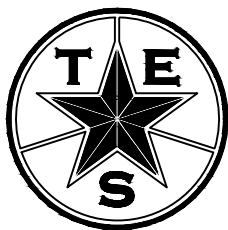
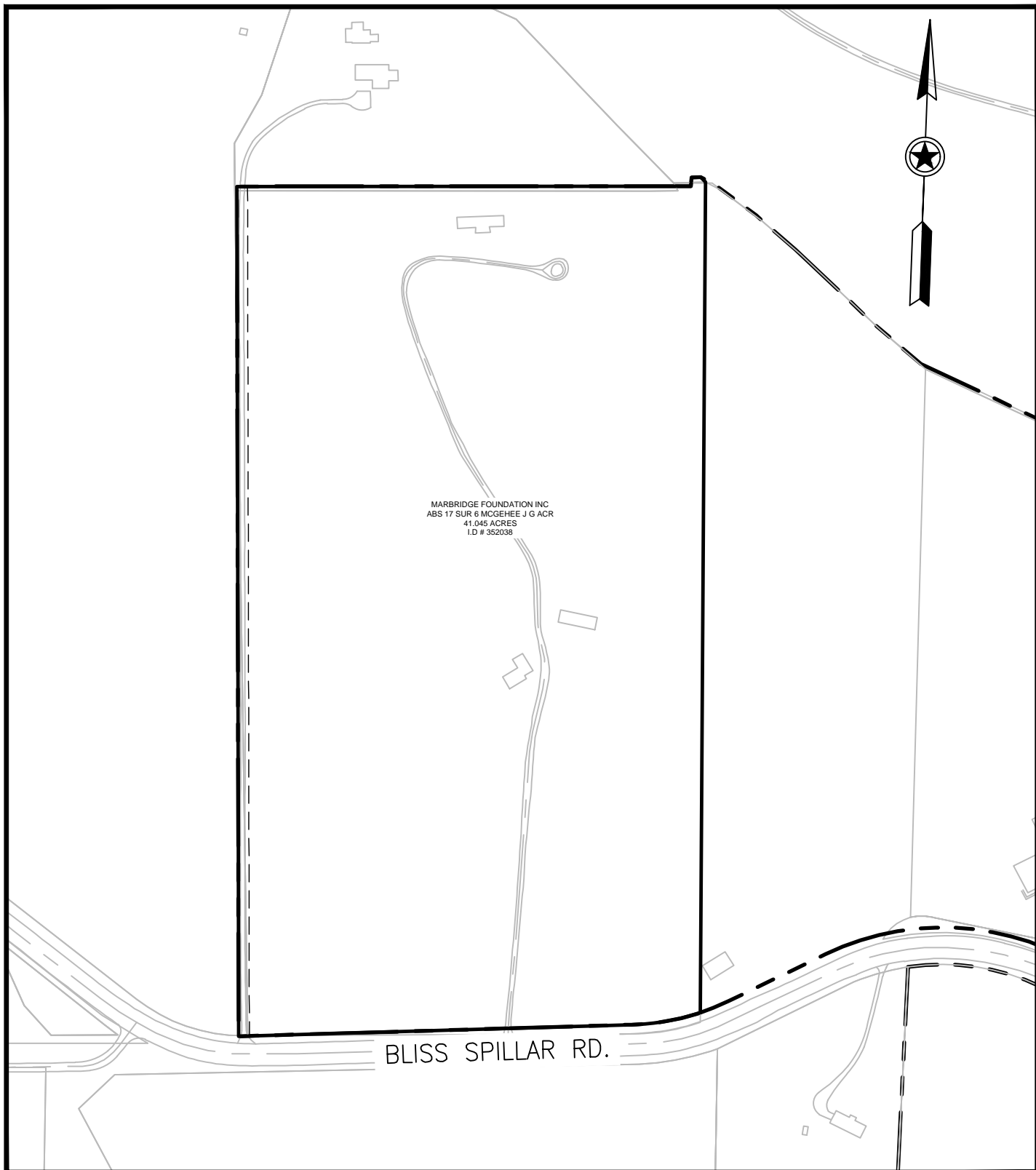


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F: 512-904-0509
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MARBRIDGE

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PLOTTED:
PLOTTED BY:

**MARBRIDGE
EXCHANGE
TRACT**

**EXHIBIT
'A-1'**

1 OF 1

AREAS DISTURBED DURING REMOVAL NORTH OF THE PROPOSED FENCE WILL NEED TO BE RESTORED AND SEEDED PURSUANT TO STANDARD SPEC MANUAL ITEM NO. 609S. THE AREA NORTH OF THE PROPOSED FENCE WILL NEED TO BE CLEANED UP AND OLD MATERIALS REMOVED.





EXCHANGE TRACT
(41.04 ACRES)

INSTALL: FENCE ALONG PERIMETER OF WQTZ AS SHOWN, REMOVE IMPERVIOUS COVER NORTH OF THIS FENCE WITHIN EXCHANGE TRACT. NO VEHICULAR ACCESS WILL BE ALLOWED. ACCESS TO THIS AREA WILL BE ON FOOT ONLY.

NOTE: NO DEVELOPMENT, OTHER THAN EXISTING ACCESS DRIVE, WILL BE ALLOWED ON THE NORTHERN PORTION OF THE EXCHANGE TRACT (NORTH OF THE PROPOSED FENCE), PURSUANT TO A CONSERVATION EASEMENT OR RESTRICTIVE COVENANT.

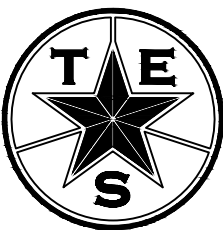
ACCESS FOR ADJACENT PROPERTY TO REMAIN

BLISS SPILLAR ROAD

-  UPLANDS
-  WQTZ
-  CWQZ
-  100 YR FLOOD PLAIN

Description	Acres
Gross Site Area	41.04
CWQZ	3.60
WQTZ	8.68
Net Site Area	28.65
I.C. Allowed @ 15%	4.30
Final I.C.	2.12
I.C. % NSA	7.4
I.C. % GSA	5.18

EXCHANGE TRACT		
EXISTING IMPERVIOUS COVER	SQUARE FEET	ACRES
① ROAD 1	12,194	0.28
② ROAD 1 (Portion to be removed)	13,131	0.30
③ ROAD 2 (Access drive for adjacent property)	27,071	0.62
④ BLDG. 1	2,206	0.05
⑤ BLDG. 2	2,126	0.05
⑥ BLDG. 3 (To be removed)	2,654	0.06
TOTAL		1.36
PROPOSED IMPERVIOUS COVER		
	SQUARE FEET	ACRES
A BLDG. A (Equestrian Facility)	46,750	1.07
B BLDG. B (Guest House)	2,206	0.05
TOTAL		1.12



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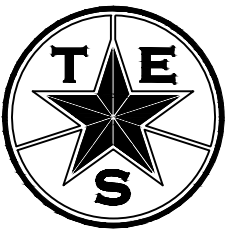
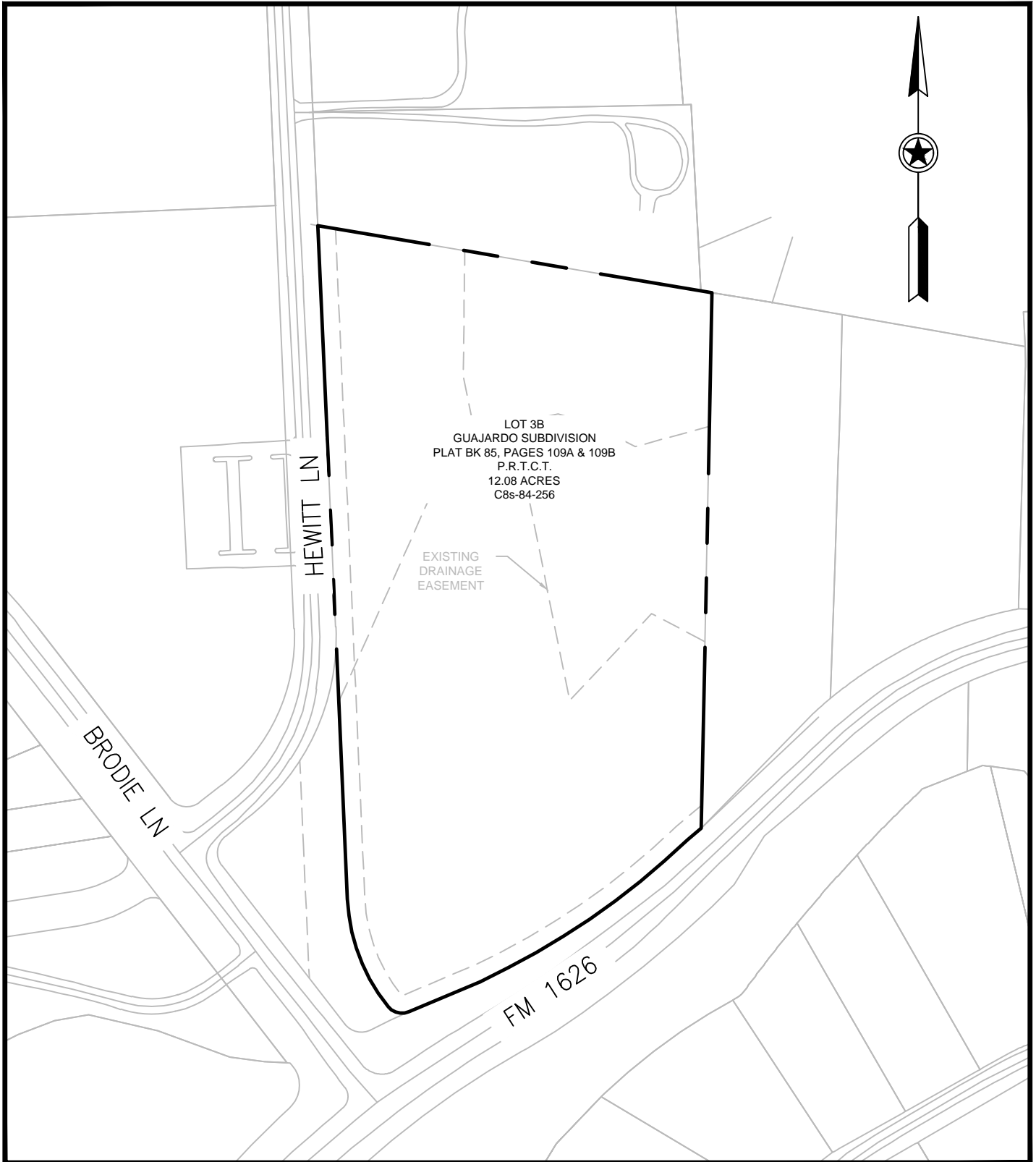
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EXCHANGE TRACT

EXHIBIT 'A-2'

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**BRODIE
LANE
PROPERTY**

**EXHIBIT
'B-1'**

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APPROXIMATE
PROPOSED
LOCATION
FOR VEHICULAR
CROSSING/DRIVE
THROUGH THE
PROPOSED CWQZ
0.11 ACRES

PROPOSED
CWQZ
(MIN. 1.7 ACRES)

APPROXIMATE
CENTER OF CREEK

APPROXIMATE SOUTH
BANK
OF CREEK

APPROX. 300 LF IS
LESS THAN 25'
FROM SOUTHERN
BANK

HEWITT LN

BRODIE LN

FM 1626

NOTES:

1. ONE ADDITIONAL COMBINED
VEHICULAR & PEDESTRIAN
CROSSING/DRIVE WILL BE ALLOWED
WITHIN THE PROPOSED CWQZ.
(APPROXIMATELY 0.13 ACRES)



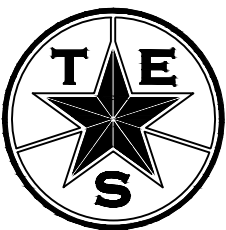
PROPOSED CWQZ



CURRENT CODE CWQZ



PROPOSED CROSSINGS



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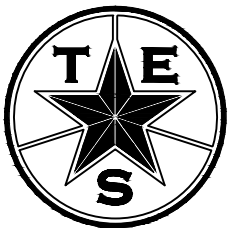
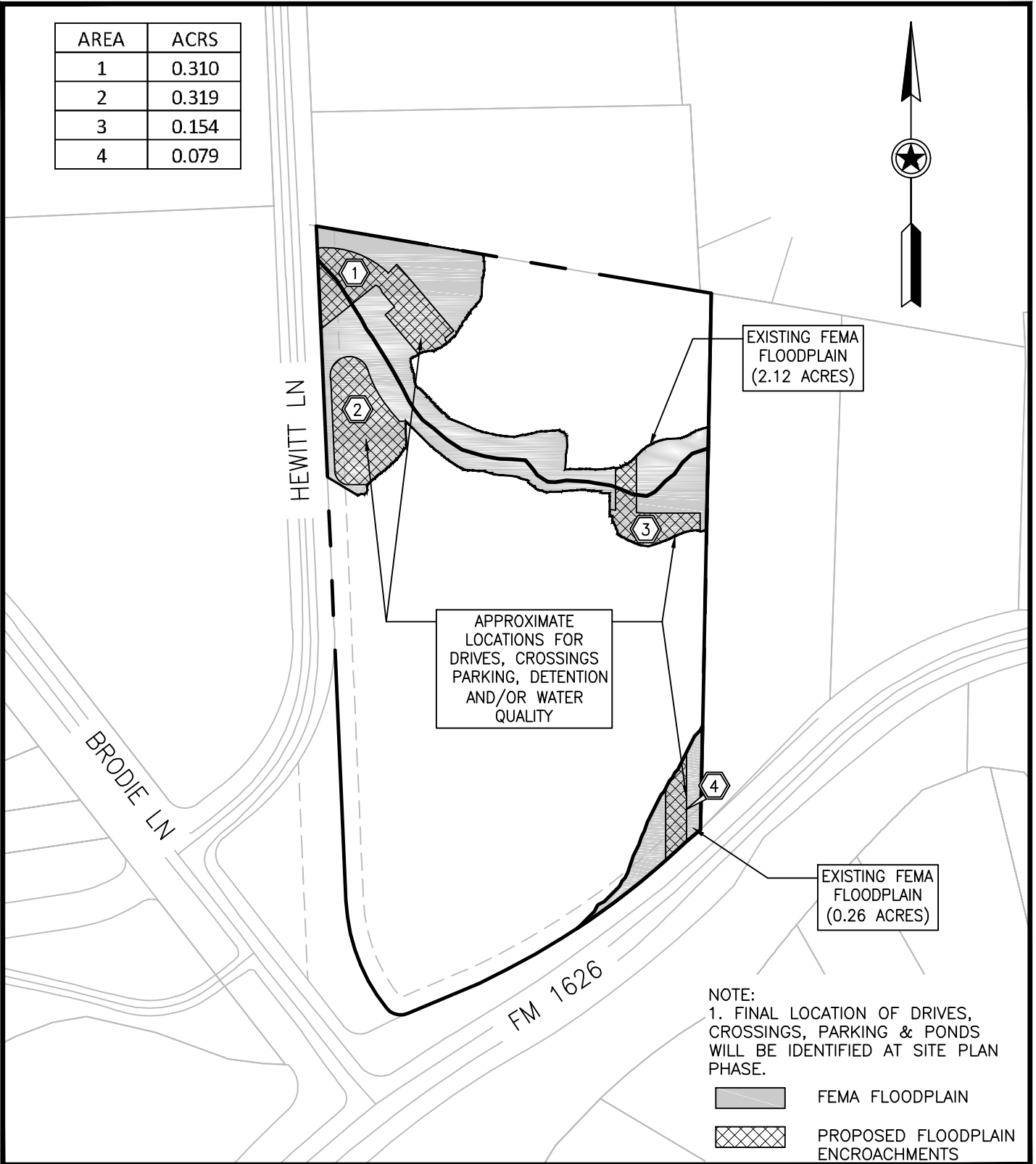
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**CRITICAL
WATER
QUALITY
ZONE
EXHIBIT**

