

ZONING CHANGE REVIEW SHEET

CASE: C814-2007-0009.01 **P.C. DATE:** May 13, 2014
The Terrace in Oak Hill Planned Unit Development
(formerly West 71 Office Park Planned Unit Development)

ADDRESS: 8500 State Highway 71 West **AREA:** 8.9 acres

OWNER: Michael B. Knepp
APPLICANT: Doucet & Associates (Ted McConaghy)

ZONING FROM: PUD-NP; Planned Unit Development-Neighborhood Plan
ZONING TO: PUD-NP; Planned Unit Development-Neighborhood Plan, to change conditions of zoning

NEIGHBORHOOD PLAN AREA: West Oak Hill Neighborhood
(Oak Hill Combined Neighborhood Planning Area)

STAFF RECOMMENDATION

To grant the PUD amendment, which provides for A) a land use change and new site development standards, B) new modifications to Chapter 8-25, Environment, of the Land Development Code, and C) the continuance of conditions specified in the existing PUD.

A) The following recommendations pertain to land use and site development standards of the proposed amendment:

- 1) The primary land use shall be multi-family (limited density) instead of general office;
- 2) Residential units shall be capped at 62 units, for a site density of 7 units per acre;
- 3) Site development shall equate to the following MF-1 district standards:
 - a. Front Setback: 25'; Side Yard Setback: 5'; and Rear Yard Setback: 10'; and
 - b. Maximum Building Height: 40'; and
- 4) Maximum Building Coverage shall be limited to 10%; Maximum Multifamily and Community Center Square Footage shall be 58,500; and the Maximum Floor Area Ratio shall be 0.75:1

B) The following recommendations pertain to environmental code modifications of the proposed amendment:

- 5) Realign the Critical Water Quality Zone and Water Quality Transition Zone, as defined in Land Development Code (LDC) 25-8-92(A) & (B) located along the northeast corner of the property (to be in conformance with existing City data);
 - 6) Allow for cut-and-fill in excess of LDC 25-8-341 & 342 standards for cut-and-fill between 4 and 8 feet, to a maximum of 5,000 square feet^(a);
 - 7) Allow for impervious cover on slopes in excess of LDC 25-8-301 & 302 standards for construction on slopes with a grade between 15% and 35%, to a maximum of 5,000 square feet^(b); and
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- (a) This allowance does not include areas associated with building foundation or water quality/detention ponds, areas already permitted by Code, or preclude future administrative variance requests for such cut-and-fill for sales, drainage ditches, and the like.
- (b) Specifically, impervious cover on slopes from 15% to 25% shall be limited to 0.11 acres (4,792 square feet) and from 25 to 35% shall be limited to 0.07 acres (3,049 square feet).

- 8) Allow for encroachment into a standard 50' wetland Critical Environmental Feature (CEF) setback, as per LDC 25-8-281 & 282, for an offsite CEF, by modifying the buffer and providing onsite wetland mitigation;
- C) The following conditions from the existing PUD are recommended to be carried forward in the amended PUD:
 - 9) Development is limited to that which generates less than 2000 vehicle trips per day;
 - 10) An Integrated Pest Management (IPM) plan shall be approved prior to approval of a site plan;
 - 11) A landscape plan shall be approved prior to approval of a site plan, in which plan 90% of the total plant material used, exclusive of turf, shall be native to Central Texas or on the Grow Green Native and Adapted Landscape Plants list;
 - 12) 3.34 acres of the site in proximity to Williamson Creek classified as Uplands Zone shall remain so classified;
 - 13) The downstream buffer area shall remain, but will be enlarged from from 3.37 acres to 3.75 acres; and
 - 14) The downstream buffer area shall remain undeveloped and in a natural state with the exception that water quality controls and utility crossings, as well as detention facilities, permeable trails, drainage facilities, and utility connections shall be allowed.

ENVIRONMENTAL BOARD RECOMMENDATION:

May 7, 2014

As is their policy, the Board did not take action to recommend or not recommend the entirety of the PUD amendment.

The Board recommended the following Environmental code modifications, with staff's conditions ⁽¹⁾:

1. Realign the CWQZ and WQTZ located along the northeast corner of the property, to reflect current Watershed Protection requirements and COA GIS data as of April 1, 2014;
2. Allow for additional impervious cover on slopes between 15% and 35%;
3. Realign the existing downstream buffer area and increasing it from 3.37 to 3.75 acres ⁽²⁾.

The Board did not recommend the following Environmental code modifications, which also came with staff conditions:

1. Allow for additional cut-and-fill between 4 and 8 feet; and
2. Allow for realignment of/encroachment into the standard 50' setback from an offsite Critical Environmental Feature.

(1) If the Motion sheet specifying the Board's recommendation and justification is available prior to the Planning Commission Meeting on May 13, 2014, it will be provided (and incorporated herein as Exhibit E-5).

(2) This is technically not a Code modification as there is no requirement for a "downstream buffer area." However, the Board recommended this reconfiguration from the existing PUD.

PLANNING COMMISSION RECOMMENDATION:

To be considered May 13, 2014

DEPARTMENT COMMENTS:

The subject tract is a 8.9-acre parcel along State Highway 71 West, approximately 1.15 miles beyond the "Y" in Oak Hill; it lies north of SH 71 W, south of Old Bee Caves Road, and just to the west of Fletcher Lane (see Exhibits A). Apartments are located to the west and north. A convenience store is immediately to the east, next to Fletcher Lane, and manufactured housing communities are established to the east. Across SH 71 to the south is a mix of offices and condos, with a mixed use, religious-oriented, development under construction. The site is undeveloped, and can be characterized as having both a large number of trees and topographic variance.

The existing Planned Unit Development (PUD) ordinance (see Exhibit B) was approved in 2007, prior to the adoption of the ordinance identifying requirements under a Tier 1 and Tier 2 criteria scheme. At that time, the property was zoned rural residence (RR) and the applicant proposed development of four office buildings. The adopted PUD, which allows for general office uses, included two code modifications: 1) that a PUD be approved for less than 10 acres; and 2) that a portion of the water quality transition zone (WQTZ) along the southern property line be classified as Uplands zone.

At that time PUD zoning was sought because it would better address actual drainage patterns that existed on the ground. Williamson Creek lies on the opposite (southern) side of SH71, and although the property is within 100-300 feet of the waterway's centerline, runoff from the site is prevented from draining directly to that portion of the creek by the height of the roadway. Instead, runoff drains to an unnamed tributary of the creek located at the northeast corner. This topography and drainage pattern justified the code modification of the existing PUD.

The resulting PUD also provided a greater buffer in the uplands zone than would otherwise be required under standard office district zoning. The PUD included integrated pest management (IPM) and native landscaping, and development would adhere to SOS water quality standards, in addition to compliance with all regulations for the critical water quality and transition zones for that portion of the creek to which the property actually drained. Because of these conditions, staff determined that a higher level of environmental protection was provided than would otherwise be achieved under conventional office zoning.

The proposed PUD amendment with its Land Use Plan (see Exhibit C) involves a number of changes, but maintains the current provisions relating to IPM, landscaping, and provision of a downstream buffer area. The proposed changes to the PUD center around a land use change and modifications to the land development code as relates to environmental concerns.

The proposed land use change is from a base district of general office to multifamily, and ostensibly to limited-density multifamily. As proposed, a maximum of 62 residential units on this site would equate to a density of approximately 7 units/acre (6.966), less than the 17 units/acre permitted under MF-1 zoning, which is the least intense multifamily residential zoning district. Similarly, the proposed maximum height (40') and building setbacks reflect MF-1 site development standards; in comparison, the current PUD allows for a maximum height of 60 feet and the less restrictive general office-district standards for setbacks. Given

the scope and scale of the proposed multifamily development, it was determined that a neighborhood plan amendment was not required (see Exhibit N).

While the maximum building and impervious cover for an MF-1 district-zoned project would normally be 45% and 55%, respectively, because of the site's location, impervious cover is limited to 25%. As proposed, building coverage is limited to 10% of the gross site area, and impervious cover to 17.49%. However, because of these coverage limitations, this does increase the floor-area-ratio to 0.75:1, which is more akin to an MF-3 standard.

The downstream buffer area is carried forward in the proposed amendment, and in fact, is enlarged by at least 0.4 acres. As currently envisioned, the buffer area would be 3.75 acres (see Exhibit D-6). Acknowledging that this buffer area might be modified as the final site plan is developed, the minimum area of the buffer would be 3.745 acres, but it could potentially be enlarged further. That minimum acreage still represents a 12.28% increase over the existing PUD's downstream buffer area. The utility connections, drainage facilities, and permeable walking trails proposed in the buffer area are either already allowed in the PUD or allowed by current code. There is no expansion of the permitted infrastructure uses, but there is a clarification of PUD verbiage in light of uses specified in the existing PUD; nonetheless, this area is to remain largely in its natural and undisturbed state.

There are additional requests with the proposed amendment for code modifications as relates to realigning the Water Quality Transition and Critical Water Quality Zones, allowing for additional cut-and-fill between 4 feet and 8 feet, and allowing for additional impervious cover on moderate slopes. For discussion of these items and for staff's recommendations regarding them, please refer to the attached Memo from Mike McDougal (see Appendix).

On a procedural note, this PUD was processed and approved in 2007, prior to adoption of the current PUD ordinance which sets out the Tier 1 and Tier 2 criteria for superiority and mandates a presentation to the Environmental Board. Consequently, the existing PUD was approved by the Planning Commission and approved on First Reading by the City Council; but the Council then directed staff to brief the Environmental Board prior to Council's final consideration of the application. The Environmental Board approved the PUD's variance, with conditions (see Exhibit E), and the Council subsequently granted PUD zoning.

Although current PUD requirements require demonstrable superiority along a number of thematic elements, environmental stewardship among them, this PUD amendment stills falls under the old rules – to a point. Given the nature of the code modifications sought initially and today, it is appropriate that the Environmental Board review the application. Modifications of the Code to allow cut-and-fill in excess of 4 feet, to allow additional impervious cover on moderate slopes, or to adjust a setback from a critical environmental feature, among others, is the purview of the Environmental Board, and if not approved in association with this amendment would otherwise be presented as variance requests at the time of site planning.

As discussed in the Staff Recommendation section below and in the attached Appendix, City of Austin staff support the proposed land use change, site development standards, and other PUD amendment items. Staff is of the opinion that this proposal is environmentally superior to what could be developed under conventional multifamily zoning, or even the general office zoning under the existing PUD.

