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**ZONING AND PLATTING COMMISSION
HILL COUNTRY SITE PLAN and ENVIRONMENTAL VARIANCE REQUEST
REVIEW SHEET**

CASE NUMBER: SPC-2012-0425C **COMMISSION DATE:** December 17, 2013

PROJECT NAME: Overlook at Davenport

ADDRESS: 6001 Bold Ruler Way

AREA: 3.367 acres

WATERSHED: St. Stephen's Creek (Watersupply Rural, DWPZ)

EXISTING ZONING: PUD (Planned Unit Development)

APPLICANT: Michael W Ayer
3502 Native Dancer Cove
Austin, TX 78746
(512) 328-2522

AGENT: Hanrahan-Pritchard Engineering
(Hence Distel)
8333 Cross Park Dr.
Austin, Texas 78754
(512) 459-4734

PROPOSED USE: The applicant requests approval of a Hill Country Roadway site plan in order to construct a four story office building. The site is located within the Low Intensity Zone of Loop 360, a Hill Country Roadway.

DESCRIPTION OF VARIANCES:

Variance request is as follows:

1. To allow fill greater than 4 feet not to exceed 11.8 feet.
Lake Austin Watershed Ordinance Section 9-10-409(a).

SUMMARY STAFF RECOMMENDATION FOR HCRC SITE PLAN: Staff recommends approval of this Hill Country Roadway site plan with the condition that all remaining staff comments are cleared prior to site plan release (an administrative memo and fees). The site plan complies with all other applicable requirements of the Land Development Code and the PUD ordinance. All administrative requirements will be met prior to site plan release.

The site plan must be approved by the Zoning and Platting Commission because of its location within the Hill Country Overlay. All Hill Country Roadway requirements have been met.

STAFF RECOMMENDATION FOR ENVIRONMENTAL VARAINCE:

The findings of fact have been met and staff recommends approval with conditions.

Staff Conditions

1. The remaining allowable impervious cover on this site may only be used for site plan revisions in which no additional environmental variances will be required.

AREA STUDY: N/A
APPLICABLE WATERSHED ORDINANCE: Lake Austin Watershed Ordinance (840301-F)
CAPITOL VIEW: Not in View Corridor
T.I.A.: Not Required

ZONING AND PLATTING COMMISSION ACTION: N/A

CASE MANAGER: Donna Galati, 512-974-2733
Donna.Galati@austintexas.gov

ENVIRONMENTAL REVIEWER: Jim Dymkowski, 512-974-2707
james.dymkowski@austintexas.gov

PROJECT INFORMATION:

PROJECT INFORMATION: 3.367 acres
EXIST. ZONING: PUD
MAX. BLDG. COVERAGE : 38,333 sq. ft.* **PROP. BLDG CVRG:** 32,000 sq. ft. (10.07%)
MAX. IMPERV. CVRG: 1 acre * **PROP. IMP. CVRG:** 0.706 acres (20.9%)
ALLOWED F.A.R.: 0.26* **PROPOSED F.A.R.:** 0.22:1
 *Per PUD

SUMMARY COMMENTS ON SITE PLAN:

LAND USE: This request is for approval of a Hill Country Roadway land use site plan. This site is located within the Low Intensity Zone of Loop 360.

The site plan proposes construction of a 4-story, 32,000 sq. ft. office building, parking, drive, and utilities. The site proposes pedestrian and vehicular connection to Bold Ruler Way.

ENVIRONMENTAL: This site is in the Drinking Water Protection Zone. All Hill Country Roadway and PUD requirements have been met. An environmental variance for fill is requested. EV Board backup materials attached.

TRANSPORTATION: All comments cleared.

SURROUNDING CONDITIONS:

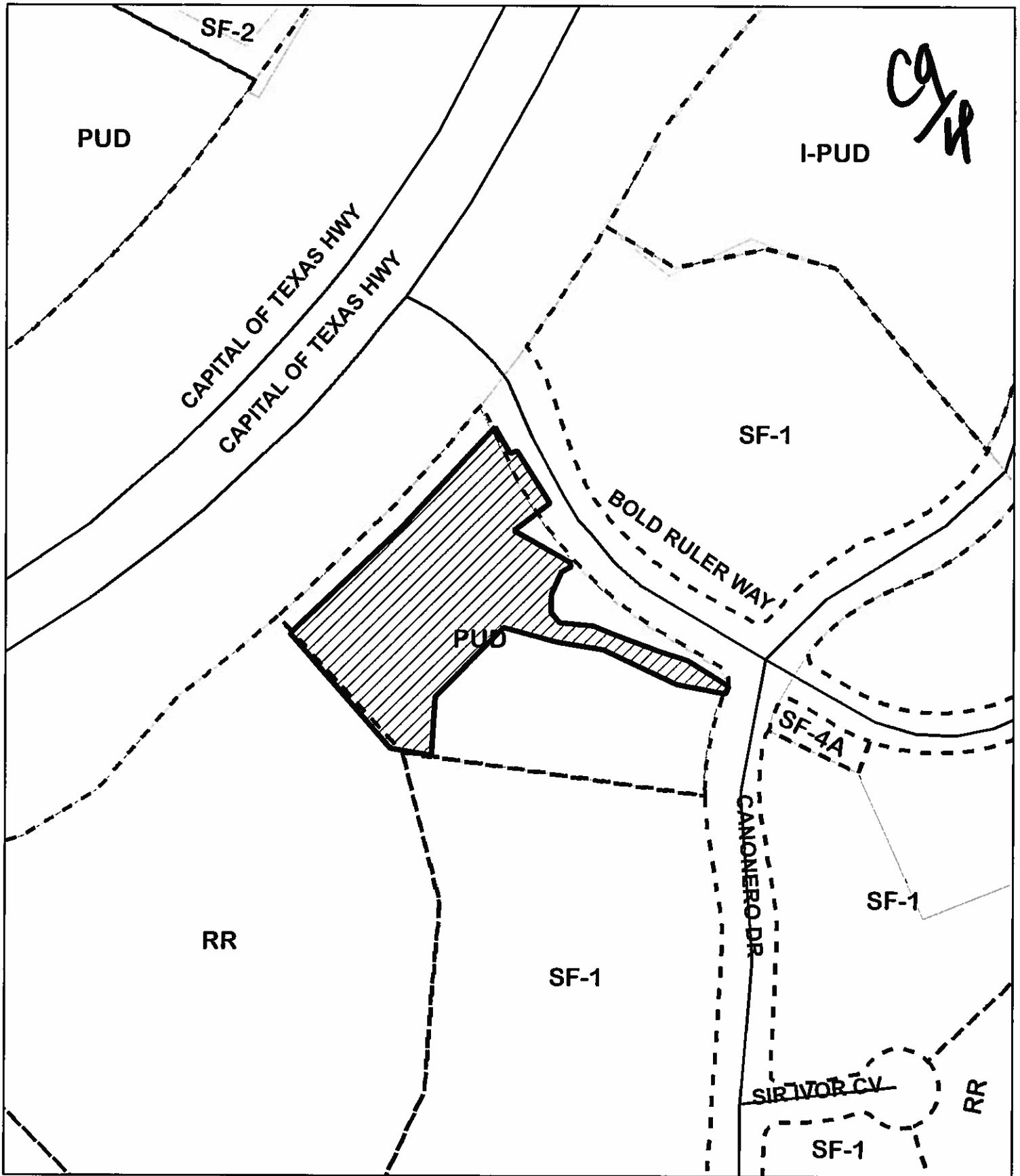
Zoning/ Land Use
 Northwest: Capital of Texas Hwy (Loop 36) then PUD (Vacant)
 Southwest: RR (Vacant)
 Northeast: Bold Ruler Way, then SF-1 (single family)
 Southeast: SF-1 (residential)

<u>STREET:</u>	<u>R.O.W.</u>	<u>SURFACING</u>	<u>CLASSIFICATION</u>
Capital of Texas Hwy	482'	130'	Expressway
Bold Ruler Way	75'	40'	Local

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NEIGHBORHOOD ORGANIZATION:



- Austin Heritage Tree Foundation
- Austin Monorail Project
- Austin Neighborhood Council
- Bike Austin
- City of Rollingwood
- Davenport Ranch Master Neighborhood Assn.
- Glenlake Neighborhood Association
- Homeless Neighborhood Association
- Lake Austin Collective
- Rob Roy Homeowners' Association Inc.
- Save our Springs Alliance
- SELTexas
- Sierra Club, Austin Regional Group
- Super Duper Neighborhood Objectors and Appealers Organization
- The Island on Westlake Owners Assn.
- The Real Estate Council of Austin, Inc.

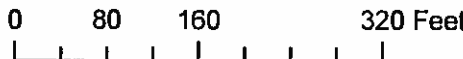


SITE PLAN

CASE#: SPC-2012-0425C
 ADDRESS: 6001 Bold Ruler Way
 CASE NAME: Overlook at Daveport
 MANAGER: Donna Galati



 **SUBJECT TRACT**
 **ZONING BOUNDARY**



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.

OPERATOR: Donna Galati



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ENVIRONMENTAL BOARD RECOMMENDATION 20131106 004a

Date: November 6, 2013

Subject: Variance request at 6001 Bold Ruler Way Overlook at Davenport SPC-2012-0425C:

To allow fill greater than 4 feet, not to exceed 11.8 feet, Lake Austin Watershed Ordinance Section 9-10-409(a).

Motioned by: James Schissler

Seconded by: Robert Deegan

RATIONALE:

Whereas, the project has met the Findings of Fact required allowing approval of the variance;

And whereas, the applicant has worked with the neighborhood and staff to minimize the amount of impervious cover;

Therefore, the Environmental Board recommends approval with staff conditions of the request for a variance to allow fill greater than 4 feet not to exceed 11.8 feet per Ordinance 840301-F.

Conditions for Staff Approval

1. The remaining allowable impervious cover on this site may only be used for site plan revisions in which no additional environmental variances will be required."

Date of approval: November 6, 2013

Record of the Vote [5-0-0-2]

For: Deegan, Maxwell, Neely, Schissler and Walker

Against: None

Abstained: None

Absent: Gary and Perales

Attested by:

ca
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ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED: NOVEMBER 6, 2013

NAME & NUMBER OF PROJECT: OVERLOOK AT DAVENPORT
SPC-2012-0425C

NAME OF APPLICANT OR ORGANIZATION: Hanrahan Pritchard Engineering Inc.
(Contact: Hence Distel 512-459-4734)

LOCATION: 6001 Bold Ruler Way

PROJECT FILING DATE: December 17, 2012

WPDR/ENVIRONMENTAL STAFF: Jim Dymkowski, 974-2707
james.dymkowski@austintexas.gov

WPDR/ CASE MANAGER: Donna Galati, 974-2733
donna.galati@austintexas.gov

WATERSHED: St. Stephen's Creek Watershed (Water Supply Rural)
Drinking Water Protection Zone

ORDINANCE: Lake Austin Watershed Ordinance (840301-F)

REQUEST: Variance request is as follows:
1. To allow fill greater than 4 feet not to exceed 11.8 feet
Lake Austin Watershed Ordinance Section 9-10-409(a)

STAFF RECOMMENDATION: Approved with condition.

REASONS FOR RECOMMENDATION: Findings of fact have been met.



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MEMORANDUM

TO: Mary Gay Maxwell, Chairperson and Members of the Environmental Board

FROM: Jim Dymkowski, Environmental Review Specialist Senior
Planning and Development Review Department

DATE: November 6, 2013

SUBJECT: Overlook at Davenport – SPC-2012-0425C

On the November 6th agenda is a request for the consideration of one variance from the Lake Austin Watershed Ordinance (840301-F), Section 9-10-409(a) - To allow fill greater than 4 feet not to exceed 11.8 feet.

Description of Property

The subject property is located in the St. Stephen's Creek Watershed, which is classified as Water Supply Rural within the Drinking Water Protection Zone. It is within the City of Austin full purpose jurisdiction. There are no classified waterways on-site. The project is approximately 900 feet southeast across Loop 360 from a minor classified waterway section of St. Stephen's Creek.

Existing Topography/Soil Characteristics/Vegetation

The property contains slopes greater than 15% with some areas reaching 35% that grade to the southwest across the site toward Loop 360. There is approximately 80 feet of fall across the site. Vegetation generally consists of an over story of Live oak, Texas oak, and Ashe juniper and an understory of Texas persimmon, Huisache, and Sumac. Groundcovers consist of twisted leaf yucca, and other native grasses and forbs. According to the Environmental Assessment, soils consist of Brackett soils and Rock outcrop.

Critical Environmental Features/Endangered Species

There is one CEF on-site. It is a seep/spring and is centrally located near the southern property line. The required 150' setback has been placed around this feature to prevent impacts by the proposed development.

Description of Project

The project proposes the construction of a single office building with parking, drive, and water quality/detention pond. The property is within the Davenport West PUD and is subject to those code modifications as listed in the zoning restrictive covenant C814-88-0001.01 and the PUD land use plan. Per these documents, the allowable impervious cover, construction on slopes, and cut/fill requirements will be reviewed under the Lake Austin ordinance 840301-F and as amended 841213-L. The associated findings of fact for this variance are also subject to review based on the findings in the Lake Austin ordinance.

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The calculation of allowable impervious cover under the Lake Austin ordinance differs from current code. Under Lake Austin, the calculations were based on gross site area not net and were given an allowable percentage based on the slope category not an overall allowable percentage of the net site area. These allowable percentages were 50% on slopes up to 15%, 15% on slopes from 15% to 25%, and 5% on slopes from 25% to 35%. Based on these slope categories and allowable percentages, the PUD land use plan allowed a total of one acre of impervious cover for this lot. This project proposes .706 acres of overall impervious cover and is compliant with the percentages allowed on the individual slope categories per the Lake Austin ordinance.

Environmental Code Variance Request

The following variance to the land development code is being requested:

1. To allow fill greater than 4 feet not to exceed 11.8 feet. Lake Austin Watershed Ordinance (840301-F), Section 9-10-409(a)

Conditions for Staff Approval

1. The remaining allowable impervious cover on this site may only be used for site plan revisions in which no additional environmental variances will be required.”

Recommendation

Staff recommends approval of the variance with one condition as the Findings of Fact have been met (see attached)

Similar Cases

Staff was unable to find similar cases within the PUD for comparison.

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**Planning and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Project: Overlook at Davenport – SPC-2012-0425C
Ordinance Standard: Lake Austin Watershed Ordinance (840301-F), Section 9-10-409(a)
Variance Request: To allow fill greater than 4 feet not to exceed 11.8 feet.

Findings:

A. Land Use Commission variance determinations from Sec. 9-10-409 (a) of the Lake Austin Ordinance: According to Section 9-10-377 (a) of the Lake Austin Ordinance, "Variances...may be granted by the Planning Commission only if it is found that:

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development? **YES**

The site's topography dictates the location and slope of the driveway which can be readily accessed and traversed. No points of access to the site provide a better driveway location than that shown on the site plan. The access street has a running slope of 17%. Strict application would deny access to the site, particularly for emergency vehicles. The Davenport West PUD prohibits access to this site from Loop 360. The applicant has also worked with the neighborhood Association and their concerns about not accessing from Canonero Drive which would be the only other possible access street. This would not be practicable as the drive would require greater overall disturbance and would be located over a greater area of slopes in excess of 15%.

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences? **YES**

The affected area has been limited to the greatest extent feasible and the proposed driveway grade and cross slope meets the minimum requirements of the fire department for emergency vehicle access. The driveway cannot be placed any closer to Loop 360 as the associate parking cannot be built within the Loop 360/Hill Country Roadway setback buffer. While shifting it further away from Loop 360 along Bold Ruler would cause the building to be built on steeper slopes and greater disturbance to protected size trees. The proposed fill will be stabilized behind a proposed retaining wall.

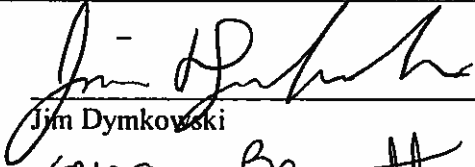
3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land after October 20, 1983. **YES**

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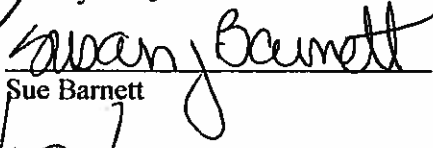
The proposal does not provide special privileges not enjoyed by similarly situated properties and is not based on a condition created as a result of the way the land has been subdivided. Functional grading and drive access was designed for the project which did not require a variance, but AFD has requested modifications to allow for access to the site by the largest of their equipment, and the ability to set up and extend outriggers over a more level parking surface. The Davenport West PUD prohibits access to this site from Loop 360. The applicant has also worked with the neighborhood Association and their concerns about not accessing from Canonero Drive which would be the only other possible access street. This would not be practicable as the drive would require greater overall disturbance and would be located over a greater area of slopes in excess of 15%.

****Variance approval requires all above affirmative findings.**

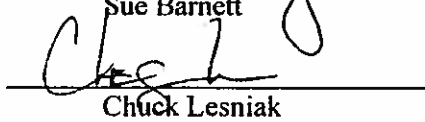
Environmental Reviewer:


Jim Dymkowski

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:


Chuck Lesniak

Date: October 2, 2013

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).

Overlook at Davenport
SPC-2012-0425C
Driving Directions

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Beginning at Austin City Hall 301 W 2nd Street:

Go west on Cesar Chavez approximately 1.2 miles.

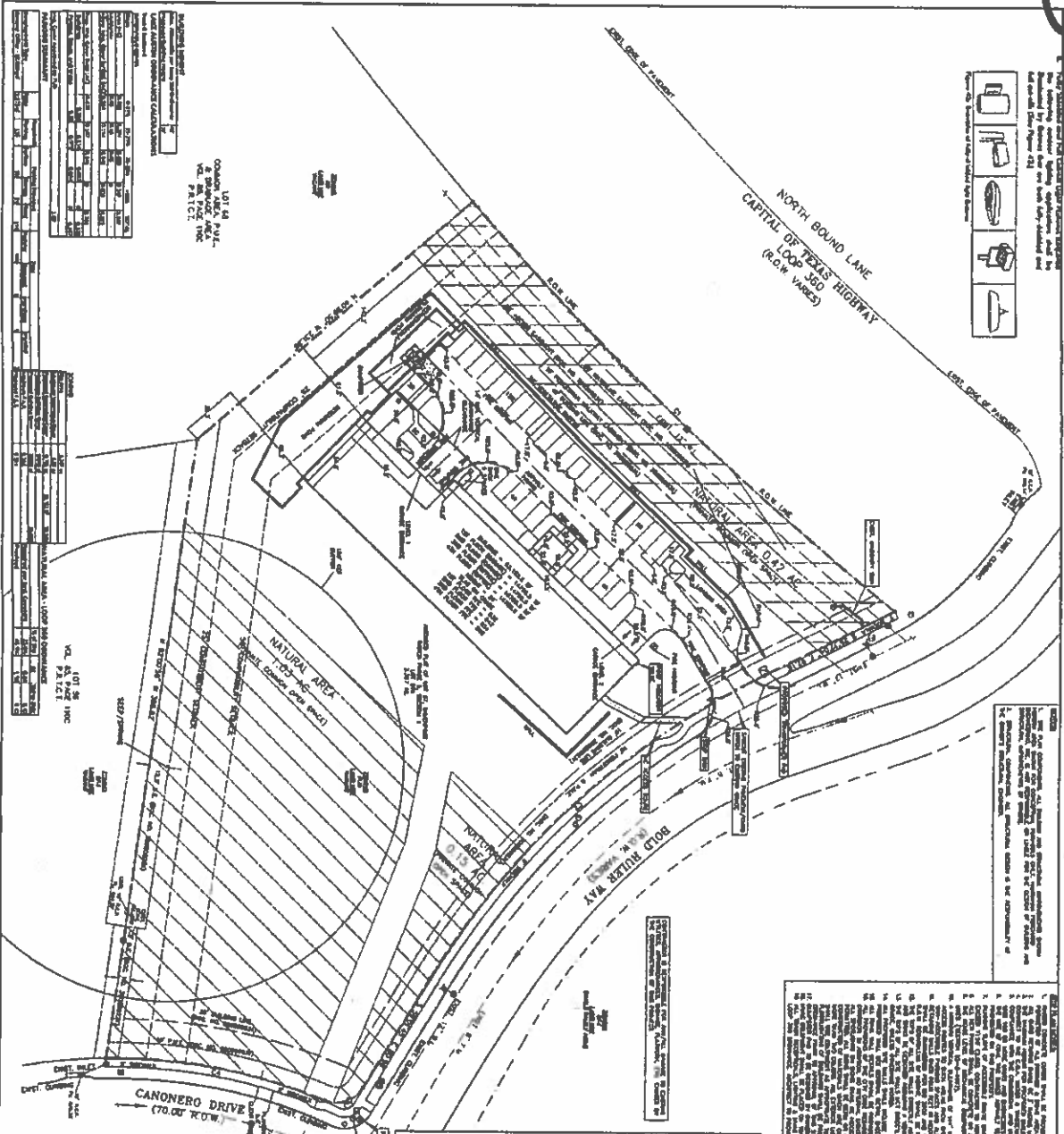
Go south on Mopac Loop 1 approximately 2.8 miles to exit for Loop 360.

