

**CITY COUNCIL APPEAL
CONDITIONAL USE PERMIT REVIEW SHEET**

CASE NUMBER: SPC-2009-0066C **ZAP COMMISSION DATE:** March 2, 2010
Postponed by Neighborhood: February 16, 2010

CITY COUNCIL DATE: May 13, 2010

ADDRESS: 1600 W. 38th Street

PROJECT NAME: Jefferson Street Rehabilitation Hospital

PROPOSED USE: Hospital Services General (59,048 sq. ft. building.)

WATERSHED: Shoal Creek (Urban)

AREA: 3.596 acres

APPLICANT: 1600 W. 38th Ltd. (Gerald Kucera)
7200 Mopac, Suite 450
Austin, Texas 78731
Phone: (512) 346-0025

AGENT: The Kucera Companies (Sarah Crocker)
7200 Mopac, Suite 400
Austin, Texas 78731
Phone: (512) 346-0025

PROPOSED DEVELOPMENT: The applicant is proposing 59,048 square feet of Hospital Services Use (General) with associated parking garage and other improvements. This tract has an existing medical office building that will remain. The new rehabilitation hospital will be two stories with a 3 story underground parking garage. Hospital Services (General) use is the use of a site for the provision of medical, psychiatric, or surgical services on an in-patient basis, and includes ancillary facilities for out-patient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, and visitors.

EXISTING ZONING: CS-General Commercial Services. The proposed Hospital Services (General) is a conditional use in CS.

NEIGHBORHOOD ORGANIZATION:

Austin Independent School District
Austin Neighborhood Council
Austin Parks Foundation
Homeless Neighborhood Association
Home Builders Association of Greater Austin
League of Bicycling Voters
National Guard Association of Texas
North Austin Neighborhood Alliance
Oakmont Heights Neighborhood Association
Ridgelea Neighborhood Association

Real Estate Council of Austin
Rosedale Neighborhood Association
Sierra Club
Super Duper Neighborhood Objectors and Appealers Organization
West Austin Neighborhood Group

AREA STUDY: N/A**APPLICABLE WATERSHED ORDINANCE:** Current/ Comprehensive Watershed Ordinance**CAPITOL VIEW:** Not in View Corridor**T.I.A.:** A Traffic Impact Analysis was not required.**SUMMARY STAFF RECOMMENDATION:**

Staff recommends approval of the conditional use permit with conditions that surgery, obstetrical services and “full service emergency” care will be prohibited in the hospital building, and prior to any construction a temporary interim off-site parking plan will be submitted to and approved by the City of Austin. This will accommodate parking for the existing building during construction of the project. The applicant has also agreed to limit the number of beds to 60. The site plan will comply with all requirements of the Land Development Code prior to its release.

ZONING AND PLATTING COMMISSION ACTION: March 2, 2010: The motion to deny staff's recommendation for a conditional use permit (by Commissioner Sandra Baldrige's motion, Commissioner Patricia Seeger's second) was approved on a vote of 5-2; (Commissioner Betty Baker and Cynthia Banks voted against the motion).

CASE MANAGER: Sue Welch
Sue.Welch@ci.austin.tx.us

Telephone: 974-3294

PROJECT INFORMATION: 59,048 sq. ft. building for Hospital Services (General)

ZONING: CS - 3.596 Acres (total site)

MAX. BLDG. CVRG: 95%

MAX. BLDG. HEIGHT: 60'

ALLOWED F.A.R.: 2:1

MAX. IMP. CVRG: 95%

REQUIRED PARKING: 442 spaces

EXIST. USE: Medical Office

PROPOSED ACCESS: Driveway access to 38th Street and Jefferson

PROP. BLDG. CVRG: 36%

PROP. BLDG. HEIGHT: 32.25' (2 stories)

PROPOSED F.A.R.: 1.03:1

PROP. IMPERV. CVRG.: 78%

PROVIDED PARKING: 442 spaces

PROPOSED USE: Hospital (General)

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The applicant is proposing 59,048 square feet of Hospital Services General Use. The Rehabilitation Hospital will be built adjacent to an existing medical office building at 1600 W. 38th Street. The site has been zoned CS since 1967, and is located in the Desired Development Zone. The new rehabilitation facility will be two stories with a 3 story underground parking garage. Hospital Services (General) use is the use of a site for the provision of medical, psychiatric, or surgical services on an in-patient basis, and includes ancillary facilities for out-patient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, and visitors.

