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ENVIRONMENTAL VARIANCE REQUEST REVIEW SHEET

CASE: SP-2010-0266D

ZAP COMMISSION DATE: January 18, 2011

PROJECT NAME: Mountain View Elevated Storage

APPLICANT: River City Engineering (Will Pena, 422-3008 ext 107)

OWNER: Travis County Water Control & Improvement District No. 17
(Deborah Gernes, 266-1111)

ADDRESS OF SITE: 14901 Texas Street

COUNTY: Travis

AREA: .687 acres

WATERSHED: Running Deer Creek (Water Supply Rural)

JURISDICTION: 2-mile Extra Territorial Jurisdiction

EXISTING ZONING: not applicable

PROPOSED DEVELOPMENT: The applicant is proposing to construct a one-million gallon elevated water storage tank to provide the water capacity needed to meet fire suppression requirements in the area.

DESCRIPTION OF VARIANCE: The applicant is asking for the following Environmental Variances from the Land Development Code:

1. Variance from City Code Section LDC 25-8-302 to allow construction of a building on slopes greater than 25%.
2. Variance from City Code Section 25-8-341 for a cut exceeding four feet but not to exceed 7 feet.
3. Variance from City Code Section 25-8-342 for fill exceeding four feet but not to exceed 11 feet.

STAFF RECOMMENDATION:

The findings of fact have been met (see attached). Staff recommends approval of this variance with the following condition:

All areas of fill over four feet will be structurally contained

ENVIRONMENTAL BOARD ACTION:

January 5th, 2010: The Environmental Board recommends approval with conditions to a variance request to Land Development Codes:

1. Land Development Code 25-8-341 to allow cut up to a maximum of 7 feet for water tower construction.

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2. Land Development Code 25-8-342 to allow fill up to a maximum 11 feet for water tower construction.
3. Land Development Code 25-8-302 to allow construction on slopes for water tower construction.

Staff Condition:

1. All areas of fill over four feet will be structurally contained.

Rationale

Finding of Fact have been met.

Vote 5-0-0-2

ZONING & PLATTING COMMISSION ACTION:

ENVIRONMENTAL REVIEW STAFF: Brad Jackson **PHONE:** 974-3410
Brad.Jackson@ci.austin.tx.us

CASE MANAGER: Elizabeth Robinson **PHONE:** 974-6312
elizabeth.robinson@ci.austin.tx.us

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ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED: January 5th, 2011

NAME & NUMBER OF PROJECT: Mountain View Elevated Storage Tank- SP-2010-0050D

NAME OF APPLICANT OR ORGANIZATION: River City Engineering
(William Pena, 442-3008, ext 107)

LOCATION: 14901 Texas St.

PROJECT FILING DATE: September 15, 2010

PDR/ENVIRONMENTAL STAFF: Brad Jackson, 974-3410
brad.jackson@ci.austin.tx.us

WPDR/ CASE MANAGER: Beth Robinson, 974-6312
beth.robinson@ci.austin.tx.us

WATERSHEDS: Running Deer Creek 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 7 feet for water tower construction. (LDC Section 25-8-341).
2. To allow fill up to a maximum of 11 feet for water tower construction. (LDC Section 25-8-342).
3. To allow construction on slopes for water tower construction. (LDC Section 25-8-302).

STAFF RECOMMENDATION: Recommended with conditions.

REASONS FOR RECOMMENDATION: Findings-of-fact have been met.



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MEMORANDUM

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

FROM: Brad Jackson, Senior Environmental Reviewer
Planning and Development Review Department

DATE: January 5, 2011

SUBJECT: Mountain View Elevated Storage Tank (SP-2010-0266D)
14901 Texas Street

Variance Requests: Variance from the LDC 25-8-302 to allow construction of a building on slopes greater than 25%. Variance from the LDC 25-8-341 for a cut exceeding four feet but not to exceed 7 feet. Variance from the LDC 25-8-342 for fill exceeding four feet but not to exceed 11 feet.

The applicant is proposing to construct a one-million gallon elevated water storage tank to provide the water capacity needed to meet fire suppression requirements in the area.

Description of Project Area

This 0.6875 acre site (gross site area) is situated in Travis County, in the City of Austin 2-mile extraterritorial jurisdiction. The site is in the Drinking Water Protection Zone and located within the Running Deer Creek Watershed, which is classified as Water Supply Rural. Topographically, the site slopes to the south from a high point on the north side of approximately 832 feet to a low point of about 785 feet along the southern border of the lot. The proposed water tower will have 2,658 square feet (0.06102 of an acre) of impervious cover, or 16.5% of net site area.

