

ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION MEETING DATE REQUESTED:	February 3, 2016
NAME & NUMBER OF PROJECT:	RESTORATION TEMPLE OF DELIVERANCE MINISTRIES SP-2015-0004C
NAME OF APPLICANT OR ORGANIZATION:	IT Gonzales Engineers (Bill Graham, PE 512-447-7400)
LOCATION:	6301 MOONGLOW DR
Council District:	District 1
PROJECT FILING DATE:	January 8, 2015
DSD/ENVIRONMENTAL Staff:	Pamela Abee-Taulli, 512-974-1879 Pamela.taulli@austintexas.gov
DSD/	Benny Ho, 512-974-3402
CASE MANAGER:	benny.ho@austintexas.gov
WATERSHED:	Walnut Creek Watershed, Suburban
ORDINANCE:	Watershed Protection Ordinance (current Code)
REQUEST:	Variance request as follows: To allow construction in a critical water quality zone of a drive to provide primary access. [LDC 25-8-261]
STAFF RECOMMENDATION	: Recommended with conditions.

R EASONS FOR	
RECOMMENDATION:	Findings of fact have been met.



MEMORANDUM

- **FROM:** Pamela Abee-Taulli, Environmental Review Specialist Development Services Department
- **DATE:** September 4, 2013

SUBJECT: Restoration Temple of Deliverance Ministries – SP-2015-0004C

On the February 3, 2016 agenda is a request for the consideration of one variance that has been requested for construction in a critical water quality zone of a drive to provide primary access to a church.

Description of Property

The project is located at 6301 Moonglow Dr., Austin, 78724, east of SH 183, near the intersection of Johnny Morris Rd. and Loyola Ln. It is in the Walnut Creek Watershed, which is classified as a Suburban watershed. The property is not located over the Edwards Aquifer Recharge Zone.

An unnamed major waterway abuts the east side of the tract; hence the property includes City of Austin fully developed 100-year Floodplain and a 300 foot Critical Water Quality Zone (CWQZ). Slope varies between 6.49% and 9.23%; a small area has a 25% slope. Soils are chiefly Class D, having very slow infiltration.

There is a wetland Critical Environmental Feature (CEF), but no rock outcrops, karst features, or other CEFs. While there are no visible springs, environmental staff have speculated that the wetland pond may be partially fed by water from a perched water table. Vegetation includes large trees, such as elm and oak, near the creek. The western two-thirds has sparse grass cover and is more wooded with mainly invasive trees, while the eastern third is more open with areas of bunch grass, ragweed and Johnson grass. For more information, please see Environmental Resource Inventory, included in packet materials.

Access to the site would normally be taken from Sandshof Dr., which is classified as a collector street. However, a narrow open-space easement lot, approximately 30 feet wide, separates the west side of the property from Sandshof Dr. This easement constitutes one lot of a residential subdivision. To alter the easement lot, partial vacation and re-platting of the subdivision plat is required. Re-platting, however, requires approval of one hundred percent of the owners of lots included in the subdivision plat. Since this is infeasible, the site is forced to take access from Moonglow Dr., which is currently inside the CWQZ.

Variance Request

Land Development Code (LDC) Section 25-8-261 prohibits development in a CWQZ. The proposed driveway connecting with Moonglow Dr. encroaches on the CWQZ boundary.

Conditions for Staff Approval

Applicant to provide educational signage for the wetland CEF and riparian buffer.

Recommendation

Staff recommends approval of the variance.

Findings of Fact for Restoration Temple of Deliverance Ministries – SP-2015-0004C

Variance Request

Land Development Code (LDC) Section 25-8-261 prohibits development in a CWQZ.

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

2. The variance is not based on a condition caused by the method chosen by the applicant to develop the property unless the development provides greater overall environmental protection than is achievable without the variance.

Yes, the condition is not chosen by the applicant. The condition is created by the existence of a previously platted open space lot between the applicant's site and Sandshof Dr., which blocks access to the applicant's site. Therefore, the only access to the site is from Moonglow Dr., which is in the CWQZ.

3. The variance 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 is requesting the minimum change necessary to develop the property and to allow reasonable use of the property. The CWQZ has been averaged to reduce it to its minimum width of 150 feet* at the point where the driveway connects with Moonglow Dr. Nevertheless, the driveway cannot be constructed without slightly encroaching into the minimized CWQZ.

[*LDC Section 25-8-92(B)(4), known as buffer averaging, provides for CWQZ boundaries to be reduced to not less than 150 feet from the centerline of a major waterway.]

4. The variance does not create a significant probability of harmful consequences. Yes, the encroachment into the CWQZ is very slight and will not have harmful consequences.

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

Yes, the project will meet water quality requirements through an on-site pond and flood detention requirements through participating in the Watershed Protection Department's Regional Stormwater Management Program (RSMP).

Environmental Review Specialist:

Environmental Program Manager:

Environmental Officer:

Pamela Abee-Taulli

Chuck Lesniak

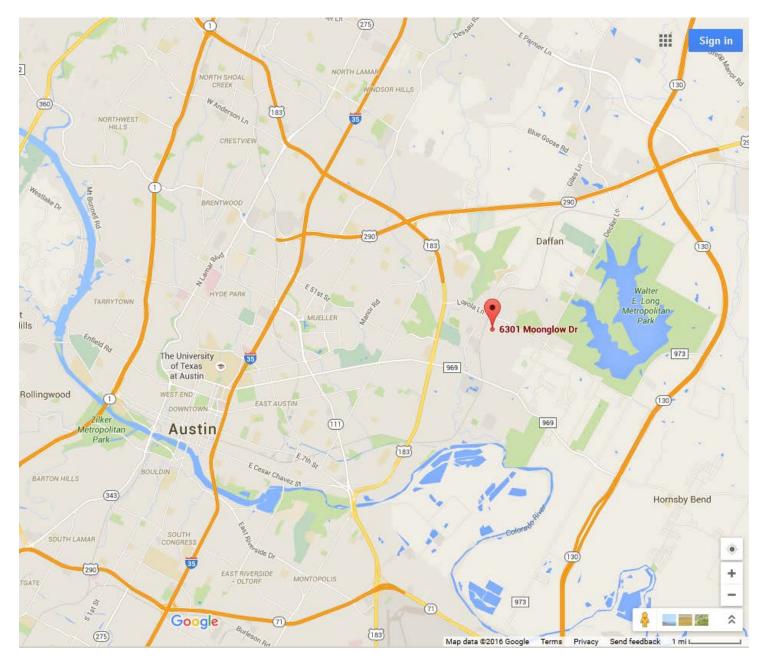
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Restoration Temple Variance

2/3/2016

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Location Map



Applicant Packet



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Bill Graham, I. T. Gonzalez Engineers	
Street Address	3501 Manor Road	
City State ZIP Code	Austin, Texas 78723	
Work Phone	512-447-7400 #14	
E-Mail Address	billgr@swbell.net	
Variance Case Informat	ion	
Case Name	Restoration Temple of Deliverance Ministries	
Case Number	SP-2015-0004C	
Address or Location	6301 Manor Road, Austin, Texas, 78724	
Environmental Reviewer Name	Pamela Abee-Taulli	
Applicable Ordinance		
Watershed Name	Walnut Creek	
Watershed Classification	UrbanSuburbanWater Supply SuburbanWater Supply RuralBarton Springs Zone	
Edwards Aquifer Recharge Zone	 Barton Springs Segment Not in Edwards Aquifer Zones 	

Edwards Aquifer Contributing Zone	X No
Distance to Nearest Classified Waterway	85 ft
Water and Waste Water service to be provided by	Austin Water Utility
Request	The variance request is as follows (Cite code references: 25-8-261 CRITICAL WATER QUALITY ZONE DEVELOPMENT

Impervious cover	Existing	Proposed
square footage:	none	<u>46,167 s.f.</u>
acreage:	0.00	_1.0599 acres
percentage:	0 %	_23.50%
Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the	 Slope varies between 6.49% and 9.23%. Elevation Range is from 470 at east prop There are no heritage trees on site. The 18" diameter A creek existing at the east property line Elevation of 474 A wetland exists immediately north of the resembles a man-made pond for Cattle. The proposed construction, except for a entrance, was kept to outside the 150 ft from be Half Original CWQZ. 	erty line to 505 at west property. existing trees are mostly Elms, 8" to and has a 100 year Base Floodplain e south property line. It basically small portion of proposed driveway

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	1. The site has only one option for entrance to site, which is from the south end of Moonglow. A very small area of the proposed driveway entrance to the site happens to be within the Half Original 150 ft CWQZ.
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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: Restoration Temple of Deliverance Ministries, SP-2015-0004C

Ordinance: 25-8-261 CRITICAL WATER QUALITY ZONE DEVELOPMENT

- 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 site has only one option for entrance to site, which is from the south end of Moonglow. A very small area of the proposed driveway entrance to the site happens to be within the Half Original 150 ft CWQZ.

