

SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2016-0122
LOCATION: 6711 E Ben White



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" = 390'

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**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday, November 14, 2016

CASE NUMBER: C15-2016-0122

☒ Y ☐ Brooke Bailey
☒ Y ☐ Michael Benaglio
☒ Y ☐ William Burkhardt
☒ Y ☐ Eric Goff
☒ Y ☐ Melissa Hawthorne
☒ Y ☐ Bryan King
☒ Y ☐ Don Leighton-Burwell
☐ - ☐ Rahm McDaniel OUT
☒ Y ☐ Melissa Neslund
☒ Y ☐ James Valadez
☐ - ☐ Michael Von Ohlen OUT
☒ Y ☐ Kelly Blume (Alternate)

APPLICANT: Ted McConaghy

OWNER: Brendan Gilyan

ADDRESS: 6711 BEN WHITE BLVD SVRD EB

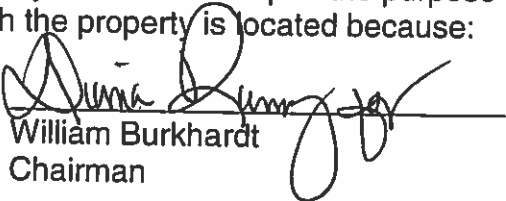
VARIANCE REQUESTED: The applicant has requested a variance from Section 25-6 Appendix A (*Tables of Off-Street parking and Loading Requirements*) to reduce the number of required parking spaces from 250 spaces (required) to 235 spaces (requested) in order to add a 89 room hotel to the site with an existing 138 room hotel (proposed total of 227 rooms) in a "LI-CO-NP", Limited Industrial Services – Conditional Overlay - Neighborhood Plan zoning district. (Southeast)

BOARD'S DECISION: Nov 14, 2016 POSTPONED TO DECEMBER 12, 2016 BY APPLICANT DUE TO LACK OF FULL BOARD

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
3. 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:


Leane Heldenfels
Executive Liaison


William Burkhardt
Chairman

Heldenfels, Leane

pp 40 12-12

0122

From: Ted McConaghy
Sent: Monday, November 14, 2016 1:22 PM
To: Heldenfels, Leane
Subject: RE: November 14 Board of Adjustment agenda, back up

13/3

Yes that is the reason. . we are confident about our case, but 9 of 10 is a pretty steep hill! We would rather wait until December please.

Ted McConaghy, M.A.
Senior Project Manager

DA DOUCET
& ASSOCIATES

7401 B Hwy 71 West, Suite 160
Austin, Texas 78735
O: 512.583.2617
C: 512.426.9326
F: 512.583.2601

From: Heldenfels, Leane [mailto:Leane.Heldenfels@austintexas.gov]
Sent: Monday, November 14, 2016 12:59 PM
To: Ted McConaghy
Subject: RE: November 14 Board of Adjustment agenda, back up

Is that what you would like to do? Request postponement to 12/12 hearing?

The Board will actually have a quorum and can take action tonight, but will have one member absent w/no alternate member to serve in his place - such that you'll need 9 of the 10 sitting members to receive a variance rather than 9 of 11 when there are no absences.

Advise –
Leane

From: Ted McConaghy [mailto:TMcConaghy@austintexas.gov]
Sent: Monday, November 14, 2016 12:56 PM
To: Heldenfels, Leane
Subject: RE: November 14 Board of Adjustment agenda, back up
Importance: High

Leane – can you please confirm that we are requesting a postponement on M-2 C15-2016-0122 do to the lack of a full quorum. Thank you!!!

Ted McConaghy, M.A.
Senior Project Manager



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 # <u>C15-2016-0122</u>	ROW # <u>11612026</u>	Tax # <u>0315110817</u>
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11612026

Section 1: Applicant Statement

Street Address: 6711 E. Ben White (SH. 71)

Subdivision Legal Description:

Boughan-Sims Subdivision, Recorded in Book 82, Page 223, Plat Records of Travis County, TX

Lot(s): 1 Block(s): _____

Outlot: _____ Division: _____

Zoning District: LI-CO-NP (Southeast)

I/We Ted McConaghy, MA on behalf of myself/ourselves as
authorized agent for H.I. Austin Airport, LP affirm that on

Month October, 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: parking field

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

LDC 25-6-472 (Parking Facility Standards). Request is to reduce the number of required spaces for the subject tract to 94% of the required spaces listed in Appendix A of Chapter 25-6 of the LDC. (250 spaces required, 235 spaces proposed)

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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.

