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SITE PLAN REVIEW SHEET ENVIRONMENTAL VARIANCE REQUEST ONLY

CASE: SP-2021-0169D ZAP COMMISSION DATE: June 7th, 2022

PROJECT NAME: Crossroads Logistics Center Additions

APPLICANT/AGENT: Stephen R. Jamison P.E., Jamison Civil Engineering, LLC

ADDRESS OF SITE: 8500 East Parmer Lane

COUNTY: Travis **AREA:** 63.66 acres

WATERSHED: Gilleland Creek **JURISDICTION:** ETJ

EXISTING ZONING: ETJ

PROPOSED DEVELOPMENT:

The applicant is proposing a commercial development with all associated improvements.

DESCRIPTION OF VARIANCES:

The applicant is requesting to vary from LDC 25-8-342 to allow fill over 4-feet up to 17-feet.

STAFF RECOMMENDATION:

The findings of fact have been met, and staff recommends approval with the following conditions per approved exhibit:

- Increase setback area by a minimum of 1.09 acre for existing CEF.
- Preserve trees/natural areas.
- Apply City of Austin Landscaping Ordinance on ETJ site.
- Increase tree inches on site/mitigation.
- Provide structural containment of fill with a retaining wall.

ENVIRONMENTAL COMMISSION ACTION:

May 18, 2022: With a 11-0 vote, the Environmental Commission recommends support of the request for a variance from LDC 25-8-342 with the aforementioned staff conditions.

ENVIRONMENTAL STAFF: Babatunde Daramola **PHONE:** 974-36316

 $\underline{Babatunde.Daramola@austintexas.gov}$

CASE MANAGER: Carlos Huizar **PHONE:** 974-1750

Carlos.Huizar@austintexas.gov

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ENVIRONMENTAL COMMISSION MOTION 20220518 004b

Date: May 18, 2022

Subject: Crossroads Logistics Center Additions, SP-2021-0169D

Motion by: Jennifer Bristol Seconded by: Perry Bedford

RATIONALE:

WHEREAS, the Environmental Commission recognizes the applicant is requesting to vary from LDC 25-8-342 to allow fill over 4 feet up to 17 feet.

WHEREAS, the Environmental Commission recognizes the site is located in the Gilleland Creek, Suburban watershed, Desired Development Zone.

WHEREAS, the Environmental Commission recognizes that staff recommends this variance, having determined the findings of fact to have been met.

THEREFORE, the Environmental Commission recommends the variance request with the following:

Staff Conditions:

- Increase setback area by a minimum of 1.09 acres for existing CEF.
- Preserve trees/natural areas.
- Apply City of Austin Landscaping Ordinance on ETJ site.
- Increase tree inches on-site/mitigation.
- Provide structural containment of fill with a retaining wall.

VOTE 11-0

For: Bedford, Qureshi, Scott, Thompson, Schiera, Barrett Bixler, Nickells, Bristol, Ramberg, Aguirre, Brimer

Against: None Abstain: None Recuse: None Absent: None B-9 3 of 24

Approved By:

Kevin Ramberg, Environmental Commission Chair

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ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION MEETING

5/18/2022

DATE:

NAME & NUMBER OF

PROJECT:

Crossroads Logistics Center Additions (SP-2021-0169D)

NAME OF APPLICANT OR

ORGANIZATION:

Crossroad Logistics Center Additions (Steve Jamison)

LOCATION: 8500 East Parmer Lane, Manor, Texas 78653

COUNCIL DISTRICT: ETJ

ENVIRONMENTAL Tunde Daramola, Environmental Review Specialist Senior, DSD,

REVIEW STAFF: 512-974-6316, Babatunde.Daramola@austintexas.gov

WATERSHED: Gilleland Creek Watershed, Suburban, Desired Development Zone

REQUEST: Variance request is as follows:

Request to vary from LDC 25-8-342 to allow fill over 4feet up to 17feet

STAFF Staff recommends this variance, having determined the findings of fact to

RECOMMENDATION: have been met.

STAFF CONDITIONS: • Increase setback area by a minimum of 1.09acre for existing CEF.

• Preserve trees/natural areas.

• Apply City of Austin Landscaping Ordinance on ETJ site.

• Increase tree inches on site/mitigation.

• Provide structural containment of fill with a retaining wall.

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Development Services Department Staff Recommendations Concerning Required Findings

Project Name: Crossroads Logistics Center Additions

Ordinance Standard: Watershed Protection Ordinance

Variance Request: To allow for fill exceeding 4 feet up to 17 feet for building

construction

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 variance will not be providing a special privilege to the applicant. The proposed buildings are similar in size to similarly situated property. In order to facilitate this type of development, significant levelling is required to enhance maneuverability into the loading docks, allowing trucks to operate safely on site.

The limits of the fill do extend beyond the building as shown in the cut/fill exhibit but is contained with a retaining wall structure designed in conjunction with the building walls, so the building is supported. Prior projects in this industrial development zone had a similar situation. A prime example is Park 183 Buildings 6 & 7, SP-2021-0072C. A Land Use Commission variance was granted to LDC 25-8-342 to allow cut and fill up to 17 feet.

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 industrial use for this project requires level loading docks, parking, and drive aisles. Existing site conditions necessitates additional fill for providing the required level fire lane and loading dock areas that require less than 4% grades. Effective accessibility to portions of the building would not be achievable without this variance.

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

Yes. There is significant fall across the property which poses challenges with cut/fill for a large single finished floor building. In order to facilitate this type of development, a minimum deviation from code to allow fill up to 17 feet is necessary. Structural containment will also be provided to contain and minimize the amount of fill.

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

Yes. The variance does not create a significant probability of harmful consequences. The variance is a minimum deviation from code to allow for reasonable use of the property. The fill will be minimized and structurally contained with a retaining wall. Retaining wall will also reduce the amount of sloping required to return to existing grade.

- 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 project is served by three water quality and detention ponds and one rain garden designed to treat this development. The development is compliant with current code.
- 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;

Yes / No n/a

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

Yes / No n/a

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

<u>Staff Determination</u>: Staff determines that the findings of fact have been met. Staff recommends the following conditions per approved exhibit:

• Increase setback area by a minimum of 1.09acre for existing CEF.

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- Preserve trees/natural areas.
- Apply City of Austin Landscaping Ordinance on ETJ site.
- Increase tree inches on site/mitigation.
- Provide structural containment of fill with a retaining wall.

Environmental Reviewer (DSD)

Date 4/07/2022

Tunde Daramola

Environmental Review Manager (DSD)

Mike McDougal

Date 4/08/2022

Deputy Environmental Officer (WPD)

Date 04/19/2022



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

April 6, 2022

Denise Lucas, Director

Development Services Department

City of Austin

P.O. Box 1088

Austin, Texas 78767

RE: Fill Variance Request Letter

Crossroads Logistics Center Additions

8500 East Parmer Lane

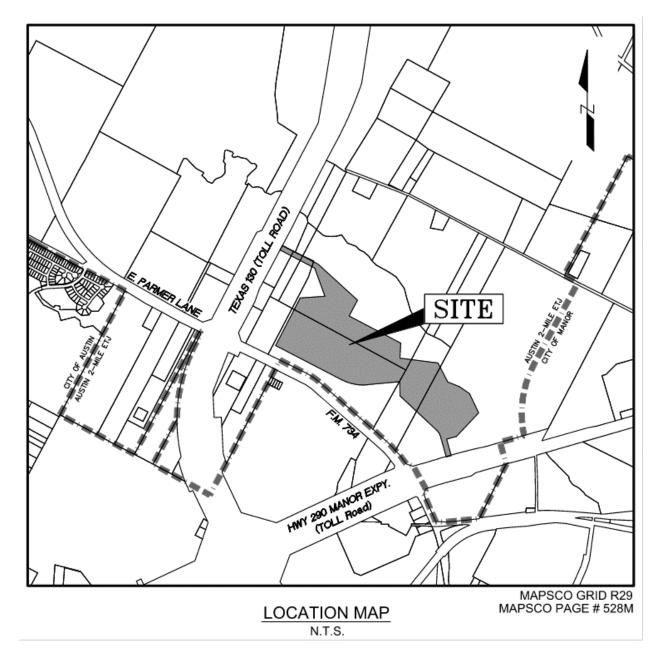
SP-2021-0169D

LDC 25-8-342 Fill Requirements

Dear Ms. Lucas:

On behalf of the owner, we are requesting a variance for fill in excess of four (4) feet for the proposed development of the Crossroads Logistics Center Additions site development permit (SP-2021-0169D) located at 8500 East Parmer Lane.

The subject project is located in the 2-mile Extraterritorial Jurisdiction (ETJ). The property is currently undeveloped and is located off Parmer Lane between SH 130 and US Hwy 290.



The applicant plans to develop four (4) office/warehouse buildings totaling 1,100,480 square feet, which includes three (3) water quality and detention ponds, one rain garden and all associated grading, paving, water, wastewater and drainage improvements. proposes to place new improvements on the property in a manner to minimize adverse impacts to the natural character of the property.

The site is in the Gilleland Creek Watershed, which is a Suburban Watershed. The subject tract is not located over the Edwards Aquifer Recharge Zone.

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April 5, 2022

With regard to the proposed variance, we respectfully suggest the following conditions be considered:

- 1. Increased setback area by a minimum of 1.09 acre for the existing CEF/Wetland feature
- 2. Preservation of trees and/or natural areas not already required to be preserved in the ETJ
 - o Saved 109.5 inches
- 3. Apply City of Austin Landscaping Ordinance on this ETJ site:
 - o Added 31 Street Yard Trees
 - o Added 34,245 sf of Landscape Islands/Medians/Peninsulas
 - o Added 303 Replacement Trees
- 4. Increase tree inches on site/mitigation:
 - o Added 776.0 inches total (771.0 inches required)
- 5. Added a retaining wall (522 lf) in the area adjacent to the maximum fill (17 feet).

The project requires leniency from the following code section:

Division 5. - Cut, Fill, and Spoil. § 25-8-342 - FILL REQUIREMENTS.

- (A) Fill on a tract of land may not exceed four feet of depth, except:
 - (1) in an urban watershed;
 - (2) in a roadway right-of-way;
 - (3) under a foundation with sides perpendicular to the ground, or with pier and beam construction;
 - (4) for construction of a water quality control or detention facility and appurtenances for conveyance such as swales, drainage ditches, and diversion berms, if:
 - (a) the design and location of the facility within the site minimize the amount of fill over four feet;
 - the fill is the minimum necessary for the appropriate functioning of the facility; and
 - the fill is not located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway;
 - (5) for utility construction or a wastewater drain field; or
 - (6) in a state-permitted sanitary landfill located in the extraterritorial jurisdiction, if:
 - (a) the fill is derived from the landfill operation;
 - (b) the fill is not placed in a critical water quality zone or a 100-year floodplain;
 - the landfill operation has an erosion and restoration plan (c) approved by the single office; and
 - (d) all other applicable City Code and County Code provisions are met.
- (B) A fill area must be restored and stabilized.
- Fill for a roadway must be contained within the roadway clearing width (C) described in Section 25-8-322 (Clearing For A Roadway).

The Land Development Code allows Land Use Commission Variances per the following:

Division 3. - Variances.

§ 30-5-41 - LAND USE COMMISSION VARIANCES

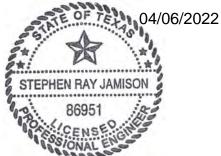
- (A) It is the applicant's burden to establish that the findings described in this Section have been met. Except as provided in Subsections (B) and (C), the land use commission may grant a variance from a requirement of this subchapter after determining that:
 - (1) the requirement will deprive the applicant of a privilege available to owners of other similarly situated property with approximately contemporaneous development subject to similar code requirements;
 - (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;
 - (b) is the minimum deviation from the code requirement necessary to allow a reasonable use of the property; and
 - (c) does not create a significant probability of harmful environmental consequences; and
 - (3) development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

The findings of fact concerning the need for the variance are outlined below.

We respectfully seek your consideration and support of this variance request. If you have any questions, please feel free to call our office at (737) 484-0880.

Stephen R. Jamison, P.E.

Jamison Civil Engineering LLC (TBPE Firm #F-17756)



PROJECT DESCRIPTION Applicant Contact Information

Name of Applicant	Stephen R. Jamison P.E., Jamison Civil Engineering, LLC		
Street Address	13812 Research Blvd. #B-2		
City State ZIP Code	Austin, Texas 78750		
Work Phone	737-484-0880		
E-Mail Address	steve@jamisoneng.com		
Variance Case Information			
Case Name	Crossroads Logistics Center Additions		
Case Number	SP-2021-0169D		
Address or Location	8500 East Parmer Lane		
Environmental Reviewer Name	Tunde Daramola		
Environmental Resource Management Reviewer Name			
Applicable Ordinance	Current Code		
Watershed Name	Gilleland Creek		
Watershed Classification	☐ Urban☐ Suburban☐ Water Supply Suburban☐ Barton Springs Zone		
Edwards Aquifer Recharge Zone	☐ Barton Springs Segment ☐ Northern Edwards Segment ☐ Not in Edwards Aquifer Zones		
Edwards Aquifer Contributing Zone	☐ Yes ☐ No		
Distance to Nearest Classified Waterway	+/- 370 feet to Gilleland Creek (Major) +/- 300 feet to Gilleland Creek Trib (Major)		
Water and Waste Water service to be provided by	Austin Water Utility		

Request	The variance request is as follows (Cite code references:
	LDC 25-8-342 Fill Requirements (17.0 feet)

Impervious cover	Existing	Proposed
Square Footage:	0 sf	2,773,496 sf
Acreage:	0.00 ac.	63.66 ac.
Percentage:	0.0%	61.1%
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 property has slopes that vary from 0% to 15%. The slope breakdown is as follows: 0-15% Slopes> 103.48 acres 15-25% Slopes> 0.67 acres 25-35% Slopes> 0.07 acres Over 35% Slopes> 0.01 acres The elevation ranges from a low point of 519.0' to a high point of 555.0'. The majority of the ground vegetation is typical hill country grasses/prairie/farmland in good condition due to a sparce tree cover. The majority of the existing soils consists of clays rang from Ferris-Heiden Complex, Heiden Clay and Houston Black Clay, (all Class D Hydrologic Group) No portion of the site contains any WQTZ, CEFs, or heritage trees on the property. A portion of this site is located within the fully developed 4% & 1% Annual Chance Flood Plain (25-Year & 100-Year) & CWQZ.	

Clearly indicate in what	The plan compiles with all current codes.
way the proposed project	
does not comply with	
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. Included below is an explanation alongside each applicable finding of fact.

Ordinance:

- A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:
 - 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 This area is a manufacturing corridor with two nearby projects that are similar in nature having been granted similar variances: Applied Materials Logistics Service Center (SP-2020-0321C) and Samsung (LI-PDA Ordinance 20201210-071). Additionally, similar variances were granted to the Crossroads Logistic Center's adjacent project (SP-2021-0015D).

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 Existing site conditions necessitate additional fill for providing the required level fire lane and loading dock areas that require less than 4% grades. A 75-foot gas easement and floodplain provide constraints that must be worked around. Additionally, we are increasing setbacks to a CEF and preserving natural areas.
- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;
- Yes The site is being graded from the front entrance to cause for the least amount of variance needed as possible.
- c) Does not create a significant probability of harmful environmental consequences.
- Yes No harmful environmental consequences result from the variance.

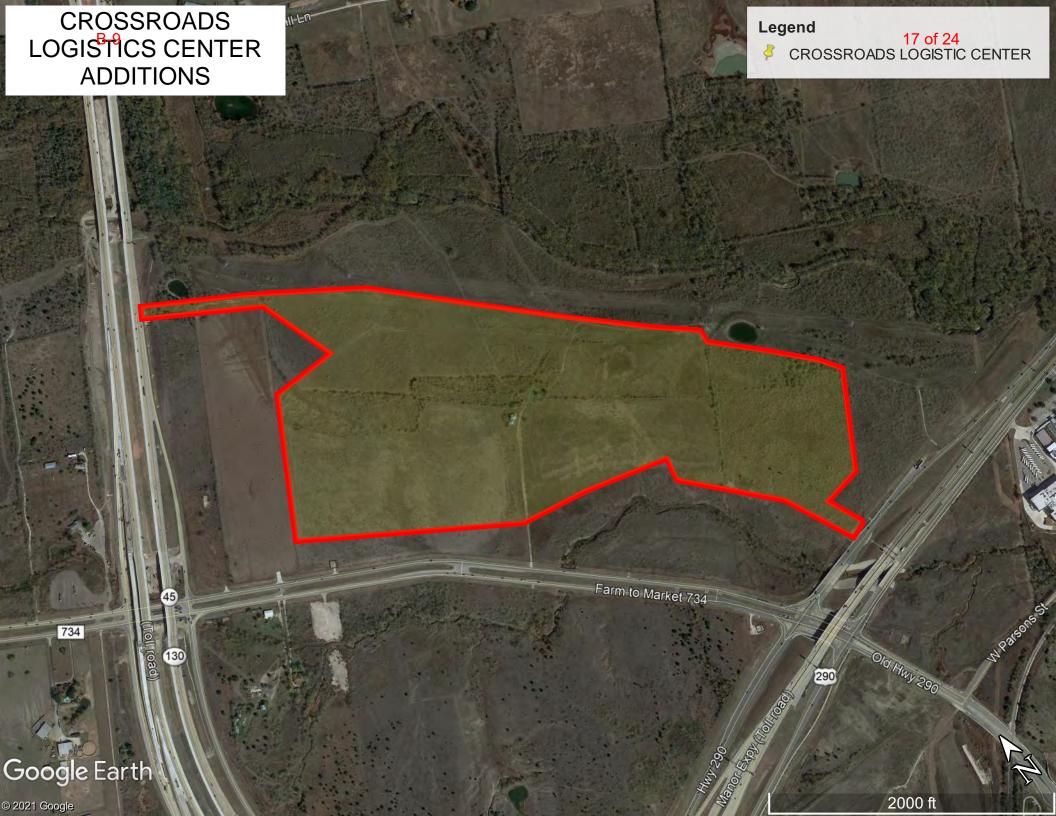
 Additionally, conditions are proposed to further protect the environment including increasing a CEF setback area by a minimum of 1.09 acre, preserving natural areas, planting additional trees/landscaping, and revegetation of site.

- 3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.
 - Yes The development is compliant with current code and will meet all water quality regulations.

^{**}Variance approval requires all above affirmative findings.

Exhibits for Commission Variance

- Aerial photos of the site
- Site photos
- Aerial photos of the vicinity
- Context Map—A map illustrating the subject property in relation to developments in the vicinity to include nearby major streets and waterways
- o Topographic Map A topographic map is recommended if a significant grade change on the subject site exists or if there is a significant difference in grade in relation to adjacent properties.
- For cut/fill variances, a plan sheet showing areas and depth of cut/fill with topographic elevations.
- Site plan showing existing conditions if development exists currently on the property
- Proposed Site Plan- full size electronic or at least legible 11x17 showing proposed development, include tree survey if required as part of site or subdivision plan
- Environmental Map A map that shows pertinent features including Floodplain, CWQZ, WQTZ, CEFs, Setbacks, Recharge Zone, etc.
- An Environmental Resource Inventory pursuant to ECM 1.3.0 (if required by 25-8-121)
- o Applicant's variance request letter



NUMBER MIN. ELEVATION MAX. ELEVATION AREA (Ac.) PERCENTAGE (%) 5.17 0.0 79.62 76.40 0.0 11.71 5.93 8.0 12.0 6.18 0.87 0.83 12.0 0.17 16.0 17.0 0.18 *TOTAL SITE AREA = 104.23 AC. MAXIMUM FILL = 17.0 FEET BUILDING 6 320' x 1,120' APPROX. 358,400 SF FFE = 544.0' BUILDING 5 210' x 1,008' PROX. 211,680 FFE = 549.0' SUILDING, 996' x 320' APPROX. 318,720 SF, FFE = 551.0' **EXHIBIT** FULLY DEVELOPED COA-25 YEAR FLOOD PLAIN 1% ANNUAL CHANCE FEMA FLOOD PLAIN 240' x 504' 8508 AUS FULLY DEVELOPED COA 100 YEAR FLOOD PLAIN FULLY DEVELOPED COA 25 YEAR FLOOD PLAIN PARMER LANE The seal appearing on this document was authorized by Stephen Ray Jamison on 3/25,2022 CAUTION!!!

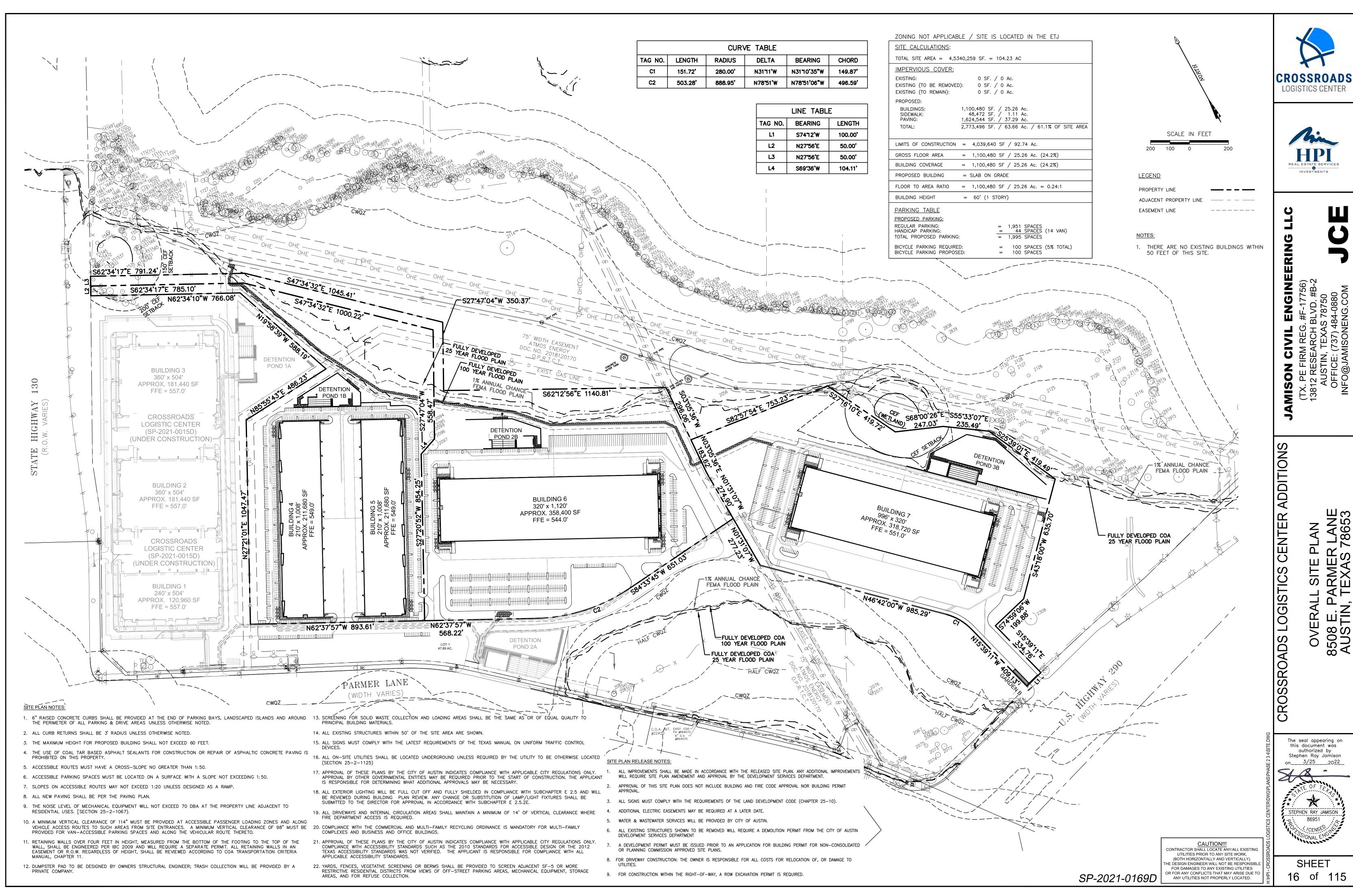
CONTRACTOR SHALL LOCATE ANY/ALL EXISTING
UTILITIES PRIOR TO ANY SITE WORK,
(BOTH HORIZONTALLY AND VERTICALLY).

THE DESIGN ENGINEER WILL NOT BE RESPONSIBLE
FOR DAMAGES TO ANY EXISTING UTILITIES
OR FOR ANY CONFLICTS THAT MAY ARISE DUE TO
ANY UTILITIES NOT PROPERLY LOCATED.

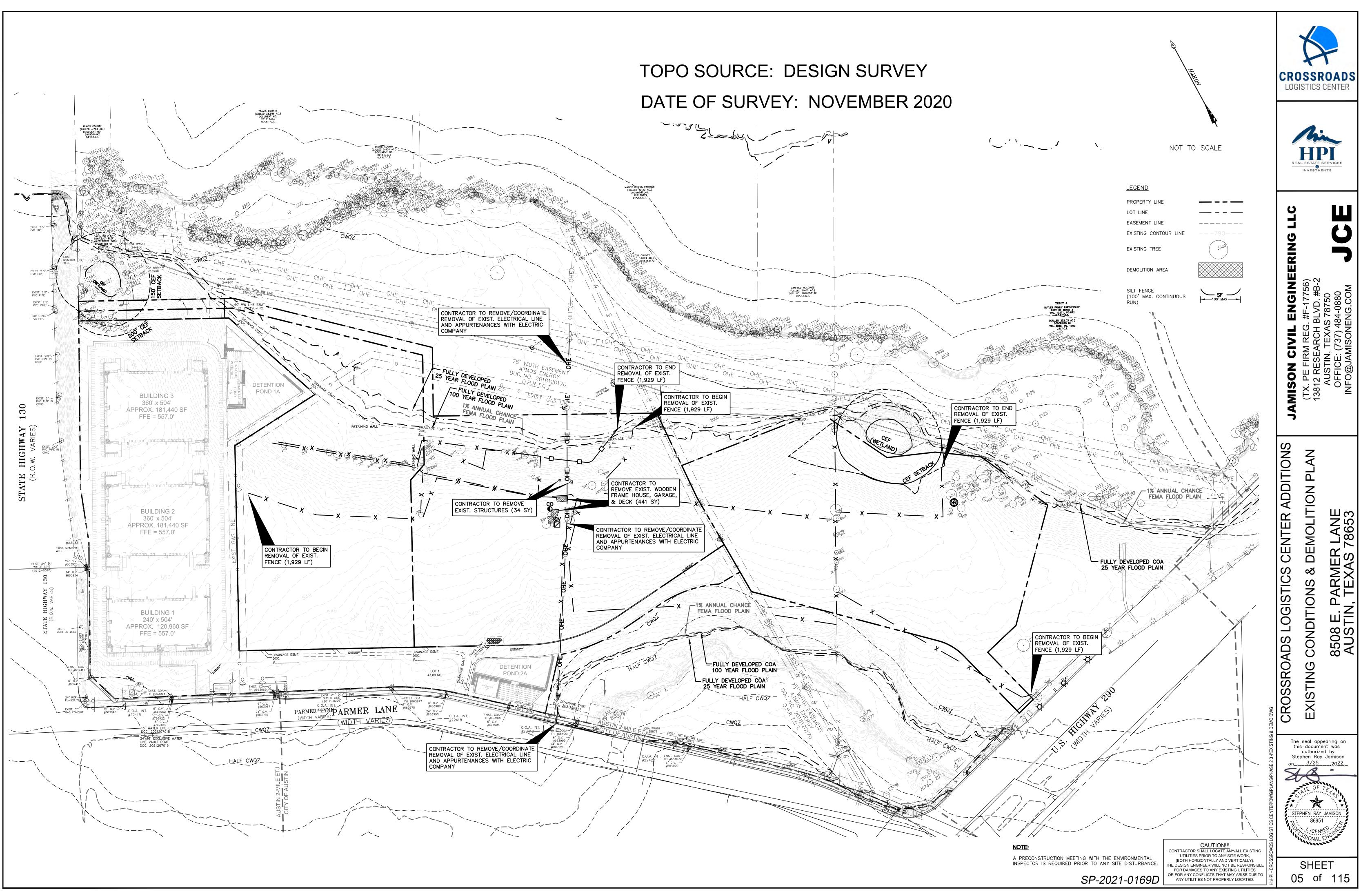
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INVESTMENTS 0.00 0.00 0.0% <u>LEGEND</u> 25-35% 0.00 0.00 PROPERTY LINE 25.26 38.40 0.0% LOT LINE Total Gross Site Area 104.23 Acres EASEMENT LINE EXISTING CONTOUR LINE EXISTING TREE **BUILDING 3** 360' x 504' APPROX. 181,440 SF FFE = 557.0' LOGISTICS CENTER ADDITI BUILDING 2 360' x 504' APPROX. 181,440 SF FFE = 557.0' BUILDING 6 320' x 1,120' APPROX. 358,400 SF FFE = 544.0' FULLY DEVELOP 25 YEAR FLOO -1% ANNUAL CHANCE FEMA FLOOD PLAIN 240' x 504' APPROX. 120,960 SF 8508 AUS FULLY DEVELOPED COA 100 YEAR FLOOD PLAIN FULLY DEVELOPED COAX 25 YEAR FLOOD PLAIN this document was authorized by Stephen Ray Jamison on 3/25,2022 TOPO SOURCE: CITY OF AUSTIN 2' CONTOURS

