



ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION MEETING DATE: 9/21/2022

NAME & NUMBER OF PROJECT: Manor ISD Elementary School #10 (SP-2022-0095CX)

NAME OF APPLICANT OR ORGANIZATION: Manor ISD Elementary School #10 (Monica Silva)

LOCATION: 10400 Wildhorse Ranch Trail, Austin, Texas 78724

COUNCIL DISTRICT: 1

ENVIRONMENTAL REVIEW STAFF: Tunde Daramola, Environmental Review Specialist Senior, DSD, 512-974-6316, Babatunde.Daramola@austintexas.gov

WATERSHED: Gilleland Creek Watershed, Suburban, Desired Development Zone

REQUEST: Variance request is as follows:
Request to vary from LDC 25-8-342 to allow fill over 4feet up to 33feet.

STAFF RECOMMENDATION: Staff recommends this variance, having determined the findings of fact to have been met.

STAFF CONDITIONS:

- Provide structural containment of fill with a terraced retaining wall where applicable.
- Increase tree inches by adding 20 native trees over required number of trees.
- Provide pollinator plants along with educational signage for the children.
- Use rainwater harvesting on site.



Development Services Department
Staff Recommendations Concerning Required Findings

Project Name: Manor ISD Elementary School #10
Ordinance Standard: Watershed Protection Ordinance
Variance Request: **To allow for fill exceeding 4 feet up to 33 feet for building construction**

Include an explanation with each applicable finding of fact.

A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:

1. The requirement will deprive the applicant of a privilege available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

Yes. The variance will not be providing a special privilege to the applicant. The property slopes steeply down from Wildhorse Ranch Trail ROW at the west to the southeastern corner of the site over a 52-foot fall. The proposed buildings are constrained in design flexibility due to the requirements of the Texas Education Agency, City of Austin, and ADA. The size of the school is determined by what TEA allows based on student per square foot requirements which is not a design choice. In order to facilitate this type of development, substantial fill is required, and the layout has to follow the TEA, COA and ADA guidelines which has constricted design flexibility.

Similarly situated property do not have to meet the aforementioned requirements the way a public elementary school is required.

2. The variance:
 - a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

Yes. The school must be sized according to TEA standards to meet the student population needs. The site is also required to have onsite bus queuing as well as ADA accessible pick up and drop off areas. Any construction on this property would necessitate fill greater than 4 feet because of the nature of the property.

There are no other design decisions that could be altered to not necessitate this variance.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

Yes. The site is being graded as efficiently as possible to provide the required access slopes to minimize the amount of variance required. The design also uses all compliant construction methods but due to site constraints and requirements, the variance is inevitable.

- c) Does not create a significant probability of harmful environmental consequences.

Yes. The variance does not create a significant probability of harmful consequences. The variance is a minimum deviation from code to allow for reasonable use of the property. Fill will be minimized and structurally contained with a retaining wall.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. The project is served by existing water quality/detention pond. The development is compliant with current code.

B. The Land Use Commission may grant a variance from a requirement of Section 25-8-422 (*Water Supply Suburban Water Quality Transition Zone*), Section 25-8-452 (*Water Supply Rural Water Quality Transition Zone*), Section 25-8-482 (*Barton Springs Zone Water Quality Transition Zone*), Section 25-8-368 (*Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*), or Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), after determining that::

1. 1. The criteria for granting a variance in Subsection (A) are met;

N/A All criteria in Subsection (A) are met

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;

N/A

3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

N/A

Staff Determination: Staff determines that the findings of fact have been met. Staff recommends the following conditions per approved exhibit:

- Provide structural containment of fill with a terraced retaining wall where applicable.
- Increase tree inches on site by adding 20 native trees over the required number of trees.

- Provide pollinator plants along with educational signage for the children.
- Use rainwater harvesting on site.

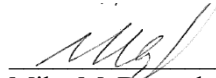
Environmental Reviewer
(DSD)



Tunde Daramola

Date
8/31/2022

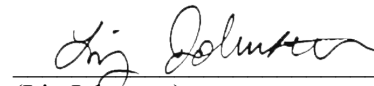
Environmental Review
Manager (DSD)



Mike McDougal

Date
8/31/2022

Deputy Environmental
Officer (WPD)



(Liz Johnston)

Date
09/01/2022



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	MONICA SILVA
Street Address	504 EBRAKER LN
City State ZIP Code	AUSTIN, TX 78753
Work Phone	(512) 835-4203
E-Mail Address	mgilsilva@gilengineering.com

Variance Case Information

Case Name	Manor ISD Elementary #10
Case Number	SP-2022-0095CX
Address or Location	10400 WILDHORSE RANCH TRL
Environmental Reviewer Name	BABATUNDE DARAMOLA
Environmental Resource Management Reviewer Name	
Applicable Ordinance	LDC 25-8-342
Watershed Name	GILELAND CREEK WATERSHED
Watershed Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone

Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input checked="" type="checkbox"/> Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Distance to Nearest Classified Waterway	6,500 ft
Water and Waste Water service to be provided by	CITY OF AUSTIN
Request	The variance request is as follows: LDC 25-8-342: VARIANCE FOR FILL GREATER THAN 4'; We are requesting a variance for fill 4' to 33'

Impervious cover	Existing	Proposed
square footage:	<u>0</u>	<u>237,585</u>
acreage:	<u>11.05</u>	<u>11.05</u>
percentage:	<u>0%</u>	<u>49.359%</u>
Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)	<p>The site is an undeveloped property. There are completed houses to the east of the site. To the west, the site is bounded by Wildhorse Ranch Trail. The site slopes down to an existing drainage easement. There are no trees on site. According to the USDA NRCS, the site lies within the following soil series:</p> <ul style="list-style-type: none"> • Ferris-Heiden complex (FhF3). 8 to 20 percent slopes. Class D, low infiltration rates. These soils are well drained and have a very high runoff rate. • Heigen clay (HeD2). 5 to 8 percent slopes. Class D, low infiltration rates. Well drained with a very high runoff rate. <p>The site is not located in a floodplain, CWQZ, or WQTZ. A Phase 1 ESA was completed for this site and no RECs were identified.</p>	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The proposed project contains fill greater than 4 feet up to 33 feet.
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FINDINGS OF FACT

As required in LDC Section 25-8-41, in order to grant a variance the Land Use Commission must make the following findings of fact:

Include an explanation with each applicable finding of fact.

Project: SP-2022-0095CX - Manor ISD Elementary #10

Ordinance: LDC 25-8-342

A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:

1. The requirement will deprive the applicant of a privilege available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

☒ Yes / ☐ No [provide summary of justification for determination] Please see attached letter.

2. The variance:
 - a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

☒ Yes / ☐ No [provide summary of justification for determination] Please see attached letter.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

☒ Yes / ☐ No [provide summary justification for determination] Please see attached letter.

- c) Does not create a significant probability of harmful environmental consequences.

☒ Yes / ☐ No [provide summary justification for determination] Please see attached letter.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

☒ Yes / ☐ No [provide summary justification for determination] Please see attached letter.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-368 (Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

1. The criteria for granting a variance in Subsection (A) are met;

☒ Yes / ☐ No [provide summary of justification for determination] Not in WQTZ or CWQZ
Please see attached letter.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;

☒ Yes / ☐ No [provide summary of justification for determination] Not in WQTZ or CWQZ
Please see attached letter.

3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

☒ Yes / ☐ No [provide summary of justification for determination] Not in WQTZ or CWQZ
Please see attached letter.

**Variance approval requires all above affirmative findings.

Exhibits for Commission Variance

- Aerial photos of the site
- Site photos
- Aerial photos of the vicinity
- Context Map—A map illustrating the subject property in relation to developments in the vicinity to include nearby major streets and waterways
- Topographic Map - A topographic map is recommended if a significant grade change on the subject site exists or if there is a significant difference in grade in relation to adjacent properties.
- For cut/fill variances, a plan sheet showing areas and depth of cut/fill with topographic elevations.
- Site plan showing existing conditions if development exists currently on the property
- Proposed Site Plan- full size electronic or at least legible 11x17 showing proposed development, include tree survey if required as part of site or subdivision plan
- Environmental Map – A map that shows pertinent features including Floodplain, CWQZ, WQTZ, CEFs, Setbacks, Recharge Zone, etc.
- An Environmental Resource Inventory pursuant to ECM 1.3.0 (***if required by 25-8-121***)
- Applicant's variance request letter



GIL ENGINEERING

August 31, 2022

City of Austin
Development Services Department
Attn: Babatunde Daramola
6310 Wilhelmina Delco Drive
Austin, TX 78752

RE: Variance Request to LDC 25-8-342 Fill Greater than 4'
SP-2022-0095CX - Manor ISD Elementary School #10; 10400 Wildhorse Ranch Trail

Dear Mr. Daramola:

Please consider this a formal request by the Manor Independent School district for an environmental commission variance to the requirements of the Land Development Code ordinance 25-8-342 for fill over 4 feet up to 33 feet. The Appendix U, Findings of Fact format as required in LDC Section 25-8-41 has been used to describe this request.

The property subject to this variance is a currently undeveloped 11.05 acre site within the Wildhorse Public Utility District and is zoned PUD. The property is located at 10400 Wildhorse Ranch Trail and resides within the limits of the City of Austin. The site is NOT within the limits of any 100 year floodplain. The site is NOT within a Water Quality Transition Zone or Critical Water Quality Zone. The site is located in the Gilleland Creek Watershed, which is classified as a Suburban Watershed. The subject property is NOT located over the Edward's Aquifer Recharge Zone.

The planned improvements for this property consist of the construction of a new public elementary school. A total of 5.45 acres of impervious cover will be added to the site including a 95,031 square foot new elementary building that will serve 720 students. Three new drives are proposed in order to prevent conflicts between parent queue traffic and bus traffic. The parent entrance drive contains 2,363 lineal feet of queue space in order to prevent queuing from overflowing onto Wildhorse Ranch Trail. Required parking for the 60 faculty and staff as well as parents and visitor is provided. Sidewalks connecting parking areas and other site facilities to the building, as well as an 8 foot trail that will connect to the PUD trail system are also proposed. The site improvements also include all associated grading, paving, water, and wastewater improvements. This development proposes to connect to existing drainage improvements that were constructed specifically for this site as part of the Wildhorse PUD development. The applicant proposes to place all new improvements on the property in a manner to minimize impacts to the natural character of the property.

This property is not only designated in the PUD documents for use as an elementary school but was given to the District by the Developer with the Deed restriction that this property is restricted to the use of "Educational Building" for the next 99 years. This variance needs to be approved to allow the construction of a public elementary school to serve this growing area. Manor ISD demographics have shown that this area of eastern Travis County is growing rapidly. The other elementary in the area, Lagos Elementary will be at capacity next year.

With regards to the proposed variance, we respectfully suggest that the following conditions be considered: structural containment. Structural retaining walls have been designed for the site. This will mitigate the erosion of the site. Other appurtenances have been added to provide additional environmental enhancement and are discussed below.

FINDINGS OF FACT:

Project: SP-2022-0095CX; Manor ISD Elementary School #10

Ordinance Standard: Land Development Code 25-8-342; Requirement for Fill in Excess of 4'

1. The requirement will deprive the applicant of a privilege available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

YES/ Rejection of this variance request by Manor Independent School District will deprive them of using property given to them by the Developer of the Wildhorse PUD and identified in the PUD document as the location for their Elementary School to serve this growing area in the Austin full purpose jurisdiction. The need for an elementary school in this area has been determined by demographics.

Similarly situated property owners with approximately contemporaneous development do not have to meet the requirements of the Texas Education Agency, City of Austin Transportation, and American Disabilities Act in the way a public elementary school is required to. Please see statement 2 below for more discussion on how this site design has been altered in order to comply with LDC 25-8-342 and based on constraints set by jurisdictional requirements, cannot be altered in any additional way.

2. The variance:
 - a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

YES/ This variance is necessary to provide a public elementary school to the quickly growing area being developed under the Wildhorse PUD. The property that is the subject of this variance slopes steeply down from Wildhorse Ranch Trail right of way at the west to the southeastern corner of the site which connects to existing drainage facilities over a 52' fall. The natural sloping nature of the lot would require that fill be placed for any type of development, but because this site is proposed to be a public elementary school and is subject to Texas Education Agency requirements, City of Austin Transportation requirements, and the Americans with Disabilities Act requirements, the District is not afforded the same flexibility in design that other owners of similarly situated property would be privileged to. Because of the dramatic way the site slopes down, even a perfectly balanced site with equal cut and fill would still require approximately cut of 25' and fill of 25' and would drop the property down greatly from the adjoining, existing roadway and be inaccessible for buses and fire apparatus. We have used design methods to reduce the need for this variance, but still must meet extensive requirements as discussed below that still make the variance necessary.

This school is being built to service the Wildhorse Ranch development which includes single family and multifamily housing. The TEA sets guidelines for the square footage of each classroom based on the grade level of the classroom or at a minimum sets a square footage per student. Classroom square footage has been set to serve the amount of students that this school will need to serve per the demographics. To mitigate the need for fill, most property owners could make the design choice to alter the floor plan, but as a public school, doing this would mean we could not service the number of students needed to serve the surrounding neighborhood.

Structurally, the proposed building has been stair-stepped to include a 2' fall internally in the building to help reduce the amount of fill. Changing the layout and therefore the classroom size of the school building would necessitate portables on the first day of opening, and those portables would require additional site disturbance and fill to be placed. To serve the students that demographics have shown are in this growing area, we cannot change the scale of the school.

Based on Austin Transportation Department Engineering Review, queuing during pickup and drop off cannot overflow onto the public thoroughfare of Wildhorse Ranch Trail. To keep this from happening, 2,363 feet of queue length must be provided on site. We are providing this queue length through the use of drives and cannot change or remove these drives or else we would not be compliant. This site is also required to have

on-site bus queueing as well as ADA accessible pick up and drop off areas. Other developments are not required to this type of on-site queueing and so could alter their designs to reduce the amount of fill, but this site is locked in to the proposed layout because of the many needs it must meet. To mitigate the amount of fill needed, the drives have been designed to be 6' lower than the adjoining Wildhorse Ranch Trail. The driveway have been set at a 6% slope down from the Right of way. This is the maximum slope that will still allow buses, delivery vehicles, and fire trucks to enter and exit the site in a safe manner.

As a public elementary school, ADA standards require that a maximum slope of 5% (without handrails, 8.3% with handrails) be utilized to provide access throughout the building, play areas, pick up and drop off access points, and access from handicapped parking areas to points on the site. While other developments must meet certain ADA requirements, the use as a public elementary school means a majority of the site must be ADA accessible including bus and parent drop-off/pick-up areas, play areas, and routes around the building for use in an emergency. In addition, Austin Parks review has required an 8 foot pedestrian and bike trail along the eastern boundary of the property to provide the trail system as required by the PUD documents that must also have a maximum slope of 5%. As much site terracing has been designed as possible, including parking areas at different levels separated by a retaining wall, but this design mitigation is limited for this project because even more remote areas such as the play areas, 8' paved trail, and emergency staging areas must be accessible to students of all abilities.

There are no other design decisions that could be altered to not necessitate this variance that would still allow this site to function as a public elementary school.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

YES/ This design uses all usable methods to comply with code, but because of site constraints and requirement constraints the variance is necessary. The Manor ISD was given this site by the developer likely because, any construction on this property would necessitate fill greater than 8 feet because of the nature of the slopes that exist on this property. The site slopes down steeply from the roadway elevation at 608' to the southeast corner of the property at the elevation 556' for a total fall of 52' across the property. Terracing of the both the parent drive and bus drive has been used to minimize fill needed. The drives drop down from the roadway 6', which is the maximum allowable to still allow buses and fire trucks to navigate easily. The slopes of sidewalks have been maximized to 5% with the parking lot proper set at a 5% slope limit which is the maximum required by current ADA rules.

Although fill in excess of 33' is required to make the site meet slope requirements, we have used every allowable method to reduce the amount of fill necessary. Terracing has been used to reduce fill behind retaining walls. We have attempted to meet code in every way possible, but because of the highly sloped nature of the site and as discussed in question 2(a), and the nature of this development as a public elementary school, this is the minimum deviation from code that still allows this site to be used for the construction of a public elementary school.

- c) Does not create a significant probability of harmful environmental consequences.

YES/ This design will create a better environmental condition than existing. There is little native vegetation, and the development of this site will prevent erosion and silt from entering the drainage area. A phase I ESA was performed on the site and there are no Critical Environmental Features. There is NO adverse impact on the water quality, since all runoff from impervious areas will be treated via an existing detention and water quality pond designed specifically for this site. The denuded areas of the site will be revegetated to a better standard than existing.

Retaining walls have been designed to keep proposed fills from eroding and depositing onto adjoining areas. Additionally, 20 additional trees have been added over the required number of trees to help make the site more environmentally attractive. All on-site plantings are native species from the City of Austin's preferred plan list. These plants will restore the currently denuded site to a level better than existing. An outdoor education area of raised planters will be planted with pollinator plants and provide

educational signage. The raised planters will be watered by water collected from an on-site rain water collection cistern.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

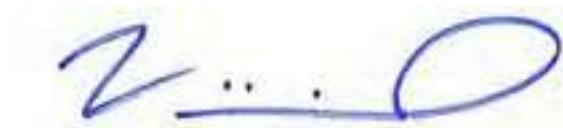
YES/ The design will only improve water quality. The site is currently undeveloped and runoff is uncaptured and untreated. Proposed drainage areas for the site's development have been designed so that each area drains to its low point and an inlet has been placed there to capture runoff. Onsite runoff will be directed into these new inlets and the inlets will be conveyed to the existing water quality and detention pond designed for this site under the PUD development of Heritage Point at Wildhorse Section 2 & 3. This pond will reduce flows to predevelopment rates.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division I (Critical Water Quality Zone Restrictions), or Section 25-8-368 (Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

NOT APPLICABLE. The site is not in a WQTZ, CWQTZ, and does not impact any lake.

We hope that this letter of request for variance provides all needed information. Please contact the undersigned for any additional required information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Victor M. Gil', with a stylized flourish at the end.

Victor M. Gil, P.E., R.P.L.S.
Gil Engineering Associates, Inc.

**FILED AND RECORDED
OFFICIAL PUBLIC RECORDS**



Rebecca Guerrero, County Clerk
Travis County, Texas

Apr 01, 2022 11:18AM Fee: \$62.00

2022060028

Electronically Recorded

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

Date: March 31, 2022 Independence Title/GFIt 1/1/Moltl -COM/GMH

Grantor: TEXAS WH200, LP, a Delaware limited partnership

Grantor's Mailing Address: 9900 HWY 290 East
Manor, Texas 78653
Travis County, Texas

Grantee: THE BOARD OF TRUSTEES OF THE MANOR
INDEPENDENT SCHOOL DISTRICT

Grantee's Mailing Address: 10335 US Highway 290 East
Manor, Texas 78653
Travis County, Texas

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration.

Property (including improvements):

11.05 acres of land, more or less, out of the W. H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, Travis County, Texas, and being more particularly described by metes and bounds on **Exhibit A** attached hereto and incorporated herein.

Reservations from Conveyance: Grantor reserves from this conveyance any and all rights associated with reimbursements from any governmental entity, including the WildHorse Ranch Public Improvement District, relating to the Property or any improvements on or serving the Property. Grantor reserves the right to assign such rights, in whole or in part, to a third party.

Exceptions to Conveyance and Warranty: See **Exhibit B** attached hereto and incorporated herein.

Grantor, for the consideration and subject to the Reservations from Conveyance, the Exceptions to Conveyance and Warranty, the Restriction (as defined below), and the Right of Reverter (defined below), grants, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, its successors and assigns, forever; and it does hereby bind itself and its successors to **WARRANT AND FOREVER DEFEND** all and singular the Property unto the said Grantee, the successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through or under Grantor, but not

otherwise, except as to the Reservations from Conveyance, the Exceptions to Conveyance and Warranty, the Restriction, and the Right of Reverter.

