



City of Austin Planning 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-2013-0405A

DATE APPEAL FILED 2/14/2014

PROJECT NAME Weather Up

YOUR NAME Kareem Hajjar

PROJECT ADDRESS 1808 E. Cesar Chavez

SIGNATURE

APPLICANT'S NAME Kareem Hajjar, Hajjar

YOUR ADDRESS 1205 Rio Grande, Austin, Texas

Sutherland Peters & Washmon, LLP on behalf of
Weather Up

78701

CITY CONTACT Brad Jackson, Case Manager

YOUR PHONE NO. (512) 637-4956 **WORK**

() 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)

- ☐ 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: Disapproval of conditional use permit (Late Hours Permit) and variance to allow restaurant's parking within 200 ft of property zoned as SF-6 or more restrictive.

Date of Decision: _____

Date of Decision: _____

Date of Decision: _____

Date of Decision: _____

Date of Decision: _____

Date of Decision: 2/11/2014

*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:

There was no evidence presented at the hearing that established that the conditional use site plan would have an adverse effect on the public health, safety, or welfare, or that it would materially injure the property. Further, there was no specific evidence presented to support that the conditional use site plan would create more of an impact on the adjoining properties than the current permitted use as a restaurant. All of the evidence and facts presented establish the following:

- The conditional use site plan is consistent with the uses permitted in the property's zoning district (CS-MU-CO-NP).
- The site plan complies with all regulations and requirements of the Land Development Code ("LDC").
- Issuing a variance under Section 25-5-146(B) of the LDC would not adversely affect any adjoining sites. The restaurant and its parking area are surrounded by vacant land owned by the same landowner as the owner of the land where applicant's restaurant is located, which creates a buffer between the restaurant and the adjoining neighborhood. The applicant is also willing to invest in the planting of additional vegetation and trees to create an additional buffer between the property (including the parking) and the adjoining neighborhood. The applicant has also rented the house adjacent to the parking area to create an additional buffer and distance between the single family neighbors and the property.
- The site plan complies with off-street parking requirements and all of the required parking spaces are located onsite, and the site plan does not adversely affect the safety and convenience of the vehicular and pedestrian circulation.
- The issuance of the Late Hours Permit and Variance will not create no more impact on the adjoining properties than the permitted use does, and such approval will not adversely affect the public health, safety, or welfare, or materially injure the property. Surrounding neighbors are in support of the request and feel that Weather Up would be an asset to the neighborhood.

(Attach additional page if necessary.)

Applicable Code Section: 25-5-145 and 25-5-146