



VARIANCE REQUEST APPLICATION

An applicant seeking a variance and/or special exception to the Planning Standards of Chapter 42 of the City of Houston's Code of Ordinances must complete the following application and submit an electronic copy of the Microsoft Word document to planning.variances@cityofhouston.net prior to 11:00am on the submittal dates adopted by the Houston Planning Commission. For complete submittal requirements, please visit the City of Houston Planning & Development Department website at www.houstonplanning.com.

APPLICANT COMPANY	CONTACT PERSON	PHONE NUMBER	EMAIL ADDRESS
Johnson DeLuca Kurisky & Gould, P.C.	Claude Anello	(713) 652-2525	canello@jdkglaw.com

PROPERTY ADDRESS	FILE NUMBER	ZIP CODE	LAMBERT	KEY MAP	DISTRICT
2120 Southwest Fwy.	12015239	77098	5256	492Y	C

HCAD ACCOUNT NUMBER(S): 127-893-001-0001
 PROPERTY LEGAL DESCRIPTION: Greenbriar Lexington North, Film Code No. 598076, H.C.M.R
 PROPERTY OWNER OF RECORD: SRE Texas 9, LLC
 ACREAGE (SQUARE FEET): 1.535 (50,247 S.F)
 WIDTH OF RIGHTS-OF-WAY: Farnham Street (80'); Lexington Street (55')
 EXISTING PAVING SECTION(S): Farnham Street (45'); Lexington Street (28')
 OFF-STREET PARKING REQUIREMENT: 268
 OFF-STREET PARKING PROVIDED: 268
 LANDSCAPING REQUIREMENTS: complies

EXISTING STRUCTURE(S) [TYPE; SQ. FT.]: None, 0 SF
 PROPOSED STRUCTURE(S) [TYPE; SQ. FT.]: Automotive retail sales and parking structure comprising 21,500 S.F. office, 5,500 S.F. showroom (retail), 29,700 S.F. auto service area, 4,080 S.F. storage, 114,200 S.F. parking garage.

PURPOSE OF VARIANCE REQUEST: Allow development to utilize building set-back line of ten feet (10') along Greenbriar. Once constructed, this multi-story automotive dealership will be thirty-one feet (31') from the nearest existing curb for Greenbriar.

CHAPTER 42 REFERENCE(S): Sec. 42-152. - Building line requirement along major thoroughfares—General requirement
 Sec. 42-155(a). - Urban area—Major thoroughfares with planned right-of-way of 80 feet or less—Retail commercial center.

DEVELOPMENT PLAT VARIANCE



APPLICANT'S STATEMENT OF FACTS

SUMMARY OF VARIANCE CONDITIONS (BE AS COMPLETE AS POSSIBLE):

The property was purchased by SRE Texas 9, LLC, a subsidiary of Sonic Automotive Inc. ("Sonic") to locate a seven (7) story Audi dealership (the "Dealership"). Once constructed, the Dealership will be Audi's largest Flagship Dealership in the United States. At the time of purchase, Sonic relied upon a 2006 recorded plat for this property designating a ten foot (10') setback along the western edge of the property closest to Farnham/Greenbriar Streets (collectively "Greenbriar"). Based on the existing 2006 plat, Sonic designed the proposed Dealership which, at the closest point, will be thirty-one feet (31') from Greenbriar curb. The City of Houston rejected Sonic's building permit application because, by ordinance. Greenbriar is designated a major thoroughfare and a twenty-five feet (25') setback applies pursuant to Section 42-152 of City Ordinances. This request seeks a variance from the twenty-five feet (25') setback to ten feet (10'), as shown on the 2006 plat.

The applicant must clearly identify how the requested variance meets the criteria in either (1a) or (1b) and ALL items (2) through (5). The information provided will be used to evaluate the merits of the request. An electronic copy of any supporting documentation reference within the "Applicant's Statement of Facts" should be emailed to the Planning Department at planning.variances@cityofhouston.net.

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land;

(1b) Strict application of the requirements of this chapter would make a project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

Traditional automotive dealerships have a large footprint – several buildings for sales, service and parts, surrounded by 4-8 acres of parked vehicles. Sonic has designed a vertical dealership which makes better use of space and is more functional in an urban setting. This design has a much smaller footprint, with active storefront/showroom designs at a pedestrian level, internal vehicle parking (on several floors) and substantial green space. The smaller footprint and urbanistic design of the Dealership are consistent with the City of Houston's public policies. Strict imposition of a twenty-five foot (25') set-back line for this property would materially impact Sonic's ability to construct this innovative Dealership on this property.

(2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant; Applicant has not imposed nor created any situation which could be in any way construed as factors that support the granting of the variance.

The applicant inherited the 2006 plat. However, the need to construct automotive dealerships in more dense urban environments requires a more responsible construction model focused on pedestrian access, smaller footprints and enhanced esthetics. Such factors drove the design of the Dealership and such design requires a set-back variance at this location.

(3) The intent and general purposes of this chapter will be preserved and maintained;

The intent and purpose of Chapter 42 will be preserved and maintained because the Dealership will have a ten foot (10') building set back.

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Due to the proximity of this Project to the planned transit station platform rail stop at the intersection of Shepherd and Richmond (925'), this portion of Greenbriar will likely convert to a Type "A" Street causing an elimination of the set-back requirements along such street. It is also important to point out that Greenbriar at this location is a seventy foot (70') right-of-way. Section 42-155 the City of Houston Ordinances provides for a five foot (5') set-back for parcels in an urban area with a planned right-of-way of less than 80 feet if an applicant demonstrates that:

- (i) it is a retail commercial center;
- (ii) a five foot (5') sidewalk is provided;
- (iii) off street parking is provided; and
- (iv) certain restrictions on driveways that are inapplicable to this project.

The Dealership meets all of these requirements, except for a technical issue associated with the definition of "retail commercial center". While the Dealership is certainly a retail commercial center under the commonly understood meaning of this term, Chapter 42 requires a "group" of commercial establishments in order to meet the legal definition. While the Dealership will house multiple retail services, such services will be predominantly owned by Sonic. Nonetheless it is clear that this Application meets the general intent and purpose of Section 42-155 and would otherwise automatically qualify for a five foot (5') set-back under such Section, but for the requirement of multiple businesses.

(4) The granting of the variance will not be injurious to the public health, safety or welfare;

Granting this variance will not affect visibility along Greenbriar for vehicular or pedestrian traffic. Once constructed, the Dealership will be thirty-one feet (31') from the existing curb for Greenbriar. Also, many nearby buildings are located approximately ten feet (10') from the Greenbriar right of way, so this variance for the Dealership will be consistent and harmonious with neighboring properties on Greenbriar. Additionally, the Dealership is designed to have no access drive on Greenbriar so a set-back of ten feet (10') will not be complicated by vehicular access from an access drive.

This Dealership's efficient use of vertical space uses less land than typical automotive dealerships. Its proposed proximate location to Greenbriar and use of green space is consistent with the City of Houston's policy of promoting walkability and pedestrian friendly environments. Thus approval of this Variance will be consistent with sound public policy and conducive to health, safety and public welfare.

(5) Economic hardship is not the sole justification of the variance.

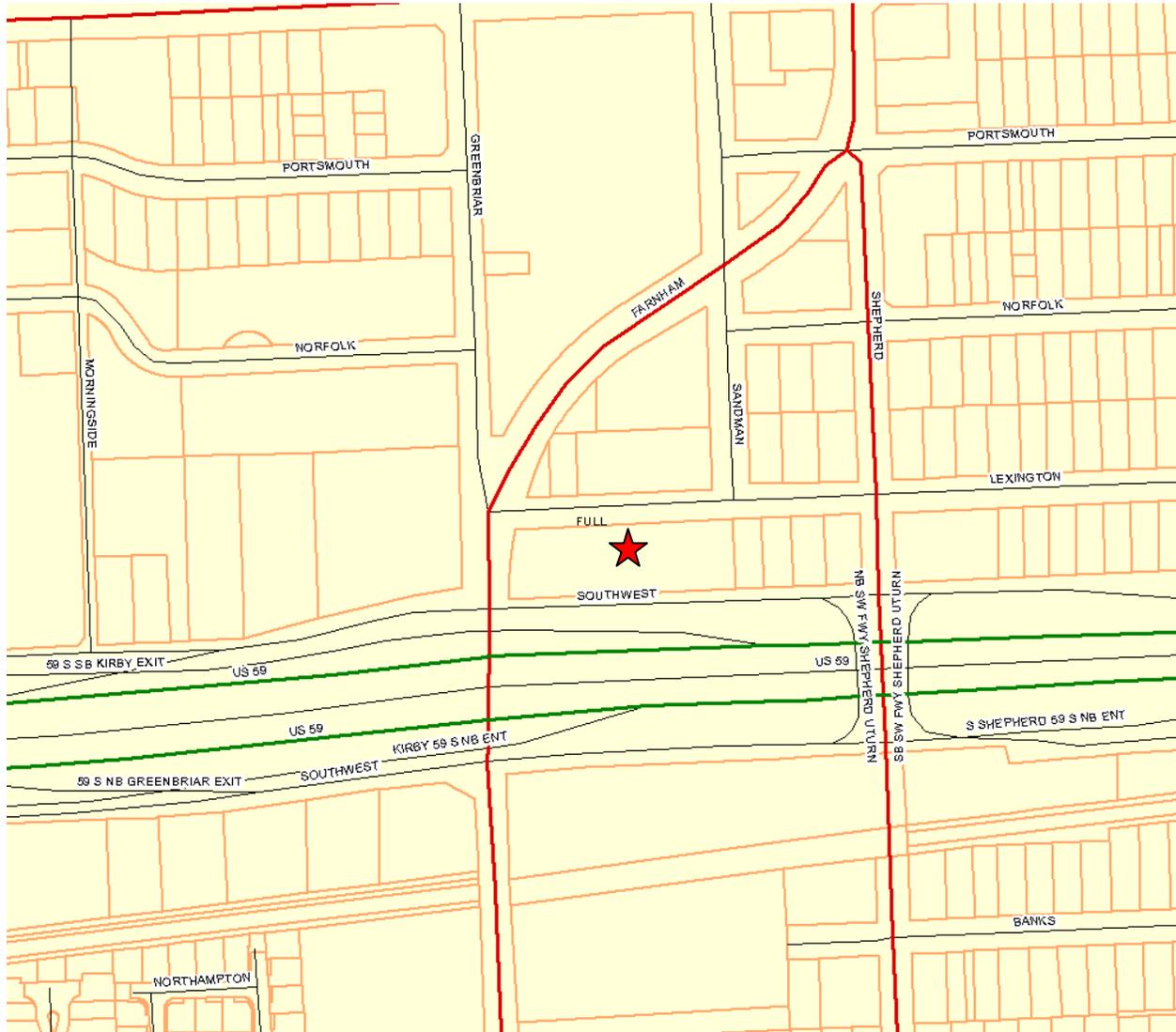
The requested variance will satisfy the intent of Chapter 42, including Section 42-155 (as discussed above). Because this property borders Highway 59, the current shape and configuration of the support columns and ramp configuration for the Greenbriar/Highway 59 underpass significantly restrict the City's ability to widen Greenbriar. Additionally, south of Highway 59 the width of Greenbriar is much narrower and is bordered by high end residences. Granting this variance for this Dealership would not cause any adverse impact on the City's ability to widen Greenbriar in the future because that ability is significantly restricted by the factors mentioned above.

To summarize, approving this variance for the Dealership is consistent with the City of Houston's evolving policies of promoting walkable, pedestrian friendly environments and projects with urbanistic building designs on smaller footprints. Permitting the Dealership to have a ten foot (10') set-back is harmonious with neighboring buildings along Greenbriar and will not affect the City's ability to widen Greenbriar in the future.

DEVELOPMENT PLAT VARIANCE



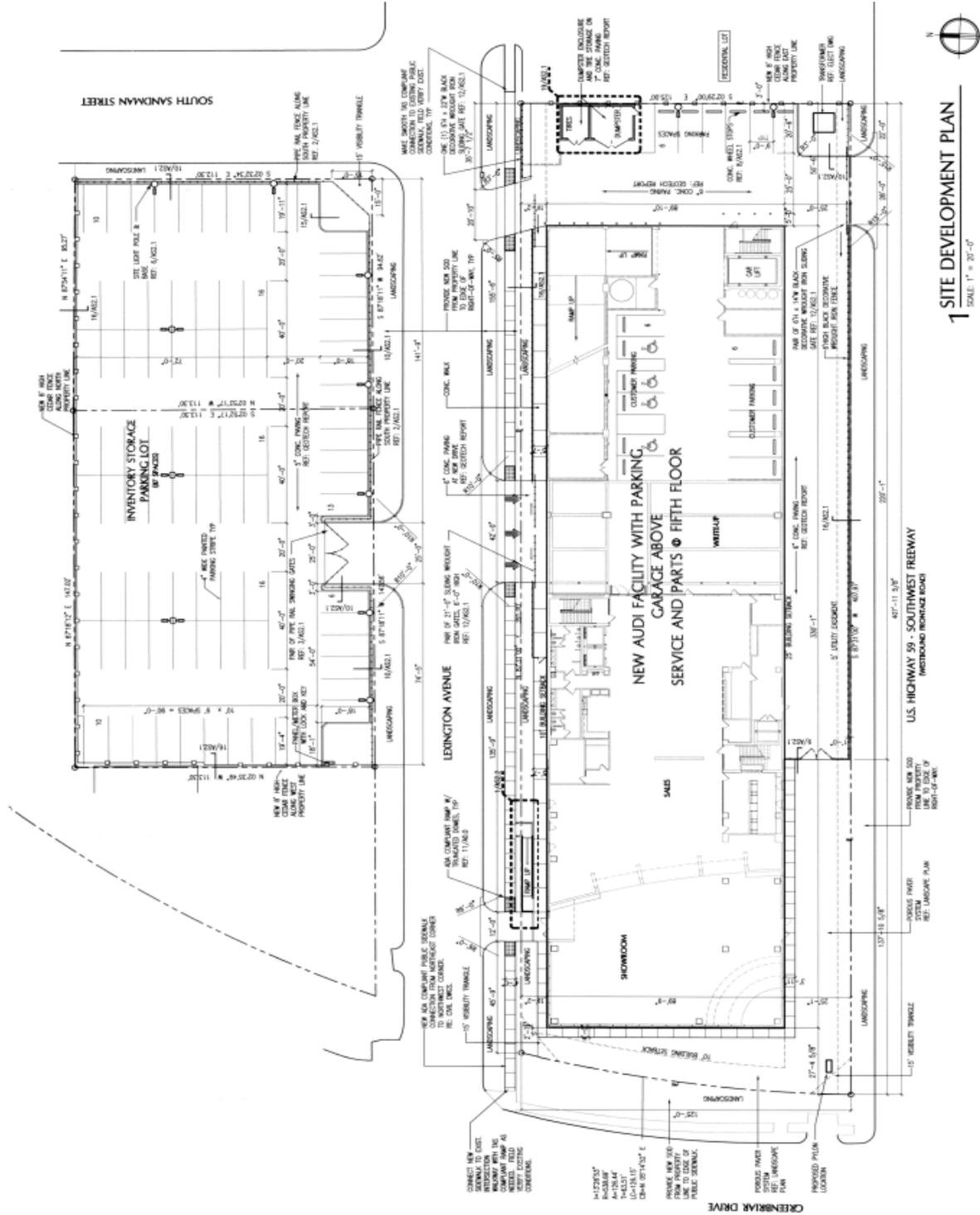
AREA MAP



DEVELOPMENT PLAT VARIANCE

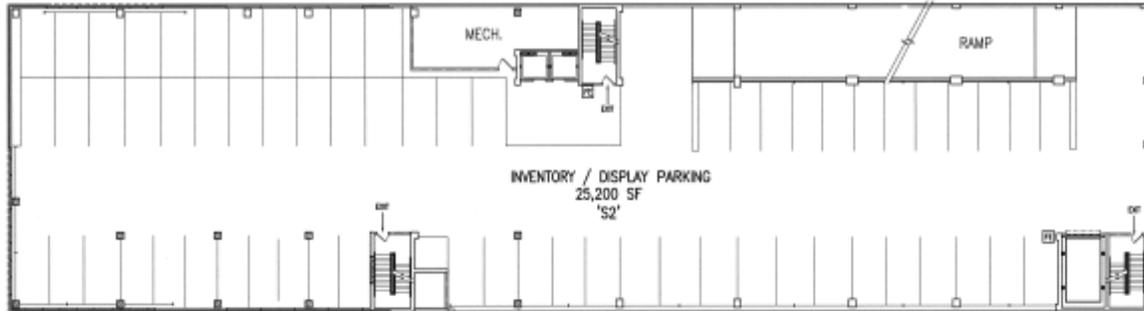


SITE PLAN



1 SITE DEVELOPMENT PLAN
SCALE: 1" = 20'-0"

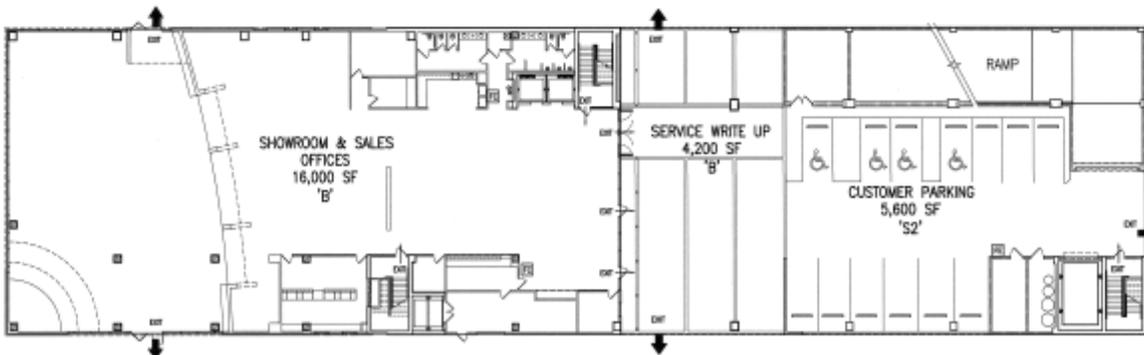
DEVELOPMENT PLAT VARIANCE



3 3RD & 4TH LEVELS FLOOR PLAN
SCALE: 1/16" = 1'-0"

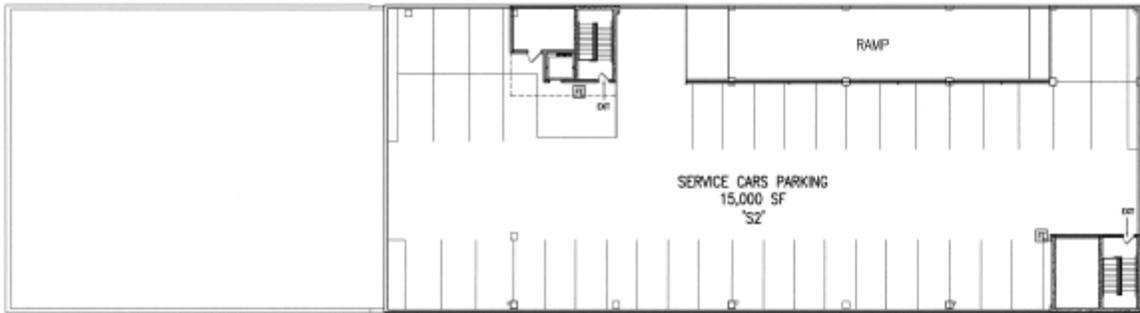


2 2ND LEVEL FLOOR PLAN
SCALE: 1/16" = 1'-0"



1 1ST LEVEL FLOOR PLAN
SCALE: 1/16" = 1'-0"

DEVELOPMENT PLAT VARIANCE

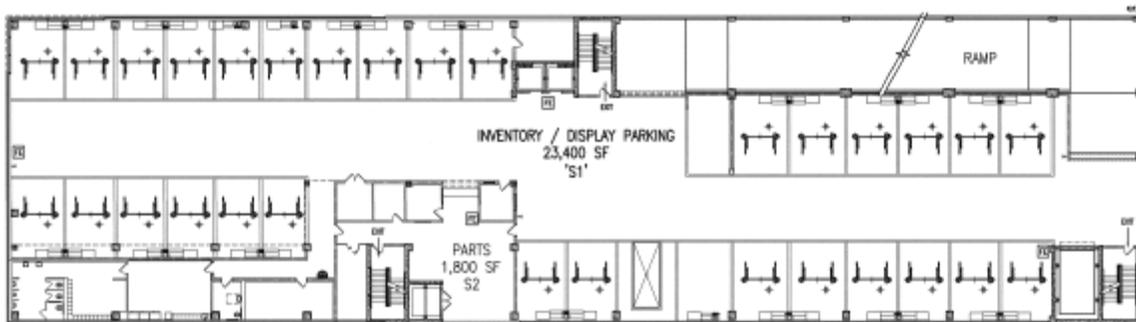


4 7TH LEVEL FLOOR PLAN
 SCALE: 1/16" = 1'-0"



3 6TH LEVEL FLOOR PLAN
 SCALE: 1/16" = 1'-0"

- NOTES:**
1. THE BUILDING IS EQUIPPED WITH AN AUTOMATIC SPRINKLER SYSTEM.
 2. NO REPAIRS TO AUTOMOBILES HAVING NON-DOORIZED GAS FUEL SYSTEMS IN THIS BUILDING.
 3. REFER HARDWARE SCHEDULE/A3.1. ALL FIRE RATED DOORS SHALL HAVE SELF CLOSER.
 4. REFER HARDWARE SCHEDULE/A3.1. ALL EGRESS DOORS SHALL HAVE PNLIC HARDWARE.



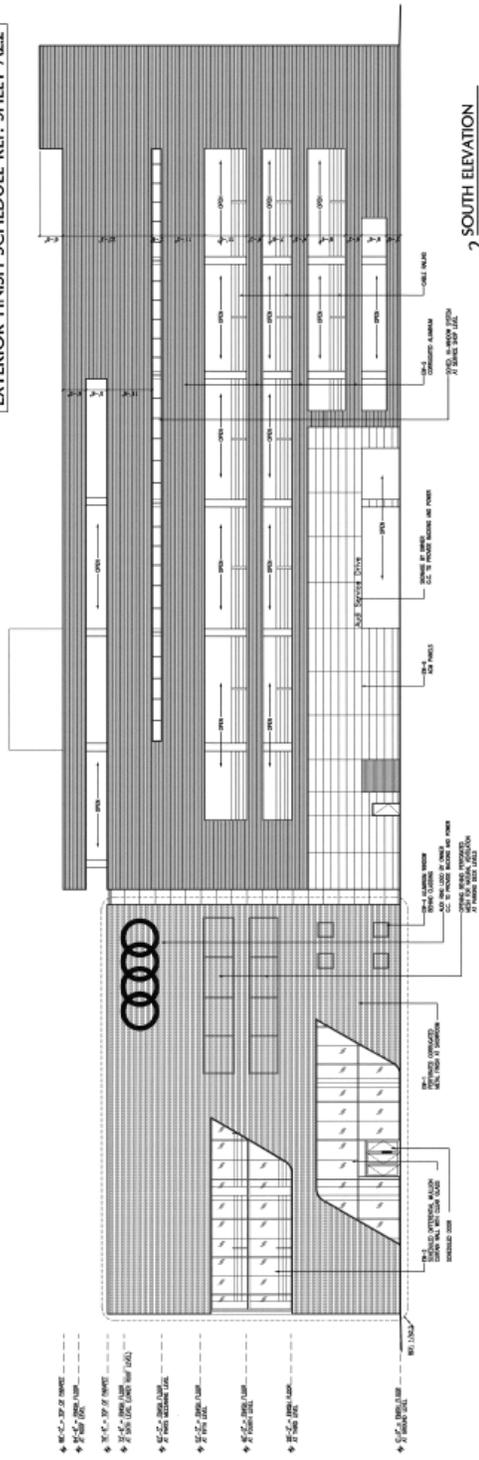
1 5TH LEVEL FLOOR PLAN
 SCALE: 1/16" = 1'-0"