- 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 driveway encroachment into the Half Original 150 ft CWQZ is not being created by the proposed development. Again, be advised that if access from Moonglow Drive is not permitted than the City is basically land-locking this tract of land. The Owner would've like to access the property from the west; but, the Owner was unsuccessful in getting an access easement through the existing Conservation Easement that parallels Sandshof Drive. Furthermore, be advised that the City had a hand in allowing the creation of said Conservation Easement.

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 If the Environmental Variance Request is not granted than the Restoration Temple will not be able to develop the land. Be advised that the Moonglow Drive already encroaches into the Half Original 150 ft CWQZ.

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

Yes/No The small section of driveway does not have the possibility of harmful environmental consequences. Be advised that the south end of Moonglow Drive is already encroaching into the Half Original 150 ft CWQZ. Also, there at least two residential lots with improvements that encroach the CWQZ.

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 Development with the variance will result in water quality that is at least equal to the existing conditions. Again, be advised that the south end of Moonglow Drive and at least 2 residential lots with their improvements are already encroaching into the Half Original 150 ft CWQZ. The proposed development is not introducing a condition that does not already exist.

- 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 [summary of basis for determination]
 - 2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

Yes/No [summary of basis for determination]

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

Yes/No [summary of basis for determination]

**Variance approval requires all above affirmative findings.

Exhibits for Board Backup and/or Presentation

- Aerial photos of the site (backup and presentation)
- o Site photos (backup and presentation)
- Aerial photos of the vicinity (backup and presentation)
- Context Map—A map illustrating the subject property in relation to developments in the vicinity to include nearby major streets and waterways (backup and presentation)
- Topographic Map A topographic map is recommended if a significant grade change on the subject site exists or if there is a significant difference in grade in relation to adjacent properties. (backup and presentation)
- For cut/fill variances, a plan sheet showing areas and depth of cut/fill with topographic elevations. (backup and presentation)
- Site plan showing existing conditions if development exists currently on the property (presentation only)
- Proposed Site Plan- full size electronic or at least legible 11x17 showing proposed development, include tree survey if required as part of site or subdivision plan (backup and presentation)
- Environmental Map A map that shows pertinent features including Floodplain, CWQZ,
 WQTZ, CEFs, Setbacks, Recharge Zone, etc. (backup and presentation)
- An Environmental Assessment pursuant to ECM 1.3.0 (if required by 25-8-121) (backup only)
- Applicant's variance request letter (backup only)



Environmental Board 301 W 2nd Street Austin, Texas 78701

Re: Critical Water Quality Zone Development Variance Restoration Temple Subdivision 6301 Moonglow Drive C8-2014-0153.0A

Dear Members of Environmental Board:

On behalf of our client, Restoration Temple of Deliverance Ministries, I. T. Gonzalez Engineers is requesting a variance from the requirements of 25-8-261, Critical Water Quality Zone Development. The tract of land to be subdivided to make one lot is currently undeveloped. The proposed improvements as shown on a site plan currently under review include a church building and associated drive and parking.

To develop the tract at 6301 Moonglow, access to the site must be taken by a drive with an abutting ADA access sidewalk. To connect to the end of Moonglow Drive, this drive and sidewalk will cross the CWQZ that is located on the site. The section of the drive and sidewalk that will be located in the lower 150' of CWQZ will be constructed to create the minimum change necessary to develop the land. Water quality buffer averaging will be used for construction of the section of the drive and sidewalk and the parking in the upper 150' of the CWQZ. The area of the drive and sidewalk in the lower 150' of the CWQZ will also be accounted for in the water quality buffer averaging area that will be provided.

When the property surrounding 6301 Moonglow Drive was subdivided, no access was provided to the public roads that were constructed as part of the subdivision. To the west, the 6301 Moonglow Drive tract was blocked from access to Sandshof Drive by a narrow conservation easement lot created as part of the Sendero Hills Phase 4 Subdivision that was approved in 2007. The current owner will not permit access across the conservation easement lot. To the south, access to Lucy Cove was not provided when this property was developed as part of the same subdivision. The creek with the CWQZ that must be crossed to access Moonglow Drive lies to the east. With these constraints, the property cannot be developed without the requested variance.

