

C4

ZONING & PLATTING COMMISSION
SITE PLAN VARIANCE REQUEST REVIEW SHEET

CASE NUMBER: SP-2013-0343D

ZAP DATE: 05/06/2014

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

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:

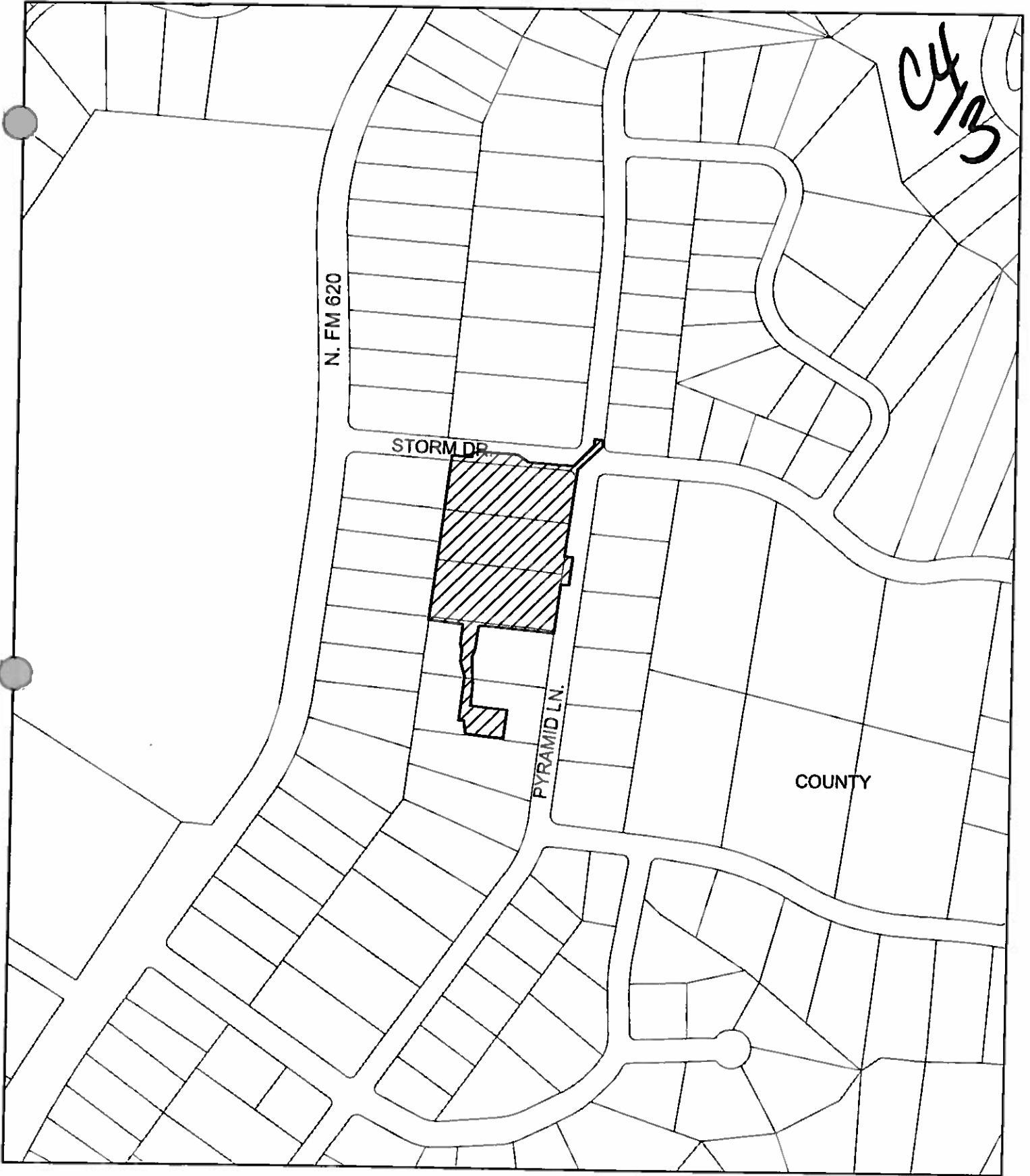
Michael Simmons-Smith
michael.simmons-smith@austintexas.gov

**PDRD ENVIRONMENTAL
STAFF:**

Mike McDougal
mikemcdougal@austintexas.gov

THIS CASE WAS ORIGINALLY SCHEDULED TO BE HEARD AT THE MARCH 4, 2014 ZONING & PLATTING COMMISSION MEETING. THE APPLICANT REQUESTED AND RECEIVED A POSTPONEMENT TO THE APRIL 1 ZONING & PLATTING COMMISSION MEETING. AT THE APRIL 1 MEETING, THE APPLICANT REQUESTED ANOTHER POSTPONEMENT TO THE MAY 6 ZONING & PLATTING COMMISSION MEETING.

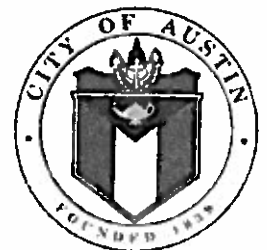
CH
13



0 87.5 175 350 Feet
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SITE PLAN VARIANCE REQUEST

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





C4/4

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



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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.

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Environmental Board Variance Applications - provided by the Applicant

December 6, 2013



ENVIRONMENTAL BOARD VARIANCE APPLICATION FORM

CH/14

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

CH
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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:	<u>96,249 s.f.</u>	<u>78,346 s.f.</u>
acreage:	<u>2.21 ac.</u>	<u>1.80 ac.</u>
percentage:	<u>27.35%</u>	<u>22.28%</u>

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

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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.)



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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

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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

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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 (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

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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.)

