

Exhibit 5

Map of Neighbors Objecting to the Pool and Driveway Waivers



Exhibit 6

(Notebook #2)

Objection Forms to Hotel Variances Requested for Pool and Driveway
(presented to the Planning Commission on June 28, 2016)

Table of Contents

	Number of Objections
1. Neighbors	73
2. Church in Austin residents (Planning Commission Form)	15
3. Church in Austin members	525
4. Other church leaders	20
5. Other church members	41
Total:	674

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September 1, 2016

Ms. Lynda Courtney
Development Services Process Coordinator
City of Austin
Development Services Department
505 Barton Springs Road
Austin, Texas 78704

Re: Compatibility Waivers for Guesthouse Hotel, 2510 South Congress Avenue
(Site Plan No. SP-2015-0300C).

Dear Ms. Courtney:

As you know, I represent the Church in Austin (hereafter "Church") in connection with the application by applicant Wuest Group (owner Krug Development) for two compatibility waivers for The Guesthouse Hotel project at 2510 S. Congress Avenue (Site Plan No. SP-2015-0300C). The Church in Austin is on the southern adjoining property located at 2530 S. Congress Ave.

On June 28, 2016, the Planning Commission granted two compatibility waivers, as reflected on pages 5 and 6 of the Planning Commission minutes attached as Exhibit "A". The Church in Austin has perfected an appeal of the compatibility waivers granted by the Planning Commission. The Church in Austin's appeal is on Council's September 1, 2016 agenda, although I understand that an agreed postponement to November 3, 2016 is pending.

Since the appeal was docketed, staff has been made aware that the waivers were approved on the basis of an erroneous application of the compatibility rules for this site. Staff assumed (and the Planning Commission was told) that compatibility regulations were triggered only by the SF-3 zoned western portion of the Church property adjoining

BARTON OAKS PLAZA, 901 S. MOPAC EXPWY, BLDG 1, STE 500, AUSTIN, TEXAS 78746
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the site to the south. Under this application of the rules, only the western portion of the site required compatibility waivers.

It is now clear that the proposed development must satisfy compatibility regulations along the entire southern boundary of the site. The eastern portion of the Church tract, although zoned CS-V-CO-NP, is used as a church and therefore triggers compatibility requirements under Section 25-2-1051(A)(1)(a)(ii) of the Land Development Code. The approved compatibility waivers are insufficient to permit the development of the project in the proposed configuration. For example, the Planning Commission approved a waiver for only approximately two-thirds of the length of the driveway along the southern border, not the entire length of driveway along the southern border. The other one-third of the driveway along the southern border was not brought before the Planning Commission. The waiver therefore is insufficient. Indeed, the proposed site plan cannot be approved even with compatibility waivers granted by the Planning Commission because the site plan proposes to exceed the compatibility height limitation on the building closest to South Congress Avenue. As you are aware, the Planning Commission is authorized to grant waivers from the compatibility regulations' height restrictions only in narrow circumstances not applicable here.

The notice of the Planning Commission's hearing on the compatibility waivers, attached as Exhibit "B", falsely portrayed that "Two waivers to Compatibility standards are required", when in fact additional compatibility waivers and variances are required. The Planning Commission considered the waivers in conjunction with a site plan that cannot be approved under the compatibility regulations even with waivers from the Planning Commission. The Planning Commission conditioned the waivers on adherence to "mitigating measures" that were, again, tied to a specific configuration of the site. See Compatibility Waiver Review Sheet, Scott Wuest Memo (March 30, 2016), attached as Exhibit "C".

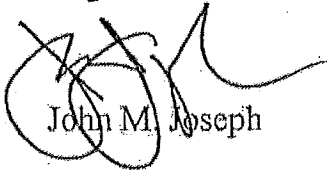
Given these circumstances, it is clear that the compatibility waivers were conditioned on an incomplete and inaccurate notice and an inaccurate depiction of the allowable development. The waivers are void, and the applicant should be required to resubmit its request for compatibility waivers to the Planning Commission. Moreover, the applicant should be allowed to resubmit a waiver request only after submitting a site plan that otherwise complies with applicable compatibility regulations. The Planning Commission cannot make an informed judgment about the need for compatibility waivers without such information.

September 1, 2016

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We accordingly request that you advise the applicant that the compatibility waivers are void and the existing site plan is rejected, and that the applicant will be permitted to reapply for compatibility waivers only after submission of a site plan that otherwise complies with applicable development regulations.

Regards



John M. Joseph

Cc: Greg Guernsey
Rodney Gonzales
Brent Lloyd



**REGULAR MEETING
MINUTES**

**PLANNING COMMISSION
June 28, 2016**

The Planning Commission convened in a regular meeting on June 28, 2016 @ 301 W. 2nd Street, Austin, TX 78701

Chair Stephen Oliver called the Commission Meeting to order at 6:03 p.m.

Commission Members in Attendance:

Stephen Oliver – Chair
Fayez Kazi – Vice – Chair (*left early*)
Karen McGraw
Tom Nuckols
Angela PineyroDeHoyos
James Schissler
Patricia Seeger
James Shieh
Jose Vela
Trinity White
Michael Wilson
Nuria Zaragoza

William Burkhardt – Ex-Officio

Absent:

Jeffrey Thompson

Robert Hinojosa – Ex-Officio
Dr. Jayme Mathias – Ex-Officio

EXECUTIVE SESSION (No public discussion)

The Planning Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The commission may not conduct a closed meeting without the approval of the city attorney.

Private Consultation with Attorney – Section 551.071



A. CITIZEN COMMUNICATION: GENERAL

Ms. Susana Almanza – Presented a video concerning the displacement of residents at Cactus Rose Mobile Home Park.

Mr. Saul Madero – Presented a video concerning the displacement of residents at Cactus Rose Mobile Home Park.

B. APPROVAL OF MINUTES

1. Approval of minutes from June 14, 2016.

The motion to approve the minutes from June 14, 2016 was approved on the consent agenda by Commissioner Jose Vela, Commissioner Nuria Zaragoza seconded the motion on a vote of 12-0. Commissioner Jeffrey Thompson absent.

C. PUBLIC HEARINGS

1. **Rezoning:** **C14-2016-0025 - St. James Missionary Baptist Church; District 1**
Location: 3417 East Martin Luther King, Jr. Boulevard, Tannehill Branch Watershed; East MLK Combined NP Area
Owner/Applicant: St. James Missionary Baptist Church (Thomas J. Owens)
Agent: Urban Design Group (Laura Toups)
Request: SF-3-NP to SF-6-NP
Staff Rec.: **Recommended**
Staff: Heather Chaffin, 512-974-2122
Planning and Zoning Department

Public Hearing closed.

Motion by Vice-Chair Fayezi Kazi, seconded by Commissioner Tom Nuckols to grant SF-6-CO combining district zoning with a maximum of 60 units and to prohibit the payment in-lieu for on-site water quality controls, was approved on a vote of 8-4. Those voting aye were: Chair Stephen Oliver, Vice-Chair Fayezi Kazi, Commissioner Karen McGraw, Commissioner Tom Nuckols, Commissioner Patricia Seeger, Commissioner James Shieh, Commissioner Trinity White, and Commissioner Nuria Zaragoza. Those voting nay were: Commissioner Angela PineryoDeHoyos, Commissioner James Schissler, Commissioner Michael Wilson and Commissioner Jose Vela. Commissioner Jeffrey Thompson absent.

Planning Commission Note: Direction to staff to further study connection of this property to the larger JJ Seabrook trail network to the north and report to Council.

2. **Rezoning:** C14-2015-0146 - 1414 W. Oltorf; District 5
Location: 1404, 1408, 1412, 1414 W. Oltorf St & 2043 S. Lamar Blvd, West Bouldin Creek Watershed; Zilker NP Area
Owner/Applicant: Jstrain, LLC (Scott Trainer)
Agent: Metcalfe, Wolff, Stuart & Williams, LLP (Michele Rogerson Lynch)
Request: CS, SF-3, CS-CO (Tract 1) & CS-MU-V-CO (Tract 2) to CS-MU-CO (Tract 1) & CS-MU-V-CO (Tract 2)
Staff Rec.: **Recommended**
Staff: Andrew Moore, 512-974-7604
Planning and Zoning Department

The motion to grant staff's request for postponement of this item to July 12, 2016 was approved on the consent agenda by Commissioner Jose Vela, Commissioner Nuria Zaragoza seconded the motion on a vote of 12-0. Commissioner Jeffrey Thompson absent.

