



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING November 5, 2014
DATE REQUESTED:

NAME & NUMBER THE PINNACLE AT GREAT HILLS PART A
OF PROJECT: C14-83-224(R1)

NAME OF APPLICANT CMST Development LLC.
OR ORGANIZATION: (Contact: Mike Wilson 512-454-2400)

LOCATION: 5717 Lost Horizon Drive

PROJECT FILING DATE: JULY 14, 2014

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

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

WATERSHED: Bull Creek Watershed (Water Supply Suburban)
Drinking Water Protection Zone

ORDINANCE: Lake Austin Watershed Ordinance (800103-N)

REQUEST: Variance request is as follows:
1. To allow driveway construction on a slope greater than 25% to areas of slope not less than 25%. Lake Austin Watershed Ordinance Section 29-55.3(a) (1).

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 5, 2014

SUBJECT: The Pinnacle at Great Hills Part A – C14-83-224(R1)

On the November 5 agenda is a request for the consideration of one variance from the Lake Austin Watershed Ordinance (800103-N), Section 29-55.3(a) (1) - To allow driveway construction on a slope greater than 25% to areas of slope not less than 25%.

Description of Property

The subject property is located in the Bull Creek Watershed, which is classified as Water Supply Suburban within the Drinking Water Protection Zone. It is partially over the North Edwards Aquifer Recharge Zone. It is within the City of Austin full purpose jurisdiction. The property is within 150' of a major classified waterway section of Bull Creek. A portion of the Critical Water Quality and Water Quality Transition Zone buffer setbacks from the creek, fall onto this site. This project is being reviewed under the Lake Austin Watershed Ordinance of 1980, (800103-N). Under this ordinance, there is no requirement to identify or protect this adjacent waterway or to have buffer setbacks as we do now under current code. Therefore their review is not part of this plan under the old ordinance.

Existing Topography/Soil Characteristics/Vegetation

The property contains slopes greater than 15% with some areas exceeding 35%. The center of the property is a ridge line with grade sloping from the flatter top of the site toward the adjacent streets across the site. Vegetation generally consists of an over story of Live oak, Spanish oak, Hackberry, Cedar elm, and Cottonwood. Understory trees of Ashe juniper and Sumac. Groundcovers consist of twisted leaf yucca, and other native grasses and forbs.

Critical Environmental Features/Endangered Species

Under the Lake Austin Watershed Ordinance of 1980, (800103-N) there was no requirement to identify or protect Critical Environmental Features so there is no critical environmental feature information provided on or adjacent to this site. The applicant was however made aware that the lot is within the BCCP permitting area and instructed to contact that representative for further instruction if any on possible permitting. Staff was contacted by the applicant that the BCCP permitting agency has been notified.

Description of Project

The project proposes the construction of thirteen single family structures on one lot with associated drives and parking. The project is not subject to the current code for Watershed Protection, Tree Protection, or Landscaping as it is a revision to an old zoning site plan C14-83-224 "Part A". Under the 1983 process when a property was brought into our full purpose jurisdiction and received its proposed zoning a development "Part A" site plan was produced along with its associated zoning ordinance for the property. In this case, it also established the site density and number of units. This conceptual "Part A" plan would then be followed up with a construction "Part B" site plan that would match. These "Part A" site plans had no expiration dates so they remain active until the "Part B" plans are approved and constructed. In this case, the "Part A" plan remains active with the watershed, tree, and landscaping code requirements in affect in 1983. This lot was also platted prior to 1983 so it is subject to an exemption in the 1983 Lake Austin Watershed Ordinance to be reviewed under the 1980 Lake Austin Ordinance.

Per the 1980 Lake Austin Ordinance (800103-N), the allowable impervious cover was based on a percentage of impervious cover allowed within a slope category; 30% allowed on slopes under 15%, 20% allowed on slopes 15-25% and 10% allowed on slopes over 25%. This differs from the allowable impervious cover based on a property's net site area that we use today. This project proposes 29.9 % (29,408 square feet) on slopes under 15%, 20 % (14,933 square feet) on slopes 15-25%, and 10 % (15,351 square feet) on slopes in excess of 25%.

