







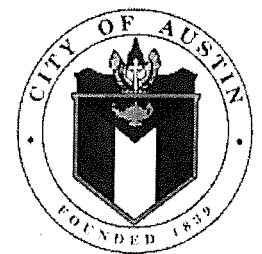
-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

**NOTIFICATIONS**

CASE#: C15-2016-0019  
 LOCATION: 2502 Nueces St.

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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1" = 198'



**CITY OF AUSTIN**  
Development Services Department  
One Texas Center | Phone: 512.978.4000  
505 Barton Springs Road, Austin, Texas 78704

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## Board of Adjustment General/Parking Variance Application

**WARNING:** Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

### For Office Use Only

Case # C-15-2016-0019 ROW # 11469306 Tax # 0214010407

TCAD ✓

### Section 1: Applicant Statement

Street Address: 2502 Nueces

Subdivision Legal Description:

North 1/2 of Lot 2 " & Lot 3 Outlot 51 Division D Hitchcock Subdivision

Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: University Neighborhood Overlay 175 ft. Sub-district (LR-NP) (West University)

I/We Michael R. McHone on behalf of myself/ourselves as

authorized agent for First Choice Property affirm that on

Month January, Day 6, Year 2016, hereby apply for a hearing before the

Board of Adjustment for consideration to (select appropriate option below):

☒ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☐ Other: \_\_\_\_\_

Type of Structure: High-rise Student Housing

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

University Neighborhood Overlay District (UNO) Parking requirements

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## Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

I contend that my entitlement to the requested variance is based on the following findings:

### Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

UNO requires pedestrian uses on the majority of the frontage of the building. 2502 Nueces is a narrow lot with frontage on both Nueces Street and Seton Avenue. Strict compliance with the parking requirement is not reasonable.

### Hardship

a) The hardship for which the variance is requested is unique to the property in that:

The narrowness of the lot does not allow for a turning radius sufficient to have adequate below grade parking. Additionally, the required support structure for building foundation limits the below grade area for parking.

b) The hardship is not general to the area in which the property is located because:

Most other sites in the UNO district are not "through lots" and are lots that are more square and not so narrow ; therefore they have adequate space for below grade parking.

### Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

UNO requires the leasing of the parking separate from the leaseing of the apartment. One of the goals of the UNO district is to discourage students from bringing private cars to Austin. Other UNO projects have excess parking and are not as constrained by the geomerty of their site.

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**Parking** (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

The parking requirement no longer corresponds to the current or anticipated future parking needs for UNO residents. Alternatives to on site parking is provide in the UT and othe public parking garages. Smart Car and Zip cars are readily available;also Uber and Lyft are a growing option.

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

The onsite parking with be sufficient for ADA requirements, and loading and unloading of residents. There will be parking for normal maintenance and management. All on street parking is in the UNO parking benefit district and is metered and this was done to regulate the on street parking to prevent the inteference with the free flow of traffic.

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

UNO's goal is to create a predominately pedestrian area use public transportation. Students with cars park them and do not use them on a daily basis. Reducing the number of cars is a goal of UNO. Reducing the on site parking for this project is consistant with the goals of UNO.

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

The change of the use from a 2 story 50 plus year old dormitory to a high rise student apartment in the UNO 175 ft, height district with the parking varaince will be along term use and the use of the site will be in place for decades and the use will not change.

**NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.**

### Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: Michael R. McHone Date: 01/07/2016

Applicant Name (typed or printed): Michael R. McHone

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Applicant Mailing Address: P. O. Box 8142  
City: Austin State: TX Zip: 78713  
Phone (will be public information): (512) 554-8440  
Email (optional – will be public information): mchone1234@sbcglobal.net

#### Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: by Michael R. McHone Date: 1/7/2016

Owner Name (typed or printed): See attached authorization

Owner Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone (will be public information): \_\_\_\_\_

Email (optional – will be public information): \_\_\_\_\_

#### Section 5: Agent Information

Agent Name: Michael R. McHone

Agent Mailing Address: P. O. Box 8142

City: Austin State: TX Zip: 78713

Phone (will be public information): (512) 554-8440

Email (optional – will be public information): mchone1234@sbcglobal.net

#### Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

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### Letter of Authorization

This Letter of Authorization is effective as of this 4 day of December, 2015.

