

ENVIRONMENTAL BOARD MEETING MINUTES

Wednesday, May 7, 2008



ENVIRONMENTAL BOARD MINUTES

**REGULAR MEETING
WEDNESDAY, MAY 07, 2008**

The Environmental Board convened in a regular meeting on Wednesday, May 7, 2008
301 West 2nd Street, Austin, Texas

Vice Chair Mary G. Maxwell called the Board Meeting to order at 6:04 p.m.

Board Members in Attendance:

Rodney Ahart, Jon Beall, John Dupnik, Mary G. Maxwell, Phil Moncada, and Mary Ann Neely

Staff in Attendance:

Mitzi Cotton, Michael Embesi, Patricia Foran, Ingrid McDonald and Marilla Shepherd

1. CITIZEN COMMUNIATION: GENERAL
No speakers

2. APPROVAL OF MINUTES

The minutes for the regular meeting on April 16, 2008 were approved on Board Member Dupnik's motion, Board Member Moncada second 5-0-1. Board Member Maxwell abstained because she was not present at the April 16, 2008 meeting. Board Member Anderson was absent.

3. PUBLIC HEARINGS

STAFF BRIEFINGS

- a. Briefing on the Proposed Tree Ordinance and Rule Modifications - Michael Embesi, Watershed Protection and Development Review Department.
Briefing was conducted as posted and the Environmental Board requests that Michael Embesi return to brief the Board on the Ordinance once it is complete.

DISCUSSION AND ACTION ON DEVELOPMENT CASES

b. Name: Terraces at Scofield Ridge SP-2007-0553C

Applicant: Longaro and Clark, L. P.

Location: 13145 Burnet Road

Staff Person: Patricia Foran, Watershed Protection & Development Review

Request: Variance request is to Land Development Code 1) 25-8-341 – To allow cut to exceed the four foot maximum limits 2) LDC 25-8-342 – To allow fill to exceed the four foot maximum limits 3) LDC 25-8-301(A)) - To allow the construction of a driveway on slopes greater than 15% 4) LDC 25-8-302 (A)(1)) – To allow a building or parking area on slopes greater than 15%.
Staff Recommendation: Recommended with conditions.

Public Hearing was conducted as posted.

The Environmental Board motioned to recommend conditional approval to a variance request to Land Development Code 1) 25-8-341 – To allow cut to exceed the 4' maximum up to 14.5 feet for water quality facilities and cuts up to 12' for site. 2) LDC 25-8-342 – To allow fill up to 14.5 feet to level out steep slopes. 3) LDC 25-8-301(A)) To allow construction of driveways on slopes greater than 15% as shown on the location site plan 3) LDC 25-8-302(A)((1) – To allow 0.047 of parking area on slopes greater than 15% as shown on the location site plan.

Staff Conditions: 1) Applicant will provide an enhanced erosion control plan. 2) Applicant will provide water quality treatment (per City of Austin specifications) for the entire site, including those portions that are not subject to current code. 3) Applicant will restrict impervious cover overall to no more than 7.0 acres. 4) Applicant will utilize native and adapted plants from the Grow Green Guide for the entire site. 5. Applicant will provide an IPM plan.

Rationale: The findings of facts have been met. City staff recommends conditional approval of this variance and the site has no Critical Environmental Features and considered infill. [P. MONCADA, R. AHART 2ND] (6-0) D. ANDERSON - ABSENT

4. OLD BUSINESS

a. Joint Environmental/Parks Board Subcommittee – Dave Anderson, P.E.

No report on this.

b. SH45 – John Dupnik, P.G.

Board member Dupnik reported on this.

c. Erosion and Sedimentation Controls – Dave Anderson, P.E.

No report on this..

d. Balcones Canyonlands Conservation Plan Citizens Advisory Group – Mary Ann Neely

Board member Neely reported on this.

e. Water Front Overlay Task Force- Dr. Mary G. Maxwell

Board member Maxwell reported on this.

5. NEW BUSINESS

a. Request for future agenda items

6. ADJOURNMENT

DRAFT



ENVIRONMENTAL BOARD MOTION 050708-3b

Date: May 07, 2008

Subject: Terraces at Scofield Ridge SP-2007-0553C

Motioned By: Phil Moncada

Seconded by: Rodney Ahart

Recommendation

The Environmental Board motioned to recommend conditional approval to a variance request to Land Development Code 1) 25-8-341 – To allow cut to exceed the 4' maximum up to 14.5 feet for water quality facilities and cuts up to 12' for site. 2) LDC 25-8-342 – To allow fill up to 14.5 feet to level out steep slopes. 3) LDC 25-8-301(A)) To allow construction of driveways on slopes greater than 15% 3) LDC 25-8-302(A)((1) – To allow 0.047 acres of parking area on slopes greater than 15%.

Staff Conditions:

Applicant will provide an enhanced erosion control plan. 2) Applicant will provide water quality treatment (per City of Austin specifications) for the entire site, including those portions that are not subject to current code. 3) Applicant will restrict impervious cover overall to no more than 7.0 acres. 4) Applicant will utilize native and adapted plants from the Grow Green Guide for the entire site. 5. Applicant will provide an IPM plan.

Rationale

The findings of facts have been met. City staff recommends conditional approval of this variance and the site has no Critical Environmental Features and considered infill.

Vote 6-0-0-1

For: Ahart, Beall, Dupnik, Maxwell, Moncada, and Neely

Against:

Abstain:

Absent: Anderson

Recused:

Approved By:

Mary G. Maxwell
Environmental Board Vice Chair

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2008-0010

Description:

Consider and take appropriate action on an ordinance amending Chapter 25-2, Article 2, Division 5 (*Planned Unit Developments*) to set out criteria for determining whether a PUD creates development superior what would occur under conventional zoning, to require a PUD Subcommittee of the Council to determine whether a proposed PUD meets those criteria, to require neighbors and neighborhood associations to be notified of PUD applications, and providing height and density bonuses and other incentives for PUDs to include affordable housing and other community benefits..

Background:

On April 5, 2007, City Council directed the City Manager to provide staff support to a Council-led stakeholder process to recommend revisions to the Planned Unit Development (PUD) and Planned Development Agreement (PDA) portions of the Land Development Code including recommendations concerning revisions to the provisions governing the process for considering PUD's and PDA's, Chapters 25-1 and 25-2 of the City Code. A series of six stakeholder meetings were held that were led by Councilmembers Martinez, Leffingwell and McCracken. City staff from a variety of departments were present as were representatives of neighborhood groups, affordable housing advocates, developer representatives and others. The draft ordinance is a product of those meetings.

Departmental Comments:

The purpose of a planned unit development (PUD) is to allow developer flexibility in that a PUD allows a modification of site development regulations in exchange a development that is superior to that which could be achieved under superior zoning. Typically PUDs have been used in situation where a modification of the environmental regulations was desired. In those cases the developer would, for example, be able to exceed the allowable impervious cover in exchange for greater setbacks to critical environmental features. Lately, however, PUDs have been used as a tool for achieving greater height and density in the urban core and near transit stops. In such cases what the staff should be negotiating for to achieve superior development has been less clear and this led to last minute negotiations occurring late in the process when a case was before the Council. The draft ordinance lays out minimum requirements that a project must comply with to be a PUD such as Green Building. It also defines the criteria which shall be used by the Council to determine if a project is superior. The ordinance establishes a development bonuses option wherein developers using the PUD to achieve greater density and height for residential projects are required to provide affordable housing or pay a fee in lieu of to the Housing Assistance Fund. Commercial projects seeking greater density and height will be required to provide lease space for local businesses at a subsidized rate. Finally the ordinance establishes a new process by which a sub-committee of the Council will review whether a development assessment for a PUD merits further consideration based upon the requirements of the ordinance. If the sub-committee makes such a finding a

PUD applicant may be submitted, will be reviewed by the staff, taken to the Land Use Commission and any other applicable boards and commissions and finally brought before the full City Council for consideration.

Board and Commission Action:

May 13, 2008: Community Development Commission and Housing Committee of CDC.
May 20, 2008: Codes and Ordinances Subcommittee of the Planning Commission
May 20, 2008 Zoning and Platting Commission
May 21, 2008 Environmental Board

Staff Recommendation:

Staff recommends the proposed Code amendment.

Planning Commission Action:

May 27, 2008: Scheduled for discussion and action.

City Council Date and Action:

June 5, 2008: The amendment is scheduled for action by City Council on June 5, 2008.

