

Item A2

ENVIRONMENTAL BOARD MEETING MINUTES Wednesday, August 6, 2008



**ENVIRONMENTAL BOARD REGULAR MEETING MINUTES WEDNESDAY,
August 6, 2008**

The Environmental Board convened in a regular meeting on Wednesday, August 6, 2008, City Hall Council Chambers 301 West 2nd Street, Austin Texas. Chair Dave Anderson called the Board Meeting to order at 6:10 p.m.

Board Members in Attendance:

Dave Anderson, Mary Gay Maxwell, Phil Moncada and Mary Ann Neely

Staff in Attendance:

Marilla Shepherd, Mike McDougale, Keith Mars, Brad Jackson, Jennifer Groude, Sylvia Pope, Ingrid McDonald Pat Murphy, Craig Carson, Andrew Clamann, Javier Delgado, and Scott Hiers

1. CITIZEN COMMUNICATIONS: GENERAL

- a. Dale Bulla spoke on Wildlife Austin and Certified Yard Application
- b. Carol Lee spoke on Webb Estates agenda item 4d.
- c. Peterson Torgimson spoke on Web Estates agenda item 4d.

2. APPROVAL OF MINUTES

Approve the minutes of the July 16, 2008 regular meeting.

The minutes for the regular meeting on July 16, 2008 were approved on and Board member Moncada's motion, Board Member's Maxwell's second [Vote 4-0 Board members Ahart and Beall absent one vacancy]

3. BOARD BUSINESS

Election of Environmental Board officers. The count for two one-year terms of officers begins with this election.

The motion to postpone agenda item 3a Election of Environmental Board officers was approved on Board member Anderson motion, and Board member Moncada's second postponed until August 20, 2008.

[Vote 4-0 Board members Ahart and Beall absent one vacancy]

4. PUBLIC HEARINGS

DISCUSSION AND ACTION ON DEVELOPMENT CASES

a. Name: Austin Del Valle Motorcross Park SP-2007-0613D

Applicant: Espey Consultants, Inc. (Ron Crane)

Location: 14600 Pearce Road

Staff Person: Patricia Foran – Watershed Protection and Development Review Department

Request: Variance request to Land Development Code 25-7-61(A) (5) (b)); 1) alter the floodplain. (LDC 25-8-211(B)); 2) not provide water quality controls. LDC 25-8-282;

3) encroach within wetland critical environmental features and associated setback (LDC 25-8-342); 4) unstabilized fill up to 16 feet (LDC 25-8-392); 5) construct up to 3.59 acres of impervious cover (track), and construct water quality controls within the Critical Water Quality Zone. (LDC 25-8-393(A)); 6) exceed 30% impervious cover in the Water Quality Transition Zone by constructing up to 2.61 acres (11,362 square feet) impervious cover, 1.74 acres (75,795 square feet) of which is in the 100-year floodplain.

Staff Recommendation: Not recommended for all variance requests because the findings of fact have not been met.

The motion to postpone agenda item 4a Austin Del Valle Motorcross Park was approved on Board member Anderson motion, and Board member Moncada's second postponed until September 10, 2008.

[Vote 4-0 Board members Ahart and Beall absent 1 vacancy]

b. Name: 7908 Big View Drive SP-2007-0604D

Applicant: Aupperle Company

Location: 7908 Big View Drive

Staff Person: Patricia Foran– Watershed Protection and Development Review Department

Request: Variance request is to Land Development Code 25-8-261 and 25-8-452 1) to allow construction in the Critical Water Quality Zone

Staff Recommendation: Recommended with conditions.

The motion to postpone agenda item 4b 7908 Big View Drive was approved on Board member Anderson motion, and Board member Moncada's second postponed until August 20, 2008. [Vote 4-0 Board members Ahart and Beall absent 1 vacancy]

- Invite Michael Embesi to meeting
- Update on the Fill Around Cypress Trees
- Update on Land Development Code Requirements

- c. **Name:** Walnut Creek Bike Trail Improvements SPC-2007-0364C
Applicant: Larson, Burns, & Smith
Location: Walnut Creek Greenbelt, Between Balcones District Park and Walnut Creek Metropolitan Park
Staff Person: Patricia Foran– Watershed Protection and Development Review Department
Request: Variance request is to Land Development Code Sections 25-8-281(C) (2) (b) 1) to encroach on Critical Environmental Features setbacks; 2) LDC 25-8-392 2) to develop in the Critical Water Quality Zone 3) LDC 25-8-342 to fill up to 11 feet;
Staff Recommendation: Recommended with conditions.

The Environmental Board recommended conditional approval to a variance request for Walnut Creek Bike Trail Improvements SP C2007-0364C Land Development Code Sections 25-8-281(C) (2)(b) 1) to encroach on Critical Environmental Features setbacks; 2) LDC 25-8-392 2) to develop in the Critical Water Quality Zone 3) LDC 25-8-342 to fill up to 11 feet;
STAFF CONDITIONS; 1) Revegetate all disturbed areas within the Critical Water Quality Zone with City of Austin specification 609S for seeding and planting. 2) Revegetate all areas with significant slopes with City of Austin Specifications 604S. 3) Provide only native/drought tolerant plants from the City of Austin's Grow Green Guide for all landscaping and mitigation trees. 4) Provide an overall mitigation rate of 35% for all trees proposed to be removed. **RATIONALE;** Findings of facts have been met. In light of fuel expenses today and use of area by the community. (Motion was approved on Board member Moncada's motion, and Board member Neely's second) [Vote 4-0 Board members Ahart and Beall absent 1 vacancy] See attached.

- d. **Name:** Webb Estates C8J-2008-0082
Applicant: Longaro & Clarke, L.P. (James McCan)
Location: City Park Road
Staff Person: Craig Carson Watershed Protection and Development Review Department
Request: Variance request is to Land Development Code Sections 30-5-301(A) 1) - To allow construction of roads and driveways on slopes greater than 15%. 2) LDC Section 30-5-302(B) -To allow construction of buildings on slopes greater than 25% 3) [LDC Section 30-5-341/342] -To allow cut up to 18 feet and fill up to 20 feet
Staff Recommendation: Recommended

The Environmental Board motioned to deny Land Development Code Sections 30-5-301(A) 1) - To allow construction of roads and driveways on slopes greater than 15%. 2) LDC Section 30-5-302(B) -To allow construction of buildings on slopes greater than 25% 3) [LDC Section 30-5-341/342] -To allow cut up to 18 feet and fill up to 20 feet
RATIONALE; Water quality may be impacted by development, and water runoff could enter the conservation lands. Does not meet the

spirit of Balcones Canyonlands Conservation Program. (BCCP), to maintain contiguous tracts.

Motion was approved on Board member Moncada's motion, and Board member Neely's second) [Vote 4-0 Board members Ahart and Beall absent 1 vacancy] See attached.

- e. **Name: Bird's Nest Airport Stage I Construction SP-2008-0117D**
Applicant: Garver Engineers, LLC
Location: 15012 Fuchs Grove Road
Staff Person: Craig Carson Watershed Protection and Development Review Department
Request: Variance request is to Land Development Code Sections 25-8-341 1) - To allow cut up to 17.2 feet. 2) LDC Section 25-8-342 - To allow fill up to 16.6 feet
Staff Recommendation: Recommended

The Environmental Board recommended the following case be approved by consent, with no staff conditions and no board conditions listed for the Bird's Nest Airport Stage I Construction SP-2008-0117D Motion was approved on Board member Maxwell's motion, and Board member Moncada's second) [Vote 4-0 Board members Ahart and Beall absent 1 vacancy] See attached.

- f. **Name: Wildflower Commons/PUD C814-06-0233**
Applicant: Drenner & Golden Stuart Wolff, LLP
Location: 4700-5200 Blocks of State Highway 45
Staff Person: Patricia Foran - Watershed Protection and Development Review Department
Request: Applicant is requesting PUD (Planned Unit Development) zoning for the property.
Staff Recommendation: Staff recommendation is pending.

The motion to postpone agenda item 4f Wildflower Commons/PUD C814-06-0233 was approved on Board member Anderson motion, and Board member Moncada's second postponed until August 20, 2008. [Vote 4-0 Board members Ahart and Beall absent 1 vacancy]

- g. **Name:** Leander Independent School District SP-2007-0503CX (Revision One)
Applicant: Leander Independent School District (Tom Glenn)
Location: 9700 McNeil Drive
Staff Person: Javier Delgado- Watershed Protection and Development Review Department
Request: Variance request are as follows: Land Development Code Section 25-8-342: To allow fill greater than four feet of dept, not to exceed 23 feet.
Staff Recommendation: Recommended with conditions.

The Environmental Board recommended conditional approval to a variance request for Leander Independent School District (LISD) to Land Development Code Section 25-8-342: **STAFF CONDITIONS; 1. The fill used for this variance must be from on-site excavation from the Ribelin Ranch development (Lot 7). The any off-site fill (if needed) must comply with criteria established per COA Section 25-8-125 (includes backfill load certification, material essentially insoluble etc. 2. The site will comply with regular code landscaping requirements for parking areas. 3. Provide an IMP plan. 4. Utilize Hill Country native species for landscaping and tree replacement. 5. Enhance erosion controls (including mulch logs/socks). 6. Eliminate any additional parking above what is required by the inter-local agreement.**4g Leander ISD SP-2007-0503CS (Revision One) was approved on Board member Moncada's motion, and Board member Maxwell's second. [Vote 4-0 Board members Ahart and Beall absent 1 vacancy]

5. STAFF BRIEFINGS

- a. Vaught Ranch Road Service Extension Requests for Water #2768 and Wastewater #2769 – Robbie Botto – Watershed Protection and Development Review Department

The motion to postpone agenda item 5a Vaught Ranch Road Service Extension Request #2768 Water and #2769 Wastewater was approved on Board member Anderson motion, and Board member Moncada's second postponed until September 10, 2008. [Vote 4-0 Board members Ahart and Beall absent one vacancy]

6. OLD BUSINESS

- a. Joint Environmental/Parks Board Subcommittee – Dave Anderson, P.E.
No report
- b. Erosion and Sedimentation Controls – Dave Anderson, P.E.
No report
- c. Balcones Canyonlands Conservation Plan Citizens Advisory Group – Mary Ann Neely
Board member Neely reported on this item.
- d. Waterfront Overlay Taskforce – Dr. Mary Gay Maxwell
Board member Maxwell reported on this item.
- e. 2008 Work Plan Review – Dave Anderson, P. E.
Board member Maxwell reported on this item
- f. Tree Damage Resolution- Dave Anderson
The Environmental Board, along with the City of Austin Tree Task Force and the Urban Forestry Board, offer the attached resolution to address recent damage to the urban tree canopy, and to recognize this resource as an important infrastructure component to the City of Austin. See attached.

7. NEW BUSINESS

Request for future agenda items:

Posting of Draft Ordinances on the website. – Dave Anderson, P. E.

8. ADJOURNMENT

The meeting adjourned at 9:30 p.m.

DRAFT



ENVIRONMENTAL BOARD MOTION 080608-4c

Date: August 6, 2008

Subject: Walnut Creek Bike Trail Improvements SP C-2007-0364C

Motioned By: Phil Moncada

Seconded by: Mary Ann Neely

Recommendation

The Environmental Board recommended conditional approval to a variance request for Walnut Creek Bike Trail Improvements SP C2007-0364C Land Development Code Sections 25-8-281(C) (2)(b) 1) to encroach on Critical Environmental Features setbacks; 2) LDC 25-8-392 2) to develop in the Critical Water Quality Zone 3) LDC 25-8-342 to fill up to 11 feet;

STAFF CONDITIONS

1. Revegetate all disturbed areas within the Critical Water Quality Zone with City of Austin specification 609S for seeding and planting
2. Revegetate all areas with significant slopes with City of Austin Specifications 604S
3. Provide only native/drought tolerant plants from the City of Austin's Grow Green Guide for all landscaping and mitigation trees
4. Provide an overall mitigation rate of 35% for all trees proposed to be removed.

RATIONALE; Findings of facts have been met. In light of fuel expenses today and use of area by the community

Vote 4-0-0-2

For: Anderson, Maxwell, Moncada and Neely

Against:

Abstain:

Absent: Ahart and Beall

Recused:

Vacant 1

Approved By:

Dave Anderson P.E., CFM
Environmental Board Chair



ENVIRONMENTAL BOARD MOTION 080608-4d

Date: August 6, 2008

Subject: Webb Estates

Motioned By: Phil Moncada

Seconded by: Mary Ann Neely

Recommendation

The Environmental Board motioned to deny Land Development Code Sections 30-5-301(A) 1) - To allow construction of roads and driveways on slopes greater than 15%. 2) LDC Section 30-5-302(B) -To allow construction of buildings on slopes greater than 25% 3) [LDC Section 30-5-341/342] -To allow cut up to 18 feet and fill up to 20 feet.

RATIONALE; Water quality may be impacted by development, and water runoff could enter the conservation lands. Does not meet the spirit of Balcones Canyonlands Conservation Program. (BCCP), to maintain contiguous tracts.

Vote 4-0-0-0-2

For: Anderson, Maxwell, Moncada and Neely

Against:

Abstain:

Absent: Ahart and Beall

Recused:

Vacant: 1

Approved By:

Dave Anderson P.E., CFM
Environmental Board Chair



ENVIRONMENTAL BOARD MOTION 080608-4e

Date: August 6, 2008

Subject: Consent Agenda Bird's Nest Airport Stage 1 Construction SP-2008-0117D

Motioned By: Mary Gay Maxwell.

Seconded by: Phil Moncada

Recommendation

The Environmental Board recommended the following case be approved by consent, with no staff conditions and no board conditions listed for the Bird's Nest Airport Stage I Construction SP-2008-0117D.

Vote 4-0-0-0-2

For: Anderson, Maxwell, Moncada and Neely

Against:

Abstain:

Absent: Ahart, and Beall

Recused:

Vacant 1

Approved By:

Dave Anderson P.E., CFM
Environmental Board Chair



ENVIRONMENTAL BOARD MOTION 080608-4g

Date: August 6, 2008

Subject: Leander Independent School District SP-2007-0503CX (Revision One)

Motioned By: Phil Moncada

Seconded by: Maxwell

Recommendation

The Environmental Board recommended conditional approval to a variance request for Leander Independent School District (LISD) to Land Development Code Section 25-8-342: To allow fill greater than four feet of dept, not to exceed 23 feet.

STAFF CONDITIONS

1. The fill used for this variance must be from on-site excavation from the Ribelin ranch development (Lot 7). The any off-site fill (if needed) must comply with criteria established per COA Section 25-8-125 (includes backfill load certification, material essentially insoluble, etc.
2. The site will comply with regular code landscaping requirements for parking areas.
3. Provide an IPM Plan.
4. Utilize Hill Country native species for landscaping and tree replacement.
5. Enhance erosion controls (includes mulch logs/socks).
6. Eliminate any additional parking above what is required by the inter-local agreement.

ENVIRONMENTAL BOARD CONDITIONS

Ask the LISD to install 8' perimeter fence around Balcones Conservation Preserve Land.

RATIONALE

Findings of fact have been met. This project serves a public need for continuing education and will reduce vehicle trips and improve air quality and reduce pollution

Vote 4-0-0-2

For: Anderson, Maxwell, Moncada and Neely

Against:

Abstain:

Absent: Ahart and Beall

Recused:

Vacant 1

Approved By:

Dave Anderson P.E., CFM
Environmental Board Chair

DRAFT



ENVIRONMENTAL BOARD MOTION AND RESOLUTION 0806086g-001

Date: August 6, 2008

Subject: Urban Tree Canopy Protection Resolution

Motioned By: Mary Ann Neely

Seconded By: Mary Gay Maxwell

The Environmental Board, along with the City of Austin Tree Task Force and the Urban Forestry Board, offer the attached resolution to address recent damage to the urban tree canopy, and to recognize this resource as an important infrastructure component to the City of Austin.

Vote 4-0-0-0

For: Anderson, Maxwell, Moncada and Neely

Against: None

Abstain: None

Absent: Ahart and Beall

Vacant: One.

Approved By:

Dave Anderson P.E., CFM, Chair

RESOLUTION NO. EB 080608 6g-001

WHEREAS, a multifamily construction site plan (Bee Caves Apartments, SP-2007-0442C) was approved by the City of Austin on January 22, 2008, and development activities commenced after the Owner, Contractor, and City representatives discussed various environmental and tree issues at an on-site meeting held February 27, 2008; and

WHEREAS, during the weekend of March 8, 2008 a Subcontractor, operating with minimal supervision, cleared an unauthorized area and removed a significant number of trees and vegetation, evidently driving over a limit of construction barrier that delineated the development boundaries into a waterway and drainage easement where a tree survey was not required; and

WHEREAS, the City of Austin was contacted by the Owner on the following Monday morning and accompanied a Watershed Protection and Development Review Inspector to the site on March 13, 2008, where a Stop Work Order was issued for development not in accordance with a released site plan, failure to provide adequate erosion and sedimentation control, and failure to comply with protected tree requirements; and

WHEREAS, the Contractor hired a private surveying company to perform a tree survey of the removed trees, which remained piled on the site, accounting for 154 trees (8-inches in diameter and greater) totaling 1,440 diameter inches that were removed without a permit, including 23 mature, "protected" trees that were 19" diameter or greater; and

WHEREAS, the Stop Work Order was released on March 28, 2008 after the Owner agreed to provide 100% replacement of inch for inch for the tree violations; and

WHEREAS, the urban tree canopy is a vital component of the Austin Environment; and

WHEREAS, there is the potential to set an unacceptable precedent if trees are removed from a site in excess of those permitted for removal without a significant penalty for those activities, and those responsible for the illegal action held immediately accountable;

NOW, THEREFORE, BE IT RESOLVED, that the City of Austin Environmental Board, Forestry Board, and the neighborhood representatives of the neighborhood associating that served on the Tree Task Force requests that City Council direct City Staff to evaluate the following:

1. The implementation of the recommendations of the Tree Task Force immediately.
2. The implementation of more significant fines or other financial implications as a deterrent to these types of activities.

Item 4a



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING
DATE REQUESTED: August 20, 2008

NAME & NUMBER OF PROJECT: 7908 Big View Drive
SP-2007-0646D

NAME OF APPLICANT OR ORGANIZATION: Aupperle Company
(Bruce Aupperle – Phone 422-7838)

LOCATION: 7908 Big View Drive

PROJECT FILING DATE: November 7, 2007

WPDR/ENVIRONMENTAL STAFF: Patricia Foran, 974-3427
patricia.foran@ci.austin.tx.us

WPDR/ CASE MANAGER: Chris Yanez, 974-1810
chris.yanez@ci.austin.tx.us

WATERSHED: Lake Austin (Water Supply Rural)
Drinking Water Protection Zone

ORDINANCE: Comprehensive Watershed Ordinance (current Code)

REQUEST: Variance request to allow construction in the Critical Water Quality Zone; LDC Sections 25-8-261 and 25-8-452.

STAFF RECOMMENDATION: Recommended with conditions.

REASONS FOR RECOMMENDATION: Findings of fact have been met.



MEMORANDUM

TO: David Anderson, Chairperson
Members of the Environmental Board

FROM: Patricia Foran, Environmental Reviewer
Watershed Protection and Development Review Department

DATE: August 13, 2008

SUBJECT: 7908 Big View Drive/ SP-2007-0646D

Michael Embesi, City Arborist, is unable to attend the Environmental Board meeting on August 20, 2008. Attached please find a memorandum from Mr. Embesi to the Environmental Board which addresses the trees located at 7908 Big View Drive.

If you have any questions or need additional information, please contact Ingrid McDonald at 974-2711.

Patricia Foran, Environmental Review Specialist Senior
Watershed Protection and Development Review Department



MEMORANDUM

TO: David Anderson, Chairperson
Members of the Environmental Board

FROM: Michael Embesi, City Arborist
Watershed Protection and Development Review Department

DATE: August 14, 2008

SUBJECT: 7908 Big View Drive/ SP-2007-0646D

Thank you for your request. I apologize for not being able to attend tonight's Environmental Board Meeting but I have a previously scheduled meeting with the Urban Forestry Board.

Discussions with the applicant have identified many proposed impacts to the critical root zone to the trees along the shoreline. Development within the critical root zone is not preferable; however interactions with the applicant have attempted to minimize impacts to the existing trees. These items include adjusting the area where the boat dock is proposed, establishing bulk-heading in a manner to minimize root severing, creating wave and erosion abatement devices near the trunk of the trees, and minimizing fill material requirements. Even though a variance is not required to permit this work, it is commonplace to require a private Certified Arborist to be employed by the developer to ensure the best results (i.e. proper construction execution, and specific treatments to soil, root, and canopy).

Thank you for your time and please contact me if I can assist you further,

Michael Embesi



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING
DATE REQUESTED: August 20, 2008

NAME & NUMBER OF PROJECT: Wildflower Commons/PUD
C814-06-0233

NAME OF APPLICANT OR ORGANIZATION: Drenner & Golden Stuart Wolff, LLP
(Michele Haussmann – Phone 404-2233)

LOCATION: 4700 – 5200 Blocks of State Highway 45

PROJECT FILING DATE: December 21, 2006

WPDR/ENVIRONMENTAL STAFF: Ingrid McDonald, 974-2711
ingrid.mcdonald@ci.austin.tx.us

WPDR/ CASE MANAGER: Wendy Rhoades, 974-7719
Wendy.Rhoades@ci.austin.tx.us

WATERSHED: Slaughter Creek and Bear Creek Watersheds (Barton Springs Zone)
Drinking Water Protection Zone

ORDINANCE: Bradley Settlement Agreement

REQUEST: Applicant is requesting PUD zoning for the property.

STAFF RECOMMENDATION: Recommended.



MEMORANDUM

TO: Betty Baker, Chair
Members of the Zoning & Platting Commission

FROM: Patricia Foran, Environmental Review Specialist Senior
Watershed Protection and Development Review Department

DATE: August 13, 2008

SUBJECT: Wildflower Commons PUD - C814-06-0233
4700 – 5200 Blocks of State Highway 45

Staff received a rezoning application for the above-mentioned case on December 21, 2006 that proposes a zoning change from the single-family residence standard lot (SF-2) and general office (GO) districts to Planned Unit Development (PUD) on 265.678 acres of land.

The PUD proposal consists of a mixed use development consisting of condominiums, office uses, a supermarket, and a shopping center with restaurant. In total, impervious cover is proposed at 15% net site area, which is approximately 37.99 acres of impervious cover. The applicant is allocated approximately 45.61 acres of impervious per the Bradley Settlement Agreement.

The Applicant is requesting seven exceptions to environmental regulations.

Description of Property

The proposed PUD is situated in the Bear and Slaughter Creek Watersheds, both of which are classified as Barton Springs Zone. The PUD is composed of five tracts and is bisected by proposed State Highway 45. The tracts lie in the Drinking Water Development Zone and are located over the Edwards Aquifer Recharge Zone. Critical Water Quality Zone (CWQZ), Water Quality Transition Zone (WQTZ), 100-year floodplain, and critical environmental features (CEFs) occur within the proposed PUD.

The existing tracts are currently undeveloped. The proposed PUD area is bounded by undeveloped land on the west (County), undeveloped land (County) and undeveloped land (GR-CO) within the Circle C Ranch subdivision to the north, and undeveloped land (County) on the east and south.

The property is subject to the Bradley Agreement, which includes certain mitigative components. This PUD proposes to comply with all conditions required by the Bradley Agreement, in addition to benefits proposed with this rezoning application.

Existing Topography/Soil Characteristics/Vegetation

The elevation ranges from 800 to 880 feet above mean sea level. There is a watershed divide located on the property; the majority of the project area slopes to the northeast towards Slaughter Creek, and a portion slopes to the southwest towards Bear Creek. All slopes are less than 15%.

There are two soil mapping units on site: Speck stony clay loam and Tarrant soils. The geologic units of the site of the Edwards Group, which consist of Grainstore, Kirschberg Evaporite, and Dolomitic members of the Cretaceous age Kainer Formation.

The project site is located in the Live Oak-Ashe Juniper Parks vegetation region which is characterized as wooded and open rangeland.

Critical Environmental Features/Endangered Species

Forty-nine CEFs were identified on the subject tract by COA staff and the environmental assessment. These features are classified as the following: twenty are sinkholes; thirteen are solution cavities; five are closed depressions; seven are caves; three are solution cavity – solution fractures, and one is a sink hole and wetland. Please refer to the attached CEF exhibit for agreed upon CEF locations and setbacks. Additional conditions requested by ERM staff (and agreed to by the applicant) are included in the attached memorandum dated July 7, 2008.

Water/Wastewater

The applicant proposes to utilize City of Austin water and wastewater services.

Environmental Exception Requests

The environmental exceptions requested for this project are to LDC Sections:

1. Exception from LDC 25-8-65 (Roadways)

- (A) Except as otherwise provided in this section, impervious cover calculations for development adjacent to a roadway shall account for the adjacent roadway.
- (B) For development with an internal roadway, impervious cover calculations include the internal roadway, except that pavement width in excess of 44 feet is excluded. This does not reduce the requirements for stormwater detention facilities or water quality controls for run-off from the roadways.
- (C) For development adjacent to a roadway built as a City Capital Improvements Program project after May 18, 1986, impervious cover calculations include one-half of the pavement width, up to a maximum of 44 feet, and the associated right-of-way.

(D) This section does not apply in the desired development zone to a development with impervious cover of not more than:

(1) 5,000 square feet; or

(2) 7,000 square feet for development located at a smart growth transportation corridor or node described in Section 25-6-3 (*Smart Growth Corridors and Nodes Described*).

Although the Bradley Agreement does not require adjacent roadways to be accounted for in calculation of allowable impervious cover, the applicant is requesting to include this section as an exception since it is included in the LDC.

2. Exception from LDC 25-8-262(B)(3)(b) (Critical Water Quality Zone Street Crossings)

(B) This subsection applies in a watershed other than an urban watershed.

(3) A minor waterway critical water quality zone may be crossed by an arterial and collector streets, except:

(b) in a water supply suburban or water supply rural watershed, or the Barton Springs Zone, a collector street crossing must be at least 2,000 feet from a collector or arterial street crossing on the same waterway.

The applicant is requesting to remove this requirement to allow one waterway crossing on Tract 1 to provide safe access that otherwise would not be possible.

3. Exception from LDC 25-8-341 (Cut Requirements)

Cut on a tract of land may not exceed 4' of depth.

The applicant is requesting a modification to allow cuts up to 10' associated with the water quality and detention facilities, and up to 15' for areas associated roadways, parking areas, driveways, and other site development per attached cut/fill exhibit.