Vegetation

According to the Soil Survey of Travis County, the site contains rolling Brackett soils (BiD) of the Lower Cretaceous Glen Rose Formation. These soils are a light brownish-gray gravelly clay loam underlain by limestone, marl and dolomite. Rock outcrops and smaller loose limestone fragments are common. The site vegetation consists of ashe juniper, mesquite, plateau live oak, Texas oak and cedar elm. Trees onsite range from 10 to 20 feet in height and canopy coverage is around 30%.

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Critical Environmental Features/Endangered Species

There are no CEFs on or within 150 feet of the subject property.

Water/Wastewater

The project will receive water service from Travis County WCID No. 17. There is no wastewater proposed for this site.

Variance Requests

The variances being requested by this project are as follows:

1. **Variance from City Code Section LDC 25-8-302 to allow construction of a building on slopes greater than 25%.**
2. **Variance from City Code Section 25-8-341 for a cut exceeding four feet but not to exceed 7 feet.**
3. **Variance from City Code Section 25-8-342 for fill exceeding four feet but not to exceed 11 feet.**

On December 2, 2009 the applicant requested the above variances.

Recommendations

Staff recommends granting the variance requests because the findings of fact have been met.

Conditions

- 1.) All areas of fill over four feet will be structurally contained.

If you have any questions or need additional information, please feel free to contact me at 974-3410.

Brad Jackson, Senior Environmental Reviewer
Planning and Development Review

Environmental Program Coordinator: _____
Ingrid McDonald

Environmental Officer: _____
Patrick Murphy

Similar Cases

The following project in Water Supply Rural had a variance request from LDC 25-8-302, 341 and 342 that was approved by the EV Board, and subsequently the Zoning and Platting Commission.

Palisades West (SP-02-0456D) requested a variance from LDC LDC 25-8-302, 341 and 342 to cut and fill over 4 feet and construct on slopes over 25%. The EV Board recommended conditional approval on September 20, 2006 by a vote of 7-0-0-1, with the following conditions:

Staff conditions:

1. Implementation of an IPM plan.
2. Green Building at 2-star level and/or LEEDS certification.
3. Additional water conservation measures
4. Landscape screening of the water quality pond on FM 2244 with native species
5. Tree mitigation of Class 1 trees at the standard rate
6. Utilize permeable pavers on the fire lane and gate the area

Board conditions:

None.



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

Application Name: Mountain View Elevated Storage Tank
Application Case No: SP-2010-0266D

Code Reference: Land Development Code Section 25-8-301 Construction on Slopes

Variance Request: To allow construction on slopes over 15% in grade for development of a water storage tank.

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. Considering the topography of the site, the variance is necessary to develop the above ground water storage tank. The storage tank is needed to provide water for emergency fire suppression in the area.

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. In order to develop the site with a water storage tank, this small area of slopes must be encroached upon.

- 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 construction on slopes is the minimum change necessary to construct the water tank.

- 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. Erosion controls including rock berms and a diversion berm to divert water from entering the site will be used during construction.

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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 through the use of aggressive erosion controls.

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: Brad Jackson

Reviewer Signature: _____

Date: December 28, 2010

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



C3/a

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

Application Name: Mountain View Elevated Storage Tank
Application Case No: SP-2010-0266D

Code Reference: Land Development Code Section 25-8-341 Cut Requirements

Variance Request: To allow cut up to 7 feet for the development of a water storage tank.

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. Considering the topography of the site, the variance is necessary to develop the water storage tank. Variances to change the topography are common in this area of the City of Austin.

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. In order to develop the site with a water storage tank, the site topography must be adjusted to meet strict safety standards and building codes.

- 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 storage tank.

- 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. Erosion controls including rock berms and a diversion berm to divert water from entering the site will be used during construction.

C3/10

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 through the use of aggressive erosion controls.

- 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):

- a. The above criteria for granting a variance are met;

N/A

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

N/A

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

N/A

Reviewer Name: Brad Jackson

Reviewer Signature: _____

Date: December 28, 2010

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



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

Application Name: Mountain View Elevated Storage Tank
Application Case No: SP-2010-0266D

Code Reference: Land Development Code Section 25-8-342 Fill Requirements

Variance Request: To allow fill up to 11 feet for the development of a water storage tank.

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. Considering the topography of the site, the variance is necessary to develop the water storage tank. Variances to change the topography are common in this area of the City of Austin.

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. In order to develop the site with a water storage tank, the site topography must be adjusted to meet strict safety standards and building codes.