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Moreover, while there are modifications to the LDC sought in this amendment, the applicant has offered to waive the standard language that would allow compliance with the rules, regulations and ordinance in effect on the date of the original 2007 ordinance. In other words, the applicant is foregoing any entitlements or grandfathering under previous approvals. Moving forward, with the exception of the items noted in the proposed PUD amendment, development of the site must comply with current code requirements, including the Heritage Tree ordinance and recently updated watershed protection ordinance.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	PUD-NP	Undeveloped
West	LO-NP; GR-NP	Multifamily Residential (Estancia Apartments); COA Fire Station, CommunityCare and Travis County Community Services (Cuestra Center Office)
East	LR-NP; MH-NP	Convenience Store; Fletcher Lane; Manufactured Housing Park
North	MF-1-NP	Multifamily Residential (Southwest Trails Apartments)
South	MF-1-NP; LO-CO-NP; LR-NP	Multifamily Residential (Covered Bridge Condominium); Multiuse Site (Religious assembly with indoor sports/classrooms and associated residence)

AREA STUDY: Oak Hill Study Area / Oak Hill Neighborhood Plan

WATERSHED: Williamson Creek – Barton Springs Zone

DESIRED DEVELOPMENT ZONE: No

HILL COUNTRY ROADWAY: No

TIA: Not Required (PUD already limited to less than 2000 vehicle trips per day)

NEIGHBORHOOD ASSOCIATIONS & COMMUNITY ORGANIZATIONS:

COMMUNITY REGISTRY NAME	REGISTRY ID
Oak Hill Association of Neighborhoods	298
Wynnrock Area Neighborhood Assn.	459
City of Rollingwood	605
Austin Independent School District	742
Save Our Springs Alliance	943
Thomas Springs Alliance	1033
Homeless Neighborhood Organization	1037
Bike Austin	1075
Oak Hill Neighborhood Planning Contact Team	1166
Super Duper Neighborhood Objectors and Appeals Organization	1200
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Covered Bridge Property Owners Association, Inc.	1318
Austin Heritage Tree Foundation	1340
Oak Hill Trails Association	1343
SEL Texas	1363
Gardens at Covered Bridge HOA	1415

SCHOOLS:

Austin Independent School District

Oak Hill Elementary School

Small Middle School

Austin High School

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ABUTTING STREETS & TRANSIT:

Name	ROW	Pavement	Classification	Sidewalk	Bus Service	Bicycle Route/Plan
State Highway 71 West	150 Feet	60 Feet	Major Arterial	No	Yes (a)	Yes (b)

(a) Route 333, William Cannon, extends to Covered Bridge & SH 71. Route 171, the Oak Hill Flyer, extends to Silver Mine & SH 71.

(b) The Y at Oak Hill/SH 71 Tail (Route 918) is a proposed Multi-Use Path extending from the Y to Silvermine Drive, per the 2009 Bicycle Plan. Fletcher Lane, between Old Bee Caves and SH 71, is designated as a shared lane (for Route 109.05). Old Bee Caves currently has a wide curb, but a bike lane is recommended (for Route 180.03) in the Plan. Silvermine Drive, from south of SH 71 to Scenic Brook is designated as a wide curb (109.06).

SUBJECT TRACT CASE HISTORY:

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
C14-00-2001	I-RR to RR	Recommended; 03/12/2000	Approved; 05/20/2000
C814-2007-0009	RR to PUD	Recommended; 05/22/2007	Approved; 07/26/2007

The City Council approved the application on First Reading on June 21, 2007, but directed staff to take the application to the Environmental Board for a briefing. On July 18, 2007, the case was presented to the Environmental Board at which time it was conditionally approved (see Exhibit E). Given that a site plan was never submitted under the current PUD and the site remains undeveloped it is unknown to what extent the Board's conditions were pursued by the previous applicant.

With the adoption of the West Oak Hill Neighborhood Plan (C14-2008-0125) in December 2008, the NP designation was appended to this and other properties in the area.

AREA CASE HISTORIES:

Much of the property in this area was zoned in the late 1980s as a result of the Oak Hill Area Study, which commenced in 1985. Most, but not all, of the rezoning tracts were encumbered by a public restrictive covenant that specified maximum impervious cover, the number of residential units per acre, or specified site development standards such as building height or floor to area ratio. Compared with current requirements in this area, these restrictions, such as 50% or 65% maximum impervious cover, may be considered generous entitlements.

NUMBER	REQUEST	LAND USE COMMISSION	CITY COUNCIL
North of State Highway 71			
Old Bee Cave & Weir Road (~52 acres)	I-RR to MH-CO	Recommended 08/11/1998	Approved 12/10/1998 (co limits units/acre; < 2000

C14-98-0091			vtd & ROW dedication)
8017 Old Bee Caves (~8 acres) C14-85-288.163	I-RR to MF-1		Approved 07/30/1987 (RC limits units/acre, 50% imp cover, & prohibits dev on steep slopes)
8220 SH 71 W (~22 acres) C14-2008-0125	DR to MH-NP	Recommended 07/22/2008	Approved 12/11/2008
8400-8420 Old Bee Cave (~19.5 acres) C14-85-288.41	I-RR to LR and MF-1		Approved 03/24/1988; RC sets site development standards
8400-8420 Old Bee Cave (5.23 acres) C14-99-0101	LR to MF-1-CO	Recommended 06/29/1999	Approved 07/22/1999 (CO restricted imp cov)
C14-00-2088	MF-1-CO to MF-1	Recommended 06/13/2000	Approved 06/22/1991
8700-8730 SH 71 W C14-85-288.118	RR to GR (23 ac); RR to LO (2.2 ac); RR to MF-1 (8 ac)		Approved 01/07/1988; RC sets site development standards
8501-8635 Old Bee Cave (~40 acres) C14-00-2104	I-RR & RR to MF-1-CO	Recommended 07/11/2000	Approved 11/30/2000
8800 Sky Mountain (~ 9 acres) C14-2011-0038	RR-NP to MF-1-NP	Recommended 07/12/2011	Approved 08/18/2011
South of State Highway 71			
8203 SH 71 W C14-85-288.92	I-RR to LO		Approved 07/02/1987 (RC specifies FAR)
8217-8237 SH 71 W C14-85-288.33	I-RR to LR		Approved 06/05/198 (RC limits imp. cover & FAR)
8301 SH 71 W C14-85-288.100	I-RR to LR		Approved 02/26/1987 (RC limits imp. cover & FAR)
SH 71 W at Silvermine (east & west; ~88 acres) C14-85-288.a	I-RR & I-SF-2 to RR, SF-1, SF-3, & MF-1		Approved 06/11/1987
8423 SH 71 W C14-02-0153	I-RR to LR	Recommended Indefinite Postponement	Application Expired
8423 SH 71 W C14-04-0071	I-RR to LO-CO	Recommended 08/03/2004	Approved 03/03/2005 (CO limits to < 2000 vtd)
8431 & 8437 SH 71 W (~51 acres) C14-00-2005	IRR to RR	Recommended 03/21/2000	Approved 04/20/2000
8437 SH Hwy 71 W (~45 acres) C14-2007-0065	RR to SF-2-CO	Recommended 09/25/2007	Approved 12/06/2007 (CO limits to <2000 vtd; 90 residential units; & max 2 residential units/acre)
8423 SH 71 W	MF-1 to GR-	Recommended	Approved 02/25/1999

C14-98-0223	CO	01/19/1999	
6714 Covered Bridge (Covered Bridge PUD; ~ 38 acres) C814-2012-0055	GR-NP, BR- CO-NP, MF-1- NP, SF-6-NP, & RR-NP to PUD	Recommended 01/22/2013	Approved 03/07/2013
C814-2012-0055.01	PUD-NP to PUD-NP	Recommended 09/24/2013	Approved 10/03/2013 (increased building coverage on two Tracts from 100,000 to 150,000 square feet)
C814-2012-0055.02	PUD-NP to PUD-NP	Scheduled 03/11/2014	Scheduled for 04/10/2014 (reassign multifamily units across tracts; increase building height)

CITY COUNCIL DATE:

Scheduled for consideration June 12, 2014

CITY COUNCIL ACTION:**ORDINANCE READINGS:** 1st 2nd 3rd**ORDINANCE NUMBER:****CASE MANAGER:** Lee Heckman**PHONE:** 974-7604

e-mail address: lee.heckman@austintexas.gov

C2/a

STAFF RECOMMENDATION

C814-2007-0009.01

Staff recommends adoption of the proposed PUD amendment as listed on Pages 1 & 2 of this document.

BACKGROUND

The subject tract is currently zoned PUD-NP. The Planned Unit Development (PUD) district zoning, as a district, is intended for a large or complex single or multi-use development that is planned as a single contiguous project and that is under unified control.

A PUD is seen as a mechanism to implement the goals of preserving the natural environment, encouraging high quality development and innovative design, and ensuring adequate public facilities and services. The intent of PUD district zoning is to produce development that achieves these goals to a greater degree than what would otherwise be required under conventional zoning regulations. In short, a PUD is intended to result in superior development.

The current proposal is not a new PUD; it is an amendment to the existing PUD, and the resulting zoning designation would remain PUD-NP. At the time this PUD was approved in 2007, the criteria for Tier 1 and Tier 2 superiority were not yet adopted. Today's PUD applications must meet all Tier 1 criteria and an unspecified number of Tier 2 criteria (ranging from environmental themes, to transportation, to community benefits and more) in order to be considered superior; ultimately the City Council determines whether a proposal is superior and whether to grant PUD zoning.

The 2007 PUD included two explicit code modifications: first, to allow PUD zoning on a tract of less than 10 acres; and second, to allow 3.34 acres of the property associated with Williamson Creek to be classified as Uplands Zone. Then, and now a Tier 1 requirement, is that a site includes at least 10 acres for a PUD, unless the property is characterized by special circumstances, including unique topographic constraints. The site was 8.9 acres when the current PUD was approved; the site has not changed size or configuration, and remains 8.9 acres. Nor has it become less topographically constrained. There is no request to re-grant or reaffirm PUD district zoning to a tract that is less than 10-acres, as such as already been granted.

The second explicit request was to classify a portion of the water quality transition zone (WQTZ) associated with Williamson Creek to be classified as Uplands zone. Williamson Creek lies across SH 71, and though the southern portion of the site is within 100-300 feet of the Creek's centerline, and thus in the WQTZ, the height of the built roadway prevents drainage from the site into the Creek. Instead, the site drains to an unnamed tributary towards the east. The adopted PUD complied with all regulations regarding the Critical Water Quality Zone (CWQZ) and WQTZ for the segment of the creek to which the site actually drains. Additionally, the PUD provided a greater buffer in the uplands zone than otherwise required, adhered to SOS water quality standards, and included integrated pest management planning and native landscaping requirements.

The current proposal carries forward the grant to reclassify the Williamson Creek WQTZ to Uplands Zone (see Exhibit D-2). The underlying logic remains the same – that the site does not drain to Williamson Creek. There is still WQTZ and CWQZ acreage on site, but it pertains to the unnamed tributary along the northeastern corner. As proposed, the amended PUD would contain 0.75 acres of WQTZ and 0.38 acres of CWQZ, totaling 1.13

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acres, an update reflecting current City GIS data and the definition of such zones in the LDC.

Associated with the tributary along this side of the site, a buffer area of 3.37 acres was established in 2007. This "downstream buffer area" was to remain undeveloped and in its natural state with the exception that water quality controls and utility crossings would be permitted. This downstream buffer area will continue with the proposed amendment, with a proposal to increase the buffer area to a minimum of 3.75 acres, and to clarify that utility connections, permeable walking trails, and drainage and detention facilities are allowed in the buffer area.

Lastly, the PUD amendment would allow for additional cut-and-fill between 4 feet and 8 feet (see Exhibit D-4), allow for additional impervious cover on moderate slopes (see Exhibit D-5), allow for the realignment of Water Quality Transition and Critical Water Quality Zones in the northeast corner of the site as noted above (see Exhibit D-2 & D-3), and allow for modification of the standard setback from an offsite wetland critical environmental feature (Exhibit D-1).

BASIS FOR RECOMMENDATION

Zoning should promote clearly-identified community goals, such as creating employment opportunities or providing for affordable housing.

Although there are no guarantees regarding the end user of a multifamily community on this site, it is well-known that Foundation Communities is seeking funding to develop the site. The City Council, as the Board of Directors for the Austin Housing Finance Corporation, on February 13, 2014 approved a loan in the amount of \$1.25 million for a 58-unit affordable, multi-family rental development at this site. This loan, of course, is subject to the award of tax credits from the State.

