

**SITE PLAN - CONDITIONAL USE PERMIT REVIEW SHEET
APPEAL TO CITY COUNCIL BY AN INTERESTED PARTY**

CASE NUMBER: SPC-2009-0303CS **PROPOSED COUNCIL DATE:** March 25, 2010

PROJECT NAME: East Side Inn

ADDRESS: 1609 E. Cesar Chavez

WATERSHED: Town Lake (Urban)

AREA: 6,518 sq. ft.

EXISTING ZONING: CS-MU-CO-NP – Commercial Services – Mixed Use – Conditional Overlay
– Neighborhood Plan

PROPOSED DEVELOPMENT: The proposed site plan requests approval of a conditional use permit for a Hotel/Motel use, which is a conditional use for this site according to the East Cesar Chavez Neighborhood Plan.

APPLICANT/OWNER: George Reynolds and Kathy Setzer
3400 Santa Monica Dr
Austin, TX 78741

NEIGHBORHOOD PLANNING AREA : East Cesar Chavez Neighborhood Planning Area

TIA: Not required

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: Yes

HILL COUNTRY ROADWAY: No

APPLICABLE WATERSHED ORDINANCE: Current/Comprehensive Watershed Ordinance

NEIGHBORHOOD ORGANIZATIONS:

6 – Barrio Unido Neighborhood Association
24 – East Town Lake Citizens Neighborhood Organization
30 – Guadalupe Neighborhood Development Corp.
477 – El Concilio, Coalition of Mexican American Neighborhood Association
511 – Austin Neighborhoods Council
742 – Austin Independent School District
744 – Sentral Plus East Austin Koalition (SPEAK)
786 – Home Builders Association of Greater Austin
972 – PODER
1017 – East River City Citizens
1037 – Homeless Neighborhood Association
1075 – League of Bicycling Voters
1113 – Austin Parks Foundation
1189 – Tejano Town
1199 – United East Austin Coalition
1200 – Super Duper Neighborhood Objectors and Appealers Organization
1220 – Greater East Austin Neighborhood Association
1224 – Austin Monorail Project

1225 – Cristo Rey Neighborhood Association
1228 – Sierra Club, Austin Regional Group
1236 – The Real Estate Council of Austin, Inc

SUMMARY STAFF RECOMMENDATION: Staff recommends denial of the appeal because the Conditional Use Permit meets the findings of fact per Section 25-5-145 of the Land Development Code.

PLANNING COMMISSION ACTION: January 26, 2010 – The motion to approve staff's recommendation to approve a conditional use permit; was approved on a vote of 9-0.

January 12, 2010 – Commission voted to postpone the East Side Inn case to the next available hearing on January 26, 2010, as requested by the neighborhood.

Zoning Case C14-00-2102 – Approved staff recommendation of the East Cesar Chavez Neighborhood Plan - 5-2.

RELATED CASES: None

SUMMARY COMMENTS ON SITE PLAN:

Background: Interested party Mr. Marcos de Leon, representing the East Town Lake Citizens Neighborhood Association, is appealing the Planning Commission's decision to approve the Conditional Use Site Plan known as East Side Inn, located at 1609 E. Cesar Chavez.

The applicant requested approval of a Conditional Use Permit for a Hotel/Motel use to the Planning Commission on January 12, 2010. Two interested parties shared concerns with the proposed development, one being that notification was only sent out to announce the Commission hearing, not when the site plan application was initially submitted. Staff responded that because this site plan was a Small Project, notification is not required at the time of submittal per Section § 25-5-4(A). Interested parties requested a postponement to the next available Commission hearing in order to have time to meet with the applicant. Commission then voted to close the public hearing and voted to postpone the agenda item to the January 26, 2010 hearing.

At the January 26th Planning Commission meeting, the Commission heard updates from both the applicant and the appellant, and then voted 9-0 to approve the Conditional Use Permit and the Hotel/Motel use. On January 29th, Mr. de Leon appealed the Commission's action to the City Council. The appellant states that the Hotel/Motel use is not compatible with the community, as it will lead to a permanent Hotel/Motel use on this property and will allow a chain hotel to be permitted as well.

