

**PLANNING COMMISSION
SITE PLAN WAIVER REQUEST REVIEW SHEET**

CASE NUMBER: SP-2016-0008C **PLANNING COMMISSION**
HEARING DATE: October 25, 2016

PROJECT NAME: Lofts at 12th Street

ADDRESS: 2724 E. 12th Street

NEIGHBORHOOD PLAN: Chestnut

COUNCIL DISTRICT #: 1

APPLICANT: Big Red Dog (Mike Reyes) (512) 669-5560
2010 E. 5th Street Ste. 100
Austin, TX 78702

AGENT: San Antonio Dream Homes, LLC. (Shravan Parsi) (281) 862-5294
701 Brazos Street Ste. 1620
Austin, TX 78701

CASE MANAGER: Rosemary Avila Phone: 512-974-2784
Rosemary.avila@austintexas.gov

PROPOSED DEVELOPMENT:

The applicant is proposing to construct a five story multi-family residential development (30 units total) with associated site improvements. The site is 0.60 acres, located in the MLK TOD, and zoned TOD-NP-CO (Transit Oriented Development- Neighborhood Plan- Conditional Overlay).

DESCRIPTION OF WAIVERS:

The applicant is requesting a waiver from § 25-2-1063, "a person may not construct a structure 25 feet or less from a property in an urban family residence (SF-5) or more restrictive zoning district." The applicant is requesting a 5' setback on the west property line. The applicant is proposing 11 parking spaces, a transformer pad (10' x 10'), and bicycle parking that are encroaching into the 25' compatibility setback.

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of the waiver request. The proposed multi-family building is not within the 25' compatibility setback. A portion of the site is within a Critical Water Quality Zone, there is a drainage easement, and the site frontage is 39' wide, therefore the applicant is unable to build on the southern portion of the lot. Adjacent neighbors to the west of the site have signed support letters for the proposed parking within the 25 foot setback (see letters attached in the back-up material). The site complies with other compatibility standard requirements such as lighting and screening.

COMPATIBILITY:

Section 4.2.10 of the MLK TOD (Transit Oriented Development) states Compatibility Standards, as stipulated of Article 10 of Chapter 25-2 of the LDC, shall apply to all properties within the TOD District.

Section 25-2-1051 states that "Article 10 Compatibility Standards apply if a use in a SF-6 or less restrictive zoning district is located on a property across the street from or adjoining a property on which a use is permitted in a SF-5 or more restrictive zoning district is located."

The proposed development is subject to Compatibility Standards on the west property line due to the adjacent properties zoned SF-3-NP.

Per the Design Regulations schedule in 25-2-1067(H) of the LDC, the setback for the driveway is 0 feet, due to the E. 12th street frontage being 39 feet. Since the parking area is over 125 feet wide, the back part of the lot cannot fall under the Design Regulations schedule and is subject to the 25' standard Compatibility setback.

PLANNING COMMISSION ACTION:

September 13, 2016

Postponement by Planning Commission

October 11, 2016

Postponement by Neighborhood

PROJECT INFORMATION:

SITE AREA	26,136 square feet	.60 acres
EXISTING ZONING	TOD-NP-CO	
WATERSHED	Boggy Creek	
WATERSHED ORDINANCE	Comprehensive Watershed Ordinance (Urban)	
TRAFFIC IMPACT ANALYSIS	Not required	
CAPITOL VIEW CORRIDOR	None	
PROPOSED ACCESS	E 12 th Street	
	Allowed/Required	Proposed
FLOOR-AREA RATIO	2:1	1.28:1
BUILDING COVERAGE	95%	32.28%
IMPERVIOUS COVERAGE	95%	68.5%
PARKING	21	31

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	TOD-NP-CO	Multi-family Residential
<i>North</i>	TOD-NP-CO	Common Area
<i>South</i>	E 12 th St, then P-NP and Railroad	E 12 th St, then Railroad and Parks/Greenbelt
<i>East</i>	Railroad then P-NP	Railroad then Parks/Greenbelts
<i>West</i>	SF-3-NP	Single Family, Duplexes

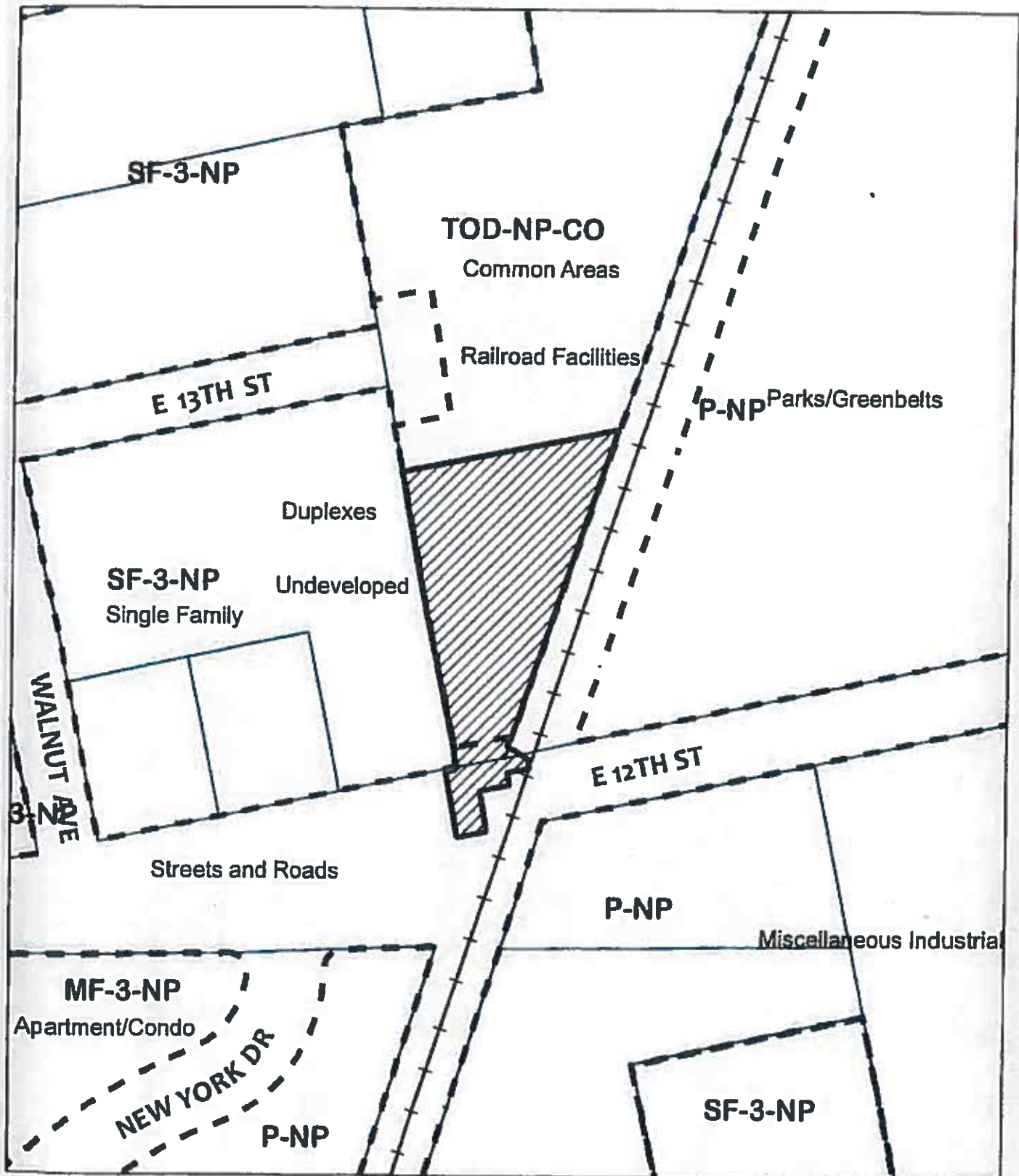
ABUTTING STREETS:

Street	Right-of-Way Width	Pavement Width	Classification
E 12 th Street	56'	40'	MNR 4 (Minor Arterial- 4 Lane)

NEIGHBORHOOD ORGNIZATIONS:

African American Cultural Heritage District
 Business Association
 Austin Heritage Tree Foundation
 Austin Independent School District
 Austin Neighborhoods Council
 Bike Austin
 Chestnut Addition Neighborhood Assn.
 Chestnut Commons HOA
 Chestnut Neighborhood Contact Team
 Chestnut Neighborhood Revitalization Corp.
 Del Valle Community Coalition

East Austin Conservancy
 Friends of Austin Neighborhoods
 Friends of Chestnut Neighborhood Plan
 Friends of Emma Barrientos MACC
 Homewood Heights Neighborhood Association
 Preservation Austin
 Rosewood Neighborhood Contact Team
 SEL Texas
 Sierra Club, Austin Regional Group
 United East Austin Coalition



 **SUBJECT TRACT**
 **ZONING BOUNDARY**

0 50 100 200 Feet

Site Plan - Waiver
 CASE#: SP-2016-0008C
 ADDRESS: 2724 E 12th St
 CASE NAME: Lofts at 12th Street
 MANAGER: Rosemary Avila

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.



OPERATOR: R. Avila



METCALFE WOLFF
STUART & WILLIAMS, LLP
Attorneys at Law

MICHELE R. LYNCH
512.404.2251
mlynch@mwswtexas.com

September 6, 2016

Rodney Gonzales
City of Austin Development Services Dept.
505 Barton Springs Road, 1st Floor
Austin, Texas 78704

Re: East 12th Street Lofts (the "Project"); Planning Commission – Waiver to 25' Compatibility Setback; 2724 E. 12th Street (the "Property")

Dear Mr. Gonzales:

As representatives of the owner of the above stated Property we respectfully submit this letter requesting a waiver to the 25 foot setback requirement in Austin's Land Development Code § 25-2-1063.

LDC § 25-2-1081 (A) states the Land Use Commission may waive a requirement of this article if the Land Use Commission determinates that a waiver is appropriate and will not harm the surrounding area. However, any Land Use Commission Waiver may not reduce a required setback to less than five feet (LDC § 25-2-1081 (B)).

The Property is in the MLK Transit Oriented Development Regulating Plan ("MLK TOD"), and compatibility is triggered by the property owners to the west that are outside of the MLK TOD.

We are requesting a 5' setback on the western side of the Property, which will allow for bicycle and vehicular parking as well as a transformer, as shown on Exhibit "B". We offer the following reasons to demonstrate that this waiver is appropriate and will not harm the surrounding area:

1. The 25' compatibility setback is triggered by properties that are zoned Single Family Residence – Neighborhood Plan (SF-3-NP), all of which have offered support of this setback waiver; see Exhibit "B" for triggering properties and please find the compatibility support letters attached hereto under separate cover.
 - a. The developer of the Project has agreed to provide screening in between the parking on the Property and the properties to the west.
2. The Property is constrained by Railroad Right-of-Way, floodplain, and a drainage easement. Therefore, development is only allowed on certain portions of a small tract. The proposed building was shifted away from the adjacent neighbors, but some of the parking must encroach in the 25' compatibility setback; see Exhibit "C".

Because this compatibility setback waiver request (from 25' to 5') is appropriate, will not harm



September 6, 2016
Page 2

the surrounding area, is not less than 5', and is supported by the property owners triggering compatibility, we respectfully request staff support.

If you have any questions or need additional information, please feel free to contact me or the project engineer.

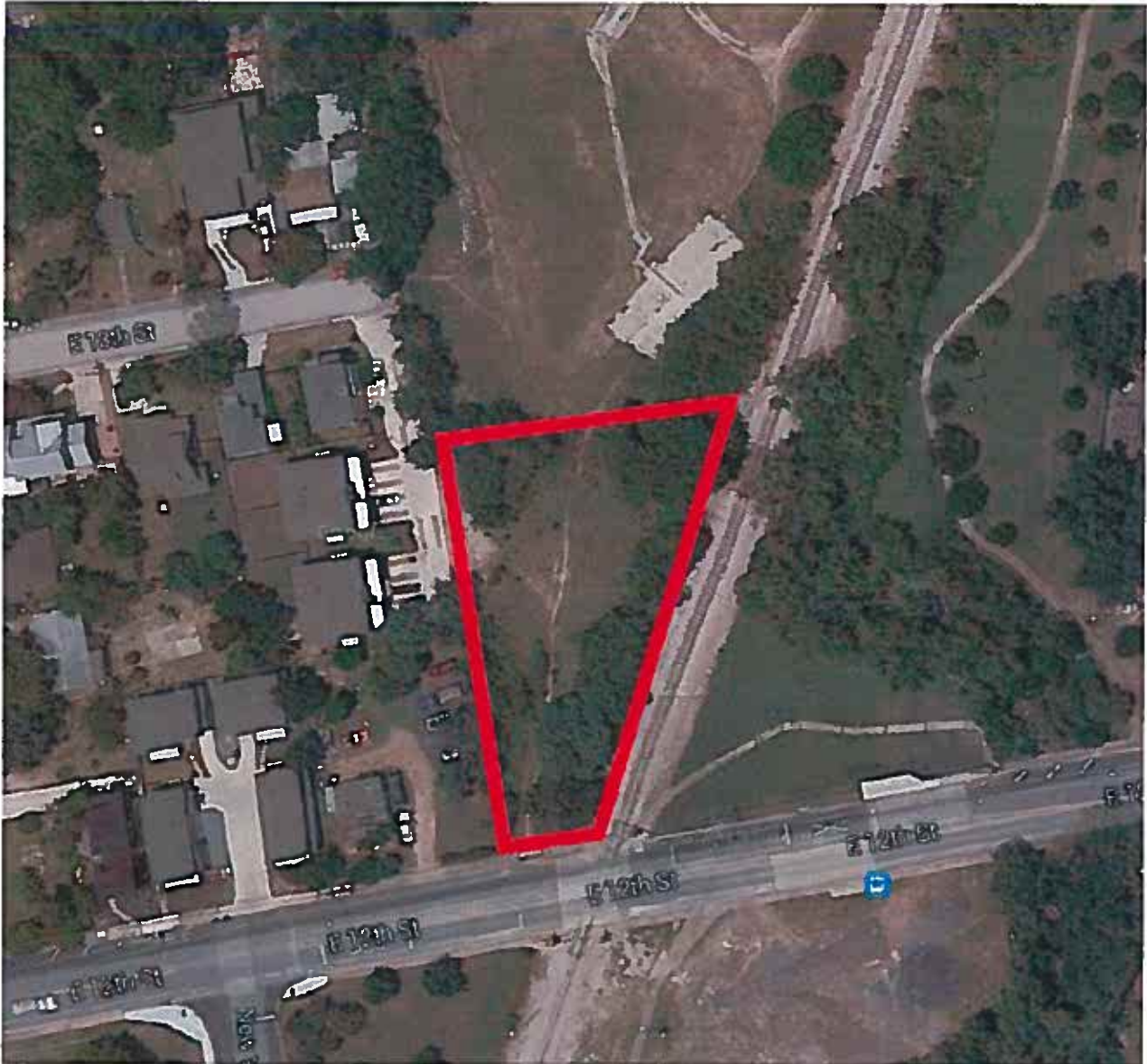
Sincerely,

Michele R. Lynch,
Michele R. Lynch 

MRL:kw
Enclosures

