

L2
1

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

DATE: Monday, February 13, 2017

CASE NUMBER: C15-2016-0122

- Y ___ Brooke Bailey
- Y ___ Michael Benaglio
- Y ___ William Burkhardt
- Y ___ Eric Goff 2nd the Motion
- Y ___ Melissa Hawthorne Motion to PP to 3-13-17
- N ___ Bryan King
- Y ___ Don Leighton-Burwell
- Y ___ Rahm McDaniel
- Y ___ Melissa Neslund
- Y ___ James Valadez
- Y ___ Michael Von Ohlen
- ___ Kelly Blume (Alternate)
- ___ Martha Gonzalez (Alternate)

APPLICANT: Ted McConaghy

OWNER: Brendan Gilyan

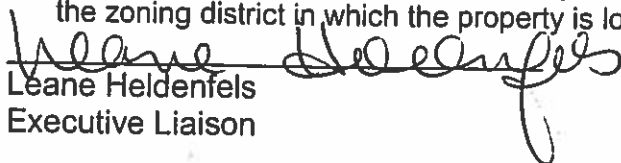
ADDRESS: 6711 BEN WHITE BLVD SVRD EB

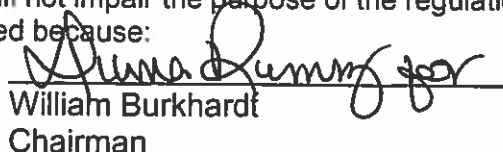
VARIANCE REQUESTED: The applicant has requested a variance from Section 25-6 Appendix A (*Tables of Off-Street parking and Loading Requirements*) to reduce the number of required parking spaces from 250 spaces (required) to 235 spaces (requested) in order to add a 89 room hotel to the site with an existing 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; Dec 12, 2017 POSTPONED TO JANUARY 9, 2017 BY APPLICANT; January 9, 2017 POSTPONED TO FEBURARY 13, 2017 DUE TO LACK OF A FULL BOARD; Feb 13, 2017 Board Member Melissa Hawthorne motion to Postpone to March 13, 2017, Board Member Eric Goff second on a 10-1 vote (Board member Bryan King nay); POSTPONED TO MARCH 13, 2017.

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

L2/2

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

DATE: Monday, January 9, 2017

CASE NUMBER: C15-2016-0122

- Y Brooke Bailey
- Y Michael Benaglio
- Y William Burkhardt
- Y Eric Goff 2nd the Motion
- Y Melissa Hawthorne Motion to PP to 2-13-17
- late Bryan King
- Y Don Leighton-Burwell
- Y Rahm McDaniel
- Melissa Neslund OUT
- Y James Valadez
- Michael Von Ohlen OUT
- Kelly Blume (Alternate) NOT AVAILABLE

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; Dec 12, 2017 POSTPONED TO JANUARY 9, 2017 BY APPLICANT; January 9, 2017 POSTPONED TO FEBURARY 13, 2017 DUE TO LACK OF A 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:

Not Available

Leane Heldenfels
Executive Liaison

William Burkhardt

William Burkhardt
Chairman

C15-2016-0122

Heldenfels, Leane

1/2/17

From: Ted McConaghy
Sent: Friday, January 06, 2017 10:05 AM
To: Heldenfels, Leane
Cc: 'Brendan Gilyan'; 'Steve Johnson'
Subject: RE: 1/9 Board of Adjustment agenda, back up

Importance: High

Leane – per my email to you in late December, please request a postponement to the February agenda by applicant. We have reconfigured our parking lot, and may not need the BOA variance at all. I will know within the next 2 weeks and will email you if we want to formally withdraw our request.

