PLANNING COMMISSION SITE PLAN COMPATIBILITY WAIVER REQUEST REVIEW SHEET

CASE: SP-2011-0166DT

PC DATE: February 28, 2012

PROJECT NAME: 30th Street Parking Area

ADDRESS OF SITE: 400 West 30th Street

COUNTY: Travis

AREA: .387 acres (16,859 sq. ft.)

WATERSHED: Waller Creek (Urban)

JURISDICTION: Full Purpose

- OWNER:La Familia Partnership, Ltd.2500 Barton Creek Blvd., Apt. 2215Austin, Texas 78735
- AGENT: Armbrust & Brown (Richard T. Suttle, Jr.) 100 Congress Avenue, Suite 1300 Austin, TX 78701 (435-2310)

EXISTING ZONING: LO-NCCD-NP

PROPOSED DEVELOPMENT:

The applicant is proposing an existing parking area that serves as off-site parking for Trudy's Restaurant to be located five (5) feet from property zoned SF-5 or more restrictive.

DESCRIPTION OF WAIVERS:

The request is a waiver from LDC 25-2-1067(G)(2) *Design Regulations*: to allow a parking area to be constructed 25 feet or less from a lot that is in an SF-5 or more restrictive zoning district.

DEPARTMENT COMMENTS:

The subject site is located within the Waller Creek watershed, which is classified as Urban, is in the City of Austin Full Purpose jurisdiction, and in the Desired Development Zone (DDZ). The abutting property to the north of the site is zoned SF-3-NCCD-NP.

This site plan has received a number of waivers and variances, as follows:

Board of Adjustments

January 10, 2011; Case Number C15-2010-0146

- 1) Ordinance #040826-58; Part 9;(1): Variance to increase the maximum impervious coverage requirements from 80% to 97% in an LO-NCCD-NP zoning district.
- 2) Section 25-2, Subchapter E, Subsection 2.2.3 (and 2.2.4.E and Section 25-2-1006): Variance from sidewalks, planting zones, clear zones, utilities, parking, corner sites, and landscape buffer requirements in an LO-NCCD-NP zoning district.
- 3) Section 25-2, Subchapter E, Subsection 2.2.3: Variance from improvement to encourage

pedestrian, bicycle and vehicular connectivity requirements in an LO-NCCD-NP zoning district.

April 27, 2011; Case Number C15-2011-0039

1) Ordinance #040826-58; Part 6.8: Variance from parking spaces being solid pavement requirement in an LO-NCCD-NP zoning district.

Administrative

- 1) An administrative waiver was granted per LDC 25-8-42(B) for construction within the Critical Water Quality Zone in an Urban watershed.
- 2) An administrative waiver was granted per LDC Section 25-8-42(B), allowing a parking lot within the Critical Water Quality Zone.
- 3) An administrative waiver was granted from Section 9.0.2 of the City of Austin Transportation Criteria Manual, Parking Lot Design, Table 9-1, Parking Lot Criteria minimum aisle widths for 90-degree parking spaces.
- 4) An administrative waiver was granted from Section 5.3.2 of the City of Austin Transportatio Criteria Manual, Criteria for Various Types of Driveways, Table 5-2, allowing an existing curb radius of 8.6 feet
- 5) An administrative waiver from on-site stormwater detention as per Section 1.2.2.E of the City of Austin Drainage Criteria Manual.

A letter dated October 14, 2010 was received from the North University Neighborhood Association (NUNA), which supported the permitting of the parking area. The letter cited neighborhood concerns regarding traffic congestion and restaurant customers parking on streets. The neighborhood further stated their support for a parking area that did not utilize asphalt or concrete surfaces.

NEIGHBORHOOD ORGANIZATIONS:

Austin Parks Foundation Homeless Neighborhood Association Austin Neighborhoods Council Central Austin Neighborhoods Planning Area North University Neighborhood Association Austin Independent School District North University Planning Team Sierra Club, Austin Regional Group Austin Monorail Project Guadalupe IBIZ District Austin Heritage Tree Foundation SEL Texas Home Builders Association of Greater Austin League of Bicycling Voters Real Estate Council of Austin Super Duper Neighborhood Objectors and Appealers Organization

