

RESTRICTIVE COVENANT AMENDMENT REVIEW SHEET

CASE: C14-85-288.135 (RCA)

P.C. DATE: March 11, 2008

ADDRESS: 7748 W US 290 HWY

OWNER/APPLICANT: Austin Community College (Robert Ryland)

AGENT: MWM DesignGroup (Amelia Lopez-Phelps)

RESTRICTIVE COVENANT AMENDMENT: To remove a provision in a public restrictive covenant prohibiting development on slopes of 15% or greater.

AREA: 9.13 acres

SUMMARY STAFF RECOMMENDATION:

Staff recommends the applicant's request to remove a provision in a public restrictive covenant prohibiting development on slopes of 15% or greater.

PLANNING COMMISSION RECOMMENDATION:

Pending.

DEPARTMENT COMMENTS:

The applicant wishes to remove a provision in a public restrictive covenant prohibiting development on slopes of 15% or greater to allow for the construction of additional parking spaces to serve the Austin Community College Pinnacle Campus.

Removal of the provision shall bring the site under current Land Development Code [25-8-301 and 25-8-302]. The original restrictive covenant was executed May 1, 1987, when the subject property was rezoned from RR to GO as a result of the Oak Hill Study. Current city code allows development on slopes greater than 15% under certain conditions. The applicant is aware of these conditions and intends to comply with them.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO	Austin Community College / Office
<i>North</i>	SF-1, SF-3, SF-6	Single-Family Residences
<i>South</i>	GR, LO, MF-3-CO	Church, Apartments
<i>East</i>	GO	Undeveloped
<i>West</i>	GO-CO	Austin Community College / Office

AREA STUDY: Oak Hill Study

TIA: N/A

WATERSHED: Williamson Creek

DESIRED DEVELOPMENT ZONE: NO

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Scenic Brook Neighborhood Association
 Circle C Neighborhood Association
 Save Our Springs Alliance
 Oak Hill Association of Neighborhoods
 Austin Independent School District
 Wynnrock Area Neighborhood Association

Barton Springs / Edwards Aquifer
 Conservation District
 Estates of Loma Vista HOA
 Home Builders Association of Greater Austin
 League of Bicycling Voters
 Beckett Place Townhome Association
 Homeless Neighborhood Association

SCHOOLS:

Patton Elementary School
 Small Middle School
 Austin High School

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-85-288.135 (subject property)	from RR to GO	GO w/ RC: no development on slopes of 15% or greater, limit impervious cover to 65%, FAR to .25, must comply with Williamson Creek Watershed Ordinance	GO w/ RC: no development on slopes of 15% or greater, limit impervious cover to 65%, FAR to .25, must comply with Williamson Creek Watershed Ordinance [Vote: 7-0]
C14-90-0074	from RR to GO-CO	GO-CO; CO to prohibit hospital services, limit impervious cover to 65%, FAR to .275:1, only emergency vehicular access permitted from Silver Dale Dr. [Vote: 7-0]	GO-CO; CO to prohibit hospital services, limit impervious cover to 65%, FAR to .275:1, only emergency vehicular access permitted from Silver Dale Dr. [Vote: 5-0]
C14-93-0097	from GO to GR & SF-2	SF-2-CO (tract 1) & GR-CO (tract 2); CO for several prohibited uses, no berms [Vote: 7-0]	SF-2-CO (tract 1) & GR-CO (tract 2); CO for several prohibited uses, no berms [Vote: 5-1]
C14-99-2038	from GO to CS	Expired	Expired

RELATED CASES:

There is a related site plan case currently under review, SP-2007-0624D. The applicant proposes to construct parking improvements, water/quality detention controls and associated improvements.

CITY COUNCIL DATE: Pending**ACTION:** N/A**ORDINANCE READINGS:** 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Robert Levinski**PHONE:** 974-1384

Environmental Review - Craig Carson - 974-7690

Please be advised that additional comments may be generated as newly obtained or update information is reviewed.

EV 1 Removal of the plat restriction to allow construction on slopes greater than 15% will bring the site under the current Land Development Code. Specifically related to slopes, any proposed development would have to meet LDC 25-8-301 and 25-8-302. Per LDC 25-8-302(A)(1) no buildings or parking structures can be built on slopes greater than 25% AND LDC 25-8-302(A)(2) no parking areas can be constructed on slopes greater than 15%.

EV 2 Because this site is located within the Barton Springs Zone, per LDC 25-8-515, no exemptions, special exemptions, waivers, or variances can be granted. To obtain approval to deviate from these requirements would require the applicant to go through the "Limited Adjustment Process" in referenced in LDC 25-8-518. This means that ultimately any variance requests would have to go up to the City Council for approval.

§ 25-8-301 CONSTRUCTION OF A ROADWAY OR DRIVEWAY.

(A) A person may not construct a roadway or driveway on a slope with a gradient of more than 15 percent unless the construction is necessary to provide primary access to:

- (1) at least two contiguous acres with a gradient of 15 percent or less; or
- (2) building sites for at least five residential units.

(B) For construction described in this section, a cut or fill must be revegetated, or if a cut or fill has a finished gradient of more than 33 percent, stabilized with a permanent structure. This does not apply to a stable cut.

Source: Section 13-2-590(a); Ord. 990225-70; Ord. 031211-11.

§ 25-8-302 CONSTRUCTION OF A BUILDING OR PARKING AREA.

(A) A person may not construct:

- (1) a building or parking structure on a slope with a gradient of more than 25 percent; or
- (2) except for a parking structure, a parking area on a slope with a gradient of more than 15 percent.

(B) A person may construct a building or parking structure on a slope with a gradient of more than 15 percent and not more than 25 percent if the requirements of this subsection are met.

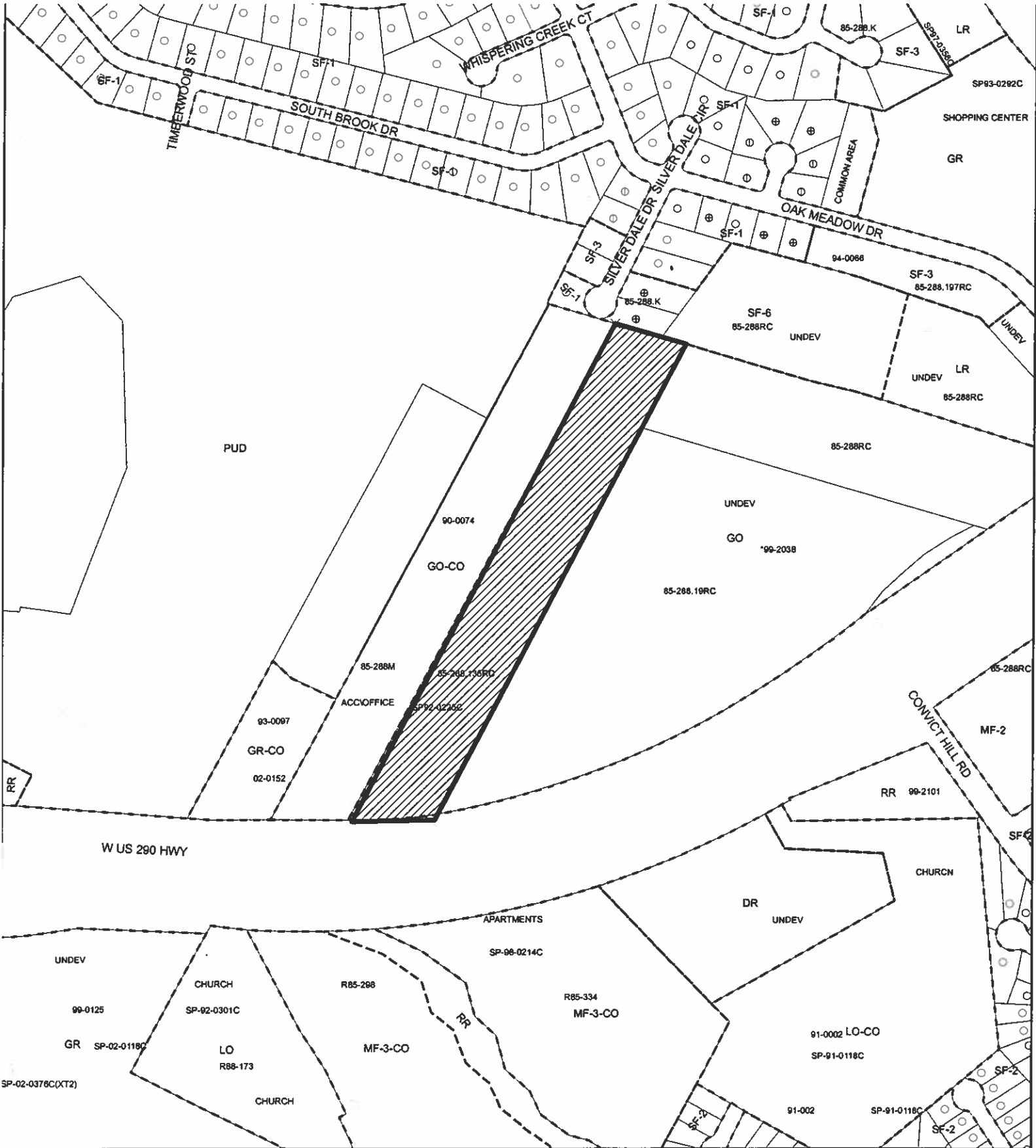
(1) Impervious cover on slopes with a gradients of more than 15 percent may not exceed 10 percent of the total area of the slopes.

(2) The terracing techniques in the Environmental Criteria Manual are required for construction that is uphill or downhill of a slope with a gradient of more than 15 percent.

(3) Hillside vegetation may not be disturbed except as necessary for construction, and disturbed areas must be restored with native vegetation.

(4) For construction described in this section, a cut or fill must be revegetated, or if a cut or fill has a finished gradient of more than 33 percent, stabilized with a permanent structure. This does not apply to a stable cut.

Source: Section 13-2-590(b); Ord. 990225-70; Ord. 031211-11.



ZONING



- SUBJECT TRACT**
- ZONING BOUNDARY**
- PENDING CASE**

ZONING CASE#: C14-85-288.135(RCA)
ADDRESS: 7748W US 290 HWY
SUBJECT AREA: 9.13 ACRES
GRID: B19
MANAGER: R. LEVINSKI



OPERATOR: S. MEEKS

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1" = 400'

RESTRICTIVE COVENANT AMENDMENT

**C14-85-288.135(RCA)
ACC Riverside Campus**

**To remove a provision in a public restrictive covenant
prohibiting development on slopes of 15% or greater.**