This rehabilitation hospital is planning to meet the criteria for a Special Hospital License in the State of Texas (see attached letter). A hospital with this license does not offer surgery and obstetrical care. Although it has a designated emergency treatment room, it is not considered a full service emergency department that requires a physician to be physically present at all times. The applicant has agreed to restrict surgery, obstetrical care services and full service emergency care at the proposed hospital. The applicant will also provide an interim off-site parking location for employees and patients during construction. The applicant has agreed to limit the number of beds to 60.

The redevelopment will decrease impervious coverage on the tract from approximately 92% to 78%. The proposed building is in compliance with compatibility standards for setbacks and height. There is a wooden privacy fence as well as a vegetative buffer along the north adjacent to the single family residences, which will screen any car lights leaving the facility. This site is subject to Commercial Design Standards (CDS); however, the new rehabilitation hospital could not be brought up to the street due to the existing medical building. The applicant is providing urban sidewalk requirements and shading along 38th Street, and the new building will comply with the CDS for the building façade requirements such as glazing and lighting.

Transportation: A traffic impact analysis was not required because the Hospital does not generate more than 2000 vehicle trips per day. However, a Neighborhood Traffic Analysis (NTA) was required and performed by City staff (see attached memo). Driveway access will be to 38th Street and Jefferson, but a forced left exit only is designed onto Jefferson to direct traffic away from the neighborhood streets. The traffic on Jefferson will meet the desired operating level for local streets per the Land Development Code. The parking meets code requirements, but does include the 20% reduction allowed for the urban core areas. The site will be phased so the parking garage will be included in the first phase to accommodate the on-site parking for clients as soon as possible.

Environmental: The site is in the Shoal Creek watershed, which is classified as urban. The site is not located over the Edward's Aquifer Recharge Zone. The redevelopment is providing water quality facilities.

SURROUNDING CONDITIONS:

Zoning/ Land Use:

North: SF-3, single family residences

South: LR/CS, mixed use – retail and restaurant

East: GO– medical/office use & P, Shoal Creek Greenbelt

West: ROW for Jefferson, then SF-3 residence

<u>STREET:</u>	<u>R.O.W.</u>	<u>SURFACING</u>	<u>CLASSIFICATION</u>
38 th	70'	40'	Commercial Collector
Jefferson	60'	43'	Collector/Local

CONDITIONAL USE PERMIT REVIEW AND EVALUATION CRITERIA

A. 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.

B. 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.
- 2. Comply with the objectives and purposes of the zoning district;** Staff response: This application complies with the objectives and purposes of the CS-General Commercial Services 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 in all of these cases. The site is complying with compatibility standards, and there is a vegetative buffer and a wooden fence between the single family residences.
- 4. Provide adequate and convenient off-street parking and loading facilities;** Staff response: Parking and loading facilities have been provided in accordance with code requirements.
- 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. The site is complying with compatibility standards.
- 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 or an adopted neighborhood plan.

