



## **COUNCIL COMMITTEE REPORT**

### **Planning and Neighborhoods Committee**

**Date: April 30, 2015**

#### **Agenda Item #: 4**

Briefing and possible action on an impervious cover transfer agreement associated with a 5.92 acre property located at 6308 Spicewood Springs Road known as ACE Salvage yard and ACE Discount Glass.

#### **Vote**

Committee voted 3-1, with Mayor Pro Tem Tovo abstaining, to forward the proposal to the full Council with direction to:

- 1) consider language that would prevent the property owner from attempting to renegotiate the value of the transfer credits in the future,
- 2) add to the ordinance/agreement changes to the site plan that the building will be three instead of six stories; and,
- 3) include a safety review of the proposed driveway on Yaupon by staff for Council's consideration.

#### **Sponsors/Department:**

Gregory I. Guernsey, Director, Planning and Zoning Department; Chuck Lesniak, Environmental Officer, Watershed Protection Department

#### **Summary of Discussion**

Staff briefed the Committee on the background and the proposed terms of the agreement. This item is scheduled for the May 7, 2015 Council agenda.

#### **Public Comments**

Charles Roth expressed concerns regarding traffic in the area as well as the access that is being planned as part of the development of the property. Roy Cavanaugh spoke in favor of the agreement.

#### **Direction**

As noted.

#### **Recommendation:**

Committee voted 3-1, with Mayor Pro Tem Tovo abstaining, to forward the proposal to the full Council with direction to:

- 1) consider language that would prevent the property owner from attempting to renegotiate the value of the transfer credits in the future,
- 2) add to the ordinance/agreement changes to the site plan that the building will be three instead of six stories; and,
- 3) include a safety review of the proposed driveway on Yaupon by staff for Council's consideration.

# Ace Auto Salvage Development Agreement

Greg Guernsey, Director  
Planning and Zoning Department

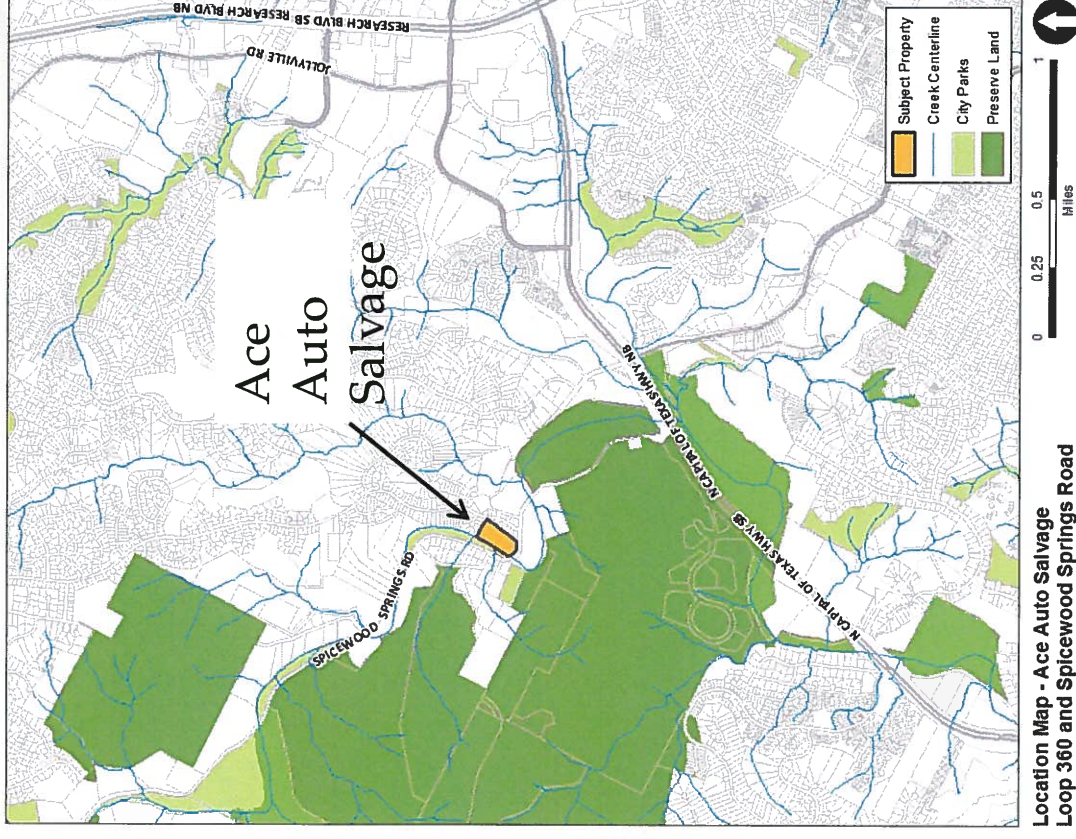
Chuck Lesniak, Environmental Officer  
Watershed Protection Department

# Ace Auto Salvage Development Agreement

- History
- Proposed agreement
- Agreement limitations

# History

- 6308 Spicewood Springs Rd.
- In operation since 1970's
- 5.92 ac. site
- 5 ac. impervious cover
  - 2.64 ac. Critical Water Quality Zone outside drainage easement





# History

- On the banks of Bull Creek
- Highest water quality in Austin
- Also contains glass business
- Site plan for kennel and self storage (2013)
- Annexed in 2014

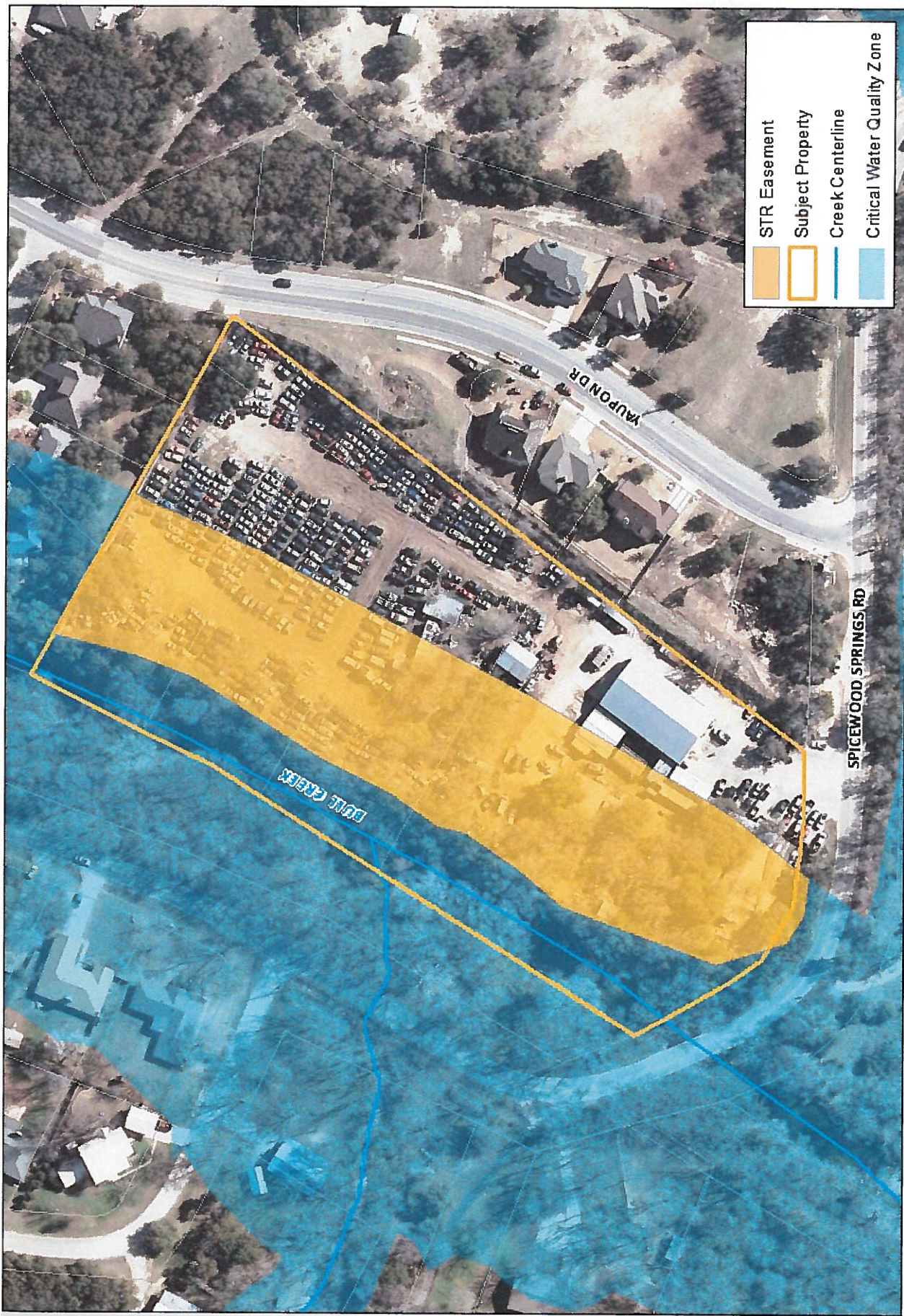




# Development Agreement

City Commitments and Benefits	Owner Commitments and Benefits
<p><b>Obligations</b></p> <ul style="list-style-type: none"> <li>• Provide 5.1 acres (est.) of transferrable impervious cover credits (2.6 ac. @ 2:1 ratio)</li> <li>• Extend approved site plan expiration by 10 years (June 2023)</li> </ul> <p><b>Benefits</b></p> <ul style="list-style-type: none"> <li>• Receive recreation easement on 2.64 acres (est.) of Bull Creek Critical Water Quality Zone</li> <li>• Remove use that is undesirable for environment and neighborhood</li> <li>• Site is cleaned up and buffer for Bull Creek provided</li> </ul>	<p><b>Obligations</b></p> <ul style="list-style-type: none"> <li>• Remove salvage operation from entire property</li> <li>• Remove any development from easement</li> <li>• Enter entire property into state Voluntary Cleanup Program</li> <li>• Remediate all contamination to state standards</li> </ul> <p><b>Benefits</b></p> <ul style="list-style-type: none"> <li>• Receives transferable impervious credits for use or sale</li> <li>• Existing family window business can remain, including auto glass</li> <li>• Non-conforming site plan extended for 10 years</li> </ul>





Proposed Sidewalk, Trail, and Recreation Easement  
Ace Auto Salvage





# Agreement Limitations

Limitations on impervious cover credits:

- 50% after acceptance into Cleanup Program and environmental assessment accepted by State
- 50% after completion of all required remediation and Certificate of Completion issued
- May not be used in Barton Springs Zone, Jollyville Plateau Salamander drainage areas
- May not be used to exceed watershed impervious cover limits by more than 10%
- May not be used to resolve illegal development or on development with existing impervious cover variance



# Similar Agreements

- Development agreements are generally on a case by case basis
- Conservation easements are for a different purpose, but evaluated similarly in terms of environmental benefit and value
- Transferrable impervious credits rarely granted

# Questions