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**PLANNING COMMISSION SITE PLAN
CONDITIONAL USE PERMIT
REVIEW SHEET**

CASE NUMBER: SPC-2010-0208A **PLANNING COMMISSION
HEARING DATE:** October 12, 2010

PROJECT NAME: Griffin School

ADDRESS: 5000 Martin Ave

NEIGHBORHOOD PLAN: Hyde Park

APPLICANT: Southwest Texas Conference of the United Methodist Church
164000 Huebner Road
San Antonio, TX 78248

AGENT: The Griffin School
710 East 41st Street
Austin, TX 78751

CASE MANAGER: Sarah Graham Phone: 974-2826
sarah.graham@ci.austin.tx.us

PROPOSED DEVELOPMENT:

The applicant is requesting a Conditional Use Permit for a Private Secondary Education Facility located at 5000 Martin Avenue within an existing 1,221 sq ft single family structure, currently used by the existing church as Religious Assembly. Private Secondary Education Facilities use is the use of a site for a private or parochial school offering instruction at the junior and senior high school levels in the branches of learning and study required to be taught in the public schools of the state.

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of the Conditional Use Permit for the Private Secondary Education Facility. The site plan complies with all requirements of the Land Development Code including Compatibility Standards.

PROJECT INFORMATION

SITE AREA	18,736 square feet	0.43 acres
EXISTING ZONING	SF-3-NCCD-NP	
WATERSHED	Waller Creek (Urban)	
WATERSHED	Comprehensive	
ORDINANCE	Watershed Ordinance	
	(Urban)	
TRAFFIC IMPACT ANALYSIS	Not required	
CAPITOL CORRIDOR	VIEW None	
PROPOSED ACCESS	Alley of 50th Street	

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	Allowed/Required	Existing	Proposed
FLOOR-AREA RATIO	n/a	.065:1	.065:1
BUILDING COVERAGE	40%	6.5%	6.5%
IMPERVIOUS COVERAGE	45%	30%	30%
PARKING for 1519 E Cesar Chavez	34	33	34 (of which 2 are ADA spaces)

SUMMARY COMMENTS ON SITE PLAN:

The existing use of the site is Religious Services, operated by the Trinity United Methodist Church. The site consists of Lots 27 - 32, which has a total of 18,736 sq ft of area. The existing single family structure is 1,221 sq ft and is currently used as Religious Assembly. The structure is 105 feet from the adjacent property line shared with a single family structure. The applicant is not proposing any construction at this time.

This site plan is in conjunction with the adjacent site plan- SPC-2010-0209A – Griffin School 2, which is also requesting a conditional use permit for a Private Secondary Education Facility located at 600 E 50th Street (across an alleyway) within an existing one-story 7,474 sq ft structure, currently used by the existing church as Religious Assembly. The Griffin School will be purchasing both properties from the church this month. Two separate site plans were required due to the Right-of-Way (the alley) separating the adjacent properties. These are land use site plans only – no construction is proposed at this time.

The applicant is proposing a maximum number of 68 students to be located at the two adjacent sites. The limited number is based on a Board of Adjustment determination which granted a variance from Section 25-2-832 (1), which states that a site must be located on a street that has a paved width of at least 40 feet from the site to where it connects with another street that has a paved width of at least 40 feet create Parking calculations for both sites. The estimated width of Martin Ave is 28 of paving and 50 feet of Right of Way. The estimated width of 50th Street is 28 feet of paving and 50 feet of Right of Way. Please see the attached documents related to Board of Adjustment case # C15-2010-0075.

The applicant is proposing to have a maximum number of 13 teachers and 68 students (43 11th/12th graders and 25 9th/10th graders), which is allowed per their parking requirements. The applicant will be providing 34 spaces, as is required per parking requirements. Thirty-three parking spaces are existing on site; one parking space will be removed in order to create an ADA accessible sidewalk and two will be added to create ADA accessible parking. Both improvements must be permitted through a separate permit application but the improvements have been shown on the site plan to demonstrate compliance. No construction is proposed at this time.

The site is located within the North Hyde Park Neighborhood NCCD. The site is within compliance of the NCCD requirements.

From the school's website, the Griffin School is a college preparatory high school empowering a community of learners through a focus on the arts (www.griffinschool.org).

COMPATIBILITY

The site is directly adjacent to and across the street from single family structures. The applicant is

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proposing to locate a 6-foot wooden fence along their northern boundary line in order to provide privacy to the adjacent single family property owner. The applicant has demonstrated compatibility setback lines on their site plan, and is aware of building constraints should the school ever wish to expand. No construction is proposed at this time. All compatibility setbacks and standards are met.

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
<i>Site</i>	SF-3-NCCD-NP	Religious Assembly
<i>North</i>	SF-3-NCCD-NP	Single Family Residential
<i>South</i>	SF-3-NCCD-NP	E. 50 th St, then Single Family
<i>East</i>	SF-3-NCCD-NP	Martin Ave., then Single Family
<i>West</i>	SF-3-NCCD-NP	Alleyway, then Religious Assembly

ABUTTING STREETS

Street	Right-of-Way Width	Pavement Width	Classification
Martin Avenue	50 ft	28 ft	Local
E. 50 th Street	50 ft	28 ft	Local

NEIGHBORHOOD ORGANIZATIONS:

- 34 - Hyde Park Neighborhood Association
- 283 - North Austin Neighborhood Alliance
- 511 - Austin Neighborhoods Council
- 704 - North Loop Neighborhood Plan - COA Liaison
- 742 - Austin Independent School District
- 786 - Home Builders Association of Greater Austin
- 941 - Northfield Neighborhood Association
- 1037 - Homeless Neighborhood Assn.
- 1075 - League of Bicycling Voters
- 1113 - Austin Parks Foundation
- 1200 - Super Duper Neighborhood Objectors and Appealers Organization
- 1224 - Austin Monorail Project
- 1228 - Sierra Club, Austin Regional Group
- 1236 - The Real Estate Council of Austin, Inc
- 1254 - Hyde Park Neighborhood Plan Contact Team
- 1271 - Hyde Park Neighborhood Plan - COA Liaison

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CONDITIONAL USE PERMIT REVIEW AND EVALUTATION CRITERA

The following evaluation is included to provide staff's position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code (**EVALUATION OF CONDITIONAL USE SITE PLAN**) states:

A. The Land Use Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section.

B. A conditional use site plan must:

Comply with the requirements of this title;

Staff Response: This site plan complies with all regulations and requirements of the Land Development Code.

Comply with the objectives and purposes of the zoning district;

Staff Response: The SF-3 zoning district is intended for single-family dwelling with exceptions to some civic uses such as a Private Secondary Education Facility, which is considered a Conditional Use. This site plan complies with all development regulations of the SF-3 zoning district, including height, impervious cover, and building coverage. The Conditional Use Permit is requested to allow a Private Secondary Education Facility, with a maximum of 68 students as was limited by the Board of Adjustment.

Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site;

Staff Response: The site plan complies with setback, height, and compatibility requirements. The site received a variance from the Board of Adjustment concerning the street paved width in order to create a Private Secondary Education Facility. Please see attached documents related to Board of Adjustment case # C15-2010-0075. The site plan will comply with all requirements of the Land Development Code.

Provide adequate and convenient off-street parking and loading facilities; and

Staff Response: The site plan demonstrates adequate off-street parking and loading for the Private Secondary Education Facility.

Reasonably protect persons and property from erosion, flood, fire, noise, glare, and similar adverse effects.

Staff Response: The site plan will comply with all requirements of the Land Development Code including Compatibility Standards, and reasonably protects the health, safety, and welfare of persons and property.

C. In addition, a conditional use site plan may not:

More adversely affect an adjoining site than would a permitted use;

The proposed site plan complies with all development regulations of the SF-3 zoning district.

Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area; or

Staff Response: The site plan does not adversely affect the safety and convenience of vehicular and pedestrian circulation any more so than the existing Religious Assembly use

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has done so for decades.