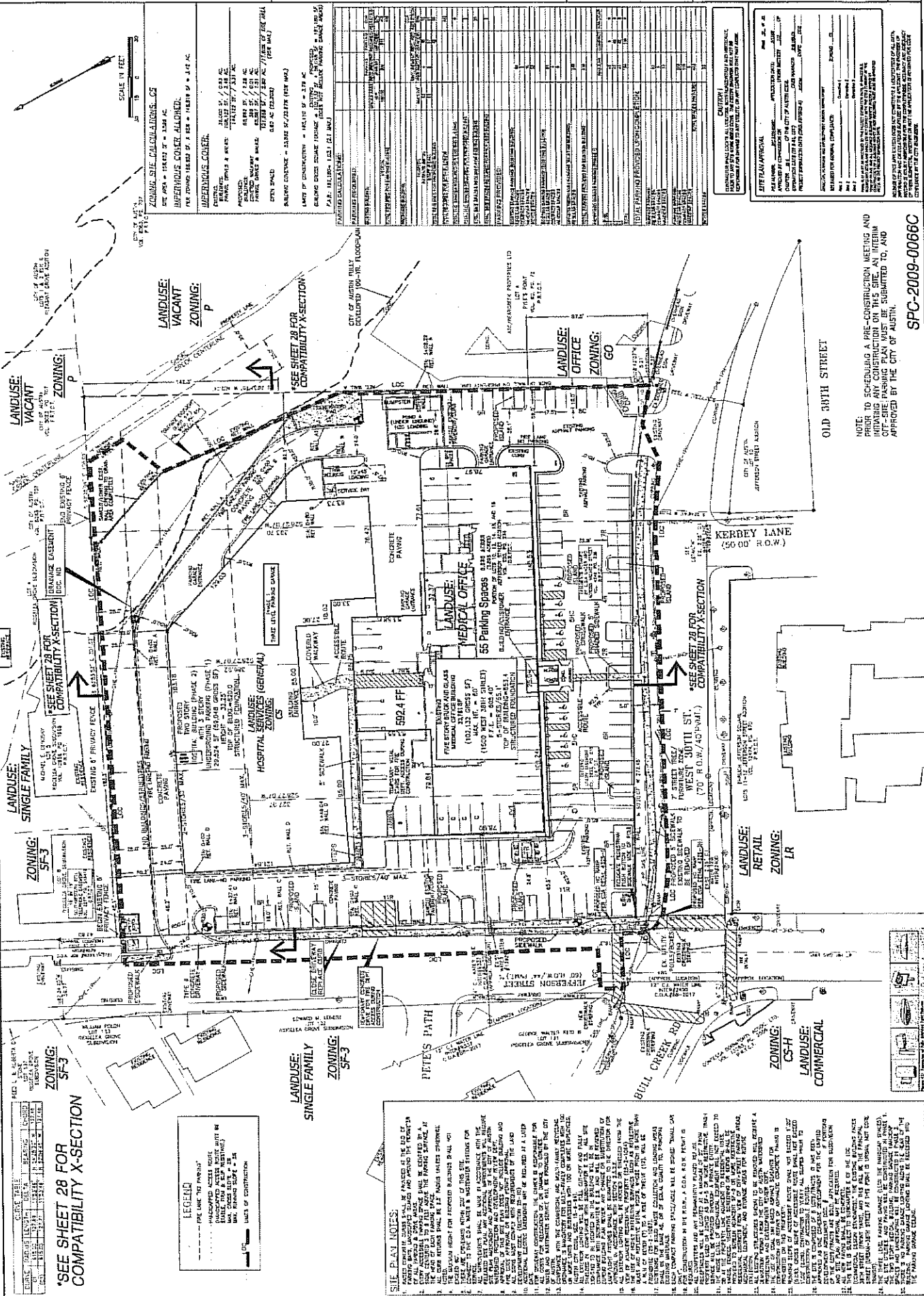
C. A Conditional Use Site Plan May Not:

- 1. More adversely affect an adjoining site than would a permitted use;** Staff response: The site plan will conform with all regulations and standards established by the Land Development Code. 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: The site plan is not anticipated to have any detriment to 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 that would affect adjacent properties or traffic control.

D. A site plan may not adversely affect the public health, safety, or welfare, or materially injure property. If the Land Use Commission determines that a site plan has an adverse effect or causes a material injury under this subsection, the Land Use Commission shall identify the adverse effect or material injury.

Section 25-5-146 Conditions of Approval of the Land Development Code states:

- (A) To make a determination required for approval under Section 25-5-145 (Evaluation of Conditional Use Site Plan), the Land Use Commission *may require* that a conditional use site plan comply with a condition of approval that includes a requirement for:
- (1) a special yard, open space, buffer, fence, wall, or screen;
 - (2) landscaping or erosion;
 - (3) a street improvement or dedication, vehicular ingress & egress, or traffic circulation;
 - (4) signs;
 - (5) characteristics of operation, including hours;
 - (6) a development schedule; or
 - (7) other measures that the Land Use Commission determines are required for compatibility with surrounding uses or the preservation of public health, safety, or welfare.



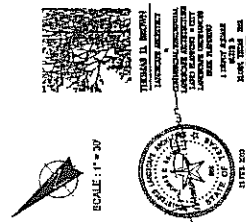
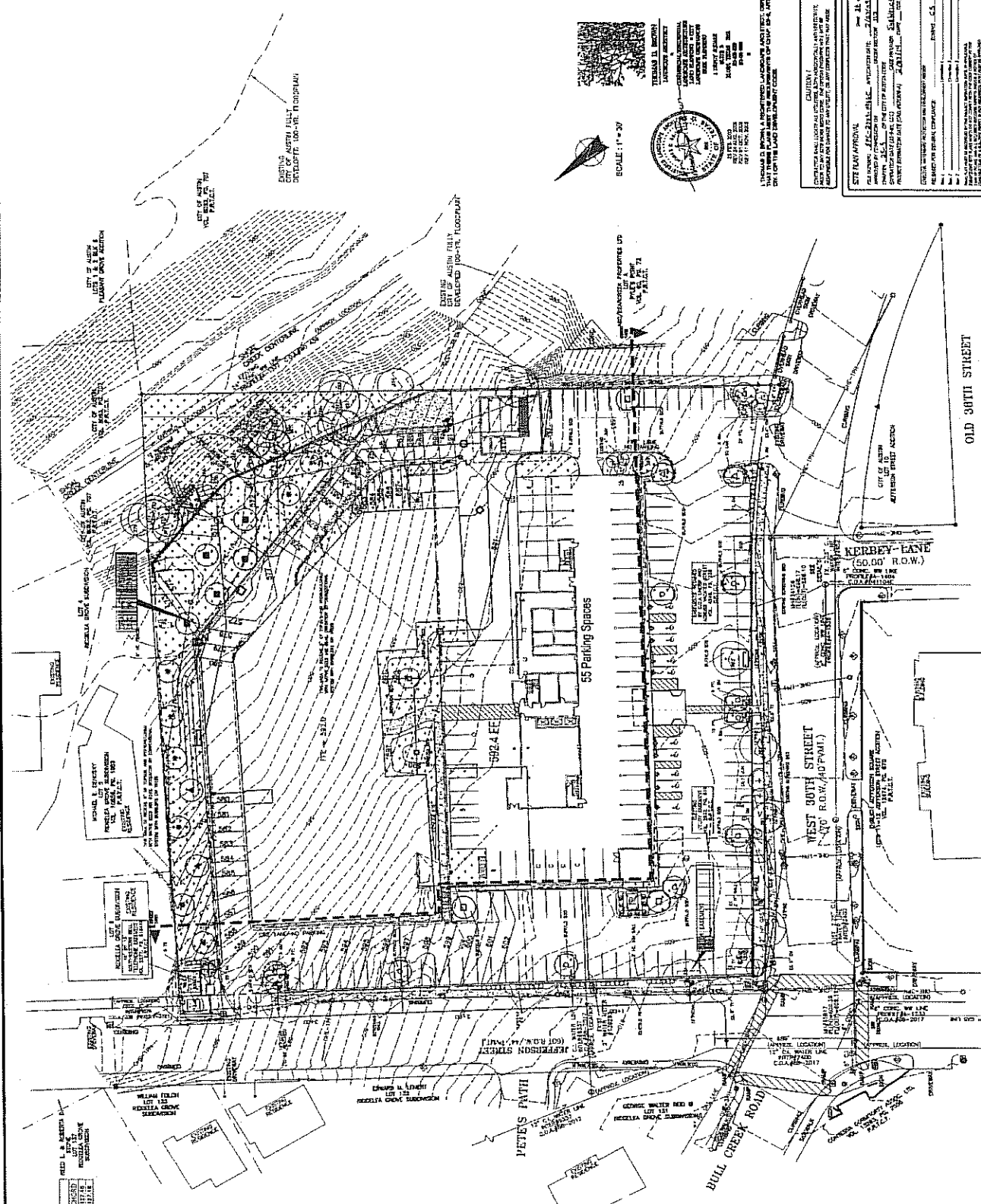
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HANRAHAN • PARTCHARD ENGINEERING, INC.

CONSULTING ENGINEERS
3000 CROSS STREET, SUITE 200
AUSTIN, TEXAS 78704
OFFICE: (512) 476-1000
FAX: (512) 476-1001

JEFFERSON STREET REHABILITATION HOSPITAL
LANDSCAPE PLAN
1600 WEST 38TH STREET
AUSTIN, TEXAS

PROJECT: CENTRAL TEXAS - BASE
JOB NO. 000-000-000
DATE: 08/09/09
SCALE: 1" = 100'
SHEET: 25 OF 35



CAUTION:
THIS PLAN IS A PRELIMINARY DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE ENGINEER. ANY CHANGES TO THE PLAN MUST BE APPROVED BY THE ENGINEER.

NOTES:
1. THE DESIGNER HAS CONDUCTED VISUAL SURVEYS AND HAS NOT CONDUCTED FIELD SURVEYS.
2. THE DESIGNER HAS NOT CONDUCTED FIELD SURVEYS.
3. THE DESIGNER HAS NOT CONDUCTED FIELD SURVEYS.

REVISIONS:
REVISION 1: 08/09/09
REVISION 2: 08/09/09
REVISION 3: 08/09/09

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*TWO TO BE PLANTED

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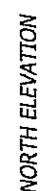
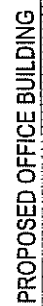
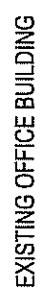
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DATE: 05/09/03	Checked by: SJU		



JEFFERSON STREET REHABILITATION HOSPITAL
BUILDING ELEVATIONS
1600 WEST 38TH STREET
AUSTIN, TEXAS

HANRAHAN • PITCHARD ENGINEERING, INC.
CONSULTING ENGINEERS
(THE FIRM HAS 4000)
8333 CHINA PARK DRIVE
AUSTIN, TEXAS 78756
OFFICE SELECTION FAX 512/452-6322
1101-12-19-0000

HPE



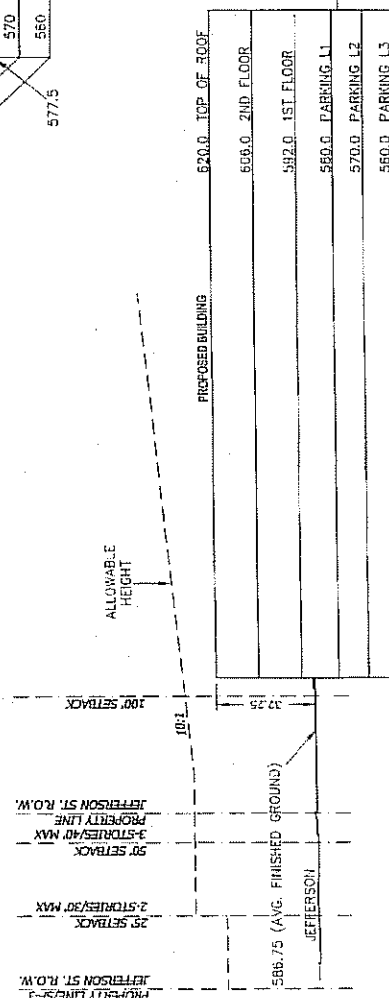
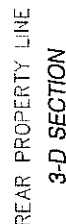
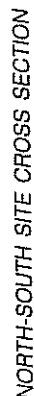
WASH WITH SALT

▶ **What is the difference between a "strong" and a "weak" acid?**

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WEST-EAST SITE CROSS SECTION

