

**ORDINANCE NO.**

**AN ORDINANCE ADOPTING A PROJECT CONSENT AGREEMENT FOR A MULTIFAMILY RESIDENTIAL DEVELOPMENT COMMONLY KNOWN AS RANCH ROAD 620 APARTMENTS PRESERVING PROPERTY; AND MODIFYING CERTAIN REGULATIONS IN CITY CODE CHAPTERS 25-1 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 Section 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 adopted by this ordinance meets threshold criteria in City Code Section 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 Government 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 project consent agreement 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 properties covered under this project consent agreement 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.

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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, referred to in this ordinance as "PCA".

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

7 The regulatory modifications authorized under the PCA apply to a multifamily  
8 residential development commonly known as Ranch Road 620 apartments and  
9 located in the lots described in Part 2 Subsection B (the "Project"), and shall be  
10 subject to all other restrictions set forth in the PCA. Following completion of the  
11 site development permit for the Project submitted under the terms of the PCA, any  
12 further development or redevelopment is subject to regulations in effect on the date  
13 the development application is submitted and may not use the regulatory  
14 modifications authorized by the PCA.

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

16 The PCA includes only the following properties:

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

22 **C. Regulatory Modifications.**

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

- 26 (1) **Definition of "Site".** City Code Section 25-1-21 (105)("Site") shall be  
27 modified to allow inclusion of lots across a right of-way in the Project.
- 28 (2) **Construction on Slopes:** City Code Section 25-8-301 (*Construction of a*  
29 *Roadway or Driveway*) and 25-8-302 (*Construction of a Building or*  
30 *Parking Area*) shall be modified to allowed construction on slopes as  
31 follows:  
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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 Section 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 Section 25-8-453 (*Uplands 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 City's extraterritorial jurisdiction, the Project shall develop under the following regulations.

##### **(1) *Tree Protection.***

- a. The Project is required to comply with provisions in City Code Chapter 25-8 Subchapter B, Article 1 (*Tree and Natural Area Protection*), for the tree species identified in City Code §25-8-602 (1) (*Definitions*), except as specifically provided in this section.

b. The Project shall preserve at minimum the trees designated as 568, 570, 586, 590, 606 on the tree survey dated June 6, 2018 and attached as **EXHIBIT 1**. Impervious cover may be placed in the critical root zone of trees 568, 586, 606, 570 and 590, identified in **EXHIBIT 1**, and 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, approved by the City Attorney, which must be recorded before the release of the site development permit. The restrictive covenant shall:

- a. Allow limited development for the purpose of park equipment and related appurtenances;
- b. Include provisions allowing Lots 81 and 82 to be used for construction staging purposes only for the improvements described in the site development permit and only for a specified length of time;
- c. Require areas used for staging to be restored and revegetated per Standard Specification 609S; and
- d. Provide that no trees over eight caliper inches shall be removed from Lot 81 and 82.

(3) ***Dark-Sky Exterior Lighting.*** The Project shall submit an “Outdoor Lighting Plan” accompanying the site development permit for the Project that complies with dark-sky exterior lighting standards as described in City Code Chapter 25-2 Subchapter E, Article 2, Section 2.5 (*Exterior Lighting*). Should any outdoor light fixture or the type of light source in an outdoor light fixture be changed after the site plan has been granted, a change request must be submitted to the Director of DSD for approval which must be received prior to substitution.

(4) ***Landscape Buffer.*** All landscaped areas within 40 feet of Ranch Road 620 shall use restorative vegetation standards for Hill Country Roadways relating to the use of native species, type of trees and shrubs to be planted, and density of plantings, as described in the Environmental Criteria Manual Appendix A (*Special Revegetation Criteria for Hill Country Roadway Sites*).

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- 2 (5) **Review Timelines.** For a site development permit application that
- 3 proposes to complete the affordable multifamily residential
- 4 development supported by City Council Resolution No. 20181115-071,
- 5 review timelines shall be consistent with those provided for S.M.A.R.T
- 6 Housing certified projects.

7 **E. Exhibits.**

- 8 (1) The Project shall substantially match the site layout as generally
- 9 presented in **EXHIBIT 3**. Any changes subsequently made to the site
- 10 layout shall comply with applicable code as modified by the PCA.
- 11 (2) If there is a conflict between the text of the PCA and any of the attached
- 12 exhibits, the language of the PCA controls. **EXHIBIT 2** and **EXHIBIT**
- 13 **3** are for illustrative purposes only and intended to generally depict
- 14 development of the Project.

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

16 The terms of this PCA expire the earlier of:

- 17 (1) One year after the effective date of this ordinance unless a site
- 18 development permit application for the Project is submitted and remains
- 19 active;
- 20 (2) When the construction for all improvements included on the site
- 21 development permit for the Project have been completed; or
- 22 (3) Five years after the effective date of this ordinance.

23 **G. Project Complete**

24 For purposes of compliance with Chapter 245 of the Texas Local Government

25 Code, the Project shall be deemed complete upon completion of the development

26 described in the site development permit associated with the PCA.

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**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2019.

**PASSED AND APPROVED**

\_\_\_\_\_, 2019      §  
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   Steve Adler  
   Mayor

**APPROVED:** \_\_\_\_\_  
                         Anne L. Morgan  
                         City Attorney

**ATTEST:** \_\_\_\_\_  
                         Jannette S. Goodall  
                         City Clerk