

Planned Development (PD) Design Statement

1. Title of Planned Development:

OBCR Development
396 and 3026 Old Black Colony Road

2. List of the Owners and Developers:

Owner

Owner Name(s):

Danny Levin
Ronda Levin

Primary Contact Name:

Danny Levin

Address:

4107 Alexandria Drive

City, State, Zip:

Austin, Texas 78749

Telephone:

512.426.4898

Email:

danny@tequilamockingbird.com

Developer

Company Name(s):

MG Realty Investments, LLC (dba
GroundWork)

Primary Contact Name:

Steven Spears, FASLA, AICP, PLA

Address:

1711 E. Cesar Chavez, Suite B

City, State, Zip:

Austin, Texas 78702

Telephone:

512.391.1789

Email:

steven@momarkdevelopment.com

3. Statement of the general location and relationship to adjoining land uses, both existing and proposed:

The subject property is located on the north side of Old Black Colony Road approximately 2,400 feet west of its intersection with Cole Springs Road. It is located approximately 1,100 feet east of Old Black Colony Road's intersection with Middle Creek Drive, and 5,900 feet east of Old Black Colony Road's intersection with F.M. 1626. The property has been owned by Danny and Rhonda Levin since 1990, prior to the development of any of the surrounding neighborhoods. The Levin's granted an emergency access easement on their property to facilitate the development of a portion of the Whispering Hollow Subdivision. Two road stub outs exist from Whispering Hollow that would normally connect to the proposed development: Treehaven Court and Enchanted Woods Trail. Refer to Exhibit A: Property Survey.

To the east is mostly ETJ, with some pockets in the City still in AG zoning as they were not rezoned following annexation in order to avoid jeopardizing the property tax exemptions of the property owner. Further east reaches areas zoned F4H under the Form Based Code.

To the north is areas within the city limits containing the Whispering Hollow (directly adjacent), Stonewood Commons (directly adjacent to the northeast) and White Oak Preserve

neighborhoods. Whispering Hollow carries an R-2 zoning designation, heavily modified by the Garlic Creek West Development Agreement. Stonewood Commons carries an R-3 zoning designation. White Oak Preserve carries an R-2-C zoning designation, indicating a project zoned R-2 that has utilized the Cluster Development Innovative Residential Development type (which was entitled under the previous UDC).

The west is areas within the city limits containing the Whispering Hollow neighborhood (directly adjacent) and the Antioch Colony Cemetery (directly adjacent to the southwest). Whispering Hollow carries an R-2 zoning designation, heavily modified by the Garlic Creek West Development Agreement.

To the south is ETJ. This area is currently agricultural, though other developers are actively pursuing projects in the area.

4. Description of the Planned Development concept:

This project was originally proposed as an R-3 zoning request, with intention to exercise the use of Innovative Residential Development Traditional Neighborhood Design by-right. In order to adequately respond to neighborhood concerns in a manner that would create certainty regarding several site design and building design project elements that would be addressed at the subdivision plat or site plan stage of project entitlement, a Planned Development was identified as the best means to respond.

a. Acreage or square foot breakdown of land use areas and densities:

17.38 acres @ 8 units/per acre = 139 units

b. General description proposed:

The Concept Land Plan (Exhibit B), proposes a mix of for sale single family detached homes (on fee simple lots) and for sale single family attached (in a land condominium regime) in a walkable, pedestrian friendly, traditional neighborhood development (TND) format.

Emphasis is placed on the desire for homes to front onto park/open space. All homes will be alley loaded, thus allowing the front porch of each home to be the dominating architectural element when facing a park/open space or street.

The preservation of many hardwood trees, especially along the southern half is key to ensuring that the wooded but rural character of Old Black Colony Road is realized.

c. General description of building use types:

The intent of the Developer is to exclusively construct “Innovative Residential Development” using the provisions and restrictions of Traditional Neighborhood Design as described in UDC Section 2.09.07.H. To accomplish this, the only proposed specific uses are “Dwelling, Single Family (Detached)”, “Dwelling, Single Family (Patio Home), and “Dwelling, Single Family (Attached – Townhouse)” in a condominium ownership model. All such units are proposed for individual sale.

d. Proposed restrictions:

Proposed restrictions are discussed in further detail below.

e. Typical site layouts:

Refer to Exhibit B, Conceptual Land Plan, which identifies how single family fee simple lots are placed & arranged in the northern half of the site, while the single attached townhome/condominium are nestled around numerous existing hardwood trees. This Exhibit also shows the park/open space assets that the development is proposing throughout the site.

5. The existing PD zoning districts in the development area and surrounding it:

There are no PD zoning districts in the development area. The adjacent Whispering Hollow neighborhood was part of the Garlic Creek West Development Agreement, which acted to some extent similarly to a PD. While this is not an exhaustive list, notable within the Garlic Creek West Development Agreement were the following deviations from code requirements in effect at that time explicitly in the text of the Agreement or through the Preliminary Plan exhibit attached to and approved with the Agreement:

- Waivers to maximum block length
- Waivers to maximum allowed length of a cul-de-sac
- Streets functioning as collector streets, but not reflecting this in right-of-way or street width
- Lot standards for width, size, impervious cover and/or setbacks that were inconsistent with what ultimately became the “MR” Medium Density Residential base zoning for residential portions of the project
- Lack of a Traffic Impact Analysis, or improvements to boundary roadways resulting from the development of more than 1,900 single-family residential lots

It is the contention of the Developer, and reflected in conversations with City Staff, that some of the above elements contribute significantly to frustrations expressed by residents of the Whispering Hollow neighborhood, particularly functional classification of streets and the lack of traffic impact analyses & associated mitigation for the boundary roadways of R.M. 967, F.M. 1626 and Old Black Colony Road.

6. Selection of one conventional zoning district as a base zoning district to regulate all uses and development regulations not identified as being modified (multiple base zoning districts may be selected to accommodate a mixture of land uses in different geographic areas):

The One & Two Family Residential (R-3) District is identified as the base zoning with use of Innovative Residential Development Traditional Neighborhood Design, modified to respond to concerns of the adjacent neighborhood and provide clarity to UDC requirements that are vague or unclear.

7. A list of all applicable special development regulations or modified regulations to the base zoning district, plus a list of requested subdivision waivers to the Subdivision Regulations and Development Standards or other applicable development regulations:

The project shall comply with the UDC. No waivers are requested, though language below provides some clarity to elements of the UDC that are somewhat vague or unclear and also provides enhancements beyond the minimum code requirements.

Use Restrictions:

Under the Use Chart in UDC Section 2.06.05., Developer requests restriction to prohibit “Dwelling, Single Family (Attached – Duplex)” and to prohibit “Dwelling, Accessory.”

The intent of the Developer is to exclusively construct “Innovative Residential Development” using the provisions and restrictions of Traditional Neighborhood Design as described in UDC Section 2.09.07.H. To accomplish this, the only proposed specific uses are “Dwelling, Single Family (Detached)”, “Dwelling, Single Family (Patio Home), and “Dwelling, Single Family (Attached – Townhouse)” in a condominium ownership model. All such units are proposed for individual sale.

Innovative Residential Development:

The project shall comply with the requirements of UDC Section 2.09.07.H. regarding Traditional Neighborhood Design Innovative Residential Development Type, subject to further restriction as described in this document in order to provide clarity and surety to the City & adjacent neighborhood of the resulting project.

Individual Lot Standards for “Dwelling, Single Family (Detached)” and “Dwelling Single Family (Patio Home)”:

Min. Front Yard Setback	<u>7.5'***</u>	Min. Lot Frontage	<u>35'</u>	Max. Height	<u>30'</u>
Min. Side Yard Setback (Corner)	<u>7'</u> *	Min. Lot Width (avg)	<u>40'</u>	Max. Bldg. Coverage	<u>50%</u>
Min. Side Yard Setback (Interior)	<u>5'</u> *	Min. Lot Depth (avg)	<u>100'</u>	Max. Imp. Cover	<u>60%</u>
Min. Rear Yard Setback	<u>5'</u> **	Min. Unit Size	<u>1,200 s.f.</u>	Min. Lot Size	<u>4,000 s.f.</u>

* For “Dwelling, Single Family (Patio Home)”, the provisions of UDC 2.07.03.A.1. shall apply.

** All homes shall include a minimum 2 covered parking spaces, for which a minimum 1 shall be in a garage. A minimum of 25% of all single family detached homes shall include 3 parking spaces, for which only up to one shall be uncovered.

