C6/1

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

CASE: SP-2013-0058C **ZAP COMMISSION DATE:** December 3, 2013

PROJECT NAME: Austin Oaks Restaurant

ADDRESS: 7601 Wood Hollow Drive

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

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

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

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

COUNTY: Travis **AREA:** 77,474 sq. ft.

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

ORDINANCE: Comprehensive Watershed Ordinance (Current Code)

JURISDICTION: Austin Full Purpose

PROPOSED DEVELOPMENT:

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

DESCRIPTION OF VARIANCE:

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

STAFF RECOMMENDATION:

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

Staff Conditions

None

C6/2

Board Conditions

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

ENVIRONMENTAL BOARD ACTION:

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

ZONING AND PLATTING COMMISSION ACTION:

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ENVIRONMENTAL BOARD RECOMMENDATION 20131106 005c

November 6, 2013

Subject: Austin Oaks Restaurant SP-2013-0058C

Motioned By: Robert Deegan Seconded by: Jennifer Walker

RATIONALE:

WHEREAS, the applicant has met the Findings of Fact;

AND WHEREAS, the applicant has agreed to substantial mitigation in the form of removal of invasive species and restoration of the critical environmental feature area; now

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

Remove invasive species with CEF setback and restore with native 609S vegetation.

Date of approval: November 6, 2013

Record of the Vote [4-0-1-2]

For: Deegan, Maxwell, Neely, and Walker

Against: None

Abstained: None

Recusal: James Schissler

Absent: Gary and Perales

Attested by:

Mary Gay Maxwell

C6
/4

ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING DATE REQUESTED:	NOVEMBER 06, 2013
NAME & NUMBER OF PROJECT:	Austin Oaks Restaurant SP-2013-0058CT
NAME OF APPLICANT OR ORGANIZATION:	Jones & Carter, Inc. Shawn Graham, P.E., (512) 441-9493
LOCATION:	7601 Wood Hollow Drive
PROJECT FILING DATE:	Feb. 19, 2013
WPD/ERM STAFF:	Sylvia Pope 974-3429 sylvia.pope@austintexas.gov
PDRD/ENVIRONMENTAL STAFF:	Liz Johnston, 974-1218 liz.johnston@austintexas.gov
PDRD/ CASE MANAGER:	Donna Galati, 974-2733 donna.galati@austintexas.gov
WATERSHED:	Shoal Creek (Urban), Desired Development Zone
ORDINANCE:	Comprehensive Watershed Ordinance (current Code)
REQUEST:	1) Variance request is as follows: To allow construction of a restaurant and associated structures downslope of and at a distance less than 150 feet from a Critical Environmental Feature buffer, 25-8-281(C)(1)(a);

STAFF RECOMMENDATION: Recommend

REASONS FOR RECOMMENDATION: The findings of fact have been met.

C6/5

MEMORANDUM

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

FROM: Liz Johnston, Environmental Review Specialist Senior
Planning and Development Review Department

DATE: October 30, 2013

SUBJECT: Austin Oaks Restaurant, SP-2013-0058CT

On the November 06 , 2013 agenda is a request for the consideration of a variance to allow development of a restaurant and associated structures downslope of and at a distance less than 150 feet from a Critical Environmental Feature at the subject property.

Description of Property
The subject property is a 1.8 acre tract (Lot 4B, Koger Executive Center Unit Five) located in the Shoal Creek Watershed, which is classified as an Urban watershed and is located within the Desired Development Zone. The property is undeveloped and is surrounded by multifamily and office uses at the corner of Wood Hollow Drive and Executive Center Drive. The property is located within the Northern Edwards Aquifer Recharge Zone.

Existing Topography/Soil Characteristics/Vegetation
The project is bisected by a tributary to Shoal Creek and the associated 100-year floodplain and Critical Water Quality Zone. The topography ranges between approximately 734 to 768 mean sea level. According to the EA, the soils in this area are classified as the Brackett association, which consists of shallow, gravelly, calcareous, loamy soils overlying interbedded limestone and marl. Vegetation consists of a mix of native woodland, including Live Oak, Black Willow, Ashe Juniper, Hackberry, Cedar Elm and Mexican Buckeye, with many occurrences of non-native invasive species such as Japanese Privet, Chinaberry and Nandina.

Critical Environmental Features/Endangered Species
A wetland CEF is present along the length of the tributary and the proposed project is compliant with the preservation of the wetland. Additionally, the EA identified three other Critical Environmental Features near or adjacent to the property, including a rimrock, a spring/seep located along the rimrock, and a small sinkhole. The property is not known habitat for endangered species.

Description of Project
The project consists of a restaurant and associated development.

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Environmental Code Exception Request

The following exception to the land development code is requested:

1) To allow construction less than 150' from a Critical Environmental Feature setback, LDC 25-8-281(C)

Conditions for Staff Approval

1) Remove invasive species within the CEF setback and restore with native 609.S vegetation.

Recommendation

Staff recommends approval of the variances because the Findings of Fact (see attached) have been met.

CP/7

Staff Findings of Fact
Planning and Development Review Department
Environmental Criteria Manual Appendix U

Project:	**Austin Oaks Restaurant SP-2013-0058CT**
Ordinance Standard:	**Land Development Code Section 25-8-281(C)**
Variance Request:	**To allow construction of a restaurant and associated development within a Critical Environmental Feature (CEF) buffer.**

Justification:

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

Yes The proposed project is an urban infill project and adjacent properties were developed prior to the current requirements for CEF setbacks. The rimrock has already been affected by the existing development located directly upslope from the proposed project. The property is also bisected by a Critical Water Quality Zone, which significantly constrains the developable area on the lot.

