



March 29, 2021

Pflugerville Planning Department
Attention: Planning & Zoning Commission
201-B East Pecan Street
Pflugerville, Texas 78691

Re: Architectural Waiver Application for Landscaping Variance at Proposed Multifamily Project located at 19365 Wilke Lane.

Dear Planning & Zoning Commission:

Cerco Development, LLC ("Cerco"), an affiliate of Endeavor Real Estate Group, is under contract to purchase the 18.062-acre site located at 19365 Wilke Lane (the "Property"), which is zoned CL-5 (Urban Center District) and intended for dense urban development. The Property is located one third of a mile from the 1.5 million square foot Stone Hill Town Center retail shopping development. The undeveloped land between the Property and Stone Hill Town Center is slated for dense urban development; several projects are already under review by the City. Cerco has planned a 334-unit multifamily apartment development for the property (the "Project").

Over the past 18 months, Cerco has placed the Property under contract (December 2019), held multiple meetings with City of Pflugerville staff to understand the requirements prescribed by the City of Pflugerville Unified Development Code ("UDC") (Spring 2020), submitted and finalized a Preliminary Plan (December 2020), received an approved Final Plat from Planning & Zoning Commission (February 2021), commenced finalizing public improvements plans for the Project, and submitted a formal site plan to staff for review (March 2021).

A site plan must include landscape plans that meet the minimum requirements established by the UDC. UDC Subchapter 11 (*Landscaping and Screening Standards*) contains most of the landscaping requirements to which a project must adhere to including Minimum Required Landscaping Requirements (UDC Section 11.3), Streetscape Yard Standards (UDC Section 11.5), Screening Requirements (UDC Section 11.8), Bufferyard Requirements (UDC Section 11.10), and Tree Preservation and Mitigation Requirements (UDC Section 11.12).

The site plan currently in review meets the aforementioned requirements outlined above with the exception of the minimum landscaping requirements outlined in UDC Section 11.3.

Pursuant to UDC Section 11.3 multifamily developments within CL5-zoned districts shall devote a minimum of 40% of their site as landscaped area. Within the designated landscaped area, a minimum of one three-inch caliper tree per 300 square feet of landscaped area shall be provided. Due to the requirement to extend Abbeyglen Castle Drive through the center of the Property the developable area of the Project has been reduced to 16.16 acres or 704,035 square feet which results in a required landscape area of 281,614 square feet. Assuming the applicable 1:300 ratio for landscape trees per code, Cerco is required to plant a minimum of 2,816 caliper inches onsite, or a total of 939 three-inch caliper trees. The current code requirements are outlined in Column A of Figure A below for reference.

UDC Section 11.16 allows a project to achieve a 20% reduction in the required landscaped area as well as a 20% reduction in the number of trees provided within the landscaped area through an alternative compliance landscape plan. As shown in Column B of Figure A below, taking advantage of both of these reductions would decrease the required landscape tree count to 1,802 caliper inches, or a total of 601 three-inch caliper trees. Despite these reductions - and shown in Column C of Figure A below - Cerco can only accommodate 538 landscape trees onsite totaling 1,354 caliper inches, a variance of 25% from the code minimum (please reference the enclosed Exhibit A). This variance is more accurately reported as 52% (1,354 inches provided versus 2,816 required) as the landscape area and tree count reductions outlined in UDC Section 11.16 are intended to be last-resort measures to help developments meet minimum code requirements.

(Continued on Next Page)

Figure A

	(A) Full Requirements	(B) Requirements w/ Reductions	(C) Provided / Proposed		
Total Site Area (SF)	704,035	704,035	704,035		
40% Landscape Area Ratio (Table 11.3C)	x 40%	x 40%	x 40%		
Landscape Area (SF)	281,614	281,614	300,737		
20% Reduction (Sec. 11.16)		(56,323)			
Final Landscape Area	281,614	225,291	300,737		
Trees	939	751	538	(A) - (C)	Code Variance
Inches (3' Caliper)	2,816	2,253	1,354	1,462	52%
20% Reduction via Fee-In-Lieu (Section 11.16)		(451)		(B) - (C)	Code Variance
Final Inches	2,816	1,802	1,354	448	25%

As an additional illustration of the site impacts from UDC Section 11.3, please reference the enclosed Exhibit B. The exhibit revises the current site plan to accommodate an additional 213 trees onsite to meet the landscape tree requirement of 751 trees outlined in Column B of Figure A. Instead of a dense urban development which is envisioned for properties with the CL-5 Urban Center zoning designation, the City of Pflugerville would receive an undersized multifamily development and a dense forest of trees.

The purpose of Subchapter 11 is outlined in Section 11.1, which stipulates that the “requirements for landscaping elements, buffering and screening [are intended to] provide orderly, safe, attractive and healthy development of land within the community.”

Notwithstanding the purchase, installation, and near-term tree care costs for 751 trees—certainly upwards of \$1 million, a cost detrimental to Cerco—the requirements regarding the quantity and proximity of landscape trees (one per 300 square feet), particularly once the canopies have matured, would be unattractive for the community, unsafe for residents and visitors, and extremely unhealthy for the trees given that substantial canopy and root overlap would occur which would stunt tree growth and likely cause numerous tree diseases and fatalities.

UDC Section 2.2.4(G)(1) provides that the “Planning and Zoning Commission shall consider proposed waivers greater than 20% from the minimum site development standards and requirements within Subchapters 9, 10, 11 within all zoning districts”. In accordance with this section, Cerco kindly requests an appearance before the Planning & Zoning Commission on the scheduled May 3, 2021 hearing date for the consideration of a waiver to UDC Section 11.3 to increase the landscape tree ratio from 1:300 to 1:600 to accommodate the Project.

As shown on the proposed site plan in Exhibit C, should this waiver request be approved Cerco can meet the additional code requirements outlined in UDC Subchapter 11 and would also pay over \$100,000 into the City of Pflugerville’s tree mitigation fund.



Cerco Development, LLC

Luke Phillippi, Principal



CASE # ARB _____ - _____

ARCHITECTURAL WAIVER

<u>Applicant</u>	<u>Property Owner</u>
Name: <u>Collin Aufhammer</u>	<u>Heather Smith & Brenda Hagn</u>
Organization: <u>Endeavor Real Estate Group</u>	_____
Mailing Address: <u>500 W. 5th St., Suite 700</u>	<u>1129 E. 2030 Rd. (Heather)</u> <u>2912 Cedar Crest Circle (Brenda)</u> <u>Soper, OK 74759 (Heather)</u> <u>Round Rock, TX 78665 (Brenda)</u>
City, State, Zip: <u>Austin, TX 78701</u>	<u>(512) 585-9772 (Heather)</u> <u>(512) 585-6178 (Brenda)</u>
Phone Number: <u>(512) 532-2180</u>	_____
Fax Number: _____	_____
Email Address: <u>caufhammer@endeavor-re.com</u>	<u>heather.r.smith@me.com</u> <u>brenda.j.hagn@me.com</u>
Signatures: 	 <small>DocuSigned by: Heather Smith DocuSigned by: Brenda Hagn</small> <small>6300578BD21F440... F6D9881C77714DD...</small>
<u>Property Description:</u>	
Street Address: <u>19365 Wilke Lane, Pflugerville, TX 78660</u>	_____
Legal Description: <u>Separate attachment provided</u>	_____
(Separate attachment accepted)	
Dimensions of Lot: <u>792'</u> <u>949'</u> <u>786,789</u> <u>18.062</u>	_____
<small>Frontage</small>	<small>Depth</small>
<small>281589, 281572,</small>	<small>Square Feet</small>
<small>281590</small>	<small>Acreage</small>
Parcel ID: <u>281590</u>	Zoning District: <u>CLS - Urban Center District</u>
(6 Digits)	
Present Land Use: <u>Residential / Ag.</u>	Proposed Land Use: <u>Multifamily Apartments</u>
Existing Building on Property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Year Built: <u>1913;</u> <u>1986</u>
	S.F. of Building: <u>1642;</u> <u>2,070</u>
Is a portion of property located in: <u>N</u> Floodplain <u>N</u> CBD	_____
To Be Completed By Staff:	
Case Name: _____	Case Manager: _____
Date Received: _____	Submittal Completion Date: _____
P&Z Meeting Date: _____	Record of Action: _____



ARCHITECTURAL WAIVER

Request For: (Check one) Preliminary Proposal Final Proposal Architectural Waiver

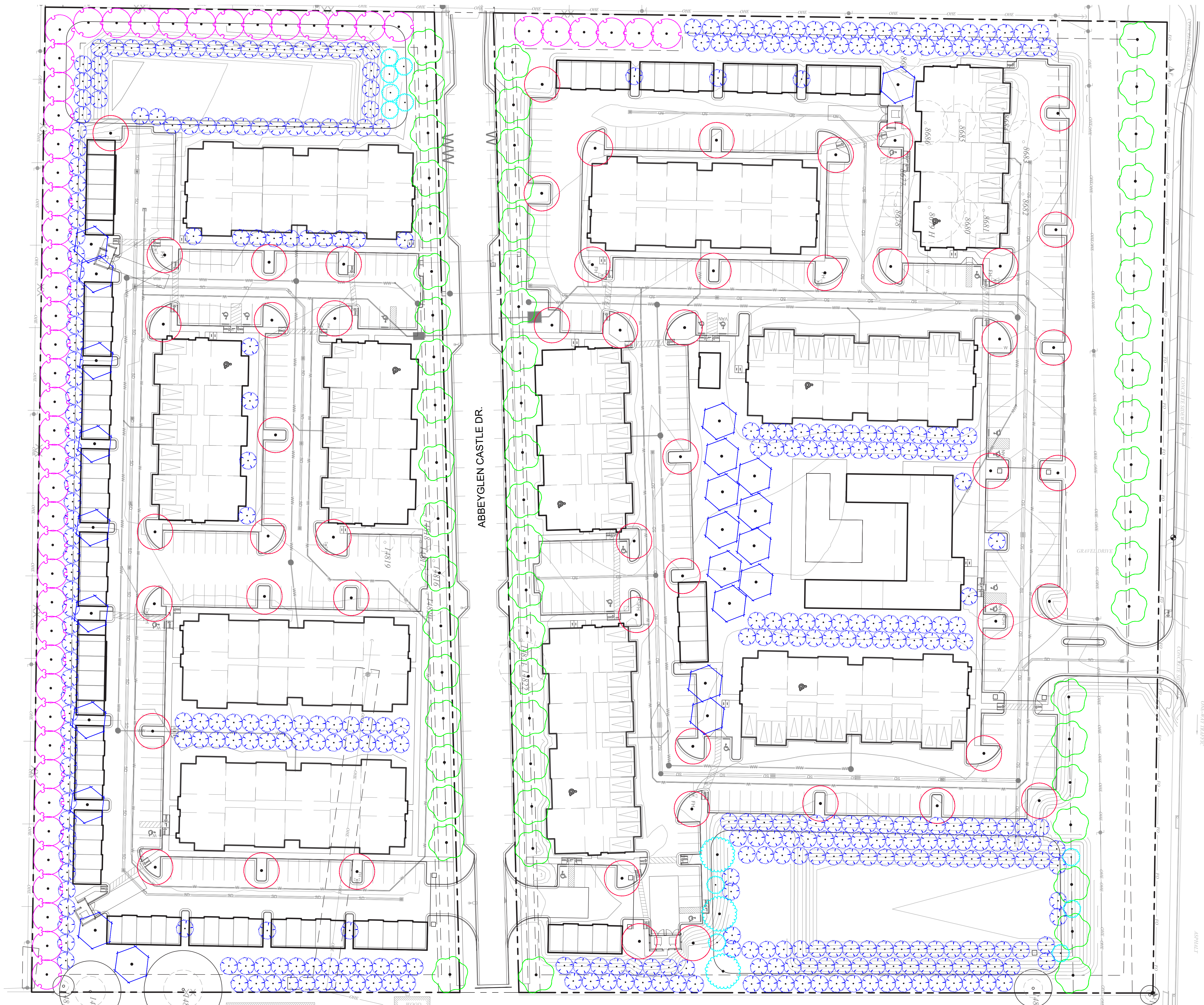
Filing Fee: \$250.00 per waiver
+ \$15.00 Technology Fee
= \$ 265.00

Submittal Requirements:

1. Complete Architectural Waiver Application with all required contact information
2. **One set of the Site Plan and Building Elevations no larger than 11x17 (Scaled drawing and include the following):**
 - a. North Arrow
 - b. Scale
 - c. Property lines
 - d. Adjacent streets (names), alleys and sidewalks
 - e. Existing setbacks and proposed setbacks
 - f. Public or private easements
 - g. Location of Floodplain, if necessary
 - h. Location of existing and proposed structures, additions or other improvements
 - i. Location of existing and proposed drives and parking
 - j. Dimensions of existing and proposed improvements
 - k. Elevation and dimensioned drawings of proposed building, signs, or other improvements
 - l. Landscape and grading plan
 - m. Details of doors, windows, light fixtures and other architectural elements.
3. **Photographs, graphics, letters, and etc.** (If applicable)
4. **In a typed letter, please identify any proposed modifications or improvements. If you are requesting a waiver, please describe in detail all efforts made to comply with the architectural requirements of the regulation and proposed changes.**

EXHIBIT A (Standard)

1 tree per 300 S.F. required landscape area



LANDSCAPE CALCULATION CHART - Wilke Lane MF				
1 REQUIRED LANDSCAPE AREA (MULTI-FAMILY) ZONE: CL5		Required	Provided	
Total Site Area	704,035 sf			
A. Total Required Landscape Area (40% of site)		281,614 sf	300,737 sf	
% of total site area		40%	43%	
% deficiency for required landscape area*			-3%	
Alternative Compliance Landscape Area (20% reduction)		225,291 sf	300,737 sf	
*Alternative compliance to reduce minimum tree requirements				
2 LANDSCAPED AREA AND MINIMUM REQUIREMENTS		Required	Provided	
A. Trees (3" cal min.)				
1 Tree per 300 sf of required landscape area	1x / 300 sf	751	539	
3 Inches per 300 sf of required landscape area	3x / 300 sf	2,253 in	1,354 in*	
20% reduction of trees to be paid for with fee in lieu	20% / 2,253 in	451 in	\$ 67,590.00	
Remaining Inches that don't fit on site		448 in		
*4" caliper type A/B trees and 2" caliper type C trees proposed				
3 STREETSCAPE YARD REQUIREMENTS		Required	Provided	
Total Linear Feet of Streetyard	2,367 lf			
Total Linear Feet of Streetyard with overhead utilities	0 lf			
A. Type A or B Trees				
1 Tree per 40 lf of street frontage	1x / 40 lf	59	59	
B. Type C Trees (when overhead utilities are present)				
1 Tree per 40 lf of street frontage	1x / 20 lf	-	0	
6 SCREENING		Required	Provided	
C. Screening of Storm Water Detention		YES	YES	
Total Linear Feet of Detention Facility	325 lf			
1 Type A or B Tree per 30 lf of detention facility	1x / 30 lf	11	11	
1 Type C Tree per 30 lf of detention facility	1x / 30 lf	11	11	
7 BUFFERYARD		Required	Provided	
Total Linear Feet of Bufferyard	1,294 lf			
A. Type A or B Trees				
4 Trees per 100 lf of site development boundary	4x / 100 lf	52	52	
8 TREE DIVERSITY REQUIREMENTS		Maximum	Provided	
A. Total Trees Required		803 trees	591	
No more than 50% of new trees required on site may be Type C Trees	50% / 803	401	401	
10 MITIGATION		Required	Provided	
A. Total Removed Inches		273 in		
B. Mitigation Inches Required		458 in	0 in	
Remaining mitigation to be paid with fee			\$ 68,700.00	

This exhibit demonstrates proposing the maximum number of Type C trees within the landscaped area, along with additional Type A/B trees in any remaining open space not already programmed, after meeting all other landscape requirements.

This exhibit proposes a 20% reduction of required landscape area via alternative compliance in order to reduce the minimum number of trees required.

In addition, it proposes a 20% reduction in minimum trees to be planted on site, instead being paid for with fee in lieu at \$150 per caliper inch.

Type A trees are proposed as 4" trees, and Type C trees are proposed as 2" trees. The minimum requirements are calculated by caliper inches instead of number of trees.

All mitigation inches are to be paid for with fee in lieu at \$150 per caliper inch.

Based on spacing all proposed trees at mature canopy sizes, meeting the minimum number of caliper inches is not achievable at a 1:300 ratio.

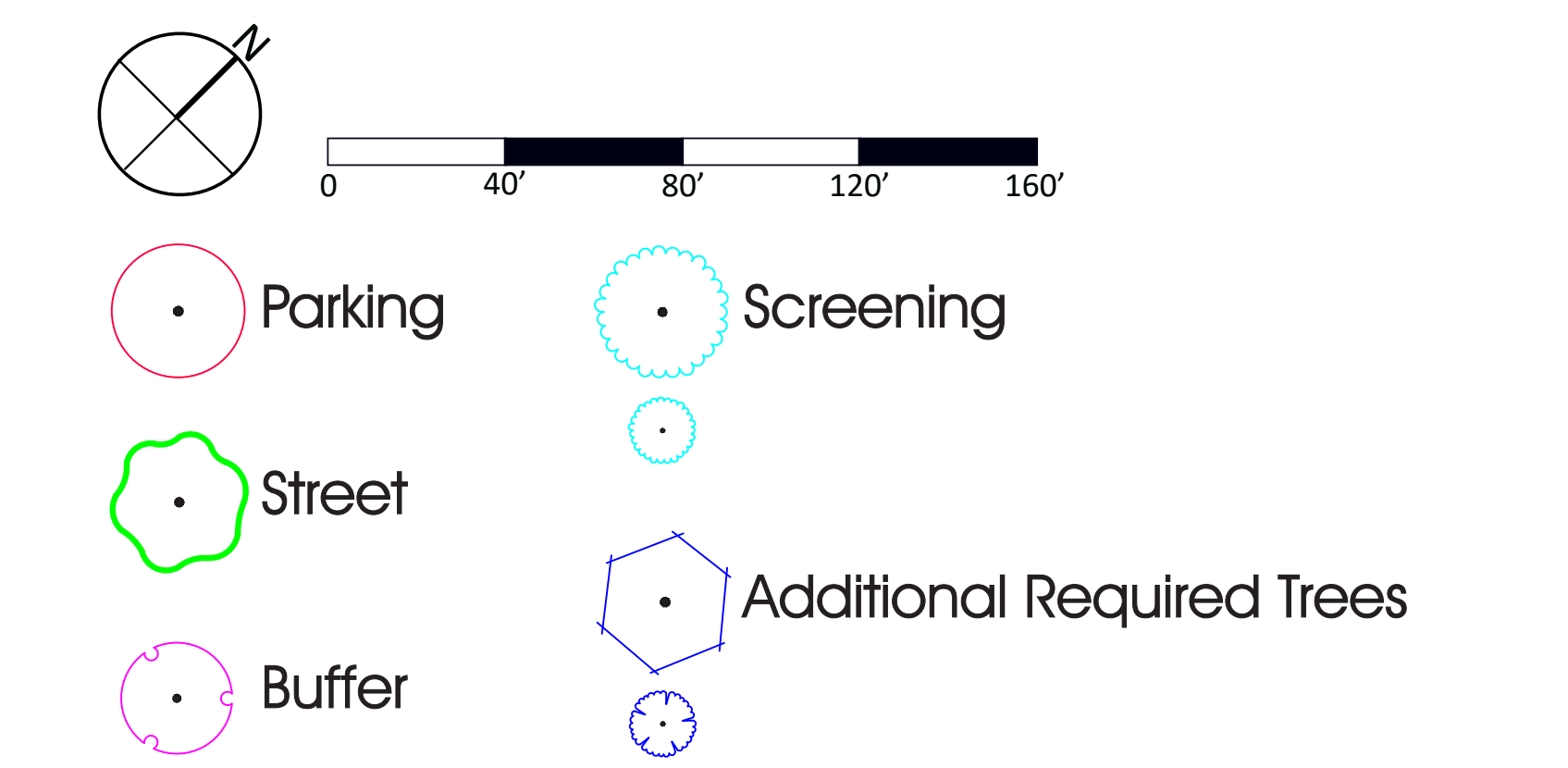
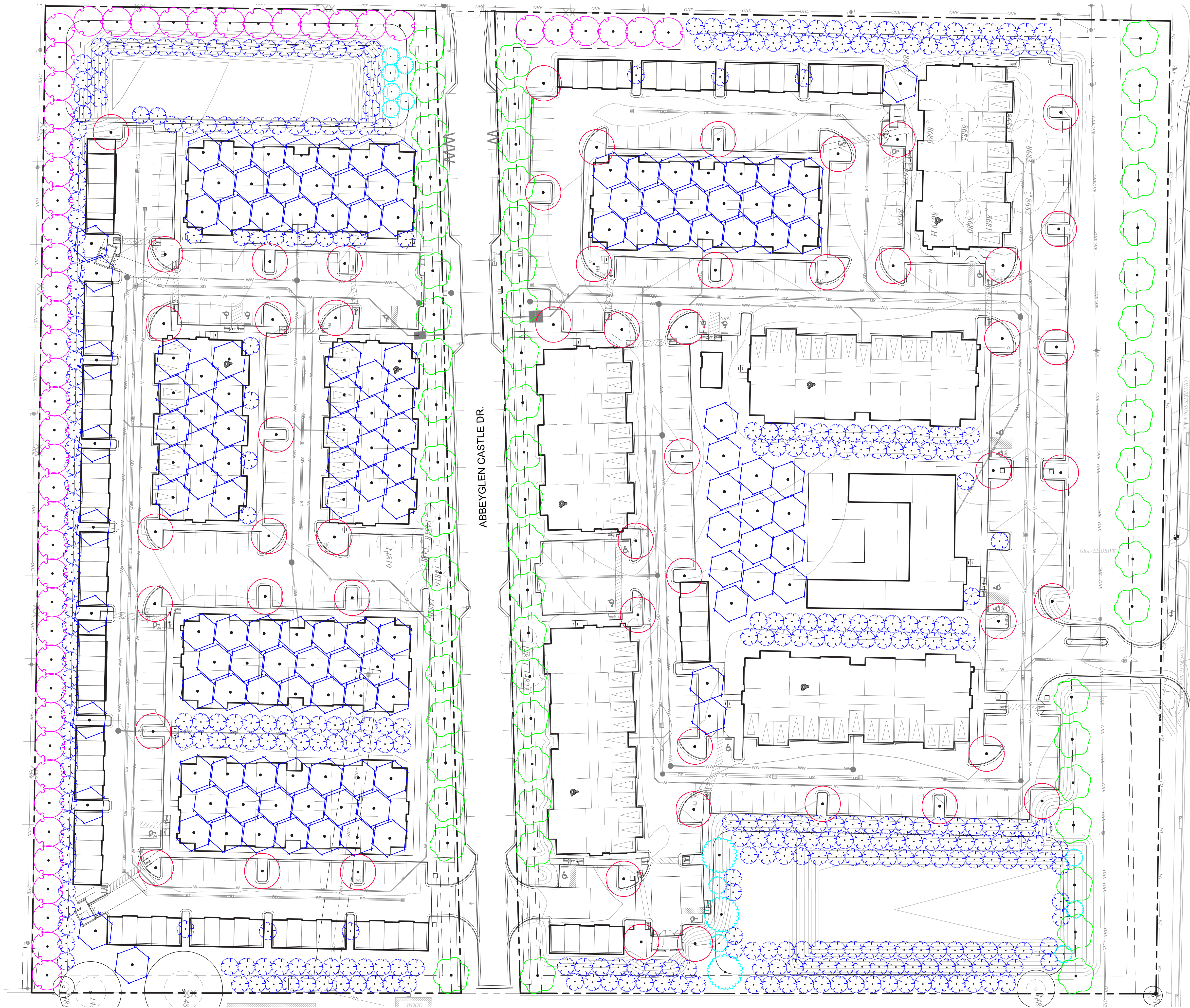


