

**ZAP SITE PLAN REVIEW SHEET
ENVIRONMENTAL VARIANCE REQUEST ONLY**

C2/1

CASE: SP-2012-0350C **ZAP COMMISSION DATE:** April 2, 2013

PROJECT NAME: Dessau Retail Center

APPLICANT: MITA Enterprises (Rahim K. Marediya) **AGENT:** Moncada Consulting (Phil Moncada)

ADDRESS OF SITE: 11800 Dessau Rd.

COUNTY: Travis

AREA: 4.36 Acres LOC/6.49 A total

WATERSHED: Walnut Creek (Suburban)

JURISDICTION: Full Purpose

EXISTING ZONING: GR-CO (Community Commercial, Conditional Overlay)

PROPOSED DEVELOPMENT:

The applicant is requesting variances from four environmental variances to allow the construction of a convenience store with gas station.

DESCRIPTION OF VARIANCES:

The applicant requests the following: Approval of variance to allow:

1. Reduction of the CEF buffer zones from 150' to 100', 85', and 11', [LDC 25-8-281 (C)(1)(a)];
2. Construction on a slope greater than 15%, [LDC 25-8-302 (A)(2)];
3. Impervious cover on slopes greater than 15% ,for more than 10% of that slope area, [LDC 25-8-302 (B)(1)];
4. Fill greater than 4 feet but less than 8 feet,[LDC 25-8-342]

STAFF RECOMMENDATION:

The findings of fact have been met and staff recommends approval with the following conditions:

1. Tree mitigation required 98.5 caliper inches; applicant is providing 164.5"
2. Pedestrian amenity common space required 5654 square feet, providing 6905 square feet;
3. Landscape street yard greenspace required 7405 sf (20%), providing 16,399 sf (44%);
4. Innovative water management undisturbed area required 3,952 sf, providing 94,213 sf to remain natural.

The applicant has agreed to these conditions.

ENVIRONMENTAL BOARD ACTION:

March 6, 2013: The Environmental Board recommended approval of the variance, with the specified conditions - Vote : 6-0-0-1

C2/2

ZONING AND PLATTING COMMISSION ACTION: April 2, 2013

ENVIRONMENTAL REVIEW STAFF: Jim Dymkowski
Jim.Dymkowski@austintexas.gov

PHONE: 974-2707

CASE MANAGER: Lynda Courtney
Lynda.Courtney@austintexas.gov

PHONE: 974-2810



C2/3

ENVIRONMENTAL BOARD MOTION 030613 5a

Date: March 06, 2013

Subject: Dessau Retail Center SP-2012-0350C

Motioned By: James Schissler

Seconded By: Bob Anderson

Recommendation

The Environmental Board recommends approval with conditions

Staff conditions:

- Tree Mitigation required 98.5 caliper inches, providing 164.5 caliper inches.
- Pedestrian amenity Common Space required 5,654sf. providing 6,905 sf.
- Landscape street yard greenspace area required 7,405sf. (20%), providing 16,399sf. (44%)
- Innovative Water Management Undisturbed Area required 3,952sf, providing 94,213sf.
(This is area on-site that will remain natural and not require additional potable water irrigation.)

Rationale:

Applicant has worked with staff to minimize the impact of project on the environment and applicant has provided enhanced landscaping improvements for the project.

Vote 6-0-01

For: Anderson, Gary, Maxwell, Perales, Schissler and Walker

Against:

Abstain:

Absent: Neely

Approved By:

Dr. Mary Gay Maxwell, Chair



C214

ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED: March 6, 2013

**NAME & NUMBER
OF PROJECT:** DESSAU RETAIL CENTER
SP-2012-0350C

**NAME OF APPLICANT
OR ORGANIZATION:** Moncada Consulting
[Contact: Phil Moncada-(512) 627-8815]

LOCATION: 11800 Dessau Rd

PROJECT FILING DATE: October 15, 2012

**PDR/ENVIRONMENTAL
STAFF:** Jim Dymkowski, 974-2707
james.dymkowski@austintexas.gov
Sylvia Pope, 974-3429
sylvia.pope@austintexas.gov

**PDR/
CASE MANAGER:** Lynda Courtney, 974-6307
Lynda.courtney@austintexas.gov

WATERSHED: Walnut Creek Watershed (Suburban)
Desired Development Zone

ORDINANCE: Comprehensive Watershed Ordinance (current Code)
REQUEST: Variance request is as follows:

1. To allow for the reduction of the buffer zone established around each critical environmental feature from the code required 150 feet to the following: CEF #1 (Canyon Rimrock/Seep) to 100 feet, CEF #3 (Canyon Rimrock) to 85 feet, and CEF #4 (Seep) to 11 feet. [LDC Section 25-8-281 (C) (1) (a).
2. To allow the construction of a parking area on a slope with a gradient of more than 15% LDC Section 25-8-302(A) (2).
3. To allow impervious cover on slopes with a gradient of more than 15 percent to exceed 10 percent of the total area of the 15% slopes. LDC 25-8-302(B) (1).

4. To allow fill greater than 4 feet, not to exceed 8 feet.
[LDC Section 25-8-342].

STAFF RECOMMENDATION: Variance one thru four are recommended with conditions.

REASONS FOR Findings of fact have been met.
RECOMMENDATION:

C2/5



C2/6

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

Project:	Dessau Retail Center - SP-2012-0350C
Ordinance Standard:	Land Development Code Section 25-8-281 (C) (1) (a)
Variance Request:	To allow for the reduction of the buffer zone established around each critical environmental feature from the code required 150 feet to the following: CEF #1 (Canyon Rimrock/Seep) to 100 feet, CEF #3 (Canyon Rimrock) to 85 feet, and CEF #4 (Seep) to 11 feet.

Findings:

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. Strict adherence to the code would deprive the applicant of the ability to provide the necessary access to the property. This is due to the site's need for safe and adequate street access and access from the parking area to the buildings.

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 based on the method chosen by the applicant to develop the property (building size and site configuration). This layout provides safe access to the buildings thereby creating the need for the variance. The applicant has agreed to the following conditions of the variance that will provide a greater overall environmental benefit than

what is required by code if they were not seeking the variance. The project will be providing:

C2/7

- Tree Mitigation required 98.5 caliper inches, providing 164.5 caliper inches.
- Pedestrian amenity Common Space required 5,654sf., providing 6,905 sf.,
- Landscape street yard greenspace area required 7,405sf. (20%), providing 16,399sf. (44%),
- Innovative Water Management Undisturbed Area required 3,952sf, providing 94,213sf. (This is area on-site that will remain natural and not require additional potable water irrigation.)

- 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. This is the minimum change necessary to allow for reasonable use of and safe access to the site. The applicant and owner have worked with staff to propose this design.

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

Yes. Normally, the reductions proposed to CEF's #1 and #3 are small enough that they could have been granted administratively, but since the reduction requested on CEF #4 could not be granted administratively, they are all being forwarded for Board and Commission review and approval. This variance will not increase harmful environmental consequences. The proposed layout provides CEF protection while maintaining flows from the two seeps.

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

Yes. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance. They are proposing sedimentation/filtration water quality to meet current code in a Suburban watershed and flows from the constructed site are directed to the pond.

- 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 I (Critical Water Quality Zone Restrictions):

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

C2/8

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.

Environmental Reviewer:


Jim Dymkowski

Environmental Program Coordinator:


Sue Barrett

Environmental Officer:


Chuck Lesniak

Date: February 21, 2013

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



c2/9

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

Project: Dessau Retail Center - SP-2012-0350C
Ordinance Standard: Land Development Code Section 25-8-302(A) (2).
To allow the construction of a parking area on a slope with a gradient of more than 15%.

Findings:

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. Strict adherence to the code would deprive the applicant of the ability to provide the necessary access to the property. This is due to the site's need for safe and adequate access from the parking area to buildings one, two, and three.

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 based on the method chosen by the applicant to develop the property (building size and site configuration). This layout provides safe access to the buildings thereby creating the need for the variance. The applicant has agreed to the following conditions of the variance that will provide a greater overall environmental benefit than what is required by code if they were not seeking the variance. The project will be providing:

- **Tree Mitigation required 98.5 caliper inches, providing 164.5 caliper inches.**
- **Pedestrian amenity Common Space required 5,654sf. providing 6,905 sf.**
- **Landscape street yard greenspace area required 7,405sf. (20%), providing 16,399sf. (44%)**
- **Innovative Water Management Undisturbed Area required 3,952sf, providing 94,213sf. (This is area on-site that will remain natural and not require additional potable water irrigation.)**

C2110

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. This is the minimum change necessary to allow for reasonable use of and safe access to the site. The applicant and owner have worked with staff to propose this design.

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

Yes. This variance will not increase harmful environmental consequences. The slopes in question are localized to a few areas on site. They appear to have been created from areas of concentrated storm water runoff over the years toward the creek adjacent to the proposed development. Development on these slopes will be contained beneath the new parking area so no erosion of the slopes will occur and the flows from the site to the creek will be maintained after they pass through the detention and water quality pond.

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

Yes. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance. They are proposing sedimentation/filtration water quality to meet current code in the Suburban watershed and flows from the constructed site are directed to the pond.

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


C2/11

N/A.

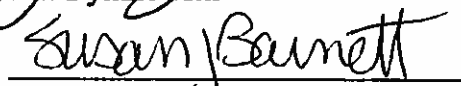
3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

N/A.


Environmental Reviewer:


Jim Dymkowski

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:


Chuck Lesniak

Date: February 21, 2013

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



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

Project:	Dessau Retail Center - SP-2012-0350C
Ordinance Standard:	Land Development Code Section 25-8-302(B) (1).
Variance Request:	To allow impervious cover on slopes with a gradients of more than 15 percent to exceed 10 percent of the total area of the 15% slopes.

Findings:

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. Strict adherence to the code would deprive the applicant of the ability to provide the necessary access and use of the property for construction of the building and parking areas. The allowable impervious cover for this slope category is .105 acres while the project proposes .282 acres. Although the project proposes this increase, they are proposing less overall impervious cover for the site than what is allowed. The overall allowable impervious cover for the site is 3.288 acres while the project proposes 2.73 acres.

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 based on the method chosen by the applicant to develop the property (building size and site configuration). This layout provides safe access to the buildings thereby creating the need for the variance. The applicant has agreed to the following conditions of the variance that will

provide a greater overall environmental benefit than what is required by code if they were not seeking the variance. The project will be providing:

C2/13

- Tree Mitigation required 98.5 caliper inches, providing 164.5 caliper inches.
- Pedestrian amenity Common Space required 5,654sf. providing 6,905 sf.
- Landscape street yard greenspace area required 7,405sf. (20%), providing 16,399sf. (44%)
- Innovative Water Management Undisturbed Area required 3,952sf, providing 94,213sf. (This is area on-site that will remain natural and not require additional potable water irrigation.)

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. This is the minimum change necessary to allow for reasonable use of the site. The applicant and owner have worked with staff to propose this design.

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

Yes. This variance will not increase harmful environmental consequences. Although this variance does propose and increase in the impervious cover allowed in this slope category, development on these slopes will be contained beneath the new parking area so no erosion of the slopes will occur. Also, the proposed impervious cover for the overall site is less than what is allowed by code. Overall allowable impervious cover for the site is 3.288 acres while the project proposes 2.73 acres.

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

Yes. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance. They are proposing sedimentation/filtration water quality to meet current code in the Suburban watershed and flows from the constructed site are directed to the pond.

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.

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

N/A.

Environmental Reviewer:


Jim Dymkowski

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:


Chuck Lesniak

Date: February 21, 2013

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



C2/15

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

Project:	Dessau Retail Center - SP-2012-0350C
Ordinance Standard:	Land Development Code Section 25-8-342
Variance Request:	To allow fill greater than 4 feet, not to exceed 8 feet.

Findings:

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. Strict adherence to the code would deprive the applicant of the ability to provide the necessary access to the property. This is due to the site's need for safe and adequate street access and from the parking area to the buildings one and two.

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 based on the method chosen by the applicant to develop the property (building size and site configuration). This layout provides safe access to the buildings thereby creating the need for the variance. The applicant has agreed to the following conditions of the variance that will provide a greater overall environmental benefit than what is required by code if they were not seeking the variance. The project will be providing:

- **Tree Mitigation required 98.5 caliper inches, providing 164.5 caliper inches.**

- **Pedestrian amenity Common Space required 5,654sf. providing 6,905 sf.**
- **Landscape street yard greenspace area required 7,405sf. (20%), providing 16,399sf. (44%)**
- **Innovative Water Management Undisturbed Area required 3,952sf, providing 94,213sf. (This is area on-site that will remain natural and not require additional potable water irrigation.)**

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- 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 applicant has worked with staff in an attempt to balance the overall earthwork as much as possible while assuring that positive drainage flows are maintained to the water quality/detention pond.

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

Yes. Normally, in a Suburban watershed, fill between 4-8 feet could be granted administratively. But since some of the proposed fill is on a slope of greater than 15%, staff is unable to administratively grant this request and it is brought forward for Board and Commission review and approval. This variance will not increase harmful environmental consequences. The proposed fill will be contained beneath the proposed parking and behind proposed retaining walls.

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

Yes. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance. They are proposing sedimentation/filtration water quality to meet current code in the Suburban watershed and flows from the constructed site are directed to the pond. The fill area will allow for site drainage to flow to water quality/detention pond.

- 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

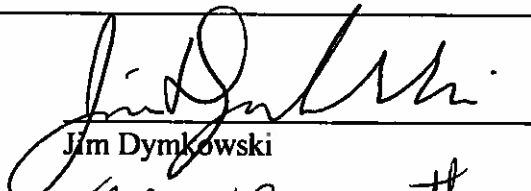
C2/17

N/A.

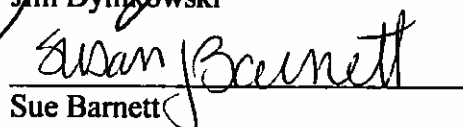
3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

N/A.

Environmental Reviewer:


Jim Dymkowski

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:

Chuck Lesniak

Date: February 21, 2013

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

Recommendations

C2/18

The findings of fact for variances #1 thru #4 have been met. Staff recommends approval of these variances with the following conditions:

- **Tree Mitigation required 98.5 caliper inches, providing 164.5 caliper inches.**
- **Pedestrian amenity Common Space required 5,654sf. providing 6,905 sf.**
- **Landscape street yard greenspace area required 7,405sf. (20%), providing 16,399sf. (44%)**
- **Innovative Water Management Undisturbed Area required 3,952sf, providing 94,213sf. (This is area on-site that will remain natural and not require additional potable water irrigation.)**

If you have any questions or need additional information, please feel free to contact me at 974-2707.

DESSAU RETAIL CENTER
SP-2012-0350C
Driving Directions

C2/19

Beginning at Austin City Hall 301 W 2nd Street:

Go east on Cesar Chavez approximately 0.5 miles.

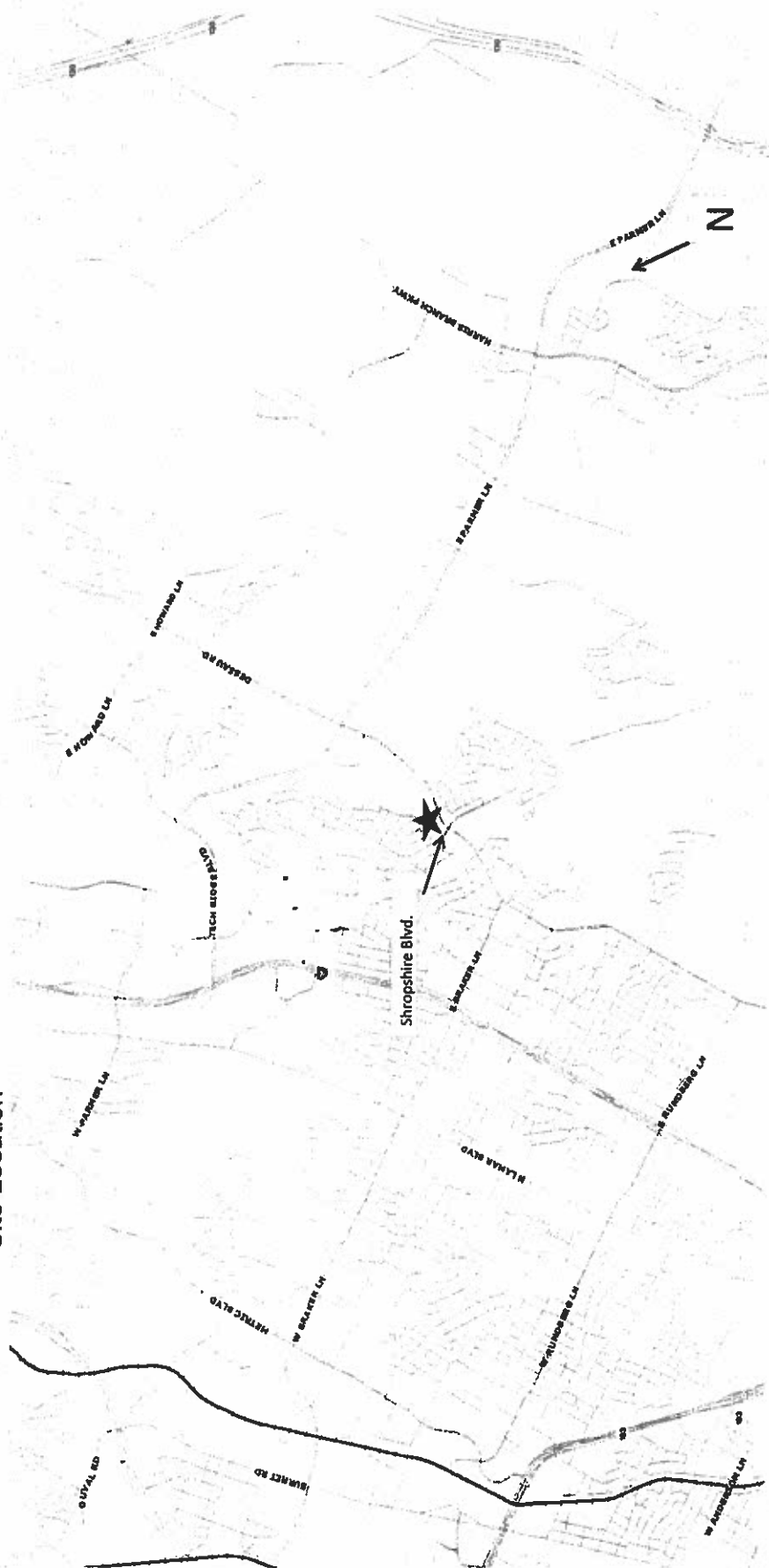
Go north on IH-35 approximately 7.5 miles to Exit 243 Braker Ln.

Turn right and go east on Braker Ln approximately .7 miles to the intersection of Dessau Rd.

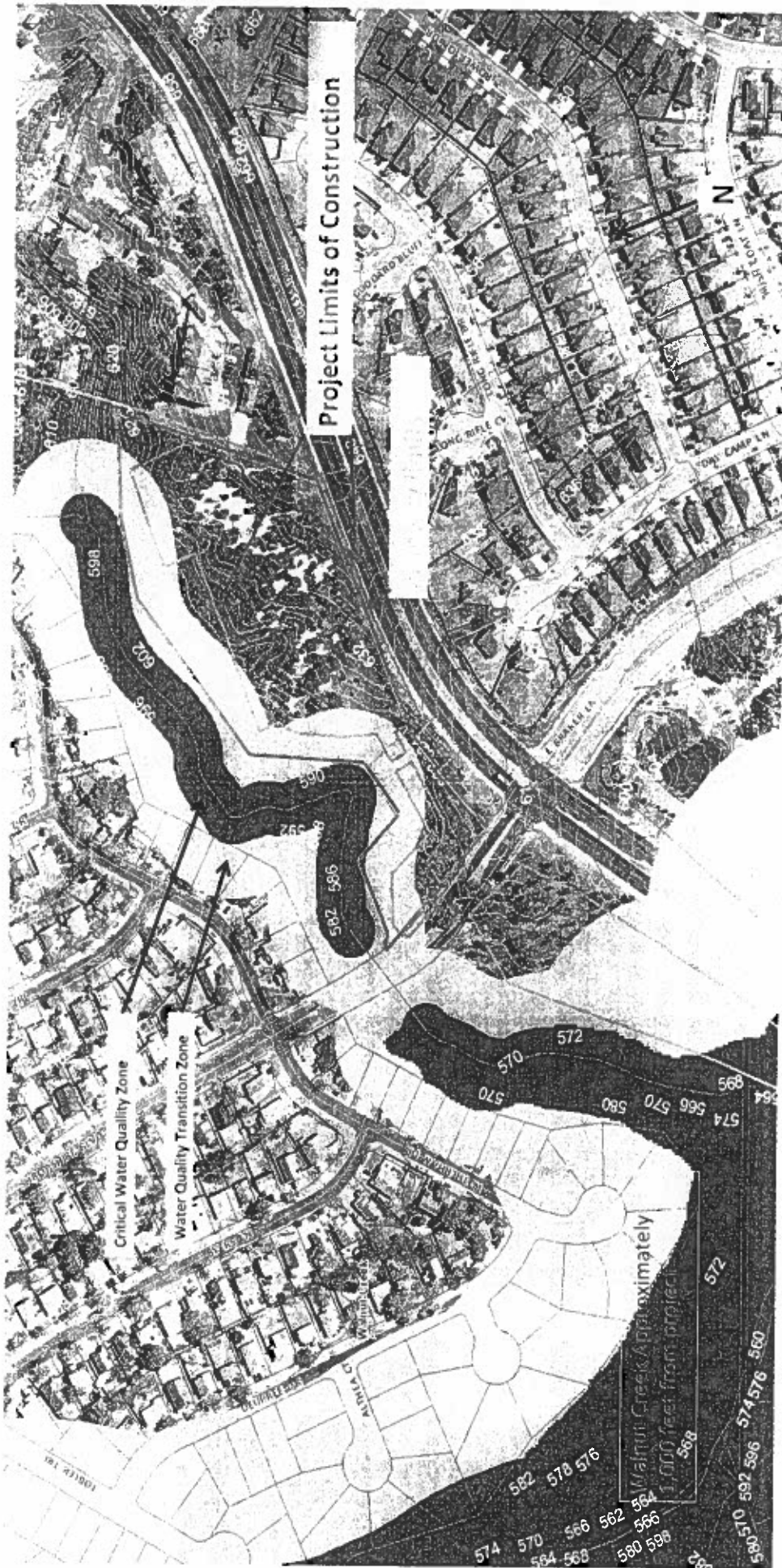
Turn left and go north on Dessau Rd. for approximately .7 miles to the intersection of Dessau Rd. and Shropshire Blvd.

11800 Dessau Rd will be on the northwest corner of the intersection of Dessau Rd. and Shropshire Blvd.

Dessau Retail Center
SP-2012-0350C
Site Location



Dessau Retail Center
SP-2012-0350C
Aerial Site View



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Dessau Retail Center
SP-2012-0350C
Site CEF's

C2/27



CEF #1



CEF #3



CEF #4 Prior to Red Tagged Site Work



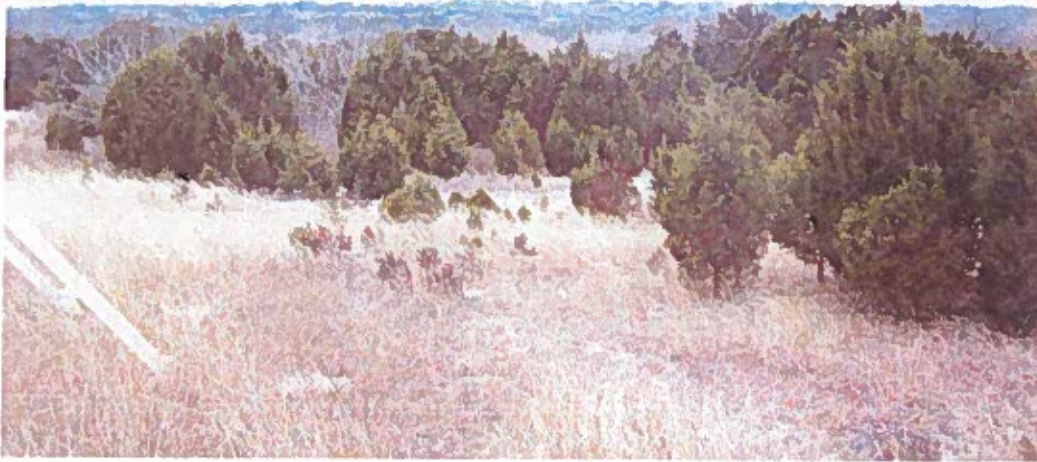
CEF # 4 Current

Dessau Retail Center
SP-2012-0350C
Site Photos

C2/28



Site looking northeast from intersection of Dessau and Shropshire



Site looking northwest from Dessau Rd.

