

Z-13

Guernsey, Greg

From: Richard Suttle, Jr. [RSuttle@abaustin.com]
Sent: Thursday, September 01, 2005 2:53 PM
To: Guernsey, Greg
Subject: FW: 1 706 & 1708 W. 6th Street

Paul,

How about this? (Please see below)

—Original Message—

From: Seals, Paul [mailto:pseals@AKINGUMP.COM]
Sent: Wednesday, August 31, 2005 4:33 PM
To: Kris Kasper
Cc: Richard Suttle, Jr.; Lynn Ann Carley; Beverly Dunn; tomandpaula@grandecom.net; Laura Morrison; Linda MacNellage
Subject: RE: 1706 & 1708 W. 6th Street

Kris,

The neighbors supports the proposal based on the following conditions:

1. All vehicular Access for any use other than residential will be limited to the driveway configuration shown on the attached Exhibit A off of 6th Street, serving both 1706 and 1708 W. 6th St. (trash and mail ok off the alley)
 2. Trip limits in Neighborhood Plan increased to 145, (68 trips for 1706 and 77 trips for 1708 W. 6th St.) based on the existing square footage of the existing houses (excluding any square footage associated with the garages). Site development for office space is limited by the existing square footage.
 3. A continuous masonry fence will be constructed along the north property lines.
 4. Trash will not be managed in dumpsters.
 5. A site plan will be submitted within 90 days after approval of the zoning and approval will be diligently pursued or the non-residential use will cease.
 6. Construction of the driveway and masonry fence will commence within 120 days of approval of the site plan by the City and will be diligently pursued to completion or any non-residential use will cease.
 7. Except for the driveway (but not parking), masonry wall and the trip /square footage limitation, the City will deem the properties to be legal non complying/conforming structures for site plan purposes. (In other words, the City will not require any changes to the site or the buildings to change the use to non residential except the driveway, wall and trip limitation.)
 8. If a non residential use ceases pursuant to #5 or #6 above, it will not resume until a site plan is approved and the driveway and masonry wall are complete.
- Kris, I think this captures the neighbors views. In addition, the neighbors have no issue with the taking down of the garages or other "outbuildings or sheds" on either property. (Neighbors will support the applicants requests for permits related to the removal of the outbuildings and construction of the driveway and wall.)

Let me know if you have any questions and would be interested in your suggestions for the specific wording of the ordinance conditions approving the zoning.

9/1/2005

Paul, If this concept works, we can shop this around the council aides to see if they'll do #7. I think #7 is important to both parties. rts

Paul

From: Kris Kasper [mailto:KKasper@abaustin.com]
Sent: Wednesday, August 31, 2005 3:17 PM
To: Seals, Paul
Cc: Richard Suttle, Jr.; Lynn Ann Carley
Subject: FW: 1706 & 1708 W. 6th Street

Paul-

Lynn Ann met with City staff this morning, and they are ok with the sketch and proposed conditions. I'd like to be able to pass this along to the Council. Is the neighborhood able to support our zoning case and site plan at this point? Our engineer has said that we will be able to meet required site lines. As we discussed this morning, there are going to be additional comments that come up through the site plan process. Additionally, I'd like to be sure that the neighborhood is ok with the garages in the back coming down. Thanks.
Kris

-----Original Message-----

From: emily.barron@d.austin.tx.us [mailto:emily.barron@d.austin.tx.us]
Sent: Wednesday, August 31, 2005 1:03 PM
To: Lynn Ann Carley; alan.hughes@d.austin.tx.us
Cc: Kris Kasper; george.zapalac@d.austin.tx.us
Subject: RE: 1706 & 1708 W. 6th Street

Lynn Ann ~

Hil I concur with your summary below with the exception that, the access through the alley for emergency services may be required by the Fire Department at the time of site plan. I would recommend that if the access to the alley is going to be prohibited the exception be made for emergency services and the fence etc... that might be constructed between these properties and the alley take this type of access into consideration. If you have any questions please let me know.

~ Emily

Emily M. Barron
Sr. Planner ~ Transportation Review
City of Austin Watershed Protection & Development Review Department
One Texas Center ~ 4th Floor
P.O. Box 1088
Austin, Texas 78767-1088
Phone: (512) 974-2788 Fax: (512) 974-2423
E-Mail: emily.barron@d.austin.tx.us

-----Original Message-----

From: Lynn Ann Carley [mailto:lcарley@abaustin.com]

Sent: Wednesday, August 31, 2005 12:54 PM
To: Hughes, Alan; Barron, Emily
Cc: Kris Kasper
Subject: 1706 & 1708 W. 6th Street

The following summary is being provided in response to our meeting earlier this morning. Upon your review of this information, could you respond to this email to confirm the summary below?

