

SECOND/THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C814-2009-0094 Whisper Valley PUD

REQUEST: Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code for the property locally known as 9605 N FM 973 Rd.; 9501 N FM 973 Rd.; Taylor Lane; Nez Perce Trace; 8312 Taylor Ln.; 9015 Taylor Ln (the Whisper Valley PUD)

APPLICANT: Club Deal 120 Whisper Valley LP

AGENT: Michele Rogerson, Metcalfe Williams, LP

DEPARTMENTAL COMMENTS:

This mixed use PUD is being requested in accordance with a development agreement with that was approved by the City Council last year. The applicant is requesting Council approval of a public improvement district (PID). Last year the Council also approved a policy regarding PIDs that requires a PUD to be approved in tandem with a PID. A PID is a financing mechanism whereby the bonds are issued to pay for improvements and the bonds are paid with assessments on property owners within the PID. The PUD will be annexed for limited purpose concurrent with approval of the PUD and the PID. Upon repayment of the PID bonds the PUD will be annexed for full purposes.

The staff recommends approval of this PUD because it meets the requirements of Tiers 1, 2 and 3 of the PUD ordinance. The superiority items are listed in the attached document. The highlight is the dedication of 700 acres of open space along Gilleland Creek, the water quality treatment of headwaters beyond City requirements, Green Building and affordable housing. The applicant is proposing modifications to the City Code as outlined in the attached documents. Modifications are proposed to the zoning, environmental, subdivision, and transportation regulations. Also attached are the street cross sections as approved by Travis County and the City and a copy of the land use plan.

DATE OF FIRST READING/VOTE: June 10, 2010

Approved on first reading an ordinance incorporating the Zoning and Platting Commission's recommendation of PUD zoning. Vote: 7-0

CITY COUNCIL DATE & ACTION:

June 10, 2010: Approved on 1st reading

August 26, 2010:

ORDINANCE READINGS: 1st 06/10/2010 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Jerry Rusthoven

PHONE: 974-3207

E-MAIL: jerry.rusthoven@ci.austin.ci.tx.us

ZONING CHANGE REVIEW SHEET

CASE: C814-2009-0094 / Whisper Valley PUD

ZAP Date: May 18, 2010

ADDRESS: 9605 N FM 973 Rd.; 9501 N FM 973 Rd.; Taylor Lane; Nez Perce Trace; 8312 Taylor Ln.; 9015 Taylor Ln.

OWNER: Club Deal 120 Whisper Valley LP (Doug Gilliland)

AGENT: Metcalfe Williams, LLP (Michelle Rogerson)

ZONING FROM: Unzoned **TO:** PUD- planned unit development **AREA:** 2,066 acres

SUMMARY STAFF RECOMMENDATION: Staff recommends approval of the PUD.

ENVIRONMENTAL BOARD RECOMMENDATION: Approved staff recommendation. See attached memo.

ZONING AND PLATTING COMMISSION RECOMMENDATION: At the Zoning and Platting Commission meeting of May 18, 2010 the ZAP recommended the case with the following conditions:

- Any 2 lane collector streets will be contiguous throughout the PUD;
- Right-of-way will be set aside in 2 places along the northern property line so it accommodates connectivity from the adjacent property;
- At least 3 sections of the right-of-way along Braker Lane will be set aside for loading and unloading of passengers from buses, so that it doesn't back-up traffic;
- Block length in any dead end streets will come before a land use commission;
- The Green Building rating requirement will be achieved for the life of the PUD's build out, with the 2 Star rating as amended over time.
- Environmental Boards conditions will be included in this motion;
- All street sections must comply with the Alternative Street Standards as applicant proposed or follow the Transportation Criteria Manual with all collectors having bike lanes.

The motion was made by Commissioner Sandra Baldrige, Commissioner Gregory Bourgeois second the motion on a vote of 6-0; Commissioner Cynthia Banks was absent.

DESIGN COMMISSION COMMENTS: This applicant presented a briefing to the Design Commission on May 24, 2010.

DEPARTMENT COMMENTS: This mixed use PUD is being requested in accordance with a development agreement with that was approved by the City Council last year. The applicant is requesting Council approval of a public improvement district (PID). Last year the Council also approved a policy regarding PIDs that requires a PUD to be approved in tandem with a PID. A PID is a financing mechanism whereby the bonds are issued to pay for improvements and the bonds are paid with assessments on property owners within the PID. The PUD will be annexed for limited purpose concurrent with approval of the PUD and the PID. Upon repayment of the PID bonds the PUD will be annexed for full purposes.

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EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	Unzoned	Undeveloped
<i>North</i>	Unzoned	Undeveloped, Large-lot Single-family, Travis Co. East Metro Park
<i>South</i>	Unzoned	Undeveloped, Large-lot Single-family
<i>East</i>	Unzoned	Undeveloped, Large-lot Single-family
<i>West</i>	Unzoned	Undeveloped

AREA STUDY: The property does not lie within a designated neighborhood planning area.

TIA: A TIA is required and has been reviewed and approved by staff.

WATERSHEDS: Colorado River and Gilleland Creek **DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS:

Park Springs Neighborhood Association
Sierra Club, Austin Regional Group

RELATED CASES: The subject property (Whisper Valley) consisting of approximately 2,066 acres will be scheduled for annexation concurrently with the zoning case. (C7L-10-003).

CASE HISTORIES: There are no case histories on this site.

ABUTTING STREETS: FM 973 and Taylor Lane

CITY COUNCIL DATE:

June 10, 2010

ACTION:

Approved on 1st reading

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Jerry Rusthoven

e-mail address: jerry.rusthoven@ci.austin.tx.us

PHONE: 974-3207

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CASE MANAGER: Jerry Rusthoven
e-mail address: jerry.rusthoven@ci.austin.tx.us

PHONE: 974-3207



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ENVIRONMENTAL BOARD MOTION 050510-3a

Date: May 5, 2010

Subject: Whisper Valley PUD C814-2009-0094

Motioned By: Phil Moncada

Seconded by: Rodney Ahart

Recommended Action:

The Environmental Board recommends approval with conditions to the following environmental exceptions to Land Development Code:

- (1) LDC 25-8-262(B) (Critical Water Quality Zone Street Crossings) Allow for an arterial or collector street to cross a major critical water quality zone in 4 locations regardless of if it is identified in the Transportation Plan;
- (2) LDC 25-8-262(B)(2)(a) (Critical Water Quality Zone Street Crossings)
Allow for an arterial or collector street to cross an intermediate waterway in the critical water quality zone within 2,500 feet on the same waterway in 4 locations;
- (3) LDC 25-8- 301/302 (Construction on Slopes) Allow for an exception to the requirements of 25-8-42 (Administrative Variances), to allow for the Director to grant a variance from the requirement of 25-8, Subchapter A, Article 7, Division 3 (Construction on Slopes);
- (4) LDC 25-8-394 (C) (Suburban Watershed Uplands Zone) Allow for development intensity to be transferred allowing for maximums of 65% for single family or duplex, 70% for multifamily residential and 90% for commercial uses;
- (5) LDC 25-8-604 (Development Application Requirements and Section 3.0 of the ECM Tree Survey) Allow for mesquite trees in the Right Of Way area that are 8" and larger to be cataloged only (not surveyed). The mitigation for each cataloged mesquite will be a 2" replacement tree. Areas outside of the ROW will be surveyed at site plan and will comply with code.

Planning & Development Review Department staff conditions:

- Work with staff during subdivision and site plan review to locate the Critical Water Quality Zone street crossings such that environmental impacts are minimized and Critical Environmental Features are avoided;
- Provide open space beyond minimum PUD requirements;
- Provide tributary headwaters protection for unclassified waterways draining less than 320 acres;
- All landscaping to be accomplished with native plant material from COA Grow Green Guide;
- 2-star Austin Energy Green Building Standards;
- IPM plan will be provided; and

- Alternative water quality controls demonstrating superior treatment will be provided in addition to standard sedimentation/filtration.

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Rationale:

Meets the Code objective by providing for preservation of the natural environment, encouraging high quality mixed use along SH130, pedestrian friendly, provided for significant open space "131 dedicated acres v 91 required acres", preserving headwaters and tributaries, clustered development not required by Land Development Code, prohibiting pollutants uses.

PUD will also comply with suburban standards of Sub Chapter E. as exists today.

PUD will also comply with Green Builder Program at Star 2 Level, alternative water quality methods using wet ponds to enhance water quality.

Vote 7-0-0-0

For: Ahart, Anderson, Beall, Gary, Maxwell, Moncada, and Neely.