Land Use: The site's zoning of CS-MU-CO-NP, established in accordance with the East Cesar Chavez Neighborhood Plan, makes Hotel/Motel a conditional use on this property (Case Number C14-00-2102). The proposed use consists of a total of 7 hotel rooms on a site of 6,518 sq. ft. The site includes an existing one-story single family structure, which will be converted into 2 of the proposed hotel rooms, and only the back exterior of the structure will be renovated. The plan also proposes 5 hotel rooms as a second story in the back of the lot separated by a shared porch. Below the hotel rooms will be the required parking for the site, located behind the existing single-family structure.

The site plan complies with Compatibility Standards and Subchapter E: Design Standards. The site will comply with all requirements of the Land Development Code prior to its release.

The applicant received a letter of support from the Land Use/Design Committee Chair of the East Cesar Chavez Neighborhood Planning Team. The Committee presented their recommendation to the full Planning Team at their monthly meeting on August 19, 2009, and the Team voted to support the request for a hotel use with the understanding that the development preserve the existing building, protect any large trees on the lot, fit the required parking on-site and not requires any additional variances. This letter is included in the backup material.

Prior to pursuing the conditional use of a Hotel/Motel, the applicant had discussed the option of a Bed and Breakfast Residential use, per LDC Sec. 25-2-3(B)(1), which is an allowed use on this site. However, a Bed and Breakfast must comply with Subchapter F: Residential Design Standards, which would limit the site's floor to area ratio (FAR) to .4 to 1.0. Subchapter F would also limit the Setback Planes, which restricts the allowed buildable area. The setback plane requires an inwardly sloping 45 degree angle from the side and rear property lines, beginning at 15 feet directly above the property line (Sec. 2.6A and B).

Transportation: A traffic impact analysis was not required for this site plan. The site plan will meet all Transportation requirements prior to permitting.

Environmental: The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Town Lake watershed, which is classified as an urban watershed. There are no environmental features or critical water quality zones affected by this project. The site plan shows an elevated structured driving surface in the critical root zone, as well as modified wall footing, in order to protect the pecan tree located on Lot 5 to the east. The applicant is continuing to work with staff on design alternatives to improve the preservation of this particular tree. The site plan will meet all Environmental requirements prior to permitting.

CASE MANAGER: Sarah Graham
Sarah.Graham@ci.austin.tx.us

PHONE: 974-2826

PROJECT INFORMATION: 6,518 sq. ft.

EXIST. ZONING: CS-MU-CO-NP

MAX. BLDG. COVERAGE: 95%

MAX. IMPERV. CVRG.: 95%

ALLOWED F.A.R.: 2:1

HEIGHT: 60 feet; 30 feet per Compatibility

REQUIRED PARKING: 6.16 spaces

PROP. BUILDING CVR: 58%

PROP. IMP. CVRG.: 90%

PROPOSED F.A.R.: .47:1

PROPOSED HEIGHT: 26.75 feet, 2 story

PROPOSED PARKING: 6 spaces

SURROUNDING CONDITIONS:**Zoning/ Land Use**

North: East Cesar Chavez then CS-MU-CO-NP (general retail and associated parking for medical offices)

South: 20 ft alleyway, then SF-3-NP (single family)

East: CS-MU-CO-NP (funeral home)

West: CS-MU-CO-NP (personal services)

Street

E. Cesar Chavez

R.O.W.

57'

Surfacing

35'

Classification

Minor Arterial

CONDITIONAL USE PERMIT REVIEW AND EVALUATION CRITERIA

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 Commission shall determine whether the proposed development or use of a conditional use site plan complies with the requirements of this section.

