

ORDINANCE NO.

AN ORDINANCE ADOPTING A PROJECT CONSENT AGREEMENT FOR A MULTIFAMILY RESIDENTIAL DEVELOPMENT COMMONLY KNOWN AS RANCH ROAD 620 APARTMENTS LOCATED AT 2302 PYRAMID DRIVE, PRESERVING PROPERTY; AND WAIVING CERTAIN REGULATIONS IN CITY CODE CHAPTERS 25-1, 25-7 AND 25-8.

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

PART 1. The City Council makes the following legislative findings:

- (A) Chapter 245 of the Texas Local Government Code provides that development projects are, with few exceptions, entitled to be completed under the rules and regulations in effect on the date that the first application for the project is filed.
- (B) Project consent agreements are a tool, authorized by City Code §25-1-544 (*Project Consent Agreements*), that can be used to: (1) establish regulations for projects where vested rights are unclear; and (2) incentivize projects with clearly established vested rights to achieve greater compliance with current code.
- (C) The Development Services Department (“DSD”), in consultation with the Environmental Officer, has determined that the project consent agreement (“PCA”) adopted by this ordinance meets threshold criteria in §25-1-544: based on contested issues regarding whether the project initiated by submittal of a plat application in 1970 is “dormant” under Section 245.005 of the Texas Local Gov’t Code. While DSD has asserted that the project is dormant under Chapter 245, the department finds the case to be appropriate for resolution through the PCA process.
- (D) To address these competing claims, and achieve greater compliance with current regulations, the PCA adopted by this ordinance relaxes certain provisions of current code to facilitate development of a multifamily residential project, but provides greater environmental protections than would apply if a residential project were approved under 1970 regulations.
- (E) To offset the impact of development on the 2302 Pyramid Drive property and achieve greater environmental protections, the agreement provides for preservation of additional lots as open space as well as compliance with additional development regulations that normally would not be applicable for property located in the extraterritorial jurisdiction.

1
2
3 **PART 2.** Based on the foregoing findings, and on recommendation of DSD and the
4 City's Environmental Officer, the City Council approves the following Ranch Road 620
5 Project Consent Agreement.

6 **A. General Conditions & Limitations.**

7 The regulatory waivers authorized under the terms of this agreement, hereafter
8 referred to as the Ranch Road 620 PCA ("PCA"), applies to a multifamily
9 residential (the "Project"), and shall be subject to all other restrictions set forth in
10 the PCA. Following completion of the site development permit for the Project
11 submitted under the terms of this PCA, any further development or redevelopment
12 is subject to regulations in effect on the date the development application is
13 submitted and may not utilize the regulatory waivers authorized by the PCA.

14 **B. Properties Covered by Ranch Road 620 PCA.**

15 The Ranch Road 620 PCA includes only the following properties:

- 16 (1) LOT 47, LOT 48, LOT 49, LOT 50, LOT 51, LOT 52, LOT 77, LOT
17 78, LOT 81 & LOT 82 CARDINAL HILLS ESTATES-UNIT 14,
18 ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN
19 VOLUME 53, PAGE 36, PLAT RECORDS, TRAVIS COUNTY,
20 TEXAS

21 **C. Regulatory Modifications.**

22 Except as otherwise provided in this subsection, development within the Ranch
23 Road 620 PCA is subject to the development regulations in effect on the date a
24 site development permit application for the property is submitted.

- 25 (1) **Definition of "Site".** City Code Section 25-1-21 (105)("Site") shall be
26 modified to allow inclusion of lots across a right of-way in the Project.

- 27 (2) **Construction on Slopes:** City Code Section 25-8-301 (*Construction of a*
28 *Roadway or Driveway*) and 25-8-302 (*Construction of a Building or*
29 *Parking Area*) shall be modified to allowed construction on slopes as
30 follows:
31

Slope Categories	Gross Site Area (acres)	Gross Site Area (%)	Proposed Impervious Cover (acres)	Proposed Impervious Cover (%)
0-15%	6.87	97.30%	3.95	57%
15-25%	.17	2.40%	0.031	18.20%
25-35%	0.02	0.30%	0.004	2%
Over 35%	0	0	0	0
Total Site Area	7.06	100	3.89	56%

(3) **Cut Requirements.** City Code Section 25-8-341 (*Cut Requirements*) shall be modified to allow cut up to 7 feet for an area less than 600 square feet and to allow cut in excess of 4 feet for construction of a water quality control or detention facility located on a slope with a gradient of more than 15 percent or within 100 feet of a classified waterway.

