

**PLANNING COMMISSION
SITE PLAN – COMPATIBILITY WAIVER ONLY**

CASE NUMBER:	SP-2023-0113C	PLANNING COMMISSION HEARING DATE: April 23, 2024
PROJECT NAME:	DC-2422	
ADDRESS:	2422 E. 7 th Street	
COUNCIL DISTRICT:	3	
OWNER:	DC-2422, LLC 2120 E. 7 th St. #200 Austin, TX 78702	
ENGINEER:	Milian Consulting LLC (Maximiliano Martinez) 1006 Vargas Rd. Austin, TX 78741	(956) 251-5146
CASE MANAGER:	Kate Castles Kate.Castles@austintexas.gov	(512) 978-4555
NEIGHBORHOOD PLAN:	Govalle Neighborhood Plan Area	

PROPOSED DEVELOPMENT:

The applicant is proposing to develop vacant land on five lots zoned CS-CO-NP into a commercial mixed-use development. The applicant is proposing to build 3,870 square feet of Restaurant (General), 1,374 square feet of General Retail, 39,988 square feet of Professional Office, and 1 efficiency accessory dwelling unit (498 square feet). The site will have a single driveway accessing E. 7th Street and will provide landscaping, on-site bicycle parking, and public sidewalk improvements on 0.53 acres. The applicant has already received a compatibility variance from the Board of Adjustment to increase the height limits of the proposed building. One waiver from compatibility setback requirements is being requested from the Planning Commission.

DESCRIPTION OF WAIVER:

The applicant is requesting a waiver from § 25-2-1063(B)(1), which requires a structure setback of 25 feet from property zoned as SF-5 or more restrictive. The proposed building is located within the 25-foot compatibility setback from the property line of the SF-3-NP zoning district located to the north across an alley. The proposed building is currently located approximately 17 feet from the adjacent property line of the SF-3-NP zoning district and is also separated by right-of-way.

SUMMARY STAFF RECOMMENDATION:

The proximity of the SF-3-NP district triggers the 25-foot compatibility setback regulation. However, the proposed development and the triggering SF-3-NP properties are currently separated by an alley. Additionally, the SF-3-NP district is immediately adjacent to a GR-MU-CO-NP district to the east.

The SF-3-NP properties located to the north are developed as single-family use. The adjacent property to the north is zoned GR-MU-CO-NP and developed as mixed-use residential, retail, and automotive repair services uses.

Ordinance No. 030327-11a rezoned the property from LI to CS-CO-NP in 2003. The ordinance prohibited adult oriented businesses, kennels, residential treatment, campground, pawn shop services, and vehicle storage uses, and made agricultural sales and services, limited warehousing and distribution, laundry services, equipment repair services, construction sales and services, building maintenance services, and equipment sales uses conditional. The Govalle Neighborhood Planning Area's Future Land Use Map identifies this site for commercial use.

The owners of the triggering SF-3-NP properties located to the north have expressed support for the proposed development. Based on these findings and the proposed design of the project, staff recommends approval of the requested compatibility waiver. A waiver to reduce the required setback by 8 feet is appropriate and will not harm the surrounding area.

The site plan complies with other compatibility standards, such as lighting and screening, and has received a compatibility variance from the Board of Adjustment to increase the height limits of the proposed building.

PROJECT INFORMATION

PROJECT INFORMATION			
TOTAL SITE AREA	23,086.8 sq. ft.	0.53 acres	
EXISTING ZONING	CS-CO-NP		
WATERSHED	Lady Bird Lake (Urban)		
TRAFFIC IMPACT ANALYSIS	Not required		
CAPITOL VIEW CORRIDOR	None		
PROPOSED ACCESS	E. 7 th Street		
	Allowed	Existing	Proposed
FLOOR-AREA RATIO	2:1	0	1.98:1
BUILDING COVERAGE	95%	0	94.9%
IMPERVIOUS COVERAGE	95%	~95%	94.9%

COMPATIBILITY:

The site is subject to Compatibility Standards due to the SF-3-NP zoning district to the north.

§ 25-2-1063 - HEIGHT LIMITATIONS AND SETBACKS FOR LARGE SITES.

(A) This section applies to a site that has:

- (1) an area that exceeds 20,000 square feet; or
- (2) a street frontage that exceeds 100 feet.

(B) In this section, the term "structure" excludes a rain garden using no concrete that is designed in accordance with the Environmental Criteria Manual. A person may not construct a structure 25 feet or less from property:

- (1) in an urban family residence (SF-5) or more restrictive zoning district; or
- (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
<i>Site</i>	CS-CO-NP	Restaurant (General), General Retail, Professional Office
<i>North</i>	SF-3-NP, GR-MU-CO-NP	Alley ROW, then Single-family Residential, Retail, and Automotive Repair Services
<i>South</i>	CS-CO-MU-NP	E. 7 th Street, then Restaurant, Medical Office
<i>East</i>	CS-CO-NP	Pedernales Street, then Automotive Washing
<i>West</i>	CS-CO-NP	Restaurant

ABUTTING STREETS

Street	Right-of-Way Width	Pavement Width	Classification
E. 7th Street	120 feet	50 feet	Core Transit Corridor
Pedernales Street	60 feet	40 feet	Local City Street

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Central Austin Concerned Architects
 Del Valle Community Coalition
 East Austin Conservancy
 El Concilio Mexican-American Neighborhoods
 Friends of Austin Neighborhoods
 Govalle/Johnston Terrace Neighborhood Plan
 Contact Team

Greater East Austin Neighborhood Association
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 Neighbors United for Progress
 Preservation Austin
 Red Line Parkway Initiative
 SELTexas
 Sierra Club
 Austin Regional Group



Development Services Department

April 2, 2024

City of Austin

P.O. Box 1088

Austin, Tx 78767

Re: **Land Development Code – Compatibility Setback Waiver Request**
DC-2422 – SP-2023-0113C

Dear Mrs. Kate Castles

On behalf of my client, DC-2422, LLC, I am requesting the following waiver to the City of Austin Land Development Code to make this project feasible.

Waiver Request: Allow for an 8' reduction to the 25' of no build zone along the alley across from 2401 and 2405 Coronado St. **[LDC 25-2-1063(B)]**

Justification: The hardship for which this waiver is requested is unique to the property in that: the shallow wedge shape is a result of a very significant right of way dedication required by the city to shift East 7th St from the original city grid of 150' deep to its current configuration. The unique configuration of the site provides very little room for development so the additional 8' will allow for a better mixed-use project. We believe that this waiver 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 waiver request is only for an additional 8'. Please reference the attached "Support for Compatibility Setback Reduction Waiver from Land Use Commission" from the two adjacent SF zoned Neighbor's.

Thank you for your consideration of this request; please call me at (956) 251-5146 if you have any questions.

Sincerely,

4-2-24
Maximiliano Martinez, P.E.
Principal
Milian Consulting, LLC
F-22586



Support for Compatibility Setback Reduction Waiver from Land Use Commission

April 1st, 2024

Dear Mark Vornberg of DC-2422 LLC,

We are the home owners of 2401 and 2405 Coronado St, directly behind and across the alley from the proposed mixed-use project at 2408-2422 E. 7th street. Our single family properties are the primary triggering properties for the compatibility setback affecting this new project.

We are in support of the Office Mixed-Use project proposed at 2408-2422 E. 7th Street and of the application of a Waiver from the Land Use Commission to reduce the 25' setback described in LDC 25-2-1063 to 17'-0".

We understand that this would allow the proposed development to be built up to its property line closest to our properties, similar to what the previous COR ordinance 25-2-769.04 would have allowed had it not been recently negated by the court.

We understand the city has no schedule on when they will be re-addressing some of the compatibility issues, and this project is well under way of design and permitting. We can understand how it would be a significant burden to redesign at this late a time and offer our support.

