



ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION MEETING

DATE: May 1, 2019

NAME & NUMBER OF PROJECT: Turner's Crossing Preliminary Plan
C8J-2018-0091

NAME OF APPLICANT OR ORGANIZATION: Rob Smith, P.E.
Josh Miksch, P.E.
Kimley-Horn

LOCATION: East of North Turnersville Rd., between FM 1327 and Turnersville Rd.
Austin, Travis County, TX

COUNCIL DISTRICT: N/A (2-mile ETJ)

ENVIRONMENTAL REVIEW STAFF: Jonathan Garner, Environmental Review Program Coordinator
Development Services Department
(512) 974-1665; Jonathan.Garner@austintexas.gov

WATERSHED: Rinard Creek Watershed
Suburban Classification
Desired Development Zone

REQUEST: Request to vary from LDC 30-5-341 for cut to exceed not more than 14.7 feet of depth and LDC 30-5-342 for fill to exceed not more than 14.9 feet of depth.

STAFF RECOMMENDATION: Staff recommends these variances, having determined the findings of fact to have been met.

Staff Findings of Fact and Exhibits



Development Services Department
Staff Recommendations Concerning Required Findings

Project Name: Turner's Crossing, C8J-2018-0091
Ordinance Standard: Watershed Protection Ordinance
Variance Request: 1. Request to vary LDC 30-5-341 for cut to exceed not more than 16 feet of depth.
2. Request to vary LDC 30-5-342 for fill to exceed not more than 16 feet of depth.

Include an explanation with each applicable finding of fact.

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 available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

Yes. The property is comprised of rolling topography generally within the 0-15% slope category. Due to the continual undulating topography, roadways and public rights-of-way must be graded to meet the Transportation Criteria Manual (TCM) requirements for stopping sight distance, as well as the Americans with Disabilities (ADA) cross-slope requirements at intersection cross-walks. Once the roadways and public rights-of-way are graded to meet compliance with TCM and ADA requirements, the individual private lots must be graded to meet final grades of the roadways and provide adequate stormwater drainage. Other similarly situated property within the regional vicinity would be expected to encounter the same challenges of grading for TCM and ADA compliance.

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;

Yes. The design and layout of the subdivision is primarily for single-family residential development, and is generally designed to follow the existing topography in order to preserve the natural character of the property. Additionally, the design and layout maintains the naturally existing drainage patterns as best as possible, as well as preserving multiple critical environmental features (wetlands) on site, and the

subdivision is designed using Atlas 14 floodplain analysis for roadway, lot layout, and stormwater design.

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

Yes. The minimum deviation requested is only to allow for compliance with TCM vertical roadway design criteria and ADA cross-slope requirements. For a property consisting of 468.55 acres, the total footprint of cut and fill exceeding eight feet is 23.38 acres (4.98% gross site area). Additionally, the cut and fill across the site will be balanced in such a way that no cut soils will be exported off site and no soils will be imported from off site.

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

Yes. The roadways and drainage system have been designed to protect the natural character and function of the critical environmental features (wetlands) and the critical water quality zones by closely maintaining the existing drainage patterns to ensure these natural features receive the required surface water runoff quantity and quality necessary to maintain healthy functioning of these natural systems.

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

Yes. The design and layout of the subdivision maintains the naturally existing drainage patterns as best as possible. As such, multiple water quality and detention ponds are proposed at the existing low points of drainage areas, rather than one large regional water quality and detention center, and the preservation of existing drainage patterns provides continual base hydrology for the functioning of the critical environmental features (wetlands) and critical water quality zones.

- B. The Land Use Commission may grant a variance from a requirement of Section 25-8-422 (*Water Supply Suburban Water Quality Transition Zone*), Section 25-8-452 (*Water Supply Rural Water Quality Transition Zone*), Section 25-8-482 (*Barton Springs Zone Water Quality Transition Zone*), Section 25-8-368 (*Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*), or Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), after determining that::

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

Not applicable.

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

Not applicable.

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

Not applicable.

Staff Determination:

Staff recommends these variances, having determined the findings of fact to have been met.

Staff recommends the following condition:

The development will plant an equivalent of three 2" trees per lot on single-family lots greater than 5,750 sf and two 2" trees per lot on single-family lots smaller than 5,750 sf within the subdivision. The trees selected must be a minimum of ten different species. Each lot shall receive a minimum of one Significant Shade Provider tree and one Understory tree, as defined by the ECM Appendix F Descriptive Categories of Tree Species.

Environmental Reviewer
(DSD)



(print name)

Date April 23, 2019

Environmental Review
Manager (DSD)

Mike McDougal

(print name)

Date April 23, 2019

Environmental Officer
(WPD)



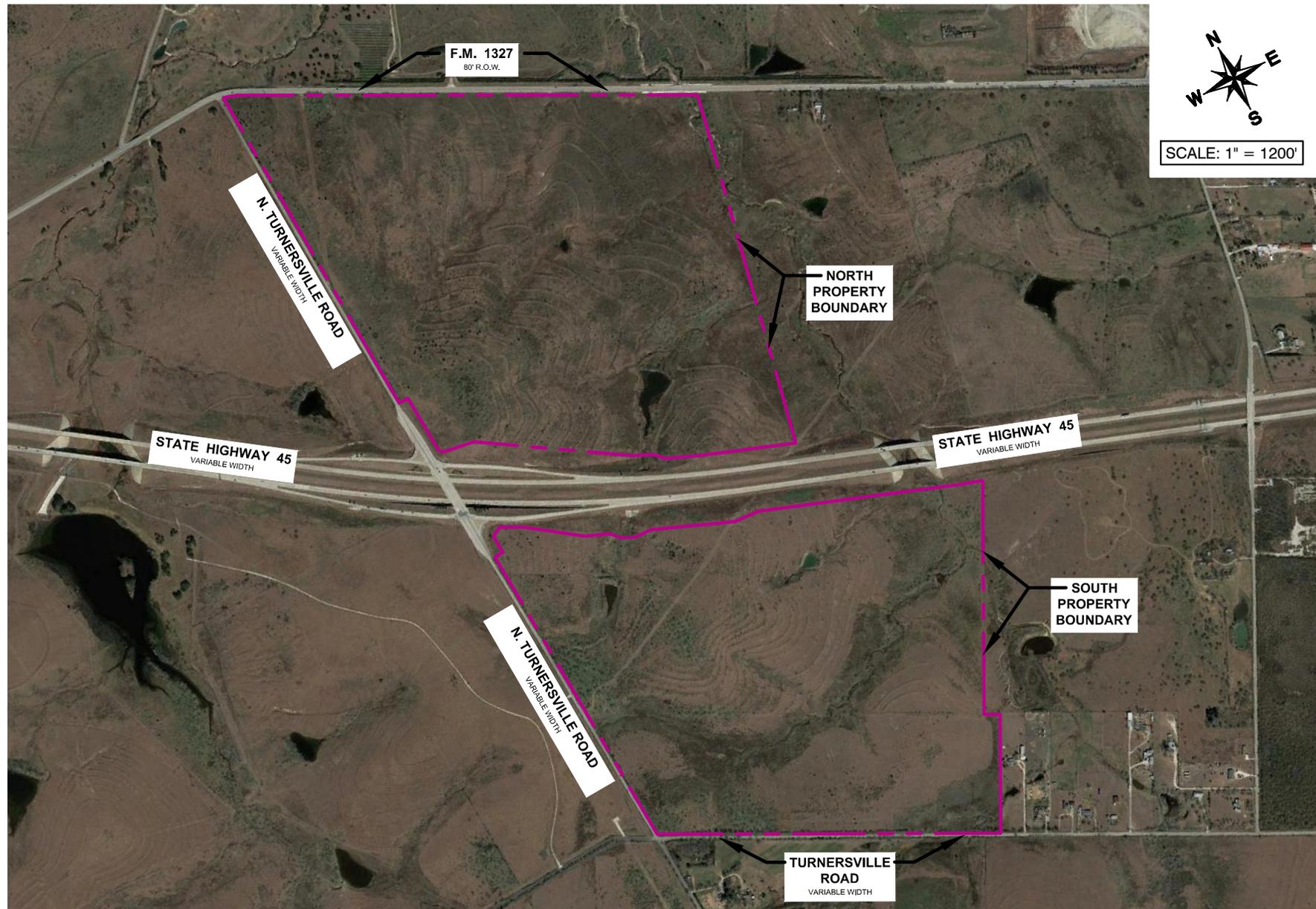
(print name)

