

ENVIRONMENTAL BOARD MEETING MINUTES Wednesday, September 10, 2008,



**ENVIRONMENTAL BOARD REGULAR MEETING MINUTES WEDNESDAY,
September 20, 2008.**

The Environmental Board convened in a regular meeting on Wednesday,
September 10, 2008, One Texas Center 505 Barton Springs Road 2nd Floor Room
#240, Austin Texas

Board Members in Attendance:

Rodney Ahart, Dave Anderson, Jon Beall, Mary Gay Maxwell, Phil Moncada and Mary
Ann Neely

Staff in Attendance:

Marilla Shepherd, Ingrid McDonald, Patricia Foran, Craig Carson, Chris Herrington, Ray
Windsor, Kevin Shunk, P. E., Gopal Guthikonda, P. E., Mateo Scroggins, and Pat
Murphy.

CALL TO ORDER

Chair Dave Anderson called the Board Meeting to order at 6:03 p.m.

1. CITIZEN COMMUNICATIONS: GENERAL

- a. Carol Torgrimson made an appeal to the Environmental Board members to
consider postponing agenda item 4 a Vaught Ranch Road

2. APPROVAL OF MINUTES

Approve the minutes of the August 20, 2008 regular meeting.

The minutes for the regular minutes on August, 2008 were approved on Board
member Phil Moncada' motion and Board members Ahart's second. [Vote 5-1
Board member Beall was off the dais, one vacancy]

**3. PUBLIC HEARINGS DISCUSSION AND ACTION ON DEVELOPMENT
CASES**

- a. Name: Austin Del Valle Motorcross Park SP-2007-0613D
Applicant: Espey Consultants, Inc. (Ron Crane)
Location: 14600 Pearce Road

Staff Person: Patricia Foran – Watershed Protection and Development Review Department

Request: Variance request to Land Development Code 25-7-61(A) (5) (b)); 1) alter the floodplain. (LDC 25-8-211(B)); 2) not provide water quality controls. LDC 25-8-282;

3) encroach within wetland critical environmental features and associated setback (LDC 25-8-342); 4) unstabilized fill up to 16 feet (LDC 25-8-392); 5) construct up to 3.59 acres of impervious cover (track), and construct water quality controls within the Critical Water Quality Zone. (LDC 25-8-393(A)); 6) exceed 30% impervious cover in the Water Quality Transition Zone by constructing up to 2.61 acres (11,362 square feet) impervious cover, 1.74 acres (75,795 square feet) of which is in the 100-year floodplain.

Staff Recommendation: Not recommended for all variance requests because the findings of fact have not been met.

The motion to withdraw agenda item 3a was approved on Board member Dave Anderson motion and Board member's Moncada's second [Vote 5-1 Board member Beall was off the dais. One vacancy]

b. Name: 328 Heartwood SP-2008-0091D

Applicant: King Engineering Associates, Inc. (Aaron Googins)

Location: 328 Heartwood Drive

Staff Person: Craig Carson- Watershed Protection and Development Review Department

Request: Variance request to Land Development Code Sections 25-8-382

1) To allow development in the Critical Water Quality Zone and; 2) Land Development Code Section 25-8-392 - To allow fill up to 7.5 feet.

Staff Recommendation: Not Recommended

The Environmental Board recommended conditional approval to a variance request to Land Development Code 25-8-382 1) To allow development in the Critical Water Quality Zone and; 2) Land Development Code Section 25-8-392 - To allow fill up to 7.5 feet. The motion was approved on Board member Mary Ann Neely's and Board Member Mary Gay Maxwell's second. RATIONALE- 1. The owner attempted in good faith to get permits. 2. Impacts to water quality and flood plain are negligible. [Vote 4-1] Board member Moncada had a conflict with this item and recused himself from the dais. One vacancy.

4. ACTION ITEMS:

a. Service Extension Request for Vaught Ranch Road Water #2768 and Wastewater #2769- Robbie Botto- Watershed Protection and Development Review Department

The motion to postpone agenda item 4a Vaught Ranch Road SER #2768 Water and 2769 Wastewater to September 17, 2008 was approved on Board member

Dave Anderson's motion, and Board member's and Board Member Mary Ann Neely's second [Vote 6-0 one vacancy]

b. Joint Environmental Board and Urban Forestry Board Tree Resolution – Dave Anderson Chair.

The Environmental Board, along with the City of Austin Tree Task Force, and the Urban Forestry Board, offer the attached resolution to address recent damage to the urban tree canopy, and to recognize this resource as an important infrastructure component to the City of Austin. [Board member Mary Ann Neel motion and Board Member Moncada' second] [Vote 6-0 one vacancy]

5. STAFF BRIEFINGS

a. Briefing on the Austin Clean Water Program – Gopal Guthikonda, P. E., Austin Water Utility

This item was conducted as posted.

b. Presentation on Environmental Integrity Index Scores (EII Scores) - Ingrid McDonald, Watershed Protection and Development Review Department

This item was conducted as posted.

c. Presentation on Bull Creek District Park- Chris Herrington, Watershed Protection and Development Review Department

This item was conducted as posted.

6. OLD BUSINESS

a. Joint Environmental/Parks Board Subcommittee Update – Dave Anderson, P.E.

Mary Ann Neely reported on this item the next meeting is Monday September 15, 2008 at 6:15 p.m.

b. Erosion and Sedimentation Controls Update – Dave Anderson, P.E.

Phil Moncada reported on this item.

Balcones Canyonlands Conservation Plan Citizens Advisory Group Update
Mary Ann Neely

Mary Ann Neely reported on this item

c. Waterfront Overlay Taskforce – Dr. Mary Gay Maxwell

Mary Gay Maxwell reported on this item.

d. 2008 Work Plan Review –Dave Anderson, P. E.

No report this week on this item.

e. Rosewood Dumpsite Update – Rodney Ahart

Rodney Ahart reported on this item

7. NEW BUSINESS

Request for future agenda items:

- a. Rodney Ahart is requesting Ingrid McDonald to place Matt Hollon's analysis the packet.
- b. Mary Ann Neely requested a short presentation and tour from staff at BCP.

8. ADJOURNMENT

Meeting adjourned at 8:15 P.M.

DRAFT



ENVIRONMENTAL BOARD MOTION 091008 3b-001

Date: September 10 2008

Subject: 328 Heartwood SP-2008-0091D

Motioned By: Mary Ann Neely

Seconded By: Mary Gay Maxwell

The Environmental Board recommended conditional approval to a variance request to Land Development Code 25-8-382 1) To allow development in the Critical Water Quality Zone and; 2) Land Development Code Section 25-8-392 - To allow fill up to 7.5 feet.

RATIONALE

1. The owner attempted in good faith to get permits.
2. Impacts to water quality and flood plain are negligible. [Vote 4-1] Board member Moncada had a conflict with this item and recused himself from the dais. One vacancy.

Vote 4-1-0-1

For: Ahart, Anderson, Maxwell, and Neely

Against: Beall None

Abstain: None

Absent:

Recused: Moncada

Vacant: One.

Approved By:

Dave Anderson P.E., CFM, Chair



ENVIRONMENTAL BOARD MOTION AND RESOLUTION 091008 4b-001

Date: September 10 2008

Subject: Urban Tree Canopy Protection Resolution

Motioned By: Mary Ann Neely

Seconded By: Mary Gay Maxwell

The Environmental Board, along with the City of Austin Tree Task Force and the Urban Forestry Board, offer the attached resolution to address recent damage to the urban tree canopy, and to recognize this resource as an important infrastructure component to the City of Austin.

Vote 6-0-0-0

For: Ahart, Anderson, Beall Maxwell, Moncada and Neely

Against: None

Abstain: None

Absent:

Vacant: One.

Approved By:

Dave Anderson P.E., CFM, Chair

RESOLUTION NO. EB 0910084b-001

WHEREAS, a multifamily construction site plan (Bee Caves Apartments, SP-2007-0442C) was approved by the City of Austin on January 22, 2008, and development activities commenced after the Owner, Contractor, and City representatives discussed various environmental and tree issues at an on-site meeting held February 27, 2008; and

WHEREAS, during the weekend of March 8, 2008 a Subcontractor, operating with minimal supervision, cleared an unauthorized area and removed a significant number of trees and vegetation, evidently driving over a limit of construction barrier that delineated the development boundaries into a waterway and drainage easement where a tree survey was not required; and

WHEREAS, the City of Austin was contacted by the Owner on the following Monday morning and accompanied a Watershed Protection and Development Review Inspector to the site on March 13, 2008, where a Stop Work Order was issued for development not in accordance with a released site plan, failure to provide adequate erosion and sedimentation control, and failure to comply with protected tree requirements; and

WHEREAS, the Contractor hired a private surveying company to perform a tree survey of the removed trees, which remained piled on the site, accounting for 154 trees (8-inches in diameter and greater) totaling 1,440 diameter inches that were removed without a permit, including 23 mature, "protected" trees that were 19" diameter or greater; and

WHEREAS, the Stop Work Order was released on March 28, 2008 after the Owner agreed to provide 100% replacement of inch for inch for the tree violations; and

WHEREAS, the urban tree canopy is a vital component of the Austin Environment; and

WHEREAS, there is the potential to set an unacceptable precedent if trees are removed from a site in excess of those permitted for removal without a significant penalty for those activities, and those responsible for the illegal action held immediately accountable;

NOW, THEREFORE, BE IT RESOLVED, that the City of Austin Environmental Board, Urban Forestry Board, and the neighborhood representatives of the neighborhood associating that served on the Tree Task Force requests that City Council direct City Staff to evaluate the following:

1. The implementation of the recommendations of the Tree Task Force immediately.
2. The implementation of more significant fines or other financial implications as a deterrent to these types of activities, such as using the appraised value of the tree as opposed to the mitigated value.

