

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 43
AGENDA DATE: Thu 01/29/2004
PAGE: 1 of 1

SUBJECT: C814-01-0114 - Comanche Canyon Ranch P.U.D. - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning approximately 3.63 acres located east of Oasis Pass, near its intersection with Oasis View from single family residence standard lot (SF-2) district zoning to Planned Unit Development (PUD) district zoning; and approving a PUD agreement for approximately 468 acres located in the Extraterritorial Jurisdiction locally known as Comanche Trail and Bullick Hollow Road at Oasis Bluff Drive (Lake Travis Watershed). First Reading: October 30, 2003. Vote: 7-0. Conditions met as follows: Restrictive Covenant incorporates the conditions accepted by City Council at first ordinance reading. Applicant: Robert Theriot. Agent: Brown and McCarroll, LLP (Jerry Harris). City Staff: Glenn Rhoades, 974-2775.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C814-01-0114

Z.A.P. DATE: October 14, 2003

October 28, 2003

C.C. DATE: October 30, 2003

January 29, 2004

ADDRESS: Comanche Trail and Bullick Hollow at Oasis Bluff Drive

OWNER/APPLICANT: Robert Theriot

AGENT: Brown and McCarrol
(Nikelle Meade)

ZONING FROM: Not zoned (in ETJ) and SF-2*

TO: PUD

*Approximately 3.63 acres of the property is located within the zoning jurisdiction of the City.

AREA: 468 acres (ETJ only) and 3.63 acres in city limits

SUMMARY STAFF RECOMMENDATION:

Staff recommends this Planned Unit Development agreement and P.U.D. zoning for a 3.63 acre tract of land subject to a Traffic Impact Analysis and other conditions (Vote: 7-0-1).

ENVIRONMENTAL BOARD RECOMMENDATION:

The Board recommends the proposed Planned Unit Development subject to the conditions listed in the Environmental Boards memo.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

October 28, 2003 – Approved staff recommendation by consent (Vote: 8-0, J. Martinez – absent).

DEPARTMENT COMMENTS:

The applicant is proposing a Planned Unit Development located mostly in the City's extraterritorial jurisdiction. The land encompasses 471.6 acres and is currently undeveloped. 468 acres is outside the City limits and 3.63 acres is in the City and zoned SF-2 (see map labeled City). A mixture of single-family, multifamily, office and commercial uses are being proposed and will correspond to various zoning base districts. The property is subject to a Traffic Impact Analysis (TIA), which has been performed and reviewed by the City. Staff recommends that the recommendations set forth in the TIA be incorporated, should this Commission and Council decide to recommend the proposed zoning.

Staff has included larger exhibits in the back of the report, as well as a packet from the applicant describing the request in detail.

As shown on the land plan (exhibit A), the proposed P.U.D. is broken up into several areas each with its own set of development regulations. They are as follows:

Area 1 is designated for 99 single-family homes and shall conform to SF-4A development regulations, with the exception of two large lots facing Comanche Trail that will conform to SF-1 base district development regulations. The applicant is requesting a variance to section 25-2-557 (B)(3) which states "a width of not less than 40 feet at all points 50 feet or more behind the front lot

line,” and to section 25-2-557 (G), stating that “the minimum setback between a rear access easement and a building or fence is 10 feet.” Also, the applicant is requesting a variance to section 25-4-232 (C)(10) requiring the “minimum set back is ten feet between a rear access easement and a building or fence” and to section 25-2-232 (C)(19) requiring a “minimum pavement width of a private access easement is 25 feet. In the extra territorial jurisdiction, the minimum pavement width is 25 feet or the width required by the county, whichever is greater.”

Area 2 is further broken down into areas A through J (see exhibit B). Areas A, B, C, E, F, G and H are to be designated as commercial and will conform to the GR base district development regulations. Areas D and I shall conform to SF-6 development regulations and will be designated for condominium use. Area J will be used for large lot single-family homes and will adhere to the SF-1 base district development regulations. The proposed density is for 30 single-family lots, 24 condominium units, 49,000 square feet of office/retail, a 2,600 seat restaurant, 40,000 square feet of retail and a 350 space parking structure.

Area 3 is proposed to be used for 2 large single-family lots, 40 condominium units and 24 townhouse units and will adhere to the SF-6 base district development regulations. The tract is further broken down to Area A, B and C (see exhibit C). The applicant is requesting a modification on Area A, to allow a height of 65 feet. Staff will only recommend a height of 60 feet. Area C will be occupied with large lot single-family homes and will be subject to SF-1 development regulations.

Area 4 is designated for single-family and will be subject to SF-1 development regulations.

Area 5 will be conveyed to a governmental agency and set aside as preserve land. The 327-acre tract will be dedicated to the City, or the County.

Area 6 is an existing vineyard.

ISSUES:

With the zoning, the applicant has requested several environmental variances, they are as follows:

A variance from section 25-8-455 – Transfer of Development Intensity

(A) An applicant who complies with a provision of this section qualifies for the development intensity transfer described in the provision:

(1) For each acre of land in a critical water quality zone that an applicant dedicates in fee simple to the City or another entity, the applicant may transfer one single-family residential housing unit or 6,000 square feet of impervious cover for commercial or multifamily development to an uplands zone. Land dedicated under this subsection may also be credited toward the parkland dedication requirements of Chapter 25-4, Article 3, Division 5 (Parkland Dedication).

A variance from section 25-8-341 and 25-8-342 – Cut and Fill Requirements

(A) Cut and Fill requirements may not exceed four feet of depth.

A variance from section 25-8-301 – Construction of a Roadway or Driveway and 25-8-302 - Construction of a Building or Parking Lot, to allow construction on slopes in excess of 15%.

A variance from section 25-8-453 – Water Quality Transition Zone

(A) Development is prohibited in a water quality transition zone that lies over the Edwards Aquifer Recharge Zone.

A variance from section 25-8-454 – Uplands Zone

(C) For a cluster housing use, density may not exceed:

- (a) one unit for each acre; or
- (b) if the development intensity is transferred under section 25-8-455, (Transfer of development intensity), two units for each acre.

(D) This subsection applies to a commercial or multifamily use.

- (2) At least 40% of the site must be retained in its natural state to serve as a buffer, the buffer must be contiguous to the development, and the buffer must receive overland drainage. Use of the buffer is limited to fences, utilities that cannot reasonably be located elsewhere, irrigation lines not associated with wastewater disposal and access for site construction.

A Variance from section 25-1-21 – Definitions. To allow the PUD to function as a single site and providing for the site to cross a public street or right of way.

The requested variances were considered by the Environmental Board on September 17, 2003 and were recommended with conditions. Please see Environmental staff's recommendation and the Environmental Board's resolution.

In addition, the applicant is requesting the following additional variances:

A variance from section 25-4-33 – Original Tract Requirement – To allow preliminary plans and final plats which do not include the entirety of the original tract to be submitted and approved, provided however that this variance shall not permit or authorize the approval of a subdivision plat that leaves any property adjacent to the PUD without access by way of the PUD private drives to public streets.

A variance from section 25-4-152 – Block Length

- (B) Land Use Commission approval is required for a dead end street more than 2,000 long.

A variance from section 25-4-171 (A) – Access to Lots – requiring each lot in a subdivision abut a dedicated public street.

A variance from section 25-4-174 – To allow single-family residential corner lots to have a minimum size of 6,100 square feet. The code requires 6,900 square feet.

A variance from section 25-4-232 – Small Lot Subdivisions

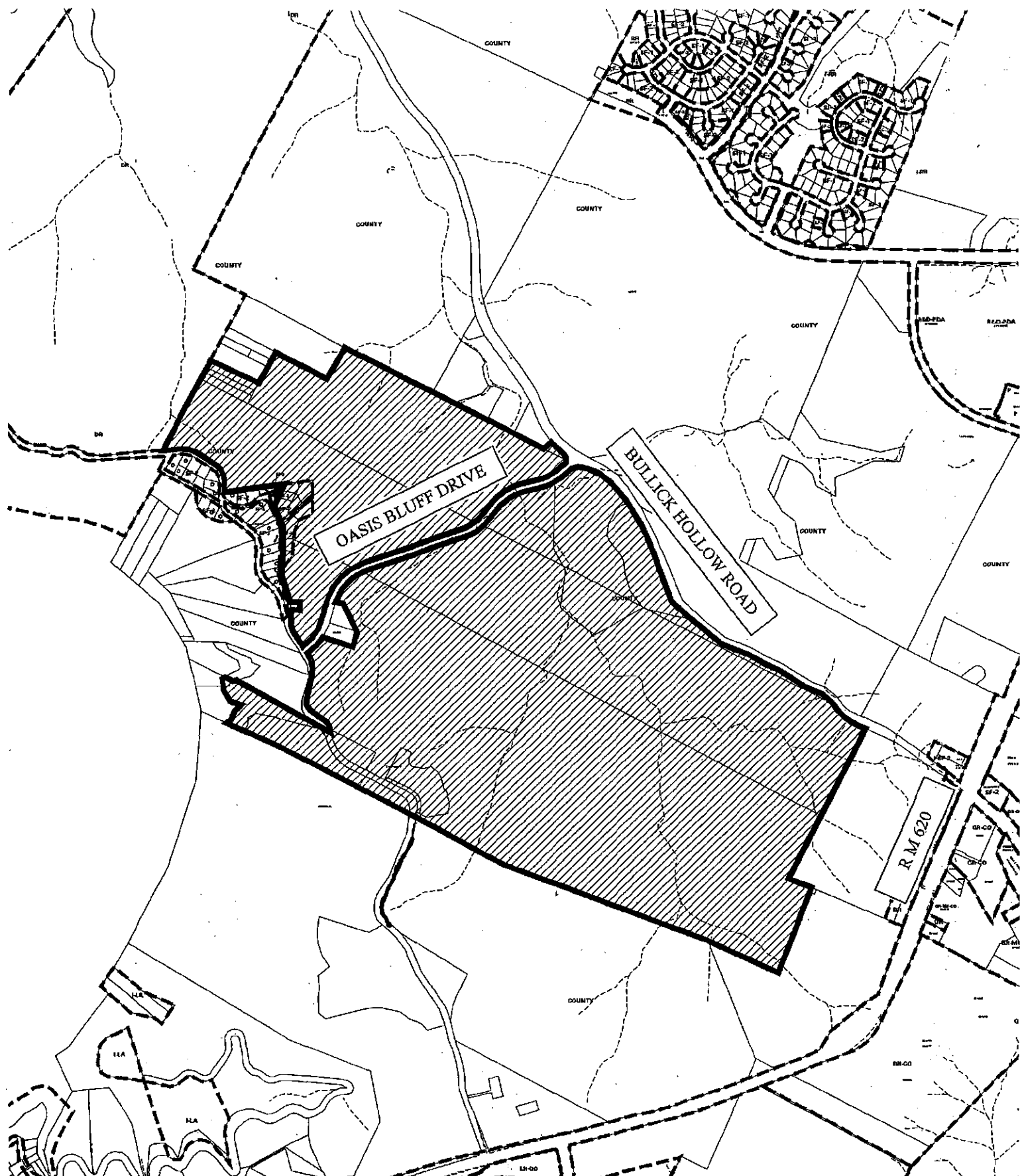
(C) A small lot subdivision must comply with the following requirements:




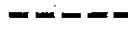
- (10) Minimum set back is ten feet between a rear access easement and a building or fence.
- (19) Minimum pavement width of a private access easement is 25 feet. In the extraterritorial jurisdiction, the minimum pavement width is 25 feet or the width required by the County, whichever is greater.

A variance from section 25-1-3 – Conflicts – If a conflict arises between this agreement and other ordinances, rules or regulations, agreements or restrictions, the requirements of the PUD agreement control.

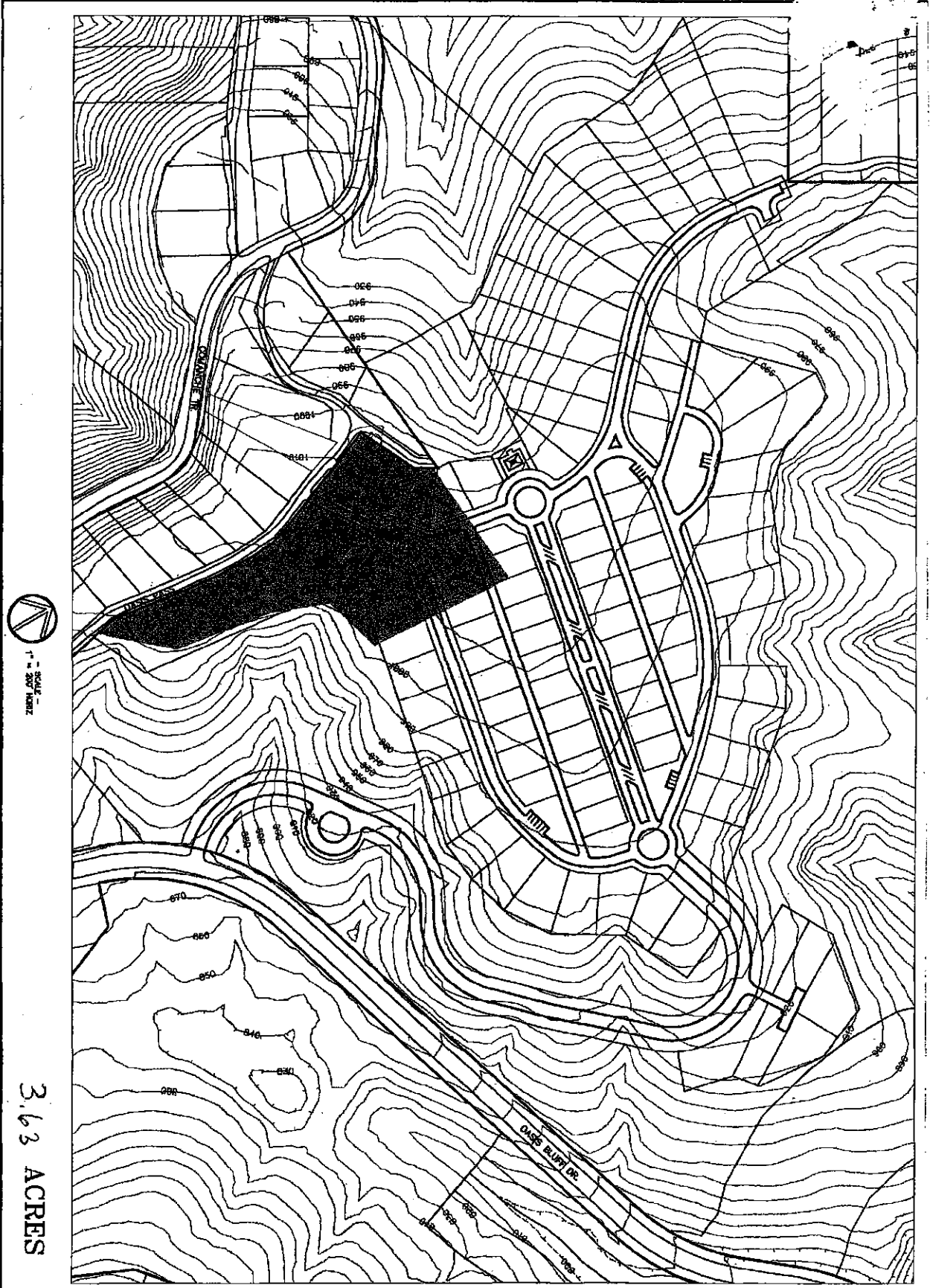
A variance from section 25-2-21 (98) – Definitions

- (98) Site means a contiguous area intended for development, or the area on which a building



 1" = 1200'	SUBJECT TRACT		PLANNED UNIT DEVELOPMENT		CITY GRID REFERENCE NUMBER C34
	PENDING CASE		CASE #: C814-01-0114		
	ZONING BOUNDARY		ADDRESS: COMANCHE CANYON RANCH,		
	CASE MGR: G. RHOADES		DATE: 01-12		
	ETI PUD		SUBJECT AREA (acres): 468.800		INTLS: SM

City

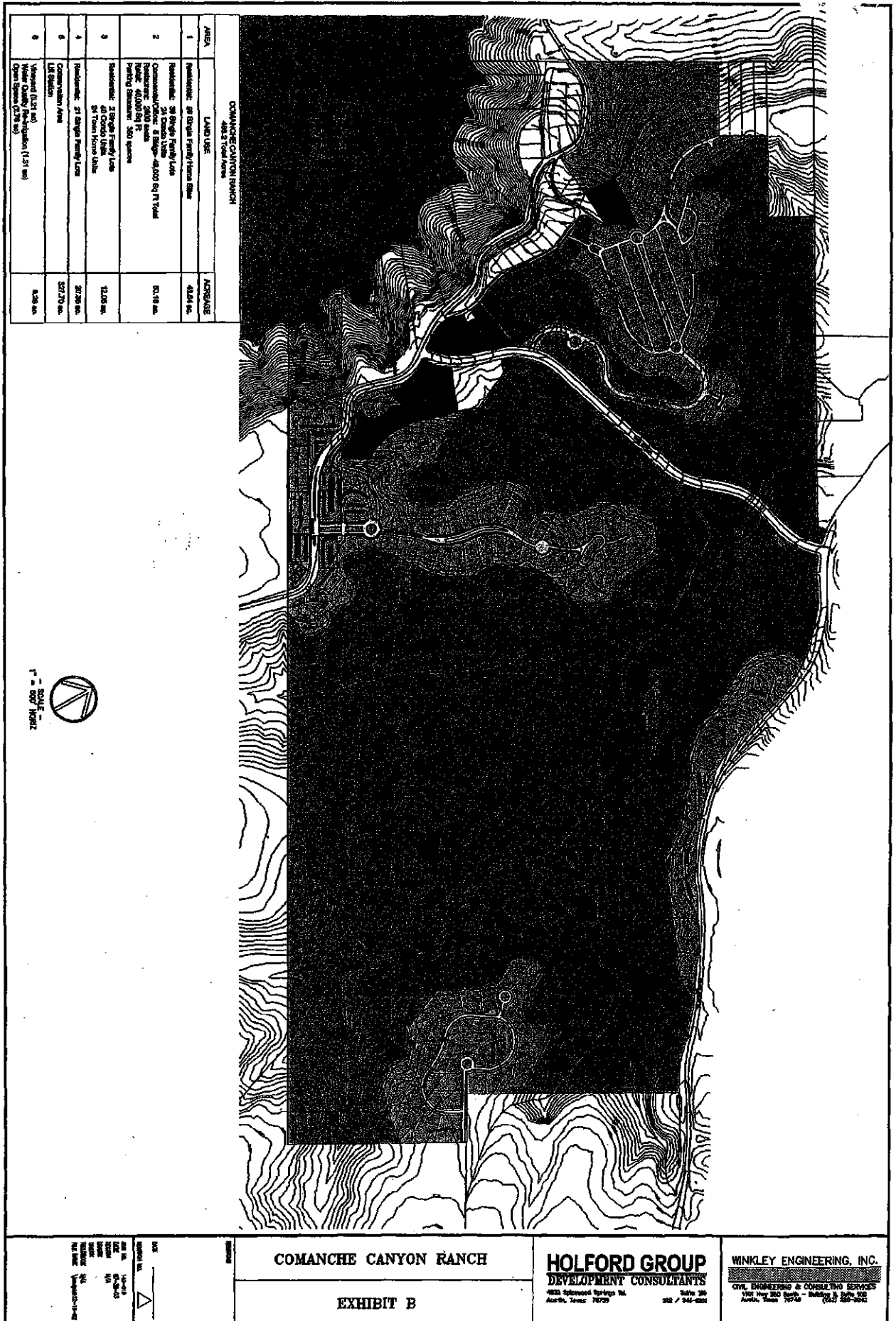


SCALE -
1" = 200' HORIZ

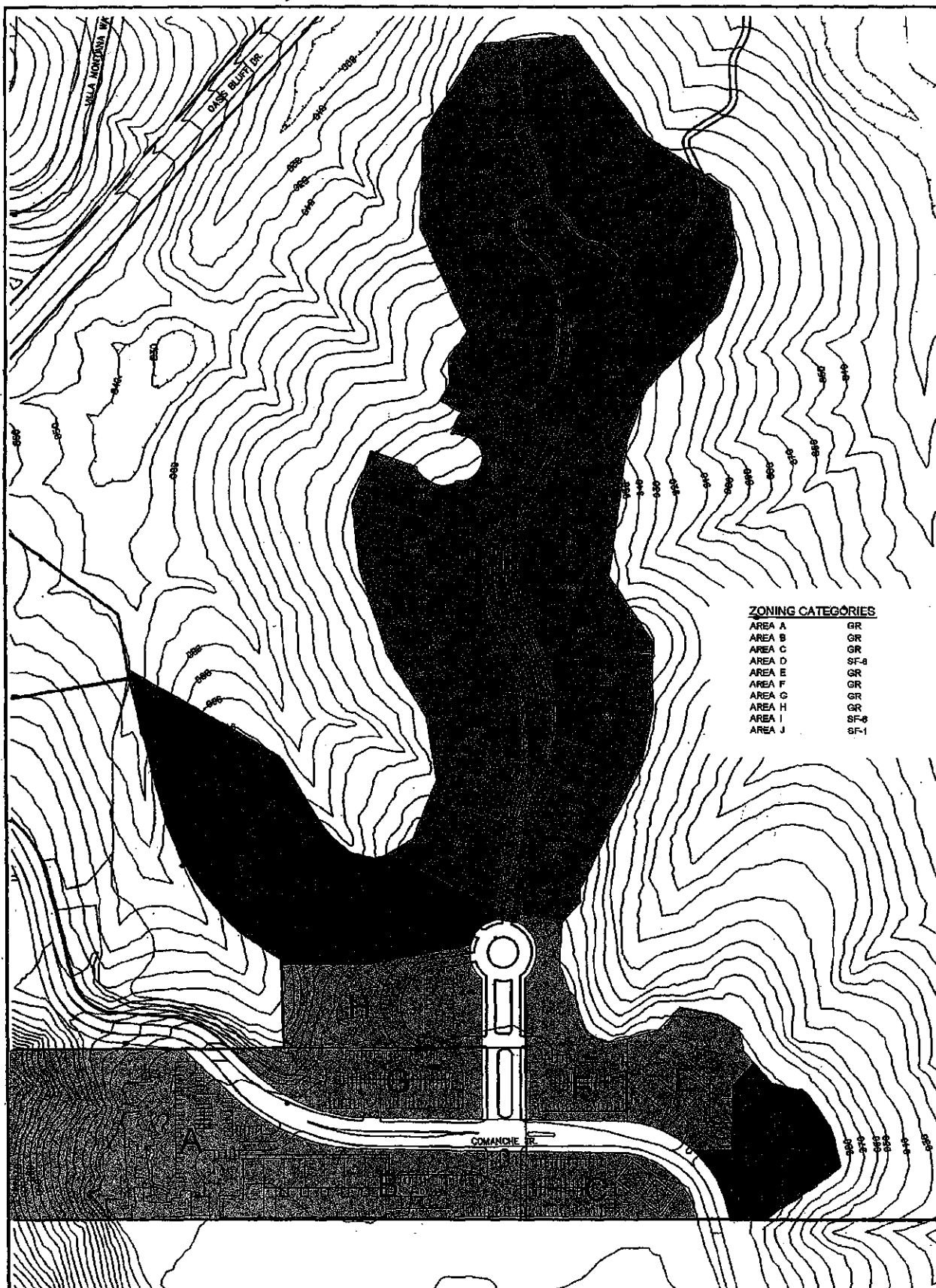
3.63 ACRES

<p>SHEET 1</p> <p>1</p>	<p>COMANCHE CANYON RANCH</p> <p>EXHIBIT O</p>	<p>HOLFORD GROUP DEVELOPMENT CONSULTANTS 4929 Spokanwood Springs Rd. Austin, Texas 78728 Phone 512 / 546-4224</p>	<p>WINKLEY ENGINEERING, INC. CIVIL ENGINEERING & CONSULTING SERVICE 1101 Hwy 290 South - Building 10, Suite 100 Austin, Texas 78748 (512) 222-2222</p>
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Exhibit A




Ex. 13



ZONING CATEGORIES

AREA A	GR
AREA B	GR
AREA C	GR
AREA D	SF-8
AREA E	GR
AREA F	GR
AREA G	GR
AREA H	GR
AREA I	SF-8
AREA J	SF-1

AREA 2 - CORRESPONDING ZONING USE DISTRICT  SCALE - 1" = 200' HORIZ 50.18 ACRES

SHEET 1
OF
2

JOB NO. 10-018
DATE 07-29-03
BY WA.
CHECKED
DESIGNED WA.
PROJECTED
FILED WA.

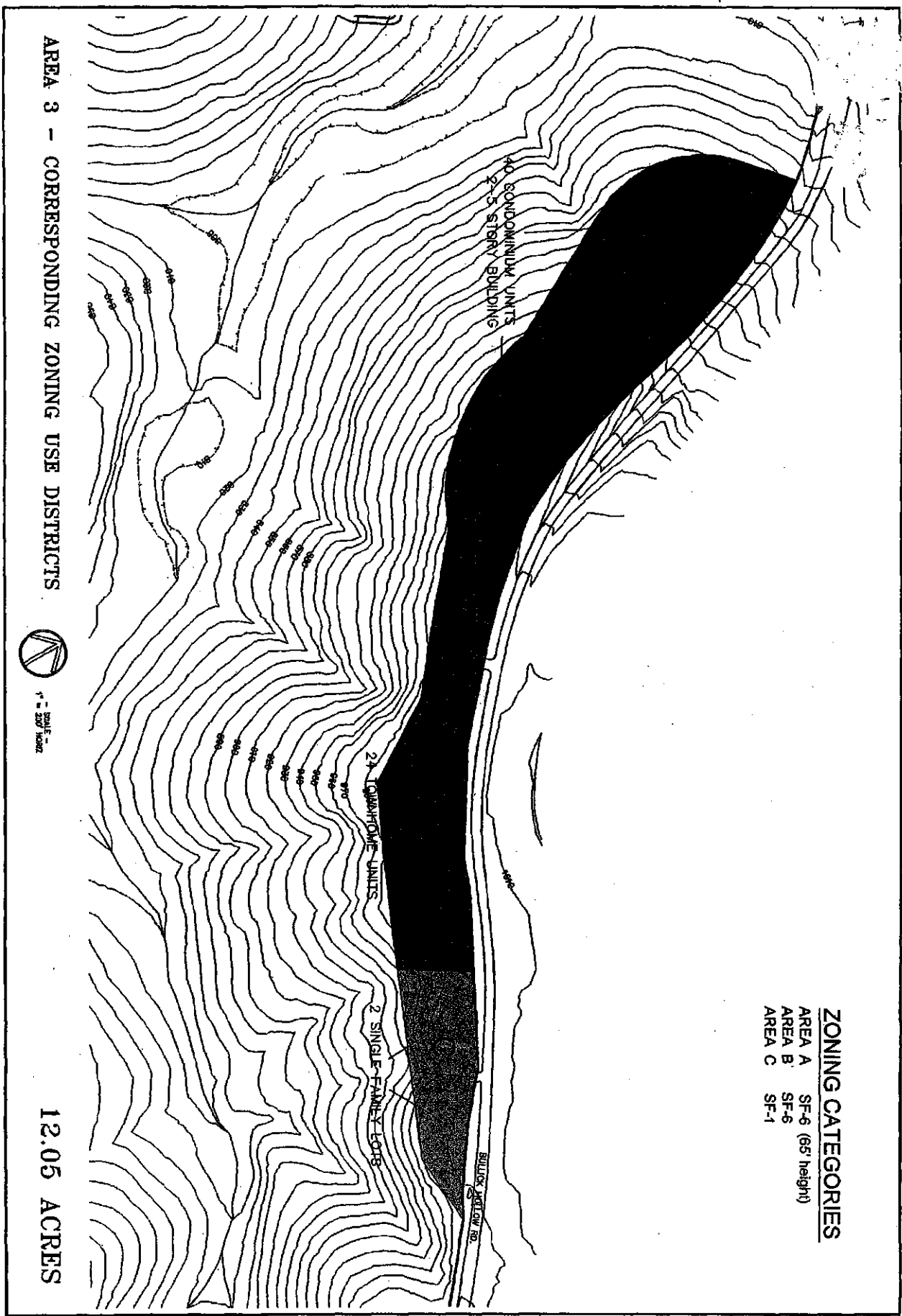
COMANCHE CANYON RANCH

EXHIBIT H-2

HOLFORD GROUP
DEVELOPMENT CONSULTANTS
4035 Spicewood Springs Rd. Suite 200
Austin, Texas 78759 512 / 345-0001

WINKLEY ENGINEERING, INC.
CIVIL ENGINEERING & CONSULTING SERVICES
2101 Hwy 290 South - Building 11 Suite 200
Austin, Texas 78758 (512) 338-3333

Exhibit C



AREA 3 - CORRESPONDING ZONING USE DISTRICTS



12.05 ACRES

ZONING CATEGORIES
 AREA A SF-6 (65' height)
 AREA B SF-6
 AREA C SF-1

DATE: 10-20-03
 BY: [Signature]
 CHECKED: [Signature]
 TITLE: [Signature]
 SHEET 2 OF 2

COMANCHE CANYON RANCH
 EXHIBIT H-2

HOLFORD GROUP
 DEVELOPMENT CONSULTANTS
 4501 Stoverwood Drive NE
 Seattle, Texas 75082
 Tel: 214-344-3300
 Fax: 214-344-3301

WINKLEY ENGINEERING, INC.
 CIVIL ENGINEERING & CONSULTING SERVICES
 7101 Hwy 280 South - Dallas, TX 75249
 Dallas, Texas 75249
 Tel: 972-387-1000
 Fax: 972-387-1001



ITEM FOR ZONING AND PLATTING COMMISSION AGENDA

BOARD MEETING

DATE REQUESTED:

SEPTEMBER 17, 2003

**NAME & NUMBER
OF PROJECT:**

COMANCHE RANCH ETJ PUD
C814-01-0114

**NAME OF APPLICANT
OR ORGANIZATION:**

Brown McCarroll, LLP: 479-1147
Jerry Harris

LOCATION:

N RM 620 at Bullock Hollow RD/Comanche TRL

PROJECT FILING DATE:

10-24-02

STAFF:

LEE C. LAWSON

WATERSHED:

Lake Travis Water Supply Rural. Not over the Edwards
Aquifer Recharge Zone

RECOMMENDED

AGENDA ACTION:

This item does not require any action.



MEMORANDUM

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

FROM: J. Patrick Murphy, Environmental Officer
Watershed Protection and Development Review Department

DATE: September 17, 2003

SUBJECT: Comanche Ranch PUD: C814-01-0114

Description of the Property

The 468.2 acre site is located west of R.M. 620 bound by Comanche Trail on the south and Bullock Hollow Rd. on the north. It is situated in Travis County, within the 2 mile ETJ, with a small portion in Limited Purpose. The tract is located in the Lake Travis Watershed, and is classified as Water Supply Rural, not over the Edwards Aquifer. One quarter of the site consists of slopes less than 15%. Slopes of 15 to 25% exist on 95.2 acres, slopes of 25 to 35% exist on 87.3 acres, and slopes greater than 35% exist on 64 acres. The elevation ranges from 770 MSL to 1038 MSL. Geology on the Comanche Ranch Tract consists of three different surface formations. The upland sections of the tract consist primarily of Edwards Formation, with limestone and dolomite. On the slopes and canyons the Walnut Formation exists with limestone, marl, and dolomite. The lower elevations consist of the Glen Rose Formation, with limestone, dolomite, and marls. Soils on the property are classified within the Brackett Association, typically shallow, gravelly, calcareous and loamy soil. There are two main vegetation types: juniper/live oak woodland and juniper broad-leaved woodland.

Critical Environmental Features/ Endangered Species:

According to a Draft Environmental Assessment and exhibit by applicant, there are 106 Critical Environmental Features (CEF) located within the PUD. The vast majority of the critical environmental features are located within Area 5, the Conservation Area. The applicant has worked with ERM staff, Sylvia Pope and Mike Lyday over the last year, in regards to CEF setbacks and mitigation. An endangered species survey was conducted on the site, and the only endangered species found were Golden-cheeked warblers. The 10A permit issued by the U.S. Fish and Wildlife Service, includes the creation of a preserve within the Comanche Canyon Ranch. The four developable upland tracts do not encroach into the proposed preserve area.

Exception to the Land Development Code Request

A variance is requested from LDC Section 25-1-21(98) to allow the PUD to function as a single site and providing for the site to cross a public street or right-of-way.

A variance is requested from LDC Section 25-8-455 to not require concurrent platting of transferring and receiving tracts since development allocations are established by the PUD Agreement. This variance is requested due to the fact that the transferring tract (PUD Area 5- Conservation Area) will be conveyed without charge to a conservation entity and may not be platted at all. The PUD Agreement acts as the transferring tract document and will include the Transfer of Development Right Table. When the receiving tract is platted the transfer information will be placed on the plat and in a restrictive covenant.

A variance is requested from LDC Section 25-8-341 and 25-8-342 to exceed four feet of cut and fill. Due to the topography of the site, cut and fill up to 16 feet for driveways and some building areas. All cut and fills will be structurally contained.

A variance is requested from LDC Section 25-8-301 and 25-8-302 to allow construction on slopes in excess of 15%. Because of the steep slopes on the site, construction on slopes will be required for some driveways and buildings. The development is being concentrated in the flat areas of the uplands, however minimal construction on slopes is necessary.

A variance is requested from LDC Section 25-8-453 to allow less than 1% IC in the Water Quality Transition Zone. This variance is requested for the wastewater lift station to be constructed in the water quality transition zone.

Summary

The proposed PUD will enhance the preservation of the natural environment and will encourage a higher quality, less dense, and less commercial development through an innovative design. The land plan will preserve 70% of the land in an undeveloped and natural state. The large conservation area is made up of approximately 326 acres, of the 462.8 acres covered by this PUD. All internal infrastructure will be constructed and maintained by the property owners. The development will surpass conventional developments by reducing traffic, limiting commercial development, and creating a mixed-use residential, office, small-scaled condominium, with large conservation area, in a manner not possible under current non-ETJ PUD standards.

Recommendation:

Staff has determined that the PUD will provide superior environmental protection than would otherwise be achievable under the City's development regulations and recommends approval. The ETJ PUD provides the ability to control land use and traffic intensity, and other environmental issues. Impervious Cover will be capped at just below 25% of the Net Site Area, in compliance with Water Supply Rural Watershed, impervious cover limitations with transfers. The existing development, Oasis Cantina and associated retail and office will be retrofitted to provide water quality, which would otherwise be difficult to achieve. Seventy percent (70%) of the property is being dedicated or conveyed to a governmental or other conservation entity. The preserve area contains critical endangered species habitat areas. All proposed development is being clustered within the uplands areas of the site.

The ETJ PUD is requesting a wastewater extension into the West Bull Creek Interceptor. If the request is approved the existing wastewater treatment plant adjacent to Lake Travis, would be taken offline, and any potential water quality threats associated with the on-site system will be eliminated. Staff has determined that the proposed PUD will not result in an increase in development intensity as a result of connection to the West Bull Creek Interceptor.

Conditions:

Staff recommends the following conditions be incorporated into the PUD development standards in order to provide greater environmental protection and enforcement.

1. Water quality controls that incorporate vegetative filter strips, filter walls, infiltration ponds, and a stilling pond should be provided for the project. The stormwater from most of the commercial area located on both sides of Comanche Trail including the portion of Comanche Trail, which is adjacent to this commercial area, shall be captured and transported through pipes to water quality controls.
2. PUD Area 5 (the Conservation Area) shall be conveyed without charge in fee simple or as a conservation easement to either Travis County, the City of Austin,

or another Conservation entity approved by the U.S. Fish and Wildlife Service prior to or simultaneous with the recording of the first subdivision plat.

3. Native vegetation will be provided for all disturbed areas outside the PUD Area 5 (the Conservation Area).
4. Lots will be served by Water Control and Improvement District #17 pursuant to a contract with the City of Austin, which will provide for wastewater from the lots to go into the City of Austin's West Bull Creek Wastewater Interceptor and lots will not have on-site wastewater systems. Existing on-site wastewater systems and the existing treatment plant will be discontinued when wastewater service is available by way of the West Bull Creek Wastewater Interceptor.
5. An Integrated Pest Management Plan will be provided.
6. All construction will comply with Green Building Criteria at a minimum "one-star" rating.
7. Landscaping will be predominately native and naturalized plants selected from "Grow Green" list.
8. Structural containment will be required for all cut and fill exceeding four (4) feet.
9. Impervious Cover for the entire project shall not exceed 25%. A maximum impervious cover limit calculated in square feet shall be assigned to each lot and each internal private drive (street) on each subdivision plat.
10. Critical Environmental Features shall be protected as provided in Attachment N.

If you have any questions or need additional information, please contact Lee C. Lawson at 974-6341, or Glenn Rhoades, Case Manager at 974-2775.



J. Patrick Murphy
Environmental Officer
Watershed Protection and Development Review Department.

DRAFT



ENVIRONMENTAL BOARD MOTION 082003-C1

Date: September 17, 2003

Subject: Comanche Canyon Ranch ETJ PUD

Motioned By: Phil Moncada

Seconded By: Lee Leffingwell

Recommendation

The Environmental Board recommends **conditional approval** of the Comanche Canyon Ranch ETJ PUD with the following exceptions to the City of Austin Land Development Code: 1) 25-1-21 (98) – Single site crossing public street/ROW; 2) 25-8-455 – to not require concurrent platting; 3) 25-8-341 and 342 – to exceed the 4' cut and fill limit; 4) 25-8- 301 and 302 – to allow construction on slopes in excess of 15%; and 5) 25-8-453 – to allow less than 1% impervious cover in the WQTZ with the following staff and Board conditions.

Conditions (The applicant has agreed to conditions 1 through 12)

Staff conditions:

1. Water quality controls that incorporate vegetative filter strips, filter walls, infiltration ponds, and a stilling pond be provided for the project. The stormwater from most of the commercial area located on both sides of Comanche Trail including the portion of Comanche Trail, which is adjacent to this commercial area shall be captured and transported through pipes to water quality controls.
2. PUD Area 5 (the Conservation Area) shall be conveyed without charge in fee simple or as a conservation easement to either Travis County, the City of Austin, or another Conservation entity approved by the U.S. Fish and Wildlife Service prior to or simultaneous with the recording of the first subdivision plat.
3. Native vegetation will be provided for all disturbed areas outside the PUD Area 5 (the Conservation Area).

4. Lots will be served by Water Control and Improvement District #17 pursuant to a contract with the City of Austin, which will provide for wastewater from the lots to go into the City of Austin's West Bull Creek Wastewater Interceptor and lots will not have on-site wastewater systems. Existing on-site wastewater systems and the existing treatment plant will be discontinued when wastewater service is available by way of the West Bull Creek Wastewater Interceptor.
5. An Integrated Pest Management Plan will be provided.
6. All construction will comply with Green Building Criteria at a minimum "one-star" rating.
7. Landscaping will be predominately native and naturalized plants selected from "Grow Green" list.
8. Structural containment will be required for all cut and fill exceeding four (4) feet.
9. Impervious Cover for the entire project shall not exceed 25%. A maximum impervious cover limit calculated in square feet shall be assigned to each lot and each internal private drive (street) on each subdivision plat.
10. Critical Environmental Features shall be protected as provided in Attachment N.

Board Conditions

11. All conditions will be incorporated into the Comanche Ranch ETJ PUD Agreement, which shall be recorded in the real property records of Travis County, Texas, will be referenced on the face of each subdivision plat as applicable, and will be incorporated into private deed restrictions as applicable.
12. The owners will be responsible for obtaining certification from a professional engineer that the building plans comply with all conditions above before construction begins and after construction is complete.

Rationale

The Board believes that approval of the PUD will provide superior environmental quality to that which could otherwise be attained for the following reasons:

- Relatively maintenance free water quality controls will be provided for existing and proposed developments
- Existing development will come off septic and treatment plants will be discontinued when w/w service is available by way of the West Bull Creek interceptor
- Partial treatment of roadway run-off from Comanche Trail on both sides of roadway will be provided
- Better overall water quality and significant reduction in opportunity for illegal wastewater discharges into Lake Travis

- The PUD agreement provides an opportunity to add to BCP conservation lands with minimal cost to City and Travis County , and the applicant will provide fencing to be specified by Travis County BCP staff as follows: around the boundary of the Area 5 conservation area; along roadways within the Area 5 conservation area; and, for the back of all residential lots abutting the Area 5 conservation area, provide fencing without gates prior to these residences being built.

Vote 7-0-0-1

For: Curra, Holder Jones, Leffingwell, Maxwell, Moncada, Morris

Against: None

Abstain: None

Absent: Anderson

Approved By:

Lee Leffingwell, Chair



JUL 1 PM 2:29

MEMORANDUM

FROM: Leslie G. Tull, P.E., Supervising Engineer
Watershed Protection and Development Review Department

TO: Pat Murphy, Environmental Officer
Watershed Protection and Development Review Department

DATE: June 24, 2003

SUBJECT: Comanche Canyon Ranch ETJ PUD Agreement - Items Regarding
Wastewater Service

My staff and I have reviewed the draft Comanche Canyon Ranch ETJ PUD Agreement that provides for either City of Austin wholesale wastewater service through Travis County WCID 17 or a new sewage treatment facility and on-site wastewater disposal through drip irrigation.

Wholesale Wastewater Service Option

We believe the most environmentally sensitive method for wastewater service to this property is City provision of wholesale customer service via the West Bull Creek Interceptor. By providing wholesale customer service, the following potential adverse impacts could be avoided:

- disturbance to native land and vegetation and their natural water quality buffering abilities
- importation of soil with its associated potential erosion and sedimentation risks,
- disturbance to bird habitat,
- migration of nutrients to nearby streams, springs or the shallow groundwater system via surface water runoff or subsurface lateral flows.

If the option for wholesale wastewater service is undertaken, we strongly recommend directing existing wastewater flows from The Oasis restaurant and the Treasury Building to the West Bull Creek Interceptor. Upon connection to the interceptor, termination of their respective on-site wastewater treatment and disposal systems and related permits should occur.

Pat Murphy
June 25, 2003
Page 3 of 3

Summary

As discussed earlier, we believe the most environmentally sensitive method for wastewater service in this situation would be City provision of wholesale wastewater service via the West Bull Creek Interceptor. However, since both options for wastewater service are to be included in the ETJ PUD Agreement, we believe that inclusion of Exhibit R in the Agreement is necessary.

Attached you will find specific comments regarding the language in *Section 15. Wastewater Service* found in the May 27 draft of the ETJ PUD Agreement and Exhibit R. If you have questions or need further assistance please contact Joan Balogh at 974-2746 or me at 974-2748.



Leslie G. Tull, P.E.
Environmental Resources Management Division
Watershed Protection and Development Review Department

attachments

cc: Glenn Rhoades, NPZD
Seyed Miri, WWW
Bart Jennings, WWW
Lee Lawson, WPD RD
Deborah Thomas, Law
Mitzi Cotton, Law

INTEROFFICE MEMORANDUM



Date: January 23, 2003
To: Glenn Rhoades, Case Manager
CC: John Hickman & Associates
Carol Kaml, Fiscal Surety Officer
Reference: Comanche Canyon Ranch PUD, C814-01-0114

TRIP GENERATION

Comanche Canyon Ranch is a 468 acre mixed-use development located just west of RM 620 along Comanche Trail, Bullick Hollow Road and Oasis Bluff Drive. In addition to the proposed development, it is proposing a conservation area of 328 acres. Development plans include an expansion to the existing restaurant plus additional specialty retail, multi-family, single-family and office uses. John Hickman and Associates prepared the TIA for the project in June of 2002.

The proposed development consists of the following land uses:

- Quality Restaurant 300 seats
- 37,000 square feet of Specialty Retail
- 23,000 square feet of Office
- Town Homes 24 Units
- Condominiums 64 Units
- Single-Family Homes 152 Lots

Currently, the property is located in northwest Travis County within the City of Austin's ETJ. Completion of the project will be expected in the year 2010.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 12,092 unadjusted daily trips (ADT). Of these, 290 trips will occur during the morning peak-hour and 1,146 will occur in the evening peak-hour. Existing uses on the site generate approximately 7,082 trips per day, with 48 trips occurring during the morning peak-hour and 708 trips occurring in the evening peak-hour.

Table 1. Trip Generation Proposed (adjusted)							
				AM Peak		PM Peak	
Area	Land Use	Density & SF	ADT	Enter	Exit	Enter	Exit
1	Single-Family	99 Lots	1,027	20	59	68	39
2	Single-Family	30 Lots	342	8	23	23	13
	Condos	24 Units	193	3	14	13	6
	Office	23,000	327	42	6	5	21
	Quality Restaurant	300 Seats	858	0	0	51	27
	Specialty Retail	37,000	1,023	0	0	32	43
	Parking Structure	350 Spaces	N/A	N/A	N/A	N/A	N/A
3	Condos	40 Units	299	4	21	19	10
	Town Homes	24 Units	193	3	14	13	6
	Single-Family	2 Lots	19	0	1	1	1
4	Single-Family	21 Lots	247	6	18	17	9
5	Conservation Area	328.24 Acres	N/A	N/A	N/A	N/A	N/A
6	Vineyard	9.99	N/A	N/A	N/A	N/A	N/A
		Total	4,528	86	156	242	175

ASSUMPTIONS

1. The traffic analysis of existing and projected traffic volumes was completed by using traffic simulation models HCS for the unsignalized locations and Syncro for the signalized locations. Peak hour traffic volumes were evaluated using procedures from the Highway Capacity Manual (HCM 2000). Using the composite growth rate associated with the adjacent roadways, which are identified in the CAMPO 24-hour traffic volumes, TxDOT traffic maps and current counts yielded a 3.5% average annual growth rate. In addition, internal capture for area 2 specialty retail from area 2 office and area 2 restaurant is included in table 1. The adjustments to the specialty retail trip generation were 2% in the pm and 4% for a 24-hour period.

EXISTING ROADWAYS

Comanche Trail – provides direct access to Area 2 of the PUD. The roadway exists in a two-lane configuration and is classified as a secondary neighborhood collector street by the City of Austin collector street inventories. The 24-hour traffic count on Comanche Trail north of R.M. 620 was 2,241.

Oasis Bluff Drive - which connects between Comanche Trail and Bullick Hollow Road, provides access to Area 1. The roadway exists in a two-lane configuration and is classified as a secondary neighborhood collector roadway by the City of Austin collector street inventories. The traffic count for Oasis Bluff Drive is 1,950 west of Bullick Hollow Road.

Bullick Hollow Road - provides access to Area 3 and is constructed as a two-lane roadway. The traffic volume for the road is 4,392 between R.M. 620 and Oasis Bluff Drive. The 2025 CAMPO transportation plan indicates that the roadway is part of the metropolitan bike system and is planned as a 4-lane minor arterial between F.M. 2769 and R.M. 620.

R.M. 620 and R.M. 2222 – are both arterial roadways, which provide access through the area. According to TxDOT traffic map information, the roadways averaged 26,000 vehicles per day for the year 2000. R.M. 2222 is classified as a 4-lane major divided arterial by the 2025 regional transportation plan. R.M. 620 is currently a 4-lane divided roadway and is adopted in the regional transportation plan as a 6-lane expressway from Quinlan Park Road north to Anderson Mill Road. From Anderson Mill Road to U.S. 183 and beyond, R.M. 620 is designated as SH 45 and is planned as a 6-lane toll freeway. Both R.M. 620 and R.M. 2222 are part of the metropolitan bike system. Although the TIA demonstrates that improvements are needed at this intersection, no immediate improvements are funded at this time. The applicant is simply posting their pro-rata share of fiscal for the intersection.

TRAFFIC ANALYSIS

The impact of site development traffic on the existing area roadways was analyzed. Two time periods and travel conditions were evaluated:

- 2002 Existing Conditions
- 2010 Build-Out Conditions

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed 8 intersections, 2 of which are signalized. Existing and projected levels of service are as follows.

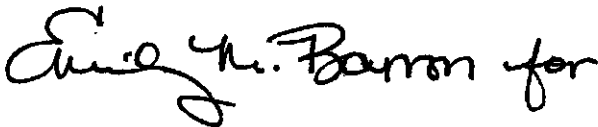
Table 4. Level of Service				
Intersection	2002		2010	
	AM	PM	AM	PM
R.M. 620/R.M. 2222	F	E	F	F
R.M. 620/Comanche Trail	A	A	B	B
Comanche Trail/Oasis Bluff	A	B	B	B
Oasis Bluff/Bullick Hollow	B	B	B	D
Comanche Trail/Driveway A	-	-	B	B
Bullick Hollow/Driveway B	-	-	B	B
Bullick Hollow /Driveway C	-	-	B	B
Bullick Hollow /Driveway D	-	-	B	B

RECOMMENDATION

Due to further deterioration of the intersection of R.M. 620 and R.M. 2222 during the pm peak hour (E to F), mitigation is required to address the negative traffic impacts of site-generated traffic on adjacent roadways. The applicant should, prior to 3rd reading for PUD approval, post fiscal in the amount of \$3,561.82 for the following improvements.

- a) The pro-rata share cost for a southbound right turn lane and signal modifications at the intersection of R.M. 620 and R.M. 2222.
- b) The pro-rata share cost for an additional northbound right turn lane and signal modifications at the intersection of R.M. 620 and R.M. 2222.
- c) The pro-rata share cost for an eastbound turn lane and signal modifications at the intersection of R.M. 620 and R.M. 2222.
- d) Development of this site should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip characteristics, traffic distributions, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact Gregory Montes at 974-2137.



George Zapalac
Principal Planner
Department of Development Review and Inspection

ORDINANCE NO. _____

1 AN ORDINANCE APPROVING AN AGREEMENT FOR DEVELOPMENT OF
2 THE COMANCHE CANYON RANCH EXTRATERRITORIAL JURISDICTION
3 PLANNED UNIT DEVELOPMENT PROJECT, FOR THE PROPERTY
4 COMPRISED OF APPROXIMATELY 468 ACRES OF LAND LOCATED AT
5 COMANCHE TRAIL AND BULLICK HOLLOW ROAD AT OASIS BLUFF
6 DRIVE; REZONING AND CHANGING THE ZONING MAP FOR 3.63 ACRES OF
7 THE PROPERTY FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-
8 2) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT; AND
9 WAIVING THE SUBDIVISION APPLICATION FEE FOR CONSERVATION
10 LAND.

11
12 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

13
14 PART 1. FINDINGS.

- 15
16 (A) Section 42.046 of the Texas Local Government Code authorizes a
17 municipality to designate an area within its extraterritorial jurisdiction
18 ("ETJ") as a planned unit development district by written agreement with
19 the owner of the land. The agreement establishes land use and development
20 standards for development of the land.
21
22 (B) Comanche Canyon Ranch is approximately 468 acres of land in the City's
23 ETJ more particularly described by metes and bounds in Exhibit "A"
24 attached to this ordinance, and generally located at Comanche Trail and
25 Bullick Hollow Road at Oasis Bluff Drive (the "Property").
26
27 (C) The owner of the Property and the City desire to enter into an agreement to
28 establish land use and development standards for the Property.
29

30 PART 2. AGREEMENT APPROVED.

31
32 The Comanche Canyon Ranch Extraterritorial Jurisdiction Planned Unit Development
33 Agreement ("Agreement"), the form and substance of which is attached to this ordinance
34 as Exhibit "A", is approved.
35
36
37

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PART 4. EXECUTION OF AGREEMENT.

PART 5. WAIVER.

PART 6. This ordinance takes effect on _____, 2003.

PASSED AND APPROVED

COA Law Department

**COMANCHE CANYON RANCH ETJ PUD
AGREEMENT EXHIBIT A**

METES AND BOUNDS DESCRIPTION

BEING 3.623 ACRES OF LAND LOCATED IN THE D.J. RIORDAN SURVEY NO. 76, ABSTRACT 2618, IN TRAVIS COUNTY, TEXAS; SAID 3.623 ACRES BEING ALL OF LOTS 16-25, A PARK AREA, OASIS VIEW AND A PORTION OF BULLICK BLUFF AS SHOWN ON COMANCHE PASS SECTION TWO, AN UNRECORDED SUBDIVISION IN TRAVIS COUNTY, TEXAS, SAME BEING CONVEYED WITH OTHER PROPERTIES TO ROBERT H. THERIOT BY DEED RECORDED IN VOLUME 13294, PAGE 1317 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 3.623 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found at the intersection of the east line of Oasis Pass, a private street and the south line of Bullick Bluff, a private street shown on said unrecorded subdivision plat of Comanche Pass Section Two, same being the northwest corner of an area shown as park on said unrecorded subdivision;

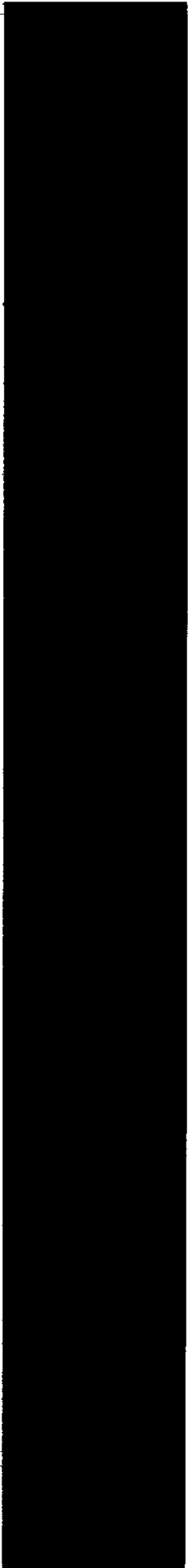
THENCE easterly along said south line of Bullick Bluff the following two (2) courses:

1. N 64°04'37" E a distance of 144.00 feet to a 1/2-inch iron rod found for corner;
2. N 30°27'03" E a distance of 50.96 feet to a 1/2-inch iron rod found for the northwest corner of the aforementioned Lot 16, Comanche Pass Section Two;

THENCE N 85°01'36" E along the north line of said Lot 16 and Lot 21, in said Comanche Pass Section Two a distance of 275.58 feet to a 1/2-inch iron rod found for the northeast corner of said Lot 21 set for corner;

THENCE southerly along the east line of said Comanche Pass Section Two the following five (5) courses:

1. S 05°09'26" W a distance of 331.16 feet to a 1/2-inch iron rod found for corner;
2. S 74°30'51" W a distance of 134.70 feet to a 1/2-inch iron rod found for corner;
3. S 24°05'35" W a distance of 125.72 feet to a 1/2-inch iron rod found for corner;



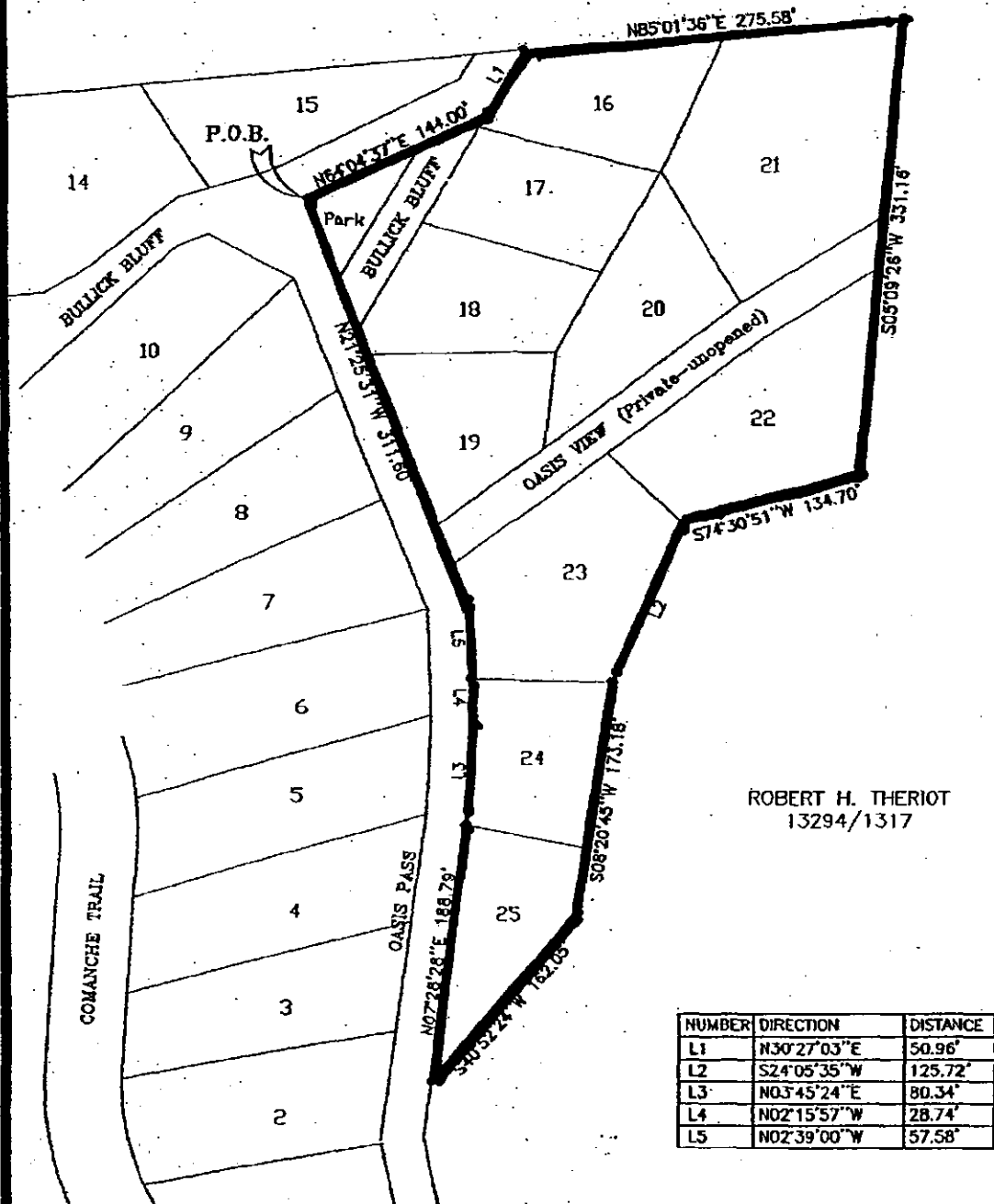
LEGEND

SCALE: 1 = 100

- CONCRETE MONUMENT FOUND
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET WITH CAP
- () STAMPED "MCANGUS SURVEY"
- ▲ NAIL FOUND
- () RECORD CALL



ROBERT H. THERIOT
13294/1317

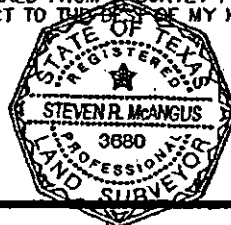


ROBERT H. THERIOT
13294/1317

NUMBER	DIRECTION	DISTANCE
L1	N30°27'03"E	50.96'
L2	S24°05'35"W	125.72'
L3	N03°45'24"E	80.34'
L4	N02°15'57"W	28.74'
L5	N02°39'00"W	57.58'

I HEREBY CERTIFY THAT THIS MAP OR PLAT WAS PREPARED FROM A SURVEY PERFORMED ON THE GROUND UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Steven R. McAngus 10/9/02
STEVEN R. MCANGUS, R.P.L.S. No. 3680 DATE



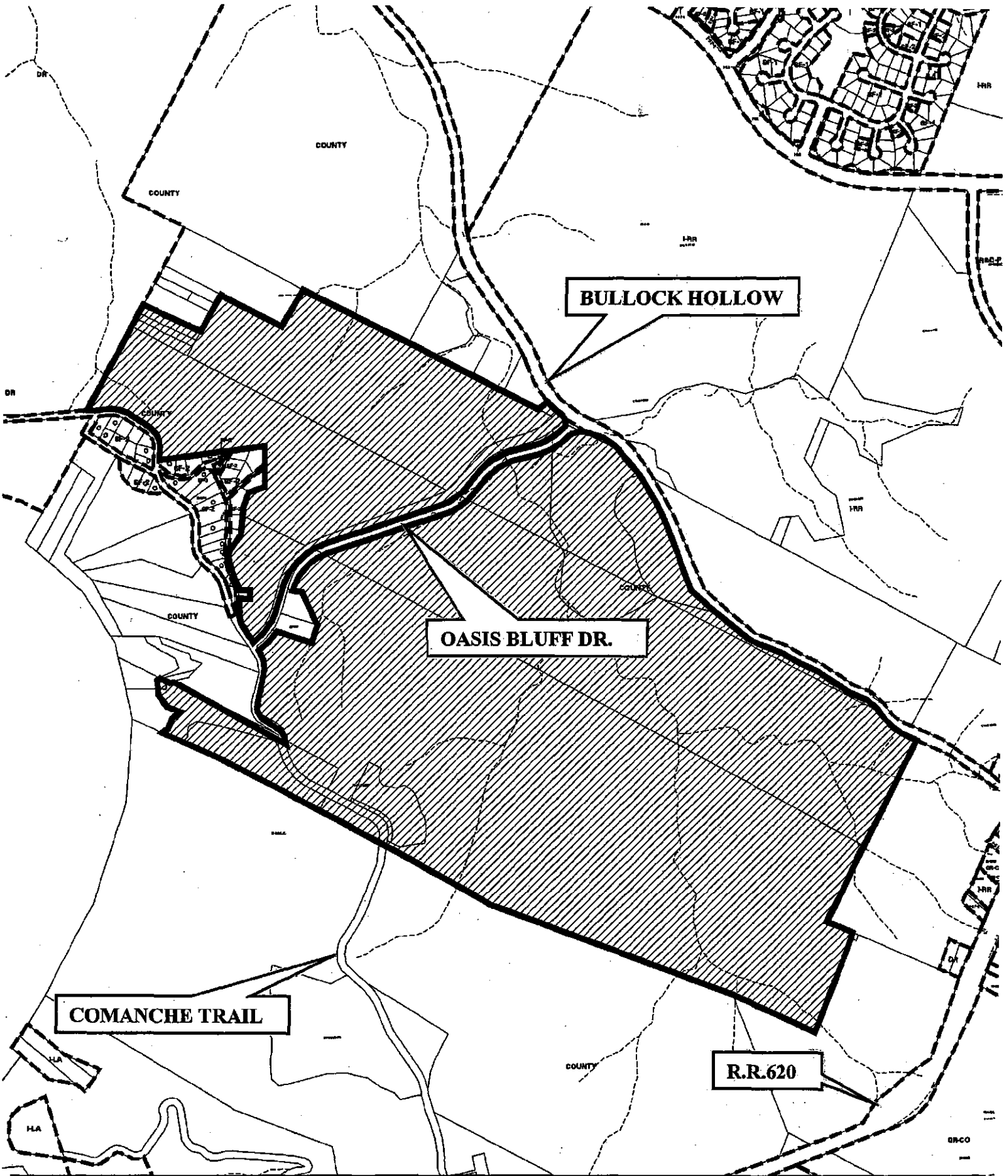
**McAngus Surveying
Company, Inc.**

1101 HWY. 360 SOUTH, H-100
AUSTIN, TEXAS 78746
(512) 320-9302

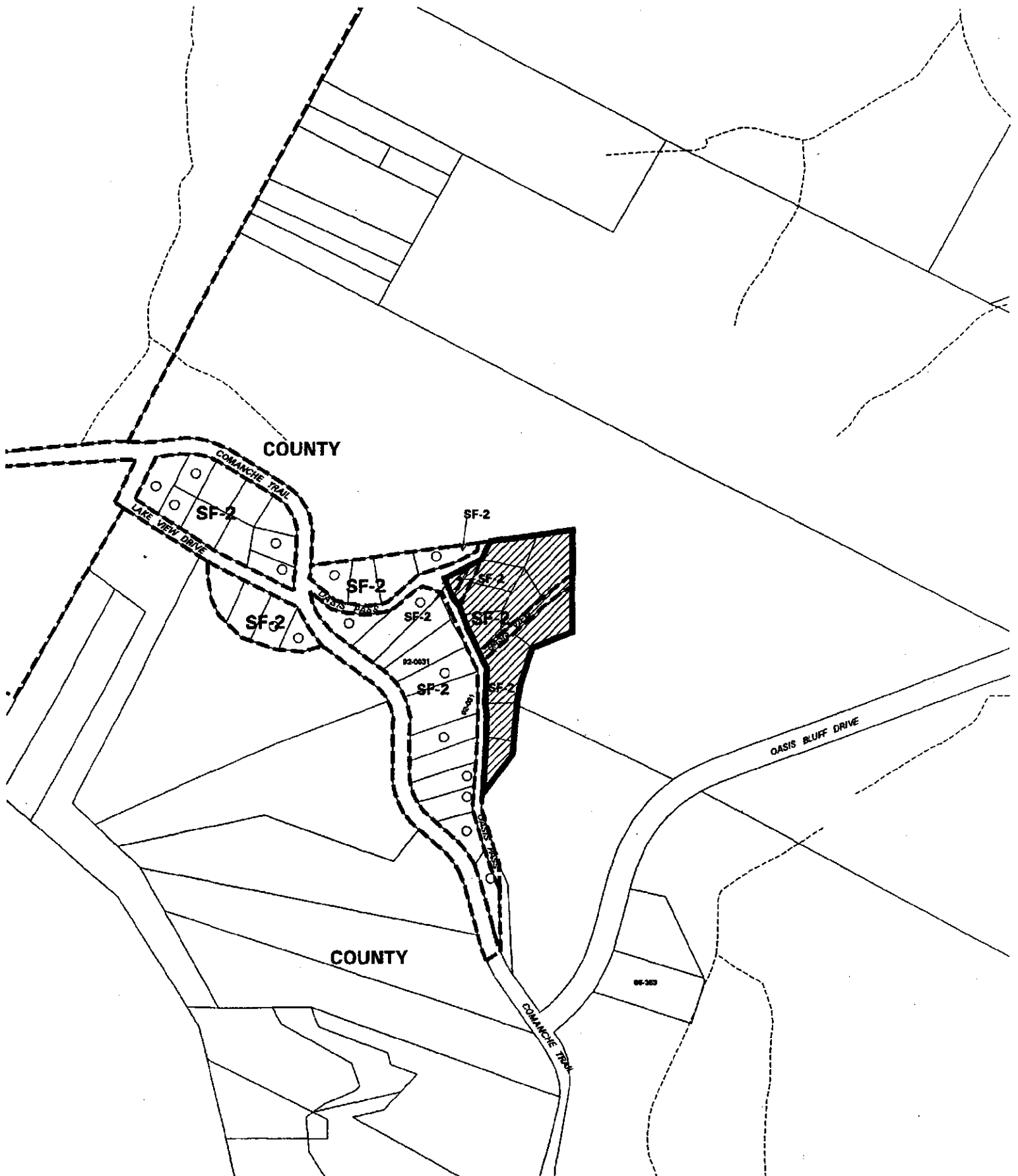
SKETCH TO ACCOMPANY EXHIBIT 'A'





LEGAL DESCRIPTION 3.623 ACRES OF LAND AND BEING ALL OF
LOTS 16-25, A PARK AREA, OASIS VIEW AND A PORTION OF
BULLICK BLUFF AS SHOWN ON COMANCHE PASS SECTION TWO
AN UNRECORDED SUBDIVISION IN TRAVIS COUNTY, TEXAS.

JOB NO. 97-108 FIELD BOOK



 1" = 1000'	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: G. RHOADES</p>	<p>PLANNED UNIT DEVELOPMENT</p> <p>CASE #: C814-01-0114</p> <p>ADDRESS: Comanche Trl. & Bullock Hollow @ Oasis Bluff</p> <p>SUBJECT AREA (acres): 468.</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>C34</p>
		<p>DATE: 03-12</p> <p>INTLS: SM</p>	



 1" = 400'	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: G. RHOADES</p>	<p align="center">PLANNED UNIT DEVELOPMENT</p> <p>CASE #: C814-01-0114</p> <p>ADDRESS: OASIS PASS @ BULLICK BLUFF</p> <p>SUBJECT AREA (acres): 3.630</p> <p>DATE: 04-01</p> <p>INTLS: SM</p>		<p>CITY GRID REFERENCE NUMBER</p> <p align="center">C34</p>
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RESTRICTIVE COVENANT

OWNERS: Robert H. Theriot
Shirley Shaw
Brownstone Gallery, Inc., a Texas corporation

ADDRESS: 6535 Comanche Trail, Austin, Texas 78732

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 470.60 acre tract of land, more or less, in Travis County, Texas, the tract being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant; and

A 1.0 acre tract of land, more or less, out of the D&W Railroad Company Survey in Travis County, Texas, the tract being more particularly described by metes and bounds in Exhibit "B" incorporated into this covenant.

WHEREAS, the Owners of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owners of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owners of the Property, its heirs, successors, and assigns.

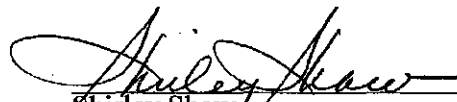
1. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval.
2. The IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this covenant.
3. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, a landscape plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. Ninety percent of the total plant material used, exclusive of turf, shall be native to Central Texas or on the Grow Green Native and Adapted Landscape Plants list, attached as Exhibit "C". Plants on the Invasive Species/Problem Plants list, attached as Exhibit "D", may not be included.

4. All development on the Property shall comply with the most current City of Austin Green Building Program Standards. Single family and multifamily residential development shall meet a minimum one-star rating. Commercial development shall meet a minimum one-star rating.
5. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
6. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
7. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
8. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

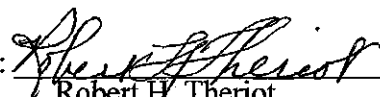
EXECUTED this the 16th day of January, 2004.

OWNERS:


Robert H. Theriot


Shirley Shaw

Brownstone Gallery, Inc.,
a Texas corporation

By: 
Robert H. Theriot,
President

APPROVED AS TO FORM:

Deborah Thomas
Assistant City Attorney
City of Austin

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 16 day of January, 2004, by Robert H. Theriot.



Shirley J. Denny
Notary Public, State of Texas

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 16 day of January, 2004, by Shirley Shaw.

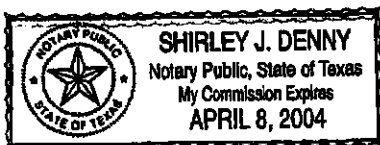


Shirley J. Denny
Notary Public, State of Texas

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 16 day of January, 2004, by Robert H. Theriot, President of Brownstone Gallery, Inc., a Texas corporation, on its behalf.



Shirley J. Denny
Notary Public, State of Texas

METES AND BOUNDS DESCRIPTION

BEING TWO (2) TRACTS OF LAND CONTAINING A TOTAL OF 470.60 ACRES OF LAND LOCATED IN THE S. BULLOCK SURVEY NO. 76, ABSTRACT 2601, THE S. BULLOCK SURVEY NO. 76, ABSTRACT NO. 2624, THE D.J. RIORDAN SURVEY NO. 76, ABSTRACT 2618, AND JAMES P. DUNLAP SURVEY NO. 594, ABSTRACT NO. 239, IN TRAVIS COUNTY, TEXAS; THE TRACT OF LAND HEREINAFTER REFERRED TO AS TRACT NO. 1 CONTAINING 106.14 ACRES AND BEING ALL OF THAT CERTAIN CALLED 12.006 ACRE TRACT CONVEYED TO ROBERT H. THERIOT BY DEED RECORDED IN VOLUME 13396, PAGE 20, AND ALL OF THOSE CERTAIN LOTS NUMBERED 16-25 AND UNDEDICATED OASIS VIEW SHOWN ON UNRECORDED PLAT OF COMANCHE PASS SECTION 2 CONVEYED TO ROBERT H. THERIOT BY DEED RECORDED IN VOLUME 13246, PAGE 952 OF THE REAL PROPERTY RECORDS, AND A REMAINDER PORTION OF THOSE CERTAIN TRACTS CONVEYED TO ROBERT H. THERIOT BY DEED RECORDED IN VOLUME 13294, PAGE 1317 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; AND THE TRACT OF LAND HEREINAFTER REFERRED TO AS TRACT NO. 2 CONTAINING 364.46 ACRES AND BEING ALL OF THAT CERTAIN CALLED 16.00 ACRE TRACT CONVEYED TO ROBERT H. THERIOT BY DEED RECORDED IN VOLUME 13396, PAGE 24 AND A REMAINDER PORTION OF THOSE CERTAIN TRACTS CONVEYED TO ROBERT H. THERIOT BY DEED RECORDED IN VOLUME 13294, PAGE 1317 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS AND THE UNDEDICATED PORTIONS OF COMANCHE TRAIL AS USED UPON THE GROUND; SAID 470.60 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

TRACT NO. 1

BEGINNING at a 1/2-inch iron rod found for the southeast corner of the aforementioned 12.006 acre tract, same being an angle point in the east line of that certain called 537.332 acre tract conveyed to the Lower Colorado River Authority by deed recorded in Volume 526, Page 284 of the Deed Records of Travis County, Texas, said iron rod also being in the north line of Comanche Trail (60' ROW);

THENCE N 27°42'28" E along the common line between said 537.332 acre tract and the herein described tract a distance of 904.06 feet to a 1/2-inch iron rod found for the southwest corner of that certain 1.00 acre tract described in deed to Theriot Family Partnership No. 1, Ltd. by deed recorded in Volume 13089, Page 195 of the Real Property Records of Travis County, Texas;

THENCE N 26°46'40" E along the common line between said 537.332 acre tract and 1.00 acre tract a distance of 86.90 feet to a 1/2-inch iron rod found for the northwest corner of said 1.00 acre tract, same being the southwest corner of that certain called 1.00 acre tract conveyed to Ross and Ramona

Headifen by deed recorded in Volume 13175, Page 1199 of the Real Property Records of Travis County, Texas;

THENCE S 63°00'14" E along the common line between said 1.00 acre tracts a distance of 502.14 feet to a 1/2-inch iron rod found for the common east corner of said 1.00 acre tracts;

THENCE N 27°38'16" E along the east line of those certain four (4) 1.00 acre tracts conveyed to Ross and Ramona Headifen, Stephanie Bradley, Cynthia J. Atwood and Kin Shing Vincent Lee by deeds recorded in Volume 13175, Page 1199, Volume 13244, Page 1391, Volume 13262, Page 1376 and Volume 12337, Page 537 respectively of the Real Property Records of Travis County, Texas a distance of 347.46 feet to a 1/2-inch iron rod found for corner in the south line of that certain called 12.607 acre tract conveyed to Robert K. and Marcy L. Garriott by deed recorded in Document No. 2000073952 of the Office Public Records of Travis County, Texas;

THENCE easterly and northerly along the common line between said 12.607 acre tract and the herein described tract the following two (2) courses:

1. S 63°10'04" E a distance of 563.14 feet to a 1/2-inch iron rod found for corner;
2. N 27°06'52" E a distance of 324.25 feet to a 1/2-inch iron rod found for corner in the south line of that certain 124.547 acre tract conveyed to Travis County by deed recorded in Document No. 1999020211 of the Official Public Records of Travis County, Texas;

THENCE easterly along the common line between said 129.13 acre tract and the herein described tract the following two (2) courses:

1. S 61°58'21" E a distance of 200.87 feet to a 1/2-inch iron rod found for corner;
2. S 62°57'15" E a distance of 630.60 feet to a 1/2-inch iron rod found for the southeast corner of said 129.13 acre tract, same being the southwest corner of that certain 4.26 acre tract conveyed to Peter C. Strickland by deed recorded in Volume 11076, Page 733 of the Real Property Records of Travis County, Texas;

THENCE easterly along the common line between said 4.26 acre tract and 1.65 acre tract conveyed to John K. Strickland by deed recorded in Volume 11076, Page 739 and remainder of a

January 10, 2003

Job No. 97-108

Page 3 of 13

12.95 acre tract conveyed to John K. Strickland by deed recorded in Volume 5429, Page 1658 and 1.52 acre tract conveyed to Edwin L. Strickland III by deed recorded in Volume 11076, Page 730 of the Real Property Records of Travis County, Texas and the herein described tract the following two (2) courses:

1. S 63°16'13" E a distance of 1,333.96 feet to a 1/2-inch iron rod found for corner;
2. N 47°46'46" E a distance of 67.71 feet to a 1/2-inch iron rod found for corner in the south line of Bullick Hollow Drive (ROW Varies);

THENCE easterly along said south line of Bullick Hollow Drive the following two (2) courses:

1. S 41°53'29" E a distance of 39.91 feet to the point of curvature of a curve to the left;
2. a distance of 65.54 feet along the arc of said curve to the left having a central angle of 04°12'38", a radius of 891.08 feet and a chord which bears S 40°36'39" E a distance of 65.52 feet to a 1/2-inch iron rod found for the intersection of said south line of Bullick Hollow Drive with the west line of Oasis Bluff Drive (80' ROW);

THENCE southerly along said west line of Oasis Bluff Drive the following ten (10) courses:

1. S 44°00'45" W a distance of 55.41 feet to a 1/2-inch iron rod found for the point of curvature of a curve to the right;
2. a distance of 251.61 feet along the arc of said curve to the right having a central angle of 31°20'21", a radius of 460.00 feet and a chord which bears S 59°42'24" W a distance of 248.48 feet to a 1/2-inch iron rod found for the point of tangency of said curve;
3. S 75°21'39" W a distance of 158.95 feet to a 1/2-inch iron rod found for the point of curvature of a curve to the left;
4. a distance of 369.87 feet along the arc of said curve to the right having a central angle of 39°14'40", a radius of 540.00 feet and a chord which bears S 55°48'37" W a distance of 362.68 feet to a 1/2-inch iron rod found for the end of said curve;

5. S 36°00'21" W a distance of 124.98 feet to a 1/2-inch iron rod found for the point of curvature of a curve to the right;
6. a distance of 270.96 feet along the arc of said curve to the right having a central angle of 33°44'58", a radius of 460.00 feet and a chord which bears S 53°05'33" W a distance of 267.06 feet to a 1/2-inch iron rod found for the point of tangency of said curve;
7. S 69°54'39" W a distance of 990.93 feet to a 1/2-inch iron rod found for the point of curvature of a curve to the left;
8. a distance of 515.91 feet along the arc of said curve to the left having a central angle of 54°44'23", a radius of 540.00 feet and a chord which bears S 42°35'04" W a distance of 496.51 feet to a 1/2-inch iron rod found for the point of tangency of said curve;
9. S 15°19'22" W a distance of 210.32 feet to a 1/2-inch iron rod found for the point of curvature of a curve to the right;
10. a distance of 308.85 feet along the arc of said curve to the right having a central angle of 38°28'08", a radius of 460.00 feet and a chord which bears S 34°20'22" W a distance of 303.08 feet to a 1/2-inch iron rod found for the intersection of said west line of Oasis Bluff Drive with the northeast line of Comanche Trail (60' ROW);

THENCE N 35°36'36" W along said northeast line of Comanche Trail a distance of 140.95 feet to a 1/2-inch iron rod set for the beginning of a curve to the right;

THENCE continuing along said northeast line of Comanche Tract a distance of 66.26 feet along said curve to the right having a central angle of 08°56'48", a radius of 424.35 feet and a chord which bears N 31°52'20" W a distance of 66.19 feet to a point in the east line of Oasis Pass a private road in Comanche Pass Section 2 (an unrecorded subdivision);

THENCE northerly and westerly along said east line of Oasis Pass the following two (2) courses:

1. N 00°34'31" W a distance of 74.18 feet to a 1/2-inch iron rod set for corner;

2. N 16°17'41" E a distance of 96.22 feet to a 1/2-inch iron rod found for the southwest corner of that certain 0.09 acre tract conveyed to W. Thad Gilliam by deed recorded in Volume 10781, Page 1882 of the Real Property Records of Travis County, Texas;

THENCE easterly, northerly and westerly along the common line between said 0.09 acre tract and the herein described tract the following three (3) courses:

1. S 86°25'06" E a distance of 61.72 feet to a 1/2-inch iron rod found for corner;
2. N 00°53'46" W a distance of 69.46 feet to a 1/2-inch iron rod found for corner;
3. N 89°48'45" W a distance of 61.24 feet to a 1/2-inch iron rod found for corner in the aforementioned east line of Oasis Pass;

THENCE northerly along said east line of Oasis Pass the following nine (9) courses:

1. N 13°22'43" W a distance of 60.46 feet to a 1/2-inch iron rod found for corner;
2. N 27°37'46" W a distance of 113.33 feet to a 1/2-inch iron rod set for corner;
3. N 14°36'38" W a distance of 179.25 feet to a 1/2-inch iron rod found for corner;
4. N 05°20'14" E a distance of 40.70 feet to a 1/2-inch iron rod found for corner;
5. N 04°55'40" E a distance of 188.69 feet to a 1/2-inch iron rod set for corner;
6. N 01°11'27" E a distance of 80.34 feet to a 1/2-inch iron rod found for corner;
7. N 04°49'54" W a distance of 28.74 feet to a 1/2-inch iron rod found for corner;
8. N 05°12'56" W a distance of 57.58 feet to a 1/2-inch iron rod found for corner;
9. N 23°59'28" W a distance of 311.61 feet to a 1/2-inch iron rod found for corner in the south line of Bullick Bluff (private street);

THENCE easterly along said east line of Bullick Bluff the following two (2) courses:

1. N 61°30'40" E a distance of 143.97 feet to a 1/2-inch iron rod found for corner;
2. N 27°53'07" E a distance of 50.96 feet to a 1/2-inch iron rod found for corner in the north line of the aforementioned Comanche Pass Section 2 unrecorded subdivision;

THENCE S 82°27'40" W along said north line a distance of 584.00 feet to a 1/2-inch iron rod found for the southeast corner of the aforementioned 12.006 acre tract, said iron rod also being in the north line of the aforementioned Comanche Trail (60' ROW);

THENCE westerly along said north line of Comanche Trail the following five (5) courses:

1. N 03°12'10" E a distance of 105.02 feet to a 1/2-inch iron rod found for the point of curvature of a curve to the left;
2. a distance of 189.58 feet along the arc of said curve to the left having a central angle of 58°12'27", a radius of 186.61 feet and a chord which bears N 29°18'47" W a distance of 181.53 feet to a 1/2-inch iron rod found for the point of tangency of said curve;
3. N 57°23'32" W a distance of 193.67 feet to a 1/2-inch iron rod found for the point of curvature of a curve to the left;
4. a distance of 197.42 feet along the arc of said curve to the left having a central angle of 39°00'39", a radius of 289.95 feet and a chord which bears N 76°46'37" W a distance of 193.63 feet to a 1/2-inch iron rod found for the point of tangency of said curve;
5. S 83°24'32" W a distance of 102.74 feet to the POINT OF BEGINNING of the herein described Tract No. 1 and containing 106.14 acres of land, more or less.

