



City of Austin Development Services 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 Development Services 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, 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-2015-0600A

DATE APPEAL FILED July 22, 2016

PROJECT NAME Eberly

YOUR NAME Richard T. Suttle, Jr.

PROJECT ADDRESS 615 S. Lamar

SIGNATURE *Richard T. Suttle, Jr.*

APPLICANT'S NAME 613 South Lamar LLC

YOUR ADDRESS 100 Congress Avenue, Suite

CITY CONTACT Donna Galati

1300, Austin, Texas 78701

YOUR PHONE NO. (512) 435-2300 WORK

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 who's 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>July 12, 2016</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:

The action taken by the Land Use Commission went beyond the scope of the request for a late hours permit. The imposition of the various conditions of approval was tantamount to a denial because it limits the logistics of operating a restaurant and places an undue burden on the normal operation of a permitted use.

Applicable Code Section: This appeal is filed in accordance with Section 25-5-149 of the LDC and meets the deadline criteria set forth by Section 25-1-182 of the LDC.

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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July 22, 2016

VIA HAND DELIVERY

Mr. Rodney Gonzales, Director
City of Austin
Development Services Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78701

Re: Eberly Site Plan Appeal for SPC-2015-0600A (the "Application")

Dear Mr. Gonzales:

This firm represents and this letter is submitted on behalf of 613 South Lamar LLC (the "Applicant"), in the above-referenced matter. Pursuant to Section 25-5-149 of the City of Austin Land Development Code (the "Code"), the Applicant hereby appeals the Land Use Commission's decision of the site plan application. This letter is being submitted as an attachment to the Site Plan Appeal form prescribed by the City of Austin's Development Services Department.

The following information is provided in compliance with Article 7, Division 1, of Chapter 25-1 of the Code, for a Notice of Appeal.

1. The name, address, and telephone number of the appellant is:

613 South Lamar LLC, c/o John Scott, 3001 RR 620 S, Ste. 321,
Austin, Texas 78738.
2. The name, address, and telephone number of the agent for the appellant is:

Armbrust & Brown, PLLC, c/o Richard T. Suttle, Jr., 100
Congress Avenue, Suite 1300, Austin, Texas 78701, ph. (512)
435-2310.

ARMBRUST & BROWN, PLLC

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3. The decision being appealed is described as follows:

The Land Use Commission's decision to approve the site plan with conditions. The Applicant requested site plan approval as recommended by City staff.

4. The date of the decision was July 12, 2016.

5. The Applicant is the property owner and therefore an interested party.

6. The reasons the Applicant believes the decision does not comply with the requirements of this title and the basis for this appeal are as follows:

The action taken by the Land Use Commission on July 12, 2016 went beyond the scope of the request for a late hours permit. The imposition of the various conditions of approval was tantamount to a denial because it limits the logistics of operating a restaurant and places an undue burden on the normal operation of the permitted use.

Upon receipt of this letter and pursuant to Section 25-1-188 on behalf of the Applicant, we hereby request a public hearing to be scheduled before the City Council at the first available hearing that notification can be given.

This letter is intended to supplement and become a part of the Site Plan Appeal Form filed with the City by the Applicant. Thank you for your attention to this matter and please do not hesitate to contact me if you need further information regarding this appeal.

Very truly yours,



Richard T. Suttle, Jr.

Enclosure

cc: Donna Galati
John Scott
Amanda Morrow

RECEIVED

JUL 22 2016