



### **ITEM FOR ENVIRONMENTAL COMMISSION AGENDA**

**COMMISSION MEETING DATE:** Sept. 16, 2020

**NAME & NUMBER OF PROJECT:** Koenig Lane Commercial  
SP-2019-0561C

**NAME OF APPLICANT OR ORGANIZATION:** Caitlin Kuglen  
Kimley-Horn

**LOCATION:** 1512-1/2 W Koenig Lane  
Austin, Texas 78757

**COUNCIL DISTRICT:** District # 7

**ENVIRONMENTAL REVIEW STAFF:** Jonathan Garner, Environmental Program Coordinator  
Development Services Department  
(512) 974-1665  
Jonathan.Garner@austintexas.gov

**WATERSHED:** Shoal Creek Watershed, Urban Classification, Desired Development Zone

**REQUEST:** Variance request is as follows:  
Request to vary from LDC 25-8-261 to allow private driveway and parking in a critical water quality zone.

**STAFF RECOMMENDATION:** Staff recommends this variance, having determined the findings of fact to have been met.

**STAFF CONDITION:** 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.

**Staff Findings of Fact**  
**Variance to LDC 25-8-261**



Development Services Department  
Staff Recommendations Concerning Required Findings

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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.

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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

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.

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.

Staff Determination: Staff determines that the findings of fact have / have not been met. Staff recommends the following condition:

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

**Application Form**  
**Variance to LDC 25-8-261**



## ENVIRONMENTAL BOARD VARIANCE APPLICATION TEMPLATE

Insert Applicant Variance Request Letter here.

### PROJECT DESCRIPTION Applicant Contact Information

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	<input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone

Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input type="checkbox"/> Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input type="checkbox"/> 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 what way the proposed project	
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does not comply with current Code (include maps and exhibits)	
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## 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.

☒ Yes/No

[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;

☒ Yes/No

[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;

☒ Yes/No

[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

☒ Yes/☒ No [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.

☒ Yes/☒ No [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;

☒ Yes/☒ No [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

☒ Yes/☒ No [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.

☒ Yes/☒ No [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.

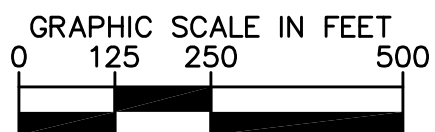
\*\*Variance approval requires all above affirmative findings.

**Applicant Exhibits**  
**Variance to LDC 25-8-261**



## **LOCATION MAP**

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





# National Flood Hazard Layer FIRMette



30°20'10.41"N



## Legend

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

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance
		17.5 Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
MAP PANELS		Profile Baseline
		Hydrographic Feature
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



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.