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14

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.**

CH
16

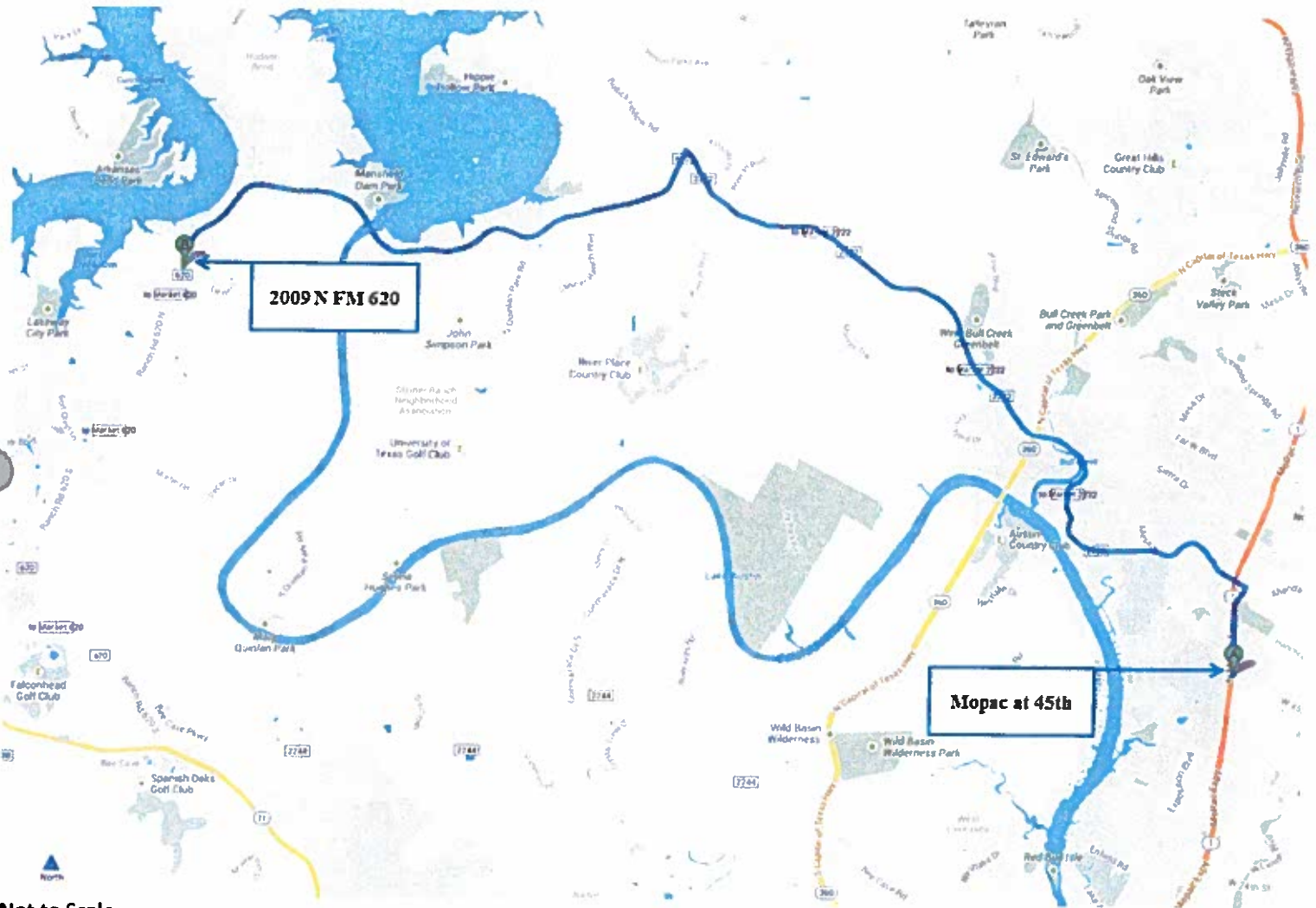
Figures

Figure 1 – Driving Directions and Vicinity Map

CH/16

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

Handwritten signature/initials



Figure 3 – Vicinty Aerial Map

CH
18

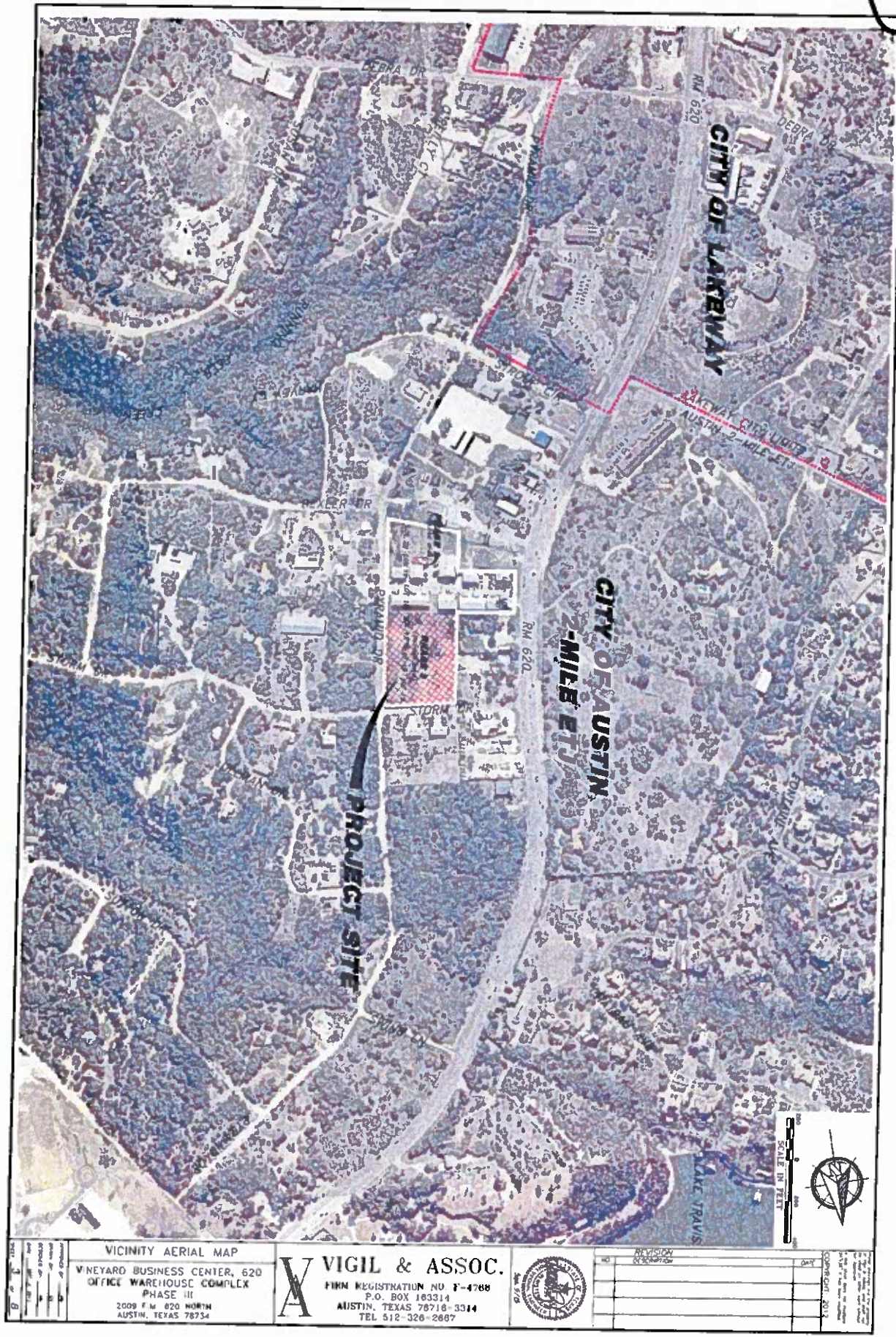


Figure 4 – Waterway Map

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AP

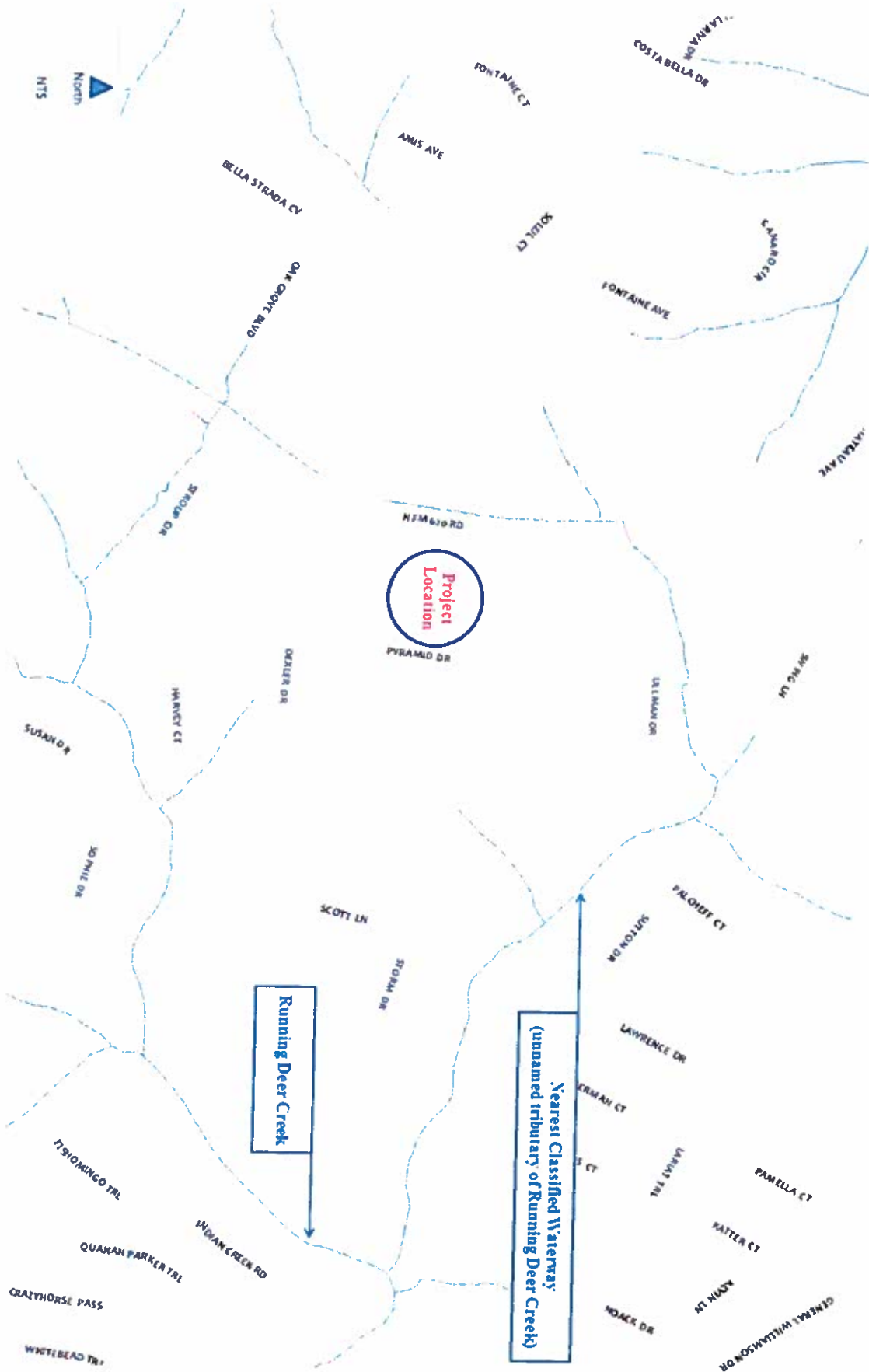


Figure 5 - Existing Conditions

