



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING
DATE REQUESTED: March 6, 2013

NAME & NUMBER OF PROJECT: STEINER RANCH MU-11 / SP-2012-0175D

NAME OF APPLICANT OR ORGANIZATION: Crocker Consultants
(Sarah Crocker, 504-237-4288)

LOCATION: 4200 Steiner Ranch Blvd.

PROJECT FILING DATE: May 22, 2012

WPDR/ENVIRONMENTAL STAFF: Brad Jackson, 974-3410
brad.jackson@austintexas.gov

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

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

ORDINANCE: Comprehensive Watershed Ordinance, as amended by the
Steiner Ranch Subdivision Settlement Agreement

REQUEST: Variance request is as follows:
1. Variance from LDC 25-8-341 - To allow cut up to a maximum of 16 feet.
2. Variance from LDC 25-8-342 - To allow fill up to a maximum of 14 feet.

STAFF RECOMMENDATION: Not Recommended.

REASONS FOR RECOMMENDATION: Findings-of-fact have not 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: March 6, 2013

SUBJECT: Steiner Ranch MU-11 (SP-2012-0175D)
4200 Steiner Ranch Blvd.

Variance Requests: Variance from LDC 25-8-341 – To allow cut up to a maximum of 16 feet.
Variance from LDC 25-8-342 – To allow fill up to a maximum of 14 feet.

The applicant is proposing a townhome project with 55 buildings. The site will have one internal, private roadway and 2 water quality/detention ponds. The cut is requested to provide an area behind twelve of the buildings for fire access and drainage. The cut between 8 and 16 feet will cover about 19,144 square feet in area (0.44 acre). The fill is requested to provide access to the sides and rear of 2 of the buildings located on the steeper areas of the property. The fill between 8 and 14 feet will cover about 6,816 square feet in area (0.16 acre).

Description of Project Area

This 24.39 acre site is situated in the COA 2-mile ETJ in the Drinking Water Protection Zone. The site is located within the Bear West Creek (Lake Austin) Watershed, which is classified as Water Supply Rural. Topographically, the site slopes down to the north from Steiner Ranch Blvd from an elevation of 951 feet to an elevation of 830 feet at the northern boundary of the site. The site has 16.47 acres of net site area, with approximate half of the site's 24 acres containing slopes over 15% in grade. The subdivision is allowed 40% impervious cover through the Steiner Ranch Subdivision Settlement Agreement, Ordinance # 011025-49. The proposed impervious cover for the development is 6.38 acres (277,912 square feet), or 38.74% of net site area.

This property is not adjacent to any preserve lands as required in the Steiner Ranch Development agreement. The immediately adjacent tracts are all designated for commercial development within the Steiner Ranch Development Agreement.

Vegetation

According to the Soil Survey of Travis County, the site contains Brackett soils, rolling (BID) and Brackett soils and rock outcrop (BoF). Brackett soils are described as shallow and well drained soils that develop under a prairie of mid to tall grasses and some trees. The geology at this site is characterized by thin clay soils covering weathered limestone. The site lies within the Glen Rose formation that consists primarily of limestone, dolomite and marl. The site vegetation is dense, consisting of scrubby hill country species like ashe juniper, live oak, cedar elm, and Texas red oak.

Critical Environmental Features

There are no Critical Environmental Features on or within 150 feet of this site.

Water/Wastewater

The project will receive water service from WCID #17. Wastewater will be handled through an eight inch wastewater line owned and maintained by WCID #17. Both water and wastewater will be available within the Steiner Ranch Blvd right-of-way.

Variance Requests

The variances being requested by this project are as follows:

1. **Variance from LDC 25-8-341 – To allow cut up to a maximum of 16 feet.**
2. **Variance from LDC 25-8-342 – To allow fill up to a maximum of 14 feet.**

On May 22, 2012, the applicant requested the above variances.

Recommendations

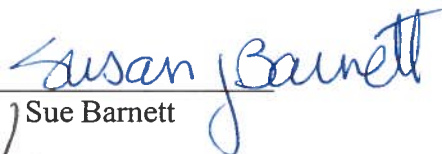
Staff does not recommend granting the variance request because the findings of fact have not been met. Please see pages 6-9 for findings of fact from staff. The Steiner Agreement allows cut and fill up to 8 feet and construction on slopes up to 35% in grade. These variances requested are above and beyond the variances previously granted through the Steiner Agreement.

