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**ZONING & PLATTING COMMISSION**  
**SITE PLAN REVISION & VARIANCE REQUEST REVIEW SHEET**

**CASE NUMBER:** C14-83-224(R1)                      **ZAP DATE:** 12/2/2014

**PROJECT NAME:** Pinnacle at Great Hills

**ADDRESS:** 5717 Lost Horizon Drive

**WATERSHED:** Bull Creek Watershed (Water Supply Suburban)  
Drinking Water Protection Zone

**ORDINANCE:** Lake Austin Watershed Ordinance (#800103-N)

**ZONING:** SF-6

**APPLICANT:** CMST Development LLC  
12007 Technology Blvd., Suite 150  
Austin, Texas 78757

**AGENT:** Garrett-Ihnen Civil Engineers  
12007 Technology Blvd., Suite 150  
Austin, Texas 78757  
Phone: (512) 454-2400

**PROJECT DESCRIPTION:** The applicant proposes to construct thirteen (13) two-story residential condominiums, drives and parking on a 7.56-acre lot. The proposed revision is a modification of Case No. C14-83-224, a zoning site plan approved in December 1983, and subject to the Lake Austin Watershed Ordinance No. 800103-N.

The revision proposes to increase the gross floor area (GFA) proposed by C14-83-224 from 24,400 sq. ft. to 29,293 sq. ft., increase the building coverage from 14,176 sq. ft. to 21,062 sq. ft. and decrease the total impervious cover from 66,492 sq. ft. (20%) to 59,692 sq. ft. (18.12%).

The revision also includes modifications to the site layout.

The zoning site plan revision represents a Part A site plan, and the Part B (SP-2013-0379B) plan is being processed concurrently.

**VARIANCE REQUEST:** To allow driveway construction on a slope greater than 25 percent to areas of slope not less than 25 percent. Lake Austin Watershed Ordinance Section 29-55.3(a)(1).

**ENVIRONMENTAL BOARD ACTION:** The Environmental Board heard this case on November 5, 2014, and voted 7-0-0 to recommend approval on Board Member Schissler's motion and Board Member Smith's second. The Board attached the following conditions to the approval:

1. Provide 8 inches of topsoil in disturbed areas within the Water Quality Transition Zone, if it were to be created by current regulations, and soil retention blankets or sod on slopes greater than 15 percent.

**STAFF RECOMMENDATION:** Recommend approval of both the zoning plan revision and the environmental variance.

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Independent School District  
Austin Parks Foundation  
Bike Austin  
Beyond2ndNature  
Bull Creek Foundation  
Long Canyon Homeowners Association  
North Oaks Neighborhood Association  
The Real Estate Council of Austin, Inc.  
SEL Texas  
Sierra Club, Austin Regional Group

**PDRD CASE MANAGER:** Michael Simmons-Smith (512) 974-1225  
[michael.simmons-smith@austintexas.gov](mailto:michael.simmons-smith@austintexas.gov)

**PDRD ENVIRONMENTAL STAFF:** Liz Johnston (512) 974-1218  
[liz.johnston@austintexas.gov](mailto:liz.johnston@austintexas.gov)



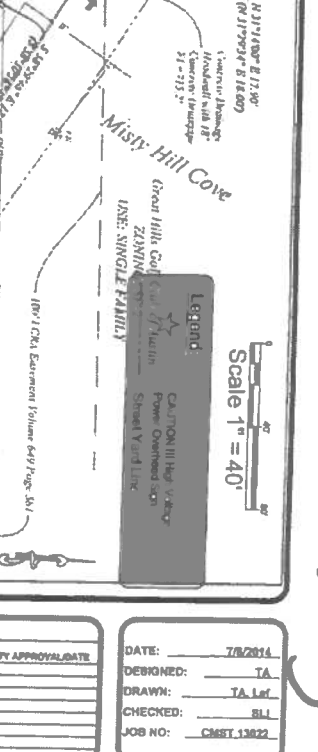
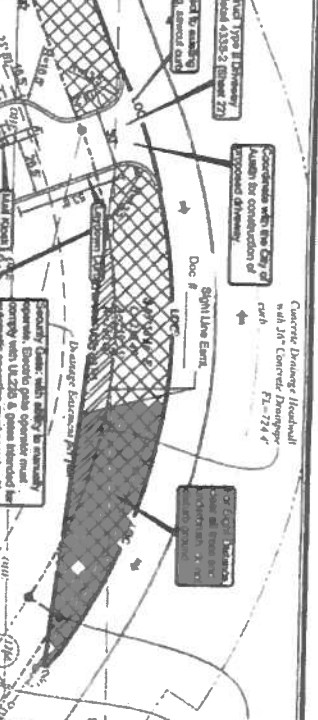
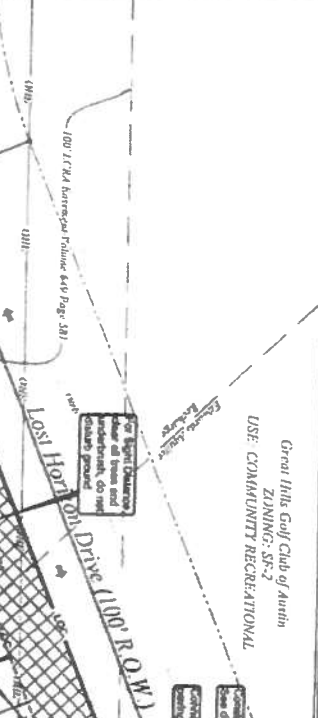
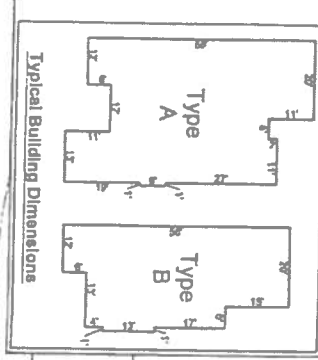
**SITE PLAN VARIANCE REQUEST**

CASE NO.: C14-83-224(R1)  
ADDRESS: 5717 LOST HORIZON DRIVE  
CASE MANAGER: MICHAEL SIMMONS-SMITH









**Vertical Wall Note:**  
1. Vertical Wall: Vertical Wall or heavy solid vertical supported wall.

**Site Plan Notes:**  
1. Construction shall be in accordance with the approved site plan. Any revisions or additional improvements shall require the approval of the City of Austin.

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ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING  
DATE REQUESTED: November 5, 2014

NAME & NUMBER  
OF PROJECT: THE PINNACLE AT GREAT HILLS PART A  
C14-83-224(R1)

NAME OF APPLICANT  
OR ORGANIZATION: CMST Development LLC.  
(Contact: Mike Wilson 512-454-2400)

LOCATION: 5717 Lost Horizon Drive

PROJECT FILING DATE: JULY 14, 2014

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

WPD/R/  
CASE MANAGER: Michael Simmons-Smith, 974-1225  
michael.simmons-smith@austintexas.gov

WATERSHED: Bull Creek Watershed (Water Supply Suburban)  
Drinking Water Protection Zone

ORDINANCE: Lake Austin Watershed Ordinance (800103-N)

REQUEST: Variance request is as follows:  
1. To allow driveway construction on a slope greater than  
25% to areas of slope not less than 25%. Lake Austin  
Watershed Ordinance Section 29-55.3(a) (1).

STAFF RECOMMENDATION: Recommend approval.

REASONS FOR RECOMMENDATION: Findings of fact have been met.

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## MEMORANDUM

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

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

**DATE:** November 5, 2014

**SUBJECT:** The Pinnacle at Great Hills Part A – C14-83-224(R1)

On the November 5 agenda is a request for the consideration of one variance from the Lake Austin Watershed Ordinance (800103-N), Section 29-55.3(a) (1) - To allow driveway construction on a slope greater than 25% to areas of slope not less than 25%.

### Description of Property

The subject property is located in the Bull Creek Watershed, which is classified as Water Supply Suburban within the Drinking Water Protection Zone. It is partially over the North Edwards Aquifer Recharge Zone. It is within the City of Austin full purpose jurisdiction. The property is within 150' of a major classified waterway section of Bull Creek. A portion of the Critical Water Quality and Water Quality Transition Zone buffer setbacks from the creek, fall onto this site. This project is being reviewed under the Lake Austin Watershed Ordinance of 1980, (800103-N). Under this ordinance, there is no requirement to identify or protect this adjacent waterway or to have buffer setbacks as we do now under current code. Therefore their review is not part of this plan under the old ordinance.

### Existing Topography/Soil Characteristics/Vegetation

The property contains slopes greater than 15% with some areas exceeding 35%. The center of the property is a ridge line with grade sloping from the flatter top of the site toward the adjacent streets across the site. Vegetation generally consists of an over story of Live oak, Spanish oak, Hackberry, Cedar elm, and Cottonwood. Understory trees of Ashe juniper and Sumac. Groundcovers consist of twisted leaf yucca, and other native grasses and forbs.

### Critical Environmental Features/Endangered Species

Under the Lake Austin Watershed Ordinance of 1980, (800103-N) there was no requirement to identify or protect Critical Environmental Features so there is no critical environmental feature information provided on or adjacent to this site. The applicant was however made aware that the lot is within the BCCP permitting area and instructed to contact that representative for further instruction if any on possible permitting. Staff was contacted by the applicant that the BCCP permitting agency has been notified.

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**Description of Project**

The project proposes the construction of thirteen single family structures on one lot with associated drives and parking. The project is not subject to the current code for Watershed Protection, Tree Protection, or Landscaping as it is a revision to an old zoning site plan C14-83-224 "Part A". Under the 1983 process when a property was brought into our full purpose jurisdiction and received its proposed zoning a development "Part A" site plan was produced along with its associated zoning ordinance for the property. In this case, it also established the site density and number of units. This conceptual "Part A" plan would then be followed up with a construction "Part B" site plan that would match. These "Part A" site plans had no expiration dates so they remain active until the "Part B" plans are approved and constructed. In this case, the "Part A" plan remains active with the watershed, tree, and landscaping code requirements in affect in 1983. This lot was also platted prior to 1983 so it is subject to an exemption in the 1983 Lake Austin Watershed Ordinance to be reviewed under the 1980 Lake Austin Ordinance.

Per the 1980 Lake Austin Ordinance (800103-N), the allowable impervious cover was based on a percentage of impervious cover allowed within a slope category; 30% allowed on slopes under 15%, 20% allowed on slopes 15-25% and 10% allowed on slopes over 25%. This differs from the allowable impervious cover based on a property's net site area that we use today. This project proposes 29.9 % (29,408 square feet) on slopes under 15%, 20 % (14,933 square feet) on slopes 15-25%, and 10 % (15,351 square feet) on slopes in excess of 25%.

This project is being reviewed under the landscape code and tree protection ordinance of 1983, 830324-N (trees 19 inches and greater are protected and removal may require mitigation). These were the ordinances and code in affect in 1983 when the original "Part A" zoning site plan was approved. The associated findings of fact for this variance are also subject to review based on the findings in the 1980 Lake Austin ordinance.

The variance request is necessary to allow the project to access seven of the thirteen units that under the code are allowed to be on slopes greater than 25 %. Due to site constraints from overhead and underground easements that do not allow buildings within them, the buildings are forced onto some of these sloped areas. The drives are allowed within the easements but then must access the units over these 25% slopes while minimizing the area of overall disturbance on these 25% and greater slopes.

**Environmental Code Variance Request**

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

1. To allow driveway construction on a slope greater than 25% to areas of slope not less than 25%. Lake Austin Watershed Ordinance (800103-N), Section 29-55.3(a) (1)

**Recommendation**

Staff recommends approval of the variance with no conditions as the Findings of Fact have been met (see attached)

**Similar Cases**

The following project had similar construction issues and received variance approval from Council in August of 1982:

Bella Vista Office building C3v-82-005 in 1982. Drive access and parking lot on slopes greater than 35%. That case history has been provided in the applicant's section of this packet backup material on page 3.



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

**Project:** The Pinnacle at Great Hills Part A – C14-83-224(R1)  
**Ordinance Standard:** Lake Austin Watershed Ordinance (800103-N) Section 29-55.3(a) (1)  
**Variance Request:** To allow driveway construction on a slope greater than 25% to areas of slope not less than 25%.

**Findings:**

A. Land Use Commission variance determinations from Sec. 29-55.3(a) (1) of the Lake Austin Ordinance: According to Section 29-55.4 of the Lake Austin Ordinance, "Variances...may be granted by the Planning Commission only if it is found that:"

1. Because of special circumstances applicable to the property involved a strict application deprives such property of privileges or safety enjoyed by other similarly situated property with similarly timed development? **YES**  
Approximately 60% of the property falls within either an active overhead electrical or underground utility easement. These areas are restricted from the construction of buildings requiring any units approved with the original "Part A" site plan to be built outside of these easement areas. This has created a situation where seven of these units are at least partially on slopes greater than 25%. To minimize overall disturbance, drives to these units will come from the flatter center line ridge of the property where drives are allowed within the utility easements, but will need to access over small areas of slopes greater than 25% to reach each of the seven units. This privilege to access slopes greater than 25% was granted by formal variance to a similarly situated and timed development, the Bella Vista Office building C3v-82-005 in 1982. That case history has been provided in the applicant's section of this packet backup material on page 3.
2. The Variance permitted shall be the minimum departure from site development standards necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use? **YES**  
The project proposes approximately 1,086 square feet of driveways on slopes greater than 25%. This equates to approximately 0.7% of the overall 25% and greater slope category area and will allow reasonable use while avoiding deprivation of privilege already granted to another similarly timed development.

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3. Will not create significant probabilities of harmful environmental consequences?  
YES

The variance request for driveways on slopes greater than 25% requires no cut or fill greater than four feet. It will allow for a finished driveway grade not to exceed 14% and because drive access will be from above on the slopes will leave a more natural finished grade that will not require structural stabilization.

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

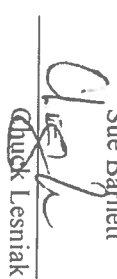
Environmental Reviewer:

  
Jim Dymkowski

Environmental Program Coordinator:

  
Sue Barnett

Environmental Officer:

  
Chuck Lesniak

Date: October 23, 2014

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

The Pinnacle at Great Hills Part A  
C14-83-224(R1)  
Driving Directions

Austin City Hall  
301 W 2nd St, Austin, TX 78701

Get on TX-1 Loop N from W Cesar Chavez St  
2.1 mi / 4 min

Take the US 183 exit from TX-1 Loop N  
7.6 mi / 8 min

Take Great Hills Trail and Rain Creek Pkwy to Lost Horizon Dr  
1.9 mi / 5 min

Merge onto Research Blvd  
0.5 mi

Turn left onto Great Hills Trail  
0.6 mi

Turn right onto Rain Creek Pkwy  
0.8 mi

Turn left onto Lost Horizon Dr

Destination will be on the left

5717 Lost Horizon Dr

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**ENVIRONMENTAL BOARD RECOMMENDATION 20141105 004a**

**Date:** November 05, 2014

**Subject:** The Pinnacle at Great Hills Part A C14-83-224 (R1)

**Motion By:** James Schisler

**Second By:** Brian Smith

**RATIONALE:**

**Whereas,** the applicant has provided a plan that meeting the findings of fact

**Therefore,** the Environmental Board recommends approval of the request for allowing construction of driveways on a slope greater than 25%.

**Board Conditions:**

1. Provide 8 inches of topsoil in disturbed areas within the Water Quality Transition Zone, if it were to be created by current regulations, and soil retention blankets or sod on slopes greater than 15%.