- 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 fill is the minimum change necessary to construct the water quality/detention facilities and racetrack in order to provide for a proper foundation for the water tank.

- 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. Erosion controls including rock berms and a diversion berm to divert water from entering the site will be used during construction.

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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 through the use of aggressive erosion controls.

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: Brad Jackson

Reviewer Signature: _____

Date: December 28, 2010

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



Slopes

C3/13

December 2, 2009

CHAIRMAN OF THE ZONING AND PLATTING COMMISSION
301 West 2nd Street
Austin, Texas 78701

RE: Travis County W.C & I.D. No. 17
Mountain View Elevated Storage Tank
SP-2009-0230D
Request for Variance to §25-8-302 of *The Code of the City of Austin*
Construction on Slopes

Dear Chairman:

Travis County W.C.&I.D. No. 17 (the District) is proposing to construct the Mountain View Elevated Storage Tank Project. This project consists of expanding the District's water system elevated storage capacity by constructing a 1,000,000-gallon elevated water storage tank. This project consists of improvements that will help the District to better serve its existing customers. This project proposes to construct structures on slopes exceeding 15 percent and 25 percent. Travis County W.C.&I.D. No. 17 is requesting a variance to §25-8-302 of *The Code of the City of Austin*, construction on slopes.

This project is one of several water system improvements projects identified in the District's Water Capital Improvements Plan. The proposed tank facility is necessary to ensure continued compliance with TCEQ water system requirements contained in Chapter 290 of the Texas Administrative Code. The District proposes to construct this project in one phase that would consist of a 1,000,000 gallon elevated storage tank, approximately 560 LF of 24-inch water line, 250 LF of 8-inch water line, related appurtenances and site improvements including two retaining walls and an asphalt access drive. These proposed improvements would allow the District to keep up with increasing fire flow requirements and continued growth in the area.

The proposed elevated storage tank site is located on two legal lots in western Travis County owned by the District. These two lots comprise a total area of 0.687 acres and have a legal description of Lot 1, Block 10 of Mountain View Subdivision, Book 4, Page 243 of P.R.T.C.TX and Lot 14, Block 10 of the Mountain View Subdivision, Book 4, Page 243 of P.R.T.C.TX. The site address is 14901 Texas Street, Austin, Texas 78734. This project lies in the City of Austin 2-mile Extra Territorial Jurisdiction, and is located in the Running Deer Creek

Slopes

03/14

Watershed with a Watershed classification of Water Supply Rural. This project is not located within the Edwards Aquifer Recharge zone.

The District selected this site for the proposed elevated tank for several reasons. Site selection was difficult because of the lack of availability and high cost of developable land in the Lake Travis / Lake Austin area. The site would also need to be at an adequate elevation to allow for the construction of an elevated tank to serve the District's 1,040 pressure plane and also be located in close proximity to substantial water system facilities such as the treatment plant and major transmission mains. This site satisfied all these requirements and because the lots are located in an existing platted subdivision, environmental impact is expected to be at a minimum.

The terrain within the District's service area tends to be hilly with the Glen Rose formation being the predominant geological formation. Competent layers of the Glen Rose limestone underlain by less competent layers tend to result in terraced, hilly terrain. The proposed tank site exhibits this terraced terrain. The proposed tank is situated to take advantage of a terraced area on the site. However, due to the clear space required to construct the composite style (concrete pedestal with a steel tank bowl) tank, cut of the uphill slope and fill of the downhill slope is proposed. The tank was situated in order to minimize the amount of cut and fill. A portion of the tank structure and the downhill retaining wall and fill area is proposed to be located on slopes greater than 25%.

Travis County W.C.&I.D. No. 17 is requesting a variance to §25-8-302 of *The Code of the City of Austin*, which states that a building or parking structure may not be constructed on a slope with a gradient of more than 25 percent, and that a building or parking structure may be constructed on a slope with a gradient of more than 15 percent but not more than 25 percent if impervious cover on the slopes with a gradient of more than 15 percent does not exceed 10 percent of the total area of the slopes. This project proposes to construct structures on slopes exceeding 25 percent.

Due to the finiteness of available land that meets the District's requirements for the proposed elevated tank, it is vital that this site be used. Alternative locations of these improvements on the site will not alleviate the need for these variances.

Listed below are the Findings of Fact, as listed in the City of Austin Environmental Criteria Manual Appendix U, and an explanation of each applicable finding of fact:

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 §25-8-302 of *The Code of the City of Austin* would prevent the ability to construct the proposed improvements. This site is the only site Travis County W.C.&I.D. No. 17 was able to acquire, without condemnation, that met the site requirements including an adequate elevation to construct the water storage tank, proximity to substantial water system facilities such as a water treatment plant and a transmission main, and a lack of zoning/deed restrictions which would prohibit a water storage tank.
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
 - This project does demonstrate minimum departure from the terms of the ordinance. The proposed water storage tank was situated on the site in order to minimize the amount of construction on areas with steep slopes, while still abiding by building setback lines. The proposed tank is located on the site to take advantage of the only terraced area, but there is still an area on the downhill side of the tank located on slopes over 25%. Granting of this variance request would not create significant probabilities of harmful environmental consequences. The construction proposed on the steep slopes will involve flattening the site, and constructing structural retaining walls on the uphill and downhill side of the improvements. This will decrease the likelihood of erosion after the improvements are constructed.
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
 - This site consists of two legal lots that were subdivided by others in 1946. The proposed improvements are entirely located on one of the lots, but Travis County W.C.&I.D. No. 17 has acquired both lots in order to reduce the amount of impervious cover to 16.50% of Net Site Area. A Unified Development Agreement is being executed which will tie the two lots together.

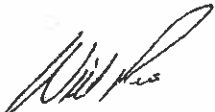
Slopes

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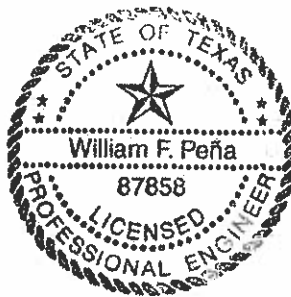
4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property? N/A
5. For variances in the Barton Springs Zone,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

If you have any questions, or need additional information, please do not hesitate to contact me at (512) 442-3008, ext. 107.

Sincerely,



William F. Peña, P.E.



12-02-09

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Cut C3/17

December 2, 2009

CHAIRMAN OF THE ZONING AND PLATTING COMMISSION
301 West 2nd Street
Austin, Texas 78701

RE: Travis County W.C & I.D. No. 17
Mountain View Elevated Storage Tank
SP-2009-0230D
Request for Variance to §25-8-341 of *The Code of the City of Austin*
Cut Requirements up to 6.5'

Dear Chairman:

Travis County W.C.&I.D. No. 17 (the District) is proposing to construct the Mountain View Elevated Storage Tank Project. This project consists of expanding the District's water system elevated storage capacity by constructing a 1,000,000-gallon elevated water storage tank. This project consists of improvements that will help the District to better serve its existing customers. This project proposes to construct cut and fill areas exceeding 4 feet in depth. Travis County W.C.&I.D. No. 17 is requesting a variance to §25-8-341 of *The Code of the City of Austin*, cut requirements and fill requirements.

This project is one of several water system improvements projects identified in the District's Water Capital Improvements Plan. The proposed tank facility is necessary to ensure continued compliance with TCEQ water system requirements contained in Chapter 290 of the Texas Administrative Code. The District proposes to construct this project in one phase that would consist of a 1,000,000 gallon elevated storage tank, approximately 560 LF of 24-inch water line, 250 LF of 8-inch water line, related appurtenances and site improvements including two retaining walls and an asphalt access drive. These proposed improvements would allow the District to keep up with increasing fire flow requirements and continued growth in the area.

The proposed elevated storage tank site is located on two legal lots in western Travis County owned by the District. These two lots comprise a total area of 0.687 acres and have a legal description of Lot 1, Block 10 of Mountain View Subdivision, Book 4, Page 243 of P.R.T.C.TX and Lot 14, Block 10 of the Mountain View Subdivision, Book 4, Page 243 of P.R.T.C.TX. The site address is 14901 Texas Street, Austin, Texas 78734. This project lies in the City of Austin 2-mile Extra Territorial Jurisdiction, and is located in the Running Deer Creek

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Watershed with a Watershed classification of Water Supply Rural. This project is not located within the Edwards Aquifer Recharge zone.

The District selected this site for the proposed elevated tank for several reasons. Site selection was difficult because of the lack of availability and high cost of developable land in the Lake Travis / Lake Austin area. The site would also need to be at an adequate elevation to allow for the construction of an elevated tank to serve the District's 1,040 pressure plane and also be located in close proximity to substantial water system facilities such as the treatment plant and major transmission mains. This site satisfied all these requirements and because the lots are located in an existing platted subdivision, environmental impact is expected to be at a minimum.