EXHIBIT B (Standard +)

1 tree per 300 S.F. required landscape area



LANDSCAPE CALCULATION CHART - Wilke Lane MF				Required	Provided
1 REQUIRED LANDSCAPE AREA (MULTI-FAMILY) ZONE: CL5					
Total Site Area	704,035 sf				
A. Total Required Landscape Area (40% of site)		281,614 sf	300,737 sf		
% of total site area		40%	43%		
% deficiency for required landscape area*			-3%		
Alternative Compliance Landscape Area (20% reduction)		225,291 sf	300,737 sf		
*Alternative compliance to reduce minimum tree requirements					
2 LANDSCAPED AREA AND MINIMUM REQUIREMENTS				Required	Provided
A. Trees (3" cal min.)					
1 Tree per 300 sf of required landscape area	1x / 300 sf	751	651		
3 Inches per 300 sf of required landscape area	3x / 300 sf	2,253 in	1,802 in*		
20% reduction of trees to be paid for with fee in lieu	20% / 2,253 in	451 in	\$ 67,590.00		
Remaining Inches that don't fit on site		0 in			
*4" caliper type A/B trees and 2" caliper type C trees proposed					
3 STREETSCAPE YARD REQUIREMENTS				Required	Provided
Total Linear Feet of Streetyard	2,367 lf				
Total Linear Feet of Streetyard with overhead utilities	0 lf				
A. Type A or B Trees					
1 Tree per 40 lf of street frontage	1x / 40 lf	59	59		
B. Type C Trees (when overhead utilities are present)					
1 Tree per 40 lf of street frontage	1x / 20 lf	-	0		
6 SCREENING				Required	Provided
C. Screening of Storm Water Detention				YES	YES
Total Linear Feet of Detention Facility	325 lf				
1 Type A or B Tree per 30 lf of detention facility	1x / 30 lf	11	11		
1 Type C Tree per 30 lf of detention facility	1x / 30 lf	11	11		
7 BUFFERYARD				Required	Provided
Total Linear Feet of Bufferyard	1,294 lf				
A. Type A or B Trees					
4 Trees per 100 lf of site development boundary	4x / 100 lf	52	52		
8 TREE DIVERSITY REQUIREMENTS				Maximum	Provided
A. Total Trees Required		803 trees	703		
No more than 50% of new trees required on site may be Type C Trees	50% / 803	401	401		
10 MITIGATION				Required	Provided
A. Total Removed Inches		273 in			
B. Mitigation Inches Required			458 in	0 in	
Remaining mitigation to be paid with fee			\$ 68,700.00		

This exhibit demonstrates proposing the maximum number of Type C trees within the landscaped area, along with additional Type A/B trees to meet all other landscape requirements, regardless of available open space.

This exhibit proposes a 20% reduction of required landscape area via alternative compliance in order to reduce the minimum number of trees required.

In addition, it proposes a 20% reduction in minimum trees to be planted on site, instead being paid for with fee in lieu at \$150 per caliper inch.

Type A trees are proposed as 4" trees, and Type C trees are proposed as 2" trees. The minimum requirements are calculated by caliper inches instead of number of trees.

All mitigation inches are to be paid for with fee in lieu at \$150 per caliper inch.

Based on spacing all proposed trees at mature canopy sizes, meeting the minimum number of caliper inches is only achievable at a 1:300 ratio if at least six (6) of the eleven (11) buildings are removed. By doing this, the overall density of the site would no longer be achievable.

