

C/D

10. Regents West Variances

C8-2010-0056.0B

3230 Travis Country Circle

Barton Creek-Barton Springs

Watershed

Drainage policy

1.2.6 Flood Plain Delineations

- A. City of Austin.
- 1. In all cases where a flood plain delineation is required, its determination shall be based on the projected full development of all properties contributing to the point of consideration. It is the responsibility of the design engineer to determine, based on the most accurate information available, what the fully developed drainage area is.

Contribution drainage area is 250 acres upstream of Regents

- 3. For purposes of this Drainage Criteria Manual, a drainage area of 64 acres or greater is required within a contributing watershed to create a "flood plain". For areas of flow with less than 64 acres of contributing area, no flood plain shall be defined; however, with regards to the drainage criteria contained in this manual any concentrated flow necessitates the dedication of a drainage easement.
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Federal Emergency Management Agency

- 1. The Federal Emergency Management Agency (FEMA) maintains Flood Insurance Rate Maps (FIRM's) that depict floodplain and floodway boundaries. The floodplain and floodway boundaries depicted on FIRM's are based on existing conditions of development in the contributing area.

§ 25-7-32 FLOODPLAIN MAPS, DELINEATION, AND DEPICTION.

- (C) If an official floodplain map is not available, the owner of property to be developed shall calculate the boundaries of the 100-year floodplain in accordance with the Drainage Criteria Manual and submit the calculation to the director for approval.

Austin Civil Engineering, Inc.

Hunter Shadburne, P.E.

2525 Walingwood Drive
Building 15 Suite 1500
Austin, Texas 78746
Phone: 512-306-0018
Fax: 512-306-0048

March 8, 1999

Ms. Alice Glasco, Director
City of Austin Planning Department
301 West 2nd Street
Austin, Texas 78701



ENGINEER'S SUMMARY LETTER & REPORT FOR
REGENTS SUBDIVISION SECTION I - PHASES 1 AND 2
FINAL PLAT AND CONSTRUCTION PLANS

Dear Ms. Glasco:

Please accept this submittal for the Final Plat and Construction Plans for the Regents Subdivision Section I - Phases 1 & 2.

Introduction:

The overall tract contains approximately 164.596 acres and is located within the Barton Springs watershed in southwest Travis County, directly west of Travis County subdivision and north of Travis County Green subdivision. A portion of the property is located over the Edwards Aquifer Recharge Zone and a portion is in the contributing zone. A "minor" waterway flows through the property and will have associated C.W.Q.Z. and W.Q.T.Z. The property is not within the City of Austin City limits but is located within the ETJ. The proposed development will have both residential lots and a school.

This proposed final plat will include Lot 29, Block B, 63.64 acres as shown on the preliminary plan. The construction plans have been separated into phase 1 and phase 2. Phase 1 will include the 40' section of Foster Ranch Road in front of the school along with water, wastewater and water quality and detention ponds. Phase 2 will include the extension of Foster Ranch Road across the creek and the first segment of Travis Country Circle from the east property line. Only the school lot is being platted with Section I. No residential lots are being platted with Section I.

Regents Subdivision -Section I - Final Plat and Const. Plans

Austin Civil Engineering, Inc.

Regents
Subdivision
Section 1 Phases
1 and 2
March 8, 1999

Community Circle. Please see the attached letter from C.O.A. w/ww department regarding service to this tract.

Drainage, Detention:

Existing drainage areas have been shown on the "Overall Drainage Area Map" provided. A "minor" tributary runs through the property with an upstream drainage area of 248 acres at the proposed crossing and 298 acres at the point that the creek leaves the property. Both existing and ultimate developed runoff rates have been calculated for the drainage areas as indicated. A HEC-1 study was performed to determine the runoff for the main creek channel. Then a HECRAS analysis was completed to determine the level of the existing and ultimate developed flood plain. The ultimate developed flood plain has been shown on the preliminary drainage plan. A summary of the calculations are enclosed in this report.

Detention ponds will be designed for each drainage basin and all developed release rates will be held to the predeveloped flow rates for the site.

The section 1 detention pond defines water runoff from both the street right-of-way and the proposed lot 29 block "B" - Regents School site. The detention pond calculations have been included in section III of this report.

Water Quality:

Temporary erosion and sedimentation controls consisting of stabilized construction entrances, rock berms and silt fence will be utilized during construction. An on-site Environmental Site Project Manager will be employed and onsite greater than 90% of the time in accordance with city code requirements.

Permanent Erosion / Sedimentation and Pollution Control will include water quality ponds consisting of full sedimentation and filtration will be designed and constructed to serve this tract. The water quality volumes will be in accordance with code requirements for the SOS ordinance. The entire water quality volume, equal to the runoff from the 2-year storm, will be held on site without release. The draw down from the water quality ponds will be via gravity pipe underdrains into vegetative evaporation / infiltration / transpiration (BIT) areas. See attached preliminary calculations and plans.

Section 1 plans submitted herewith include the water quality pond system for Drainage Area 2 as shown in the overall drainage area map. This area includes that section of Foster Ranch Road in D.A. 2. As discussed in our meeting with Janet, Marisol, Jim Rhoades, et al. this water will drain through Lot 29, Block "B" and be treated in the water quality pond as designed.

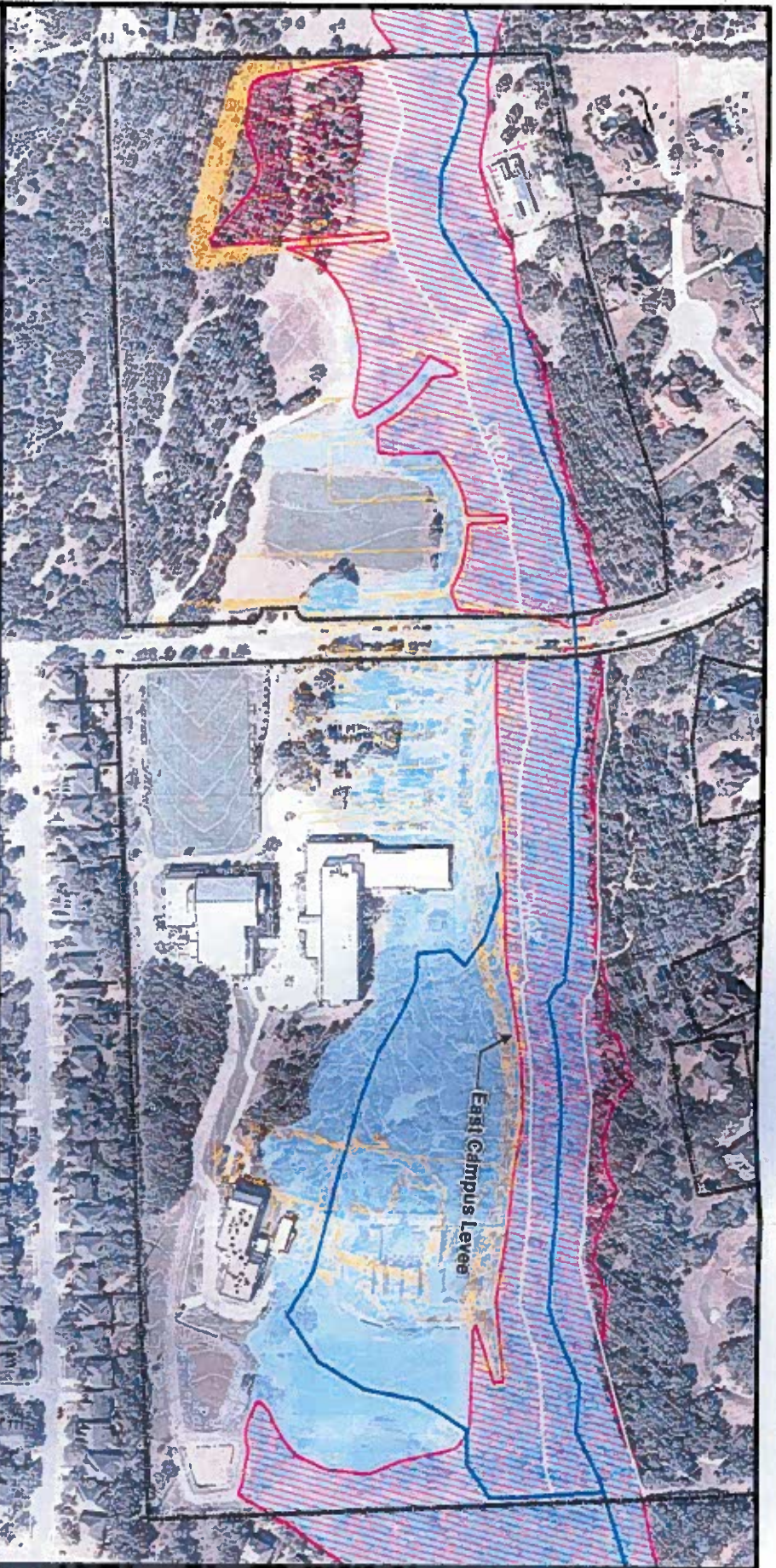
In addition to the above water quality controls, subdivision restrictions will be established in compliance with ECM section 1.6.9.2, to include among other things, an IPM integrated pest management system, restrictions on fertilizer usage, a limitation on the maximum turf area of 15% or a minimum of 2,000 sq. ft. and a public education system.

