

ENVIRONMENTAL BOARD MEETING MINUTES Wednesday, October 15, 2008,



**ENVIRONMENTAL BOARD REGULAR MEETING MINUTES WEDNESDAY,
October 15, 2008**

**The Environmental Board convened in a regular meeting on Wednesday,
October 15, 2008, City Council Chambers at 301 W. Second Street, Austin, Texas
78704**

Board Members in Attendance:

Dave Anderson, Rodney Ahart, Jon Beall, John Dupnik, Mary Gay Maxwell, Phil Moncada and Mary Ann Neely

Staff in Attendance:

Holly Noelke, Tom Nuckols, Pat Murphy, Leon Barba, Nancy McClintock, Mike Kelly, Matt Hollon, Patricia Foran, Ingrid McDonald, Charles Lesniak, Scott Hiers, Marilla Shepherd, Wendy Rhoades, Mark Mauldin, Roxanne Jackson, Erin Wood and Mike McDougle

CALL TO ORDER

Chair Dave Anderson called the Board Meeting to order at 6:10 p.m.

1. CITIZEN COMMUNICATIONS: GENERAL

No speakers.

2. APPROVAL OF MINUTES

Approve the minutes of the September 17, 2008 and October 1, 2008 regular meetings.

The minutes of the September 17, 2008 regular meeting were approved on Board Member Phil Moncada and Second on Board member Mary Ann Neely [VOTE 4-0] Board Member Mary Gay Maxwell and Board member Rodney Ahart were absent and one vacancy

The minutes of the October 1, 2008 regular meeting were approved on Board member Phil Moncada and second by Board member Mary Gay Maxwell [VOTE 5-0] Board member Rodney Ahart was absent one vacancy

**3. PUBLIC HEARINGS DISCUSSION AND ACTION ON DEVELOPMENT
CASES**

a. Name: Wildflower Commons PUD C814-06-0233

Applicant: Drenner & Golden Stuart Wolff, LLP

Location: 4700 – 5200 Blocks of State Highway 45

Staff Person: Patricia Foran – Watershed Protection and Development Review Department

Request: Applicant is requesting PUD zoning for the property with the following exceptions: 1) LDC 25-8-65 (Roadways) to not account for the roadway deduction; 2) LDC 25-8-262(B)(3)(b) (Critical Water Quality Zone Street Crossings) to allow one crossing; 3) LDC 25-8-341 (Cut Requirements) per cut/fill exhibit; 4) LDC 25-8-342 (Fill Requirements) per cut/fill exhibit; 5) LDC 25-8-482 (Critical Water Quality Zone) to allow one driveway or roadway; 6) LDC 25-8-483(A)(1) (Water Quality Transition Zone) to allow one driveway or roadway; 7) LDC 25-1-21(98) (Definitions) to revise the definition of “site” to allow the tract to be reviewed as one “site” although the tract is crossed by a public street.; 8) LDC 25-8-519 (*Construction of Ordinance*) to allow this application to use the revised definition of “site”; and 9) LDC 25-4-157(B) (Subdivision Access Streets) to provide only one access to an external street. The land in the PUD is within the area known as the Barton Springs Zone in which the City’s Save Our Springs (SOS) ordinance applies. Application of City ordinances to development of the land is affected by the “Settlement Agreement by and Between the City of Austin and the Bradley Parties” (commonly known as the Bradley Agreement) that ended litigation over development of the land in 2000. This requires a site-specific amendment of SOS (specifically, City Code section 25-8-519) to alter the definition of “site”. PUD zoning may also modify City ordinances applicable to development of the land. Watershed: Slaughter Creek and Bear Creek Watersheds (Barton Springs Zone) Drinking Water Protection Zone.

Gross site area: 265.68 acres

Staff Recommendation: Recommended

The Environmental Board recommends conditional approval of the following exceptions for the Wildflower Commons PUD C814-06-0233

- 1) LDC 25-8-65 (Roadways) to not account for the roadway deduction;**
- 2) LDC 25-8-262(B)(3)(b) (Critical Water Quality Zone Street Crossings) to allow one crossing;**
- 3) LDC 25-8-341 (Cut Requirements) per cut/fill exhibit;**
- 4) LDC 25-8-342 (Fill Requirements) per cut/fill exhibit;**
- 5) LDC 25-8-482 (Critical Water Quality Zone) to allow one driveway or roadway;**
- 6) LDC 25-8-483(A)(1) (Water Quality Transition Zone) to allow one driveway or roadway;**
- 7) LDC 25-1-21(98) (Definitions) to revise the definition of “site” to allow the tract to be reviewed as one “site” although the tract is crossed by a public street.;**
- 8) LDC 25-8-519 (Construction of Ordinance) to allow this application to use the revised definition of “site”; and**

9) LDC 25-4-157(B) (Subdivision Access Streets) to provide only one access to an external street.

The land in the PUD is within the area known as the Barton Springs Zone in which the City's Save Our Springs (SOS) ordinance applies. Application of City ordinances to development of the land is affected by the "Settlement Agreement by and Between the City of Austin and the Bradley Parties" (commonly known as the Bradley Agreement) that ended litigation over development of the land in 2000. This requires a site-specific amendment of SOS (specifically, City Code section 25-8-519) to alter the definition of "site". PUD zoning may also modify City ordinances applicable to development of the land. Watershed: Slaughter Creek and Bear Creek Watersheds (Barton Springs Zone) Drinking Water Protection Zone. Gross site area: 265.68 acres

STAFF CONDITIONS:

1. Stabilize cut/fill using terracing or structural containment where feasible;
2. Transfer 7.621 acres of available impervious cover to the Hill Country Conservancy or similar entity;
3. Dedicate a minimum of 100 acres of open space as a conservation easement or fee simple for conservation purposes;
4. Prohibit development within the Bear Creek Watershed;
5. Prohibit development on Tracts 2 and 4;
6. Reduce the maximum construction envelope from 257.778 acres to 157.778 acres;
7. Prohibit development upstream of all CEFs with the exception of one solution cavity - solution fracture, WC021;
8. Provide a water quality conservation pond that captures 1.98 acre feet in excess of the required water quality volume;
9. Adopts the Exterior Light Pollution Reduction techniques consistent with that approved for Southwest Marketplace (Costco and Lifetime Fitness – Forum PUD, Tract 2 and Parcels F and J). These techniques involve design and implementation of interior and exterior lighting so that no direct-beam illumination leaves the building site;
10. Adopts the Landscape and Exterior Design / Heat Island Reduction requirements consistent with that approved for Southwest Marketplace (Costco and Lifetime Fitness – Forum PUD, Tract 2 and Parcels F and J). Available shading options include: additional plantings, using light colored materials on non-roof impervious surfaces, providing underground parking or using pervious pavement where soils are four feet or greater in depth. Available heat island reduction options include using energy efficient or vegetated roofing materials, and conducting a life cycle cost analysis for the use of concrete for all non-pervious paved parking and roadway surfaces; and

- 11. Provide 2-star Austin Energy Green Building Standards or equivalent LEED rating (as the subject properties are not within the Austin Energy service area).**
- 12. Adopt any revised Erosion and sedimentation standards in ECM enacted between the effective date of zoning ordinance and date owner files an application for site development permit; or if site development permit applied for prior to revisions to erosion and sedimentation standards in Environmental Criteria Manual enacted between effective date of zoning ordinance, owner will be required to have ESC plan approved by City of Austin Environmental Resource Management staff.**

BOARD CONDITIONS:

- 1. Provide screening along proposed SH 45 outside Texas Department of Transportation right-of-way on the west side along the construction envelope.**
- 2. Remove secondary access PUD note Remove PUD note regarding additional permitted land uses, cocktail lounge, liquor sales, convalescent services.**
- 3. Delete exception to LDC 25-8-65 (Roadways) to not account for roadway deduction.**
- 4. Applicant will follow recommendations outlined in the Memorandum from Scott Hiers to Patricia Foran dated July 7, 2008. See attachmen**

TO: Patrica Foran, Senior Environmental Reviewer
Watershed Protection and Development Review Department

FROM: Scott E. Hiers, P.G., Senior Environmental Scientist
Watershed Protection and Development Review Department

DATE: July 7, 2008

SUBJECT: Corrections to ERM's August 22, 2007 memo regarding Critical Environmental Feature setbacks of Wildflower Commons.

As part of the City of Austin's development review process, Environmental Resource Management (ERM) staff reviewed the karst assessment for the Wildflower Commons development site. The site is about 268-acres located in south Austin immediately south of the intersection of Loop 1 and State Highway 45. In late July and early August ERM, Barton Spring Edward Aquifer District and ACI Consulting staff members completed several karst surveys to determine if any karst recharge features might have been missed by an initial karst survey completed by J. Jackson Harper in October 2003.

Our surveys covered about 90 percent of the property. However, a layer of mulch and several brush piles from tree removal and clearing activities impeded our view of the ground in several areas. Although our survey efforts was hampered in some areas, we were able to identify 35 additional recharge features on or within 300-ft of the site. In all, 67 recharge features were identified by Harper's 2003 and the City's 2007 karst assessments. ERM staff has determined that 49 of the 67 features are critical environmental features (48 recharge features and 1 wetland/sinkhole). These features are located on or within 300-ft of the Wildflower Commons site. Table 1 lists all the features identified by both surveys and a corresponding location map (Map 1) is attached.

Based the surface drainage patterns, 2-ft topography, the type of feature, the feature's size and the density (or clustering) of features, ERM staff is recommending protecting the critical environmental features with 19 critical environmental feature setback areas (Labeled A thru S). The attached map shows the location of the setback areas. ERM staff is recommending that the CEFs and their associated setback area (or buffers) are documented within the PUD ordinance along with the following Land Development Code (LDC) requirements from Section 25-8-281.

1. No residential lots may include a CEF or be located within 50 feet of a CEF.
2. Setback areas must be established to protect all CEFs. Although the LDC allows a portion of the CEF buffer to be included in a residential lot, I do not recommend that this be allowed. Residential lots should not include any portion of a CEF buffer. Setbacks must comply with the setback area has stated in Table 1 and shown Map 1. ERM is willing to revise setback areas listed in Table 1 and shown on Map 1 during PUD process, if the applicant provides more detail information to ERM staff such as 1-ft topographic survey that better delineates the catchment areas and a hydrogeologic assessment the features that better evaluates its recharge potential.
3. No disturbance of native vegetation is allowed within the buffer zone. This shall be stated in a section of the PUD ordinance specifically addressing Critical Environmental Feature protection.

4. No construction is allowed within the buffer zone, except for cave gates and educational trails built in compliance with 25-8-281 of the LDC. In the PUD ordinance, this shall be stated as "No construction or placement of structures within a Critical Environmental Feature buffer zone."
5. Stormwater disposal or irrigation is prohibited within a CEF buffer zone and shall be stated in the PUD ordinance.
6. Erosion and sedimentation controls must be installed at the perimeter of all CEF buffers prior to the initiation of construction.

Additional recommendations for CEF protection not explicitly stated in the Land Development Code, Section 25-8-281.

1. All CEFs must be shown on a topographic map (or maps), and listed in a summary table and included on an exhibit (s) in the PUD ordinance. The table must include the identification of the CEF, the type of CEF, and the recommended setback area. All maps must be must have north arrow and reference scale.
2. All CEFs and associated CEF buffers are to be shown on all plats, preliminary plans, site plans and construction plans. The PUD ordinance and the plat notes must have a following statement "all activities within the critical environmental feature setback must comply with Section 25-8-281(c)(2) of Austin's Land Development Code. This section states that the natural vegetative cover must be retained to the maximum extent practicable; construction is prohibited; and wastewater disposal or irrigation is prohibited this requirement."
3. No utilities are allowed within CEF buffers.
4. Fencing is required at the edge of all CEF buffer areas that are within limits of construction. Fencing must be 6 feet in height. Wrought iron or vinyl-coated chain link are acceptable. Access gates with a lockable latch are to be provided for each buffer.
5. Fencing at the edge of CEF buffers must be installed prior to the initiation of construction.
6. Water quality BMPs should not drain directly into CEF setback area. Level spreaders or similar structures must be used to overland sheet flow stormwater before it discharges near CEF setback areas. Stormwater irrigation must occur outside the CEF setback areas.
7. An IPM plan should being prepared for Wildflower Commons PUD.

Suggestions for alternative CEF protection not required by the Land Development Code.

1. An Operation and Maintenance plan is recommended for the long term management of all CEF buffers. The purpose of the CEF buffer is to protect water quality. Trash removal, pet waste pickup and inspections will increase the likelihood that conditions within the buffers are protective of water quality. The long term funding mechanism and the responsible management entities throughout the construction and post-construction phases should be identified in future submittals.
2. A restrictive covenant granting access to City of Austin staff to all CEF buffers within the Wildflower Commons PUD should be included in the ordinance.

If you have any questions regarding these comments or have additional information, please contact me at 974-1916.



Scott E. Hiers, P.G., Environmental Scientist
Watershed Protection and Development Review Department

SH :

Attachment

cc: David Johns, City of Austin
Wendy Welsh, City of Austin
Stan Reece, ACI Consulting

Table 1: GPS locations and corresponding CEF setback area

Id	Comments	X	Y	FEATURE	TYPE	Setback Area
1	Sinkhole	3070564.32	10031308.78	S1	SH	L
2	Sinkhole	3070644.19	10031700.86	S2	SH	L
3	Solution Cavity	3070500.07	10031634.03	S3	SC	L
4	Karst Depression	3070498.05	10031596.55	S4	CD	L
5	Karst Depression	3069823.00	10031757.14	S5	CD	
6	Sinkhole	3069644.06	10031290.42	S6	SH	I
7	Solution Cavity	3068952.24	10031305.05	S7	SC	H
8	Sinkhole	3067680.52	10034787.20	S8	SH	A
9	Solution Cavity	3068164.23	10032302.65	S9	SH	D
10	Sinkhole	3068680.75	10031303.15	S10	SH	G
11	Wetland/Sinkhole	3068319.34	10033210.07	S11	W-S	B
12	Sinkhole	3070281.20	10034009.00	S12	SH	M
13	Sinkhole	3070310.00	10033994.00	S13	SH	M
14	Solution Cavity	3070316.50	10033983.60	S14	SC	M
15	Sinkhole	3070327.70	10034022.40	S15	SH	M
16	Sinkhole	3070342.60	10034039.20	S16	SH	M
17	Cave	3070278.28	10034171.25	S17	C	M
18	Sinkhole	3070244.42	10034537.02	S18	SH	O
19	Cave	3071970.00	10034900.00	S19	C	R
20	Sinkhole	3070380.00	10034800.00	S20	SH	Q
21	Solution Cavity	3070919.85	10034172.71	S21	SC	
22	Solution Cavity	3070434.72	10035029.90	S22	SC	
23	Sinkhole	3070300.92	10035084.00	S23	SH	
24	Solution Cavity	3069699.78	10033850.50	S24	SC	
25	Sinkhole	3069730.39	10031622.05	S25	SH	I
26	Sinkhole	3069650.00	10031400.00	S26	SH	I
27	Sinkhole	3070550.00	10031251.00	S27	SH	
28	Karst Depression	3071050.00	10031200.00	S28	CD	
29	Sinkhole	3071137.00	10031512.00	S31	SH	S
30	Sinkhole	3068045.27	10031249.09	S32	SH	S
31	Sinkhole	3069696.00	10031559.00	S33	SH	I
32	Solution Cavity	3070710.00	10031910.00	S34	SC	
33	Karst Depression	3070740.00	10031769.00	S35	CD	
34	SC	3070760.00	10031512.00	S36	SC	L
35	Karst Depression	3070450.00	10031461.00	S37	CD	L
Id	Comments	X	Y	FEATURE	TYPE	Setback Area

36	Sinkhole	3070479.97	10032979.98	WC003	SH	
37	Sinkhole	3070300.00	10031300.00	WC005	SH	K
38	Sinkhole	3070050.00	10031400.00	WC007	SH	J
39	Cave	3070670.00	10031400.00	WC008	C	L
40	Other	3068990.00	10031400.00	WC009	O	
41	Solution Cavity	3070610.00	10031500.00	WC010	SC	L
42	Solution Cavity	3069670.00	10031600.00	WC011	SC	I
43	Solution Cavity	3069510.00	10031600.00	WC012	SC	I
44	Sinkhole	3070800.00	10031700.00	WC013	SH	L
45	Other	3068640.00	10031800.00	WC014	O	
46	Cave	3069340.00	10032000.00	WC015	C	E
47	Solution Cavity	3069040.00	10032000.00	WC016	SC	E
48	Cave	3069580.00	10032200.00	WC017	C	F
49	Solution Cavity/Frac	3069210.00	10032200.00	WC018	SC-SF	E
50	Solution Cavity	3068670.00	10032400.00	WC019	SC	
51	Solution Cavity/Frac	3068520.00	10032400.00	WC020	SC-SF	
52	Solution Cavity/Frac	3069470.00	10033500.00	WC021	SC-SF	C
53	Sinkhole	3067920.00	10034900.00	WC023	SH	A
54	Karst Depression	3070170.00	10033900.00	WC027	CD	M
55	Karst Depression	3070210.00	10034200.00	WC028	CD	M
56	Other	3069830.00	10034100.00	WC029	O	
57	Cave	3070230.00	10035100.00	WC031	C	S
58	Cave	3070720.00	10035100.00	WC032	C	S
59	Karst Depression	3070260.00	10034100.00	WC033	CD	M
60	Solution Cavity/Frac.	3070880.00	10034500.00	WC034	SC-SF	P
61	Solution Cavity	3070180.00	10034600.00	WC035	SC	O
62	Solution Cavity	3070300.00	10034600.00	WC036	SC	O
63	Solution Cavity	3070370.00	10034600.00	WC037	SC	O
64	Cave	3072230.00	10035600.00	WC038	C	
65	Cave	3071960.00	10035700.00	WC039	C	
66	Sinkhole	3071950.00	10034900.00	WC040	SH	R
67	Zone	3068900.00	10036600.00	WC041	Z	

**Map 1: Location Map for Critical Environmental Feature Setbacks
(Revised - 07-07-2008)**



b. Name: Ben White/ IH 35 Bioretention/Extended Detention Pond SP-2008-0227D

Applicant: Crespo Consulting Services, Inc. (City of Austin)

Location: 5405 ½ Interregional Highway 35 Service Road Northbound

Staff Person: Patricia Foran – Watershed Protection and Development Review Department

Request: Variance request from:

1. Land Development Code 25-8-281(C) (2) to reduce Critical Environmental Features (CEF's) setback to zero (0) feet
2. Land Development Code 25-8-341 to allow cut as specified in Exhibit B;
3. Land Development Code 25-8-342 to allow fill as specified in Exhibit B.
4. Land Development Code 25-8-392 to develop in the Critical Water Quality Zone as specified in Exhibit A.

Recommendation: Recommended with conditions

The Environmental Board recommended approval to a variance request to Land Development Codes for the Ben White/ IH 35 Bioretention/Extended Detention Pond:

1. Land Development Code 25-8-281(C) (2) to reduce Critical Environmental Features (CEF's) setback to zero (0) feet
2. Land Development Code 25-8-341 to allow cut as specified in Exhibit B;
3. Land Development Code 25-8-342 to allow fill as specified in Exhibit B.
4. Land Development Code 25-8-392 to develop in the Critical Water Quality Zone as specified in Exhibit A.

STAFF CONDITIONS

1. Revegetate all disturbed areas within the CWQZ with City of Austin specifications 609S for seeding and planting or other alternative as approved by Environmental Resource Management.
2. Provide only native/drought tolerant plants from the City of Austin GrowGreen guide for all mitigation trees (excluding area within Texas Department of Transportation right-of-way).

RATIONALE:

Findings of fact have been met. City of Austin's opportunity to provide water quality to a watershed in dire need.

[VOTE 7-0] motion approved on Board member Phil Moncada and second on Board member Mary Ann Neely.

c. Name: Travis County Eastside Service Center

Applicant: LAN Inc. (Steven D. Widacki, P. E.)

Location: 210700 FM 969

Staff Person: Mike McDougal – Watershed Protection and Development Review Department

Request: Variance request to Land Development Code 1) 25-8-341/342 To Allow cut over 4 feet but not to exceed 12 feet, and to allow fill over 4 feet but not to exceed 10 feet.

Recommendation: Recommended approval

The Environmental Board recommended to postpone the Travis County Eastside Service Center variance request until the November 5, 2008 meeting. [VOTE 7-0]

d. Name: Airport Fast Park Phases III and IV SP-2007-0735D

Applicant: Halff Associates, Inc. (Shawn Betram)

Location: 2300 Spirit of Texas Drive

Staff Person: Patricia Foran – Watershed Protection and Development Review Department

Request: Variance request to Land Development Code 1) 25-8-302 To construct 0.095 acres (4128 square feet) of parking area on slopes greater than 15%. 2) 25-8-342 To fill up to 11 feet.

Recommendation: Recommended with condition

The Environmental Board recommended approval to a variance request to Land Development Codes for the Airport Fast Park Phases III and IV :

1. 25-8-341 and 342 To allow cut over 4 feet but not to exceed 12 feet, and to allow fill over 4 feet but not exceed 10 feet. Motion approved on Board member John Dupnik and second on Board member Moncada [VOTE] 6-1

4. STAFF BRIEFINGS

- a. Water Quality Control Review briefing – Nancy McClintock, Watershed Protection and Development Review Department
Briefing conducted as posted.

5. OLD BUSINESS

- a. Joint Environmental/Parks Board Subcommittee Update – Dave Anderson, P.E.

No report this week on this item

- b. Erosion and Sedimentation Controls Update – Dave Anderson, P.E.

No report this week on this item

- c. Balcones Canyonlands Conservation Plan Citizens Advisory Group Update – Mary Ann Neely

No report this week on this item

- d. Waterfront Overlay Taskforce – Dr. Mary Gay Maxwell

No report this week on this item

e. 2008 Work Plan Review –Dave Anderson, P.E.
No report this week on this item

6. NEW BUSINESS

Request for future agenda items:

7. ADJOURNMENT