As much as possible with the existing constraints, stormwater from the drive crossing the CWQZ will be directed to a biofiltration pond to be constructed in the upper 150' of the CWQZ, with the biofiltration pond oversized to include the portion of the drive in the CWQZ that will bypass the biofiltration pond. The stormwater runoff from the portion of the drive in the CWQZ that will bypass the pond will be discharged to a vegetated area upgradient from the creek. The water quality for stormwater at the site will not be degraded.

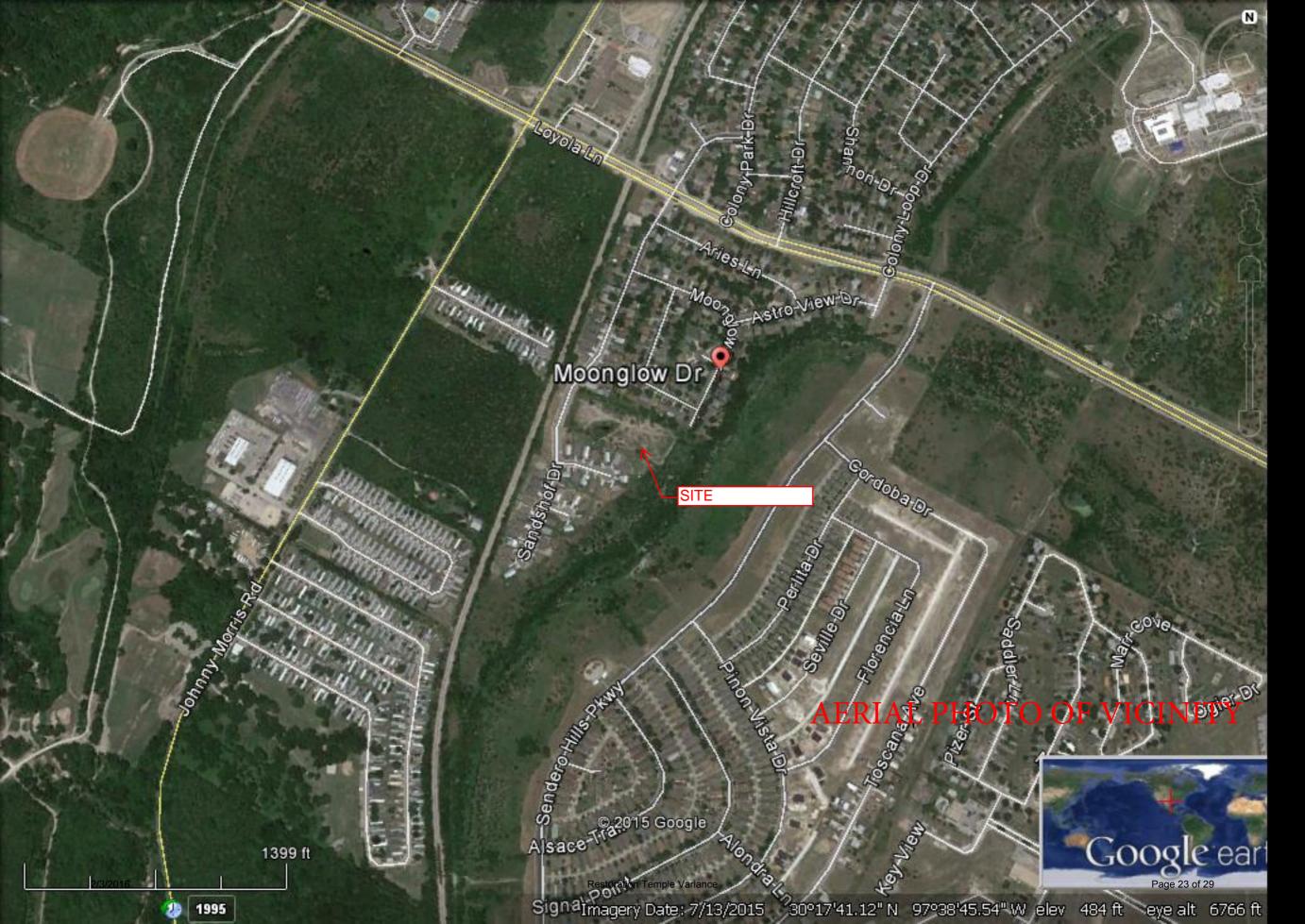
Sincerely,

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Bill Graham, P.E.