**VOTE 7-0-0-0**

**For:** Deegan, Maxwell, Neely, Perales, Redmond Schisler, and Smith

**Against:** None

**Abstain:** None

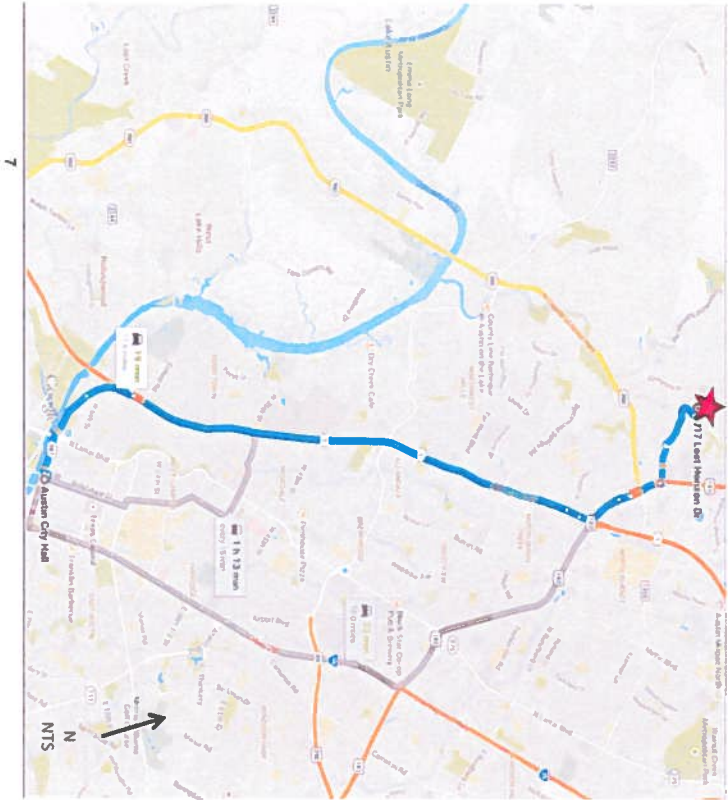
**Absent:** None

**Approved By**

Mary Gay Maxwell, Environmental Board Chair

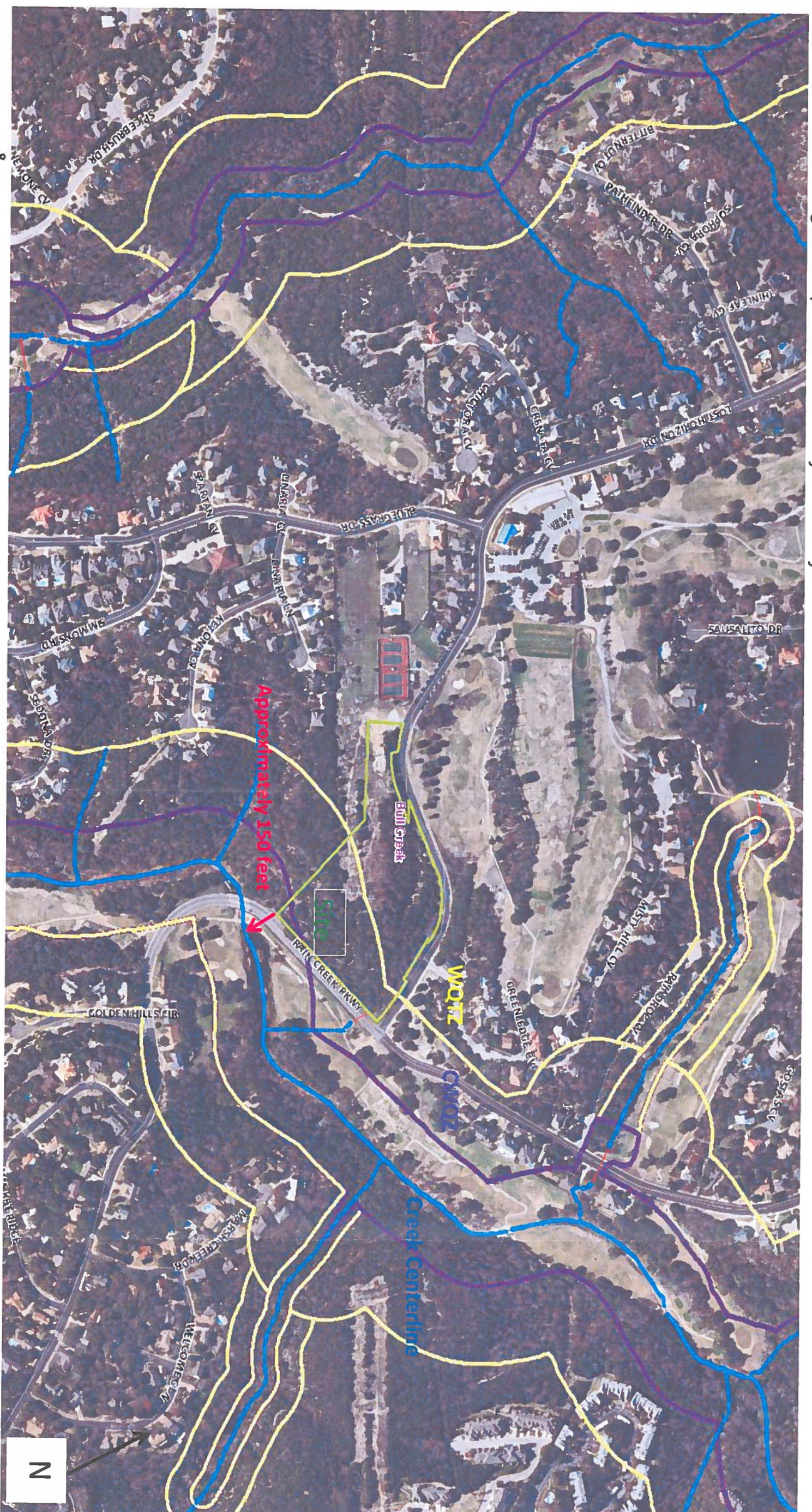
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The Pinnacle at Great Hills Part A  
C14-83-224(R1)  
Site Location





The Pinnacle at Great Hills Part A  
C14-83-224(R1)  
Surrounding Development and Nearby Waterways

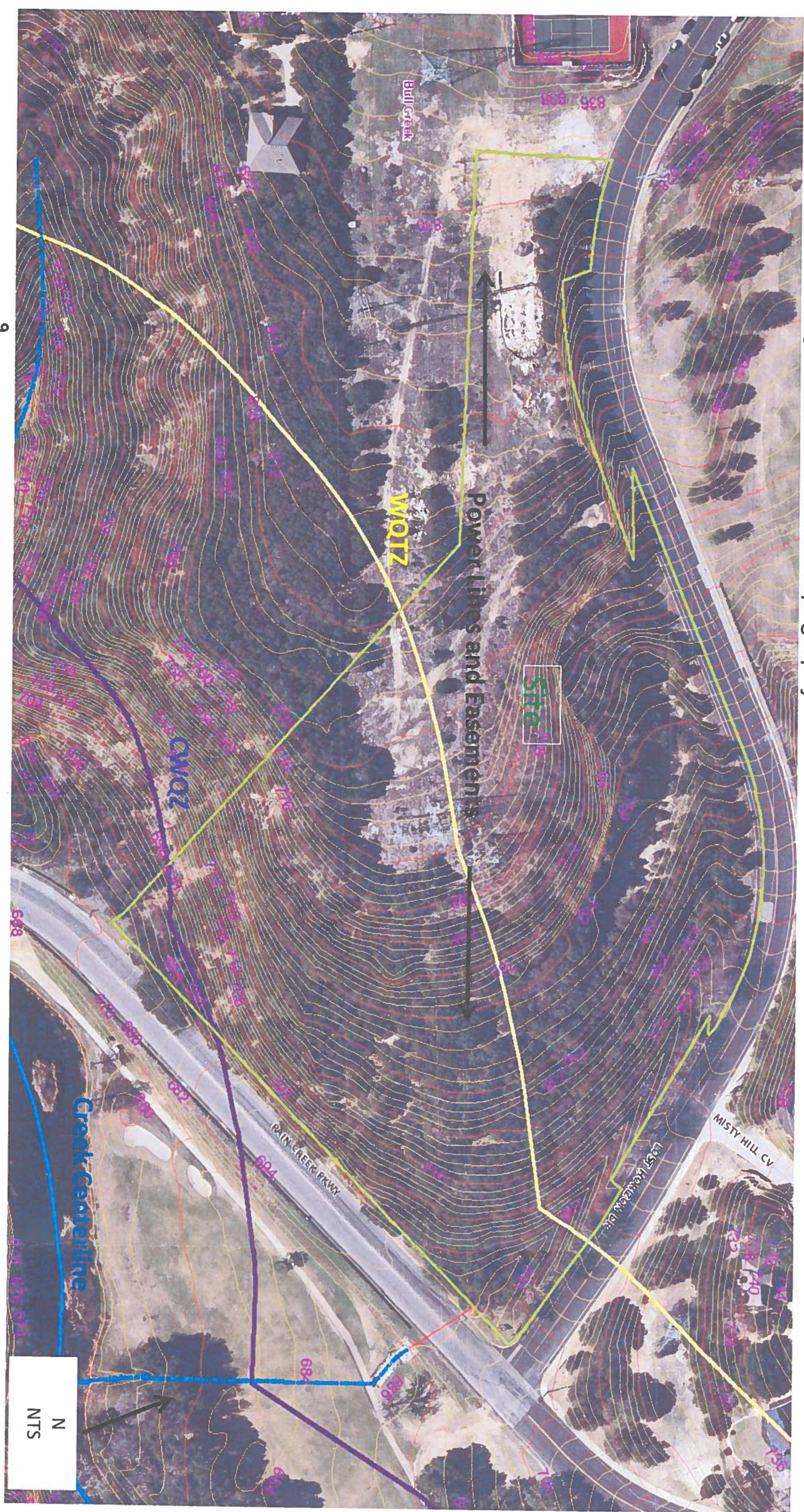


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The Pinnacle at Great Hills Part A  
C14-83-224(R1)  
Existing site conditions and topography

