

ZONING CHANGE REVIEW SHEET

CASE: C814-2015-0074 – The Grove at Shoal Creek Planned Unit Development

E.V. COMMISSION DATE: June 15, 2016

ADDRESS: 4205 Bull Creek Road

DISTRICT AREA: 10

OWNER: ARG Bull Creek, Ltd. (Garrett Martin)

AGENT: Thrower Design (A. Ron Thrower)

ZONING FROM: Unzoned (UNZ) **TO:** PUD **AREA:** 75.74 acres

SUMMARY STAFF RECOMMENDATION:

The staff recommendation is to approve The Grove at Shoal Creek Planned Unit Development (PUD) subject to the following conditions:

1. The Planning and Zoning staff recommends PUD zoning as requested subject that the following additional conditions be incorporated in the proposed Land Use Plan (Exhibit C):
 - a) The total square footage of all development within the PUD shall not exceed 2.4 million square feet.
 - b) The total square footage of all office development within the PUD shall not exceed 210,000 square feet.
 - c) The total square footage of all retail/commercial development shall not exceed 150,000 square feet.
 - d) The total number of congregate care beds shall not exceed 300.
 - e) At least 30,000 square feet of retail development shall be required once 700 units of residential development are constructed before any additional residential development can occur on the property.
 - f) At least 35% of the total required affordable rental units shall be provided once 325 multifamily residential units are constructed before any additional multifamily residential units may be constructed. At least 35% of the total required affordable for-sale residential units shall be provided once 100 condominium residential units are constructed in a "podium style" condominium residential building before any additional condominium residential units may be constructed.
 - g) 130,000 square feet of development may be used for Tier 2 affordable housing that is separate from and does not count against the overall development cap of 2.4 million square feet.
 - h) The staff recommends a baseline of 1.892 million square feet.
2. The conditions of the PUD shall be established in the proposed Land Use Plan (Exhibit C), that includes a breakdown of: a) tract layout and size/acreages, b) permitted land use tables, c) site development regulations table, d) additional setbacks on specific tracts, e) approximate driveway and trail locations, , f) notes on limitations of uses, conditions on site development regulations, definitions, provision for public art installation, conditions for a proposed pedestrian and bicycle bridge, and benefits to encourage alternative transportation options.

3. The PUD shall be subject to the conditions regarding the riparian grow zone, CEF buffer area, wet pond surface area, detention infiltration feature, wetland fringe and upland infiltration feature as agreed to on the Environmental Resource Exhibit (Exhibit F). The proposed PUD shall comply with the Environmental staff recommendations that include:
 - a. The PUD will provide at least 18.12 acres of open space.
 - b. The PUD will exceed minimum Code requirements for landscaping through The Grove at Shoal Creek Design Guidelines by requiring a minimum of three-inch caliper street trees on all internal roadways, requiring street trees along Bull Creek and requiring that a minimum of 95% of all non-turf plan materials be from or consistent with the City's Grow Green Guide.
 - c. Provide that a minimum of ten acres of impervious cover on the site will drain to and be substantially treated by green water quality controls that infiltrate or reuse water, such as rain gardens and rainwater harvesting.
 - d. Use of a wet pond and/or green water quality controls for a minimum of 50% of the required water quality volume on-site.
 - e. Preserve a minimum of 75% of all protected size native caliper inches and prepare a tree care plan for all preserved heritage and protected trees on site.
 - f. Provide additional protections for the grove of trees surrounding the proposed wet pond.
 - g. Cluster development/impervious cover along Bull Creek Road and in the interior of the property away from Shoal Creek and the larger oak groves on the property to avoid environmentally sensitive areas.
 - h. Direct storm water runoff from impervious surfaces to a landscaped area at least equal to the total required landscape area.
 - i. Provide on-site detention for the 9.39 acres of existing impervious cover on site that is not currently detained.
 - j. The City of Austin Watershed Protection Department will choose the most effective flood mitigation option for the site at the time of subdivision or site plan review.
 - k. Provide educational signage at the wetland Critical Environmental Feature.
 - l. Implement an Integrated Pest Management Plan for the whole property.
4. The development of the PUD shall comply with the conditions stipulated in the Parks Plan Exhibit (Exhibit G). The applicant shall provide for parkland for park and recreational purposes under the terms of The Grove at Shoal Creek Parks Plan and Parkland Improvement Agreement as attached exhibits to the PUD ordinance.
5. The development of the PUD site will be subject to the attached TIA memorandum from the Development Review Development (DRD) Department and Austin Transportation Department (ATD) dated March 25, 2016 – Exhibit M. The TIA memo limits the site development to uses and intensities that will not exceed or vary from the projected traffic conditions assumed in the final TIA [R-K Traffic Engineering, LLC – February 2, 2016]. The proposed conceptual right-of-way layout, major vehicle circulation and pedestrian and bicycle connections are shown on the Roadway Framework Plan (Exhibit H).
6. Development within the PUD shall comply with the Tree Survey & Disposition Plan (Exhibit J). A representation of the applicant's proposal for tree mitigation on the site is shown on Tree Mitigation Example conceptual plan and table (Exhibit L).

7. The PUD zoning will be subject to draft language agreed upon with the Neighborhood Housing and Community Development Department (NHCD) concerning compliance with the affordable housing on the property. The project has been certified under SMART Housing and the PUD language will require 5% of permanent ownership units and 10% of the rental for 40 years. They will receive a 100% fee waiver. Ten percent of the total number of multifamily rental housing units located within the Grove at Bull Creek PUD will be set aside for occupancy by households with incomes at 60 percent of or below the median family income. At least 5 percent of the total number of units sold as owner-occupied residential housing units located within the Grove at Bull Creek PUD will, through a mechanism agreed upon by the City and Landowner, be made permanently available at a price affordable to households with incomes at 80 percent of or below the median family income. NHCD and the developer have signed off on the attached language stated in the, The Grove at Bull Creek PUD Affordable Housing Program -Exhibit N.

ENVIRONMENTAL COMMISSION MOTION:

November 4, 2015: Motion to postpone the case to December 16, 2015, with a briefing on the status of the review to be presented at the November 18, 2015 meeting (8-1, H. Smith-abstain); M. Perales-1st, M. Neely-2nd.

December 16, 2015: Refer case to Development Committee when the staff review and recommendation is complete.

May 18, 2016: Refer case to Development Committee when the staff review and recommendation is complete.

June 1, 2016: Motion to postpone the case to June 15, 2016 to negotiate and find resolution of the following:

1. Obtain superiority in regards to parkland by working with the Parks and Recreation Board and the Park and Recreation Department;
 2. Comply with at least three star green building requirements;
 3. Create a drainage plan to ensure the safety of the surrounding properties;
 4. Draft contingency plan to address unresolved drainage issues after the site is built out;
 5. Remove flex space from the parkland;
 6. Evaluate the impact that increased traffic to the site would have on air quality and noise pollution;
 7. Protect 100% of the critical root zone of all trees on the site;
 8. List all the trees on the property including those 8" – 19";
 9. Evaluate the potential to tie in public transit to the site and develop other incentives to significantly reduce the number of car trips per day; and
 10. Reduce the total development to 2.1 million square feet.
 11. Work with staff to develop a plan to conduct an erosion control study along the entire length of the development's Shoal Creek frontage.
- (Vote: 6-4-1, Gooch, Maceo, Perales, Neely, Guerrero, Thompson -For; B. Smith, Creel, Moya, Grayum-No; H. Smith-abstain); P. Maceo-1st, M. Neely-2nd.

PARKS AND RECREATION BOARD:

May 24, 2016: Voted to affirm staff's findings that The Grove at Shoal Creek PUD application as submitted on March 28, 2016 is not superior in relation to parks/adequate public facilities (Vote: 6-1-1).

ZONING AND PLATTING COMMISSION MOTION:

December 1, 2015: Postponed indefinitely at the staff's request by consent (10-0); B. Evans-1st, S. Harris-2nd.

May 17, 2016: Postponed indefinitely at the staff's request by consent (7-3, A. Aguirre-absent, B. Evans, S. Lavani, S. Harris-No); G. Rojas-1st, J. Kiolbassa-2nd.

June 7, 2016: Postponed to June 21, 2016 at the staff's request (7-1, A. Aguirre-No); B. Evans-1st, S. Harris-2nd.

EXHIBITS AND ATTACHMENTS TO THE STAFF REPORT:

Exhibit A: Zoning Map
Exhibit B: Aerial Map
Exhibit C: The Grove at Shoal Creek Land Use Plan
Exhibit D: Tier 1 and Tier 2 Compliance Summary
Exhibit E: Proposed Code Modifications
Exhibit F: Environmental Resource Exhibit
Exhibit G: Parks Plan Exhibit
Exhibit H: Roadway Framework Plan
Exhibit I: Conceptual Site Plan
Exhibit J: Tree Survey and Disposition Plan
Exhibit K: Educational Impact Statement (EIS)
Exhibit L: Tree Mitigation Example
Exhibit M: TIA memorandum dated March 25, 2016
Exhibit N: Affordable Housing Program Language
Exhibit O: Staff Baseline Map
Exhibit P: Additional Review Information Provided by the Applicant
Exhibit Q: Written Comments from the Public
Exhibit R: Parks & Recreation Board Recommendation
Exhibit S: Environmental Commission Motion from June 1, 2016

DEPARTMENT COMMENTS:

The proposed The Grove at Shoal Creek Planned Unit Development (PUD) is generally located on Bull Creek Road at 45th Street. The property in question was previously owned by the State of Texas and therefore is listed as "UNZ" or unzoned on the zoning case map (please see Exhibits A and B: Zoning Map and Aerial Map). There are undeveloped areas along the north and east portions of the property. The south and west portions of the site are developed with state owned office buildings with parking facilities. Surrounding properties are primarily a mix of residential and office uses. The site under consideration is adjacent to single family residences to the north (SF-2 zoning) and south (SF-3 zoning). There are apartments and a senior living center to the west (MF-6-CO, MF-4 and GO-MU-CO zoning). The property directly to the east is unzoned and is developed with an industrial warehouse facility for the State of Texas archives. Further to the east are single family residences (SF-2 zoning). The site is located in the Rosedale Neighborhood Planning area, which does not have an adopted neighborhood plan.

The property is located in the Shoal Creek watershed which is classified as urban. Therefore, the allowable impervious cover is governed by the allowable zoning impervious cover not watershed

impervious cover. This tract of land is not located within the Edwards Aquifer recharge or contributing zones.

The applicant is requesting PUD district zoning for a 75.74 acre mixed use project. According to the Yield sheet from Transportation Impact Analysis (TIA) dated February 2016, the proposed PUD may include up to 110 single family residential units, 600 apartment units, 425 residential condo units, a 600 unit congregate care facility, a 7,500 sq. ft. health/fitness club, 200,00 sq. ft. of office uses, 25,000 sq. ft. of medical office uses, 55,000 sq. ft. of specialty retail uses, a 35,000 sq. ft. supermarket/food sales uses, 8,500 sq. ft. of pharmacy/drug store/general retail sales (convenience) uses, a 3,000 sq. ft. walk-in bank/financial services use, 8,000 sq. ft. of drinking place/cocktail lounge uses, 15,000 sq. ft. quality restaurant/restaurant (general) uses, 9,000 sq. ft. high turnover restaurant/restaurant (limited) uses, and a 2,000 sq. ft. coffee-donut shop without drive through use//restaurant (limited) use.

As shown in Exhibit C (Land Use Plan), the area has been divided into seven tracts:

- Tract A, a 7.02 acre area along the northern portion of the proposed PUD adjacent to the existing single family residences fronting W. 45th Street, and Tract E, a 6.17 acre area along the southeastern portion of the proposed PUD adjacent to the single-family residences fronting Idlewild Road, are primarily low density residential areas that permit single family residential uses through condominium/townhouse residential uses, as well as a Religious Assembly civic use.
- Tract B is a 33.77 acre area directly to the south of Tract A that fronts onto Bull Creek Road. It is the largest area within the PUD. Tract B traverses the width of the PUD property from the east along Shoal Creek to the west fronting Bull Creek Road across from 45th Street to Jackson Avenue. This tract is a mixed use area that will permit a wide range of uses from single family residential, multi-family residential to office, civic and more intensive commercial uses, such as Automotive Rentals/Sales/Washing, Cocktail Lounge, Exterminating Services, Outdoor Sports and Recreation and Research uses.
- Tract C, a 10.82 acre area, is located along the eastern edge of the PUD on Shoal Creek to the traveling to the southwest. It is bordered by Tract B to the north, Tract E to the southeast, Tract D to the immediate south and Tract G to the west. This tract of land will permit single family residential uses, multifamily residential uses, schools, religious assembly and other civic uses.
- Tract D is a 10.23 acre area that is located along the southern portion of the PUD. The tract fronts Bull Creek Road, across from the single-family residences/SF-3 zoning from W. 42nd Street to the south at about W. 40th Street. The applicant proposes to permit a mix of residential and civic uses with a live work units that will allow for office uses, art gallery and art workshop uses, counseling services, cultural services, day care services, financial services personal services, pet services, schools etc.
- Tracts F is a 3.42 acre area that fronts along Bull Creek Road, across from office/LO zoning and single family residences/SF-3 development from Jackson Street to W. 42 Street. Tract G is a 4.33 portion that is located within the central area of the PUD. Both Tracts F and G will permit the same uses: single family residential uses, multifamily residential uses, office uses, and lower intensity commercial uses such as art gallery/workshop, financial services, personal services and pet services as well as numerous civic uses. The notable difference between these two proposed tracts is allowable height. Tract F will have a maximum height

of up to 40 feet, with a caveat that the height may be increased to a maximum of 60 feet for an affordable housing development with the Affordable Housing program. Tract G permits a maximum height of 60 feet outright.

- Currently, the proposed 18.12 acres of parkland and open space areas are interspersed throughout the project area over all of the Tracts within the PUD as a Signature Park, Shoal Creek Trail area, Greenbelt area and Neighborhood Park (Please see Exhibit G: Parks Plan Exhibit).

Per the Land Development Code, PUD district zoning was established to implement goals of preserving the natural environment, encouraging high quality development and innovative design, and ensuring adequate public facilities and services. The City Council intends PUD district zoning to produce development that achieves these goals to a greater degree than and thus is superior to development which could occur under conventional zoning and subdivision regulations.

City Council approved revisions to the PUD regulations that became effective June 29, 2008. To help evaluate the superiority of a proposed PUD, requirements are divided into two categories: Tier 1, which is requirements that all PUDs must meet, and Tier 2 which provides criteria in 13 topical areas in which a PUD may exceed code requirements and therefore demonstrate superiority. A PUD need not address all criteria listed under Tier 2, and there is no minimum number of categories or individual items required.

As more fully detailed on the Land Use Plan and in the Tier 1 and Tier 2 Compliance Summary (please refer to Exhibits C and D), this proposed PUD meets the applicable Tier 1 items and offers some elements of superiority in thirteen Tier 2 categories (*Open Space; Environment/Drainage; Art; Community Amenities, Transportation, Affordable Housing and Accessibility*).

Proposed Code Modifications

There are 27 modifications to Code and Criteria Manual requirements requested by the Applicant (please refer to Exhibit E – Proposed Code Modifications for details). These proposed modifications are summarized below:

- Chapter 25-1 (GENERAL REQUIREMENTS AND PROCEDURES), Article 2 (Definitions; Measurements), Section 25-1-21(103) (*Site*) – Revises the definition of Site to allow a site to cross a public street or right-of-way if that public street or right-of-way is within the boundaries of The Grove at Shoal Creek PUD.
- Chapter 25-1 (GENERAL REQUIREMENTS AND PROCEDURES), Article 14 (Parkland Dedication), Section 25-1-602 (*Dedication of Parkland Required*) and Section 25-4-211 (*Parkland Dedication*) – Specifies the parkland dedication and open space requirements. Modifies Section 25-1-602(A) (*Dedication of Parkland Required*) to state that the subdivider or site plan applicant shall provide for parkland for park and recreational purposes under the terms of The Grove at Shoal Creek Parks Plan and Parkland Improvement Agreement as attached exhibits to the PUD ordinance.
- Chapter 25-1 (GENERAL REQUIREMENTS AND PROCEDURES), Article 2 (Definitions; Measurements), Section 25-1-21(44) (*Gross Floor Area*) – Revises the definition of Gross Floor Area to apply this term to include the addition of parking structures.

- Chapter 25-2 (ZONING), Article 2 (Principal Use and Development Regulations), Section 25-2-492 (*Site Development Regulations*) – To propose that the site development regulations applicable to the Property be as shown on the Land Use Plan.
- Chapter 25-2 (ZONING), Article 2 (Principal Use and Development Regulations), Section 25-2-492 (*Site Development Regulations*) and Chapter 25-1 (GENERAL REQUIREMENTS AND PROCEDURES), Article 2 (Definitions; Measurements), Section 25-1-21 (47) (*Height*) – To request a modification to state that a parking level shall not be and is not considered a “story”.
- Chapter 25-2 (ZONING), Article 9 (Landscaping), Section 25-2-1006 (*Visual Screening*) – To state that Section 25-2-1006 (A) shall not apply to any water quality and/or storm water drainage facility that serves as an amenity or to any Green Storm Water Quality Infrastructure as defined in the Environmental Criteria Manual and that Section 25-2-1006 (C) shall not apply between uses or sites that are both located within the PUD boundaries. (Section 25-2-1006 (C) shall still apply at the boundaries of the PUD.)
- Chapter 25-2 (ZONING), Subchapter B (Zoning Procedures), Article 2 (Special Requirements for Certain Districts), Division 5 (Planned Unit Developments), Section 3.2.3.D.1 (*Planned Unit Development Regulations: Nonresidential Uses*) – To state that these conditions of the Code that require a minimum front yard and street side yard setbacks be at least 25 feet for a front yard and 15 feet for a street side yard shall not apply to the PUD.
- Chapter 25-2 (ZONING), Article 10 (Compatibility Standards) – To state that Compatibility Standards do not apply within the PUD. However, Compatibility Standards will apply where development outside of the PUD triggers these standards for development within the PUD.
- Chapter 25-2 (ZONING), Article 10 (Compatibility Standards), Section 25-2-1063(*Height Limitations and Setbacks for Large Sites*)(C)(2) and (3) – To establish an area within Tract B where Section 25-2-1063(C)(2) shall not apply and where Section (C)(3) is modified to allow for a structure more than 50 feet but not more than 300 feet from the property zoned SF-5 or more restrictive to have a height up to 60 feet.
- Chapter 25-2 (ZONING), Article 10 (Compatibility Standards), Section 25-2-1067(G) (*Design Regulations*) and (H) – To state that this section of the Code does not apply to the Tract A for the construction of an alley, public road, trails and/or sidewalks.
- Chapter 25-2 (ZONING), Subchapter E (Design Standards and Mixed Use) – To request to that the requirements of Subchapter E not apply to the property within the PUD and to replace these conditions with the applicant’s proposed The Grove at Shoal Creek Design Guidelines.
- Chapter 25-4 (SUBDIVISION), Section 25-4-132(B) (*Easements and Alleys*) – To modify this section so that loading and unloading may also occur in any alley that also services as a fire lane.
- Chapter 25-4 (SUBDIVISION), Section 24-4-153 (*Block Length*) – To request that this section not apply to the property within the PUD.

- Chapter 25-4 (SUBDIVISION), Section 24-4-157 (*Subdivision Access Streets*) – To request that this section that requires secondary street access not apply to the property within the PUD.
- Chapter 25-4 (SUBDIVISION), Section 24-4-171(A) (*Access to Lots*) – To modify this section so that to add that each lot in a subdivision may also abut a private street or private drive subject to a permanent access easement.
- Chapter 25-1 (GENERAL REQUIREMENTS AND PROCEDURES) and Chapter 25-4 (SUBDIVISION), Section 25-4-211 (*Parkland Dedication*) – To request that platting requirements for parkland dedication be modified so that it is governed by the conditions of the PUD ordinance/exhibits.
- Chapter 25-4 (SUBDIVISION), Section 25-4-151 (*Street Alignment and Connectivity*) – To state that notwithstanding the requirements of Section 25-4-151 that private drives and/or streets within the property may be aligned to connect to existing or future street on adjoining property.
- Chapter 25-4 (SUBDIVISION), Section 25-4-152 (A) (*Dead-End Streets*) – Adding to this requirement that a street may terminate in a connection with private drives and/or private streets within the property.
- Chapter 25-6 (TRANSPORTATION), Section 25-6-171(A) (*Standards for Design and Construction*) – To modify requirements so that a roadway, private drive street or alley must be designed and constructed in accordance with The Grove at Shoal Creek Design Guidelines. Stating that the Transportation Criteria Manual and City of Austin Standards and Standard Specifications shall apply to the extent they do not conflict the proposed PUD Design Guidelines.
- Chapter 25-8 (ENVIRONMENT), Section 25-8-641(B) (*Removal Prohibited*) – To change the requirements for the removal of heritage trees within the PUD. Specifically identifying which heritage trees may be removed and adding language to speak to the administrative variance process under Section 25-8-642 for trees indicated to be saved on The Grove at Shoal Creek Tree Survey and Disposition Plan.
- Chapter 25-10 (SIGN REGULATIONS), Section 25-10-1 (*Applicability*) – Adding a condition under this section to state, “(D) To the extent they are in conflict, the signage standards set forth in the project Design Guidelines for The Grove at Shoal Creek shall supersede this chapter.”
- Chapter 25-10 (SIGN REGULATIONS), Section 25-10-103 (*Signs Prohibited in the Public Right-of-Way*) – To state that this section shall not apply to the public Right-of-Way dedicated for the Jackson Avenue extension within the boundaries of the PUD as identified on the Roadway Framework Plan.
- Chapter 25-10 (SIGN REGULATIONS), Section 25-10-191 (*Sign Setback Requirements*) – To state that this section shall not apply for setbacks from the public Right-of-Way dedicated for the Jackson Avenue extension within the boundaries of PUD as identified on the Roadway Framework Plan.

- Drainage Criteria Manual, Section 1.2.4.E.1(a) (*Fencing Requirements for Drainage Facilities*) – To amend this DCM Section to remove the requirement for barrier-type fences.
- Environmental Criteria Manual, Section 1.6.3.A.4 (*Maintenance Responsibilities for Water Quality Control Facilities*) – Modify this section to state that water quality control facilities at The Grove at Shoal Creek PUD that treat publicly owned roads and facilities within and adjacent to the PUD may be privately maintained, instead of being designed and built according to the appropriate city standards.
- Transportation Criteria Manual, Section 1.3.2.B.2 (*Classification Design Criteria*) – To modify this provision to state that the extension of Jackson Avenue in the PUD as identified on the Roadway Framework Plan shall be considered a Neighborhood Collector and shall be designed per The Grove at Shoal Creek Design Guidelines. The cross section and any other design information contained in those design guidelines shall supersede any requirements of the Transportation Criteria Manual. All other circulation routes within the PUD shall be considered as private driveways and intersection with these driveways shall be subject to the 50' minimum spacing for Neighborhood Collectors.
- Transportation Criteria Manual, Section 1.3.2.F (*Classification Design Criteria*) – To state that the Jackson Avenue extension shall not be considered a Single Outlet Street upon the connection of any public access that is open to the public and connects Jackson Avenue to Bull Creek Road.

Proposed Benefits of the PUD:

The applicant is offering the following –

Affordable Housing

- Provide a substantial on-site affordable housing component. They will describe this proposal in The Grove at Shoal Creek Affordable Housing Program Plan. In this plan the applicant is currently proposing 180 affordable units on the site. The project has been certified under SMART Housing and the PUD language will require 5% of permanent ownership units and 10% of the rental units for 40 years. Through compliance with the Affordable Housing Requirements of LDC Section 25-1-704(B)(2)(a), development within the Grove at Shoal Creek PUD shall be eligible for a waiver of 100% of the development fees, including capital recovery fees, described in LDC Section 25-1-704 and Section 25-9-397 as allowed by and in accordance with the City's SMART Housing Program.

Accessibility

- Provide for accessibility for persons with disabilities to a degree exceeding applicable legal requirements.

Art

- Participate in the Art in Public Places Program. The applicant will develop a Public Art Plan that will consist of a minimum of three (3) significant art pieces. A minimum budget of \$60,000 shall be spent on public art within the PUD site. The applicant will consult with and consider the City's Art in Public Places (AIPP) program for implementing this program.

Community Amenities

- Provide a large on-site, publically accessible signature park space with park improvements and amenities open to the public.
- Provide public community and public amenities including spaces for community meetings, gatherings and other community needs.
- Provide publicly accessible multi-use trails and greenways within the property along Shoal Creek.
- Provide a pedestrian and bicycle bridge across Shoal Creek.

Environmental/Drainage

- Use of a wet pond and/or green water quality controls for a minimum of 50% of the required water quality volume on-site.
- Provide that a minimum of ten acres of impervious cover on the site will drain to and be substantially treated by green water quality controls that infiltrate or reuse water, such as rain gardens, biofiltration facilities, and rainwater capture systems.
- Proposing no modification to the existing 100-year floodplain.
- Preserve more than 75% of all protected size native caliper inches and prepare a tree care plan for all preserved heritage and protected trees on site.
- Cluster development/impervious cover along Bull Creek Road and in the interior of the property away from Shoal Creek and the larger oak groves on the property to avoid environmentally sensitive areas.
- Direct storm water runoff from impervious surfaces to a landscaped area at least equal to the total required landscape area.
- Provide on-site dentition for the 9.39 acres of existing impervious cover on site that is not currently detained.
- Provide educational signage at the wetland Critical Environmental Feature.
- Implement an Integrated Pest Management Plan for the whole property.
- The Grove at Shoal Creek Design Guidelines will require street trees on all internal streets and along Bull Creek Road in excess of the Code requirements in Subchapter E.
- The proposed Design Guidelines will also require that a minimum of 95% of all non-turf plant materials be from or consistent with the City's Grow Green Guide.

Great Streets

- Provide private street cross sections that will meet the intent and purposes of the Great Streets Program through the proposed The Grove at Shoal Creek Project Design Guidelines.

Green Building

- Comply with at least a 2-star Green Building requirement.

Parkland and Open Space

- Provide a minimum of 18.12 acres of open space, including parkland.
- The Parks and Recreation Department has stated that they find that The Grove at Shoal Creek PUD is not superior to traditional zoning as it pertains to parks. The plan for the Signature Park submitted by Milestone lacks adequate street frontage, acreage and opportunities for active recreation. The CEF buffer reduction and mitigation further hampers park development. The visibility from the public right-of-way could be better. The overall credited park acreage does meet minimum requirements of traditional zoning only if the 2 acres labeled as "Flex Park Space" continues to be part of the parks plan.

Transportation

- Roadway and intersection improvements through the use of turn lanes and signalization shall be funded 100% by the applicant.
- Provide bicycle facilities, including bike storage and trails.

Utility Facilities

- Provide water system improvements that will improve water pressure to the area.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	UNZ	Undeveloped, Office
<i>North</i>	SF-2	Single-Family Residences
<i>South</i>	SF-3	Single-Family Residences
<i>East</i>	UNZ, SF-3	Industrial Warehouse (State of Texas Archives), Single-Family Residences
<i>West</i>	SF-2, SF-3, MF-6-CO, MF-4, GO-MU-CO, LO, SF-3	Single-Family Residences, Multifamily Residences, Senior Living, Office, Single-Family Residences

TIA: Is required**WATERSHEDS:** Shoal Creek – Urban**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** No**SCENIC ROADWAY:** No**NEIGHBORHOOD ORGANIZATIONS:**

Allandale Neighborhood Association
 Austin Heritage Tree Foundation
 Austin Neighborhoods Council
 Bike Austin
 Central Austin Community Development
 5702 Wynona Neighbors
 45th St. Concerned Citizens
 Friends of Austin Neighborhoods
 Friends of the Emma Barrientos MACC
 Highland Park West Balcones Area Neighborhood Association
 Lower District 7 Green
 North Austin Neighborhood Alliance
 Oakmont Heights Neighborhood Association
 Preservation Austin
 Ridgelea Neighborhood Association
 Rosedale Neighborhood Association
 Save Barton Creek Association
 SELTEXAS
 Shoal Creek Conservancy
 Sierra Club, Austin Regional Group

Sustainable Neighborhoods
The Real Estate Council of Austin, Inc.
Westminster Manor Residents Association

SCHOOLS: Austin Independent School District

Bryker Woods Elementary School O Henry Middle School Austin High School

Note: An Educational Impact Statement (EIS) is required. Please refer to Exhibit K.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-06-0200 (Kingswood Place Apartments: 4318 Bull Creek Road)	MF-4 to MF-6	2/06/07: Approved staff rec. of MF-6-CO zoning (9-0), with CO to 1) limit the site to 2,000 vtpd, 2) prohibit vehicular access to 44 th Street except for emergency vehicle use, 3) limit height to 60 feet, 4) require a 25 foot building setback from Bull Creek Road, 5) limit the max FAR to 2.25 to 1.0 and 6) limit the max density to 80 dwelling units.	3/22/07: Approved MF-6-CO zoning (6-0); all 3 readings
C14-06-0100 (Bull Creek Apartments: 4320-4330 Bull Creek Road)	MF-4 to MF-6	8/01/06: Approved staff rec. of MF-6-CO zoning (6-3, B. Baker, J. Pinnelli, J. Martinez-No), with CO to 1) limit the site to 2,000 vtpd, 2) limit height to 60 feet, 3) limit density to 250 units (64.98 units per acre, 4) require a 25 foot building setback from Bull Creek Road, 5) require a 25 foot setback from 44 th Street, 6) state upon redevelopment that vehicular access is prohibited to 44 th Street except for emergency vehicle use and 7) limit the max FAR to 2.25 to 1.0.	8/31/06: Approved MF-6-CO zoning (6-0); all 3 readings
C14-02-0147: Westminster Manor Health Facilities Corp., 1902-1906 W. 42 nd Street	SF-3 to SF-6	9/10/02: Case expired.	N/A
C14-99-0080: Congregation Adudas Achim: 4200 Jackson)	LO, SF-3 to GO-MU-CO	6/15/99: Approved staff's rec. of GO-MU-CO zoning (5-0-1, BH-abstain), with additional conditions: 1) limit the site to 2,000 vtpd, 2) prohibit Bed and	7/15/99: Approved PC rec. of GO-MU-CO zoning, with conditions (6-0); 1 st reading

		Breakfast, College or University Facilities, Administrative and Business Offices, Cultural Services, Art and Craft Studio (Limited), Guidance Services, Business or Trade School, Hospital Services (Limited and General), Business Support Services, Local Utility Services, Medical Offices, Private Primary Educational Facilities, Off-Site Accessory Parking, Private Secondary Educational Facilities, Personal Services, Public Primary Educational Facilities, Professional Office, Public Secondary Educational Facilities, Software Development, Safety Services, Community Recreation (Private and Public), Multifamily Residential uses.	9/09/99: Approved 2 nd /3 rd readings
C14-94-0054 (Westminster Manor: 4100 Jackson)	LO to GO	5/24/94: Approved GO zoning, with conditions (6-0)	7/14/94: Approved GO zoning, with ROW requirement (7-0); all 3 readings

RELATED CASES: N/A

CITY COUNCIL DATE: June 16, 2016

ACTION:

ORDINANCE READINGS: 1st

2nd

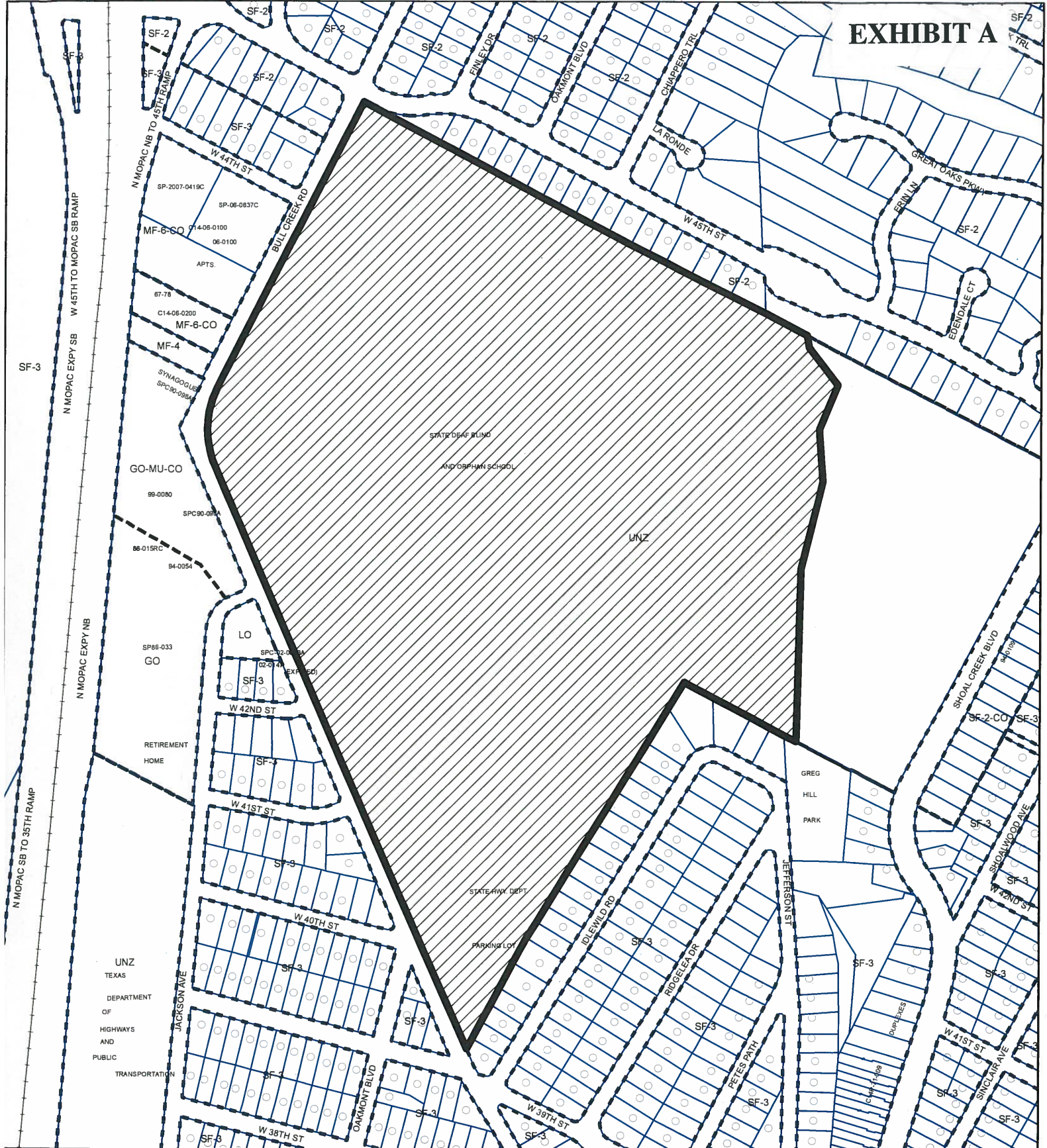
3rd




ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 512-974-3057
sherri.sirwaitis@austintexas.gov

EXHIBIT A



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

PLANNED UNIT DEVELOPMENT
ZONING CASE#: C814-2015-0074

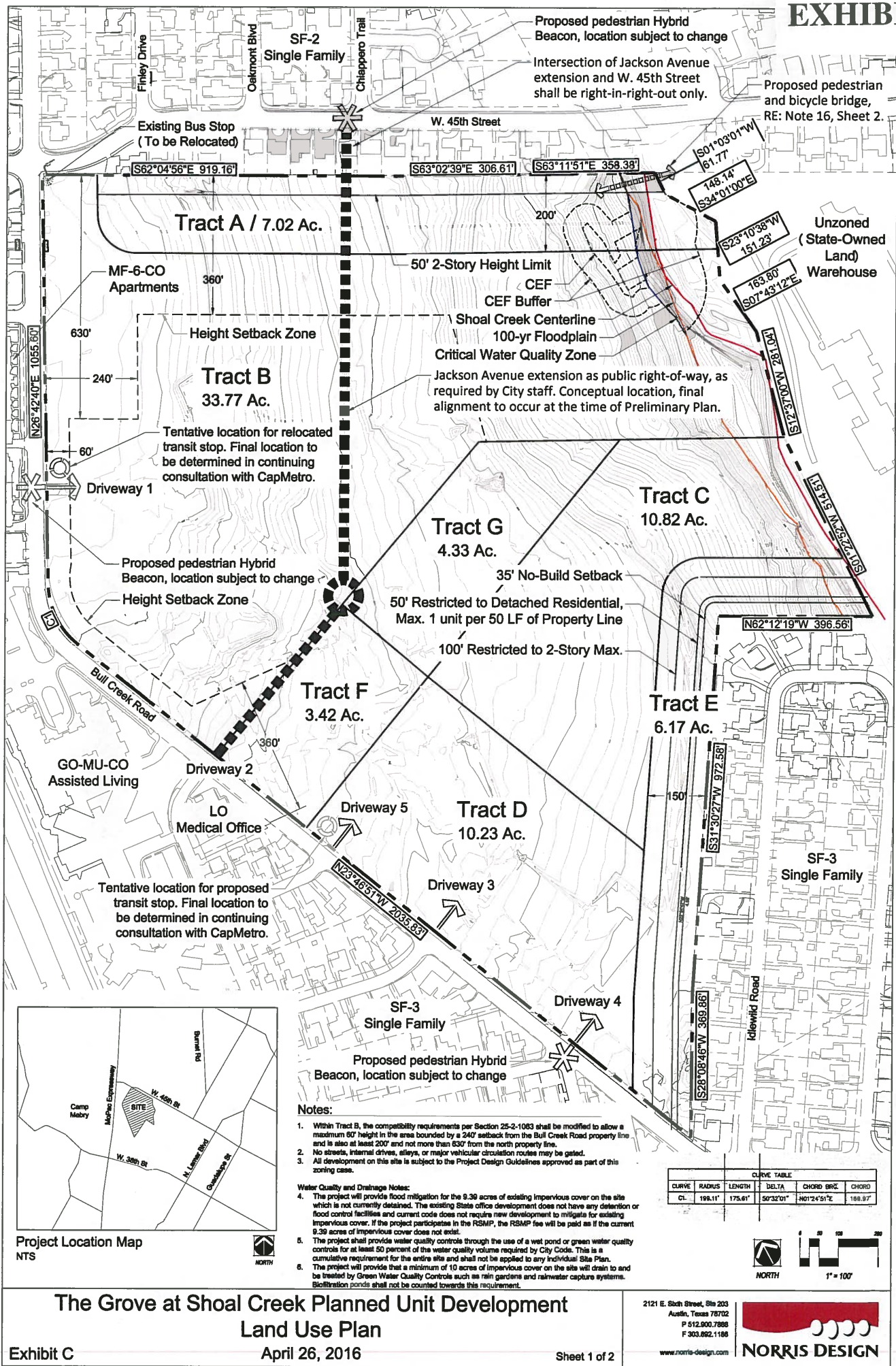


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1" = 400'

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





Notes:

1. Within Tract B, the compatibility requirements per Section 25-2-1063 shall be modified to allow a maximum 60' height in the area bounded by a 240' setback from the Bull Creek Road property line and is also at least 200' and not more than 630' from the north property line.
2. No streets, internal drives, alleys, or major vehicular circulation routes may be gated.
3. All development on this site is subject to the Project Design Guidelines approved as part of this zoning case.

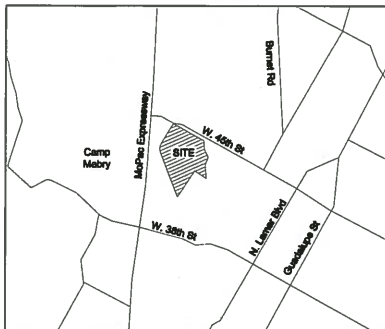
Water Quality and Drainage Notes:

4. The project will provide flood mitigation for the 9.39 acres of existing impervious cover on the site which is not currently detained. The existing State office development does not have any detention or flood control facilities and current code does not require new development to mitigate for existing impervious cover. If the project participates in the RSMF, the RSMF fee will be paid as if the current 9.39 acres of impervious cover does not exist.
5. The project shall provide water quality controls through the use of a wet pond or green water quality controls for at least 50 percent of the water quality volume required by City Code. This is a cumulative requirement for the entire site and shall not be applied to any individual Site Plan.
6. The project will provide that a minimum of 10 acres of impervious cover on the site will drain to and be treated by Green Water Quality Controls such as rain gardens and rainwater capture systems. Biofiltration ponds shall not be counted towards this requirement.

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEG	CHORD
CL	198.11'	175.61'	50°32'01"	N01°24'51"E	168.97'



1" = 100'



Project Location Map
NTS

The Grove at Shoal Creek Planned Unit Development Land Use Plan

EXHIBIT D

ATTACHMENT 1

Tier 1 and Tier 2 Compliance Summary

Tier 1 Requirements – Section 2.3.1		Compliance/ Superiority
A.	meet the objectives of the City Code;	<p>YES. The Project is located in the urban core and within an Urban watershed. The Project is located near Mopac Expressway and is located along the proposed Shoal Creek Urban Trail and an existing CapMetro bus route. The Project will promote the Imagine Austin priority of creating a “compact and connected” City increasing population density within the urban core. The Project is compatible with surrounding uses and zoning which is consistent with the general neighborhood preferences. Except as set forth in the Proposed Code Modifications Summary, the Project will comply with the current City Code requirements.</p>
B.	provide for development standards that achieve equal or greater consistency with the goals in Section 1.1 (<i>General Intent</i>) than development under the regulations in the Land Development Code;	<p>YES. The Project will meet the goals of Section 1.1 as follows:</p> <ol style="list-style-type: none">1. <u>Preserve Natural Environment.</u> The Project will preserve all of the high quality heritage trees on the Property, and remove only a handful poor to fair condition “heritage” pecan trees. The Project will provide for greater open space than required by the City Code. The Project will provide green water quality controls and will provide water quality controls and drainage improvements for the entire site. The current state office development does not have any detention or flood control facilities.2. <u>High Quality Development and Innovative Design.</u> The Project will utilize mixed use and urban design principles that will allow clustering of uses in higher densities that promote urban living, working and shopping on the site and encourage use of

	<p>alternative transportation options. The Project will integrate pedestrian and bicycle connectivity throughout the Property. The Project will be designed to make use of scenic views from public spaces. Parking structures will be used in connection with office and apartment uses. Higher development intensity will be focused along Bull Creek Road and the interior of the Property and lower development intensity will be located near existing single family residences.</p> <p>3. <u>Adequate Public Facilities and Services.</u> The Project will provide (i) a large on-site, publicly accessible signature park space with park improvements and amenities open to the public providing recreation and natural open space to the whole City; (ii) plazas and other open and community spaces with public amenities that will provide opportunities for people to gather and socialize;; (iii) hike and bike trails along Bull Creek Road and Shoal Creek and improvements to enhance transit use so that area residents will have greater transportation options; (iv) roadway intersection improvements through the use of turn lanes and signalization funded 100% by the Applicant, (v) shared access improvements to provide existing 45th Street homes with safe, alternative access, (vi) water system improvements that will improve water pressure (especially for fire flow purposes) to the area, (vii) a pedestrian and bicycle bridge across Shoal Creek.</p>
<p>C. provide a total amount of open space that equals or exceeds 10 percent of the residential tracts, 15 percent of the industrial tracts, and 20 percent of the nonresidential tracts within the PUD, except that:</p> <ol style="list-style-type: none"> 1. a detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity; and 2. the required percentage of open space may be 	<p>YES. Even though the Project is an “urban property”, the Project will <i>exceed</i> these requirements by providing at least 18.12 acres of open space as shown on the Parks Plan Exhibit. This <i>minimum</i> amount of open space for the purpose of determining compliance with Tier 1 and Tier 2 requirements is also shown on the Parks Plan Exhibit and is approximately 11 and 12 acres respectively. The Applicant actually intends that the Project will provide more open space than the minimum 18.12 acres. This open space, which the Applicant may sometimes also refer to as “Park</p>

<p>reduced for urban property with characteristics that make open space infeasible if other community benefits are provided;</p>	<p>Space", will be publicly accessible and offer excellent recreational and natural areas throughout the Project.</p>
<p>D. comply with the City's Planned Unit Development Green Building Program;</p>	<p>YES. The Project will comply with at least a 2-star Green Building requirement.</p>
<p>E. be consistent with applicable neighborhood plans, neighborhood conservation combining district regulations, historic area and landmark regulations, and compatible with adjacent property and land uses;</p>	<p>YES. There is no applicable neighborhood plan, NCCD or historic area or landmark regulations applicable to the site. However, as stated above, the largely residential Project will be compatible with area land uses and zoning districts and is consistent with the principles and priorities of Imagine Austin. In addition, the Applicant believes the Project is consistent with neighborhood preferences established in surveys conducted by the Applicant and with the Bull Creek Road Coalition's Design Principles.</p>
<p>F. provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, waterways, topography, and the natural and traditional character of the land;</p>	<p>YES. The Project will preserve all of the higher quality heritage oak trees on the Property, and remove only a handful poor to fair condition "heritage" pecan trees. The project will preserve a minimum of 75% of Protected Size native tree inches on site. The Project will provide for greater open space than required by the City Code. The Project will provide green water quality controls and will provide water quality controls and drainage improvements for the entire site. The current state office development does not have any detention or flood control facilities. The Project will not propose any flood plain modifications. The Project will incorporate the natural features, topography and character of the land in its overall design.</p>
<p>G. provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service, and police facilities;</p>	<p>YES. As stated above, the Project will provide (i) a large on-site, publicly accessible signature park space with park improvements and amenities open to the public providing recreation and natural open space to the whole City; (ii) plazas and other open and community spaces with public amenities that will provide</p>

	<p>opportunities for people to gather and socialize;; (iii) hike and bike trails along Bull Creek Road and Shoal Creek and improvements to enhance transit use so that area residents will have greater transportation options; (iv) roadway intersection improvements through the use of turn lanes and signalization funded 100% by the Applicant, (v) shared access improvements to provide existing 45th Street homes with safe, alternative access, (vi) water system improvements that will improve water pressure (especially for fire flow purposes) to the area, and (vii) a pedestrian and bicycle bridge across Shoal Creek. In addition, there are currently existing adequate school, fire protection, emergency service, and police facilities located in the area. Bryker Woods School for example is populated by approximately 20% - 30% of transfer students and, therefore, has sufficient capacity to meet the needs of the Project.</p>
H. exceed the minimum landscaping requirements of the City Code;	<p>YES. The Project will exceed the minimum Code requirements for landscaping. The Project will implement an Integrated Pest Management Plan, which shall apply to all sites and uses within the PUD. The project Design Guidelines require minimum 3" caliper street trees on all internal streets. Under conventional zoning, Tracts A, C, D, and E would be residential zoning districts and would not require street trees under Subchapter E. This area of additional street trees represents 34.24 acres or approximately 45% of the total project area. Additionally, street trees will be required along Bull Creek Road where they would not be required by Subchapter E. The Design Guidelines will additionally require that a minimum of 95% of all non-turf plant materials be from or consistent with the City's Grow Green Guide.</p>
I. provide for appropriate transportation and mass transit connections to areas adjacent to the PUD district and mitigation of adverse cumulative transportation impacts with sidewalks, trails, and roadways;	<p>YES. There is currently a CapMetro bus route located on Bull Creek Road adjacent to the Property that provide transit to major employment centers like the Seton Medical Center, the University of Texas and downtown. The Applicant is in discussions with</p>

	CapMetro about how to provide enhancements to this transit stop to facilitate increased ridership. In addition, the Project will provide greater pedestrian and bicycle trails and sidewalks along Bull Creek Road, within the Property and along Shoal Creek, including a pedestrian and bicycle bridge across Shoal Creek. A TIA has been performed and demonstrates that impacts on area intersections from the Project are properly mitigated with turn lane and signal improvements.
J. prohibit gated roadways;	YES. The Project will prohibit gated communities.
K. protect, enhance and preserve areas that include structures or sites that are of architectural, historical, archaeological, or cultural significance; and	NOT APPLICABLE. There are no such areas within the Property. However, the Applicant is willing to memorialize the prior use of the site for the education of disabled African Americans in public spaces located within the Project.
L. include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints.	YES. The Property is approximately 75.74 acres.
Additional Requirements – Section 2.3.2	
A. comply with <u>Chapter 25-2, Subchapter E (Design Standards And Mixed Use)</u> ;	Compliance/ Superiority MODIFICATIONS REQUESTED. As permitted by Section 2.2 of PUD Code Provisions, the Applicant will be proposing modifications to the Subchapter E standards that will replace and supersede Subchapter E. The Project Design Guidelines meet the intent and purposes of Subchapter E, while making compliance simpler and easier to implement.
B. inside the urban roadway boundary depicted in Figure 2, Subchapter E, <u>Chapter 25-2 (Design Standards and Mixed Use)</u> , comply with the sidewalk standards in <u>Section 2.2.2., Subchapter E, Chapter 25-2 (Core Transit Corridors: Sidewalks And Building Placement)</u> ; and	MODIFICATIONS REQUESTED. As permitted by Section 2.2 of PUD Code Provisions, the Applicant has proposed modifications to the Subchapter E sidewalk and building placement standards that will replace and supersede Subchapter E. The Project Design Guidelines meet the intent and purposes of Subchapter E, while making compliance simpler and easier to implement.
C. contain pedestrian-oriented uses as defined in <u>Section 25-2-691(C) (Waterfront Overlay District Uses)</u> on the first	YES. The Project will contain pedestrian-oriented uses on the first floor of multi-story commercial or mixed use buildings

floor of a multi-story commercial or mixed use building.	located along roadways with pedestrian walkways. The size of the Project is such that some interior buildings that are not located on significant pedestrian walkways do not have such uses.
Tier 2 Requirements – Section 2.4	
A. <u>Open Space</u> – Provides open space at least 10% above the requirements of Section 2.3.1.A. (<i>Minimum Requirements</i>). Alternatively, within the urban roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (<i>Design Standards and Mixed Use</i>), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department.	Compliance/ Superiority YES. The Project will provide at least 18.12 acres of open space as shown on the Park Plan Exhibit which is far above the requirement in Section 2.3.1.A. This <i>minimum</i> amount of open space for the purpose of determining compliance with Tier 1 and Tier 2 requirements is also shown on the Parks Plan Exhibit and is approximately 11 and 12 acres respectively. The Applicant actually intends that the Project will provide more open space than the minimum 18.12 acres. This open space will largely consist of dedicated parkland and will be publicly accessible and offer excellent recreational and natural areas throughout the Project.
B. <u>Environment/Drainage</u> –	
1. Complies with current code instead of asserting entitlement to follow older code provisions by application of law or agreement.	NOT APPLICABLE.
2. Provides water quality controls superior to those otherwise required by code.	YES. The project will meet current code requirements for water quality volume. The Project will provide water quality controls through the use of a wet pond and/or Green Water Quality Controls for a minimum of 50% of the required water quality volume on-site, which provide superior Total Suspended Solid and nutrient removal to more conventional controls and also offer wetland and habitat benefits that are particularly appropriate to the Project. Makeup water for the wet pond will be provided by air conditioner condensate from commercial buildings on site. Site plans for commercial buildings will be required to include plumbing connections to the makeup water system unless it has been demonstrated that prior connections (from other buildings on site) will provide sufficient makeup water for the pond. Potable or

	well water may be used for makeup water only during buildout of the project.
3. Uses green water quality controls as described in the Environmental Criteria Manual to treat at least 50 percent of the water quality volume required by code.	YES AS MODIFIED. The project will provide that a minimum of 10 acres of impervious cover on the site will drain to and be treated by Green Water Quality Controls such as rain gardens, and rainwater capture systems. Biofiltration ponds shall not be counted toward this requirement.
4. Provides water quality treatment for currently untreated, developed off-site areas of at least 10 acres in size.	NOT APPLICABLE.
5. Reduces impervious cover by five percent below the maximum otherwise allowed by code or includes off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code.	NOT APPLICABLE. The site is not currently zoned. While a baseline may be established by City Council, Council has been directed by City Staff that the baseline is solely for determining development bonuses and not for other zoning factors. As such, it would not be appropriate to apply the established baseline to determine environmental superiority.
6. Provides minimum 50-foot setback for at least 50 percent of all unclassified waterways with a drainage area of 32 acres.	NOT APPLICABLE.
7. Provides volumetric flood detention as described in the Drainage Criteria Manual.	NO.
8. Provides drainage upgrades to off-site drainage infrastructure that does not meet current criteria in the Drainage or Environmental Criteria Manuals, such as storm drains and culverts that provide a public benefit.	NOT APPLICABLE.
9. Proposes no modifications to the existing 100-year floodplain.	YES. The Project will not modify the existing 100-year flood plain.
10. Uses natural channel design techniques as described in the Drainage Criteria Manual.	NOT APPLICABLE.
11. Restores riparian vegetation in existing, degraded Critical Water Quality Zone areas.	NO. Existing riparian vegetation along the top of the bank is already in good condition and will be protected by a Riparian Grow Zone. This Riparian Grow Zone will also serve as wetland

	mitigation.
12. Removes existing impervious cover from the Critical Water Quality Zone.	NOT APPLICABLE.
13. Preserves all heritage trees; preserves 75% of the caliper inches associated with native protected size trees; and preserves 75% of all of the native caliper inches.	YES AS MODIFIED. The Project will preserve more than 75% of all Protected Size native caliper inches. The Project will preserve all of the higher quality heritage oak trees on the Property, and remove only a handful of poor to fair condition "heritage" pecan trees. The heritage pecan trees to be removed are of a variety that is not native to the area and structurally poor and of lower quality. The Applicant has met with the City Arborist to discuss removal of these small number of trees and the preservation of all of the high-quality heritage oak trees. Additionally, the project will provide additional protection for the $\frac{3}{4}$ critical root zone for all protected and heritage trees within the Signature Grove, which includes all trees around the proposed pond and the highest quality oak trees throughout the Signature Park.
14. Tree plantings use Central Texas seed stock native and with adequate soil volume.	NO. While the Project will utilize native and adapted trees from the Grow Green Guide, a commitment to 100% native seed stock is not feasible at this time.
15. Provides at least a 50 percent increase in the minimum waterway and/or critical environmental feature setbacks required by code.	NO. While the project does propose a Riparian Grow Zone along the Critical Water Quality Zone boundary that would effectively increase the waterway buffer for Shoal Creek, it also proposes a reduction in the Wetland CEF buffer.
16. Clusters impervious cover and disturbed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected.	YES. The Project will cluster development along Bull Creek Road and the interior of the Property and away from Shoal Creek and the large oak groves located on the Property where a large amount of open space will be provided instead.
17. Provides porous pavement for at least 20 percent or more of all paved areas for non-pedestrian in non-aquifer recharge areas.	NO.
18. Provides porous pavement for at least 50 percent or more of all paved areas limited to pedestrian	NO.

use.	
19. Provides rainwater harvesting for landscape irrigation to serve not less than 50% of the landscaped areas.	NO. Due to the size of the proposed parks in particular, this option is not feasible for this Project.
20. Directs stormwater runoff from impervious surfaces to a landscaped area at least equal to the total required landscape area.	YES. The Project will direct stormwater runoff from impervious surfaces to a landscaped area at least equal to the total required landscape area.
21. Employs other creative or innovative measures to provide environmental protection.	YES. The Project will provide flood mitigation for the 9.39 acres of existing impervious cover on site that is not currently detained. The current state office development does not have any detention or flood control facilities, and current code does not require new development to detain for existing impervious cover. If the Project participates in the RSMP, the RSMP fee will be paid as if the current 9.39 acres of impervious cover does not exist. The City of Austin Watershed Protection Department will choose the most effective flood mitigation option for the site, which may include onsite detention in compliance with the Environmental Criteria Manual or RSMP participation, at the time of commercial site plan or residential subdivision application. The City of Austin selected flood mitigation option will be required to demonstrate no downstream adverse impact up to the confluence of Shoal Creek with Lady Bird Lake.
C. <u>Austin Green Builder Program</u> – Provides a rating under the Austin Green Builder Program of three stars or above.	Additionally, the Project will provide educational signage for the Wetland CEF. NO. While certain buildings and development within the Project may meet or exceed a 3-star rating, requiring such compliance for all such buildings and development is not feasible.
D. <u>Art</u> – Provides art approved by the Art in Public Places Program in open spaces, either by providing the art directly or by making a contribution to the City's Art in Public Places Program or a successor program.	YES AS MODIFIED. The Project will provide art in public places through development of a public art plan developed by the Applicant that will consist of a minimum of three (3) significant art pieces. The Applicant will consult with and consider the

	City's Art in Public Places (AIPP) program in implementing this program.
E. <u>Great Streets</u> – Complies with City's Great Streets Program, or a successor program. Applicable only to commercial, retail, or mixed-use development that is not subject to the requirements of <u>Chapter 25-2, Subchapter E (Design Standards and Mixed Use)</u> .	YES AS MODIFIED. The Project will provide private street cross sections that will meet the intent and purposes of the Great Streets Program through its Project Design Guidelines.
F. <u>Community Amenities</u> – 1. Provides community or public amenities, which may include spaces for community meetings, community gardens or urban farms, day care facilities, non-profit organizations, or other uses that fulfill an identified community need. 2. Provides publicly accessible multi-use trail and greenway along creek or waterway.	YES. The Project will provide community and public amenities including spaces for community meetings, gatherings and other community needs, and publicly accessible multi-use trails and greenways along Shoal Creek. The project will also provide a pedestrian and bicycle bridge across Shoal Creek.
G. <u>Transportation</u> – Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code.	YES. The Project will provide (i) bicycle trails and shared use paths throughout the project that will facilitate connection to existing and planned bike routes and trails, (ii) a pedestrian and bicycle bridge across Shoal Creek, (iii) a location for a B-cycle Station, (iv) at least 5 car-sharing parking spaces, (v) shower facilities in all office buildings over 10,000 SF, (vi) bike parking for a minimum of 10% of required vehicular spaces, (vii) bicycle cage parking in multifamily buildings, and (viii) improved bus stops developed in consultation with CapMetro and the neighborhood.
H. <u>Building Design</u> – Exceeds the minimum points required by the Building Design Options of Section 3.3.2. of <u>Chapter 25-2, Subchapter E (Design Standards and Mixed Use)</u> .	NO. While certain buildings and development within the Project may exceed such minimum points, requiring such compliance for all such buildings and development is not feasible. The intent and purpose of such building design will be met through the Project Design Guidelines.
I. <u>Parking Structure Frontage</u> – In a commercial or mixed-use development, at least 75 percent of the building frontage of all parking structures is designed for	NO. While certain buildings and development within the Project may meet such percentage, requiring such compliance for all such buildings and development is not feasible.

	pedestrian-oriented uses as defined in <u>Section 25-2-691(C) (Waterfront Overlay District Uses)</u> in ground floor spaces.	
J.	<u>Affordable Housing</u> – Provides for affordable housing or participation in programs to achieve affordable housing.	YES. The Applicant will provide a substantial on-site affordable housing component as more particularly set forth in the The Grove at Shoal Creek Affordable Housing Plan.
K.	<u>Historic Preservation</u> – Preserves historic structures, landmarks, or other features to a degree exceeding applicable legal requirements.	NOT APPLICABLE. There are no such features within the Property. However, the Applicant is willing to memorialize the prior use of the site for the education of disabled African Americans in public spaces located within the Project.
L.	<u>Accessibility</u> – Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements.	YES. The Project will provide for accessibility for person with disabilities to a degree exceeding applicable legal requirements.
M.	<u>Local Small Business</u> – Provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area.	NO. While the Applicant fully intends to actively seek local small businesses for the Project and may use incentives to induce such local businesses, given the on-site affordable housing commitment, increased parks and open space commitments, and increased traffic mitigation commitments, requiring a specific criteria for affordable retail rates is not feasible.

EXHIBIT E**ATTACHMENT 2*****Proposed Code Modifications***

CHAPTER 25-1 MODIFICATIONS	CURRENT CODE LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
CODE SECTIONS TO BE MODIFIED		
1. <i>Definitions, Article 2, Chapter 25-1-21</i>	“SITE means a contiguous area intended for development, or the area on which a building has been proposed to be built or has been built. A site may not cross a public street or right-of-way.”	“SITE means a contiguous area intended for development, or the area on which a building has been proposed to be built or has been built. A site may cross a public street or right-of-way if that public street or right-of-way is within the boundaries of The Grove at Shoal Creek PUD.”
2. <i>Parkland Requirements, Article 14, Chapter 25-1 and 25-4-211</i>	25-1-602(A) “A subdivider or site plan applicant shall provide for the parkland needs of the residents by the dedication of suitable parkland for park and recreational purposes under this article.”	“Section 25-1-602 (Dedication of Parkland Required) is modified to provide that subdivider or site plan applicant shall provide for the parkland needs of the residents by providing suitable parkland for park and recreational purposes under the terms of The Grove at Shoal Creek Parks Plan and Parkland Improvement Agreement attached as exhibits to Planned Unit Development Ordinance No. _____.”
3. <i>Gross Floor Area, 25-2-21(44)</i>	25-1-21 “(44) GROSS FLOOR AREA means the total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls.	“(44) GROSS FLOOR AREA means the total enclosed area of all floors in a building with a clear height of more than six feet, measured to the outside surface of the exterior walls. The term includes loading docks and excludes atria airspace,

	The term includes loading docks and excludes atria airspace, parking facilities, driveways, and enclosed loading berths and off-street maneuvering areas.”	parking facilities, parking structures, driveways, and enclosed loading berths and off-street maneuvering areas.”
CHAPTER 25-2 MODIFICATIONS		
CODE SECTIONS TO BE MODIFIED	CURRENT CODE LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
4. <i>Site Development Regulations, 25-2-492</i>	Not applicable.	The Applicant proposes that the site development regulations applicable to the Property be as shown on the Land Use Plan
5. <i>Site Development Regulations, 25-2-492 and Height, 25-1-21(47)</i>	City staff interprets a parking level to be a “story” for the purposes of determining compliance with site development regulations.	“In determining compliance with the applicable height limitations, a parking level shall not be and is not considered a ‘story.’ ”
6. <i>Visual Screening, 25-2-1006</i>	25-2-1006 Visual Screening of certain features	“Section 25-2-1006 (A) shall not apply to any water quality and/ or storm water drainage facility that serves as an amenity or to any Green Storm Water Quality Infrastructure as defined in the Environmental Criteria Manual, except that any green infrastructure hardened outfalls and control structures should still be buffered from public ROW. Section 25-2-1006 (C) shall not apply between uses or sites that are both located within the PUD boundaries. This section shall still apply at the boundaries of the PUD.”
7. <i>Planned Unit Development Regulations, Chapter 25-2, Subchapter B, Article 2, Division 5, Section 3.2.3 D.1</i>	“D. the minimum front yard and street side yard setbacks, which must be not less than the greater of:	“Chapter 25-2, Subchapter B, Article 2, Division 5, Section 3.2.3.D.1 shall not apply to the PUD. Notwithstanding the foregoing the remainder of that section

	1. 25 feet for a front yard, and 15 feet for a street side yard; or”	shall apply to the PUD.”
<p>8. <i>Compatibility Standards, Chapter 25-2, Article 10</i></p> <p>NOTE: This Code modification only applies where the triggering property is located within the PUD. This Code modification does not apply where the triggering property is located outside the PUD. This Code modification is identical to the one granted in the Mueller PUD</p>	Chapter 25-2, Article 10, Compatibility Standards applied to triggering property within the PUD only	<p>“Chapter 25-2, Article 10 (Compatibility Standards) does not apply only where development within the PUD triggers such compatibility standards. Notwithstanding the foregoing, Chapter 25-2, Article 10 (Compatibility Standards) shall apply, except as provided herein, where development outside of the PUD triggers such compatibility standards.”</p>
<p>9. <i>Compatibility Standards, 25-2-1063(C)(2) and (3)</i></p>	<p>25-2-1063(C) “(2) three stories and 40 feet, if the structure is more than 50 feet and not more than 100 feet from property:</p> <p>(a) in an SF-5 or more restrictive zoning district; or (b) on which a use permitted in an SF-5 or more restrictive zoning district is located;</p> <p>(3) for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive;”</p>	<p>“In the rectangular area of land in Tract B that is bounded by (i) the property line adjacent to Bull Creek Road on the west, (ii) a line 240 feet east from the property line adjacent to Bull Creek Road on the east, (iii) a line that is 200 feet south of the northern property line on the north, and (iv) a line that is 630 feet south of the northern property line on the south, Section 25-2-1063(C) (2) of the Austin City Code shall not apply, and Section 25-2-1063(C)(3) is modified to read to provide that for a structure more than 50 feet but not more than 300 feet from the property zoned SF-5 or more restrictive, height may be limited to 60’.”</p>
<p>10. <i>Compatibility Standards, 25-2-1067(G) and (H)</i></p>	25-2-1067 “(G) Unless a parking area or driveway is on a site that is less than 125 feet wide, a parking area or driveway may not be constructed 25 feet or less from a	<p>“Section 25-2-1067(G) and (H) of the Austin City Code shall not apply to Tract A only, with respect to the construction of an alley, public road, trails and/or sidewalks.”</p>

	lot that is: (1) in an SF-5 or more restrictive zoning district; or (2) on which a use permitted in an SF-5 or more restrictive zoning district is located.”	
11. <i>Commercial Design Standards, Subchapter E, Chapter 25-2</i>	Chapter 25-2, Subchapter E, Design Standards and Mixed Use	“The Grove at Shoal Creek Design Guidelines generally address the physical relationship between commercial and other nonresidential development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the City Council's vision for a more attractive, efficient, and livable community. The requirements of Chapter 25-2, Subchapter E of the Austin City Code shall not apply to the property. All requirements in the Austin City Code that reference Chapter 25-2, Subchapter E shall be modified to refer to such Design Guidelines.”
CHAPTER 25-4 MODIFICATIONS		
CODE SECTIONS TO BE MODIFIED		
12. <i>Alleys, 25-4-132(B)</i>	25-4-132 “(B) Off-street loading and unloading facilities shall be provided on all commercial and industrial lots, except in the area described in Subsection (C). The subdivider shall note this requirement on a preliminary plan and a plat.”	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD “Off-street loading and unloading shall be provided on all commercial lots, except that loading and unloading may also occur in any alley that also serves as a fire lane. The subdivider shall note this requirement on a preliminary plan and a plat.”
13. <i>Block Length, 25-4-153</i>	25-4-153 Block Length requirements	“Section 25-4-153 of the Austin City Code shall not apply to the property.”
14. <i>Secondary Street Access, 25-4-157</i>	Section 25-4-157 – Subdivision Access Streets	“Section 25-4-157 of the Austin City Code shall not apply to the property.”

15. Lots on Private Streets, 25-4-171(A)	“(A) Each lot in a subdivision shall abut a dedicated public street.”	“(A) Each lot in a subdivision shall abut a public street, private street or private drive subject to a permanent access easement.”
16. Parkland Requirements, Article 14, Chapter 25-1 and 25-4-211 [NOTE: this is the same as No. 1 above]	25-4-211 “The platting requirement for parkland dedication is governed by Chapter 25-1, Article 14 (Parkland Dedication).”	“The platting requirement for parkland dedication is modified to provide that such requirement is governed by the terms of The Grove at Shoal Creek Planned Unit Parks Plan and Parkland Improvement Agreement attached as exhibits to Development Ordinance No. _____.”
17. Public Street Alignment, 25-4-151	25-4-151 “Streets of a new subdivision shall be aligned with and connect to existing streets on adjoining property unless the Land Use Commission determines that the Comprehensive Plan, topography, requirements of traffic circulation, or other considerations make it desirable to depart from the alignment or connection.”	“Notwithstanding Section 25-4-151 of the Austin City Code, the private drives and/ or private streets within the property may be aligned with and connect to existing or future streets on adjoining property.”
18. Dead-End Streets, 25-4-152(A)	25-4-152 “(A) A street may terminate in a cul-de-sac if the director determines that the most desirable plan requires laying out a dead-end street.”	“A street may terminate in a cul-de-sac if the director determines that the most desirable plan requires laying out a dead-end street, or may terminate in a connection with the private drives and/ or private streets within the property.”
CHAPTER 25-6 MODIFICATIONS		
CODE SECTIONS TO BE MODIFIED	CURRENT CODE LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
19. Street Design, 25-6-171(A)	“(A) Except as provided in Subsections (B) and (C), a roadway, street, or alley must be designed and constructed in accordance with the Transportation	“A roadway, private drive, street or alley must be designed and constructed in accordance with The Grove at Shoal Creek Design Guidelines. The Transportation

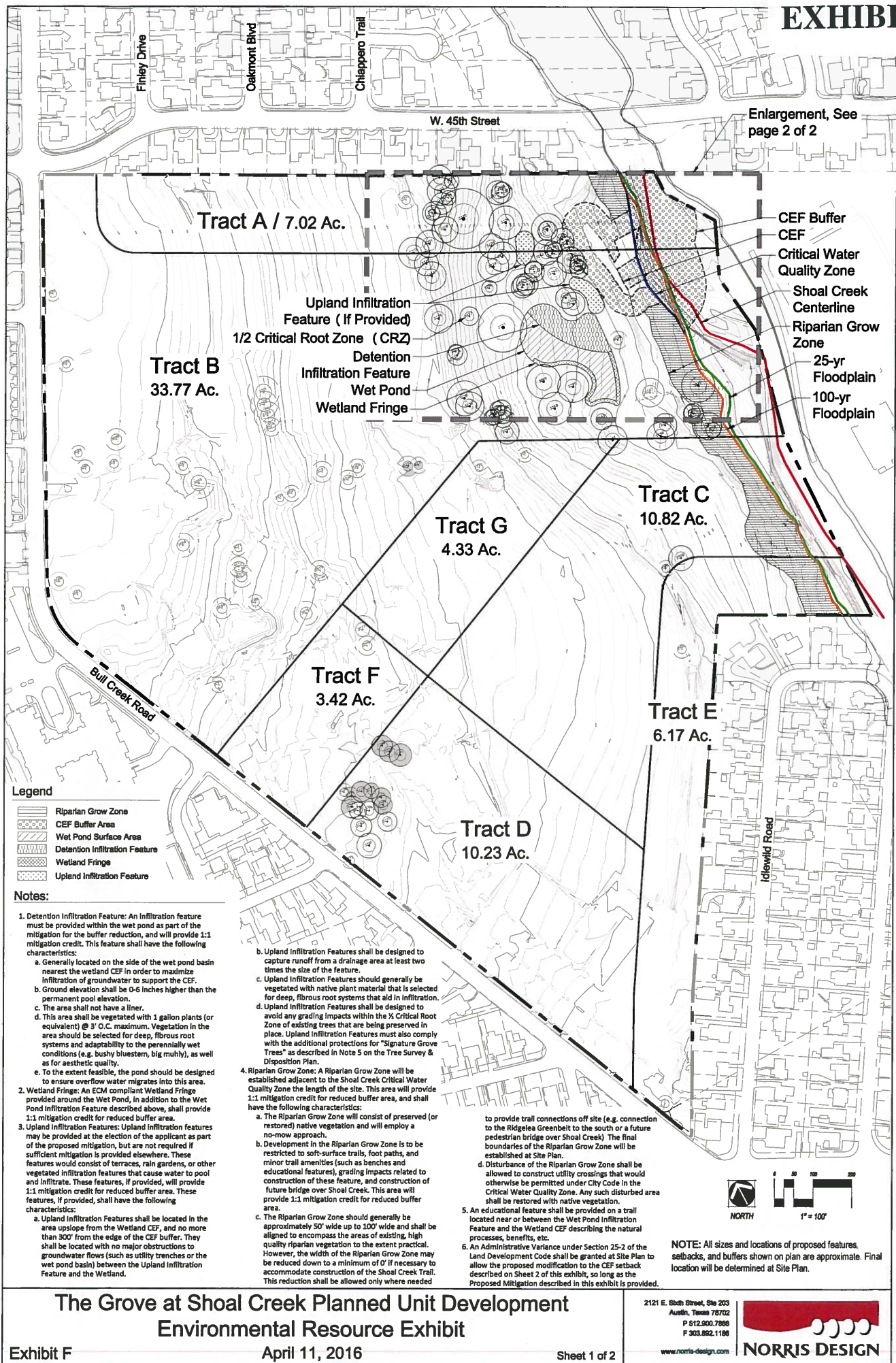
	Criteria Manual and City of Austin Standards and Standard Specifications shall apply to the extent they do not conflict with The Grove at Shoal Creek Design Guidelines."	Criteria Manual and City of Austin Standards and Standard Specifications.
CHAPTER 25-8 MODIFICATIONS		
CODE SECTIONS TO BE MODIFIED	CURRENT CODE LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
20. <i>Heritage Trees, 25-8-641(B)</i>	"(B) A permit to remove a heritage tree may be issued only if a variance is approved under Section 25-8-642 (<i>Administrative Variance</i>) or 25-8-643 (<i>Land Use Commission Variance</i>)."	<p>"A permit to remove a heritage tree may be issued only if:</p> <p>(1) a variance is approved under Section 25-8-642 (<i>Administrative Variance</i>) or (25-8-643) <i>Land Use Commission Variance</i>, or</p> <p>(2) the tree is indicated as "Trees that May Be Removed" on The Grove at Shoal Creek Tree Survey and Disposition Plan as attached to The Grove at Shoal Creek Planned Unit Development Ordinance No. _____. Sections 25-8-642 and 25-8-643 shall not apply to the trees indicated as "Trees that May Be Removed" on The Grove at Shoal Creek Tree Survey and Disposition Plan. Specifically, the Heritage Trees that may be removed under this paragraph are identified as tag numbers 3076, 3077, 3078, 3079, 3080, 3201, 3202, 3203, 3204, 3207, and 3232.</p> <p>A permit issued under 25-8-642 (A) (2) shall require mitigation at the rates prescribed on The Grove at Shoal Creek</p>

		Tree Survey and Disposition Plan. (3) Administrative variances under 25-8-642 for trees indicated to be saved on The Grove at Shoal Creek Tree Survey and Disposition Plan may be granted only for trees that are dead, diseased, or hazardous under paragraph (A) of that section. Variances for removal under Paragraph (C) for reasonable use shall not be allowed for these trees.”
CHAPTER 25-10 MODIFICATIONS		
CODE SECTIONS TO BE MODIFIED	CURRENT CODE LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
21. 25-10-1 - <i>Applicability</i>	25-10-1 – Applicability	“(D) To the extent they are in conflict, the signage standards set forth in the Design Guidelines for The Grove at Shoal Creek shall supersede this chapter.”
22. 25-10-103 – <i>Signs Prohibited in the Public Right-of-Way.</i>	25-10-103 – Signs Prohibited in the Public Right-of-Way.	“Section 25-10-103 of the Austin City Code shall not apply to the public Right-of-Way dedicated for the Jackson Avenue Extension within the boundaries of The Grove at Shoal Creek PUD as identified on the Roadway Framework Plan.”
23. 25-10-191 – <i>Sign Setback Requirements.</i>	25-10-191 – Sign Setback Requirements.	“Section 25-10-191 of the Austin City Code shall not apply for setbacks from the public Right-of-Way dedicated for the Jackson Avenue Extension within the boundaries of The Grove at Shoal Creek PUD as identified on the Roadway Framework Plan.”
DRAINAGE CRITERIA MANUAL MODIFICATIONS		