<u>Ordinance Readings:</u>	1st	2nd	3rd
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Ordinance Number:

City Staff: Jerry Rusthoven **Phone:** 974-3207 **Email:** jerry.rusthoven@ci.austin.tx.us

updated: 05/13/2008

RESOLUTION NO. 20070405-030

WHEREAS, Austin is experiencing rapid population growth and significant redevelopment in the urban core and throughout the city; and

WHEREAS, Planned Unit Developments and Planned Development Agreements are unique zoning categories that allow flexibility beyond conventional zoning and subdivision regulations, and have become a preferred tool for large mixed-use projects; and

WHEREAS, recent zoning cases have demonstrated the desire of many residents for mixed-use redevelopment and greenfield projects to enhance existing neighborhoods by incorporating green building techniques, public open space, diverse housing opportunities, streetscapes that promote multi-modal transportation, and other features that embody the values of sustainability, affordability, and environmental protection; and

WHEREAS, these values contribute to the city's vision of livability, and to ongoing community efforts such as the Austin Climate Protection Plan, Envision Central Texas, and the Water Conservation Task Force; and

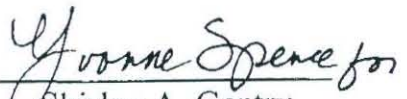
WHEREAS, the existing regulations in the Land Development Code may not be sufficient to consistently promote these values in all PUDs and PDAs; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Council directs the City Manager to provide staff support to a Council-led stakeholder process to recommend revisions to the Planned Unit Development (PUD) and Planned Development Agreement (PDA) portions of the Land Development Code including recommendations concerning revisions to the provisions governing the process for considering PUD's and PDA's, Chapters 25-1 and 25-2 of the City Code.

ADOPTED: April 5, 2007

ATTEST:


Shirley A. Gentry
City Clerk

Division 5. Planned Unit Developments.

Subpart A. General Provisions.

1.1. General Intent.

This division provides the procedures and minimum requirements for a PUD (PUD) zoning district to implement the goals of preserving the natural environment, encouraging high quality development and innovative design, and ensuring adequate public facilities and services. It is intended that development in a PUD district be superior to that which would occur under conventional zoning and subdivision regulations.

1.2. Council Authority.

The council retains the legislative authority to determine whether PUD zoning is appropriate regardless of whether the proposed development meets the standards prescribed by this division.

1.3. Planned Unit Developments Approved before December 15, 1988.

A PUD zoning district approved under regulations applicable before December 15, 1988 is governed by the previous regulations and shall be identified on the zoning map as a PUD district.

1.4. Planned Unit Developments in the Extraterritorial Jurisdiction.

1.4.1. State Law. The council may designate a PUD in the extraterritorial jurisdiction in accordance with state law.

1.4.2. Applicable Requirements. Unless otherwise agreed by the City and the landowners, a PUD must comply with all requirements applicable to a PUD zoning district in the City's zoning jurisdiction.

1.4.3. Uses. Uses allowed in a PUD in the extraterritorial jurisdiction are the uses described in the PUD agreement.

1.5. Filing Requirements.

1.5.1. Report and Finding Required. An applicant may not file an application for a PUD zoning district classification until the requirements of this subsection are met.

- A. The applicant must obtain a project assessment report on the proposed development from the director of the Neighborhood Planning and Zoning Department. Not later than the 11th day after issuance of the report, the director shall mail notice of the report to the notice owner of real property within 300 feet of the PUD, the neighborhood association, and the neighborhood plan contact team.
- B. The PUD Subcommittee of the council must make a finding that the project assessment report demonstrates that the proposed development merits further consideration regarding whether it satisfies the minimum requirements under Section 2.3, *Tier One Requirements*, the criteria for determining superiority under Section 2.4, *Tier Two Requirements*, and any other applicable requirements.

1.5.2 PUD Subcommittee. The PUD Subcommittee comprises three members of the council chosen by lot in a manner determined by the Mayor. The PUD Subcommittee shall meet to consider each project assessment report. Not later than the 11th day before the date of the meeting, notice of the meeting shall be mailed to the notice owner of real property within 300 feet of the PUD, the neighborhood association, and the neighborhood plan contact team.

