

C22  
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**PLANNING COMMISSION  
SITE PLAN - WAIVERS ONLY**

**CASE NUMBER:** SP-2015-0026C                      **PLANNING COMMISSION**  
**HEARING DATE:** September 22, 2015

**PROJECT NAME:** Avion Park

**ADDRESS:** 1931 E. 38 ½ Street

**APPLICANT:** Avion Park LLC. (Justin Day)                      (512)225-1400  
9606 North Mopac, Suite 125  
Austin, TX 78759

**AGENT:** KBGE (Bryant Bell P.E.)                      (512)439-0400  
105 West Riverside Dr., Suite 110  
Austin, TX 78704

**CASE MANAGER:** Nikki Hoelter                      (512) 974-2863  
[Nikki.hoelter@austintexas.gov](mailto:Nikki.hoelter@austintexas.gov)

**NEIGHBORHOOD PLAN:** MLK

**CITY COUNCIL DISTRICT:** Ora Houston - District 1

**PROPOSED DEVELOPMENT:**

The applicant is proposing to redevelop 5 lots to construct seven, 2 story condominium buildings, which will include 18, two bedroom units, parking, detention pond, utilities and sidewalk and streetscape. Parking will be within garages on the first floor of each building, with access taken through one driveway off of East 38 ½ Street. The total site area is .839 acres.

**DESCRIPTION OF WAIVERS:**

- 1) Request a waiver to permit a structure to encroach in the 25 foot compatibility setback. [LDC Section 25-2-1063(B)(1)]

**SUMMARY STAFF RECOMMENDATION:**

The site plan is an administrative site plan which doesn't require commission approval, but a compatibility waiver to construct a detention pond within the 25 foot compatibility setback is before the commission for approval.

The applicant plans to construction a detention pond along the west and south property lines. The pond structure will be located 5 feet from both property lines; which are adjacent to SF-3-NP zoning district. The property to the south includes single family residences; however the SF-3-NP portion to the west is undeveloped. Compatibility standards require a 25 foot setback of all structures, including detention pond structures. The proposed condominium building at the corner of the subject property lines complies with the 25 foot compatibility setback requirement. All other buildings comply with the building setback and height requirements for compatibility. The majority of the pond will be vegetation; however there will be

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a 3 foot wide concrete trickle channel at the base of the wall.

Due to the location of existing and proposed drainage patterns it's significant for the pond to be located in this area of the site. A 6 foot privacy fence will be constructed along this property line to screen the pond and building from the single family residences. Required open space and landscaping will be located in the other portions of the setback.

It would appear from architectural elevations the condominium buildings will be compatible with the single family neighborhood adjacent to the development.

Based on these findings and proposed design of the project, staff recommends approval of the requested compatibility waiver.

The site plan complies with all other compatibility standards.

**PROJECT INFORMATION**

<b>TOTAL SITE AREA</b>	36,561sq. ft.// .839 acres	
<b>EXISTING ZONING</b>	GR-MU-CO-NP	
<b>WATERSHED</b>	Boggy Creek (Urban)	
<b>WATERSHED ORDINANCE</b>	Current code	
<b>TRAFFIC IMPACT ANALYSIS</b>	Not required	
<b>CAPITOL VIEW CORRIDOR</b>	Robert Mueller	
<b>PROPOSED ACCESS</b>	E. 38 ½ St.	
	<b>Allowed/Required</b>	<b>Proposed</b>
<b>FLOOR-AREA RATIO</b>	1:1	.775:1/ 33,180 SF
<b>BUILDING COVERAGE</b>	75%	16,836 SF/ 46.05%
<b>IMPERVIOUS COVER</b>	90%	23,802 SF/ 65%
<b>PARKING</b>	36	36

**COMPATIBILITY**

The subject site is bordered by single family residences to the south, zoned SF-3-NP. A 6 foot privacy fence will be erected along the entire southern and western property line. The SF-3-NP property to the west is undeveloped, however compatibility is triggered by land use or zoning. Compatibility is not triggered along the northern property line, the development fronts on East 38 ½, which is classified as a minor arterial. The property across East 38 ½ Street is zoned CS, commercial services, and the property to the west along Airport and East 38 ½ is zoned CS-MU-V-NP with a retail use. The condos will be residential in nature, including the parking, which will be located in personal garages under each unit.

The site will comply with all other compatibility standard requirements.

**SUMMARY COMMENTS ON SITE PLAN:**

The existing four duplex structures on the site will be demolished. The zoning for the site is GR-MU-CO-NP, community commercial, mixed use, conditional overlay, neighborhood plan. The MU portion of the zoning allows the development of condominiums on the site. The conditional overlay for this tract prohibits the following uses, automotive rentals, automotive washing, drop-off recycling collection facility, funeral services, outdoor sport and recreation, automotive repair services, automotive sales, exterminating services, outdoor entertainment, and pawn shop services.

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The applicant plans to pay parkland dedication for all 18 units, as well as paying a fee in lieu of constructing a water quality pond. A detention pond will be built on site. The property directly to the east is vacant, it's zoned GR-MU-CO-NP, and the structure was recently demolished.

The site plan will comply with Subchapter E requirements for an urban roadway. However, the sidewalks and planting areas will be built to core transit corridor standards, with trees planted 30 foot on center within a 9.5 foot planting zone, a clear zone of 5 feet will be provided as well as a 5 foot supplemental zone. The building will be built up to the supplemental zone.

A tract is composed of 5 platted lots, which will be joined together by a restrictive covenant regarding unified development. It will be recorded with county clerk prior to site plan approval and release. Major revisions to the development or changes in lots, will require a revision to the approved site plan and revisiting the recorded unified development agreement.

