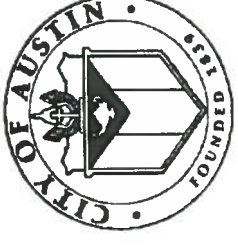


66



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)

STAFF RECOMMENDATION: Approval of all variances with conditions.

REASONS FOR RECOMMENDATION: Findings of fact have been met.



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

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-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 recommended 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)

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)



**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

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

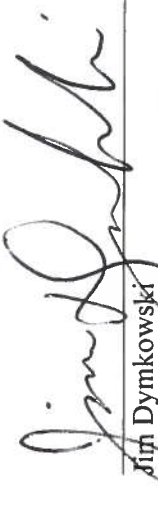
3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

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).



**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:

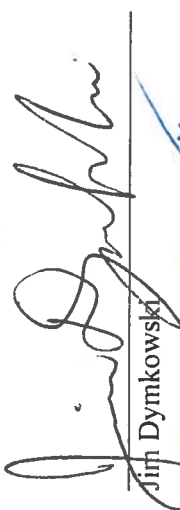
- A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

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.

- 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).



**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

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).



**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.

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.

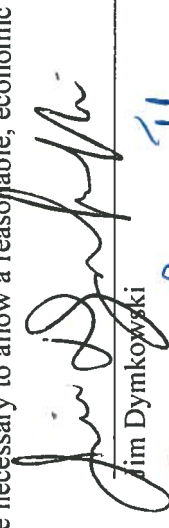
B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

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).



**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.

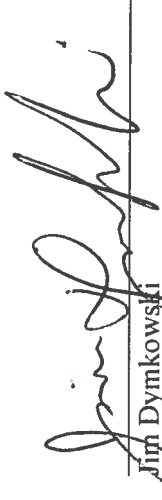
3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

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).

Four Corners – SPC-2013-0257C
Driving Directions

Beginning at Austin City Hall 301 W 2nd Street:

Go west on Cesar Chavez approximately 1.2 miles.

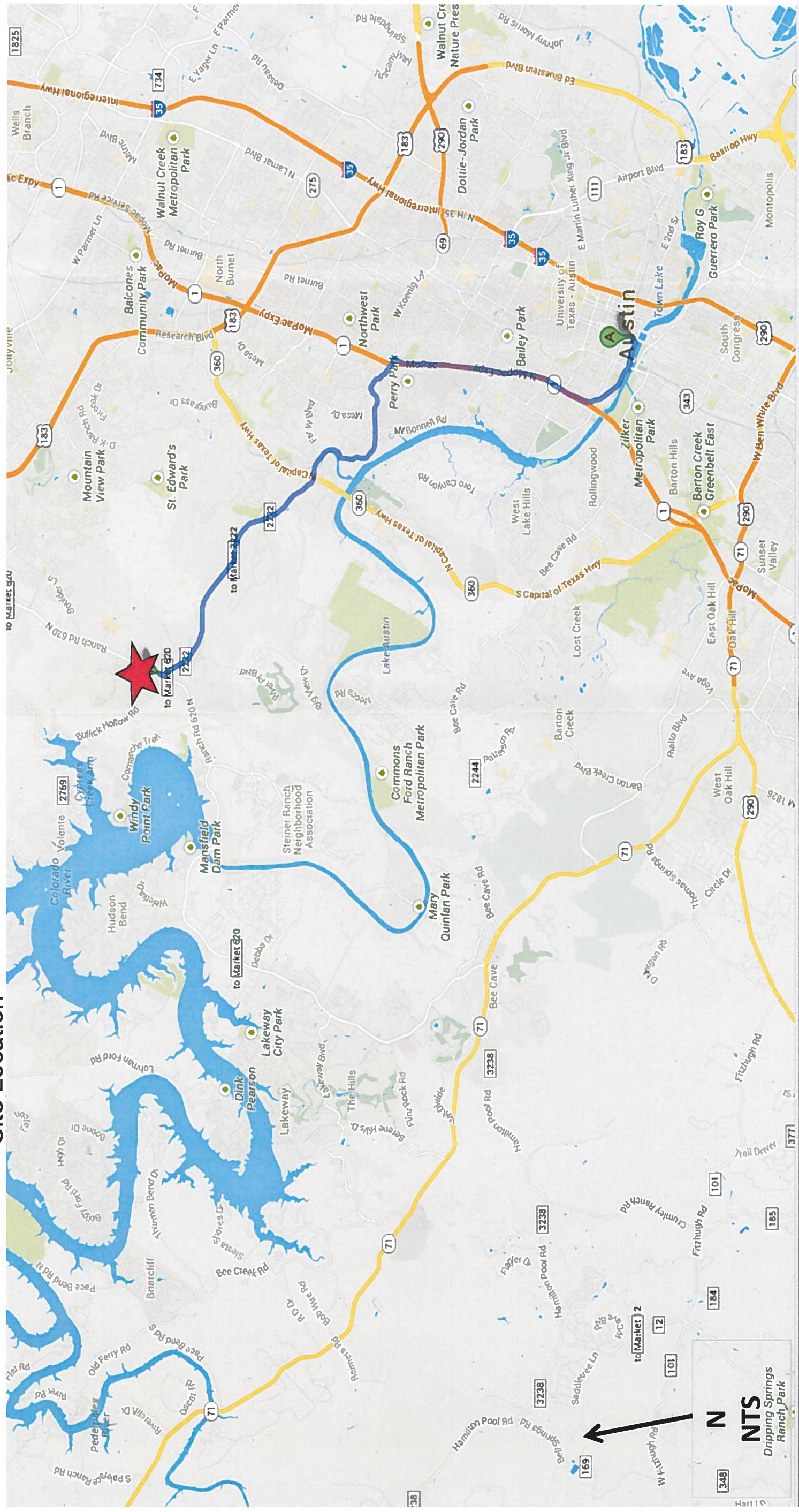
Go north on Mopac Loop 1 approximately 4.2 miles to exit for RM 2222.

Turn left and go west on FM 2222 approximately 8.5 miles.

The project is at the northwest corner of the intersection of FM 2222 and RR 620.

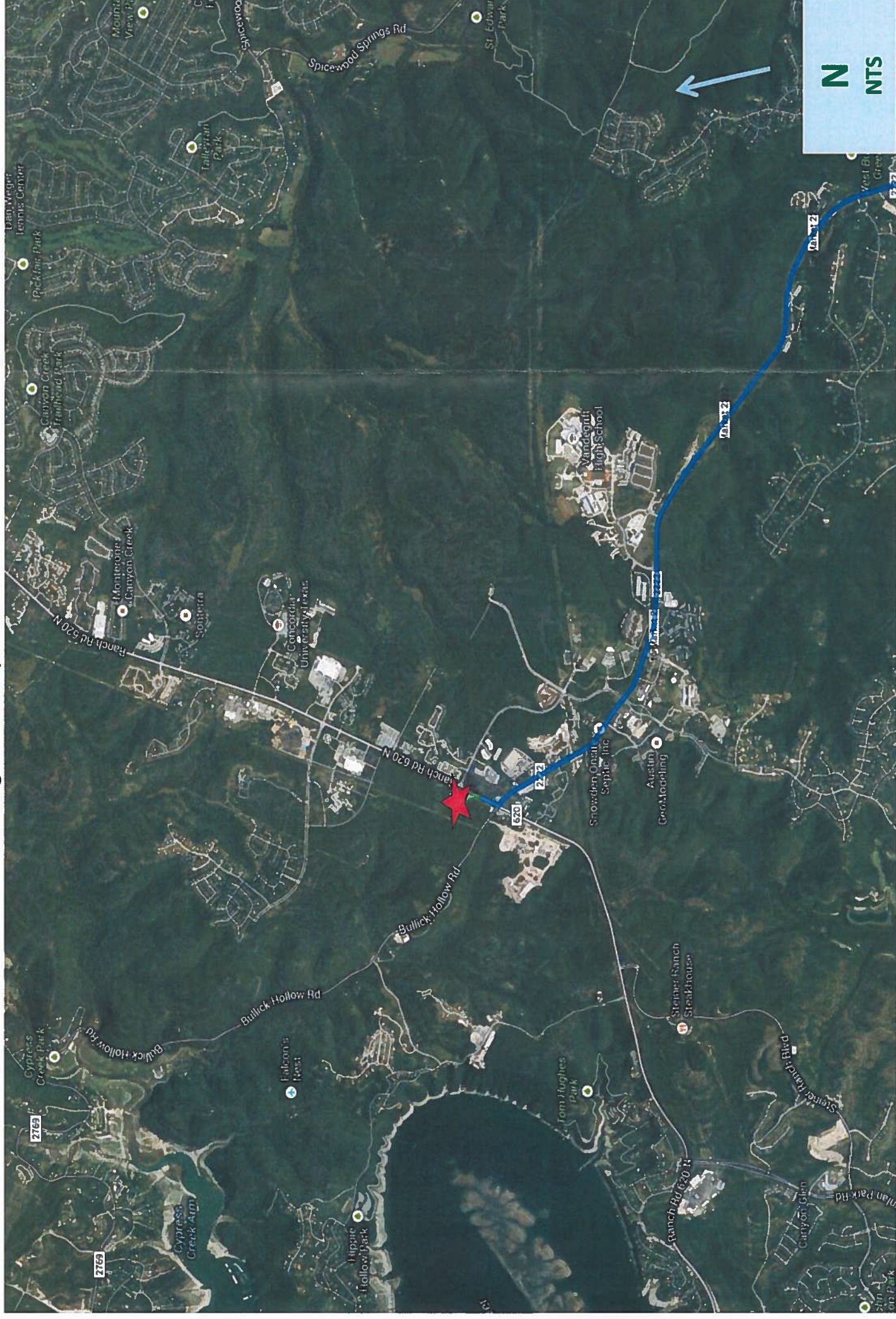
7300 N FM 620 RD W/BLDGS

Four Corners
SPC-2013-0257C
Site Location

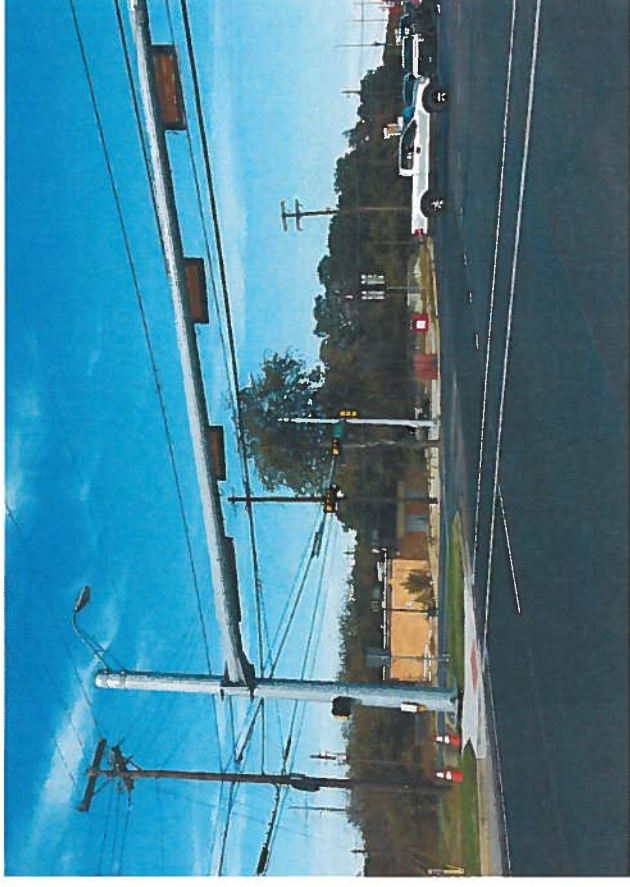




Four Corners
SPC-2013-0257C
Surrounding Development



Four Corners
SPC-2013-0257C
Site Photos



Looking northwest into site from intersection



Looking Southwest into site from 620

Four Corners
SPC-2013-0257C
Site Photos - Continued



Area of proposed fill at driveway entrance to Tract 2 off Bullick Hollow



Area of proposed fill over 4 feet and construction on slopes near building on Tract 2



Environmental Services, Inc.

25 September 2012

Environmental Assessment Information
City of Austin Land Development Code (Section 25-8-121)
Compliance Report

RE: Four Points CVS, RM 620 at RM 2222, Austin, Travis County, Texas
HJN 120142 EA

1.0 INTRODUCTION

This report provides the results of an environmental assessment conducted by Horizon Environmental Services, Inc. (Horizon) on the above-referenced site. Horizon conducted the field reconnaissance on 17 September 2012. Horizon spent a minimum of 3 person-hours in the field evaluating the site and surrounding area, and completed the assessment process by conducting a review of existing literature.

2.0 ENVIRONMENTAL SETTING

2.1 LAND USE

The current use of the subject site is a vacant woodland (Appendix A, Photo 1) with an abandoned gas station in the southwest corner, a concrete driveway and foundation from a demolished home site on the eastern boundary, and 2 overhead transmission lines, 1 traversing the southern and eastern boundaries and another transecting the western portion of the subject site. The following land uses border the subject site:

North:	Vacant woodland with overhead transmission line right-of-way (ROW)
South:	Bullick Hollow Road, gas station, Ranch-to-Market (RM) 620, and Walgreens commercial development
East:	RM 620 and HEB commercial development
West:	Vacant woodland and Bullick Hollow Road

2.2 VEGETATION

The subject site is situated within the cross timbers vegetational area of Texas (Gould, 1975). Vegetation is characterized as plateau live oak (*Quercus fusiformis*), shin oak (*Quercus durandii* var. *breviloba*), Spanish oak (*Quercus buckleyi*), Ashe juniper (*Juniperus ashei*), cedar elm (*Ulmus crassifolia*), chinaberry (*Melia azedarach*), Chinese privet (*Ligustrum sinense*), Texas persimmon (*Diospyros texana*), elbow bush (*Forestiera pubescens*), Texas prickly pear (*Opuntia engelmannii* var. *linheimeri*), silver bluestem (*Bothriochloa saccharoides*),

120142 EA.docx

CORPORATE HEADQUARTERS
1507 South IH 35 ★ Austin, Texas 78741 ★ 512.328.2430 ★ Fax 512.328.1804 ★ www.horizon-esi.com
Certified WBE/HUB/DBE/SBE

little bluestem (*Schizachyrium scoparium*), Texas croton (*Croton texensis*), common greenbrier (*Smilax rotundifolia*), giant ragweed (*Ambrosia trifida*), prairie flameleaf sumac (*Rhus lanceolata*), twistleaf yucca (*Yucca rupicola*), and mustang grape (*Vitis mustangensis*). No wetland vegetation was observed on site.

2.3 TOPOGRAPHY AND SURFACE WATER

The subject site is within the Lake Travis/Colorado River Watershed (COA, 1998). Topographically, the site ranges from approximately 1000 to 1045 feet above mean sea level (USGS, 1987). Drainage on the subject site occurs primarily by overland sheet flow in a northeast-to-southwest direction toward Bullick Hollow. None of the subject site is within the 100-year floodplain (FEMA, 2008). A review of the National Wetland Inventory maps showed no potential wetland areas on the subject site (USFWS, 1993).

2.4 SOILS

Soils mapped within the subject site include the following:

TABLE 1 – SOILS

SOIL NAME	SOIL TYPE	SOIL DEPTH (FEET)	UNDERLYING MATERIAL	PERMEABILITY	AVAILABLE WATER CAPACITY	SHRINK-SWELL CAPACITY
Tarrant soils, 5 to 18% slopes, (TaD)	very stony clay	0 to 0.67	bedrock	moderately low	very low	low
Tarrant and Speck soils, 0 to 2% slopes, (TcA)	clay loam-very stony clay	0 to 0.83-1.17	gravelly clay-bedrock	moderately low	very low	moderate-low

Source: NRCS, 2012a and 2012b

2.5 EDWARDS AQUIFER ZONE

The subject site is not found within the Edwards Aquifer Recharge, Transition, and/or Contributing Zones (COA, 1998, and TCEQ, 2012).

2.6 GEOLOGY

A review of existing literature shows the site is underlain by the Fredericksburg Group undivided (Kfr). The Fredericksburg Group undivided is composed of limestone, dolomite, chert, and minor marl. This group has an exposed thickness of 50 feet and can be gray, yellow, white, or pink (UT-BEG, 1981).

2.7 WATER WELLS

A review of the records of the Texas Water Development Board (TWDB) revealed no documented water wells on or within 150 feet from the subject site (TWDB, 2012). One-uncapped water well casing was observed on the subject site during Horizon's site reconnaissance (Appendix A, Photo 2). The water well was located west of the concrete foundation of the demolished home site (Appendix A, Figure 1).

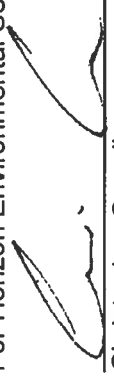
If the on-site well is not intended for future use, it should be capped or properly abandoned according to the Administrative Rules of the Texas Department of Licensing and Regulation (TDLR), 16 Texas Administrative Code (TAC), Chapter 76. Texas Commission on Environmental Quality (TCEQ) publication RG-347, "Landowner's Guide to Plugging Abandoned Water Wells," provides specific guidance. If a well is intended for use, it must comply with 16 TAC §76.

The results of this assessment do not preclude the existence of additional undocumented/abandoned wells. If a water well or casing is encountered during construction, work should be halted near the feature until the TCEQ is contacted.

3.0 CRITICAL ENVIRONMENTAL FEATURES

The City of Austin definition of a critical environmental feature (CEF) includes caves, sinkholes, springs, wetlands, bluffs, canyon rimrock, water wells within the Edwards Aquifer, and significant recharge features located over the Edwards Aquifer Recharge Zone. No potential CEFs as defined by the City of Austin were found on or within 150 feet from the subject site. One water well was identified within the subject site, but, because the subject site is not within the Edwards Aquifer, it is not considered a CEF. One drainage was identified on the western portion of the subject site, but no wetland vegetation was observed within the drainage (Appendix A, Photo 3).

For Horizon Environmental Services, Inc.


Christopher Carrell
Environmental Specialist

25 September 2012
Date

4.0 REFERENCES

- (COA) City of Austin. *Austin Watershed Regulation Areas*. Austin, Texas: City of Austin, Department of Planning and Development. 30 January 1998.
- (FEMA) Federal Emergency Management Agency. Flood Insurance Rate Map (FIRM) Panel No. 48453C0240H, Travis County, Texas. 26 September 2008.
- Gould, F.W. *Texas Plants – A Checklist and Ecological Summary*. College Station: Texas A&M University. 1975.
- (NRCS) US Department of Agriculture, Natural Resources Conservation Service. 2012a. Web Soil Survey, <<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>>. Accessed 13 September 2012.
- _____. 2012b. Soil Data Mart, <<http://soildatamart.nrcs.usda.gov/>>. Accessed 13 September 2012.
- (TCEQ) Texas Commission on Environmental Quality. Edwards Aquifer Protection Program. Edwards Aquifer Viewer, <<http://gis.tceq.state.tx.us/website/firedwards1/viewer.htm>>. Accessed 13 September 2012.
- (TWDB) Texas Water Development Board. Water Information Integration and Dissemination System. TWDB Groundwater Database (ArcIMS), <http://wiid.twdb.state.tx.us/fms/www_dri/viewer.htm?DISCL=1&>. Accessed 13 September 2012.
- (USDA) US Department of Agriculture. Digital orthophoto quarter-quadrangle, Jollyville, Texas. National Agriculture Imagery Program, Farm Service Agency, Aerial Photography Field Office. 2010.
- (USFWS) US Department of the Interior, Fish and Wildlife Service. National Wetland Inventory Map, Jollyville, Texas. 1993.
- (USGS) US Geological Survey. 7.5-minute series topographic maps, Jollyville, Texas, quadrangle. 1987.
- (UT-BEG) University of Texas Bureau of Economic Geology, C.V. Proctor, Jr., T.E. Brown, J.H. McGowen, N.B. Waechter, and V.E. Barnes. *Geologic Atlas of Texas*, Austin Sheet, Francis Luther Whitney Memorial Edition. 1974; revised 1981.

APPENDIX A
Site Findings Map
Photo Page

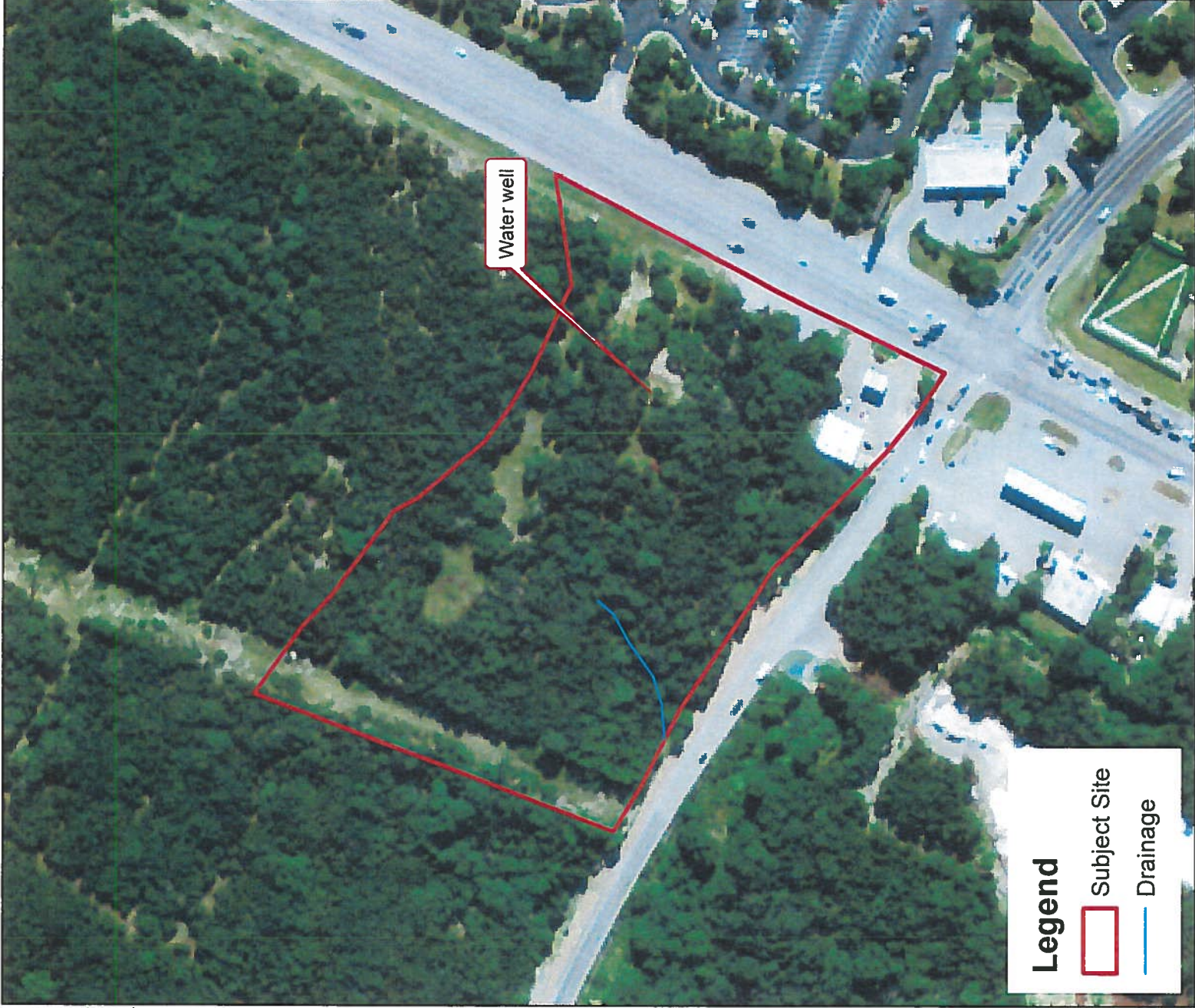
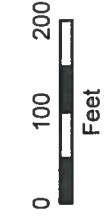


FIGURE 1

SITE FINDINGS MAP
FOUR POINTS CVS
RM 620 AT RM 2222
AUSTIN, TRAVIS COUNTY, TEXAS



Horizon
Environmental Services, Inc.

Q:\Prol. 2012\120142 - 4 Points CVS\photos\Pict1.cdr | CEC | 9-25-2012

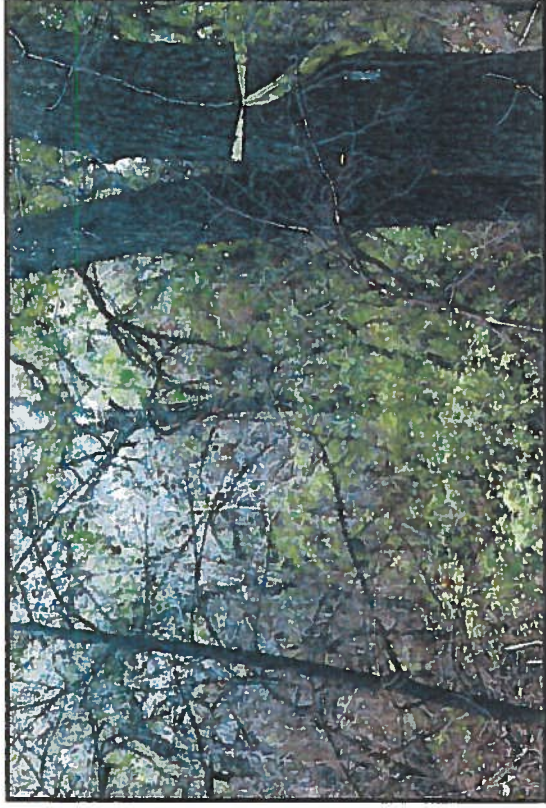


PHOTO 1
Typical view of vegetation
within the subject site



PHOTO 2
View of uncapped water well
observed on the subject site



PHOTO 3
View of drainage, image taken
from headwaters facing west



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?

- **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.**

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,
LONGARGO & 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



ENVIRONMENTAL BOARD VARIANCE APPLICATION TEMPLATE

Insert Applicant Variance Request Letter here.

PROJECT DESCRIPTION
Applicant Contact Information

Name of Applicant	GDF Realty, LTD
Street Address	114 West 7 th Street, Ste. 1100
City State ZIP Code	Austin, Texas 78701
Work Phone	(512) 495-1400
E-Mail Address	rjgeorge@gbkh.com

Variance Case Information

Case Name	Four Corners Commercial
Case Number	SPC-2013-0257C
Address or Location	7300 North FM 620
Environmental Reviewer Name	Jim Dymkowski
Applicable Ordinance	Tract 1 – Lake Travis Watershed Ordinance No. 84-03-08-K Tract 2 – CWO
Watershed Name	Lake Travis
Watershed Classification	☐ Urban ☐ Suburban ☐ Water Supply Suburban ☒ Water Supply Rural ☐ Barton Springs Zone

December 10, 2013

Edwards Aquifer Recharge Zone	☐ Barton Springs Segment ☐ Not in Edwards Aquifer Zones	☒ Northern Edwards Segment
Edwards Aquifer Contributing Zone	☐ Yes ☒ No	
Distance to Nearest Classified Waterway	±650'	
Water and Waste Water service to be provided by	City of Austin	
Request	The variance request is as follows: 25-8-65 - Allow for a variance to the required boundary street impervious cover for Tract 2.	

Impervious cover	Existing	Proposed
square footage:	15,925 sq. ft.	35,720 sq. ft.
acreage:	0.37 acres	0.82 acres
percentage:	21.5%	56.0%
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 Four Corner project currently has an unused 7-Eleven convenience store and real estate office located at the corner of RR 620 and Bullick Hollow. Otherwise the project is undeveloped with primary live oak and Ashe Juniper with other species such as hackberry on the site. The tract slopes from the northeast to the southwest. Slopes on the site range from approximately 2% in the northeast portion to approximately 35% in the southwest portion. A tributary to Lake Travis is approximately 650' from the project outfall on the south side of Bullick Hollow. Soils are generally the Tarrant and Speck (TcA) Series ("Soil Survey of Travis County, Texas", USDA SCS, 1974). The tract currently has a 7-Eleven store at the corner of the project with Bullick Hollow and RR 620. There are no CWQZs, WQTZs, or CEFs located on the site. Along with the proposed development of a CVS and hotel, the project will propose an SOS level of water quality benefit and an overall reduction of impervious cover over the total allowed.	

December 10, 2013

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	Tract 2 is allowed 0.292 acres of impervious cover (20% NSA) and the roadway deduction for impervious cover is 0.30 acres, which by itself is more than allowed on Tract 2.
---	---

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.

Project: Four Corners Commercial

Ordinance: Tract 1 - Lake Travis Watershed Ordinance No. 84-03-08-K

Tract 2 - CWO

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 - 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 two adjacent roadways with large amounts of right-of-way (Bullick Hollow and RM 620). 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. 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 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 RM 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.

- 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 proposed variance is unique to this site and is the minimum change necessary to allow for development on Tract 2 in keeping with the privileges enjoyed by other properties in the area. Without the variance, Tract 2 would be rendered undevelopable due to the size of the tract related to the required boundary street impervious cover from two adjacent roadways.

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

YES – 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 environment consequences, but rather alleviates some such as removing a 40 year old former gas station and convenience store and restoring that area to HCRO standards.

