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ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED: NOVEMBER 20, 2013

NAME & NUMBER OF PROJECT: Lakeside Villas
SP-2013-0092D

NAME OF APPLICANT OR ORGANIZATION: Garrett-Ihnen Civil Engineering
Jevon Poston, P.E. (512) 454-2400

LOCATION: 4300 Mansfield Dam Road

PROJECT FILING DATE: March 15, 2013

PDRD/ENVIRONMENTAL STAFF: Liz Johnston, 974-1218
liz.johnston@austintexas.gov

PDRD/ CASE MANAGER: Michael Simmons-Smith, 974-1225
michael.simmons-smith@austintexas.gov

WATERSHED: Lake Austin (Water Supply Rural),
Drinking Water Protection Zone

ORDINANCE: Watershed Protection Ordinance (current Code)

REQUEST: 1 - To allow cut to exceed 4 feet. [LDC 25-8-341(A)]
2 - To allow fill to exceed 4 feet. [LDC 25-8-342(A)]
3 - To allow construction of a building on slopes in excess of 25%, but less than 35%. [LDC 25-8-302(A)]

STAFF RECOMMENDATION: Recommend

REASONS FOR RECOMMENDATION: The findings of fact have been met.



MEMORANDUM

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

FROM: Liz Johnston, Environmental Review Specialist Senior
Planning and Development Review Department

DATE: November 13, 2013

SUBJECT: Lakeside Villas, SP-2013-0092D

On the November 20, 2013 agenda is a request for the consideration of variances to allow cut and fill in excess of four feet and the construction of a building on slopes greater than 25%. The variances are associated with a site plan proposing a townhome development project.

Description of Property

The subject property is an 8.6-acre tract located in the Lake Austin Watershed, which is classified as a Water Supply Rural watershed and is located within the Drinking Water Protection Zone. The property is currently vacant, though appears from aerial photographs to have been previously disturbed, and is located partially within the 2-mile Extra Territorial Jurisdiction.

Existing Topography/Soil Characteristics/Vegetation

The property slopes towards a drainage ditch located within the right of way N FM 620. The topography ranges between approximately 835 and 730 feet above mean sea level. Soils are reported to be Brackett soils (rolling), Brackett soils and rock outcrop (steep) and Tarrant soils (rolling). Existing vegetation includes primarily Live Oak and Ashe Juniper trees with sparse groundcover.

Critical Environmental Features/Endangered Species

There were no Critical Environmental Features identified on this property. The property lies within BCCP Golden-cheeked Warbler Zone 1 (confirmed habitat), but the subject property does not appear to contain suitable habitat for the endangered species.

Description of Project

The project consists of 16 two-unit townhome buildings, a driveway and associated detention and water quality ponds.

Environmental Code Exception Request

The following exceptions to the land development code are requested:

- 1 – To allow cut to exceed 4 feet. [LDC 25-8-341(A)]
- 2 – To allow fill to exceed 4 feet. [LDC 25-8-342(A)]
- 3 – To allow construction of a building on slopes in excess of 25% but less than 35%. [LDC 25-8-302(A)]

Conditions for Staff Approval

- 1) None.

Recommendation

Staff recommends approval of the variances because the Findings of Fact (see attached) have been met.



Staff Findings of Fact
Planning and Development Review Department

Project:	Lakeside Villas, SP-2013-0092D
Ordinance Standard:	Land Development Code Section 25-8-341(A) and 25-8-342(A)
Variance Request:	To allow cut and fill to exceed the allowable 4', not to exceed 8.5'.

Justification:

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, the subject project is similar in scope to the adjacent Commander's Point project. Due to site constraints, it would be difficult to construct a similar project without exceeding the four foot cut and fill limit.

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, any development proposed on this property will encounter similar site constraints. The proposed development consists of a driveway, the required turn-around, and single-family attached units on either side of the driveway. The layout follows the existing topography and proposes to take advantage of an area that has been previously disturbed.

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, given the similar surrounding uses in the area, the proposed townhouse project is a reasonable use. The areas with cut and fill in excess of 4' are minimal and will be stabilized with 3:1 slopes. The amount of proposed cut is slightly higher than 8 feet and the amount of proposed fill is slightly below 8 feet, which is not considered to be excessive by environmental review staff.

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

Yes, the site is already disturbed. There are no Critical Environmental Features or stream buffers located on this site. There will be a detention and water quality pond that will act as a temporary sediment basin during construction. Once revegetated, the proposed 3:1 slopes will be sufficiently stable so that erosion is unlikely to be an ongoing issue once construction is completed.

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

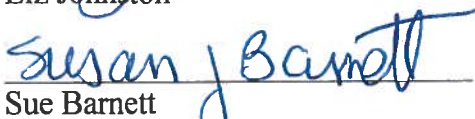
Yes, the applicant has chosen to follow the latest Watershed Protection Ordinance and is thus providing water quality as well as the required 40% natural buffer. Therefore the water quality on the site is the same as would otherwise be required.

**Variance approval requires all above affirmative findings.

Environmental Reviewer:


Liz Johnston

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:

Chuck Lesniak

Date: November 13, 2013



Staff Findings of Fact
Planning and Development Review Department

Project: Lakeside Villas, SP-2013-0092D
Ordinance Standard: Land Development Code Section 25-8-302(A)(1)
Variance Request: To allow construction of a building on slopes in excess of 25%.

Justification:

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, similarly situated developments include townhome projects immediately adjacent to the subject tract that are of the same concept as the proposed project.

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, any development proposed on this property will encounter similar site constraints. The applicant is locating the building in question in an area that has been disturbed over time. The location of the building is the best location for building construction given the site's topography, the need for a 40% buffer and access to the nearby Mansfield Dam Road. The project will take access from a portion of the property that has already been used as an unimproved driveway, thus minimizing disturbance to the portion of the property that will be maintained as the required natural buffer.

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, given the surrounding uses in the area, the proposed single family attached project constitutes a reasonable use of the property. The slopes in question are minimal, they are not readily apparent on site, and they are possibly caused by previous disturbance on the site. Only one of the buildings is proposed to be located on slopes greater than 25%.

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

Yes, because the area of slope is very small and is not characteristic of the general terrain on the site, there is no significant probability of harmful environmental consequence from the proposed building.

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

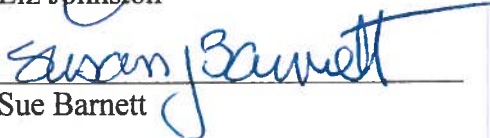
Yes, the applicant has chosen to follow the latest Watershed Protection Ordinance and is thus providing water quality as well as the required 40% natural buffer. Therefore the water quality on the site is the same as would otherwise be required.

**Variance approval requires all above affirmative findings.

Environmental Reviewer:


Liz Johnston

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:

Chuck Lesniak

Date: November 13, 2013





ENVIRONMENTAL BOARD VARIANCE APPLICATION TEMPLATE

Insert Applicant Variance Request Letter here.

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Jevon Poston
Street Address	12007 Technology Boulevard, Ste. 150
City State ZIP Code	Austin, TX 78727
Work Phone	512-454-2400 x131
E-Mail Address	poston@gice.us

Variance Case Information

Case Name	Lakeside Villas I & II
Case Number	SP-2013-0092D & SP-2013-0093D
Address or Location	4300 & 4301 Mansfield Dam road; Austin, Texas 78734
Environmental Reviewer Name	Liz Johnston
Applicable Ordinances	LDC 25-8-341(A), 25-8-342(A) & 25-8-281(C)(1)(a)
Watershed Name	Lake Austin
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	1500'
Water and Waste Water service to be provided by	WCID # 17
Request	The variance request is as follows (Cite code references): LDC 25-8-341(A), 25-8-342(A) & 25-8-281(C)(1)(a)

Impervious cover	Existing	Proposed
square footage:	___ 0 ___	___ 94,950 ___
acreage:	___ 0 ___	___ 2.18 ___
percentage:	___ 0 ___	___ 20 ___
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 10.9 acre property is currently undeveloped, and generally slopes to the south, where storm water runoff is collected by a roadside ditch (within the Ranch Road 620 N right-of-way) and conveyed to Lake Austin 1500' east of the property. There are no significant offsite storm water flows being conveyed through the project site. Steep slopes do exist on the site. Spoils from the project associated with the adjacent property were previously disposed of on this site and do account for some of the slopes that exceed 15%. Site vegetation consists of native grasses and trees.</p>	

Clearly indicate in what way the proposed project does not comply with current Code	Cut/fill exceeds 4' and the CEF setback has been reduced.
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November 4, 2013

Mr. Greg Guernsey, Director
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

RE: Lakeside Villas (SP-2013-0092D)
Variance Request
Ordinance: LDC Sections: 25-8-342(A) & 25-8-341(A)
(Cut & Fill Requirements)

Dear Mr. Guernsey,

Garrett Ihnen Civil Engineers, on behalf of the owner for the site plan of Lakeside Villas, respectfully request an variance from Sections 25-8-341(A) & 25-8-342(A) of the current Land Development Code, which limits cut & fill to 4' maximum.

Due to steep slopes across the site existing topography does not allow for development without exceeding four feet of cut/fill. The areas of cut/fill in excess of 4' are not located within 100' of a classified waterway. The proposed cut/fill will not have any negative impact on adjacent properties or roadways.

Please see attached Findings of Fact and feel free to give me a call should you have any questions.

Sincerely,



Jevon Poston
Project Engineer

Findings of Fact

Watershed Variances – Findings of Fact

Project: Lakeside Villas

Ordinance Standard: LDC 25-8-341(A) & 25-8-342(A)

Justification:

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner privileges or safety enjoyed by other similarly situated property with similarly timed development?

Yes. Due to steep slopes across the site existing topography does not allow for development without exceeding four feet of cut/fill. The areas of fill in excess of 4' are not located within 100' of a classified waterway. This waiver will not affect adjacent properties in a negative way.

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences?

Yes. No other neighboring properties are affected due to the circumstances requiring the waiver. The areas of large cut and fill will be stabilized and revegetated, therefore no adverse affect on the environment is expected.

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the methods by which a person voluntarily subdivided into land?

This waiver does not constitute a special privilege and is not a result of voluntarily subdivided parcels. This process was not created for this project, nor was any special consideration approached during the course of the review of this project.

4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the property?

Not Applicable

5. For variances in the Barton Springs Zone, in addition to the above findings, the following additional finding must be included: Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance?

Not Applicable

November 4, 2013

Mr. Greg Guernsey, Director
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

RE: Lakeside Villas II (SP-2013-0093D)
Variance Request
Ordinance: LDC Sections: 25-8-342(A) & 25-8-341(A)
(Cut & Fill Requirements)

Dear Mr. Guernsey,

Garrett Ihnen Civil Engineers, on behalf of the owner for the site plan of Lakeside Villas, respectfully request an variance from Sections 25-8-341(A) & 25-8-342(A) of the current Land Development Code, which limits cut & fill to 4' maximum.

Due to steep slopes across the site existing topography does not allow for development without exceeding four feet of cut/fill. The areas of cut/fill in excess of 4' are not located within 100' of a classified waterway. The proposed cut/fill will not have any negative impact on adjacent properties or roadways and will not exceed 8'.

Please see attached Findings of Fact and feel free to give me a call should you have any questions.

Sincerely,



Jevon Poston
Project Engineer

Findings of Fact

Watershed Variances – Findings of Fact

Project: Lakeside Villas II

Ordinance Standard: LDC 25-8-341(A) & 25-8-342 (A)

Justification:

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner privileges or safety enjoyed by other similarly situated property with similarly timed development?

Yes. Due to steep slopes across the site existing topography does not allow for development without exceeding four feet of cut/fill. The areas of fill in excess of 4' are not located within 100' of a classified waterway. This waiver will not affect adjacent properties in a negative way.

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences?

Yes. No other neighboring properties are affected due to the circumstances requiring the waiver. The areas of large cut and fill will be stabilized and revegetated, therefore no adverse affect on the environment is expected.

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the methods by which a person voluntarily subdivided into land?

This waiver does not constitute a special privilege and is not a result of voluntarily subdivided parcels. This process was not created for this project, nor was any special consideration approached during the course of the review of this project.

4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the property?

Not Applicable

5. For variances in the Barton Springs Zone, in addition to the above findings, the following additional finding must be included: Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance?

Not Applicable

November 4, 2013

Mr. Greg Guernsey, Director
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

RE: *Lakeside Villas II (SP-2013-0093D)*
Variance Request
Ordinance: LDC Sections: 25-8-281(C)(1)(a)
Critical Environmental Feature (CEF) Setback

Dear Mr. Guernsey,

Garrett Ihnen Civil Engineers, on behalf of the owner for the site plan of Lakeside Villas, respectfully request an variance from Sections 25-8-281(C)(1)(a) of the current Land Development Code, which specifies the minimum setback from a CEF.

Due to existing topography and site layout, drainage from the proposed development will not flow across the CEF. Moreover, the required 150' setback would render the site undevelopable. The requested reduction of the CEF setback will not have a negative impact on the CEF.

Please see attached Findings of Fact and feel free to give me a call should you have any questions.

Sincerely,



Jevon Poston
Project Engineer

Findings of Fact

Watershed Variances – Findings of Fact

Project: Lakeside Villas II

Ordinance Standard: LDC 25-8-281(C)(1)(a)

Justification:

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner privileges or safety enjoyed by other similarly situated property with similarly timed development?

Yes. Due to existing topography and site layout, drainage from the proposed development will not flow across the CEF. Moreover, the required 150' setback would render the site undevelopable. The requested reduction of the CEF setback will not have a negative impact on the CEF.

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences?

Yes. No other neighboring properties are affected due to the circumstances requiring the waiver. The areas of rimrock are not located downstream of the proposed development; therefore, no adverse affect on the environment is expected.

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the methods by which a person voluntarily subdivided into land?

This waiver does not constitute a special privilege and is not a result of voluntarily subdivided parcels. This process was not created for this project, nor was any special consideration approached during the course of the review of this project.

4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the property?

Not Applicable

5. For variances in the Barton Springs Zone, in addition to the above findings, the following additional finding must be included: Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance?

Not Applicable