3. The responsible party, in cases where trees are removed from a site in excess of those permitted for removal, be required to provide a plan, which includes provisions for watering and loss replacement, to 100% restoration, successful re-vegetation and that such plan is underway before any additional development activities take place on the impacted site.
4. Increasing the fiscal surety note associated with tree removal activities to \$250/inch.
5. Whether the level of code enforcement necessary to prohibit these types of activities is currently adequate.
6. Posting a bond at the time that development activities begin to cover the immediate mitigation of tree and other environmental harms that may be a result of non-compliance with City Code.

ADOPTED: September 10, , 2008

ATTEST:



David J. Anderson, PE, CFM
Environmental Board Chair



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING DATE REQUESTED:	September 17, 2008
NAME & NUMBER OF PROJECT:	Wildflower Commons/PUD C814-06-0233
NAME OF APPLICANT OR ORGANIZATION:	Drenner & Golden Stuart Wolff, LLP (Michele Haussmann – Phone 404-2233)
LOCATION:	4700 – 5200 Blocks of State Highway 45

PROJECT FILING DATE:	December 21, 2006
WPDR/ENVIRONMENTAL STAFF:	Patricia Foran, 974-3427 patricia.foran@ci.austin.tx.us
WPDR/ CASE MANAGER:	Wendy Rhoades, 974-7719 Wendy.Rhoades@ci.austin.tx.us
WATERSHED:	Slaughter Creek and Bear Creek Watersheds (Barton Springs Zone) Drinking Water Protection Zone
ORDINANCE:	Bradley Settlement Agreement
GROSS SITE AREA:	265.68 acres
REQUEST:	Applicant is requesting PUD zoning for the property with the following exceptions: 1) LDC 25-8-65 (Roadways) to not account for the roadway deduction; 2) LDC 25-8-262(B)(3)(b) (Critical Water Quality Zone Street Crossings) to allow one crossing; 3) LDC 25-8-341 (Cut Requirements) per cut/fill exhibit; 4) LDC 25-8-342 (Fill Requirements) per cut/fill exhibit; 5) LDC 25-8-482 (Critical Water Quality Zone) to allow one driveway or roadway; 6) LDC 25-8-483(A)(1) (Water Quality Transition Zone) to allow one driveway or roadway; 7) LDC 25-1-21(98) (Definitions) to revise the definition of "site"; and 8) LDC 25-4-157(B) (Subdivision Access Streets) to provide only one access to an external street. "The land in the PUD is within the area known as the Barton Springs Zone in which the City's Save Our Springs (SOS) ordinance applies. Application of City

ordinances to development of the land is affected by the "Settlement Agreement by and Between the City of Austin and the Bradley Parties" (commonly known as the Bradley Agreement) that ended litigation over development of the land in 2000. PUD zoning may also modify City ordinances applicable to development of the land."

STAFF RECOMMENDATION: Recommended.



MEMORANDUM

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

FROM: Patricia Foran, Environmental Review Specialist Senior
Watershed Protection and Development Review Department

DATE: August 13, 2008

SUBJECT: Wildflower Commons PUD - C814-06-0233
4700 – 5200 Blocks of State Highway 45

Staff received a rezoning application for the above-mentioned case on December 21, 2006 that proposes a zoning change from the single-family residence standard lot (SF-2) and general office (GO) districts to Planned Unit Development (PUD) on 265.678 acres of land.

The PUD proposal consists of a mixed use development consisting of condominiums, office uses, a supermarket, and a shopping center with restaurant. In total, impervious cover is proposed at 15% net site area, which is approximately 37.99 acres of impervious cover. The applicant is allocated approximately 45.61 acres of impervious per the Bradley Settlement Agreement.

The Applicant is requesting seven exceptions to environmental regulations.

Description of Property

The proposed PUD is situated in the Bear and Slaughter Creek Watersheds, both of which are classified as Barton Springs Zone. The PUD is composed of five tracts and is bisected by proposed State Highway 45. The tracts lie in the Drinking Water Development Zone and are located over the Edwards Aquifer Recharge Zone. Critical Water Quality Zone (CWQZ), Water Quality Transition Zone (WQTZ), 100-year floodplain, and critical environmental features (CEFs) occur within the proposed PUD.

The existing tracts are currently undeveloped. The proposed PUD area is bounded by undeveloped land on the west (County), undeveloped land (GR-CO and County) within the Circle C Ranch subdivision to the north, and undeveloped land (County) on the east and south.

The property is subject to the Bradley Agreement, which includes certain mitigative components. This PUD proposes to comply with all conditions required by the Bradley Agreement, in addition to benefits proposed with this rezoning application.

Existing Topography/Soil Characteristics/Vegetation

The elevation ranges from 800 to 880 feet above mean sea level. There is a watershed divide located on the property; the majority of the project area slopes to the northeast towards Slaughter Creek, and a portion slopes to the southwest towards Bear Creek. All slopes are less than 15%.

There are two soil mapping units on site: Speck stony clay loam and Tarrant soils. The geologic units of the site of the Edwards Group, which consist of Grainstore, Kirschberg Evaporite, and Dolomitic members of the Cretaceous age Kainer Formation.

The project site is located in the Live Oak-Ashe Juniper Parks vegetation region which is characterized as wooded and open rangeland.

Critical Environmental Features/Endangered Species

Forty-nine CEFs were identified on the subject tract by COA staff and the environmental assessment. These features are classified as the following: twenty are sinkholes; thirteen are solution cavities; five are closed depressions; seven are caves; three are solution cavity – solution fractures, and one is a sink hole and wetland. Please refer to the attached CEF exhibit for agreed upon CEF locations and setbacks. Additional conditions requested by ERM staff (and agreed to by the applicant) are included in the attached memorandum dated July 7, 2008.

Water/Wastewater

The applicant proposes to utilize City of Austin water and wastewater services.

Environmental Exception Requests

The environmental exceptions requested for this project are to LDC Sections:

1. Exception from LDC 25-8-65 (Roadways)

- (A) Except as otherwise provided in this section, impervious cover calculations for development adjacent to a roadway shall account for the adjacent roadway.
- (B) For development with an internal roadway, impervious cover calculations include the internal roadway, except that pavement width in excess of 44 feet is excluded. This does not reduce the requirements for stormwater detention facilities or water quality controls for run-off from the roadways.
- (C) For development adjacent to a roadway built as a City Capital Improvements Program project after May 18, 1986, impervious cover calculations include one-half of the pavement width, up to a maximum of 44 feet, and the associated right-of-way.

(D) This section does not apply in the desired development zone to a development with impervious cover of not more than:

(1) 5,000 square feet; or

(2) 7,000 square feet for development located at a smart growth transportation corridor or node described in Section 25-6-3 (*Smart Growth Corridors and Nodes Described*).

In lieu of complying with LDC 25-8-65, this PUD will comply with the Bradley Agreement. Allocation of impervious cover under the Bradley Agreement already accounts for the adjacent roadway. The applicant is requesting to include this section as an exception as well since it is included in the LDC.

2. Exception from LDC 25-8-262(B)(3)(b) (Critical Water Quality Zone Street Crossings)

(B) This subsection applies in a watershed other than an urban watershed.

(3) A minor waterway critical water quality zone may be crossed by an arterial and collector streets, except:

(b) in a water supply suburban or water supply rural watershed, or the Barton Springs Zone, a collector street crossing must be at least 2,000 feet from a collector or arterial street crossing on the same waterway.

The applicant is requesting to remove this requirement to allow one waterway crossing on Tract 1 to provide safe access that otherwise would not be possible.

3. Exception from LDC 25-8-341 (Cut Requirements)

Cut on a tract of land may not exceed 4' of depth.

The applicant is requesting a modification to allow cuts up to 10' associated with the water quality and detention facilities, and up to 15' for areas associated roadways, parking areas, driveways, and other site development per attached cut/fill exhibit.

4. Exception from LDC 25-8-342 (Fill Requirements)

Fill on a tract of land may not exceed 4' of depth.

The applicant is requesting a modification to allow fill up to 10' associated with the water quality and detention facilities, and up to 15' for areas associated roadways, parking areas, driveways, and other site development per attached cut/fill exhibit.

5. Exception from LDC 25-8-482 (Critical Water Quality Zone)

Development is prohibited in a critical water quality zone, except as provided in Article 7, Division 1 (*Critical Water Quality Zone Restrictions*).

The applicant is requesting a modification to allow a driveway or roadway into Tract 1.

6. Exception from LDC 25-8-483(A)(1) (Water Quality Transition Zone)

(A) Development is prohibited in a water quality transition zone that lies over the Edwards Aquifer recharge zone, except for:

- (1) development described in Article 7, Division 1 (*Critical Water Quality Zone Restrictions*);

The applicant is requesting a modification to allow one driveway or roadway into Tract 1.

7. Exception from LDC 25-1-21(98) (Definitions)

SITE means a contiguous area intended for development, or the area on which a building has been proposed to be built or has been built. A site may not cross a public street or right-of-way.

The applicant is requesting to redefine site to include all tracts, including those separated by a public street or right-of-way. This will allow site development to comply with development standards on an overall basis, rather than tract by tract.

Other Exception Request

One exception requested by this project that is not directly environmentally-related is to LDC Section:

1. Exception from LDC 25-4-157(B) (Subdivision Access Streets)

(B) Except as otherwise provided in this section:

- (1) a new subdivision must have at least two access streets; and
- (2) each of the two access streets must connect to a different external street.

The applicant is requesting a variance to provide only one access to external street. The access will be constructed with a minimum 50 foot cross-section with two inbound and two outbound lanes.

