

ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED:

May 4, 2011

NAME & NUMBER

OF PROJECT:

Camino Real/Old San Antonio Road

SP-06-0113C

NAME OF APPLICANT

Paul Linehan (Land Strategies)

OR ORGANIZATION: 328

328-6050

LOCATION:

10140 and 10300 Old San Antonio Road

PROJECT FILING DATE:

March 6, 2006

PDR/ENVIRONMENTAL

STAFF:

Mike McDougal, 974-6380

Mike.McDougal@ci.austin.tx.us

PDR/

Nikki Hoelter, 974-2863

CASE MANAGER:

Nikki.Hoelter@ci.austin.tx.us

WATERSHED:

Slaughter Creek, Suburban, Desired Development Zone

ORDINANCE:

040513-20

REQUEST:

Make a recommendation to City Council, pursuant to Resolution 20110303-032, regarding an extension to environmental variances previously approved by Ordinance No. 040513-20 for a project at 10140 and 10300 Old San

Antonio Road.

- 1. A variance to LDC Section 25-8-392 is granted to allow a maximum impervious cover of 12,000 square feet in the critical water quality zone provided that no new development of impervious cover is located within 100 feet of the existing FEMA 100-year floodplain.
- 2. A variance to LDC Section 25-8-393 is granted to allow a maximum impervious cover of 43,000 square feet in the water quality transition zone.
- 3. LDC Sections 25-1-213 and 25-8-41 (regarding the processing of variances from requirements of LDC 25-8) are waived.

STAFF RECOMMENDATION: Staff recommends that Resolution Number 040513-20 be extended with staff conditions.



MEMORANDUM

TO:

Betty Baker, Chairperson

Members of the Zoning & Platting Commission

FROM:

Mike McDougal, Environmental Review Specialist Senior

Planning and Development Review Department

DATE:

May 4, 2011

SUBJECT:

Camino Real – Resolution Numbers 040513-20

Recommendation Request: Per Resolution Number 20110303-032, the City Council has requested that the Environmental Board shall make a recommendation to the Zoning and Platting Commission, which shall provide a recommendation to the City Council regarding the extension of Resolution Number 040513-20.

Resolution Background and Property Information

The City annexed the property located at 10140 and 10300 Old San Antonio Road in December 1997. When annexed, the property was developed with a single-family residence, horse stable and related structures. These existing structures are primarily located in the critical water quality zone and the 100 year flood plain.

The property currently has commercial zoning. The tract of land that includes the house was given a historic zoning designation. The owner desires to redevelop the site to provide the following uses and services: wedding venue; corporate retreat venue; family retreat venue; restaurant; bed and breakfast; and country inn. Under the proposed redevelopment, the owner would remove approximately 20,000 square feet of impervious cover, including structures, driveways, and riding arena, from the property.

The 5.6 acre property is located approximately 0.25 miles west of the intersection of Old San Antonio Road and the Interstate Highway 35 frontage road. The property is located within the Slaughter Creek Watershed, a desired development zone, Suburban Watershed located in the City of Austin full purpose jurisdiction. It is not located over the Edwards

Aquifer Recharge Zone. A portion of the property is located within the 100 year fully developed floodplain. Approximately 25% of the property is located within the water quality transition zone. The remaining 75% of the property is located within the critical water quality zone. Slopes vary from less than 2% to greater than 30%. Portions of the property have dense tree canopy coverage. Live Oaks, Ashe Junipers, Cedar Elms, Hackberries, and Pecans are the dominant woody vegetation. The north and east property lines are the centerline of Slaughter Creek. Rimrock critical environmental features and wetland critical environmental features are located on the property.

After Council adopted Resolution Number 040513-20 on May 13th, 2004, the applicant received an approved site plan permit (case number SP-06-0113C) to construct two proposed restaurant buildings with associated parking and driveway facilities prior to the expiration of Resolution Number 040513-20. The SP-06-0113C site plan permit was set to expire on May 10th, 2009; consequently the applicant requested and received two extensions to the site plan permit. The maximum amount of time that site plan permit can be extended is five years past the initial submittal date. The initial submittal date for SP-06-0113C was March 6th, 2006. No extensions can be granted past March 6th, 2011, per the Land Development Code. The resolution has expired with the site plan permit.

To receive a site plan permit and begin construction on the property, the applicant is seeking renewal of this resolution. If a renewal of Resolution 040513-20 is granted, the applicant must submit a new site plan permit application for City Staff review. At this time, no construction has occurred under SP-06-0113C.

The City Council has requested that the Environmental Board shall make a recommendation to the Zoning and Platting Commission, which shall provide a recommendation to the City Council regarding the extension of Resolution Number 040513-20 by June 7th, 2011.

Existing Conditions

Based on a recent site visit, the property appears to be utilized as a single family residence with no recent construction activities and no indication of current equestrian use. The existing horse stables are in a state of disuse and the corral area is evenly vegetated and lacks bare patches that might indicate equestrian activities. Additionally, a review of aerial photographs from 2003 to the present indicates no new development or construction activities.

