



OHAN Resolution to Support a Zoning Change Request, C14-2016-0020, from LR-MU-NP to GR-MU-NP ONLY with a Strict Conditional Overlay and Restrictive Covenant

WHEREAS, OHAN member Travis Country Community Service Association has raised issues concerning the zoning change request in C14-2016-0020; and

WHEREAS, these concerns include, among other things, the elevated location within Barton Springs with drainage to the Williamson Creek watersheds; potential overflow into Gaines Creek; the existing entitlements on the property grandfathered and not subject to the SOS ordinance; reduced water quality controls; increased impervious cover allowances; inadequate traffic signals at the property; and decreased Austin Fire Department response time to this property; both separately and in conjunction with the entitlements on property adjacent to and in proximity to the project; and

WHEREAS, the Oak Hill Association of Neighborhoods supports responsible development; and

WHEREAS, the Oak Hill Association of Neighborhoods supports ways to best manage growth to enhance the quality of life and to best preserve, protect, and manage natural resources and wildlife within our community; and

WHEREAS, the owner of the project has requested a zoning change from LR to GR to enable two specific purposes; and

WHEREAS, OHAN previously adopted a resolution supporting the zoning change request so long as the zoning change does not allow for any further or different development or uses than the existing zoning, with the exception of the two purposes that the owner has represented to OHAN as the reasons for the requested zoning change; and

WHEREAS, applicant has represented to OHAN that City Staff has notified the applicant that the allowable impervious cover for the tract will need to be reduced from 65% gross site area to 58% gross site area in order to obtain City Staff recommendation for approval of the zoning change; and

WHEREAS, based on the new requirement from City Staff, the applicant has modified the potential uses of the tract; and

WHEREAS, the applicant has represented to OHAN that applicant has already paid the City of Austin \$84,500.00 toward the construction of a traffic light at Southwest Parkway

and Terravista Drive; and

WHEREAS, the applicant has agreed to pay an additional \$80,000.00 to the City of Austin toward the construction of a traffic light at Southwest Parkway and Terravista Drive; and

WHEREAS, based on these representations and changes to the project, applicant has requested that OHAN support the project as modified.

THEREFORE, strictly based upon the representations of applicant being true and correct, OHAN supports the zoning change request in C14-2016-0020 from LR to GR upon the following conditions:

1. The project shall be subject to all LR use restrictions, building size restrictions, building height restrictions, and floor to area ratio restrictions so that anything not allowed in LR shall be excluded from the permissible project and from the GR zoning, with the exceptions stated in number 2 below. The impervious cover for the tract shall be limited to 58% of the gross site area. There shall be no amplified outdoor music or sound allowed on the tract, and any outdoor music shall be with unamplified, acoustic instruments only.
2. The only uses and/or deviations from LR zoning shall be:
 - a. decked space for the restaurant site shall be no more than 2,000 square feet;
 - b. drive-thru coffee shop shall be an allowed use.
3. The restrictions set forth in number 1 above shall be incorporated into a Conditional Overlay and incorporated into a binding restrictive covenant filed in the Official Public Records of Travis County, Texas, that runs with the land, such filing to occur prior to the adoption of any ordinance changing the zoning on the tract. The binding restrictive covenant shall state that owners of tracts of land within 5 miles of the project are third-party beneficiaries of the restrictive covenant and that any owner of land within that 5 mile radius, or any representative of the owners of property within that 5 mile radius (including homeowners associations), shall have standing to enforce the restrictive covenant.
4. No variances, exceptions, waivers, payments in lieu, interdepartmental variances, etc., shall be requested by owner and none shall be granted by the City of Austin.
5. The applicant shall deliver to the City of Austin the additional sum of \$80,000.00 toward the construction of a traffic light at Southwest Parkway and Terravista Drive prior to the adoption of any ordinance changing the zoning of the tract.

Adopted this 8th Day of March, 2017

/s/ Darryl W. Pruett
Darryl Pruett, OHAN President