

**MANAGED GROWTH AGREEMENT  
REVIEW SHEET**

**CITY COUNCIL DATE:** January 17, 2013

**CASE NUMBER:** SP-2008-0061C(XT2).MGA

**PROJECT NAME:** Shady Hollow Garden Townhomes

**ADDRESS:** 2601 & 2645 Frate Barker Road

**AREA:** 34.94 acres

**OWNER:** Madison City Homes  
c/o David Mahn  
200 Congress Avenue, Unit 9A  
Austin, TX 78701

**AGENT:** Carlson, Brigrance & Doering Inc.  
5501 W. William Cannon Blvd.  
Austin, TX 78749

**CASE MANAGER:** Nikki Hoelter Telephone: 974-2863  
[Nikki.hoelter@austintexas.org](mailto:Nikki.hoelter@austintexas.org)

**PROPOSED DEVELOPMENT:** The development consists of a 12 phased construction of 144 detached town home buildings, with parking, water quality and detention ponds, utilities and associated improvements.

Existing improvements on site include, water and wastewater improvements, one detention and water quality pond, landscaping, interior roads for Phase A, and public street improvements. Thirty seven (37) town homes have been constructed and occupied. Approximately 7 homes are under construction, and there are currently 24 active building permits. 83 homes remain to be sold and built.

**EXISTING ZONING:** The site is zoned I-RR, interim rural residential. The site was given this interim zoning once it was annexed on December 31, 2008.

**APPLICANT'S REQUEST FOR MGA:** Section 25-1-540 Managed Growth Agreements of the Land Development Code states that an applicant may request the City Council to enter into an MGA for planning and developing large projects, long term projects or any project which has special benefits in the public interest. The agreement shall extend the expiration date for the project completion.

The applicant is requesting an 8 year permit life to an approved site development permit through

the Managed Growth Agreement process. The purpose of this agreement is to provide certainty that this project will not be required to undergo design changes as a result of changes to City regulations over a long period of time. In addition, an MGA is being requested because additional time cannot be requested to the Zoning and Platting Commission due to the Project Duration expiration, of February 7, 2013.

This amount of time is required in order for the owner to obtain buyers for each unit, obtain building permits and complete the project in phases.

This would extend the life of the permit to December 15, 2020.

**NEIGHBORHOOD ORGNIZATIONS:**

Austin Independent School District  
Austin Neighborhood Council  
Barton Springs/Edwards Aquifer Conservation District  
Home Builders Association of Greater Austin  
Onion Creek Homeowners Association  
Super Duper Neighborhood Objectors and Appealers Organization  
Austin Heritage Tree Foundation  
Austin Monorail Project  
Save Our Springs Alliance  
Sierra Club, Austin Regional Group

**LEGAL DESCRIPTION:** Lots 1 and 2 of the Shady Hollow Gardens Subdivision

**WATERSHED:** Bear Creek (Barton Springs Zone – Recharge and Contributing Zone)

**APPLICABLE WATERSHED ORDINANCE:** Save Our Springs Ordinance

**CAPITOL VIEW:** Not in View Corridor

**T.I.A.:** Not required.

**ZONING AND PLATTING COMMISSION ACTION:**

Not required for the approval of the MGA, Managed Growth Agreement.

**PREVIOUS SITE PLAN APPROVAL:**

An administrative 1 year extension was granted to extend the life of the permit from December 15, 2011 to December 15, 2012.

**SITE PLAN APPROVAL:**

The site plan was administratively approved on December 15, 2008, for a permit life of 3 years. Because this site is subject to Project Duration under 25-1-535 (B)(4)- Drinking Water Protection Zone, the expiration for the site plan permit is 3 years from the submittal date of February 7, 2008, which would then **expire on February 7, 2011.**

After which, a one year administrative extension was granted, based on LDC Section 25-5-62 – Extension of Released Site Plan by Director. The extension was granted based on (D) The

applicant has constructed a significant portion of the infrastructure required for development of the original site plan.

MGA requirements are different from an extension. Meeting current code is only one of 4 criteria that the project may meet to receive an administrative extension.

**PROJECT INFORMATION:** 34.94 acres

**EXISTING ZONING:** I-RR

**# of UNITS:** 144

**MAX. HEIGHT ALLOWED:** 35 ft.      **PROPOSED HEIGHT:** 1 and 2 story buildings

**PROPOSED OVERALL IMPERV. CVRG.:** 46.8%

**PROPOSED ACCESS:** Access will be taken onto Frate Barker Road.

**CURRENT CODE REQUIREMENTS:** (based on Barton Springs Zone regulations for Contributing Zone and Recharge Zone)

**Maximum Permitted Impervious Cover:** 15% - Recharge Zone and 25% - Contributing Zone

**SUMMARY COMMENTS ON SITE PLAN:**

Currently, the existing site plan does not meet current code. The City watershed boundary has been reevaluated and remapped causing this property to fall within the Barton Springs Zone with both recharge and contributing areas on the site. When the subdivision plat and the site plan were approved in 2008 the property was located in the extraterritorial jurisdiction (ETJ) and classified as a Suburban Watershed. Consequently, the site plan was approved with an allowable impervious cover of 65%, there was no tree or landscaping requirement, and a creek setback limit for a Suburban minor waterway was 50-100 feet for the critical water quality zone and a 100 foot setback for the water quality transition zone.

Since the site is now within the Barton Springs Zone, recharge zone and contributing zone, impervious cover is severely limited and creek setbacks are significantly larger.

The creek, which crosses the property, is within the recharge zone, and portions of the site and the areas draining to the creek would be contributing zone. In the Barton Springs Zone recharge zone, impervious cover is limited to 15%. Areas within the contributing zone are limited to 25% impervious cover.

The site is now subject to commercial landscape requirements in 25-2. It is also subject to Heritage and protected size tree preservation and mitigation requirements. The waterway buffers increased from a Suburban minor tributary of a critical water quality zone (CWQZ) of 50-100 feet, water quality transition zone (WQTZ) 100 feet to a Barton Springs Zone (BSZ) major tributary setback of 200-400 feet and water quality transition zone (WQTZ) of 300 feet.

There are existing critical environmental features (CEF) on site. The appropriate setbacks are provided for each feature.

**LAND USE:**

When the site plan was originally reviewed and approved on December 15, 2008 the site was located in the 2 mile ETJ. During the original review process in 2008, there were no land use requirements since the site was located in the ETJ, extraterritorial jurisdiction. When located in the ETJ, there is no zoning designation, therefore no density limitation, land use restrictions, building coverage, height limits, or gross floor area limits.

The plat restricted the 2 lots to 175 units. The project proposes 144 units.

On December 31, 2008, it was annexed into the full purpose jurisdiction of the City of Austin, and given I-RR, interim rural residential zoning district designation.

The annexation provision in the Local Government Code would permit this project to continue with this specified use under I-RR, interim rural residential zoning because it was in progress when annexation occurred. Otherwise, the RR zoning district would only allow one residential unit on the lot.

The site could possibly comply with portions of Subchapter E that pertain to all zoning districts, such as the 5% private common open space, exterior lighting requirements and screening.

A unified development agreement was executed with this site plan which tied the two lots together, for purposes of impervious cover and for the maintenance of water quality and detentions ponds.

**TRANSPORTATION:** Access will be from Frate Barker Road.

A TIA was not required.

Parking is provided for each residence with a garage and or a driveway. All transportation comments have been cleared.

**SURROUNDING CONDITIONS:**

<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
<b>North:</b> LO, SF-2, RR, SF-1	Undeveloped and single family residences
<b>South:</b> I-SF-4A, I-RR	Undeveloped and single family residences
<b>West:</b> I-SF-4A	Undeveloped and single family residences
<b>East:</b> 2 mile ETJ	Undeveloped

<b><u>STREET:</u></b>	<b><u>R.O.W.</u></b>	<b><u>SURFACING</u></b>
Frate Barker Road	varies	20 ft