



ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION MEETING May 20, 2020

DATE:

NAME & NUMBER OF PROJECT: Persimmons Construction Plans
C8-2019-0080.1B.SH

NAME OF APPLICANT OR ORGANIZATION: Dario Octaviano, City of Austin Public Works (applicant)
June Routh, Dunaway Associates (Engineer of Record)

LOCATION: 7051 Meadow Lake Boulevard, Austin, TX 78744

COUNCIL DISTRICT: 2

ENVIRONMENTAL REVIEW STAFF: Jonathan Garner, Environmental Program Coordinator
Development Services Department, (512) 974-1665,
Jonathan.Garner@austintexas.gov

WATERSHED: Onion Creek Watershed, Suburban, Desired Development Zone

REQUEST: To cut more than four feet in depth within 100 feet of a classified waterway

STAFF RECOMMENDATION: Staff does not recommend

Staff Findings of Fact
Variance to LDC 25-8-341



Development Services Department
Staff Recommendations Concerning Required Findings

Project Name: C8-2019-0080.1B.SH Persimmons Construction Plans
Ordinance Standard: Watershed Protection Ordinance
Variance Request: Request to vary 25-8-341 to allow cut of more than four feet within 100 feet of a classified waterway.

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 Roadway construction crossing a classified waterway occurs all throughout the City of Austin utilizing methods that do not require a variance to City Code requirements. Denying the variance will result in the applicant selecting a different construction method; albeit potentially more expensive, yet a Code compliant construction method would not deprive the applicant of a privilege to construct a roadway crossing a classified waterway.

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 applicant seeks to use a construction method using three 9 ft x 4 ft box culverts with headwalls and wingwalls along the banks of the creek channel that divert and concentrate flows through the box culverts. This type of construction method narrows the channel width at the roadway crossing, adversely impacts aquatic life habitat, increases the velocity of flows coming out of the box culverts, scours the bottom of the creek channel creating a pool, and modifies downstream flow patterns. Moreover, when placing the culverts, a significant amount of the natural stream bank soils and vegetation are cut away and disposed of offsite. Although the alignment of the connecting roadway is dictated by the existing roadway on the other side

of the channel, a construction method that modifies the channel margins, alters the natural flow velocity, and removes hydric soils and vegetation does not provide greater overall environmental protection than a construction method that is achievable without the variance.

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

No. The amount of cut in excess of four feet required for the construction of the crossing occurs within the minimum setback of the waterway buffer and the erosion hazard zone adjacent to the classified waterway. Grading at a depth beyond that allowed by Code within these sensitive environmental areas does not constitute the minimum deviation from the code requirement.

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

No. The grading associated with the placement of the concrete box culverts, headwalls, and wingwalls will remove soils and existing vegetation and destabilize the stream bank, alter the flow velocity in the channel resulting in downstream incising and bank erosion, and modify sediment deposition patterns. While erosion and sedimentation are natural processes, a construction method such as the one chosen can accelerate these processes beyond the rate at which the creek is naturally able to adjust for and manage.

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

No. Bank erosion and sediment deposition are two leading causes of degraded water quality in creeks. Siltation can lead to murky water that smothers aquatic life habitat, reduces visibility for aquatic organisms to find food, prevents sunlight from reaching aquatic plants, and conveys other nutrients, pesticides, or toxic compounds that lower the water quality.

- 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

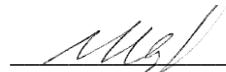
Staff Determination: Staff determines that the findings of fact have not been met and recommends that the variance request be denied.

Environmental Reviewer
(DSD)


Jonathan Garner

Date 5/4/2020

Environmental Review
Manager (DSD)


Mike McDougal

Date 5/4/2020

Environmental Officer
(WPD)


Chris Herrington

Date 5/8/2020

Application Form
Variance to LDC 25-8-341



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	June Routh on behalf of the City of Austin Public Works Dept (owner of ROW)
Street Address	5707 Southwest Parkway, Ste 250, Bldg 2
City State ZIP Code	Austin Texas 78735
Work Phone	512-399-5366
E-Mail Address	JRouth@DunawayAssociates.com

Variance Case Information

Case Name	Meadow Lake Blvd Street Extension – CIP # 6319.014
Case Number	C8-2019-0080.1B.SH
Address or Location	Meadow Lake Blvd – Between Misty Slope and Quicksilver Blvd
Environmental Reviewer Name	Jonathan Garner
Environmental Resource Management Reviewer Name	
Applicable Ordinance	LDC 25-8-42(D)(4)
Watershed Name	Onion 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 checked="" type="checkbox"/> Not in Edwards Aquifer Zones <input type="checkbox"/> Northern Edwards Segment
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Distance to Nearest Classified Waterway	Cut is directly in channel
Water and Wastewater service to be provided by	AWU – project is a roadway construction including an irrigation meter for landscape but no domestic service.
Request	The variance request is as follows (Cite code references: Cut in excess of 4 ft but less than 8 ft within 100 ft of a classified waterway. LDC 25-8-42(D)(4).)

Impervious cover square footage: acreage: percentage:	Existing	Proposed
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)	_____	_____

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The 362 sq ft area of cut in excess of 4 ft is necessary for installation of drainage culverts for the Meadow Lake Blvd Road extension project. A cut and fill exhibit is attached.
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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: Meadow Lake Blvd Street Extension – CIP # 6319.014

Ordinance: LDC 25-8-42(D)(4) – Cut in excess of 4 ft within 100 ft of a classified waterway.

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 / No City of Austin regulations require that for road crossing required for connectivity that a culvert be placed at the ditch crossing which meets the City's Drainage Criteria. A minimum amount of grading is commonly required and allowed for such culvert application, which often exceeds 4 ft of cut or fill.

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 / No The location of the roadway is dictated by the existing roadway to which the proposed roadway must be connected.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;
- Yes / No The proposed grading results in a small area exceeding the cut limit and in a minimum departure from the code requirement.
- c) Does not create a significant probability of harmful environmental consequences.
- Yes / No The cut area is located at the channel transition for the culvert and would not result in additional site disturbance. Revegetation would be provided for all disturbed areas.
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 minimal additional cut will facilitate the culvert without affecting water quality.
- B. Not Applicable

**Variance approval requires all above affirmative findings.

Applicant Exhibits
Variance to LDC 25-8-341



GRAPHIC SCALE
100 0 50 100 200
(IN FEET)

MEADOW LAKE SUBDIVISION,
PHASE 1 & 2
DOC. NO. 2002061277

BLUE MEADOW DR

MAGIN MEADOW DR

THANNAS WAY

MEADOW LAKE SUBDIVISION,
PHASE 1 & 2
DOC. NO. 2002061277

MEADOW LAKE BLVD
44' F-F (70' ROW)

OLD POST LP

LOVEY LN

MISTY SLOPE LN

GREENSLOPES PHASE 1
BOOK 70 PAGE 27

EXISTING WO POND PER
MEADOW LAKE SUBDIVISION
CB-01-0112.18(SH)

PROPOSED CONNECTION OF
MEADOW LAKE BLVD
(70' ROW)

LENDALL LN

DEEP LN

CITY OF AUSTIN
24.694 ACRES
VOL. 10759 PG. 488

PARKLAND

PATSY PKWY

COA REGIONAL
DETENTION POND

HABITAT FOR HUMANITY
MEADOW LAKE TRACT
14.65 ACRES

CITY OF AUSTIN
11.178 ACRES
VOL. 10759 PG. 488

BORAGE DR

SILVERSTONE
PHASE 1 SECTION 2
BOOK 78 PAGE 388-384

SILVERTONE DR

MEADOW LAKE
44' F-F (64' ROW)