Against:

Abstain:

Absent:

Approved By:

DRAFT

Mary Gay Maxwell
Environmental Board Chair

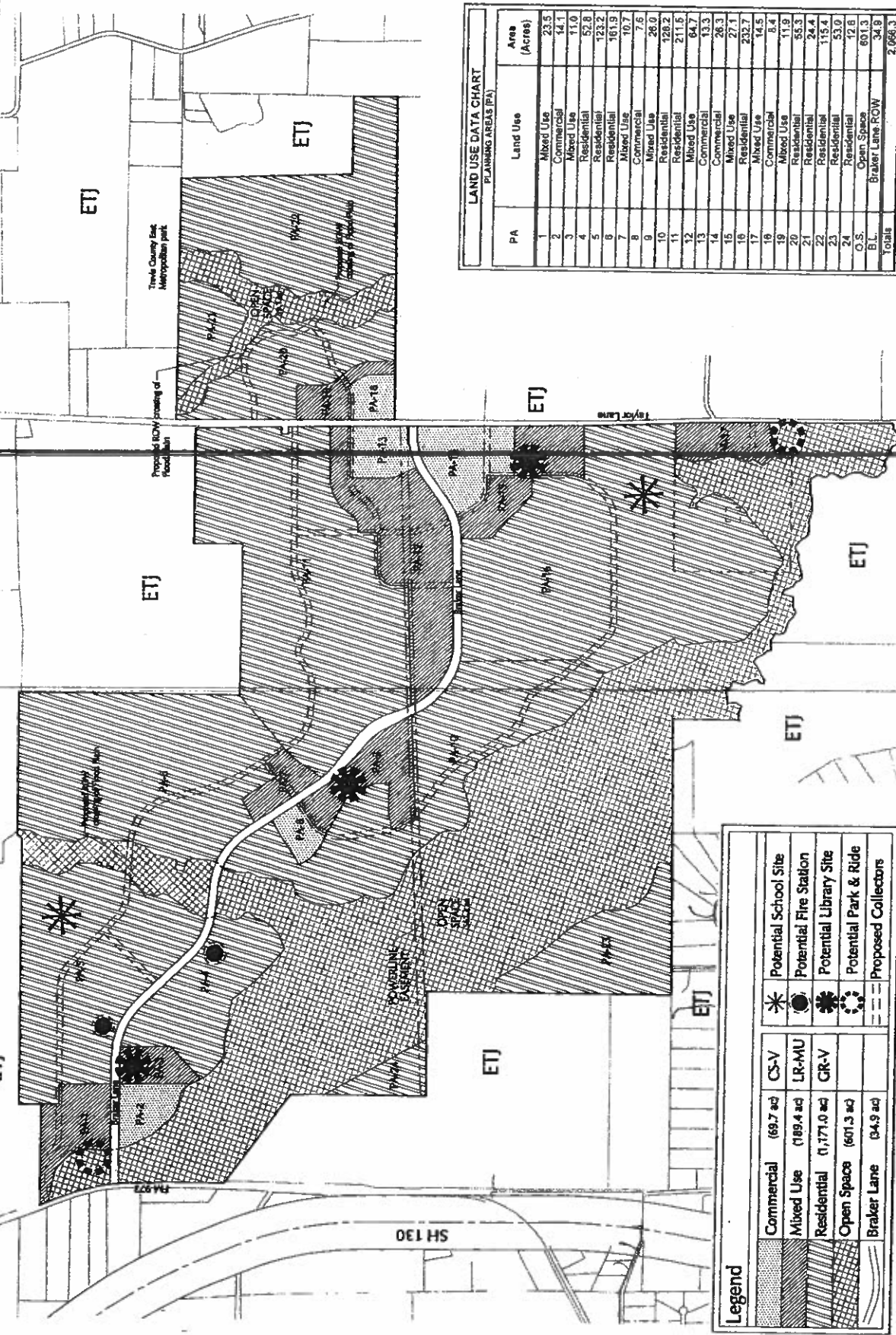


WHISPER VALLEY PUD

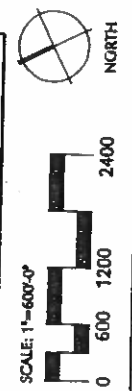
AUSTIN, TEXAS
PARK IMPROVEMENT PLAN

DATE	07/2007
BY	EA
FOR	PAUD
PROJECT	1107/2007
REVISION	02/2007

1 of 1
Land Use Plan



LAND USE DATA CHART		
PLANNING AREAS (PA)		
PA	Land Use	Area (Acres)
1	Mixed Use	23.5
2	Commercial	14.1
3	Mixed Use	11.0
4	Mixed Use	52.8
5	Residential	123.2
6	Residential	161.9
7	Mixed Use	10.7
8	Commercial	7.6
9	Mixed Use	28.0
10	Residential	128.2
11	Residential	211.6
12	Mixed Use	84.7
13	Commercial	13.3
14	Commercial	26.3
15	Mixed Use	27.1
16	Residential	232.7
17	Mixed Use	14.5
18	Commercial	8.4
19	Mixed Use	11.9
20	Residential	55.3
21	Residential	24.4
22	Residential	115.4
23	Residential	53.0
24	Residential	12.8
O.S.	Open Space	601.3
B.L.	Braker Lane ROW	34.8
Totals		2,068.3



Legend			
Commercial	69.7 ac	CS-V	Potential School Site
Mixed Use	189.4 ac	LR-MU	Potential Fire Station
Residential	1,171.0 ac	GR-V	Potential Library Site
Open Space	601.3 ac		Potential Park & Ride
Braker Lane	34.9 ac		Proposed Collectors

- Notes:
1. Reference Zoning Use Summary Table and Site Development Regulations Table for additional PUD regulations and Whisper Valley and Indian Hills Association and Development Agreement Resolution Number 20060315-016.
 2. Only one of each of the reserved sites for potential fire, library and park and ride will be developed.
 3. Alternate street sections approved by Travis County Commissioners Court on December 15, 2006.

Whisper Valley PUD

Austin, Texas

Exhibit C-2

Whisper Valley Land Use Plan

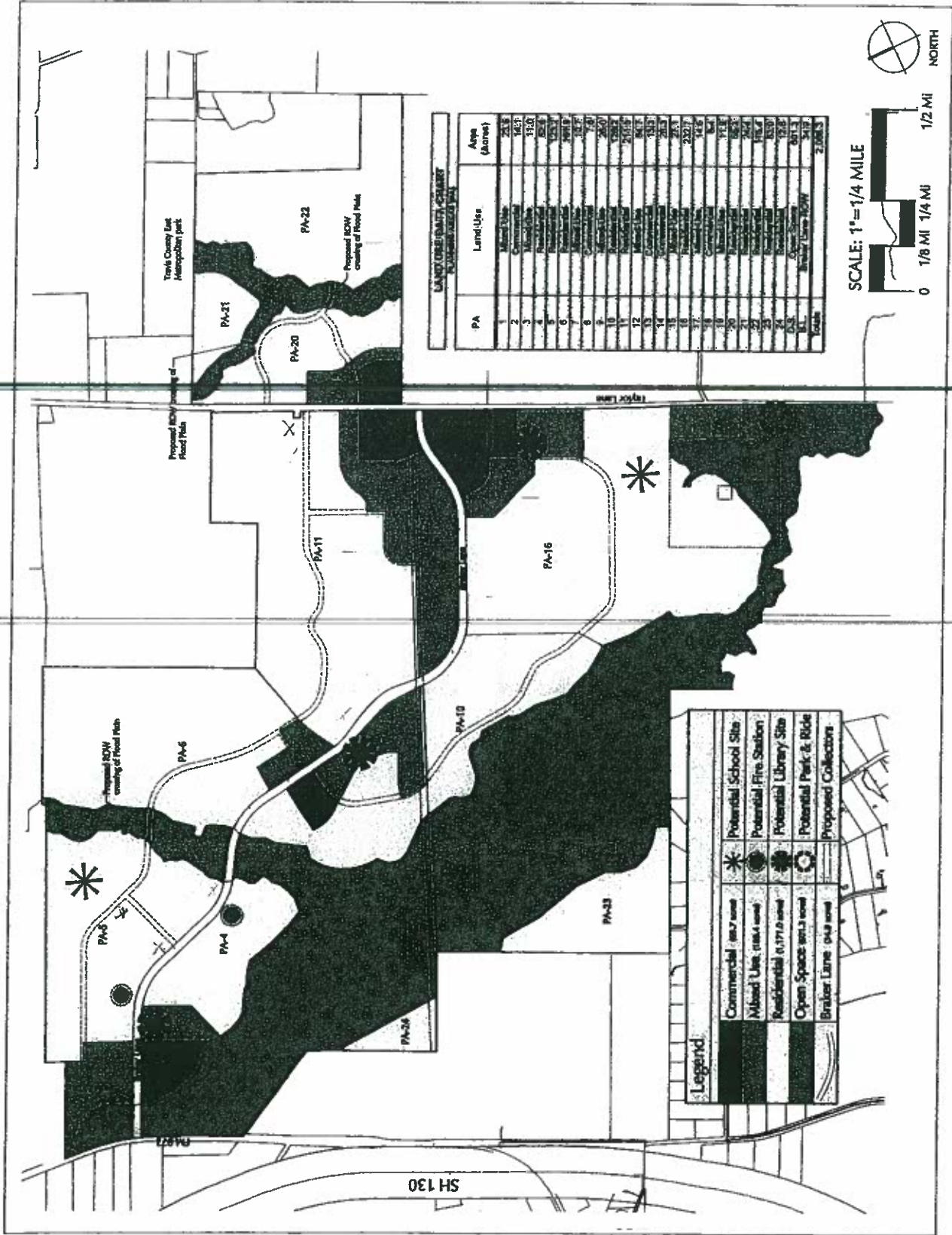
Notes:

Submitted Date:

03-25-2010



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MEMORANDUM

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

FROM: Keith Mars, Environmental Review Specialist Senior
Planning and Development Review Department

DATE: May 5, 2010

SUBJECT: Summary of Environmental Exceptions Requested by the Whisper Valley PUD - C814-2009-0094

This summary is being provided to the Zoning and Platting Commission as a supplement to the overall Planning and Development Review recommendations for the Whisper Valley PUD. The following is a description of the environmental aspects and considerations that have been addressed during Environmental Review of the proposed PUD, including proposed exceptions to the environmental code requirements that have been requested. These recommendations are to be considered in the overall context of the Planning and Development Review recommendations for this project.

Description of Project

The Whisper Valley PUD proposes a mixed-use development, including commercial, retail, office, and mixed residential on a 2,065 acre tract in eastern Travis County in the City's extra-territorial jurisdiction. The applicant, Taurus Development, is concurrently requesting limited purpose annexation, Planned Unit Development (PUD) zoning and creation of a Public Improvement District (PID) on the property. The project is situated near SH 130 and FM 973 in the City's Desired Development Zone. Braker Lane is proposed to be extended as the main thoroughfare within the project area.

Description of Property

The proposed Whisper Valley PUD is located in the Gilleland Creek and Colorado River Watersheds, both are classified as suburban. The tract is currently undeveloped and the land use is agricultural with early successional mesquite scrubland, scattered upland woodlands, and riparian woodlands in the

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floodplain areas along Gilleland Creek. Gilleland Creek traverses the south and southwestern portion of the tract. Gilleland Creek is a major waterway and there is a large floodplain associated with the creek. Environmental gradients vary from agricultural use to woodlands in the riparian areas. There are also unnamed and unclassified tributaries of Gilleland Creek within the property boundaries.

Existing Topography/Soil Characteristics/Vegetation

The site elevation ranges from 450 to 560 feet above mean sea level. The topography is characterized by moderate to steep sloping hills incised by Gilleland Creek and its tributaries. The steeper sloped areas are generally associated with the creekbanks.

The soils on the property are deep clay with seven soil series including, Altoga Series, Burleson Series, Ferries Series, Heiden Series, Hornsby Series, Houston Black Series, and Trinity Series.

The project site is located in the Silver Bluestem-Texas Wintergrass grassland vegetation region. However, much of the site has been modified by agricultural uses, and thus the site land cover is pastureland, successional mesquite shrubland, riparian woodlands, and scattered upland woodlands.

Critical Environmental Features/Endangered Species

There are 13 wetland critical environmental features that have been identified within the project boundaries. Seven of the wetlands are proposed to be preserved while six are to be mitigated. The six wetlands to be mitigated are upland stock ponds, and the basin of some of these ponds will be converted into wet ponds for water quality facilities.

Water/Wastewater

Water and wastewater service are proposed to be provided by the City of Austin.

Environmental Exception Request

The five environmental exceptions requested for this project are:

- **LDC 25-8-262(B)(1) (Critical Water Quality Zone Street Crossings)**
Allow for an arterial or collector street to cross a major critical water quality zone in four locations regardless of if it is identified in the Transportation Plan. The crossings are needed for connectivity between development areas while, in some cases, also protecting the unclassified waterways. Staff has determined that the proposed exception is justified in order to provide for connectivity between development areas while also preserving floodplain areas and protecting headwater areas
- **LDC 25-8-262(B)(2)(a) (Critical Water Quality Zone Street Crossings)**
Allow for an arterial or collector street to cross an intermediate waterway critical water quality zone within 2,500 feet on the same waterway in 4

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locations. The crossings are needed for connectivity between development areas while, in some cases, also protecting the unclassified waterways onsite. Staff has determined that the proposed exception is justified in order to provide for connectivity between development areas while also preserving floodplain areas and protecting headwater areas

- **LDC 25-8- 301/302 (Construction on Slopes)**

Allow for an exception to the requirements of 25-8-42 (Administrative Variances), to allow for the Director to grant a variance from the requirement of 25-8, Subchapter A, Article 7, Division 3 (Construction on Slopes). Staff has determined that site plan or final plat specific information is needed to assess administrative variances for cut/fill up to 8'.

- **LDC 25-8-394 (C) (Suburban Watershed Uplands Zone)**

Allow for development intensity to be transferred allowing for maximums of 65% for single family or duplex, 70% for multifamily residential and 90% for commercial uses. This option presents a better tool to track impervious cover rather than accounting for transfers on an individual site plan or final plat basis. Staff has determined that the proposal does not increase overall impervious cover on the project and results in less impervious cover than what could be developed with standard zoning.

- **LDC 25-8-604 (Development Application Requirements and Section 3.0 of the ECM - Tree Survey)**

Allow for mesquite trees in the ROW area that are 8" and larger to be cataloged only (not surveyed). The mitigation for each cataloged mesquite will be a 2" replacement tree. Areas outside of the ROW will be surveyed at site plan and will comply with code. Staff has determined that given the successional state and extent of the mesquite scrubland, a standard assumption of 8" and mitigation of 2" is appropriate and will result in the same or greater mitigation if done on a individual tree assessment.

Recommendations

Staff from the Planning and Development Review department has worked with the applicant to provide additional benefits in site development as support for the proposed PUD:

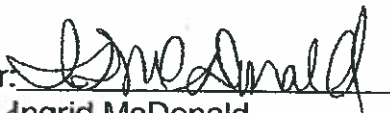
- Work with staff during subdivision and site plan review to locate the CWQZ street crossings such that environmental impacts are minimized and CEFs are avoided;
- Provide open space beyond minimum PUD requirements;
- Provide tributary headwaters protection for unclassified waterways draining less than 320 acres;

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- All landscaping to be accomplished with native plant material from COA Grow Green Guide;
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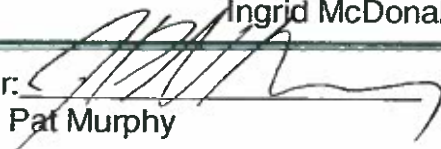
If you need further details, please contact Keith Mars at 974-2755.

Keith Mars, Environmental Review Specialist Senior
Planning and Development Review

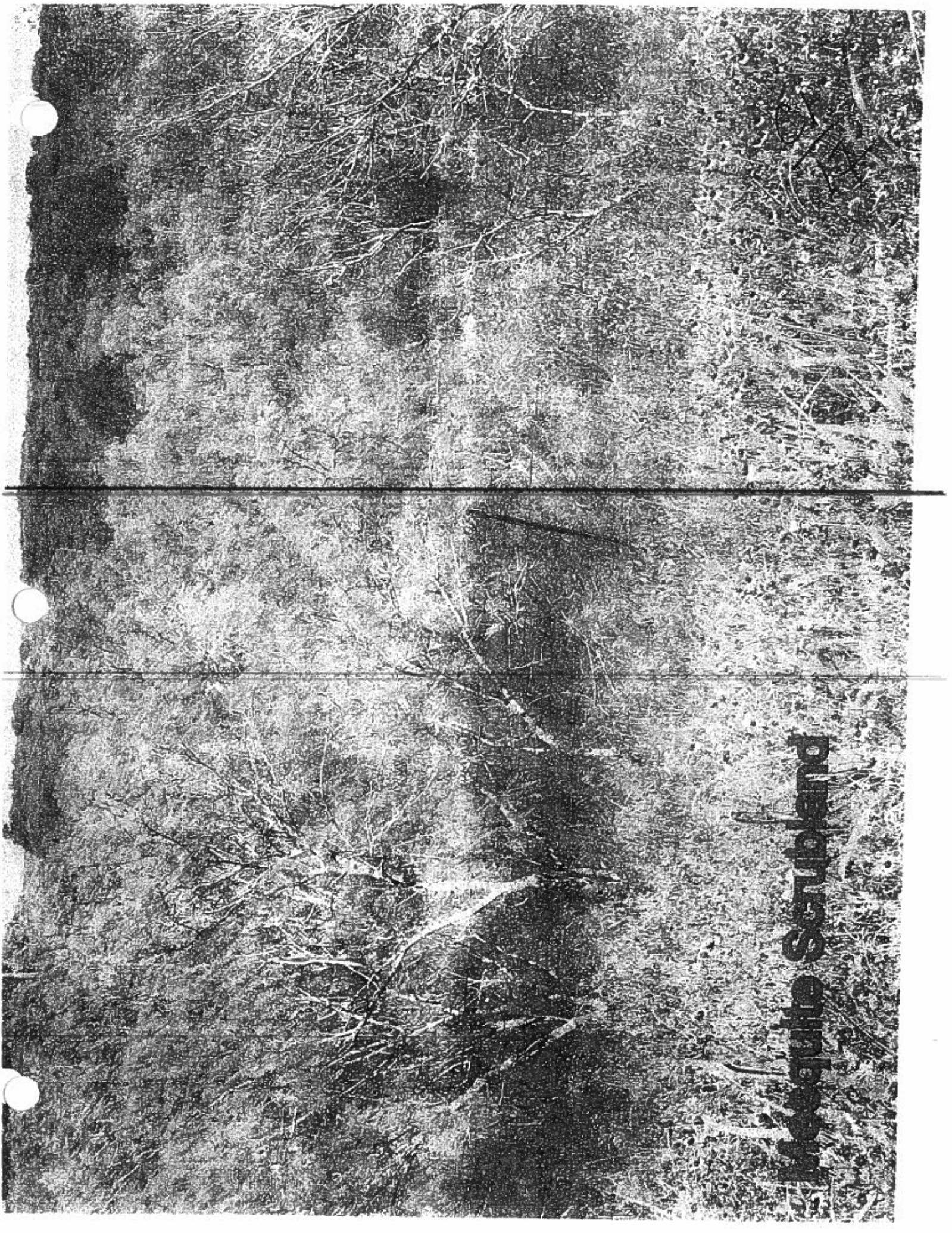
Environmental Program Coordinator:


Ingrid McDonald

Environmental Officer:


Pat Murphy

Prosopis Scrubland





A black and white photograph of a dense forest. Sunlight filters through the canopy, creating a dappled light effect on the ground and foliage. The trees are mostly deciduous, with some bare branches visible. The overall scene is a lush, wooded area.

Upland Woodlands

Agriculture

WHISPER VALLEY PUD – C814-2009-0094
Basis for Superiority and Recommendation

Item	Code Requirement	PUD Proposal	Superiority
General	PUD: Tier1A - Meet the objectives of the City Code PUD: Tier1B - Provide for development standards that achieve equal or greater consistency with general PUD intent and exceed standard Code regulations	- Providing for environmental, transportation, community, design and regional goals that meet or exceed Code standards. - Providing for preservation of the natural environment, encouraging high quality development and ensuring adequate public facilities.	- Meets the Code objectives by providing for preservation of the natural environment, encouraging high quality mixed use along SH130 with public facilities and services. - Meets or exceeds Code standards by implementing goals to preserve the natural environment, and encourage high quality pedestrian friendly development and innovative design.
Open Space/Parkland	PUD Tier 1C - Provide open space at: 10% Residential 15% Industrial 20% Commercial Commercial Design Standards 2% Open Space	- Providing for 700 acres of open space provided for public and private parkland and other open space areas - Approximately 35% open space provided	- Providing for significant open space beyond requirement (35%) - Providing for public and private parkland amenities exceeding standard requirement (131 dedicated acres provided and 91 acres required)

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Green Building Program	PUD Tier 1D ▪ Comply with Green Building Program	1. Providing for 2-Star Green Building	▪ Meeting Green Building regulations
Neighborhood Plans and Historic Compatibility	PUD Tier 1E ▪ Be consistent with neighborhood plans, historic and surrounding uses	1. No neighborhood plans or historic landmarks or areas exist within or surrounding the PUD. The mix of uses and open space provides for compatibility with surrounding uses.	▪ Meeting requirements of compatibility with adjacent land uses.
Water Quality /Environmental	PUD Tier 1F ▪ Provide for environmental preservation Sed/Fill Pond ▪ Standard water quality requirement	1. Preserving headwaters of Giffel Creek in natural state; 2. Preserving critical flood zone areas and headwaters draining between 320 and 64 acres 2. Protecting a network of drainage tributaries that feed Giffel and Creek for use as linear natural parks 3. Use of alternative water quality controls	▪ Providing preservation requirements for headwaters beyond 320 acre standard requirement ▪ Providing linear natural parks ▪ Protecting tributaries ▪ Using alternative water quality controls in addition to sed/fill
Public Facilities	PUD Tier 1 G ▪ Provide for public facilities and services	1. Providing for potential sites for public facilities including donation for a fire station, reservation of school sites and library	▪ Providing for multiple public facilities throughout the PUD
Grow Green Landscaping	PUD Tier 1H ▪ Exceed minimum landscaping requirements	1. Providing for landscaping in accordance with the City's Grow Green Program	▪ Applying Exhibit C, Grow Green Native and Adapted Landscape Plants List and Exhibit C-1, Invasive Species/Problem Plants List when not required
Connectivity	PUD Tier 1i ▪ Provide appropriate transportation connections and mitigate impacts	1. Providing for an extensive network of roads, bicycle lanes, trails and sidewalks connecting commercial, residential and open space areas 2. Providing for alternative street standards in an urban network pattern	▪ Providing for more urban, connected networks of transportation options and designs beyond standard requirements ▪ Providing for Urban Roadway Standards for tree placement in certain roadway standards when not required

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Gated Roadways	Commercial Design Standards	Suburban Standards	3. Providing for trees in planning zone for certain roadway standards 4. Providing for building placement on a certain road standard	Providing for Core Transit Corridor or Urban Standards for building placement on a certain roadway when not required.
	PUD Tier 1J	Gated Roadways Prohibited	1. Potential gating will only be allowed south of Gilleland Creek and east of Taylor Lane	Gating is largely prohibited except in isolated development areas
	Architectural, historical, cultural and archaeological areas	PUD Tier 1K	1. No known structures of architectural, historical, archaeological or cultural significance exist within the PUD	N/A
PUD Size and Uniqueness	PUD Tier 1L	10 acre size unless special issues	1. PUD encompasses 2,000 acres	Exceeding the size requirement
	Commercial Design Standards	PUD Additional Tier	1. PUD will comply with Suburban Standards of Subchapter E 2. PUD provides for some aspects of Core Transit or Urban Roadway standards with certain roadway sections	The PUD annexation will require compliance with Commercial Design Standards at the Suburban Roadway standard and at Core Transit Corridor or Urban Standards when not required
Open Space/Parkland	PUD Tier 2	Provide 10% above minimum or enhancements to trails and open space	1. Providing for 700 acres of open space provided for public and private parkland and other open space areas 2. Approximately 35% open space provided 3. Providing for extensive trails and amenities throughout parkland 4. Providing for clustering of development to preserve open space 5. Connecting parkland network to adjacent Travis County East Metro Park	- Providing for significant open space beyond requirement (35%) - Providing for public and private parkland amenities exceeding standard requirement (131 dedicated acres provided and 91 acres required) - Providing for clustered development - Providing for regional access to existing regional parks and networks
	Commercial Design Standards	2% Open Space		
Environment	PUD Tier 2	Provide various environmental options	1. Providing for alternative water quality controls that exceed code 2. Providing for clustered impervious cover to preserve environmentally	- Preserving headwaters and tributaries with clustered development when not required by Code. - Prohibiting pollutant uses

			3.	sensitive areas Prohibiting coal tar based sealants, biocides, dumping and storage tanks that may contribute to air or water quality pollutants	Providing for alternative water quality controls
Community Amenities	PUD Tier 2 Provide for various community services	1.		Providing for extensive community and public amenities both within the parkland/open space and within the residential and commercial tracts	Providing for community amenities throughout the PUD
Transportation	PUD Tier 2 TIA Improvements and bicycle connectivity	1. 2. 3.		1. Providing for major extension of Braker Lane through PUD 2. Providing transportation fee for overall regional solution vs standard pro-rata 3. Providing for bicycle connections and shower facilities for office development	- Providing for a regional transportation fee which exceeds the standard pro rata fiscal - Providing for extension of roadways when not required - Providing for bicycle connections and shower facilities per Bicycle Master Plan when not required by Code - Providing for significant improvements to existing and future intersections and roads in the area
Affordable Housing	PUD Tier 2 Provide for affordable housing onsite or in programs	1. 2.		1. Providing for 10% at 60% MFI for rental housing 2. Providing for 10% at 80% MFI for owner occupied housing	Providing for affordable housing with specific targets for compliance
Integrated Pest Management Plan	Required only in DWPZ	1.		IPM Plan to be provided	Applying an IPM Plan when not required in DDZ
New PUD Ordinance Summary		1. 2. 3.		1. Meets 12 of 12 applicable Tier 1 items 2. Meets 2 of 3 Tier 1 additional items 3. Meets 5 of 13 Tier 2 sections (see detail below)	Meeting the majority of the new PUD ordinance items of superiority

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The Whisper Valley PUD is meeting and/or exceeding the following Tier items:

Tier 1 (2.3.1) – Meeting/exceeding 12 of 12 items

- a) Meet the objectives of the City Code
 - The PUD meets the objectives of the City Code by providing for preservation of the natural environment, encouraging a high quality mixed-use development along the SH 130 preferred growth corridor and innovative design and ensuring adequate public facilities and services in a development that achieves greater standards than required by Code.
- b) Provide for development standards that achieve equal or greater consistency with the goals in Section 1.1 than development under the regulations in the Land Development Code:
 - The PUD will provide for development standards that achieve and in some areas exceed the standard goals and Code regulations by implementing goals to preserve the natural environment, encourage high quality pedestrian friendly development and innovative design and ensuring adequate public facilities and services.
- c) Provide for a total amount of open space that equals or exceeds 10 percent of the residential tracts, 15 percent of the industrial tracts and 20 percent of the nonresidential tracts within the PUD, except that a detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity, and 2) the required percentage of open space may be reduced for urban property with characteristics that make open space infeasible if other community benefits are provided:
 - The total amount of open space in the PUD will greatly exceed the standard percentages required by providing a minimum of 700 acres of public and private parkland and other open space areas, therefore at least 38% of the 2,000 acres will be open space.
- d) Comply with the City's PUD Green Building Program:
 - The PUD intends to comply with the City's PUD Green Builder Program at a 2 Star level.
- e) Be consistent with applicable neighborhood plans, neighborhood conservation combining district regulations, historic area and landmark regulations, and compatible with adjacent property and land uses:
 - The mix of uses and open space proposed is compatible with surrounding and adjacent property and no historic areas, landmarks or neighborhood plans exist in this area.

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- f) Provide for environmental preservation and protection relating to air quality, water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, waterways, topography, and the natural and traditional character of the land:
- The proposed project will preserve a substantial amount of land along Gilleland Creek in its natural state as well as a major drainage corridor on the east side of Taylor Lane. The project is being designed with a total integration of open space and community. The amount of land being preserved will exceed the amount of open space required with a network of parks, trails, and general open space.
- g) Provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service and police facilities:
- The PUD designates potential sites for public facilities that includes a donation for a fire station and reservation for school sites and a library as a part of the master plan.
- h) Exceed the minimum landscaping requirements by the City Code:
- The PUD exceeds the Code by applying Exhibit C, Grow Green Native and Adapted Landscape Plants List and Exhibit C-1, Invasive Species/Problem Plants List when not required.
- i) Provide for appropriate transportation and mass transit connections to areas adjacent to the PUD and mitigation of adverse cumulative transportation impacts with sidewalks, trails and roadways.
- The project is located along SH 130, a road that was designed with the idea of directing significant amounts of Austin's future growth to the area. The project also includes a major extension of Braker Lane to move traffic in and out of the area. The project includes an extensive trail, sidewalk and roadway systems throughout to encourage a walkable community. Finally, the PUD also provides for a park and ride location to encourage future mass transit.
- j) Prohibit gated roadways:
- The PUD will largely be an ungated community within the principle areas however, the potential for gating may be allowed south of Gilleland Creek and east of Taylor Lane where isolated development islands occur.
- k) Protect, enhance and preserve areas that include structures or sites that are of architectural, historical, archaeological, or cultural significance:

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- There are no known structures or sites of architectural, historical, archaeological or cultural significance within the PUD area.
- 1) Include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints:
 - The PUD includes a land area of 2,000 acres.

Additional Tier 1 (2.3.2) – Meeting/exceeding 2 of 3 items

- a) Comply with Chapter 25-3, Subchapter E (Design Standards and Mixed Use):
 - The PUD will comply with the suburban standards of the Subchapter E as exists today. In addition, the proposed compatibility standards have design regulations incorporated.
- c) Inside the urban roadway boundary depicted in Figure 2, Subchapter E, Chapter 25-2 (Design Standards and Mixed Use), comply with the sidewalk standards in Section 2.2.2, Subchapter E, Chapter 25-2 (Core Transit Corridors, Sidewalks and Building Placement)
 - Not Applicable – the PUD is within the Suburban Roadway boundary. However, certain roadway standards will incorporate trees and building placement at either Core Transit Corridor or Urban Roadway standards.
- c) Contain pedestrian-oriented uses as defined in Section 25-2-691(C) (Waterfront Overlay District Uses) on the first floor of a multi-story commercial or mixed use building:
 - Portions of the project are intended to include this type of mixed use development.

Tier 2 (2.4) – Meeting 6 of 13 applicable items
Open Space

Provides open space at least 10% above the requirements of Section 2.3.1. A (*Minimum Requirements*) Alternatively, within the urban roadway boundary established in Figure 2 of Subchapter E of Subchapter 25-2 (Design Standards and Mixed Use), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department.

- The PUD will provide for open space that exceeds the minimum requirements by providing a minimum of 700 acres of public and private parkland and other open space areas. Therefore, at least 35% of the 2,000

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acres will be open space. In addition, a portion of the public parkland makes a direct connection to the existing Travis County East Metro Park.

Environment

Does not request exceptions to or modifications of environmental regulations. Provides water quality controls superior to those otherwise required by code. Uses innovative water quality controls that treat at least 25 percent additional water quality volume and provide 20 percent greater pollutant removal, in addition to the minimum water quality volume required by code. Provides water quality treatment for currently untreated, undeveloped off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code. Provides minimum 50-foot setback for unclassified waterways with a drainage area of five acres or greater. Provides at least a 50 percent increase in the minimum waterway and critical environment feature setbacks required by code. Clusters impervious cover and disturbed areas in a manner that preserves the most environmentally sensitive areas of the site that are not otherwise protected. Provides pervious paving for at least 50 percent or more of all paved areas in non-aquifer recharge areas. Prohibits uses that may contribute to air or water quality pollutants.

- The Whisper Valley PUD is superior in that it will preserve a substantial amount of land associated with Gilleland Creek in its natural state, and a major drainage corridor on the east side of Taylor Lane. In addition to the preservation of critical flood zone areas and protection of headwaters draining between 320 and 64 acres and a network of drainage tributaries that feed the creek will be protected and used as linear natural parks. The amount of land being preserved in association with the creeks will exceed the amount of open space typically required. In addition, within the development areas, a network of parks, trails, and general open space will be provided increasing the overall amount of open space provided.

Community Amenities

Provides community or public amenities, which may include spaces for community meetings, day care facilities, non-profit organizations, or other uses that fulfill an identified community need.

- The PUD intends to provide for extensive community and public amenities such as parks and, open space with community centers.

Transportation

Provide bicycle facilities that connect to existing or planned bicycle routes or provides other multi-modal transportation features not required by code.

22/C

- The PUD is located along SH130 and the Braker Lane extension where multimodal infrastructure and density is encouraged. The PUD intends to provide for an extensive trail and alternative roadway network that will connect to roadways and sidewalks where bicycle lanes are anticipated to be constructed per the Bicycle Master Plan. In addition, a park and ride is provided for future transit and alternative road designs such as traffic circles are proposed to enhance traffic flow.

Affordable Housing

Provides for affordable housing or participation in programs to achieve affordable housing.

- The PUD intends to provide for affordable housing at a level of 10% at 60% MFI for rental housing and at a level of 10% at 80% MFI for owner occupied housing.

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Whisper Valley PUD
C814-2009-0094
Conditions for Zoning Ordinance

Open Space and Parkland

1. Pursuant and subject to Section 3.08(b) of the Development Agreement, the developer shall provide for 700 acres of open space throughout the PUD.
 2. The proposed private open space will be provided at a level of 10 acres of open space for every 500 single-family lots platted.
 3. Pursuant and subject to Section 3.08(a)(1) of the Development Agreement, parkland dedication requirements for the PUD is fulfilled up to a total of 9,028 residential units combined with the Indian Hills project. Additional parkland dedication and/or fees will not be required unless that total number of units is exceeded.
-
4. Pursuant and subject to Section 3.08 of the Development Agreement, the owner shall provide for community amenities within the open space and parkland areas of the PUD as outlined in an agreement with the Parks and Recreation Department and recorded in Document Number ____.
 5. Development within the open space portions of the PUD to be publicly dedicated is limited to 27.21 acres of impervious cover as indicated on the Net Site Area Exhibit attached as Exhibit ____.
-
6. Development of a park and ride/transportation terminal use within the open space areas of the PUD is limited to four (4) acres of impervious cover over 5 acres.
 7. Pursuant and subject to Section 3.08(f) of the Development Agreement, permitted activities within the open space to be publicly dedicated are outlined in the agreement with the Parks and Recreation Department recorded in Document Number ____.
 8. Pursuant and subject to Section 3.08(e) of the Development Agreement, additional uses prohibited in the Open Space areas of the PUD include: the use of biocides, dumping and storage tanks.