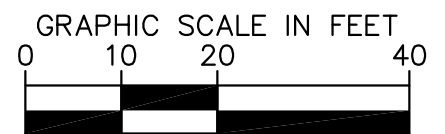
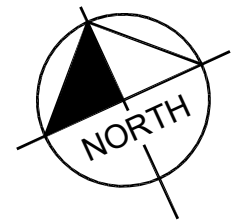
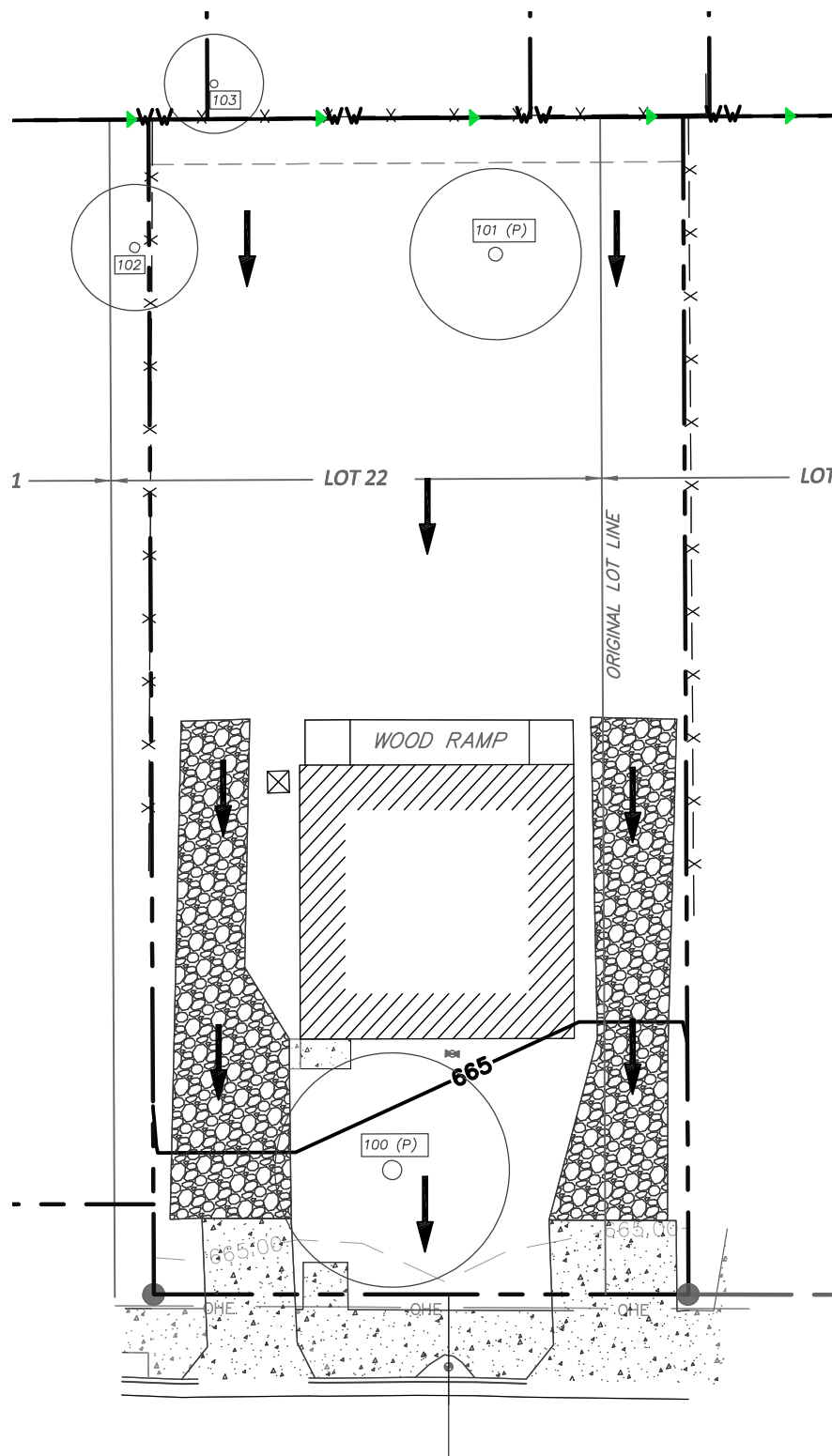
USGS The National Map: Orthoimagery. Data refreshed October 2017.

0 250 500 1,000 1,500 2,000 Feet 1:6,000 12 30°19'39.36"N 97°43'42.63"W







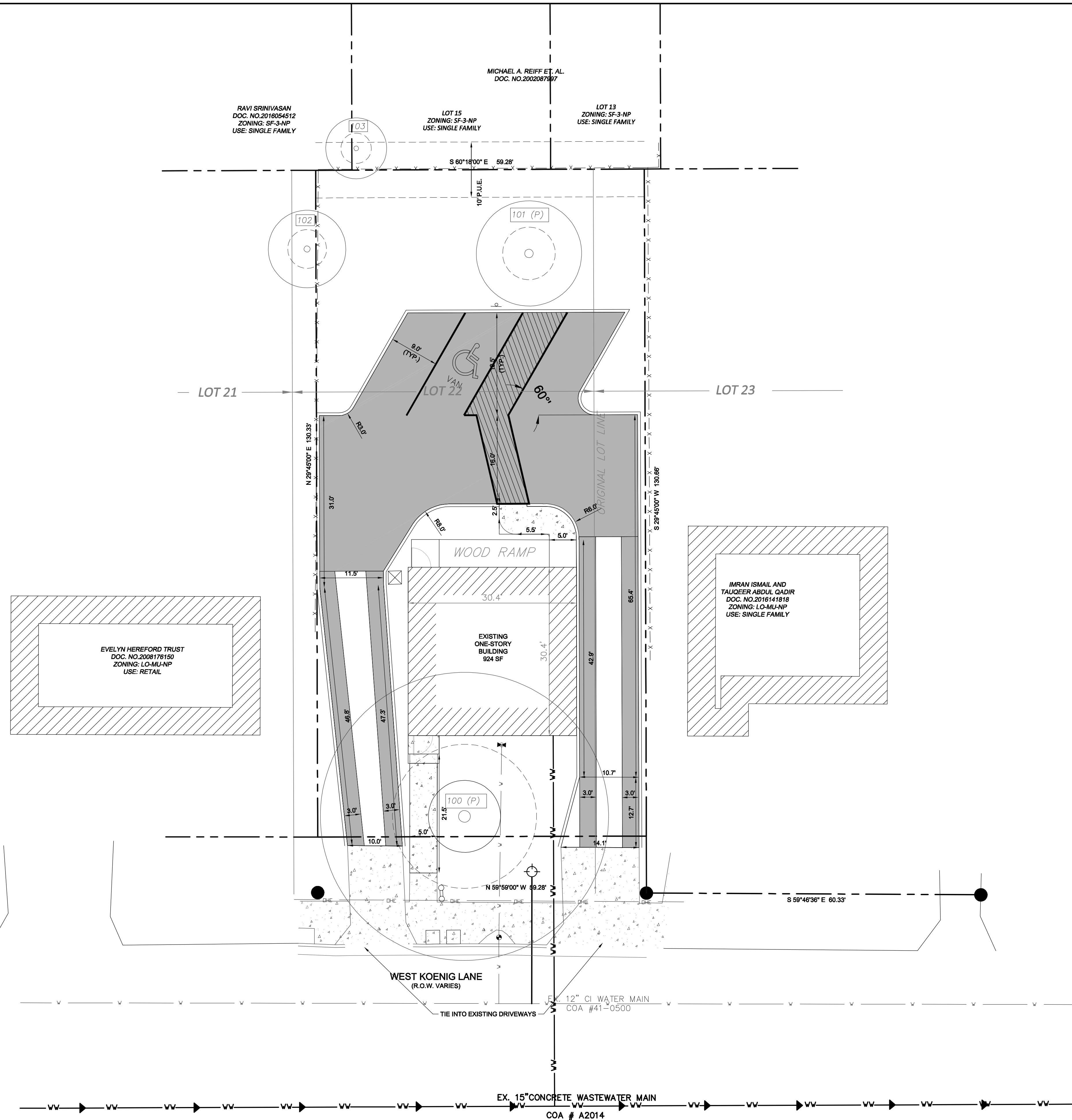


EXISTING DRAINAGE AREA  
MAP





PLOTTED BY KUGLEN, CAITLIN 9/1/2020 5:34 PM



## WARNING

CONTRACTOR IS TO VERIFY PRESENCE AND EXACT LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.



Know what's below.  
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SITE PLAN APPROVAL SHEET 10 OF 14  
FILE NUMBER SPC-2018-0547C APPLICATION DATE 11/13/2018  
APPROVED BY COMMISSION ON \_\_\_\_\_ UNDER SECTION 112 OF  
CHAPTER 25-5 OF THE CITY OF AUSTIN CODE.  
EXPIRATION DATE (25-5-8.1.DC) \_\_\_\_\_ CASE MANAGER Clarissa E. Davis  
PROJECT EXPIRATION DATE (ORD.#07905-A) \_\_\_\_\_ DWPTZ \_\_\_\_\_ DDZ \_\_\_\_\_