(4) **Fill Requirements.** City Code 25-8-342 (*Fill Requirements*) shall be modified to allow fill up to 11 feet for an area less than 29,000 square feet.

(5) **Development in Upland Zones.** City Code 25-8-453 (*Upland Zone*) shall be modified to allow impervious cover on the site up to a 56% on a gross site area.

D. Additional Development Regulations.

Notwithstanding the property's location in the extraterritorial jurisdiction, the Project shall comply with the following regulations.

(1) **Tree Protection.** The project shall preserve the following trees 568, 570, 586, 590, 606 as identified on the tree survey dated June 6, 2018, attached as Exhibit 1. Impervious cover shall be allowed to be placed in the critical root zone of trees 586, 606, and 570, identified in Exhibit 1, as indicated generally on the landscape plan attached as Exhibit 2.

(2) **Open Space.** As a condition precedent to developing the Project, Lots 81 and 82 shall be preserved as open space through a restrictive covenant, in a

1 form approved by the City Attorney, which must be recorded before
2 occupancy of the first building.

3 a. ***Use of Lot 81 & 82 during Construction of Site Development***
4 ***Permit.*** During construction of the improvements described in the
5 site development permit, Lots 81 and 82 may be used for construction
6 staging purposes only, and areas used for staging shall be restored
7 and revegetated per Standard Specification 609S. However, no trees
8 over eight caliper inches shall be removed from Lot 81 and 82.

9 (3) ***Dark-Sky Exterior Lighting.*** The Project shall be comply with dark-sky
10 exterior lighting standards as described below.

11 a. **Fully Shielded or Full Cut-off Light Fixtures Required.** The
12 following outdoor lighting applications shall be illuminated by
13 fixtures that are either fully-shielded or full cut-off:

- 14 1. Public street and pedestrian lighting;
- 15 2. Parking lots;
- 16 3. Pathways;
- 17 4. Recreational areas;
- 18 5. Product display area lighting; and
- 19 6. Building overhangs and open canopies.

20 b. **Lighting of Building Facades.** Buildings and structures shall be
21 illuminated by fixtures that are either fully-shielded or full cut-off
22 and may only be used to highlight specific architectural features.
23 However, existing building mounted fixtures that are not fully-
24 shielded or full cut-off may be replaced with lighting that is fully-
25 shielded or full cut-off.

26 c. **Directional Luminaires.** Directional luminaires that are not fully-
27 shielded or full cut-off may be used to illuminate signs and flagpoles.
28 Such luminaires shall be installed and aimed so that they illuminate
29 only the specific object or area and do not shine directly onto
30 neighboring properties, roadways, or distribute excessive light
31 skyward.

1 d. **Lamp or Fixture Substitution.** Should any outdoor light fixture or
2 the type of light source therein be changed after site plan has been
3 granted, a change request must be submitted to the Director of DSD
4 for approval which must be received prior to substitution.

5 (4) **Landscape Buffer.** For every 200 square feet of landscape area, the
6 following plant materials will be installed:

- 7 a. One (1) Central Texas Native large tree with a minimum two caliper
8 inches;
- 9 b. Two (2) Central Texas native small trees or large shrubs with a six
10 foot high minimum; and
- 11 c. Six (6) Central Texas native shrubs or small trees with a minimum of
12 five gallon container size.

13 **E. Exhibits.**

14 The project substantially match the site layout as generally presented in Exhibit
15 3. Any changes subsequently made to the site layout shall comply with
16 applicable code as modified by this PCA.

17 **F. Expiration of the Ranch Road PCA**

18 This subsection establishes expiration requirements for the PCA.

19 (1) **PCA Expiration.** The terms of this PCA expires the earlier of:

- 20 a. One year from the effective date of this ordinance unless a site
21 development permit application for the Project is submitted and
22 remains active;
- 23 b. When the construction for all improvements included on the site
24 development permit for the Project have been completed; or
- 25 c. A period of five years from the effective date of the PCA

26 **G. Project Complete**

27 For purposes of compliance with Local Government Code Chapter 245, the Project
28 shall be deemed complete upon completion of the development described in the
29 site development permit associated with the PCA.

PART 4. If there is a conflict between the text of the PCA and any of the attached exhibits, the language of the PCA controls. The attached exhibits are for illustrative purposes only and intended to generally depict development of the project.

PART 5. This ordinance takes effect on _____, 2019.

PASSED AND APPROVED

_____, 2019

§
§
§

Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk