

**MOTION SHEET**

Motion to approve on second reading the City Staff prepared ordinance in back-up with the amended changes outlined in Attachment A: ARG and BCRC Agreement Council Amendment Motion Sheet.

**THE GROVE AT SHOAL CREEK PUD  
CITY CASE NO. C814-2015-0074**

**ARG and BCRC Agreement  
Council Amendment Motion Sheet**

**1. Increase Residential Unit Cap to 1515**

- a. Amend Exhibit C, Land Use Plan, Page 2, Note 2 to replace "1335" with "1515" in first and last sentences.
- b. Amend Exhibit C, Land Use Plan, Page 2, Development Entitlements Summary Table related to "Total Residential Units (Not including Affordable Housing)" to change "1335 units" to "1515 units".

**2. Increase Affordable Housing Requirement by 25% (to include alternative funding to replace impact fee waivers and an additional \$1.5 million additional incentive)**

- a. Amend Part 8.A of the Ordinance to change "Ten percent" to "12.5 percent".
- b. Amend Part 8.A of the Ordinance to change "with incomes at 60 percent of or below the MFI" to "with 78% of such units at 60 percent of or below the MFI and 22% of such units at 80% of or below the MFI".
- c. Amend Part 8.B of the Ordinance to change "5 percent" to "6.25 percent".
- d. Amend Part 8.B.3 of the ordinance to "Be sold to an income eligible household at 80 percent of or below the MFI" to "78% of which must be sold to an income eligible household at 80 percent of or below the MFI and 22% of which must be sold to an income eligible household of or 120% of or below the MFI".
- e. Amend Part 8.F of the Ordinance to change "\$8,000,000,000" to "\$10,200,000.00". [NOTE: This Fiscal Note totals \$8.7 million, not \$8 million. \$1.5 million is added to the Fiscal Note amount to get to \$10.2 million.]
- f. Amend last sentence of Part 8.F of the ordinance to add at the end of that sentence "or from other lawful, alternative funding sources approved by the City".
- g. Amend Exhibit C, Land Use Plan, Page 2, Note 18.c to change "130,000 square feet" to "Additional square footage".
- h. Amend Exhibit C, Land Use Plan, Page 2, Development Entitlements Summary Table related to "Additional Square Footage for Affordable Housing Only" to delete this item.

**3. Eliminate 650 unit Cap on Apartment units**

- a. Amend Exhibit C, Land Use Plan, Page 2, Note 3 to remove this Note in its entirety.
- b. Amend Exhibit C, Land Use Plan, Page 2, Development Entitlements Summary Table related to "Total Apartment Units (Not including Affordable Housing)" to delete this item.

**4. Increase Height on Tracts C, D and F to 47 ft. except within 100 ft. of Tract E**

- a. Amend Exhibit C, Land Use Plan, Page 2, Site Development Regulations Table related to "Maximum Height" for Tracts C, D and F to change "40'" to "47'".

- b. Amend Exhibit C, Land Use Plan, Page 2, Site Development Regulations Table footnote (2) to add "Within 100 feet of Tract E, Maximum Height on Tracts C and D is limited to 40 feet".
- 5. Set Office Cap at 185,000 sf**
- a. Amend Part 5.A of the Ordinance to either delete this Section [as redundant of Land Use Plan] or change "115,000 square feet" to "185,000 square feet".
  - b. Amend Exhibit C, Land Use Plan, Page 2, Note 4 to change "115,000 square feet" to "185,000 square feet".
  - c. Amend Exhibit C, Land Use Plan, Page 2, Development Entitlements Summary Table related to "Total Office Use Square Footage" to change "115,000 square feet" to "185,000 square feet".
- 6. Eliminate cap on Affordable Housing Square Footage**
- a. Amend Exhibit C, Land Use Plan, Page 2, Note 18.c. to delete current note and replace it with: "Tier 2 affordable housing is separate from and does not count against any overall square footage caps.
  - b. Amend Exhibit C, Land Use Plan, Page 2, Development Entitlements Summary Table related to "Additional Square Footage for Affordable Housing Only" to delete this item.
- 7. Eliminate cap on Total Square Footage**
- a. Amend Exhibit C, Land Use Plan, Page 2, Note 18 to change "shall not exceed 2.65 million square feet" to "is not capped by this ordinance."
  - b. Amend Exhibit C, Land Use Plan, Page 2, Development Entitlements Summary Table related to "Total Square Footage (Not including Affordable Housing)" to delete this item.
- 8. Set Non-office Commercial Cap at 140,000 sf**
- a. Amend Part 5.B of the Ordinance to either delete this Section [as redundant of Land Use Plan] or change "100,000 square feet" to "140,000 square feet".
  - b. Amend Exhibit C, Land Use Plan, Page 2, Note 5 to change "100,000 square feet" to "140,000 square feet".
  - c. Amend Exhibit C, Land Use Plan, Page 2, Development Entitlements Summary Table related to "Total Retail/ Commercial Square Footage" to change "100,000 square feet" to "140,000 square feet".
- 9. Set Single Tenant Non-office Commercial Cap at 35,000 sf**
- a. Amend Exhibit C, Land Use Plan, Page 2, Note 5 to change "47,500 square feet" to "35,000 square feet".
- 10. Set Cocktail Lounge Cap at 10,000 sf**
- a. Amend Exhibit C, Land Use Plan, Page 2, Note 9 to change "15,000 square feet" to "10,000 square feet".

- b. Amend Exhibit C, Land Use Plan, Page 2, Development Entitlements Summary Table related "Total Cocktail Lounge Square Footage" to change "15,000 square feet" to "10,000 square feet".

**11. Increase Credited Parkland to 14.48 acres**

- a. Amend Exhibit E, Parks Plan to graphically show an additional 0.35 acres of parkland in the "North Greenbelt" near corner along Bull Creek Road
- b. Amend Exhibit E, Parks Plan, Open Space Table related to "Total" to change "19.38" to "19.73"
- c. Amend Exhibit E, Parks Plan, Parkland Required Table related to "Units" to change "1485" to "1548" and related to "Acres of Parkland Required" to change "12.62" to "13.16"
- d. Amend Exhibit E, Parks Plan, Parkland Required Table related to the footnote below to change "1335" to "1398"
- e. Amend Exhibit E, Parks Plan, Parkland Compliance Table related to "North Greenbelt" to change "0.87" to "1.22" in all three columns where this number is listed.
- f. Amend Exhibit E, Parks Plan, Parkland Compliance Table related to "Approx. Size (Acres)" to change "19.88" to "20.23"
- g. Amend Exhibit E, Parks Plan, Parkland Compliance Table related to "Credited Parkland Acres" to change "14.13" to "14.48"
- h. Amend Exhibit E, Parks Plan, Parkland Compliance Table related to "Open Space Acres" to change "19.38" to "19.73"
- i. Amend Exhibit E, Parks Plan, Parkland Compliance Table related to footnote below to change "14.13 credited acres" to "14.48 credited acres" and to change "1,511 market rate units and congregate care units with kitchens" to "1548 market rate units and congregate care units with kitchens".

**12. Ensure PARD and ARG approved Parkland Agreement contains certain provisions**

- a. Amend Exhibit E, Parkland Agreement, Section VI.A to change "Ridgelea neighborhood association appointed by the association" to "Bull Creek Road Coalition by the coalition".
- b. Amend Exhibit E, Parkland Agreement, Section VI.B last sentence to state: "After approval ARG may seek approval from the Director of amendments to the approved Management Plan and Annual Programming Plan; provided that, however, any amendments that are not limited to use of minor amenities such as pavilions and picnic tables or that otherwise substantially interfere with the public's use of the trails, pond amenities, playgrounds, open lawns and recreational areas shall require the approval of the Management Committee."
- c. If acceptable to ARG and PARD, amend Exhibit E, Parkland Agreement to allow revenue from concessions and park events to be used in the future maintenance and improvement of the Grove parks.
- d. In light of parkland increase and items (a) and (b) above, encourage ARG and PARD to come to a mutual agreement on outstanding Parkland Agreement items and amend the Parkland Agreement accordingly.

**13. Outdoor Amplified Noise Cut-off 9 pm Su-Th, 9:30 pm F-Sa**

- a. Amend Exhibit C, Land Use Plan, Page 2 to add a new Note 19 which provides: "A person may not use or permit the use of sound equipment at a business or in the parks, plazas or other

publicly accessible gathering spaces of project after the hours of 9:00 pm Sunday through Thursday and 9:30 pm on Friday and Saturday or federal legal holiday.”

**14. Adopt Oakmont Heights Development Standards along Bull Creek Road**

- a. Amend Exhibit C, Land Use Plan, Page 1 to add a line 75 feet from Bull Creek Road beginning at along the western boundary of the Property and continuing to a point that is aligned with 42<sup>nd</sup> Street. The area within between the 75 foot line and Bull Creek Road and between the western boundary of the Property and a line perpendicular to Bull Creek Road that is aligned with the 42<sup>nd</sup> Street shall be labeled as “Additional Compatibility Zone”.
- b. Amend Exhibit C, Land Use Plan, Page 2 to add a new Note 20 which provides: “Within the “Additional Compatibility Zone” depicted on the Land Use Plan, height is limited to 35 feet and buildings facing Bull Creek Road shall have no more two attached dwelling units per building.”
- c. Amend Exhibit G; Project Design Guidelines by adding the following to Section 4.4.3:
  - d. Where residential development occurs within 75’ of the Bull Creek Road ROW within Tracts D and E, shown on the Land Use Plan as the Oakmont Compatibility Zone, the development shall meet the following additional standards:*
    - 1. *The minimum setback from the Bull Creek Road ROW for a third story shall be 35’ if the height of the building exceeds 30’.*
    - 2. *The minimum setback from Bull Creek Road ROW shall be increased to 28’ for a minimum of 50% of the total frontage (minimum setback is 25’ for the remainder per the Land Use Plan). Porches may encroach into this setback.*
    - 3. *Garages are not permitted to face Bull Creek Road.*
    - 4. *A minimum of 50% of the residential units adjacent to the Bull Creek Road ROW shall have a porch that faces the Bull Creek Road ROW.*

**15. Independent Drainage Technical Review showing “no adverse impact to Idlewild residents downstream”**

- a. Amend Exhibit C, Land Use Plan, Page 2 to add a new Note 21 which provides: “Prior to approval of storm water runoff drainage construction plans by the City, the owner shall provide a report from an independent third-party engineer, selected pursuant to the terms of a separate agreement between the owner and the Ridgelea NA, reviewing the proposed drainage plans. The third party engineer report shall review and report on whether the drainage construction plans and development proposed by the owner will not result in additional adverse flooding impact on any property within the boundaries of the Ridgelea neighborhood as provided in Chapter 25-7 of the Austin City Code and the City’s Drainage Criteria Manual.” In the event that the third-party engineer report reveals additional adverse flooding impact on any property within the boundaries of the Ridgelea neighborhood, the owner, the City and the third party engineer will resolve any concerns with the third party engineer’s report, and, the owner shall modify the construction plans as necessary to remove any such adverse impact.

**16. 10 ft. Private Drainage to Grove Property Owner’s Association**

- a. Amend Exhibit C, Land Use Plan, Page 1 to add a 10 foot "Private Drainage Easement to Grove Property Owners Association" along the western boundary of the Property adjacent to the lots on Idlewild Road.
- b. Amend Exhibit C, Land Use Plan, Page 2 to add a new Note 22 which provides: "A 10 foot private drainage easement for the benefit of a Property Owners Association managing common areas on the Property shall be provided as shown on the Land Use Plan for drainage improvements, if needed, to ensure no additional adverse impact to Idlewild residents downstream."

**17. Private Escrow Agreement with Ridgelea NA for \$50,000 Drainage Compliance Fund**

- a. ARG and its successors and assigns, and Ridgelea NA will enter into a separate Escrow and Drainage Review Agreement that will provide (i) that ARG will deposit the sum of \$50,000.00 into escrow for use by Ridgelea to pursue compliance with the standard of "no additional adverse flooding impact" on any property within the boundaries of the Ridgelea neighborhood as set forth in Chapter 25-7 of the Austin City Code and Drainage Criteria Manual, (ii) that Ridgelea NA will only have access to such funds if the owner fails to cure, or to commence to cure and thereafter diligently pursue (if such cure cannot be completed within 30 days) any alleged non-compliance within 30 calendar days of notice by the NA, and (iii) a method for selecting a mutually acceptable third party engineer to conduct the drainage review."

**18. Eliminate Connection of Jackson Ave. to 45<sup>th</sup> Street; Allow Optional Bicycle/ Pedestrian Connection**

- a. Amend Exhibit C, Land Use Plan, Page 1 as follows:
  - Modify Jackson Avenue alignment to eliminate connection to 45th Street
  - With respect to pedestrian hybrid beacon at 45<sup>th</sup> Street and Chiappero Trail change "Proposed" to "Optional (at owner's election)"
  - Eliminate notation stating "Intersection of Jackson Avenue extension and W. 45<sup>th</sup> Street shall be right-in , right-out only"
- b. Amend Exhibit E, Parks Plan as follows:
  - Modify Jackson Avenue alignment to eliminate connection to 45th Street
  - Move northernmost Primary Park Access Point from Jackson west to Bull Creek Road
  - Amend Note 8 to change "705" to "505"
- c. Amend Exhibit F, Roadway Framework Plan as follows:
  - Modify Jackson Avenue alignment to eliminate connection to 45th Street
  - Eliminate notation stating "Intersection of Jackson Avenue extension and W. 45<sup>th</sup> Street shall be right-in , right-out only"
- d. Amend Exhibit G; Project Design Guidelines as follows:
  - Pg 13: Delete Jackson extension from map
  - Pg. 17-8: Add note "4. If City Transportation staff determines that bike lanes / cycle track are not needed due to lack of Jackson Avenue connectivity, these features may be administratively removed from section and overall Street Zone may be reduced.
- e. Amend the Traffic Improvement Memo to delete all requirements of the Jackson Avenue Extension.

**19. Reduce Trip Generation to 23,000 Unadjusted ADTs, 1470 Unadjusted AM PHTs, and 2030 Unadjusted PM PHTs**

- a. Amend Part 9 of the Ordinance to add a Subpart E which provides: "Notwithstanding the approved Traffic Impact Analysis or approved Traffic Impact Memorandum in City File No. C814-2015-007, trip generation from uses within the project shall be allowed up to (i) 23,000 unadjusted average daily trips, (ii) 1,470 unadjusted AM peak hour trips, and (iii) 2,030 PM peak hour trips, all according to current ITE trip generation rates."

**20. Adopt an Additional Off-Site Sidewalk and Traffic Calming Program and Fund with a Maximum ARG Contribution of \$400,000.00 and a maximum contribution by the City of \$900,000.00**

- a. Amend Exhibit C, Land Use Plan, Page 2 to add a new Note 23 which provides: "Prior to development of the Property, the owner shall contribute \$400,000.00 in funds to implement the Off-Site Sidewalk and Traffic Calming Improvements Program approved jointly by the Austin Transportation Department, ARG and the BCRC and set forth in City Resolution No. 201612\_\_-\_\_".
- b. Council to adopt a separate resolution (City Resolution No. 201612\_\_-\_\_) on 3<sup>rd</sup> Reading which provides that the City Manager is directed to identify and allocate City funds in excess of ARG's \$400,000 contribution provided in the Grove PUD Land Use Plan for the construction of Off-Site Sidewalk and Traffic Calming Improvements approved jointly by the Austin Transportation Department, ARG and the BCRC.
- c. The Off-Site Sidewalk and Traffic Calming Improvements Program will generally include sidewalks, traffic circles, speed tables, enhanced crosswalks, high visibility pavement markings, bulbouts, and pedestrian hybrid beacons at locations within Allandale and Highland Park West Balcones Area north of the site, Oakmont Heights west of the site, Ridgelea and Bryker Woods south of the site, and Rosedale east of the site contingent on the feasibility and approval of such improvements by the Austin Transportation Department, ARG and approval of the respective Neighborhood Association(s). Approved improvements shall be constructed by ARG at cost during build-out of the development and off-site traffic improvements required in the Traffic Impact Analysis. The City shall be responsible for securing and paying for all utility relocations, right-of-way and/ or easement acquisitions, and permitting associated with the Off-Site Sidewalk and Traffic Calming Improvements Program.
- d. A tentative list of improvements requested by the BCRC to be considered for feasibility review in the Off-Site Sidewalk and Traffic Calming Improvements will be provided to City staff by December 7, 2016.