






-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 375'

NOTIFICATIONS

CASE#: C15-2016-0035
8401, 8313, 8403 &
8409 S 1ST 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 CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





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 # C15-2016-0035 ROW # 11500 458 Tax # 0428 110108
TEAD

Section 1: Applicant Statement

Street Address: 8401 South 1st Street (incl. 8313, 8403, & 8409)

Subdivision Legal Description:

Lots 1-A and 1-B, Resubdivision of Lot 1 of the P.F. Orr Subdivision, of Travis County, Texas
recorded in Volume 43, Page 25 of Travis County, Texas

Lot(s): 1-A and 1-B

Block(s): _____

Outlot: _____

Division: Resub of Lot 1, P.F. Orr

Zoning District: LR-MU-CO (front) and SF-6-CO (rear)

I/We Joel Wixson, P.E. on behalf of myself/ourselves as
authorized agent for 8401 Venture, by IMPACT Developers affirm that on
Month February, Day 22, 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: Mixed-use (retail, live-work, and multi-family residential) buildings

my
3

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

LDC Section 25-2-1063 (Height Limitations and Setbacks for Large Sites) which is triggered by the zoning and uses of the southwest commercial property at 8405 S 1st Street and the residential properties along the northeast (8311 S 1st, 8200 Block of Alcorn Circle, & 8301 Orr Drive) and east (8200-8400 Blocks of Beaver Brook Lane) as follows: <Continued Page 8>

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:

The approved zoning case prohibits residential vehicular access to Orr Drive and requires a neighborhood commercial - mixed use along South 1st Street (front zoning). The variances to Section 25-2-1063 are necessary to provide vehicular access and develop a transitional multi-family product, a use which is consistent with the... <Continued Page 8>

Hardship

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

As a stipulation of the approved zoning case, vehicular site access to Orr Drive is limited to emergency ingress and egress. Geometric design challenges incurred by existing offsite driveways, street intersections, and boundary heritage trees limit potential commercial driveway locations on South 1st Street (an arterial roadway). In addition, existing... <Continued Page 8>

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

The approved rezoning along South 1st Street allows for 'mixed-use' and specifically identified the need for a transitional residential project between the arterial roadway and the existing single-family subdivision. Additionally, the majority of the area south of the property is zoned for commercial or industrial uses, but without an isolated single-family... <Continued Page 8>

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:

The proposed uses for the property are in agreement with the approved zoning case and development goals along an arterial roadway, particularly in regards to controlled access and a transition in land use between commercial and single-family residences. The character of the area will be preserved and strengthened by addressing the perimeter... <Continued Page 8>

my
4

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:

N/A

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:

N/A

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

N/A

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

N/A

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: _____

Date: 02/22/2016

Applicant Name (typed or printed) Joel M Wixson, P.E.

Applicant Mailing Address: 10814 Jollyville Road, Bldg 4 Suite 300

City: Austin

State: Texas

Zip: 78759

my
5

Phone (will be public information): (512) 418-1771

Email (optional – will be public information): joel.wixson@kimley-horn.com

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: _____

H. Cardenas

Date: _____

Owner Name (typed or printed): Herman Cárdenas for 8401 Venture, LP

Owner Mailing Address: 6000 S. Congress Avenue, #101

City: Austin

State: Texas

Zip: 78745

Phone (will be public information): (512) 237-7500

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: Joel M Wixson, P.E.

Agent Mailing Address: 10814 Jollyville Road, Bldg 4 Suite 300

City: Austin

State: Texas

Zip: 78759

Phone (will be public information): (512) 418-4525

Email (optional – will be public information): joel.wixson@kimley-horn.com

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).

Please see next page for continuation

Additional Space (continued)

my 6

> Variances Sought, continued:

1. 25-2-1063(c)(1): Request variance to increase the quantity of allowed stories from two (required) to three (requested).
2. 25-2-1063(c)(1): Request variance to increase height limitation from 30 feet (required) to 36 feet (requested).
3. 25-2-1063(c)(2): Request variance to increase height limitation from three stories and 40 feet (required) to three stories and 45 feet (requested).

> Reasonable Use, continued:

... housing type diversification and affordability goals of the approved zoning case and City, with the necessary internal circulation and fire protection in a manner consistent with other applicable zoning regulations including Subchapter E, tree preservation, and cut/fill limitations.

> Hardship Part A, continued:

... heritage trees and offsite drainage, which passes around and through the site before adversely impacting the adjacent residential subdivision, further encumber the property and reduces the geometric footprint for detached multi-family development. With a setback and height variance, the proposed condominium development can obtain adequate fire access and potentially improve downstream conditions through controlled conveyance and partial storage of offsite stormwater.

> Hardship Part B, continued:

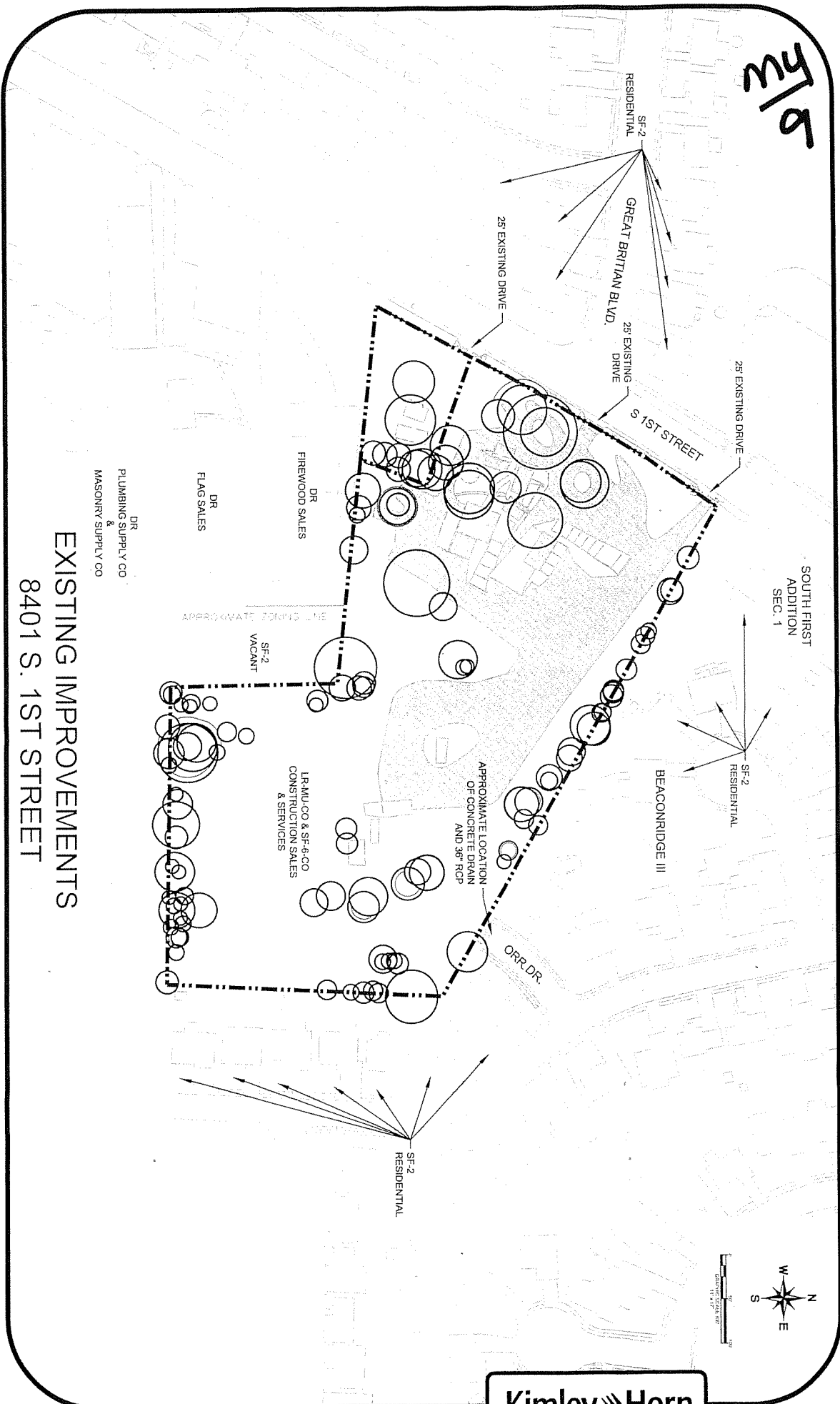
... zoned parcel triggering compatibility requirements as is the case with 8405 S 1st Street.

> Area Character, continued:

... fencing, landscape screening, and drainage concerns identified in the approved zoning case and reiterated by current adjacent property owners in recent neighborhood conversations.

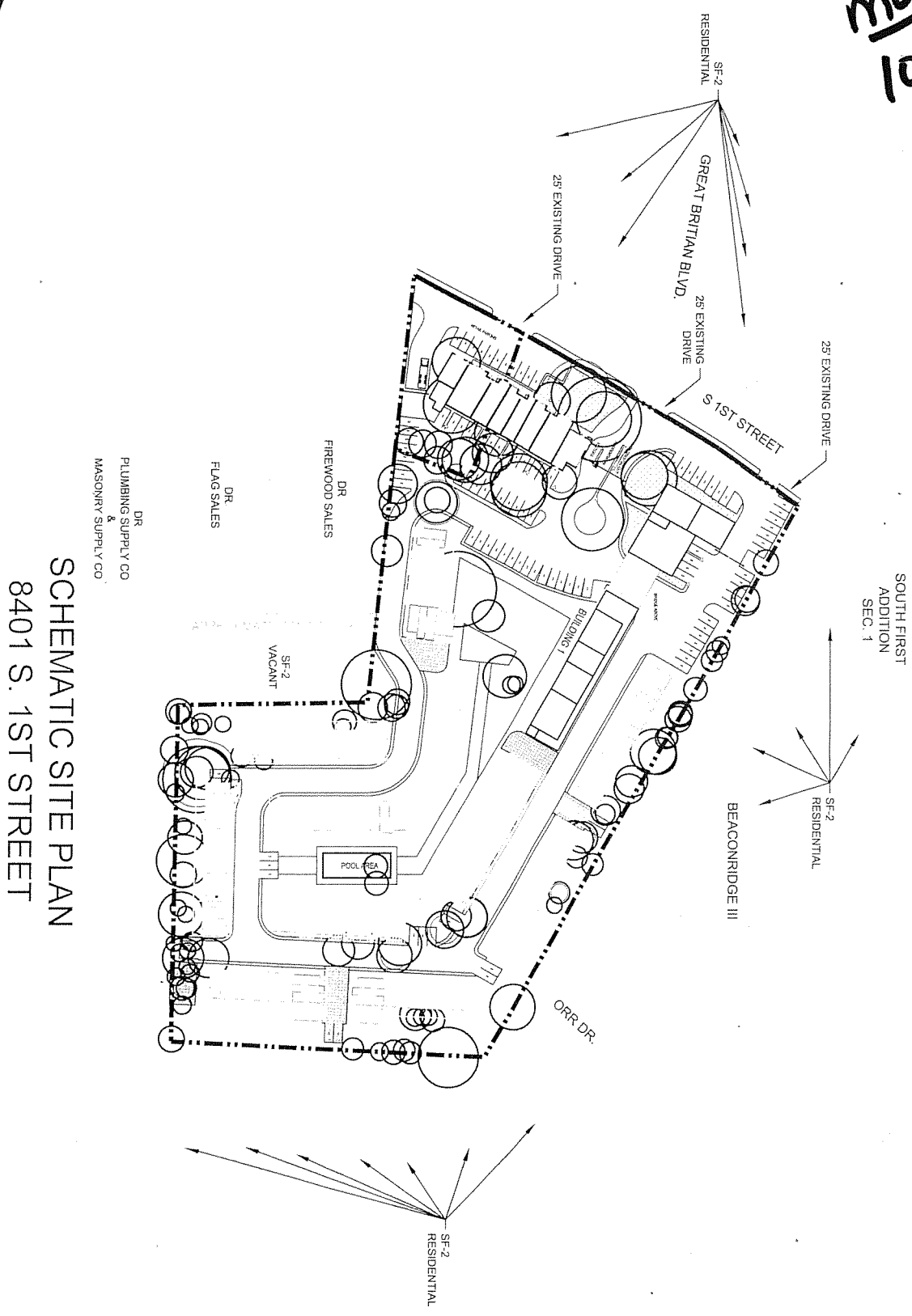
SAVE

5/16



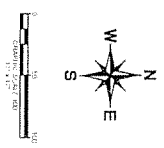
EXISTING IMPROVEMENTS
8401 S. 1ST STREET

5/10



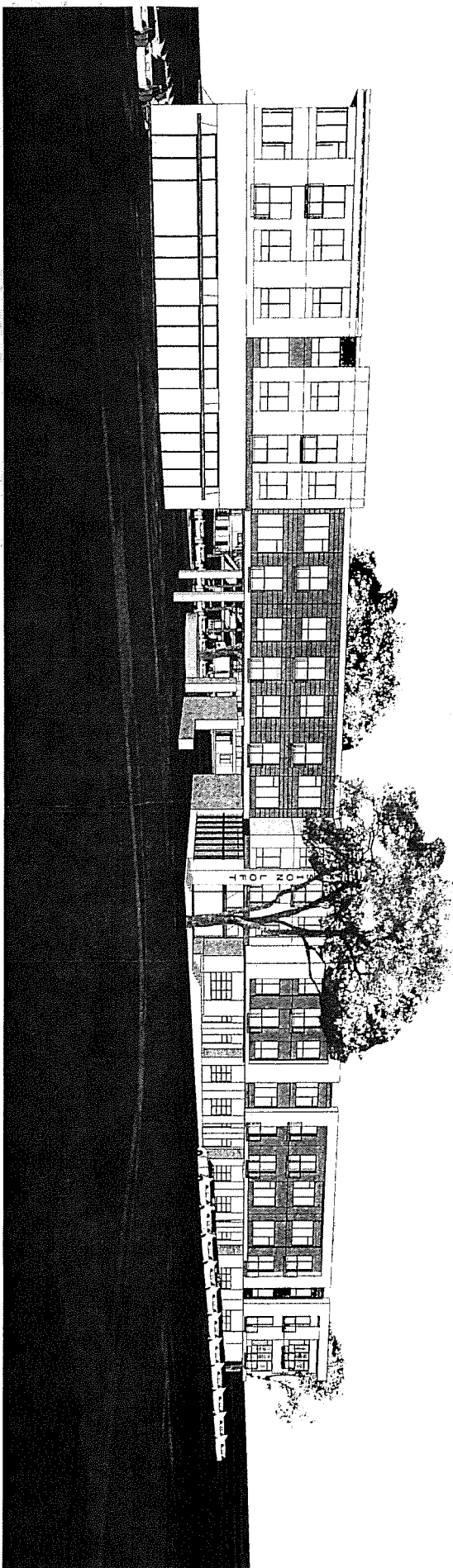
SCHEMATIC SITE PLAN
8401 S. 1ST STREET

DR.
PLUMBING SUPPLY CO.
&
MASONRY SUPPLY CO.



