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**SITE PLAN REVIEW SHEET  
ENVIRONMENTAL VARIANCE REQUEST ONLY**

**CASE:** SP-2013-0301D

**ZAP COMMISSION DATE:** November 14, 2013

**PROJECT NAME:** APAC Texas Buck

**APPLICANT:** APAC Texas Inc.  
(Troy Carter)

**AGENT:** Murfee Engineering Co, Inc.  
(James Scaief)

**ADDRESS OF SITE:** 4220 Buck Lane

**COUNTY:** Travis

**AREA:** 429.37 acres

**WATERSHED:** Colorado River (Suburban)

**JURISDICTION:** 2-mile ETJ

**EXISTING ZONING:** No zoning in the ETJ

**PROPOSED DEVELOPMENT:**

The applicant is proposing to construct for mining operation include excavating and mining

**DESCRIPTION OF VARIANCES:**

The applicant requests the following: Approval of variance to allow construction in the Critical Water Quality Zone (CWQZ). (LDC Section 25-8-392).

**STAFF RECOMMENDATION:**

The findings of fact have been met and staff recommends approval with no conditions.

**ENVIRONMENTAL BOARD ACTION:**

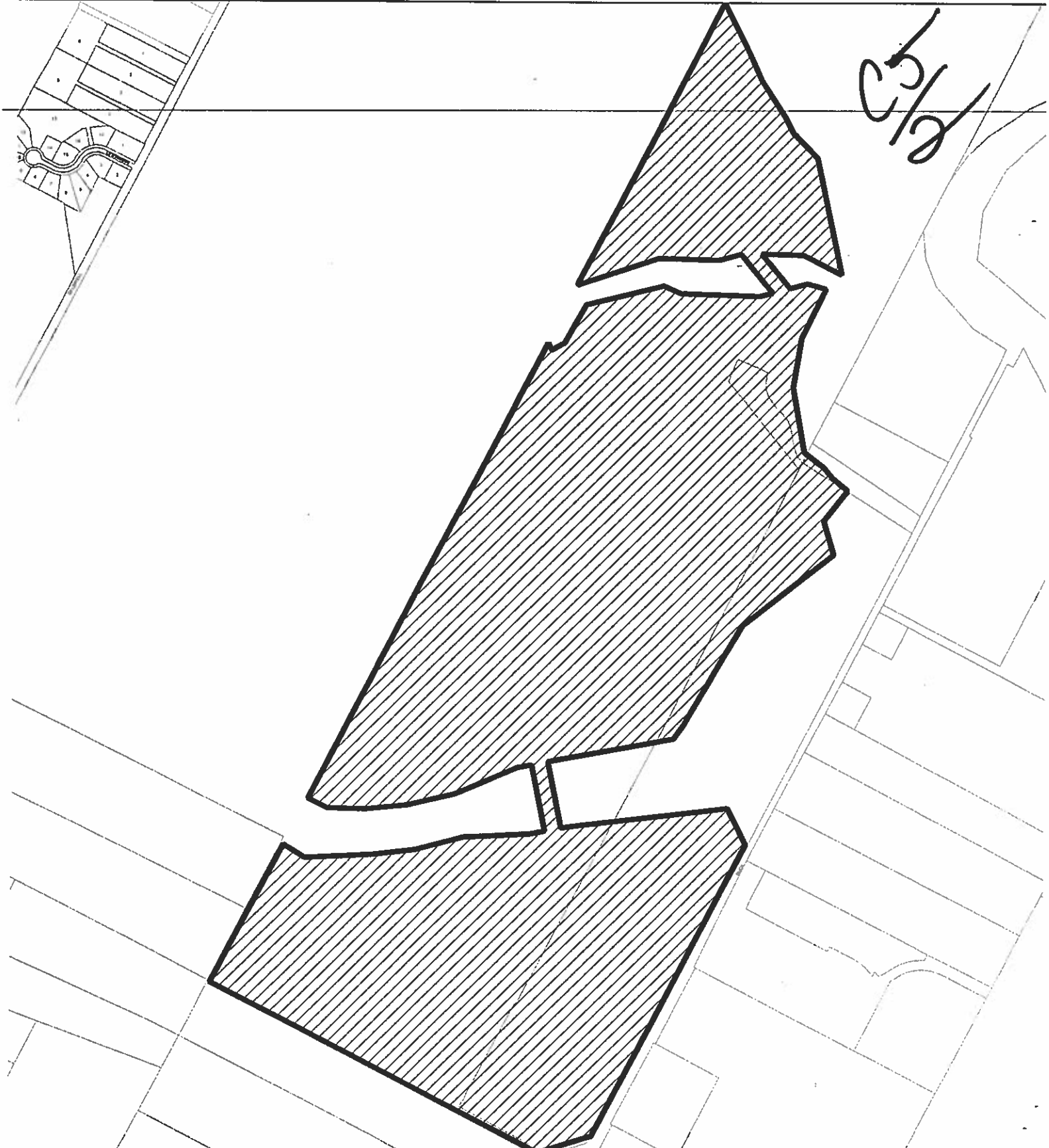
**November 6, 2013:** The Environmental Board recommended approval of the variances to allow construction in the Critical Water Quality Zone.

**ENVIRONMENTAL REVIEW STAFF:** James Dymkowski  
[james.dymkowski@austintexas.gov](mailto:james.dymkowski@austintexas.gov)

**PHONE:** 974-3410



**CASE MANAGER:** Benny Ho  
[benny.ho@austintexas.gov](mailto:benny.ho@austintexas.gov)

**PHONE:** 974-34022



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-  Subject Tract
-  Base Map

CASE#: SP-2013-0301D  
 ADDRESS: 4220 Buck Lane



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or compliance.



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**ITEM FOR ENVIRONMENTAL BOARD AGENDA**

**BOARD MEETING  
DATE REQUESTED:** NOVEMBER 6, 2013

**NAME & NUMBER  
OF PROJECT:** APAC TEXAS - BUCK  
SP-2013-0301D

**NAME OF APPLICANT  
OR ORGANIZATION:** Murfee Engineering Co. Inc.  
(Contact: James Scaief 512-3327-9204)

**LOCATION:** 4220 Buck Lane

**PROJECT FILING DATE:** August 8, 2013

**WPDR/ENVIRONMENTAL  
STAFF:** Jim Dymkowski, 974-2707  
james.dymkowski@austintexas.gov

**WPDR/  
CASE MANAGER:** Benny Ho, 974-3402  
Benny.Ho@austintexas.gov

**WATERSHED:** Colorado River Watershed (Suburban)  
Desired Development Zone

**ORDINANCE:** Comprehensive Watershed Ordinance (Current Code)

**REQUEST:** Variance request is as follows:  
To allow construction in the (CWQZ) Critical Water  
Quality Zone.  
LDC Section 25-8-392

**STAFF RECOMMENDATION:** Recommend approval.

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



**MEMORANDUM**

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

**FROM:** Jim Dymkowski, Environmental Review Specialist Senior  
Planning and Development Review Department

**DATE:** November 6, 2013

**SUBJECT:** APAC Texas - Buck - SP-2013-0301D

On the November 6, 2013 agenda is a request for the consideration of one variance from LDC 25-8-392- to allow construction in the (CWQZ) Critical Water Quality Zone. The proposed construction of a haul road access is requested to allow the project full use of the land for a resource mining operation.

**Description of Property**

The subject property is located in the Colorado River Watershed, which is classified as Suburban, within the Desired Development Zone. It is in the City of Austin 2 mile ETJ. The southern half of the site is bisected by a minor classified waterway while the northern half of the site is bordered to the east by an intermediate classified waterway and to the north by another minor classified waterway. The Colorado River is approximately 500 feet to the east of the project. Code appropriate buffer setbacks have been placed on all of these waterways.

**Existing Topography/Soil Characteristics/Vegetation**

The property contains a very small area of slopes greater than 15% near an old stock pond in the northern most corner of the site. The site has historically been used for cattle and agricultural operations. Most of the areas onsite contain vegetation consistent with its agricultural and cattle use. There is a portion of the site near the old ranch home and work buildings and again in the northern portion of the site that does have some over story vegetation of Live oak, Cedar elm, and Retama. According to the Environmental Assessment, geology at this site is characterized by Fluvial terrace deposits and soils classified as Bergstrom-Norwood, both consistent with the site's location in the floodplain of the Colorado River.

**Critical Environmental Features/Endangered Species**

Staff has visited the site numerous times and along with the environmental assessment has confirmed no Critical Environmental Features on or directly adjacent to the property.

**Description of Project**

The project consists of the excavation, mining, and extraction of surface and sub-surface resources with post-mining reclamation plan. The southern half of the site (shown as Area 1 on the plan sheet exhibits), received a City of Austin site plan permit SP-2007-0390D on April 18, 2008. Since that time, no excavation has begun and now the applicant wishes to permit the additional northern half of the project

shown on this new permit as (Area 2 on the plan sheets exhibits). This new permit will replace the 2007 permit. ~~During review, staff noticed that no access was approved on the old permit that would have~~ allowed mining operations to cross through the critical of e minor classified waterway shown on the 2007 permit. This lack of a crossing also effectively prevents any access to the expanded mining area to the north proposed with this new permit.

