

**AUSTIN CITY COUNCIL
MINUTES****SPECIAL CALLED MEETING
TUESDAY, DECEMBER 6, 2016**

The City Council of Austin, Texas convened in a Special Called meeting on Tuesday, December 6, 2016, City Hall, 301 W. Second Street, Austin, Texas.

Mayor Adler called the meeting to order at 2:22 p.m. Council Members Garza and Zimmerman were off the dais.

Mayor Adler recessed the meeting at 4:16 p.m.

Mayor Adler reconvened the meeting at 4:16 p.m.

Mayor Adler recessed the meeting at 5:35 p.m.

ZONING & NEIGHBORHOOD PLAN AMENDMENT

1. C814-2015-0074 - The Grove at Shoal Creek PUD - District 10 - Conduct a public hearing and approve second reading of an ordinance amending City Code Title 25 by rezoning property locally known as 4205 Bull Creek Road (Shoal Creek Watershed) from unzoned (UNZ) district zoning to planned unit development (PUD) district zoning. The ordinance may include exemption from or waiver of fees, alternative funding methods, modifications of City regulations, and acquisition of property. First Reading approved on October 20, 2016. Vote: 8-2, Council Member Houston and Mayor Pro Tem Tovo voted nay; Council Member Troxclair was off the dais. Owner/Applicant: ARG Bull Creek, Ltd. (Garrett Martin). Agent: Thrower Design (A. Ron Thrower). City Staff: Sherri Sirwaitis, 512-974-3057.

The public hearing was conducted and a motion to close the public hearing and amend the Ordinance and approve the PUD zoning on second reading with conditions was approved on Council Member Pool's motion, Council Member Gallo's second on an 8-0 vote. Mayor Pro Tem Tovo, Council Members Garza and Zimmerman were off the dais.

A motion to include modifications to the Ordinance are as follows:

Part 7.B.3., amend to read "The Grove PUD shall exceed the requirements of City Code Section 25-2-1008 by irrigating 100 percent of the landscaped area required under Chapter 25-2, Subchapter C, Article 9 (Landscaping), or an equivalent landscaped area, with storm water runoff conveyed from impervious surfaces on the site."

Part 8.A., amend to read "Ten percent of the total number of multifamily rental housing development units located within the Grove PUD will be set aside for occupancy by households with incomes at 60 percent of or below the MFI, for a rental affordability period of forty years from the date the certificate of occupancy is issued. An additional 2.5 percent of the total number of

multifamily rental housing development units located within the Grove PUD will be set aside for occupancy by households with incomes at 80 percent of or below the MFI for a rental affordability period of forty years from the date the certificate of occupancy is issued. Collectively, the 12.5 % set aside under this section constitutes the “Affordable Rental Units”...

Part 8.B, amend to read “at least 5 percent of the total number of units sold as owner-occupied residential housing units located within the Grove PUD will be made permanently available at a price affordable to households with incomes at 80 percent of or below MFI. An additional 1.25 percent of the total number of units sold as owner-occupied residential housing units located within the Grove PUD will be made permanently available at a price affordable to households with incomes at 120 percent of or below MFI. Collectively, the 6.25% set aside under this section constitutes the “Affordable Ownership Units”. ...

8.B.3.A. Be sold to an income eligible household at 80 percent of or below MFI for the 5% set aside or be sold to an income eligible household at 120 percent of or below MFI for the 1.25% set aside;

8.B.3.B. Include resale restrictions that require that resale of the affordable unit must be to a household at 80 percent of or below MFI if the affordable unit was for the 5% set aside or be sold to an income eligible household at 120 percent of or below MFI for the 1.25 % set aside;

8.B.3.F. The incentive amount necessary for the Landowner to achieve the affordable housing in this ordinance is \$10,200,000.00 (the “Incentive Amount”). The Landowner will recover a portion of the Incentive Amount through S.M.A.R.T. Housing waiver of development fees. The Landowner will recover the remaining portion of the Incentive Amount through payments from the City property taxes collected from the Property above the City property taxes collected in 2016, or other lawful funding mechanism.

Part 9.A., Transportation network improvements through street construction, traffic signals, pedestrian hybrid beacons, and pedestrian and bicycle facilities shall be funded by the applicant as provided in the most recent, approved Traffic Impact Analysis Memorandum on file in City File No. C814-2015-0075.

Part 9.D., The applicant shall post fiscal security for the construction of a bicycle and pedestrian bridge crossing Shoal Creek, as described in Exhibit C: Land Use Plan. If the bridge is not constructed across Shoal Creek, then the fiscal security shall be utilized for pedestrian and bike improvements east of the Grove PUD.

Part 11.A.1., Section 25-1-21(45) (Definition of Gross Floor Area) is modified to provide that this term exclude parking structures.

New notations on the Land Use Plan concerning the applicant’s discussions with Capital Metro Sheet 1, Bus Stop Note

Sheet 2, Note 17e A minimum of two bus stops will be provided on Bull Creek Road or within the project site for a bus route located on Bull Creek Road adjacent to the project site and/or routed through the project site. ...

Correction to the Pages 17-18, Figures 3.4.3.a and 3.4.2.b. of the Design Guidelines to correct a typographical error by renumbering the second note to be note 3.

Conditions of the mediation agreement between the applicant/ARG and the Bull Creek Road Coalition Neighborhood Association, as presented on the dais:

- 1) Increase residential unit cap 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)**
- 3) Eliminate 650 unit cap on apartment/multi-family residential units**
- 4) Increase height on Tracts C, D, and F to 47 feet, except within 100 feet of Tract E**
- 5) Set cap on office development at 185,000 sq. ft.**
- 6) Eliminate cap on affordable housing square footage**
- 7) Eliminate cap on total square footage of development**
- 8) Set cap on retail/commercial development at 140,000 sq. ft.**
- 9) Set a single tenant non-office commercial cap at 35,000 sq. ft.**
- 10) Set a cap of for cocktail lounge use at 10,000 sq. ft.**
- 11) Increase credited parkland to 14.48 acres**
- 12) Ensure that the PARD and ARG Parkland Agreement contains certain provisions**
- 13) Outdoor Amplified Noise Cut-off at 9:00 p.m. on Sunday-Thursday and 9:30 p.m. on Friday-Saturday**
- 14) Adopt Oakmont Heights Development Standards along Bull Creek Road**
- 15) Conduct an independent drainage technical review showing “no adverse impact to Idlewild residents downstream”**
- 16) Provide a 10 foot private drainage easement to The Grove Property Owner’s Association**
- 17) Create a private escrow agreement with the Ridgelea Neighborhood Association for a \$50,000 Drainage Compliance Fund**
- 18) Eliminate the connection of Jackson Avenue to 45th Street, allow for optional bicycle/pedestrian connection**
- 19) Reduce trip generation to 23,000 unadjusted ADTs, 1,470 unadjusted a.m. PHTs and 2,030 unadjusted p.m. PHTs**
- 20) Adopt an Additional Off-Site Sidewalk and Traffic Calming Program and fund with a maximum ARG contribution of \$400,000 and a maximum contribution by the City of \$900,000.**

Mayor Adler adjourned the meeting at 8:15 p.m. without objection.

The minutes were approved on this the 15th day of December 2016 on Council Member Zimmerman’s motion, Council Member Gallo’s second on an 11-0 vote.