

ZONING & PLATTING COMMISSION
SITE PLAN VARIANCE REQUEST REVIEW SHEET

C13/1

CASE NUMBER: SP-2013-0435C.SH **ZAP DATE:** 07/15/2014

PROJECT NAME: Homestead Oaks

ADDRESS: 3226 W. Slaughter Lane

WATERSHED: Slaughter Creek Watershed (Barton Springs Zone)
Drinking Water Protection Zone

ORDINANCE: Comprehensive Watershed Ordinance - SOS

ZONING: MF-4-CO

APPLICANT: FC SW Housing LP
3036 South 1st Street, Suite 200
Austin, Texas 78704
(512) 217-0429

AGENT: Axiom Engineers, Inc.
13276 Research Blvd., Suite 208
Austin, Texas 78750
(512) 506-9335

PROJECT DESCRIPTION: The applicant proposes to construct a four-story multi-family SMART Housing building with 140 units, totaling 148,944 gross square feet on a 29.4-acre site with associated parking, water quality mitigation and utility improvements.

VARIANCE REQUEST: The applicant requests a variance from LDC Section 25-8-482(A)(1) to allow the construction of a driveway in a WQITZ (Water Quality Transition Zone) within the Barton Springs Zone.

ENVIRONMENTAL BOARD ACTION: The Environmental Board heard this case on June 18, 2014, and voted 7-0-0-0 to recommend approval of the request for the variance.

STAFF RECOMMENDATION: Staff recommends approval of the variance without conditions, as the findings of fact have been met for this variance request.

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NEIGHBORHOOD ORGANIZATIONS:

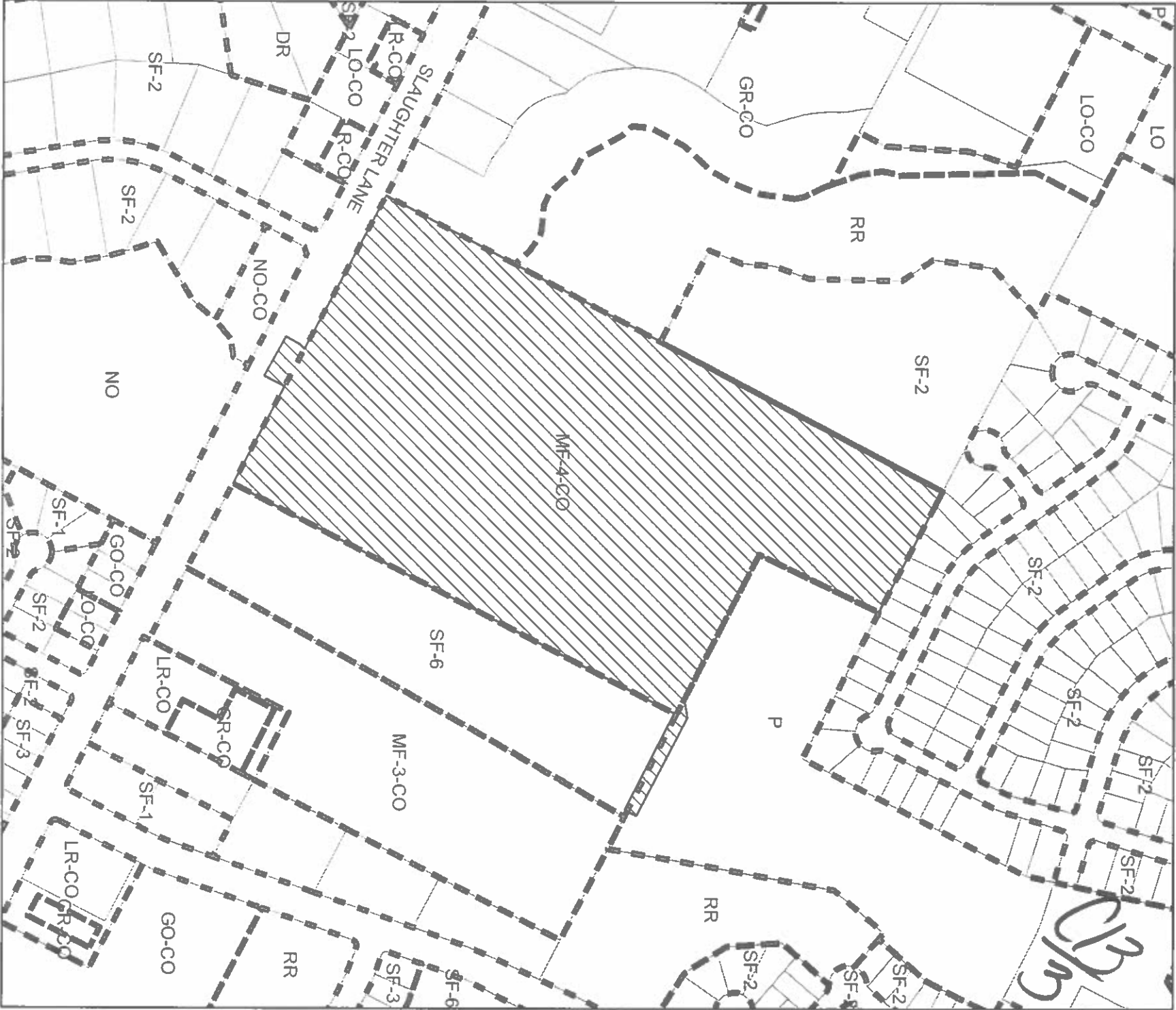
Union Creek Homeowners Association
Austin Independent School District
Beyond2ndNature
Sierra Club, Austin Regional Group
Oak Parke/Brodie Wild Preservation Group, Inc.
Tanglewood Oaks Owners Assn.
Save Our Springs Alliance
SEL Texas
Friends of Emma Barrientos MACC
Bike Austin
Save Barton Creek Assn.
Preservation Austin
Austin Parks Foundation
Austin Neighborhoods Council
Austin Heritage Tree Foundation
Tanglewood Forest Neighborhood Assn.
Glenlake Neighborhood Association
The Real Estate Council of Austin, Inc.
Super Duper Neighborhood Objectors and Appealers Organization
Austin Monorail Project
Homeless Neighborhood Organization
Save Our Springs Alliance

PDRD CASE MANAGER:

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

**PDRD ENVIRONMENTAL
STAFF:**

Jim Dymkowski
james.dymkowski@austintexas.gov



SITE PLAN VARIANCE REQUEST

CASE NO.: SP-2013-0435C, SH
ADDRESS: 3226 W. SLAUGHTER LANE
CASE MANAGER: MICHAEL SIMMONS-SMITH





CJB
/M

ENVIRONMENTAL BOARD RECOMMENDATION 20140618 006b

Date: June 18, 2014

Subject: Homestead Oaks Sp-2013-0435C.SH

Motion By: Robert Deegan

Second by: James Schissler

RATIONALE:

Whereas, the applicant has met the findings of fact.

Therefore, the Environmental Board recommends approval of the request for a variance

VOTE 7-0-0-0

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

Against: None

Abstain: None

Absent: None

Approved By:

Mary Gay Maxwell, Environmental Board Chair



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ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING
DATE REQUESTED: JUNE 18, 2014

NAME & NUMBER OF PROJECT: HOMESTEAD OAKS
SP-2013-0435C.SH

NAME OF APPLICANT OR ORGANIZATION: FC SW Housing LP – 512-217-0429

LOCATION: 3226 W Slaughter Lane

PROJECT FILING DATE: November 15, 2013

WPDR/ENVIRONMENTAL STAFF: Jim Dynkowski, 974-2707
james.dynkowski@austintexas.gov

WPDR/ CASE MANAGER: Michael Simmons-Smith, 974-1225
michael.simmons-smith@austintexas.gov

WATERSHED: Slaughter Creek Watershed (Barton Springs Zone)
Drinking Water Protection Zone

ORDINANCE: Watershed Protection Ordinance - SOS (Current Code)

REQUEST: Variance request is as follows:
1. To allow the construction of a driveway in a WQTZ (Water Quality Transition Zone) within the Barton Springs Zone.
LDC Section 25-8-482 (A) (1)

STAFF RECOMMENDATION: Recommend approval

REASONS FOR RECOMMENDATION: Findings of fact have been met.



CB/A

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: June 18, 2014

SUBJECT: Homestead Oaks - SP-2013-0435C.SH

On the June 18, 2014 agenda is a request for the consideration of one variance from LDC 25-8-482 (A) (1) - to allow the construction of a driveway within the WQTZ (Water Quality Transition Zone) of two minor classified waterways within the Barton Springs Zone to allow the only access to a proposed multi-family development.

