

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

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**CASE:** SP-2013-0455C

**PLANNING COMMISSION DATE:** May 27, 2014

**PROJECT NAME:** 900 S 1<sup>st</sup> Street Condominiums

**ADDRESS OF SITE:** 900 S 1<sup>st</sup> St.

**APPLICANT:** PSW Real Estate (Ryan Diepenbrock) (512) 326-3905

**AGENT:** PSW Homes LLC (Jarred Corbell) (318) 230-4084

**AREA:** 1.26 acres

**WATERSHED:** East Bouldin Creek (Urban)

**WATERSHED ORDINANCE:** Comprehensive Watershed Ordinance (urban)

**C.I.P. STATUS:** N/A

**T.I.A.:** N/A

**CAPITOL VIEW:** N/A

**PROPOSED DEVELOPMENT:**

The applicant is proposing to construct 47,318 sq. ft. of condominium residential (34 units) with 6,732 sq. ft. of office space. The development is taking access to S. 1<sup>st</sup> St.

The applicant requests a compatibility waiver for a side yard setback from 25-feet to 15-feet from a use allowed in SF-5 or more restrictive zoning.

**EXISTING ZONING:**

The proposed condominium residential and office use site is zoned GR-MU-V-CO-NP at the front (St. 1<sup>st</sup> St. /East) half, and GR-MU-CO-NP on the rear (West) half of the lot. Both Condominium Residential and Office are permitted uses in the base zoning district.

The conditional overlays limit the height to 45 feet, prohibit parking in a required front yard, establish general retail over 20,000 sq. ft. as a conditional use, prohibit drive-in services, pawn shops and other uses (such as auto related uses and service stations). The proposed site plan complies with all conditional overlays on the site.

**DESCRIPTION OF WAIVER:**

Waiver request is as follows: LDC Section 25-2-1063(B):

In this section, the term "structure" excludes a rain garden using no concrete that is designed in accordance with the Environmental Criteria Manual. A person may not construct a structure 25 feet or less from property:

- (1) In an urban family residence (SF-5) or more restrictive zoning district; or
- (2) On which a use permitted in an SF-5 or more restrictive zoning district is located.

The applicant requests a waiver from a 25-foot to an 15-foot compatibility setback for a condominium residential and office building.

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of the waiver from LDC Section 25-2-1063(B) to reduce the Compatibility setback requirement from 25 feet to 15 feet from adjacent GR-MU-V-CO-NP zoned property permitted as single family, and appears to be used as a tattoo parlor. Adequate fencing and screening will be provided.

**CASE MANAGER:** Donna Galati  
Donna.Galati@austintexas.org

**PHONE:** 974-2733

**PROJECT INFORMATION:** 1.26 acres  
**EXIST. ZONING:** GR-MU-V-CO-NP  
**MAX. BLDG. COVERAGE :** 75%      **PROP. BUILDING CVR:** 32,587 sq. ft. (59.5%)  
**MAX. IMPERV. CVRG.:** 90%      **PROP. IMP. CVRG.:** 36,590 sq. ft. (66.7%)  
**ALLOWED F.A.R.:** 1:1      **PROPOSED F.A.R.:** 0.99:1  
**HEIGHT:** 45'      **PROP. HEIGHT:** 45'  
**REQUIRED PARKING:** 78      **PROVIDED PARKING:** 91 spaces  
**PROPOSED ACCESS:** Driveway access to S. 1<sup>st</sup> St.

**SUMMARY COMMENTS ON SITE PLAN:**

**Land Use:** The applicant is requesting a waiver from Compatibility standards to reduce the setback from 25 feet to 15 feet in order to construct a development with condominium residential and office use. The site plan will comply with all applicable regulations upon site plan approval.

**Environmental:**

The site is located with the East Bouldin Creek watershed, which is classified as an Urban Watershed. There are no critical environmental features. Heritage tree preservation is included in the open space/pedestrian amenity area.

**Transportation:**

Access to the proposed development will be from S. 1<sup>st</sup> St. and Lancaster Court. The proposed development did not require a TIA.

This administrative site plan will comply with all applicable requirements of the Land Development Code prior to its release. Staff recommends approval of the waiver.

**PLANNING COMMISSION ACTION:** Postponed on May 13, 2014 to May 27, 2014.

**SURROUNDING CONDITIONS:**

Zoning/ Land Use

North: ROW, then MF-2-NP (Multi-Family)

South: SF-3-NP & GR-MU-V-CO-NP (Single-family, and single-family permitted but appears to be used as a tattoo parlor)

East: S. 1<sup>st</sup> St., then UNZ (Texas School for the Deaf)

West: GR-MU-CO-NP (Vacant)

<u>STREET:</u>	<u>R.O.W.</u>	<u>SURFACING</u>	<u>CLASSIFICATION</u>
S. 1 <sup>st</sup> St.	65'	40'	Minor Arterial