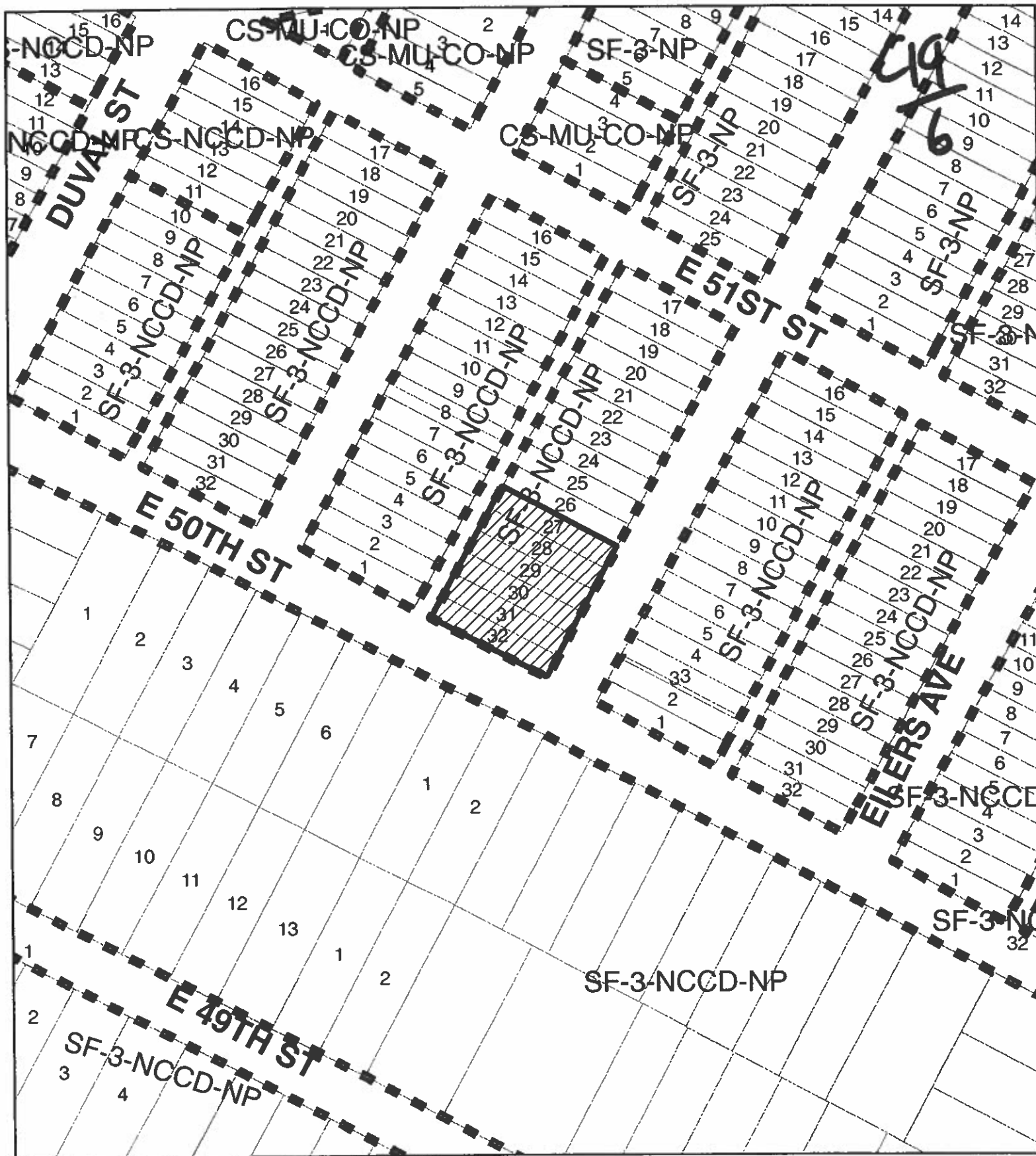
Adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign. Staff Response: All signs and lighting will comply with the Land Development Code.

D. A site plan may not adversely affect the public health, safety, or welfare, or materially injure property. If the Land Use Commission determines that a site plan has an adverse effect or causes a material injury under this subsection, the Land Use Commission shall identify the adverse effect or material injury.

In addition, Sec. 25-5-146 (CONDITIONS OF APPROVAL) states:

(A) To make a determination required for approval under Section 25-5-145 (Evaluation Of Conditional Use Site Plan), the Land Use Commission may require that a conditional use site plan comply with a condition of approval that includes a requirement for:

- (1) a special yard, open space, buffer, fence, wall, or screen;
- (2) landscaping or erosion;
- (3) a street improvement or dedication, vehicular ingress & egress, or traffic circulation;
- (4) signs;
- (5) characteristics of operation, including hours;
- (6) a development schedule; or
- (7) other measures that the Land Use Commission determines are required for compatibility with surrounding uses or the preservation of public health, safety, or welfare.



SITE PLAN



SUBJECT TRACT



ZONING BOUNDARY

0 50 100 200 Feet

CASE#: SPA-2010-0208A
 ADDRESS: 5000 Martin Ave
 CASE NAME: Griffin School
 MANAGER: Sarah Graham



This map has been produced by site plan review for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



City of Austin

Founded by Congress, Republic of Texas, 1839
Watershed Protection and Development Review Department
P.O. Box 1088, Austin, Texas 78767

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August 11, 2010

Jim Bennett
11505 Ridge Drive
Austin, TX 78748

Subject: C15-2010-0075
5000-5002 Martin Avenue

Dear: Mr. Bennett

Please be advised that on Monday, August 9, 2010, the Board of Adjustment granted a variance from the minimum street paved width requirement of Section 25-2-832 (1) in order to remodel an existing Religious Assembly Use to create a Private Secondary Educational Facility in an "SF-3-NCCD-NP", Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district (Limited to 68 students or 38 parking spaces per site plan). (North Hyde Park Neighborhood NCCD) The Land Development Code states that a private secondary school must be located on a street that has a paved width of at least 40 feet from the site to where it connects with another street that has a paved width of at least 40 feet.

If you have any further questions, please contact me at 974-2241.

Sincerely,

A handwritten signature in black ink that reads "Diana Ramirez".

Diana Ramirez
Board of Adjustment/Sign Review Board Secretary
City of Austin

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CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, July 12, 2010

CASE NUMBER: C15-2010-0075

☐ Y ☐ Jeff Jack 2nd the Motion
☐ Melissa Hawthorne (left early)
☐ Y ☐ Nora Salinas
☐ Y ☐ Bryan King
☐ Y ☐ Leane Heldenfels, Chairman Motion to PP to Aug. 9, 2010
☐ Y ☐ Clarke Hammond, Vice Chairman
☐ Y ☐ Heidi Goebel

APPLICANT: Jim Bennett

OWNER: The Griffin School

ADDRESS: 5000 MARTIN AVE

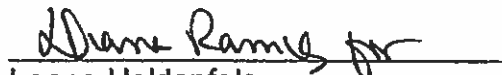
VARIANCE REQUESTED: The applicant has requested a variance from the minimum street paved width requirement of Section 25-2-832 (1) in order to remodel an existing Religious Assembly Use to create a Private Secondary Educational Facility in an "SF-3-NCCD-NP", Family Residence – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (North Hyde Park Neighborhood NCCD) The Land Development Code states that a private secondary school must be located on a street that has a paved width of at least 40 feet from the site to where it connects with another street that has a paved width of at least 40 feet.

BOARD'S DECISION: The public hearing was closed on Board Member Leane Heldenfels motion to Postpone to August 9, 2010 for additional information, parking access, notify neighbor on 50th Street, Board Member Jeff Jack second on a 6-0 vote (Board member Melissa Hawthorne left early); POSTPONED to August 9, 2010.

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:


Susan Walker
Executive Liaison


Leane Heldenfels
Chairman

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Hyde Park Neighborhood Association

P.O. Box 49427 • Austin, TX 78765 • www.austinhypark.org

July 2, 2010

Dear Board of Adjustment Commission Members,

On June 30, 2010 the Hyde Park Neighborhood Association called a special meeting to consider the Griffin School's application for a variance from the City of Austin's Board of Adjustment Commission to operate a school at 600 E. 50th adjacent to streets which are 30 feet wide rather than the 40 foot wide required by city code. This is the current site of Trinity United Methodist Church which has a pending contract to sell its building to the Griffin School.

The Hyde Park Neighborhood Association voted to support the variance request contingent on the Griffin School being limited in enrollment to 125 students. All eligible voting members present were in favor of the variance request with the additional enrollment requirement.

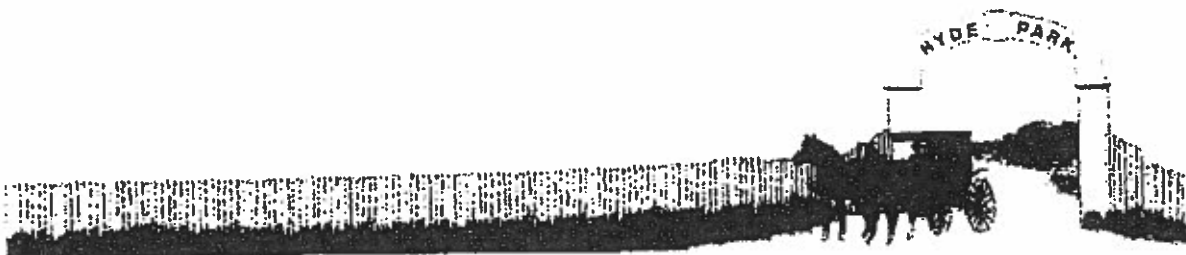
Thank you for your consideration.

Sincerely,



David P. Conner

President, Hyde Park Neighborhood Association



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Statement of Support for The Griffin School

We, the undersigned, support the Griffin School's purchase, occupancy, and use of 600 East 50th Street, the property currently owned and occupied by the Trinity United Methodist Church. Current Austin planning code requires that schools exist on roads that are no less than 40 feet wide, yet the roads surrounding the property above – Evans and Martin Avenues and East 50th Street – are 30 feet wide. We support the allowance of a variance to allow The Griffin School to operate a private secondary school on this property.

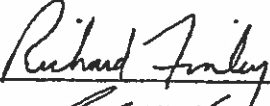
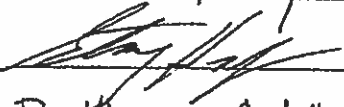
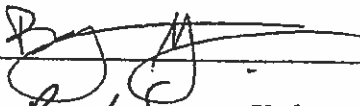
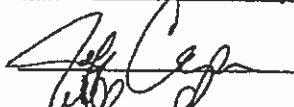



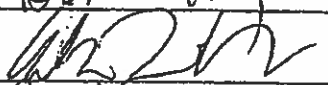
Signature	Printed Name	Address
	Anna Graybeal	4514 Ave B, Austin TX
	John Walewski	4514 Ave B, Austin TX
	Danielle Gutcher	4519 Ave B Austin, TX
	Kyle Rosenblad	4518 Ave B Austin, TX
	Isabel Garza	4518 Ave B Austin, TX
	M. Susan Adams	4510 Ave B Austin TX
	Régis Marco	4510 Ave B Austin TX
	Janet Smith	4512 Ave B 78751
	Jessica Niemiec	4713 Ave G 78751
	Scott Myers	4707 Ave G 78751
	Gabriela H. Vasquez	4815 Avenue H 78751
	Eric Landry	4815 Ave H 78751
	Norman Johns	4701 Ave G 78751
	Breun Adair	4707 Ave H 78751
	Mitchell Berman	4517 Ave G 78751
	Ingrid M. Johanson	4517 Ave. G 78751
	Maria-Elena Cigarroa	4401 Ave H 78751

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Statement of Support for The Griffin School

We, the undersigned, support the Griffin School's purchase, occupancy, and use of 600 East 50th Street, the property currently owed and occupied by the Trinity United Methodist Church. Current Austin planning code requires that schools exist on roads that are no less than 40 feet wide, yet the roads surrounding the property above – Evans and Martin Avenues and East 50th Street – are 30 feet wide. We support the allowance of a variance to allow The Griffin School to operate a private secondary school on this property.

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
	Richard Finley	4529 Avenue G
	STACEY HALPER	4530 Ave. H
Bethany Golding		4530 AVENUE H
Paul Smith	Paul Smith	4512 Avenue B
	Jeff Capra	4003 Avenue D
	Ginny Catania	5015 Evans Ave
	GRADY ATKINS	5015 EVANS AVE
	ROBIN SILBERLINGS	4211 Ave F
	Adam Wilson	4315 Ave G 78751
Caroline Wilson	CAROLINE WILSON	4315 AVE G 78751
Catherine Moore	Catherine Moore	3802 Avenue H 78751
Paula Rhodes	PAULA RHODES	4111 Ave. D 78751
David Conner	David Conner	4709 Duval St
Stanley K. Kozinsky	STANLEY K. KOZINSKY	4604 AVE. G
Karen McGowan	Karen McGowan	4315 Ave C 78751

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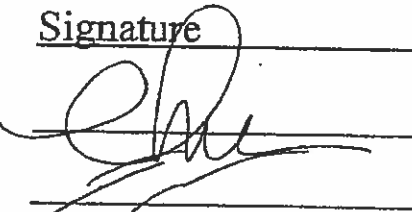
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Signature

Printed Name

Address



Amanda Meckel

4515 Avenue G

Bertha Martin

STEF SANDERSON

4103 AVE. F

in DR

Bertha Martin

5008 EVANS AVE

Kevin Dorman

DIRK JOHNSON

5009 MARTIN AVE

Andra Seely

Anne Dorman

5007 Martin Ave

Tom Dowe

Kevin Dorman

5007 Martin Ave Unit A

Megan Truex

Andra Seely

5005 Martin Ave

Holly Tachovsky

TOM DOWE

602 E 49th ST

Austen Ward

MEGAN TRUEX

602 E 49th ST

J. A. Tachovsky

Holly Tachovsky

4521 Red River St.

Betsy Clupine

Austen Ward

4521 Red River St.

Michael Horowitz

J. A. Tachovsky

4521 Red River St.

Maurie Levin

Betsy Clupine

4310 Ave F

Michael Horowitz

" "

Maurie Levin

4538 Duval St

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Statement of Support for The Griffin School

We, the undersigned, support the Griffin School's purchase, occupancy, and use of 600 East 50th Street, the property currently owed and occupied by the Trinity United Methodist Church. Current Austin planning code requires that schools exist on roads that are no less than 40 feet wide, yet the roads surrounding the property above – Evans and Martin Avenues and East 50th Street – are 30 feet wide. We support the allowance of a variance to allow The Griffin School to operate a private secondary school on this property.

Signature	Printed Name	Address
<u>David Gill</u>	DAVID GILL	4212 Ave D
<u>Amy Diehl</u>	AMY DIEHL	4212 AVE D
<u>Jennifer Lobato</u>	Jennifer Lobato	4002 AVE. D
<u>Katherine E. Graham</u>	KATHERINE E. GRAHAM	4006 AVE D
<u>Ron Lobato</u>	Ron Lobato	4002 AVE D
<u>Karen C. Benson</u>	Karen C. Benson	4004 Avenue D
<u>Maureen Kilpatrick</u>	MAUREEN KILPATRICK	4004 AVENUE D
<u>Laura Pratt</u>	LAURA PRATT	4003 Ave D.
<u>Brendan Rogers</u>	Brendan Rogers	4001 Ave D.
<u>Doug Simmer</u>	Doug Simmer	4007 AVE.D.
<u>Ashley Blunt</u>	ASHLEY BLUNT	4013 AVE D
<u>Lynn Osquord</u>	LYNN OSQUORD	4015 AVE D
<u>Eileen Genevra</u>	Eileen Genevra	4608 Caswell Ave.
<u>Jim Genevra</u>	Jim Genevra	4608 Caswell Ave.

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4103 Avenue F

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We, the undersigned, support the Griffin School's purchase, occupancy, and use of 600 East 50th Street, the property currently owed and occupied by the Trinity United Methodist Church. Current Austin planning code requires that schools exist on roads that are no less than 40 feet wide, yet the roads surrounding the property above – Evans and Martin Avenues and East 50th Street – are 30 feet wide. We support the allowance of a variance to allow The Griffin School to operate a private secondary school on this property.

Address

4313 AVE G

4314 AVENUE G

4314 Avenue G.

Figure 1

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CASE # C15-2010-0075

ROW# 10455247

TP# 02-2309-1812

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 5000-5002 Martin Avenue

LEGAL DESCRIPTION: Subdivision – The Highlands

Lot(s) 27 thru 32 Block _____ Outlot _____ Division _____

I Jim Bennett as authorized agent for The Griffin School

_____ affirm that on 6/18, 2010, hereby apply for a hearing before the Board of Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

An existing religious assembly use to create a private secondary education facility
in a SF-3-NCCD- NP district, North Hyde Park NCCD
(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

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REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The redevelopment of this existing civic use to create another civic use cannot occur without the variance. The ordinance when adopted did not considered a property with three street frontages.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

the property has frontage on three streets and an alley, none of which has 40ft of paving width. Additional R.O.W. nor paving can be provided when someone else owns the property that would be required to provide the 40 ft. of paving width for the entire block.

- (b) The hardship is not general to the area in which the property is located because:

Private secondary schools are required to meet this requirement while the nearby public school is not required to meet this requirement. This is the only private school in close proximity.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The site is developed with a church use and the change of use will not be a detriment to the neighborhood. It will not impair the purpose the regulations because ample frontage, access, and traffic is being distributed onto three streets.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

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2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Jim Bennett Mail Address 11505 Ridge Drive.

City, State & Zip Austin, Texas 78748

Printed Jim Bennett Phone (512)282-3079 Date _____

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed _____ Mail Address _____

City, State & Zip _____

Printed _____ Phone _____ Date _____

015-2010-0075

