

C32
/1

**PLANNING COMMISSION SITE PLAN REVIEW SHEET
SITE PLAN WAIVER**

CASE NUMBER: SP-2012-0406C.SH

PC DATE: August 13, 2013

PROJECT NAME: Chicon Corridor – Southeast Site

ADDRESS: 1301 Chicon Street

AREA: 0.358 acres

APPLICANT: Big Red Dog Engineering
1021 East 7th Street, #100
Austin, Texas 78702
Phone: (512) 669-5560
Contact: Nicholas Kehl

OWNER: Chestnut Neighborhood Revitalization Corporation
2211 East MLK Blvd.
Austin, Texas 78702
Phone: (512) 310-7270
Contact: Sean Garretson

EXISTING ZONING: CS-MU-V-CO-NP & LR-MU-CO-NP

EXISTING AND PROPOSED DEVELOPMENT: The site currently has two wooden frame structures, one residential and the other commercial, and these are proposed to be demolished to construct a mixed-use building. The proposed building will include thirteen (13) residential units, and approximately 3,167 sq. ft. of retail space and associated parking. The provided parking area will be located in a single-level, at-grade, parking structure.

NEIGHBORHOOD ORGANIZATION(S):

South Central Coalition
Austin Independent School District
Beyond2ndNature
Homeless Neighborhood Association
League of Bicycling Voters
Bouldin Creek Neighborhood Association
Bouldin Creek Neighborhood Planning Team
Austin Heritage Tree Foundation
Sierra Club, Austin Regional Group
Save Town Lake.org
SEL Texas

(32)
2

Del Valle Community Coalition
United East Austin Coalition
PODER – People Organized in Defense of the Earth and her Resources
Chestnut Addition Neighborhood Association
Friends of Chestnut Neighborhood Planning Team
Preservation Austin
Austin Parks Foundation
Austin Neighborhoods Council
African-American Cultural Heritage District Business Association
The Real Estate Council of Austin, Inc.
Super Duper Neighborhood Objectors and Appealers Organization
Austin Monorail Project

AREA STUDY: Chestnut

WATERSHED: Boggy Creek (Urban)

APPLICABLE WATERSHED ORDINANCE: Comprehensive Watershed Ordinance

T.I.A.: Not Required

SUMMARY COMMENTS:

The applicant is requesting site plan waivers from LDC 25-2-1067(H), LDC 25-2-1063(B)(1), LDC 25-2-1067(C)(1) and LDC 25-2-492.

1. LDC 25-2-1067(H) requires that parking areas on properties less than 125 feet wide be set back 24 feet from adjoining properties in an SF-5 or more restrictive zoning district. The applicant is requesting a 7.53-foot setback for a parking area from adjoining SF-3-NP property.
2. LDC 25-2-1063(B)(1) states that a person may not construct a structure 25 feet or less from property in an SF-5 or more restrictive zoning district. The applicant proposes to construct a dumpster enclosure 5.01 feet from adjoining property zoned SF-3-NP.
3. LDC 25-2-1067(C)(1) states that a permanently-placed refuse receptacle, including a dumpster, may not be located 20 feet or less from property in an SF-5 or more restrictive zoning district. The applicant proposes to place a dumpster within an enclosure located five 5.01 feet from adjoining property zoned SF-3-NP.
4. LDC 25-2-1064 stipulates a 25-foot front building line setback from the right-of-way if the tract on which the building is constructed adjoins property zoned SF-5 or more restrictive. The applicant proposes a 5-foot front building line setback.

(32/3)

SURROUNDING CONDITIONS:**Zoning/ Land Use**

North: unzoned/Alley
East: SF-3-NP/Single-family residential
South: unzoned/East 13th Street
West: unzoned/Chicon Street

Transportation: A traffic impact analysis was not required for this development. Access to the site will be via proposed driveways onto East 13th Street and an alley to the north.

Environmental: The site is not located over the Edward's Aquifer Recharge Zone, and is within the Desired Development Zone.

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of site plan waivers #1 and #4. Staff does not recommend approval of site plan waivers #2 and #3. The site plan will comply with all requirements of the Land Development Code prior to release.

CASE MANAGER: Michael Simmons-Smith Telephone: (512) 974-1225
michael.simmons-smith@austintexas.gov

INTERESTED PARTY INFORMATION

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/.

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 development; 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.

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. 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.

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.

Case Number: SP-2012-0406C.SH

Contact: Michael Simmons-Smith, (512) 974-1225 or
Elsa Garza, (512) 974-2308

☒ I meet the requirements for and request to be an interested party

Note: All contact information is mandatory.

Name (please print)
Doel Peskes

512-547-0189

Telephone number

1805 E. 13th St, Austin, TX 78702
Address(es) affected by this application (Street, City, ZIP Code)

Mailing address (Street, City, ZIP Code)

Jed Peskes

Signature

02/05/13

Date

Comments: I strongly support the

proposed changes and the entire

proposed project. I own the home

directly next door.

Thank you!

Mail comment forms to:

City of Austin

Planning and Development Review Department

Attn: Michael Simmons-Smith

P. O. Box 1088

Austin, TX 78767-1088

(32)
6

INTERESTED PARTY INFORMATION

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/.

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 development; 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.

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. 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.

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.

Case Number: SP-2012-0406C.SH

Contact: Michael Simmons-Smith, (512) 974-1225 or
Elsa Garza, (512) 974-2308

☒ I meet the requirements for and request to be an interested party

Note: All contact information is mandatory.

