

**MINUTES
AUSTIN CITY PLANNING COMMISSION
TUESDAY, JANUARY 11, 2005
5:30 P.M.
AUSTIN CITY COUNCIL CHAMBERS**

MEMBERS PRESENT: Brian D. Johnson, Janet Anderson, Glen Mair, Suzanne McCarthy, Lynn Spainhower, Elizabeth Bankes and Gordon Kuehne

MEMBERS ABSENT: Richard Bergstrom and Sue Grove

OTHERS PRESENT: Craig Hoium, Craig Byram, Council member Dick Pacholl, Council member Scott Pacholl, Council member Brian McAlister, media and public

The meeting was called to order by Commission Member Brian D. Johnson at 5:30 P.M.

Commission Member Johnson pointed out that the minutes from December 14, 2005 state that the meeting was held in the Austin Public Library and it should be the City Council Chambers.

Commission Member Anderson made a motion to approve the December 14, 2005 minutes with the correction to the location, seconded by Commission Member Kuehne. Motion passed unanimously.

2005 Appointments:

Craig Hoium welcomed the new members to the Planning Commission. He then stated the need to nominate a chairperson and vice-chairperson. Last years Chairperson was Brian D. Johnson and the Vice-Chairperson was Sue Grove. He pointed out to the members that during the winter semester Sue Grove will be teaching a Tuesday night class. He opened the floor for nominations for these positions for 2005.

Commission Member Anderson made a motion to nominate Commission Member Johnson as Chairperson for 2005, Commission Member McCarthy seconded this nomination.

Mr. Hoium asked for any other nominations for Chairperson. No other nominations, motion passed unanimously.

Commission Member Johnson made a motion to nominate Commission Member Kuehne as Vice-Chairperson for 2005, seconded by Commission Member Mair.

Mr. Hoium asked for any other nominations for Vice-Chairperson. No other nominations, motion passed unanimously.

SIGN APPEAL: To consider the appeal from Progressive Hair, 301 4th Ave NE for the denial of the issuance of a sign permit. This appeal involves the placement of a store front awning which would have a clearance of 7 feet, 7 inches above the adjacent sidewalk. City Code Section 4.50, Schedule VI, E requires the minimum clearance of 8 feet.

Craig Hoium reviewed the appeal. He pointed out that the 5” variance is requested to cover the aluminum above the windows.

Commission Member Kuehne asked how far the awning would stick out.

Mr. Hoium said it would stick out 18” which is the maximum dimension. All the other dimensions for the awning are within compliance of the ordinance.

Commission Member Johnson asked for any other questions.

Commission Member Mair made a motion to recommend approval of the sign appeal to the City Council, seconded by Commission Member Anderson. Motion passed unanimously.

OTHER BUSINESS: Review of minor revisions to draft ordinance regulating vehicle storage in residential and commercial areas.

Craig Hoium said the City Council reviewed the changes made to the ordinance at two different public meetings and the public had two concerns. The first one is relating to the term “temporary storage” and limiting that to six months. The second issue was concerning the surfacing of the RV storage area. In the draft it was stated to have the areas be hard surfaced or a granular material. They made a request to have those areas be grass if the owner so chooses. From the outcome of the two public meetings changes were made to the ordinance. These changes do not require Planning Commission action. Mr. Hoium stated he wanted to make the Planning Commission aware of the changes. He then asked if there were any questions?

Commission Member Kuehne said if you take out the six months what is the meaning of temporary?

Mr. Hoium said the way we have enforced this in the past is that when a complaint is made we notify the property owner that if they have a recreational vehicle on their property in the summer months that during the winter months it needs to be stored off-site. That has worked for us, we just thought when we were drafting the changes to this ordinance it would be to our advantage to put in a specific time frame. With these concerns from the public the recommendation from the City Council was to make some revisions.

Commission Member Johnson asked if the City Council had approved the ordinance.

Mr. Hoium said no, it will go to the Council next Tuesday.

Commission Member Kuehne said he is against the six months being taken out of the definition because it makes the definition to ambiguous.

Mr. Hoium said many of the citizens present at the Council Meeting have RV’s on their property for seven to nine months.

Commission Member Kuehne said he thinks it will ruin the effectiveness of the ordinance to take out the six months.

Mr. Hoium said the new ordinance will prohibit storage in front yard areas, the number of vehicles stored on the property and that the property must be occupied to store any vehicles at all. Most important to the Planning & Zoning Department is the provision that makes the process easier for the staff to get those issues resolved.

Commission Member Spainhower asked if Commission Member Kuehne's concern was about parking in the front yard area?

Commission Member Kuehne said his concern is the look of our community.

Commission Member Spainhower said RV's must be parked in the rear yard area.

Commission Member Kuehne said as long as it is hard surfaced it can be in the front yard.

Mr. Hoium said there are three different categories. In the rear yard two RV's can be stored. In a side yard and front yard area one RV can be stored. If the vehicle is in the front yard area it must be on hard surfacing adjacent to the driveway.

Commission Member Kuehne said as long as no one complains, recreational vehicles can sit for who knows how long.

Commission Member McCarthy asked why people are not using the storage facilities in town.

Commission Member Bankes asked if this ordinance includes cars and other vehicles.

Commission Member McCarthy said she thinks the cars have to be drivable.

Mr. Hoium said that they have to be licensed, operable and also have to meet building setbacks.

Commission Member Spainhower asked if the concern from the citizens is that they have an RV stored on their property during the non-summer months and it was a hardship for them to store it off-site?

Mr. Hoium said it was more of a hardship in that the citizens would have their RV's on their property for seven months out of the year and no one has ever complained. Mr. Hoium proposed the six month time limit, but the City Council recommended to eliminate this six month time frame.

Commission Member Spainhower said taking the six months out of the definition dilutes the strength of the ordinance.

Commission Member McCarthy said the rear yard versus the front yard can be tricky. In her neighborhood some front yards are in someone else's rear yard because of the way the lots are set up.

Mr. Hoium said that in this ordinance if you have a thru lot the rear yard area has the same restrictions as a front yard area.

Commission Member Johnson asked if Mr. Byram has looked at this definition and the ability to enforce these issues.

Craig Byram said that anytime you do not clearly define a term you run into potential due process questions whenever the ordinance is to be enforced. The land owners can make the argument that they did not know what "temporary" meant. That is why Mr. Hoium wanted to define the term. All of the other issues with this ordinance will still be resolved with the changes made. We will just have an ordinance with an ambiguous term defining temporary storage.

Commission Member Kuehne asked if RV means any type of vehicle including cars.

Mr. Byram said yes.

City Council Member Dick Pacholl, stated that there were two issues concerning the citizens. The first is that many people use their RV's for three to four months and then store them in their backyards the rest of the time meeting setback regulations. The second is that as long as they are licensed, movable and insured it should be okay.

Commission Member Kuehne said one man's junk is another man's treasure.

Mr. Pacholl said there are many people who cannot afford to rent space somewhere else.

Commission Member Spainhower said she understood people who say, why should we pay to store it somewhere else when they are able to store it on their property.

Mr. Pacholl asked if there is a limit on how many vehicles can be stored.

Mr. Hoium said yes there is a lengthy definition for vehicles.

Mr. Byram said the temporary terminology refers only to RV's and not other vehicles.

Commission Member Kuehne asked how long other vehicles can stay on the property.

Mr. Byram said you can have two passenger vehicles and two RV's in the backyard.

Commission Member Kuehne said that if everyone in the city did that we would have a dump.

Commission Member Johnson said the ordinance referred to registered passenger vehicles and wanted to know if they had to be operable also?

Mr. Byram said yes, they must be operable.

Mr. Hoium said no action is required from the Planning Commission on this ordinance. We have already gone through this and this is just discussion. The City Council will get the minutes from this meeting and they can decide whether to table it or make other changes.

Commission Member Johnson said this is only for our information.

Mr. Hoium said yes. His recommendation was to leave it the way it was. The main reason for drafting this ordinance was because of the problem with the number of cars and getting those problems resolved.

Glen Bakke, 1206 11th Ave SW, if you were to put the six months back into the terminology how are you going to determine when the six months starts and ends?

Commission Member Kuehne said it does not go by the calendar but how long the vehicle sits there.

Mr. Hoium said it is the accumulative time period in one year.

Commission Member Kuehne made a motion to recommend to the Council that the six months be put back into the terminology, seconded by Commission Member McCarthy. Motion passed with 4 ayes and two nays. The nays being Commission Member Anderson and Commission Member Bankes.

Deanna Bakke, 1206 11th Ave SW, when you put the six months back in are you making it clear that it is accumulative during the year?

Commission Member McCarthy said she did not think anyone was going to count until there was a complaint.

Commission Member Spainhower stated that with a camper's schedule they camp until November or December. Their accumulative time would start in December and would run until May and then they are back out camping again. Maybe seven months would be better.

Commission Member Anderson said the City Council makes the decision and they are leaning towards not putting the six month time frame in the ordinance.

Commission Member Johnson said the language in the ordinance was clear enough.

Commission Member Spainhower said that maybe we could recommend to the Council to make the time frame seven months. Would that alleviate worries?

Mrs. Bakke said at the last council meeting there was a lot of objection to the six month time frame.

Commission Member McCarthy said the Bakke's are real campers who use their camper, not like the one in her neighborhood that hasn't moved for three years.

Commission Member Spainhower asked if the RV's have to be movable.

Mr. Byram said they have to be operable.

Commission Member Johnson asked Commission Member Kuehne if he would like to amend his motion.

Commission Member Kuehne made an amendment to his motion to change the time frame to seven months, seconded by Commission Member McCarthy. Motion passed with 4 ayes and two nays. The nays being Commission Member Anderson and Commission Member Banks.

Commission Member Kuehen asked about a mobile home that has been moved onto a NW lot in town. I remember a few years back when there was discussion about a mobile home by Johnson Floral. What is the city ordinance on mobile homes?

Mr. Hoium said there is a federal law that prohibits any community from prohibiting a manufactured home in a residential area. The City can place regulations on a manufactured structure in a residential district, which they have done. This particular home has a structural connection to a concrete footing system. In reference to the Johnson Floral area, that was a fifty to sixty acre parcel zoned for manufactured homes and there was a petition to make it an R-1 district.

Commission Member Johnson asked Craig about the work session tonight.

Mr. Hoium said Craig Byram and he would be having a work session. Existing and returning Planning Commission Members were welcome to attend, it is mainly an informative session for the new Planning Commission and City Council Members.

Commission Member Anderson made a motion to adjourn the Planning Commission Meeting, seconded by Commission Member Spainhower. Motion passed unanimously. Meeting adjourned at 6:15 P.M.

