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/1

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

CASE NUMBER: SPC-2013-0257C **COMMISSION DATE:** January 7, 2014

PROJECT NAME: Four Corners

ADDRESS: 7300 N FM 620

AREA: 7.707 acres

WATERSHED: Lake Travis (Watersupply Rural, DWPZ)

EXISTING ZONING: GR-CO

APPLICANT: GDF Realty, Ltd (R. James George, Jr.)
114 W 7th St. Suite 1100
Austin, TX 78701
(512) 495-1410

AGENT: Longaro & Clarke (Alex G Clarke, P.E.)
7501 N Capital of Texas Hwy, Bldg. A, Suite 250
Austin, Texas 78731
(512) 306-0228

PROPOSED USE: The applicant requests approval of a Hill Country Roadway site plan in order to construct a hotel and retail buildings and variances. The site is located within the High Intensity Zone of FM 620/FM 2222, Hill Country Roadways.

DESCRIPTION OF VARIANCES:

Variance request is as follows:

1. To omit the roadway deduction from the calculation of allowable impervious cover on Tract 2 (LDC 25-8-65).
2. To allow impervious cover greater than 20% of the net site area allowed by code not to exceed 56.01% on Tract 2 (LDC 25-8-454(D)(1)(a)).
3. To allow fill greater than 4 feet, not to exceed 8 feet on Tract 2 (LDC 25-8-342).
4. To allow the 40% natural state buffer to be reduced to 17.6% and to not require that it receive overland flow from the development for Tract 2 [LDC 25-8-454(D)(2)].
5. To allow construction of a roadway or driveway on a slope greater than 15% on Tract 2. (LDC 25-8-301(A)).
6. To allow a Roadway Vegetative Buffer from 55'-79' rather than 100' [LDC 25-2-1023(A)].
7. To allow for construction on slopes in excess of 15% on Tract 2, including 1,479 sq. ft. on 15-25% slopes and 408 sq. ft. on 25-35% slopes [LDC 25-2-1123].

SUMMARY STAFF RECOMMENDATION FOR HCRC SITE PLAN: Staff recommends approval of this Hill Country Roadway site plan. Staff recommends approval of the Hill Country Roadway waivers to reduce the Roadway Vegetative Buffer and to allow for construction on slopes in excess of 15% on Tract 2, including 1,479 sq. ft. on 15-25% slopes and 408 sq. ft. on 25-35% slopes without using the code-required terracing techniques but using a vertical wall.

C6/2

The site plan complies with all other applicable requirements of the Land Development Code and the zoning 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 VARIANCE:

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

Staff Conditions and Environmental Board Conditions

(See attached Environmental Board motion sheet)

AREA STUDY: N/A

APPLICABLE WATERSHED ORDINANCE: Tract 1 – Lake Travis Watershed Ordinance
(840308-K) Tract 2 – Comprehensive Watershed Ordinance

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: 7.707 acres

EXIST. ZONING: GR-CO

MAX. BLDG. COVERAGE: 75%

MAX. IMPERV. CVRG: 90%

ALLOWED F.A.R.: 1:1

PROP. BLDG CVRG: 30,568 sq. ft. (9.1%)

PROP. IMP. CVRG: 126,968 sq. ft. (37.8%)

PROPOSED F.A.R.: .24:1

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 High Intensity Zone of FM 620/FM 2222.

The site plan proposes construction of a 4-story, 65,800 sq. ft. hotel and 1-story 13,090 sq. ft. retail building, parking, drive, detention and water quality, and utilities. The site proposes pedestrian and vehicular connection to Bullock Hollow Rd and FM 620.

ENVIRONMENTAL: This site is in the Drinking Water Protection Zone. All Hill Country Roadway and zoning requirements have been met. Environmental variances are requested. EV Board backup materials attached.

TRANSPORTATION: All comments cleared.

C6/3

SURROUNDING CONDITIONS:

Zoning/ Land Use

North: GR-CO (Vacant)

East: GR-CO (Financial Services) and PUD (Food Sales, Retail)

South: Bullock Hollow Rd, then GR-CO (Service Station) and ETJ (Water Treatment Plant 4)

West: GR-CO (Vacant)

<u>STREET:</u>	<u>R.O.W.</u>	<u>SURFACING</u>	<u>CLASSIFICATION</u>
620	154'	93'	Major Arterial
Bullock Hollow	111'	40'	Minor Arterial

NEIGHBORHOOD ORGANIZATION:

2222 Coalition of Neighborhood Associations, Inc

Austin Heritage Tree Foundation

Austin Monorail Project

Bike Austin

Bull Creek Foundation

Comanche Trail Community Assn. (CTCA)

Courtyard Homeowner Assn.

Glenlake Neighborhood Association

Homeless Neighborhood Association

Leander ISD Population and Survey Analysts

Long Canyon Homeowners Assn.

Long Canyon Phase II and LLL Homeowners Assn Inc.

SELTexas

Sierra Club, Austin Regional Group

Steiner Ranch Community Association

Super Duper Neighborhood Objectors and Appealers Organization

The Parke HOA

The Real Estate Council of Austin, Inc.

Volente Neighborhood Assn.



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/4

BOARD/COMMISSION RECOMMENDATION

ENVIRONMENTAL BOARD

Recommendation Number: 20131207 006b

Four Corners SPC-2013-0257C

Request:

1. To omit the roadway deduction from the calculation of allowable impervious cover on Tract 2. LDC Section 25-8-65
2. To allow impervious cover greater than 20% of the net site area allowed by code not to exceed 56.01% on Tract 2. LDC Section 25-8-454(D) (1) (a)
3. To allow fill greater than 4 feet, not to exceed 8 feet on Tract 2. LDC Section 25-8-342.
4. To allow the 40% natural state buffer to be reduced to 17.6% and to not require that it receive overland flow from the development for Tract 2 LDC Section 25-8-454(D) (2)
5. To allow construction of a roadway or driveway on a slope greater than 15% on Tract 2. LDC 25-8-301 (A)

WHEREAS, the findings of fact have been met

And whereas, the unified development proposes a combined impervious cover lower than full buildout allowed for tract 1 and an increase in water quality treatment for both lots.

THEREFORE, the Environmental Board recommends approval with board conditions for variance request with the following conditions:

Staff conditions:

- 1) Restrict the allowable impervious cover on Tract 1 to 2.094 acres of impervious cover and the overall unified Tract 1 and Tract 2 development to 2.915 acres.
- 2) Provide SOS retention/re-irrigation water quality standards for the entire unified project.
- 3) Provide Hill Country Roadway landscaping and 40% buffer for the entire unified project.

Board conditions:

Cap or plug as appropriate abandoned well in accordance to TCEQ standards.

Record of the Vote [5-0-0-1-1]

For: Deegan, Gary, Maxwell, Neely, and Perales

Against: None

Abstained: None

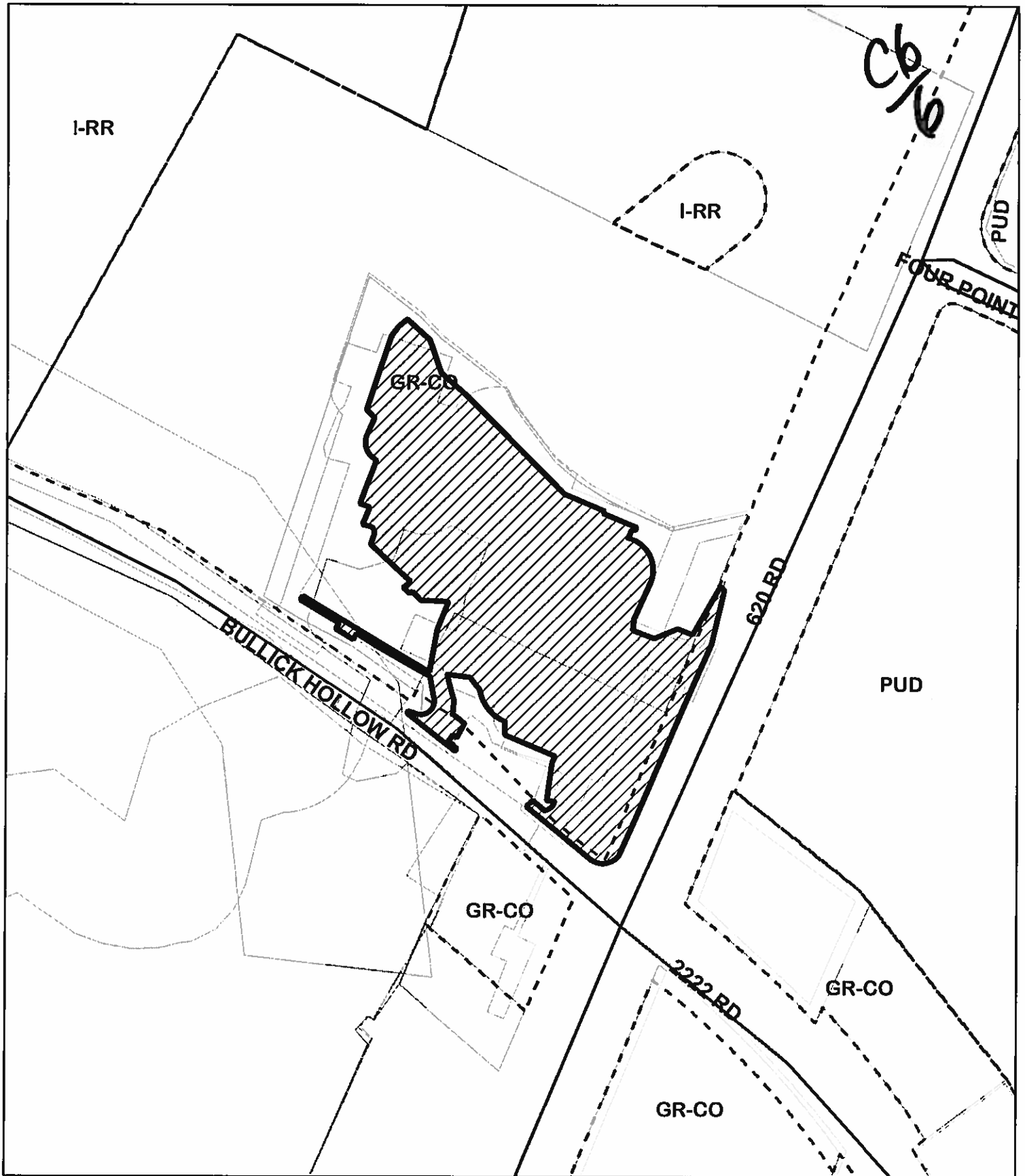
Recused: Robert Deegan recused himself from the dais due to a potential conflict of interest.

Absent: Walker

Attested by:

DRAFT



cb/3



SITE PLAN

CASE#: SPC-2013-0257C
ADDRESS: 7300 N FM 620 Rd.
CASE NAME: Four Corners
MANAGER: Donna Galati



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

0 100 200 400 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: Donna Galati

INTERVIEWER



1971 Year: 1972 Year:
 City: State:
 Name: Address:
 City: State: Zip:
 Phone:



C6/4

ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED: DECEMBER 18, 2013

**Name & Number
OF PROJECT:** Four Corners
SPC-2013-0257C

**NAME OF APPLICANT
OR ORGANIZATION:** Longaro & Clarke
(Contact: Alex Clarke - 512-306-0228)

LOCATION: 7300 N FM 620 RD W/BLDGS

PROJECT FILING DATE: July 10, 2013

**WPDR/Environmental
STAFF:** JIM DYMKOWSKI, 974-2707
james.dymkowski@austintexas.gov

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

WATERSHED: Lake Travis Watershed (Water Supply Rural)
Drinking Water Protection Zone

ORDINANCE: TRACT 1 - LAKE TRAVIS WATERSHED ORDINANCE 840308 - K
TRACT 2 - Comprehensive Watershed Ordinance

REQUEST: Variance request is as follows:

1. To omit the roadway deduction from the calculation of allowable impervious cover on Tract 2.
LDC Section 25-8-65
2. To allow impervious cover greater than 20% of the net site area allowed by code not to exceed 56.01% on Tract 2.
LDC Section 25-8-454(D) (1) (a)
3. To allow fill greater than 4 feet, not to exceed 8 feet on Tract 2.
LDC Section 25-8-342.
4. To allow the 40% natural state buffer to be reduced to 17.6% and to not require that it receive overland flow from the development for Tract 2. LDC Section 25-8-454(D) (2)

5. To allow construction of a roadway or driveway on a slope greater than 15% on Tract 2. LDC Section 25-8-301 (A)

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STAFF RECOMMENDATION: Approval of all variances with conditions.

REASONS FOR RECOMMENDATION: Findings of fact have been met.



C6/10

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: December 18, 2013

SUBJECT: Four Corners – SPC-2013-0257C

On the December 18, 2013 agenda is a request for the consideration of five variances;

1. To omit the roadway deduction from the calculation of allowable impervious cover on Tract 2 - LDC Section 25-8-65
2. To allow impervious cover greater than 20% of the net site area allowed by code not to exceed 56.01% on Tract 2. LDC Section 25-8-454(D) (1) (a)
3. To allow fill greater than 4 feet, not to exceed 8 feet on Tract 2. LDC Section 25-8-342.
4. To allow the 40% natural state buffer to be reduced to 17.6% and to not require that it receive overland flow from the development for Tract 2 To LDC Section 25-8-454(D) (2)
5. To allow construction of a roadway or driveway on a slope greater than 15% on Tract 2. LDC Section 25-8-301 (A)

Description of Property

The project is located at the northwest corner of the intersection of FM 2222 and RR 620. It is in the Lake Travis Watershed which is classified as Water Supply Rural, within the Drinking Water Protection Zone. It is located over the North Edward's Aquifer Recharge Zone. It is within the City of Austin full purpose jurisdiction. Water and wastewater service are provided by the City of Austin. The gross site area as given in the plan set 7.707 acres that includes 6 acre Tract 1 along with 1.7 acre Tract 2 both to be developed as one unified project. Tract 1 consists of two currently platted lots that received Chapter 245 grandfathering protection for this site plan submittal. Tract two has a land status determination and is unplatted. The grandfathered lots in Tract 1 are being reviewed under the Lake Travis watershed ordinance 840308 – K and other environmental ordinances such as landscaping and protected trees in affect before July 11, 1985. Tract 2 is being reviewed under the comprehensive watershed ordinance and current code for landscaping and tree protection. It is bordered to the north and west by BCCP preserve land, to the south by commercial development and water treatment plant #4, and to the east also by commercial and retail development.

Existing Topography/Soil Characteristics/Vegetation

The property predominately contains slopes of less than 10% with areas of slopes from 15% to greater than 35% in the southwest corner of the project in the southwest corner of Tracts 1 and 2. Both tracts grade toward the southwest and these areas of greater than 15% slopes. Vegetation consists of Ashe

CB
11

juniper, Live oak, Cedar elm, chinaberry, and privet. Examples of understory vegetation are silver and little bluestem, prickly pear, and twisted leaf yucca. According to the Environmental Assessment, geology at this site is characterized by the Fredericksburg group and soils consist of Tarrant/Speck series.

Critical Environmental Features/Endangered Species

As stated in the environmental assessment and confirmed by the Watershed Protection Department Environmental Resource Management (ERM) staff, no Critical Environmental Features were found on on-site. A karst survey was conducted on the site and adjacent property on May 3, 2011. Five (5) karst features were found to the north of the project on the adjacent tract. The centers of most of these openings are located within 40 feet of the property line. Although not required due to Tract one's grandfathering exemption from the Comprehensive Watersheds Ordinance it was recommend that the applicant provide an undisturbed area 15-feet wide that parallels the northern property boundary immediately north of the proposed hotel building. This provides an undisturbed 50-foot radius buffer downslope of each of the karst features. There are no classified waterways on or adjacent to the site. The project is approximately 950 feet northeast of a minor classified waterway section of Bullick Hollow Creek.

Description of Project

The project will be developed as one unified development of two tracts. Tract 1 includes a portion of a new general retail/sales building, associated drives, parking and utility infrastructure. Tract 2 contains the remainder of that same building, an additional 4 story hotel building, associated drives, parking and utility infrastructure, and the detention and water quality with SOS re-irrigation area for the entire development. The calculation of allowable impervious cover for Tract 1 under the Lake Travis ordinance differs from current code. Under Lake Travis, 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 commercial development percentages were 65% 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, Tract 1 allowable impervious cover is 3.262 acres. Tract 2 reviewed under the comprehensive watershed is allowed 20% of the net site area (1.46acres) equaling .292 acres. Tract 1 proposes 2.094 acres of impervious cover, 64% of the total allowed. Tract 2 proposes .82 acres of impervious cover, 56.01%. The unified development is allowed 3.554 acres of impervious cover and proposes as a whole 2.915 acres. To accomplish this, the applicant has agreed as a condition of the variances to restrict the total impervious cover on Tract 1 to 2.094 acres.

The project is also requesting waivers from the Hill Country Roadway requirements of zoning sections of the land development code 25-2. These waiver requests are reviewed by the Zoning and Platting Commission.

Environmental Code Variance Request

The following variances to the land development code are being requested:

1. To omit the roadway deduction from the calculation of allowable impervious cover on Tract 2 - LDC Section 25-8-65
2. To allow impervious cover greater than 20% of the net site area allowed by code not to exceed 56.01% on Tract 2. LDC Section 25-8-454(D) (1) (a)
3. To allow fill greater than 4 feet, not to exceed 8 feet on Tract 2. LDC Section 25-8-342.
4. To allow the 40% natural state buffer to be reduced to 17.6% and to not require that it receive overland flow from the development for Tract 2 To LDC Section 25-8-454(D) (2)
5. To allow construction of a roadway or driveway on a slope greater than 15% on Tract 2. LDC Section 25-8-301 (A)

C6
12

Conditions for Staff Approval

- 1) Restrict the allowable impervious cover on Tract 1 to 2.094 acres of impervious cover and the overall unified Tract 1 and Tract 2 development to 2.915 acres.
- 2) Provide SOS retention/re-irrigation water quality standards for the entire unified project.
- 3) Provide Hill Country Roadway landscaping and 40% buffer for the entire unified project.

Recommendation

Staff recommends approval of all variances with conditions as the Findings of Fact have been met (see attached)



C6
13

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

Project: Four Corners – SPC-2013-0257C
Ordinance Standard: Land Development Code Section 25-8-65
Variance Request: To omit the roadway deduction from the calculation of allowable impervious cover on Tract 2.

Findings:

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality 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. Strict adherence to the code would deprive the applicant of the privilege to develop the property in a manner similar to other commercial properties. Tract 2 is a 1.7 acre lot with a net site area of 1.46 acres. Its proximity to public right of way on two sides creates a total roadway deduction that if taken from the allowable impervious cover of 16,252 square feet leaves a negative 349 square feet not allowing any use of the property.

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 variance is not based on the method chosen by the applicant to develop the property. Any proposed development on this lot would require this request to allow for use of the lot.

- 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. This is the minimum change necessary to allow for reasonable use of the lot. Without the variance the lot has a negative allowable impervious cover.

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

Yes. The overall area for this project includes 1.7 acre Tract 2 along with 6 acre Tract 1 developed as one unified development. The entire unified development is proposing to comply fully with SOS water quality retention re-irrigation standards. Also, this overall

C6/14

development is allowed 3.554 acres of impervious cover but is proposing only 2.915 as a condition of the variance.

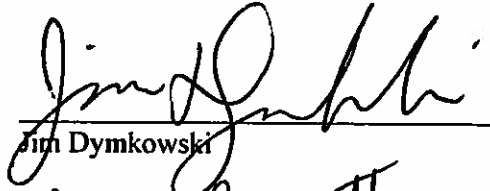
3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. Development with the variance will result in water quality that is greater than the water quality achievable without the variance. The unified development is proposing to comply fully with SOS water quality standards when standard sediment filtration is required by code.

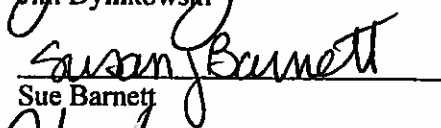
B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance 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.

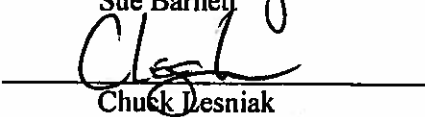
Environmental Reviewer:


Jim Dymkowski

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:


Chuck Desniak

Date: December 5, 2013

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



CL
15

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

Project:	Four Corners – SPC-2013-0257C
Ordinance Standard:	Land Development Code Section 25-8-454(D) (1) (a)
Variance Request:	To allow impervious cover greater than 20% of the net site area allowed by code not to exceed 56.01% on Tract 2.

Findings:

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality 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. Strict adherence to the code would deprive the applicant of the privilege to develop the property in a manner similar to other adjacent commercial properties. The site is located within an Imagine Austin Activity Center for Redevelopment in Sensitive Areas and has had some existing commercial development on it for many years. Without the variance, the applicant would not be able to redevelop on Tract 2 and allow for the unified development of Tract 1 and Tract 2 to provide less overall impervious cover than what is allowed by code or the higher overall water quality than what is required by code. Based on Tract 2's location, on a very high traffic corner and its low net site area allowable impervious cover, the applicant would not be able to place a commercial development on Tract 2.

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 variance is based on the method chosen by the applicant to develop the property. Therefore, the unified development of Tract 1 and Tract 2 will provide less overall impervious cover than what is (allowed – 3.554 acres), (proposed – 2.915 acres). They will provide SOS water quality, which is a higher water quality standard than what is required by code. This will allow captured and treated runoff to return to the land to help recharge base flows of surrounding waterways. They will also comply with hill country roadway landscape requirements for the entire project even though Tract 1 grandfathering would not require it to comply.

16/16

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. This is the minimum change necessary to allow for reasonable use of the lot as a commercial development. Based on Tract 2's location, on a very high traffic corner and its low net site area allowable impervious cover, the applicant would not be able to place a commercial development on Tract 2.

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

Yes. The overall area for this project includes 1.7 acre Tract 2 along with 6 acre Tract 1 as one unified development. The entire unified development is proposing to comply fully with SOS water quality retention re-irrigation standards. Also, this overall development is allowed 3.554 acres of impervious cover but is proposing only 2.915 as a condition of the variance.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. Development with the variance will result in water quality that is greater than the water quality achievable without the variance. The unified development is proposing to comply fully with SOS water quality standards when standard sediment filtration is required by code.

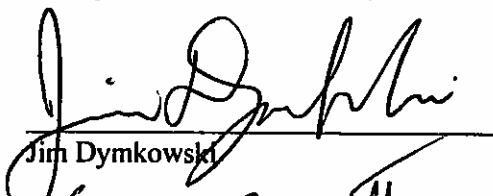
B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;
N/A.

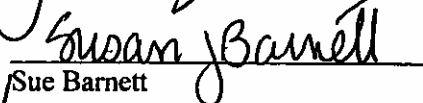
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and
N/A.

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

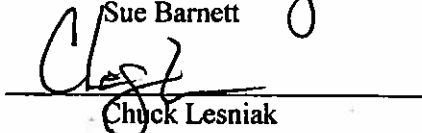
Environmental Reviewer:


Jim Dymkowski

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:


Chuck Lesniak

Date: December 5, 2013

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



66
17

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

Project:	Four Corners – SPC-2013-0257C
Ordinance Standard:	Land Development Code Section 25-8-342
Variance Request:	To allow fill greater than 4 feet, not to exceed 8 feet on Tract 2.

Findings:

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality 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. Strict adherence to the code would deprive the applicant of the privilege to develop the property in a manner similar to other adjacent commercial properties. The fill is needed to provide safe access to the site along Bullick Hollow. The proposed drive needs to align with an existing drive directly across from it on Bullick Hollow. The drive also needs to meet minimum distance requirements from the corner of Bullick Hollow and RR620. The fill near the general retail building on Tract 2 is needed to allow circulation and safe access around the building.

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 variance is not based on the method chosen by the applicant to develop the property. The fill required for the entry off Bullick Hollow is driven by the need to locate that drive across from the existing drive on the opposite side Bullick Hollow and a safe distant from the nearby intersection. The fill near the general retail building on Tract 2 is needed to allow circulation and safe access around the building.

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. This is the minimum change necessary to allow for reasonable use of the lot as a commercial development for safe access and circulation within the site.

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

06/18

Yes. By granting the variance for Tract 2 the overall unified development proposes less impervious cover than what is allowed and provides greater water quality treatment. It also allows for less overall site disturbance and will be retained behind a proposed wall. This will allow for the preservation of trees within the vegetated buffer along Bullick Hollow that would otherwise have to be removed to terrace and level that area for safe access around the building.

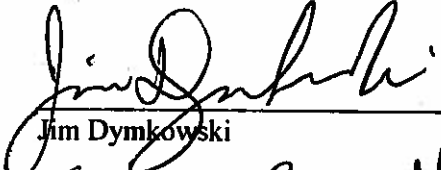
3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. Development with the variance will result in water quality that is greater than the water quality achievable without the variance. The unified development is proposing to comply fully with SOS water quality standards when standard sediment filtration is required by code.

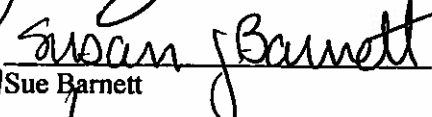
- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance 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.

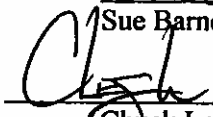
Environmental Reviewer:


Jim Dymkowski

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:


Chuck Lesniak

Date: December 5, 2013

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



CV
19

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

Project: Four Corners – SPC-2013-0257C
Ordinance Standard: Land Development Code Section 25-8-454(D) (2)
Variance Request: To allow the 40% natural state buffer to be reduced to 17.6% and to not require that it receive overland flow from the development for Tract 2

Findings:

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality 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. Strict adherence to the code would deprive the applicant of the privilege to develop the property in a manner similar to other adjacent commercial properties. The site is located within an Imagine Austin Activity Center for Redevelopment in Sensitive Areas and has had some existing commercial development on it for many years. Without the variance, the applicant would not be able to redevelop on Tract 2 and allow for the unified development of Tract 1 and Tract 2 to provide less overall impervious cover than what is allowed by code or the higher overall water quality than what is required by code. Based on Tract 2's location, on a very high traffic corner and its low net site area allowable impervious cover, the applicant would not be able to place a commercial development on Tract 2.

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 variance is based on the method chosen by the applicant to develop the property. Therefore, the unified development of Tract 1 and Tract 2 will provide less overall impervious cover than what is (allowed – 3.554 acres), (proposed – 2.915 acres). They will provide SOS water quality, which is a higher water quality standard than what is required by code. This will allow captured and treated runoff to return to the land to help recharge base flows of surrounding waterways. They will also comply with hill country roadway landscape requirements for the entire project even though Tract 1 grandfathering would not require it to comply.

C6/20

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. This is the minimum change necessary to allow for reasonable use of the lot as a commercial development. Based on Tract 2's location, on a very high traffic corner and its low net site area allowable impervious cover the applicant would not be able to place a commercial development on Tract 2.

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

Yes. Although Tract 2 will not have the full buffer, as a condition of the variance, the unified development of Tract 1 and 2 will. Tract 1 grandfathering would not require it to comply but in allowing the variance the overall development buffer will actually be greater than the 40% required totaling 56%. The entire unified development is also proposing to comply fully with SOS water quality retention re-irrigation standards allowing for some of the treated runoff to return to the land similar to the overland flow requirement.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. Development with the variance will result in water quality that is greater than the water quality achievable without the variance. The unified development is proposing to comply fully with SOS water quality standards when standard sediment filtration is required by code.

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 I (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

N/A.

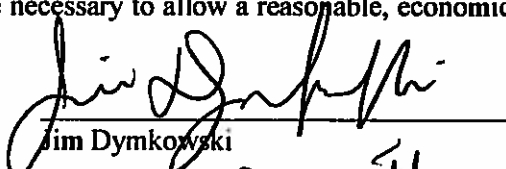
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

N/A.

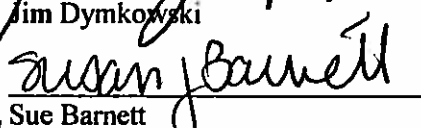
3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

N/A.

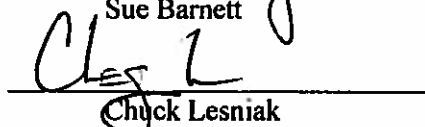
Environmental Reviewer:


Jim Dymkowski

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:


Chuck Lesniak

Date: December 5, 2013

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



C6
21

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

Project: Four Corners – SPC-2013-0257C
Ordinance Standard: Land Development Code Section 25-8-301 (A)
Variance Request: To allow construction of a roadway or driveway on a slope greater than 15% on Tract 2.

Findings:

- A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality 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. Strict adherence to the code would deprive the applicant of the privilege to develop the property in a manner similar to other adjacent commercial properties. The small area of construction on slopes greater than 15% near the general retail building on Tract 2 is needed to allow circulation and safe access around the building.
 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;
 - b) **Yes. The variance is not based on the method chosen by the applicant to develop the property. The small area of construction on slopes greater than 15% near the general retail building on Tract 2 is needed to allow circulation and safe access around the building. The Hill Country roadway buffer required along RR620 and the location of the slopes on Tract 2 would not allow for any proposed development to not have some amount of construction on slopes for access around a building.**
 - c) 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. This is the minimum change necessary to allow for reasonable use of the lot as a commercial development for safe access and circulation within the site.
 - d) Does not create a significant probability of harmful environmental consequences; and
Yes. By granting the variance for Tract 2 the overall unified development proposes less impervious cover than what is allowed and provides greater water quality treatment. It

also allows for less overall site disturbance and the construction on slopes will be retained behind a proposed wall.

C6/22

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. Development with the variance will result in water quality that is greater than the water quality achievable without the variance. The unified development is proposing to comply fully with SOS water quality standards when standard sediment filtration is required by code.

- 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 above criteria for granting a variance 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.

Environmental Reviewer:


Jim Dymkowski

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:


Chuck Lesniak

Date: December 5, 2013

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

C6
23

December 11, 2013

Mr. Greg Guernsey, Director
Planning and Development Review Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

RE: Four Corners Commercial Site Plan (SPC-2013-0257C)
Variance Request #1 to §25-8-65 (Impervious Cover-Roadways/Boundary Street) –
Applies to Tract 2
Longaro & Clarke Project #369-01-37

Dear Mr. Guernsey:

Please accept this letter on behalf of the owner and applicant to formally request a variance from the City of Austin Land Development Code Section 25-8-65, to allow for a variance to the required boundary street impervious cover for Tract 2 of the proposed site plan.

The property is located at the corner of RR 620 and Bullick Hollow and consists of two parcels including 6.0-acre Tract 1 and 1.7-acre Tract 2 and is located in the Lake Travis, Water Supply Rural watershed. Tracts 1 and 2 will be developed as a unified commercial development. Tract 1 is exempt from current code standards and Tract 2 is subject to current code. The unified development of these two tracts along with the request for a total of five environmental variances allows for a more environmentally and safety sensitive project due to the overall benefits that will be derived from considering the project as a whole rather than separate tracts.

Several items of mitigation for the overall project include:

- 1) Reducing the overall impervious cover for both tracts beyond that which could be developed individually from 3.5 acres to 2.9 acres;
- 2) Providing for overall SOS water quality on the entire project consisting of retention/irrigation system with a capture volume of 1.9" and removing approximately 93% of all pollutant constituents compared to 54% for a sand filtration system;
- 3) Providing HCRO landscaping on overall project, which is not required for Tract 1; and,
- 4) Reducing existing number of driveways from three to one on RR 620.

As required by §25-8-41 of the City Code, in order to grant the variance the Commission must make the following findings of fact with an explanation of each applicable finding of fact according to the City's Environmental Criteria Manual Appendix U:

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?

06/24

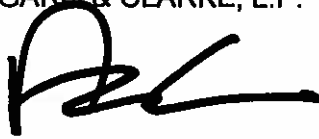
- **YES - Strict application of the requirement would render Tract 2 undevelopable due to the size of the tract related to the required boundary street impervious cover from Bullick Hollow and RR 620, two adjacent roadways with large amounts of right-of-way. Tract 2 is allowed 0.292 acres (20% NSA) and the roadway deduction for impervious cover is 0.30 acres, which, by itself, is more than allowed on Tract 2. Therefore, it is requested that the boundary street deduction be varied from in its entirety.**
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 proposed variance is unique to this site and allows for development on Tract 2 in keeping with the privileges enjoyed by other properties in the area. Additionally, the unified development will shift impervious cover off of Tract 1 and on to Tract 2 such that an overall impervious cover reduction is achieved beyond that which could be achieved if the tracts were developed separately. As such, the granting of the variance does not create significant probabilities of harmful environmental consequences, but rather alleviates some including removing a 40 year old former gas station and convenience store and restoring that area to HCRO standards.**
 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.
 - **YES – The proposed variance is necessary so that Tract 2 may be developed as similarly situated properties within similarly timed development in the area are allowed. It is an unusual situation with such a small tract being located at the intersection of two major roadways, Bullick Hollow and RR 620, that create a greater amount of boundary street impervious cover. As noted above, the overall reduction of impervious cover across the project provides for a greater restriction on development than similarly situated properties enjoy.**
 4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property?
 - **N/A – no development is proposed in the CWQZ or the WQTZ.**

CL
25

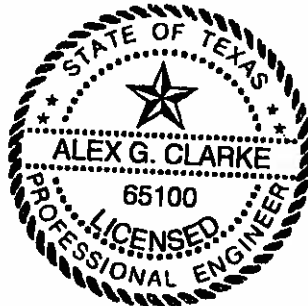
5. For variances in the Barton Springs Zone, in addition to the above findings, the following additional finding must be included: Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance?

- N/A – not in the Barton Springs Zone.

Very Truly Yours,
LONGARO & CLARKE, L.P.



Alex G. Clarke, P.E.
Vice President



cc: Shay Rathbun, Parke Properties I, L.P.
Jim George, George & Donaldson Realty, LLC & GDF Realty Investment, Ltd.

G:\369-01\doc\SP WR\Variance Request #1 25-8-65 Bound Street IC.doc

December 11, 2013

Mr. Greg Guernsey, Director
Planning and Development Review Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

CB
2/11

RE: Four Corners Commercial Site Plan (SPC-2013-0257C)
Variance Request #2 to §25-8-454(D)(1)(a) (Impervious Cover-Uplands Zone) – Applies to
Tract 2
Longaro & Clarke Project #369-01-37

Dear Mr. Guernsey:

Please accept this letter on behalf of the owner and applicant to formally request a variance from the City of Austin Land Development Code Section 25-8-454(D)(1)(a), to allow for 56% NSA impervious cover for Tract 2 (20% NSA allowed) within a unified development that reduces the overall impervious cover for the project.

The property is located at the corner of RR 620 and Bullick Hollow and consists of two parcels including 6.0-acre Tract 1 and 1.7-acre Tract 2 and is located in the Lake Travis, Water Supply Rural watershed. Tracts 1 and 2 will be developed as a unified commercial development. Tract 1 is exempt from current code standards and Tract 2 is subject to current code. The unified development of these two tracts along with the request for a total of five environmental variances allows for a more environmentally and safety sensitive project due to the overall benefits that will be derived from considering the project as a whole rather than separate tracts.

Several items of mitigation for the overall project include:

- 1) Reducing the overall impervious cover for both tracts beyond that which could be developed individually from 3.5 acres to 2.9 acres;
- 2) Providing for overall SOS water quality on the entire project consisting of retention/irrigation system with a capture volume of 1.9" and removing approximately 93% of all pollutant constituents compared to 54% for a sand filtration system;
- 3) Providing HCRO landscaping on overall project, which is not required for Tract 1; and,
- 4) Reducing existing number of driveways from three to one on RR 620.

As required by Section §25-8-41 of the City Code, in order to grant the variance the Commission must make the following findings of fact with an explanation of each applicable finding of fact according to the City's Environmental Criteria Manual Appendix U:

CE
27

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 - Strict application of the requirement for Tract 2 would render more impervious cover on the overall unified development as Tract 1 is allowed 65% of gross (55% net) and Tract 2 is allowed 20% NSA, which totals 3.5 acres of impervious cover or 45% of the gross project area. The variance proposed allows for the impervious cover to be shown in combination between the tracts so that the end result is a reduction in overall impervious cover, which equates to 38% of the gross project area or 2.9 acres of impervious cover.**
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 proposed variance is unique to this site related to the combination of grandfathered and non-grandfathered tracts. Tracts 1 and 2 are being combined in one unified development that spreads the development over a site that is partially grandfathered. Thus, the overall development results in a reduction of allowable impervious cover. There are no harmful environmental consequences as impervious cover is being reduced overall and the project will allow for the removal of a dilapidated, 40 year old former gas station and convenience store and restoring that area to HCRO standards.**
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.
 - **YES – The proposed variance is necessary so that the overall site is reduced in impervious cover from the allowable amount. The variance requested is not a result of a voluntary subdivision of land and does not provide special privileges not enjoyed by similar properties.**
4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property?
 - **N/A – no development is proposed in the CWQZ or the WQTZ.**

CL/28

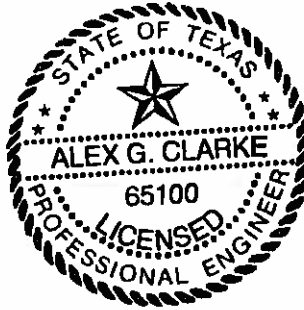
5. For variances in the Barton Springs Zone, in addition to the above findings, the following additional finding must be included: Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance?