This project is being reviewed under the landscape code and tree protection ordinance of 1983, 830324-N (trees 19 inches and greater are protected and removal may require mitigation). These were the ordinances and code in affect in 1983 when the original "Part A" zoning site plan was approved. The associated findings of fact for this variance are also subject to review based on the findings in the 1980 Lake Austin ordinance.

The variance request is necessary to allow the project to access seven of the thirteen units that under the code are allowed to be on slopes greater than 25 %. Due to site constraints from overhead and underground easements that do not allow buildings within them, the buildings are forced onto some of these sloped areas. The drives are allowed within the easements but then must access the units over these 25% slopes while minimizing the area of overall disturbance on these 25% and greater slopes.

Environmental Code Variance Request

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

1. To allow driveway construction on a slope greater than 25% to areas of slope not less than 25%.
Lake Austin Watershed Ordinance (800103-N), Section 29-55.3(a) (1)

Recommendation

Staff recommends approval of the variance with no conditions as the Findings of Fact have been met (see attached)

Similar Cases

The following project had similar construction issues and received variance approval from Council in August of 1982:

Bella Vista Office building C3v-82-005 in 1982. Drive access and parking lot on slopes greater than 35%. That case history has been provided in the applicant's section of this packet backup material on page 3.



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

Project: The Pinnacle at Great Hills Part A – C14-83-224(R1)
Ordinance Standard: Lake Austin Watershed Ordinance (800103-N) Section 29-55.3(a) (1)
Variance Request: To allow driveway construction on a slope greater than 25% to areas of slope not less than 25%.

Findings:

A. Land Use Commission variance determinations from Sec. 29-55.3(a) (1) of the Lake Austin Ordinance: According to Section 29-55.4 of the Lake Austin Ordinance, "Variances...may be granted by the Planning Commission only if it is found that:"

1. Because of special circumstances applicable to the property involved a strict application deprives such property of privileges or safety enjoyed by other similarly situated property with similarly timed development? **YES**

Approximately 60% of the property falls within either an active overhead electrical or underground utility easement. These areas are restricted from the construction of buildings requiring any units approved with the original "Part A" site plan to be built outside of these easement areas. This has created a situation where seven of these units are at least partially on slopes greater than 25%. To minimize overall disturbance, drives to these units will come from the flatter center line ridge of the property where drives are allowed within the utility easements, but will need to access over small areas of slopes greater than 25% to reach each of the seven units. This privilege to access slopes greater than 25% was granted by formal variance to a similarly situated and timed development, the Bella Vista Office building C3v-82-005 in 1982. That case history has been provided in the applicant's section of this packet backup material on page 3.

2. The Variance permitted shall be the minimum departure from site development standards necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use? **YES**

The project proposes approximately 1,086 square feet of driveways on slopes greater than 25%. This equates to approximately 0.7% of the overall 25% and greater slope category area and will allow reasonable use while avoiding deprivation of privilege already granted to another similarly timed development.


3. Will not create significant probabilities of harmful environmental consequences?

YES

The variance request for driveways on slopes greater than 25% requires no cut or fill greater than four feet. It will allow for a finished driveway grade not to exceed 14% and because drive access will be from above on the slopes will leave a more natural finished grade that will not require structural stabilization.

****Variance approval requires all above affirmative findings.**

Environmental Reviewer:


Jim Dymkowski

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:


Chuck Lesniak

Date: October 23, 2014

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

The Pinnacle at Great Hills Part A
C14-83-224(R1)
Driving Directions

Austin City Hall
301 W 2nd St, Austin, TX 78701

Get on TX-1 Loop N from W Cesar Chavez St
2.1 mi / 4 min

Take the US 183 exit from TX-1 Loop N
7.6 mi / 8 min

Take Great Hills Trail and Rain Creek Pkwy to Lost Horizon Dr
1.9 mi / 5 min

Merge onto Research Blvd
0.5 mi

Turn left onto Great Hills Trail
0.6 mi

Turn right onto Rain Creek Pkwy
0.8 mi

Turn left onto Lost Horizon Dr

Destination will be on the left

5717 Lost Horizon Dr