QUICKSILVER BLVD

SILVERSTONE
PHASE -1 SECTION 1
BPPK 78 PAGE 381-382

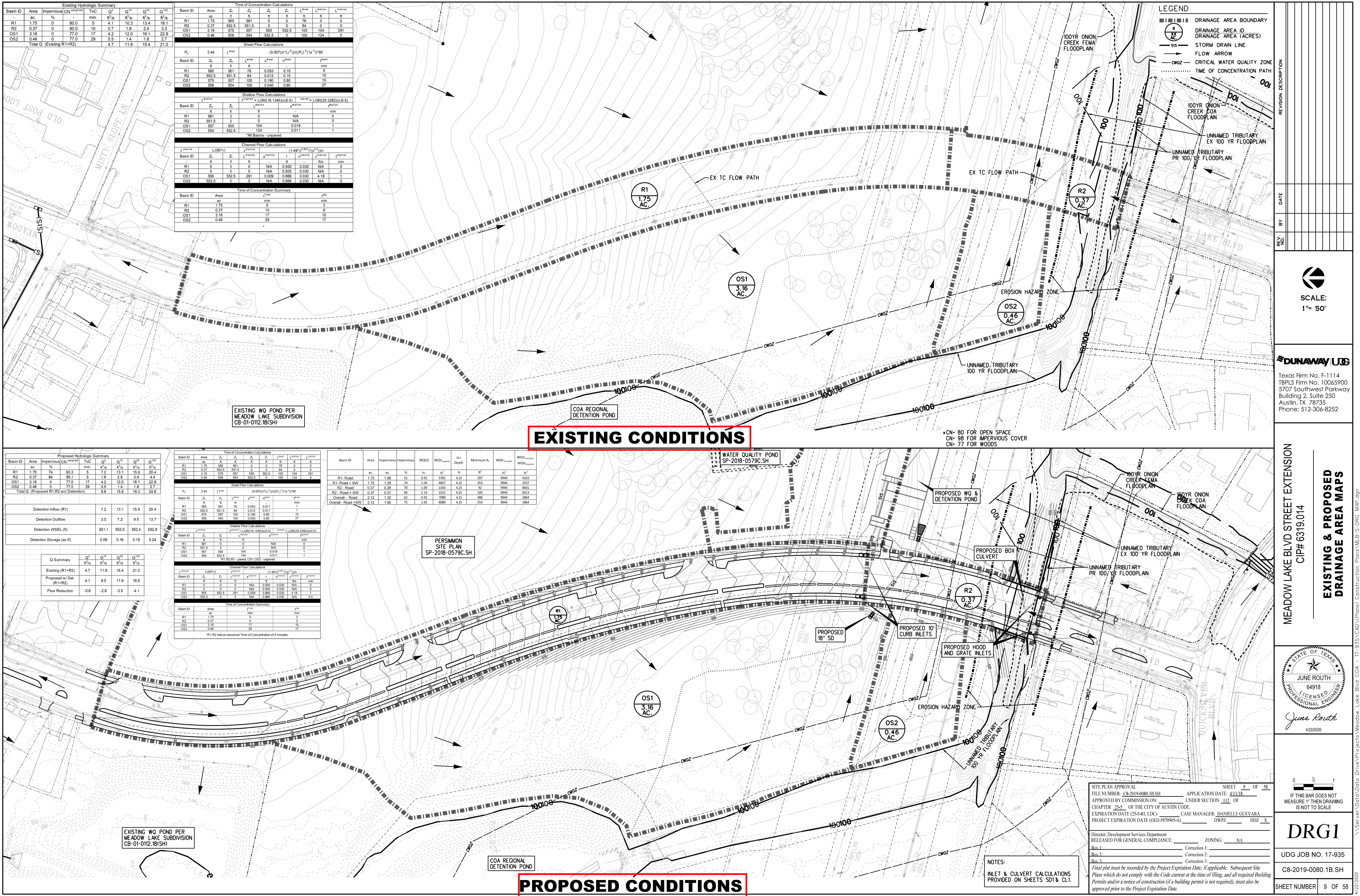
S. PLEASANT VALLEY RD

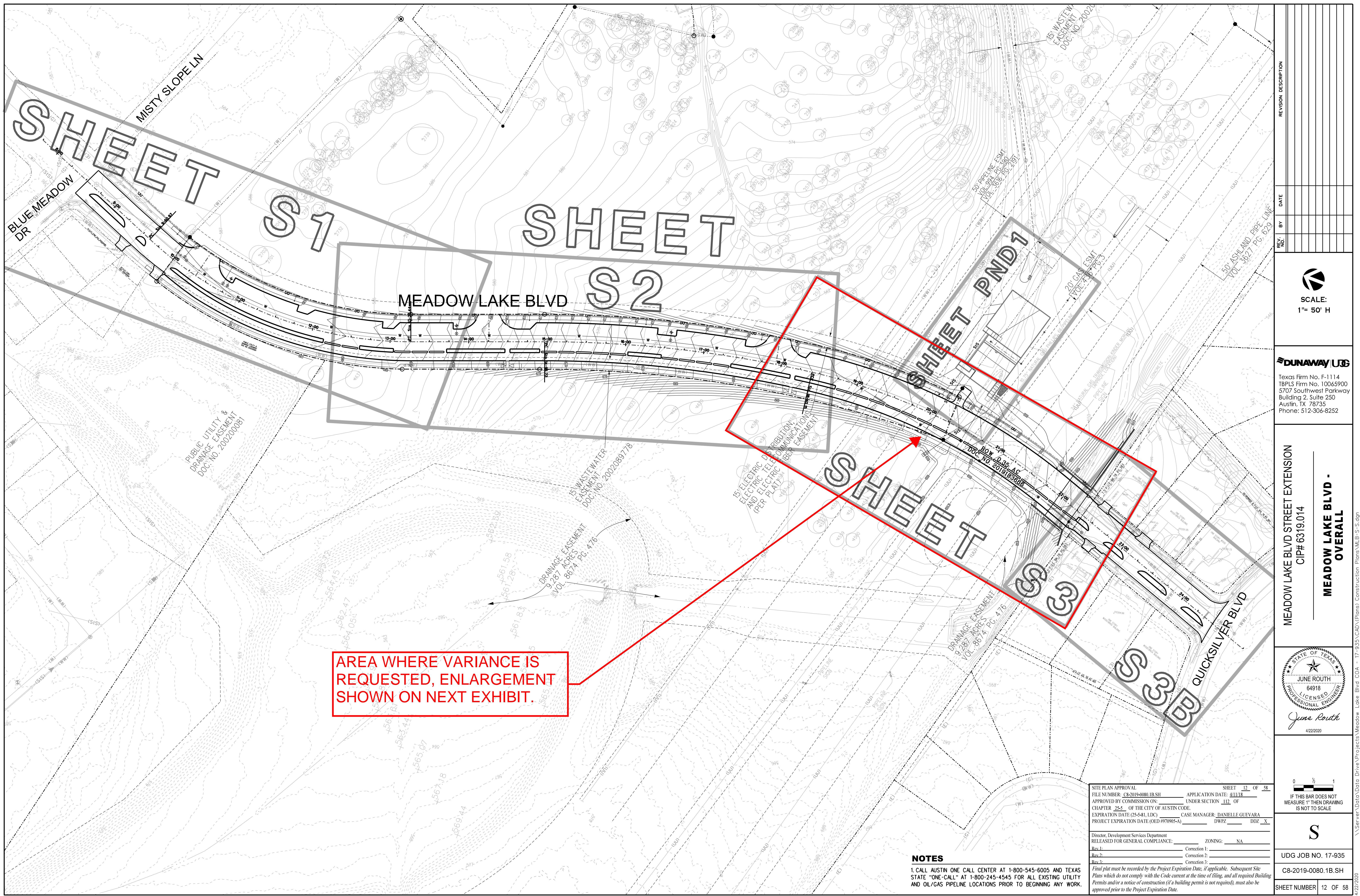
MEADOW LAKE BLVD
