

Environmental Variances

Staff documentation concerning the applicant's request for approval of a variance from Land Development Code Sections 25-8-341 and 25-8-342, which requires no cut or fill greater than 4 feet; the applicant requests allowance of cut up to maximum of 8.2 feet, and allowance of fill up to maximum of 10.3 feet.



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING
DATE REQUESTED: OCTOBER 06, 2010

NAME & NUMBER OF PROJECT: THE TRAILS AT 620
SPC-2009-0349C

NAME OF APPLICANT OR ORGANIZATION: Texas Engineering Solutions, LLC
(CONTACT: STEPHEN DELGADO, PE 512-904-0505)

LOCATION: 8300 N FM 620 RD

PROJECT FILING DATE: December 04, 2009

WPDR/ENVIRONMENTAL STAFF: MICHAEL CLAY, 974-2296
MICHAEL.CLAY@CI.AUSTIN.TX.US

WPDR/ CASE MANAGER: SARAH GRAHAM, 974-2826
SARAH.GRAHAM@CI.AUSTIN.TX.US

WATERSHED: LAKE TRAVIS WATERSHED (WATER SUPPLY RURAL)
DRINKING WATER PROTECTION ZONE

ORDINANCE: COMPREHENSIVE WATERSHED ORDINANCE (CURRENT CODE)

REQUEST: VARIANCE REQUEST IS AS FOLLOWS:
1. TO ALLOW CUT UP TO A MAXIMUM OF 8.2 FEET (LDC SECTION 25-8-341)
2. TO ALLOW FILL UP TO A MAXIMUM OF 10.3 FEET (LDC SECTION 25-8-342)

STAFF RECOMMENDATION: RECOMMENDED FOR CONDITIONAL APPROVAL.

REASONS FOR RECOMMENDATION: FINDINGS OF FACT HAVE BEEN MET.



MEMORANDUM

TO: Betty Baker, Chairperson
Members of the Zoning & Platting Commission

FROM: Michael Clay, Environmental Review Specialist Senior
Planning and Development Review Department

DATE: September 21, 2010

SUBJECT: The Trails at 620 – SPC-2009-0349C

Variance Requests: Variance from LDC 25-8-341 – To allow cut up to 8.2 feet.
Variance from LDC 25-8-342 – To allow fill up to 10.3 feet.

Project Area Description

The proposed development is located at 8300 N FM 620 Road which is within the City of Austin full purpose jurisdiction. The project is located within the Lake Travis watershed, which is a Water Supply Rural watershed, located in the Drinking Water Protection Zone. The site is also located in the Hill Country Roadway Corridor, over the Edward's Aquifer Recharge Zone, and within endangered species habitat of the Golden Cheeked Warbler.

The project is bordered by the Balcones Canyonlands Preserve to the west, an apartment complex to the north, FM 620 Road to the east, and Wilson Parke Avenue to the south.

The Trails at 620 development will generally consist of the following:

- approximately 263,000 square feet of commercial retail space and associated improvements
- two water quality/detention ponds
- walking trail system

The site plan consists of four lots totaling approximately 169 acres. The maximum allowable impervious cover for lots 11A sections 1&2 is 40%, or 13.1 acres. A total of 13.0 acres of impervious cover, or 38.2% net site area is proposed for lots 11A sections 1&2. The maximum allowable impervious cover for lots 11B sections 1&2 is 25%, or 13.4 acres. A total of 12.7 acres of impervious cover, or 23.3% net site area is proposed for lots 11B sections 1&2. The total amount of impervious cover for this project is 25.7 acres.

The runoff from the completed project will be treated by two water quality ponds.

Vegetation, CEFs, and Slopes

Vegetation consists of moderately dense woodland composed of ashe juniper, oaks, and under story vegetation.

The site generally drains from east to west with slopes greater than 15% along the western portion of the site. There will be significant change to the existing topography with the proposed depth of cut up to 8.2 feet and fill up to 10.3 feet. With the exception of the water quality and detention facilities, the depth of cut is limited to 7.2 feet and the depth of fill is limited to 8.3 feet. The proposed cut and fill is necessary to construct the water quality/detention facilities and other site improvements.

Critical Environmental Features (CEF's) and buffers are present on and adjacent to the western portion of the site. These features are located on the western most portion of the site and include ten rimrock and sinks. The CEF's and associated buffers will be protected by a permanent fence and erosion controls prior to any development activity.

Waterways

N/A

Variance Request

The variances being requested for this site plan is as follows:

Variance from LDC 25-8-341 to allow cut up to 8.2 feet.

Variance from LDC 25-8-342 to allow fill up to 10.3 feet.

Recommendations

The findings of fact have been met. Staff recommends approval of this variance with the following conditions:

1. areas of cut and fill will be revegetated with no greater than a 3:1 slope or be structurally contained
2. development will consist of two phases to minimize ground disturbance
3. landscaping with 100% native plants from the City of Austin Grow Green Guide
4. landscaping 10% above requirements
5. 75% of all permanent landscape areas to use drip irrigation system
6. Integrated Pest Management Plan
7. Biolfiltration pond associated with phase 1

Similar Cases

Grandview Hills – Section 14 - SP-2006-0398C (8824 N FM 620 Rd)

Lake Travis Watershed

- Granted cut up to a maximum of 9.1 feet (LDC 25-8-341)
- Granted fill up to a maximum of 16.0 feet (LDC 25-8-342)

- Condominiums, duplexes, associated improvements, and water quality/detention facilities

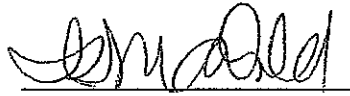
The Home Depot Grandview Hills – SPC-03-0008C (7900 N FM 620 Rd)
Bull Creek Watershed

- Granted cut up to a maximum of 9.9 feet (LDC 25-8-341)
- Granted fill over 4 feet (LDC 25-8-342)
- Retail building and associated improvements

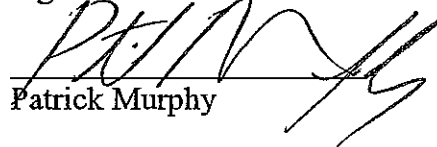
If you need further details, please feel free to contact me at 974-2296.

Michael Clay, Environmental Review Specialist Senior
Planning and Development Review Department

Environmental Program Coordinator:


Ingrid McDonald

Environmental Officer:


Patrick Murphy



Planning & Development Review Department
Staff Recommendations Concerning Required Findings
Of Fact

Application Name:	The Trails at 620
Application Case No:	SPC-2009-0349C
Code Reference:	Land Development Code Section 25-8-341 Cut Requirements
Variance Request:	To allow cut up to 8.2 feet for the development of commercial retail space, improvements, and water quality/detention facilities

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. Given the topography of the site, the variance is necessary to develop the site and is similar to neighboring developments.

2. The variance:

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

Yes. The development is not based on a condition caused by the method chosen by the applicant to develop the property.

- 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 cut is the minimum change necessary to construct the water quality/detention facilities and other site improvements.

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

Yes. This variance does not create a significant probability of harmful environmental consequences.

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

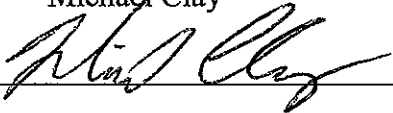
Yes. The proposed project will result in water quality that is at least equal to the water quality achievable without the variance.

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

Reviewer Name: Michael Clay

Reviewer Signature: _____



Date: September 21, 2010

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



Planning & Development Review Department
Staff Recommendations Concerning Required Findings
Of Fact

Application Name:	The Trails at 620
Application Case No:	SPC-2009-0349C
Code Reference:	Land Development Code Section 25-8-342 Fill Requirements
Variance Request:	To allow fill up to 10.3 feet for the development of commercial retail space, improvements, and water quality/detention facilities

C. 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. Given the topography of the site, the variance is necessary to develop the site and is similar to neighboring developments.

2. The variance:

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

Yes. The development is not based on a condition caused by the method chosen by the applicant to develop the property.

- e) 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 fill is the minimum change necessary to construct the water quality/detention facilities and other site improvements.

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

Yes. This variance does not create a significant probability of harmful environmental consequences.

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

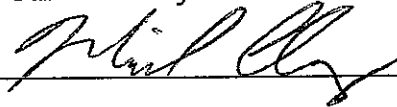
Yes. The proposed project will result in water quality that is at least equal to the water quality achievable without the variance.

D. 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

Reviewer Name: Michael Clay

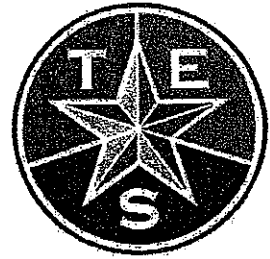
Reviewer Signature: _____



Date: September 21, 2010

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

TEXAS ENGINEERING SOLUTIONS
5000 BEE CAVES RD, SUITE 206
AUSTIN, TEXAS 78746
P: (512) 904-0505
F: (512) 904-0509



TBPE FIRM #11206

September 17, 2010

Mr. Michael Clay
505 Barton Springs Rd, 4th Floor
Austin, TX 78704

RE: Trails at 620 Cut Variance Request (SPC-2009-0349C)

Dear Mr. Clay:

On behalf of 69 Grandview Hills, LP, Texas Engineering Solutions would like to request the following variance for the Trails at 620 Site Plan:

- Compliance with the cut requirements set forth in §25-8-341 of the LDC.

Due to existing topography and other site constraints such as drainage and existing CEF setbacks, we have exceeded the limit of 4' and are requesting a variance up to 8.2'. As seen on the attached exhibit, we do have cuts that extend to 8.2', but these areas are within the proposed water quality pond in Phase 2 of the development. All of the cut areas (outside of the detention and water quality pond areas) have been limited to less than 7.15'.

Watershed Variances - Findings of Fact

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

Project: Trails at 620
Ordinance Standard: LDC 25-8-341 – 4' Cut Limit

JUSTIFICATION:

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?

Response – Yes, the site drains from a high point along RM 620 and Wilson Parke Avenue to steeper canyons in the back of the property towards the west. The development has been concentrated along these 2 roadways in order to maximize the area set aside for preserve that is a part of the BCCP land and to avoid having any roadway crossings of these areas. Cuts have been pushed to the front of the site to avoid the karst features located in the back of the site. In addition, the final site design incorporates tree wells to protect trees in cut areas. In general, the site was graded to require more fill than cut in order to minimize the impact to any subsurface features that may be found during construction. This is a similar design that is used by other properties in this area.

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?

Response – Yes, except for the building structures and ponds, cuts will be limited to 8' and less, and where necessary cut areas have been minimized as much as possible. This resulted in more fill areas on the property.

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.

Response – Yes, this project is unique in that over 100 acres were donated to BCCP for the protection of Endangered Species Habitat and an additional 5.5 acres has been donated to BCCP/Travis County for the protection of Endangered Species Habitat. The proposed site plan exceeds the minimum natural open space requirement by 33% (73% natural area provided), counting the land dedicated to the BCCP.

4. Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance?

Response – Yes, the variance is needed due to the clustering of the development along RM 620, which was done to preserve significant portions of the land for preserve. Additionally, the Owner has proposed to install a bio-retention pond for the Phase 1 water quality and a wet pond for the Phase 2 water quality.

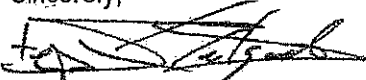
5. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property?

Response – N/A

A note will be placed on the cover sheet stating the variance approval if granted,

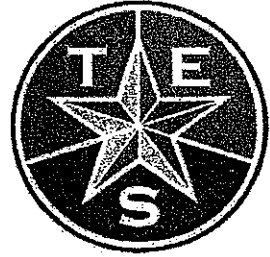
If you have any questions or comments, please feel free to call me at 904-0505. Thank you for your time.

Sincerely,



Stephen R. Delgado, P.E.

TEXAS ENGINEERING SOLUTIONS
5000 BEE CAVES RD, SUITE 206
AUSTIN, TEXAS 78746
P: (512) 904-0505
F: (512) 904-0509



TBPE FIRM #11206

September 17, 2010

Mr. Michael Clay
505 Barton Springs Rd, 4th Floor
Austin, TX 78704

RE: Trails at 620 Fill Variance Request (SPC-2009-0349C)

Dear Mr. Clay:

On behalf of 69 Grandview Hills, LP, Texas Engineering Solutions would like to request the following variance for the Trails at 620 Site Plan:

- Compliance with the fill requirements set forth in §25-8-342 of the LDC.

Due to existing topography and other site constraints such as drainage and existing CEF setbacks, we have exceeded the limit of 4' and are requesting a variance up to 10.3'. As seen on the attached exhibit, we do have fill areas that extend to 10.3', but these areas are within the proposed water quality pond in Phase 2 of the development. All of the fill areas (outside of the detention and water quality pond areas) have been limited to less than 8.27'.

Watershed Variances - Findings of Fact

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

Project: Trails at 620
Ordinance Standard: LDC 25-8-342 – 4' Fill Limit

JUSTIFICATION:

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?

Response – Yes, the site drains from a high point along RM 620 and Wilson Parke to steeper canyons in the back of the property. The development has been concentrated along these 2 roadways in order to maximize the area set aside for preserve that is a part of the BCCP land and to avoid having any roadway crossings of these areas. The Owner has revised the proposed site plan to minimize the amount of construction on slopes. Cuts have been pushed to the front of the site to avoid the karst features located in the back of the site. In addition, the final site design incorporates tree wells to protect trees in cut areas. In general the site was graded to require more fill than cut in order to minimize the impact to any subsurface features that may be found during construction. This is a similar design that is used by other properties in this area.

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?

Response – Yes, Except for building structures and ponds, cuts and fills will be limited to 8' and less and where necessary cut areas have been minimized which resulted in more fill areas on the property

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.

Response – Yes, this project is unique in that over 100 acres were donated to BCCP for the protection of Endangered Species Habitat and an additional 5.5 acres has been donated to BCCP/Travis County for the protection of Endangered Species Habitat. The proposed site plan exceeds the minimum natural open space requirement by 33% (73% natural area provided), counting the land dedicated to the BCCP.

4. Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance?

Response – Yes, the variance is needed due to the clustering of the development along SH 620 which was done to preserve significant portions of the land for preserves, in addition, the Owner will install a bio-retention pond which will function as a wet pond.

5. 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?

Response – N/A

A note will be placed on the cover sheet stating the variance approval if granted.

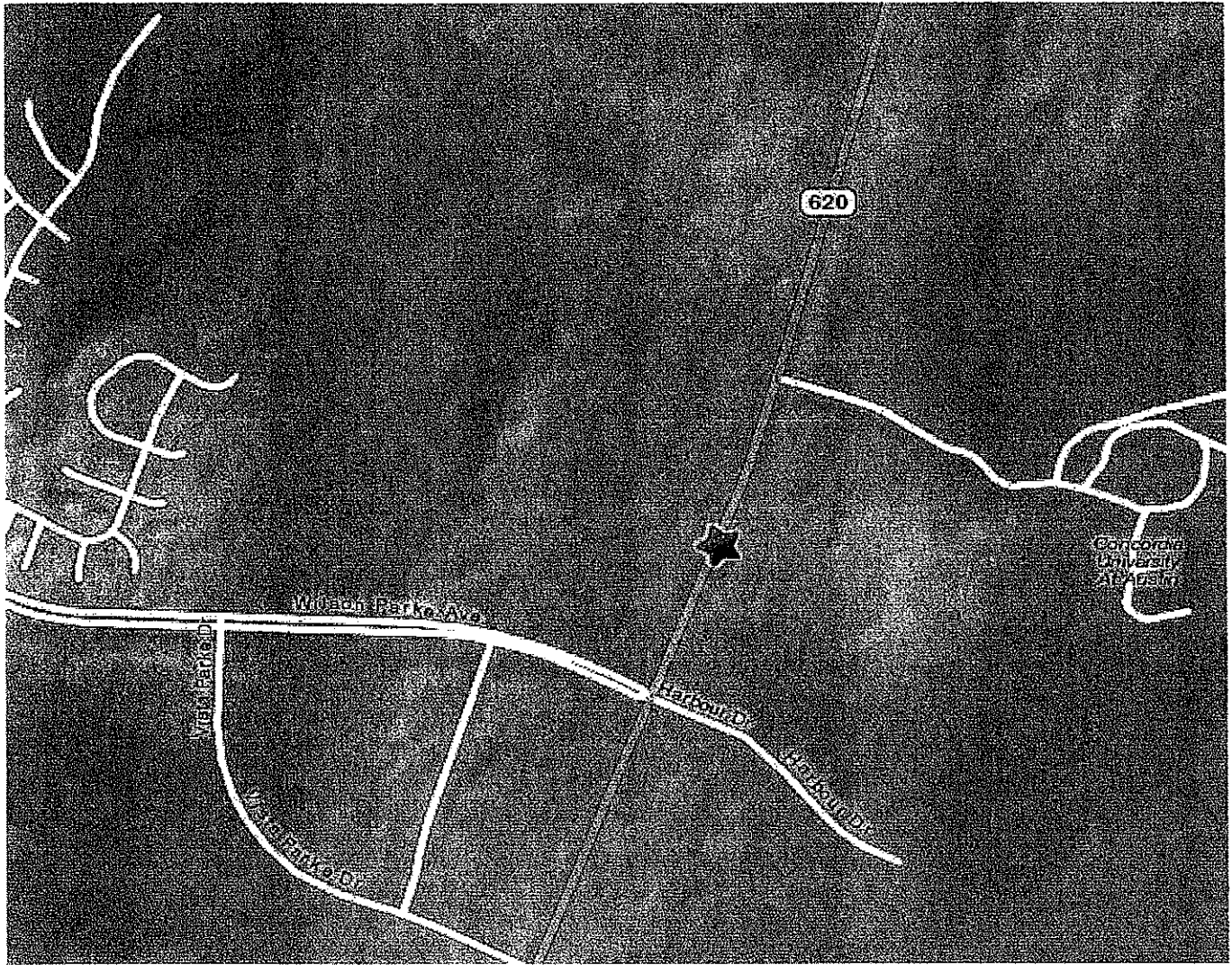
If you have any questions or comments, please feel free to call me at 904-0505. Thank you for your time.

Sincerely,



Stephen R. Delgado, P.E.

The Trails at 620
8300 N FM 620
SPC-2009-0349C



The Trails at 620
SPC-2009-0349C
8300 N FM 620
Driving Directions

Beginning at 505 Barton Springs Road:

Go north on South 1st Street
Turn left (west) on Cesar Chavez
Continue northbound on Mopac
Take the Northland Dr/RM 2222 exit and head west on RM 2222
Turn right (north) on FM 620
(southeast corner of property is at intersection of N FM 620 and Wilson Parke Ave)