



ITEM FOR ENVIRONMENTAL BOARD AGENDA

**BOARD MEETING
DATE REQUESTED:** OCTOBER 16, 2013

**NAME & NUMBER
OF PROJECT:** J & K PARK ADDITION
C8J-2013-0031.0A

**NAME OF APPLICANT
OR ORGANIZATION:** Perales Engineering, LLC
(Jerry Perales, PE 512-297-5019)

LOCATION: 1300 Mount Larson Rd

PROJECT FILING DATE: February 28, 2013

**PDR/ENVIRONMENTAL
STAFF:** Mike McDougal, 512-974-6380
mike.mcdougal@austintexas.gov

**PDR/
CASE MANAGER:** Sylvia Limon, 512-974-2767
sylvia.limon@austintexas.gov

WATERSHED: Bee Creek Watershed and Lake Austin Watershed
Water Supply Rural
Drinking Water Protection Zone

ORDINANCE: Comprehensive Watershed Ordinance (current Code)

REQUEST: Variance request as follows:
1 - To allow single family density to exceed one unit for
two acres [LDC 25-8-454(B)(1) / LDC 30-5-454(B)(1)]

STAFF RECOMMENDATION: Recommended with conditions.

**REASONS FOR
RECOMMENDATION:** Findings of fact have been met.



ENVIRONMENTAL BOARD VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	John and Kayla Park
Street Address	15100 Sunningdale St.
City State ZIP Code	Austin, TX 78717
Work Phone	512.922.8066
E-Mail Address	jp112503@yahoo.com

Variance Case Information

Case Name	1300 Mount Larson
Case Number	C8J-2013-0031.0A
Address or Location	1300 Mount Larson
Environmental Reviewer Name	Mike McDougal
Applicable Ordinance	LDC 25-8-454(B)(1)/ LDC 30-5-454(B)(1)
Watershed Name	Bee Creek
Watershed Classification	<input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input checked="" 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	452 Feet from the Outlet of Bee Creek into Lake Austin
Water and Waste Water service to be provided by	AWU
Request	LDC 25-8-454(B)(1)/ LDC 30-5-454(B)(1) to allow single family density to exceed one unit for two acres (specifically, one unit for 0.8 acres)

	Existing	Proposed
Impervious cover square footage:	<u>0.0</u>	<u>7000</u>
acreage:	<u>0.00</u>	<u>0.16</u>
percentage:	<u>0.0%</u>	<u>20%</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>The site is undeveloped and slopes to West Lake Drive. The site is mostly covered in juniper trees.</p> <p>There are no heritage trees or significant trees proposed to be removed.</p> <p>There are no CEFs, CWQZ, or WQTZs on site. An environmental assessment and slope map have been provided with this application.</p>	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	LDC 25-8-454(B)(1)/ LDC 30-5-454(B)(1) to allow single family density to exceed one unit for two acres (specifically, one unit for 0.8 acres)
---	---

--	--

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 or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

Yes This lot is surrounded by lots developed as single family residences. This lot was created with an unrecorded plat created in March of 1950. Since the creation of the platting rules this single lot has been left undeveloped. The platting rule will make this lot undevelopable if a variance is not granted. The unrecorded plat has been included with this request.

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 The method chosen by the applicant is the least intrusive development for this site, construction of a single family home. This home will be similar in size to surrounding neighbors. Without the variance the site cannot be developed.

- 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 The variance will allow the least dense construction, a single family home. The site is not developable without the variance.

September 23, 2013

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

Yes The development of the site will not create a significant probability of harmful environmental consequences. All methods of erosion and sedimentation controls will be employed during the construction of the homes. Furthermore the dense vegetation on the site will act as a vegetated filter strip between the home and West Lake Drive.

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 development of the site will result in water quality that is at least equal to the water quality achievable without the variance. All methods of erosion and sedimentation controls will be employed during the construction of the home. Furthermore the dense vegetation on the site will act as a vegetated filter strip between the home and West Lake Drive.



MEMORANDUM

TO: Mary Gay Maxwell, Chairperson and Members of the Environmental Board

FROM: Mike McDougal, Environmental Review Specialist Senior
Planning and Development Review Department

DATE: October 16, 2013

SUBJECT: J & K Park Addition – C8J-2013-0031.0A

On the October 16, 2013 agenda is a request for the consideration of one variance to create a **single lot subdivision** to allow for the construction of one single family residence.

Description of Property

The project consists of final platting a 1.24 acre gross site area, one lot subdivision (Exhibit 1). This lot was created with an unrecorded plat in March, 1950, and has remained undeveloped. The applicant proposes to build one single family residence on this property. However, before a single family residence can be built, a final plat must be recorded. Before the final plat can be recorded, it must be comply with the requirements of the current Land Development Code.

Current Land Development Code Section 25-8-454(B)(1) / 30-5-454(B)(1) allows an average of 1 single family residence per 2 acres of net site area in the Water Supply Rural Watershed classification. Typically, a proposed subdivision would consist of multiple lots and areas of much larger net site area acreage. This would usually provide an applicant with the flexibility to adjust the proposed number of single family lots to allow for compliance with the density requirements of 1 single family residence per 2 acres of net site area. Clearly, reducing the number of proposed lots to comply with density requirements is not possible as the applicant proposes to create a one lot subdivision. Also, it is not feasible for the applicant to acquire more land from the adjacent lot to increase the net site area to 2 acres (Exhibit 2). Therefore, the applicant seeks a variance to create final plat, one lot subdivision for the construction of one single family residence on a 0.8 acre net site area lot.

Development adjacent to this project includes mainly single family and undeveloped land (Exhibits 1 & 2). Development cannot occur on the property without a final plat. The proposed single family

subdivision cannot comply with density requirements. The applicant is requesting a variance that would permit development on their lot in a manner that is similar to surrounding development.

The site is located partially in the extra territorial jurisdiction and partially in the COA limited purpose jurisdiction. The lot is located on the divided between the Bee Creek Watershed and the Lake Austin Watershed (Exhibit 3); both are classified as Water Supply Rural Watersheds. The project is not located over the Edwards Aquifer Recharge Zone. The project address is 1300 Mount Larson Road (Exhibit 4). The property does not include the 100-year Floodplain, Critical Water Quality Zone (CWQZ) or Water Quality Transition Zone (WQTZ).

Elevations vary from 634 feet MSL to 696 feet MSL. The property drains from north to south (toward Westlake Drive). Vegetation consists mostly of ash juniper, live oak, elbowbush, and Texas sacahuista (Exhibit 5). No CEFs are located on the property.

Variance Request

The following variance to the Land Development Code has been requested:
LDC 25-8-454(B)(1) / 30-5-454(B)(1) states that for a duplex or single family residential use, density may not exceed one unit for each two acres net site area. The applicant requests a variance to allow a density of one duplex / single family residence on 0.8 acres of net site area.

Conditions for Staff Approval

The entire lot will comply with Lake Austin zoning requirements.

Recommendation

Staff recommends approval of the variance without conditions because staff believes the Findings of Fact have been met.

Findings of Fact for J & K Subdivision, C8J-2013-0031.0A

Variance Request

The following variance to the Land Development Code has been requested:

LDC 25-8-454(B)(1) / 30-5-454(B)(1) states that for a duplex or single family residential use, density may not exceed one unit for each two acres net site area.

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, properties located adjacent to the subject property have been developed as single family residences. Development cannot occur on the property without a final plat. The proposed single family subdivision cannot comply with density requirements.

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 and is a result of Land Development Code development density requirements. The lot was created in 1950. The applicant cannot increase lot size to comply with development density requirements.

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 create a single lot subdivision to construct one single family residence; this is a reasonable use of the property.

4. The variance does not create a significant probability of harmful consequences.

Yes, the variance does not create a significant probability of harmful consequences. Erosion / sedimentation control will be required during construction activities and vegetation located between the SF residence and the ROW will act as a vegetative filter strip.

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 variance does not create a significant probability of harmful consequences. Erosion / sedimentation control will be required during construction activities and vegetation located between the SF residence and the ROW will act as a vegetative filter strip.

Environmental Review Specialist Senior:


Mike McDougal

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:


Chuck Lesniak

Exhibit 1 - J & K One Lot Subdivision Map

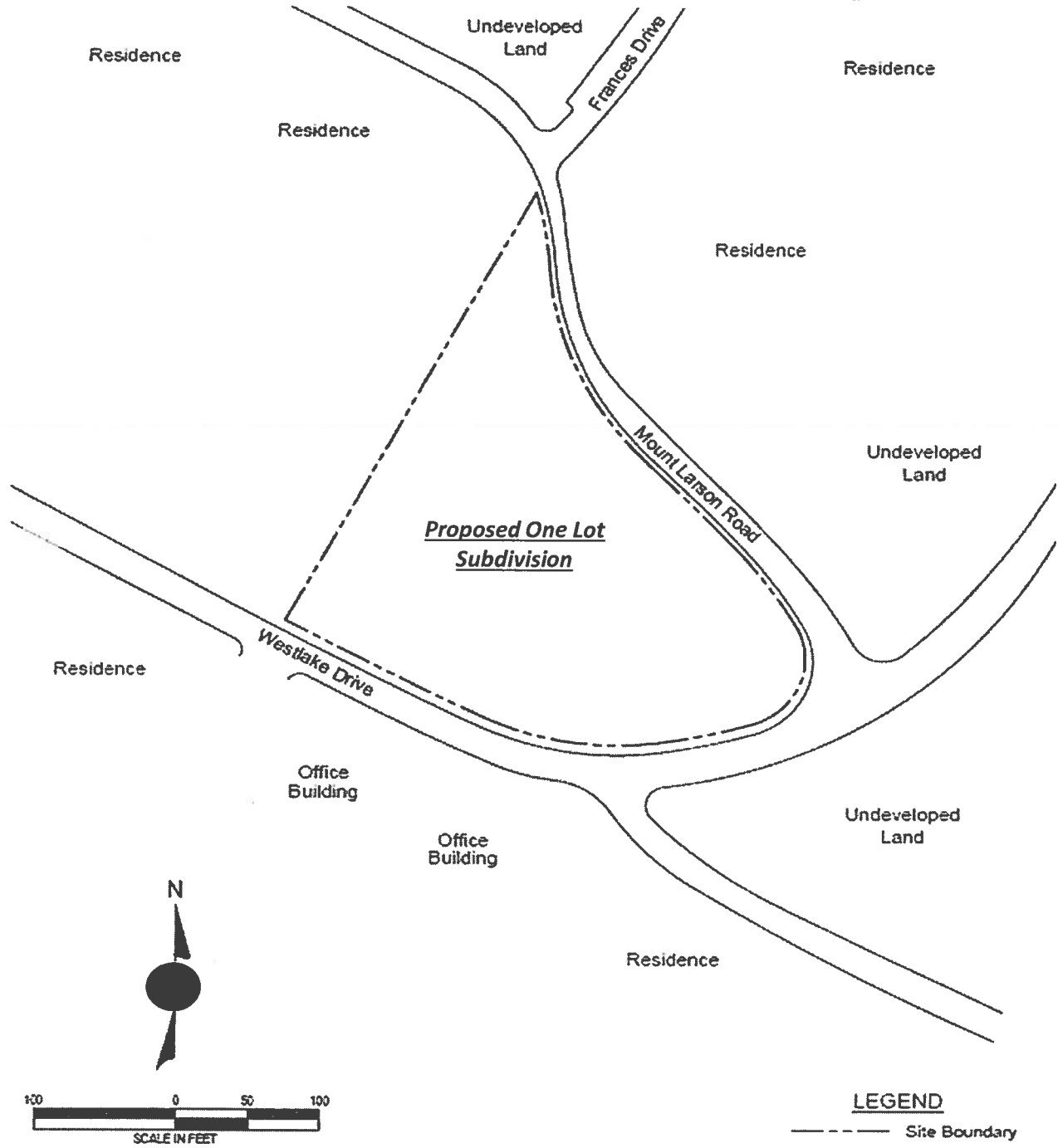


Exhibit 3 - Watershed Boundary
The property is located in the Bee Creek and the Lake Austin Watersheds, which are classified as Water Supply Rural Watersheds

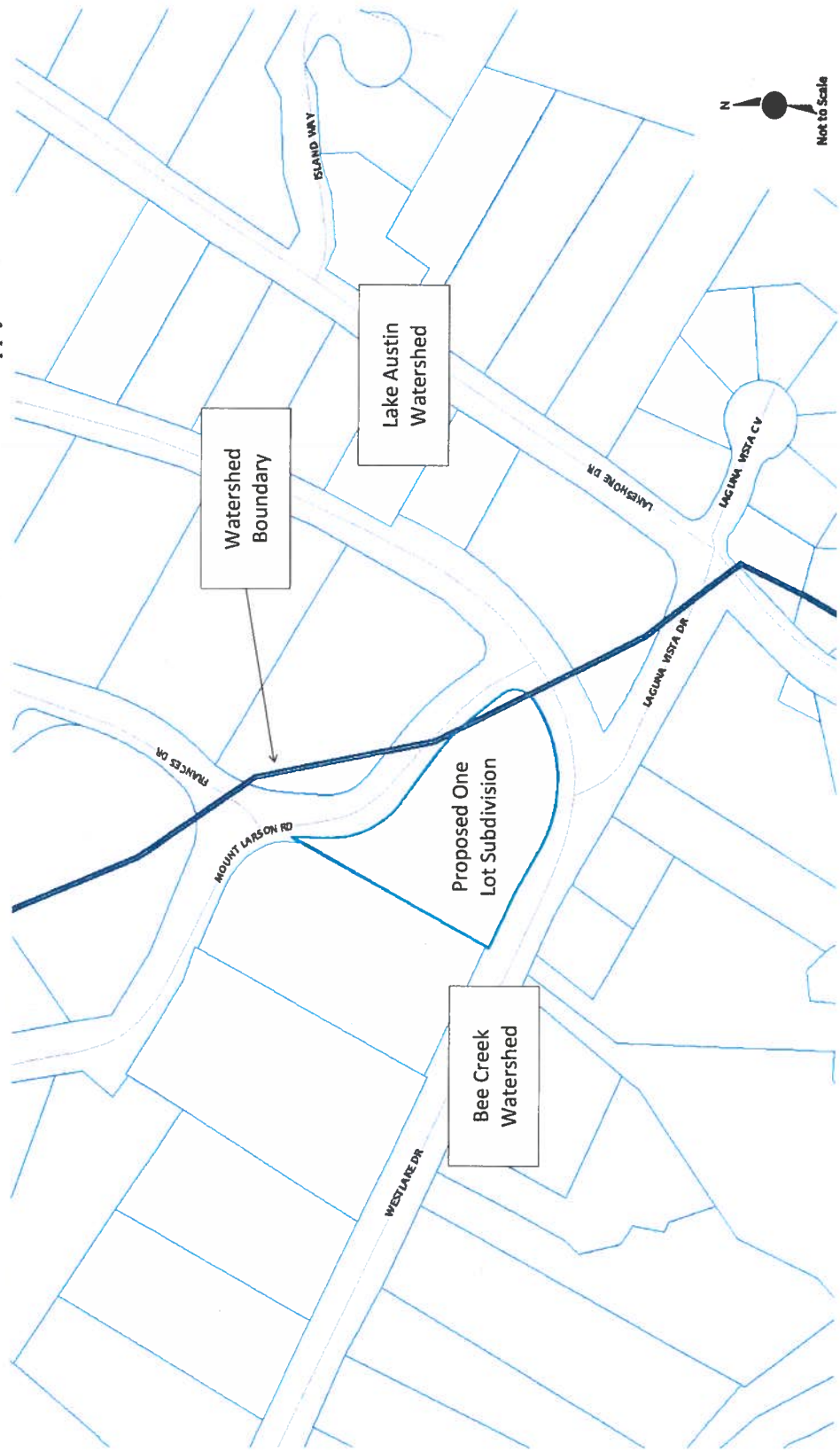
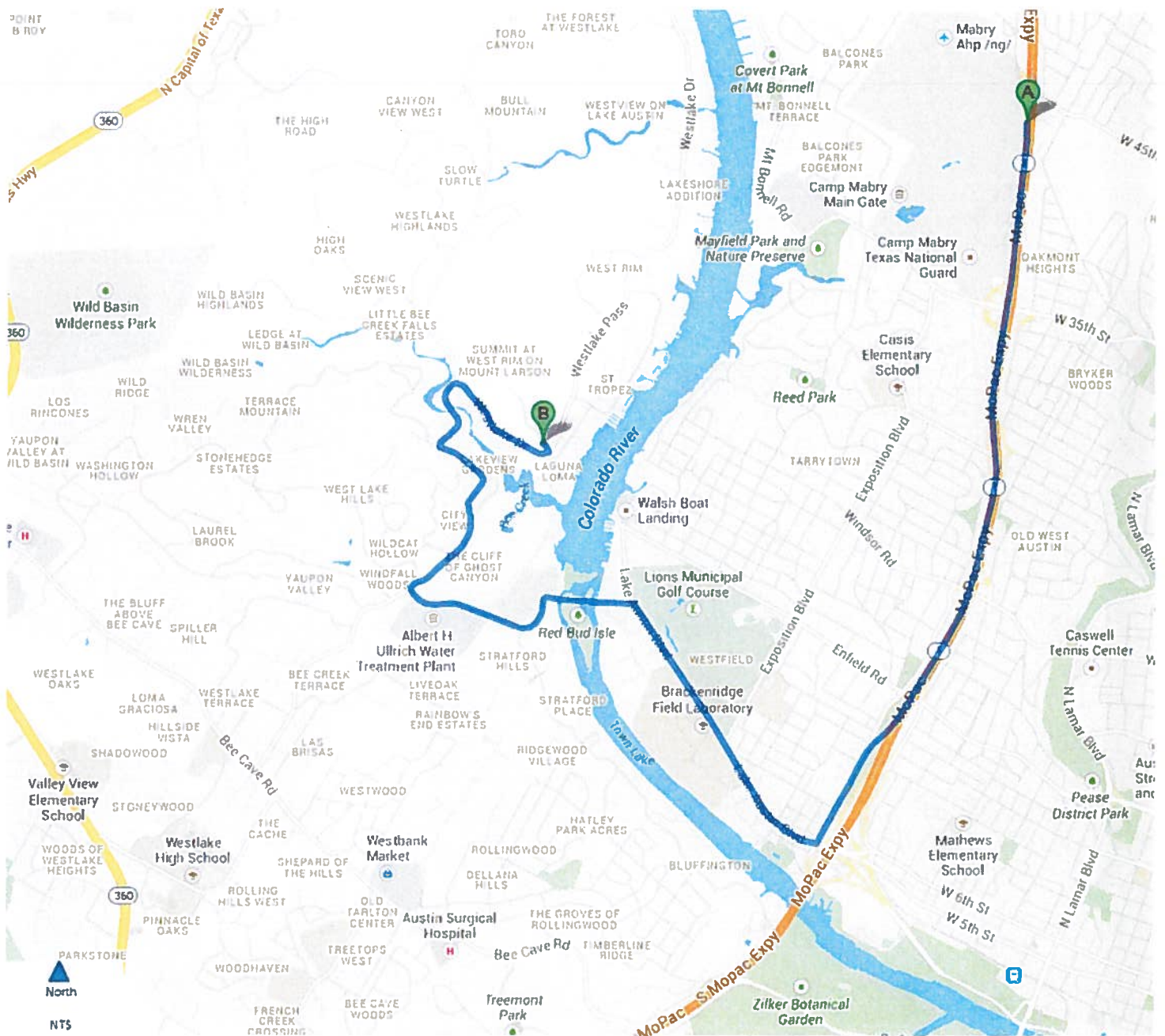


Exhibit 4 – Driving Directions to 1300 Mount Larson Rd

Beginning at Mopac and 45th St:

- 1 – Continue south on Mopac for 2.5 miles
- 2 – Exit Lake Austin Blvd
- 3 – Turn right on Lake Austin Blvd
- 4 – Continue on Lake Austin Blvd for 1.3 miles
- 5 – Turn left on Redbud Trail
- 6 – Continue on Redbud Trail for 1 mile
- 7 – Turn right on Westlake Drive
- 8 – Continue on Westlake Drive for 1.6 miles
- 9 – The property is at the intersection of Westlake Dr and Mount Larson Rd



Handwritten text at the top of the page, possibly a title or header, which is mostly illegible due to fading and bleed-through.



Exhibit 5 - Site Photos



Photo 1 Typical view of on-site vegetation



Photo 2 View of Westlake Drive adjacent to the south



Photo 3 Exposed Edwards Limestone in fault zone to the east of the site



Photo 4 View of the property facing northwest from Westlake Drive



Photo 5 View of adjacent property to the west, facing southwest from Mount Larson Drive



Photo 6 Typical view of on-site vegetation, facing south from Mount Larson Drive