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 Due to the site constraints, it would be difficult to develop the site commercially for any project without requiring a CEF variance. To provide greater overall environmental protection, the applicant is proposing to remove invasive vegetation from the area adjacent to the rimrock and swale, which is not required by current code.

C6/8

B) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;
Yes – The site is zoned GR, which allows 90% impervious cover. The proposed development is a reasonable use of the property. Any project likely to occur in a GR zoning district would encounter the same site constraints.

C) Does not create a significant probability of harmful environmental consequences;
Yes – The project is located downslope from the rimrock and therefore will not affect the rimrock.

3) 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?
Not applicable.

Environmental Reviewer: Liz Johnston

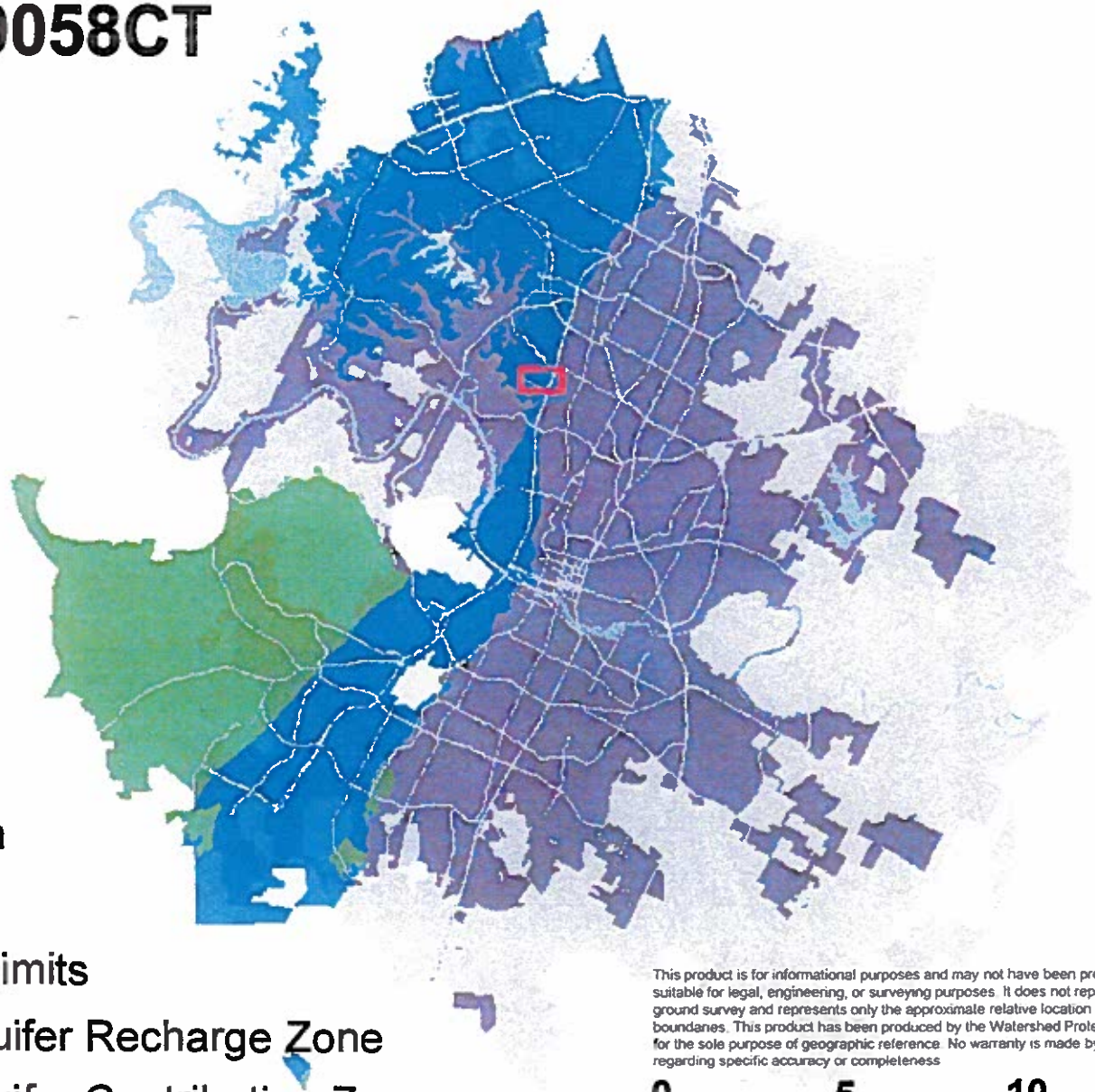
Environmental Program Coordinator: Sue Barnett

