



ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION MEETING DATE: May 15, 2024

NAME & NUMBER OF PROJECT: **3 MEN MOVERS SP-2023-0294C**

NAME OF APPLICANT OR ORGANIZATION: **HOLLIS SCHEFFLER – WESTWOOD PROFESSIONAL SERVICES**

LOCATION: 9989 E US 290 Hwy Service Road EB, Austin, TX 78744

COUNCIL DISTRICT: District #1

ENVIRONMENTAL REVIEW STAFF: Ryan Soutter, Environmental Review Specialist Senior, Development Services Department, (512) 974-1665, ryan.soutter@austintexas.gov

WATERSHED: Gilleland Creek Watershed, Suburban, Desired Development Zone

REQUEST: Variance requests are as follows:

1. Request to vary from LDC 25-8-301 to allow driveway construction on slopes greater than 15%;
2. Request to vary from LDC 25-8-302 to allow building and parking construction on slopes over 15%;
3. Request to vary from LDC 25-8-341 to allow cut up to 12 feet; and
4. Request to vary from LDC 25-8-342 to allow fill up to 15 feet.

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

STAFF CONDITION:

- Terrace and vegetate steep slopes.
- Provide enlarged parking lot islands (3) that are approximately 17 feet wide for improved tree growth.
- Provide enhanced tree mitigation (5 additional trees).



Development Services Department
Staff Recommendations Concerning Required Findings

Project Name: 3 Men Movers

Ordinance Standard: 25-8-301 Construction of a Roadway of Driveway

Variance Request: Driveway construction on slopes greater than 15%

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

Similarly situated properties with similar development type and subject to the same code requirements have received variances for grading in excess of four feet. These developments are all large developments located in the Desired Development Zone. Grading over four feet is necessary to create level finished-floor elevations and level loading docks and to maintain drives at minimal grades for maneuverability. Examples of similar projects include: Applied Materials Logistics Service Center, at 9614 US-290, Austin, TX 78724, (SP-2020-0321C), which was allowed cut to 12 feet for a 16-acre warehouse; Crossroads Logistics Center, at 8400 E Parmer Ln, Manor, TX 78653, (SP-2021-0015D), which was allowed cut to 14.3 feet and fill to 16.5 feet for three buildings totaling 11 acres of warehouse space; Park 183 Buildings 6 & 7, at 4800 Distribution Dr, Austin, TX 78744, (SP-2021-0072C), which was allowed fill to 17 feet for two four-acre warehouses; and Dalfen Industrial at 6106 Ross Rd, Del Valle, TX 78617, (SP-2020-0407D), which was allowed construction of a driveway on slopes with gradients exceeding 15 percent for two industrial buildings. The current project proposes one building on a 5.4-acre site. The total acreage of the building will be 1.7, with a truck loading dock on the south side of the building. The use of the building requires a uniform finished floor elevation similar to what is found in other industrial buildings. The building type, layout, and design features are based on the needs of the industrial building use, including shipping, and receiving. This layout is similar to other such facilities in the Austin Area.

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

The building placement on the property was constrained by the location of steep slopes that traverse the site derived from previous use as a spoils site for road development. The development meets design guidelines for roadway construction, connections, parking areas, and drainage that any development on the site would require. Working around these considerations dictated the buildable area for the footprint of the building.

- 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

Large, commercial warehouses are a reasonable use for this property, as it is located within the Desired Development Zone along a growing corridor. The variance is the minimum deviation necessary to properly situate a warehouse on this site. The proposed construction on slopes has been minimized to an extent that still provides appropriate areas for truck maneuverability and to allow for truck courts / loading dock areas to maintain a level surface between the truck trailers and the finished floor elevations of the buildings.

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

Yes

The southern area of development with steep slopes has been terraced to enhance stability, and the storm water for the site is channeled through storm sewers to the water quality pond to reduce the effect of runoff erosion caused by the proposed impervious 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 variance will result in water quality that is at least equal to the water quality achievable without the variance. The project proposes two biofiltration ponds in a single basin designed in accordance with the City of Austin water quality regulations. The water quality ponds each provide 6,646.00 cubic feet of filtration storage and 4,882.50 cubic feet of sedimentation storage. The water quality facilities provide 8.6% more volume than the minimum required volume. No heritage trees will be impacted, and no environmentally sensitive Critical Water Quality Zones exist on site.

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;

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 been met. Staff recommends the following conditions:

- Terrace and vegetate steep slopes.

- Provide enlarged parking lot islands (3) that are approximately 17 feet wide for improved tree growth.
- Provide enhanced tree mitigation (5 additional trees).

Environmental Reviewer (DSD)	 <hr/> Ryan Soutter	Date: <u>4/25/2024</u>
Environmental Review Manager (DSD)	 <hr/> Mike McDougal	Date: <u>4/29/2024</u>
Interim Environmental Officer (WPD)	 <hr/> (Liz Johnston)	Date <u>05/03/2024</u>



Development Services Department
Staff Recommendations Concerning Required Findings

Project Name: 3 Men Movers

Ordinance Standard: LDC 25-8-302 Construction of a Building or Parking Area

Variance Request: Building and parking area on slopes greater than 15%

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

Similarly situated properties with similar development type and subject to the same code requirements have received variances for grading in excess of four feet. These developments are all large developments located in the Desired Development Zone. Grading over four feet is necessary to create level finished-floor elevations and level loading docks and to maintain drives at minimal grades for maneuverability. Examples of similar projects include: Applied Materials Logistics Service Center, at 9614 US-290, Austin, TX 78724, (SP-2020-0321C), which was allowed cut to 12 feet for a 16-acre warehouse; Crossroads Logistics Center, at 8400 E Parmer Ln, Manor, TX 78653, (SP-2021-0015D), which was allowed cut to 14.3 feet and fill to 16.5 feet for three buildings totaling 11 acres of warehouse space; Park 183 Buildings 6 & 7, at 4800 Distribution Dr, Austin, TX 78744, (SP-2021-0072C), which was allowed fill to 17 feet for two four-acre warehouses; and Dalfen Industrial at 6106 Ross Rd, Del Valle, TX 78617, (SP-2020-0407D), which was allowed construction of a driveway on slopes with gradients exceeding 15 percent for two industrial buildings. The current project proposes one building on a 5.4-acre site. The total acreage of the building will be 1.7, with a truck loading dock on the south side of the building. The use of the building requires a uniform finished floor elevation similar to what is found in other industrial buildings. The building type, layout, and design features are based on the needs of the industrial building use, including shipping, and receiving. This layout is similar to other such facilities in the Austin Area.

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

The building placement on the property was constrained by the location of steep slopes that traverse the site derived from previous use as a spoils site for road development. The development meets design guidelines for roadway construction, connections, parking areas, and drainage that any development on the site would require. Working around these considerations dictated the buildable area for the footprint of the building.

- 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

Large, commercial warehouses are a reasonable use for this property, as it is located within the Desired Development Zone along a growing corridor. The variance is the minimum deviation necessary to properly situate a warehouse on this site. The proposed construction on slopes has been minimized to an extent that still provides appropriate areas for truck maneuverability and to allow for truck courts / loading dock areas to maintain a level surface between the truck trailers and the finished floor elevations of the buildings.

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

Yes

The southern area of development with steep slopes has been terraced to enhance stability, and the storm water for the site is channeled through storm sewers to the water quality pond to reduce the effect of runoff erosion caused by the proposed impervious 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 variance will result in water quality that is at least equal to the water quality achievable without the variance. The project proposes two biofiltration ponds in a single basin designed in accordance with the City of Austin water quality regulations. The water quality ponds each provide 6,646.00 cubic feet of filtration storage and 4,882.50 cubic feet of sedimentation storage. The water quality facilities provide 8.6% more volume than the minimum required volume. No heritage trees will be impacted, and no environmentally sensitive Critical Water Quality Zones exist on site.

