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**ZONING & PLATTING COMMISSION**  
**SITE PLAN VARIANCE REVIEW SHEET**

**Commission Date:** August 7, 2012

**Project Name:** Affordable Climate Control Storage

**Case Number:** SP-2011-0261D

**Address:** 9813 F.M. 2244 Road (Bee Caves Road)

**Legal Description:** Lot 2, Block A, Vincent Subdivision

**Site Area:** 3.182 Acres

**Watershed:** Barton Creek Watershed, Barton Springs Zone  
Drinking Water Protection Zone

**Ordinance:** Comprehensive Watershed Ordinance (Current Code)

**Existing Zoning:** None (Travis County)

**Owner:** Affordable Climate Control Self Storage of Austin, LLC  
9813 F.M. 2244  
Austin, Texas 78733  
Telephone: (512)797-4798

**Agent:** The Moore Group  
1000 Cuernavaca Drive  
Austin, Texas 78733  
Telephone: (512) 442-0377

**Case Manager:** Michael Simmons-Smith (974-1225)  
[michael.simmons-smith@austintexas.gov](mailto:michael.simmons-smith@austintexas.gov)

**Existing and Proposed Use:** The project site is currently being used as a commercial landscaping business. The existing structures on the site will be demolished or removed, and a climate-controlled storage facility consisting of two 9,000 sq. ft. three-story buildings will be constructed. Ancillary construction will include a driveway,

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**Description of Project Area:** This 3.182 acre site (gross site area) is situated in the COA 2-mile ETJ in the Drinking Water Protection Zone. The site is located within the Barton Creek Watershed, which is classified as the Barton Springs Zone. The site is subject to the Save Our Springs Ordinance and is limited to 20% impervious cover based on a net site basis. Topographically, the site slopes down from RR 2244 to the southwest from an elevation of 884 feet at RR 2244 to 851 feet at the southern property boundary. All of the slopes on-site are less than 15% in grade, and there are no Critical Environmental Features on or within 150 feet of this site.

**Variance Request:** The applicant requests a variance from LDC 25-8-65 ROADWAYS to allow the development to account for the roadway deduction through water quality treatment of a portion of the roadway. The variance is required because the adjacent roadway deduction removes the majority of allowable impervious cover from the site due to the triangular layout of the lot.

The proposed storage buildings and parking areas will have 0.62 acres (27,007 sq. ft.) of impervious cover, which is 19.5% of the net site area of 3.16 acres. This site is requesting a variance to LDC 25-8-65 ROADWAYS to allow the development to account for the roadway deduction through water quality treatment of a portion of the roadway. The site is able to request a variance to alter the roadway deduction requirement because the roadway deduction is not included in the SOS ordinance. The roadway deduction accounts for 0.372 acres, or 16,204 square feet. This would leave only 0.264 acres, or 11,500 square feet of impervious cover available for the site. The roadway drains across the street from the site and enters a roadside ditch which leads to a culvert that then crosses under FM 2244 and passes through the western boundary of the property. By collecting some of the drainage within this ditch and funneling it into an innovative water quality control (like a rain garden), the applicant can treat the runoff from the roadway that was meant to be treated through removal of impervious cover from their site.

**Recommendation:** Because the findings of fact have been met, staff recommends granting the variance request, with the following conditions:

1. The applicant will treat 100% of the water quality volume from 8,755.56 sq. ft. of roadway impervious cover according to SOS requirements.
2. All trees removed will be mitigated by the planting of 36 caliper inches of replacement trees or payment into the City of Austin tree fund.



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## ENVIRONMENTAL BOARD MOTION 062012 6a

Date: June 20, 2012

Subject: Affordable Climate Control Storage SP-2011-0261D

Motioned By: James Schissler

Seconded By: Mary Ann Neely

### RECOMMENDATION

The Environmental Board recommends approval with conditions of the Affordable Climate Control Storage SP-2011-0261D

### Staff Conditions:

The applicant will treat 100% of the water quality volume from 8,755.56 sq. ft. of roadway impervious cover according to Save Our Springs Ordinance requirements. All trees removed will be mitigated by the planting of 36 caliper inches of replacement trees or payment into the City of Austin tree fund.