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.

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 required number of parking spaces per Appendix A in LDC 25-6 is excessive and reduces the allowable number of rooms in the proposed hotel buildings. The existing creek along the southern boundary of the site restricts the available land for parking.

Hardship

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

The property is situated along Carson Creek which restricts the land available for parking because of topographic constraints, and environmental restrictions prohibiting construction in the Critical Water Quality Zone.

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

The creek lies south of E. Ben White Blvd. (SH 71); properties north of the highway are not restricted by similar creek setbacks and topographic constraints. Moreover, properties north of the highway and granted and automatic reduction of 20% of required parking spaces.

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 requested variance is a nominal (6%) reduction in the number of required parking spaces. The height, location, and general configuration of the hotel buildings will not be impacted by the granting of the variance.

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:

1 - historical data and industry standards indicate that the parking requirement of these hotels is much less than that required by the ordinance. Industry standards state that a 1:1 ratio of rooms/spaces is acceptable.

2 - The urban core reduction allows a 20% reduction directly north of the project site.

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:

As described above, industry standards on parking requirements for hotel uses has shown that a parking ratio of 1 space per room is sufficient, which is 92.8% of the required parking of 1.1 space/room. The proposed site plan exceeds that amount (94% proposed). An overflow of parking onto the adjacent public street is not anticipated.

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

The proposed parking for the hotel uses will exceed what is required for full occupancy of the hotels. The drive aisles and driveway access meet the design and safety standards of the City of Austin TCM. Granting of the variance will not create a safety or other hazard.

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

The variance will be based on the specific 'hotel' use of the property; if the property was reconditioned as a retail use or some other use appropriate to the zoning, the original parking requirement per Appendix A would apply.

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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: Ted McConaghy Date: 10/06/2016

Applicant Name (typed or printed): Ted McConaghy

Applicant Mailing Address: 7401-B Hwy. 71 W., Ste. 160

City: Austin State: TX Zip: 78735

Phone (will be public information): (512) 426-9326

Email (optional – will be public information): tmconaghy@doucetengineers.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: Brendan Gilyan Date: 10/06/2016

Owner Name (typed or printed): Brendan Gilyan (H.I.A.A., L.P.)

Owner Mailing Address: 6711 E. Ben White Blvd.

City: Austin State: TX Zip:

Phone (will be public information):

Email (optional – will be public information):

Section 5: Agent Information

Agent Name:

Agent Mailing Address:

City: State: Zip:

Phone (will be public information):

Email (optional – will be public information):

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).

The following exhibits are provided for clarification of the variance request:

- Site plan showing full site build-out, including 250 total hotel rooms and 235 parking spaces
- Exhibit showing 'Urban Core' parking reduction area, and proximity of the subject tract



7401B Highway 71 West, Suite 160
Austin, TX 78735
Office: 512.583.2600
Fax: 512.583.2601

DoucetandAssociates.com

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October 26, 2016

Ted McConaghy, MA
Senior Project Manager
Doucet & Associates, Inc.
7401-B Hwy. 71 W., Ste. 160
Austin, TX 78735

Leane Heldenfels
Board of Adjustment Liaison
Development Services Department
City of Austin
505 Barton Springs Rd.
Austin, TX 78704

Re: Variance Request
L.D.C. Section 25-6-472 (Parking Facility Standards)
"Candlewood and Holiday Inn- Austin Airport" – consolidated site development permit
SP-2016-0326C