Sincerely,



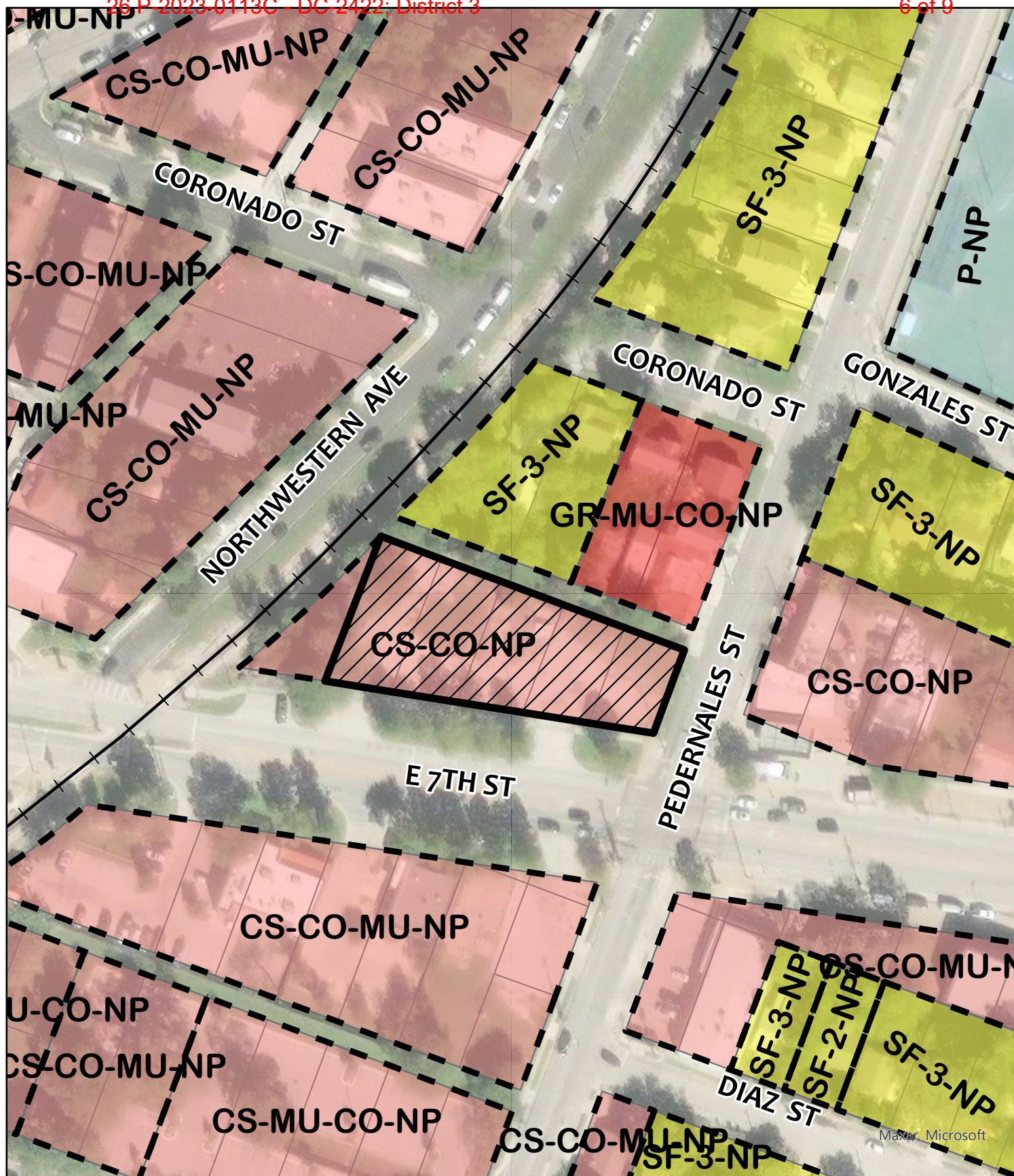
John Mistrot

Owner of 2401 Coronado St



Hudson Baird

Owner of 2405 Coronado St



0 25 50 100 Feet

CASE#: SP-2023-0113C
 ADDRESS: 2422 E. 7th Street
 CASE NAME: DC-2422
 MANAGER: Kate Castles



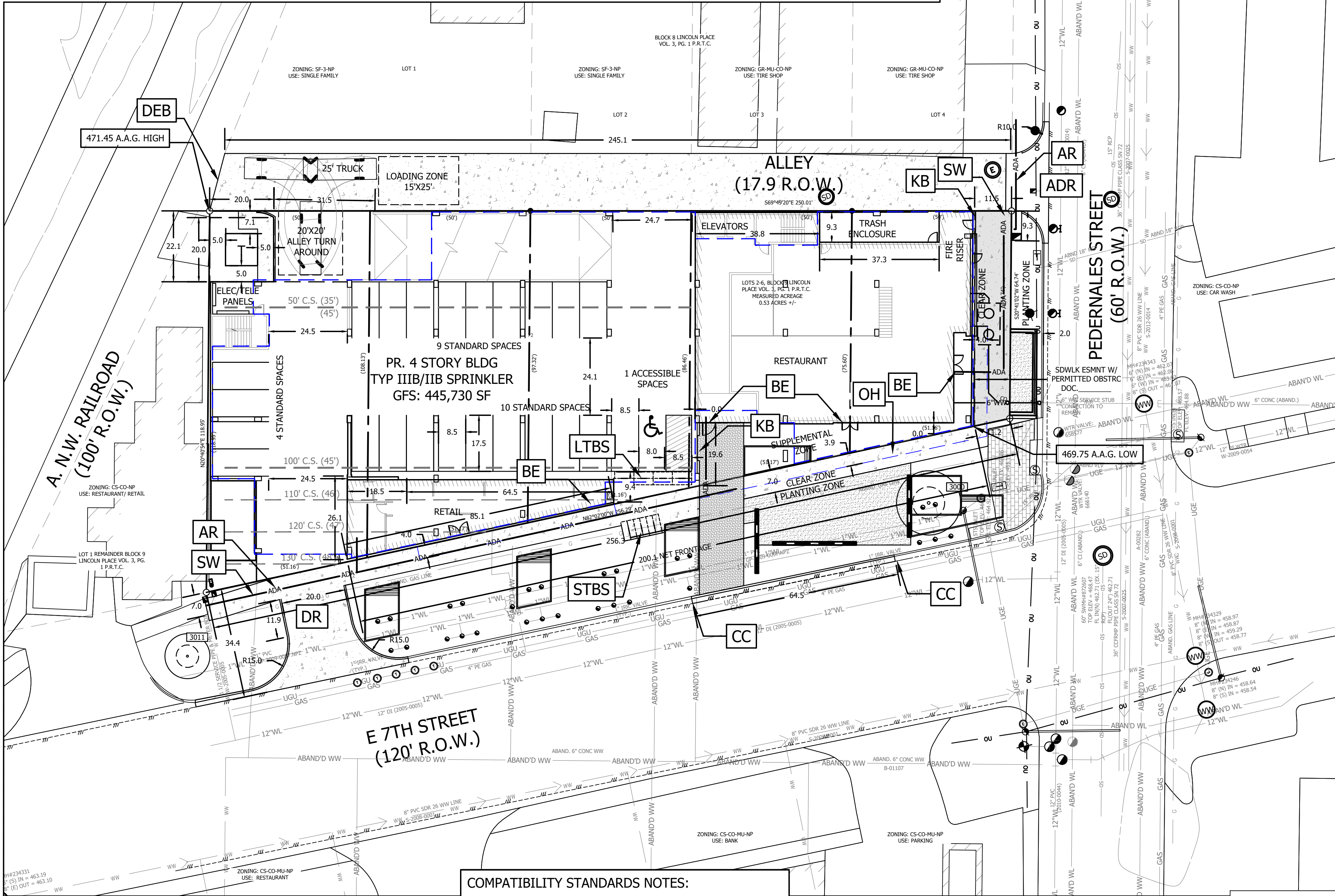
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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

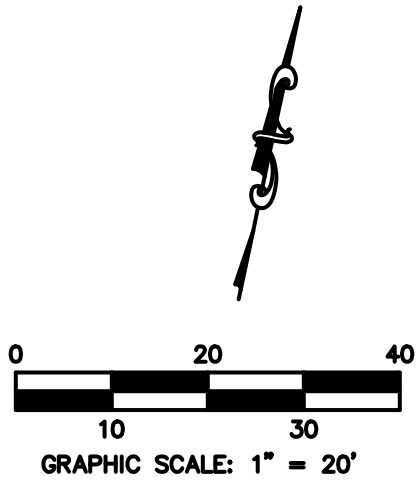
OPERATOR: K. Castles

GENERAL NOTES:

1. SURFACE ALONG ACCESSIBLE ROUTES MUST BE STABLE, FIRM, AND SLIP RESISTANT.
2. ALL PARKING SURFACE SHALL BE 6" CONCRETE PAVEMENT ON 6" COMPACTED SUBGRADE PER GEOTECH.
3. COMPLIANCE WITH THE COMMERCIAL AND MULTI-FAMILY RECYCLING ORDINANCE IS MANDATORY FOR MULTI-FAMILY COMPLEXES AND BUSINESSES AND OFFICE BUILDINGS.
4. EACH COMPACT PARKING SPACE/AISLE WILL BE SIGNED "SMALL CAR ONLY."
5. THE MIRRORRED GLASS WITH A REFLECTANCE GRATER THAN 20 PERCENT IS PROHIBITED.
6. APPROVAL OF THESE PLANS BY THE CITY OF AUSTIN INDICATES COMPLIANCE WITH APPLICABLE CITY REGULATIONS ONLY. COMPLIANCE WITH ACCESSIBILITY STANDARDS SUCH AS THE 2010 STANDARDS FOR ACCESSIBLE DESIGN OR THE 2012 TEXAS ACCESSIBILITY STANDARDS WAS NOT VERIFIED. THE APPLICANT IS RESPONSIBLE FOR COMPLIANCE WITH ALL APPLICABLE ACCESSIBILITY STANDARDS.
7. SLOPES ON ACCESSIBLE ROUTES MAY NOT EXCEED 1:20 UNLESS DESIGNED AS A RAMP [ANSI 403.3]
8. ACCESSIBLE ROUTES MUST HAVE A CROSS-SLOPE NO GREATER THAN 1:50. [ANSI 403.3]
9. ACCESSIBLE PARKING SPACES MUST BE LOCATED ON A SURFACE WITH A SLOPE NOT EXCEEDING 1:50. [ANSI 502.5]
10. NONE OF THE ON-STREET SPACES ARE RESERVED FOR THE DEVELOPMENT AND MAY BE USED BY ANY MEMBER OF THE PUBLIC. THE DEVELOPER MUST BE AWARE THAT THEY CAN COUNT ON-STREET SPACES AT THEIR OWN RISK; THE SPACES MAY BE REMOVED AT ANY TIME FOR ANY REASON AND THE CITY OF AUSTIN WILL NOT RELOCATE THE DISPLACED ON-STREET PARKING. IN ADDITION, IF THE ADJOINING STREET APPLIES FOR AND RECEIVES RESIDENTIAL PERMIT PARKING, THE PARKING FOR THE DEVELOPMENT WILL NOT COUNT AS RESIDENTIAL PARKING AND THE RESIDENTS ILL NOT RECEIVE RESIDENTIAL PARKING PERMITS.



