

**MANAGED GROWTH AGREEMENT
REVIEW SHEET**

CITY COUNCIL DATE: June 24, 2010

CASE NUMBER: SP-2010-0090C.MGA

PROJECT NAME: Aviara Heights and Residences

ADDRESS: 7308 Old Bee Caves Road

AREA: 39.5 acres

OWNER: CRB-Aviara L.P.
221 W. 6th Street, Suite 1900
Austin, TX 78701

AGENT: Hanrahan Pritchard Engineering Inc.
8333 Cross Park Dr.
Austin, TX 78754

CASE MANAGER: Nikki Hoelter Telephone: 974-2863
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PROPOSED DEVELOPMENT: The development consists of a 10 phase single and multi family development, which will include 134 single unit detached condominiums and one four-plex building.

Existing improvements on site include, one, four-plex condominium building, and 8 detached condominium buildings, a swimming pool, playground area, all interior drives and roads, water quality and drainage ponds, utilities and infrastructure. All existing improvements were constructed under the previously approved site plan SP-06-0281C. Currently one detached condominium structure is under construction. 126 detached condominium structures remain to be built.

Site plan SP-06-0281C expired under project duration on May 15, 2009. A new site plan SP-2010-0090C.MGA has been filed with a Managed Growth Agreement request. This site plan is substantially the same as the original now expired site plan.

EXISTING ZONING: The site is zoned SF-6-NP and LR-NP; and is located in the Oak Hill Combined Neighborhood Plan West

APPLICANT'S REQUEST FOR MGA: The applicant is requesting a 10 year permit life to a new to an approved site development permit through the Managed Growth

Agreement process. The purpose of this agreement is to provide certainty that this project will not be required to undergo design changes as a result of changes to City regulations over a long period of time. This amount of time is required in order for the owner to obtain buyers for each unit and complete the project in phases.

This would extend the life of the permit to January 22, 2020.

NEIGHBORHOOD ORGNIZATIONS:

Austin Parks Foundation
Austin Independent School District
Austin Neighborhood Council
Austin Southwest Association
Barton Springs/Edwards Aquifer Conservation District
Far South Austin Community Assn.
League of Bicycling Voters
Homeless Neighborhood Association
Home Builders Association of Greater Austin
Onion Creek Homeowners Association
Park Ridge Owners Assn.
Super Duper Neighborhood Objectors and Appealers Organization
Terrell Lane Interceptor Association

LEGAL DESCRIPTION: 5.054 acres more or less out of the A.J. Bond Survey No.91, Abstract 114 as described in the special warranty deed to PCG-Aviara L.P. A Texas Limited Partnership recorded as Document # 2006173743, in the official records of Travis County, Texas and 33.098 acres and 1.307 acres more or less as described in the special warranty deed to PCG-Aviara L.P. a Texas Limited Partnership recorded as Document # 2006173744 in the official records of Travis County, Texas.

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

APPLICABLE WATERSHED ORDINANCE: Williamson Creek Watershed
Ordinance – Ordinance No. 861009J
and associated Restrictive Covenant

CAPITOL VIEW: Not in View Corridor

T.I.A.: Not required.

PREVIOUS ZONING AND PLATTING COMMISSION ACTION: Not required for the approval of the MGA, managed growth agreement.

PREVIOUS SITE PLAN APPROVAL: A site plan was approved under case number SP-06-0281C on December 29, 2006 on this site for the same development that's requesting an MGA. Because it's located in the Drinking Water Protection Zone and subject to Project Duration under LDC 25-1, the site plan expired May 15, 2009. No variances were requested with the site plan.

Zoning Ordinance No. 86-1009-J changed the zoning on the property to SF-6 and LR, and had a restrictive covenant attached to the zoning ordinance. The site is located in the Barton Springs Zone, and over the Contributing Zone, however NOT located in the Edwards Aquifer Recharge Zone. The restrictive covenant permitted the project to develop under the Williamson Creek Watershed regulations in effect in 1986.

It also stated that for Lot 1, the SF-6 zoned portion of the land, a maximum impervious cover of 50 % was permitted, Limited to a maximum of 400 residential units and, no development on slopes with a grade of 15% or greater.

For Lot 3, which is the LR zoned portion of the site, a maximum impervious cover limit of 65%, maximum building square footage of 48,000 square feet, limited to one curb cut along Old Bee Cave Road and no development on slopes with a grade of 15% or greater.

Because the restrictive covenant accompanied the zoning ordinance, the applicant did not request grandfathering of the site plan, and therefore staff reviewed and approved the plan based on current code as modified by the approved restrictive covenant standards.

If the restrictive covenant were not in place, the plan would have been required to comply with current standards, (SOS ordinance regulations), which would have involved stricter water quality rules and an impervious cover limit of 25% for the entire site.

A unified development agreement was executed with this site plan which tied the two lots together, for purposes of impervious cover, joint access and maintenance of water quality and detentions ponds.

SITE PLAN APPROVAL: Based on the previously mentioned history of the 2006 site plan the new site plan that matches the previous site plan, was administratively approved on May 11, 2010, for a permit life of 3 years. Because this site is subject to Project Duration under 25-1-535 (B)(4)- Drinking Water Protection Zone, the expiration for the site plan permit is 3 years from the submittal date of January 22, 2010, which would then **expire on January 22, 2013.**

The site complies with portions of Subchapter E that pertain to all zoning districts. 2% private common open space is being provided and the exterior lighting requirement which requires light fixtures to be shielded and hooded are being met. No buildings are proposed within the LR zoning district, therefore no portion of Subchapter E will be required to be met on this lot.

SUMMARY STAFF RECOMMENDATION: Staff does not recommend approval of the requested Managed Growth Agreement. Based on the adopted rule for MGA's which requires that "A Managed Growth Agreement application must meet or exceed current code and will not impede or delay other city initiatives related to economic development or sustainable growth." The applicant is requesting a 10-year extension to an approved site plan through a MGA.

The current, approved site plan does not meet Land Development Code requirements as of application date January 22, 2010, which specifically speak to the Save Our Springs Ordinance, in regards to impervious cover limitations and water quality controls. Under current code, the maximum impervious cover limit would be 25% for the entire site and more restrictive water quality pond regulations. Currently, water quality is being provided but not built to current standards.

The owner would be permitted to request a one year administrative extension if the request were submitted 60 days prior to the expiration date. Once that extension expires, no further extensions could be granted. Section 25-1, Project Duration supersedes all other sections, including 25-5, which speaks to site plan permit approval.

Since staff does not recommend the 10 year time frame for the extended expiration date, the owner would be permitted to request a one, time, one year administrative extension if the request were submitted 60 days prior to the expiration date and meet criteria under

LDC Section 25-1-534(C)-

(1) Except as provided in Subsection (C)(2), obtained one or more approvals for a final subdivision plat, including subdivision construction plans for infrastructure, for at least 50% of the land area within the project between September 1, 1992 and September 6, 1997; or

(2) obtained one or more approvals for a site plan, excluding subdivision construction plans for infrastructure, for at least 30% of the land area within the project between September 1, 1992 and September 6, 1997; or

(3) since September 1, 1992 has incurred direct costs for development of the project (exclusive of land acquisition, interest expense, attorneys fees, allocated corporate overhead and ad valorem taxes) in the lesser amount of :

- (a) 10% of the most recent appraised market value of the real property on which the project is located, as established by the applicable Appraisal District; or
- (b) \$1 million

Once that extension expired, no further extensions could be granted and a new application would be required in order to continue development. Section 25-1-535, Project Duration supersedes all other sections, including 25-5, which speaks to site plan permit approval.

PROJECT INFORMATION: 39.5 acres

EXIST. ZONING: SF-6-NP and LR-NP

of UNITS: 135

MAX. HEIGHT ALLOWED: 36'

PROPOSED HEIGHT: 24' - 33'

PROPOSED OVERALL IMPERV. CVRG.: 46.8%

SF-6 Lot Impervious Cover - Proposed: 32.58%

SF-6 Lot Impervious Cover permitted under Restrictive Covenant: 50%

LR Lot Impervious Cover - Proposed: 13.9%

LR Lot Impervious Cover permitted under Restrictive Covenant: 65%

REQUIRED PARKING: 412 **PROVIDED PARKING:** 412 via garages within each unit and tandem spaces in the driveway

CURRENT CODE STANDARDS (based on SOS regulations for Contributing Zone within Barton Springs Zone)

Maximum Permitted Impervious Cover: 25% *

*For entire site, due to the executed Unified Development Agreement for both lots which tied the site together for purposes of impervious cover, maintenance of detention facilities, parking, and joint access.

PROPOSED ACCESS: Access from an existing driveway onto Old Bee Caves Road.

SUMMARY COMMENTS ON SITE PLAN:

LAND USE: This large condominium site consists of 39.5 acres, and is currently zoned SF-6-NP and LR-NP and is in the Drinking Water Protection Zone. The following improvements constructed on site include 8 buildings, one 4-plex, the community pool, all drives, utilities and water quality and detention ponds. 126 units are left to be built, and parkland dedication fees were paid for all proposed units.

ENVIRONMENTAL: This site is located in the Williamson Creek Watershed and is classified as Barton Springs Zone. The site is not located over the Edward's Aquifer Recharge Zone. Environmental regulations were reviewed based on the restrictive covenant associated with the zoning ordinance, which was the Williamson Creek watershed ordinance in effect in 1986. There are no Critical Environmental Features on this site. All environmental comments have been cleared.

TRANSPORTATION: Access will be from Old Bee Caves Road
A TIA was not required. All transportation comments have been cleared.

SURROUNDING CONDITIONS:

Zoning/ Land Use

North: SF-6-NP, RR-NP, SF-2-NP - Undeveloped

South: GO-NP, SF-6-NP, RR-NP – Single family residence, church

West: SF-2-NP, P-NP - Undeveloped

East: Old Bee Caves Road (ROW), RR-NP – Single family residence

<u>STREET:</u>	<u>R.O.W.</u>	<u>SURFACING</u>
Old Bee Caves Road	varies	80'