



## Late Backup

#135

Wayne Shipley

**September 25, 2014**

**Back up material for presentation by Wayne Shipley**

**ITEM #135 Opposing- South Austin Combined Neighborhood Plan with City Staff Revised Infill Tools**

Small Lot Amnesty Amendment- February 18, 2014

Zoning- Acknowledgment Form concerning Deed Restrictions and Restrictive Covenants for SACNP

Zoning- Traffic Impact Analysis form for SACNP

Austin Monitor article, dated Sept 8, 2014, regarding South Lamar development mitigation

South Manchaca Character District mail-in comment card –In Favor/Against Zoning Changes

Letter from Southwood Neighborhood President in the South Manchaca District

Letter from Mark and Peggy Ashworth – Pawnee Pathway – Home Flooding photos in Powerpoint

D21  
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**NEW BUSINESS: CODE AMENDMENT INITIATION REVIEW SHEET**

**Amendment:** Small Lot Amnesty - Consider initiation of an amendment to Title 25 of the City Code to limit the ability of using small lot amnesty to disaggregate contiguous substandard lots to create a site that is smaller than the minimum lot area requirement.

**Description:** Clarify that the small lot amnesty infill tool can be used to allow development on substandard lots that do not meet the minimum lot size under today's code, but cannot be used to disaggregate substandard lots that have been combined for a single development.

**Proposed Language:**

**Background:** Initiation recommended by the Codes and Ordinances Subcommittee on February 18, 2014.

The small lot amnesty infill tool permits construction or major renovation of existing single-family homes on existing legally-created lots that do not meet current minimum lot standards. To qualify, the lot must have a minimum area of 2,500 square feet and a minimum width of 25 feet. This special use applies to all zoning districts and overlays that permit single-family homes. Under existing regulations that apply city-wide, an existing, legally-created lot less than 5,750 square feet that does not comply with current zoning regulations cannot be legally developed or have substantial improvements made to existing buildings (unless it is a qualified substandard lot (LDC 25-2-943) with a minimum lot area of 4,000 square feet and platted before March 15, 1946). Many legally subdivided lots in older parts of the city that do not meet current standards or do not qualify as substandard lots are sitting vacant or the homes on those lots are deteriorating because major improvements are not allowed.

This infill tool has been used in the past to disaggregate sites into smaller substandard lots. For example, a home that has been built across three substandard lots has been allowed to be demolished to make way for three smaller homes, one on each substandard lot. The intent of the small lot infill tool is to address substandard lots where development/redevelopment would have otherwise been impossible, not to allow existing sites to be broken down into smaller lots that don't meet current minimum size requirements.

Staff feels that initiation of this code amendment is appropriate and that it should be clarified that the small lot amnesty tool should not be used for disaggregation, and that the cottage and urban home infill tools are the best way to allow for disaggregation of lots or subdivision into lots below 5750 square feet. However, because most neighborhood planning areas have not opted into cottage and urban home infill tools, and most of the city does not have access to them, staff would like to explore potential options for allowing disaggregation and subdivision into smaller lots, where appropriate.

**Staff Recommendation:** Recommends initiation of this code amendment.

**Board and Commission Actions:**

**Council Action:**

**Ordinance Number:** NA

**City Staff:** Greg Dutton **Phone:** 974-3509 **Email:** greg.dutton@austintexas.gov

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## ZONING

### ACKNOWLEDGMENT FORM concerning Subdivision Plat Notes, Deed Restrictions Restrictive Covenants

I, WENDY W. RHODES have checked the subdivision plat notes,  
(Print name of applicant)

deed restrictions, and/or restrictive covenants prohibiting certain uses and/or requiring certain development restrictions i.e. height, access, screening etc. on this property, located at:

STASSNEY LN ON THE NORTH; SOUTH 1ST STREET ON THE EAST,  
(Address or Legal Description)

WILLIAM CANNON DR. ON THE SOUTH, AND DEATONHILL DR, AND generally along  
the lot line and WESTGATE BLVD ON THE WEST  
If a conflict should result with the request I am submitting to the City of Austin due to subdivision plat notes, deed restrictions, and/or restrictive covenants, it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of a subdivision plat notes, deed restrictions, and/or restrictive covenants.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, and/or restrictive covenants as information which may apply to this property.

