

ORDINANCE NO.

AN ORDINANCE AUTHORIZING VARIANCES TO SECTIONS 25-8-392 AND 25-8-393 OF THE CITY CODE AND WAIVERS OF SECTIONS 25-1-213 AND 25-8-41 OF THE CITY CODE FOR PROPERTY LOCATED AT 10140 AND 10300 OLD SAN ANTONIO ROAD.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. FINDINGS.

- (A) The City annexed the property located at 10140 and 10300 Old San Antonio Road in December 1997 under Ordinance No. 971211-B. When annexed, the property was developed with a single-family residence and with horses and horse-related structures.
- (B) The existing structures are located in the critical water quality zone. The horses and related structures are also located in the 100 year flood plain.
- (C) Under Ordinance Nos. 011206-18 and 020822-27, the property has commercial zoning. The tract of land that includes the house was given a historic zoning designation.
- (D) The owner desires to redevelop the site to provide the following uses and services: wedding, corporate retreat, family retreat, restaurant, bed and breakfast, and country inn. Under the proposed redevelopment the owner would remove approximately 20,000 square feet of impervious cover, including structures, driveways, and riding arena, from the property.
- (E) The City Council finds that the immediate removal of the equestrian uses from the critical water quality zone and flood plain, the decrease of impervious cover in the critical water quality zone and the 100 year flood plain, and redevelopment of the property in accordance with the requirements of Exhibit A will result in an improvement of the water quality on the property.

PART 2. This part applies to the redevelopment of the property located at 10140 and 10300 Old San Antonio Road for the uses and services described in Part 1.

- (A) A variance to Section 25-8-392 (*Critical Water Quality Zone*) is granted to allow a maximum impervious cover of 12,000 square feet in the critical water quality zone.

1 (B) A variance to Section 25-8-393 (*Water Quality Transition Zone*) is granted to
2 allow a maximum impervious cover of 43,000 square feet in the water quality
3 transition zone.

4 (C) Sections 25-1-213 (*Review by the Environmental Board*) and 25-8-41 (*Land*
5 *Use Commission Variances*) regarding the processing of variances from
6 requirements of Chapter 25-8 (*Environment*) are waived.

7 (D) Development must comply with Exhibit A of this ordinance, incorporated into
8 this ordinance for all purposes.

9 **PART 3.** This ordinance will expire on May 13, 2006 if a site plan for the development
10 described in this ordinance is not approved by that date.

11 **PART 4.** This ordinance takes effect on _____, 2004.

12 **PASSED AND APPROVED**

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16 _____, 2004

17 Will Wynn
18 Mayor

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21 **APPROVED:**

22 David Allan Smith
23 City Attorney

24 **ATTEST:**

25 Shirley A. Brown
26 City Clerk

Exhibit A

1. Water quality controls shall be provided for all areas of new development or redevelopment. The water quality controls must include:
 - a) Use of pervious pavement with a subsurface gravel storage system capable of capturing and infiltrating, at a minimum, 1.3 inches of runoff from all new parking areas and driveways. The system must be designed so that infiltration of the design capture volume will occur within 72 hours after a rainfall event.
 - b) Capture of rainfall runoff from rooftops of the chapel and associated structures with reuse on-site. A minimum of 5,000 gallons of storage volume must be provided.
 - c) Discharge of storm water flows in excess of the capacity of the chapel rainfall capture system to water quality controls with a capture volume of 1.3 inches or greater. This treatment system shall include vegetated elements such as bioretention systems or vegetated filter strips to enhance nutrient removal.
 - d) All concentrated discharges of storm water runoff shall be dispersed into sheet flow with flow spreaders or other devices through vegetated areas before reaching Slaughter Creek, and
 - e) An Integrated Pest Management (IPM) Plan approved by the Director of the Watershed Protection and Development Review Department will be adopted by restrictive covenant for the site prior to issuance of a site plan.
 - f) The design of the pervious pavement/infiltration areas must incorporate a least 6 monitoring ports.
 - g) Before release of a site plan to construct the water quality facilities required in Section 1 of this Exhibit, the owner must provide the City with an access easement to allow the City to install any necessary monitoring equipment and to monitor the performance of the water quality facilities.
2. Ninety percent (90%) of the total plant material used in the project (exclusive of turf) shall be native to Central Texas, and/or native and adapted plants recommended in the Grow Green Native and Adapted Landscape Plants Guide prepared by the City of Austin and the Texas Cooperative Extension, and published August 2003. Plants listed on the Invasive Species list or the Problem Plants list in the Grow Green Plants Guide may not be included.
3. No coal tar-based pavement sealers will be allowed for new or existing pavement areas.
4. The total amount of impervious cover allowed in the critical water quality zone is 12,000 square feet.
5. No new development of impervious cover is allowed in the critical water quality zone within 100 feet of the existing FEMA 100-year floodplain.

6. The total amount of impervious cover allowed in the water quality allowed in the transition zone is 43,000 square feet.
7. Existing horse stables and all associated development, including but not limited to the riding arena, storage areas, and access, must be removed from the site and any disturbed areas must be revegetated before issuance of a certificate of occupancy for any new development.
8. All disturbed areas on the site must be restored with permanent vegetation.