

**SITE PLAN REVIEW SHEET
ENVIRONMENTAL VARIANCE REQUEST ONLY**

CASE: SP-2023-0032C

ZAP DATE: October 3, 2023

PROJECT NAME: Estancia Phase 11 Condos

APPLICANT: KB Home Lone Star Inc.

AGENT: Kimley-Horn, Kelechi Madubuko

ADDRESS OF SITE: 830 Estancia Parkway

COUNTY: Travis

AREA: 71.14 acres

WATERSHED: Onion Creek

JURISDICTION: Limited Purpose

EXISTING ZONING: PUD

PROPOSED DEVELOPMENT:

The applicant is proposing 262 condominium units with associated improvements.

DESCRIPTION OF VARIANCES:

The development proposes variances from LDC 25-8-341 for cut greater than 4 feet on slopes greater than 15% and LDC 25-8-342 for fill greater than 4 feet on slopes greater than 15%

STAFF RECOMMENDATION:

Approval with the following conditions:

- 1) Ponds onsite will be biofiltration ponds,
- 2) Plant 50% more trees than required by landscape code,
- 3) Retaining wall, 609S seeding/planting, and erosion control matting in areas of steep slopes behind lots

ENVIRONMENTAL BOARD ACTION:

September 6, 2023: With a 9-0 vote, the Environmental Commission recommends support of the request, with staff conditions.

ENVIRONMENTAL REVIEW STAFF:

Mel Fuechec

mel.fuechec@austintexas.gov

PHONE: 512-974-3036

CASE MANAGER:

Jennifer Bennett

jennifer.bennett@austintexas.gov

PHONE: 512-974-9002



ENVIRONMENTAL COMMISSION RECOMMENDATION 20230906-002

Date: September 6, 2023

Subject: Estancia Phase 11 Condos SP-2023-0032C

Motion by: Jennifer Bristol

Second by: David Sullivan

WHEREAS, the Environmental Commission recognizes the applicant is requesting to vary from LDC 25-8-341 to allow cut greater than 4 feet on slopes greater than 15% and from LDC 25-8-342 to allow fill greater than 4 feet on slopes greater than 15%; and

WHEREAS, the Environmental Commission recognizes the site is located in District 5 and the Onion Creek, Suburban Watershed, Desired Development Zone; and

WHEREAS, the Environmental Commission recognizes staff recommends this variance because the findings of fact have been met with the following conditions:

1. Ponds onsite will be biofiltration ponds
2. Plant 50% more trees than required by landscape code
3. Retaining wall, 609S seeding/planting, and erosion matting in areas of grading on steep slopes behind lots

THEREFORE, the Environmental Commission recommends the variance.

Vote: 9-0

For: Jennifer Bristol, Perry Bedford, Richard Brimer, Hanna Cofer, Peter Einhorn, Colin Nickells, Haris Qureshi, Melina Schiera, David Sullivan

Against: None

Abstain: None

Absent: Kevin Ramberg, Mariana Krueger

Attest:

Elizabeth Funk, Environmental Commission Liaison



Development Services Department
Staff Recommendations Concerning Required Findings

Project Name:	Estancia Phase 11 Condos
Ordinance Standard:	Watershed Protection Ordinance
Variance Request:	Request to vary from LDC 25-8-341 to allow cut from 4 to 8 feet on slopes greater than 15% and from LDC 25-8-342 to allow fill from 4 to 8 feet on slopes greater than 15% in the desired development zone.

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 adjacent properties, which are part of the same PUD agreement, are developed in a similar condo/residential style and at a similar unit density.

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 method to develop the property is a typical method used on properties throughout the City and on the properties adjacent to this project. The current design proposal may provide greater overall environmental protection than is achievable without this variance by installing 2 biofiltration ponds, 50% more trees than required by landscape code, and a retaining wall, 609S native seeding/planting, and erosion matting in the area of steep slopes behind lots.

