

**PLANNING COMMISSION COMPATIBILITY
WAIVER REVIEW SHEET**

CASE NUMBER: SP-2022-0101C **PC HEARING DATE:** May 23, 2023

PROJECT NAME: The Acre at Berkman

ADDRESS OF SITE: 6203 Berkman Drive

COUNCIL DISTRICT: 4

NEIGHBORHOOD PLANNING AREA: Windsor Park

WATERSHED: Fort Branch

JURISDICTION: Austin Full Purpose

**APPLICANT/
OWNER:** The Acre at Berkman LLC
1301 Bee Cave RD STE 305
Austin, TX 78746
(512) 726-0500

AGENT: LJA Engineering, Inc.
7500 Rialto Blvd. Bldg. II Suite 100
Austin Texas 78735
Hannah Riemer, P.E.
(512) 439-4700

CASE MANAGER: Meg Greenfield
Meg.greenfield@austintexas.gov
(512) 978-4663

PROPOSED DEVELOPMENT:

The applicant is requesting a waiver from the 25-foot compatibility setback requirement. Per LDC Section 25-2-1063(B) a person may not construct a structure 25 feet or less from a triggering property. The applicant proposes a fire access lane and pedestrian sidewalk within this 'no-build' zone.

The site plan proposes 29 multifamily units on a 1.29-acre site with associated parking, driveways, storm sewer, rain gardens, and detention pond for a total of 38,229 sq. ft. of impervious cover (68%). The project is located within the Fort Branch Watershed and is subject to all urban watershed protection regulations as set forth in Chapter 25 of the City of Austin Code of Ordinances.

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval to grant this waiver from LDC Section 25-2-1063(B). The applicant has included a justification letter explaining details of this site (see attached).

(B) In this section, the term "structure" excludes a rain garden using no concrete that is designed in accordance with the Environmental Criteria Manual. A person may not construct a structure 25 feet or less from property:

- (1) in an urban family residence (SF-5) or more restrictive zoning district; or
- (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.

SUMMARY COMPONENTS OF SITE PLAN:

LAND USE: The site is zoned GR-MU-CO-NP; all site calculations (F.A.R., Building coverage, and impervious cover) are within the allowed amount. The applicant filed the original application for site plan approval with the good faith expectation that the site plan would be constructed.

ENVIRONMENTAL: All environmental comments have been cleared.

TRANSPORTATION: All transportation comments have been cleared except for street deed and sidewalk easement recordations.

PREVIOUS APPROVALS

Site Plan administrative approval, permit expiration July 5, 2023.

PROJECT INFORMATION

SITE AREA	56,192 sq. ft.	1.29 acres
EXISTING ZONING	GR-MU-CO-NP	
	Allowed	Proposed
FLOOR-AREA RATIO	1:1	.67:1
BUILDING COVERAGE	75%	32.4%
IMPERVIOUS COVERAGE	90%	68%
PARKING	51	55

EXISTING ZONING AND LAND USES

	ZONING	LAND USES
<i>Site</i>	GR-MU-CO-NP	Proposed Multifamily (currently vacant)
<i>North</i>	MF-3-NP & SF-3-NP	Multifamily & Family Residence
<i>South</i>	MF-3-NP & SF-6-NP	Multifamily & Duplex
<i>East</i>	MF-3-NP & SF-6-NP	Duplex
<i>West</i>	ROW & SF-3-NP	ROW & Family Residence

ABUTTING STREETS

Street	Right-of-Way Width	Pavement Width	Classification
Berkman Drive	56-68 feet (variable)	Approx. 38 feet	Urban Roadway
Hickman Ave	50 feet	Approx. 27 feet	Urban Roadway

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District, Austin
Lost and Found Pets,
Austin Neighborhoods Council, Del Valle
Community Coalition,
Friends of Austin Neighborhoods, Friends of
Northeast Austin,
Homeless Neighborhood Association,
Neighborhood Empowerment
Foundation, Neighbors United for Progress,
Preservation Austin,
Responsible Growth for Windsor Park,
SELTexas, Sierra Club, Austin
Regional Group, Windsor Park

Neighborhood Association, Windsor
Park Neighborhood Plan Contact Team



7500 Rialto Boulevard, Building II, Suite 100, Austin, Texas 78735
t 512.439.4700 LJA.com TBPE F-1386

July 27, 2022

Development Services Department - City of Austin
6310 Wilhelmina Delco Drive
Austin, Texas 78752

