



ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION MEETING DATE: Oct. 16, 2019

NAME & NUMBER OF PROJECT: SP-2019-0032D Oaks at Slaughter Site Improvements

NAME OF APPLICANT OR ORGANIZATION: Joe Farias, P.E. – Stantec (Civil Engineer)

LOCATION: 8517 ½ South Congress Avenue, Austin, Texas 78745

COUNCIL DISTRICT: District # 2

ENVIRONMENTAL REVIEW STAFF: Jonathan Garner
Environmental Review Program
Coordinator, DSD 512-974-1665
Jonathan.Garner@austintexas.gov

WATERSHED: Onion Creek, Suburban, Desired Development Zone

REQUEST: Variance request is as follows:
Request to vary from LDC 25-8-341 to allow cut more than four feet of depth

STAFF RECOMMENDATION: Staff does not recommend this variance, having determined that the findings of fact have not been met.

Staff Findings of Fact and Exhibits



Development Services Department
Staff Recommendations Concerning Required Findings

Project Name: SP-2019-0032D Oaks at Slaughter Site Improvements
Ordinance Standard: Watershed Protection Ordinance
Variance Request: LDC 25-8-341 to allow cut to exceed four 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.

No. The current property is undeveloped and the site plan application does not propose any buildings or other associated improvements (e.g., parking, sidewalks). Without a proposed consolidated site plan, staff is unable to determine if the requirement will deprive the applicant of a privilege available to owners of similarly situated property.

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 proposed grading is a design decision made by the applicant to “pad prep” an area of undeveloped land for future development. The future development of the property is unknown at this time, the applicant has not submitted a site plan application showing proposed buildings or other associated improvements.

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

No. An administrative environmental variance may be granted for cut of no more than eight feet in the desired development zone [LDC 25-8-42(B)(6)], however, the proposed cut is in excess of

what can be allowed with an administrative environmental variance; to a depth of 13 feet.

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

No. The proposed cut will remove existing trees that meet preservation criteria of LDC 25-8-624, as well as alter existing drainage patterns and existing vegetative cover.

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 site plan application does not propose any site improvements that require water quality per the Land Development Code or Environmental Criteria Manual.

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;

N/A.

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

N/A.

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

N/A/

Staff Determination: Staff determines that the findings of fact have not been met.

Environmental Reviewer
(DSD)


Jonathan Garner

Date: 10-01-2019

Environmental Review
Manager (DSD)


Mike McDougal

Date: 10-02-2019

Environmental Officer
(WPD)


(print name)

Date 10/03/2019

Applicant Form and Findings of Fact



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Joe Farias, P.E.
Street Address	1905 Aldrich Street
City State ZIP Code	Austin, TX 78723
Work Phone	512-328-0011
E-Mail Address	Joe.Farias@stantec.com

Variance Case Information

Case Name	Oaks at Slaughter Site Improvements
Case Number	SP-2019-0032D
Address or Location	8517 ½ South Congress Avenue
Environmental Reviewer Name	Jonathan Garner
Environmental Resource Management Reviewer Name	
Applicable Ordinance	LDC 25-8-341
Watershed Name	Onion 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	Approximately 3,500 ft to South Boggy Creek
Water and Waste Water service to be provided by	City of Austin
Request	The variance request is as follows: LDC 25-8-341

Impervious cover	Existing	Proposed (Private Drive)
square footage:	<u>0</u>	<u>8,710 SF</u>
acreage:	<u>0</u>	<u>0.20 AC</u>
percentage:	<u>0</u>	<u>10 %</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>Slope Range: 0 - 15%</p> <p>Elevation Range: 665' – 688'</p> <p>Summary of Vegetation/Trees: Sparsely wooded with short grasslands. Types of trees on site include Live Oak, Cedar Elm, Chinaberry, and Sweet Acacia.</p> <p>Summary of Geology: Mostly Austin-Whitewright Complex with some Eddy Gravelly Loam and Houston Black Clay.</p> <p>Summary of CWQZ/WQTZ: Waterway Setback = 3,000 ft from centerline (outside of project limits)</p> <p>Summary of CEFs: No wetlands or other CEFs identified within project limits.</p> <p>Summary of Floodplain: Project is outside of FEMA 100-Yr Floodplain</p> <p>Summary of Heritage Trees: This site currently has 4 heritage trees, all of which will be relocated with Oaks at Slaughter Construction Plans (C8-2018-0109.1B) before any site grading would be done.</p>	

<p>Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)</p>	<p>The project proposes cut greater than 8 feet, with a maximum cut of 11 feet (please reference attached exhibit for detailed cut/fill data) for the following reasons:</p> <ol style="list-style-type: none"> 1. Pedestrian Accessibility <ol style="list-style-type: none"> a. This cut variance will be required in order to comply with the regulations set by Texas Accessibility Standards which require a 2% maximum slope across parking spaces and accessible route between said spaces and building entrance. b. This site has been designed with a maximum slope in order to provide easier customer access to the site using all modes of transportation. 2. Pedestrian Safety <ol style="list-style-type: none"> a. This design allows for proper access for fire trucks and other emergency vehicles which promotes the health and safety of all visitors to the site, while complying with the requirements set forth by the Land Development Code. b. With the design slope proposed in the parking area, car doors won't hit nearby pedestrians or cars. 3. Construction Logistics <ol style="list-style-type: none"> a. This site design will allow better grade tie in points with the proposed grades create by the Oaks at Slaughter Construction Plans (C8-2018-0109-1B), which were created in order to comply with the minimum cover requirements over the proposed utilities. <p>Please reference exhibits provided at the end of this document.</p>
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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: Oaks at Slaughter Site Improvements

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

☒ Yes/ No The cut requirement will deprive the owners of this property from being able to develop a site with access that provides the following: pedestrian access that complies with Texas Accessibility Standards, a parking layout that prevents vehicle doors from hitting nearby vehicles or pedestrians, safe access for emergency vehicles, safe access for fire apparatus, and safe pedestrian access between the parking lot and the building after a rain event.

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/ No The cut will allow surface runoff to flow at a slower rate allowing for: greater infiltration and less erosion, which will prevent the reduction in capacity of the proposed infrastructure due to silt runoff and build up.

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

☒ Yes/ No The cut is necessary for tie in with adjacent grades created by the Oaks at Slaughter Construction Plans (C8-2018-0109.1B) which provide cover over utilities.

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

☒ Yes / No

The cut does not create a significant probability of environment consequences. The overall drainage pattern will remain consistent with existing conditions while reducing the flow rate of all drainage on site and increasing the drainage infiltration rate. This will eliminate any potential erosion issues that currently exist on the site.

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

[provide summary justification for determination]

- 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;

Yes / No

☒ N/A

A variance from section 25-8-422 and/or section 25-8-452 are not requested as the site isn't in these zones.

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

Yes / No

☒ N/A

A variance from section 25-8-422 and/or section 25-8-452 are not requested as the site isn't in these zones.

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

Yes / No

☒ N/A

A variance from section 25-8-422 and/or section 25-8-452 are not requested as the site isn't in these zones.

**Variance approval requires all above affirmative findings.



Stantec Consulting Services Inc.
1905 Aldrich Street Suite 300, Austin TX 78723-3544

September 3, 2019
File: 222010050

Attention: City of Austin Environmental Commission
Austin City Hall
301 W. 2nd Street
Austin, TX

Reference: Oaks at Slaughter Site Improvements SP-2019-0032D

To whom it may concern,

On behalf of the applicant and owner, Barshop & Oles Company, please accept this letter as our formal request for a variance from the Land Development Code Section 25-8-341 for cut requirements. The following information is being provided to introduce the project, the variances being requested, and justify the requested variance.

The Oaks at Slaughter Site Improvements Project is a project composed solely of grading changes to the lots (Block A Lots 4 & 5) of the Oaks at Slaughter Plat. This project is approximately located at the intersection of South Congress Avenue and Ralph Ablandado Drive in Austin, Texas. The entire site is within the City of Austin's full purpose jurisdiction and within the Onion Creek watershed, which is classified as a Suburban watershed by the City of Austin. No portion of the site lies within the Edwards Aquifer Recharge Zone or within a 100-year floodplain as determined by the FEMA FIRM panel 48453C0595J, dated September 26, 2016 for Travis County, Texas. The site has a limit of construction of 1.80 acres. The site has an existing elevation range from 665' to 688' with a slope range between 0-15%.

Please reference the information below for justification of the requested variance.

§25-8-41 – Land Use Commission Variances:

- A.) It is the applicant's burden to establish that the findings described in this Section have been met. Except as provided in Subsections (B) and (C), the Land Use Commission may grant a variance from a requirement of this subchapter after determining that:
1. The requirement will deprive the applicant of a privilege available to owners of other similarly situated property with approximately contemporaneous development subject to similar code requirements; **The cut requirement will deprive the owners of this property from being able to develop a site with access that provides the following: pedestrian access that complies with Texas Accessibility Standards, a parking layout that prevents vehicle doors from hitting nearby vehicles or pedestrians, safe access for emergency vehicles, safe access for fire apparatus, and safe pedestrian access between the parking lot and the building after a rain event.**
 2. The variance:
 - a) 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; **The cut will allow surface runoff to flow at a slower rate**

Reference: Oaks at Slaughter Site Improvements SP-2019-0032D

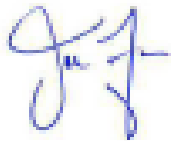
allowing for: greater infiltration and less erosion, which will prevent the reduction in capacity of the proposed infrastructure due to silt runoff and build up.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property; **The cut is necessary for tie in with adjacent grades created by the Oaks at Slaughter Construction Plans (C8-2018-0109.1B) which provide cover over utilities.**
 - c) Does not create a significant probability of harmful environmental consequences; **The cut does not create a significant probability of environment consequences. The overall drainage pattern will remain consistent with existing conditions while reducing the flow rate of all drainage on site and increasing the drainage infiltration rate. This will eliminate any potential erosion issues that currently exist on the site.**
3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance. **By reducing the grade across the site, it provides additional water quality by way of increased infiltration rate and provides the option to treat runoff by vegetative filter strips.**

Your vigilant review of this request is greatly appreciated. Should you have any questions or require additional information, please do not hesitate to contact me at 512.328.0011.

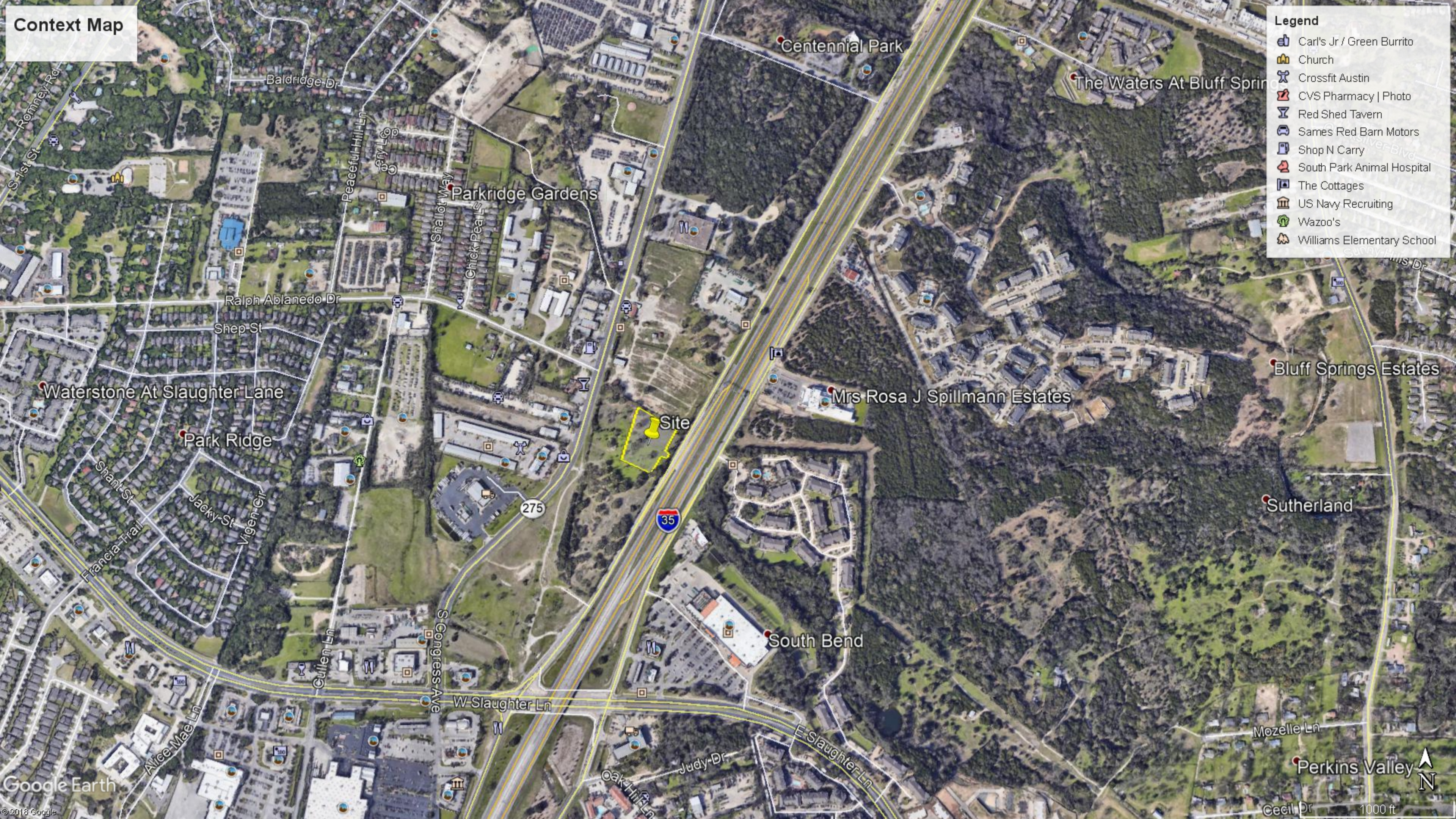
Regards,

Stantec Consulting Services Inc.



Joe Farias
Senior Project Manager, Civil
Direct: 512 469-5357
Fax: 512 328-0325
Joe.Farias@stantec.com

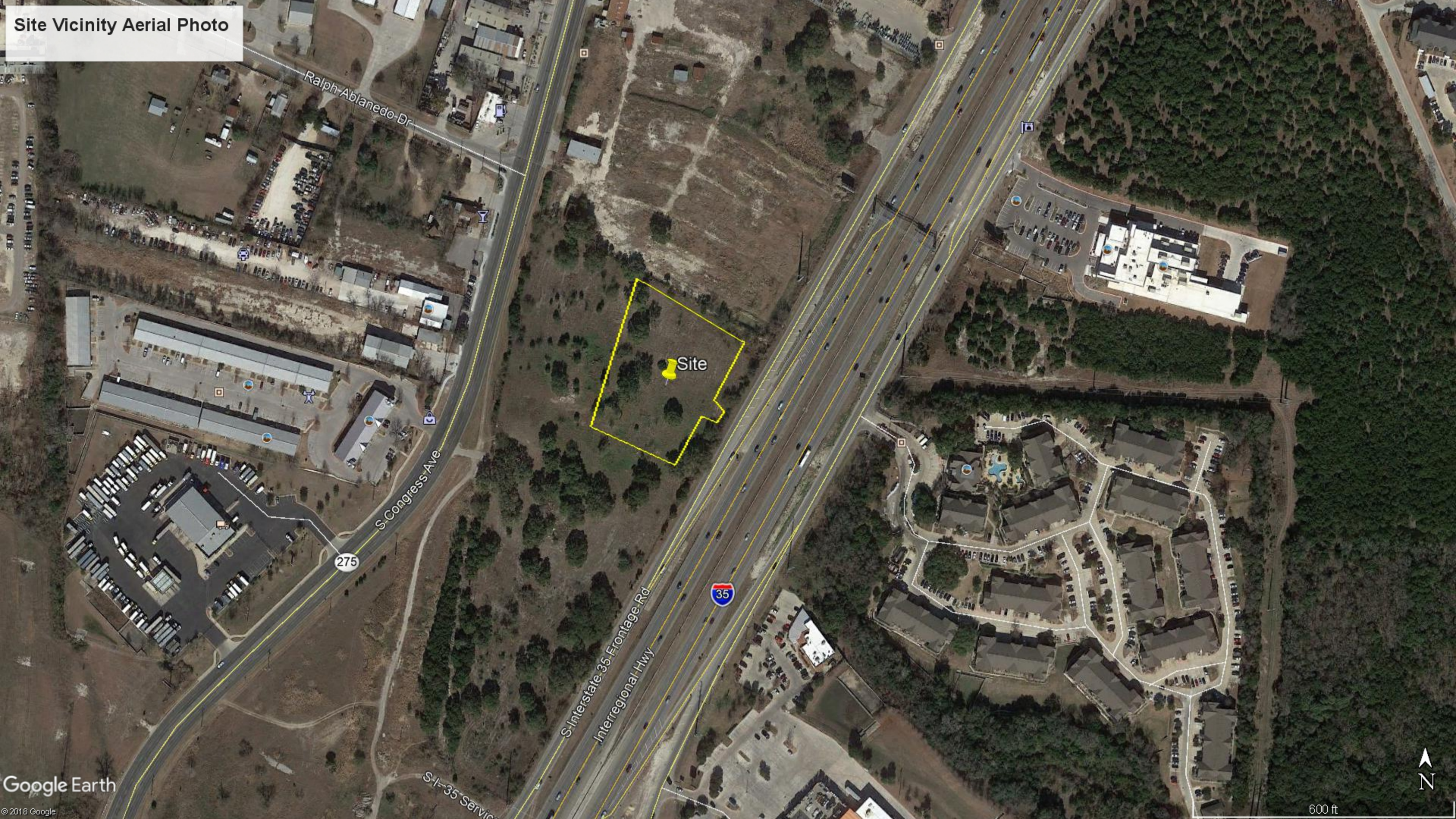
Applicant Exhibits



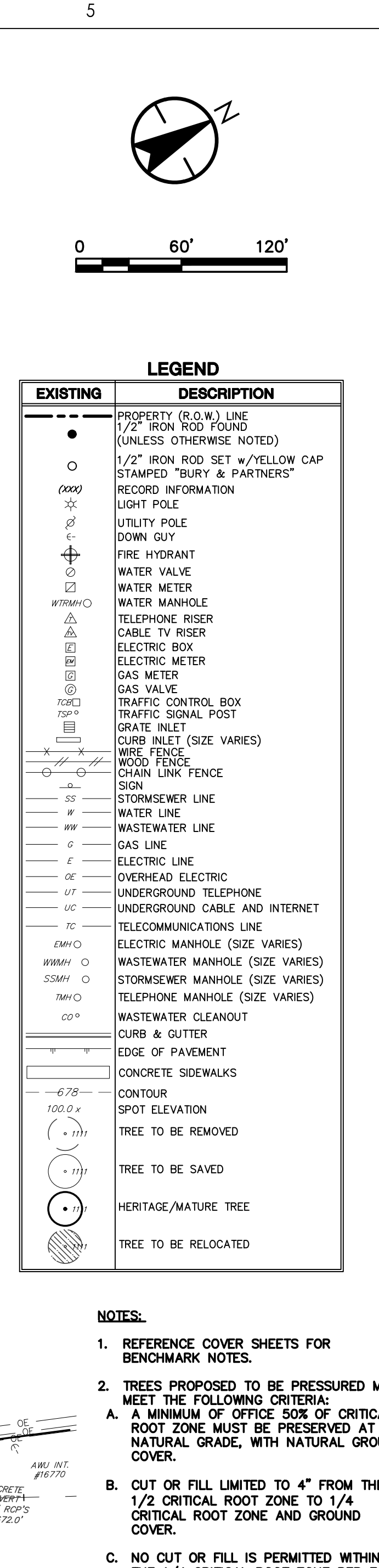
Context Map

- Legend**
- Carl's Jr / Green Burrito
 - Church
 - Crossfit Austin
 - CVS Pharmacy | Photo
 - Red Shed Tavern
 - Sames Red Barn Motors
 - Shop N Carry
 - South Park Animal Hospital
 - The Cottages
 - US Navy Recruiting
 - Wazoo's
 - Williams Elementary School





Site Vicinity Aerial Photo



NOTES:

1. REFERENCE COVER SHEETS FOR
BENCHMARK NOTES.
2. TREES PROPOSED TO BE PRESSURED MUST
MEET THE FOLLOWING CRITERIA:
 - A. A MINIMUM OF OFFICE SIDE OF CRITICAL
ROOT ZONE MUST BE PRESERVED AT
NATURAL GRADE, WITH NATURAL GROUND
COVER.
 - B. CUT OR FILL LIMITED TO 4" FROM THE
1/2 CRITICAL ROOT ZONE TO 1/4
CRITICAL ROOT ZONE AND GROUND
COVER.
 - C. NO CUT OR FILL IS PERMITTED WITHIN
THE 1/4 CRITICAL ROOT ZONE PER E
3.5.2, EGM APPENDIX V FIGURE 3-6.
3. REFERENCE FINAL PLAT FOR LINE PLACEMENT

NOTE:-
ALL RESPONSIBILITY FOR THE ADEQUACY OF THESE PLANS REMAINS WITH THE REGISTERED PROFESSIONAL ENGINEER WHO PREPARED THEM. IN APPROVING THESE PLANS, THE CITY OF AUSTIN MUST RELY UPON THE ADEQUACY OF THE WORK OF THE DESIGN ENGINEER.

