

**ZONING AND PLATTING COMMISSION SITE PLAN
ENVIRONMENTAL VARIANCE REVIEW SHEET**

CASE NUMBER: SP-2015-0372C **ZAP COMMISSION DATE:** 3-7-2017

ADDRESS: 7604 FM 969 RD, District 1

WATERSHED: Walnut Creek Watershed (Suburban)

AREA: 7.7 Acres

EXISTING ZONING: SF-2

PROJECT NAME: Iglesia Camino Del Rey

PROPOSED USE: Religious Assembly (Church)

AGENT: Advanced Consulting Engineers
5524 bee caves Rd., Ste. I-4
Austin, TX 78746
(512) 444-1739

APPLICANT: Iglesia Camino Del Rey of Austin, Inc.
17103 Albert Voelker Rd.
Elgin, TX 78621

APPLICABLE WATERSHED ORDINANCE: Current/ Comprehensive watershed ordinance

EV VARIANCE REQUESTED:

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

SUMMARY STAFF RECOMMENDATION: Recommended with conditions

EV COMMISSION RECOMMENDATION: Recommended with Conditions on 11-2-2016

Staff Conditions:

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; and
2. Reduce development footprint by providing structural containment (retaining walls) where construction requires grading exceeding 4 feet on slopes exceeding 15 percent.

ZONING AND PLATTING COMMISSION ACTION: 3-7-2017

CASE MANAGER: Lynda Courtney, 512-974-2810

ENVIRONMENTAL REVIEW: Pamela Abee-Taulli, 512-974-1879

PROJECT INFORMATION: 7.7 Acres

NUMBER OF PROPOSED UNITS: 1 bldg., 10,000 sf church building

EXIST. ZONING: SF-2

MAX. BLDG. CVRG ALLOWED: 40%

MAX. IMPERV. CVRG.: 45%

MAX HEIGHT ALLOWED: 35'

MAX FAR: N/A

REQUIRED PARKING: 37

PROPOSED BLDG. CVRG: 2.99%

PROPOSED IMP. CVRG: 22.45%

PROPOSED HEIGHT: 20'3"

PROPOSED FAR: .029:1

PROPOSED PARKING: 120

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The proposed site plan is for the construction of a 10,000 square foot church building with parking, driveways, detention and landscaping. The hilly topography of the site requires four environmental variances in order to construct the building and associated appurtenances

Environmental: This site is located in the Walnut Creek watershed, classified as Suburban, and is not located over the Edwards Aquifer Recharge Zone.

**ENVIRONMENTAL COMMISSION MOTION 20161102 008a**

Date: November 2, 2016

Subject: Iglesia Camino Del Rey Church SP-2015-0372C variance request for:

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

Motion by: Hank Smith

Seconded by: Pam Thompson

RATIONALE:

Whereas, per the staff report, the findings of fact have been met; and

Whereas, access can only be made by crossing the entire frontage of the property.

Therefore, the Environmental Commission recommends Support of the request for the referenced variances with the following conditions:

Staff Conditions:

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.

VOTE 9-0-1

For: Creel, Perales, Thompson, Neely, Moya, Maceo, H. Smith, Grayum, B. Smith

Against: None

Abstain: None

Recuse: None

Absent: Guerrero

Approved By:

Marisa Perales, Environmental Commission Chair



NOTICE OF PUBLIC HEARING SITE PLAN VARIANCE

Este aviso le informa de una audiencia pública tratando de un propuesto desarrollo o cambio dentro de una distancia de 500 pies de su propiedad. Si usted desea recibir información en español, por favor llame al (512) 974-2193.

Mailing Date: February 24, 2017

Case Number: SP-2015-0372C

The City of Austin has sent this letter to inform you that we have received an application for a site plan that requires approval by a Land Use Commission (either the Planning Commission or the Zoning and Platting Commission). We are notifying you because City Ordinance requires that all property owners within 500 feet, residents who have a City utility account address within 500 feet, and registered environmental or neighborhood organizations whose declared boundaries are within 500 feet be notified when the City receives an application.

Applicant:	Advanced Consulting Engineers, Ashraf Tariq, (512) 444-1739
Owner:	Iglesia Camino Del Rey of Austin, Inc., Anastacio Rodriguez, (512) 470-7758
Project Name:	Iglesia Camino Del Rey Church
Project Address:	7604 FM 969 RD

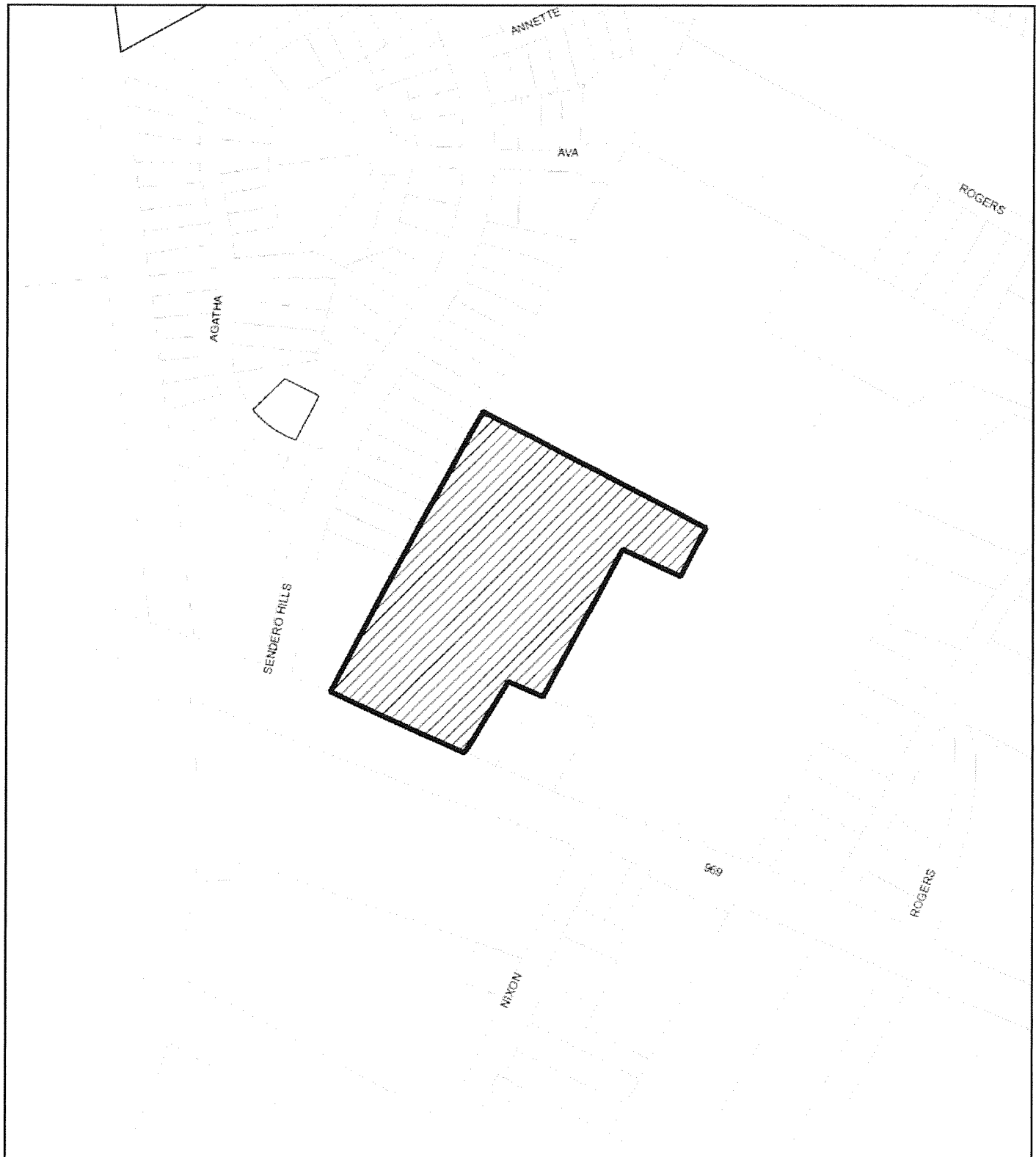
Variance Requested: The applicant is proposing to construct a 10,000 sq ft church on 7.69 acres. Four Environmental Variances are needed:



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 exceeding 4';
4. 25-8-342, Fill exceeding 4'.

This application is scheduled to be heard by the **Zoning and Platting Commission** on **March 7, 2017**. The meeting will be held at City Hall Council Chambers, 301 West 2nd Street beginning at 6:00 p.m.

You can find more information on this site plan by inserting the case number at the following Web site: https://www.ci.austin.tx.us/devreview/a_queryfolder_permits.jsp. **For additional questions about the project please contact the applicant, Ashraf Tariq, 512-444-1739. For technical questions about the permitting process, please contact the case manager, Lynda Courtney, at 512-974-2810 or via e-mail at lynda.courtney@austintexas.gov and refer to the case number located at the top of this notice. You may examine the site plan at One Texas Center by appointment or between the hours of 8:00 a.m. and 11:00 a.m. with the case assistant Pamela Abee-Taulli at 512-974-1879 or via email at pamela.abee-taulli@austintexas.gov Monday through Friday.** The case manager's office is located at One Texas Center, 4th Floor, 505 Barton Springs Road, Austin, Texas.

For additional information on the City of Austin's land development process, please visit our web site <http://www.austintexas.gov/devservices>



 Subject Tract
 Base Map

CASE#: SP-2015-0372C
LOCATION: 7604 FM 969 RD

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference.



**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.

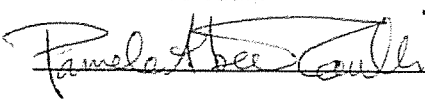
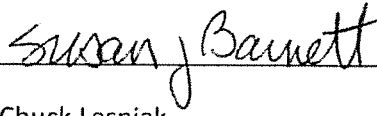
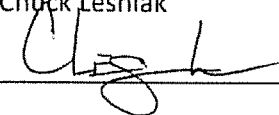
*Yes, the applicant is requesting the minimum change necessary to develop the property and to allow reasonable use of the property.
No grading exceeds 8 feet.*

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

Moncada Enterprises LLC

1301 S IH 35 Ste 204
Austin, TX 78741

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

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

September 27, 2016



1

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 MONCADATAZ@SBCGLOBAL.NET

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 ☐ Urban ☒ Suburban ☐ Water Supply Suburban
☐ Water Supply Rural ☐ Barton Springs Zone
Edwards Aquifer Recharge Zone ☐ Barton Springs Segment ☐ Northern Edwards Segment
☒ Not in Edwards Aquifer Zones

September 27, 2016

Edwards Aquifer Contributing Zone ☐ Yes ☒ 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)

The proposed development includes site development of one lot for a proposed church with associated drive aisles, parking and driveways.

This project is located in the Walnut Creek Watershed, and has a Suburban classification by LDC.

The slope range for this property is greater than 15% for the some portions of the site, specifically where driveways are proposed.

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.

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.

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.

There are no CEFs identified on this project. Floodplain is located on the property and on the public roadway FM 969.

Clearly indicate in what way the proposed project

September 27, 2016

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;

September 27, 2016

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.

September 27, 2016



2

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 MONCADATAZ@SBCGLOBAL.NET

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 ☐ Urban ☒ Suburban ☐ Water Supply Suburban
☐ Water Supply Rural ☐ Barton Springs Zone
Edwards Aquifer Recharge Zone ☐ Barton Springs Segment ☐ Northern Edwards Segment
☒ Not in Edwards Aquifer Zones

September 27, 2016

Edwards Aquifer ☐ Yes ☒ No
Contributing Zone

Distance to Nearest
Classified Waterway

Water and Waste Water ☐ COA
service to be provided by

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> </u>	<u>73,358.8</u>
acreage:	<u>7.68</u>	<u>7.68</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)

The proposed development includes site development of one lot for a proposed church with associated drive aisles, parking and driveways.

This project is located in the Walnut Creek Watershed, and has a Suburban classification by LDC.

The slope range for this property is greater than 15% for the some portions of the site, specifically where driveways are proposed.

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.

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.

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.

There are no CEFs identified on this project. Floodplain is located on the property and on the public roadway FM 969.

Clearly indicate in what
way the proposed project
does not comply with

LDC-25-8-341 PROHIBITS CUT EXCEEDING 4 FEET.

September 27, 2016

current Code (include
maps and exhibits)

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 DISTURBANCE 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;

September 27, 2016

**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.

September 27, 2016



3

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 MONCADATAZ@SBCGLOBAL.NET

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 ☐ Urban ☒ Suburban ☐ Water Supply Suburban
☐ Water Supply Rural ☐ Barton Springs Zone
Edwards Aquifer Recharge Zone ☐ Barton Springs Segment ☐ Northern Edwards Segment
☒ Not in Edwards Aquifer Zones

September 27, 2016

Edwards Aquifer
Contributing Zone☐ Yes ☒ NoDistance to Nearest
Classified WaterwayWater 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:

73,358.8

acreage:

7.687.68

percentage:

20.8

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)

The proposed development includes site development of one lot for a proposed church with associated drive aisles, parking and driveways.

This project is located in the Walnut Creek Watershed, and has a Suburban classification by LDC.

The slope range for this property is greater than 15% for the some portions of the site, specifically where driveways are proposed.

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.

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.

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.

There are no CEFs identified on this project. Floodplain is located on the property and on the public roadway FM 969.

Clearly indicate in what
way the proposed project
does not comply with

25-8-342 PROHIBITS FILL EXCEEDING 4 FEET,

September 27, 2016

current Code (include
maps and exhibits)

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;

September 27, 2016

**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.

September 27, 2016



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 MONCADATAZ@SBCGLOBAL.NET

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 ☐ Urban ☒ Suburban ☐ Water Supply Suburban
☐ Water Supply Rural ☐ Barton Springs Zone
Edwards Aquifer Recharge Zone ☐ Barton Springs Segment ☐ Northern Edwards Segment
☒ Not in Edwards Aquifer Zones

September 27, 2016

Edwards Aquifer
Contributing Zone☐ Yes ☒ NoDistance to Nearest
Classified WaterwayWater 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> </u>	<u>73,358.8</u>
acreage:	<u>7.68</u>	<u>7.68</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)

The proposed development includes site development of one lot for a proposed church with associated drive aisles, parking and driveways.

This project is located in the Walnut Creek Watershed, and has a Suburban classification by LDC.

The slope range for this property is greater than 15% for the some portions of the site, specifically where driveways are proposed.

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.

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.

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.

There are no CEFs identified on this project. Floodplain is located on the property and on the public roadway FM 969.

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

September 27, 2016

does not comply with GRADIENT OF MORE THAN 15%.
current Code (include
maps and exhibits)

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;

September 27, 2016

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.

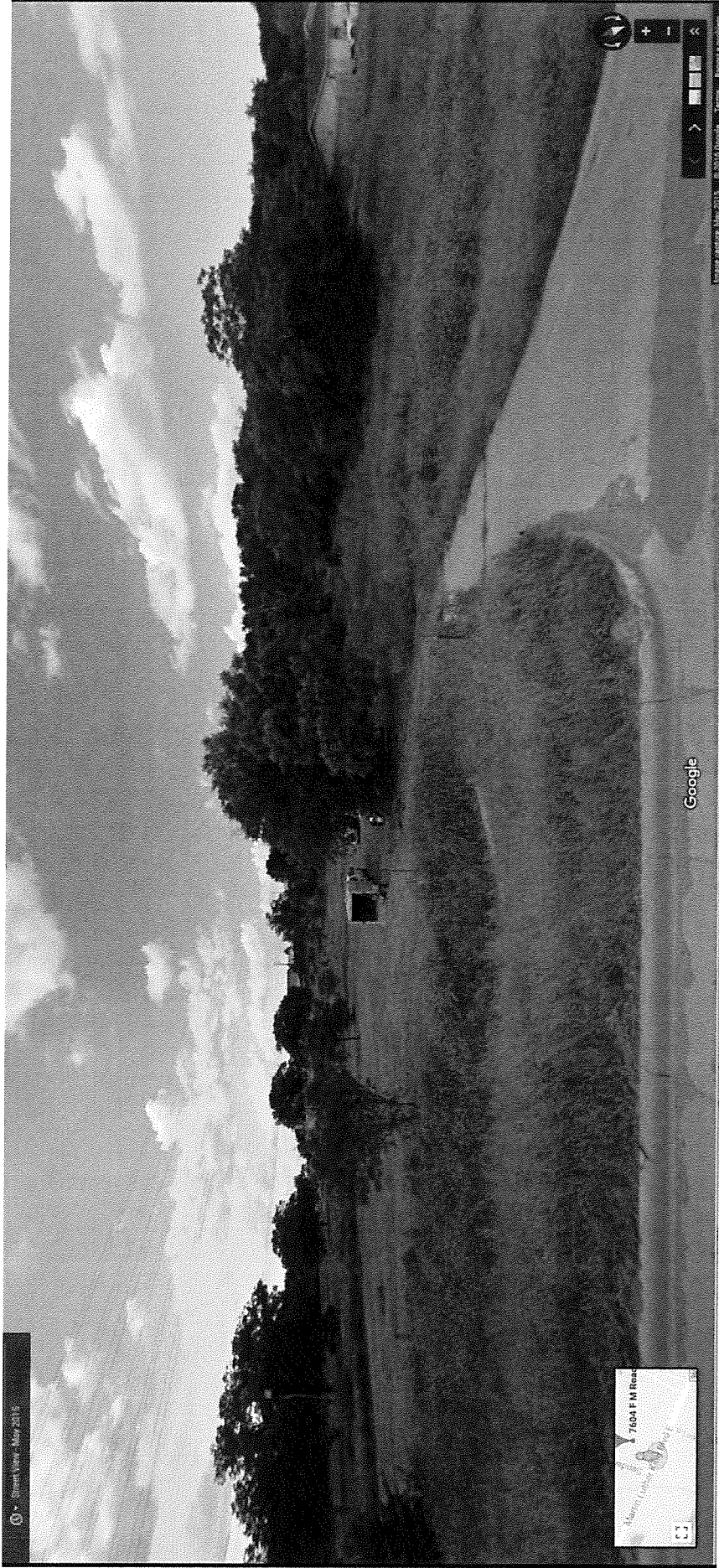


Exhibit 1 Site Photograph

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

Feet

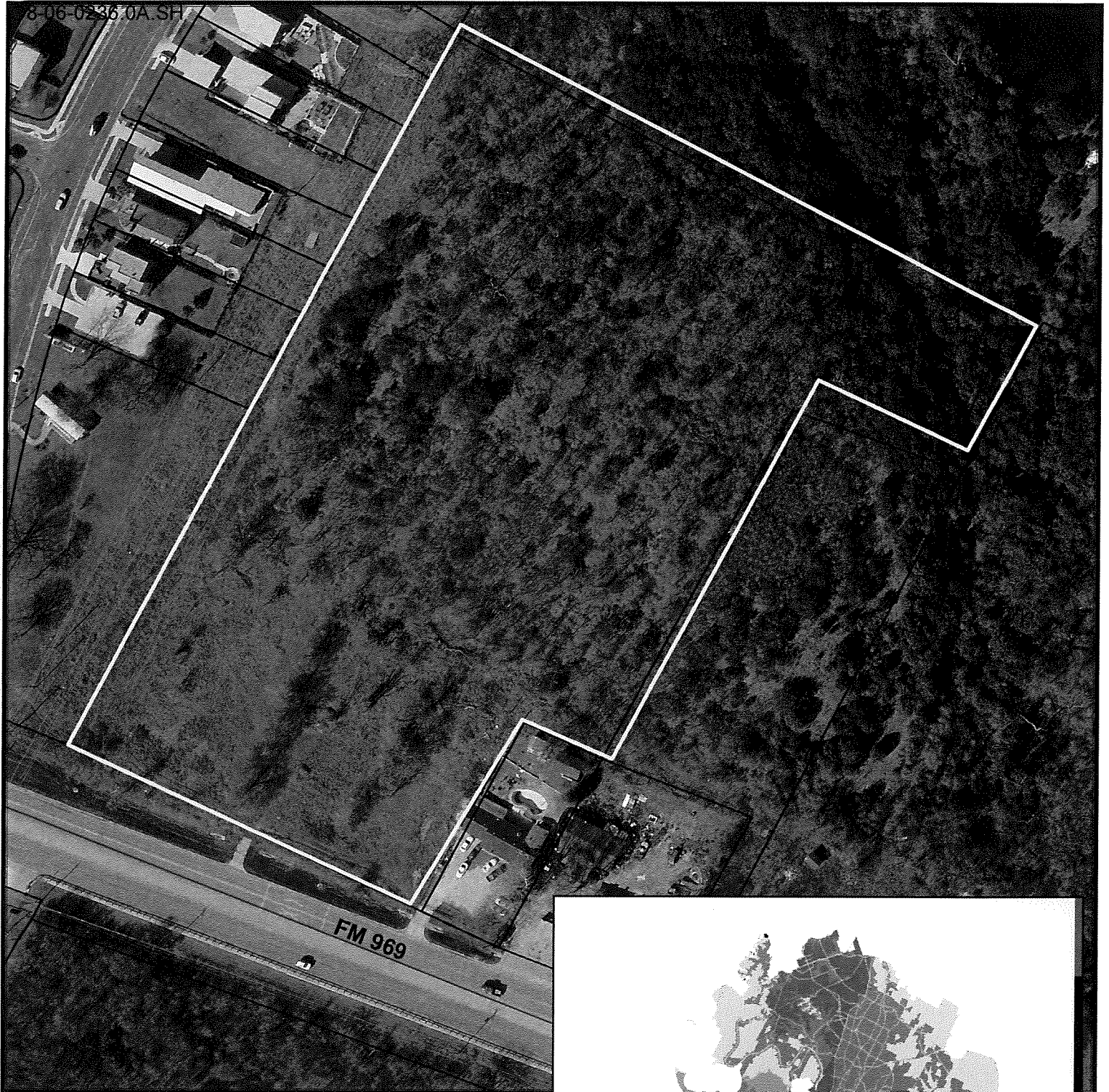


Exhibit 2
Property Location
7604 FM 969

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