ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION MEETING DATE:	June 5, 2024
NAME & NUMBER OF PROJECT:	290 Parmer Industrial – 2 SP-2023-0401C
NAME OF APPLICANT OR ORGANIZATION:	Ryan Taylor, Kimley-Horn and Associates, Inc.
LOCATION:	10095 E US 290 Hwy Service Road EB Austin, Texas
COUNCIL DISTRICT:	Council District 1
ENVIRONMENTAL REVIEW STAFF:	David Michael Environmental Review Specialist Senior Development Services Department 512-974-2263 david.michael@austintexas.gov
WATERSHED:	Gilleland Creek Watershed Suburban Watershed Classification Desired Development Zone
REQUEST:	Variance request is as follows: Request to vary from LDC 25-8-341 to allow cut up to 15 feet Request to vary from LDC 25-8-342 to allow fill up to 16 feet

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

STAFF CONDITION: The required landscape plan will be supplemented with an increase in the amount of tree canopy and other vegetative cover, larger tree sizes planted, and establishment of managed native wildflower meadows on the graded slopes:

- 50 Additional shade trees
- +250 additional shade tree inches (larger sizes)
- +150 additional small tree inches (larger sizes)
- +14,000 sq. ft. wildflower seeding & management area

Development Services Department
Staff Recommendations Concerning Required Findings

Project Name:	290 Parmer Industrial - 2 SP-2023-0401C
Ordinance Standard:	Watershed Protection Ordinance
Variance Request:	Request to vary from LDC 25-8-341 to allow cut up to 15 feet

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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. The use of the proposed warehouses requires extensive areas of uniform finished floor elevations as is typical for shipping and receiving facilities. Cut in the existing grades over eight feet is needed to allow for the level finished-floor elevations and level loading docks, to maintain drives at minimal grades necessary for truck maneuverability, and to allow ADA access.

   The site plan proposes two warehouses with truck courts on a 21.6-acre lot that has no natural occurring slopes over 15 percent, requiring cut up to 14.2 feet in depth, and fill up to 15.2 feet in depth. The Land Use Commission has frequently approved variances for cut and fill over eight feet in depth for warehouse projects in the Desired Development Zone.

   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; and 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.

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 requested cut variance is necessitated by the lot configuration, the existing topography, the roadway connectivity, and the need for ADA access. To integrate into the existing topography as much as possible, the proposed buildings and loading dock areas have been placed parallel with the contours of the site and terraced. Multiple iterations of the site plan have been made to minimize the amount of cut and fill.

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. Warehouses are a reasonable use for this property, as the site is located within the Desired Development Zone, on relatively flat terrain, and along a growing manufacturing corridor where such development is common. The proposed cut and fill are the minimum necessary to establish grades appropriate for truck maneuverability and loading dock areas, and level surface finished floor elevations required for such warehouses.

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

Yes. The proposed site plan minimizes the probability of erosion being caused by integrating the proposed development footprint into the existing topography, and utilizing steep driveways, earthen 3:1 slopes, retaining walls, and extensive vegetative armoring.

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. There will be two water quality & detention ponds and one detention pond together sufficient to capture all runoff, designed in accordance with the City of Austin water quality regulations.

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 conditions described on the variance coversheet.

Environmental Review Specialist Senior (DSD)	David Michael David Michael	Date: 5-17-2024
Environmental Policy Program Manager (DSD)	Mike McDougal	Date: 5-17-2024
Interim Environmental Officer (WPD)	Liz Johnston	Date: 05/23/2024

Development Services Department
Staff Recommendations Concerning Required Findings

Project Name:	290 Parmer Industrial - 2 SP-2023-0401C
Ordinance Standard:	Watershed Protection Ordinance
Variance Request:	Request to vary from LDC 25-8-342 to allow fill up to 16 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. The use of the proposed warehouses requires extensive areas of uniform finished floor elevations as is typical for shipping and receiving facilities. Fill over eight feet of the existing elevations is needed to allow for the level finished-floor elevations and level loading docks, to maintain drives at minimal grades necessary for truck maneuverability, and to allow ADA access.

   The site plan proposes two warehouses with truck courts on a 21.6-acre lot that has no natural occurring slopes over 15 percent, requiring cut up to 14.2 feet in depth, and fill up to 15.2 feet in depth. The City has frequently approved variances for cut and fill over eight feet in depth for warehouse projects in the Desired Development Zone.

   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; and 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.

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 requested fill variance is necessitated by the lot configuration, the existing topography, the roadway connectivity, and the need for ADA access. To integrate into the existing topography as much as possible, the proposed buildings and loading dock areas have been placed parallel with the contours of the site and terraced. Multiple iterations of the site plan have been made to minimize the amount of cut and fill.

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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 conditions described on the variance coversheet.

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