Toni Harvey

299-4221

Name (please print)

Telephone number

1207 + 1209 Salza 1801 E 13th Austin, 78702

Address(es) affected by this application (Street, City, ZIP Code)

5008 Gladeriew Dr Austin 78745

Mailing address (Street, City, ZIP Code)

Toni Harvey

Signature

2-4-13

Date

Comments: My wife and I own the three

rental houses at the affected

addresses above. We STRONGLY

support the proposed Chicon Center

development project which we believe

will improve the neighborhood

Mail comment forms to:

City of Austin

Planning and Development Review Department

Attn: Michael Simmons-Smith

P. O. Box 1088

Austin, TX 78767-1088

(32)
7

INTERESTED PARTY INFORMATION

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/.

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 development; 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.

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. 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.

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.

Case Number: SP-2012-0406C.SH

Contact: Michael Simmons-Smith, (512) 974-1225 or
Elsa Garza, (512) 974-2308

☒ I meet the requirements for and request to be an interested party
Note: All contact information is mandatory.

Name (please print) LINDA M. HUTCHINS Telephone number 512-940-1807

2105 New York Avenue

Address(es) affected by this application (Street, City, ZIP Code)

Austin TX 78702

Mailing address (Street, City, ZIP Code)

Linda M. Hutchins 2/01/13

Signature

Date

Comments:

Representing Foster
Heights Neighborhood Southeast
of 12th + Chicon intersection,
borders 12th St, Chicon, Rosewood
Ave. + Chestnut.

We are looking forward to this
Project.

Mail comment forms to:

City of Austin

Planning and Development Review Department

Attn: Michael Simmons-Smith

P. O. Box 1088

Austin, TX 78767-1088

132
8

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.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

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 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 14 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 board or commission (or 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: SP-2012-0406C.SH

Contact: Michael Simmons-Smith, 512-974-1225

Elsa Garza, 512-974-2308

Public Hearing: Planning Commission, July 23, 2013

Dustin Dink
Your Name (please print)

1904 East 13th

Your address(es) affected by this application

Dustin Dink 7-23-13
Signature Date

Daytime Telephone: 512-863-2303

Comments: I do not approve and
object this application. I do not
want a dumpster next to my house.
I do not want the set back adjusted
so that my neighbor is too close to
my house.

If you use this form to comment, it may be returned to:

City of Austin

Planning and Development Review - 4th floor

Michael Simmons-Smith

P. O. Box 1088

Austin, TX 78767-8810

(32)
9

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.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

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 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 14 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 board or commission (or 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: SP-2012-0406C.SH

Contact: Michael Simmons-Smith, 512-974-1225

Elsa Garza, 512-974-2308

Public Hearing: Planning Commission, July 26, 2013

LINDA M. HUGHES

Your Name (please print)

2105 New York Ave 78702

CROSTER HTS. NEIGHBORHOOD

Your address(es) affected by this application

[Signature] 7-15-13

Signature

Date

Daytime Telephone: 512-940-1807

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Planning and Development Review - 4th floor

Michael Simmons-Smith

P.O. Box 1088

Austin, TX 78767-8810

C32
10

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.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

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 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 14 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 board or commission (or 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: SP-2012-0406C.SH

Contact: Michael Simmons-Smith, 512-974-1225

Elsa Garza, 512-974-2308

Public Hearing: Planning Commission, July 23, 2013

Jesse Mischel

Your Name (please print)

2304 E. 16th St.

Your address(es) affected by this application

Jesse Mischel

Signature

7/16/13

Date

Daytime Telephone: 512-524-5730

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Planning and Development Review - 4th floor

Michael Simmons-Smith

P. O. Box 1088

Austin, TX 78767-8810

C32
11

(32
12

City of Austin Planning Commission
505 Barton Springs Rd.
Austin, TX 78704

Dear Planning Commission,

I am writing to express the support of the Davis-Thompson Neighborhood Association for the Chestnut Neighborhood Revitalization Corporation's application to request the following variances:

1) A Planning Commission variance from the Parking and Driveway Setback: LDC 25-2-1067 (H)

a. Reducing the parking and driveway setback to 5' adjacent to the SF-3 zoning.

2) A Planning Commission variance from the building setbacks on the 13th and 14th Street: LDC 25-2-1064

a. Reducing the compatibility building setback from 25' to 5' from the right of way line.

Our neighborhood association voted to support these variances according to the processes described in our by-laws.

Our neighborhood understands that the Chestnut Neighborhood Revitalization Corporation intends to build owner-occupied housing on these sites that will be sold to mixed-income households, and that the site will also have some commercial space for offices and retail enterprises.

Thank you,



Eric Jansson, President, Davis-Thompson Neighborhood Association
On behalf of the Davis-Thompson Neighborhood Association

(32)
13

Chestnut Neighborhood Plan Contact Team

November 6, 2012

City of Austin Planning Commission
505 Barton Springs Rd.
Austin, Texas 78704

Dear Planning Commission,

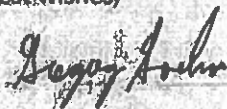
I am writing to express the support of the Chestnut Neighborhood Plan Contact Team for the Chestnut Neighborhood Revitalization Corporation's application to request the following variances:

- 1.) A Planning Commission variance from the Parking and Driveway Setback: LDC 25-2-1067 (H)
 - a. Reducing the parking and driveway setback to 5' adjacent to the SF-3 zoning.
- 2.) A Planning Commission variance from the building setbacks on 13th and 14th Street: LDC 25-2-1064
 - a. Reducing the compatibility building setback from 25' to 5' from the right of way line.

The Chestnut Neighborhood Revitalization Corporation intends to build owner-occupied housing on these sites that will be sold to mixed-income households. The site will also have some commercial space for offices and retail enterprises.

The Chestnut NPCT has a high priority for affordable housing within its plan area. The CNRC's planned development works towards increasing affordable housing in a manner which is consistent with our neighborhood character.

Best wishes,



Greg Goeken
Chair
Chestnut NPCT
830-613-5553