3. **Rezoning:** C14-2016-0039 - Thornton 2; District 5
Location: 2413 Thornton Road, West Bouldin Creek Watershed; South Lamar NP Area
Owner/Applicant: John Hobberman
Agent: South Llano Strategies (Glen Coleman)
Request: CS to MF-4-CO
Staff Rec.: **Recommendation of MF-2-CO**
Staff: Andrew Moore, 512-974-7604
Planning and Zoning Department

Public Hearing closed.

The motion to grant the Applicant's request for MF-4-CO combining district zoning with the condition of a 70 unit dwelling cap and to include the traffic mitigation measures per the Neighborhood Traffic Analysis (see Staff Report - Ivan Naranjo and Scott A. James, Development Services Department, Neighborhood Traffic Analysis for Thornton Road, Memo (June 22, 2016) pgs. 10-12), was approved on Commissioner Angela PineyroDeHoyo's motion, seconded by Commissioner Patricia Seeger on a vote of 10-1. Commissioner Tom Nuckols voted nay. Vice-Chair Faye Kazi (*left early*) and Commissioner Jeffrey Thompson absent.

Planning Commission Note: Applicant informed the Commission he is amenable to participating in the SMART Housing program.

4. **Rezoning:** **C14-2015-0119 - Neal Mixed Use Zoning; District 9**
Location: 1507, 1509, 1511, 1601, & 1603 Shoal Creek Boulevard, Shoal Creek Watershed; Downtown Austin Plan
Owner/Applicant: F. Scott Holdings LLC (John S. Neal), Neal Family Chalet LP, Caroline Neal, Francis CC Neal Trust
Agent: Site Specifics (John Hussey)
Request: SF-3, LO, GO to GO-MU
Staff Rec.: **Recommendation of GO-MU**
Staff: Victoria Haase, 512-974-7691
Planning and Zoning Department

The motion to grant the Applicant's request for postponement of this item to August 23, 2016 was approved on the consent agenda by Commissioner Jose Vela, Commissioner Nuria Zaragoza seconded the motion on a vote of 12-0. Commissioner Jeffrey Thompson absent.

5. **Code Amendment:** **C20-2015-018 - Tenant Relocation**
Request: Consider amendments to Title 25 of the Land Development Code related to recommendations regarding tenant relocation assistance requirements.
Staff Rec.: **Recommended**
Staff: Lauren Avioli, 512-974-3141
Neighborhood Housing and Community Development

Public Hearing closed.

Motion by Commissioner Angela PineyroDeHoyos, seconded by Commissioner Tom Nuckols to refer this item to the Codes and Ordinance Joint Committee for further review along with direction to staff to schedule the item for the July 26, 2016 Planning Commission agenda was approved on a 10-0-1 vote. Commissioner James Schissler recused himself from this item. Vice-Chair Faye Kazi (*left early*) and Commissioner Jeffrey Thompson absent.

6. **Code Amendment:** **C20-2015-004 - Subchapter F: Carport and Garage Exemptions**
Request: Consider an amendment to Title 25 of the City Code to change regulations related to Subchapter F gross floor area exemptions for garages and carports.
Staff Rec.: **Recommended**
Staff: Greg Dutton, 512-974-3509
Planning and Zoning Department

Public Hearing closed.

There was a motion by Commissioner Trinity White, seconded by Commissioner James Schissler to deny staff recommendation and recommend the amendment be reviewed during the CodeNext rewrite.

There was a substitute motion by Commissioner Karen McGraw to grant staff's recommendation and allow existing carports to maintain their exemptions. The motion failed to garner a second. There was a motion by Commissioner Jose Vela to remove Article 3, increase F.A.R. to .6 and increase square footage to 3,450 feet. *Motion deemed erroneous in disposing of the item as posted on the Planning Commission agenda.*

There was a substitute motion by Commissioner James Shieh to grant staff recommendation with a 450 square foot exemption. The motion failed to garner a second.

Substitute motion by Commissioner Nuria Zaragoza, seconded by Commissioner Patricia Seeger to deny staff recommendation was approved on an affirmative vote of 9-2. Commissioner Karen McGraw and Commissioner Tom Nuckols voted nay. Vice-Chair Fayez Kazi (left early) and Commissioner Jeffrey Thompson absent.

Planning Commission Note: Commission strongly encourages the CodeNEXT Group to review Subchapter F and the issue of F.A.R.

7. **Site Plan - Conditional Use Permit:** **SPC-2015-0600A - Eberly; District 5**
Location: 615 S. Lamar Boulevard, West Bouldin Creek Watershed; Zilker NP Area
Owner/Applicant: 613 South Lamar LLC
Agent: Armbrust & Brown, PLLC (Richard Suttle)
Request: Approval of a Conditional Use Permit for a restaurant with late hours in CS-V zoning and approval of a compatibility setback variance for parking.
Staff Rec.: **Recommended**
Staff: Donna Galati, 512-974-2733
Development Services Department

The motion to grant the Applicant's request for postponement of this item to July 12, 2016 was approved on the consent agenda by Commissioner Jose Vela, Commissioner Nuria Zaragoza seconded the motion on a vote of 12-0. Commissioner Jeffrey Thompson absent.

8. **Site Plan - Compatibility Waiver:** **SP-2015-0300C - 2510 S. Congress; District 3**
Location: 2510 South Congress Avenue, East Bouldin Creek Watershed; Dawson NP Area
Owner/Applicant: Krug Development (David Krug)
Agent: Wuest Group, Ltd. (Scott Wuest)
Request: Approval of compatibility waivers for driveway setback within 15' and swimming pool within 50' of residential property.
Staff Rec.: **Recommended**
Staff: Lynda Courtney, 512-974-2810,
Development Services Department

Public Hearing closed.

The motion to divide the question of granting compatibility waivers for SP-2015-0300C - 2510 S. Congress located at 2510 South Congress Avenue, and to grant the approval of a compatibility waiver

for a driveway setback within 15' of a residential property, contingent upon the adherence to the mitigating measures as proposed by the applicant/owner (*see Compatibility Waiver Review Sheet, Scott Wuest - Memo (March 30, 2016) pgs. 6-7*), was approved on Commissioner James Schissler's motion, seconded by Commissioner James Shieh on an affirmative vote of 9-2. Commissioners Karen McGraw and Tom Nuckols voted nay. Vice-Chair Fayez Kazi (*left early*) and Commissioner Jeffrey Thompson absent.

The motion to grant the approval of a compatibility waiver for a swimming pool within 50' of residential property, contingent upon the adherence to the mitigating measures as proposed by the applicant/owner (*see Compatibility Waiver Review Sheet, Scott Wuest - Memo (March 30, 2016) pg. 6-7*), was approved on Commissioner James Schissler's motion, seconded Commissioner Patricia Seeger on an affirmative vote of 8-3. Commissioners Tom Nuckols, Trinity White and Nuria Zaragoza voted nay. Vice-Chair Fayez Kazi (*left early*) and Commissioner Jeffrey Thompson absent.

9. **Site Plan - Hill Country Roadway:** **SPC-2016-0258C - 5301 Southwest Parkway - Phase II; District 8**
Location: 5301 Southwest Parkway, Barton Creek Watershed-Barton Springs Zone; Oak Hill Combined (West Oak Hill) NP Area
Owner/Applicant: Drawbridge 5301 SW Pkwy, LLC (Michael Embree)
Agent: Bury (Joe Farias, P.E.)
Request: Approve a site plan to increase the size of an existing building and add amenities with associated improvements in the Southwest Parkway Low Intensity Hill Country Roadway.
Staff Rec.: **Recommended**
Staff: Christine Barton-Holmes, 512-974-2788
Development Services Department

Public Hearing closed.

The motion to grant staff's recommendation for SPC-2016-0258C - 5301 Southwest Parkway - Phase II located at 5301 Southwest Parkway was approved on the consent agenda by Commissioner Jose Vela, Commissioner Nuria Zaragoza seconded the motion on a vote of 12-0. Commissioner Jeffrey Thompson absent.

