

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, June 11, 2012

CASE NUMBER: C15-2012-0065

_____ Jeff Jack
_____ Michael Von Ohlen
_____ Nora Salinas
_____ Bryan King
_____ Susan Morrison
_____ Melissa Hawthorne
_____ Heidi Goebel
_____ Cathy French (SRB only)
_____ Dan Graham (SRB only)

APPLICANT: Danny Miller

OWNER: John Bohner

ADDRESS: 13401-1/2 ESCARPMENT BLVD

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum street pavement width requirement of Section 25-2-832 (1) from at least 40 feet from the site to where it connects with another street that has a paved width of at least 40 feet to 33 feet in order to erect a private educational facility in an "I-RR", Interim Rural Residence zoning district.

BOARD'S DECISION: POSTPONED TO JUNE 20, 2012 (SPECIAL CALLED MEETING)

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

Susan Walker
Executive Liaison



Jeff Jack
Chairman

CASE # C15-2012-0065
ROW # 10767986
TP - Blays County

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

13401 1/2 Escarpment Dr.
STREET ADDRESS: Proposed Escarpment Blvd at Bernia Drive - Streets are unplatted at this time See Location Map Attached

LEGAL DESCRIPTION: Subdivision - Unplatted - Approx. 96 acres out of the H.W. Cocke Survey No. 83, Abstract 196

Lot(s) Block Outlot Division

I/We Danny Miller on behalf of myself/ourselves as authorized agent for John Bower affirm that on 4-25-2012

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

ERECT ATTACH COMPLETE REMODEL MAINTAIN

Private school facility
25-2-832(1)

in a CS-1/CR district.
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

See Attached Letter

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

See Attached Letter

- (b) The hardship is not general to the area in which the property is located because:

See Attached Letter

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

See Attached Letter

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

N/A

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

N/A

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

N/A

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

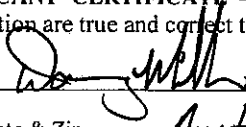
N/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

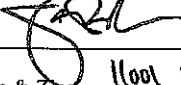
APPLICANT CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 5316 Hwy 290 West, Suite 150

City, State & Zip Austin, Tx 78735

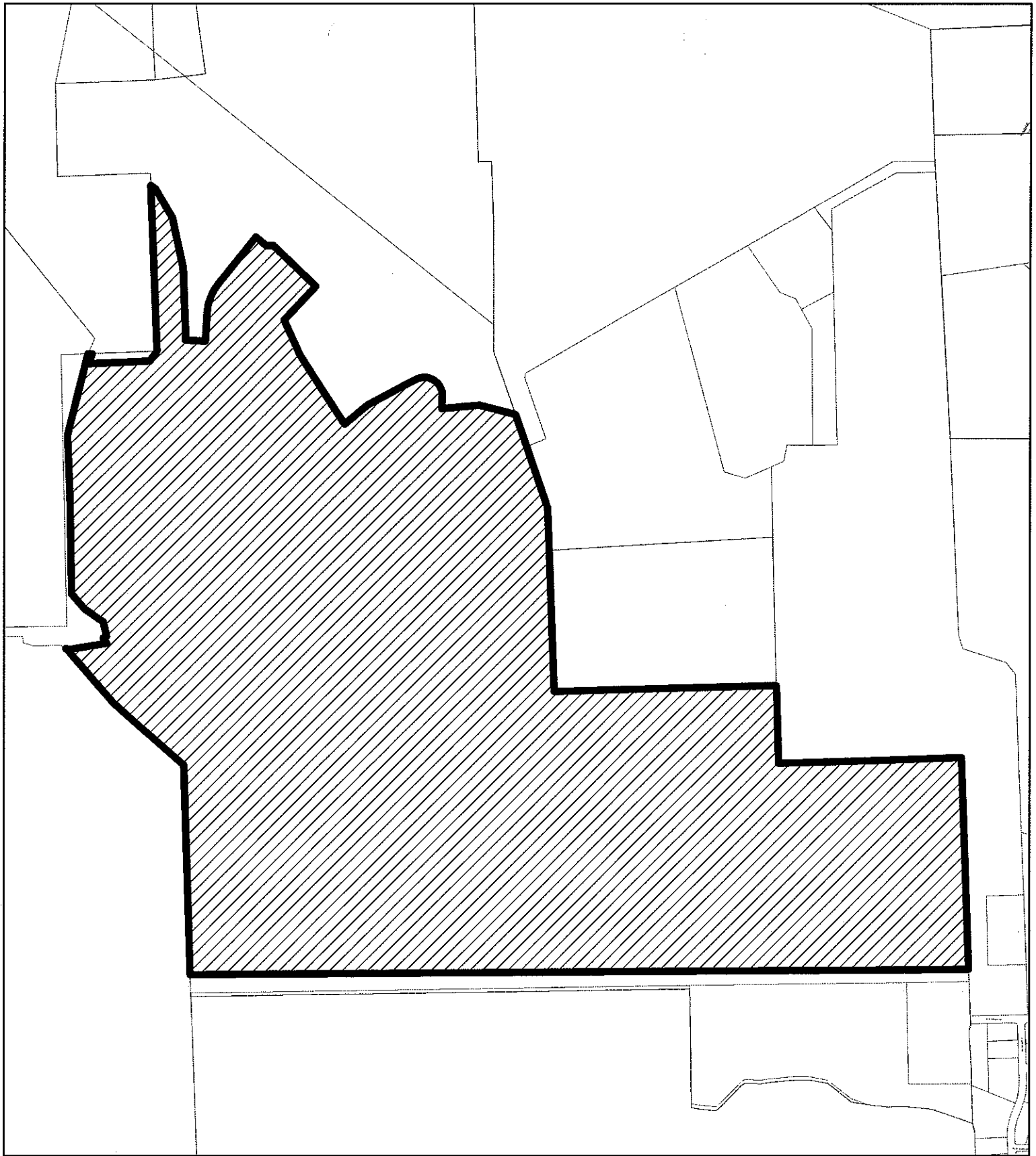
Printed Danny Miller, P.E. Phone 439-4700 Date 4-29-12

