

AGENDA



Thursday, February 11, 2010

**Public Hearings and Possible Actions
RECOMMENDATION FOR COUNCIL ACTION****Item No. 36**

Subject: Conduct a public hearing and consider an ordinance for floodplain variances requested by Mr. Richard Suttle of Armbrust and Brown, LLP, on behalf of Stubb's Austin Restaurant Co., L.C., to validate existing development in the form of various buildings and structures at the existing business known as Stubb's, 801 Red River Street. Portions of the property including areas where unpermitted development has occurred are within the 25-year and 100-year floodplains of Waller Creek.

Amount and Source of Funding: There is no unanticipated fiscal impact.

Fiscal Note: A fiscal note is not required.

For More Information: Kevin Shunk, 974-9176; Mapi Vigil, 974-3384; Ray Windsor, 974-3362

Stubb's Austin Restaurant Co., L.C. proposes to validate existing development in the form of various buildings and structures located on the property at 801 Red River Street. The unpermitted development within the 100-year floodplain includes: performance stage, covered walkway, canopies, bar structures, decks, and trash dumpsters. The development is the subject of Site Plan application number SP-2009-0163C.

The stage and walkway are considered buildings, which the Land Development Code (LDC) prohibits their encroachment on the 25-year and 100-year floodplains. The finished floor elevations of the stage and walkway are about 1.9 feet and 6.9 feet below the 100-year floodplain elevation, respectively. The finished floor elevation of the walkway is about 4.8 feet below the 25-year floodplain. Under Section 25-7-94 of the LDC, the property qualifies for certain exceptions to allow encroachment of a building in the 100-year floodplain. However, the property does not qualify for the LDC exceptions for encroachment in the 25-year floodplain. In addition, the buildings and structures that are in the 100-year floodplain are not certified to be flood proofed in accordance with the LDC. Lastly, the applicant seeks a variance from dedicating a drainage easement to the limits of the 100-year floodplain. The Watershed Protection Department recommends denial of this variance request.