1. City staff approves the attached preliminary driveway plan. It is noted that the preliminary plan was reviewed for concept only and not for specific geometric design, which it would be reviewed for at the time of site plan.
2. City staff approves the preliminary driveway plan for the above referenced properties with a combined daily trip limitation of 145.
3. City staff does not require, but does mention that for safety purposes, it would be beneficial to include a clause in the zoning which would allow emergency and public service vehicles to have access on the alley.

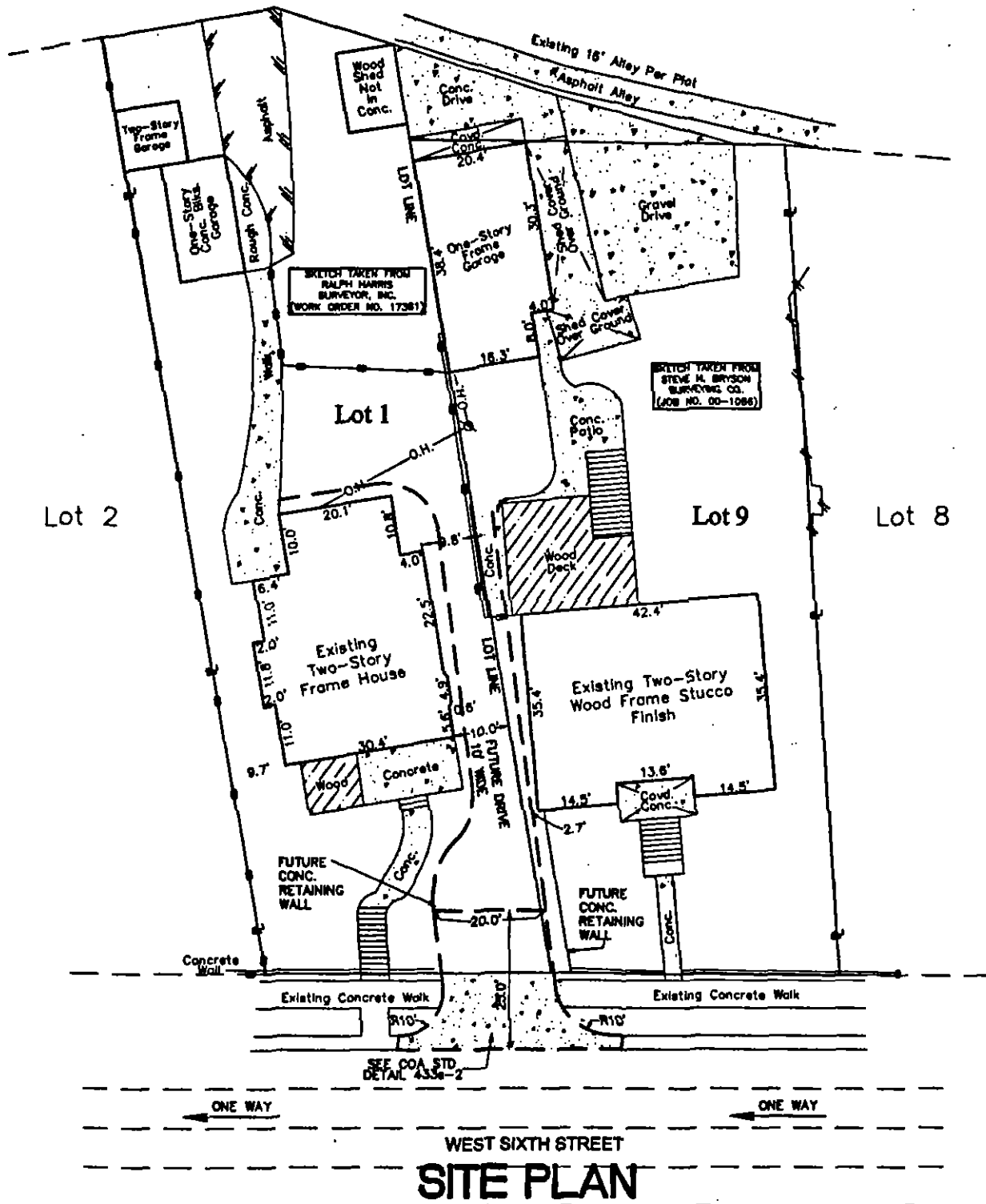
I appreciate your help this morning.

Thanks,
 Lynn Ann

Lynn Ann Carley
 Senior Land Development Consultant
 Armbrust & Brown, L.L.P.
 100 Congress Avenue, Suite 1300
 Austin, Texas 78701-2744
 Phone: (512) 435-2378
 Fax: (512) 435-2360
 Email: lcarley@abaustin.com

IRS Circular 230 Notice Requirement: This communication is not given in the form of a covered opinion, within the meaning of Circular 230 issued by the United States Secretary of the Treasury. Thus, we are required to inform you that you cannot rely upon any tax advice contained in this communication for the purpose of avoiding United States federal tax penalties. In addition, any tax advice contained in this communication may not be used to promote, market or recommend a transaction to another party.