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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


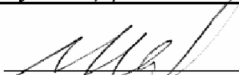
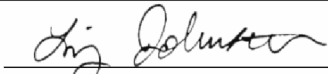
3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

N/A

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

- Terrace and vegetate steep slopes.
- Provide enlarged parking lot islands (3) that are approximately 17 feet wide for improved tree

- growth.
- Provide enhanced tree mitigation (5 additional trees).

Environmental Reviewer (DSD)	 Ryan Soutter	Date: <u>4/25/2024</u>
Environmental Review Manager (DSD)	 Mike McDougal	Date: <u>4/29/2024</u>
Interim Environmental Officer (WPD)	 (Liz Johnston)	Date: <u>5/3/2024</u>



Development Services Department
Staff Recommendations Concerning Required Findings

Project Name: 3 Men Movers
Ordinance Standard: 25-8-341 Cut Requirements
Variance Request: Cut up to 12 feet

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

Similarly situated properties with similar development type and subject to the same code requirements have received variances for grading in excess of four feet. These developments are all large developments located in the Desired Development Zone. Grading over four feet is necessary to create level finished-floor elevations and level loading docks and to maintain drives at minimal grades for maneuverability. Examples of similar projects include: Applied Materials Logistics Service Center, at 9614 US-290, Austin, TX 78724, (SP-2020-0321C), which was allowed cut to 12 feet for a 16-acre warehouse; Crossroads Logistics Center, at 8400 E Parmer Ln, Manor, TX 78653, (SP-2021-0015D), which was allowed cut to 14.3 feet and fill to 16.5 feet for three buildings totaling 11 acres of warehouse space; Park 183 Buildings 6 & 7, at 4800 Distribution Dr, Austin, TX 78744, (SP-2021-0072C), which was allowed fill to 17 feet for two four-acre warehouses; and Dalfen Industrial at 6106 Ross Rd, Del Valle, TX 78617, (SP-2020-0407D), which was allowed construction of a driveway on slopes with gradients exceeding 15 percent for two industrial buildings. The current project proposes one building on a 5.4-acre site. The total acreage of the building will be 1.7, with a truck loading dock on the south side of the building. The use of the building requires a uniform finished floor elevation similar to what is found in other industrial buildings. The building type, layout, and design features are based on the needs of the industrial building use, including shipping, and receiving. This layout is similar to other such facilities in the Austin Area.

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

Cut over 4 feet is necessary due to previous use as a spoils site for road development. The development meets design guidelines for roadway construction, connections, parking areas, and drainage that any development on the site would require. Working around these considerations dictated the buildable area for the footprint of the building.

- 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

Large, commercial warehouses are a reasonable use for this property, as it is located within the Desired Development Zone along a growing corridor. The variance is the minimum deviation necessary to properly situate a warehouse on this site. The cut and fill have been averaged to create a level area for development providing the least amount of deviation from existing contours.

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

Yes / No

The southern area of development with steep slopes has been terraced to enhance stability, and the storm water for the site is channeled through storm sewers to the water quality pond to reduce the effect of runoff erosion caused by the proposed impervious 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 / No

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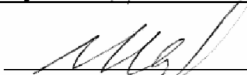
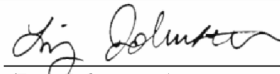
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Staff Determination: Staff determines that the findings of fact have been met. Staff recommends the following conditions:

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Development Services Department
Staff Recommendations Concerning Required Findings

Project Name: 3 Men Movers
Ordinance Standard: 25-8-342 Fill Requirements
Variance Request: Fill up to 15 feet

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

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

N/A


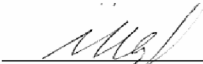
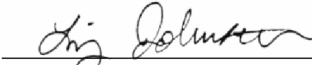
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N/A

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Deputy Environmental Officer (WPD)	 (Liz Johnston)	Date: <u>05/03/2024</u>