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**ZONING AND PLATTING COMMISSION SITE PLAN REVIEW SHEET
ENVIRONMENTAL VARIANCE REQUEST ONLY
REVIEW SHEET**

CASE: SP-2013-0058CT

ZAP COMMISSION DATE: January 7th, 2014

PROJECT NAME: Austin Oaks Restaurant

ADDRESS: 7601 Wood Hollow Drive

APPLICANT: Twelve Lakes LLC (Jon Ruff)
(214)740-2350
2001 Bryan St., Ste. 1550
Dallas, TX 75201

AGENT: Jones & Carter, Inc. (James Schissler)
(512) 441-9493
1701 Directors Blvd., Ste. 400
Austin, TX 78744

PDR/Environmental Staff: Liz Johnston, 974-1218
liz.johnston@austintexas.gov

PDR/Case Manager: Amanda Couch, 974-2881
amanda.couch@austintexas.gov

COUNTY: Travis

AREA: 77,474 sq. ft.

WATERSHEDS: Shoal Creek Watershed (Water Supply Urban) Desired Development Zone

ORDINANCE: Comprehensive Watershed Ordinance (Current Code)

JURISDICTION: Austin Full Purpose

PROPOSED DEVELOPMENT:

The applicant is proposing a 4,315 sq.ft. restaurant with associated improvements.

DESCRIPTION OF VARIANCE:

To allow construction of a restaurant and associated structures downslope of and at a distances less than 150 ft from a Critical Environmental Feature buffer, 25-8-281 (C)(1)(a).

STAFF RECOMMENDATION:

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

Staff Conditions

None

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Board Conditions

The applicant has agreed to substantial mitigation in the form of removal of invasive species and restoration of the Critical Environmental feature area.

ENVIRONMENTAL BOARD ACTION:

November 6, 2013: The Environmental Board recommended approval of the variance. Vote : 4-0-1-2

ZONING AND PLATTING COMMISSION ACTION:

December 17th, 2013: Zoning and Platting Commission postponed item to January 7th, 2014.

December 3rd, 2013: Zoning and Platting Commission postponed item to December 17th, 2013.

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: SP-2013-0058CT

Contact: Amanda Couch, 512-974-2881 or Elsa Garza, 512-974-2308

Public Hearing: Zoning and Platting Commission, Dec 3, 2013

DELORES DICKERSON

Your Name (please print)

3500 GREYSTONE DR. - AUSTIN, TX 78731

Your address(es) affected by this application

Elsa Garza Signature 12-2-13 Date

Daytime Telephone: 888-848-6541 x 6787

Comments: This lot is zoned with
wildlife including deer. There is
a stream/branch in this property
which feed our wildlife. The
that is VERY steep which will cause
a traffic hazard. The greenery on
this lot will be destroyed, leaving
the beauty of our neighborhood.

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

City of Austin
Planning and Development Review - 4th floor
Amanda Couch
P. O. Box 1088
Austin, TX 78767-8810

Austin Oaks Restaurant

November 7, 2013

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ENVIRONMENTAL BOARD VARIANCE APPLICATION TEMPLATE

October 25, 2013

Zoning and Platting Commission
301 W 2nd Street
Austin, Texas 78701

Re: CEF Rimrock Setback Variance
Austin Oaks Restaurant
7601 Wood Hollow Drive
SP-2013-0058CT

Dear Commissioners:

On behalf of our client, 2011 Austin Oaks Ltd., Jones & Carter, Inc. is requesting a variance from the requirements of a 150-foot buffer zone from the edge of the critical environmental features (CEFs) located immediately adjacent to the Austin Oaks Restaurant lot. The lot is currently undeveloped and the proposed improvements include a restaurant building and associated parking lot. The CEF are located on the lot adjacent to the east property line and include rimrock, a spring, and a seep. The proposed site improvements are located downgradient of all three CEFs and no surface runoff from our site is directed toward the CEFs.

A setback of 25-feet is proposed to the west of the rimrock, with a 50-foot setback to the north. Due to numerous site constraints on the 1.778-acre tract, including multiple drainage easements and a critical water quality zone, only a small portion of the lot, approximately 0.65-acres, is available for development. The CEF setbacks were previously discussed with Sylvia Pope, P.G. with the Environmental Resource Management during a site visit conducted on November 29, 2012. The need for a formal variance was discussed at that visit and during a May 21, 2013 staff meeting. Based on these discussions with city staff and the preservation of all CEF characteristics, we request that a waiver from the requirement of LDC 25-8-281(C)(1)(a) be granted for this project to reduce the setback to 25-feet downgradient of the rimrock.

If you have any questions or require additional information, please contact me at (512) 441-9493.

Sincerely,

Shawn Graham, P.E., LEED AP.

