

April 6, 2021 Zoning and Platting Commission Meeting

Question and Answer Report

B-1

Vice-Chair Barrera Ramirez:

Why don't they just close out the project and revise/amend the site plan when they are ready? What are the benefits of a site plan extension? Is it only that they get to take advantage of those regulations that were in place when they originally got the development approved and they are concerned that when they are ready to build, the regulations will be stricter?

Response: Pending

Commissioner King / Staff response in red:

1. What specific changes (additional lodges, additional square footage, parking, traffic, water, wastewater, utilities, etc.) are associated with this request for a three-year extension to the site plan expiration date?

Response: The applicants have stated that their purpose in requesting the extension of time is to allow an opportunity to revise the site plan to add additional development. They have not disclosed (and may not have decided) the specifics of any changes they may request. Just today, we received a map (attached) showing the potential location of any additional development. Note that no changes in the approved plan are permitted with an extension of time. If changes are needed, a separate correction, revision, or subsequent Site Plan would be required.

2. What impacts will the changes have on drainage, well water, water quality, environment, parking, traffic, and utilities?

Response: In the event the applicants apply for a Site Plan Revision, the application would be circulated to the same review disciplines who would review a new application in the same location. To address your specific questions: Drainage: Addressed by Drainage Engineering Reviewer. Well water/groundwater quantity: Not reviewed by City Staff as there are no applicable code sections. Water Quality: Addressed by Water Quality Reviewer. Environment: Addressed by Environmental Reviewer to the extent City of Austin regulations apply. In the ETJ, such reviews are more limited than in the Full Jurisdiction. Parking: Addressed by Transportation Reviewer, however, the parking requirements of the LDC do not apply in the ETJ. Traffic: Addressed by the Transportation and Austin Transportation Department reviewers. Again, most City regulations do not apply in the ETJ. Utilities: Addressed by reviewers from Austin Water and Austin Energy.

Note that Site Plan applications in the ETJ are also reviewed by Travis County staff for compliance with their development ordinances.

3. What criteria does staff use to determine if a site plan change is a:
 - a. Correction?
 - b. Minor revision?
 - c. Major revision?
 - d. Amendment?

Response: Correction: Available during construction to address minor errors and changes required to address field conditions. Corrections may not be used to increase the number of buildings or to increase the net Impervious Cover on the site. Corrections receive an abbreviated review by staff assigned primarily to that purpose. Those reviewers consult with technical disciplines as needed.

Revision (there is no provision for a minor/major revision or an amendment): Available until the project is completed, Certificates of Occupancy are issued and/or fiscal deposits are released. Revisions are available for changes greater in scope than a correction, generally meaning a change in the amount of Impervious Cover proposed. In the City's Full Jurisdiction, Revisions cannot be used to add additional buildings. In the ETJ, that limitation does not apply. Revisions are circulated to the same review disciplines as a new application and are processed similarly, except that the City does not provide notice to neighbors when a revision is proposed.

Note that the distinction between a Correction and a Revision is an administrative convenience. There is no difference in the LDC sections regarding processing of Site Plan Permit applications.

Subsequent: Any changes proposed after Certificates of Occupancy are issued or fiscal deposits are released, or any changes which exceed the scope of a Revision would require a subsequent (new) Site Plan. Subsequent Site Plans are noticed to the public and circulated and processed exactly like a new site plan in the same location.

4. Does staff consider economic impact on applicants or developers when reviewing or recommending site plan corrections, revisions, amendments, and extensions?

Response: No. Staff's review of site plans is limited to a check for compliance with relevant code. There is relatively little discretion available, though of course, good public service allows for assistance with problem solving and advice regarding available options to achieve compliance. If a Site Plan (or correction, revision or extension) conforms with code, Staff will approve/recommend approval. Note that ZAP has additional discretion when reviewing items brought to the Commission at a public hearing. The Commission may consider other relevant information received during the hearing to determine whether to approve or deny a request under their jurisdiction.

5. Could you please clarify whether or not the additional development was included in the approved site plan and if it was not, why is a site plan amendment not being required by staff?

The additional development was not included in the original approved site plan. Staff will require a Site Plan Revision or a Subsequent Site Plan prior to development if/when the applicants settle on a specific

request. At the moment, they are not asking for permission to construct additional improvements, they are requesting additional time to allow them to decide whether or not to make a such a request.

If the Site Plan Permit expires (or is completed and fiscal deposits are released) prior to any new request, they would not have the option to request a Revision and would be required to apply for a subsequent site plan at considerably greater expense. As the applicant appears to meet the minimum requirements for an extension of time, (work has started and a good faith effort has been made to complete the project in a timely manner), staff is recommending approval of the extension. As I noted yesterday, ZAP has the authority to go beyond the minimum requirements and may approve, deny or condition the extension of time as appropriate based on information presented in the Public Hearing.