

October 1, 2019 Zoning and Platting Commission Agenda Q & A Report

1. **Zoning:** [C14-2019-0117 - The Coffeehouse at Slaughter Lane; District 2](#)
Location: 648 East Slaughter Lane, Onion Creek Watershed
Owner/Applicant: Najib Wehbe and Charles F. Wehbe
Agent: South Llano Strategies (Josiah Stevenson)
Request: I-RR to GR
Staff Rec.: **Recommended**
Staff: Wendy Rhoades, 512-974-7719, wendy.rhoades@austintexas.gov
Planning and Zoning Department

Question: Commissioner King

Regarding this case, would the applicant be willing to prohibit the following uses on the site?

- Alternative Financial Services
- Bail Bond Services

Answer: Staff / Applicant

We want to build a coffee shop and have no plans for either alternative financial services or bail bond services, now or at any point in the future. We would not have a problem with a restriction against them for its own sake. Our only hesitation in accepting these restrictions in the form of a conditional overlay is that there has been a lot of community discussion lately on principle about the practice of using conditional overlays to customize zoning on a case-by-case basis in general. As necessary as those conversations are in the larger context of land development policy in Austin, we worry they will pull attention away from the merits of having a coffee shop serving the apartments on either side of our site and the rest of the neighborhood.

2. **Zoning:** [C14-2019-0082 - Rosales Residence; District 2](#)
Location: 3012 and 3014 Meldrum Road, Colorado River Watershed
Owner/Applicant: Fernando Rosales Ruiz
Agent: Villalva Consultants (George Villalva)
Request: I-SF-2 to GR
Staff Rec.: **Recommendation of LO-MU**
Staff: Wendy Rhoades, 512-974-7719, wendy.rhoades@austintexas.gov
Planning and Zoning Department

Commissioner King's questions; Staff response in blue.

1. As I understand from the backup for this case, there are only two existing single-family homes on the six lots included in this case and both homes will be retained. Is this correct? [There are](#)

multiple structures within the rezoning area, however only 7511 Cooper Lane is occupied as a residence. The remainder of the structures onsite are either used for storage purposes or are vacant.

2. How long will the two homes be retained? How will they be used? 7501 and 7511 Cooper Lane are part of the application, but are not part of the Applicant's current development plan.
3. Are either of the two homes occupied by low-income families, families of color, seniors, or children? The owners are senior citizens and desire to sell this property.
4. Will any low-income families, families of color, seniors, or children be displaced by the proposed redevelopment? No.
5. Will any of the proposed 98 condos be income-restricted for low-income families earning below 60% median family income? No.
6. Will the proposed transportation mitigation and improvements bring Cooper Lane traffic operations to desirable levels when all of the proposed 98 condos are built and fully occupied? Cooper Lane is currently operating at an undesirable level per the LDC and while the recommended improvements will not change existing conditions, they will mitigate the impact of site traffic on the street. The improvements required by the Neighborhood Traffic Analysis are intended to assist with safer vehicle operations into the site and increase pedestrian / bicycle connectivity.
7. What is the distance to the Cap Metro bus stop nearest this site? The nearest bus stop is located at the intersection of South 1st St and Dittmar Ln, approximately 1,771 feet away (1/3 of a mile). Please note that this is the linear distance that one would drive or walk, rather than "as the crow flies").

3. **Rezoning:** **C14-2019-0100 - 7505 Cooper Lane; District 2**
Location: 7501, 7503, 7505, 7507, 7509, and 7511 Cooper Lane, South Boggy Creek Watershed
Owner/Applicant: Estate of Nelma Mueller (Donnie Carter and Darlene Graber, Independent Executors); Donnie Carter
Agent: David Weekley Homes (Evan Caso)
Request: DR; SF-2 to SF-6
Staff Rec.: **Recommended, with conditions**
Staff: Wendy Rhoades, 512-974-7719, wendy.rhoades@austintexas.gov
Planning and Zoning Department

Commissioner King's question; Staff response in blue.

1. As I understand from the backup for this case, there are only two existing single-family homes on the six lots included in this case and both homes will be retained. Is this correct? There are multiple structures within the rezoning area, however only 7511 Cooper Lane is occupied as a residence. The remainder of the structures onsite are either used for storage purposes or are vacant.
2. How long will the two homes be retained? How will they be used? 7501 and 7511 Cooper Lane are part of the application, but are not part of the Applicant's current development plan.
3. Are either of the two homes occupied by low-income families, families of color, seniors, or children? The owners are senior citizens and desire to sell this property.

