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1

JOHN M. JOSEPH

jmjoseph@coatsrose.com
Direct Dial
512.541.3593

February 25, 2014

Via Email
Mr. Michael Simmons Smith, Case Manager
Planning & Development Review Department
City of Austin
505 Barton Springs, 4th Floor
Austin, Texas 78704

Re: Vineyard Business Center, 620 Office Warehouse Complex Phase III
Case No. SP-2013-0343D; First Postponement Request

Dear Mr. Simmons-Smith:

We represent the owner of the above-referenced matter. We hereby request a postponement of the public hearing from the March 4, 2014 Zoning and Platting Commission agenda to the April 1, 2014 Zoning and Platting Commission agenda. This is our client's first postponement request.

Sincerely,

John M. Joseph

cc: Zoning and Platting Commission, City of Austin
Greg Guernsey, City of Austin

4847-2672-9239, v. 1

C2/2

ZONING & PLATTING COMMISSION
SITE PLAN VARIANCE REQUEST REVIEW SHEET

CASE NUMBER: SP-2013-0343D **ZAP DATE:** 03/04/2014

PROJECT NAME: Vineyard Business Center

ADDRESS: 2009 North FM 620

WATERSHED: Running Deer Creek (Water Supply Rural)
Drinking Water Protection Zone

ORDINANCE: Comprehensive Watershed Ordinance

ZONING: Unzoned (2-mile ETJ)

APPLICANT: Vineyard Business Center Ltd.
2009 RM 620 North, Suite 130
Austin, Texas 78734
Contact: Vinson J. Wood (512) 736-4192

AGENT: Vigil & Associates
4303 Russell Drive
Austin, Texas 78704
Contact: Hermann Vigil (512) 326-2667

PROJECT DESCRIPTION: The applicant proposes to construct six (6) office/warehouse buildings on 8.12 acres, including water quality, detention, parking, utilities and other associated improvements. The existing site is currently comprised of eight (8) office/warehouse buildings.

VARIANCE REQUESTS: 1) To allow the construction of buildings and parking within the 40 percent downstream buffer [LDC 25-8-454(D)(2)]; and 2) to allow 49.6% impervious cover [LDC 25-8-454(D)(1)(a)].

ENVIRONMENTAL BOARD ACTION: The Environmental Board heard this case on February 19, 2014, and voted 5-0-0-2 to disapprove the request for variance, because the applicant did not meet the findings of fact.

STAFF RECOMMENDATION: Not recommended. The findings of fact have not been met.

NEIGHBORHOOD ORGANIZATIONS:
Austin Monorail Project
Lake Austin Collective

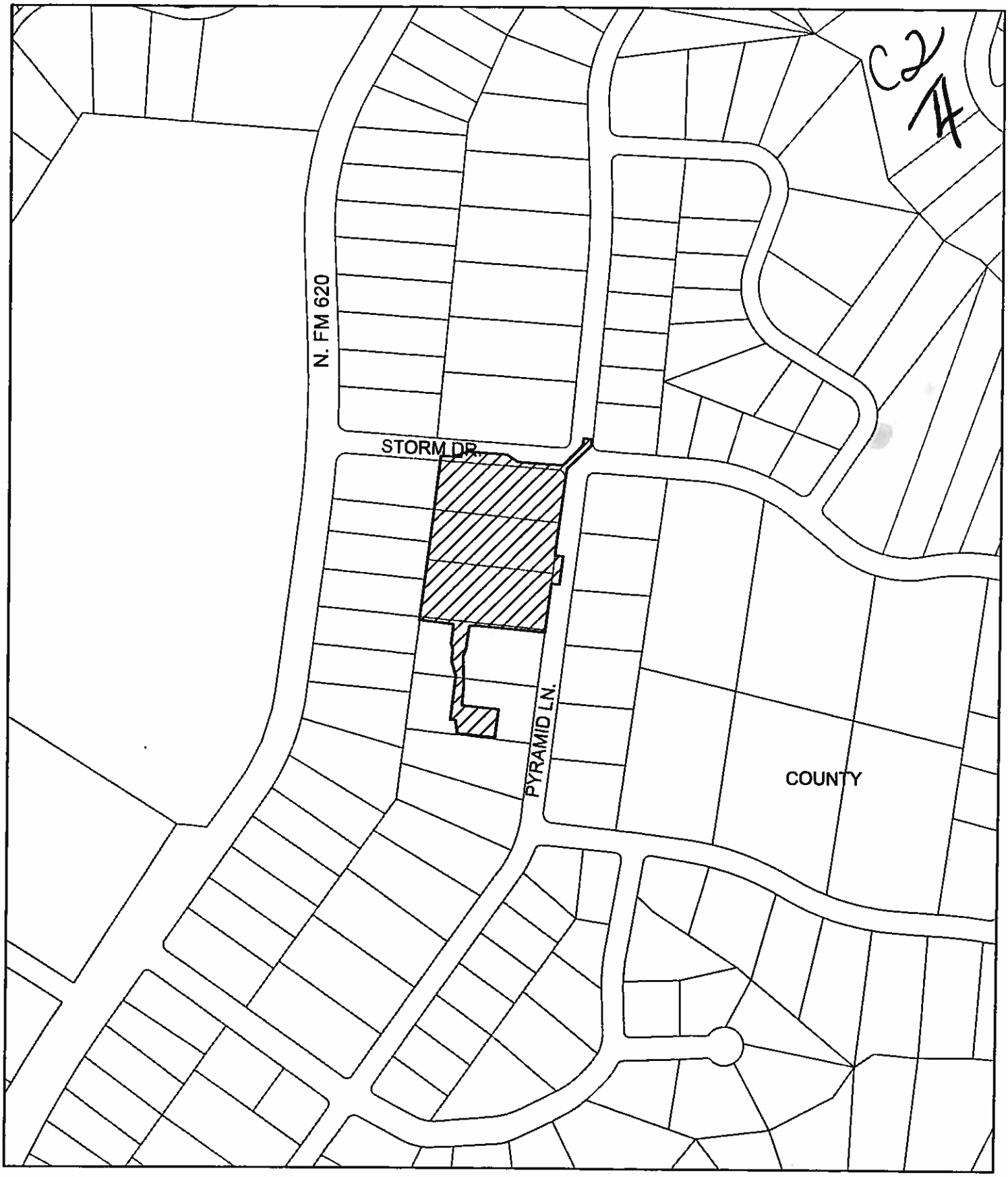
C2/3

Lake Travis ISD Population and Survey Analysts
The Real Estate Council of Austin, Inc.
Sierra Club, Austin Regional Group
Super Duper Neighborhood Objectors and Appealers Organization

PDRD CASE MANAGER: Michael Simmons-Smith
michael.simmons-smith@austintexas.gov

PDRD ENVIRONMENTAL STAFF: Mike McDougal
mikemcdougal@austintexas.gov

PLEASE NOTE THAT THE APPLICANT HAS REQUESTED A POSTPONEMENT TO THE APRIL 1 ZONING & PLATTING MEETING.



0 87.5 175 350 Feet

SITE PLAN VARIANCE REQUEST

CASE NO.: SP-2013-0343D
ADDRESS: 2009 NORTH FM 620
CASE MANAGER: MICHAEL SIMMONS-SMITH

C2/5

ENVIRONMENTAL BOARD MOTION 20130219 6b

Date: February 19, 2014

Subject: Vineyard Business Center SP-2013-0343D

Motioned By: Robert Deegan Seconded By: Mary Ann Neely

Whereas, the applicant has not met the findings of fact,

And Whereas existing development already exceed what is acceptable under code and planning commission conditions.

And Whereas proposed development may provide lesser overall environmental protection than what is required by code.

Therefore, the Environmental Board disapproves of the request for variance.

Vote 5-0-0-2

For: Deegan, Maxwell, Neely, Perales, and Smith

Against: None

Abstain: None

Absent: Schissler and Walker

Approved By:

Dr. Mary Gay Maxwell, Chair

DRAFT

C2/12

ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING DATE REQUESTED:	FEBRUARY 19, 2014
NAME & NUMBER OF PROJECT:	VINEYARD BUSINESS CENTER SP-2013-0343D
NAME OF APPLICANT OR ORGANIZATION:	Vigil and Associates (Hermann Vigil, PE 512-326-2667)
LOCATION:	2009 N FM 620
PROJECT FILING DATE:	September 13, 2013
WPDR/ENVIRONMENTAL STAFF:	Mike McDougal, 512-974-6380 mike.mcdougal@austintexas.gov
WPDR/ CASE MANAGER:	Michael Simmons-Smith, 512-974-1225 michael.simmons-smith@austintexas.gov
WATERSHED:	Running Deer Creek Watershed, Water Supply Rural Drinking Water Protection Zone
ORDINANCE:	Comprehensive Watershed Ordinance
REQUEST:	Variance requests are as follows: 1 – To allow the construction of buildings and parking within the 40% downstream buffer [LDC 25-8-454(D)(2)]; and 2 – To allow 49.6% impervious cover [LDC-25-8-454(D)(1)(a)].

STAFF RECOMMENDATION: Not recommended.

REASONS FOR RECOMMENDATION:	The findings of fact have not been met.

C2/X

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: February 19, 2014

SUBJECT: Vineyard Business Center – SP-2013-0343D

On the February 19, 2014 agenda is a request for the consideration of two variances that have been requested for the Vineyard Business Center.

Property Location
The Vineyard Business Center consists of 8 lots in the Cardinal Hills Estates Unit 13 subdivision (lot numbers 9, 10, 15, 16, 17, 18, 19, and 20). The property is located at 2009 N FM 620 (Figure 1 – Driving Directions and Vicinity Map; Figure 2 – Existing Site with Aerial Map). Adjacent uses include a collision center, a welding facility, light industrial uses, restaurants, a veterinary hospital, retail, residential, and undeveloped land (Figure 3 – Vicinity Aerial Map).

Watershed and Jurisdictional Data
The property is located in the Running Deer Creek Watershed (Water Supply Rural Watershed classification) and is not located over the Edwards Aquifer Recharge Zone. The property is located entirely in the Uplands Zone (there is no Water Quality Transition Zone or Critical Water Quality Zone on the property). The 100 year floodplain is not located on this property.

Surface water generally drains northeasterly across the site. The nearest classified waterway (an unnamed tributary of Running Deer Creek) is located approximately 1150 linear feet to the northeast of the property (Figure 4 – Waterway Map).

The property is located in the City of Austin 2-mile extraterritorial jurisdiction.

Vegetation and Property Area
The vegetation is primarily grasses and eight Live Oaks with diameters ranging from 8 to 18 inches.

C7/8

The gross site area of the property is 8.12 acres; the net site area of the property is 8.08 acres. The majority of the slopes on site range from 0 to 15%; slopes in excess of 15% comprise 0.07 acres of the property. The Applicant proposes no construction on slopes over 15% as part of this site plan.

Water and Wastewater Utilities

Water is provided by WCID 17. Wastewater service is provided by an underground onsite septic system.

Existing and Proposed Development

Currently, the Vineyard Business Center consists of 8 office / warehouse buildings and parking, driveways, and sidewalks (Figure 5 – Existing Conditions and Figure 6 – Site Photos). The current impervious cover is approximately 27.4% of net site area (2.21 acres of 8.08 acres). The Land Development Code in effect at the time of the current site plan submittal limits impervious cover to 20% in this watershed classification [LDC 25-8-454(D)(1)(a)]. Additionally, LDC 25-8-454(D)(2) requires that at least 40% of this 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. The site has a downstream buffer in compliance with this requirement.

Under the current site plan permit application, the Applicant proposes an additional 1.80 acres of impervious cover (for a total proposed impervious cover of 4.01 acres), or 49.6% of net site area.

The additional 1.80 acres of proposed impervious cover includes 6 office / warehouse buildings (representing 0.81 acres of additional impervious cover) and parking, driveways, and sidewalks (representing 0.99 acres of additional impervious cover). The current site plan proposes to construct buildings and parking facilities within the downstream buffer area. This downstream buffer area is required by LDC 25-8-454(D)(2), as described above. As shown in Figure 7 – Proposed Conditions, the applicant proposes to develop within the entire downstream buffer area.

A water quality / detention pond is currently located in the northeast corner of the property. The Applicant proposes to enhance this pond to detain the 2, 10, 25, and 100 year storm runoff from the existing and proposed development in lieu of the required 40% downstream buffer.

Development History

1997

A site plan permit application was submitted in 1997 (case number SP-97-0372D). This project was reviewed under the Land Development Code in effect on the date of project submittal. Two environmental variances were requested by the applicant for the 1997 site plan permit application. First, the applicant requested an environmental variance to allow cut and fill in excess of 4 feet. The applicant indicates this variance was necessary due to differences in elevation between the FM 620 ROW and the property. On June 17, 1998, the Environmental Board agreed to allow cut and fill in excess of 4 feet provided that: (a) the applicant provide native grass and shrub restoration of the proposed fill slope as approved by Staff; and (b) the composition of the fill must be approved by Staff (Figure 8 – Environmental Board Data).

C2/9

A second environmental variance to exclude the perimeter roadway deduction[1] for Pyramid Drive and Storm Drive was requested. If this deduction were included in the impervious cover calculations, the proposed development would exceed the watershed maximum allowable impervious cover. On June 17, 1998, the Environmental Board agreed to exclude the perimeter roadway deduction from the impervious cover calculations provided that the impervious cover located on the property did not exceed 18.7% (Figure 8 – Environmental Board Data).

This site plan was approved in 1998 with 18.7% impervious cover. The development included a 40% downstream buffer in compliance with the LDC 25-8-454(D)(2) downstream buffer requirement. The project was not phased and showed no other development proposed.

2002

A revision to the plan set in 2002 to add 9 parking spaces increased impervious cover to 19.1%. The impervious cover calculations for this revision show that the perimeter roadway deduction for Pyramid Drive and Storm Drive was not applied per the perimeter roadway deduction variance granted by the Environmental Board in 1998. However, the variance condition requiring impervious cover to remain at or below 18.7% was not observed.

The development included a 40% downstream buffer in compliance with the LDC 25-8-454(D)(2) downstream buffer requirement. The project was not phased and showed no other development proposed.

2003

A new site plan permit application was submitted in 2003 (case number SP-03-0005D). This project was reviewed under development regulations in effect in 1970. A grandfathering status had been applied to this project in error. Impervious cover under the 2003 site plan was increased to approximately 27.4%.

2012

An additional new site plan permit application was submitted in 2012 (case number SP-2012-0316D). Land Use Commission variances were necessary for this project based on the Applicant's proposed development. However, this project expired before Staff review comments were sufficiently addressed by the Applicant. The project was not sufficiently compliant to be presented to the Environmental Board and was never placed on the agenda of the Environmental Board.

2013 (current submittal)

A site plan permit application was submitted in 2013 (case number SP-2013-0343D). This application is a resubmittal of the expired third site plan permit application. The Applicant has stated that the Vineyard Business Center is a phased project and that the current submittal represents Phase III of the project. Staff disagrees with this statement and considers the development proposed under the 1997 site plan, the 2002 revision, and the 2003 site plan to be complete. Additionally, Staff considers the 2013 site plan permit application to be a new project.

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[1] The perimeter roadway deduction is a Land Development Code provision that, under certain circumstances, would apply a portion of the impervious cover within a public roadway to the adjacent private property.

C2/10

The Applicant has requested grandfathering to a 1970 plat. Grandfathering was denied by Staff for the current site plan permit application; the project is subject to the Land Development Code effective on the date of submittal of the 2013 site plan permit application: September 13, 2013. The project is subject to the Comprehensive Watershed Ordinance.

Critical Environmental Features
No critical environmental features have been identified on or within 150 feet of the proposed project.

Related Cases
There are no cases related to this one. The applicant proposes to add impervious cover (thereby exceeding the watershed impervious cover limit by nearly 30%) by constructing buildings, parking, etc in the downstream buffer on a property for which development was previously permitted, constructed, completed, and accepted by the City in 1997, 2002, and 2003.

Variance Requests
The Applicant is seeking two environmental variances:
1 – A variance to LDC 25-8-454(D)(2) to allow construction of buildings and parking in the 40% downstream buffer (with a water quality pond proposed in lieu of preserving the existing 40% downstream buffer); and
2 – A variance to LDC 25-8-454(D)(1)(a) to increase allowable impervious cover to 49.6% of net site area.

Conditions for Staff Approval
None

Recommendation
Staff does not recommend approval of the requested variances. Staff does not believe the Findings of Fact have been met.

C2/11

Findings of Fact for the Vineyard Business Center, SP-2013-0343D

Variance Request 1: 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.
No, the property consists of 8.08 acres of net site area with a maximum allowable impervious cover of 20%. Development has already exceeded the allowable impervious cover while preserving the 40% downstream buffer.

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.
No, the applicant seeks to increase impervious cover to nearly 50%. Increasing impervious cover beyond the watershed limit and adding impervious cover within the downstream buffer does not provide greater overall environmental protection.

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.
No, the development on this property already exceeds the allowable impervious cover for this watershed. The request to add further impervious cover is not the minimum change to allow a reasonable use of the property.

4. The variance does not create a significant probability of harmful consequences.
Increasing impervious cover by nearly 30% over the limit for this watershed can create a significant probability of harmful consequences.

5. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.
The project will provide water quality control for the proposed development. However, it is not certain that a water quality pond will provide water quality that is at least equal to the water quality achievable without the variance.

C2/12

Variance Request 2: LDC 25-8-454(D)(1)(a) states that impervious cover for a commercial development may not exceed 20%.

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.
No, the property consists of 8.08 acres of net site area with a maximum allowable impervious cover of 20%. Development has already exceeded the allowable impervious cover.

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.
No, the applicant seeks to increase impervious cover to nearly 50%. Increasing impervious cover beyond the watershed limit and adding impervious cover within the downstream buffer does not provide greater overall environmental protection.

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.
No, the development on this property already exceeds the allowable impervious cover for this watershed. The request to add further impervious cover is not the minimum change to allow a reasonable use of the property.

4. The variance does not create a significant probability of harmful consequences.
Increasing impervious cover by nearly 30% over the limit for this watershed can create a significant probability of harmful consequences.

5. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.
The project will provide water quality control for the proposed development. However, it is not certain that a water quality pond will provide water quality that is at least equal to the water quality achievable without the variance.

Environmental Review Specialist Senior:

Mike McDougal

Environmental Program Coordinator:

Sue Barnett

Environmental Officer:

Chuck Lesniak

C2/13

Environmental Board Variance Applications - provided by the Applicant

December 6, 2013

C2/14

ENVIRONMENTAL BOARD VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Hermann Vigil
Street Address	4303 Russell Drive
City State ZIP Code	Austin, TX 78704
Work Phone	512.326.2667
E-Mail Address	Hermann@vigilandassociates.com

Variance Case Information

Case Name	Vineyard Business Center, 620 Office Warehouse Complex Phase III
Case Number	SP-2012-0316D
Address or Location	2009 RM 620 North, Austin, TX 78734
Environmental Reviewer Name	Mike McDougal
Applicable Ordinance	LDC 25-8-454(D)(2)
Watershed Name	Running Deer Watershed
Watershed Classification	☐Urban ☐ Suburban ☐Water Supply Suburban ☒Water Supply Rural ☐ Barton Springs Zone
Edwards Aquifer Recharge Zone	☐ Barton Springs Segment ☐ Northern Edwards Segment ☒ Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	☐ Yes ☒ No

December 6, 2013

C2/15

Distance to Nearest Classified Waterway	Approx. 1,530 L.F.
Water and Waste Water service to be provided by	Water provided by Travis County WCID No. 17, Wastewater provided by OSSF
Request	The variance request is as follows (Cite code references: LDC §25-8-454(D)(2) which requires a 40% NSA downstream buffer.

Impervious cover	Existing	Proposed
square footage:	96,249 s.f.	78,346 s.f.
acreage:	2.21 ac.	1.80 ac.
percentage:	27.35%	22.28%

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)	The property consists of 8 platted lots. Currently there are eight (8) existing buildings and associated parking on four (4) of these lots. One of these lots is being used for on-site septic system (underground) since the area is not served by a municipal sanitary sewer system. The remaining three (3) lots are downhill of the existing development and is currently being utilized by the detention pond and the 40% buffer. The slopes for the site are mostly in the 0-15 percent category. The vegetation is primarily grasses with some Live Oaks scattered on the three (3) downhill lots. The soils consist of Brackett soils (BID) and Voente silty clay loam (VoD). The Brackett soils are gentle rolling 5-12% slope with soils approx. 10 inches thick and limestone rock formation below. The Voente silty clay loam soils have slopes of 2-7 %, are well-drained, surface layer is dark grayish-brown silty clay loam about 22 inches thick over dark-brown clay about 14 inches thick, over typical limestone rock formation. This project is not within the Edwards Aquifer Recharge Zone, the Contributing Zone, the CWQZ nor the WQTZ. The project is located outside of the floodplain as indicated on FEMA FIRM Panel 48453C0215H, dated Sept. 26, 2008. No CEF's have been observed during site visits.

December 6, 2013

C2/16

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The current site plan proposes to construct buildings & parking lot facilities within the currently utilized 40% buffer area that is within Lots 15, 16, & 17. A water quality pond is proposed in-lieu of the existing 40% buffer area

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: **Vineyard Business Center, 620 Office Warehouse Complex Phase III**

Ordinance: LDC §25-8-454(D)(2)

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. [Phase II of Applicant's project uses the rear portion of Applicant's property, Lots 15, 16 and 17, for a 40% downstream buffer for its Phase II development. Based upon a 1704 Determination issued by the City on April 9, 2002, the project was subject only to 1970 rules. The 1970 rules do not require a downstream buffer, but Applicant was required by City of Austin staff to provide buffer contrary to 1704 status. Applicant also previously submitted all of his Lots (9, 10, 15, 16, 17, 18, 19 and 20) to a Unified Development Restrictive Covenant, which is recorded in Volume 13253, Page 9, Deed Records of Travis County, Texas. This proposed Phase III is part of that Unified Development project as previously recorded. The proposed sedimentation/filtration water quality pond (which Applicant proposes to substitute for the 40% downstream buffer) will provide enhanced water quality treatment and allow Applicant to complete development of its project consistent with similarly situated properties. The amount of impervious cover on Texas Custom Choppers, a nearby commercial development, similarly situated tract, which was granted a similar variance in 2011, exceeds that which is requested on the subject tract.]

C2/17

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. [The property is part of a 1970 subdivision which did not require water quality. It is a third phase of the development that will utilize the Phase II development area's 40% downstream buffer. The proposed Phase III development will utilize a sedimentation/filtration pond in-lieu of the buffer zone, which has the capacity to provide greater overall environmental protection than is achievable under existing conditions or strict compliance with 1970 water quality rules for this area. As with the Texas Custom Choppers' variance, greater overall environmental protection is achievable with 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;

Yes/No Yes [The proposed sedimentation/filtration water quality pond will meet current detention and water quality requirements, and will be an improvement to the existing detention pond.]

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

Yes/No Yes [Through the expansion/improvement of the existing detention pond and the addition of a sedimentation/filtration water quality pond to meet current detention and water quality regulations, the grant of the proposed variances does not create a significant probability of harmful environmental consequences.]

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. [Since the proposed water quality controls will meet current structured water quality regulations, Sept. 2013 rules , the water quality is at least equal to water quality achievable without the variance, even with the increase in impervious cover to 49.6% of NSA.]

**Variance approval requires all above affirmative findings.

December 6, 2013

C7/18

ENVIRONMENTAL BOARD VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Hermann Vigil
Street Address	4303 Russell Drive
City State ZIP Code	Austin, TX 78704
Work Phone	512.326.2667
E-Mail Address	Hermann@vigilandassociates.com

Variance Case Information

Case Name	Vineyard Business Center, 620 Office Warehouse Complex Phase III
Case Number	SP-2012-0316D
Address or Location	2009 RM 620 North, Austin, TX 78734
Environmental Reviewer Name	Mike McDougal
Applicable Ordinance	LDC 25-8-454(D)(1)
Watershed Name	Running Deer Watershed
Watershed Classification	☐Urban ☐ Suburban ☐Water Supply Suburban ☒Water Supply Rural ☐ Barton Springs Zone
Edwards Aquifer Recharge Zone	☐ Barton Springs Segment ☐ Northern Edwards Segment ☒ Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	☐ Yes ☒ No

December 6, 2013

C2/19

Distance to Nearest Classified Waterway	Approx. 1,530 L.F.
Water and Waste Water service to be provided by	Water provided by Travis County WCID No. 17, Wastewater provided by OSSF
Request	The variance request is as follows (Cite code references: LDC §25-8-454(D)(1) which limits the allowable impervious cover on the site to 20% NSA (25% NSA with transfers).

Impervious cover	Existing	Proposed
square footage:	96,249 s.f.	78,346 s.f.
acreage:	2.21 ac.	1.80 ac.
percentage:	27.35%	22.28%

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)	The property consists of 8 platted lots. Currently there are eight (8) existing buildings and associated parking on four (4) of these lots. One of these lots is being used for on-site septic system (underground) since the area is not served by a municipal sanitary sewer system. The remaining three (3) lots are downhill of the existing development and is currently being utilized by the detention pond and the 40% buffer. The slopes for the site are mostly in the 0-15 percent category. The vegetation is primarily grasses with some Live Oaks scattered on the three (3) downhill lots. The soils consist of Brackett soils (BlD] and Voente silty clay loam (VoD). The Brackett soils are gentle rolling 5-12% slope with soils approx. 10 inches thick and limestone rock formation below. The Voente silty clay loam soils have slopes of 2-7 %, are well-drained, surface layer is dark grayish-brown silty clay loam about 22 inches thick over dark-brown clay about 14 inches thick, over typical limestone rock formation. This project is not within the Edwards Aquifer Recharge Zone, the Contributing Zone, the CWQZ nor the WQTZ. The project is located outside of the floodplain as indicated on FEMA FIRM Panel 48453C0215H, dated Sept. 26, 2008. No CEF's have been observed during site visits.

December 6, 2013

C2/20

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The current site plan proposes to exceed the 20% NSA by constructing building and parking impervious cover up to 49.6% of the net site area. A water quality pond is proposed in-lieu of the 20% NSA.

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: **Vineyard Business Center, 620 Office Warehouse Complex Phase III**

Ordinance: LDC §25-8-454(D)(1)

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. [Based upon a 1704 Determination issued by the City on April 9, 2002, the project was subject only to 1970 rules. The 1970 rules do not limit the impervious cover to 20%, but Applicant has agreed to restrict impervious cover to 49.6% of the net site area in any case. Applicant also previously submitted all of his Lots (9, 10, 15, 16, 17, 18, 19 and 20) to a Unified Development Restrictive Covenant, which is recorded in Volume 13253, Page 9, Deed Records of Travis County, Texas. This proposed Phase III is part of that Unified Development project as previously recorded. The proposed sedimentation/filtration water quality pond (which Applicant proposes to substitute for the 20% NSA) will provide enhanced water quality treatment for all of the development including the existing development (Phase I & II) and allow Applicant to complete development of its project consistent with similarly situated properties. The amount of impervious cover on Texas Custom Choppers, a nearby commercial development, similarly situated tract, which was granted a similar variance in 2011, exceeds that which is requested on the subject tract.]

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. [The property is part of a 1970 subdivision which did not limit impervious cover nor require water quality. The proposed Phase III development will utilize a sedimentation/filtration pond in-lieu of the 20% NSA, which has the capacity to provide greater overall environmental protection than is achievable under existing conditions or strict compliance with 1970 water quality rules for this area. As with the Texas Custom Choppers' variance, greater overall environmental protection is achievable with 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;

   Yes/No Yes [The proposed sedimentation/filtration water quality pond will meet current detention and water quality requirements, and will be an improvement to the existing detention pond.]

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

   Yes/No Yes [Through the expansion/improvement of the existing detention pond and the addition of a sedimentation/filtration water quality pond for the entire development to meet current detention and water quality regulations, the grant of the proposed variances does not create a significant probability of harmful environmental consequences.]

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. [Since the proposed water quality controls will meet current structured water quality regulations, the water quality is at least equal to water quality achievable without the variance, even with the increase in impervious cover to 49.6% of the net site area.]

**Variance approval requires all above affirmative findings.

Figures

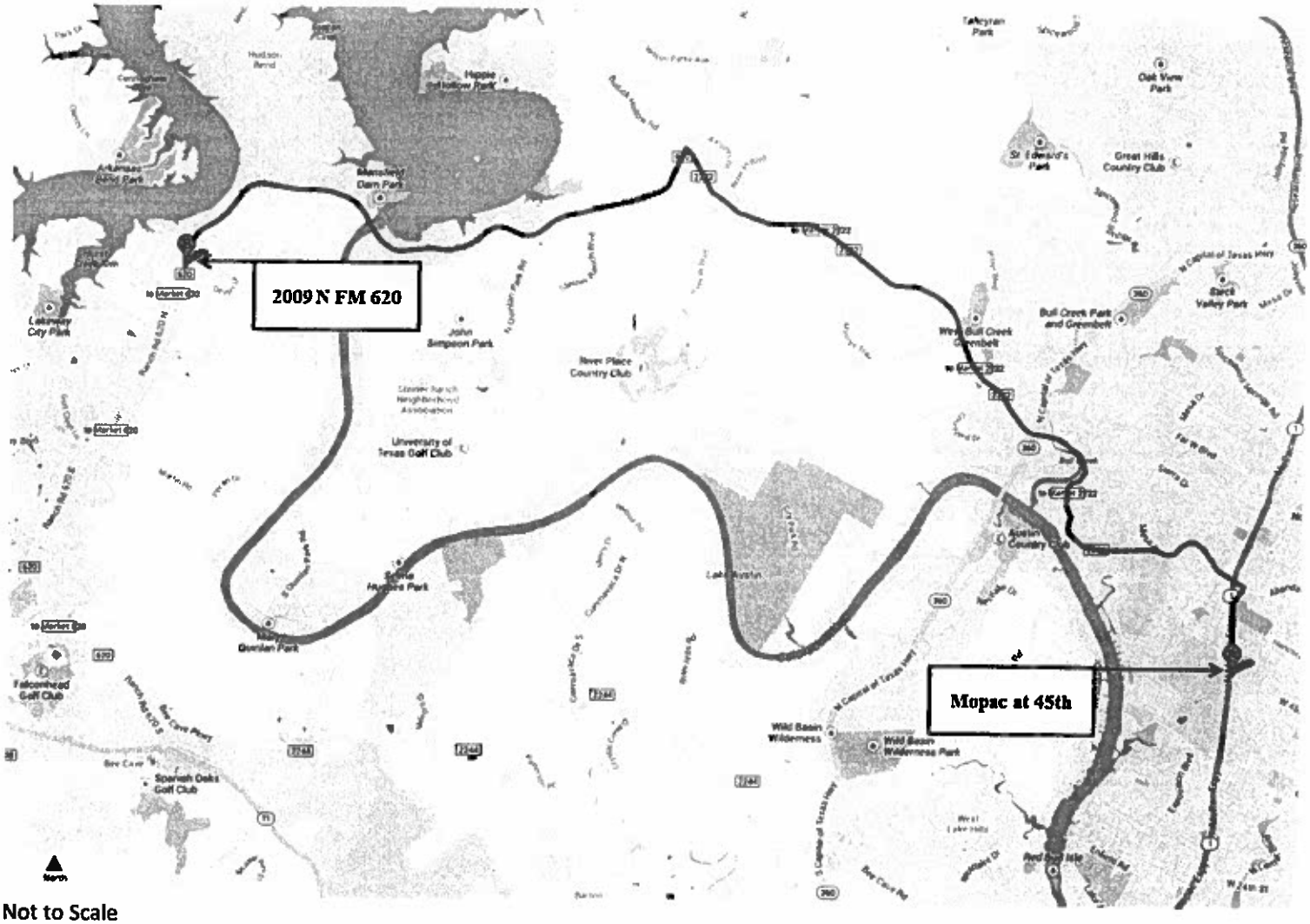
C 2/22

Figure 1 – Driving Directions and Vicinity Map

C2/23

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 6.5 miles; the property will be on the left



Not to Scale

Figure 2 – Existing Site with Aerial Map

C2/24

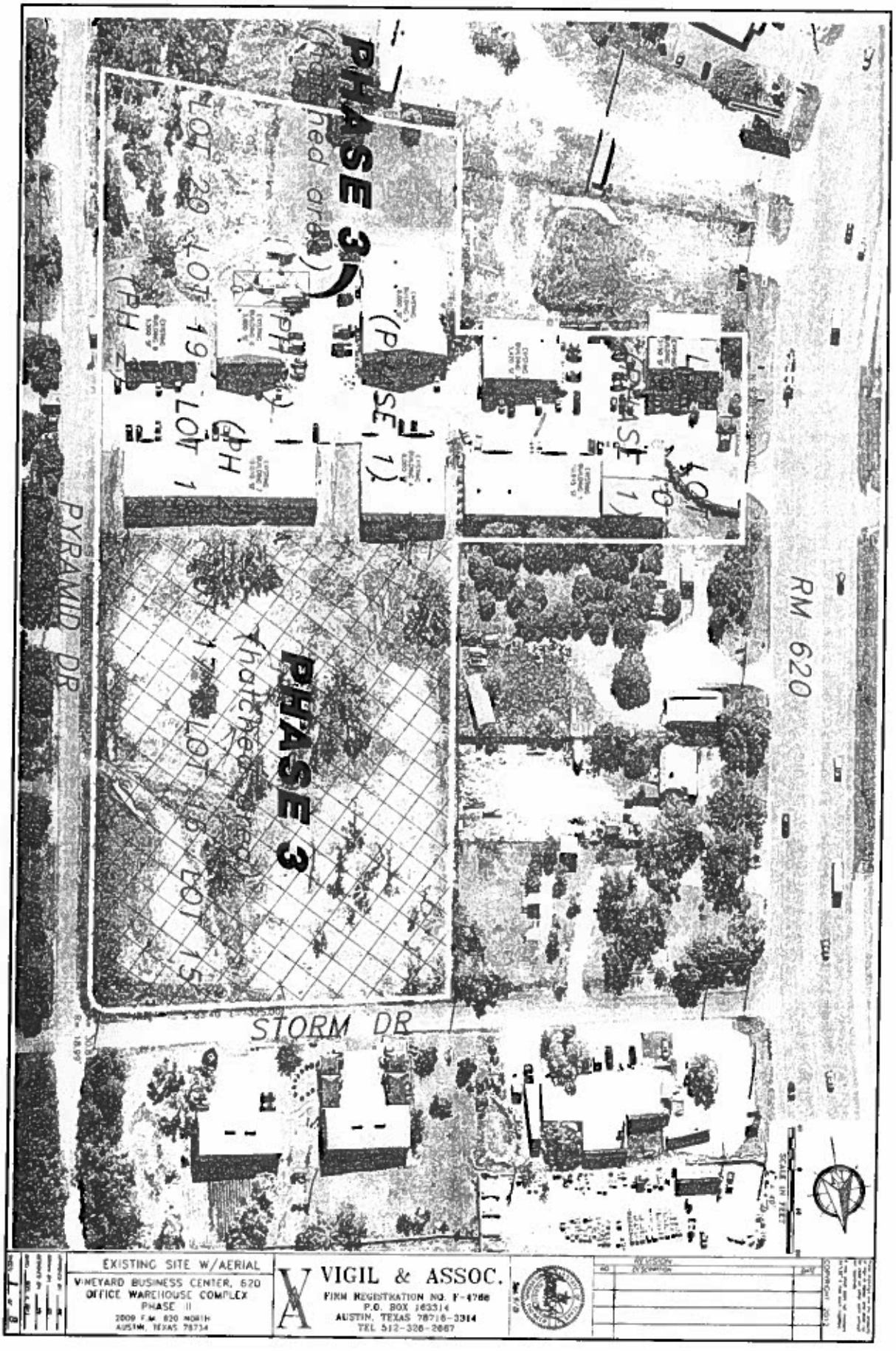
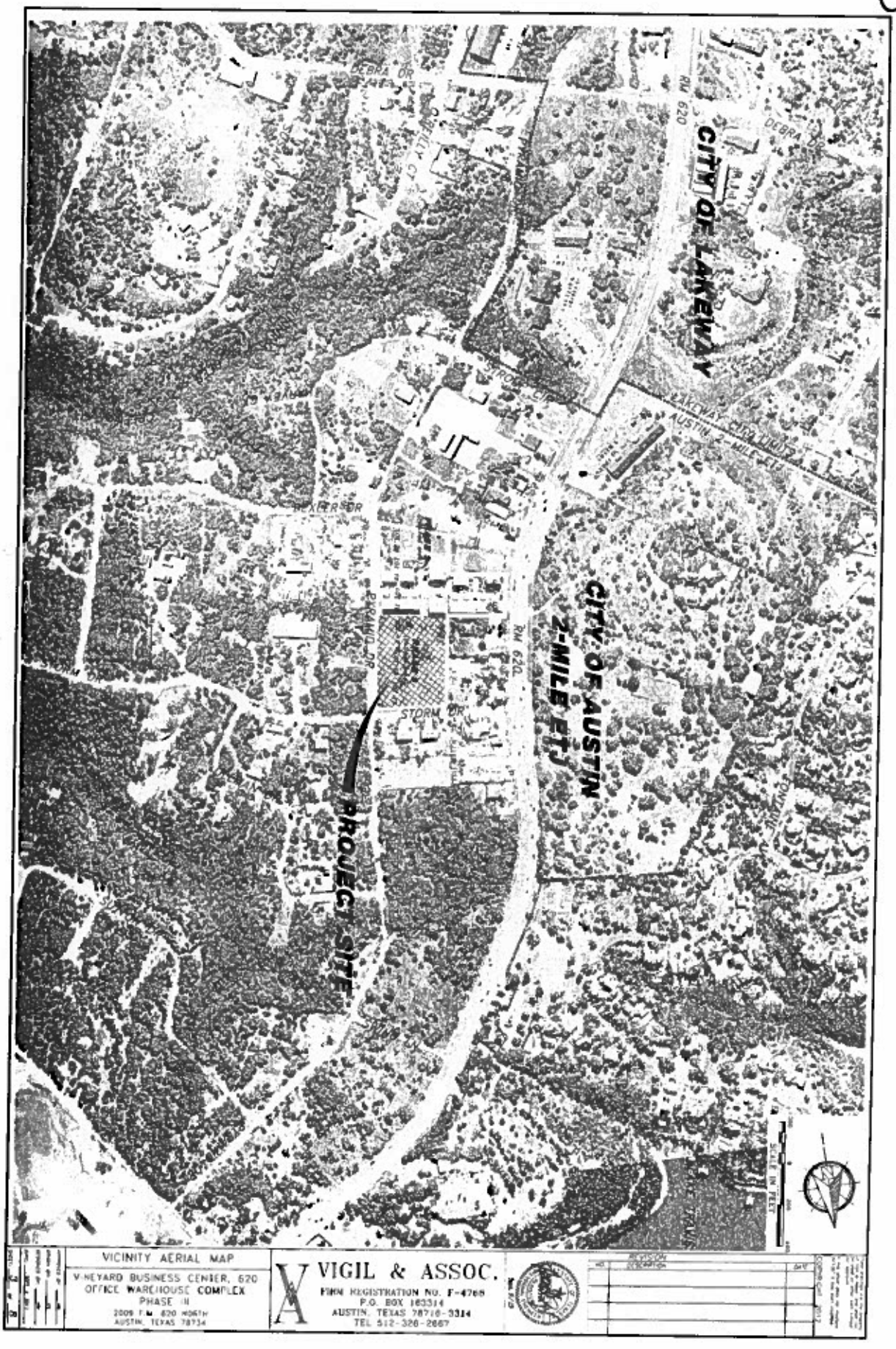


Figure 3 – Vicinty Aerial Map



C2/26

Figure 4 – Waterway Map

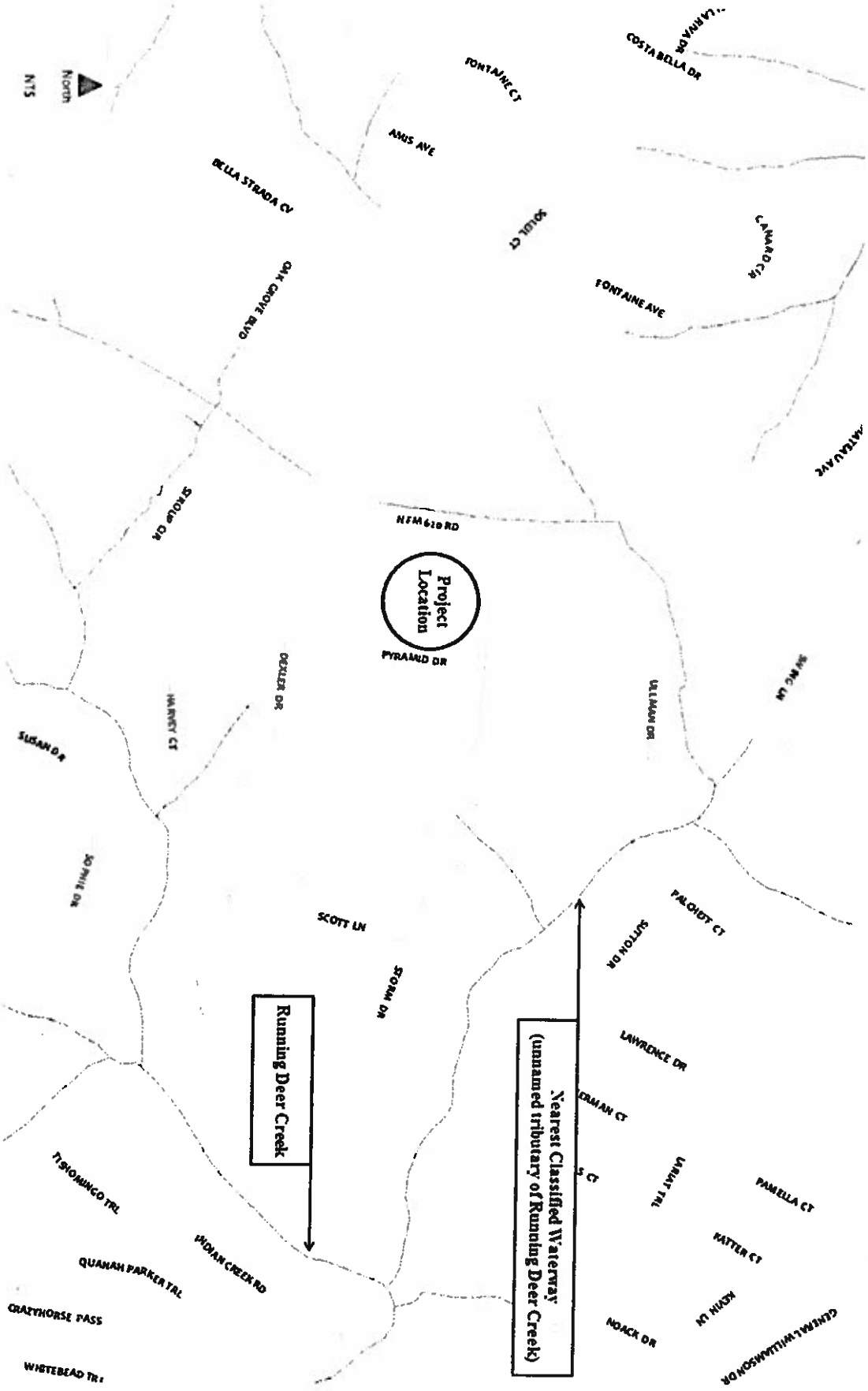


Figure 5 – Existing Conditions

C2/27

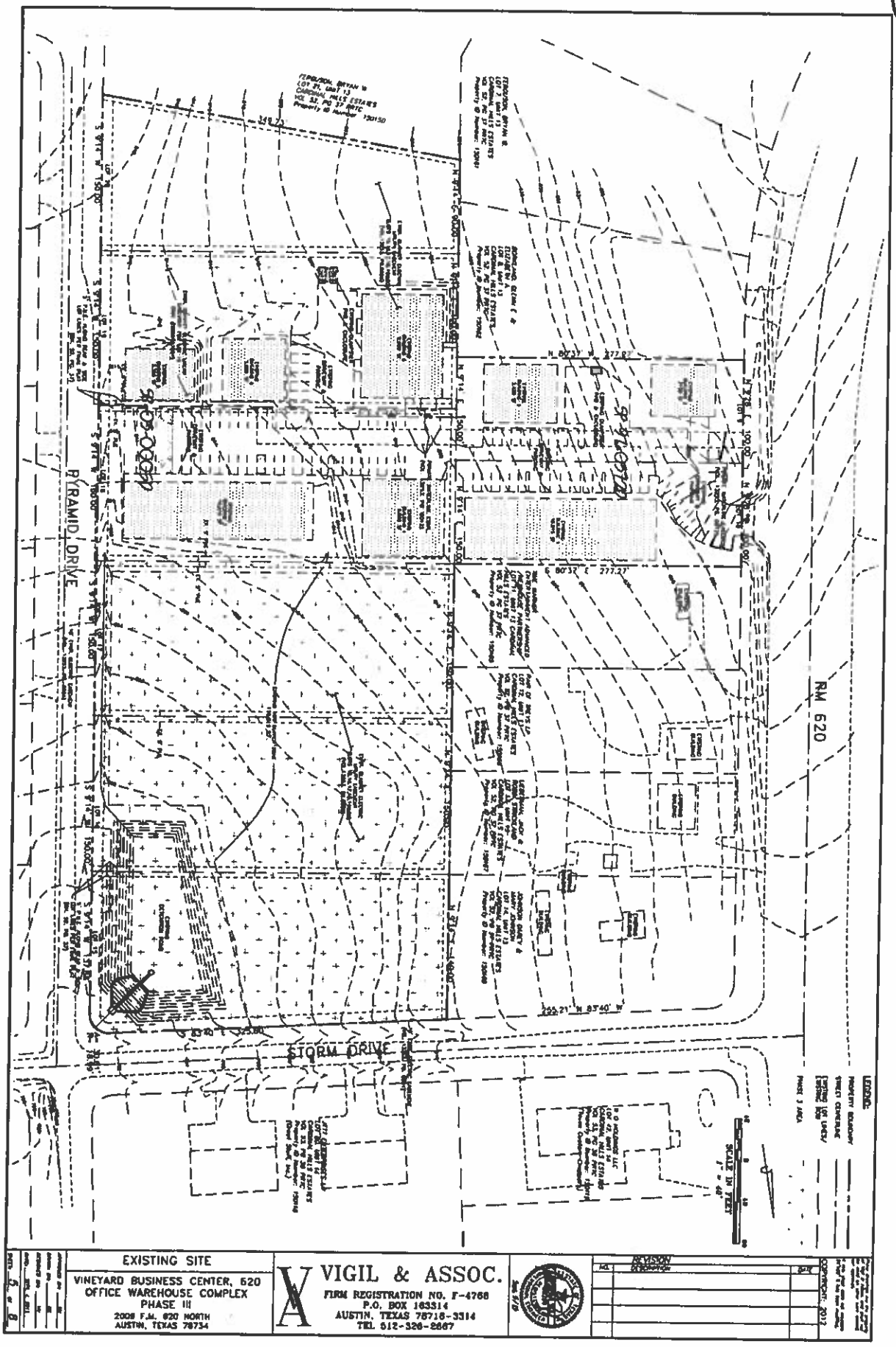
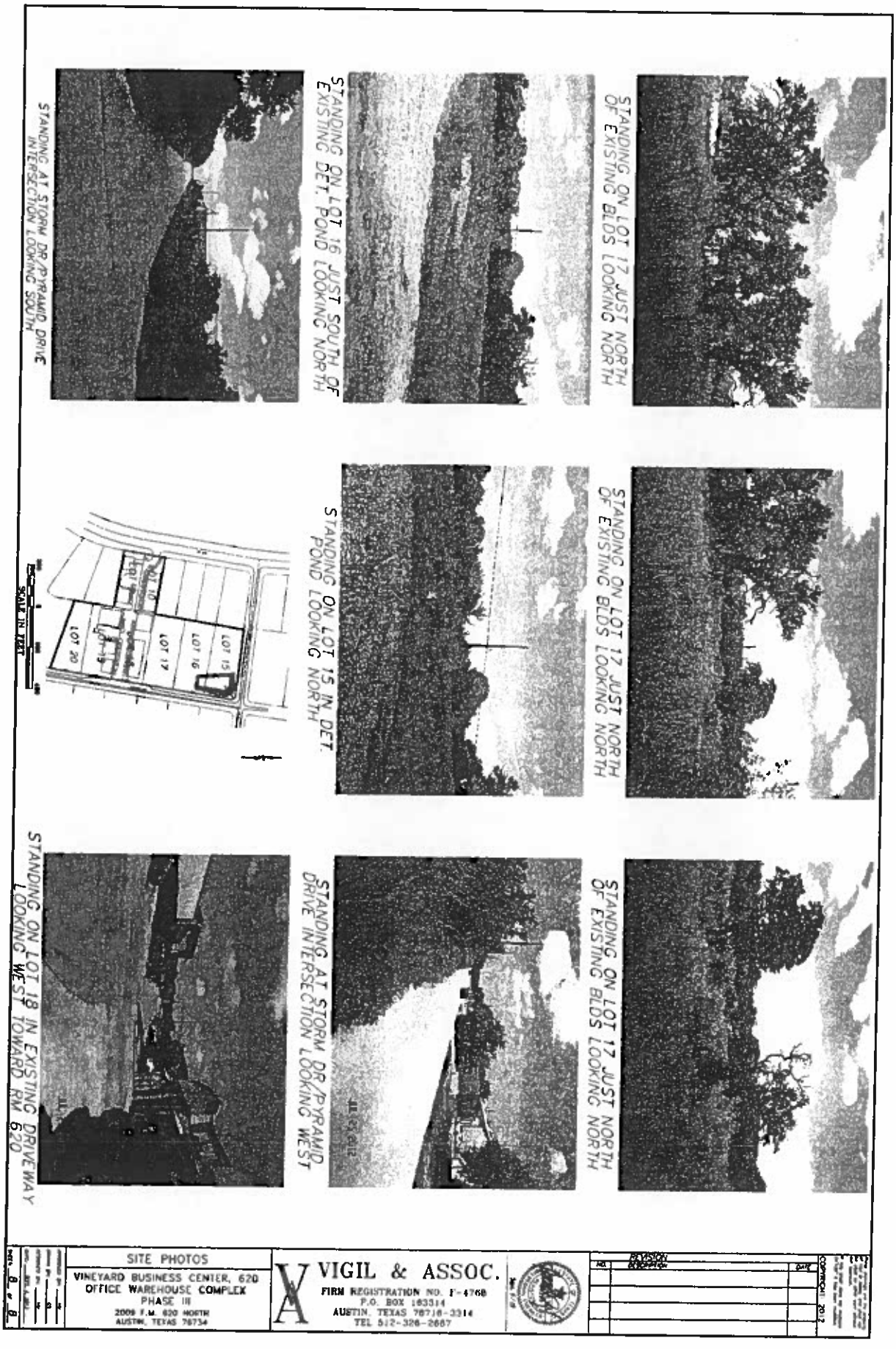


Figure 6 – Site Photos

C2/28



SITE PHOTOS

VINEYARD BUSINESS CENTER, 620 OFFICE WAREHOUSE COMPLEX
PHASE III
2009 F.M. 620 NORTH
AUSTIN, TEXAS 78734

VIGIL & ASSOC.
FIRM REGISTRATION NO. F-4760
P.O. BOX 163314
AUSTIN, TEXAS 78716-3314
TEL 512-328-2687

NO.	REVISION DESCRIPTION	DATE

Figure 7 – Proposed Conditions

C2/29

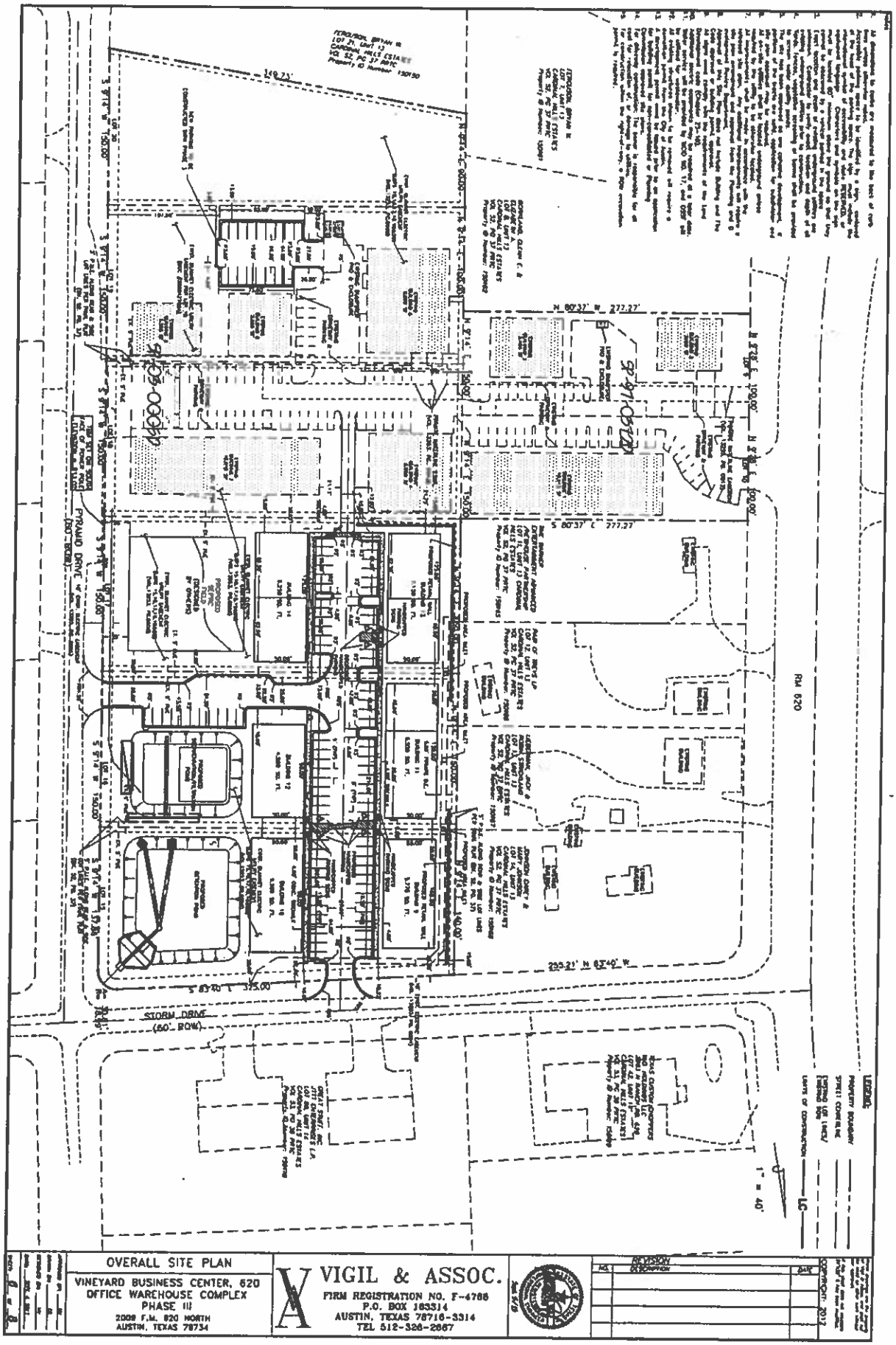


Figure 8 – Environmental Board Data (1 of 2)

C2/30

ENVIRONMENTAL BOARD MOTION 061798-D1B

Date: June 17, 1998

Subject: Vineyard Business Center 620

Project Number SP-97-0327D

Motioned By: Jessica Joyce Christie Seconded By: Hugh Mayfield

The Environmental Board recommends approval of the variance request to allow cut and fill in excess of 4 feet for the Vineyard Business Center 620 with the staff condition that the applicant provide native grass and shrub restoration of the proposed fill slope as approved by staff. The Board adds the condition that composition of the fill must be approved by staff.

*Vote: 8-0-0-0

Vote:	CONSENTING	DISSENTING	ABSTAINING	ABSENT
George Avery, Chair	☒	☐	☐	☐
Jessica J. Christie, Vice Chair	☒	☐	☐	☐
Tim Jones, Secretary	☒	☐	☐	☐
Robert Botto	☒	☐	☐	☐
Joyce Conner	☒	☐	☐	☐
Bill Harvey	☒	☐	☐	☐
Carl Money	☒	☐	☐	☐
Hugh Mayfield	☒	☐	☐	☐
Vacant	☐	☐	☐	☐

Approved By:

George Avery, Chair

* Corrected Copy

Figure 8 – Environmental Board Data (2 of 2)

C2/31

ENVIRONMENTAL BOARD MOTION 061798-D1A

Date: June 17, 1998

Subject: Vineyard Business Center 620

Project Number SP-97-0327D

Motioned By: Robbie Botto Seconded By: Bill Harvey

The Environmental Board recommends approval of the variance request to exceed the allowed impervious cover for the Vineyard Business Center 620. The Board adds the condition that the applicant agree to limit the site to 18.7% impervious cover and because the reduction in impervious cover is based on the argument that Storm and Pyramid roads are not improved in portions abutting the property, the applicant agrees not to take access from Pyramid or Storm.

Vote: 4-2-1-0

Vote:	CONSENTING	DISSENTING	ABSTAINING	ABSENT
George Avery, Chair	☒	☐	☐	☐
Jessica J. Christie, Vice Chair	☐	☐	☒	☐
Tim Jones, Secretary	☐	☒	☐	☐
Robert Botto	☒	☐	☐	☐
Joyce Conner	☐	☒	☐	☐
Bill Harvey	☒	☐	☐	☐
Carl Money	☒	☐	☐	☐
Hugh Mayfield	☐	☒	☐	☐
Vacant	☐	☐	☐	☐

Approved By:

George Avery, Chair