

ORDINANCE NO.

AN ORDINANCE ADOPTING SITE-SPECIFIC AMENDMENTS TO CITY CODE SECTION 25-8-514 AND GRANTING VARIANCES TO CITY CODE SECTIONS 25-8-281 AND 25-8-483 RELATING TO ENVIRONMENTAL AND WATER QUALITY REGULATIONS APPLICABLE TO THE GARZA TRACT; AND WAIVING CITY CODE SECTIONS 25-1-502 AND 25-8-41.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The site-specific amendment and variances approved in Parts 1-4 of this ordinance are limited to the construction of a mixed use development and associated parking in the water quality transition zone of Barton Creek and critical environmental feature buffer for the property generally located at 3712 Ben Garza Lane. The variances and amendment granted in this ordinance are limited to the construction of a mixed use development and associated parking and do not run with the land.

PART 2. City Code Section 25-8-514 (A) (*Pollution Prevention Required*) is amended to allow maximum impervious cover in the recharge zone of 48.2 percent based on gross site area consistent with Parts 1 and 5 of this ordinance.

PART 3. A variance is granted from City Code Section 25-8-483 (*Water Quality Transition Zone*) to allow development of Ben Garza Boulevard and re-irrigation of treated stormwater within the water quality transition zone, as depicted in the attached and incorporated **EXHIBIT A** and consistent with Parts 1 and 5 of this ordinance.

PART 4. A variance is granted from City Code Section 25-8-281 (*Critical Environmental Features*) to allow re-irrigation of treated stormwater within the portion of the Country White sink critical environmental feature buffer, as depicted in the attached and incorporated **EXHIBIT B** and consistent Parts 1 and 5 of this ordinance.

PART 5. The amendment and variances granted in Parts 1-4 of this ordinance are subject to the following conditions:

(A) Water Quality Requirements. Water quality controls shall be designed in compliance with City Code Section 25-8-213 (*Water Quality Control Standards*), Subsection (D), and 25-8-514 (*Pollution Prevention Required*), Subsection (A). The water quality controls must provide water quality treatment for all property to which this ordinance applies, including roadways such as the new portion of Ben

Garza Boulevard. The City may not approve a development application under the terms of this ordinance until compliance with this condition is confirmed.

(B) Trail Mitigation.

1. The applicant shall provide documentation that dedication of an easement in a form acceptable to the City Attorney has been recorded in the Official Records of Travis County for a portion of the Violet Crown trail, the approximate location of which is depicted in the attached and incorporated **EXHIBIT C**. The exact location of the easement is subject to approval by the City, which approval may not be unreasonably withheld, conditioned, or delayed.

2. The applicant shall provide documentation that funding in the amount of \$25,000 towards the construction of a trailhead on City-owned adjacent property has been deposited.

PART 6. The requirements of City Code Section 25-1-502 (*Amendment; Review*) and Section 25-8-41 (*Land Use Commission Variances*) are waived to the extent of a conflict with the site-specific amendment and variances adopted by this ordinance.

PART 7. This ordinance takes effect on _____, 2013.

PASSED AND APPROVED

_____	§	_____
_____	§	_____
_____, 2013	§	_____
		Lee Leffingwell
		Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk

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EXHIBIT A

Water Quality Transition Zone

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EXHIBIT B
Critical Environmental Feature Buffer

EXHIBIT C

Approximate location of trail easement