10. **Resubdivision:** **C8-2016-0036.0A - Resubdivision of Lot 2, Longhorn Business Park No. 3 and Lots A and B, Block A, Resubdivision of Lots 1, 2 & 3, Block A, Longhorn Business Park; District 7**
Location: 2608 Brockton Drive, Walnut Creek Watershed; North Burnet / Gateway TOD
Owner/Applicant: 2608 Brockton Ltd. (Andy Portor)
Agent: Stantec (Lauren Beavers)
Request: Approve the resubdivision of 3 lots into 2 lots on 4.024 acres.
Staff Rec.: **Recommended**

Staff: Sylvia Limon, 512-974-2767
Development Services Department

Public Hearing closed.

The motion to grant staff's recommendation for C8-2016-0036.0A - Resubdivision of Lot 2, Longhorn Business Park No. 3 and Lots A and B, Block A, Resubdivision of Lots 1, 2 & 3, Block A, Longhorn Business Park located at 2608 Brockton Drive was approved on the consent agenda by Commissioner Jose Vela, Commissioner Nuria Zaragoza seconded the motion on a vote of 12-0. Commissioner Jeffrey Thompson absent.

11. Final Plat without Preliminary: C8J-2015-0106.0A - Easton Park Section 1B Final Plat; District 2

Location: McKinney Falls Parkway, Cottonmouth Creek Watershed; Pilot Knob MUD
Owner/Applicant: Carma Easton, LLC (Shaun Cranston)
Agent: Stantec, Inc. (Joe Farias)
Request: Approval of the Easton Park Section 1B Final Plat, containing 5 lots on 93.48 acres.
Staff Rec.: **Recommended**
Staff: Michael Hettenhausen, 512-854-7563
Travis County/City of Austin Single Office

Public Hearing closed.

The motion to grant staff's recommendation for C8J-2015-0106.0A - Easton Park Section 1B Final Plat located at McKinney Falls Parkway was approved on the consent agenda by Commissioner Jose Vela, Commissioner Nuria Zaragoza seconded the motion on a vote of 12-0. Commissioner Jeffrey Thompson absent.

12. Final Plat with Preliminary: C8J-2015-0188.1A - Easton Park Section 2A Final Plat; District 2

Location: Colton Bluff Springs Road, Cottonmouth Creek Watershed; Pilot Knob MUD
Owner/Applicant: Carma Easton, LLC (Shaun Cranston)
Agent: Peloton Land Solutions (Jonathan Fleming)
Request: Approval of the Easton Park Section 2A Final Plat, containing 18 lots on 55.95 acres.
Staff Rec.: **Recommended**
Staff: Michael Hettenhausen, 512-854-7563
Travis County/City of Austin Single Office

Public Hearing closed.

The motion to grant staff's recommendation for C8J-2015-0188.1A - Easton Park Section 2A Final Plat located at Colton Bluff Springs Road was approved on the consent agenda by Commissioner Jose Vela, Commissioner Nuria Zaragoza seconded the motion on a vote of 12-0. Commissioner Jeffrey Thompson absent.

- 13. Preliminary Plan:** **C8-2015-0260 - Rancho Garza Subdivision Preliminary Plan;**
District 8
Location: 3800 Ben Garza Lane, Williamson Creek Watershed-Barton Springs
Zone; Oak Hill Combined (East Oak Hill) NP Area
Owner/Applicant: Rancho Garza Ltd. (C. Daniel Wheelus)
Agent: Cunningham-Allen, Inc. (Elias Haddad)
Request: Approval of the preliminary plan composed of 10 lots on 34.717 acres.
Staff Rec.: **Recommendation pending**
Staff: Cesar Zavala, 512-974-3404
Development Services Department

Public Hearing closed.

The motion by Commissioner Angela PineyroDeHoyos, seconded by Commissioner James Shieh to grant approval of the preliminary plan composed of 10 lots on 34.717 acres for C8-2015-0260 - Rancho Garza Subdivision Preliminary Plan located at 3800 Ben Garza Lane, and friendly amendment by Commissioner Tom Nuckols that the preliminary plan shall note the unnamed private Drive as Sabio Drive was approved on a vote of 12-0. Commissioner Jeffrey Thomson absent.

- 14. Final Plat with Preliminary Plan:** **C8-2015-0260.1A - Rancho Garza Subdivision; District 8**
Location: 3800 Ben Garza Lane, Williamson Creek Watershed-Barton Springs
Zone; Oak Hill Combined (East Oak Hill) NP Area
Owner/Applicant: Rancho Garza Ltd. (C. Daniel Wheelus)
Agent: Cunningham-Allen, Inc. (Elias Haddad)
Request: Approval of the final plat composed of 10 lots on 34.717 acres.
Staff Rec.: **Recommendation pending**
Staff: Cesar Zavala, 512-974-3404
Development Services Department

Public Hearing closed.

The motion by Commissioner Angela PineyroDeHoyos, seconded by Commissioner James Shieh to grant approval of the final plat composed of 10 lots on 34.717 acres C8-2015-0260.1A - Rancho Garza Subdivision located at 3800 Ben Garza Lane and friendly amendment by Commissioner Tom Nuckols that the preliminary plan shall note the unnamed private Drive as Sabio Drive was approved on a vote of 12-0. Commissioner Jeffrey Thomson absent.

- 15. Street Vacation:** **F#9677-1604; District 3**
Location: Approximately located at 2220 Riverview Street
Owner/Applicant: City of Austin Parks and Recreation Department
Request: Vacation of a portion of Riverview Street.
Staff Rec.: **Recommended**
Staff: Kim Vasquez, 974-9241
Office of Real Estate Services

Public Hearing closed.

The motion to grant staff's recommendation for vacation of a portion of Riverview Street approximately located at 2220 Riverview Street was approved on the consent agenda by Commissioner Jose Vela, Commissioner Nuria Zaragoza seconded the motion on a vote of 12-0. Commissioner Jeffrey Thompson absent.

16. **Final Plat:** **C8J-2016-0121.0A - Thomas Springs Addition; District 8**
Location: 7919 Thomas Springs Road, Williamson Creek Watershed-Barton Springs Zone; Oak Hill Combined (West Oak Hill) NP Area
Owner/Applicant: Logo Grande Enterprises LLC (Brandon Brydson)
Agent: Kinley Horn & Associates, Inc. (Andrew S. Evans)
Request: The request is for approval of Thomas Springs Addition. The proposed plat is composed of 2 lots on 5.04 acres.
Staff Rec.: **Disapproval**
Staff: Development Services Department
17. **Final Plat - Amended Plat:** **C8-2016-0111.1A - Ogden Farms Subdivision, Amended; District 2**
Location: 5501 South IH 35 Service Road Northbound, Williamson Creek Watershed; Franklin Park NP Area
Owner/Applicant: HAG RE CDT LLC
Agent: Stantec Consulting Services (David Miller)
Request: The request is for approval of the Ogden Farms Subdivision, Amended. The applicant is proposing to combine existing Lot 1 and Lot 2 into one lot of 14.61 acres.
Staff Rec.: **Disapproval**
Staff: Development Services Department
18. **Final Plat with Preliminary:** **C8-2016-0017.3A - Grant B Subdivision; District 1**
Location: 3601 Grant Street, Tannehill Branch Watershed; MLK NP Area
Owner/Applicant: Scott Way
Agent: Big Red Dog (Jerett Daw)
Request: The request is for approval of Grant B Subdivision. The proposed plat is composed of 13 lots on 1.89 acres.
Staff Rec.: **Disapproval**
Staff: Don Perryman, 512-974-2786
Development Services Department

19. Final Plat - **C8-2016-0117.0A - Lot 2, Woodwillow Addition, Resubdivision;**
Resubdivision: **District 3**
Location: 3409 Willow Springs Road, Blunn Creek Watershed; St. Edwards NP Area
Owner/Applicant: Khabé Lehfed Properties (Steve Portnoy)
Agent: AJ Ghaddar, P.E. & Associates (Marco Castaneda)
Request: The request is for approval of the resubdivision of Lot 2, Woodwillow Addition. The proposed plat is composed of 2 lots on 0.375 acres.
Staff Rec.: **Disapproval**
Staff: Development Services Department

Public Hearing closed.

The motion to disapprove Items #16-19 was approved on the consent agenda by Commissioner Jose Vela, Commissioner Nuria Zaragoza seconded the motion on a vote of 12-0. Commissioner Jeffrey Thompson absent.

20. Preliminary Plan: **C8-2015-0200 - Woodbridge; District 1**
Location: 5036 Samuel Huston Avenue, Fort Branch Watershed; MLK-183 NP Area
Owner/Applicant: South Llano (Glen Coleman)
Agent: Civiltude Engineers (Fayez Kazi)
Request: Approval of the preliminary plan for Woodbridge Subdivision, containing 10 lots on 2.87 acres.
Staff Rec.: **Recommended**
Staff: Steve Hopkins, 512-974-3175
 Development Services Department

Public Hearing closed.

The motion grant staff's recommendation for C8-2015-0200 - Woodbridge located at 5036 Samuel Huston Avenue was approved on the motion by Commissioner Jose Vela, seconded by Commissioner James Schissler on a vote of 11-0. Vice-Chair Fayez Kazi (*left early*) and Commissioner Jeffrey Thompson absent.

D. NEW BUSINESS

- 1.** Discussion and possible action to initiate a code amendment to § 25-2-567, Special Requirement for Affordable Housing in Certain Multifamily Districts, to explore expanding MF-6 regulations to more restrictive Multifamily Districts. (Vice-Chair Fayez Kazi, Commissioner James Shieh)

Commissioner James Schissler's motion, seconded by Chair Stephen Oliver to postpone this item to July 26, 2016 was approved on a vote of 11-0. Vice-Chair Fayez Kazi (*left early*) and Commissioner Jeffrey Thompson absent.

2. Discussion and possible action on amending the Planning Commission Bylaws and forward to Audit and Finance for approval.

Commissioner James Schissler's motion, seconded by Chair Stephen Oliver to postpone this item to July 26, 2016 was approved on a vote of 11-0. Vice-Chair Fayez Kazi (*left early*) and Commissioner Jeffrey Thompson absent.

3. Discussion and possible action on amending the Planning Commission Rules of Procedure.

Commissioner James Schissler's motion, seconded by Chair Stephen Oliver to postpone this item to July 26, 2016 was approved on a vote of 11-0. Vice-Chair Fayez Kazi (*left early*) and Commissioner Jeffrey Thompson absent.

E. COMMITTEE REPORTS

Committee on Codes and Ordinances

Committee on the Comprehensive Plan

Garage Working Group

Land Development Code Advisory Group

Small Area Planning Joint Committee

F. ADJOURNMENT

Chair Stephen Oliver adjourned the meeting without objection on Wednesday, June 29, 2016 at 1:17 a.m.

The City of Austin is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least 2 days before the meeting date. Please call Jerry Rusthoven at Planning & Zoning Department, at 512-974-3207, for additional information; TTY users route through Relay Texas at 711.



NOTICE OF PUBLIC HEARING SITEPLAN WAIVER

Este aviso le informa de una audiencia pública tratando de un propuesto desarrollo o cambio dentro de una distancia de 500 pies de su propiedad. Si usted desea recibir información en español, por favor llame al (512) 974-2193.

Mailing Date: 06/03/2016

Case Number: SP-2015-0300C

The City of Austin has sent this letter to inform you that we have received an application for a site plan that requires approval by a Land Use Commission (either the Planning Commission or the Zoning and Platting Commission). We are notifying you because City Ordinance requires that all property owners within 500 feet, residents who have a City utility account address within 500 feet, and registered environmental or neighborhood organizations whose declared boundaries are within 500 feet be notified when the City receives an application.

Applicant:	Wuest Group, Scott M. Wuest, (512) 394-1900
Owner:	Krug Development, David Krug, (773) 750-3706
Project Name:	2510 S Congress
Project Address:	2510 S CONGRESS AVE

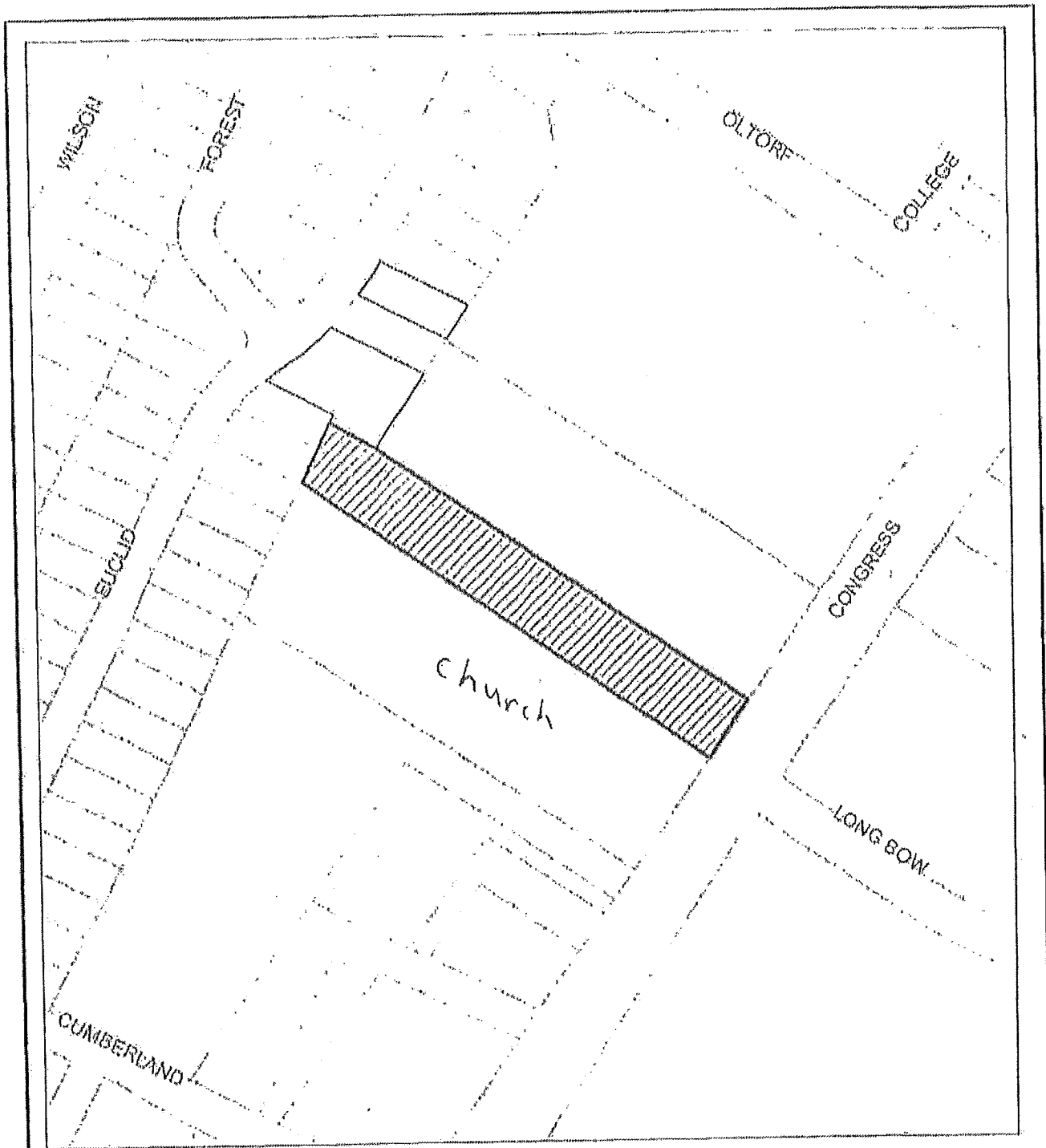
Project Description: The applicant is proposing to construct a hotel with associated improvements. Two waivers to Compatibility standards are required: 25-2-1067(F): to allow an intensive recreational use (swimming pool) within 50' of an adjacent property zoned SF-5 or more restrictive (request 28'); and 25-2-1067(H): to allow a driveway to be constructed within 15' of an adjacent property zoned SF-5 or more restrictive (request 5').

This application is scheduled to be heard by the **Planning Commission on June 14, 2016**. The meeting will be held at City Hall Council Chambers, 301 West 2nd Street beginning at 6:00 p.m.

You can find more information on this site plan by inserting the case number at the following Web site: https://www.austintexas.gov/devreview/a_queryfolder_permits.jsp. For additional questions about the project please contact the applicant, Scott M. Wuest, (512) 394-1900. For technical questions about the permitting process, please contact the case manager, Lynda Courtney, at 512-974-2810 or via e-mail at lynda.courtney@austintexas.gov and refer to the case number located at the top of this notice. You may examine the site plan at One Texas Center by appointment or between the hours of 8:00 a.m. and 11:00 a.m. with the case assistant, Elsa Garza at 512-974-2308 or via email at Elsa.Garza@austintexas.gov, Monday through Friday. The case manager's office is located at One Texas Center, 4th Floor, 505 Barton Springs Road, Austin, Texas.

