



**Zoning**  
**CITY OF AUSTIN**  
**RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: Z-9**  
**AGENDA DATE: Thu 01/13/2005**  
**PAGE: 1 of 1**

**SUBJECT:** C14-85-288.102(RCT) - Conduct a public hearing and approve a restrictive covenant termination for the property locally known as 7800-8200 Southwest Parkway (Barton Creek Watershed - Barton Springs Zone) . Zoning and Platting Commission Recommendation: To grant the request to terminate the restrictive covenant. Applicant: Hilltop Homes. Agent: Brown MCarroll (Annick Beaudet). City Staff: Robert Heil, 974-2330.

**REQUESTING**      Neighborhood Planning  
**DEPARTMENT:**      and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

**RESTRICTIVE COVENANT CHANGE REVIEW SHEET**

**CASE:** C14-85-288.102 (RCT)      **Z.A.P. DATE:** December 7, 2004

**ADDRESS:** 7800-8200 Southwest Parkway

**OWNER/APPLICANT:** Southwest Hilltop Homes

**AGENT:** Brown McCarroll. (Annick Beaudet)

**EXISTING ZONING:** SF-6-CO

**AREA:** 5.2 acres

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends termination of the restrictive covenant.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

**December 7, 2004:** APPROVED STAFF'S RECOMMENDATION TO TERMINATE THE RESTRICTIVE COVENANT; BY CONSENT. [J.M; J.G 2ND] (8-0) C.H – INELIGIBLE TO VOTE

**DEPARTMENT COMMENTS:**

Staff is requesting a postponement of this request to the January 27<sup>th</sup> City Council meeting to allow additional time to resolve legal issues regarding the termination of the covenant.

The site is undeveloped.

Staff recommends termination of the restrictive covenant.

In 1986 this tract was zoned from RR to GR and the properties to the north were zoned from RR and Interim SF-2 to GO. At that time a restrictive covenant was placed on all three areas requiring access to proposed parkland, limiting several commercial uses, and requiring compliance with the Barton Creek Watershed ordinance.

Since 1986, the original park proposal has been abandoned. There are no plans to develop a public or private park on the referenced land.

In 2003, the subject tracts were rezoned from GO to SF-6-CO, rendering the use restrictions in the restrictive covenant moot. The conditional overlay limits trips to less than 2000 per day. The properties to the north were also rezoned at this time to SF-6-CO

The subject tract would be required to develop under more restrictive current City of Austin Land Development Standards, including the SOS ordinance.

In 2001, the tracts to the north were released from the restrictive covenant. This proposal is to release the restrictive covenant on the southern portions of the original land.

Case C14-04-0182 and case C14-85-288.102(RCT) are related. Case C14-04-0182 would rezone the remainder of the property to the north from GO to SF-6.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-6	Undeveloped
<i>North</i>	GO and LO	Undeveloped
<i>South</i>	SF-2-CO	Single Family Residences
<i>East</i>	SF-6	Undeveloped
<i>West</i>	SF-6	Undeveloped

**AREA STUDY:** N/A

**TIA:** N/A

**WATERSHED:** Barton Creek (Barton Springs Zone)

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** Yes

**REGISTERED NEIGHBORHOOD ORGANIZATIONS:**

- OHAN (298)
- OHAN 78735 (705)
- OHAN 78736 (706)
- OHAN 78737 (707)
- OHAN 78738 (708)
- OHAN 78739 (709)
- OHAN 78749 (710)
- Travis County West Home Owners Association (712)
- Save Our Springs Alliance (943)
- Save Barton Creek Association (384)
- Barton Springs Coalition (385)
- City of Rollingwood (605)
- Lost Creek Neighborhood Association (145)

**SCHOOLS: (AISD ISD)**

Oak Hill Elementary School    O. Henry Middle School    Austin High School

**CASE HISTORIES:**

**C14-85-288.102** In 1986 this tract was zoned from RR to GR and the properties to the north were zoned from RR and Interim SF-2 to GO. At that time a restrictive covenant was placed on all three areas requiring access to proposed parkland, limiting several commercial uses, and requiring compliance with the Barton Creek Watershed ordinance.

**C14-03-0098** In 2003 the subject tracts were rezoned from GO to SF-6-CO, rendering the use restrictions in the restrictive covenant moot. The conditional overlay limits trips to less than 2000 per day. The properties to the north were also rezoned at this time to SF-6-CO

Case C14-04-0182 and case C14-85-288.102(RCT) are related. Case C14-04-0182 would rezone the remainder of the property to the north from GO to SF-6.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification
Southwest Parkway	180'	2 @ 50'	Arterial

- There are no bike routes or sidewalks along Southwest Parkway.
- No Capital Metro Service is available within ¼ mile of the property.

**CITY COUNCIL DATE:** Jan. 27, 2005

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Robert Heil  
e-mail address: robert.heil@ci.austin.tx.us

**PHONE:** 974-2330

**SUMMARY STAFF RECOMMENDATION****C14-84-288.102(RCT)**

Staff recommends termination of the restrictive covenant.

**BACKGROUND**

The site is undeveloped.

In 1986 this tract was zoned from RR to GR and the properties to the north were zoned from RR and Interim SF-2 to GO. At that time a restrictive covenant was placed on all three areas requiring access to proposed parkland, limiting several commercial uses, and requiring compliance with the Barton Creek Watershed ordinance.

Since 1986, the original park proposal has been abandoned. There are no plans to develop a public or private park on the referenced land.

In 2003, the subject tracts were rezoned from GO to SF-6-CO, rendering the use restrictions in the restrictive covenant moot. The conditional overlay limits trips to less than 2000 per day. The properties to the north were also rezoned at this time to SF-6-CO

The subject tract would be required to develop under more restrictive current City of Austin Land Development Standards, including the SOS ordinance.

In 2001, the tracts to the north were released from the restrictive covenant. This proposal is to release the restrictive covenant on the southern portions of the original land.

Case C14-04-0182 and case C14-85-288.102(RCT) are related. Case C14-04-0182 would rezone the remainder of the property to the north from GO to SF-6.

**EXISTING CONDITIONS****Site Characteristics**

The site is undeveloped, and bordered by largely undeveloped land. The land to the north is zoned SF-6-CO and GO, although the GO zoning has a pending case to be rezoned to SF-6, and staff supports that proposed rezoning. Across Southwest Parkway is SF-2-CO land, which has been partially built out.

**Transportation**

No additional right-of-way is needed at this time.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

**Existing Street Characteristics:**

<b>Name</b>	<b>ROW</b>	<b>Pavement</b>	<b>Classification</b>
Southwest Parkway	180'	2 @ 50'	Arterial

- There are no bike routes or sidewalks along Southwest Parkway.
- No Capital Metro Service is available within ¼ mile of the property.

**Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. If water or wastewater utility improvements, or offsite main extension, or system upgrades, or utility relocation, or adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria and specifications.

The landowner must pay all required water and wastewater utility tap permit, impact, construction inspection, and utility plan review fees.

**Environmental**

This site is not located over the Southern Edwards Aquifer Recharge Zone. The site is located within the contributing zone of the Edwards Aquifer. The site is in the Barton Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. Project applications at the time of this report are subject to the SOS Ordinance which allows 20% impervious cover for sites in the Barton Creek Watershed that are in the contributing zone.

According to flood plain maps, there is no flood plain within the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code regulations.

In the Barton Springs Zone, no individual retail use may exceed 50,000 square feet and no food sales use may exceed 100,000 square feet. [Sec. 25-2-651] Place the following note on the site plan: "No principal retail use and its accessory uses will exceed 50,000 square feet of gross floor area, and no principal food sales uses and its accessory uses will exceed 100,000 square feet."

### **Site Plan**

The site/A portion of the site is located within 1,000 feet of Southwest Parkway and within a Hill Country Roadway Corridor. The site is located within the low intensity zone of the Hill Country Roadway. Except for clearing necessary to provide utilities or site access, a 100/50 foot vegetative buffer will be required along Southwest Parkway. At least 40% of the site (excluding dedicated right-of-way) must be left in a natural state. Prior to the issuance of a building permit for the proposed use, a site plan must be approved by the Planning Commission

The site is subject to compatibility standards. Along the south property line, the following standards apply:

- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.



