



ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION MEETING DATE REQUESTED:	March 6, 2019
NAME & NUMBER OF PROJECT:	Forest Bluff Section 7 Preliminary Plan C8J-2019-0011
NAME OF APPLICANT OR ORGANIZATION:	Israel Ramirez, P.E., 512-836-4793 John S. Lloyd
LOCATION:	F.M. 969, Austin, 78725
COUNCIL DISTRICT:	Council District does not apply in Extraterritorial Jurisdiction
ENVIRONMENTAL STAFF:	Pamela Abee-Taulli, Environmental Review Specialist Senior 512.974.1879, pamela.abee-taulli@austintexas.gov
WATERSHED:	Decker Creek Watershed, Suburban classification, Desired Development Zone
ORDINANCE:	Watershed Protection Ordinance (current code)
REQUEST:	Variance requests are as follows: <ol style="list-style-type: none">1. Request to vary from LDC 30-5-341 to allow cut exceeding four feet.2. Request to vary from LDC 30-5-342 to allow fill exceeding four feet.
STAFF RECOMMENDATION:	Staff recommends these variances, having determined the findings of fact to have been met.

Development Services Department
Staff Recommendations Concerning Required Findings

Project Name: Forest Bluff Section 7 Preliminary Plan

Ordinance Standard: Watershed Protection Ordinance (current code)

Variance Request: To vary from LDC 30-5-341 to allow cut exceeding four feet.

Include an explanation with each applicable finding of fact.

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 available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

Yes

The original Forest Bluff preliminary plan (C8J-00-2251.01, Exhibit A) has expired, causing the need for this new preliminary plan to be submitted. Per the Vested Rights Determination findings (11/30/2016), “the 2000 preliminary plan has expired as of 8/8/2006. This preliminary plan was submitted and approved prior to Title 30, therefore extensions of the preliminary plan are not allowed by code.”

Variances for cut and fill to twelve feet were granted with the original preliminary plan. The current preliminary plan covers the seventh and final section of a seven-phase, 81-acre subdivision for which phases one through six have already been completed. The previously approved variances applicable to phase seven expired when the preliminary plan expired. The applicant is required to submit a new preliminary plan for phase seven. The current preliminary plan needs cut and fill between eight and twelve feet in order to tie- in to existing roadway and waste-water infrastructure constructed with the original plan.

2. The variance:
 - a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides a greater overall environmental protection than is achievable without the variance.

Yes The variance is not necessitated by decisions made by the applicant. The variance is necessary because the project is the final section of a subdivision that was originally permitted under a preliminary plan. The cut and fill are necessary to tie into the neighboring subdivisions that were previously granted cut and fill variances.

- b) Is the minimum deviation from the code requirement necessary to allow

a reasonable use of the property;

Yes The proposed grading over four feet is the minimum necessary to allow this section of the subdivision to connect with the already-constructed sections of the subdivision.

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

Yes The proposed design does not create a significant probability of harmful environmental consequences. Erosion and sedimentation controls will be appropriately scaled and water quality ponds will capture run-off during construction.

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

Yes Water quality will be compliant with current code.

B. The Land Use Commission may grant a variance from a requirement of Section 25-8- 422 (*Water Supply Suburban Water Quality Transition Zone*), Section 25-8-452 (*Water Supply Rural Water Quality Transition Zone*), Section 25-8-482 (*Barton Springs Zone Water Quality Transition Zone*), Section 25-8-368 (*Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*), or Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), after determining that::

1. The criteria for granting a variance in Subsection (A) are met; Yes /
No NA
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;
Yes / No NA
3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.
Yes / No NA


Staff Recommendation: Staff recommends the variance, having determined that the findings of fact have been met.

Environmental Reviewer
(DSD)


(Pamela Abee-Taulli)

Date 2-26-19

Environmental Review
Manager (DSD)


(Mike McDougal)

Date 2-26-19

Environmental Officer
(WPD)


(Chris Herringron)

Date 2/26/2019

Development Services Department
Staff Recommendations Concerning Required Findings

Project Name: Forest Bluff Section 7 Preliminary Plan

Ordinance Standard: Watershed Protection Ordinance (current code)

Variance Request: To vary from LDC 30-5-342 to allow fill exceeding four feet.

