



ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION MEETING DATE: February 16, 2022

NAME & NUMBER OF PROJECT: 7715 ½ W State Highway 71 Restrictive Covenant Amendment, C14-85-288.23(RCA)

NAME OF APPLICANT OR ORGANIZATION: Drenner Group (Amanda Swor)

LOCATION: 7715 ½ W. SH 71

COUNCIL DISTRICT: 8

ENVIRONMENTAL REVIEW STAFF: Liz Johnston, Deputy Environmental Officer
Liz.johnston@austintexas.gov

WATERSHED: Williamson Creek Watershed, Barton Springs Contributing Zone

REQUEST: To amend a Restrictive Covenant

STAFF RECOMMENDATION: Staff recommended with conditions

STAFF CONDITION:

1. This application completes the project established by the Restrictive Covenant such that any further development or redevelopment is subject to current code at the time of site development permit application.
2. This project shall comply with current code, including SOS non-degradation water quality treatment, except for the following exceptions:
 - a. 60% impervious cover on a gross site area calculation shall be allowed rather than the 65% currently allowed,
 - b. Cut and fill shall not exceed 8 feet except for building foundations and storm water control measures and appurtenances,
 - c. Stormwater control facilities will be allowed within the Water Quality Transition Zone,
 - d. LDC 25-8-301 and 25-8-302 does not apply.



MEMORANDUM

TO: Linda Guerrero, Chair, and Members of the Environmental Commission

FROM: Liz Johnston, Deputy Environmental Officer
Watershed Protection Department

DATE: February 2, 2022

SUBJECT: 7715 ½ W State Highway 71 Restrictive Covenant Amendment
C14-85-288.23(RCA)

This summary is being provided to the Environmental Commission for the 7715 ½ W State Highway 71 Restrictive Covenant Amendment (RCA), a proposed amendment to an existing restrictive covenant from 1985 (executed in 1987).

History

Restrictive Covenants are legal documents that can establish site development regulations and use limitations for certain properties. Several such Restrictive Covenants have been recorded for certain properties located within the Oak Hill Study Area. The Restrictive Covenant under consideration today includes two such tracts of land which are located in the full purpose zoning jurisdiction, in the Williamson Creek Watershed, and in the Contributing Zone of the Barton Springs Segment of the Edwards Aquifer. However, only the regulations associated with Tract 1 are under discussion at this time.

Restrictive Covenants associated with the Oak Hill Study Area frequently lock in older site development regulations that predate current water quality protections for the Barton Springs Zone established by City Code 25-8, Article 13 (*Save Our Springs Initiative*). These properties could develop under the terms of the restrictive covenant without achieving compliance with the non-degradation water quality standard of the Save Our Springs Ordinance, or other environmental protections.

If the property is rezoned to allow uses or site development standards other than those allowed by the Restrictive Covenant, then the Restrictive Covenant must also be amended. Because these Restrictive Covenants entitle the properties to develop under older regulations, amending these Restrictive Covenants provides an opportunity for additional environmental protection and for development on these tracts to achieve a greater degree of compliance with current environmental regulations.

A similar case, Highway 71 & Mountain Shadow RCA (C14-85.288.56(RCA)) was heard by the Environmental Commission on June 3, 2020 and was recommended for approval by both the Environmental Commission and Planning Commission before subsequent approval by the City Council.

Proposed Changes

The current property is seeking a rezoning for the subject property to GO-MU-NP from LO-NP (reference case number C14-2021-0130). Due to this zoning request, the applicant must also amend the existing Restrictive Covenant. As part of the Restrictive Covenant Amendment, the applicant has also agreed to reduce impervious cover allowances from 65% to 60%, to comply with Critical Water Quality Zone restrictions, to limit cut and fill to 8' except for building foundations and stormwater control facilities, and to comply with the non-degradation water quality treatment standard of the Save Our Springs Ordinance. Additionally, once the current project is complete, subsequent development or redevelopment will comply with current land development regulations rather than utilize the entitlements set forth in the restrictive covenant.

Staff Recommendation

Because the Restrictive Covenant Amendment provides greater overall environmental protection and achieves a higher degree of overall compliance with current regulations than would otherwise be permitted under the current Restrictive Covenant, staff recommends this Restrictive Covenant Amendment with conditions.

Staff Conditions

1. This application completes the project established by the Restrictive Covenant such that any further development or redevelopment is subject to current code at the time of site development permit application.
2. This project shall comply with current code, including SOS non-degradation water quality treatment, except for the following exceptions:
 - a. 60% impervious cover on a gross site area calculation shall be allowed rather than the 65% currently allowed by the existing entitlements,
 - b. Cut and fill shall not exceed 8 feet except for building foundations and storm water control measures and appurtenances,
 - c. Stormwater control facilities will be allowed within the Water Quality Transition Zone,
 - d. LDC 25-8-301 and 25-8-302 does not apply.

If you have any questions about the environmental conditions of this restrictive covenant amendment, please contact Liz Johnston in the Watershed Protection Department at liz.johnston@austintexas.gov.