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

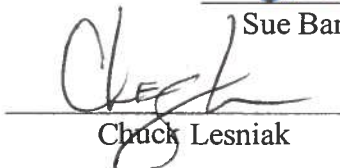


Brad Jackson, Senior Environmental Reviewer
Planning and Development Review

Environmental Program Coordinator:


Sue Barnett

Watershed Protection:


Chuck Lesniak

Similar Cases

Steiner Ranch Apartments (SP-2011-0200D)

4800 Steiner Ranch Blvd.

requested a variance from LDC 25-8-341/342 to allow cut up to 8 feet and fill up to 8 feet for the construction of an office building. The EV Board recommended approval on January 18, 2011 by a vote of 6-0-1-2, with the following conditions:

Recommended Conditions of Variance Approval

1. All areas of disturbance outside of the landscaped entrance drive will be revegetated with native grasses.
2. The developer will plant 1,000 inches of native trees within the development.

The Zoning and Platting Commission approved this variance on February 12, 2011.

Bulldog Storage– SP-2007-0673D requested a variance from LDC 25-8-341 to allow fill up to 12 feet for the construction of storage buildings. The EV Board recommended approval on September 17, 2008 by a vote of 4-0-0-2, with the following conditions:

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.

The Zoning and Platting Commission approved this variance on August 30, 2008.



Planning & Development Review Department
Staff Recommendations Concerning Required Findings
Of Fact

Application Name: Steiner Ranch MU-11
Application Case No: SP-2012-0175D

Code Reference: Land Development Code Section 25-8-341

Variance Request: To allow cut up to 16 feet for the development of 55 townhomes.

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.** Other properties similarly situated, like the Steiner Ranch Apartments and Judge's Overlook, have requested variances to allow cut required by fire access requirements behind buildings on sights with significant slopes.*

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;

***NO.** The development is based on a condition caused by the method chosen by the applicant to develop the property. The layout of the townhomes has not been modified to consider the existing topography, requiring extensive cut in one particular area of steep slopes.*

- 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 site has not been designed to avoid the areas of steep slopes as much as possible and reduce the need for excessive cut. The area of cut can be significantly reduced with slight modifications to the site plan.*

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

***YES.** This variance does not directly create a significant probability of harmful environmental consequences. The areas of cut will be stabilized with a retaining wall.*

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 proposed project will result in water quality that is at least equal to the water quality achievable without the variance because the site will be providing two water quality ponds to treat run-off from the impervious cover.

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

Reviewer Name:

Brad Jackson

Reviewer Signature:



Date: February 27, 2013

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



Planning & Development Review Department
Staff Recommendations Concerning Required Findings
Of Fact

Application Name: Steiner Ranch MU-11
Application Case No: SP-2012-0175D

Code Reference: Land Development Code Section 25-8-342

Variance Request: To allow fill up to 14 feet for the development of 55 townhomes.

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.** Other properties similarly situated, like the Steiner Ranch Apartments and Judge's Overlook have requested variances to allow fill required due to fire access requirements beside and behind buildings, and to provide parking areas on sights with significant slopes.*

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;

***NO.** The development is based on a condition caused by the method chosen by the applicant to develop the property. The layout of the townhomes has not been modified to consider the existing topography, requiring extensive fill in 2 particular areas of steep slopes. There are 2 townhome buildings at the end of the row of apartment buildings that are placed on excessive slopes and require fill to accommodate them. Building 25 is nearly completely built over fill over 8 feet in depth. Removal of this building would significantly reduce the amount of fill requested in this 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 site has not been designed to avoid the areas of steep slopes as much as possible and reduce the need for excessive fill. The areas of fill can be significantly reduced with slight modifications to the site plan.*

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

YES. *This variance does not directly create a significant probability of harmful environmental consequences. The areas of fill will be stabilized with a retaining wall or revegetated with native grasses on no steeper than a 3:1 slope.*

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 proposed project will result in water quality that is at least equal to the water quality achievable without the variance because the site will be providing two water quality ponds to treat run-off from the impervious cover and utilize native grass reseeding on the majority of the site.*

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

Reviewer Name: Brad Jackson

Reviewer Signature:

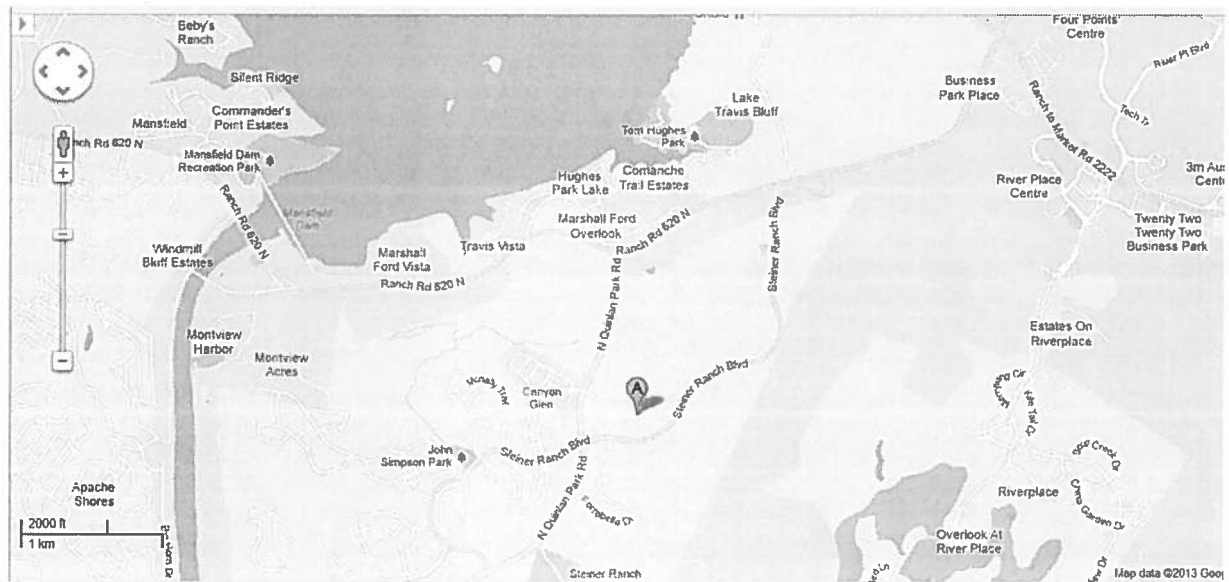


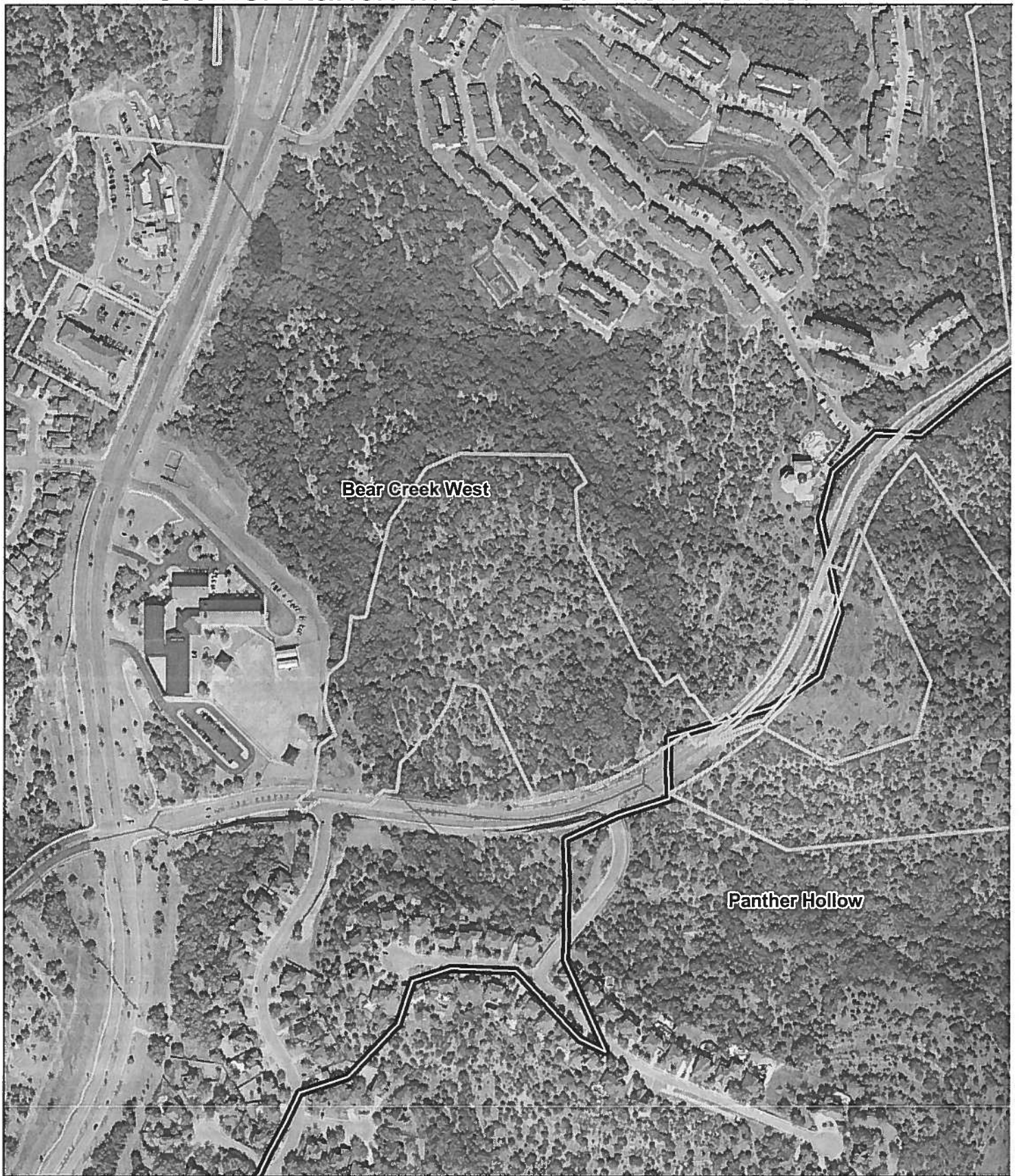
Date: February 27, 2013

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

Driving Directions to Steiner Ranch MU-11 4200 Steiner Ranch Blvd

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 for about 2 miles until the intersection of 620 and Steiner Ranch Boulevard. Turn left onto Steiner Ranch Blvd and the site is about a mile down on the right.





0 0.05 0.1 0.2 Miles



SARAH PUTNAM CROCKER CROCKER CONSULTANTS

4808 W William Cannon

Austin Texas 78749

February 24, 2013

Planning & Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

RE: MU 11 Single Family Condo Development
4400 Steiner Ranch Blvd.
Lot 4, Block 3 Steiner Ranch Phase Ten Section Two
SP-2012-0175D
Request for Variance 25-8-341 & 25-8-342 Cut and Fill in excess of 8 feet
Cut 8-16'
Fill-8-14'

To Whom It May Concern:

On behalf of the applicant I am requesting a variance for cut and fill in excess of eight (8) feet for the proposed development of 55 detached single family units at 4400 Steiner Ranch Blvd. Subsection B (3, (i)), of Article VIII of The Steiner Ranch Development Agreement allows for cut and fill of up to 8' sf administratively.

This site is subject to the Steiner Ranch Development Agreement which was approved by City Council in October 2000. Attached you will find the justification and findings of fact to support this variance request.

This tract is not located in the Edwards Aquifer Recharge zone. It is located in the Lake Austin Watershed which is classified as Water Supply Rural and will be developed in accordance with Chapter 15 of the City of Austin Code and the Steiner Ranch Development Agreement.

Should you have any questions or need anything further, please don't hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sarah Crocker', with a long horizontal flourish extending to the right.

Sarah Crocker
Authorized Agent

SARAH PUTNAM CROCKER CROCKER CONSULTANTS

4808 W William Cannon

Austin Texas 78749

Findings of Fact

Project: MU 11 Single Family Detached Development
4400 Steiner Ranch Blvd
Austin, Texas
SP-2012-0175D

Ordinance Standard: 25-8-341 Cut in excess of 8 feet

8-10'	8202.69 s.f.
10-12'	6925.36 s.f.
12-14'	2749.08 s.f.
14-16'	1268.15 s.f.