Dessau Retail Center
SP-2012-0350C
Site Photos - Continued

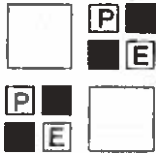
C 2/29



Area of proposed fill greater than four feet not to exceed eight feet

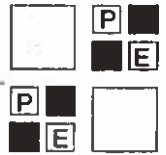


Minor Classified Tributary of Walnut Creek at rear of Property looking west



PROFESSIONAL STRUCIVIL ENGINEERS, INC.

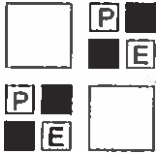
STRUCTURAL CIVIL ENVIRONMENTAL
12710 RESEARCH BLVD., SUITE #390, AUSTIN, TEXAS 78759
512.238.6422 FAX 512.258.8095 PSCE@PSCEINC.COM



VARIANCE REQUEST NO: 1 LDC 25-8-251(C)(1)(a)

C2/30

PROJECT DESCRIPTION	
APPLICANT CONTACT INFORMATION	
Name of Applicant	Moncada Consulting
Street Address	1301 S IH35, Ste. 204
City State Zip Code	Austin, Texas 78741
Work Phone	512-474-7377
E-mail Address	moncadataz@sbcglobal.net
Variance Case Information	
Case Name	Dessau Retail Center
Case Number	SP-2012-0350C
Address or Location	11800 Dessau Rd. Austin, Texas
Environmental Reviewer Name	James Dymkowski
Applicable Ordinance	LDC 25-8-342
Watershed Name	Walnut Creek
Watershed Classification	Suburban
Edwards Aquifer Recharge Zone	Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	No
Distance to Nearest Classified Waterway	Approx. 124' to the Northwest
Water and Wastewater service provided by	City of Austin



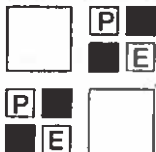
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12710 RESEARCH BLVD., SUITE #390, AUSTIN, TEXAS 78759
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C2/31

Request	The variance request is as follows	
Variance #1: Formal Variance is requested from LDC 25-8-281(C)(1)(a) for CEF buffer reductions CEF#4 setback 11ft., CEF #1 setback 100ft., CEF #3 setback 85ft.		
Impervious Cover	Existing	Proposed
Square Footage	0.00	118,932.30
Acreage	0.00	2.7303
Percentage	0.00	42.07%
Provide a general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, and other notable or outstanding characteristics of the property).	<p>The proposed development includes four buildings, General Retail, C-store, and a restaurant, that will be located on the eastern side of the property. There will be a gas station towards the center of the area of construction</p> <p>This project is located in the Walnut Creek watershed, and has a Suburban classification by the LDC. The project lies outside the Edwards Aquifer Recharge Zone.</p> <p>The slope range for this property is 0-25% for the entire site.</p> <p>The elevation range for this property begins at 649 feet to 605 ft.</p> <p>There are trees within the area proposed for the proposed convenience store, gas station and retail stores. All heritage trees are proposed to be kept / saved as an added benefit to the site.</p> <p>The property has 1.916 Acres within the WQTZ and no area within the CWQZ.</p> <p>There are four CEF's identified on this project: Canyon Rimrock (CEF #1) is located at the bend of the creek near the northeastern limits of construction. Tree no. 1026 is located at the northern end of this CEF. This exposed vertical exposure of the austin chalk is considered a CEF where the estimated length is 84 feet, and estimated height ranges from 4</p>	



PROFESSIONAL STRUCIVIL ENGINEERS, INC.

STRUCTURAL CIVIL ENVIRONMENTAL
12710 RESEARCH BLVD., SUITE #390, AUSTIN, TEXAS 78759
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	<p>to 8 feet.</p> <p>Canyon Rimrock (CEF #2). Length 70 ft, 4'-10' high for reference only, over 200 ft away, protected by creek located on the northern bank of the tributary to walnut creek that borders the existing residential development.</p> <p>Canyon Rimrock (CEF #3) is located at the bend of the creek near the northeastern limits of construction. Tree no. 1026 is located at the northern end of this CEF. This exposed vertical exposure of the Austin chalk is considered a CEF where the estimated length is 60 feet, and estimated height ranges from 8 to 15 feet.</p> <p>Seep (CEF #4): is a wet weather seep.</p> <p>There are several heritage trees located on the property, please refer to the landscaping plan.</p> <p>No floodplain is located on the property.</p>
Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	Proposed development does not comply with LDC 25-8-281. We are requesting CEF buffer reductions for CEF#4 setback 11ft., CEF #1 setback 100ft., CEF #3 setback 85ft. Refer Exhibit No:1 for the location of this variance.

C2/32

C2/33

February 11, 2013

Mr. Jim Dymkowski
City of Austin
Planning and Development Review
P.O. Box 1088
Austin, Texas 78767

**Re: 11800 Dessau Road, Austin, Texas
SP-2012-0350C
Formal Variance Request**

Dear Mr. Dymkowski,

We respectfully request a formal variance from LDC 25-8-281 (c) (1) (a) requirement that "except as provided in subsection (c) (1) (b), the width of the buffer zone is 150 feet from the edge of the critical environmental feature".

CEF #1 – Canyon Rimrock / Seep – 100' of buffer proposed
CEF #3 – Canyon Rimrock – 85' of buffer proposed
CEF #4 - Seep – 11' of buffer proposed

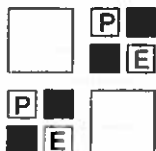
The owner is proposing to develop 4.36 acres of the 6.49 acre subject tract. The proposed development will consist of a gas station, convenience store and future retail buildings. The gas dispensers will also be covered by a canopy. We are also proposing to place a bridge span on the internal drive in order to protect the wet weather seep that has been determined to be a CEF. There will be no heritage trees removed with the development associated with this project. Our request was not based on the method chosen to develop the property since the project has been redesigned to encourage greater overall environmental protection but still allow a reasonable use of the property. We believe the span bridge that is proposed will allow the seep to continue to flow to the City of Austin detention facility that abuts this site.

If you have any questions or need any additional information please contact me at your earliest opportunity. My cell phone is 512-627-8815.

Respectfully submitted,

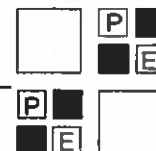


Phil Moncada
Principal



PROFESSIONAL STRUCIVIL ENGINEERS, INC.

STRUCTURAL CIVIL ENVIRONMENTAL
12710 RESEARCH BLVD., SUITE #390, AUSTIN, TEXAS 78759
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**VARIANCE REQUEST NO: 1
LDC 25-8-251(C)(1)(a)**

C2/34

February 15, 2013

James Dymkowski
Planning and Development Review Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

Watershed Variances - Findings of Fact

As required in LDC Section 25-8-41, in order to grant a variance the Land Use Commission must make the following findings of fact: Include an explanation with each applicable finding of fact.

Project: Dessau Retail Center, SP-2012-0350C

Ordinance Standard: LDC 25-8-251(C)(1)(a)

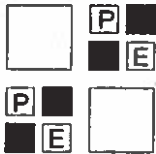
A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:

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/No

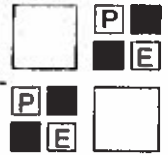
The requirement will deprive the applicant to comply with

- (i) Texas Department of License and Regulation (TDLR) to provide ADA routes.
- (ii) The proposed development to be compatible with the site's existing topography.
- (iii) Fire access and public safety of citizens regarding the proposed development.
- (iv) Access from Shropshire Boulevard and traffic safety, approved under Case C14-05-0176 by City Council.



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C2/35

In 2006, the City Council approved the zoning subjected to a provision to align a driveway to Shropshire Blvd. with a median opening. The proposed site is an approximate 6.49 acre retail site located at the northwest corner of Dessau Road and Shropshire Blvd., which was zoned General Retail-Conditional Overlay (GR-CO). The approved zoning accommodates a range of retail and commercial uses accompanied by a traffic impact analysis which recommended access from the site to Shropshire Blvd. with a median opening. Although primary access is provided to Dessau Road, secondary access to Shropshire Blvd. is both reasonable and necessary for increased traffic safety for vehicles because:

- (i) Access for site generated traffic heading north on Dessau Road is provided at a controlled (signalized) intersection resulting in fewer traffic conflicts on Dessau Road.
- (ii) Site generated traffic from the adjacent residential neighborhoods can access the site safely from Shropshire Blvd., without having to make left turns into the site from Dessau Road, (a major arterial), at an uncontrolled and unsignalized intersection.
- (iii) City planners, when evaluating zoning cases, reserve more intensive general retail zoning for major intersections to accommodate increased traffic and turning movements at such locations, as was previously discussed and evaluated when the zoning was approved for this site.
- (iv) Traffic engineers have evaluated the proposal and concluded it results in safer access and traffic conditions.

2. The variance:

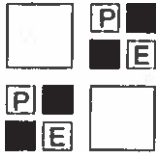
a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

Yes/No

The proposed development provides greater overall environmental protection without the variance as follows:

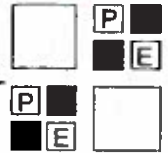
- (i) Landscape provided 164.5in. caliper, and required 98.5in. caliper.
- (ii) Pedestrian amenity Common Space provided 6,905 sf., and required 5,654sf.
- (iii) Landscape street yard provided 16,399sf. (44%), and required 7,405sf. (205).
- (iv) Innovative Water Management requires Undisturbed Area 3,952sf., and provided 94,213sf.

Landscaping provides additional trees to exceed the minimum required by the City Code for greater environmental benefits. The proposed trees provided are 164.5in caliper, and required is 98.5in. caliper. A short summary of replacement tree numbers and sizes are, (i) 47 trees @ 3.5" caliper = 164.5", (ii) less street yard tree



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inches, 1 tree @ 1.5" caliper = -1.5", (iii) less parking trees inches, 18 trees @ 1.5" caliper = -27", (iv) less buffer trees inches, 8 trees @ 1.5" caliper = -12". Additional trees exceed the minimum code required by 66in. caliper.

C2/36

Pedestrian amenities provided are above the requirement of the City Code. The landscape plan provides eight (8) benches for this development. The previous environmental reviewer requested four (4) benches which was not originally required by City Code. The pedestrian amenity Common Space required by the City Code is 5,654sf. area and the proposed development exceeds the requirement by providing 6,905sf area. Landscaped area within the street yard is also above city requirement: 7,405 square feet (20%) is required and a total of 16,399 square feet (44%) has been provided.

Innovative Water Management requires undisturbed natural area of 3,952sf. and a total of 94,213sf. has been provided for this project, which exceeds the minimum requirement by the City Code. Some areas of the site will remain undeveloped, thereby allowing better preservation of significant trees and habitat area and less overall disturbance for over 30 trees and critical environmental features in the water quality transition zone.