Recommendations

Staff from the Watershed Protection and Development Review and Neighborhood Planning and Zoning departments have worked with the Applicant to provide additional benefits in site development as support for the proposed PUD:

- Stabilize cut/fill using terracing or structural containment where feasible;
- Transfer 7.621 acres of available impervious cover to the Hill Country Conservancy;
- Dedicate a minimum of 100 acres of open space as a conservation easement;
- Prohibit development within the Bear Creek Watershed;
- Prohibit development on Tracts 2 and 4;
- Reduce the maximum construction envelope from 257.778 acres to 123.684 acres;
- Prohibit development upstream of all CEFs with the exception of one solution cavity - solution fracture, WC021;
- Provide a water quality conservation pond that captures 1.98 acre feet in excess of the required water quality volume;
- Adopts the Exterior Light Pollution Reduction techniques consistent with that approved for Southwest Marketplace (Costco and Lifetime Fitness – Forum PUD, Tract 2 and Parcels F and J). These techniques involve design and implementation of interior and exterior lighting so that no direct-beam illumination leaves the building site;
- Adopts the Landscape and Exterior Design / Heat Island Reduction requirements consistent with that approved for Southwest Marketplace (Costco and Lifetime Fitness – Forum PUD, Tract 2 and Parcels F and J). Available shading options include: additional plantings, using light colored materials on non-roof impervious surfaces, providing underground parking or using pervious pavement where soils are four feet or greater in depth. Available heat island reduction options include using energy efficient or vegetated roofing materials, and conducting a life cycle cost analysis for the use of concrete for all non-pervious paved parking and roadway surfaces; and
- Provide 2-star Austin Energy Green Building Standards or equivalent LEED rating (as the subject properties are not within the Austin Energy service area).

The Wildflower Commons PUD may be scheduled for consideration by the Zoning and Platting Commission at their October 7, 2008 meeting.

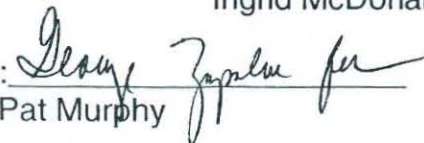
If you need further details, please contact me at 974-3427.


Patricia Foran, Environmental Review Specialist Sr.
Watershed Protection and Development Review

Environmental Program Coordinator


Ingrid McDonald

Environmental Officer:


Pat Murphy



MEMORANDUM

TO: Patrica Foran, Senior Environmental Reviewer
Watershed Protection and Development Review Department

FROM: Scott E. Hiers, P.G., Senior Environmental Scientist
Watershed Protection and Development Review Department

DATE: July 7, 2008

SUBJECT: Corrections to ERM's August 22, 2007 memo regarding Critical Environmental Feature setbacks of Wildflower Commons.

As part of the City of Austin's development review process, Environmental Resource Management (ERM) staff reviewed the karst assessment for the Wildflower Commons development site. The site is about 268-acres located in south Austin immediately south of the intersection of Loop 1 and State Highway 45. In late July and early August ERM, Barton Spring Edward Aquifer District and ACI Consulting staff members completed several karst surveys to determine if any karst recharge features might have been missed by an initial karst survey completed by J. Jackson Harper in October 2003.

Our surveys covered about 90 percent of the property. However, a layer of mulch and several brush piles from tree removal and clearing activities impeded our view of the ground in several areas. Although our survey efforts was hampered in some areas, we were able to identify 35 additional recharge features on or within 300-ft of the site. In all, 67 recharge features were identified by Harper's 2003 and the City's 2007 karst assessments. ERM staff has determined that 49 of the 67 features are critical environmental features (48 recharge features and 1 wetland/sinkhole). These features are located on or within 300-ft of the Wildflower Commons site. Table 1 lists all the features identified by both surveys and a corresponding location map (Map 1) is attached.

Based the surface drainage patterns, 2-ft topography, the type of feature, the feature's size and the density (or clustering) of features, ERM staff is recommending protecting the critical environmental features with 19 critical environmental feature setback areas (Labeled A thru S). The attached map shows the location of the setback areas. ERM staff is recommending that the CEFs and their associated setback area (or buffers) are documented within the PUD ordinance along with the following Land Development Code (LDC) requirements from Section 25-8-281.

1. No residential lots may include a CEF or be located within 50 feet of a CEF.
2. Setback areas must be established to protect all CEFs. Although the LDC allows a portion of the CEF buffer to be included in a residential lot, I do not recommend that this be allowed. Residential lots should not include any portion of a CEF buffer. Setbacks must comply with the setback area has stated in Table 1 and shown Map 1. ERM is willing to revise setback areas listed in Table 1 and shown on Map 1 during PUD process, if the applicant provides more detail

information to ERM staff such as 1-ft topographic survey that better delineates the catchment areas and a hydrogeologic assessment the features that better evaluates its recharge potential.

3. No disturbance of native vegetation is allowed within the buffer zone. This shall be stated in a section of the PUD ordinance specifically addressing Critical Environmental Feature protection.
4. No construction is allowed within the buffer zone, except for cave gates and educational trails built in compliance with 25-8-281 of the LDC. In the PUD ordinance, this shall be stated as "No construction or placement of structures within a Critical Environmental Feature buffer zone."
5. Stormwater disposal or irrigation is prohibited within a CEF buffer zone and shall be stated in the PUD ordinance.
6. Erosion and sedimentation controls must be installed at the perimeter of all CEF buffers prior to the initiation of construction.

Additional recommendations for CEF protection not explicitly stated in the Land Development Code, Section 25-8-281.

1. All CEFs must be shown on a topographic map (or maps), and listed in a summary table and included on an exhibit (s) in the PUD ordinance. The table must include the identification of the CEF, the type of CEF, and the recommended setback area. All maps must be must have north arrow and reference scale.
2. All CEFs and associated CEF buffers are to be shown on all plats, preliminary plans, site plans and construction plans. The PUD ordinance and the plat notes must have a following statement "all activities within the critical environmental feature setback must comply with Section 25-8-281(c)(2) of Austin's Land Development Code. This section states that the natural vegetative cover must be retained to the maximum extent practicable; construction is prohibited; and wastewater disposal or irrigation is prohibited this requirement."
3. No utilities are allowed within CEF buffers.
4. Fencing is required at the edge of all CEF buffer areas that are within limits of construction. Fencing must be 6 feet in height. Wrought iron or vinyl-coated chain link are acceptable. Access gates with a lockable latch are to be provided for each buffer.
5. Fencing at the edge of CEF buffers must be installed prior to the initiation of construction.
6. Water quality BMPs should not drain directly into CEF setback area. Level spreaders or similar structures must be used to overland sheet flow stormwater before it discharges near CEF setback areas. Stormwater irrigation must occur outside the CEF setback areas.
7. An IPM plan should be prepared for Wildflower Commons PUD.

Suggestions for alternative CEF protection not required by the Land Development Code.

1. An Operation and Maintenance plan is recommended for the long term management of all CEF buffers. The purpose of the CEF buffer is to protect water quality. Trash removal, pet waste pickup and inspections will increase the likelihood that conditions within the buffers are

protective of water quality. The long term funding mechanism and the responsible management entities throughout the construction and post-construction phases should be identified in future submittals.

2. A restrictive covenant granting access to City of Austin staff to all CEF buffers within the Wildflower Commons PUD should be included in the ordinance.

If you have any questions regarding these comments or have additional information, please contact me at 974-1916.



Scott E. Hiers, P.G., Environmental Scientist
Watershed Protection and Development Review Department

SH :

Attachment

cc: David Johns, City of Austin
Wendy Welsh, City of Austin
Stan Reece, ACI Consulting

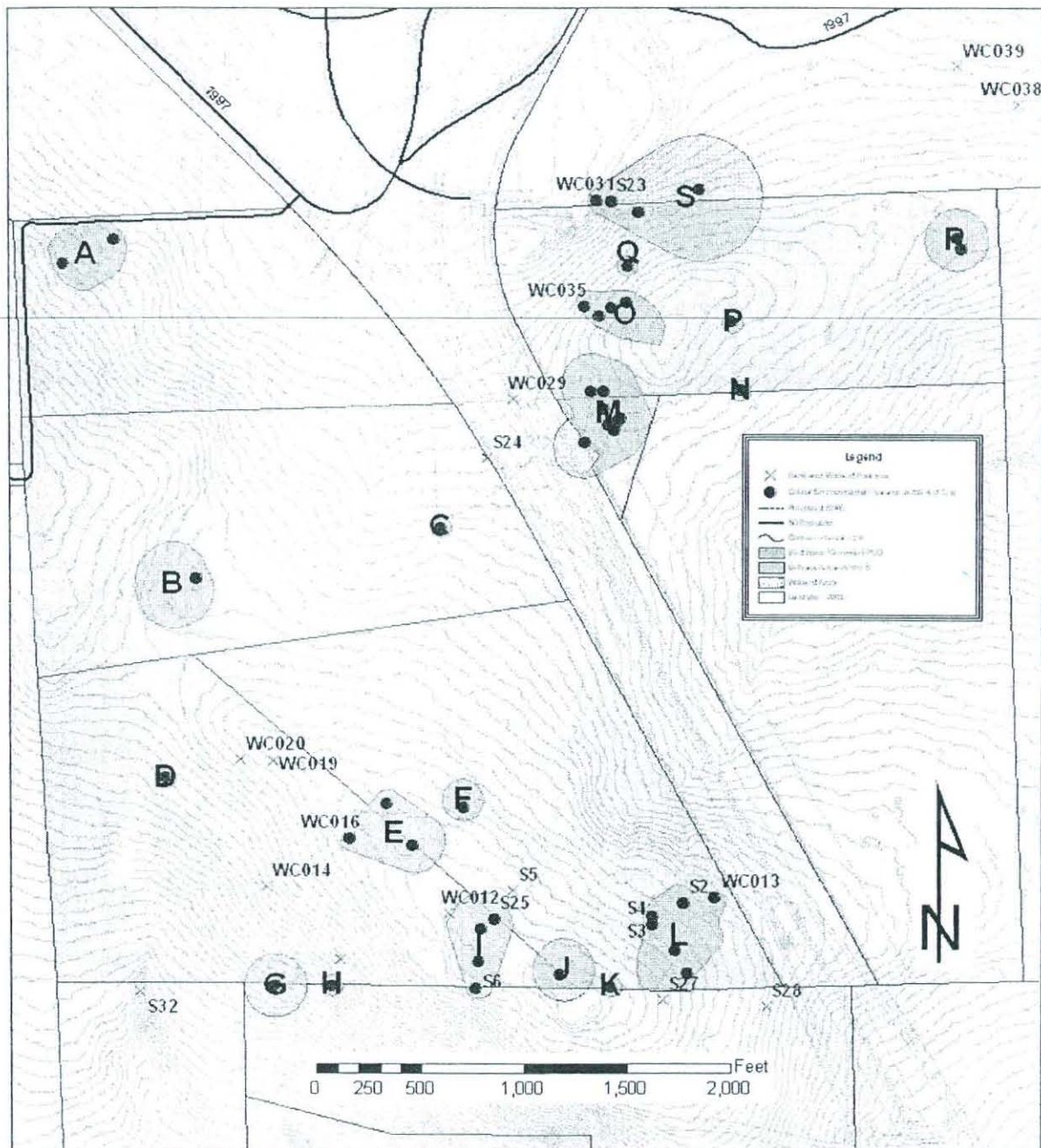
Table 1: GPS locations and corresponding CEF setback area