Date April 23, 2019

Applicant Exhibits

BARBER, TRAVIS 4/2/2019 1:20 PM
K:\AUS_CIVIL\06778311 TURNER'S CROSSING\CAD\EXHIBITS\20190328 - COMMISSION VARIANCE EXHIBITS\SITE AERIAL EXHIBITS.DWG
4/2/2019 1:15 PM

PLOTTED BY
DWG NAME
LAST SAVED



Turner's Crossing

Overall Site Aerial

Austin, Texas
March 2019

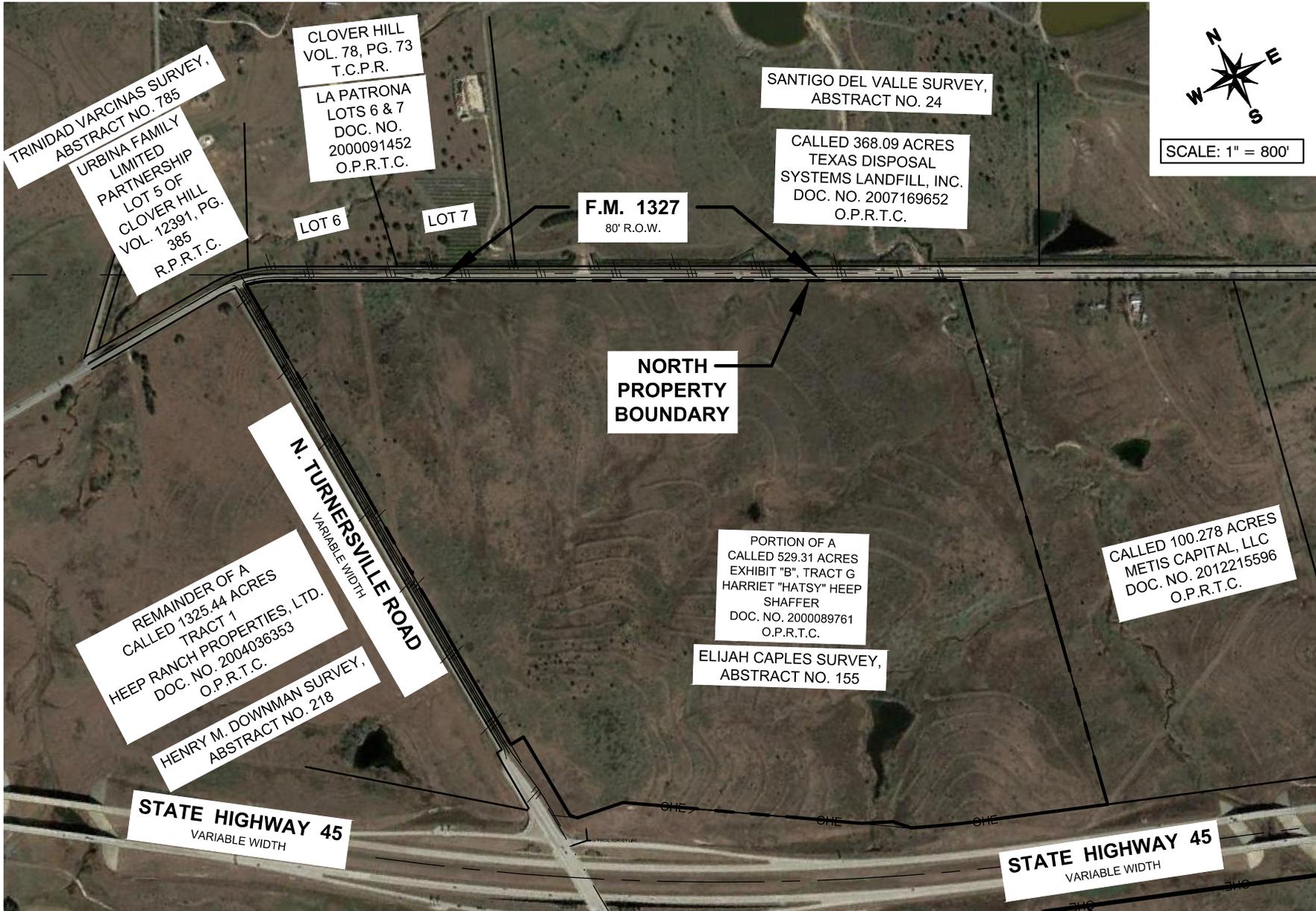
Kimley»Horn

10814 Jollyville Road, Avallon IV, Suite 300
Austin, TX 78759
512-418-1771

NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND HAS BEEN PRODUCED WITHOUT THE BENEFIT OF A SURVEY, TOPOGRAPHY, UTILITIES, CONTACT WITH THE CITY, ETC.

BARBER, TRAVIS 3/28/2019 11:09 AM
K:\AUS_CIVIL\0878311 TURNER'S CROSSING\CAD\EXHIBITS\20190328 - COMMISSION VARIANCE EXHIBITS\EXISTING CONDITIONS SITE AERIAL.DWG
3/28/2019 11:09 AM

PLOTTED BY
DWG NAME
LAST SAVED



Turner's Crossing

NORTH - Vicinity Aerial

Austin, Texas

March 2019

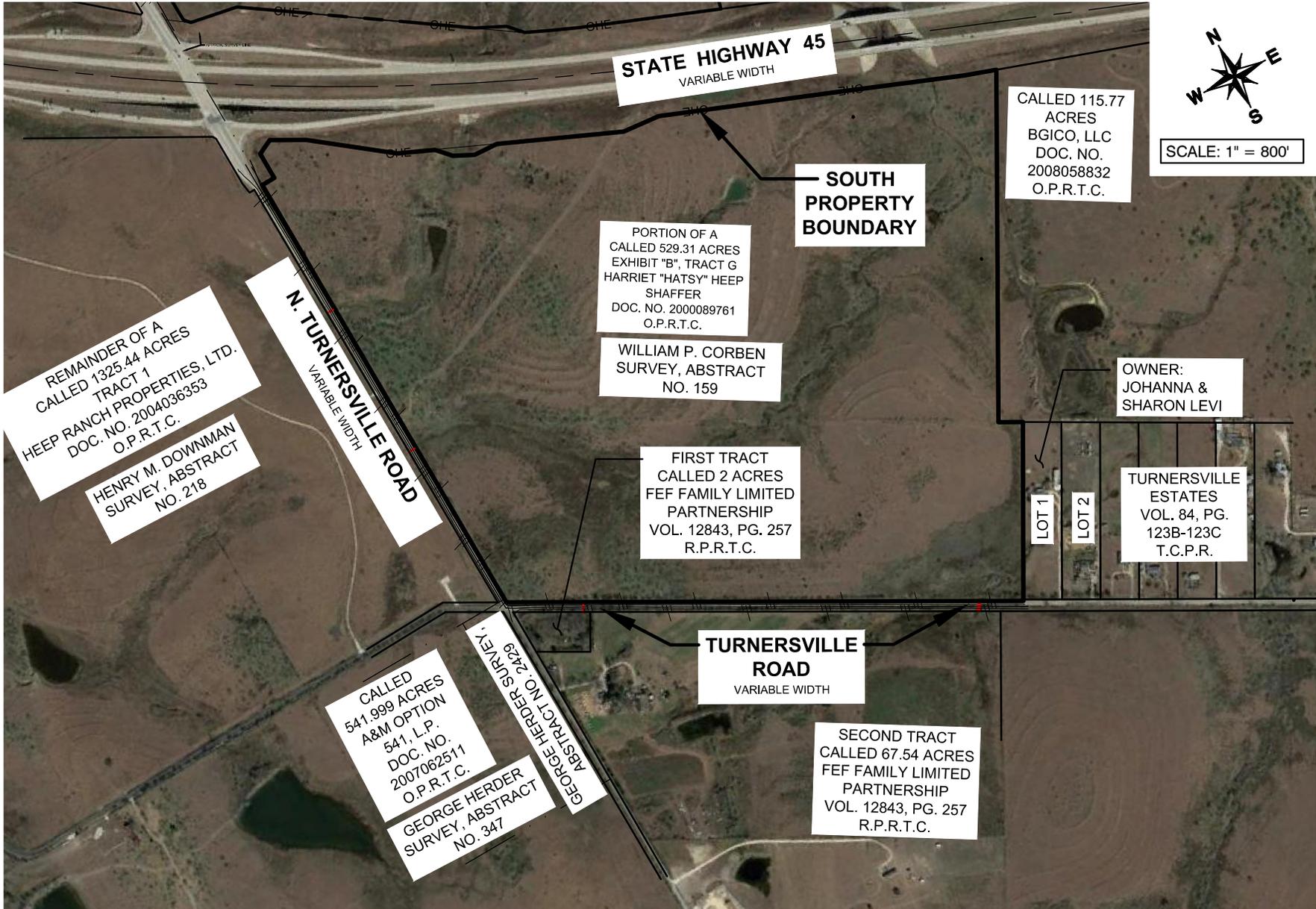
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BARBER, TRAVIS 3/28/2019 11:10 AM
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3/28/2019 11:09 AM

PLOTTED BY
DWG NAME
LAST SAVED



Turner's Crossing

SOUTH - Vicinity Aerial

Austin, Texas
March 2019

Kimley»Horn
10814 Jollyville Road, Avallon IV, Suite 300
Austin, TX 78759
512-418-1771
NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND HAS BEEN
PRODUCED WITHOUT THE BENEFIT OF A SURVEY, TOPOGRAPHY,
UTILITIES, CONTACT WITH THE CITY, ETC.

Plotted By: Barber, Travis Date: March 28, 2019 12:41:08pm File Path: \\AUS-Civil\067783111\Turner's Crossing\Topographic\PlanSheets\EXHIBIT A - TOPOGRAPHIC SLOPE MAP - SOUTH.dwg
 This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



STATE HIGHWAY 45
 VARIABLE WIDTH
 DOC #2009046532, 2010138806,
 2006218324, O.P.R.T.C.

NORTH TURNERSVILLE ROAD
 VARIABLE WIDTH
 ROAD BOOK 4, PAGES 718-719
 T.C.C.C.

REMAINDER OF A
 CALLED 1325.44 ACRES
 TRACT 1
 HEEP RANCH PROPERTIES, LTD.
 DOC. NO. 2004036353
 O.P.R.T.C.

HENRY M. DOWNMAN SURVEY,
 ABSTRACT NO. 218

GEORGE HERDER SURVEY,
 ABSTRACT NO. 242

CALLED 541.999 ACRES
 A&M OPTION 541, L.P.
 DOC. NO. 2007062511
 O.P.R.T.C.

GEORGE HERDER SURVEY,
 ABSTRACT NO. 347

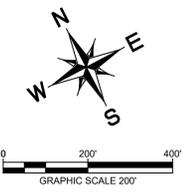
FIRST TRACT
 CALLED 2 ACRES
 FEF FAMILY LIMITED
 PARTNERSHIP
 VOL. 1284, PG. 257
 R.P.R.T.C.

SECOND TRACT
 CALLED 67.54 ACRES
 FEF FAMILY LIMITED PARTNERSHIP
 VOL. 1284, PG. 257
 R.P.R.T.C.

CALLED 115.77 ACRES
 BGICO, LLC
 DOC. NO. 2008058832
 O.P.R.T.C.

TURNERSVILLE ESTATES
 VOL. 64, PG. 1228-123C
 T.C.P.R.

OWNER:
 JOHANNA & SHARON
 LEVI



LEGEND

	PROPERTY LINE
	ADJACENT PROPERTY LINE
	BENCHMARK
	PROPERTY PIN
	ROADWAY EASEMENT LINE
	WATER LINE
	WASTE WATER LINE
	STORM SEWER LINE
	WASTEWATER MANHOLE
	RIGHT OF WAY
	PROPOSED CONTOUR
	EXISTING CONTOUR
	EXISTING CEF BUFFER
	EXISTING TREE

Slopes Table - South

Number	Minimum Slope	Maximum Slope	Area	Color
1	0.00%	15.00%	218.18 AC	
2	15.00%	25.00%	3.73 AC	
3	25.00%	35.00%	0.58 AC	
4	35.00%	100.00%	0.23 AC	

NOTES:

- THIS SITE HAS NUMEROUS MAN-MADE TERRACES BUILT ALONG THE HILLSIDES WHICH ARE REFLECTED IN THE STEEP SLOPE BANDS ALONG SEVERAL HILLS. SEE "MAN-MADE TERRACES" LETTER FROM GEOTECHNICAL FIRM, MLA LABS, INC., DATED FEBRUARY 5, 2019 FOR REFERENCE.

NO.	REVISIONS	DATE	BY

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 10814 JOLLYVILLE ROAD, AVALON IV, SUITE 300, AUSTIN, TX 78759
 PHONE: 512-418-1771 FAX: 512-418-1791
 WWW.KIMLEY-HORN.COM
 TEXAS REGISTERED ENGINEERING FIRM F-928

3/28/2019

KHA PROJECT	067783111
DATE	JUNE 2018
SCALE	AS SHOWN
DESIGNED BY	JDR
DRAWN BY	SLY
CHECKED BY	JWM

TURNER'S CROSSING
 EXHIBIT A - TOPOGRAPHIC
 SLOPE MAP - SOUTH

CITY OF AUSTIN
 TRAVIS COUNTY, TEXAS



Know what's below.
 Call before you dig.
BENCHMARKS

BENCH MARK LIST

BM #101	SET AT THE SOUTHWEST CORNER OF A CURB INLET AT THE INTERSECTION OF THE SOUTH R.O.W. OF S.H. 45 AND THE EAST R.O.W. OF NORTH TURNERSVILLE ROAD.	ELEV.=748.46(NAVD'88)
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SHEET NUMBER



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM



PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Joshua W. Miksch, P.E.
Street Address	10814 Jollyville Rd Building 4, Suite 350
City State ZIP Code	Austin, TX 78759
Work Phone	512-410-7737
E-Mail Address	Joshua.miksch@kimley-horn.com

Variance Case Information

Case Name	Turners Crossing Preliminary Plan
Case Number	C8J-2018-0091
Address or Location	East of North Turnersville Road between FM 1327 and Turnersville Road in the City of Austin ETJ, Travis County.
Environmental Reviewer Name	Jonathan Garner
Environmental Resource Management Reviewer Name	Ana Gonzalez
Applicable Ordinance	30-5-341 & 30-5-342
Watershed Name	Rinard Creek

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	Classified Waterways are located on-site.
Water and Waste Water service to be provided by	Austin Water Utility
Request	The variance request is as follows: 30-5-341 Cut Requirements & 30-5-342 Fill Requirements

Impervious cover	Existing	Proposed
square footage:	<u>0</u>	<u>9,076,597</u>
acreage:	<u>0</u>	<u>208.37</u>
percentage:	<u>0</u>	<u>44.5</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>98% of the property falls within the 0% to 15% slope category. The remainder property has slopes exceeding 15% slope.</p> <p>The property ranges in elevation from 626 to 766.</p> <p>There is an assortment of Juniper, Willow, Bois D’Arc, Cedar, Hackberry and Mesquite trees within the site; none of which exceed 24 caliper inches.</p> <p>On-site soils are Type D Expansive Clays and is identified as Blackland Prairie.</p> <p>Multiple wetland CEF’s, and Critical Water Quality Zones exist within the site. Fully developed 100-year and 500-year floodplains exist within the site.</p>	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	Per the attached cut/fill exhibit, there are areas that require cut/fills greater than 4'.
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FINDINGS OF FACT

As required in LDC Section ~~25-8-41~~ 30-5-41, 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: Turners Crossing Preliminary Plan

Ordinance: 30-5-341 Cut Requirements & 30-5-342 Fill Requirements

A. Land Use Commission variance determinations from Chapter ~~25-8-41~~ 30-5-341 and 30-5-342 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.

Yes

The otherwise developable land located within the 0% to 15% slope category is primarily comprised of slopes closer to 15%. In order to comply with the Americans with Disabilities Act (ADA) requiring 2% cross slope at intersection crosswalks on the local and collector roadways and to meet Transportation Criteria Manual (TCM) requirements for stopping sight distance (for vertical curves and roadway design) and block length maximums, the proposed grades will need to exceed the cut and fill allowed by Chapter 30. This applies to the single-family lots fronting the roadways meeting the ADA and TCM requirements due to access requirements for the lots. The maximum Cut is 14.7 feet. The maximum Fill is 14.9 feet.

In addition, the development of adjacent properties will be challenged by the existing topography. It's highly likely future developments will be pursuing a cut and fill variance request of this magnitude.

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;

Yes

Turner's Crossing is primarily a single-family residential development with roadways and lot layouts generally designed to follow the existing topography to preserve the natural character of the property. In addition, multiple water quality and detention basins have been placed in natural low areas to preserve the existing drainage patterns.

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

Yes

Turner's Crossing has been designed to minimally deviate from the code to allow for accessible routes and crossings in compliance with the Americans with Disabilities Act, and meet TCM vertical roadway design criteria. The percentage of the property exceeding 8 feet for this property is 4.98%.

Specifically, the design accounts for existing constraints such as the elevation of the adjacent connecting roads at Travis County, Fire Marshal and TxDOT approved locations and the minimum allowable roadways slopes to allow for ADA compliance.

The roadway network has been designed to minimize the number of cross streets to reduce the amount of cut and fill and to maintain compliance with the Transportation Criteria Manual (TCM) block-length requirement. As such, these cross-streets are required to comply with block length requirements outlined in the code.

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

Yes

The proposed roadways and associated drainage system have been designed to protect the natural character and function of the Critical Environmental Features and Critical Water Quality Zones by ensuring they receive the required surface water runoff quantity and quality needed to promote wetland and floodplain health. In addition, the proposed design preserves the natural drainage patterns by detaining and treating stormwater in multiple basins throughout the property.

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

Yes

The proposed design adheres to all water quality requirements outlined within the Environmental Criteria Manual and as such, will result in water quality that is at least equal to water quality achievable without the variance. In addition, the proposed design preserves the natural drainage patterns by detaining and treating stormwater in multiple basins throughout the property.

- 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), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-368 (Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

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

N/A to this variance request.

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

N/A to this variance request.

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

N/A to this variance request.

**Variance approval requires all above affirmative findings.



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Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	Per the attached cut/fill exhibit, there are areas that require cut/fills greater than 4'.
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FINDINGS OF FACT

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Include an explanation with each applicable finding of fact.

Project: Turners Crossing Preliminary Plan

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Yes

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Yes

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