



ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION MEETING DATE REQUESTED: MARCH 1, 2017

Name & Number OF PROJECT: Easton Park Section 2B Preliminary Plan C8J-2015-0255.SH

NAME OF APPLICANT OR ORGANIZATION: Peloton Land Solutions
512-831-7700

PROJECT LOCATION: 7901 Colton Bluff Springs Rd.

Council District: District 2

PROJECT FILING DATE: November 20, 2015

DSD/Environmental STAFF: Pamela Abee-Taulli, 512-974-1879
pamela.abee-taulli@austintexas.gov

TRAVIS COUNTY/ CASE MANAGER: Sue Welch, 512-854-7637
Sue.Welch@traviscountytexas.gov

WATERSHED: Cottonmouth Creek & North Fork Dry Creek
Suburban (DDZ)

ORDINANCE: Watershed Protection Ordinance; Ordinance 20151217-080 (Pilot Knob PUD)

VARIANCE REQUEST: 1) LDC 30-5-341(A) to allow cut from 4 to 12 feet on 19 acres
2) LDC 30-5-342(A) to allow fill from 8 to 10 feet on 2.6 acres.

STAFF RECOMMENDATION: Not recommended for approval

REASONS FOR RECOMMENDATION: The Findings of Fact have not been met.



MEMORANDUM

TO: Chair Marisa Perales and Members of the Environmental Commission

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

DATE: March 1, 2017

SUBJECT: Easton Park Section 2B
Case No. C8J-2015-0255.SH

On the March 1st agenda is a request for the consideration of a variance to allow cut to 12 feet and fill to 10 feet [LDC 30-5-341 and 30-5-342].

Property Location and Existing Condition

This property has a gross site area of 173 acres and is located east of McKinney Falls Parkway between the future extensions of William Cannon Drive on the north and Slaughter Lane to the south. (Please see site location map, aerial view, and slope map appended to this memo.) The site is part of the Pilot Knob Planned Unit Development (Ordinance 20151217-080), which consists of multiple tracts totaling approximately 2,214 acres.

The project site is located in the Blackland Prairies vegetation area. The site appears to have been in agricultural use for over a half century and consists of cropland primarily used for hay production. Surrounding properties consist of agricultural land with associated farmsteads, commercial properties, and residential development.

The property is within the Cottonmouth Creek and North Fork Dry Creek Watersheds, both classified as Suburban. The project area within the Cottonmouth Creek Watershed generally slopes to the west toward Cottonmouth Creek. The project area within the North Fork Dry Creek Watershed generally slopes to the east. The existing elevations within the project site range from 629 feet in the northeastern portion of the site, to 570 feet in the eastern portion of the site near North Fork Dry Creek, and 575 feet in the northwestern portion of the site near Cottonmouth Creek.

Stormwater quality for the project will be provided through the use of four (4) sedimentation/biofiltration ponds and two (2) vegetative filter strips. An Erosion Hazard Zone (EHZ) is delineated for Cottonmouth Creek, using the limits defined by the City of Austin data portal. No development is proposed within the limits of the EHZ for this project.

Watershed Data

The property is within the Cottonmouth Creek and North Fork Dry Creek watersheds, both classified as Suburban. The Critical Water Quality Zone of Cottonmouth Creek has an area of

roughly half an acre on the property. The property is not located within the Edwards Aquifer Recharge Zone.

Jurisdictional Data

The property is within the City of Austin limited purpose jurisdiction, except for a four-acre parcel in the City's 2-mile extraterritorial jurisdiction. The property is entirely within Travis County.

Trees / CEFs

No Critical Environmental Features are located on the proposed site. There are three hundred and two (302) trees located throughout the site. Of these, fifty (50) trees are 19" in diameter or greater. Thirty (30) trees 19" in diameter or greater are proposed to be removed by the proposed development. The project site contains two (2) heritage trees (# 8484, 8488), which are not proposed for removal and are located in the section designated to be parkland.

Proposed Development

Applicant is proposing a single-family subdivision with associated improvements.

1) Variance Request from the Requirement of LDC 30-5-341 (Cut Requirements)

LDC 30-5-341 restricts cut to a maximum of four feet. LDC 30-5-42(B)(7) allows for an administrative variance to Section 30-5-341 for a cut of not more than eight feet in the desired development zone, only after determining that development in accordance with the variance meets the objective of the requirement for which the variance is requested. For cut or fill exceeding eight feet, LDC 30-5-41 requires Land Use Commission approval of the variance after meeting the Findings of Fact.

Applicant is requesting cut from 4 to 12 feet on 19 acres, as shown in Applicant Variance Packet, Exhibit E.1 PUD Cut/Fill Areas with Project Layout.

Recommendation for Variance from Cut Requirements

Staff does not recommend approval of the requested variance to allow cut in excess of 4 feet because the Findings of Fact for this variance have not been met.

2) Variance Request from the Requirement of LDC 30-5-342 (Fill Requirements)

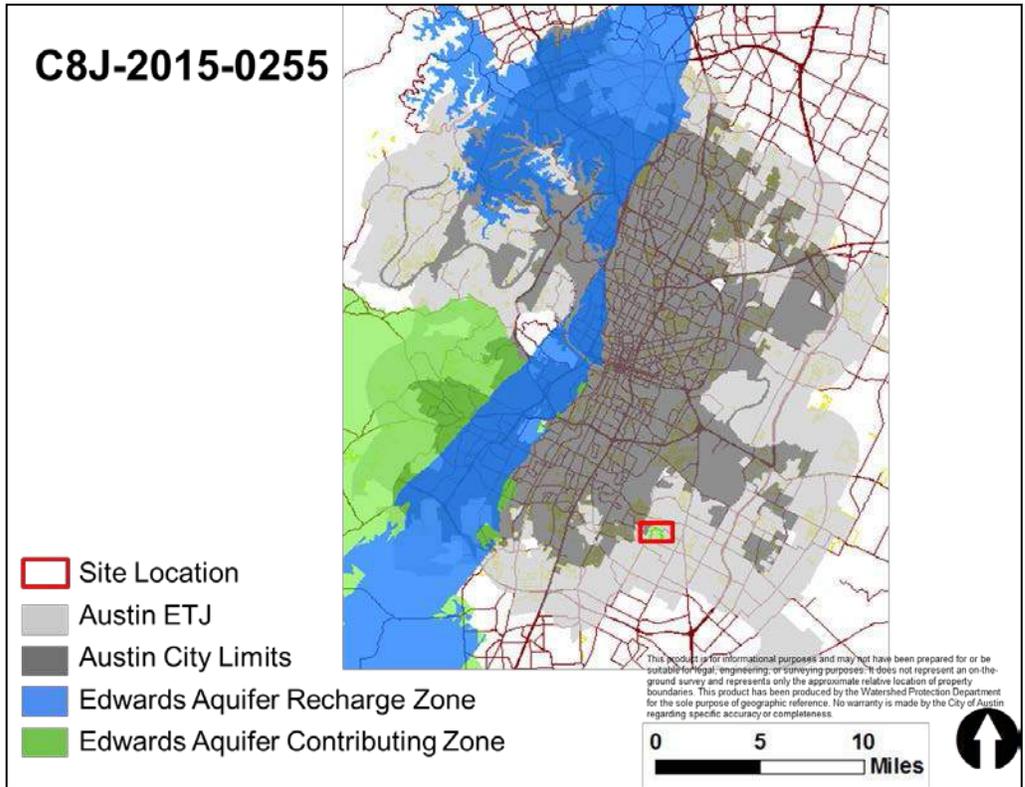
LDC 30-5-342 restricts fill to a maximum of four feet. LDC 30-5-42(B)(7) allows for an administrative variance to Section 30-5-342 for fill of not more than eight feet in the desired development zone, only after determining that development in accordance with the variance meets the objective of the requirement for which the variance is requested. For cut or fill exceeding eight feet, LDC 30-5-41 requires Land Use Commission approval of the variance after meeting the Findings of Fact..

Applicant is requesting fill from 8 to 10 feet on 2.6 acres, as shown in red in Applicant Variance Packet, Exhibit E.1 PUD Cut/Fill Areas with Project Layout.

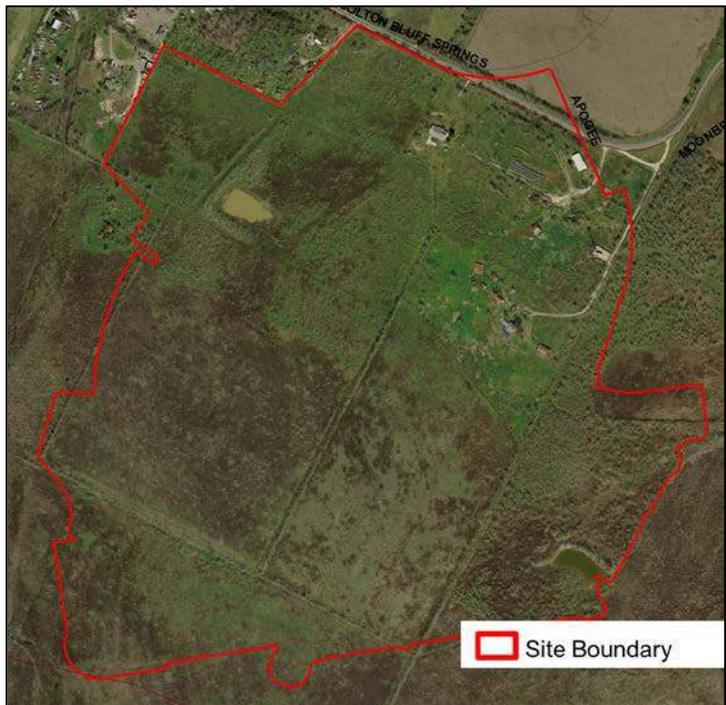
Recommendation for Variance from Fill Requirements

Staff does not recommend approval of the requested variance to allow fill from 8 to 10 feet because the Findings of Fact for this variance have not been met.

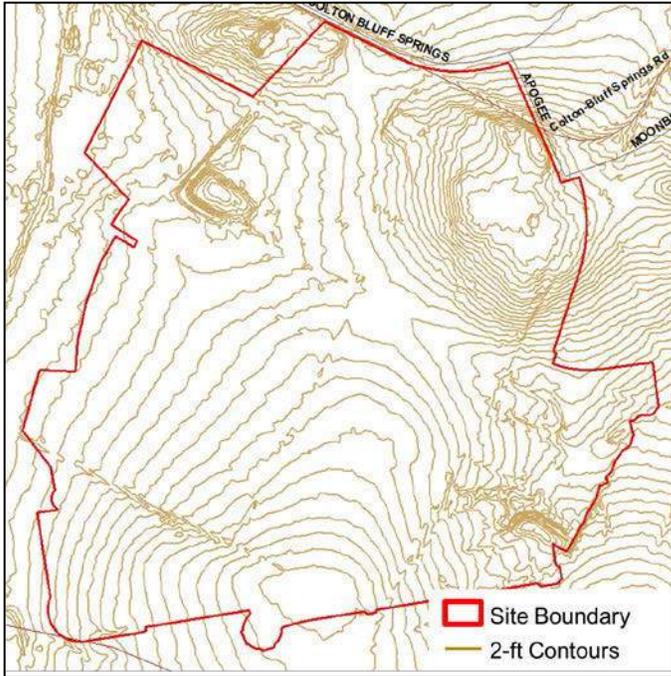
Location Map



Aerial Map



Contour Map





Development Services Department
Staff Recommendations Concerning Required Findings

Project: Easton Park Section 2B Preliminary Plan
7901 Colton Bluff Springs Rd.

Ordinance Standard: Land Development Code Section 30-5-341(A).

Variance Request 1: To allow cut from 4 to 12 feet on 19 acres.

Justification:

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.

No. Owners of similarly situated properties have developed without a variance.

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. Applicant has not demonstrated to staff's satisfaction that the proposed depth of cut is necessary to achieve positive stormwater drainage.

- 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. Applicant has not demonstrated to staff's satisfaction that the proposed cut is the minimum change necessary to achieve positive stormwater drainage.

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

Yes, provided that the applicant uses robust erosion and sedimentation controls to avoid surface water degradation during construction.

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 not diminish water quality.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Section 25-8-482 (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;

N/A – LDC 25-8-422, 452, 482, or Article 7 Division 1 are not applicable.

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

N/A – LDC 25-8-422, 452, 482, or Article 7 Division 1 are not applicable

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

N/A – LDC 25-8-422, 452, 482, or Article 7 Division 1 are not applicable

Ordinance Standard: Land Development Code Sections 30-5-342(A).

Variance Request 2: To allow fill from 8 to 10 feet on 2.6 acres.

Justification:

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 flat topography of the site, the requested variance is necessary to develop the site. In order to meet City of Austin design criteria for water quality, detention and storm sewer systems, applicant must create artificial slopes for water to drain. In addition, the City requires a minimum slope in the bottom of water quality and detention ponds to be 2%. Applicant has requested a waiver from the Watershed Protection Department to reduce this slope to 1% in the bottom of proposed ponds in an effort to reduce the amount of grading on this site.

Fill is required to construct the detention and water quality ponds. Additionally, fill must be added to ensure that the water can flow to the ponds.

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 flatness of the site makes it necessary to create slopes in order to achieve positive drainage.

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, applicant has not demonstrated that the variance is the minimum change necessary.

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

Yes, provided that the applicant uses robust erosion and sedimentation controls to avoid surface water degradation during construction.

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

Yes, provided that the applicant uses robust erosion and sedimentation controls to avoid surface water degradation during construction.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality

Transition Zone), Section 25-8-482 (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;

N/A – LDC 25-8-422, 452, 482, or Article 7 Division 1 are not applicable.

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

N/A – LDC 25-8-422, 452, 482, or Article 7 Division 1 are not applicable

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

N/A – LDC 25-8-422, 452, 482, or Article 7 Division 1 are not applicable

Environmental Review:



Pamela Abee-Taulli

Environmental Program Manager:



Environmental Officer:



Chuck Lesniak