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PLANNING COMMISSION SITE PLAN REVIEW SHEET
SITE PLAN WAIVER

CASE NUMBER: SP-2014-0153C

PC DATE: October 28, 2014

PROJECT NAME: 1205 Elm Street

ADDRESS: 1205 Elm Street

AREA: 15,960 sq. ft. (0.366 acres)

APPLICANT: Gray Engineering
8834 N. Capital of Texas Hwy.
Suite 140
Austin, Texas 78759
Phone: (512) 452-0371
Contact: David Peek

OWNER: D&M Blue Water Ventures, Ltd.
11607 Wiginton Drive
Austin, Texas 78758
Phone: (512) 633-0101
Contact: David Roberts

EXISTING ZONING: MF-3-NP

EXISTING AND PROPOSED DEVELOPMENT: The proposed development is comprised of two lots, described as Lots 3 and 4, Block E of the Shelley Heights subdivision. An apartment building was formerly on the site, but was demolished in 2008. Currently, the property is vacant, and the developer proposes to construct two multi-family fourplexes, with eight (8) residential units totaling 11,891 sq. ft. (GFA).

NEIGHBORHOOD ORGANIZATION(S):

Austin Parks Foundation
Austin Heritage Tree Foundation
SEL Texas
Homeless Neighborhood Association
The Real Estate Council of Austin, Inc.
Austin Heritage Tree Foundation
Sierra Club, Austin Regional Group
Super Duper Neighborhood Objectors and Appealers Organization
Beyond2ndNature
Bike Austin
Friends of Emma Barrientos MACC

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Austin Neighborhoods Council
 Old West Austin Neighborhood Association
 Austin Independent School District
 Austin Monorail Project
 Old West Austin Neighborhood Plan Contact Team
 West End Austin Alliance
 Preservation Austin
 Save Barton Creek Association

AREA STUDY: Old West Austin

WATERSHED: Lady Bird Lake (Urban)

APPLICABLE WATERSHED ORDINANCE: Comprehensive Watershed Ordinance

T.I.A.: Not Required

SUMMARY COMMENTS:

The applicant is requesting a site plan compatibility waiver from LDC 25-2-1063(B)(1) & (2), which states that a person may not construct a structure 25 feet or less from property in an SF-5 or more restrictive zoning district, or from property on which a use permitted in an SF-5 or more restrictive zoning district is located. The applicant proposes to construct a building 16 feet from adjoining property to the east that is zoned SF-3-NP, and 18.5 feet from adjoining MF-3-NP property to the north on which a duplex is located. .

SURROUNDING CONDITIONS:

Zoning/ Land Use

North:	MF-3-NP/Multi-family
East:	SF-3-NP/Single-family residential & MF-3-NP/Multi-family
South:	MF-3-NP/Multi-family
West:	Elm Street

Transportation: A traffic impact analysis was not required for this development. Access to the site will be via a proposed driveway onto Elm Street.

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 the compatibility setback waivers. The site plan will comply with all requirements of the Land Development Code prior to release.

ADDITIONAL INFORMATION: The developer has provided a "letter of understanding" signed by Billie Turner, owner of 1206 Marshall Lane, the single-family zoned property to the east of the site, Marissa Kimberlin, owner of 1209 Elm Street, the multi-family zoned property to the north, and Paul Seals, chair of the

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OWANA Steering Committee. This document, included with these backup materials, specifies setbacks and maximum building heights for the proposed development on the subject site.

Item #1 specifies that the setbacks on the property will be 18.5 feet along the north property line, 16 feet along the east property line, 5 feet along the south property line and 25 feet along the western property line.

The site plan complies with these setbacks, and only the 16-foot setback along a portion of the eastern property line and the 18.5-foot setback along the north property line require compatibility waivers – 25 feet is the required setback for a structure on properties adjacent to other properties zoned SF-5 or more restrictive, or those on which a use permitted in an SF-5 or more restrictive zoning district is located.

The required setback from the north and a portion of the east property line is 25 feet (18.5 feet and 16 feet, respectively, are provided). The required setback from the south property line is 5 feet (5 feet is provided), and the required setback from the western property line is 25 feet (25 feet is provided).

Item #2 states that the height of the northernmost building on the site will not exceed 27 feet, and the site plan indicates compliance with this limitation.

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

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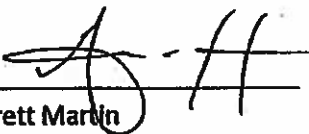
January 13, 2014

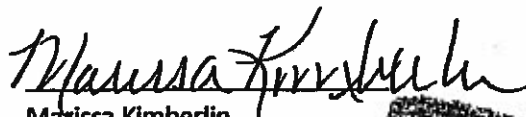
RE: Letter of understanding between Milestone Community Builders (MCB), Kimberlin Family partnership, owners of 1209 Elm Street (the "Kimberlins"), B. L. Turner, owner of 1206 Marshall Lane (the "Turners") and the Old West Austin Neighborhood Association ("OWANA") with respect to site plan variance for 1205 and 1207 Elm Street (the "PROPERTY")

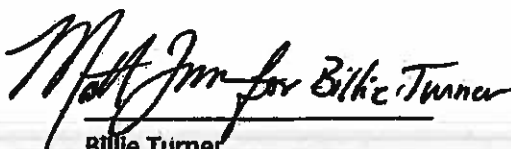
In connection with the development of the Property, MCB has submitted an application for a site plan variance. MCB, the Kimberlins, The Turners and OWANA have been in discussions involving the development of the Property. With regard to these discussions, the parties hereby agree to the following prior to any final approval from the Planning Commission:


1. The setbacks on the property will be 18.5 feet to the north; 16 feet to the east; 5 feet to the south and 25 feet to the west.
2. The height of the 2 story structure on the north side of the property will not exceed 27 feet as measured from the natural grade to the mid-line of the peak.
3. MCB will provide appropriate landscaping to reduce noise pollution related to the air conditioning units located between the north townhome building and the adjacent properties.
4. MCB will use non-reflective roofing materials in the construction of the townhomes.
5. The height of the fence/wall between the north townhome units and the duplex will not exceed 6 feet and will be constructed with stone. There will be no breaks in the continuance of the fence/wall. There will be no fence in the front of the project.
6. MCB has and will continue to seek input from the Kimberlins and Turners in matters related to building materials and landscaping as it affects them as owners of the adjacent properties.
7. This agreement is made between the parties listed above and will be considered null and void if the property is sold.

Accepted and Agreed to:

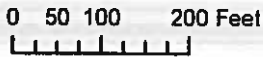
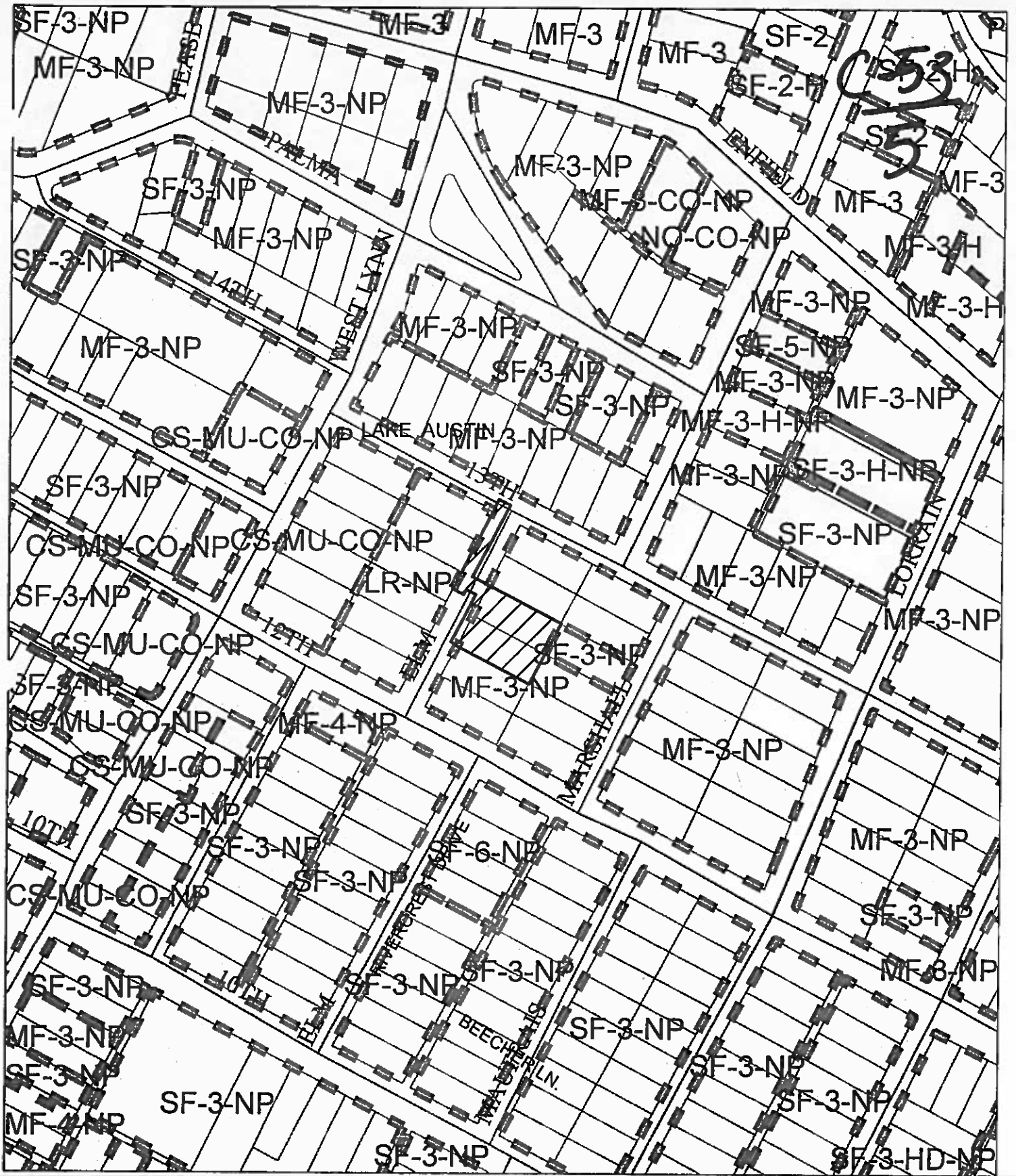

 Garrett Martin
 President
 Milestone Community Builders


 Marissa Kimberlin
 Kimberlin Family Partnership
 Owners of 1209 Elm Street, Austin TX 78703


 Billie Turner
 Owner of 1206 Marshall Lane
 Austin TX 78703


 PAUL SEALS, CHAIR
 OWANA STEERING COMMITTEE





SITE PLAN VARIANCE REQUEST

CASE NO: SP-2014-0153C
 ADDRESS 1205 ELM STREET
 CASE MANAGER. MICHAEL SIMMONS-SMITH