4. Will any low-income families, families of color, seniors, or children be displaced by the proposed redevelopment? **No.**
5. Will any of the proposed 98 condos be income-restricted for low-income families earning below 60% median family income? **No.**
6. Will the proposed transportation mitigation and improvements bring Cooper Lane traffic operations to desirable levels when all of the proposed 98 condos are built and fully occupied? **Cooper Lane is currently operating at an undesirable level per the LDC and while the recommended improvements will not change existing conditions, they will mitigate the impact of site traffic on the street. The improvements required by the Neighborhood Traffic Analysis are intended to assist with safer vehicle operations into the site and increase pedestrian / bicycle connectivity.**
7. What is the distance to the Cap Metro bus stop nearest this site? **The nearest bus stop is located at the intersection of South 1st St and Dittmar Ln, approximately 1,771 feet away (1/3 of a mile). Please note that this is the linear distance that one would drive or walk, rather than “as the crow flies”).**

6. Rezoning: [**C814-96-0003.15 - Pioneer Crossing PUD Amendment #15; District 1**](#)

Location: 10930 Defender Trail, Sprinkle Cut Off Road and Samsung Boulevard, Samsung Boulevard and East Braker Lane, Harris Branch Watershed

Owner/Applicant: Continental Homes of Texas, L.P. (Matt Tenner)

Agent: McLean & Howard LLP (Jeffrey Howard)

Request: PUD to PUD, to change a condition of zoning

Staff Rec.: **Recommended, with conditions**

Staff: Sherri Sirwaitis, 512-974-3057, sherri.sirwaitis@austintexas.gov
Planning and Zoning Department

Question: Commissioner Denkler

Please send me the LDC or muni code citation you referenced at the hearing on PUD amendment 14, that stated a PUD did not to go to the Environmental Commission, if no environmental changes were requested.

Did the transportation dept. get the information from the applicant as to where they are going to reduce their 3,904 trips on another parcel? (This was part of the motion on PUD amendment 14).

Is there is a opinion, email etc, saying the PUD is grandfathered, please provide it.

Is legal going to incorporate the changes made administratively to Pioneer Crossing PUD in the ordinances going forward or on another specified date?

Answer: Staff

This proposed amendment is simply to resolve a parkland dedication issue between the City and the applicant. The applicant is not requesting a change to the uses or site development standards permitted in the PUD. Therefore, there has been no discussion on trip reductions from the conditions approved by the TIA for the PUD. There are different applicants/owners in cases C814-96-0003.14 and C814-96-0003.15.

The Law Department will be drafting new ordinances for these cases, as the requests in Amendment #14 and Amendment #15 are considered formal amendments which require Land Use Commission review and City Council approval. The ordinances for Amendment #14 and Amendment #15 will address amending conditions in the previous PUD ordinances, Ordinance No. 970410-I and Ordinance No. 20050512-058.

Administrative PUD amendment changes are reflected on the current adopted PUD Land Use Plan. The land use plan mylars are scanned in to the AMANDA records system and recorded in the Development Assistance Center.

**17. Code
Amendment:** [Atlas 14](#)

Request: Discuss and consider an ordinance amending Title 25 and Title 30 of the City Code related to floodplain regulations.

Staff: [Kevin Shunk](#), Watershed Engineering Division Manager, Watershed Protection Department, (512) 974-9176

Question: Commissioner Aguirre

1. Please provide the locations of the buildings by Council Districts (same request as in Sept. 17, 2019 ZAP Meeting). Particularly, locations of schools or buildings where vulnerable populations may be housed or occupy a building.

Answer: Staff

See C-17 Aguirre Q - Exhibit A

Question: Commissioner King

You addressed questions 1, 5, and 6 below at the ZAP meeting but I would appreciate your response to questions, 2, 3, 4, and 7.