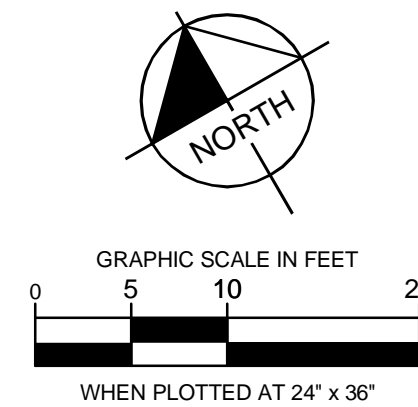
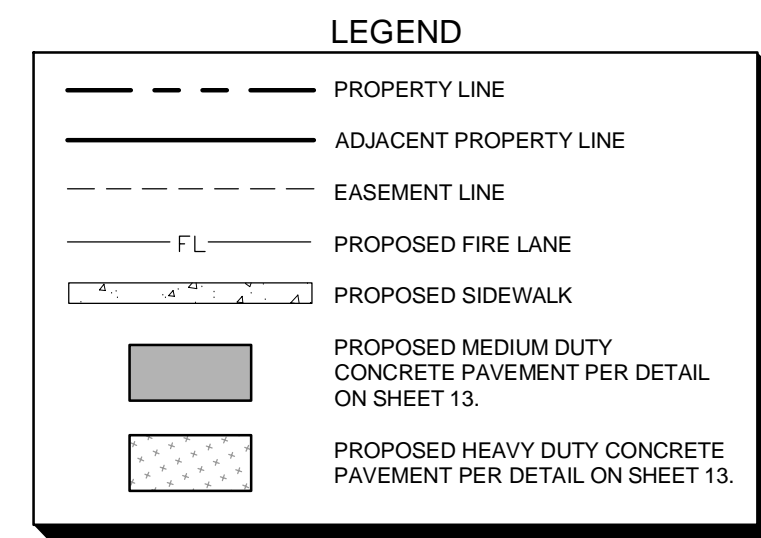
DIRECTOR, DEVELOPMENT SERVICES DEPARTMENT  
RELEASED FOR GENERAL COMPLIANCE: \_\_\_\_\_ ZONING LO-MU-NP

Rev. 1 \_\_\_\_\_ Correction 1 \_\_\_\_\_  
Rev. 2 \_\_\_\_\_ Correction 2 \_\_\_\_\_  
Rev. 3 \_\_\_\_\_ Correction 3 \_\_\_\_\_

