



**PLANNING COMMISSION
CODES AND ORDINANCES SUBCOMMITTEE MINUTES**

**REGULAR MEETING
Tuesday, November 18, 2014**

The Planning Commission Codes and Ordinances Subcommittee convened in a regular meeting on Tuesday, November 18, 2014, at 505 Barton Springs Rd, Room 500, One Texas Center, in Austin, Texas.

Commissioner Nortey called the meeting to order at 6:02 p.m.

Subcommittee Members in Attendance:

Stephen Oliver
Jeff Jack – Ex-Officio
James Nortey

Jean Stevens
Nuria Zaragoza

City Staff in Attendance:

Greg Dutton, Planning and Development Review
Ming Chu, Planning and Development Review
Carol Gibbs, Planning and Development Review
Jerry Rusthoven, Planning and Development Review
Brent Lloyd, Law Department

Others in Attendance:

David King
Karen McGraw
Mary Ingle
Blake Tollett
Kevin Heyburn
Kim Butler
Kara Nuzback
Karen Saadeh

Sharon Brown
Wanda Penn
Joyce Bosciano
Richard Suttle
Stuart Hersh
Peggy Butler
Ryan Homan
Robert Kleeman

1. CITIZEN COMMUNICATION: GENERAL

- a. Stuart Hersh expressed a desire to have a previously initiated code amendment regarding Rainey St. density bonus program go back to Council as soon as possible. In addition, he asked that a previously discussed item regarding amnesty certificates of occupancy be taken up again by the subcommittee.

No action was taken.

2. APPROVAL OF MINUTES

- a. A motion was made to approve the October 21, 2014 minutes by Commissioner Stevens, seconded by Commissioner Oliver. Vote: 4-0 (Commissioner Chimenti absent).

3. UNFINISHED 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 to the December 16 subcommittee meeting without objection.

4. 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. **Site Plan Extension Appeal** – Discuss and consider initiation of a code amendment related to site plan extension appeals. City Staff: TBD; (Discussion and/or Possible Action).

Robert Kleeman explained that he wanted clarification on Planning Commission's role in determining who has standing for site plan extension appeals. Brent Lloyd explained that the City takes appeals seriously and schedules different appeals to different boards or commissions, depending on the subject matter of the appeal. All zoning matter appeals go to the Board of Adjustment; an appeal that is posted on an agenda effectively stops a project. Mr. Lloyd further explained that an appeal that on a subject that is outside the purview of a particular body cannot go to that body for review.

Commissioner Nortey recessed the meeting to go into Executive Session at 6:12pm.

Commissioner Nortey called the meeting back to order at 6:55pm.

Commissioners expressed a desire for CodeNEXT to have creative land use classifications to avoid situations where land use determinations don't fit actual uses.

A motion was made to deny initiation of an amendment by Commissioner Oliver, seconded by Commissioner Zaragoza. Vote: 4-0 (Commissioner Chimenti absent).

5. REGULAR AGENDA: Previously Initiated

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

- a. **Accessory Dwelling Units** – Consider an ordinance amending Title 25 of the City Code related to accessory dwelling units. City Staff: Ming Chu, Planning and Development Review, 974-6413, Ming-ru.Chu@austintexas.gov; (Discussion and/or Possible Action).

Ming Chu gave a presentation on accessory dwelling units (ADUs), noting that over time Austin has gotten less affordable and that proposed amendments should help reduce the cost of building a secondary unit. The primary changes are a proposed reduction in parking and a change to how parking must be accommodated on-site, as well as setback changes.

Commissioners expressed concern that the units might not actually be affordable, and that a reduction in required parking might exacerbate situations where cars already crowd streets. Commissioners also felt that the issue might be better dealt with via an opt-in/opt-out process,

so that neighborhood contact teams could decide whether they wanted to apply the proposed changes to their neighborhood planning area, but that this type of process should handle multiple amendments at once, so that stakeholders and staff don't get burned out. Commissioners also expressed a desire to restrict Type II STRs in new ADUs and to make no changes to the parking requirements.

A motion was made to table the item to the next subcommittee meeting by Commissioner Zaragoza, seconded by Commissioner Stevens. Vote: 3-0 (Commissioner Oliver and Chimenti absent).

- b. CBD & DMU** – Consider an ordinance amending Title 25 of the City Code relating to the regulation of residential uses in the Downtown Mixed Use and Central Business District zoning districts. City Staff: Greg Dutton, Planning and Development Review Department, 974-3509, Greg.Dutton@austintexas.gov; (Discussion and/or Possible Action).

Greg Dutton summarized a code amendment that would permit several residential uses in CBD and DMU zoning districts where those uses are currently prohibited. In addition, the proposed amendment would exempt CBD and DMU zoning districts from Subchapter F (McMansion).

A motion was made to recommend the item to full Planning Commission by Commissioner Zaragoza, seconded by Commissioner Stevens. Vote: 3-0 (Commissioner Oliver and Chimenti absent).

- c. Congress Avenue Combining District** – Consider an ordinance amending Title 25 of the City Code related to the Congress Avenue combining district. City Staff: Greg Dutton, Planning and Development Review Department, 974-3509, Greg.Dutton@austintexas.gov; (Discussion and/or Possible Action).

Jerry Rusthoven explained a code amendment that would change the setback on the east side of Congress Avenue for the Congress Avenue combining district. The current setback requires that within 60 feet of Congress Avenue, building height is 30 feet minimum and 90 feet maximum; the proposed amendment would change the setback from 60 feet to 40 feet. The change would align the LDC with existing Texas State law, which recently specified a setback of 40 feet for the east side of Congress Avenue.

A motion was made to recommend the item to full Planning Commission by Commissioner Zaragoza, seconded by Commissioner Stevens, with the following amendment:

- Keep the setback at 60 feet for the east side of Congress Avenue, north of 9th St.

Vote: 3-0 (Commissioner Oliver and Chimenti absent).

6. OTHER BUSINESS

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

Postponed without objection to the December subcommittee meeting.

- 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 quick update on current code amendments, noting that the list of adopted and upcoming code amendments would be revised for the December subcommittee meeting.

No action was taken.

7. 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 Nortey adjourned the meeting without objection at 9:00 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