Environmental Officer: Chuck Leshiak

Date: October 30, 2013

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

SP-2013-0058CT



Site Location

Austin ETJ

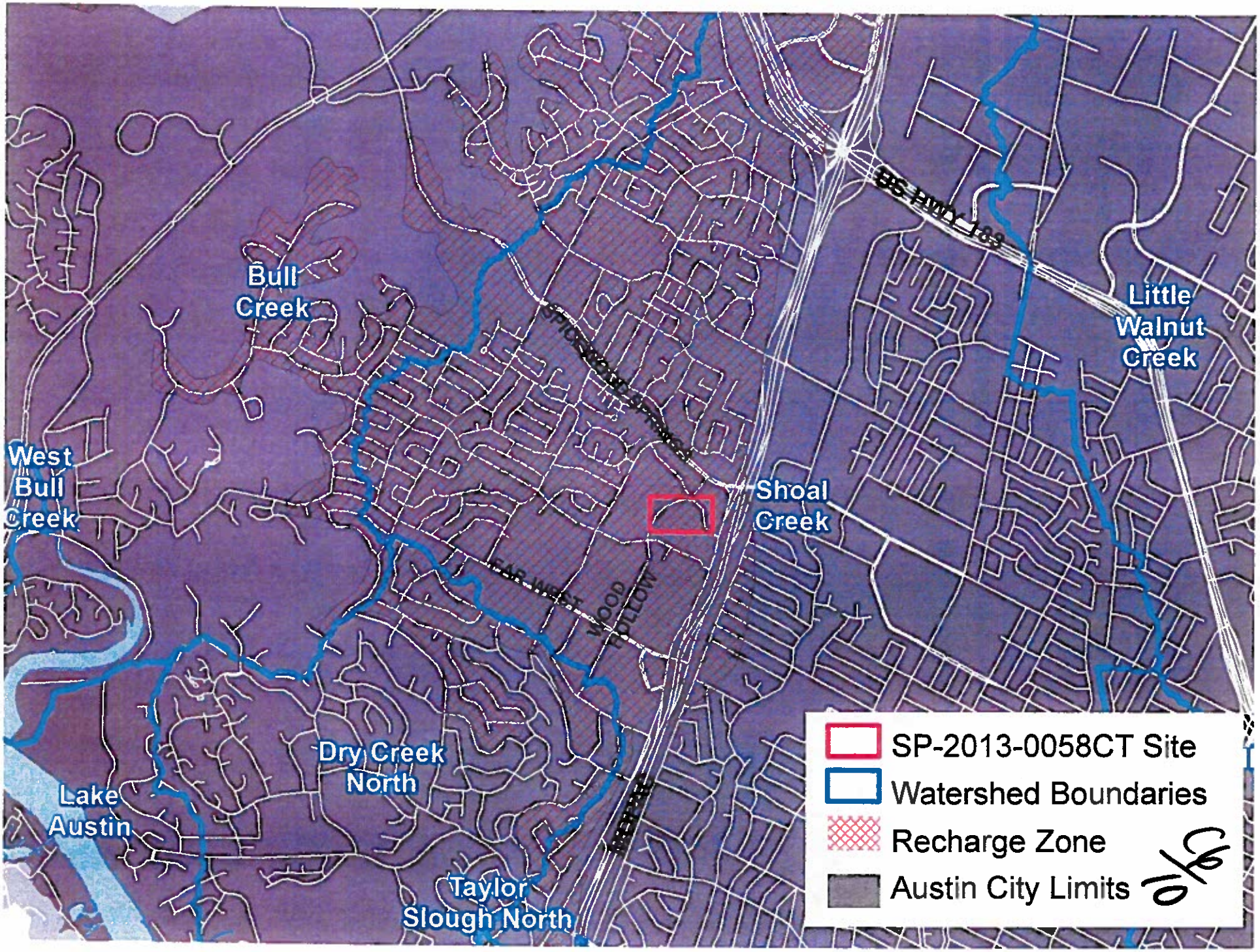
Austin City Limits

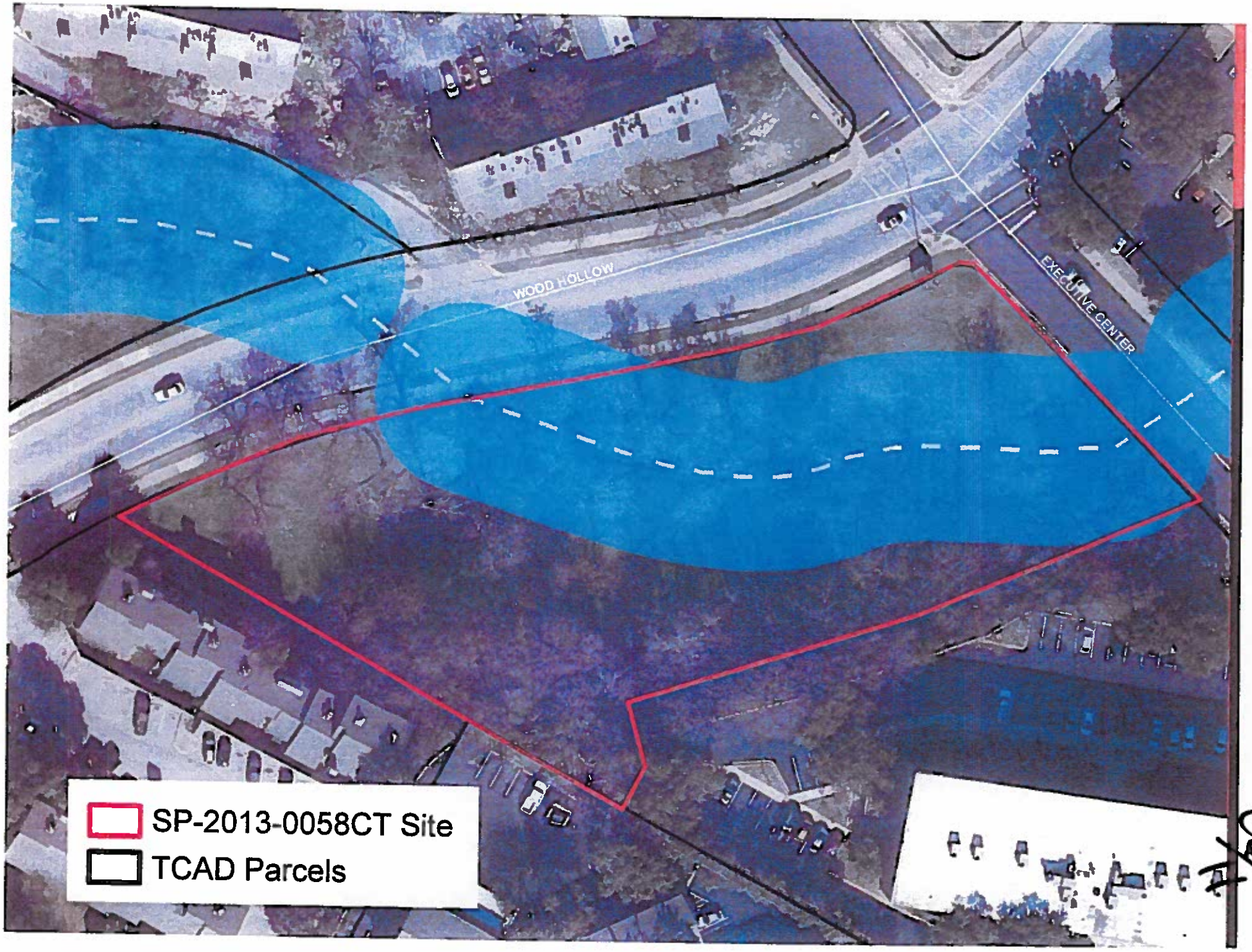