24/20

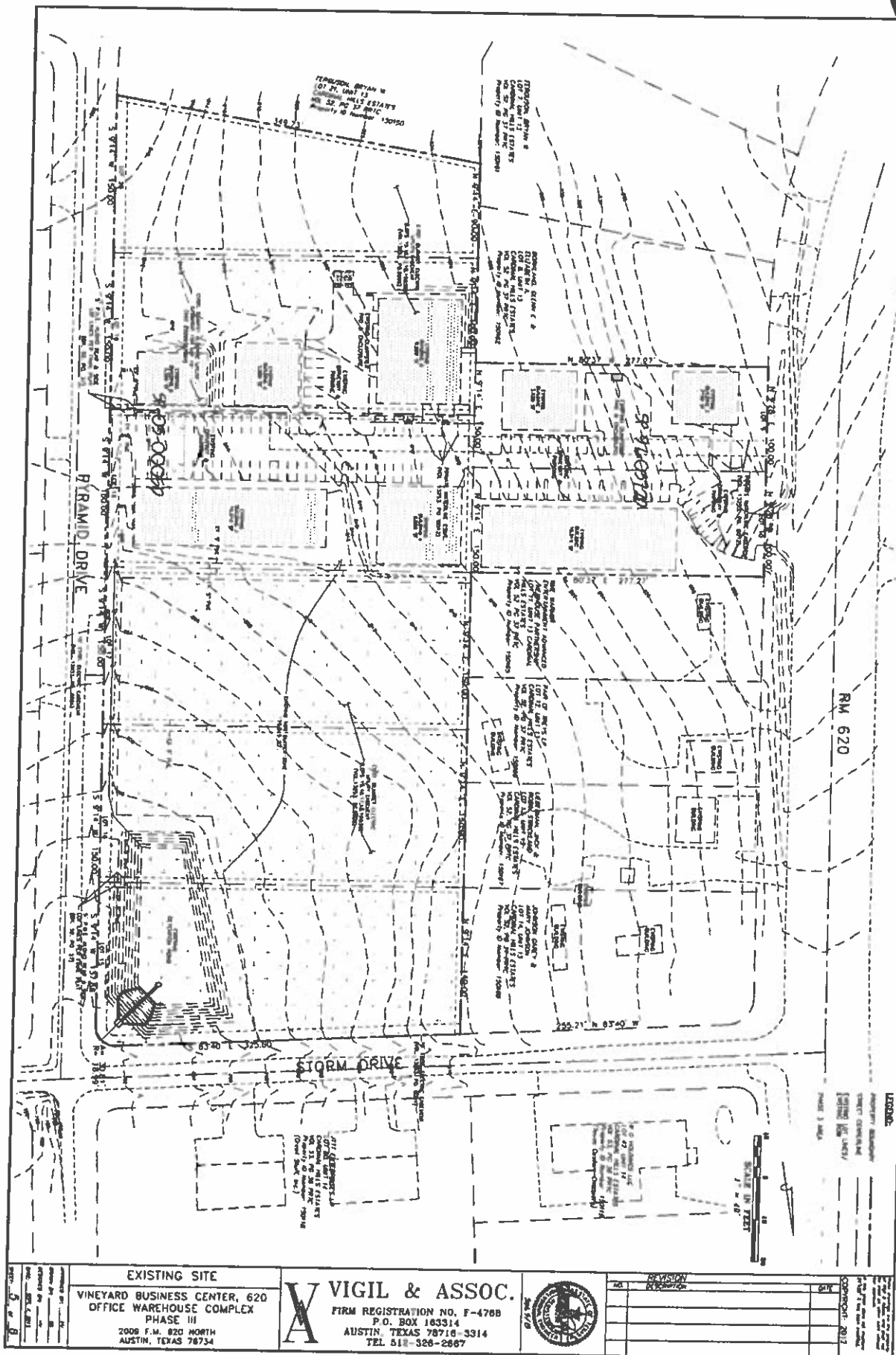


Figure 6 – Site Photos

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STANDING ON LOT 17 JUST NORTH
OF EXISTING BLDG LOOKING NORTH



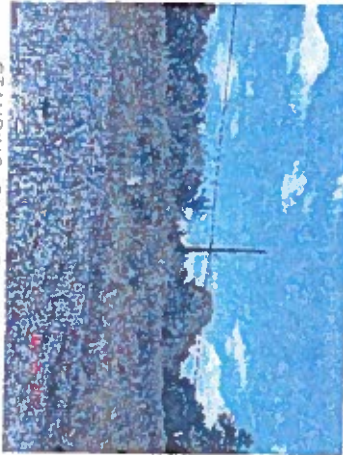
STANDING ON LOT 16 JUST SOUTH OF
EXISTING DET. POND LOOKING NORTH



STANDING AT STORM DR./PYRAMID DRIVE
INTERSECTION LOOKING SOUTH



STANDING ON LOT 17 JUST NORTH
OF EXISTING BLDG LOOKING NORTH



STANDING ON LOT 15 IN DET.
POND LOOKING NORTH



STANDING ON LOT 17 JUST NORTH
OF EXISTING BLDG LOOKING NORTH



STANDING AT STORM DR./PYRAMID
DRIVE INTERSECTION LOOKING WEST



STANDING ON LOT 18 IN EXISTING DRIVEWAY
LOOKING WEST TOWARD RM. 620

Figure 7 - Proposed Conditions

CH
22

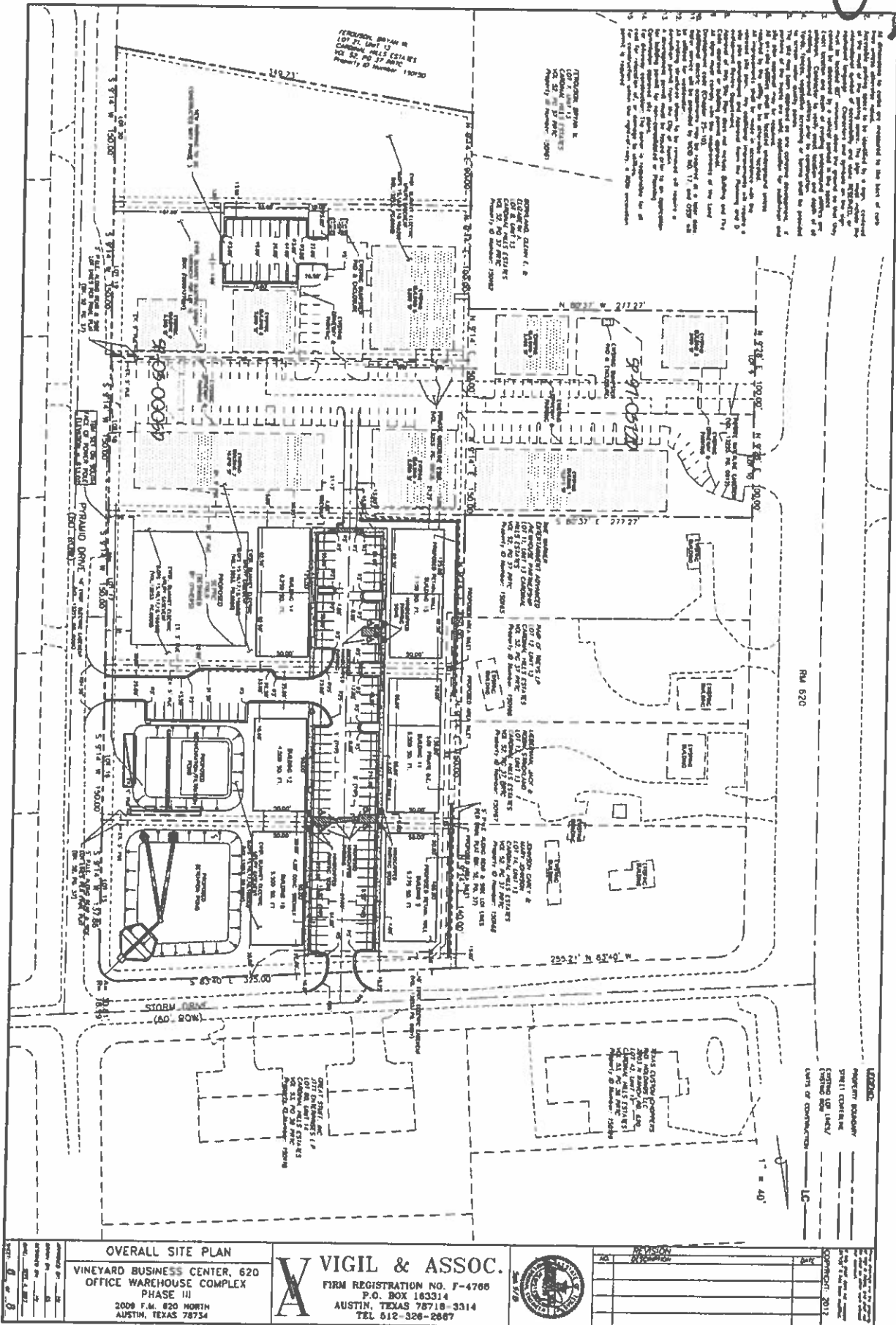


Figure 8 – Environmental Board Data (1 of 2)



C4/3

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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jessica J. Christie, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tim Jones, Secretary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robert Botto	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joyce Conner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Harvey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl Money	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hugh Mayfield	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Approved By:

George Avery, Chair

* Corrected Copy

Figure 8 – Environmental Board Data (2 of 2)



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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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jessica J. Christie, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tim Jones, Secretary	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robert Botto	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joyce Conner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Harvey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl Money	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hugh Mayfield	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Approved By:

George Avery, Chair