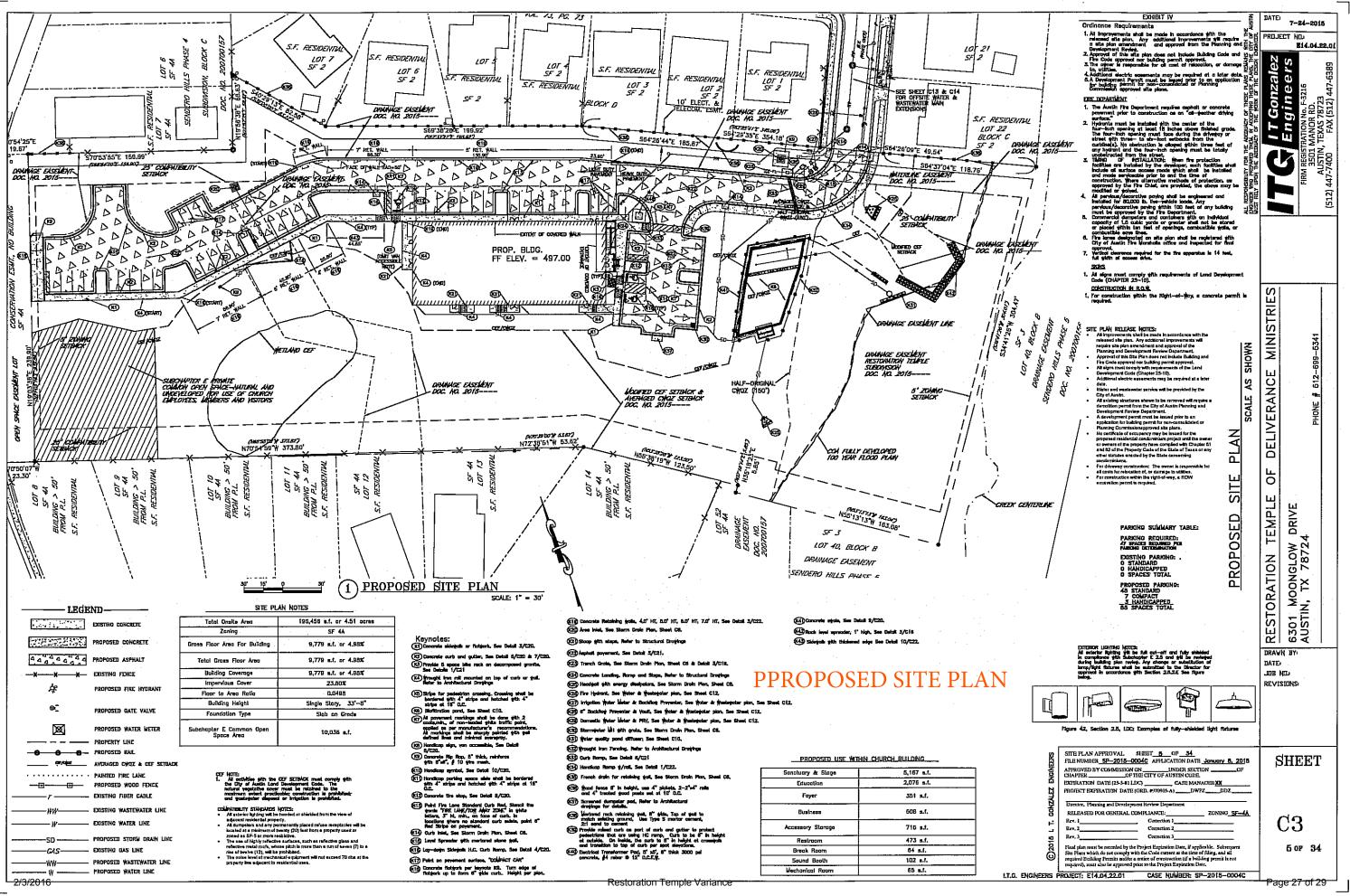








Site Plans



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