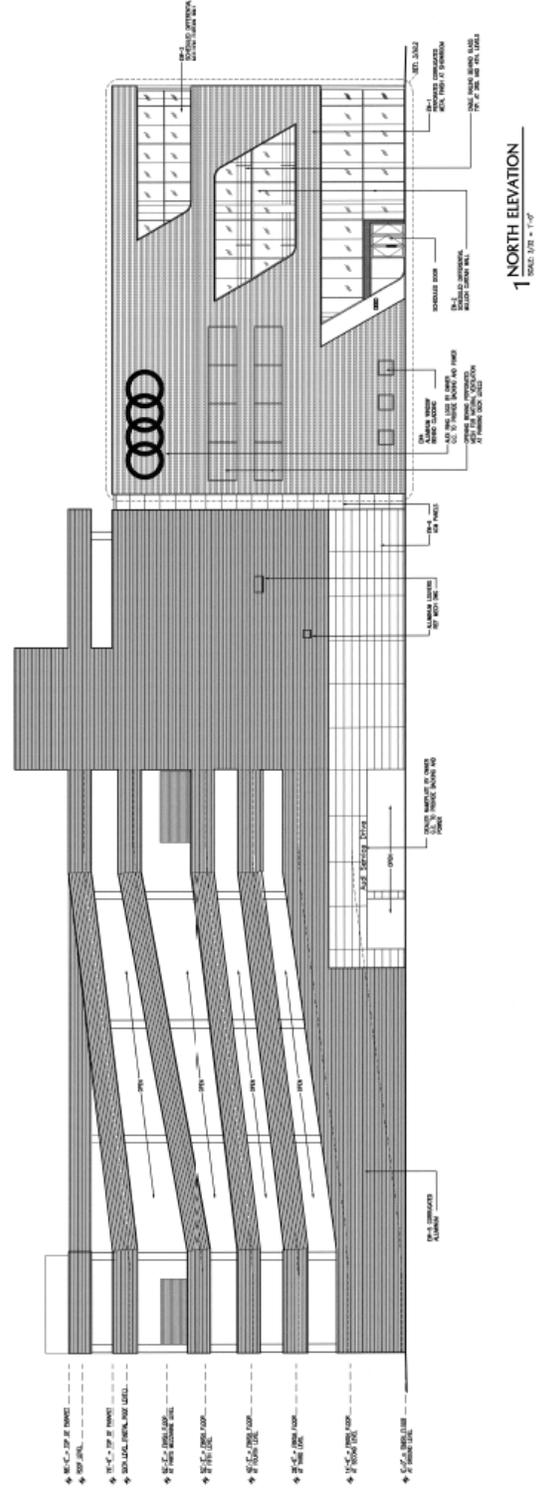
DEVELOPMENT PLAT VARIANCE



EXTERIOR FINISH SCHEDULE REF: SHEET A22



2 SOUTH ELEVATION
SCALE: 3/8" = 1'-0"



1 NORTH ELEVATION
SCALE: 3/8" = 1'-0"

DEVELOPMENT PLAT VARIANCE



STAFF REPORT

Staff Recommendation:

Basis of Staff Recommendation:

PLANNING COMMISSION ACTION:

BASIS OF PLANNING COMMISSION ACTION: *(SEE ABOVE STAFF EVALUATION)*

ADDITIONAL FINDINGS BY PLANNING COMMISSION:

DEVELOPMENT PLAT VARIANCE