Foundation Communities serves individuals and families between 30-60% Median Family Income (MFI), and typically provides rental units, along with various support services and job training. For this particular site, Foundation Communities provided information to the City Council indicating it would provide 20% of the units to those at or below 30% MFI, 20% of the units to those at or below 40% MFI and the remainder to those at or below 50% MFI. In addition, 6 of the units would be accessible for persons with mobility disabilities, and at least 2 units would be accessible for persons with hearing and sight disabilities.

Not all of Foundation Communities' suite of supportive services for residents can fit onto this site, given its size and environmental development constraints. However, Foundation Communities owns and operates Southwest Trail Apartments, which is immediately adjacent to the north and east of this tract. As envisioned, the two sites could be connected and the creek area which separates them could become a new focal point and amenity.

Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.

This tract is surrounded by multifamily zoning and land uses. Foundation Communities' Southwest Trails Apartment community is to the north, the market-rate Estancia Apartments are to the west. A relatively large mobile home community lies to the east, both north and

south of Old Bee Caves Road. To the south, on the opposite side of SH 71, is the Covered Bridge PUD, which includes condominiums. A phased mixed-use project (including religious assembly/fellowship hall, indoor sports, classrooms, and residential uses) is under development immediately across SH 71 from the subject tract. There are some commercial and office uses in the area, including a service station immediately to the east. However, the majority of land uses in the area is residential, and it's mostly not single-family residential. In this context, the proposed amendment, which would allow multifamily use, is appropriate and certainly compatible. Arguably, the proposed multifamily use is more compatible with contemporary surrounding land uses than the general office uses proposed by the existing PUD.

Zoning should promote the goal of environmental protection.

The original 2007 PUD was based on environmental protection. While the PUD granted a justified reclassification of acreage from Water Quality Transition Zone to Uplands (thus making it eligible for development), the PUD also set aside over 3.34 acres as a downstream buffer area (increased acreage in the proposed amendment). Staff supports the additional code modifications requested, having determined the entire proposal will result in a development superior to that allowed under the current PUD, or under conventional multifamily zoning (see Appendix for additional discussion on environmental concerns, proposed modifications to the Land Development Code, and staff recommendations).

Zoning should allow for a reasonable use of the property.

The current PUD was fashioned so as to allow general offices uses in a manner that respected the environmental characteristics of the site. Those characteristics, be they trees, steep slopes, unique drainage patterns, presence of an unnamed tributary, are all still onsite, and make the site unique. But these characteristics, which can be seen as amenities, also means development of the site will be environmentally challenging, and thus serve as a constraint to unbridled development. The current PUD was adopted because it promoted environmental protection while allowing a reasonable use on (part of) the site.

The same is the situation today with the proposed amendment.

From a land use perspective, staff is of the opinion that multifamily use at this location is reasonable and recommends granting the request. That the expected – but not guaranteed – end user of the site would develop affordable housing and already has such a facility immediately north of the subject tract, bolsters staff support of the request. At the same time, the site development standards contained within the PUD amendment ensure that the site is not overbuilt, and essentially reflects limited-density multifamily (MF-1) development.

Furthermore, staff thinks the environmental safeguards and requirements in the proposed amendment ensure that the project would be developed in a manner that remains environmentally superior to what could be achieved under conventional multifamily district zoning, the land use proposed, or what could be built under the current PUD's general office uses and standards.

EXISTING CONDITIONS & REVIEW COMMENTS

Current Conditions

The subject tract is undeveloped. Environmental constraints to development include its location in the Barton Springs and Aquifer Contributing Zones, as well as critical water quality zone and water quality transition zone areas. It has a terrain that slopes, significantly in some areas, and numerous trees, some of which are protected. Critical environmental features on and offsite impact the property.

Austin Energy, Green Building Program (RM)

AE would prefer that the rating requirement be 2 stars.
Other than that, no comments.

PDR Comprehensive Planning Review (KF)

PUD-GO-NP (general office) to PUD-MF-2-NP (multi-family)

The zoning case is located on the north side of Hwy 71 and is located within the boundaries of the Oak Hill Combined Neighborhood Planning Area. This vacant property is approximately 8.9 acres in size and is bordered by vacant land and an apartment complex to the north-northeast; Hwy 71 and its associated easement to the south; a gas station and Fletcher Lane to the east; and vacant land to the west, which is bordered by two multi-family apartment complexes. The proposed use is a clustered multi-family apartment complex. The developer proposes to construct this project in a cluster so that it is situated away from the existing Critical Water Quality Transition Zone and Water Quality Transition Zone.

The Oak Hill Combined Neighborhood Plan

The Oak Hill Combined Neighborhood Plan Future Land Use Map designates this portion of Hwy 71 as '**Neighborhood Mixed Use**' which is intended for a mix of small-scale neighborhood commercial and small to medium density land uses, including multi-family residential up to MF-2 zoning district. Multi-family and office are considered comparable uses (urban to urban). The following actions are taken from the Oak Hill Combined Neighborhood Plan:

- **4.A.1a**—Consider implementation of policies recommended in the Regional Water Quality Protection Plan for the Barton Springs Segment of the Edwards Aquifer and Its Contributing Zone. Regional land development regulations designed to protect sensitive recharge and contributing zone areas of the Edwards Aquifer would help achieve regional and local water quality goals. Note: Some property owners represented on the Oak Hill Contact Team believe land use regulations should be applied on a regional level; if a certain land use is restricted in Oak Hill's recharge zone, they feel that land use should be restricted in other recharge areas as well. (p 36)
- **8.A2c**—Whenever possible, new housing developments should be located where existing services and infrastructure exist. Their appearance and density should be appropriate to its environment and compatible with surrounding uses. (p 126)

- **9.C.2 b—Encourage developers to explore clustered development as an option, since it provides sufficient housing units while maintaining and preserving considerable amounts of open space. (p 135)**

Imagine Austin

The property is also located within the boundaries of the Barton Springs Contributing Zone, and is .33 miles away from the western boundary of an '**Activity Centers for Redevelopment in Sensitive Environmental Areas**' as identified on the Imagine Austin's Growth Concept Map, found in the Imagine Austin Comprehensive Plan (IACP). An aquifer contributing zone is an area where runoff from precipitation flows to the recharge zone of an aquifer. Streams in the contributing zone flow downstream into the recharge zone and "contribute" water to the aquifer.

Regarding development and redevelopment, the overall goal of the IACP is to achieve 'complete communities' across Austin, **where housing, services, retail, jobs, entertainment, health care, schools, parks, and other daily needs are within a convenient walk or bicycle ride of one another.** This property is within the "Other Development within City Limits" Growth Concept Map category. Page 107 of the IACP states, "While most new development will be absorbed by centers and corridors, development will happen in other areas within the city limits to serve neighborhood needs and create complete communities. **The design of new development should be sensitive to and complement its context.** The Growth Concept Map not only guides where Austin may accommodate new residents and jobs but also reflects the community intent to direct growth away from environmentally sensitive areas including, **but not limited to, the recharge and contributing zones of the Barton Springs segment of the Edwards Aquifer, and to protect the character of neighborhoods by directing growth to areas identified by small area plans.**"

The following Imagine Austin policies are taken from Chapter 4 of the IACP, which specifically discusses infill development, including over environmentally sensitive land:

Environmental Policies

- **CE P2.** Conserve Austin's natural resources systems by limiting development in sensitive environmental areas, including the Edwards Aquifer, its contributing and recharge zones, and endangered species habitat.
- **LUT P21.** Ensure that redevelopment in the Edwards Aquifer's recharge and contributing zones maintains the quantity and quality of recharge of the aquifer.
- **LUT P22.** Protect Austin's natural resources and environmental systems by limiting land use and transportation development in sensitive environmental areas and preserving areas of open space.

Complete Community Policies

- **LUT P4.** Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.
- **LUT P5.** Create healthy and family-friendly communities through development that includes **a mix of land uses and housing types** and affords realistic opportunities for

02/14

transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

- **N P1.** Create complete neighborhoods across Austin that have a **mix of housing types and land uses**, affordable housing and transportation options, and access to schools, retail, employment, community services, and parks and recreation options.

Based on this property being: (1) adjacent or near three other multi-family apartment complexes, which abut Hwy 71; (2) located in a 'Neighborhood Mixed Use' area as identified on the Future Land Use Map of the Oak Hill Combined Neighborhood Plan, which supports multi-family housing; and (3) the Imagine Austin policies referenced above, which encourages complete communities and infill development, including multi-family housing, staff believes that this housing project is supported by the Imagine Austin Comprehensive Plan as long as environmental ordinances are considered and enforced.

PDR Drainage Engineering Review (MD)

RELEASE OF THIS APPLICATION DOES NOT CONSTITUTE A VERIFICATION OF ALL DATA, INFORMATION, AND CALCULATIONS SUPPLIED BY THE APPLICANT. THE ENGINEER OF RECORD IS SOLELY RESPONSIBLE FOR THE COMPLETENESS, ACCURACY, AND ADEQUACY OF HIS/HER SUBMITTAL, WHETHER OR NOT THE APPLICATION IS REVIEWED FOR CODE COMPLIANCE BY CITY ENGINEERS.

This project is located at 8500 WSH 71 and is within the Williamson Creek watershed(s), which are classified as Barton Springs Zone. This project is located within the Edwards Aquifer Contributing Zone.

DE1. No comments

Austin Energy Electric Review (DL)

EL 1. No objection to the proposed change in land use.

EL 2. FYI: Ernie Salinas at ph. 512-505-7667 is the initial Austin Energy contact for electric service design.

EL 3. FYI: Any relocation of existing electric facilities shall be at developer's expense.

NPZ Environmental Review (MM)

See attached Appendix.

PDR Fire Review (RC)

Project must comply with the 2009 International Fire Code, detailed review to be done by AFD at Site Plan review.

PDR Flood Plain Review (DM)

NO COMMENTS

PDR Heritage Tree Review (KM)

No review at this time.

PARD Planning and Design (MS)

The provision of a pervious trail and open space as currently proposed is acceptable.

PDR Site Plan Review (CB-H)

SITE PLAN REVIEW OF ZONING CASES

SP 1. FYI - This site is located in the West Oak Hill Neighborhood Plan. Please see the City's website <http://www.austintexas.gov/department/neighborhood-planning> for a copy of the recommended design guidelines.

SP 2. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

PDR Transportation Review (SJ)

The plan complies with all applicable transportation requirements.

PDR Austin Water Utility Review (BB)

WW1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. Each lot in the P.U.D. shall have separate wastewater taps, separate water meters, and their respective private water and wastewater service lines shall be positioned or located in a manner that will not cross lot lines. No lot shall be occupied until the structure is connected to the City of Austin water and wastewater utility system. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

WW2. Based on current public infrastructure configurations, it appears that service extension requests will be required to provide adequate water service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact Phillip Jaeger with the Austin Water Utility, Utility Development Services at 625 E. 10th St., 7th floor. Ph: 512-972-0232.



C2/16

MEMORANDUM

TO: Dave Anderson, Chairperson
Members of the Planning Commission

FROM: Mike McDougal, Environmental Review Specialist Senior
Planning and Development Review Department

DATE: May 7, 2014

SUBJECT: Terrace in Oak Hill (Formerly called West 71 Office Park)
Planned Unit Development Ordinance Number 20070726-104

Proposed PUD Revision

The applicant has requested revisions to Planned Unit Development Ordinance Number 20070726-104, approved in 2007. The Environmental Board Motion and Minutes applicable to the 2007 PUD Ordinance are attached as Exhibits E-1 & E-2 Environmental Board Motion 2007 and Exhibits E-3 & E-4 Environmental Board Minutes 2007.

