SITE PLAN REVIEW SHEET
ENVIRONMENTAL VARIANCE REQUEST ONLY

CASE: SP-2018-0579C.SH ZAP COMMISSION DATE: 08/04/2020

PROJECT NAME: Persimmons

APPLICANT: Mike Mullone AGENT: Dunaway Associates

ADDRESS OF SITE: 7051 Meadow Lake Boulevard, Austin, TX 7844

COUNTY: Travis AREA: 14.65 acres

WATERSHED: Onion Creek JURISDICTION: Full-purpose

EXISTING ZONING: SF-6

PROPOSED DEVELOPMENT: Multi-Family Housing with associated improvements.

DESCRIPTION OF VARIANCE:
The applicant requests the following:
1. Request to vary from LDC 25-8-341 to allow cut of more than four feet on slopes in excess of 15 percent gradient.

STAFF RECOMMENDATION:
Staff recommends that the required findings of fact have been met and recommend approval of the variance request with the following conditions:
1. Revegetate the top and backside of the detention pond berm with native, deep-rooted bunch grasses, and provide additional tree protection for trees 4-8” in diameter located along the steeper slopes.

ENVIRONMENTAL BOARD ACTION:
07/15/2020: The Environmental Board voted in (11) favor, (0) against, (0) absentia

ZONING AND PLATTING COMMISSION ACTION:

ENVIRONMENTAL REVIEW STAFF: Jonathan Garner PHONE: 512-974-1665

CASE MANAGER: Clarissa E. Davis PHONE: 512-974-1423
ENVIRONMENTAL COMMISSION MOTION 20200715-003b

Date: July 15, 2020

Subject: Persimmons, SP-2018-0579C.SH

Motion by: Kevin Ramberg  Seconded by: Pam Thompson

RATIONALE:

WHEREAS, the Environmental Commission recognizes the applicant requests a variance from LDC 25-8-341 to allow cut of more than four feet on slopes in excess of 15 percent gradient;

WHEREAS, the Environmental Commission recognizes the site is located at 7051 Meadow Lake Boulevard, Austin, TX 78744; and

WHEREAS, the Environmental Commission recognizes that staff recommends, with conditions, the variance, having determined the findings of fact to have been met.

THEREFORE, the Environmental Commission recommends the variance from LDC 25-8-341 to allow cut of more than four feet on slopes in excess of 15 percent gradient.

Staff Conditions
1. Revegetate the top and backside of the detention pond berm with native, deep-rooted bunch grasses, and provide additional tree protection for trees 4-8” in diameter located east of the proposed pond along the steeper slopes.

VOTE 11-0

For: Bedford, Creel, Smith, Thompson, Nill, Neely, Coyne, Maceo, Ramberg, Guerrero, and Gordon
Against: None
Abstain: None
Recuse: None
Absent: None

Approved By:

[Signature]
Linda Guerrero, Environmental Commission Chair
Staff Findings of Fact

Variance to LDC 25-8-341
Development Services Department
Staff Recommendations Concerning Required Findings

<table>
<thead>
<tr>
<th>Project Name:</th>
<th>Persimmons (SP-2018-0579C.SH)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ordinance Standard:</td>
<td>Watershed Protection Ordinance</td>
</tr>
<tr>
<td>Variance Request:</td>
<td>Request to vary from LDC 25-8-341 to allow cut of more than four feet on slopes in excess of 15 percent gradient.</td>
</tr>
</tbody>
</table>

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 project proposes a multi-family, affordable housing project in an area conducive to such a development. All along the East William Cannon Dr. corridor, there are a number of multi-family developments that are constructed on slopes within the 0-15 percent category. All of the proposed impervious cover with this project is similarly situated on the portion of the property within the 0-15 percent slope category. The proposed water quality and detention pond are required by the Land Development Code, and the project intends to incorporate an amphitheater amenity into the design of the detention pond in order to foster community engagement by hosting events for the multi-family development.

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. The variance request is necessitated by the layout of the site plan, but to the degree that the proposed layout provides greater overall environmental protection by achieving the following:
   - All of the proposed cut is located outside the 500-year floodplain;
   - No Protected Class trees (>19” diameter) will be removed for the construction of the ponds;
   - The slopes that will receive the cut descend towards a large area of flat open land (0-15% slopes) that is shared PARD property and a
gas line easement, and no other development will be proposed at
the bottom of the slope that would be adversely impacted by the
proposed construction;

- The location and footprint of the pond avoids any conflict with the
  existing wastewater lines at the southern end of the property;
- The pond design will make a vertical cut in the slopes and reinforce
  the cut side with a concrete trapezoidal wall with stone veneer (see
  Pond Section in exhibit labeled Detention Pond Plan, page 20); and,
- The pond takes advantage of the natural slope of the land, and by
  locating the pond in this proposed location, the project does not
  seek to significantly alter the existing drainage patterns.

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

Yes. The project does not seek to maximize development on the
property with regards to allowable impervious cover (33% Gross Site
Area proposed, 65% Gross Site Area maximum allowable), therefore
the cut needed for the pond to capture the required water quality and
detention volume is only necessitated by the amount of impervious
cover proposed on the site. If the project were to maximize the amount
of allowable impervious cover on the site, the water quality and
detention facility would have to be enlarged in order to capture the
required volume, which would most likely require expanding the
footprint of the pond and locating the cut over four feet on slopes of a
steeper category (25-35% gradient).

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

Yes. A different layout of the pond that would not require cut of more
than four feet would also require locating the 0-4’ cut onto the steeper
slopes (25-35% gradient), require the removal of Protected Class trees,
require the outfall of the pond to be located on the steeper slopes of the
site – possibly generating a need for a cut variance for the outfall
structure –and, has the probability of requiring cut within the 100-year
floodplain.

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

Yes. All cuts will be stable, vertical cuts that will be reinforced with concrete
retaining walls to prevent erosion from occurring in the location of the cut. The
disturbed areas within the vicinity of the cut will be required to be restored with
native, deep-rooted bunch grasses and other forbs indicative of a Blackland
Prairie.

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 been met. Staff recommends the following condition:

- Revegetate the top and backside of the detention pond berm with native, deep-rooted bunch grasses; and,
- Provide additional tree protection for trees 4-8” in diameter located east of the proposed pond along the steeper slopes.

Environmental Reviewer (DSD) ___________________________ Date 6-11-2020

Jonathan Garner

Environmental Review Manager (DSD) ___________________________ Date 6-11-2020

Mike McDougal

Environmental Officer (WPD) ___________________________ Date _____________

Chris Herrington
Application Form

Variance to LDC 25-8-341
# ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

## PROJECT DESCRIPTION

### Applicant Contact Information

<table>
<thead>
<tr>
<th>Name of Applicant</th>
<th>Mike Mullone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Address</td>
<td>5707 Southwest Parkway, Suite 250</td>
</tr>
<tr>
<td>City State ZIP Code</td>
<td>Austin, Texas 78745</td>
</tr>
<tr>
<td>Work Phone</td>
<td>512-399-5373</td>
</tr>
<tr>
<td>E-Mail Address</td>
<td><a href="mailto:mmullone@dunawayassociates.com">mmullone@dunawayassociates.com</a></td>
</tr>
</tbody>
</table>

### Variance Case Information

<table>
<thead>
<tr>
<th>Case Name</th>
<th>Persimmon</th>
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<tbody>
<tr>
<td>Case Number</td>
<td>SP-2018-0579C.SH</td>
</tr>
<tr>
<td>Address or Location</td>
<td>7051 Meadow Lake Boulevard</td>
</tr>
<tr>
<td>Environmental Reviewer Name</td>
<td>Jonathan Garner</td>
</tr>
<tr>
<td>Environmental Resource Management Reviewer Name</td>
<td>N/A</td>
</tr>
<tr>
<td>Applicable Ordinance</td>
<td>LDC 25-8-341(A)(4)</td>
</tr>
<tr>
<td>Watershed Name</td>
<td>Onion Creek</td>
</tr>
<tr>
<td>Watershed Classification</td>
<td>☑ Suburban</td>
</tr>
<tr>
<td></td>
<td>☐ Urban</td>
</tr>
<tr>
<td></td>
<td>☐ Water Supply Suburban</td>
</tr>
<tr>
<td></td>
<td>☐ Water Supply Rural</td>
</tr>
<tr>
<td></td>
<td>☐ Barton Springs Zone</td>
</tr>
<tr>
<td>Entity</td>
<td>Option 1</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Edwards Aquifer Recharge Zone</td>
<td>☐ Barton Springs Segment</td>
</tr>
<tr>
<td></td>
<td>☑ Not in Edwards Aquifer Zones</td>
</tr>
<tr>
<td>Edwards Aquifer Contributing Zone</td>
<td>☐ Yes</td>
</tr>
<tr>
<td>Distance to Nearest Classified Waterway</td>
<td>0.5 miles to Onion Creek (Suburban Watershed)</td>
</tr>
<tr>
<td>Water and Waste Water service to be provided by</td>
<td>City of Austin</td>
</tr>
<tr>
<td>Request</td>
<td>The variance request is as follows (Cite code references): Per LDC 25-8-341(A)(4), grading over four feet for construction of a water quality control or detention facility is not allowed on an existing slope with a gradient of more than 15 percent.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Impervious cover square footage:</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>acreage:</td>
<td>0.00</td>
<td>4.32</td>
</tr>
<tr>
<td>percentage:</td>
<td>0%</td>
<td>33.1%</td>
</tr>
</tbody>
</table>

Habitat for Humanity proposes to construct 126 affordable housing units which qualify as SMART Housing. There are no current improvements on the site. The site improvements will include 18 buildings (for 126 residential units), water and wastewater utilities, storm drain utilities, open space community play area, water quality and detention ponds. The improvements will require grading with cutting more than 8 feet on slopes over 15% for a detention pond.

Slopes range from 1% to 25%. Highest elevation 587, Lowest elevation : 540

Mature trees and grass are the main site vegetation. There is a CWQZ for the unnamed tributary to Onion Creek that runs along the southern end of the property. There is a floodplain for each the Onion Creek and the unnamed tributary to Onion Creek. No improvements will be located in the CWQZ or the floodplains. There are no CEFs or Heritage Trees on this Site.
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:

Ordinance:

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 [provide summary of justification for determination]
   Due to the unique topography of this Site, it all drains to the adjacent creek. Maximizing of affordable units is clustered on the 0% - 15% slope land. The layout requires the detention pond be located in the area where the slope starts to increase toward the creek.

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 [provide summary of justification for determination]
   The pond location was chosen to minimize tree removal and to be adjacent to residences so alternate use as amphitheater was assessible to home owners.
b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

[ ] Yes / [ ] No [provide summary justification for determination]
- The layout maximizes green space within the development which provides increased environmental protection.
- There is minimum amount of slope impacted by the pond design.
- The construction will stabilize the slope and will not create harmful environmental consequences.
- The detention pond and associated water quality pond will meet current standards.

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

[ ] Yes / [ ] No [provide summary justification for determination]
The construction on slopes consists of a detention pond that will be fully revegetated with grass and new trees around the 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 / [ ] No [provide summary justification for determination]
The construction on slopes consist of detention pond which will be fully revegetated with grass and new trees around the pond. No impervious cover is proposed on these slopes, and no slope erosion is anticipated.

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 / [ ] No [provide summary of justification for determination]

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

[ ] Yes / [ ] No [provide summary of justification for determination]

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

[ ] Yes / [ ] No [provide summary of justification for determination]

**Variance approval requires all above affirmative findings.**
January 21, 2020

Jonathan Garner  
City of Austin  
Development Services Department  
505 Barton Springs Road, 4th Floor  
Austin, Texas 78704

Re: Persimmon (SP-2018-0579C.SH) Dunaway UDG # 17-949  
7051 Meadow Lake Boulevard, Austin, Texas 78744  
Land Use Commission Variance for Administrative Cut/Fill Variance Request  
(LDC 25-8-341(A)(4))

Mr. Garner,

Habitat for Humanity proposes to construct 126 affordable housing units which qualify as SMART. There are no current improvements on the site.

The site improvements will include 18 buildings (for 126 residential units), water and wastewater utilities, storm drain utilities, open space community play area, water quality and detention ponds.

The improvements will require grading with cutting more than 8 feet on slopes over 15% for a detention pond.

Per LDC 25-8-341(A)(4), grading over four feet for construction of a water quality control or detention facility is not allowed on an existing slope with a gradient of more than 15 percent.

We are requesting support and approval from the Environmental Reviewer on this project to get variance approval from the Land Use Commission. The reasons we are requesting approval as it pertains to the Findings of Facts is as follows:

1.) Due to the unique topography of this Site, it all drains to the adjacent creek. Maximizing of affordable units is clustered on the 0% - 15% slope land. The layout requires the detention pond be located in the area where the slope starts to increase toward the creek.

2.)
   a. The layout maximizes green space within the development which provides increased environmental protection.
   b. There is minimum amount of slope impacted by the pond design.
   c. The construction will stabilize the slope and will not create harmful environmental consequences.

3.) The detention pond and associated water quality pond will meet current standards.

4.) The pond location was chosen to minimize tree removal and to be adjacent to residences so alternate use as amphitheater was assessible to home owners

5.) The construction on slopes consist of detention pond which will be fully revegetated with grass and new trees around the pond. No impervious cover is proposed, and no slope erosion is anticipated.
Please let me know if you have comments or questions. My phone number is 512-399-5373. E-mail at mmullone@dunawayassociates.com if there is any additional information I can provide that will facilitate your review or if any documents do not make it to you upon distribution.

Sincerely,

Mike Mullone, PE, CFM, CESSWI, CPESC
Applicant Exhibits

Variance to LDC 25-8-341
SLOPE CATEGORIES

0% - 15%
15% - 25%
25% - 35%
35% +

SCALE:
1" = 60'

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

THESE PLANS ARE UNDER REVIEW BY THE C.O.A. AND ARE NOT APPROVED FOR CONSTRUCTION.
(THIS NOTE TO BE REMOVED ON FINAL, APPROVED PLANS.)

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

B-03