Wendy W. Rhodes  
(Applicant's signature)

2/4/2014  
(Date)

### POSTPONEMENT POLICY ON ZONING HEARINGS

- Sets a postponement date and time at the City Council hearing so that renotification of residents and property owners is not necessary.
- Limits the time a hearing can be postponed to two months for both proponents and opponents, unless otherwise approved by Council so that renotification of residents and property owners is not necessary.
- Allows only one postponement for either side, unless otherwise approved by Council.
- Requires that all requests for postponements be submitted in writing to the director of the Planning and Development Review Department at least one week prior to the scheduled Council meeting. The written request must specify reasons for the postponement.
- The Director of the Planning and Development Review Department shall provide a recommendation regarding the validity of the postponement request as the Director deems appropriate.
- Eliminates the automatic granting of a postponement of the first request.
- Authorizes Council to consider requests that are not submitted timely.

# ZONING

## CITY OF AUSTIN TRAFFIC IMPACT ANALYSIS (TIA) DETERMINATION WORKSHEET

APPLICANT MUST FILL IN WORKSHEET PRIOR TO SUBMITTING FOR TIA DETERMINATION

PROJECT NAME: GARRISON PARK NEIGHBORHOOD PLAN AREA REZONING'S  
 LOCATION: STASSNEY LN ON THE NORTH, S. 1ST STREET ON THE EAST, WILLIAM CANNON DR. ON THE SOUTH AND DEATONHILL TR, AND generally along the lot line AND WESTGATE BLVD ON THE WEST  
 APPLICANT: TELEPHONE NO:  
 APPLICATION STATUS: DEVELOPMENT ASSESSMENT ZONING: XXX SITE PLAN: \_\_\_\_\_

### EXISTING:

### FOR OFFICE USE ONLY

TRACT NUMBER	TRACT ACRES	BLDG SQ. FT.	ZONING	LAND USE	L.T.E CODE	TRIP RATE	TRIPS PER DAY

### PROPOSED

### FOR OFFICE USE ONLY

TRACT NUMBER	TRACT ACRES	BLDG SQ. FT.	ZONING	LAND USE	L.T.E CODE	TRIP RATE	TRIPS PER DAY
NO BASE DISTRICT ZONING CHANGES ARE PROPOSED.							
THE ZONING CHANGE PROPOSES TO ADD A JNP COMBINING DISTRICT, as well as design tools & special use options, restricted parking, restricted mobile food vending							

### ABUTTING ROADWAYS

### FOR OFFICE USE ONLY

STREET NAME	PROPOSED ACCESS?	PAVEMENT WIDTH	CLASSIFICATION
STASSNEY LN.			
S. 1ST ST.			
WILLIAM CANNON DR.			
WESTGATE BLVD			

### FOR OFFICE USE ONLY

- ☐ A traffic impact analysis is required. The consultant preparing the study must meet with a transportation planner to discuss the scope and requirements of the study before beginning the study.
- ☐ A traffic impact analysis is NOT required. The traffic generated by the proposal does not exceed the thresholds established in the Land Development Code.
- ☒ The traffic impact analysis has been waived for the following reason: CITY-INITIATED PROJECT
- ☐ A neighborhood traffic analysis will be performed by the City for this project. The applicant may have to collect existing traffic counts. See a transportation planner for information.

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

DISTRIBUTION: \_\_\_\_\_ FILE \_\_\_\_\_ CAP. METRO \_\_\_\_\_ TXDOT \_\_\_\_\_ TRANS. REV. \_\_\_\_\_ TRAVIS CO. \_\_\_\_\_ TRANS. DEPT.

TOTAL COPIES: \_\_\_\_\_

NOTE: A TIA determination must be made prior to submittal of any zoning or site plan application, therefore, this completed and reviewed form MUST ACCOMPANY any subsequent application for the IDENTICAL project. CHANGES to the proposed project will REQUIRE a new TIA determination to be made.



Monday, September 8, 2014 by Elizabeth Pagano

## DEVELOPMENT

### **South Lamar development problems get closer look**

Development in the city's South Lamar neighborhood may be approaching a tipping point. A recent report could have the city scrambling to make sure it doesn't capsize.

"Are we just going to give up on this neighborhood, or are we going to figure out how to make it work?" asked Council Member Laura Morrison.