A traffic impact analysis was not required because the traffic generated by the proposed project did not meet the threshold within the Land Development Code.

The site is located within the Robert Mueller Capitol View Corridor. Capitol View Corridor Determinations have been obtained for the site, and it was determined the structures are below the corridor elevations.

**EXISTING ZONING AND LAND USES**

	ZONING	LAND USES
Site	GR-MU-CO-NP	Existing residences to be demolished
North	CS	E. 38 1/2 St. Right of way and retail
South	SF-3-NP	Single family residence
East	GR-MU-CO-NP	Vacant
West	SF-3-NP & CS-MU-V-NP	Vacant and retail

**ABUTTING STREETS**

Street	Right-of-Way Width	Pavement Width	Classification
E. 38 1/2 Street	varies	40'	Minor Arterial

**NEIGHBORHOOD ORGNIZATIONS:**

- 511—Austin Neighborhoods Council
- 742—Austin Independent School District
- 786—Home Builders Association of Greater Austin
- 1037—Homeless Neighborhood Assn.
- 1075—League of Bicycling Voters
- 1200—Super Duper Neighborhood Objectors and Appealers Organization
- 1224—Austin Monorail Project
- 1236 - The Real Estate Council of Austin, Inc
- 1113 - Austin Park Foundation

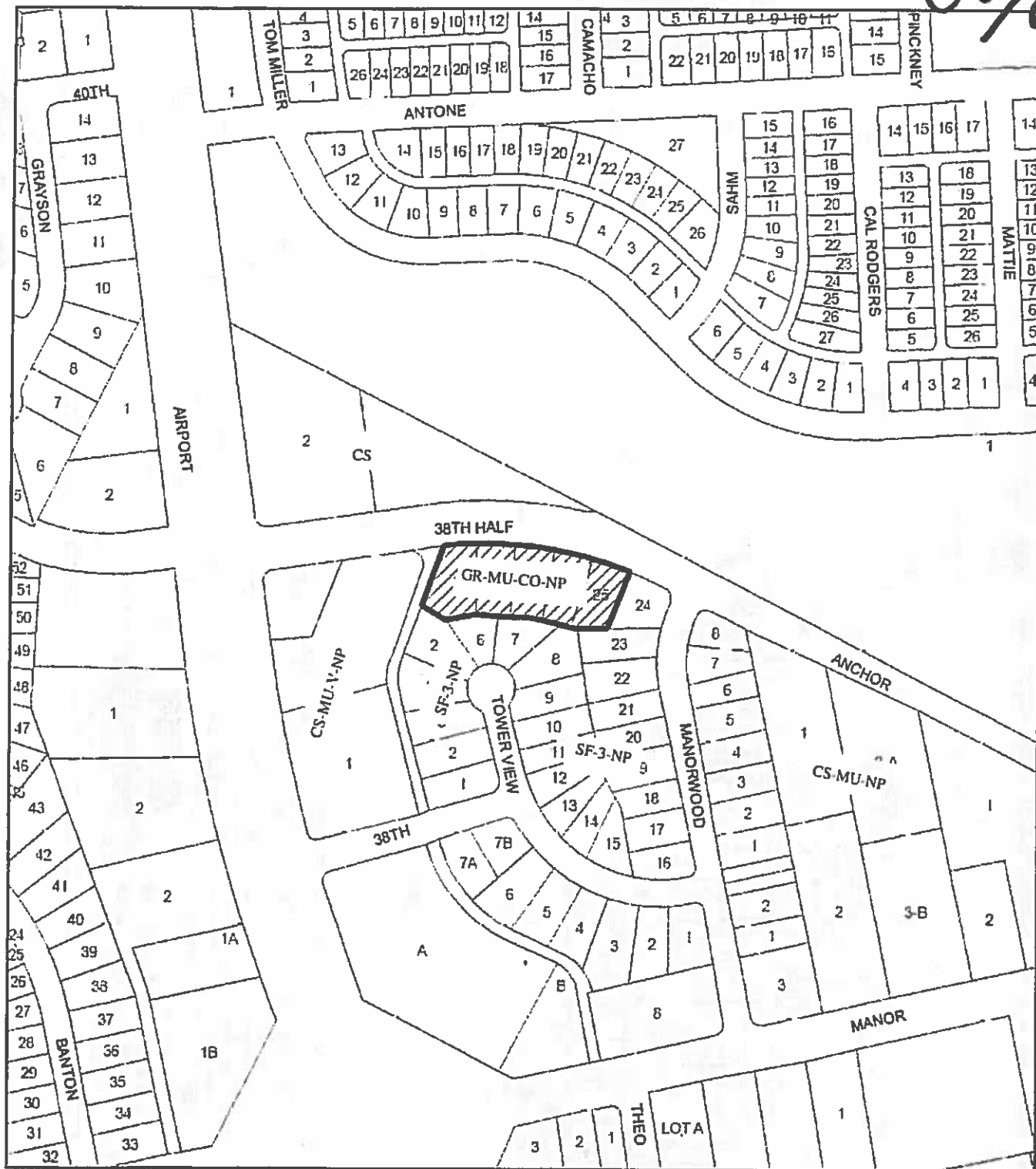
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# LOCATION MAP

SCALE: 1" = 500'  
COA GRID: L24  
MAPSCO GRID: 586E

C22/6



-  Subject Tract
-  Base Map

CASE#: SP-2015-0026C  
 ADDRESS: 1931 E. 38TH HALF STREET



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 property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



