

DEVELOPMENT ASSESSMENT REVIEW COMMENTS

Includes Applicant's Responses

CASE NUMBER: CD-2008-0013

CASE MANAGER: Jerry Rusthoven PHONE #: 974-3207

REVISION #: 0 UPDATE: 0

PROJECT NAME: Whisper Valley PUD

SUBMITTAL DATE: August 26, 2008

FINAL REPORT DATE: June 5, 2009

LOCATION: 9000 Taylor Lane

IF YOU HAVE ANY FURTHER QUESTIONS CONCERNING THE COMMENTS LISTED BELOW PLEASE CONTACT YOUR CASE MANAGER.

THE FOLLOWING COMMENTS SHOULD BE ADDRESSED PRIOR TO SUBMITTING A FORMAL PLAN TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT. IT IS THE RESPONSIBILITY OF THE APPLICANT OR HIS/HER AGENT TO MODIFY THE PROPOSED PLANNED UNIT DEVELOPMENT (PUD) PLAN SO THAT IT COMPLIES WITH THESE REQUIREMENTS.

INCORPORATED IN THE NUMBERING OF EACH COMMENT IS THE RELEVANT REVIEW SECTION. FOR THESE REFERENCES, THE FOLLOWING ABBREVIATIONS APPLY

SP – SITE PLAN

SR – SUBDIVISION

TR – TRANSPORTATION

CN – CONSTRUCTION

DR – DRAINAGE

EG – ENGINEERING

LR – LANDSCAPE REVIEW

AR – ARBORIST

EV – ENVIRONMENTAL

WW – WATER AND WASTEWATER

FI – FIRE DEPARTMENT

HD – HIGHWAY DEPARTMENT

CM – CAPITAL METRO

CO – COUNTY

MD – MUD REVIEW

PH – PHONE COMPANY

PD – PARKS & RECREATION

PO – POST OFFICE

PW – PUBLIC WORKS

SD – SCHOOL DISTRICT

HE – HEALTH DEPARTMENT

EL – ELECTRIC

AD – TPSD – ADDRESS

DG – DRAFTING

REQUIREMENTS: Based on ordinances and written rules adopted by the City of Austin, Texas.

Dev Assessment - Environmental - Patricia Foran - 974-3427

FYI Additional comments may be generated as updated information is received.

EV 01 Based on the information provided, it appears as if the PUD application would need to include an exception request to LDC 25-8-394, in addition to what is already requested. The need for additional exceptions will be evaluated with the PUD application (e.g. determination of roadway types and CWQZ crossings).

UPDATE: Correct – Exceptions to allow for transfer of impervious cover from open space will be requested as an exception. A chart of exceptions is submitted with the update.

EV 02 The impact of the exception requests cannot be fully assessed based upon the information provided. Be sure the PUD application includes Q1/Q2 tables, slope maps, etc.

UPDATE: Noted. Q1/Q2 tables will be submitted with PUD Application.

EV 03 Note that Environmental Resource Management will need to review PUD application for presence of critical environmental features (the CEFs shown on the exhibits are acknowledged but ERM must review in detail). Note that a proposed road currently appears to encroach on a proposed setback.

UPDATE: Pat Murphy has reviewed and approved. A copy of the plans is provided with this update and is covered in the Development Agreement.

EV 04 Please consider the following additions/revisions to the benefits of the project: 1) specify a minimum Greenbuilding rating; 2) provide terracing or structural containment for all cuts/fills; 3) provided innovative water quality controls such as wet ponds, biofiltration, etc.

UPDATE:

- 1) The PUD will meet the PUD 2 STAR Greenbuilding requirements as outlined in the Development Agreement.**
- 2) We will consider including, but need to discuss the nature of terracing with the reviewer.**
- 3) Significant preservation of headwaters and tributaries will be protected.**
- 4) Please reference the environment section under Tier 2 of the superiority analysis provided with this update for details related to water quality.**

EV 05 Address how trees will be considered in the design of the streets/infrastructure layout if the survey is proposed to be performed at the construction plan phase.

UPDATE: An aerial will be used in design of the overall project to plan the proposed layout. The development's primary focus is on preservation clustering, and respect of environmental features. Final design will be dictated by a formal tree survey at the construction plan phase.

Dev Assessment - Water Quality - Janna Renfro - 974-3422

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.

Additional comments may be generated as requested information is provided.

WQ1. The report indicates that one method of achieving a superior development is reduction in impervious cover from what is allowable by zoning and watershed regulations. However, the supporting material does not clarify the amount of impervious cover that is allowed under current regulations (i.e., Q1/Q2 tables). Without a comparison of what is currently allowed, this reviewer is not able to substantiate that claim of superiority. It is suggested that this be clearly defined before review of the PUD.

UPDATE: Noted. Q1/Q2 Tables will be provided with formal PUD submittal. Please reference response to EV6 for information on impervious cover.

WQ2. Some suggestions from a water quality perspective to enhance superiority:

1. Innovative water quality controls (Biofiltration, Wet Ponds, Vegetative Filter Strips, Porous Pavement for Pedestrian Uses, Rainwater Harvesting, Rain Gardens, etc).
2. Streambank stabilization along Gilleland Creek (would need coordination with Environmental Resource Management's Streambank Stabilization Group, Morgan Byers, to identify existing or potential erosion zones).

UPDATE: Significant preservation of headwaters and tributaries is proposed. Please reference Tier 2 Environmental Section under the attached superiority analysis provided with update.

Dev Assessment - Transportation - Amber Mitchell - 974-3428

TR1. A traffic impact analysis will be required with this PUD submittal. No further comment can be provided at this time as a scope or draft TIA was not included in the development assessment submittal.

UPDATE: A scope and TIA will be provided with the formal PUD submittal.

TR2. The provided street table did not identify street widths or classifications.

UPDATE: Street widths and classification exhibits are provided with this update. After discussions with this Reviewer, the materials were submitted to Travis County for review as Travis County will be the lead review for road design.

TR3. Where front loaded garages are not allowed alternative access such as through an alley will be required. Any non-standard street cross sections, such as an alley, must be submitted for approval with the PUD application.

UPDATE: Noted. Non-standard street sections are suggested for approval with the PUD.

TR4. The site will have to comply with all AMATP alignments that transect the site unless an amendment to the AMATP is received.

UPDATE: Noted. The PUD will comply with AMATP alignments.

TR5. As no specific request for transportation related variances were mentioned in the development assessment, it is assumed that the PUD will comply fully with all City transportation related codes and requirements such as: the Subchapter E of 25-2 (the Commercial Design Standards); Section 25-6 of the Land Development Code (Transportation); and all sections of Sections 25-2, 25-4, and 25-5 that relate to transportation.

UPDATE: Alternative Street Sections are proposed as variances to the standard requirements and the modifications to City of Austin and Travis County transportation regulations will be requested with formal PUD submittal. Refer to response to TR 2.

Dev Assessment - Drainage Construction - Janna Renfro - 974-3422

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.

DC1. All current drainage and floodplain requirements will apply to the subject tract and to the PUD.

UPDATE: Discussion of requirements is ongoing.

DC2. Some suggestions from a drainage perspective to enhance the superiority of the PUD:

1. When possible, use of ribbon curb and roadside swales to slow and reduce runoff and enhance water quality (compared to standard curb and gutter w/ storm drains).
2. Designing detention ponds for volume control rather than peak flow control, allowing for runoff patterns to be closer to natural conditions and protecting streambank stability in our highly erosive eastern watersheds.
3. Maintaining and enhancing natural tributaries to Gilleland Creek such that runoff is reduced, water quality is enhanced, and sediment is allowed to deposit.

UPDATE: Please reference the superiority items list provided with this update with regard to item 3 noted above.

Dev Assessment - Electric - David Lambert - 322-6109

EL 1. Not in Austin Energy service area. Contact Bluebonnet Electric Cooperative, Inc. for electric service design.

UPDATE: Although the majority of the PUD is within Bluebonnet Electric Cooperative, Inc.'s service area, a small portion is within Austin Energy's service area.

EL 2. If this project is to be annexed, then streetlight fees shall be charged at time of platting of single family subdivisions.

UPDATE: Per discussion with this reviewer, the PUD will not be subject to streetlight fees until Full Purpose Annexation.

EL 3. Developer will be responsible for cost of streetlights.

UPDATE: Per discussion with this reviewer, the PUD will not be subject to streetlight fees until Full Purpose Annexation.

Dev Assessment - Fire Review - Yvonne Espinoza - 974-0185
--

AFD does not have jurisdiction in the ETJ. When and if the site is annexed it will need to comply with the current adopted fire code and all city ordinances to that code.

9/5/08

UPDATE: Noted. The Project will be limited purpose annexed at the same time as the PUD approval. Full purpose annexation will not occur until the bonds are paid off. Until full purpose annexation, Manor will provide fire service to the project.

Dev Assessment - Site Plan - Sue Welch - 974-3294
--

SP 1. For a PUD application, it will require the legal description, boundary lines with bearings and dimensions, total acreage, north arrow, scale and location map.

UPDATE: Noted.

SP 2. Per the new PUD ordinance, please specify the tier level and provide additional justification on how this is superior and will meet the criteria for the tier. Please be aware the future PUD applications will need to be present to the Environmental Board.

UPDATE: Please reference the superiority analysis indentifying applicable Tier level compliance provided with this update.

SP 3. Provide information regarding the Baseline

UPDATE: The baseline for the PUD consists of three districts (residential, commercial and mixed use) with specific base zoning and site development

regulations and development limits that allow for compatible development within each district. Please reference the Zoning Summary Table and Site Development Regulation Charts provided.

- SP 4. A variance from the requirements of the Compatibility Standards for development in a PUD may only be granted by the land use plan or by amendment of the land use plan. Clarify the information on compatibility in Exhibit D.

UPDATE: The PUD intends to provide for a specific set of compatibility standards within each of proposed districts that allows for compatible development under a more urban design scheme. These standards will be an exception to the standard code requirements. Please reference Exhibit B Site Development Regulation Notes provided in original submittal regarding the proposed compatibility standards.

- SP 5. Identify any waivers to be requested from the City Ordinances or development standards pursuant to Chapter 25-2-375.

UPDATE: A table identifying requested code modifications is provided with this update.

- SP 6. See Tier Requirements – Usually open space of no less than 20% of a tract used for a non-residential use or 15% of a tract used for an industrial use shall be reserved within each tract. This requirement may be adjusted depending upon the total open space provided for the PUD. Provide additional justification for the proposal to exceed the 20% for the commercial/retail spaces. Make sure these areas *do not include* the detention and filtration acreage (or the proposed open space tract).

UPDATE: A spreadsheet analyzing overall open space that exceeds the standard requirements is provided with this update. Detention and filtration areas are not included within these calculations. Please also reference Sections 2.3.1.C of Tier 1 and the Open Space Section of Tier 2 in the Superiority Analysis provided.

- SP 7. An industrial use within a PUD must comply with the performance standards established by Sec. 25-2-648 [Sec. 3.2.4]. Please clarify as some industrial uses are allowed in the commercial and mixed use districts.

UPDATE: Noted. The applicant is amenable to applying the PDA regulations to the PUD for development of industrial uses.

- SP 8. What are the development standards for the open space – i.e. any impervious/building coverage allowed for park facilities/parking lots, trails, etc.? Recommend you begin contact with the Parks and Recreation Department/Travis County Parks. There is a huge potential to possibly connect Walter E. Long Park and East Metro Travis County Park with a trail system.

UPDATE: Communications with the Parks Department and Travis County are ongoing. At this time, the City has agreed to accept the proposed parkland for a signature park. Please reference Sections 2.3.1C of Tier 1 and Open Space of Tier 2 in the Superiority Analysis provided.

SP 9. Please clarify and add to the Land Use Plan: "Compliance with Green Building standards is required for all buildings constructed on this site - <add # star rating>.

UPDATE: The note will be added to the PUD Land Use Plan and will be two star PUD level.

SP 10. Why is there a change to the definition of minimum lot width proposed?

UPDATE: The proposed project provides for a range of traditional, larger lots to smaller, denser lots for a better mix of housing options for the entire PUD. This proposal also allows for future residents to remain in the PUD "neighborhood" by transitioning up and down from different types of housing options. In addition, clustering of lots allows for preservation of more open space and protection of headwaters.

SP 11. Please clarify if mixed use is *required* in the mixed use district: 2.3.2.C requires a mixed use development must contain pedestrian-oriented uses as defined in Section 25-2-691(C) on the first floor of a multi-story commercial or mixed use building.

UPDATE: A mix of uses are required for the development of a vertical mixed use within the mixed use building pursuant to Article IV of the Commercial Design Standards. Other buildings may contain a mix of uses, but are not required. Please reference the proposed Code Modification chart regarding Section 2.3.2.C.

SP 12. How will single family attached units be part of a mixed use building?

UPDATE: As noted in SP16, a mix of uses within the mixed use district will be provided, but not required in the same building.

SP 13. What determines a Local Urban Retail/Mixed Use Street Section?

UPDATE: Alternate street standards exhibits with descriptions and exceptions are provided with this update.

SP 14. Verify that cocktail lounge is permitted (and not conditional?).

UPDATE: Correct. Cocktail lounge is proposed as a permitted use in the Commercial District and a conditional use in the Mixed Use District. Staff suggested a limitation of the size and number of this use and the applicant is considering that request.

SP 15. Clarify the proposed access for PA-24 & 23? Won't this require a floodplain crossing, too?

UPDATE: PA 23 is proposed for larger lot residential and will take access through the adjacent large lot residential that exists to the south. PA 24 is intended for residential and should it require access over the floodplain, an exception will be required.

SP 16. Building Plan review may need to review some the requested amendment for the residential *setbacks*. Currently, residential setbacks require any structure (or portion) that encroach into the 5' setback (10' apart for buildings) to be fireproofed.

UPDATE: All proposed buildings and structures will meet all Building and Fire Code Regulations.

SP 17. If this property is annexed, any new development is subject to Subchapter E. Each site plan will need to show compliance Design Standards and Mixed Use *unless in conflict* with the PUD (*please be aware there are requirements for block length, sidewalks, etc.*). *Some of the setbacks appear to conflict with the purpose of CDS.* If there are waiver to Subchapter E, it should be requested with the PUD.

UPDATE: Upon annexation, the entire PUD is subject to suburban roadway standards. Some aspects of the PUD may need exceptions to allow for more dense street and sidewalk networks in some areas.

SP 18. Please clarify if there will be development bonuses based on the height of the commercial property. If structures are proposed in excess of sixty feet in height, schematic drawings shall be provided which illustrate the height, bulk and location of such buildings and line of sight analyses from adjoining properties and/or rights-of-way. Provide schematics for commercial district - See submittal requirements.

UPDATE: Schematic drawings required for submittal of structures in excess of sixty feet in height will be submitted with the formal PUD application.

SP 19. Phasing of the PUD development is recommended to ensure adequacy of existing or proposed off-site roadways, utility systems, or other public facilities [Sec. 3.2]

UPDATE: Noted. A phasing analysis has been performed and provided to the City as part of the PID model.

SP 20. This site is located in the [Desired Development Zone./DWPZ]. Expiration for site plans under Project Duration [25-1-535(C)(3)] can only be extended to a maximum of five years from initial submittal date of the application. Staff does not recommend changes to expiration dates of applications (site plan, etc.) to conflict with project duration criteria.

UPDATE: Noted.

SP 21. Additional comments will be made at the time of the PUD application and when the site plans are submitted.

UPDATE: Noted.

Dev Assessment - Subdivision - David Wahlgren - 974-6455
--

SR 1. A location map would be helpful.

UPDATE: Noted. A location map has been added to the Land Use Plan.

SR 2. Preliminary plan(s) will be required for any development involving roads. Platting will be required prior to development.

UPDATE: A modification is requested to not require preliminary platting of the entire PUD/original tract in one application. Please see the proposed Code Modification table provided with this update.

SR 3. It is highly recommended that you meet with the Parks Department (Susan Delgado – 974-6760) very early in the process to discuss any parkland dedication issues.

UPDATE: Communication with both the City Parks Department and Travis County are ongoing. Please reference Sections 2.3.1C of Tier 1 and Open Space of Tier 2 in the Superiority Analysis provided.

Dev Assessment - WWW - Howard Neil Kepple - 974-3003

WW1 The landowner intends to serve the site with Manville water and City of Austin wastewater. The landowner will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. 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.

UPDATE: The City and Manville are currently negotiating for the City to be able to service the site. Further, the City and the developer are in the process of negotiation various aspects of design and funding of water improvements which are described in the Development Agreement. Please contact Bart Jennings for more information.

Zoning/Land Use – Clark Patterson 974-7691

ZN1. Please provide justification for PUD zoning for this tract of land. Identify how the proposed PUD is superior to current land development code requirements (See LDC Section 25-2-144) and how it will meet/exceed the new PUD criteria that was passed by the City Council.

UPDATE: Please reference the superiority analysis provided with this update.

ZN2. The staff understands that there will be dedicated open space within the PUD. Has the applicant met with the City of Austin Parks and Recreation (Ricardo Soliz at 974-6765) to discuss the request to provide fees in lieu of dedication of public parkland?

UPDATE: Communications with City Parks department is ongoing and dedicated land will be provided. Please reference Sections 2.3.1C of Tier 1 and Open Space of Tier 2 in the Superiority Analysis provided.

ZN3. Will the requested PUD comply with the Austin Energy Green Building Program. If so, what level of Green Building Standards does the applicant propose to utilize? Please

contact Katie Jensen at 482-5407 to discuss the Green Building program. Has the applicant considered the new proposed PUD Green Building Standards for this project?

UPDATE: The PUD will comply with the PUD 2 STAR Green Building Standards.

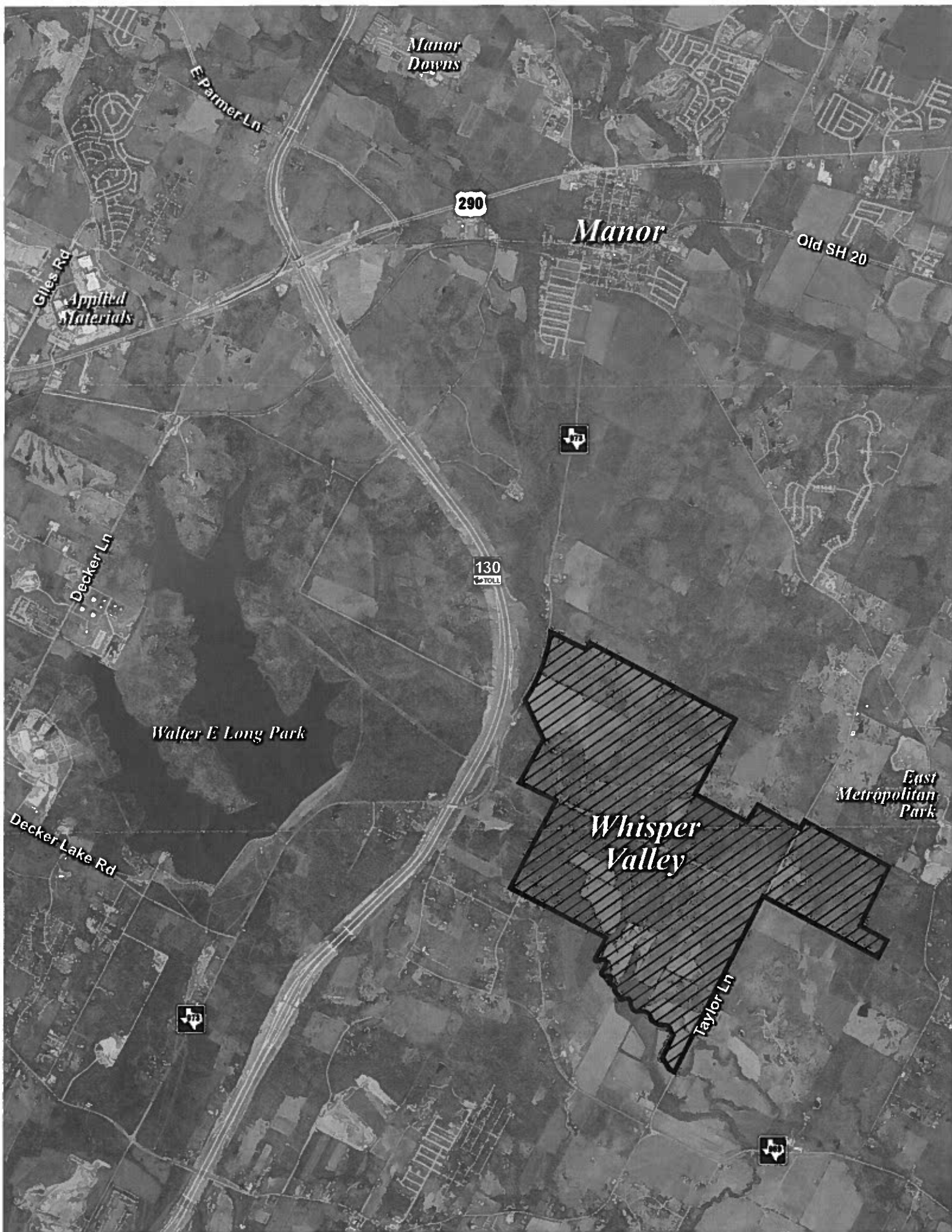
- ZN4. Will the applicant comply with Integrated Pest Management, provide rainwater recycling and provide water conservation as part of the benefits for this PUD?

UPDATE: The applicant will provide for an IPM for Commercial areas within the PUD.

- ZN5. Will alleys be provided for the small lot SF development?

- ZN6. At the time of application the TIA will need to show that Taylor Ln at Braker intersection can accommodate the proposed commercial development.

- ZN7. At the time of application staff and applicant will work to develop a regulatory method regarding density.



Manor
Downs

290

Manor

Old SH 20

Giles Rd
Applied
Materials

Decker Ln

130
TOLL

Walter E Long Park

Decker Lake Rd

East
Metropolitan
Park

Whisper
Valley

Taylor Ln

**WHISPER VALEY PUD EXHIBIT D-1
RESIDENTIAL DISTRICT
SITE DEVELOPMENT REGULATIONS
(Base Zoning District LR-MU)**

BUILDING TYPE	Single Family Detached Estate Lots	Single Family Detached Large Lot	Single Family Detached Medium Lot	Single Family Detached Small Lot	Single Family Attached 2 & 3 Units	Single Family Attached 4 Units Min.	Multifamily Three or more dwelling units within one or more buildings	Commercial ⁴
DISTRICT	Residential	Residential	Residential	Residential	Residential	Residential	Residential	Residential
Minimum Lot Size	9,000 SF	6,300 SF 5,400 SF on OS	4,500 SF	3,150 SF	2,000 SF/Unit	1,200 SF/Unit	4,500	5,750
Minimum Lot Width ²	75	60	50	35	25	20	50	50
Minimum Lot Depth								115
Front Loaded	120	105	100	Not permitted ¹	80	60	Not permitted ¹	
Rear Loaded	NA	100	90	90	80	60	90	
On Open Space	NA	90	90	90	80	60	90	
Maximum Height	35	35	35	35	45	45	45	40
Maximum Height Accessory Use	25	25	25	25				
Accessory Use Setback	5	5	3	0 or 3				
Minimum Front Yard								
Principal Structure	20	15	15	12	12	5	5	0 ³
Front Load Garage	20	20	20	Not permitted ¹	18	18		
Side Load Garage	15	15	10	Not permitted	10	10		
Porch	12	9	9	5	5	5		
Minimum Side Yard								
Interior Side	7.5	5	4	3	0	0	10	0
Corner Street Side	12.5	10	10	7.5	12	10	15	0
Minimum Rear Yard								
Principal Structure	20	15	15	5	15	15	5	5
Rear Loaded	NA	5	5	5	5	5	5	5
Side Drive Loaded Garage	8	5	5					
Maximum Building Coverage	45%	40%	40%	55%	75%	75%	55%	70%
Maximum Impervious Cover	55%	55%	55%	55%	65%	65%	65%	85%
FAR							.75:1	.75:1

Notes:

- 1 Front loaded garages are not permitted.
- 2 Minimum lot width is measured at front building setback line.
- 3 When fronting on the Local Urban Retail/Mixed Use Street Section.
- 4 Mixed Use, Civic and Industrial use projects shall be built to commercial standards.

 Not Applicable

WHISPER VALLEY PUD EXHIBIT D-2
MIXED USE DISTRICT
SITE DEVELOPMENT REGULATIONS
(Base Zoning District GR-V)

BUILDING TYPE	Single Family Detached Estate Lots	Single Family Detached Large Lot	Single Family Detached Medium Lot	Single Family Detached Small Lot	Single Family Attached 2 & 3 Units	Single Family Attached 4 Units Min.	Multifamily Three or more dwelling units within one or more buildings	Commercial ⁶	Mixed Use Vertical Mixed Use (VMU)
DISTRICT	Mixed Use	Mixed Use	Mixed Use	Mixed Use	Mixed Use	Mixed Use	Mixed Use	Mixed Use	Mixed Use
Minimum Lot Size					2,000 SF/ Unit	1,200 SF/ Unit	8,000	5,750	5,750
Minimum Lot Width ²					25	20	80	50	50
Minimum Lot Depth								115	100
Front Loaded					80	60	Not permitted ¹		Not permitted ¹
Rear Loaded					80	60	90		90
On Open Space					80	60	90		90
Maximum Height					45	55	60	60	60
Minimum Front Yard									
Principal Structure					12	5	5	0 ³ or 25	0 ³ or 10
Front Load Garage					18	18			
Side Load Garage					10	10			
Porch					5	5			
Minimum Side Yard									
Interior Side					0	0	10	0 or 5	0 or 5
Corner Street Side					12	10	5	5	0 or 5
Minimum Rear Yard									
Principal Structure					5	5	5	5	5
Rear Loaded					5	5	5		5
Avg. Building Setback ⁵									
Braker Lane					30	30	30	30	30
Taylor Road					30	30	30	30	30
Maximum Building Coverage					75%	75%	60%	75%	70%
Maximum Impervious Cover					70%	70%	70%	90%	90%
FAR							N/A	2:1	N / A

Notes:

- 1 Front loaded garages are not permitted.
2 Minimum lot width is measured at front building setback line.
3 When fronting on the Local Urban Retail/Mixed Use Street Section.
5 Average building setback supersedes other standards.
6 Any Mixed Use project that is not a Vertical Mixed Use (VMU) shall be built per commercial standards.

 Not Applicable

WHISPER VALLEY PUD EXHIBIT D-3
COMMERCIAL DISTRICT
SITE DEVELOPMENT REGULATIONS
(Base Zoning District CS-V)

BUILDING TYPE	Single Family Detached Estate Lots	Single Family Detached Large Lot	Single Family Detached Medium Lot	Single Family Detached Small Lot	Single Family Attached 2 & 3 Units	Single Family Attached 4 Units Min.	Multifamily Three or more dwelling units within one or more buildings	Commercial	Mixed Use Vertical Mixed Use (VMU)
DISTRICT	Commercial	Commercial	Commercial	Commercial	Commercial	Commercial	Commercial	Commercial	Commercial
Minimum Lot Size								5,750	5,750
Minimum Lot Width ²								50	50
Minimum Lot Depth								115	100
Front Loaded									Not permitted ¹
Rear Loaded									90
On Open Space									90
Maximum Height								90	90
Minimum Front Yard									
Principal Structure								0 ³ or 25	0 ³ or 10
Front Load Garage									
Side Load Garage									
Porch									
Minimum Side Yard									
Interior Side								0	0 or 5
Corner Street Side								10	0 or 5
Minimum Rear Yard									
Principal Structure								5	5
Rear Loaded									5
Avg. Building Setback ⁵									
Braker Lane								30	30
Taylor Road								30	30
Maximum Building Coverage								95%	95%
Maximum Impervious Cover								90%	90%
FAR								2:1	N / A

Notes:

- 1 Front loaded garages are not permitted.
2 Minimum lot width is measured at front building setback line.
3 When fronting on the Local Urban Retail/Mixed Use Street Section.
5 Average building setback supersedes other standards.

 Not Applicable

WHISPER VALLEY PUD
EXHIBIT D – SITE DEVELOPMENT REGULATIONS NOTES

A. Compatibility Standards

Within the boundaries of the Whisper Valley PUD, Subchapter C, Article 10 (*Compatibility Standards*) does not apply, except as modified below:

1. When a use that is permitted in a SF-6 or less restrictive zoning district (i.e., a multifamily, commercial, or industrial use) is across the street or adjoining property on which a use permitted in a SF-5 or more restrictive zoning district is located (i.e., a single family residential use), the massing and scale of such multifamily, commercial or industrial use shall be appropriate in relationship to the single family residential use. The massing of buildings and the appropriate scale relationship of a building to another building may be accomplished by:
 - (1) avoiding the use of a continuous or unbroken wall plane;
 - (2) using an architectural feature or element that:
 - (a) creates a variety of scale relationships;
 - (b) creates the appearance or feeling of a residential scale; or
 - (c) is sympathetic to a structure on an adjoining property; or
 - (3) using material consistently throughout a project and that is human in scale; or
 - (4) using a design technique or element that:
 - (a) creates a human scale appropriate for a residential use; or
 - (b) prevents the construction of a structure in close proximity to a single family residential use that is:
 - (i) significantly more massive than the single family residential use; or
 - (ii) antithetical to an appropriate human scale; and
 - (c) allows the construction of a structure, including a multi-family structure, that exhibits a human scale and massing that is appropriate for a residential use.

2. A 25 -foot vegetative buffer area shall be provided and maintained between single family residential uses and any commercial, civic, industrial, or multifamily uses. The buffer is measured from the property line of a single family residential use to a building developed with a commercial, civic, industrial, or multifamily use. (Figure 1). Mixed use buildings are excluded provided they contain residential uses.

Improvements permitted within the 25-foot vegetative buffer zone are: hike and bike trails, pedestrian trails, sidewalks, solid fences, detention, water quality and drainage facilities consisting primarily of earthen structures, utility easements and improvements, or those improvements that may otherwise be required by the City of Austin or specifically authorized in this ordinance.

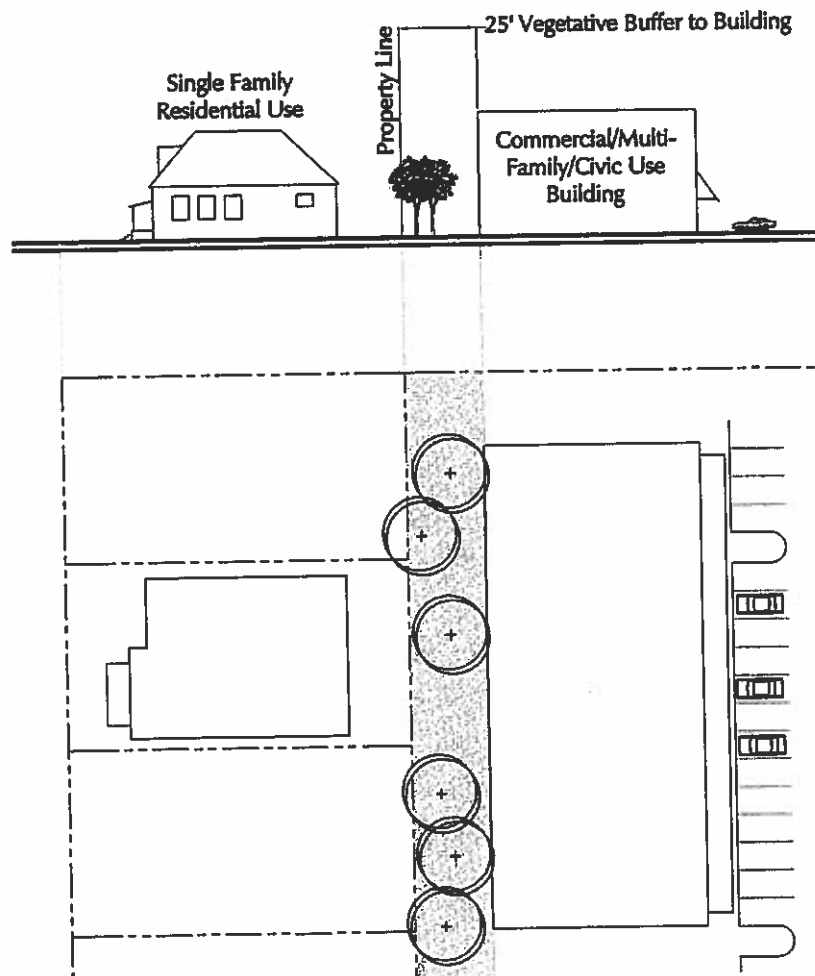


FIGURE 1: 25 foot vegetative buffer between a Residential Use and Commercial and Civic Use buildings.

3. A 100 foot wide buffer area measured from a property line of a single family residential use or a multifamily use (including a vertical mixed use) to an industrial use building shall be provided and maintained. (Figure 2):

- i. To the extent any of the 25 foot vegetative buffer described in subpart 2 above is contained within the 100 foot buffer described in the subpart 3, then the provisions of subpart 2 shall control with respect to that 25 feet (i.e., a total of 100' buffer with the first 25' being vegetative).
- ii. Improvements permitted within the 100-foot wide buffer zone are: hike and bike trails, pedestrian trails, sidewalks, solid fences, detention, water quality and drainage facilities consisting primarily of earthen structures, utility easements and improvements, streets, alleys, driveways, surface parking facilities limited to 12 parking spaces or fewer, or those improvements that may otherwise be required by the City of Austin or specifically authorized in this ordinance.

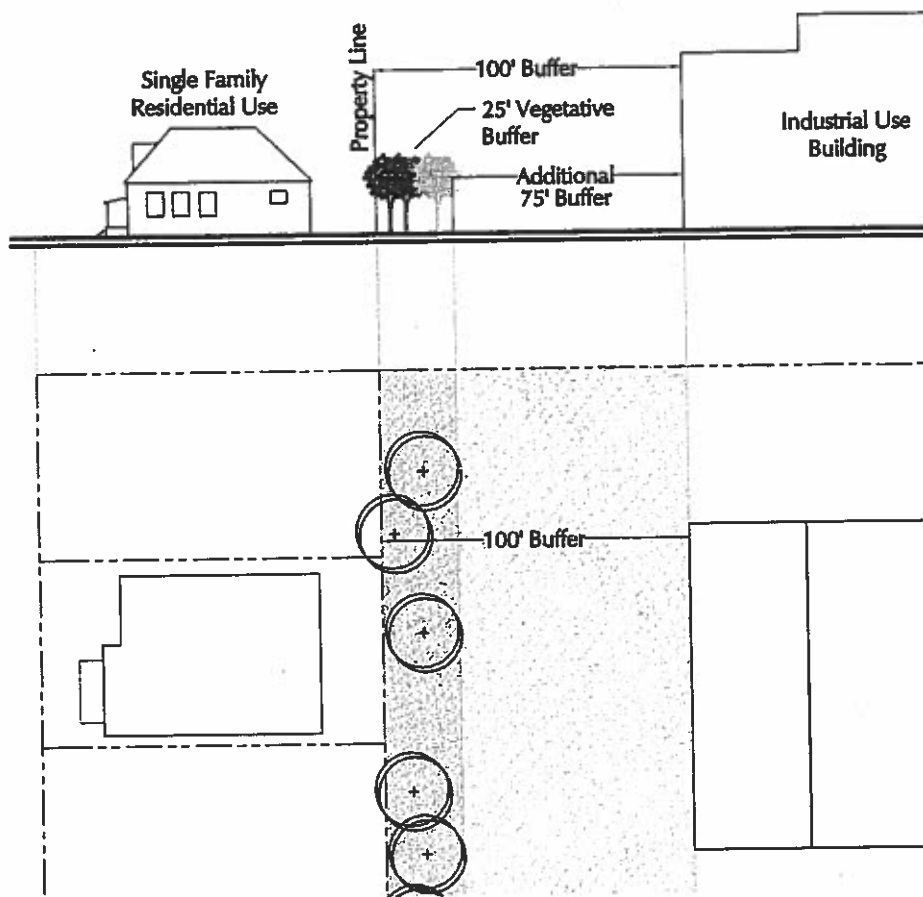


FIGURE 2: 25 foot vegetative buffer with an additional 75-foot wide buffer area for a total of 100 feet between a Residential Use and Industrial Use buildings.

4. Height restrictions between Land Use Categories are as follows:

- i. Within 50 feet of a single family residential lot located in the R Land Use Category, a building in the C Land Use Category may not exceed 10 feet above the height of the applicable residential building type's permitted height as specified on Table D-1.
- ii. Between 50 feet and 100 feet from a single family residential lot, a building in the C Land Use Category may not exceed 20 feet above the height of the applicable single family residential building type's permitted height as specified on Table D-1.
- iii. Beyond 100 feet of a single family residential lot a building in a C Land Use Category may be constructed to the permitted height as specified in on Table D-3.

(Figure 3):

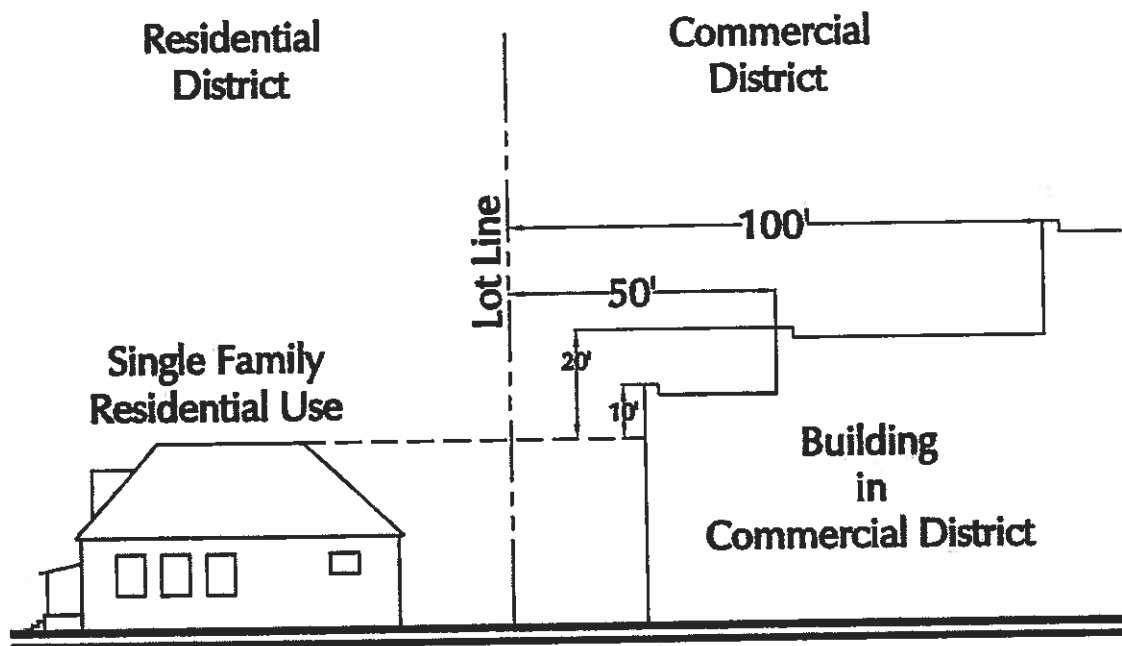


FIGURE 3: Height Restrictions between Single Family Residential Use within a Residential District and Commercial Use Building within a Commercial District.

- iv. Within 50 feet of a single family residential lot a building in the MU Land Use Category may not exceed 15 feet above the height of the applicable single family residential building type's permitted height as specified on Table D-1.
- v. Beyond 50 feet of a single family residential lot, a building in the MU Land Use Category may be constructed to the permitted height as specified on Table D-2.

(Figure 4):

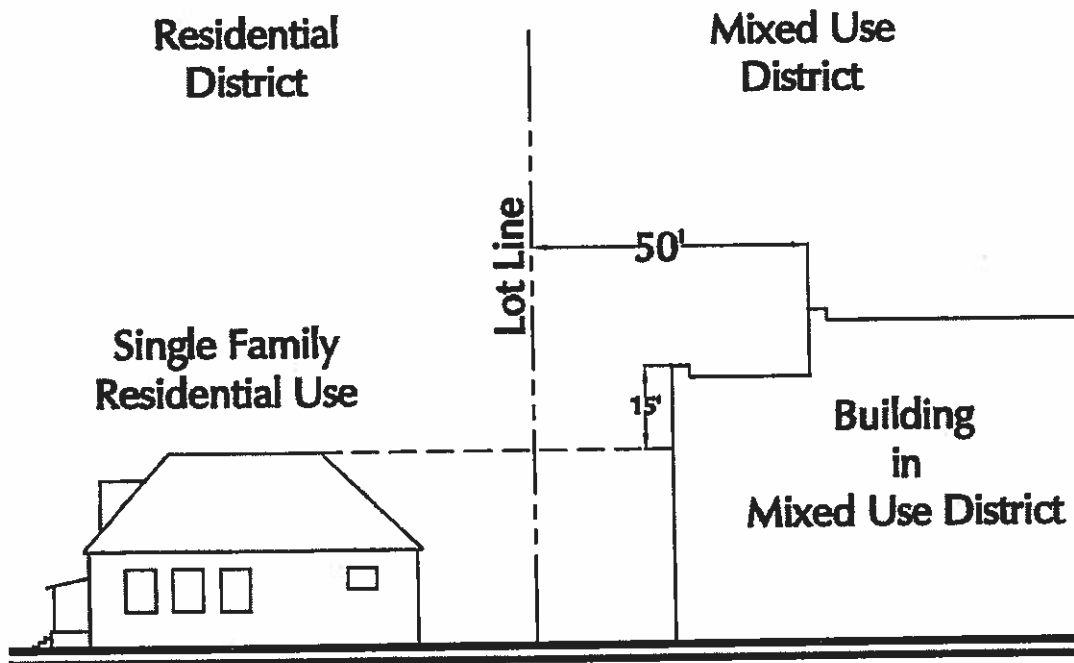


FIGURE 4: Height Restrictions between Single Family Residential Use within a Residential District and a Mixed Use Building within a Mixed Use District.

- vi. Within 50 feet of a single family residential lot in the MU Land Use Category, a building in the C Land Use Category may not exceed 15 feet above the height of the applicable residential building type's permitted height as specified on Table D-2.
- vii. Between 50 feet and 100 feet from a single family residential lot in the MU Land Use Category, a building in the C Land Use Category may not exceed 30 feet above the height of the applicable single family residential building type's permitted height as specified on Table D-2.
- viii. Beyond 100 feet of a single family residential lot in the MU Land Use Category, a building in the C Land Use Category may be constructed to the permitted height as specified on Table D-3.

(Figure 5):

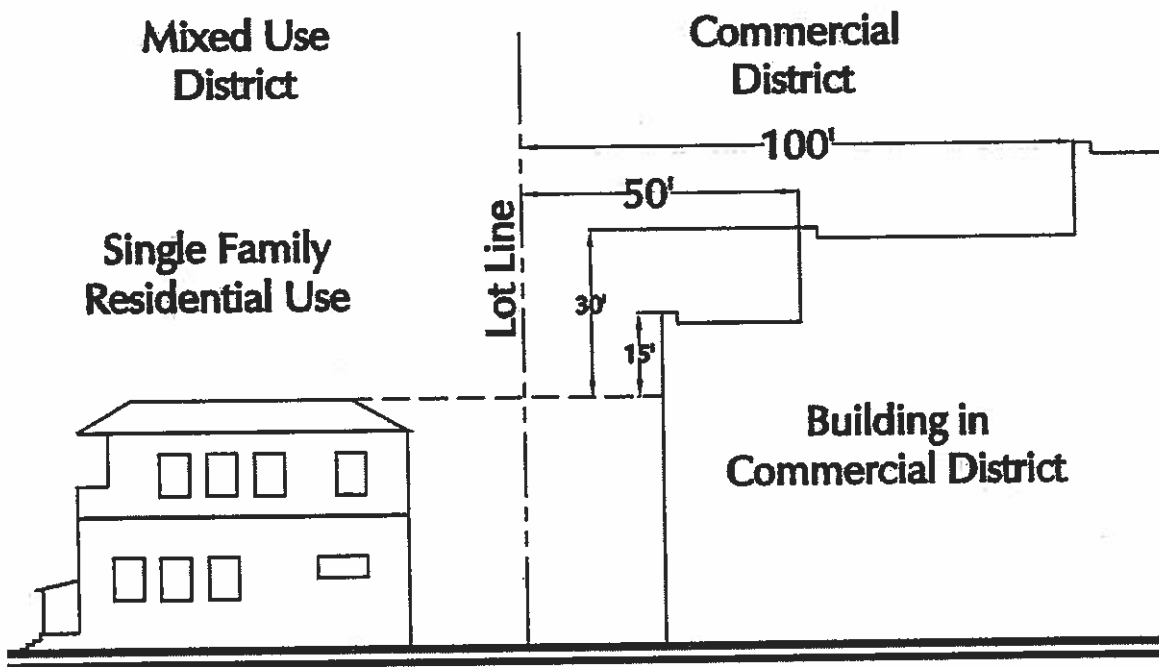


FIGURE 5: Height Restrictions between Single Family Residential Use within a Mixed Use District and a Building within a Commercial District.

5. Screening Requirements

- i. Each area on a property that is used for a following activity shall be screened from the view of adjacent property that is used for a single family or multifamily residential use (including a vertical mixed use):
 - (1) off-street parking containing more than 12 spaces;
 - (2) the placement of mechanical equipment;
 - (3) storage; or
 - (4) refuse collection.
 - ii. A person may comply with this subsection by providing a yard, fence, berm, or vegetation. If a fence is provided, the height of the fence may not exceed six feet, except as otherwise permitted by Section 25-2-899 (*Fences As Accessory Uses*).
 - iii. The owner must maintain a fence, berm, or vegetation provided under this such section.
6. The noise level of mechanical equipment may not exceed 60 decibels at the property line.
 7. The use of highly reflective surfaces, including reflective glass and reflective metal roofs with a pitch of more than a run of seven to a rise of 12, is prohibited. This prohibition does not apply to solar panels and copper or painted metal roofs.
 8. Dumpsters and permanently placed refuse receptacles must be located at least 25 feet from adjacent residential uses. The location of and access to dumpsters or any other refuse receptacles must comply with the Transportation Criteria Manual.
 9. Subsection C of Section 25-2-1006 (A) (1) (2) (*Visual Screening*) does not apply to the PUD.

10. Residential Lot Definitions

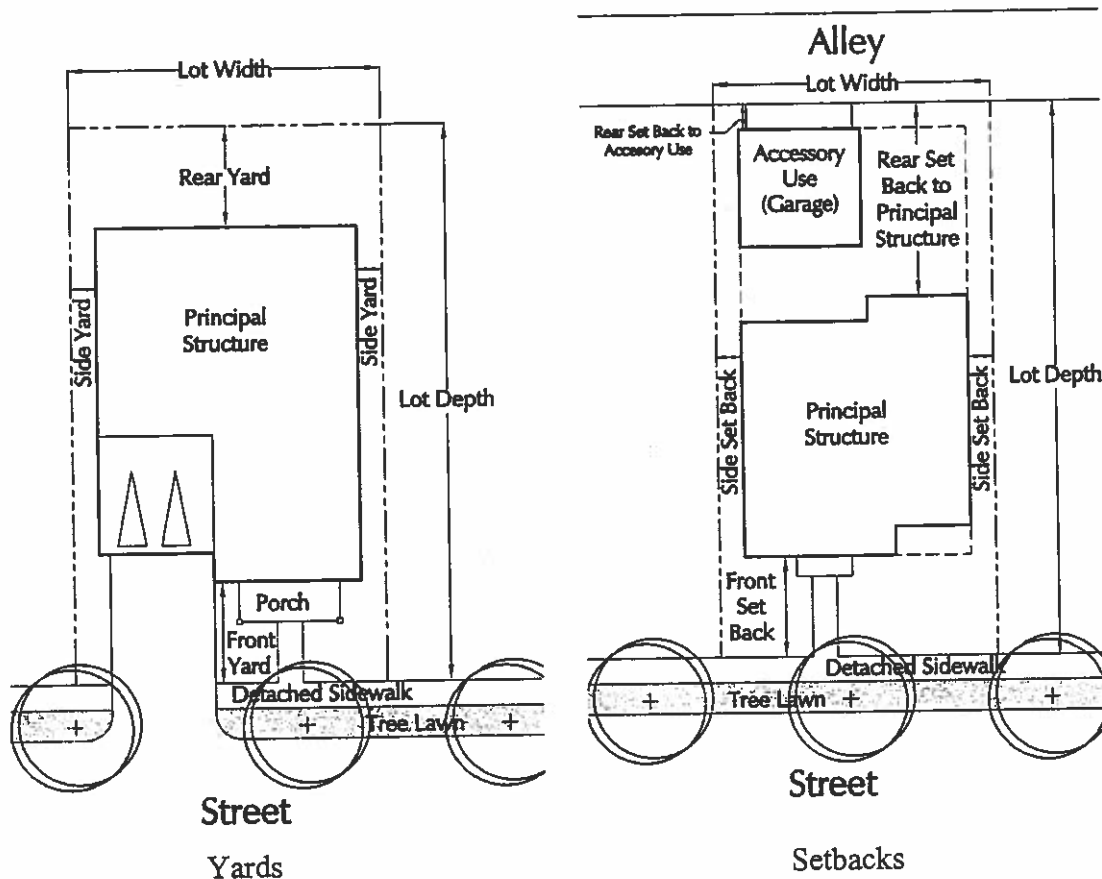


FIGURE 6: Lot Definitions

B. Additional Regulations for Residential and Mixed Use Districts

1. A building that is adjacent to a square may be not less than two stories high.*
2. An open colonnade may extend into the front setback a maximum of five feet. An unenclosed balcony with a minimum clearance of nine feet above finished grade may extend five feet over a public sidewalk. An awning or walkway covering with a minimum clearance of eight feet above finished grade may extend five feet over a public sidewalk.*
3. A commercial off-street parking use may not exceed one acre in site size. Not more than one commercial off-street parking Use site may be located in a block. A site must be screened from the street by low hedges or walls not less than three feet and not more than four feet in height.
4. A residential use with street level living space must have a finished first floor elevation not less than eighteen inches above the elevation of the sidewalk at the front lot line. A residential use may not front at ground level on a square.*

5. A telecommunications tower must be located on top of a building or be an architectural component of the building. Free standing towers are prohibited.
6. Garage Placement Criteria
 - i. Rear-Alley loaded garages
 1. Attached or Detached garages permitted
 - ii. Front-Loaded Side Drive garages
 1. Attached or Detached garages permitted
 - iii. Front-Loaded Recessed garages

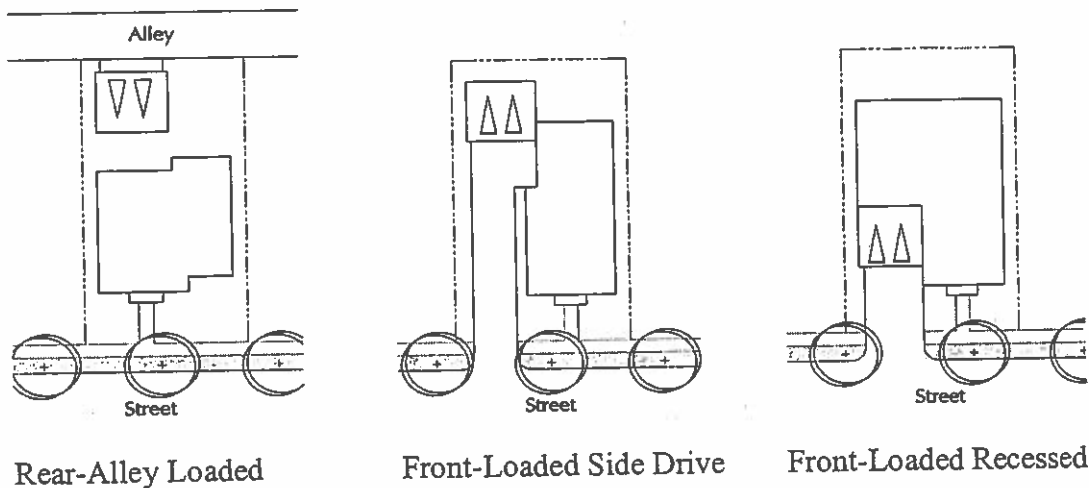


FIGURE 7: Garage Placement Examples

C. Additional Regulations for Commercial District

1. Parking Areas

- a. Parking lots and cars should not be dominant visual elements of the site. Large expansive paved areas located between the street and building shall be avoided in favor of smaller multiple lots separated by landscaping and buildings. A minimum of 75% of parking should be located at the rear and/or side of a building.
- b. Parking areas should be buffered from public view through the use of berming, landscaped hedges, and/or decorative low walls.
- c. Landscape islands should be located every 15 spaces, and paved walkways between rows of parking should terminate at building entrances.

2. Pedestrian and Vehicular Circulation

- a. Where feasible, establish off-street open space/greenway links between commercial districts and adjacent neighborhoods and public facilities.
- b. Whenever pedestrian and vehicular traffic meet, paving and signage need to alert drivers to the presence of pedestrians.
- c. Streets and pathways should lead directly to visual anchors and/or focal points.
- d. Circulation features should be designed to signal the user to the entrance or exit from the Commercial District or individual parcel. The entry /exit function is a critical means of defining a sequence of movement throughout the Whisper Valley commercial planning areas.

3. Urban Design

- a. Pedestrian activities such as “al fresco” dining along the sidewalk should be promoted to enhance the character of the commercial district.
- b. Where appropriate, use formal streetscape treatments such as parkway strips between street and sidewalk, regularly spaced canopy trees, and special paving to denote pedestrian zones.
- c. Create pedestrian areas in a “Main Street” format that encourages pedestrian activity while accommodating vehicular requirements.
- d. The use of pedestrian promenades characterized by outdoor plaza elements between buildings should create unity, cohesiveness and a sense of space while promoting walkable pedestrian activity centers.
- e. Building entries should incorporate pedestrian elements and amenities such as seating, lighting, and hardscape elements that help create or enhance special pedestrian areas.

4. Architectural Character

- a. Modern vernacular shall be promoted within the Commercial Districts of Whisper Valley.
- b. Varying facade elements, such as inset window areas, entries and/or projections of building volumes should always be considered.

5. Building Scale and Massing

- a. Locate buildings adjacent to the street. The bulk or mass of buildings should establish a consistent streetscape that defines a recognizable street edge.

Whisper Valley PUD

- b. Building mass should be broken down where possible. Horizontal breaks and vertical projections will effectively reduce the perceived scale of buildings.
- c. Consider the use of “stepped-down” buildings to break up larger structures, particularly those over 3 stories in height.
- d. Buildings should contribute to pedestrian comfort and enjoyment. Buildings adjacent to sidewalks should provide human scale and relationships

6. Service, Loading and Special Equipment Areas

- a. All storage areas shall be located on the side or rear portions of buildings.
- b. No service, storage, maintenance, or loading areas shall extend into a setback area.
- c. Loading areas shall be entirely located on-site. Off-site vehicle loading is not permitted.

D. Whisper Valley PUD is a Superior Development

(NEWER VERSION)

1. **Open Space:** The Whisper Valley PUD is superior in that it will preserve a substantial amount of land in its natural state associated with Gilleland Creek, and a major drainage corridor on the east side of Taylor Lane. What makes this unique to Whisper Valley is its total integration into the community. In addition to the preservation of critical flood zone areas, a network of drainage tributaries that feed the creek will be protected and used as linear natural parks into the community. The amount of land being preserved in association with the creeks will exceed the amount of open space typically required by at least 10%. In addition, within the development areas, a network of parks, trails, and general open space will be provided increasing the overall amount of open space provided.
2. **Connectivity:** Connected Neighborhoods and Green Space is a signature component of Whisper Valley. Within the various communities in Whisper Valley there will be numerous pocket parks and neighborhood parks connected by trails and bike lanes creating a network of passive and active green environments. Residents of Whisper Valley will be within a 5 to 10 minute walk of a park, a trail or open space and with minutes of all of Whisper Valley via a system of bike lanes and trails.
3. **Accessibility:** Connectivity is a key component to accessibility in Whisper Valley. A network of green linkages by way of tree lined streets, side-walks,

linear green trails and open space corridors will provide barrier free access to all parks, open space, and green environments. In one location, an underpass pedestrian tunnel will provide safe access under Braker Lane.

4. **Regional Amenity:** Regional access to near by existing parks will expand the recreational options for the residents of Whisper Valley and the region. Trails in the open space corridors will provide uninterrupted access to the Travis County East Metro Regional Park. In an effort to connect with the region, Whisper Valley will connect with regional trail networks, further providing access to the region.
5. **Public Services:** Whisper Valley will provide sites for public services including; schools, civic uses, and emergency services. These services will provide an increased quality of life to the residents of Whisper Valley and the surrounding communities. Dispersed throughout Whisper Valley the public services will be woven into the fabric of the development, making them an integral part of the Whisper Valley community.
6. **Diversity of Product:** The integration of different residential building types, i.e. single family detached, single family attached, multi family, and live work will be encouraged throughout Whisper Valley's residential neighborhoods. In doing so a variety of housing types will be available at any give time. A benefit to this type of integrated development is the ability to provide affordable housing products in the form of small lots, single family attached, and multifamily homes.
7. **Mixed Use:** Mixed-Use and Vertical Mixed-Use developments including live/work, neighborhood commercial retail, and Traditional Neighborhood Design style developments will be encouraged in the Residential, Mixed Use, and Commercial Districts. The intent is to provide higher densities and compact development patterns to promote walkable community lifestyles.
8. **Market Agility:** The Whisper Valley PUD provides for flexibility, with controls, within each of the Zoning Districts, enabling the evolution of the community to respond to the changing real estate market trends, increasing the long term viability of the development.
9. **Public Art:** Throughout Whisper Valley, in parks and mixed use developments, displays of public art will be encouraged. As projects are undertaken, developers will be encouraged to include art in plazas, courtyards, and in the landscape. Art enriches the human experiences and is part of Whisper Valley.

10. **Sustainability:** Whisper Valley will promote the sustainable concept of concentrated development creating a denser community fabric of development. Residents and guest of Whisper Valley will benefit from the compact development because it will be a walkable community and a community that promotes sustainability. The design of the community is built around activity nodes, all within a quarter mile walk from a residential home or business. Activity nodes can be retail shops, office buildings, schools, parks, community facilities, or just green open space. This community is designed around environments.
11. **Environmental:** It has been the intent of this project to capitalize on the rich environmental characteristics of the site. From the beginning the site constraints and opportunities have influenced the land plan. The preservation of the natural drainage ways beyond the flood plain has been key to the concept of working with nature. The parks and open space network within the development areas expands the natural preservation areas and brings open space into the community. By preserving natural areas water quality, tree preservation, steep slopes, and air quality all benefit. Topography has also influenced the land plan. Roads work with the topography as much as possible minimizing major cuts and fills and land uses are located in response to gradients. Higher density in flatter areas and lower density in steeper areas. Finally, the PUD has placed limits on permitted uses that would be detrimental to air and water quality as well as detrimental visual impacts.

WHISPER VALLEY PUD
ZONING USE SUMMARY TABLE
EXHIBIT E

Land Use	Residential District	Mixed Use District	Commercial District	Open Space District
RESIDENTIAL USES				
Bed & Breakfast (Group 1)	P ¹	P	P	NP
Bed & Breakfast (Group 2)	P ¹	P	P	NP
Condominium Residential	P ¹	P	P ²	NP
Duplex Residential	P	NP	NP	NP
Group Residential	P ¹	P	P	NP
Mobile Home Residential	NP	NP	NP	NP
Multifamily Residential	P ¹	P	P ²	NP
Retirement Housing (Small Site)	NP	P	NP	NP
Retirement Housing (Large Site)	NP	P	NP	NP
Single-Family Attached Residential	P	P	P ²	NP
Single-Family Residential	P	NP	NP	NP
Small Lot Single-Family Residential	P	NP	NP	NP
Townhouse Residential	P ¹	P	P ²	NP
Two-Family Residential	P	NP	NP	NP
COMMERCIAL USES				
Administrative and Businesses Offices	P ³	P	P	NP
Agricultural Sales and Services	NP	NP	NP	NP
Art Gallery	P ⁴	P	P	NP
Art Workshop	P ⁴	P	P	NP

¹ Refer to Exhibit D for compatibility requirements related to this use.

² Only as part of a Vertical Mixed Use

³ No individual use shall exceed 25,000 square feet

⁴ No individual use shall exceed 5,000 square feet

Land Use	Residential District	Mixed Use District	Commercial District	Open Space District
Automotive Rentals	NP	C	P ⁵	NP
Automotive Repair Services	NP	C	P ⁶	NP
Automotive Sales	NP	NP	C	NP
Automotive Washing (of any type)	C	P	P	NP
Bail Bond Services	NP	NP	NP	NP
Building Maintenance Services	NP	P	P	NP
Business or Trade School	NP	P	P	NP
Business Support Services	NP	P	P	NP
Campground	NP	NP	NP	NP
Carriage Stable	NP	NP	NP	NP
Cocktail Lounge	NP	C	P	NP
Commercial Blood Plasma Center	NP	C	P	NP
Commercial Off-Street Parking	NP	P	P	NP
Communication Services	NP	P	P	NP
Construction Sales and Services	NP	C	P	NP
Consumer Convenience Services	P ⁴	P	P	NP
Consumer Repair Services	P ⁴	P	P	NP
Convenience Storage	NP	P	P	NP
Drop-Off Recycling Collection Facility	NP	C	P	NP
Electronic Prototype Assembly	NP	C	P	NP
Electronic Testing	NP	C	P	NP
Equipment Repair Services	NP	NP	C	NP
Equipment Sales	NP	NP	P	NP
Exterminating Services	NP	C	P	NP
Financial Services	P ⁴	P	P	NP
Food Preparation	NP	P	P	NP

⁵ 25-3-105(A) An automotive rental use may keep not more than 20 vehicles on site.

⁶ 25-3-105(B) An automotive repair services use may not exceed 2,400 square feet of gross building area.

Land Use	Residential District	Mixed Use District	Commercial District	Open Space District
Food Sales	P ⁴	P	P	NP
Funeral Services	NP	NP	P	NP
General Retail Services (Convenience)	P ⁴	P	P	NP
General Retail Services (General)	NP	P	P	NP
Hotel-Motel	NP	P	P	NP
Indoor Entertainment	NP	P	P	NP
Indoor Sports and Recreation	P	P	P	P
Kennels	NP	P ⁷	P	NP
Laundry Services	NP	C	P	NP
Liquor Sales	NP	C	P	NP
Marina	NP	NP	NP	NP
Medical Offices – exceeding 5000 sq. ft. gross floor area	NP	C	P	NP
Medical Offices – not exceeding 5000 sq. ft. gross floor area	NP	P	P	NP
Monument Retail Sales	NP	NP	P	NP
Off-Site Accessory Parking	C	C	C	NP
Outdoor Entertainment	NP	P	P	P
Outdoor Sports and Recreation	P	P	P	P
Pawn Shop Services	NP	NP	NP	NP
Personal Improvement Services	P ⁴	P	P	NP
Personal Services	P ⁴	P	P	NP
Pet Services	P ⁴	P	P	NP
Plant Nursery	NP	P	P	NP
Printing and Publishing	NP	C	P	NP
Professional Office	P ³	P	P	NP
Recreational Equipment Maint &	NP	C	P	NP

⁷ Only in an enclosed structure

Land Use	Residential District	Mixed Use District	Commercial District	Open Space District
Storage				
Recreational Equipment Sales	NP	NP	P	NP
Research Assembly Services	NP	C	P	NP
Research Services	NP	C	P	NP
Research Testing Services	NP	C	C	NP
Research Warehousing Services	NP	C ⁸	C ⁸	NP
Restaurant (General)	P ⁴	P	P	NP
Restaurant (Limited)	P ⁴	P	P	NP
Scrap and Salvage	NP	NP	NP	NP
Service Station	C ⁹	P	P	NP
Software Development	NP	P	P	NP
Special Use Historic	NP	NP	NP	NP
Stables	P ¹	NP	NP	P
Theatre	NP	P	P	NP
Vehicle Storage	NP	NP	NP	NP
Veterinary Services	C	P	P	NP
INDUSTRIAL USES				
Basic Industry	NP	NP	NP	NP
Custom Manufacturing	NP	C ¹⁰	P	NP
General Warehousing and Distribution	NP	NP	NP	NP
Light Manufacturing	NP	C ¹⁰	P	NP
Limited Warehousing and Distribution	NP	P	P	NP
Recycling Center	NP	NP	C	NP

⁸ Must be stored indoors

⁹ 25-3-105(H) A service station use may have the capability of fueling not more than 12 vehicles at one time and is subject to compatibility requirements in Exhibit D

¹⁰ No outside storage and no individual use shall exceed 100,000 square feet

Land Use	Residential District	Mixed Use District	Commercial District	Open Space District
Resource Extraction	C	C	P	NP
AGRICULTURAL USES				
Urban Farm	P ¹¹	P ¹¹	P ¹¹	NP
All Other Agricultural	P ¹¹	P ¹¹	P ¹¹	NP
CIVIC USES				
Administrative Services	P	P	P	NP
Aviation Facilities	NP	NP	NP	NP
Camp	P	P	P	P
Cemetery	NP	NP	NP	NP
Club or Lodge	P ⁴	P	P	P
College and University Facilities	NP	P	P	NP
Communication Service Facilities	P	P	P	NP
Community Events	C	C	P	P
Community Recreation (Private)	P	P	P	P
Community Recreation (Public)	P	P	P	P
Congregate Living	C	P	P	NP
Convalescent Services	NP	P	P	NP
Convention Center	NP	P	P	NP
Counseling Services	NP	P	P	NP
Cultural Services	P	P	P	P
Day Care Services (Commercial)	P ⁴	P	P	NP
Day Care Services (General)	P ⁴	P	P	NP
Day Care Services (Limited)	P	P	P	NP
Detention Facilities	NP	NP	NP	NP
Employee Recreation	NP	P	P	NP
Family Home	NP	P	P	NP
Group Home, Class I (General)	NP	P	P	NP

¹¹ Only if an existing use, per Development Agreement

Land Use	Residential District	Mixed Use District	Commercial District	Open Space District
Group Home, Class I (Limited)	C	P	P	NP
Group Home, Class II	NP	C	C	NP
Guidance Services	C	P	P	NP
Hospital Services (General)	NP	C	P	NP
Hospital Services (Limited)	NP	NP	P	NP
Local Utility Services	P	P	P	P
Maintenance and Service Facilities	NP	NP	C	NP
Major Public Facilities	P ¹²	C	C	NP
Major Utility Facilities	C	C	C	NP
Military Installations	NP	NP	NP	NP
Park and Recreation Services (General)	P	P	P	P
Park and Recreation Services (Special)	NP	C	P	P
Postal Facilities	C	P	P	NP
Private Primary Education Facilities	P ¹	P	P	NP
Private Secondary Education Facilities	P ¹	P	P	NP
Public Primary Education Facilities	P ¹	P	P	NP
Public Secondary Education Facilities	P ¹	P	P	NP
Railroad Facilities	NP	NP	NP	NP
Religious Assembly	P	P	P	P
Residential Treatment	C	C	C	NP
Safety Services	P ¹	P	P	NP
Telecommunication Tower	C	P ¹	P	C
Transitional Housing	NP	NP	C	NP
Transportation Terminal	P ¹	P	P	P
All other Civic Uses				C

¹² Only use allowed is a regional wastewater treatment plant per cost reimbursement agreement with City

P = Permitted

NP = Not Permitted

C = Conditional Use