City Council's Comprehensive Planning and Transportation Committee got an update of the South Lamar Neighborhood Mitigation Plan last week. The report was a result of a Council directive that asked the city to take a closer look at the transportation and flooding issues that have occurred in the area – which has seen rapid development over the past few years – and offer potential solutions.

Specifically, staff was asked to address infill issues, general problems and possible needed revisions to the Land Development Code.

The recommendations could come with a hefty price tag. Though the exact figure isn't yet known, department heads estimate that Watershed Protection and Transportation Department studies of the area could cost between \$1.5 and \$3 million. They hope to get that funding in this budget, which could be finalized as soon as today.

Planning and Development Review senior planner Mark Walters explained that, in the South Lamar Neighborhood, subdivision patterns have allowed developers to build single-family homes in a desirable zip code, unlike other parts of town where the ability to do so was limited.

From 2009 to the second quarter of this year, 133 Certificates of Occupancy were issued in the neighborhood. Walters called it a "good number of housing units."

That number is dwarfed by the 549 new residences on the way, and in the midst of development.

The rush of development has caused a number of problems for the neighborhood already, most notably in terms of transportation and flooding.

Flooding has been a serious issue in the neighborhood; even prior to the additional development, the area suffered from what Walters called “undersized, collapsed and nonexistent stormwater infrastructure.” Flooding has become worse, according to neighbors, with the increase in development.

Jorge Morales, who is an engineer with the city’s Watershed Protection Department, showed pictures of flooding in the neighborhood, taken by residents in the past year. He said his department has been concerned about development in the area for a few years and has been trying to work with developers to mitigate flooding.

Morales said that in order to expand the current project, they would need more money for consultants and more staff. He suggested that an expansion could be undertaken for about \$700,000 to \$1.5 million, which would allow the city to look at the entire West Bouldin Creek watershed and establish a master plan.

Short term, the city could implement a closer study of neighborhoods facing these kinds of development problems by subjecting development to more cross-departmental study. Walters said this could be done with current resources, but could extend review times. He also said the city could immediately close loopholes that allow developers to avoid stormwater regulations, and look at whether current stormwater requirements could be revised to provide more protections against flooding.

“Watershed has identified hundreds of millions of dollars’ worth of needed improvements, but the funds to do that just aren’t there,” said Walters.

Poor roadway connectivity is also causing traffic issues – exacerbated by rapid development – for the area.

“I challenge you, if you are not from the neighborhood, to go from north to south and try and find your way through the neighborhood. It’s almost like a maze,” said Walters.

Transportation Department Director Robert Spillar pointed out that the “almost rural” development of the area had created unique transportation problems. By way of example, Spillar said that while driving to the meeting, a chicken had “literally” run across the road in front of his car, just blocks away from a new, dense urban development.

Spillar said one of the problems his department faces is that many of the developments are built just below the size that triggers greater scrutiny, and the buildings themselves of more infrastructure.

The area is filled with culs-de-sac and dead ends, and does not have a plan to support connectivity, which exacerbates traffic problems. Spillar acknowledged that implementing connectivity could spur more development.

Walters said that although it was “no accident” that South Lamar was facing these issues as a result of development, the factors causing the trouble might be somewhat unique to the area.

Walters said the Land Development Code is, essentially, a suburban model of development the city has tried to retrofit with urban infill options, and that hasn’t worked very well. Changing this in order to address the problems citywide could have “implications.” Namely, it might take longer for the city to review projects, and it might cost more.

“We need to demonstrate to the community that we can do infill responsibly,” said Morrison. “These kinds of steps are going to help do that.”

Walters explained that because the code doesn’t adequately address infill, the city has already missed out on opportunities to build infrastructure and mitigate effects of infill development. He suggested City Council could pass development restrictions for the area, which could add another layer to an already-unwieldy land development code. He also said the neighborhood could establish a neighborhood plan, though staff did not have the resources to embark on that mission currently.

Additionally, Walters acknowledged that an earlier attempt to craft a neighborhood plan for the area may have “generated a certain level of mistrust” between the neighborhood and the city.

As a slight complication, any changes to the Land Development Code should be coordinated with the multi-year CodeNEXT rewrite already underway.

Though not yet complete, the report asks the city for funding to hire consultants to analyze the West Bouldin Creek Watershed, revise the Transportation Criteria Manual, and develop a transportation “collector plan” for the city. Staff also recommended the creation of a stakeholder working group and a cross-departmental working group to take a closer look at the problems.