Resolution Requirements and Benefits

The City Council approved Resolution Number 040513-20 on May 13th, 2004. This resolution authorized variances to Land Development Code 25-8-392 and 25-8-393 and waivers to Land Development Code 25-1-213 and 25-8-41; specifically:

- (1) A variance to Section 25-8-392 (critical water quality zone) is granted to allow a maximum impervious cover of 12,000 square feet in the critical water quality zone.
- A variance to Section 25-8-393 (water quality transition zone) is granted to allow a maximum impervious cover of 43,000 square feet in the water quality transition zone.
- (3) Sections 25-1-213 (Review by the Environmental Board) and 25-8-41 (Land Use Commission Variances) regarding the processing of variances from requirements of Chapter 25-8 (Environment) are waived.

In addition to the above variances, Resolution Number 040513-20 establishes conditions that must be satisfied in exchange for these variances. The variances provide an economic incentive for the property to be redeveloped while the conditions set forth in the resolution improve water quality and water conservation.

As previously mentioned, the property is entirely within the critical water quality zone and the water quality transition zone. Except for very limited purposes, the Land Development Code allows no construction in the critical water quality zone (LDC 25-8-261) and only 30% impervious cover in the water quality transition zone (LDC 25-8-393). Without the variances established in the resolution, the impervious cover for this 5.6 acre property could not exceed approximately 0.4 acres or 17,424 square feet (water quality transition zone = 1.4 acres; 1.4 acres x 30% = 0.4 acres). The resolution encourages redevelopment of the property by increasing the allowable impervious cover and by permitting impervious cover to be located in the critical water quality zone.

Per Resolution Number 040513-20, redevelopment of the property with the above described variances requires measures that will improve water quality and water conservation. Exhibit A (attached) of Resolution Number 040513-20 details redevelopment conditions. The water quality and water conservation benefits of these conditions are summarized below.

Removal of Equestrian Facilities and Revegetation

Exhibit A requires the removal of the equestrian facilities. Removal of these facilities prevents continuing equestrian-related erosion with subsequent sediment transport into Slaughter Creek. The removal of equestrian facilities would allow for riparian growth and revegetation. In addition, Exhibit A of Resolution Number 040513-20 requires that all disturbed areas on the property be revegetated, further reducing erosion and off-site sediment transport.

Native Plants

Exhibit A requires the use of at least 90% native/adapted plants (excluding turf). Native/adapted plants require less irrigation, promoting water conservation. In addition, fewer fertilizers and fewer pesticides are required for native/adapted plants. This reduces the potential for fertilizer and pesticide runoff into adjacent waterways.

Water Quality Controls

Water quality control beyond Land Development Code requirements is required in Exhibit A. This includes enhanced water quality controls, pervious pavement to allow surface water infiltration/capture/treatment (with at least 6 water quality monitoring ports), and a prohibition of coal tar based pavement sealers. In addition, concentrated discharges of storm water runoff shall be dispersed into sheet flow spreaders or other devices through vegetated areas before reaching Slaughter Creek.

Integrated Pest Management

An Integrated Pest Management Plan must be approved prior to the issuance of a site plan permit. Integrated Pest Management Plans address the type and amount of fertilizers and pesticides that can be applied to the property. In addition, Integrated Pest Management Plans prescribe the least toxic methods of pest control.

Water Quality Monitoring

The applicant must provide the City with an access easement to allow the City to install any necessary monitoring equipment and to monitor the performance of the water quality facilities. This will provide for ongoing assessment of the effectiveness of water quality controls.

Impervious Cover and Floodplain Limits

The total impervious cover permitted in the critical water quality zone is 12,000 square feet. The total impervious cover permitted in the water quality transition zone is 43,000 square feet. No new development of impervious cover is allowed in the critical water quality zone within 100 feet of the existing FEMA 100-year floodplain. This allows the applicant to redevelop the property while maintaining an undisturbed riparian area adjacent to Slaughter Creek.

Additional Details

Please refer to the attached copy of Resolution Number 20110303-032, Resolution Number 040513-20, and Resolution Number 040513-20 Exhibit A for more details and specific language regarding variance requirements. Additionally, a vicinity map, driving directions, photographs, and the previously approved site plan (SP-06-0113C) are attached.

Water Quality

Per City of Austin data (see attached watershed assessment), Slaughter Creek Watershed has an overall score of 'Good' with a 'Very Good' sediment quality. However, the habitat is listed as 'Fair' due to some sediment deposition. Prior to its expiration, Resolution Number 040513-20 encouraged the removal equestrian uses from the critical water quality zone and the construction of water quality facilities that would offer superior pollutant removal over the current use. If Resolution Number 040513-20 were

extended, redevelopment in accordance with this resolution would provide for further water quality treatment, revegetation, and erosion prevention.

Similar Cases

A review of previous variance requests yielded no similar cases.