Description of Property

The subject property is located in the Slaughter Creek Watershed, which is classified as the Barton Springs Zone (Recharge), within the Drinking Water Protection Zone. It is within the City of Austin full purpose jurisdiction. There are two minor classified waterways that affect this site along the east and south perimeters that leave the site within culverts intersecting as they immerge on the south side of Slaughter lane. The 16.79 acre site is currently a single family residence with associate structures and drives. It is bordered to the north and south by single family residential development and to the east and west by commercial and multi-family development.

Existing Topography/Soil Characteristics/Vegetation

The property contains some slopes greater than 15%, at are all located within the Critical Water Quality Zone buffers of the two tributaries. The site grades from the north to the south toward both classified waterways. Vegetation generally consists of Live oak and Cedar elm with both native and ornamental grasses. According to the Environmental Resource Inventory, geology at this site is characterized by the Edwards limestone and soils consist of Speck and Tarrant clay soils.

Critical Environmental Features/Endangered Species

Environmental Resource Management (ERM) staff has confirmed that no Critical Environmental Features were found on or adjacent to the site. Existing groundwater wells associated with the old home will be abandoned and capped per required standards.

Description of Project

Homestead oaks, is a proposed multi-family project with associated parking and drives. It complies fully with SOS water quality standards. The project is within the Barton Springs Zone and is limited to a net

CB/X

Description of Project

Homestead oaks, is a proposed multi-family project with associated parking and drives. It complies fully with SOS water quality standards. The project is within the Barton Springs Zone and is limited to a net site area allowable impervious cover of 15% or 3.215 acres. The proposed impervious cover for the development is 3.15 acres or 14.72% of the net site area.

Environmental Code Variance Request

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

1. To allow the construction of a driveway in a WQTZ (Water Quality Transition Zone) within the Barton Springs Zone. LDC Section 25-8-482 (A) (1)

Recommendation

Staff recommends approval of the variance without conditions as the Findings of Fact have been met (see attached)

Similar Cases

Staff was unable to find a similar case for comparison.



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

Project:	Homestead Oaks - SP-2013-0435C.SH
Ordinance Standard:	Land Development Code Section 25-8-482 (A) (1)
Variance Request:	To allow the construction of a driveway in a WQTZ (Water Quality Transition Zone) within the Barton Springs Zone.

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. Given the lots proximity to existing development on three sides and no viable access from one of those three occupied sides, the only possible access is from the south off Slaughter Lane. Without this proposed driveway, access to the site's 21.43 acres of developable upland would be cut off.
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. This property is surrounded on three sides with existing development and no access point to an adjacent street. The two tributaries affecting the site leave the southern property separately underneath Slaughter lane. The waterways and their critical buffers affectively cut of any other access to the property from the south as a drive across a critical zone is not permitted under save our springs section of the code. The proposed drive location is therefore the only access opportunity where the two water quality transitions zones for the two tributaries meet.
 - 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. This is the minimum change necessary to allow for reasonable use of and safe access to the site. The driveway has been sited at the narrowest location within the WQTZ (Water Quality Transition Zone) to limit possible disturbance.
 - c) Does not create a significant probability of harmful environmental consequences; and

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Yes. The drive has been sited to limit the disturbance with the WQTZ (Water Quality Transition Zone) and erosion control has been installed to limit downstream sediment deposit. They are proposing to comply fully with SOS water quality standards for the drive and the project.

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. They are proposing to comply fully with SOS water quality standards. The applicant has also either removed or will remove previous development from the critical and water quality transition zones and revegetate per the City's 609's native standard.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-392 (Water Quality Transition Zone), Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (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.
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and
Yes. Without this proposed driveway, access to the site's available 21.43 acres of upland developable land would be cut off.
3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.
Yes. This is the minimum change necessary to allow for reasonable use of and safe access to the site. The driveway has been sited at the narrowest location within the WQTZ (Water Quality Transition Zone) to limit possible disturbance.

Environmental Reviewer:


Jim Dymkowski

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:


Chuck Lesniak

Date: June 4, 2014

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

Homestead Oaks - SP-2013-0435C.SH
Driving Directions

Beginning at Austin City Hall 301 W 2nd Street:

Go west on Cesar Chavez approximately 1.2 miles.

Go south on Mopac Loop 1 approximately 8.7 miles to exit for Slaughter Lane

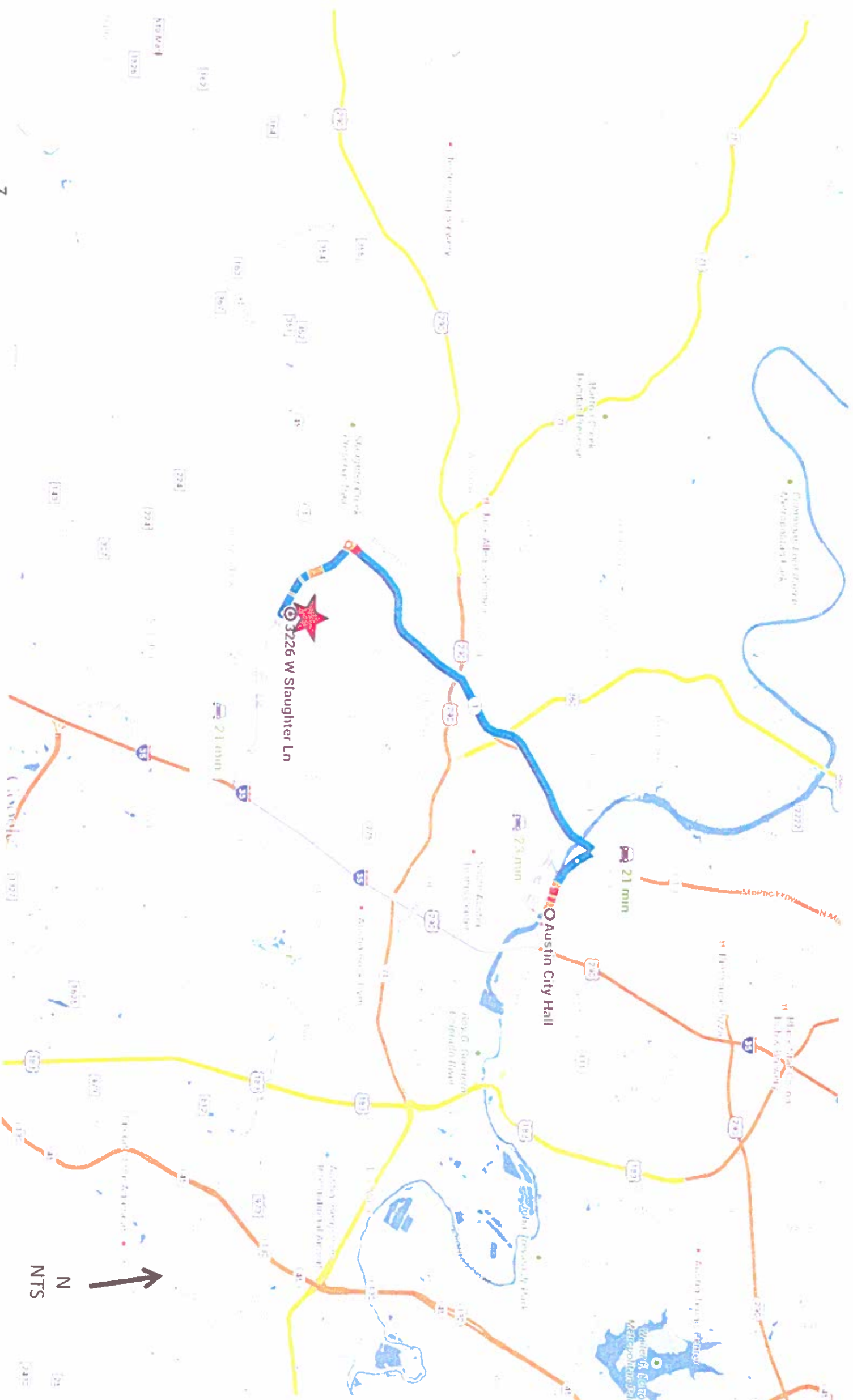
Turn left and go east on Slaughter Lane approximately 2.1 miles.

Make U-turn

3226 W Slaughter Lane will be on your right

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Homestead Oaks
SP-2013-0435C.SH
Site Location



Homestead Oaks
SP-2013-0435C.SH
Existing site conditions and topography

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Homestead Oaks
SP-2013-0435C.SH
Project and Waterway Setback



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Homestead Oaks
SP-2013-0435C.SH
Site Photos

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Site Looking North at Proposed Drive Entrance



West Minor Tributary Looking North



West Minor Tributary Looking North