vote: 5-0.

4. REGULAR AGENDA: Previously Initiated

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

- a. **Planned Unit Development (PUD) Affordability** – Consider an ordinance amending Title 25 of the City Code to clarify that the affordable housing requirement for Planned Unit Developments, and fee in lieu of, are calculated using the amount of building square footage in the proposed PUD that exceeds the baseline height or floor to area ratio. City Staff: Jerry Rusthoven, Planning and Development Review Department, 974-3207, Jerry.Rusthoven@austintexas.gov (Discussion and/or Possible Action)

Jerry Rusthoven went over a proposed amendment that would change how affordability is calculated for a Planned Unit Development (PUD). Currently, the affordable housing requirements are based on the total habitable space; the proposed amendment would change that to the “bonused area.” The bonused area is the area over the baseline. Discussion centered on whether the baseline should be just the existing base zoning district, or what a reasonable or presumed zoning might be should the property be developed without PUD zoning. The Commissioners also expressed a strong preference for on-site affordable housing.

A motion was made to recommend approval of staff recommendation to full Planning Commission by Commissioner Nortey, seconded by Commissioner Stevens, with the following amendments:

- The baseline should be calculated using the existing zoning as the baseline.
- On-site affordability should be 60%.

Vote: 5-0.

- b. Urban Farms** – Consider an ordinance amending Chapters 25-2, 3-2, 10-3, and 14-7 of the City Code to amend the definition, requirements, and regulations of the use “Urban Farm,” and to create new uses and definitions related to urban farms. City Staff: Jerry Rusthoven, Planning and Development Review Department, 974-3207, Jerry.Rusthoven@austintexas.gov (Discussion and/or Possible Action)

Jerry Rusthoven went over a proposed ordinance that would amend the definition of a urban farm, as well as create several new uses: market garden, urban farm with facilities for gatherings, indoor crop production, and urban farm with livestock. In addition, the amendment would fix an error and allow the existing uses of animal production, crop production, and support housing in the AG zoning district. Most of the discussion centered on the types of commercial activities that could take place on an urban farm or a market garden, and the impacts of urban farms on surrounding neighborhoods.

A motion was made to recommend approval to full Planning Commission by Commissioner Oliver, seconded by Commissioner Nortey, on a 5-0 vote, with the following amendments:

- No change to the size requirements for urban farms (will stay 1-5 acres)
- Remove “urban farm with livestock” as a proposed new use
- Make “urban farm with facilities for gatherings” a conditional use in all zoning districts
- Do not change animal enclosure spacing requirements
- Market garden should be conditional in residential zoning if no dwelling is present

- c. Vested Development Rights** – Consider an ordinance amending Title 25 of the City Code relating to vested development rights under Chapter 245 and Section 43.002 of the Texas Local Government Code. City Staff: Greg Guernsey, Planning and Development Review Department, 974-2387, Greg.Guernsey@austintexas.gov (Discussion and/or Possible Action)

Greg Guernsey went over a proposed amendment for vested development rights that would be in line with state law. The proposed amendment would make clear the criteria for determining vested development rights of a project.

A motion was made to forward to full Planning Commission with no recommendation by Commissioner Nortey, seconded by Commissioner Stevens, on a 5-0 vote.

- d. ADA Ramps** – Consider an ordinance amending Title 25 of the City Code to allow placement of ADA-compliant ramps in required yard setbacks. City Staff: John McDonald, Planning and Development Review Department, 974-2728, John.McDonald@austintexas.gov (Discussion and/or Possible Action)

John McDonald outlined a proposed amendment that would allow the construction of accessible ramps by non-profit groups, such that they would not be used in a calculation of impervious cover for existing single family homes and duplexes. Commissioners requested that more definitive language be available at the full Planning Commission.

A motion was made to forward to full Planning Commission without a recommendation, by Commissioner Nortey, seconded by Commissioner Oliver, with additional direction that the draft amendment should be applicable to all applicants (not just non-profits), and that an affidavit be provided to prove the ramp's necessity. Vote: 5-0.

- e. **Temporary Signs** – Consider an ordinance amending Title 25 of the City Code to allow commercial images to be temporarily projected on to building facades in the downtown area during certain special events and establish permitting requirements. City Staff: Greg Guernsey, Planning and Development Review Department, 974-2387, Greg.Guernsey@austintexas.gov (Discussion and/or Possible Action)

Greg Guernsey went over a proposed amendment that would allow signs to be projected onto the side of a building to advertise special events, on a temporary basis.

A motion was made to recommend approval to full Planning Commission by Commissioner Oliver, seconded by Commissioner Smith, with the following amendments:

- The area of the advertising may not exceed 50% of the building façade or 6000 square feet, whichever is less.
- The projected advertising may only be displayed beginning one day before the special event starts.

- f. **Lake Austin Approvals** – Consider an ordinance amending Title 25 of the City Code to make the Land Use Commission the review body for granting approvals related to Lake Austin. City Staff: Greg Dutton, Planning and Development Review Department, 974-3509, Greg.Dutton@austintexas.gov (Discussion and/or Possible Action)

Greg Dutton went over a proposal to take certain cases to Planning Commission that are currently going to the Parks and Recreation Board. The proposal comes from the Lake Austin Task Force, whose report suggests that the PAR Board is not the appropriate board to review approvals for docks, bulkheads, and shoreline access.

A motion was made to recommend approval to full Planning Commission by Commissioner Nortey, seconded by Commissioner Oliver, on a 5-0 vote.

- g. **LO Off-Site Accessory Parking** – Consider an ordinance amending Title 25 of the City Code to make off-site accessory parking a conditional or permitted use in the Limited Office (LO) zoning district. City Staff: Greg Dutton, Planning and Development Review Department, 974-3509, Greg.Dutton@austintexas.gov (Discussion and/or Possible Action)

Greg Dutton went over a proposed amendment to make off-site accessory parking a conditional use in the LO zoning district, where it is currently prohibited. A Council resolution asked that the use be make permitted or conditional; staff recommended conditional use due to the adjacency of LO-zoned lots and residentially zoned lots throughout the city.

A motion was made to recommend approval of staff recommendation to full Planning Commission by Commissioner Stevens, seconded by Commissioner Smith, on a 5-0 vote.

5. OTHER BUSINESS

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 9:35 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