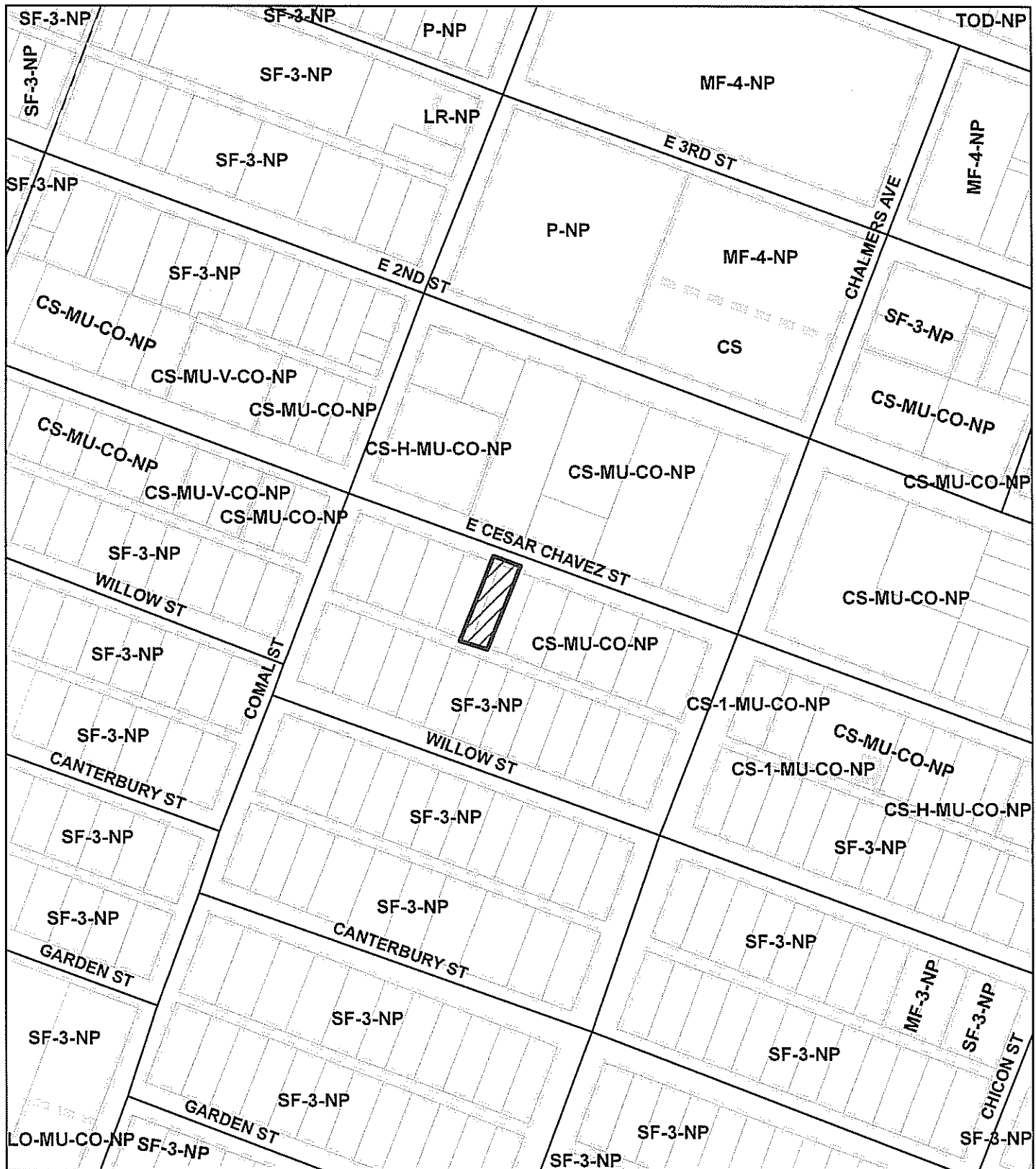
A conditional use site plan must:

1. **Comply with the requirements of this title;** Staff response: This application complies with the requirements of this title. The site plan also has the support of the East Cesar Chavez Neighborhood Planning Team - Land Use/Design Committee. Please see attached letter.
2. **Comply with the objectives and purposes of the zoning district;** Staff response: This application complies with the objectives and purposes of the 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: This application is compatible with the abutting sites, as it is keeping the single-family structure frontage along E. Cesar Chavez, matching the adjacent commercial uses which are housed in single-family structures as well. The proposed project will not change the existing drainage patterns.
4. **Provide adequate and convenient off-street parking and loading facilities;** Staff response: The proposed parking is adequate.
5. **Reasonably protect persons and property from erosion, flood, fire, noises, glare, and similar adverse effects;** Staff response: The proposed project does not contribute to any of these adverse effects.
6. **For a 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: This site is not within the East Austin Overlay district, however the applicant received a letter of support from the Land Use/Design Committee Chair of the East Cesar Chavez Neighborhood Planning Team. The Committee presented their recommendation to the full Planning Team at their monthly meeting on August 19, 2009, and the Team voted to support the request for a hotel use with the understanding that the development preserve the existing building, protect any large trees on the lot, fit the required parking on-site and not requires any additional variances.

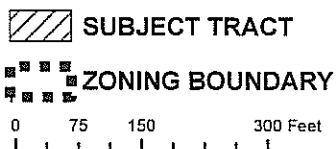
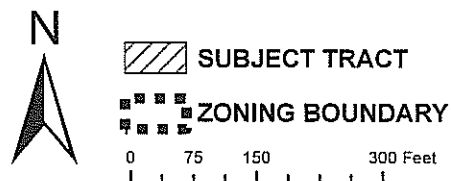
A Conditional Use Site Plan May Not:

1. **More adversely affect an adjoining site than would a permitted use;** Staff response: This proposed site plan does not more adversely affect an adjoining site than would a permitted use.
2. **Adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;** Staff response: Surrounding vehicular circulation in the area of the project is not anticipated to have any detriment of safety or convenience.

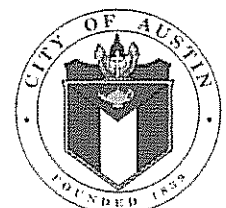
3. **Adversely affects an adjacent property or traffic control through the location, lighting, or type of signs;** Staff response: No signage or lighting is proposed with this site plan. Signs are permitted separately from site plans, and are not included within the site plan permitting process. Lighting is permitted through the Commercial Building Plan review.



East Side Inn - Conditional Use Permit



CASE#: SPC-2009-0303CS
 ADDRESS: 1609 E. Cesar Chavez St.
 MANAGER: Sarah Graham



OPERATOR: Sarah Graham

This map has been produced by the case manager for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



City of Austin Watershed Protection and Development Review Department
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

SITE PLAN APPEAL

If you are an applicant and/or property owner or interested party, and you wish to appeal a decision on a site plan application, the following form must be completed and filed with the Director of Watershed Protection and Development Review Department, City of Austin, at the address shown above. The deadline to file an appeal is 14 days after the decision of the Land Use Commission (ZAP or PC), or 20 days after an administrative decision by the Director. If you need assistance, please contact the assigned City contact at (512) 974-2680.

CASE NO. SPC-2009-030CS

DATE APPEAL FILED 01/27/2010

PROJECT NAME EASTSIDE INN

YOUR NAME Mr. Marcos de Leon

SIGNATURE Marcos de Leon

PROJECT ADDRESS 1609 E. CESAR CHAVEZ ST.

YOUR ADDRESS 1702 Canterbury St. Austin TX

Austin, TX 78702

78702

APPLICANT'S NAME George Reynolds & Kathy

YOUR PHONE NO. (512) 821-7805 **WORK**

Setzer

(512) 576-7805 **HOME**

CITY CONTACT Sarah Graham

INTERESTED PARTY STATUS: Indicate how you qualify as an interested party who may file an appeal by the following criteria: (Check one)

- ☐ I am the record property owner of the subject property
- ☐ I am the applicant or agent representing the applicant
- ☒ I communicated my interest by speaking at the Land Use Commission public hearing on (date) 01/26/2009.
- ☐ I communicated my interest in writing to the Director or Land Use Commission prior to the decision (attach copy of dated correspondence).

In addition to the above criteria, I qualify as an interested party by one of the following criteria: (Check one)

- ☐ I occupy as my primary residence a dwelling located within 500 feet of the subject site.
- ☐ I am the record owner of property within 500 feet of the subject site.
- ☒ I am an officer of a neighborhood or environmental organization whose declared boundaries are within 500 feet of the subject site.

DECISION TO BE APPEALED*: (Check one)

- ☐ Administrative Disapproval/Interpretation of a Site Plan
- ☐ Replacement site plan
- ☒ Land Use Commission Approval/Disapproval of a Site Plan
- ☐ Waiver or Extension
- ☐ Planned Unit Development (PUD) Revision
- ☐ Other: _____

Date of Decision: _____

Date of Decision: _____

Date of Decision: 01/26/2010

Date of Decision: _____

Date of Decision: _____

Date of Decision: _____

*Administrative Approval/Disapproval of a Site Plan may only be appealed by the Applicant.

STATEMENT: Please provide a statement specifying the reason(s) you believe the decision under appeal does not comply with applicable requirements of the Land Development Code:

The conditional use permit for a Hotel/Motel is NOT compatible to this community because this will lead to permanent Hotel/Motel zoning on this property and will allow a chain hotel, such as a Ramada Inn to move in.

(Attach additional page if necessary.)


Applicable Code Section: _____

MEMO

Date: January 28, 2010

2 Pages

To: Sarah Graham
Senior Planner, City of Austin

From: Marcos de Leon 
President, East Town Lake Citizens Neighborhood Association (ETLCNA)

Re: Site Plan APPEAL, # SPC-2009-030CS

FAX Number: 512-974-3010