Thanks,

Ted McConaghy, M.A.
 Senior Project Manager



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

www.doucetengineers.com

From: Heldenfels, Leane [mailto:Leane.Heldenfels@austintexas.gov]
Sent: Thursday, January 05, 2017 10:45 AM
To: Ricky arocha; [redacted]; Meade, Nikelle; Bill Faust;
 [redacted]; John Hussey; bridgette brown; Ted McConaghy; doug kurtz; Bruce Griffing
Cc: Leah Bojo; Roig, Jose G; Guernsey, Greg; Word, Daniel
Subject: 1/9 Board of Adjustment agenda, back up

Greetings 1/9 Board of Adjustment Applicants, Agents and involved staff:

Please see attached 12/12 BOA meeting agenda, Austin Energy report to follow in separate email – have not received yet.

Note: we know we'll only have 9 of 11 Board member in attendance at Monday's hearing. That will mean that your case will need to get a unanimous vote of members present for a variance or interpretation to be approved.

If you would like to request to have your case postponed or withdrawn from the Board's agenda based on this known Board member number or for other reasons please reply to just me (not all) by noon Monday. Sorry that we have to postpone two cases due to notification errors made by staff – the delay is regrettable but cannot be remedied unfortunately.

12/15

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

DATE: Monday, December 12, 2016

CASE NUMBER: C15-2016-0122

- Y Brooke Bailey
- Y Michael Benaglio
- Y William Burkhardt
- Y Eric Goff
- Y Melissa Hawthorne
- Y Bryan King 2nd the Motion
- Y Don Leighton-Burwell
- Y Rahm McDaniel
- Y Melissa Neslund
- Y James Valadez
- Y Michael Von Ohlen Motion to Grant ppmt by applicant
- Y Kelly Blume (Alternate)

APPLICANT: Ted McConaghy

OWNER: Brendan Gilyan

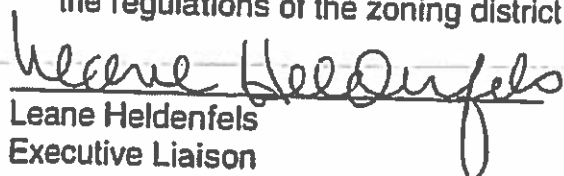
ADDRESS: 6711 BEN WHITE BLVD SVRD EB

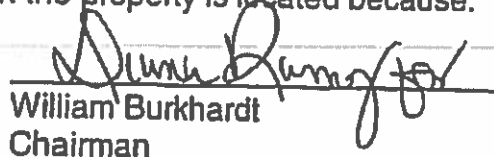
VARIANCE REQUESTED: The applicant has requested a variance from Section 25-6 Appendix A (*Tables of Off-Street parking and Loading Requirements*) to reduce the number of required parking spaces from 250 spaces (required) to 235 spaces (requested) in order to add a 89 room hotel to the site with an existing 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; Dec 12, 2017 POSTPONED TO JANUARY 9, 2017 BY APPLICANT

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

L2
1/5

**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

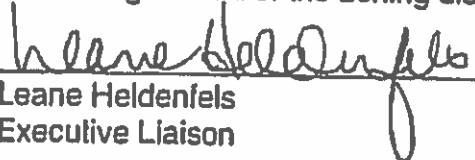
ADDRESS: 6711 BEN WHITE BLVD SVRD EB

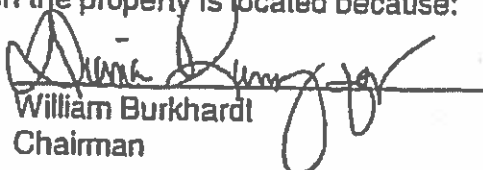
VARIANCE REQUESTED: The applicant has requested a variance from Section 25-6 Appendix A (*Tables of Off-Street parking and Loading Requirements*) to reduce the number of required parking spaces from 250 spaces (required) to 235 spaces (requested) in order to add a 89 room hotel to the site with an existing 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

12/16

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

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.