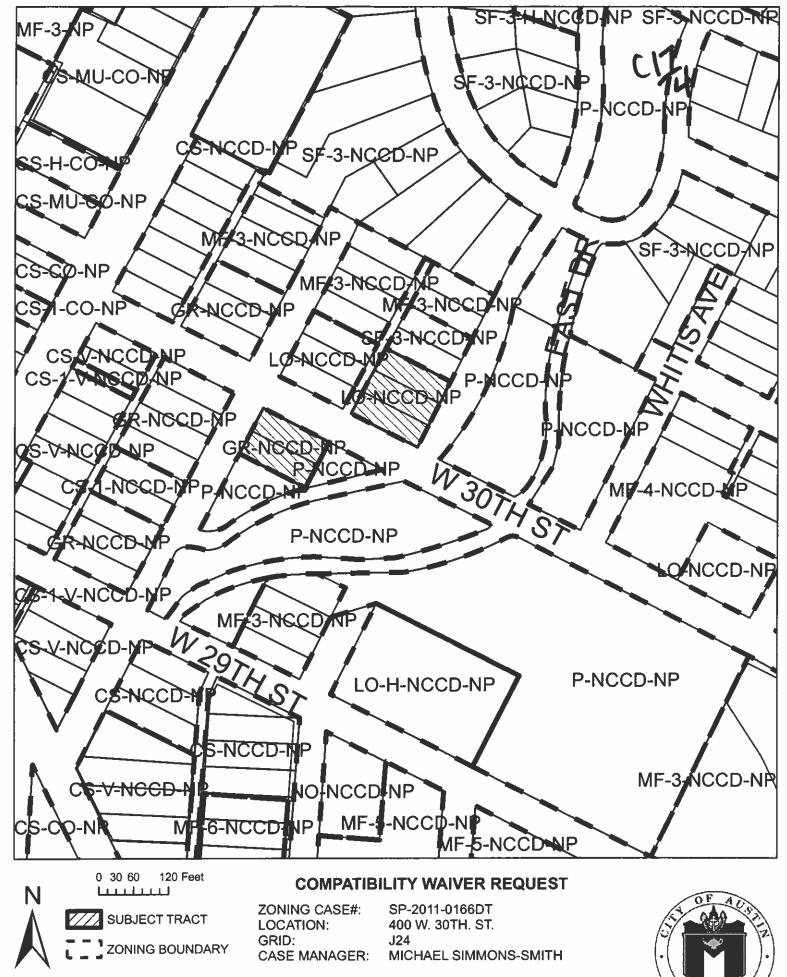
SUMMARY STAFF RECOMMENDATION:

Because the subject off-site accessory parking area has been in existence for twenty-five years, and because of neighborhood support for the use and proposed improvements, staff recommends approval of the waiver from LDC Section 25-2-1067 to allow a parking area five (5) feet from adjacent property, which is zoned SF-5 or more restrictive.



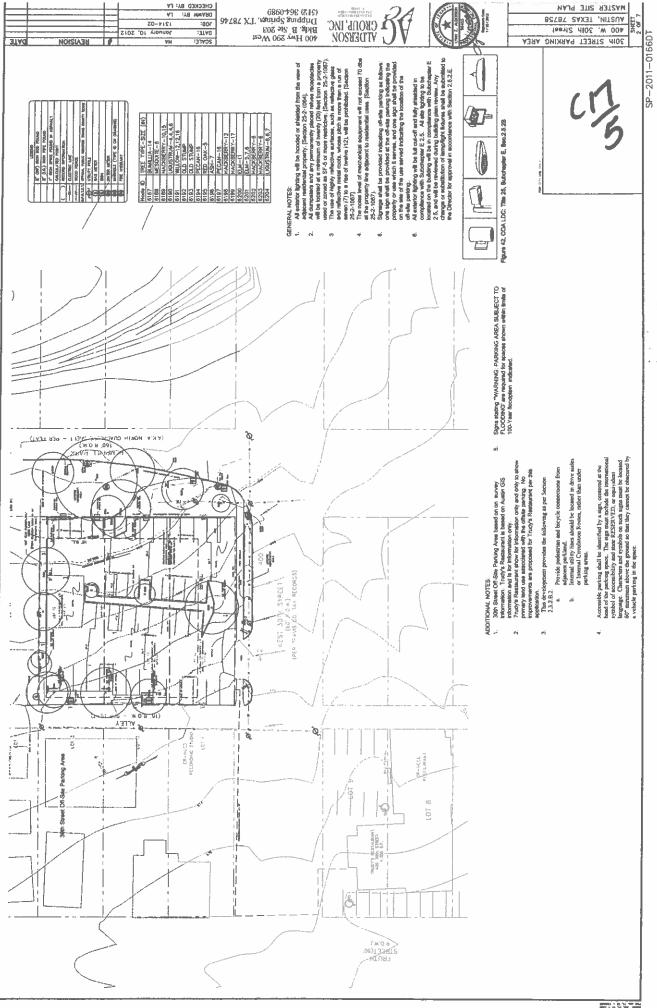
CASE MANAGER: M

Michael Simmons-Smith michael.simmons-smith@austintexas.gov



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

NDED



NORTH UNIVEL TY NEIGHBORHOOD ASSOCIA1



October 14, 2010

Marc A. Ott, City Manager Robert Goode, Assistant City Manager

Marc.Ott@ci.austin.tx.us Robert.Goode@ci.austin.tx.us

TRUDY'S PARKING LOT Re: 407 West 30th Street

Dear Mr. Ott and Mr. Goode:

It has come to our attention that you are requiring the owners of the property at 407 W. 30th Street (Trudy's) to chain off their parking lot until the lot is brought into compliance with COA code.

The residents of Aldridge Place and surrounding neighborhoods of the North University Neighborhood Association (NUNA) are seriously concerned about the impact of this move on surrounding streets. We anticipate that the closure of Trudy's parking lot will exacerbate traffic congestion in our neighborhood and intensify competition for scarce on-street parking. This is exactly what our neighborhood is trying to avoid.

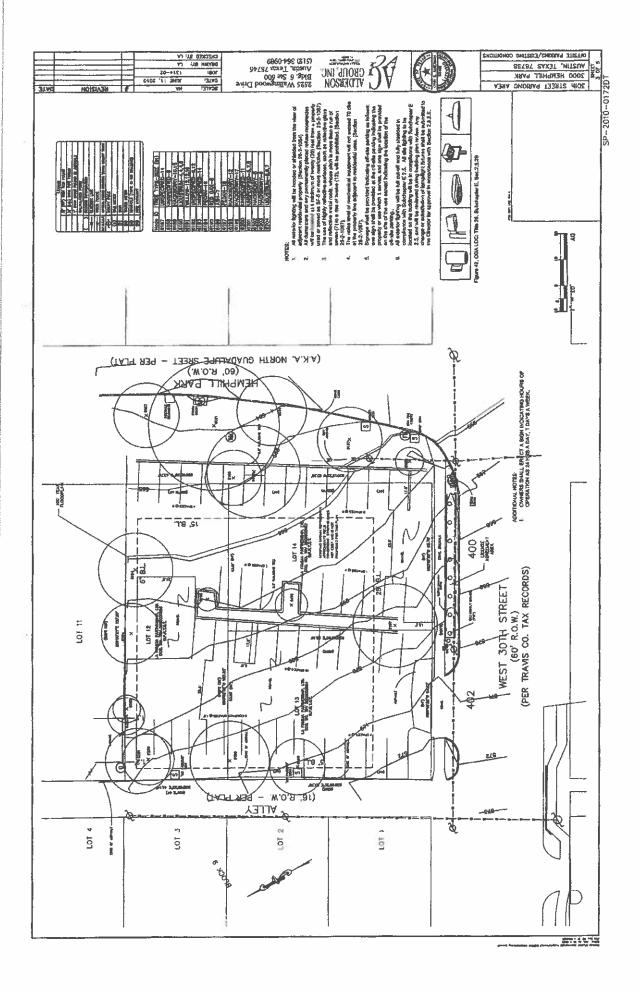
The General Membership of NUNA has repeatedly expressed its desire that Trudy's parking lot be permitted as is - subject only to the condition of adding barriers to limit ingress and egress to the existing curb cuts. We do not want more paving or concrete on the site, nor do we want Trudy's to lose parking spaces that would increase parking and traffic on our residential streets.

NUNA requests that the City of Austin allow Trudy's to continue to us the lot "as is" for a reasonable and fixed period of time while they negotiate the variances that will allow them to permit the lot as is.

Laurence Miller President NUNA

Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez Council Member Randi Shade Council Member Laura Morrison Council Member Sheryl Cole Council member Chris Riley Council Member Bill Spelman

Lee.Leffingwell@ci.austin.tx.us mike.martinez@ci.austin.tx.us Randi.Shade@ci.austin.tx.us Laura.Morrison@ci.austin.tx.us Sheryl.Cole@ci.austin.tx.us Chris.Rilev@ci.austin.tx.us Bill.Spelman@ci.austin.tx.us



	If a person satisfies the criteria to become an interested party, they must communicate an interest by delivering a written statement to the Case Manager or by making telephone contact with the Case Manager. The communication must: 1) generally identify the issues of concern; 2) include the person's name, telephone phone number, and mailing address; 3) be delivered before the earliest date on which action on the application may occur; and 4) if the communication is by telephone, be confirmed in writing not later than seven days after the earliest date on which action on the application may occur.	Besides the applicant or owner listed in an application, a person can become an interested party if they communicate an interest to the City through the Case Manager and if they satisfy at least one of the following criteria: 1) they occupy a primary residence that is within 500 feet of the site of the proposed development; 2) they are the record owner of property within 500 feet of the site of the proposed levelopment; or 3) they are an officer of an environmental or neighborhood organization that has an interest in the site of the proposed development or whose declared boundaries are within 500 feet of the site of the proposed development.	Interested parties are specifically defined in section 25-1-131 of the City Code. To view the Code on-line, go to this link: http://www.amlegal.com/austin_tx/.
Mail comment forms to: City of Austin Planning and Development Review Department Attn: Sarah Graham P. O. Box 1088 Austin, TX 78767-1088	Mailing address (Stradi. City, ZIP Codd) Mailing address (Stradi. City, ZIP Codd) Signature Signature Comments: 1 NI FAVOR Date	Contact: Sarah Graham, 512-974-2826 or Michelle Casillas, 512-974-2024 H I meet the requirements for and request to be an interested party $(\bigcup, So This RCHWERS HARD, (Street State) S27-5517$ Name (please print) $(\bigcup Cl Cl Cl Sc Sc This application (Street, City, ZIP Code)$	Written comments concerning the site plan application may be submitted to the case manager on this form. Comments on a separate form should include the case number and the contact person listed on the notice.



D-4 C15-2010-0144 Aubrey Carter for Lambeth Townsend 1408 Hartford Road

The applicant has requested a variance to decrease the minimum front street setback requirement of Section 25-2-492 (D) from 25 feet to 0 feet in order to erect a detached carport for a single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district.

Board Member Heidi Goebel motion to Deny reconsideration request, Board Member Bryan King second on a 2-4-1 vote (Board members Jeff Jack, Melissa Hawthorne, Nora Salinas, Leane Heldenfels nay, Michael Von Ohlen abstained); DENIAL TO RECONSIDER FAILED, case to be heard.

The public hearing was closed on Board Member Jeff Jack motion to Deny, Board Member Bryan King second on a 5-2 vote (Board members Melissa Hawthorne, Leane Heldenfels nay); DENIED.

E. BOARD OF ADJUSTMENT PUBLIC HEARINGS

E-1 C15-2010-0146 Richard Suttle Jr. for La Familia Partnership, Ltd. 3000, 3004 Hemphill Park and 400, 402 West 30th Street

The applicant has requested a variance to increase the maximum requirement of Ordinance 040826-58; Part 9; (1) from 80% impervious coverage to 97% impervious coverage in order to maintain the existing parking facility in an "LO-NCCD-NP", Limited Office – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (North University Neighborhood Conservation – Neighborhood Plan (Adams Park sub-districts) GRANTED

The applicant has requested a variance from Section 25-2, Subchapter E, Subsection 2.2.3 (and 2.2.4.E and Section 25-2-1006) from sidewalks, planting zones, clear zones, utilities, parking, corner sites, and landscape buffers to not apply in order to maintain the existing parking facility in an "LO-NCCD-NP", Limited Office – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (North University Neighborhood Conservation – Neighborhood Plan (Adams Park sub-districts) GRANTED

The applicant has requested a variance from Section 25-2, Subchapter E, Subsection 2.2.6 from entryway and shade requirements to not apply in order to maintain the existing parking facility in an "LO-NCCD-NP", Limited Office – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (North University Neighborhood Conservation – Neighborhood Plan (Adams Park sub-districts) VARIANCE DOES NOT APPLY - WITHDRAWN

The applicant has requested a variance from Section 25-2, Subchapter E, Subsection 2.3.2 from improvement to encourage pedestrian, bicycle, and vehicular connectivity to not apply in order to maintain the existing parking facility in an "LO-NCCD-NP", Limited Office – Neighborhood

LANNART 10, 2011 BOMED OF ADJUSTITENTS Conservation Combining District – Neighborhood Plan zoning district. (North University Neighborhood Conservation – Neighborhood Plan (Adams Park sub-districts) **GRANTED**

The applicant has requested a variance from Section 25-2, Subchapter E, Subsection 2.5 for exterior lighting to not apply in order to maintain the existing parking facility in an "LO-NCCD-NP", Limited Office – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (North University Neighborhood Conservation – Neighborhood Plan (Adams Park sub-districts) VARIANCE DOES NOT APPLY - WITHDRAWN

The applicant has requested a variance from Section 25-2, Subchapter E, Subsection 2.6 for screening of equipment and utilities to not apply in order to maintain the existing parking facility in an "LO-NCCD-NP", Limited Office – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (North University Neighborhood Conservation – Neighborhood Plan (Adams Park sub-districts) VARIANCE DOES NOT APPLY - WITHDRAWN

The applicant has requested a variance from Section 25-2, Subchapter E, Subsection 3.2 for pedestrian frontages to not apply in order to maintain the existing parking facility in an "LO-NCCD-NP", Limited Office – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (North University Neighborhood Conservation – Neighborhood Plan (Adams Park sub-districts) VARIANCE DOES NOT APPLY - WITHDRAWN

The applicant has requested a variance from Section 25-2, Subchapter E, Subsection 3.3 for options to improve building design to not apply in order to maintain the existing parking facility in an "LO-NCCD-NP", Limited Office – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (North University Neighborhood Conservation – Neighborhood Plan (Adams Park sub-districts) VARIANCE DOES NOT APPLY - WITHDRAWN

The public hearing was closed on Board Member Michael Von Ohlen motion to GRANT only 3 variances, impervious coverage, Section 25-2, Subchapter E, Subsection 2.2.3 (and 2.2.4.E and Section 25-2-1006) from sidewalks, planting zones, clear zones, utilities, parking, corner sites, and landscape buffers and Section 25-2, Subchapter E, Subsection 2.3.2 from improvement to encourage pedestrian, bicycle, and vehicular connectivity, Board Member Leane Heldenfels second on a 7-0 vote; GRANTED 3 VARIANCES ONLY.

E-2 C15-2010-0147 Antonio Vargas 6703 Canal Street

The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 3 feet along the west property line in order to remodel and maintain a covered porch for an existing single-family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district. (Montopolis Neighborhood Plan)

The public hearing was closed on Board Member Bryan King motion to Grant with conditions that the porch remain open (not to be enclosed) and the repairs within the

SHT. 2 of 2





BOARD OF ADJUSTMENT/INTERPRETATION SPECIAL CALLED MEETING MINUTES (April 27, 2011)

The Board of Adjustment convened in a special called meeting on April 27, 2011, City Council Chambers, 301 West 2nd Street, Austin, Texas.

Chair Leane Heldenfels called the Board Meeting to order at 6:30p.m.

Board Members in Attendance: Leane Heldenfels (Chair), Clarke Hammond (Vice Chair), Heidi Goebel, Melissa Hawthorne (alternate), Jeff Jack, Bryan King, Nora Salinas, Michael Von Ohlen

Staff in Attendance: Susan Walker, Jerry Rusthoven, Greg Guernsey

A. INTERPRETATION

A-1 C15-2011-0037 Cynthia B. Keohane for Allandale Neighborhood Association 6621 Argentia Road

The applicant has filed an administrative appeal, requesting an interpretation of whether the Planning and Development Review Department Director's determination that a residential structure rented for a short period of time is classified as single family residential use in correct.

The public hearing was closed on Board Member Jeff Jack motion to Grant appeal, Board Member Bryan King second on a 4-3 vote (Michael Von Ohlen, Leane Heldenfels, Heidi Goebel nay); Motion failed, DENIED.

A-2 C15-2011-0038 Leslie Rosenstein 6619 and 6621 Argentia Road

The applicant has filed an administrative appeal, requesting an interpretation of whether the Planning and Development Review Director's determination that a residential structure rented for a short period of time is classified as single family residential use is correct.

The public hearing was closed on Board Member Jeff Jack motion to Grant appeal, Board Member Bryan King second on a 4-3 vote (Michael Von Ohlen, Leane Heldenfels, Heidi Goebel nay); Motion failed, DENIED.

B. BOARD OF ADJUSTMENT

B-1 C15-2011-0039 Richard Suttle Jr., for La Familia Partnership, Ltd.

3000, 3004 Hemphill Park and 400, 402 West 30th Street

The applicant has requested a variance from Ordinance # 040826-58; Part 6.8.a in order to maintain an existing parking facility in its current condition in an "LO-NCCD-NP", Limited Office – Neighborhood Conservation Combining District – Neighborhood Plan zoning district. (North University NCCD) The Ordinance states that parking spaces must be solid pavement.

The public hearing was closed on Board Member Bryan King motion to Grant, Board Member Clarke Hammond second on a 7-0 vote; GRANTED.

ADJOURNMENT

The City of Austin is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least 4 days before the meeting date. Please call Susan Walker at Watershed Protection and Development Review Department, at 974-2202 or Diana Ramirez at Watershed Protection and Development Review Department at 974-2241, for additional information; TTY users route through Relay Texas at 711.