

**PLANNING COMMISSION SITE PLAN
CONDITIONAL USE PERMIT APPEAL TO COUNCIL
REVIEW SHEET**

CASE NUMBER: SPC-06-0039A **COUNCIL HEARING DATE:** August 23, 2007

ADDRESS: 209 Pedernales

SITE AREA: 9,424 sq. ft.

PROJECT NAME: Esquina Tango Cultural Society of Austin

NEIGHBORHOOD PLAN: Holly

APPLICANT: Monica Caivano
209 Pedernales St.
Austin, TX 78702

AGENT: David Boren
311 E. Live Oak St.
Austin, TX 78704

CASE MANAGER: Donna Cerkar Telephone: 974-2733
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PROPOSED DEVELOPMENT:

The applicant proposes a cultural center (club or lodge use) in SF-3 zoning. The applicant also requests a compatibility waiver from the 6' wooden fence requirement.

EXISTING ZONING: The existing zoning is SF-3 (Family Residence). A club or lodge use is a conditional use.

NEIGHBORHOOD ORGANIZATIONS:

6—Barrio Unido Neighborhood Assn
30—Guadalupe Neighborhood Development Corp
300—Terrell Lane Interceptor Association
386—Central East Austin Business Owners Assn.
477—El Concilio, Coalition of Mexican American Neighborhood Assn.
511—Austin Neighborhoods Council
613—Holly Street Association
729—Santa Rita Neighborhood Association
733—Eastville—Central
742—Austin Independent School District
744—Sentral Plus East Austin Coalition (SPEAK)
786—Home Builders Association of Greater Austin
972—PODER People Organized in Defense of Earth & Her Resources

T.I.A.: Not applicable
CAPITOL VIEW: Not applicable
WATERSHED: Town Lake (Urban)
APPLICABLE WATERSHED ORDINANCE: Comprehensive Watershed Ordinance

SUMMARY STAFF RECOMMENDATION:

Staff recommends denial of the appeal and upholding Planning Commission approval of the conditional use permit and compatibility waiver. The site plan will comply with all requirements of the Land Development Code prior to its release.

PLANNING COMMISSION ACTION: Conditional Use Permit approved by the Planning Commission on 06-12-07 (8-0, 1 abstained). Compatibility waiver for 6 foot required wooden fence approved by the Planning Commission on 06-12-07.

PROJECT INFORMATION: 9,424 sq. ft.

EXIST. ZONING: SF-3

MAX. HEIGHT: 35'

MAX. BLDG. COVERAGE: 40%

MAX. IMPERV. CVRG: 45%

EXISTING HEIGHT: 20' (1 Story)

EXISTING BLDG. CVRG: 2,096 Sq. ft. 22%

EXISTING IMP. CVRG: 7,537 sq. ft. 80%
(Existing legal noncomplying)

REQUIRED PARKING: 5

PROVIDED PARKING: 5

Proposed Access: Ingress on Pedernales, Egress on 3rd St.

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The applicant is requesting a conditional use permit for a club/lodge for a cultural tango dance society. The property is zoned SF-3 (Family Residence) and the existing building is a single-family residence. The proposed use is classified as club/lodge which is a conditional use in SF-3.

The project will comply with the height, lighting, and screening requirements set forth in the compatibility standards, except for 6' wooden fencing. Upon review, it was noted to the applicant that 6' wooden fencing would be required. The purpose of the fencing requirement is to screen the site from adjacent single family development. The applicant's comment response requested a waiver from that compatibility requirement. Also included in the response were letters from the adjacent neighbors for this site who do not want a fence between the properties. These letters are included in the backup materials. The 80% impervious cover is legal non-complying. The existing impervious cover was legally placed prior to the City's impervious cover regulations. Under current regulations, it would be limited to 45%.

Environmental: This site is located in the Town Lake Watershed and subject to comprehensive watershed regulations. The site is not located over the Edward's Aquifer Recharge Zone. The site plan complies with all environmental requirements.

Transportation: The site will have ingress off Pedernales St, and egress on to E 3rd St. The site plan complies with all transportation requirements. The new one-way traffic drive aisle through the site provides predictable, regulated traffic flow; an improved situation for the abutting sites.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-3-NP	Club/Lodge
<i>North</i>	SF-3-NP	E 3 rd St, then Single-family residential
<i>South</i>	SF-3-NP	Single-family residential
<i>East</i>	SF-3-NP	Single-family residential
<i>West</i>	MF-5-NP	Pedernales St., then apartments

<u>Street</u>	<u>R.O.W.</u>	<u>Surfacing</u>	<u>Classification</u>
Pedernales St.	61'	37'	Collector
E 3 rd St.	54'	29'	Residential

CONDITIONAL USE PERMIT REVIEW AND EVALUTATION CRITERA

The following evaluation is included to provide staff position on each point of the conditional use permit criteria. Section 25-5-145 of the Land Development Code states: “The Planning Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section. A conditional use site plan must:

1. **Comply with the requirements of this title;** Staff Response: This site plan complies with all regulations and requirements of the Land Development Code.
2. **Comply with the objectives and purposes of the zoning district;** Staff Response: The proposed club/lodge SF-3 zoning district.
3. **Have building height, bulk, scale, setback, open space, landscaping, drainage, access, traffic circulation, and use that is compatible with the use of an abutting site;**
Staff Response: The site plan will comply with all requirements of the SF-3 zoning district. The buildings and parking areas for the club/lodge are existing. The new one-way traffic drive aisle through the site provides predictable, regulated traffic flow; an improved situation for the abutting sites.
4. **Provide adequate and convenient off-street parking and loading facilities; and**
Staff Response: The site plan complies with off-street parking and loading facility requirements through off-street parking.
5. **Reasonably protect persons and property from erosion, flood, fire, noise, glare, and similar adverse effects.** Staff Response: The site plan will comply with all requirements of the Land Development Code including Compatibility Standards, and reasonably protects the health, safety, and welfare of persons and property. There is neighbor support for the screening requirement for a 6’ wooden fence.
6. **For conditional use located within the East Austin Overlay district, comply with the goals and objectives of a neighborhood plan adopted by the City Council for the area in which the use is proposed.** Staff response: The proposed project is not in the East Austin Overlay. This proposed project complies with the requirements of the Holly Neighborhood Plan ordinance.

In addition, A conditional use site plan may not:

7. **More adversely affect an adjoining site than would a permitted use;** Staff Response: The buildings and parking areas are existing. The Esquina Tango Cultural Center is a remodel of a residential building, and the impervious cover is existing noncomplying.
8. **Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;** Staff Response: The site

plan does not adversely affect the safety and convenience or vehicular and pedestrian circulation.

9. **Adversely affect an adjacent property or traffic control through the location, lighting, or type of a sign.** Staff Response: The site will comply with all sign regulations in the Land Development Code. The site complies with all Compatibility Standards, and there is a waiver request from the 6' wooden fence screening requirement.