

§ 15.3 DEVELOPMENT ASSESSMENTS CONCEPT SITE PLANS

(A) Standard Development Assessments.

(1) *Purpose and Limitations.*

(a) Any person evaluating the development potential of land within the jurisdiction of the City of Austin may request a Development Assessment as provided in City Code Sec. 25-1-62 (*Development Assessment*). A Development Assessment is not an actual permit to development property; rather, it is a preliminary analysis by City staff of the general procedures and requirements of the Land Development Code that would apply to a proposed development and an estimate of fees required.

(b) A Development Assessment reflects staff's best judgment, based on the information provided, on how current City regulations would apply to a proposed development. Note: Projects for which review under older City regulations is requested must be reviewed consistent with the process established in City Code Chapter 25-1, Article 12 (*Vested Rights*), and may not obtain a Development Assessment.

(c) In most cases, particularly for simple and straightforward projects, staff will follow determinations made in a Development Assessment during subsequent review of a formal development application for that project. However, a standard Development Assessment is not formally binding, and may be revisited during subsequent review of a site plan or building permit application. Examples where this may occur include projects for which: (i) regulations have changed since the Development Assessment was issued; or (ii) the subsequent site plan or building permit application is inconsistent with the Development Assessment.

(d) An applicant who wishes to obtain a binding Development Assessment must alternatively submit a Development Assessment Concept Site Plan as described in Subsection (B), below, which requires a more involved review process and more detailed information regarding the proposed project.

(e) An applicant is not required to obtain a Development Assessment, with or without a Concept Site Plan, in order to develop property. Rather, a Development Assessment is purely an optional tool to assist applicants in advance for submitting a formal site plan or building permit application.

(2) *Scope of Standard Development Assessment.*

(a) A standard Development Assessment will always include the following staff determinations:

- *A Process Assessment that identifies the applicable review process and estimates fees.*
- *A Project Assessment that identifies potential major issues for the proposed project, including the specific items listed in City Code Sec. 25-1-62(C)(3)(a)-(f) and any obvious areas of non-compliance with applicable regulations and/or variances that may be required in order for the project to be approved. (For projects requiring a site plan, the Project Assessment is folded into the Site Plan Pre-Application).*

(B) Concept Site Plans.

(1) Purpose and Limitations.

(a) As described in Subsection (A), above, a standard Development Assessment is not formally binding during subsequent review of a site plan or building permit application for the project. However, if a request for a Development Assessment also includes a Concept Site Plan, determinations made in the Development Assessment shall be binding for a period of one year except as provided in Paragraph (1)(b).

(b) Since a Development Assessment is an optional tool, it does not automatically have the effect of “locking-in” the regulations in effect on the date the application for a Development Assessment is submitted. In order to avoid subsequent changes in regulations, a Fair Notice Application (New Project) must be submitted concurrent with the Concept Site Plan. Acceptance of the Fair Notice Application will lock-in existing regulations for a period of one-year as provided in City Code Sec. 25-1-535 (*Fair Notice Application*).

(2) Application and Review Procedure.

(a) A Concept Site Plan application may be submitted on any working day and is subject to Formal Completeness Check, as established with site plan applications under Section 25-1-82(C). Completeness Check results will be provided within 3 business days.

If a proposed development is required to comply with City Code Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*), an applicant may request that a Development Assessment evaluate any proposed methods for achieving Alternative Equivalent Compliance. As described in Section 1.5 of Subchapter E, Alternative Equivalent Compliance authorizes staff to approve non-standard designs or materials as an alternative means of complying with one or more of the design standards otherwise required by Subchapter E. (c) Staff will prepare a master comment report for distribution

to the applicant within 20 business days of formal submittal. The applicant may request one meeting with the review staff to discuss the comments and recommendations for revisions to address comments to the application.

(3) *Determinations Bind for One-Year.*

(a) Staff determinations made in a Development Assessment Conceptual Site Plan shall be binding for a period of one-year following approval of the Development Assessment, unless a determination was an error by staff in reading applicable City regulations (e.g., misstating a 20-foot setback as a 10-foot setback or a similarly clear-cut development standard).

(b) Staff shall follow any code or criteria determinations provide as part of a Development Assessment Conceptual Site Plan in reviewing any subsequent site plan or building permit applications submitted for a project within 1-year from the date the Development Assessment Concept Site Plan submittal.

CASE MANAGER

A Case Manager is assigned to each application to act as your liaison and main contact with the City of Austin. Once your application has been submitted, all questions, problems, and conflicts should be directed to your Case Manager. If you need to see your Case Manager, please make an appointment to ensure that your Case Manager is available.

ETHICS AND FINANCIAL DISCLOSURE INFORMATION

If you or your agent/representative were City employees or officials within the past 24 months, you may be subject to the City's Ethics and Financial Disclosure requirements (see City Code Chapter 2-7). Copies of Chapter 2-7 are available from the City Clerk's Office.

SUBMITTAL INFORMATION AND REQUIREMENTS

All applicants must complete the application form and submit supplemental documents as provided by the Director. The application includes both required and optional items.

Staff will comment on the required and optional items provided by the applicant. Staff comments will not be provided for optional requirements that are not included in the submittal.

To establish Fair Notice and the start of a project, a Fair Notice application, notification, 1704/Chapter 245 Determination application, Project Description Form, and associated fees must be included with the Concept Site Plan application.

Development Assessment application -applicant shall utilize the Site Plan application packet matching the proposed development.