



**PLANNING COMMISSION  
CODES AND ORDINANCES SUBCOMMITTEE MINUTES**

**REGULAR MEETING  
Tuesday, May 19, 2015**

**The Planning Commission Codes and Ordinances Subcommittee convened in a regular meeting on Tuesday, May 19, 2015, at 301 W. 2<sup>nd</sup> Street, City Hall, Room #1027, in Austin, Texas.**

Commissioner Nortey called the meeting to order at 6:05 p.m.

**Subcommittee Members in Attendance:**

Jeff Jack – Ex-Officio  
James Nortey

Danette Chimenti  
Nuria Zaragoza

**City Staff in Attendance:**

Greg Dutton, Planning and Zoning  
Carol Gibbs, Planning and Zoning  
Ming Chu, Planning and Zoning  
Tonya Swartzendruber, Planning and Zoning  
Sangeeta Jain, Development Services  
Eric Dusza, Public Works  
Marcus Elliott, Code  
Paul Tomasovic, Code

**Others in Attendance:**

Autumn Deul  
Tracy Smith  
Joann Estrada  
Kristen Hottpp  
Scooter Cheatham  
Mary Ingle

Jeff Seiden  
Bill Minor  
Paula Reckson  
Lorre Weidlich  
Wanda Penn

**1. CITIZEN COMMUNICATION: GENERAL**

- a. Scooter Cheatham discussed a desire to have school structures meet standard compatibility requirements. Mary Ingle added that school sites should have their own zoning category with compatibility and density requirements.

**2. APPROVAL OF MINUTES**

- a. Approval of the March 17, 2015 minutes.

Postponed without objection to the June meeting.

- b. Approval of the April 21, 2015 minutes.

A motion was made to approve the minutes by Commissioner Chimenti, seconded by Commissioner Nortey. Vote: 3-0 (Commissioner Stevens and Oliver absent).

### 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. **ERC Drive-Throughs** – Consider an amendment to Title 25 of the City Code to amend the East Riverside Corridor Regulating Plan to add an address to the list of existing drive-throughs. City Staff: Tonya Swartzendruber, Planning and Zoning Department, 974-3462, [Tonya.Swartzendruber@austintexas.gov](mailto:Tonya.Swartzendruber@austintexas.gov); (Discussion and/or Possible Action).

Tonya Swartzendruber explained a code amendment to update the list of pre-existing drive-throughs in the East Riverside Corridor Regulating Plan. The plan prohibits drive-throughs but allows pre-existing drive-throughs to continue to operate for a period of time. The address in question has a pre-existing drive-through and was omitted by mistake.

Recommended to the full Planning Commission for initiation by Commissioner Chimenti, seconded by Commissioner Zaragoza. Vote: 3-0 (Commissioner Stevens and Oliver absent).

### 4. **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](mailto:Ming-ru.Chu@austintexas.gov); (Discussion and/or Possible Action).

Ming Chu went over a proposal to amend regulations for secondary dwelling units. The changes include a reduction in parking outside the core, although inside the core the parking would stay the same. The driveway requirement would be eliminated, so that an ADU would not need paving up to the secondary unit. Other minor changes include setback reductions.

Discussion from the public and Commissioners noted that any parking reduction might cause issues, although neighborhoods in the core where on-street parking is at a premium. There was also concern that any ADUs wouldn't necessarily be affordable, although additional units on the market would help satisfy demand, so long as the units weren't used at type 2 STRs.

A motion was made to recommend the item to full Planning Commission by Commissioner Zaragoza, seconded by Commissioner Chimenti, with additional direction to staff to include in the staff report that Council consider addressing sub-metering and pre-approved ADU plans. Vote: 3-0 (Commissioner Stevens and Oliver absent).

### 5. **OTHER BUSINESS**

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

Greg Dutton explained that PZD had looked at what types of activities taking place in SF-3 zoned property might constitute commercial activities, but that social media actions did not constitute commercial activities. Marcus Elliot further explained that the State Comptroller was looking into whether non-cash transactions could constitute payment for lodging and show that an STR existed, but that was still pending.

No action taken.

- b. Sidewalk Fee-in-Lieu** – Discuss current policy and practice regarding sidewalk fee-in-lieu payments and projects. (Sponsor: Commissioner Zaragoza; Co-Sponsor: Commissioner Chimenti); (Discussion).

Sangeeta Jain went over the existing sidewalk fee-in-lieu payment and discretion that staff has to allow or not allow FIL payments. The Commissioners discussed whether the fee level was appropriate (it's currently \$7.50 per sq. ft) and if the criteria used to evaluate FIL requests is also appropriate.

No action was taken.

- c. Short-Term Rentals** – Discuss current regulations and enforcement regarding advertising of short-term rentals. (Sponsor: Commissioner Zaragoza; Co-Sponsor: Commissioner Chimenti); (Discussion).

Paul Tomasovic with Code went over existing regulations for how an STR can be advertised. The current code prohibits advertising a situation or environment that would violate the code, but when an STR advertises that it sleeps 12, Code cannot consider that a violation, since a family of 12 would be permitted. Code is currently working on a number of amendments to the existing STR regulations that mostly have to do with enforcement, and will be taking these proposals to Council to ask that Council consider initiating code amendments.

The Commissioners indicated that they would like Code to come back at a future meeting to go over their proposed changes to the STR regulations.

No action was taken.

- d. 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.

- e. 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 went over a list of recent and current amendments. No action was taken.

## 6. FUTURE AGENDA ITEMS

*Discussion of potential items for future agendas. These 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 subsequent meeting.*

- a.** Post an item on the June agenda for discussion/possible action to initiate a code amendment related to educational facility development standards (sponsor: Commissioner Chimenti, co-sponsor: Commissioner Zaragoza).
- b.** Post an item on the June agenda for discussion/possible action to initiate a code amendment related to sidewalk fee-in-lieu payments and regulations (sponsor: Commissioner Zaragoza, co-sponsor: Commissioner Chimenti).

Commissioners asked that an item be placed on a future agenda regarding STR advertising and enforcement (sponsor Commissioner Zaragoza, co-sponsor Commissioner Chimenti).

## **ADJOURNMENT**

Commissioner Nortey adjourned the meeting without objection at 8:45 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)