

ORDINANCE NO.

AN ORDINANCE ADOPTING SITE-SPECIFIC AMENDMENTS TO CITY CODE SECTION 25-8-514 AND GRANTING VARIANCES TO CITY CODE SECTIONS 25-8-281, 25-8-483 AND 25-8-65 RELATING TO ENVIRONMENTAL AND WATER QUALITY REGULATIONS APPLICABLE TO THE GARZA RANCH; AND WAIVING CITY CODE SECTIONS 25-1-502 AND 25-8-41.

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

PART 1. The site-specific amendment and variances approved in this ordinance are limited to the construction of a mixed use development and associated parking for the property commonly known as the Garza Ranch generally located at 3712 Ben Garza Lane, as depicted in the attached and incorporated **EXHIBIT A**, and do not run with the land.

PART 2. City Code Section 25-8-514 (A) (*Pollution Prevention Required*) is amended to allow maximum impervious cover in the recharge zone of 48.2 percent based on gross site area consistent with Parts 1, 3(C), 5, and 6 of this ordinance.

PART 3. A variance is granted from City Code Section 25-8-483 (*Water Quality Transition Zone*) to allow the following within the water quality transition zone, as depicted in **EXHIBIT A** and consistent with Parts 1 and 6 of this ordinance:

- (A) development of Ben Garza Lane,
- (B) re-irrigation of treated stormwater, and
- (C) within the water quality transition zone south of Ben Garza Lane, impervious cover not to exceed 0.8 acres, provided that for every square foot of impervious cover placed in the transition zone under this provision, two square feet of impervious cover must be removed from the maximum impervious cover allowed under the variance granted in Part 2 of this ordinance.

PART 4. A variance is granted from City Code Section 25-8-281 (*Critical Environmental Features*) to allow re-irrigation of treated stormwater within the portion of the Country White sink critical environmental feature buffer depicted in the attached and incorporated **EXHIBIT B** and consistent with Parts 1 and 6 of this ordinance.

1 **PART 5.** A variance is granted from City Code Section 25-8-65(*Roadways*) Subsections
2 (A) and (C) to allow calculation of impervious cover without consideration of existing
3 adjacent roadways.
4

5 **PART 6.** The amendment and variances granted in Parts 1-5 of this ordinance are
6 subject to the following conditions:
7

8 **(A) Water Quality Requirements.** Water quality controls shall be designed in
9 compliance with City Code Section 25-8-213 (*Water Quality Control Standards*),
10 Subsection (D), and 25-8-514 (*Pollution Prevention Required*), Subsection (A).
11 The water quality controls must provide water quality treatment for all property to
12 which this ordinance applies, including roadways such as the new portion of Ben
13 Garza Boulevard. The City may not approve a development application under the
14 terms of this ordinance until compliance with this condition is confirmed.

15 **(B) Trail Mitigation.**

16 1. The applicant shall provide documentation that dedication of an
17 easement in a form acceptable to the City Attorney has been recorded in the
18 Official Records of Travis County for a portion of the Violet Crown trail, the
19 approximate location of which is depicted in the attached and incorporated
20 **EXHIBIT C**. The exact location of the easement is subject to approval by the City,
21 which approval may not be unreasonably withheld, conditioned, or delayed.

22 2. The applicant shall provide documentation that funding in the amount
23 of \$25,000 towards the construction of a trailhead on City-owned adjacent property
24 has been deposited with the City.
25

26 **(C) Ben Garza Lane Alignment.** Ben Garza Lane shall be located as described
27 in the attached and incorporated **EXHIBIT D**.
28

29 **PART 7.** The requirements of City Code Section 25-1-502 (*Amendment; Review*) and
30 Section 25-8-41 (*Land Use Commission Variances*) are waived to the extent of a conflict
31 with the site-specific amendment and variances adopted by this ordinance.
32

PART 8. This ordinance takes effect on _____, 2013.

PASSED AND APPROVED

_____, 2013 § _____
 § _____
 § _____
 Lee Leffingwell
 Mayor

APPROVED: _____
 Karen M. Kennard
 City Attorney

ATTEST: _____
 Jannette S. Goodall
 City Clerk