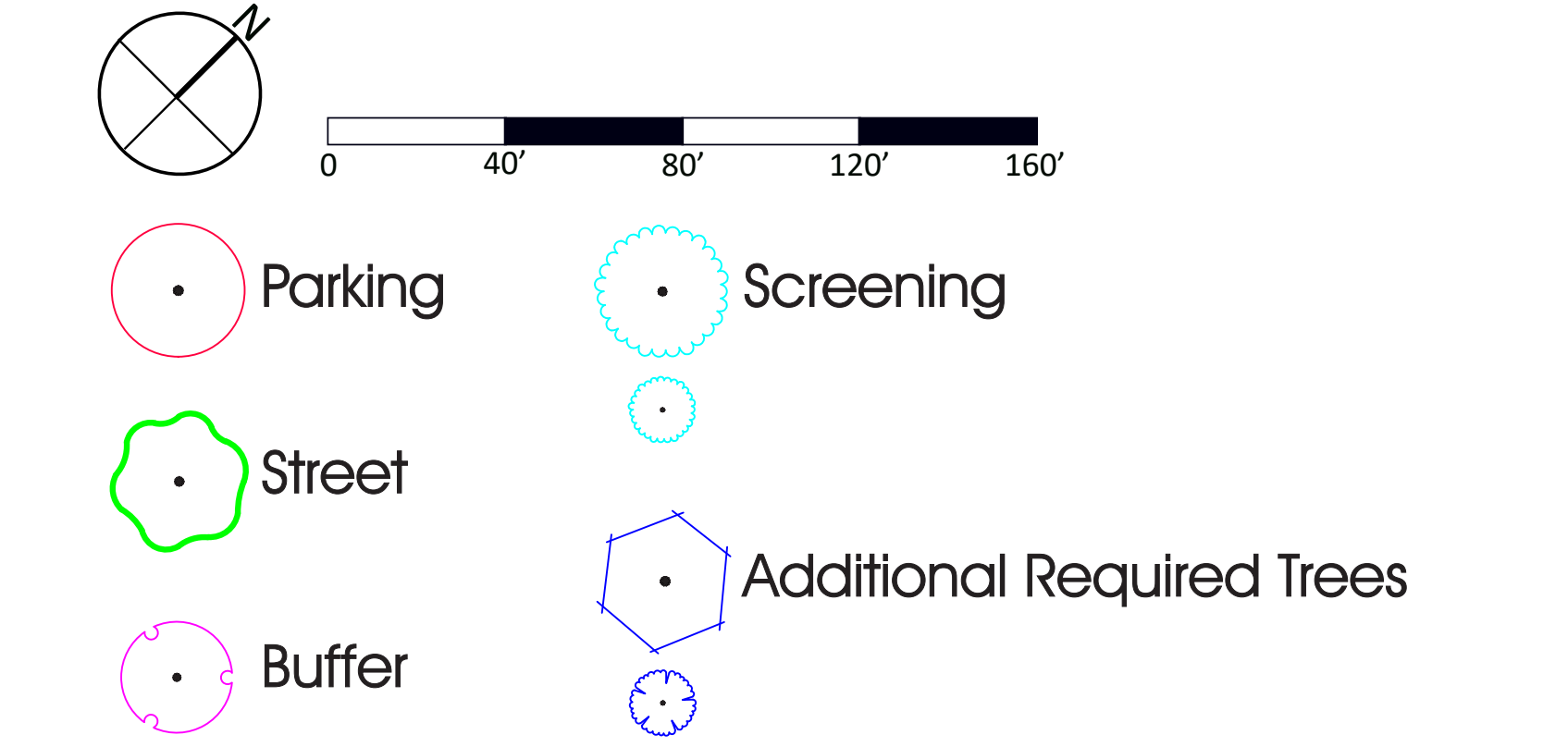
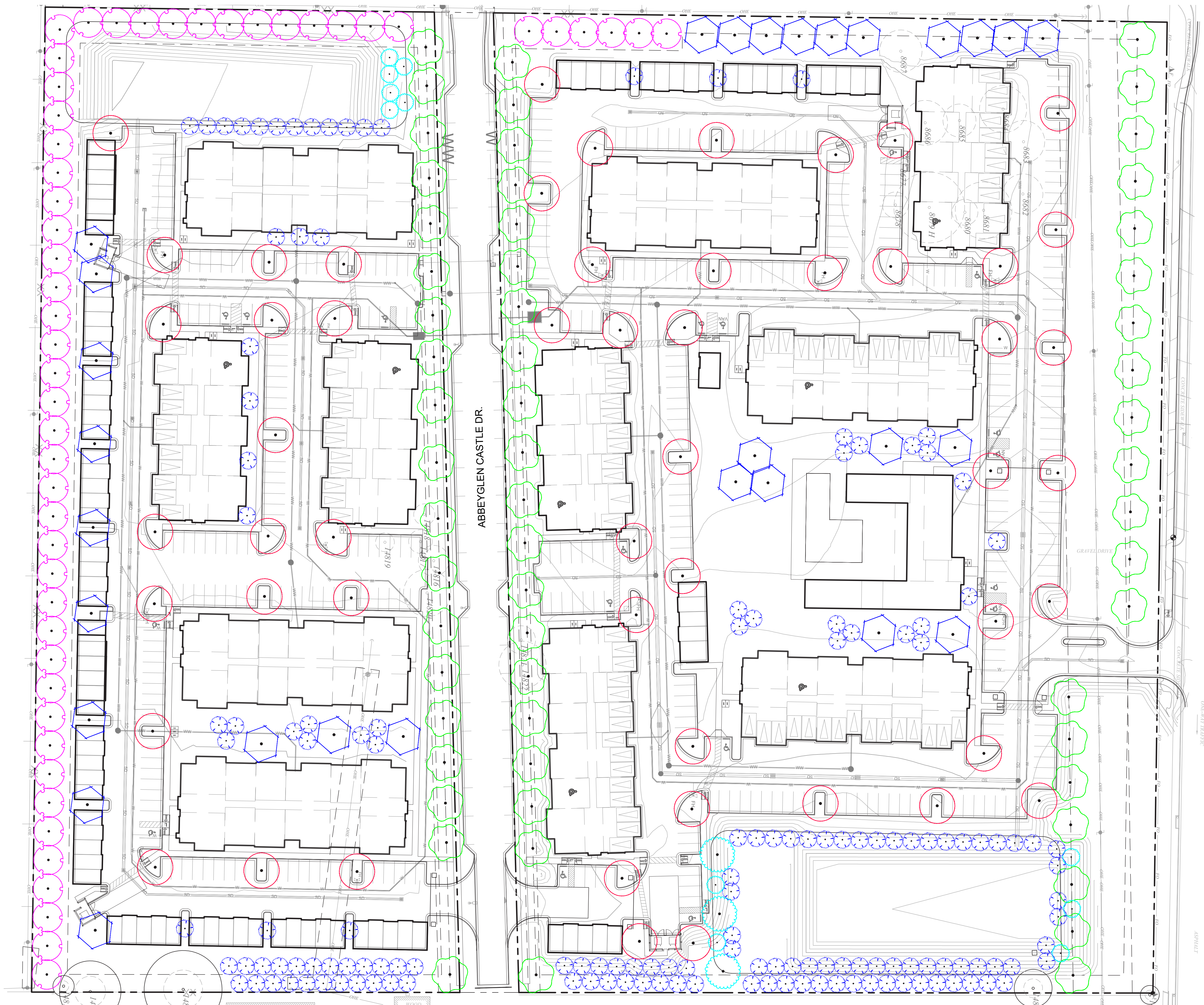


EXHIBIT C (Proposed)

1 tree per 600 S.F. required landscape area



LANDSCAPE CALCULATION CHART - Wilke Lane MF				Required	Provided
1 REQUIRED LANDSCAPE AREA (MULTI-FAMILY) ZONE: CL5					
Total Site Area		704,035 sf			
A. Total Required Landscape Area (40% of site)		281,614 sf	300,737 sf	40%	43%
% of total site area					
% deficiency for required landscape area*		225,291 sf	300,737 sf		-3%
Alternative Compliance Landscape Area (20% reduction)					
*Alternative compliance to reduce minimum tree requirements					
2 LANDSCAPED AREA AND MINIMUM REQUIREMENTS				Required	Provided
A. Trees (3" cal min.)					
1 Tree per 600 sf of required landscape area	1x / 600 sf	375	306		
3 Inches per 600 sf of required landscape area	3x / 600 sf	1,125 in	900 in*		
20% reduction of trees to be paid for with fee in lieu	20% / 1,125 in	225 in	\$ 33,750.00		
Remaining Inches that don't fit on site		- in			
*4" caliper type A/B trees and 2" caliper type C trees proposed					
3 STREETSCAPE YARD REQUIREMENTS				Required	Provided
Total Linear Feet of Streetyard		2,367 lf			
Total Linear Feet of Streetyard with overhead utilities		0 lf			
A. Type A or B Trees					
1 Tree per 40 lf of street frontage	1x / 40 lf	59	59		
B. Type C Trees (when overhead utilities are present)					
1 Tree per 40 lf of street frontage	1x / 20 lf	-	0		
6 SCREENING				Required	Provided
C. Screening of Storm Water Detention				YES	YES
Total Linear Feet of Detention Facility		325 lf			
1 Type A or B Tree per 30 lf of detention facility	1x / 30 lf	11	11		
1 Type C Tree per 30 lf of detention facility	1x / 30 lf	11	11		
7 BUFFERYARD				Required	Provided
Total Linear Feet of Bufferyard		1,294 lf			
A. Type A or B Trees					
4 Trees per 100 lf of site development boundary	4x / 100 lf	52	52		
8 TREE DIVERSITY REQUIREMENTS				Maximum	Provided
A. Total Trees Required		427 trees	358		
No more than 50% of new trees required on site may be Type C Trees		50% / 427	213	162	
10 MITIGATION				Required	Provided
A. Total Removed Inches		273 in			
B. Mitigation Inches Required			458 in	0 in	
Remaining mitigation to be paid with fee			\$ 68,700.00		

This exhibit demonstrates proposing a mix of Type A/B trees and Type C trees within the landscaped area, after meeting all other landscape requirements.

This exhibit proposes a 20% reduction of required landscape area via alternative compliance in order to reduce the minimum number of trees required.

In addition, it proposes a 20% reduction in minimum trees to be planted on site, instead being paid for with fee in lieu at \$150 per caliper inch.

Type A trees are proposed as 4" trees, and Type C trees are proposed as 2" trees. The minimum requirements are calculated by caliper inches instead of number of trees.

All mitigation inches are to be paid for with fee in lieu at \$150 per caliper inch.

While utilizing the above adjustments, meeting all the landscape requirements is achievable at a 1:600 ratio.