OWNERS CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address _____

City, State & Zip 1100 Lakeline Blvd Austin, TX 78613

Printed John Bohner Phone 512-506-4115 Date 4/25/12



SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0065
LOCATION: 13401 1/2 ESCARPMENT DRIVE



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

5316 Highway 290 West Phone 512.439.4700
Suite 150 Fax 512.439.4716
Austin, Texas 78735 www.ljaengineering.com

April 24, 2012

Mr. Jeff Jack, Chairman
City of Austin – Board of Adjustment
505 Barton Spring Road
Austin, Texas 78704

Re: **Proposed Veritas Academy – Avana Subdivision**
 LJA Project Number A219-0401

Dear Mr. Jack:

The above referenced project is situated on an approximately 96 acre tract of land located at the terminus of a future extension of Escarpment Boulevard, within the proposed Avana Subdivision. The property is located within the City's limited purpose jurisdiction and is currently zoned Commercial Services (CS-1) and Commercial Recreation (CR). The Avana Subdivision, Phase 1 Preliminary Plan (C8J-2011-0065) was approved by the City of Austin on December 6, 2011, and is currently under development by Standard Pacific of Texas, Inc. Escarpment will be extended with Avana Phase 1, Section 2 and will terminate with a roundabout design. The subject tract will take access from this roundabout.

Currently, a local private primary and secondary school is under contract to purchase the 96 acre tract with the intent to develop a centralized campus for its teachers and students. Per Section 25-2-832(1) of the Land Development Code, public and private schools must be located on a street that has a paved surface of 40 feet from the site to where it connects with another street that has a paved width of at least 40 feet. Per the above approved Preliminary Plan, Escarpment Boulevard is classified as a Minor Undivided Arterial (MAU2) with 120' of ROW and 2-18' divided lanes that transition to a 33' wide undivided roadway. Escarpment Boulevard provides a direct connection to SH 45.

Additionally, the majority of the adjacent property is currently undeveloped. A single tract of land located adjacent to the western boundary of the site, adjacent to Bear Creek, is developed as a rural residence and is located outside the City's zoning jurisdiction. The majority of the land southeast of the subject tract was recently sold to the City of Austin as conservation land, and thus development will not extend in that direction. For these reasons, Escarpment Boulevard will terminate at this location and cannot be extended further for future development.

Based on this, the Owner of the 96 acre tract respectfully requests a variance from the above referenced Section of the LDC with the following findings:

1) Reasonable Use

The subject tract is situated at the end of a minor arterial, within a master planned single family neighborhood. The proposed private school is allowed by zoning, and is supported by the Developer of the proposed neighborhood, with the majority of adjacent land to remain undeveloped. Traffic generated by the school will not interfere with the neighborhood as Escarpment Boulevard provides direct access to SH 45. Per the Austin Transportation Criteria Manual, the proposed roadway width of Escarpment Boulevard has a capacity of 15,000 trips per day. The proposed neighborhood and private school would generate approx. 10,000 trips

per day at full buildout, at the intersection of Escarpment Boulevard and SH 45. The roadway design for Escarpment Boulevard and the proposed Avana neighborhood was designed such that there are multiple means of ingress / egress in the event of a road closure due to an emergency.

All parking will be provided onsite and will include provisions for overflow parking during special events. Strict adherence to Section 25-2-832(1) of the LDC would prohibit the proposed land use from developing on the subject tract.

Additionally, the Bradley Parties Settlement Agreement, which governs the development regulations for the subject tract, originally proposed a hotel and golf course to be situated on the subject tract. The private school will replace these uses, and thus would be expected to have less impact on the surrounding property and environment.

2) Hardship

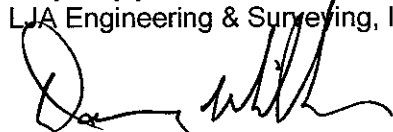
- a) The City of Austin 2025 Austin Metropolitan Area Transportation Plan requires Escarpment Boulevard to be constructed as a Minor Arterial with two lanes (MAU2). In conjunction with the Preliminary Plan for Avana Phase 1, the Austin Transportation Department required Escarpment Boulevard to be constructed with a 33' wide roadway for the final 1500 LF of the road, to its terminus with a roundabout, where the subject tract will take access.
- b) The subject tract is the only viable tract within Avana for a private school to develop on, and therefore this hardship would not apply to other properties within Avana making it unique to this property.

3) Area Character

The purpose of Section 25-2-483 of the LDC is to provide a pavement width sufficient to allow on-street parking for special events being held at a school facility in a neighborhood setting. Due to the configuration of the subject tract, combined with the steep topography and proposed site plan, it is not reasonable to expect parents to park in Escarpment Boulevard and walk over ¼ mile to the proposed school facilities. Additionally, the proposed site plan on 96 acres will include provisions to allow for all parking to be contained on-site, including overflow parking. For these reasons, on-street parking will not occur along Escarpment Boulevard.

We thank you and the Board for considering this variance. If there are any questions, or if you need any additional information, please do not hesitate to call at 439-4700.

Very truly yours,
LJA Engineering & Surveying, Inc.



Danny Miller, P.E.
Senior Project Manager



City of Austin

One Texas Center, 505 Barton Springs Rd. Austin, Texas 78704
P.O. Box 1088 Austin, Texas 78767
Phone: (512) 974-2797 Fax: (512) 974-3337

911 ADDRESSING CITY SERVICE ADDRESS VALIDATION

Date: *April 27, 2012*

The Following Is A Valid Address:

Address : 13401 1/2 ESCARPMENT BLVD

*Please contact the United States Postal Service or go to www.usps.com for the correct zip code for this address.

Legal Description:

Subdivision :

Block ID :

Lot ID :

Tax parcel ID :

Jurisdiction:

AUSTIN LTD

County:

HAYS

Comments:

Preliminary address for Veritas Academy subject to change upon Site Plan Completeness Check & address assignment.

Signed: _____

CATHERINE WINFREY

Disclaimer: The assignment and/or verification of this address does not authorize a change in land use or constitute the City of Austin's approval of any division of real property. The assignment and/or verification of this address does not supersede any requirements of the City of Austin's Land Development Code, the Texas Local Government Code, or any other state or municipal regulations.



SITE PLAN SHOWN IS
FOR CONCEPTUAL
PURPOSES ONLY

CIS-2012-0065
Parcel 1/2 Escarpment

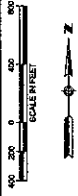
1
OF 1 SHEETS

LA Engneer
5318 Highway 2207 West
Austin, Texas 78736
JOB NUMBER: 1218
SHEET NO. 1

Phone 512.639.4100
Fax 512.639.4118
P&E - 1-1388

DATE:	NOV 15 2011
BY:	ML
CHECKED BY:	ML
DESIGNED BY:	ML
DRAWN BY:	ML
SCALE:	AS SHOWN
PROJECT:	VERITAS ACADEMY
SHEET NO.:	1 OF 1

VERITAS ACADEMY
OVERALL AERIAL EXHIBIT



THIS PLAN IS A CONCEPTUAL DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. THE CLIENT ASSUMES ALL RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED AND FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND PREPARATION OF THIS PLAN.

