SUBJECT: Conduct a public hearing to consider a variance request by Greystar Management Services to allow construction of a multi-family structure with parking garage in the 25-year floodplain of Waller Creek at 901 Red River Street.

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING DEPARTMENT: Watershed Protection and Development Review

DIRECTOR'S AUTHORIZATION: Joe Pantalion

FOR MORE INFORMATION CONTACT: Ray Windsor, 974-3362; Gary M. Kosut, P.E., 974-3374; Jacqueline Ramos, 974-3371

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

PURCHASING: N/A

MBE / WBE: N/A

The property owner, Greystar Management Services, Inc., has applied for a Site Plan, SP-05-1224C, to redevelop the former Reddy Ice plant at 901 Red River Street into a multi-family residential structure with parking garage.

The existing buildings are within the 25-year and 100-year floodplains of Waller Creek. The proposal includes removal of the existing structures.

The development proposal includes a parking garage on the western portion of the tract with a concrete wall facing the creek to contain both the 25-year and 100-year floodplains to the Waller Creek channel and its overbank. The garage will require floodproofing and a Floodproofing Certificate to assure that floodwaters cannot enter the garage structure. The Floodproofing Certificate is required prior to construction.

The post-project floodplain study, as analyzed by the engineer for the development indicates a slight reduction in the depth of the 100-year floodplain. This occurs because the removal of the Reddy Ice plant buildings and construction of the new structures will result in a net increase in floodplain storage and increase in flood flow conveyance. The subsequent placement of proposed residential building structure farther away from the creek and located on piers above the floodplain will improve floodplain conditions in comparison to the existing Reddy Ice buildings.

THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT RECOMMENDS APPROVAL OF THIS VARIANCE REQUEST.

CONDITIONS OF AN APPROVED VARIANCE:

The parking garage must be floodproofed to an elevation of 2 feet above the 100-year floodplain elevation.

The engineer must provide floodplain displacement calculations to the City indicating a net increase in floodplain storage volume.

The engineer has provided a hydraulic study indicating no adverse flooding impact associated with the placement of the proposed building and parking structures within the floodplain. (The condition of "no-adverse impact" has been demonstrated by the applicant's engineer.)

The applicant must dedicate a drainage easement to the perimeter of the structure and its roofline within the 100-year floodplain.

APPLICABLE CODE AND ANALYSIS

LDC Section 25-7-92, Encroachments on Floodplain Prohibited specifies that a site plan may not be approved if a proposed building or parking area encroaches on the 25-year floodplain.

The parking garage will encroach the 25-year floodplain to an extent but will be floodproofed against any infiltration of floodwaters. The residential floors will rest on concrete piers that will be inside the 25-year floodplain. The piers meet the spacing distance requirement of Chapter 59 (Chapter 25-12, Article 1, Uniform Building Code) and will cause no adverse impact to the floodplain for other properties or rights-of-way.

LDC Section 25-7-94, Exceptions In Central Business Area; because this property is located within the Central Business Area, it is eligible for 100-year floodplain development exceptions.

A site plan with a proposed building or parking area that encroaches on the 100-year floodplain may be approved if: (1) the floor slab of a proposed building is at least two feet above the 100-year floodplain; *the proposed parking garage will have levels that are well below the 100-year floodplain, but the parking garage walls will serve as floodproofing to the level of 2 feet above the 100-year elevation. The residential floors are proposed at elevations greater than 2 feet above the 100-year elevation.*

(2) normal access to that building is by direct connection with an area above the regulatory flood datum; *the access to the residential floors and the parking garage would be from Red River Street, which is above and outside of the 100-year floodplain.*

(3) development associated with construction of the building compensates for any floodplain volume displaced by that construction; *prior to conduction of the variance request public hearing the applicant's engineer shall provide calculations to ascertain that the net volume of displacement of the 100-year floodplain, when the proposed project is compared to the existing buildings' displacement, will have significantly decreased.*

And (4) the applicant demonstrates by means of a study certified by a Texas registered professional engineer that the construction of the building and development activities associated with that building improves the drainage system by exceeding the minimum requirements of Sections 25-7-2 and 25-7-4.

Prior to the conduction of the variance request public hearing the applicant's engineer will provide such certification.

LDC Section 25-7-152, Dedication of Easements and Rights-of-Way (A) states that the owner of real property proposed to be developed shall dedicate to the public an easement or right-of-way for a drainage facility, open or enclosed, and stormwater flow to the limits of the 100-year floodplain.

It is the Watershed Protection and Development Review Department's recommendation that, without regard to the Department's other recommendations herein, the requirement to dedicate a drainage easement to the extent of the 100-year floodplain be reduced under this variance request with the condition and understanding that the property owners shall dedicate a drainage easement to the perimeter of the structures and roofline within the 100-year floodplain, thusly with the result that the structure not encroach the drainage easement.

PREREQUISITES FOR GRANTING VARIANCES:

Variances shall only be issued upon:

1) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

2) Showing a good and sufficient cause;

3) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and

4) A determination that granting a variance would not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.

VARIANCE PROCEDURES:

The City Council shall hear and render judgment on requests for variances from the flood plain management regulations. Variances shall not be issued within any designated floodway (25-year floodplain) if any increase in flood levels during the base flood (100-year flood) discharge would result. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing relevant factors have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases. The relevant factors to be considered are:

1) The danger to life and property due to flooding or erosion damage;

2) The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual owner;

3) The danger that materials may be swept onto other lands to the injury of others;

4) The compatibility of the proposed use with existing and anticipated development;

5) The safety of access to the property during times of flood for ordinary and emergency vehicles;

6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site;

8) The necessity to the facility of a waterfront location, where applicable;

9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

10) The relationship of the proposed use to the comprehensive plan for the area.