Turn right and go approximately 5.7 mile on Loop 360.

Turn right onto Bold Ruler Way. Site is on the right.

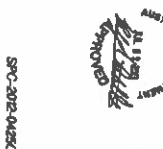
6001 Bold Ruler way is on the south side of Bold Ruler Way at the intersection of Loop 360 and Bolder Ruler Way.

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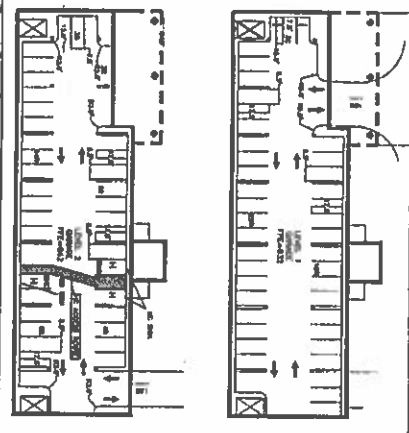


Lot No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
1	10,000	10,000	10,000	10,000
2	10,000	10,000	10,000	10,000
3	10,000	10,000	10,000	10,000
4	10,000	10,000	10,000	10,000
5	10,000	10,000	10,000	10,000
6	10,000	10,000	10,000	10,000
7	10,000	10,000	10,000	10,000
8	10,000	10,000	10,000	10,000
9	10,000	10,000	10,000	10,000
10	10,000	10,000	10,000	10,000

Lot No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
11	10,000	10,000	10,000	10,000
12	10,000	10,000	10,000	10,000
13	10,000	10,000	10,000	10,000
14	10,000	10,000	10,000	10,000
15	10,000	10,000	10,000	10,000
16	10,000	10,000	10,000	10,000
17	10,000	10,000	10,000	10,000
18	10,000	10,000	10,000	10,000
19	10,000	10,000	10,000	10,000
20	10,000	10,000	10,000	10,000



<p>NOTICE TO CONTRACTOR</p> <p>THIS PLAN IS THE PROPERTY OF HANRAHAN & FRITCHARD ENGINEERING, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF HANRAHAN & FRITCHARD ENGINEERING, INC.</p>	<p>NOTICE TO OWNER</p> <p>THIS PLAN IS THE PROPERTY OF HANRAHAN & FRITCHARD ENGINEERING, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF HANRAHAN & FRITCHARD ENGINEERING, INC.</p>
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File: Project/ Lot 67A Davenport/Chubb/BTR	Scale: 1/8" = 1'-0"
Job No: 200-01	Scale: 1/8" = 1'-0"
Date: 03/07/03	Checked By: LAM
Revision 1	Drawn By:
Revision 2	
Revision 3	
Revision 4	



**OVERLOOK AT DAVENPORT
SITE/DIMENSION CONTROL PLAN
6001 BOLD RULER WAY
AUSTIN, TEXAS**

HANRAHAN & FRITCHARD ENGINEERING, INC.
CONSULTING ENGINEERS
1710 FM 1960 RD. SUITE 100
1855 Cross Park Drive
AUSTIN, TEXAS 78758
OFFICE BUILDING MAIL ROOM 070
HFE@hfe.com

HPE

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PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact listed on a notice*); or
 - appearing and speaking for the record at the public hearing;
- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
 - is the record owner of property within 500 feet of the subject property or proposed development; or
 - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SPC-2012-0425C
 Contact: Donna Galati, 512-974-2733 or Elsa Garza, 512-974-2308
 Public Hearing: Zoning and Platting Commission, Dec 17, 2013

Randall D. Imhoff

Your Name (please print)

I am in favor
 I object

2800 Wynnaker Way No. 603 Austin, TX 78746

Your address(es) listed by this application



Signature

Date

Daytime Telephone:

11-30-2013

Comments: 1 object to a commercial property being built at the subject address. There is already an issue. Additionally, the glow from night lighting will be disruptive and annoying for all neighborhood residents

If you use this form to comment, it may be returned to:

City of Austin
 Planning and Development Review - 4th floor
 Donna Galati
 P. O. Box 1088
 Austin, TX 78767-1088