The Property is conveyed for the purpose of, and is hereby restricted to use by Grantee as, the construction and operation of an educational building for the intended purpose of providing primary education of students and uses ancillary thereto for the residents of the Manor Independent School District, and for no other purpose ("**Restriction**"). The Restriction will expire on the date that is ninety-nine (99) years after the date of this Special Warranty Deed and thereafter will be of no further force or effect. In the event Grantor, or Grantor's successors and assigns, files a lawsuit to enforce this Restriction, Grantor (or its successors and assigns) will be entitled to recover its reasonable costs and attorneys' fees. Enforcement of the Restriction is personal to Grantor and Grantor's successors and assigns (by written assignment) and does not run with land owned by Grantor as of the date hereof. The foregoing notwithstanding, in the event that a third party, arms-length lender with a deed of trust lien on the Property exercises its remedy to foreclose such deed of trust lien, then such lender's acquisition of the Property at such foreclosure will not be in violation of the Restriction so long as such lender's re-sale of the Property is to a user that operates the Property in compliance with the Restriction.

The conveyance and grant of the Property to Grantee is effective only so long as construction of an educational building consisting of at least +/- 55,000 square feet for K-12 instructional purposes of improved, heated and air-conditioned space (referred to herein as the "**Educational Building**") upon the Property is substantially underway within three (3) years after the date of this Special Warranty Deed ("**Construction Date**"). However, in the event that construction is not substantially underway due to circumstances outside of the control of Grantee, including but not limited to insufficient funding, non-appropriation of funds, construction delays, materials delays, or pandemic related delays, the Property shall not revert to the Grantor and the Right of Reverter shall not be triggered so long as Grantee begins construction of the Educational Building within five (5) years after the date of this Special Warranty Deed. If construction of the Educational Building upon the Property is not substantially underway prior to the Construction Date (as it may be extended), then the Property shall automatically revert to and vest in Grantor, and thereupon the conveyance hereunder shall be null and void and Grantor shall be entitled to take immediate possession of the Property and record in the Official Public Records of Travis County, Texas, any instrument confirming that title to the Property has reverted to Grantor free and clear of any claims whatsoever of Grantee (the "**Right of Reverter**"). In such event, Grantee shall, upon written demand, execute, acknowledge and deliver to Grantor any and all instruments that may reasonably be requested, necessary or proper to evidence the reversion of the Property to Grantor, including but not limited to a warranty deed in the same form and subject to the same Permitted Exceptions as this Special Warranty Deed. The provisions for the Right of Reverter are personal to Grantor and Grantor's successors and assigns (by written instrument) and do not run with the land owned by Grantor as of the date hereof. The provisions for the Right of Reverter may only be amended or modified by execution of written instrument by Grantor (or Grantor's specific successors and assigns) and Grantee, and may only be waived by the written instrument of Grantor. Upon completion of the construction of the Educational Building upon the Property, the provisions contained herein for the Right of Reverter shall automatically terminate and be of no further force and effect and, upon request, Grantor will execute and record a termination of the Right of Reverter. If the Right of Reverter is exercised and the Property is thereafter reverted to Grantor, Grantor shall have the unilateral option to terminate the Restriction, and the Restriction shall be null and void and of no further force and effect upon Grantor's election to terminate such Restriction.

GRANTOR HAS EXECUTED AND DELIVERED TIDS SPECIAL WARRANTY DEED AND HAS CONVEYED THE PROPERTY AND GRANTEE HAS RECEIVED AND ACCEPTED TIDS SPECIAL WARRANTY DEED AND HAS PURCHASED THE PROPERTY "AS IS", "WHERE IS", AND "WITH ALL FAULTS" AND WITHOUT REPRESENTATIONS OR

Additional Requirements the Manor ISD Elementary School #10 Site is Subject To

Deed Restrictions

Deed states property must be used for an educational building and no other purpose for the next 99 years.

Texas Education Agency: Class Room Size

Pre-K - 1st Grade: 800 sq. ft. minimum
2nd Grade - 5th Grade: 700 sq. ft. minimum.

Bus, Delivery, and Fire Apparatus Access

Drives must be 6% slope or less to allow enter without tail drag.

Austin Parks PUD Trail Continuation

8' wide pedestrian and bike trail required to continue PUD trail system. Must have slopes 5% or less.

Extended ADA Accessibility

ANY and all areas visited by students must be ADA accessible.

Austin Transportation On-Site Queuing

2,363 lineal feet of queue length required to serve 720 students and prevent traffic overflow to public ROW.

Fill Mitigation Methods

Because of the on-site 52' drop, a perfectly balanced cut and fill site would require 25' of cut and 25' of fill and would drop the property extensively from the adjoining, existing roadway making drives unusable for buses and fire apparatus.

STAIR-STEPPED BUILDING

The building includes an internal 2' fall.

INCREASED DRIVE SLOPES

Driveway slopes have been set to 6% down from the right of way. This is the maximum allowable to prevent buses, delivery vehicles, and fire trucks from entering without damage to the vehicle.

ADA SLOPES AT MAXIMUM

Sidewalk and parking area slopes set at 5% which is the maximum allowable by current ADA rules.

STRUCTURALLY CONTAINED

Retaining walls have been designed to prevent erosion of proposed fills.

Additional Environmental Enhancement

OUTDOOR LEARNING AREA

Located in the school courtyard, the outdoor learning area includes raised planters planted with native pollinator plants and signage about native plants and the importance of pollinators

POLLINATOR PLANTS

Pollinator plants will be planted in the above ground planters located in the outdoor learning center

RAIN COLLECTION

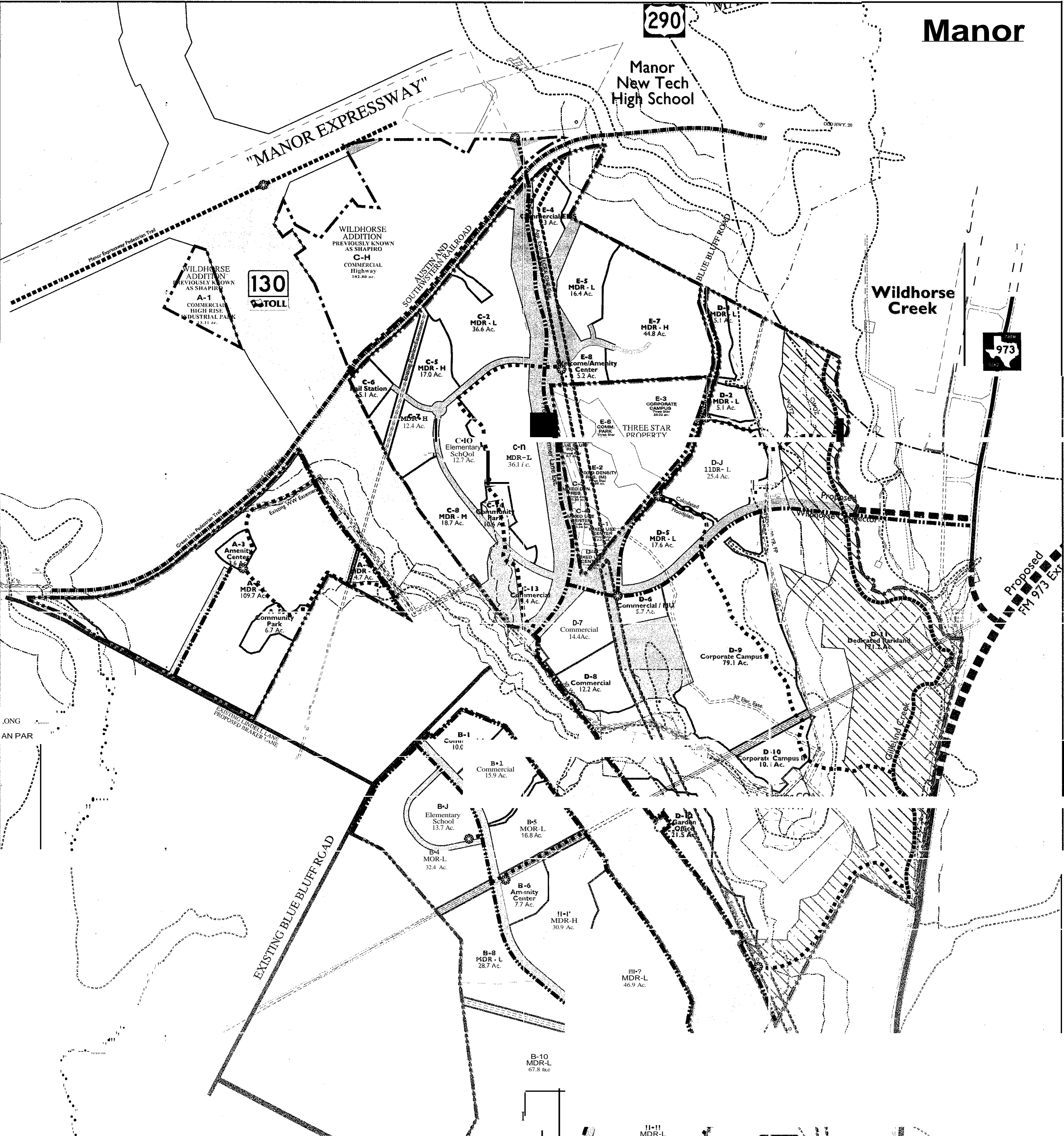
A rain collection tank will collect rain and be connected to the above ground planters to water the plants

ADDITIONAL TREES

Additional trees to prevent heat island effect and add natural shade for students.

NATIVE PLANTINGS

All on-site plantings are native plants that will serve as a learning tool for students.



Trail Network Legend

- Pedestrian Hike & Bike Lane (width 6')
- Gilleland Creek Regional Greenbelt Trail (Construction Responsibility by Others)
- Nature Trail (Width Varies)
- Manor Expressway Pedestrian Trail
- Green Line Pedestrian Trail
- Trail Node

Note: Alignments of trails shown on this plan are conceptual in nature and are subject to change based on more detailed design information. Trail alignments will be finalized and shown on subdivisions and related site plans. Except for the regional greenbelt trail, all trail construction shall be the responsibility of subdividers and shall be considered part of the required infrastructure.