SITE PLAN KEY	
BE	BUILDING ENTRANCE REFERENCE ARCHITECTURAL PLANS FOR DETAILS
DR	REPLACE EXISTING TYPE II DRIVEWAY PER COA DETAIL 4335-2.
ADR	PROPOSED ALLEY TYPE II DRIVEWAY PER COA DETAIL 4335-2.
CC	INSTALL 6" CONCRETE CATCH CURB & GUTTER PER COA DETAIL 4305-1
AR	ACCESSIBLE ROUTE
SW	CONCRETE SIDEWALK PER COA DETAIL 4325-1. TIE TO EXISTING SIDEWALK AS SHOWN. REF LANDSCAPE PLANS FOR TYPE AND FINISHES
STBS	SHORT TERM BIKE SPACE. CLASS III BICYCLE PARKING PER COA DETAIL 7105-1
LTBS	LONG TERM BIKE SPACE. CLASS III BICYCLE PARKING PER COA DETAIL 7105-1
OH	40' CANOPY OVERHANG FOR SIDEWALK SHADING. TO BE REMOVABLE PER LICENSE AGREEMENT REQUIREMENT. REFERENCE AGREEMENT FOR REMOVAL DETAILS.
KB	AUSTIN FIRE DEPARTMENT KNOX BOX LOCATION.
DEB	PROPOSED ALLEY DEAD END BARRICADES PER COA DETAIL 8035-1



LEGEND	
---	BOUNDARY / RIGHT OF WAY
OU	OVERHEAD UTILITY LINE
[Pattern]	PROPOSED PERVIOUS COVER
[Pattern]	PROPOSED CONCRETE SIDEWALK
[Pattern]	PROPOSED SIDEWALK EASEMENT DOC.
OU	PROPOSED OVERHEAD UTILITY
---	PROPOSED BUILDING ABOVE
---	PROPOSED AWNING ABOVE
[Pattern]	PROPOSED STRUCTURAL WALL IN ROW. REF. STRC DETAIL ON PLAN
[Symbol]	PROPOSED ELECTRIC MANHOLE
[Symbol]	PROPOSED STORM MANHOLE
[Symbol]	PROPOSED AE TRANSFORMER
[Symbol]	TREE TO REMAIN
[Symbol]	TREE TO BE REMOVED

AUSTIN FIRE DEPARTMENT NOTES:

1. SIGNS AND IDENTIFICATION MARKERS DESIGNATING FIRE ZONES/FIRE LANES SHALL BE PLACED AFTER DESIGNATION OF A FIRE ZONE OR FIRE LANE. UNDER THIS ARTICLE, THE FIRE CHIEF SHALL GIVE NOTICE OF THE DESIGNATION TO THE OWNER OF THE PROPERTY, DIRECTING THE OWNER TO CAUSE, AT THE EXPENSE OF THE OWNER, MARKINGS TO BE PAINTED ON ANY AREAS DESIGNATED AS A FIRE ZONE OR FIRE LANE. THE MARKINGS MUST BE RED WITH WHITE STENCILING READING "FIRE ZONE/ TOW AWAY ZONE" OR "FIRE LANE/ TOW AWAY ZONE" IN LETTERING AT LEAST THREE INCHES IN HEIGHT.
2. THE STENCILING SHALL BE AT INTERVALS OF 35 FEET OR LESS. IN ADDITION, THE OWNER SHALL CAUSE SIGNS TO BE POSTED AT BOTH ENDS OF A FIRE ZONE AND FIRE LANES. ALTERNATIVE MAKINGS OF FIRE ZONES AND FIRE LANES MAY BE APPROVED BY THE FIRE CHIEF PROVIDED FIRE ZONES OR FIRE LANES ARE CLEARLY IDENTIFIED AT BOTH ENDS AND AT INTERVALS NOT TO EXCEED 35 FEET AND ARE CLEARLY MARKED "TOW AWAY ZONES" AT LAST EVERY 35 FEET. THE SIGNS SHALL BE INSTALLED WITH THE TOP OF THE SIGN NO HIGHER THAN EIGHT FEET ABOVE GRADE AND NO LESS THAN FIVE FEET ABOVE THE GRADE. DUMPSTERS AND CONTAINERS WITH AN INDIVIDUAL CAPACITY OF 1.5 CUBIC YARDS OR MORE SHALL NOT BE STORED IN BUILDINGS OR PLACED WITHIN TEN FEET OF COMBUSTIBLE WALLS, OPENINGS, OR COMBUSTIBLE ROOF EAVE LINES.
3. THE AUSTIN FIRE DEPARTMENT REQUIRES FINAL ASPHALT OR CONCRETE PAVEMENT ON REQUIRED ACCESS ROADS PRIOR TO THE START OF COMBUSTIBLE CONSTRUCTION. ANY OTHER METHOD OF PROVIDING "ALL-WEATHER DRIVING CAPABILITIES" SHALL BE REQUIRED TO BE DOCUMENTED AND APPROVED AS AN ALTERNATE METHOD OF COMPLIANCE IN ACCORDANCE WITH THE APPLICABLE RULES FOR TEMPORARY ROADS OUTLINED IN THE CITY OF AUSTIN FIRE PROTECTION CRITERIA MANUAL.
4. FIRE HYDRANTS SHALL BE INSTALLED WITH THE CENTER OF THE FOUR (4) INCH OPENING (STEAMER) LOCATED AT LEAST 18 INCHES ABOVE FINISHED GRADE. THE STEAMER OPENING OF FIRE HYDRANTS SHALL FACE THE APPROVED FIRE ACCESS DRIVEWAY OR PUBLIC STREET AND SET BACK FROM THE CURB LINE(S) AN APPROVED DISTANCE, TYPICALLY THREE (3) TO SIX (6) FEET. THE AREA WITHIN THREE (3) FEET IN ALL DIRECTIONS FROM ANY FIRE HYDRANT SHALL BE FREE OF OBSTRUCTIONS, AND THE AREA BETWEEN THE STEAMER OPENING AND THE STREET OR DRIVEWAY GIVING EMERGENCY VEHICLE ACCESS SHALL BE FREE OF OBSTRUCTIONS.
5. TIMING OF INSTALLATIONS: WHEN FIRE PROTECTION FACILITIES ARE INSTALLED BY THE CONTRACTOR, SUCH FACILITIES SHALL INCLUDE SURFACE ACCESS ROADS. EMERGENCY ACCESS ROADS OR DRIVES SHALL BE INSTALLED AND MADE SERVICEABLE PRIOR TO AND DURING THE TIME OF CONSTRUCTION. WHEN THE FIRE DEPARTMENT APPROVES AN ALTERNATE METHOD OF PROTECTION, THIS REQUIREMENT MAY BE MODIFIED AS DOCUMENTED IN THE APPROVAL OF THE ALTERNATE METHOD.
6. ALL EMERGENCY ACCESS ROADWAYS AND FIRE LANES, INCLUDING PERVIOUS/DECORATIVE PAVING, SHALL BE ENGINEERED AND INSTALLED AS REQUIRED TO SUPPORT THE AXLE LOADS OF EMERGENCY VEHICLES. A LOAD CAPACITY SUFFICIENT TO MEET THE REQUIREMENTS FOR HS-20 LOADING (16 KIPS/WHEEL) AND A TOTAL VEHICLE LIVE LOAD OF 80,000 POUNDS IS CONSIDERED COMPLIANT WITH THIS REQUIREMENT.
7. FIRE LANES DESIGNATED ON SITE PLANS SHALL BE REGISTERED WITH THE CITY OF AUSTIN FIRE DEPARTMENT AND INSPECTED FOR FINAL APPROVAL.
8. THE MINIMUM VERTICAL CLEARANCE REQUIRED FOR EMERGENCY VEHICLE ACCESS ROADS OR DRIVES IS 14 FEET FOR THE FULL WIDTH OF THE ROADWAY OR DRIVEWAY.