DCM SECTIONS TO BE MODIFIED	CURRENT DCM LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
<p>24. <i>Fencing Requirements for Drainage Facilities, Section 1.2.4.E.1(a)</i></p>	<p>DCM Section 1.2.4.E “1. (a) Where a portion of the stormwater facility either has an interior slope or wall steeper than three (3) feet horizontal to one (1) foot vertical with a height exceeding one (1) foot, or, an exterior slope or wall steeper than three (3) feet horizontal to one (1) foot vertical with a height exceeding three (3) feet above adjacent ground, barrier-type fences at least six (6) feet high, and/or steel grating are required for all single-family or duplex residential development, City maintained stormwater facilities, and/or for any privately maintained stormwater facilities located within 500 feet of a residential structure. Barrier type fences include, but are not limited to chain link, solid wood, masonry, stone or wrought iron.”</p>	<p>“1. (a) Where a portion of the stormwater facility either has an interior slope or wall steeper than three (3) feet horizontal to one (1) foot vertical with a height exceeding one (1) foot, or, an exterior slope or wall steeper than three (3) feet horizontal to one (1) foot vertical with a height exceeding three (3) feet above adjacent ground, steel grating is required for all single-family or duplex residential development, City maintained stormwater facilities, and/or for any privately maintained stormwater facilities located within 500 feet of a residential structure.</p>
<p>ENVIRONMENTAL CRITERIA MANUAL MODIFICATIONS</p>		
ECM SECTIONS TO BE MODIFIED	CURRENT ECM LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
<p>25. <i>Maintenance Responsibilities for Water Quality Control Facilities, Section 1.6.3.A.4</i></p>	<p>4. obtain final warranty release approval from the Watershed Protection Department. The City will also maintain water</p>	<p>“4. obtain final warranty release approval from the Watershed Protection Department. Water quality control facilities at The Grove at Shoal Creek</p>

	quality control facilities designed to service primarily publicly owned roads and facilities. These water quality control facilities must be designed and built according to the appropriate city standards.	PUD that treat publicly owned roads and facilities within and adjacent to The Grove at Shoal Creek PUD may be privately maintained.”
TRANSPORTATION CRITERIA MANUAL MODIFICATIONS		
TCM SECTIONS TO BE MODIFIED	CURRENT TCM LANGUAGE	PROPOSED MODIFICATION FOR THE GROVE AT SHOAL CREEK PUD
26. <i>Classification Design Criteria, Section 1.3.2.B.2</i>	2. Collector, Neighborhood. A neighborhood collector street is characterized by serving several districts or subdivisions. Neighborhood collector streets provide limited access to abutting property and may provide on-street parking, except where bus routes can be expected. Typically multifamily developments, schools, local retail developments and public facilities are located adjacent to neighborhood collectors. Direct driveway access for detached houses should be discouraged (see Figure 1-28 in Appendix H of this manual for design criteria).	2. Collector, Neighborhood. The Extension of Jackson Avenue in The Grove at Shoal Creek PUD as identified on the Roadway Framework Plan shall be considered a Neighborhood Collector and shall be designed per The Grove at Shoal Creek Design Guidelines. The cross section and any other design information contained in those design guidelines shall supersede any requirements of the Transportation Criteria Manual. All other circulation routes within The Grove including internal circulation routes and alleys shall be considered as private driveways and intersections with these driveways shall be subject to the 50’ minimum spacing for Neighborhood Collectors.
27. <i>Classification Design Criteria, Section 1.3.2.F</i>	F. Single Outlet Streets	“The Jackson Avenue Extension shall not be considered a Single Outlet Street upon

		the construction of any publicly accessible private street, drive, or internal circulation route that is open to the public and connects Jackson Avenue to Bull Creek Road.”
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The Grove at Shoal Creek Planned Unit Development Environmental Resource Exhibit

Exhibit F

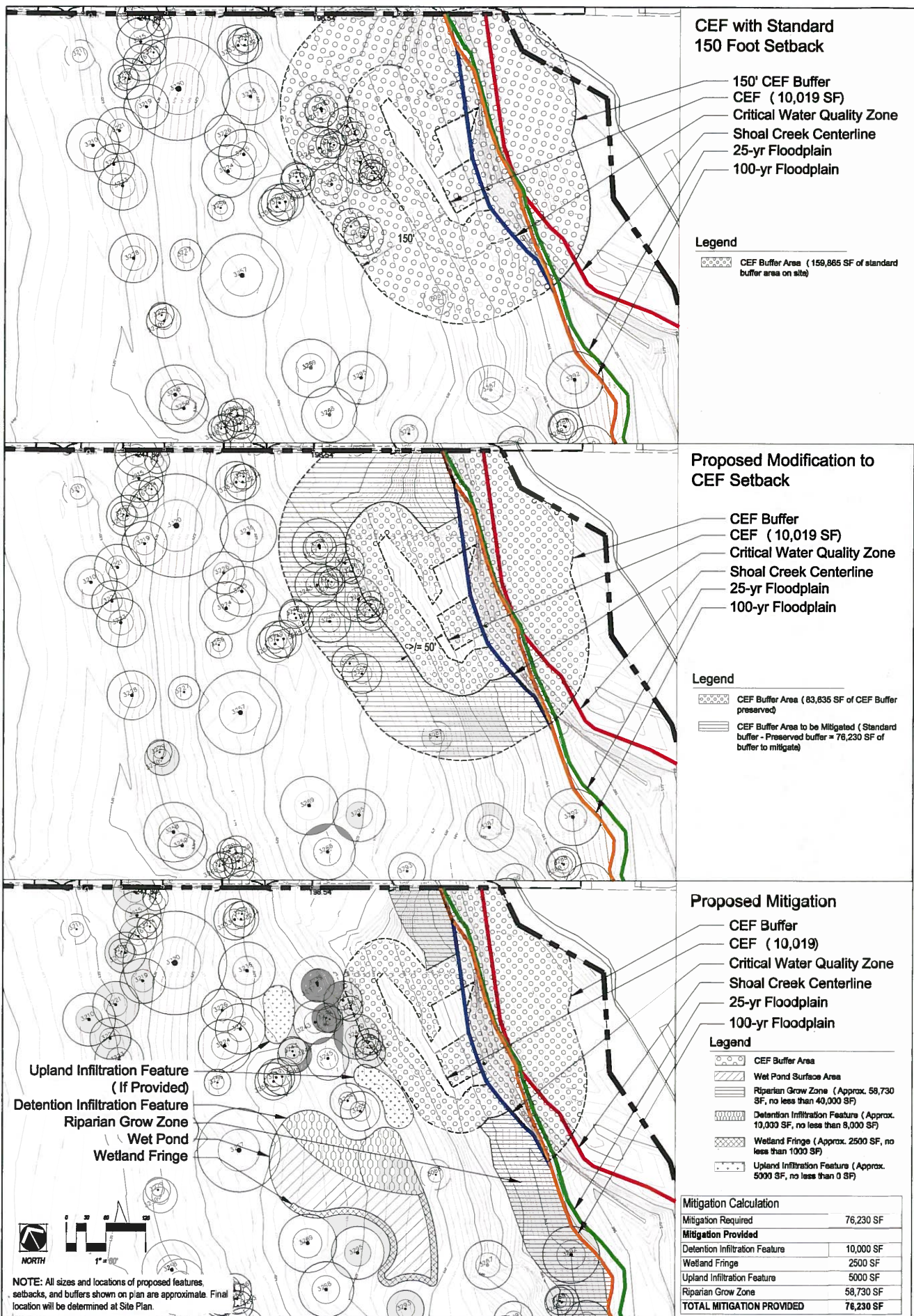
April 11, 2016

Sheet 1 of 2

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The Grove at Shoal Creek Planned Unit Development Environmental Resource Exhibit

Exhibit F

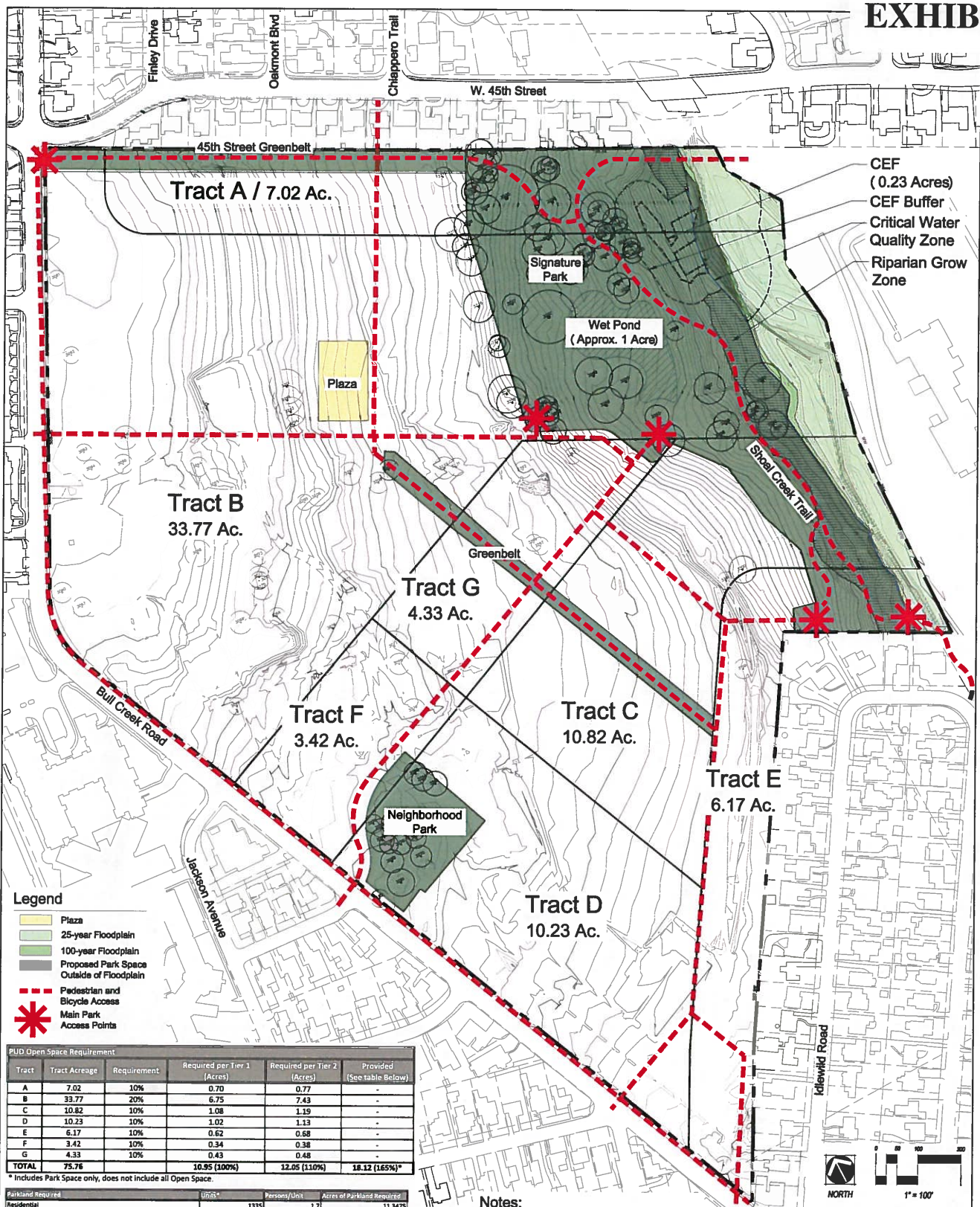
April 11, 2016

Sheet 2 of 2

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Parkland Required (Residential)	Units*	Persons/Unit	Acres of Parkland Required
	1335	1.7	11.3475

Minimum Parkland and Open Space Compliance Table	Approx. 5/26 (Acres)	% Parkland Credit	Credited Parkland Acres	Open Space Acres
Signature Park in 25 yr Floodplain (Publicly Dedicated)	3.20	0%	0.00	3.20
Signature Park in 100 yr Floodplain (Publicly Dedicated)	0.235	50%	0.1175	0.235
CEF in Signature Park (Publicly Dedicated)	0.23	0%	0.00	0.23
CEF Buffer in Signature Park (Publicly Dedicated)	0.71	0%	0.00	0.71
Critical Water Quality Zone	0.24	0%	0.00	0.24
Wet Pond Permanent Pool in Signature Park (Publicly Dedicated)	1.00	50%	0.50	1.00
Remainder of Signature Park (Publicly Dedicated)	7.39	100%	7.39	7.39
Neighborhood Park (Publicly Dedicated)	1.25	100%	1.25	1.25
45th Street Greenbelt (Publicly Dedicated)	0.87	100%	0.87	0.87
Greenbelt (Private/Public Easement)	1.00	50%	0.50	1.00
Flex Park Space (Publicly Dedicated or Private/Public Easement)	2.00	100%	2.00	2.00
Plaza	0.50	50%	0.25	0.50
TOTALS	18.63		12.88	18.12

Note: The Signature Park will be a minimum of 13 acres in size (including floodplain, CEF, etc). All other park acreages are approximate. Total Credited Parkland for the project must be at least equal to the total shown in this table.

Notes:

- Flex Park Space may be provided anywhere on site with the following conditions:
 - Acreage may be added to the Signature Park, Neighborhood Park, or Greenbelt and be counted as Flex Park Space.
 - Flex Park Space acreage may be provided through one or more pocket parks that meet parkland dedication standards and are at least 10,000 SF in size (or less if approved by the Parks and Recreation Department).
 - The parks may be publicly dedicated or private and open to the public by way of a recreation easement. If the parks are private, the acreage counts 50% towards parkland dedication.
- Plaza: Only areas of the plaza that are publicly accessible and designed for active recreation and community gathering may be credited as parkland. Appropriate parkland uses for the plaza include interactive water features, children's play features, performance areas, game areas, and areas designed for free and casual congregation. If final plaza

- design does not meet these standards, an additional 0.25 acres of parkland shall be provided under the Flex Park Space category.
- All park space shall be improved and maintained by the Applicant, as described in the Master Parkland Agreement.
- Park, trail, and pedestrian and bicycle access locations depicted in this exhibit are approximate and intended to demonstrate compliance with Tier 1 and Tier 2 requirements. Exact locations and boundaries will be determined at Site Plan.
- Trails in the PUD that are shown on the Austin Urban Trails Master Plan at the time of Site Plan shall be constructed per the standards of that plan. These trails must be within dedicated public easements or dedicated parkland.
- The Wet Pond will be designed as an amenity. Recreational uses shall be adjacent to and/or interact with the pond and users shall be able to approach the pond in multiple locations.
- Public parking shall be provided to serve the signature park. This may be on-street parking, garage parking, surface lots, or a combination thereof.

The Grove at Shoal Creek Planned Unit Development Parks Plan Exhibit

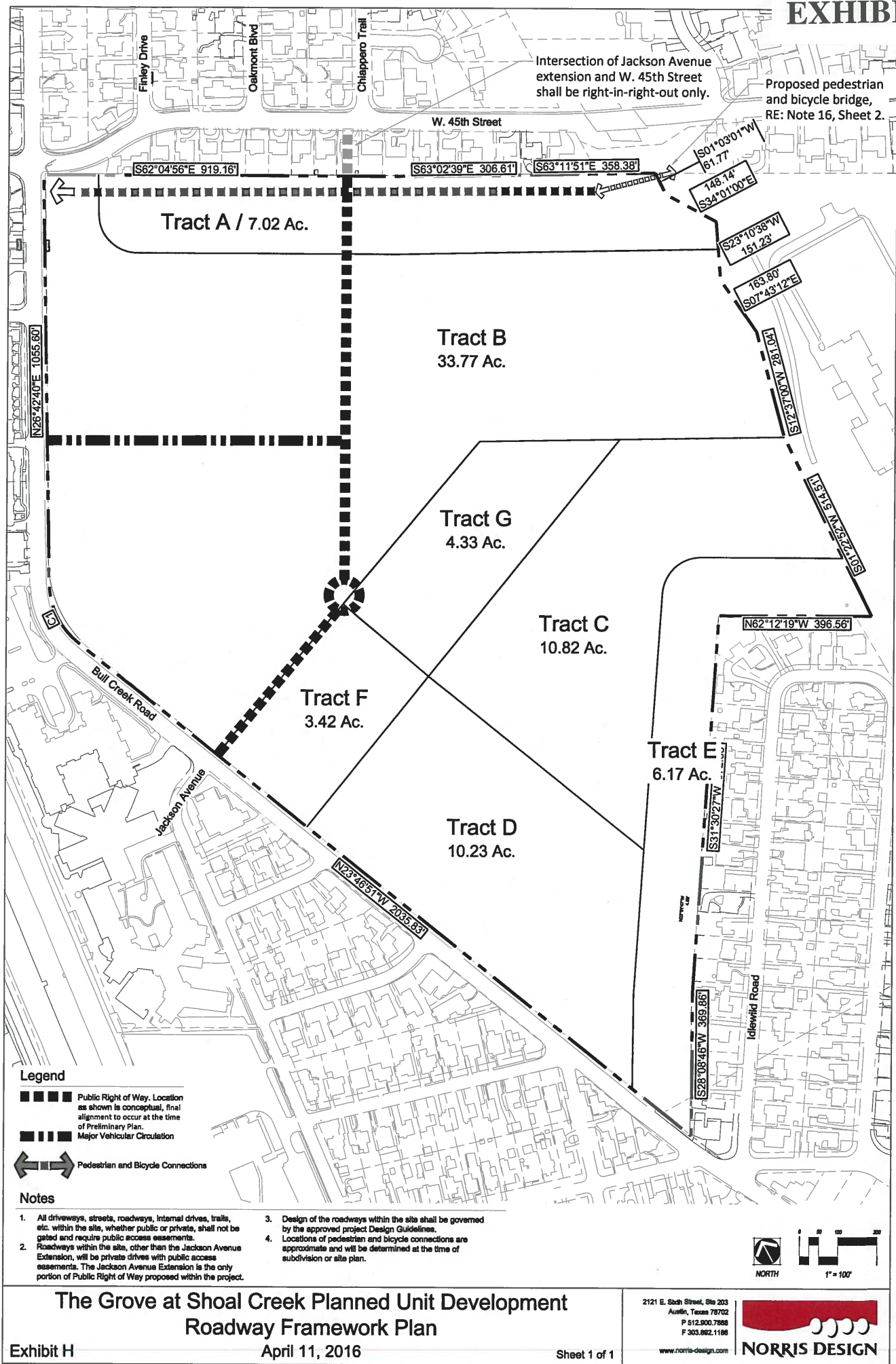
Exhibit G

April 11, 2016

Sheet 1 of 1

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The Grove at Shoal Creek

Austin, Texas

Exhibit I



The Grove at Shoal Creek Tree Survey & Disposition Plan

May 10, 2016

Exhibit J

Sheet 1 of 2

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THE GROVE AT SHOAL CREEK TREE SURVEY

TREE #	SPECIES	DBH	TOTAL APPENDIX F PROTECTED TREES SURVEYED		TOTAL APPENDIX F TREE INCHES TO BE SAVED		TOTAL APPENDIX F TREE INCHES MAY BE REMOVED		TOTAL INVASIVE TREE INCHES REMOVED (NO MITIGATION)	ARBORIST RATINGS SEE ARBORIST REPORT (NR = NO RATING)
			HERITAGE	PROTECTED "1/2"	HERITAGE	PROTECTED "1/2"	HERITAGE	PROTECTED "1/2"		
3064	LIVE OAK	20	20				20			3/4
3065	COTTONWOOD	40	40				40			2
3066	CHINESE TALLOW	33						33		3
3067	PECAN	23	23				23			3
3068	PECAN	20	20				20			3/4
3069	HACKBERRY (M)	27	27				27			2
3070	CRAPE MYRTLE	22								3
3071	CRAPE MYRTLE	18								1
3072	ARBORVITAE	26								NR
3073	LIGUSTRUM (M)	25						25		NR
3074	PECAN (M)	18	18				18			2
3075	PECAN (M)	22	22				22			3
3076	PECAN (M)	31	31				31			3
3077	PECAN (M)	27	27				27			2/3
3078	PECAN (M)	24	24				24			3
3079	PECAN (M)	28	28				28			3
3080	AMERICAN ELM	24	24				24			2
3081	HACKBERRY	19	19		19					2
3082	CEGAR ELM (M)	18	18				18			3
3083	CHINESE TALLOW	23					23			3
3084	CHINESE TALLOW	20					20			3
3085	CHINESE TALLOW	23					23			3
3086	CHINESE TALLOW (M)	28					28			NR
3088	PECAN (M)	23	23				23			NR
3100	CHINA BERRY (M)	23					23			2
3201	PECAN (M)	26	26				26			2/3
3202	PECAN (M)	26	26				26			2
3203	PECAN (M)	24	24				24			3
3204	PECAN (M)	24	24				24			3
3205	CEGAR ELM	19	19				19			2
3206	CEGAR ELM	21	21				21			2
3207	PECAN (M)	25	25				25			2
3208	PECAN (M)	18	18				18			2
3209	PECAN	23	23				23			2/3
3210	LIVE OAK	32	32		32					3
3211	CEGAR ELM	23	23				23			2/3
3212	LIVE OAK	31	31		31					3
3213	LIVE OAK	19	19			19				3
3214	CEGAR ELM	19	19			19				3/4
3215	LIVE OAK	36	36		36					3
3216	LIVE OAK	28	28		28					3
3217	LIVE OAK	30	30		30					3/4
3218	LIVE OAK	19	19			19				3
3219	LIVE OAK	34	34		34					3/4
3220	LIVE OAK	78	78		78					3/4
3221	LIVE OAK	35	35		35					1
3222	LIVE OAK	31	31		31					3
3223	LIVE OAK	35	35		35					3/4
3224	LIVE OAK (M)	40	40		40					3
3225	LIVE OAK (M)	38	38		38					4
3226	LIVE OAK (M)	25	25		25					3/4
3227	CEGAR ELM	24	24		24					3
3228	LIVE OAK (M)	37	37		37					3
3229	LIVE OAK	19	19			19				2
3230	LIVE OAK	26	26		26					3/4
3231	PECAN (M)	21	21			21				2
3232	PECAN (M)	26	26			26				2/3
3233	LIVE OAK (M)	33	33		33					3/4
3234	LIVE OAK	27	27		27					3/4
3235	LIVE OAK	19	19			19				3
3236	LIVE OAK	43	43		43					3
3237	LIVE OAK	25	25		25					3/4
3238	LIVE OAK (M)	41	41		41					3/4
3239	LIVE OAK	22	22		22					3
3240	LIVE OAK	20	20		20					3
3241	LIVE OAK	28	28		28					3/4
3242	LIVE OAK	19	19			19				3/4
3243	LIVE OAK	33	33		33					3
3244	LIVE OAK	34	34		34					3/4
3245	LIVE OAK	32	32		32					4
3246	LIVE OAK	28	28		28					3/4
3247	LIVE OAK	22	22		22					3/4
3248	LIVE OAK	28	28		28					3/4
3249	LIVE OAK	28	28		28					3/4
3250	LIVE OAK	28	28		28					3/4
3251	LIVE OAK	20	20		20					2/3
3252	LIVE OAK	20	20		20					3/4
3253	LIVE OAK	23	23		23					3
3254	LIVE OAK	27	27		27					3/4
3255	LIVE OAK (M)	22	22		22					3
3256	CEGAR ELM	20	20		20					2
3257	LIVE OAK (M)	63	63		63					3/4
3258	LIVE OAK (M)	45	45		45					3
3259	LIVE OAK (M)	37	37		37					3
3260	LIVE OAK	19	19			19				3
3261	LIVE OAK	25	25		25					3
3262	LIVE OAK	23	23		23					3
3263	LIVE OAK	23	23		23					3
3264	LIVE OAK	31	31		31					3
3265	LIVE OAK	20	20		20					3
3266	LIVE OAK	20	20		20					3
3267	CEGAR ELM	19	19			19				3
3268	LIVE OAK	42	42		42					3/4
3269	LIVE OAK	44	44		44					3
3270	LIVE OAK	25	25		25					4
3271	LIVE OAK	24	24		24					3
3272	LIVE OAK	25	25		25					4
3273	LIVE OAK	20	20		20					3
3274	LIVE OAK	26	26		26					2/3
3275	LIVE OAK	22	22		22					3
3276	LIVE OAK	22	22		22					3
3277	LIVE OAK	28	28		28					3
3278	LIVE OAK	22	22		22					4
3279	LIVE OAK	24	24		24					3
3280	LIVE OAK	27	27		27					3
3281	LIVE OAK	32	32		32					4
3282	CEGAR ELM	21	21			21				NR
3283	LIVE OAK	27	27		27					3
3284	LIVE OAK	27	27		27					3
3285	LIVE OAK	29	29		29					3
3286	CEGAR ELM	21	21			21				NR
3287	LIVE OAK	40	40		40					3
3288	LIVE OAK	21	21		21					3
3289	LIVE OAK	23	23		23					3
3290	LIVE OAK	35	35		35					3
3291	LIVE OAK	19	19			19				3
3292	LIVE OAK	43	43		43					NR
3293	CEGAR ELM	28	28		28					2
3294	LIVE OAK	35	35		35					3
3295	LIVE OAK	40	40		40					3
3296	CHINA BERRY (M)	20						20		2
3297	CHINA BERRY (M)	21						21		2
3298	LIVE OAK	36	36		36					3
3299	LIVE OAK	30	30		30					1/2
3300	LIVE OAK (M)	32	32		32					NR
3301	CEGAR ELM	21	21			21				NR
3302	HACKBERRY (M)	20	20			20				NR
TOTAL			3,173	1,894	612	284	482	216		

H = Heritage Tree
S = Trees in the Signature Grove, see Note 5

TOTAL APPENDIX F TREE INCHES SURVEYED:	3,173	
TOTAL APPENDIX F TREE INCHES SAVED:	2,408	76% OF TOTAL INCHES SAVED
TOTAL APPENDIX F TREE INCHES MAY BE REMOVED:	767	24% OF TOTAL INCHES REMOVED

Notes:

- Arborist rating 2 = poor. Trees # 3080, 3202, 3207 & 3232 were rated poor by the applicant's arborist and reviewed in the field by City Arborist Michael Embesi.
- Applicant is committing to save a minimum of 75% of Appendix F (Native) Protected size trees as shown in this table. Trees shown as saved may be removed if a similar size, similar condition tree noted for removal is substituted at Site Plan review.
- A mitigation rate of 100% shall be required for trees #3080, 3202, 3207 & 3232 (note that mitigation is typically not required for trees in this condition, but a 100% mitigation rate is offered as an element of superiority). A mitigation rate of 300% shall be required for any other Heritage Trees that are removed. All other trees shall be mitigated per the Environmental Criteria Manual.
- The applicant shall provide a tree care plan for all preserved protected and heritage trees on site. The applicant shall allot a minimum of \$100 toward this plan for each inch of heritage trees removed from the site. This shall be above and beyond any mitigation required for these trees. The tree care plan shall prioritize remediation of construction impacts through air spading, root pruning, deep root fertilizing, and/or other practices as recommended by a certified arborist. Basic watering, mulching, and fencing during construction are assumed to be provided as best practices and would not count toward fulfillment of the tree care plan.
- For protected and heritage trees identified on the plan as "Signature Grove Trees", cut in the $\frac{3}{4}$ Critical Root Zone (CRZ) shall not exceed 4". This requirement may be administratively reduced to the $\frac{1}{2}$ CRZ if a minimum of 75% of the total area of the full CRZ is preserved and a tree care plan in the amount of \$100 per caliper inch is provided for the tree in question.
 - Any cuts within the $\frac{3}{4}$ CRZ of these trees shall be made with an airspade or air knife and hand pruning prior to machine excavation.
 - Stormwater pipes to and from the water quality pond shall not be permitted to impact the full CRZ of Heritage Trees in the Signature Grove.
 - Where high intensity, hardscape uses are planned around heritage trees located in the signature grove, the use areas should be constructed with decks, sand bridging, or other root bridging constructions to avoid heavy disturbance or compaction of the $\frac{1}{2}$ CRZ of these trees.
- Full tree mitigation in the form of tree plantings shall be provided within the site plan proposing the tree removal. Under no circumstances will the required tree mitigation be planted on one site plan to address the tree mitigation owed on a different site plan. Payment into the tree fund is not an acceptable form of mitigation for the trees indicated on this Plan. Regardless of maximum entitled impervious cover, applicant may need to reduce impervious cover, increase caliper of proposed trees, or provide other measures as necessary to facilitate full on site tree mitigation planting within a given site plan.

The Grove at Shoal Creek Tree Survey & Disposition Tables

May 10, 2016

Exhibit J

Sheet 2 of 2

2121 E. 86th Street, Ste 203
Austin, Texas 78752
P 512.900.7886
F 303.882.1186
www.norris-design.com



EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin Independent
School DistrictPROJECT NAME: The Grove at Shoal Creek (Scenario #1—1,315 total units)ADDRESS/LOCATION: 4205 Bull Creek RoadCASE #: C814-2015-0074☒ NEW SINGLE FAMILY☐ DEMOLITION OF MULTIFAMILY☒ NEW MULTIFAMILY☐ TAX CREDIT

# SF UNITS:	<u>395</u>	STUDENTS PER UNIT ASSUMPTION			
<i>SF Detached</i>		Elementary School:	<u>0.117</u>	Middle School:	<u>0.034</u> High School: <u>0.067</u>
<i>SF Attached (Townhomes)</i>		Elementary School:	<u>0.038</u>	Middle School:	<u>0.011</u> High School: <u>0.022</u>
# MF UNITS:	<u>920</u>	STUDENTS PER UNIT ASSUMPTION			
<i>Apartments</i>		Elementary School:	<u>0.124</u>	Middle School:	<u>0.035</u> High School: <u>0.071</u>
<i>MF Attached (Condos)</i>		Elementary School:	<u>0.038</u>	Middle School:	<u>0.011</u> High School: <u>0.022</u>

Two scenarios were presented to AISD by the developer for this application. Scenario #1 reflects 1,315 total units (220 students), including a mix of single-family, multifamily, townhouse and condominiums. Scenario #2 reflects 1,515 total units (211 students) including a mix of multifamily, townhouse and condominiums (no single-family detached). Please see attached table for specific information on unit types and students per unit assumptions.

This Educational Impact Statement (EIS) uses Scenario #1 which reports the higher number of estimated students (due to the inclusion of single-family detached).

This EIS was prepared using information presented by the developer on September 10, 2015. As the development parameters are refined, a revised subsequent EIS may be prepared for the Planning Commission. The Planning Commission date is pending.

IMPACT ON SCHOOLS

Because the proposed development is not typical of most residential developments within the district, the staff consulted with the district's demographer, Davis Demographics & Planning to calculate the student yield. Based on an analysis of the information provided by the developer, the number of students per unit from a Planned Unit Development (PUD) with similar residential patterns within the district was used as the basis for estimating the number of students for this proposed project.

The mixed use development with 1,315 residential units is projected to add approximately 220 students across all grade levels to the projected student population. It is estimated that of the 220 students, 118 will be assigned to Bryker Woods Elementary School, 34 to O. Henry Middle School, and 68 at Austin High School.

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin Independent
School District



The percent of permanent capacity by enrollment for SY 2019-20, including the additional students projected with this development, would be within the target range of 75-115% for all three schools (Bryker Woods at 115%; O. Henry at 109% and Austin at 101%), assuming the mobility rates remain the same.

In the event that enrollment should exceed 115% of permanent capacity at any of the schools, the administration would closely monitor enrollment and possibly discuss intervention strategies with the school community to address overcrowding.

TRANSPORTATION IMPACT

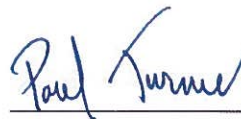
Bryker Woods Elementary School is located within 2 miles of the proposed development; therefore students would not qualify for transportation unless a hazardous route condition was identified. Students within the proposed development attending O. Henry Middle School and Austin High School will qualify for transportation due to the distance from the proposed development to the schools. Due to the relatively high number of students anticipated from the development, one new bus at each secondary school will most likely be needed to accommodate the additional bus riders.

SAFETY IMPACT

There are no known safety impacts at this time.

Date Prepared: 10/05/2015

Director's Signature: _____



EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin Independent
School District



DATA ANALYSIS WORKSHEET

ELEMENTARY SCHOOL: Bryker Woods	RATING: Met Standard
ADDRESS: 3309 Kerbey Lane	PERMANENT CAPACITY: 418
% QUALIFIED FOR FREE/REDUCED LUNCH: 10.18%	MOBILITY RATE: +19.3%

POPULATION (without mobility rate)			
ELEMENTARY SCHOOL STUDENTS	2014-15 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	331	303	421
% of Permanent Capacity	79%	72%	101%

ENROLLMENT (with mobility rate)			
ELEMENTARY SCHOOL STUDENTS	2014-15 Enrollment	5- Year Projected Enrollment* (without proposed development)	5-Year Projected Enrollment* (with proposed development)
Number	395	362	480
% of Permanent Capacity	94%	87%	115%

MIDDLE SCHOOL: O. Henry	RATING: Met Standard
ADDRESS: 2610 West 10 th Street	PERMANENT CAPACITY: 945
% QUALIFIED FOR FREE/REDUCED LUNCH: 29.74%	MOBILITY RATE: +2.2%

POPULATION (without mobility rate)			
MIDDLE SCHOOL STUDENTS	2014-15 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	871	976	1,010
% of Permanent Capacity	92%	103%	107%

ENROLLMENT (with mobility rate)			
MIDDLE SCHOOL STUDENTS	2014-15 Enrollment	5- Year Projected Enrollment* (without proposed development)	5-Year Projected Enrollment* (with proposed development)
Number	890	997	1,031
% of Permanent Capacity	94%	106%	109%

EDUCATIONAL IMPACT STATEMENT

Prepared for the City of Austin

Austin Independent
School District



HIGH SCHOOL: Austin	RATING: Met Standard
ADDRESS: 1715 W. Cesar Chavez	PERMANENT CAPACITY: 2,205
% QUALIFIED FOR FREE/REDUCED LUNCH: 28.74%	MOBILITY RATE: +6.4%

POPULATION (without mobility rate)			
HIGH SCHOOL STUDENTS	2014-15 Population	5- Year Projected Population (without proposed development)	5-Year Projected Population (with proposed development)
Number	1,962	2,036	2,104
% of Permanent Capacity	89%	92%	95%

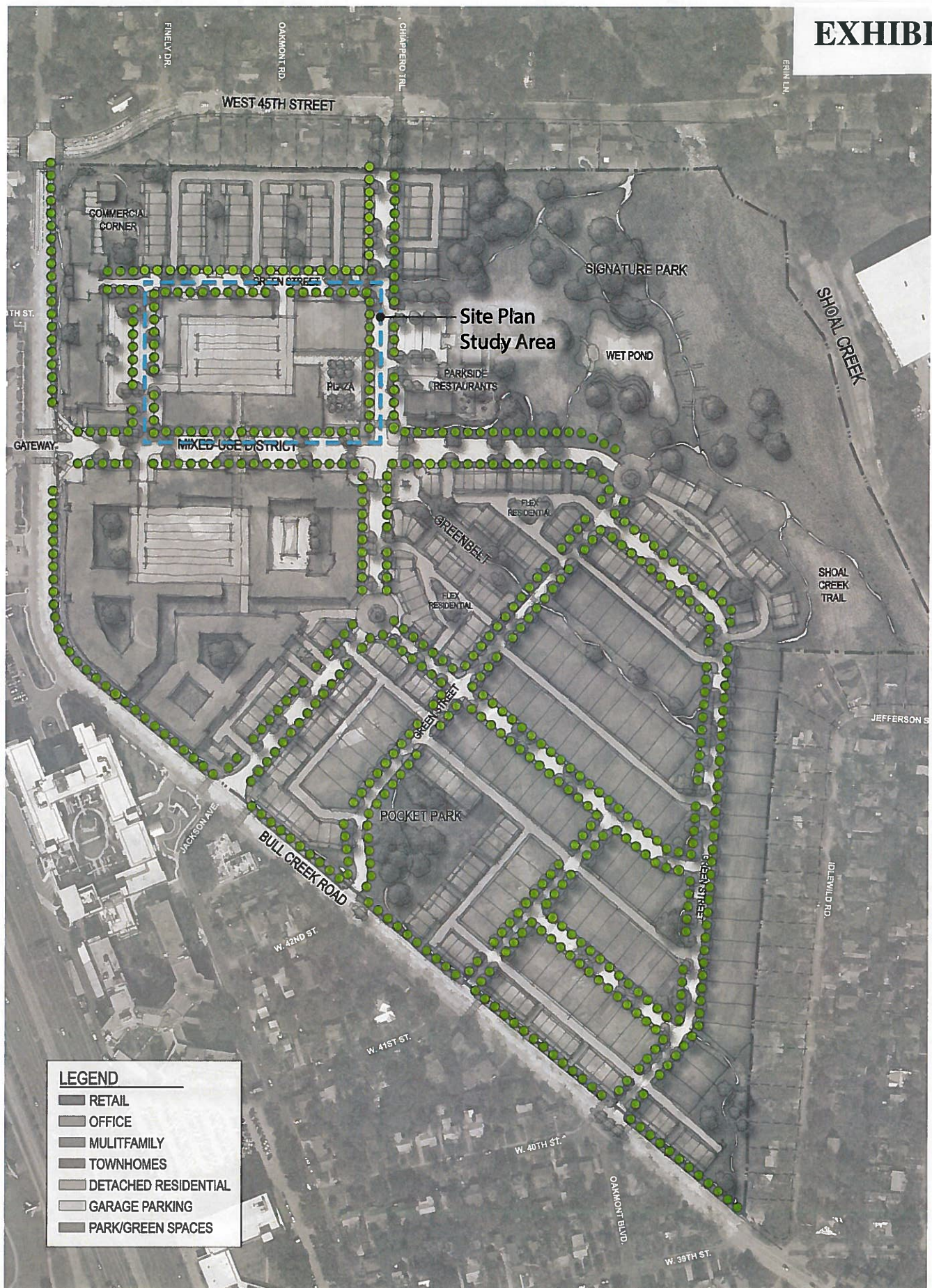
ENROLLMENT (with mobility rate)			
HIGH SCHOOL STUDENTS	2014-15 Enrollment	5- Year Projected Enrollment* (without proposed development)	5-Year Projected Enrollment* (with proposed development)
Number	2,087	2,166	2,234
% of Permanent Capacity	95%	98%	101%

*The 5-Year Projected Enrollment (with and without the proposed development) is an estimate calculated with the assumption that the stated mobility rates (transfers in and out of the school) remain the same over the 5-year period. These estimates are for the sole purpose of the Educational Impact Statement and should not be used for any other purposes.

The Grove at Shoal Creek
C814-2015-0074
Educational Impact Statement Attachment

Scenario 1 1,315 Total Units	Total Students Projected 219.245	ES	ES	MS	MS	HS	HS
		Student Yield	Students	Student Yield	Students	Student Yield	Students
Market Rate							
110 Single Family (SFD)		0.117	12.87	0.034	3.74	0.067	7.37
600 Apartments (APT)		0.124	74.4	0.035	21	0.071	42.6
140 Condo (MFA)		0.038	5.32	0.011	1.54	0.022	3.08
285 Townhome (SFA)		0.038	10.83	0.011	3.135	0.022	6.27
1,135 Units							
Affordable							
90 Apartments (APT)		0.124	11.16	0.035	3.15	0.071	6.39
90 Condo (MFA)		0.038	3.42	0.011	0.99	0.022	1.98
180 Units			118		33.555		67.69

Scenario 2 1,515 Total Units	Total Students Projected 210.915	ES	ES	MS	MS	HS	HS
		Student Yield	Students	Student Yield	Students	Student Yield	Students
Market Rate							
560 Apartments (APT)		0.124	69.44	0.035	19.6	0.071	39.76
195 Condo (MFA)		0.038	7.41	0.011	2.145	0.022	4.29
580 Townhome (SFA)		0.038	22.04	0.011	6.38	0.022	12.76
1,335 Units							
Affordable							
90 Apartments (APT)		0.124	11.16	0.035	3.15	0.071	6.39
90 Condo (MFA)		0.038	3.42	0.011	0.99	0.022	1.98
180 Units			113.47		32.265		65.18



Tree Mitigation Example
The Grove at Shoal Creek
March 25, 2016

EXHIBIT L

Tree Mitigation Example
The Grove at Shoal Creek | 3.25.16

Overall Site Mitigation	Inches	Notes
Mitigation Inches Required	1135	
Mitigation Provided by 3" Street Trees	927	1.5" per tree, 618 trees
Mitigation Provided by 4" Street Trees	1545	2.5" per tree, 618 trees

Site Plan Study	Inches	Notes
Mitigation Inches Required	248	
Mitigation Provided by 4" Street Trees	75	
Mitigation Provided by 6" Street Trees	108	Along retail main street
Total Mitigation Provided by Street Trees	183	
Mitigation Req'd via Additional Trees	65	Plaza, parking bumpouts, courtyards, etc. (approx. 16 additional trees)



ATTACHMENT: MEMORANDUM

<p>To: Andrew Linseisen, P.E. Development Services Department</p> <p>CC: Scott A. James, P.E., PTOE Development Services Department</p> <p>From: Eric Bollich, P.E., PTOE Austin Transportation Department</p>	<p>Date: March 25, 2016</p> <p>Project: The Grove At Shoal Creek</p> <p>Re: TIA Comments (February 2, 2016 Revision)</p> <p>Page: 1 of 2</p>
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The Austin Transportation Department (ATD) has reviewed the February 2, 2016 revision of the traffic report regarding the *"The Grove at Shoal Creek, Traffic Impact Analysis"*, prepared by R-K Traffic Engineering, LLC. The following comments summarize our review findings.

TIA Comments

1. **Repeat comment** – The 2018 analysis does not include full build out of the Bull Creek and 45th street intersection. 2018 No Build forecasted operation of this intersection is not acceptable to ATD, regardless of the 2,700 daily trip threshold presented in the TIA. Based on the comprehensive review of the TIA and prior meetings with the Applicant and comments submitted to the Applicant, it is our understanding that this intersection will be fully built out to its ultimate design prior to the completion of Phase 1 of the development. We recommend that the Traffic Phasing Agreement include detailed analysis of the necessary improvements required prior to completion of Phase 1 and subject to ATD review and approval. .
2. It is unclear from the information contained in the TIA as to when the concrete safety barrier in association with the bike lane will be constructed along Bull Creek Road. Based on our meeting with the Applicant, the Applicant has agreed to construct this barrier when Bull Creek Road is reconstructed with proposed improvements.
3. **Repeat comment** – The TIA estimates 14% of site-generated traffic will use Jackson Avenue, more than doubling the total traffic volume on Jackson Avenue. While no additional analysis of Jackson Avenue is required at this time, based on the information submitted in the TIA and reviewed by staff, when a warrant study is conducted for the signal at Jackson Avenue and Bull Creek Road, the Applicant will also study Jackson Avenue south of Bull Creek Road to analyze and propose mitigation needed to address this increase in traffic.



Bull Creek Road/45th Street Intersection Plan – Option 1: Not recommended

1. This option, as presented, creates safety concerns by shifting northbound traffic through the intersection by approximately nine (9) feet.

Bull Creek Road/45th Street Intersection Plan – Option 2: Recommended

1. The small grass panels on the northwest, northeast, and southeast corners should be eliminated to allow for wider sidewalks and the placement of traffic signal equipment. In addition, the sidewalk easement that the Applicant has indicated needs to allow for the installation of traffic signal equipment.

Bull Creek Road Improvements Plan (comments start at the north and head south)

1. The PHB, crosswalks and landings are not shown at Driveway 1. Please show this information.
2. The traffic signal, crosswalks and landings are not shown at Driveway 2/Jackson Avenue. In addition, no information is shown on Jackson Avenue related to length of turn lanes and tapers. Please show this information.
3. The PHB, crosswalks and landings are not shown at Driveway 4. Please show this information.

Jackson Avenue / 45th Street

After interdepartmental discussion, the proposed development shall include Jackson Avenue as a public roadway dedicated to the City of Austin. As agreed by the applicant, Lot 43, Section 2, Shoal Village Subdivision, shall be dedicated as public right-of-way to the City of Austin for the extension of Jackson Avenue to 45th Street. Vehicular access at the intersection of 45th and Jackson Avenue shall be limited to "right-in, right-out only." Staff will review roadway design plans submitted by the Applicant as part of the subdivision and site development permit process. A pedestrian hybrid beacon may be installed at the intersection of Jackson Avenue and 45th street to facilitate pedestrian crossings across 45th Street at timing to be determined by ATD.

General Comment

Staff reserves the right to conduct further review of the subject application with regard to geometric constraints that may arise due to inadequate or unavailable right-of-way that may affect the operational objectives of proposed infrastructure improvements. These elements may affect site plan review and approval, as they are considered integral to the viability of the subject development as proposed.



MEMORANDUM

TO: Mayor and Council

FROM: Rodney Gonzales, Director, Development Services Department (DSD)
Rob Spillar, Director, Austin Transportation Department (ATD)

DATE: May 9, 2016

SUBJECT: Grove at Shoal Creek Traffic Impact Analysis

CC: Marc Ott, City Manager
Sue Edwards, Assistant City Manager
Robert Goode, Assistant City Manager
Greg Guernsey, Director, Planning and Zoning

This memorandum provides information regarding the Traffic Impact Analysis (TIA) review for the Grove at Shoal Creek Planned Unit Development (PUD) and related transportation issues.

TIA Review Process and March 22, 2016 Meeting with Applicant

The TIA review process began with the submittal of the PUD Development Assessment on April 3, 2015. Over the last approximately 12 months, the TIA has been through four formal review cycles; meetings with the applicant, interested neighbors and the Bull Creek Road Coalition (BCRC); multiple revisions; and review of informal submittals.

Staff from the Development Services Department and Austin Transportation Department (ATD) extensively reviewed the TIA. The applicant has been required to provide much more detailed transportation information than a typical PUD to ensure adequate right-of-way and acceptable operations for improvements proposed to mitigate the traffic impacts of the project.

On February 2, 2016, the applicant submitted an updated TIA. Due to interdepartmental discussion on several major elements of the TIA, comments had not been released as of March 21, 2016. On Tuesday, March 22, 2016, staff from ATD, DSD and the Planning and Zoning Department (PAZ) met with representatives and transportation consultants for the Grove, at the applicant's request, to discuss the transportation elements of the PUD.

Staff present at the meeting were Eric Bollich, PE, PTOE, Managing Engineer, ATD; Annick Beaudet, AICP, System Development Division Manager, ATD; George Adams, CNU-A, Assistant Director, DSD; Andy Linseisen, PE, Managing Engineer, DSD; Bryan Golden, Transportation Reviewer, DSD; and Jerry Rusthoven, AICP, Current Planning Manager, PAZ. Scott James, PE, Transportation Engineer, DSD, was invited to the meeting but could not attend due to a conflict.

This meeting has been portrayed as being inappropriate or favoring the applicant and this is not the case. It is neither unusual nor inappropriate for senior staff to meet with an applicant to discuss the details of a project, and this is routine. For a project of this size, scope, complexity and controversy it is incumbent upon senior staff to be fully informed and responsible for key decisions. At the March 22nd meeting, the applicant agreed to provide substantial additional improvements not previously committed to, which include the following:

- Dedication of Jackson Street as public street and provision of a public roadway connection to 45th Street;
- Dedication of a 5 foot public access easement at the northwest corner of Bull Creek Road and 45th Street;
- Construction of a shared-use path for bicycles and pedestrians along Bull Creek Road as a protected facility;
- Dedication of public access easements to Shoal Creek at the north and south end of the property for bike and pedestrian facilities;
- Funding of design and construction of a bike and pedestrian bridge over Shoal Creek;
- Minimum geometric standards for internal private streets; and
- Establishment of a cap on the Phase 1 development prior to completion of the improvements to Bull Creek Road and the intersection of Bull Creek Road and 45th Street. The final cap is to be established as part of the Traffic Phasing Agreement.

The applicant's agreement to provide the above improvements, in addition to previously identified improvements, allowed ATD and DSD staff to determine the project was mitigating the traffic impacts of the proposed development and to advance the transportation review process subject to conditions outlined in the staff comment memo dated March 25, 2016. A list of transportation improvements proposed by the applicant and the March 25 Memo is included as attachments. Remaining transportation issues which are to be finalized prior to third reading of the PUD ordinance include requirements for fiscal posting and phasing of construction for required improvements, which will be outlined in the Traffic Phasing Agreement that will accompany the final PUD Ordinance.

As noted in the staff comment memo dated March 25, 2016, comments related to detailed design requirements were deferred to the subdivision construction and site development permit review. These comments will be issued to the applicant under separate memorandum (attached) and will be required to be addressed as part of ATD and DSD review of detailed construction plans for the proposed improvements. Deferral of the final design of these improvements has also been portrayed as favoring the applicant; however, this is standard practice for PUD and conventional zoning cases. The alternative is to require the applicant to design and engineer, at significant cost, transportation infrastructure improvements prior to Council review or approval of zoning entitlements for the property.

Public Street Connection to W. 45th Street

Representatives from BCRC and neighborhood residents have expressed concern over a proposal to provide a public street connection from Bull Creek Road, through the Grove property, and connecting to W. 45th Street where a single-family residence is currently located. The applicant acquired the property at 2627 W. 45th Street in April 2015 for the purpose of

providing access between the proposed PUD and W. 45th Street. The applicant presented their Master Plan showing the proposed street connection to the BCRC in July 2015 and identified the street connection as an option for staff consideration. The Alternative Vision plan proposed by BCRC (<http://www.bcrctx.org/alt-vision/>) also shows a pedestrian and bicycle connection through the property at 2627 W. 45th Street.

The proposal was idle for many months as no additional analysis was provided and the focus was on other potential transportation improvements. As part of their February 2, 2016 TIA submittal, the applicant provided an analysis of the W. 45th Street connection, and staff was able to determine this provided measureable improvement for traffic circulation. Based on this determination, staff recommended including the street connection as part of the transportation improvements.

The property at 2627 W. 45th Street is 59.8' wide. If utilized as a street, the proposed ROW width of 59.8' is greater than the typical 50' ROW width common to other local streets in the area. It is anticipated that this connection will be designed as right-in, right-out only and will be limited to passenger and emergency services vehicles. Staff has requested a preliminary design from the applicant and will evaluate the proposal in more detail prior to review by the Zoning and Platting Commission.

Additional Questions Asked by the Community

Two questions have been asked by the community regarding the process for review and approval of TIA's. The first is which department has authority over the TIA Application? In the case of TIA's, the responsible Director refers to the Director of the Austin Transportation Department.

The second is related to Land Development Code Section 25-6-141. In the zoning context, Chapter 25-6 affords Council the legislative discretion to approve an application if it finds that adverse traffic effects are "satisfactorily mitigated" or that additional traffic will have "an insignificant effect on a residential street." That standard, which is the basis for staff's evaluation, does not prevent approval of a zoning case where adjacent roads are operating below the standards established by Section 25-6-116 (*Desirable Operating Levels for Certain Streets*).

Additional Analysis Requested by Council Member Pool

In a letter to the City Manager dated April 13, 2016, Council Member Pool made the following transportation-related requests. A brief response to each of the requests is provided below.

Analysis of Jackson Avenue Connection to W. 45th Street

As mentioned above, staff has requested the applicant provide a preliminary design of the proposed Jackson Avenue street connection to W. 45th Street. As of May 6, 2016, staff has not received the preliminary design from the applicant. Once provided, staff will evaluate the proposal in more detail prior to review by the Zoning and Platting Commission.

Full Build-Out Analysis of Jackson Avenue

The applicant has proposed mitigation at the intersections of Jackson Avenue/35th Street and Jackson Avenue/Bull Creek Road, including modified lane configurations and signalization,

respectively. ATD and DSD deem this mitigation as acceptable under future traffic conditions. Streets can typically accommodate thousands of daily vehicles and are constrained by their intersections. Because the intersections of Jackson Avenue with 35th Street and Bull Creek Road are projected to operate acceptably under build-out conditions, further mitigation measures have not been identified at this time. However, ATD and DSD are requiring that Jackson Avenue be evaluated when the intersection improvements are needed to determine whether additional measures, such as traffic calming, would be appropriate.

Adequate Right-of-Way for Improvements Proposed to the Intersection of W. 45th and Bull Creek Road

The applicant submitted a preliminary layout of the proposed intersection which shows existing and proposed rights-of way and easements for improvements. The applicant has indicated they are working to acquire necessary easements or right-of-way on the southeast corner to accommodate a proposed right turn lane from Bull Creek Road to eastbound 45th Street. The applicant is also obtaining an easement on the northwest corner to accommodate sufficient space for receiving the dual northbound to westbound left turn lanes. If the applicant is unable to acquire the needed land, a revised design or phasing of improvements to secure missing rights-of-way will need to be reviewed and approved by ATD and DSD.

TIA Phasing Agreement to be presented to ZAP

Staff is working with the applicant to formalize the terms of the TIA Phasing Agreement. If a draft is available at the time of ZAP consideration, staff will provide the draft agreement. The Phasing Agreement will be provided as part of City Council back up material for consideration of the PUD.

Proposed Bridge over Shoal Creek

The applicant will provide an engineer's estimate of the proposed bridge over Shoal Creek to provide pedestrian and bicycle connectivity between the project site and the adjacent Texas State Library and Archives Commission property. ATD and DSD will determine whether this estimate exceeds the maximum funding that the applicant is willing to contribute to construction of the bridge.

Median on Bull Creek Road at Oakmont Boulevard

A raised median is proposed on Bull Creek Road at its intersection with Oakmont Boulevard/W. 40th Street/Driveway 4. It would assist pedestrian crossings and prohibit left turns to and from Bull Creek Road.

Examples of other Street Widening

Streets are frequently widened within the City's right-of-way to accommodate additional travel or turn lanes. A comprehensive database of examples is not maintained.

Next Steps

Planning and Zoning Department staff, with assistance from other City departments, are formulating a PAZ recommendation for the Grove PUD. PAZ staff intends to meet with the applicant and interested parties prior to finalizing the recommendation. Once this is complete, the case will be heard by the Environmental Board, the Zoning and Platting Commission, and finally the City Council. The dates for these public hearings have not yet been determined.

I hope this provides useful information for your consideration. Please feel free to contact me at (512) 974-2313 or George Adams, Assistant Director at (512) 974-2146 if you have questions or concerns.

Attachments:

- List of Proposed Transportation Improvements
- March 25, 2016 Memorandum
- May 9, 2016 Memorandum
- Staff Response to Questions from Grayson Cox

List of Transportation Improvements Proposed for the Grove at Shoal Creek PUD May 6, 2016

1) Funding and construction of traffic mitigation improvements identified for Bull Creek Road.

Improvements include additional auxiliary lanes at Jackson Avenue and other site driveways, widening of Bull Creek Road between Driveway 1 and 45th Street, and dedication of right-of-way from the subject site to construct these improvements.

2) Funding and Construction of intersection improvements for 45th and Bull Creek Road.

Improvements include eastbound and westbound left turn lanes on 45th Street, additional northbound left turn lane on Bull Creek Road, and additional northbound right turn lane on Bull Creek Road as well as improved pedestrian crossings and reconstruction of sidewalk at all four corners of the intersection.

3) Dedication of right-of-way and construction of Jackson Avenue from Bull Creek Road to W. 45th Street.

4) Providing trail connectivity to Ridglea Greenbelt.

5) Constructing 12-foot Shared Use Path along Bull Creek Road.

6) Constructing 12-foot Shared Use Path along 45th Street Greenbelt.

7) Constructing protected southbound Bike Lane on Bull Creek Road in front of site.

8) Installation of Pedestrian Hybrid Beacon on Bull Creek Road and 45th Street to facilitate pedestrian connectivity.

9) Post fiscal for, and if easement obtained on State property, construct bike and pedestrian bridge across Shoal Creek and trail connection from bridge to Shoal Creek Blvd. Provide additional easement for access to Shoal Creek.

10) Bike lanes on major internal street cross-sections.

11) Contribution of \$100,000 for neighborhood multi-modal improvements.

12) Minimum geometric criteria for internal streets.

13) Funding and construction of traffic signal and intersection improvements at Jackson/Bull Creek Road and intersection improvements at 35th/Jackson.

14) Analysis of additional traffic mitigation on Jackson Avenue at full build-out.

16) Require shower facilities in offices to help facilitate bicycle commuters.



Date: March 25, 2016

To: Brian Williams, P.E. Brown & Gay, Engineering
James Schwerdtfeger, P.E., Big Red Dog Engineering

CC: Sherri Sirwaitis, Case Manager

Reference: Bull Creek Parcel (aka "The Grove at Shoal Creek")
CD – 2015 – 0009

Staff from the City of Austin Development Services and Transportation Departments have reviewed the revised Traffic Impact Analysis for the Bull Creek Parcel development proposal (hereafter called "The Grove") and offer the following comments:

GENERAL COMMENTS

- A. Written approval from the Texas Department of Transportation (TxDOT) of the proposed Traffic Phasing Agreement is required for the proposed PUD as various state-maintained roadways are bordering the PUD area.
- B. Pedestrian crossings should be identified and paired with the (proposed) location of transit stops. Provide map showing location(s) of transit stops (current and proposed). The TIA allows for a 5% transit reduction, assuming bus headways are decreased from current service levels. Applicant to provide final written confirmation from CapMetro that current and future services levels on Bull Creek Road will support the 5% transit reduction as presented in the TIA prior to final Council approval.
- C. Comment cleared.

Development Services (Bryan Golden/Scott A. James):

- DSD1. Update 1** – After interdepartmental discussion, the proposed development shall dedicate Jackson Avenue as a public roadway to the City of Austin. As agreed by the applicant, Lot 43, Shoal Village Section 2, shall be dedicated as public right-of-way to the City of Austin for the extension of Jackson Avenue to 45th Street. Vehicular access at the intersection of 45th Street and Jackson Avenue shall be limited to "right-in, right-out only." Staff will review roadway design plans submitted by the Applicant as part of the subdivision and site development permit

process. A pedestrian hybrid beacon may be installed at the intersection of Jackson Avenue and 45th Street to facilitate pedestrian crossings across 45th Street. The timing of the installation of the pedestrian hybrid beacon shall be determined by the Austin Transportation Department.

DSD2. Comment cleared.

DSD3. **Update 1** - Project will be built in two phases: for initial 2018 build conditions (Phase 1), the improvement of the Bull Creek Road/45th Street intersection is required. The phase one improvements shall be inclusive of the following elements: dedication of right-of-way, bicycle lanes, medians, turn lanes, sidewalks, and trails. The details of the phasing and timing of the specific improvements will be finalized with the Traffic Phasing Agreement that accompanies the final PUD Ordinance per the comment below as DSD5. NOTE: TxDOT agreement of the terms of fiscal participation for off-site improvements is required.

DSD4. **Repeat comment** - 2024 build conditions (Phase 2) will include full width reconstruction of Bull Creek Road and improvements to Jackson Avenue. In accordance with ATD TIA Comment 3, the improvements to Jackson Avenue will be identified and addressed at the time of the warrant study to support the signalization of Jackson Avenue and Bull Creek Road.

DSD5. **Repeat comment** - Please provide a draft Traffic Phasing Agreement that clearly outlines the traffic improvements to be built for each phase of the development. NOTE: the traffic phasing agreement will require the approval from the COA Legal Department.

DSD6. Jackson Avenue should be extended to the north through the site from its intersection with Bull Creek Road to 45th Street as a public street, provided the following:

- The City approves the street design sections for the northern extension of Jackson Avenue in lieu of standard City street sections, as shown in the Design Guidelines; and
- The City agrees to provide code modifications to allow the Jackson Avenue right-of-way to be included in site calculations and to allow property on both sides of the northern extension of Jackson Avenue to be included in a single site. DSD and PAZ will determine how this provision is incorporated into the final PUD Ordinance.

DSD7. Other roadways in the project may be private roadways, provided the following:

- Public access and utility easements are provided for the entirety of the private street lengths, granting control to the City of Austin of all traffic elements for intersections between public right-of-way and any private streets/driveways within the development;

- Retail Streets, Green Streets, and Connector Streets shall be designed to include 50 feet minimum tangent for intersection approaches and a 100 feet minimum centerline radius for horizontal curves. Horizontal design geometry for these streets may be varied with approval of the Director.

DSD8. A note will be provided on the Land Use Plan and/ or a provision of the PUD ordinance will be provided stating the following:

The Applicant will post fiscal with the City of Austin for the construction of a bicycle and pedestrian bridge crossing Shoal Creek enabling a trail connection from the site to Shoal Creek Blvd. The amount of the fiscal shall be based on the Applicant's approved engineering cost estimate. Subject to City approval of the proposed bridge location (the City considering environmental, connectivity and other factors) the Applicant will construct the bridge and trail. If the City of Austin or the applicant is unable to secure an easement to allow for the construction of said bridge, the posted fiscal may be utilized by the City to complete other bicycle and pedestrian improvements in the area. The Applicant further agrees to provide easements for future bicycle and pedestrian bridge crossings at both the northern and southern portions of Shoal Creek, whether or not the bridge described above is constructed.

Austin Transportation Department:

For the proposed intersection of 45th Street/ Bull Creek Road:

- ATD1. Comment cleared per Option 2 diagram provided.
- ATD2. Comment cleared per Option 2 diagram provided.
- ATD3. Comment cleared per Option 2 diagram provided.
- ATD4. Comment cleared per Option 2 diagram provided.
- ATD5. Comment cleared per Option 2 diagram provided.
- ATD6. Comment cleared.
- ATD7. Repeat comment - Projected volumes onto Jackson Avenue require mitigation measures along Jackson Avenue.
- ATD8. Comment cleared.
- ATD9. Comment cleared per Bull Creek Road diagram provided.
- ATD10. Comment cleared.

ATD11. Comment cleared.

ATD12. Comment cleared per Option 2 diagram provided.

ATD13. Comment cleared per Option 2 diagram provided.

ATD14. Comment cleared per Option 2 diagram provided.

ATD15. Comment cleared per Option 2 diagram provided.

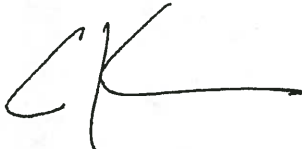
ATD16. Comment cleared per Option 2 diagram provided.

ATD17. Comment cleared per Bull Creek Road diagram provided.

General Comment

Additional comments from ATD are provided in the attachment. Staff reserves the right to conduct further review of the subject application with regard to geometric constraints that may arise due to inadequate or unavailable right-of-way that may affect the operational objectives of proposed infrastructure improvements. These elements may affect site plan review and approval, as they are considered integral to the viability of the subject development as proposed.

We thank you for the revised TIA submitted in support of this PUD application. City staff will continue to review elements of the proposal and the related Traffic Phasing Agreement. If you have any questions please feel free to contact me or Bryan Golden at (512) 974-3124.

A handwritten signature in black ink, consisting of a stylized 'A' and 'L' followed by a horizontal line.

Andrew Linseisen, P.E.
Managing Engineer
Division Manager, Land Use Review Division
Development Services Department

Attachment



ATTACHMENT: MEMORANDUM

To: Andrew Linseisen, P.E.
Development Services Department

Date: March 25, 2016

Project: The Grove At Shoal Creek

CC: Scott A. James, P.E., PTOE
Development Services Department

From: Eric Bollich, P.E., PTOE
Austin Transportation Department

Re: TIA Comments
(February 2, 2016
Revision)

Page: 1 of 2

The Austin Transportation Department (ATD) has reviewed the February 2, 2016 revision of the traffic report regarding the *"The Grove at Shoal Creek, Traffic Impact Analysis"*, prepared by R-K Traffic Engineering, LLC. The following comments summarize our review findings.

TIA Comments

1. **Repeat comment** – The 2018 analysis does not include full build out of the Bull Creek and 45th street intersection. 2018 No Build forecasted operation of this intersection is not acceptable to ATD, regardless of the 2,700 daily trip threshold presented in the TIA. Based on the comprehensive review of the TIA and prior meetings with the Applicant and comments submitted to the Applicant, it is our understanding that this intersection will be fully built out to its ultimate design prior to the completion of Phase 1 of the development. We recommend that the Traffic Phasing Agreement include detailed analysis of the necessary improvements required prior to completion of Phase 1 and subject to ATD review and approval. .
2. It is unclear from the information contained in the TIA as to when the concrete safety barrier in association with the bike lane will be constructed along Bull Creek Road. Based on our meeting with the Applicant, the Applicant has agreed to construct this barrier when Bull Creek Road is reconstructed with proposed improvements.
3. **Repeat comment** – The TIA estimates 14% of site-generated traffic will use Jackson Avenue, more than doubling the total traffic volume on Jackson Avenue. While no additional analysis of Jackson Avenue is required at this time, based on the information submitted in the TIA and reviewed by staff, when a warrant study is conducted for the signal at Jackson Avenue and Bull Creek Road, the Applicant will also study Jackson Avenue south of Bull Creek Road to analyze and propose mitigation needed to address this increase in traffic.



Bull Creek Road/45th Street Intersection Plan – Option 1: Not recommended

1. This option, as presented, creates safety concerns by shifting northbound traffic through the intersection by approximately nine (9) feet.

Bull Creek Road/45th Street Intersection Plan – Option 2: Recommended

1. The small grass panels on the northwest, northeast, and southeast corners should be eliminated to allow for wider sidewalks and the placement of traffic signal equipment. In addition, the sidewalk easement that the Applicant has indicated needs to allow for the installation of traffic signal equipment.

Bull Creek Road Improvements Plan (comments start at the north and head south)

1. The PHB, crosswalks and landings are not shown at Driveway 1. Please show this information.
2. The traffic signal, crosswalks and landings are not shown at Driveway 2/Jackson Avenue. In addition, no information is shown on Jackson Avenue related to length of turn lanes and tapers. Please show this information.
3. The PHB, crosswalks and landings are not shown at Driveway 4. Please show this information.

Jackson Avenue / 45th Street

After interdepartmental discussion, the proposed development shall include Jackson Avenue as a public roadway dedicated to the City of Austin. As agreed by the applicant, Lot 43, Section 2, Shoal Village Subdivision, shall be dedicated as public right-of-way to the City of Austin for the extension of Jackson Avenue to 45th Street. Vehicular access at the intersection of 45th and Jackson Avenue shall be limited to "right-in, right-out only." Staff will review roadway design plans submitted by the Applicant as part of the subdivision and site development permit process. A pedestrian hybrid beacon may be installed at the intersection of Jackson Avenue and 45th street to facilitate pedestrian crossings across 45th Street at timing to be determined by ATD.

General Comment

Staff reserves the right to conduct further review of the subject application with regard to geometric constraints that may arise due to inadequate or unavailable right-of-way that may affect the operational objectives of proposed infrastructure improvements. These elements may affect site plan review and approval, as they are considered integral to the viability of the subject development as proposed.



MEMORANDUM

To: Jeff Howard
McLean & Howard, LLP

Date: May 9, 2016

Project: The Grove At Shoal
Creek

CC: Sherri Serwaitis
Planning and Zoning Department

From: Eric Bollich, P.E.
Austin Transportation Department

Re: Detailed Design
Comments

Andrew Linseisen, P.E.
Development Services Department

As part of the review of the February 2, 2016 revision of the traffic report regarding the "*The Grove at Shoal Creek, Traffic Impact Analysis*", prepared by R-K Traffic Engineering, LLC, the Austin Transportation Department (ATD) has additional comments related to the final detailed design documents that must be addressed as part of the site plan review process.

ATD shall be distributed for review of all stages of the site development permit process related to the permitting of public infrastructure improvements and connections from the development to the surrounding public streets.

The following comments summarize items to be addressed as part of the site development permit submittals based on staff review of the current conceptual design submittals.

Bull Creek Road/West 45th Street Intersection Plan – Preferred Option 2

1. The northbound free right turn appears to be too narrow to allow for a WB-50 design vehicle to make the turn. The Applicant should provide further analysis verifying that a WB-50 design vehicle can be accommodated, or the lane should be widened by shifting the outermost curb and while not affecting the island curb line.
2. The northern curb face of the pork-chop island should be offset by two (2) feet from the travel lane for eastbound traffic.
3. On the eastbound approach, the 100 feet approach taper is insufficient in length. The taper length should be lengthened by narrowing the painted island.
4. All sidewalks must be five (5) feet minimum in width.



Bull Creek Road Improvements Plan (comments start at the north and head south)

The Applicant will include design plans addressing these comments, and those addressed by the ATD memorandum dated March 28, 2016 as part of the site plans.

1. The Applicant shall include a concrete safety barrier for the bicycle lane along Bull Creek Road as part of the design plans. This barrier shall be installed with the site development permit for the reconstruction of Bull Creek Road.
2. Tapers shown between the back-to-back turn lanes are insufficient in length. A single taper between the two turn lanes should be provided.
3. The 185 feet taper on the northbound left turn approach to Jackson Avenue is insufficient in length. Lengthen the taper and narrow the painted island.
4. Between Driveway 4 and Driveway 5, the Applicant is proposing a 10-foot wide southbound lane, 11-foot wide lane northbound with a 9-foot wide shoulder. The Applicant should revise the design to provide two 10-foot wide travel lanes and include a center two-way left-turn lane.

Vehicular connection to West 45th Street from Jackson Avenue Extension

1. The Applicant has purchased the lot at 2627 West 45th Street to provide approximately 60 feet of right-of-way and facilitate this vehicular connection. The Applicant has proposed only right-in, right-out turns at this new connection. The Applicant will provide design plans showing the geometric layout of this intersection as part of the site plans for the development. Plans will show how these turning movements will be restricted, which design vehicles can be accommodated, and how a future pedestrian hybrid beacon could be placed.
2. The site plan will include the proposed cross section for the Jackson Avenue Extension from Bull Creek Road to West 45th Street. At the connection to West 45th Street, the cross section of Jackson Avenue should be wide enough to accommodate emergency vehicles. Bicycles and pedestrians should be accommodated, preferably off the street on a shared-use path. The Applicant shall construct screening barrier with vegetation where right-of-way is adjacent to existing single-family dwellings as part of the design of the roadway.

PART XX. The Grove at Bull Creek PUD Affordable Housing Program.

A. In order to meet the City's affordable housing goals and to ensure long-term affordability, the Landowner and the Landowner's successors and assigns (collectively referred to as the "Landowner") agree to the following:

1. Ten percent of the total number of multifamily rental housing units located within the Grove at Bull Creek PUD will be set aside for occupancy by households with incomes at 60 percent of or below the median family income (each an "Affordable Rental Unit," collective "Affordable Rental Units") in the Austin metropolitan statistical area for a rental affordability period of forty years (collectively, the "Rental Affordability Requirement") from the date of a certificate of occupancy. In addition the Landowner agrees to comply with the following:

a) The Rental Affordability Requirement period for each multifamily development with Affordable Rental Units (the "Affordable Development") begins on the date a final certificate of occupancy is issued for each Affordable Development.

b) Affordable Rental Units must contain a product unit mix of studio, one, two and three bedroom units in accordance with Fair Housing Laws.

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c) Each lot or site sold or developed for use as an Affordable Development shall be subject to a restrictive covenant using the form shown in Exhibit XX (subject to revision) or agreed upon by the Director of Neighborhood Housing and Community Development (NHCD) and Landowner at the time of the sale or development and recorded in the official public records of the county where the Affordable Development is located.

B. At least 5 percent of the total number of units sold as owner-occupied residential housing units located within the Grove at Bull Creek PUD will, through a mechanism agreed upon by the City and Landowner, be made permanently available at a price affordable to households with incomes at 80 percent of or below the median family income (each an "Affordable Ownership Unit," collective "Affordable Ownership Units") in the Austin metropolitan statistical area (collectively, the "Ownership Affordability Requirement").

1. The Affordable Ownership Units constructed on any site shall have substantially similar architectural design and restrictions as other residential units offered for sale to the general public on such site.

2. The Affordable Ownership Units must contain a product unit mix of studio, one, two and three bedroom units deemed feasible by Developer; provided that, however, no fewer than 50% of the Affordable Ownership Units shall have at least 2 bedrooms.

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3. Affordable Ownership units must:

- a) Be sold to an income eligible household at 80 percent of or below median family income;
- b) Include resale restrictions that require that resale of the affordable unit must be to a household at 80 percent of or below median family income; and
- c) Contain restrictions that will cap the equity gain to the homeowner that can be realized upon resale of the affordable unit. The resale formula will be set by the director of the Neighborhood Housing and Community Development Department, and may change from time to time; and
- d) Contain a Right of First Refusal to the Austin Housing Finance Corporation (AHFC) or other entity designated by the City that is assignable to an income-qualified buyer, to ensure long term affordability.

- C. The Landowner agrees to enter into an agreement with the City of Austin that ensures compliance with Part XX of this PUD ordinance.
- D. Income limits for the Affordable Housing Requirements shall be established annually as determined by the United States Department of Housing and Urban Development.
- E. The Landowner shall file a written report with the Director on the number and location of each Affordable Ownership Unit and Affordable Rental Unit meeting the Affordable Housing Requirements within the Grove at Bull Creek PUD (the "Affordability Report"). The initial Affordability Report shall be filed within 15 calendar days following the March 31 or September 30 next following the date of recordation of a plat or site plan within the Grove at Bull Creek PUD and be continuously filed on a semi-annual basis until the project is fully built out and sold.
- F. Compliance with the Affordable Housing Requirements will be monitored by the City's Neighborhood Housing and Community Development Department through an annual audit of the sale and rental of Affordable Ownership Units and Affordable Rental Units within the Grove at Bull Creek PUD. Income qualifications, rents and sales price of the ownership units must comply with NHCD compliance guidelines.
- G. Compliance with this Part XX of this PUD Ordinance satisfies the requirements of Section 25-1-704(B)(2)(a) of the Austin City Code so that development within The Grove at Shoal Creek PUD shall be eligible for a waiver of 100% of the development fees, including capital recovery fees, described in Section 25-1-704 and Section 25-9-397 of the Austin City Code as allowed by and in accordance with the City's SMART Housing Program.