CV  
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The Pinnacle at Great Hills Part A  
C14-83-224(R1)  
Site Photos



View of site looking east along ridgeline beneath overhead power easements

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The Pinnacle at Great Hills Part A  
C14-83-224(R1)  
Site Photos



Area of driveway construction on slopes just outside of the power line easement

C2/  
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The Pinnacle at Great Hills Part A  
C14-83-224(R1)  
Site Photos



View of the site looking east from Lost Horizon Drive

C2/14



The Pinnacle at Great Hills Part A  
C14-83-224(R1)  
Site Photos



View of the site looking southwest from the intersection of Lost Horizon Drive and Rain Creek Parkway

C14-83-224(R1)

October 17, 2014



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ENVIRONMENTAL BOARD VARIANCE APPLICATION TEMPLATE

October 17, 2014

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

Re: The Pinnacle at Great Hills  
Variance Request Letter  
Lake Austin Watershed Ordinance No. 800103-N – Section 29-55.3(a)(1)

Dear Mr. Guernsey:

Please accept this letter on behalf of the owner and applicant to formally request a variance from the Lake Austin Watershed Ordinance No. 800103-N – Section 29-55.3(a)(1), to allow for a variance to construct driveways on terrain with a slope class greater than twenty-five percent.

The property is located at the corner of Rain Creek Parkway and Lost Horizon Dive and consists of one parcel 7.56 acres in size and is located in the Bull Creek, Water Supply Suburban watershed.

If you will recall in June of this year, you agreed that the site plan should be resubmitted as an administrative amendment to a Type A Council approved site plan (as authorized by PRA Zoning Ordinance 850221E). This was done and a Type B engineered plan was also submitted.

As typically occurs with the old zoning site plans, there are some minor conflicts between the site plan approved by the Council and the Type B plan submitted under the 1980 Lake Austin Watershed Ordinance. As these were typically handled in the past under the original Lake Austin Watershed Ordinance, Applicant is submitting an environmental variance request pursuant to Section 29-55-4 of the Code of the City of Austin. The criteria for such variances under this prior Watershed Ordinance is different from the criteria for current environmental variances and is described below. Furthermore, I



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would remind you and your staff that Ordinance 850221E, which approved the zoning and the site plan of the subject property, provides in Part 3:

“Except to the extent such site plan is inconsistent therewith, development and use of the property described herein shall be in accordance with applicable ordinances of the City of Austin.”

This was typical language in zoning site plans to cover the anticipated likelihood that there would be some conflicts between the ordinance required criteria for site plan approval and the land use plan approved by the Council. This is the reason the variance criteria talks about minimum departure from ordinance requirements and why it could be demonstrated that the requested variance was a minimum departure from ordinance requirements. The variances were typically approved as in the similarly situated two cases described in this letter.

Ordinance No. 800103-N – Section 29-55.4, provides as follows:

*“Variances from the terms of the ordinance may be granted by the planning commission only if it is found that, because of special circumstances applicable to the property involved, a strict application deprives such property of privileges or safety enjoyed by similarly timed development. In no case may a variance be granted that will provide the applicant with any special privileges not enjoyed by other similarly situated properties with similarly timed development.”*

*“Where such conditions are found, the variance permitted shall be the minimum departure from site development standards 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.”*

The following is provided to support these conditions:

**Special Circumstances Applicable:**

The special circumstances applicable to the property involved are the three (3) one hundred foot LCRA and City of Austin electric power line easements traversing the site which restrict the placement of the dwelling units to a confined area predominately made up of slopes greater than 25%. These easements cover over 61% of the site area, most of the area covered would be the 0-15% areas best suited for home sites. Accessing the confined areas not impacted by easements can only be done by crossing slopes greater than 25%.

The previous City Council approved site plan for C14-83-224 actually accessed these confined easement areas predominately from below the ridge rather than from above the ridge necessitating roughly 9,270 square feet of construction of driveways on slopes greater than 25%. The proposed replacement site plan accesses these confined easement areas from above the ridge rather than from below the ridge necessitating roughly 3,084 square feet of construction of driveways on slopes greater than 25%. This equates to a 66% reduction of construction on slopes greater than 25% from the City Council approved site plan for C14-83-224.

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**Strict Application Deprives Property of Privileges Enjoyed by Similarly Timed Development:**

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A strict application of Section 29-55.3(a)(1) would deprive such property of privileges or safety enjoyed by similarly timed development known. The project is provided herein to support this statement.

**Project – Bella Vista Office Building (C3v-82-005)**

Like the Pinnacle project, the Bella Vista Office Building project is located a short distance from Loop 360 in the west hill country of Austin. The City Council approved the two variances, one for cut and fill and another variance approved was similar to the Pinnacle variance to access the site over slopes greater than 25%.

The following is a summary of the Bella Vista Office Building entitlement history with support documents provided:

- The applicant sought variances from the Lake Austin Watershed Ordinance before the Planning Commission on July 27, 1982. The variance requests (C3v-82-005) were for:
  1. Drives and parking areas on slopes greater than 35% (Sec. 29-55.3(a)(I)); and
  2. Cuts greater than 4 feet but less than 10 feet (Sec.: 29-55.3(b)(I)).
- Both the Environmental Management and the Public Works Department opposed the variances.
- The Planning Commission denied the variances on July 27, 1982.
- The applicant appealed the denial to City Council on August 5, 1982.
- The applicant successfully appealed the denial on August 12, 1982 before City Council. The appeal demonstrated the intent of the Lake Austin Watershed Ordinance was to address the water quality and water run-off. The City Council voted 6-0 in favor of the variance.

***“Where such conditions are found, the variance permitted shall be the minimum departure from site development standards 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.”***

**Minimum Departure:**

The subject Pinnacle project provides for the minimum departure from the Council approved land use plan (C14-83-224) in the following areas:

1. Reduces the area of construction of driveways on slopes greater than 25% from the Council approved plan from 9,270 sf to only 1,085 sf (88% reduction);
2. The variance request impacts less than 0.7% of the total site slopes greater than 25%.
3. Reduces the number of unites accessed by driveway over slopes greater than 25% from 9 units to 7 units;
4. Reduces area cut and fill in excess of 4' to zero;
5. Reduces the overall impervious cover from 66,492 square feet to 59,692 square feet;
6. Reduces the number of driveways from eight to two;

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As previously stated, the replacement site plan will provide an 88% reduction of construction on slopes greater than 25% from the City Council approved site plan for C14-83-224. Furthermore, the previous City Council approved site plan for C14-83-224 actually requires cuts and fills greater than four (4') feet whereas this replacement site plan requires no cuts and fills greater than four (4') feet. Therefore, we believe this variance request for crossing slopes greater than 25% is the minimum departure from site development standards necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use. Furthermore, by accessing the dwelling units from above the ridge rather than below the ridge avoids any cut and fill variances and does not create significant probabilities of harmful environmental consequences.

Your favorable consideration and support of our request would be appreciated. If you have any questions, please feel free to call.

