



**PLANNING COMMISSION
CODES AND ORDINANCES SUBCOMMITTEE MINUTES**

**REGULAR MEETING
Tuesday, February 18, 2014**

The Planning Commission Codes and Ordinances Subcommittee convened in a regular meeting on Tuesday, February 18, 2014, at 301 W. 2nd Street, City Hall, Room #1027, in Austin, Texas.

Commissioner Chimenti called the meeting to order at 6:04 p.m.

Subcommittee Members in Attendance:

Danette Chimenti
Jean Stevens
Jeff Jack – Ex-Officio

James Nortey
Myron Smith
Stephen Oliver

City Staff in Attendance:

Greg Dutton, Planning and Development Review
Jerry Rusthoven, Planning and Development Review
Carol Gibbs, Planning and Development Review
Chris Herrington, Watershed Protection Department
Andrew Clamann, Watershed Protection Department
Liz Johnston, Planning and Development Review
Chris Yanez, Parks and Recreation Department
Joe Almazan, Planning and Development Review
Eric Dusza, Public Works Department

Others in Attendance:

Stuart Hersh
Michael McGovern, Austin Beerworks
Katherine Loayza
Carol Lee, LATF
Frank Harren

Ron Thrower
Mike McHone
Chip McElroy, Live Oak Brewing
Michael Graham, Austin Beerworks

1. CITIZEN COMMUNICATION: GENERAL

- a. None.

2. APPROVAL OF MINUTES

- a. A motion was made to approve the January 21, 2014 minutes by Commissioner Stevens, seconded by Commissioner Smith. 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. **Amnesty Certificate of Occupancy** – Consider initiation of an amendment to Title 25 of the City Code to change requirements for obtaining an amnesty certificate of occupancy. (Sponsor: Commissioner Stevens; Co-sponsor: Commissioner Oliver). (Discussion and/or Possible Action)

Stuart Hersh explained the need for an amendment to the city’s existing amnesty certificate of occupancy regulations, which currently only allow amnesty COs to be granted to properties with uses and structures existing prior to 1986. Based on January’s subcommittee direction, Greg Dutton had contact the Code Compliance Department about the issue, and Code indicated that they were working on a code amendment related to the Building and Standards Commission and expediting building permits for repairs, but were not working on anything related to an amnesty certificate of occupancy.

A motion was made not to initiate the item, but to get an update at the March meeting on what work is being done regarding expedited permits. Motion by Commissioner Stevens, seconded by Commissioner Smith. Vote: 5-0.

- b. **Small Lot Amnesty** – Consider initiation of an amendment to Title 25 of the City Code to limit the ability to remove a home that complies with zoning regulations and occupies two or more small lots such that small lot amnesty can be used to create additional homes on existing small lots that do not comply with current lot size regulations. City Staff: Greg Guernsey, Planning and Development Review Department, 974-2387, Greg.Guernsey@austintexas.gov (Discussion and/or Possible Action)

Greg Dutton explained that the small lot amnesty tool has been used in the past to disaggregate sites into substandard lots, which is not what the tool is intended to do. The tool is supposed to be used for existing substandard sites where construction or remodeling would otherwise not be possible. The proposed code amendment would clarify the tool cannot be used for disaggregation. The Commissioners indicated that while they would support the initiation of the amendment, that they were wary of unintended consequences, and that discouraging small lot construction, even if it means disaggregation, could be problematic.

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

- c. **Historic Amendments** – Consider initiation of an amendment to Title 25 of the City Code to remove Section 25-11-245 from the Code, which states that the Historic Landmark Commission has 60 days from the date of application to take action on a Certificate of Appropriateness; revise Sections 25-11-243 and 25-11-244 to refer to Section 25-11-213 rather than Code sections which do not exist anymore; revise Section 25-11-247 to restrict who can appeal a decision of the Historic Landmark Commission. City Staff: Steve Sadowsky, Planning and Development Review Department, 974-6454, Steve.Sadowsky@austintexas.gov (Discussion and/or Possible Action)

Steve Sadowsky went over various historic amendments proposed for initiation. Most of the proposed changes are clarifications and clean up items, except for changing how a decision from the HLC can be appealed.

A motion was made to recommend the item to the full Planning Commission for initiation, by Commissioner Stevens, seconded by Commissioner Northey. Vote: 5-0.

- d. Motor Vehicle Parking Reductions** – Consider initiation of an amendment to Title 25 of the City Code related to motor vehicle parking reductions and recently adopted Bicycle Parking Code Amendments. City Staff: Eric Dusza, Public Works Department, 974-6504, Eric.Dusza@austintexas.gov (Discussion and/or Possible Action) ***RELATED TO ITEM 4.b.***

Eric Dusza went over a proposed code amendment that would allow bike share to be counted in parking-reduction calculations. Up to 20 parking spaces could be forgone in return for staging a bike share station. Some of the Commissioners questioned whether 20 spaces was too many, and if reduced parking at a businesses might contribute to parking on neighborhood streets. Commissioners asked that these concerns be addressed if/when the item is initiated.

A motion was made to recommend the item to the full Planning Commission for initiation, by Commissioner Northey, seconded by Commissioner Oliver. 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. STAFF BRIEFING: Lake Austin Amendments** – Consider ordinances to Title 25 of the City Code to amend regulations for docks, marinas, bulkheads, shore fill, and development along Lake Austin, and creating an overlay. City Staff: Chris Herrington, Watershed Protection Department, 974-2840, Chris.Herrington@austintexas.gov; Greg Dutton, Planning and Development Review Department, 974-3509, Greg.Dutton@austintexas.gov (Discussion and/or Possible Action)

Chris Herrington summarized a suite of changes that would affect development along Lake Austin, related to docks, bulkheads, and marinas, as well as the creation of an overlay that would apply to property along the lake. Commissioners asked that when the item returns to the subcommittee, that additional information be supplied to compare the proposed recommendations with the LA Task Force report recommendations, and that more analysis be done of the different types of lots affected by the proposed overlay. In addition, the subcommittee asked that difference variance processes be explained.

No action was taken.

- b. Parking Meters** – Consider an ordinance to amend Title 25 of the City Code to allow metered parking spaces to be counted towards the minimum off-street parking required for non-residential uses. City Staff: Joe Almazan, Planning and Development Review Department, 974-2674, Joe.Almazan@austintexas.gov (Discussion and/or Possible Action) ***RELATED TO ITEM 3.d.***

Joe Almazan described an amendment that would allow non-residential uses to use metered parking to satisfy the required parking for that use. The metered parking would have to be within 250ft of the business. Commissioners had concerns that the reduced parking would

cause overflow parking in adjacent neighborhoods, and wondered if meters that exist on neighborhood streets would be allowed as a part of the calculation. Commissioners asked for a map of where commercial corridors abut residential neighborhoods, and asked that the item return to next month's subcommittee meeting with Transportation Department staff present.

A motion was made to table the item to the March subcommittee meeting, by Commissioner Nortey, seconded by Commissioner Smith. Vote: 5-0.

- c. **Breweries** – Consider an ordinance to amend Title 25 of the City Code to allow breweries to sell alcohol that is produced on-site for on-site consumption. City Staff: Greg Dutton, Planning and Development Review Department, 974-3509, Greg.Dutton@austintexas.gov (Discussion and/or Possible Action)

Greg Dutton explained a proposed amendment that would allow brewers in Austin to sell their own beer on-site for on-site consumption. Some additional requirements included a floor area limitation, compatibility (distance) requirement, and on-site parking. Brewers expressed a desire to allow consumption while on a tour of the brewery, and also that the floor area limitation might be too strict.

A motion was made to recommend the item to the full Planning Commission, by Commissioner Stevens, seconded by Commissioner Smith, with an amendment to increase the floor area percentage to 33%. Vote: 4-0-1 (Commissioner Oliver abstaining).

5. OTHER BUSINESS

- a. **Policy Issues and Priorities Standing Item: Affordability** – Discuss issues around affordability in the City of Austin. (Sponsor: Commissioner Anderson; Co-Sponsor: Commissioner Oliver) (Discussion and/or Possible Action)

Commissioner Jack gave an overview of the presentation that he will make at next month's subcommittee meeting.

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 (Discussion and/or Possible Action)

Greg Dutton gave a brief update on 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/or possible recommendation to the full Planning Commission at a FUTURE meeting.

ADJOURNMENT

Commissioner Chimenti adjourned the meeting without objection at 9:30 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