



## Agenda item 4a

### ITEM FOR ENVIRONMENTAL BOARD AGENDA

**BOARD MEETING  
DATE REQUESTED:** October 17, 2012

**NAME & NUMBER  
OF PROJECT:** BULLDOG STORAGE  
SP-2012-0226D

**NAME OF APPLICANT  
OR ORGANIZATION:** Prossner and Associates, Inc.  
[Contact: Kurt Prossner-(512) 918-3343]

**LOCATION:** 4221 N FM 620 Rd

**PROJECT FILING DATE:** July 11, 2012

**PDR/ENVIRONMENTAL  
STAFF:** Brad jackson, 974-3410  
brad.jackson@austintexas.gov

**WPDR/  
CASE MANAGER:** Nikki Hoelter, 974-2863  
Nikki.hoelter@austintexas.gov

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

**ORDINANCE:  
REQUEST:** Comprehensive Watershed Ordinance (current Code)  
Variance requests are as follows:  
1. To allow fill up to 12 feet [LDC Section 25-8-342].

**STAFF RECOMMENDATION:** Recommend approval.

**REASONS FOR  
RECOMMENDATION:** Findings of fact have been met.



## MEMORANDUM

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

**FROM:** Brad Jackson, Senior Environmental Reviewer  
Planning and Development Review Department

**DATE:** October 17, 2012

**SUBJECT:** **Bulldog Storage SP-2012-0226D**

Variance Requests: To allow fill up to 12 feet (LDC 25-8-342).

### Description of Project Area

This site plan was originally submitted on November 20, 2007 and requested the variance for fill up to 12 feet. The Zoning and Platting Commission approved the variance on November 21, 2008 on consent. The Environmental Board recommended approval of the variance on September 17, 2008 by a vote of 4-0-0-2. Ahart, Anderson, Beall, and Neely were for the motion, Maxwell was absent, and there was one vacancy on the Board. The site plan has since expired and has now been resubmitted for approval, which requires re-approval of the variance.

This is a 5.76 acre tract of land located at 4221 N FM 620 Rd. (along the south side of FM 620), just east of the intersection of FM 620 and Highland Drive. The applicant proposes to construct a multi-story mini warehouse facility, associated parking, and detention pond. This site is located in the 2-mile ETJ portion of the Lake Austin Watershed, which is classified as a Water Supply Rural Watershed. This site is not located on the Edwards Aquifer Recharge Zone, but is in the Drinking Water Protection Zone. The site is located along the top portion of one of the many steep incised ridges typical of ridgelines found in western Travis County. Above this site, along the top of the ridgeline to the west and south of this property is a residential subdivision called Highland Club Village, Section One. The applicant's property has a ridgeline that runs topographically above the eastern and southern property lines. This topography creates an unclassified natural drainage way which cuts across the property in a northeasterly direction. There are no Critical Water Quality or Water Quality Transition Zones associated with this drainage way. Along the north side of the property is FM 620 Rd, which is elevated and creates a steep embankment along the north side of the property. The combination of roadway embankment and natural slope of the land creates a somewhat "bowl shape" to the property with the exception of the eastern side, which continues the natural topography. It is within this "bowl shape" that the applicant needs to fill up to 12 feet

for construction of the driveway, firelane hammerhead turn around, and 3 parking spaces. The fill also allows drainage to enter the detention pond from the building and drive aisle. The area of fill exceeding 4 feet will be approximately 7,000 square feet in size as shown on the attached exhibit.

### **Vegetation**

The site has a tree canopy made up mostly of Live Oak and Ashe Juniper, which covers 30 to 50% of the site. There are numerous trees larger than 8 caliper inches located on the property. The site exhibits low species diversity and structure in the tree canopy. Ground cover is mainly composed of poison ivy, beggar grasses, and some native grasses.

### **Critical Environmental Features**

According to a November 2007 *Escarpment Environmental* Environmental Assessment, there are no CEFs located on or within 150 feet of the property.

### **Water/Wastewater**

Water service will be provided by WC&ID No. 17. Wastewater will be provided by an on-site septic system to be approved and permitted by Travis County.

### **Variance Request**

#### **A variance from LDC Section 25-8-342: To allow fill up to 12 feet.**

The applicant's proposed design requires the use of fill up to 12 feet to construct the entrance and fire lane turn around.

### **Staff Recommendations for Variance**

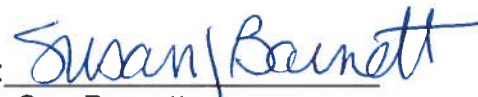
The findings of fact have been met. Staff recommends approval of this variance with the following conditions:

1. Only clean fill of soil, dirt, rock, sand, or other natural man-made materials are to be used as fill on the site; and
2. Submittal and City approval of a Pollution Attenuation Plan for the site must be obtained prior to site plan approval; and
3. All trees over 8 caliper inches will be mitigated for and replaced with Class 1 native trees; and
4. All fill over four feet will be structurally contained.

If you have any questions or need additional information, please feel free to contact me at 974-3410.



Brad Jackson, Environmental Review Specialist Sr.  
Planning and Development Review Department

Environmental Program Coordinator:   
Sue Barnett

Environmental Officer:   
Chuck Lesniak

**Similar Cases:**

This site received this exact same variance for the exact same site design in 2008:

<b>Site Plan - Environmental Variance Only:</b>	<b>SP-2007-0673D - Bulldog Storage</b>
Location:	4221 N FM 620 Rd, Lake Austin Watershed
Owner/Applicant:	Peter Von Adrian
Agent:	Prossner & Associates (Kurt Prossner)
Request:	To approve an environmental variance from LDS 25-8-342 - Fill Requirements - requesting to fill up to 12 feet.
Staff Rec.:	<b>Recommended with conditions</b>
Staff:	Sarah Graham, 974-2826, sarah.graham@ci.austin.tx.us Craig Carson, 974-7690, craig.carson@ci.austin.tx.us Watershed Protection and Development Review Department

The motion to approve staff's recommendation to approve an environmental variance; was approved on the Consent Agenda by Commissioner Donna Tiemann's motion, Commissioner Teresa Rabago second the motion on a vote of 4-0; Commissioners Jay Gohil, Keith Jackson and Betty Baker were absent.

**Additional similar case:**

**Jorgenson Residence, SP-05-1197D**

Lake Austin Watershed / Water Supply Rural

1. Variance from Land Development Code 25-8-341/342- Cut up to 15 feet and fill up to 14 feet for driveway construction to SF residence.

The Environmental Board recommended approval the following project on April 21, 2004 by a vote of 6-2-0-1:

**Similar Case Staff Conditions:**

1. Applicant will landscape with Hill Country Roadway landscaping. A landscape inspection fee will accompany this condition;
2. A restrictive covenant prohibiting the use of coal-tar sealants.
3. Applicant will develop and maintain an Integrated Pest Management Program.



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

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**Application Name:** Bulldog Storage  
**Application Case No:** SP-2012-0226D  
**Code Reference:** LDC Section 25-8-342  
**Variance Request:** To allow fill up to 12 feet.

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**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. Due to the combination of the embankment created by the construction of FM 620 and the natural topography of the property, fill over four feet is necessary to create a suitable building pad for the proposed development.*

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 site's overall topography is driving the need for fill over 4 feet so that a safe entrance off of FM 620, the fire lane turn around, and a level building pad can be constructed. Additionally, the proposed design includes a detention pond so that storm water will leave the site at the same flow conditions as pre-construction levels.*

- 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. The proposed fill is the minimum necessary to provide the proper grade for the entrance and fire lane turn around, as well as providing a level building pad.*

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

*Yes. This variance will not increase the probability of harmful environmental consequences because the unclassified drainage way will be diverted around the development and discharged into the natural drainage way on the eastern side of the property. Additionally, the proposed*

*design includes a detention pond so that storm water leaving the developed portion of the property leaves the site at the same flow conditions as pre-construction storm water levels.*

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

*Yes. Water quality will be at least equal to the water quality achievable without the variance.*

**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;

*N/A.*

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

*N/A*

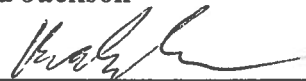
3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

*N/A*

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**Reviewer Name:** Brad Jackson

**Reviewer Signature:** \_\_\_\_\_



**Date:** October 8, 2012

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

**Prossner and Associates, Inc.**

Consulting Engineers

October 17, 2011

2601 Chitina Court  
Cedar Park, Texas 78613  
(512) 918-3343

Mr. Jeb Brown, Environmental Review  
Planning and Development Review Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78701

**Re: Variance Request for "Bulldog Storage" – SP-2011-0235D**

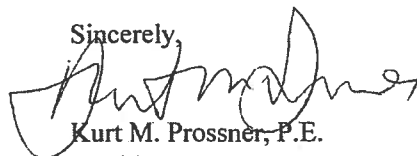
Mr. Brown,

This correspondence is being submitted as a request for a variance from Section 25-8-342 of the City of Austin Land Development Code for the above referenced Site Plan Application. The site contains 5.76 acres of land but due to slope and boundary street deductions is only allowed 0.546 acres (23,787 s.f.) of development or 9.38% of the gross site area. The site is located in the Lake Austin Watershed which is classified as Water Supply Rural. The variance request is to allow fill in excess of four (4) feet and is required for a portion of the detention pond. The variance is required due to topographic constraints on the property. The maximum amount of fill proposed is twelve (12) feet and is near the northwest corner of the pond. It must be noted that we feel that the site can not be developed in any reasonable manner without some concession on the cut and fill due to the natural slope of the land.

It is our opinion that approval of the variance request will not provide the applicant with a special privilege over similar developments as the site has steep topography and development of the tract would not be possible further from FM Hwy. 620 due to the extreme topographic conditions. We have tried to locate the buildings and drives in an area most suitable in terms of slopes and the least environmentally sensitive. The site does not drain directly into any portion of Lake Austin which is located approximately ½ mile east of the site and all of the proposed development will be directed to an on site 2 year detention pond where it will be detained and released via sheet flow into a natural channel along the east side of the tract.

Approval of the variance request should not provide the applicant with a special privilege over similar developments. The fill is very isolated and the site can not be designed differently due to the natural grade on the site and the need to minimize the internal drive slopes to accommodate ADA requirements. The variance approval we believe is a minimum departure from the Land Development Code and the approval of the variance will not create any significant environmental consequences. Should you have any questions or require any additional information, please contact our office.

Sincerely,

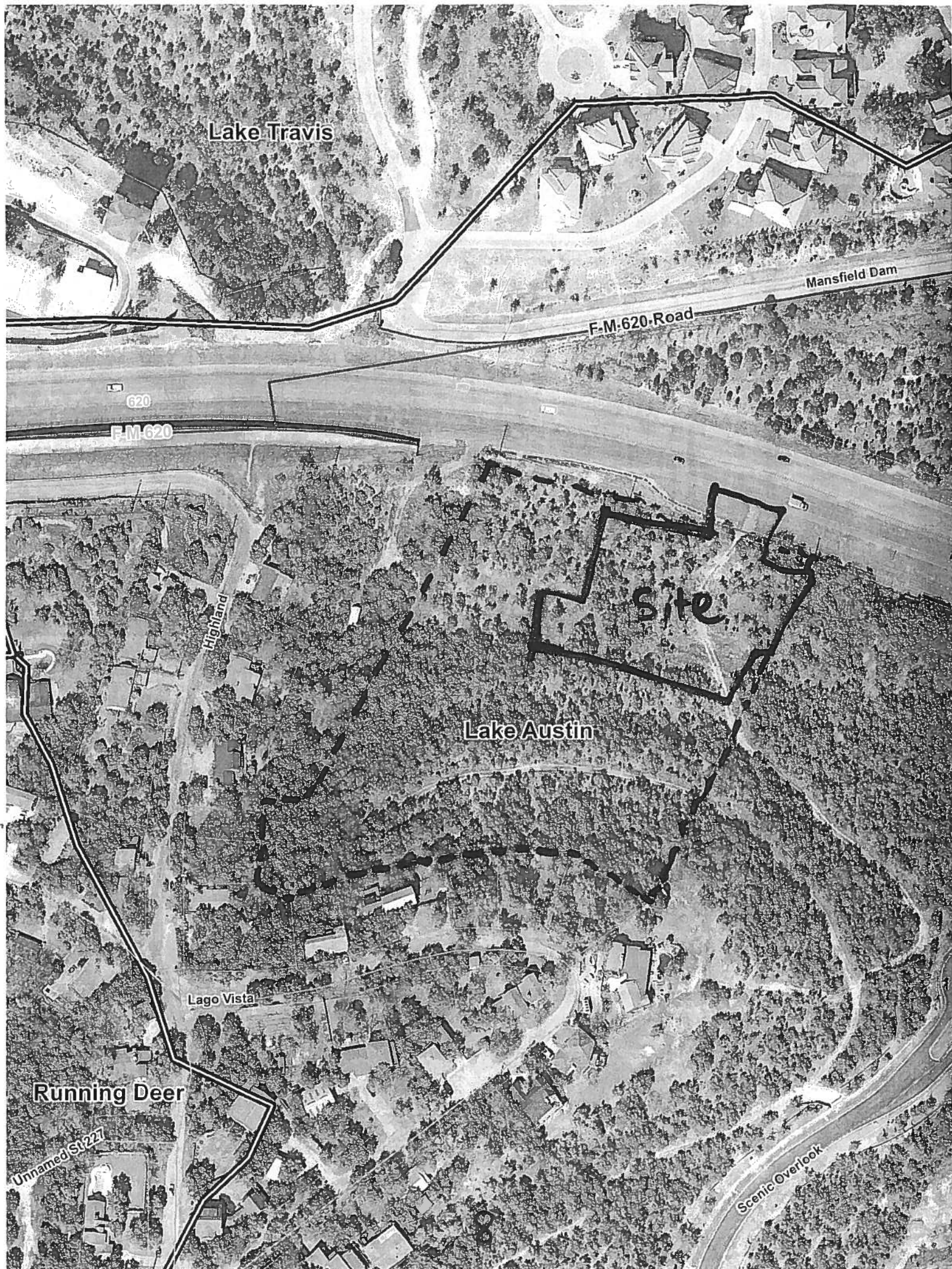
  
Kurt M. Prossner, P.E.  
President



cc: Mr. Todd Dailey

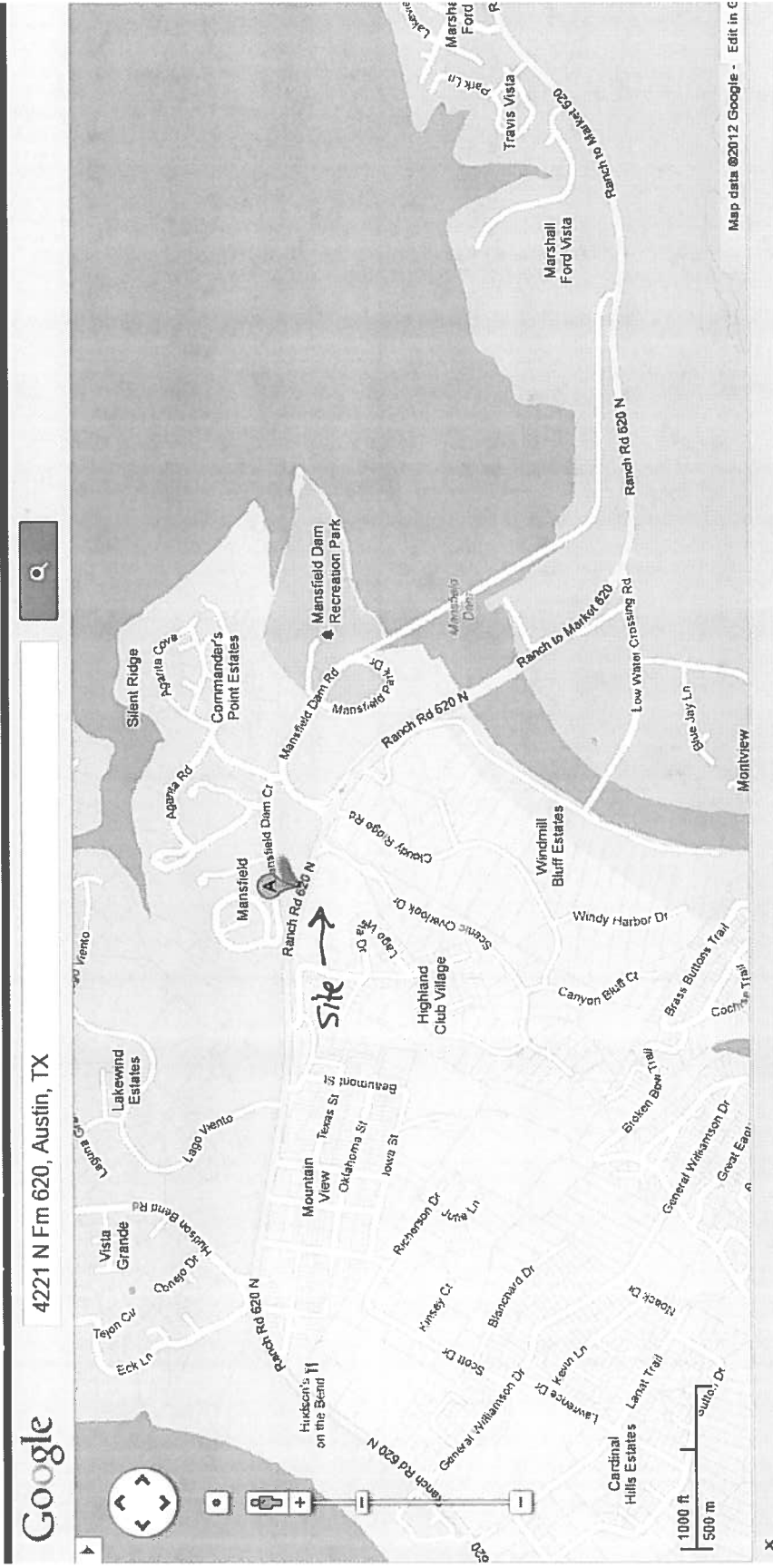
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**Driving Directions to Bulldog Storage  
4221 N. FM 620 Rd.**

From One Texas Center, take Barton Springs Road west towards Mopac (Loop One). Take Mopac North to the 2222 exit, go left on 2222 heading west past 360 until you reach 620. Turn left on 620 heading south and cross over the Colorado River at Mansfield Dam. The site will be on the left right after you pass Scenic Overlook Drive.





**ENVIRONMENTAL BOARD MOTION 091708 3b-001**

Date: September 17 2008

Subject: Bull Dog Storage SP-2007-0673D

Motioned By: Phil Moncada

Seconded By: Jon Beall

The Environmental Board recommended conditional approval to a variance request to LDC 25-8-341 1) To allow fill up to 12 feet.

**STAFF CONDITIONS:**

1. Only clean fill of soil, dirt, rock, sand or other natural man-made materials are to be used as fill on the site.
2. Submittal and City approval of a Pollution Attenuation Plan for the site must be obtained prior to site plan approval;
3. All trees over 8 caliper inches will be mitigated for and replaced with Class 1 native trees.
4. All fill over four feet will be structurally contained.

**RATIONALE;**

Findings of fact have been met. This project is constrained by the construction of FM 620 and fill is necessary for safe access of FM 620. No portion of site drains to Lake Austin, which is on half mile away.

**Vote** 4-0-0-2

For: Ahart, Anderson, Beall, and Neely

Against:

Abstain: None

Absent: Ahart and Maxwell

Recused:

Vacant: One.