Environmental

9. Pursuant and subject to Section 3.06 of the Development Agreement, development in the PUD shall comply with requirements of the Austin Energy PUD Green Building Program (GBP) rating system for a minimum two-star

rating. Certification from the GBP shall be required based on the version of the rating system in accordance with the Austin Energy Green Building Program Rating Packets included in Exhibit ___, as amended from time to time throughout build out. (ZAP)

10. Pursuant and subject to Section 7.05 of the Development Agreement, each site plan filed for open space, commercial and multifamily development shall use plant material recommended in Exhibit __ (the City of Austin Grow Green Native and Adapted Landscape Plant Guide).
11. Pursuant and subject to Section 7.03 of the Development Agreement, each site plan application filed for commercial, mixed use, multifamily residential or open spaces areas in the PUD, the owner shall submit to the Director for approval an integrated pest management (IPM) plan for the site that complies with Section 1.6.9.2(D) and (F) of the Environmental Criteria Manual.
12. Pursuant and subject to Exhibit J of the Development Agreement, the developer of the PUD will plant a sufficient number of trees such that at ultimate maturity of the trees planted, the tree canopy for the entire site will be equal to or greater than the tree canopy existing on the effective date of the Development Agreement (June 18, 2009).
13. Pursuant and subject to Exhibit J of the Development Agreement, the developer of the PUD will use wet ponds, bio-filtration systems and other similar innovative water quality controls instead of traditional water quality controls when commercially reasonable and cost effective.
14. Pursuant and subject to Section 7.01 and Exhibit J of the Development Agreement, the developer of the PUD will utilize the headwater areas of Gilleland Creek to further treat runoff, and therefore enhance water quality. This will be accomplished primarily by protecting a majority of the headwater areas on the site as identified in Exhibit _____. For purposes of this project, headwaters are deemed to be those areas draining between 320 and 64 acres. Permitted development in the headwater drainage areas will include roadway crossings, utility crossings and water quality facilities.
15. Thirteen (13) Critical Environmental Features (CEF's) are identified in the PUD. Seven (7) of the CEF's will be preserved with a 150 foot setback as required by Code and identified on Exhibit _____. Six (6) CEF's will be mitigated according to the Environmental Criteria Manual (ECM) Section 1.3.0(B)(1)(f)(3, 4, 5, or 6).

Notwithstanding the above, the setbacks referenced may (at the City's discretion) be further reduced provided that appropriate mitigation is made. Notwithstanding anything in the ECM, pedestrian facilities (i.e. trails and associated facilities) may be allowed within the required setbacks set forth above if approved by the City at its discretion. Fencing of setbacks shall not be required.

16. Pursuant and subject to Section 7.04 of the Development Agreement, notwithstanding Section 3.04 of the Development Agreement, the use of tar sealants or other pavement sealants in the PUD are prohibited.
17. Pursuant and subject to Section 8.01(b) of the Development Agreement, any private street developed within the PUD will be treated as a "roadway" for purposes of Sections 25-8-341 (Cut Requirements) and (Fill Requirements) of the Land Development Code. Street design and construction of streets, alleys and pedestrian paths may be designed and constructed in accordance with the Standards Criteria Manual, the Standard Specifications Manual or the standards to be set forth in the PUD.

Public Facilities

18. Pursuant and subject to Section 3.05(c) of the Development Agreement, the developer shall provide for public facilities and services within the PUD with the reservation of one (1) site of not more than five (5) acres for a Transit Center/Transportation Terminal as shown on the Land Use Plan.
19. Pursuant and subject to Section 3.05(d) of the Development Agreement, the owner shall provide for public facilities and services within the PUD with the reservation of two (2) sites for either Public Primary or Public Secondary Schools as shown on the Land Use Plan.
20. Pursuant and subject to Section 3.05(e) of the Development Agreement, the owner shall provide for public facilities and services within the PUD by dedicating one (1) two (2) acre site for a fire station. The owner shall temporarily provide land adjacent to the fire station site (not to exceed 1 acre) if required by the City of Austin to facilitate the concurrent dissembling of the ESD Fire Station and construction of the City of Austin Fire Station. The fire station site is shown on the Land Use Plan and will be dedicated no later than the approval of the final plat for the phase in which the fire station site is located as shown on the Land Use Plan. Other terms and conditions are outlined in an agreement between the City of Austin Fire Department and the Travis County Emergency Services District #12.
21. Development of the initial fire station site for the Travis County Emergency Services District #12 (ESD) and the future City of Austin Fire Station shall follow the Covenants, Conditions and Restrictions (CCR's) recorded by the developer of the PUD and shall not be required to follow the City of Austin's Commercial Design Standards.

22. Pursuant and subject to Section 3.05(f) of the Development Agreement, the owner shall provide for public facilities and services within the PUD with the reservation of one (1) site for a library as shown on the Land Use Plan.

Density Bonus and Affordable Housing Program

23. A. Pursuant to Section 3.14 of the Development Agreement, the developer shall set aside at least 10% of the owner occupied residential units within the PUD for occupancy by households whose income is less than 80% of the median family income in the Austin metropolitan statistical area ("Affordable Ownership Requirement"). Affordable housing provided under this section cannot be used to meet affordable housing requirements for a Vertical Mixed Use bonus or exception and vice-versa.

B. The Affordable Ownership Requirement for condo-style projects shall be based on number of units and calculated on a condo project-by-condo project basis. Condo style projects shall follow the same multi-bedroom unit requirements as are set forth for apartments in subparagraph (b) above. For other forms of single family housing (either attached or detached), affordability shall also be calculated based on the number of units and, to the extent economically feasible, shall be spread across the various product types within the PUD. Although there shall be no requirement that each project or plat within the PUD contain a specific number of affordable units, the Developer shall be responsible for ensuring that ultimately the entire PUD contains the requisite number of affordable ownership units. The Developer shall report to the Director of the Neighborhood Housing Community Development on the status of the number and location of affordable ownership units within the PUD on a semi-annual basis commencing on the date the first plat is recorded.

C. Notwithstanding the foregoing, if the Developer provides more affordable units in any given apartment project than the ten percent (10%) required per Section 23B of this Ordinance, then the number of units required to meet the Affordable Ownership Requirement in the PUD shall be reduced (i) on a 1.5:1 ratio for up to three percent (3%) of the ten percent (10%) Affordable Ownership Requirement for the PUD; and (ii) on a 4:1 ratio for up to an additional two percent (2%) of the ten percent (10%) Affordable Ownership Requirement for the PUD. Provided however, in no event shall the number of units required to meet the Affordable Ownership Requirement in the PUD be reduced below five percent (5%) of total ownership units through the method described above.

24. A. Pursuant to Section 3.14 of the Development Agreement, the developer shall set aside at least 10% of the rental units for multifamily residential within the PUD for occupancy by households whose income is less than 60% of the median family income in the Austin metropolitan statistical area ("Affordable Rental Requirement"). Affordable housing provided under this section cannot be used to

meet affordable housing requirements for a Vertical Mixed Use bonus or exception and vice-versa.

B. The Affordable Rental Requirement shall be based on number of units and calculated on an apartment project-by-apartment project basis. The number of single and multi-bedroom units that are affordable shall coincide with the ratio of total single and multi-bedroom units for the applicable project. For example, if you have a three hundred (300) unit apartment complex and one hundred (100) units are multi-bedroom units, then thirty (30) units will be required to meet the Affordable Rental Requirement and ten (10) units out of those thirty (30) units must be multi-bedroom units. The affordable units within any given apartment project shall be interspersed with market rate units.

Transportation and Bicycle Plan

25. The PUD shall provide internal bicycle routes for access and continuity to existing or planned bicycle routes as identified in the Austin 2020 Bicycle Plan as of the effective date of this ordinance for the following routes:

- a. Segment #71.05 –FM 973N from US 290 E to FM 969;
- b. Segment #14.24-New road from FM 973 to Taylor Lane;
- c. Segment #77.05-Taylor Lane from Blake Manor to FM 969; and
- d. Segment #971.14-Gilleland Creek Greenway from FM 973 to FM 969

26. Bicycle parking spaces shall be required at 5% of required motor vehicle parking. At least half the total spaces shall be either (a) Class I racks/parking spaces as defined in the City Transportation Criteria Manual or (b) spaces in a locked bicycle storage room with a means to secure individual bicycles within the room. Review and approval of bicycle parking placement by the City of Austin Bicycle Program or any successor program is required prior to site plan approval.

27. A building containing one or more office uses that total 25,000 square feet or more shall include shower facilities for bicycle riders. Such a building containing more than 25,000 square feet, but less than 50,000 square feet of office uses shall provide one private unisex facility. A building containing more than 50,000 square feet, but less than 100,000 square feet of office uses shall provide one private facility for each gender. A building containing more than 100,000 square feet, but less than 500,000 square feet of offices uses shall provide private shower facilities with two showers for each of both sexes. A building containing more than 500,000 square feet of office uses shall provide private shower facilities with three showers for each of both sexes. The facilities shall be separate from the office toilet facilities and include an area for changing clothes and storing personal items. The facilities may be located outside of the building in a common area accessible to all buildings subject to this requirement. The shower facilities shall also be provided if the office building includes retail uses as well, but in such mixed use facilities there is no requirement that the showers be accessible to anyone other than the office and retail employees of the building.

28. A publicly accessible 12-foot wide trail generally following the alignment shown on Appendix J of the 2009 Austin Trails Master Plan will be located within the designated public open space areas of the PUD and will be dedicated at such time as the parkland is dedicated to the City of Austin.
29. Pursuant and subject to Section 8.01(b) of the Development Agreement, private streets developed within the PUD shall be treated as "roadways" for the purposes of Sections 25-8-341 (Cut Requirements) and (Fill Requirements) of the Land Development Code.
30. Pursuant and subject to Section 8.01(c) of the Development Agreement, alternative street standards including street tree and building placement are attached as Exhibits _____. The street standards were approved by the Travis County Commissioners Court on December 15, 2009.
31. A site plan or building permit may not be approved, released, or issued, if the completed development or uses in the PUD, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the PUD specified in that certain Traffic Impact Analysis ("TIA") prepared by Bury + Partners, Inc., dated _____, or as amended and approved by the Director. All development in the PUD is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Planning and Development Review Department dated _____ and the Phasing Agreement recorded as Document Number _____. The TIA shall be kept on file at the Planning and Development Review Department.
-
32. Pursuant to Section 8.02 of the Development Agreement, driveways and curb cuts shall be permitted from every lot within a single-family residential area. Notwithstanding the foregoing, driveways and curb cuts to public rights-of-way maintained by the Texas Department of Transportation may be subject to driveway and access standards established by the Texas Department of Transportation. The City may prohibit certain driveways and curb cuts if such driveways and curb cuts create a traffic safety hazard.
33. Two Lane Collectors shall be contiguous in both directions throughout the project. (ZAP)
34. Right-of-way (ROW) shall be set aside in two unspecified locations to provide connective to the north of the PUD. ROW will be dedicated at the time of platting. (ZAP)
35. Three sections of right-of-way (ROW) shall be dedicated along both sides of Braker Lane to accommodate busses pulling off without stopping traffic. ROW will be dedicated at the time of platting. (ZAP)

36. All internal street sections must comply with the proposed alternative street sections (Exhibit ____) or the Transportation Criteria Manual (TCM) with collectors containing bicycle lanes. (ZAP).

Signage

37. The owner shall have the right to install and maintain project identity signage within the open space as outlined in the agreement with the Parks and Recreation Department recorded in Document Number ____.

38. Signage within the Commercial District of the PUD shall be governed by the requirements set forth in the Commercial Sign District of the City Code. Signage within the Mixed Use and Residential Districts shall be governed by the requirements set forth in the Neighborhood Commercial Sign District of the City Code.
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39. Notwithstanding Section 25-10-102 of the City Code or any other provision in the City Code which prohibits off-premise signage, the PUD shall be allowed to have Directional Signage. Directional Signage shall be located adjacent to an Arterial for the purpose of permitting signage for projects and/or developments that do not directly front on an Arterial. The directional signage shall be in addition to the signage allowed pursuant to City Code. The following criteria shall apply to Directional Signage:
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- (1) No more than one (1) Directional Sign shall be allowed per lot;
- (2) A Directional Sign shall not be located within one hundred feet (100') of On-Site Signage and within five hundred feet (500') of another Directional Sign;
- (3) Each Directional Sign shall be located within a private easement;
- (4) Where practical, the Directional Signage shall be combined into On-Site Signage that advertises multiple tenants/users. If any On-Site Signage contains Directional Signage, such signage shall comply with the requirements applicable to On-Site Signage and not the Directional Signage Criteria;
- (5) The maximum height for each Directional Sign may not exceed 12 feet;
- (6) The maximum area per sign for each Directional Sign shall be the lesser of: (a) 0.4 square feet for each linear foot of street frontage; or (b) 64 square feet;
- (7) The minimum setback from right-of-way for each Directional Sign shall be twelve (12) feet, or at least 25 feet from street pavement or curb in the right-of-way, whichever setback is the lesser distance from the street;
- (8) Internal lighting of the Directional Signage is prohibited, except for the internal lighting of individual letters; and

- (9) A spotlight on a Directional Sign or exterior lighting of a Directional Sign must be concealed from view and oriented away from adjacent properties and roadways.

Note: Items 5-9 are Scenic Roadway Standards

Continuation of Existing Uses and Activities

36. Pursuant and subject to Section 3.03 of the Development Agreement, the following land uses and activities that currently exist within the PUD as of the date of this ordinance shall be allowed to continue operating in the same manner, upon limited purpose annexation of the PUD, as applicable, into the City: (i) agricultural (including without limitation, ranching and farm uses); and (ii) hunting. Hunting within the PUD shall be prohibited after issuance of the first building permit for any part of the PUD.

Controlling Ordinances, Manuals and Rules

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37. The provisions of Section 3.04 of the Development Agreement shall be applicable to the PUD.
-

Code Modifications

In accordance with the regulations in the City Code for a PUD, the following regulations either do not apply to the PUD or apply to the PUD instead of otherwise applicable City regulations.

A. Zoning

1. Within the boundaries of the PUD, Chapter 25-3, Subchapter C Article 10 (Compatibility Standards) of the City Code does not apply as such regulations are controlled by Exhibit ____ of this ordinance.
 2. Section 25-2-243 (Proposed District Boundaries Must Be Contiguous) of the City Code does not apply to the PUD.
 3. Section 25-2-491 (Prohibited, Permitted and Conditional Uses) does not apply to the PUD, except as modified under Exhibit ____ of this ordinance.
 4. Section 25-2-492 (Site Development Regulations) of the City Code does not apply to the PUD, except as modified under Exhibit ____ of this ordinance.
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B. Subdivision

1. Section 25-4-33(B) (Original Tract Requirement) is modified to provide that a portion of an original tract may be included in a subdivision application.
 2. Section 25-4-152(B) (Dead End Streets) is modified to allow for the Director to grant a variance from the requirement of 25-4-152(B) (Access to Lots), taking into consideration topography, traffic circulation and access to pedestrian and transit facilities.
 3. Section 25-4-153 (Block Length) is modified to allow for the Director to grant a variance from the requirement of 25-4-153, taking into consideration topography, traffic circulation and access to pedestrian and transit facilities.
 4. Section 25-4-154 (Street Design and Construction) is modified to provide that street design and construction of streets, alley and pedestrian paths is designed and constructed in accordance with Exhibit ____ of this ordinance.
 5. Section 25-4-171 (Access to Lots) is modified to allow for the Director to grant a variance from the requirement of 25-4-171(A) (Access to Lots).
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C. Transportation

1. Section 25-6-171 (Standards for Design and Construction) of the City Code does not apply to the PUD, except as modified under Exhibit ____ of this ordinance.

D. Environmental

1. Section 25-8-262(B)(1) (Critical Water Quality Zone Street Crossings) is modified to allow for an arterial or collector street to cross a major critical water quality zone in 4 locations as indicated on Exhibit ____ of this ordinance regardless of if it is identified in the Transportation Plan.
2. Section 25-8-262(B)(2)(a) (Critical Water Quality Zone Street Crossings) is modified to allow for an arterial or collector street to cross an intermediate waterway critical water quality zone within 2,500 feet on the same waterway in 4 locations as indicted Exhibit ____ of this ordinance.
3. Section 25-8, Subchapter A, Article 7, Division 3 (Construction on Slopes) is modified to allow for the Director to grant a variance from the requirement of 25-8, Subchapter A, Article 7, Division 3 (Construction on Slopes).
4. Section 25-8-394 (C) (Suburban Watershed Uplands Zone) and Section 25-2-492 (Site Development Regulations) -Impervious Cover is modified to allow for development intensity to be transferred allowing for the Commercial and Mixed Use Districts to have maximums of 70% for single family attached and multifamily residential and 90% for commercial. The Residential District will have maximums of 55% for single family detached, 65% for single family attached and multifamily and 85% for commercial as described on Exhibits ____.
5. Section 25-8-604 (Development Application Requirements and Section 3.0 of the Environmental Criteria Manual - Tree Survey is modified to allow for mesquite trees in the ROW area that are 8" and larger to be cataloged only (not surveyed). The mitigation for each cataloged mesquite will be a 2" replacement tree. Areas outside of the ROW will be surveyed at site plan and will comply with code.