Council will weigh in on the report after it is complete. That is expected to be Sept. 15.

- See more at: <http://www.austinmonitor.com/stories/2014/09/south-lamar-development-problems-get-closer-look/#sthash.zPV3eXTg.dpuf>



South Manchaca Character District Comment Forms OPPOSING Zoning Change

26 Households

32 Individuals

South Manchaca/Southwood: 1413 Redd  
South Manchaca/Southwood: 1802 Forestglade  
South Manchaca/Southwood: 1805 Forestglade  
South Manchaca/Southwood: 4529 Clawson  
South Manchaca/Southwood: 4608 Lennox  
South Manchaca/Southwood: XXX Philco  
South Manchaca/Southwood: 809 Philco  
South Manchaca/Southwood: 4610 Philco  
South Manchaca/Southwood: 4701 Philco  
South Manchaca/Southwood: 4624 Philco  
South Manchaca/Southwood: 4705 Glenhaven Dr  
South Manchaca/Southwood: 4805 Brighton Rd  
South Manchaca/Southwood: 4902 Enchanted  
South Manchaca/Southwood: 4910 Enchanted  
South Manchaca/Southwood: 5112 Emerald Forest  
South Manchaca/Southwood: 5402 Lishill Cove  
South Manchaca/Southwood: 502 Normandy  
South Manchaca/Southwood: 503 Normandy  
South Manchaca/Southwood: 703 Orland Blvd  
South Manchaca/Southwood: 809 Orland Blvd  
South Manchaca/Southwood: 814 Hill wood Dr  
South Manchaca/Southwood: 900 Hill wood Dr  
South Manchaca/Southwood: 4303 Banister  
South Manchaca/Southwood: 4620 Banister  
South Manchaca/Salem Walk: 5404 Salem Walk  
South Manchaca/Salem Walk: 1110 Radam Cir

Sandy Frederick  
Clare Halbert  
Virginia Bingham  
Jill Hodges and Patrick Lawson  
Andrea and Margarito Rodriguez  
(no street number or name given)  
Lynn Williamson  
Laura and Paul Schlichting  
Henry and Mildred Nazier  
Margaret Marcum  
John Gamble  
Charles Christopher  
Rheta Smith  
Gail Hines  
Marlene Eskin  
Bruno and Shannon Zucca  
Olivia Hernandez @ 2313 S. 1<sup>st</sup> St.  
Olivia Hernandez @ 2305 S. 3<sup>rd</sup> St.  
Harold E. Angell  
Amy Eastup Solomon  
Ellen Thibodeaux and Kelly Chester  
Loraine Bodoh  
Erlene McVay  
Sally Jacques  
Michael Cosper and Lora Cox  
Lillie Polston

South Manchaca Character District Comment Forms IN FAVOR:

4 Households

6 Individuals

4803 Everglade Dr.  
5218 Meadowcreek  
4513 So. 3<sup>rd</sup> St.  
4613 Jinx

Marshall Escamilla & Lindsay Patterson  
Rhiannon Dillion  
Clara Ramirez  
Patrica Sweredoski & Lawrence Sweredoski

**Phyllis Joan Owens**

1709 Saint Albans Blvd

Austin, TX 78745

► **City of Austin Council Members**

**City of Austin Planning Commission**

Phone: 512 447-3115 \* 512 461-3318 Cell

September 23, 2014

### **South Austin Combined Neighborhood Plan (SACNP)**

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#### **Dear Council Members and Planning Commission Members**

It has come to my attention that there may be some misconceptions regarding the input that you have received from Southwood Residents in regard to the South Austin Combined Neighborhood Plan (SACNP).

I have heard that some council members and planning commissioners may be under the impression that they have heard from the Southwood Neighborhood Association in favor of the in-fill options in the SACNP. If this is true, I would like to clarify that point.

During the Planning Process that lasted over a year, there were approximately seven South Manchaca Neighbors who consistently participated. At least five participants were or had been Southwood Neighborhood Association Officers. As you began personally hearing testimony and meeting with Southwood residents in regard to the SACNP, it often was these same dedicated individuals meeting with you.

