



**PLANNING COMMISSION
CODES AND ORDINANCES SUBCOMMITTEE MINUTES**

**REGULAR MEETING
Tuesday, March 17, 2015**

The Planning Commission Codes and Ordinances Subcommittee convened in a regular meeting on Tuesday, March 17, 2015, at 301 W. 2nd Street, City Hall, Room #1027, in Austin, Texas.

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

Subcommittee Members in Attendance:

Stephen Oliver
Jeff Jack – Ex-Officio

James Nortey
Jean Stevens

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
George Zapalac, Planning and Development Review
George Adams, Planning and Development Review
Marcus Elliot, Code
Paul Tomasovic, Code
Brent Lloyd, Law
Trish Link, Law

Others in Attendance:

David King
Karen McGraw
Tracy Witte
Lorre Weidlich
Frank Harren
William Burkhardt
David Whitworth

Molly Alexander
Bruce Sheehan
Kara Nuzback
Paula Reckson
Steven Macon
Dave Sullivan

1. CITIZEN COMMUNICATION: GENERAL

- a. Karen McGraw expressed a desire for a code change to Subchapter F, in order to change how gross floor area exemptions can be taken for garages and carports.

No action was taken.

- b. Frank Harren explained the need for more areas of Austin to accommodate growth other than just the centers and corridors described in Imagine Austin, and stated that more supply would be necessary to meet affordable housing goals.

2. APPROVAL OF MINUTES

- a. A motion was made to approve the February 5, 2015 minutes by Commissioner Oliver, seconded by Commissioner Stevens, with a note to change instances of “regular meeting” to “special-called meeting.” Vote: 3-0 (Commissioner Chimenti and Zaragoza absent).

3. NEW BUSINESS

- a. **Commercial Uses on Residentially-Zoned Property** – Discussion of current regulations regarding commercial uses on residentially-zoned property. (Sponsor: Commissioner Nortey; Co-Sponsor: Commissioner Oliver) (Discussion).

Jerry Rusthoven explained that commercial activities performed on residentially-zoned property were difficult to determine, in part because it can be difficult to tell if a commercial transaction has occurred. For short term rentals, for instance, it might be helpful to clarify what types of activities are permitted as a part of that use, and whether they are residential or commercial in nature.

The item was tabled to the next subcommittee meeting to continue the conversation, as necessary. No action was taken.

- b. **Subdivision Connectivity** – Legal briefing and discussion of current regulations regarding subdivision connectivity. (Sponsor: Commissioner Nortey; Co-Sponsor: Commissioner Chimenti) (Discussion).

Brent Lloyd with the Law Department went over a memo summarizing the Planning Commission’s role in approving and denying subdivision plats based on connectivity. Law’s interpretation of City Code 25-4-151 is that Planning Commission has the ability to deny or approve variances that depart from connectivity, but does not have the ability to impose its own departure from connectivity if none is being asked for. Although 25-4-151 is written in a way that may appear to give PC full discretion to limit connectivity, Mr. Lloyd pointed out that taking other parts of the code into account and based on the history of 25-4-151, Law’s interpretation is that 25-4-151 does not allow PC to reject approval of a subdivision plat based on inclusion of connections to existing streets.

Commissioners discussed whether a fully discretionary role for PC was appropriate on the topic of connectivity. The Commissioners will take up this topic at their upcoming retreat so that all PC members can discuss it.

No action was taken.

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. **Subchapter F: East Riverside Corridor and Transit Oriented Districts** – Consider an amendment to Title 25 of the City Code to clarify that Subchapter F does not apply to property

zoned ERC or TOD. 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 exempt the ERC and TOD zoning districts from Subchapter F (McMansion) regulations. The special area plans that have ERC and TOD zoning supersede existing and/or conflicting city regulations, but it's not explicit that Subchapter F doesn't apply, causing confusing. The proposed amendment will clarify that TOD and ERC zoning are exempt from Subchapter F.

Commissioners asked that when the item comes back for adoption that there be further explanation, with visual aids, to show how compatibility might change on the boundary between areas where Subchapter F does and doesn't apply.

A motion was made to recommend the item to full Planning Commission by Commissioner Oliver, seconded by Commissioner Stevens. Vote: 3-0 (Commissioner Chimenti and Zaragoza 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 amendment to 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 recapped previous discussions on ADUs and the proposed amendments. Ms. Chu explained that a previous request from the Subcommittee to work with Opticos on a flexible approach to ADUs would not be possible outside of CodeNEXT, and that staff still felt that an opt-in/out approach would not be appropriate and that the proposed amendment should be applied city-wide. Jerry Rusthoven further explained that it was staff's feeling that because the proposed amendments did not change where ADUs could be built, but simply made them easier to build, that it did not warrant an opt-in/out process for adoption.

Commissioners discussed whether the proposed amendments were too general to be applied city-wide, with the feeling that the proposed changes might work for some neighborhoods but not for others.

A motion was made to recommend the item to full Planning Commission with an amendment to allow neighborhood planning areas with adopted neighborhood plans to opt-out of the new amendments if they so choose, such that the decisions made during the original neighborhood planning process would remain in place; by Commissioner Oliver, seconded by Commissioner Stevens. Vote: 2-1 (Commissioner Stevens nay; Commissioner Chimenti and Zaragoza absent)(motion failed). The item will move to full PC with no recommendation.

- b. **Residential Design and Compatibility Commission Dissolution** – Consider an amendment to Title 25 of the City Code to dissolve the Residential Design and Compatibility Commission. 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 dissolve the Residential Design and Compatibility Commission. In September, 2014, the RDCC sent a memo to Council asking to be dissolved due to a general paucity of cases being heard by the Commission, and in December Council passed a resolution initiating a code amendment to dissolve the Commission. Meeting attendees from the RDCC indicated that they would like the Neighborhood Plan Subcommittee to look into how to continue RDCC-type work in order to preserve support neighborhoods and NCCDs.

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

- c. **Adult Oriented Businesses** – Consider an amendment to Title 25 of the City Code related to the location requirements and zoning regulations for adult-oriented businesses. 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 to change the location and zoning requirements for adult-oriented businesses. The amendment was initiated by Council to address the additional residents and families now living downtown, and would add museums and libraries to the list of things that AOBs must be 1000 feet away from. In addition, the amendment would make all AOBs conditional in the CBD and DMU zoning districts.

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

- d. **Outdoor Fitness Activities** – Consider an amendment to Title 25 of the City Code related to zoning requirements for certain types of outdoor fitness activities. City Staff: Greg Dutton, Planning and Development Review Department, 974-3509, Greg.Dutton@austintexas.gov; (Discussion and/or Possible Action).

Jerry Rusthoven explained a proposed amendment that would address noise impacts from outdoor activities. The amendment includes two parts: one part addresses noise itself, and is being handled by the Austin Police Department. The other part concerns the outdoor activities that create the noise, and that is being handled by PDRD. Mr. Rusthoven explained that the staff proposal was to create a new land use similar to personal improvement services, but that included an outdoor component and would require a CUP from PC. The Council Resolution for the item asks PC to hold two stakeholder meetings to discuss the issue; the Commissioners indicated a desire to hold special-called meetings to discuss the issue.

Staff will work with the Commissioners to generate a stakeholder list and set up two special-called meetings of the Codes and Ordinances Subcommittee to discuss the item.

No action was taken.

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).

The item was not discussed and 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).

The item was not discussed and 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 8:30 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