

AUSTIN CITY COUNCIL

AGENDA



Thursday, March 01, 2007

+ Back Print

Item(s) to Set Public Hearing(s) RECOMMENDATION FOR COUNCIL ACTION

ITEM No 37

Subject Set a public hearing on an appeal by Nicki Mebane and Walter Olenick of the Planning Commission's decision to approve a revision to a conditional use permit (LDC 25-2-491) to increase the number of beds from 35 to 58 for a transitional housing use in CS-CO, Commercial Services, for Bannum, Inc. located at 1109 E 52nd St (Site Plan Number SPC-05-0027A) (Suggested date and time March 22, 2007, at 6 00 p m , Austin City Hall, 301 W Second Street, Austin, TX)

Fiscal Note There is no anticipated fiscal impact. A fiscal note is not required.

Additional Backup Material

(click to open)
No Attachments Available

For More Information Donna Cerkan, 974-2733, George Zapalac, 974-2725

Boards and Commission Action Conditional Use Permit approved by Planning Commission. Parking variance denied by Board of Adjustment.

The applicant is proposing a revision to an existing conditional use permit for Transitional Housing on a 0.5 acre tract, to increase the number of beds from 35 to 58. The building and all improvements are existing, no additional site development is proposed. Transitional Housing is a conditional use in CS zoning and requires site plan approval by Planning Commission.

The parking requirements for transitional housing are one space for every four beds plus one space for every two employees. The proposed increase in the number of beds increases the required parking from 10 to 18 spaces. This site has 10 existing spaces, meeting the parking requirement for 35 beds. The applicant requested a variance from the Board of Adjustment to reduce the required parking from 18 to 10. The variance request was denied on January 9, 2007. It was reconsidered by the Board of Adjustment on February 13, 2007, and the variance was again denied.

Staff did not recommend the approval of a conditional use permit, because the applicant did not meet parking requirements at the time of the Planning Commission hearing. The Planning Commission heard the case and approved the request on January 30, 2007 (8-1), with the following conditions:

- Pending compliance with parking [25-5-147(B)(2)]
- Successful enforcement of rules and regulations as set forth by Bannum Inc.'s federal contract
- File a restrictive covenant with immediate neighbors and neighborhood associations concerning Bannum, Inc.'s federal contract
- Insurance bond of \$15,000 [for the restrictive covenant]
- Have an on-site manager

- Have 24-hour security
- Employees must walk property daily, and
- Add a prohibition on state/county releases

Nicki Mebane and Walter Olenick, neighbors of the property, are appealing the Commission's approval on the basis that the proposed use is not in the best interest of the neighborhood and will create a negative impact. The lot is located in the desired development zone. Overall existing impervious cover is 59.45% of the net site area, and no change or addition to impervious cover is proposed. Surrounding development includes a liquor store and lounge, a restaurant supply, apartments, a plumbing supply, and a veterinary office. The existing transitional housing building is more than 250 feet from the nearest single-family residences. In addition, there is a building on the adjacent property screening this use from the closest single-family residence. There is an SF-3 zoned property adjacent to the south property line, but it is part of the retail property used as plumbing supply. This site complies with compatibility standards, it is surrounded by a 6-foot fence. The site plan will comply with all other requirements of the Land Development Code, except parking.