

WATERFRONT PLANNING ADVISORY BOARD
STAFF REPORT

WPAB DATE: August 12, 2013

CASE: North Shore Lofts (Case No. SP-2013-0038C) – Rainey Street Subdistrict

APPLICANT: Town Lake 35 LLC

AGENT: Rhode Partners (Brett Rhode)

ZONING: CBD

REQUEST: To grant a variance from incorporating pedestrian-oriented uses into a parking structure adjacent to parkland.

STAFF COMMENTS: The applicant proposes to construct a 44-unit, five-story, multi-family residential building with a parking garage and associated improvements on a 0.358-acre site.

LDC Section 25-2-721(D)(2)(b) of the Waterfront Overlay regulations stipulates that a parking structure that is above grade must incorporate pedestrian-oriented uses at ground level, if the structure is located adjacent to parkland. The applicant has indicated that there is not sufficient site area to provide the required pedestrian-oriented uses and the required sidewalks to access the uses.

This site plan is currently under review by Department of Planning and Development Review staff, and must comply with all other site development regulations upon approval and release of the site development permit.

PROCESS: Under LDC Section 25-2-713 (*Variances*), an applicant may request a variance from the Waterfront Planning Advisory Board, and may recommend approval of the variance after determining that:

1. The proposed project and variance are consistent with the goals and policies of the Town Lake Corridor Study, including environmental protection, aesthetic enhancement, and traffic: and
2. The variance is the minimum required by the peculiarities of the tract.

If the Board recommends approval of the variance, this recommendation will be forwarded to the Planning Commission, which will consider the variance at the next regularly-scheduled meeting for which notice can be timely provided. The Planning Commission shall grant or deny the variance based upon 1. and 2. above. If the Board

recommends denial, the applicant may appeal the Board's recommendation to the City Council.

Further, LDC Section 25-2-721 (*Waterfront Overlay Combining District Regulations*) notes that approval of a site plan by the Planning Commission is required if an applicant requests a waiver from a requirement under Section 25-2-713 (*Variances*).

The site plan must also be reviewed and approved by the Parks and Recreation Department, the Environmental Board and the Waterfront Planning and Advisory Board. The Planning Commission will request and consider recommendations from each before approving or denying the site plan.

Upon hearing this case tonight, the WPAB must consider both the request for a variance to incorporation of the required pedestrian-oriented uses into the proposed building, and whether to recommend approval of the proposed site plan to the Planning Commission.

SUMMARY STAFF RECOMMENDATION: Recommendation is pending presentation of additional information from the agent. It is not clear from the backup materials what alternative is being offered as a buffer between the parking structure and the adjacent parkland, if pedestrian-oriented uses are not provided.