The terrain within the District's service area tends to be hilly with the Glen Rose formation being the predominant geological formation. Competent layers of the Glen Rose limestone underlain by less competent layers tend to result in terraced, hilly terrain. The proposed tank site exhibits this terraced terrain. The proposed tank is situated to take advantage of a terraced area on the site. However, due to the clear space required to construct the composite style (concrete pedestal with a steel tank bowl) tank, cut of the uphill slope and fill of the downhill slope is proposed. The tank was situated in order to minimize the amount of cut and fill. Final grading of the site proposes fill areas up to 11 feet in depth and cut areas up to 6.5 feet in depth.

Travis County W.C.&I.D. No. 17 is requesting a variance to §25-8-341 of *The Code of the City of Austin*, which states that cut on a tract of land may not exceed four feet in depth, except in an urban watershed, in a roadway right-of-way, under a foundation with sides perpendicular to the ground, or with pier and beam construction, for utility construction or a wastewater drainfield, or in a state-permitted sanitary landfill located in the extraterritorial jurisdiction. This project proposes final grading that results in cut depths up to 6.5 feet.

Due to the finiteness of available land that meets the District's requirements for the proposed elevated tank, it is vital that this site be used. Alternative locations of these improvements on the site will not alleviate the need for these variances. Every effort has been made to minimize the amount of cut and fill required to construct the proposed project on this site. However, due to the topography of the site, cut and fill greater than four feet in depth will need to be utilized to construct the tank.

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Cut

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Listed below are the Findings of Fact, as listed in the City of Austin Environmental Criteria Manual Appendix U, and an explanation of each applicable finding of fact:

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 §25-8-302 of *The Code of the City of Austin* would prevent the ability to construct the proposed improvements. This site is the only site Travis County W.C.&I.D. No. 17 was able to acquire, without condemnation, that met the site requirements including an adequate elevation to construct the water storage tank, proximity to substantial water system facilities such as a water treatment plant and a transmission main, and a lack of zoning/deed restrictions which would prohibit a water storage tank.
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
 - This project does demonstrate minimum departure from the terms of the ordinance. The proposed water storage tank was situated on the site in order to minimize the amount of construction on areas with steep slopes. The proposed tank is located on the site to take advantage of the only terraced area, but there is still the need to cut the uphill slope and fill the downhill slope. Granting of this variance request would not create significant probabilities of harmful environmental consequences. The construction proposed on the steep slopes will involve flattening the site, and constructing structural retaining walls on the uphill and downhill side of the improvements. This will decrease the likelihood of erosion after the improvements are constructed.
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
 - This site consists of two legal lots that were subdivided by others in 1946. The proposed improvements are entirely located on one of the lots, but Travis County W.C.&I.D. No. 17 has acquired both lots in order to reduce the amount of impervious cover to 16.50% of Net Site Area. A Unified Development Agreement is being executed which will tie the two lots together.


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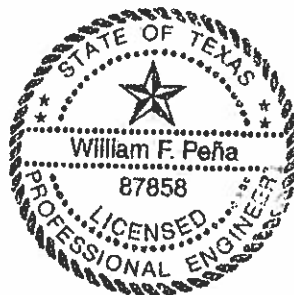
4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property? N/A
5. For variances in the Barton Springs Zone,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

If you have any questions, or need additional information, please do not hesitate to contact me at (512) 442-3008, ext. 107.

Sincerely,



William F. Peña, P.E.



2-2-09



Fill

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December 2, 2009

CHAIRMAN OF THE ZONING AND PLATTING COMMISSION
301 West 2nd Street
Austin, Texas 78701

RE: Travis County W.C & I.D. No. 17
Mountain View Elevated Storage Tank
SP-2009-0230D
Request for Variance to §25-8-342 of *The Code of the City of Austin*
Fill Requirements up to 11'.

Dear Chairman:

Travis County W.C.&I.D. No. 17 (the District) is proposing to construct the Mountain View Elevated Storage Tank Project. This project consists of expanding the District's water system elevated storage capacity by constructing a 1,000,000-gallon elevated water storage tank. This project consists of improvements that will help the District to better serve its existing customers. This project proposes to construct cut and fill areas exceeding 4 feet in depth. Travis County W.C.&I.D. No. 17 is requesting a variance to §25-8-342 of *The Code of the City of Austin*, cut requirements and fill requirements.

This project is one of several water system improvements projects identified in the District's Water Capital Improvements Plan. The proposed tank facility is necessary to ensure continued compliance with TCEQ water system requirements contained in Chapter 290 of the Texas Administrative Code. The District proposes to construct this project in one phase that would consist of a 1,000,000 gallon elevated storage tank, approximately 560 LF of 24-inch water line, 250 LF of 8-inch water line, related appurtenances and site improvements including two retaining walls and an asphalt access drive. These proposed improvements would allow the District to keep up with increasing fire flow requirements and continued growth in the area.

The proposed elevated storage tank site is located on two legal lots in western Travis County owned by the District. These two lots comprise a total area of 0.687 acres and have a legal description of Lot 1, Block 10 of Mountain View Subdivision, Book 4, Page 243 of P.R.T.C.TX and Lot 14, Block 10 of the Mountain View Subdivision, Book 4, Page 243 of P.R.T.C.TX. The site address is 14901 Texas Street, Austin, Texas 78734. This project lies in the City of Austin 2-mile Extra Territorial Jurisdiction, and is located in the Running Deer Creek

Fill

C3
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Watershed with a Watershed classification of Water Supply Rural. This project is not located within the Edwards Aquifer Recharge zone.

The District selected this site for the proposed elevated tank for several reasons. Site selection was difficult because of the lack of availability and high cost of developable land in the Lake Travis / Lake Austin area. The site would also need to be at an adequate elevation to allow for the construction of an elevated tank to serve the District's 1,040 pressure plane and also be located in close proximity to substantial water system facilities such as the treatment plant and major transmission mains. This site satisfied all these requirements and because the lots are located in an existing platted subdivision, environmental impact is expected to be at a minimum.

The terrain within the District's service area tends to be hilly with the Glen Rose formation being the predominant geological formation. Competent layers of the Glen Rose limestone underlain by less competent layers tend to result in terraced, hilly terrain. The proposed tank site exhibits this terraced terrain. The proposed tank is situated to take advantage of a terraced area on the site. However, due to the clear space required to construct the composite style (concrete pedestal with a steel tank bowl) tank, cut of the uphill slope and fill of the downhill slope is proposed. The tank was situated in order to minimize the amount of cut and fill. Final grading of the site proposes fill areas up to 11 feet in depth and cut areas up to 6.5 feet in depth.

Travis County W.C.&I.D. No. 17 is requesting a variance to §25-8-342 of *The Code of the City of Austin*, which states that fill on a tract of land may not exceed four feet in depth, except in an urban watershed, in a roadway right-of-way, under a foundation with sides perpendicular to the ground, or with pier and beam construction, for utility construction or a wastewater drainfield, or in a state-permitted sanitary landfill located in the extraterritorial jurisdiction. This project proposes final grading that results in fill depths up to 11 feet.

Due to the finiteness of available land that meets the District's requirements for the proposed elevated tank, it is vital that this site be used. Alternative locations of these improvements on the site will not alleviate the need for these variances. Every effort has been made to minimize the amount of cut and fill required to construct the proposed project on this site. However, due to the topography of the site, cut and fill greater than four feet in depth will need to be utilized to construct the tank.

Fill

C3
23

Listed below are the Findings of Fact, as listed in the City of Austin Environmental Criteria Manual Appendix U, and an explanation of each applicable finding of fact:

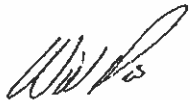
1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development? YES
 - Strict application of §25-8-302 of *The Code of the City of Austin* would prevent the ability to construct the proposed improvements. This site is the only site Travis County W.C.&I.D. No. 17 was able to acquire, without condemnation, that met the site requirements including an adequate elevation to construct the water storage tank, proximity to substantial water system facilities such as a water treatment plant and a transmission main, and a lack of zoning/deed restrictions which would prohibit a water storage tank.
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
 - This project does demonstrate minimum departure from the terms of the ordinance. The proposed water storage tank was situated on the site in order to minimize the amount of construction on areas with steep slopes. The proposed tank is located on the site to take advantage of the only terraced area, but there is still the need to cut the uphill slope and fill the downhill slope. Granting of this variance request would not create significant probabilities of harmful environmental consequences. The construction proposed on the steep slopes will involve flattening the site, and constructing structural retaining walls on the uphill and downhill side of the improvements. This will decrease the likelihood of erosion after the improvements are constructed.
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
 - This site consists of two legal lots that were subdivided by others in 1946. The proposed improvements are entirely located on one of the lots, but Travis County W.C.&I.D. No. 17 has acquired both lots in order to reduce the amount of impervious cover to 16.50% of Net Site Area. A Unified Development Agreement is being executed which will tie the two lots together.

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24

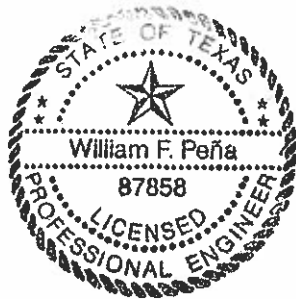
4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property? N/A
5. For variances in the Barton Springs Zone,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

If you have any questions, or need additional information, please do not hesitate to contact me at (512) 442-3008, ext. 107.

Sincerely,



William F. Peña, P.E.



12-02-09

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Driving Directions to Mountain View Elevated Storage Tank 14901 Texas Street

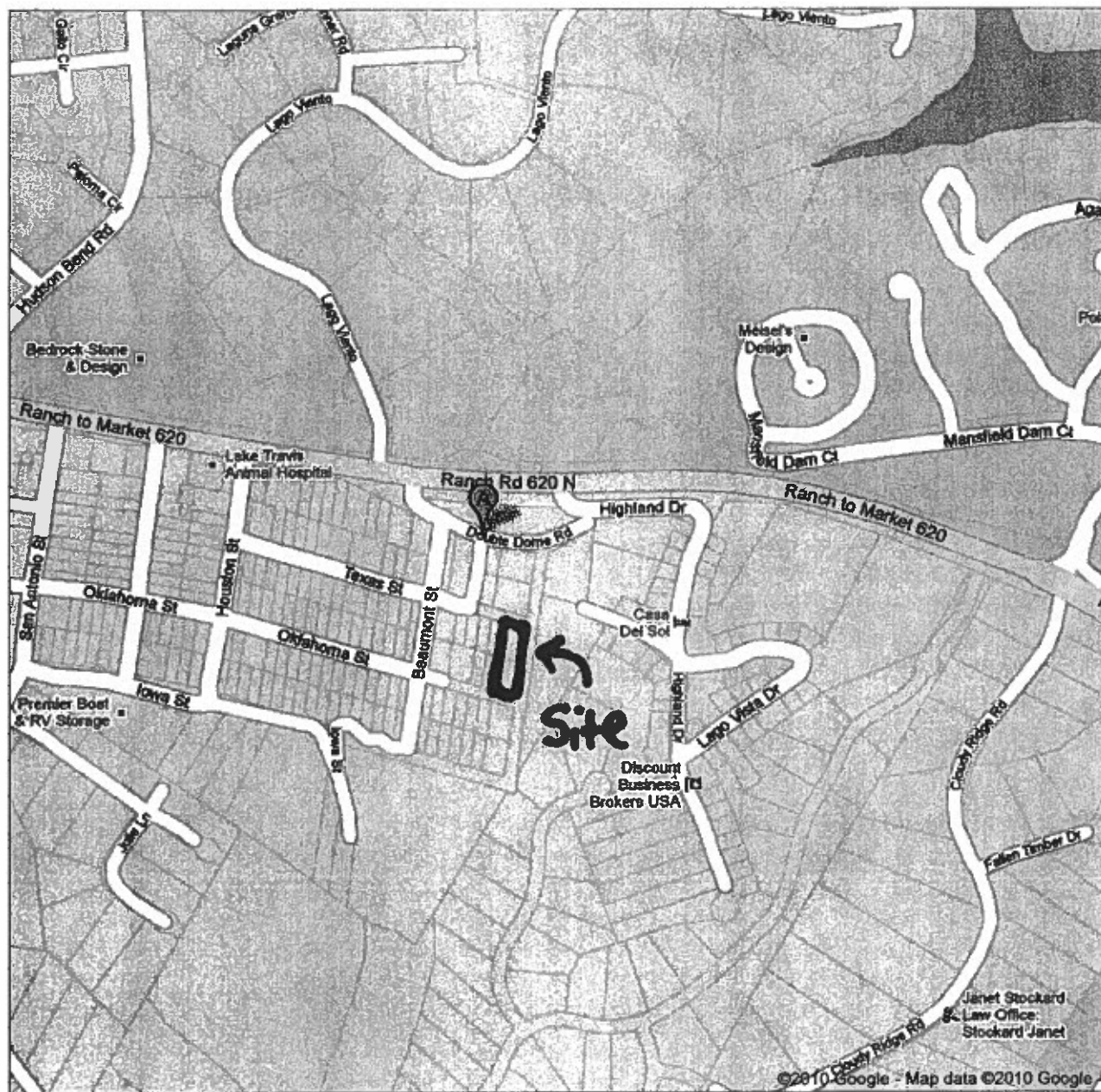
From One Texas Center, take Barton Springs Road west towards Mopac (Loop One). Take Mopac North to the 2222 exit, go left on 2222 heading west past 360 until you reach 620. Turn left on 620 heading south and cross over the Colorado River at Mansfield Dam. Turn left on Double Dome Road about a mile after the dam. Continue straight and veer right onto Beaumont Street and turn left on Texas Street. The site is one block further on the right where Texas Street dead ends into Port Arthur Street.

Google maps

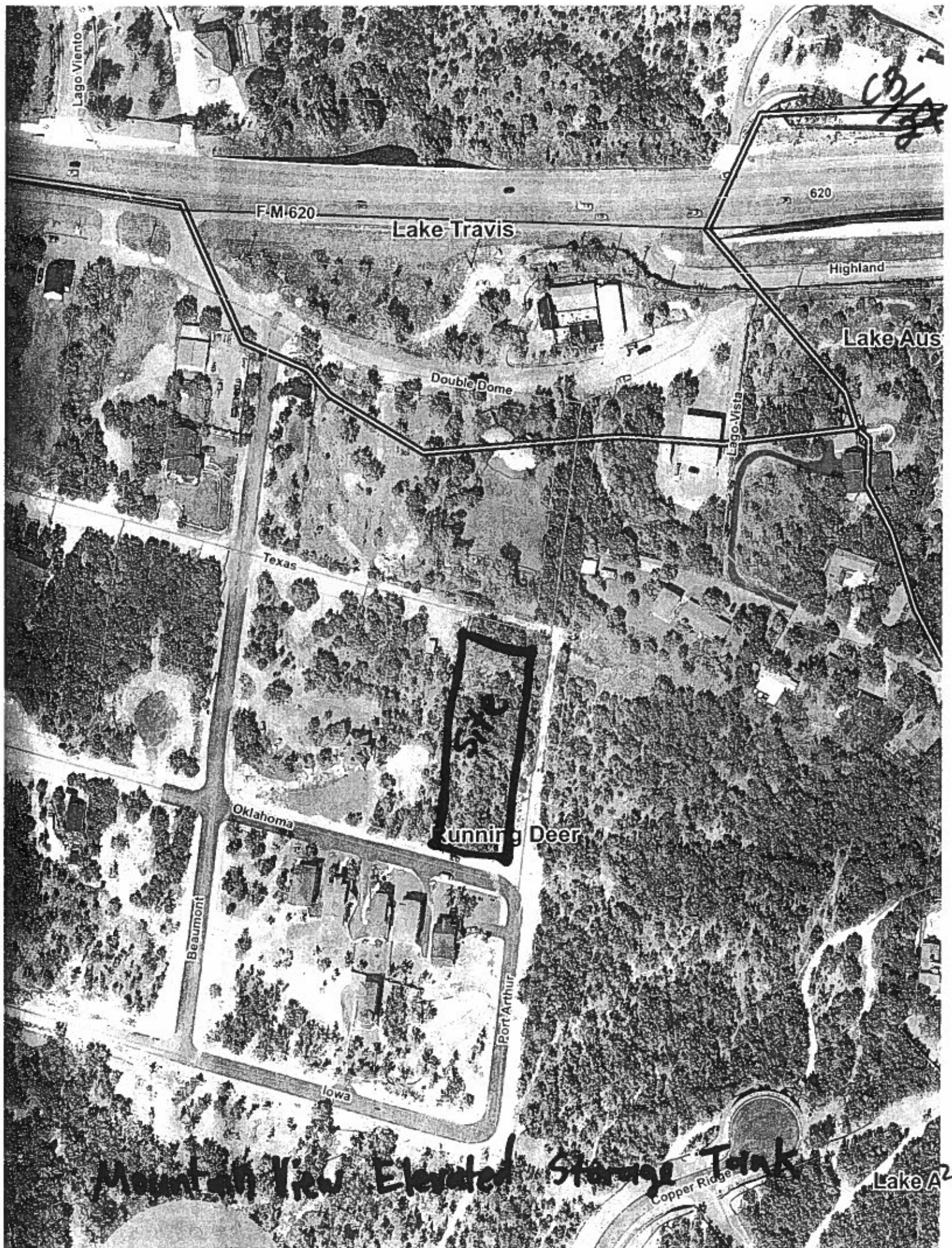
Address Double Dome Rd
Austin, TX 78734

Notes Mountain View Elevated
Storage Tank
14901 Texas Street

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Lago Viento

FMI 620

Lake Travis

620

Highland

Lake Aus

Double Dome

Lago Vista

Texas

SITE

Running Deer

Oklahoma

Iowa

Beaumont

Port Arthur

Copper Ridge

Lake A2

Mountain View Elevated Storage Tank

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View of site for Mountain View Elevated Storage Tank.



View looking South ^{across} ~~from~~ site.