Id	Comments	X	Y	FEATURE	TYPE	Setback Area
1	Sinkhole	3070564.32	10031308.78	S1	SH	L
2	Sinkhole	3070644.19	10031700.86	S2	SH	L
3	Solution Cavity	3070500.07	10031634.03	S3	SC	L
4	Karst Depression	3070498.05	10031596.55	S4	CD	L
5	Karst Depression	3069823.00	10031757.14	S5	CD	
6	Sinkhole	3069644.06	10031290.42	S6	SH	I
7	Solution Cavity	3068952.24	10031305.05	S7	SC	H
8	Sinkhole	3067680.52	10034787.20	S8	SH	A
9	Solution Cavity	3068164.23	10032302.65	S9	SH	D
10	Sinkhole	3068680.75	10031303.15	S10	SH	G
11	Wetland/Sinkhole	3068319.34	10033210.07	S11	W-S	B
12	Sinkhole	3070281.20	10034009.00	S12	SH	M
13	Sinkhole	3070310.00	10033994.00	S13	SH	M
14	Solution Cavity	3070316.50	10033983.60	S14	SC	M
15	Sinkhole	3070327.70	10034022.40	S15	SH	M
16	Sinkhole	3070342.60	10034039.20	S16	SH	M
17	Cave	3070278.28	10034171.25	S17	C	M
18	Sinkhole	3070244.42	10034537.02	S18	SH	O
19	Cave	3071970.00	10034900.00	S19	C	R
20	Sinkhole	3070380.00	10034800.00	S20	SH	Q
21	Solution Cavity	3070919.85	10034172.71	S21	SC	
22	Solution Cavity	3070434.72	10035029.90	S22	SC	
23	Sinkhole	3070300.92	10035084.00	S23	SH	
24	Solution Cavity	3069699.78	10033850.50	S24	SC	
25	Sinkhole	3069730.39	10031622.05	S25	SH	I
26	Sinkhole	3069650.00	10031400.00	S26	SH	I
27	Sinkhole	3070550.00	10031251.00	S27	SH	
28	Karst Depression	3071050.00	10031200.00	S28	CD	
29	Sinkhole	3071137.00	10031512.00	S31	SH	S
30	Sinkhole	3068045.27	10031249.09	S32	SH	S
31	Sinkhole	3069696.00	10031559.00	S33	SH	I
32	Solution Cavity	3070710.00	10031910.00	S34	SC	
33	Karst Depression	3070740.00	10031769.00	S35	CD	
34	SC	3070760.00	10031512.00	S36	SC	L
35	Karst Depression	3070450.00	10031461.00	S37	CD	L
Id	Comments	X	Y	FEATURE	TYPE	Setback Area

36	Sinkhole	3070479.97	10032979.98	WC003	SH	
37	Sinkhole	3070300.00	10031300.00	WC005	SH	K
38	Sinkhole	3070050.00	10031400.00	WC007	SH	J
39	Cave	3070670.00	10031400.00	WC008	C	L
40	Other	3068990.00	10031400.00	WC009	O	
41	Solution Cavity	3070610.00	10031500.00	WC010	SC	L
42	Solution Cavity	3069670.00	10031600.00	WC011	SC	I
43	Solution Cavity	3069510.00	10031600.00	WC012	SC	I
44	Sinkhole	3070800.00	10031700.00	WC013	SH	L
45	Other	3068640.00	10031800.00	WC014	O	
46	Cave	3069340.00	10032000.00	WC015	C	E
47	Solution Cavity	3069040.00	10032000.00	WC016	SC	E
48	Cave	3069580.00	10032200.00	WC017	C	F
49	Solution Cavity/Frac	3069210.00	10032200.00	WC018	SC- SF	E
50	Solution Cavity	3068670.00	10032400.00	WC019	SC	
51	Solution Cavity/Frac	3068520.00	10032400.00	WC020	SC- SF	
52	Solution Cavity/Frac	3069470.00	10033500.00	WC021	SC- SF	C
53	Sinkhole	3067920.00	10034900.00	WC023	SH	A
54	Karst Depression	3070170.00	10033900.00	WC027	CD	M
55	Karst Depression	3070210.00	10034200.00	WC028	CD	M
56	Other	3069830.00	10034100.00	WC029	O	
57	Cave	3070230.00	10035100.00	WC031	C	S
58	Cave	3070720.00	10035100.00	WC032	C	S
59	Karst Depression	3070260.00	10034100.00	WC033	CD	M
60	Solution Cavity/Frac.	3070880.00	10034500.00	WC034	SC- SF	P
61	Solution Cavity	3070180.00	10034600.00	WC035	SC	O
62	Solution Cavity	3070300.00	10034600.00	WC036	SC	O
63	Solution Cavity	3070370.00	10034600.00	WC037	SC	O
64	Cave	3072230.00	10035600.00	WC038	C	
65	Cave	3071960.00	10035700.00	WC039	C	
66	Sinkhole	3071950.00	10034900.00	WC040	SH	R
67	Zone	3068900.00	10036600.00	WC041	Z	

Map 1: Setback Area Location Map

Map 1: Location Map for Critical Environmental Feature Setbacks
(Revised - 07-07-2008)



Wildflower Commons P.U.D.



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING
DATE REQUESTED:

September 17, 2008

NAME & NUMBER
OF PROJECT:

BULLDOG STORAGE
SP-2007-0673D

NAME OF APPLICANT
OR ORGANIZATION:

Prossner and Associates, Inc.
[Contact: Kurt Prossner-(512) 918-3343]

LOCATION:

4221 N FM 620 Rd

PROJECT FILING DATE:

November 20, 2007

WPDR/ENVIRONMENTAL
STAFF:

Craig Carson, 974-7690
craig.carson@ci.austin.tx.us

WPDR/
CASE MANAGER:

Sarah Graham, 974-2826
Sarah.Graham@ci.austin.tx.us

WATERSHED:

Lake Austin Watershed (Water Supply Rural)
Drinking Water Protection Zone

ORDINANCE:
REQUEST:

Comprehensive Watershed Ordinance (current Code)
Variance requests are as follows:
1. To allow fill up to 12 feet [LDC Section 25-8-342].

STAFF RECOMMENDATION: Recommend approval.

REASONS FOR
RECOMMENDATION:

Findings of fact have been met.



MEMORANDUM

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

FROM: Craig Carson, Senior Environmental Reviewer
Watershed Protection and Development Review Department

DATE: September 17, 2008

SUBJECT: Bulldog Storage SP-2007-0673D

Variance Requests: To allow fill up to 12 feet (LDC 25-8-342).

Description of Project Area

This is a 5.76 acre tract of land located at 4221 N FM 620 Rd. (along the south side of FM 620), just east of the intersection of FM 620 and Highland Drive. The applicant proposes to construct a multi-story mini warehouse facility, associated parking, and detention pond. This site is located in the 2-mile ETJ portion of the Lake Austin Watershed, which is classified as a Water Supply Rural Watershed. This site is not located on the Edwards Aquifer Recharge Zone, but is in the Drinking Water Protection Zone. The site is located along the top portion of one of the many steep incised ridges typical of ridgelines found in western Travis County. Above this site, along the top of the ridgeline to the west and south of this property is a residential subdivision called Highland Club Village, Section One. The applicant's property has a ridgeline that runs topographically above the eastern and southern property lines. This topography creates an unclassified natural drainage way which cuts across the property in a northeasterly direction. There are no Critical Water Quality or Water Quality Transition Zones associated with this drainage way because it is unclassified. Along the north side of the property is FM 620 Rd, which is elevated and creates a steep embankment along the north side of the property. The combination of roadway embankment and natural slope of the land creates a somewhat "bowl shape" to the property with the exception of the eastern side, which continues the natural topography.

