

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

<b>CASE NUMBER:</b>	SP-2016-0008C	<b>PLANNING COMMISSION HEARING DATE:</b> February 14, 2017
<b>PROJECT NAME:</b>	Lofts at 12th Street	
<b>ADDRESS:</b>	2724 E. 12 <sup>th</sup> Street	
<b>NEIGHBORHOOD PLAN:</b>	Chestnut	
<b>COUNCIL DISTRICT #:</b>	1	
<b>APPLICANT:</b>	Big Red Dog (Mike Reyes) (512) 669-5560 2010 E. 5 <sup>th</sup> Street Ste. 100 Austin, TX 78702	
<b>AGENT:</b>	San Antonio Dream Homes, LLC. (Shravan Parsi) (281) 862-5294 701 Brazos Street Ste. 1620 Austin, TX 78701	
<b>CASE MANAGER:</b>	Rosemary Avila <a href="mailto:Rosemary.avila@austintexas.gov">Rosemary.avila@austintexas.gov</a>	Phone: 512-974-2784

**PROPOSED DEVELOPMENT:**

The applicant is proposing to construct a three story multi-family residential development (19 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. The site complies with other compatibility standard requirements such as height, 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.

SP-2016-0008C

Lofts at 12th Street

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. 12<sup>th</sup> 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
October 25, 2016	Postponement by Applicant
November 8, 2016	Postponement by Neighborhood
December 13, 2016	Postponement by Planning Commission
January 10, 2017	Postponement by Applicant

**CASE SUMMARY OF SUPPORT/OPPOSITION:**

The case manager has received support/opposition letters from the following people. All the letters/emails are available in the case file.

Support-

Ray Jackson Sr.  
Afrand Razian  
Timothy Kirk  
Paul Pita  
Mike Bickford  
Jennifer Hollers  
Catherine Mas

Opposed-

Luke Anderson  
Caven Merski  
Rosalyn Nguyen  
Leslie Padilla

**PROJECT INFORMATION:**

<b>SITE AREA</b>	26,136 square feet	.60 acres
<b>EXISTING ZONING</b>	TOD-NP-CO	
<b>WATERSHED</b>	Boggy Creek	
<b>WATERSHED ORDINANCE</b>	Comprehensive Watershed Ordinance (Urban)	
<b>TRAFFIC IMPACT ANALYSIS</b>	Not required	
<b>CAPITOL VIEW CORRIDOR</b>	None	
<b>PROPOSED ACCESS</b>	E 12 <sup>th</sup> Street	
	<b>Allowed/Required</b>	<b>Proposed</b>
<b>FLOOR-AREA RATIO</b>	2:1	0.708:1
<b>BUILDING COVERAGE</b>	95%	32.28%
<b>IMPERVIOUS COVERAGE</b>	95%	68.5%
<b>PARKING</b>	17	29

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	TOD-NP-CO	Multi-family Residential
<i>North</i>	TOD-NP-CO	Common Area
<i>South</i>	E 12 <sup>th</sup> St, then P-NP and Railroad	E 12 <sup>th</sup> 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:**

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

SP-2016-0008C

Lofts at 12th Street

**NEIGHBORHOOD ORGANIZATIONS:**

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



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, 1<sup>st</sup> Floor  
Austin, Texas 78704