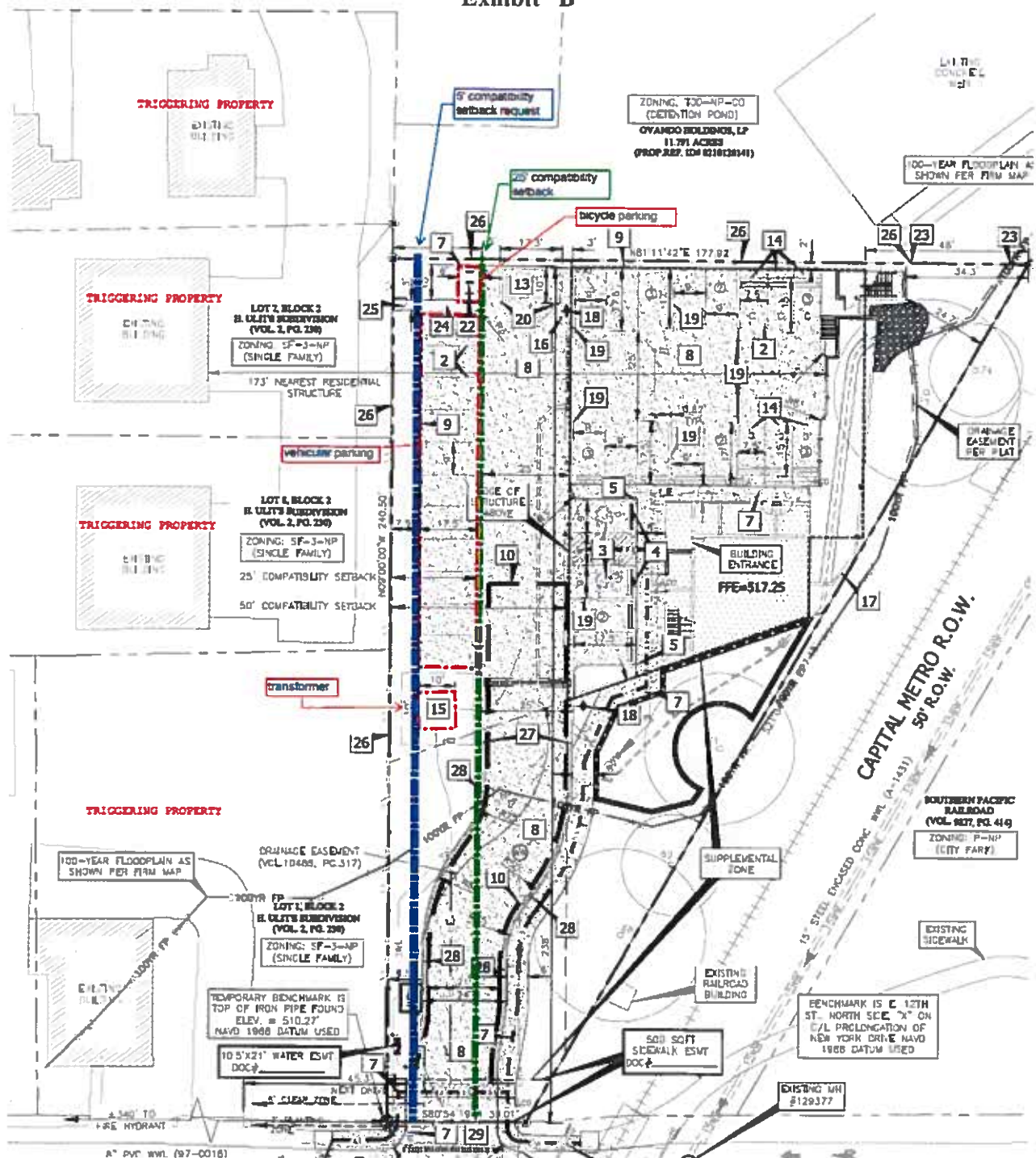
cc: Shravan Parsi, Owner
Cliff Kendall, Big Red Dog
Ron Pope, Architect

Exhibit "A"



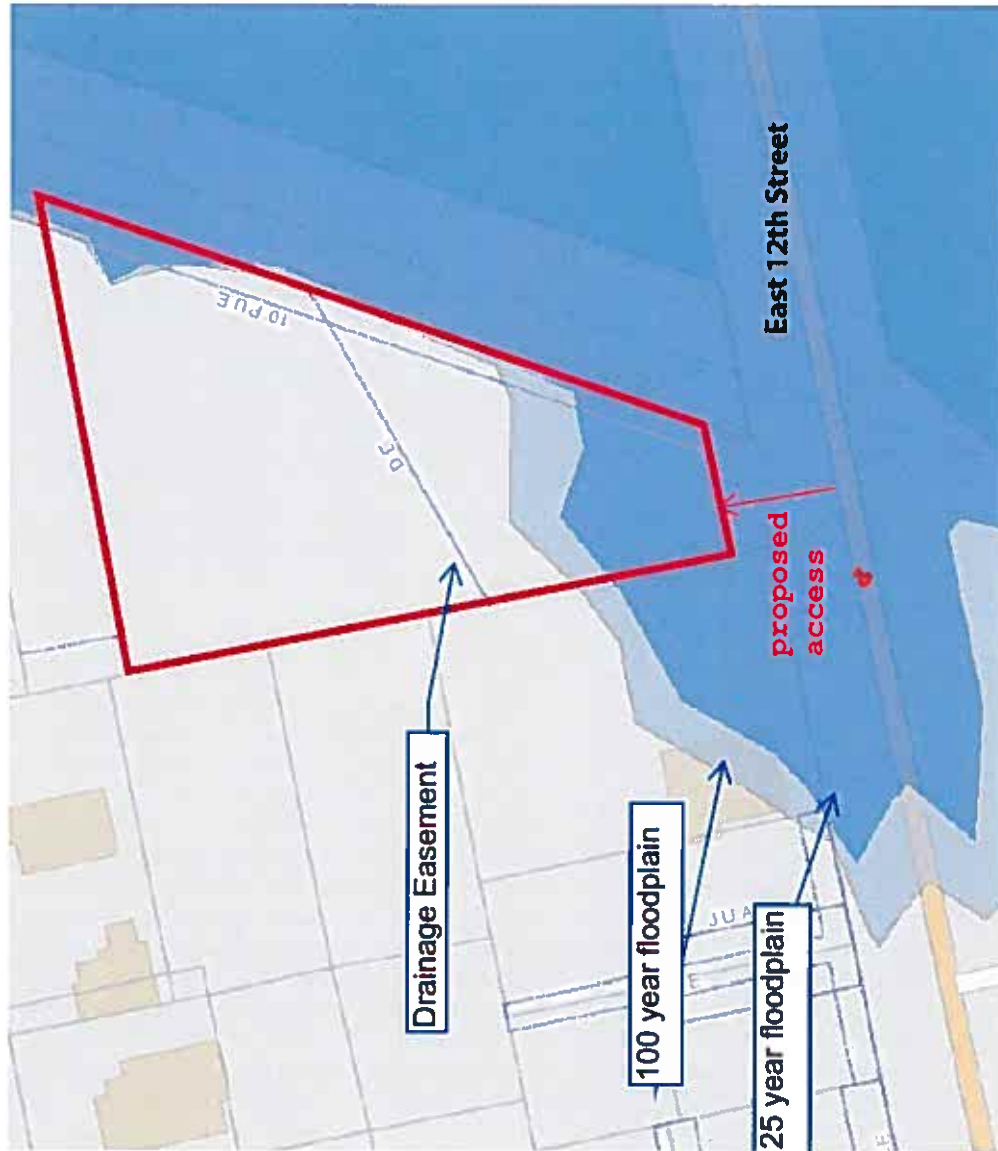
September 6, 2016
Page 4

Exhibit "B"



MICHELE R. LYNCH
512.404.2251
mlynch@mwswtexas.com

Exhibit "C"



To Whom It May Concern:

I am a landowner with property, which abuts a .6-acre lot located at 2724 East 12th Street. As such, Napa Ventures, the owner of the above-mentioned lot, approached me about their desire to develop the site into a residential transit oriented development. I have seen preliminary plans for development, and as a neighboring property owner I would be willing to support the construction of a 5-story residential building as well as parking within 25 feet of the property adjacent to my property.

Thank you for your consideration on this matter.

Signed:

Ray Jackson Sr.

Date:

7-21-2015

Name:

Ray Jackson Sr.

Address:

2724 East 12th St.

Phone:

512 628 0259

Email:

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Thank you for your consideration on this matter.

Signed: Afrand Razian

Date: 7/24/15

Name: Afrand Razian

Address: 2709 E. 13th St Unit F

Phone: 832-876-1051

Email:

To Whom It May Concern:

I am a landowner with property, which abuts a .6 acre lot located at 2724 East 12th Street. As such NAPA Ventures, the owner of the above-mentioned lot, approached me about their desire to develop the site into a residential transit oriented development. I have seen the preliminary plans for development, and as a neighboring property owner I would be willing to support the construction of a 5-story residential building as well as parking within 25 feet of the property adjacent to my property.

Thank you for your consideration on this matter.

Signed:

Timothy Kirk Pei-Ying Wang

Date:

5/31/2016 5/31/2016

Name:

Timothy Kirk
PEI-YING WANG

Address: 2709 East 13th Street, Unit D, Austin, TX 78702

Phone:

415 990 8974

Email:

U ~

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Thank you for your consideration on this matter.

Signed:



Date:

7-22-15

Name:

Paul Pita

Address:

2709 E. 13th Street Austin TX 78702

Phone:

774-238-8586

Email:

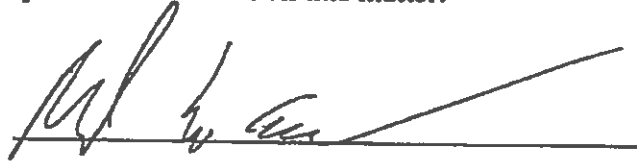
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Thank you for your consideration on this matter.

Signed:



Date:

11/12/15

Name:

Mike Bickford

Address:

2709 E ~~12~~ 13th St Unit E

A.A.

Email:

To Whom It May Concern:

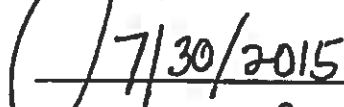
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Thank you for your consideration on this matter.

Signed:



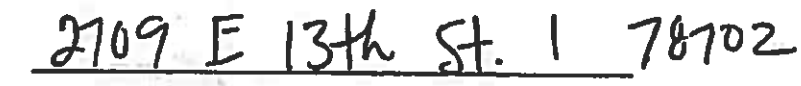
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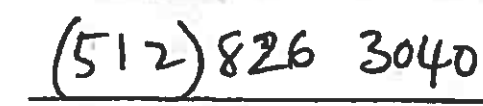
Name:



Address:



Phone:



Email:



Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SP-2016-0008C

Contact: Rosemary Avila, 512-974-2784 or

Elsa Garza, 512-974-2308

Public Hearing: Planning Commission, September 13, 2016

Timothy Kirk
Your Name (please print)

2709 E. 13th St. #D
Your address(es) affected by this application

9/9/2016
Date

Signature

Daytime Telephone: 415-990-8974

Comments:

I am an adjacent property owner to the project. I have met with the development team regarding the design of the project, and I am in support of the project and the proposed compatibility variance.

If you use this form to comment, it may be returned to:

City of Austin

Development Services Department, 4th Floor

Rosemary Avila

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact listed on a notice); or
- appearing and speaking for the record at the public hearing;

and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

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Case Number: SP-2016-0008C

Contact: Rosemary Avila, 512-974-2784 or
Elsa Garza, 512-974-2308

Public Hearing: Planning Commission, September 13, 2016

Your Name (please print) Lube Anderson

☐ I am in favor
☒ I object

1601 Yvonne Ave #120

Your address(es) affected by this application

Signature

Daytime Telephone: _____

Comments: _____

If you use this form to comment, it may be returned to:

City of Austin
Development Services Department, 4th Floor
Rosemary Avila
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: SP-2016-0008C

Contact: Rosemary Avila, 512-974-2784 or

Elsa Garza, 512-974-2308

Public Hearing: Planning Commission, September 13, 2016

ROSA-LYN NGUYEN

Your Name (please print)

1601 MYRIAM AVE #120

Your address(es) affected by this application

9/12/16

Date

Signature

Daytime Telephone: 512 508 5357

Comments:

If you use this form to comment, it may be returned to:

City of Austin
Development Services Department, 4th Floor
Rosemary Avila
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: SP-2016-0008C

Contact: Rosemary Avila, 512-974-2784 or

Elsa Garza, 512-974-2308

Public Hearing: Planning Commission, September 13, 2016

Leslie M. Padilla

Your Name (please print)

1211 Walnut Ave, K

Your address(es) affected by this application

Austin, TX 78702

Signature

Daytime Telephone: 505-350-0514

Comments: Traffic concerns on 13th St. have not been addressed.

No good cause exists for variance because property can be profitably developed without setback waivers.

Proposed development is already in consist with surrounding neighborhood (5 stories!) so setbacks are important to keep in compliance.

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City of Austin

Development Services Department, 4th Floor

Rosemary Avila

P. O. Box 1088

Austin, TX 78767-8810

development as far away from single family and existing homes as possible.

possible.

Avila, Rosemary

From: Leslie Padilla [REDACTED]
Sent: Monday, September 12, 2016 2:17 PM
To: Avila, Rosemary
Subject: Planning Commission: SP-2016-0008C

Dear Rosemary -- I am a homeowner whose property is within 500 feet of the application in SP-2016-0008C. I have also registered as an interested party in this case. I am writing concerning the waiver to setback requirements that was requested by the developer. I mailed in my written comments, but I am concerned they might not reach you in sufficient time prior to the Planning Commission meeting.

In my written comments, I made the following points:

1. The 5-story building that the developer is proposing is three stories higher than any nearby building. I believe that the closest building in height is the new development at Alexander and MLK. That development is a good distance from the proposed 12th st condos and is only 3 or 4 stories. A 5-story building immediately adjacent to a neighborhood comprising mostly single- and 2-story homes is incompatible and must therefore only be built with the appropriate setbacks. As proposed, the higher-story residents will be able to see into nearby homes and yards, including mine. The Privacy that currently exists with existing compatible development will be destroyed with a five-story building without appropriate setbacks.
2. The developer has not given appropriate consideration to the traffic/parking impacts that are very likely to result on 13th street. Because there appears to be insufficient parking as part of the development, residents are likely to seek to park on 13th street.
3. The developer is not properly respecting the history of the 12th street parcel, which served Austin's African-American community as Emancipation Park for a number of years.

In addition to the comments I included in what I mailed to you, I would add:

1. The developer has not shown good cause for a waiver of setbacks.
2. The letters that the developer has provided in support of the waiver are over one year old. It is not established that the people who signed those letters still own nearby property.

I hope to attend the meeting tomorrow night, but if I cannot be there, I trust these comments will be included in the record.

thank you,

Leslie Padilla

Avila, Rosemary

From: Cavan Merski [REDACTED]
Sent: Monday, October 10, 2016 5:29 PM
To: Avila, Rosemary
Cc: Michele Rogerson Lynch; Amenity Applewhite; David Carroll
Subject: 2724 E. 12th postponement

Hi Rosemary -

I'm Cavan Merski the Chair of the Chestnut NPCT. The Chestnut NPCT seeks a postponement of case SP-2016-0008C (aka The Lofts at 12th St.) until the 10/25 PC meeting to review the restrictive covenant proposed by the owner.

We were sent the document last Tuesday (10/4) but wish to discuss and review as a team before voting at our next CNPCT meeting on 10/18.

Michelle Lynch is copied and has agreed to the postpone until 10/25 meeting. Please let me know if there's anything else we should do.

Thanks,
Cavan Merski
814-397-9649

Sent from my iPhone