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**ZONING & PLATTING COMMISSION SITE PLAN REVIEW SHEET  
VARIANCE APPROVAL**

**CASE NUMBER:** SP-2013-0093D                      **ZAP DATE:** December 17, 2013

**PROJECT NAME:** Lakeside Villas II

**ADDRESS:** 4301 Mansfield Dam Road

**AREA:** 2.3 acres

**APPLICANT:** Mark Collins Builder  
8013 Lake Mountain Lane  
Volente, Texas 78641  
Phone: (512) 845-0039  
Contact: Mark Collins

**AGENT:** Garrett-Ihnen Civil Engineering  
Phone: (512) 454-2400  
Contact: Jevon Poston

**EXISTING ZONING:** Unzoned (2-Mile ETJ)

**Description of Property**

The subject property is an 2.3-acre tract located in the Lake Austin Watershed (classified as a Water Supply Rural watershed) and within the Drinking Water Protection Zone. The site is currently undeveloped and largely undisturbed, and is located partially within the 2-mile Extra-Territorial Jurisdiction of the City of Austin.

**Existing Topography/Soil Characteristics/Vegetation**

The property slopes toward a drainage ditch located within the right-of-way of North FM 620. The topography ranges between approximately 754 and 660 feet above mean sea level. Soils are reported to be Tarrant soils and rock outcrop. The property is heavily wooded, and existing vegetation includes Live Oak and Ash Juniper trees with sparse groundcover.

**Critical Environmental Features/Endangered Species**

One canyon rimrock feature was identified on the site. The property lies within the BCCP Golden-cheeked Warbler Zone I (confirmed habitat), and the subject property does appear to contain suitable habitat for the endangered species. A portion of the site lies within a zone designated by the BCCP as black-capped vireo habitat, though the Environmental Assessment indicates that the habitat is not suitable for either endangered species.

**Description of Project**

The project consists of the construction of 3 two-unit townhome buildings, a driveway and associated detention and water quality ponds.

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**Environmental Code Variance Request**

The following variances to the land development code are being requested:

- 1. To allow cut greater than 4 feet, as per LDC 25-8-341(A).
- 2. To allow fill greater than 4 feet, as per LDC 25-8-342(A).
- 3. To reduce a Critical Environmental Feature buffer of a canyon rimrock to less than 150 feet, as per LDC 25-8-281(C)(1)(a).

**Recommendation**

Staff recommends approval of the variance, as the Findings of Fact have been met (see attached), and the Environmental Board approved these variance requests by a vote of 6-0-0-1 at their November 20, 2013 meeting with the following conditions:

- 1. Cut and fill will not exceed 8 feet.
- 2. Extend the critical environmental feature buffer on the uphill side of the rimrock to cover the area between the currently proposed buffer, existing electrical easement and currently proposed limit of work.

**Neighborhood Organizations:**

- Sierra Club, Austin Regional Group
- Lake Austin Collective
- Ranch Road 620 Neighborhood Association
- Lake Travis ISD Population and Survey Analysts
- Austin Monorail Project