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ARCHITECTURE & INTERIORS INCORPORATED  
100 N. JEFFERSON AVENUE, SUITE 200  
AUSTIN, TEXAS 78701  
PHONE: 512.382.5800  
WWW.GPCO.COM



AVION PARK  
1031 EAST 18TH 1/2 STREET  
AUSTIN, TEXAS 78723

PROJECT NO. 2015-0026C

SHEET

DATE	BY	DESCRIPTION
01/15/15	JM	ISSUED FOR PERMITS

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SP-2015-0026C

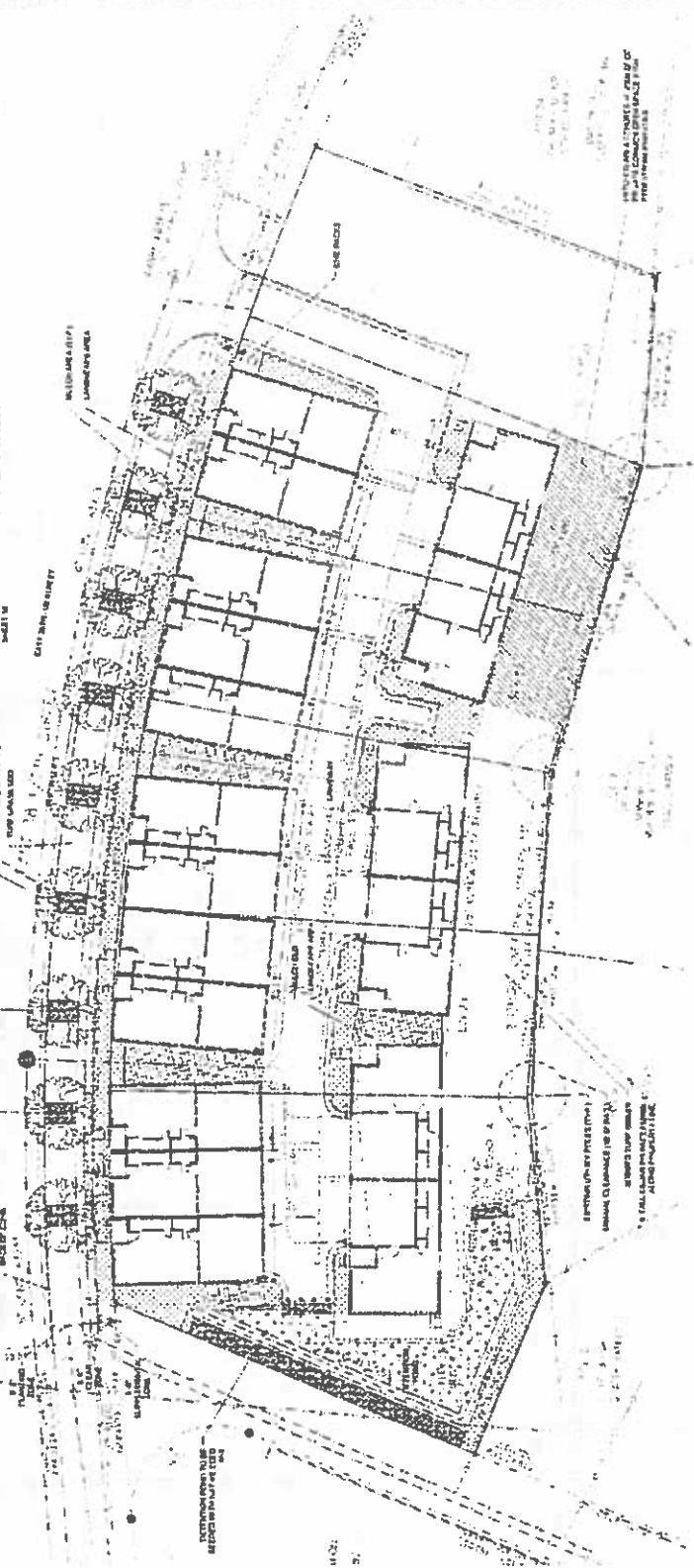
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**GENERAL NOTES**  
1. ALL MATERIALS AND METHODS SHALL BE APPROVED BY THE CITY OF AUSTIN. THE PROJECT SHALL BE COMPLETED WITHIN THE CITY OF AUSTIN PERMITS PROCESS. ALL MATERIALS AND METHODS SHALL BE APPROVED BY THE CITY OF AUSTIN PERMITS PROCESS. ALL MATERIALS AND METHODS SHALL BE APPROVED BY THE CITY OF AUSTIN PERMITS PROCESS.

**LANDSCAPE CALCULATIONS**  
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**GENERAL NOTES**  
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**CAUTION**  
OF RIFLED PLASTIC ROOT BARRIERS INSTALLED ALONG THE PERIMETER OF THE SITE. THE BARRIERS SHALL BE INSTALLED AT THE CITY OF AUSTIN PERMITS PROCESS. ALL MATERIALS AND METHODS SHALL BE APPROVED BY THE CITY OF AUSTIN PERMITS PROCESS.

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01	01/15/15	ISSUED FOR PERMITS	JM

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01	01/15/15	ISSUED FOR PERMITS	JM

**GENERAL NOTES**  
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Kevin Stewart Architects  
1100 West 11th Street  
Austin, Texas 78703  
78723

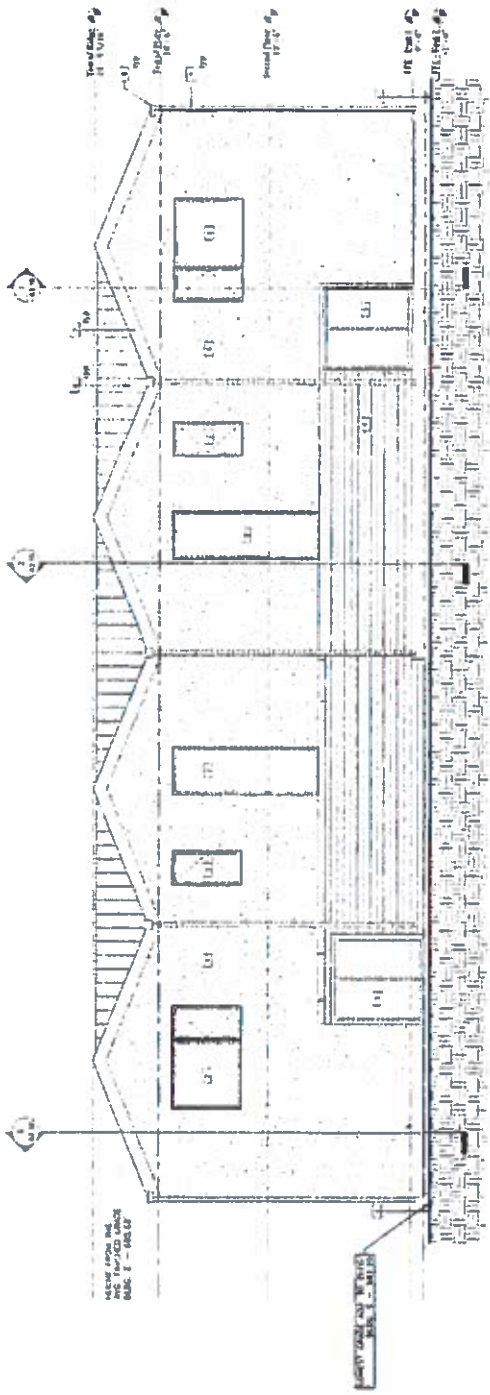
Avton Park - Building E  
1931 E 381/2  
Austin, Texas  
78723

Building Plans  
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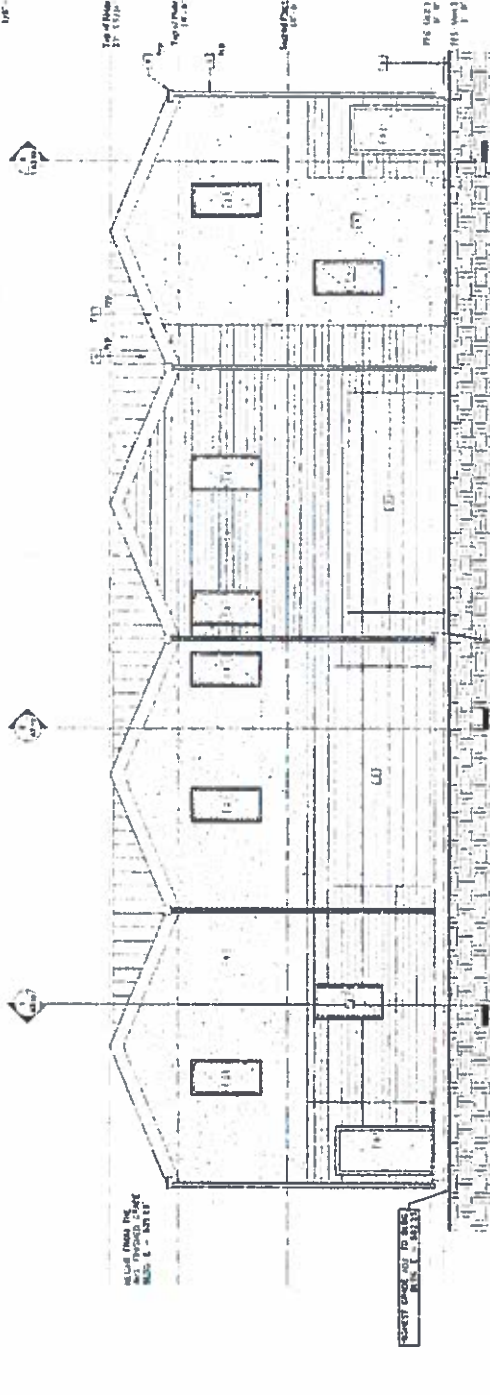
**Notes:**  
1. All work shall be in accordance with the approved plans and specifications.  
2. The contractor shall be responsible for obtaining all necessary permits.  
3. The contractor shall maintain access to all adjacent properties at all times.  
4. The contractor shall be responsible for the safety of all workers and the public.  
5. The contractor shall be responsible for the protection of all existing utilities.  
6. The contractor shall be responsible for the removal and disposal of all debris.  
7. The contractor shall be responsible for the cleanup of all work areas.  
8. The contractor shall be responsible for the maintenance of all equipment and vehicles.  
9. The contractor shall be responsible for the payment of all taxes and fees.  
10. The contractor shall be responsible for the completion of all work within the specified time frame.