TRACT NO. 2

BEGINNING at a 1/2-inch iron rod found for the northwest corner of that certain 42.00 acre tract conveyed to John

Joseph and John M. Joseph by deed recorded in Volume 11175, Page 150 of the Real Property Records of Travis County, Texas, same being the northeast corner of that certain called 393.0463 acre tract conveyed to the Comanche Canyon Conservation Fund by deed recorded in Volume 11960, Page 1072 of the Real Property Records of Travis County, Texas;

THENCE N 62°23'00" W along the common line between said 393.0463 acre tract and the herein described tract a distance of 3,114.32 feet to a 1/2-inch iron rod found for the most southerly corner of Lot 1 Treasury Hill, a subdivision of record in Document No. 200100263 of the Official Public Records of Travis County, Texas, said iron rod also being in the east line of that certain 35.00 foot right-of-way dedication of Comanche Trail by said subdivision plat;

THENCE along said right-of-way dedication of Comanche Trail the following seven (7) courses:

1. N 12°46'32" E a distance of 45.24 feet to a 1/2-inch iron rod found for the point of curvature of a curve to the left;
2. a distance of 255.02 feet along the arc of said curve to the left having a central angle of 74°55'57", a radius of 195.00 feet and a chord which bears N 24°41'26" W a distance of 237.23 feet to a 1/2-inch iron rod found for the point of tangency of said curve;
3. N 62°09'25" W a distance of 251.37 feet to a 1/2-inch iron rod found for corner;
4. S 27°46'12" W a distance of 35.00 feet to a 1/2-inch iron rod found for corner;
5. S 62°09'25" E a distance of 251.33 feet to a 1/2-inch iron rod found for the point of curvature of a curve to the right;
6. a distance of 209.25 feet along the arc of said curve to the right having a central angle of 74°55'57", a radius of 160.00 feet and a chord which bears S 24°41'26" E a distance of 194.65 feet to a 1/2-inch iron rod found for the point of tangency of said curve;
7. S 12°46'32" W a distance of 35.92 feet to a 1/2-inch iron rod found for corner in the aforementioned north line of a called 393.0463 acre tract;

THENCE N 62°19'28" W along the common line between said 393.0463 acre tract and the herein described tract a distance of 2,242.72 feet to a point in the record location of the original bank of the Colorado River as now inundated by the waters of Lake Travis, same being the southwest corner of the aforementioned 16.00 acre tract;

THENCE N 12°55'26" W along said original bank of the Colorado River a distance of 209.15 feet to a point for the northwest corner of said 16.00 acre tract, same being the southwest corner of that certain 4.28 acre tract conveyed to the City of Austin by deed recorded in Volume 9678, Page 521 of the Real Property Records of Travis County, Texas;

THENCE easterly along the common line between said 4.28 acre tract and 16.00 acre tract the following four (4) courses:

1. S 89°52'51" E a distance of 291.04 feet to a record point as inundated by the waters of Lake Travis;
2. N 09°42'43" W a distance of 31.61 feet to a record point as inundated by the waters of Lake Travis;
3. N 14°34'59" E a distance of 32.00 feet to a record point as inundated by the waters of Lake Travis;
4. N 64°47'32" E a distance of 33.13 feet to a record point as inundated by the waters of Lake Travis for the southwest corner of Lot 3, Oasis Bluff, a subdivision of record in Volume 93, Page 13 of the Plat Records of Travis County, Texas;

THENCE S 62°22'23" E along the common line between said Lot 3 and 16.00 acre tract, at a distance of 947.80 feet passing a 1/2-inch iron rod found for the southeast corner of said Lot 3, continuing for a total distance of 1,001.43 feet to a point for corner in the approximate centerline of asphalt of Comanche Trail as shown on subdivision plat of said Oasis Bluff;

THENCE along said approximate centerline of asphalt of Comanche Trail the following seven (7) courses:

1. a distance of 85.96 feet along the arc of a curve to the left having a central angle of 38°31'12", a radius of 127.85 feet and a chord which bears N 38°17'30" W a distance of 84.34 feet to the point of tangency of said curve;
2. N 57°33'04" W a distance of 125.01 feet to the point of curvature of a curve to the right;

3. a distance of 157.55 feet along the arc of a curve to the right having a central angle of $65^{\circ}17'40''$, a radius of 138.28 feet and a chord which bears $N 24^{\circ}54'39'' W$ a distance of 149.16 feet to the point of compound curvature between said curve and another curve to the right;
4. a distance of 68.92 feet along the arc of said curve to the right having a central angle of $07^{\circ}39'46''$, a radius of 515.31 feet and a chord which bears $N 11^{\circ}33'40'' E$ a distance of 68.87 feet to the point of tangency of said curve;
5. $N 15^{\circ}23'33'' E$ a distance of 154.58 feet to the point of curvature of a curve to the left;
6. a distance of 180.15 feet along the arc of a curve to the left having a central angle of $42^{\circ}44'39''$, a radius of 241.48 feet and a chord which bears $N 05^{\circ}58'46'' W$ a distance of 176.00 feet to a point for corner;

THENCE $N 30^{\circ}18'52'' W$ a distance of 79.08 feet to a 1/2-inch iron rod found in the south line of Oasis Bluff Drive (80' ROW) for the beginning of a curve to the left;

THENCE $N 56^{\circ}43'22'' E$ along said south line of Oasis Bluff Drive a distance of 23.05 feet to a 1/2-inch iron rod found for the beginning of a curve to the left;

THENCE continuing along said south line a distance of 214.38 feet along the arc of a curve to the left having a central angle of $22^{\circ}44'46''$, a radius of 540.00 feet and a chord which bears $N 42^{\circ}28'50'' E$ a distance of 212.97 feet to a 1/2-inch iron rod found for the westerly corner of that certain 0.998 acre tract conveyed to the City of Austin by deed recorded in Volume 9678, Page 505 of the Deed Records of Travis County, Texas;

THENCE along the common line between said City of Austin tract and the herein described tract the following four (4) courses:

1. $S 71^{\circ}45'28'' E$ a distance of 309.61 feet to a 1/2-inch iron rod set for corner;
2. $N 18^{\circ}17'23'' E$ a distance of 144.92 feet to a 1/2-inch iron rod set for corner;
3. $N 25^{\circ}14'21'' W$ a distance of 302.61 feet to a 1/2-inch iron rod found for corner;

4. N 74°42'27" W a distance of 99.97 feet to a 1/2-inch iron rod found for corner in the aforementioned south line of Oasis Bluff Drive;

THENCE along said south line of Oasis Bluff Drive the following eight (8) courses:

1. a distance of 439.32 feet along the arc of a curve to the right having a central angle of 54°43'12", a radius of 460.00 feet and a chord which bears N 42°33'33" E a distance of 422.81 feet to a 1/2-inch iron rod found for the point of tangency of said curve;
2. N 69°55'39" E a distance of 991.16 feet to a 1/2-inch iron rod found for the point of curvature of a curve to the left;
3. a distance of 317.95 feet along the arc of a curve to the left having a central angle of 33°44'07", a radius of 540.00 feet and a chord which bears N 53°02'57" E a distance of 313.37 feet to a 1/2-inch iron rod set for the point of tangency of said curve;
4. N 36°11'17" E a distance of 125.74 feet to a 1/2-inch iron rod set for the point of curvature of a curve to the right;
5. a distance of 315.07 feet along the arc of a curve to the right having a central angle of 39°14'38", a radius of 460.00 feet and a chord which bears N 55°48'38" E a distance of 308.95 feet to a 1/2-inch iron rod set for the point of tangency of said curve;
6. N 75°27'46" E a distance of 158.38 feet to a 1/2-inch iron rod found for the point of curvature of a curve to the left;
7. a distance of 295.38 feet along the arc of a curve to the left having a central angle of 31°20'25", a radius of 540.00 feet and a chord which bears N 59°44'18" E a distance of 291.71 feet to a 1/2-inch iron rod found for the point of tangency of said curve;
8. N 44°05'05" E a distance of 56.09 feet to a 1/2-inch iron rod found in the southwest line of Bullick Hollow Drive (ROW Varies):

THENCE along said southwest line of Bullick Hollow Drive the following eighteen (18) courses:

1. a distance of 223.57 feet along the arc of a curve to the left having a central angle of $14^{\circ}21'49''$, a radius of 891.80 feet and a chord which bears $S\ 59^{\circ}41'14''\ E$ a distance of 222.98 feet to a 1/2-inch iron rod set for the point of reverse curvature between said curve to the left and a curve to the right;
2. a distance of 575.42 feet along the arc of a curve to the right having a central angle of $30^{\circ}04'27''$, a radius of 1,096.26 feet and a chord which bears $S\ 51^{\circ}58'50''\ E$ a distance of 568.84 feet to a 1/2-inch iron pipe found for the point of compound curvature between said curve and another curve to the right;
3. a distance of 72.92 feet along the arc of a curve to the right having a central angle of $06^{\circ}03'42''$, a radius of 689.29 feet and a chord which bears $S\ 33^{\circ}12'00''\ E$ a distance of 72.89 feet to a 1/2-inch iron rod found for the point of compound curvature between said curve and another curve to the right;
4. a distance of 354.61 feet along the arc of a curve to the right having a central angle of $13^{\circ}40'55''$, a radius of 1,485.01 feet and a chord which bears $S\ 23^{\circ}05'00''\ E$ a distance of 353.77 feet to a 1/2-inch iron pipe found for the end of said curve;
5. $S\ 16^{\circ}17'07''\ E$ a distance of 171.24 feet to a 1/2-inch iron rod found for the point of curvature of a curve to the left;
6. a distance of 341.61 feet along the arc of said curve to the left having a central angle of $15^{\circ}14'02''$, a radius of 1,284.83 feet and a chord which bears $S\ 23^{\circ}59'10''\ E$ a distance of 340.61 feet to a 1/2-inch iron rod found for the end of said curve;
7. $S\ 42^{\circ}12'37''\ E$ a distance of 105.49 feet to a 1/2-inch iron rod found for the beginning of a curve to the left;
8. a distance of 209.03 feet along the arc of a curve to the left having a central angle of $12^{\circ}01'57''$, a radius of 995.37 feet and a chord which bears $S\ 45^{\circ}56'41''\ E$ a distance of 208.65 feet to a 1/2-inch iron pipe found for the end of said curve;

9. S 51°09'41" E a distance of 238.99 feet to a 1/2-inch iron rod found for corner;
10. S 60°38'30" E a distance of 255.66 feet to a 1/2-inch iron rod found for corner;
11. S 71°53'42" E a distance of 93.11 feet to a 1/2-inch iron rod found for corner;
12. S 65°00'13" E a distance of 394.55 feet to a 1/2-inch iron rod found for corner;
13. S 51°43'37" E a distance of 124.10 feet to a 1/2-inch iron rod found for corner;
14. S 58°00'50" E a distance of 183.54 feet to a 1/2-inch iron rod found for corner;
15. S 45°19'14" E a distance of 117.74 feet to a 1/2-inch iron rod found for corner;
16. S 60°04'16" E a distance of 200.04 feet to a 1/2-inch iron rod found for the beginning of a curve to the left;
17. a distance of 286.21 feet along the arc of a curve to the left having a central angle of 31°12'37", a radius of 525.42 feet and a chord which bears S 50°30'04" E a distance of 282.68 feet to a 1/2-inch iron rod found for the end of said curve;
18. S 60°13'20" E a distance of 96.30 feet to a 1/2-inch iron rod found for the northwest corner of that certain 34.69 acre tract conveyed to Eda L. Montandon & Richard Buratti, trustees for the Montandon Community Property Management Trust by deed recorded in Document No. 2000130039 of the Official Public Records of Travis County, Texas;

THENCE along the common line between said 34.69 acre tract and the herein described tract the following two (2) courses:

1. S 27°12'49" W a distance of 1,499.63 feet to a 1/2-inch iron rod found for corner;
2. S 61°47'45" E a distance of 337.28 feet to a 1/2-inch iron pipe found for the northwest corner of that certain 0.0574 acre tract conveyed to the Comanche Canyon Conservation Fund by deed recorded in Volume 11960, Page 1072 of the Real Property Records of Travis County, Texas;

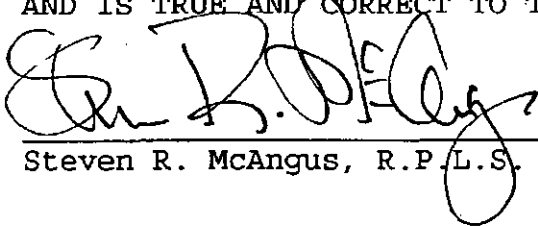
January 10, 2003
Job No. 97-108
Page 13 of 13

THENCE S 26°58'03" W along the common line between said 0.0574 acre tract and the herein described tract, at a distance of 50.01 feet passing a 1/2-inch iron rod found for the southwest corner of said 0.0574 acre tract, same being an exterior ell corner of the aforementioned 42.00 acre Joseph tract, continuing for a total distance of 1,260.37 feet to a 1/2-inch iron rod found for corner;

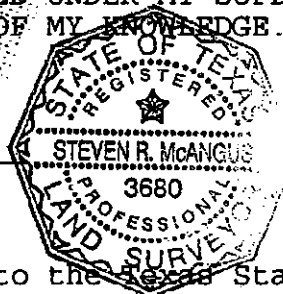
THENCE N 62°23'09" W continuing along the common line between said 42.00 acre tract and the herein described tract a distance of 693.50 feet to the POINT OF BEGINNING of the herein described Tract No. 2 and containing 364.46 acres of land, more or less.

And containing within the two (2) tracts of land described herein a total of 470.60 acres, more or less.

I HEREBY CERTIFY THAT THIS METES AND BOUNDS DESCRIPTION WAS PREPARED FROM A FIELD SURVEY PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



Steven R. McAngus, R.P.L.S. No. 3680



(The bearings herein are referenced to the Texas State Plane Coordinate System, Central Zone (NAD 1927) based upon City Austin Electric Utility Department Monument No. EUD-108.

Description of 1.00 acre
Tract No. 5

May 7, 1996
Job No. 0604

ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE D. & W. RAIL ROAD COMPANY SURVEY NO. 76 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 528.85 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO ROBERT H. THERIOT RECORDED IN VOLUME 7185, PAGE 2295 OF THE DEED RECORDS OF SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a one half inch diameter iron rod found on the west line of said D. & W. Rail Road Company Survey No. 76, being the east line of that certain D. & W. Rail Road Company Survey No. 75, being the west line of said 528.85 acre tract, at the most northerly corner of that certain 12.00 acre tract of land described in a Warranty Deed with Vendor's Lien to Robert H. Theriot recorded in Volume 8423, Page 695 of said Deed Records for the most westerly corner and PLACE OF BEGINNING hereof

THENCE with said west line, North 27 degrees 40 minutes 40 seconds East, a distance of 86.72 feet to a one half inch diameter iron rod found at the most westerly corner of that certain 1.0 acre tract of land described in a Cash Warranty Deed to Karnig Kantartian recorded in Volume 9147, Page 361 of said Deed Records for the most northerly corner hereof

THENCE with the south line of said Kantartian tract, South 63 degrees 14 minutes 03 seconds East, a distance of 502.19 feet to a one half inch diameter iron rod set on a west line of that certain 488.207 acre tract of land described in a Warranty Deed to Robert H. Theriot recorded in Volume 8359, Page 824 of said Deed Records, at the most southerly corner of said Kantartian tract for the most easterly corner hereof

THENCE with a west line of said 488.207 acre tract, South 27 degrees 36 minutes 14 seconds West, a distance of 86.91 feet to a one half inch diameter iron rod found at the northeast corner of said 12.0 acre tract, for the most southerly corner hereof

THENCE with the north line of said 12.0 tract, North 63 degrees 12 minutes 44 seconds West, a distance of 502.30 feet to the PLACE OF BEGINNING and containing 1.00 acre of land, more or less, subject to easements, conditions or restrictions of record, if any.

BEARING OF LINES referred to in this description refer to the location of a City of Austin Electric Utility Department GPS Monument found (EUD 108) and an L.C.R.A. GPS Monument found (Station A-045) NAD 1983.

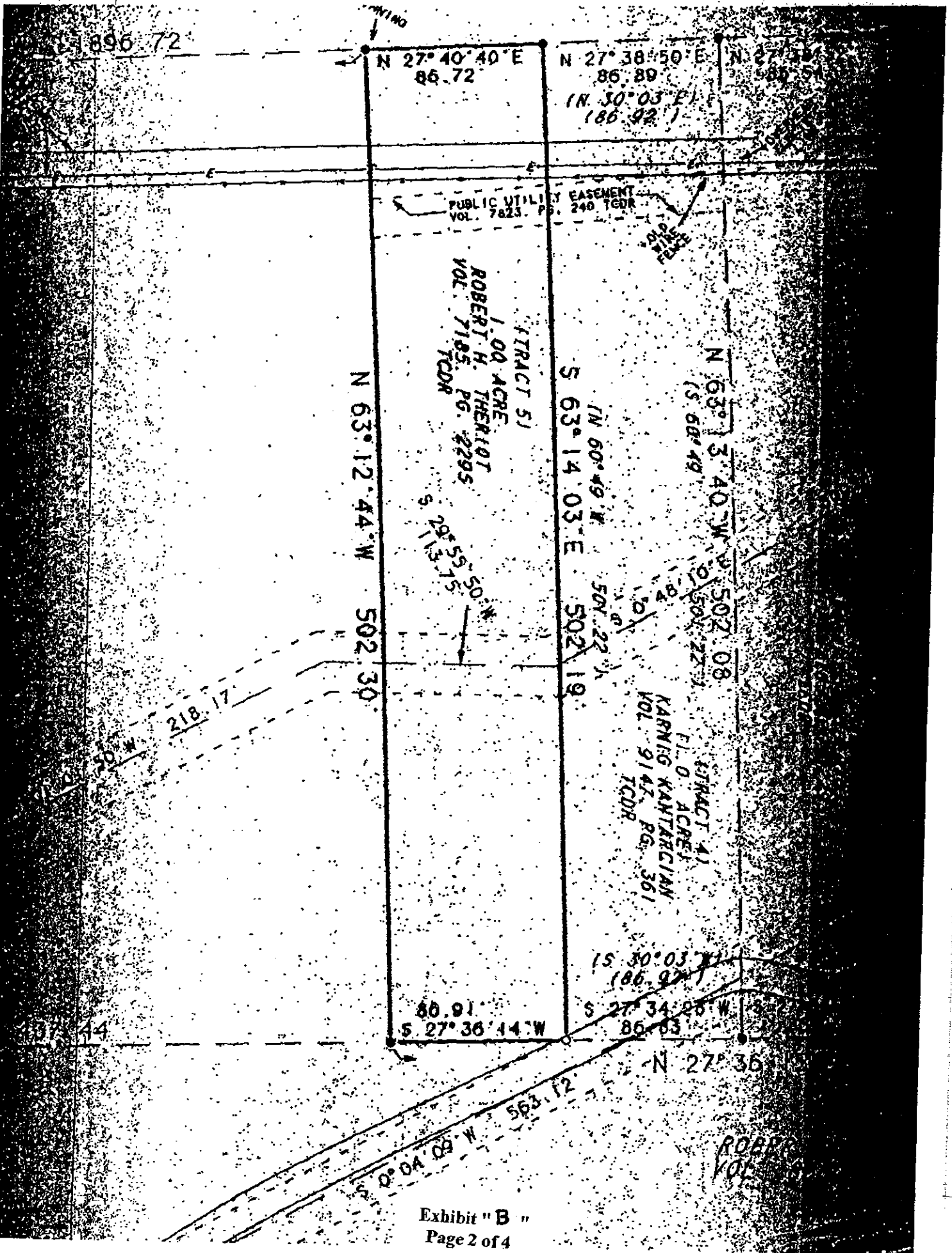
I, the undersigned, a Registered Professional Land Surveyor, do hereby state that the above description accompanied by a survey plat represents a survey made on the ground during April and May of 1996 and said description is a true and correct representation of said survey and this survey is a retracement of a survey designated as Tract 5 made on December 2, 1981 by Clinton P. Rippey, Registered Professional Land Surveyor No. 1453.


Floyd Ward
Registered Professional Land Surveyor
No. 3991 - State of Texas

ACCUTEX SURVEY SYSTEMS, INC.
P. O. Box 14672
Austin, Texas 78761

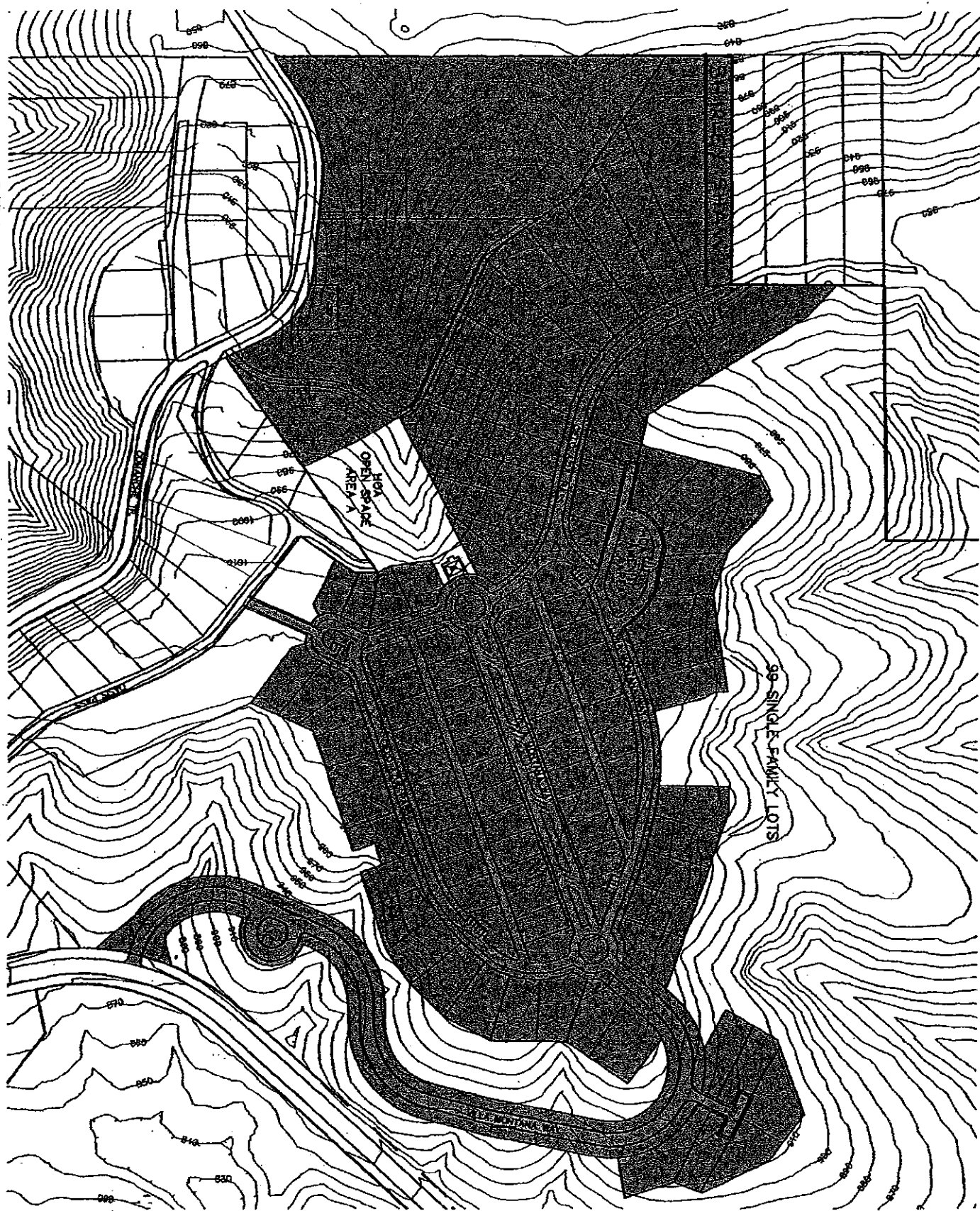
Telephone: (512) 453-6699

LMMS.doc



AREA 1

48.64 ACRES



1" = 100'
 1" = 200'
 1" = 400'
 1" = 800'
 1" = 1600'

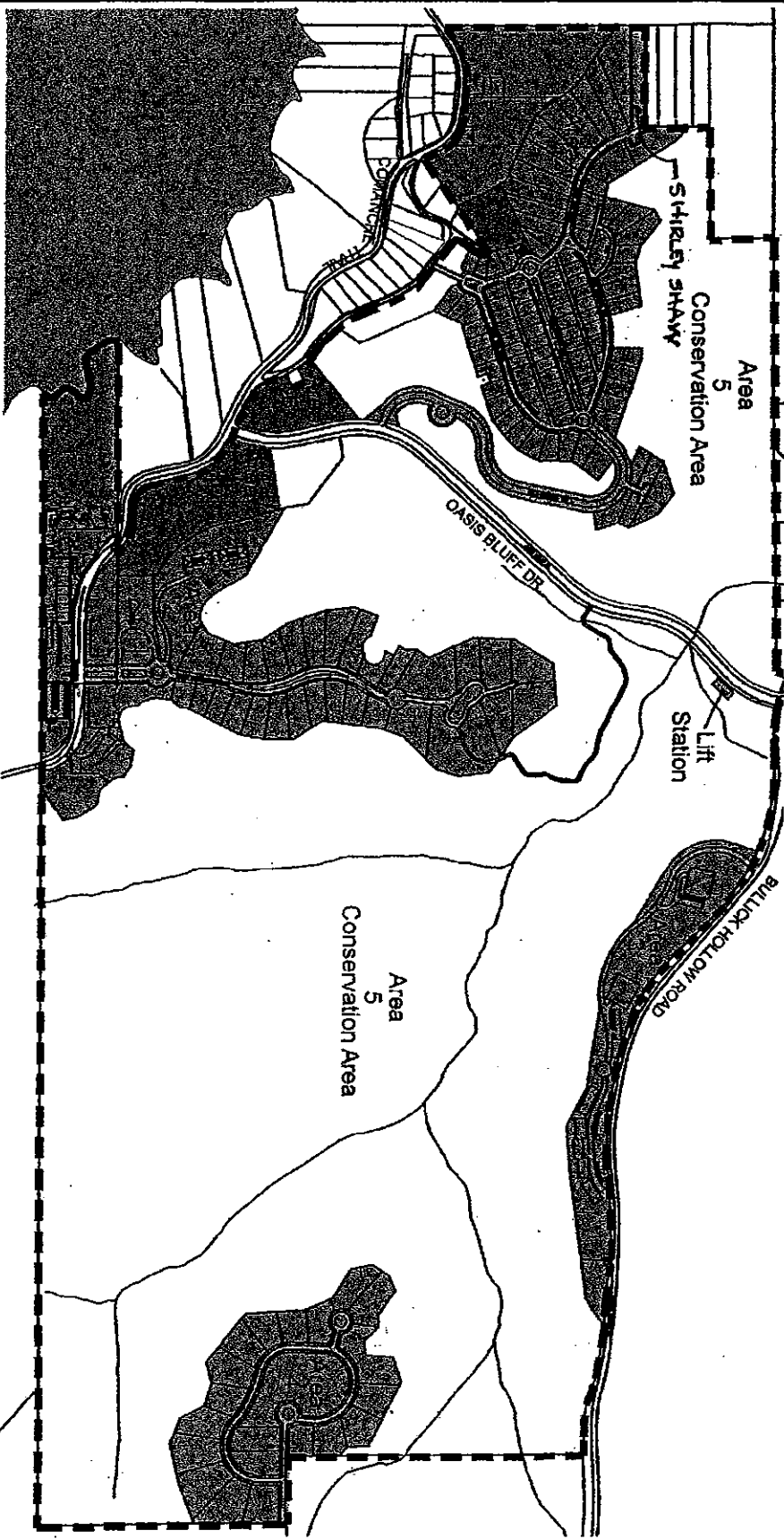


COMANCHE CANYON RANCH

Exhibit "B"
Page 3 of 4

HOLFORD GROUP
 DEVELOPMENT CONSULTANTS
 4929 Splendid Springs Rd. Suite 200
 Austin, Texas 78759
 Tel: 512-350-0000 Fax: 512-350-0001

WINKLEY ENGINEERING, INC.
 CIVIL, ENGINEERING & CONSULTING SERVICES
 1701 Hwy 280 South - Building 15 Suite 100
 Austin, Texas 78759 (512) 350-3000



COMANCHE CANYON RANCH 408.2 Total Acres		
AREA	LAND USE	ACREAGE
1	Residential: 99 Single Family Home Sites	48.64 ac.
2	Residential: 30 Single Family Lots 24 Condo Units Commercial/Office: 5 Bldgs- 49,000 Sq Ft Total Restaurant: 2600 seats Retail: 40,000 Sq Ft Parking Structure: 300 spaces	50.18 ac.
3	Residential: 2 Single Family Lots 40 Condo Units 24 Town Home Units	12.05 ac.
4	Residential: 21 Single Family Lots	20.35 ac.
5	Conservation Area Lift Station	327.70 ac.
6	Vineyard (5.21 ac) Water Quality Re-injection (1.31 ac) Open Space (2.76 ac)	9.28 ac.

EXHIBIT C

Grow Green Native and Adapted Landscape Plants

Trees

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

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

Small Trees/Large Shrubs

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

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

Shrubs

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

Perennials

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

EXHIBIT D

Invasive Species/Problem Plants

PLANTS TO AVOID

INVASIVES

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

Do Not Plant

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

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

Do Not Plant Near

Parks/Preserves/Greenbelts

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

- Bamboo
- English Ivy
- Vinca (Periwinkle)

PROBLEM TREES AND SHRUBS

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

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

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Legal Assistant