SPC-2009-0066C



SITE PLAN



SUBJECT TRACT

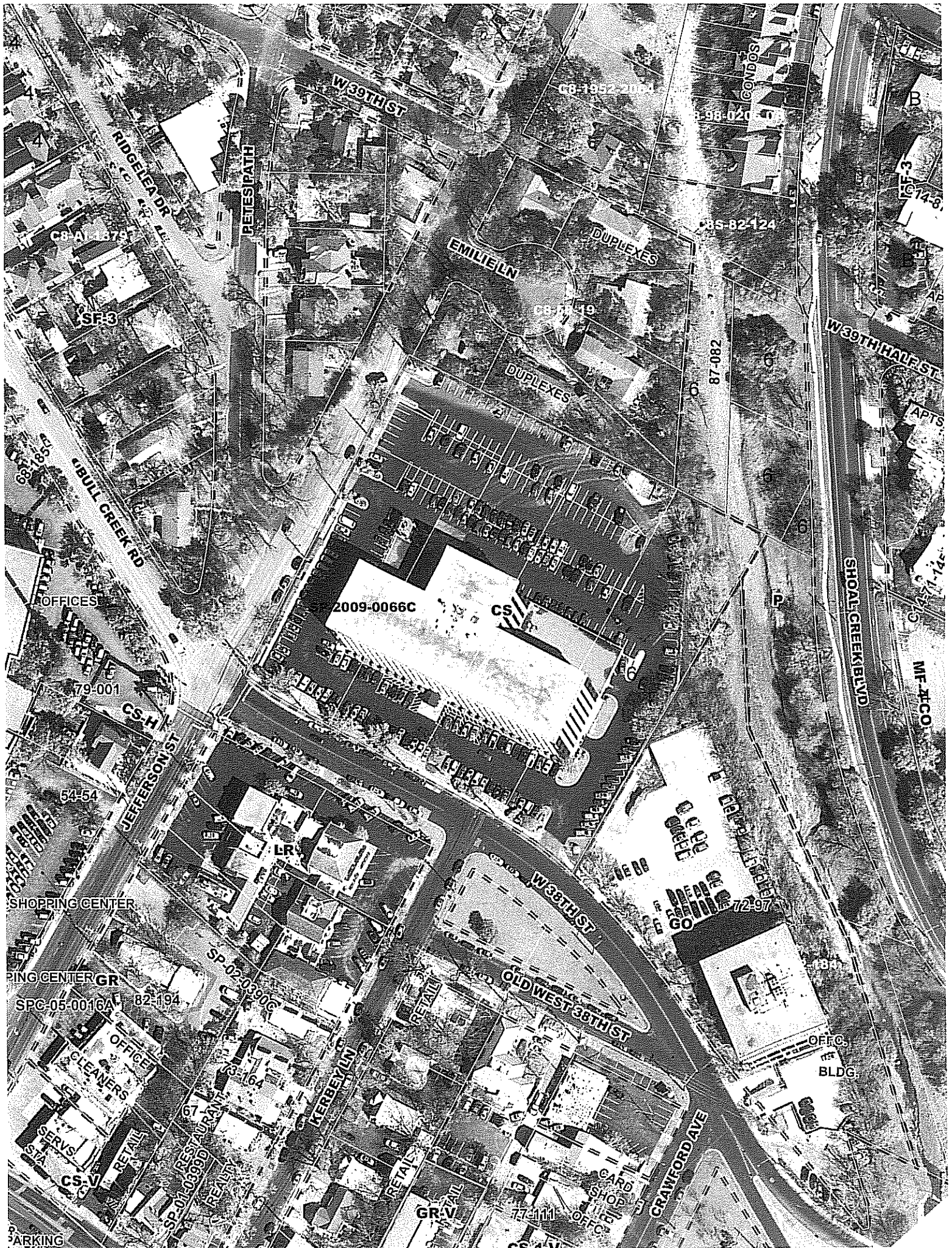


ZONING BOUNDARY

CASE#: SPC-2009-0066C
 ADDRESS: 1600 W. 38th Street
 GRID:
 MANAGER: SUE WELCH

OPERATOR:

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





TEXAS DEPARTMENT OF STATE HEALTH SERVICES

DAVID L. LAKEY, M.D.
COMMISSIONER

P.O. Box 149347
Austin, Texas 78714-9347
1-888-963-7111
TTY: 1-800-735-2989
www.dshs.state.tx.us