*** Steps leading up to the front porch shall be allowed to be constructed within the front yard setback.

Condominium Lot Standards for “Dwelling, Single Family (Attached - Townhouse)”:

Min. Front Yard Setback	<u>5'</u>	Min. Lot Frontage	<u>na</u>	Max. Height	<u>30'</u>
Min. Side Yard Setback (Corner)	<u>5'</u>	Min. Lot Width	<u>na</u>	Max. Bldg. Coverage	<u>60%</u>
Min. Side Yard Setback (Interior)	<u>5'</u>	Min. Lot Depth	<u>na</u>	Max. Imp. Cover	<u>70%</u>
Min. Rear Yard Setback	<u>5'</u>	Min. Unit Width	<u>22'</u>	Min. Bldg. Separation	<u>10'</u>
Min. Unit Size	<u>1,000 s.f.</u>				

Condominium Lot means a larger lot for which multiple condominium homes are located within.

It is understood that “Dwelling, Single Family (Attached – Townhouse)” is proposed as a condominium ownership model in which land ownership is maintained by a condominium association. A maximum of three units adjoining is permitted (no more than 60% of the townhomes will be of three units adjoining, with the remainder being two units adjoining)

The Single Family Attached homes is intended to be in a condominium format. Should the developer choose to change the Single Family Attached to individual lots, the standards shall be as shown:

Individual Lot Standards for “Dwelling, Single Family (Attached - Townhouse)”:

Min. Front Yard Setback	<u>7.5'</u>	Min. Lot Frontage	<u>22'</u>	Max. Height	<u>30'</u>
Min. Side Yard Setback (Corner)	<u>5'</u>	Min. Lot Width	<u>22'</u>	Max. Bldg. Coverage	<u>85%</u>
Min. Side Yard Setback (Interior)	<u>5'</u>	Min. Lot Depth	<u>60'</u>	Max. Imp. Cover	<u>90%</u>
Min. Rear Yard Setback	<u>5'</u>	Min. Unit Width	<u>22'</u>	Min. Bldg. Separation	<u>10'</u>
Min. Unit Size	<u>1,000 s.f.</u>				

Single-Family Design:

Developer waives option under UDC Section 2.09.07.H. to allow 100% of the exterior building materials be cement fiber board or Board and Batten style materials. The development shall apply the following:

- minimum of 30% Class 1: Masonry Construction on the front façade of all homes.
- Cement fiber board or Board and Batten style shall be allowed for the remaining amount of the front façade and all other facades.
- A minimum of three colors, with a primary and secondary color for the facade, and the third color being for the trim of each home. The required masonry shall be considered one of the three colors.

All Single Family Detached homes shall include a minimum 2 covered parking spaces, for which a minimum 1 shall be a garage. A minimum of 25% of all single family detached homes shall include 3 parking spaces, for which only up to one shall be uncovered. Garage size and design shall comply with UDC Section 2.09.08.B.1., except as modified by UDC Section 2.09.07.H.

For all Single Family Detached homes, Developer waives option under UDC Section 2.09.07.H. to meet only three (3) of the element options required by UDC Section 2.09.08.C. Instead, all Single Family Detached homes shall include project must meet requirements to have at least five (5) of the elements under UDC Section 2.09.08.C. Single Family Attached homes shall meet only three (3) of the element options required by UDC Section 2.09.08.C.

Sustainable Design Techniques:

For all Single Family Detached homes, developer requests requirement to adopt a minimum of two of the four required Low Impact Design Element Options from UDC Section 2.09.13.C., Table 22.

For all Single Family Detached and Attached homes Developer requests requirement to adopt two alternative Low Impact Design Element Options Alternatives from UDC Section 2.09.13.C., Table 22 in addition to the two required elements referenced above.

Traffic, Streets and Connectivity:

It is understood that the Connectivity Ratio Calculation depicted in Exhibit C is adequate to demonstrate compliance with UDC Section 3.05.05.C.

Project shall not open a connection extension to Enchanted Woods Trail and Treehaven Court, but shall align rights-of-way and construct roadway improvements to allow for emergency access. Existing emergency access gate as part of the Whispering Hollow development shall remain, in current configuration. Developer requests language sufficient to provide the adjacent neighborhood confidence that the gates will remain in place. The existing turnaround shall be incorporated as an alley of 20 feet in width and maintained by the project property owner's association, with specific radius and landscape treatments providing a terminating vista, as shown in Exhibit F. In doing so, this will be considered to satisfy requirement to provide a permanent end to the street in accordance with UDC 3.05.08.C.4.a. Project shall be required to provide a stub out to the east. See Exhibit B.

Due to active construction on F.M. 1626 and fragmented ownership of properties along Old Black Colony Road, the Developer agrees to defer preparation of a Traffic Impact Analysis in accordance with UDC Section 3.05.10.F. in favor of a more comprehensive corridor analysis, agrees to pay a proportionate cost contribution based on the ultimate development intensity of individual tracts relative to the corridor defined for analysis or as determined by the City's fee schedule for a traffic assessment fund for such larger study, and to financially participate in or perform mitigation as determined from the study.

Adjacency Compatibility:

In order to provide consistent rhythm and building separation as would normally occur with two 20' rear building setbacks back-to-back, a 15' landscape easement shall be provided along the west property line of the subject property where adjacent to the Whispering Hollow subdivision. Where applicable, this landscape easement shall be incorporated into the Single Family Detached lots immediately adjacent. For areas that do not have a Single Family Detached lot immediately adjacent, a 15' landscape easement will be provided and owned and maintained by a property owners association. The content of the landscape easement shall include a minimum a (2) shrubs (minimum size 5 gallon) and (1) evergreen shade tree (minimum size 2.5" caliper) every 30 linear feet of the easement. The ground cover shall be rock/crushed rock landscape base, mulch, turf, or ground cover planting. Plants from the City of Austin Native Adapted Landscape Plants Guide Book, which is also the City of Buda's Preferred Plant List, shall be used. The plants, shrubs, and trees used in an easement within a lot shall be contributing to minimum landscape requirements. See Exhibit B.

Allowed uses within the 15' landscape easement include:

- Underground utilities and utility boxes
- Landscaping and gardens
- Fence (not to exceed 6' height)

No structures, including but not limited to residential structures, accessory structures, garden sheds, playgrounds/playscapes or garages, shall be placed in the landscape easement. No parking shall be allowed in the landscape easement.

A landscape easement shall be provided along the north property line of the subject property where adjacent to the Whispering Hollow subdivision. Due to the variable width and configurations along the north property line, the landscape plan for this section is specifically included in Exhibit F. The easement shall be included in fee simple lots, where applicable.

Rural Heritage Design:

Developer recognizes the rural character of Old Black Colony Road. In addition to the requirements of UDC Section 2.09.01., a street frontage buffer shall be established along Old Black Colony Road with the following requirements inspired by UDC Section 2.10.11. and adapted to a residential project:

- A. A street frontage buffer of 30' feet in width shall be provided along a minimum of 80% of the existing right-of-way of Old Black Colony Road. The remaining 20% shall include a minimum of a 5' street frontage buffer.
 - a. No Protected Tree, Signature Tree, or Heritage Tree shall be removed from the street frontage buffer except as necessary to allow for stormwater facilities, access driveways and streets perpendicular to the roadway.
 - b. In addition to the landscaping requirements, each one hundred fifty (150) feet (or fraction thereof) of the required street frontage buffer shall consist of the following planting materials:

- i. A minimum of two (2) Shade Trees (2.5" caliper) and no single tree species shall constitute more than one-third (1/3) of all required trees;
 - ii. A minimum of two (2) Ornamental Trees (2.5" caliper); and
 - iii. A minimum of eight (8) Shrubs (5 gallon container)
- c. Decorative split rail fencing not exceeding forty-two (42) inches in height adjacent to the right-of-way along the entire width of the property (excluding ingress/egress and sight triangles) on Old Black Colony Road.

8. A statement identifying the existing and proposed streets, including right-of-way standards and street design concepts:

As a Traditional Neighborhood Design project in which all garages are rear-loaded from alleys, a unique opportunity exists for the project to develop street sections that better manage on-street parking, traffic calming and accessibility for large & emergency vehicles. See Exhibit D, Conceptual On Street Parking Plan.

9. The following physical characteristics: elevation, slope analysis, soil characteristics, tree cover, and drainage information:

The property elevation peaks at approximately 760 feet above sea level. It breaks to the northeast to a low point of approximately 748 feet above sea level, and to the southeast to a low point of approximately 745 feet above sea level. The property has .014 acres (which is .0008% of the site) that is 15-25%. Outside of this, the steepest observed grade is approximately six percent, with most of the site being one to three percent.

The property drains naturally to the northeast and southeast. Stormwater infrastructure from the project that drains to the north will connect to existing underground conveyance through Whispering Hollow. Developer will design all stormwater facilities and infrastructure in accordance with City of Buda requirements and Texas Water Code to not create adverse impact.

Approximately 20-25% percent of the site includes random hardwood tree cover, which is primarily located in the southern 1/3 of the site. A complete tree survey is attached as Exhibit A.

The soil is DoC (Doss Silt Clay), KrA (Krum Clay) and RUD (Rumple Comfort Association)

The project is not located in the Edwards Aquifer Contributing Zone or Edwards Aquifer Recharge Zone.

A Phase 1 Environmental Assessment was conducted and revealed no evidence of RECs (Recognized Environmental Conditions), HRECS (Historic Recognized Environmental Conditions), or CRECs (Controlled Recognized Environmental Conditions) connected with the site. In the opinion of the Environmental Professional who performed this ESA, Phase II environmental site assessment activities are not recommended based on the information obtained for in this report.

10. A topographic map with minimum five (5) foot contour intervals:

Please see Exhibit A.

11. Drainage information, including number of acres in the drainage area and delineation of applicable flood levels:

The subject property is not located within any area of special flood hazard based upon FIRM Panel No. 48209C0280F.

A Preliminary Drainage Area Map is provided as Exhibit E, and denotes the acreages. The proposed project will comply with all applicable stormwater drainage requirements of the City of Buda.

12. A state of utility lines and services to be installed, including lines to be dedicated to the City and which will remain private:

The project proposes dedication of water lines, waste water lines, stormwater lines, stormwater detention and stormwater quality facilities in accordance with the Unified Development Code. The project proposes alleyways, which will be maintained privately via a property owners association. The project proposes integrated parkland that will be maintained privately via a property owners association. Credit for parkland or fee-in-lieu shall be considered and processed in accordance with UDC Section 4.04.02. It is anticipated, due to the increase of park and open space on site beyond the minimum requirements, that the developer will seek credit toward parkland fee-in-lieu at the time of plat consistent with the processes and standards of UDC Section 4.04.02.

13. The proposed densities, and the use types and sizes of structures:

The project proposes to maintain the maximum of eight (8) units per acre allowed for R-3 zoning, which will generate 139 units (on 17.38 acres). Within this project, the following structure types and sizes are proposed:

- “Dwelling, Single Family (Detached)” and “Dwelling, Single Family (Patio Home): a maximum not to exceed 60 total units, with the minimum unit size being 1,200 square feet. All homes shall include a minimum 2 covered parking spaces, for which a minimum 1 shall be in a garage. A minimum of 25% of all single family detached homes shall include 3 parking spaces, for which only up to one shall be uncovered. All homes shall be accessed from a rear alley.
- “Dwelling, Single Family (Attached – Townhouse)” in a condominium ownership model: a maximum not to exceed 90 total units, with the minimum unit size being 1000 square feet, minimum unit width being 22 feet, and a maximum of three units adjoining is

permitted (no more than 60% of the units be three units adjoining, with the remainder being two units adjoining). Each shall have a minimum 2-car garage meeting specifications of the UDC, and shall be accessed from a rear alley.

- All such units are proposed for individual sale.

14. A description of the proposed sequence of development:

The Development is proposed to take place as a single subdivision, site plan and construction plan phase, with individual building permits then taking place for each individual structure in accordance with City of Buda regulations, processes and procedures.

15. Any additional materials or information deemed necessary by the City to further the purpose of the PD:

Further information requested has been integrated topically into the responses above. This submission includes the following Exhibits:

Exhibit A – Property Survey

Exhibit B – Concept Land Plan

Exhibit C – Conceptual Connectivity Ratio

Exhibit D- Conceptual On Street Parking Plan

Exhibit E – Preliminary Drainage Area Map

Exhibit F – Conceptual Northern Landscape Buffer Plan