For additional information on the City of Austin's land development process, please visit our web site www.austintexas.gov/devservices.





Subject Tract



Base Map

CASE#: SP-2015-0300C
LOCATION: 2510 S Congress Ave

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.



[Click here and insert your map]

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.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

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.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices.

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-2015-03400C

Contact: Lynda Courtney, 512-974-2810 or Elsa Garza, 512-974-2308

Public Hearing: Planning Commission: 6-14-2016 at 6:00 p.m. ←

☐ I am in favor
☐ I object

Your Name (please print)

Your address(es) affected by this application

Signature

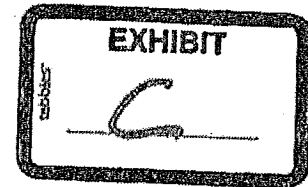
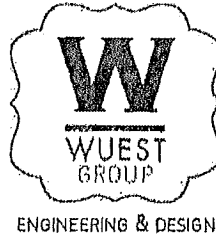
Date

Daytime Telephone:

Comments:

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

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



March 30, 2016

Ms. Lynda Courtney
Development Services Department
City of Austin
505 Barton Springs Road
Austin, TX 78704

RE: *Compatibility Waiver*
The Guesthouse Hotel
2510 S Congress
SP-2015-0300C
Austin, Travis County, Texas

Dear Ms. Courtney,

Please accept this letter as our formal request for waivers from the City of Austin Land Development Code for the following two items:

- Section 25-2-1067 (F) Design Regulations. Allow an Intensive recreational use (a swimming pool and three small cabanas) to be constructed 50 feet or less from adjoining property zoned SF-5 or more restrictive district. The proposed swimming pool is located over 30' from the closest triggering property and the cabanas are located approximately 28' away from the property line. We request a waiver to reduce the setback from 50' to 28'.
- Section 25-2-1067 (H) Design Regulations. Allow for a driveway to be constructed within the prescribed 15' driveway setback on a tract adjoining property zoned SF-5 or more restrictive district when the subject lot is less than 125' wide. The driveway/fire lane is proposed to be located 5' away from the property line. We request a waiver to reduce the setback from 15' to 5'.

This Guesthouse Hotel property is located on S. Congress Avenue, a Core Transit Corridor. The Dawson Neighborhood Plan has zoned the front portion of this property, as well as the front portions of the properties on either side of it CS-V-CO-NP. The rear portion of the subject property is zoned GR-V-CO-NP. The proposed use is allowed within both zoning districts.

The adjacent property to the south is zoned SF-3-NP along the back two-thirds of the length of the property. All properties along the rear of the site are zoned SF-3-NP and consist of single family houses. The back portion of the southern adjacent property, as well as the single family uses along the west property line trigger compatibility design standards. The property to the north is zoned CS-V-CO-NP throughout the entire property and thus does not trigger any compatibility issues.

Item C-08

7 of 27

March 30, 2016
Ms. Lynda Courtney
Page 2

The first waiver is to allow an intensive recreational use be placed within 50' of properties zoned SF-5 or more restrictive or used as single family. The owner proposes to add a small swimming pool and three small cabanas in the rear of the site outside of the 25' No Build Line, but within 50' setback. The edge of the pool is approximately 30' from the closest single family use and the proposed cabanas within 28' of the closest single family property. Therefore, we request a reduction from the code's 50' setback to 28'. The pool and surrounding deck area are included in the site's Private Open Space requirements, per Subchapter E.

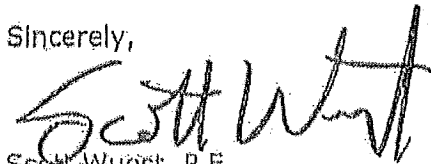
Mitigating Measures: In addition to the 6' privacy fence and a landscape berm at the edge of the property, the owner is proposing to construct a 10' high acoustic wall from the cabanas east along both edges of the pool area. This wall will mitigate sound, in addition to providing a visual screen. Finally, the pool hours will be restricted to 9 am - 10:00 pm to avoid disturbance to the neighbors.

The second waiver request is to allow the construction of a driveway/fire access lane within the 15' code prescribed setback for drives. This 25' driveway will be located 5' from the southern property line and within the setback triggered by the adjacent property to the south. The site is very narrow and contains several heritage trees which are to remain. The proposed hotel has been placed against the north property line to the extent possible to maintain maximum separation from the church property, however compatibility height restrictions and the location of heritage trees on both the north and south property lines dictate the location of the building and thus the driveway.

Mitigating Measures: The owner will construct a 6' privacy fence and add plantings at the edge of the property, to prevent headlights from shining on to the neighboring property. This drive will provide access to underground parking as well as provide required emergency access for the fire department. Basement parking will reduce the noise levels and eliminate possible issues with headlights for the adjacent church property. This driveway location will also push the proposed building to the north, 31' from the church property; 6' further than allowed by City Code.

If there are any questions, please feel free to contact me at (512) 394-1900. Thank you for your consideration and attention to this project.

Sincerely,



Scott Wuest, P.E.
Wuest Group

Texas Firm Registration No. 15324



NOTICE OF PUBLIC HEARING SITEPLAN WAIVER

Este aviso le informa de una audiencia pública tratando de un propuesto desarrollo o cambio dentro de una distancia de 500 pies de su propiedad. Si usted desea recibir información en español, por favor llame al (512) 974-2193.

Mailing Date: 09/30/2016

Case Number: SP-2015-0300C

The City of Austin has sent this letter to inform you that we have received an application for a site plan that requires approval by a Land Use Commission (either the Planning Commission or the Zoning and Platting Commission). We are notifying you because City Ordinance requires that all property owners within 500 feet, residents who have a City utility account address within 500 feet, and registered environmental or neighborhood organizations whose declared boundaries are within 500 feet be notified when the City receives an application.

Applicant:	Wuest Group, Scott M. Wuest, (512) 394-1900
Owner:	Krug Development, David Krug
Project Name:	2510 S Congress
Project Address:	2510 S CONGRESS AVE

Project Description: The applicant is proposing to construct a hotel with associated improvements. Waiver to Compatibility standards is required: 25-2-1067(H): to allow a driveway to be constructed within 15' of an adjacent property zoned SF-5 or more restrictive, and 25-2-1064: to allow a building to be constructed less than the 25' setback from the Congress Avenue right-of-way.

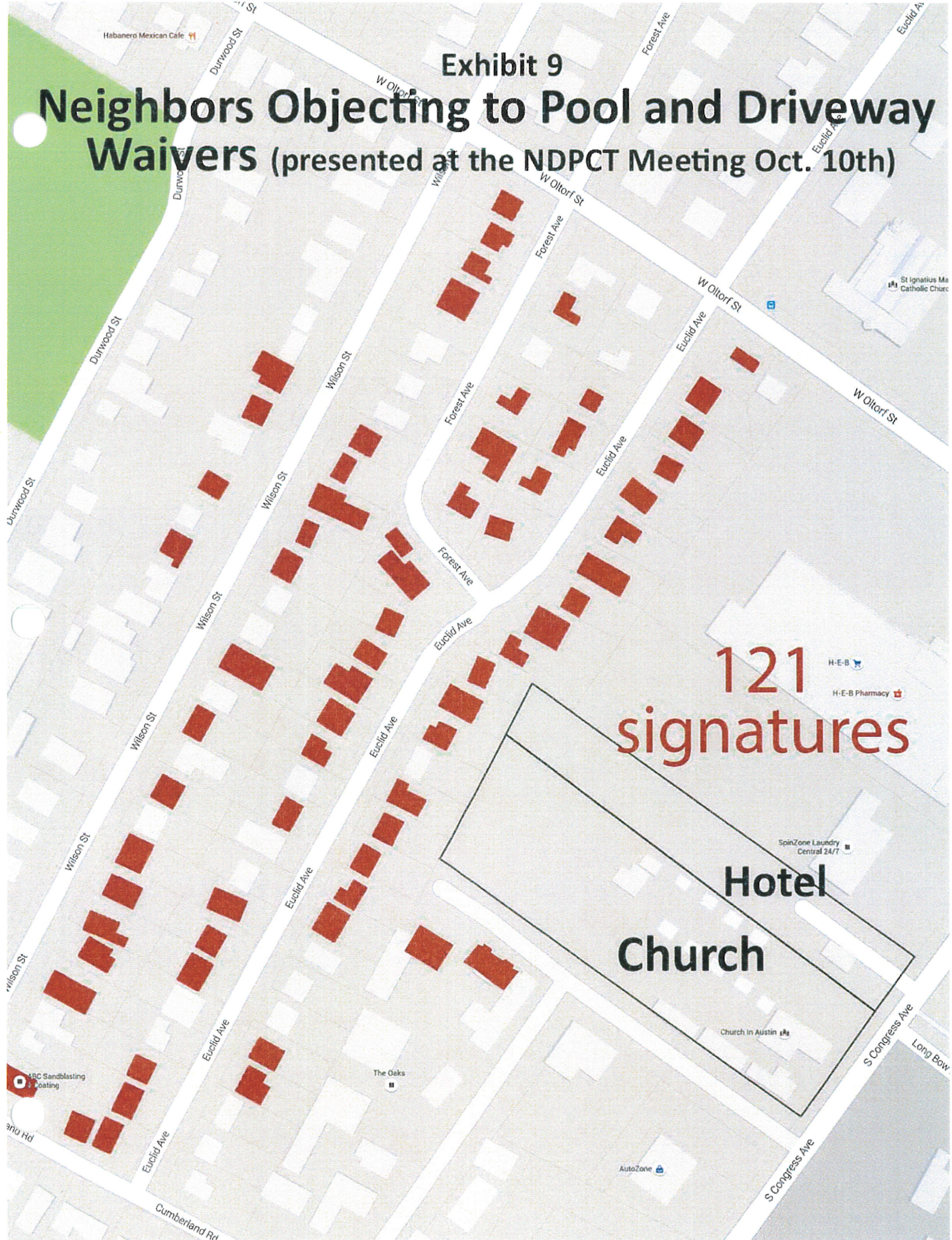
This application is scheduled to be heard by the **Planning Commission on October 11, 2016**. The meeting will be held at City Hall Council Chambers, 301 West 2nd Street beginning at 6:00 p.m.