January 7, 2010

Mr. Greg Guernsey
Director
Planning and Development Review Department
City of Austin
PO Box 1088
Austin, Texas 78767

Dear Mr. Guernsey:

This letter is in regards to a new physical rehabilitation hospital proposed to be built on 38th Street in Austin, Texas. After meeting with Mr. Kyle Janek and Sarah Crocker, it is our understanding that the hospital facility being planned meets the criteria for a Special Hospital License in the State of Texas. A Special Hospital licensed in the State of Texas is an establishment that offers services, facilities and beds for use of more than 24 hours and does not offer surgery or obstetrical care. Special Hospitals must have a designated emergency treatment room with a physician on call and able to respond within 30 minutes in person, by telephone or by radio; whereas, a General Hospital License requires the offering of surgery or obstetrical care and must have a full service emergency department with a physician physically present in the emergency department at all times.

The facility being planned appears to be very similar to other licensed Special Hospitals in Austin such as Cornerstone Hospital of Austin, Central Texas Rehabilitation Hospital, Healthsouth Rehabilitation Hospital of Austin, St. David's Rehabilitation Center, and Texas Neurorehab Center. Should you have further questions, please don't hesitate to call me at (512) 834-6730 or email me at Debbie.Peterson@dshs.state.tx.us.

Sincerely,

A handwritten signature in cursive script that reads "Debbie Peterson".

Debbie Peterson, MSHP
Regulatory Licensing Unit Manager
Regulatory Services Division



MEMORANDUM

TO: Sue Welch, Case Manager
CC: Ron Pritchard, P.E., Hanrahan-Pritchard Engineering Inc.
FROM: Amber Mitchell, Senior Planner
DATE: January 28, 2010 (Revised April 6, 2010)
SUBJECT: Neighborhood Traffic Analysis for Jefferson Street Rehabilitation Hospital:
SPC-2009-0066C, 1600 W 38th Street

Analysis Required

Land Development Code chapter 25-6-114 requires a neighborhood traffic analysis for this project for the following reasons: 1) the projected number of vehicle trips generated by the project exceeds the vehicle trips per day generated by existing uses by at least 300 trips per day. 2) The project has access to a local or residential collector street where at least 50 percent of the site frontage has an SF-5 or more restrictive zoning designation.

The project is located at the northeast corner of Jefferson Street and W 38th Street, just west of Shoal Creek Blvd. Existing on the site is a 102,123 ft² medical office building. The applicant proposes to add a 59,048 ft² rehabilitation hospital on the northern half of the tract. Jefferson Street abuts the western boundary of the site. It is classified as a local street and currently has approximately 43 feet of pavement on 60 feet of right-of-way at the proposed access point but tapers down to 27 feet of pavement on 50 feet of right of way north of Emilie Lane. The applicant is proposing access to both Jefferson Street and W 38th Street.

Trip Generation

The rehabilitation hospital is estimated to generate 709 new vehicle trips per day. It is necessary to increase this amount by 792 vehicles in order to account for the current 20% vacancy rate of the medical office building, bringing the total number of trips added to Jefferson Street for this study to 1501 vehicles per day. For the purposes of this analysis two segments of the identified local street will be assessed: Jefferson Street at the site driveway and Jefferson Street north of Emilie Lane.

The existing traffic counts taken by the applicant estimate 1178 vehicles per day on Jefferson Street just north of the intersection of W 38th Street and Bull Creek Road and 401 vehicles per day on Jefferson north of Emilie Lane. Based on this trip distribution it is assumed that 34% of the vehicles that exit the site onto Jefferson Street will continue past Emile Lane on Jefferson Street.

The table below represents a breakdown of existing traffic on Jefferson Street, proposed site traffic, total traffic after development and percentage increase in traffic for the roadway. For the purposes of this study it is assumed that none of the new traffic will use the exit on W 38th Street.

Jefferson Street	New Trips	Existing Traffic	Trips to Supplement 20% Vacancy Rate of Existing Bldg	Total Adjusted Traffic (B+D)	Total Forecasted Traffic (C+E)	Percentage Increase: New Trips of Total Adjusted Traffic (B/ E)	Undesirable Level per LDC 25-6-116
A	B	C	D	E	F	G	H
At site driveway	709	1178	792	1501	2679	47%	4000
North of Emilie Lane	241	401	269	510	911	47%	1200


Summary

According to Section 25-6-116 of the Land Development Code, streets which are greater than 40 feet in width are considered to be operating at an undesirable traffic level if the average daily traffic volume for such roadways exceeds 4,000 vehicles per day. The traffic along Jefferson Street at the site's driveway does not exceed these requirements and therefore does not require mitigation for potential traffic impacts to the neighborhood.

Streets which are less than 30 feet in width are considered to be operating at an undesirable traffic level if the average daily traffic volume for such roadways exceeds 1,200 vehicles per day. The traffic along Jefferson Street north of Emilie Lane does not exceed the requirements established in Section 25-6-116 and therefore does not require mitigation for potential traffic impacts to the neighborhood.

While mitigation of potential traffic impacts is not required based on the Land Development Code standards identified above, the applicant has proposed to remove one of the two existing driveways accessing Jefferson Street and to redesign the remaining existing driveway to prohibit right turn movements onto Jefferson Street, further mitigating the site's potential traffic impact to the neighborhood.

If you have any questions or require additional information, please contact me 974-3428.



Amber Mitchell
Planning & Development Review Department



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-2009-0066C

DATE APPEAL FILED March 11, 2010

PROJECT NAME Jefferson Street Rehabilitation
Hospital

YOUR NAME Sarah Crocker

SIGNATURE [Signature]

PROJECT ADDRESS 1600 West 38th Street Austin
Texas

YOUR ADDRESS 7200 N Mopac Suite 400
Austin Texas 78731

APPLICANT'S NAME 1600 W. 38th LTD

YOUR PHONE NO. (512) 346-0025 WORK

CITY CONTACT Sue Welch, Case Manager

(504) 237-4288 HOME

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) _____
- ☐ 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)

- | | |
|---|---------------------------------------|
| <input type="checkbox"/> Administrative Disapproval/Interpretation of a Site Plan | Date of Decision: _____ |
| <input type="checkbox"/> Replacement site plan | Date of Decision: _____ |
| <input checked="" type="checkbox"/> Land Use Commission Approval/Disapproval of a Site Plan | Date of Decision: <u>March 2 2010</u> |
| <input type="checkbox"/> Waiver or Extension | Date of Decision: _____ |
| <input type="checkbox"/> Planned Unit Development (PUD) Revision | Date of Decision: _____ |
| <input type="checkbox"/> Other: _____ | 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:

Please see attached correspondence

(Attach additional page if necessary.)

2010 MAR 11 PM03:15:34

Applicable Code Section: 25-5-149 Appeal to Council

Development and Entitlement Solutions

March 10, 2010

Greg Guernsey
Director
Planning and Development Review Department
P.O. Box 1088
Austin, Texas
78767

RE: APPEAL TO COUNCIL (25-5-149)/SPC-2009-0066C


Dear Mr. Guernsey,

As authorized agent for 1600 W. 38th St. LTD, I hereby appeal the Land Use Commission's decision to deny the conditional use site plan for the Jefferson Street Rehabilitation Hospital to the City Council and would request that you and the City Council consider the following:

- Specific conditions for the Land Use Commission's evaluation of a Conditional Use Site plan are set forth in Section 25-5-145 of the Land Development Code. SPC-2009-0066C meets all conditions set forth in 25-145.
- In addition to the evaluation criteria set forth in 25-5-145, Section 25-5-146 outlines additional conditions for approval that the Land Use Commission may impose on a Conditional Use Site Plan. This application and all facets of SPC-2009-0066C meet, or exceed, the rules and regulations set forth for approval in the Land Development Code. There are no variances or waivers being requested with this application.

I respectfully request that this matter be placed on the first available City Council agenda.

Sincerely,



Sarah Crocker

Authorized Agent