The school site will comply with the commercial development measures outlined in the ECM 1.6.8.3 based on city Ordinance 911017 B.

Regents Subdivision -Section I - Final Plat and Const. Plans

Austin Civil Engineering, Inc.

Drainage text
"minor tributary"
HEC-1 study
HEC-RAS
analysis
Developed
floodplain shown
on the
preliminary plan.



Legend

- Regents Property Boundary
- Creek
- Existing contours
- Proposed Grading
- Pre-project Floodplain (Allans Estimate)
- Post-project floodplain

200 100 0 200 Feet

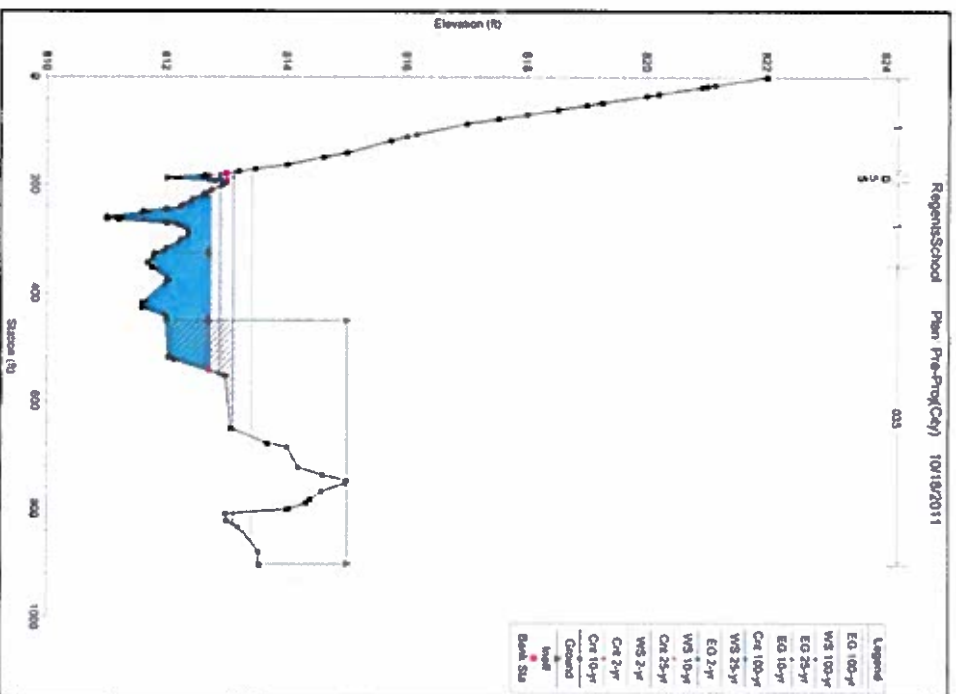


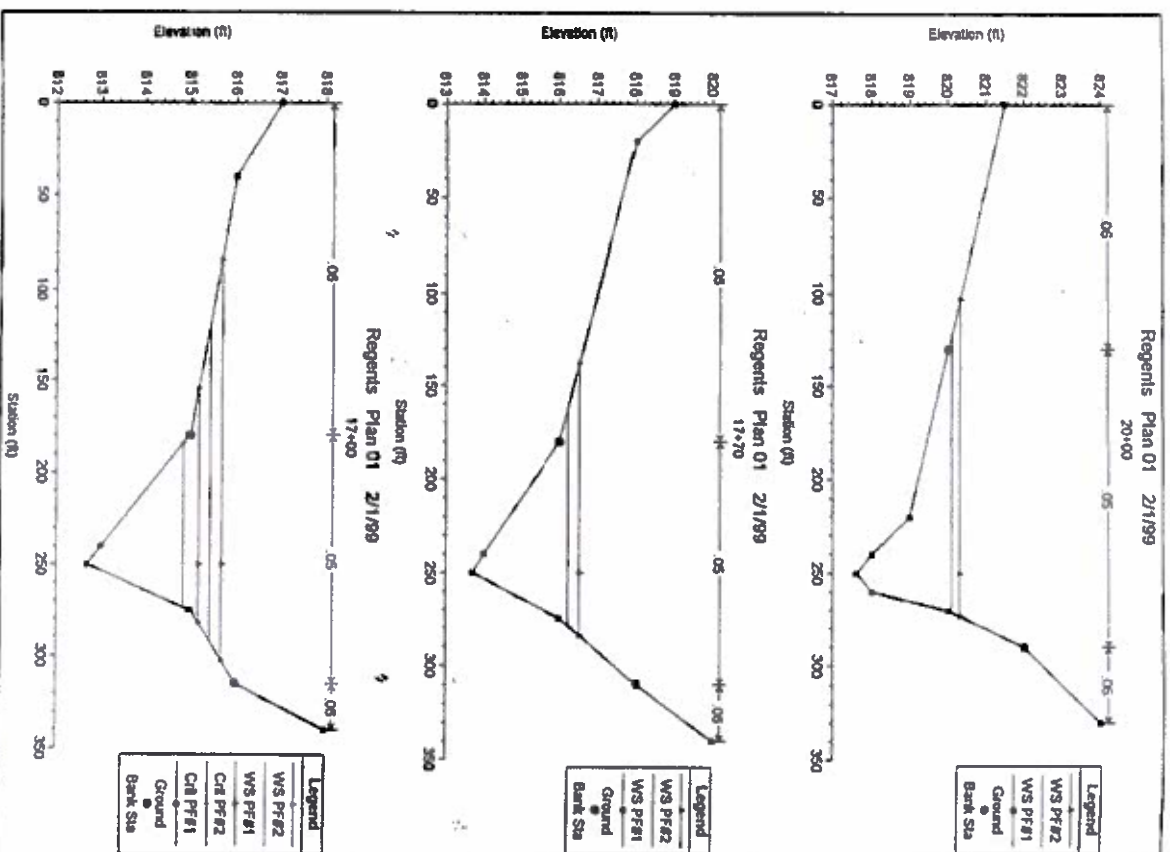
ATKINS
 6504 Bridgeway Point Parkway, Ste. 200
 Austin, Texas 78728
 Phone: (512) 327-6640 Fax: (512) 327-2453

Figure 4-1
 Fully Developed Watershed
 100-Year Floodplains
 (Pre-project and Post-project with Levee)

Job No. 10001554	Scale: 1" = 200'
Prepared by: NLI	Drawn: G. J. J. 2/11
File: Report/figure/fig 4-1 Floodplains/201104.dwg	

New sections
About 2 feet difference
in elevation over 400
feet across the site





Old Sections
 About 4 to 5 feet
 difference in elevation
 over 250 feet across the
 site.

The area where the Regents
School is located is floodplain
now AND
it has always been floodplain

They built the school in the
floodplain.

They want to build another
building in the floodplain.

To accomplish that they are asking
for variances to build more
structures in the floodplain to make
that happen.

Required Findings Water Quality Variances

- Making a mistake in the floodplain study prepared for your development is NOT a special circumstance.
- There IS a unique condition which was created as a result of the method by which this property was voluntarily subdivided that left the school tract in mostly floodplain.
- This is not a minimum departure from the ordinance AND the environment is taking the full brunt of the consequences as the result of this mistake.

§ 25-7-92 ENCROACHMENT ON

FLOODPLAIN PROHIBITED.

- (B) Except as provided in Sections 25-7-93 (*General Exceptions*), 25-7-94 (*Exceptions In Central Business Area*), and 25-7-95 (*Exceptions For Parking Areas*), a site plan may not be approved if a proposed building or parking area encroaches on the 100-year flood plain.
- (C) This subsection applies to property in the full-purpose limits of the city.
- (1) The director may grant a variance to Subsection (A) or (B) if the director determines that:
 - (f) the variance is required by unique site conditions
- **THIS IS NOT A UNIQUE SITE CONDITION. IT'S A MISTAKE!**

FEMA will not accept the berm as adequate flood protection so the

School is still in the FEMA floodplain. The City of Austin floodplain management is choosing to stand alone and risk failure of the berm.

Conclusions

- Due to a mistake in the calculation of the floodplain for the subdivision and the site development of Regents school, it is located in the floodplain.
- The findings of fact have not been met.
- This mistake is not a unique site condition that allows construction in the floodplain.
- The construction of the floodplain modifications will not remove the facilities from the FEMA floodplain.
- The construction of the floodplain modifications does not preserve the natural and traditional character of the land and waterway to the greatest extent feasible.
- The environment is taking the consequences for the mistake by the developer.

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

Commission is required to approve the subdivision by State law if no variances are required, and if it meets all requirements. A board or commission's decision on a subdivision may only be appealed if it involves an environmental variance. A variance may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C8-2010-0056.0B

Contact: Ron Czajkowski, (512) 974-6307

Jeb Brown, (512) 974-2709

Public Hearing: Zoning and Platting Commission, April 17, 2012

Your Name (please print)

BART VAN SICKOVINK

☐ I am in favor
☒ I object

Your address(es) affected by this application

6520 Leburnus Run Apt 478735

Signature

Date

Daytime Telephone:

512 2538259

Comments:

We like the developer
close to the house.

If you use this form to comment, it may be returned to:

City of Austin - Planning & Development Review Dept. / 4th Floor

Ron Czajkowski

P. O. Box 1088

Austin, TX 78767-8810