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Manor, TX 78653
(512)327-7415

Attorney:
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(512)435-2300

Traffic Consultant:
Alliance Texas Engineering Co.
100 E Anderson Lane, Suite 300
Austin, TX 78711
(512)821-2081

Engineer:
Murfee Engineering Company
1101 South Capitol of TX Hwy
Building D, Suite 110
Austin, TX 78746
(512)327-9204

Process

Submitted	05/31/2013
Revision 1	03/18/2014
Revision 2	05/21/2015
Revision	
Revision	
Revision	
Revision	
Final Submittal	

Legend

- Property Boundary
- Utility Easements
- Proposed LCRA Easement
- FEMA 100 Year Floodplain
- Critical Water Quality Zone
- Water Quality Transition Zone
- Proposed ROW within the PUD
- Existing SH130 ROW within the PUD

Approval Stamp

PUD APPROVAL

Case No. C814-00-2063

Approved by Council on Feb 14, 2015 (date) 2.002 (year), under Sections 401, 402, 421, 422, 423, 144, 392, 411, and Chapter 25-2 of the City Code.

Final Ordinance Reading: Feb 14, 2015

Rev. 1: C814-00-2063.01

Rev. 2: Admin. Amend. Approved 12/19/2015

Rev. 3: Admin. Amend. Approved 03/04/2016

WildHorse Ranch
Austin, Texas

PLANNED UNIT DEVELOPMENT PARKS NETWORK CONCEPT PLAN

SCALE: 1" = 600'



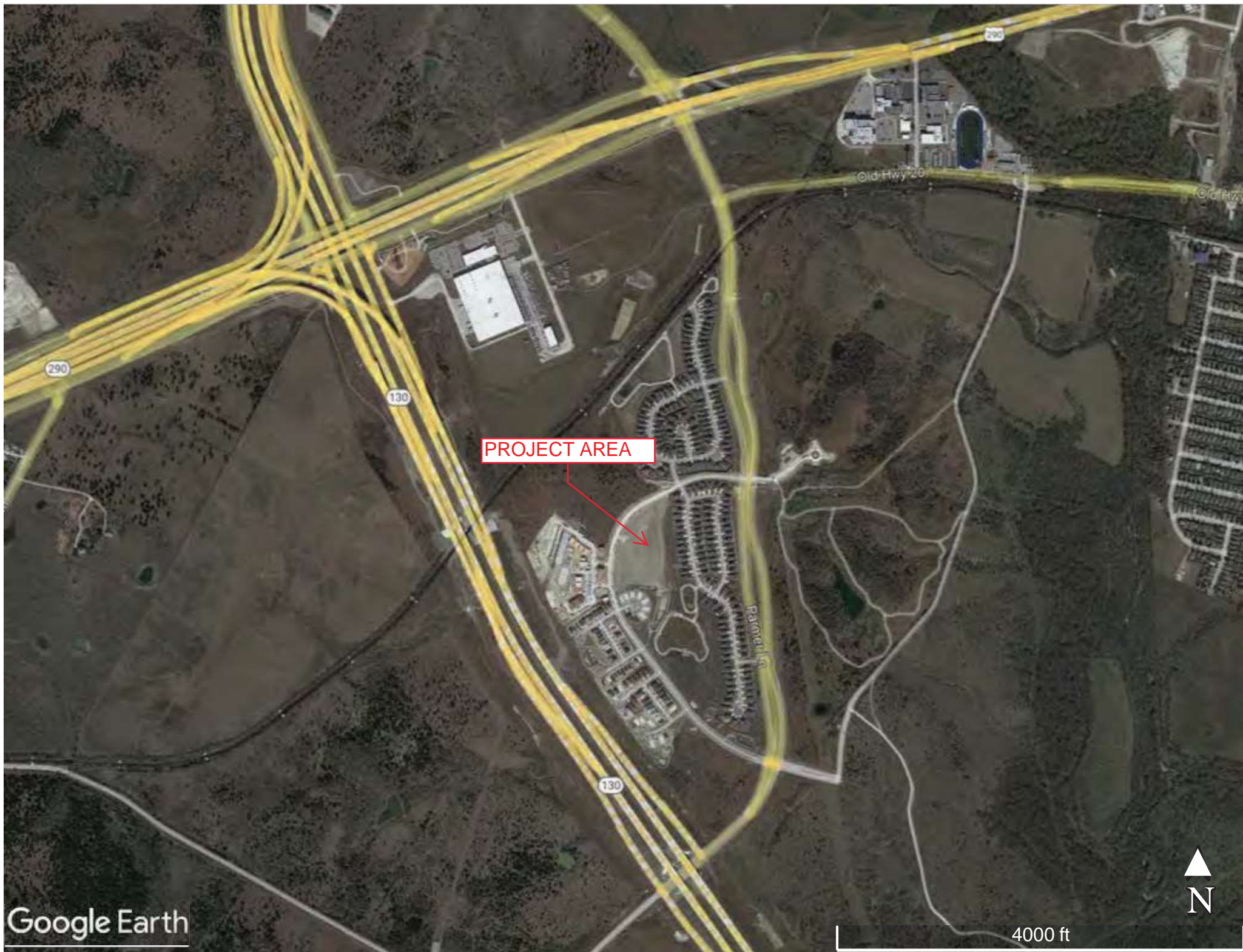
(PAGE 40 OF 5)

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rvpl
Planning • Landscape Architecture
Graphic Design



Independent investigation of these sources and no warranty or representation is made by RVI as to the accuracy thereof and same is subject to change without notice. This plan is subject to change. The developer has reserved the right, without notice, to make changes to this map and other aspects of the development to comply with governmental requirements and to

C814-00-2063.06



PROJECT AREA



-  COA-mapped Creekline
-  Project Area

Appendix B Site Vicinity Map

Manor Phase I ESA

Baer Project No. 212078.01
Date: December 8, 2021

TBPE Firm No. F-3181 TBPG Firm No. 50030

Base Map: ESRI World Imagery 2020





INQUIRY # 6760437.11

YEAR 2016

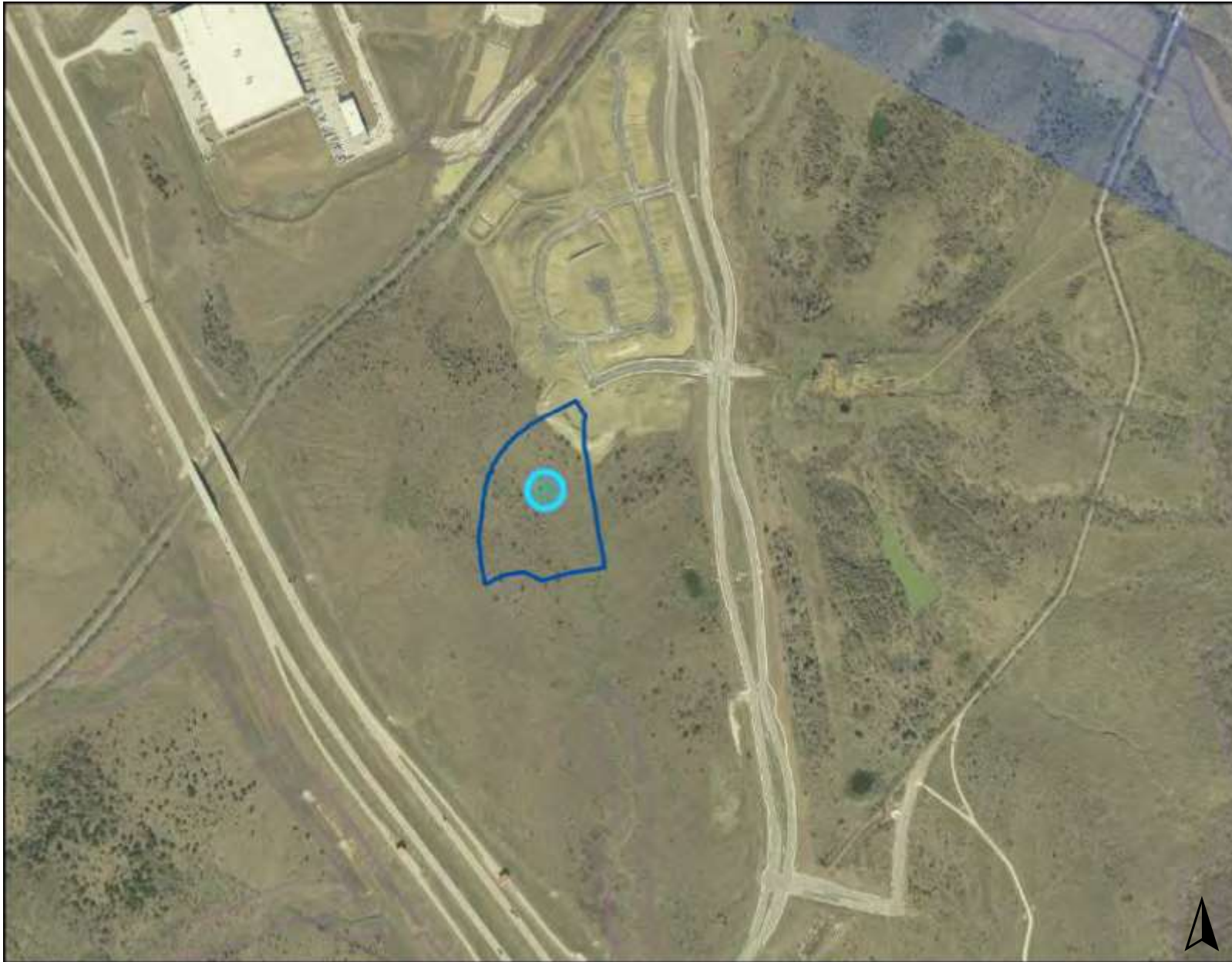
— = 500'





Property Profile

CWQT, WQTZ, and Aquifer Zones Map



Legend

Jurisdictions Fill

Jurisdiction

- FULL PURPOSE
- EXTRATERRITORIAL JURISDICTION
- OTHER CITY LIMITS
- OTHER CITIES ETJ

Environmental 3

Creek Buffers (CWQZ/WQTZ)