November 7, 2013

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PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant Shawn Graham, P.E.
Street Address 1701 Directors Blvd., Suite 400
City State ZIP Code Austin, TX 78744
Work Phone 512-441-9493
E-Mail Address sgraham@jonescarter.com

Variance Case Information

Case Name Austin Oaks Restaurant
Case Number SP-2013-0058CT
Address or Location 7601 Wood Hollow Drive
Environmental Reviewer Name Liz Johnson
Applicable Ordinance 25-8-281(C)(1)(a)
Watershed Name Shoal Creek
Watershed Classification ☒ Urban ☐ Suburban ☐ Water Supply Suburban
☐ Water Supply Rural ☐ Barton Springs Zone
Edwards Aquifer Recharge Zone ☐ Barton Springs Segment ☒ Northern Edwards Segment
☐ Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone ☐ Yes ☒ No
Distance to Nearest Classified Waterway
Water and Waste Water service to be provided by Austin Water Utility
Request The variance request is as follows: from Section LDC 25-8-281(C)(1)(a) which requires a 150 foot buffer zone from a critical environmental feature.

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Impervious cover	Existing	Proposed
square footage:	<u>0.0</u>	<u>13,144</u>
acreage:	<u>0.0</u>	<u>0.3017</u>
percentage:	<u>0.0</u>	<u>17.0</u>

Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)

The lot is a 1.779-acre tract that is bisected by a swale with a 50-foot Critical Water Quality Zone. The north and west sides of the lot are bounded by Executive Center Drive and Wood Hollow Drive, respectively, and there are steep slopes on the south and east sides of the lot. The site is partially wooded along the swale and there are three heritage trees on the lot. The adjacent properties are occupied by an office building constructed in 1974 on the east and apartment buildings constructed in 1974 and 1982 per the County tax records. The rimrock for which the variance is requested is located upgradient of the lot to the east on the office building property.

The proposed development will be downgradient from the rimrock and will not cause any impact to the rimrock.

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)

The request is to reduce the CEF setback to 25-feet from the rimrock on the adjacent property. The director can approve administrative variances to 50 feet, but due to the other constraints, including the Critical Water Quality Zone, the request is to allow grading up to 25 feet downgradient of the rimrock.

FINDINGS OF FACT

As required in LDC Section 25-8-41, in order to grant a variance the Land Use Commission must make the following findings of fact:

Include an explanation with each applicable finding of fact.

November 7, 2013

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/A

Project: Austin Oaks Restaurant

Ordinance:

A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

☒ Yes The adjacent properties were all developed prior to the Comprehensive Watershed Ordinance and therefore were not required to comply with the CEF setbacks so the rimrock has been compromised by the existing development upgradient of the feature. The project is an Infill project in the urban watershed and will comply with the Critical Water Quality Zone setback, which severely limits the area where development can occur

2. The variance:

- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

Yes, the development provides greater overall environmental protection than is achievable without the variance because the rimrock is on the adjacent property therefore the development will employ means to protect the rimrock within its property and will also remove invasive vegetation from the area adjacent to the rimrock and swale.

- b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

Yes, the minimum change to allow the 25-foot buffer will allow the development to occur as a reasonable use of the property; the constraints on the project also requires a shared parking agreement since the minimum number of spaces cannot be provided on the lot.

- c) Does not create a significant probability of harmful environmental consequences;

No, the development will be downgradient of the rimrock so there is not harmful environmental consequences that will occur.

November 7, 2013

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B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The criteria for granting a variance in Section A are met;