But at all times these individuals were representing themselves and their views in regard to the SACNP and the infill options. The Southwood Neighborhood Association represents a large and diverse neighborhood (over 2000 roof tops). The association never conducted a vote or referendum on the infill options of the SACNP. I hope as you make your decision on the SACNP that you keep this in mind. While those of us who invested so much personal time in the process have our opinions, I know that you have also had questionnaire responses and letters from other Southwood residents. I hope that you will keep in mind their responses as well. They sent in their responses in the belief that they would be given your consideration.

My personal hope for the SACNP is that it will be passed; a lot of good visions are represented within the document. My *preference would be for it to be passed without the infill options, but I understand that there are others who strongly prefer the infill options and I can accept that.* The current recommendation from the Planning and Development staff represents a compromise.

Thank you for your time and the work that you have invested in this process.

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Phyllis Joan Owens  
Southwood Neighborhood

Email from Mark and Peggy Ashworth  
5806 Pawnee Pathway, 78745  
Photos from Sept 18, 2014

Mark Ashworth <[REDACTED]>

Wed, Sep 24, 2014 at 8:44 AM

To: '[REDACTED]'

Cc: "Ashworth, Peggy" <[REDACTED]>, Jamie Ashworth <[REDACTED]>

Dear Paula:

Thanks for putting your energy behind such a worthy endeavor. I hope you find somebody who will stop and consider the plight of people like my wife Peggy, my daughter Jamie and myself whose lives are dramatically affected by flooding in Austin.

Our story begins in 1996 when we moved to a gorgeous piece of property backing up to Williamson Creek. Our home is located on a cul de sac and our back yard is a greenbelt which includes all manner of wildlife, including deer, raccoons, fox, coyote, owls and an assortment of waterfowl. This setting was perfect for our family since we needed room for our pets and child to romp around. When we moved in we had no idea what sort of danger and misery was in store for us. At the time all we saw was an idyllic park-like setting.

In 1998 I believe we had our first major flood. Williamson Creek turned into something that was hard for us to fathom. It rained something like 12 inches in a very short period of time and the small dry creek which is a good 100 yards from our house became a raging river probably 300 yards wide. Four feet of water got into our garage, water began shooting out of our toilet like "Old Faithful", our fencing was torn down, many of our belongings were destroyed and were suddenly victims of a disaster complete with the Red Cross magically appearing. Unlike many more unfortunate people our house was not destroyed and we were able to put everything back together after months and help from many people.

Subsequent to that huge flood, the US Army Corps of Engineers and the City of Austin decided that they wanted to do something for our neighborhood which would ease the flooding but it would require pretty much destroying the natural beauty near the creek which was why we moved there in the first place. After many months of planning and meeting with various neighborhood groups the Army Corps and the City determined that there was so much resistance to this plan that they finally gave up on it and went away. This was a victory for our neighborhood and the greenbelt or so we thought.

Several years went by until once again another major flood occurred which was in Oct of 2013. This one was worse than the one in 1998 and caused many people in the area to lose their homes entirely or their lives. My wife and I were not finished making repairs and spending thousands of dollars until April of 2014. In the early morning of Sept. 18<sup>th</sup> 2014 we got hit again. The fencing went down a couple of feet of water accumulated in the garage, lots of clean up afterwards and many other repairs which flood insurance will not cover are in our forecast.

We have worked hard to make a life in South Austin in a wonderful neighborhood but the fact of the matter is that this flooding problem is going to get so bad and so dangerous that one day our house is simply going to float away with everything we own inside of it. All it will take will be the right amount of sustained rain and no flood mitigation in place.

It is the natural order of things that it floods in Texas and if you live by a creek you must beware. The problem is to the West of us is an ever increasing amount of new construction and with that construction comes more asphalt and more concrete. Where does the water go when it rains? It once was able to go into

the ground and not turn our urban creek into the Mighty Mo with the same intensity as it does these days.

What is the answer? I doubt the building will ever cease nor will previous building be torn down. The answer has got to be a very aggressive project that will make the creek channel **very deep** and remove the impediments to the swift flow of flood water all along the creek in question, particularly the small antiquated bridges. Our priorities have changed because the situation has changed. Once we wanted to preserve the ambiance of Williamson Creek but now we just need to preserve our house and our lives. The last flood came with no alerts and we were literally awakened by our neighbor so we could remove our car from the garage before it was ruined.

Thanks again Paula for taking the time to come by and take some photos of the flood's aftermath and to leave your letter for us. Good luck in your efforts to improve everybody's quality of life.

Mark and Peggy Ashworth--