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

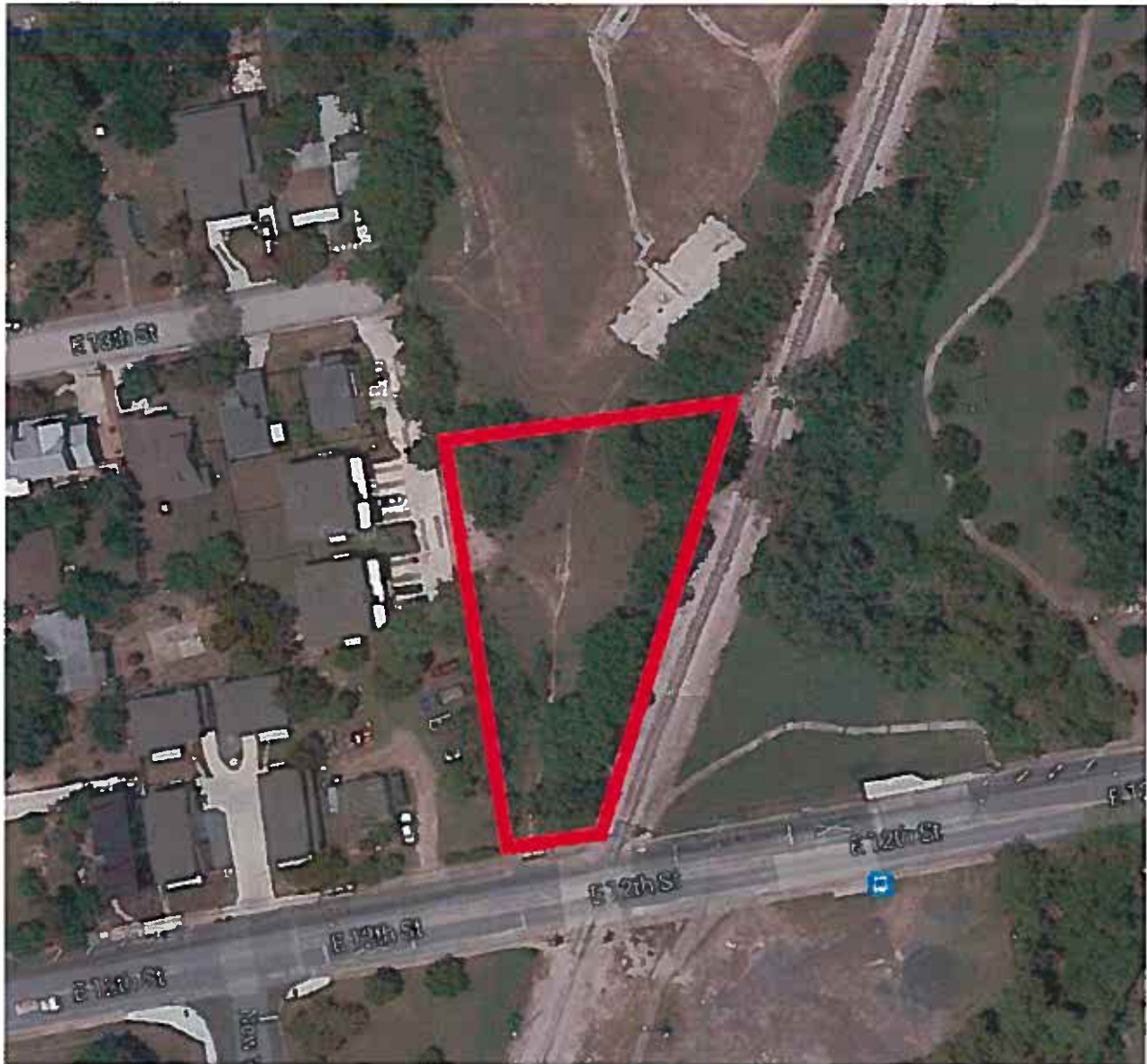
*Michele R. Lynch,*  
Michele R. Lynch

MRL:kw  
Enclosures

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

September 6, 2016  
Page 3

Exhibit "A"

