



City of Austin

Founded by Congress, Republic of Texas, 1839
Planning and Zoning Department
One Texas Center, 505 Barton Springs Road 5th Floor
P.O. Box 1088, Austin, Texas 78767
(512) 974-3207

July 1, 2015

Mr. Michael Sullivan
2208 Del Curto Dr.
Austin, TX 78704

Dear Mr. Sullivan,


The City of Austin Planning and Zoning Department has reviewed your appeal of the determination that the land use for the Bluebonnet Studios site plan (case number SP-2014-0429C.SH). Staff believes that the use as described would fall under the congregate living definition as described in 25-2-6 (see below). The applicant, Foundation Communities, has relayed to the staff that there will be 24 hour supervision and that there will be more than 15 residents not needing regular medical attention. Based upon Foundation's experience with similar facilities some of the residents will be physically impaired, over 60 years old and some are with developmental disabilities. Many of the residents are coming from a situation of homelessness. These type of residents are the type we would expect to see in a congregate living use.

While the applicants engineer does refer to the use as apartments in the summary letter and the TIA determination form this does not establish the use. The use is determined by the staff during the site plan review. If, after the project is constructed, its use in practice does not conform to the use approved under the site plan, this would be investigated by the Code Department.

With regards to the dumpster, a waiver or variance was not granted to Code section 25-2-1067 (C). This section of the Code requires dumpsters to be located at least 20 feet away from single family zoning or uses. The dumpster is at least 80 feet from a single family use or zoning. An administrative waiver was granted to Sec 9.3.0 #2 & #3 of the Transportation Criteria Manual to allow maneuvering within the right of way to service the dumpster. This waiver was granted due to the small size of the lot and parking facility. This was done after consultation with the Austin Transportation Department. The trash receptacle is to be stored within the building, and rolled out into the driveway only on pick-up days. The facility manager is to return the trash receptacle back on site immediately after pick-up. The waiver was granted with additional conditions for hours of operation and signage. The granting of this waiver is not appealable to the Board of Adjustment.

If you have any questions please call me at 974-3207 or Wendy Rhoades at 974-7719.

Sincerely,


Jerry Rusthoven, AICP
Manager
Current Planning Division

Cc: Gregory I. Guernsey, AICP, Director, P&Z Dept.
Leane Heldenfels, BOA Liason, DSD
George Adams, Assistant Director, DSD

25-2-6 CIVIC USES DESCRIBED.

CONGREGATE LIVING use is the use of a site for the provision of 24 hour supervision and assisted living for more than 15 residents not needing regular medical attention. This use includes personal care homes for the physically impaired, mentally retarded, developmentally disabled, or persons 60 years of age or older, basic child care homes, maternity homes, and emergency shelters for victims of crime, abuse, or neglect.

25-2-1067 – Design Regulations

(C) A permanently placed refuse receptacle, including a dumpster, may not be located 20 feet or less from property:

- (1) in an 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.