

AGENDA



Thursday, April 23, 2009

**Public Hearings and Possible Actions
RECOMMENDATION FOR COUNCIL ACTION****Item No. 94**

Subject: Conduct a public hearing and consider an ordinance for floodplain variances requested by Mr. Aaron Googins, P.E., of King Engineering, Inc., on behalf of Mr. Ruben Rodriguez to retroactively allow the placement of fill and the construction of a retaining wall in the rear yard of the single-family residence at 328 Heartwood Drive in both the 25-year and 100-year floodplains of Williamson Creek.

Fiscal Note: There is no unanticipated fiscal impact. A fiscal note is not required.

For More Information: Joe Pantalion, 974-3438; Mapi Vigil, 974-3384; Kevin Shunk, 974-9176; Ray D. Windsor, 974-3362

Boards and Commission Action: August 13, 2007: Board of Adjustment denied variance for a retaining wall and fence greater than 6 feet in height.

September 10, 2008: Environmental Board recommended approval of the environmental variances.

September 23, 2008: Planning Commission approved staff's recommendation to deny environmental variances.

October 28, 2008: Planning Commission approved staff's recommendation to deny an appeal of administrative disapproval of a site plan. Related to Items #64 & 93.

The property is developed with a single-family residence. In 2005 the applicant began constructing a retaining wall and fence up to 13.5 feet in height and added backfill inside the Critical Water Quality Zone and inside the 25-year and 100-year floodplains without permits. After a notice of violation was issued, the site plan was filed in 2008 to obtain approval for this development. The site plan application is the subject of case number SP-2008-0091D.

As part of the site plan application, the applicant seeks variances from certain floodplain management regulations prescribed by the City Code to obtain a site plan permit in order to allow the already-built retaining walls and placed fill to remain in the floodplain. The development increases flood levels on other properties, causing additional flooding. The retaining walls and fill encroach into a drainage easement that was dedicated by the subdivision plat in 1968.

In addition to consideration of these floodplain variances, action by the City Council on the applicant's request for a site plan appeal is required.

Staff recommends denial of this variance request.