You can find more information on this site plan by inserting the case number at the following Web site: https://www.austintexas.gov/devreview/a_queryfolder_permits.jsp. For additional questions about the project please contact the applicant, Scott M. Wuest, (512) 394-1900. For technical questions about the permitting process, please contact the case manager, Lynda Courtney, at 512-974-2810 or via e-mail at lynda.courtney@austintexas.gov and refer to the case number located at the top of this notice. You may examine the site plan at One Texas Center by appointment or between the hours of 8:00 a.m. and 11:00 a.m. with the case assistant, Elsa Garza at 512-974-2308 or via email at elsa.garza@austintexas.gov, Monday through Friday. The case manager's office is located at One Texas Center, 4th Floor, 505 Barton Springs Road, Austin, Texas.

For additional information on the City of Austin's land development process, please visit our web site www.austintexas.gov/devservices.

Exhibit 9

Neighbors Objecting to Pool and Driveway Waivers (presented at the NDPCT Meeting Oct. 10th)





NOTICE OF PUBLIC HEARING SITEPLAN WAIVER

Este aviso le informa de una audiencia pública tratando de un propuesto desarrollo o cambio dentro de una distancia de 500 pies de su propiedad. Si usted desea recibir información en español, por favor llame al (512) 974-2193.

Mailing Date: October 14, 2016

Case Number: SP-2015-0300C

The City of Austin has sent this letter to inform you that we have received an application for a site plan that requires approval by a Land Use Commission (either the Planning Commission or the Zoning and Platting Commission). We are notifying you because City Ordinance requires that all property owners within 500 feet, residents who have a City utility account address within 500 feet, and registered environmental or neighborhood organizations whose declared boundaries are within 500 feet be notified when the City receives an application.

Applicant:	Wuest Group, Scott M. Wuest, (512) 394-1900
Owner:	Krug Development, David Krug
Project Name:	2510 S Congress
Project Address:	2510 S CONGRESS AVE

Project Description: The applicant is proposing to construct a hotel with associated improvements. Waiver to Compatibility standards is required: 25-2-1062: to allow a building to be constructed within 24' of an adjacent property zoned SF-5 or more restrictive, and 25-2-1064: to allow a building to be constructed less than the 25' setback from the Congress Avenue right-of-way.

This application is scheduled to be heard by the **Planning Commission on October 25, 2016**. The meeting will be held at City Hall Council Chambers, 301 West 2nd Street beginning at 6:00 p.m.

You can find more information on this site plan by inserting the case number at the following Web site: https://www.austintexas.gov/devreview/a_queryfolder_permits.jsp. For additional questions about the project please contact the applicant, Scott M. Wuest, 512-394-1900. For technical questions about the permitting process, please contact the case manager, Lynda Courtney, at 512-974-2810 or via e-mail at lynda.courtney@austintexas.gov and refer to the case number located at the top of this notice. You may examine the site plan at One Texas Center by appointment or between the hours of 8:00 a.m. and 11:00 a.m. with the case assistant, Elsa Garza at 512-974-2308 or via email at, elsa.garza@austintexas.gov Monday through Friday. The case manager's office is located at One Texas Center, 4th Floor, 505 Barton Springs Road, Austin, Texas.

For additional information on the City of Austin's land development process, please visit our web site www.austintexas.gov/devservices.

Exhibit 11-A

Neighbors Objecting to the Building Variances



Exhibit 11B

(Notebook #3)

Objection Forms to Hotel Variances Requested for Building
(prepared to present to Planning Commission on October 25, 2016. This hearing was
postponed.)

Table of Contents

	Number of Objections
1. Neighbors (Planning Commission Form)	40
2. Neighbors (Church Form; of the 58, 30 are included above)	28
3. Church Residents (Planning Commission Form)	19
4. Church Members (Church Form)	542

Total: 629

Exhibit 12

(Notebook #4)

Objections to Hotel Variances Requested for Pool, Driveway, and Building
(before the Board of Adjustment)

Table of Contents

	Number of Objections
1. Neighbors (Board of Adjustment Form)	13
2. Church Residents (Board of Adjustment Form)	19
3. Church Members (Church Form)	420

Total: 452

Exhibit 13
Narrow Lots on S. Congress Ave.