Edwards Aquifer Recharge Zone

Edwards Aquifer Contributing Zone

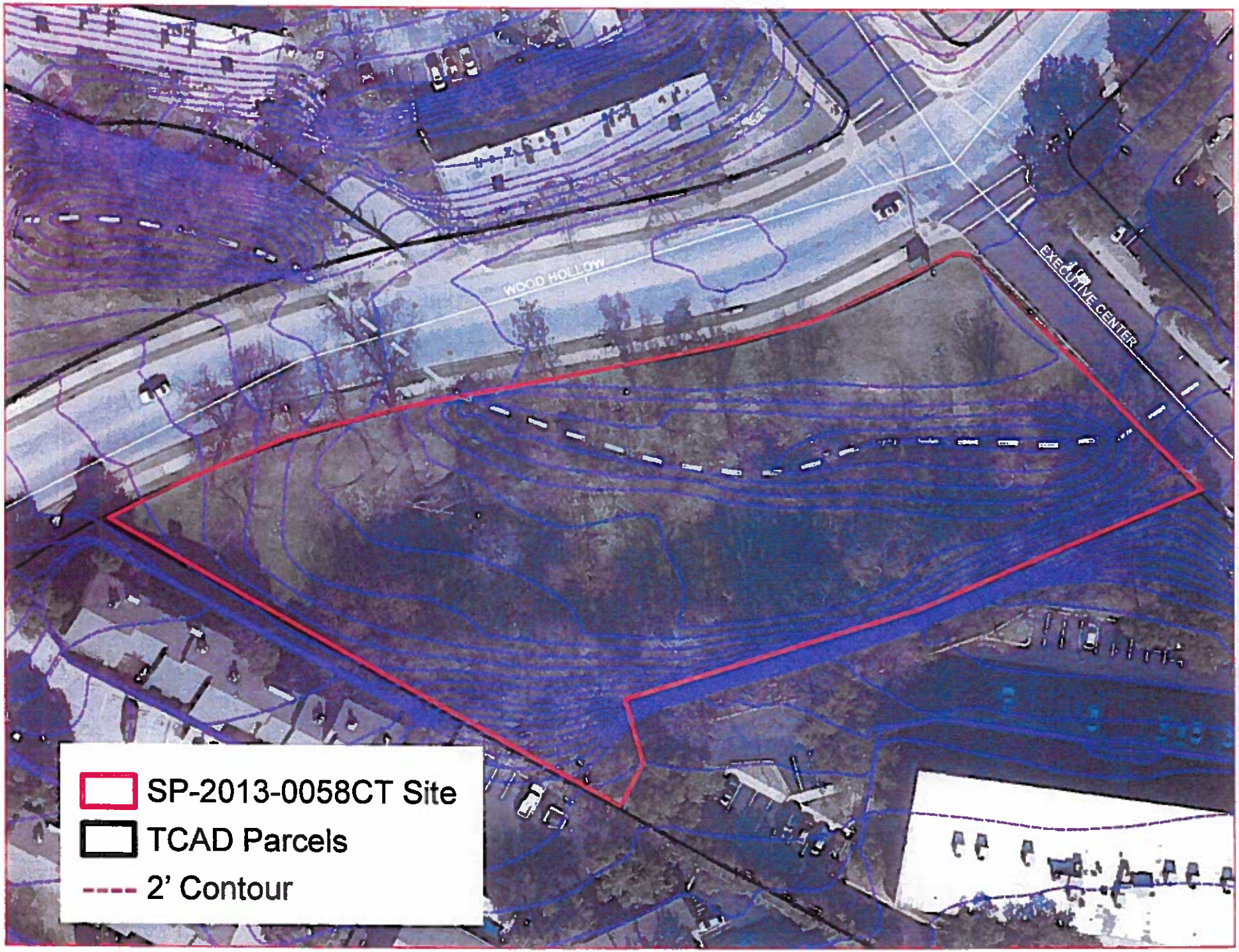
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the Watershed Protection Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness

0 5 10 Miles


Bull Creek
West Bull Creek
Lake Austin
Dry Creek North
Taylor Slough North
Shoal Creek
Little Walnut Creek
FAR WEST
WOOD HOLLOW
SPICEWOOD SPRINGS
US HWY 183
SP-2013-0058CT Site
Watershed Boundaries
Recharge Zone
Austin City Limits


WOOD HOLLOW
EXECUTIVE CENTER
SP-2013-0058CT Site
TCAD Parcels

C9

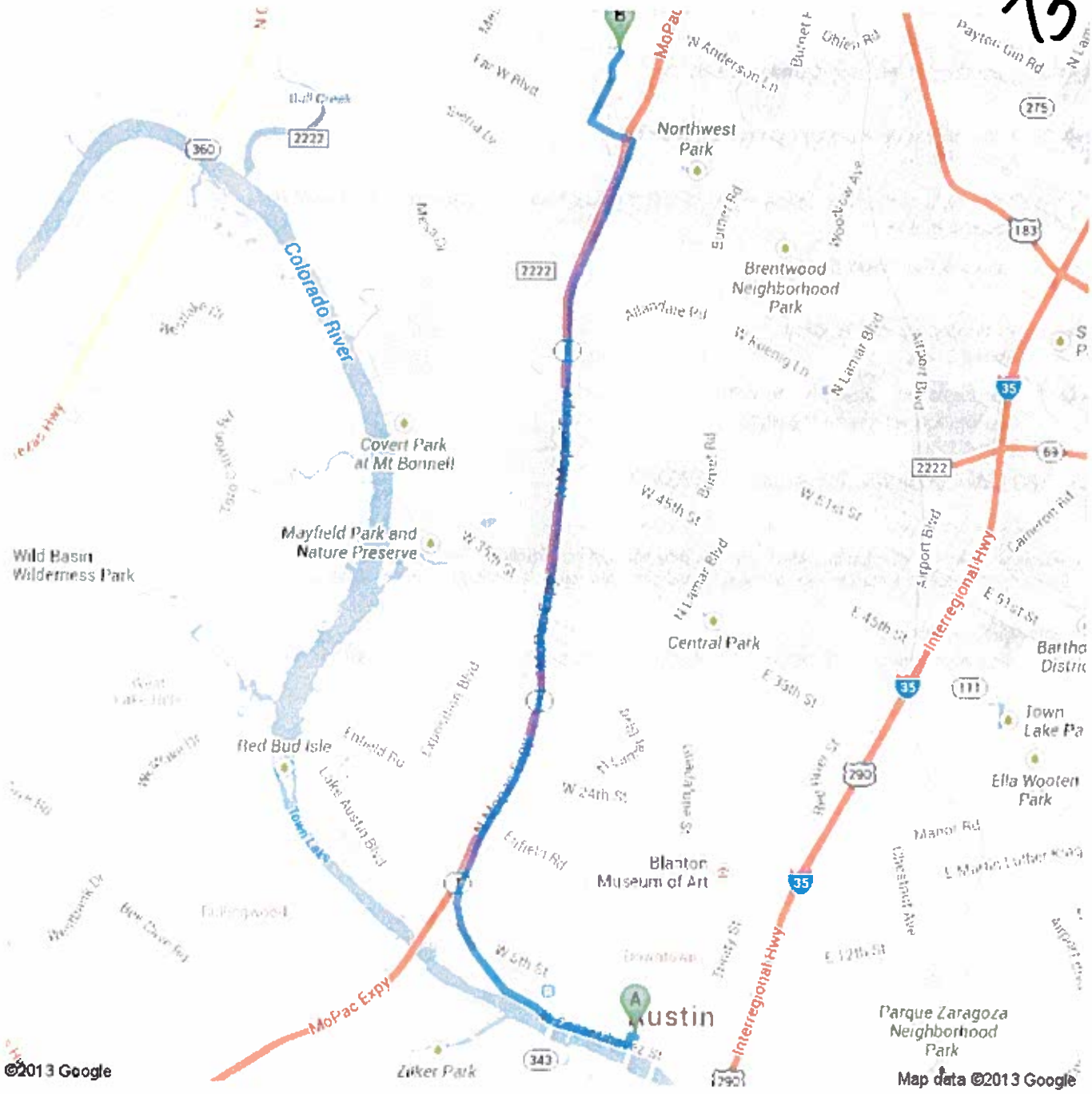

WOOD HOLLOW
EXECUTIVE CENTER
SP-2013-0058CT Site
TCAD Parcels
2' Contour

C6/12

Google

Directions to 7601 Wood Hollow Dr, Austin, TX 78731
7.8 mi – about 12 mins

C6/13



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301 W 2nd St, Austin, TX 78701