51 =

SCHEMATIC DESIGN - SUBJECT TO CHANGE



PHOTON LOGS

IMPERIAL PARTNERS

2/3

SCHEMATIC DESIGN - SUBJECT TO CHANGE

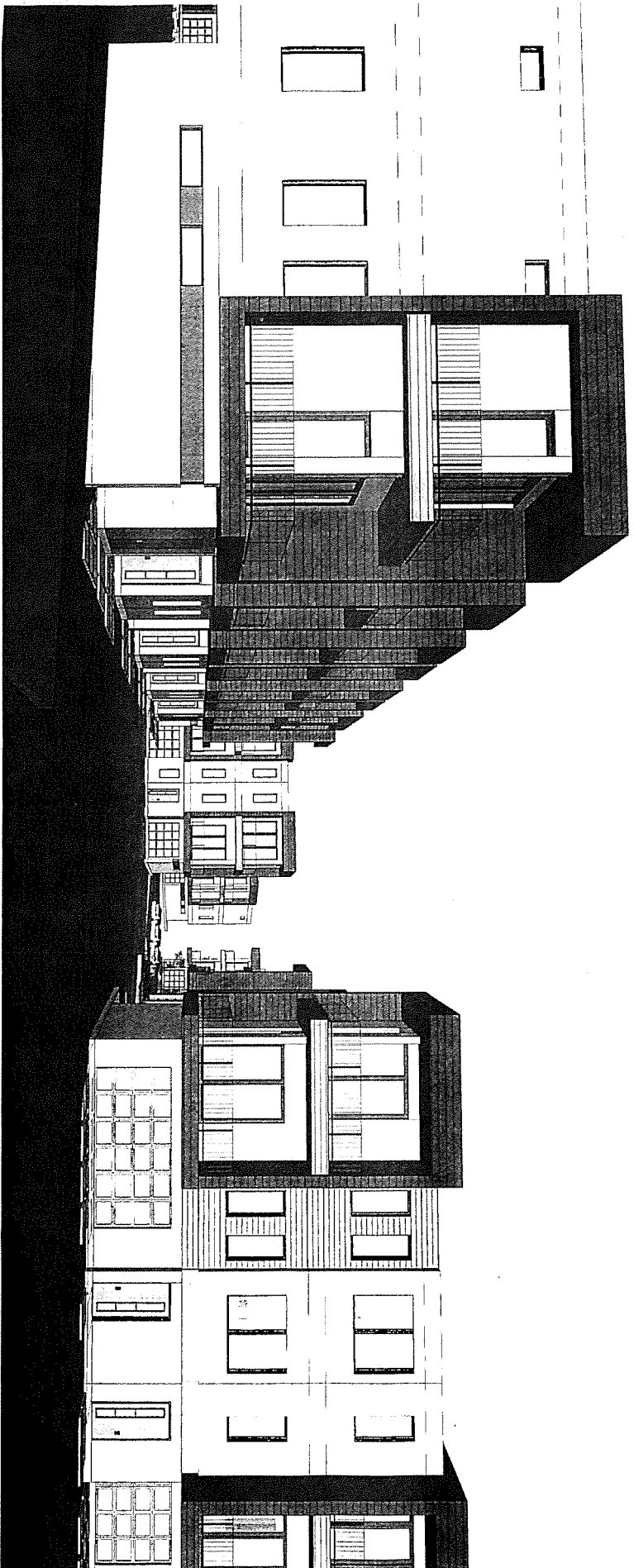


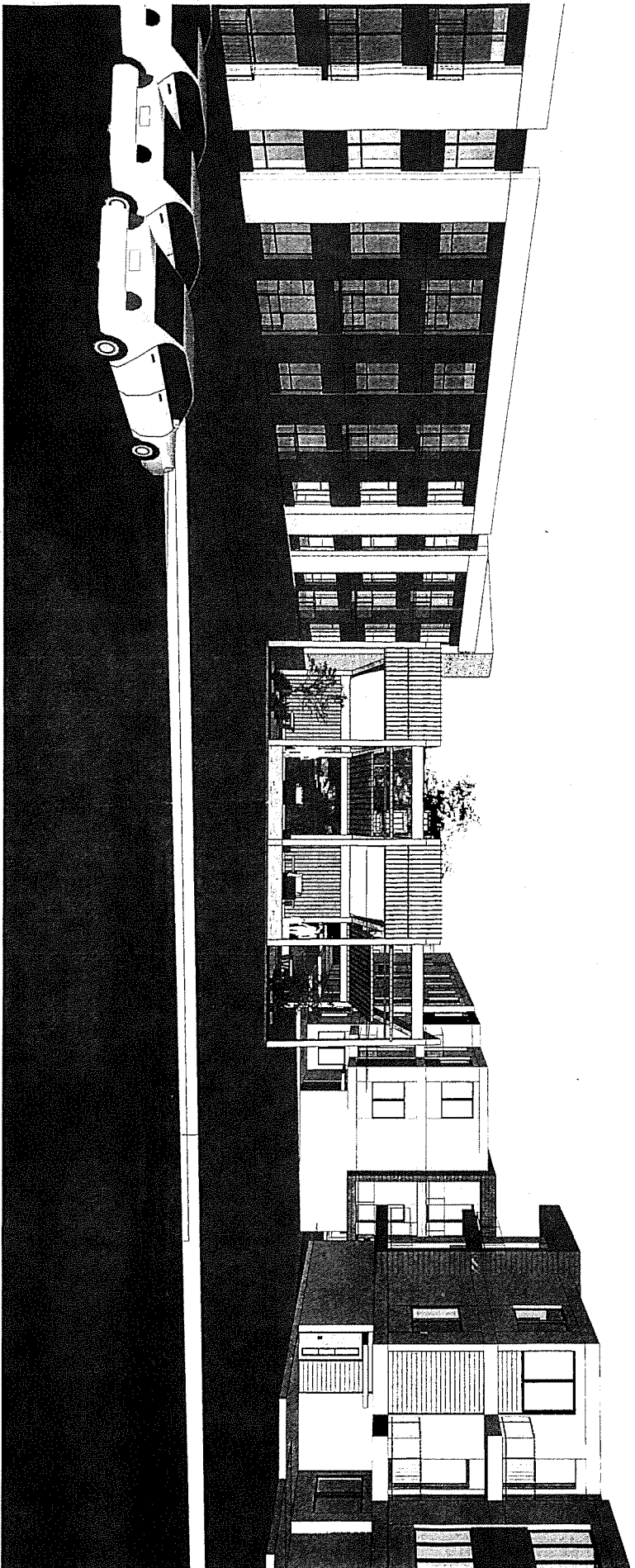
PHOTO COURTESY

PHOTO COURTESY

PHOTO COURTESY

13/24

SCHEMATIC DESIGN - SUBJECT TO CHANGE

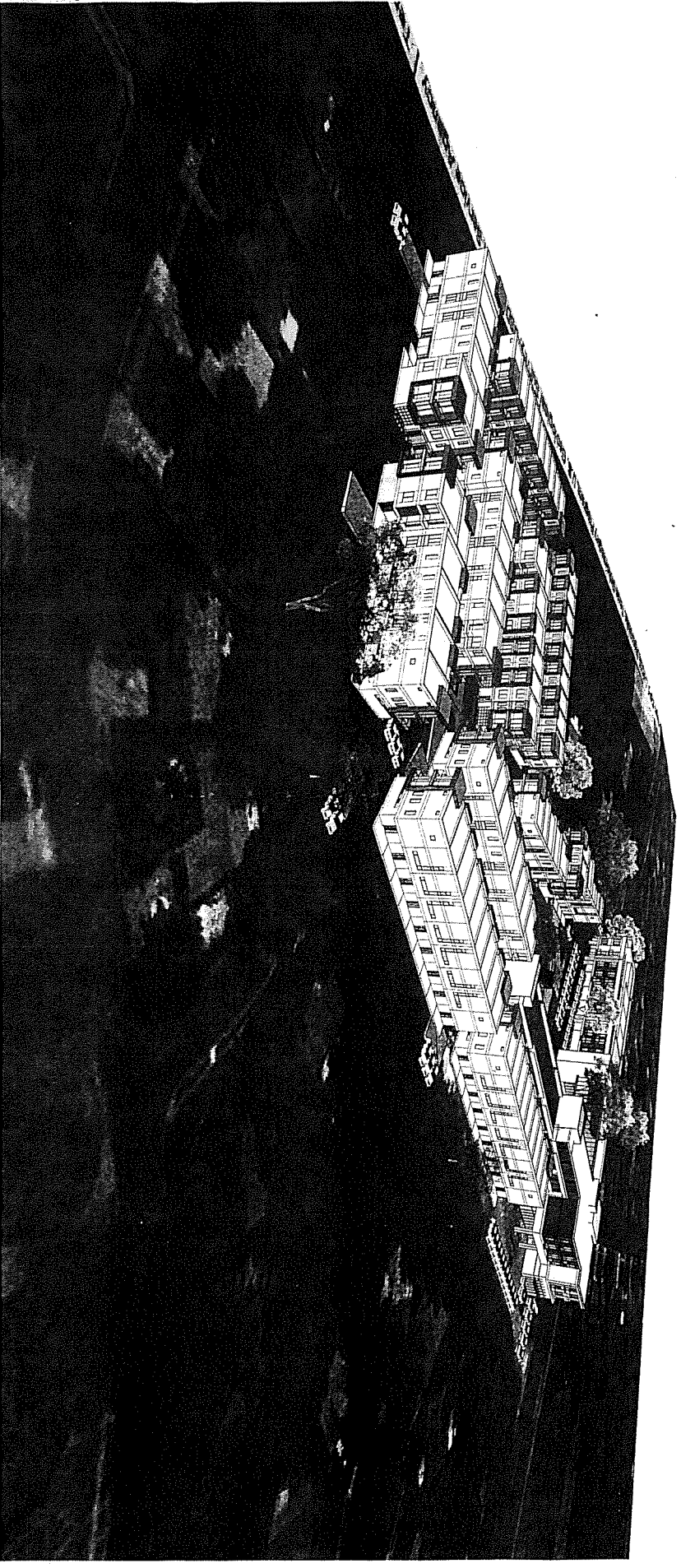


FUSION LOFTS

MULLEN PAINTER

5/3

SCHEMATIC DESIGN - SUBJECT TO CHANGE



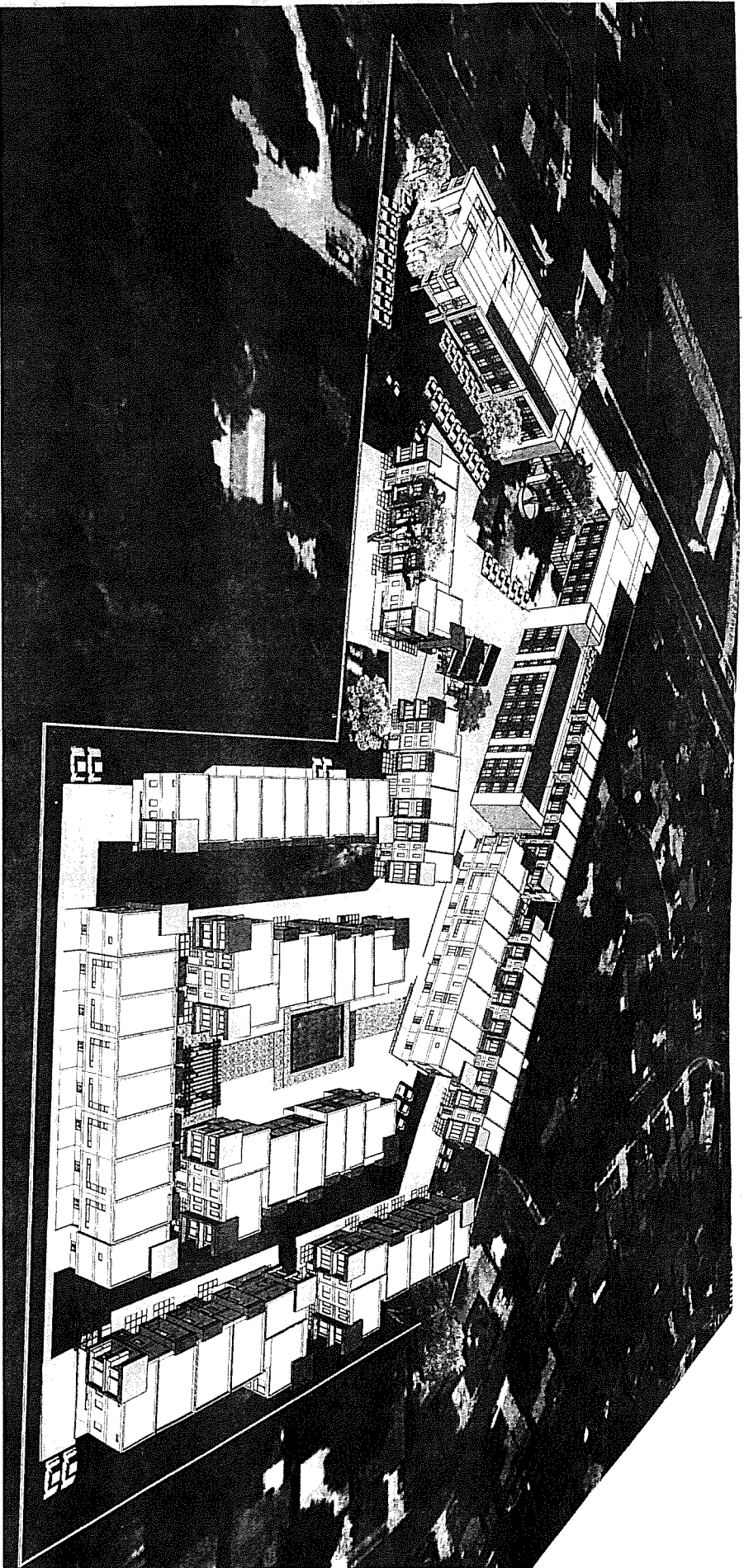
20100110765

CHOLMBREYD PATRISA

www.cholmbreyd.com

5/21/5

SCHEMATIC DESIGN - SUBJECT TO CHANGE

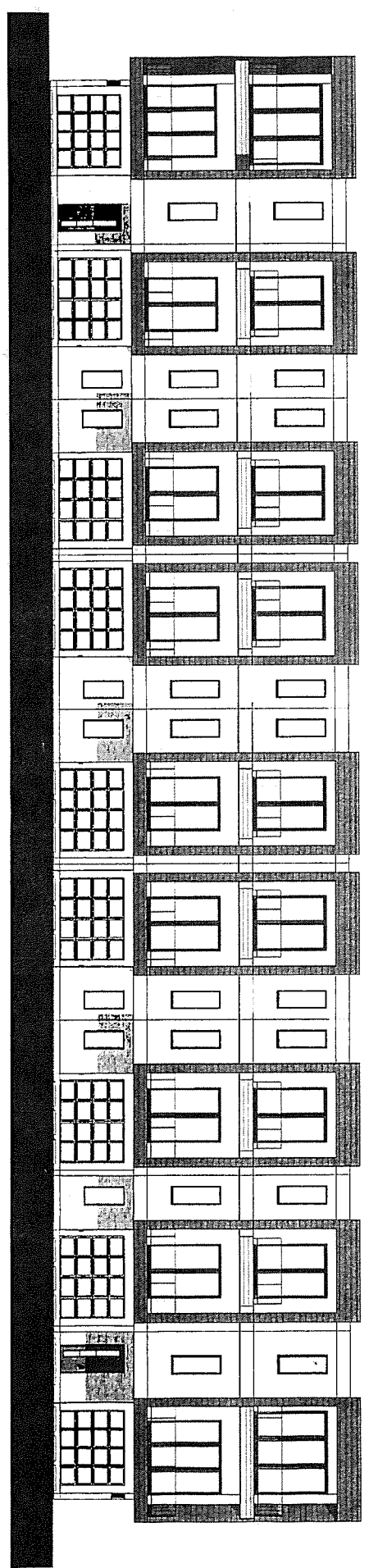
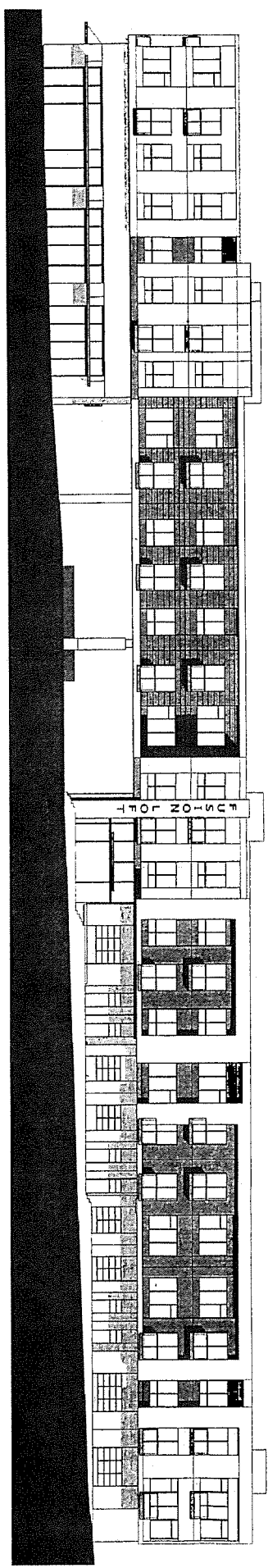