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

YES – SOS water quality is being applied to the overall project consisting of a 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. If the tracts were developed separately, Tract 1 would not be required to meet SOS water quality standards.

- 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):

December 10, 2013

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

N/A – no development is proposed in the CWQZ or the WQTZ.

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

N/A – no development is proposed in the CWQZ or the WQTZ.

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

N/A – no development is proposed in the CWQZ or the WQTZ.

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

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, CWOZ, 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)

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 #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:

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.**

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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ENVIRONMENTAL BOARD VARIANCE APPLICATION TEMPLATE

Insert Applicant Variance Request Letter here.

PROJECT DESCRIPTION
Applicant Contact Information

Name of Applicant	GDF Realty, LTD
Street Address	114 West 7 th Street, Ste. 1100
City State ZIP Code	Austin, Texas 78701
Work Phone	(512) 495-1400
E-Mail Address	rjgeorge@gbkh.com

Variance Case Information

Case Name	Four Corners Commercial
Case Number	SPC-2013-0257C
Address or Location	7300 North FM 620
Environmental Reviewer Name	Jim Dymkowski
Applicable Ordinance	Tract 1 – Lake Travis Watershed Ordinance No. 84-03-08-K Tract 2 – CWO
Watershed Name	Lake Travis
Watershed Classification	☐ Urban ☐ Suburban ☐ Water Supply Suburban ☒ Water Supply Rural ☐ Barton Springs Zone

December 10, 2013

Edwards Aquifer Recharge Zone	☐ Barton Springs Segment ☐ Not in Edwards Aquifer Zones	☒ Northern Edwards Segment
Edwards Aquifer Contributing Zone	☐ Yes ☒ No	
Distance to Nearest Classified Waterway	±650'	
Water and Waste Water service to be provided by	City of Austin	
Request	The variance request is as follows: 25-8-454(D)(1)(a) (Impervious Cover – Uplands Zone)- Allow for a variance to the required impervious cover to allow for 56% NSA impervious cover on Tract 2 (20% NSA allowed) within a unified development that reduces the overall impervious cover for the project (38% vs 45% gross).	
Impervious cover	Existing	Proposed
square footage:	15,925 sq. ft.	35,720 sq. ft.
acreage:	0.37 acres	0.82 acres
percentage:	21.5%	56.0%
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 Four Corner project currently has an unused 7-Eleven convenience store and real estate office located at the corner of RR 620 and Bullick Hollow. Otherwise the project is undeveloped with primary live oak and Ashe Juniper with other species such as hackberry on the site. The tract slopes from the northeast to the southwest. Slopes on the site range from approximately 2% in the northeast portion to approximately 35% in the southwest portion. A tributary to Lake Travis is approximately 650' from the project outfall on the south side of Bullick Hollow. Soils are generally the Tarrant and Speck (TcA) Series ("Soil Survey of Travis County, Texas", USDA SCS, 1974). The tract currently has a 7-Eleven store at the corner of the project with Bullick Hollow and RR 620. There are no CWQZs, WQTZs, or CEFs located on the site. Along with the proposed development of a CVS and hotel, the project will propose an SOS level of water quality benefit and an	

December 10, 2013

	overall reduction of impervious cover over the total allowed.
Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	Tract 1 is allowed 65% gross (55% NSA) impervious cover and Tract 2 is allowed 20% NSA, which totals 3.5 acres or 45% gross. Tract 1 will be reduced to 35% gross and Tract 2 will be increased to 56% NSA so that the overall impervious cover is reduced to 38% gross.

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.

Project: Four Corners Commercial

Ordinance: Tract 1 - Lake Travis Watershed Ordinance No. 84-03-08-K

Tract 2 - CWO

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 - Strict application of the requirement for Tract 2 would render more impervious cover on the overall unified development as Tract 1 is allowed 65% gross (55% net) and Tract 2 is allowed 20% NSA, which equals 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. The variance:

December 10, 2013

- 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 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.

- 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 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.

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

YES – 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 to HCRO standards.

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

YES – SOS water quality is being applied to the overall project consisting of a 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. If the tracts were developed separately, Tract 1 would not be required to meet SOS water quality standards.

- 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 – no development is proposed in the CWQZ or the WQTZ.

December 10, 2013

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

N/A – no development is proposed in the CWQZ or the WQTZ.

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

N/A – no development is proposed in the CWQZ or the WQTZ.

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

December 10, 2013

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)

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 #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?

- **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 bought 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

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:\3669-01\doc\SP WR\Variance Request #3 25-8-342 Fill.doc



ENVIRONMENTAL BOARD VARIANCE APPLICATION TEMPLATE

Insert Applicant Variance Request Letter here.

PROJECT DESCRIPTION
Applicant Contact Information

Name of Applicant	GDF Realty, LTD
Street Address	114 West 7 th Street, Ste. 1100
City State ZIP Code	Austin, Texas 78701
Work Phone	(512) 495-1400
E-Mail Address	rjgeorge@gbkh.com

Variance Case Information

Case Name	Four Corners Commercial
Case Number	SPC-2013-0257C
Address or Location	7300 North FM 620
Environmental Reviewer Name	Jim Dymkowski
Applicable Ordinance	Tract 1 – Lake Travis Watershed Ordinance No. 84-03-08-K Tract 2 – CWO
Watershed Name	Lake Travis
Watershed Classification	☐ Urban ☐ Suburban ☐ Water Supply Suburban ☒ Water Supply Rural ☐ Barton Springs Zone

Edwards Aquifer Recharge Zone	☐ Barton Springs Segment ☐ Not in Edwards Aquifer Zones	☒ Northern Edwards Segment
Edwards Aquifer Contributing Zone	☐ Yes ☒ No	
Distance to Nearest Classified Waterway	±650'	
Water and Waste Water service to be provided by	City of Austin	
Request	The variance request is as follows: 25-8-342 (Fill)- Allow for a variance for 8 feet of fill on Tract 2 instead of the required 4 feet.	

Impervious cover	Existing	Proposed
square footage:	15,925 sq. ft.	35,720 sq. ft.
acreage:	0.37 acres	0.82 acres
percentage:	21.5%	56.0%
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 Four Corner project currently has an unused 7-Eleven convenience store and real estate office located at the corner of RR 620 and Bullick Hollow. Otherwise the project is undeveloped with primary live oak and Ashe Juniper with other species such as hackberry on the site. The tract slopes from the northeast to the southwest. Slopes on the site range from approximately 2% in the northeast portion to approximately 35% in the southwest portion. A tributary to Lake Travis is approximately 650' from the project outfall on the south side of Bullick Hollow. Soils are generally the Tarrant and Speck (TcA) Series ("Soil Survey of Travis County, Texas", USDA SCS, 1974). The tract currently has a 7-Eleven store at the corner of the project with Bullick Hollow and RR 620. There are no CWQZs, WQTZs, or CEFs located on the site. Along with the proposed development of a CVS and hotel, the project will propose an SOS level of water quality benefit and an overall reduction of impervious cover over the total allowed.	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	Tract 2 does not comply with 4 feet of fill in certain areas. An allowance for up to 8 feet of fill on Tract 2 eliminates conflicts with the misalignment of existing driveways, internal circulation related to Commercial Design Standards requirements and emergency vehicle requirements.
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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.

Project: Four Corners Commercial

Ordinance: Tract 1 - Lake Travis Watershed Ordinance No. 84-03-08-K

Tract 2 - CWO

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 - 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 bought 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. 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 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.

- 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 proposed variance is unique to this site related to the required placement and function of the driveways and is the minimum change necessary to allow for compliance with other required Code regulations as well as providing for increased vehicular safety and emergency access.

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

YES - 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 environment consequences, but rather alleviates some such as removing a 40 year old former gas station and convenience store and property aligning driveways.

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

YES – SOS water quality is being applied to the overall project consisting of a 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. If the tracts were developed separately, Tract 1 would not be required to meet SOS water quality standards.

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 – no development is proposed in the CWQZ or the WQTZ.

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

N/A – no development is proposed in the CWQZ or the WQTZ.

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

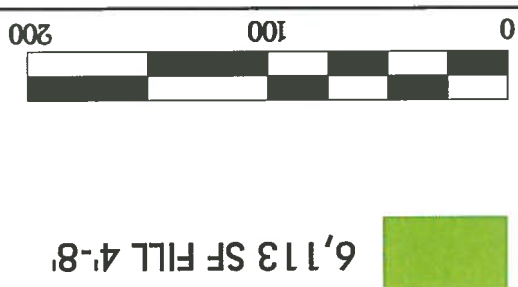
N/A – no development is proposed in the CWQZ or the WQTZ.

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

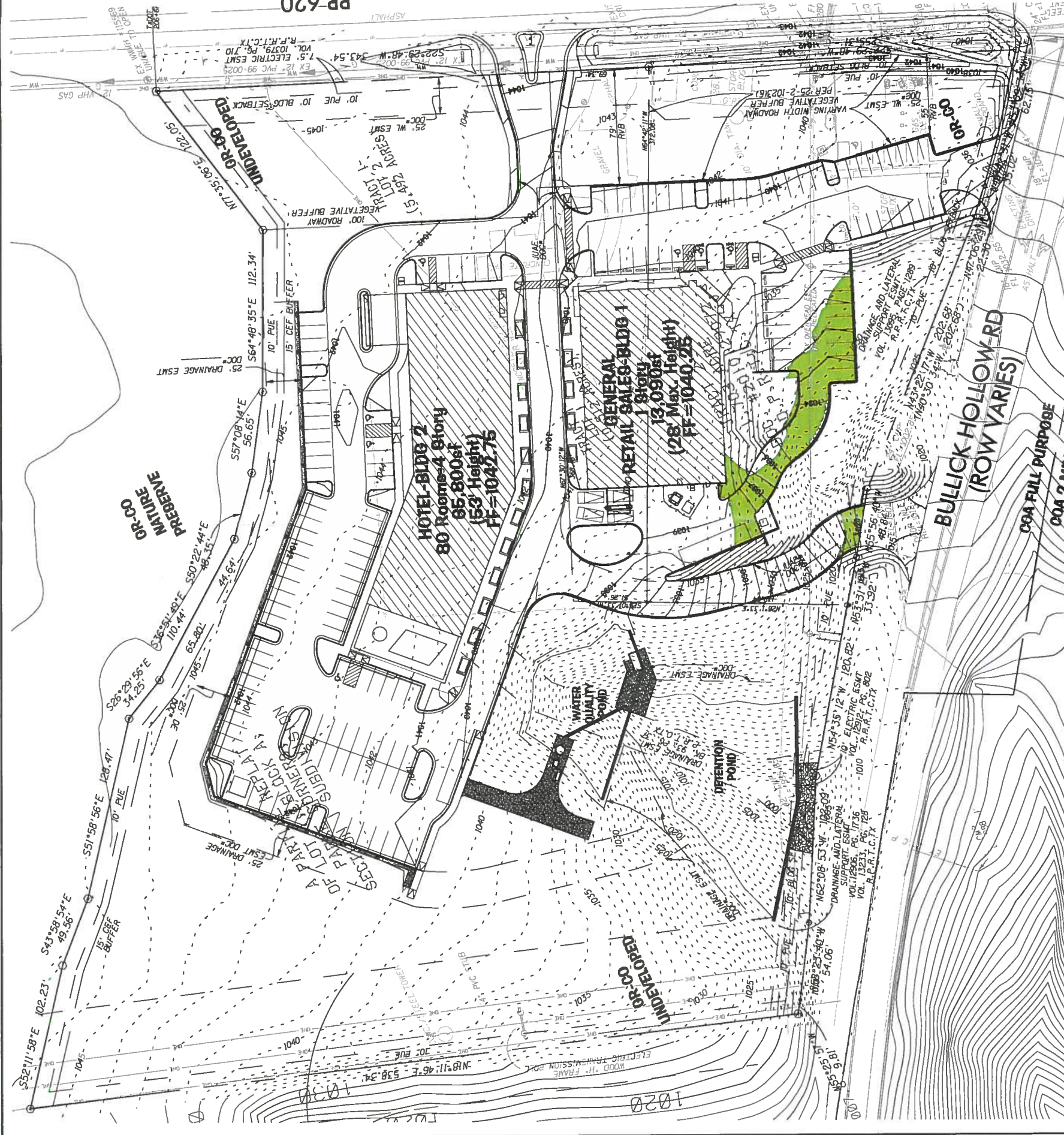
Exhibits for Board Backup and/or Presentation

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)



VARIANCE EXHIBIT FOR TRACT 2 FILL IN (ROW VARIES)
EXCESS OF 4 FT FOR AREA OUTSIDE
OF WQ/DET PONDS (LDC-25-8-342)
 RR-620



December 11, 2013

Mr. Greg Guemsey, 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 #4 to §25-8-454(D)(2) (40% Natural State Buffer) -- Applies to Tract 2
Longaro & Clarke Project #369-01-37

Dear Mr. Guemsey:

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?

- **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



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 #4 25-8-454(D)(2) Natural Area.doc



ENVIRONMENTAL BOARD VARIANCE APPLICATION TEMPLATE

Insert Applicant Variance Request Letter here.

PROJECT DESCRIPTION
Applicant Contact Information

Name of Applicant	GDF Realty, LTD
Street Address	114 West 7 th Street, Ste. 1100
City State ZIP Code	Austin, Texas 78701
Work Phone	(512) 495-1400
E-Mail Address	rjgeorge@gbkh.com

Variance Case Information

Case Name	Four Corners Commercial
Case Number	SPC-2013-0257C
Address or Location	7300 North FM 620
Environmental Reviewer Name	Jim Dymkowski
Applicable Ordinance	Tract 1 – Lake Travis Watershed Ordinance No. 84-03-08-K Tract 2 – CWO
Watershed Name	Lake Travis
Watershed Classification	☐ Urban ☐ Suburban ☐ Water Supply Suburban ☒ Water Supply Rural ☐ Barton Springs Zone

December 10, 2013

Edwards Aquifer Recharge Zone	☐ Barton Springs Segment ☐ Not in Edwards Aquifer Zones		☒ Northern Edwards Segment
Edwards Aquifer Contributing Zone	☐ Yes ☒ No		
Distance to Nearest Classified Waterway	±650'		
Water and Waste Water service to be provided by	City of Austin		
Request	The variance request is as follows: 25-8-454(D)(2) ~ 40% Natural State Buffer –Allow for a Natural State Buffer area of 17.6% or 13,041 square feet on Tract 2 instead of the required 40% Natural State Buffer or 29,621 square feet.		