- N/A – not in the Barton Springs Zone.

Very Truly Yours,
LONGARO & CLARKE, L.P.



Alex G. Clarke, P.E.
Vice President



cc: Shay Rathbun, Parke Properties I, L.P.
Jim George, George & Donaldson Realty, LLC & GDF Realty Investment, Ltd.

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December 11, 2013

Mr. Greg Guernsey, Director
Planning and Development Review Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

6/9/21

RE: Four Corners Commercial Site Plan (SPC-2013-0257C)
Variance Request #3 to §25-8-342 (Fill) – Applies to Tract 2
Longaro & Clarke Project #369-01-37

Dear Mr. Guernsey:

Please accept this letter on behalf of the owner and applicant to formally request a variance from the City of Austin Land Development Code Section 25-8-342, to allow for fill from 4 feet in depth to 8 feet for Tract 2.

The property is located at the corner of RR 620 and Bullick Hollow and consists of two parcels including 6.0-acre Tract 1 and 1.7-acre Tract 2 and is located in the Lake Travis, Water Supply Rural watershed. Tracts 1 and 2 will be developed as a unified commercial development. Tract 1 is exempt from current code standards and Tract 2 is subject to current code. The unified development of these two tracts along with the request for a total of five environmental variances allows for a more environmentally and safety sensitive project due to the overall benefits that will be derived from considering the project as a whole rather than separate tracts.

Several items of mitigation for the overall project include:

- 1) Reducing the overall impervious cover for both tracts beyond that which could be developed individually from 3.5 acres to 2.9 acres;
- 2) Providing for overall SOS water quality on the entire project consisting of retention/irrigation system with a capture volume of 1.9" and removing approximately 93% of all pollutant constituents compared to 54% for a sand filtration system;
- 3) Providing HCRO landscaping on overall project, which is not required for Tract 1; and,
- 4) Reducing existing number of driveways from three to one on RR 620.

As required by §25-8-41 of the City Code, in order to grant the variance the Commission must make the following findings of fact with an explanation of each applicable finding of fact according to the City's Environmental Criteria Manual Appendix U:

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?

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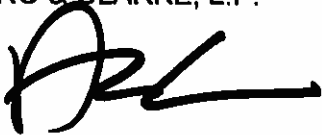
- **YES - Strict application of the requirement would result in the driveways being misaligned and conflicts with the required Commercial Design Standards Internal Circulation Route (ICR) for the overall project. The ICR required is at a certain elevation and the drive aisle and parking lot around the southern end of the store must be brought up to the same elevation, thus requiring additional fill (reference attached exhibit). The project also intends to convert the existing driveway for the convenience store to a right-in, right-out only and add a driveway that aligns with WTP#4. Thus, access is greatly improved from a vehicular safety and emergency access standpoint.**
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 proposed variance is unique to this site related to the combination of a grandfathered and non-grandfathered site. The requested fill increase is related to converting driveway locations that cross some steeper slopes to access the site for the parameters of emergency vehicles and thus necessitates fills over 4 feet. All of the fill is in the 4-8 foot range. Additionally, a masonry retaining wall will stabilize the areas of fill and will be restored with native vegetation. Although terracing is required by HCRO, discussions with staff resulted in a decorative retaining wall that will cause less impact to the existing vegetation than terracing. As such, the granting of the variance does not create significant probabilities of harmful environmental consequences, but rather alleviates some including removing a 40 year old former gas station and convenience store and properly aligning driveways.**
 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.
 - **YES – The proposed variance is unique to the site related to existing driveway locations and alignment with other existing driveway locations needed for safety of vehicular and emergency access. The variance is not a result of a voluntary subdivision of land.**
 4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property?
 - **N/A – no development is proposed in the CWQZ or the WQTZ.**
 5. For variances in the Barton Springs Zone, in addition to the above findings, the following additional finding must be included: Does the proposal demonstrate water

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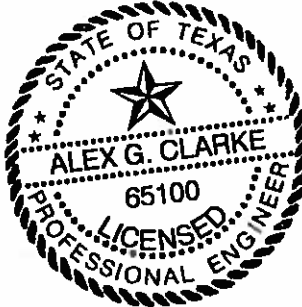
quality equal to or better than would have resulted had development proceeded without the variance?

- N/A – not in the Barton Springs Zone.

Very Truly Yours,
LONGARO & CLARKE, L.P.



Alex G. Clarke, P.E.
Vice President



cc: Shay Rathbun, Parke Properties I, L.P.
Jim George, George & Donaldson Realty, LLC & GDF Realty Investment, Ltd.

G:\369-01\doc\SP WR\Variance Request #3 25-8-342 Fill.doc

December 11, 2013

Mr. Greg Guernsey, Director
Planning and Development Review Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

C4
1/32

RE: Four Corners Commercial Site Plan (SPC-2013-0257C)
Variance Request #4 to §25-8-454(D)(2) (40% Natural State Buffer) – Applies to Tract 2
Longaro & Clarke Project #369-01-37

Dear Mr. Guernsey:

Please accept this letter on behalf of the owner and applicant to formally request a variance from the City of Austin Land Development Code Section 25-8-454(D)(2), to allow for a Natural State Buffer (NSB) area of 17.6% or 13,041 square feet on Tract 2, which has a requirement for 40% NSB or 29,621 square feet.

The property is located at the corner of RR 620 and Bullick Hollow and consists of two parcels including 6.0-acre Tract 1 and 1.7-acre Tract 2 and is located in the Lake Travis, Water Supply Rural watershed. Tracts 1 and 2 will be developed as a unified commercial development. Tract 1 is exempt from current code standards and Tract 2 is subject to current code. The unified development of these two tracts along with the request for a total of five environmental variances allows for a more environmentally and safety sensitive project due to the overall benefits that will be derived from considering the project as a whole rather than separate tracts.

Several items of mitigation for the overall project include:

- 1) Reducing the overall impervious cover for both tracts beyond that which could be developed individually from 3.5 acres to 2.9 acres;
- 2) Providing for overall SOS water quality on the entire project consisting of retention/irrigation system with a capture volume of 1.9" and removing approximately 93% of all pollutant constituents compared to 54% for a sand filtration system;
- 3) Providing HCRO landscaping on overall project, which is not required for Tract 1; and,
- 4) Reducing existing number of driveways from three to one on RR 620.

As required by §25-8-41 of the City Code, in order to grant the variance the Commission must make the following findings of fact with an explanation of each applicable finding of fact according to the City's Environmental Criteria Manual Appendix U:

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?