AERIAL MAP

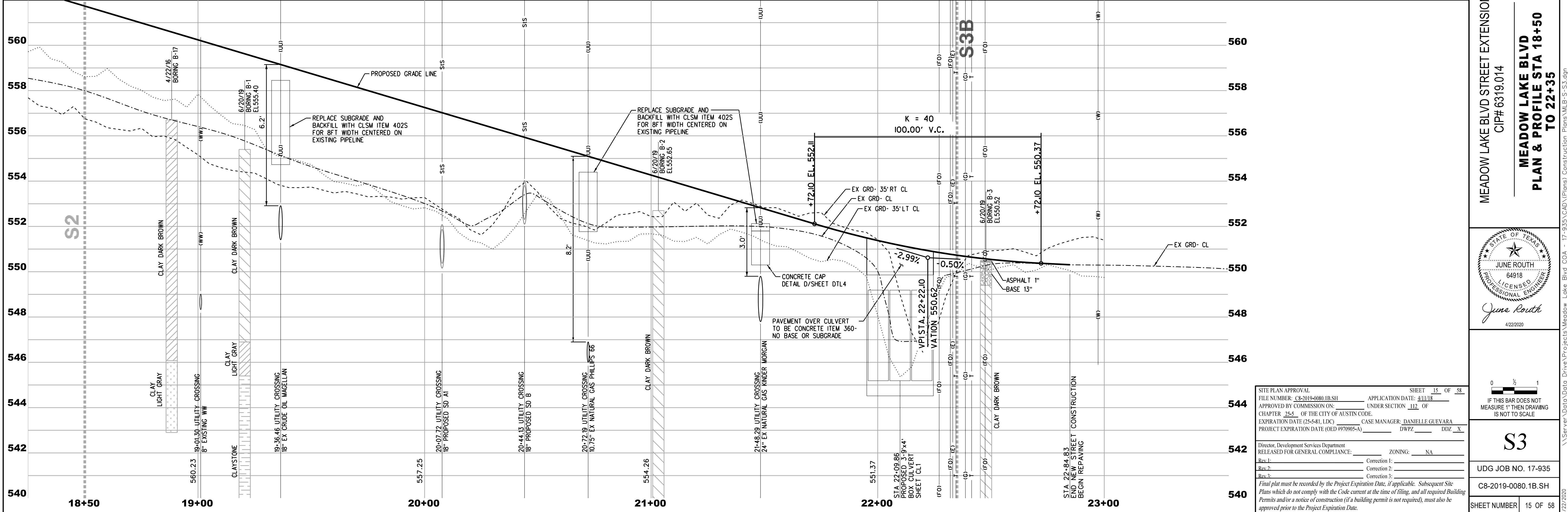
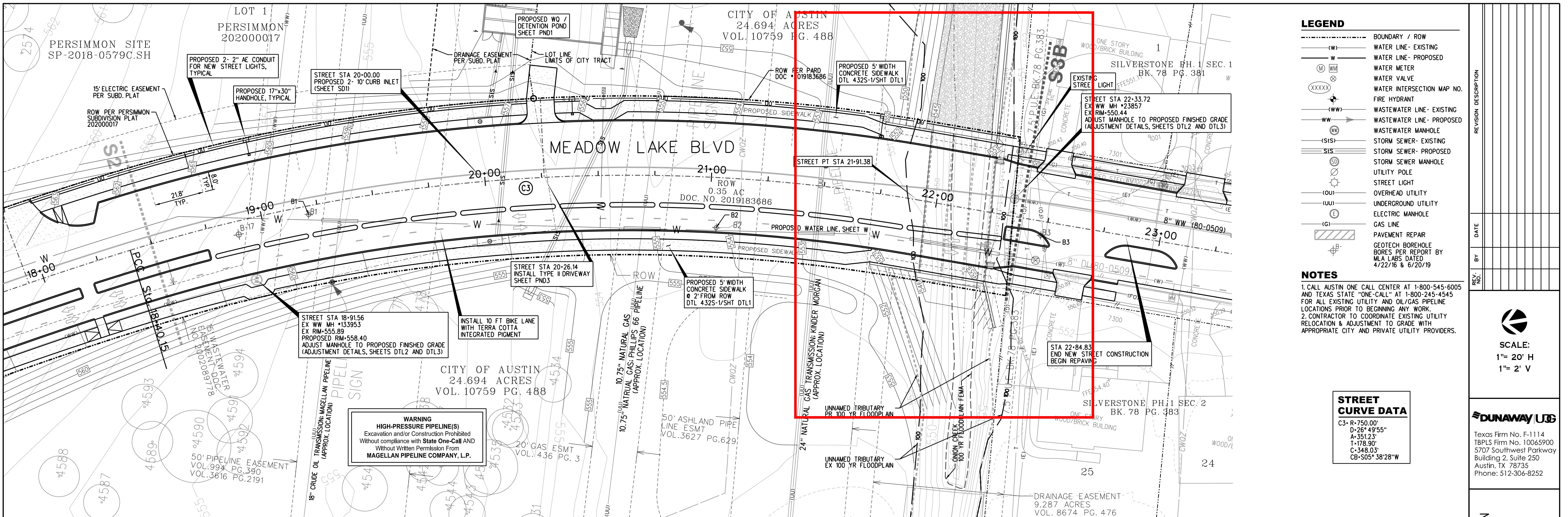


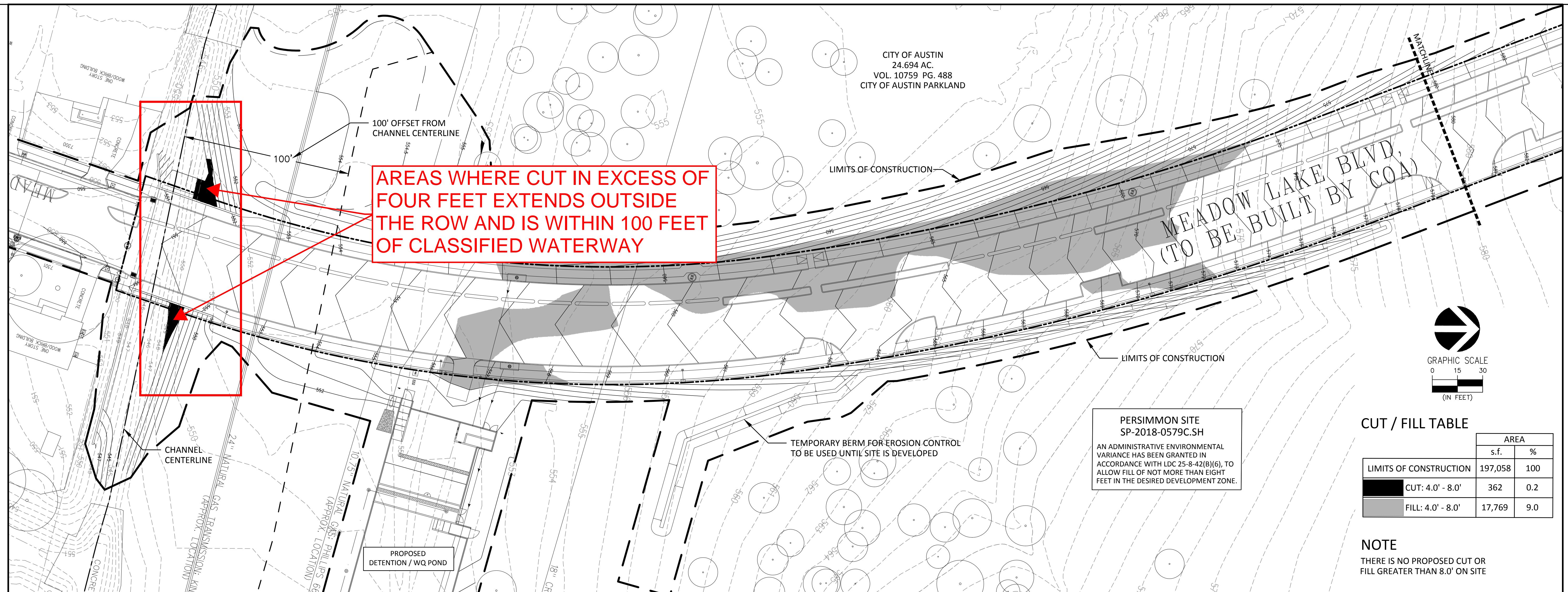
GRAPHIC SCALE
100 0 50 100 200
(IN FEET)









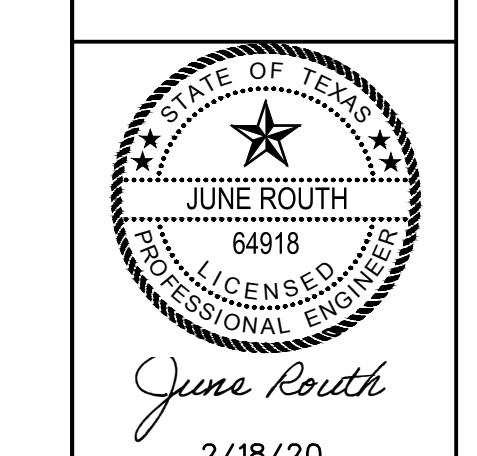


REV. NO.	BY	DATE	REVISION DESCRIPTION

DUNAWAY UDG
Texas Firm No. F-1114
TBPLS Firm No. 10065900
5707 Southwest Parkway
Building 2, Suite 250
Austin, TX 78735
Phone: 512-306-8252

MEADOW LAKE BLVD STREET EXTENSION
CIP# 6319.014

CUT & FILL EXHIBIT



STATE OF TEXAS
JUNE ROUTH
64918
LICENSED PROFESSIONAL ENGINEER
2/18/20

IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE

UDG JOB NO. 17-935

C8-2019-0080.1B.SH

SHEET NUMBER 1 OF 1