### Rationale:

The lot configuration imposes a hardship on the applicant that prevents reasonable use of the property.

Vote 4-0-0-3

For: Anderson, Maxwell, Neely & Schissler

Against: None

Abstain: None

Absent: Gary, Perales and Walker

Approved By:

Mary Gay Maxwell  
Environmental Board Chair

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**Similar Case:** The Westbank Community Library requested a limited adjustment to the SOS Regulations and included a variance from LDC 25-8-65 to omit the roadway deduction in calculation of allowable impervious cover. The EV Board recommended approval with conditions on December 2, 2007 with a vote of 7-1-0-0.

**Staff Conditions:**

1. Limits impervious cover to the proposed exhibit
2. Implement the IPM plan
3. Education Kiosk Library
4. Native Landscaping
5. Low impact development techniques
6. Rainwater harvesting if possible

**EV Board conditions:**

1. Library will provide public information to enhance water quality and education for the public

**Planning & Development Review Department**  
**Staff Recommendations Concerning Required Findings**  
**Of Fact**

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<b>Application Name:</b>	<b>Affordable Climate Control Storage</b>
<b>Application Case No:</b>	<b>SP-2011-0261D</b>
<b>Code Reference:</b>	<b>Land Development Code Section 25-8-65 ROADWAYS</b>

**Variance Request:** To allow the proposed development to account for the roadway deduction through water quality treatment of a portion of the roadway.

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A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality 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 along roadways that significantly impact their impervious cover allowance have requested and received variances to allow them to develop despite the roadway impact. The Westbank Community Library site was allowed to remove the roadway deduction requirement entirely from their development after providing environmental incentives to offset the roadway impact. Two other similar cases, Whitestone Church (SP-2007-0461D) and Judge's Overlook (SP-2011-0051D) requested variances to exceed the allowable impervious cover because of the roadway deduction's impact on*

their development footprint. This site though cannot request a variance to exceed impervious cover because it is regulated by SOS.

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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 development is not based on a condition caused by the method chosen*

*by the applicant to develop the property. The area of pavement within FM 2244 is very large, requiring a sizable deduction from the site's allowable impervious cover to offset the impervious cover within the Right-of-Way. This property was also affected by ROW condemnation from the expansion of FM 2244, resulting in the combination of increased impervious cover in the ROW combined with a decrease in their lot size to use to offset that impervious cover. The triangular configuration of the lot also requires an abnormally large roadway deduction to be applied to the lot, further reducing the allowable development for the lot.*

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;

*Yes. The development will still be developing less than 20% impervious cover on a net site area basis and will be treating the runoff from the road thru a water quality pond on the adjacent property.*

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

*Yes. This variance does not create a significant probability of harmful environmental consequences. The area of roadway that would be required to be removed from the development to account for the roadway will be treated thru a raingarden water quality control on the adjacent lot. This will provide for treatment of stormwater runoff that otherwise would have gone untreated.*

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 proposed project will result in water quality that is at least equal to the water quality achievable without the variance because the area of roadway that would be required to be removed from the development to account for the roadway will be treated thru a water quality control on the adjacent lot. This will provide for treatment of stormwater runoff that otherwise would have gone untreated.*

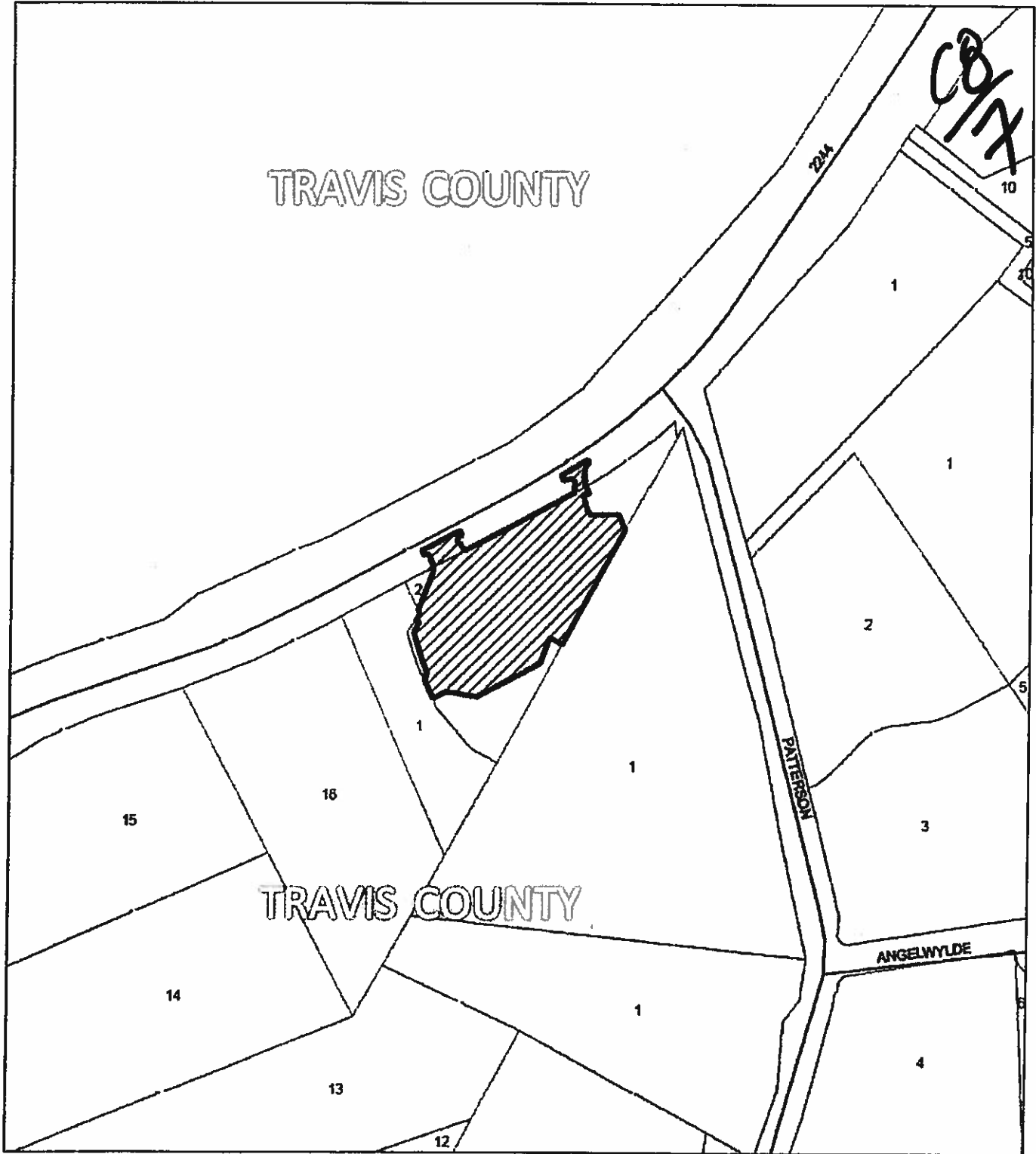
B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):



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1. The above criteria for granting a variance are met;  
N/A
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and  
N/A
3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.  
N/A

TRAVIS COUNTY

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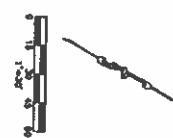
-  Subject Tract
-  Base Map

CASE#: SP-2011-0261D  
ADDRESS: 9813 FM 2244 Road



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 Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



NOT FOR CONSTRUCTION



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**THE MOORE GROUP**  
ENGINEERING, PLANNING AND CONSTRUCTION SERVICES  
1000 Cuernavaca Drive  
Austin, Texas 78733

TEXAS REGISTERED ENGINEERING FIRM # 249

April 25, 2012

Michael Simmons-Smith  
Case Manager, Planning and Development Review Department  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767

RE: Affordable Climate Control Storage Variance Request

Dear Mr. Simmons-Smith,

I am writing to you on behalf of my client, Affordable Climate Control Self Storage of Austin, LLC ("Developer"), to formally request that the variance addressed below be granted.