- Critical Water Quality Zone

0 1000 2000
ft

8/26/2022

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. This product has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

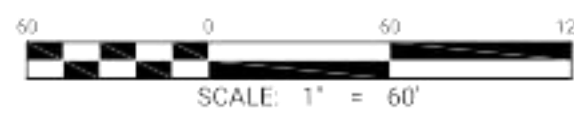
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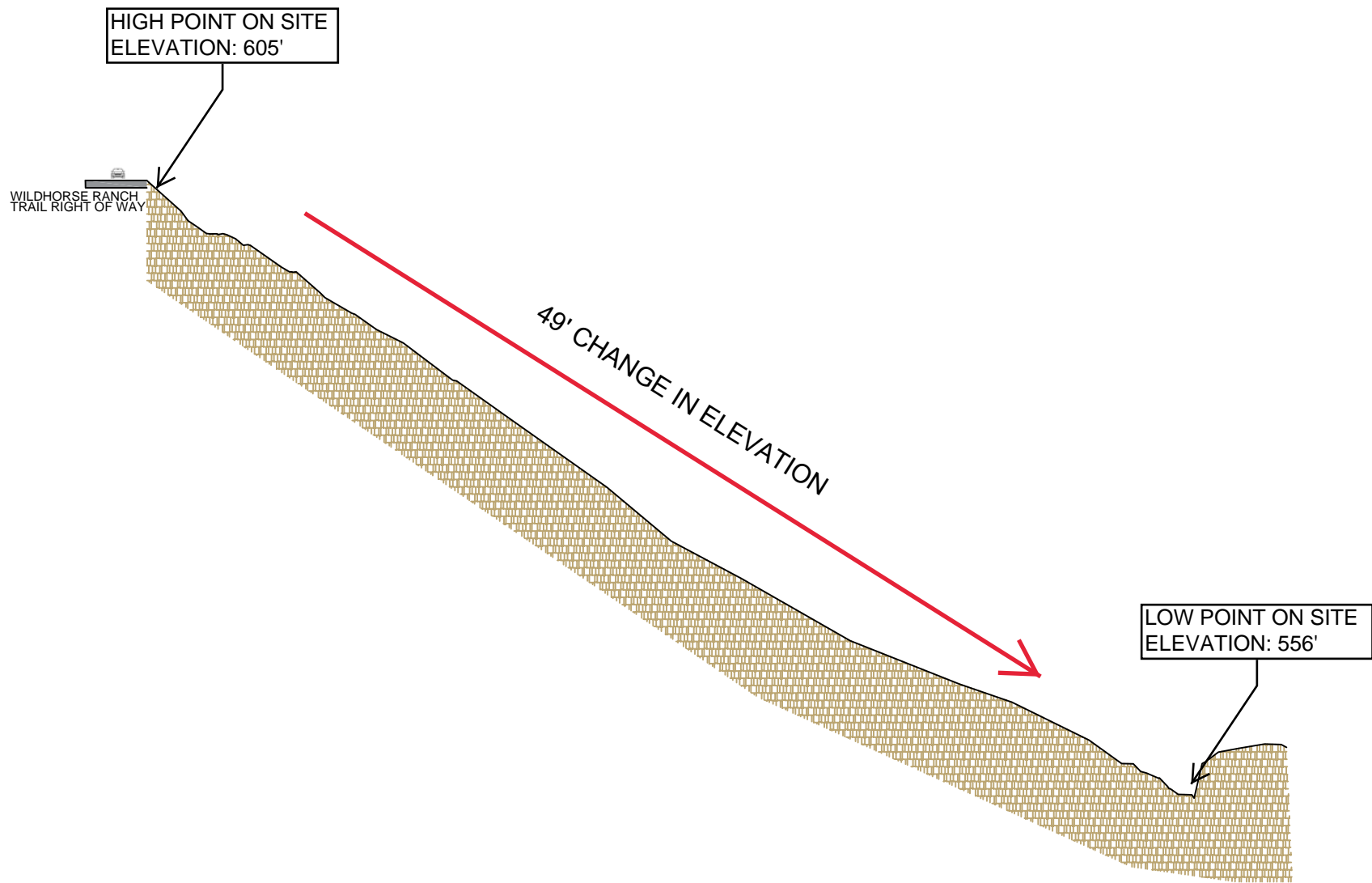


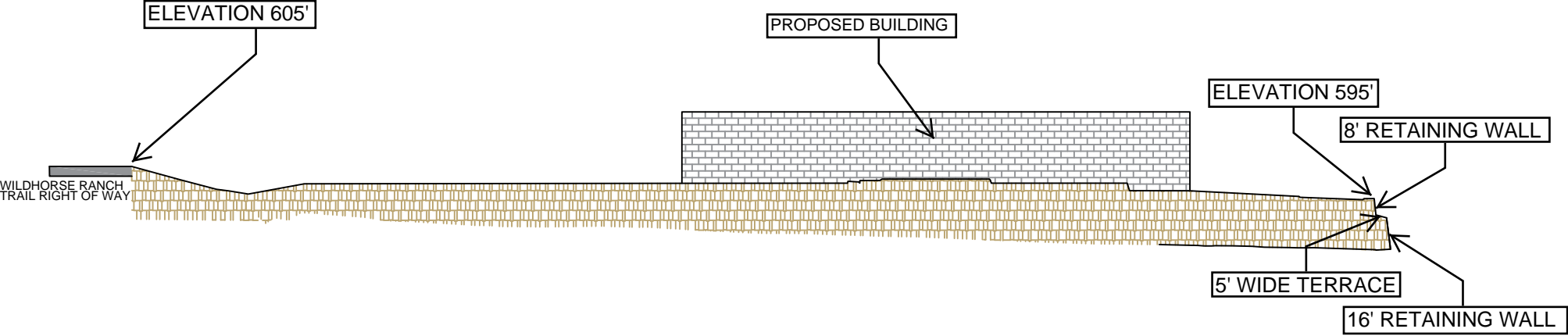
Cut and Fill Table			
Number	Minimum Elevation	Maximum Elevation	Color
1	-8.000	-4.000	Light Blue
2	-4.000	0.000	Light Green
3	0.000	4.000	Light Yellow
4	4.000	8.000	Yellow
5	8.000	20.000	Orange
6	20.000	32.094	Red



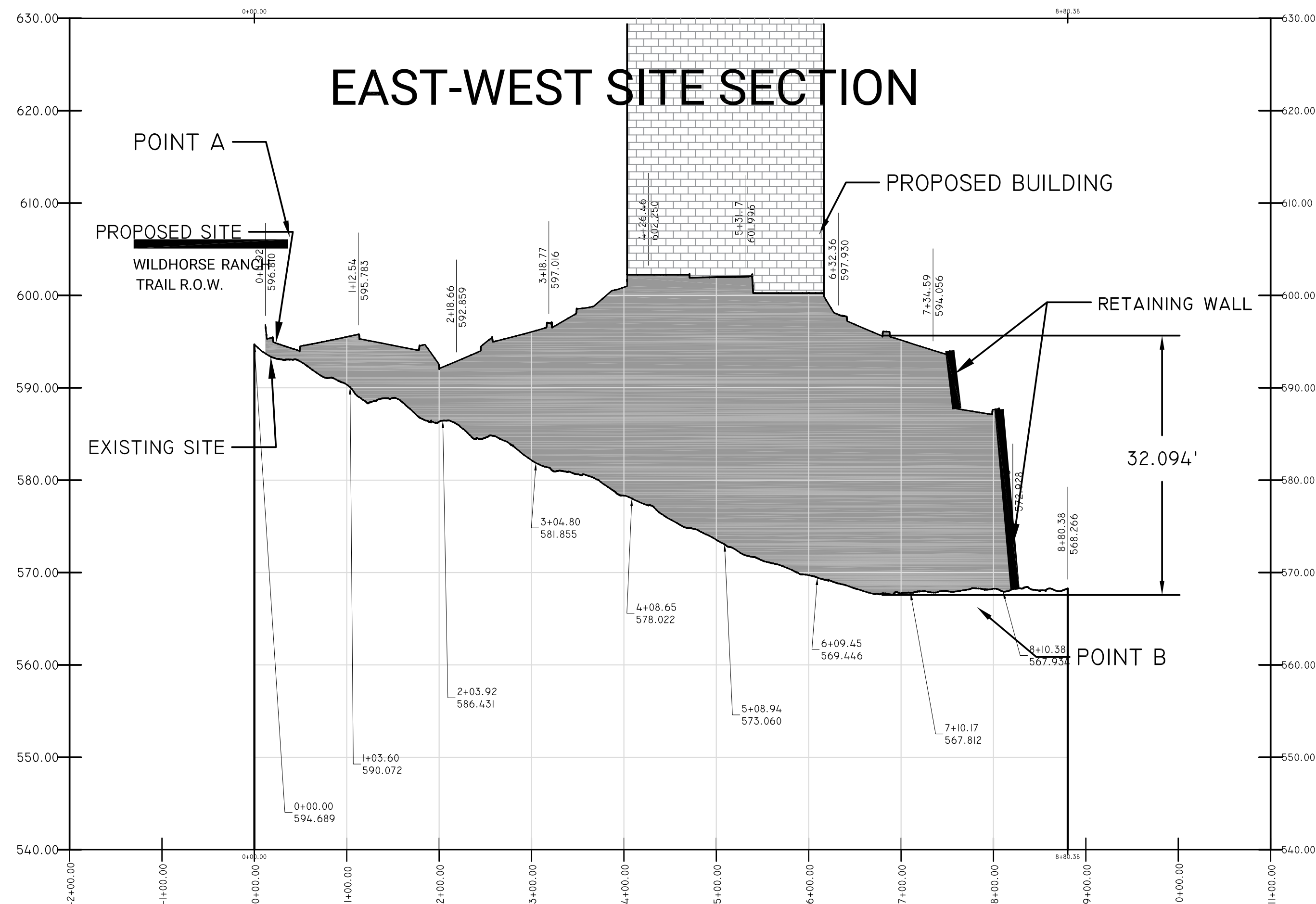
1
C104 2017 Cut and Fill Map
SCALE: 1" = 60'