RE: The Acre at Berkman - Compatibility Setback Waiver Request
COA Case No. SP-2022-0101C
LJA Project No. A386-0413

Dear Kyle Kampe:

On behalf of the owner/developer of "The Acre at Berkman", a Site Development Plan currently under review under Case Number SP-2022-0101C, we are formally requesting a waiver from compliance with City of Austin Land Development Code (LDC) section 25-2-1063, which states that "a person may not construct a structure 25 feet or less from property: in an urban family residence (SF-5) or more restrictive zoning district; or on which a use permitted in an SF-5 or more restrictive zoning district is located."

The proposed 1.24-acre site is located at 6203 Berkman Drive within the full purpose jurisdiction of the City of Austin. The site is zoned GR-MU-CO-Np per zoning ordinance 20181213-062, and adjoining property located northeast of the site (6300 Hickman Avenue) is zoned SF-3-NP. Therefore, the LDC requires a 25-ft setback along the property line, which prohibits the development of a structure within this setback.

The following proposed structures are located within the 25-ft setback:

- Access lane for fire apparatus and residential use
- Pedestrian sidewalk providing connectivity to Hickman Ave

The proposed structures are justified due to the provision of a 6' privacy fence proposed between the single family lot and the subject site, which will shield the structures from sight. In addition, the private drive is permitted to be extended to Hickman Avenue per plat note 16 on the Hickman Oaks final plat regarding joint access, but it is being shortened so as to limit the encroachment into the 25' "no-build" zone.

Attached is a site plan sheet with all structures labeled within the 25-ft compatibility setback. We appreciate your review of this waiver request. Should any additional information be needed, please do not hesitate to call.

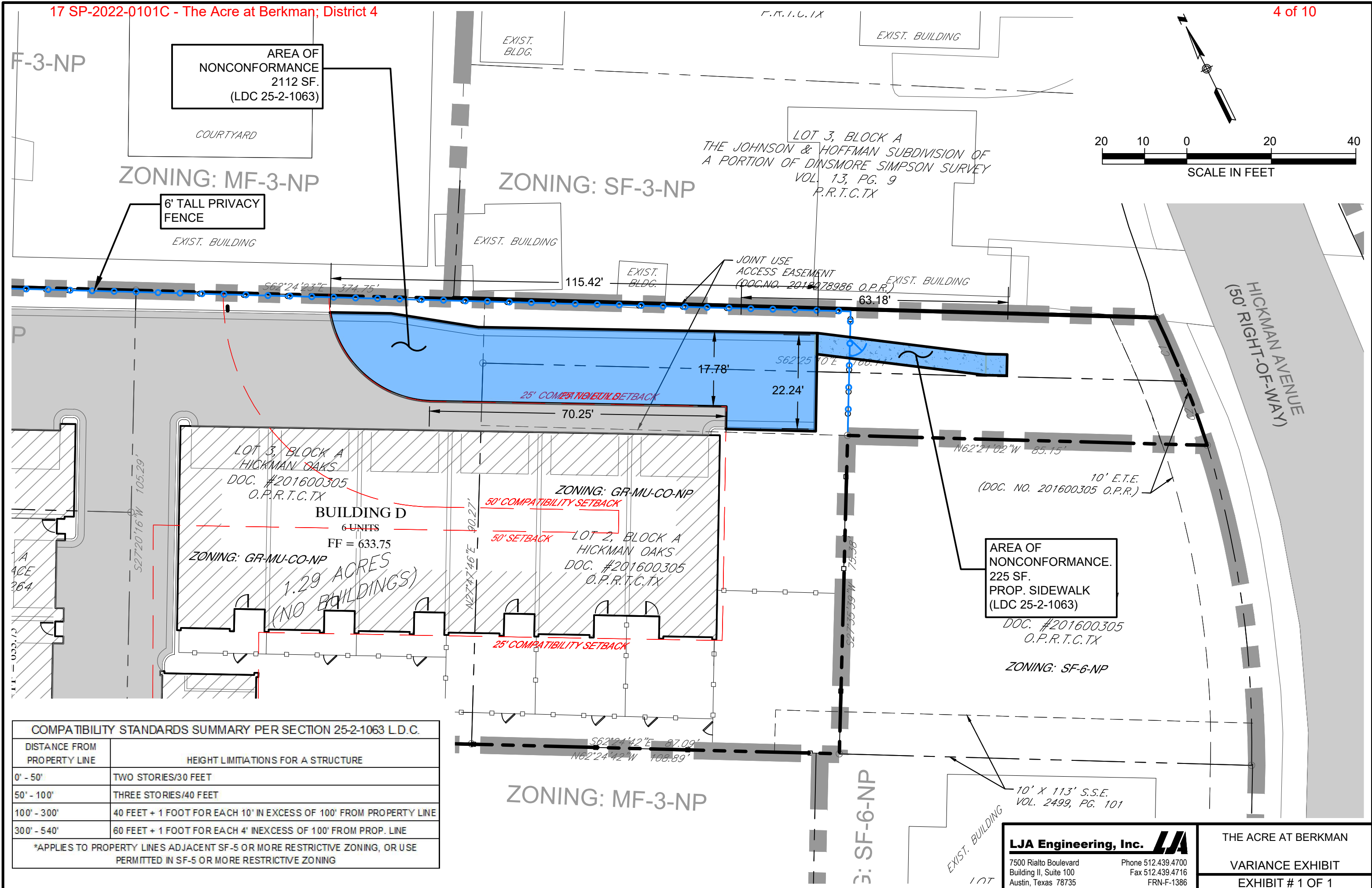
Sincerely,

LJA Engineering FRN F-1386

A handwritten signature in blue ink, appearing to read 'HJR'.

Hannah Riemer, P.E.
Project Manager





COMPATIBILITY STANDARDS SUMMARY PER SECTION 25-2-1063 L.D.C.	
DISTANCE FROM PROPERTY LINE	HEIGHT LIMITATIONS FOR A STRUCTURE
0' - 50'	TWO STORIES/30 FEET
50' - 100'	THREE STORIES/40 FEET
100' - 300'	40 FEET + 1 FOOT FOR EACH 10' IN EXCESS OF 100' FROM PROPERTY LINE
300' - 540'	60 FEET + 1 FOOT FOR EACH 4' IN EXCESS OF 100' FROM PROP. LINE
*APPLIES TO PROPERTY LINES ADJACENT SF-5 OR MORE RESTRICTIVE ZONING, OR USE PERMITTED IN SF-5 OR MORE RESTRICTIVE ZONING	

LJA Engineering, Inc.
 7500 Rialto Boulevard
 Building II, Suite 100
 Austin, Texas 78735
 Phone 512.439.4700
 Fax 512.439.4716
 FRN-F-1386

THE ACRE AT BERKMAN
 VARIANCE EXHIBIT
 EXHIBIT # 1 OF 1

I:\38804\3\Exhibits\38804-013-VARIANCE EXHIBIT.dwg Apr 05, 2023 - 2:58pm



7500 Rialto Boulevard, Building II, Suite 100, Austin, Texas 78735
t 512.439.4700 LJA.com TBPE F-1386

February 20, 2022

Development Services Department - City of Austin
6310 Wilhelmina Delco Drive
Austin, Texas 78752

RE: Engineer's Summary Letter for The Acre at Berkman Site Development Plans
LJA Project No. A386-0413

To whom it may concern:

Attached for City of Austin review is the proposed Site Development Plan submittal of The Acre at Berkman, a proposed multifamily residential (townhome) development located on a 1.252-acre tract in the City of Austin Full Purpose Jurisdiction in Travis County, Texas (MAPSCO Grid 556K / City Grid L26). The address is 6203 Berkman Drive and the subject tract includes three tracts as described below.

- 1) Tract 1: Lots 2 and 3, Block A, of the Hickman Oaks Subdivision recorded in Document No. 201600305 (OPRTCTx)
- 2) Tract 2: Lots 1 and 2, Block A, of the Berkman Terrace Subdivision, recorded in Document No. 201600264 (OPRTCTX)
- 3) Tract 3: 0.5 acres of land conveyed to Berkman Terraces, LLC in special warranty deed recorded in Document No. 2017061605 (OPRTCTx), to be platted separately and linked to the other lots by Unified Development Agreement

The property is zoned GR-MU-CO-NP per zoning ordinance 20181213-062. The Mixed Use allows for the residential development with restrictions, such as building or structure heights which may not exceed 3 stories or 40 feet. The site development plans included herein are for the purposes of constructing access drives (off of Berkman Drive and Hickman Ave), underground water quality/detention pond, and associated utilities to serve the proposed townhome residential units. A total of 29 units is proposed with 10% affordable.

The subject property is currently vacant with scattered trees and urban land. The subject tract is not located within the 100-year floodplain as seen on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 48453C0455J, dated January 6, 2016. It is located within the Fort Branch Creek Watershed, which is classified as Urban watershed. No environmentally sensitive features or streams are located onsite. The existing runoff drains via overland flow from west to east. The proposed drainage design will capture the runoff and treat it to meet the "half-inch plus" required water quality volume through the use of an underground stacked water quality/detention pond. The detention pond will gravity drain to the a proposed storm sewer pipe extending down Hickman Avenue and connecting to the existing storm system within Wheless Lane.

The site is restricted by compatibility setbacks triggered by adjacent single-family uses and zoning. A Joint Use Access Drive is proposed within the 25' setback at the northeast corner of the site (within the "flag" portion of Lots 2 and 3 of the Hickman Oaks Subdivision). The drive provides access for the lots to Hickman Avenue. It is located more than 5' from the property line, and therefore a Land Use Commission variance will be sought to permit the construction of the drive.

Austin Water will provide water and wastewater service to the property. Water is proposed to connect to the existing 8" CI water line (A3751) located within Berkman Drive for domestic and fire service. The buildings are

proposed to be sprinkled. Wastewater is proposed to connect to the existing 8" concrete wastewater line (A5164) located within Hickman Avenue. Per the approved SER (Number 4937), offsite wastewater improvements are required. The offsite improvements include upsizing approximately 500 feet of wastewater line within Peggy Street to 12". The offsite improvements are detailed in these construction plans.

Per plat notes, fees-in-lieu of Parkland Dedication were paid for 10 units. Per the letter included herin, fee-in-lieu may be paid for the remaining units.

The proposed application is submitted for review under regulations currently in effect. I hereby certify that to the best of my knowledge this summary letter is correct and that the accompanying plans are complete and in compliance with the Land Development Code. If you have any questions, please do not hesitate to contact me at 512-439-4700.

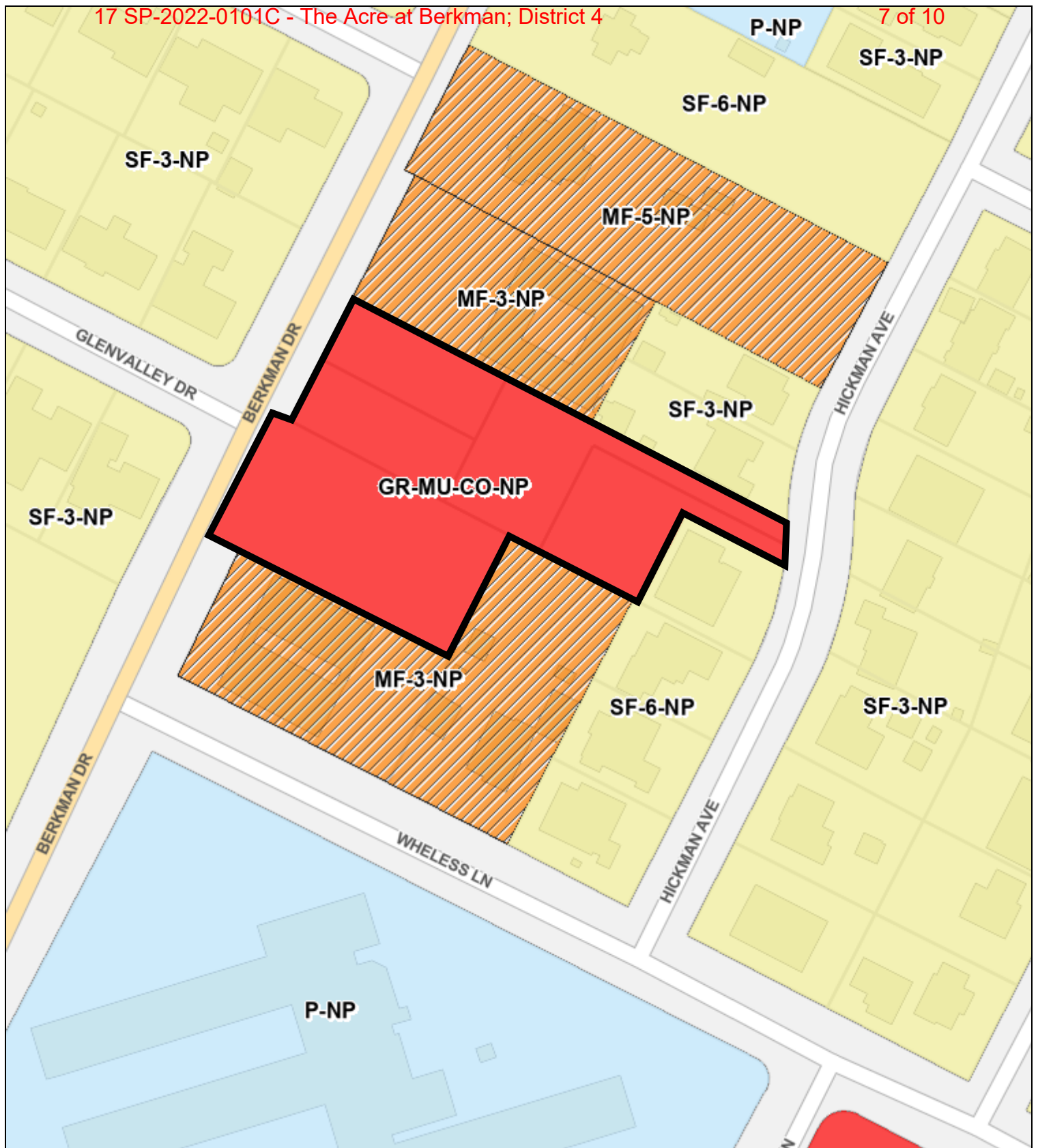
Sincerely,

LJA Engineering FRN F-1386



Hannah Riemer, P.E.
Project Manager





1: 1200

Zoning 1

Zoning

GR

MF

P

SF

Zoning Text

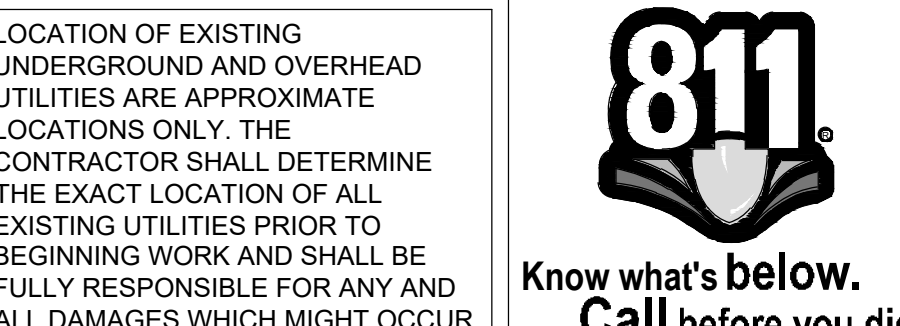
The Acre at Berkman


6203 Berkman Dr



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5/17/2023

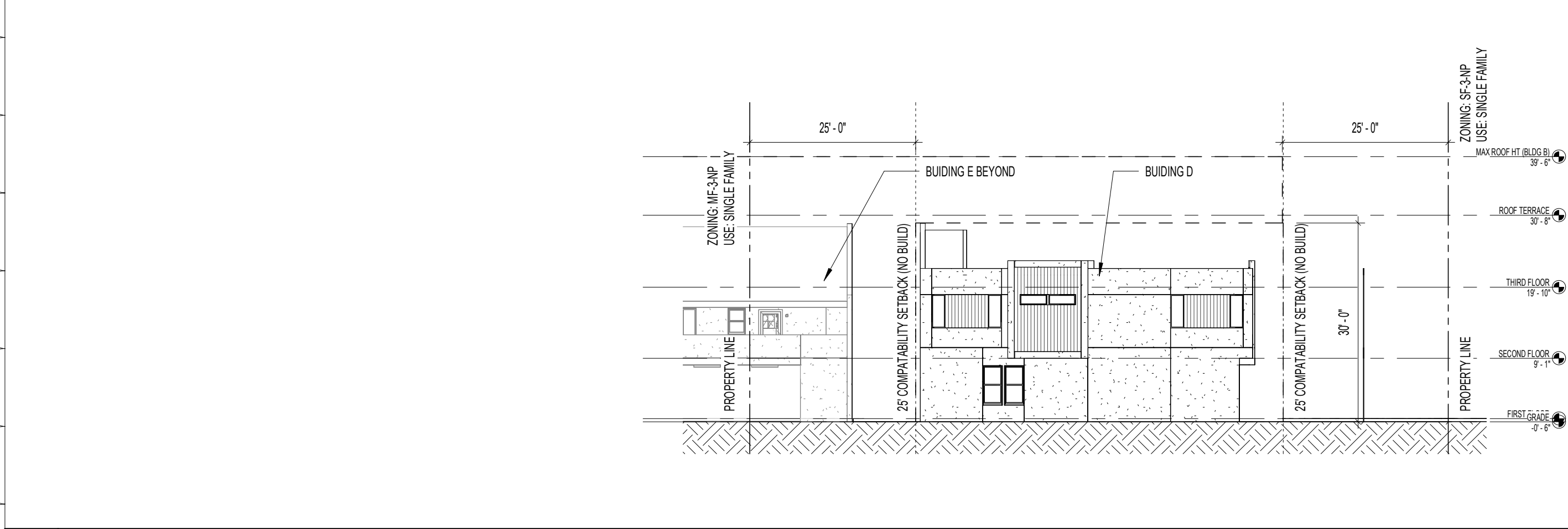


LJA Engineering, Inc. 7500 Rialto Boulevard Building 11, Suite 100 Austin, Texas 78735 Phone 512.438.4700 Fax 512.438.4700 FRAN-1-1386				DATE: 3/24/23 DESIGNED BY: --- DRAWN BY: --- CHECKED BY: --- DRAWING NAME: 6203-13-SP-2016		NO. _____ DESCRIPTION _____ BY _____ DATE _____	
JOB NUMBER: A386-0413		SHEET NO. 14		THE ACRE AT BERKMAN PLANS FOR SITE DEVELOPMENT		SITE PLAN	
OF 57 SHEETS		6203 BERKMAN DR, AUSTIN, TX 78723					



20 SITE SECTION - N-S 02

SCALE: 1/16" = 1'-0"



19 SITE SECTION - N-S 01

SCALE: 1/16" = 1'-0"



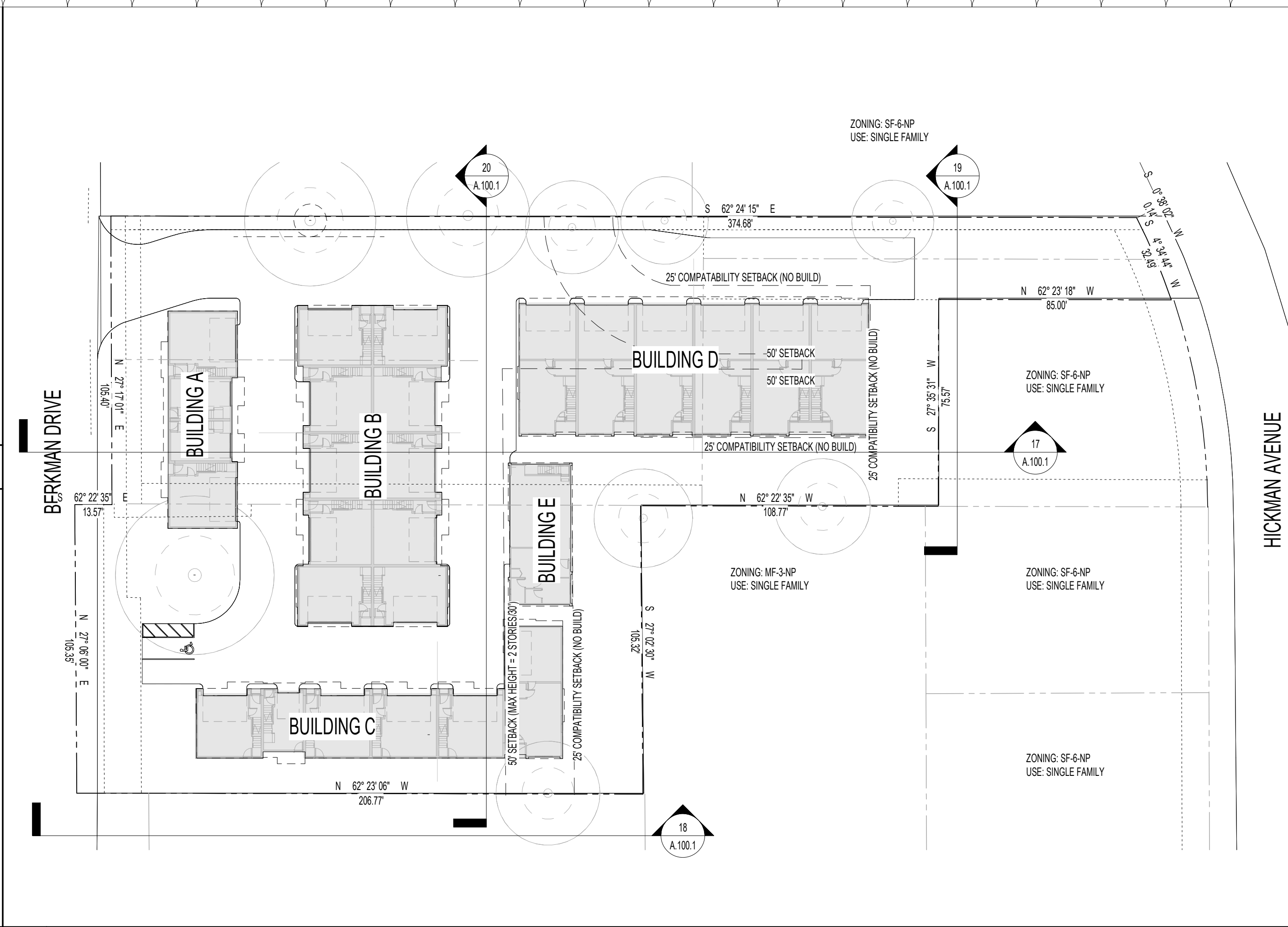
18 SITE SECTION - E-W 02

SCALE: 1/16" = 1'-0"



17 SITE SECTION - E-W 01

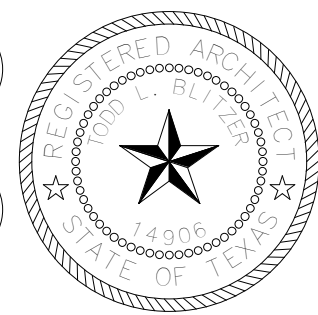
SCALE: 1/16" = 1'-0"



11 SITE PLAN - COMPATABILITY EXHIBIT

SCALE: 1/32" = 1'-0"

REVISIONS		
NO.	DATE	DESCRIPTION
D	2023.02.02	SPD REVISION 03



2023.02.02
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BERKMAN TERRACES

6203 BERKMAN DR
AUSTIN, TX 78723



6575 West Loop South
Suite 650
Bellaire, Texas 77401
p.713.626.4770
f.713.661.6606

PROJECT NO: 22-113
INITIAL PROJECT ISSUE DATE: 2022.07.25 DESCRIPTION: ISSUE FOR SPD

DRAWN BY: Author CHECKED BY: Checker

FILE PATH: C:\Users\lthacker\MIRADOR\Documents\22-113 - Berkman Terraces - Central - Site_Altackder.rvt

COMPATABILITY EXHIBIT

A.100.1

From: Davis Tucker <davistucker@gmail.com>
Sent: Monday, May 15, 2023 3:10 PM
To: Greenfield, Meg
Subject: Case Number SP-2022-0101C

Follow Up Flag: Follow up
Flag Status: Completed

You don't often get email from davistucker@gmail.com. [Learn why this is important](#)

*** External Email - Exercise Caution ***

Dear Ms. Greenfield,

I am responding to a letter I received regarding this case. I believe this is the same group that requested that this site be changed to multifamily. If that is correct, could you tell me what the outcome of that has been?

I attended the original hearing but it was postponed. I never received any further information about other scheduled hearings. I had requested that any further information regarding hearings be sent to me. I hope there's been no further action as I am very opposed to this change in the fabric of our neighborhood.

I will try to attend this hearing but in case I am unable to, please let me know what I need to do to state my opposition to this latest request for change.

I know you have thousands of things to deal with so thank you very much for your help.

Davis

Davis Tucker

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