**EXHIBIT
'B-2'**

1 OF 1

AREA	ACRS
1	0.310
2	0.319
3	0.154
4	0.079



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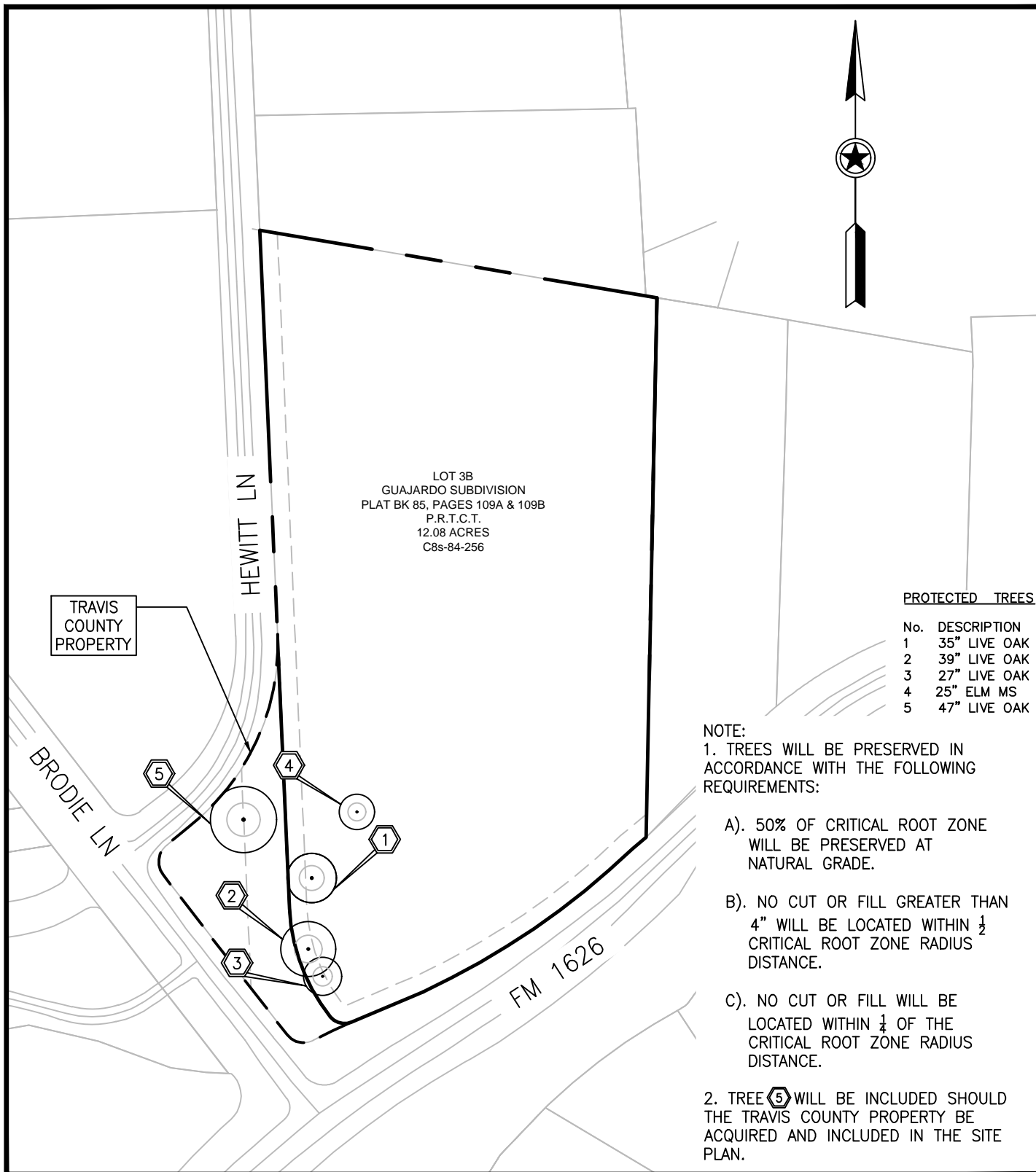
MARBRIDGE

**FEMA
FLOODPLAIN**

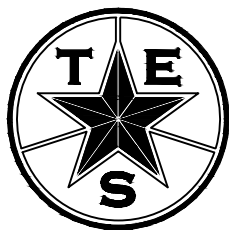
**EXHIBIT
'B-3'**

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MARBRIDGE

**PROTECTED
TREES**

**EXHIBIT
'B-4'**

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1 OF 1

EXHIBIT C



MEMORANDUM

TO: Mr. Thomas Webber, Chair
Zoning and Platting Commission

FROM: J. Rodney Gonzales, Director *JRG*
Development Services Department

DATE: October 4, 2016

SUBJECT: Project Consent Agreement – Marbridge Farms
2636 Bliss Spillar Road and 12501 Hewitt Lane

The Director of Development Services has received a request to consider a Project Consent Agreement (PCA) as authorized under Land Development Code § 25-1-544. A PCA is a voluntary mechanism for determining applicable regulations where the extent of a project's vested development rights are unclear or for incentivizing projects with clearly established vested rights to achieve greater compliance with current regulations. In such cases, a PCA provides a means for the Council to modify development regulations applicable to a project.

The proposed Marbridge Farms PCA involves two properties located at 2636 Bliss Spillar Road and 12501 Hewitt Lane. The PCA would, in summary, relax the watershed development standards required under City Code Chapter 25-8 (Environment) to facilitate development of a commercial use on a 12-acre tract at 12501 Hewitt Lane located in the Desired Development Zone. In exchange, the PCA will condition a significant reduction in development intensity and partial preservation of a 41-acre tract at 2636 Bliss Spillar Road that is located in the Barton Springs Zone and subject to protections of Chapter 25-8, Article 13 (Save Our Springs Initiative).

As provided by 25-1-544, the PCA was considered by the City's Environmental Officer and the recommendation is attached for reference. The PCA was considered by the Environmental Commission on July 20, 2016 and received a favorable recommendation with conditions by a 7-1 vote. A copy of the Environmental Commission Recommendation is attached for reference. As provided under 25-1-544, the Development Services Department has reviewed and considered the proposed PCA recommends approval. For additional information about this PCA, please contact Andrew Linseisen at 512-974-2239.

Attachments

Cc: Charles Lesniak, Environmental Officer – Watershed Protection Department

EXHIBIT D



MEMORANDUM

TO: Rodney Gonzales, Director
Development Services Department

FROM: Chuck Lesniak, Environmental Officer
Watershed Protection Department

DATE: July 13, 2016

SUBJECT: Recommendation on Marbridge Project Consent Agreement

In consultation with Watershed Protection Department and Development Services Department staff I have reviewed the proposed Marbridge Project Consent Agreement (PCA) for the property at 12501 Hewitt Lane (aka Brodie Lane tract). As required by City Code Ch. 25-1-544(D)(3) I am providing you my recommendation regarding the environmental benefits of the proposed Project Consent Agreement.

I understand that the Brodie Lane tract was denied vesting by the City under the City's vesting ordinance, Ch. 25-1 Article 12, and Ch. 245 of the Texas Local Government Code and that determination has been disputed by the applicant, who has now proposed a PCA. If the applicant were to prevail in their request for vesting the development would be entitled to develop under 1984 regulations. These regulations did not include any limits on impervious cover, require water quality treatment, creek buffers, or any of the other modern environmental protection requirements. The property does have a flood plain easement shown on the plat that would significantly limit development in the flood plain.

Proposed PCA

The Marbridge applicant is proposing a PCA that would allow additional commercial development on a property in the Desired Development Zone – the “Brodie Lane Property” – in exchange for reduced development potential on a property over the Barton Springs portion of the Edwards Aquifer Recharge Zone – the “Exchange Tract.” The relative locations are shown in Figure 1. A description of both properties and the proposed terms of the PCA are provided below.

Exchange Tract

The Exchange Tract (Attachment A) is a 41 acre property located on Bliss Spillar Road approximately one-half mile west of FM 1626, in the City's extraterritorial jurisdiction (ETJ) (see Attachment A – Exchange Tract). The site is located in the Bear Creek watershed over the Edwards Aquifer recharge zone, which is classified as the Barton Springs Zone. A tributary to Bear Creek runs through the center of the property from west to east. The creek is classified as a minor waterway and is protected by a critical water quality zone (CWQZ) and water quality transition zone (WQTZ). The northeast corner of the site also contains areas of CWTZ and WQTZ for the main stem of Bear Creek, which is located within City of Austin preserve land adjacent to the property.

The Exchange Tract is currently partially developed with 1.36 acres of impervious cover, consisting of two driveways, a guest house used by families of Marbridge residents, a small animal barn used by 4-H members, and an abandoned barn. Both driveways cross the CWQZ and WQTZ for the tributary to Bear Creek and the 4-H barn is located within the WQTZ for the main stem of Bear Creek. Under current code, the Exchange Tract could be further developed with up to 4.3 acres of impervious cover total or 15 percent of net site area.

As noted above, the property is over the recharge zone and adjacent to the City's Water Quality Protection Land. Staff from the Watershed Protection Department have walked the property and did not find any obvious karst or recharge features on the tract, however, there are known, significant recharge features in Bear Creek just downstream of the property.

Brodie Lane Property

The Brodie Lane Property (Attachment B) is a 12 acre property located at the intersection of Brodie Lane, Hewitt Lane, and FM 1626, in the City's ETJ (see Attachment B – Brodie Lane Property). The site is located in the Bear Creek watershed outside of the Edwards Aquifer recharge zone, which is classified as Suburban. The northern portion of the property contains a tributary to Bear Creek, which is classified as a major waterway and is protected by a CWQZ. The site also contains an area of CWQZ for the main stem of Bear Creek, which is located across FM 1626 to the south of the property.

The Brodie Lane Property is currently undeveloped. Under current code, the maximum impervious cover for a commercial use would be 7.9 acres, or 65 percent of gross site area. However, there are approximately 8.6 acres of CWQZ on the property, which would prevent development of the maximum amount of impervious cover due to the very limited development allowed within the CWQZ. The north and south portions of the site are heavily wooded, and the property contains at least eight heritage trees.

Proposed PCA Terms

The proposed PCA will limit the amount and location of development that can occur on the Exchange Tract in exchange for allowing additional development on the Brodie Lane Property.

On the Exchange Tract:

- Limit impervious cover to a maximum of 2.12 acres, or 7.4 percent of net site area.
- Prohibit any new development on the north portion of the property as shown in the applicant's Exhibit B.
- Remove the existing 4-H barn and interior driveway north of the creek and the area restored with native vegetation
- Install a fence along the southern boundary of the WQTZ.

The driveway along the property's western boundary shall remain, since it is located in an access easement for the adjacent property to the north. The impervious cover limit established by the PCA would enable the property owner to remove the abandoned barn and construct a new guest house and horse barn on the southern portion of the property, as illustrated on the applicant's Exhibit B. With the exception of the impervious cover limit and prohibition on any development on the north portion of the property, any future development on the Exchange Tract would comply with code requirements at the time of application.

On the Brodie Lane Property:

- Limit impervious cover to a maximum of 7.9 acres, the maximum allowed by current code.
- Reduce the CWQZ to approximately 1.7 acres as shown in the applicant's Exhibit D.

- Allow two CWQZ crossings; one from Hewitt Lane in the northwest corner of the property, and one additional crossing in the interior of the site.
- Allow water quality and detention ponds within the CWQZ.
- Allow additional development within the drainage easement for the 100-year floodplain, as shown in the applicant's Exhibit D.
- Allow the applicant to request an administrative variance for up to ten feet of cut and fill, instead of a maximum of eight feet as allowed by code.
- Require protection of four heritage trees as shown in the applicant's Exhibit F.
- Require water quality controls in compliance with code requirements at the time of application.

Analysis

The proposed PCA will provide additional protection for the environmentally sensitive Exchange Tract, while waiving some current code requirements to enable additional development on the Brodie Lane Property. However, the proposed PCA does provide more environmental protections on the Brodie Lane Property than would be required for a vested project should the applicant prevail in their Ch. 245 claim. From an environmental standpoint, it is my opinion that impervious cover, water quality treatment, creek buffers, and tree protection are the key environmental issues of concern for these properties. A comparison of the potential vested code requirements, current code requirements, and proposed PCA terms for the Exchange Tract and the Brodie Lane Property is shown in Table 1.

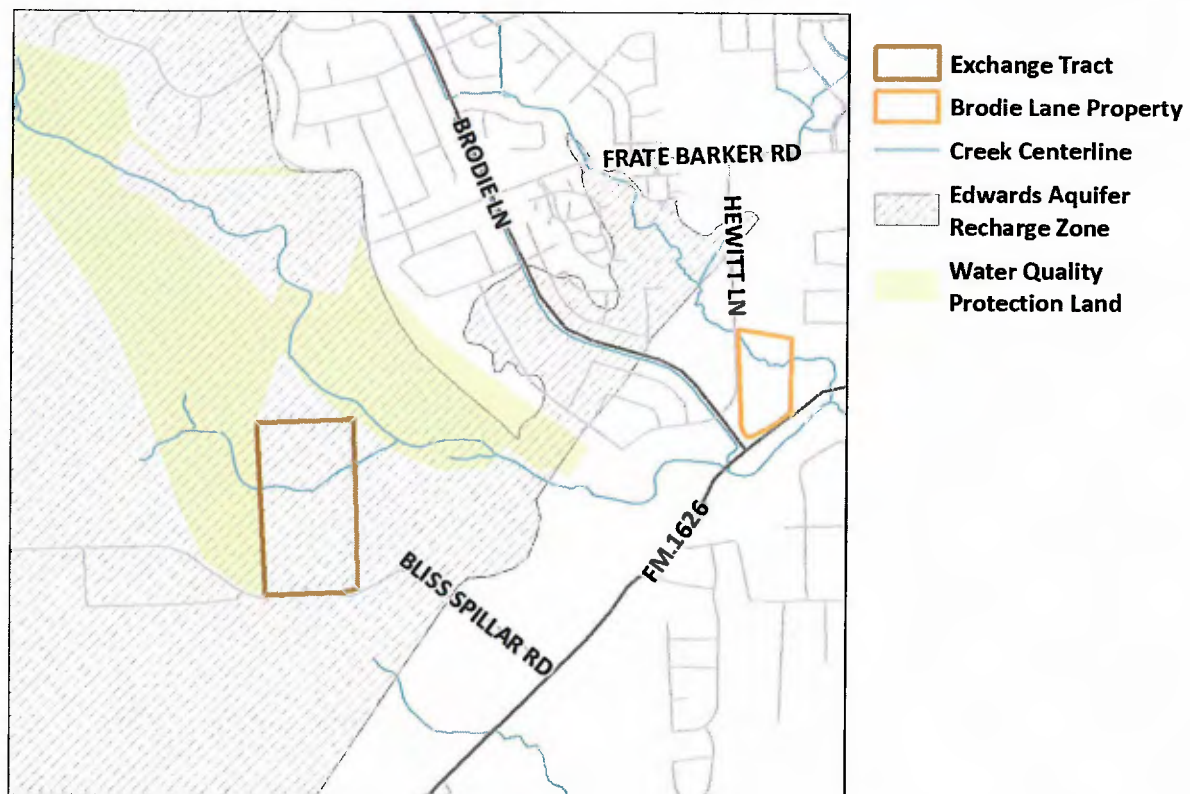
Table 1

	Residential Project Based on 1984 code	Current Code Requirement	Proposed
Brodie Lane Property			
Impervious Cover Limit	None	65% gross site area	65% gross site area
Water Quality Treatment	None	½"-plus sedimentation/ filtration standard	½"-plus sedimentation/ filtration standard
Creek Buffer	None	8.6 acres CWQZ (300' from centerline)	1.7 acres CWQZ (width varies)
Cut and Fill Limit	None	Administrative variance for 4-8'; must be at least 100' from classified waterway	Administrative variance for 4-10'; must be outside of the proposed CWQZ
Tree Protection	None	None (ETJ)	Protects 4 heritage trees
Exchange Tract			
Impervious Cover Limit	<i>n/a</i>	15% net site area (4.3 acres)	7.4% net site area (2.12 acres)
Water Quality Treatment	<i>n/a</i>	SOS non-degradation standard	SOS non-degradation standard
Creek Buffer	<i>n/a</i>	Minor: 50-100' CQWZ, 100' WQTZ Major: 300' WQTZ	Minor: 50-100' CQWZ, 100' WQTZ Major: 300' WQTZ Additional buffer provided by removing existing development and prohibiting future development on the northern portion of the property, adjacent to creek buffers
Cut and Fill Limit	<i>n/a</i>	4'	4'
Tree Protection	<i>n/a</i>	None (ETJ)	None (ETJ)

Recommendation

The removal of existing development and limitation of future development provides substantial environmental benefit to the Exchange Tract, which is located over the environmentally sensitive Edwards Aquifer Recharge Zone. In my opinion, this sufficiently offsets the additional development entitlements on the Brodie Lane Property and I recommend submitting the PCA to Council for consideration.

Cc: Andy Linseisen, P.E., Development Services Department
Susan Scallon, Development Services Department
Brent Lloyd, Law Department



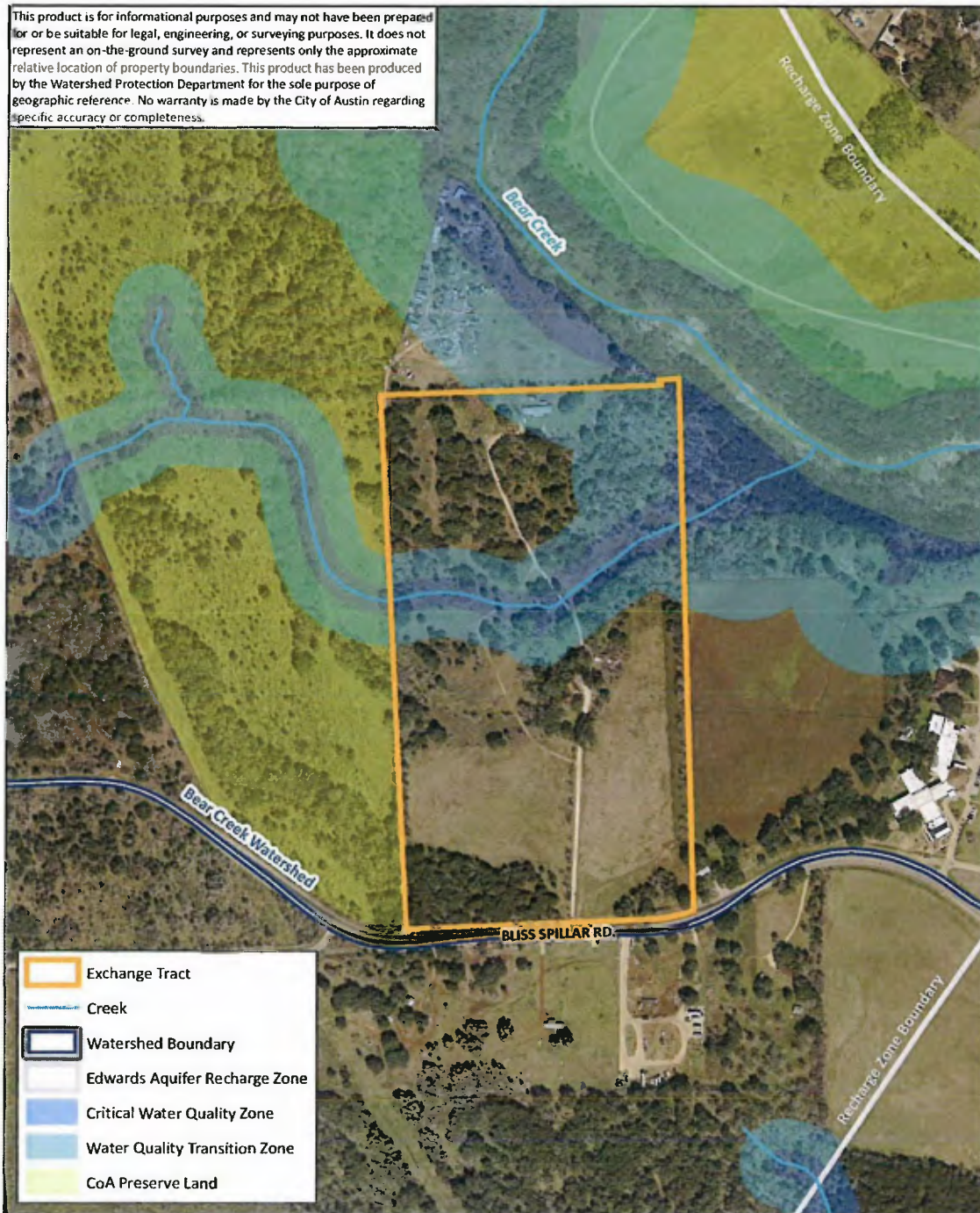
Vicinity Map

0 0.125 0.25 0.5 Miles



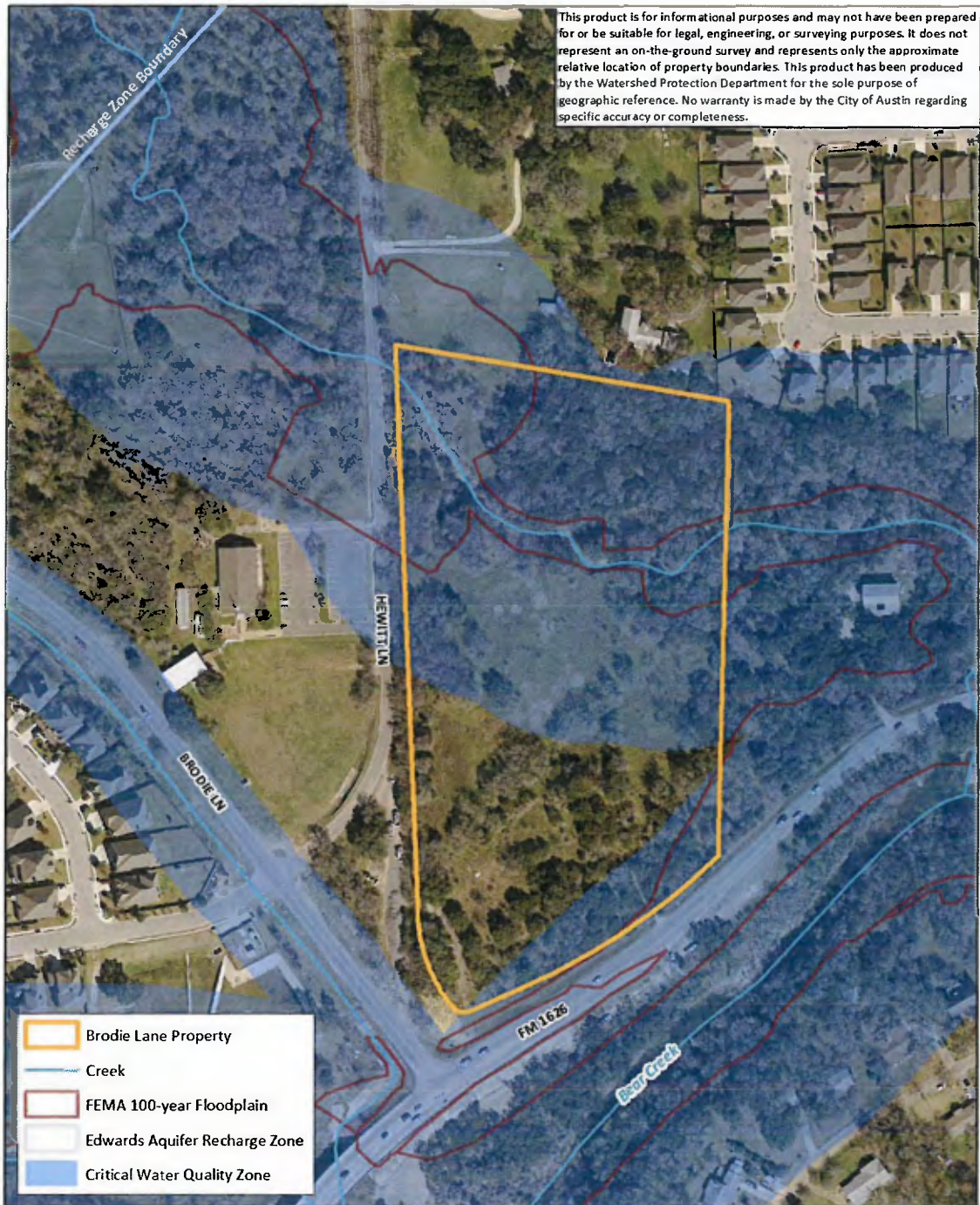
Figure 1: Location map

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the Watershed Protection Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Attachment A - Exchange Tract





Attachment B - Brodie Lane Property