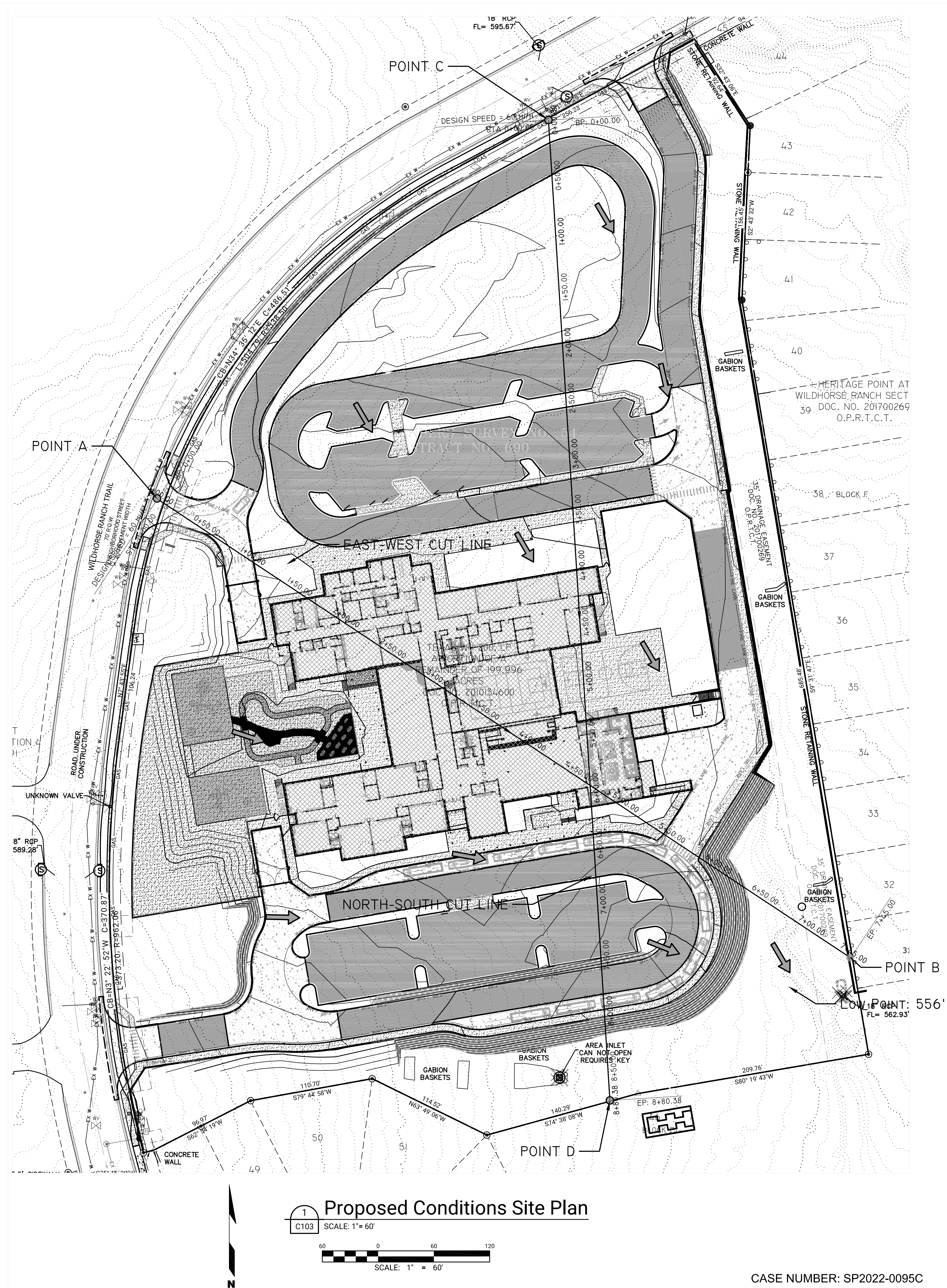
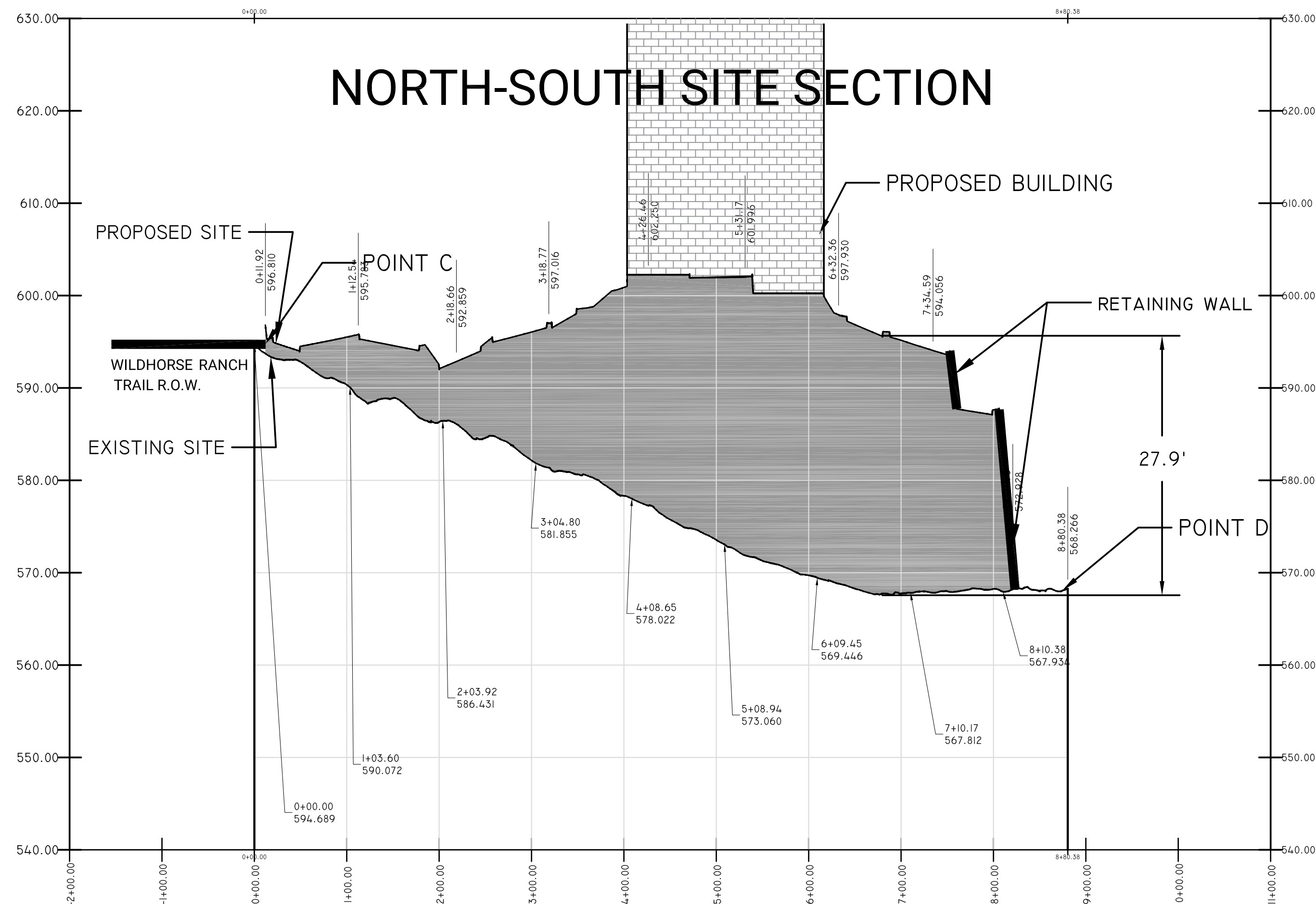


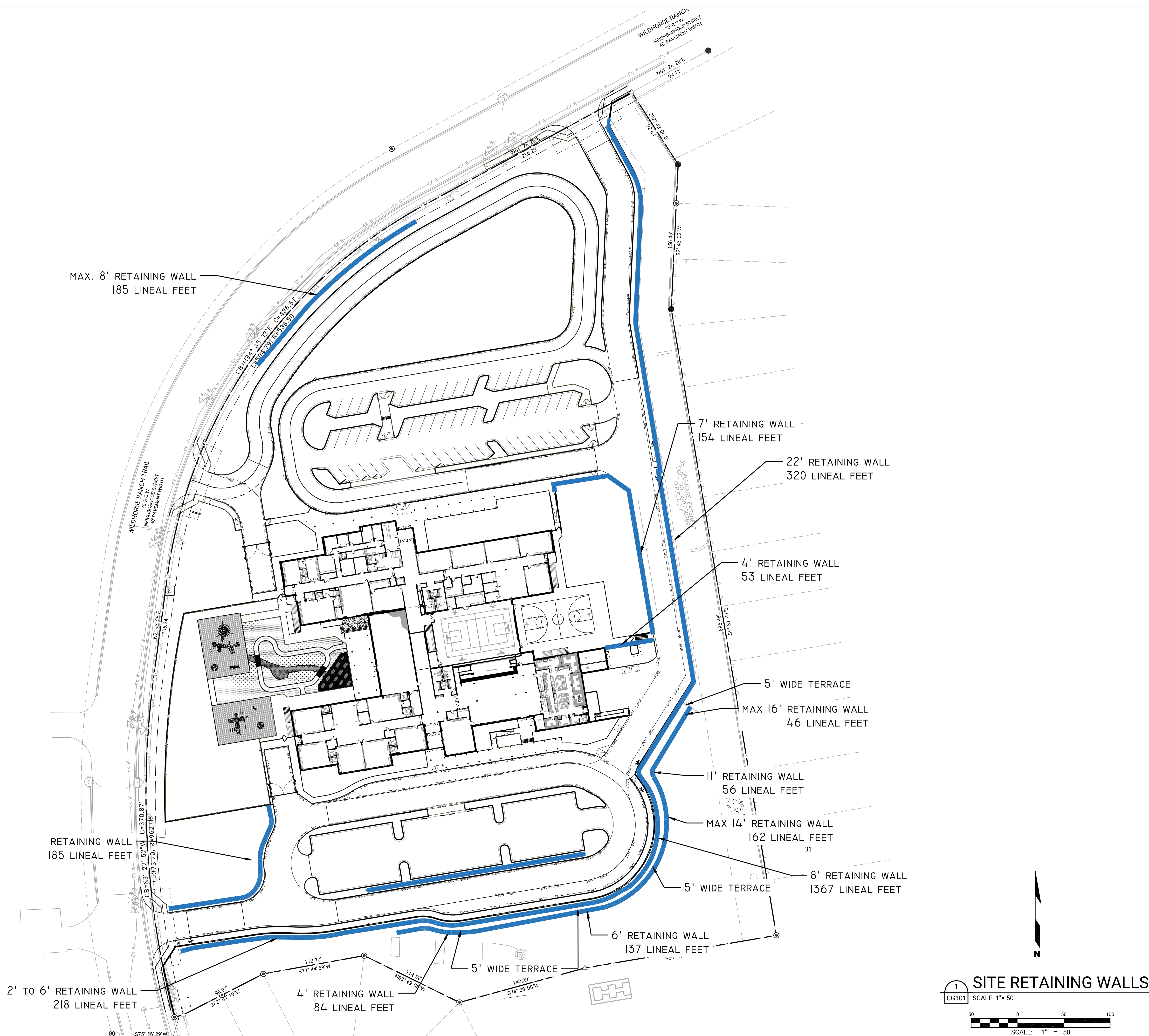


EAST-WEST SITE SECTION

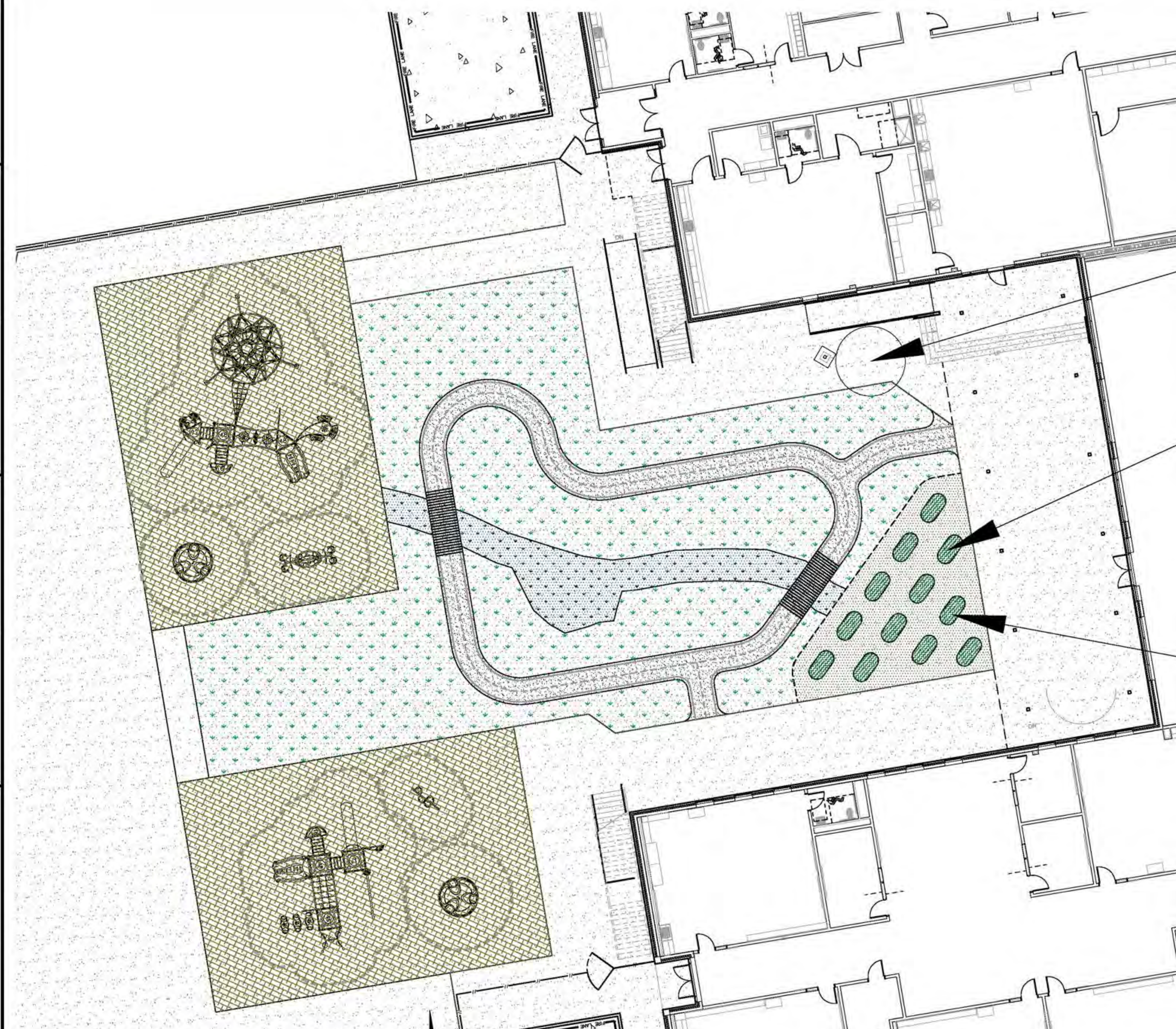


NORTH-SOUTH SITE SECTION





E
D
C
B
A



RAIN
COLLECTION
TANK

ABOVE GROUND PLANTERS
TO CONTAIN POLLINATOR
PLANTS AND EDUCATIONAL
SIGNAGE

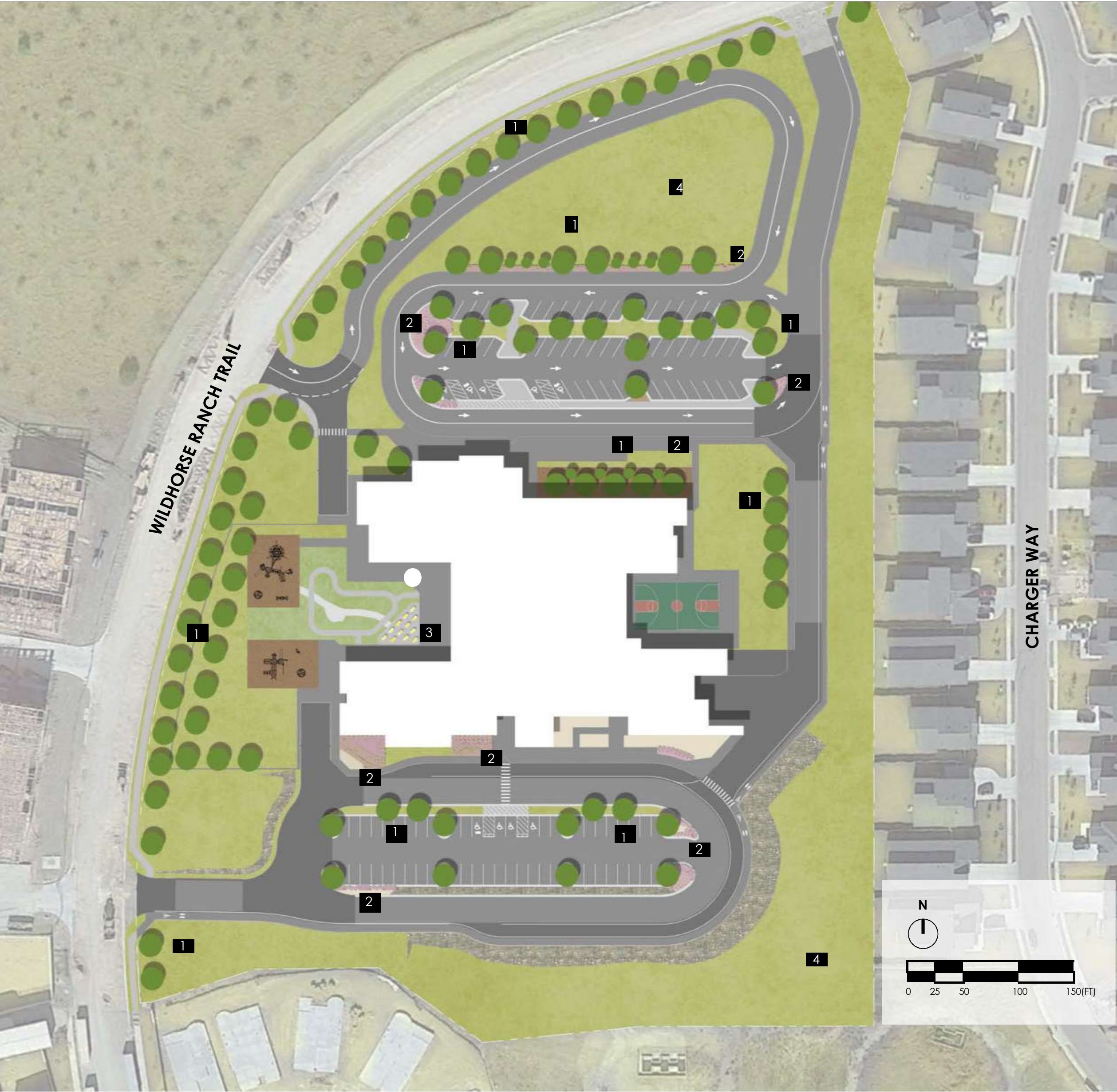
ABOVE GROUND PLANTERS
WITH WICKING BED
CONNECTED TO RAIN
WATER COLLECTION

COURTYARD PLAN
SCALE: 1"=10'
CL103



REVISIONS:

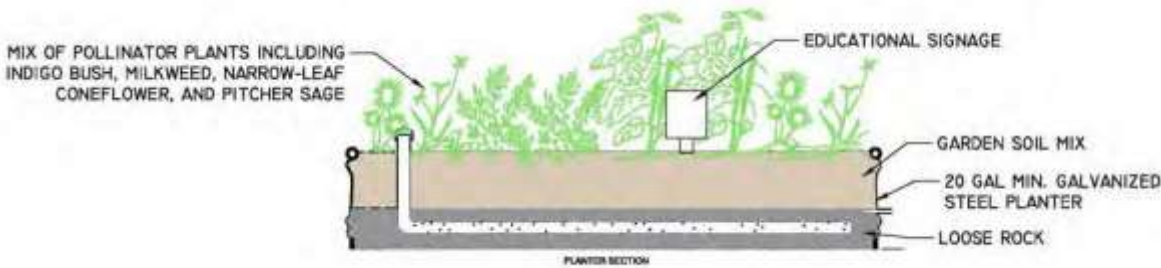




Legend

- 1 NATIVE & ADAPTED TREES, TYP.
- 2 NATIVE & ADAPTED SHRUBS, TYP.
- 3 OUTDOOR EDUCATION AREA: ABOVE GROUND PLANTERS TO BE PLANTED WITH POLLINATOR PLANTS INCLUDING INDIGO BUSH, MILKWEED, NARROW-LEAF CONEFLOWER, OR PITCHER SAGE; SEE DETAIL BELOW
- 4 SOD

Above Ground Planter Detail



List of Plants Used

QTY	BOTANICAL / COMMON NAME	CALIPER	SPACING
12	PRUNUS MEXICANA MEXICAN PLUM	3" CAL	8" HEIGHT; 4' SPREAD
29	QUERCUS SHUMARDII SHUMARD RED OAK	3" CAL	10" HEIGHT; 5' SPREAD
22	QUERCUS VIRGINIANA LIVE OAK	3" CAL	10" HEIGHT; 5' SPREAD
10	SOPHORA SECUNDIFLORA TEXAS MOUNTAIN LAUREL	1.5" CAL	8" HEIGHT; 4' SPREAD
29	ULMUS CRASSIFOLIA CEDAR ELM	3" CAL	10" HEIGHT; 5' SPREAD
QTY	BOTANICAL / COMMON NAME	CONTAINER	SPACING
254	DIETES BICOLOR BICOLOR LILY	5 GAL	18" O.C.
56	HESPERALOE PARVIFLORA RED YUCCA	5 GAL	24" O.C.
161	MUHLENBERGIA CAPILLARIS GULF MUHLY	5 GAL	24" O.C.
605	STIPA TENACISSIMA MEXICAN FEATHER GRASS	1 GAL	12" O.C.

Examples of Signage/ Curriculum

THE LIFE CYCLE OF A MONARCH BUTTERFLY

STAGE FOUR ADULT

A DAMP BUTTERFLY WILL EMERGE FROM THE PUPA. IT PUMPS BLOOD INTO THE WINGS TO INFLATE THEM. UNTIL FINALLY IT FLIES OFF. AFTER 8-10 HOURS OF FLYING IT WILL LOOK TO FIND A MATE. THE FEMALE BUTTERFLY WILL THEN GO TO LAY ITS EGGS ON MILKWEED.

STAGE THREE PUPA

THE LARVA WILL SPIN SILK AND ATTACH ITSELF TO A BRANCH WITH THE SILK. IT HOLDS FOR THE LAST TIME. WHEN THE NEW SKIN DRIES AND HARDENS IT TAKES THE FORM OF A CHRYSALIS AND ITS ENTIRE BODY IS REORGANIZED. THE PUPA THEN RECHANGES CLEAR AND IT IS READY TO EMERGE.

STAGE ONE EGG

THE MONARCH STARTS ITS LIFE AS A TINY EGG LAID ONTO THE UNDER SIDE OF A MILKWEED LEAF. IT IS ATTACHED TO THE LEAF BY THE MOTHER WITH A QUICK DRYING GLUE THAT WAS SECRETED ALONG WITH THE EGG.

STAGE TWO LARVA

THE LARVA (CATERPILLAR) EATS ITS EGG AS SOON AS IT HATCHES. IT EATS ALL OF THE TIME AND MOLTS ITS OLD SKIN WHEN IT IS SO LONG IT WILL STOP EATING AND FIND A BRANCH TO START ITS TRANSFORMATION.

The Pollination Process

Step 1

The flower's petals are bright colours and fragrant scents attract insects.

Step 2

The insect arrives on the flower to collect nectar. This nectar is a sweet liquid which makes perfect insect food.

Step 5

As the insect feeds on the nectar in this new flower, the pollen stuck to the insect from the first flower rubs off onto the female parts of the second flower (the stigma).

Step 6

Part of this pollen travels down the style and then into the ovary.

Step 3

As the insect is gathering the nectar, it rubs against the anthers, which rub pollen onto the insect.

Step 4

After the insect is done feeding on the flower's nectar, it gets hungry and gets attracted by another flower's bright colours.

Native Bee & Butterfly Pollinators

How to Improve Bee Habitat

Nesting

Feeding

BEES

- Tiny Dark Bees (dark sweat bee) *Lasioglossum* spp.
- Green Sweat Bees *Agapostemon* spp.
- Longhorn Bees *Melissodes* spp.
- Sunflower Bees *Xylocopa* spp.
- Leafcutter Bees *Megachile* spp.

BUTTERFLIES

- Skipper Butterfly (Tulip Skipper) *Erasmia eufala*
- Brushfooted Butterfly (Common Buckeye) *Junonia coenia*
- Sulphur Butterfly (Small Sulphur) *Pyrisitia lisa*
- Swallowtail Butterfly (Pieris Swallowtail) *Pieris phyllenor*



Leave woody areas for wood-nesting bees.



Leave stems and leafy growth for cavity-nesting bees.



Leave bare ground for ground-nesters' young to survive until spring.



Leave bare ground for ground-nesters' young to survive until spring.



Leave bare ground for ground-nesters' young to survive until spring.

HOW BEES HELP US

Honeybees don't just make honey... They help make the food that humans eat but they are currently in danger.

The Bee's Habitat

Bees need a place to live. They need a place to store honey and pollen. They need a place to raise their young.

The Colony/Hive

A colony of bees is made up of a queen, workers, and drones. The queen is the only female that can lay eggs. Workers do most of the work in the colony. Drones are male bees that only exist to mate with the queen.

The Bee

Bees are very important to our world. They help us grow food. They make honey. They are also very beautiful.

The Pollination Process

When a bee visits a flower, it picks up pollen on its body. When it visits another flower, it drops the pollen, which fertilizes the flower and allows it to produce fruit.

The Importance of Bees as Pollinators

Bees are responsible for pollinating many of the plants that we eat. Without bees, we would not have many of the fruits and vegetables that we enjoy.

Colony Collapse Disorder

Colony Collapse Disorder is a phenomenon where a large number of bees in a colony disappear, leaving behind a queen and a few workers. The reasons for this are still unknown, but it is a serious threat to our food supply.

Reasons

There are several reasons why Colony Collapse Disorder might be happening. These include: loss of habitat, pesticides, climate change, and parasites.

How you can help

There are several things you can do to help bees. These include: planting flowers, avoiding pesticides, and creating bee hotels.

Pollinator Friendly Practices

Use native plants since they are adapted to the local climate and soils, and local pollinators are adapted to them.

Plant a variety of flowers to bloom continually from early spring to early fall.

Provide bare ground or a shallow bird bath filled with soil, sprinkled with sea salt and kept moist, to create a source of water and minerals for pollinators.

Include plants for caterpillars. They are surprisingly fussy eaters and require particular "host" plants. Caterpillars eat the foliage of their host plants, but the average gardener won't notice the damage until at least 10% of the leaves are affected.

Avoid modern hybrids, especially those with "doubled" flowers, since pollen, nectar, and scent can be lost in the cultivation process.

Provide a variety of flower shapes and colors since different pollinators are attracted to different types of flowers.

Build a bee condo! or leave dead trees or limbs to create nesting habitat for bees.

Help pollinators find the plants they need by planting them in clumps rather than singly. Clustering plants also shortens the distances that pollinators need to travel.

Avoid using pesticides if at all possible. If you want butterflies, you need caterpillars (and the nibbled leaves that go with them!).

How You Can Help Monarch Butterflies

journeynorth.org

At Home

Create monarch habitat by planting a butterfly garden.

Plant native milkweed

Some non-native plants disturb migratory patterns.

Provide nectar plants

Include flowers that bloom during fall migration.

Avoid pesticides

Pesticides kill monarchs at all stages of the life cycle.

Report your monarch observations

Scientists need data to understand all stages of the monarch's annual cycle. Citizen scientists contribute valuable observations.

In Your Community

Get involved in monarch habitat conservation in your community, region, state or province.

Limit mowing

Talk to property managers and local governments about ways to reduce or eliminate mowing, especially in late summer when the migratory generation is developing. If you must mow, pay attention to the timing of monarch generations and implement a regimen of alternate cuttings, so that new milkweed is continually available and generations have time to develop.

Avoid pesticides

Reduce or restrict pesticides in monarch habitat along roadsides, railroad, and powerline right-of-ways. Avoid spraying for mosquitoes or other insects when monarchs are present.

Support beneficial farming practices

Advocate for practices that do not eradicate milkweed. Encourage legislation that requires labeling of food made from genetically modified crops for consumer awareness.

Build community support

Share information about monarch conservation needs through local news outlets and social networks.

Contribute to conservation efforts

Support organizations that protect monarch habitat on the breeding grounds, along the migration route, and at the overwintering sanctuaries in Mexico.

1.0 SUMMARY

This Phase I Environmental Site Assessment (ESA) was performed in accordance with the All Appropriate Inquiries (AAI) Rule specified in the Federal Register Part III EPA 40 CFR Part 312 (U.S. Environmental Protection Agency [US EPA], 2005) and the American Society for Testing and Materials (ASTM) Standard E 1527-13 entitled *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* (ASTM, 2014). The ASTM standard is based on three major lines of inquiry: regulatory records review and historical documentation, site reconnaissance, and interviews with people familiar with the site.

The site comprises a vacant property that is located next to a residential neighborhood in southwest Manor.



In the course of preparing this Phase I ESA, Baer Engineering identified no Recognized Environmental Conditions (RECs) for the Site. No records from the EDR environmental regulatory databases were found for the Site or within the search distance.