

July 9, 2019 Planning Commission Agenda Q & A Report

1. **Plan Amendment:** [NPA-2018-0005.01 - 1501 Airport Commerce; District 3](#)
Location: 1501 Airport Commerce Drive, Carson Creek Watershed;
Montopolis NP Area
Owner/Applicant: W2 Hill ACP II LP
Agent: Drenner Group (Amanda Swor)
Request: Commercial to Mixed Use land use
Staff Rec.: **Not recommended**
Staff: [Jesse Gutierrez](#), 512-974-1606
Planning and Zoning Department

2. **Rezoning:** [C14-2019-0029 - 1501 Airport Commerce Dr; District 3](#)
Location: 1501 Airport Commerce Drive, Carson Creek Watershed;
Montopolis NP Area
Owner/Applicant: W2 Hill ACP II, LP
Agent: Drenner Group, PC (Amanda Swor)
Request: CS-CO-NP to CS-MU-CO-NP
Staff Rec.: **Not Recommended**
Staff: [Sherri Sirwaitis](#), 512-974-3057
Planning and Zoning Department

Question: Commissioner Shaw

Staff basis for Not Recommending this FLUM and Zoning change is that they interpret Ordinance 25-13-45 allowing such changes. However, the applicant interprets 25-13-45 as allowing the change.

Can the Law Department please clarify whether 25-13-45 shown below does allow the addition of residential and school uses if those uses were not already included for the specific property? In this case the property is zoned CS and the FLUM is CS and this was established prior to Dec. 31, 2001.

Also, for areas where residential uses are permitted, are the noise reduction measures in section C) required?

§ 25-13-45 - RESIDENTIAL AND SCHOOL USES IN AIRPORT OVERLAY ZONE THREE.

- (A) This section applies to a residential use or a school use located in airport overlay zone three.
- (B) The uses are permitted only on property that:
 - (1) is included in a recorded final plat on August 20, 2001;

- (2) is located in a municipal utility district on August 20, 2001; or
- (3) is located in a neighborhood plan combining district on December 31, 2001.
- (C) Except as provided in Subsection (D), the noise level reduction measures prescribed by Section 25-12-12 (Measures To Achieve A Noise Level Reduction Of 25 Decibels) are required.
- (D) This subsection applies to a structure constructed before August 20, 2001.
 - (1) Noise level reduction measures are required. For the original structure, this requirement is satisfied by:
 - (a) compliance with the Energy Code in effect on August 20, 2001; or
 - (b) incorporation of measures to achieve an outdoor-to-indoor noise level reduction of at least 25 decibels, as determined by the building official.
 - (2) A portion of the structure that is replaced, rebuilt, or expanded must comply with the noise level reduction measures prescribed by Section 25-12-12 (Measures To Achieve A Noise Level Reduction Of 25 Decibels).
- (E) A use or related structure that does not meet the requirements of this section is prohibited.

Answer: Pending; response to be provided when the item is rescheduled.

3. Plan Amendment: [NPA-2019-0005.02 - Palm Harbor Homes MH Park; District 3](#)

Location: 810 Bastrop Highway Southbound, Carson Creek Watershed; Montopolis NP Area

Owner/Applicant: Owner: Palm Harbor Homes, Inc.
Applicant: City of Austin, Planning & Zoning Department

Agent: City of Austin, Planning and Zoning Department (Maureen Meredith)

Request: From Commercial to Higher Density Single Family land use

Staff Rec.: **Not Recommended**

Staff: [Maureen Meredith](#), 512-974-2695
Planning and Zoning Department

Question: Commissioner Shaw

Is it correct to say that 25-13-45 does not allow residential zoning in this area because the Neighborhood Plan FLUM as of December 31, 2001 represented this as commercial?

If the zoning is changed to permit mobile homes, would the noise mitigation measures apply to mobile homes per 25-13-45? If so, who would be responsible for compliance?

Answer: See response under item C-4

4. **Rezoning:** [C14-2019-0028 - Palm Harbor Homes MH Park, District 3](#)
Location: 810 Bastrop Highway Southbound, Carson Creek Watershed;
Montopolis NP Area
Owner/Applicant: Owner: Palm Harbor Homes, Inc.
Applicant: City of Austin, Planning & Zoning Department
Agent: City of Austin, Planning and Zoning Department (Kate Clark)
Request: From CS-NP to MH-NP
Staff Rec.: **Not Recommended**
Staff: [Kate Clark](#), 512-974-1237
Planning and Zoning Department

Question: Commissioner Shaw

If the zoning is changed to permit mobile homes, would the noise mitigation measures apply to mobile homes per 25-13-45? If so, who would be responsible for compliance?

Answer: Staff

The current code does not prohibit residential use on properties within the Montopolis Neighborhood that are within the Airport Overlay Three (AO3) Zone because the plan was adopted prior to December 31, 2001. However, during the neighborhood planning process, the neighborhood planners considered the Airport Overlay regulations when they made recommendations for the tracts that were within the AO3 zone (see attached maps). As the property in question was not shown as Residential on the neighborhood plan FLUM, staff maintains the conditions of the neighborhood plan that were approved are consistent with the Airport Overlay regulations.

Additionally, there is a pending code amendment that was considered by the Codes and Ordinances Joint Committee to remove residential uses from the AO3 zone. Upon deliberation, the Committee agreed that the provision contained in 25-13-45 (B) (3) should be removed. To date, this amendment has not been approved by Council yet. The Aviation Department supports this code amendment due to issues associated to airport operations and Federal Aviation Administration (FAA) requirements related to compatible land uses adjacent to and within proximity of airports. They felt the allowance of new residential uses in the AO3 zone would negatively affect airport operations and future FAA grant awards related to airport maintenance. Planning and Zoning staff support the code amendment based on issues related to health, safety, welfare and environmental justice. It is Planning and Zoning staff's position that residential uses, particularly new ones, are not compatible in the AO3 zone due to sound and noise associated with the third busiest airport in Texas.

With this specific case, if the property was rezoned to MH-NP, new buildings would have to comply with current codes and APD would be responsible for noise mitigation compliance. However, existing buildings would not be required to be brought up to current code based on this zoning case. See C-3, C-4 attached exhibit.

Answer: Staff

- 1) \$5,850 appears to be the total fee for the variance request.
- 2) The latest zoning case has a 2017 ordinance number.

Question: Thompson

Will this project qualify for Great Streets Reimbursement from the city? If so, how much per SqFt?

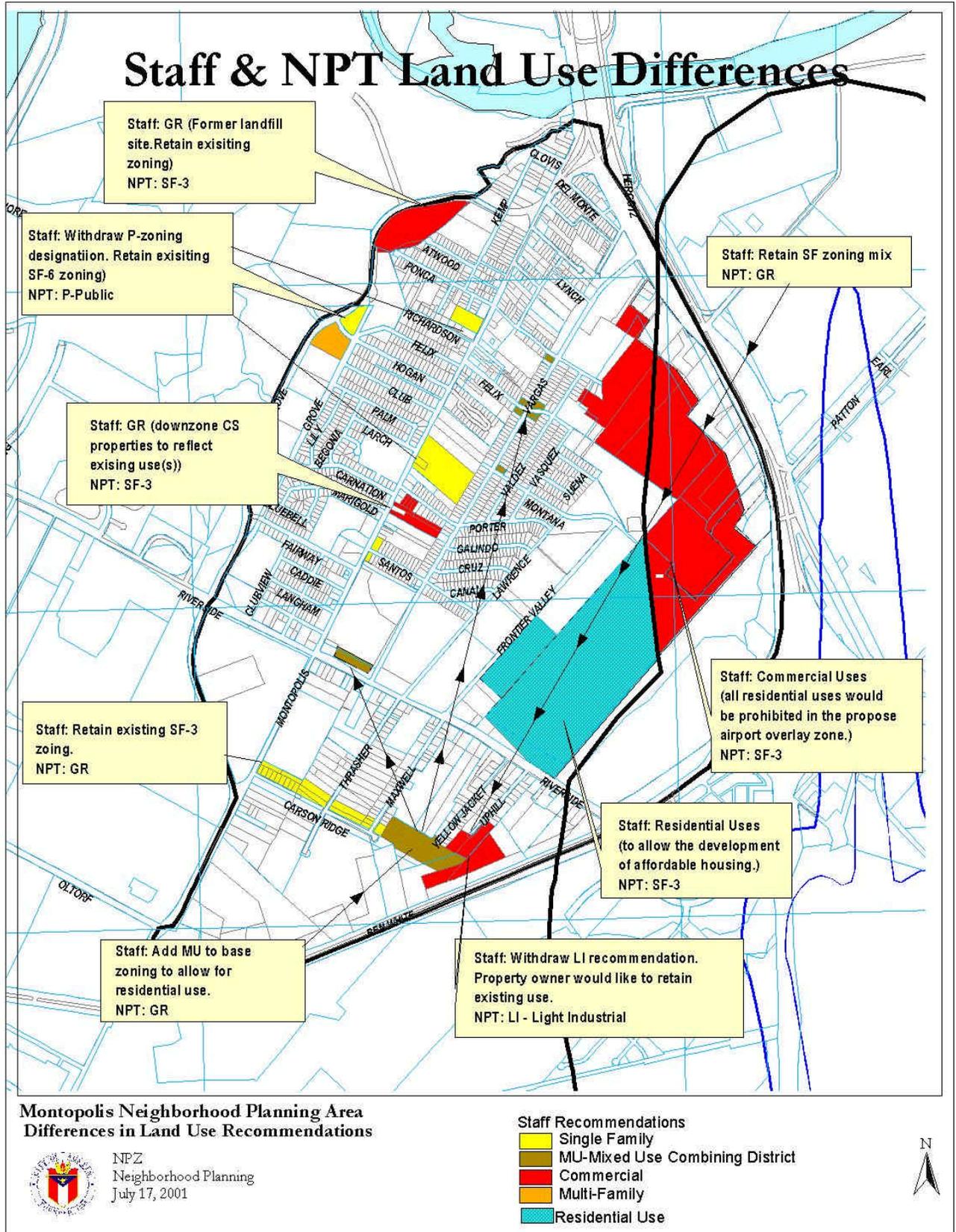
What is the 110% calculated parking requirement for this project?

Answer: PAZ Staff

The project will have Great Streets improvements along Sabine and E. 12th Streets. (Though TxDOT does not allow Great Streets improvements in the IH 35 ROW, the applicant is proposing plantings that will help to soften that side of the development.) That applicant has been making a very good effort to comply with the standards and qualify for the reimbursement.

The cap for the Great Streets improvements is by location within Downtown. Sabine and E. 12th Streets at this location are both considered to have "low pedestrian activity" and are available to have up to \$10 per square foot in reimbursement.

C-3, C-4 Exhibit



C-3, C-4 Exhibit