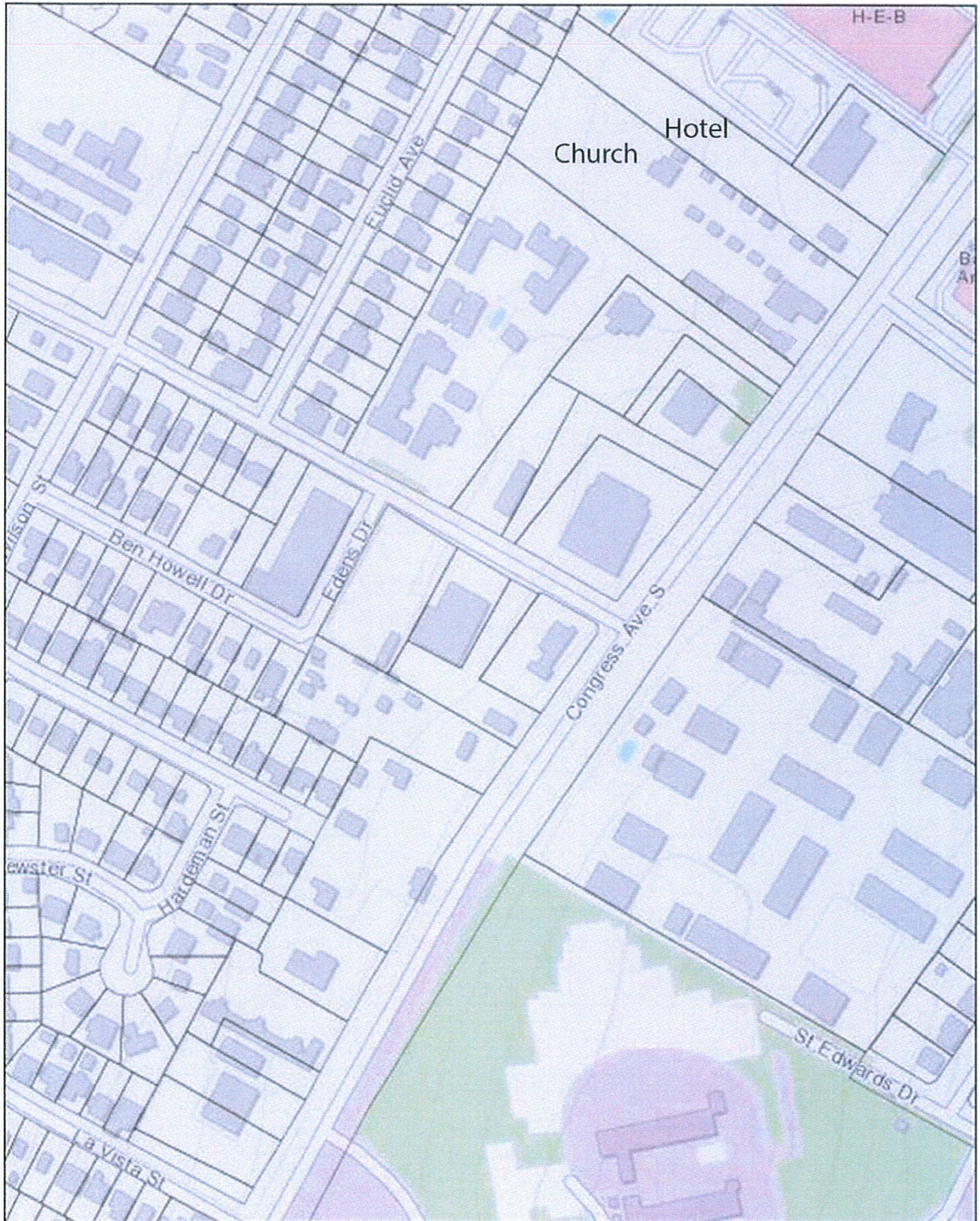


Exhibit 14
Developer's Area Map
Location Map

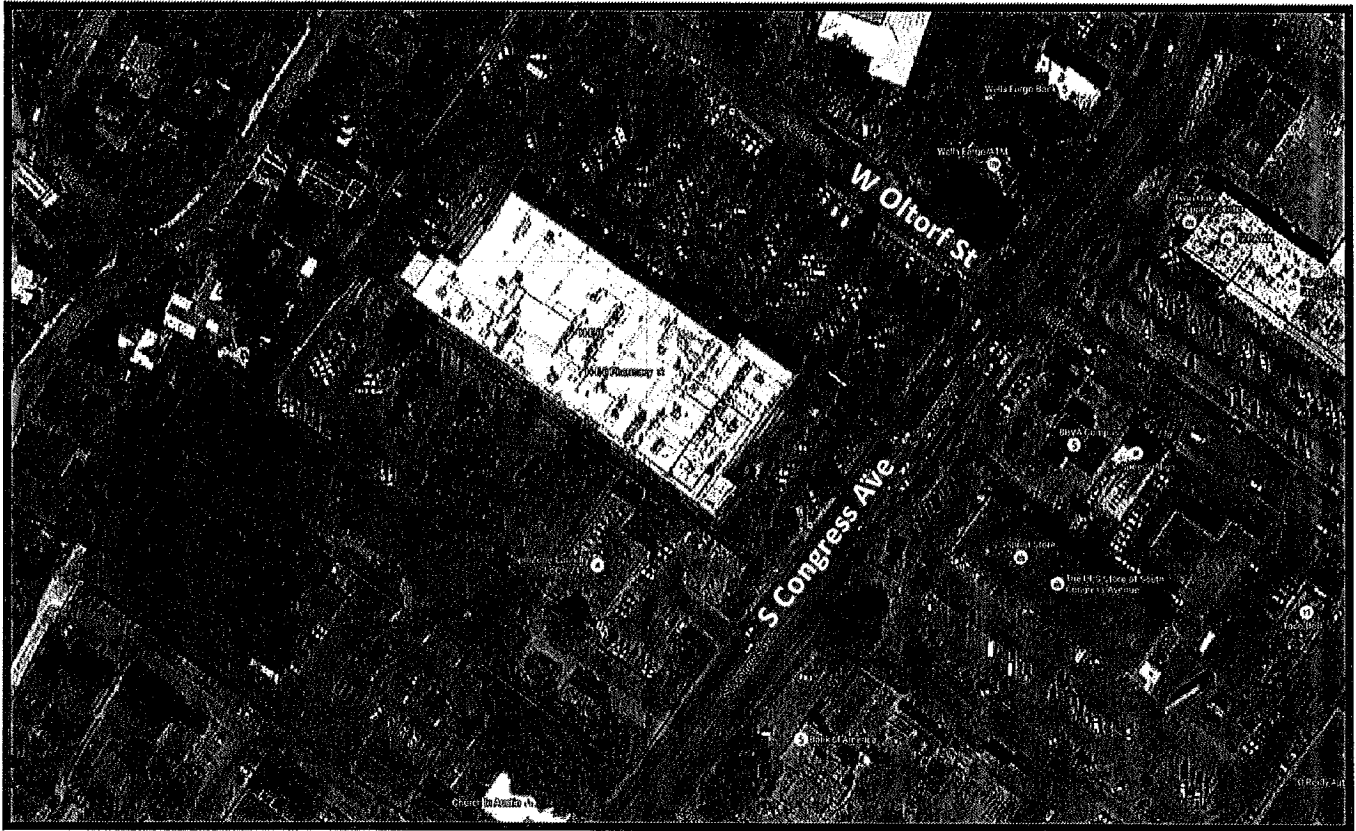


Exhibit 15

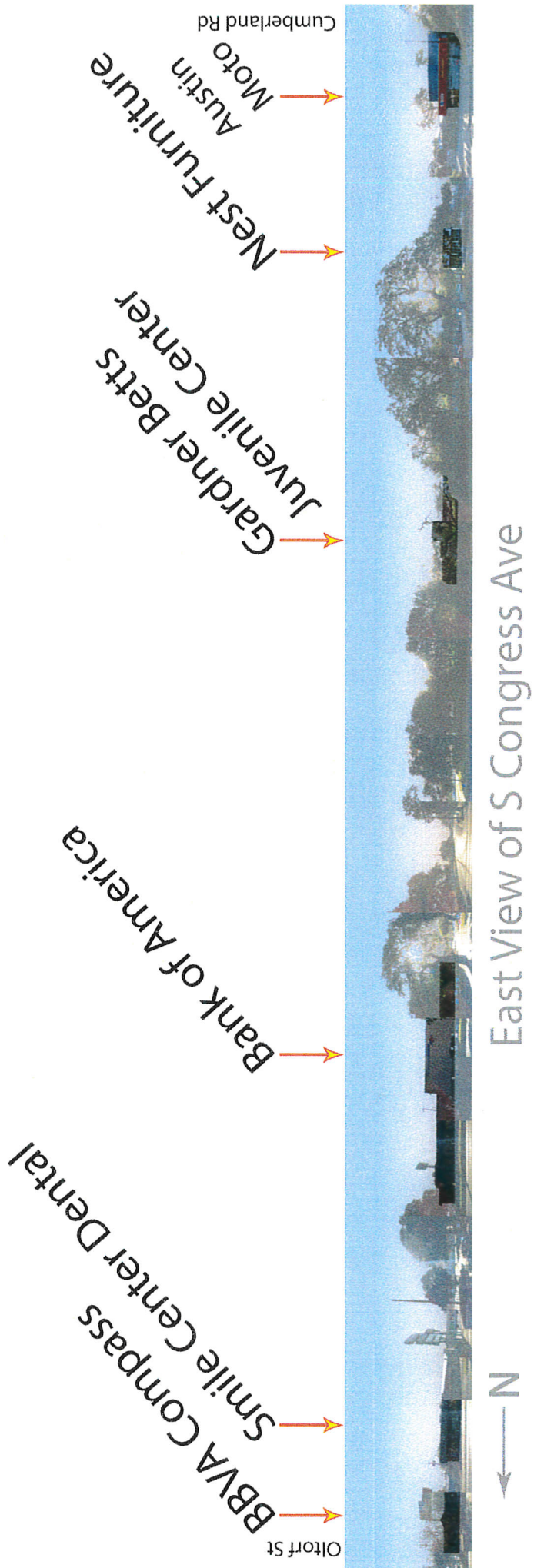
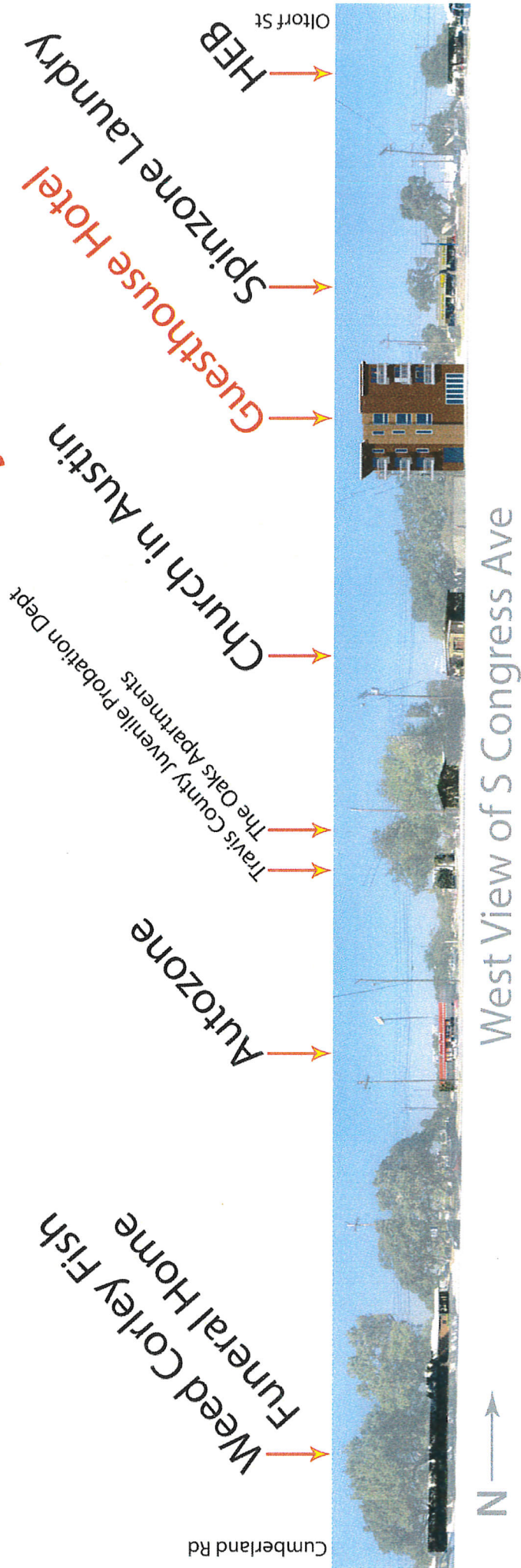
Zoning of Surrounding Area Showing Transition