Include an explanation with each applicable finding of fact.

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 available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

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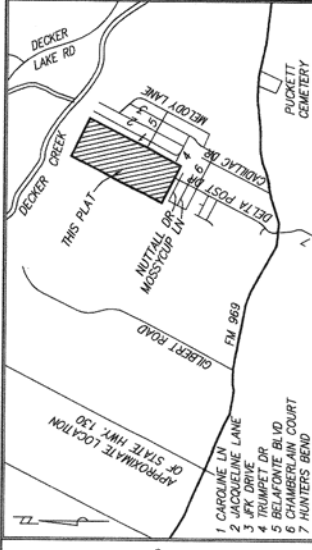
Date 2/26/2019

Exhibit A
Original Forest Bluff preliminary plan
C8J-00-2251.01

SCALE: 1"=100'

0 100' 200' 300' 400'

SPINDA BOBBY
15601 DECKERLAKE RD
MANOR TX 78653-4503



STREET DESIGN TABLE	STREET NAME	R/W
	DELTA POST DRIVE	
	UPLAND WILLOW ROAD	
	STEBIAN ELM LANE	
	SHELL BARK COVE	
	DIAMONDEAF BEND	
	DIAMONDEAF COVE	
	BULLBRIER ROAD	
	VASEY BOULEVARD	
	WINEBARK WAY	
	WIDELEAF DRIVE	
	WELFONTE BLVD.	
	TOTAL LENGTH	

ALL STREETS WILL BE PUBLIC.
 * = SIDEWALKS ON BOTH SIDES
 RS = RESIDENTIAL COLLECTOR
 L = LOCAL

PAVEMENT WIDTH = FACE OF CURB TO FACE OF CURB

Don K. Naper DEC. 15, 2003
JOHN KENNETH WEIGAND RPLS 5741

THE 100 YEAR FLOOD PLAIN, AS DEFINED BY CITY REGULATIONS, IS CONTAINED WITHIN THE DRAINAGE EASEMENTS SHOWN HEREON. NO PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF THE 100 YEAR FLOOD PLAIN OF ANY WATERWAY THAT IS WITHIN THE LIMITS OF STUDY OF THE FEDERAL FLOOD PLAIN INSURANCE ADMINISTRATION FIRM PANEL NUMBER 48453C0090 E FOR TRAVIS COUNTY, TEXAS, EFFECTIVE DATE JUNE 16, 1993.

J. Keith Collins
J. KEITH COLLINS, P.E.

RANDALL JONES ENGINEERING, INC.
1212 E. BRAKER LANE, AUSTIN, TEXAS 78753 (512) 836-4793

RJ SURVEYING, INC.
1212 E. BRAKER LANE AUSTIN, TEXAS 78753 (512) 836-4793

REMOVED PER 10/23/03 PER
CITY COMM. DATED 10/16/03
SUBMITTAL DATE: 8-11-2003
C8J-00-2251.01

..... = SIDEWALK REQUIRED
DE = DRAINAGE EASEMENT
☒ = CLUSTER MAILBOX

10 FEET WIDE WILL BE DEDICATED ADJACENT
WAY SHOWN ON THIS PLAN. A PUBLIC UTILITY
TUNNEL ALONG NINEBARK WAY OVER ALL LOTS

P. O. BOX 1279
PFLUGERVILLE, TX 78061-1279

7
TE DATA:
TOTAL AREA OF SITE: 81.87 ACRES
2 SINGLE FAMILY LOTS
LIFT STATION LOT
LOTS FOR DRAINAGE

PARKLAND CALCULATION:
382 LOTS X 2.8 RES/LOT =
1067 RES X 5 ACRES/1000
NOTE: PARKLAND FEE WILL BE