

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

DATE: Monday, March 12, 2012

CASE NUMBER: C15-2012-0014

Y Jeff Jack
 Y Michael Von Ohlen Motion to PP to April 9
 N Nora Salinas
 Y Bryan King – Stuart Hampton
 Y Susan Morrison 2nd the Motion
 - Melissa Hawthorne
 Y Heidi Goebel
 - Cathy French (SRB only)
 - Dan Graham (SRB only)

APPLICANT: Richard Suttle

OWNER: Tim Finley

ADDRESS: 110 2nd Street and 111 East 3rd Street

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum off-street loading facility requirement of Section 25-6-592 from eight off-street loading spaces to three off-street loading spaces in order to erect a Hotel use in a "CBD-CURE", Central Business District – Central Urban Redevelopment Combining District Area.

BOARD'S DECISION: POSTPONED TO MARCH 12, 2012

March 12, 2012 - The public hearing was closed on Board Member Michael Von Ohlen motion to Postpone to April 9, 2012, Board Member Susan Morrison second on a 5-1 vote (Board Member Melissa Hawthorne recused); **POSTPONED TO APRIL 9, 2012.**

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



Jeff Jack
Chairman

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing;

- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
 - is the record owner of property within 500 feet of the subject property or proposed development; or
 - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2012-0014 - 110 E 2nd St & 111 E 3rd St
 Contact: Susan Walker, 512-974-2202
 Public Hearing: Board of Adjustment, March 12th, 2012

Bethy Nabors
 Your Name (please print)

I am in favor
 I object

101 Colorado #2009 ; 78701
 Your address(es) affected by this application

Bethy Nabors
 Signature

3/7/2012
 Date

Daytime Telephone: 512. 499. 4917

Comments: *This is an important project for the city of Austin - I whole-heartedly support the financial requested.*

If you use this form to comment, it may be returned to:
 City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

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

DATE: Monday, February 13, 2012

CASE NUMBER: C15-2012-0014

_____ Jeff Jack
_____ Michael Von Ohlen
_____ Nora Salinas
_____ Bryan King
_____ Susan Morrison
_____ Melissa Hawthorne
_____ Heidi Goebel
_____ Cathy French (SRB only)
_____ Dan Graham (SRB only)

APPLICANT: Richard Suttle

OWNER: Tim Finley

ADDRESS: 110 2ND ST & 111 E 3rd Street

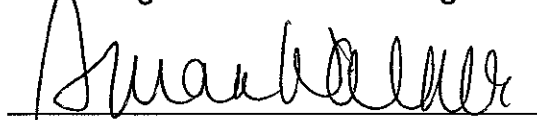
VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum off-street loading facility requirement of Section 25-6-592 from eight off-street loading spaces to three off-street loading spaces in order to erect a Hotel use in a "CBD-CURE", Central Business District – Central Urban Redevelopment Combining District Area.

BOARD'S DECISION: POSTPONED TO MARCH 12, 2012

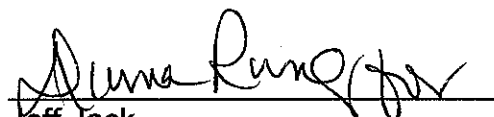
FINDING:

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



Jeff Jack
Chairman



January 11, 2012

Mr. Jeff Jack and Adjustment Board Members
City of Austin
PO Box 1088
Austin, TX 78768

C 15-2012-0014

Dear Mr. Jack,

My name is Scott Blalock and I am the General Manager of the JW Marriott Indianapolis. I am writing today regarding the new JW Marriott Austin hotel project and the recommended number of loading docks for the hotel. I understand there is a desire to have 8 docks for the new hotel and I wanted to provide some insights on this. I have reviewed the plans in detail, and from my experience, I believe 3 loading docks would be more than adequate to support the hotel.

Our JW Marriott convention hotel in downtown Indianapolis is part of a large complex operation called Marriott Place which includes 4 hotels and 3 high volume restaurants. Our complex includes:

- Sleeping Rooms: 1,626 – JW Marriott is 1005 rooms and 3 other connected Marriott branded hotels with another 621 rooms.
- Convention/Meeting Space – 104,000 square feet. We have 2 large ballrooms and routinely host 2 large conventions simultaneously. Our grand ballroom is the largest hotel ballroom in the Midwest at 40,500 square feet. Our second ballroom is over 20,000 square feet and both allow us to host significant shows with heavy load in requirements.
- Exhibition Hall – our exhibit hall is over 18,500 square feet.
- Restaurants – our restaurants, TGI Fridays, Osteria Pronto and High Velocity Sports Bar are each volume operations with each budgeted to exceed over \$4 million in sales.

All of the above operations are supported by 5 loading docks at the JW Marriott. Each of our hotels and restaurants require their own delivery schedule and our dock can easily accommodate the logistics for each as well as the demands of our convention shows.

Because of our successful operation in Indianapolis, I am confident 3 loading docks in Austin would suffice. Please call on me if I can provide any further insights on our operation in Indianapolis.

Sincerely,

Scott Blalock
General Manager
JW Marriott Indianapolis

CC: Deno Yiankes
Russell Louderback
Dustin Louderback
Richard Suttle

2012 JAN 17 AM 9 21
AUSTIN CITY CLERK
RECEIVED

PUBLIC HEARING INFORMATION

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Case Number: C15-2012-0014 - 110 E 2nd Street
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, February 13th, 2012

MARY OGDEN
 Your Name (please print) I am in favor
 I object

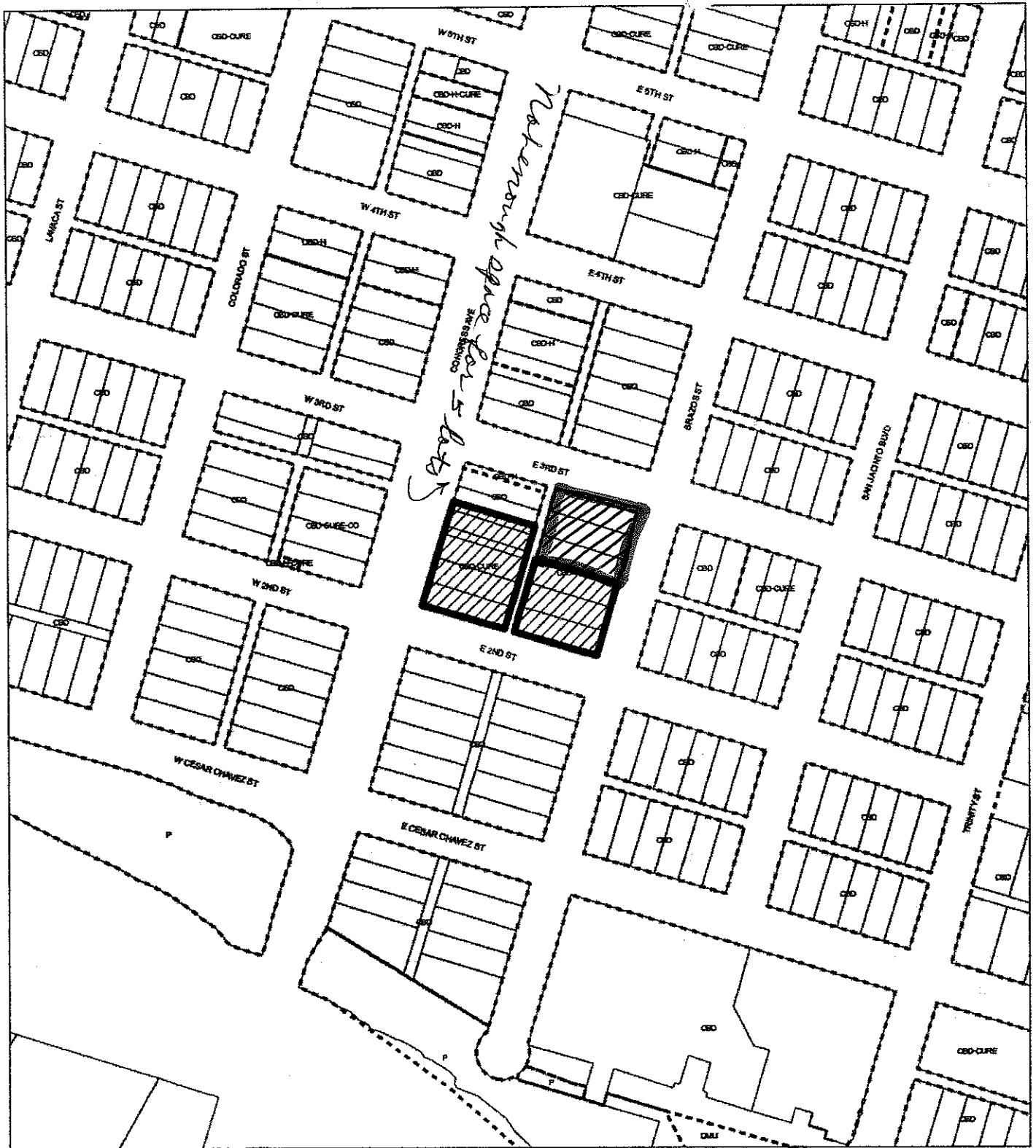
217/1921 Congress Ave.
 Your address(es) affected by this application



Mary A. Ogden
 Signature Date

Daytime Telephone: 474 1285 3282374 (hus)
 Comments: (see memo)

your drawing doesn't look like
 it has left enough space
 for my 3 slots (Copper Bar) and
 the two the "pieters" need to
 occupy/own on the corner
 of 34d and Congress.
 My property is 21721921 Congress
 (very narrow lots)

If you use this form to comment, it may be returned to:
 City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088



 SUBJECT TRACT
 ZONING BOUNDARY

CASE#: C15-2012-0014
 LOCATION: 110 E. 2nd Street
 & 111 E 3rd St.



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.
 This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # C15-2012-0014
ROW # 10704696

CITY OF AUSTIN TP-0205020509
APPLICATION TO BOARD OF ADJUSTMENT u 07
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: 110 E. 2nd. Street, Austin, Texas 78701 & 111 E 3rd St.

LEGAL DESCRIPTION: Subdivision - Original City of Austin

Lot(s) 1-5 & 7-12 Block 18 Outlot _____ Division _____

I/We Richard T. Suttle, Jr. on behalf of myself/ourselves as authorized agent for
Austin 18 Hotel, LLC affirm that on December 21, 2011

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

Approve a variance from Section 25-6-592 to reduce the off-street loading facility requirements
from 8 spaces to 3 spaces.

in a CBD-CURE district.
(zoning district)

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):

REASONABLE USE:

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

HARDSHIP:

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

See attached letter.

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

See attached letter.

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:

See attached letter.

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:

See attached letter.

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:

See attached letter.

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

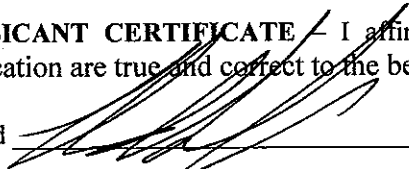
See attached letter.

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

See attached letter.

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  Mail Address 100 Congress Ave. Suite 1300

City, State & Zip Austin, Texas 78701

Printed Richard D Suttle Phone 435-2310 Date 12/21/2011

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 P.O. Box 2086

City, State & Zip Austin, Texas 78768

Printed _____ Phone _____ Date _____

GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT

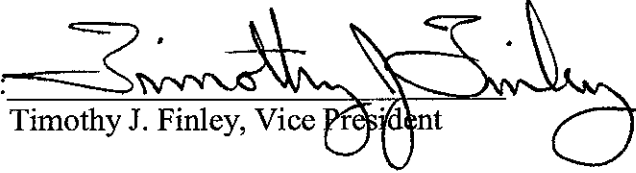
(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

VARIANCE REQUIREMENTS:

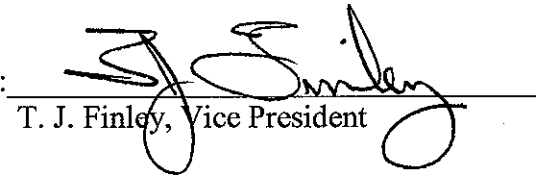
OWNERS' AUTHORIZATION

The undersigned Owners of the Property that is the subject of the request for a variance from Section 25-6-592 to reduce the off-street loading facility requirements from 8 spaces to 3 spaces consents and authorizes Richard T. Suttle, Jr., as authorized agent for Austin 18 Hotel, LLC, to submit the request and obtain such variance.

Finley Company,
a Delaware corporation

By: 
Timothy J. Finley, Vice President

Lack & Hurley, Incorporated,
a California corporation

By: 
T. J. Finley, Vice President

REASONABLE USE:

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

A public restrictive covenant was recorded in conjunction with the zoning case that was approved by City Council for the property in 2010 which restricts the access point for service vehicles to 3rd Street. There is limited property frontage along 3rd Street and eight bays would take up almost the entire frontage.

The development will consist of a convention center hotel with 1,016,772 square feet of gross floor area, which will include 110,000 square feet of meeting space and approximately 1,000 guest rooms. According to City Code, the required number of off-street loading spaces for a development of this size is eight loading bays. The dimensions for the loading bays are 1 (10x55) and 7 (10x30) for a total of 2,650 square feet. This is a substantial number of loading bays for the type of use. It has been White Lodgings' experience from other JW Marriot hotels of this size that only three loading bays are required to operate efficiently. Just recently, a JW Marriot hotel of comparable size was opened in Indianapolis, with only three loading bays provided and it operates efficiently. If the development provides all of the required loading bays there would be a considerable amount of unused loading space along 3rd Street.

HARDSHIP:

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

Austin Energy currently requires their transformer vaults be located at street level. Because Congress Avenue, 2nd Street and Brazos Street are considered primary pedestrian oriented streets, it was determined that the transformer was best placed along 3rd Street. Due to the limited property frontage along 3rd Street and experience that fewer off-street loading bays are necessary for this size and use, we are requesting to reduce the number of spaces.

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

The zoning and restrictive covenant limit the location of the off-street loading facilities. In addition, the property frontage along 3rd Street is limited.

AREA CHARACTER:

1. 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:

Adequate loading facilities will be available if the variance is granted. If eight loading bays were provided, this would visually create a "warehouse" effect whereby changing the aesthetics along 3rd Street.

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 by 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:

It is White Lodgings' experience that the City Code off-street loading space requirement is excessive based on other similar size hotel operations.

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:

Three loading bays have been shown to be adequate for the proposed use. All hotel visitor traffic will be utilizing Brazos Street or 2nd Street to access the parking garage. Therefore, visitor traffic and off-street loading traffic will not intermingle.

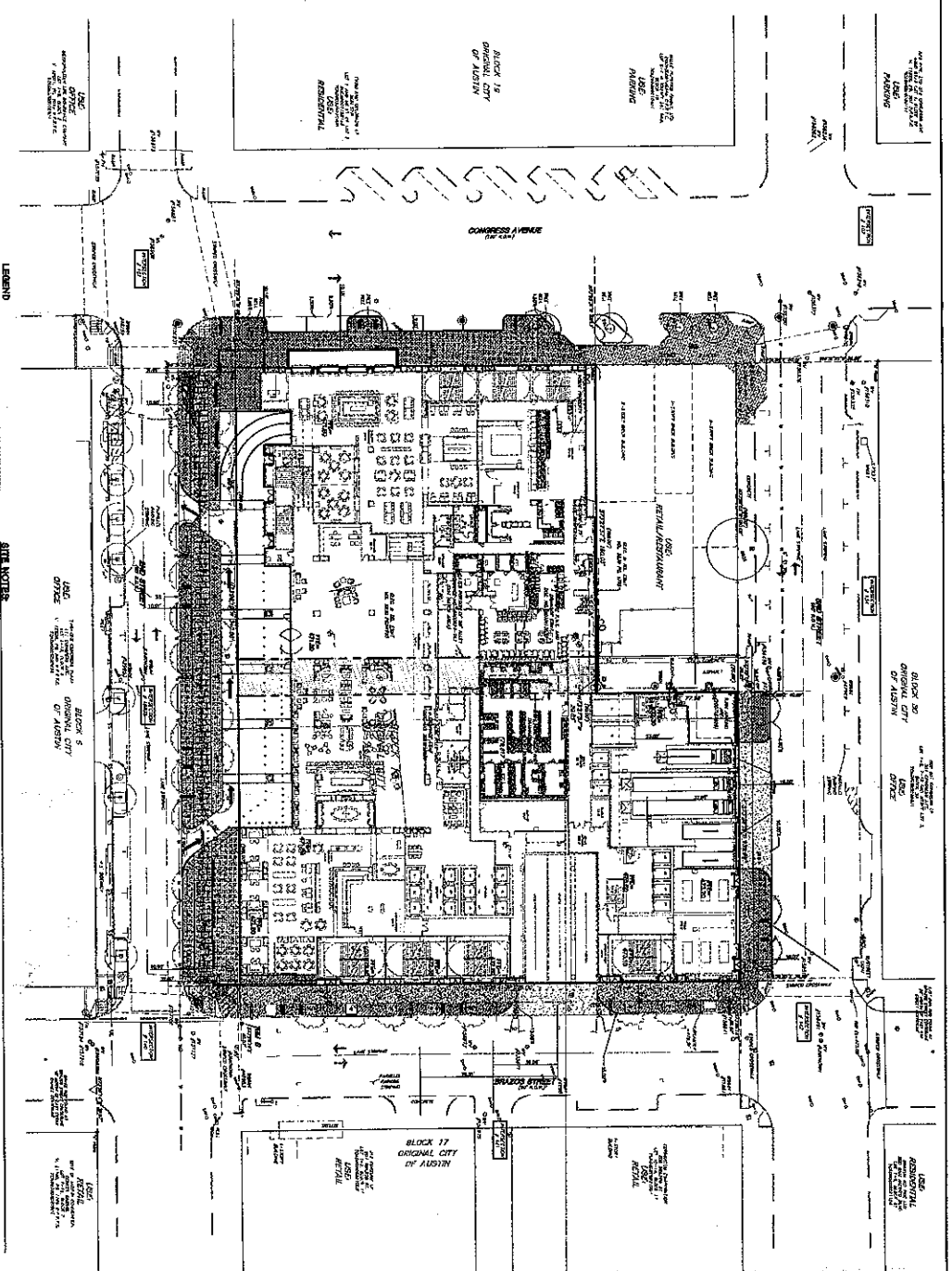
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

Adequate loading spaces are being provided for the project so no safety hazards will be created.

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

A hotel use of its size is what prescribes the number of off-street loading spaces.

SYMBOL	DESCRIPTION
[Symbol]	PROPOSED
[Symbol]	EXISTING
[Symbol]	...