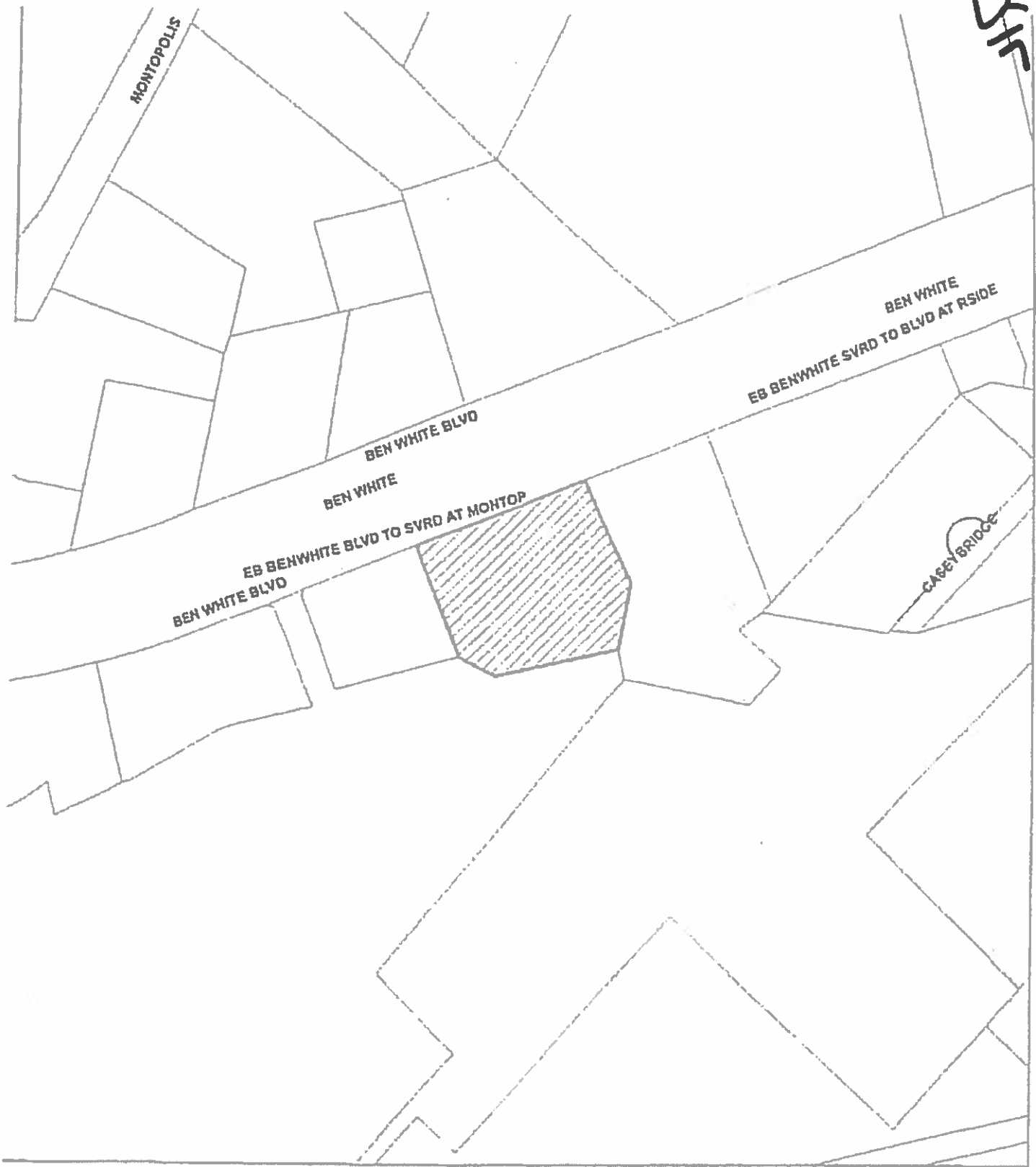
Advise --
Leane




From: Ted McConaghy [mailto:[redacted]]
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

575



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

NOTIFICATIONS

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



1" = 390'

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 GTM for the sole purpose of geographic reference. No warranty is made by the City of Austin concerning accuracy, completeness, or suitability for any purpose.



CITY OF AUSTIN
 Development Services Department
 One Texas Center | Phone: 512.978.4000
 505 Barton Springs Road, Austin, Texas 78704

2/12

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>C15-2016-022</u>	ROW # <u>11612026</u>	Tax # <u>0315110817</u>
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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

429

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)

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 an automatic reduction of 20% of required parking spaces.

4/10

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.

4/2

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 McConagh Date: 10/06/2016

Applicant Name (typed or printed): Ted McConagh

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): tmccconagh@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 Gilvan Date: 10/06/2016

Owner Name (typed or printed): Brendan Gilvan (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: 512.583.1600
Fax: 512.583.2601

DoucetAndAssociates.com

L2
12

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

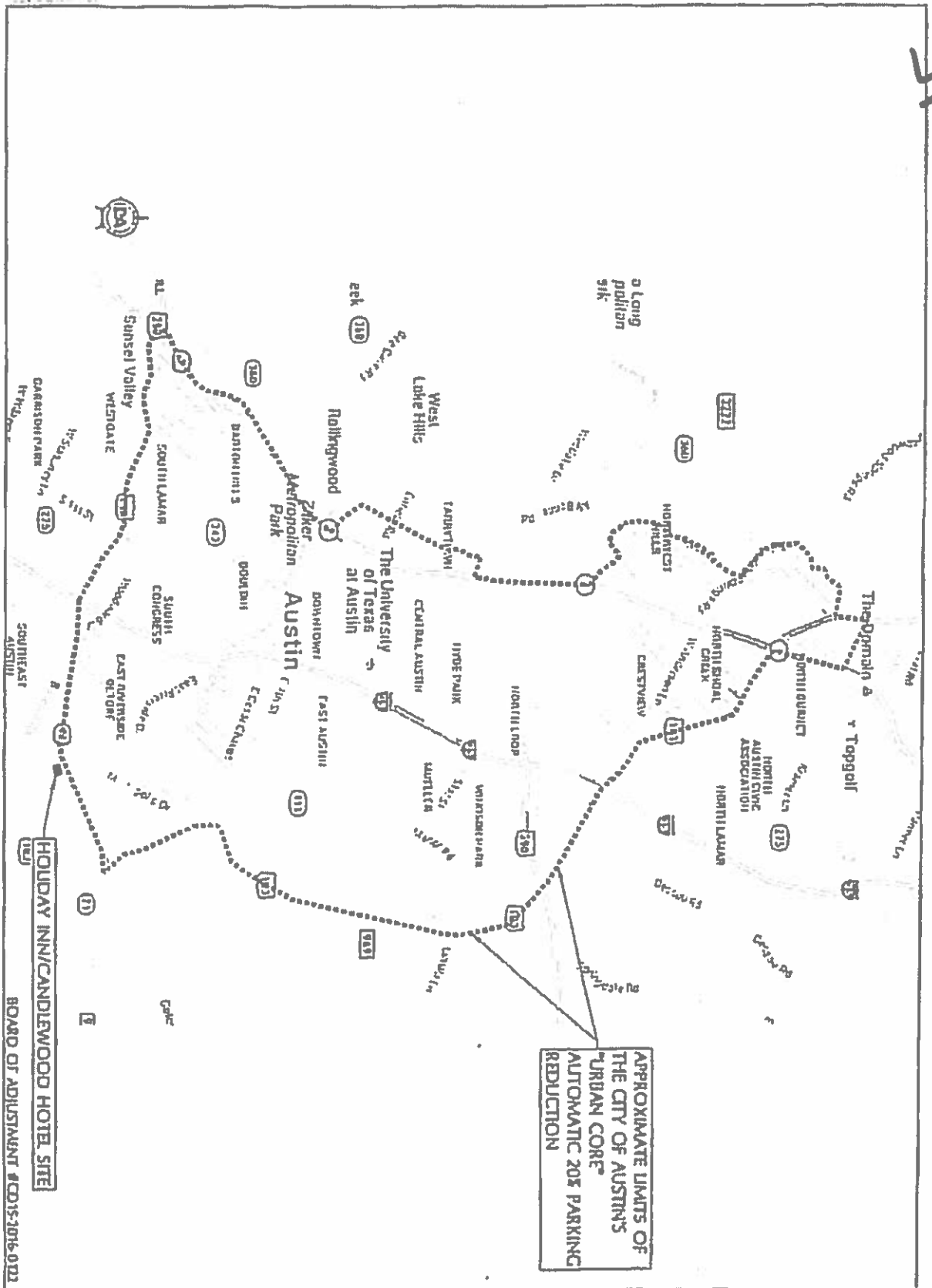
Mrs. Heldenfels:

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:
 - o 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.
 - o The Land Development Code already has a provision to allow a 20% reduction to the required parking (LDC Sec. 25-6-4B – 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



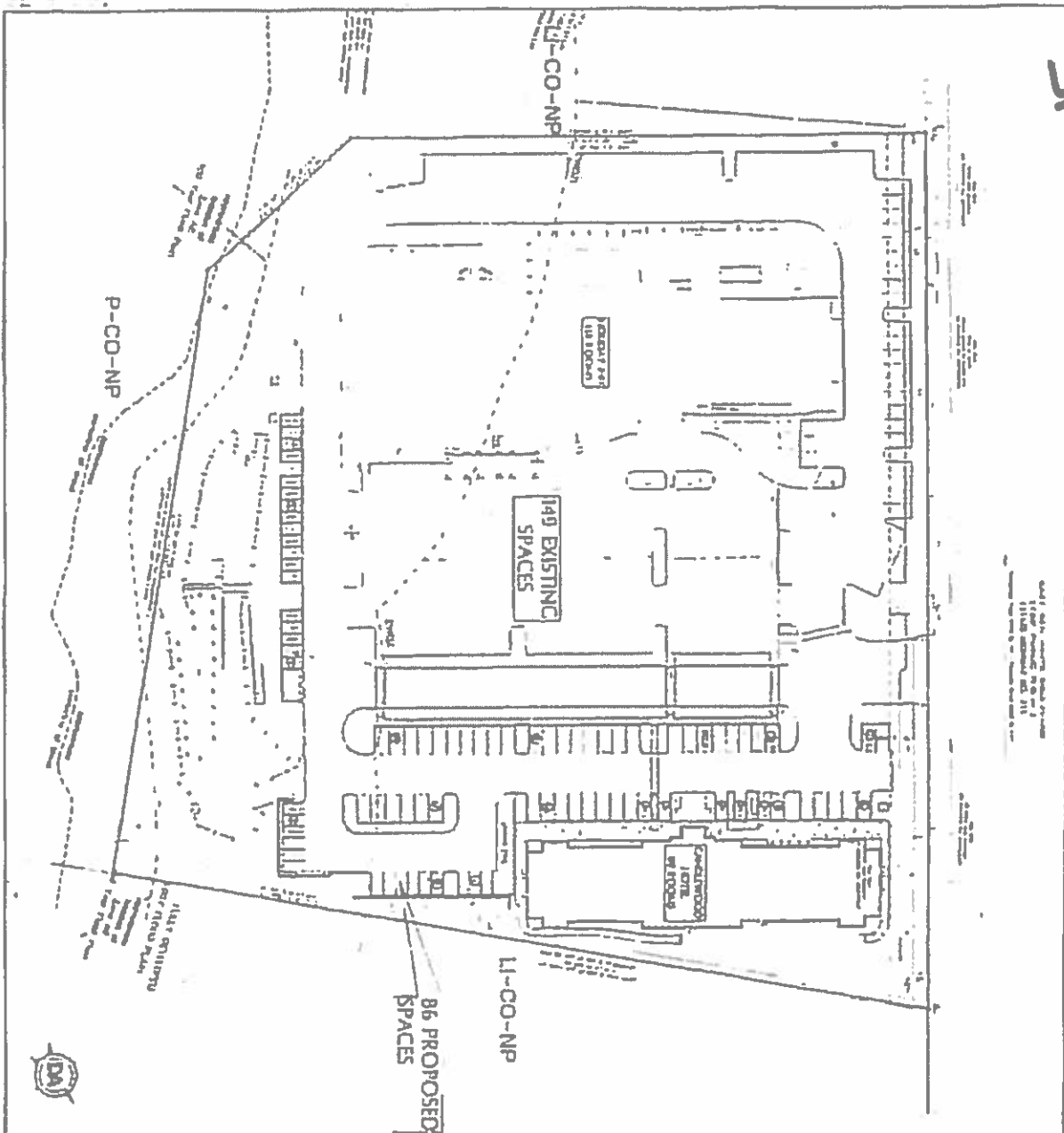
EXHIBIT

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

URBAN CORE EXHIBIT

DA DOUCET & ASSOCIATES
 705 E. BROADWAY, SUITE 200
 AUSTIN, TEXAS 78701
 TEL: 512-476-8888
 WWW.DA-ASSOCIATES.COM

2/3



DATE: 04/15/2015
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO: [Number]

BOARD OF ADJUSTMENT #CD15-2015-0122

COMBINED PARKING TABLE

HOLIDAY INN REDEVELOPED PARKING	157
CANDLEWOOD AIRFIELD PARKING	98
TOTAL ADJUDGED PARKING	255
TOTAL PROPOSED PARKING	235

CANDLEWOOD HOTEL (PROPOSED)

BUILDING CONTRACT	32,000 S.F.
NO. OF STORIES	4-STORY
TOTAL SQ. FT.	46,000 S.F.
NO. OF ROOMS	89 ROOMS
PARKING REQ. @ 1.1/ROOM	98 SPACES

HOLIDAY INN (EXISTING)

NO. OF STORIES	4-STORY
TOTAL SQ. FT.	91,340 S.F.
NO. OF ROOMS	138 ROOMS
PARKING REQ. @ 1.1/ROOM	152 SPACES
PARKING PROVIDED	149 SPACES

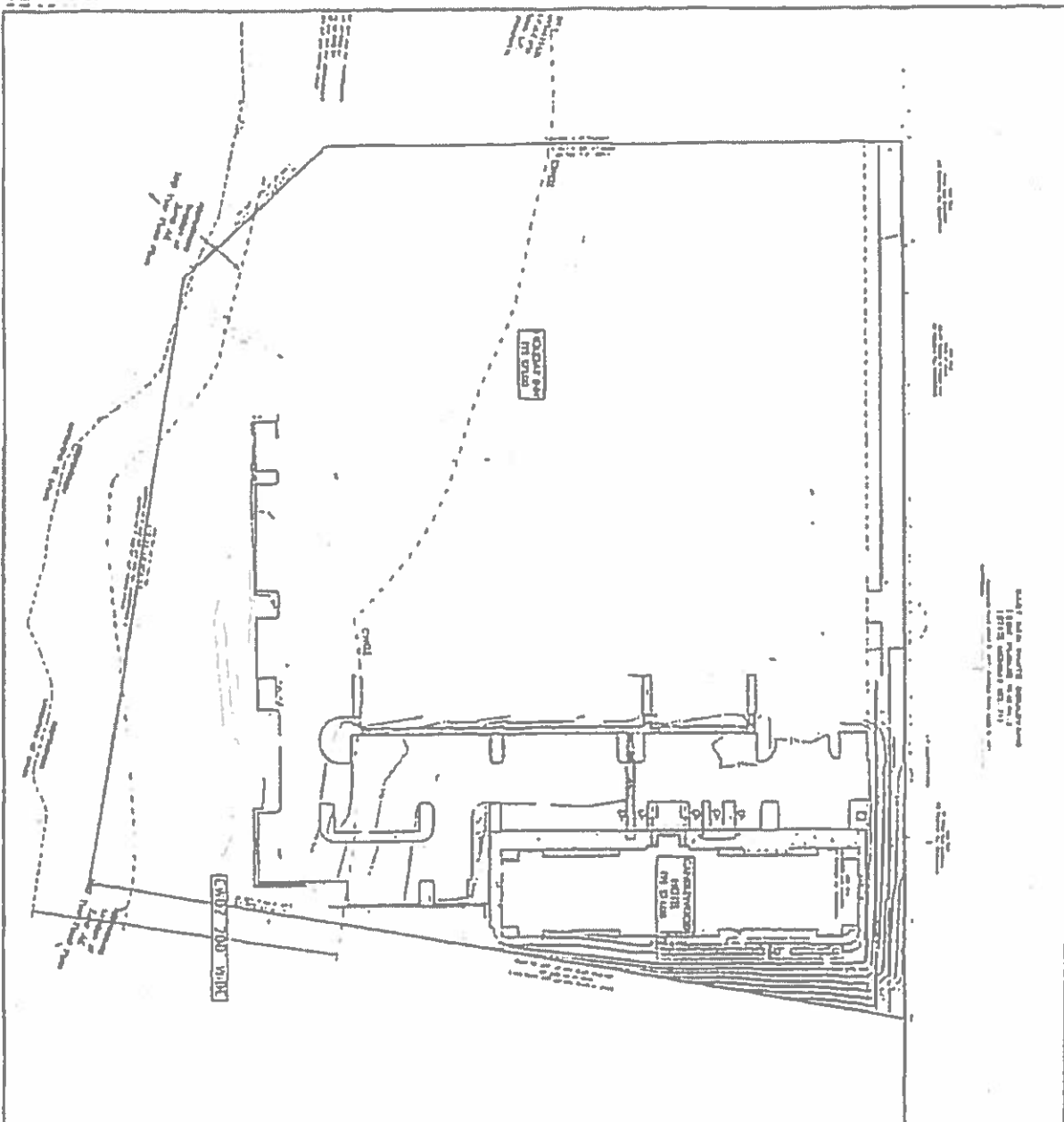
EXHIBIT
 SHEET

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

PARKING EXHIBIT

DA DOUCET & ASSOCIATES
 2000 University Blvd., Suite 100
 Austin, Texas 78705 Phone: (512) 452-1200
 www.doucetandassociates.com
 Fax: (512) 452-1201

15/12



BOARD OF ADJUSTMENT #CO15-2016-0122

PERVIOUS COVER	
SITE AREA	5.76 AC
ALLOWED IMPERVIOUS AREA	4.80 AC
PROVIDED IMPERVIOUS AREA	3.87 AC
PROVIDED IMPERVIOUS AREA (DUE TO LARGE CURB / COURT)	1.03 AC