- Commercial
- Multi family MF-3
- Single family SF-3
- Civic Use



Variances Will Alter the Character of the Adjacent Area



8/16/2016



REISSUED
CERTIFICATE OF OCCUPANCY

DEVELOPMENT SERVICE DEPARTMENT
CITY OF AUSTIN, TEXAS

BUILDING PERMIT NO: 148940

ORIGINAL DATE: APRIL 22, 1975

LEGAL DESCRIPTION AS ON ORIGINAL DOCUMENT: UNPLATTED

ZONING: COMMERCIAL

THIS IS TO CERTIFY THAT, THE BUILDING OR STRUCTURE AT THE ADDRESS LISTED BELOW WAS INSPECTED AT THE TIME OF THE ORIGINAL DATE FOR COMPLIANCE WITH THE REQUIREMENTS OF THE AUSTIN CITY CODE FOR USE LISTED BELOW.

ADDRESS: 2530 South Congress Ave.

USE: CHURCH BLDG.

OWNER/BUILDER: THE CHURCH IN AUSTIN

REMARKS: 1 STORY STEEL ADDITION TO EXISTING COMMERCIAL BUILDING TO CREATE CHURCH

Rick Arzola

Carl Wren, Building Official

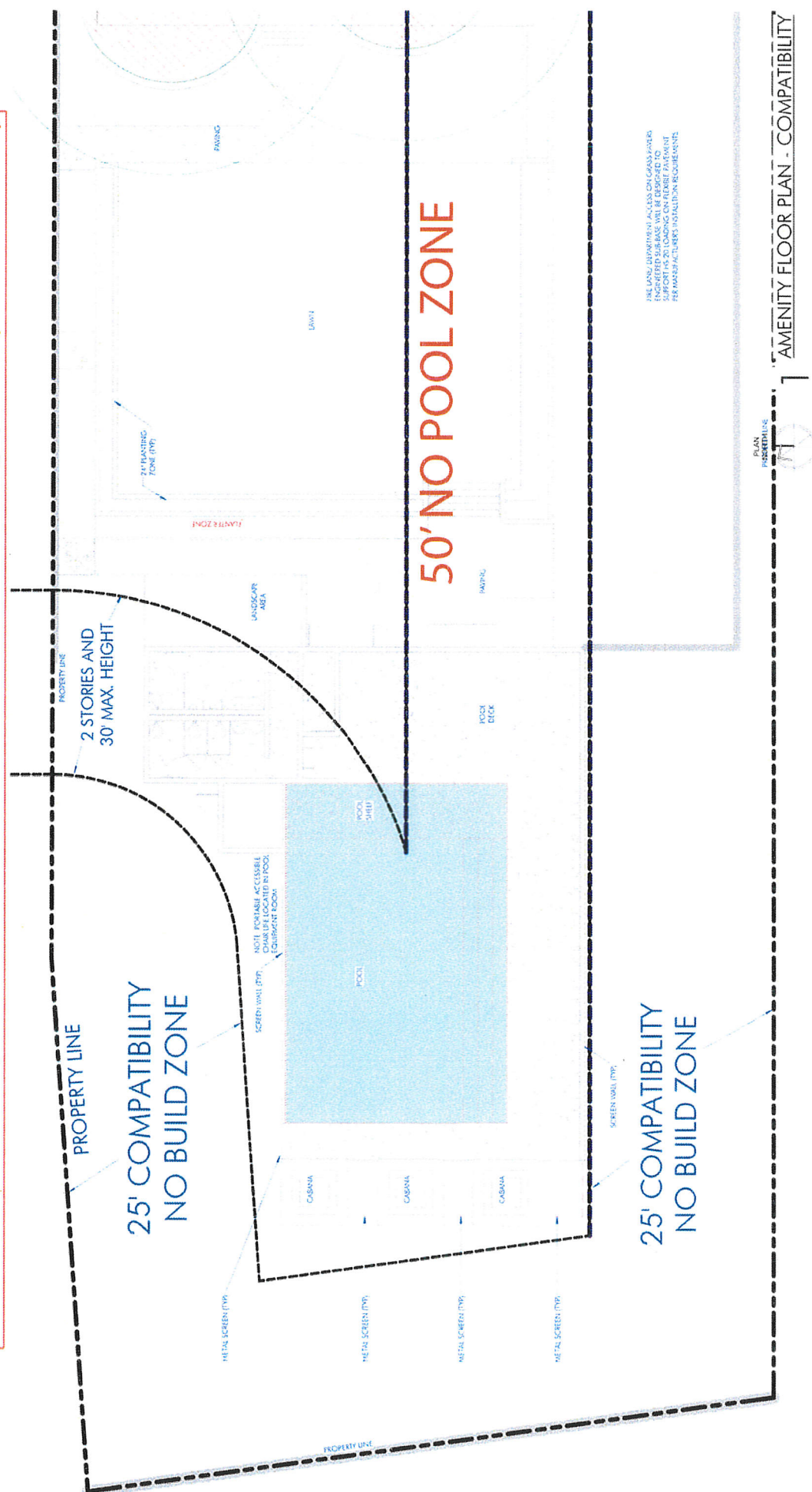
BY:

PLEASE NOTICE

‘NEITHER THE ISSUANCE OF THIS CERTIFICATE NOR THE INSPECTIONS MADE SHALL LESSEN THE RESPONSIBILITY OR LIABILITY OF ANY PERSON, FIRM OR CORPORATION, OWNING, OPERATING, CONTROLLING OR INSTALLING ANY APPLIANCE OR MATERIAL UPON THE PREMISES, OR DOING ANY WORK WHATSOEVER ON SUCH PREMISES.

THE CITY OF AUSTIN DOES NOT ASSUME ANY RESPONSIBILITY OR LIABILITY BY REASON OF THE INSPECTION, OR REINSPECTION, OF THE PREMISES; OR THE ISSUANCE OF THIS “CERTIFICATE OF OCCUPANCY”; OR BY REASON OF ANY APPROVAL OR DISAPPROVAL.’

50' compatibility for intensive recreation swimming pool (25-2-1067)



Heritage Tree Damage

CRZ = Critical Root Zone

1/2 CRZ: no cut/fill greater than 4"

