

RESOLUTION NO. 20190328-039

WHEREAS, Section 3 of Senate Bill (SB) 1396 from the 74(R) Legislature has had a direct negative impact on the residents who live, work and play in Austin and Cedar Park by prohibiting appropriate proportional traffic mitigation or infrastructure improvements from being required of development within a designated area around the intersection of US 183N and RM 620; and

WHEREAS, under the existing language of Section 3 of SB 1396, which is codified in *Subchapter D, Chapter 212* of the Local Government Code and went into effect on September 1, 1995, the City may not “deny, limit, delay, or condition the use of development of land...because of traffic or traffic operations that would result from the proposed use or development of the land” for properties within the designated area; and

WHEREAS, as a result the City does not require a traffic impact analysis for development within this area and traffic issues may not be considered in the approval of any development application; and

WHEREAS, since *Subchapter D, Chapter 212* was enacted in 1995, applications for more than 124 individual site plans have been filed for this area within the City of Austin, representing 124 missed opportunities to require

proportional traffic mitigation from developments that have an impact on our communities' infrastructure; and

WHEREAS, of the 124 site plans that have been filed since 1995, 100 of them have been approved and released by the City of Austin, two are awaiting updates from property owners, four are currently in the review process, and the remaining site plans have either expired, become inactive, or have been withdrawn by the property owners; and

WHEREAS, of the 100 approved site plans, there were 28 site plans which approved a total of 5,660 residential units including triplexes, condos, townhomes, and apartments; and

WHEREAS, the other 72 approved site plans permitted nearly 5.6 million square feet of building including more than 329,000 square feet of hotel space, 1.7 million square feet of industrial space, more than 3.3 million square feet of office, retail, and commercial space, and over 195,000 square feet of civic space including private schools, athletic facilities, and community amenity centers; and

WHEREAS, to put this in perspective, the City recently approved an additional 800,000 square feet of new office space as part of the redevelopment plan for the property located at 7700 Parmer Lane, located just outside the limits of *Subchapter D, Chapter 212*, and the required proportional traffic

mitigation identified as part of the site development process totaled more than \$713,287 plus the additional road costs to extend Anderson Mill Road east up to the property line; and

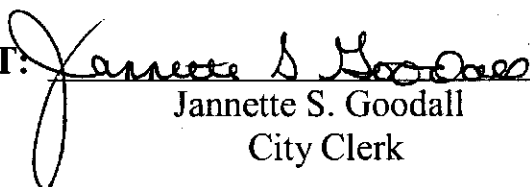
WHEREAS, there is a lot of development and redevelopment occurring in the area covered by *Subchapter D, Chapter 212* and the ability to require proportional traffic mitigation through the City's established development review processes, in compliance with existing state law, is imperative for the safety of the residents of this area as it would allow the City of Austin to more appropriately manage safety and operational impacts associated with new development; and

WHEREAS, the City Council finds that adding support for the repeal of Section 3 of SB 1396, which is codified in *Subchapter D, Chapter 212* of the Local Government Code is in the best interest of the City and its residents; **NOW, THEREFORE,**

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

The City Council supports legislation that would repeal Subchapter D, Chapter 212 of the Local Government Code.

ADOPTED: March 28, 2019

ATTEST: 
Jannette S. Goodall
City Clerk