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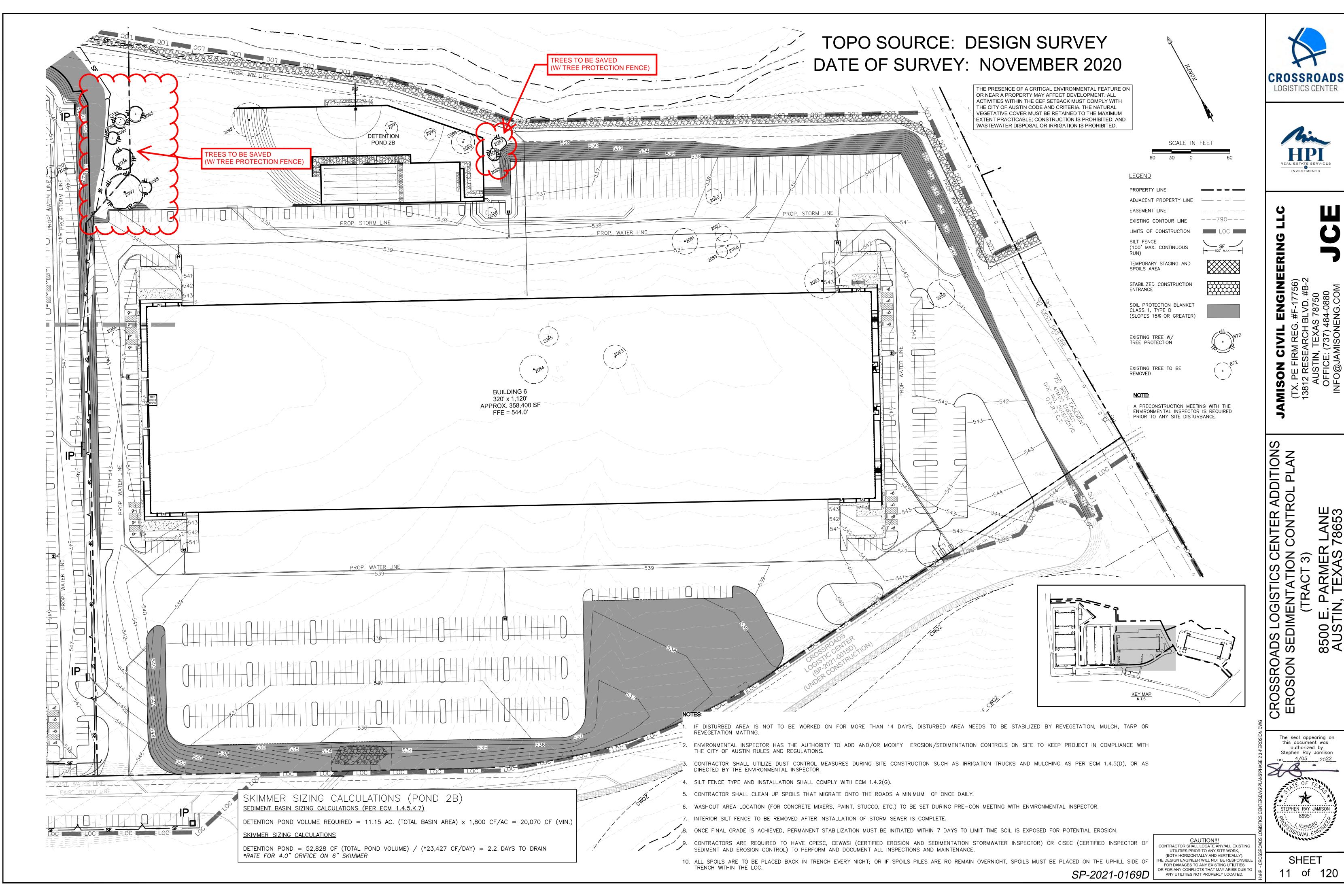
CAUTION!!!

CONTRACTOR SHALL LOCATE ANY/ALL EXISTING
UTILITIES PRIOR TO ANY SITE WORK,
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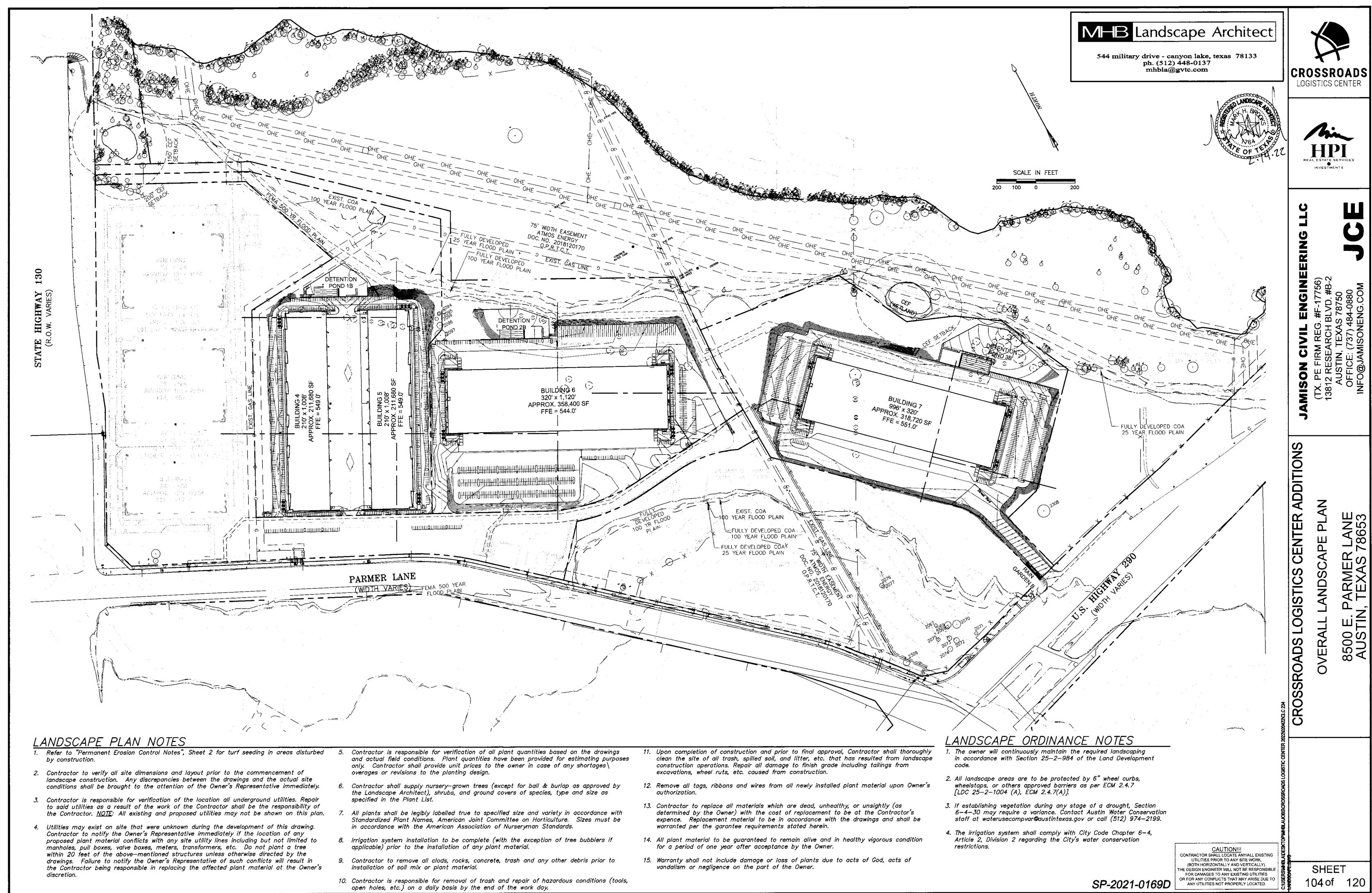
THE DESIGN ENGINEER WILL NOT BE RESPONSIBLE
FOR DAMAGES TO ANY EXISTING UTILITIES
OR FOR ANY CONFLICTS THAT MAY ARISE DUE TO
ANY UTILITIES NOT PROPERLY LOCATED.

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