

RESOLUTION NO.

WHEREAS, Austin is experiencing a growing demand for housing and that is contributing in part to the City’s current affordability crisis; and

WHEREAS, Austin Goodnight Ranch, L.P., received approval to rezone approximately 695 acres of property known as Goodnight Ranch Planned Unit Development (“Goodnight Ranch PUD”) pursuant to Ordinance No. 20061116-05, as amended by Ordinance No. 20210930-134; and

WHEREAS, Austin Goodnight Ranch, L.P., desires to develop Goodnight Ranch PUD as a master planned mixed-use community with ownership and rental options, including affordable housing; and

WHEREAS, development of Goodnight Ranch PUD is ongoing and any delay in obtaining permits through the application and review process will impact the availability of needed affordable ownership and rental units; and

WHEREAS, the City’s development review and permitting process and complex land development code further presents possibilities of delay to the Goodnight Ranch PUD; and

WHEREAS, the City Council has examined numerous short-term and long-term actions to improve Austin’s development review and permitting process; and

WHEREAS, the City Council desires to encourage Goodnight Ranch PUD development by amending conditions of zoning, and waivers or modifications of City Code requirements, related to the development of Goodnight Ranch PUD; and

22 **WHEREAS**, the City Council desires to resolve potential development
23 challenges of the Goodnight Ranch PUD in order to provide more housing options
24 in the city; **NOW, THEREFORE**,

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

26 City Council initiates the rezoning from Planned Unit Development (PUD)
27 district to Planned Unit Development (PUD) district for the property commonly
28 known as the Goodnight Ranch Planned Unit Development (“Goodnight Ranch
29 PUD”), generally located in the vicinity of the east side of Old Lockhart Highway
30 between Nuckols Crossing Road and Capitol View Drive, except the portion of
31 Goodnight Ranch PUD described as Lot 3, Block J, Goodnight Ranch Phase Two
32 East, Section One, a subdivision in the City of Austin, Travis County, Texas,
33 according to the map or plat thereof, recorded in Document No. 202000240, Official
34 Public Records of Travis County, Texas, to amend the conditions of zoning,
35 including waivers or modifications of City Code requirements, related to
36 development processes;

37 **BE IT FURTHER RESOLVED:**

38 City Council finds the elements established in Ordinance No. 20061116-05
39 and Ordinance No. 20210930-134 (“Goodnight Ranch PUD ordinances”) as
40 superior, and except for potential modifications of S.M.A.R.T. Housing
41 requirements related to fee waivers and expedited reviews, sufficient to approve
42 the requested rezoning initiated in this resolution without any additional review or
43 reevaluation under Section 2.4, Subpart B – (*Planned Unit Development*
44 *Standard*);

46 **BE IT FURTHER RESOLVED:**

47 City Council authorizes the City Manager to schedule this rezoning case for
48 public hearing at the Planning Commission without obtaining recommendations by
49 other boards, commissions, and committees, and requests the Planning
50 Commission consider this rezoning case without recommendations from other
51 boards, commissions, or committees;

52 **BE IT FURTHER RESOLVED:**

53 City Council authorizes the City Manager to process this rezoning case
54 without payment of any fees related to the rezoning application and rezoning
55 process by Austin Goodnight Ranch, L.P.;

56 **BE IT FURTHER RESOLVED:**

57 The City Manager is authorized to process this rezoning case, including
58 requesting modifications of City Code Title 25 and related criteria necessary to
59 accomplish the following:

- 60 (A) Modify Section 25-4-102 (*Expiration of Subdivision Construction*
61 *Plans*) to extend the expiration date of a subdivision construction plan
62 in the Goodnight Ranch PUD and applying any extension of
63 expiration period to all unexpired subdivision construction plans
64 existing as of the effective date of the rezoning ordinance.
- 65 (B) Modify Section 25-4-62 (*Expiration of Approved Preliminary Plan*)
66 to extend the current seven-year expiration period for a preliminary
67 plan in the Goodnight Ranch PUD and applying any extension of
68 expiration period to all unexpired preliminary plans existing as of the
69 effective date of the rezoning ordinance.

- 70 (C) Modify Section 25-4-61 (*Changes to an Approved Preliminary Plan*)
71 to allow changes to a conservation area, common area, green space, or
72 other open space, as a minor deviation to a preliminary plan if
73 approved by Director of Parks and Recreation Department.
- 74 (D) Modify Section 25-8-121 (*Environmental Resource Inventory*
75 *Requirement*) to allow the Goodnight Ranch PUD ordinances Exhibit
76 D-1 (CEF Mitigation Plan) in lieu of a required Environmental
77 Resource Inventory (ERI).
- 78 (E) Modify Section 25-8-341 (*Cut Requirements*) to allow a cut depth up
79 to eight feet from four feet.
- 80 (F) Modify Section 25-8-342 (*Fill Requirements*) to allow a fill depth up
81 to eight feet from four feet.
- 82 (G) Establish that a street deed, in lieu of dedication by subdivision plat,
83 may be used by Landowner as defined in the Goodnight Ranch PUD
84 ordinances to dedicate streets within the Goodnight Ranch PUD.
- 85 (H) Develop a memorandum directing development review staff to
86 recognize the Master Engineer's Report with a date to be determined,
87 as demonstrating the Goodnight Ranch PUD compliance with Atlas
88 14 regulations.
- 89 (I) Modify Chapter 25-7 to allow installation of grate inlets if the inlets
90 are constructed in accordance with the criteria attached to the rezoning
91 ordinance without need for additional submittal or approval from
92 director, except when a deviation from the approved design criteria is
93 requested.
- 94 (J) Development within the Goodnight Ranch PUD shall comply with a
95 Vicinity Plan attached as an exhibit to the rezoning ordinance.

- 96 (K) Modify requirements for fire flow tests for subdivision applications
97 for single family housing.
- 98 (L) Make amendments identified by the City Manager to accomplish the
99 purposes described in this resolution and to amend terms of the
100 Goodnight Ranch PUD ordinances necessary to clarify conditions of
101 zoning.
- 102 (M) Modify S.M.A.R.T. Housing requirements related to fee waivers and
103 expedited reviews applicable to the Goodnight Ranch PUD.
- 104 (N) Explore modifying the requirements of Austin Energy with regard to
105 electric easements within the PUD;

106 **BE IT FURTHER RESOLVED:**

107 The City Manager is authorized to process the applications and work in
108 collaboration with Austin Goodnight Ranch, L.P., as the owner of Goodnight Ranch
109 PUD, to recommend appropriate rezoning and amendments to the Goodnight Ranch
110 PUD and take necessary steps to ensure an efficient rezoning process to avoid
111 unnecessary delay and return a rezoning case for City Council consideration on or
112 before January 31, 2024;

113 **BE IT FURTHER RESOLVED:**

114 City Council initiates amendments to City Code Chapter 14-11 (*Use of*
115 *Right-of-Way*) and directs the City Manager to review the requirements for the
116 License Agreement process described in Chapter 14-11 (*Use of Right-of-Way*) and
117 return with recommendations for Code amendments and ordinance changes, if
118

119 necessary, to facilitate the construction of the Onion Creek Metro Park
120 improvements in City right-of-way.

121 **ADOPTED:** _____, 2023 **ATTEST:** _____

123 Myrna Rios
124 City Clerk
125

DRAFT