



ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMITTEE MEETING DATE:	February 7, 2024
NAME & NUMBER OF PROJECT:	Sunset Ridge 290 C14-85-288.166(RCA)
NAME OF APPLICANT OR ORGANIZATION:	Armbrust & Brown (Richard Suttle)
LOCATION:	8401 Southwest Pkwy
COUNCIL DISTRICT:	8
ENVIRONMENTAL REVIEW STAFF:	Leslie Lilly, Environmental Conservation Program Manager, (512)535-8914, Leslie.lilly@austintexas.gov
WATERSHED:	Williamson Creek & Barton Creek Watershed/Barton Springs Zone
REQUEST:	Restrictive Covenant Amendment
STAFF RECOMMENDATION:	Staff recommended with conditions.
STAFF CONDITION:	Development associated with C14-85-288.166(RCA), located at 8401 Southwest Pkwy, shall comply with the following requirements. <ul style="list-style-type: none">a. Impervious cover limited to 55% gross site areab. Except for impervious cover, the site will comply with current environmental code including SOS non- degradation water quality treatment requirementsc. Development will achieve a one-star Austin Energy Green Building ratingd. A minimum of 4 public EV charging spaces will be provided on site

- e. Invasive species will be managed to result in less than 5% cover of any particular species within environmentally superior areas.
- f. Development will comply with Austin Energy Green Building ST7 Light Pollution Reduction criteria
- g. Development will comply with Austin Energy Green Building STEL5 Bird Collision Deterrence criteria

RESTRICTIVE COVENANT AMENDMENT REVIEW SHEET

CASE: C14-85-288.166(RCA) – Sunset Ridge

DISTRICT: 8

ADDRESS: 8401 and 8401 ½ Southwest Parkway

SITE AREA: 9.606 acres

EXISTING ZONING: GO-CO-NP

PROPOSED ZONING: Amendment to Restrictive Covenant

PROPERTY OWNER: Los Indios Ventures, Inc.

AGENT: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.)

CASE MANAGER: Jonathan Tomko (512-974-1057, jonathan.tomko@austintexas.gov)

STAFF RECOMMENDATION:

Staff recommendation is pending the Affordability Unlocked determination.

PLANNING COMMISSION ACTION / RECOMMENDATION:

CITY COUNCIL ACTION:

ISSUES:

Multifamily residential is not permitted in the general office (GO) district zoning category. However, if Affordability Unlocked is approved, then the Restrictive Covenant may be reviewed under the current (GO) district zoning.

CASE MANAGER COMMENTS:

Comments are pending until the Affordability Unlocked process has been completed.

EXISTING ZONING AND LAND USES:

	Zoning	Land Uses
Site	GO-CO-NP	Undeveloped
North	Not applicable	Southwest Parkway
South	SF-2-CO-NP; SF-3-NP	Single-family residences
East	SF-2-CO-NP	Single-family residences; Undeveloped
West	GO-MU-CO-NP; RR-NP	Single-family residences

NEIGHBORHOOD PLANNING AREA: Oak Hill Combined (West Oak Hill)

WATERSHED: Williamson Creek – Barton Springs Zone (Contributing Zone)

SCHOOLS:

Oak Hill Elementary

Small Middle School

Austin High School

RELATED CASES:

SPC-2023-0448C.SH – Site plan is currently in review.

ADDITIONAL STAFF COMMENTS:Comprehensive Planning*Imagine Austin*

The initiation, termination or amending of a Restrictive Covenant is not under the purview of the policies of the Imagine Austin Comprehensive Plan and therefore an Imagine Austin compliance report has not been provided for this case.

Environmental Review / Environmental Office Review

FYI: The applicant is advised that this property is located in the Hill Country Roadway (HCR) Overlay. Please consider compatibility of the proposed project goals with applicable HCR requirements and update the amendment as necessary.

Please provide any available exhibits associated with the proposed development of the tract.