FUSION LOFTS

IMPERIAL PARKWAY

5/2

SCHEMATIC DESIGN - SUBJECT TO CHANGE



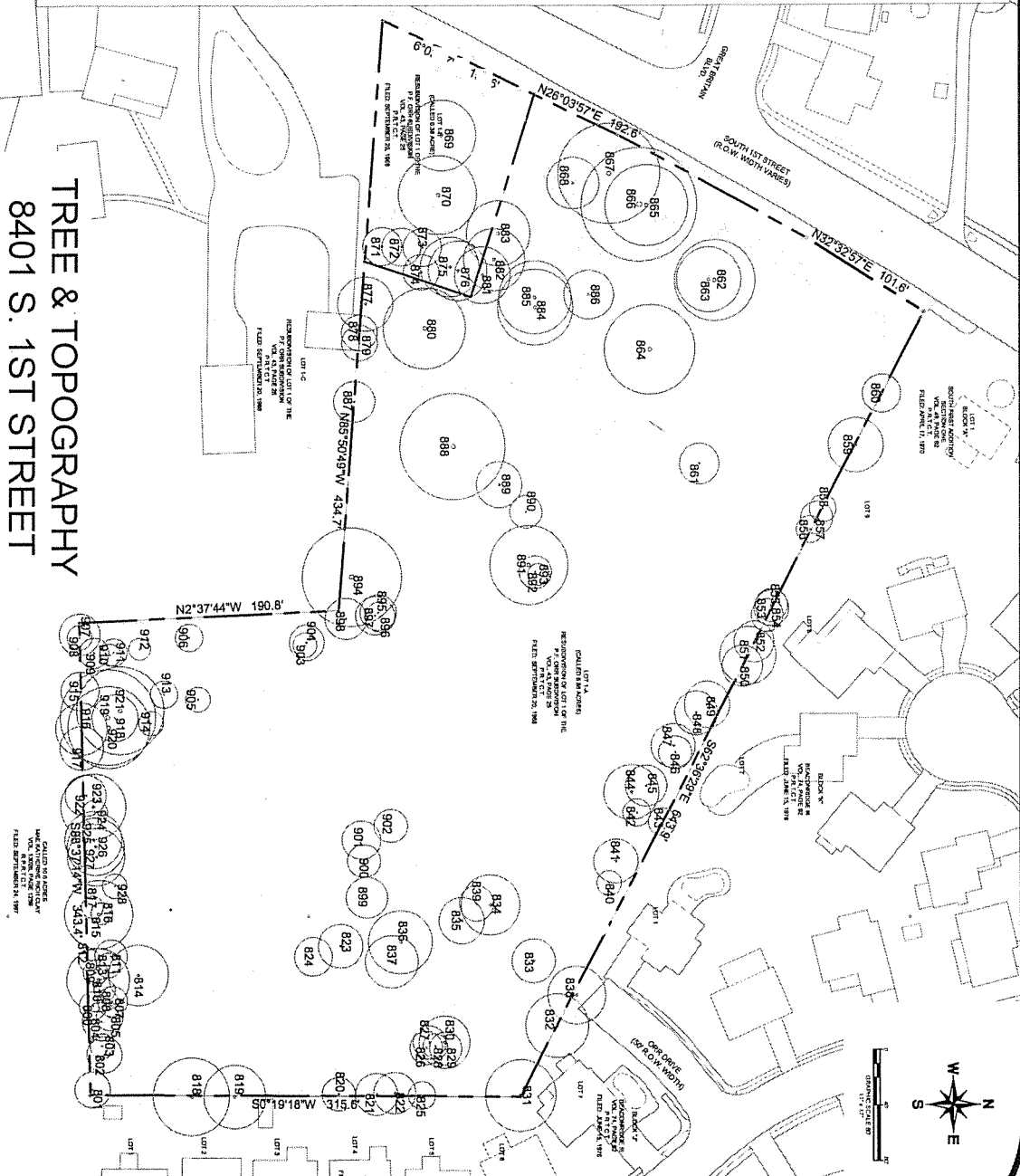
ARCHITECTS

INDUSTRIAL PARTNERS

5/15

TAG NO.	TREE LIST	TAG NO.	TREE LIST
801	12" HICKORY	865	12" LIVE OAK
802	12" LIVE OAK	866	12" LIVE OAK
803	12" LIVE OAK	867	12" LIVE OAK
804	12" LIVE OAK	868	12" LIVE OAK
805	12" LIVE OAK	869	12" LIVE OAK
806	12" LIVE OAK	870	12" LIVE OAK
807	12" LIVE OAK	871	12" LIVE OAK
808	12" LIVE OAK	872	12" LIVE OAK
809	12" LIVE OAK	873	12" LIVE OAK
810	12" LIVE OAK	874	12" LIVE OAK
811	12" LIVE OAK	875	12" LIVE OAK
812	12" LIVE OAK	876	12" LIVE OAK
813	12" LIVE OAK	877	12" LIVE OAK
814	12" LIVE OAK	878	12" LIVE OAK
815	12" LIVE OAK	879	12" LIVE OAK
816	12" LIVE OAK	880	12" LIVE OAK
817	12" LIVE OAK	881	12" LIVE OAK
818	12" LIVE OAK	882	12" LIVE OAK
819	12" LIVE OAK	883	12" LIVE OAK
820	12" LIVE OAK	884	12" LIVE OAK
821	12" LIVE OAK	885	12" LIVE OAK
822	12" LIVE OAK	886	12" LIVE OAK
823	12" LIVE OAK	887	12" LIVE OAK
824	12" LIVE OAK	888	12" LIVE OAK
825	12" LIVE OAK	889	12" LIVE OAK
826	12" LIVE OAK	890	12" LIVE OAK
827	12" LIVE OAK	891	12" LIVE OAK
828	12" LIVE OAK	892	12" LIVE OAK
829	12" LIVE OAK	893	12" LIVE OAK
830	12" LIVE OAK	894	12" LIVE OAK
831	12" LIVE OAK	895	12" LIVE OAK
832	12" LIVE OAK	896	12" LIVE OAK
833	12" LIVE OAK	897	12" LIVE OAK
834	12" LIVE OAK	898	12" LIVE OAK
835	12" LIVE OAK	899	12" LIVE OAK
836	12" LIVE OAK	900	12" LIVE OAK
837	12" LIVE OAK	901	12" LIVE OAK
838	12" LIVE OAK	902	12" LIVE OAK
839	12" LIVE OAK	903	12" LIVE OAK
840	12" LIVE OAK	904	12" LIVE OAK
841	12" LIVE OAK	905	12" LIVE OAK
842	12" LIVE OAK	906	12" LIVE OAK
843	12" LIVE OAK	907	12" LIVE OAK
844	12" LIVE OAK	908	12" LIVE OAK
845	12" LIVE OAK	909	12" LIVE OAK
846	12" LIVE OAK	910	12" LIVE OAK
847	12" LIVE OAK	911	12" LIVE OAK
848	12" LIVE OAK	912	12" LIVE OAK
849	12" LIVE OAK	913	12" LIVE OAK
850	12" LIVE OAK	914	12" LIVE OAK
851	12" LIVE OAK	915	12" LIVE OAK
852	12" LIVE OAK	916	12" LIVE OAK
853	12" LIVE OAK	917	12" LIVE OAK
854	12" LIVE OAK	918	12" LIVE OAK
855	12" LIVE OAK	919	12" LIVE OAK
856	12" LIVE OAK	920	12" LIVE OAK
857	12" LIVE OAK	921	12" LIVE OAK
858	12" LIVE OAK	922	12" LIVE OAK
859	12" LIVE OAK	923	12" LIVE OAK
860	12" LIVE OAK	924	12" LIVE OAK
861	12" LIVE OAK	925	12" LIVE OAK
862	12" LIVE OAK	926	12" LIVE OAK
863	12" LIVE OAK	927	12" LIVE OAK
864	12" LIVE OAK	928	12" LIVE OAK

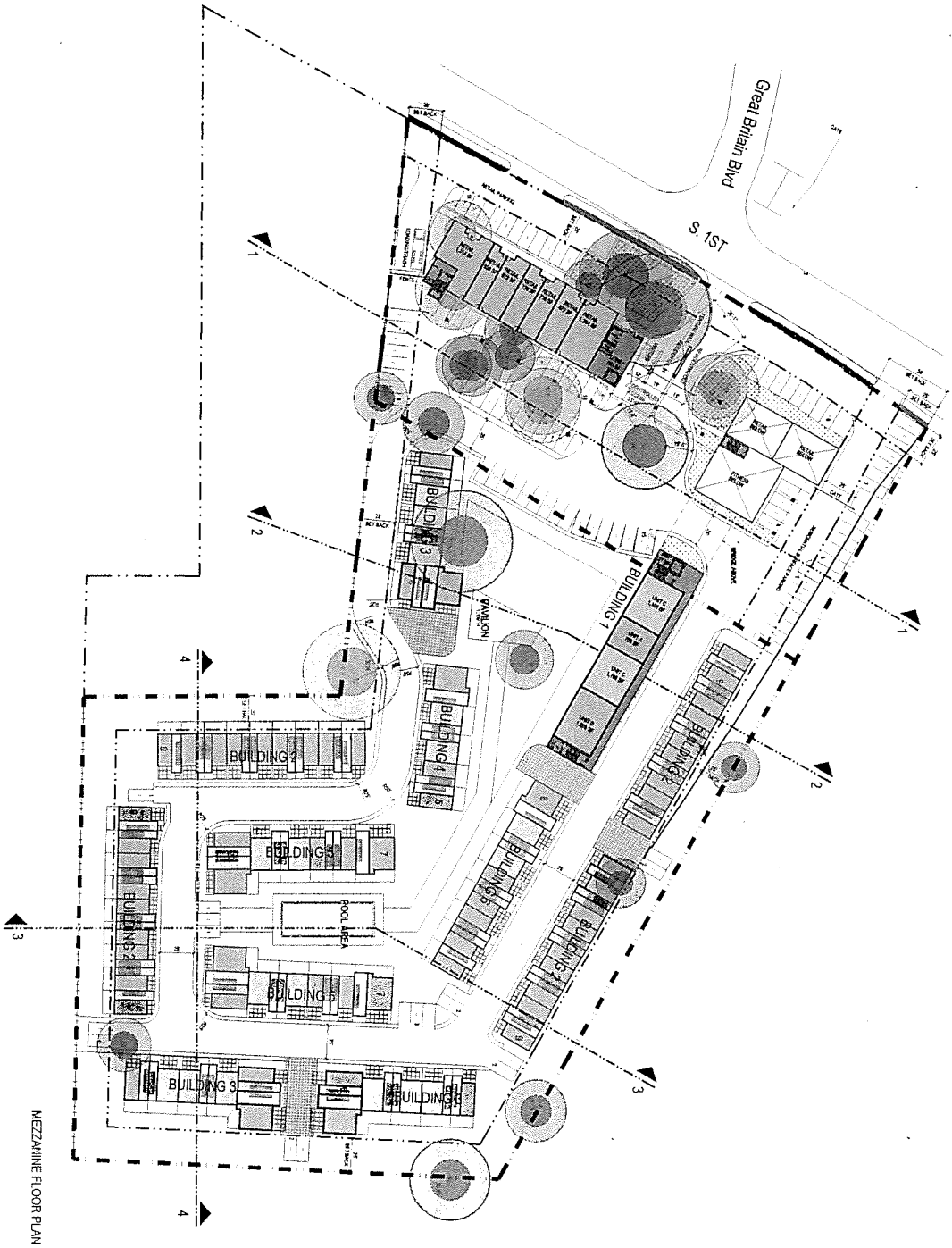
TREE & TOPOGRAPHY 8401 S. 1ST STREET



5/8/13

FUSION FLATS
IMPACT DEVELOPMENT
HPA #15069

AUSTIN, TX



MEZZANINE FLOOR PLAN



HUMPHREYS & PARTNERS URBAN ARCHITECTURE, LP
DALLAS-NEW YORK-CHICAGO-NEW ORLEANS-ORLANDO-EDMONTON-SAN RAMON
NEWPORT BEACH-SCOTTSDALE-TORONTO-CHENNAI-DUBAI-HANOI-MONTREAL
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08.05.2015

my
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----- Original message -----

From: "Kellogg, Eben" <Eben.Kellogg@austinenergy.com>

Date: 3/28/2016 11:11 AM (GMT-06:00)

To: "Wixson, Joel" <[REDACTED]>, "Heldenfels, Leane"

<Leane.Heldenfels@austintexas.gov>, "Ramirez, Diana" <Diana.Ramirez@austintexas.gov>

Cc: "Vicknair, Darren" <[REDACTED]>, "Esparza, Christine"

<Christine.Esparza@austinenergy.com>

Subject: 8401_SOUTH_1ST_ST_AE_BOA_20160328

Joel Wixson, P.E. of Kimley Horn on behalf of
Herman Cardenas - 8401 Venture LP
6000 South Congress Ave – Suite 101
Austin, TX 78745

8401 South 1st Street
(8313, 8403 & 8409) –
Lot 1-A & Lot 1-B
The Resubdivision of Lot 1
Of the P.F. Orr Subdivision
Vol. 43, Pg. 25
P.R.T.C.TX

Dear Joel,

March 28, 2016

Austin Energy (AE) has reviewed your application for the above referenced property, requesting variances from the following land development regulations;

§ 25-2-1063 - HEIGHT LIMITATIONS AND SETBACKS FOR LARGE SITES.

1. (Section 25-2-1063) (c)(1); to increase the quantity of allowed stories from two (required) to three (requested)
2. (Section 25-2-1063) (c)(1); to increase the height limitation from 30 feet (required) to 36 feet (requested)
3. (Section 25-2-1063) (c)(2); to increase the height limitation from three stories and 40 feet (required) to three stories and 45 feet (requested)

in order to construct a mixed use (retail/live/work/multi-family residential development) which is divided in zones of LR-MU-CO (front) and SF-6-CO (rear) zoning districts and to change its use which differs in allowable use in said zones.

Austin Energy does not oppose your application for the above height variances, which is shown on the attached electronic stamped sketch, provided that all proposed and existing improvements are in compliance with Austin Energy clearance criteria requirements, the National Electric Safety Code and OSHA. All removal or relocation of existing electric facilities will be at owners/applicants expense.

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In order to expedite the current needs of your project, you will need to contact Darren Vicknair, AE Design Lead South, at St. Elmo Service Center at 512-505-7636. He will make recommendations about the layout and location of required AE facilities, to provide electric service to your proposed development project. Also, please speak with Christine Esparza, Public Involvement Agent, Southeast, at 512-322-6112, who will work in tandem with Darren and yourself for the required relocation and replacement of the easements, at owner/applicants expense, as there are three (3) existing easements on these two properties, which are in conflict with the proposed development plan.

If you have any further questions, please contact our office.

Thank you,

Eben Kellogg | Property Agent

Austin Energy

Public Involvement | Real Estate Services

2500 Montopolis Drive

Austin, TX 78741

512.322.6050

Kimley»Horn

2/24

March 28, 2016

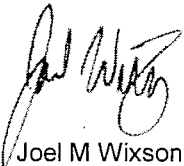
Board of Adjustments
Fusion Flats
8401 S. 1st Street, Austin

To Whom It May Concern:

Meetings were held with the neighborhood group on two occasion to explain the proposed project and to allow for community input. In these meeting we received support from five property owners including 3 immediately adjacent to the development. Please find in this submittal two signature sheets stating support as well as the agenda for the meetings.

Thank you,

KIMLEY-HORN AND ASSOCIATES, INC.



Joel M Wixson, P.E.
Project Manager

3/22

Open Neighborhood Meeting

to discuss the proposed

Fusion Flats

Mixed-Use (Commercial and Multi-Family) Project

to be held on

Monday, February 29, 2016 from 7:00-8:00

at the

Dittmar Recreational Center

1009 W. Dittmar Road, Room AB

Austin, Texas 78745

Project Name and Address:

Fusion Flats

8401 S 1st Street

Austin, Texas 78745

Preliminary Agenda:

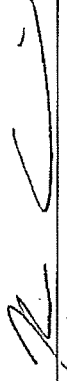
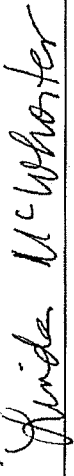


- | | | |
|-----------|---|--|
| 7:00-7:10 | – | Introduction of Development & Design Team |
| 7:10-7:25 | – | Project Overview & Examples of Design Concepts |
| 7:25-7:40 | – | Board of Adjustment Request |
| 7:40-8:10 | – | Open Question & Answers |
| 8:10-8:15 | – | Conclusion |

Fusion Flats - 8401 S 1st Street

I, Herman Cardenas for Impact Developers, am applying for a variance from the Board of Adjustment regarding Section 25-2-1063 of the Land Development Code. The variances would allow me the ability to:

- A) increase the quantity of allowed stories from two (required) to three (requested);
- B) increase the height limitation from 30 feet (required) to 36 feet (requested);
- C) increase the height limitation from three stories and 40 feet (required) to three stories and 45 feet (requested).

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Hirk Collier	8306 Beaver Brook Ln.	
Linda McWhorter	658 Mairo St 78748	
Margaret Valenti	7704 Peaceful Hill Lane	
Dale Barnard	8304 Beaver Brook Ln 78748	

23/34

