

ITEM #17

**MGA PEARSON PLACE AT AVERY RANCH
SUMMARY OF STAFF COMMENTS**

Late Backup

CASE NUMBER: C8J-2008-0056.(XT).MGA

CASE MANAGER: David Wahlgren PHONE #: (512) 974-6455

SUBMITTAL DATE: December 3, 2012 REPORT DUE DATE: December 31, 2012

FINAL REPORT DATE: January 8, 2013 8 DAYS HAVE BEEN ADDED TO THE UPDATE DEADLINE

SUBDIVISION REVIEW - DAVID WAHLGREN - (512) 974-6455:

Your MGA request to extend the life of this preliminary plan until March 20, 2018, has been reviewed. Due to a significant change in the Land Development Code with the addition of the **Heritage Tree Ordinance**, and the **significant number of trees on this site**, it is the Staffs opinion that that the request would be used to circumvent the tree ordinance which would otherwise be enforced when the unplatted portion of the preliminary plan expired and was later resubmitted under current code. However, the Staff could support the request if the applicant was willing to include a provision that all unplatted land in the preliminary plan meet the requirements of the Heritage Tree Ordinance.

ENVIRONMENTAL REVIEW - MIKE MCDUGAL - (512) 974-6380:

The applicant has requested: (1) an MGA with a project expiration date of March 11, 2018; and (2) with the exception of water quality and impervious cover requirements, that the regulations in effect in 2008 be applicable to the project until the proposed project expiration.

Environmental Review staff supports the proposed MGA with a project expiration date of March 11, 2018 provided however, that all development complies with the regulations in effect at the time of project submittal.

EV 03 The project appears to have been located in the COA ETJ in 2008. COA GIS indicates the property is located now in the COA full purpose jurisdiction. In the comment response letter, please respond to the following:

- 1 – Does the applicant propose to comply with tree preservation and tree mitigation requirements under the MGA?**
- 2 – Does the applicant propose to comply with heritage tree requirements under the MGA?**
- 3 – Does the applicant propose to comply with single family lot tree planting requirements per LDC 25-2-1032, LDC 25-2-1033, and ECM Appendix F under the MGA?**
- 4 – Does the applicant propose to comply with landscaping requirements under the MGA?**

EV 04 Please indicate which specific provisions of the 2008 Land Development Code the applicant proposes to be applicable to the project under the MGA until the March 11, 2018 expiration.



The City of Austin Urban Forestry Board

WHEREAS, the Austin City Council is committed to conducting government business in an open and accessible manner; and

WHEREAS, the City Council has recognized the importance of its boards and commissions in playing a vital role in advising the City Council and facilitating communication between citizens, board members, and the City Council; and

WHEREAS, recent decisions regarding economic development agreements negotiated in the absence of public process have created concern on behalf of the citizen for a lack of respect for community values; and

WHEREAS, Austin's trees provide significant economic, environmental, and social contributions to the quality of life in Austin; and

WHEREAS, recent decisions have waived processes critical to ensuring that the values of this community, as evidenced in its codes and policies, are upheld;

NOW THEREFORE BE IT RESOLVED THAT THE URBAN FORESTRY BOARD OF THE CITY OF AUSTIN STRONGLY RECOMMENDS THAT THE CITY COUNCIL

Direct the City Manager to uphold, without exception, the City Code of the City of Austin in any future development agreement.

Passed unanimously by the Urban Forestry Board on June 20, 2012.

Patrick Brewer
Chair, Urban Forestry Board

Date

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