Vegetation

The site has a tree canopy made up mostly of Live oak and Ashe juniper, which covers 30 to 50% of the site. There are numerous trees larger than 8 caliper inches located on the property. The site exhibits low species diversity and structure in the tree canopy. Ground cover is mainly composed of poison ivy, beggar grasses, and some native grasses.

Critical Environmental Features

According to a November 2007 Escarpment Environmental Assessment, there are no CEFs located on or within 150 feet of the property.

Water/Wastewater

Water service will be provided by WC&ID No. 17. Wastewater will be provided by an on-site septic system to be approved and permitted by Travis County.

Variance Request

A variance from LDC Section 25-8-342: To allow fill up to 12 feet.

The applicant's proposed design requires the use of fill up to 12 feet to construct the entrance and fire lane turn around (See Exhibit A).

Similar Cases:

Jorgenson Residence, SP-05-1197D

Lake Austin Watershed / Water Supply Rural

1. Variance from Land Development Code 25-8-341/342- Cut/fill exceeding 4 feet.

The Environmental Board recommended approval the following project on April 21, 2004 by a vote of 6-2-0-1:

Staff Conditions:

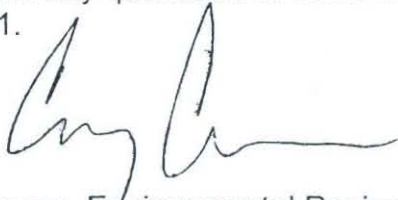
1. Applicant will landscape with Hill Country Roadway landscaping. A landscape inspection fee will accompany this condition;
2. A restrictive covenant prohibiting the use of coal-tar sealants.
3. Applicant will develop and maintain an Integrated Pest Management Program.

Staff Recommendations for Variance Requested for Bulldog Storage (SP-2007-0673):

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

1. Only clean fill of soil, dirt, rock, sand, or other natural man-made materials are to be used as fill on the site; and
2. Submittal and City approval of a Pollution Attenuation Plan for the site must be obtained prior to site plan approval; and
3. All trees over 8 caliper inches will be mitigated for and replaced with Class 1 native trees; and
4. All fill over four feet will be structurally contained.

If you have any questions or need additional information, please feel free to contact me at 974-2711.



Craig Carson, Environmental Review Specialist
Watershed Protection and Development Review

Environmental Program Manager:


Ingrid McDonald

Environmental Officer:


J. Patrick Murphy



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name:	Bulldog Storage
Application Case No:	SP-2007-0673D
Code Reference:	LDC Section 25-8-342
Variance Request:	To allow fill up to 12 feet.

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. Due to the combination of the embankment created by the construction of FM 620 and the natural topography of the property, fill over four feet is necessary to create a suitable building pad for the proposed development.

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 site's overall topography is driving the need for fill over 4 feet so that a safe entrance off of FM 620, the fire lane turn around, and a level building pad can be constructed. Additionally, the proposed design includes a detention pond so that storm water will leave the site at the same flow conditions as pre-construction levels.

- 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 necessary to provide the proper grade for the entrance and fire lane turn around, as well as providing a level building pad.

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

Yes. This variance will not increase the probability of harmful environmental consequences because the unclassified drainage way will be diverted around the development and discharged into the natural drainage way on the eastern side of the property. Additionally, the proposed

design includes a detention pond so that storm water leaving the developed portion of the property leaves the site at the same flow conditions as pre-construction storm water levels.

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

Yes. Water quality will be 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: Craig Carson

Reviewer Signature: 

Date: September 9, 2008

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

Prossner and Associates, Inc.

Consulting Engineers

2601 Chitina Court
Cedar Park, Texas 78613
(512) 918-3343

July 24, 2008

Mr. Pat Murphy, Environmental Officer
Environmental and Conservation Services Department
City of Austin
505 Barton Springs Road
Austin, Texas 78701

Re: Variance Request for "Bulldog Storage" – SP-2007-0673D

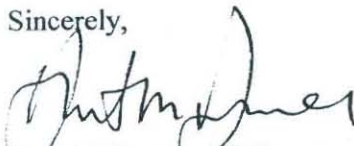
Mr. Murphy,

This correspondence is being submitted as a request for a variance from Section 25-8-342 of the City of Austin Land Development Code for the above referenced Site Plan Application. The site contains 5.76 acres of land but due to slope and boundary street deductions is only allowed 0.546 acres (23,787 s.f.) of development or 9.38% of the gross site area. The site is located in the Lake Austin Watershed which is classified as Water Supply Rural. The variance request is to allow fill in excess of four (4) feet and is required for the drive portion of the site due to topographic constraints on the property. The maximum amount of fill proposed is twelve (12) feet and is in the fire lane turn around. It must be noted that we feel that the site can not be developed in any reasonable manner without some concession on the cut and fill due to the natural slope of the land.

It is our opinion that approval of the variance request will not provide the applicant with a special privilege over similar developments as the site has steep topography and development of the tract would not be possible further from FM Hwy. 620 due to the extreme topographic conditions. We have tried to locate the buildings and drives in an area most suitable in terms of slopes and the least environmentally sensitive. The site does not drain directly into any portion of Lake Austin which is located approximately ½ mile east of the site and all of the proposed development will be directed to an on site detention pond where it will be detained and released via sheet flow into a natural channel along the east side of the tract.

Approval of the variance request should not provide the applicant with a special privilege over similar developments. The fill is very isolated and the site can not be designed differently due to the natural grade on the site and the need to minimize the internal drive slopes to accommodate ADA requirements. The variance approval we believe is a minimum departure from the Land Development Code and the approval of the variance will not create any significant environmental consequences. Should you have any questions or require any additional information, please contact our office.

Sincerely,



Kurt M. Prossner, P.E.
President



cc: Mr. Terry Arledge
file:bulldog_storage/cut_fill_variance.doc



EXHIBIT A - CUT/FILL

Directions to Bulldog Storage

Heading westbound on FM 620:

Head west on FM 620 from FM 2222. Continue past Mansfield Dam and just past Cloudy Ridge (off to the left), is 4221 N FM 620.

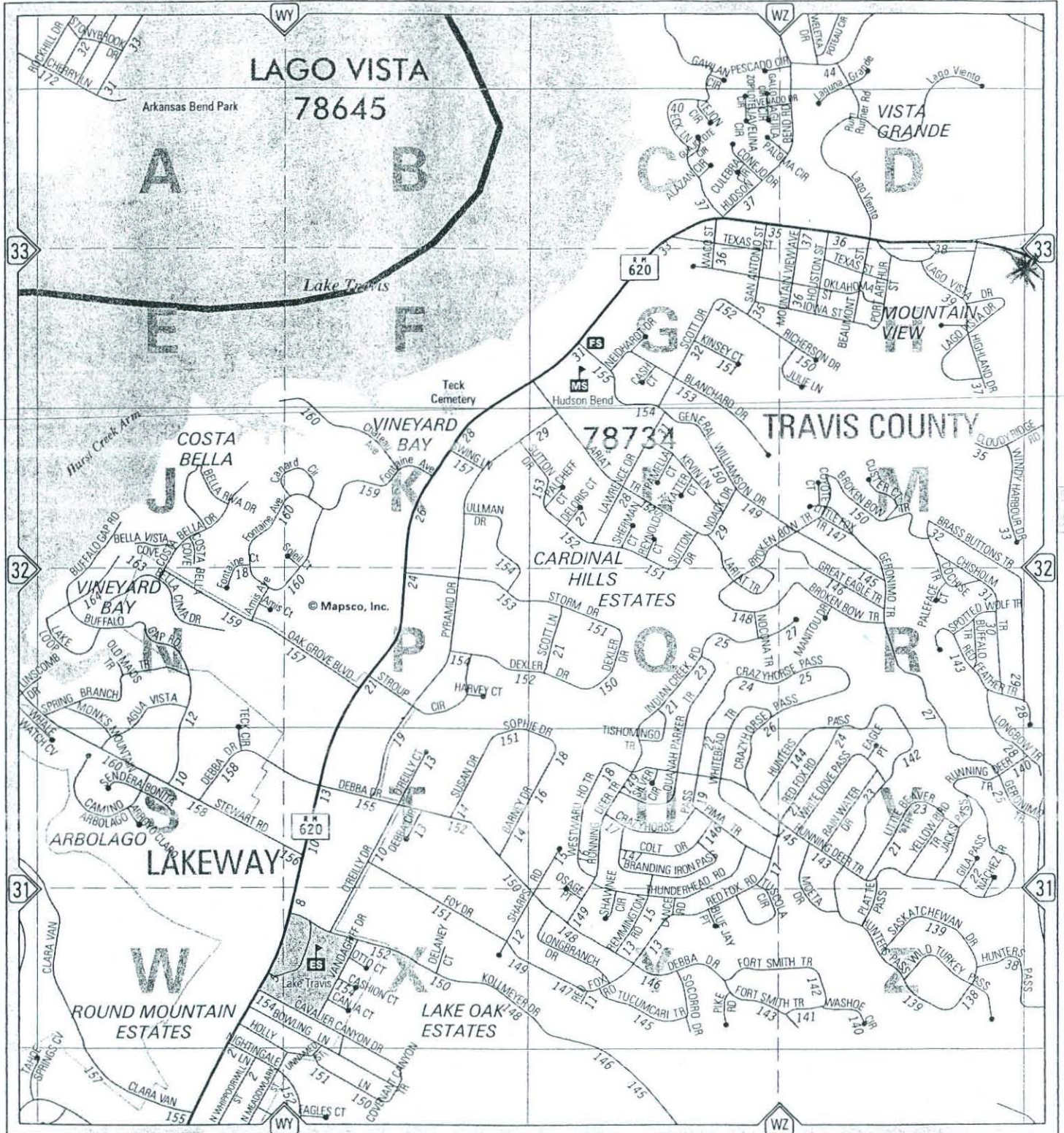
Heading eastbound on FM 620:

Head north on FM 620 from Highway 71 West. As you get about a mile from Mansfield Dam, look for a road called Highland Drive on the right side of the road. Just after Highland Drive is 4221 N FM 620.



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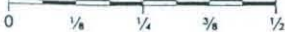


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SCALE IN MILES



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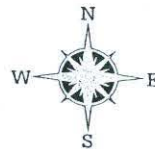
SCALE IN FEET



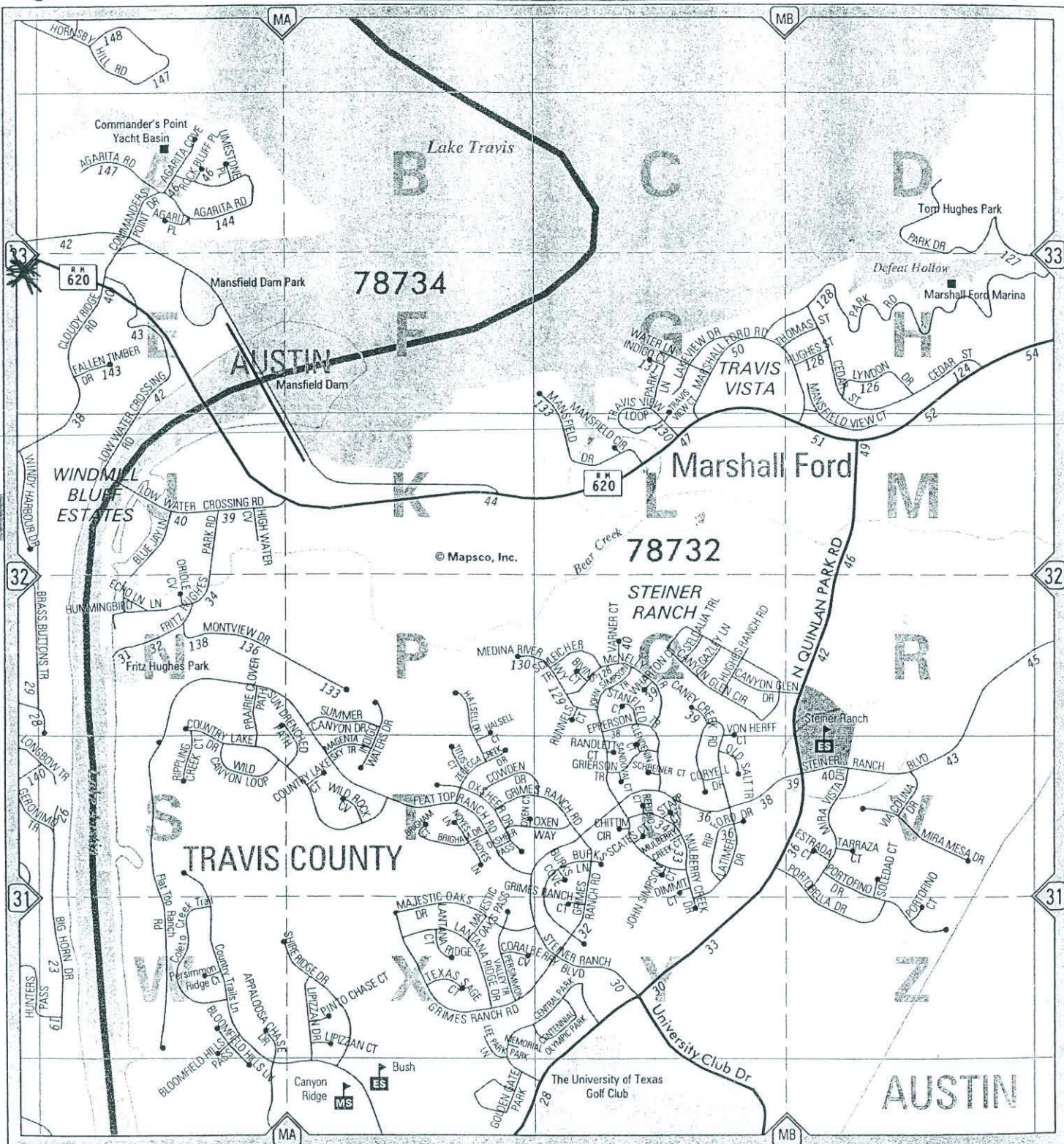
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491



CONTINUED ON MAP 461



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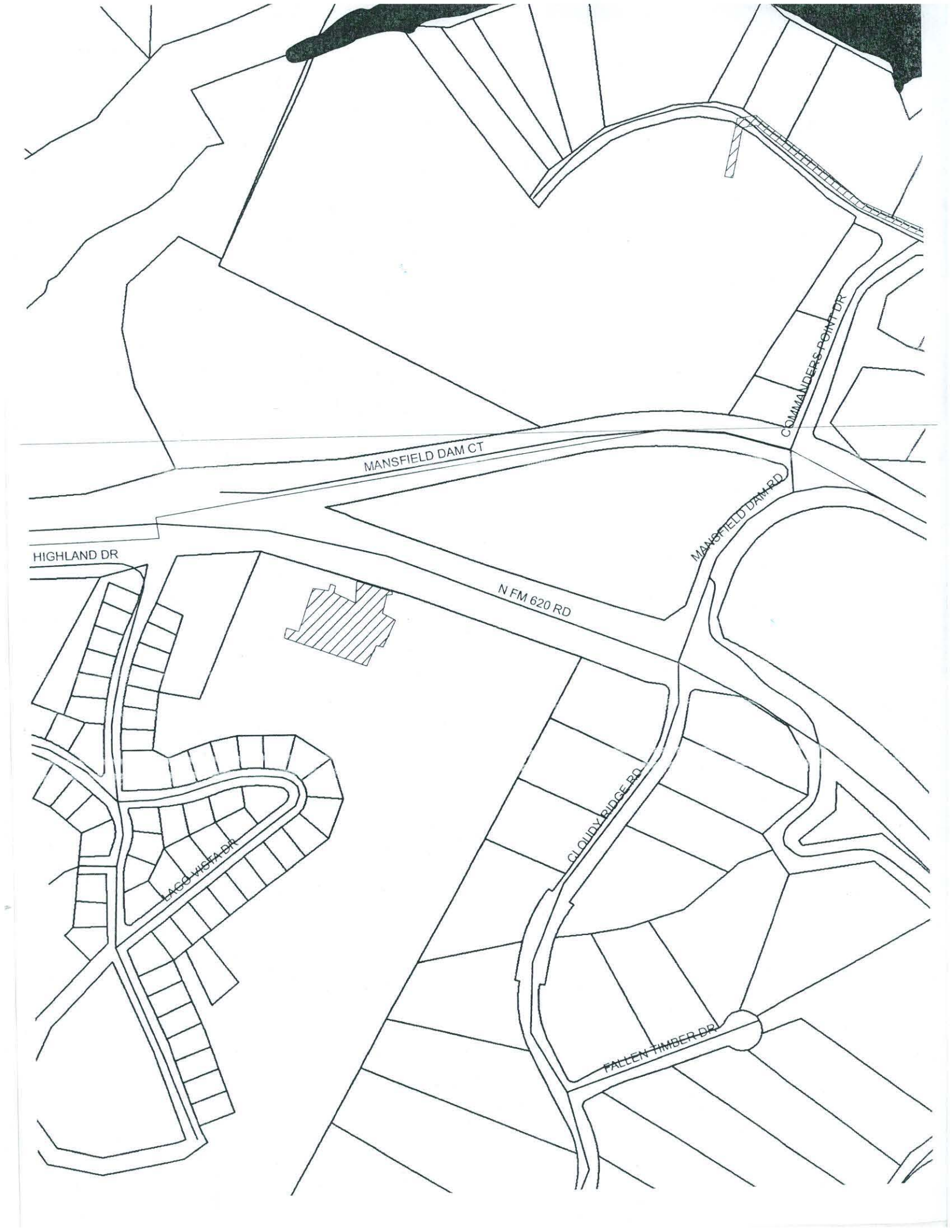
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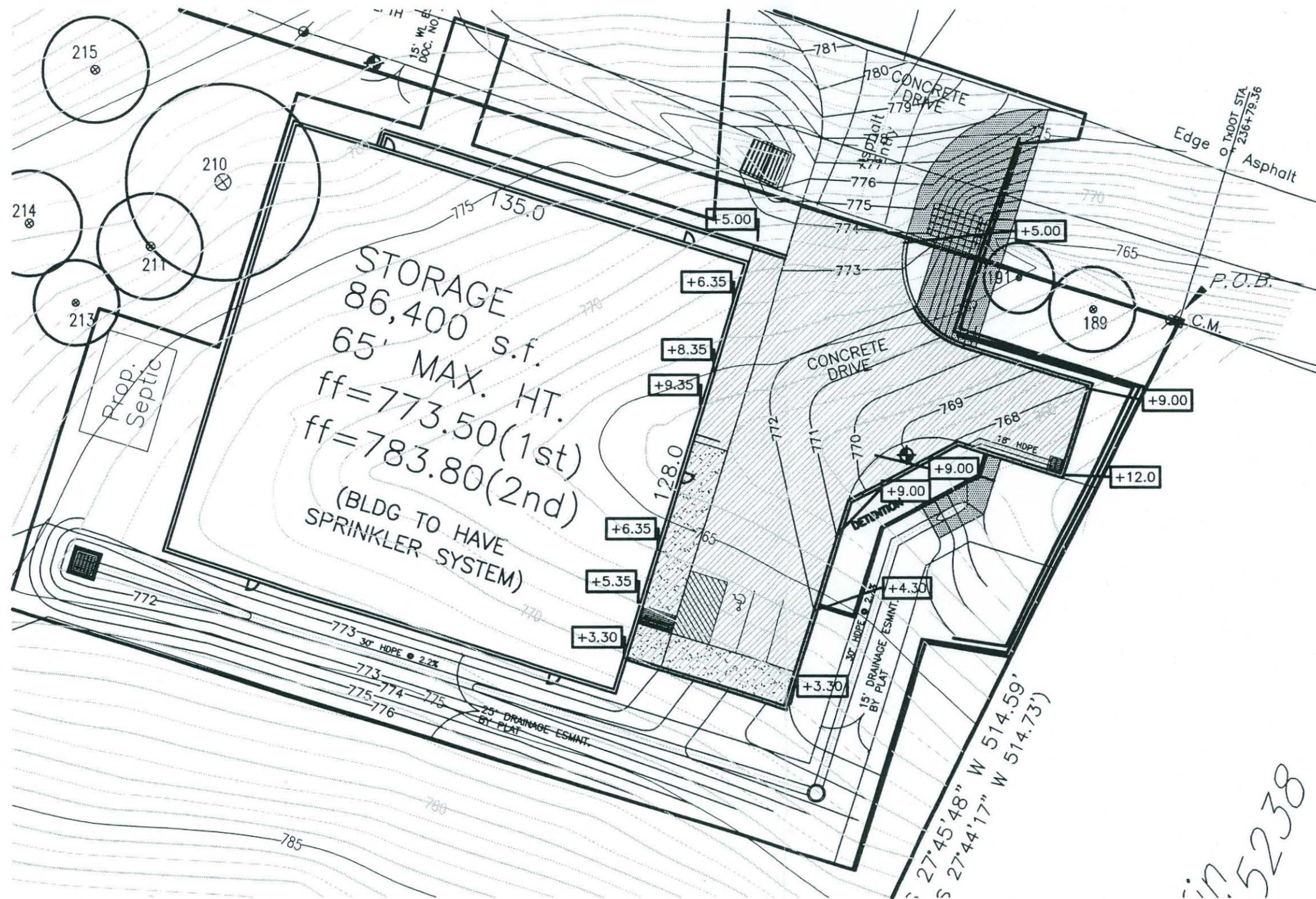
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11 3









in 5238
FILL OVER 4'

EXHIBIT A — CUT/FILL

AGENDA ITEM 3C



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED: September 17, 2008

NAME & NUMBER OF PROJECT: Munson Park Commercial Project / SP-2008-0088D

NAME OF APPLICANT OR ORGANIZATION: Urban Design Group
(Laura Toups, P.E. 347-0040)

LOCATION: 320 South Capital of Texas Highway (Loop 360)

PROJECT FILING DATE: February 20, 2008

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

WPDR/ CASE MANAGER: Sue Welch, 974-3294
sue.welch@ci.austin.tx.us

WATERSHED: Bee Creek (Water Supply Rural)
Drinking Water Protection Zone

ORDINANCE: Comprehensive Watershed Ordinance (current Code) for Tract C and the 1984 Lake Austin Ordinance (LAO) #84-1213L for Tracts A and B.

REQUEST: Variance request is as follows:
1. To allow cut/fill over 4 feet. (LDC Section 25-8-341/342; LAO 9-10-409).

STAFF RECOMMENDATION: Recommended for consent.

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



MEMORANDUM

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

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

DATE: September 17, 2008

SUBJECT: Munson Park Commercial Project (SP-2008-0088D)
320 South Capital of Texas Highway (Loop 360)

Variance Request: Variance from LDC 25-8-341 and 342 to allow cut not to exceed 13 feet and fill not to exceed 15 feet for construction of a driveway.

The applicant is proposing two 6-story office buildings and two 600 space parking garages on approximately 35.06 acres. The variance is needed for the driveway to access the buildings from Loop 360. The site consists of two tracts 31.62 acres in combined size that have received 1704 grandfathering to July 22, 1985, making them subject to the Lake Austin Ordinance (LAO) as amended in 1984 by Ordinance # 841213-L. The third tract is 3.45 acres in size and is subject to current code. This site requested a variance in 2003 for Unity Church, SP-02-0461D, which proposed a church, parking lot and associated driveway. The variance request received the Environmental Board approval with a vote of 6-0-1-1. The layout of this new site plan incorporates a parking garage instead of a parking lot, greatly reducing the environmental impact of cut and fill for the overall project. The location of the driveway is almost identical for this project in comparison to the previous Unity Church Site Plan.

Description of Project Area

This 35.06 acre site (gross site area) is situated in Travis County, in the COA 2-mile ETJ on the west side of Loop 360 between Bee Caves Road and Wild Basin Road. The site is in the Drinking Water Protection Zone and located within the Bee Creek Watershed, which is classified as Water Supply Rural. There are two unclassified tributaries bisecting the site, one of which is currently shown to contain the FEMA 100 year flood plain. There is no existing development on this site. Topographically, the site slopes quickly down from Loop 360 about 70 feet deep into a ravine where it rises steadily about 80 feet high to a plateau with 2.75 contiguous acres of slopes under 15%. The site then slopes downward again as continuing to head west where two tributaries of Bee Creek converge.

The proposed office buildings will have 4.74 acres of impervious cover, which is 13.52% of the gross site area of 35.06 acres. For tracts A and B subject to the Lake Austin Ordinance #841213-L, the allowable impervious cover is limited to 50% on slopes 0-15%, 15% on slopes 15-25% and 5% on slopes 25-35%. Tracts A and B have proposed impervious cover of 25.1% on slopes 0-15%, 14.6% on slopes 15-25% and 4.6% on slopes 25-35%. Tract C, which is subject to current code, has impervious cover proposed of 0.176 acres, or 20% of the net site area of 0.88 acres. Allowable impervious cover for tract C is 20% of net site area as required by Water Supply Rural Watershed Regulations.

Vegetation

According to the Soil Survey of Travis County, the site contains Brackett soils, rolling (BID) and Brackett soils and rock outcrop (BoF). Brackett soils are described as shallow and well drained soils that develop under a prairie of mid to tall grasses and some trees. The geology at this site is characterized by thin clay soils covering weathered limestone. The site lies within the Glen Rose formation that consists primarily of limestone, dolomite and marl. The site vegetation consists of mostly multi-stem red oaks along with some cedar, live oak, ash and juniper.

Critical Environmental Features/Endangered Species

On April 25, 2001 staff investigated the previously mentioned Unity Church site plan for the presence of wetland critical environmental features (CEFs). The unclassified tributaries on the site support fringe wetlands dominated by *Adiantum Capillus-Veneris* (Maidenhair Fern), *Osmunda cinnamomea* (Cinnamon Fern), *Eleocharis* sp. (Spikerush), *Carex* sp (Carex Sedge) and *Panicum virgatum* (Switchgrass). A necessary wastewater line crossing is proposed in this tributary. These tributaries flow into a branch of Bee Creek, at which point it is a minor waterway with a critical water quality zone. Rather than the standard setback of 150' around each individual small wetland area, staff has recommended a continuous setback of 50' from the centerline of the tributaries. This modified setback will preserve the integrity of the entire stream ecosystem, which supports the wetlands.

Water/Wastewater

The project will receive water service from the Water Control and Improvement District (WCID) No. 10. Wastewater will be treated through a TCEQ permitted on-site septic tank system and disposed on-site through water re-use drip irrigation fields.

Variance Requests

The variances being requested by this project are as follows:

1. Variance from City Code Section 25-8-341- Allowing cut greater than 4 feet but not to exceed 13 feet, and 25-8-342- Allowing fill greater than 4 feet but not to exceed 15 feet for Tract C.

2. Variance from Lake Austin Ordinance #84-1213L Section 9-10-409 - Allowing cut greater than 4 feet but not to exceed 13 feet, and fill greater than 4 feet but not to exceed 15 feet for Tracts A and B.

On August 3, 2007, the applicant requested a variance to LDC 25-8-341/342 and LAO #84-1213L, Section 9-10-409 for the construction of a driveway to access their site.

Similar Cases

A site plan on these same tracts of land requested and received the same variances from the Environmental Board on March 5, 2003.

Unity Church (SP-02-0461D) requested a variance from LDC 25-8-341/342 for cut/fill in excess of four feet. The applicant also requested a variance from LAO #84-1213L Section 13-3-651 for cut/fill in excess of four feet. The reference to Section 13-3-651 was requested in error, 13-3 covers subdivisions whereas 9-10 covers rivers, lakes and watercourses of the Austin City Code of 1981. The EV Board recommended approval on March 5, 2003 by a vote of 6-0-1-1, with the following conditions:

Staff conditions:

1. All disturbed areas are to be revegetated with native grass/flower seed mix.
2. All unstable cuts or fills with a gradient of more than 33 percent must be stabilized with a permanent structure.
3. This site will retain the natural Hill Country character by complying with Austin's Hill Country Roadway Ordinance.

Additional Board Conditions (to which the applicant had agreed):

4. The two seep-fed unclassified tributaries on the tract will be protected by continuous 50' development setbacks. In addition, septic system drain fields will be setback at least 150' from any portion of the tributaries.
5. An IPM plan will be provided for the site.

Staff Recommendations for Munson Park Commercial Project SP-2008-0088D

Staff recommends granting the variance request because the findings of fact have been met. The applicant has proposed retaining walls for the areas of fill and cut (if needed), water quality controls and ECM Appendix A, Special Revegetation Criteria for Hill Country Roadways within the disturbed areas 100' into the site from the Loop 360 right-of-way.

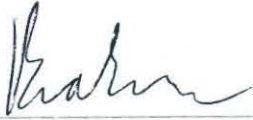
Conditions

Staff recommends granting the variance with the following conditions:

1. All disturbed areas are to be revegetated with City of Austin Standard Specification 604s Seeding for Erosion Control.
2. All unstable cuts or fills with a gradient of more than 33 percent must be stabilized with a permanent structure.

3. The area extending 100 feet into the site from the Loop 360 right-of-way will retain or restore the natural Hill Country character by complying with Austin's Hill Country Roadway Ordinance.
4. The two seep-fed unclassified tributaries on the tract will be protected by continuous 50' development setbacks.
5. An IPM plan will be provided for the site.
6. The site will construct water quality facilities utilizing partial sedimentation/filtration to treat stormwater runoff.

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



Brad Jackson, Senior Environmental Reviewer
Watershed Protection and Development Review

Environmental Program Coordinator:


Ingrid McDonald

Environmental Officer:


Patrick Murphy



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name:	Munson Park Commercial Project
Application Case No:	SP-2008-0088D
Code Reference:	Land Development Code Section 25-8-341 Cut Requirements & Section 25-8-342 Fill Requirements; LAO 9-10-409: Exceed 4' Cut and Fill

Variance Request:	To allow a cut of 13 ft and allow a fill of 15 ft for driveway construction.
--------------------------	---

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. The variance will not be providing a special privilege to the applicant. Cut and fill variances over steep terrain typical of the hill country topography are often requested and given for driveways in this area of Austin. This same site received a variance for cut and fill through a previous site plan for a similarly situated access drive on March 5, 2003. The Environmental Board recommended the variance with a vote of 6-0-1-1. The site plan expired before any construction commenced.

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 required as a result of the natural topography at the site. Access from Loop 360 to the buildable area of the site is blocked by a large road cut, requiring the access drive to enter from the north-eastern portion of the site and cross a roughly 20-foot deep ravine before climbing up 50-ft in elevation to the building site.

- 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/fill is the minimum change necessary to construct the driveway and proposed buildings. A maximum driveway grade of 14% is required for emergency vehicle access to the building, so the depth and extent of cut/fill is determined by this requirement. Alternate access using the Loop Court ROW granted by the plat was studied and presented higher environmental risks than accessing from Loop 360. A driveway from Loop Court would have to cross both Bee Creek, a minor waterway with associated CWQZ, and a tributary of Bee Creek to reach the site. In addition, the drive would have to climb 100 feet in elevation over only 500 feet of distance, which would result in a steeper drive with sharp turns and deeper cuts and fills.

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

Yes. The applicant has provided a thorough erosion control plan including 5 sedimentation basins along the drive to catch sediment loaded runoff before it migrates offsite. The applicant will stabilize all areas of fill with retaining walls and ensure the stability of all cuts or provide a retaining wall along cuts determined to be potentially unstable. The applicant has proposed 2 water quality ponds to treat stormwater at the site.

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

Yes. Stormwater will be treated via 2 partial sedimentation/filtration ponds that will capture and treat 5.5 acres of the site. The applicant has voluntarily designed filtration-sedimentation water quality ponds to current standards and current increased capture volumes rather than the grandfathered ordinance requirements. Enhanced erosion controls will ensure water quality is protected during the construction process. The applicant will also provide an IPM plan for the site.

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;
Not applicable.
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and
Not applicable.
3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.
Not applicable.

Reviewer Name: Brad Jackson

Reviewer Signature: 

Date: 9/10/08

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

August 27, 2008

Betty Baker
City of Austin Planning Commission
201 E. 2nd St.
Austin TX 78701

Re: Munson Park Commercial Project (SP-2007-0451D)
Land Use Commission Variance Request
LDC 25-8-341

UDG # 05-351

Dear Commissioner Baker,

Section 25-8-301 (A)(1) of the LDC allows for the construction of the proposed Driveway on the Munson Park Commercial project. The driveway is required to access the building area from Loop 360. The building area is 0-15 % slope and is greater than 2 acres as required by Sec. 25-8-301. While this section allows for the driveway construction on slopes of greater than 15%, it does not address cut and fill issues. In order to construct a driveway that meets fire department requirements for maximum slope we must exceed the 4' cut and fill restriction; therefore we respectfully request a variance to Section 25-8-341/342 Cut and Fill requirements of the LDC. This variance is only for the construction of the driveway.

Appendix U 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 developments?*

The code allows for driveway access to the allowed building area on this 35 acre tract. In order to construct a driveway that meets the safety standards of the Fire Department we must have a variance to the cut and fill limitations, otherwise access to the property is denied this property owner.

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?*

The driveway has been designed to minimize the areas of cut and fill and to choose a route with the least amount of environmental disturbance.



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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.*

This issue was not created by subdivision, it is a result of the natural terrain and the public roadway access. This variance has been granted to many other similarly situated properties along Austin's hill country roadways.

If you have any questions, or require additional information in order to consider this request, please let me know.



Sincerely,
URBAN DESIGN GROUP

A handwritten signature in cursive script, appearing to read 'Laura Toups'.

Laura Toups, P.E.
Managing Partner



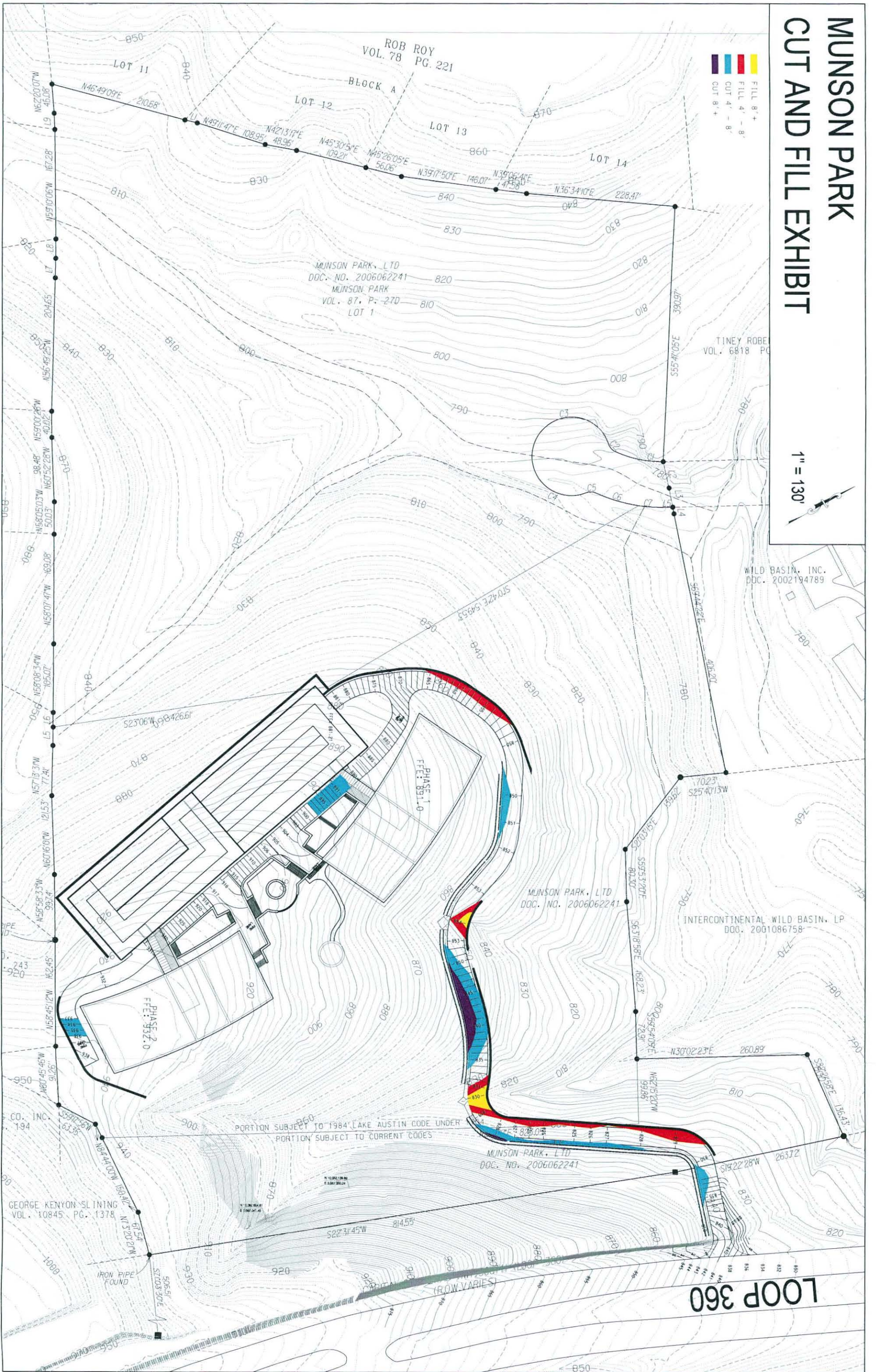
Driving Directions to 320 South Capital of Texas Highway (Loop 360)

From One Texas Center, take Barton Springs Road west towards Mopac (Loop One). Barton Springs Road will curve left under Mopac and join the Mopac access road. From the Mopac access road, take Bee Caves Road (2244) west towards Capital of Texas Highway (Loop 360). From the right lane exit onto Loop 360 heading north. Take the first left turn from Loop 360 onto S. Wild Basin Road. Turn around from S. Wild Basin Road and head southbound on Loop 360 about 1000 feet and the site is on your right before the road cut.

MUNSON PARK CUT AND FILL EXHIBIT

1" = 130'

FILL 8' +
CUT 4' - 8'
CUT 8' +



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