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SITE PLAN REVIEW SHEET ENVIRONMENTAL VARIANCE REQUEST ONLY

<u>CASE</u>: SP-2019-0561C <u>P.C. COMMISSION DATE</u>: October 13, 2020

COUNCIL DISTRICT: 7

PROJECT NAME: Koenig Lane Commercial

APPLICANT: Caitlin Kuglen **AGENT:** Kimley-Horn

ADDRESS OF SITE: 1512-1/2 W. Koenig Lane

COUNTY: Travis **AREA:** 0.16 acres

WATERSHED: Shoal Creek – Urban classification **JURISDICTION:** Full-purpose

EXISTING ZONING: LO-MU-NP

PROPOSED DEVELOPMENT:

DESCRIPTION OF VARIANCE:

The applicant requests the following:

1. Request to vary from LDC 25-8-261 – to allow private driveways and a parking lot in a critical water quality zone.

STAFF RECOMMENDATION:

Staff recommends that the required findings of fact have been met.

ENVIRONMENTAL BOARD ACTION:

09/16/2020: The Environmental Board voted (9) in favor for the approval of the requested variance, (0) in denial of the requested variance, (0) absentia.

ZONING AND PLATTING COMMISSION ACTION:

ENVIRONMENTAL REVIEW STAFF: Jonathan Garner **PHONE:** 512-974-1665

CASE MANAGER: Clarissa E. Davis **PHONE:** 512-974-1423

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ENVIRONMENTAL COMMISSION MOTION 202000916-004a

Date: September 16, 2020

Subject: Koenig Lane Commercial, SP-2019-0561C

Motion by: Kevin Ramberg **Seconded by:** Perry Bedford

RATIONALE:

WHEREAS, the Environmental Commission recognizes the applicant is requesting a variance from LDC 25-8-261 to allow private driveway and parking in a critical water quality zone;

WHEREAS, the Environmental Commission recognizes that the site is located in the Shoal Creek Watershed, Urban Classification, and Desired Development Zone; and

WHEREAS, the Environmental Commission recognizes that staff recommends this variance (with conditions) having determined the required Findings of Fact have been met.

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

Staff Conditions:

- 1. Provide ribbon strips in the drive aisle,
- 2. provide vegetative filter strips throughout the property to capture and treat stormwater runoff, and
- 3. provide porous concrete for pedestrian paths to reduce overall impervious cover and promote more infiltration on site.

VOTE 9-0

For: Bedford, Creel, Thompson, Neely, Coyne, Maceo, Guerrero, Ramberg, and Gordon

Against: None Abstain: None Recuse: None

Absent: Smith, Nill

handatt querrero

Approved By:

Linda Guerrero, Environmental Commission Chair

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Staff Findings of Fact

Variance to LDC 25-8-261

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Development Services Department Staff Recommendations Concerning Required Findings

Project Name: Koenig Lane Commercial (SP-2019-0561C)

Ordinance Standard: Watershed Protection Ordinance

Variance Request: Request to vary LDC 25-8-261 to allow a private driveway and

parking lot in a critical water quality zone.

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. LDC 25-8-261 will deprive the property owner of a privilege available to owners of other similarly situated property because the surrounding development (and zoning, LO-MU-NP) is all commercial businesses with similar sized lots and development. Additionally, due to the width and traffic volume along Koenig Drive, on-street parking is not an option. If the applicant is deprived of the privilege to develop this property in context with its current zoning and the surrounding uses, the property will remain vacant and unable to be developed or used in its current condition.

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. In order for the property to be developed under current zoning regulations and in context with the surrounding uses, the applicant is required to provide a means of vehicular ingress and egress, as well as parking on site. Due to the width and traffic volume along Koenig Drive, on-street parking is not an option. In order to achieve greater overall environmental protection, the applicant is providing a series of vegetated filter strips downgradient of the impervious cover as a means of providing some on-site water quality (page 15, variance packet). For a property this size, and the amount of proposed

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impervious cover, on-site water quality is not a requirement. Additionally, the applicant is reducing the overall proposed impervious cover on the property by providing "ribbon strips" for the driveway and porous concrete for all pedestrian walkways (page 16, variance packet). These two methods result in a total proposed impervious cover amount of 55%, where as much as 70% is allowed.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;
 - Yes. The applicant is proposing less impervious cover than allowed (Urban watershed, limited only by zoning regulations-70%) and is providing some on-site water quality treatment that is otherwise not required due to property's location, size of lot, and amount of proposed impervious cover.
- c) Does not create a significant probability of harmful environmental consequences.
 - Yes. The applicant is providing vegetated filter strips throughout the property that will capture and treat some stormwater runoff before entering the City's storm sewer infrastructure, as well as provide some infiltration benefits.
- 3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.
 - Yes. Due to the property's location, size of lot, and amount of proposed impervious cover, on-site water quality is not required. However, the applicant is providing some on-site water quality controls in the form of vegetated filter strips in order to treat and infiltrate some stormwater runoff on site. Neither a rain garden nor rainwater harvesting are feasible for the project since there is neither an accessible storm drain nor adequate roof drains with an irrigation system or a large enough area for a level spreader. Therefore, the vegetated filter strips method of providing on-site water quality control exceeds the water quality requirement that would be achievable without the variance.
- 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. All criteria in Subsection (A) are met.

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

Yes. The proposed development is consistent with the applicable zoning and is contemporaneous with the surrounding properties. The lot has existed in its current configuration for many years. The property is entirely within the CWQZ; expanding the lot to extend beyond the CWQZ is not possible. This property was rezoned from SF to LO-MU-NP in 2004 [Ord. No. 040513-33A]. Based on the location of the property (fronting Koenig Lane), continued SF use is unlikely. In addition, based on the amount of existing impervious cover on the property (33%), and that proposed (55%), neither the redevelopment exception in LDC 25-8-26 nor the administrative variance option in LDC 25-8-42 are feasible.

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

Yes. The applicant proposes an impervious cover amount well below the maximum allowance and on-site water quality treatment that exceeds the minimum requirement of Code. Therefore, this minimum deviation from Code is necessary to allow a reasonable, economic use of the entire property.

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

Provide ribbon strips in the drive aisle, provide vegetative filter strips throughout the property to capture and treat stormwater runoff, and provide porous concrete for pedestrian paths to reduce overall impervious cover and promote more infiltration on site.

Environmental Reviewer (DSD)	Jonathan Garner	Date: 9/8/2020
Environmental Policy Program Manager (DSD)	Mike McDougal	Date: 9/8/2020
Environmental Officer (WPD)	Chris Herrington	Date: 9/9/2020

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Application Form Variance to LDC 25-8-261



ENVIRONMENTAL BOARD VARIANCE APPLICATION TEMPLATE

Insert Applicant Variance Request Letter here.				
PROJECT DESCRIPTION				
Applicant Contact Inform	nation			
Name of Applicant				
Street Address				
City State ZIP Code				
Work Phone				
E-Mail Address				
Variance Case Information				
Case Name				
Case Number				
Address or Location				
Environmental Reviewer Name				
Applicable Ordinance				
Watershed Name				
Watershed Classification	□Urban □ Suburban □Water Supply Suburban □Water Supply Rural □ Barton Springs Zone			

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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						
Water and Waste Water service to be provided by						
Request		The variance request is as follows (Cite code references:				
Impervious cover		Existing	Proposed	_		
square footage:						
acreage:						
percentage:						
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)						
Clearly indicate in wha way the proposed proj						

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:

Include an explanation with each applicable finding of fact.

Project: Koenig Lane Commercial

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 or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.



[summary of justification for determination]

Adjacent properties have been converted from small, single family residences to commercial businesses.

- 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;



[summary of basis for determination]

The applicant has provided multiple ways of added water quality protection which includes Vegetative Filter Strips along the areas in sheet flow in conjunction with Ribbon curbs, Ribbon Strips in the driveways, and Porous Pavement in the walkable areas. The Proposed Impervious Cover has decreased from 67% to 55% with the added water quality controls.

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;



[summary of basis for determination]

The applicant has provided multiple ways of added water quality protection which includes Vegetative Filter Strips along the areas in sheet flow in conjunction with Ribbon curbs, Ribbon Strips in the driveways, and Porous Pavement in the walkable areas. The Proposed Impervious Cover has decreased from 67% to 55% with the added water quality controls.

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

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February 28, 2013



[summary of basis for determination]

The applicant has provided multiple ways of added water quality protection to lessen the harmful environmental consequences which includes Vegetative Filter Strips along the areas in sheet flow in conjunction with Ribbon curbs, Ribbon Strips in the driveways, and Porous Pavement in the walkable areas. The Proposed Impervious Cover has decreased from 67% to 55% with the added water quality controls.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.



[summary of basis for determination]

The applicant has provided multiple ways of added water quality protection to lessen the harmful environmental consequences which includes Vegetative Filter Strips along the areas in sheet flow in conjunction with Ribbon curbs, Ribbon Strips in the driveways, and Porous Pavement in the walkable areas. The Proposed Impervious Cover has decreased from 67% to 55% with the added water quality controls.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):
 - 1. The criteria for granting a variance in Section A are met;



[summary of basis for determination]

The applicant has shown a number of additional water quality protections to improve the potential environmental impact posed by the re-development of the property as best as possible.

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



[summary of basis for determination]

The applicant has shown a number of additional water quality protections to improve the potential environmental impact posed by the re-development of the property as best as possible.

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.



[summary of basis for determination]

The applicant has shown a number of additional water quality protections to improve the potential environmental impact posed by the re-development of the property as best as possible.

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

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Applicant Exhibits Variance to LDC 25-8-261

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LOCATION MAP

13200 N. IH-35 SVRD. SB Austin, TX 78753

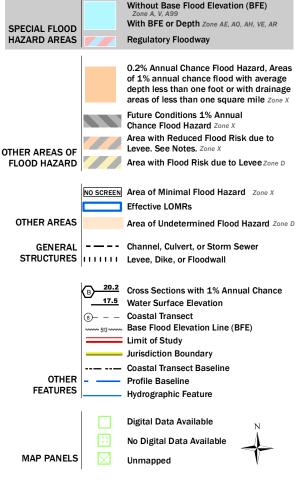
> GRAPHIC SCALE IN FEET 0 125 250 500

National Flood Hazard Layer FIRMette



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SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT



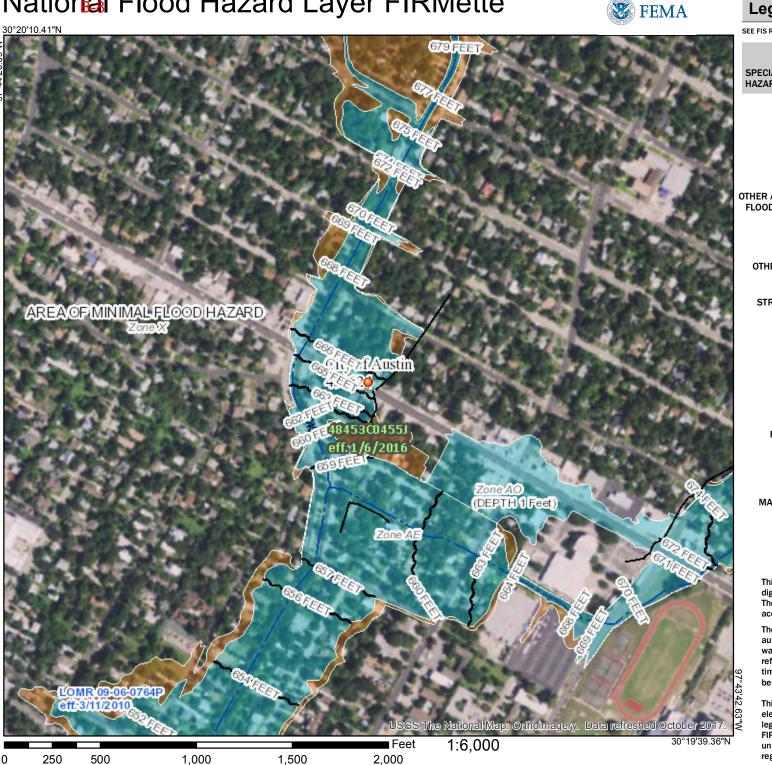


The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 10/24/2018 at 4:06:50 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



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NOTES:

CREEK CENTERLINES DRAWN FROM COA GIS SHAPEFILES.

DRY CREEK (HANCOCK BRANCH) CLASSIFIED AS AN INTERMEDIATE WATERWAY PER SECION 30-5-91 OF AUSTIN

SITE PLAN APPROVAL SHEET <u>01</u> OF <u>15</u>

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

DIRECTOR, DEVELOPMENT SERVICES DEPARTMENT

PROJECT EXPIRATION DATE (ORD.#970905-A)____

APPROVED BY COMMISSION ON_

FILE NUMBER SPC-2018-0547C APPLICATION DATE 11/13/2018

EXPIRATION DATE (25-5-81,LDC)_____CASE MANAGERCLarissa E. Davis

Final plat 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.

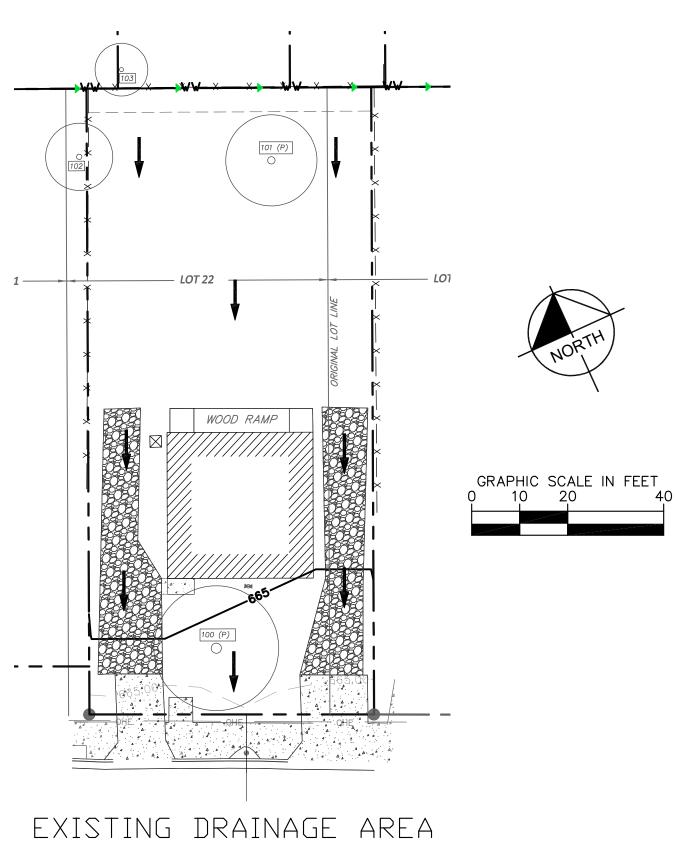
IMPERVIOUS COVER								
	ALLOWABLE IMPERV	/ious co	VER					
	IMPERVIOUS COVER A	LLOWED	70.00%	X	0.18	(AREA) = _	0.12	ACI
	ALLOWABLE IMPERV	/IOUS CO	VER BREA	KDOWN BY SL	OPE CAT	EGORY		
	TOTAL ACREAGE 15-2	25%		0	ACRES	X 10% =	0	ACI
	PROPOSED TOTAL IN	/I PERVIOL	JS COVER		_			
	TOTAL PROPOSED IMP	PERVIOUS	COVER =	0.11	ACRES =	64%		
	PROPOSED IMPERVIO	OUS COVE	ER ON SLC	PES				
				IMPERVIOUS	SCOVER			
			BUILDING	AND OTHER	DRIVE	EWAYS/		
			IMPERV	IOUS COVER	ROAI	DWAYS		
	SLOPE CATEGORIES	ACRES	ACRES	% OF CATEGORY	A	CRES		
	0-15%	0.18	0.02	12%	C	0.09		
	15-25%	0.00	0.00	0%	C	0.00		