Sincerely,



Steven L. Ihnen, P.E.  
President



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PROJECT DESCRIPTION  
Applicant Contact Information

Name of Applicant	CMST Development, LLC
Street Address	12007 Technology Blvd.
City State ZIP Code	Austin, TX 78727
Work Phone	512-454-2400
E-Mail Address	wilson@gice.us

Variance Case Information

Case Name	The Pinnacle at Great Hills
Case Number	C14-83-224(R1)
Address or Location	5717 Lost Horizon Drive
Environmental Reviewer Name	James Dymkowski
Applicable Ordinance	800103-N
Watershed Name	Bull Creek
Watershed Classification	<input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input checked="" type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone
Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input checked="" type="checkbox"/> Northern Edwards Segment <input type="checkbox"/> Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Distance to Nearest Classified Waterway	150 Feet
Water and Waste Water service to be provided by	Austin Water Utility
Request	29-55.3.(a)(1)

CW/24

Impervius cover	Existing	Proposed
square footage:	<u>66,492 sf</u>	<u>59,692 sf</u>
acreage:	<u>1.526 ac.</u>	<u>1.370 ac.</u>
percentage:	<u>20%</u>	<u>18.2%</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)	<p>The environmental characteristics of the property are consistent with the Edwards Plateau region (Balcones Canyonlands) of west-central Texas. The topography of the majority of the property is steep and the surface is rough, rocky, and well drained. Elevations on the property range from 832 to 680 feet above mean sea level (MSL). A ridge (topographic divide) follows an east west path across the lot. Vegetation on the property consists of den woodlands and both native and invasive plants. The locations of trees in the area of the proposed improvements are depicted on the site plan drawings.</p> <p>No portion of the property is within the 100-year floodplain of Bull Creek. There are no CWQZ, WQTZ, or CEF's associated with the property under the Lake Austin Watershed Ordinance.</p>	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	There is an existing Zoning Site Plan C14-83-224 approved by the City Planning Commission on November 1, 1983 and by City Council on December 1, 1983.
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October 17, 2014

FINDINGS OF FACT

Ordinance No. 800103-N – Section 29-55.4, provides variance conditions as follows:

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*“Variances from the terms of the ordinance may be granted by the planning commission only if it is found that, because of special circumstances applicable to the property involved, a strict application deprives such property of privileges or safety enjoyed by similarly timed development. In no case may a variance be granted that will provide the applicant with any special privileges not enjoyed by other similarly situated properties with similarly timed development.”*

*“Where such conditions are found, the variance permitted shall be the minimum departure from site development standards 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.”*

Project: The Pinnacle at Great Hills

C14-83-224(R1)

Ordinance: 800103-N

A. Land Use Commission variance determinations from Section 29-55.4 of Ordinance No. 800103-N:

1. Because of special circumstances applicable to the property involved, a strict application deprives such property of privileges or safety enjoyed by similarly timed development.

Yes. A strict application of Section 29-55.3(a)(1) would deprive such property of privileges or safety enjoyed by similarly timed development known as the Bella Vista Office Building (C3v-82-005)

Like the Pinnacle project, the Bella Vista Office Building project is located a short distance from Loop 360 in the west hill country of Austin. The City Council approved the two variances, one for cut and fill and another variance approved was similar to the Pinnacle variance to access the site over slopes greater than 25%.

October 17, 2014

C2/26

The following is a summary of the Bella Vista Office Building entitlement history with support documents provided:

- The applicant sought variances from the Lake Austin Watershed Ordinance before the Planning Commission on July 27, 1982.
- The variance requests (C3V-82-005) were for:
  1. Drive and parking areas on slopes greater than 35% (Sec. 29-55.3(a)(I)); and
  2. Cuts greater than 4 feet but less than 10 feet (Sec.: 29-55.3(b)(I)).
- City Council approved the variances on August 12, 1982 with a vote of 6-0.

The approval demonstrates the intent of the Lake Austin Watershed Ordinance to address the water quality and water run-off.

2. The variance:

- a) permitted shall be the minimum departure from site development standards necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use;

Yes. The special circumstances applicable to the property involved are the LCRA and City of Austin electric power line easements which restrict the placement of the dwelling units to a confined area predominately made up of slopes greater than 25%. Accessing these confined easement areas is only accessible by crossing slopes greater than 25%. The previous City Council approved site plan for C14-83-224 accessed these confined easement areas predominately from below the ridge rather than from above the ridge necessitating roughly 9,270 square feet of construction of driveways on slopes greater than 25%. The proposed replacement site plan in all cases accesses these confined easement areas from above the ridge rather than from below the ridge necessitating roughly 1,085 square feet of construction of driveways on slopes greater than 25%. This equates to a 88% reduction of construction on slopes greater than 25%.

- b) will not create significant probabilities of harmful environmental consequences.

Yes. The previous site plan for C14-83-224 actually requires cuts and fills greater than four (4') feet whereas the current site plan requires no cuts and fills greater than four (4') feet. Therefore, this request for a variance for crossing slopes greater than 25% is the minimum departure from site development standards necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use. Furthermore, by accessing the dwelling units from above the ridge rather than below the ridge avoids any cut and fill variances and does not create significant probabilities of harmful environmental consequences.

In summary, the proposed replacement Part A Land Use Plan:

1. Utilized slope analysis and land planning techniques to utilize every advantage of natural terrain and minimized cuts and fill.
2. Not Cuts or Fills are in excess of four feet.
3. The driveway grades do not exceed 14%.
4. The impervious cover proposed is less than the minimum standards established by ordinance (30% on slopes less than 15%, 20% on slopes less than 25% and 10% on slopes grater then 35%).
5. All building foundations and driveway to the homes utilizes design and construction practices which incorporate fill placed on sides perpendicular to the ground which minimum disturbances to the natural terrain.
6. The home architectural design was tailored to minimize construction on slopes.

C2/27



CN/28

Exhibits for Board Backup and/or Presentation

<u>Page(s)</u>	<u>Exhibit Title</u>
11	Aerial photos of the site
12	Site photos
13	Aerial photos of the vicinity
14	Context Map
15	Topographic Map
16	Site plan
17-20	Letters of Neighborhood Support
21-22	Replacement Site Plan Comparison
23	Subject Tract with Easement Encumbrances



Aerial photo of the site



C2/29

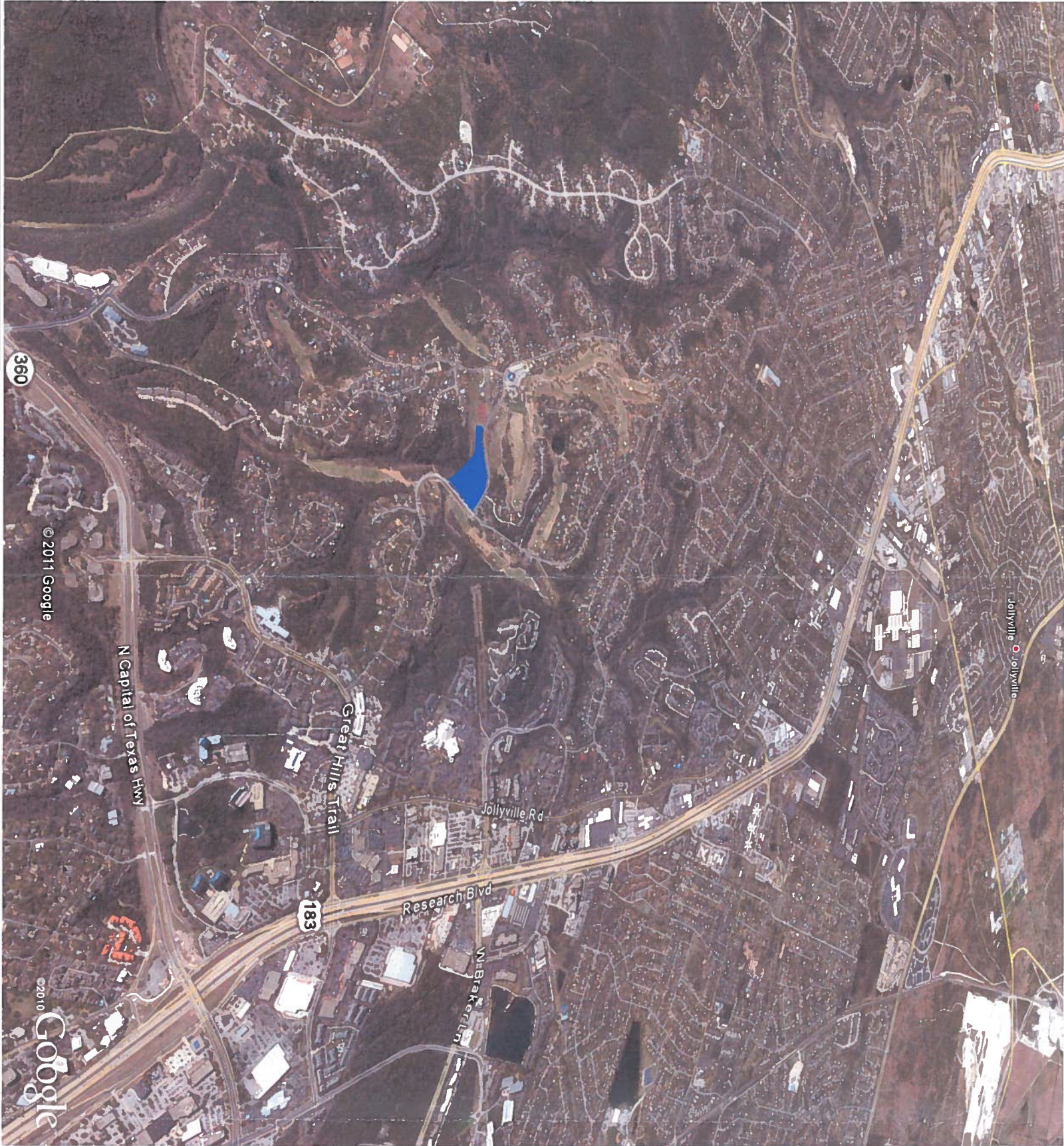


C2/30





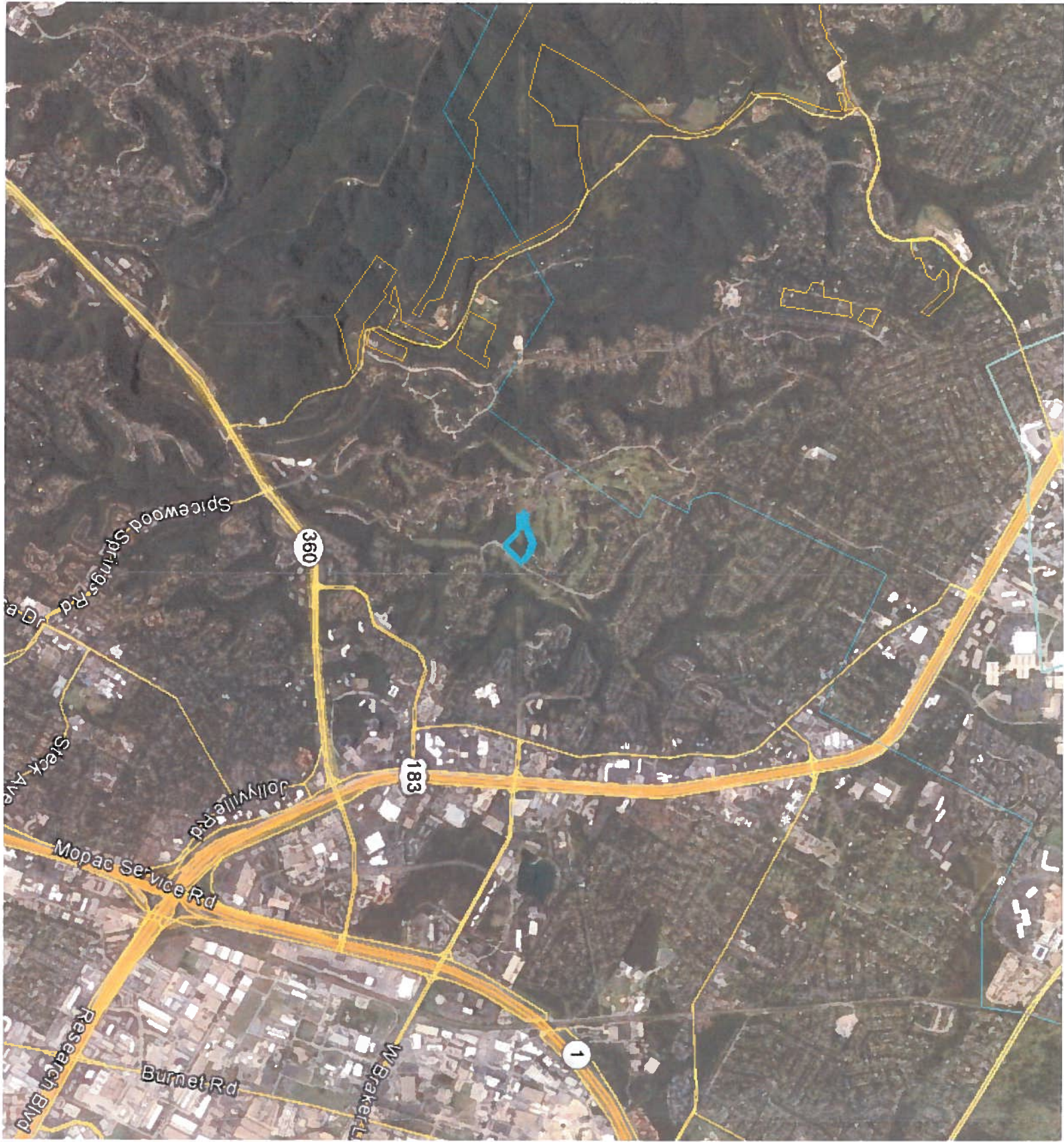
Aerial photos of the vicinity



CV/31



Context Map



CN/ajv

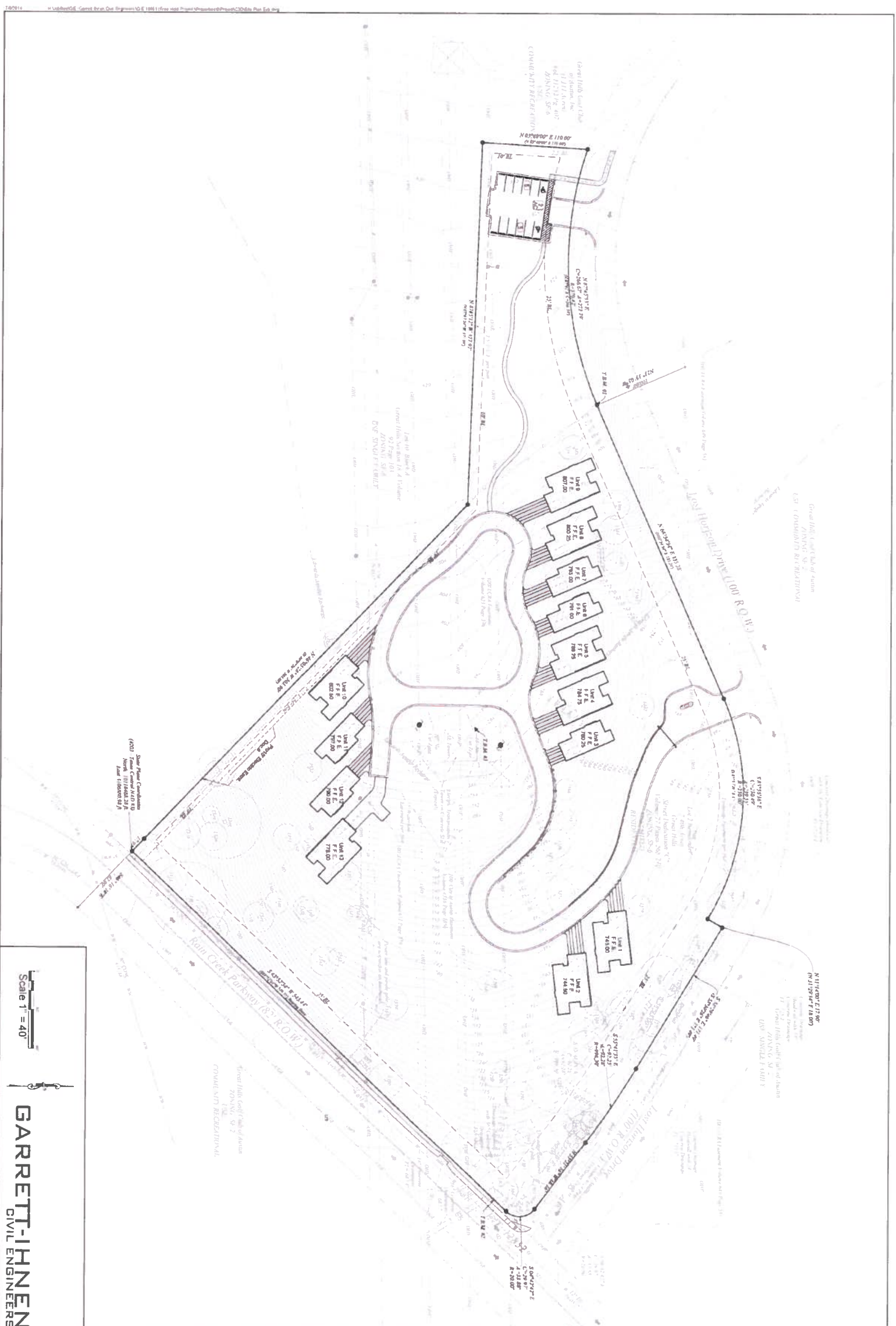


Topographic Map  
C14-83-224(R1)



C2/23

**Site Plan**  
C14-83-224(R1)

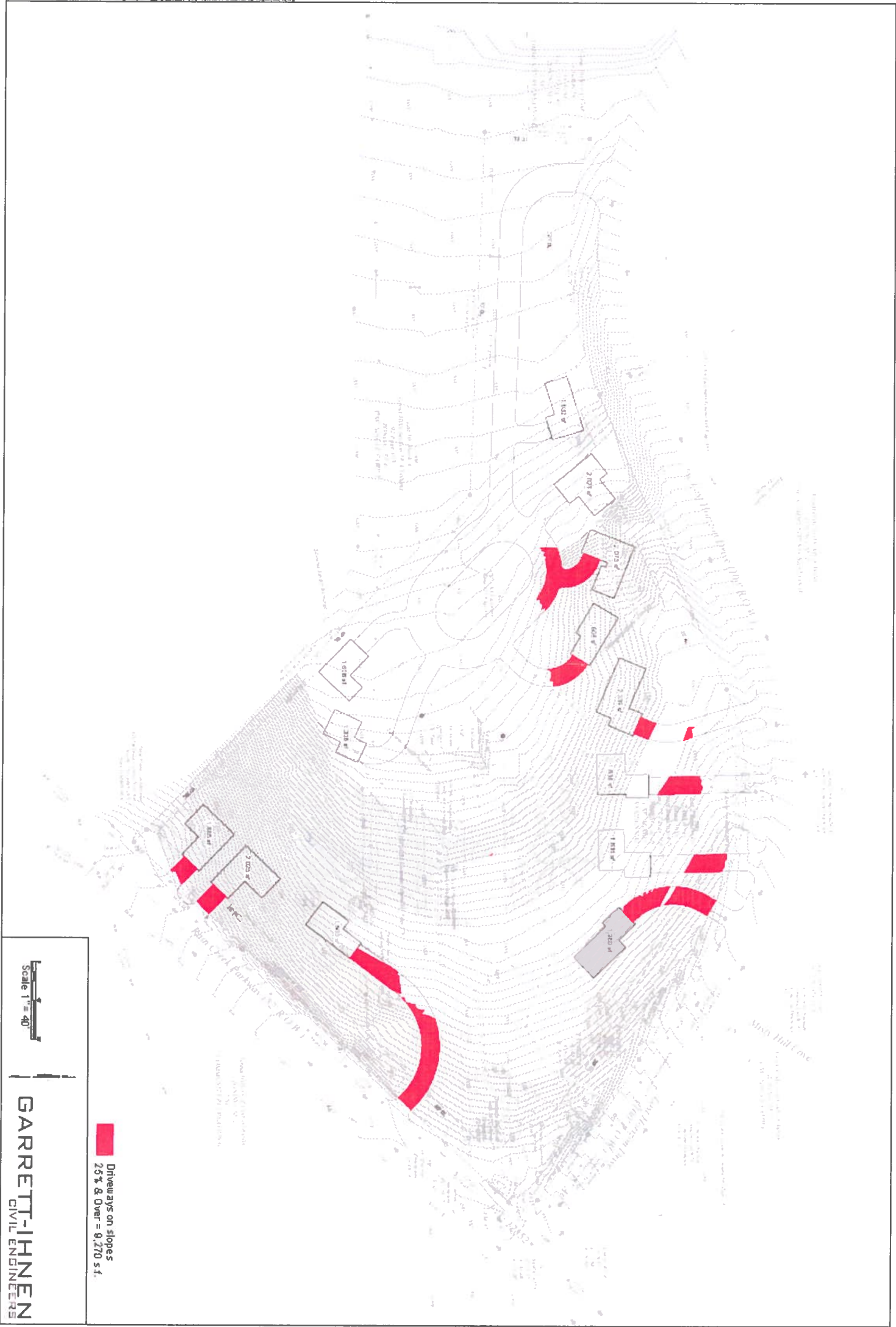


2/4/3



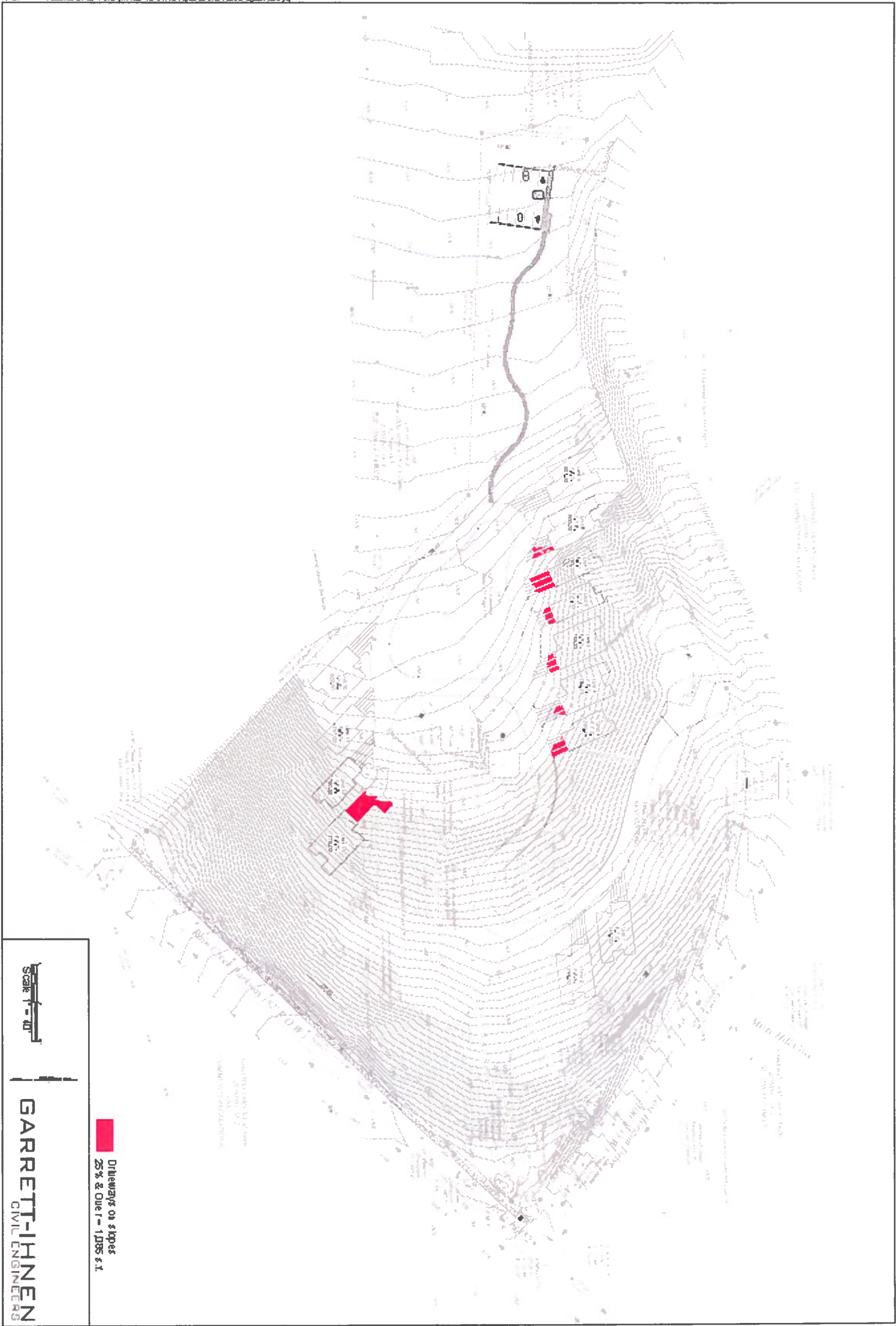
- Area of Driveway Constructed on Slopes > 25% = 9,270 sf
- Units Accessed over Slopes > 25% = 9 Units

Existing Site Plan C14-83-224



C2/35

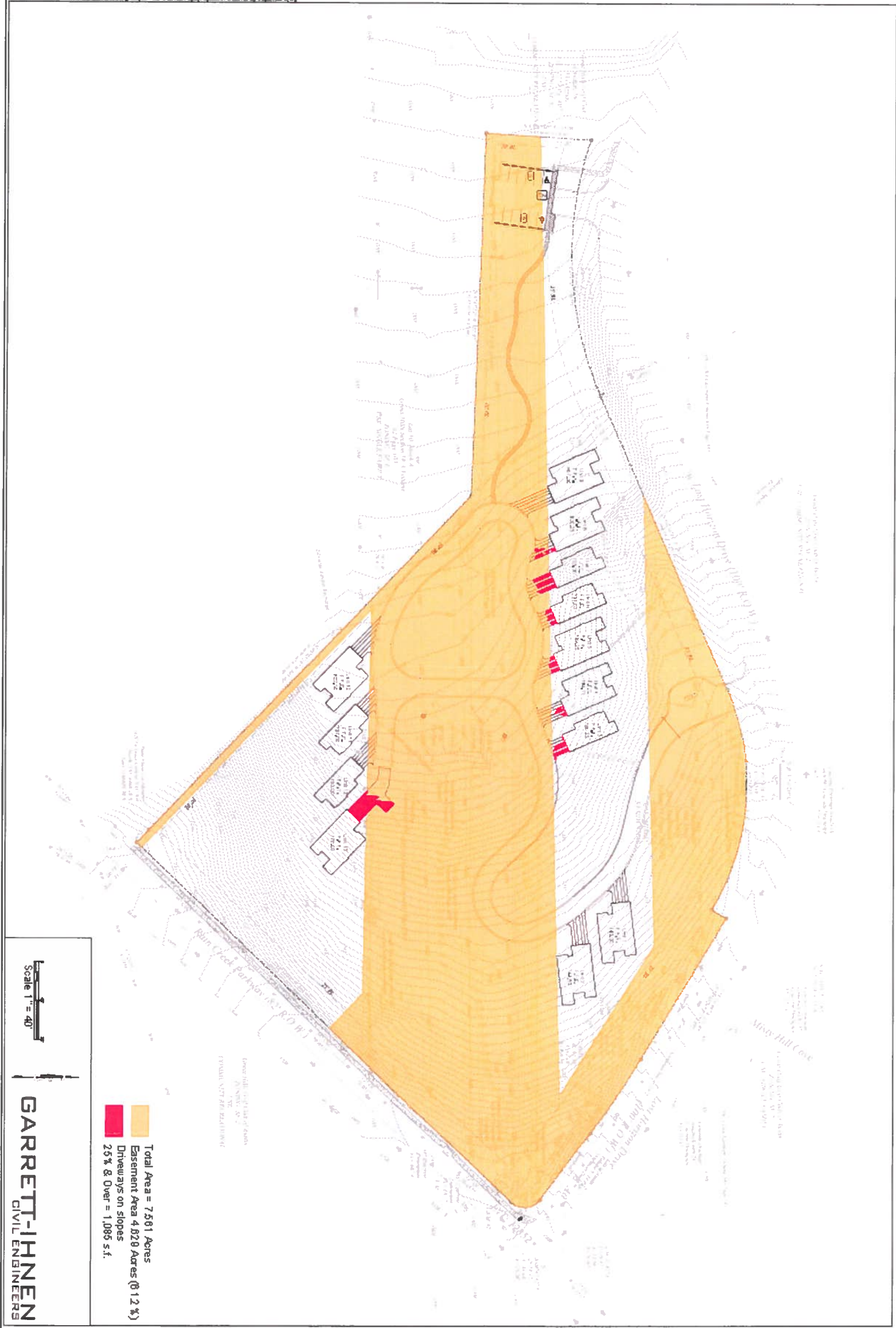
- Proposed Replacement Site Plan C14-83-224(R1)
- Area of Driveway Constructed on Slopes > 25% = 1,085 sf
- Units Accessed over Slopes > 25% = 7 Units



C2/36



Subject Tract With Easement Encumbrances



C2/23X

October 17, 2014

May 23, 2013

C2/28

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

REFERENCE: Site Plan SP-2013-0062B

Dear Mr. Guernsey,

The Board of Directors of **Great Hills Section VIII Homeowners Association** has reviewed the referenced site plan proposed by Central Texas Development (CTD), and feel the proposed development will benefit the Great Hills area in many ways.

Although there are details to be worked-out, we feel the proposed plans to develop/build 17 single family units on Lot 2, of the Great Hills Street Dedication "C" Subdivision, will be an overall improvement/asset to the Great Hills neighborhood.

We also feel strongly the developer (CTD), as part of its implementation plan, must create a set of Restrictive Covenants for this subdivision similar to those of our HOA and the other surrounding HOAs in order to retain the overall appearances of properties in our neighborhood. If needed, our HOA is very willing to work with CTD in their efforts to improve the existing lot.

Very truly yours,

Gary McConnell  
Vice President, Great Hills Section VIII Home Owners Association

5307 Musket Ridge  
Austin, TX 78759  
512-794-8952

October 17, 2014

MICHAEL J. WRIGHT

City of Austin  
Planning & Development Review Department  
P.O. Box 1088  
Austin, Texas 78767

CJ/29

May 11, 2013

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

Dear Mr. Guemsey,

I have reviewed in great detail the site plan proposed by Central Texas Development for land purchased from Great Hills Country to develop single family homes in Great Hills.

These homes under consideration would be built on Lot 2, of the Great Hills Street Dedication "C" Subdivision.

I hereby give conditional support provided the applicant agrees to create and publish a set of Conditions, Covenants, and building guidelines that are commensurate with local HOA guiding documents: Great Hills HOA, Section 9 & 10, which I reside in and am a officer of are proud of our neighborhood and remain vigilant in our compliance of same.

Thank you for your help in this matter, and please feel free to contact me should the need arise.

Sincerely,



Michael J. Wright  
Vice President, Great Hills HOA, Section 9 & 10  
Immediate Past President, Great Hills HOA, Section 9 & 10  
President, Great Hills Country Club

October 17, 2014

# GREAT HILLS

C2/14

Homeowners Association  
Sections IX and X  
P.O. Box 200702  
Austin, Texas 78720  
Telephone: 512-351-7596

May 20, 2013

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

Dear Mr. Guernsey:

The officers of our HOA have reviewed in great detail the site plan to develop single family homes in Great Hills proposed by Central Texas Development on land purchased from Great Hills Country Club.

These homes under consideration would be built on Lot 2 of the Great Hills Street Dedication "C" Subdivision.

With the letter, Great Hills HOA, Sections 9 & 10, hereby gives conditional support provided the applicant agrees to create and publish a set of Conditions, Covenants, and Building Guidelines that are commensurate with local HOA guiding documents.

Thank you for your help in this matter. Please feel free to contact me should the need arise.

Sincerely,

Jason Meeker  
President, Great Hills HOA, Sections 9 & 10



October 17, 2014

Neighborhood Letters of Support



C2/  
41

May 2, 2013

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

Dear Mr. Guernsey,

The Board of Directors of Great Hills Country Club (GHCC) has reviewed the site plan proposed by Central Texas Development (CTD) and have discussed with them, our initial concerns and comments relating to the their objectives.

After careful consideration, the GHCC Board conditionally supports the development plans to build 17 units on Lot 2, of the Great Hills Street Dedication "C" Subdivision as represented on the attached plan; provided that the applicant agrees to create a set of Conditions, Covenants and Restrictions (CCRs), commensurate with the local Great Hills Homeowners CCRs. Additionally, the GHCC Board stands willing to work with CTD in their efforts to improve the existing lot through conscientious planning and joint collaboration.

Thank you for your help in this case, and please contact me if you have any questions.

Sincerely;

A handwritten signature in cursive script, reading "Michael J. Wright".

Michael Wright, President  
Great Hills Country Club  
Austin, Texas 78759

GREAT HILLS COUNTRY CLUB  
5914 LOST HORIZON DRIVE / AUSTIN, TEXAS 78759 / (512) 343-6940

## 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.austintexas.gov/development](http://www.austintexas.gov/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: C14-83-224(R1)**

**Contact: Michael Simmons-Smith, 512-974-1225  
Elsa Garza, 512-974-2308**

**Public Hearing: Zoning and Platting Commission, Dec 2, 2014**

Larry Harper  
Your Name (please print)

☒ I am in favor  
☐ I object

5914 LOST HORIZON DR.  
Your address(es) affected by this application

Larry Harper  
Signature

11/18/14  
Date

Daytime Telephone: 512-527-2701

Comments: THIS WILL BE A GREAT ASSET  
FOR OUR COMMUNITY !!

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

City of Austin  
Planning and Development Review – 4<sup>th</sup> floor  
**Michael Simmons-Smith**  
P. O. Box 1088  
Austin, TX 78767-8810

2/2