The allowable impervious cover is 65% of the net site area in the ETJ suburban watershed for commercial development. The proposed impervious cover is 1.26 acres or .38% of the net site area of 333.70 acres.

**Environmental Code Variance Request**

The following variance to the land development code is being requested:

- I. To allow construction in the (CWQZ) Critical Water Quality Zone. LDC Section 25-8-392

**Recommendation**

Staff recommends approval of the variance with no conditions as the Findings of Fact have been met.

**Similar Cases**

Staff was unable to find any similar cases where this type of haul road access was proposed across a critical water quality zone.



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

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**Project:** APAC Texas - Buck - SP-2013-0301D  
**Ordinance Standard:** Land Development Code Section 25-8-392  
**Variance Request:** To allow construction in the (CWQZ) Critical Water Quality Zone.

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**Findings:**

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. Strict adherence to the code would deprive the applicant of the privilege to develop the property in a manner similar to other mining properties. No other point of access is available to the applicant except at the proposed southeast corner of the site off Buck Lane. Without the proposed critical crossing approximately three quarters of the property could not be used.**

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 variance is not based on the method chosen by the applicant to develop the property. The project has one possible access at the southeast corner of the property. Trying to access further north along Buck lane places it closer to some existing residential properties and would still need to cross the intermediate classified waterway adjacent to the east side of the site. Any project proposed on this property would need to cross the minor waterway to access the majority of developable area.**

- 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. Staff has worked with the applicant's engineer to set the location and the minimum width needed for the crossing that could also support the mining operation.**

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

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**Yes. The concrete crossing will be built at grade to maintain flows in the tributary. The crossing will be removed and revegetated to City of Austin 609S native standards after the mining operations cease.**

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

**Yes. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance. The single crossing at grade will not concentrate flows or modify the floodplain within the tributary. Also, by restricting the current agricultural use within the tributary water quality will be improved by maintaining the vegetated stability of the tributary.**

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;

**Yes. All of the criteria in Section A of the Findings of Fact above have been met.**

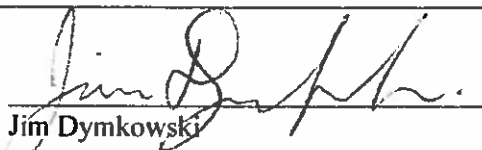
- 2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

**Yes. Without the proposed critical crossing approximately three quarters of the property would not be useable.**

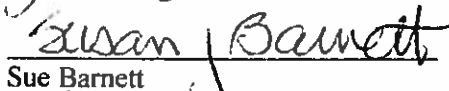
- 3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

**Yes. Staff has worked with the applicant's engineer to set the location and the minimum width needed for the crossing to support the mining operation. Without the proposed critical crossing approximately three quarters of the property would not be useable.**

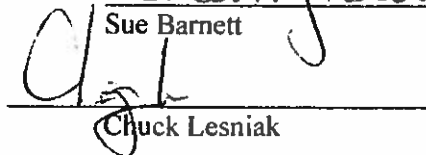
Environmental Reviewer:

  
Jim Dymkowski

Environmental Program Coordinator:

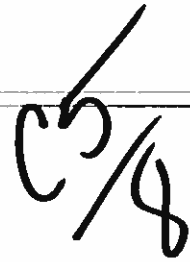
  
Sue Barnett

Environmental Officer:

  
Chuck Lesniak

Date: October 25, 2013

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



Beginning at Austin City Hall 301 W 2<sup>nd</sup> Street:

1. Head east on **W 2nd St** toward **Lavaca St** 492 ft.
2. Turn right at the 2nd cross street onto **Colorado St** 361 ft.
3. Turn left onto **W Cesar Chavez St** 3.1 mi
4. Take the ramp onto **Airport Blvd** 0.6 mi
5. Keep left at the fork, follow signs for **U.S. 183 S/Texas 71** and merge onto **US-183 S** 1.3 mi
6. Take the **Texas 71 E** ramp on the left to **Austin Bergstrom Intl Airport** 0.4 mi
7. Merge onto **TX-71 E** 9.0 mi
8. Turn left onto **Buck Ln**  
Destination will be on the left 0.6 mi

4220 Buck Ln  
Garfield, TX 78617