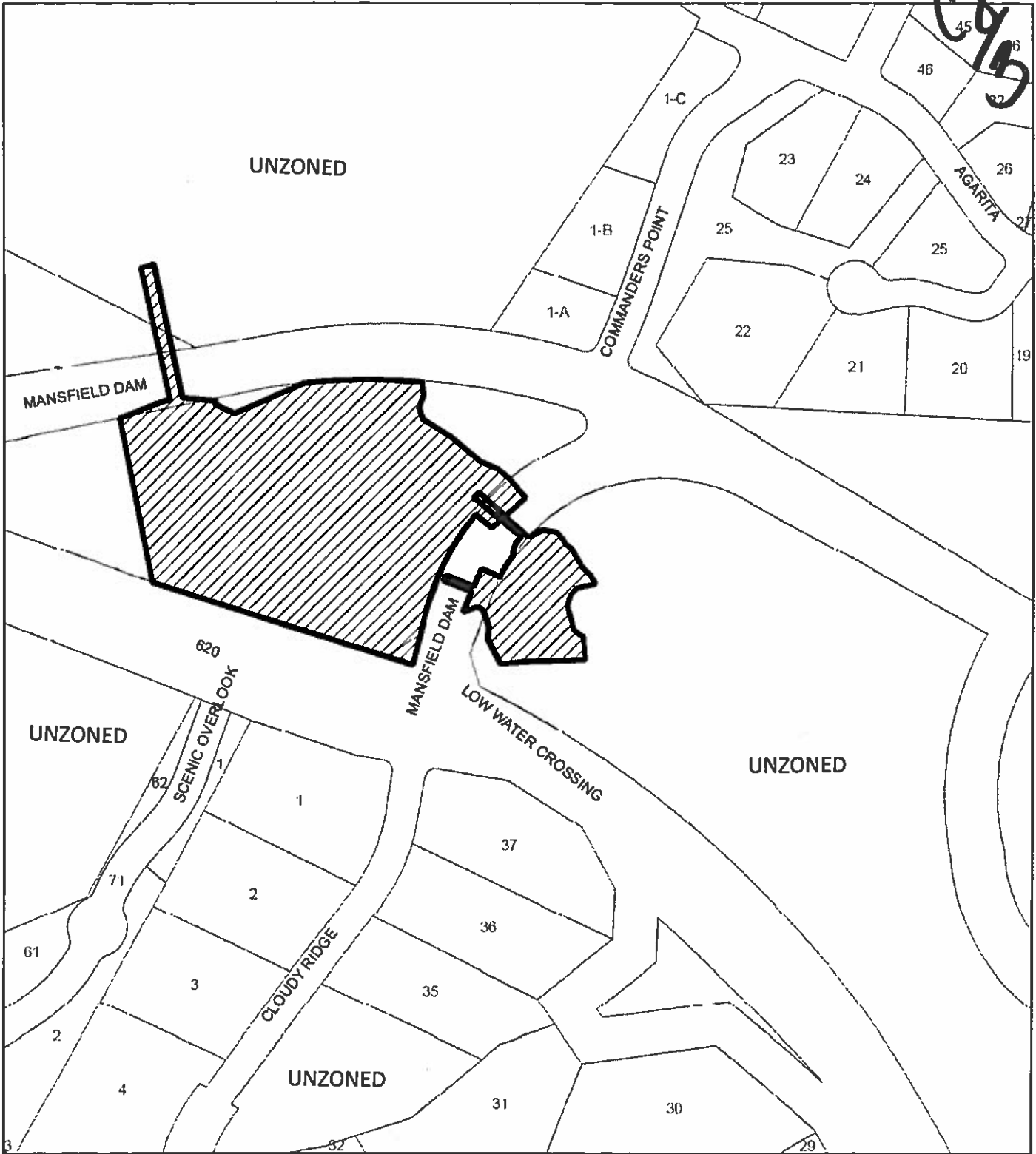
T.I.A.: Not Required



**Surrounding Conditions:**

**Zoning/ Land Use**

- North:** unzoned/undeveloped
- East:** unzoned/undeveloped
- South:** Ranch Road 620
- West:** Mansfield Dam Road

**Case Manager:** Michael Simmons-Smith  
 Telephone: (512) 974-1225  
[michael.simmons-smith@austintexas.gov](mailto:michael.simmons-smith@austintexas.gov)



-  Subject Tract
-  Base Map

CASE#: SP-2013-0093D  
 ADDRESS: 4301 Mansfield Dam Road



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.

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BOARD/COMMISSION RECOMMENDATION

ENVIRONMENTAL BOARD

Recommendation Number: 20131120 005C

Recommend approval of variance request at 4300 Mansfield Dam Road SP-2013-0093D

1. To allow cut to exceed 4 feet. LDC Section 25-8-341 (A)
2. To allow fill to exceed 4 feet. LDC Section 25-8-342 (A)
3. To reduce a Critical Environmental Feature buffer of a canyon rimrock to less than 150 feet. LDC Section 25-8-281(C)(1)(a).

**WHEREAS**, the applicant has met the Findings of Fact.

**THEREFORE**, the Environmental Board recommends approval of the variance request with the following Environmental Board conditions:

Extend the critical environmental feature buffer on uphill side of rimrock to cover area between the currently proposed buffer, existing electric easement, and currently proposed Limit of Work.

Cut and fill will not exceed 8 feet.

Date of Approval: November 20, 2013

Record of the Vote [6-0-0-1]

For: Deegan, Gary, Maxwell, Neely, Perales and Schissler

Against: None

Abstained : None

Absent: Walker was off the dais.

**Attested by:**

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CS/S

**Staff Findings of Fact**  
**Planning and Development Review Department**

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<b>Project:</b>	<b>Lakeside Villas II, SP-2013-0093D</b>
<b>Ordinance Standard:</b>	<b>Land Development Code Section 25-8-281(C)(1)(a)</b>
<b>Variance Request:</b>	<b>To reduce the buffer of a rimrock Critical Environmental Feature (CEF) to less than 150'.</b>

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**Justification:**

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, the subject project is similar in scope to the adjacent Commander's Point project, which is a similar townhome project. Due to site constraints, it would be difficult to construct a similar project without the need to alter the CEF setback requirement.**

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, any development proposed on this property will encounter similar site constraints. The proposed development consists of a driveway and three two-unit townhomes on either side of the driveway. The layout follows the existing topography and is the only reasonable location for a development given site constraints, such as the electric transmission easement to the north and the steep slopes to the south of the site.**

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, given the similar surrounding uses in the area, the proposed townhouse project is a reasonable use. The project will provide an 85' setback directly upstream of the rimrock, a 50' setback directly downstream of the setback and a 15' buffer from the side of the rimrock, which will sufficiently preserve the condition of the rimrock.**



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**Staff Findings of Fact**  
**Planning and Development Review Department**

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<b>Project:</b>	<b>Lakeside Villas II, SP-2013-0093D</b>
<b>Ordinance Standard:</b>	<b>Land Development Code Section 25-8-341(A) and 25-8-342(A)</b>
<b>Variance Request:</b>	<b>To allow cut and fill to exceed the allowable 4', not to exceed 8'.</b>

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**Justification:**

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, the subject project is similar in scope to the adjacent Commander's Point project. Due to site constraints, it would be difficult to construct a similar project without exceeding the four foot cut and fill limit.**

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, any development proposed on this property will encounter similar site constraints. The proposed development consists of a driveway and three two-unit townhomes on either side of the driveway. The layout follows the existing topography and is the only reasonable location for a development given site constraints, such as the electric transmission easement to the north and the rimrock Critical Environmental Feature setback on the southeast portion of the site.**

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, given the similar surrounding uses in the area, the proposed townhouse project is a reasonable use. The areas with cut and fill in excess of 4' are minimal and will be stabilized with 3:1 slopes. The amount of proposed cut is between 5 and 6 feet and the amount of proposed fill is slightly under 8 feet, which is not considered to be excessive by environmental review staff.**