Recommendations

Based on the water quality and water conservation benefits of Resolution Number 040513-20, Staff recommends that Resolution Number 040513-20 be extended with the following conditions:

- 1) All previous conditions as stated in Exhibit A of Resolution Number 040513-20;
- 2) 609S seeding and planting on-site as determined necessary by City of Austin Environmental Resource Management Staff and by City of Austin Environmental Review Staff based on proposed construction at the time of site plan permit review;
- 3) 604S seeding and planting on-site as determined necessary by City of Austin Environmental Resource Management Staff and by City of Austin Environmental Review Staff based on proposed construction at the time of site plan permit review;
- 4) In addition to items 1 and 2 above, riparian planting and revegetation as determined necessary by City of Austin Environmental Resource Management Staff and by City of Austin Environmental Review Staff based on proposed construction at the time of site plan permit review; and
- 5) City of Austin "Do Not Mow" signs are to be placed on the property along Slaughter Creek at intervals and locations approved by City of Austin Environmental Resource Management Staff and by City of Austin Environmental Review Staff based on proposed construction at the time of site plan permit review.

Environmental Review Specialist Senior:

Mike McDougal

Environmental Program Coordinator:

Ingrid McDonald

Environmental Officer:

Jean Drew

If you need further details, please feel free to contact me at 974-6380.

RESOLUTION NO. 20110303-032

WHEREAS, on May 13, 2004, the City Council adopted Ordinance No. 040513-20, granting environmental variances for a proposed project at 10140 and 10300 Old San Antonio Road; and

WHEREAS, approval of the variances was conditioned on reductions in impervious cover, elimination of equestrian uses, and other development restrictions which the Council found would result in an improvement in overall water quality for development on the property; and

WHEREAS, due to unforeseen delays, project construction did not commence within the required timeframes; and

WHEREAS, the applicant wishes to pursue development in accordance with the previously approved entitlements under Ordinance No. 040513-20, including all conditions included in Exhibit A thereto; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

- 1. The city manager is directed to present the requirements of Ordinance No. 040513-20 to the Environmental Board and the Zoning & Platting Commission ("ZAP") for review, with an extended expiration date of December 23, 2011.
- 2. The Environmental Board shall make a recommendation to ZAP, which shall provide a recommendation to the City Council no later than June 7, 2011.

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ADOPTED: _	March 3,	2011	ATTEST: June Shirley A. Gentry City Clerk	Ji
			Qity Clerk	V

ORDINANCE NO. 040513-20

AN ORDINANCE AUTHORIZING VARIANCES TO SECTIONS 25-8-392 AND 25-8-393 OF THE CITY CODE AND WAIVERS OF SECTIONS 25-1-213 AND 25-8-41 OF THE CITY CODE FOR PROPERTY LOCATED AT 10140 AND 10300 OLD SAN ANTONIO ROAD.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. FINDINGS.

- (A) The City annexed the property located at 10140 and 10300 Old San Antonio Road in December 1997 under Ordinance No. 971211-B. When annexed, the property was developed with a single-family residence and with horses and horse-related structures.
- (B) The existing structures are located in the critical water quality zone. The horses and related structures are also located in the 100 year flood plain.
- (C) Under Ordinance Nos. 011206-18 and 020822-27, the property has commercial zoning. The tract of land that includes the house was given a historic zoning designation.
- (D) The owner desires to redevelop the site to provide the following uses and services: wedding, corporate retreat, family retreat, restaurant, bed and breakfast, and country inn. Under the proposed redevelopment the owner would remove approximately 20,000 square feet of impervious cover, including structures, driveways, and riding arena, from the property.
- (E) The City Council finds that the immediate removal of the equestrian uses from the critical water quality zone and flood plain, the decrease of impervious cover in the critical water quality zone and the 100 year flood plain, and redevelopment of the property in accordance with the requirements of Exhibit A will result in an improvement of the water quality on the property.
- PART 2. This part applies to the redevelopment of the property located at 10140 and 10300 Old San Antonio Road for the uses and services described in Part 1.
 - (A) A variance to Section 25-8-392 (Critical Water Quality Zone) is granted to allow a maximum impervious cover of 12,000 square feet in the critical water quality zone.

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- (B) A variance to Section 25-8-393 (Water Quality Transition Zone) is granted to allow a maximum impervious cover of 43,000 square feet in the water quality transition zone.
- (C) Sections 25-1-213 (Review by the Environmental Board) and 25-8-41 (Land Use Commission Variances) regarding the processing of variances from requirements of Chapter 25-8 (Environment) are waived.
- (D) Development must comply with Exhibit A of this ordinance, incorporated into this ordinance for all purposes.

PART 3. This ordinance will expire on May 13, 2006 if a site plan for the development described in this ordinance is not approved by that date.

PART 4. This ordinance takes effect on May 24, 2004.

PASSED AND APPROVED

May 13 _____, 2004

David Allan Smith
City Attorney

ATTEST:

Mayor

City Clerk

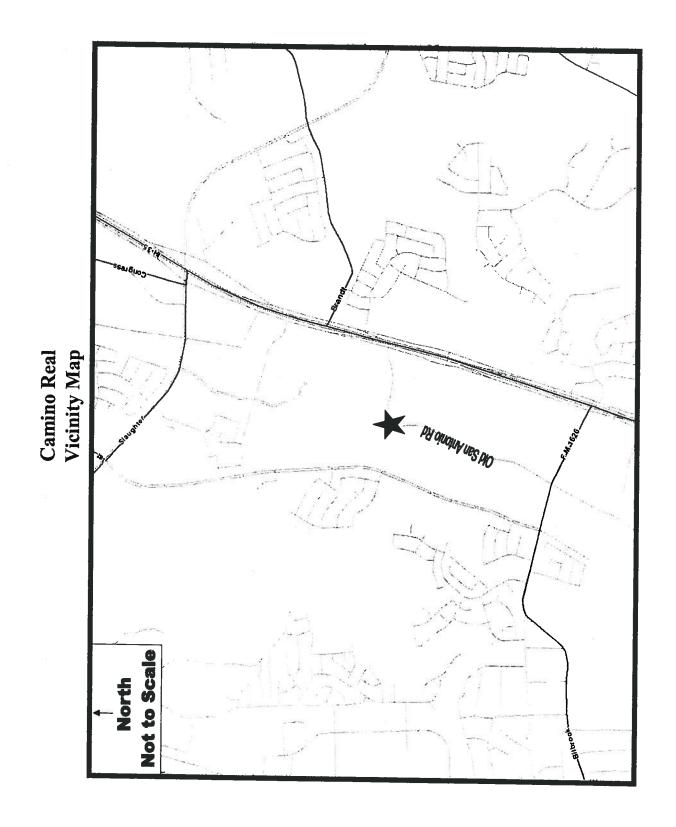
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EXHIBIT A

Exhibit A

- 1. Water quality controls shall be provided for all areas of new development or redevelopment. The water quality controls must include:
 - a) Use of pervious pavement with a subsurface gravel storage system capable of capturing and infiltrating, at a minimum, 1.3 inches of runoff from all new parking areas and driveways. The system must be designed so that infiltration of the design capture volume will occur within 72 hours after a rainfall event.
 - b) Capture of rainfall runoff from rooftops of the chapel and associated structures with reuse on-site. A minimum of 5,000 gallons of storage volume must be provided.
 - c) Discharge of storm water flows in excess of the capacity of the chapel rainfall capture system to water quality controls with a capture volume of 1.3 inches or greater. This treatment system shall include vegetated elements such as bioretention systems or vegetated filter strips to enhance nutrient removal.
 - d) All concentrated discharges of storm water runoff shall be dispersed into sheet flow with flow spreaders or other devices through vegetated areas before reaching Slaughter Creek, and
 - e) An Integrated Pest Management (IPM) Plan approved by the Director of the Watershed Protection and Development Review Department will be adopted by restrictive covenant for the site prior to issuance of a site plan.
 - f) The design of the pervious pavement/infiltration areas must incorporate a least 6 monitoring ports.
 - g) Before release of a site plan to construct the water quality facilities required in Section 1 of this Exhibit, the owner must provide the City with an access easement to allow the City to install any necessary monitoring equipment and to monitor the performance of the water quality facilities.
- 2. Ninety percent (90%) of the total plant material used in the project (exclusive of turf) shall be native to Central Texas, and/or native and adapted plants recommended in the Grow Green Native and Adapted Landscape Plants Guide prepared by the City of Austin and the Texas Cooperative Extension, and published August 2003. Plants listed on the Invasive Species list or the Problem Plants list in the Grow Green Plants Guide may not be included.
- No coal tar-based pavement sealers will be allowed for new or existing pavement areas.
- 4. The total amount of impervious cover allowed in the critical water quality zone is 12,000 square feet.
- 5. No new development of impervious cover is allowed in the critical water quality zone within 100 feet of the existing FEMA 100-year floodplain.

- 6. The total amount of impervious cover allowed in the water quality allowed in the transition zone is 43,000 square feet.
- 7. Existing horse stables and all associated development, including but not limited to the riding arena, storage areas, and access, must be removed from the site and any disturbed areas must be revegetated before issuance of a certificate of occupancy for any new development.
- 8. All disturbed areas on the site must be restored with permanent vegetation.



Camino Real Driving Directions

Beginning southbound on IH 35 at Cesar Chavez:

Drive south on IH 35 for 7.5 miles
Take exit 226
Drive south on IH 35 frontage for 0.7 miles
Turn right on Old San Antonio Road
Continue on Old San Antonio Road for 0.3 miles

The Camino Real property will be on your right.

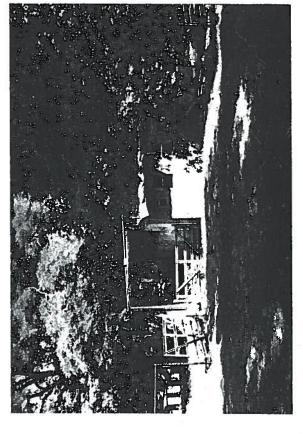
Not to Scale North

Camino Real Aerial Photo

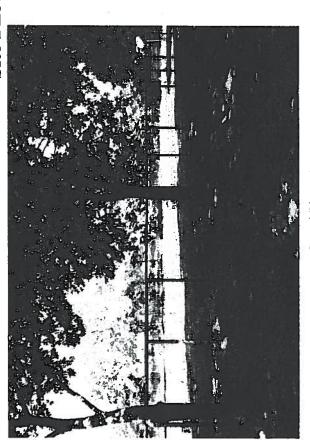
Site Photos



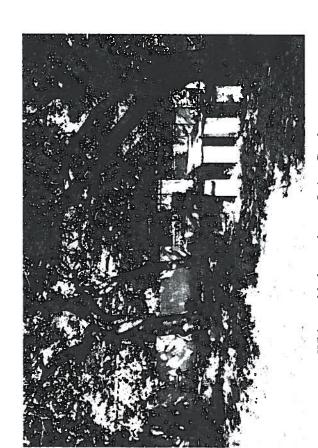
Horse Corral Photo 2



Red stable located near Onion Creek

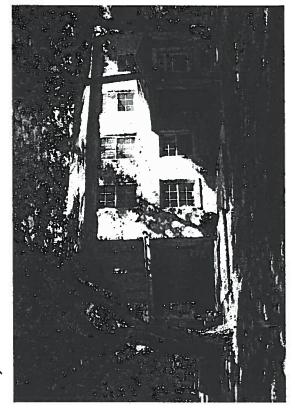


Horse Corral Photo 1

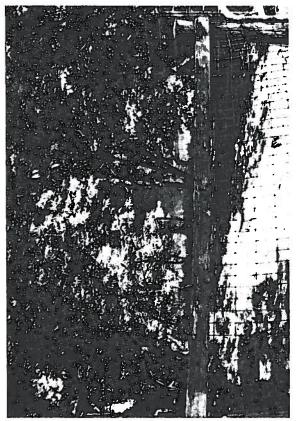


White stable located near Onion Creek

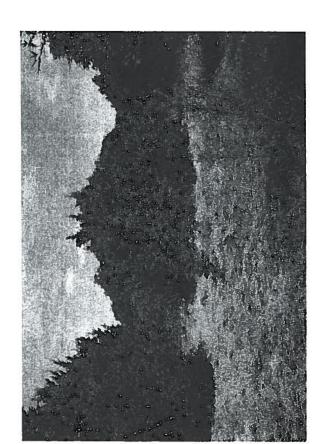
Site Photos (continued) Camino Real



House



Onion Creek as seen from adjacent to the red stable





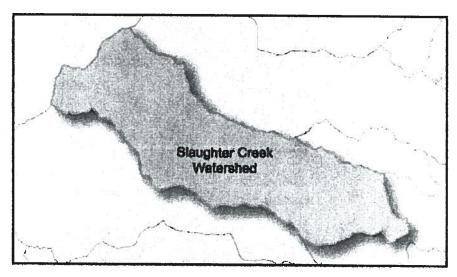
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Austin's Watersheds



Fast Facts

Photo Gallery

Environmental Creek Assessments

Fast Facts

Population

2000: 33,471 2030: 76,579

Creek Length

18 miles

Drainage Area

31 square miles

Drains To

Onion Creek just east of I-35

LBJ Wildflower Center, Slaughter Creek Metro Park, Mary Moore Searight Park, Veloway, Bowie H.S., Akins HS, Kiker

Well Known Sites

and Casey Elementary Schools, Bending Oaks

Conservation Easement, Paschall Conservation Easement, Baker Water Quality Protection Land, Hafif Water Quality Protection Land, Hielscher Water Quality Protection Land

 Residential
 26%

 Business
 1%

 Civic
 1%

 Parks
 5%

 Roadways
 8%

 Undeveloped
 59%

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Watershed Facts

- The creek is named for Augustine B. Slaughter, a Texas Ranger from the 1840s.
 It is said that he is buried on the banks of the creek.
- The Slaughter Creek watershed passes through the environmentally sensitive Edwards Aquifer Recharge Zone where water travels through caves and sinkholes to "recharge" the aquifer.
- The creek is typically dry in the recharge zone.
- In response to citizen calls, investigators find an average of 28 spills each year;
 the most common spill type is petroleum, followed by sewage then trash.

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Creek Assessments

Environmental

Index	Score	Category	Notes
Overall Score	72	Good	Slaughter ranks 8 out of 46 watersheds in overall quality
Water Chemistry	63	Good	Water quality is average, ammonia is high
Sediment Quality	86	Very Good	PAHs are very low, herbicides/pesticides are very low, metals are very low
Recreation	80	Very Good	During dry weather conditions, bacteria is not a threat
Aesthetics	83	Very Good	Litter is not a problem, no odor, algae covers 10-20% of creek
Habitat	57	Fair	Some sediment deposition
Aquatic Life	60		Benthic macroinvertebrate community is good

- Although Slaughter Creek is listed on the State 303(d) List of Impaired
 Waterbodies for an impaired macrobenthos community, the State is conducting
 more sampling to better characterize the aquatic life.
- Residential developments downstream of the recharge zone impact water quality and may contribute to elevated nutrient concentrations.

Learn More

Environmental scores are based on a full range of chemical, biological, and physical assessments.

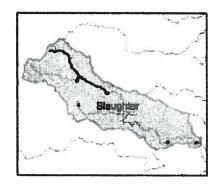
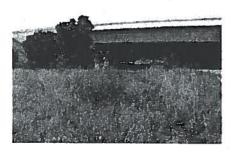




Photo Gailery



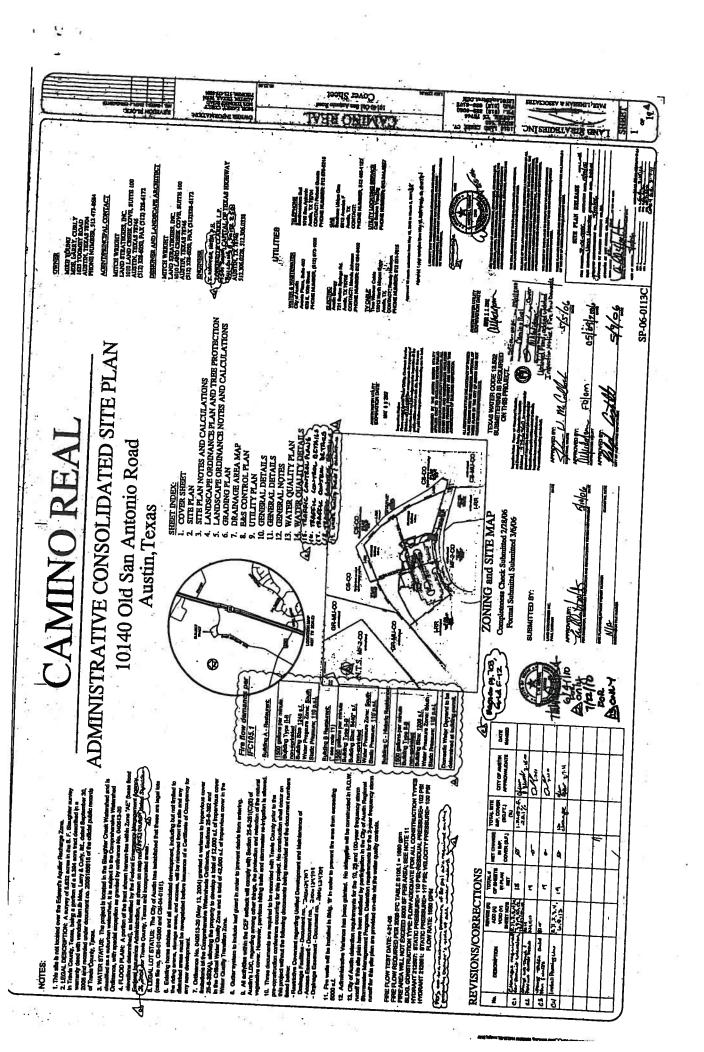
Slaughter Creek Branch at Hwy 45 West

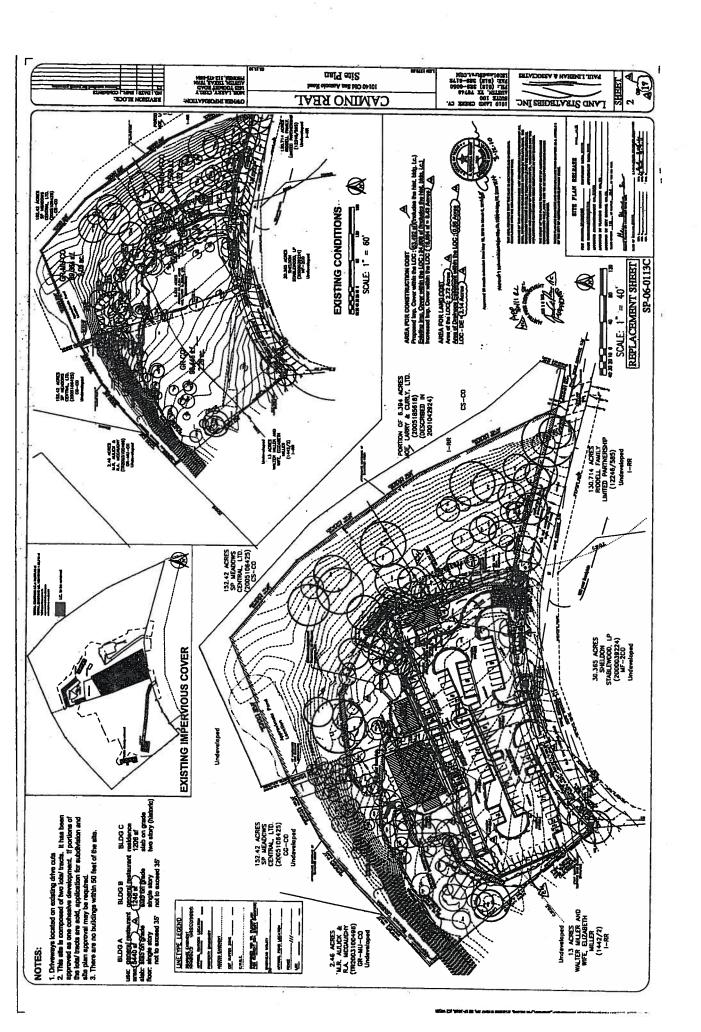
Home :: Flood :: Erosion :: Master Plan :: Water Quality