CL
33

- **YES - Strict application of the requirement would result in the majority of Tract 2 being in a NSB area that would prevent a reasonable use of the property. Tract 2 is a relatively small 1.7 acre corner tract, which with the construction of the 40% NSB, located downstream of the development, and the HCRO requirement of a 100' Roadside Vegetative Buffer, make the tract virtually impossible to develop. Tract 1 of the unified development is exempt from providing a NSB area. The project overall proposes a 13,041 square feet buffer on Tract 2 and an additional 45,160 square feet on Tract 1, so that the overall NSB area from the unified development is 58,201 square feet or 78.6% of Tract 2.**
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 proposed variance is unique to this site related to the combination of grandfathered and non-grandfathered tracts. Tracts 1 and 2 are being combined in one development that spreads development over a site that is partially grandfathered. Thus, the overall development results in a higher NSB area of 58,201 square feet or 78.6% versus 29,621 square feet or 40%. Additionally, the project will receive irrigated stormwater flows and fulfill the overland drainage requirements of the newly implemented Commercial Landscape Ordinance. As such, the variance is a minimum departure that results in a larger natural area overall and does not result in a privilege not enjoyed by others.**
 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.
 - **YES – The proposed variance is unique to the site as it is related to the overall unified development and location of Tract 2. The overall goal of 40% NSB area is being achieved. The variance is not a result of a voluntary subdivision of land and results in a larger amount of natural area state buffer that similarly situated properties are not required to provide.**
 4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property?
 - **N/A – no development is proposed in the CWQZ or the WQTZ.**
 5. For variances in the Barton Springs Zone, in addition to the above findings, the following additional finding must be included: Does the proposal demonstrate water

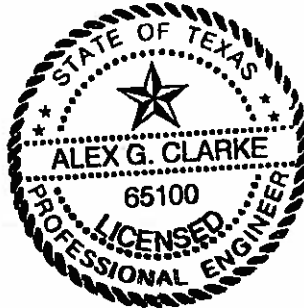
quality equal to or better than would have resulted had development proceeded without the variance?

- N/A – not in the Barton Springs Zone.

Very Truly Yours,
LONGARO & CLARKE, L.P.



Alex G. Clarke, P.E.
Vice President



CL
34

cc: Shay Rathbun, Parke Properties I, L.P.
Jim George, George & Donaldson Realty, LLC & GDF Realty Investment, Ltd.

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December 11, 2013

Mr. Greg Guernsey, Director
Planning and Development Review Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

C6
1/35

RE: Four Corners Commercial (SPC-2013-0257C)
Variance Request #5 to §25-8-301(A) (Construction on Slopes – Roadway or Driveway)
– Applies to Tract 2
Longaro & Clarke Project #369-01-37

Dear Mr. Guernsey:

Please accept this letter on behalf of the owner to formally request a variance from the City of Austin Land Development Code Section 25-8-301(A), to allow for construction on slopes in excess of 15% on Tract 2, including 1,479 square feet on 15-25% slopes and 408 square feet on 25-35% slopes.

The property is located at the corner of RR 620 and Bullick Hollow and consists of two parcels including 6.0-acre Tract 1 and 1.7-acre Tract 2 and is located in the Lake Travis, Water Supply Rural watershed. Tracts 1 and 2 will be developed as a unified commercial development. Tract 1 is exempt from current code standards and Tract 2 is subject to current code. The unified development of these two tracts along with the request for a total of five environmental variances allows for a more environmentally and safety sensitive project due to the overall benefits that will be derived from considering the project as a whole rather than separate tracts.

Several items of mitigation for the overall project include:

- 1) Reducing the overall impervious cover for both tracts beyond that which could be developed individually from 3.5 acres to 2.9 acres;
- 2) Providing for overall SOS water quality on the entire project consisting of retention/irrigation system with a capture volume of 1.9" and removing approximately 93% of all pollutant constituents compared to 54% for a sand filtration system;
- 3) Providing HCRO landscaping on overall project, which is not required for Tract 1; and,
- 4) Reducing existing number of driveways from three to one on RR 620.

As required by §25-8-41 of the City Code, in order to grant the variance the Commission must make the following findings of fact with an explanation of each applicable finding of fact according to the City's Environmental Criteria Manual Appendix U:

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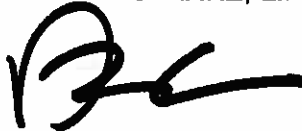
1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development?
 - **YES - Strict application of the requirement would impact a Heritage Tree and is unique to the site related to the required service truck circulation. The requested variance is to allow the construction of a driveway to service a proposed drive-thru for a pharmacy use on Tract 2. The variance requested is justified in order to preserve a Heritage Tree and provide adequate access for drive-through and service truck circulation and an internal driveway location that necessitates crossing a relatively small amount 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 requested variance is related to the preservation of a Heritage Tree and to allow for the adequate access for service trucks to the development. The proposed variance area is very small as noted on the exhibit and does not result in harmful environmental consequences. The overall unified development is decreasing impervious cover, increasing natural state buffer areas and providing an SOS level of overall water quality.**
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.
 - **YES – The proposed variance is not a result of a voluntary subdivision of land and results in a safe access route for service vehicles with a minimal disturbance area.**
4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property?
 - **N/A – no development is proposed in the CWQZ or the WQTZ.**

5. For variances in the Barton Springs Zone, in addition to the above findings, the following additional finding must be included: Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance?

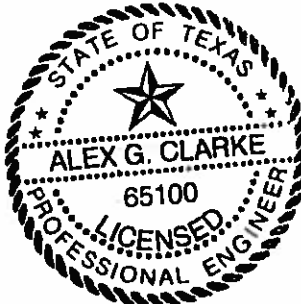
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- N/A – not in the Barton Springs Zone.

Very Truly Yours,
LONGARO & CLARKE, L.P.



Alex G. Clarke, P.E.
Vice President



cc: Shay Rathbun, Parke Properties I, L.P.
Jim George, George & Donaldson Realty, LLC & GDF Realty Investment, Ltd.

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October 7, 2013

Mr. Greg Guernsey, Director
Planning and Development Review Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

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RE: Four Corners Commercial (SPC-2013-0257C)
Waiver Request #1 to §25-2-1023(A) (Roadway Vegetative Buffer) – Applies to Tracts 1 and 2
Longaro & Clarke Project #369-01-37

Dear Mr. Guernsey:

Please accept this letter on behalf of the owner and applicant to formally request a waiver from the City of Austin Land Development Code Section 25-2-1023(A) to allow for a Roadway Vegetative Buffer (RVB) varying in width from 55' to 79' instead of the required 100' RVB setback on Tract 2 and a portion of Tract 1 and to remove tree #6002, a 17" hackberry, to allow for construction of a drainage improvement to comply TxDOT drainage construction standards..

The property is located at the corner of RR 620 and Bullick Hollow and consists of two parcels including 6.0-acre Tract 1 and 1.7-acre Tract 2 and is located in the Lake Travis, Water Supply Rural watershed. Tracts 1 and 2 will be developed as a unified commercial development. Tract 1 is exempt from current code standards and Tract 2 is subject to current code. The unified development of these two tracts along with the request for a total of five environmental variances allows for a more environmentally and safety sensitive project due to the overall benefits that will be derived from considering the project as a whole rather than separate tracts.

If Tract 2 was developed by itself it would require no more than 20% of the site to be RVB pursuant to §25-2-1023(E) or 14,810 square feet. However, with the unifying of the development, Tract 2 will be providing 17,486 square feet, which is considerably more than would be required. The majority of Tract 1 will meet the 100' RVB. Tract 2 and a small portion of Tract 1 will have a varying width RVB of 55' to 79'. Therefore, 70% of Tract 2 meets the RVB requirement.

As required by §25-2-1105 of the City Code, a person applying for the waiver must demonstrate that the provision imposes an undue hardship on the development because of the location, topography, or peculiar configuration of the tract. Justification for approval of the waiver is as follows:

1. The site is constrained by an unclassified waterway to the west with steep slopes on which construction would require a variance if development were pushed back further to the west; and
2. Tract 2 and a portion of Tract 1 currently have no existing RVB due to the existing development within the area including parking areas, driveways, a former service station, and a commercial building.

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2. Tract 2 and a portion of Tract 1 currently have no existing RVB due to the existing development within the area including parking areas, driveways, a former service station, and a commercial building.

Furthermore, §25-2-1105(A)(3) requires that if the waiver is approved, the development will provide the following benefits over what would otherwise be required:

- 1) Environmental Protection

Tract 1 and Tract 2 only require sand filtration with a 0.5" to 1" capture volume. However, the entire unified development project intends to provide overall SOS water quality consisting of retention/irrigation with a capture volume of 1.9" and will also remove approximately 93% of all pollutant constituents compared to 54% for a sand filtration system. Additionally, the overall impervious cover for both Tract 1 and 2 will be reduced beyond that which could be developed by each tract individually from a total of 3.5 acres to 2.9 acres.

- 2) Aesthetic Enhancement

Currently, Tract 2 is developed with parking and buildings within the 100' RVB and therefore no setback exists. Any buffer provided on Tract 2 will be of new vegetation to create a buffer. Although the 100' RVB cannot be wholly achieved due to other site constraints, approximately 70% of the RVB requirement can be met by creating a RVB varying in width from 55' to 79'. The proposed RVB will be restricted to an undisturbed buffer. Additionally, the majority of Tract 1 is exempt from this code standard, however, the proposed project will require that at least approximately 95% of Tract 1 meet the standard of a 100' RVB.

- 3) Land Use Compatibility

The adjacent land to the north is part of the unified project encompassing Tract 1, which includes a 100' RVB for 95% of the tract and will provide for a continuous buffer. The land to the south across Bullick Hollow is developed with a commercial use that does not have a RVB setback due to existing development. As such, the proposed project will be adding RVB setbacks where none exist today and applying the setback to an exempt tract so that it will be more than compatible with the surrounding land uses.

- 4) Traffic Considerations

The site currently has three driveways fronting RR 620, which are located very close to the intersection with Bullick Hollow. The project will require that these three driveways be removed and replaced with one joint use access driveway into Tract 1 and 2 located approximately 330' from Bullick Hollow. This will greatly improve the traffic safety of this intersection.

Given the demonstration of undue hardships and the additional benefits listed above, we respectfully request that the waiver from the 100' RVB be granted.

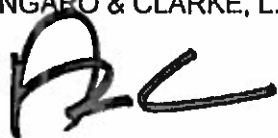
Mr. Greg Guernsey, Director
Planning and Development Review Department
City of Austin
October 7, 2013
Page 3 of 3

Four Corners Commercial Site Plan
SPC-2013-0257C
Waiver Request #1 to §25-2-1023(A)

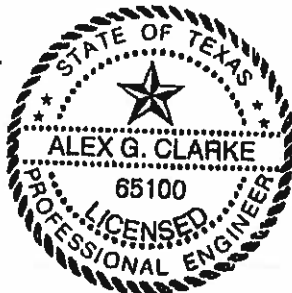
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We appreciate your review of this waiver request. If you have any questions or require additional information, please do not hesitate to call.

Very Truly Yours,
LONGARO & CLARKE, L.P.



Alex G. Clarke, P.E.
Vice President



cc: Shay Rathbun, Parke Properties I, L.P.
Jim George, George & Donaldson Realty, LLC & GDF Realty Investment, Ltd.

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October 7, 2013

Mr. Greg Guernsey, Director
Planning and Development Review Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

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RE: Four Corners (Withdrawal & Resubmittal of SPC-2012-0211C) SPC-2013-0257C
Waiver Request #2 to §25-2-1123 (Construction on Slopes) – Applies to Tract 2
Longaro & Clarke Project #369-01-37

Dear Mr. Guernsey:

Please accept this letter on behalf of the owner to formally request a waiver from the City of Austin Land Development Code Section 25-2-1123, to waive the terracing requirement and allow for construction on slopes in excess of 15% on Tract 2, including 1,479 square feet on 15-25% slopes and 408 square feet on 25-35% slopes.

The property is located at the corner of RR 620 and Bullick Hollow and consists of two parcels including 6.0-acre Tract 1 and 1.7-acre Tract 2 and is located in the Lake Travis, Water Supply Rural watershed. Tracts 1 and 2 will be developed as a unified commercial development. Tract 1 is exempt from current code standards and Tract 2 is subject to current code. The unified development of these two tracts along with the request for a total of five environmental variances allows for a more environmentally and safety sensitive project due to the overall benefits that will be derived from considering the project as a whole rather than separate tracts.

The proposed request crosses a relatively small amount of slopes in excess of 15%. In consultation with City of Austin Watershed Protection Department staff, Chuck Lesniak, the proposed design using vertical walls was proposed in lieu of terracing to minimize disturbance into the natural downstream drainage area.

As required by §25-2-1105 of the City Code, a person applying for the waiver must demonstrate that the provision imposes an undue hardship on the development because of the location, topography, or peculiar configuration of the tract. Justification for approval of the waiver is as follows:

1. The site is constrained by an unclassified waterway to the west with steep slopes on which construction would require a variance if development were pushed back further to the west; and
2. The proposed request crosses a relatively small amount of slopes in excess of 15%. In consultation with City of Austin Watershed Protection Department staff, Chuck Lesniak, the proposed design using vertical walls was proposed in lieu of terracing to minimize disturbance into waterway and natural area.

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Furthermore, §25-2-1105(A)(3) requires that if the waiver is approved, the development will provide the following benefits over what would otherwise be required:

1) Environmental Protection

Tract 1 and Tract 2 only require sand filtration with a 0.5" to 1" capture volume. However, the entire unified development project intends to provide overall SOS water quality consisting of retention/irrigation with a capture volume of 1.9" and will also remove approximately 93% of all pollutant constituents compared to 54% for a sand filtration system. Additionally, the overall impervious cover for both Tract 1 and 2 will be reduced beyond that which could be developed by each tract individually from a total of 3.5 acres to 2.9 acres.

2) Aesthetic Enhancement

The proposed request crosses a relatively small amount of slopes in excess of 15%. In consultation with City of Austin Watershed Protection Department staff, Chuck Lesniak, the proposed design using vertical walls was proposed in lieu of terracing to minimize disturbance into waterway and natural area. Moreover, the proposed walls will be enhanced with natural rock fascia, such as limestone.

3) Land Use Compatibility

The adjacent land to the north is part of the unified project encompassing Tract 1, which includes a 100' RVB for 95% of the tract and will provide for a continuous buffer. The land to the south across Bullick Hollow is developed with a commercial use that does not have a RVB setback due to existing development. As such, the proposed project will be adding RVB setbacks where none exist today and applying the setback to an exempt tract so that it will be more than compatible with the surrounding land uses.

4) Traffic Considerations

The site currently has three driveways fronting RR 620, which are located very close to the intersection with Bullick Hollow. The project will require that these three driveways be removed and replaced with one joint use access driveway into Tract 1 and 2 located approximately 330' from Bullick Hollow. This will greatly improve the traffic safety of this intersection.

Given the demonstration of undue hardships and the additional benefits listed above, we respectfully request that the waiver from the terracing requirement be granted.

Mr. Greg Guernsey, Director
Planning and Development Review Department
City of Austin
October 7, 2013
Page 3 of 3

Four Corners Commercial Site Plan
SPC-2013-0257C
Waiver Request #2 to §25-2-1123

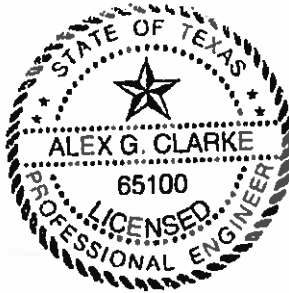
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We appreciate your review of this waiver request. If you have any questions or require additional information, please do not hesitate to call.

Very Truly Yours,
LONGARO & CLARKE, L.P.



Alex G. Clarke, P.E.
Vice President



cc: Shay Rathbun, Parke Properties I, L.P.
Jim George, George & Donaldson Realty, LLC & GDF Realty Investment, Ltd.

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