**Section 25-8-65: Roadways**

This provision requires the Developer to account for the adjacent roadway(s) impervious cover. The Developer requests a variance from this provision that would allow for the construction of on-site impervious cover as allowed by the Save Our Springs (SOS) ordinance up to 20% of the net site area.

This variance is necessary to allow a reasonable use of the property. The subject tract is a small tract, having 3.18 acres of gross site area. The subject tract has no slopes greater than 15% so the net site area is also 3.18 acres. The project is subject to the SOS Ordinance which limits the site impervious cover to 20% of the net site area. The subject tract has 624.1 linear feet of frontage along FM 2244 (Bee Cave Road) and 34.3 linear feet of frontage along Patterson Road, but only averages approximately 214 feet of depth.

Excluding the perimeter roadway deduction, the 20% SOS Ordinance would allow for 0.636 acres of on-site impervious cover. The perimeter roadway deduction for FM 2244 and Patterson Road, as calculated per § 25-8-65, would account for a 0.372 acres deduction from the allowable on-site impervious cover. This would mean the allowable on-site impervious cover is only 0.264 acres, or 8.30% of the net site area.

A variance from § 25-8-65 should be granted, pursuant to § 25-8-41, because the strict application of the perimeter roadway deduction requirements to this tract causes a hardship that is unique to this tract due to the shape of the tract. The subject tract has 658.4 linear feet of roadway frontage and only averages approximately 214 feet of depth. Therefore, this property would lose over half over its development rights due to the perimeter roadway deduction requirements. The subject tract was subdivided in 2008 and was restricted by plat note to uses other than residential. The method of development chosen by Developer, a climate controlled mini-storage facility, does not create the need for a variance. The following points show how the Developer has provided a greater environmental protection of the subject tract.

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Phone - 512-442-0377  
Fax - 512-442-7807

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- the proposed improvements are clustered as close to the lot front and each other as feasibly possible, maximizing open space and minimizing additional drivable surface and impervious cover,
- to minimize the removal of trees, the improvements are being placed on an area of the subject tract that is void of trees
- the proposed improvements are located at the upper reaches of the drainage area, allowing for a reduction in concentrated flows caused by the proposed improvements,
- non-degradation retention re-irrigation water quality controls are proposed,
- at the Developer's additional expense, retaining walls and vertical construction are being utilized to minimize construction on slopes, earthen fill and the developments impervious cover to the greatest extent possible,
- the Developer originally and still is proposing less than 20% total impervious cover, with the proposed improvements totaling 19.4% impervious cover, leaving 80.6% of the site covered with vegetation,
- the proposed land use, mini-storage, is a low intensity use which will have limited vehicular traffic compared to other high intensity uses,
- the Developer has worked with city environmental staff to provide water quality controls for the adjacent roadway which is currently not treated.

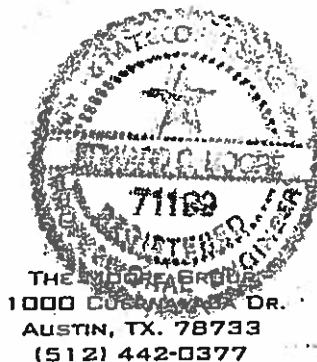
This variance is necessary to allow for the reasonable development of the property and, if granted, it would not create a significant probability of harmful environmental consequences. Lastly, the water quality that will result from the granting of this variance will be equal to the water quality achievable without the variance because Developer will: construct non-degradation water quality facilities for on-site improvements, construct surface drainage wherever possible to minimize concentrated runoff flows; place the improvements in a location that allows a downstream vegetative buffer for sheet flow; construct additional water quality controls to provide water quality for runoff from the adjacent roadway; and implement an erosion control plan that has been carefully designed to prevent erosion.

Thank you for your assistance with the above variance requests. If you have any questions or concerns, please do not hesitate to contact me by phone at (512) 442-0377 or by email at [emoore@mooregroup.net](mailto:emoore@mooregroup.net)

Regards,

*Edward Moore*

Edward Moore, P.E.





The City of Austin  
Planning and Development Department  
**Date 4/20/12**

To Whom it May Concern,

9811 Bee Cave Rd.  
Austin, Texas 78733  
T 512.263.5088  
F 512.263.1018  
[rose@vinlandinc.com](mailto:rose@vinlandinc.com)  
[www.vinlandinc.com](http://www.vinlandinc.com)

This letter is to explain why my husband Ross and I feel that granting a variance for our storage unit project at 9811 Bee Caves Rd. is critical to our future. A little background might be helpful to give a clear of picture of why the variance is so important to us. We have been in the landscape construction business for 37 years. As a small business owner, we knew that there would be no retirement options like 401Ks, pension plans, or other sources of income when we were physically too old to be able to continue the landscaping business.

We bought the property in 1992 thinking that in twenty years or so, we would be retiring and we could have a less labor intensive business on the property that we could manage in retirement such as renting out storage units. We finally paid the land off and several years ago saved enough money to have it subdivided. My husband and I will both be fifty eight this summer and the construction business has become increasingly difficult. We have been working on getting a permit from the city since August 2011 for the storage units.

We understand that we are only allowed to build on 20% of the three acres to follow impervious cover rules. However we have the misfortune of having our three acres adjacent to not only Bee Caves Rd. which is very large in terms of right of ways, but Patterson Rd. as well. We understand that should the variance not be granted, we would only be able to develop 8% of our three acres instead of the 20%. This would mean that not only could we not have the storage units for our retirement income but also that no other business would be possible rendering the property worthless. It is hard not to feel that should this variance be denied, the city effectively would be taking 92% of our property leaving us without any options at all.

We feel that if we do not receive the variance that it would be a huge hardship for us. When we bought the property so long ago, we never thought that we might not be able to use it to help in our retirement.