OVER 35%

TOTAL SITE AREA 0.18

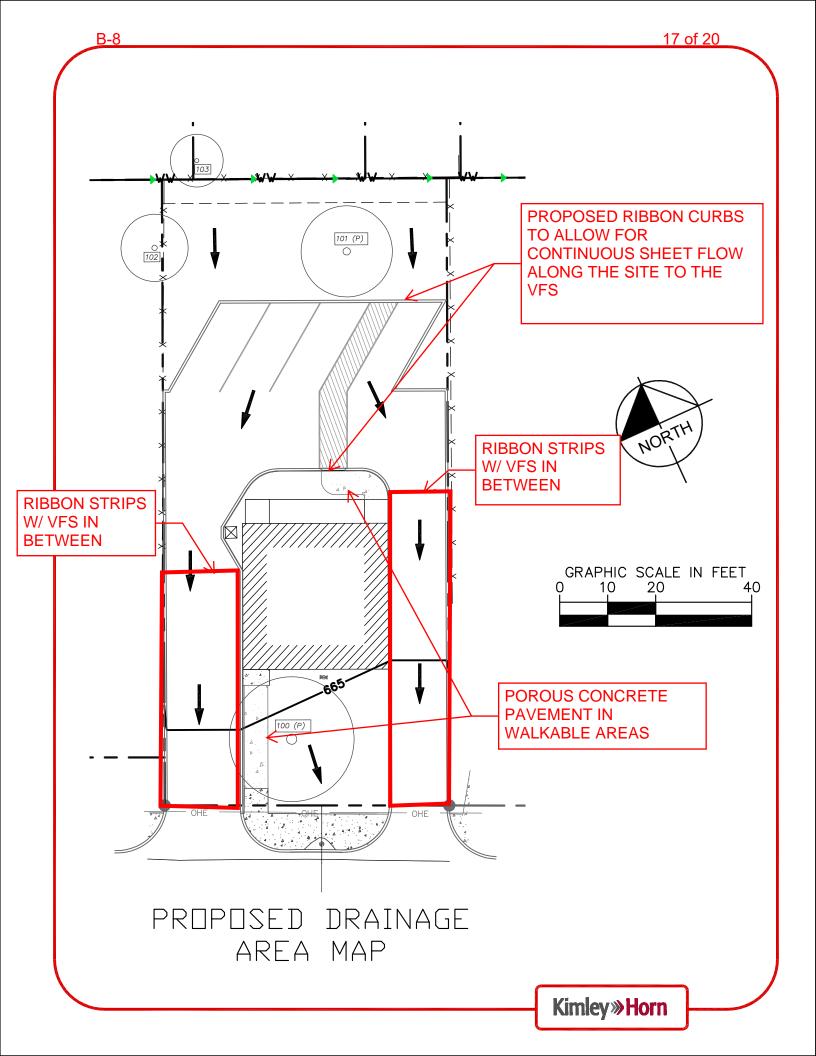
SITE DATA TABLE				
	PROPOSED	MAX		
ZONING	LO-MU-NP	-		
GROSS AREA (SF)	7,736	i		
BUILDING COVERAGE (SF)	924	3,868		
BUILDING COVERAGE (%)	11.9%	50.0%		
FAR	.119 : 1	.7:1		
IMPERVIOUS COVER (SF)	4,890	5,415		
IMPERVIOUS COVER (%)	63.2%	70.0%		

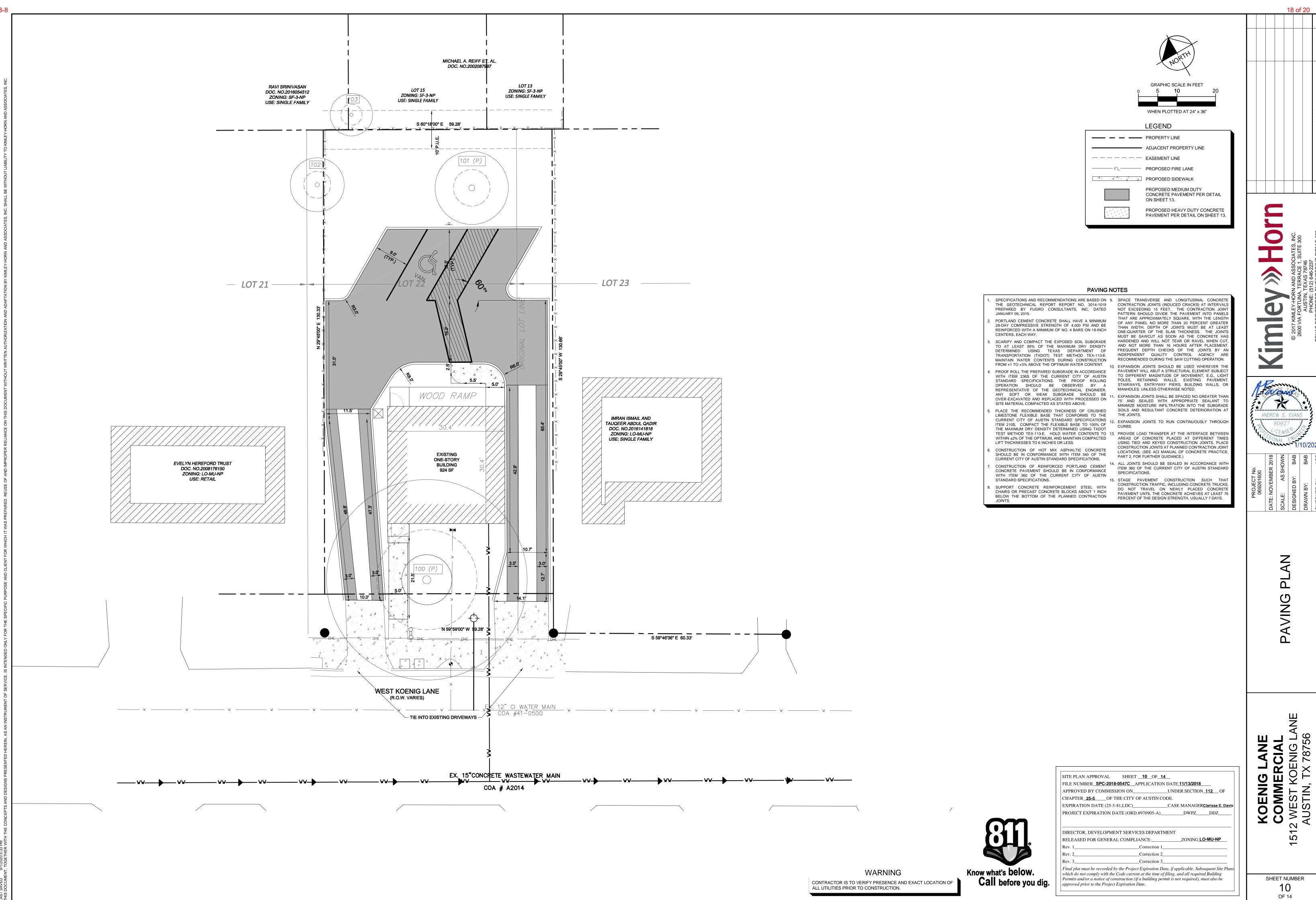
WARNING CONTRACTOR IS TO VERIFY PRESENCE AND EXACT LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. B-8 16 of 20



EXISTING DRAINAGE AREA MAP

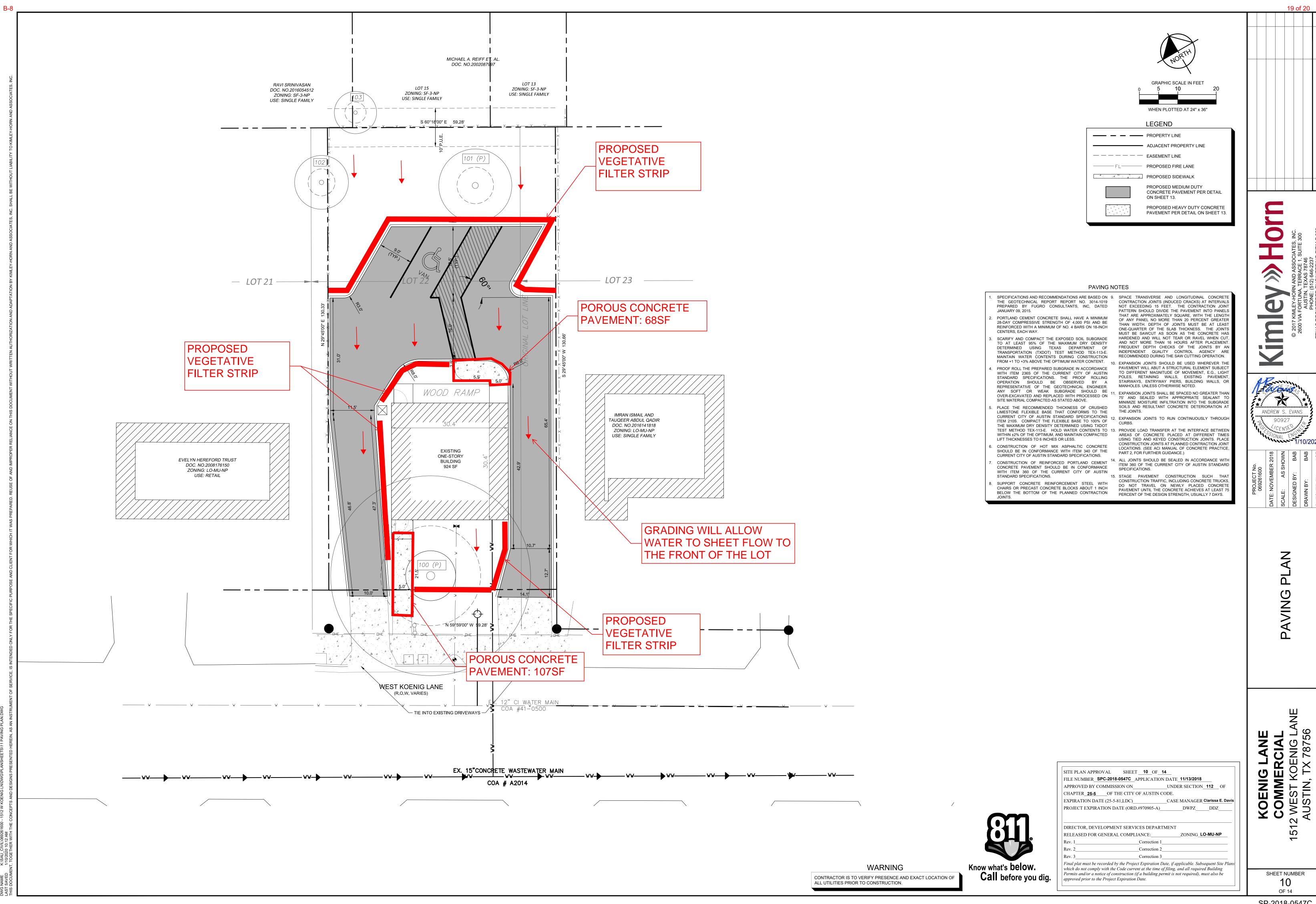
Kimley»Horn





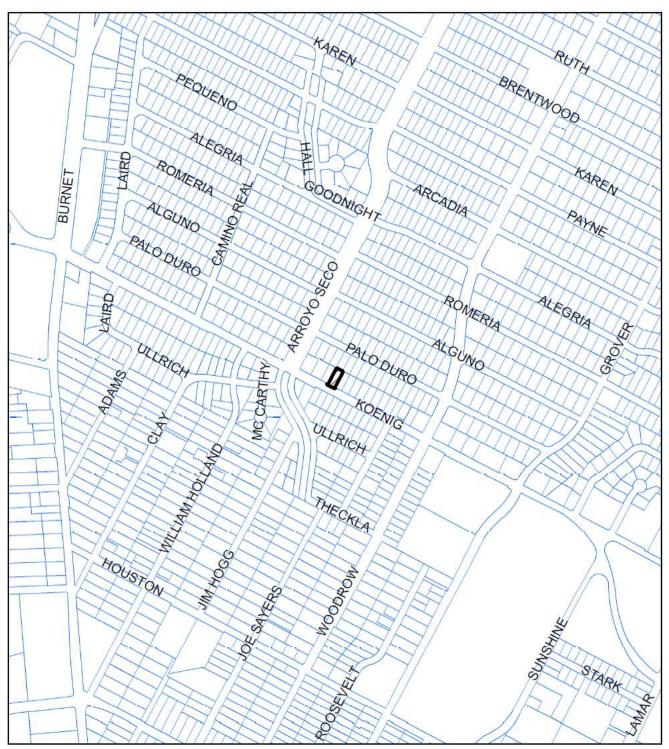
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SP-2019-0561C



SP-2018-0547C

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Subject Tract
Base Map

CASE#: SP-2019-0561C

LOCATION: 1512 1/2 W KOENIG LN

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 and represents only the approximate relative location of property boundaries.

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