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November 6, 2014

VIA EMAIL – greg.guernsey@austintexas.gov

Greg Guernsey, Director
Planning and Development Review Department
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

VIA EMAIL – leane.heldenfels@austintexas.gov

Leane Heldenfels
Planning and Development Review Department
City of Austin
505 Barton Springs Road, 1st Floor
Austin, Texas 78704

RE: Notice of Appeal of Sign Review Board Decision – Sign Variance Case No.
C16-2013-0017 (Lincoln Village)

Dear Mr. Guernsey and Ms. Heldenfels:

On behalf of the applicant in the above-referenced sign variance case, we hereby file this appeal to City Council of a portion of the Sign Review Board's October 13th decision on the case. Specifically, we would like to appeal the Board's decision (1) limiting the height of signs "E" and "H", as identified on Exhibit A attached hereto, to 50 feet and (2) limiting the maximum sign area of sign "H" to 395 square feet.

Basic Information:

Appellant/Applicant
35 Austin Partners, LP
442 North Camden Drive, STE 1177
Beverly Hills, CA 90210
(310) 553-4302 (Office)

Agent for Appellant/Applicant:
Husch Blackwell, LLP
Attn. Nikelle Meade
111 Congress Avenue, STE 1400
Austin, Texas 78701-4043
(512) 479-1147

Decision Being Appealed: Decision of Sign Review Board October 13, 2014 in Case C16-2013-0017

Appellant's Status as Interested Party: Appellant is Applicant

Reason Appellant Believes Decision Does Not Comply with the Requirements:

The Board erred in its decision to limit the height of signs "E" and "H" to 50 feet because it stated that the signs would be sufficiently visible at 50 feet, whereas the signs will not be sufficiently visible at those heights and such restriction will prevent any reasonable opportunity to provide adequate signage on the site. A valid hardship exists with regard to these signs because of the construction of the elevated lanes of IH-35 after the construction on the subject property. We are requesting an appeal because evidence exists showing that the maximum height of signs "E" and "H" needs to be 55 feet and 65 feet, respectively, in order to be sufficiently visible from the neighboring roadways considering the unique features of the site.

Sign "E" is the main entry sign located off the IH-35 service road. At 50 feet tall, sign "E" will not be visible from the service road because it will not rise above the tree canopy. The applicant wants this sign to be at least partially visible above the tree canopy to help mark the point of entry for visitors driving south on the service road.

Sign "H" is located on the south side of the property, and its visibility is impaired by both the tree canopy and the elevated IH-35 exit ramp. As cars drive toward the development, sign "H" becomes less visible because the height of the exit ramp blocks the sign. Sign "H" must be a minimum of 65 feet tall in order to be visible above the exit ramp.

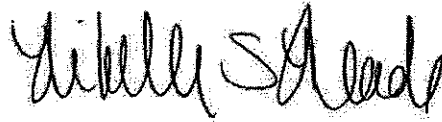
The attached Exhibit B demonstrates the proposed height of signs "E" and "H" relative to the surrounding tree canopy and elevated exit ramp. Also attached are three photograph mock-ups showing signs "E" and "H" at 55 feet and 65 feet, respectively.

The Board erred in its decision to limit the area of sign "H" to 395 square feet because it based its decision upon an incorrect belief that the sign "H" would be sufficiently visible if it is limited to that size. As noted above, the visibility of sign "H" is significantly impaired by the tree canopy and elevated IH-35 exit ramp. At 65 feet tall, sign "H" must be a minimum of 450 square feet in area to be sufficiently visible.

Greg Guernsey
Leane Heldenfels
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Thank you for your consideration of this request, and please contact me if you need any additional information. Please schedule this matter for the next available City Council hearing.

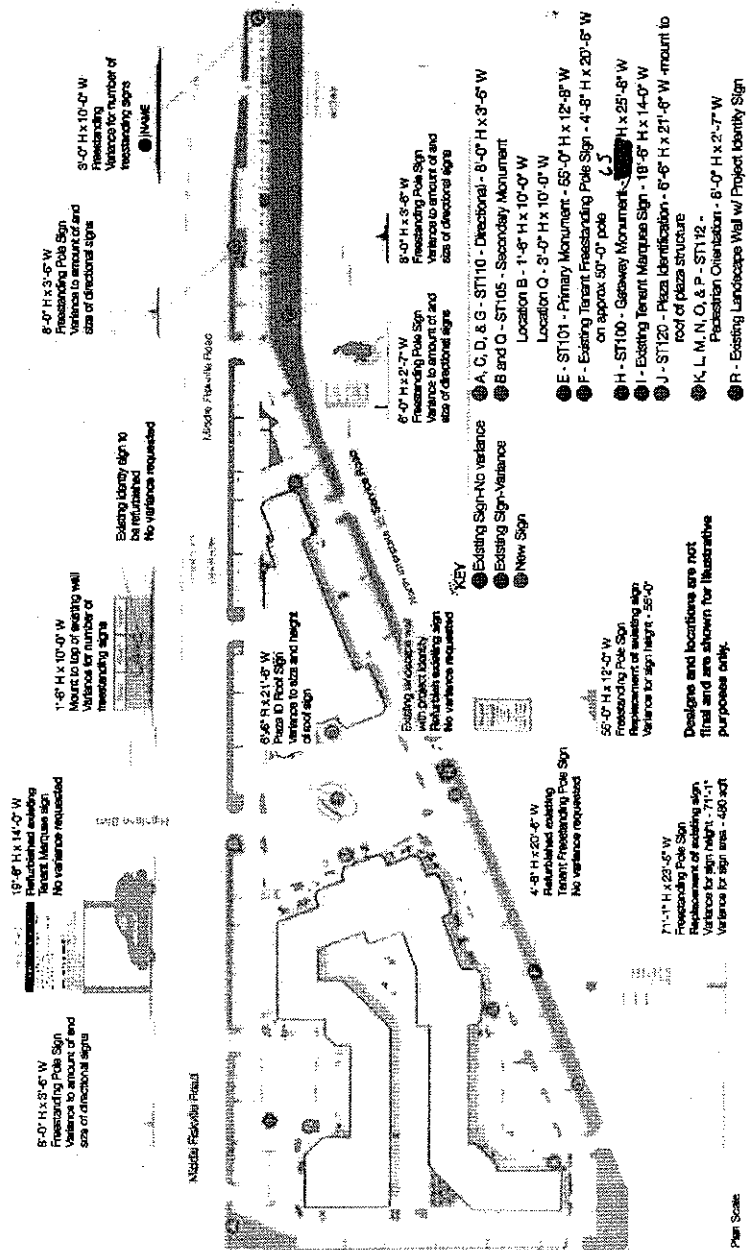
Sincerely,

A handwritten signature in black ink, appearing to read "Nikelle S. Meade". The signature is fluid and cursive, with the first name "Nikelle" and last name "Meade" clearly distinguishable.

Nikelle S. Meade

Attachments

EXHIBIT A



Site Signage Locations

THE LINC
5406 North IH 35, Austin, Texas 78757
www.thelincauction.com

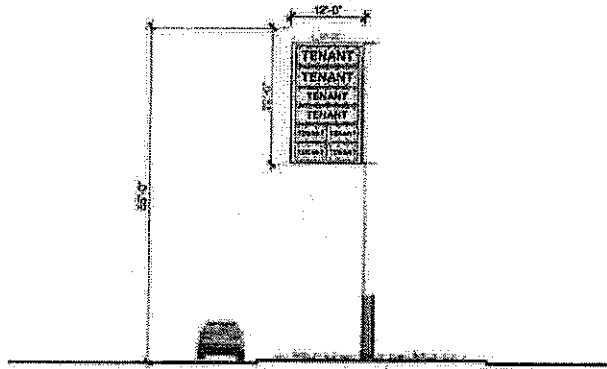
EXHIBIT B

Variance Request - Section 25-10-123 (B)(1)

Expressway Corridor Sign District Regulations

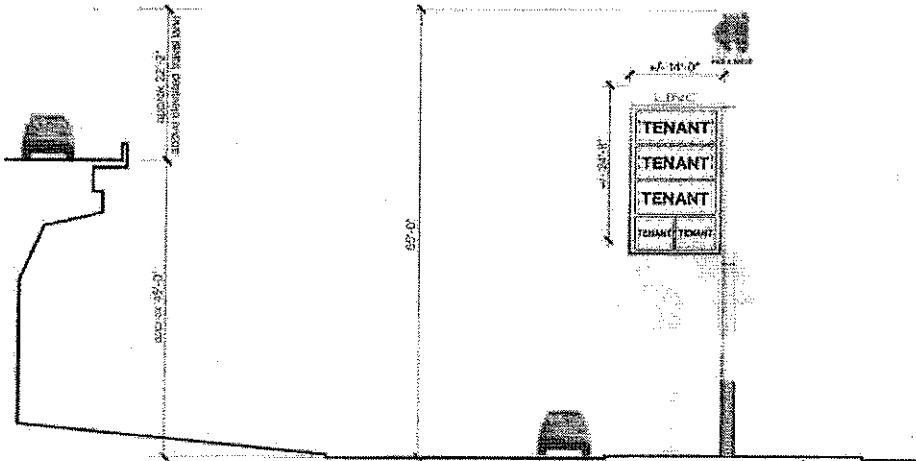
Existing Sign Locations

Locations E & H



1 ST101 Primary ID Sign; Location E
SCALE: NTS

Existing sign to be replaced with sign shown.



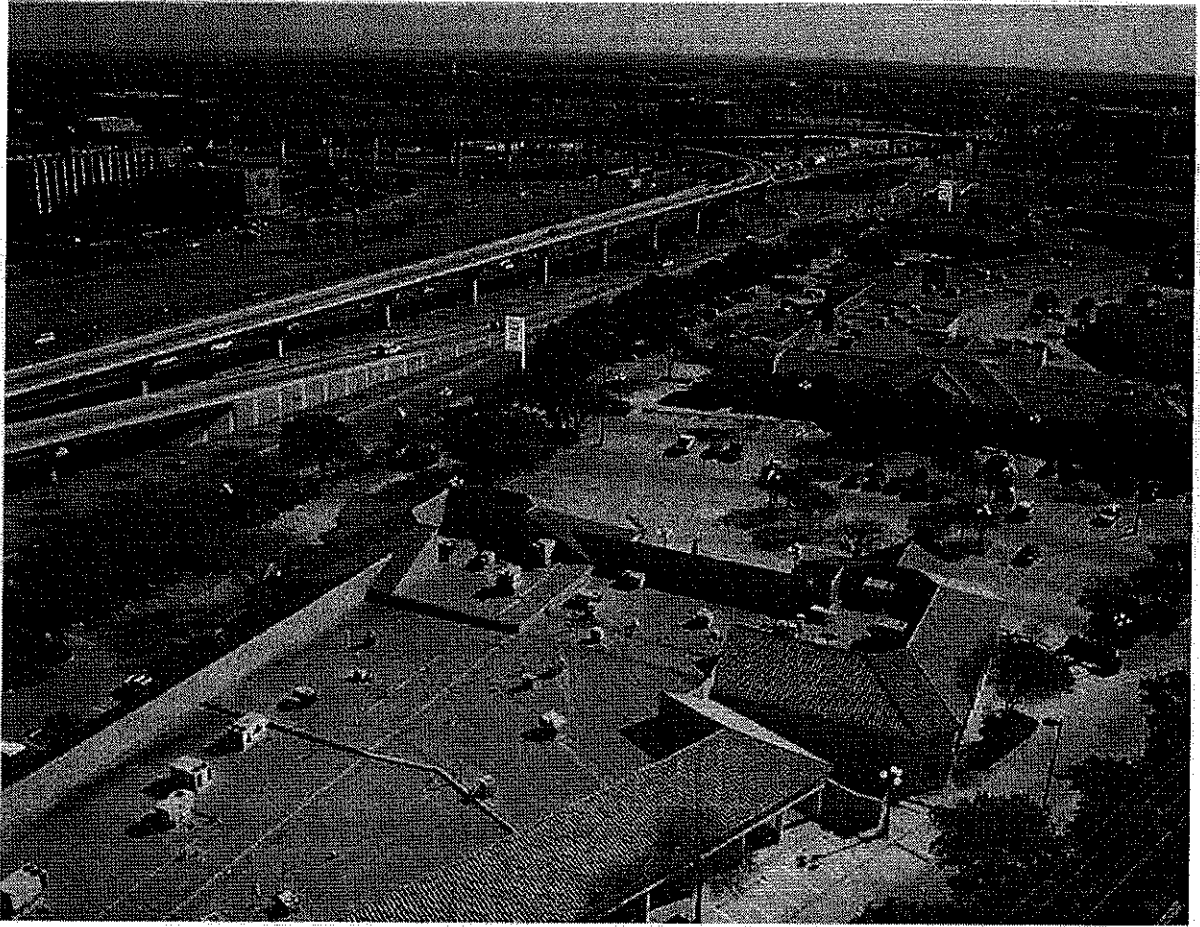
2 ST100 Gateway Sign; Location H
SCALE: NTS

Existing sign to be replaced with sign shown.

THE LINC
6406 North IH 35, Austin, Texas 78752
www.TheLincAustin.com

SIGNS "E" AND "H"

AERIAL ZOOM



AUS-6027496-3 6061552/1

SIGNS "E" AND "H"

AERIAL



SIGN "H"

