

ZONING AND PLATTING COMMISSION SITE PLAN
ENVIRONMENTAL VARIANCE REVIEW SHEET

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(addendum)

CASE NUMBER: SP-2013-0098D ZONING AND PLATTING COMMISSION DATE: 10/1/2013

PROJECT NAME: Marshall Ford Overlook

PROPOSED USE: Multistory mini storage facility

ADDRESS OF APPLICATION: 4900 North RM 620, Travis County

AREA: 8.235 acres, project area 1.277 acres/55,626 sq.ft.

APPLICANT: Steiner MF, LTD
504 Lavaca St, Suite 1160
Austin, Texas 78701

AGENT: LJA Engineering & Surveying (Danny Miller, PE)

CASE MANAGER: Christine Barton-Holmes, LEED AP Telephone: 974-2788
christine.barton-holmes@austintexas.gov

EXISTING ZONING: NA – 2-Mile ETJ. The applicant is requesting approval to build a multistory storage facility, with a variance request for construction of a 40% buffer to be located adjacent to, rather than downstream of the proposed improvements.

PROPOSED DEVELOPMENT: The proposed project is for the construction of a multistory storage facility in the Drinking Water Protection Zone, in the Bear Creek West Watershed.

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of the environmental variance, with the following conditions:

1. The applicant will provide a 40% buffer adjacent to the development
2. The applicant will provide structural water quality controls for the proposed development.

The site plan will comply with all requirements of the Land Development Code prior to its release.

AREA STUDY: N/A **WATERSHED:** Bear Creek West

APPLICABLE WATERSHED ORDINANCE: Current/ Comprehensive watershed ordinance

CAPITOL VIEW: Not in View Corridor

T.I.A.: Not Required

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PROJECT INFORMATION:

ZONING: 2-mile ETJ-NA

MAX. BLDG. COVERAGE: NA

MAX. IMPERV. CVRG: 20%

MAX HEIGHT: NA

REQUIRED PARKING: 0

EXIST. USE: Undeveloped

LIMITS OF CONSTRUCTION: 1.27 acre
project area, 8.235 acre total site

PROPOSED BLDG. CVRG: NA

PROPOSED IMP. CVRG: 19.56 % of NSA

PROPOSED HEIGHT: NA

PROVIDED PARKING: 0

PROPOSED USE: Multistory storage facility

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The applicant proposes to construct a multistory mini warehouse facility, associated parking, and water quality/drainage facilities. Currently, the site is undeveloped and has moderate to severe slopes.

Environmental: 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 located at 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, and does not include the 100-year Floodplain, Critical Water Quality Zone, or Water Quality Transition Zone.

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 (in excess of 15%) located on the eastern portions of Lots 3 and 4, and flatter slopes located on 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 and adjacent to the development. The applicant has requested a variance to permit construction of the buffer adjacent to, rather than downslope from the proposed improvements. The request was recommended for approval by the Environmental Board on September 4, 2013.

Transportation: A traffic impact analysis was not required. Vehicular access will be from FM 620, and parking will be available onsite.

SURROUNDING CONDITIONS: Zoning/ Land use

North: SF-2 (Single-family and multifamily residential and undeveloped, then Lake Austin)

East: SF-2 (Single-family residential and undeveloped)

South: 2-Mile ETJ (Single-family residential and undeveloped)

West: SF-2 (Single-family residential and undeveloped)

<u>Street</u>	<u>R.O.W.</u>	<u>Surfacing</u>	<u>Classification</u>
FM 620 Rd	162'	4@ 80'	Major Arterial

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NEIGHBORHOOD ORGANIZATIONS:

Austin Heritage Tree Foundation
Austin Monorail Project
Beyond 2nd Nature
Bike Austin
Courtyard Homeowners Association
Homeless Neighborhood Association
Hughes Park Lake Subdivision Association
Lake Austin Collective
Leander ISD Population and Survey Analysts
Long Canyon Homeowners Association
The Real Estate Council of Austin, Inc
Sierra Club, Austin Regional Group
Steiner Ranch Community Association
Steiner Ranch Neighborhood Association
Super Duper Neighborhood Objectors and Appealers Organization
2222 Coalition of Neighborhood Associations

DESCRIPTION OF VARIANCE:

The applicant is requesting approval to build a multistory storage facility, with a variance request from Section 25-8-454(D)(2) for construction of a 40% buffer to be located adjacent to, rather than downstream of the proposed improvements.

STAFF RECOMMENDATION:

The findings of fact have been met and staff recommends approval with the following conditions:

1. The applicant will provide a 40% buffer adjacent to the development
2. The applicant will provide structural water quality controls for the proposed development.

The applicant has agreed to these conditions.

ENVIRONMENTAL BOARD ACTION:

September 4, 2013: The Environmental Board recommended approval of the variance to allow construction of a 40% buffer to be located adjacent to, rather than downstream of the proposed improvements. (LDC Section 25-8-454(D)(2)).

Vote : 5-0-0-2.

ZONING AND PLATTING COMMISSION ACTION:

ENVIRONMENTAL REVIEW STAFF: Mike McDougal

PHONE: 974-6380

Mike.McDougal@austintexas.gov

CASE MANAGER: Christine Barton-Holmes, LEED AP

PHONE: 974-2788

Christine.barton-holmes@austintexas.gov

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BOARD/COMMISSION RECOMMENDATION

ENVIRONMENTAL BOARD

Recommendation Number: 20130904 004b

Marshall Ford Overlook SP-2013-0098D

WHEREAS, the Marshall Ford Overlook project exceeds requirements of Land Development Code as it is current written.

Therefore, the Environmental Board recommends approval of the variance request with staff conditions.

1. The applicant will provide a 40% buffer adjacent to the development.
2. The applicant will provide structural water quality controls for the proposed development.

Date of Approval: September 4, 2013

Record of the Vote [5-0-0-2] Board members Robin Gary and Jennifer Walker were absent.

Attest:

Mary Kay Reynolds



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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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Distance to Nearest Classified Waterway	1,100 feet
Water and Waste Water service to be provided by	Travis County Water Control and Improvement District No. 17
Request	<p>The variance request is as follows (Cite code references:</p> <p>LDC Section 25-8-454(D)(2) which requires 40% natural buffer and requires the buffer to be contiguous with the site</p> <p>Per internal Policy Interpretation, staff has been directed to enforce this section of the LDC such that the location of the 40% buffer must be located down gradient of the site and receive overland drainage from the site</p>

Impervious cover	Existing	Proposed
square footage:	___ 0 ___	___ 55,626 sf ___
acreage:	___ 0 ___	___ 1.277 acres ___
percentage:	___ 0 ___	___ 19.56% ___
Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)	<p>Property is located between Marshall Ford Road and RM 620. The land between Marshall Ford Road and RM 620 create a bowl that drains south to an existing culvert beneath RM 620, and then continues south to Bear Creek West. Slopes on the site range between 8% and 18%. Elevations vary from 765 MSL at the SW corner to 805 MSL along the east boundary line. The site is located in the ETJ and therefore a tree survey was not required. Vegetation consists of scatter live oaks and elms and dense juniper under brush. There are no CWQZ, WQTZ, CEF's or floodplain on the property.</p>	

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Furthermore, because the topography on the up gradient end of the site is steeper, additional variances would be required to allow cut/fill in excess of 4', and a variance for construction on slopes. As well, because the corner lot (Lot 4) is being reserved for a future pad site, the proposed storage building would be required to be located further north, thus requiring a longer driveway from RM 620, which would increase the impervious cover such that a variance would be required to allow the impervious.

The proposed project includes providing structural water quality controls in lieu of the 40% buffer. These controls by themselves provide superior water quality benefit (higher pollutant load removal), than the 40% buffer would provide by itself. The 40% buffer is being provided on a portion of the site that receives overland flow from existing development located offsite. Thus the combined water quality controls provide a higher level of pollutant load removal than would otherwise be required.

- 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/No Yes – the proposed plan is the minimum that can be provided in order to allow the development to be located on RM 620, and thus enjoy the same privilege given to other commercial property owners located along RM 620.

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

Yes/No Yes - The proposed project includes providing structural water quality controls in lieu of the 40% buffer. These controls by themselves provide superior water quality benefit (higher pollutant load removal), than the 40% buffer would provide by itself. The 40% buffer is being provided on a portion of the site that receives overland flow from existing development located offsite. Thus the combined water quality controls provide a higher level of pollutant load removal than would otherwise be required.

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

Yes/No Yes - The proposed project includes providing structural water quality controls in lieu of the 40% buffer. These controls by themselves provide superior water quality benefit (higher pollutant load removal), than the 40% buffer would provide by itself. The 40% buffer is being provided on a portion of the site that receives overland flow from existing development



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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

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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.

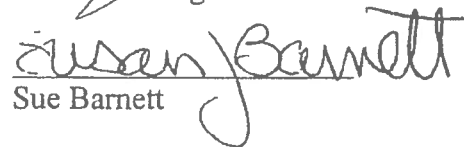
5. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

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

Environmental Review Specialist Senior:


Mike McDougal

Environmental Program Coordinator:


Sue Barnett

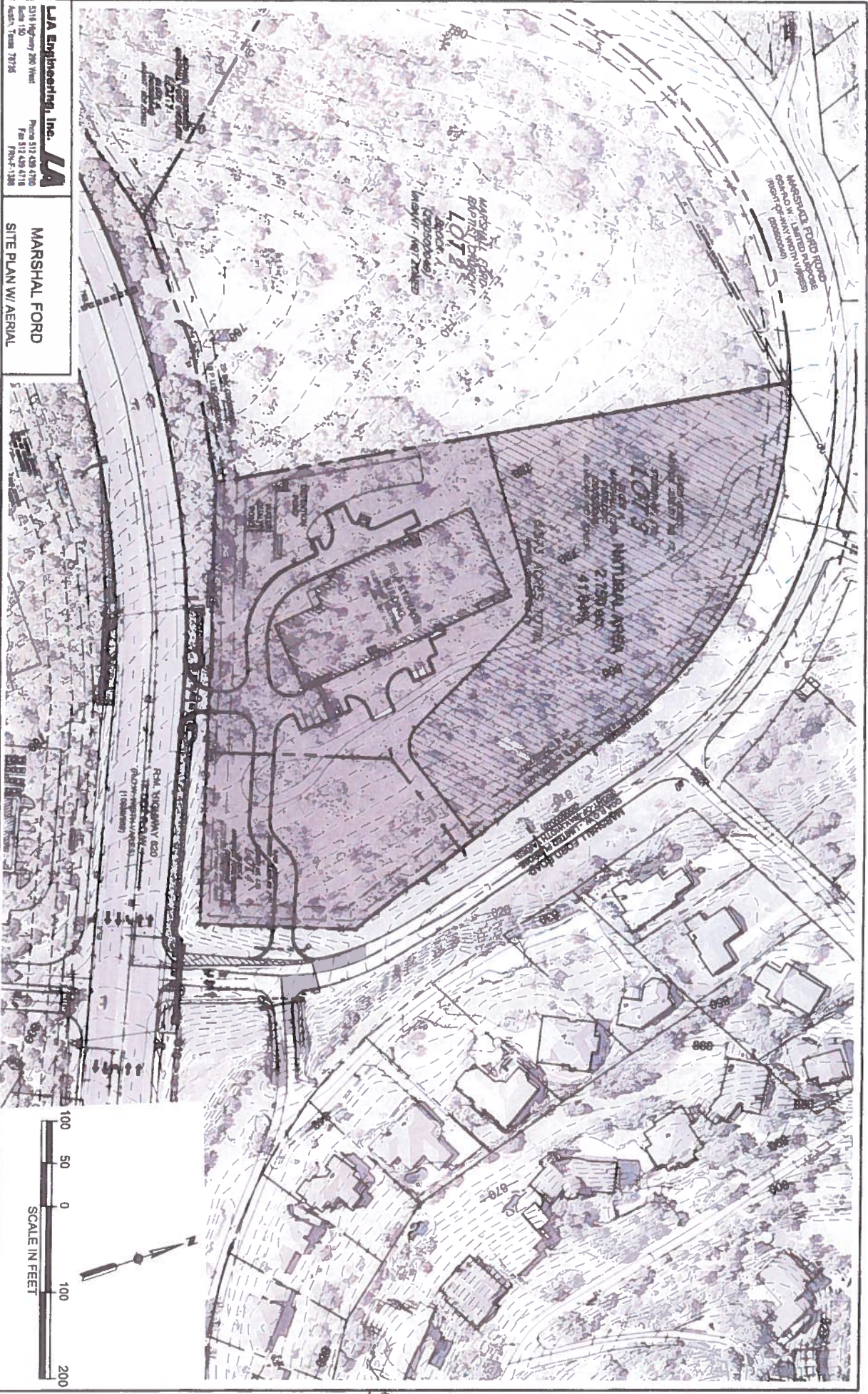
Environmental Officer:

Chuck Lesniak

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FAX-F-1308

MARSHAL FORD
SITE PLAN W/ AERIAL



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MARSHAL FORD
TOPO MAP