With the exception of impervious cover limits, please demonstrate other departures from current environmental code that the proposed restrictive covenant allows, including:

- a) Heritage tree protection,
- b) Cut/fill,
- c) Construction on slopes, etc.

Staff will support the amendment if the project commits to compliance with current environmental code at the time of site plan.

Consider incorporating light pollution reduction criteria into the project by committing to compliance with Austin Energy Green Building ST7 Light Pollution Reduction criteria as a part of achieving 2-star Austin Energy Green Building Rating.

Consider incorporating bird friendly design criteria into the project by committing to compliance with Austin Energy Green Building STEL5 Bird Collision Deterrence criteria as a part of achieving 2-star Austin Energy Green Building Rating.

PARD – Planning & Design Review

Residential units that are certified affordable under the SMART Housing Policy are exempt from the parkland dedication requirements per City Code § 25-1-601(C)(3). Parkland dedication will be required for any new market-rate residential units that may be proposed by a development resulting from this Restrictive Covenant amendment at the time of subdivision or site plan, per City Code § 25-1-601.

Transportation and Public Works – Engineering Review

Note: The applicant is proposing to restrict access to Sunset Ridge.

The Austin Strategic Mobility Plan (ASMP) calls for 58 feet of right-of-way for Sunset Ridge. It is recommended that 29 feet of right-of-way from the existing centerline should be dedicated for Sunset Ridge according to the Transportation Plan with the first subdivision or site plan application. [LDC 25-6-51 and 25-6-55].

The adjacent street characteristics table is provided below:

Name	ASMP Classification	ASMP Required ROW	Existing ROW	Existing Pavement	Sidewalks	Bicycle Route	Capital Metro (within ¼ mile)
Sunset Ridge	Level 1	58'	49'	29'	No	No	No
Southwest Parkway	Level 4	154'	182'	112'	No	Yes	No

Austin Water Utility

No comments for restrictive covenant amendment case.

Site Plan

Site Plan comments will be provided at time of site plan submittal.

