

## February 26, 2019 Planning Commission Agenda Q&A Report

- 6. Rezoning:** [C14-2018-0141 - 1907 Inverness Zoning Change; District 5](#)  
Location: 1907 Inverness Boulevard, Williamson Creek Watershed ; South Austin Combined (South Manchaca) NP Area  
Owner/Applicant: Marquee Investments, LLC (Alex Bahrami)  
Agent: Austex Building Consultants (Jonathan Perlstein)  
Request: SF-3-NP to LO-MU-NP  
Staff Rec.: **Recommended**  
Staff: Wendy Rhoades, 512-974-7719, wendy.rhoades@austintexas.gov  
Planning and Zoning Department

### **Question: Commissioner McGraw**

The staff states that the property was used for a commercial use for many years. Is that suggesting that after a certain amount of time that an illegal use becomes legal? I have always thought that a use established without proper zoning and permits is illegal. I don't know of any situation where a single family use was legal for commercial unless it was previously zoned commercial or constructed prior to 1931.

Also, there is a comment that the pavement existed by 1986 and is likely non-conforming. this would mean it was placed there legally at some point. Same comments as above.

Both of these situations are illegal. I know the neighbors have brought this up, but why would staff use this as a basis for recommending a zoning change?

### **Answer: Staff**

- 1) As explanation, I am conveying information about a previous use of the property.
- 2) I am conveying information that the parking lot existed in 1986, based on aerial photography taken that year. Council adopted the Comprehensive Watershed Ordinance in 1986 and established site plan requirements at that time. Impervious cover in place before adoption of the Comprehensive Watershed Ordinance is considered grandfathered, hence my response that the parking area is likely a non-conforming structure.
- 3) The basis for Staff's recommendation of the Applicant's request is its location in the Neighborhood Transition character district which encourages small scale offices of the adopted Neighborhood Plan.

8. **Rezoning:** [C14-2018-0100.SH - 2107 Alamo; District 1](#)  
Location: 2107 Alamo Street, Boggy Creek Watershed; Upper Boggy Creek NP Area  
Owner/Applicant: Anmol Mehra  
Agent: South Llano Strategies (Glen Coleman)  
Request: SF-3-NP to MF-4-CO-NP  
Staff Rec.: **Not Recommended**  
Staff: [Heather Chaffin](#), 512-974-2122  
Planning and Zoning Department

**Question: Commissioner McGraw**

I noticed that Exhibit C of the Smart Housing certification notes a long list of fees that will be waived for this project.

- 1) Can we get a total of these? I am assuming they pertain to the entire project? all 5 units? It actually notes these may not be all of the waivers! so what else will apply? I guess demolition of existing residence?
- 2) What is the cost of ensuring that all of the inspections are made by NHCD, the occupant of the affordable unit meets the requirements and the rental rate continues to be as required. This includes both initial and on-going costs.
- 3) When fees normally paid to DSD are waived who pays for these? DSD is an enterprise department now so that presumes that the fees are spread to other applicants including homeowners seeking permits. Can you clarify this?
- 4) Is there a survey for the lot ?
- 5) Can you tell me what Restrictive Covenant is being considered?
- 6) Do you have the neighbors in opposition and support mapped?
- 7) Will sidewalks be required? The elevation sent by the developer shows no sidewalk on Alamo.
- 8) What will the setback be on 22nd St.?
- 9) I believe this is next to a single family home. Do we know the front setback of that home?
- 10) Will compatibility require a matching setback?
- 11) Since this did not trigger a plan amendment, can you find a staff member who participated in the neighborhood plan and can speak to why the transition zone was placed on existing viable homes?

**Answer: Staff**

- 1) Attached (Item C-08, Exhibit A) is the list of fees eligible to be waived under City's Land Development Code, Chapter 25-1-704. There are other fees that are eligible to be waived by separate ordinance, parkland dedication, etc. The amount of expected fees to be waived would need to be provided by the developer. The fees would apply to the entire project.
- 2) With NHCD's current vendor the monitoring fee per unit is an estimated \$100, per monitoring. NHCD monitor's a unit once every 3 years for the duration of the affordability period.
- 3) For information regarding DSD's budgeting for SMART Housing fee waivers, I recommend reaching out to Andy Linseisen.
- 4) See exhibit Item C-08, Exhibit B.
- 5) The applicant is proposing a private RC related to affordable housing and some design elements. The proposed private RC is attached to the staff report as [Exhibit D \(Pg. 11 of 38\)](#).
- 6) No
- 7) Sidewalks will be required at time of site plan.
- 8) It appears that this is a subdivided lot, but I haven't been able to track down the plat (I believe it's from 1968). At that time the front lot line/yard would've been determined, and would've been designated as facing 22<sup>nd</sup> Street. (The property owner would have to resubdivide to designate a different front lot line). Based on this, the setback from 22<sup>nd</sup> Street would be 15' if rezoned. Compatibility would also apply along this side.
- 9) No. Looking at the aerial, it appears to be similar to the setback of the duplex on the rezoning tract.
- 10) Compatibility setbacks/height limits/etc. are triggered by SF-3-NP zoned properties that surround the site—the park to the west and southwest is the only property that won't trigger compatibility. Compatibility does not take into account the setbacks of surrounding existing structures.
- 11) Staff: Mark Walters, Planning and Zoning Department:

I wasn't heavily involved with the plan's development since I live in the area and due to conflict of interest concerns I could not directly participate and nobody who worked on the plan still works for the City. That said, from reading the plan and talking to my wife (who represented our household in the planning process) I can discuss as to why the Neighborhood Transition (NT) was applied to houses abutting Manchaca Road. The main reasons were that some houses along Manchaca are already being used for some small-scale retail/office uses and that the participants recognized that these emerging uses represented the changing character of the roadway, and combined with heavy

traffic volumes, made the location less than ideal for the past SF uses. Also, there was a recognition that many of the uses (small-scale commercial, live-work housing and middle-density, smaller scaled housing) allowed in the zoning districts allowed in NT could be a benefit and contribute to a more complete community. The introductory paragraphs in the plan regarding NT discuss this in greater detail.

Neighborhood Transition character districts, along with Neighborhood Nodes, border the Residential Core along arterial roadways. Primarily residential, these areas consist of clusters of duplexes, fourplexes, and apartment buildings, along with small-scaled offices and neighborhood-serving businesses. Neighborhood Transition districts create a buffer between Residential Core districts and more intense character districts or busy roads. Many of these districts are located along Imagine Austin Activity Corridors.

Neighborhood Transition districts in particular present an opportunity to incorporate more missing middle housing types that are compatible with the neighborhood. The missing middle refers to duplexes and other housing types, such as row houses, bungalow courts and other housing types compatible with the existing neighborhood, that provide options between the scale of single-family houses and mid-rise apartments or condos. As Austin's population grows and its demographics change, these housing types provide the opportunity to accommodate growth in walkable neighborhoods while respecting neighborhood character. The variety of housing types in the missing middle promote multi-generational communities, providing options for young people and for older generations to age in place. (*South Austin Combined Neighborhood Plan*, p. 53)

Here is a link to the plan: [ftp://ftp.ci.austin.tx.us/npzd/Austingo/SACNP\\_FINAL.pdf](ftp://ftp.ci.austin.tx.us/npzd/Austingo/SACNP_FINAL.pdf). The NT discussion starts on p. 53.

# Item C-08, Exhibit A

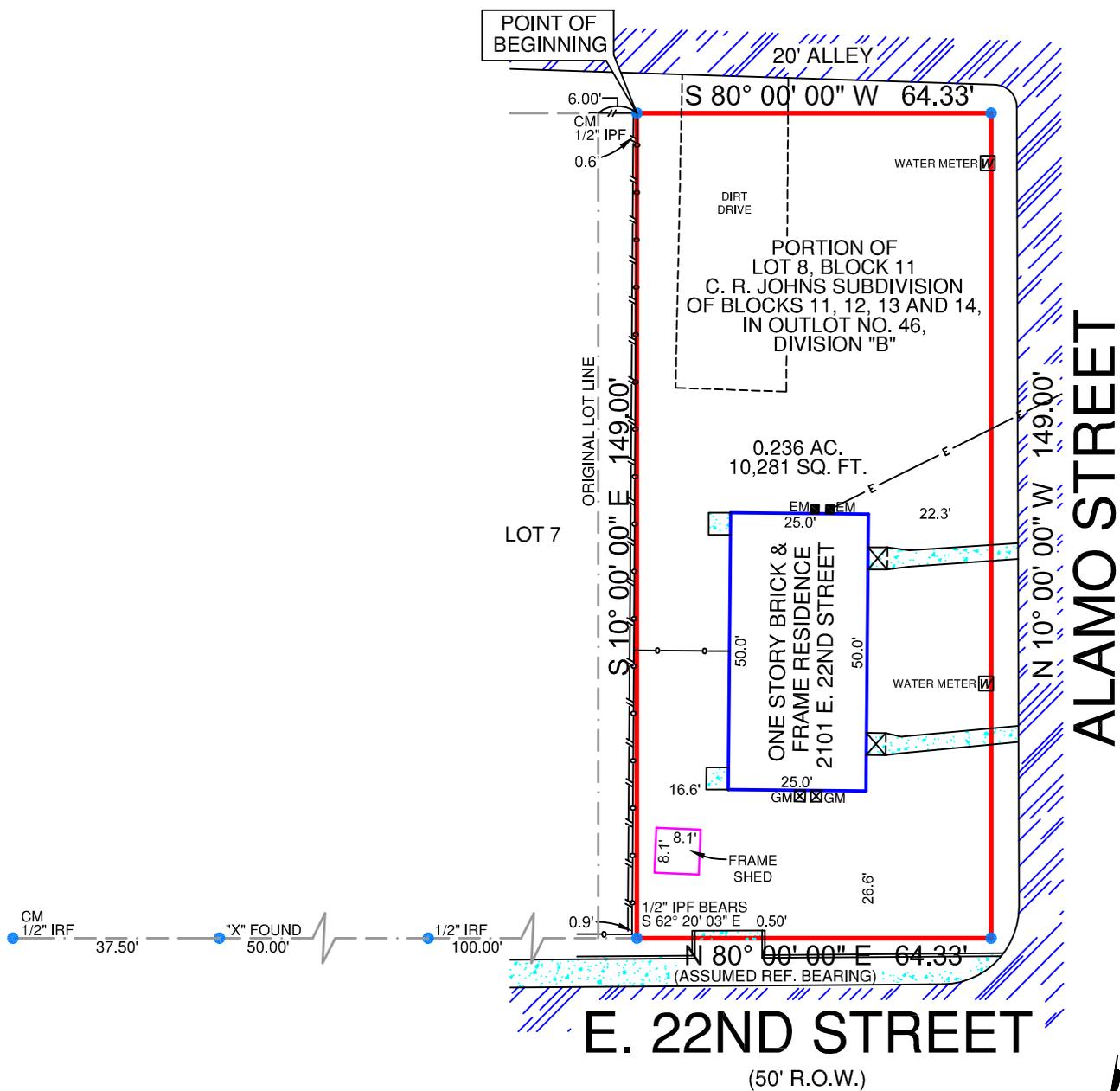
## 4. S.M.A.R.T. Housing™ Fees Eligible for Waiver

On April 20, 2000 the Austin City Council adopted Ordinance No. 000420-77<sup>3</sup> creating the S.M.A.R.T. Housing™ Policy and authorizing the administrative authority to waive fees for S.M.A.R.T. Housing™ developments. Fees listed in the ordinance are:

City Department		Fee Types	
<b>Water and Wastewater</b>		Capital Recovery (Impact) Fee	
<b>Parks and Recreation</b>		Parkland Dedication Fee <sup>4</sup>	
<b>Public Works</b>		Construction Inspection Fee	
<b>Watershed Protection and Development Review</b>		Development Assessment Fee	
		Traffic Impact Analysis Fee	
		Traffic Impact Analysis Revision Fee	
	<b>Zoning Fees</b>	Regular Zoning Fee	
		Interim to Permanent Zoning Fee	
		Miscellaneous Zoning Fee	
		Zoning Verification Letter Fee	
		Board of Adjustment Fee	
		Managed Growth Agreement Fee	
		Planned Development Area Fee	
	<b>Subdivision Fees</b>	Preliminary Subdivision Fee	
		Final Subdivision Fee	
		Final Without Preliminary Subdivision Fee	
		Miscellaneous Subdivision Fee	
	<b>Site Plan Fees</b>	Consolidated Site Plan Fee	
		Miscellaneous Site Plan Fee	
		Site Plan Revision Fee	
		Site Plan – Construction Element Fee	
	<b>Building Plan Review, Permit, and Inspection Fees</b>	Building Review Plan Fee	
		Building Permit Fee	
		Electric Permit Fee	
		Mechanical Permit Fee	
		Plumbing Permit Fee	
		Concrete Permit Fee	
		Demolition Permit Fee	
		Electric Service Inspection Fee	
		Move House Onto Lot /	
	Move House Onto Right-of-Way Fee		

<sup>3</sup> Amended November 29, 2007, Ordinance 20071129-100.

<sup>4</sup> Parkland Dedication Fees are waived for reasonably priced units only. Waiver established by separate ordinance.



**LEGEND:**

—x—x— WIRE FENCE	ASPHALT =
—o—o— CHAINLINK FENCE	CONCRETE =
—□—□— WROUGHT IRON FENCE	GRAVEL =
—//—//— WOOD FENCE	TILE =
—v—v— VINYL FENCE	WOOD =
—E—E— ELECTRIC LINE	BRICK =
GM = GAS METER	STONE =
EM = ELECTRIC METER	(WOOD) RAILROAD TIE =
IPF = IRON PIPE FOUND	
IRS = IRON ROD FOUND	
CM = CONTROLLING MONUMENT	

NOTES:  
BEARINGS ARE ASSUMED.



**LEGAL DESCRIPTION:**  
BEING A PORTION OF LOT 8, BLOCK 11, OF C.R. JOHNS SUBDIVISION OF BLOCKS 11, 12, 13 AND 14, IN OUTLOT NO. 46, DIVISION "B", AN ADDITION IN THE TOWN OF AUSTIN (NOW IN THE CITY OF AUSTIN), TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3, PAGE 14, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION ATTACHED HERETO AND MADE A PART THEREOF ON PAGE 2.

**SURVEYOR'S CERTIFICATION:**  
THIS IS TO CERTIFY THAT ON THIS DATE A SURVEY WAS MADE ON THE GROUND, UNDER MY SUPERVISION AND REFLECTS A TRUE AND CORRECT REPRESENTATION OF THE DIMENSIONS AND CALLS OF PROPERTY LINES AND LOCATION AND TYPE OF IMPROVEMENTS. THERE ARE NO VISIBLE AND APPARENT EASEMENTS, CONFLICTS, INTRUSIONS OR PROTRUSIONS, EXCEPT AS SHOWN. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES AND IS FOR THE EXCLUSIVE USE OF THE HEREON NAMED PURCHASER, MORTGAGE COMPANY, AND TITLE COMPANY ONLY AND THIS SURVEY IS MADE PURSUANT TO THAT CERTAIN TITLE COMMITMENT UNDER THE GF NUMBER SHOWN HEREON, PROVIDED BY THE TITLE COMPANY NAMED HEREON AND THAT THIS DATE, THE EASEMENTS, RIGHTS-OF-WAY, OR OTHER LOCATABLE MATTERS OF RECORD THAT THE UNDERSIGNED HAS KNOWLEDGE OR HAS BEEN ADVISED ARE AS SHOWN OR NOTED HEREON. THIS SURVEY IS SUBJECT TO ANY AND ALL COVENANTS AND RESTRICTIONS PERTAINING TO THE RECORDED PLAT REFERENCED HEREON.

GF. NO.	1600159-COM
BORROWER	ARTESIA REAL ESTATE, LLC AND/OR ITS ASSIGEE
TECH	MSP
FIELD	TM

**FLOOD INFORMATION:**  
THE SUBJECT PROPERTY DOES NOT APPEAR TO LIE WITHIN THE LIMITS OF A 100-YEAR FLOOD HAZARD ZONE ACCORDING TO THE MAP PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND HAS A ZONE "X" RATING AS SHOWN BY MAP NO. 48453C0465 J, DATED JANUARY 6, 2016.

DATE: 01/29/16      JOB NO.: 16-00173  
FIELD: 01/26/16

2101 E. 22ND STREET, AUSTIN, TX 78722  
PORTION OF LOT 8, BLOCK 11, C.R. JOHNS SUBDIVISION OF BLOCKS 11, 12, 13 AND 14, IN OUTLOT NO. 46, DIVISION "B"



*Robert T. Paul, Jr.*  
Registered Professional Land Surveyor

DATE: \_\_\_\_\_  
ACCEPTED BY: \_\_\_\_\_

*Premier*  
Surveying LLC  
5700 W. Plano Parkway  
Suite 2700  
Plano, Texas 75093  
Office: 972-612-3601  
Fax: 972-964-7021

**PREMIER SURVEYING LLC**

5700 W. Plano Parkway, Suite 2700  
Plano, Texas 75093  
972-612-3601  
Fax: 972-964-7021

**Exhibit "A"**  
(2101 E. 22ND STREET)

BEING A PORTION OF LOT 8, BLOCK 11, OF C.R. JOHNS SUBDIVISION OF BLOCKS 11, 12, 13 AND 14, IN OUTLOT NO. 46, DIVISION "B", AN ADDITION IN THE TOWN OF AUSTIN (NOW IN THE CITY OF AUSTIN), TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3, PAGE 14, PLAT RECORDS, TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON PIPE FOUND ON THE NORTH LINE OF A 20 FOOT ALLEY, SAID IRON PIPE BEING SOUTH 80° 00' 00" WEST, A DISTANCE OF 6.00 FEET FROM THE COMMON SOUTH CORNER OF SAID LOT 8 AND LOT 7, SAID BLOCK;

THENCE SOUTH 80° 00' 00" WEST, A DISTANCE OF 64.33 FEET ALONG SAID NORTH LINE TO THE INTERSECTION OF SAID NORTH LINE AND THE EAST LINE OF ALAMO STREET;

THENCE NORTH 10° 00' 00" WEST, A DISTANCE OF 149.00 FEET ALONG SAID EAST LINE TO THE INTERSECTION OF SAID EAST LINE AND THE SOUTH LINE OF E. 22ND STREET (50 FOOT RIGHT-OF-WAY);

THENCE NORTH 80° 00' 00" EAST, A DISTANCE OF 64.33 FEET ALONG SAID SOUTH LINE TO A POINT FROM WHICH A 1/2-INCH IRON PIPE FOUND BEARS SOUTH 62° 20' 03" EAST - 0.50 OF ONE FOOT;

THENCE SOUTH 10° 00' 00" EAST, DEPARTING SAID SOUTH LINE, A DISTANCE OF 149.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 9,585 SQUARE FEET OR 0.22 OF ONE ACRE OF LAND.



*Robert T. Paul, Jr.*  
REGISTERED PROFESSIONAL LAND SURVEYOR

Survey Plat of even date attached hereto and made a part hereof.

Date: 01/26/16