*Final plan 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.*

PAVING NOTES

1. SPECIFICATIONS AND RECOMMENDATIONS ARE BASED ON THE GEOTECHNICAL REPORT REPORT NO. 3014-1019 PREPARED BY FUGRO CONSULTANTS, INC. DATED JANUARY 09, 2015.
2. PORTLAND CEMENT CONCRETE SHALL HAVE A MINIMUM 28-DAY COMPRESSIVE STRENGTH OF 4,000 PSI AND BE CONCRETE WITH A MINIMUM OF NO. 4 BARS ON 18" CENTERS, EACH WAY.
3. SCARIFF AND COMPACT THE EXPOSED SOIL SUBGRADE TO A MINIMUM OF 10% MOISTURE. THE DENSITY SHALL BE DETERMINED USING TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) TEST METHOD TEX-113-E. A MINIMUM OF 95% DENSITY SHALL BE ACHIEVED BASED ON +1% TO +3% ABOVE THE OPTIMUM WATER CONTENT.
4. PROOF ROLL THE PREPARED SUBGRADE IN ACCORDANCE WITH TEXAS DOT STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, SECTION 208.04. THE PROOF ROLLING OPERATION SHALL BE OBSERVED BY A REPRESENTATIVE OF THE CITY OF AUSTIN. IF ANY SOFT OR WEAK SUBGRADE SHOULD BE DETECTED, THE SUBGRADE SHALL BE REWORKED AND RECOMPRESSED ON SITE MATERIAL COMPACTED AS STATED ABOVE.
5. PLACE THE RECOMMENDED THICKNESS OF CRUSHED LIMESTONE FLEXIBLE BASE THAT CONFORMS TO THE CURRENT CITY OF AUSTIN STANDARD SPECIFICATIONS, ITEM 210S. COMPACT THE FLEXIBLE BASE TO 100% OF THE CURRENT CITY OF AUSTIN STANDARD SPECIFICATIONS, TEST METHOD TEX-113-E. HOLD WATER CONTENTS TO WITHIN 2% OF THE OPTIMUM AND MAINTAIN COMPACTED DENSITIES TO HIGH DENSITY STANDARD SPECIFICATIONS.
6. CONSTRUCTION OF HOT MIX ASPHALTIC CONCRETE SHALL BE IN CONFORMANCE WITH ITEM 360 OF THE CURRENT CITY OF AUSTIN STANDARD SPECIFICATIONS.
7. CONSTRUCTION OF PORTLAND CEMENT CONCRETE PAVEMENT SHOULD BE IN CONFORMANCE WITH ITEM 360 OF THE CURRENT CITY OF AUSTIN STANDARD SPECIFICATIONS.
8. SUPPORT CONCRETE REINFORCEMENT STEEL WITH CHAIRS OR PRECAST CONCRETE BLOCKS ABOUT 1 INCH ABOVE THE BOTTOM OF THE PLANNED CONCRETE JOINTS.
9. SPACE TRANSVERSE AND LONGITUDINAL CONCRETE CONTRACTION JOINTS INDUCED CRACKS AT INTERVALS OF 10 TO 15 FEET. THE JOINTS SHALL BE CUT TO A PATTERN SHOULD DIVIDE THE PAVEMENT INTO PANELS THAT ARE APPROXIMATELY SQUARE, WITH THE LENGTH OF THE JOINTS BEING APPROXIMATELY EQUAL TO THE WIDTH. DEPTH OF JOINTS MUST BE AT LEAST 1/4" OF THE TOTAL THICKNESS OF THE PAVEMENT. JOINTS MUST BE SAWCUT AS SOON AS THE CONCRETE HAS HARDENED AND WILL NOT TEAR OR RAVEL WHEN CUT.
10. PROVIDE NO MORE THAN TWO (2) FREQUENCY CHECKS OF THE JOINTS BY AN INDEPENDENT QUALITY CONTROL AGENCY. THE FREQUENCY CHECKS SHALL BE IN ACCORDANCE WITH THE FOLLOWING:
  11. EXPANSION JOINTS SHOULD BE USED WHEREVER THE PAVEMENT WILL BE AT A STRUCTURAL ELEMENT SUBJECT TO MOVEMENT SUCH AS BRIDGES, OVERPASSES, POLES, RETAINING WALLS, EXISTING PAVEMENT, STARWAYS, ENTRWAY PIER, BUILDING WALLS, OR CURBS.
  12. EXPANSION JOINTS SHALL BE SPACED NO GREATER THAN 75' AND SEALED WITH APPROPRIATE SEALANT TO MINIMIZE WATER INTRUSION. WATER INTRUSION OF SOILS AND RESULTANT CONCRETE DETERIORATION AT THE JOINTS.
13. EXPANSION JOINTS TO RIGID PAVEMENT SHALL BE CURBS.
14. PROVIDE LOAD TRANSFER AT THE INTERFACE BETWEEN AREAS OF CONCRETE PLACED AT DIFFERENT TIMES AND KEYS.
15. CONSTRUCTION JOINTS AT PLANNED CONTRACTION JOINT LOCATIONS (SEE AID MANUAL OF CONCRETE PRACTICE, PART 10.07.01.01).
16. ALL JOINTS SHOULD BE SEALED IN ACCORDANCE WITH ITEM 360 OF THE CURRENT CITY OF AUSTIN STANDARD SPECIFICATIONS.
17. STAGE PAVEMENT CONSTRUCTION SUCH THAT CONSTRUCTION TRAFFIC, INCLUDING CONCRETE TRUCKS, DO NOT TRAVEL ON NEWLY PLACED CONCRETE PAVEMENT. TRUCKS SHALL NOT EXCEED 10% OF THE DESIGN STRENGTH, UNLESS 7 DAYS.



PAVING PLAN

**KOENIG LANE  
COMMERCIAL**  
1512 WEST KOENIG LANE  
AUSTIN, TX 78756

SHEET NUMBER  
10  
OF 14

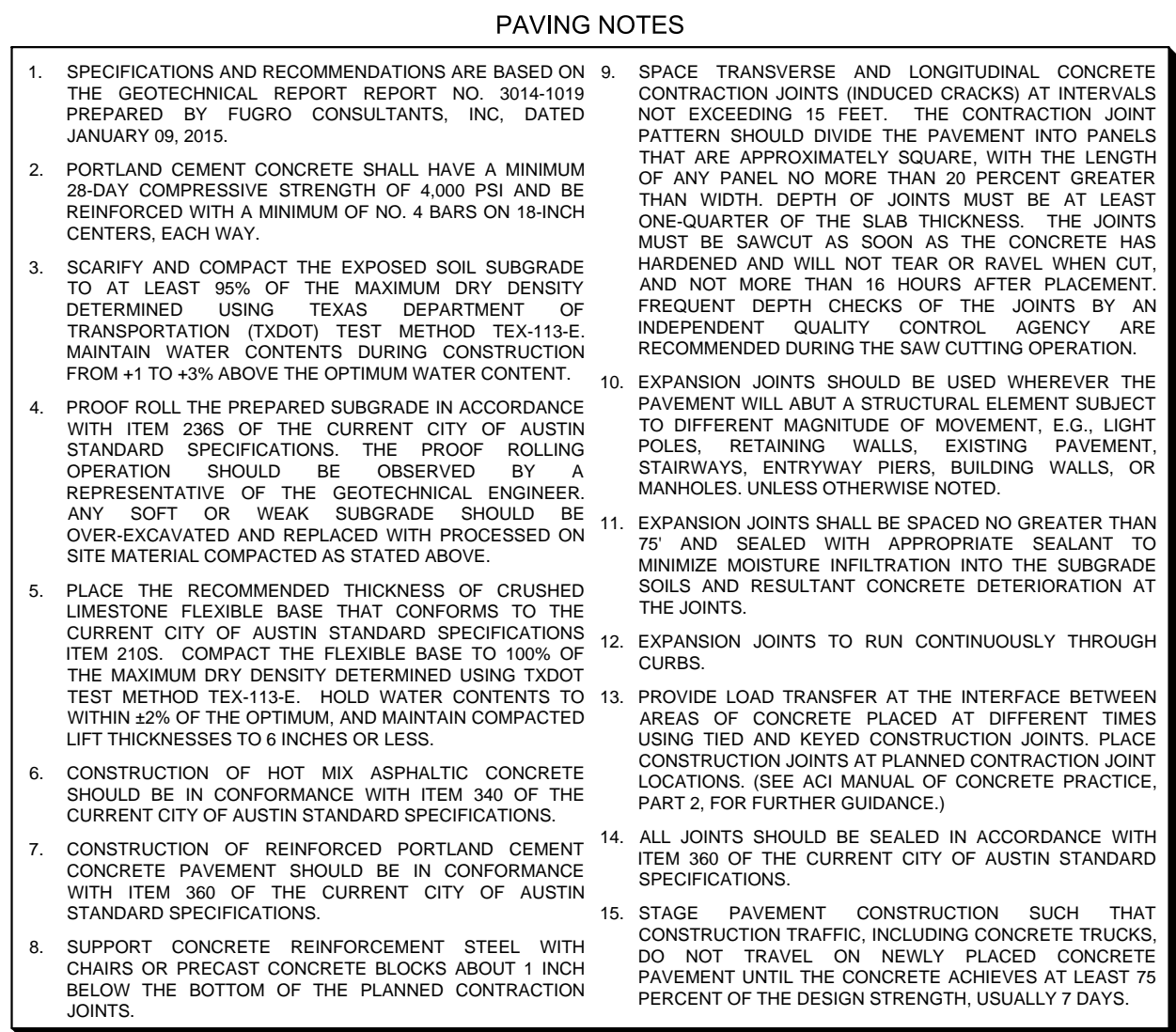
**Kimley»»Horn**



PROJECT No. 069261600
DATE: NOVEMBER 2018
SCALE: AS SHOWN
DESIGNED BY: BAB
DRAWN BY: BAB
CHECKED BY: ASE

[illegible]





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SITE PLAN APPROVAL SHEET 10 OF 14

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

APPROVED BY COMMISSION ON \_\_\_\_\_ UNDER SECTION 112 OF  
CHAPTER 25-5 OF THE CITY OF AUSTIN CODE.

EXPIRATION DATE (25-5.81.DC) \_\_\_\_\_ CASE MANAGER Clarissa E. Davis

PROJECT EXPIRATION DATE (ORD.4970095-A) \_\_\_\_\_ DWPZ \_\_\_\_\_ DDZ \_\_\_\_\_

\_\_\_\_\_  
DIRECTOR, DEVELOPMENT SERVICES DEPARTMENT

RELEASED FOR GENERAL COMPLIANCE: \_\_\_\_\_ ZONING LO-MU-NP

Rev. 1 \_\_\_\_\_ Correction 1 \_\_\_\_\_

Rev. 2 \_\_\_\_\_ Correction 2 \_\_\_\_\_

Rev. 3 \_\_\_\_\_ Correction 3 \_\_\_\_\_

*Final plot 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.*

[illegible]