



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED: SEPTEMBER 4, 2013

**NAME & NUMBER
OF PROJECT:** MARSHALL FORD OVERLOOK
SP-2013-0098D

**NAME OF APPLICANT
OR ORGANIZATION:** LJA Engineering and Surveying
(Danny Miller, PE 512-439-4700)

LOCATION: 4900 N FM 620

PROJECT FILING DATE: March 18, 2013

**WPDR/ENVIRONMENTAL
STAFF:** Mike McDougal, 512-974-6380
mike.mcdougal@austintexas.gov

**WPDR/
CASE MANAGER:** Christine Barton-Holmes, 512-974-2788
christine.barton-holmes@austintexas.gov

WATERSHED: Bear Creek West Watershed, Water Supply Rural
Drinking Water Protection Zone

ORDINANCE: Comprehensive Watershed Ordinance (current Code)

REQUEST: Variance request as follows:
1 - To allow the construction of a 40% buffer to be
located adjacent to (rather than downstream of) the
proposed improvements [LDC 25-8-454(D)(2)]

STAFF RECOMMENDATION: Recommended with conditions.

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

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ENVIRONMENTAL BOARD VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Steiner MF, LTD
Street Address	504 Lavaca Street, Suite 1160
City State ZIP Code	Austin, Texas 78701
Work Phone	214-552-8580
E-Mail Address	ehask@airmail.net

Variance Case Information

Case Name	Marshall Ford Self Storage
Case Number	SP-2013-0098D
Address or Location	4900 North RM 620
Environmental Reviewer Name	Michael McDougal
Applicable Ordinance	Current
Watershed Name	Bear Creek West
Watershed Classification	<input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban XX Water Supply Rural <input type="checkbox"/> Barton Springs Zone
Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment XX Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes XX No

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	Due to the site's topography and configuration, the 40% buffer cannot be provided downgradient of the proposed improvements. As an alternate, the applicant is providing structural water quality controls, as well as a 40% buffer located adjacent to the proposed improvements, and downgradient of existing development, thus providing a superior overall water quality plan.
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FINDINGS OF FACT

As required in LDC Section 25-8-41, in order to grant a variance the Land Use Commission must make the following findings of fact:

Include an explanation with each applicable finding of fact.

Project: Marshall Ford Self Storage

Ordinance: Current code

A. Land Use Commission variance determinations from Chapter 25-8-41 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/No Yes – strict compliance with the City's Policy Interpretation would require the proposed commercial development to be located in such a manner that it would no longer be located along RM 620, a major arterial, which is otherwise afforded to other commercial developments along RM 620, including the Quinlan Crossing shopping center across the highway.

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/No Yes – Due the site topography and configuration, it is not possible to provide a 40% buffer zone that is located down gradient of the development. Even if the project were located on the up gradient end of the site, the 40% buffer still could not be provided.

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located offsite. Thus the combined water quality controls provide a higher level of pollutant load removal than would otherwise be required.

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 criteria for granting a variance in Section A are met;

Yes/No	Not Applicable
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2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

Yes/No	Not Applicable
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3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Yes/No	Not Applicable
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****Variance approval requires all above affirmative findings.**



MEMORANDUM

TO: Mary Gay Maxwell, Chairperson and Members of the Environmental Board

FROM: Mike McDougal, Environmental Review Specialist Senior
Planning and Development Review Department

DATE: September 4, 2013

SUBJECT: Marshall Ford Overlook – SP-2013-0098D

On the September 4, 2013 agenda is a request for the consideration of one variance that has been requested for the construction of a self-storage warehouse building with associated parking and drives.

Description of Property

The development consists of Lots 3 and 4 of Block A, Lot 1 of the Marshall Ford Overlook Subdivision. The 2 lots have a combined area of 6.57 acres. The project is 4900 N FM 620 (at the intersection of FM 620 and Marshall Ford Road). It is located in the Bear Creek West Watershed, which is classified as a Water Supply Rural watershed and is located within the Drinking Water Protection Zone. The property is not located over the Edwards Aquifer Recharge Zone. The property does not include the 100-year Floodplain, Critical Water Quality Zone (CWQZ) or Water Quality Transition Zone (WQTZ).

Elevations vary from 765 feet MSL to 805 feet MSL. Topography within the subdivision creates a bowl draining toward FM 620. The site is located in the City of Austin ETJ. Vegetation consists of live oaks, elms, and ashe juniper. No CEFs are located on the property.

Land Development Code Section 25-8-454(D)(2) requires a 40% natural buffer to be located downslope of and adjacent to the proposed development. Construction on slopes in excess of 15% is limited by the Land Development Code. In addition, cut / fill in excess of 4 feet is limited by the Land Development Code. Slopes vary from 8 to 18% on the property, with steeper slopes (slopes generally in excess of 15%) located in the eastern portions of Lots 3 and 4, and flatter slopes (slopes generally less than 15%) located in the western portions of Lots 3 and 4. Construction on slopes in excess of 15% and cut / fill in excess of 4 feet would be required if the proposed development were configured to provide a 40% buffer located downslope of and adjacent to the development.

Findings of Fact for Marshall Ford Overlook, SP-2013-0018C

Variance Request

LDC 25-8-454(D)(2) states that at least 40% of a site must be retained in or restored to its natural state to serve as a buffer, the buffer must be contiguous to the development, and the buffer must receive overland drainage.

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, compliance with construction on slopes requirements, compliance with cut / fill limits of 4feet, and compliance with the 40% downslope buffer requirement does not provide a developable area for the proposed project.

2. The variance is not based on a condition caused by the method chosen by the applicant to develop the property unless the development provides greater overall environmental protection than is achievable without the variance.

Yes, the condition is not chosen by the applicant and is a result of Land Development Code requirements. Compliance with construction on slopes requirements, cut / fill requirements, and the 40% downslope buffer requirement reduce the developable area of the property. The applicant is proposing to provide a 40% buffer adjacent to the property while also providing structural water quality.

3. The variance 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 applicant is requesting the minimum change necessary to develop the property and to allow reasonable use of the property. The applicant is providing a 40% buffer adjacent to the property and water quality control.

4. The variance does not create a significant probability of harmful consequences.

Yes, the Land Development Code does not require water quality controls for developments proposing less than 20% impervious cover. The applicant proposes 19.56% impervious cover and water quality control for this impervious cover in addition to providing the buffer adjacent to the site.


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

Yes, the project will provide structural water quality control for the proposed development.

Environmental Review Specialist Senior:


Mike McDougal

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:


Chuck Lesniak

Driving Directions to 4900 N FM 620

Beginning at Mopac and 45th St:

- 1 – Continue north on Mopac for 0.8 miles
- 2 – Exit FM 2222
- 3 – Turn left onto FM 2222
- 4 – Continue on FM 2222 until the intersection of FM 2222 and FM 620
- 5 – Turn left on FM 620
- 6 – Continue on FM 620 for 2.2 miles; the property will be on the right

