



ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION MEETING DATE REQUESTED:	June 20, 2018
NAME & NUMBER OF PROJECT:	Live Oak Springs C8J-2016-0228
NAME OF APPLICANT OR ORGANIZATION:	Paul Linehan Land Strategies
LOCATION:	9406 Morninghill Drive
COUNCIL DISTRICT:	N/A 2-Mile ETJ
PROJECT FILING DATE:	November 17, 2016
DSD/ENVIRONMENTAL STAFF:	Atha Phillips, Environmental Program Coordinator (512)974-6303, atha.phillips@austintexas.gov
WATERSHED:	Slaughter Creek
ORDINANCE:	Watershed Protection Ordinance
REQUEST:	Variance request is as follows: 1. Critical Water Quality Zone Street Crossings [LDC 30-5-262(B)(1)]
STAFF DETERMINATION:	Staff does not recommend the variance.
REASONS FOR DETERMINATION:	Findings of fact have not been met.



Development Services Department
Staff Recommendations Concerning Required Findings

Project: Live Oak Springs
Ordinance Standard: Watershed Protection Ordinance
Variance Request: Critical Water Quality Zone Street Crossings [LDC 30-5-262(B)(1)]

Include an explanation with each applicable finding of fact.

A. Land Use Commission variance determinations from Chapter 30-5-41 of the City Code:

1. The requirement will deprive the applicant of a privilege available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

No, there are very few existing crossings of Slaughter Creek and those are limited to highways, large thoroughfares, and old subdivisions. For example streets that currently cross Slaughter Creek within the Barton Springs Zone are limited: Highway 290, FM 1826, Escarpment Blvd., Brodie Lane, and a few old subdivision streets.

2. The variance:
 - a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

No, the desire to have a higher density of development by the applicant is driving the need for the second access. A subdivision with less units would not be required to build a secondary access.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

Yes, the location of the second access is the only other viable connection at this time since neighboring properties are not currently allowing access.

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

Yes, although there will be temporary disturbance, the floodplain will be restored to a degree that is better than its current condition.

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

Yes, although not better, the proposed water quality meets current code.

B. Additional Land Use Commission variance determinations for a requirement of Section 30-5-422 (Water Quality Transition Zone), Section 30-5-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 30-5-652 (Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

1. The criteria for granting a variance in Subsection (A) are met;

No, the applicant has not met all the requirements in Subsection (A). The applicant is causing the need for the variance due to the proposed density.

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

No, the applicant would still be able to build a single-family subdivision but with fewer houses.

3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

No, with fewer units the subdivision could be built using the current access without the need for the variance.

Staff Recommendation:

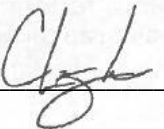
Staff does not recommend approval of the variance since the Finding of Fact have not been met.

Environmental Reviewer:



Date 6/11/2018

Environmental Officer:



Date 6/12/2018