

**ENVIRONMENTAL BOARD MEETING MINUTES Wednesday, June 2, 2010**



**ENVIRONMENTAL BOARD MEETING MINUTES WEDNESDAY JUNE 2, 2010**

**The Environmental Board convened in a regular meeting on Wednesday, June 2, 2010, City Council Chambers, at 301 W. Second Street, Austin, Texas 78701**

**Board Members in Attendance:**

J. Robert Anderson, Robin Gary, Mary Gay Maxwell, Phil Moncada, & Mary Ann Neely

**Staff in Attendance:**

James Dymkowski, Marilla Shepherd, Pat Murphy, Ingrid McDonald, Mitzi Cotton, Nancy McClintock, Clark Patterson, Erin Wood, Matt Hollon, Joe Washington, Drema Gross.

**CALL TO ORDER**

**Meeting called to order at 6:17 p.m.**

**1. CITIZEN COMMUNICATIONS: GENERAL**

Speaker should sign up to speak prior to the meeting called to order; you will receive a three-minute allotment to address your concerns regarding items not posted on the agenda.

**There were no citizens signed up to speak**

**2. APPROVAL OF MINUTES AND ACTION ITEMS**

a. Approve the minutes of the Environmental Board regular meeting of May 19, 2010.

**3. Approval on Board member Robin Gary's motion is rescinded. - Mary Ann Neely was not listed as absent on 5/19/10. Corrected version must be approved. PUBLIC HEARINGS, DISCUSSION AND ACTION DEVELOPMENT**

**Name:** Bull Creek PUD C814-2009-0139

**Applicant:** Armbrust & Brown, LLP - David Armbrust agent

**Location:** 4909 FM 2222 RD

**Staff Person:** Jim Dymkowski, Planning and Development Review Department

**Request:** Applicant is requesting PUD zoning for the property with the following environmental exceptions: Land Development Code:

Applicant is requesting PUD zoning for the property with the following environmental exceptions: (1) LDC 25-8-64 (Impervious Cover

Calculations) Allow impervious cover to be calculated over the entire property and not on a lot-by-lot basis;

(2) LDC 25-8-261(C) (Critical Water Quality Zone Development – Along Lake Travis, Lake Austin, or Town Lake) Allow a proposed migratory bird habitat, birdbath facilities, decks, levees, trails, sidewalks, boardwalks, remnant foundation, terraces, skyspace structure, security equipment, wiring, swimming area, and related facilities to be located within the CWQZ, as shown in Exhibit C. Also, allows the remodel of the existing swimming area, boat docks, walkways, and terraces;

(3) LDC 25-8- 281(B) (Critical Environmental Features) Allow CEF's to be located on a residential lot;

(4) LDC 25-8- 281(C) (Critical Environmental Features) Allow for a reduction in the 150 standard buffer to a 50 foot buffer for Rimrocks 1 and 2. Allow for no additional CEF buffer along the two sections of very narrow Cypress fringe wetland sections bordering Lake Austin and the mouth of Bull Creek, Allows within the emergent wetland CEF 150 buffer and the narrow Cypress fringe wetland, the following items: pedestrian trails, an existing retaining wall, proposed trees, stone stairs, re-graded slope, migratory bird habitat, raised wood boardwalk, native plant garden, security equipment, wiring, and related facilities;

(5) LDC 25-8-302(A) (1), (A) (2), (B), and (B) (2) (Construction of a building or parking area) Allow small portions of the guest house building and parking area to be constructed on slopes greater than 25 percent as shown on Exhibit K. To allow terracing on the uphill and downhill sides of these slopes for the portion of these slopes that will not be directly constructed on, but merely spanned by the guest house building;

(6) LDC 25-8-321 (Clearing of Vegetation) Allow for the clearing of vegetation and the clearing of trees under 19 inches in diameter for the planting of an olive orchard approximately four acres in size as shown approximately on Exhibit C;

(7) LDC 25-8-341 (Cut Requirements) Allow cut to exceed four feet, not to exceed 16.402 feet in depth at the following locations: around the main house, for the driveway to the main house, adjacent to the guest house, adjacent to the skyspace structure, and at the entry to the recreation building as shown in Exhibit J; and

(8) LDC 25-8-342 (Fill Requirements) Allow fill to exceed four feet, not to exceed 11.551 feet in depth at the following locations: adjacent to the skyspace structure, around the main house, for portions of the driveway and culvert, adjacent to the guest house, and at the entry to the recreation building as shown in Exhibit J.

**Watershed:** Lake Austin and Bull Creek (Water Supply Suburban)

Drinking Water Protection Zone.

**Recommendation: Recommended for approval.**

**The Environmental Board recommends conditional approval to Land Development Code:**

- (1) LDC 25-8-64 (Impervious Cover Calculations) Allow impervious cover to be calculated over the entire property and not on a lot by lot basis;**
- (2) (2) LDC 25-8-261(C) (Critical Water Quality Zone Development – Along Lake Travis, Lake Austin, or Town Lake) Allow a proposed migratory bird habitat, birdbath facilities, decks, levees, trails, sidewalks, boardwalks, remnant foundation, terraces, skyspace structure, security equipment, wiring, swimming area, and related facilities to be located within the CWQZ, as shown in Exhibit C. Also, allows the remodel of the existing swimming area, boat docks, walkways, and terraces;**
- (3) (3) LDC 25-8- 281(B) (Critical Environmental Features) Allow CEF's to be located on a residential lot;**
- (4)LDC 25-8- 281(C) (Critical Environmental Features) Allow for a reduction in the 150 standard buffer to a 50 foot buffer for Rimrocks 1 and 2. Allow for no additional CEF buffer along the two sections of very narrow Cypress fringe wetland sections bordering Lake Austin and the mouth of Bull Creek. Allows within the emergent wetland CEF 150 buffer and the narrow Cypress fringe wetland, the following items:pedestrian trails, an existing retaining wall, proposed trees, stone stairs, re-graded slope, migratory bird habitat, raised wood boardwalk, native plant garden, security equipment, wiring, and related facilities;**
- (5) LDC 25-8-302(A) (1), (A) (2), (B), and (B) (2) (Construction of a building or parking area) Allow small portions of the guest house building and parking area to be constructed on slopes greater than 25 percent as shown on Exhibit K to allow terracing on the uphill and downhill sides of these slopes for the portion of these slopes that will not be directly constructed on, but merely spanned by the guest house building;**
- (6) LDC 25-8-321 (Clearing of Vegetation) Allow for the clearing of vegetation and the clearing of trees under 19 inches in diameter for the planting of an olive orchard approximately four acres in size as shown approximately on Exhibit C;**
- (7) LDC 25-8-341 (Cut Requirements) Allow cut to exceed four feet, not to exceed 16.402 feet in depth at the following locations:  
around the main house, for the driveway to the main house,  
adjacent to the guest house, adjacent to the skyspace structure,  
and at the entry to the recreation building as shown in Exhibit J;  
and**
- (8) LDC 25-8-342 (Fill Requirements) Allow fill to exceed four feet, not to exceed 11.551 feet in depth at the following locations:  
adjacent to the skyspace structure, around the main house, for  
portions of the driveway and culvert, adjacent to the guest house,**

and at the entry to the recreation building as shown in Exhibit J.

**RECOMMENDATION APPROVED: [VOTE 5-0]**

**Motioned by Board member Phil Moncada and seconded by Board member Bob Anderson with Board member Jon Beall absent, and 1 vacancy.**

**4. STAFF BRIEFINGS AND POSSIBLE ACTION**

- a. Briefing on the Lady Bird Lake 208-2009 Concession Plan – Joe Washington, Parks and Recreation Department.

**This item was conducted as posted. The Environmental Board expressed their concerns that the referenced ordinance stipulate that presentations to the Board should be done. No information came to the Board about modifying the shorelines, and Watershed Protection Department was not involved. The Environmental Board should have input with these types of items. Mr. Washington stated that the Parks and Recreation Department will brief the Environmental Board per ordinance No. 890126P, known as the Town Lake Ordinance, in October 2010.**

- b. Consider a code amendment for Bulkheads and Trams- Andrew Clamann and Pat Murphy, Watershed Protection Department

**The Environmental Board voted to postpone the consideration of a code amendment for Bulkheads and Trams to the next regular meeting on July 21, 2010.**

**RECOMMENDATION APPROVED: [VOTE 5-0]**

**Motioned by Board member Bob Anderson and seconded by Board member Mary Ann Neely. Board member Jon Beall was absent and 1 vacancy. See attached.**

- c. Briefing on the applicability of the Barton Springs Zone Redevelopment Exception (Land Development Code section §25-8-27) to properties with commercial zoning but no existing commercial land uses. Matt Hollon and Pat Murphy Watershed Protection Department.

**The Environmental Board recommends Motion #1 that No site-specific amendment to the SOS Ordinance be granted to the property at 5811 Southwest Parkway. Courtyard Park must connect to centralized sewer according to the 2003 enforcement action by the Austin Water Utility. per the plumbing code (documented in certified letter mailed 2/18/03).**

**RECOMMENDATION APPROVED: [VOTE 5-0]**

**Motioned by Board member Robin Gary and seconded by Board member Mary Ann Neely. Board member Jon Beall was absent and 1 vacancy. See attached.**

**The Environmental Board recommends Motion #2 that City Council direct staff to review the Barton Springs Zone Redevelopment Exception as it relates to properties commercially zoned properties with no commercial land use especially as it relates to the neighborhood future land use planning efforts (such as the Oak Hill Association of Neighborhoods adopted after the Redevelopment Exception took effect), and identify changes that would reconcile differences between recommended future land use in the neighborhood plans and the Redevelopment Exception.**

**RECOMMENDATION APPROVED: [VOTE 5-0]**

**Motioned by Board member Robin Gary and seconded by Board member Mary Ann Neely. Board member Jon Beall was absent and 1 vacancy. See attached.**

- d. Consider an ordinance amending sections 25-1-21, 25-2-1001 AND 25-2-1008 of the City Code amending requirements relating to Landscaping Irrigation Matt Hollon, Watershed Protection Department.

**The Environmental Board voted to postpone the ordinance amending sections 25-1-21, 25-2-1001 AND 25-2-1008 of the City Code amending requirements relating to Landscaping Irrigation to the next regular meeting on July 21, 2010.**

**RECOMMENDATION APPROVED: [VOTE 5-0]**

**Motioned by Board member Bob Anderson and seconded by Board member Mary Ann Neely. Board member Jon Beall was absent and 1 vacancy. See attached.**

## **5. 10 MINUTES OF CONTINUING EDUCATION**

- a. Functional staff chart for Watershed Protection Department  
Victoria Li, P. E., Director, WPD and Nancy McClintock, Assistant  
Director, WPD

**This item was conducted as posted.**

## **6. OLD BUSINESS**

- 1) Update on the Joint Environmental/Parks Board Subcommittee –Mary  
Gay Maxwell, Jon Beall & Mary Ann Neely

**Mary Ann Neely reported on this item. The next meeting is June 3, 2010 for the Public Hearing and July 1, 2010 for the subcommittee.**

- 2) SOS Redevelopment Ordinance Subcommittee – Jon Beall, Chair, Mary Ann Neely and Robin Gary

**Staff presented this item to the full Environmental Board tonight 6/2/10. See attached motions.**

- 3) Urban Growth Policy subcommittee – Phil Moncada, Chair, Mary Gay Maxwell and one vacancy.  
**A subcommittee meeting is scheduled for June 4, 2010 at 10:00 a.m. at One Texas Center**

- 4) Water Treatment Plant #4 subcommittee – Mary Gay Maxwell, Chair, Jon Beall & Mary Ann Neely

**A subcommittee meeting is scheduled for June 3, 2010 at 1:00 p.m. at One Texas Center**

- 5) Development Subcommittee – Bob Anderson, Chair, Mary Gay Maxwell & one vacancy.  
**A Development sub-committee meeting will be posted in June to discuss the Tarlton 360 development project and ordinance amending sections 25-1-21, 25-2-1001 AND 25-2-1008 of the City Code amending requirements relating to Landscaping Irrigation to the next regular meeting June 7, 2010 at One Texas Center**
- 6) Water Quality Regulations subcommittee – Mary Ann Neely, Chair, Robin Gary and Phil Moncada

**A Water Quality Regulations subcommittee will be scheduled to discuss code amendment for Bulkheads and Trams. TBD**

#### **NEW BUSINESS**

**Future agenda items;**

1. **Schedule subcommittee meeting for subcommittee numbers 5 and 6 above.**

#### **ADJOURNMENT**

**The meeting adjourned at approximately 9:50 p.m.**



## ENVIRONMENTAL BOARD MOTION 060210-3a

Date: June 2, 2010

Subject: Bull Creek PUD C814-2009-0139

Motioned By: Phil Moncada

Seconded by: Bob Anderson

### **Recommended Action:**

The Environmental Board recommends approval with conditions to Land Development Codes:

- (1) LDC 25-8-64 (Impervious Cover Calculations) Allow impervious cover to be calculated over the entire property and not on a lot by lot basis;
- (2) LDC 25-8-261(C) (Critical Water Quality Zone Development – Along Lake Travis, Lake Austin, or Town Lake) Allow a proposed migratory bird habitat, birdbath facilities, decks, levees, trails, sidewalks, boardwalks, remnant foundation, terraces, skyspace structure, security equipment, wiring, swimming area, and related facilities to be located within the CWQZ, as shown in Exhibit C. Also, allows the remodel of the existing swimming area, boat docks, walkways, and terraces;
- (3) LDC 25-8- 281(B) (Critical Environmental Features) Allow CEF's to be located on a residential lot;
- (4) LDC 25-8- 281(C) (Critical Environmental Features) Allow for a reduction in the 150 standard buffer to a 50 foot buffer for Rimrocks 1 and 2. Allow for no additional CEF buffer along the two sections of very narrow Cypress fringe wetland sections bordering Lake Austin and the mouth of Bull Creek, Allows within the emergent wetland CEF 150 buffer and the narrow Cypress fringe wetland, the following items: pedestrian trails, an existing retaining wall, proposed trees, stone stairs, re-graded slope, migratory bird habitat, raised wood boardwalk, native plant garden, security equipment, wiring, and related facilities;
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around the main house, for portions of the driveway and culvert, adjacent to the guest house, and at the entry to the recreation building as shown in Exhibit J.

The City of Austin's Environmental Resource Management Department determined that this project will allow development of this single family project while providing protection to (CEF's) Critical Environmental Features located on this site. The applicant has reduced impervious cover by 50%.

**Board condition:**

Applicant will adhere to the Hill Country Roadway Ordinance even though they have SF designation zoning per PUD.

**Rationale:**

Staff recommendations and this project has only requested 14% impervious to the entire site.

**Vote** 5-0-0-1-1

**For:** Anderson, Gary, Maxwell, Moncada and Neely

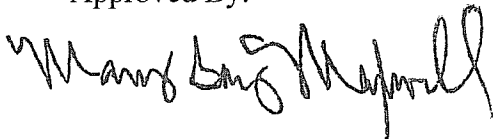
**Against:**

**Abstain:**

**Absent:** Beall

**Vacant:**

Approved By:

A handwritten signature in black ink, appearing to read "Mary Gay Maxwell". The signature is fluid and cursive, with the first name "Mary" being the most prominent.

Mary Gay Maxwell  
Environmental Board Chair





## ENVIRONMENTAL BOARD MOTION 060210 4b

Date: June 2, 2010

Subject: Consider a code amendment amending Trams and Bulkheads regulations.

Motioned By: Bob Anderson

Seconded By: Mary Ann Neely

A motion to postpone the amendment for Bulkheads and Trams until the next regular meeting on July 21, 2010 was approved by the Environmental Board.

**Vote** 5-0-0-1-1

**For:** Anderson, Gary, Maxwell, Moncada and Neely

**Against** None

**Abstain:** None

**Absent:** Beall

**Vacant:** 1

Approved By:

Mary Gay Maxwell, Chair



## **ENVIRONMENTAL BOARD MOTION 060210-4c Motion #1**

Date: June 2, 2010

Subject: The Barton Springs Zone Redevelopment Exception (Land Development Code section §25-8-27) to properties with commercial zoning but no existing commercial land uses

Motioned By: Robin Gary

Seconded by: Mary Ann Neely

### **Recommended Action:**

The Environmental Board recommends that No site-specific amendment to the SOS Ordinance be granted to the property at 5811 Southwest Parkway. Courtyard Park must connect to centralized sewer according to the 2003 enforcement action by the Austin Water Utility per the plumbing code (documented in certified letter mailed 2/18/03).

### **Rationale:**

Redevelopment of commercially zoned properties that currently do not have commercial land use are not covered by the Barton Springs Zone Redevelopment Exception. Redevelopment of these properties under guidelines set forth in the SOS Redevelopment Exception could improve the quality of water that recharges the Edwards Aquifer. However, the Board does not recommend doing so on a site-by-site basis.

### **Vote 5-0-0-1-1**

**For: Anderson, Gary, Maxwell, Moncada, and Neely.**

**Against:**

**Abstain:**

**Absent: Jon Beall**

**Vacant: 1**

Approved By:

Mary Gay Maxwell  
Environmental Board Chair





## **ENVIRONMENTAL BOARD MOTION 060210-4c Motion #2**

Date: June 2, 2010

Subject: The Barton Springs Zone Redevelopment Exception (Land Development Code section §25-8-27) to properties with commercial zoning but no existing commercial land uses

Motioned By: Robin Gary

Seconded by: Mary Ann Neely

### **Recommended Action:**

The Environmental Board recommends that City Council direct staff to review the Barton Springs Zone Redevelopment Exception as it relates to properties commercially zoned properties with no commercial land use; AND neighborhood future land use planning efforts (such as the Oak Hill Association of Neighborhoods adopted after the Redevelopment Exception took effect) and identify changes that would reconcile differences between commercially zoned and neighborhood plans and the Redevelopment Exception.

### **Conditions:**

The Environmental Board requests that staff report findings to the Environmental Board. Staff should report findings to the Environmental Board the Planning Commission's action.

### **Rationale:**

Redevelopment of commercially zoned properties that currently do not have commercial land use are not covered by the (BSZ) Barton Springs Zone Redevelopment Exception. Redevelopment of these properties under guidelines set forth in the Barton Springs Zone Redevelopment Exception could improve the quality of water that recharges the Edwards Aquifer. Additionally, redevelopment of parcels selected for commercial zoning by neighborhood future land use planning groups and approved by City Council is not allowed by the BSZ Redevelopment Exception. Alignment of future land use planning and the BSZ Redevelopment Exception is necessary so future land use planning and the BSZ Redevelopment Exception do not contradict one another

### **Vote 5-0-0-1-1**

**For: Anderson, Gary, Maxwell, Moncada, and Neely**

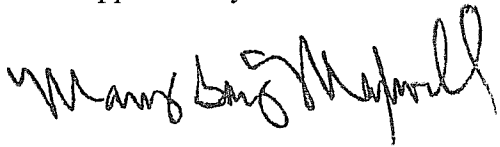
**Against:**

**Abstain:**

**Absent: Jon Beall**

**Vacant: 1**

Approved By:

A handwritten signature in black ink, appearing to read "Mary Gay Maxwell". The signature is fluid and cursive, with the first name "Mary" being the most prominent.

Mary Gay Maxwell  
Environmental Board Chair



## ENVIRONMENTAL BOARD MOTION 060210 4d

Date: June 2, 2010

Subject: Consider an ordinance amending sections 25-1-21, 25-2-1001 AND 25-2-1008 of the City Code amending requirements relating to Commercial Landscaping.

Motioned By: Bob Anderson

Seconded By: Mary Ann Neely

A motion to postpone the consideration for a code amendment ordinance to sections 25-1-21, 25-2-1001 AND 25-2-1008 of the City Code until the July 21, 2010 regular meeting was approved by the Environmental Board.

**Vote** 5-0-0-1-1

**For:** Anderson, Gary, Maxwell, Moncada and Neely

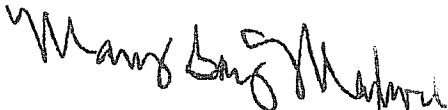
**Against** None

**Abstain:** None

**Absent:** Beall

**Vacant:** 1

Approved By:

  
Mary Gay Maxwell, Chair