Impervious cover	Existing	Proposed
square footage:	15,925 sq. ft.	35,720 sq. ft.
acreage:	0.37 acres	0.82 acres
percentage:	21.5%	56.0%
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 Four Corner project currently has an unused 7-Eleven convenience store and real estate office located at the corner of RR 620 and Bullick Hollow. Otherwise the project is undeveloped with primary live oak and Ashe Juniper with other species such as hackberry on the site. The tract slopes from the northeast to the southwest. Slopes on the site range from approximately 2% in the northeast portion to approximately 35% in the southwest portion. A tributary to Lake Travis is approximately 650' from the project outfall on the south side of Bullick Hollow. Soils are generally the Tarrant and Speck (TcA) Series ("Soil Survey of Travis County, Texas", USDA SCS, 1974). The tract currently has a 7-Eleven store at the corner of the project with Bullick Hollow and RR 620. There are no CWQZs, WQTZs, or CEFs located on the site. Along with the proposed development of a CVS and hotel, the project will propose an SOS level of water quality benefit and an	

overall reduction of impervious cover over the total allowed.

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

Tract 2 cannot comply with the 40% Natural State Buffer Area requirements due to its size and vegetative buffer requirements. However, the project is a unified development and an additional 45,160 square feet is proposed for Tract 1, which is exempt from this requirement. Therefore, the overall Natural State Buffer Area will be 58,201 square feet or 78.6%.

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.

Project: Four Corners Commercial

Ordinance: Tract 1 - Lake Travis Watershed Ordinance No. 84-03-08-K

Tract 2 - CWO

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 - Strict application of the requirement would result in the majority of Tract 2 being in a natural state buffer (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 area, 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 foot 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. The variance:

December 10

December 10, 2013

1. The c

N/A

2. The r
entire

N/A

3. The v
entire

N/A

**Variance a

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 proposed variance is unique to the site as it relates 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 NSB area that similarly situated properties are not required to provide.

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 proposed variance is unique to this site and is the minimum change necessary to allow for development on Tract 2 in keeping with the privileges enjoyed by other properties in the area. The variance also results in an increased NSB area over the entire project versus what could be done without the variance.

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

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

YES – SOS water quality is being applied to the overall project consisting of a 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. If the tracts were developed separately, Tract 1 would not be required to meet SOS water quality standards.

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):

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)

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 (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:

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?

- 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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ENVIRONMENTAL BOARD VARIANCE APPLICATION TEMPLATE

Insert Applicant Variance Request Letter here.

PROJECT DESCRIPTION
Applicant Contact Information

Name of Applicant	GDF Realty, LTD
Street Address	114 West 7 th Street, Ste. 1100
City State ZIP Code	Austin, Texas 78701
Work Phone	(512) 495-1400
E-Mail Address	rjgeorge@gbkh.com

Variance Case Information

Case Name	Four Corners Commercial
Case Number	SPC-2013-0257C
Address or Location	7300 North FM 620
Environmental Reviewer Name	Jim Dymkowski
Applicable Ordinance	Tract 1 – Lake Travis Watershed Ordinance No. 84-03-08-K Tract 2 – CWO
Watershed Name	Lake Travis
Watershed Classification	☐ Urban ☐ Suburban ☐ Water Supply Suburban ☒ Water Supply Rural ☐ Barton Springs Zone

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Edwards Aquifer Recharge Zone	☐ Barton Springs Segment ☒ Northern Edwards Segment ☐ Not in Edwards Aquifer Zones	
Edwards Aquifer Contributing Zone	☐ Yes ☒ No	
Distance to Nearest Classified Waterway	±650'	
Water and Waste Water service to be provided by	City of Austin	
Request	The variance request is as follows (Cite code references: 25-8-301A – Construction on Slopes – Roadway or Driveway –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.	

Impervious cover	Existing	Proposed
square footage:	15,925 sq. ft.	35,720 sq. ft.
acreage:	0.37 acres	0.82 acres
percentage:	21.5%	56.0%
Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)	The Four Corner project currently has an unused 7-Eleven convenience store and real estate office located at the corner of RR 620 and Bullick Hollow. Otherwise the project is undeveloped with primary live oak and Ashe Juniper with other species such as hackberry on the site. The tract slopes from the northeast to the southwest. Slopes on the site range from approximately 2% in the northeast portion to approximately 35% in the southwest portion. A tributary to Lake Travis is approximately 650' from the project outfall on the south side of Bullick Hollow. Soils are generally the Tarrant and Speck (TcA) Series ("Soil Survey of Travis County, Texas", USDA SCS, 1974). The tract currently has a 7-Eleven store at the corner of the project with Bullick Hollow and RR 620. There are no CWWQZs, WQTZs, or CEFs located on the site. Along with the proposed development of a CVS and hotel, the project will propose an SOS level of water quality benefit and an overall reduction of impervious cover over the total allowed.	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	Tract 2 cannot comply with the 15% construction on slopes requirement without encroaching on a Heritage Tree and jeopardizing required service truck circulation requirements. The required variance will allow for the construction of a driveway to service a proposed drive-thru on Tract 2 and will preserve an existing Heritage Tree over a relatively small amount of slopes in excess of 15%.
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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.

Project: Four Corners Commercial

Ordinance: Tract 1 - Lake Travis Watershed Ordinance No. 84-03-08-K

Tract 2 - CWO

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 - 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 small amount of slopes in excess of 15%.

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 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.

- 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 proposed variance is unique to this site and is the minimum change necessary to allow for safe truck access and circulation while avoiding the loss of a Heritage Tree. This request does not deprive a privilege given to other property owners as this unique condition is related to this specific site.

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

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

YES – SOS water quality is being applied to the overall project consisting of a 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. If the tracts were developed separately, Tract 1 would not be required to meet SOS water quality standards.

- 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 – no development is proposed in the CWQZ or the WQTZ.

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

N/A – no development is proposed in the CWQZ or the WQTZ.

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

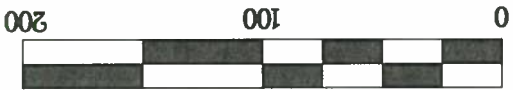
N/A – no development is proposed in the CWQZ or the WQTZ.

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

Exhibits for Board Backup and/or Presentation

Please attach and paginate.