N/A

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

N/A

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

N/A

**Variance approval requires all above affirmative findings.

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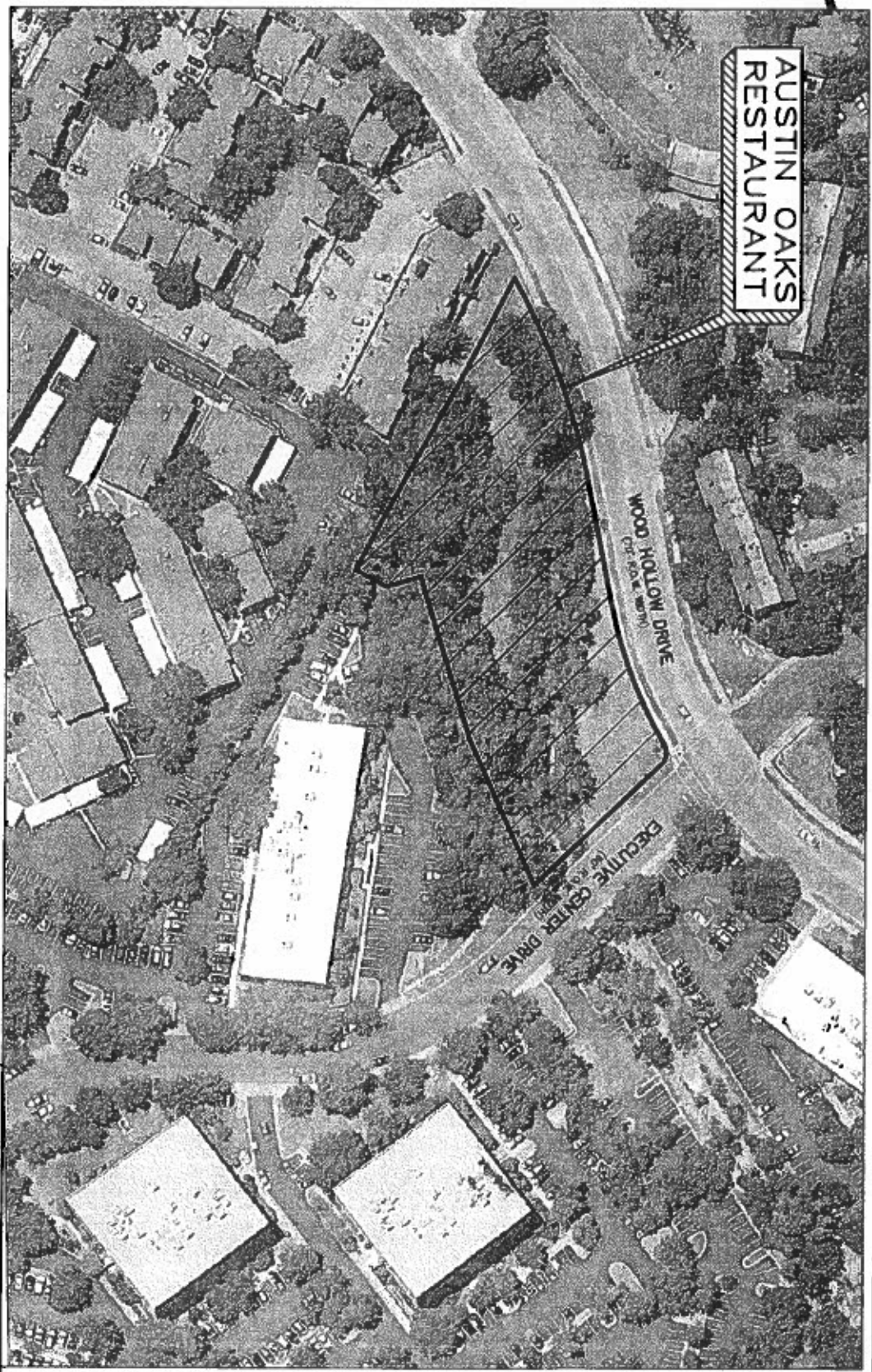
Exhibits for Board Backup and/or Presentation

Please attach and paginate.

- Aerial photos of the site (backup and presentation)
- Site photos (backup and presentation)
- Aerial photos of the vicinity (backup and presentation)
- Context Map—A map illustrating the subject property in relation to developments in the vicinity to include nearby major streets and waterways (backup and presentation)
- Topographic Map - A topographic map is recommended if a significant grade change on the subject site exists or if there is a significant difference in grade in relation to adjacent properties. (backup and presentation)
- For cut/fill variances, a plan sheet showing areas and depth of cut/fill with topographic elevations. (backup and presentation)
- Site plan showing existing conditions if development exists currently on the property (presentation only)
- Proposed Site Plan- full size electronic or at least legible 11x17 showing proposed development, include tree survey if required as part of site or subdivision plan (backup and presentation)
- Environmental Map – A map that shows pertinent features including Floodplain, CWQZ, WQTZ, CEFs, Setbacks, Recharge Zone, etc. (backup and presentation)
- An Environmental Assessment pursuant to ECM 1.3.0 (if required by 25-8-121) (backup only)
- Applicant's variance request letter (backup only)