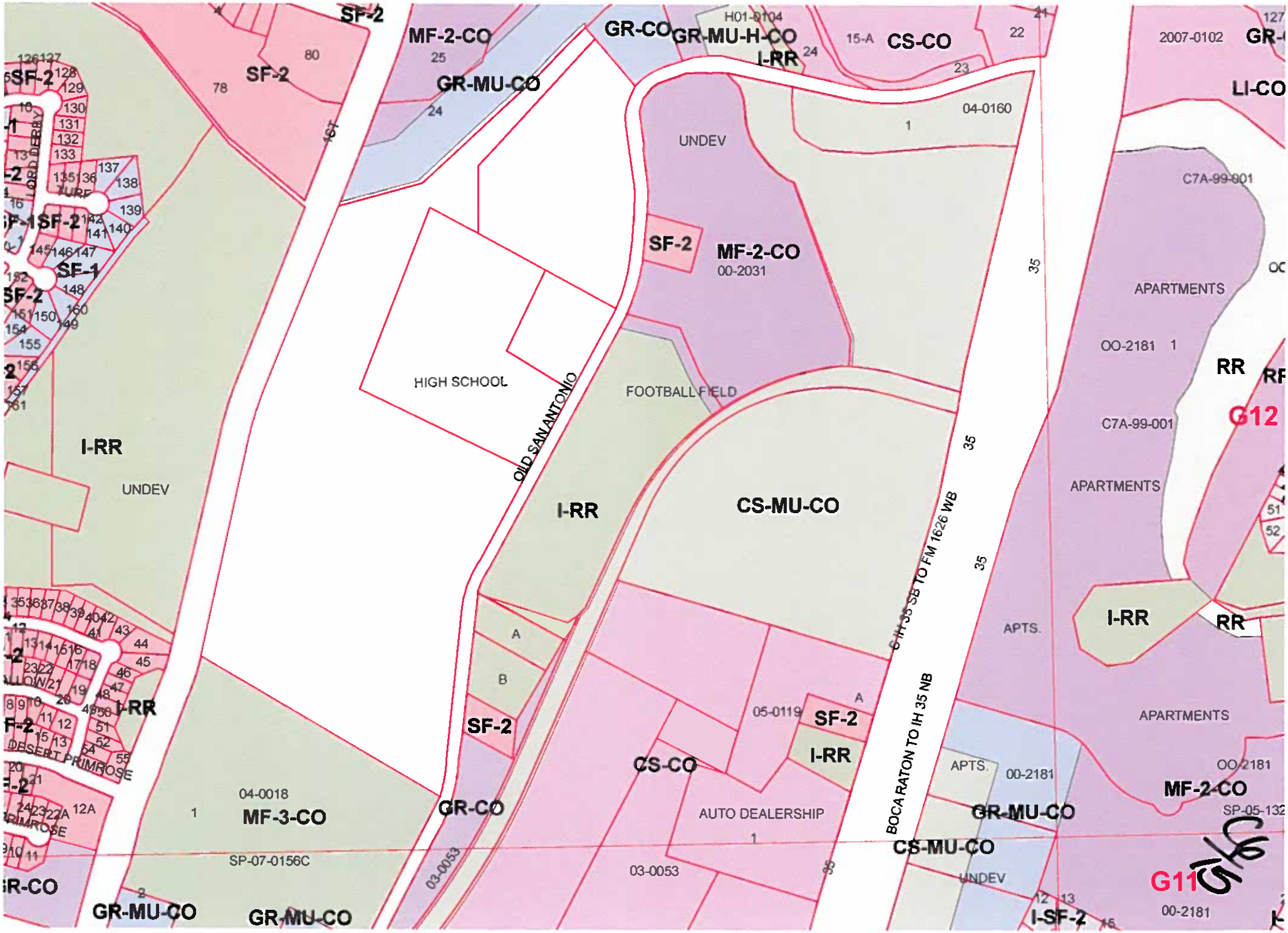
	1. Head **west** on **W 2nd St** toward **Guadalupe St**	go 217 ft total 217 ft
	2. Take the 1st left onto **Guadalupe St**	go 358 ft total 0.1 mi
	3. Take the 1st right onto **W Cesar Chavez St** About 2 mins	go 1.2 mi total 1.4 mi
	4. Keep right at the fork, follow signs for **TX-1 Loop N** and merge onto **TX-1 Loop N** About 5 mins	go 5.4 mi total 6.8 mi
	5. Take the **Far West Blvd** exit	go 0.2 mi total 7.0 mi
	6. Turn left onto **Far W Blvd** About 1 min	go 0.3 mi total 7.3 mi
	7. Turn right onto **Wood Hollow Dr** Destination will be on the right About 1 min	go 0.5 mi total 7.8 mi

7601 Wood Hollow Dr, Austin, TX 78731

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2013 Google

Directions weren't right? Please find your route on maps.google.com and click "Report a problem" at the bottom left.


SF-2
MF-2-CO
GR-CO
GR-MU-H-CO
H01-0104
CS-CO
15-A
2007-0102
LI-CO
GR-MU-CO
I-RR
04-0160
UNDEV
C7A-99-001
APARTMENTS
OO-2181
RR
G12
HIGH SCHOOL
FOOTBALL FIELD
OLD SANANTONIO
MF-2-CO
00-2031
SF-1
I-RR
UNDEV
CS-MU-CO
6-H-35 SB TO FM 1626 WB
BOCA RATON TO IH 35 NB
APTS.
05-0119
AUTO DEALERSHIP
04-0018
MF-3-CO
SP-07-0156C
03-0053
SP-05-132
G11
I-SF-2
DESERT PRIMROSE

C6/16

ENVIRONMENTAL BOARD VARIANCE APPLICATION TEMPLATE

October 25, 2013

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

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

Dear Commissioners:

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

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

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

Sincerely,

Shawn Graham, P.E., LEED AP.

October 29, 2013

C6/17

PROJECT DESCRIPTION

Applicant Contact Information

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

Variance Case Information

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

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Impervious cover	Existing	Proposed
square footage:	0.0	13,144
acreage:	0.0	0.3017
percentage:	0.0	17.0

Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)	The lot is a 1.779-acre tract that is bisected by a swale with a 50–foot Critical Water Quality Zone. The north and west sides of the lot are bounded by Executive Center Drive and Wood Hollow Drive, respectively, and there are steep slopes on the south and east sides of the lot. The site is partially wooded along the swale and there are three heritage trees on the lot. The adjacent properties are occupied by an office building constructed in 1974 on the east and apartment buildings constructed in 1974 and 1982 per the County tax records. The rimrock for which the variance is requested is located upgradient of the lot to the east on the office building property. The proposed development will be downgradient from the rimrock and will not cause any impact to the rimrock.

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The request is to reduce the CEF setback to 25-feet from the rimrock on the adjacent property. The director can approve administrative variances to 50 feet, but due to the other constraints, including the Critical Water Quality Zone, the request is to allow grading up to 25 feet downgradient of the rimrock.

FINDINGS OF FACT

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

Include an explanation with each applicable finding of fact.

October 29, 2013

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Project: Austin Oaks Restaurant

Ordinance:

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

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

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

2. The variance:

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

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

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

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

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

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

C9/20

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

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

   N/A

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

   N/A

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

   N/A

**Variance approval requires all above affirmative findings.

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Exhibits for Board Backup and/or Presentation

Please attach and paginate.

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

JONES & CARTER, INC.
ENGINEERS • PLANNERS • SURVEYORS

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

TEL 512 441 9493
FAX 512 445 2286

ROSENBERG
SAN ANTONIO
THE WOODLANDS
BRYAN/COLLEGE STATION

AUSTIN
DALLAS
HOUSTON
BRENHAM
GREENSPOINT

Texas Board of Professional Engineers Registration No. F-439

C9/22

October 28, 2013

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

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

Dear Commissioners:

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

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

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

Sincerely,

Shawn Graham

Shawn Graham, P.E., LEED AP

JMS/scg
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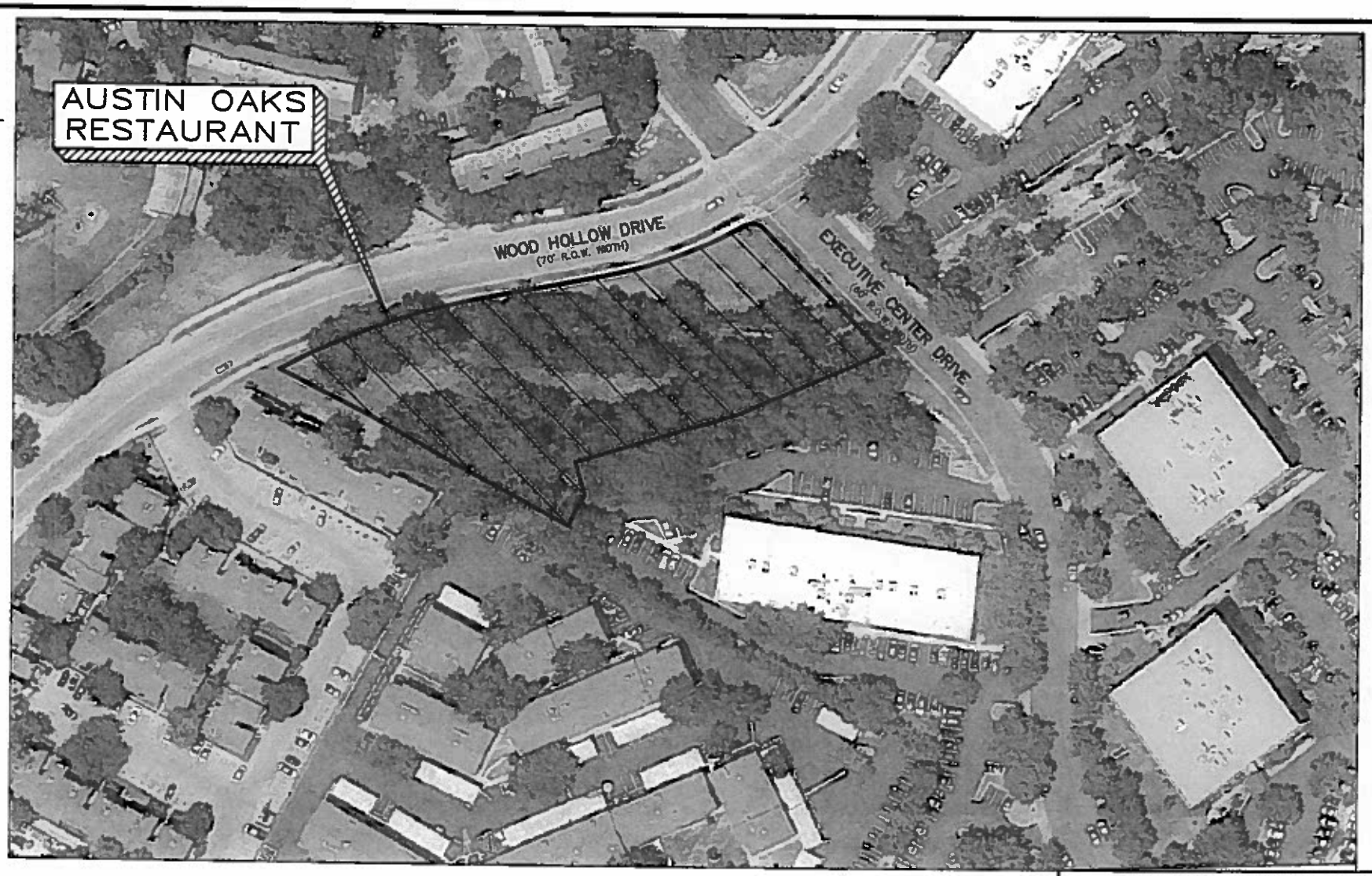

AUSTIN OAKS RESTAURANT

LOCATION MAP

JONES & CARTER, INC.
ENGINEERS • PLANNERS • SURVEYORS
Texas Board of Professional Engineers Registration No. F-439
1701 Directors Blvd., Suite 400 Austin, Texas 78744 (512) 441-9493

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

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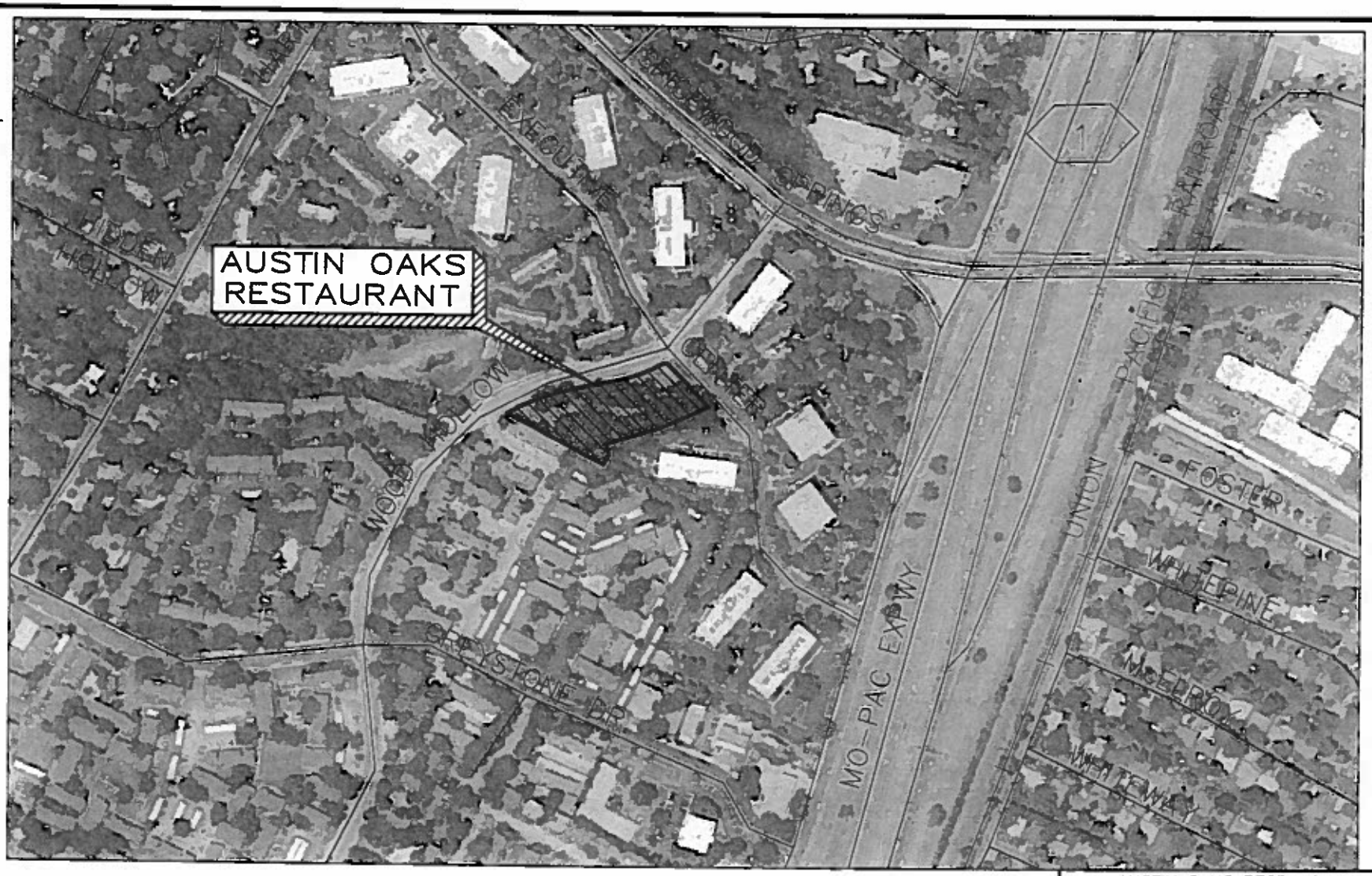
C6/23



AUSTIN OAKS RESTAURANT

VICINITY MAP

JONES & CARTER, INC.
ENGINEERS • PLANNERS • SURVEYORS
Texas Board of Professional Engineers Registration No. F-439
1701 Directors Blvd., Suite 400 Austin, Texas 78744 (512) 441-9493

SCALE: 1" = 600'
DATE: 10/28/2013
JOB NO: A675-002

C6/24

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AUSTIN OAKS RESTAURANT

SP-2013-0058CT

PHOTO OF RIMROCK