EXHIBIT

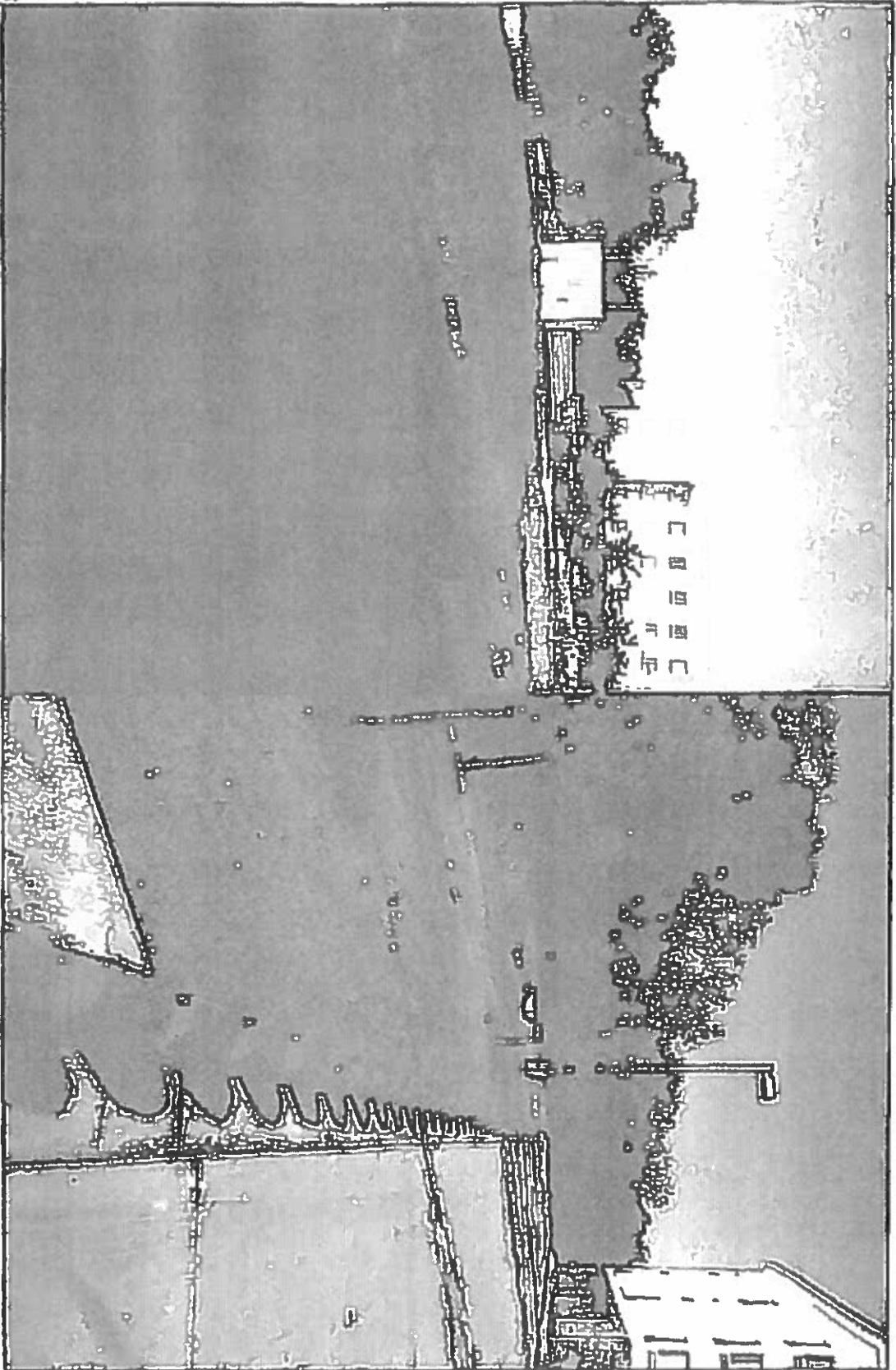
CANDLEWOOD AND HOLIDAY INN
AUSTIN AIRPORT
 6711 E. BEN WHITE BLVD.
 AUSTIN, TRAVIS COUNTY, TEXAS

IMPERVIOUS COVER EXHIBIT

DA DOUCET & ASSOCIATES
 10000 Highway 71, Suite 100
 Austin, Texas 78754 Phone 512-333-1248
 Fax 512-333-1249

2/16

BOARD OF ADJUSTMENT #CD15-2016-0722



EXHIBIT

CANDLEWOOD AND HOLIDAY INN
AUSTIN AIRPORT
5711 E. BEN WHITE BLVD
AUSTIN, TRAVIS COUNTY TEXAS

SITE PHOTOS

DA DOUCET & ASSOCIATES
Site Planning, Architectural, Environmental
4001 E. Highway 91 W. Suite 101
Austin, Texas 78748, Phone: (737) 453-1200
www.doucetandassociates.com
Date: September 15, 2016

2/2