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AUSTIN OAKS
RESTAURANT



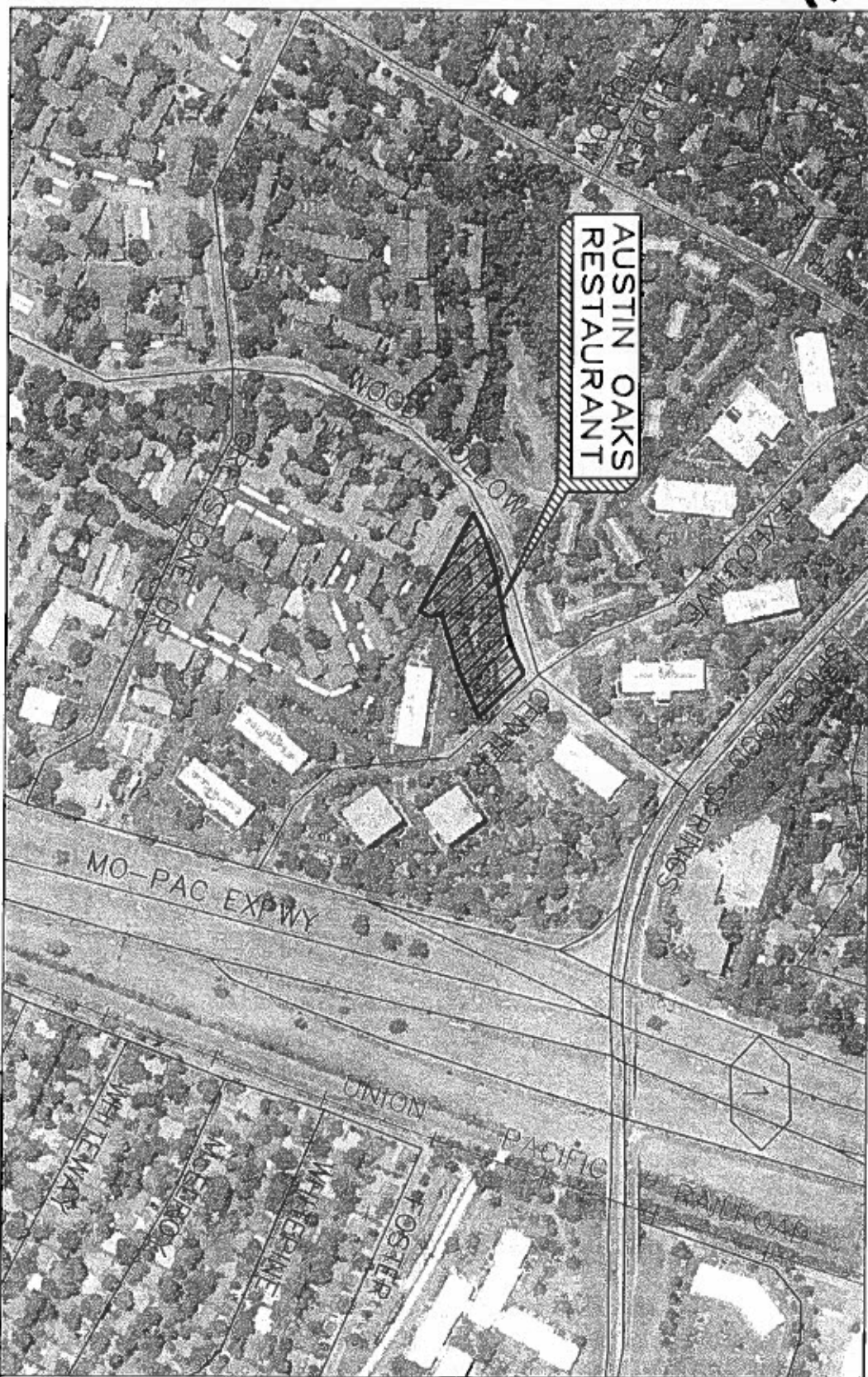
AUSTIN OAKS RESTAURANT

LOCATION MAP

JC JONES & CARTER, INC.
ENGINEERS-PLANNERS-SURVEYORS
Texas Board of Professional Engineers Registration No. E-419
1701 Directors Blvd., Suite 400 Austin, Texas 78754 (512) 441-9893

SCALE: 1" = 200'
DATE: 10/28/2013
JOB NO: A675-002

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AUSTIN OAKS RESTAURANT

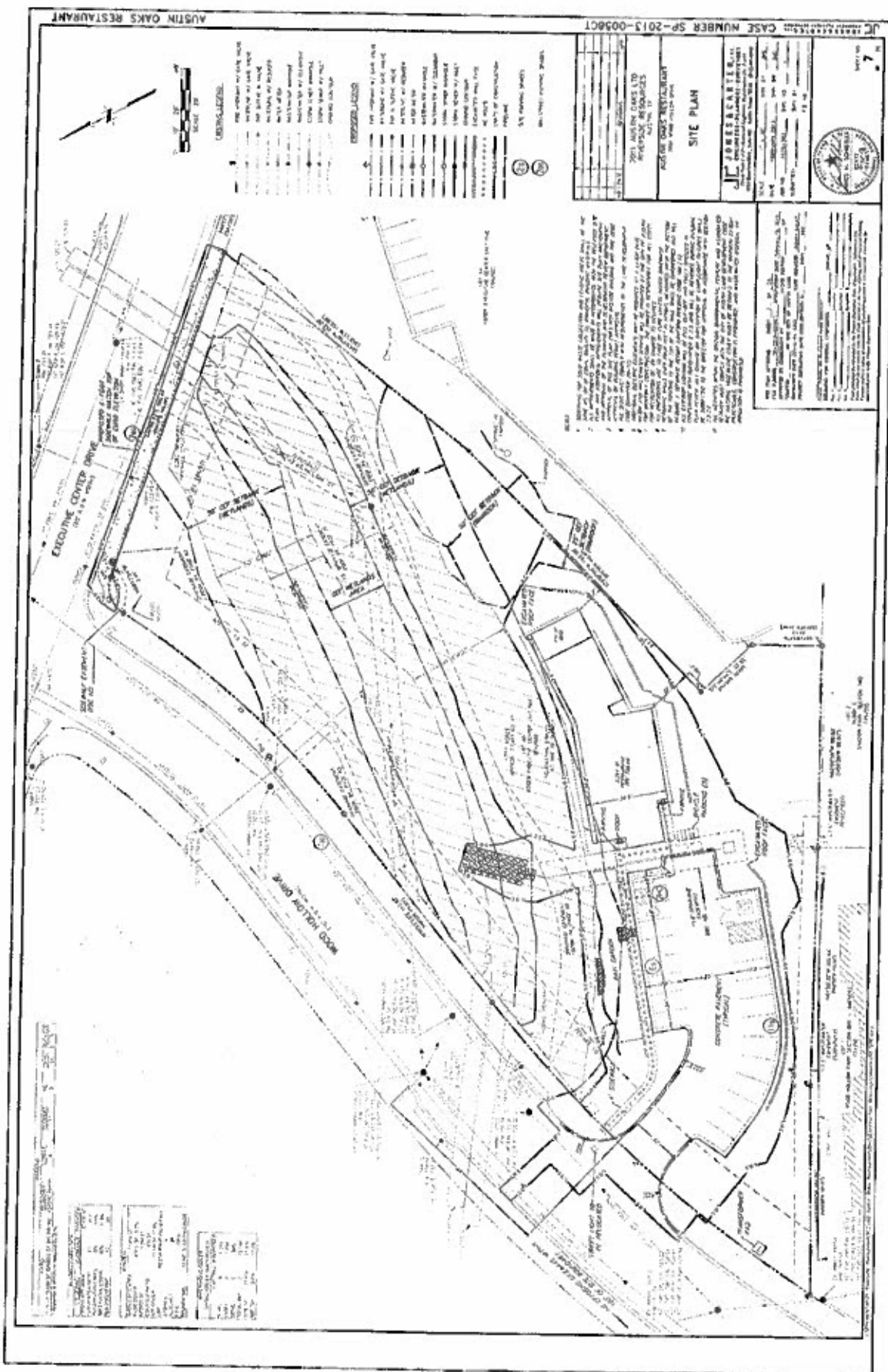
VICINITY MAP

JC JONES & CARTER, INC.
ENGINEERS • PLANNERS • SURVEYORS
Texas Board of Professional Engineers Registration No. F-139
1701 Directors Blvd., Suite 400 Austin, Texas 78744 (512) 441-9893

SCALE: 1" = 600'

DATE: 10/28/2013

JOB NO: A675-002

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LEGEND

Existing Structure
Proposed Structure
Existing Vegetation
Proposed Vegetation
Erosion Control Measures
Other

NOTES

1. The site plan is based on a topographic map of the area.
2. The proposed structure is shown in solid black.
3. The proposed parking area is shown with dashed lines.
4. The proposed vegetation is shown with a stippled pattern.
5. The proposed erosion control measures are shown with a cross-hatched pattern.
6. The existing structure is shown with a dotted pattern.
7. The existing vegetation is shown with a diagonal line pattern.
8. The existing erosion control measures are shown with a horizontal line pattern.
9. The existing other features are shown with a vertical line pattern.
10. The site plan is subject to the approval of the local planning commission.
11. The site plan is subject to the approval of the local health department.
12. The site plan is subject to the approval of the local fire department.
13. The site plan is subject to the approval of the local police department.
14. The site plan is subject to the approval of the local utility companies.
15. The site plan is subject to the approval of the local environmental agency.
16. The site plan is subject to the approval of the local historical society.
17. The site plan is subject to the approval of the local chamber of commerce.
18. The site plan is subject to the approval of the local business association.
19. The site plan is subject to the approval of the local residents association.
20. The site plan is subject to the approval of the local community council.

TITLE BLOCK

Project Name: AUSTIN OAKS RESTAURANT
Date: JULY 1988
Engineer: J. L. HARRIS
Scale: 1" = 100'
Sheet: 1 of 1



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City of Austin Environmental Assessment Update

To: Win Smith, 2011 Austin Oaks, Ltd
From: Mark T. Adams P.G./C.A.P.M., aci consulting
Subject: 1.87-acre Austin Oaks Tract
Date: October 21, 2013

In November 2012 aci consulting conducted a City of Austin Environmental Assessment on a property that was known as the 1.87-acre Austin Oaks Tract. Three potential CEFs were located on the subject property by aci consulting staff, and were confirmed during a site visit with City of Austin staff on November 15, 2012.

The City of Austin has also identified a wetland on the subject area. The attached map illustrates the wetland in relation to the proposed "fill-in" development.

View of the City of Austin Development Web map showing the wetland on the subject property. Andrew Clamann with the City of Austin has recommended that non-native, invasive species in the wetland area be removed and the area revegetated with native herbaceous planting and seeding (pursuant to 609S or better) be conducted in the disturbed Critical Water Quality Zone (CWQZ) and a native woody riparian sapling be planted to replace each non-native sapling removed.

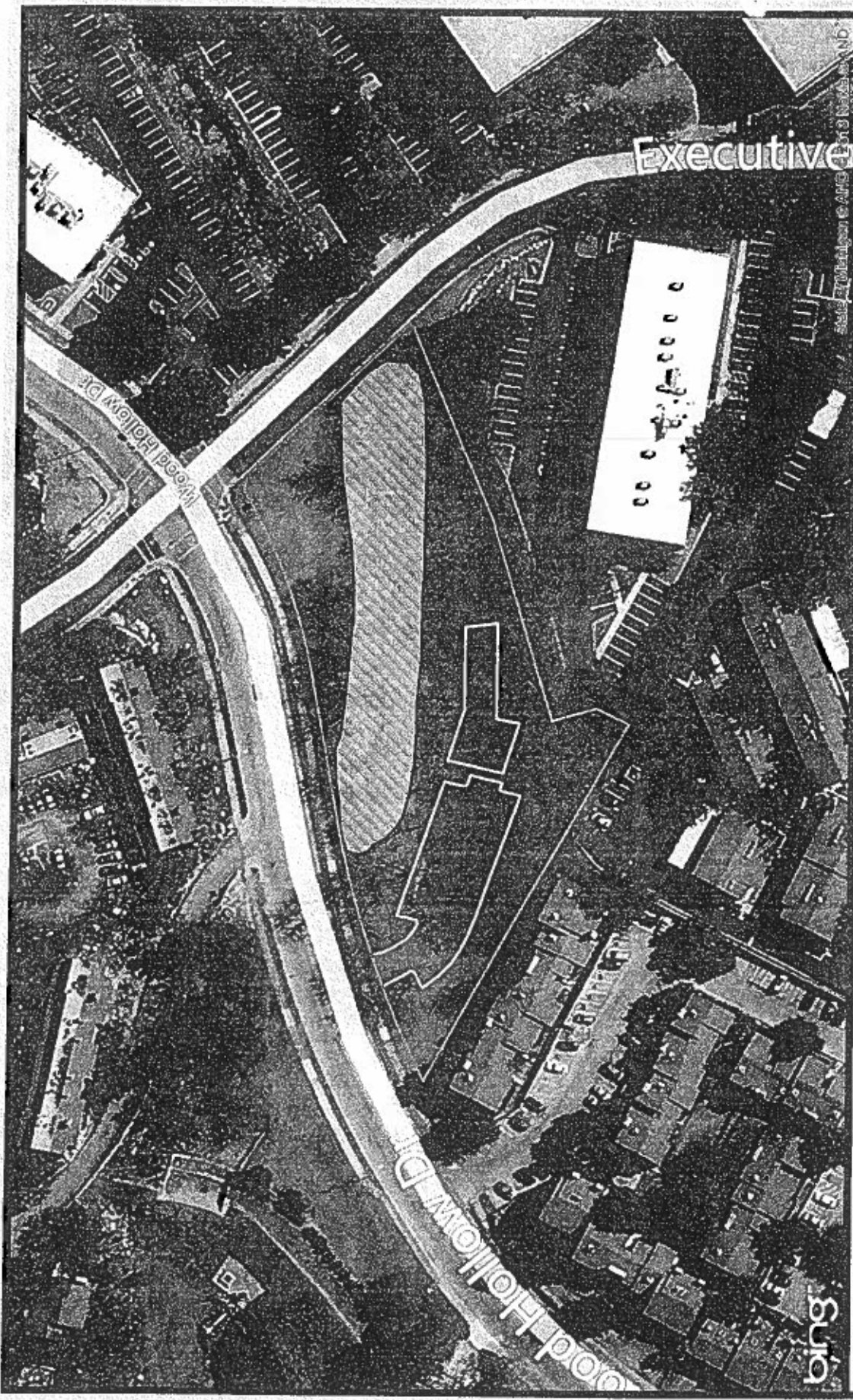
Please feel free to contact me at (512) 775-3968 or madams@aci-group.net if you have any questions or comments.


Sincerely,

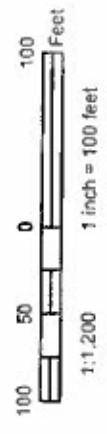
Mark T. Adams P.G./C.A.P.M.

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October 2013



-  Wetland
-  Development Plan
-  Subject Area



This map is intended for planning purposes only. All map data should be considered preliminary. All boundaries and designations are subject to confirmation.

Austin Oaks Tract
Development Plan & COA Wetland Feature



1701 Directors Blvd., Suite 400
Austin, Texas 78744-1024

TEL 512 441 9493
FAX 512 445 2206

ROSENBERG AUSTIN
SAN ANTONIO DALLAS
THE WOODLANDS HOUSTON
BRYAN/COLLEGE STATION BRENHAM
GREENSPRING

October 28, 2013

Zoning and Platting Commission
301 W 2nd Street
Austin, Texas 78701

Texas Board of Professional Engineers Registration No. F-439

Re: CEF Rimrock Setback Variance
 Austin Oaks Restaurant
 7601 Wood Hollow Drive
 SP-2013-0058CT

Dear Commissioners:

On behalf of our client, 2011 Austin Oaks Ltd., Jones & Carter, Inc. is requesting a variance from the requirements of a 150-foot buffer zone from the edge of the critical environmental features (CEFs) located immediately adjacent to the Austin Oaks Restaurant lot. The lot is currently undeveloped and the proposed improvements include a restaurant building and associated parking lot. The CEF are located on the lot adjacent to the east property line and include rimrock, a spring, and a seep. The proposed site improvements are located downgradient of all three CEFs and no surface runoff from our site is directed toward the CEFs.