Sincerely yours,

  
Rose Vincent

Commons Ford

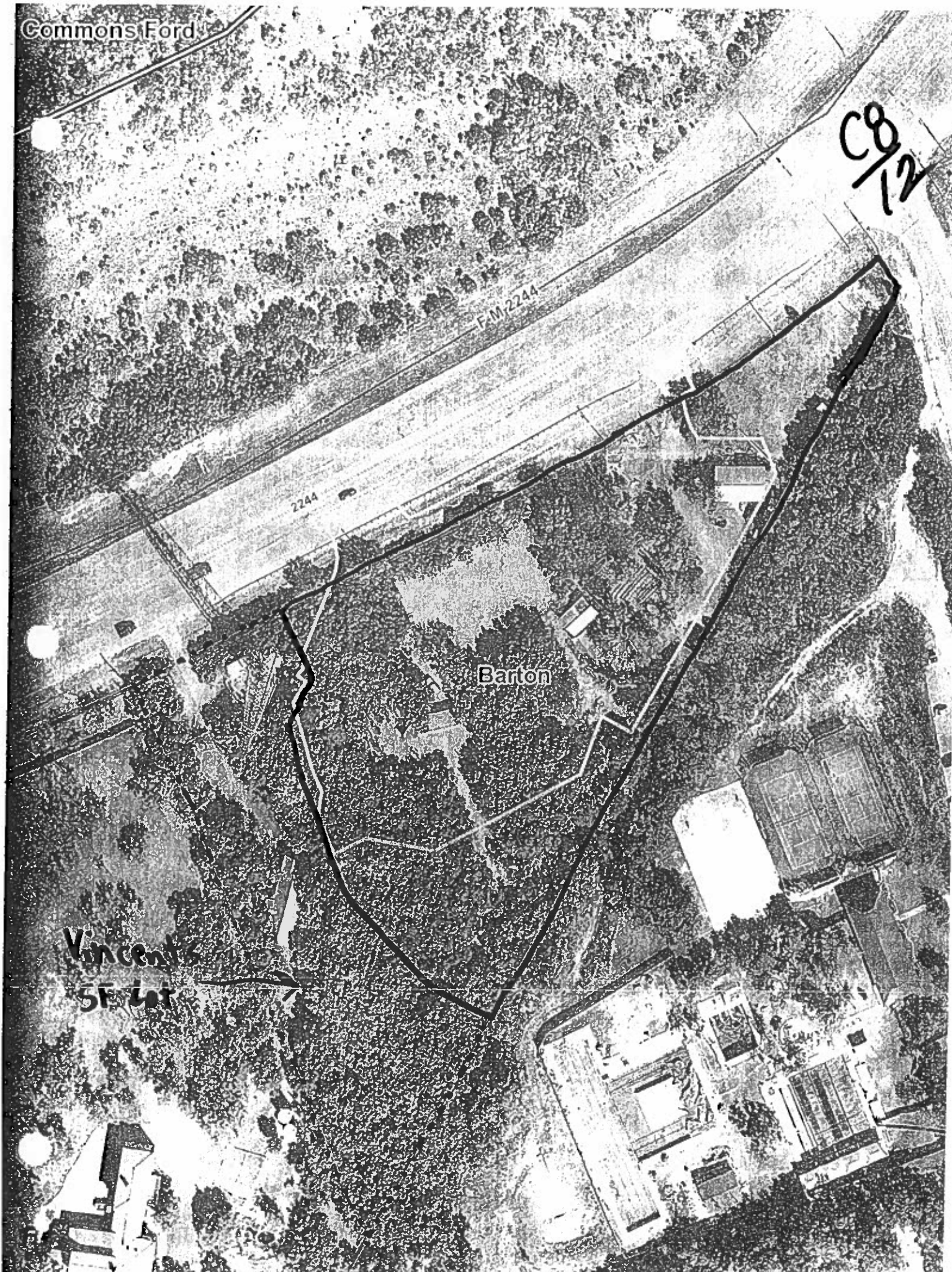
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## INTERESTED PARTY INFORMATION

Interested parties are specifically defined in section 25-1-131 of the City Code. To view the Code on-line, go to this link:  
[http://www.amlegal.com/austin\\_tx/](http://www.amlegal.com/austin_tx/).

Besides the applicant or owner listed in an application, a person can become an interested party if they communicate an interest to the City through the Case Manager and if they satisfy at least one of the following criteria: 1) they occupy a primary residence that is within 500 feet of the site of the proposed development; 2) they are the record owner of property within 500 feet of the site of the proposed development; or 3) they are an officer of an environmental or neighborhood organization that has an interest in the site of the proposed development or whose declared boundaries are within 500 feet of the site of the proposed development.

If a person satisfies the criteria to become an interested party, they must communicate an interest by delivering a written statement to the Case Manager or by making telephone contact with the Case Manager. The communication must: 1) generally identify the issues of concern; 2) include the person's name, telephone phone number, and mailing address; 3) be delivered before the earliest date on which action on the application may occur; and 4) if the communication is by telephone, be confirmed in writing not later than seven days after the earliest date on which action on the application may occur.

Written comments concerning the site plan application may be submitted to the case manager on this form. Comments on a separate form should include the case number and the contact person listed on the notice.

Case Number: SP-2011-0261D

Contact: Sarah Graham, 512-974-2826 or  
Yolanda Parada, 512-974-2784

☒ I meet the requirements for and request to be an interested party

Name (please print) Glen Cook Telephone number 512 750-6062

Address(es) affected by this application (Street, City, ZIP Code)  
1501 Palomiro Ridge Dr Austin, 78735

SAME

Mailing address (Street, City, ZIP Code)

[Signature]

Signature

Date

11-28-2011

Comments: I want to review site plan & size of buildings and their heights, Traffic studies, Landscapes plan, color of buildings and material to be used for extension of building.

Mail comment forms to:

City of Austin

Planning and Development Review Department

Attn: Sarah Graham

P. O. Box 1088

Austin, TX 78767-1088

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