SUBCHAPTER E NOTES:

1. ALL EXTERIOR LIGHTING WILL BE FULL CUT-OFF AND FULLY SHIELDED IN COMPLIANCE WITH SUBCHAPTER E 2.5 AND WILL BE REVIEWED DURING BUILDING PLAN REVIEW. ANY CHANGE OR SUBSTITUTION OF LAMP/LIGHT FIXTURES SHALL BE SUBMITTED TO THE DIRECTOR FOR APPROVAL IN ACCORDANCE WITH SECTION 2.5.2.E.

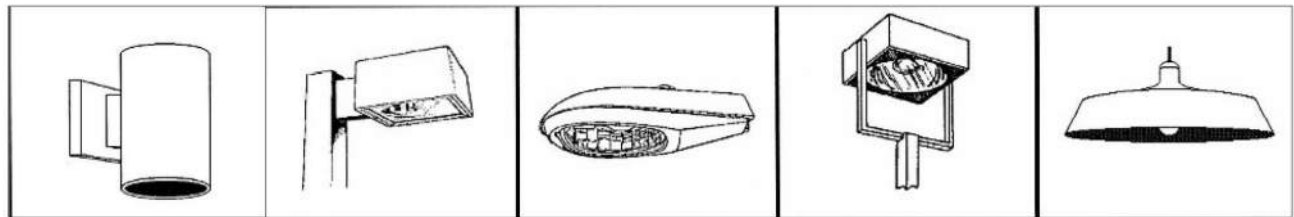


Figure 34:
Examples of fully-shielded light fixtures.

COMPATIBILITY STANDARDS NOTES:

1. THIS SITE IS CONSIDERED A MEDIUM CORRIDOR PER ORDINANCE #20221201-56 AND IS SUBJECT TO THE COMPATIBILITY SETBACKS DESCRIBED IN SECTION 25-2-769.04 (F)
2. ALL EXTERIOR LIGHTING WILL BE HOODED OR SHIELDED FROM THE VIEW OF ADJACENT RESIDENTIAL PROPERTY. [SECTION 25-2-1064]
3. ALL DUMPSTERS AND ANY PERMANENTLY PLACED REFUSE RECEPTACLES WILL BE LOCATED AT A MINIMUM OF TWENTY (20) FEET FROM A PROPERTY USED OR ZONED AS SF-5 OR MORE RESTRICTIVE. [SECTION 25-2-1067].
4. THE USE OF HIGHLY REFLECTIVE SURFACES, SUCH AS REFLECTIVE GLASS AND REFLECTIVE METAL ROOFS, WHOSE PITCH IS MORE THAN A RUN OF SEVEN (7) TO A RISE OF TWELVE (12), WILL BE PROHIBITED. [SECTION 25-2-1067].
5. THE NOISE LEVEL OF MECHANICAL EQUIPMENT WILL NOT EXCEED 70 DBA AT THE PROPERTY LINE ADJACENT TO RESIDENTIAL USES [SECTION 25-2-1067].
6. SCREENING FOR SOLID WASTE COLLECTION AND LOADING AREAS SHALL BE THE SAME AS, OR OF EQUAL QUALITY TO, PRINCIPAL BUILDING MATERIALS.

PARKING SUMMAR TABLE			
LAND USE	QUANTITY (SQFT)	PARKING RATIO	REQUIRED SPACES
RESTAURANT (GENERAL)	3,870	75	51.6
GENERAL RETAIL	1,374	275	5.0
RESIDENTIAL (ACCESSORY USE)	1 (Efficiency)498sf	1	1.0
PROFESSIONAL OFFICE	39,988	275	145.4
TOTAL PARKING REQUIRED			203.0
20% Urban Core Reduction			40.6
TOTAL PARKING REQUIRED AFTER REDUCTION			162
ON-SITE PARKING PROVIDED			105
ADA ACCESSIBLE PARKING			4
STANDARD PARKING			81
COMPACT PARKING			20
TOTAL BIKE PARKING REQUIRED			
5% OF TOTAL REQUIRED PARKING			10.2
BIKE PARKING PROVIDED			
SHORT TERM SPACES		6 (60%)	
LONG TERM SPACES		7 (70%)	
TOTAL SPACES			13

