



**PLANNING COMMISSION  
CODES AND ORDINANCES SUBCOMMITTEE MINUTES**

**REGULAR MEETING  
Tuesday, June 17, 2014**

**The Planning Commission Codes and Ordinances Subcommittee convened in a regular meeting on Tuesday, June 17, 2014, at 301 W. 2<sup>nd</sup> Street, City Hall, Room 1027, Austin, Texas.**

Commissioner Chimenti called the meeting to order at 6:03 p.m.

**Subcommittee Members in Attendance:**

Danette Chimenti  
Jeff Jack – Ex-Officio  
James Nortey

Nuria Zaragoza  
Stephen Oliver

**City Staff in Attendance:**

Greg Dutton, Planning and Development Review  
Jerry Rusthoven, Planning and Development Review  
Carol Gibbs, Planning and Development Review  
Gary Schatz, Transportation Department  
Nathan Wilkes, Public Works Department  
Nadia Barrera, Public Works Department

**Others in Attendance:**

Stuart Hersh  
Frank Harren  
Michael Fossum  
Kristi Stillwell  
Mary Ingle  
Robert Kleeman  
Dorsey Twidwell  
Kunda Wicce

Cynthia Wilcox  
Cory Brown  
Zoila Vega  
Rollin MacRae  
Marcus Denton  
Richard Viktorin

**1. CITIZEN COMMUNICATION: GENERAL**

- a. Stuart Hersh expressed his desire for items from Council to receive a public hearing in a timely manner.
- b. Members of Austinites for Urban Rail Action (AURA) expressed a desire for items initiated by the current Council to have a chance to review said items before new Council members are seated in January.

No action was taken.

**2. APPROVAL OF MINUTES**

- a. A motion was made to approve the May 20, 2014 minutes by Commissioner Oliver, seconded by Commissioner Nortey. Vote: 3-0-1 (Commissioner Zaragoza abstaining).

### **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. **Alley Fences** – Consider initiation of an amendment to Title 25 of the City Code to allow solid fencing eight feet in height along an alley that separates a residential use and a commercial or industrial use. City Staff: Greg Guernsey, Planning and Development Review Department, 974-2387, [Greg.Guernsey@austintexas.gov](mailto:Greg.Guernsey@austintexas.gov); (Discussion and/or Possible Action).

Greg Dutton explained that under the current land development code the construction of an eight foot fence is permissible if it separates a residential use/zoning from an abutting industrial or commercial use/zoning. However, it is not permissible to construct an eight foot fence between a residential use/zoning and industrial or commercial use/zoning if the uses are separated by an alley. The proposed change would allow construction of an eight foot fence even if the aforementioned uses/zoning are separated by an alley.

A motion was made to initiate the request to initiate by Commissioner Nortey, seconded by Commissioner Zaragoza. Vote: 4-0.

### **4. REGULAR AGENDA: Previously Initiated**

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

- a. **Bicycle Master Plan Update** – Consider an ordinance to Austin Metropolitan Area Transportation Plan (AMATP) to update the existing Bicycle Master Plan. City Staff: Nathan Wilkes, Austin Transportation Department, 974-7016, [nathan.wilkes@austintexas.gov](mailto:nathan.wilkes@austintexas.gov); (Discussion and/or Possible Action).

Nathan Wilkes presented an update to the Bicycle Master Plan. The update would cost approximately \$150M if fully implemented (capital costs). Mr. Wilkes noted that the plan had received extensive staff input and vetting, and was informed by the content of the Imagine Austin Comprehensive Plan. The plan is also designed to be neutral for traffic volumes, meaning no congestion is anticipated due to the plan.

A motion was made to recommend to the full Planning Commission by Commissioner Nortey, seconded by Commissioner Oliver. Vote: 4-0.

- b. **Urban Trails Master Plan** – Consider an ordinance to the Imagine Austin Comprehensive Plan to create an Urban Trail Master Plan. City Staff: Nadia Barrera, Public Works Department, 974-7142, [nadia.barrera@austintexas.gov](mailto:nadia.barrera@austintexas.gov); (Discussion and/or Possible Action)

Nadia Barrera presented the Urban Trail Master Plan. The plan would cost approximately \$360M if fully implemented (approximately \$2M per mile, 180 miles proposed). As a part of developing the UTMP the neighborhood plans were reviewed (and trails within NPAs receive additional points in the prioritization matrix), and has had extensive staff vetting.

Questions and concerns were primarily about the design and materials used for new trails. Ms. Barrera pointed out that decomposed granite, used extensively today, is actually a very poor trail surface, due to ease of erosion. Some of the public believed that the proposed trails are too wide and that the use of impervious surfacing is not appropriate, and could harm tree roots if placed in close proximity. Ms. Barrera replied that the trails were targeting an “eight to eighty” audience (useable by an eight or eighty year old person), and that although the UTMP was largely in line with the Urban Forestry Master Plan, the latter was in some cases more restrictive than the UTMP and did not match up.

A motion was made to recommend to the full Planning Commission by Commissioner Nortey, seconded by Commissioner Oliver, and to include the recommendations of the Environmental Board. Additional direction to staff to provide the full Planning Commission with a prioritization list (or map) of trails. Vote: 4-0.

- c. **Posting of Signs** – Consider an ordinance to Title 25 of the City Code to require applicants to post signs instead of City staff. 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).

Jerry Rusthoven went over a proposed code change that would require applicants to post case-related signs on the subject property instead of staff, as is done under the current code.

Commissioners expressed concerns that applicants/developers might have a motive to not put up signs, and that they might also resent having to do something that they previously didn’t have to do.

A motion was made to deny by Commissioner Oliver, seconded by Commissioner Nortey. Vote: 4-0.

- d. **STAFF BRIEFING: Micro Units** – Update from staff on proposed changes to the Land Development Code to remove barriers to micro unit development. 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).

Jerry Rusthoven described a proposed amendment that would make it easier to develop micro units – efficiency apartments under 400 square feet. These small units would be permitted on Core Transit Corridors or Future Core Transit Corridors, be permitted in certain zoning districts, have a parking reduction, and an on-site affordability requirement. Micro units could be mixed into a building with other non-efficiency apartments, or an entire building of micro units could be constructed. Stuart Hersh expressed a desire for the proposed affordability requirement to address deeper levels of affordability.

No action was taken.

- e. **Mobile Retail** – Consider an ordinance to Title 25 of the City Code to allow mobile retail sales. 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 went over a code amendment that would allow mobile retail sales and services in Austin. Current code prohibits mobile retail, but does allow temporary sales on a limited basis, via the temporary use permit process. The proposed code amendment would work in a fashion similar to mobile food vending, with operating areas restricted by zoning, and additional compatibility requirements limiting noise, setback, and hours of operation.

Commissioners expressed concern that because there is no on-site parking requirement that mobile retailers might take up required parking for existing businesses, and that adjacent neighborhoods would be impacted with overflow parking. Gary Schatz with the Austin Transportation Department explained that Residential Permit Parking was available to single family neighborhoods, but requires neighborhood organizations to take the initiative to have RPP put in place. In addition, parking benefits districts (with meters) can be established in neighborhoods, but RPP enforcement is not possible without meter revenue to fund it. Commissioners asked if application fees from mobile retail could be earmarked for RPP funding and enforcement (answer pending).

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

- Prohibit mobile retailers from using required parking for another business
- Include a bad actor provision
- Prohibit flashing LED signs
- Require some type of registration or review by staff before operations commence

Vote: 4-0.

## 5. OTHER BUSINESS

- a. Residential Over-Occupancy (Stealth Dorm) Working Group Recommendations** – Discuss ongoing working group activity and recommendations related to over-occupancy of residential dwellings. Commissioner Stevens. (Discussion and/or Possible Action).

Postponed without objection to the June subcommittee meeting.

- b. 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)

Commissioners briefly discussed affordable housing.

No action was taken.

- c. 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 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 9:35 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](mailto:greg.dutton@austintexas.gov)