THE LOCATION OF EXISTING UNDERGROUND AND OVERHEAD UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND AND OVERHEAD UTILITIES.

FOR CITY USE ONLY:

SITE PLAN APPROVAL Sheet 06 of 17

FILE NUMBER: 2019-050320 APPLICATION DATE: 01-23-2019

APPROVED BY COMMISSION ON: _____ UNDER SECTION 112 OF

CHAPTER 25-5, OF THE CITY OF AUSTIN CODE.

EXPIRATION DATE (25-5-81.1DC) _____ CASE MANAGER ROSEMARY AVAL

PROJECT EXPIRATION DATE (ORD.0970905-A) _____ DWP2 _____ DDZ _____

Director, Planning and Development Review Department

RELEASED FOR GENERAL COMPLIANCE: _____ ZONING: CS & U

Rev. 1 _____ Correction 1 _____

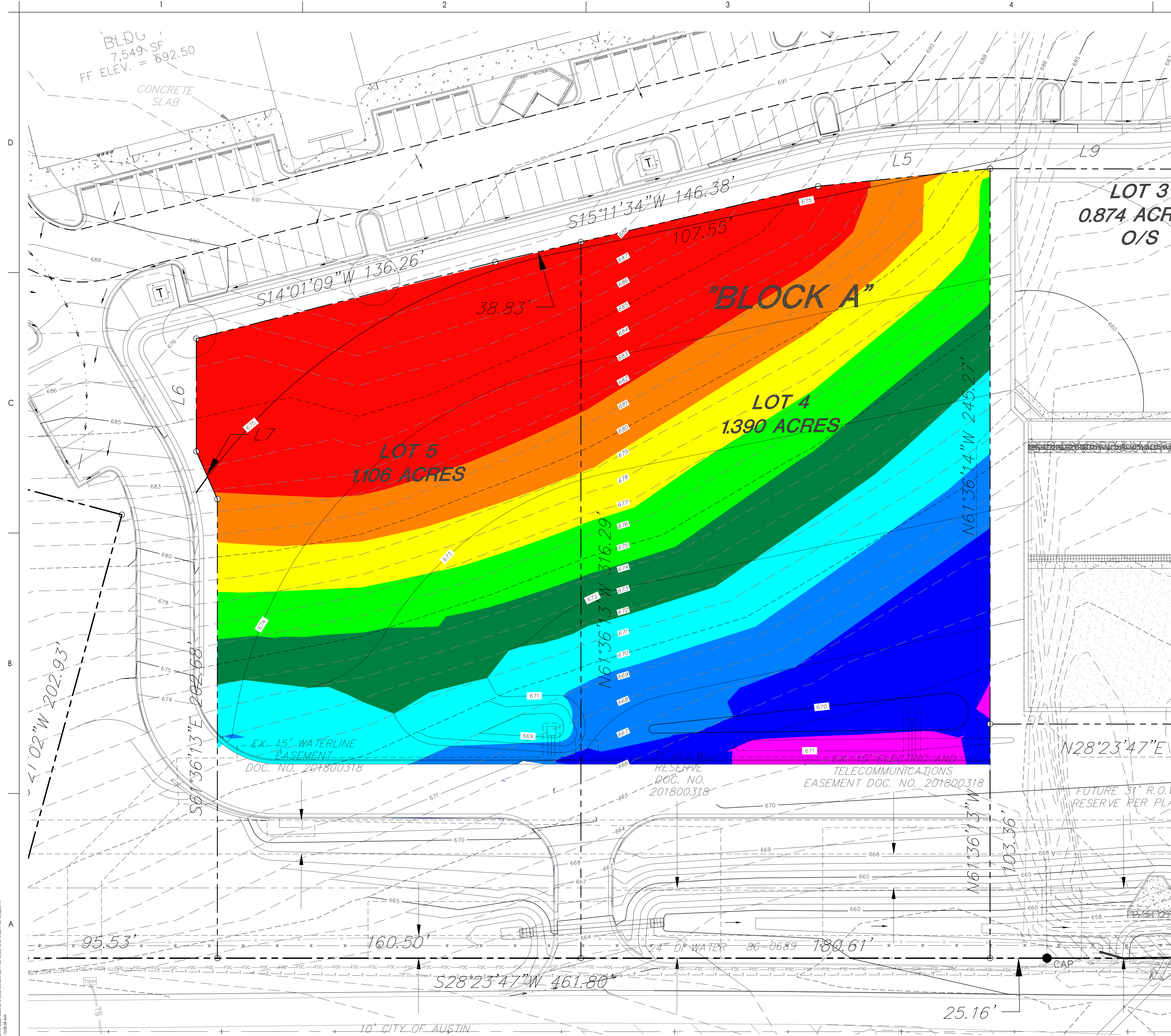
Rev. 2 _____ Correction 2 _____

Rev. 3 _____ Correction 3 _____

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

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2019-08-13 10:58:58 AM

ORIGINAL SHEET - ARCH D



Elevations Table			
Number	Minimum Elevation	Maximum Elevation	Color
CUT 1	BELOW -8.00	-8.000	Red
CUT 2	-8.000	-6.000	Orange
CUT 3	-6.000	-4.000	Yellow
CUT 4	-4.000	-2.000	Light Green
CUT 5	-2.000	0.000	Dark Green
FILL 6	0.000	2.000	Cyan
FILL 7	2.000	4.000	Blue
FILL 8	4.000	6.000	Dark Blue
FILL 9	6.000	8.000	Magenta
FILL 10	6.000	ABOVE 8.00	Black

CUT (Cu. Yd.)	FILL (Cu. Yd.)	NET (Cu. Yd.)
12,678.24	4271.11	8407.13 (FILL)

NOTE:
ALL RESPONSIBILITY FOR THE ADEQUACY OF THESE PLANS REMAINS WITH THE REGISTERED PROFESSIONAL ENGINEER WHO PREPARED THEM. IN APPROVING THESE PLANS, THE CITY OF AUSTIN MUST RELY UPON THE ADEQUACY OF THE WORK OF THE DESIGN ENGINEER.



THE LOCATION OF EXISTING UNDERGROUND AND OVERHEAD UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND AND OVERHEAD UTILITIES.

FOR CITY USE ONLY:

SITE PLAN APPROVAL Sheet ____ of 17
FILE NUMBER: SP-2019-00320 APPLICATION DATE: 01-23-2019
APPROVED BY COMMISSION ON: UNDER SECTION 112 OF CHAPTER 25-5, OF THE CITY OF AUSTIN CODE.
EXPIRATION DATE (25-5-81.LDC) CASE MANAGER ROSEMARY AVILA
PROJECT EXPIRATION DATE (ORD.#070805-A) DWPZ DDZ

Director, Planning and Development Review Department
RELEASED FOR GENERAL COMPLIANCE: ZONING: CS & LI

Rev. 1 Correction 1
Rev. 2 Correction 2
Rev. 3 Correction 3

FINAL PLAN 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 A BUILDING PERMIT IS NOT REQUIRED), MUST ALSO BE APPROVED PRIOR TO THE PROJECT EXPIRATION DATE.

Consultant

Permit/Seal

Client/Project
BARSHOP & OLES
COMPANY

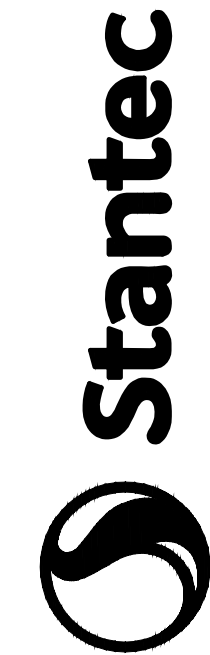
Project No.: 222010050
File Name: 2019-08-13_DPERMIT

AHM	JMF	JMF	2019-08-16
Dwn.	Dign.	Chkd.	2019-08-16

Title
CUT FILL ANALYSIS

Revision: Sheet: 1 of 1
Drawing No.

EXH



Stantec Consulting Services Inc.
1905 Airport Blvd., Suite 300
Austin, TX 78728-5544
Tel: (512) 328-0011
www.stantec.com
The Contractor shall verify and be responsible for all dimensions, and NO scale line shall be used for dimensions. The Contractor shall be responsible for the accuracy of the design and drawings and the property of Stantec. Reproduction or use for any purpose other than that authorized by Stantec is forbidden.

OAKS AT SLAUGHTER SITE IMPROVEMENTS
8517 1/2 SOUTH CONGRESS AVENUE

AUSTIN, TRAVIS COUNTY, TEXAS 78745