



ENVIRONMENTAL BOARD MOTION 061808-3b

Date: June 18, 2008

Subject: Miller Lakeside Subdivision C8J-2007-0107.0A

Motioned By: John Dupnik, P. G.

Seconded by: Dave Anderson, P. E.

Recommendation

The Environmental Board motioned recommend conditional approval to a variance request to Land Development Code 30-5-454 9(B)(1) – 1) To allow the density of one unit for 0.47 acres, (instead of one unit for each 2 acres); with a minimum lot size less than $\frac{3}{4}$ acres.

Staff Conditions:

- 1) The applicant will provide storm water detention for all development. This will be address with a plat note.
- 2) The applicant will provide water quality controls for all development. This will be address with a plat note.
- 3) The overall impervious cover shall be restricted to a maximum of 20% (4095 square feet). A plat note will restrict this.
- 4) An integrated pest management plan will be submitted and approved by the City of Austin and appropriate plat notes shall be provided. This will be accomplished using a restrictive covenant.
- 5) All new landscape and tree plantings shall be from the Grow Green approved list, or appropriate xeriscape or native plants. This will be accomplished through the use of a restrictive covenant.

Provide Water Quality Controls in accordance with Land Development Code 30-5-213 (A)(B) and the Environmental Criteria Standards.

Board Conditions:

- 1) Provide mitigation for trees 19 inches or greater that may be removed (on an inch by inch basis), or contributions to the tree fund. This will be included through a plat note.

Rationale:

Original lot configuration would allow development in the transition zone; this development would create better overall water quality in the Rural Water Supply Watershed. In addition to Roadways that ends to this lot is already paved.

Vote 5-1-0-1

For: Anderson, Ahart, Dupnik, Maxwell, and Moncada

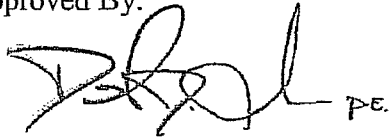
Against: Beall

Abstain:

Absent: Neely

Recused:

Approved By:

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Dave Anderson P.E., CFM
Environmental Board Chair



ENVIRONMENTAL BOARD MOTION 061808-3b

Date: June 18, 2008

Subject: Hudson Bend Colony No.2. Re-subdivision of Lot 14, Block 2
C8J-2007-0139.0A

Motioned By: Phil Moncada

Seconded by: Rodney Ahart

Recommendation

The Environmental Board motioned to recommend conditional approval to a variance request to Land Development Code 30-5-454 9B 1) To exceed maximum development intensity in the uplands zone resulting in a density of 2 units for 1.808 acres net site area, and lot sizes of 0.669 and 1.139 acres net site area instead of the allowed density of 1 unit for each 2 acres, with a minimum lot size of $\frac{3}{4}$ acres. The owner will shift lot line to meet the three quarter acre rule.

Staff Conditions:

- 1) Restrict impervious cover to 20% of the net site area (maximum of 4965 square feet for Lot 14A, and 5600 square feet for Lot 14B) through a note on the plat;
- 2) Restrict development to the uplands area (no development in critical water quality zone or water quality transition zone) through a note on the plat;
- 3) provide an Integrated Pest Management Plan through a restrictive covenant;
- 4) Restrict landscaping to only the plants included in the City of Austin's Grow Green guide through a note on the plat;
- 5) Provide mitigation for trees 19" and greater than may be removed (on an inch-by-inch basis) through a note on the plat.
- 6) Utilize 30-5-213 (a) (b) and adopted criteria

Board Conditions:

- 1) Each lot will be limited to 20% impervious cover.

Rationale:

Original lot configuration would allow development in the transition zone; this development would create better overall water quality in the Rural Water Supply Watershed. In addition, the roadway that ends at this lot is already paved.

Vote 5-1-0-1

For: Anderson, Ahart, Dupnik, Maxwell, and Beall

Against: Moncada

Abstain:

Absent: Neely

Recused:

Approved By.

A handwritten signature in black ink, appearing to read 'D Anderson', followed by the letters 'P.E.'.

Dave Anderson P.E., CFM
Environmental Board Chair

RESOLUTION EB 060408-4a

A RESOLUTION OF THE CITY OF AUSTIN'S ENVIRONMENTAL BOARD, RECOMMENDING A PREFERRED ROUTE FOR THE LOWER COLORADO RIVER AUTHORITY'S FRIENDSHIP TO MANCHACA TRANSMISSION LINE

WHEREAS, the Barton Springs Segment of the Edwards Aquifer is a unique underground system of water-bearing formations in Central Texas that serves as: 1) the primary source of drinking water for tens of thousands of people, 2) the only known habitat for certain endangered and threatened species of salamanders and, 3) a vital resource to the general economy and welfare of the City of Austin (City) and the State of Texas; and

WHEREAS, the Barton Springs Segment of the Edwards Aquifer and the Barton Springs complex are extremely vulnerable to surface activities within the recharge zone that may cause pollutants to enter the aquifer; and

WHEREAS, the southwest segment of State Highway 45 is proposed to be constructed to bisect the land located within the Barton Springs Segment of the Edwards Aquifer; and

WHEREAS, the Environmental Board formed a Subcommittee to monitor activity related to and along the SH 45 Right-of-Way (ROW); and

WHEREAS, in 1999 the Public Utility Commission granted The Pedernales Electric Company (PEC) the right to build a transmission line (known as the Friendship to Manchaca Project) to serve the need for electricity service in the growing Southern Travis County and Northern Hays County; and

WHEREAS, in 2005 this right was acquired by the Lower Colorado River Authority (LCRA) to: 1) satisfy contractual obligations to customers, 2) provide backup power sources in the distribution area, and 3) serve "critical loads" which include schools and emergency services; and

WHEREAS, the route of the Friendship to Manchaca Project was approved to be aligned adjacent to the SH 45 ROW which would potentially impact environmentally sensitive surface and subsurface Karst features in the vicinity of Flint Ridge Cave (FRC); and

WHEREAS, the land on both sides of the ROW in the vicinity of FRC are located on the City's Water Quality Protection lands; and

WHEREAS, the Subcommittee has convened three meetings beginning in March of 2006 to evaluate alternatives to the original alignment with the goal of allowing construction of this necessary transmission line with minimal impact to this environmentally sensitive area and preserve the purpose for which the City's Water Quality Protection Land were acquired; and

WHEREAS, in June of 2006 the Subcommittee recommended additional analysis including geophysical studies be performed on the following two preferred alignments:

Route A: a route along the original northeastern alignment; then to the east and down gradient of FRC; and then again along the SH45 ROW just south of the area near FRC

Route B: a route crossing over from the northeastern side of the SH 45 ROW north of the area near FRC and running adjacent to the southwestern side of the SH 45 ROW to just south of FRC where it crosses back over to the northeastern side; and

WHEREAS, the evaluation of the additional geophysical analysis was reported to the Subcommittee on May 22, 2008 resulting in a consensus preference among both the LCRA and the City for Route B.

NOW, THEREFORE BE IT RESOLVED that the City of Austin's Environmental Board does hereby adopt this Resolution to recommend that:

1. Route B be adopted as the consensus route of preference for the Friendship to Manchaca project based on the minimized impact to the City's Water Quality protection lands, the recharge zone, and FRC; and
2. The City should cooperate with and facilitate the LCRA's efforts to acquire the land rights necessary to construct the Friendship to Manchaca project along this route of preference; and
3. The LCRA should cooperate with City staff to implement the appropriate measures prior to, during, and after construction of the Friendship to Manchaca Transmission line to prevent and mitigate any negative environmental impacts.

BE IT RESOLVED BY THE CITY OF AUSTIN ENVIRONMENTAL BOARD:

ADOPTED: June 4, 2008

ATTEST: _____

David J. Anderson, PE, CFM
Environmental Board Chair



AGENDA ITEM 3A

ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING
DATE REQUESTED: JUNE 18, 2008

NAME & NUMBER OF PROJECT: MILLER LAKESIDE SUBDIVISION
C8J-2007-0107.0A

NAME OF APPLICANT OR ORGANIZATION: Vaughn & Associates, Inc.
Contact Rick Vaughn – Phone (512) 708-8891

LOCATION: 4311 Charles Avenue

PROJECT FILING DATE: September 17, 2007

WPDR/ENVIRONMENTAL STAFF: Craig Carson, 974-7690
craig.carson@ci.austin.tx.us

WPDR/ CASE MANAGER: Sylvia Limon, 974-2767
Sylvia.limon@ci.austin.tx.us

WATERSHED: Lake Austin (Watersupply Rural Watershed)
Drinking Water Protection Zone

ORDINANCE: Comprehensive Watershed Ordinance (current Code)

REQUEST: Variance request is as follows:
1. To allow the density of 1 unit for 0.47 acres (instead of 1 unit for each 2 acres), with a minimum lot size less than $\frac{3}{4}$ acre [LDC 30-5-454(B)(1)].

STAFF RECOMMENDATION: Recommended

REASONS FOR RECOMMENDATION: Findings of fact have been met.



MEMORANDUM

TO: Betty Baker, Chairperson
Members of the Zoning and Platting Commission

FROM: Craig Carson, Senior Environmental Reviewer
Watershed Protection and Development Review Department

DATE: June 18, 2008

SUBJECT: Miller Lakeside Subdivision: Resubdivision (Resubmittal of C8J-06-0244.0A)
C8J-2007-0107.0A Located on 4311 Charles Avenue

Variance Request: Variance from LDC 30-5-454(B)(1): To allow a variance to exceed the density requirement of 1 unit for each 2 acres (to 1 unit for 0.47 acres), with a lot size less than $\frac{3}{4}$ acre.

The applicant is proposing to re-subdivide a remaining portion of a previously platted lot, Lot 43, Miller Lakeside Subdivision into a 0.47 acre lot. The property has been in this configuration since 1953 and was brought into the City of Austin's ETJ in June of 1951.

Description of Project Area

The applicant is proposing to re-subdivide a Resubdivision of Lot 1, Block A, in to one single family residential 0.47 acre lot. This lot is located at 4311 Charles Avenue, within Travis County and the City of Austin's 2-mile ETJ. This property is located within the Saint Stephens Creek Watershed, which drains into the Lake Austin Watershed. These watersheds are classified as a Water Supply Rural Watersheds. This site is located within the Drinking Water Protection Zone. There are no slopes greater than 15% located within the proposed subdivision boundaries. This property is currently undeveloped. There are numerous lots surrounding this property which are equal in size or smaller which currently have single family residents on them.

Vegetation

According to the October 2006 ACI Consulting Environmental Assessment the site vegetation is typical of native vegetation found on limestone soils in western Travis County. Trees include live oak, Spanish oak, shin oak, cedar elm, and Ashe juniper, and netleaf hackberry trees. The herbaceous layer vegetation found was twisted-leaf yucca, poison ivy, Turk's cap, and ragweed.

Critical Environmental Features/Endangered Species

The October 2006 ACI Consulting Environmental Assessment, there are no critical environmental features within or immediately adjacent to the site. ERM has been out at the site and agree with the report.

Water/Wastewater

The water will be provided by Aqua Texas, a private Water Supply Corporation. Wastewater will be provided by an on-site septic system approved by Travis County. There currently is no design or permit for the on-site septic system.

Variance Requests

The variance being requested is as follows:

1. **Variance from City Code Section 30-5-454(B)(1)- To exceed more than one unit for each two acres and to allow lots smaller than $\frac{3}{4}$ acre.**

The applicant is proposing a resubdivision to create one single family residential 0.47 acre lot to allow for construction of a home. The proposed lot does not meet the Upland Zone requirement of LDC 30-5-454(B)(1) because it proposes one unit for 0.47 acres (instead of one unit for each 2 acres), and the lot is also smaller than the required minimum of $\frac{3}{4}$ acre. This property sits within a developed subdivision which has numerous houses on lots sized equal to or smaller than what is being requested by the applicant.

Similar Case

Resub of Lot 5, Block 6 Hudson Bend Colony Number 2, C8J-04-0144.0A: requested a variance from LDC 30-5-454(B)(1) to allow one existing 3.443 acre lot to be subdivided into one 2 acre lot and one 1.443 acre lot. The 1.443 acre lot did not meet the density requirement of one unit for each 2 acres. On April 20, 2005, the EV Board considered this variance request. At that time, staff did not support the variance and the EV Board approved a motion that did not support the request. City staff and the applicants met. The applicants agreed to many new conditions which provided greater overall environmental protection than achievable without the variance. On May 20, 2005, City staff officially presented the variance to the EV Board again. This time, the EV Board voted to support the variance request, agreeing that the findings have been met, and required the following conditions:

1. Impervious cover not to exceed 20,000 s.f. (approx. 14%)
2. Spreader berm-across the front of both lots.
3. Vegetative filter strip on a portion of the front of property.
4. Conservation easement on rear portion of the 1.443acre lot.
5. Designate the front corner that is in the flood plain as a drainage easement.
6. Enter a "No Livestock Allowed" restriction on the plat notes to eliminate animal waste run-off.
7. Use of Grow Green and Native Texas Landscaping.
8. Integrated pest management plan.

Recommendations

Staff recommends approval of the variance request because the findings of fact have been met.

Conditions

Staff recommends granting the variance with the following conditions:

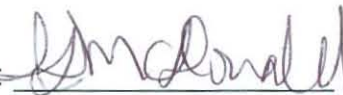
- 1) The applicant will provide storm water detention for all development. This will be addressed with a plat note.
- 2) The applicant will provide water quality controls for all development. This will be addressed with a plat note.
- 3) The overall impervious cover shall be restricted to a maximum of 20% (4095 square feet). This will be restricted by a plat note.
- 4) An integrated pest management plan will be submitted and approved by the City of Austin and appropriate plat notes shall be provided. This will be accomplished through the use of a restrictive covenant.
- 5) All new landscape and tree plantings shall be from the Grow Green approved list, or appropriate xeriscape or native plants. This will be accomplished through the use of a restrictive covenant.

If you have any questions or need additional information, please feel free to contact me at 974-7690.



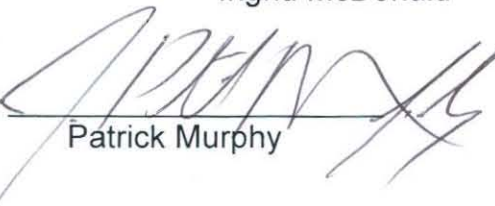
Craig Carson, Senior Environmental Reviewer
Watershed Protection and Development Review

Environmental Program Coordinator:



Ingrid McDonald

Environmental Officer:



Patrick Murphy



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name: Vaughn & Associates, Inc.
Application Case No: C8J-2007-0107.0A
Code Reference: Land Development Code Section 25-8-454(B)(1) Upland Zone Density Requirements
Variance Request: Allowing density of more than one unit for each 2 acres AND allowing a smaller lot than the required minimum size of $\frac{3}{4}$ acre.

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality 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. The variance will not be providing a special privilege to the applicant. There are numerous lots in the same subdivision that are the approximately the same size or smaller.

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 applicant has agreed to a number of restrictions on the property that will allow for greater overall environmental protection than surrounding similar sized lots with existing impervious cover. The key items include limiting impervious cover, providing storm water detention, providing water quality controls, providing an integrated pest management plan, and the use of Grow Green or Native Texas Landscaping.

- 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. This proposed lot is similar in size to many lots in the same subdivision which already have single family residents on them. There are some lots in the general area that are also smaller than this proposed lot.

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

Yes. As described above, a number of environmental benefits will be provided by the applicant which are not present on any of the surrounding lots with homes which are similar in size.

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

Yes. As described above, a number of environmental benefits will be provided by the applicant which are not present on any of the surrounding lots with homes which are similar in size.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

Not applicable.

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

Not applicable.

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Not applicable.

Reviewer Name: Craig Carson

Reviewer Signature: _____

Date: June 11, 2008

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).



Vaughn & Associates

May 6, 2008

Ms. Betty Baker, Chair and Commissioners
Zoning and Platting Commission
City of Austin
505 Barton Springs Road
Austin, TX 78704

Re: Variance Request for Lot Size, Miller Lakeside Subdivision, C8J-2007-0107.0A

Dear Ms. Baker,

As representative of the owner of the above referenced property, located at 4311 Charles Avenue, I hereby respectfully request a waiver for the size of the lot. The property was created in 1953 and has been in its current configurations since then. Sec. 30-5-454 (B) (1) of the LDC requires:

(B) For a duplex or single family residential use, density may not exceed:

- (1) one unit for each two acres, with a minimum lot size of three-quarters acre; or**
- (2) if development intensity is transferred under Section 25-8-455 (*Transfer Of Development Intensity*), one unit for each acre, with a minimum lot size of one-half acre.**

This variance is requested based on the following findings:

1. The property has been in this configuration since 1953 or approximately 55 years. Although this site was brought into the City of Austin's E.T.J. in June of 1951 most residence and land owners were not aware of the change of status. Property owners have learned of the platting requirements only after that wanted to develop or sell their property.
2. The granting does not alter or adversely affect the water quality and drainage in the area since detention and water quality facilities are proposed at the time of construction.
3. The subdivision will provide an Integrated Pest Management Plan (IPM). This plan will be provided to the City staff prior to approval and recording of this application.

4. The construction of any habitable dwelling on this lot will comply with the green building program to the greatest extent possible.
5. During construction on this lot trees over eight inches (8") will be saved where possible.
6. Not granting the variance renders the property undevelopable.

There are no adjacent properties available to acquire in order to create a tract of land that will comply with the current ordinances. The hardship created by these regulations renders the property unusable.

If you have any questions, please feel free to contact me at your convenience.

Sincerely,

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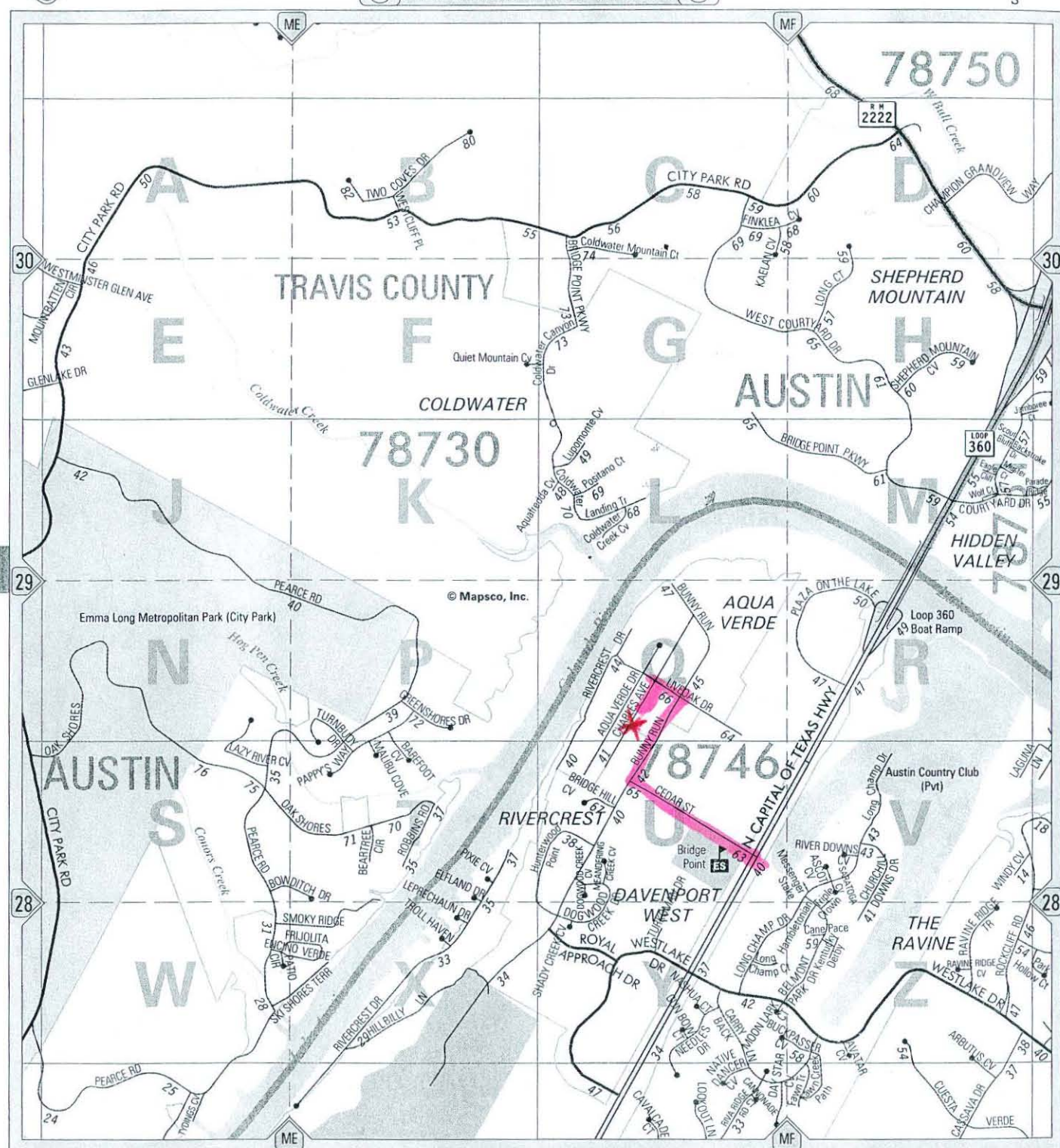
Richard W. Vaughn, C.E.T.
Principal

Directions to the Site:

Traveling north on the Capital of Texas Highway, turn left on Cedar Street. Take Cedar Street until it dead ends. Turn right on to Bunny Run. Turn left on Liveoak Drive. Take the next left, which is Charles Avenue. This site is located at 4311 Charles Avenue.



CONTINUED ON MAP 493



CONTINUED ON MAP 522

CONTINUED ON MAP 553

CONTINUED ON MAP 524



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ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED: June 18, 2008

NAME & NUMBER OF PROJECT: Hudson Bend Colony No. 2, Resubdivision of Lot 14, Block 2
C8J-2007-0139.0A

NAME OF APPLICANT OR ORGANIZATION: FNF CADD Services
(Fred Fuentes – Phone 470-8942)

LOCATION: 16104 Pool Canyon Road

PROJECT FILING DATE: December 14, 2007

WPDR/ENVIRONMENTAL STAFF: Patricia Foran, 974-3427
patricia.foran@ci.austin.tx.us

WPDR/ CASE MANAGER: David Wahlgren, 974-6455
david.wahlgren@ci.austin.tx.us

WATERSHED: Lake Travis Watershed (Water Supply Rural)
Drinking Water Protection Zone

ORDINANCE: Comprehensive Watershed Ordinance (current Code)

REQUEST: Variance request to exceed maximum development intensity in the uplands zone resulting in a density of two units for 1.808 acres net site area, and lot sizes of 0.669 and 1.139 acres net site area, instead of the allowed density of one unit for each two acres, with a minimum lots size of three-quarters acre (LDC 30-5-454(B)(1)).

STAFF RECOMMENDATION: Not recommended.

REASONS FOR RECOMMENDATION: Findings of fact have not been met.



MEMORANDUM

TO: Betty Baker, Chairperson
Members of the Zoning & Platting Commission

FROM: Patricia Foran, Environmental Reviewer
Watershed Protection and Development Review Department

DATE: June 10, 2008

SUBJECT: Hudson Bend Colony No. 2, Resubdivision of Lot 14, Block 2/C8J-2007-0139.0A
16104 Pool Canyon Road

Hudson Bend Colony No. 2, Resubdivision of Lot 14, Block 2 is seeking a variance to resubdivide two residential lots that will exceed the density requirements of Land Development Code (LDC) 30-5-454(B)(1). LDC 30-5-454(B)(1) requires single-family residential density to not exceed one unit for each two acres, with a minimum lot size of three-quarters acre.

Description of Project Area

The 3.30 acre site is located at 16104 Pool Canyon Road, at the intersection of Pool Canyon Road and Pool Canyon Drive. It is bounded by Pool Canyon Road on the south, Pool Canyon Cover on the west, and residential lots on the north and east. The site is within the Lake Travis Watershed, which is classified as Water Supply Rural. The site is in the Drinking Water Protection Zone. It is located within the five-mile ETJ. It is not located over the Edwards Aquifer Recharge Zone. The property has minor waterway with a drainage area of 251 acres that runs along the eastern boundary of the property. This waterway has a critical water quality zone and water quality transition zone. All slopes in the uplands are between 0-15%.

The proposed lots 14A and 14B are currently undeveloped. There was a single family residence on the lot but all improvements have been removed. The proposed use for each lot is one single family residence. The gross site area of Lot 14A is 1.30 acres and for Lot 14B is 2.00 acres. The net site area for Lot 14A is 0.669 acres and for Lot 14B is 1.139 acres. As a result, Lot 14A does not meet the minimize lots size of three-quarters acre based on net site area, and the lots together do not meet the overall density of one unit for each two acres.

Hydrogeologic Report

The project area has elevations ranging from 746 to 688 feet above mean sea level, sloping from the west to east towards the minor waterway eastern property boundary. The soils on the tract are classified as Tarrant soils, rolling, which can be described as shallow to very shallow, well-drained, stoney, clayey soils overlaying limestone.

Vegetation

Vegetation on this site consists primarily of brush and small trees with sparse grasses. Species found include: Live oak and Ashe juniper.

Critical Environmental Features

No critical environmental features were identified by the Environmental Assessment or staff.

Water/Wastewater Report

Water service will be provided by WCID No. 17. Wastewater service will be provided by individual on-site septic systems.

Variance from Land Development Code LDC 30-5-454(B)(1)

The variance required by this project is to LDC Section 30-5-454(B)(1) which requires single family residential use to have a density of not more than one unit for each two acres, with a minimum lot size of three-quarters acre based on net site area.

Similar Cases

Resubdivision of Lot 5, Block 6 Hudson Bend Colony Number 2 (C8J-04-0144.0A) requested a variance from LDC 30-5-454(B)(1) to allow one existing 3.443 acre lot to be subdivided into one 2.00 acre lot and one 1.443 acre lot. The 1.443 acre lot did not meet the density requirement of one unit for each 2 acres. On April 20, 2005, the EV Board considered this variance request. At that time, staff did not support the variance and the EV Board approved a motion that did not support the request. City staff and the applicants met. The applicants agreed to several new conditions which provided greater overall environmental protection than was achievable without the variance. On May 20, 2005, City staff presented the variance to the EV Board again. This time, the EV Board voted to support the variance request, agreeing that the findings have been met, and required the following conditions:

1. Impervious cover not to exceed 20,000 s.f. (approx. 14%)
2. Spreader berm-across the front of both lots.
3. Vegetative filter strip on a portion of the front of property.
4. Conservation easement on rear portion of the 1.443cre lot.
5. Designate the front corner that is in the flood plain as a drainage easement.
6. Enter a "No Livestock Allowed" restriction on the plat notes to eliminate animal waste run-off.
7. Use of Grow Green and Native Texas Landscaping.
8. Integrated pest management plan.

The Zoning & Platting Commission approved the variance with conditions on June 7, 2005, with a vote of 9-0.

Recommendations:

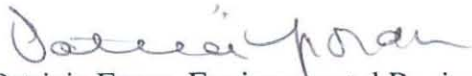
Staff does not recommend the variance request because the findings of fact have not been met.

Although staff is not recommending the variance, it is important to note that the applicant has proposed to provide the following to mitigate the variance request:

1. Restrict impervious cover to 20% of the net site area (maximum of 4965 square feet for Lot 14A, and 5600 square feet for Lot 14B) through a note on the plat;
2. Restrict development to the uplands area (no development in critical water quality zone or water quality transition zone) through a note on the plat;
3. Provide water quality controls as required through a note on the plat;
4. Provide an Integrated Pest Management Plan through a restrictive covenant;
5. Restrict landscaping to only the plants include in the City's GrowGreen guide through a note on the plat; and
6. Provide mitigation for trees 19" and greater that may be removed (on an inch-by-inch basis) through a note on the plat.

While staff agrees that these proposed measures would provide additional protections than what currently exists on the property, the owner is not deprived of the ability to construct a single-family residence on the property.

If you have any questions or need additional information, please contact Patricia Foran at 974-3427.



Patricia Foran, Environmental Review Specialist Senior
Watershed Protection and Development Review Department

Environmental Program Coordinator:


Ingrid McDonald

Environmental Officer:


Patrick Murphy



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name:	<i>Hudson Bend Colony No. 2 Resubdivision of Lot 14, Block 2</i>
Application Case No:	<i>C8J-2007-0139.0A</i>
Code Reference:	<i>LDC 30-5-454(B)(1)</i>
Variance Request:	Single family residential use density may not exceed one unit for each two acres, with a minimum lot size of three-quarters acre

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality 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.

No The variance would provide a special privilege to the applicant. The surrounding lots range in size, with many lots smaller or equal in size to the existing lots.

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 applicant has proposed to: 1) restrict impervious cover to 20% of the net site area for each lot; 2) restrict development to the uplands area (no development in critical water quality zone or water quality transition zone); 3) provides water quality controls for each lot; 4) provide an Integrated Pest Management Plan; 5) restrict landscaping to only the plants include in the City's GrowGreen guide; and 6) mitigate for trees 19" and greater that may be removed (on an inch-by-inch basis). These conditions would provide greater overall protection than is achievable without the variance.

- 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;

No The applicant has reasonable use of the property without the proposed subdivision. The applicant would not be deprived of the privilege to construct a single family house since they are able to do this with the existing configuration.

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

Yes Construction of a single family house will not create a significant probability of harmful consequences if all of the conditions (restrict impervious cover to 20% of the net site area for each lot; restrict development to the uplands area (no development in critical water quality zone or water quality transition zone); provides water quality controls for each lot; 4) provide an Integrated Pest Management Plan; restrict landscaping to only the plants include in the City's GrowGreen guide; and mitigate for trees 19" and greater that may be removed (on an inch-by-inch basis) restricting impervious cover to 20% net site area for each lot, mitigation for trees 19" and greater, and landscaping with plants in GrowGreen guide) are applied.

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 is willing to: restrict impervious cover to 20% net site area for each lot (Lot 14A will be allowed a maximum of 4965 square feet, and Lot B will be allowed a maximum of 5600 square feet); provide water quality controls; provide an Integrated Pest Management Plan; and landscape only with plants included in the GrowGreen guide. This will result in water quality that is better than would be achievable without this variance.

B. Additional Land Use Commission variance determinations for a requirement of Section 30-5-393 (Water Quality Transition Zone), Section 30-5-423 (Water Quality Transition Zone), Section 30-5-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

N/A


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

N/A

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

N/A

Reviewer Name: Patricia Foran

Reviewer Signature: 

Date: June 10, 2008

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).

NO. 2
VOL. 8, PG. 112
P.R.T.C.TX.

1 inch = 60 ft.

COLONY

112
X.

2
COLONY
2

LOT 14, BLOCK 2
HUDSON BEND COLONY NO.

VOL. 8, PG. 112
P.R.T.C.TX.

IMPERVIOUS COVER IS LIMITED
TO 5,600 SF OR LESS

LOT 14B
BLOCK 2
87120.24 SF
2.00 AC

MINIMUM FINISHED FLOOR
ELEVATION=717'

LOT 14A
BLOCK 2
56540.88 SF
1.30 AC

MINIMUM FINISHED FLOOR
ELEVATION=717'

IMPERVIOUS COVER IS LIMITED
TO 4,965 SF OR LESS

5' ELECTRIC/TELEPHONE
LINE EASEMENT
VOL. 5830, PG. 1735
D.R.T.C.TX.

143.92'

S 29°23'30" W 287.83'
(N 28°11' E 288.47')

POOL CANYON COVE

P.O.B.

CRITICAL WATER
QUALITY ZONE

10' ELECTRIC ESMT

POOL CANYON ROAD

(50' R.O.W.)

TBM #1
50.28

DIRECTIONS TO Hudson Colony Bend No. 2, Resubdivision of Lot 14, Block 2

C8J-2007-0139.0A

This project is located within the Five-mile Extra-territorial Jurisdiction.

Hudson Colony Bend No. 2, Resubdivision of Lot 14, Block 2 is located at 16104 Pool Canyon Road.

Take North Farm-to-Market Road 620 to Hudson Bend Road. Make a left onto Hudson Bend Road. Take Hudson Bend Road approximately 1.75 miles to Pool Canyon Road. Make a right onto Pool Canyon Road. Take Pool Canyon Road approximately 0.1 miles. The subject tract is located on the northeast corner of Pool Canyon Road and Pool Canyon Cove.





CONTINUED ON MAP 459

CONTINUED ON MAP 490

CONTINUED ON MAP 461



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DAVID W. COOMBS, P.E.

COOMBS ENVIRONMENTAL ENGINEERING, INC.
ON-SITE SEPTIC SYSTEM DESIGN
STORMWATER MANAGEMENT
SUBDIVISION DESIGN
SITE PLANNING

June 11, 2008

Platting and Zoning Commission
P.O. Box 1088
Austin, Texas 78766

Attn: Chairman Betty Baker

Re: Resubdivision of Lot 14, Blk. 6, Hudson Bend Colony No.2;
Variance Request for a Lot less than 2.0 ac.;
Lake Travis Watershed

Dear Chairman Baker,

We hereby request a variance from Austin Land Development Code Section 30-5-454(B), requiring a maximum development density in a Water Supply Rural watershed of 1 single family residence per 2 acres. The proposed subdivision is a re-subdivision of an existing 3.30 acre lot in the Hudson Bend Colony No. 2 subdivision. The new proposed lots consist of one 2.00 acre lot and one 1.30 acre lot; therefore, only 1 lot will be less than the required 2-acre minimum. This subdivision is in the Lake Travis watershed in the Northern Edwards Aquifer Zone and is not within the Barton Springs Zone. Portions of the parent lot are within a Critical Water Quality Zone, a Water Quality Transition Zone, and a designated FEMA flood hazard area.

In accordance with the City of Austin Environmental Criteria Manual Appendix U, the following is our finding of fact and conditions supporting this request:

Item #1. Yes: Strict application of the LDC for this project will result in the original tract remaining as a 3.3-acre lot surrounded by much smaller lots in the existing subdivision. This creates an unfair economic burden on the owner of this lot because it will allow only one residential building on 3.3 acres surrounded by exiting developed lots as small as 0.25 acres. By re-subdividing this 3.3 acre lot, the two proposed lots can be developed with two single family homes, from which the owner can receive an economic justification and still retain lots larger than the neighboring lots. Also note that the smaller adjacent lots were created with no environmental requirements.

Item #2: Yes: This request will result in a minimum departure from the terms of the ordinance for one lot. The proposed lots can only be developed to 20% net site impervious coverage before being required to provide water quality controls. The proposed 2.00 ac lot would have a net site area (NSA) of 1.139 ac, allowing a maximum impervious cover of 5,600 sf after perimeter roadway deductions. The 1.30 ac lot would have an NSA of 0.669 ac allowing a maximum cover of 4,965 sf after perimeter roadway deductions. We propose that these limits be listed on the final plat. By re-subdividing the original lot as proposed, the total impervious coverage will not exceed the 20% limitation.

The entire upland area of the site is graphically located within slopes of 0-15%. There are no restrictive environmental features in the subdivision as determined from the Environmental Site Assessment, therefore, there will be no significant probabilities of harmful environmental consequences associated with runoff. All excavation will be protected as required with very minimal disturbance to the property. On-site sewage disposal systems will be designed to meet or exceed current regulations.

Item #3: Yes: This proposed subdivision does not create any privileges not enjoyed by other similarly situated projects in the area. The original 3.30 ac lot as presently platted could potentially be developed with a much higher impervious cover with no water quality controls, multiple buildings, and no City of Austin input. Instead, granting of the requested variance will result in two lots developed in general compliance with current development standards, and being up to 5 times larger than any adjacent lots within the Hudson Bend Colony No.2 subdivision.

Item #4: Not applicable.

Item #5: Not applicable.

Your prompt consideration of our variance request will be greatly appreciated.

Sincerely,
Coombs Environmental Engineering, Inc.



David W. Coombs, P.E.



1 inch = 60 ft.

COLONY

112
X.

2
-ONY

2

(N 60°48' E 324.58')
N 60°49'00" W 325.36'

MINIMUM FINISHED FLOOR
ELEVATION=717'

IMPERVIOUS COVER IS LIMITED
TO 4,965 SF OR LESS

LOT 14A
BLOCK 2
56540.88 SF
1.30 AC

TRANSITION ZONE

LOT 14, BLOCK 2
HUDSON BEND COLONY NO. 2
VOL. 8, PG. 112
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POOL CANYON COVE