1.5.3. Content and Effect of Finding. The PUD Subcommittee or its individual members may supplement any finding with comments identifying issues with the proposed development that should or must be addressed during review and consideration of the application. A finding or comment does not obligate either the individual members of the PUD Subcommittee or other council members to vote for final approval of the proposed PUD.

1.5.4. Baseline for Determining Development Bonuses; Estimate of Development Under Existing Zoning. The applicant must recommend and the director of the Neighborhood Planning and Zoning Department shall establish the following in the project assessment report.

- A. The zoning district or districts that would be most appropriate for the property if it were developed without PUD zoning. The district or districts must be consistent with all applicable neighborhood plans or a neighborhood plan amendment initiated concurrently with the request for PUD zoning. Unless the PUD Subcommittee establishes a different baseline as part of a finding under 1.5.1.B, *Report and Finding Required*, the director's determination establishes the baseline for determining development bonuses under Section 2.5, *Development Bonuses*.

- B. An estimate of the maximum extent of development allowable under the property's existing zoning, including any assumptions used to make the estimate.

1.5.5. Fee Credit. The director of the Neighborhood Planning and Zoning Department shall credit the fee for the project assessment toward the zoning application fee if the zoning application is filed not later than one year after the applicant receives the assessment report.

1.6. Land Use Plan Required.

1.6.1. Land Use Plan. An applicant shall include a proposed land use plan in an application for a PUD zoning district classification. The proposed land use plan must include:

- A. a general land use map;
- B. the proposed site development regulations;
- C. the baseline for determining development bonuses;
- D. a description of the bonuses requested under Section 2.5. (*Development Bonuses*), if any, and the manner in which the bonus requirements are to be satisfied;
- E. requested waivers from or modifications of the requirements of this code, if any; and
- F. other information required by the director of the Neighborhood Planning and Zoning Department.

1.6.2. Included In Ordinance. A land use plan must be included in the ordinance classifying land as a PUD zoning district.

1.6.3. Establishes Regulations. The land use plan in the ordinance establishes the use and site development regulations for development within a PUD zoning district.

Subpart B. Planned Unit Development Standards.

2.1. Compliance Required.

An applicant who seeks to have property designated as a PUD zoning district must demonstrate that the proposed development complies with this division.

2.2. Modification By Council.

The proposed development must comply with the requirements of this code, except:

- A. the council may modify a requirement in accordance with Section 2.5. (*Development Bonuses*); or
- B. the council may waive or modify a requirement if:
 - 1. the resulting development is superior to that which would have occurred without the waiver or modification;
 - 2. the PUD ordinance identifies the waiver or modification;
 - 3. the adverse effects of the waiver or modification are offset by mitigation measures; and
 - 4. the objective of the waived or modified requirement is achieved.

2.3. Tier One Requirements.

2.3.1. Minimum Requirements. All PUDs must meet the objective of the code; must provide for development standards that result in development equal to or better than development under standards contained within the code; and must:

- A. provide open space of not less than 10 percent of a tract that is for a residential use, 15 percent of a tract that is for an industrial use, and 20 percent of a tract that is for a nonresidential use, after excluding a detention or filtration area from the calculation unless it is designed and maintained as an amenity; provided that the percentages may be reduced for urban property with characteristics that make open space unfeasible if other community benefits are provided;
- B. comply with the City's Planned Unit Development Green Building Program;

- C. be consistent with applicable neighborhood plans, neighborhood conservation combining district regulations, historic area and landmark regulations, and compatible with adjacent property and land uses;
- D. provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, waterways, topography, and the natural and traditional character of the land;
- E. provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service, and police facilities;
- F. exceed the minimum landscaping requirements of the code;
- G. provide for appropriate transportation and mass transit connections to areas adjacent to the PUD district and mitigation of adverse cumulative transportation impacts with sidewalks, trails, and roadways;
- H. require that roadways not be gated;
- I. protect, enhance and preserve areas that include structures or sites that are of architectural, historical, archaeological, or cultural significance; and
- J. include at least 10 acres of land, unless the property is characterized by special circumstances, include unique topographic constraints.

2.3.2. Additional Requirements. In addition to the requirements contained in Section 2.3.1 (*Requirements*), a PUD containing a retail, commercial, or mixed use development must also:

- A. comply with Chapter 25-2, Subchapter E (*Design Standards And Mixed Use*).
- B. comply with the sidewalk standards in Chapter 25-2, Subchapter E, Section 2.2.2. (*Core Transit Corridors: Sidewalks And Building Placement*); and

- C. contain pedestrian-oriented uses as defined in Section 25-2-691(C) (*Waterfront Overlay District Uses*) on the first floor of a multi-story commercial or mixed use building.

2.4. Tier Two Requirements.

This section contains criteria for determining the extent to which development proposed for a PUD district would be superior to that which would occur under conventional zoning and subdivision regulations as required under Section 1.1. The council may consider any other criteria the council deems appropriate.

Open Space	Provides open space at least 10% above the requirements of Section 2.3.1.A. (<i>Minimum Requirements</i>). Alternatively, within the urban roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (<i>Design Standards and Mixed Use</i>), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department.
Environment	Does not request exceptions to or modifications of environmental regulations.
	Provides water quality controls superior to those otherwise required by code.
	Uses innovative water quality controls to treat at least 25 percent additional water quality volume and 20 percent greater pollutant removal in addition to the minimum water quality volume required by code.
	Provides water quality treatment for currently untreated, undeveloped off-site areas with a drainage area of at least 25 percent of the subject tract.
	Reduces impervious cover or single-family density by five percent below the maximum otherwise allowed by code or provides off-site mitigation in the same watershed to lower overall impervious cover by five percent below that allowed by code.
	Provides minimum 50-foot setback for unclassified waterways with a drainage area of five acres or greater.
	Provides at least a 50 percent increase in the minimum waterway and critical environmental feature setbacks

	<p>required by code.</p> <p>Clusters impervious cover and disturbed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected.</p> <p>Provides pervious paving for at least 50 percent or more of all paved areas in non-aquifer recharge areas.</p> <p>Prohibits uses that may contribute to air or water quality pollutants.</p>
Green Builder	Provides a rating under the Austin Green Builder Program above a three star rating.
Art	Provides art approved by the Art In Public Places Program in open spaces, either by providing the art directly or by making a contribution to the City's Art in Public Places Program or a successor program.
Great Streets	Complies with City's Great Streets Program, or a successor program. Applicable only to commercial, retail, or mixed-use development that is not subject to the requirements of Chapter 25-2, Subchapter E (<i>Design Standards And Mixed Use</i>).
Community amenities	Provides community or public amenities, which may include spaces for community meetings, day care facilities, non-profit organizations, or other uses that fulfill an identified community need.
Transportation	Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code.
Building Design	Exceeds the minimum points required by the Building Design Options of Section 3.3.2. of Chapter 25-2, Subchapter E (<i>Design Standards And Mixed Use</i>).
Parking structure frontage	In a commercial or mixed-use development, at least 75 percent of the building frontage of all parking structures is designed for pedestrian-oriented uses as defined in Section 25-2-691(C) (<i>Waterfront Overlay District Uses</i>) in ground floor spaces.
Affordable Housing	Provides or participates in programs to provide affordable housing.
Historic Preservation	Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements.

Accessibility	Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements.
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2.5. Development Bonuses.

2.5.1. Limitation on Development. Except as provided in Section 2.5.2, *Residential Development Exceeding Baseline*, and Section 2.5.8, *Commercial Development Exceeding Baseline*, site development regulations for maximum height, maximum floor area ratio, and maximum building coverage in a PUD may not exceed the baseline established under Section 1.5.4, *Baseline for Determining Development Bonuses*.

2.5.2. Residential Development Exceeding Baseline. Development in a PUD with residential uses in 25 percent or more of its climate controlled space may exceed the baseline established under Section 1.5.4, *Baseline for Determining Development Bonuses*, for maximum height, maximum floor area ratio, and maximum building coverage if the developer:

- A. includes in the application for PUD zoning a report approved by the Director of NHCD establishing the prevailing level of affordability of housing in the vicinity of the PUD, expressed as a percentage of median family income in the Austin metropolitan statistical area; and
- B. provides contract commitments and performance guarantees that provide affordable housing meeting or exceeding the requirements of Section 2.5.3, *Requirements for Rental Housing*, and Section 2.5.4, *Requirements for Ownership Housing*.

2.5.3. Requirements for Rental Housing. If the PUD includes rental housing, rental units must be provided either on the site receiving the development bonus or another site within the PUD that:

- A. constitute at least 10 percent of the rental habitable square footage within the PUD;
- B. are affordable to a household whose income is less than the affordability level established under Section 2.5.5, *Affordability Levels*;
- C. remain subject to affordability requirements for 40 years from the date a certificate of occupancy is issued; and
- D. are eligible for federal housing choice vouchers.

2.5.4. Requirements for Ownership Housing. If the PUD includes owner occupied housing, owner occupied units must be provided either on the site receiving the development bonus or another site within the PUD that

- A. constitute at least five percent of the owner occupied habitable square footage within the PUD;
- B. are affordable to a household whose income is less than the affordability level established under Section 2.5.5, *Affordability Levels*; and
- C. are transferred to the owner subject to a shared equity agreement approved by the Director of NHCD.

2.5.5. Affordability Levels. The affordability level is:

- A. for a portion of a PUD within the urban roadway boundary depicted in Figure 2 of Subchapter E of Chapter 25-2, *Design Standards and Mixed Use*, 80% of the median family income in the Austin metropolitan statistical area;
- B. for a portion of a PUD outside the urban roadway boundary depicted in Figure 2 of Subchapter E of Chapter 25-2, *Design Standards and Mixed Use*, 60% of the median family income in the Austin metropolitan statistical area; or
- C. if the Council finds that the prevailing level of affordability of housing in the vicinity of the PUD is lower than the level applicable under Paragraph A or B, any lesser percentage of the median family income in the Austin metropolitan statistical area established by the Council.

2.5.6 Alternative Affordable Housing Options. In lieu of complying with Section 2.5.2, *Residential Development Exceeding Baseline*, the developer may:

- A. donate to the Austin Housing Finance Corporation land within the PUD that is appropriate and sufficient to develop 20 percent of the residential habitable square footage planned for the PUD, as determined by the Director of NHCD; or
- B. if approved by the city council, pay the amount established under Section 2.5.7, *In Lieu Fee*, for each square foot of climate controlled space within the PUD to a Housing Assistance Fund to be used for producing or financing affordable housing, as determined by the Director of NHCD.

2.5.7. In Lieu Fee. The amount payable under Section 2.5.6.B, *Alternative Affordable Housing Options*, shall be 60 percent of the fee established under Section 25-2-586(I) (*Affordable Housing Incentives in a Central Business District or Downtown Mixed Use Zoning District*) or any successor fee established under the Austin Downtown Plan.

2.5.8. Commercial Development Exceeding Baseline. Development in a PUD with commercial uses in more than 25 percent of its climate controlled space may exceed the development bonus baseline established under Section 1.5.4, *Baseline for Determining Development Bonuses*, for maximum height, maximum floor area ratio, and maximum building coverage if the developer:

- A. provides space equal to at least 25 percent of the climate controlled space of the single largest floor plate in the PUD for rent to one or more independent retail or restaurant businesses that qualify as a small business under Small Business Administration criteria and whose principal place of business is within the Austin metropolitan statistical area; and
- B. the rent for the space does not exceed the lesser of seven percent of the business' gross revenue or 80 percent of the average rent for comparable uses within the structure

Subpart C. Land Use Plan; Regulations; Variances.

3.1. Land Use Plan Expiration and Amendment.

3.1.1. Expiration. A land use plan does not expire unless the property is rezoned to a district other than PUD.

3.1.2. Substantial Amendment. A substantial amendment to a land use plan is a rezoning of the affected portion of the PUD zoning district and requires council approval. The following are substantial amendments:

- A. adding a land use that is more intense than the existing permitted uses;
- B. amending a site development regulation;
- C. increasing the intensity of a land use adjacent to a platted single family residential tract;
- D. amending a condition of approval of the PUD zoning district;

- E. increasing land use intensity in a phase of development of the PUD without decreasing land use intensity an equivalent amount in the phase of development;
- F. shifting development intensity in a manner that results in an "E" or "F" level of service on a roadway segment or intersection included in the traffic impact analysis governing the PUD; and
- G. amending a phasing schedule to establish a non-residential land use before establishing the residential development supported by the non-residential use.

3.1.3. Approval By Director. The director of the Neighborhood Planning and Zoning Department may approve an amendment to a land use plan that is not a substantial amendment described under Section 3.1.2. (*Substantial Amendment*).

- A. An applicant must submit a proposed amendment to the director of the Neighborhood Planning and Zoning Department with an application for approval of an administrative site plan.
- B. The director of the Neighborhood Planning and Zoning Department's decision on an amendment may be appealed to the Land Use Commission. The Land Use commission's decision may be appealed to the council.

3.1.4. Increased Intensity. A substantial amendment based on increased land use intensity occurs if:

- A. the most restrictive base zoning district in which the proposed use is permitted is less restrictive than the most restrictive base zoning district in which the existing use is permitted;
- B. residential density is higher than authorized in the existing land use plan; or
- C. a multifamily use is proposed along the periphery of the project.

3.2. Planned Unit Development Regulations.

3.2.1. Uses and Regulations. The permitted uses, conditional uses, and site development regulations for a PUD district are established by the ordinance zoning property as a PUD district, the accompanying land use

plan, and this division. The council may require development phasing or the construction of off-site infrastructure.

3.2.2. Residential Uses. For residential uses, a land use plan must include:

- A. the type and location of each use;
- B. the maximum density;
- C. for multifamily development, the maximum floor to area ratio;
- D. the maximum building height;
- E. the minimum lot size and width; and
- F. other site development regulations that might be required by the council.

3.3.3. Nonresidential Uses. For nonresidential uses, a land use plan must include:

- A. the type and location of each use;
- B. the maximum floor to area ratio, which may not be greater than the maximum floor to area ratio permitted in the most restrictive base zoning district in which proposed use is permitted;
- C. the maximum building height;
- D. the minimum front yard and street side yard setbacks, which, except as otherwise provided in this division or Chapter 25-2, Subchapter E (*Design Standards And Mixed Use*), must be not less than the greater of:
 - 1. 25 feet for a front yard, and 15 feet for a street side yard; or
 - 2. those required by Subchapter C, Article 10 (*Compatibility Standards*).
- E. the number of curb cuts or driveways, which must be the minimum necessary for adequate access to the site; and
- F. other site development regulations that may be required by the council.

3.3.4. Industrial Uses. An industrial use must comply with the performance standards established by Section 25-2-648 (*Planned Development Area(PDA) Performance Standards*).

3.3.5. Open Space. A greenbelt or buffer zone may be included as open space, but a detention or filtration area is excluded unless the area is designed and maintained as an amenity to the site.

3.4. Variances.

A variance from the requirements of Chapter 25-8 (*Environment*) or Subchapter C, Article 10 (*Compatibility Standards*) for development in a PUD may only be granted:

- A. by the land use plan;
- B. by amendment of the land use plan; or
- C. for variances from subdivision or site plan engineering or design requirements, through the process established in Chapter 25-1, Article 7, Division 2 (*Variances*).

Subpart D. Development Applications.

4.1. Concurrent Consideration of Development Applications.

The council may consider a preliminary plan or final plat processed concurrently with an application requesting a PUD zoning district classification for a property.

4.2. Development Applications Must Comply with Land Use Plan.

4.2.1. Approval. The council, Land Use Commission, or director of the Neighborhood Planning and Zoning Department may approve a preliminary subdivision plan, final plat, site plan, or building permit for development in a PUD zoning district only if the proposed development complies with the requirements of the land use plan.

4.2.2 Director's Report. The director of the Neighborhood Planning and Zoning Department's report on a development application considered by the Land Use Commission or council must include a determination of whether the application complies with the requirements of the land use plan.

4.4. Rezoning if Development Applications Expire or Are Not Approved.

The director of the Neighborhood Planning and Zoning Department shall request that the council initiate the rezoning of property in a PUD zoning district if:

- A. a preliminary plan or site plan for a portion of the property is not approved within three years after the effective date of the ordinance approving the PUD zoning classification for the property; or
- B. an approved preliminary plan or site plan expires.

Section 2-1-44. Environmental Board

(A) through (H) *No change.*

(I) The board shall:

(1) through (8) *No change.*

(9) review roadway plan amendments; ~~and~~

(10) recommend urban runoff standards; and

(11) review planned unit developments.

To: Rodney Ahart
Jon Beall

Date: 5/15/08

Effective June 1, 2008

You can retrieve your
packet electronically

go to <ftp.ci.austin.tx.us>

Go to File logon as:

Then enter your
username and

password. Per your
request we will STOP
mailing you a packet.