

August 27, 2019 Planning Commission Agenda Q & A Report

6. **Rezoning:** [C14-2019-0089 - 2700 E. 5th Street, District 3](#)
Location: 2700 E. 5th Street, Lady Bird Lake; Holly NP Area
Owner/Applicant: 2700 E. 5th JV, LLC
Agent: Drenner Group, PC (Leah Bojo)
Request: LI-NP to CS-MU-NP
Staff Rec.: **Recommendation of CS-MU-CO-NP**
Staff: [Heather Chaffin](#), 512-974-2122
Planning and Zoning Department

Question: Commissioner Shaw

Backup states that staff supports the Applicant's request to rezone the property with the following additions to CS-MU-CO-NP. However, applicant did not include conditional overlays in their request for CS-MU-NP. Is the applicant now accepting the conditional overlays?

Answer: Staff

Yes, the Applicant supports the conditions recommended by Staff.

Please note that there will be a Staff postponement on this item to the September 24th meeting.

9. **Rezoning:** [C814-2012-0160.01 - 211 South Lamar; District 5](#)
Location: 211 South Lamar Boulevard Northbound and 1211 West Riverside Drive, Lady Bird Lake Watershed; South Lamar Combined (Zilker) NP Area (Suspended)
Owner/Applicant: 16 Piggybank Ltd. (Huston Street)
Agent: Drenner Group, PC (Amanda Swor)
Request: Amend the PUD to modify the permitted uses and site development regulations
Staff Rec.: **Recommended, with conditions**
Staff: [Wendy Rhoades](#), 512-974-7719
Planning and Zoning Department

Question: Commissioner Schneider

- 1) Affordable housing: I understand that currently the applicant has agreed to provide units or pay a fee in lieu for affordable housing. How many units or how much is that fee in lieu currently?

- 2) Affordable housing: I understand the applicant is shifting the project from residential to primarily hotel with some residential units, and reducing the number of residential units from 175 to 27. Reviewing the documentation, I'm having trouble understanding how the number of affordable units or the fee in lieu changes in the new proposal. How does it change under the proposal before us?
 - a. What will the resulting increase in the number of affordable units or fee in lieu be under the new proposal?
 - b. Will any of the remaining 27 units be set aside as affordable units, or is the applicant indicating they will pay a fee in lieu and not have any affordable units?
- 3) Bikes: in the existing agreement was public bike parking to be located at ground level? In the new proposal is bike parking to be located below ground? Will bike parking be visible at the street level? How will bike riders locate bike parking?
- 4) Flooding: our understanding of flood risks has changed and staff is likely to propose rules that would require building to the current 500-year floodplain. Has the applicant indicated that -- regardless of the status of whether the council has adopted a change in regulations -- they would build to the 500-year higher standard than required under current rules?

Answer: Staff

1) The original PUD zoning ordinance approved by City Council and this amendment as currently drafted allows the property owner to elect whether they will meet any affordability requirements through the provision of on-site affordable units, payment of a fee-in-lieu, or a combination of both if they trigger affordability requirements through the use of a density bonus on the site.

The affordability requirements shall be met through either one or a combination of the options below:

- a. a fee-in-lieu equivalent to the bonus area times the Planned Unit Development fee rate current at the time of site plan submittal (currently \$7 per bonus square foot) or a minimum of \$500,000;
- b. the provision of 10% of bonus residential area devoted to a rental use, or 5% of the bonus residential area devoted to a owner-occupied use, and rented or sold to households earning no more than 60% MFI or 80% MFI, respectively.

The bonus area shall be the actual gross floor area built above the baseline. The baseline for this property are the site development regulations allowed under the CS zoning district which was determined prior to approval of the original PUD zoning ordinance for this property.

2) The affordability requirements are the same as those in the original PUD zoning ordinance with the exception of a new provision setting the minimum total fee-in-lieu at \$500,000. What has changed is proportion of uses proposed in the site plan for the property. For example – the affordability requirements were originally met through the payment of a fee-in-lieu of \$438,924 for the previous project proposed on this site (those funds were subsequently refunded as the project did not move forward). It is anticipated were the applicant to meet the affordability requirements exclusively through the payment of a fee-in-lieu then that payment would be no less than \$500,000 and potentially greater depending on the site plan that is ultimately approved.

The approval of this rezoning carries forward the same affordability requirements approved by City Council in original PUD zoning ordinance with the exception of adding a fee minimum of \$500,000.

How the affordability requirements are met is at the discretion of the property owner and must be determined prior to the issuance of Certificate of Occupancy for the project.

3) Yes, Bike parking for the residents is proposed to be located in the first underground level. Bike parking for the public will be located at grade in the public plaza and within the planting/supplemental zones on Lamar and Riverside.

4) Yes, the Applicant’s site plan in process has been designed for construction using Atlas 14 rainfall volumes.

Code	<u>C20-2019-008 - University Neighborhood Overlay (UNO)</u>
Amendment:	<u>Amendments</u>
Request:	Consider an ordinance amending Title 25 of the City Code related to allowable uses, building heights, parking requirements, and sign regulations in the University Neighborhood Overlay (UNO).
Staff Rec.:	Recommended
Staff:	<u>Mark Walters</u> , 512-974-7695 Planning and Zoning Department

Question: Commissioner Shaw

1) Would UNO fall under the regulating plans that in Council's 5/2/2019 Memo Re: Revisions to LDC, Council directed the following?

5. Zoning Map. The revised zoning map should limit the Former Title 25 (F25) zoning classification to unique zoning districts (e.g., NCCDs and PDAs) for which no similar district exists under the revised Land Development Code. Specialized zoning districts that exist today and are of a type contained in the new Code, such as Planned Unit Developments and regulating plans, should be carried over and not be classified as F25.

2) If so, will regulating plans like UNO be modified by staff as part of the revision to the LDC expected on 10/4/2019?

3) The backup states: "NOTE: The affordability percentages are already established in the UNO section of the LDC." Under the revised LDC, is it possible that the affordability requirements like set aside percentages and levels of affordability would be changed to potentially yield additional affordable units?

Answer: Staff

UNO is part of the LDC and is not a regulating plan, but rather an overlay that "floats" above the existing zoning in West Campus. The regulations come into effect when the developer opts into them at the time of site plan. Under the current LDC revisions it is not being considered for changes. During the mapping for Draft 3 of CodeNEXT, the base districts in UNO were the functional equivalents of the current zoning. I included the affordability levels in the backup to provide context for the additional building height for deeper affordability proposed in these amendments.

19. Compatibility Waiver:

[SP-2018-0486C – Manchaca; District 5](#)

Location: 5107 Manchaca Road, Williamson Creek Watershed; South Manchaca NP Area
Owner/Applicant: Urban Design Group
Agent: PSW (Emily Cole)
Request: Consider a request to reduce the intensive recreational compatibility setback from 50 feet to 29 feet and 19 feet.
Staff Rec.: **Recommended**
Staff: [Randall Rouda](#), 512-974-3338
Development Services Department

Question: Commissioner Shaw

What would be the impact to the development if the pool variance was not approved?

Please provide a copy of the notice that was delivered to the impacted property owners?

Answer: Staff

If the variance is not approved, the pool will need to be removed from the Site Plan or relocated to comply with the compatibility setbacks (fifty feet from the northerly and easterly property lines). While there is no requirement for an on-site recreational facility, LDC Subchapter E establishes requirements for open space, including minimum area and amenities. The proposed pool meets a portion of those open space requirements and would need to be replaced with an open space alternative if removed from the Site Plan. Protected trees on the site may limit flexibility if the pool is to be relocated. Other changes to the Site Plan would likely be required which could include a reduction in the number of residences provided. Notice attached.



NOTICE OF PUBLIC HEARING SITEPLAN WAIVER

Este aviso le informa de una audiencia pública tratando de un propuesto desarrollo o cambio dentro de una distancia de 500 pies de su propiedad. Si usted desea recibir información en español, por favor llame al (512) 974-9116.

Mailing Date: August 16, 2019

Case Number: SP-2018-0486C

The City of Austin has sent this letter to inform you that we have received an application for a site plan that requires approval by a Land Use Commission (either the Planning Commission or the Zoning and Platting Commission). We are notifying you because City Ordinance requires that all property owners within 500 feet, residents who have a City utility account address within 500 feet, and registered environmental or neighborhood organizations whose declared boundaries are within 500 feet be notified when the City receives an application.

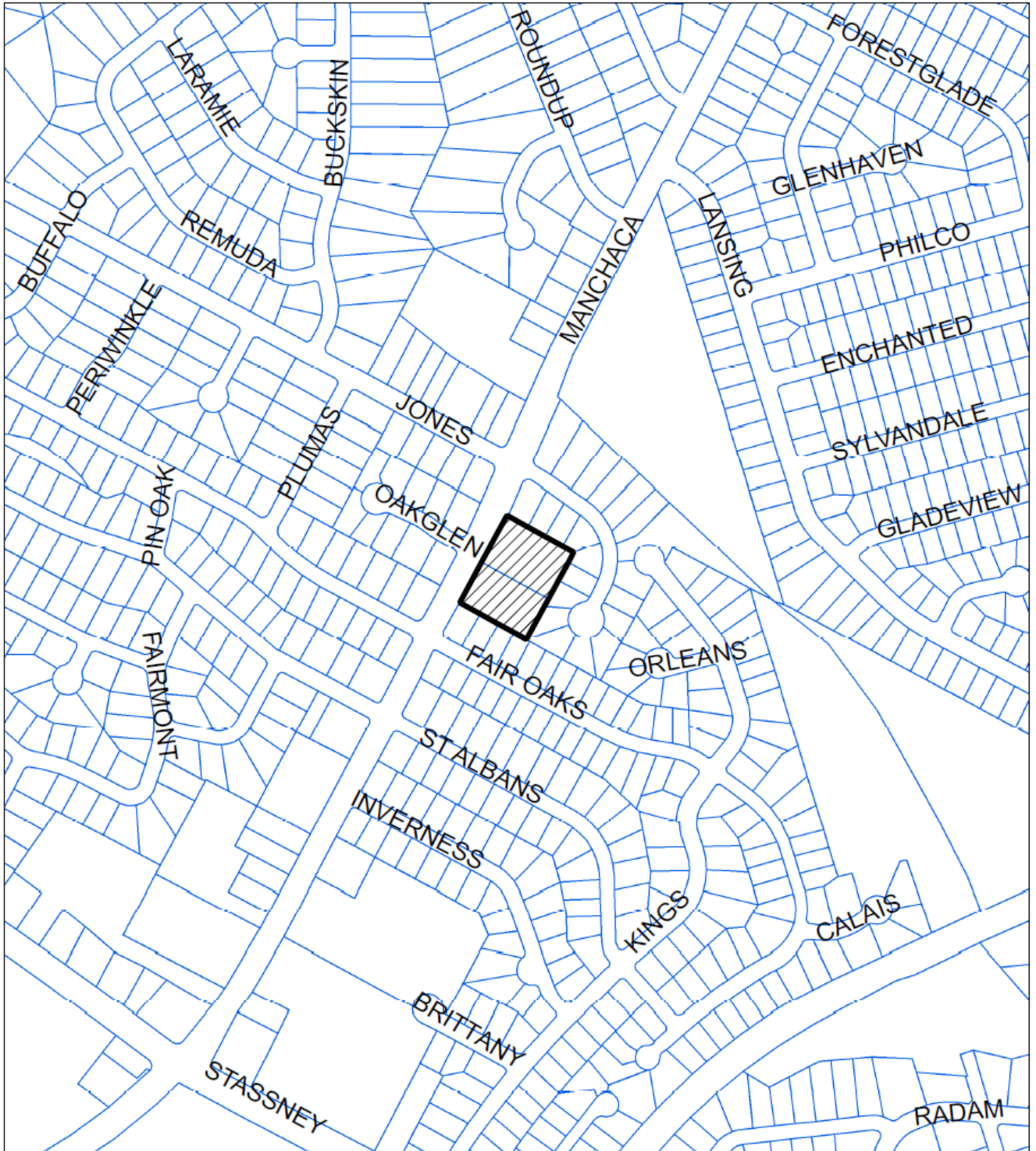
Applicant:	PSW, Emily Cole, (210) 912-1745
Owner:	Urban Design Group, John Noell, (512) 347-0040
Project Name:	Manchaca
Project Address:	5107 Manchaca Road


Project Description: The applicant is proposing single family development with homes, internal drive, multiple water quality detention features with associated improvements.


This application is scheduled to be heard by the **Planning Commission on August 27, 2019**. The meeting will be held at **City Hall Council Chambers, 301 West 2nd Street** beginning at **6:00 p.m.**

You can find more information on this site plan by inserting the case number at the following Web site: <https://abc.austintexas.gov/web/permit/public-search-other> For additional questions about the project please contact the applicant, Emily Cole, 210-912-1745. For technical questions about the permitting process, please contact the case manager, Randall Rouda, at 512-974-3338 or via e-mail at randall.rouda@austintexas.gov and refer to the case number located at the top of this notice. You may examine the site plan at One Texas Center by appointment or between the hours of 8:00 a.m. and 11:00 a.m. with the case assistant, Elsa Garza at 512-974-2308 or via email at, elsa.garza@austintexas.gov Monday through Friday. The case manager's office is located at One Texas Center, 4th Floor, 505 Barton Springs Road, Austin, Texas.

For additional information on the City of Austin's land development process, please visit our web site www.austintexas.gov/devservices.



 Subject Tract

 Base Map

CASE: SP-2018-0486C
 LOCATION: 5107 MANCHACA RD

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Development Services Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact listed on a notice*); or
- appearing and speaking for the record at the public hearing;

and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SP-2018-0486C

**Contact: Randall Rouda, 512-974-3338 or
Elsa Garza, 512-974-2308**

Public Hearing: Planning Commission, Aug 27, 2019

Your Name (please print)

I am in favor
 I object

Your address(es) affected by this application

Signature

Date

Daytime Telephone: _____

Comments: _____

If you use this form to comment, it may be returned to:

City of Austin

Development Services Department, 4th Floor

Randall Rouda

P. O. Box 1088

Austin, TX 78767-8810

INFORMACION DE AUDIENCIA PÚBLICA

Aunque solicitantes y/o su(s) agente(s) se les requiere atender la audiencia pública, usted no esta bajo requisito de atender. De todos modos, si usted atiende la audiencia pública, tendrá la oportunidad de hablar a FAVOR o EN CONTRA al propuesto desarrollo o cambio. Usted también puede contactar a una organización de protección al medio ambiente o organización de vecinos que ha expresado interés en la aplicación teniendo implicaciones a su propiedad.

Durante la audiencia pública, la comisión podría postergar o continuar audiencia del caso en una fecha futura, o recomendar aprobar o negar la aplicación. Si la comisión anuncia fecha y hora especifica para postergar o continuar discusión, y no se extiende más de 60 días, no tendrá obligación de otra notificación pública.

La decisión de la Comisión puede ser apelada por una persona con pie de recurso, o una parte interesada que se identifica como una persona que puede apelar la decisión. El organismo obteniendo la audiencia pública determinara si una persona esta legitimada para apelar una decisión.

Una enmienda de la ordenanza de zonificación puede incluir una superposición condicional que incluiría las condiciones aprobadas por la Comisión de Uso de la Tierra o el Ayuntamiento. Si la aprobación final es por la acción del Consejo de la Ciudad, no hay apelación de la acción de la Comisión de Uso de la Tierra.

Una parte interesada se define como una persona que es el solicitante o el titular de registro de la propiedad en cuestión o que se comunica un interés a una junta o comisión por:

- la entrega de una declaración por escrito a la junta o comisión, antes o durante la audiencia pública que generalmente identifica los temas de interés (que puede ser entregado al contacto que aparece en un anuncio), o
- que aparecen y hablan por el registro en la audiencia pública, y
- ocupa una residencia principal que se encuentra dentro de 500 pies de la propiedad en cuestión o el desarrollo propuesto,
- es el registro dueño de la propiedad dentro de 500 pies de la propiedad en cuestión o desarrollo propuesto,
- es un funcionario de medio ambiente o la organización de la vecindad que tiene un interés o cuyos límites declarados son de 500 pies de la propiedad en cuestión o el desarrollo propuesto.

Un aviso de apelación debe ser presentada con el director del departamento responsable, a más tardar 14 días después de la decisión. Un formulario de apelación puede estar disponible en el departamento responsable.

Para obtener información adicional sobre el proceso de desarrollo de la ciudad de Austin, visite nuestro sitio Web: www.austintexas.gov/devservices.

Comentarios escritos deberán ser sometidos a la comisión (o a la persona designada en la noticia oficial) antes o durante la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, el número de caso, y el nombre de la persona designada en la noticia oficial.

Numero de caso: SP-2018-0486C

**Persona designada: Randall Rouda, 512-974-3338 o
Elsa Garza, 512-974-2308**

Audiencia Pública: Planning Commission, Aug 27, 2019

Su Nombre (en letra de molde)

Su domicilio(s) afectado(s) por esta solicitud

Firma

Fecha

Comentarios: _____

Si usted usa esta forma para proveer comentarios, puede retornarlos a:
City of Austin / Development Services Department, 4th Floor
Randall Rouda
P. O. Box 1088
Austin, TX 78767-8810