- GENERAL NOTES:**
1. ALL WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE CITY OF AUSTIN BUILDING CODE.
 2. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF AUSTIN AND THE STATE OF TEXAS.
 3. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF AUSTIN AND THE STATE OF TEXAS.
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<p>118</p>	
<p>DATE: 11/15/2011</p>	<p>TIME: 10:00 AM</p>
<p>PROJECT NO: 103998-10001</p>	<p>SHEET NO: 4</p>
<p>DRAWN BY: ML</p>	<p>DESIGNED BY: ML/KME/JAJ</p>
<p>REVIEWED BY: JAJ</p>	<p>PROJECT NO: 103998-10001</p>

**JW MARRIOTT
110 E. 2ND STREET
AUSTIN 18 HOTEL, LLC**

SITE PLAN

Bury+Partners
221 West 31st Street, Suite 800
Austin, Texas 78701
Tel: (512) 262-4611 Fax: (512) 262-4225
TSP# Registration Number F-1060
Bury+Partners, Inc. 800999181 8/11

REVISIONS:

NO.	DATE	REVISION	APPROVAL

110 E 2ND ST AUSTIN TX 78701

C15-2012-0014

JW MARRIOTT
INDIANAPOLIS



January 11, 2012

Mr. Jeff Jack and Adjustment Board Members
City of Austin
PO Box 1088
Austin, TX 78768

Dear Mr. Jack,

My name is Scott Blalock and I am the General Manager of the JW Marriott Indianapolis. I am writing today regarding the new JW Marriott Austin hotel project and the recommended number of loading docks for the hotel. I understand there is a desire to have 8 docks for the new hotel and I wanted to provide some insights on this. I have reviewed the plans in detail, and from my experience, I believe 3 loading docks would be more than adequate to support the hotel.

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Because of our successful operation in Indianapolis, I am confident 3 loading docks in Austin would suffice. Please call on me if I can provide any further insights on our operation in Indianapolis.

Sincerely,

Scott Blalock
General Manager
JW Marriott Indianapolis

CC: Deno Yiankes
Russell Louderback
Dustin Louderback
Richard Suttle

January 11, 2012

Mr. Jeff Jack and Adjustment Board Members
City of Austin
PO Box 1088
Austin, TX 78768

Dear Mr. Jack,

I currently serve as the General Manager of the 622 room Marriott in Indianapolis, IN.

We currently have 3 loading docks which serve the hotel with 40,000 sf of meeting space and 3 restaurants; Circle City Bar & Grille, Champions Bar & Restaurant, and Starbucks. Based upon our successful operation in Indianapolis and my experience with large Convention hotels, I am confident 3 loading docks for the proposed hotel in Austin would be sufficient. In my expertise and opinion I believe this is more than sufficient to service this type of operation. Please feel free to contact me with any questions or if you require any additional information.

Sincerely,



Philip A. Ray
General Manager
Indianapolis Marriott Indianapolis
350 West Maryland Street
Indianapolis, IN 46225

cc: Deno Yiankes
Dustin Louderback
Richard Suttle



January 11, 2012

Mr. Jeff Jack and Adjustment Board Members
City of Austin
PO Box 1088
Austin, TX 78768

Dear Mr. Jack,

I am the Vice President- General Manager of the 616 room Downtown Marriott hotel in Louisville, KY.

We currently have 2 loading docks which serve the hotel with 38,000 sf of meeting space & 3 restaurants; Blu Italian Grille, Champions Bar & Grill, and Starbucks. In my expertise and experience as a 25 year operator including large Convention hotels, coupled with our successful operation in Louisville, I am confident 3 loading docks for the proposed hotel in Austin would be more than sufficient to service the scope and type of operation at a superior industry level.

Please feel free to contact me with any questions or if you require any additional information.

Sincerely,

Michael D. Howerton
Vice President-General Manager
Louisville Marriott Downtown
280 West Jefferson Street
Louisville, KY 40202

cc: Deno Yiankes
Dustin Louderback
Richard Suttle

Marriott Louisville Downtown
280 West Jefferson Street, Louisville, KY 40202
Telephone (502) 627-5045 Facsimile (502) 627-5044
www.marriottlouisville.com