

AGENDA



Recommendation for Council Action

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| Austin City Council | Item ID | 45704 | Agenda Number | 2. |
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| Meeting Date: | 5/14/2015 | Department: | Planning and Zoning |
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Subject

Approve second and third readings of an ordinance adopting and authorizing execution of 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 (District 10).

Amount and Source of Funding

Fiscal Note

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| Purchasing Language: | |
| Prior Council Action: | May 7, 2015: Council approved an ordinance on first reading on a vote of 10-0 with Council Member Garza off the dais. |
| For More Information: | Gregory I. Guemsey, Director, Planning and Zoning Department, (512) 974-2387, Chuck Lesniak, Environmental Officer, Watershed Protection Department, (512) 974-2699; Mitzi Cotton, Assistant City Attorney, Law Department, (512) 974-2179 |
| Council Committee, Boards and Commission Action: | |
| MBE / WBE: | |
| Related Items: | |

Additional Backup Information

This ordinance adopts and authorizes execution of an agreement that would allow the transfer of up to 229,994.5 square feet of watershed impervious cover credits from a property located at 6308 Spicewood Springs Road and within the Bull Creek Watershed to other properties within the Planning Jurisdiction of the City of Austin. The transfer of impervious cover credits are limited to a term of fifteen (15) years, may not be transferred to property within the Barton Springs Zone nor areas with surface drainage to critical habitat for the Jollyville Plateau Salamander, and may only be applied to property developed under regulations in effect at time of transfer to the receiving property. The subject property is currently owned by Roy and Cynthia Cavanaugh and developed with a legal non-conforming motor vehicle salvage yard and glass company that was established prior to annexation into the City in 2013. Under current law, the existing business may continue indefinitely unless it is abandoned. The property was

zoned townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning by the City Council in December 2014. The existing uses on the property abut the main channel of Bull Creek to the west and a detached single family neighborhood to the north and east.

As the result of conversations between Mr. Cavanaugh and the City Council in 2014, Mayor Leffingwell asked at a Council meeting that staff work with Mr. Cavanaugh to see if there was a way to curtail the uses that were detrimental to water quality and possibly allow greater public access along the creek.

Highlights of the Agreement, attached as Exhibit A to the ordinance are:

- (1) Transferable watershed impervious cover credits at a ratio of 2:1 for the 2.63 acres of critical water quality zone.
- (2) No guarantee of value of the credits.
- (3) Credits cannot be used in the Barton Springs Zone or Jollyville Plateau Salamander areas.
- (4) Credits expire in 15 years.
- (5) Credits cannot be used to resolve non-compliance or if the receiving tract is grandfathered.
- (6) Current site plan on file expiration date extended until June 2023, and cannot include a structure over 3 stories in height.
- (7) Removal of the existing motor vehicles and associated parts from the property (except automotive glass).
- (8) The entire property must be cleaned up under the Texas Commission on Environmental Quality Voluntary Clean-Up Program.
- (9) Dedication to the City of a restrictive covenant and a sidewalk-trail-recreation easement on a 2.63 acre parcel of land abutting Bull Creek.

The proposed ordinance is necessary to allow the impervious cover transfer to occur under the City Code and to extend the life of the previously approved site plan. Staff recommends approval of the agreement.