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.



2-13

MAYOR, UNLESS A CITIZEN WANTS THIS ITEM PULLED FROM THE CONSENT AGENDA, I MOVE THAT IT STAY ON CONSENT UNDER THE FOLLOWING MOTION THAT INCLUDES THE TERMS AGREED TO BY THE NEIGHBORHOOD AND THE APPLICANT:

1. I MOVE PLANNING COMMISSIONERS RECOMMENDATION EXCEPT THAT ALL VEHICULAR ACCESS FOR NON-RESIDENTIAL USES WILL BE LIMITED TO A DRIVEWAY TO 6TH STREET IN A CONFIGURATION DESCRIBED ON THE DIAGRAM WHICH I HAVE PASSED OUT TO EACH OF YOU. IT WILL BE OKAY TO HAVE TRASH AND MAIL SERVICE IN THE ALLEY.

2. THE 145 TRIP LIMITATION RECOMMENDED BY STAFF, WOULD BE ALLOCATED AS 68 TRIPS FOR 1706 WEST 6TH AND 77 TRIPS FOR 1708 WEST 6TH. THESE TRIPS ARE BASED ON THE EXISTING SQUARE FOOTAGE OF THE EXISTING HOUSES EXCLUDING ANY SQUARE FOOTAGE ASSOCIATED WITH THE GARAGES. ANY SITE DEVELOPMENT FOR OFFICE SPACE WOULD BE LIMITED TO THE EXISTING SQUARE FOOTAGE IN THESE HOUSES.

3. A MASONRY FENCE WILL BE CONSTRUCTED ALONG THE NORTH PROPERTY LINES TO SCREEN THE PARKING AREAS FOR THE NON-RESIDENTIAL USES FROM THE RESIDENTIAL USES.

4. COMMERCIAL TRASH DUMPSTERS ARE PROHIBITED.

5. A SITE PLAN WILL BE SUBMITTED WITHIN NINETY (90) DAYS AFTER THE FINAL APPROVAL OF THIS ZONING AND APPROVAL OF THE SITE PLAN WILL BE DILIGENTLY PURSUED OR THE NON-RESIDENTIAL USE WILL CEASE.

6. CONSTRUCTION OF THE DRIVEWAY AND MASONRY FENCE WILL COMMENCE WITHIN 120 DAYS OF APPROVAL OF THE SITE PLAN BY THE CITY AND BE DILIGENTLY PURSUED BY THE CITY OR ANY NON-RESIDENTIAL USE WILL CEASE.

DIRECT CITY STAFF TO EXPLORE THE POSSIBILITY OF PERMITTING

7. ~~EXCEPT FOR THE ITEMS REQUIRED IN THIS MOTION, THE CITY WILL DEEM THE PROPERTY TO BE LEGAL NON-COMPLYING/NON-CONFORMING STRUCTURES FOR SITE PLAN AND BUILDING PURPOSES. IN OTHER WORDS, THE CITY WON'T REQUIRE ANY CHANGES TO THE SITE OR THE BUILDINGS TO CHANGE THE USE~~

*THE
GOAL
IS
TO
NOT*

TO NON-RESIDENTIAL EXCEPT THE DRIVEWAY AND WALL. THE INTENT IS THAT THE SITE WILL LOOK THE SAME, EXCEPT FOR THE DRIVEWAY AND THE WALL. THE APPLICANT WON'T BE REQUIRED TO MAKE MAJOR MODIFICATIONS TO CHANGE THE USE EXCEPT TO DEMONSTRATE THAT ADEQUATE SPACE IS AVAILABLE TO PROVIDE ADEQUATE NUMBER OF PARKING PLACES. WE DON'T NEED TO PAVE UNNECESSARILY. IF A SEPARATE ORDINANCE IS NEEDED TO IMPLEMENT THIS THEN I'M ASKING THAT IT COME FORWARD AT 2ND AND 3RD READING.

8. IF A NON-RESIDENTIAL USE CEASES PURSUANT TO THE SITE PLAN OR CONSTRUCTION REQUIREMENTS IN 5 OR 6 ABOVE, THE NON-RESIDENTIAL USE WILL NOT RESUME UNTIL A SITE PLAN IS APPROVED AND THE DRIVEWAY AND MASONRY WALL ARE COMPLETE.

I THINK THIS ACCURATELY DESCRIBES THE AGREEMENT REACHED BETWEEN NEIGHBORHOOD AND APPLICANT AND I'M MOVING THIS ON FIRST READING ONLY SO THAT THE STAFF CAN GET THE ORDINANCE PREPARED FOR THE NEIGHBORS AND APPLICANT TO REVIEW. IT IS MY INTENT WITH THIS MOTION TO DIRECT STAFF TO MAKE THIS AN AGREED UPON SOLUTION HAPPEN WITHOUT ANY UNNECESSARY ROAD BLOCKS.

I WOULD ALSO LIKE TO SAY.....