Justification:

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development? **YES**

Steiner Ranch is a master planned community that has been in the development process for more 25 years. From 1986 until the Development Agreement was approved by City Council in 1999, 98% of the applications filed in Steiner Ranch sought and received Environmental Variances for cut and fill (up to 20 feet) or construction on slopes. Of the 15 original tracts designated as mixed-use in the Steiner Ranch Master Conceptual Plan, only four remain undeveloped.

- a. **MU 11-** The subject tract consists of 24.43 acres. The topography is unique even by Hill Country Standards. The property has an irregular pie shape. The 1396.49' feet of frontage along Steiner Ranch Blvd tapers down to 439' at the rear property line.
 - There are two small ridge lines along Steiner Ranch Blvd that slope towards the middle of the tract and create a swale that runs towards the rear of the property.
 - The elevation at the western property line is 851 and rises to an elevation of 882 before gradually sloping northward and terminating at 845 at the rear of the property line.
 - The eastern ridge which forms the "uphill" side of swale begins climbing at 894 before reaching an elevation of 930 at the eastern property boundary on Steiner Ranch Blvd.

- Although there is 74' of fall along the Steiner Ranch Blvd frontage and 40 to 50' of fall to the rear property line, the existing topography can only be described as "rolling" from front to rear.
 - It is virtually impossible to develop this tract without cut and fill variances.
- b. **MU-14** Was granted an EV variance for construction in the WQTZ and CWQZ in 2010. This tract currently has pending applications on file to re-subdivide the tract into two lots and associated subdivision construction plans for utilities and a private roadway.
 - c. **MU 1B** Was granted an administrative variance for up to 8 ft. of fill and has applications on file to re-subdivide into three lots with associated construction plans. No further EV variances are anticipated for this property.
 - d. **MU-15** There are no applications on file for this property but this tract has frontage "at grade" along 620, and appears to have ample 1-15% slope for development. There are no EV variances anticipated for this site.
 - e. **MU 13**-The property is located at 4800 Steiner Ranch Blvd. MU 13 has an approved site plan and was granted cut and fill variances (up to 20 feet) in early 2012.
2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences? **YES**
- A. **All of the 1268.5' of 16-14' area of cut is behind Units 49 and 50. The cut variance request is required to meet the 150 foot hose lay rule for first responders and provide adequate drainage area for these buildings. Terracing techniques were considered but were abandoned due to the fact that these methods would have significantly increased the area of site disturbance. The average distance between the back of the units and the "cut" wall is less 18'. The 12-16' range of cut is only 20.93% of the variance request. 85.7% is within 8-12 (8-10' is 42.85%)**
 - B. Historically, cut and fill or slope variances were required for all development in Steiner Ranch due to the nature of the Hill Country terrain. This condition was recognized and (for the most part) was addressed in Section 3 of the Steiner Ranch Development Agreement between the Developer and the City Council which sets forth Certain Administrative Variances and Waivers allowing cut and fill up to 8' for construction driveways, building and residences on slopes up to 35% (with acceptable structural containment). As a result, all of the residential subdivisions approved after the Development Agreement were able to obtain administrative variances for cut and fill. Development in Steiner Ranch hasn't been "variance-free" since 1999 it simply hasn't been subject to the public hearing process.
 - C. However, Commercial development is subject to different standards of the Code and the variance request for cut is driven by the need to create an adequate area for drainage from the higher elevation behind the residences.
 - D. Additionally the existing water quality pond is being relocated which will result in increased capture volume (.50% to .67%) for the run-off from Steiner Ranch Blvd.

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land. **YES**

The subdivision process did not create the need for these variances the natural topography is the driving factor. The proposed density for this tract is approximately 2.2 units to the acre. This is a one lot subdivision.

4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property? **N/A**

SARAH PUTNAM CROCKER CROCKER CONSULTANTS

4808 W William Cannon

Austin Texas 78749

Findings of Fact

Project: MU 11 Single Family Development
4400 Steiner Ranch Blvd
Austin, Texas
SP-2012-0175D

Ordinance Standard: **25-8-342 Fill in excess of 8 feet**
8-10' 3472.39 sf
10-12' 2075.19 sf
12-14' 1269.91 sf

Justification:

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development? **YES**

Steiner Ranch is a master planned community that has been in the development process for more 25 years. From 1986 until the Development Agreement was approved by City Council in 1999, 98% of the applications filed in Steiner Ranch sought and received Environmental Variances for cut and fill (up to 20 feet) or construction on slopes. Of the 15 original tracts designated as mixed-use in the Steiner Ranch Master Conceptual Plan, only four remain undeveloped.

- a. **MU 11-** *The subject tract consists of 24.43 acres. The topography is unique even by Hill Country Standards. The property has an irregular pie shape. The 1396.49' feet frontage along Steiner Ranch Blvd tapers to 439' at the rear property line.*
 - *There are two small ridge lines along Steiner Ranch Blvd that slope towards the middle of the tract and create a swale that runs towards the rear of the property.*
 - *The elevation at the western property line is 851 and rises to an elevation of 882 before gradually sloping northward and terminating at 845 at the rear of the property line.*

- The eastern ridge which forms the “uphill” side of swale begins climbing at 894 before reaching an elevation of 930 at the eastern property boundary on Steiner Ranch Blvd.
 - Although there is 74’ of fall along the Steiner Ranch Blvd frontage and 40 to 50’ of fall to the rear property line, the existing topography can only be described as “rolling” from front to rear.
 - It is virtually impossible to develop this tract without cut and fill variances.
- b. **MU-14** Was granted an EV variance for construction in the WQTZ and CWQZ in 2010. This tract currently has pending applications on file to re-subdivide the tract into two lots and associated subdivision construction plans for utilities and a private roadway.
 - c. **MU 1B** Was granted an administrative variance for up to 8 ft. of fill and has applications on file to re-subdivide into three lots with associated construction plans. No further EV variances are anticipated for this property.
 - d. **MU-15** There are no applications on file for this property but this tract has frontage “at grade” along 620, and appears to have ample 1-15% slope for development. There are no EV variances anticipated for this site.
 - e. **MU 13**-This property is located at 4800 Steiner Ranch Blvd. MU 13 has an approved site plan and was granted cut and fill variances (up to 20 feet) in early 2012.
2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences? **YES**
 - A. Historically, cut and fill or slope variances were required for all development in Steiner Ranch due to the nature of the Hill Country terrain. This condition was recognized and (for the most part) was addressed in Section 3 of the Steiner Ranch Development Agreement between the Developer and the City Council which sets forth Certain Administrative Variances and Waivers allowing cut and fill up to 8’ for construction driveways, building and residences on slopes up to 35% (with acceptable structural containment). As a result, all of the residential subdivisions approved after the Development Agreement were able to obtain administrative variances for cut and fill. Development in Steiner Ranch hasn’t been “variance-free” since 1999 it simply hasn’t been subject to the public hearing process.
 - B. **However, Commercial development is subject to different standards of the Code and it’s important to note that this variance request for fill is driven by the need to create adequate drainage patterns to the ponds. The areas of 10-12 and 12-14’ of fill around units 1 and 25 are driven primarily by the location of the outfall for the storm sewer to convey run off to the ponds. 50.93% of the fill variance is for 8-10’ of fill.**
 - C. Additionally we are relocating the existing water quality pond which will result in increased capture volume (.50% to .67%) for the run-off from Steiner Ranch Blvd.
 3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land. **YES**

The subdivision process did not create the need for these variances the natural topography is the driving factor. The proposed density for this tract is approximately 2.2 units to the acre. This is a one lot subdivision.

4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property? **N/A**

SARAH PUTNAM CROCKER CROCKER CONSULTANTS

4808 W William Cannon

Austin Texas 78749

CUT / FILL VARIANCE REQUEST

2' Increments
MU 11 CONDOS
SP-2012-0175D

14-16' of fill was eliminated
50% of the variance request is within the 8-10' range

CUT	SF	% of variance
8-10'	8202.69	42.85 %
10-12'	6925.36	36.17%
12-14'	2749.08	14.36%
14-16'	1268.15	6.62%
TOTAL	19145.28 sf	100%
FILL	SF	% of variance
8-10'	3472.39	50.93%
10-12'	2075.19	30.44%
12-14'	1269.91	18.63%
14-16'	0	0
TOTAL	6817.49 sf	100%