**NEIGHBORHOOD ORGANIZATIONS:**

- Austin Heritage Tree Foundation
- Austin Independent School District
- Austin Monorail Project
- Austin Neighborhoods Council
- Bike Austin
- Bouldin Creek Neighborhood Assn.
- Bouldin Creek Neighborhood Planning Team
- Homeless Neighborhood Assn.
- Perry Grid 614
- Preservation Austin

SELTEXAS

Sierra Club, Austin Regional Group

South First IBIZ District

South Central Coalition

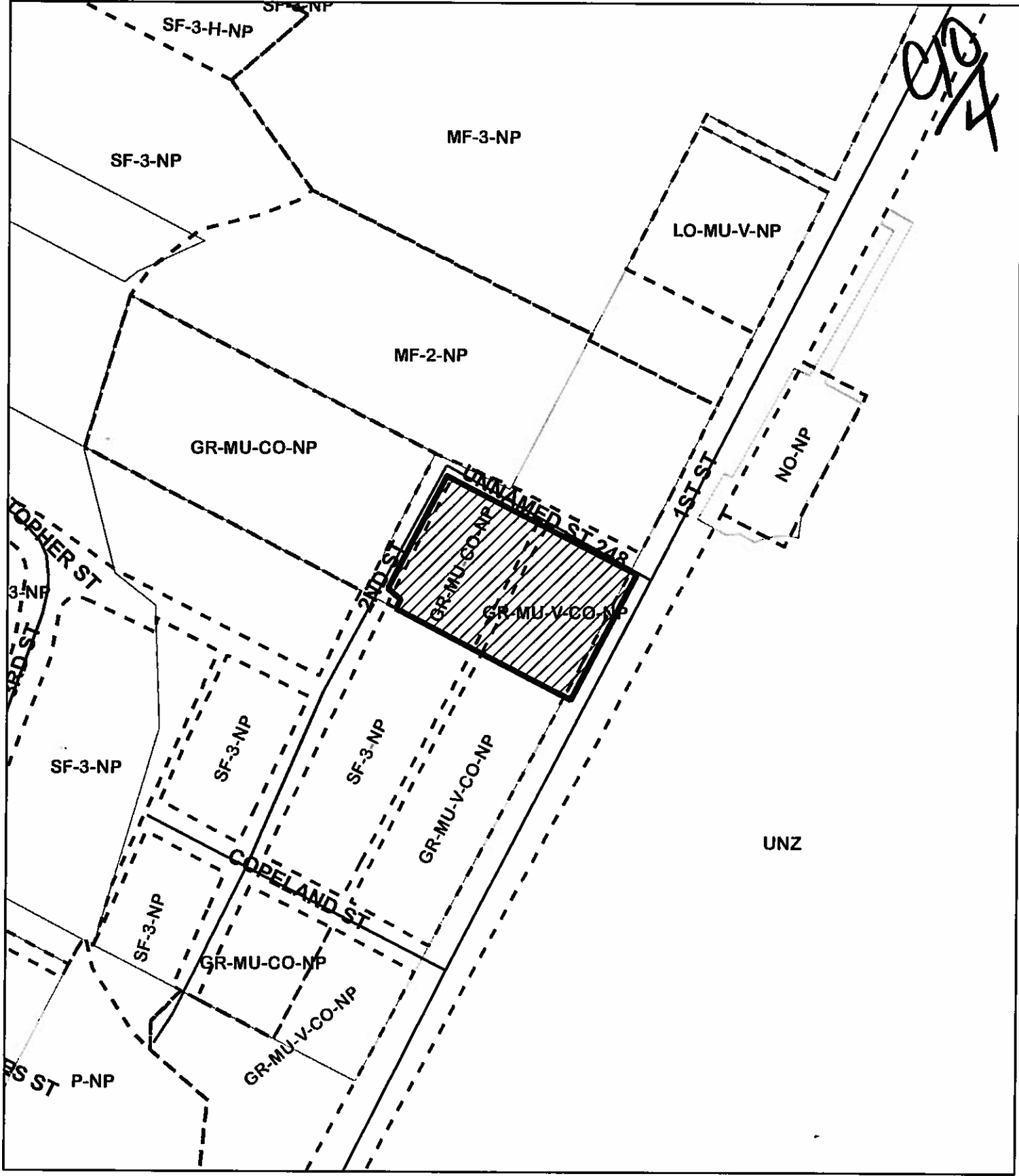
Super Duper Neighborhood Objectors and Appealers Organization

The Real estate Council of Austin, Inc.

Wildflower Church



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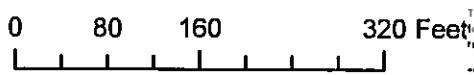
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**SITE PLAN**

CASE#: SP-2013-0455C  
 ADDRESS: 900 S 1st St.  
 CASE NAME: 900 S 1st Street Condominiums  
 MANAGER: Donna Galati

 **SUBJECT TRACT**  
 **ZONING BOUNDARY**



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 paper by hand is 33.





