

Planning Commission Q & A Report

B-1 - B -4

Chair Shaw / Staff

- Does the applicant have proposed concept drawings for the properties? It has been a year since the public meeting when applicant stated they had none.

There are no conceptual plans. It is my understanding that the owners plan to sell the properties but don't have a buyer in mind.

- The main church building was designed by John S. Chase, the first African American to graduate from the University of Texas at Austin in Architecture. Preservation of this building was a major topic of discussion in the community meeting. What is the opinion of the Historic Preservation Office as to the historic significance of this church and what is the process for its preservation given the change in ownership?

David Chapel Missionary Baptist Church qualifies as a city historic landmark under the criteria for architectural distinction and historical significance. It was designed by John S. Chase, the first African-American licensed architect in the State of Texas, and is a masterpiece of mid-century Modern church architecture. The David Chapel congregation also has historical significance; the first home of the congregation, at 14th Street and Chestnut Avenue (now St. Paul Primitive Baptist Church) is a historic landmark.

Recent state law (House Bill 2496) requires that a building owned by a religious organization may only be designated as a historic landmark if the religious organization consents to the designation.

- Micah King stated on behalf of the applicant, "They want to be respectful of the single family uses surrounding the property and to also respect the history." How does applicant intent to meet this commitment?

Pending

- In 11-30-2020 Letter from Chestnut Neighborhood Plan Contact Team (From-David Carroll, Vice Chair), contact team supports CS-MU-V-NP for Tracts 1, 2 and 3 and they stated that they came to an agreement with applicant to rezone Tract 4 to GR-V-MU-CO-NP. However, GR-V-MU-CO-NP is not what is shown as applicant's request in the backup. Does applicant agree to GR-V-MU-CO-NP instead of CS-MU-V-NP for Tract 4?

The applicant agrees to GR-MU-V-CO-NP for Tract 4. Staff, however, is recommending LO-MU-CO-NP.

Chair Shaw / Staff

B-7

The Central West Austin Neighborhood Plan Contact Team opposed the NPA change. Are they speaking to their opposition that we should move this item for discuss on the agenda?

No speakers signed up in opposition to this item.

Chair Shaw / Staff

B-17

Please provide staff's finding of facts evaluation for this case. (Variance Findings of Fact Per LDC section 25-8-41 (land use commission variances) - a variance from LDC 25-8-261 requires consideration of the following items.)

See attachment.



Development Services Department
Staff Recommendations Concerning Required Findings

Project Name: 1514 W Koenig Ln Office Building SP-2019-0027CT
Ordinance Standard: Watershed Protection Ordinance
Variance Request: Request to vary from LDC 25-8-261 to allow construction in the 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. The applicant proposes to demolish the original single family structure built in 1952 and construct an office building. The proposed project is located on Koenig Lane between Burnet Road and North Lamar Boulevard (see Staff Exhibit 1 – Vicinity Map). Most properties fronting this segment of Koenig Lane consist of single family residences that have been expanded for or replaced with commercial use. The existing impervious cover is 35.5% (approximately 2600 square feet); the proposed impervious cover is 70% (approximately 5000 square feet). Adjacent properties on Koenig Lane have existing impervious cover ranging from 19% to 91%. The proposed project is generally consistent with other development located along Koenig Lane.

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;

No. The entire property is located within the Critical Water Quality Zone. The proposed project represents a design decision that does not provide greater overall environmental protection than is achievable without the variance.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

Yes. The Critical Water Quality Zone associated with the adjacent creek (the Hancock Branch of Shoal Creek) is approximately 400 feet wide. The entire lot is located within the Critical Water Quality Zone. There is not opportunity to adjust construction to be located outside of the Critical Water Quality Zone (see Staff Exhibit 2 – Property Location and Characteristics). Increasing the impervious cover is necessary to allow for the property to be converted to a commercial use with on-site parking. The applicant has minimized the proposed impervious cover by reducing the on-site parking from 15 to 10 spaces. This has been achieved by providing offsite parking and through parking alternatives, including an urban core reduction and by providing on-site shower facilities to promote alternative commuting options.

- c) Does not create a significant probability of harmful environmental consequences.

No. The project as currently proposed increases pollutant load due to the additional impervious cover.

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

No. The additional impervious cover will increase pollutant load over existing conditions.

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;

No. The criteria for granting a variance in Subsection A have not been met.

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

Yes. The entire property is located within the Critical Water Quality Zone. There is no opportunity to shift construction to avoid the Critical Water Quality Zone on this lot. Koenig Lane is a TxDOT roadway, but equates generally to a City of Austin minor arterial roadway. As such, single family residential represents an unsuitable use and most single family properties along Koenig Lane have been converted to commercial / office use. Any commercial use for this property requires construction in the Critical Water Quality Zone with a development footprint larger than the original single family development. The entire property cannot be reasonably used without construction in the Critical Water Quality Zone.

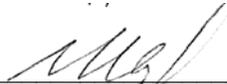
3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

Yes. The entire lot is located within the Critical Water Quality Zone. There is not opportunity to adjust construction to be located outside of the Critical Water Quality Zone. The applicant has minimized the proposed impervious cover by reducing the on-site parking from 15 to 10 spaces. This has been achieved by providing offsite parking and through parking alternatives, including an urban core reduction and by providing on-site shower facilities to promote alternative commuting options. The development footprint must be expanded beyond the existing development in order to use the property for commercial purposes.

Staff Determination: Staff determines that the findings of fact have not been met. However, Staff would recommend the following condition if the variance is approved:

- The applicant will provide on-site water quality treatment to reduce pollutant load for the proposed project below existing conditions in addition to providing a water quality fee-in-lieu payment.

Environmental Review
Manager (DSD)



Mike McDougal

Date 11/17/2020

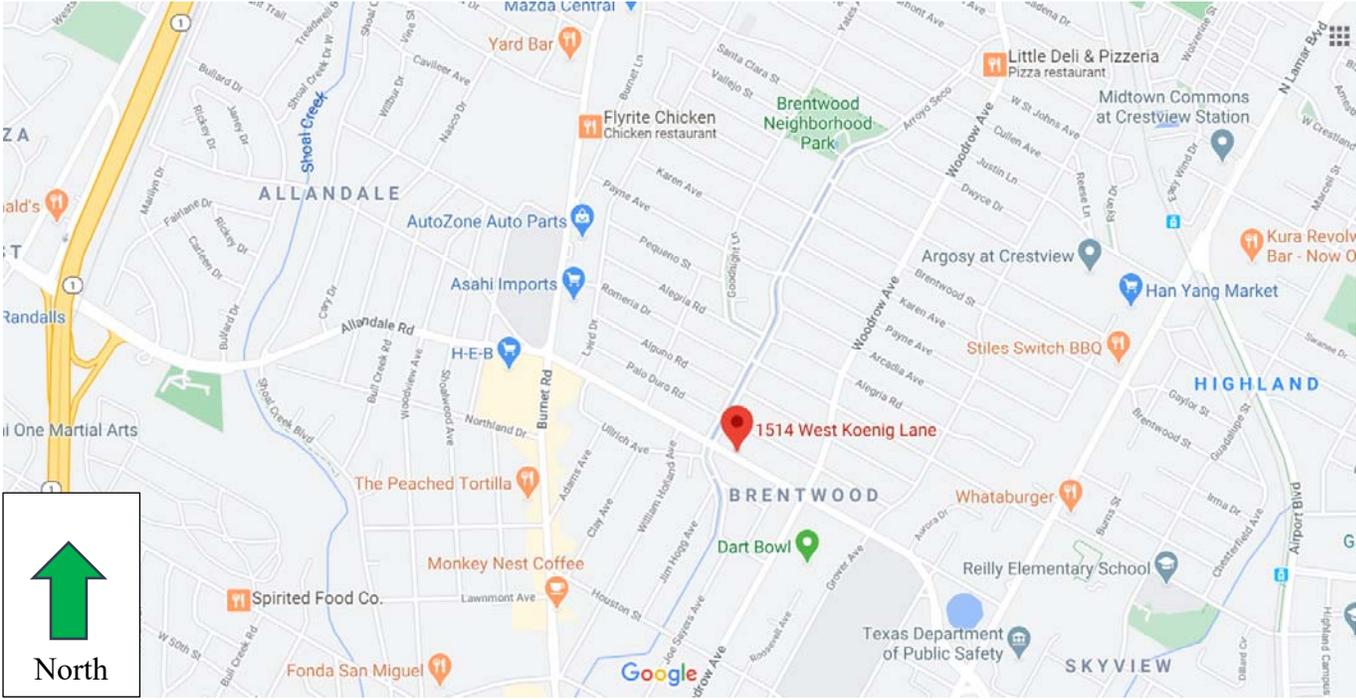
Environmental Officer
(WPD)



Chris Herrington

Date 11/17/2020

Staff Exhibit 1 – Vicinity Map



Staff Exhibit 2 – Property Location and Characteristics