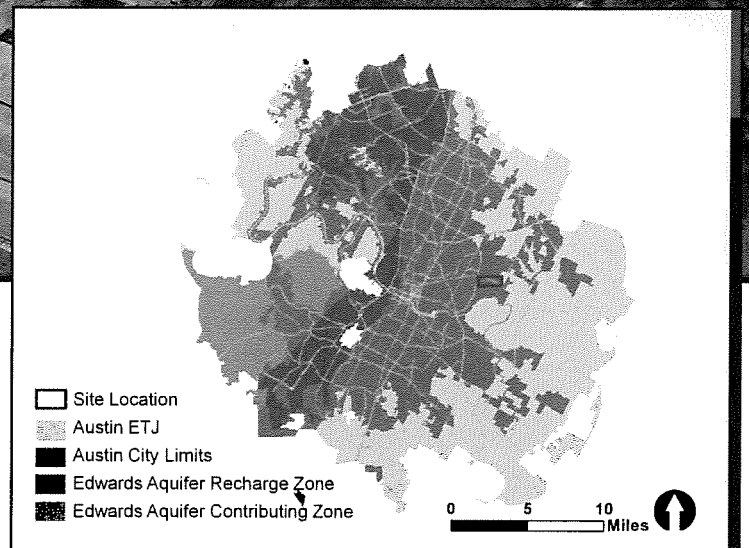




Exhibit 3
Topography

Legend	
	2 ft. Contours

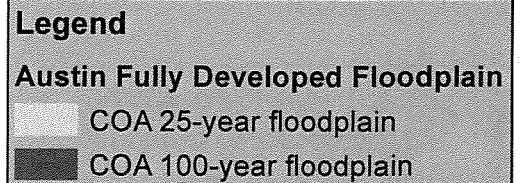


Exhibit 4
Critical Water Quality Zone

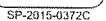
Legend	
	Creek Centerlines
	Critical Water Quality Zone



Exhibit 5
Floodplain



SP-2015-0372C



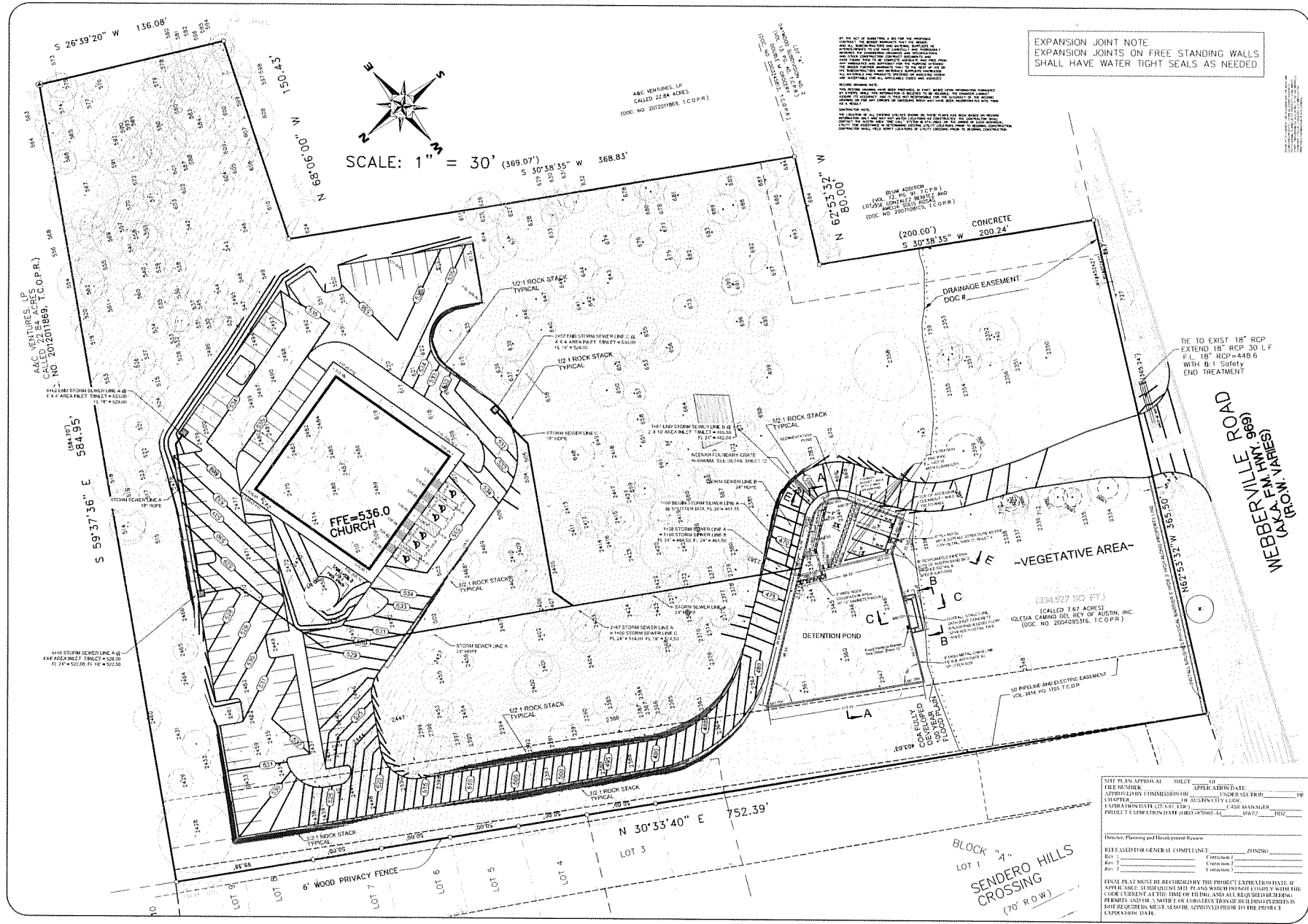


Exhibit 6 Grading

Variance Packet, page 3 of 37

DESIGN BY: **AE**
 CHECKED BY: **AE**
 DATE: **8/24/15**
 JOB NO: **2012011869**

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IGLESIA CAMINO DEL REY CHURCH
 7004 FM 969, AUSTIN, TEXAS
GRADING PLAN

SHEET NO.
 4 OF 16

SP-2015-0372C