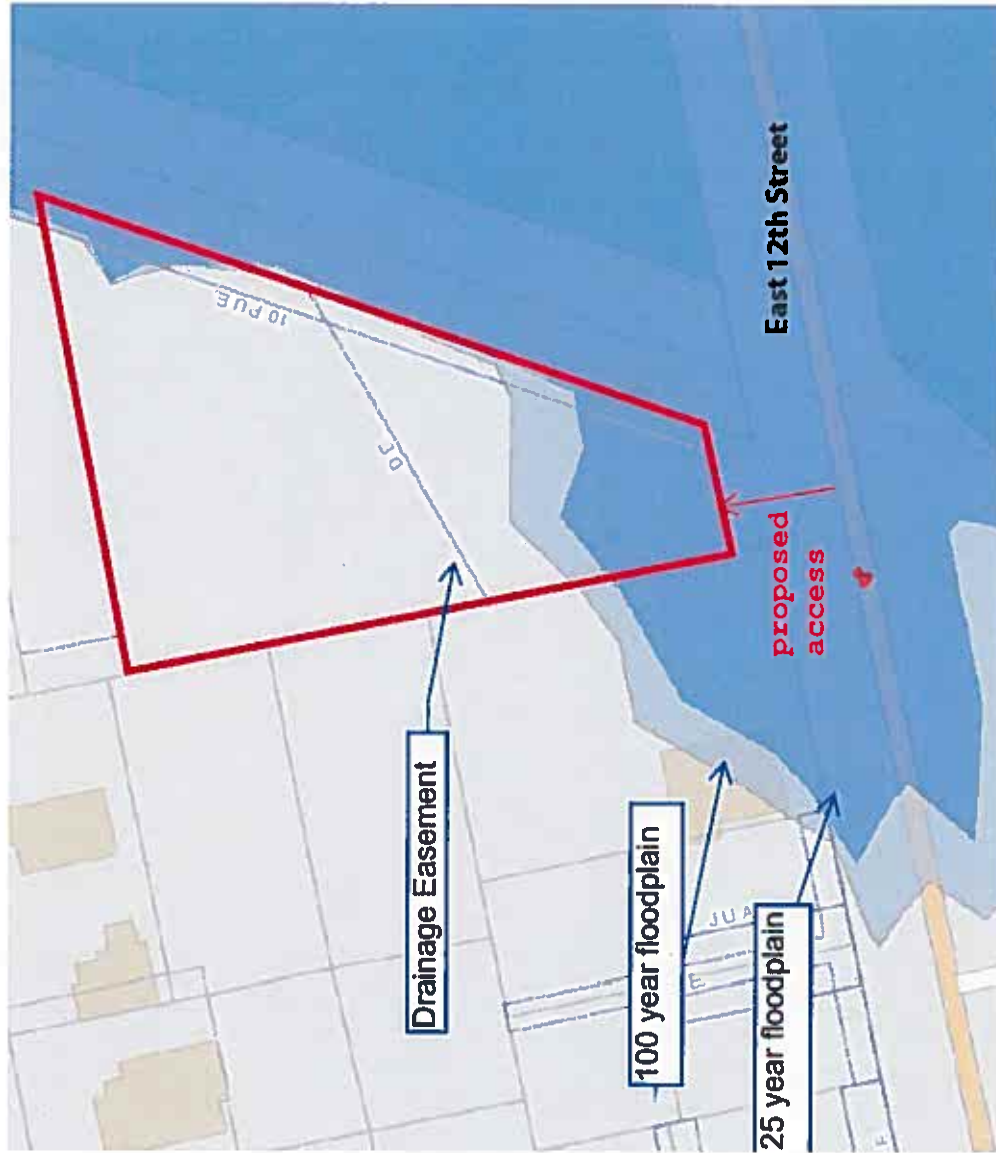




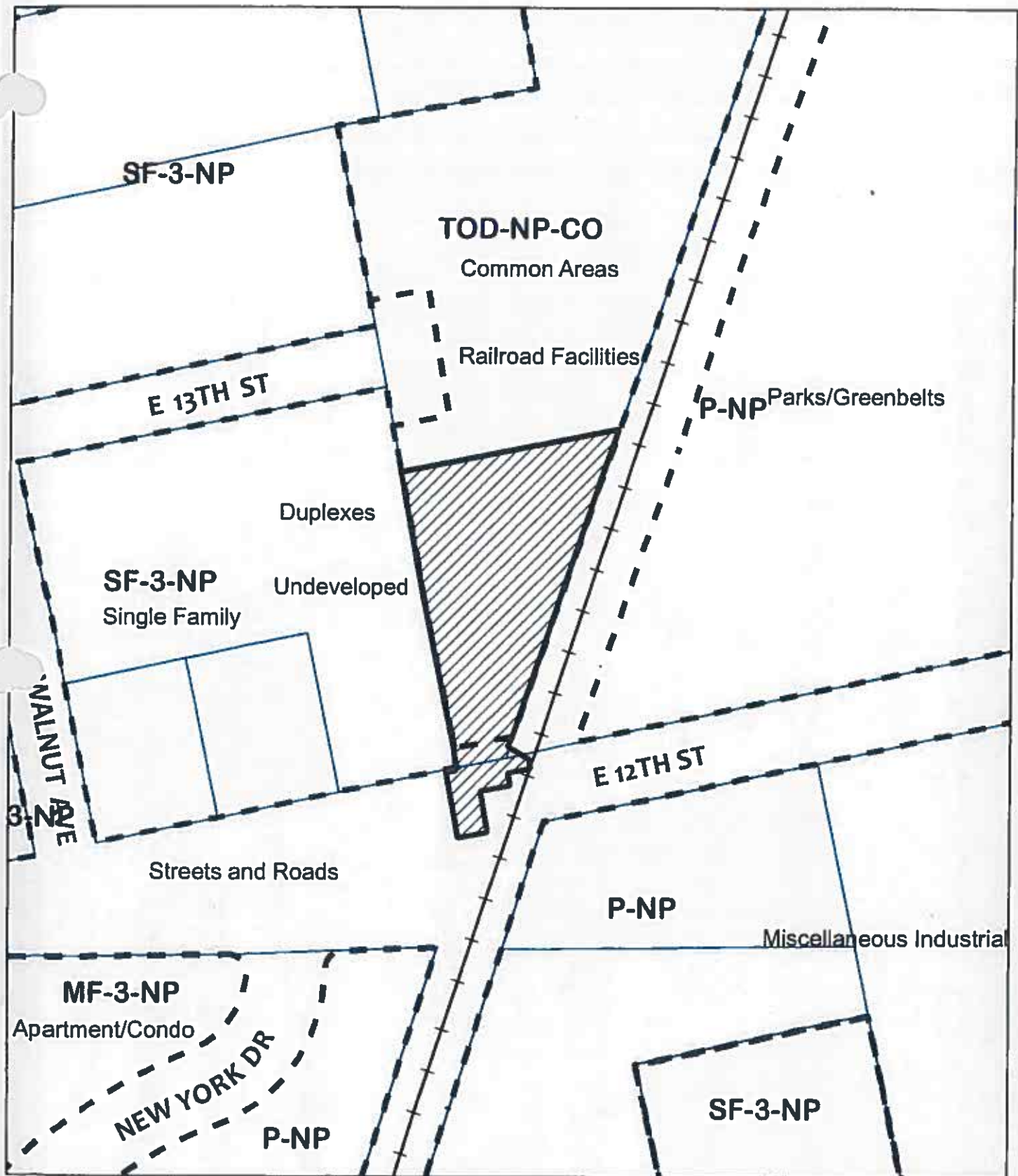


MICHELE R. LYNCH  
512.404.2251  
mlynch@mwswtexas.com

**Exhibit "C"**







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.

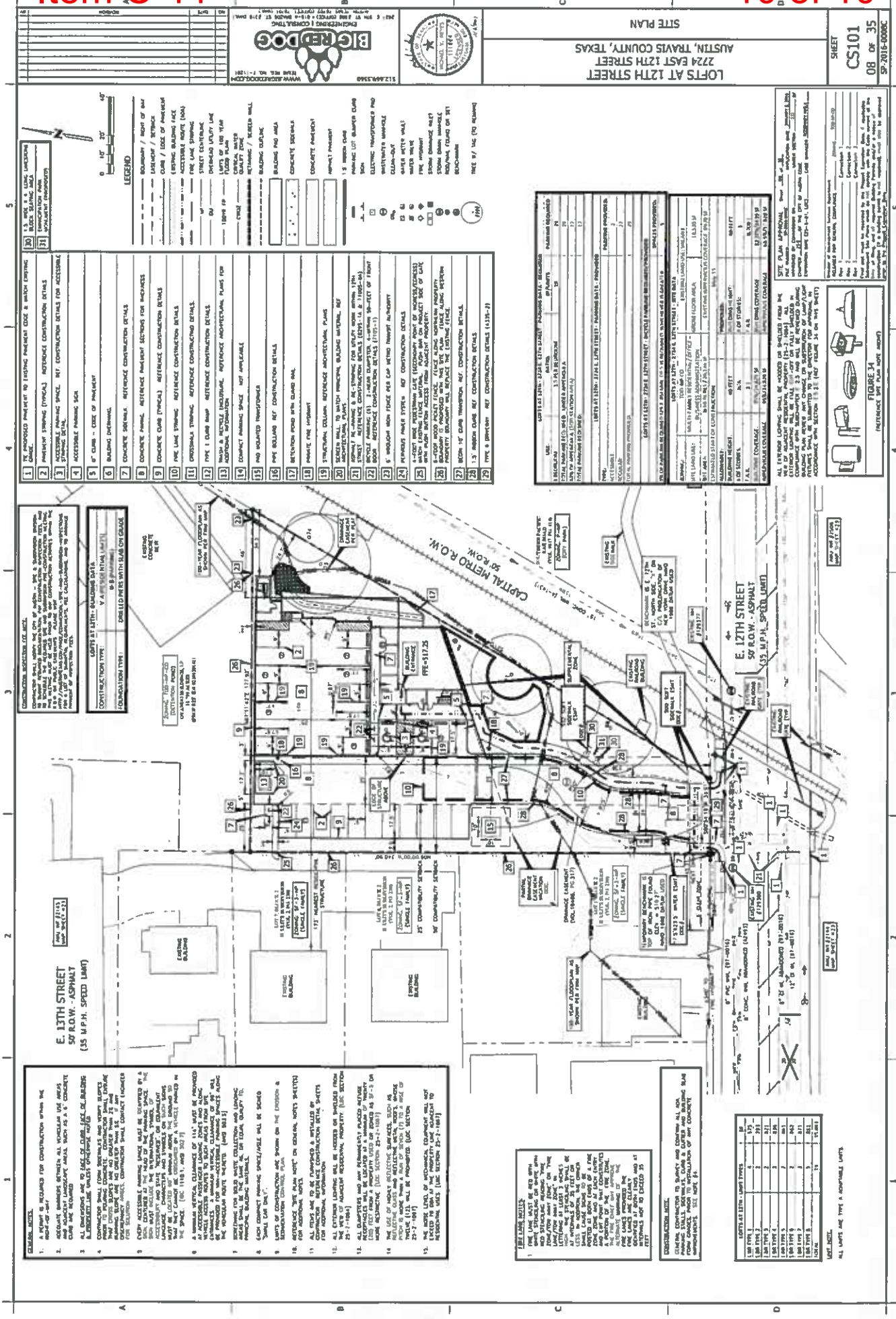
This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



OPERATOR: R. Avila



0 50 100 200 Feet



**BIG RED DOG**  
112.609.3560  
WWW.BIGREDDOG.COM  
1201 N. BRIDGES BLVD., SUITE 100  
AUSTIN, TEXAS 78701



**LOFTS AT 12TH STREET**  
2724 EAST 12TH STREET  
AUSTIN, TRAVIS COUNTY, TEXAS

**SHEET**  
CS101  
08 OF 35  
SP-2010-00006