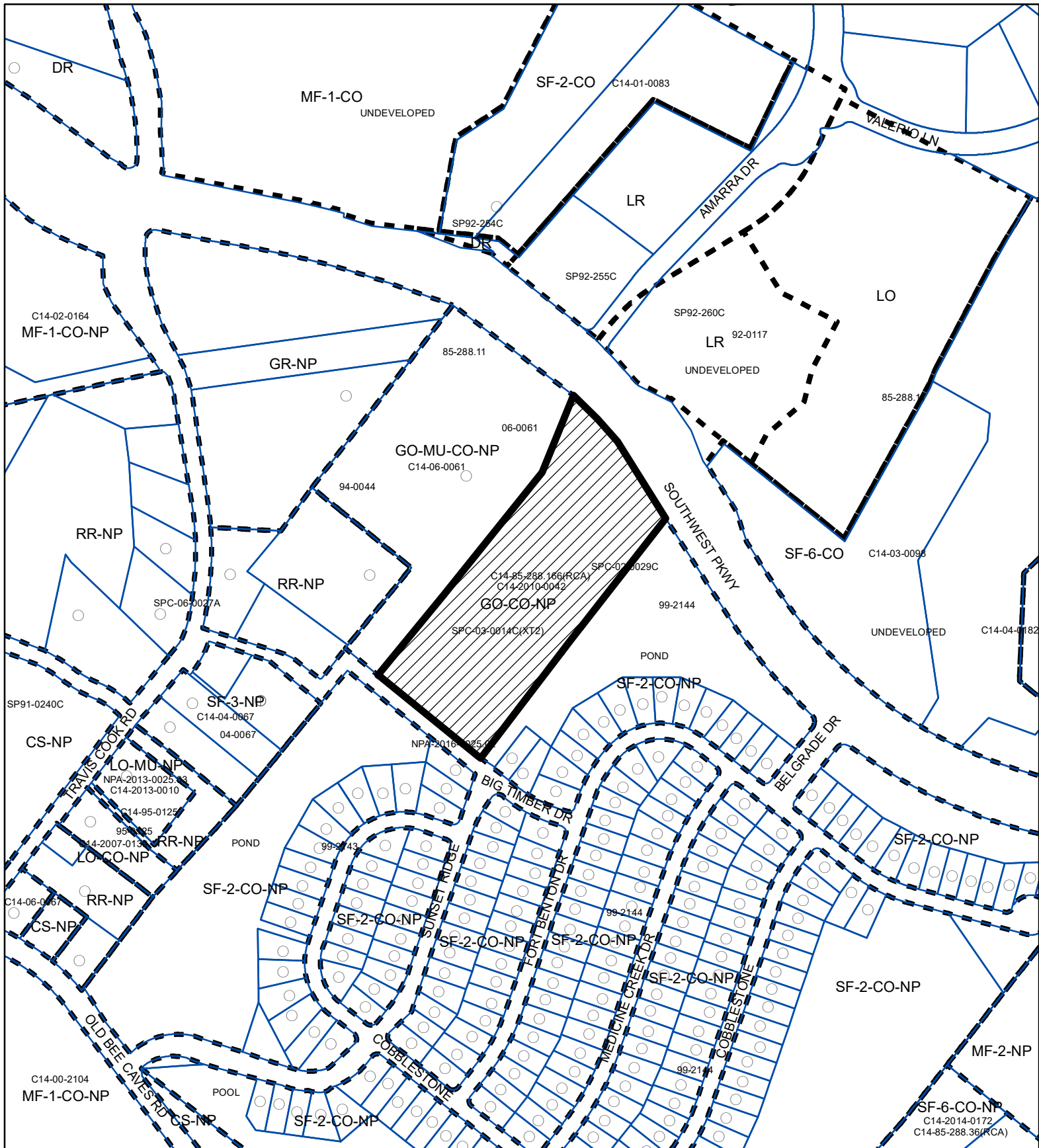
INDEX OF EXHIBITS TO FOLLOW:

Exhibit A: Zoning Map

Exhibit B: Aerial Map

Exhibit C: Applicant's Summary Letter

Exhibit D: Restrictive Covenant Amendment Redlines



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

Restrictive Covenant Amendment

CASE#: C14-85-288.166(RCA)

EXHIBIT A

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







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1" = 400'



Sunset Ridge

EXHIBIT B

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE
-  CREEK BUFFER

ZONING CASE#: C14-85-288.166(RCA)
 LOCATION: 8401 & 8401 1/2 Southwest Pkwy
 SUBJECT AREA: 9.606 Acres
 GRID: B21
 MANAGER: Nancy Estrada



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Created: 1/3/2024

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

Richard T. Suttle, Jr.
(512) 435-2310
rsuttle@abaustin.com

November 7, 2023

Lauren Middleton-Pratt
Director, Planning Department
City of Austin
1000 E. 11th Street, Suite 200
Austin, Texas 78702

Re: Restrictive Covenant Amendment C14-85-288.166 (the "Application")

Dear Mrs. Middleton-Pratt:

This Application is submitted to amend the restrictive covenant recorded in Volume 10801, Page 236 of the Real Property Records of Travis County, Texas and later amended in Document No. 2010095372 of the Official Public Records of Travis County, Texas (the "Restrictive Covenant") and associated with zoning case C14-85-288.166.

The Restrictive Covenant encumbers approximately 12.1557 acres of land, of which, 9.606 acres is owned by Los Indios Ventures, Inc. and located at 8401 and 8401 ½ Southwest Parkway (the "Property"). A site plan will be submitted in conjunction with this Application for the construction of a multi-family project with associated parking and infrastructure (the "Project").

The purpose of this Application is to add multi-family residential use as a permitted use of the Property and establish a maximum impervious cover of 55% and 1:1 FAR for multi-family residential use.