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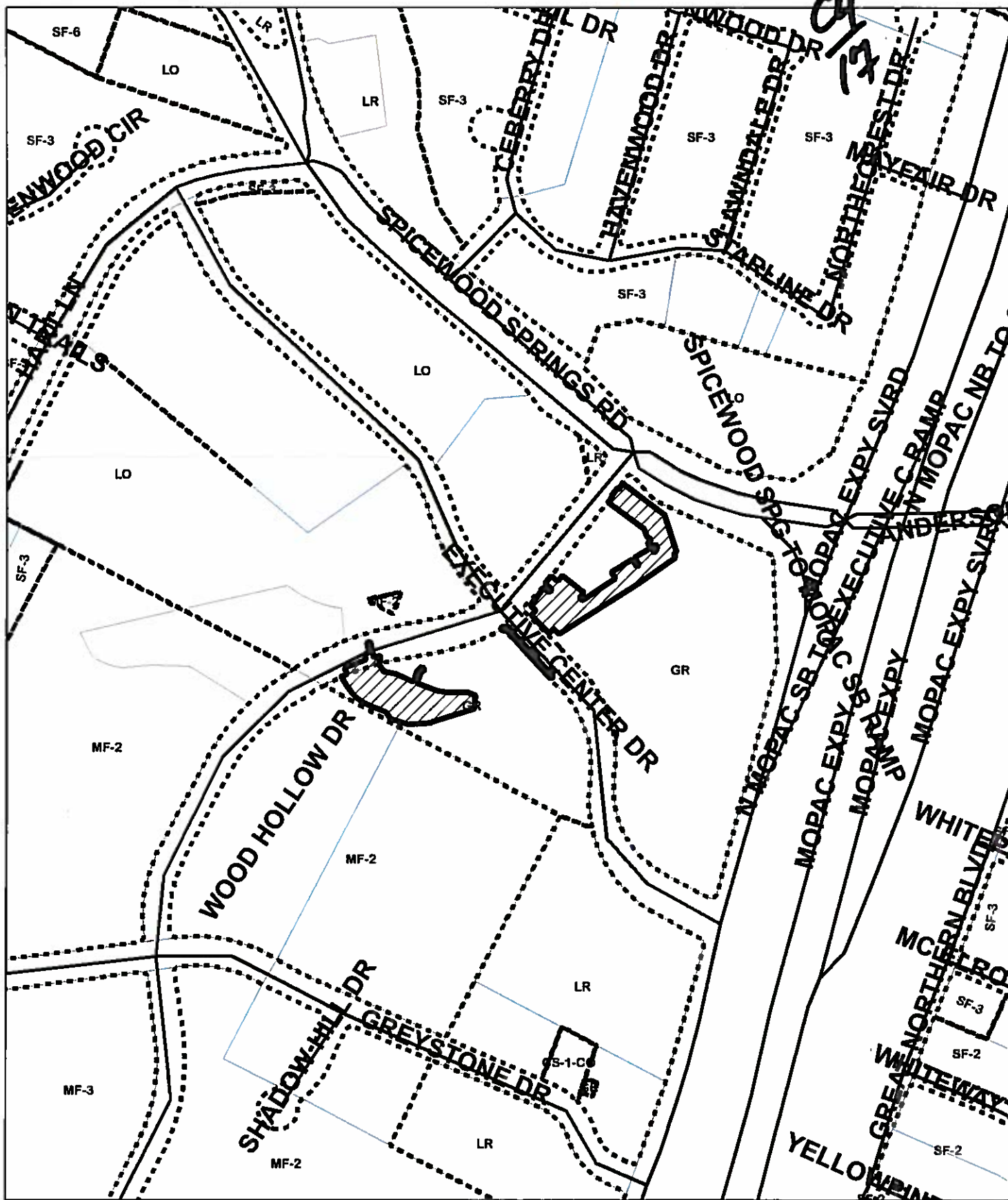
Sincerely,

A handwritten signature in black ink, appearing to read 'Shawn Graham', is written over a horizontal line.