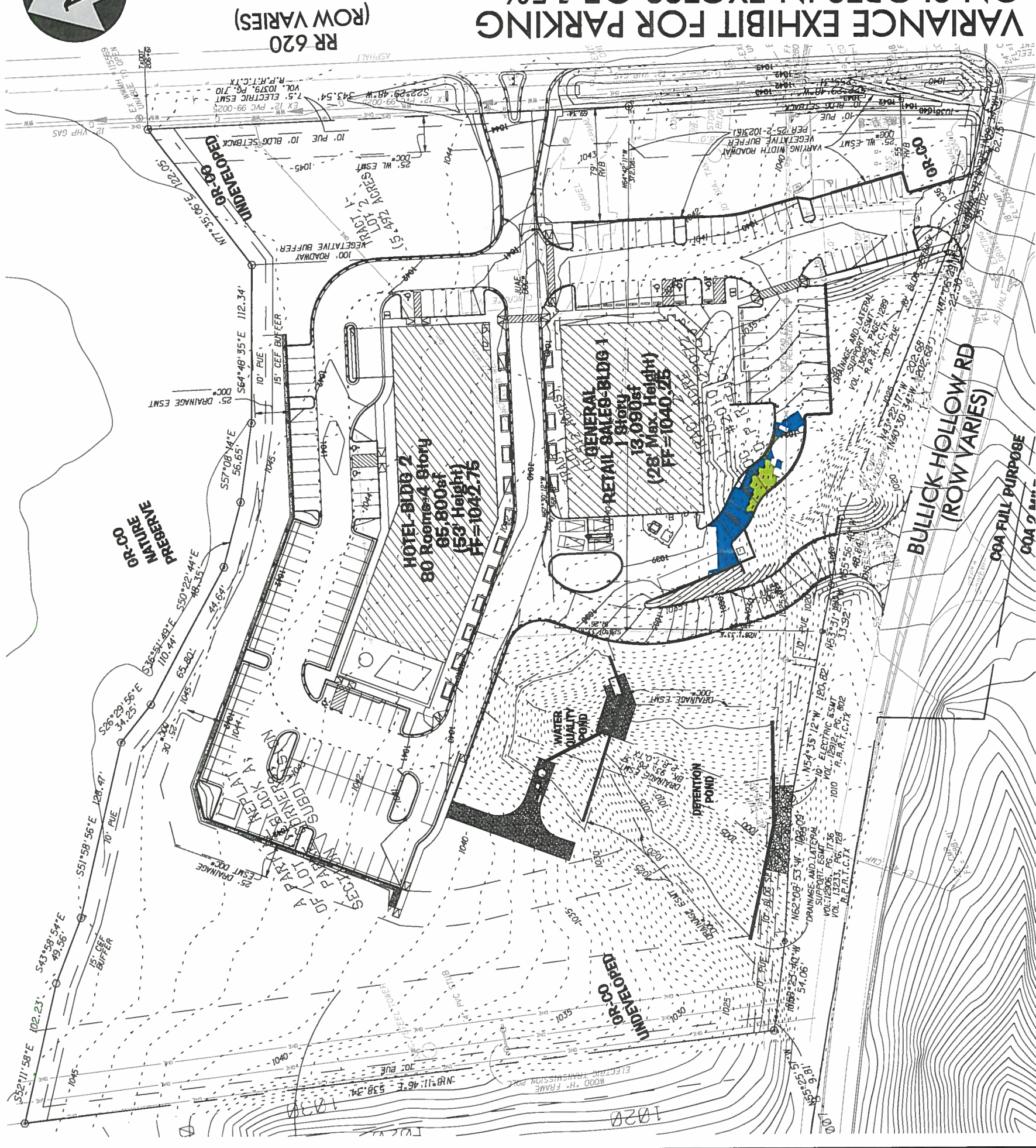
- Aerial photos of the site (backup and presentation)
- Site photos (backup and presentation)
- Aerial photos of the vicinity (backup and presentation)
- Context Map—A map illustrating the subject property in relation to developments in the vicinity to include nearby major streets and waterways (backup 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)



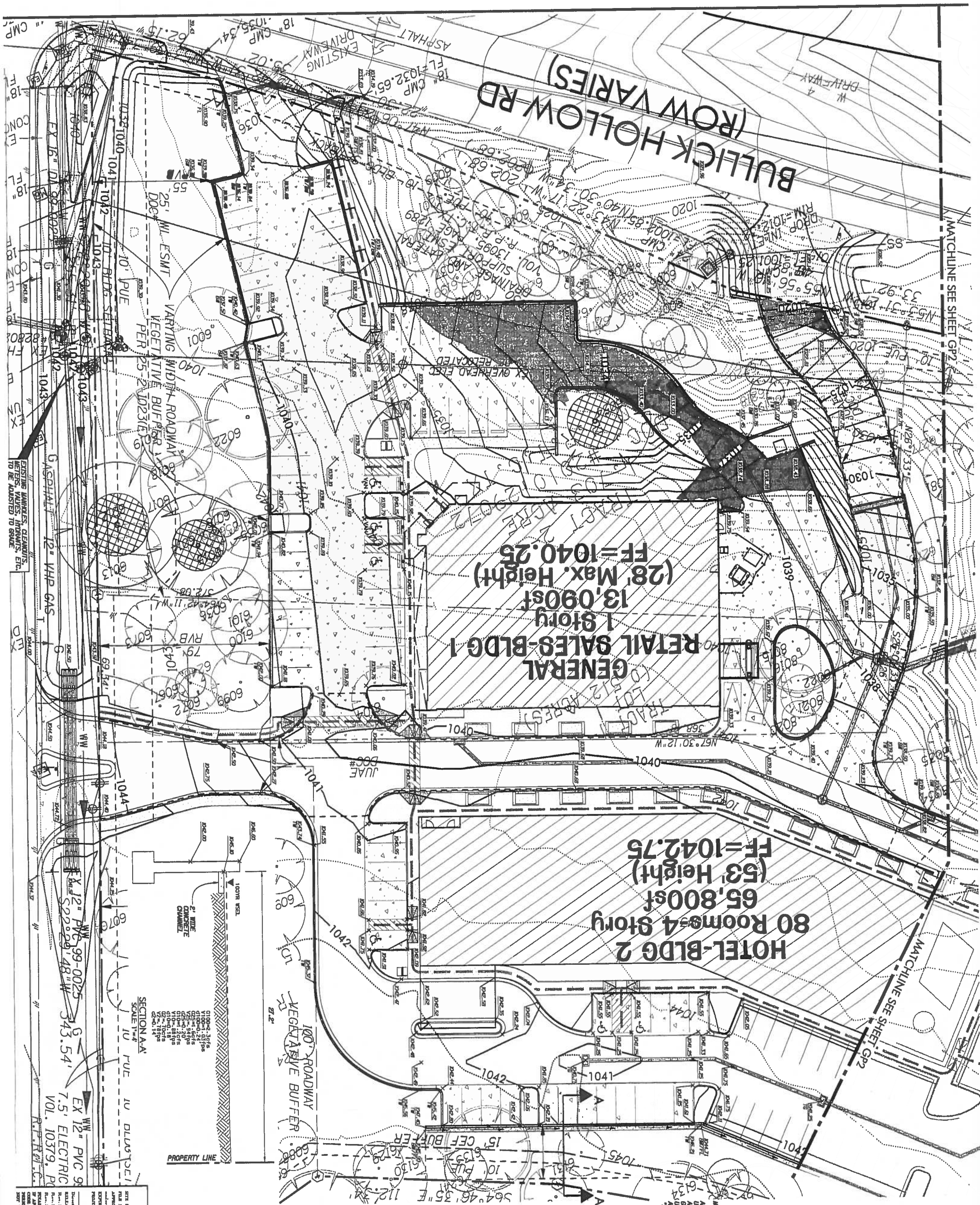
1,479 SF DRIVEWAY
ON SLOPES 15-25%
408 SF DRIVEWAY
ON SLOPES 25-35%



VARIANCE EXHIBIT FOR PARKING ON SLOPES IN EXCESS OF 15%, LDC 25-8-301(A)



RR 620
(ROW VARIES)



**NATURE
PRESERVE**

ADEQUATE BARRIERS BETWEEN ALL VERTICAL USE AREAS, SUCH AS A 6" CONCRETE CURB ARE REQUIRED. IF A STANDARD 6" CURB AND GUTTER ARE NOT PROVIDED FOR ALL VERTICAL USE AREAS AND ADJACENT LANDSCAPE AREAS, COMPLY WITH ESM, SECTION 2.4.7, "PROTECTION OF LANDSCAPE AREAS".

LEGEND

TERACED WALL

RETAINING WALL

PROPOSED CONTOURS

EXISTING CONTOURS

FILL IN EXCESS OF 4'

ACCESSIBLE ROUTE

DIVERSION BERM

[illegible]

