

**SITE PLAN REVIEW SHEET  
ENVIRONMENTAL VARIANCE REQUEST ONLY**

**CASE:** SP-2015-0328D

**ZAP COMMISSION DATE:** 09/20/2016

**PROJECT NAME:** Bob Johnson Gas Station

**APPLICANT:** Lee Exa L. Estate

**AGENT:** Moncada Enterprises LLC (Phil Moncada)

**ADDRESS OF SITE:** 2501 W FM 1626

**COUNTY:** Travis

**AREA:** 2.54 acres

**WATERSHED:** Bear Creek (Suburban)

**JURISDICTION:** 2-Mile ETJ

**EXISTING ZONING:** NA

**PROPOSED DEVELOPMENT:**

The site plan under review was submitted on July 23, 2015 and proposes the construction of a 5,000 square foot convenience store, 1,500 square feet of general retail, gas dispensers and associated parking and driveways. The proposed secondary driveway would take access from a road which is generally parallel to slopes of 36 percent gradient or greater.

**DESCRIPTION OF VARIANCE:**

To allow the construction of a driveway on a slope with a gradient of more than 15 percent. (25-8-301).

**STAFF RECOMMENDATION:**

The findings of fact have not been met and staff recommends denial.

**ENVIRONMENTAL BOARD ACTION:**

**August 3, 2016:** The Environmental Board recommended denial of the variance to allow construction of a construction of a driveway on a slope with a gradient of more than 15 percent. (25-8-301).  
Vote : 8-0-0-2.

**ZONING AND PLATTING COMMISSION ACTION:**

September 20, 2016

**ENVIRONMENTAL REVIEW STAFF:** Taylor Horton  
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**PHONE:** 512-974-1218

**CASE MANAGER:** Christine Barton-Holmes  
[Christine.Barton-Holmes@austintexas.gov](mailto:Christine.Barton-Holmes@austintexas.gov)

**PHONE:** 512-974-2788



## MEMORANDUM

TO: Marisa Perales, Chairperson and Members of the Environmental Commission  
FROM: Taylor Horton, Environmental Review Specialist Senior  
Development Services Department  
DATE: July 7, 2016  
SUBJECT: Bob Johnson Gas Station SP-2015-0328D

On your July 20, 2016 agenda is a request for consideration and recommended disapproval of one variance to allow the construction of a driveway on a slope with a gradient of more than 15 percent.

### Description of Property

The subject property is a 9.162 acre platted lot located in the 2 Mile ETJ and is within the Bear Creek Watershed which is subject to Suburban watershed regulations. According to City of Austin GIS, the site is not located over the Edwards Aquifer Recharge Zone.

### Existing Topography/Soil Characteristics/Vegetation

Topographic elevations range between 640 and 698 feet above mean sea level. Slopes along the eastern and southern extents of the site are medium to relatively steep while the remainder of the property is gently sloping. The northern half of the property lies within the 100 year floodplain and a Water Quality Transition Zone associated with Bear Creek exists within the property.

According the Environmental Resource Inventory the tract is underlain by Quaternary Terrace and Alluvial deposits and the Buda formation. The southern, central and northern portions of the tract have relatively thick soils. The eastern property boundary has abundant geologic outcrops and represents Buda limestone along medium to steep topographic slope breaks. The ERI states: "The outcrops occur as both intact limestone beds and as loose fragments/boulders, many of which have collapsed down topographic slope." Vegetation consists of a relatively dense, mature, high canopy of large trees. The dominate species are cedar elm and hackberry but chinaberry, pecan, live oak, honey mesquite and ash juniper are also present.

### Critical Environmental Features/CWQZ

A wetland CEF consisting of predominately hydrophilic plant species along Bear Creek.

### Project Background

The site plan under review was submitted on July 23, 2015 and proposes the construction of a 5,000 square foot convenience store, 1,500 square feet of general retail, gas dispensers and associated parking and driveways.

### Environmental Code Variance Request

The variance request is to allow the construction of a driveway on a slope with a gradient of more than 15 percent. LDC 25-8-301 CONSTRUCTION OF A ROADWAY OR DRIVEWAY.

## Staff Recommendation

Staff does not recommend approval of the variance because the findings of fact have not been met and for the following reasons:

1. The site plan could be adjusted to accommodate the proposed use within the developable portion of the property without constructing a drive from Bob Johnson Rd. This would completely avoid the need to construct the driveway on a slope with gradient of more than 15 percent.
2. Although staff requested supporting documentation from an Emergency Reviewing authority to indicate a second entry is required for emergency service, the applicant did not provide such documentation.



**Development Services Department  
Staff Recommendations Concerning Required Findings  
Water Quality Variances**

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<b>Project:</b>	Bob Johnson Gas Station SP-2015-0328D
<b>Ordinance Standard:</b>	Land Development Code Section LDC 25-8-301 CONSTRUCTION OF A ROADWAY OR DRIVEWAY.
<b>Variance Request:</b>	To allow the construction of a driveway on a slope with a gradient of more than 15 percent.

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**Findings:**

A. Land Use Commission variance determinations from Chapter 25-8-42 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.

No, the requirement will not deprive the applicant of a privilege or the safety of property given to owners of similarly situated property owners. The property is accessible from FM1626 where the primary driveway is fully permitted by TxDOT. The site has adequate developable acreage to accommodate a site plan that will allow the necessary truck movements required of emergency services and standard transportation requirements with the approved access on FM1626.

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;

**No**, the variance is required because the applicant wishes to provide a (secondary) access to the site from a road which is generally parallel to slopes of 36 percent gradient or greater. In doing so, the secondary access road must traverse slopes greater than 15 percent.

- 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;

**No**, reasonable use of the property could be achieved without the secondary access from Bob Johnson Road. The proposed site plan could be adjusted slightly to eliminate the secondary access and accommodate vehicular circulation requirements within the developable area of the site. The secondary access from FM Bob Johnson Road is not required for the proposed use of this site.

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

**No**; initial disturbance of the existing slopes required to construct the road will require considerable alteration and potential degradation of the slopes. Furthermore, operation and maintenance of the road will likely lead to degradation of steep slopes at this site and set precedent for future similar requests.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

**No**. Disturbance of the slopes will increase erosion and sedimentation risks on site both during construction and with ongoing use and maintenance of the driveway.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;  
**No**, staff does not find the above criteria to be met.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

**No**, reasonable, economic use of the entire property can be achieved without the construction of the driveway on a slope with a gradient of more than 15 percent.

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

**No**; the proposed site plan can be adjusted to function within the requirements of the Land Development Code by eliminating the secondary driveway proposed on a slope with a gradient of more than 15 percent.

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Environmental Reviewer:

\_\_\_\_\_  
Taylor Horton

Environmental Program Coordinator:

\_\_\_\_\_  
Sue Barnett

Environmental Officer:

\_\_\_\_\_  
Chuck Lesniak

Date: July 7, 2016

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

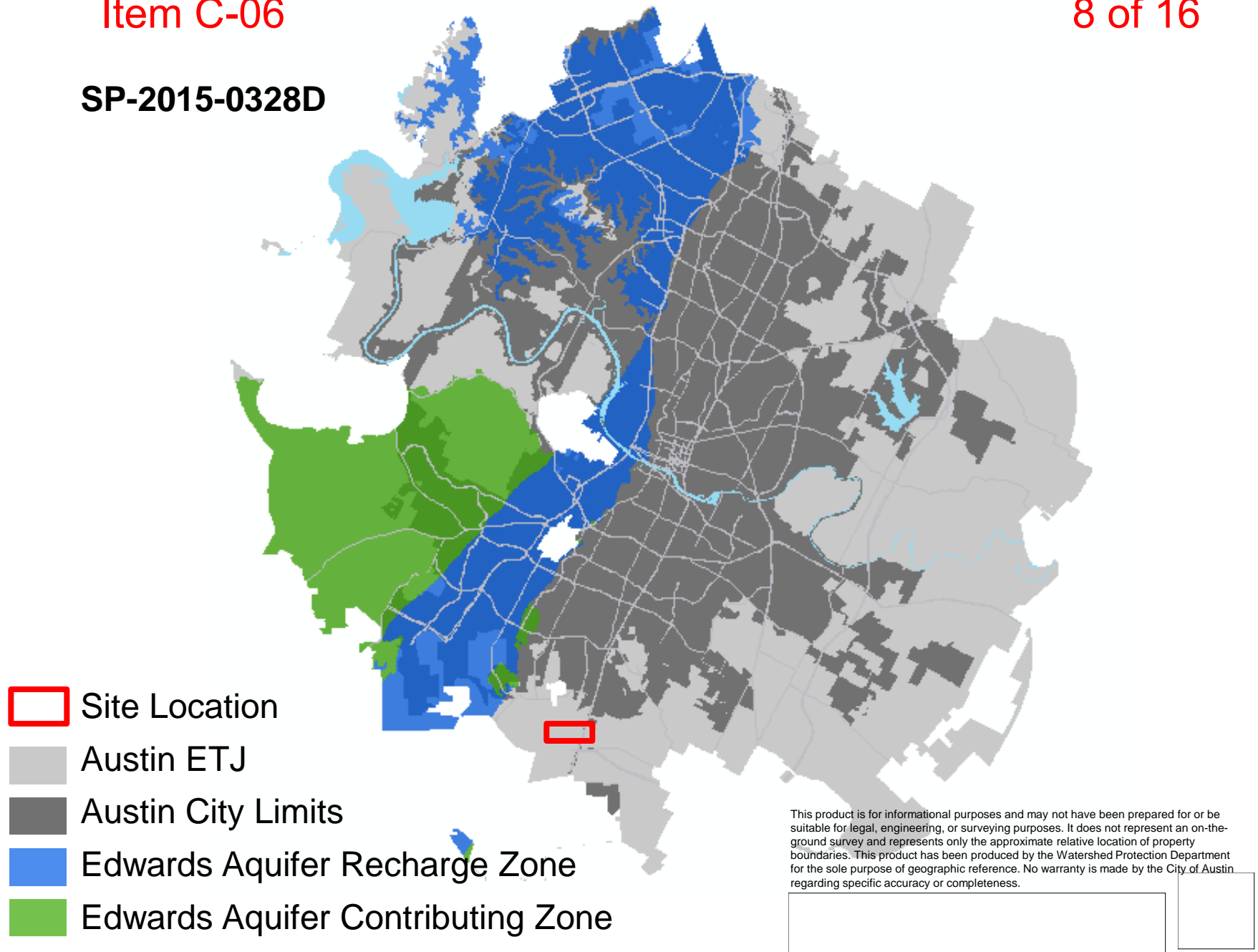
# BOB JOHNSON GAS STATION SITE PLAN

2051 W FM 1626 RD  
SP-2015-0328D

*Taylor Horton*

*Environmental Review Specialist Senior  
Development Services Department*

SP-2015-0328D

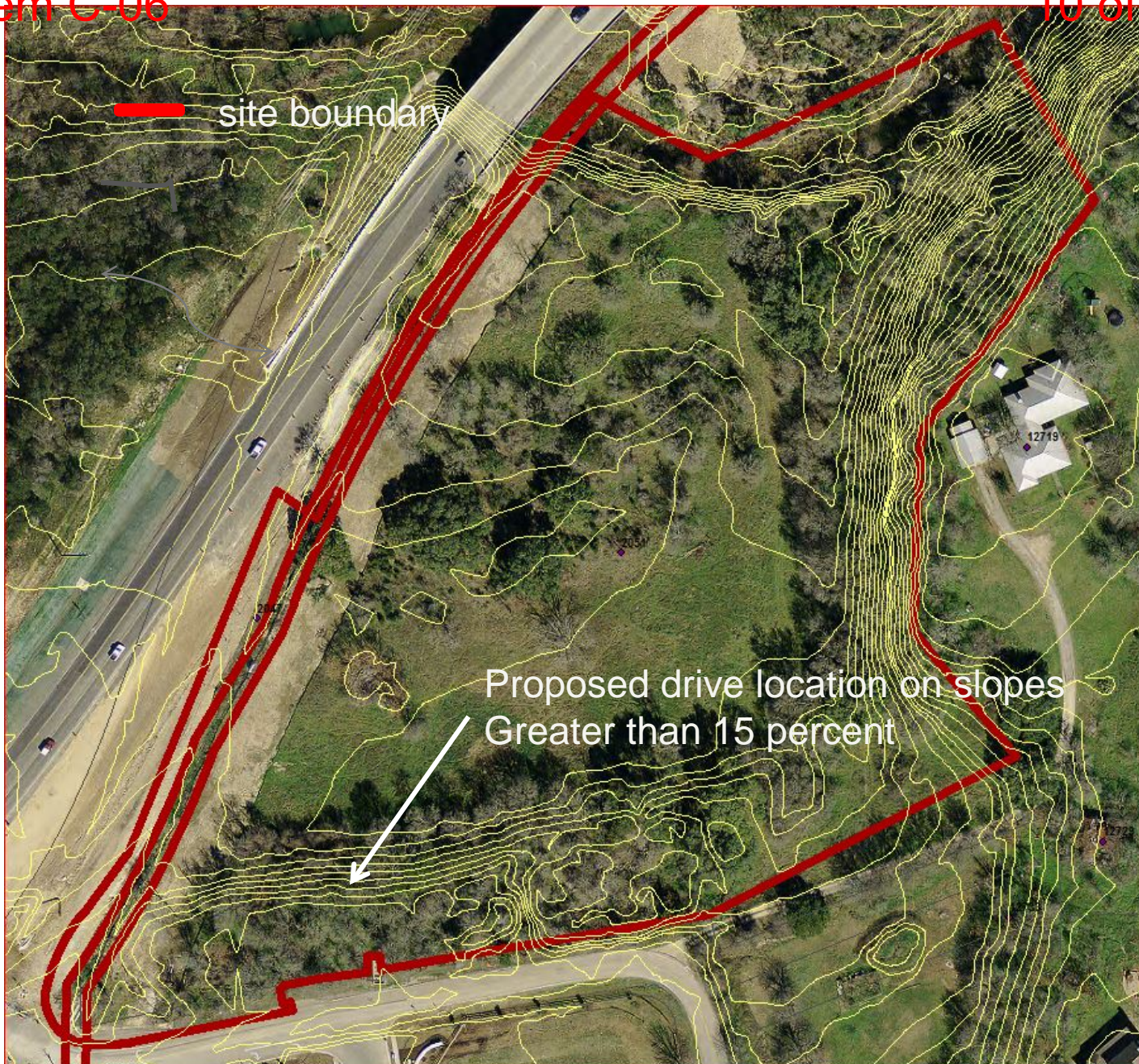






— SITE  
BOUNDARY





# PROPERTY DATA

- **Watershed Bear Creek**
- **Suburban**
- **2 Mile ETJ**
- **Not located over Edwards Aquifer Recharge Zone**
- **Wetland Critical Environmental Feature**
- **Manchaca EMS district**



# BACKGROUND

**Site plan for construction of a gas station and convenience store on 9.162 acre platted lot**

**Second driveway proposed to access gas station/store**

- Alignment crosses slopes over 15%

## LDC 25-8-301(A)

**Prohibits construction of roadway or driveway on slope  $\geq 15\%$  gradient unless necessary to provide primary access to:**

1. at least two contiguous acres with gradient  $\leq 15\%$ ; or
2. building sites for  $\geq 5$  residential units

# VARIANCE REQUEST

## Variance Request

- Allow construction of driveway on slopes  
> 15%

# VARIANCE RECOMMENDATION

**Staff does not recommend approval:**

- *Findings of Fact have not been met*



**ENVIRONMENTAL COMMISSION MOTION 20160803 008a**

**Date:** August 3, 2016

**Subject:** Bob Johnson Gas Station SP-2015-0328D

**Motion by:** Commissioner Hank Smith  
Grayum

**Seconded by:** Commissioner Richard

**RATIONALE:**

**Whereas,** TxDOT will only allow one driveway to FM 1626; and

**Whereas,** the Findings of Fact have not been met; and

**Whereas,** the applicant has not provided information requiring a second entrance for health and safety reasons.

**Therefore be it resolved,** the Environmental Commission recommends Denial of the request for a variance to allow the construction of a driveway on a slope with a gradient of more than 15%.

**VOTE 8-2**

For:	Neely, Thompson, Guerrero, Grayum, B. Smith, Moya, H. Smith, Perales
Against:	None
Abstain:	None
Recuse:	None
Absent:	Creel, Maceo

Approved By:

A handwritten signature in dark ink, appearing to read "Marisa Perales", is written over a horizontal line.

Marisa Perales, Environmental Commission Chair