



## MEMORANDUM

**TO:** Fayez Kazi, Chair and Members of the Planning Commission

**FROM:** Andrew Linseisen, Assistant Director  
Development Services Department

**DATE:** April 27, 2020

**SUBJECT: Project Consent Agreement  
Lantana Block P, Lot 3 (SP-2014-0262C)  
Backup and Staff Recommendation**

As provided in Section 25-1-544 of the City of Austin Land Development Code, the developer of the Lantana Development on Lot 3 and 5, Block P of the Lantana Phase 1, Section 2 Subdivision has requested consideration of a Project Consent Agreement (PCA). The proposed PCA will allow the development to add a residential use to the existing approved site development permit. A PCA is a voluntary mechanism for determining applicable regulations where the extent of a project's vested development rights are unclear or for incentivizing projects with clearly established vested rights to achieve greater compliance with current regulations. In such cases, a PCA provides a means for the Council to modify development regulations applicable to a property.

The Lantana Block P, Lot 3 project is located at 7415 Southwest Parkway which was approved for a commercial and office development under Site Development Permit No SP-2014-0262C. Phases 1, 2, and 3 of the existing development have been constructed and Phase 4 is currently under construction. The Planning Commission approved a request to extend the life of the application to April 30, 2022, on June 25, 2019. The proposed PCA will apply only to the currently unconstructed Phase 5 of the project modifying the project to include a residential use. A summary of the major tenants of the proposed PCA are outlined below:

- No additional impervious will be added to Phase 5, the overall impervious cover in the entire development will be fixed at 17.6 acres.
- 6.326 acres known as Lot 8, Block P, of the Lantana Phase 1, Section 2 Subdivision will be dedicated to the City of Austin.
  - 3.098 acres of Lot 8 will remain natural area with any development limited to pedestrian trails so that the entire site, all phases, maintain 40% natural area;
  - 3.228 acres will be utilized for City of Austin Public Park amenities;
  - Lot 8 will be dedicated to the City within six months of the effective date of the PCA;
- Extension of the life of Phase 5 of the Lantana Block P, Lot 3 Site Development Permit (SP-2014-0262C) by two years to April 30, 2024;

- To achieve 25% net site area impervious cover for Phase 5 of the existing plan as recommended by the Environmental Commission, the applicant has agreed to dedicate additional land to the City of Austin prior to release of a site development permit for the mixed use project. To achieve the required 25% net site area impervious cover, the applicant proposes to dedicate land that contains approximately 2 acres of additional net site area (as defined in the current site plan). The land will be located in the Barton Springs Zone and the City of Austin shall approve of the parcel prior to acceptance of the dedication.
- The addition of the residential mixed use will not increase traffic based on the density information provided with the proposed zoning case (C14-2019-0003);

Attached to this memorandum are copies of the Environmental Commission Recommendation (Motion 20200304 006a) approved at the March 4, 2020 meeting and a copy of the staff backup report from the Environmental Commission meeting on March 4, 2020, prepared by Atha Phillips with Watershed Protection Department. These exhibits provide additional specifics related to the overall environmental compliance proposed with the proposed PCA.

The applicant has filed a zoning change request under case number C14-2019-0003 to add a Mixed Use (MU) overlay to the existing GR-NP zoning that will allow the addition of a multi-family residential use to the existing project. The applicant has also sought to amend a restrictive covenant that limits the amount of square footage, which staff also supports since the total impervious cover will be limited through the PCA. The zoning case and amendment to the restrictive covenant have been scheduled for Council consideration at the May 7, 2020, meeting which will allow Council consideration of the proposed PCA, the zoning, and the restrictive covenant amendment at the same meeting.

After consideration of the proposed terms of the Project Consent Agreement, staff recommends that the Planning Commission make a recommendation to Council in support of approval of the PCA as presented.

**cc:** Chris Herrington, Watershed Protection Department  
Erika Lopez, City of Austin Law Department



## **ENVIRONMENTAL COMMISSION MOTION 20200304 006a**

**Date:** March 4, 2020

**Subject:** Lantana Project Consent Agreement

**Motion by:** Kevin Ramberg

**Seconded by:** Peggy Maceo

### **RATIONALE:**

**WHEREAS**, the Environmental Commission recognizes the applicant is requesting the Commission consider a Project Consent Agreement waiving provisions of City Code Chapters 25-7 (Drainage) and 25-8 (Environment), including Chapter 25-8, Article 13 (Save Our Springs Initiative), to allow construction of a mixed-use residential project at located at 7415 Southwest Parkway in the East Oak Hill Neighborhood Planning Area;

**WHEREAS**, the Environmental Commission recognizes this action concerns land located in the Barton Springs Zone; and

**WHEREAS**, the Environmental Commission recognizes that City of Austin staff recommend approval of the variance requests with conditions.

**Therefore**, the Environmental Commission recommends approval of the requested project consent agreement (PCA) to allow for the construction of a mixed-use development with a residential component with the following;

### **Staff Conditions:**

1. applicant shall provide additional acreage of 3.098 acres to meet the Hill Country Roadway requirement of 40% undisturbed natural area per 25-2-1025 and development on this lot will be restricted to only allow trails;
2. impervious cover for the project will be capped at 17.5 acres (49% of current site plan SP-2014-0262C(XT2));

### **and the following Environmental Commission Conditions:**

1. Phase 5 will develop within 25% impervious cover on a net site area;
2. dedicate 6.32-acre Tract 1 as additional lands to meet impervious cover needs;
3. dedicate necessary acreage of Tract 2 as additional lands for the Phase 5 development to not exceed 25% impervious cover Net Site Area on; and
4. pursue use of rain garden in Phase 5 as allowable under TCEQ Edwards Rules.

**VOTE 6-0**

For: Bedford, Thompson, Ramberg, Guerrero, Coyne, and Maceo

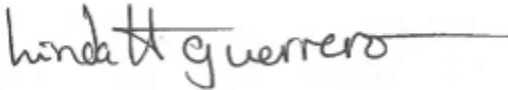
Against: None

Abstain: None

Recuse: None

Absent: Creel, Smith, Nill, Neely, Gordon

Approved By:

A handwritten signature in black ink that reads "Linda H. Guerrero". The signature is written in a cursive style with a horizontal line extending from the end.

Linda Guerrero, Environmental Commission Chair

**ITEM FOR ENVIRONMENTAL COMMISSION AGENDA**

**COMMISSION MEETING DATE:** February 19, 2020

**NAME & NUMBER OF PROJECT:** Lantana PCA

**NAME OF APPLICANT OR ORGANIZATION:** Michael Whellan  
Armbrust & Brown, PLLC

**LOCATION:** 7415 Southwest Parkway

**COUNCIL DISTRICT:** 8

**ENVIRONMENTAL REVIEW STAFF:** Atha Phillips, Environmental Officer's Office  
(512)974-2132, [atha.phillips@austintexas.gov](mailto:atha.phillips@austintexas.gov)

**WATERSHED:** Williamson Creek Watershed, Barton Springs Zone, Drinking Water Protection Zone

**REQUEST:** Consider a Project Consent Agreement waiving provisions of City Code Chapters 25-7 (*Drainage*) and 25-8 (*Environment*), including Chapter 25-8, Article 13 (*Save Our Springs Initiative*), to allow construction of a mixed-use residential project located at 7415 Southwest Parkway in the East Oak Hill Neighborhood Planning Area. This action concerns land located in the Barton Springs Zone.

**STAFF RECOMMENDATION:** Staff recommended with conditions.

**RECOMMENDED CONDITIONS:**

1. Applicant will provide additional acreage of 3.098 acres to meet the Hill Country Roadway requirement of 40% undisturbed natural area per 25-2-1025 and development on this lot will be restricted to only allow trails.
2. Impervious cover for the project will be capped at 17.5 acres (49% of current site plan SP-2014-0262C(XT2)).

# Lantana Project Consent Agreement (PCA)

Briefing to the Environmental Commission

Atha Phillips

Environmental Officer's Office

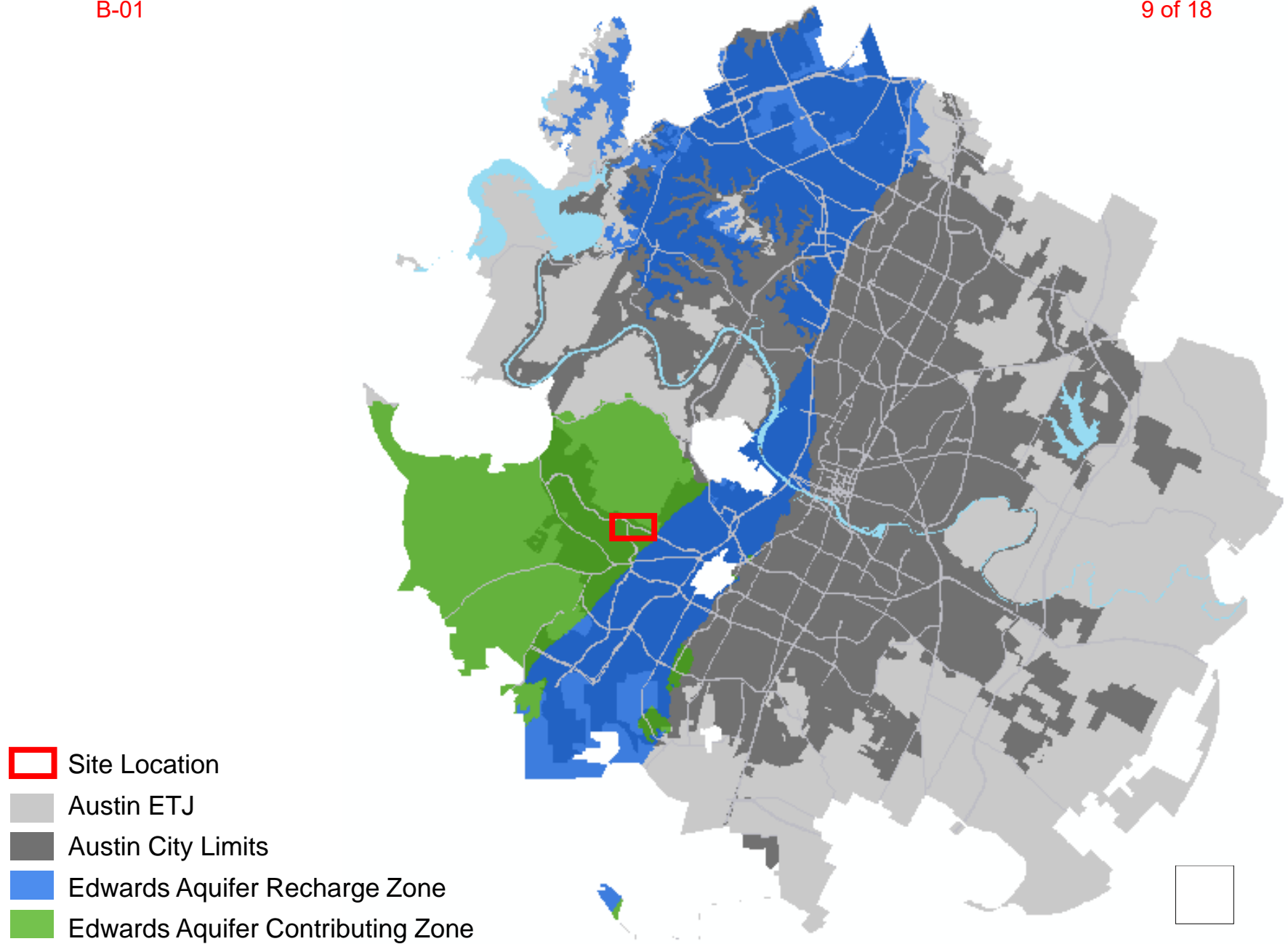
February 19, 2020

# What is a PCA?

- PCA = Project Consent Agreement
- PCAs are part of the 245 process detailed in 25-1-544
- PCAs are considered when the extent of a project's vested rights are unclear and for incentivizing projects with clearly established vested rights to achieve greater compliance with current regulations
- The 245 process lives within the Development Services Department
- DSD has determined that this project is a candidate for a PCA

# Site Data:

- Williamson Creek Watershed
- Barton Springs Zone (SOS Applies)
- Drinking Water Protection Zone
- Contributing Zone of the Edwards Aquifer
- Full-Purpose
- Existing approved site plan (SP-2014-0262C(XT2))
- Existing project has vested rights under 245
- Existing site plan wants to change zoning from Office to Mixed Use
- Mixed Use would allow for multi-family use
- Existing Preliminary Plan referenced within the vesting documents limits multi-family





