




LAW DEPARTMENT

MEMORANDUM

To: Mayor & Council
Spencer Cronk, City Manager

From: Brent D. Lloyd 
Erika López
Assistant City Attorneys

Date: January 28, 2019

Subject: **Austin Country Club – Proposed Development Terms & Conditions**

At your meeting on December 13, 2018, the Development Services Department and the Watershed Protection Department presented proposed “Development Terms & Conditions” in connection with potential approval of an agreed order to resolve litigation in *Austin Country Club v. City of Austin*, Cause No. D-1-GN-17-006525, filed in the 126th Judicial District of Travis County.

In response to feedback from Council at the December 13 meeting, staff worked with representatives of the landowner to negotiate better terms on several key provisions. These revisions are shown in the backup, which includes both redlined and clean versions of the revised Development Terms. To aid Council and the public in better understanding the key provisions, following is a summary of the major changes negotiated by staff:

1. **Wetlands Protections.** Section B of Part 2 includes a new Paragraph (v.d.) establishing wetland mitigation requirements applicable to the Property, with stated limitations to ensure compatibility with existing irrigation ponds and future golf course development.
2. **Tree Protections.**
 - Provides for protection of 60% of heritage trees located within the Golf District and 25% across the balance of the Property. This increases the level of protection provided under the prior draft, which required protection of 25% of heritage trees only within the Golf District.

- Provides limitations on new development within the critical root zone.
3. **Project Completion.** Allows for a base 30-year term, with reductions in allowable impervious cover occurring thereafter on an annual basis until maximum impervious cover is reduced to 17%. The prior draft provided a 99-year term in which Austin Country Club could complete development, after which further applications would be subject to current regulations.
 4. **Sound Protections.** Requires orienting speakers within the Marina District away from Lake Austin, in addition to compliance with current sound regulations. The prior draft only required compliance with current sound regulations.
 5. **Residential Uses in the Marina District.** Contains a new limitation on the number of residential units that could be allowed within the Marina District. Like the prior draft, the addition of residential uses would require a rezone.

Staff supports approval of the Development Terms, subject to these changes. Please do not hesitate to contact us if you have questions or concerns.

cc Anne Morgan
Mitzi Cotton
Meghan Riley
Rodney Gonzales
Andrew Linseisen
Chris Herrington