- 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 ☐ No

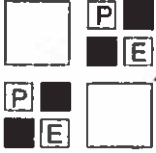
The variance is the minimum change necessary to avoid the deprivation of a privilege because of the following reasons:

- (i) Fire access and public safety of citizens regarding the proposed development.
- (ii) Compliance with Texas Department of License and Regulation (TDLR) to provide ADA routes.
- (iii) Access from Shropshire Blvd. and traffic safety, which has been approved under Case C14-05-0176 by City Council.
- (iv) Allow the proposed development to be compatible with the site's existing topography.

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

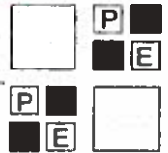
☒ Yes ☐ No

This development preserves all the environmental features, and does not create a significant probability of harmful environmental consequences. In order to achieve



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these goals, the proposed development has been moved away from environmental features such as the wet weather seep and canyon rim rocks.

C2/37

- (i) Development provides CEF #1 setback 100ft buffer as recommended by the reviewer.
- (ii) Development provides CEF #3 setback 85ft buffer as recommended by the reviewer.
- (iii) Development provides CEF#4 setback 11ft. buffer with the steel and concrete deck bridge to keep the existing runoff path intact.
- (iv) Waterway setback is more than 100ft. for proposed development.

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

☒ Yes ☐ No

The proposed development provides water quality equal to the City Code without the variance. The proposed development has onsite water quality and detention ponds in accordance with the City Code.

- 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 criteria for granting a variance in Section A are met:

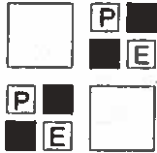
Yes/No N/A

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

Yes/No N/A

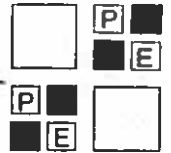
3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Yes/No N/A



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VARIANCE REQUEST NO:2 LDC 25-8-302(A)(2)

C2/38

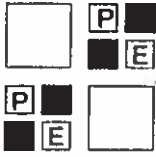
PROJECT DESCRIPTION

APPLICANT CONTACT INFORMATION

Name of Applicant	Moncada Consulting
Street Address	1301 S IH35, Ste. 204
City State Zip Code	Austin, Texas 78741
Work Phone	512-474-7377
E-mail Address	moncadataz@sbcglobal.net

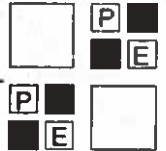
Variance Case Information

Case Name	Dessau Retail Center
Case Number	SP-2012-0350C
Address or Location	11800 Dessau Rd. Austin, Texas
Environmental Reviewer Name	James Dymkowski
Applicable Ordinance	LDC 25-8-342
Watershed Name	Walnut Creek
Watershed Classification	Suburban
Edwards Aquifer Recharge Zone	Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	No
Distance to Nearest Classified Waterway	Approx. 124' to the Northwest
Water and Wastewater service provided by	City of Austin



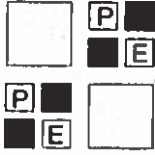
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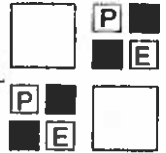
C2/39

Request		The variance request is as follows	
Variance #2: Formal Variance is requested from LDC 25-8-302(A)(2), to allow parking lot sections on slope greater than 15%.			
Impervious Cover		Existing	Proposed
Square Footage		0.00	118,932.30
Acreage		0.00	2.7303
Percentage		0.00	42.07%
Provide a general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, and other notable or outstanding characteristics of the property).		<p>The proposed development includes four buildings, General Retail, C-store, and a restaurant, that will be located on the eastern side of the property. There will be a gas station towards the center of the area of construction</p> <p>This project is located in the Walnut Creek watershed, and has a Suburban classification by the LDC. The project lies outside the Edwards Aquifer Recharge Zone.</p> <p>The slope range for this property is 0-25% for the entire site.</p> <p>The elevation range for this property begins at 649 feet to 605 ft.</p> <p>There are trees within the area proposed for the proposed convenience store, gas station and retail stores. All heritage trees are proposed to be kept / saved as an added benefit to the site.</p> <p>The property has 1.916 Acres within the WQTZ and no area within the CWQZ.</p> <p>There are four CEF's identified on this project:</p> <p>Canyon Rimrock (CEF #1) is located at the bend of the creek near the northeastern limits of construction. Tree no. 1026 is located at the northern end of this CEF. This exposed vertical exposure of the austin chalk is considered a CEF where the estimated length is 84 feet, and estimated height ranges from 4 to 8 feet.</p> <p>Canyon Rimrock (CEF #2). Length 70 ft, 4'-10' high for reference only, over 200 ft away, protected by creek located on the northern bank of the tributary to walnut creek that borders the existing residential</p>	



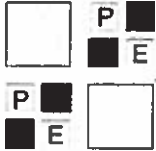
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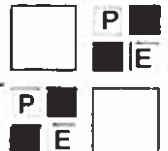
	<p>development.</p> <p>Canyon Rimrock (CEF #3) is located at the bend of the creek near the northeastern limits of construction. Tree no. 1026 is located at the northern end of this CEF. This exposed vertical exposure of the Austin chalk is considered a CEF where the estimated length is 60 feet, and estimated height ranges from 8 to 15 feet.</p> <p>Seep (CEF #4): is a wet weather seep.</p> <p>There are several heritage trees located on the property, please refer to the landscaping plan.</p> <p>No floodplain is located on the property.</p>
Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	Proposed development does not comply with LDC 25-8-302(A)(2). We are requesting to allow parking lot sections on slope greater than 15%. Refer Exhibit NO:1 for the location of this variance.

2/40



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VARIANCE REQUEST NO: 2 LDC 25-8-302(A)(2)

C2/41

February 15, 2013

Planning & Development Review Department
City of Austin
505 Barton Spring Road, 4th. Floor
Austin, Texas

Reference: **Variance Request: Parking lot development in Slope 15%-25%**
Dessau Retail Center
11801 Dessau Road
Austin, Texas

Case Number: SP-2012-0350C

This correspondence is in reference to request variance from LDC 25-8-302(A)(2) regarding the parking lot area sections in the slope category 15%-25%. The steep topography at certain locations of the development we unable to achieve the allowable impervious cover as allowed by the City Code. Refer Exhibit No: 1 for the location of slope category 15%-25%.

The minimum change is necessary to avoid the deprivation of a privilege because of the following reasons:

- (i) Fire access and public safety of citizens regarding the proposed development.
- (ii) The proposed development to be compatible with the site's existing topography.
- (iii) Compliance with Texas Department of License and Regulation (TDLR) to provide ADA routes.

Our request is not based on the method chosen to develop the property, as it has been altered since the first submittal to encourage greater overall environmental protection and is the minimum change necessary to allow reasonable use of the property. We also feel that this does not create a significant probability of harmful environmental consequence and will allow the development to achieve equal water quality.

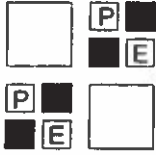
Therefore, we request a formal variance to section 25-8-302(A)(2) of the City of Austin Land Development code.

If you have any question, please call my office at 512-238-6422.

Sincerely,
PROFESSIONAL STRUCIVIL ENGINEERS, INC.

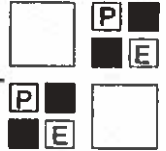
Mirza Tahir Baig, P.E.
Principal





PROFESSIONAL STRUCIVIL ENGINEERS, INC.

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VARIANCE REQUEST NO: 2 LDC 25-8-302(A)(2)

C2/42

February 15, 2013

James Dymkowski
Planning and Development Review Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

Watershed Variances - Findings of Fact

As required in LDC Section 25-8-41, in order to grant a variance the Land Use Commission must make the following findings of fact: Include an explanation with each applicable finding of fact.

Project: Dessau Retail Center, SP-2012-0350C

Ordinance Standard: LDC 25-8-302(A)(2)

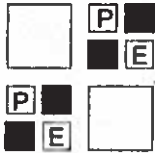
A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:

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/No

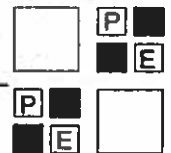
The requirement will deprive the applicant to comply with

- (i) Texas Department of License and Regulation (TDLR) to provide ADA routes.
- (ii) The proposed development to be compatible with the site's existing topography.
- (iii) Fire access and public safety of citizens regarding the proposed development.



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C2143

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 ☐ No

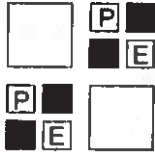
The proposed development provides greater overall environmental protection without the variance as follows:

- (i) Landscape provided 164.5in. caliper, and required 98.5in. caliper.
- (ii) Pedestrian amenity Common Space provided 6,905 sf., and required 5,654sf.
- (iii) Landscape street yard provided 16,399sf. (44%), and required 7,405sf. (20%).
- (iv) Innovative Water Management requires Undisturbed Area 3,952sf., and provided 94,213sf.

Landscaping provides additional trees to exceed the minimum required by the City Code for greater environmental benefits. The proposed trees provided are 164.5in caliper, and required is 98.5in. caliper. A short summary of replacement tree numbers and sizes are, (i) 47 trees @ 3.5" caliper = 164.5", (ii) less street yard tree inches, 1 tree @ 1.5" caliper = -1.5", (iii) less parking trees inches, 18 trees @ 1.5" caliper = -27", (iv) less buffer trees inches, 8 trees @ 1.5" caliper = -12". Additional trees exceed the minimum code required by 66in. caliper.

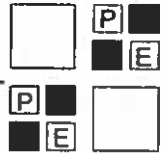
Pedestrian amenities provided are above the requirement of the City Code. The landscape plan provides eight (8) benches for this development. The previous environmental reviewer requested four (4) benches which was not originally required by City Code. The pedestrian amenity Common Space required by the City Code is 5,654sf. area and the proposed development exceeds the requirement by providing 6,905sf area. Landscaped area within the street yard is also above city requirement: 7,405 square feet (20%) is required and a total of 16,399 square feet (44%) has been provided.

Innovative Water Management requires undisturbed natural area of 3,952sf. and a total of 94,213sf. has been provided for this project, which exceeds the minimum requirement by the City Code. Some areas of the site will remain undeveloped, thereby allowing better preservation of significant trees and habitat area and less overall disturbance for over 30 trees and critical environmental features in the water quality transition zone.



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- 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/No

The variance is the minimum change necessary to avoid the deprivation of a privilege because of the following reasons:

- (i) Fire access and public safety of citizens regarding the proposed development.
- (ii) Compliance with Texas Department of License and Regulation (TDLR) to provide ADA routes.
- (iii) Allow the proposed development to be compatible with the site's existing topography.

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

☒ Yes/No

This development preserves all the environmental features, and does not create a significant probability of harmful environmental consequences. In order to achieve these goals, the proposed development has been moved away from environmental features such as the wet weather seep and canyon rim rocks.

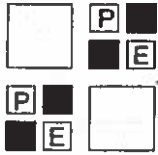
- (i) Development provides CEF #1 setback 100ft buffer as recommended by the reviewer.
- (ii) Development provides CEF #3 setback 85ft buffer as recommended by the reviewer.
- (iii) Development provides CEF#4 setback 11ft. buffer with the steel and concrete deck bridge to keep the existing runoff path intact.
- (iv) Waterway setback is more than 100ft. for proposed development.

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

☒ Yes/No

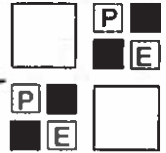
The proposed development provides water quality equal to the City Code without the variance. The proposed development has onsite water quality and detention ponds in accordance with the City Code.

C2/44



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C2/45

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 criteria for granting a variance in Section A are met;

Yes/No N/A

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

Yes/No N/A

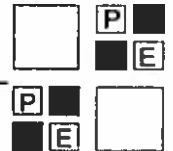
3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Yes/No N/A



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VARIANCE REQUEST NO:3 LDC 25-8-302(B)(1)

C2/46

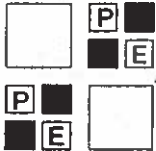
PROJECT DESCRIPTION

APPLICANT CONTACT INFORMATION

Name of Applicant	Moncada Consulting
Street Address	1301 S IH35, Ste. 204
City State Zip Code	Austin, Texas 78741
Work Phone	512-474-7377
E-mail Address	moncadataz@sbcglobal.net

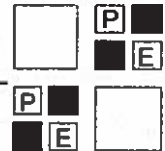
Variance Case Information

Case Name	Dessau Retail Center
Case Number	SP-2012-0350C
Address or Location	11800 Dessau Rd. Austin, Texas
Environmental Reviewer Name	James Dymkowski
Applicable Ordinance	LDC 25-8-342
Watershed Name	Walnut Creek
Watershed Classification	Suburban
Edwards Aquifer Recharge Zone	Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	No
Distance to Nearest Classified Waterway	Approx. 124' to the Northwest
Water and Wastewater service provided by	City of Austin



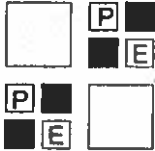
PROFESSIONAL STRUCIVIL ENGINEERS, INC.

STRUCTURAL CIVIL ENVIRONMENTAL
12710 RESEARCH BLVD., SUITE #390, AUSTIN, TEXAS 78759
512 238.6422 FAX 512 258 8095 PSCE@PSCEINC.COM



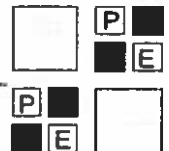
Request	The variance request is as follows	
Variance #3: Formal Variance is requested from LDC 25-8-302(B)(1), to allow an increase in impervious cover in 15% slope over allowable impervious cover 10%.		
Impervious Cover	Existing	Proposed
Square Footage	0.00	118,932.30
Acreage	0.00	2.7303
Percentage	0.00	42.07%
Provide a general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, and other notable or outstanding characteristics of the property).	<p>The proposed development includes four buildings, General Retail, C-store, and a restaurant, that will be located on the eastern side of the property. There will be a gas station towards the center of the area of construction.</p> <p>This project is located in the Walnut Creek watershed, and has a Suburban classification by the LDC. The project lies outside the Edwards Aquifer Recharge Zone.</p> <p>The slope range for this property is 0-25% for the entire site.</p> <p>The elevation range for this property begins at 649 feet to 605 ft.</p> <p>There are trees within the area proposed for the proposed convenience store, gas station and retail stores. All heritage trees are proposed to be kept / saved as an added benefit to the site.</p> <p>The property has 1.916 Acres within the WQTZ and no area within the CWQZ.</p> <p>There are four CEF's identified on this project: Canyon Rimrock (CEF #1) is located at the bend of the creek near the northeastern limits of construction. Tree no. 1026 is located at the northern end of this CEF. This exposed vertical exposure of the austin chalk is considered a CEF where the estimated length is 84 feet, and estimated height ranges from 4 to 8 feet.</p>	

C2/47



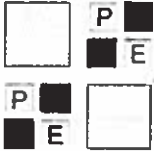
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512.238.6422 FAX 512.258.8095 PSCE@PSCEINC.COM



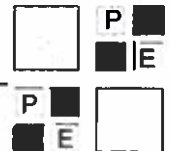
	<p>Canyon Rimrock (CEF #2). Length 70 ft, 4'-10' high for reference only, over 200 ft away, protected by creek located on the northern bank of the tributary to walnut creek that borders the existing residential development.</p> <p>Canyon Rimrock (CEF #3) is located at the bend of the creek near the northeastern limits of construction. Tree no. 1026 is located at the northern end of this CEF. This exposed vertical exposure of the Austin chalk is considered a CEF where the estimated length is 60 feet, and estimated height ranges from 8 to 15 feet.</p> <p>Seep (CEF #4): is a wet weather seep.</p> <p>There are several heritage trees located on the property, please refer to the landscaping plan.</p> <p>No floodplain is located on the property.</p>
Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	Proposed development does not comply with LDC 25-8-302(B)(1). We are requesting to allow increase in impervious cover in 15%-25% slope category. The allowable impervious cover at 0.105 acres and the requested impervious cover is 0.2824 acres. Refer Exhibit No:1 for the location of this variance.

C2/48



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VARIANCE REQUEST NO: 3 LDC 25-8-302(B)(1)

C2/49

February 15, 2013

Planning & Development Review Department
City of Austin
505 Barton Spring Road, 4th Floor
Austin, Texas

Reference: **Variance Request: Impervious Cover Development in Slope 15%-25%**
Dessau Retail Center
11801 Dessau Road
Austin, Texas

Case Number: SP-2012-0350C

This letter is in reference to request variance from LDC 25-8-302(B)(1) regarding the impervious cover in the slope category 15%-25%. The steep topography at certain locations of the development we unable to achieve the allowable impervious cover as allowed by the City Code. Allowable impervious cover for this type of slope category is 0.105 acres (10%) and we have proposed 0.2824 acres. Refer Exhibit No:1 for the location of slope category 15%-25%.

The minimum change is necessary to avoid the deprivation of a privilege because of the following reasons:

- (i) Fire access and public safety of citizens regarding the proposed development.
- (ii) The proposed development to be compatible with the site's existing topography.
- (iii) Compliance with Texas Department of License and Regulation (TDLR) to provide ADA routes.

Our request is not based on the method chosen to develop the property, as it has been altered since the first submittal to encourage greater overall environmental protection and is the minimum change necessary to allow reasonable use of the property. We also feel that this does not create a significant probability of harmful environmental consequence and will allow the development to achieve equal water quality.

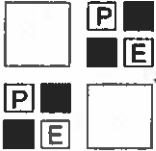
Therefore; we request a formal variance to section 25-8-302(B)(1) of the City of Austin Land Development code.

If you have any question, please call my office at 512-238-6422.

Sincerely,
PROFESSIONAL STRUCIVIL ENGINEERS, INC.

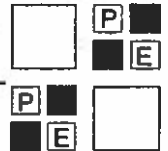
Mirza Tahir Baig, P.E.
Principal





PROFESSIONAL STRUCIVIL ENGINEERS, INC.

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**VARIANCE REQUEST NO:3
LDC 25-8-302(B)(1)**

C2/50

February 15, 2013

James Dymkowski
Planning and Development Review Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

Watershed Variances - Findings of Fact

As required in LDC Section 25-8-41, in order to grant a variance the Land Use Commission must make the following findings of fact: Include an explanation with each applicable finding of fact.

Project: Dessau Retail Center, SP-2012-0350C

Ordinance Standard: LDC 25-8-302(B)(1)

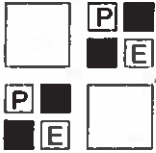
A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:

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/No

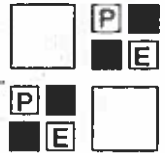
The requirement will deprive the applicant to comply with

- (i) Texas Department of License and Regulation (TDLR) to provide ADA routes.
- (ii) The proposed development to be compatible with the site's existing topography.
- (iii) Fire access and public safety of citizens regarding the proposed development.



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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 No

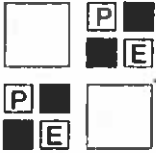
The proposed development provides greater overall environmental protection without the variance as follows:

- (i) Landscape provided 164.5in. caliper, and required 98.5in. caliper.
- (ii) Pedestrian amenity Common Space provided 6,905 sf., and required 5,654sf.
- (iii) Landscape street yard provided 16,399sf. (44%), and required 7,405sf. (20%).
- (iv) Innovative Water Management requires Undisturbed Area 3,952sf., and provided 94,213sf.

Landscaping provides additional trees to exceed the minimum required by the City Code for greater environmental benefits. The proposed trees provided are 164.5in caliper, and required is 98.5in. caliper. A short summary of replacement tree numbers and sizes are, (i) 47 trees @ 3.5" caliper = 164.5", (ii) less street yard tree inches, 1 tree @ 1.5" caliper = -1.5", (iii) less parking trees inches, 18 trees @ 1.5" caliper = -27", (iv) less buffer trees inches, 8 trees @ 1.5" caliper = -12". Additional trees exceed the minimum code required by 66in. caliper.

Pedestrian amenities provided are above the requirement of the City Code. The landscape plan provides eight (8) benches for this development. The previous environmental reviewer requested four (4) benches which was not originally required by City Code. The pedestrian amenity Common Space required by the City Code is 5,654sf. area and the proposed development exceeds the requirement by providing 6,905sf area. Landscaped area within the street yard is also above city requirement: 7,405 square feet (20%) is required and a total of 16,399 square feet (44%) has been provided.

Innovative Water Management requires undisturbed natural area of 3,952sf. and a total of 94,213sf. has been provided for this project, which exceeds the minimum requirement by the City Code. Some areas of the site will remain undeveloped, thereby allowing better preservation of significant trees and habitat area and less overall disturbance for over 30 trees and critical environmental features in the water quality transition zone.



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- 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 ☐ No

The variance is the minimum change necessary to avoid the deprivation of a privilege because of the following reasons:

C2/52

- (i) Fire access and public safety of citizens regarding the proposed development.
- (ii) Compliance with Texas Department of License and Regulation (TDLR) to provide ADA routes.
- (iii) Allow the proposed development to be compatible with the site's existing topography.

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

☒ Yes ☐ No

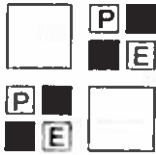
This development preserves all the environmental features, and does not create a significant probability of harmful environmental consequences. In order to achieve these goals, the proposed development has been moved away from environmental features such as the wet weather seep and canyon rim rocks.

- (i) Development provides CEF #1 setback 100ft buffer as recommended by the reviewer.
- (ii) Development provides CEF #3 setback 85ft buffer as recommended by the reviewer.
- (iii) Development provides CEF#4 setback 11ft. buffer with the steel and concrete deck bridge to keep the existing runoff path intact.
- (iv) Waterway setback is more than 100ft. for proposed development.

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

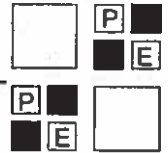
☒ Yes ☐ No

The proposed development provides water quality equal to the City Code without the variance. The proposed development has onsite water quality and detention ponds in accordance with the City Code.



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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):

C2/53

1. The criteria for granting a variance in Section A are met;

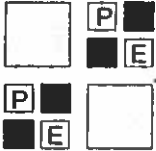
Yes/No N/A

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

Yes/No N/A

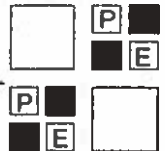
3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Yes/No N/A



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VARIANCE REQUEST NO: 4 LDC 25-8-342

C2/54

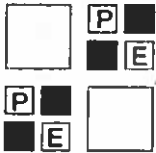
PROJECT DESCRIPTION

APPLICANT CONTACT INFORMATION

Name of Applicant	Moncada Consulting
Street Address	1301 S IH35, Ste. 204
City State Zip Code	Austin, Texas 78741
Work Phone	512-474-7377
E-mail Address	moncadataz@sbcglobal.net

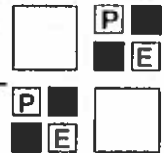
Variance Case Information

Case Name	Dessau Retail Center
Case Number	SP-2012-0350C
Address or Location	11800 Dessau Rd. Austin, Texas
Environmental Reviewer Name	James Dymkowski
Applicable Ordinance	LDC 25-8-342
Watershed Name	Walnut Creek
Watershed Classification	Suburban
Edwards Aquifer Recharge Zone	Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	No
Distance to Nearest Classified Waterway	Approx. 124' to the Northwest
Water and Wastewater service provided by	City of Austin



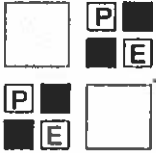
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12710 RESEARCH BLVD., SUITE #390, AUSTIN, TEXAS 78759
512.238.6422 FAX 512.258.8095 PSCE@PSCEINC.COM