In exchange for the proposed modifications, the Project will:

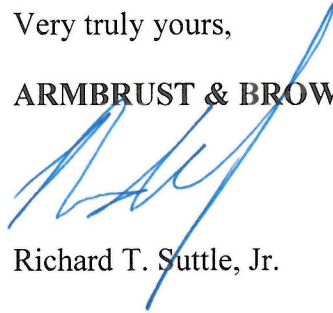
1. provide water quality controls in accordance with the Save Our Springs Initiative and outlined in Section 1.6.9.3 of the Environmental Criteria Manual,
2. achieve a minimum one-star rating under the Austin Energy Green Building Program,
3. restrict access to Sunset Ridge,
4. provide a minimum of four (4) EV charging stations, and
5. remove invasive species in accordance with the City of Austin Invasive Species Management Plan.

A copy of the redlined restrictive covenant as well as copies of the Restrictive Covenant are included with this Application.

Thank you in advance for your consideration of this Application. Should you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,

ARMBRUST & BROWN, PLLC



Richard T. Suttle, Jr.

cc: Joi Harden
Amanda Morrow
Amanda Hendrix

**AMENDMENT OF RESTRICTIVE COVENANT
FOR
ZONING CASE NO. C14-85-288.166**

Owner: Los Indios Ventures, Inc., a Texas corporation

Address: 151 South 1st Street, Suite 200, Austin, Texas 78704

City: The City of Austin, a home-rule city, municipal corporation and political subdivision of the State of Texas, in Travis County, Texas

City Council: The City Council of the City of Austin

Consideration: Ten and No/100 Dollars (\$10.00) and valuable consideration paid by the Owner to the City of Austin, the receipt and sufficiency of which is acknowledged.

and Amended under
Document No.
2010095372 of the
Official Public Records
of Travis County, Texas

WHEREAS, Boston Lane G.L.S. Joint Venture, as owner of all that certain property described in Zoning File No. C14-85-288.166, consisting of approximately 9.6 acres of land (the "Property"), as more particularly described in the restrictive covenant recorded in the Real Property Records of Travis County, Texas, in Volume 10801, Page 236, (the "Restrictive Covenant") imposed certain restrictions and covenants on the Property by the Restrictive Covenant of record.

WHEREAS, the Restrictive Covenant provided that the covenant could be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, or such other governing body as may succeed the city Council of the City of Austin, and (b) the Owner(s) of the Property at the time of such modification, amendment or termination.

WHEREAS, Los Indios Ventures, Inc., a Texas corporation is the current owner (the "Owner") of the Property on the date of this Amendment of Restrictive Covenant (the "Amendment") and desires to amend the Restrictive Covenant as to the Property.

WHEREAS, the City Council and the Owner agree the Restrictive Covenant should be amended.

NOW, THEREFORE, for and in consideration of the premises and mutual promises, covenants, and agreement hereinafter set forth, the City of Austin and the Owner agree as follows:

1. Paragraph No. 1 of the Restrictive Covenant is deleted in its entirety and the following provisions are substituted in its place.

New Section 1(C). The Property may be developed up to a floor-to-area ratio of 1.0 to 1.0 for a residential use, provided that the Property is developed in accordance with the following standards:

- a. Impervious cover is limited to 55% of the gross site area.
- b. Water quality facilities which meet non-degradation standards as defined by the Save Our Springs Ordinance, in accordance with Section 1.6.9.3 (Control Measure Design) of the Environmental Criteria Manual.
- c. Except for emergency access purposes, vehicular access to Sunset Ridge is prohibited.
- d. Achieve a minimum one-star rating under the Austin Energy Green Building Program.
- e. A minimum of 4 public EV charging spaces must be provided on-site.
- f. Invasive species will be managed by best practices prescribed in the City of Austin Invasive Species Management Plan that results in less than 5% of cover of any particular invasive species within environmentally superior areas.

1 (A). The Property may be developed up to a floor-to-area ratio of 0.5 to 1.0 for an office use, provided that the Property is developed in accordance with the following standards:

- a. Impervious cover is limited to 55 percent.
- b. Water quality facilities which meet non-degradation standards as defined by the Save Our Springs Ordinance, in accordance with Section 1.6.9.3 (Control Measure Design) of the Environmental Criteria Manual.
- c. Except for emergency access purposes, vehicular access to Sunset Ridge is prohibited.

1 (B). The Property may be developed with a religious assembly use and related administrative support, day care services and educational facilities (collectively, "Religious Assembly Use"), provided that the Property is developed in accordance with the following standards:

- a. Water quality facilities which meet non-degradation standards as defined by the Save Our Springs Ordinance, in accordance with Section 1.6.9.3 (Control Measure Design) of the Environmental Criteria Manual.
- b. It is expressly acknowledged that the standards described in subparagraph (a) and (c) in Section 1(A) above shall not apply to a Religious Assembly Use.

See new Section 1(C) above

~~1(C).~~ ^(D) If the Property is developed **or residential** permitted under the Restrictive Covenant other than office use, ~~as~~ described in 1(A) above, the Property shall be limited to a maximum floor-to-area ratio of 0.25 to 1.0.

2. Paragraph 3 of the Restrictive Covenant is modified to add multi-family residential as a permitted use of the Property.

3. ~~X~~ The following uses are prohibited uses of the Property and are removed from the list of permitted uses set forth in Paragraph 3 of the Restrictive Covenant:

Agricultural sales and services	Building maintenance services
Business support services	Construction sales and services
Service station	Custom manufacturing
Limited warehousing and distribution	General warehousing and distribution
Maintenance and service facilities	Railroad facilities

4. ~~X~~ Except as expressly provided for in this Amendment, each and every one of the terms, conditions, and provisions of the Restrictive Covenant, as set forth in the Restrictive Covenant, shall continue in full force and effect on and after the effective date of this Amendment and shall apply to a Religious Assembly Use, including without limitation, the impervious cover provisions contained in Paragraph No. 2 of the Restrictive Covenant.

5. ~~X~~ The City Manager, or his designee, shall execute, on behalf of the City, this Amendment for Zoning File No. C14-85-288.166, as authorized by the City Council of the City of Austin. The Amendment shall be filed in the Official Public Records of Travis County, Texas.

EXECUTED to be effective the 21st day of June, 2010

OWNER:

Los Indios Ventures, Inc., a Texas corporation

By: _____

Tim Jamail, President

CITY OF AUSTIN:

By: _____

Sue Edwards,
Assistant City Manager,
City of Austin

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS

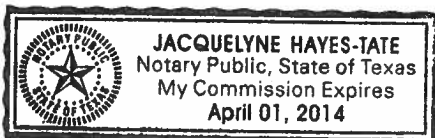
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COUNTY OF TRAVIS

:

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This instrument was acknowledged before me on this the 14th day of JUNE, 2010 by Tim Jamail, President of Los Indios Ventures, Inc., a Texas corporation, on its behalf.



Notary Public, State of Texas

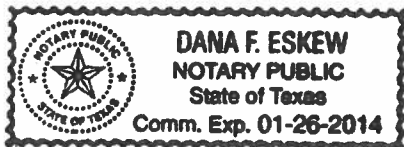
THE STATE OF TEXAS

:

COUNTY OF TRAVIS

:

This instrument was acknowledged before me on this the 28 day of June, 2010, by Sue Edwards, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation.



Dana F. Eskew
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

City of Austin Law Department

P.O. Box 1088

Austin, Texas 78767-1088

Attn: Diana Minter, Paralegal

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Jul 01, 2010 04:44 PM

2010095372

FERGUSONLL: \$28.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS