



**ITEM FOR ENVIRONMENTAL COMMISSION AGENDA**

<b>COMMISSION MEETING DATE:</b>	November 20, 2019
<b>NAME &amp; NUMBER OF PROJECT:</b>	Ventura at Parmer Lane SP-2018-0565D
<b>NAME OF APPLICANT OR ORGANIZATION:</b>	Rob Smith P.E. Kimley-Horn and Associates, Inc.
<b>LOCATION:</b>	8407 E. Parmer Lane, Austin , TX 78653
<b>COUNCIL DISTRICT:</b>	Council District does not apply in Extraterritorial Jurisdiction
<b>ENVIRONMENTAL REVIEW STAFF:</b>	Jonathan Garner Environmental Review Program Coordinator, Development Services Department 512-974-1665 Jonathan.Garner@austintexas.gov
<b>WATERSHED:</b>	Gilleland Creek Watershed, Suburban, Desired Development Zone
<b>REQUEST:</b>	Variance requests are as follows: 1. Request to vary from LDC 25-8-261 to allow development in a critical water quality zone. 2. Request to vary from LDC 25-8-341 to allow cut more than four feet in depth within 100 feet of a classified waterway. 3. Request to vary from LDC 25-8-342 to allow fill more than four feet in depth within 100 feet of a classified waterway.
<b>STAFF RECOMMENDATION:</b>	Staff does not recommend these variances, having determined that the findings of fact have not been met.

## **Staff Findings of Fact and Exhibits**



Development Services Department  
Staff Recommendations Concerning Required Findings

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Project Name:	Ventura at Parmer Lane SP-2018-0565D
Ordinance Standard:	Watershed Protection Ordinance
Variance Request:	LDC 25-8-261 – to allow development in a critical water quality zone

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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.

No The property contains uplands that are completely developable without the need for a variance from the Land Development Code. The majority of the parcel can be developed without the additional crossing of the critical water quality zone. Although the private drive crossing the critical water quality zone would allow for more development on the property, the Land Development Code does not provide an allowance for non-complying development of a parcel to maximize the amount of development that can occur on the property. Additionally, an alternative access route from the neighboring property could be available through a joint use access easement.

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 greater overall environmental protection than is achievable without the variance;

No The proposed private drive crossing the critical water quality zone is a design decision made by the applicant. The majority of the property can be developed without the requested crossing of the critical water quality zone. An alternative means of access from a neighboring property could be available. The design decision does not provide greater overall environmental protection.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

No Access into the property and development of a portion of the uplands is allowed by code, and the proposed development on this portion of the property complies with all code requirements. The secondary proposed private drive crossing the critical water quality zone requires additional variances to the Land Development Code for its construction.

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

No The proposed private drive crossing the critical water quality zone requires additional variances to the Land Development Code for its construction, as well as a significant portion of modification to the 100-year floodplain and restoration and mitigation of impacted wetland critical environmental features.

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

Yes The proposed private drive crossing the critical water quality zone will have inlets and storm pipes to collect all stormwater runoff to be conveyed to the water quality and detention facilities on site.

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;

No Alternative access routes may be available through a joint use access easement with the neighboring property. Additionally, the construction method proposed requires additional variances to the Land Development Code requirements.

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

No The property contains uplands that are completely developable without the need for a variance from the Land Development Code. Although the private drive crossing the critical water quality zone would allow for more development on the property, the Land Development Code does not provide an allowance for development of a parcel of land to occur without meeting all code requirements, including access.

3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

No Access into the property and development of a portion of the uplands is allowed by code, and the proposed development on this portion of the property complies with all code requirements. The secondary proposed private drive crossing the critical water quality zone requires additional variances to the Land Development Code for its construction.

Staff Determination: Staff determines that the findings of fact have not been met. Therefore, staff does not recommend approval of the variance request.


Environmental Reviewer  
(DSD)



*Jonathan Garner*

Date: 11-13-2019

Environmental Review  
Manager (DSD)



*Mike McDougal*

Date: 11-13-2019

Environmental Officer  
(WPD)



*Chris Herrington*

Date: 11/25/2019



Development Services Department  
Staff Recommendations Concerning Required Findings

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Project Name:	Ventura at Parmer Lane SP-2018-0565D
Ordinance Standard:	Watershed Protection Ordinance
Variance Request:	LDC 25-8-341 to allow cut of more than four feet within 100 feet of a classified waterway

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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.

No      The portion of cut exceeding four feet and within 100 feet of a classified waterway is for the construction of a private drive crossing a critical water quality zone that is also not allowed by the Land Development Code. Were the depth of cut within 100 feet of a classified waterway within the four foot restriction of LDC 25-8-341, all other areas of cut exceeding four feet in depth but not more than eight feet on the property would be allowable through an administrative environmental variance.

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 greater overall environmental protection than is achievable without the variance;

No      There are alternative methods of constructing a private drive spanning a classified waterway that would not require cut in excess of four feet.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

No      Alternate methods of construction exist that would not require an amount of cut in excess of that allowed by the Land Development Code.

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

No The excess cut will result in modifications to the floodplain, including loss of native vegetation and soils that aid in riparian health and floodplain function.

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

No Alternate methods of construction exist that would not require an amount of cut in excess of that allowed by the Land Development Code. The method chosen will result in an excess loss of native soils and riparian vegetation, as well as create potential for creek channel incising, degradation of downstream water quality, loss of aquatic habitat, and replace the void with concrete structures.

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;

N/A

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


N/A

3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

N/A

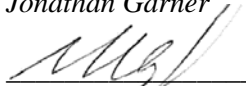
Staff Determination: Staff determines that the findings of fact have not been met. Therefore, staff does not recommend approval of the variance request.

Environmental Reviewer  
(DSD)

  
Jonathan Garner


Date: 11-13-2019

Environmental Review  
Manager (DSD)

  
Mike McDougal

Date: 11-13-2019

Environmental Officer  
(WPD)

  
Chris Herrington

Date 11/25/2019



Development Services Department  
Staff Recommendations Concerning Required Findings

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Project Name: Ventura at Parmer Lane SP-2018-0565D  
Ordinance Standard: Watershed Protection Ordinance  
Variance Request: LDC 25-8-342 to allow fill of more than four feet within 100 feet of a classified waterway

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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.

No The portion of fill exceeding four feet and within 100 feet of a classified waterway is for the construction of two private drives crossing a critical water quality zone. One of these drives is allowed by the Land Development Code, for it is necessary to facilitate the development or redevelopment of a designated corridor or center as recommended in the Imagine Austin Comprehensive Plan [LDC 25-8-262(D)(1)]. The other private drive crossing the critical water quality zone is not allowed by the Land Development Code and is seeking an additional variance. Were the depth of fill within 100 feet of a classified waterway within the four foot restriction of LDC 25-8-342, all other areas of fill exceeding four feet in depth but not more than eight feet on the property would be allowable through an administrative environmental variance.

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 greater overall environmental protection than is achievable without the variance;

No There are alternative methods of constructing a private drive spanning a classified waterway that would not require fill in excess of four feet.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;



No      Alternate methods of construction exist that would not require an amount of fill in excess of that allowed by the Land Development Code.

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

No      The excess fill will result in modifications to the floodplain, including loss of native vegetation and soils that aid in riparian health and floodplain function.

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

No      Alternate methods of construction exist that would not require an amount of fill in excess of that allowed by the Land Development Code. The method chosen will result in additional soil within a floodplain area and on a slope that has the potential to be highly erosive and cause sediment deposition in the creek, will contain backfill areas of construction with rock riprap that prevents infiltration of water and the growth of riparian vegetation, and causes additional construction activities in the floodplain to mitigate for the area of floodplain replaced by excess fill material.

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;

N/A

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

N/A

3.      The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

N/A

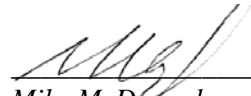
Staff Determination: Staff determines that the findings of fact have not been met. Therefore, staff does not recommend approval of the variance request.

Environmental Reviewer  
(DSD)

  
Jonathan Garner


Date: 11-13-2019

Environmental Review  
Manager (DSD)

  
\_\_\_\_\_  
*Mike McDougal*

Date: 11-13-2019

Environmental Officer  
(WPD)

  
\_\_\_\_\_  
*Chris Herrington*

Date 11/25/2019

## **Applicant Form and Findings of Fact**



October 22, 2019

City of Austin  
505 Barton Springs Road, 4<sup>th</sup> Floor  
Austin, TX 78704

**RE:    *Environmental Commission Variance Request  
Ventura at Parmer Lane (SP-2018-0565D)***

To Whom It May Concern:

On behalf of our client, Dominium, Inc., Kimley-Horn is requesting a waiver from LDC 25-8-261 to cross the Critical Water Quality Zone.

Per the attached Environmental Commission Variance Application Form Findings of Fact, this waiver is required to allow for the development of a tract of land bounded by East Parmer Lane to the North, and SH 130 to the South and West. This crossing will provide access to 2.5 otherwise developable acres of land and establish approximately 72 multifamily units within the Desired Development Zone. The entire 216 unit apartment complex is located along an Imagine Austin Corridor and near a Town Center as denoted in the Imagine Austin Comprehensive Plan. This variance requests one crossing of the CWQZ.

Your favorable consideration of this request is appreciated. Should you require additional information, please contact me at (512) 350-5703 or [rob.smith@kimley-horn.com](mailto:rob.smith@kimley-horn.com).

Sincerely,

A handwritten signature in blue ink, appearing to read "R. J. Smith".

Robert J. Smith, P.E.  
Project Manager  
Kimley-Horn and Associates, Inc.



## ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

### PROJECT DESCRIPTION

#### Applicant Contact Information

Name of Applicant	Robert J. Smith, P.E.
Street Address	10814 Jollyville Road, Building 4, Suite 300
City State ZIP Code	Austin, TX 78759
Work Phone	512-418-4517
E-Mail Address	Rob.smith@kimley-horn.com

#### Variance Case Information

Case Name	Ventura at Parmer Lane
Case Number	SP-2018-0565D
Address or Location	8407 E Parmer Lane, Austin, TX 78653
Environmental Reviewer Name	Jonathan Garner
Environmental Resource Management Reviewer Name	Andrew Clamann
Applicable Ordinance	25-8-261
Watershed Name	Gilleland Creek
Watershed Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone

Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input checked="" type="checkbox"/> Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Distance to Nearest Classified Waterway	On-Site
Water and Waste Water service to be provided by	AWU
Request	The variance request is as follows: 25-8-261 CWQZ Development

Impervious cover	Existing	Proposed
square footage:	<u>169,788</u>	<u>333,501</u>
acreage:	<u>3.89</u>	<u>7.66</u>
percentage:	<u>12.47%</u>	<u>24.49%</u>
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 property)	<p>Commercial development and single-family residences currently exist on the property, and there is a substantial amount of gravel and impervious cover within the current CWQZ from previous development that will be removed and revegetated.</p> <p>97.5% of the property falls within the 0% to 15% slope category. The remainder property has slopes exceeding 15% slope.</p> <p>The property ranges in elevation from 565 to 524 MSL.</p> <p>On-site soils are Type D Expansive Clays and is identified as Blackland Prairie.</p> <p>Multiple wetland CEF's, and Critical Water Quality Zones exist within the site. Fully developed 100-year and 500-year floodplains exist within the site.</p>	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	Due to TXDOT driveway spacing and Travis County ESD #12 fire access requirements, a private drive aisle crossing the CWQZ is necessary to reach otherwise developable land on the property.
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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: Ventura at Parmer Lane

Ordinance: 25-8-261 CWQZ 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 available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.  
  
Yes Access is limited to the otherwise developable land located within the 0% to 15% slope category by the CWQZ. In order to comply with the International Fire Code Appendix D, as adopted by Travis County Emergency Service District #12, regarding two points of access to the site and TxDOT driveway spacing criteria, the proposed grades will need to exceed the cut and fill allowed by Chapter 30.
  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 greater overall environmental protection than is achievable without the variance;  
  
Yes Ventura at Parmer Lane is a multifamily development generally designed to follow the existing topography to preserve the natural character of the property. In addition, multiple water quality and detention basins have been placed in natural low areas to preserve the existing drainage patterns.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

Yes Ventura at Parmer Lane has been designed to minimally deviate from the code to allow for two access points meeting TCESD#12 requirements. The percentage of the property exceeding the allowable cut/fill for this property is 10.6%.

Based on input from City staff, the final grades were reduced to below 8ft cut/fill (to minimally deviate from code) by increasing the number of storm sewer culverts under the roadways crossing the CWQZ and while maintaining Drainage Criteria Manual requirements for conveyance of the 100-year storm.

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

Yes The proposed roadways and associated drainage system have been designed to protect the natural character and function of the Critical Environmental Features and Critical Water Quality Zones by ensuring they receive the required surface water runoff quantity and quality needed to promote wetland and floodplain health.

The proposed design preserves the natural drainage patterns by detaining and treating stormwater in multiple basins throughout the property.

In addition, the proposed design removes the +/-150,000 sf of existing impervious cover located in the CWQZ and restoration of the CWQZ with 609S seed mix and native plantings.

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

Yes The proposed design adheres to all water quality requirements outlined within the Environmental Criteria Manual and as such, will result in water quality that is at least equal to water quality achievable without the variance. Biofiltration ponds have been sized to treat all proposed impervious cover on the site.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-368 (Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

1. The criteria for granting a variance in Subsection (A) are met;

Yes This request meets the criteria set forth in Section (A).



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

Yes      The site will be developed with approximately 25% impervious cover, compared to the 60% allowable in suburban watersheds. In addition to the fire code requirements mentioned above, the site lies along an Imagine Austin Corridor.

3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

Yes      As mentioned above in A.2.b, the CWQZ crossing is designed to minimally deviate from code in order to comply with Travis County ESD #12 fire code requirements. The design of the drive aisle has been chosen to avoid impacts to environmental areas in order to reach the otherwise developable land across the CWQZ.

**\*\*Variance approval requires all above affirmative findings.**



October 22, 2019

City of Austin  
505 Barton Springs Road, 4<sup>th</sup> Floor  
Austin, TX 78704

**RE:    *Environmental Commission Cut/Fill Variance Request  
Ventura at Parmer Lane (SP-2018-0565D)***

To Whom It May Concern:

On behalf of our client, Dominium, Inc., Kimley-Horn is requesting a Cut/Fill waiver from LDC 25-8-341 & 25-8-342. The request is to cut more than 4-feet and fill more than 4-feet.

Per the attached Environmental Commission Variance Application Form Findings of Fact, this waiver is required to allow for the development of a tract of land bounded by East Parmer Lane to the North, and SH 130 to the South and West. This development will provide approximately 216 multifamily units within the Desired Development Zone and is located along an Imagine Austin Corridor and near a Town Center as denoted in the Imagine Austin Comprehensive Plan. The maximum cut proposed with this variance request is 6.1 feet and the maximum fill proposed with this variance request is 7.9 feet.

Your favorable consideration of this request is appreciated. Should you require additional information, please contact me at (512) 350-5703 or [rob.smith@kimley-horn.com](mailto:rob.smith@kimley-horn.com).

Sincerely,

A handwritten signature in blue ink, appearing to read "R. J. Smith".

Robert J. Smith, P.E.  
Project Manager  
Kimley-Horn and Associates, Inc.



## ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

### PROJECT DESCRIPTION

#### Applicant Contact Information

Name of Applicant	Robert J. Smith, P.E.
Street Address	10814 Jollyville Road, Building 4, Suite 300
City State ZIP Code	Austin, TX 78759
Work Phone	512-418-4517
E-Mail Address	Rob.smith@kimley-horn.com

#### Variance Case Information

Case Name	Ventura at Parmer Lane
Case Number	SP-2018-0565D
Address or Location	8407 E Parmer Lane, Austin, TX 78653
Environmental Reviewer Name	Jonathan Garner
Environmental Resource Management Reviewer Name	Andrew Clamann
Applicable Ordinance	25-8-341
Watershed Name	Gilleland Creek
Watershed Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone

Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input checked="" type="checkbox"/> Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Distance to Nearest Classified Waterway	On-Site
Water and Waste Water service to be provided by	AWU
Request	The variance request is as follows: 25-8-341 Cut Requirements

Impervious cover	Existing	Proposed
square footage:	<u>169,788</u>	<u>333,501</u>
acreage:	<u>3.89</u>	<u>7.66</u>
percentage:	<u>12.47%</u>	<u>24.49%</u>
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 property)	<p>Commercial development and single-family residences currently exist on the property, and there is a substantial amount of gravel and impervious cover within the current CWQZ from previous development that will be removed and revegetated.</p> <p>97.5% of the property falls within the 0% to 15% slope category. The remainder property has slopes exceeding 15% slope.</p> <p>The property ranges in elevation from 565 to 524 MSL.</p> <p>On-site soils are Type D Expansive Clays and is identified as Blackland Prairie.</p> <p>Multiple wetland CEF's, and Critical Water Quality Zones exist within the site. Fully developed 100-year and 500-year floodplains exist within the site.</p>	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	Per the attached cut/fill exhibit, there are areas the require cuts greater than 4'.
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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: Ventura at Parmer Lane

Ordinance: 25-8-341 Cut Requirements

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 Access is limited to the otherwise developable land located within the 0% to 15% slope category by the CWQZ. In order to comply with the International Fire Code Appendix D, as adopted by Travis County Emergency Service District #12, regarding two points of access to the site and TxDOT driveway spacing criteria, the proposed grades will need to exceed the cut and fill allowed by Chapter 25.

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 greater overall environmental protection than is achievable without the variance;

Yes Ventura at Parmer Lane is a multifamily development generally designed to follow the existing topography to preserve the natural character of the property. In addition, multiple water quality and detention basins have been placed in natural low areas to preserve the existing drainage patterns.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

Yes Ventura at Parmer Lane has been designed to minimally deviate from the code to allow for two access points meeting TCESD#12 requirements. The percentage of the property exceeding the allowable cut/fill for this property is 10.6%.

Based on input from City staff, the final grades were reduced to below 8ft cut/fill (to minimally deviate from code) by increasing the number of storm sewer culverts under the roadways crossing the CWQZ and while maintaining Drainage Criteria Manual requirements for conveyance of the 100-year storm.

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

Yes The proposed roadways and associated drainage system have been designed to protect the natural character and function of the Critical Environmental Features and Critical Water Quality Zones by ensuring they receive the required surface water runoff quantity and quality needed to promote wetland and floodplain health.

The proposed design preserves the natural drainage patterns by detaining and treating stormwater in multiple basins throughout the property.

In addition, the proposed design removes the +/-150,000 sf of existing impervious cover located in the CWQZ and restoration of the CWQZ with 609S seed mix and native plantings.

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

Yes The proposed design adheres to all water quality requirements outlined within the Environmental Criteria Manual and as such, will result in water quality that is at least equal to water quality achievable without the variance. Biofiltration ponds have been sized to treat all proposed impervious cover on the site.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-368 (Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

1. The criteria for granting a variance in Subsection (A) are met;

N/A to this variance request.

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

N/A to this variance request.

3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

N/A to this variance request.

\*\*Variance approval requires all above affirmative findings.



## ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

### PROJECT DESCRIPTION

#### Applicant Contact Information

Name of Applicant	Robert J. Smith, P.E.
Street Address	10814 Jollyville Road, Building 4, Suite 300
City State ZIP Code	Austin, TX 78759
Work Phone	512-418-4517
E-Mail Address	Rob.smith@kimley-horn.com

#### Variance Case Information

Case Name	Ventura at Parmer Lane
Case Number	SP-2018-0565D
Address or Location	8407 E Parmer Lane, Austin, TX 78653
Environmental Reviewer Name	Jonathan Garner
Environmental Resource Management Reviewer Name	Andrew Clamann
Applicable Ordinance	25-8-342
Watershed Name	Gilleland Creek
Watershed Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone



Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input checked="" type="checkbox"/> Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Distance to Nearest Classified Waterway	On-Site
Water and Waste Water service to be provided by	AWU
Request	The variance request is as follows: 25-8-342 Fill Requirements

Impervious cover	Existing	Proposed
square footage:	<u>169,788</u>	<u>333,501</u>
acreage:	<u>3.89</u>	<u>7.66</u>
percentage:	<u>12.47%</u>	<u>24.49%</u>
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 property)	<p>Commercial development and single-family residences currently exist on the property, and there is a substantial amount of gravel and impervious cover within the current CWQZ from previous development that will be removed and revegetated.</p> <p>97.5% of the property falls within the 0% to 15% slope category. The remainder property has slopes exceeding 15% slope.</p> <p>The property ranges in elevation from 565 to 524 MSL.</p> <p>On-site soils are Type D Expansive Clays and is identified as Blackland Prairie.</p> <p>Multiple wetland CEF's, and Critical Water Quality Zones exist within the site. Fully developed 100-year and 500-year floodplains exist within the site.</p>	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	Per the attached cut/fill exhibit, there are areas the require fills greater than 4'.
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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: Ventura at Parmer Lane

Ordinance: 25-8-342 Fill Requirements

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 Access is limited to the otherwise developable land located within the 0% to 15% slope category by the CWQZ. In order to comply with the International Fire Code Appendix D, as adopted by Travis County Emergency Service District #12, regarding two points of access to the site and TxDOT driveway spacing criteria, the proposed grades will need to exceed the cut and fill allowed by Chapter 25.

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 greater overall environmental protection than is achievable without the variance;

Yes Ventura at Parmer Lane is a multifamily development generally designed to follow the existing topography to preserve the natural character of the property. In addition, multiple water quality and detention basins have been placed in natural low areas to preserve the existing drainage patterns.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

Yes Ventura at Parmer Lane has been designed to minimally deviate from the code to allow for two access points meeting TCESD#12 requirements. The percentage of the property exceeding the allowable cut/fill for this property is 10.6%.

Based on input from City staff, the final grades were reduced to below 8ft cut/fill (to minimally deviate from code) by increasing the number of storm sewer culverts under the roadways crossing the CWQZ and while maintaining Drainage Criteria Manual requirements for conveyance of the 100-year storm.

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

Yes The proposed roadways and associated drainage system have been designed to protect the natural character and function of the Critical Environmental Features and Critical Water Quality Zones by ensuring they receive the required surface water runoff quantity and quality needed to promote wetland and floodplain health.

The proposed design preserves the natural drainage patterns by detaining and treating stormwater in multiple basins throughout the property.

In addition, the proposed design removes the +/-150,000 sf of existing impervious cover located in the CWQZ and restoration of the CWQZ with 609S seed mix and native plantings.

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

Yes The proposed design adheres to all water quality requirements outlined within the Environmental Criteria Manual and as such, will result in water quality that is at least equal to water quality achievable without the variance. Biofiltration ponds have been sized to treat all proposed impervious cover on the site.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-368 (Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

1. The criteria for granting a variance in Subsection (A) are met;

N/A to this variance request.

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

N/A to this variance request.

3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

N/A to this variance request.

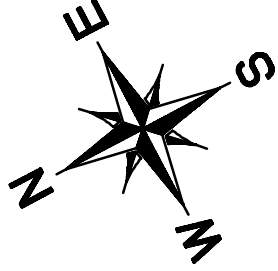
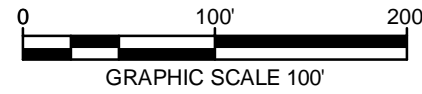
\*\*Variance approval requires all above affirmative findings.

## **Applicant Exhibits**



Plotted By:Burks, Kevin Date:October 21, 2019 04:09:30pm File Path: \\AUSFP01\Data\Project\AUS\_Civil\069264301 - Ventura Parmer Lane\Exhibits\PlanSheets\Site Aerial.dwg

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SHEET NUMBER <b>EX</b>	VENTURA PARMER LANE CITY OF AUSTIN TRAVIS COUNTY, TEXAS	SITE EXHIBIT WITH AERIAL	KHA PROJECT				<b>Kimley»Horn</b> 10814 JOLLYVILLE ROAD AVALLOON IV SUITE 300 AUSTIN, TX 78759 PHONE: 512-418-1791 FAX: 512-418-1791 WWW.KIMLEY-HORN.COM © 2019 KIMLEY-HORN AND ASSOCIATES, INC. TBPE Firm No. 928	No.	REVISIONS			DATE	BY		
			DATE	OCTOBER 2018											
			SCALE	AS SHOWN											
			DESIGNED BY:												
						DRAWN BY:									
						CHECKED BY:									