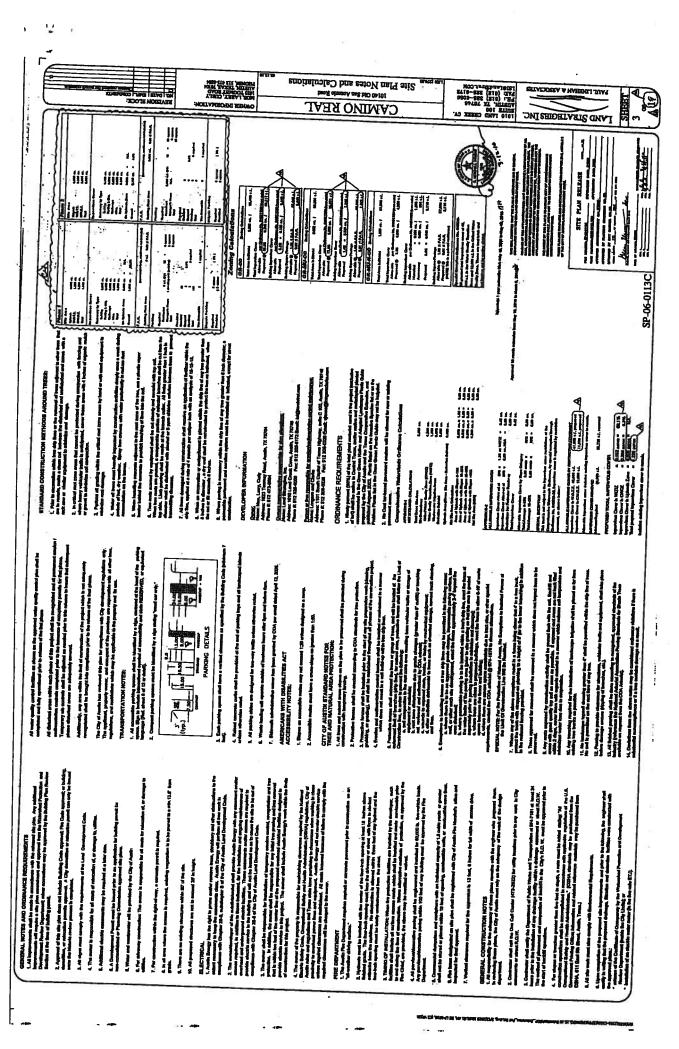


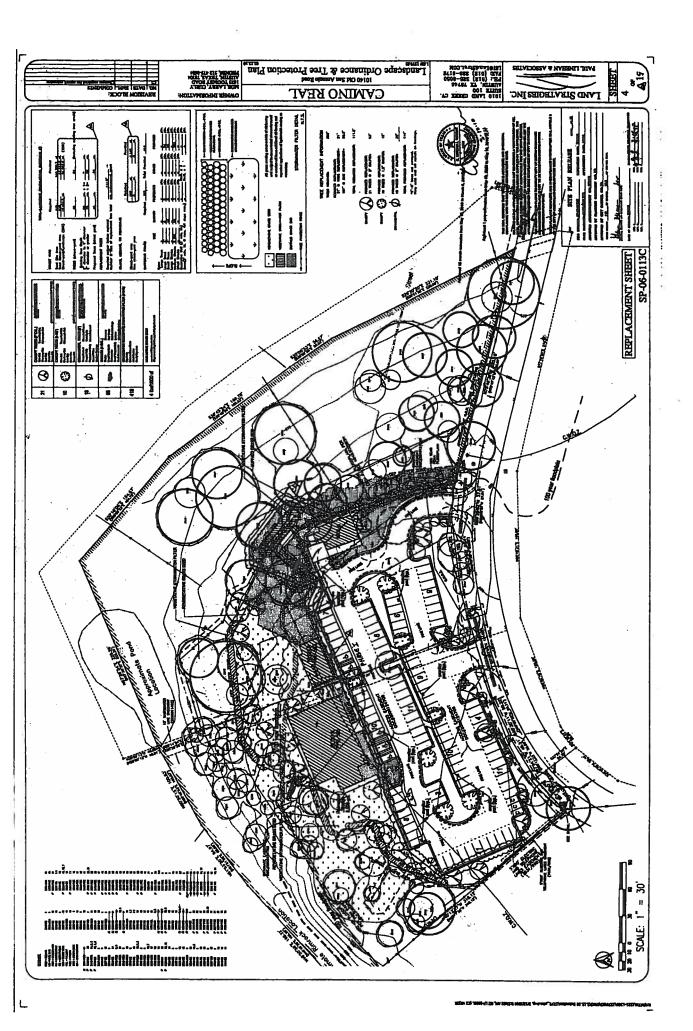
Austin City Connection - The Official Web site of the City of Austin

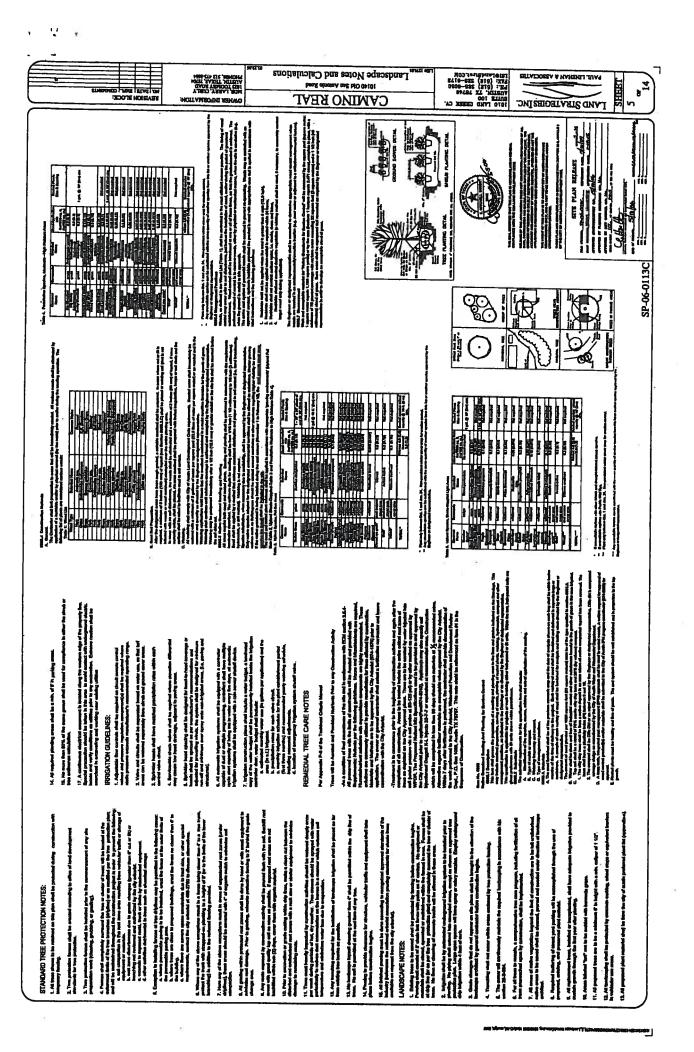
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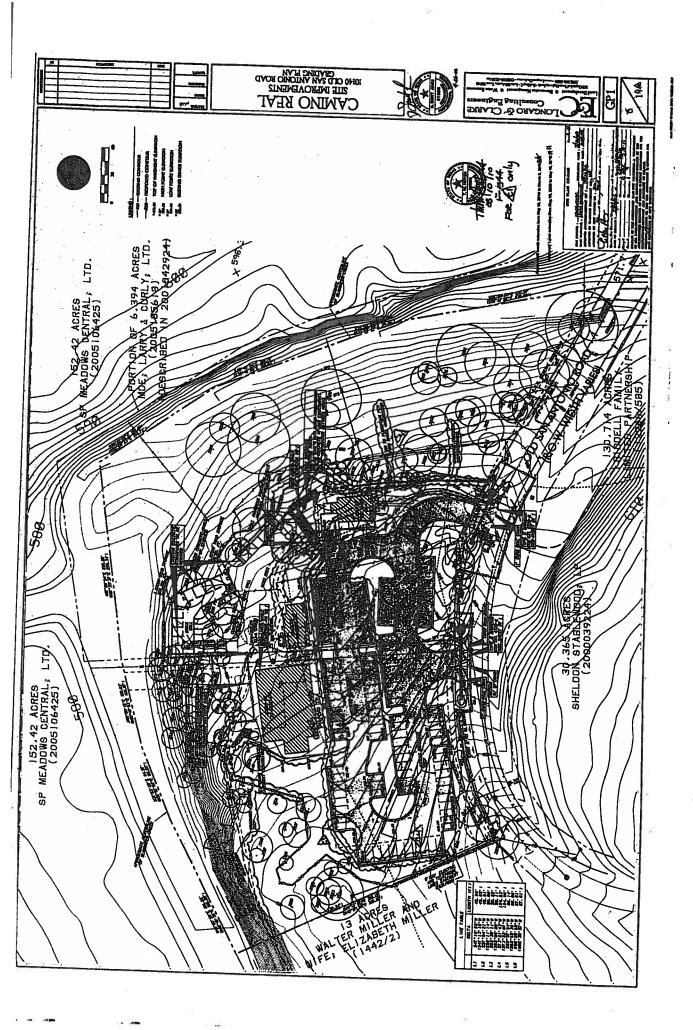












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