Summary of Staff Recommendations

A full review of Staff recommendations is provided on Pages 6 & 7 of this report. In brief, Staff supports the following PUD Ordinance revisions:

- Site plans submitted under the revised PUD will be subject to current Land Development Code;
- Cut / fill from 4 to 8 feet will be permitted in an area not to exceed 5,000 square feet;
- 7,841 square feet of impervious cover will be permitted on slopes from 15% to 35%;
- The revised downstream buffer will increase from approximately 3.37 acres to approximately 3.75 acres;

- C2/17
- Trails may be located in the downstream buffer provided that the trails are constructed of permeable materials installed over non-compacted base; and
 - Encroachment into the setback of wetland Critical Environmental Feature 'W2' will be permitted; the applicant will provide wetland mitigation planting.

These revisions to the approved PUD will provide for greater environmental benefit. Development will comply more fully with current Land Development Code requirements.

Property Location

The Terrace in Oak Hill consists of a single 8.9 acre lot. The property is located at 8500 West State Highway 71 (Exhibit A-4 Driving Directions). Adjacent uses include undeveloped land, multi-family, government, single family, religious, and commercial such as fast food, medical, financial services, insurance, and retail (Exhibit A-0 Vicinity and Zoning Map and Exhibit A-1 Aerial with Zoning).

Watershed Data

The property is located in the Williamson Creek Watershed (Barton Springs Zone classification) and is located within the Edwards Aquifer Contributing Zone. Surface water generally drains southeasterly across the site (Exhibit A-2 Aerial with Contours and Creeks). The property is located within the Uplands Zone, the Water Quality Transition Zone, and the Critical Water Quality Zone. The fully developed 100 year floodplain is located adjacent to the property. Classified waterways are located on and adjacent to the property (Exhibit A-3 Aerial with Creeks and Zones).

Jurisdictional Data

The property is within the City of Austin full purpose jurisdiction. For additional zoning information, please refer to Appendix A - Report by City of Austin Planner Senior Lee Heckman.

Trees / Property Area / CEFs

The trees consist of mostly of live oak, cedar (ashe juniper), and cedar elm of various size (Exhibit D-0 Tree and Topography Survey). Heritage trees are located on this property.

The gross site area is 8.9 acres; excluding the provisions established in the 2007 PUD the net site area is approximately 4.1 acres. According to current City of Austin GIS data, there are approximately 0.4 acres of Critical Water Quality Zone and approximately 4.3 acres of Water Quality Transition Zone on this property. The majority of the slopes onsite range from 0 to 15%; slopes in excess of 15% comprise approximately 0.3 acres of the property.

Two wetland Critical Environmental Features (W2 and W3) have been identified (Exhibit D-1 Critical Environmental Features). Wetland Critical Environmental Feature W2 is located offsite, wetland Critical Environmental Feature is located on the property.

C2/18

Existing and Proposed Development

The property is currently undeveloped. The applicant proposes to amend the existing PUD Ordinance to allow for multi-family development (Exhibits B-1 through B-10 Existing Ordinance).

Ordinance Background

PUD Ordinance Number 20070726-104 was approved on July 26, 2007, and became effective of August 6, 2007 (Exhibits B-1 through B-10 Existing Ordinance). Excerpts of this Ordinance modifying environmental regulations applicable to this property per Land Development Code Section 25-8 (Comprehensive Watershed Ordinance) and the Environmental Criteria Manual follow:

1. Ordinance Number 20070726-104, Part 2: "Except as otherwise specifically provided by this ordinance and land use plan, all other rules, regulations and ordinances of the City in effect on the effective date of this ordinance apply to the PUD."
2. Ordinance Number 20070726-104, Part 4.B: "Section 25-8-483 (*Water Quality Transition Zone*) is modified to allow a 3.34 acre portion of the Property associated with Williamson Creek and identified on the Land Use Plan to be classified as Uplands Zone."
3. Ordinance Number 20070726-104, Part 4.H: "...an Integrated Pest Management Plan (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval."
4. Ordinance Number 20070726-104, Page 4.I: "...a landscape plan shall be submitted to the Watershed Protection and Development Review Department for review and approval."
5. Ordinance Number 20070726-104, Part 4.J: "The buffer area portion of the property...is to remain undeveloped and in a natural state with the exception that water quality controls and utility crossings may be constructed in the buffer area portion of the property."

Proposed PUD Ordinance Revisions

As part of the proposed development revision from office to multi-family construction, the applicant proposes to modify the approved Ordinance Number 20070726-104 (with regard to the requirements established in LDC 25-8) as follows:

1. Realign the CWQZ and WQTZ located along the northeast corner of the property, reference LDC 25-8-92(A) and LDC 25-8-93(B) of the Watershed Protection Ordinance (i.e., current Code)¹;

¹ Staff recommends that the revised Ordinance and the proposed development be subject to the Watershed Protection Ordinance (current Code) rather than the Comprehensive Watershed Ordinance. Therefore, current Code references have been provided in the Proposed PUD Ordinance Revisions section of this report.

C2/19

2. Allow for cut / fill up to 8 feet, reference LDC 25-8-341 / 342 of the Watershed Protection Ordinance;
3. Allow for construction on slopes up to 35%, reference LDC 25-8-301 / 302 of the Watershed Protection Ordinance;
4. Alter the downstream buffer as described in Ordinance 20070726-104, downstream buffers are not required by the Land Development Code – no Land Development Code reference; and
5. Adjust the 50 foot Critical Environmental Feature setback, reference LDC 25-8-281 / 282 of the Watershed Protection Ordinance.

A description of the above proposed revisions follows.

Realign the CWOZ and WQTZ Located Along the Northeast Corner of Property

The unnamed waterway located at the northeast corner of the property (Exhibit A-3 Aerial with Creeks and Zones) is classified as a minor waterway (drainage area of at least 64 acres but no more than 320 acres). A minor waterway in the Barton Springs Zone Watershed classification has a Critical Water Quality Zone with boundaries defined as the fully developed 100 year floodplain provided that the Critical Water Quality Zone extends at least 50 feet from the waterway centerline but not more than 100 feet from the waterway centerline (i.e., the Critical Water Quality is defined by the floodplain but the Critical Water Quality Zone must be between 50 and 100 feet wide). In addition, this waterway has a Water Quality Transition Zone parallel to and extending 100 feet outward from Critical Water Quality Zone.

Based on a review of current City of Austin GIS data, the minor waterway located at the northeast corner of the property has a 50 foot wide Critical Water Quality Zone and a 100 foot wide Water Quality Transition Zone. However, the approved 2007 Land Use Plan (Exhibits B-1 through B-10) shows the Critical Water Quality Transition Zone and the Water Quality Transition Zone to each have a 100 foot width. These boundaries as shown on the approved 2007 Land Use Plan do not coincide with current City of Austin GIS data.

Therefore, the applicant proposes to revise the Critical Water Quality Zone and Water Quality Transition Zone of the unnamed waterway located at the northeast corner of the property (Exhibit D-2 WQTZ Reclassified and Exhibit D-3 CWQZ Reclassified) to reflect current GIS data. This revision will not alter the language of the approved PUD Ordinance; but will require a revision of Land Use Plan associated with the PUD Ordinance (Exhibit C-1 Proposed Land Use Plan and Exhibit C-2 Proposed Land Use Notes).

In summary, this proposed realignment alters the PUD and allowable development as follows:

1. The Critical Water Quality Zone located in the northeast corner of the property will be 50 feet wide rather than 100 feet wide; reducing the area of this Critical Water Quality Zone from 0.73 acres to 0.38 acres. This proposed realignment

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matches the Critical Water Quality Zone as it is currently shown in the City of Austin GIS.

2. The Water Quality Transition Zone located in the northeast corner of the property will remain 100 feet wide. However, with the narrowing of the Critical Water Quality Zone, the Water Quality Transition Zone will shift 50 feet closer to the unnamed creek located at the northeast corner of the property. The proposed Water Quality Transition Zone will be reduced in area from 0.95 acres to 0.75 acres. This proposed realignment matches the Water Quality Transition Zone as it is currently shown in the City of Austin GIS.
3. The hatched area shown on Exhibit D-2 WQTZ Reclassified represents an overlap between the east-west trending Water Quality Transition Zone and the northeast corner Water Quality Transition Zone as it appears on the current approved PUD Ordinance (i.e., the hatched area represents the Water Quality Transition Zone of two different waterways). With the proposed realignment of the northeast corner Water Quality Transition Zone, the hatched area will be located exclusively within the east-west trending Water Quality Transition Zone. This is pertinent in that Part 4.B of the currently approved PUD Ordinance states that the east-west trending Water Quality Transition Zone is defined as Uplands Zone. With the realignment of the northeast trending Water Quality Transition, the 0.23 acre hatched area will be designated as Uplands for the purposes of calculating allowable impervious cover on the property. The result will be an additional 2,505 square feet of allowable impervious cover on the property. However, this specific 0.23 acre area is not buildable due to the proposed downstream buffer (described below).

Allow for Cut / Fill up to 8 Feet

The proposed development requires grading up to 8 feet due to existing topography. In general, grading is limited to 4 feet². The applicant is seeking to amend the approved PUD Ordinance to allow grading up to 8 feet not associated with building foundation construction or water quality / detention pond construction (Exhibit D-4 Cut and Fill).

Allow for Construction on Slopes from 15 to 35%

The Land Development Code limits impervious cover on slopes greater than 15%. Specifically, impervious cover may be constructed on 10% of the area of land with slopes from 15 to 25%. Additionally, based on the proposed development, construction on slopes over 25% for this project complies with the Land Development Code only for the approximately 870 square foot portion of the driveway (located immediately north-northwest of the swimming pool) providing access to Buildings 1, 2, and 3 (Exhibit D-5 Slopes). Additional analysis of construction on slopes is as follows.

² Exceptions to the 4 foot grading limit include grading for the construction of a building foundation. In addition, an administrative variance process exists to allow grading in excess of 4 feet for construction of a water quality / detention pond.

C2/21

Slopes from 15 to 25%

- The **allowable impervious cover** on slopes from 15 to 25% is **0.025 acres** (approximately 1,091 square feet).
- Under the revised PUD, the **proposed impervious cover** on slopes from 15 to 25% **will not exceed 0.11 acres** (approximately 4,792 square feet).

Slopes from 25 to 35%

- The **allowable impervious cover** on slopes from 25 to 35% is **0.02 acres** (approximately 870 square feet).
- Under the revised PUD, the **proposed impervious cover** on slopes from 25 to 35% **will not exceed 0.07 acres** (approximately 3,049 square feet).

Alter the Downstream Buffer

Based on the above proposed revisions to the Critical Water Quality Zone and the Water Quality Transition Zone, the applicant proposes to alter the downstream buffer provided in the PUD Ordinance (Exhibit D-6 Downstream Buffer). The proposed downstream buffer boundary revision will accommodate the proposed swimming pool and patio. The revision will increase the downstream buffer from 3.37 acres to 3.75 acres. Utilities and permeable walking trails will be permitted within the downstream buffer area.

Adjust the 50 foot Critical Environmental Feature Setback

The proposed development encroaches into a 50 foot wetland Critical Environmental Feature setback (Exhibit D-1 Critical Environmental Features). Wetland mitigation on site will account for this encroachment; the Critical Environmental Feature setback boundary will be notched to coincide with the building footprint encroachment.

Staff Recommendations and Conditions of the Proposed PUD Ordinance Revision

Staff supports the above PUD Ordinance revisions provided that:

1. The following statement from Part 2 of the PUD Ordinance is removed: ***"Except as otherwise specifically provided by this ordinance and land use plan, all other rules, regulations and ordinances of the City in effect on the effective date of this ordinance apply to the PUD."***
The removal of this statement from the PUD Ordinance will subject the property to the Land Development Code and Environmental Criteria Manual in effect at the time of site plan submittal rather than the requirements in effect on the August 6, 2007 date of PUD approval. For example, the removal of this statement will apply Heritage Tree Ordinance requirements to this property upon submittal of a site plan permit application.
2. The applicant will limit cut / fill from 4 to 8 feet to an area not to exceed 5,000 square feet (approximately 0.11 acres) and in the vicinity generally depicted in Exhibit D-4 Cut and Fill, provided that:
 - a. Areas in which cut / fill in excess of 4 feet are already permitted by the Land Development Code (LDC 25-8-341 and 342) will not be counted in the 5,000 square foot limit;

C2/22

- b. Areas in which cut / fill in excess of 4 feet are already permitted by the Land Development Code (LDC 25-8-341 and 342) will not be limited to areas generally designated in Exhibit D-4 Cut and Fill;
- c. Administrative variances in accordance with LDC 25-8-42(B)(6) to exceed 4 feet of cut / fill for the construction of water quality control or detention facilities as well as appurtenances for conveyance such as swales, drainage ditches, and diversion berms will not be counted in the 5,000 square foot limit and will not be limited to areas generally designated in Exhibit D-4 Cut and Fill; and
- d. The criteria for evaluating and granting or denying an administrative variance in accordance with LDC 25-8-42(B)(6) will remain unaffected by the revised PUD Ordinance.

Therefore, the Land Use Plan must generally show the areas of cut / fill from 4 to 8 feet as identified in Exhibit D-4 Cut and Fill. In addition, for clarity, at the time of site plan submittal and subsequent site plan review by Staff, Staff recommends that items 2.a. through 2.d. (above) be documented in the revised PUD Ordinance or Land Use Plan.

- 3. Total impervious cover on slopes from 15% to 35% will be limited as follows:
 - Impervious cover on slopes from 15 to 25% will not exceed 0.11 acres (approximately 4,792 square feet).
 - Impervious cover on slopes from 25 to 35% will not exceed 0.07 acres (approximately 3,049 square feet).
 - Construction on slopes will be permitted as generally displayed on Exhibit D-5 Slopes.
- 4. The revised downstream buffer will increase from approximately 3.37 acres to approximately 3.75 acres.
- 5. The PUD Ordinance or Land Use Plan must specify that no hard surface trails are permitted in the downstream buffer. Trails are permitted in the downstream buffer provided that the trails are constructed of permeable materials installed over non-compacted base.
- 6. The Land Use Plan will show on site wetland mitigation to account for the building / Limit of Construction encroachment into the 50 foot setback for wetland Critical Environmental Feature 'W2'. The setback boundary for wetland Critical Environmental Feature 'W2' will be adjusted to coincide with the building footprint / Limit of Construction.

C2/23

Similar Cases

A review of previous variance requests yielded no similar cases.

If you need further details, please contact me at 512-974-6380.

Environmental Review Specialist Senior:

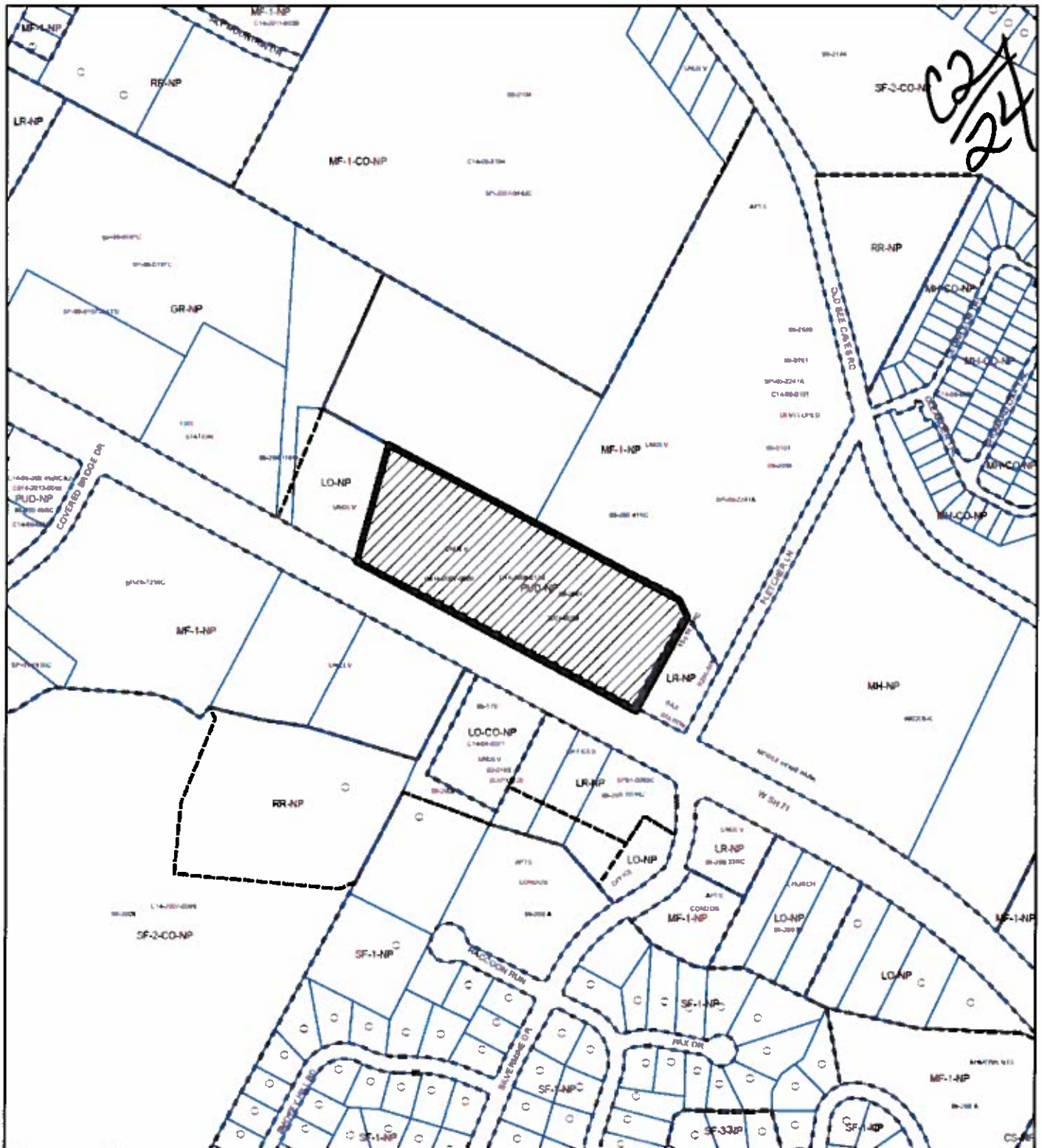

Mike McDougal

Environmental Program Coordinator:


Sue Barnett

Environmental Officer:


Chuck Lesniak



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

ZONING

ZONING CASE#: C814-2007-0009.01



1" = 400'

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.

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.

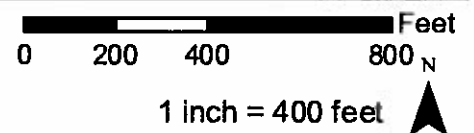
Exhibit A

C2/23

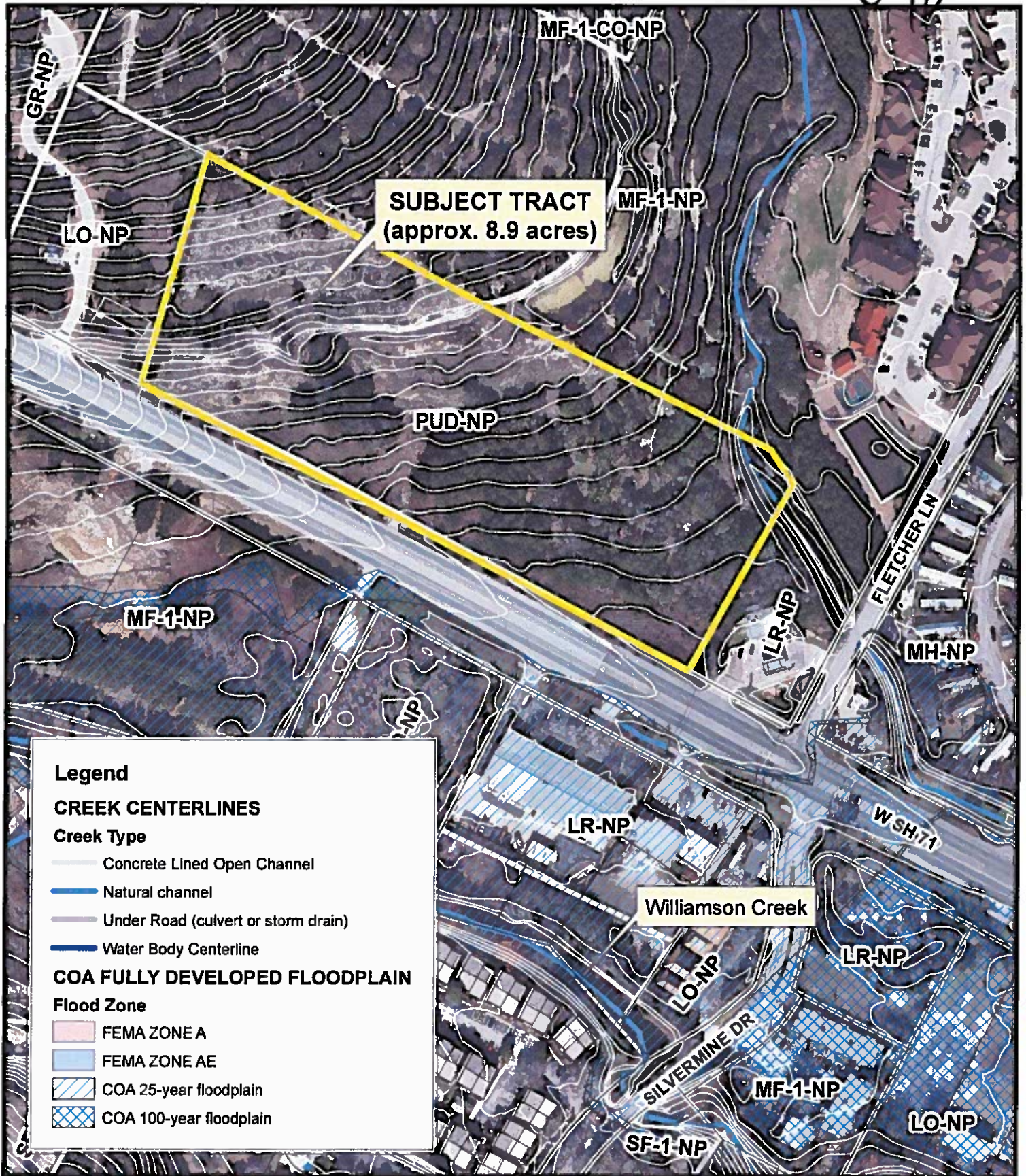


Imagery: 01-2012

Exhibit A - 1
Aerial & Zoning

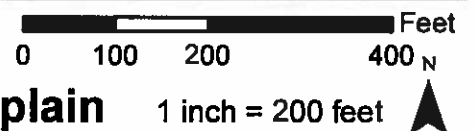


C2/26

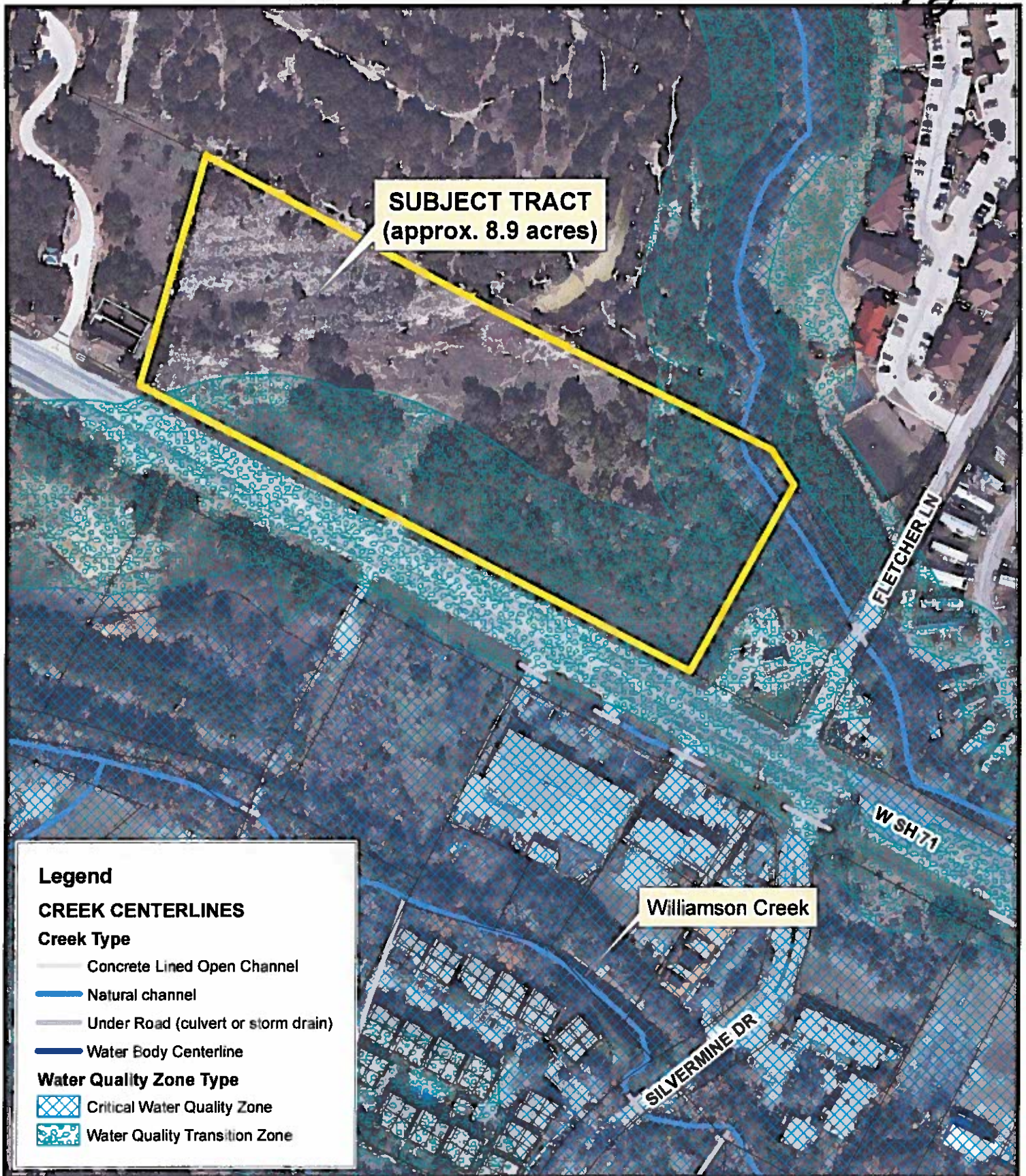


Imagery: 01-2012
Contours: 2003

Exhibit A - 2
Contours, Creeks & Floodplain



C2/24

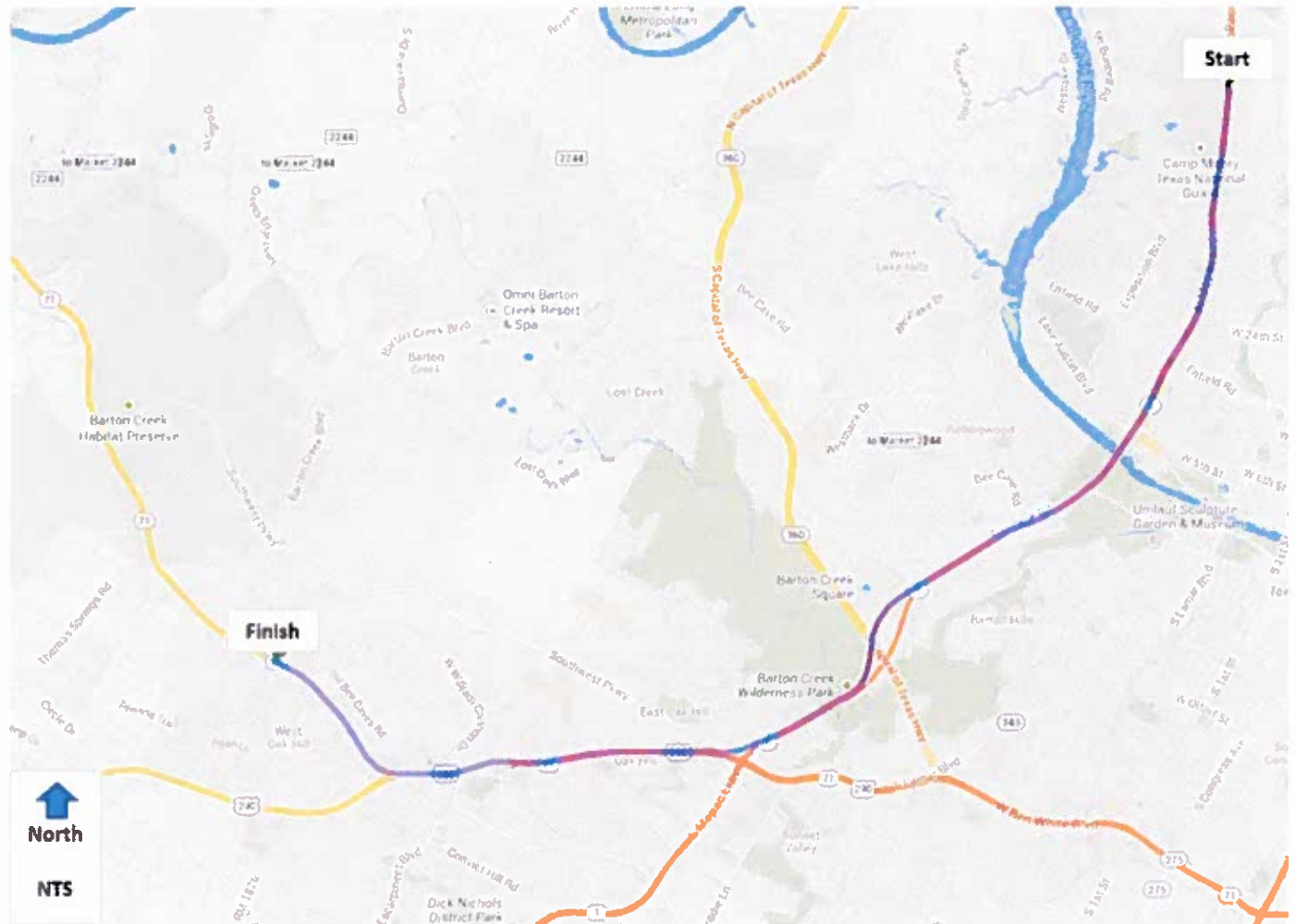


Imagery: 01-2012

Exhibit A - 3
Creeks & Creek Buffers

C2/28

3 – Take the slight right at the Y in Oak Hill, continue 1.5 miles; the property will be on the right



ORDINANCE NO. 20070726-104

C2/29

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY COMMONLY KNOWN AS WEST 71 OFFICE PARK PROJECT LOCATED AT 8500 STATE HIGHWAY 71 WEST FROM RURAL RESIDENCE (RR) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from rural residence (RR) district to planned unit development (PUD) district on approximately 8.9 acres of land, described in Zoning Case No. C814-2007-0009, on file at the Neighborhood Planning and Zoning Department, as follows:

A 8.9 acre tract of land, more or less, out of the A. Bowles Survey 93, Abstract 101, in the City of Austin, the tract more particularly described by metes and bounds in a deed of record in Volume 1074, Page 178, Deed Records of Travis County, Texas (the "Property"),

locally known as 8500 State Highway 71 West, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. This ordinance, together with the attached Exhibits A through D, are the land use plan for the West 71 Office Park planned unit development district (the "PUD") created by this ordinance. The PUD shall conform to the limitations and conditions set forth in this ordinance and in the West 71 Office Park planned unit development land use plan. Except as otherwise specifically provided by this ordinance and land use plan, all other rules, regulations and ordinances of the City in effect on the effective date of this ordinance apply to the PUD.

PART 3. The attached exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. The exhibits are as follows:

Exhibit A:	Zoning Map
Exhibit B:	Land Use Plan
Exhibit C:	Grow Green Native and Adapted Landscape Plants
Exhibit D	Invasive Species/Problem Plants

C2/30

PART 4. In accordance with Section 25-2-411(A) (*Planned Unit Development District Regulations*) of the City Code, the following regulations apply to the PUD instead of otherwise applicable City regulations.

- A. Section 25-2-144(D) (*Planned Unit Development (PUD) District Designation*) of the City Code does not apply to the PUD.
- B. Section 25-8-483 (*Water Quality Transition Zone*) is modified to allow a 3.34 acre portion of the Property associated with Williamson Creek and identified on the Land Use Plan to be classified as Uplands Zone.
- C. All permitted and conditional general office (GO) uses are the only permitted and conditional uses of the Property.
- D. Development of the Property is subject to general office (GO) district site development regulations except as otherwise provided in the Development Criteria table on the Land Use Plan or in this ordinance.
- E. The maximum gross square footage of a building is 20,000 square feet.
- F. The total building coverage may not exceed 40,200 square feet.
- G. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
- H. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. The IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this covenant.
- I. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, a landscape plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. Ninety percent of the total plant material used, exclusive of turf, shall be native to Central Texas or on

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the Grow Green Native and Adapted Landscape Plants list, attached as Exhibit "C". Plants on the Invasive Species/Problem Plants list, attached as Exhibit "D", may not be included.

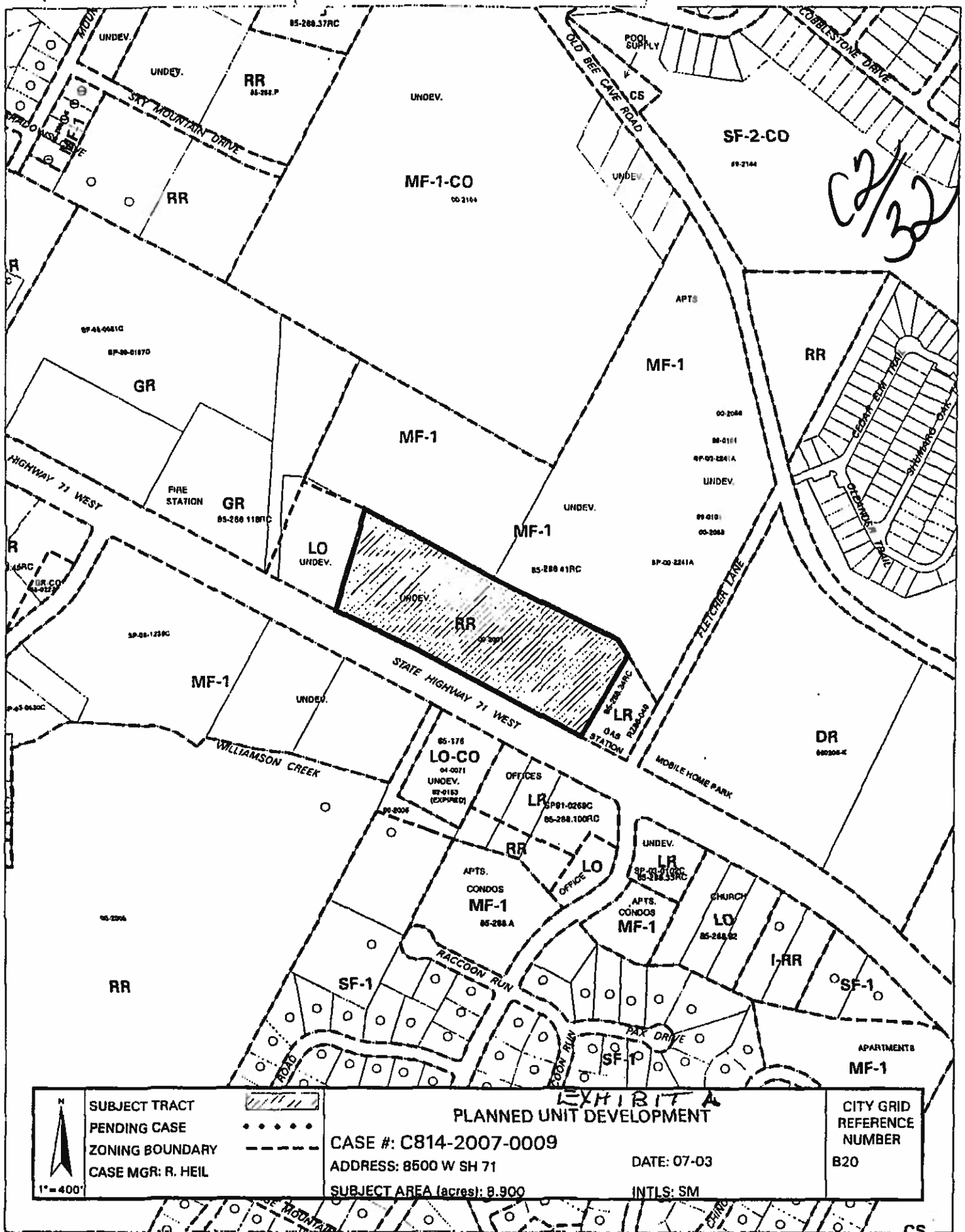
- J. The buffer area portion of the property as depicted on Exhibit B is to remain undeveloped and in a natural state with the exception that water quality controls and utility crossings may be constructed in the buffer area portion of the property.

PART 5. This ordinance takes effect on August 6, 2007.

PASSED AND APPROVED

_____, July 26 _____, 2007 §
 §
 §
 Will Wynn
 Mayor

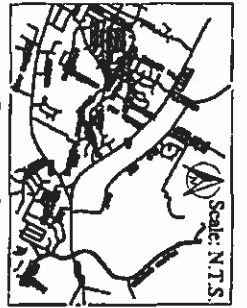
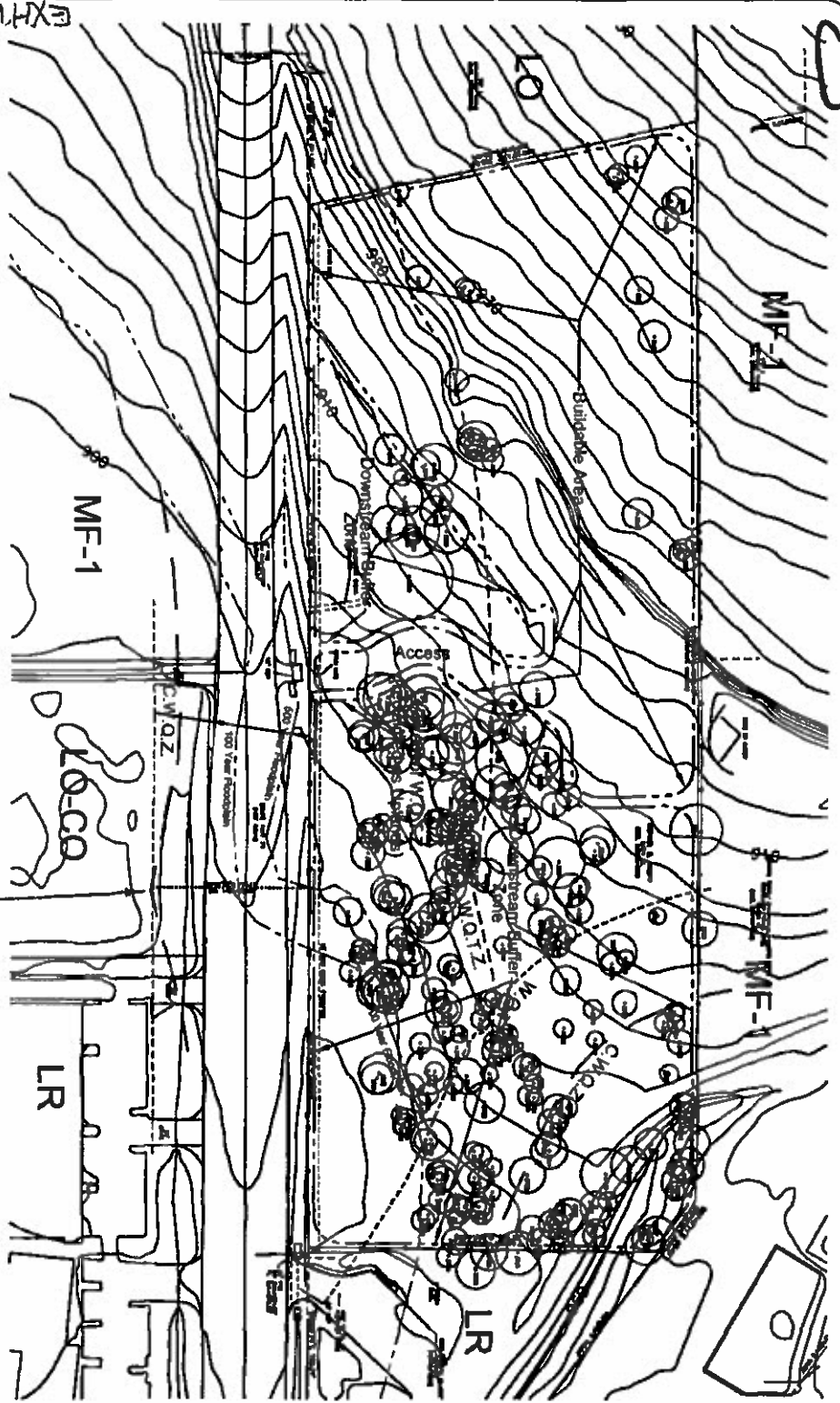
APPROVED: _____ **ATTEST:** _____
 David Allan Smith Shirley A. Gentry
 City Attorney City Clerk



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PERMIT COMMENTARY									
Item	Agency	Proposed Land Use	Impervious Cover (sq ft)	Impervious Cover (sq ft)	Impervious Cover (sq ft)	Impervious Cover (sq ft)	Impervious Cover (sq ft)	Impervious Cover (sq ft)	Impervious Cover (sq ft)
517	637	637	44,328 sq ft	44,328 sq ft	44,328 sq ft	44,328 sq ft	44,328 sq ft	44,328 sq ft	44,328 sq ft

EXHIBIT B



Legend

- C.W.O.Z. - to be retained
- W.O.T.Z. - to be retained
- W.O.T.Z. - to be removed
- Downstream Buffer
- Floodplain

W.O.T.Z. to be retained 3.34 ac.
Downstream Buffer to be retained 3.37 ac.
Comprehensive Watersheds Ordinance

Uplands 3.90 ac.
By Code 3.34 ac. (from W.O.T.Z.)
Subtotal 7.24 ac.
W.O.T.Z. 0.85 ac. (remains W.O.T.Z.)
C.W.O.Z. 0.72 ac.
Total 8.92 ac.

Net Site Area 8.92 ac.
Shrub 0.15% 0.91 ac. 100% 0.91 ac.
15.25% 0.25 ac. 40% 0.10 ac.
25.25% 0.22 ac. 20% 0.04 ac.
Total 7.24 ac. 0% 0.00 ac.
Allowable Impervious Cover on Net Site Area @ 25% 1.76 ac. < 20.0%

LEGAL DESCRIPTION
Advised 501 SUN RD A, Section 8.92 ac.



DATE: Aug 16, 2007

Exhibit B - 5

C2/3H

EXHIBIT C

Grow Green Native and Adapted Landscape Plants

Trees

Ash, Texas *Fraxinus texensis*
Arizona Cypress *Cupressus arizonica*
Big Tooth Maple *Acer grandidentatum*
Cypress, Bald *Taxodium distichum*
Cypress, Montezuma *Taxodium mucronatum*
Elm, Cedar *Ulmus crassifolia*
Elm, Lacebark *Ulmus parvifolia*
Honey Mesquite *Prosopis glandulosa*
Oak, Bur *Quercus macrocarpa*
Oak, Chinquapin *Quercus muhlenbergii*
Oak, Southern Live *Quercus virginiana*

Oak, Escarpment Live *Quercus fusiformis*
Oak, Lacey *Quercus glaucoides*
Oak, Monterey (Mexican White) *Quercus polymorpha*
Oak, Shumard *Quercus shumardii*
Oak, Texas Red *Quercus texana* (*Quercus buckleyi*)
Pecan *Carya illinoensis*
Soapberry *Sapindus drummondii*

Small Trees/Large Shrubs

Anacacho Orchid Tree *Bauhinia congesta*
Buckeye, Mexican *Ungnadia speciosa*
Buckeye, Rec *Aesculus pavia*
Carolina Buckthorn *Rhamnus caroliniana*
Cherry Laurel *Prunus caroliniana*
Crape Myrtle *Lagerstroemia indica*
Desert Willow *Chilopsis linearis*
Dogwood, Roughleaf *Cornus drummondii*
Escarpment Black Cherry *Prunus serotina* var. *eximia*
Eve's Necklace *Sophora affinis*
Goldenball Leadtree *Leucaena retusa*
Holly, Possumhaw *Ilex decidua*
Holly, Yaupon *Ilex vomitoria*
Mountain Laurel, Texas *Sophora secundiflora*

Persimmon, Texas *Diospyros texana*
Pistachio, Texas *Pistacia texana*
Plum, Mexican *Prunus mexicana*
Pomegranate *Punica granatum*
Redbud, Mexican *Cercis canadensis* 'mexicana'
Redbud, Texas *Cercis canadensis* var. 'texensis'
Retama Jerusalem Thorn *Parkinsonia aculeata*
Senna, Flowering *Cassia corymbosa*
Smoke Tree, American *Cotinus obovatus*
Sumac, Flameleaf *Rhus lanceolata*
Viburnum, Rusty Blackhaw *Viburnum rufidulum*
Viburnum, Sandankwa *Viburnum suspensum*

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Shrubs

Abelia, Glossy <i>Abelia grandiflora</i>	Nandina <i>Nandina domestica</i> 'Compacta nana' 'Gulf Stream'
Agarita <i>Berberis trifoliata</i>	Oleander <i>Nerium oleander</i>
Agave (Century Plant) <i>Agave sp.</i>	Palmetto <i>Sabal minor</i>
American Beautyberry <i>Callicarpa americana</i>	Prickly Pear <i>Opuntia engelmannii</i> var. <i>lindheimeri</i>
Artemisia <i>Artemisia</i> 'Powis Castle'	Rose, Belinda's Dream <i>Rosa</i> 'Belinda's Dream'
Barbados Cherry <i>Malpighia glabra</i>	Rose, Lamarne <i>Rosa</i> 'Lamarne'
Barberry, Japanese <i>Berberis thunbergii</i>	Rose, Livin' Easy <i>Rosa</i> 'Livin' Easy'
'Atropurpurea'	Rose, Marie Pavie <i>Rosa</i> 'Marie Pavie'
Basket Grass (Sacahuista) <i>Nolina texana</i>	Rose, Martha Gonzales <i>Rosa</i> 'Martha Gonzales'
Black Dalea <i>Dalea frutescens</i>	Rose, Mutabilis <i>Rosa</i> 'Mutabilis'
Bush Germander <i>Teucrium fruticans</i>	Rose, Nearly Wild <i>Rosa</i> 'Nearly Wild'
Butterfly Bush <i>Buddleia davidii</i>	Rose, Old Blush <i>Rosa</i> 'Old Blush'
Butterfly Bush, Wooly <i>Buddleia marrubiifolia</i>	Rose, Perle d'or <i>Rosa</i> 'Perle d'or'
Coralberry <i>Symphoricarpos orbiculatus</i>	Rock Rose <i>Pavonia lasiopetala</i>
Cotoneaster <i>Cotoneaster sp.</i>	Rosemary <i>Rosmarinus officinalis</i>
Eleagnus <i>Eleagnus pungens</i>	Sage, Mountain <i>Salvia regia</i>
Esperanza/Yellow Bells <i>Tecoma stans</i>	Sage, Texas (Cenizo) <i>Leucophyllum frutescens</i>
Flame Acanthus <i>Anisacanthus quadrifidus</i> var. <i>wrightii</i>	Senna, Lindheimer <i>Cassia lindheimeriana</i>
Fragrant Mimosa <i>Mimosa borealis</i>	Southern Wax Myrtle <i>Myrica cerifera</i>
Holly, Burford <i>Ilex cornuta</i> 'Burfordii'	Sumac, Evergreen <i>Rhus virens</i>
Holly, Dwarf Chinese <i>Ilex cornuta</i> 'Rotunda nana'	Sumac, Fragrant (Aromatic) <i>Rhus aromatica</i>
Holly, Dwarf Yaupon <i>Ilex vomitoria</i> 'Nana'	Texas Sotol <i>Dasylirion texanum</i>
Jasmine, Primrose <i>Jasminum mesnyi</i>	Turk's Cap <i>Malvaviscus arboreus</i>
Kidneywood <i>Eysenhardtia texana</i>	Yucca, Paleleaf <i>Yucca pallida</i>
Lantana, Native <i>Lantana horrida</i>	Yucca, Red <i>Hesperaloe parviflora</i>
Mistflower, Blue (Blue Boneset) <i>Eupatorium coelestinum</i>	Yucca, softleaf <i>Yucca recurvifolia</i>
Mistflower, White (Shrubby White Boneset) <i>Ageratina havanense</i>	Yucca, Twistleaf <i>Yucca rupicola</i>
Mock Orange <i>Philadelphus coronarius</i>	

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Perennials

Black-eyed Susan *Rudbeckia hirta*
Bulbine *B. frutescens* or *caulescens*
Bush Morning Glory *Ipomoea fistulosa*
Butterfly Weed *Asclepias tuberosa*
Butterfly Weed 'Mexican' *Asclepias curassivica*
Cast Iron Plant *Aspidistra elatior*
Chile Pequin *Capsicum annuum*
Cigar Plant *Cuphea micropetala*
Columbine, Red *Aquilegia canadensis*
Columbine, Yellow *Aquilegia chrysantha* 'Texas Gold'
Coreopsis *Coreopsis lanceolata*
Daisy, Blackfoot *Melampodium leucanthum*
Daisy, Copper Canyon *Tagetes lemmonii*
Damiantia *Crysactina mexicana*
Fall Aster *Aster oblongifolius*
Fern, River *Thelypteris kunthii*
Firebush *Hamelia patens*
Gaura *Gaura lindeheimeri*
Gayfeather *Liatris mucronata*
Gregg Dalea *Dalea greggii*
Hibiscus, Perennial *Hibiscus moscheutos*, *Hibiscus coccineus*
Honeysuckle, Mexican *Justicia spicigera*
Hymenoxys (Four Nerve Daisy) *Tetranneuris scaposa*
Indigo Spires *Salvia 'Indigo Spires'*
Iris, Bearded *Iris albicans*
Iris, Butterfly/Bicolor (African) *Dietes sp.*
Lamb's Ear *Stachys byzantina*
Lantana *Lantana x hybrida* (many varieties)
Lantana, Trailing *Lantana montevidensis*
Marigold, Mexican Mint *Tagetes lucida*
Obedient Plant, Fall *Physostegia virginiana*
Oregano, Mexican *Poliomintha longiflora*
Penstemon *Penstemon sp.*
Phlox, Fragrant *Phlox pilosa*
Pink Skullcap *Scutellaria suffrutescens*
Plumbago *Plumbago auriculata*
Poinciana, Red Bird of Paradise, Pride of Barbados
Caesalpinia pulcherrima
Primrose, Missouri *Oenothera macrocarpa*
Purple Coneflower *Echinacea purpurea*
Ruellia *Ruellia brittoniana*
Sage, Cedar *Salvia roemeriana*
Sage, Jerusalem *Phlomis fruticosa*
Sage, Majestic *Salvia guaranitica*
Sage, Mealy Blue *Salvia farinacea*
Sage, Mexican Bush *Salvia leucantha*
Sage, Penstemon, Big Red Sage *Salvia penstemonoides*
Sage, Russian *Perovskia atricplifolia*
Sage, Scarlet or 'Tropical' *Salvia coccinea*
Salvia, Gregg (Cherry Sage) *Salvia greggii*
Shrimp Plant *Justicia brandegeana*
Texas Betony *Stachys coccinea*
Verbena, Prairie *Verbena bipinnatifida*
Yarrow *Achillea millefolium*
Zexmenia *Wedelia texana*

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Ornamental Grasses

Bluestem, Big *Andropogon gerardii*
 Bluestem, Bushy *Andropogon glomeratus*
 Bluestem, Little *Schizachyrium scoparium*
 Fountain Grass, Dwarf *Pennisetum alopecuroides*
 Indian Grass *Sorghastrum nutans*
 Inland Sea Oats *Chasmanthium latifolium*

Mexican Feathergrass (Wiregrass) *Stipa tenuissima*
 Muhly, Bamboo *Muhlenbergia dumosa*
 Muhly, Big *Muhlenbergia lindheimeri*
 Muhly, Deer *Muhlenbergia rigens*
 Muhly, Gulf *Muhlenbergia capillaris*
 Muhly, Seep *Muhlenbergia reverchonii*
 Sideoats Grama *Bouteloua curtipendula*
 Wild Rye *Elymus canadensis*

Vines

Asian Jasmine *Trachelospermum asiaticum*
 Carolina Jessamine *Gelsemium sempervirens*
 Coral Vine *Antigonon leptopus*
 Crossvine *Bignonia capreolata*
 Fig Vine *Ficus pumila*

Honeysuckle, Coral *Lonicera sempervirens*
 Lady Banksia Rose *Rosa banksiae*
 Passion Vine *Passiflora incarnata*
 Trumpet Vine *Campsis radicans*
 Virginia Creeper *Parthenocissus quinquefolia*

Groundcover

Aztec Grass *Ophiopogon japonicus*
 Frogfruit *Phyla incisa*
 Horseherb *Calypocarpus vialis*
 Leadwort *Plumbago Ceratostigma plumbaginoides*
 Liriope *Liriope muscari*
 Monkey Grass (Mondo Grass) *Ophiopogon japonicus*
 Oregano *Origanum vulgare*
 Periwinkle, Littleleaf *Vinca minor*
 Pigeonberry *Rivina humilis*

Purple Heart *Secreasea pallida*
 Santolina (Lavender Cotton) *Santolina chamaecyparissus*
 Sedge, Berkeley *Carex tumulicola*
 Sedge, Meadow *Carex perdentata*
 Sedge, Texas *Carex texensis*
 Sedum (Stonedrop) *Sedum nuttallianum*
 Silver Ponyfoot *Dichondra argentea*
 Woolly Stemodia *Stemodia lanata*
 (*Stemodia tomentosa*)

Turf Grasses

Bermuda 'Tif 419', 'Sahara', 'Baby', 'Common'
 Buffalo '609', 'Stampede', 'Prairie'
 St. Augustine 'Baby', 'Common', 'Raleigh', 'Delmar'
 Zoysia, Fine Leaf 'Matrella', 'Emerald', 'Zorro'
 Zoysia, Coarse Leaf 'Japonica', 'Jamur', 'El Toro', 'Palis'

EXHIBIT D

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Invasive Species/Problem Plants

PLANTS TO AVOID

INVASIVES

(Plants that are non-native to the Central Texas ecosystem and tend to out-compete native species)

Do Not Plant

(Travel by seeds, berries, and spores so can be transported long distances. They have already invaded preserves and greenbelts):

- Arizona Ash
- Chinaberry
- Chinese Pistache
- Chinese Tallow
- Chinese Privet
- Elephant Ear
- Holly Fern
- Japanese Honeysuckle
- Ligustrum, Wax Leaf
- Mimosa
- Mulberry, Paper
- Nandina (large, berrying varieties)
- Photinia, Chinese
- Pyracantha
- Tamarisk
- Tree of Heaven

Do Not Plant Near

Parks/Preserves/Greenbelts

(travel by runners, rhizomes, and stems so only invade neighboring areas):

- Bamboo
- English Ivy
- Vinca (Periwinkle)

PROBLEM TREES AND SHRUBS

(Typically fast-growing, highly adaptable, but often have weak wood and are short-lived. Most are susceptible to insect and disease problems.)

- Arizona Ash
- Azalea (not adapted to Austin soils)
- Boxelder
- Camellia
- Chinaberry
- Chinese Privet
- Chinese Tallow
- Cottonwood
- Ligustrum
- Lombardy Poplar
- Mimosa
- Mulberry, Paper
- Photinia, Chinese
- Siberian Elm
- Silver Maple
- Sweetgum
- Sycamore
- Tree of Heaven