Site Data Table		
SITE AREA	23,086.8 SQFT	0.53 AC
EXISTING LAND USE	VACANT	
PROPOSED LAND USE	RESTAURANT (GENERAL)	
	PROFESSIONAL OFFICE	
	RETAIL (GENERAL)	
	ACCESSORY USE: 1 DWELLING UINT	
ZONING		
CS-CO-NP		
	ALLOWABLE	PROPOSED
MIN. SITE AREA	5750 SF	23,086.8 SF
GROSS FLOOR AREA	46,174 SF	45,730 SF
BUILDING HEIGHT	60'	57'
F.A.R.	2:1 (46,174SF)	1.98:1 (45,730SF)
BUILDING COVERAGE	95% (21,932SF)	94.9% (21,919SF)
IMPERVIOUS COVER	95% (21,932SF)	94.9% (21,919SF)
FOUNDATION TYPE	SUBSURFACE GARAGE PIER AND BEAM	

DESCRIPTION

DATE

NO.



MAX@MILIANENGINEERING.COM
FIRM REG# F-22686
956.251.5146



DC-2422
2422 E 7TH STREET
AUSTIN, TRAVIS COUNTY, TEXAS 78702

SITE PLAN

SHEET

10 of 42

SP-2023-0113C

CITY OF AUSTIN
Board of Adjustment
Decision Sheet
ITEM05

DATE: Monday January 8, 2024

CASE NUMBER: C15-2024-0003

☐ Y ☐ Thomas Ates (D1)
☐ - ☐ VACANT (D2)
☐ Y ☐ Jessica Cohen (D3)
☐ Y ☐ Yung-ju Kim (D4)
☐ Y ☐ Melissa Hawthorne (D5)
☐ - ☐ Jeffery Bowen (D6) -- ABSTAINED
☐ Y ☐ Janel Venzant (D7)
☐ Y ☐ Margaret Shahrestani (D8)
☐ Y ☐ Brian Poteet (D9)
☐ Y ☐ Michael Von Ohlen (D10)
☐ Y ☐ Marcel Gutierrez-Garza (M)
☐ - ☐ Kelly Blume (Alternate) (M)
☐ - ☐ Suzanne Valentine (Alternate) (M)
☐ - ☐ VACANT (Alternate) (M)

APPLICANT: Richard Suttle

OWNER: DC-2422, LLC

ADDRESS: 2408, 2410, 2414, 2418, 2422, 2428 E 7TH Street

VARIANCE REQUESTED:

The applicant is requesting a variance(s) from the Land Development Code: Article 10, Compatibility Standards, Division 2 –Development Standards, **Section 25-2-1063 (Height Limitations and Setbacks for Large Sites): (a)** (C) (1) (a) from height limitations to increase the height limit from two (2) stories and 30 feet (maximum allowed) to three (3) stories and 35 feet (requested), **(b)** (C) (2) (a) from height limitations to increase the height limit from three (3) stories and 40 feet (maximum allowed) to four (4) stories and 45 feet (requested) **and (c)** (C) (3) (a) from height limitations to increase the height limit from 40 feet plus one foot for each 10 feet of distance (maximum allowed) to 58 feet (requested), in order to erect an Office building in a “CS-CO-NP”, General Commercial Services-Conditional Overlay-Neighborhood Plan zoning district (Govalle Neighborhood Plan).

Note: The Land Development Code Section 25-2-1063 Height Limitations and Setbacks for Large Sites

(C) The height limitations for a structure are

(1) two stories and 30 feet, if the structure is 50 feet or less from property:

(a) in an SF-5 or more restrictive zoning district.

(2) three stories and 40 feet, if the structure is more than 50 feet and not more than 100 feet from property.

(a) in an SF-5 or more restrictive zoning district.

(3) for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.

BOARD'S DECISION: The public hearing was closed by Madam Chair Jessica Cohen, Board member Melissa Hawthorne motions to approve; Board member Michael Von Ohlen seconds on 9-0-1 (Board member Jeffery Bowen abstained) votes; GRANTED.

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the subject property is uniquely shaped as a shallow wedge having a long narrow angled configuration with approximately 255.8 linear feet running west to east adjacent to East 7th Street, with an average depth of approximately 91.8 feet running north to south with the short leg 64 feet deep.
2. (a) The hardship for which the variance is requested is unique to the property in that: the shallow wedge shape is a result of a very significant right of way dedication required by the city to shift East 7th St from the original city grid of 150' deep to its current configuration.

(b) The hardship is not general to the area in which the property is located because: the unique configuration of the site provides very little room for development so the additional 5' and removal of the story limitation would allow for a better mixed-use project.
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: the variance request is for only an additional 5' with the removal of the story limitation.



Elaine Ramirez
Executive Liaison

 for

Jessica Cohen
Madam Chair