E. Signage

1. 25-10-82 (Determination of Applicable Sign District) is modified to allow for signage within the Commercial District of the PUD to be governed by the requirements set for in the Commercial Sign District of the City Code. Signage within the Mixed Use District and Residential District shall be governed by the requirements set forth in the Neighborhood Commercial Sign District of the City Code.
2. 25-10-102(1) (Signs Prohibited in All Sign Districts) is modified to allow for off-premise signage as Directional Signage with certain design and placement regulations as indicated in the ordinance.

EXHIBIT A
Whisper Valley PUD C814-2009-0094
Existing and Proposed Development Regulations

<u>Category</u>	<u>Code Section</u>	<u>Code Section Description</u>	<u>Proposed PUD Regulations</u>
General	25-1-21(98) Definition of Site	Defines site as a contiguous area.	To amend the definition of site to allow impervious cover to be calculated based on the entire PUD
Zoning	25-2, Subchapter C, Article 10 (Compatibility Standards)	Outlines standard compatibility regulations between uses and zoning.	Allow for a specific set of compatibility standards to be applicable for the PUD that provide for a better mix of uses and densities while maintaining compatibility between uses and zoning districts proposed (Exhibit D-Site Development Regulation Notes)
Zoning	25-2-243 Proposed District Boundaries	Requires boundaries of zoning application to be contiguous.	To allow for the PUD boundaries to not be contiguous.
Zoning	25-2-491 Permitted, Prohibited and Conditional Uses	Outlines standard permitted, conditional and prohibited uses for LR, GR and CS zoning districts.	Allow for a specific set of permitted, conditional and prohibited uses to be applicable (Exhibit E Zoning Use Summary Table)
Zoning	25-2-492 Site Development Standards	Outlines standard site development regulations for LR, GR and CS zoning districts.	Allow for a specific set of site development regulations to be applicable per certain uses (Exhibits D-1, D-2, D-3 Site Development Regulations Charts)
Subdivision	25-4-33 (B) Original Tract	Requirement to include all land in an original tract in one preliminary plan or plat application.	Allow for the filing of separate preliminary plans on individual portions within the 2,000 acre PUD as development occurs.

Subdivision	25-4-152(B) Dead End Streets	Outlines requirement that Land Use Commission approval is required for a dead-end-street more than 2,000 feet long.	Allow for an exception to the requirements of 25-4-152, to allow for the Director to grant a variance from the requirement of 25-4-152(B) (Dead End Streets), taking into consideration topography, traffic circulation and access to pedestrian and transit facilities.
Subdivision	25-4-153 Block Length	Outlines requirement block length	Allow for an exception to the requirements of 25-4-153, to allow for the Director to grant a variance from the requirement of 25-4-153 (Block Length), taking into consideration topography, traffic circulation and access to pedestrian and transit facilities.
Subdivision	25-4-154 Street Design and Construction	Requires street design and construction per the Transportation Criteria Manual	Allow for option of alternative design criteria or standard TCM criteria for certain roadway types to accomplish more of an urban roadway network.
Subdivision	25-4-171(A) Access to Lots	Outlines requirement for each lot in a subdivision to abut a dedicated public street	Allow for an exception to the requirements of 25-4-36 (Variance Determination), to allow for the Director to grant a variance from the requirement of 25-4-171(A) (Access to Lots).
Transportation	25-6-171 Standards for Design Construction/Transportation Criteria Manual – Section 1 (Street Design Standards)	Requires certain design criteria for certain roadway types.	Allow for option of alternative design criteria or standard TCM criteria for certain roadway types to accomplish more of an urban roadway network.
Environmental	25-8-262(B)(1) (Critical Water Quality Zone Street Crossings)	Allows for an arterial street to cross a major critical water quality zone if identified in the Transportation Plan.	Allow for an arterial or collector street to cross a major critical water quality zone in 4 locations (as indicated on the CWQZ exhibit) regardless of if it is identified in the Transportation Plan.

Crossing 1 near FM973 - allows for a connection beyond Braker Lane that is outside of the 2 year flood Crossing 2 in the middle - allows for connectivity via a collector rather than reliance upon only Braker Lane - relates to connectivity and clustering of housing with a design that also protects headwaters. Crossings 3 & 4 - allows for 1 crossing for each tributary. Note there would be no way to access Parcel 21 without a crossing. All crossings will use minimal fill and are proposed generally to be perpendicular and at a narrow portion of the tributary to minimize impact. Exact location of crossings to be determined at construction plan.			only Braker Lane - relates to connectivity and access Parcel 21 without a crossing. narrow portion of the tributary to minimize	
Environmental	25-8-262(B)(2)(a) (Critical Water Quality Zone Street Crossings)	Allows for an arterial or collector street to cross an intermediate waterway critical water quality zone if the collector is at least 2,500 feet from another collector or arterial crossing on the same waterway.	Allow for an arterial or collector street to cross an intermediate waterway critical water quality zone within 2,500 feet on the same waterway in 4 locations (as indicted on the CWQZ exhibit).	
Environmental	25-8, Subchapter A, Article 7, Division 3 (Construction on Slopes)	Outlines regulations for construction of roads, driveways, buildings and parking areas.	Allow for an exception to the requirements of 25-8-42 (Administrative Variances), to allow for the Director to grant a variance from the requirement of 25-8, Subchapter A, Article 7, Division 3 (Construction on Slopes).	
There are not many steep slopes on the site. The design of dense nodes results in the need to construct on some areas of steep slope for development, which also leaves more open space in other areas. As such, an administrative variance process is requested.			to construct on some areas of steep slope for variance process is requested.	
Environmental	25-8-394 (C) (Suburban Watershed Uplands Zone) - Impervious Cover	Outlines impervious cover limitations in an uplands zone outside of the Lake, Rattan and Brushy Creek watersheds.	Allow for development intensity to be transferred allowing for the Commercial and Mixed Use Districts to have maximums of 70% for single family attached and multifamily residential and 90% for commercial. The Residential District will have maximums of 55% for single family detached, 65% for single family attached and multifamily and 85% for commercial.	

The impervious cover proposed is essentially the same as transfers that are already allowed by Code. The proposal does not increase the overall impervious cover on the project and results in less impervious cover than what could be developed with standard zoning.				
Environmental	25-8-604 (Development Application Requirements and Section 3.0 of the ECM - Tree Survey	Requires a tree survey with a mitigation proposal for trees eight inches or larger or protected trees.	Allow for mesquite trees in the ROW area that are 8" and larger to be cataloged only (not surveyed). The mitigation for each cataloged mesquite will be a 2" replacement tree. Areas outside of the ROW will be surveyed at site plan and will comply with code.	
	The overall site was historically used for agricultural purposes and as such the trees appear to be less mature and of lower class (majority is mesquite) in most areas (except for waterway/headwater zones).			
Signage	25-10-82 Determination of Applicable Sign District	Defines regulations for signs in certain districts.	Allow for signage within the Commercial District of the PUD to be governed by the requirements set for in the Commercial Sign District. Allow for signage within the Mixed Use District and Residential District to be governed by the requirements set forth in the Neighborhood Commercial Sign District.	
Signage	25-10-102 Signs Prohibited in all Sign Districts	Prohibits off-premise signage	Allow for off-premise signage as Directional Signage with certain design and placement regulations as indicated in the ordinance.	
(1) No more than one (1) Directional Sign shall be allowed per lot; (2) A Directional Sign shall not be located within one hundred feet (100') of On-Site Signage and within five hundred feet (500') of another Directional Sign; (3) Each Directional Sign shall be located within a private easement; (4) Where practical, the Directional Signage shall be combined into On-Site Signage that advertises multiple tenants/users. If any On-				

Site Signage contains Directional Signage, such signage shall comply with the requirements applicable to On-Site Signage and not the Directional Signage Criteria;

- (5) The maximum height for each Directional Sign may not exceed 12 feet;
- (6) The maximum area per sign for each Directional Sign shall be the lesser of: (a) 0.4 square feet for each linear foot of street frontage; or (b) 64 square feet;
- (7) The minimum setback from right-of-way for each Directional Sign shall be twelve (12) feet, or at least 25 feet from street pavement or curb in the right-of-way, whichever setback is the lesser distance from the street;
- (8) Internal lighting of the Directional Signage is prohibited, except for the internal lighting of individual letters; and
- (9) A spotlight on a Directional Sign or exterior lighting of a sign must be concealed from view and oriented away from adjacent properties and roadways.

Note: Items 5-9 are Scenic Roadway Standards