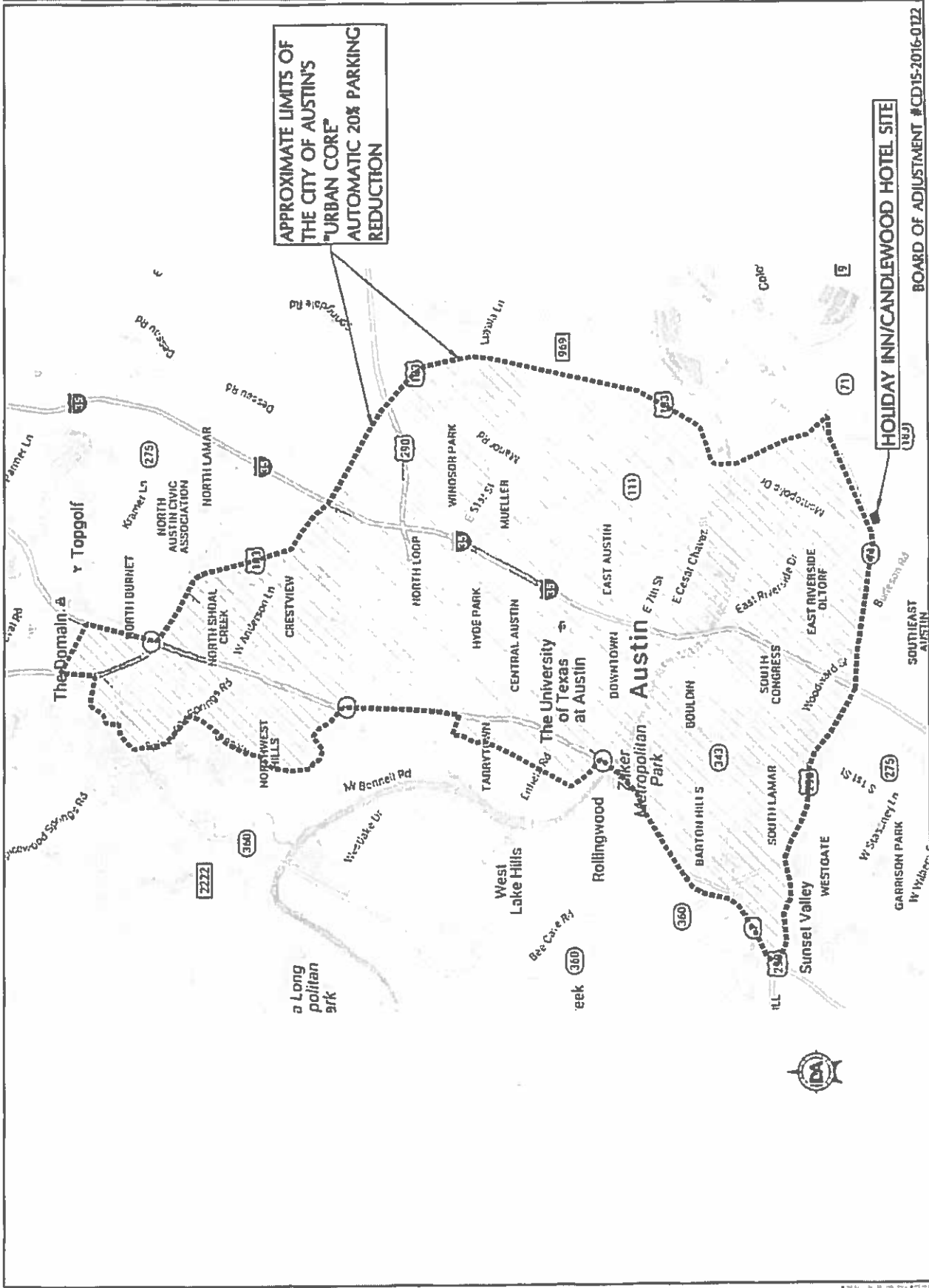
Mrs. Heldenfels:

We respectfully request a variance to the following section of the City of Austin Land Development Code, in association with the 'Candlewood and Holiday Inn – Austin Airport' consolidated site development permit application. The site is located at 6711 E. Ben White Blvd. EB, in the Full Purpose Jurisdiction of the City of Austin. The site is located in the Carson Creek watershed, classified as Suburban.

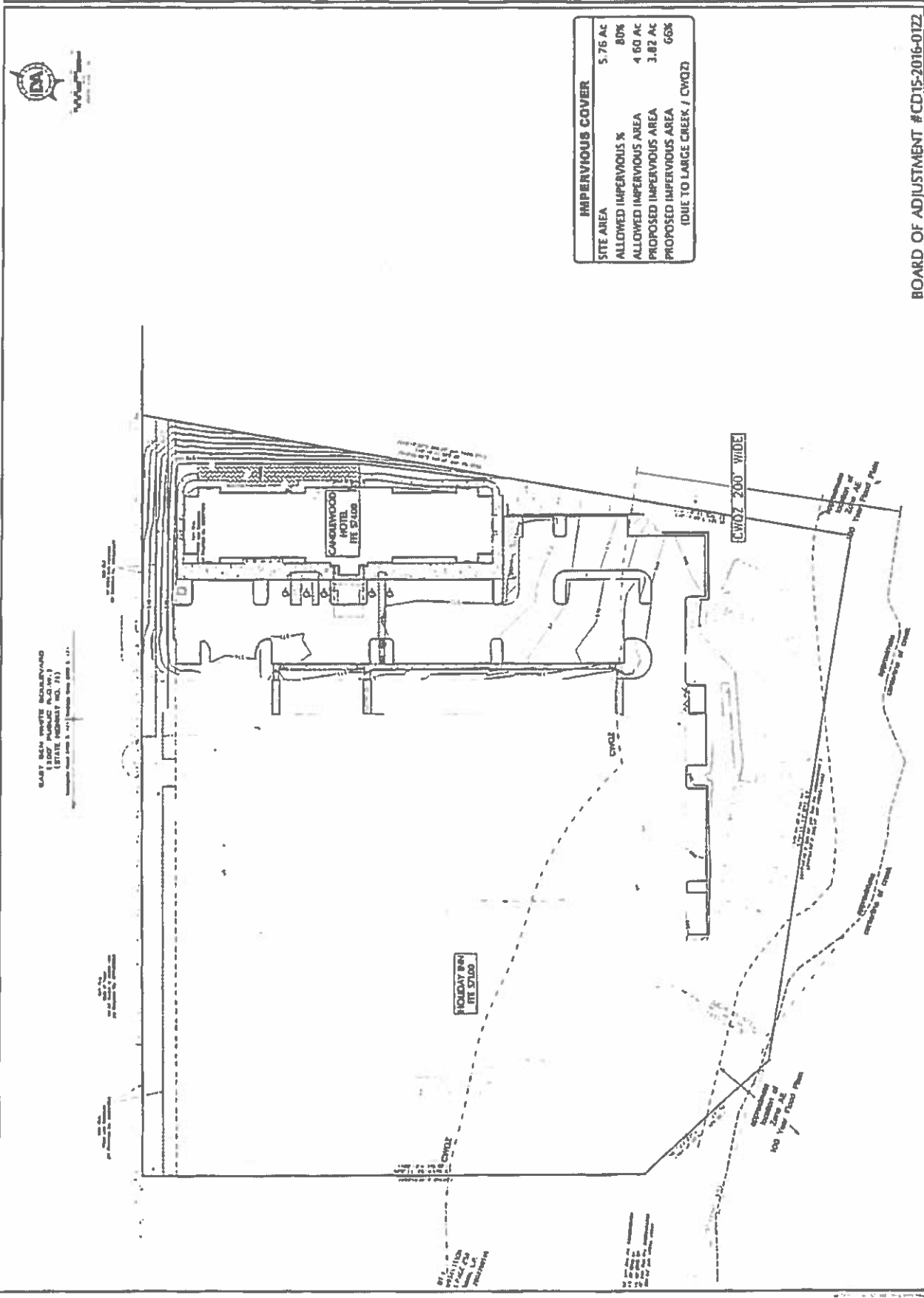
The following variance is required for successful development of the subject tract. We have provided several Exhibits showing the areas associated with the variance request.

- Sec. 25-6-472 (Parking Facility Standards). This section of the L.D.C. requires 1.1 parking spaces for each hotel room. Our proposed site plan shows 227 hotel rooms. The total required spaces is 250; we are proposing 235 spaces, a 6% reduction. Our request to allow the reduced number of required parking spaces is based on the following:
 - The southern side of the site is encumbered by a creek (Carson Creek) and the associated Critical Water Quality Zone (CWQZ). The CWQZ significantly reduces the developable area of the subject tract.
 - The Land Development Code already has a provision to allow a 20% reduction to the required parking (LDC Sec. 25-6-48 – Motor Vehicle Reductions General). This automatic reduction is limited to areas in the 'urban core'. As shown on the Exhibit, our site is immediately adjacent

COMMITMENT YOU EXPECT.
EXPERIENCE YOU NEED.
PEOPLE YOU TRUST.



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BOARD OF ADJUSTMENT #CD15-2016-0122

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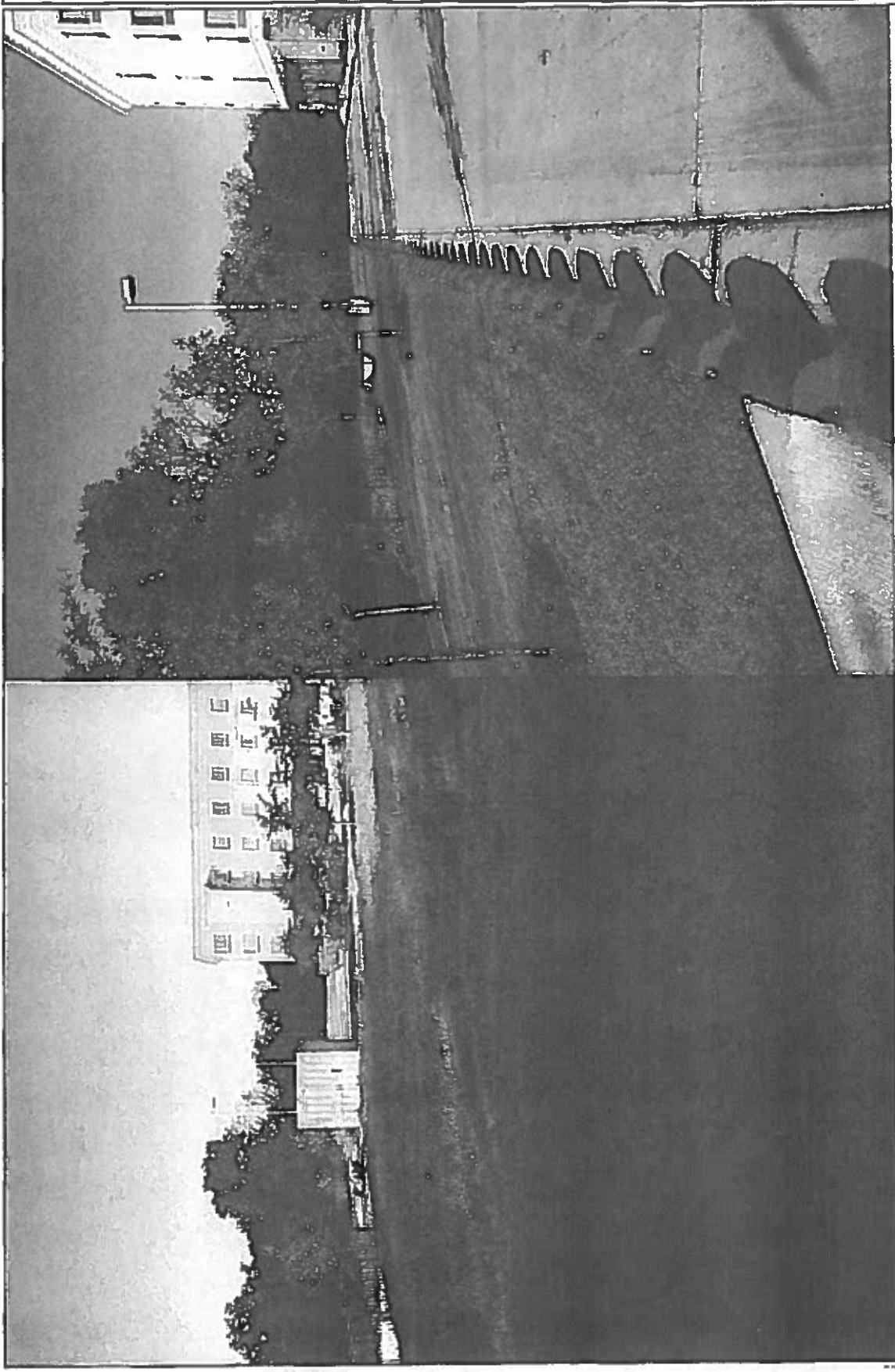
BOARD OF ADJUSTMENT #CD15-2016-0722

EXHIBIT

CANDLEWOOD AND HOLIDAY INN
AUSTIN AIRPORT
6711 E. BEN WHITE BLVD
AUSTIN, TRAVIS COUNTY, TEXAS

SITE PHOTOS

DA DOUCET & ASSOCIATES
Professional Land Surveyors
7401 S. RICHMOND, 7TH FLOOR, SUITE 110
AUSTIN, TEXAS 78741, PHONE 512-353-5400
www.doucetandassociates.com
For Signature: Andrew D. Doucet





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