1. What is the following Atlas 14 code amendment intended to achieve?
 - Part 5 – existing City Code Section 25-7-6, renumbered to 25-7-8 (*Computation of Stormwater Runoff*)
 - Clarify that the calculation of the 500-year floodplain is based on the existing impervious cover in a watershed or drainage area, rather than the maximum amount of impervious cover allowed under zoning or watershed regulations.
2. How is lot-to-lot flooding addressed in the Atlas 14 code amendments and new land development code (LDC)? Lot-to-lot flooding is a growing issue, particularly with heavier rain events that occur more frequently.
3. Will engineer sealed pre- and post-drainage analysis be required for new single-family homes, duplexes, and condo/apartment developments with five or fewer residential units under the Atlas 14 code amendments or the new LDC?
4. How will the proposed Atlas 14 code amendments comport with "compliant residential use" proposed in the new LDC? Under the new LDC, a single-family home located in a multifamily zone where single-family is no longer a permitted use will be designated as "compliant residential use". Will single-family homeowners in multifamily-zoned areas be required to comply with Atlas 14 when they remodel their homes or add another room?
5. Regarding the following Atlas 14 code amendment, why aren't parking areas for buildings considered at the same time the buildings are considered for the exemptions in sections 25-7-93 and 25-7-96?
 - Part 8 – City Code Section 25-7-95 (*Requirements for Parking Areas*)
 - This section is revised to allow staff to have the administrative authority to approve parking areas in the 25-year or 100-year floodplains that are accessory to buildings that are approved under the exemptions in sections 25-7-93 and 25-7-96.
6. Why will floodplains no longer require an environmental resource inventory?
 - Part 12 – City Code Section 25-8-121 (*Environmental Resource Inventory Requirement*)
 - Subsection (A) is revised to remove floodplains from the list of property characteristics that require preparation of an environmental resource inventory.
7. How and when will the Atlas 14 code amendments be incorporated into the new LDC?

Answer: Staff

2. How is lot-to-lot flooding addressed in the Atlas 14 code amendments and new land development code (LDC)? Lot-to-lot flooding is a growing issue, particularly with heavier rain events that occur more frequently.

Response: Lot-to-lot flooding is a real concern and exists with today's code. It has long been prohibited by Texas State Law, and recently the City of Austin added a provision to its Plumbing Code (in the drainage section) that also prohibits flooding of neighboring properties. This provision gives the City the ability (and has been used) to red-tag projects during construction if it they are shown to cause lot-to-lot flooding; only after correction could such a project be approved and granted a Certificate of Occupancy. Staff will also explore options to use the code enforcement process to correct lot-to-lot drainage issues that are identified after a new building is constructed. Staff previously proposed requiring an engineer's certification for each new residential building permit, but, after researching other municipalities, concluded that this approach had many downsides (increased cost to every project even as only a small fraction of projects cause problems; no staff review or enforcement; if problems arose, resolving lot-to-lot drainage impacts would still require a civil litigation process). Staff instead recommends the more straightforward enforcement of the Plumbing Code provision against lot-to-lot flooding.

3. Will engineer sealed pre- and post-drainage analysis be required for new single-family homes, duplexes, and condo/apartment developments with five or fewer residential units under the Atlas 14 code amendments or the new LDC?

Response: We assume you are asking about Missing Middle housing requirements. Staff is proposing two levels of Missing Middle zoning in transition zones along corridors. The requirement for a full engineering study for a development will depend on the intensity of the development:

1. Those in RM-1 zones with **max. 60% impervious cover** will need a full engineering study as part of a site plan as is required today.

2. Those in R4 zones with **max. 50% impervious cover** can opt for a set of scaled and streamlined drainage and water quality requirements that apply to all one- to two-unit residential and some small-scale missing middle development. These will thus not require a full drainage analysis. To qualify for the modified regulations, the missing middle development must meet the following requirements:

- It can only include a maximum of nine units. (If the project is participating in the Affordability Unlocked program, the unit cap is raised to 12 or 16 units for Type 1 or Type 2 projects, respectively.)
- It must be located on a platted residential lot (i.e., a lot that was originally part of a single-family residential subdivision).
- It must comply with the lot's zoning impervious cover limit, but may not exceed 50 percent impervious cover.
- It may not require a variance from the Land Use Commission.

The unit cap and impervious cover limits ensure that the missing middle development that is eligible for the streamlined regulations resembles one- to two-unit projects in scale. Limiting the eligibility to projects on residentially-platted lots is important because applicable water

quality and drainage requirements would have been applied at the time of subdivision. It establishes regulatory parity between the missing middle development and the one- to two-unit residential development that would otherwise be located on the lot. Establishing a uniform set of regulations that apply to both single-family and small scale missing middle development ensures that projects of very similar scale, with the same potential for environmental and drainage impacts, are subject to the same requirements. This level playing field helps eliminate an incentive to build one or two large units on a residentially platted lot instead of several smaller units.

4. How will the proposed Atlas 14 code amendments comport with "compliant residential use" proposed in the new LDC? Under the new LDC, a single-family home located in a multifamily zone where single-family is no longer a permitted use will be designated as "compliant residential use". Will single-family homeowners in multifamily-zoned areas be required to comply with Atlas 14 when they remodel their homes or add another room?

Response: All development, including single-family residential building permit projects in a transition zone, will have to comply with Atlas 14 code provisions. This would thus have the same result for such properties with or without the proposed LDC Revision code.

7. How and when will the Atlas 14 code amendments be incorporated into the new LDC?

Response: **(1) Inclusion of Atlas 14 in the larger code.** Since Atlas 14 will not have been considered or approved by Council prior to the October 4 release of the LDC Revision, we were not able to directly add the proposed Atlas 14 code to the LDC Revision. However, if Council does approve Atlas 14, staff will add the Atlas 14 elements to the code draft to fully incorporate it into the draft. (Much of the LDC Revision will consist of existing code; if approved, Atlas 14 will be part of that existing code and will be retained, unchanged as approved by Council.)

(2) Atlas 14 is being used to inform the LDC Revision mapping. Staff expressly used Atlas 14 data to limit instances in which properties are assigned higher impervious cover limits than in existing code. The mapping of zoning for all parcels within the 500-year floodplain was evaluated; per the draft Atlas 14 ordinance proposed for Council consideration in October, the existing 500-year floodplain serves as a proxy for the future 100-year floodplain. In cases where the 500-year floodplain crossed or ran parallel to a corridor, this limited the extent of any potential transition zone mapping. Tracts outside of transition zones were also evaluated and assigned zoning classes most similar to existing zones. Due to the translation of existing to newly proposed zones, some lots experienced minor increases in impervious cover entitlements in floodplains. Areas subject to the Downtown Austin Plan were zoned in accordance with the plan per Council direction. Whatever the level of impervious cover theoretically allowed by zoning, development within the floodplain is highly restricted by drainage code and criteria. Most types of development within floodplains may only be permitted with Council approval.

Atlas 14 Data by Council District

Buildings in the Floodplain	District 1			District 2			District 3			District 4			District 5			District 6		
	Current 100 Year	Current 500 Year	Total	Current 100 Year	Current 500 Year	Total	Current 100 Year	Current 500 Year	Total	Current 100 Year	Current 500 Year	Total	Current 100 Year	Current 500 Year	Total	Current 100 Year	Current 500 Year	Total
Single Family, Duplex, or Mobile Home	259	491	750	159	384	543	487	263	750	463	274	737	447	387	834	146	38	184
Multifamily	19	16	35	1	43	44	50	73	123	50	28	78	61	29	90	6	14	20
Commercial & Mixed Use	16	7	23	7	8	15	41	18	59	39	17	56	20	3	23	15	3	18
Open Space	15	4	19	9	27	36	12	1	13	2	2	4	10	7	17	6	4	10
Undeveloped	9	3	12	5	3	8	1	-	1	-	-	-	-	-	-	1	-	1
Public or Civic	15	5	20	41	15	56	10	5	15	7	2	9	7	1	8	29	8	37
Undefined Land Use	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	2
Grand Total	333	526	859	222	480	702	601	360	961	561	323	884	545	427	972	205	67	272

Buildings in the Floodplain	District 7			District 8			District 9			District 10			TOTAL CITY		
	Current 100 Year	Current 500 Year	Total	Current 100 Year	Current 500 Year	Total	Current 100 Year	Current 500 Year	Total	Current 100 Year	Current 500 Year	Total	Current 100 Year	Current 500 Year	Total
Single Family, Duplex, or Mobile Home	411	422	833	302	287	589	225	112	337	187	65	252	3,086	2,723	5,809
Multifamily	11	20	31	18	7	25	32	22	54	6	4	10	254	256	510
Commercial & Mixed Use	64	24	88	53	13	66	95	32	127	6	4	10	356	129	485
Open Space	3	3	6	14	5	19	8	5	13	7	1	8	86	59	145
Undeveloped	-	-	-	1	-	1	-	-	-	1	2	3	18	8	26
Public or Civic	4	-	4	13	10	23	28	12	40	8	1	9	162	59	221
Undefined Land Use	2	-	2	-	-	-	1	3	4	2	-	2	7	3	10
Grand Total	495	469	964	401	322	723	389	186	575	217	77	294	3,969	3,237	7,206

Summary											
	D1	D2	D3	D4	D5	D6	D7	D8	D9	D10	City
Buildings in Current 100 Year FP	333	222	601	561	545	205	495	401	389	217	3,969
Buildings in Current 500 Year FP	526	480	360	323	427	67	469	322	186	77	3,237
Total Buildings in 100+500 Year FP	859	702	961	884	972	272	964	723	575	294	7,206
Total Buildings in District	25,777	23,797	18,775	16,584	30,074	25,177	27,180	28,061	20,034	29,374	244,833
Pct Buildings in 100+500 FP	3.3%	2.9%	5.1%	5.3%	3.2%	1.1%	3.5%	2.6%	2.9%	1.0%	2.9%