4. Exception from LDC 25-8-342 (Fill Requirements)

Fill on a tract of land may not exceed 4' of depth.

The applicant is requesting a modification to allow fill up to 10' associated with the water quality and detention facilities, and up to 15' for areas associated roadways, parking areas, driveways, and other site development per attached cut/fill exhibit.

5. Exception from LDC 25-8-482 (Critical Water Quality Zone)

Development is prohibited in a critical water quality zone, except as provided in Article 7, Division 1 (*Critical Water Quality Zone Restrictions*).

The applicant is requesting a modification to allow a driveway or roadway into Tract 1.

6. Exception from LDC 25-8-483(A)(1) (Water Quality Transition Zone)

(A) Development is prohibited in a water quality transition zone that lies over the Edwards Aquifer recharge zone, except for:

- (1) development described in Article 7, Division 1 (*Critical Water Quality Zone Restrictions*);

The applicant is requesting a modification to allow one driveway or roadway into Tract 1.

7. Exception from LDC 25-1-21(98) (Definitions)

SITE means a contiguous area intended for development, or the area on which a building has been proposed to be built or has been built. A site may not cross a public street or right-of-way.

The applicant is requesting to redefine site to include all tracts, including those separated by a public street or sight-of-way.

Other Exception Request

One exception requested by this project that is not directly environmentally-related is to LDC Section:

1. Exception from LDC 25-4-157(B) (Subdivision Access Streets)

(B) Except as otherwise provided in this section:

- (1) a new subdivision must have at least two access streets; and
- (2) each of the two access streets must connect to a different external street.

The applicant is requesting a variance to provide only one access to external street. The access will be constructed with a minimum 50 foot cross-section with two inbound and two outbound lanes.

Recommendations

Staff from the Watershed Protection and Development Review and Neighborhood Planning and Zoning departments have worked with the Applicant to provide additional benefits in site development as support for the proposed PUD:

- Stabilize cut/fill using terracing or structural containment where feasible;
- Transfers 7.621 acres of available impervious cover to the Hill Country Conservancy;

- Dedicate a minimum of 100 acres of open space as a conservation easement;
- Prohibit development within the Bear Creek Watershed;
- Prohibit development on Tracts 2 and 4;
- Reduce the maximum construction envelope from 257.778 acres to 123.684 acres;
- Prohibit development upstream of all CEFs with the exception of one solution cavity - solution fracture, WC021;
- Provide a water quality conservation pond that captures 1.98 acre feet above the required water quality volume;
- Adopts the Exterior Light Pollution Reduction techniques consistent with that approved for Southwest Marketplace (Costco and Lifetime Fitness – Forum PUD, Tract 2 and Parcels F and J). These techniques involve design and implementation of interior and exterior lighting so that no direct-beam illumination leaves the building site;
- Adopts the Landscape and Exterior Design / Heat Island Reduction requirements consistent with that approved for Southwest Marketplace (Costco and Lifetime Fitness – Forum PUD, Tract 2 and Parcels F and J); Available shading options include: additional plantings, using light colored materials on non-roof impervious surfaces, providing underground parking or using pervious pavement where soils are four feet or greater in depth. Available heat island reduction options include using energy efficient or vegetated roofing materials, and conducting a life cycle cost analysis for the use of concrete for all non-pervious paved parking and roadway surfaces; and
- Provide 2-star Austin Energy Green Building Standards or equivalent LEED rating (as the subject properties are not within the Austin Energy service area);

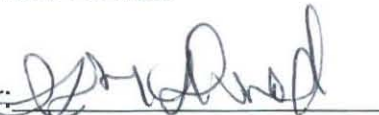
The Wildflower Commons PUD may be scheduled for consideration by the Zoning and Platting Commission at their September 16, 2008 meeting.

If you need further details, please contact Ingrid McDonald at 974-2711.

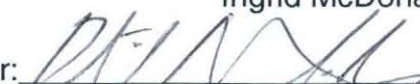


Patricia Foran, Environmental Review Specialist Sr.
Watershed Protection and Development Review

Environmental Program Coordinator:


Ingrid McDonald

Environmental Officer:


Pat Murphy



MEMORANDUM

TO: Patrica Foran, Senior Environmental Reviewer
Watershed Protection and Development Review Department

FROM: Scott E. Hiers, P.G., Senior Environmental Scientist
Watershed Protection and Development Review Department

DATE: July 7, 2008

SUBJECT: Corrections to ERM's August 22, 2007 memo regarding Critical Environmental Feature setbacks of Wildflower Commons.

As part of the City of Austin's development review process, Environmental Resource Management (ERM) staff reviewed the karst assessment for the Wildflower Commons development site. The site is about 268-acres located in south Austin immediately south of the intersection of Loop 1 and State Highway 45. In late July and early August ERM, Barton Spring Edward Aquifer District and ACI Consulting staff members completed several karst surveys to determine if any karst recharge features might have been missed by an initial karst survey completed by J. Jackson Harper in October 2003.

Our surveys covered about 90 percent of the property. However, a layer of mulch and several brush piles from tree removal and clearing activities impeded our view of the ground in several areas. Although our survey efforts was hampered in some areas, we were able to identify 35 additional recharge features on or within 300-ft of the site. In all, 67 recharge features were identified by Harper's 2003 and the City's 2007 karst assessments. ERM staff has determined that 49 of the 67 features are critical environmental features (48 recharge features and 1 wetland/sinkhole). These features are located on or within 300-ft of the Wildflower Commons site. Table 1 lists all the features identified by both surveys and a corresponding location map (Map 1) is attached.

Based the surface drainage patterns, 2-ft topography, the type of feature, the feature's size and the density (or clustering) of features, ERM staff is recommending protecting the critical environmental features with 19 critical environmental feature setback areas (Labeled A thru S). The attached map shows the location of the setback areas. ERM staff is recommending that the CEFs and their associated setback area (or buffers) are documented within the PUD ordinance along with the following Land Development Code (LDC) requirements from Section 25-8-281.

1. No residential lots may include a CEF or be located within 50 feet of a CEF.
2. Setback areas must be established to protect all CEFs. Although the LDC allows a portion of the CEF buffer to be included in a residential lot, I do not recommend that this be allowed. Residential lots should not include any portion of a CEF buffer. Setbacks must comply with the setback area has stated in Table 1 and shown Map 1. ERM is willing to revise setback areas listed in Table 1 and shown on Map 1 during PUD process, if the applicant provides more detail

information to ERM staff such as 1-ft topographic survey that better delineates the catchment areas and a hydrogeologic assessment that better evaluates its recharge potential.

3. No disturbance of native vegetation is allowed within the buffer zone. This shall be stated in a section of the PUD ordinance specifically addressing Critical Environmental Feature protection.
4. No construction is allowed within the buffer zone, except for cave gates and educational trails built in compliance with 25-8-281 of the LDC. In the PUD ordinance, this shall be stated as "No construction or placement of structures within a Critical Environmental Feature buffer zone."
5. Stormwater disposal or irrigation is prohibited within a CEF buffer zone and shall be stated in the PUD ordinance.
6. Erosion and sedimentation controls must be installed at the perimeter of all CEF buffers prior to the initiation of construction.

Additional recommendations for CEF protection not explicitly stated in the Land Development Code, Section 25-8-281.

1. All CEFs must be shown on a topographic map (or maps), and listed in a summary table and included on an exhibit (s) in the PUD ordinance. The table must include the identification of the CEF, the type of CEF, and the recommended setback area. All maps must have north arrow and reference scale.
2. All CEFs and associated CEF buffers are to be shown on all plats, preliminary plans, site plans and construction plans. The PUD ordinance and the plat notes must have a following statement "all activities within the critical environmental feature setback must comply with Section 25-8-281(c)(2) of Austin's Land Development Code. This section states that the natural vegetative cover must be retained to the maximum extent practicable; construction is prohibited; and wastewater disposal or irrigation is prohibited this requirement."
3. No utilities are allowed within CEF buffers.
4. Fencing is required at the edge of all CEF buffer areas that are within limits of construction. Fencing must be 6 feet in height. Wrought iron or vinyl-coated chain link are acceptable. Access gates with a lockable latch are to be provided for each buffer.
5. Fencing at the edge of CEF buffers must be installed prior to the initiation of construction.
6. Water quality BMPs should not drain directly into CEF setback area. Level spreaders or similar structures must be used to overland sheet flow stormwater before it discharges near CEF setback areas. Stormwater irrigation must occur outside the CEF setback areas.
7. An IPM plan should be prepared for Wildflower Commons PUD.

Suggestions for alternative CEF protection not required by the Land Development Code.

1. An Operation and Maintenance plan is recommended for the long term management of all CEF buffers. The purpose of the CEF buffer is to protect water quality. Trash removal, pet waste pickup and inspections will increase the likelihood that conditions within the buffers are

protective of water quality. The long term funding mechanism and the responsible management entities throughout the construction and post-construction phases should be identified in future submittals.

2. A restrictive covenant granting access to City of Austin staff to all CEF buffers within the Wildflower Commons PUD should be included in the ordinance.

If you have any questions regarding these comments or have additional information, please contact me at 974-1916.



Scott E. Hiers, P.G., Environmental Scientist
Watershed Protection and Development Review Department

SH :

Attachment

cc: David Johns, City of Austin
Wendy Welsh, City of Austin
Stan Reece, ACI Consulting

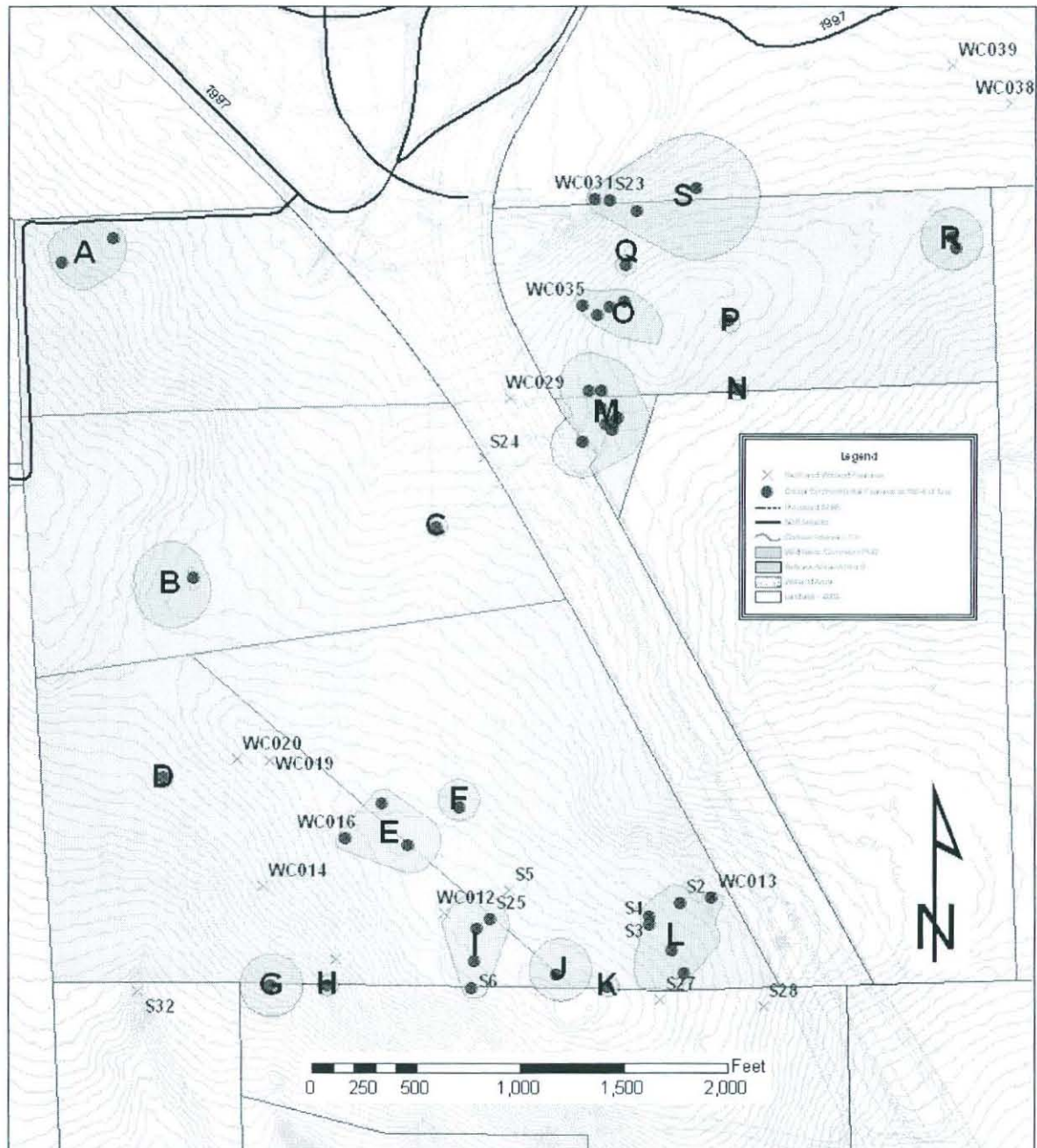
Table 1: GPS locations and corresponding CEF setback area

Id	Comments	X	Y	FEATURE	TYPE	Setback Area
1	Sinkhole	3070564.32	10031308.78	S1	SH	L
2	Sinkhole	3070644.19	10031700.86	S2	SH	L
3	Solution Cavity	3070500.07	10031634.03	S3	SC	L
4	Karst Depression	3070498.05	10031596.55	S4	CD	L
5	Karst Depression	3069823.00	10031757.14	S5	CD	
6	Sinkhole	3069644.06	10031290.42	S6	SH	I
7	Solution Cavity	3068952.24	10031305.05	S7	SC	H
8	Sinkhole	3067680.52	10034787.20	S8	SH	A
9	Solution Cavity	3068164.23	10032302.65	S9	SH	D
10	Sinkhole	3068680.75	10031303.15	S10	SH	G
11	Wetland/Sinkhole	3068319.34	10033210.07	S11	W-S	B
12	Sinkhole	3070281.20	10034009.00	S12	SH	M
13	Sinkhole	3070310.00	10033994.00	S13	SH	M
14	Solution Cavity	3070316.50	10033983.60	S14	SC	M
15	Sinkhole	3070327.70	10034022.40	S15	SH	M
16	Sinkhole	3070342.60	10034039.20	S16	SH	M
17	Cave	3070278.28	10034171.25	S17	C	M
18	Sinkhole	3070244.42	10034537.02	S18	SH	O
19	Cave	3071970.00	10034900.00	S19	C	R
20	Sinkhole	3070380.00	10034800.00	S20	SH	Q
21	Solution Cavity	3070919.85	10034172.71	S21	SC	
22	Solution Cavity	3070434.72	10035029.90	S22	SC	
23	Sinkhole	3070300.92	10035084.00	S23	SH	
24	Solution Cavity	3069699.78	10033850.50	S24	SC	
25	Sinkhole	3069730.39	10031622.05	S25	SH	I
26	Sinkhole	3069650.00	10031400.00	S26	SH	I
27	Sinkhole	3070550.00	10031251.00	S27	SH	
28	Karst Depression	3071050.00	10031200.00	S28	CD	
29	Sinkhole	3071137.00	10031512.00	S31	SH	S
30	Sinkhole	3068045.27	10031249.09	S32	SH	S
31	Sinkhole	3069696.00	10031559.00	S33	SH	I
32	Solution Cavity	3070710.00	10031910.00	S34	SC	
33	Karst Depression	3070740.00	10031769.00	S35	CD	
34	SC	3070760.00	10031512.00	S36	SC	L
35	Karst Depression	3070450.00	10031461.00	S37	CD	L
Id	Comments	X	Y	FEATURE	TYPE	Setback Area

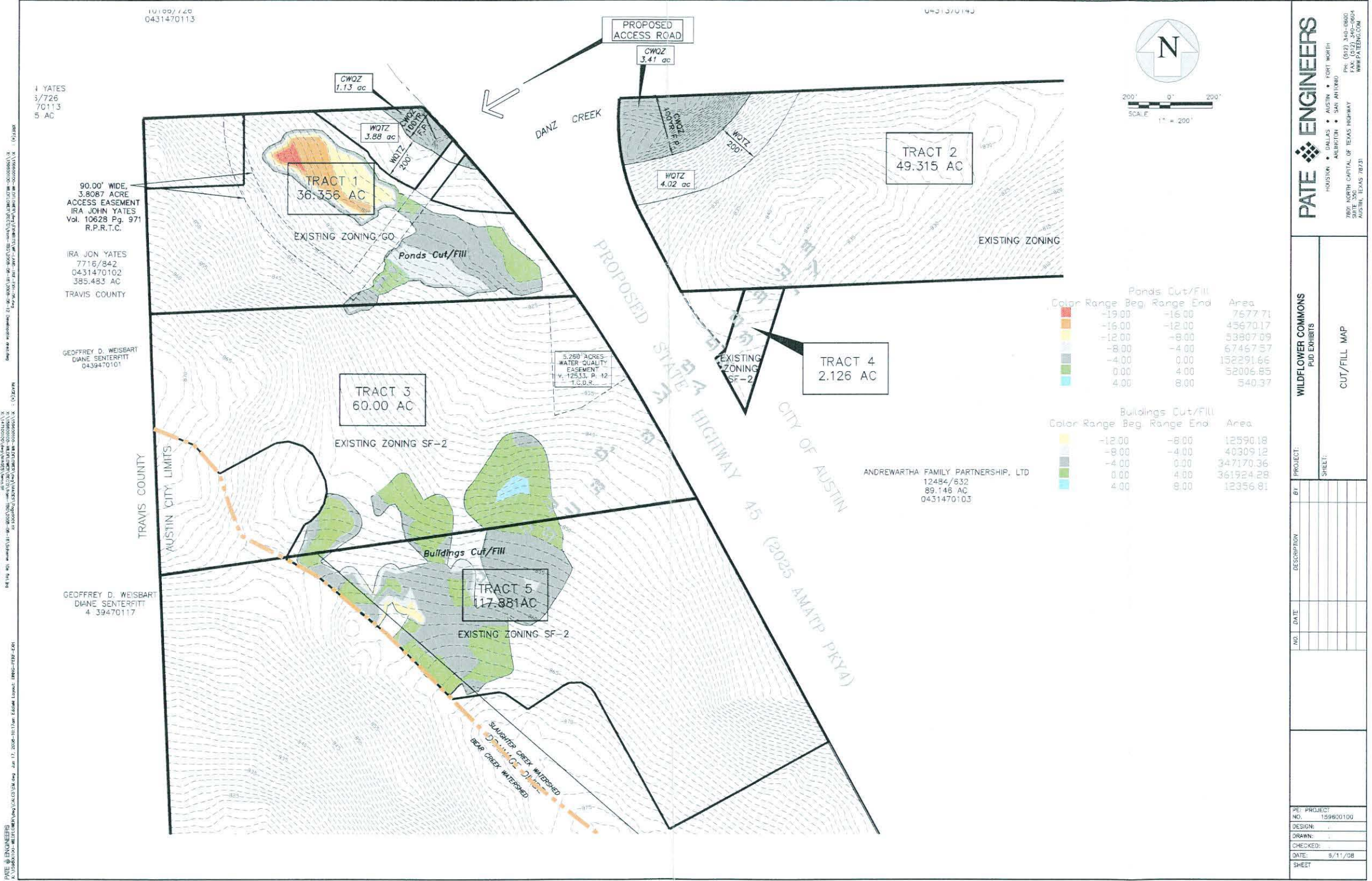
36	Sinkhole	3070479.97	10032979.98	WC003	SH	
37	Sinkhole	3070300.00	10031300.00	WC005	SH	K
38	Sinkhole	3070050.00	10031400.00	WC007	SH	J
39	Cave	3070670.00	10031400.00	WC008	C	L
40	Other	3068990.00	10031400.00	WC009	O	
41	Solution Cavity	3070610.00	10031500.00	WC010	SC	L
42	Solution Cavity	3069670.00	10031600.00	WC011	SC	I
43	Solution Cavity	3069510.00	10031600.00	WC012	SC	I
44	Sinkhole	3070800.00	10031700.00	WC013	SH	L
45	Other	3068640.00	10031800.00	WC014	O	
46	Cave	3069340.00	10032000.00	WC015	C	E
47	Solution Cavity	3069040.00	10032000.00	WC016	SC	E
48	Cave	3069580.00	10032200.00	WC017	C	F
49	Solution Cavity/Frac	3069210.00	10032200.00	WC018	SC-SF	E
50	Solution Cavity	3068670.00	10032400.00	WC019	SC	
51	Solution Cavity/Frac	3068520.00	10032400.00	WC020	SC-SF	
52	Solution Cavity/Frac	3069470.00	10033500.00	WC021	SC-SF	C
53	Sinkhole	3067920.00	10034900.00	WC023	SH	A
54	Karst Depression	3070170.00	10033900.00	WC027	CD	M
55	Karst Depression	3070210.00	10034200.00	WC028	CD	M
56	Other	3069830.00	10034100.00	WC029	O	
57	Cave	3070230.00	10035100.00	WC031	C	S
58	Cave	3070720.00	10035100.00	WC032	C	S
59	Karst Depression	3070260.00	10034100.00	WC033	CD	M
60	Solution Cavity/Frac.	3070880.00	10034500.00	WC034	SC-SF	P
61	Solution Cavity	3070180.00	10034600.00	WC035	SC	O
62	Solution Cavity	3070300.00	10034600.00	WC036	SC	O
63	Solution Cavity	3070370.00	10034600.00	WC037	SC	O
64	Cave	3072230.00	10035600.00	WC038	C	
65	Cave	3071960.00	10035700.00	WC039	C	
66	Sinkhole	3071950.00	10034900.00	WC040	SH	R
67	Zone	3068900.00	10036600.00	WC041	Z	

Map 1: Setback Area Location Map

**Map 1: Location Map for Critical Environmental Feature Setbacks
(Revised - 07-07-2008)**



Wildflower Commons P.U.D.



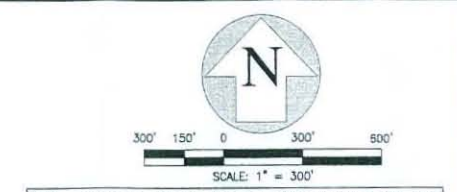
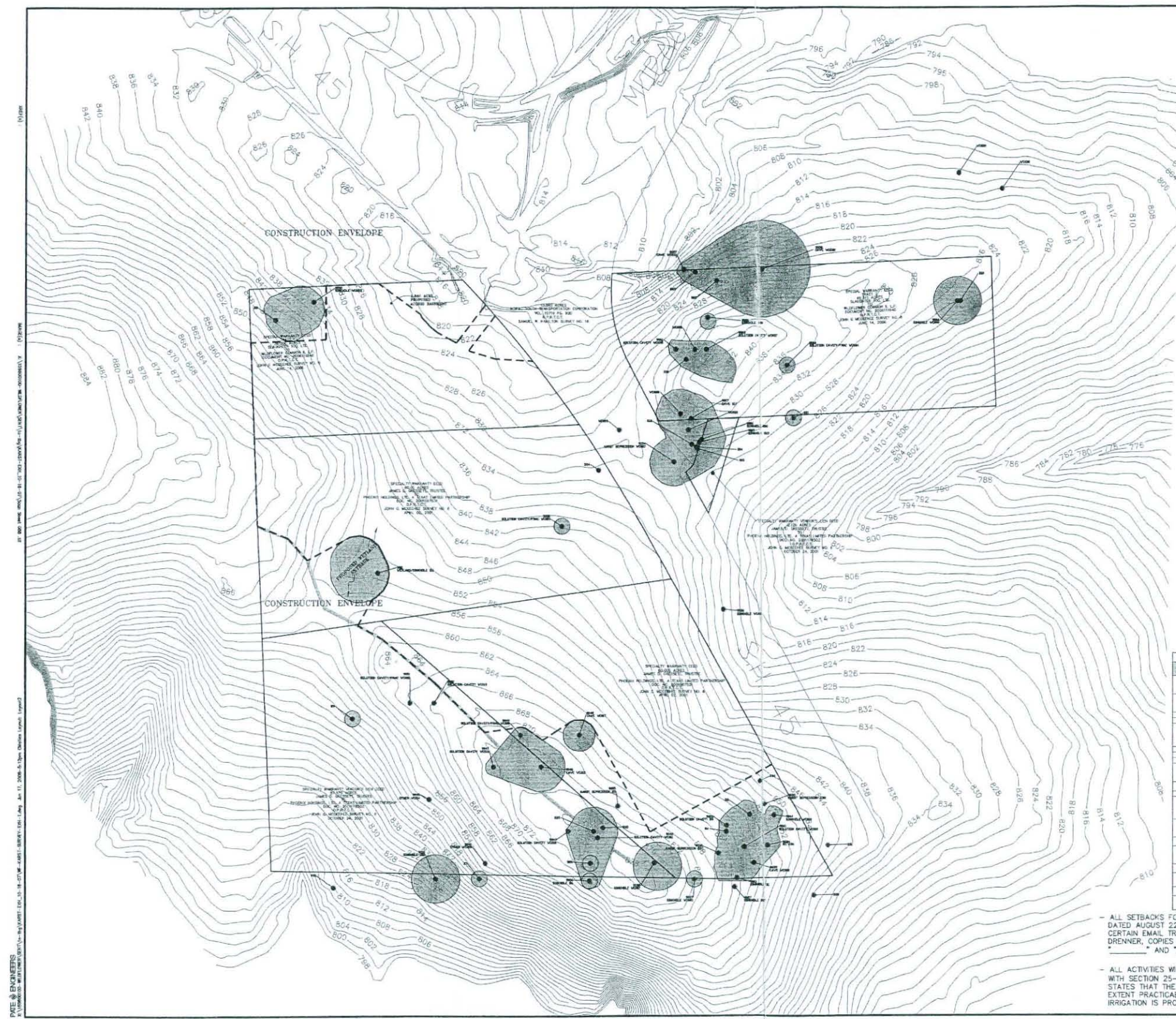


TABLE 2 - WILDFLOWER COMMONS - FEATURE ID, TYPE, LOCATION, SETBACK AREAS				
Feature ID	Feature Type	Latitude (N)	Longitude (W)	Setback Area Reference
31	SH	30.16236	97.88402	L
32	SH	30.16244	97.88292	L
33	SH	30.16266	97.88429	L
34	SH	30.16226	97.88429	L
35	SH	30.16237	97.88381	L
37	SH	30.16245	97.88381	H
38	SH	30.17018	97.89298	A
39	SH	30.16324	97.89312	H
40	SH	30.16346	97.89306	G
381	SH (Vegetation)	30.16378	97.89367	B
382	SH	30.16388	97.88480	H
383	SH	30.16376	97.88472	H
384	SH	30.16373	97.88470	H
385	SH	30.16384	97.88464	H
386	SH	30.16388	97.88461	H
387	C	30.17205	97.88481	H
388	SH	30.17206	97.88489	C
389	C	30.17205	97.87540	E
390	SH	30.17197	97.88444	G
391	SH	30.17201	97.88478	H
392	SH	30.17206	97.88425	E
393	SH	30.17216	97.88467	E
394	SH	30.16327	97.88472	L
395	SH	30.16327	97.88499	L
396	SH	30.16326	97.88487	L
397	SH	30.16326	97.88487	L
398	SH	30.16326	97.88487	L
399	SH	30.16326	97.88487	L
400	SH	30.16326	97.88487	L
401	SH	30.16326	97.88487	L
402	SH	30.16326	97.88487	L
403	SH	30.16326	97.88487	L
404	SH	30.16326	97.88487	L
405	SH	30.16326	97.88487	L
406	SH	30.16326	97.88487	L
407	SH	30.16326	97.88487	L
408	SH	30.16326	97.88487	L
409	SH	30.16326	97.88487	L
410	SH	30.16326	97.88487	L
411	SH	30.16326	97.88487	L
412	SH	30.16326	97.88487	L
413	SH	30.16326	97.88487	L
414	SH	30.16326	97.88487	L
415	SH	30.16326	97.88487	L
416	SH	30.16326	97.88487	L
417	SH	30.16326	97.88487	L
418	SH	30.16326	97.88487	L
419	SH	30.16326	97.88487	L
420	SH	30.16326	97.88487	L
421	SH	30.16326	97.88487	L
422	SH	30.16326	97.88487	L
423	SH	30.16326	97.88487	L
424	SH	30.16326	97.88487	L
425	SH	30.16326	97.88487	L
426	SH	30.16326	97.88487	L
427	SH	30.16326	97.88487	L
428	SH	30.16326	97.88487	L
429	SH	30.16326	97.88487	L
430	SH	30.16326	97.88487	L
431	SH	30.16326	97.88487	L
432	SH	30.16326	97.88487	L
433	SH	30.16326	97.88487	L
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436	SH	30.16326	97.88487	L
437	SH	30.16326	97.88487	L
438	SH	30.16326	97.88487	L
439	SH	30.16326	97.88487	L
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441	SH	30.16326	97.88487	L
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448	SH	30.16326	97.88487	L
449	SH	30.16326	97.88487	L
450	SH	30.16326	97.88487	L
451	SH	30.16326	97.88487	L
452	SH	30.16326	97.88487	L
453	SH	30.16326	97.88487	L
454	SH	30.16326	97.88487	L
455	SH	30.16326	97.88487	L
456	SH	30.16326	97.88487	L
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461	SH	30.16326	97.88487	L
462	SH	30.16326	97.88487	L
463	SH	30.16326	97.88487	L
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469	SH	30.16326	97.88487	L
470	SH	30.16326	97.88487	L
471	SH	30.16326	97.88487	L
472	SH	30.16326	97.88487	L
473	SH	30.16326	97.88487	L
474	SH	30.16326	97.88487	L
475	SH	30.16326	97.88487	L
476	SH	30.16326	97.88487	L
477	SH	30.16326	97.88487	L
478	SH	30.16326	97.88487	L
479	SH	30.16326	97.88487	L
480	SH	30.16326	97.88487	L
481	SH	30.16326	97.88487	L
482	SH	30.16326	97.88487	L
483	SH	30.16326	97.88487	L
484	SH	30.16326	97.88487	L
485	SH	30.16326	97.88487	L
486	SH	30.16326	97.88487	L
487	SH	30.16326	97.88487	L
488	SH	30.16326	97.88487	L
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490	SH	30.16326	97.88487	L
491	SH	30.16326	97.88487	L
492	SH	30.16326	97.88487	L
493	SH	30.16326	97.88487	L
494	SH	30.16326	97.88487	L
495	SH	30.16326	97.88487	L
496	SH	30.16326	97.88487	L
497	SH	30.16326	97.88487	L
498	SH	30.16326	97.88487	L
499	SH	30.16326	97.88487	L
500	SH	30.16326	97.88487	L

TABLE 1 - WILDFLOWER COMMON SETBACK AREAS, RANGES AND INDIVIDUAL FEATURES		
Setback Area (COA)	Range of Area	Individual Features Within Setback Areas
A	From 1-4 300' AC through W2013, 50' SW from center line, 125' NW from 100' SW	SH, W2013
B	300' to 1/4 175' to 1/4 150' to 1/4 125' to 1/4 100' to 1/4 75' to 1/4 50' to 1/4 25' to 1/4 0'	SH, W2013
C	450' to 1/4 175' to 1/4 150' to 1/4 125' to 1/4 100' to 1/4 75' to 1/4 50' to 1/4 25' to 1/4 0'	W2013, W2014, W2015
D	450' to 1/4 175' to 1/4 150' to 1/4 125' to 1/4 100' to 1/4 75' to 1/4 50' to 1/4 25' to 1/4 0'	W2013, W2014, W2015
E	From 1-4 450' N, 50' S, from 125' 175' N and 125' E	SH, W2013, W2014, W2015
F	175' S, 175' N, 175' W, 175' E	W2013
G	From 1-4 1/4 450' S, 1/4 450' N, 1/4 450' E, 1/4 450' W	SH, W2013, W2014, W2015
H	125' to 1/4 450' to 1/4 125' to 1/4 100' to 1/4 75' to 1/4 50' to 1/4 25' to 1/4 0'	W2013, W2014, W2015, SH, SH, SH, SH, SH
I	125' to 1/4 450' to 1/4 125' to 1/4 100' to 1/4 75' to 1/4 50' to 1/4 25' to 1/4 0'	SH
J	450' to 1/4 175' to 1/4 150' to 1/4 125' to 1/4 100' to 1/4 75' to 1/4 50' to 1/4 25' to 1/4 0'	W2013, W2014, W2015, 2-10
K	90' radius from W2013	W2013
L	75' to 1/4 450' to 1/4 125' to 1/4 100' to 1/4 75' to 1/4 50' to 1/4 25' to 1/4 0'	SH
M	150' radius from W2013	W2013, SH
N	750' to 1/4 50' to 1/4 150' to 1/4 100' to 1/4 75' to 1/4 50' to 1/4 25' to 1/4 0'	W2013, SH, SH, W2013

- ALL SETBACKS FOR CRITICAL ENVIRONMENTAL SETBACKS SHALL COMPLY WITH THE MEMORANDUM DATED AUGUST 22, 2007, FROM SCOTT HERS TO BETTY LAMBRIGHT, AS MODIFIED BY THAT CERTAIN EMAIL TRANSMISSION DATED FEBRUARY 7, 2008, FROM DAVID JOHNS TO STEVE DRENNER, COPIES OF WHICH ARE ATTACHED TO THE ZONING ORDINANCE AS EXHIBITS "A" AND "B".

- ALL ACTIVITIES WITHIN THE CRITICAL ENVIRONMENTAL FEATURE SETBACK MUST COMPLY WITH SECTION 25-8-281(C)(2) OF AUSTIN'S LAND DEVELOPMENT CODE. THIS SECTION STATES THAT THE NATURAL VEGETATIVE COVER MUST BE RETAINED TO THE MAXIMUM EXTENT PRACTICABLE; CONSTRUCTION IS PROHIBITED; AND WASTEWATER DISPOSAL OR IRRIGATION IS PROHIBITED BY THIS REQUIREMENT.

PATE ENGINEERS
HOUSTON • DALLAS • AUSTIN • FORT WORTH
ARLINGTON • SAN ANTONIO
7801 NORTH CAPITAL OF TEXAS HIGHWAY
AUSTIN, TEXAS 78731
PH: (512) 340-0600
FAX: (512) 340-0604
WWW.PATEENGINEERS.COM

**WILDFLOWER COMMONS
PUD EXHIBITS**

CEP LOCATIONS AND
APPROVED SETBACKS

PROJECT: _____
SHEET: _____
NO. _____
DATE _____
DESCRIPTION _____
BY _____
DATE _____
NO. _____
DATE _____
DESCRIPTION _____
BY _____
DATE _____

PEI PROJECT
NO. 159600100
DESIGN: MF
DRAWN: RC
CHECKED: _____
DATE: 6/12/08
SHEET **3 of 3**



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING
DATE REQUESTED: August 20, 2008

NAME & NUMBER
OF PROJECT: Wildflower Commons/PUD
C814-06-0233

NAME OF APPLICANT
OR ORGANIZATION: Drenner & Golden Stuart Wolff, LLP
(Michele Haussmann – Phone 404-2233)

LOCATION: 4700 – 5200 Blocks of State Highway 45

PROJECT FILING DATE: December 21, 2006

WPDR/ENVIRONMENTAL
STAFF: Ingrid McDonald, 974-2711
ingrid.mcdonald@ci.austin.tx.us

WPDR/
CASE MANAGER: Wendy Rhoades, 974-7719
Wendy.Rhoades@ci.austin.tx.us

WATERSHED: Slaughter Creek and Bear Creek Watersheds (Barton
Springs Zone)
Drinking Water Protection Zone

ORDINANCE: Bradley Settlement Agreement

REQUEST: Applicant is requesting PUD zoning for the property.

STAFF RECOMMENDATION: Recommended.



MEMORANDUM

TO: Betty Baker, Chair
Members of the Zoning & Platting Commission

FROM: Patricia Foran, Environmental Review Specialist Senior
Watershed Protection and Development Review Department

DATE: August 13, 2008

SUBJECT: Wildflower Commons PUD - C814-06-0233
4700 – 5200 Blocks of State Highway 45

Staff received a rezoning application for the above-mentioned case on December 21, 2006 that proposes a zoning change from the single-family residence standard lot (SF-2) and general office (GO) districts to Planned Unit Development (PUD) on 265.678 acres of land.

The PUD proposal consists of a mixed use development consisting of condominiums, office uses, a supermarket, and a shopping center with restaurant. In total, impervious cover is proposed at 15% net site area, which is approximately 37.99 acres of impervious cover. The applicant is allocated approximately 45.61 acres of impervious per the Bradley Settlement Agreement.

The Applicant is requesting seven exceptions to environmental regulations.

Description of Property

The proposed PUD is situated in the Bear and Slaughter Creek Watersheds, both of which are classified as Barton Springs Zone. The PUD is composed of five tracts and is bisected by proposed State Highway 45. The tracts lie in the Drinking Water Development Zone and are located over the Edwards Aquifer Recharge Zone. Critical Water Quality Zone (CWQZ), Water Quality Transition Zone (WQTZ), 100-year floodplain, and critical environmental features (CEFs) occur within the proposed PUD.

The existing tracts are currently undeveloped. The proposed PUD area is bounded by undeveloped land on the west (County), undeveloped land (County) and undeveloped land (GR-CO) within the Circle C Ranch subdivision to the north, and undeveloped land (County) on the east and south.

The property is subject to the Bradley Agreement, which includes certain mitigative components. This PUD proposes to comply with all conditions required by the Bradley Agreement, in addition to benefits proposed with this rezoning application.

Existing Topography/Soil Characteristics/Vegetation

The elevation ranges from 800 to 880 feet above mean sea level. There is a watershed divide located on the property; the majority of the project area slopes to the northeast towards Slaughter Creek, and a portion slopes to the southwest towards Bear Creek. All slopes are less than 15%.

There are two soil mapping units on site: Speck stony clay loam and Tarrant soils. The geologic units of the site of the Edwards Group, which consist of Grainstore, Kirschberg Evaporite, and Dolomitic members of the Cretaceous age Kainer Formation.

The project site is located in the Live Oak-Ashe Juniper Parks vegetation region which is characterized as wooded and open rangeland.

Critical Environmental Features/Endangered Species

Forty-nine CEFs were identified on the subject tract by COA staff and the environmental assessment. These features are classified as the following: twenty are sinkholes; thirteen are solution cavities; five are closed depressions; seven are caves; three are solution cavity – solution fractures, and one is a sink hole and wetland. Please refer to the attached CEF exhibit for agreed upon CEF locations and setbacks. Additional conditions requested by ERM staff (and agreed to by the applicant) are included in the attached memorandum dated July 7, 2008.

Water/Wastewater

The applicant proposes to utilize City of Austin water and wastewater services.

Environmental Exception Requests

The environmental exceptions requested for this project are to LDC Sections:

1. Exception from LDC 25-8-65 (Roadways)

- (A) Except as otherwise provided in this section, impervious cover calculations for development adjacent to a roadway shall account for the adjacent roadway.
- (B) For development with an internal roadway, impervious cover calculations include the internal roadway, except that pavement width in excess of 44 feet is excluded. This does not reduce the requirements for stormwater detention facilities or water quality controls for run-off from the roadways.
- (C) For development adjacent to a roadway built as a City Capital Improvements Program project after May 18, 1986, impervious cover calculations include one-half of the pavement width, up to a maximum of 44 feet, and the associated right-of-way.

(D) This section does not apply in the desired development zone to a development with impervious cover of not more than:

(1) 5,000 square feet; or

(2) 7,000 square feet for development located at a smart growth transportation corridor or node described in Section 25-6-3 (*Smart Growth Corridors and Nodes Described*).

Although the Bradley Agreement does not require adjacent roadways to be accounted for in calculation of allowable impervious cover, the applicant is requesting to include this section as an exception since it is included in the LDC.

2. Exception from LDC 25-8-262(B)(3)(b) (Critical Water Quality Zone Street Crossings)

(B) This subsection applies in a watershed other than an urban watershed.

(3) A minor waterway critical water quality zone may be crossed by an arterial and collector streets, except:

(b) in a water supply suburban or water supply rural watershed, or the Barton Springs Zone, a collector street crossing must be at least 2,000 feet from a collector or arterial street crossing on the same waterway.

The applicant is requesting to remove this requirement to allow one waterway crossing on Tract 1 to provide safe access that otherwise would not be possible.

3. Exception from LDC 25-8-341 (Cut Requirements)

Cut on a tract of land may not exceed 4' of depth.

The applicant is requesting a modification to allow cuts up to 10' associated with the water quality and detention facilities, and up to 15' for areas associated roadways, parking areas, driveways, and other site development per attached cut/fill exhibit.

4. Exception from LDC 25-8-342 (Fill Requirements)

Fill on a tract of land may not exceed 4' of depth.

The applicant is requesting a modification to allow fill up to 10' associated with the water quality and detention facilities, and up to 15' for areas associated roadways, parking areas, driveways, and other site development per attached cut/fill exhibit.

5. Exception from LDC 25-8-482 (Critical Water Quality Zone)

Development is prohibited in a critical water quality zone, except as provided in Article 7, Division 1 (*Critical Water Quality Zone Restrictions*).

The applicant is requesting a modification to allow a driveway or roadway into Tract 1.

6. Exception from LDC 25-8-483(A)(1) (Water Quality Transition Zone)

(A) Development is prohibited in a water quality transition zone that lies over the Edwards Aquifer recharge zone, except for:

- (1) development described in Article 7, Division 1 (*Critical Water Quality Zone Restrictions*);

The applicant is requesting a modification to allow one driveway or roadway into Tract 1.

7. Exception from LDC 25-1-21(98) (Definitions)

SITE means a contiguous area intended for development, or the area on which a building has been proposed to be built or has been built. A site may not cross a public street or right-of-way.

The applicant is requesting to redefine site to include all tracts, including those separated by a public street or sight-of-way.

Other Exception Request

One exception requested by this project that is not directly environmentally-related is to LDC Section:

1. Exception from LDC 25-4-157(B) (Subdivision Access Streets)

(B) Except as otherwise provided in this section:

- (1) a new subdivision must have at least two access streets; and
- (2) each of the two access streets must connect to a different external street.

The applicant is requesting a variance to provide only one access to external street. The access will be constructed with a minimum 50 foot cross-section with two inbound and two outbound lanes.

Recommendations

Staff from the Watershed Protection and Development Review and Neighborhood Planning and Zoning departments have worked with the Applicant to provide additional benefits in site development as support for the proposed PUD:

- Stabilize cut/fill using terracing or structural containment where feasible;
- Transfers 7.621 acres of available impervious cover to the Hill Country Conservancy;

- Dedicate a minimum of 100 acres of open space as a conservation easement;
- Prohibit development within the Bear Creek Watershed;
- Prohibit development on Tracts 2 and 4;
- Reduce the maximum construction envelope from 257.778 acres to 123.684 acres;
- Prohibit development upstream of all CEFs with the exception of one solution cavity - solution fracture, WC021;
- Provide a water quality conservation pond that captures 1.98 acre feet above the required water quality volume;
- Adopts the Exterior Light Pollution Reduction techniques consistent with that approved for Southwest Marketplace (Costco and Lifetime Fitness – Forum PUD, Tract 2 and Parcels F and J). These techniques involve design and implementation of interior and exterior lighting so that no direct-beam illumination leaves the building site;
- Adopts the Landscape and Exterior Design / Heat Island Reduction requirements consistent with that approved for Southwest Marketplace (Costco and Lifetime Fitness – Forum PUD, Tract 2 and Parcels F and J); Available shading options include: additional plantings, using light colored materials on non-roof impervious surfaces, providing underground parking or using pervious pavement where soils are four feet or greater in depth. Available heat island reduction options include using energy efficient or vegetated roofing materials, and conducting a life cycle cost analysis for the use of concrete for all non-pervious paved parking and roadway surfaces; and
- Provide 2-star Austin Energy Green Building Standards or equivalent LEED rating (as the subject properties are not within the Austin Energy service area);

The Wildflower Commons PUD may be scheduled for consideration by the Zoning and Platting Commission at their September 16, 2008 meeting.

If you need further details, please contact Ingrid McDonald at 974-2711.



Patricia Foran, Environmental Review Specialist Sr.
Watershed Protection and Development Review

Environmental Program Coordinator: 

Ingrid McDonald

Environmental Officer: 

Pat Murphy



MEMORANDUM

TO: Patrica Foran, Senior Environmental Reviewer
Watershed Protection and Development Review Department

FROM: Scott E. Hiers, P.G., Senior Environmental Scientist
Watershed Protection and Development Review Department

DATE: July 7, 2008

SUBJECT: Corrections to ERM's August 22, 2007 memo regarding Critical Environmental Feature setbacks of Wildflower Commons.

As part of the City of Austin's development review process, Environmental Resource Management (ERM) staff reviewed the karst assessment for the Wildflower Commons development site. The site is about 268-acres located in south Austin immediately south of the intersection of Loop 1 and State Highway 45. In late July and early August ERM, Barton Spring Edward Aquifer District and ACI Consulting staff members completed several karst surveys to determine if any karst recharge features might have been missed by an initial karst survey completed by J. Jackson Harper in October 2003.

Our surveys covered about 90 percent of the property. However, a layer of mulch and several brush piles from tree removal and clearing activities impeded our view of the ground in several areas. Although our survey efforts was hampered in some areas, we were able to identify 35 additional recharge features on or within 300-ft of the site. In all, 67 recharge features were identified by Harper's 2003 and the City's 2007 karst assessments. ERM staff has determined that 49 of the 67 features are critical environmental features (48 recharge features and 1 wetland/sinkhole). These features are located on or within 300-ft of the Wildflower Commons site. Table 1 lists all the features identified by both surveys and a corresponding location map (Map 1) is attached.

Based the surface drainage patterns, 2-ft topography, the type of feature, the feature's size and the density (or clustering) of features, ERM staff is recommending protecting the critical environmental features with 19 critical environmental feature setback areas (Labeled A thru S). The attached map shows the location of the setback areas. ERM staff is recommending that the CEFs and their associated setback area (or buffers) are documented within the PUD ordinance along with the following Land Development Code (LDC) requirements from Section 25-8-281.

1. No residential lots may include a CEF or be located within 50 feet of a CEF.
2. Setback areas must be established to protect all CEFs. Although the LDC allows a portion of the CEF buffer to be included in a residential lot, I do not recommend that this be allowed. Residential lots should not include any portion of a CEF buffer. Setbacks must comply with the setback area has stated in Table 1 and shown Map 1. ERM is willing to revise setback areas listed in Table 1 and shown on Map 1 during PUD process, if the applicant provides more detail

information to ERM staff such as 1-ft topographic survey that better delineates the catchment areas and a hydrogeologic assessment that better evaluates its recharge potential.

3. No disturbance of native vegetation is allowed within the buffer zone. This shall be stated in a section of the PUD ordinance specifically addressing Critical Environmental Feature protection.
4. No construction is allowed within the buffer zone, except for cave gates and educational trails built in compliance with 25-8-281 of the LDC. In the PUD ordinance, this shall be stated as "No construction or placement of structures within a Critical Environmental Feature buffer zone."
5. Stormwater disposal or irrigation is prohibited within a CEF buffer zone and shall be stated in the PUD ordinance.
6. Erosion and sedimentation controls must be installed at the perimeter of all CEF buffers prior to the initiation of construction.

Additional recommendations for CEF protection not explicitly stated in the Land Development Code, Section 25-8-281.

1. All CEFs must be shown on a topographic map (or maps), and listed in a summary table and included on an exhibit (s) in the PUD ordinance. The table must include the identification of the CEF, the type of CEF, and the recommended setback area. All maps must have north arrow and reference scale.
2. All CEFs and associated CEF buffers are to be shown on all plats, preliminary plans, site plans and construction plans. The PUD ordinance and the plat notes must have a following statement "all activities within the critical environmental feature setback must comply with Section 25-8-281(c)(2) of Austin's Land Development Code. This section states that the natural vegetative cover must be retained to the maximum extent practicable; construction is prohibited; and wastewater disposal or irrigation is prohibited this requirement."
3. No utilities are allowed within CEF buffers.
4. Fencing is required at the edge of all CEF buffer areas that are within limits of construction. Fencing must be 6 feet in height. Wrought iron or vinyl-coated chain link are acceptable. Access gates with a lockable latch are to be provided for each buffer.
5. Fencing at the edge of CEF buffers must be installed prior to the initiation of construction.
6. Water quality BMPs should not drain directly into CEF setback area. Level spreaders or similar structures must be used to overland sheet flow stormwater before it discharges near CEF setback areas. Stormwater irrigation must occur outside the CEF setback areas.
7. An IPM plan should be prepared for Wildflower Commons PUD.

Suggestions for alternative CEF protection not required by the Land Development Code.

1. An Operation and Maintenance plan is recommended for the long term management of all CEF buffers. The purpose of the CEF buffer is to protect water quality. Trash removal, pet waste pickup and inspections will increase the likelihood that conditions within the buffers are

protective of water quality. The long term funding mechanism and the responsible management entities throughout the construction and post-construction phases should be identified in future submittals.

2. A restrictive covenant granting access to City of Austin staff to all CEF buffers within the Wildflower Commons PUD should be included in the ordinance.

If you have any questions regarding these comments or have additional information, please contact me at 974-1916.



Scott E. Hiers, P.G., Environmental Scientist
Watershed Protection and Development Review Department

SH :

Attachment

cc: David Johns, City of Austin
Wendy Welsh, City of Austin
Stan Reece, ACI Consulting

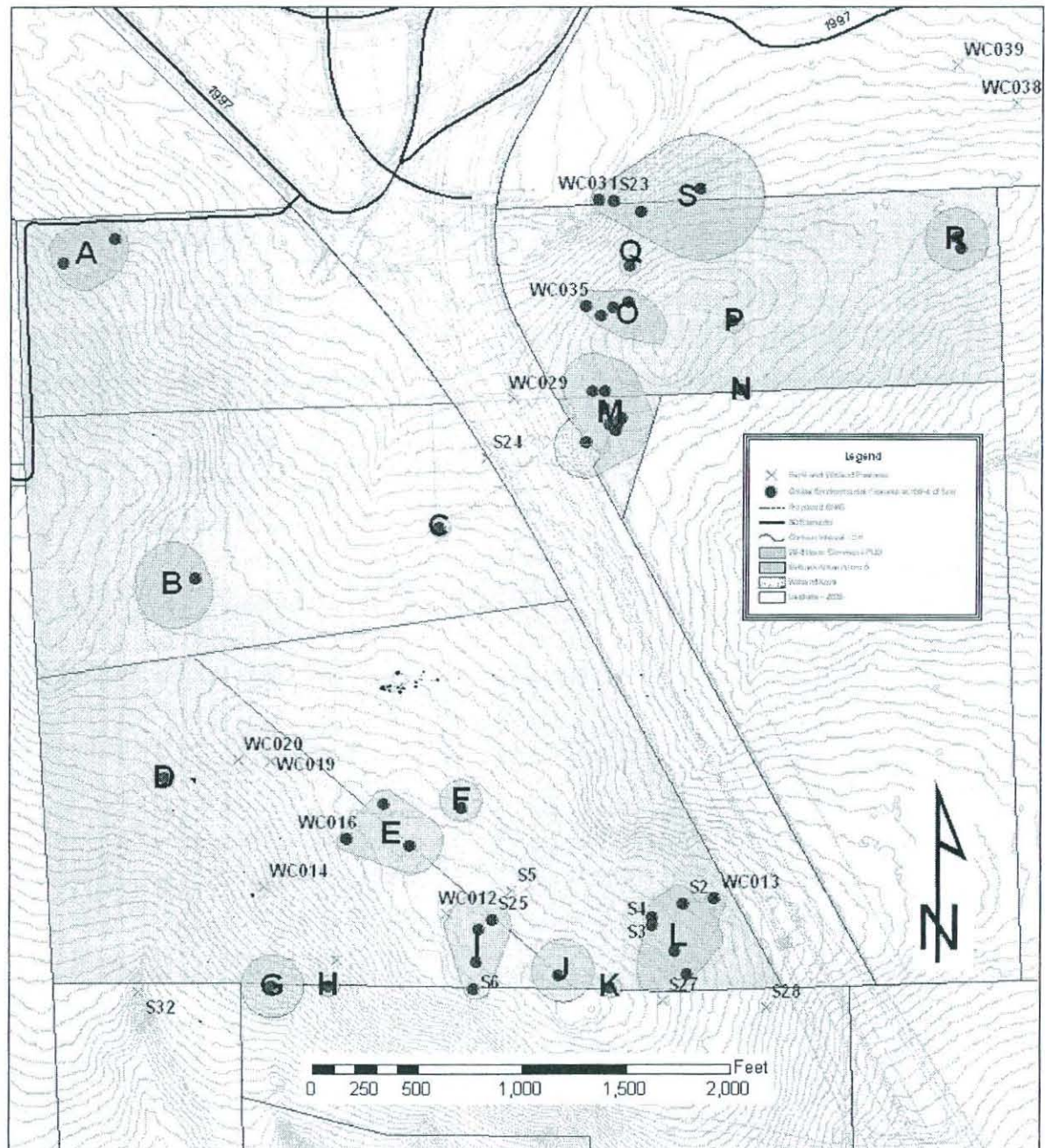
Table 1: GPS locations and corresponding CEF setback area

Id	Comments	X	Y	FEATURE	TYPE	Setback Area
1	Sinkhole	3070564.32	10031308.78	S1	SH	L
2	Sinkhole	3070644.19	10031700.86	S2	SH	L
3	Solution Cavity	3070500.07	10031634.03	S3	SC	L
4	Karst Depression	3070498.05	10031596.55	S4	CD	L
5	Karst Depression	3069823.00	10031757.14	S5	CD	
6	Sinkhole	3069644.06	10031290.42	S6	SH	I
7	Solution Cavity	3068952.24	10031305.05	S7	SC	H
8	Sinkhole	3067680.52	10034787.20	S8	SH	A
9	Solution Cavity	3068164.23	10032302.65	S9	SH	D
10	Sinkhole	3068680.75	10031303.15	S10	SH	G
11	Wetland/Sinkhole	3068319.34	10033210.07	S11	W-S	B
12	Sinkhole	3070281.20	10034009.00	S12	SH	M
13	Sinkhole	3070310.00	10033994.00	S13	SH	M
14	Solution Cavity	3070316.50	10033983.60	S14	SC	M
15	Sinkhole	3070327.70	10034022.40	S15	SH	M
16	Sinkhole	3070342.60	10034039.20	S16	SH	M
17	Cave	3070278.28	10034171.25	S17	C	M
18	Sinkhole	3070244.42	10034537.02	S18	SH	O
19	Cave	3071970.00	10034900.00	S19	C	R
20	Sinkhole	3070380.00	10034800.00	S20	SH	Q
21	Solution Cavity	3070919.85	10034172.71	S21	SC	
22	Solution Cavity	3070434.72	10035029.90	S22	SC	
23	Sinkhole	3070300.92	10035084.00	S23	SH	
24	Solution Cavity	3069699.78	10033850.50	S24	SC	
25	Sinkhole	3069730.39	10031622.05	S25	SH	I
26	Sinkhole	3069650.00	10031400.00	S26	SH	I
27	Sinkhole	3070550.00	10031251.00	S27	SH	
28	Karst Depression	3071050.00	10031200.00	S28	CD	
29	Sinkhole	3071137.00	10031512.00	S31	SH	S
30	Sinkhole	3068045.27	10031249.09	S32	SH	S
31	Sinkhole	3069696.00	10031559.00	S33	SH	I
32	Solution Cavity	3070710.00	10031910.00	S34	SC	
33	Karst Depression	3070740.00	10031769.00	S35	CD	
34	SC	3070760.00	10031512.00	S36	SC	L
35	Karst Depression	3070450.00	10031461.00	S37	CD	L
Id	Comments	X	Y	FEATURE	TYPE	Setback Area

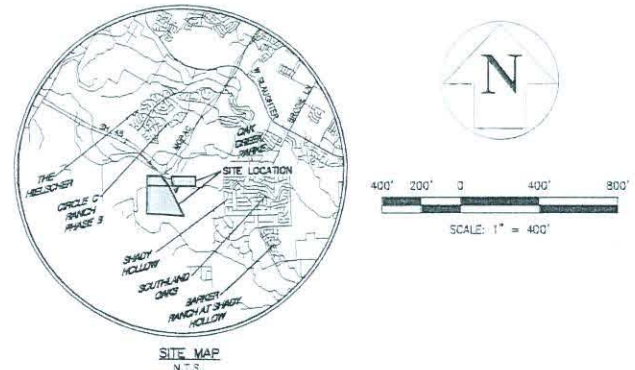
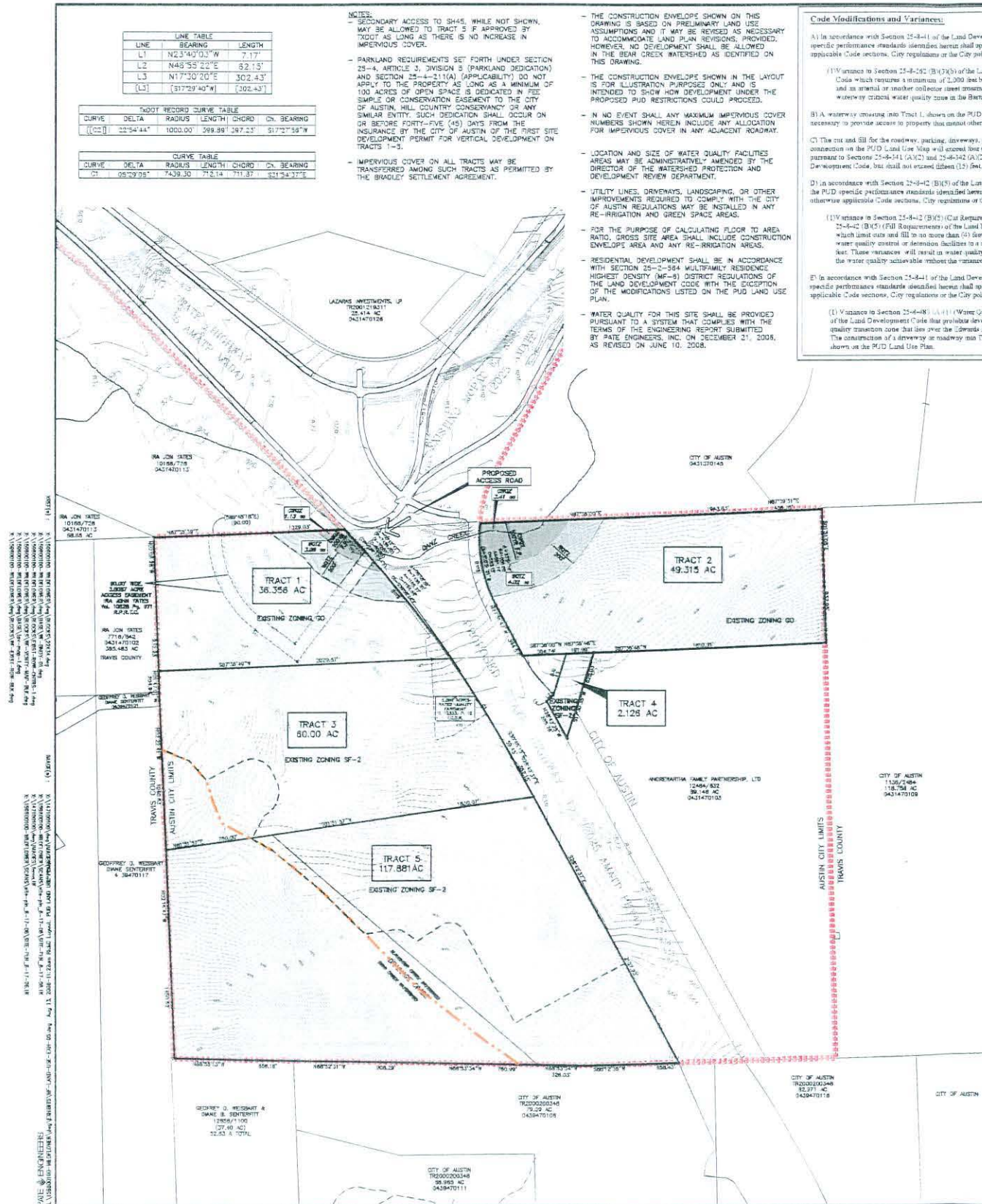
36	Sinkhole	3070479.97	10032979.98	WC003	SH	
37	Sinkhole	3070300.00	10031300.00	WC005	SH	K
38	Sinkhole	3070050.00	10031400.00	WC007	SH	J
39	Cave	3070670.00	10031400.00	WC008	C	L
40	Other	3068990.00	10031400.00	WC009	O	
41	Solution Cavity	3070610.00	10031500.00	WC010	SC	L
42	Solution Cavity	3069670.00	10031600.00	WC011	SC	I
43	Solution Cavity	3069510.00	10031600.00	WC012	SC	I
44	Sinkhole	3070800.00	10031700.00	WC013	SH	L
45	Other	3068640.00	10031800.00	WC014	O	
46	Cave	3069340.00	10032000.00	WC015	C	E
47	Solution Cavity	3069040.00	10032000.00	WC016	SC	E
48	Cave	3069580.00	10032200.00	WC017	C	F
49	Solution Cavity/Frac	3069210.00	10032200.00	WC018	SC-SF	E
50	Solution Cavity	3068670.00	10032400.00	WC019	SC	
51	Solution Cavity/Frac	3068520.00	10032400.00	WC020	SC-SF	
52	Solution Cavity/Frac	3069470.00	10033500.00	WC021	SC-SF	C
53	Sinkhole	3067920.00	10034900.00	WC023	SH	A
54	Karst Depression	3070170.00	10033900.00	WC027	CD	M
55	Karst Depression	3070210.00	10034200.00	WC028	CD	M
56	Other	3069830.00	10034100.00	WC029	O	
57	Cave	3070230.00	10035100.00	WC031	C	S
58	Cave	3070720.00	10035100.00	WC032	C	S
59	Karst Depression	3070260.00	10034100.00	WC033	CD	M
60	Solution Cavity/Frac.	3070880.00	10034500.00	WC034	SC-SF	P
61	Solution Cavity	3070180.00	10034600.00	WC035	SC	O
62	Solution Cavity	3070300.00	10034600.00	WC036	SC	O
63	Solution Cavity	3070370.00	10034600.00	WC037	SC	O
64	Cave	3072230.00	10035600.00	WC038	C	
65	Cave	3071960.00	10035700.00	WC039	C	
66	Sinkhole	3071950.00	10034900.00	WC040	SH	R
67	Zone	3068900.00	10036600.00	WC041	Z	

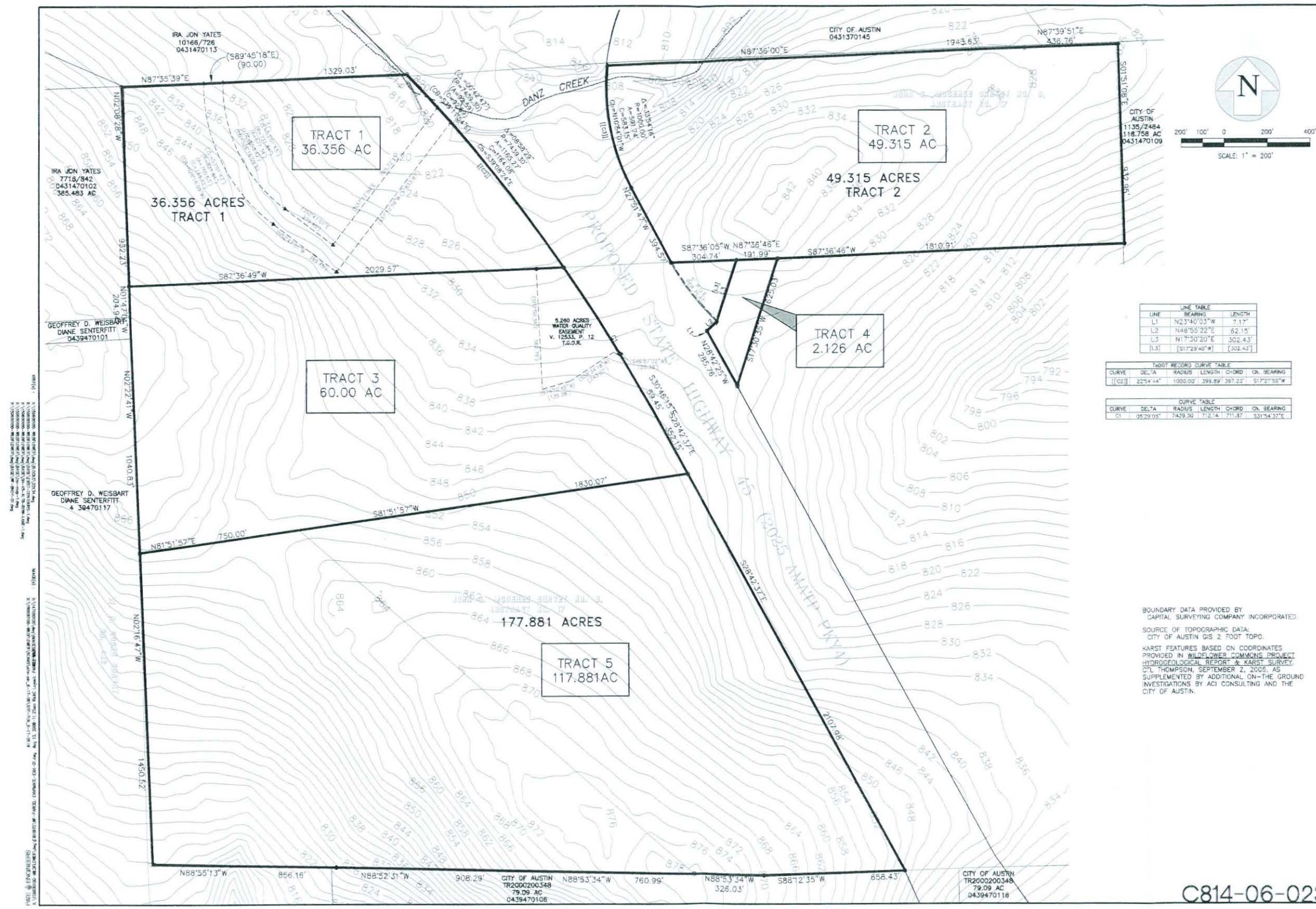
Map 1: Setback Area Location Map

**Map 1: Location Map for Critical Environmental Feature Setbacks
(Revised - 07-07-2008)**



Wildflower Commons P.U.D.





LINE TABLE			
LINE	BEARING	LENGTH	
L1	N23°40'03"W	7.17'	
L2	N46°55'22"E	62.15'	
L3	N17°30'20"E	302.43'	
[L3]	[S17°29'40"W]	[302.43']	

TWOOT RECORD CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD	CH. BEARING
[C1]	22°54'44"	1000.00'	399.89'	397.23'	S17°27'58"W

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD	CH. BEARING
C1	05°29'05"	7439.30'	712.14'	711.47'	S31°54'32"E

BOUNDARY DATA PROVIDED BY:
CAPITAL SURVEYING COMPANY, INCORPORATED.
SOURCE OF TOPOGRAPHIC DATA:
CITY OF AUSTIN GIS 2 FOOT TOPO.
KARST FEATURES BASED ON COORDINATES
PROVIDED IN WILDFLOWER COMMONS PROJECT
HYDROGEOLOGICAL REPORT & KARST SURVEY
CTL THOMPSON, SEPTEMBER 2, 2005, AS
SUPPLEMENTED BY ADDITIONAL ON-THE GROUND
INVESTIGATIONS BY ACI CONSULTING AND THE
CITY OF AUSTIN.

PATE ENGINEERS
HOUSTON • DALLAS • AUSTIN • FORT WORTH
ARLINGTON • SAN ANTONIO
7601 NORTH CAPITAL OF TEXAS HIGHWAY
AUSTIN, TEXAS 78731
PH: (512) 340-0600
FAX: (512) 340-0604
WWW.PATEENR.COM

PROJECT: WILDFLOWER COMMONS
PUD EXHIBITS

BY: []

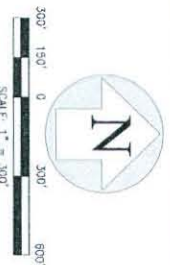
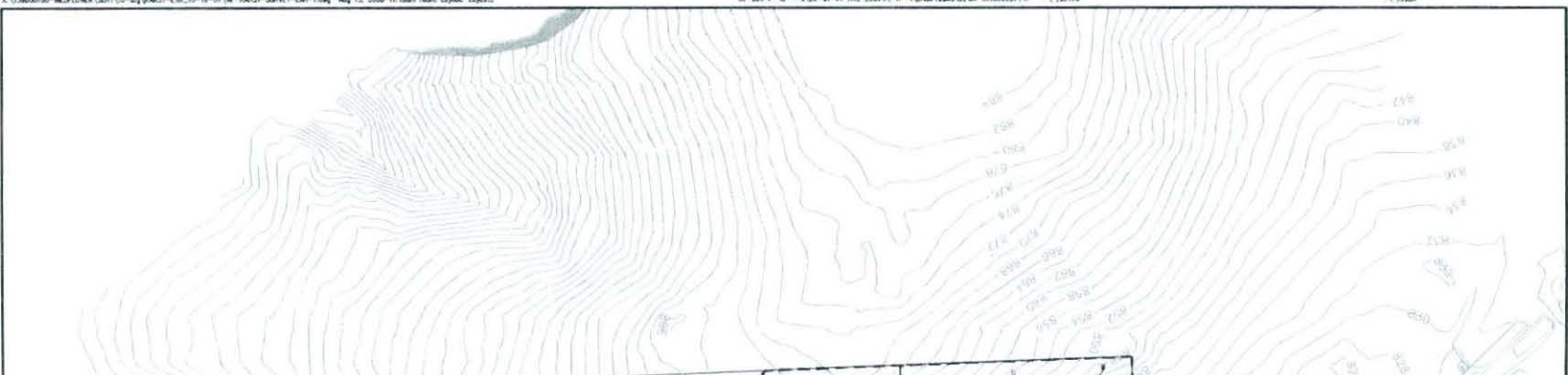
DATE: []

NO: []


DESCRIPTION: []

BOUNDARY SURVEY AND TOPOGRAPHY EXHIBIT

PEI PROJECT NO. 159600100
DESIGN: DG
DRAWN: WT/RC
CHECKED: KW
DATE: 8/11/08
SHEET 2 of 3

[illegible][illegible]

LANDMAINTAINED JULY 7, 2008 FROM SCOTT
CH IS ATTACHED TO THE ZONING ORDINANCE
ONMENTAL FEATURE SETBACK MUST COMPLY
S, LAND DEVELOPMENT CODE. THIS SECTION
OVER MUST BE RETAINED TO THE MAXIMUM
PROHIBITED, AND WASTEWATER DISPOSAL OR
MENT.

3 of 3 SHEET DATE: 6/7/2006 CHECKED: JF DESIGNED: JF NO. 15980100 PROJECT:	NO. DATE DESCRIPTION BY	PROJECT: WILDFLOWER COMMONS PUD EXHIBITS	 <p>HOUSTON • DALLAS • AUSTIN • FORT WORTH ARLINGTON • SAN ANTONIO</p> <p>7801 NORTH CAPITAL OF TEXAS HIGHWAY SUITE 350 AUSTIN, TEXAS 78731</p> <p>PH: (512) 340-0600 FAX: (512) 340-0604 WWW.PATEENG.COM</p>
		SHEET: CEF LOCATIONS AND APPROVED SETBACKS	

Wildflower Commons PUD
4700 – 5200 Blocks of SH 45

Environmental Board August 20, 2008

Item: ____

Request for Zoning Change
From: SF-2 and GO To: PUD

C814-06-0233:

Site Information:

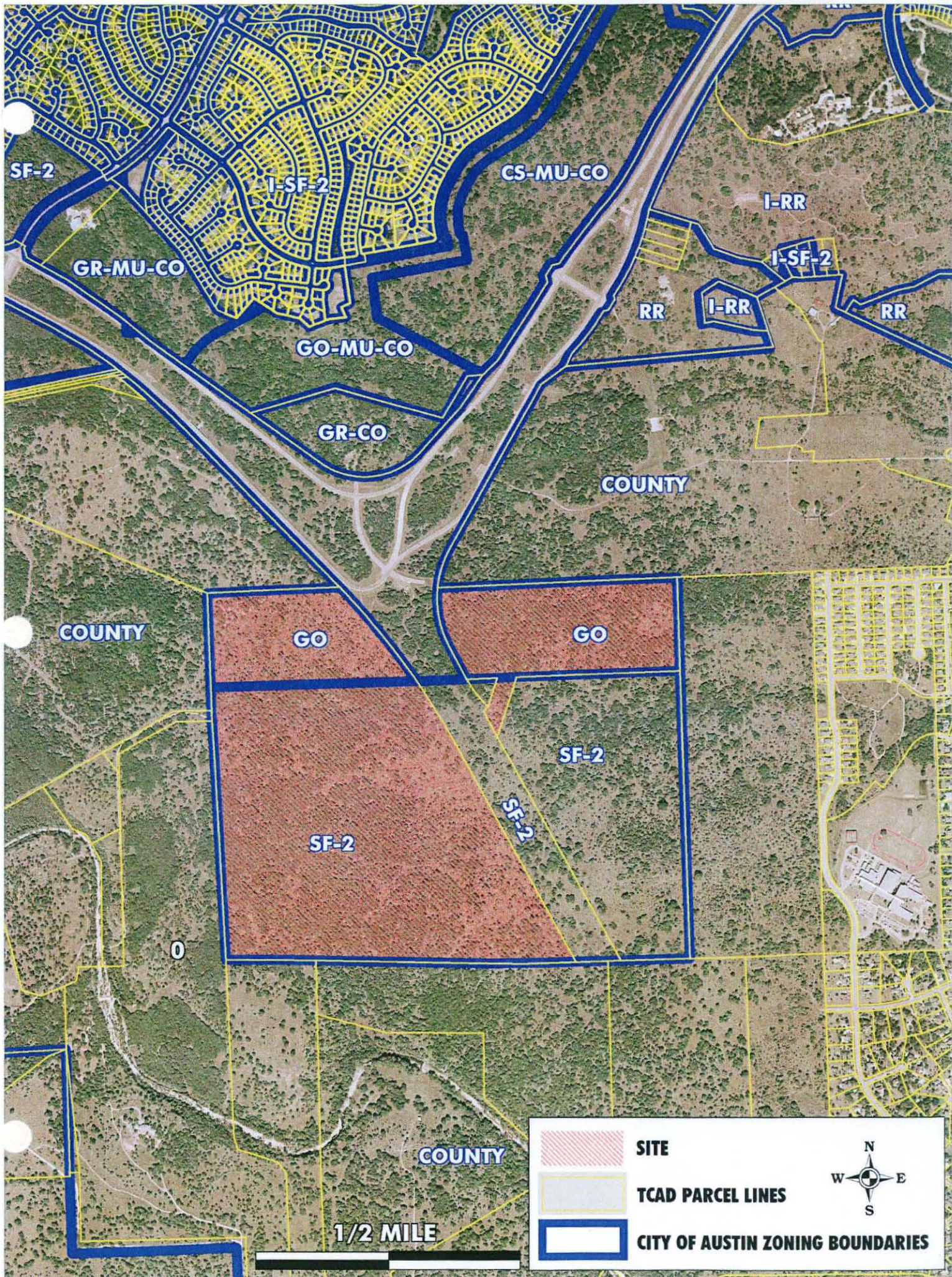
1. Zoning Map
2. Aerial Map

Zoning Case Information:

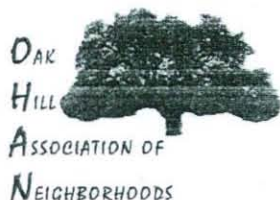
3. WPDR and Zoning Staff Recommendation Reports – Provided by Staff
4. Cut/Fill Exhibit

Support Letters:

5. Neighborhood and Property Owner Support
OHAN - Oak Hill Association of Neighborhoods
Diane Senterfitt and Geoffrey Weistbart







Resolution in support of Wildflower Commons, 2007

WHEREAS, the proposed development known as the "Wildflower Commons," located on MOPAC at SH-45 was presented to the February 2007 OHAN meeting for review and comment;

WHEREAS, the Wildflower Commons will consist of a "mixed use" development bringing much needed retail, residential and office space to the Oak Hill region;

WHEREAS, the project has been designed so that it is SOS-compliant with respect to impervious cover and water quality controls, despite the fact that the developer's current entitlements would allow for more impervious cover;

WHEREAS, the Wildflower Commons would be constructed wholly within the Slaughter Creek watershed and would avoid the more environmentally sensitive Bear Creek watershed, despite the fact that the developer's existing entitlements would allow development within Bear Creek's watershed;

WHEREAS, available traffic models indicate that the proposed development of Wildflower Commons will have less impact on traffic along MOPAC and other nearby roadways than the development that could be built with existing entitlements;

NOW, THEREFORE, BE IT RESOLVED, that the Oak Hill Association of Neighborhoods supports the Wildflower Commons project and urges its approval by the Austin Zoning and Platting Commission and the Austin City Council.

Approved by unanimous vote April 11, 2007


Dwain Rogers
President

Diane B. Senterfitt
Geoffrey D. Weisbart
4502 Bliss Spillar Road
Manchaca, Texas 78652
(512) 280-6366

August 13, 2008

VIA FACSIMILE 481-0444
AND HAND DELIVERY

Mr. William Walters III
Walters Southwest
1100 Nueces
Austin, Texas 78701

Re: Wildflower Commons

Dear Mr. Walters:

We would like to take this opportunity to formally show our support for your Wildflower Commons development at the corner of MoPac and Highway 45. As you know, we own the property adjacent to the development tract on the West and South borders. We have long been committed to preservation of Bear Creek and its drainage basin. In fact, we have, through donations, endowed our property with a conservation easement that will keep this basin virtually free from future development. We are also proud of the fact that our property, in conjunction with our neighbors to the West and the City property to the East, will help insure that this precious creek basin will remain in its natural state for generations to come.

While we have always hoped for all of the basin to be development free, we are certainly realistic to the community needs for mixed use including retail development, particularly at the corner of MoPac and Highway 45. Having compared your plans with the original Bradley agreement parameters, we are very supportive of your project. Under the Bradley agreement, a significant portion (over 75 acres) of the property that drains into the Bear Creek basin was fair game for office and housing development. With your plan to exclude all development from the Bear Creek basin, we believe Bear Creek, and ultimately, Barton Creek will benefit. Your decision to not develop within such a large envelope of the Bear Creek drainage basin is a perfect example of how conservation and development can co-exist, and is consistent with our conservation plans to our property.

Of course, you should know that your integrity and word have played a part in our formal support of the Wildflower Commons project. Based on our review of your previous Austin projects, your word has proven to be true, and your concerns for your neighbors and the neighborhood impact has proven to be genuine. We have been extremely impressed by your efforts to consider our concerns over drainage into Bear Creek and your efforts to find a solution,

Mr. William Walters III
August 13, 2008
Page 2

even if other alternatives were easier and more profitable. Integrity and trust mean a tremendous amount to us, and we are grateful that you have recognized our commitment to conserving Bear Creek and agreed to become a serious steward in this important conservation effort.

If you should need our further support in the future, please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Geoffrey D. Weisbart".

Geoffrey D. Weisbart

A handwritten signature in black ink, appearing to read "Diane B. Senterfitt".

Diane B. Senterfitt