- 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; and

Yes / No The regulatory history of this property should be noted. The Estancia Hill Country PUD as well as Preliminary Plan C8J-2009-0142.01 both adjust code to allow for increased grading and increased development on steeper slopes. The preliminary plan allows for grading up to 14 feet for pond construction and grading up to 8 feet throughout. The PUD stipulates that parking, driveways, and ROWs may be constructed on slopes up to 25%. However, the code adjustments do not specifically address grading which occurs on steep slopes. These grading scenarios are as follows: 1) To construct the project with the pond locations agreed upon in the preliminary plan, some grading over 4 feet on slopes over 15% is required. 2) A portion of the scope of this variance request is to construct a driveway on slopes greater than 15% utilizing a small amount of grading over 4 feet. Efforts have been taken to realign the roadways in order to avoid this situation to the extent practicable. 3) The rest of the grading over 4 feet which is also on slopes greater than 15% is to allow for the construction of ~6 condo units.

The design history should also be noted. The applicant originally proposed 295 residential lots/units. The applicant redesigned the site to reduce the magnitude of the requested variances. The applicant now proposes 264 residential lots/units. In addition, the watershed

impervious cover limit on this property is 70%. The applicant has reduced the proposed impervious cover to 56.39% due in part to the effort to reduce the magnitude of the requested variances.

The only grading greater than 8 feet is to construct the pond in order to contain the necessary stormwater volume.

The current design represents 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.

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

Yes / No The project does not create a significant probability of harmful environmental consequences. Stormwater from the project will drain to two biofiltration ponds, and retaining walls, native revegetation, and erosion matting is being installed in areas of grading on steep slopes to reduce potential erosion.

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 Stormwater from the project will drain to two biofiltration ponds, and wetland mitigation has been approved by the COA wetland biologist. More than the minimum required tree plantings are proposed, and efforts will be taken to mitigate erosion and enhance native vegetation in steep areas.

The Land Use Commission may grant a variance from a requirement of Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), after determining that:

- B. Additional Land Use Commission variance determinations for a requirement of Article 7, Division 1 (Critical Water Quality Zone Restrictions):

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

NA

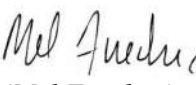
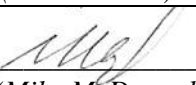
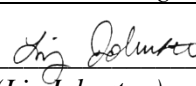
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;

NA

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

NA

Staff Determination: Staff determines that the findings of fact have been met. Staff recommends the following conditions:

Environmental Reviewer (DSD)	 (Mel Fuechec)	Date: 8/8/23
Environmental Review Manager (DSD)	 (Mike McDougal)	Date: 8/8/23
Deputy Environmental Officer (WPD)	 (Liz Johnston)	Date 8/22/23



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Kelechi Madubuko
Street Address	10814 Jollyville Rd, Avallon IV, Suite 200
City State ZIP Code	Austin, TX 78759
Work Phone	5126462250
E-Mail Address	kelechi.madubuko@kimley-horn.com

Variance Case Information

Case Name	SP-2021-0637C
Case Number	
Address or Location	830 Estancia Parkway
Environmental Reviewer Name	Mel Fuechec
Environmental Resource Management Reviewer Name	
Applicable Ordinance	
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	
Water and Waste Water service to be provided by	AWU
Request	The variance request is as follows (Cite code references:

Impervious cover	Existing	Proposed
square footage:	<u>0</u>	<u>1,512,515</u>
acreage:	<u>0</u>	<u>34.72</u>
percentage:	<u>0</u>	<u>36.10%</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>We are developing a 264 unit condo project off of I-35 and Estancia Parkway. The property is in the Estancia Hill Country PUD. The total site area is about 96.17 acres and elevations go from 580 to 714. The site has a large tree count, 3 CEF buffers, and some floodplain running along the western boundary.</p>	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	This project is proposing cut over 4 feet on 15% slopes and fill over 4 feet on 15% slopes.
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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:

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 With the amount of elevation change on site, we believe we are not able to develop the same way the comparable adjacent properties were able to. For example SP-2018-0326C was able to achieve a gross density of 5.41 lots per acre. Estancia Phase 11 is zoned exactly the same as the comparable site and has the exact same impervious cover limitations as well. Estancia Phase 11 was initially proposed to achieve a 4.27 lot per acre density. In order to reduce the scope and scale of the project to achieve minimum deviation from code, the project now produces a gross density of 2.74 lots per acre. The initial site plan had 411 lots, and site plan as submitted to the City of Austin had 295 lots. The updated iteration further reduces the lot count and now contains 264 lots.

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;

April 12, 2022

Yes / No The Engineer/Developer/City of Austin have been through multiple iterations of the site with consideration given to tree preservation, cut/fill limitations, and now construction on slopes. Considering the difficult topography of this site, we question whether any other layout, scale or use would be feasible without this variance. The Western portion of the property has been completely reimagined and redesigned to achieve a plan that does not require an LUC variance. Limiting the scope of the Land Use Commission variance to the center portion of the site represents the minimum deviation from code to provide reasonable use of the property. Additionally, the proposed Land Use Commission variance land plan allows the development to save 5 additional Heritage Trees that were previously proposed to be removed.

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

Yes / No The minimum deviation from code is required to construct Water Quality Pond B1. Otherwise, it could not be constructed in the location approved in the Preliminary Plan (C8J-2009-0142.01). The eastern area included in the LUC variance also represents the minimum variation from the code to provide reasonable use of the property. There are two fire access points required to access the North portion of the property. Without the LUC variance, 7 lots fronting the fire access road would need to be removed. Given the substantial decrease in scope and scale on the Western portion of the property, additional lots lost in the area where we are requesting the LUC variance is excessive.

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

Yes / No No additional harmful impacts of the proposed variance are anticipated. The reduction in Heritage Tree removal and preservation of additional open space will help to further stabilize the site and limit and adverse impacts.

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 We don't anticipate any major changes in water quality treatment with the variance. The water quality facility will still be proposed and there won't be any adverse effects to the plan.

- 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):

April 12, 2022

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

Yes / No [provide summary of justification for determination]
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;

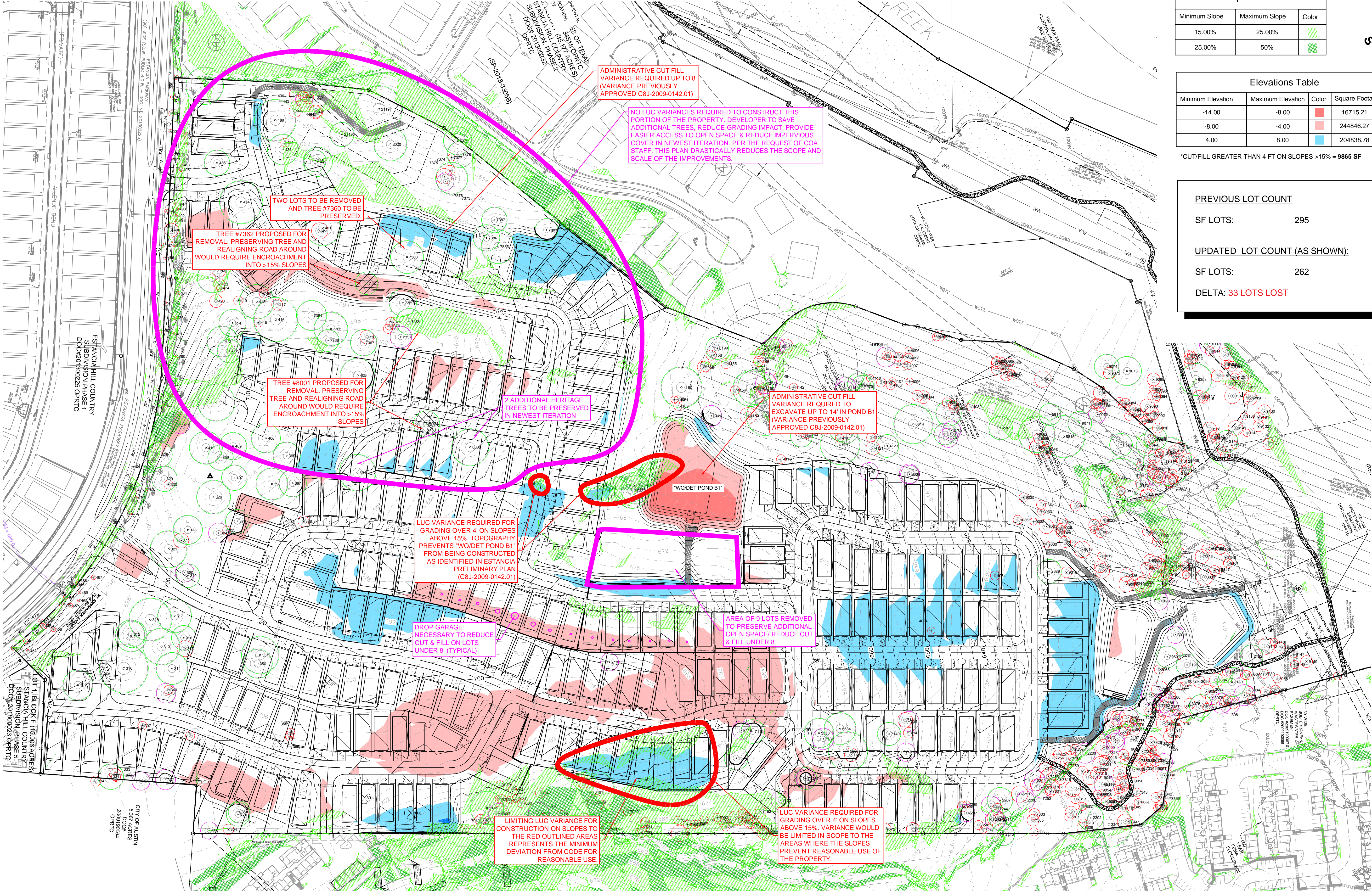
Yes / No [provide summary of justification for determination]
3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

Yes / No [provide summary of justification for determination]

**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
- 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, CWOZ, WQTZ, CEFs, Setbacks, Recharge Zone, etc.
- An Environmental Resource Inventory pursuant to ECM 1.3.0 ([if required by 25-8-121](#))
- Applicant's variance request letter



Slopes Table		
Minimum Slope	Maximum Slope	Color
15.00%	25.00%	
25.00%	50%	

Elevations Table			
Minimum Elevation	Maximum Elevation	Color	Square Footage
-14.00	-8.00		16715.21
-8.00	-4.00		244846.27
4.00	8.00		204838.78

*CUT/FILL GREATER THAN 4 FT ON SLOPES >15% = 9865 SF

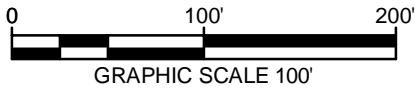
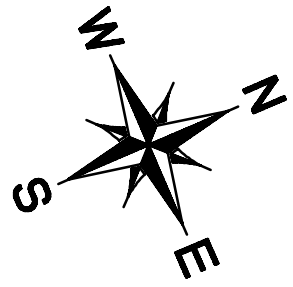
PREVIOUS LOT COUNT

SF LOTS: 295

UPDATED LOT COUNT (AS SHOWN):

SF LOTS: 262

DELTA: 33 LOTS LOST



LEGEND

PROPERTY LINE (PL)

ADJACENT PL

BENCHMARK

EASEMENT LINE

EXISTING DEAD/SICK TREE

0.5 CRZ

EXISTING PROTECTED TREE

0.5 CRZ

EXISTING HERITAGE TREE

0.5 CRZ

EXISTING TREE TO BE REMOVED

0.5 CRZ

Estancia Phase 11 Condos

Cut/Fill & Slopes Exhibit

Austin, Texas
October 2022



10814 Jollyville Road
Campus IV, Suite 200
Austin, TX 78759
512-418-1771
State of Texas Registration No. F-928



April 29, 2021

City of Austin
Planning and Development Review Department
505 Barton Springs Road, Suite 1350
Austin, TX 78704

RE: *Engineering Summary Letter*
Estancia Phase 11 Condos
Manchaca, Texas 78652

To Whom It May Concern:

Please accept this Summary Letter for the above referenced SITE PLAN APPLICATION. The proposed Estancia Phase 11 development is located northwest of IH 35 and Camino Vaquero Pkwy., Manchaca, TX, in Travis County. The existing property is approximately 71.14 acres and is currently undeveloped.

The proposed development will include 1 multifamily (condominium regime single-family) lot. Improvements will include the required water, wastewater, drainage, roadway, detention and water quality improvements, which will be finalized with the site plan. This site is part of the Estancia Hill Country Planned Unit Development (PUD) located in the Austin Limited Purpose jurisdiction.

This project is located in the Onion Creek Watershed, which is classified as a Suburban Watershed within the Desired Development Zone. Portions of this site are in the Federal Emergency Management Agency's 500-year floodplain according to FEMA Firm No. 48453C0595K effective January 22, 2020. The site is not located within the Edwards Aquifer Recharge Zone according to the City of Austin GIS.

An Environmental Resource Inventory performed by Horizon Environmental Services, Inc. located 3 Critical Environmental Features (CEFs) on the property. A portion of the property is located in the Critical Water Quality Zone Buffer.

A Traffic Impact Analysis has been approved and agreements are in place for both city and county for mitigation measures.

Please see the attached application package for your review. Should you have any questions or require additional information, please contact me at 512-782-0602 or alex.granados@kimley-horn.com.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Alex Granados, P.E.
Project Manager
TBPE F-928

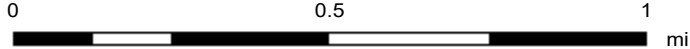


04/29/2021



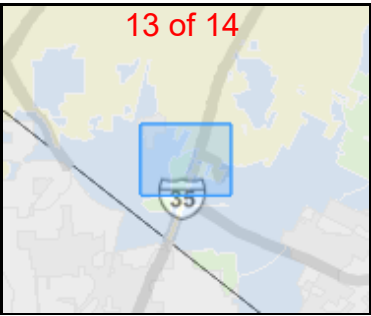
Property Profile

Staff Zoning Map



9/19/2023

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. This product has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



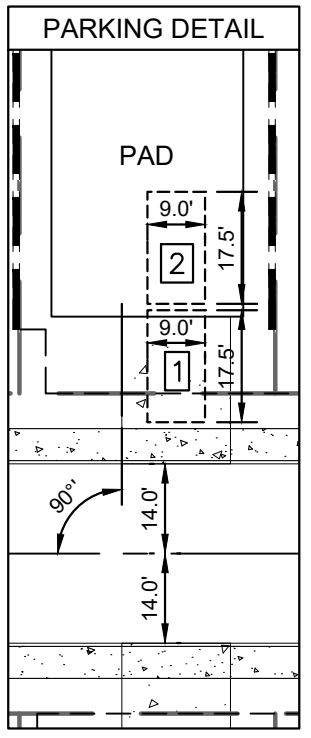
Legend

- Property
- Jurisdictions (No Fill)
- FULL PURPOSE
 - LIMITED PURPOSE
 - EXTRATERRITORIAL JURISDICTION
 - OTHER CITY LIMITS
- Jurisdictions Fill
- Jurisdiction
- FULL PURPOSE
 - LIMITED PURPOSE
 - EXTRATERRITORIAL JURISDICTION
 - OTHER CITY LIMITS
- Zoning 1
- Zoning Text

Notes

SP-2023-0032C - Estancia Phase 11 Condos

Plotted By: Modubuko, Kelechi Date: August 11, 2023 03:50:04pm File Path: K:\AUS_Civil\061125002-ESTANCIA PHASE 11 KB HOMES\CD\PlanSheets\0-Site Plan.dwg
This document, together with the concepts and designs presented herein, as an instrument of service, 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.



- SITE PLAN LEGEND**
- PROPERTY LINE
 - PHASE LINE
 - ROAD CENTERLINE
 - PROPOSED CURB
 - PROPOSED LOT LINE
 - PROPOSED 5' SIDEWALK
 - PUBLIC UTILITY EASEMENT
 - CITY OF AUSTIN LIMITS
 - CITY OF AUSTIN FULLY DEVELOPED 100-YR FP
 - CITY OF AUSTIN FULLY DEVELOPED 25-YR FP
 - EXISTING 100-YR ATLAS 14 FP
 - DRAINAGE EASEMENT

- ROLL-OUT BIN NOTES:**
- TRASH CONTAINERS SHALL NOT BE LEFT AT CURB SIDE UNATTENDED. SIGNS MUST BE POSTED ON THE BUILDING OR AT A LOCATION THAT IS PUBLICLY VISIBLE INDICATING THAT TRASH CONTAINERS MAY NOT BE LEFT AT CURB SIDE. THE SIGN SHALL INDICATE THE CITY OF AUSTIN'S CODE ENFORCEMENT PHONE NUMBER FOR THE PUBLIC TO REPORT VIOLATIONS.
 - A RESTRICTIVE COVENANT MAY BE REQUIRED FOR ENFORCEMENT PURPOSES.
 - SERVICE COMMITMENT FROM A COMMERCIAL TRASH SERVICE MUST BE PROVIDED INDICATING THEY CAN PROVIDE SERVICE. THE LETTER SHOULD ADDRESS THE MINIMUM CLEARANCE REQUIREMENT FOR THE SERVICE VEHICLES.



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

BENCHMARK LIST: NAVD88 - OPUS
BM #2050 - TOP FIRE HYDRANT BOLT SHOT AT SOUTH BOUNDARY LINE ALONG CURVE
- ELEV = 691.104' (NAVD88)

ESTANCIA PHASE 11 CONDOS			
CONSOLIDATED SITE PLAN			
TOTAL LOT AREA	==	71.16 AC = 3,099,729.6 SF	
ZONING	==	PUD (GR-MU)	
PROPOSED USE	==	CONDOMINIUM	
ESTANCIA HILL COUNTRY PUD			
ALLOWABLE IMPERVIOUS COVER	==	70% = 49.81 AC = 2,169,811 SF	
MAX FAR	==	1:1	
ALLOWABLE HEIGHT	==	60 FEET	
SITE TOTAL			
LIMIT OF CONSTRUCTION	==	49.94 AC = 2,175,295.8 SF	
TOTAL IMP COVER	==	34.32% = 24.42 AC = 1,063,748.2 SF	
BLDG COVERAGE	==	19.08% = 13.58 AC = 591,390 SF	
PARKING/DRIVES/SIDEWALKS	==	6.85% = 4.87 AC = 212,177.55 SF	
GROSS FLOOR AREA TOTAL	==	27.16 AC = 1,183,089 SF	
PROP FAR	==	0.28:1	
MAX BUILDING HEIGHT	==	25 FEET (2 STORIES)	
PROPOSED DENSITY	==	3.71 UNITS/ACRE	
TOTAL UNITS	==	262	
OPEN SPACE	==	30.53 % = 21.72 AC = 946,248 SF	
AREA OF DISTURBANCE	==	49.94 AC	
FOUNDATION TYPE	==	SLAB	
FINISHED FLOOR ELEVATION (FFE)	==	MAX: 711 FT / MIN: 633 FT	
LUE COUNT (1 LUE/UNIT)	==	262	

ZONING: NONE
LAND USE: MULTIFAMILY

54.2 ACRES
(SAVE AND EXCEPT 8 ACRES)
TRAVIS MIZPAH, LTD
VOLUME 13074, PAGE 568

SITE PLAN APPROVAL SHEET ___ OF 141
FILE NUMBER: **SP-2023-0032C** APPLICATION DATE: **02/08/2023**
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 **J. BENNETT**
PROJECT EXPIRATION DATE (ORD.#970905-A) _____ DWPZ _____ DDZ _____

Director, Development Services Department
RELEASED FOR GENERAL COMPLIANCE: _____ ZONING **PUD**
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.

Kimley»Horn

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10814 JOLLYVILLE ROAD, AVALON IV, SUITE 200, AUSTIN, TX 78759
PHONE: 512-418-1771 FAX: 512-418-791
WWW.KIMLEY-HORN.COM
TEXAS REGISTERED ENGINEERING FIRM F-928

06/27/2022

STATE OF TEXAS
ALEJANDRO E. GRANADOS RICO
130084
LICENSED PROFESSIONAL ENGINEER
Alejandro E. Granados Rico

KHA PROJECT 061125002
DATE JUNE 2023
SCALE: AS SHOWN
DESIGNED BY: AGD
DRAWN BY: SFC
CHECKED BY: AEC

OVERALL SITE PLAN

ESTANCIA PHASE 11 CONDOS
830 ESTANCIA PARKWAY
CITY OF AUSTIN
TRAVIS COUNTY, TEXAS

SHEET NUMBER
16 OF 141

SP-2023-0032C