

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2019-011 Removing residential uses from the AO3 zone of the Airport Overlay.

Description:

The City Council adopted the Airport Overlay regulations (Chapter 25-13. Airport Hazard and Compatible Land Use Regulations) in August of 2001 to govern land use and development surrounding the Austin Bergstrom International Airport (ABIA). These regulations are in alignment with the Code of Federal Regulations for the safe operation of a municipal airport.

These regulations establish three conditions under which residential uses are allowed in the AO3 zone. These conditions are: for properties with a final plat dated on August 20, 2001; those located in a municipal utility district on August 20, 2001; and those located in a neighborhood plan combining district (NP) on December 31, 2001. The proposed code amendment would remove the following provisions:

- Allowing residential uses in areas with a recorded final dated on or before August 20, 2001 [25-13-45 (B)(1)]
- Allowing residential uses in areas with a neighborhood plan combining district (NP) on or before December 31, 2001 [25-13-45 (B)(3)].

Between 2001 and 2014, the Department of Aviation, the Office of Real Estate Services, and the Federal Aviation Administration (FAA) cooperatively completed the \$99M Airport Noise Mitigation Program of which 75% was contributed by the FAA. Under this program 429 Households/1,088 people, 14 businesses, and 4 schools were relocated out of high-noise impact areas surrounding the airport.

Since the adoption of the Airport Overlay in 2001, there have been three zoning cases as well multiple inquiries seeking residential zoning in the AO3 Zone under 25-13-45 (B)(1)(3). Planning and Aviation staff have opposed these requests and informed prospective applicants that staff would not support their requests. The lack of staff support for these requests is based on:

- Allowing incompatible land uses could adversely affect FAA grant funding to ABIA
- Past policy decisions have discouraged people from living in the high-noise impact area surrounding the airport
- Allowing people to live in the high-noise impact area could diminish their long-term quality of life.

This code amendment also addresses the issue of equity in the neighborhood planning areas (NPAs) adjacent to the airport. Residential uses are presently allowed in the Montopolis NPA (adopted in 2001) located north of the airport, but are not allowed in the Southeast Combined NPA (adopted 2002) located east of the airport. Although allowed

by Code, the Montopolis NPA also indicates that residential uses are not desired in the part of the planning areas covered by the AO3 zone:

- (P. 4) “The proximity of the airport and freeways makes these areas appropriate for some non-residential development. “(P. 4)
- (P.14) **Objective 3:** Focus the highest intense commercial and industrial activities along Ben White Drive and U.S. Hwy 183. Airport-related businesses and services should be located at Austin-Bergstrom International Airport or along Ben White or U.S. 183. (P.14)
 - Action 11: Zone the properties along 183 and Ben White to allow commercial or limited industrial uses along these major corridors.

Staff Recommendation:

Staff recommends approval of this amendment.

Board and Commission Actions

Initiation recommended by Codes and Ordinances Joint Committee on June 19, 2019.

Planning Commission recommended initiation on June 19, 2019.

Codes and Ordinances Joint Committee recommended the amendment to the Planning Commission on November 20, 2019.

Planning Commission recommended the amendments to the City Council on January 28, 2020.

City Council Action

NA

Ordinance Number: NA

City Staff: Mark Walters

Phone: 512-974-7695

Email: Mark.Walters@AustinTexas.gov