

AGENDA



Recommendation for Council Action

Austin City Council	Item ID	51916	Agenda Number	7.
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Meeting Date:	11/12/2015	Department:	Development Services
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Subject

Approve third reading 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

Purchasing Language:	
Prior Council Action:	May 7, 2015 - Council approved an ordinance on first reading, May 14, 2015 - Council approved an ordinance on second reading;
For More Information:	Andrew Linseisen, Land Use Review Division Manager, Development Services, 512-974-2239; Gregory I. Guemsey, Director, Planning and Zoning; Chuck Lesniak, Environmental Officer, Watershed Protection; 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 the execution of an agreement that would allow the transfer of up to 229,994 square feet of watershed impervious cover credits from a property within the Bull Creek Watershed located at 6308 Spicewood Springs Road known as Ace Salvage Yard to other properties within the Planning Jurisdiction of the City of Austin. The agreement would also provide that a portion of the land is restricted by covenant and a recreational easement. 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 adopted on second reading 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 2018, and cannot include a structure over 3 stories in height or access to Yaupon Drive.
- (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.

Negotiations on the agreement have continued since May, resulting in a new draft agreement, included in back-up with the changes redeclined.

Highlights of the changes made in the new draft are:

- (1) In Section I, provided for use of a Title Company to hold the executed restriction and easement to be recorded after approval of the environmental assessment under the state Voluntary Clean Up Program, see Section I D.
- (2) In Section III, provided that credits of 500 square feet or more may be used to resolve non-compliance after Environmental Commission review and Land Use Commission approval; credits under 500 square feet may be used to resolve non-compliance with City Code with administrative approval by the Watershed Protection Department Director. Factors to be considered include the nature of the non-compliance, the feasibility of resolving the non-compliance without the credits, and the environmental impact of resolving the non-compliance using the credits, see section III. D. 3.
- (3) In Section III, clarified the language prohibiting use of credits on development using vested rights under state law, see Section III. D. 4.
- (4) In Section IV, added changes to clarify the process for transferring credits.
- (5) In Section V, allowed for site plan revisions only if the use, scale and intensity of the project are not materially changed.

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 the approval of the ordinance and agreement as revised.