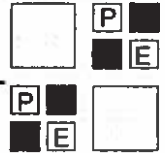
C2/55

Request	The variance request is as follows	
Variance #4: Formal Variance is requested from LDC 25-8-342, to allow fill greater than 4ft. not to exceed 8ft. since it is placed on a slope greater than 15%.		
Impervious Cover	Existing	Proposed
Square Footage	0.00	118,932.30
Acreage	0.00	2.7303
Percentage	0.00	42.07%
Provide a general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, and other notable or outstanding characteristics of the property).	<p>The proposed development includes four buildings, General Retail, C-store, and a restaurant, that will be located on the eastern side of the property. There will be a gas station towards the center of the area of construction.</p> <p>This project is located in the Walnut Creek watershed, and has a Suburban classification by the LDC. The project lies outside the Edwards Aquifer Recharge Zone.</p> <p>The slope range for this property is 0-25% for the entire site.</p> <p>The elevation range for this property begins at 649 feet to 605 ft.</p> <p>There are trees within the area proposed for the proposed convenience store, gas station and retail stores. All heritage trees are proposed to be kept / saved as an added benefit to the site.</p> <p>The property has 1.916 Acres within the WQTZ and no area within the CWQZ.</p> <p>There are four CEF's identified on this project: Canyon Rimrock (CEF #1) is located at the bend of the creek near the northeastern limits of construction. Tree no. 1026 is located at the northern end of this CEF. This exposed vertical exposure of the austin chalk is considered a CEF where the estimated length is 84 feet, and estimated height ranges from 4</p>	



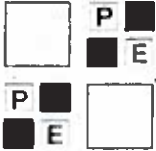
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	<p>to 8 feet.</p> <p>Canyon Rimrock (CEF #2). Length 70 ft, 4'-10' high for reference only, over 200 ft away, protected by creek located on the northern bank of the tributary to walnut creek that borders the existing residential development.</p> <p>Canyon Rimrock (CEF #3) is located at the bend of the creek near the northeastern limits of construction. Tree no. 1026 is located at the northern end of this CEF. This exposed vertical exposure of the Austin chalk is considered a CEF where the estimated length is 60 feet, and estimated height ranges from 8 to 15 feet.</p> <p>Seep (CEF #4): is a wet weather seep.</p> <p>There are several heritage trees located on the property, please refer to the landscaping plan.</p> <p>No floodplain is located on the property.</p>
<p>Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)</p>	<p>Proposed development does not comply with LDC 25-8-342. We are requesting a variance for maximum fill for this area is approximately eight feet (8'-0") and encompasses approximately 10,100sf of area and a volume of 2,447cu.yd. Refer Exhibit No:1 for the location of this variance.</p>

C7/56



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VARIANCE REQUEST NO: 4 LDC 25-8-342

C2/57

February 15, 2013

Planning & Development Review Department
City of Austin
505 Barton Spring Road, 4th. Floor
Austin, Texas

Reference: **Variance Request: Fill In Slope 0%-15% & 15%-25%**
Dessau Retail Center 11801 Dessau Road
Austin, Texas

Case Number: SP-2012-0350C

This letter is in reference to variance request regarding the fill between 4ft. to 8ft. in the slope category 0%-15% & 15%-25%, because of the steep topography at the corner of the parking lot between building 1 and building 2, and parking lot in front of building 1. The maximum fill for these areas are approximately eight feet (8'-0") and encompasses approximately 10,100sf of area and a volume 2,447cu.yd. Refer to Exhibit No: 1 for the location of this variance.


The minimum change is necessary to avoid the deprivation of a privilege because of the following reasons:

- (i) Fire access and public safety of citizens regarding the proposed development.
- (ii) The proposed development to be compatible with the site's existing topography.
- (iii) Compliance with Texas Department of License and Regulation (TDLR) to provide ADA routes.

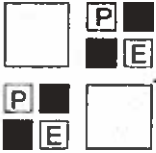
Our request is not based on the method chosen to develop the property, as it has been altered since the first submittal to encourage greater overall environmental protection and is the minimum change necessary to allow reasonable use of the property. We also feel that this does not create a significant probability of harmful environmental consequence and will allow the development to achieve equal water quality.

Therefore, we request a formal variance to section 25-8-342 of the City of Austin Land Development code. If you have any question, please call my office at 512 238 6422.

Sincerely,
PROFESSIONAL STRUCIVIL ENGINEERS, INC.

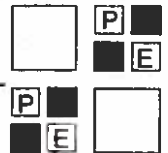

Mirza Tahir Baig, P.E.
Principal





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VARIANCE REQUEST NO:4 LDC 25-8-342

C2/58

February 15, 2013

James Dymkowski
Planning and Development Review Department
City of Austin
P.O. Box 1088
Austin, Texas 78767

Watershed Variances - Findings of Fact

As required in LDC Section 25-8-41, in order to grant a variance the Land Use Commission must make the following findings of fact: Include an explanation with each applicable finding of fact.

Project: Dessau Retail Center, SP-2012-0350C

Ordinance Standard: LDC 25-8-342

A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:

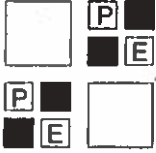
1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

☒ Yes/No

The requirement will deprive the applicant to comply with

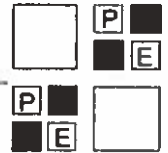
- (i) Texas Department of License and Regulation (TDLR) to provide ADA routes.
- (ii) The proposed development to be compatible with the site's existing topography.
- (iii) Fire access and public safety of citizens regarding the proposed development.
- (iv) Access from Shropshire Boulevard and traffic safety, which has been approved under Case C14-05-0176 by City Council.

In 2006, the City Council approved the zoning subjected to a provision to align a driveway to Shropshire Blvd. with a median opening. The proposed site is an approximate 6.49 acre retail site located at the northwest corner of Dessau Road and



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Shropshire Blvd., which was zoned General Retail-Conditional Overlay (GR-CO). The approved zoning accommodates a range of retail and commercial uses accompanied by a traffic impact analysis which recommended access from the site to Shropshire Blvd. with a median opening. Although primary access is provided to Dessau Road, secondary access to Shropshire Blvd. is both reasonable and necessary for increased traffic safety for vehicles because:

C2159

- (i) Access for site generated traffic heading north on Dessau Road is provided at a controlled (signalized) intersection resulting in fewer traffic conflicts on Dessau Road.
- (ii) Site generated traffic from the adjacent residential neighborhoods can access the site safely from Shropshire Blvd., without having to make left turns into the site from Dessau Road, (a major arterial), at an uncontrolled and unsignalized intersection.
- (iii) City planners, when evaluating zoning cases, reserve more intensive general retail zoning for major intersections to accommodate increased traffic and turning movements at such locations, as was previously discussed and evaluated when the zoning was approved for this site.
- (iv) Traffic engineers have evaluated the proposal and concluded it results in safer access and traffic conditions.

2. The variance:

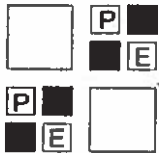
a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

Yes/No

The proposed development provides greater overall environmental protection without the variance as follows:

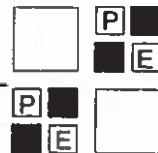
- (i) Landscape provided 164.5in. caliper, and required 98.5in. caliper.
- (ii) Pedestrian amenity Common Space provided 6,905 sf., and required 5,654sf.
- (iii) Landscape street yard provided 16,399sf. (44%), and required 7,405sf. (205).
- (iv) Innovative Water Management requires Undisturbed Area 3,952sf., and provided 94,213sf.

Landscaping provides additional trees to exceed the minimum required by the City Code for greater environmental benefits. The proposed trees provided are 164.5in caliper, and required is 98.5in. caliper. A short summary of replacement tree numbers and sizes are, (i) 47 trees @ 3.5" caliper = 164.5", (ii) less street yard tree inches, 1 tree @ 1.5" caliper = -1.5", (iii) less parking trees inches, 18 trees @ 1.5" caliper = -27", (iv) less buffer trees inches, 8 trees @ 1.5" caliper = -12". Additional trees exceed the minimum code required by 66in. caliper.



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Pedestrian amenities provided are above the requirement of the City Code. The landscape plan provides eight (8) benches for this development. The previous environmental reviewer requested four (4) benches which was not originally required by City Code. The pedestrian amenity Common Space required by the City Code is 5,654sf. area and the proposed development exceeds the requirement by providing 6,905sf area. Landscaped area within the street yard is also above city requirement: 7,405 square feet (20%) is required and a total of 16,399 square feet (44%) has been provided.

C2/60

Innovative Water Management requires undisturbed natural area of 3,952sf. and a total of 94,213sf. has been provided for this project, which exceeds the minimum requirement by the City Code. Some areas of the site will remain undeveloped, thereby allowing better preservation of significant trees and habitat area and less overall disturbance for over 30 trees and critical environmental features in the water quality transition zone.

- 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 ☐ No

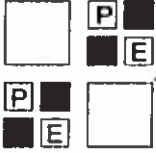
The variance is the minimum change necessary to avoid the deprivation of a privilege because of the following reasons:

- (i) Fire access and public safety of citizens regarding the proposed development.
- (ii) Compliance with Texas Department of License and Regulation (TDLR) to provide ADA routes.
- (iii) Access from Shropshire Blvd. and traffic safety, which has been approved under Case C14-05-0176 by City Council.
- (iv) Allow the proposed development to be compatible with the site's existing topography.

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

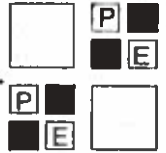
☒ Yes ☐ No

This development preserves all the environmental features, and does not create a significant probability of harmful environmental consequences. In order to achieve these goals, the proposed development has been moved away from environmental features such as the wet weather seep and canyon rim rocks.



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- (i) Development provides CEF #1 setback 100ft buffer as recommended by the reviewer.
- (ii) Development provides CEF #3 setback 85ft buffer as recommended by the reviewer.
- (iii) Development provides CEF#4 setback 11ft. buffer with the steel and concrete deck bridge to keep the existing runoff path intact.
- (iv) Waterway setback is more than 100ft. for proposed development.

C2/61

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

☒ Yes/No

The proposed development provides water quality equal to the City Code without the variance. The proposed development has onsite water quality and detention ponds in accordance with the City Code.

- 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 criteria for granting a variance in Section A are met;

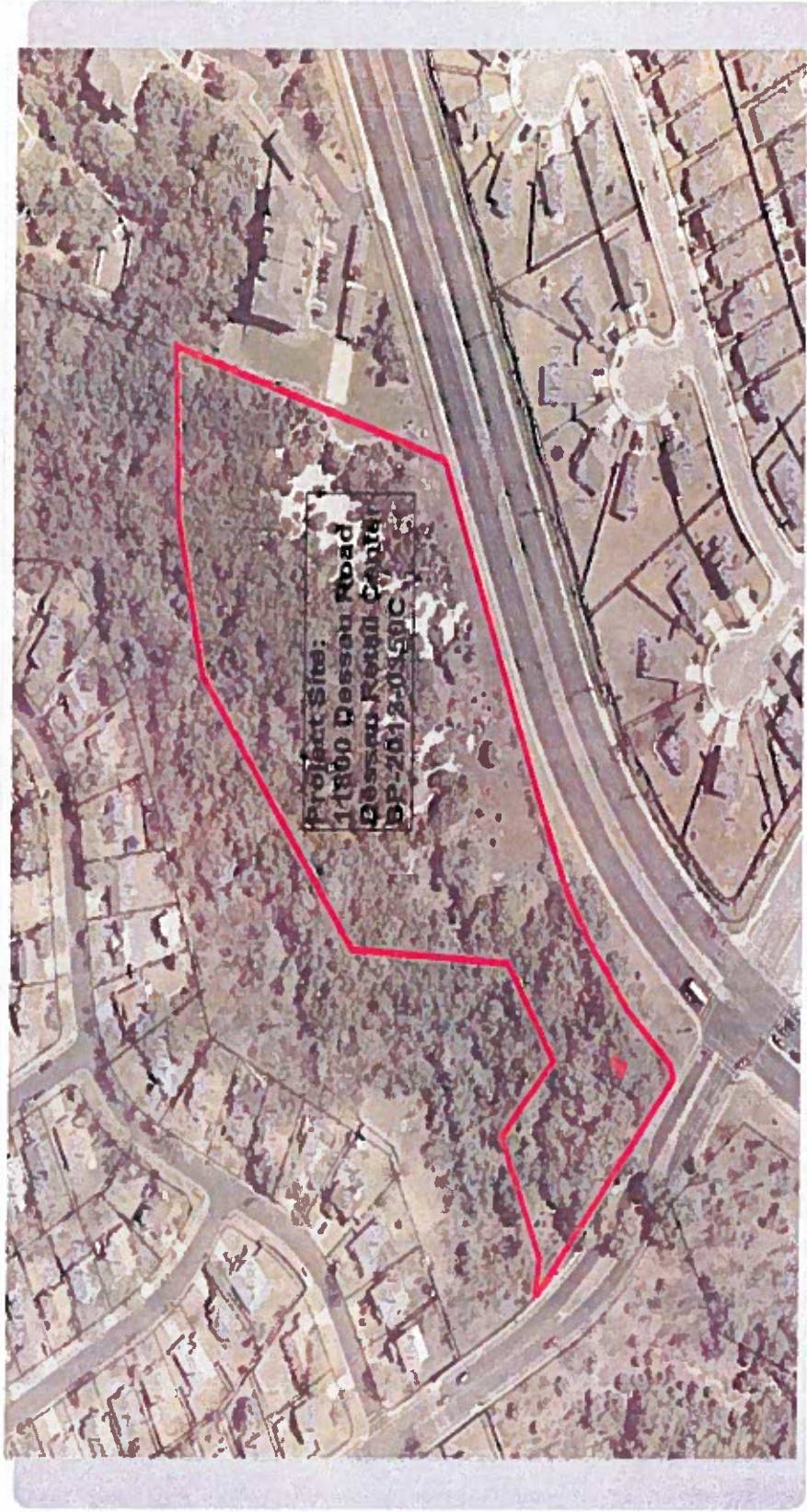
Yes/No N/A

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

Yes/No N/A

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

Yes/No N/A

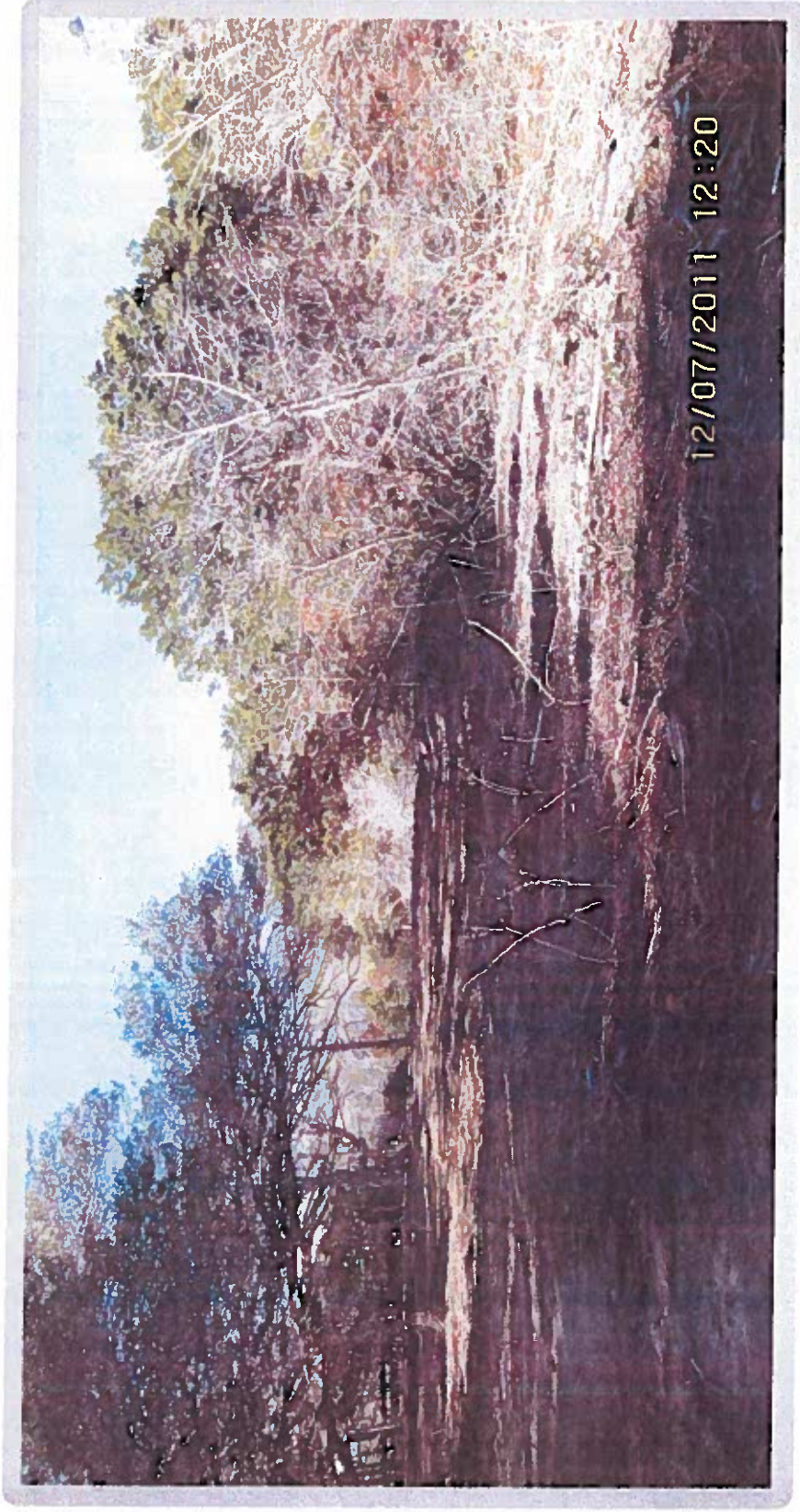


Project Site:
14800 Dessau Road
Dessau Retail Center
SP-2012-0350C

Aerial Map of Project

SP-2012-0350C – Dessau Retail Center

C2/62



Site Photo : Trees and Trail

SP-2012-0350C - Dessau Retail Center

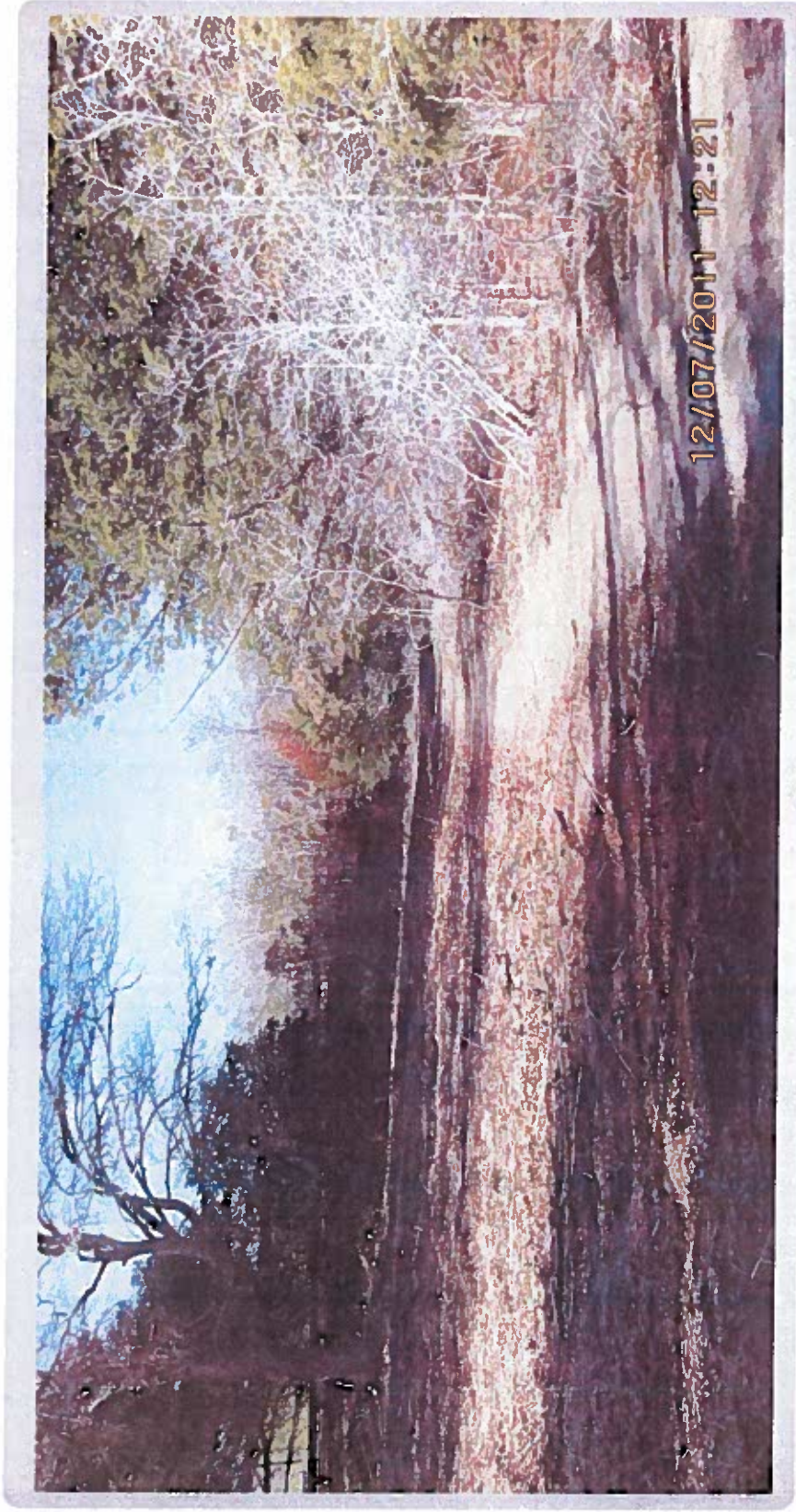
33



Site Photo : Heritage Trees & Trail

SP-2012-0350C - Dessau Retail Center

C2
64



Site Photo : Existing Trail
SP-2012-0350C - Dessau Retail Center

C2/65



Site Photo : CEF #4 : Seep

SP-2012-0350C - Dessau Retail Center

C2/66



CEF #4 : Seep : 01/10/2013

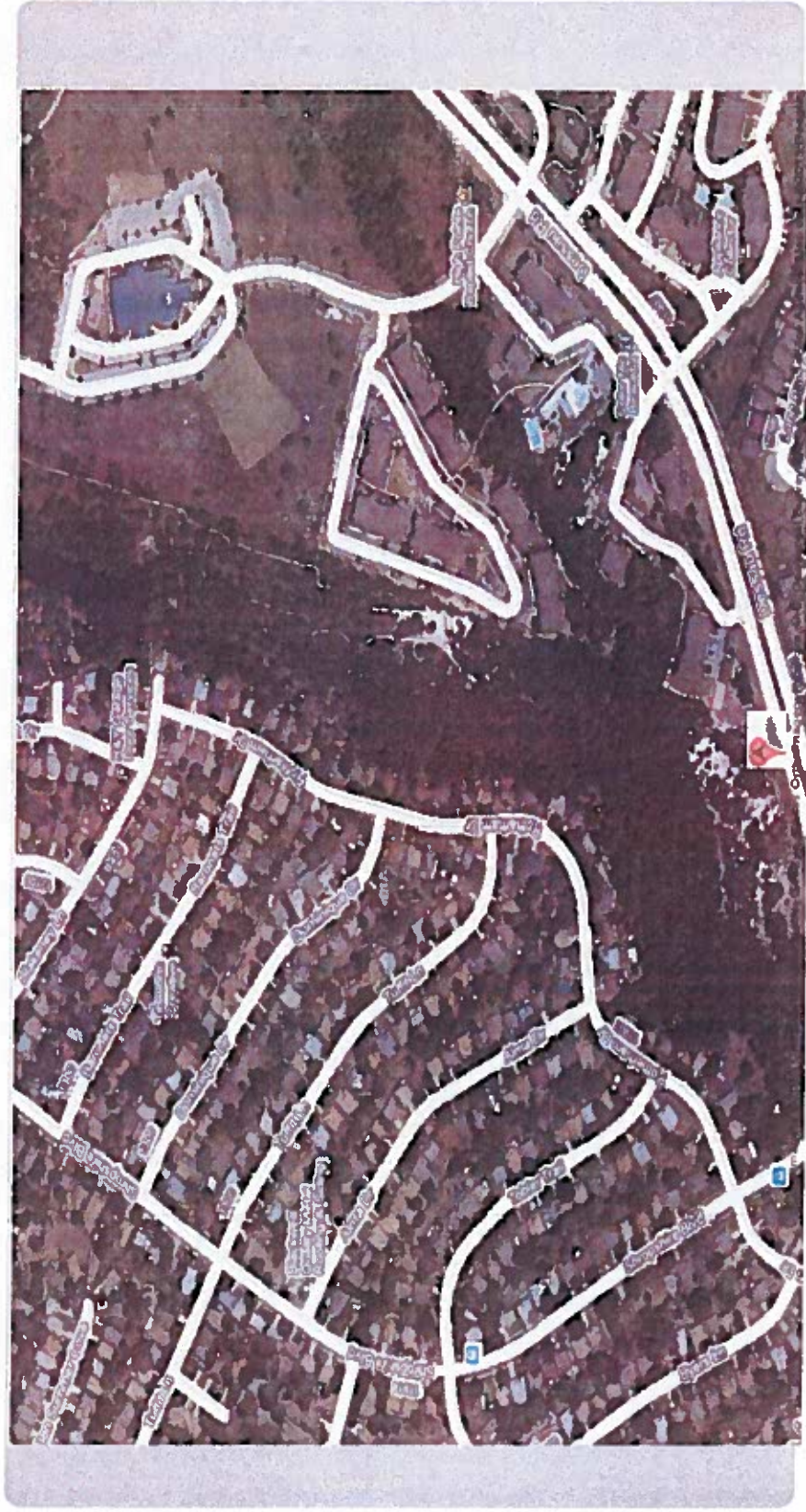
SP-2012-0350C - Dessau Retail Center

C2/67



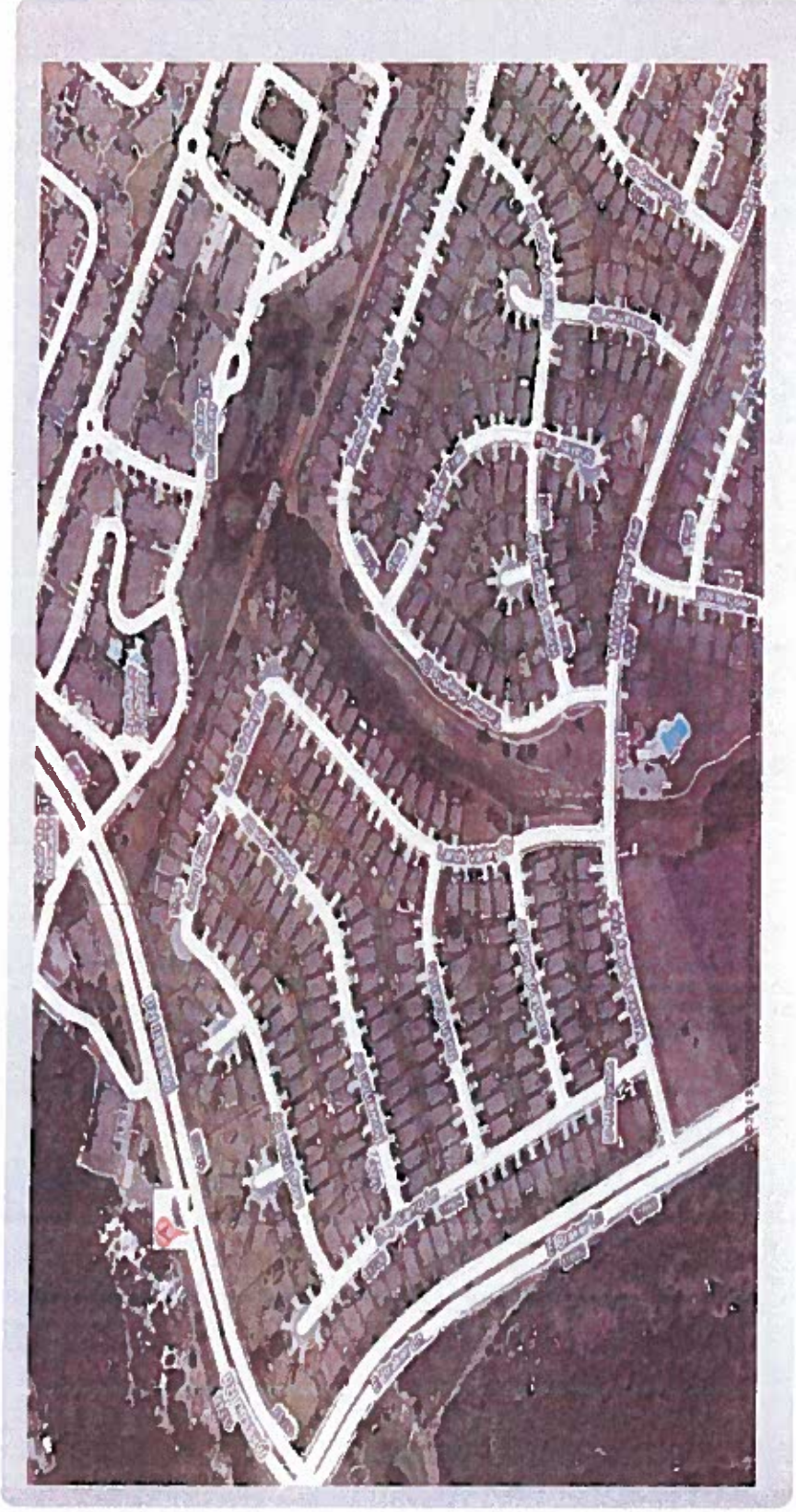
Aerial of Site and adjacent properties
SP-2012-0350C - Dessau Retail Center

C2/68



Aerial Images of the Vicinity
Single & Multi Family Homes to the North and East of the site

C2/69



Aerial Images of the Vicinity

Single Family Homes to the South (Dessau Road)

C2/HO

DESSAU RETAIL CENTER - AERIAL VICINITY



- Legend
- Lot Lines
 - Streets
 - Building Footprints
 - Named Creeks
 - Lakes and Rivers
 - Parks
 - County
 - TCAD Parcels

Aerial Images of the Vicinity

Vacant land South and West of the site

C2H1



Context Map : Waterways setback

SP-2012-0350C – Dessau Retail Center

C2/12



Topographic Map

SP-2012-0350C – Dessau Retail Center

C2/13

Moncada Consulting

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Phone: (512) 627-8815 Fax: (512) 474-4923

C2/74

June 27, 2012

Rahim Marediya
Dessau Retail Center
11,800 Dessau Rd
Austin, Texas 78753

Re: 11800 Dessau Road Tax Parcel # 02472806180000
Phase I Limited Environmental Site Assessment 6.49 acres

Dear Mr. Marediya:

As requested, based on information gathered from City of Austin, and a revised pedestrian survey conducted by Moncada Consulting on 03/20/12 we would like to offer the following updated information regarding a Phase One, Limited Environmental Site Assessment review of this tract. Latitude 30.377522, Longitude -97.658833.

Vegetation

Canopy coverage includes Live Oak (*Quercus virginiana*), Cedar Elm (*Ulmus crassifolia*), Honey Mesquite (*Prosopis glandulosa*) Mid-canopy species include Ashe Juniper (*Juniperus ashei*). Ground cover is composed mainly of Johnson grass, native grasses, weeds, poison ivy, bamboo, along with various wildflowers. The majority of the trees located on the site were Live Oaks, and include many heritage size trees on the subject tract.

Topography and Surface Water

The subject site is partially located within 100-year floodplain boundaries according to FEMA map panel #48453CO135F. The site is located at latitude 30.377522, longitude -97.658833. The subject site ranges from approximately 598 to 640 feet above mean sea level (MSL). This site is located outside the Edward's Aquifer Recharge Zone in the Walnut Creek Watershed, Suburban as classified by the City of Austin Watershed Regulation Maps (C.O.A., 2009). The subject tract lies within the City of Austin's full purpose jurisdiction as classified by the City of Austin Extra-Territorial Jurisdiction Map (Sept. 7, 1998). The tract also lies in the northeastern portion of Travis County. Drainage on the subject site occurs primarily by overland flow that predominantly flows from an easterly direction to the west in a northerly direction. The proposed development associated with this tract does not have slopes in excess of 15% throughout the proposed development areas. The subject tract lies east of the undeveloped area that is part of a detention facility for the Copperfield residential development. The eastern portion of subject tract is bounded by

Dessau Road, a major arterial maintained by the COA. To the south, the tract is bounded by open space and parkland. North of subject tract is a large undeveloped tract that has numerous similar species of trees and vegetation and a commercial residential apartment complex. There is also a meandering trail that is part of the Hike and Bike trails maintained by the COA. Limited maintenance was observed during the site visit. The site also has slopes that exceed 15% but the engineer is proposing setbacks from these areas with the proposed development.

C2/15

Endangered Species / CEF's

Per Engineer's report and my review of historical data with the City of Austin, there are no Endangered Species on this subject tract.

In addition, four (4) CEF's, a seep and some exposed rim rock were located on the banks of the Copperfield detention pond. The first CEF was rim rock that was exposed by erosion. It is approximately 84 L.F. and height averaging 4-8 L.F. The engineer is proposing 152.2 L.F. of buffer. The second CEF in this same proximity was also rim rock with a wet weather seep that was dry but had moss and calcified deposits in the area. It was approximately 70 L.F. long and height averaging of 4-10' located on the east bank of the creek approximately 110 L.F. to the south and east of CEF #1. The engineer is proposing 43 L.F. of buffer. The third CEF shown on sheet 6 is approximately 60 L.F. with height averaging of 8-15'. The engineer is proposing 85.3 L.F. of buffer. The fourth CEF identified was a wet weather seep that was located approximately 25' west of existing edge of retaining wall. The engineer is proposing a buffer of 3'-7". The seep will be protected by building a span bridge that will allow the seep to flow without interruption during wet weather season.

The client has redesigned the project to setback from all erosion created CEF's.

CEF Table

CRITICAL ENVIRONMENTAL FEATURES

FEATURE TYPE	FEATURE ID	FEATURE LONGITUDE	FEATURE LATITUDE	WETLAND DIMENSIONS		RIMROCK DIMENSIONS	
				X	Y	LENGTH	HEIGHT
RIMROCK	CEF #1	-97.6585764288211	30.37847049368138			84.0'	4'-8'
RIMROCK	CEF #2	-97.658331341362	30.378951764415028			70.0'	4'-10'
RIMROCK	CEF #3	-97.65887051623077	30.378234460319675			60.0'	8'-15'
SEEP	CEF #4	-97.65861868858337	30.377984552603244	15'	30'		

C2/76

Geology


The site is located outside the Edwards Aquifer Recharge Zone as mapped by the Texas Natural Resource Conservation Commission and City of Austin Watershed Regulation Areas maps. A pedestrian survey was conducted on the site to evaluate the karst potential of the subject tract. Please review the previous paragraph under "Endangered Species/CEF's", for specific information related to location. Overall, existing literature indicates the subject site is underlain by Austin Chalk (Report 276 Texas Department of Water Resources). The Austin Chalk group consists of marl, shale, limestone, and igneous rocks. Limited yield on groundwater with this group. Recharge potential on this tract is minimal due to elevation and significant vegetation as well, which reduces infiltration significantly.

Conclusion

Based on information provided by City of Austin and a meeting held with city staff to discuss redesign of the site improvements, we are providing revised plans that increase setbacks from the identified CEF's. The site has been redesigned to place improvements in an area where the slopes are less than 15% and minimize impact on the Class I Heritage Oaks. The existing detention facility will protect three of the four CEF's since no construction activity will occur in this area that is also in the 100 yr flood plain. The fourth CEF (wet weather seep) will be protected during construction by the placement of a chain link fence per our meeting with city staff.

If you have any questions or need additional information please feel free to contact me at your earliest opportunity.

Sincerely,



Phil Moncada
Principal

cc: file
cc: M. Baig