Shawn Graham, P.E., LEED AP

JMS/scg

J:\Projects\A675\002\General\Letters\CEF Rimrock Setback Variance.doc



SITE PLAN

CASE#: SP-2013-0058CT
 ADDRESS: 7601 Wood Hollow Drive
 CASE NAME: Austin Oaks Restaurant
 MANAGER: Amanda Couch (974-2881)



SUBJECT TRACT
 ZONING BOUNDARY

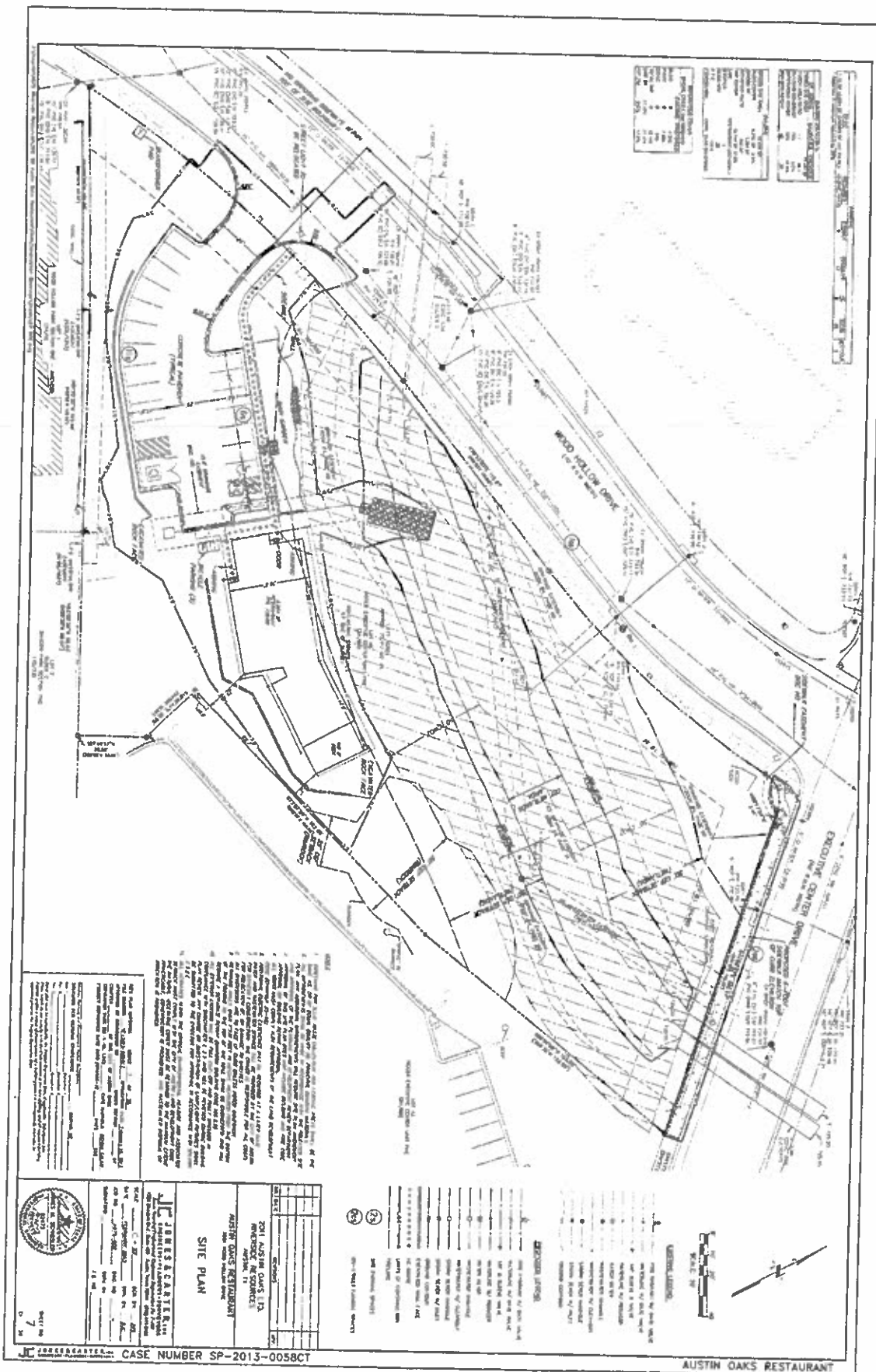
0 160 320 640 Feet

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: Amanda Couch

C4/18



2013 AUSTIN OAKS LTD
RESTAURANT RESOURCES
AUSTIN OAKS RESTAURANT
7/14

SITE PLAN

J.C. JOHNS & ASSOCIATES
10000 N. MICHIGAN AVE. SUITE 100
DALLAS, TEXAS 75243
PHONE: 214-343-1234
FAX: 214-343-1235
WWW.JCJOHNS.COM

PROJECT INFORMATION

Project Name	2013 AUSTIN OAKS LTD
Project Address	10000 N. MICHIGAN AVE. SUITE 100
Project City	DALLAS, TEXAS
Project State	TX
Project Zip	75243
Project Date	7/14

DESIGNER INFORMATION

Designer Name	J.C. JOHNS & ASSOCIATES
Designer Address	10000 N. MICHIGAN AVE. SUITE 100
Designer City	DALLAS, TEXAS
Designer State	TX
Designer Zip	75243
Designer Phone	214-343-1234
Designer Fax	214-343-1235
Designer Email	JOHNS@JCJOHNS.COM

APPROVALS

Project Engineer	[Signature]
City Engineer	[Signature]



7/14