RECITALS:

- A. First Choice Property, a sole proprietorship, is the owner of the property located at 2502 Nueces, Austin, Texas 78705 (the "Property"), and
- B. The owner of First Choice Property is Steven Green.

NOW THEREFORE:

As the owner of First Choice Property, Steven Green hereby authorizes Scott Wuest, Wuest Engineering & Design, any representative of Wuest Engineering & Design (collectively "Wuest"), and Mike Mchone ("Mchone") to act on First Choice Property's behalf as the owner of the Property during all phases reasonably related to the submission, processing and completion of the application, permitting and development of the Property (collectively, the "Development Process"). Specifically, Steven Green expressly authorizes Wuest to engage in the following activities: site-plan permitting, demolition approval, land status determination application processing, S.M.A.R.T. Housing review and building permitting, licensing agreement approval, unified development agreement approval, any and all easement drafting and recording as well as any activity reasonably related to the foregoing expressed Development Process activities. Wuest and Mchone shall be the principal contacts during the Development Process.

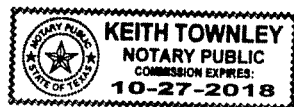
Signature of Owner: First Choice Property, a general partnership

Steven Green  
By: Steven Green, General Partner

State of Texas        }  
County of Travis    }

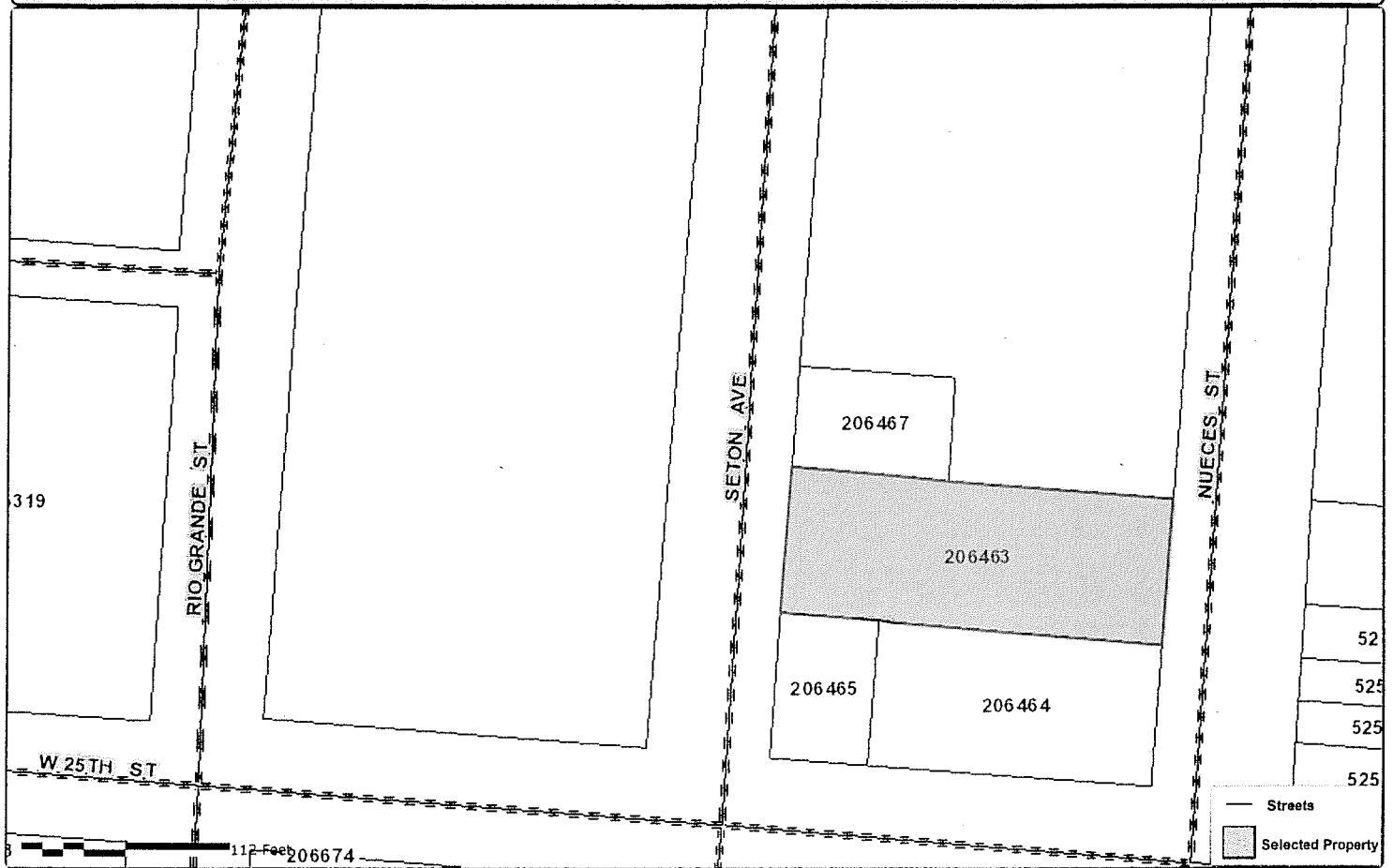
This instrument was acknowledged before me on the 4<sup>TH</sup> day of December, 2015 by Steven Green.

[Signature]  
Notary Public



# Travis CAD - Map of Property ID 206463 for Year 2015

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## Property Details

### Account

Property ID: 206463

Geo ID: 0214010407

Type: Real

Legal Description: N 1/2 OF LOT 2 \* & LOT 3 OLT 51 DIV D HITCHCOCK SUBD

### Location

Situs Address: 2502 NUECES ST TX 78705

Neighborhood: DORMITORY

Mapsc0: 585E

Jurisdictions: 03, 02, 68, 01, 0A, 2J

### Owner

Owner Name: FIRST CHOICE PROPERTY

Mailing Address: , PO BOX 19337, , AUSTIN, TX 78760-9337

### Property

Appraised Value: N/A

<http://propaccess.traviscad.org/Map/View/Map/1/206463/2015>

powered by:  
**PropertyACCESS**  
www.trueautomation.com

Map Disclaimer: This tax map was compiled solely for the use of TCAD. Areas depicted by these digital products are approximate, and are not necessarily accurate to mapping, surveying or engineering standards. Conclusions drawn from this information are the responsibility of the user. The TCAD makes no claims, promises or guarantees about the accuracy, completeness or adequacy of this information and expressly disclaims liability for any errors and omissions. The mapped data does not constitute a legal document.

www.WaterlooSurveyors.com \* Austin, Texas \* 512-481-9602





City of Austin  
Planning and Development Review  
Land Status Determination  
1995 Rule Platting Exception

March 24, 2015

File Number: **C8I-2015-0099**

Address: **2502 NUECES ST**

Tax Parcel I.D. **#0214010407**

Tax Map Date: **02/28/2013**

The Planning & Development Review Department has determined that this parcel, as described in the attached description and map, **IS EXCEPTED FROM THE REQUIREMENT TO PLAT** in accordance with the Land Development Code, Section 25-4-2(C), and is eligible to receive utility service.

The parcel of land consists of five acres or less, and is described as being **lot three (3), and the North one-half of lot two (2), Hitchcocks Subdivision of Outlot 51, Division "D"** in the current deed, recorded on **Aug 24, 1990**, in **Volume 11258, Page 0006, Travis County Deed Records**. This parcel existed in its current configuration on January 1, 1995, as evidenced by a deed recorded on **Jul 08, 1983**, in **Volume 8157, Page 134, Travis County Deed Records**. The parcel was lawfully receiving utility service, as defined in Section 212.012 of the Texas Local Government Code, on January 1, 1995, as evidenced by **water service on Feb 24, 1958**. The parcel meets the requirements of the Land Development Code for roadway frontage and is located on an existing street.

Additional Notes/Conditions:

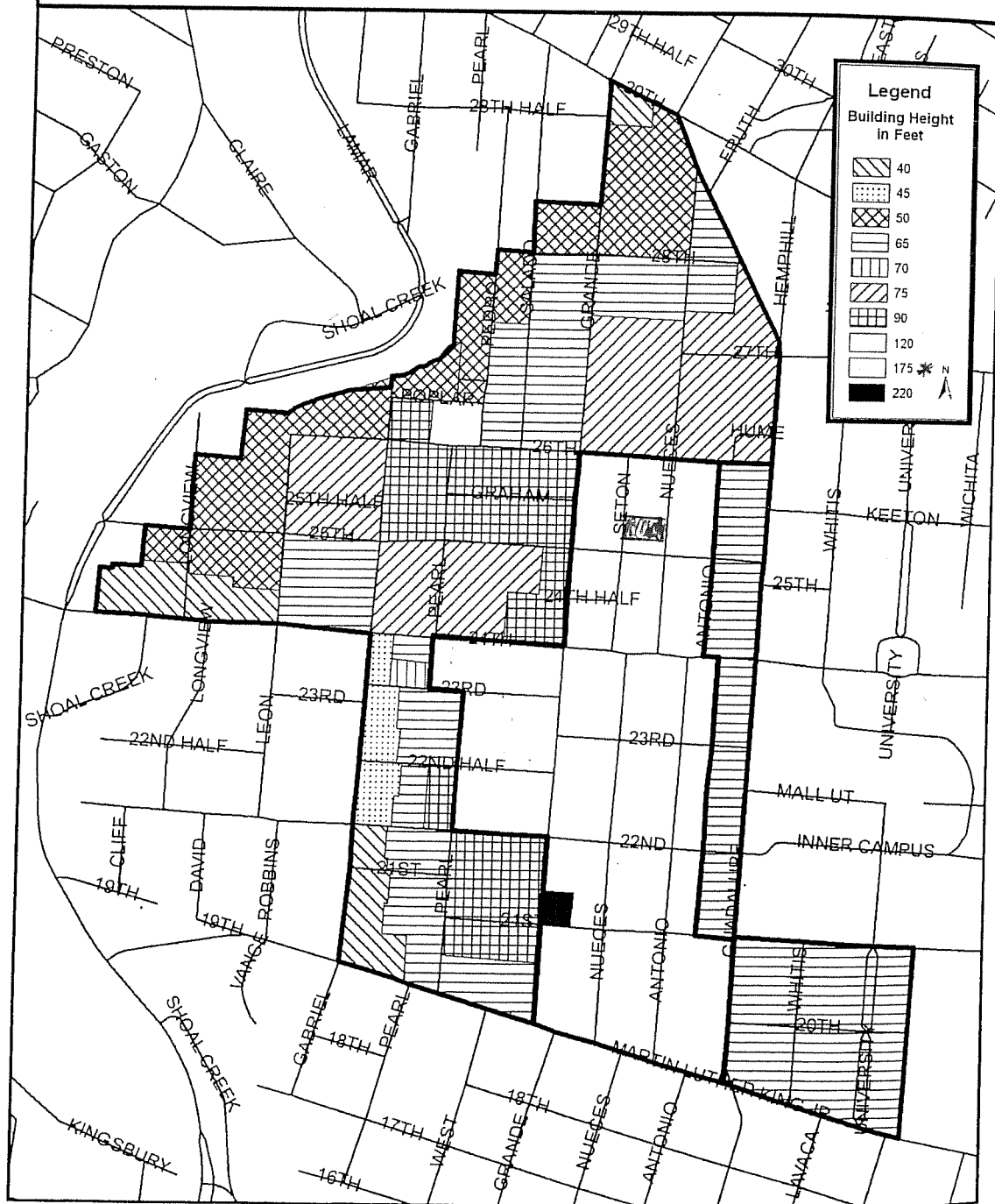
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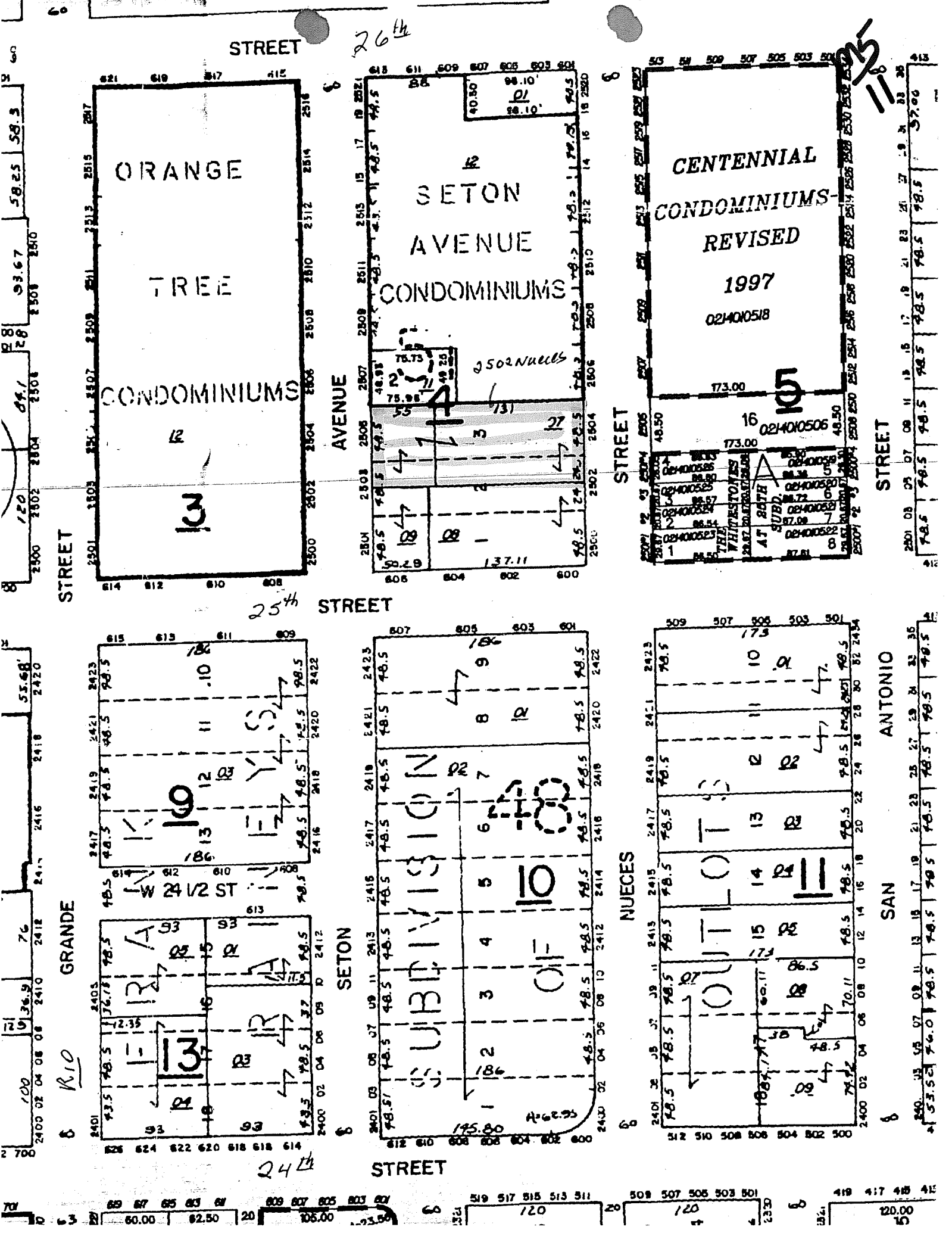
This determination of the status of the property is based on the application of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Texas Local Government Code; and the City of Austin Land Development Code, Chapter 25-4, Subdivision. Recognition hereby does not imply approval of any other portion of the City Code or any other regulation.

By: Michelle Casillas  
**Michelle Casillas, Representative of the Director**  
**Planning and Development Review Department**

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# University Neighborhood Overlay Height Districts





# The Ruckus

Parking Exemption Request



12/31



The Ruckus (2502 Nueces St.) is a student housing complex located in West Campus that is currently being developed for fall 2017. The Ruckus will be located within 2 blocks of the University of Texas.

The Ruckus West Campus will feature 70 units and a total of 253 beds. The Ruckus will have a large 1<sup>st</sup> floor amenity area and a 7<sup>th</sup> Floor Terrace. The Ruckus will have two (2) floors of parking and five (10) floors of apartment units.

## OUTDATED PARKING REQUIREMENTS

The UNO (University Neighborhood Overlay) was adopted in 2004. The current parking reduction of 60% is roughly 10 Years Old. More and More Students are deciding to drive fewer cars due to the increase in public transportation and alternative options such as Uber and Lyft.

Currently The Corner (New Student Housing Development) which is 42% Pre Leased only has 17 Parking Spots leased for Fall 2017. That equates to the parking only being 20" Pre Leased. This development is 8 Blocks further

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VOICES FROM CAMPUS

## New study suggests fewer students want to drive

By Becky Hayes July 24, 2012 10:09 am

- Between 2007 to 2011,
  - The number of cars purchased by people aged 18 to 34 fell almost 30%;
  - Only 44% of teens obtained driver's licenses within the first year of becoming eligible;
  - Only 54% of teens obtain their drivers license before turning 18; and
  - 96% of college millennial consumers are focused on making money to curtail their tuition and other college expenses (which includes a car expense).
- Between 1983 and 2010,
  - The percentage of 19-year-olds in the US who have driver's licenses dropped from 87.3% to 69.5%.
  - The percentage of persons in their 20s in the US who have driver's licenses dropped from 33% to 22%.
- For 2015, a car was ranked as the 6<sup>th</sup> worst expenditure for a college student.

FAST COMPANY | EXIST | DESIGN | CREATE | VIDEO | FEATURES



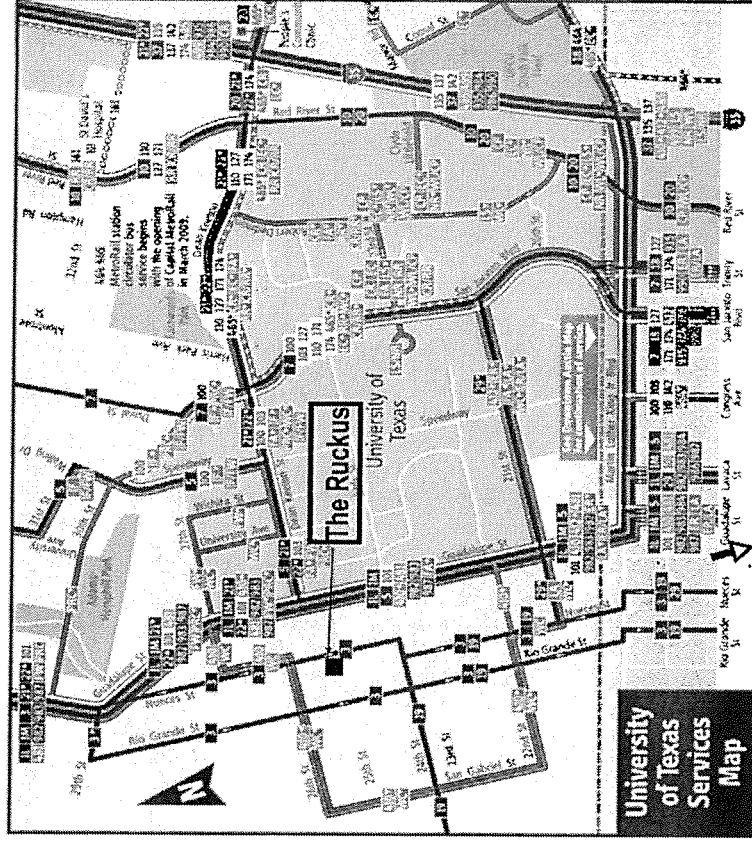
## Millennials Don't Care About Owning Cars, And Car Makers Can't Figure Out Why

Driving numbers are down for younger people and the auto industry hasn't found a way to respond. It's because they don't understand why millennials could possibly not want to drive.

WRITTEN BY DARRAN ROSE

15/34

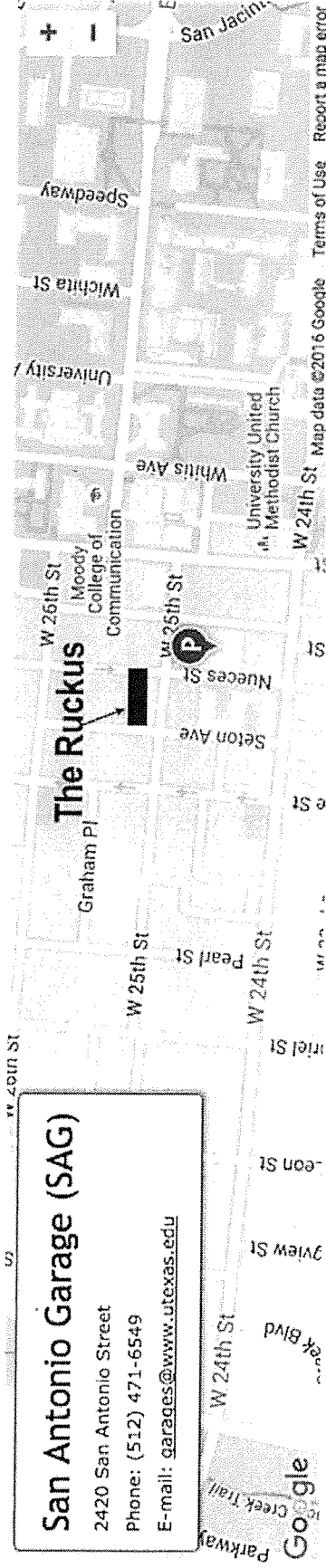
# The 12 Alternatives To Owning A Car That Convinced Me To Sell Mine



- Uber
- Lyft
- Car to Go
- UT Shuttle System
- Cap. Metro Bus System
- Car Sharing
- Walking
- Expenses
- Rental Cars
- Kindness



# UT Parking Garages



The San Antonio Garage (SAG) is located adjacent to the Ruckus and provides:

- 24 Hour / 7 Day a Week Access
- 335 Parking Spots
- Permitted Parking for Students
  - Annual Fee: \$628
  - Semester Fee: \$299
  - Summer Fee: \$131
- Daily Visitor Parking Accessibility
- UT students who live off campus (ie: those who do not have an official university residence hall contract) are eligible to receive a San Antonio Garage parking permit.

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## Non Resident Parking Availability



- 1) The Castilian
- 2) 26 West
- 3) Quarters on Campus
- 4) Villas on Guadalupe
- 5) Lone Star Lofts
- 6) West Campus Elloras
- 7) 24 Longview

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# Private Parking Garages

## Non Resident Parking Availability

### Non-resident Parking

Villas on Guadalupe <villasonguadalupe@greystar.com>  
To: "scott@accrealty.com" <scott@accrealty.com>

Mon, Jan 11, 2016 at 10:25 AM

Hi Scott,

I've attached the forms that are required for non-resident parking. The parking addendum is only a sample as I will need to fill in your client's specific vehicle information and lease dates. In addition to these, we require a copy of your driver's license and valid car insurance.

As I stated on the phone, we are currently at 85% and generally do not fill up the entire garage. Please let me know if you have any other questions.

Best Regards,

Heather Knott

Community Advisor | The Villas on Guadalupe

2810 Hemphill Park Austin, Texas 78705

Phone: (512) 220-0200 | Fax: (512) 220-0204 | Villasonguadalupe@greystar.com

### re: Quarters on Campus: Non-resident Parking

Sean Oberg <soberg@quartersoncampus.com>  
To: "Scott Burns, Esq." <Scott@accrealty.com>

Thu, Jan 14, 2016 at 12:33 PM

Good Afternoon Scott,

Yes we do provide non-resident parking, pricing depends on length of time of parking contract. We do have a ton of spaces available, we have never filled the garage completely. Jerian is our parking director and you can reach him at park@quartersoncampus.com

Thank you.

Sean Oberg

Leasing Consultant

(T) 512.531.0123 (F) 512.531.0114

2222 Rio Grande St. Suite 200D Austin, TX 78705

www.quartersoncampus.com

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# Private Parking Garages

## Non Resident Parking Availability

re: 24 Longview - Availability

Bryan Henson <bhenson@smm.com>  
To: "Scott Burns, Esq." <Scott@accreality.com>

Mon, Jan 11, 2016 at 2:40 PM

Hey Scott -

Thank you for the email. We do have parking at 2401 Longview Street for non-residents. There are plenty of spots to rent in the building, so send this to as many people as you wish. They cost is \$75 per month and they would need to sign up until May 2016 (can be longer, if needed). Please let me know if you have any questions. Thank you.

Have a great day,

Bryan Henson

Parking Spaces for Non-Tenants

Ryan Machemehl <rynmachemehl@512realty.com>  
To: scott@accreality.com

Thu, Jan 14, 2016 at 2:48 PM

Good afternoon,

At this time, we do not have any parking spaces available at 2408 Leon Street. However, last year we did have quite a few come available in August, so I do expect there to have some available again this year. If you have any clients interested in potentially leasing a space with us, I would be more than happy to add their names onto our waiting list! At this time we only have 1 interested party, but that's sure to change soon with preleasing already starting up.

To add their names to the waiting list, just have them email me here at this address and include their name and date that they would like to begin leasing the space and we can go from there!

Thank you,

Ryan Machemehl  
Assistant Property Manager

512 Realty

2404 Rio Grande St  
Austin, TX 78705  
p: (512) 322 - 0512  
f: (512) 322 - 0504

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# Private Parking Garages

## Non Resident Parking Availability

re: 26 West: Non-resident housing

26 West <26West@americancampus.com>  
To: "Scott Burns, Esq." <Scott@accrealty.com>

Thu, Jan 14, 2016 at 1:24 PM

26 West

T: 512.477.3400 F: 512.477.3403

<http://26-west.com>

600 W. 26<sup>th</sup> Street  
Austin, TX 78705

Hi Scott, and usually it is not difficult finding parking in the parking garage. We have a total of 7 floors that have parking and we only have 5 actual residential floors so once they receive their parking passes they should not have any difficulties. Thanks

Non-Resident Parking at the Castilian

Lauren Holdman <LHoldman@americancampus.com>  
To: "scott@accrealty.com" <scott@accrealty.com>

Fri, Jan 15, 2016 at 5:02 PM

Hi Scott,

So sorry the day got away from me but I wanted to get this to you before I left the office for the long weekend. So we do have non-resident parking available at the Castilian for the Fall 2016 semester. All inquiries for parking just need to contact our office here at 512.478.9811 or email us at [austinleasing@americancampus.com](mailto:austinleasing@americancampus.com) and we will send them the required paperwork. They will be required to pay a \$50 app fee and the monthly fee will range from \$99-\$149 depending on how long their term is.

Let me know if you have any other questions!

Lauren Holdman  
Leasing Coordinator

The Block | Texan & Vintage | The Castilian

American Campus Leasing Center

T: 512.478.9811

<http://www.americancampus.com/>

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The evidence supports that fewer and fewer college students are bringing cars to school but for those who do, ample parking exists in West Campus through both UT and private parking garages.