 Site Location





— Watershed Boundary

□ Site Location







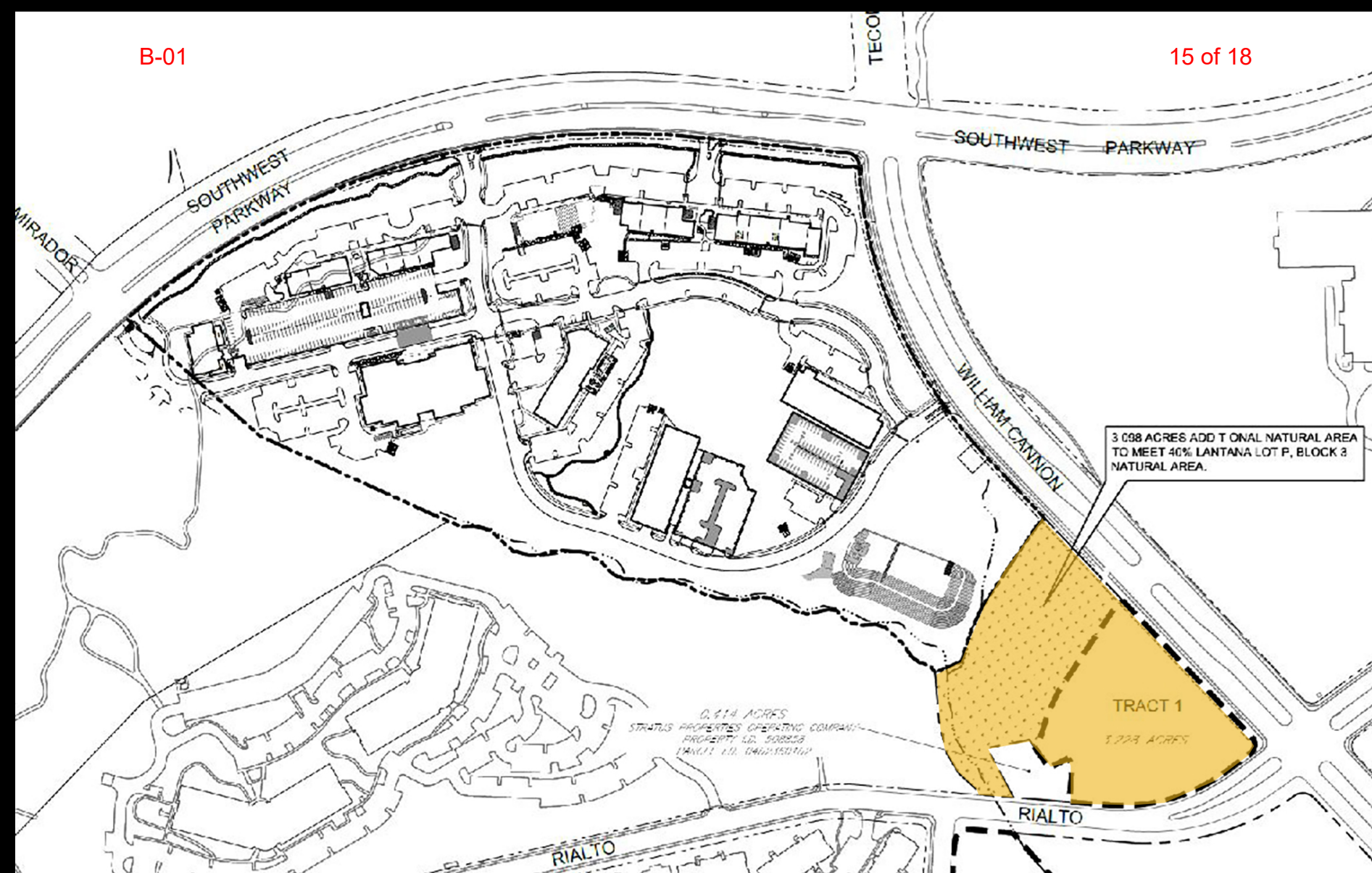
# Current Code Amendments:

## Modification to 25-8 Environmental:

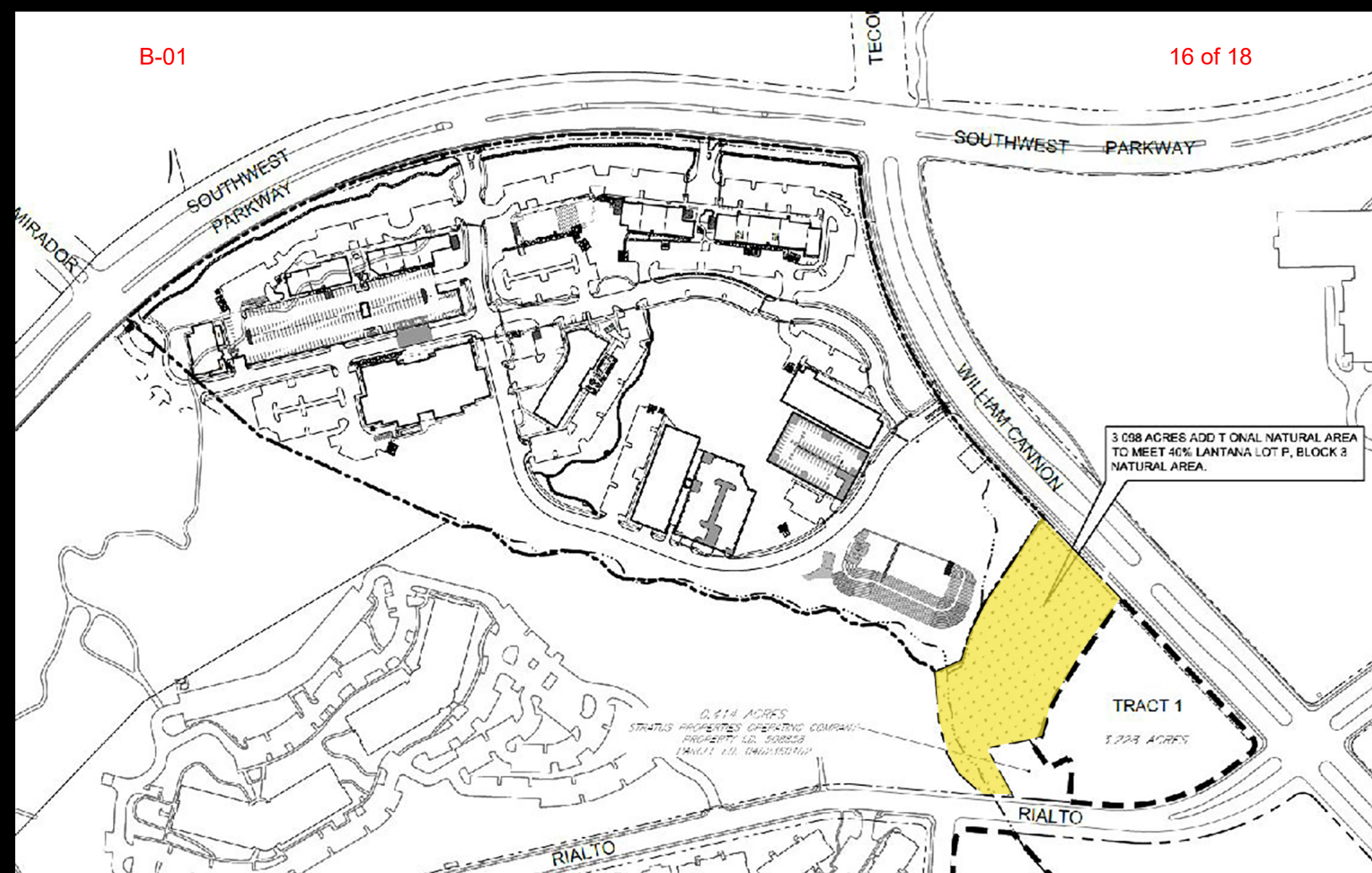
1. 25-8-301 Restricts driveways of slopes greater than 15%
  - Project shall not exceed 65% impervious cover on slopes 10-20%, nor 25% on slopes greater than 20%
2. 25-8-302 Restricts building on certain slopes
  - Project shall not exceed 65% impervious cover on slopes 10-20%, nor 25% on slopes greater than 20%
3. 25-8-341 Cut requirements-Allows up to 4' of cut
  - Project is allowed 12'
4. 25-8-342 Fill requirements-Allows up to 4' of fill
  - Project is allowed 12'

# Save Our Springs(SOS) Amendment:

1. Impervious cover over the allowable amount of 25% NSA
  - Project is allowed up to 60%
2. SOS water quality
  - Project has existing sedimentation/filtration pond that does not meet the non-degradation requirement outlined in SOS



Tract 1 6.326 acres



3.098 acres towards 40% Natural Area Development within this area will be restricted to trails

# Staff Recommendation

Recommendation: Recommended with conditions

1. Impervious cover will be capped at 17.5 acres (49% of current site plan SP-2014-0262C(XT2))
2. Applicant will provide additional acreage of 3.098 acres to meet the Hill Country Roadway requirement of 40% undisturbed natural area per 25-2-1025 and development within this area will be restricted to only allow trails

# Questions?

Contact Information:

Atha Phillips

Environmental Officer's Office

(512) 974-2132

[Atha.Phillips@austintexas.gov](mailto:Atha.Phillips@austintexas.gov)