**Legend:**  
- - - - - Proposed  
- - - - - Existing  
- - - - - Easement  
- - - - - Utility  
- - - - - Survey  
- - - - - Other

NO.	DATE	DESCRIPTION
1	10/15/11	Issue for Review
2	10/20/11	Issue for Review
3	11/01/11	Issue for Review
4	11/15/11	Issue for Review
5	12/01/11	Issue for Review
6	12/15/11	Issue for Review
7	01/01/12	Issue for Review
8	01/15/12	Issue for Review
9	02/01/12	Issue for Review
10	02/15/12	Issue for Review



Scale: 1/8" = 1'-0"



Scale: 1/8" = 1'-0"



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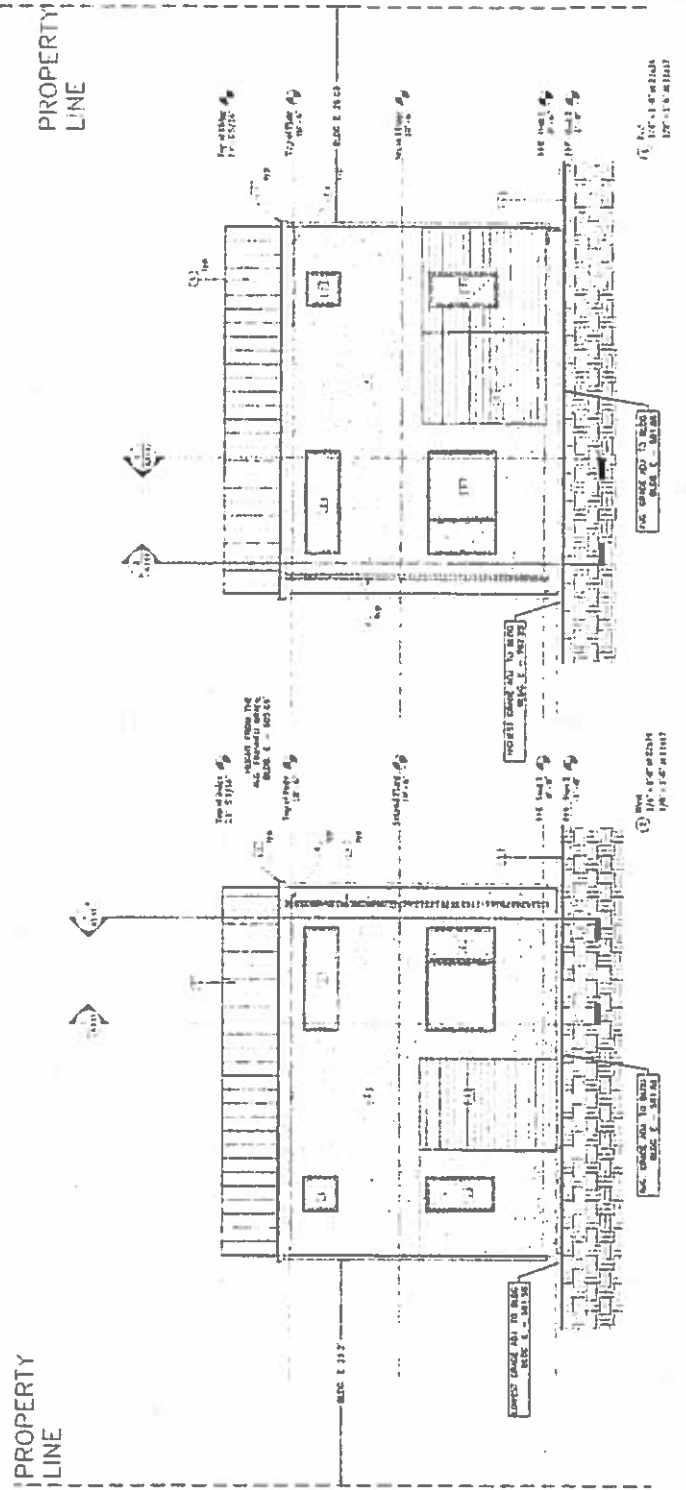
Building Permits	
Permit No.	28 of 34
Project No.	
Issue Date	
Expiration Date	
City	
County	
Inspector	
Notes	

Avlon Park - Building E  
 1931 E 38 1/2  
 Austin, Texas  
 78723

Kevin Stewart Architect

**General Notes**

1. The owner is responsible for obtaining all necessary permits.
2. The contractor shall be responsible for obtaining all necessary permits.
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10. The contractor shall be responsible for obtaining all necessary permits.



PROPERTY LINE

PROPERTY LINE



105 W Riverside, Suite 110  
Austin, Texas 78704  
512 | 439 | 0400  
kbge-eng.com

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KIMBELL | BRUEHL | GARCIA | ESTES

August 20, 2015

Mr. Greg Guernsey  
Director, Development Services Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704

RE: Consolidated Site Plan Application  
Pond Waiver Request Letter

Dear Mr. Guernsey,

On behalf of Avion Park, LLC, KBGE is requesting a waiver from LDC 25-2-1053 (B)(1) Height Limitations and Setbacks for Large Sites. The site is located at 1931E. 38 1/2 Street in the full purpose City of Austin. The site is zoned GR-MU-CO-NP and the adjacent property to the south is zoned SF-3 and triggers Compatibility Standards. The proposed condominium residential buildings within the site plan application comply with the compatibility standards. However, the planned detention pond lies within the 25 foot setback per LDC 25-2-1053 (B)(1) which does not allow any structure to be constructed within 25 feet of a property zoned SF-3. We are requesting to construct a detention pond within the 25 foot setback for the following reasons:

1. The Drainage Area Maps Sheet within the civil plan set indicates both the existing and proposed drainage patterns. There are two existing outfalls from the property in the existing condition and the western outfall, "Outfall 1", is the outfall in question. "Outfall 1" is located in the southwest corner of the site and lies within the 25 foot setback triggered by the adjacent property to the south zoned SF-3. The proposed patterns must match the existing patterns and in order to do so the proposed detention pond must be located within the 25 foot setback.
2. Constructing the detention pond outside of the 25 foot setback would allow peak developed stormwater runoff to bypass the detention pond and exceed the existing peak stormwater runoff.
3. The detention pond is designed in accordance with the Drainage Criteria Manual.
4. The detention pond is not located within 5 feet of the property line adjoining the SF-3 properties.
5. A screening fence along the southern property line will obstruct the view of the pond from the SF-3 properties.

If you have any questions or concerns, please feel free to contact me at 512-439-0400 or [bryant@kbge-eng.com](mailto:bryant@kbge-eng.com).

Sincerely,

Bryant R. Bell, P.E.  
Project Manager  
KBGE

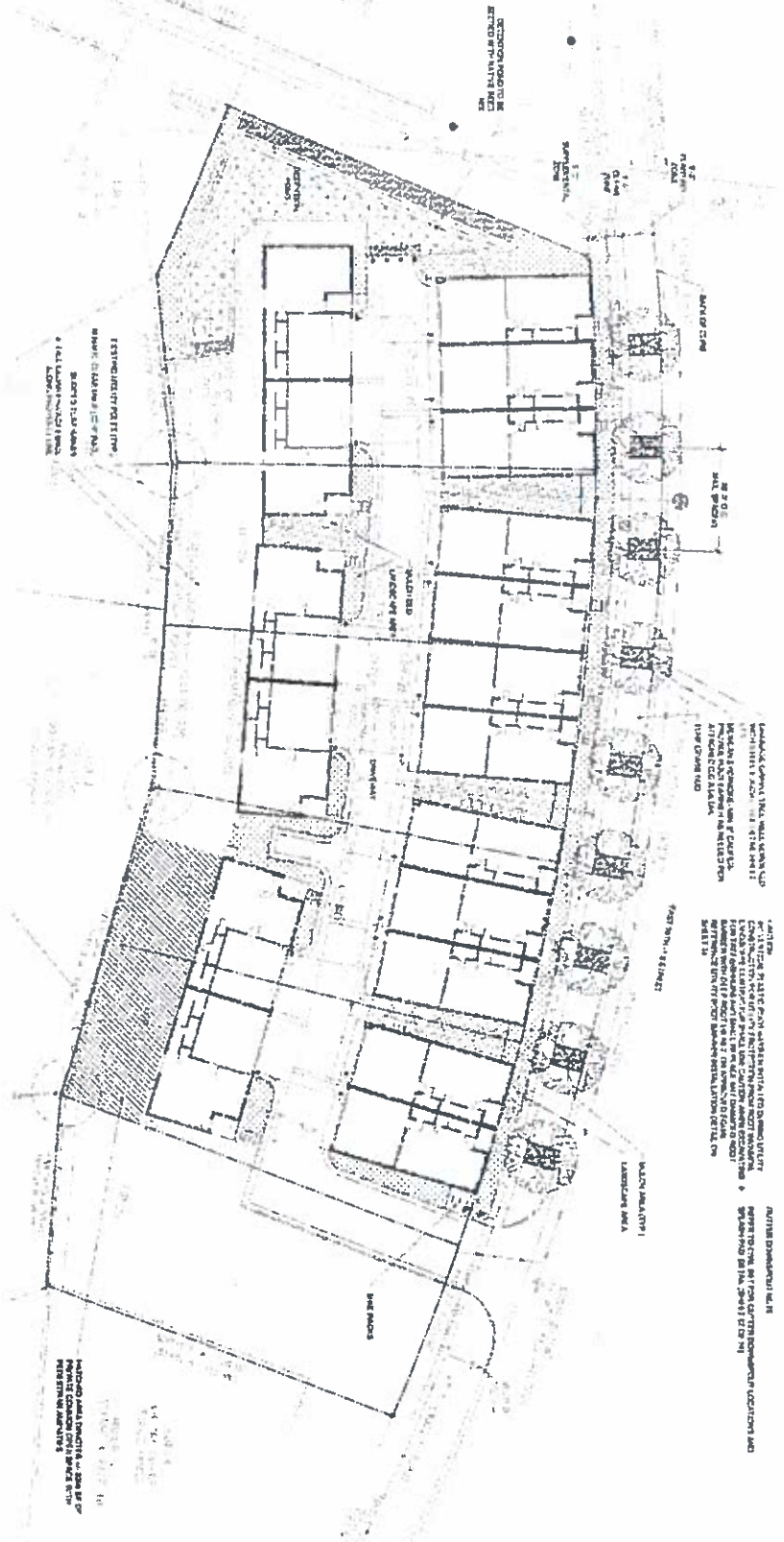
KBGE  
105 Riverside Drive, Ste. 110

Austin, Texas 78704

TBPE No. F-12802  
(512) 439-0400



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**LANDSCAPE CALCULATIONS**

LANDSCAPE	PLANTING	AMOUNT
TRIPLE AND DOUBLE BLENDED	PLANTING	100
TOTAL PLANTING		100
TOTAL PLANTING		100
TOTAL PLANTING		100
TOTAL PLANTING		100
TOTAL PLANTING		100
TOTAL PLANTING		100

**LANDSCAPE FACTORS**

STYLUS	LAND	AMOUNT
100% PLANTING	LAND	100
100% PLANTING	LAND	100
100% PLANTING	LAND	100
100% PLANTING	LAND	100
100% PLANTING	LAND	100

**LANDSCAPE DESCRIPTION**

The landscaping is designed to complement the architecture and provide a sense of place. The plan shows a variety of plantings, including trees, shrubs, and ground cover. The design is based on the following principles:

- 1. The landscaping should be functional, providing shade and privacy for the building.
- 2. The landscaping should be aesthetically pleasing, complementing the building's style.
- 3. The landscaping should be sustainable, using native plants and low-water species.
- 4. The landscaping should be easy to maintain, with minimal pruning and watering requirements.

**SCALE AND DIMENSIONS**

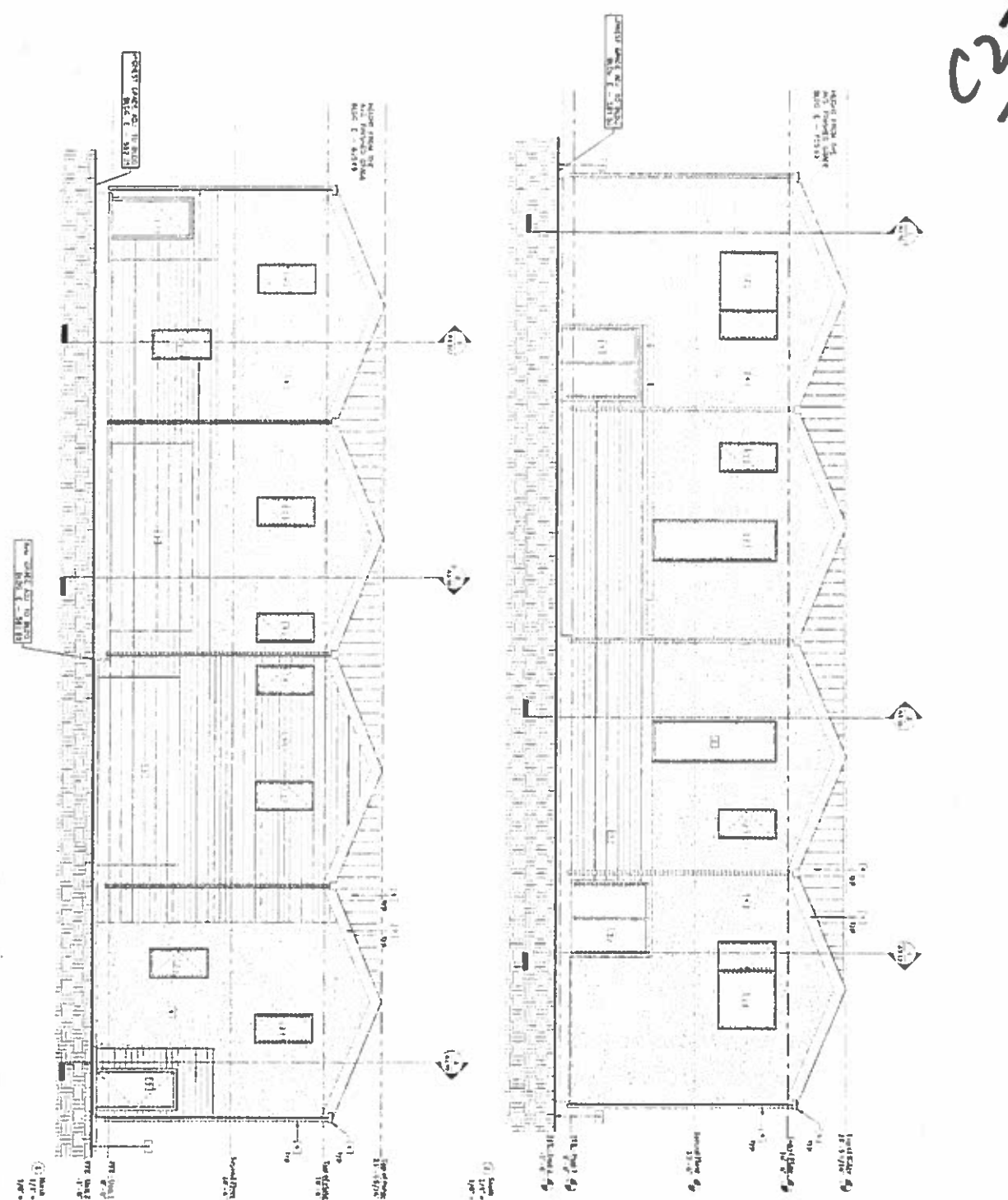
Scale: 1/4" = 1'-0"

Dimensions: 30'-0" x 40'-0"

Notes: All dimensions are approximate and subject to change. The plan is for informational purposes only and does not constitute a contract.



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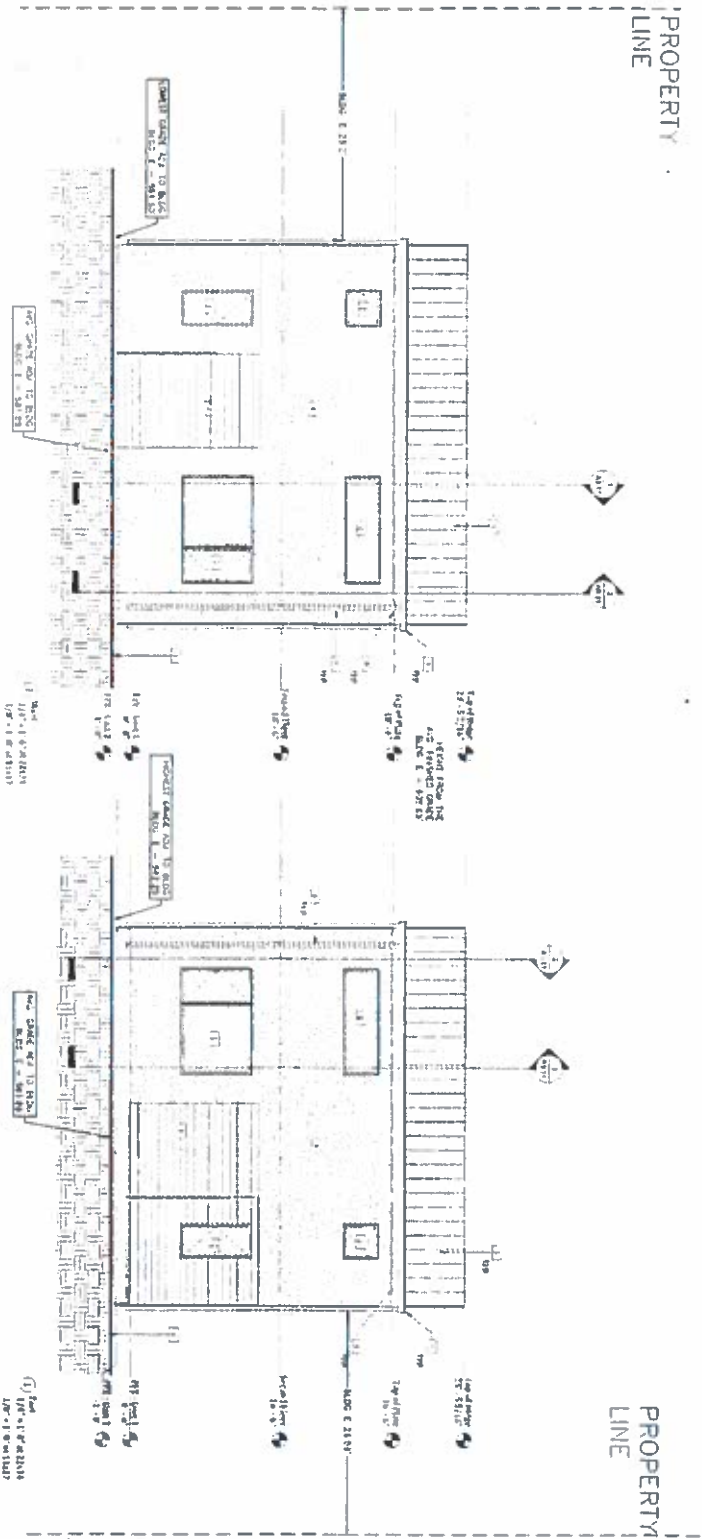


Notes:  
 1. All work shall conform to the 2009 International Building Code (IBC) and the 2012 International Residential Code (IRC) as amended by local ordinance.  
 2. The architect is not responsible for the accuracy of the information provided by the owner or third parties.  
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Dimensions:  
 Overall Length: 100'-0"  
 Overall Width: 30'-0"  
 Room Dimensions: 10'-0" x 10'-0", 12'-0" x 12'-0", 14'-0" x 14'-0", 16'-0" x 16'-0", 18'-0" x 18'-0", 20'-0" x 20'-0", 22'-0" x 22'-0", 24'-0" x 24'-0", 26'-0" x 26'-0", 28'-0" x 28'-0", 30'-0" x 30'-0", 32'-0" x 32'-0", 34'-0" x 34'-0", 36'-0" x 36'-0", 38'-0" x 38'-0", 40'-0" x 40'-0", 42'-0" x 42'-0", 44'-0" x 44'-0", 46'-0" x 46'-0", 48'-0" x 48'-0", 50'-0" x 50'-0", 52'-0" x 52'-0", 54'-0" x 54'-0", 56'-0" x 56'-0", 58'-0" x 58'-0", 60'-0" x 60'-0", 62'-0" x 62'-0", 64'-0" x 64'-0", 66'-0" x 66'-0", 68'-0" x 68'-0", 70'-0" x 70'-0", 72'-0" x 72'-0", 74'-0" x 74'-0", 76'-0" x 76'-0", 78'-0" x 78'-0", 80'-0" x 80'-0", 82'-0" x 82'-0", 84'-0" x 84'-0", 86'-0" x 86'-0", 88'-0" x 88'-0", 90'-0" x 90'-0", 92'-0" x 92'-0", 94'-0" x 94'-0", 96'-0" x 96'-0", 98'-0" x 98'-0", 100'-0" x 100'-0".

Notes:  
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**PROPOSAL**

The Architect's fee is based on a percentage of the total project cost, including construction, materials, and other costs. The fee is subject to change if the project scope or budget changes. The Architect's fee is non-refundable and is payable in advance. The Architect's fee includes all services required for the design and construction of the project, including site visits, meetings, and coordination with other professionals. The Architect's fee does not include the cost of permits, taxes, or other fees required by the local government. The Architect's fee is based on the total project cost, including construction, materials, and other costs. The fee is subject to change if the project scope or budget changes. The Architect's fee is non-refundable and is payable in advance. The Architect's fee includes all services required for the design and construction of the project, including site visits, meetings, and coordination with other professionals. The Architect's fee does not include the cost of permits, taxes, or other fees required by the local government.

NO. OF UNITS	28
NO. OF STORIES	3
NO. OF PERMITS	1
NO. OF MEETINGS	10
NO. OF SITE VISITS	5
NO. OF PERMITS	1
NO. OF MEETINGS	10
NO. OF SITE VISITS	5
NO. OF PERMITS	1
NO. OF MEETINGS	10
NO. OF SITE VISITS	5

**Building Division**  
28 of 34

**Avion Park - Building E**  
1931 E 30 1/2  
Austin, Texas  
78723

**Kevin Stewart | Architect**

1114 Woodford Lane  
Austin, Texas 78740  
312.817.4474

PROJECT NUMBER