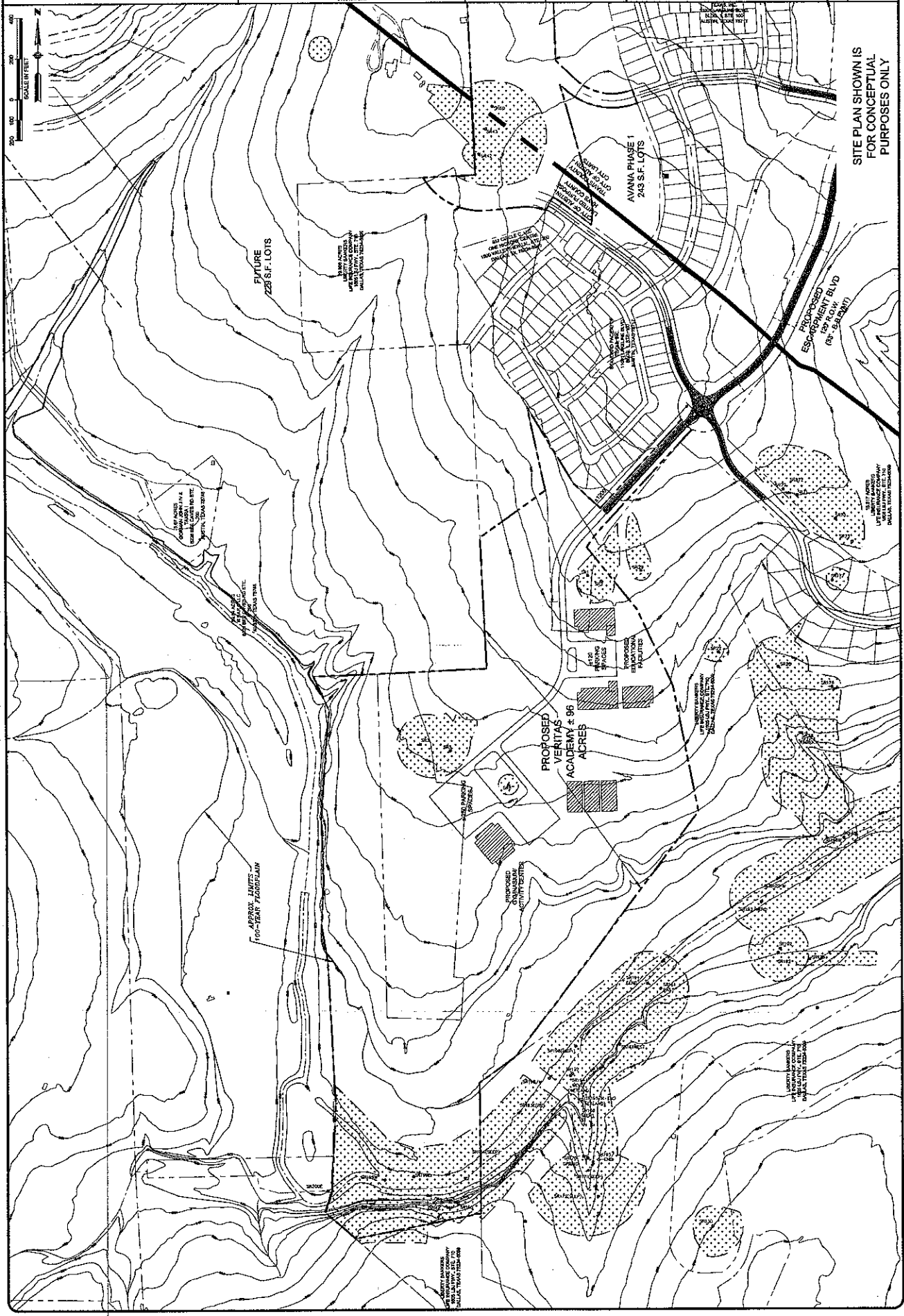
VERTAS ACADEMY
CONCEPTUAL SITE PLAN

DATE:	NOV 12 2013
DESIGNED BY:	LS
CHECKED BY:	LS
SCALE:	AS SHOWN
DRAWN BY:	LS
PROJECT NO.:	13-0000
NO.:	1
DATE:	NOV 12 2013
DESIGNED BY:	LS
CHECKED BY:	LS
SCALE:	AS SHOWN
DRAWN BY:	LS
PROJECT NO.:	13-0000
NO.:	1

Phone 512.424.1215
Fax 512.424.1216
LVA Engineer

5918 Highway 200 West
Austin, Texas 78735
LVA Engineer
LVA-13-0000-01
SHEET NO. 1

OF 1 SHEETS



SITE PLAN SHOWN IS
FOR CONCEPTUAL
PURPOSES ONLY



NOT TO SCALE
DATE: NOV 12 2013
PROJECT NO. 13-0000

Walker, Susan

From: [REDACTED]
Sent: Sunday, June 10, 2012 11:19 AM
To: Walker, Susan; Lloyd, Brent
Subject: Re: Board of Adjustment C15-2012-0065

June 10, 2012

Re: Board of Adjustment C15-2012-0065

Dear Mr. Jack and Board Members,

I became aware of the above referenced case late Friday afternoon. The applicant, Standard Pacific Homes, is developing several hundreds of acres previously known as Spillar Ranch of the Bradley Settlement Agreement and now known as Avana. All of this is adjacent to my ranch and City of Austin Conservation Easement. John Bohnen, the developer executive, and I have been in conversation for over a year regarding many issues and maintain an amicable relationship. He had informed me Veritas School was interested in some of the nonresidential land (golf course and clubhouse hotel site designated and zoned by the Bradley Agreement) for a campus style development including athletic facilities. I have extensive knowledge of the Bradley Agreement, Spillar and related properties and zoning because of its proximity to my ranch and my prior involvement in the original development and subsequent attention to all matters including land transactions. I believe the private school does fall within the zoning category for the property identified in this application now pending before the Board of Adjustment. I believe the exhibits in the application could be much more representative of the entire project and more definitive for better evaluation of this application. Avana is a very large project with many parts and the cumulative effect of minor adjustments such as this should be considered. Better exhibits would put the entire project in better perspective.

I am surprised John did not inform me of this application although he certainly has no personal obligation to do so. I did not receive a City notification of this application. I am more than 200 feet from the actual proposed school site. I will contact the City Monday morning for clarification as to if proper notification has been performed. I am guessing I am too far away for notification.

I question if the Board of Adjustment is the appropriate forum to provide this exemption from or exception to the City Ordinances. I have not remained engaged in the changes of procedures over the years. Board of Adjustment applications are not on my observation radar.

The Avana development is a very complicated legal and physical ownership project. The golf course and project was approved and owned separate from the single family land that Standard Pacific recently purchased last year. All of this project was approved as a package as part of the Bradley Settlement. As such all the parts were to work together to accomplish certain goals including transportation, utilities, zoning and land use restrictions. The City did buy most of the land south of Bear Creek in December of last year. All of the City's newly purchased land is included in the application, Page 4, as the subject tract. This is a misrepresentation as the subject tract is identified as just approximately 96 acres which is much less than the exhibit represents. This is an example of why I believe more investigation is merited.

This entire project was designed to have only one access and specifically was to prevent any connection of roads south to 967 in Hays County or 1826 to the west. This application mentions a traffic impact analysis and also that there are alternative accesses. I am not aware of any "multiple means of ingress / egress" for this Avana and proposed Veritas School project. I am only aware of the Escarpment Boulevard to St Hwy 45 access. The other concern I have that may deserve investigation is the total road capacity of Escarpment. Until all the land to be served by Escarpment is final platted or tied down in some way, I am concerned that small adjustments like this current request may have a cumulative impact that may over burden the road or other services. The golf course and hotel project were very restricted by agreement and there is no way of knowing if the proposed school uses exceed this or not. Without a site

plan and some limitation on the School size it is impossible to know the total traffic impact. The same could be said for the land uses identified on the very general un platted land use maps that accompany this application.

I am not yet in a position to evaluate the issues I raise here. There are going to be very few opportunities to review these types of issues as this larger project is "stanchioned" by the Bradley Agreement. I have found that very few people including City staff have the time or desire to delve into any of these matters after they hear the words "subject to the Bradley Agreement". Standard Pacific and John Bohnen have a good project here but believe this application merits more investigation and clarification before approval.

Sincerely,
Ira Yates

ira@YatesConservation.com

512-970-2589