



### **ITEM FOR ENVIRONMENTAL COMMISSION AGENDA**

**COMMISSION MEETING**

**DATE REQUESTED:** NOVEMBER 2, 2016

**NAME & NUMBER  
OF PROJECT:** **IGLESIA CAMINO DEL REY CHURCH**  
SP-2015-0372C

**NAME OF APPLICANT  
OR ORGANIZATION:** Moncada Enterprises LLC  
(Phil Moncada)

**LOCATION:** 7604 FM 969 RD

**Council District:** District 1

**PROJECT FILING DATE:** September 28, 2016

**DSD/ENVIRONMENTAL  
Staff:**

Pamela Abee-Taulli, 512-974-1879  
pamela.abee-taulli@austintexas.gov

**WATERSHED:** Walnut Creek Watershed, Suburban

**ORDINANCE:** Watershed Protection Ordinance (current Code)

**REQUEST:** Variance request as follows:

1. 25-8-301(A) Construction of a roadway or driveway on slopes.
2. 25-8-302(A)(2) Construction of a building or parking area on slopes.
3. 25-8-341 Cut requirements.
4. 25-8-342 Fill requirements.

**STAFF RECOMMENDATION:** Recommended with conditions.

**REASONS FOR  
RECOMMENDATION:** Findings of fact have been met.



## MEMORANDUM

**TO:** Marisa Perales, Chairperson and Members of the Environmental Commission

**FROM:** Pamela Abee-Taulli, Environmental Review Specialist  
Development Services Department

**DATE:** November 2, 2016

**SUBJECT:** Iglesia Camino Del Rey Church – SP-2015-0372C

On the November 2, 2016 agenda is a request for the consideration of four variances that have been requested for the construction of a 10,000 square foot church and parking on 7.7 acres.

### **Description of Property**

The property consists of one 7.7 acre lot abutting FM 969, within the full-purpose jurisdiction of the City of Austin. It is located in the Walnut Creek Watershed, which is classified as a Suburban watershed and is not located over the Edwards Aquifer Recharge Zone. The property does include the 100-year floodplain and a Critical Water Quality Zone (CWQZ).

The site is relatively flat on the south side, adjacent to FM 969, with a hill on the north end, and an elevation change from 450 feet MSL to 540 feet MSL. The site is wooded, with vegetation consisting of ashe juniper, cedar elm, hackberry, persimmon, mesquite, and the like. No critical environmental features are located on the property. There is a CWQZ on the southwest corner and floodplain across the south frontage.

Applicant proposes to build a church and related parking. The area of the site that is directly adjacent to and accessible from FM 969 is relatively flat and does not have slopes exceeding 15 percent. However, the majority of that area is in the floodplain, and therefore cannot be developed. Due to this condition, the building is proposed to be built at the top of the slope. The proposed access and some of the parking area do not comply with City regulations for construction on slopes and for cut and fill, necessitating the variances. Applicant has reduced road width to minimum allowable by Fire Department, reduced number of parking spaces, and redesigned layout to minimize construction on slopes.

### **Variance Request**

1. 25-8-301(A) Construction of a roadway or driveway on slopes.  
Prohibits construction of a roadway or driveway on a slope with a gradient of more than 15 percent unless the construction is necessary to provide primary access to: (1) at least two contiguous acres with a gradient of 15 percent or less; or (2) building sites for at least five residential units.

2. 25-8-302(A)(2) Construction of a building or parking area on slopes.  
Prohibits construction of a parking area (surface parking) on a slope with a gradient of more than 15 percent.
3. 25-8-341 prohibiting cut exceeding 4 feet.  
(25-8-42(B)(7), granting an administrative variance for cut exceeding 4 feet, does not apply on a slope with a gradient of more than 15 percent. [See LDC 25-8-42(D)(4)].)
4. 25-8-342 prohibiting fill exceeding 4 feet.  
(25-8-42(B)(7), granting an administrative variance for fill exceeding 4 feet, does not apply on a slope with a gradient of more than 15 percent. [See LDC 25-8-42(D)(4)].)

**Conditions for Variance**

1. Provide improved erosion and sedimentation control by storing spoils away from concentrated flow, outside of the floodplain, on slopes less than 15 percent. This will remove spoils from path of high-velocity stormwater and thereby reduce chance that sediment will leave construction site.
2. Reduce development footprint by providing structural containment (retaining walls) where construction requires grading exceeding 4 feet on slopes exceeding 15 percent.

**Recommendation**

Staff recommends approval of the variance because the Findings of Fact have been met and the conditions for approval mitigate impacts of the variances requested.

## Findings of Fact for Iglesia Camino Del Rey Church SP-2015-0372C

### Variance Request 1

25-8-301(A) Construction of a roadway or driveway on slopes.

Prohibits construction of a roadway or driveway on a slope with a gradient of more than 15 percent unless the construction is necessary to provide primary access to: (1) at least two contiguous acres with a gradient of 15 percent or less; or (2) building sites for at least five residential units.

### Findings

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: a similarly situated site, having similar watershed classification, governing regulations, topography, jurisdiction, environmental constraints, allowed uses, etc., would be developable without a variance. What constrains this site is the floodplain, which is produced by inadequate conveyance for a waterway under the fronting roadway. There are no characteristics of the site itself (such as steep slopes over the entire lot), or the regulatory regime (such as density or impervious cover limits lower than the proposed development) that would otherwise prohibit the proposed development.*

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.

*Yes: the condition is due to a site constraint resulting from inadequate conveyance under FM 969 for an unnamed intermediate waterway that causes the floodplain to extend onto the property, making the majority of the flat area unusable.*

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.

*Yes, the applicant is requesting the minimum change necessary to develop the property and to allow reasonable use of the property.*

*Applicant worked with fire department to minimize drive width, reducing it from the standard 25 ft. to 20 ft.*

4. The variance does not create a significant probability of harmful consequences.

*Yes: no CEFs on site; construction does not disturb CWQZ; cuts will be stabilized.*

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

*Yes, the project will provide current code standards for water quality. Floodplain will be improved by providing plantings per Standard Specifications Manual Item 609S.*



## **Variance Request 2**

25-8-302(A)(2) Construction of a building or parking area on slopes.

Prohibits construction of a parking area (surface parking) on a slope with a gradient of more than 15 percent.

## **Findings**

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: a similarly situated site would be developable without a variance. What constrains this site is the floodplain, which is produced by inadequate conveyance for a waterway under the fronting roadway. There are no characteristics of the site itself (such as steep slopes over the entire lot), or the regulatory regime (such as density or impervious cover limits lower than the proposed development) that would otherwise prohibit the proposed development.*

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.

*Yes: the condition is due to a site constraint resulting from inadequate conveyance under FM 969 for an unnamed intermediate waterway that causes the floodplain to extend onto the property, making the majority of the flat area unusable.*

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.

*Yes, the applicant is requesting the minimum change necessary to develop the property and to allow reasonable use of the property.*

*Applicant worked with fire department to minimize parking area size; also reduced number of parking spaces.*

4. The variance does not create a significant probability of harmful consequences.

*Yes: no CEFs on site; construction does not disturb CWQZ; cuts will be stabilized.*

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

*Yes, the project will provide current code standards for water quality. Floodplain will be improved by providing plantings per Standard Specifications Manual Item 609S.*

### **Variance Request 3**

25-8-341 prohibiting cut exceeding 4 feet.

(25-8-42(B)(7), granting an administrative variance for cut exceeding 4 feet, does not apply on a slope with a gradient of more than 15 percent. [See LDC 25-8-42(D)(4)].)

### **Findings**

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: a similarly situated site would be developable without a variance. What constrains this site is the floodplain, which is produced by inadequate conveyance for a waterway under the fronting roadway. There are no characteristics of the site itself (such as steep slopes over the entire lot), or the regulatory regime (such as density or impervious cover limits lower than the proposed development) that would otherwise prohibit the proposed development.*

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.

*Yes: the condition is due to a site constraint resulting from inadequate conveyance under FM 969 for an unnamed intermediate waterway that causes the floodplain to extend onto the property, making the majority of the flat area unusable.*

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.

*Yes, the applicant is requesting the minimum change necessary to develop the property and to allow reasonable use of the property.  
No grading exceeds 8 feet.*

4. The variance does not create a significant probability of harmful consequences.

*Yes: no CEFs on site; construction does not disturb CWQZ; cuts will be stabilized.*

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

*Yes, the project will provide current code standards for water quality. Floodplain will be improved by providing plantings per Standard Specifications Manual Item 609S.*

#### **Variance Request 4**

25-8-342 prohibiting fill exceeding 4 feet.

(25-8-42(B)(7), granting an administrative variance for fill exceeding 4 feet, does not apply on a slope with a gradient of more than 15 percent. [See LDC 25-8-42(D)(4)].)

#### **Findings**

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: a similarly situated site would be developable without a variance. What constrains this site is the floodplain, which is produced by inadequate conveyance for a waterway under the fronting roadway. There are no characteristics of the site itself (such as steep slopes over the entire lot), or the regulatory regime (such as density or impervious cover limits lower than the proposed development) that would otherwise prohibit the proposed development.*

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.

*Yes: the condition is due to a site constraint resulting from inadequate conveyance under FM 969 for an unnamed intermediate waterway that causes the floodplain to extend onto the property, making the majority of the flat area unusable.*

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.

*Yes, the applicant is requesting the minimum change necessary to develop the property and to allow reasonable use of the property.  
No grading exceeds 8 feet.*

4. The variance does not create a significant probability of harmful consequences.

*Yes: no CEFs on site; construction does not disturb CWQZ; cuts will be stabilized.*

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

*Yes, the project will provide current code standards for water quality. Floodplain will be improved by providing plantings per Standard Specifications Manual Item 609S.*

Environmental Reviewer Name: Pamela Abee-Taulli

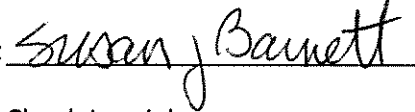
Environmental Reviewer Signature:



Date: 10/26/16

Environmental Program Manager Name: Sue Barnett

Environmental Program Manager Signature:

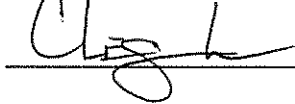


Date: 10-26-16

Environmental Officer Name:

Chuck Lesniak

Environmental Officer Signature:



Date: 10/26/16

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**Office: (512) 474-7377 Cell: (512) 627-8815**

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September 28, 2016

Ms. Pamlea Abee-Taulli  
Development Services Department  
City of Austin  
505 Barton Springs Road  
Austin, Texas 78704  
512-974-1879

**Ref: Iglesia Camino Del Rey Church – SP-2015-0372C  
Variance Request Summary Memo**

Iglesia Camino Del Rey Church desires to relocate their congregation to this site. We need to request formal variance. While the proposed building is technically not in the floodplain, the access to the public right-of-way (FM 969) is located in the floodplain. Thus, the property is unable to obtain emergency egress to a dedicated public right-of-way outside the floodplain and therefore, a formal variance is respectfully requested from the following City Codes:

- 1. Variance Request from LDC 25-8-301(A) Prohibiting construction of a roadway or driveway on a slope with a gradient of more than 15%**
- 2. Variance Request from LDC 25-8-341 Prohibiting cut exceeding 4 feet.**
- 3. Variance Request from LDC 25-8-342 Prohibiting fill exceeding 4 feet**
- 4. Variance Request from LDC 25-8-302(A)(2) Prohibiting construction of a parking area (surface parking) on a slope with a gradient of more than 15 percent.**
- 5. Variance Request from LDC 25-12-3 SEC 1612.4.3 for normal access to a non-conforming use/building with an area 1 ft above design flood elevation and for allowance.**

Thank you for your consideration. You may contact me directly to my cell phone, 512-627-8815 if you have any questions.

Sincerely,



Phil Moncada  
Owner  
Moncada Enterprises, LLC



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## ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

### PROJECT DESCRIPTION

#### Applicant Contact Information

Name of Applicant	PHIL MONCADA
Street Address	1301 S. IH 35 STE 204
City State ZIP Code	AUSTIN, TEXAS 78741
Work Phone	512-627-8815
E-Mail Address	<a href="mailto:MONCADATAZ@SBCGLOBAL.NET">MONCADATAZ@SBCGLOBAL.NET</a>

### Variance Case Information

Case Name	IGLESIA CAMINO DEL REY CHURCH
Case Number	SP-2015-0372C
Address or Location	7604 FM 969 RD
Environmental Reviewer Name	PAMELA ABEE – TAULLI
Applicable Ordinance	LDC 25-8-301(a) ECM 1.12.0
Watershed Name	WALNUT
Watershed Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone
Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input checked="" type="checkbox"/> Not in Edwards Aquifer Zones



Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Distance to Nearest Classified Waterway	
Water and Waste Water service to be provided by	COA
Request	The variance request is as follows (Cite code references: Variance #1 Formal Variance is requested from LDC-8-301(A), to allow a driveway on a slope greater than 15%

Impervious cover	Existing	Proposed
square footage:	<u>                    </u>	<u>73,358.8</u>
acreage:	<u>7.68</u>	<u>7.68 acres</u>
percentage:	<u>                    </u>	<u>20.8%</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)	<p>The proposed development includes site development of one lot for a proposed church with associated drive aisles, parking and driveways.</p> <p>This project is located in the Walnut Creek Watershed, and has a Suburban classification by LDC.</p> <p>The slope range for this property is greater than 15% for the some portions of the site, specifically where driveways are proposed.</p> <p>The elevation range for this property begins at 450 feet to 528 feet in the undeveloped portions and 655 feet to 690 feet where development is proposed.</p> <p>There are trees within the area proposed for development of this commercial lot. Several trees are proposed to be kept / saved as an added benefit to the site.</p> <p>A portion of this property is within the WQTZ and the CWQZ. Development is proposed outside of these areas. No portion of the project lies within the Edwards Aquifer Recharge Zone.</p> <p>There are no CEFs identified on this project. Floodplain is located on the property and on the public roadway FM 969.</p>
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Clearly indicate in what way the proposed project	
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does not comply with  
current Code (include  
maps and exhibits)

### **FINDINGS OF FACT**

As required in LDC Section 25-8-301(a) ECM 1.12.0, 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: Iglesia Camino del Rey Church

Ordinance: 25-8-301(a) ECM 1.12.0

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~~                      THE PROPOSED DEVELOPMENT WILL NEED TO  
COMPATIBLE WITH THE SITE'S EXISTING TOPOGRAPHY.**

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~~                      MINIMALLY DISTURBING THE SITE FOR THE PROPOSED  
DEVELOPMENT TO MEET INTERNATIONAL FIRE CODE GRADE LEVELS FOR  
DRIVEWAY.**

- 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- THE PROPOSED DEVELOPMENT TO BE COMPATIBLE WITH THE SITE'S EXISTING TOPOGRAPHY.**

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

**Yes/-No- THE PROPOSED DEVELOPMENT DOES NOT CREATE A SIGNIFICANT PROBABILITY OF HARMFUL ENVIRONMENTAL CONSEQUENCES. DRIVEWAY WAS DESIGNED TO MINIMIZE TREE REMOVAL.**

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 IMPERVIOUS COVER PROPOSED FOR THIS SITE IS 73,358.8sf OR 20.8% AND THEREFORE THE SITE COMPLIES WITH CITY ORDINANCES REGARDING WATER QUALITY.**

- 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 criteria for granting a variance in Section A are met;

**Yes/-No** [summary of basis for determination]

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

**Yes/-No** [summary of basis for determination]

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

September 27, 2016

**Yes/No**

[summary of basis for determination]

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



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## ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

### PROJECT DESCRIPTION

#### Applicant Contact Information

Name of Applicant	PHIL MONCADA
Street Address	1301 S. IH 35 STE 204
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#### Variance Case Information

Case Name	IGLESIA CAMINO DEL REY CHURCH		
Case Number	SP-2015-0372C		
Address or Location	7604 FM 969 RD		
Environmental Reviewer Name	PAMELA ABEE – TAULLI		
Applicable Ordinance	LDC 25-8-341		
Watershed Name	WALNUT		
Watershed Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone		
Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input checked="" type="checkbox"/> Not in Edwards Aquifer Zones		

Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Distance to Nearest Classified Waterway	
Water and Waste Water service to be provided by	COA
Request	The variance request is as follows (Cite code references: Formal Variance from LDC 25-8-341 to allow a cut exceeding 4feet.

Impervious cover	Existing	Proposed
square footage:	_____	<u>73,358.8</u>
acreage:	<u>7.68</u>	<u>7.68</u>
percentage:	_____	<u>20.8</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)	<p>The proposed development includes site development of one lot for a proposed church with associated drive aisles, parking and driveways.</p> <p>This project is located in the Walnut Creek Watershed, and has a Suburban classification by LDC.</p> <p>The slope range for this property is greater than 15% for the some portions of the site, specifically where driveways are proposed.</p> <p>The elevation range for this property begins at 450 feet to 528 feet in the undeveloped portions and 655 feet to 690 feet where development is proposed.</p> <p>There are trees within the area proposed for development of this commercial lot. Several trees are proposed to be kept / saved as an added benefit to the site.</p> <p>A portion of this property is within the WQTZ and the CWQZ. Development is proposed outside of these areas. No portion of the project lies within the Edwards Aquifer Recharge Zone.</p> <p>There are no CEFs identified on this project. Floodplain is located on the property and on the public roadway FM 969.</p>
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Clearly indicate in what way the proposed project does not comply with	LDC-25-8-341 PROHIBITS CUT EXCEEDING 4 FEET.
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current Code (include maps and exhibits)	
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### FINDINGS OF FACT

As required in LDC Section 25-8-341, 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: Iglesia Camino Del Rey Church

Ordinance: LDC-25-8-341

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~~ THE PROPOSED DEVELOPMENT WILL REQUIRE CUTS TO ADDRESS GRADING OF DRIVEWAY TO ACCESS CHURCH SITE.**

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~~ THE DEVELOPMENT IS PROPOSING MINIMAL DISTRURBANCE OF SITE BY USE OF EXISTING DRIVEWAY TO THE GREATEST EXTENT POSSIBLE.**

- 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~~ THE DEVELOPMENT IS MINIMIZING SITE DISTURBANCE AND  
MAINTAINING NATURAL CHARACTER OF SITE TO GREATEST EXTEND POSSIBLE.**

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

**Yes/~~No~~ THE PROPOSED DEVELOPMENT IS COMPATIBLE WITH THE SITES  
EXISTING TOPOGRAPHY.**

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~~ IMPERVIOUS COVER PROPOSED IS 73,358.8 SF OR 20.8% THEREFORE  
THE SITE COMPLIES WITH THE CITY ORDINANCE REGARDING WATER QUALITY.**

- 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 criteria for granting a variance in Section A are met;

**Yes/~~No~~** [summary of basis for determination]

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

**Yes/~~No~~** [summary of basis for determination]

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

September 27, 2016

**Yes/No**

[summary of basis for determination]

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



3

## ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

### PROJECT DESCRIPTION

#### Applicant Contact Information

Name of Applicant	PHIL MONCADA
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#### Variance Case Information

Case Name	IGLESIA CAMINO DEL REY CHURCH		
Case Number	SP-2015-0372C		
Address or Location	7604 FM 969 RD		
Environmental Reviewer Name	PAMELA ABEE – TAULLI		
Applicable Ordinance	LDC 25-8-342		
Watershed Name	WALNUT		
Watershed Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone		
Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input checked="" type="checkbox"/> Not in Edwards Aquifer Zones		



Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Distance to Nearest Classified Waterway	
Water and Waste Water service to be provided by	COA
Request	The variance request is as follows (Cite code references: Formal Variance to LDC 25-8-342 to allow fill exceeding 4 feet.

Impervious cover	Existing	Proposed
square footage:	_____	<u>73,358.8</u>
acreage:	<u>7.68</u>	<u>7.68</u>
percentage:	_____	<u>20.8</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)	<p>The proposed development includes site development of one lot for a proposed church with associated drive aisles, parking and driveways.</p> <p>This project is located in the Walnut Creek Watershed, and has a Suburban classification by LDC.</p> <p>The slope range for this property is greater than 15% for the some portions of the site, specifically where driveways are proposed.</p> <p>The elevation range for this property begins at 450 feet to 528 feet in the undeveloped portions and 655 feet to 690 feet where development is proposed.</p> <p>There are trees within the area proposed for development of this commercial lot. Several trees are proposed to be kept / saved as an added benefit to the site.</p> <p>A portion of this property is within the WQTZ and the CWQZ. Development is proposed outside of these areas. No portion of the project lies within the Edwards Aquifer Recharge Zone.</p> <p>There are no CEFs identified on this project. Floodplain is located on the property and on the public roadway FM 969.</p>	

Clearly indicate in what way the proposed project does not comply with	25-8-342 PROHIBITS FILL EXCEEDING 4 FEET,
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current Code (include maps and exhibits)	
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### **FINDINGS OF FACT**

As required in LDC Section 25-8-342, 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: Iglesia Camino Del Rey Church

Ordinance: LDC-25-8-342

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~~ THE PROPOSED DEVELOPMENT WILL REQUIRE FILL TO ADDRESS GRADING OF DRIVEWAY TO ACCESS CHURCH SITE.**

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~~ THE DEVELOPMENT IS PROPOSING FILL WITH MINIMAL DISTURBANCE OF SITE BY USE OF EXISTING DRIVEWAY TO THE GREATEST EXTENT POSSIBLE, AND WILL ALSO USE ROCK STACK TO STABILIZE AREA.**

- 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~~ THE DEVELOPMENT IS MINIMIZING SITE DISTURBANCE AND  
MAINTAINING CHARACTER OF SITE TO GREATEST EXTENT POSSIBLE.**

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

**Yes/~~No~~ THE PROPOSED DEVELOPMENT IS COMPATIBLE WITH THE SITE EXISTING  
TOPOGRAPHY.**

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~~ IMPREVIOUS COVER PROPOSED IS 73,358.8 SF OR 20.8% THEREFORE  
THE SITE COMPLIES WITH THE CITY ORDINANCE DEPENDING WATER QUALITY.**

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 criteria for granting a variance in Section A are met;

**Yes/~~No~~** [summary of basis for determination]

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

**Yes/~~No~~** [summary of basis for determination]

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

September 27, 2016

**Yes/No**

[summary of basis for determination]

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





4

## ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

### PROJECT DESCRIPTION

#### Applicant Contact Information

Name of Applicant	PHIL MONCADA
Street Address	1301 S. IH 35 STE 204
City State ZIP Code	AUSTIN, TEXAS 78741
Work Phone	512-627-8815
E-Mail Address	<a href="mailto:MONCADATAZ@SBCGLOBAL.NET">MONCADATAZ@SBCGLOBAL.NET</a>

#### Variance Case Information

Case Name	IGLESIA CAMINO DEL REY CHURCH
Case Number	SP-2015-0372C
Address or Location	7604 FM 969 RD
Environmental Reviewer Name	PAMELA ABEE – TAULLI
Applicable Ordinance	LDC 25-8-302(A)(2)
Watershed Name	WALNUT
Watershed Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone
Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input checked="" type="checkbox"/> Not in Edwards Aquifer Zones

Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Distance to Nearest Classified Waterway	
Water and Waste Water service to be provided by	COA
Request	The variance request is as follows (Cite code references: Formal Variance to LDC-25-8-302(A)(2), the allow construction of a parking area on a slope with a gradient of more than 15%.

Impervious cover	Existing	Proposed
square footage:	_____	<u>73,358.8</u>
acreage:	<u>7.68</u>	<u>7.68</u>
percentage:	_____	<u>20.8</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)	<p>The proposed development includes site development of one lot for a proposed church with associated drive aisles, parking and driveways.</p> <p>This project is located in the Walnut Creek Watershed, and has a Suburban classification by LDC.</p> <p>The slope range for this property is greater than 15% for the some portions of the site, specifically where driveways are proposed.</p> <p>The elevation range for this property begins at 450 feet to 528 feet in the undeveloped portions and 655 feet to 690 feet where development is proposed.</p> <p>There are trees within the area proposed for development of this commercial lot. Several trees are proposed to be kept / saved as an added benefit to the site.</p> <p>A portion of this property is within the WQTZ and the CWQZ. Development is proposed outside of these areas. No portion of the project lies within the Edwards Aquifer Recharge Zone.</p> <p>There are no CEFs identified on this project. Floodplain is located on the property and on the public roadway FM 969.</p>	

Clearly indicate in what way the proposed project	LDC 25-8-302(A)(2) PROHIBITING CONSTRUCTION OF A PARKING AREA (SURFACE PARKING) ON A SLOPE WITH A
---------------------------------------------------	---------------------------------------------------------------------------------------------------

does not comply with  
current Code (include  
maps and exhibits)

GRADIENT OF MORE THAN 15%.

### **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:

Ordinance:

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~~ THE PROPOSED DEVELOPMENT WILL NEED TO BE COMPATIBLE WITH THE SITES EXISTING TOPOGRAPHY.**

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~~ MINIMALLY DISTURBING THE SITE AND REDESIGNING PARKING AREAS TO REDUCE GRADING AND SLOPE CONCERNS.**

- 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~~ THE PROPOSED DEVELOPMENT TO BE COMPATIBLE WITH THE SITES EXISTING TOPOGRAPHY.**

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

**Yes/~~No~~ THE DEVELOPMENT PRESERVES TREES TO THE GREATEST EXTENT POSSIBLE AND 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~~ IMPERVIOUS COVER IS 73,358.8 SF OR 20.8% OF THE SITE, THEREFORE THE SITE COMPLIES WITH THE CITY ORDINANCE REGARDING WATER QUALITY.**

- 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 criteria for granting a variance in Section A are met;

**Yes/~~No~~** [summary of basis for determination]

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

**Yes/~~No~~** [summary of basis for determination]

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



September 27, 2016

**Yes/No**

[summary of basis for determination]

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



Exhibit 1 Site Photograph

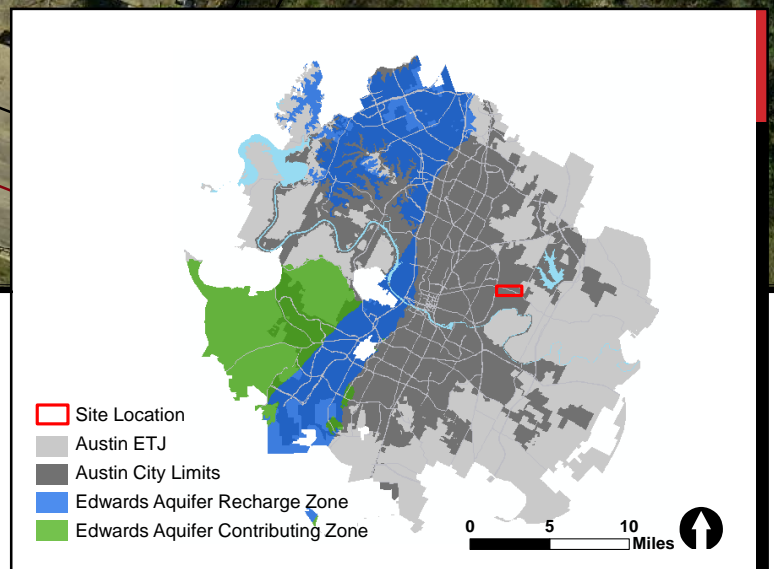


*Iglesia Camino Del Rey Church*  
7604 FM 969  
SP-2015-0372C

0 200  
Feet



Exhibit 2  
Property Location  
7604 FM 969





*Iglesia Camino Del Rey Church*  
7604 FM 969  
SP-2015-0372C

0 200  
Feet

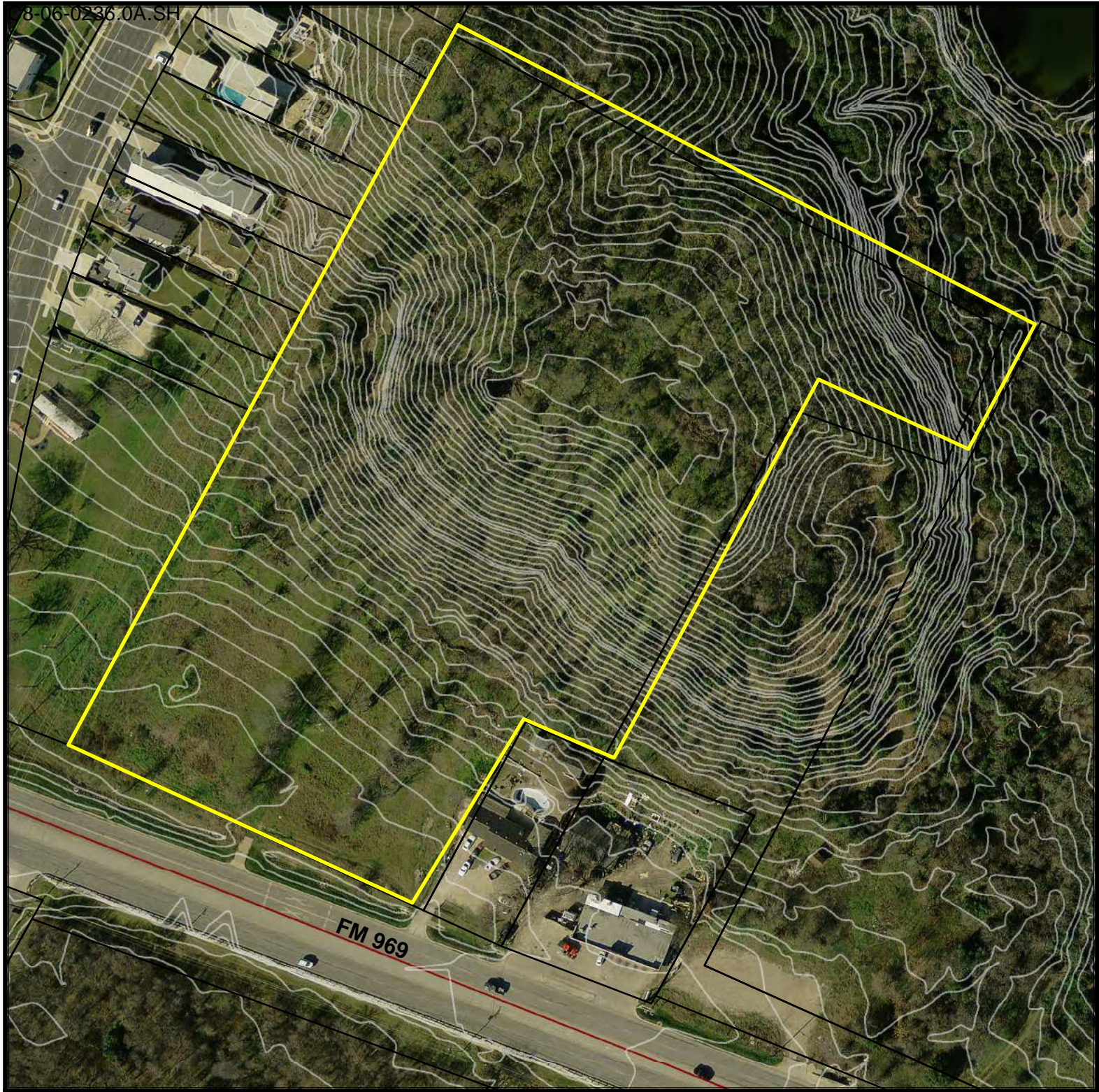


Exhibit 3  
Topography

Legend
— 2 ft. Contours



*Iglesia Camino Del Rey Church*  
7604 FM 969  
SP-2015-0372C

0 200  
Feet



Exhibit 4  
Critical Water Quality Zone

Legend	
	Creek Centerlines
	Critical Water Quality Zone



*Iglesia Camino Del Rey Church*  
7604 FM 969  
SP-2015-0372C

0 200  
Feet

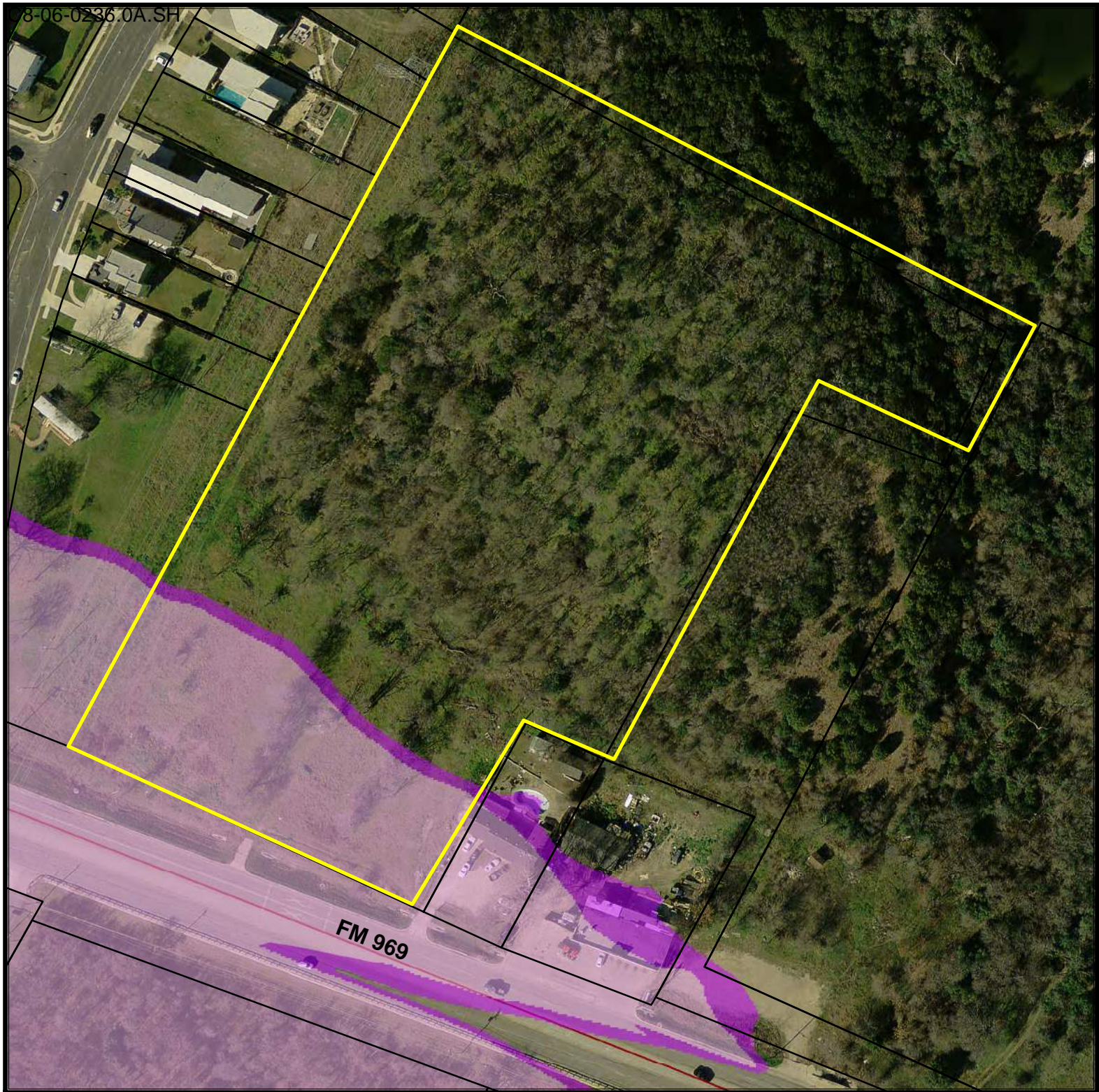


Exhibit 5  
Floodplain

Legend	
Austin Fully Developed Floodplain	
	COA 25-year floodplain
	COA 100-year floodplain



FLOOD PLAIN NOTE:  
The subject property is located in Zone 'AE' according to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Community Panel No. 48453C0470J, Revised September 18, 2014. The 100 year flood plain elevation for this site as per City of Austin is 456.58

OWNER

IGLESIA CAMINO DEL REY CHURCH  
17103 ALBERT VOELKER RD  
ELGIN, TX 78621-4204  
(512) 470-7758

ENGINEER

ADVANCED CONSULTING ENGINEERS  
5524 BEE CAVE RD, SUITE 1-4  
AUSTIN, TEXAS 78746  
(512) 444-1739

SURVEYORS

WINDROSE SERVICES  
4120 COMMERCIAL SERVICES DRIVE  
AUSTIN, TX 78744  
(512) 964-7361

LANDSCAPE ARCHITECT

THOMAS D. BROWN & ASSOCIATES  
2 DEPOT SQUARE, SUITE B  
ELGIN, TX 78621  
(512) 328-3289

RELATED CASE NO.

ZONING FILE NO. C7A-76-009

LEGAL DESCRIPTION

ABS 4 SUR 19 BURLESON J ACR 7.87

LAND STATUS DETERMINATION

CBI-2015-0136

PROJECT ADDRESS

7604 FM 969  
AUSTIN, TEXAS 78724

NOTES:  
- THIS SITE IS LOCATED IN THE WALNUT CREEK WATERSHED, IS CLASSIFIED AS SUBURBAN.  
- THE SITE IS NOT LOCATED OVER THE EDWARD'S AQUIFER RECHARGE ZONE.  
- THE SITE IS LOCATED IN THE FULL PURPOSE CITY OF AUSTIN.  
- THIS SITE PLAN IS NOT SUBJECT TO SUBCHAPTER E OF THE LAND DEVELOPMENT CODE (COMMERCIAL DESIGN STANDARDS).

VARIANCE NOTE:

AN ADMINISTRATIVE VARIANCE WAS GRANTED PER LDC 25-8-342(B)(6) OF THE LDC, FOR CUT/FILL UPTO 8 FEET ASSOCIATED WITH THE WATER QUALITY AND/OR DETENTION FACILITIES.

RETAINING WALL NOTE:

RETAINING WALLS OVER FOUR FEET IN HEIGHT, MEASURED FROM THE BOTTOM OF THE FOOTING TO THE TOP OF THE WALL, SHALL BE ENGINEERED AND WILL REQUIRE A SEPARATE PERMIT (UNIFORM BUILDING CODE 106.2.5)

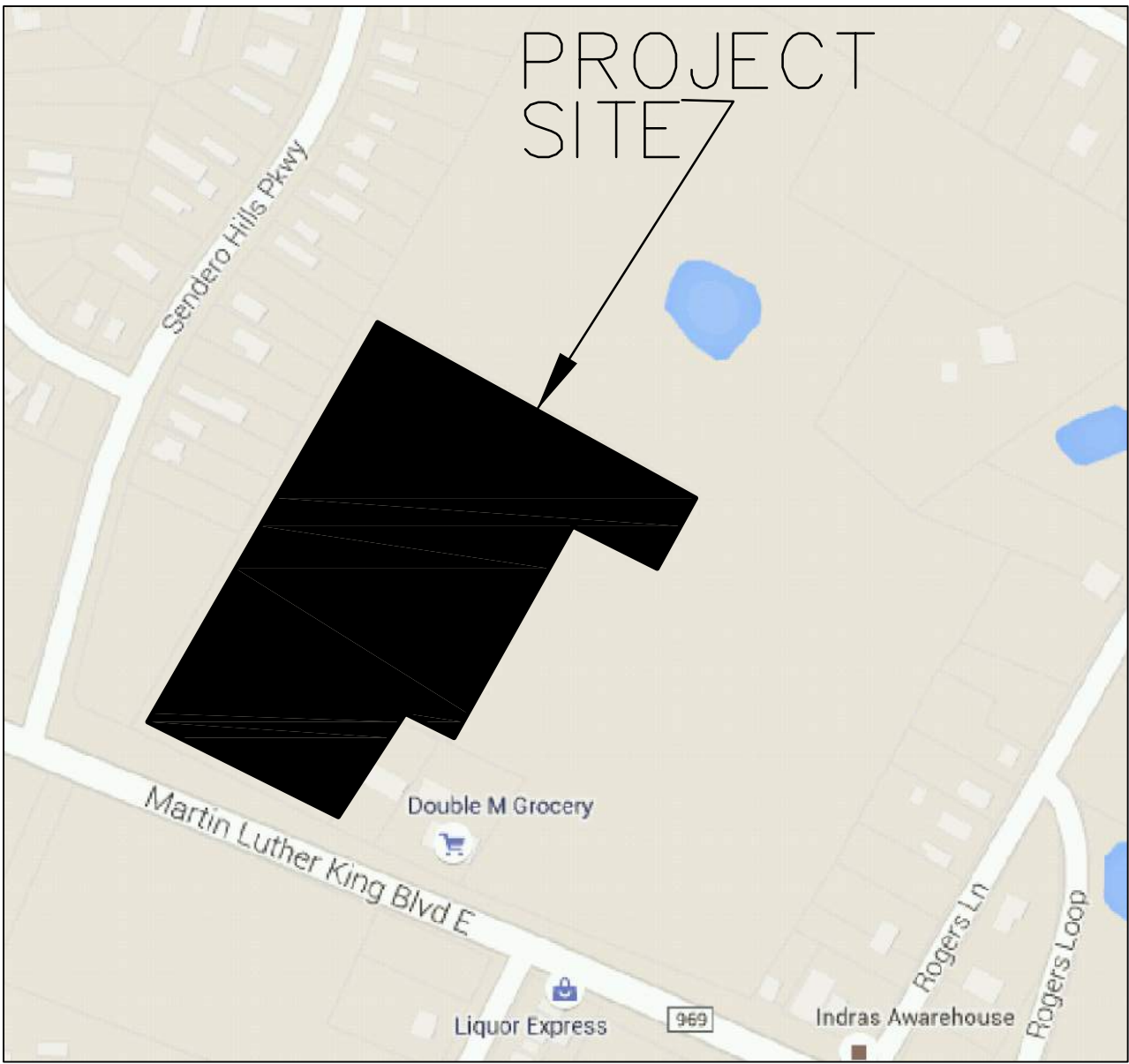
I ASHRAF T. AHSANULLAH TEXAS LICENSE NUMBER 81407 CERTIFY THAT THE DESIGN OF THE DAM IN THIS SET OF PLANS CAN SAFELY PASS 75-PERCENT OF THE PROBABLE MAXIMUM FLOOD BASED ON THE HYDROLOGIC, HYDRAULIC, STRUCTURAL AND GEOTECHNICAL ANALYSIS USING STANDARD ACCEPTED ENGINEERING PRACTICES DCM 8.3.4(B)(3).

AWU WATER SER: 3758

REVISIONS / CORRECTIONS							
NO.	DESCRIPTION	REVISE (R) ADD (A) VOID (V) SHEET NO.'S	TOTAL # SHEETS IN PLAN SET	NET CHANGE IMP. COVER (SQ. FT.)	TOTAL SITE IMP. COVER (SQ. FT.)/ [%]	CITY OF AUSTIN APPROVAL-DATE	DATE IMAGED

# IGLESIA CAMINO DEL REY CHURCH

## 7604 FM 969, AUSTIN, TEXAS



LOCATION MAP

(N.T.S.)  
MAPSCO Page # 587K GIS Grid # ML23

APPROVED BY:

PLANNING AND DEVELOPMENT REVIEW DEPARTMENT

DATE

AUSTIN WATER UTILITY

DATE

FIRE DEPARTMENT

DATE

TEXAS DEPARTMENT OF TRANSPORTATION

DATE

INDUSTRIAL WASTE

DATE

FIRE FLOW DATA:  
TOTAL SQUARE FOOTAGE OF CHURCH BUILDING: 10,000 S.F.  
AUTOMATIC SPRINKLER SYSTEM PROVIDED: YES  
TYPE OF CONSTRUCTION: 5A  
FIRE FLOW DEMAND: 1,750 GPM  
STATIC PRESSURE: 118 PSI  
DOMESTIC DEMAND: 50 GPM  
PRESSURE ZONE: CENTRAL NORTH  
IRRIGATION DEMAND: 20 GPM

SUBMITAL DATE: 8/21/2015

Sheet Index

1. COVER SHEET
2. NOTES SHEET
3. SITE PLAN
4. GRADING PLAN
5. DRAINAGE AREA & DETENTION & WATER QUALITY POND PLAN
6. DRAINAGE DETAILS PLAN
7. DRAINAGE DETAILS PLAN
8. EROSION/SEDIMENTATION CONTROL AND TREE PROTECTION AND SLOPE MAP PLAN
9. TREE LIST
10. WATER & WASTEWATER PLAN
11. CONSTRUCTION DETAILS
12. CONSTRUCTION DETAILS
13. TRAFFIC CONTROL PLAN
14. LANDSCAPE PLAN
15. LANDSCAPE PLAN
16. OFFSITE 12" WATER PROFILE

SITE PLAN APPROVAL SHEET \_\_\_\_ OF \_\_\_\_  
FILE NUMBER: \_\_\_\_\_ APPLICATION DATE: \_\_\_\_\_  
APPROVED BY COMMISSION ON \_\_\_\_\_ UNDER SECTION \_\_\_\_\_ OF \_\_\_\_\_  
CHAPTER \_\_\_\_\_ OF AUSTIN CITY CODE.  
EXPIRATION DATE (25-5-81 LDC) \_\_\_\_\_ CASE MANAGER \_\_\_\_\_  
PROJECT EXPIRATION DATE (ORD.#970905-A) \_\_\_\_\_ DWPZ \_\_\_\_\_ DDZ \_\_\_\_\_

Director, Planning and Development Review

RELEASED FOR GENERAL COMPLIANCE: \_\_\_\_\_ ZONING: \_\_\_\_\_  
Rev. 1 \_\_\_\_\_ Correction 1 \_\_\_\_\_  
Rev. 2 \_\_\_\_\_ Correction 2 \_\_\_\_\_  
Rev. 3 \_\_\_\_\_ Correction 3 \_\_\_\_\_

FINAL PLAT MUST BE RECORDED BY THE PROJECT EXPIRATION DATE, IF APPLICABLE. SUBSEQUENT SITE PLANS WHICH DO NOT COMPLY WITH THE CODE CURRENT AT THE TIME OF FILING, AND ALL REQUIRED BUILDING PERMITS AND/OR A NOTICE OF CONSTRUCTION (IF BUILDING PERMITS IS NOT REQUIRED), MUST ALSO BE APPROVED PRIOR TO THE PROJECT EXPIRATION DATE.

RECORD OF DOCUMENTS: THIS DOCUMENT AND THE DESIGN AND CONSTRUCTION SHALL BE KEPT ON FILE FOR THE LIFE OF THE PROJECT. CONSULTING ENGINEERS SHALL BE RESPONSIBLE FOR THE PROTECTION OF THESE RECORDS. CONSULTING ENGINEERS SHALL BE RESPONSIBLE FOR THE PROTECTION OF THESE RECORDS. CONSULTING ENGINEERS SHALL BE RESPONSIBLE FOR THE PROTECTION OF THESE RECORDS.

DRAWN BY: AS/CD  
CHECKED BY: A.T.  
DATE: 8/14/15  
JOB NO. 788822C/AMM000007



**ADVANCED CONSULTING ENGINEERS**  
Civil Engineering Consultants, Planners  
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AUSTIN, TEXAS 78746  
(512) 444-1739  
www.acengr.com  
T&PE Firm No.: F-10



IGLESIA CAMINO DEL REY CHURCH  
7604 FM 969, AUSTIN, TEXAS  
COVER SHEET

SHEET NO.  
1 OF 16  
SP-2015-0372C