# 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](http://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-2013-0455C  
 Contact: Donna Galati, 512-974-2733 or Cindy Casillas, 512-974-3437  
 Public Hearing: Planning Commission, May 13, 2014

STUART HAYFORD

Your Name (please print)

1006 S. FIRST ST

Your address(es) affected by this application

I am in favor  
 I object



Signature

5/8/14

Date

Daytime Telephone: 512-374-4579

Comments: THE NEIGHBORHOOD PLAN IS WELL CRAFTED AND BRINGS INTERESTED DEVELOPMENT WITH THE RESIDENTIAL PROTECTIONS OF SETBACKS AND HEIGHT LIMITS, THERE IS NO REASON THAT THE DEVELOPER CANNOT MAKE THIS PROJECT FIT WITHIN THE LIMITS OF THE ALLOWABLE ZONING, OTHERS CAN + DO (SEE THE PARADOX REZONEMENT BY THE BOYS + GIRLS CLUB IN OUR NEIGHBORHOOD, FOR INSTANCES),

If you use this form to comment, it may be returned to:  
 City of Austin  
 Planning and Development Review - 4<sup>th</sup> floor  
 Donna Galati  
 P. O. Box 1088  
 Austin, TX 78767-8810

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**Galati, Donna**

**From:** Anguiano, Dora  
**Sent:** Monday, May 12, 2014 9:13 AM  
**To:** Alfonso Hernandez; Anderson, Dave - BC; Brian Roark; Chimenti, Danette - BC; Dave Anderson; Hatfield, Richard - BC; Hernandez, Alfonso - BC; Jack, Jeff - BC; Lazarus, Howard; Nortey, James - BC; Nuria Zaragoza; Oliver, Stephen - BC; Richard Hatfield; Roark, Brian - BC; Stephen Oliver; Stevens, Jean - BC  
**Cc:** Galati, Donna  
**Subject:** FW: BCNA opposed to Case # SP-2013-0455C, 900 S. 1st St

**From:** Kevin Lewis [REDACTED]  
**Sent:** Friday, May 09, 2014 2:23 PM  
**To:** Anderson, Dave - BC; Hernandez, Alfonso - BC; Stevens, Jean - BC; Chimenti, Danette - BC; Jack, Jeff - BC; Nortey, James - BC; Oliver, Stephen - BC; Roark, Brian - BC; Anguiano, Dora  
**Cc:** Catherine Mohin; [coryellwalton@yahoo.com](mailto:coryellwalton@yahoo.com)  
**Subject:** BCNA opposed to Case # SP-2013-0455C, 900 S. 1st St

Dear members of the Austin Planning Commission:

Below please see the statement of opposition by the Bouldin Creek Neighborhood Association on your case SP-2013-0455C, 900 South First St. scheduled for hearing May 13, 2014.

Please know that although members of BCNA, including me, did meet on April 29 with the applicant regarding their plans for development in general, we had not at that time learned of the compatibility waiver requested in this case. The developer never mentioned it in our meeting and the notice was only posted by the City of Austin that same day, so we had not yet received the notice. At this time we have not had an opportunity to meet with the developer to discuss this compatibility waiver request.

Please contact me directly if you have any questions regarding BCNA's position.

Respectfully,

Kevin Lewis

President

Bouldin Creek Neighborhood Association

512-627-6898

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•Regarding Case # SP-2013-0455C, 900 S. 1st St., the Bouldin Creek Neighborhood Association opposes the applicant's request for a compatibility setback waiver for 900 S First Street Condominiums.

While the Neighborhood Plan does support denser development along the South 1st St. arterial, the carefully crafted Plan also stipulates that the trade-off for allowing denser development along arterial roads is to respect height limits, setbacks, and other compatibility requirements.

In addition, the Plan specifically addresses this site:

*"Page 18 Action Item 8 B)*

*New structures on Tract 25 (Lots 1-8, Abe Williams Subdivision) should be permitted a height of 45 feet, minimum setback of 10 feet, and the 30% community open space on these properties should be waived."*

<ftp://ftp.ci.austin.tx.us/npzd/Austingo/bouldin-np.pdf>

Furthermore, this site plan is dependent on the City of Austin's vacating an existing Right Of Way on the north edge of the tract, which could be later determined to be important for transportation access or public safety for a nearby development to the west on S. 2nd St. being proposed by the same developer. It would be premature to prejudice the possible future need for use of this Right Of Way by approving this site plan at this early stage.

Whereas the Bouldin Creek Neighborhood Plan has established a clear rationale for future development, and

Whereas the Bouldin Creek Neighborhood Plan specifically addresses the parameters for future development on this site, and



Whereas the Bouldin Creek Neighborhood Plan and the Bouldin Creek Neighborhood Association strongly support the protection of the setback, height limits and other compatibility requirements that are an integral part of the Plan,

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We, the Bouldin Creek Neighborhood Association, ask the Planning Commission to reject the proposed compatibility setback waiver and ask the Commission to direct the developer to create a site plan that is consistent with the clear intent and specific requirements of the Bouldin Creek Neighborhood Plan.

Passed by a vote of the Bouldin Creek Steering Committee, May 7, 2014

Sincerely,

Kevin Lewis

President

Bouldin Creek Neighborhood Association