

ORDINANCE NO.

AN ORDINANCE APPROVING A SITE PLAN FOR THE PROJECT AT 9512 FM 2222; SUPERSEDING CONFLICTING REQUIREMENTS OF THE CITY CODE; WAIVING SITE PLAN RELATED FEES; AND WAIVING CITY CODE SECTION 25-1-502.

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

PART 1. The city council makes the following findings:

1. This ordinance concerns *James Edward Jones and Aquaplex, Inc., v. City of Austin, et al*, Cause No. D-1-GN-09-000468 in the 353rd Judicial District Court of Travis County, Texas, concerning property located at 9512 FM 2222.
2. The property is legally described as Lot 1, Block A, Tumbleweed Subdivision, according to the map or plat thereof recorded in Book 96, Page 364-365 Plat Records of Travis County, Texas.
3. The property was annexed in December of 2002. The subdivision application was submitted in 1995 and is identified as C8-95-0061 OA. In August 2001, a site plan application was submitted for development under the regulations in effect on that date. The application was approved in February 2002.

PART 2. The site plan, attached as Exhibit A to this Ordinance and on file with the City's Planning and Development Review Department, is approved upon the effective date of this Ordinance and shall remain in effect for a period of nine years thereafter subject to the following requirements:

- (A) The development approved by the site plan (hereafter "Project") consists of no more than 79 residential units in (a) no more than 51 single family-unit detached structures; and (b) two structures each containing no more than 13 residential units and 15 residential units, respectively.
- (B) For the site plan to remain in effect, development of the Project must meet or exceed the benchmarks set forth in Paragraphs (C) and (D) for each of three 3-year period. If those benchmarks are achieved, the City shall approve extensions for the full nine year life of the Project.
- (C) From the period beginning on the effective date of this ordinance and ending on _____, 2017, complete building permit applications for at least 16 of any of the units shown on the site plan for the Project must be submitted in

1 accordance with the Land Development Code. If this requirement is achieved,
2 the City shall administratively approve a three-year extension of the site plan for
3 the Project.

4 (D) During the period beginning _____, 2017, and ending on _____, 2020,
5 complete building permit applications for any additional 16 units shown on the
6 site plan for the Project must be submitted in accordance with the Land
7 Development Code and may not include any of the units counted towards the
8 benchmark under Paragraph (C). If this requirement is achieved, the City shall
9 administratively approve a second three-year extension of the site plan for the
10 Project.

11 (E) During the period beginning _____, 2020, and ending on _____, 2023,
12 complete building permit applications for the remaining units shown on the site
13 plan for the Project must be submitted in accordance with the Land Development
14 Code.

15 (F) If the site plan for the Project expires before the building permit applications
16 required under Paragraphs (C), (D), and (E) are submitted, any previously
17 submitted applications or previously issued permits are not affected by the
18 expiration as long as the application or permit remains active.

19 **PART 3.** This ordinance shall remain in effect until the earlier of (i) the date the site
20 plan for the Project expires under Part 2 of this ordinance; or (ii) the date that all building
21 permits for structures shown on the site plan have been approved.

22 **PART 4.** Council waives the following fees related to site plan permit processing:

23 Consolidated Site Plan Environmental Fee

24 Consolidated Site Plan Inspection Fee

25 Consolidated Site Plan Review Fee

26 Notification Fee

27 Development Services Surcharge

28 Site Plan Phasing Fee

29
30
31
32
33
34
35 **PART 5.** The requirements of the City Code, including but not limited to any
36 requirement of Title 25 (*Land Development*), are superseded to the extent of a conflict
37 with the site plan approved in Part 2 of this ordinance.

PART 6. This ordinance takes effect on _____, 2012.

PASSED AND APPROVED

_____, 2012

§
§
§

Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk