ENVIRONMENTAL BOARD REGULAR MEETING MINUTES WEDNESDAY, October 1, 2008

The Environmental Board convened in a regular meeting on Wednesday, October 1, 2008, City Council Chambers at 301 W. Second Street, Austin, Texas 78704

Board Members in Attendance:
Dave Anderson, Jon Beall, Mary Gay Maxwell, Phil Moncada and Mary Ann Neely

Staff in Attendance:
Marilla Shepherd, Ingrid McDonald, Patricia Foran, Nancy McClintock, Daryl Slusher, Roberto Chapa, Robyn Smith, Bill Staubner, P.E., and Scott Rowin.

CALL TO ORDER
Chair Dave Anderson called the Board Meeting to order at 6:06 p.m.

1. CITIZEN COMMUNICATIONS: GENERAL

2. APPROVAL OF MINUTES
Approve the minutes of the September 17, 2008 regular meeting.
The minutes of the September 17, 2008 were not approved there was no quorum to approve the minutes.

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

Wildflower Commons PUD, this item was withdrawn by Pat Murphy, Environmental Officer, due to no quorum, it will be posted on the October 15, 2008 agenda.

4. STAFF BRIEFINGS

a. Water Treatment Plant #4 update- Robyn Smith, Watershed Protection and Development Review Department and Bill Staubner, P.E., Austin Water Utility

Briefing conducted as posted. Chair Dave Anderson request that the AWU to bring a list of any variances that will be required to the next scheduled meeting.

b. Day-to-Day Management challenges at the Balcones Canyonlands Preserves – Scott Rowin, Austin Water Utility

Briefing conducted as posted

c. Balcones Caynonlands Preserves and History – Kevin Connally, Travis County

Briefing conducted as posted

d. Landscaping Improvements at Barton Springs Road – Roberto Chapa P.E. Public Works Department

Briefing conducted as posted

e. Draft Ordinance Postings – Pat Murphy, Watershed Protection and Development Review Department

Briefing conducted as posted

f. Texas Commission on Environmental Quality Petition Resolution – Nancy McClintock, Watershed Protection and Development Review Department

The Environmental Board made a Resolution to support the Texas Commission on Environmental Quality Petition Resolution. See attached.

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

Dr. Mary Gay Maxwell requested that a meeting be set for the executive committee to discuss the 2008 Work Plan Review.

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6. NEW BUSINESS

Request for future agenda items:

7. ADJOURNMENT

ENVIRONMENTAL BOARD RESOLUTION 10012008-4f-001

Date: October 1, 2008

Subject: Texas Commission on Environmental Quality Petition Resolution

Motioned By: Mary Ann Neely Seconded By: Phil Moncada

Recommendation

The Environmental Board made a Resolution to support the Texas Commission on Environmental Quality Petition Resolution.

Rationale

Not Applicable.

Vote 5-0-0-1-0

For: Anderson, Beall, Maxwell, Moncada and Neely

Against: None

Abstain: None

Absent: Ahart

Vacant: 1

Recuse:

Approved By:

Dave Anderson P.E., CFM, Chair

Texas Commission on Environmental Quality Petition

RESOLUTION NO. EB 10012008-4f-001

A RESOLUTION OF THE CITY OF AUSTIN'S ENVIRONMENTAL BOARD IN SUPPORT OF A RULE-MAKING PETITION TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR A RULE TO PROHIBIT DIRECT DISCHARGE OF TREATED EFFLUENT INTO THE BARTON CREEK AND ONION CREEK WATERSHEDS IN THE CONTRIBUTING ZONE OF THE BARTON SPRINGS SEGMENT OF THE EDWARDS AQUIFER

WHEREAS, the Barton Springs Segment of the Edwards Aquifer (Aquifer) is a unique system of water-bearing formations in Central Texas, wherein surface waters are rapidly transported via caves, fractures, and permeable limestone to the Aquifer and subsequently discharged through spring flow and well pumpage; and

WHEREAS, the Aquifer is either a sole source or primary source of drinking water for over fifty thousand people and is a vital resource to the general economy and welfare of the City of Austin and the State of Texas; and

WHEREAS, the complex of springs known as Barton Springs is the direct natural outlet for water flowing through the Aquifer; and

WHEREAS, Barton Springs provides the only known habitat for the endangered Barton Springs salamander, *Eurycea sosorum*, and the Austin blind salamander, *Eurycea waterlooensis*, a candidate for endangered listing under the federal Endangered Species Act; and

WHEREAS, creek flow from the Barton Creek and Onion Creek watersheds directly and rapidly recharge the Barton Springs segment of the Edwards Aquifer, offering very little opportunity for assimilation and dilution of contaminants in the subsurface before discharging at Barton Springs; and

WHEREAS, direct discharges into the Barton Creek and Onion Creek watersheds in the Contributing Zone of the Aquifer, which are typically dry for most of the year, could create effluent-dominated streams directly up-gradient of the Recharge Zone of the Aquifer; and

WHEREAS, currently, there are no active Texas Pollution Discharge Elimination System permitted point-source wastewater discharge outfalls that discharge directly into the Barton Creek or Onion Creek watersheds and all other developments in this region

successfully use an alternative "no discharge" disposal method to dispose of treated effluent; and

WHEREAS, City of Austin and other entities' scientific analysis and modeling efforts have demonstrated that discharge of treated sewage to these waterways from even a properly operating advanced treatment facility will cause degradation of contributing zone creeks and subsequently the Aquifer, Barton Springs, and its endangered species habitat; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) mission statement provides that TCEQ strives to protect our state's natural resources consistent with sustainable economic development; and

WHEREAS, TCEQ's philosophy states that to accomplish their mission the agency will base decisions on the law, common sense, good science, and fiscal responsibility; and

WHEREAS, TCEQ is a regulatory body having rule-making authority and enforcement of the Edwards Rules for development proposed over the Edwards Aquifer and of the Watershed Rules for watercourses that supply water to the Edwards Aquifer.

NOW, THEREFORE BE IT RESOLVED that the City of Austin's Environmental Board does hereby adopt this Resolution to support the Austin City Council filing of a rule-making petition to the Texas Commission on Environmental Quality to prohibit direct discharges of treated effluent to the Barton Creek and Onion Creek Watersheds in the Contributing Zone of the Barton Springs segment of the Edwards Aquifer.

BE IT RESOLVED BY THE CITY OF AUSTIN ENVIRONMENTAL BOARD:

In Favor **5** Opposed **0**

PASSED AND APPROVED THIS 1st DAY OF OCTOBER, 2008.

ATTEST: _____ P.E.
David J. Anderson, P. E., CFM
Environmental Board Chair

ENVIRONMENTAL BOARD REGULAR MEETING MINUTES WEDNESDAY, September 17, 2008.

The Environmental Board convened in a regular meeting on Wednesday, September 17, 2008, City Council Chambers at 301 W. Second Street, Austin, Texas 78704

Board Members in Attendance:
Dave Anderson, Jon Beall, Phil Moncada and Mary Ann Neely

Staff in Attendance:
Marilla Shepherd, Ingrid McDonald, Patricia Foran, Craig Carson, Scott Hiers and Brad Jackson

CALL TO ORDER
Chair Dave Anderson called the Board Meeting to order at 6:25 p.m.

1. CITIZEN COMMUNICATIONS: GENERAL

2. APPROVAL OF MINUTES

Approve the minutes of the September 10, 2008 regular meeting.

The Minutes for the regular meeting on September 10, 2008 were approved on Board member Phil Moncadas' motion and Board member Neely's second [Vote 4-0] one vacancy and Board member Maxwell and Board member Ahart absent.

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"; and 8) 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. PUD zoning may also modify City ordinances applicable to development of the land.
Staff Recommendation: Recommended

Wildflower Commons PUD, this s item was withdrawn by Pat Murphy, Environmental Officer, due to no quorum.

b. **Name: Bulldog Storage SP-2007-0673D**
Applicant: Possner and Associates, Inc. (Kurt Possner)
Location: 4221 N. FM 620 Road
Staff Person: Craig Carson- Watershed Protection and Development Review Department
Request: Variance request to Land Development Code Section 25-8-342 1) To allow fill up to 12 feet.
Staff Recommendation: Recommended

The Environmental Board recommended conditional approval to a variance request to LDC 25-8-341 1) To allow fill up to 12 feet. STAFF CONDITIONS:

1. Only clean fill of soil, dirt, rock, sand or other natural man-made materials are to be used as fill on the site;
2. Submittal and City approval of a Pollution Attenuation Plan for the site must be obtained prior to site plan approval;
3. All trees over 8 caliper inches will be mitigated for and replaced with Class 1 native tress;
4. All fill over four feet will be structurally contained.

RATIONALE; Findings of fact have been met. This project is constrained by the construction of FM 620 and fill is necessary for safe access of FM 620. No portion of site drains to Lake Austin, which is on half mile away. Motion approved on Board member Phil Moncada and seconded by Board member Jon Beall [Vote 4-0] one vacancy and Board members Ahart and Maxwell absent.

c. **Name: Munson Park Commercial Project SP-2008-0088D**
Applicant: Urban Design Group (Laura Toups, P. E.)
Location: 320 South Capital of Texas Highway (Loop 360)
Staff Person: Brad Jackson- Watershed Protection and Development Review Department
Request: Variance request to Land Development Code Section 25-8-341/342; LAO 9-10 409 1) To allow cut/fill over four feet.
Staff Recommendation: Item submitted for consent.

The Environmental Board recommended the following case be approved by consent, with no staff conditions and no board conditions listed for Munson Park Commercial Project SP-2008-0088D.Motion approved on Board member Dave Anderson and Seconded by Board member Phil Moncada [Vote 4-0] one vacancy, and Board member Ahart and Maxwell absent.

4. ACTION ITEMS

a. Service Extension Request for Vaught Ranch Road. Water 2768 and Wastewater #2769- Robbie Botto- Watershed Protection and Development Review Department.

The Environmental Board disapproved a service extension request for Vaught Ranch Road #2768 Water and #2769 Wastewater.

RATIONALE; This site is adjacent to Bull Creek and proposed developments runoff would discharge directly to Bull Creek. This is not an environmentally sound project with a proposed service station. This subject tract is not served by the Certificate of Convience and Necessity (C. C. N). Motion approved on Board member Phil Monada and Seconded by Board member Jon Beall [Vote 4-0] one vacancy and Board member Ahart and Maxwell absent.

5. OLD BUSINESS

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

Board Member Anderson and Beall reported on this item.

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

Board member Anderson reported on this item.

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

Board Member Neely reported on this item.

d. Waterfront Overlay Taskforce – Dr. Mary Gay Maxwell

No report on this item.

e. 2008 Work Plan Review –Dave Anderson, P. E.

No report on this item.

6. NEW BUSINESS

Request for future agenda items:

1. Board Member Neely requested a report on the landscape improvement on Barton Springs Road for the October 1, 2008 Environmental Board meeting.

7. ADJOURNMENT

Meeting adjourned at 7:30 P.M.

ENVIRONMENTAL BOARD MOTION 091708 3b-001

Date: September 17 2008

Subject: Bull Dog Storage SP-2007-0673D

Motioned By: Phil Moncada Seconded By: Jon Beall

The Environmental Board recommended conditional approval to a variance request to LDC 25-8-341 1) To allow fill up to 12 feet.

STAFF CONDITIONS:

1. Only clean fill of soil, dirt, rock, sand or other natural man-made materials are to be used as fill on the site.
2. Submittal and City approval of a Pollution Attenuation Plan for the site must be obtained prior to site plan approval;
3. All trees over 8 caliper inches will be mitigated for and replaced with Class 1 native tress.
4. All fill over four feet will be structurally contained.

RATIONALE;

Findings of fact have been met. This project is constrained by the construction of FM 620 and fill is necessary for safe access of FM 620. No portion of site drains to Lake Austin, which is on half mile away.

Vote 4-0-0-2

For: Ahart, Anderson, Beall, and Neely

Against:

Abstain: None

Absent: Ahart and Maxwell

Recused:

Vacant: One.

Approved By:

Dave Anderson P.E., CFM, Chair

ENVIRONMENTAL BOARD MOTION 091708-3c

September 17, 2008

Subject: Munson Park Commercial Project SP-2008-0088 D Consent Agenda

Motioned By: Dave Anderson, P. E. Seconded by: Phil Moncada

Recommendation
The Environmental Board recommended the following case be approved by consent, with no staff conditions and no board conditions listed for Munson Park Commercial Project SP-2008-0088 D.

Vote 4-0-2-0-1

For: Anderson, Beall, Moncada and Neely

Against:

Abstain:

Absent: Ahart and Maxwell

Recused:

Vacant: 1

Approved By:

Dave Anderson P.E., CFM
Environmental Board Chair

ENVIRONMENTAL BOARD MOTION 091708 4a-001

Date: September 17 2008

Subject: Vaugh Ranch Road Service Extension Requests #2768 Water and #2769 Wastewater

Motioned By: Phil Moncada Seconded By: Jon Beall

The Environmental Board recommended **disapproval** of **a** service extension request for Vaught Ranch Road #2768 Water and #2769 Wastewater.

RATIONALE; This site is adjacent to Bull Creek and proposed developments runoff would discharge directly to Bull Creek. This is not an environmentally sound project with a proposed service station.
This subject tract is not served by the Certificate of Convenience and Necessity

Vote 4-0-0-2

For: Ahart, Anderson, Beall, and Neely

Against:

Abstain: None

Absent: Ahart and Maxwell

Recused:

Vacant: One.

Approved By:

Dave Anderson P.E., CFM, Chair

AGENDA ITEM 3a

ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING DATE REQUESTED:	October 15, 2008
NAME & NUMBER OF PROJECT:	Wildflower Commons/PUD C814-06-0233
NAME OF APPLICANT OR ORGANIZATION:	Drenner &Golden Stuart Wolff, LLP (Michele Haussman Phone – 404-2233)
LOCATION:	4700 – 5200 Blocks of State Highway 45
PROJECT FILING DATE:	December 21, 2006
WPDR/ENVIRONMENTAL STAFF:	Patricia Foran, 974-3427 patricia.foran@ci.austin.tx.us
WPDR/ CASE MANAGER:	Wendy Rhodes, 974-7719 wendy.rhodes@ci.austin.tx.us
WATERSHED:	Slaughter Creek and Bear Creek Watersheds (Barton Springs Zone) Drinking Water Protection Zone
ORDINANCE:	Bradley Settlement Agreement
GROSS SITE AREA:	265.68 acres
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 site 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 (LDC 25-8-519) to alter the definition of "site". PUD zoning may also modify City ordinances applicable to development of the land.

STAFF RECOMMENDATION: Recommended.

MEMORANDUM

TO: Betty Baker, Chair
Members of the Zoning & Platting Commission

FROM: Patricia Foran, Environmental Review Specialist Senior
Watershed Protection and Development Review Department

DATE: August 13, 2008

SUBJECT: Wildflower Commons PUD - C814-06-0233
4700 – 5200 Blocks of State Highway 45

Staff received a rezoning application for the above-mentioned case on December 21, 2006 that proposes a zoning change from the single-family residence standard lot (SF-2) and general office (GO) districts to Planned Unit Development (PUD) on 265.678 acres of land.

The PUD proposal consists of a mixed use development consisting of condominiums, office uses, a supermarket, and a shopping center with restaurant. In total, impervious cover is proposed at 15% net site area, which is approximately 37.99 acres of impervious cover. The applicant is allocated approximately 45.61 acres of impervious per the Bradley Settlement Agreement.

The Applicant is requesting eight exceptions to environmental regulations.

Description of Property

The proposed PUD is situated in the Bear and Slaughter Creek Watersheds, both of which are classified as Barton Springs Zone. The PUD is composed of five tracts and is bisected by proposed State Highway 45. The tracts lie in the Drinking Water Development Zone and are located over the Edwards Aquifer Recharge Zone. Critical Water Quality Zone (CWQZ), Water Quality Transition Zone (WQTZ), 100-year floodplain, and critical environmental features (CEFs) occur within the proposed PUD.

The existing tracts are currently undeveloped. The proposed PUD area is bounded by undeveloped land on the west (County), undeveloped land (GR-CO and County) within the Circle C Ranch subdivision to the north, and undeveloped land (County) on the east and south.

The property is subject to the Bradley Agreement, which includes certain mitigative components. This PUD proposes to comply with all conditions required by the Bradley Agreement, in addition to benefits proposed with this rezoning application.

Existing Topography/Soil Characteristics/Vegetation

The elevation ranges from 800 to 880 feet above mean sea level. There is a watershed divide located on the property; the majority of the project area slopes to the northeast towards Slaughter Creek, and a portion slopes to the southwest towards Bear Creek. All slopes are less than 15%.

There are two soil mapping units on site: Speck stony clay loam and Tarrant soils. The geologic units of the site of the Edwards Group, which consist of Grainstore, Kirschberg Evaporite, and Dolomitic members of the Cretaceous age Kainer Formation.

The project site is located in the Live Oak-Ashe Juniper Parks vegetation region which is characterized as wooded and open rangeland.

Critical Environmental Features/Endangered Species

Forty-nine CEFs were identified on the subject tract by COA staff and the environmental assessment. These features are classified as the following: twenty are sinkholes; thirteen are solution cavities; five are closed depressions; seven are caves; three are solution cavity – solution fractures, and one is a sink hole and wetland. Please refer to the attached CEF exhibit for agreed upon CEF locations and setbacks. Additional conditions requested by ERM staff (and agreed to by the applicant) are included in the attached memorandum dated July 7, 2008.

Water/Wastewater

The applicant proposes to utilize City of Austin water and wastewater services.

Environmental Exception Requests

The environmental exceptions requested for this project are to LDC Sections:

1. **Exception from LDC 25-8-65 (Roadways)**

   (A) Except as otherwise provided in this section, impervious cover calculations for development adjacent to a roadway shall account for the adjacent roadway.

   (B) For development with an internal roadway, impervious cover calculations include the internal roadway, except that pavement width in excess of 44 feet is excluded. This does not reduce the requirements for stormwater detention facilities or water quality controls for run-off from the roadways.

   (C) For development adjacent to a roadway built as a City Capital Improvements Program project after May 18, 1986, impervious cover calculations include one-half of the pavement width, up to a maximum of 44 feet, and the associated right-of-way.

(D) This section does not apply in the desired development zone to a development with impervious cover of not more than:

(1) 5,000 square feet; or

(2) 7,000 square feet for development located at a smart growth transportation corridor or node described in Section 25-6-3 *(Smart Growth Corridors and Nodes Described).*

In lieu of complying with LDC 25-8-65, this PUD will comply with the Bradley Agreement. Allocation of impervious cover under the Bradley Agreement already accounts for the adjacent roadway. The applicant is requesting to include this section as an exception as well since it is included in the LDC.

2. Exception from LDC 25-8-262(B)(3)(b) (Critical Water Quality Zone Street Crossings)

(B) This subsection applies in a watershed other than an urban watershed.

(3) A minor waterway critical water quality zone may be crossed by an arterial and collector streets, except:

(b) in a water supply suburban or water supply rural watershed, or the Barton Springs Zone, a collector street crossing must be at least 2,000 feet from a collector or arterial street crossing on the same waterway.

The applicant is requesting to remove this requirement to allow one waterway crossing on Tract 1 to provide safe access that otherwise would not be possible.

3. Exception from LDC 25-8-341 (Cut Requirements)

Cut on a tract of land may not exceed 4' of depth.

The applicant is requesting a modification to allow cuts up to 10' associated with the water quality and detention facilities, and up to 15' for areas associated roadways, parking areas, driveways, and other site development per attached cut/fill exhibit.

4. Exception from LDC 25-8-342 (Fill Requirements)

Fill on a tract of land may not exceed 4' of depth.

The applicant is requesting a modification to allow fill up to 10' associated with the water quality and detention facilities, and up to 15' for areas associated roadways, parking areas, driveways, and other site development per attached cut/fill exhibit.

5. **Exception from LDC 25-8-482 (Critical Water Quality Zone)**

   Development is prohibited in a critical water quality zone, except as provided in Article 7, Division 1 *(Critical Water Quality Zone Restrictions)*.

The applicant is requesting a modification to allow a driveway or roadway into Tract 1.

6. **Exception from LDC 25-8-483(A)(1) (Water Quality Transition Zone)**

   (A) Development is prohibited in a water quality transition zone that lies over the Edwards Aquifer recharge zone, except for:

   (1) development described in Article 7, Division 1 *(Critical Water Quality Zone Restrictions)*;

The applicant is requesting a modification to allow one driveway or roadway into Tract 1.

7. **Exception from LDC 25-1-21(98) (Definitions)**

   SITE means a contiguous area intended for development, or the area on which a building has been proposed to be built or has been built. A site may not cross a public street or right-of-way.

The applicant is requesting to redefine site to include all tracts, including those separated by a public street or right-of-way. This will allow site development to comply with development standards on an overall basis, rather than tract by tract.

8. **Exception from LDC 25-8-519 (Construction of Ordinance)**

   This requires a site-specific amendment of SOS (25-8-519) to alter the definition of "site".

Other Exception Request

One exception requested by this project that is not directly environmentally-related is to LDC Section:

1. **Exception from LDC 25-4-157(B) (Subdivision Access Streets)**

   (B) Except as otherwise provided in this section:

   (1) a new subdivision must have at least two access streets; and

   (2) each of the two access streets must connect to a different external street.

The applicant is requesting a variance to provide only one access to external street. The access will be constructed with a minimum 50 foot cross-section with two inbound and two outbound lanes.

Recommendations

Staff from the Watershed Protection and Development Review and Neighborhood Planning and Zoning departments have worked with the Applicant to provide additional benefits in site development as support for the proposed PUD:

- Stabilize cut/fill using terracing or structural containment where feasible;
- Transfer 7.621 acres of available impervious cover to the Hill Country Conservancy or similar entity;
- Dedicate a minimum of 100 acres of open space as a conservation easement;
- Prohibit development within the Bear Creek Watershed;
- Prohibit development on Tracts 2 and 4;
- Reduce the maximum construction envelope from 257.778 acres to 157.778 acres;
- Prohibit development upstream of all CEFs with the exception of one solution cavity - solution fracture, WC021;
- Provide a water quality conservation pond that captures 1.98 acre feet in excess of the required water quality volume;
- 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;
- 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
- Provide 2-star Austin Energy Green Building Standards or equivalent LEED rating (as the subject properties are not within the Austin Energy service area).

The Wildflower Commons PUD may be scheduled for consideration by the Zoning and Platting Commission at their October 21, 2008 meeting.

If you need further details, please contact me at 974-3427.

Patricia Foran, Environmental Review Specialist Sr.
Watershed Protection and Development Review

Environmental Program Coordinator: _____
Ingrid McDonald

Environmental Officer: _____
Pat Murphy

MEMORANDUM

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 is 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 has 1-ft topographic survey that better delineates the catchment areas and a hydrogeologic assessment the features that better evaluates it 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

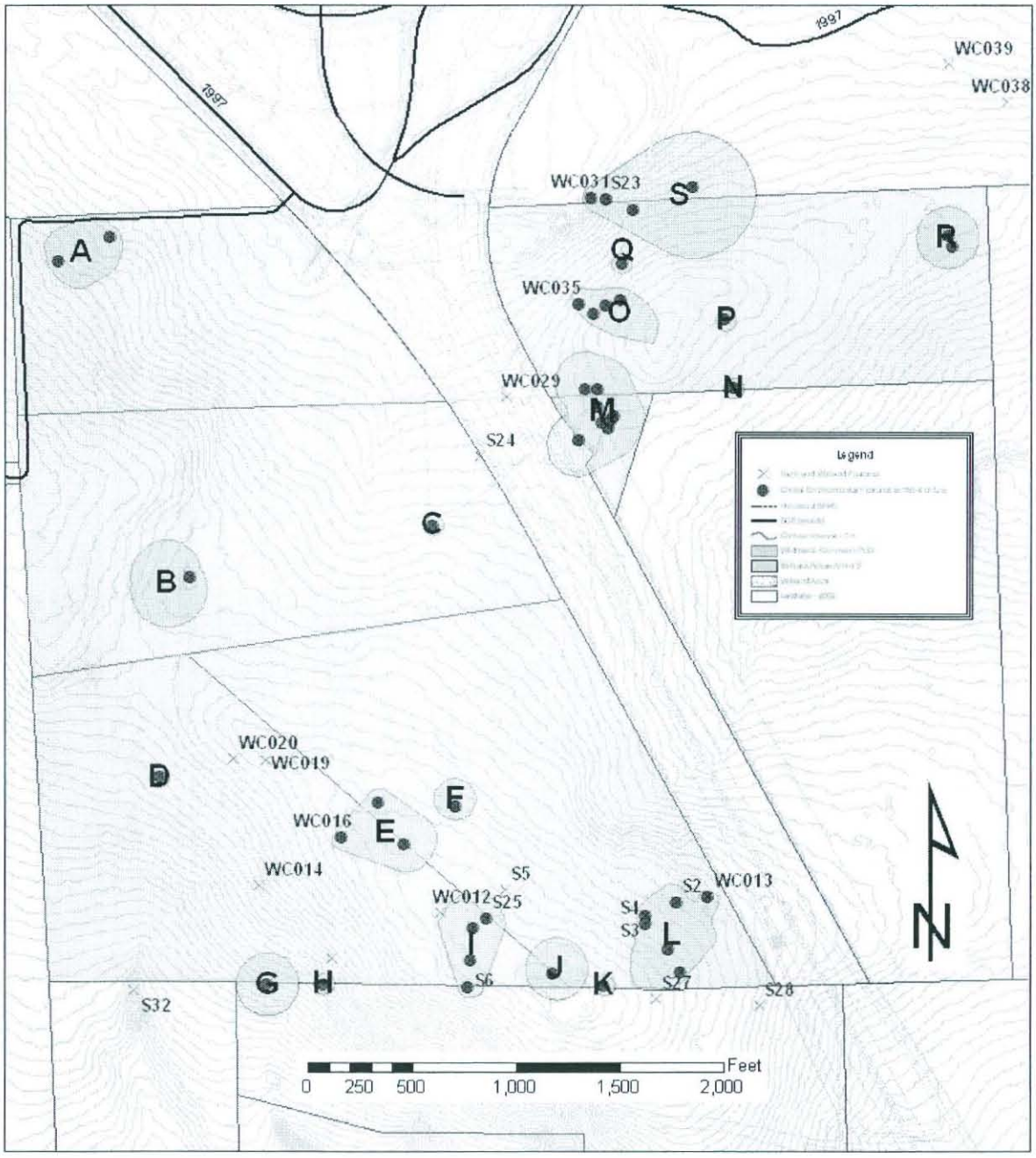
Table 1: GPS locations and corresponding CEF setback area

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: Setback Area Location Map

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



Wildflower Commons P.U.D.

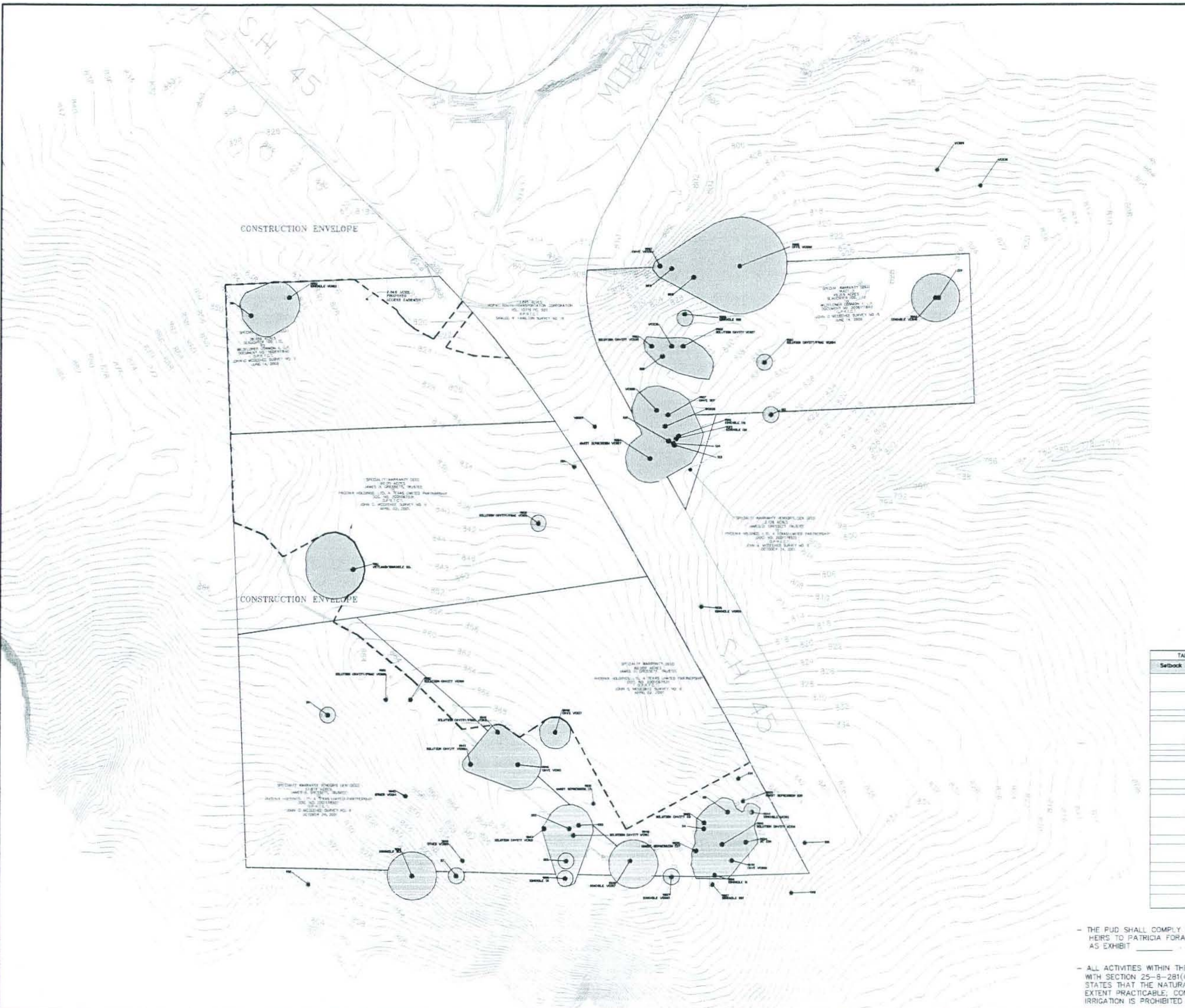


TABLE 2 – WILDFLOWER COMMONS – FEATURE ID, TYPES, LOCATION, SETBACK AREAS				
Feature ID	Feature Type	Latitude (N)	Longitude (W)	Setback Area Reference
S1	SH	30.16236	97.88410	L
S2	SH	30.16344	97.88382	L
S3	SC	30.16326	97.88428	L
S4	CS	30.16316	97.88429	L
S6	SH	30.16237	97.88701	I
S7	SC	30.16245	97.88923	H
S8	SH	30.17219	97.89290	A
S9	SH	30.16524	97.89162	D
S10	SH	30.16246	97.89006	G
S11	SH (Wetland)	30.16772	97.89107	B
S12	SH	30.16980	97.88401	M
S13	SH	30.16976	97.88472	M
S14	SC	30.16973	97.88470	M
S15	SH	30.16984	97.88466	M
S16	SH	30.16988	97.88461	M
S17	C	30.17025	97.88481	M
S18	SH	30.17126	97.88489	O
S19	C	30.17215	97.87943	R
S20	SH	30.17197	97.88444	Q
S21	SH	30.17021	97.88278	N
S22	SC	30.17264	97.88425	S
S23	SH	30.17276	97.88467	S
S25	SH	30.16327	97.88672	I
S26	SH	30.16257	97.88699	I
S33	SH	30.16310	97.88683	I
S36	SC	30.16291	97.88347	L
S37	CS	30.16279	97.88445	L
VC005	SH	30.16235	97.88494	K
VC007	SH	30.16264	97.88572	J
VC008	C	30.16261	97.88376	L
VC010	SC	30.16299	97.88394	L
VC011	SC	30.16322	97.88691	I
VC012	SC	30.16323	97.88742	I
VC013	SH	30.16342	97.88333	L
VC015	C	30.16434	97.88793	E
VC016	SC	30.16435	97.88887	E
VC017	C	30.16487	97.88715	F
VC018	SC-SF	30.16489	97.88832	E
VC021	SC-SF	30.16845	97.88741	C
VC023	SH	30.17239	97.89222	A
VC027	CS	30.16951	97.88517	M
VC028	CS	30.17033	97.88502	M
VC031	C	30.17280	97.88489	S
VC032	C	30.17277	97.88334	S
VC033	CS	30.17005	97.88407	M
VC034	SC-SF	30.17112	97.88289	P
VC035	SC	30.17143	97.88509	O
VC036	SC	30.17143	97.88471	O
VC037	SC	30.17142	97.88449	O
VC040	SH	30.17215	97.87947	R

TABLE 1 – WILDFLOWER COMMON SETBACK AREAS, RANGES AND INDIVIDUAL FEATURES		
Setback Area (CDA)	Range of Area	Individual Features Within Setback Areas
A	From S-8 325' NE through VC023, 50' SW from center line, 125' NW and 150' SE	S8, VC0-23
B	300' to W, 175' to N, 150' to S and 60' to E	S11
C	50' radius	VC021
D	50' radius	S9
E	450' to E from VC015, 50' to W from VC018, 300' to S, 50' to N	VC015, VC016, VC018
F	100' radius	VC017
G	150' radius	S10
H	50' radius	S7
I	From S-6 450' N, 50' S, from S33 175' W and 25' E	S6, S26, S33, VC011, VC012, S25
J	175' S, 125' N, 125' W, 175' E	VC07
K	50' radius	VC05
L	From S-1 N 450', S 25', From VC013 325' E and 175' W	S1, VC008, S36, S37, VC010, S4, S3, S2, VC013
M	150' to S, 450' to N, 160' W @ VC033, 250' E @ VC033	VC027, VC028, VC033, S12, S13, S14, S15, S16, S17
N	50' radius from S21	S21
O	400' to ESE, 100' along center line, 50' to WNW	VC035, VC036, VC037, S-18
P	50' radius from VC034	VC034
Q	75' to S, 40' to E, 40' to W, 25' to N	S20
R	150' radius from VC040	VC040, S19
S	250' to E, 50' to W, 300' to N & S	VC031, S21, S22, VC032

– THE PUD SHALL COMPLY WITH THE MEMORANDUM DATED JULY 7, 2008 FROM SCOTT HEIRS TO PATRICIA FORAN, COPY OF WHICH IS ATTACHED TO THE ZONING ORDINANCE AS EXHIBIT ______

– 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 BY THIS REQUIREMENT.

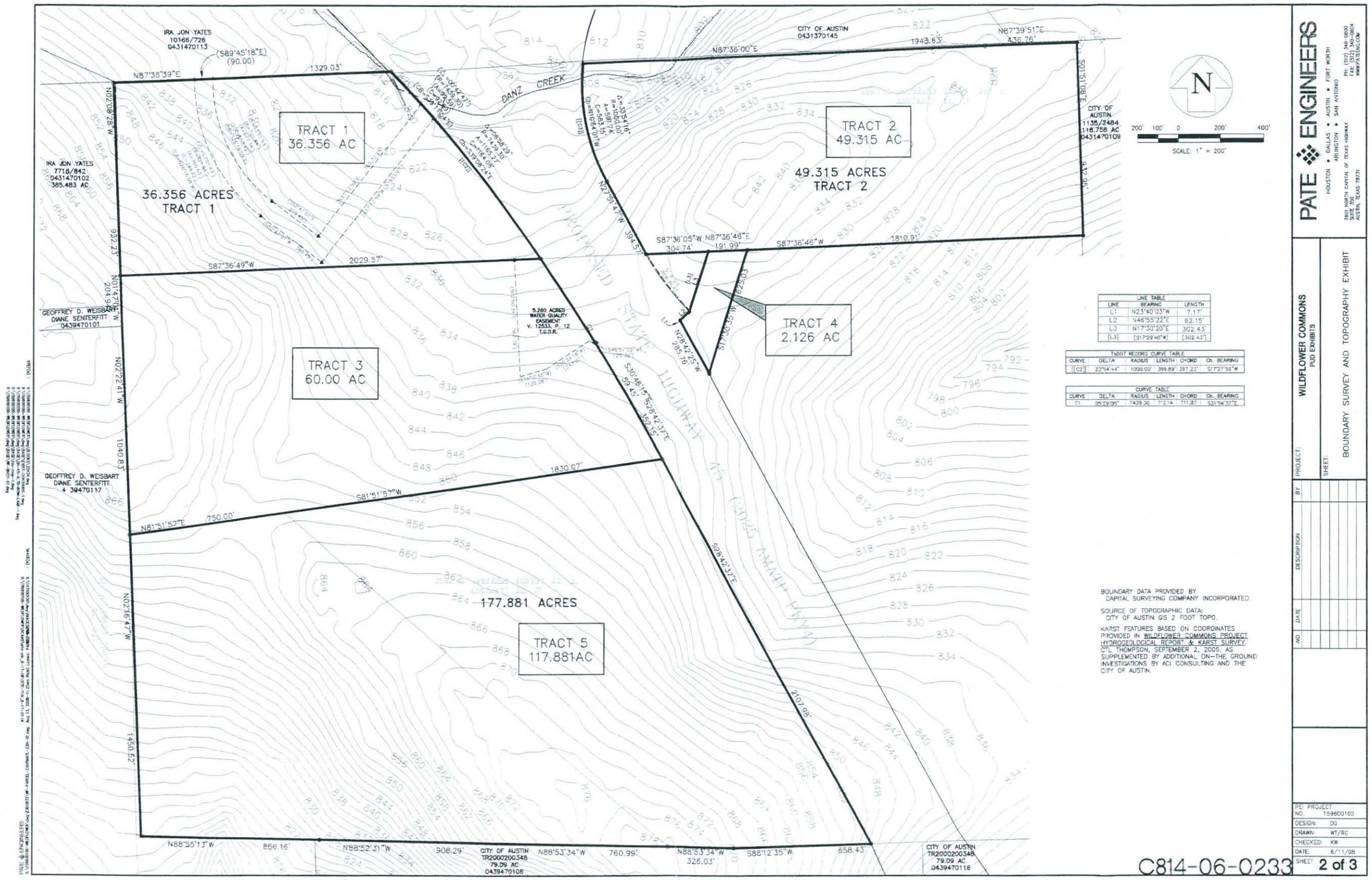
PATE ENGINEERS
HOUSTON • DALLAS • AUSTIN • FORT WORTH
ARLINGTON • SAN ANTONIO
7800 NORTH CAPITAL OF TEXAS HIGHWAY
SUITE 300
AUSTIN, TEXAS 78731
PH: (512) 340-0600
FAX: (512) 340-0604
WWW.PATEINC.COM

PROJECT: WILDFLOWER COMMONS PUD EXHIBITS

SHEET: CEF LOCATIONS AND APPROVED SETBACKS

NO.	DATE	DESCRIPTION	BY

PEI PROJECT NO. 159600100
DESIGN: MF
DRAWN: RC
CHECKED:
DATE: 6/12/08
SHEET: 3 of 3



LINE TABLE		
LINE	BEARING	LENGTH
L1	N23°40'03"W	7.17'
L2	N46°55'22"E	82.15'
L3	N17°30'20"E	302.43'
(L3)	(S17°29'40"W)	(302.43')

TxDOT RECORD CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD	Ch. BEARING
((C2))	22°54'44"	1000.00'	399.89'	397.23'	S17°27'30"W

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD	Ch. BEARING
C1	05°29'06"	7439.30'	712.14'	711.87'	S31°54'37"E

BOUNDARY DATA PROVIDED BY
CAPITAL SURVEYING COMPANY INCORPORATED.

SOURCE OF TOPOGRAPHIC DATA:
CITY OF AUSTIN GIS 2 FOOT TOPO.

KARST FEATURES BASED ON COORDINATES PROVIDED IN WILDFLOWER COMMONS PROJECT HYDROGEOLOGICAL REPORT & KARST SURVEY, CTL THOMPSON, SEPTEMBER 2, 2005, AS SUPPLEMENTED BY ADDITIONAL ON-THE GROUND INVESTIGATIONS BY ACI CONSULTING AND THE CITY OF AUSTIN.

PATE ENGINEERS
HOUSTON • DALLAS • AUSTIN • FORT WORTH
ARLINGTON • SAN ANTONIO
7801 NORTH CAPITAL OF TEXAS HIGHWAY
SUITE 350
AUSTIN, TEXAS 78731
PH: (512) 340-0800
FAX: (512) 340-0804
WWW.PATEENG.COM

PROJECT: WILDFLOWER COMMONS
PUD EXHIBITS

SHEET: BOUNDARY SURVEY AND TOPOGRAPHY EXHIBIT

NO.	DATE	DESCRIPTION	BY

PE PROJECT NO. 159600100
DESIGN: DG
DRAWN: WT/RC
CHECKED: KW
DATE: 6/11/08
SHEET 2 of 3

C814-06-0233

LINE TABLE		
LINE	BEARING	LENGTH
L1	N23°40'03"W	7.17'
L2	N48°55'22"E	82.15'
L3	N17°30'20"E	302.43'
(L3)	(S17°29'40"W)	(302.43')

TxDOT RECORD CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD	Ch. BEARING
((C1))	22°54'44"	1000.00'	399.89'	397.23'	S17°27'38"W

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD	Ch. BEARING
C1	05°29'35"	7439.30'	712.14'	711.87'	S33°54'37"E

NOTES:
- SECONDARY ACCESS TO SH45, WHILE NOT SHOWN, MAY BE ALLOWED TO TRACT 5 IF APPROVED BY TXDOT AS LONG AS THERE IS NO INCREASE IN IMPERVIOUS COVER.
- PARKLAND REQUIREMENTS SET FORTH UNDER SECTION 25-4, ARTICLE 3, DIVISION 9 (PARKLAND DEDICATION) AND SECTION 25-4-211(A) (APPLICABILITY) DO NOT APPLY TO THE PROPERTY AS LONG AS A MINIMUM OF 100 ACRES OF OPEN SPACE IS DEDICATED IN FEE SIMPLE OR CONSERVATION EASEMENT TO THE CITY OF AUSTIN, HILL COUNTRY CONSERVANCY OR ANY SIMILAR ENTITY. SUCH DEDICATION SHALL OCCUR ON OR BEFORE FORTY-FIVE (45) DAYS FROM THE INSURANCE BY THE CITY OF AUSTIN OF THE FIRST SITE DEVELOPMENT PERMIT FOR VERTICAL DEVELOPMENT ON TRACTS 1-5.
- IMPERVIOUS COVER ON ALL TRACTS MAY BE TRANSFERRED AMONG SUCH TRACTS AS PERMITTED BY THE BRADLEY SETTLEMENT AGREEMENT.
- THE CONSTRUCTION ENVELOPE SHOWN ON THIS DRAWING IS BASED ON PRELIMINARY LAND USE ASSUMPTIONS AND IT MAY BE REVISED AS NECESSARY TO ACCOMMODATE LAND PLAN REVISIONS; PROVIDED, HOWEVER, NO DEVELOPMENT SHALL BE ALLOWED IN THE BEAR CREEK WATERSHED AS IDENTIFIED ON THIS DRAWING.
- THE CONSTRUCTION ENVELOPE SHOWN IN THE LAYOUT IS FOR ILLUSTRATION PURPOSES ONLY AND IS INTENDED TO SHOW HOW DEVELOPMENT UNDER THE PROPOSED PUD RESTRICTIONS COULD PROCEED.
- IN NO EVENT SHALL ANY MAXIMUM IMPERVIOUS COVER NUMBERS SHOWN HEREIN INCLUDE ANY ALLOCATION FOR IMPERVIOUS COVER IN ANY ADJACENT ROADWAY.
- LOCATION AND SIZE OF WATER QUALITY FACILITIES AREAS MAY BE ADMINISTRATIVELY AMENDED BY THE DIRECTOR OF THE WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT.
- UTILITY LINES, DRIVEWAYS, LANDSCAPING, OR OTHER IMPROVEMENTS REQUIRED TO COMPLY WITH THE CITY OF AUSTIN REGULATIONS MAY BE INSTALLED IN ANY RE-IRRIGATION AND GREEN SPACE AREAS.
- FOR THE PURPOSE OF CALCULATING FLOOR TO AREA RATIO, GROSS SITE AREA SHALL INCLUDE CONSTRUCTION ENVELOPE AREA AND ANY RE-IRRIGATION AREAS.
- RESIDENTIAL DEVELOPMENT SHALL BE IN ACCORDANCE WITH SECTION 25-2-584 MULTIFAMILY RESIDENCE HIGHEST DENSITY (MF-6) DISTRICT REGULATIONS OF THE LAND DEVELOPMENT CODE WITH THE EXCEPTION OF THE MODIFICATIONS LISTED ON THE PUD LAND USE PLAN.
- WATER QUALITY FOR THIS SITE SHALL BE PROVIDED PURSUANT TO A SYSTEM THAT COMPLIES WITH THE TERMS OF THE ENGINEERING REPORT SUBMITTED BY PATE ENGINEERS, INC. ON DECEMBER 21, 2006, AS REVISED ON JUNE 10, 2008.

Code Modifications and Variances:

A) In accordance with Section 25-8-41 of the Land Development Code, the PUD specific performance standards identified herein shall apply in lieu of otherwise applicable Code sections, City regulations or the City policies

(1) Variance to Section 25-8-262 (B)(3)(b) of the Land Development Code which requires a minimum of 2,000 feet between a collector street and an arterial or another collector street crossing the same minor waterway, critical water quality zone in the Barton Springs Zone.

B) A waterway crossing into Tract 1, shown on the PUD Land Use Map, is necessary to provide access to property that cannot otherwise be safely accessed.

C) The cut and fill for the roadway, parking, driveways, or site development connection on the PUD Land Use Map will exceed four (4) feet of depth pursuant to Sections 25-8-341 (A)(2) and 25-8-342 (A)(2) of the Land Development Code, but shall not exceed fifteen (15) feet.

D) In accordance with Section 25-8-42 (B)(3) of the Land Development Code, the PUD specific performance standards identified herein shall apply in lieu of otherwise applicable Code sections, City regulations or the City policies.

(1) Variance to Section 25-8-42 (B)(3) (Cut Requirements) and 25-8-42 (B)(5) (Fill Requirements) of the Land Development Code which limit cuts and fill to no more than four (4) feet of depth are granted for water quality control or detention facilities to a maximum of ten (10) feet. These variances will result in water quality that is at least equal to the water quality achievable without the variances.

E) In accordance with Section 25-8-41 of the Land Development Code, the PUD specific performance standards identified herein shall apply in lieu of otherwise applicable Code sections, City regulations or the City policies.

(1) Variance to Section 25-8-481 (A)(1) (Water Quality Transition Zone) of the Land Development Code that prohibits development in a water quality transition zone that lies over the Edwards Aquifer recharge zone. The construction of a driveway or roadway into Tract 1 is permitted as shown on the PUD Land Use Plan.

F) In accordance with Section 25-8-41 of the Land Development Code, the PUD specific performance standards identified herein shall apply in lieu of otherwise applicable Code sections, City regulations or the City policies

(1) Variance to Section 25-8-482 (Critical Water Quality Zone) of the Land Development Code that prohibits development in a critical water quality zone. The construction of a driveway or roadway into Tract 1 is permitted as shown on the PUD Land Use Plan.

G) In accordance with Section 25-8-41 of the Land Development Code, the PUD specific performance standards identified herein shall apply in lieu of otherwise applicable Code sections, City regulations or the City policies.

(1) Variance to Section 25-1-21 (Definitions) of the Land Development Code which defines a Site as a contiguous area intended for development, or the area on which a building have been proposed to be built or has been built and does not permit a Site to cross a public street or right-of-way. For purposes of the calculations of impervious cover, the definition of Site includes all Tracts (1-5).

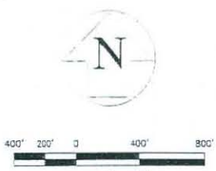
H) In accordance with Section 25-8-41 of the Land Development Code, the PUD specific performance standards identified herein shall apply in lieu of otherwise applicable Code sections, City regulations or the City policies.

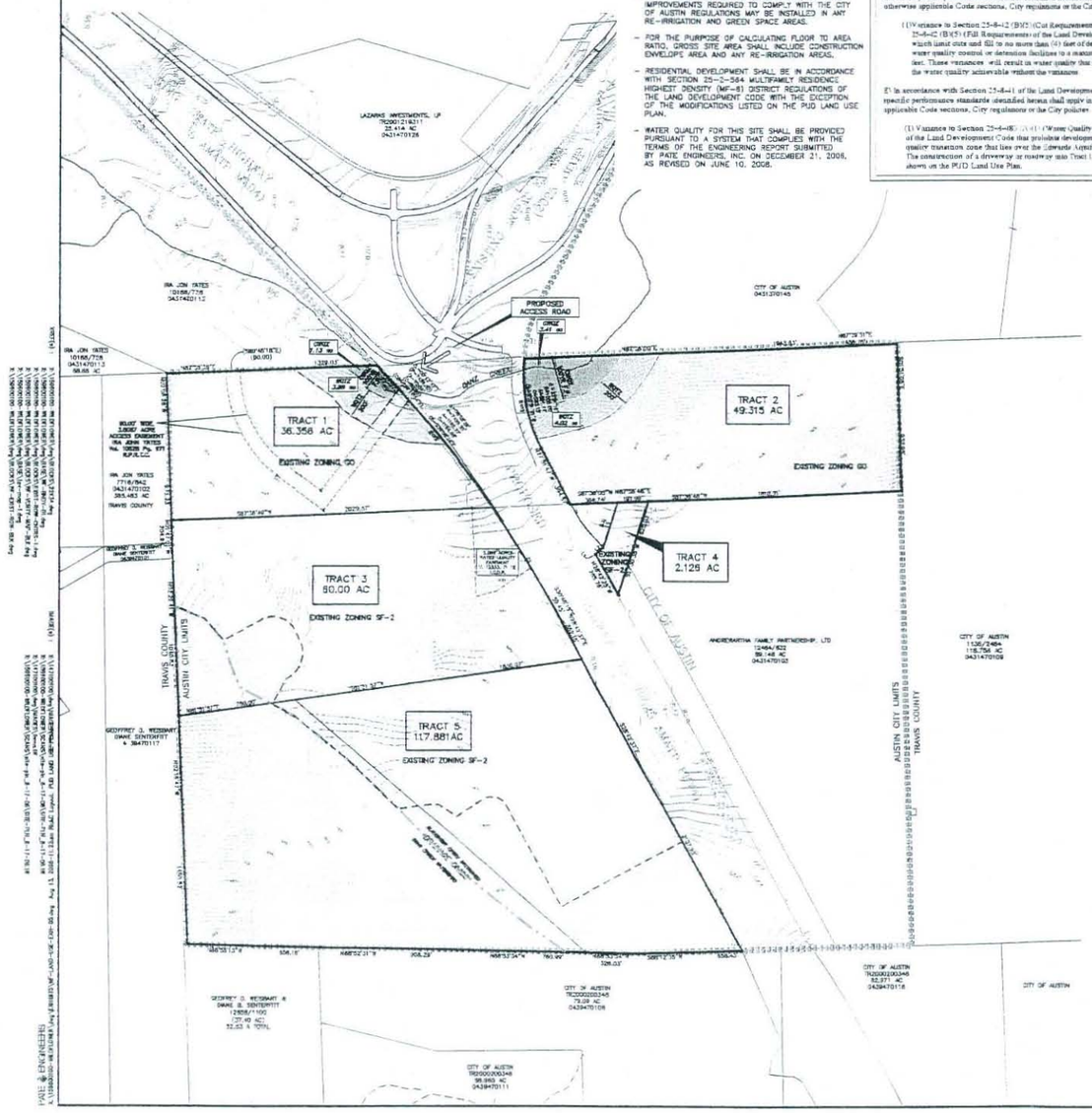
(1) Variance to Section 25-4-157(B) (Definitions) of the Land Development Code which new subdivisions to have two access streets that connect to different external streets, single median divided access drive 35-foot minimum pavement width each way will be allowed to connect to a single external street.

I) In accordance with Section 25-8-41 of the Land Development Code, the PUD specific performance standards identified herein shall apply in lieu of otherwise applicable Code sections, City regulations or the City policies

(1) Variance to Section 25-8-63 (Roadways) of the Land Development Code which requires impervious cover calculations for development adjacent to a roadway shall account for the adjacent roadway.

SITE MAP
N.T.S.





PROPOSED LAND USE

	REGULATORY OVERLAY	BASE ZONING DISTRICT	ADDITIONAL PERMITTED USES	ADDITIONAL PROHIBITED USES	SITE DEVELOPMENT MODIFICATION
TRACT 1	BRADLEY SETTLEMENT	GR-MU	PARK AND RECREATION SERVICES (SPECIAL AND GENERAL)	BAIL BOND SERVICES, PAWN SHOP, URBAN FARM, GROUP HOME	SITE DEVELOPMENT STANDARDS FOLLOW MF-6 FOR RESIDENTIAL USES. MAXIMUM HEIGHT OF 60' INCLUDES RESIDENTIAL USES.
TRACT 2	BRADLEY SETTLEMENT	(EXISTING ZONING GO DISTRICT)	NONE	NONE	NONE
TRACT 3	BRADLEY SETTLEMENT	GR-MU	PARK AND RECREATION SERVICES (SPECIAL AND GENERAL)	BAIL BOND SERVICES, PAWN SHOP, URBAN FARM, GROUP HOME	SITE DEVELOPMENT STANDARDS FOLLOW MF-6 FOR RESIDENTIAL USES. MAXIMUM HEIGHT OF 60' INCLUDES RESIDENTIAL USES.
TRACT 4	BRADLEY SETTLEMENT	(EXISTING ZONING SF-2 DISTRICT)	NONE	NONE	NONE
TRACT 5	BRADLEY SETTLEMENT	GR-MU	PARK AND RECREATION SERVICES (SPECIAL AND GENERAL)	BAIL BOND SERVICES, PAWN SHOP, URBAN FARM, GROUP HOME	SITE DEVELOPMENT STANDARDS FOLLOW MF-6 FOR RESIDENTIAL USES. MAXIMUM HEIGHT OF 60' INCLUDES RESIDENTIAL USES. MAXIMUM HEIGHT FOR HOTEL/MOTEL USE IS 90'

NOTE: DEVELOPMENT SHALL CONFORM TO ALL CURRENT DEVELOPMENT STANDARDS WITH THE EXCEPTION OF THE MODIFICATIONS LISTED ABOVE. THIS PUD WILL COMPLY WITH ALL COMPATIBILITY STANDARDS.

NOTE: AS LONG AS TRACTS 1-5 ARE SUBJECT TO THE BRADLEY SETTLEMENT AGREEMENT, LAND USES ON TRACTS 1-5 SHALL COMPLY WITH THE TERMS OF THE BRADLEY SETTLEMENT AGREEMENT. ADDITIONALLY, IF TRACTS 1, 3 AND 5 ARE NO LONGER SUBJECT TO THE BRADLEY SETTLEMENT AGREEMENT, THE FOLLOWING USES SHALL BE CONSIDERED, "ADDITIONAL PERMITTED USES" ON THESE TRACTS: COCKTAIL LOUNGE, LIQUOR SALES, CONVALESCENT SERVICES.

NET SITE AREA:	TRACT 1 SLAUGHTER 100 (BRADLEY TRACT 14A)	TRACT 2 SLAUGHTER 100 (BRADLEY TRACT 14B)	TRACT 3 GRESSET TRACT (BRADLEY TRACT 15)	TRACT 4 ANDREWARTHA (BRADLEY TRACT 16A)	TRACT 5 ANDREWARTHA (BRADLEY TRACT 16B)	TOTAL
TOTAL GROSS SITE AREA	36.356 AC	49.315 AC	60.00 AC	2.126 AC	117.881 AC	265.678 AC
CRITICAL WATER QUALITY ZONE (CWQZ)	1.130 AC	3.41 AC	0.00	0.00	0.00	
WATER QUALITY TRANSITION ZONE (WQTZ)	3.88 AC	4.00 AC	0.00	0.00	0.00	
WASTEWATER IRRIGATION AREA	0.00	0.00	0.00	0.00	0.00	
DEDUCTION SUBTOTAL	5.01 AC	7.43 AC	0.00	0.00	0.00	
UPLAND AREAS (GROSS MINUS TOTAL DEDUCTIONS)	31.346 AC	41.890 AC	60.00 AC	2.126 AC	117.881 AC	
NET SITE AREA CALCULATIONS						
AREA OF UPLAND WITH SLOPES 0-15% x 100%	31.346 AC	41.890 AC	60.00 AC	2.126 AC	117.881 AC	253.243 AC
AREA OF UPLAND WITH SLOPES 15-25% x 40%	0.00	0.00	0.00	0.00	0.00	
AREA OF UPLAND WITH SLOPES 25-35% x 20%	0.00	0.00	0.00	0.00	0.00	
NET SITE AREA	31.346 AC	41.890 AC	60.00 AC	2.126 AC	117.881 AC	253.243 AC
IMPERVIOUS COVER ALLOCATION	4.702 AC	6.284 AC	15.34 AC	0.338 AC	18.743 AC	45.807 AC

IMPERVIOUS COVER ALLOWABLE= 45.807 AC (18.01%)
IMPERVIOUS COVER PROPOSED= 37.988 AC CONSTRUCTION ENVELOPE (15%)
NOTE: IN NO EVENT SHALL ANY OF TRACTS 1-5 BE SUBJECT TO ANY ALLOCATION OF IMPERVIOUS COVER FROM ANY ADJACENT ROADWAYS.

NOTE: - THE REMAINING 7.821 AC OF PERMITTED IMPERVIOUS COVER SHALL BE TRANSFERRED BY SEPARATE INSTRUMENT TO HILL COUNTRY CONSERVANCY OR SIMILAR ENTITY FOR USE AS HEREAFTER APPROVED BY THE CITY OF AUSTIN FOR RECREATIONAL PURPOSES.

LEGEND

- OPEN SPACE
- CONSTRUCTION ENVELOPE
- CITY LIMITS BOUNDARY
- SITE ACCESS POINTS

BOUNDARY DATA PROVIDED BY CAPITAL SURVEYING COMPANY INCORPORATED.

SOURCE OF TOPOGRAPHIC DATA: CITY OF AUSTIN GIS 2 FOOT TOPO.

KARST FEATURES BASED ON COORDINATES PROVIDED IN WILDFLOWER COMMONS PROJECT HYDRO-GEOLOGICAL REPORT & KARST SURVEY, CTL THOMPSON, SEPTEMBER 2, 2005, AS SUPPLEMENTED BY ADDITIONAL ON-THE-GROUND INVESTIGATIONS BY ACI CONSULTING AND THE CITY OF AUSTIN.

C814-06-0233

PATE ENGINEERS
HOUSTON • DALLAS • AUSTIN • FORT WORTH
ABILENE • SAN ANTONIO
7800 NORTH CAPITAL OF TEXAS HIGHWAY
SUITE 250
AUSTIN, TEXAS 78731
PH. (512) 340-0800
FAX. (512) 340-0804
WWW.PATEENG.COM

PROJECT: WILDFLOWER COMMONS
PUD EXHIBITS

SHEET: PUD LAND USE PLAN

NO.	DATE	DESCRIPTION	BY

PE: PROJECT NO. 159600100
DESIGN: GG
DRAWN: RC
CHECKED: KW
DATE: 9/11/08
SHEET 1 of 3

AGENDA ITEM 3b

ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING DATE REQUESTED:	October 15, 2008
NAME & NUMBER OF PROJECT:	Ben White/IH 35 Bioretention/Extended Detention Pond SP-2008-0227D
NAME OF APPLICANT OR ORGANIZATION:	Crespo Consulting Services, Inc. (City of Austin) (Steve Stecher – Phone 343-6404)
LOCATION:	5405 ½ Interstate Highway 35 Service Road Northbound
PROJECT FILING DATE:	May 6, 2008
WPDR/ENVIRONMENTAL STAFF:	Patricia Foran, 974-3427 patricia.foran@ci.austin.tx.us
WPDR/ CASE MANAGER:	Janna Renfro, 974-3422 janna.renfro@ci.austin.tx.us
WATERSHED:	Williamson Creek Watershed (Suburban) Desired Development Zone
ORDINANCE:	Comprehensive Watershed Ordinance (current Code)
REQUEST:	Variance request from: LDC 25-8-281(C)(2)(b) to reduce CEF setback to 0 feet; LDC 25-8-341 to allow cut as specified in Exhibit B; LDC 25-8-342 to allow fill as specified in Exhibit B; and LDC 25-8-392 to develop in the CWQZ as specified in Exhibit A.

STAFF RECOMMENDATION: Recommended with conditions.

REASONS FOR RECOMMENDATION:	Findings of fact have been met.

MEMORANDUM

TO: David Sullivan, Chairperson
Members of the Planning Commission

FROM: Patricia Foran, Environmental Reviewer
Watershed Protection and Development Review Department

DATE: September 29, 2008

SUBJECT: Ben White/IH 35 Bioretention/Extended Detention Pond/ SP-2008-0227D
5405 ½ Interstate State Highway 35 Service Road Northbound

Description of Project

The City of Austin is proposing to construct a bioretention/extended detention pond in order to improve the water quality of runoff draining from Interstate Highway 35 (IH 35), and adjacent commercial and light industrial development to Williamson Creek. The project is proposed on a 5.76 tract of undeveloped land that was purchased specifically for a detention/water quality feature.

The site is within the Williamson Creek Watershed, which is classified as Suburban. The site is in the Desired Development Zone. No portion of this project is located over the Edwards Aquifer Recharge Zone. Williamson Creek, a classified major waterway, is located on this site. There is critical water quality zone (CWQZ), water quality transition zone (WQTZ), 100 year floodplain, and a critical environmental feature (CEF) located on the subject property.

In order to provide the bioretention/extended detention pond as necessary, several variances are required. The applicant is requesting a variance to LDC 25-8-281 to reduce the CEF setback to 0 feet for a canyon rimrock in order to allow for the pond to be graded, restabilized, and revegetated. Environmental Resource Management reviewed and approved the mitigation plan. A variance to LDC 25-8-341 and 342 for cut and fill is necessary to achieve the appropriate depth for the pond. All cut and fill will be either structurally contained or graded to a stable slope. A variance to LDC 25-8-392 is needed to perform the grading and construct maintenance roads within the CWQZ.

Hydrogeologic Report

The topography within the subject area slopes from the west and east/northeast towards the unnamed tributary, and then south towards Williamson Creek. The majority of the site consists of a small drainageway with an outfall that provides conveyance for stormwater runoff from the

IH 35/Hwy 71 intersection to Williamson Creek. The banks of the drainageway are steep and there are two rimrock CEFs along the eastern banks.

The site is not located within the Edwards Aquifer recharge zone or contributing zone. The surface geology consists of limestone within the Austin Chalk. Soils on the subject area include: Eddy soils and Urban land, gravelly loam to gravelly clay loam, 0 to 6 percent slopes; Altoga soils and Urban land, silty-clay, 2 to 8 percent slopes; and Houston Black soils and Urban land, clay to gravelly clay, 0 to 8 percent slopes.

Vegetation

The site has two distinct types of vegetation areas: a) cleared and mowed TxDOT Right-of-Way along the western border, and b) undeveloped woodland. The ROW is planted with the standard TxDOT roadside mix and is mowed frequently. The woodland on the project site reflects the Live Oak-Ashe Juniper Woods described by The Vegetation Types of Texas published in 1984 by the Texas Parks and Wildlife. Dominant vegetation includes a tree layer of primarily Ashe Juniper (Juniperus ashei), with occurrences of various oaks (Quercus spp.), Cedar Elm (Ulmus crassifolia), Honey Mesquite (Prosopis glandulosa), and Hackberry (Celtis spp.); a shrub layer of Ashe Juniper and Texas Mountain Laurel (Sophora secundiflora); a vine layer of Poison Ivy (Toxicodendron radicans); and an herbaceous layer of Giant Ragweed (Ambrosia trifida) and other non-native grasses.

Critical Environmental Features

Two canyon rimrock CEFs are located within the subject area. Please refer to attachment "Exhibit A" for feature locations. Mitigation will be provided in lieu of a setback in accordance with the planting plan reviewed and approved by Environmental Resource Management staff.

Water/Wastewater Report

No water or wastewater service is proposed with this site plan.

Variance from Land Development Code

The variances required by this project are to:

1. LDC 25-8-281(C)(2)(b) to reduce CEF setback to 0 feet;
2. LDC 25-8-341 to allow cut as specified in Exhibit B;
3. LDC 25-8-342 to allow fill as specified in Exhibit B; and
4. LDC 25-8-392 to develop in the CWQZ as specified in Exhibit A.

Similar Cases

There are no previous variance requests that are substantially similar to those requested by the applicant.

Recommendations:

Staff recommends the variance with conditions request because the findings of fact have been met. Conditions include:

1. Revegetate all disturbed areas within the CWQZ with COA specification 609S for seeding and planting or other alternative as approved by Environmental Resource Management (excluding area within Texas Department of Transportation right-of-way).

2. Provide only native/drought tolerant plants from the COA's GrowGreen guide for all landscaping and mitigation trees (excluding area within Texas Department of Transportation right-of-way).

If you have any questions or need additional information, please contact Patricia Foran at 974-3427.

Patricia Foran, Environmental Review Specialist Senior
Watershed Protection and Development Review Department

Environmental Program Coordinator: _____
Ingrid McDonald

Environmental Officer: _____
Patrick Murphy

Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances

Application Name: *Ben White/IH 35 Bioretention/Extended Detention Pond*
Application Case No: *SP-2008-0227D*
Code Reference: *LDC 25-8-281*
Variance Request: *To reduce the CEF setback to 0 feet*

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

   Yes *The area within the proposed site plan is unique compared to the properties in the surrounding area due to the fact that it is composed of Texas Department of Transportation right-of-way and City of Austin owned property. The type of development is also unique since it is a detention and water quality feature that will improve the overall water quality of drainage entering Williamson Creek. Furthermore, the site characteristics are unique, with varying topography, CWQZ, WQTZ, 100 year floodplain, and two rimrock CEFs.*

2. The variance:

   a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

      Yes *The goal of the project is to provide a bioretention/extended detention pond that will treat approximately 269 acres of untreated drainage from IH 35 and surrounding industrial and commercial developments. In order to accomplish this, encroachment into the CEF setback is necessary. Mitigation for areas of the CEF disturbed will be performed as approved by Environmental Resource Management staff and consists of revegetating areas upslope of the CEFs with native seeding and planting at twice the density specified in item 609S of the City's Standard and Specification Manual.*

b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

Yes *Development of this bioretention/extended detention pond is a reasonable use of the property.*

c) Does not create a significant probability of harmful environmental consequences; and

Yes *The construction phase of the project is when any potential environmental harm may occur. The applicant has provided an erosion and sedimentation control and revegetation plan that addresses environmental concerns during construction. Post construction, this project will improve the water quality of drainage into Williamson Creek.*

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

Yes *The purpose of the project is to improve the water quality draining into Williamson Creek from IH 35 and surrounding developments. In addition, the applicant has agreed to: revegetate all disturbed areas within the CWQZ with COA specification 609S for seeding and planting or other alternative as approved by Environmental Resource Management (excluding area within Texas Department of Transportation right-of-way) and provide only native/drought tolerant plants from the COA's GrowGreen guide for all landscaping and mitigation trees (excluding area within Texas Department of Transportation right-of-way).*

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

Yes. *The above criteria are met.*

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

Yes. *The pond proposed is a reasonable use for this property.*

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Yes. *This variance requested is the minimum change necessary to meet the design requirements of the pond.*

Reviewer Name: **Patricia Foran**

Reviewer Signature: Patricia Foran

Date: September 29, 2008

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).

Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances

Application Name: *Ben White/IH 35 Bioretention/Extended Detention Pond*
Application Case No: *SP-2008-0227D*
Code Reference: *LDC 25-8-341*
Variance Request: *To perform cuts as specified in Exhibit B*

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

   Yes *The area within the proposed site plan is unique compared to the properties in the surrounding area due to the fact that it is composed of Texas Department of Transportation right-of-way and City of Austin owned property. The type of development is also unique since it is a detention and water quality feature that will improve the overall water quality of drainage entering Williamson Creek. Furthermore, the site characteristics are unique, with varying topography, CWQZ, WQTZ, 100 year floodplain, and two CEFs.*

2. The variance:

   a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

      Yes *The goal of the project is to provide a bioretention/extended detention pond that will treat approximately 269 acres of untreated drainage from IH 35 and surrounding industrial and commercial developments. In order to accomplish this, cuts over four feet are necessary.*

   b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

      Yes *Development of this bioretention/extended detention pond is a reasonable use of the property.*

   c) Does not create a significant probability of harmful environmental consequences; and

Yes *The construction phase of the project is when any potential environmental harm may occur. The applicant has provided an erosion and sedimentation control and revegetation plan that addresses environmental concerns during construction. Post construction, this project will improve the water quality of drainage into Williamson Creek.*

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

Yes *The purpose of the project is to improve the water quality draining into Williamson Creek from IH 35 and surrounding developments. In addition, the applicant has agreed to: revegetate all disturbed areas within the CWQZ with COA specification 609S for seeding and planting or other alternative as approved by Environmental Resource Management (excluding area within Texas Department of Transportation right-of-way) and provide only native/drought tolerant plants from the COA's GrowGreen guide for all landscaping and mitigation trees (excluding area within Texas Department of Transportation right-of-way).*

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

Yes. *The above criteria are met.*

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

Yes. *The pond proposed is a reasonable use for this property.*

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Yes. *This variance requested is the minimum change necessary to meet the design requirements of the pond.*

Reviewer Name: **Patricia Foran**

Reviewer Signature: Patricia Foran

Date: **September 29, 2008**

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).

Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances

Application Name: *Ben White/IH 35 Bioretention/Extended Detention Pond*
Application Case No: *SP-2008-0227D*
Code Reference: *LDC 25-8-342*
Variance Request: *To perform fills as specified in Exhibit B*

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

   Yes *The area within the proposed site plan is unique compared to the properties in the surrounding area due to the fact that it is composed of Texas Department of Transportation right-of-way and City of Austin owned property. The type of development is also unique since it is a detention and water quality feature that will improve the overall water quality of drainage entering Williamson Creek. Furthermore, the site characteristics are unique, with varying topography, CWQZ, WQTZ, 100 year floodplain, and two CEFs.*

2. The variance:

   a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

      Yes *The goal of the project is to provide a bioretention/extended detention pond that will treat approximately 269 acres of untreated drainage from IH 35 and surrounding industrial and commercial developments. In order to accomplish this, fills over four feet are necessary.*

   b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

      Yes *Development of this bioretention/extended detention pond is a reasonable use of the property.*

   c) Does not create a significant probability of harmful environmental consequences; and

Yes *The construction phase of the project is when any potential environmental harm may occur. The applicant has provided an erosion and sedimentation control and revegetation plan that addresses environmental concerns during construction. Post construction, this project will improve the water quality of drainage into Williamson Creek.*

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

Yes *The purpose of the project is to improve the water quality draining into Williamson Creek from IH 35 and surrounding developments. In addition, the applicant has agreed to: revegetate all disturbed areas within the CWQZ with COA specification 609S for seeding and planting or other alternative as approved by Environmental Resource Management (excluding area within Texas Department of Transportation right-of-way) and provide only native/drought tolerant plants from the COA's GrowGreen guide for all landscaping and mitigation trees (excluding area within Texas Department of Transportation right-of-way).*

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

Yes. *The above criteria are met.*

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

Yes. *The pond proposed is a reasonable use for this property.*

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Yes. *This variance requested is the minimum change necessary to meet the design requirements of the pond.*

Reviewer Name: **Patricia Foran**

Reviewer Signature: Patricia Foran

Date: **September 29, 2008**

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).

Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances

Application Name:	***Ben White/IH 35 Bioretention/Extended Detention Pond***
Application Case No:	***SP-2008-0227D***
Code Reference:	***LDC 25-8-392***
Variance Request:	***To develop within the CWQZ as specified in Exhibit A***

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

   Yes *The area within the proposed site plan is unique compared to the properties in the surrounding area due to the fact that it is composed of Texas Department of Transportation right-of-way and City of Austin owned property. The type of development is also unique since it is a detention and water quality feature that will improve the overall water quality of drainage entering Williamson Creek. Furthermore, the site characteristics are unique, with varying topography, CWQZ, WQTZ, 100 year floodplain, and two CEFs.*

2. The variance:

   a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

      Yes *The goal of the project is to provide a bioretention/extended detention pond that will treat approximately 269 acres of untreated drainage from IH 35 and surrounding industrial and commercial developments. In order to accomplish this, development within the CWQZ is necessary.*

   b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

      Yes *Development of this bioretention/extended detention pond is a reasonable use of the property.*

   c) Does not create a significant probability of harmful environmental consequences; and

Yes *The construction phase of the project is when any potential environmental harm may occur. The applicant has provided an erosion and sedimentation control and revegetation plan that addresses environmental concerns during construction. Post construction, this project will improve the water quality of drainage into Williamson Creek.*

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

Yes *The purpose of the project is to improve the water quality draining into Williamson Creek from IH 35 and surrounding developments. In addition, the applicant has agreed to: revegetate all disturbed areas within the CWQZ with COA specification 609S for seeding and planting or other alternative as approved by Environmental Resource Management (excluding area within Texas Department of Transportation right-of-way) and provide only native/drought tolerant plants from the COA's GrowGreen guide for all landscaping and mitigation trees (excluding area within Texas Department of Transportation right-of-way).*

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

Yes. *The above criteria are met.*

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

Yes. *The pond proposed is a reasonable use for this property.*

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Yes. *This variance requested is the minimum change necessary to meet the design requirements of the pond.*

Reviewer Name: **Patricia Foran**

Reviewer Signature: Patricia Foran

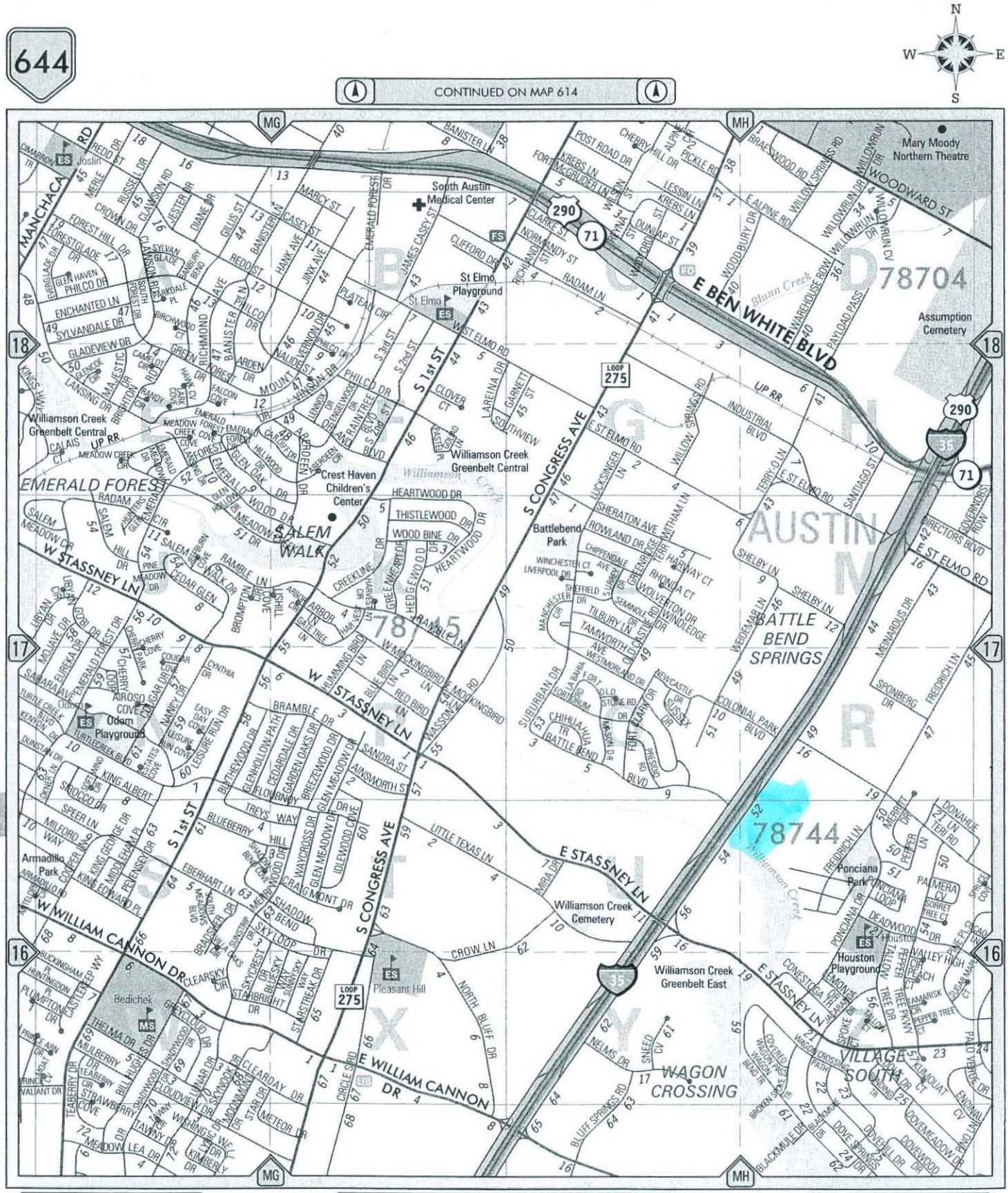
Date: **September 29, 2008**

Staff may recommend approval of a variance after answering all applicable determir affirmative (YES).

DIRECTIONS TO BEN WHITE/IH 35 BIORETENTION/EXTENDED DETENTION POND

SP-2008-0227D

This project is located within the Full Purpose City Limits at 5405 ½ Interstate State Highway (IH) 35 Service Road Northbound. Take IH 35 Service Road North approximately ¼ mile north of Stassney Lane. The site is on the right side, along the Texas Department of Transportation right-of-way. The site can be accessed by parking in the Sam's Club parking lot and walking.



SCALE IN MILES

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SCALE IN FEET

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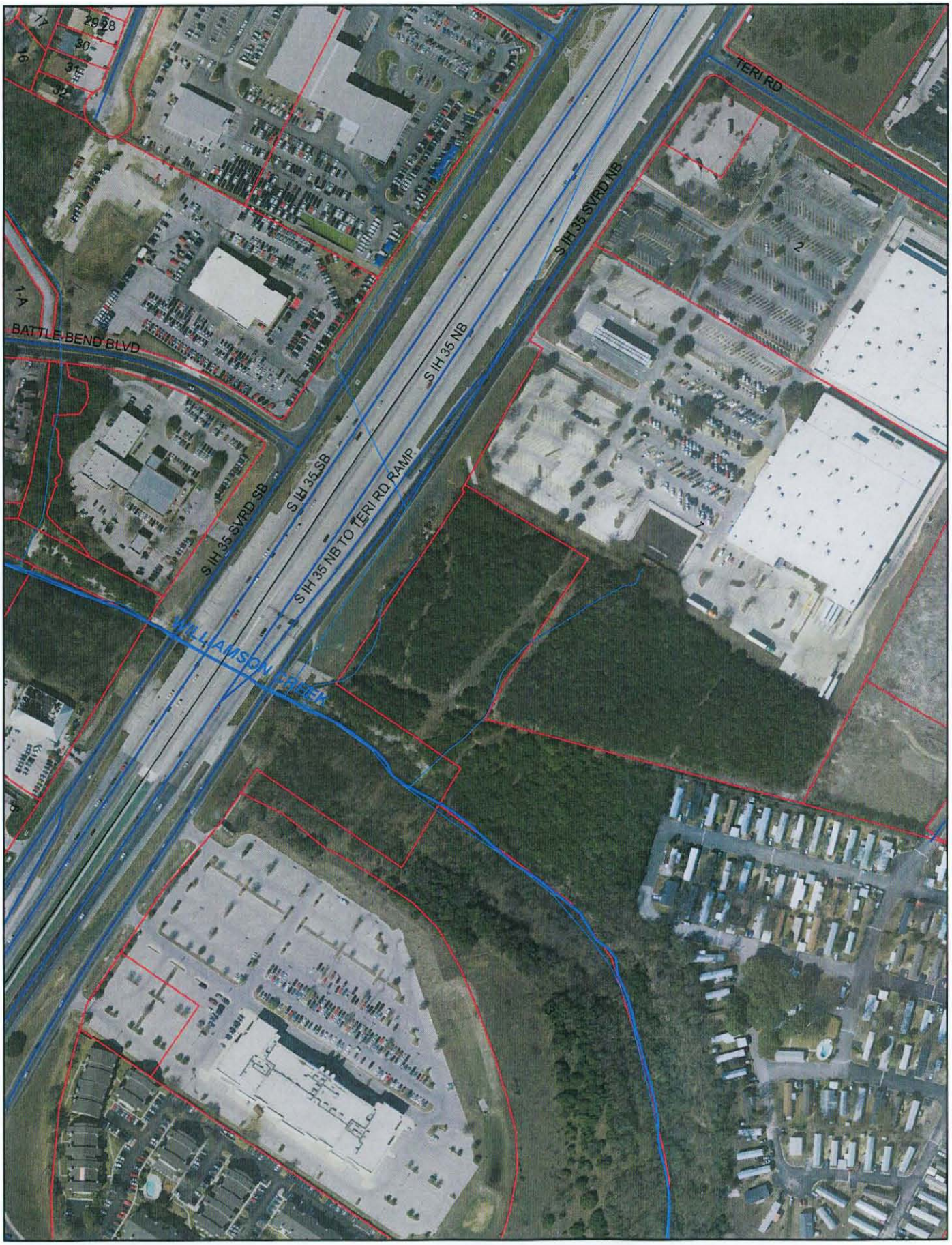
TERI RD
S IH 35 SVRD NB
S IH 35 NB
BATTLE BEND BLVD
S IH 35 SVRD SB
S IH 35 SB
S IH 35 NB TO TERI RD RAMP
WILLIAMSON CREEK
17
16
2928
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1-A
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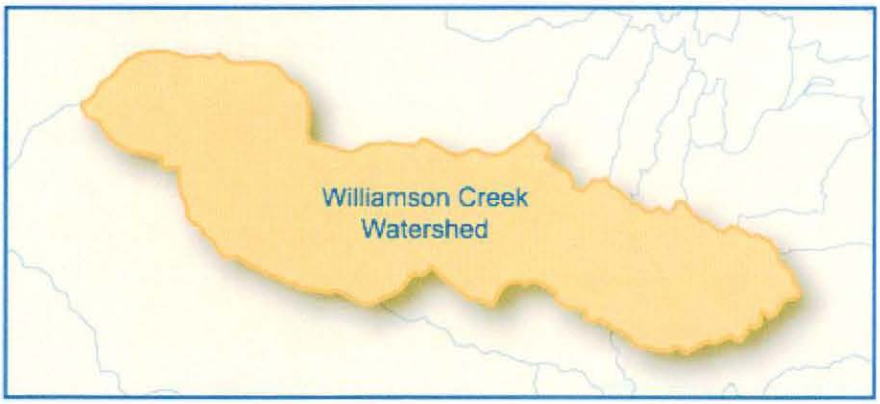
Item 36
Part (2)

Austin's Watersheds



Fast Facts

Photo Gallery

Environmental Creek Assessments

Fast Facts

Population	2000: 92,922 2030: 129,514
Creek Length	19 miles
Drainage Area	30 square miles
Drains To	Colorado River east of Austin through Onion Creek
Well Known Sites	Dick Nichols District Park, Jimmy Clay Golf Course, Garrison Park, The "Y" in Oak Hill, Crockett High School, Stephenson Preserve, Blowing Sink Karst Preserve, Seton Southwest
Land Use	Residential 33% Business 7% Civic 3% Parks 6% Roadways 14% Undeveloped 37%

Watershed Facts

- Williamson Creek has characteristics of a developing watershed with a moderate amount of impervious cover (paved surfaces), and has a high potential for future impervious cover increases from additional development.
- The watershed encompasses over 30 square miles, and is Austin's second largest suburban watershed. Williamson Creek flows downstream to McKinney Falls, Onion Creek and eventually to the Colorado River.
- The upper reaches of the creek recharge the Edwards Aquifer, and scientists believe that at one time Barton Creek was a tributary of Williamson Creek.
- Williamson Creek is home to many beautiful caves including Whirlpool Cave and District Park Cave in Dick Nichols Park.
- In response to citizen complaints, investigators find an average of 90 pollution problems each year in Williamson Creek. Sewage is the most common problem, followed by petroleum and trash
- Water quality is good to excellent* (2001 Water Watchdogs EII Phase 1 Watersheds Report (monitoring conducted in 2000)

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Creek Assessments

Environmental

Index	Score	Category	Notes
Overall Score	69	Good	Williamson ranks 13 out of 46 watersheds in overall quality
Water Chemistry	63	Good	Water quality is above average
Sediment Quality	80	Very Good	PAHs are low, herbicides/pesticides are very low, metals are very low
Recreation	89	Excellent	During dry weather conditions, bacteria is not a threat
Aesthetics	73	Good	Some litter is present, no odor, algae covers 10-20% of creek, some of the creek bed is dry
Habitat	66	Good	Increased sediment deposition, buffer zone is small
Aquatic Life	43	Marginal	Benthic macroinvertebrate community is poor; diatom community is fair

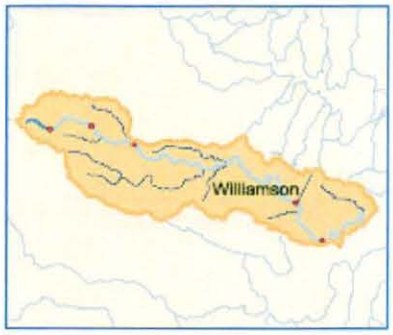
- The US Corps of Engineers is planning projects for flood and ecosystem restoration; this may result in federal funding for projects that improve water quality and aquatic life.
- Corps of Engineers project plan includes flood control and stream restoration

projects with potential to improve riparian and stream habitat.

- Project increases in population and development could double the current level of impervious cover by 2040.
- Recharge zone bisects watershed and influences local hydrology of creek.

Learn More

How to Help



Environmental scores are based on a full range of chemical, biological, and physical assessments.

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Photo Gallery

Williamson Creek at Highway 71

Williamson Creek at Joe Tanner

Williamson Creek at Mowinkle Drive

Williamson Creek at McKinney Falls

Williamson Creek at McKinney Falls

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Crespo Consulting Services, Inc.
Civil & Environmental Engineering

July 25, 2008

Javad Oskouipour, P.E.
City of Austin – Watershed Protection and Development Review Department
One Texas Center
505 Barton Springs Rd
Austin, TX 78704

Project: City of Austin – Ben White/IH-35 Bioretention Pond Project
CIP ID# 5282.007
SP-2008-0227D

RE: Request for Land Use Commission Variance to Section 25-8-341 of the City of Austin Land Development Code for Cut Requirements

Dear Mr. Oskouipour,

On behalf of the City of Austin Watershed Protection and Development Review Department (WPDRD), this letter is formally notifying you of our intent to request an administrative variance from the requirements of the following Land Development Code Section:

LDC 25-8-341 Cut Requirements

(A) Cuts on a tract of land may not exceed four feet of depth, except:
(1) in an urban watershed;
(2) in a roadway right-of-way;
(3) for construction of a building foundation;
(4) for utility construction or a wastewater drain field, if the area is restored to natural grade;
(5) in a state-permitted sanitary landfill or a sand or gravel excavation located in the extraterritorial jurisdiction, if:
(a) the cut is not in a critical water quality zone;
(b) the cut does not alter a 100-year floodplain;
(c) the landfill or excavation has an erosion and restoration plan approved by the City; and
(d) all other applicable City Code provisions are met.
(B) A cut must be restored and stabilized.
(C) A roadway cut must be contained within the roadway clearing width described in Section 25-8-322 (Clearing For A Roadway).

Source: Subsections 13-7-16(b), (c), and (e); Ord. 990225-70; Ord. 031211-11.

The project, as proposed, represents the minimum departure necessary from City requirements to accomplish the environmental goals of the City. The proposed pond represents the most feasible and environmentally responsible option for the COA, and mitigation is provided for this variance. All cut areas are restored and stabilized as part of the pond embankment and grading, and enhanced re-vegetation is provided.

Please consider our supporting discussion in your decision to grant this administrative variance.

Project Background

The City of Austin WPDRD is proposing this project for improving water quality to Williamson Creek by constructing a bioretention/extended detention pond near Williamson Creek. This pond project represents the culmination of 10 years of work between the City of Austin, the Texas Department of Transportation (TxDOT), and Crespo Consulting Services, Inc. (Crespo). In the 1990's when the construction of the IH-35 and Ben White Blvd. highway improvements project began, the City of Austin entered into a joint project with TxDOT to protect the water quality in Williamson Creek. TxDOT provided the infrastructure (pipes, culverts) to collect and transport the first flush of storm water runoff from a 269-acre drainage area to the selected pond site, the City purchased the land, and Crespo designed the water quality pond to treat the water before it reached Williamson Creek. TxDOT completed their part of the project by building the inflow structure for the pond and the City acquired the land. Along with WPDRD, we have finalized the pond design and have entered the site plan development permitting phase of the project.

This project included an evaluation of water quality treatment alternatives for the area. The selected design alternative included four sedimentation/filtration ponds that have recently been constructed at the IH-35/Ben White interchange, in addition to the proposed bioretention pond. The bioretention pond is the key component of the water quality design and is the last pond to be constructed.

Project Information

The proposed pond site, as described above, will be built on a currently undeveloped 5.76-acre tract of land that the City *purchased specifically* for this pond. The site is situated east of the IH-35 frontage road, south of the Sam's Club shopping center, and north of Williamson Creek. The western part of property abuts the TxDOT IH-35 ROW, has been cleared of trees and brush, and has been disturbed by previous highway construction. The eastern portion (the majority of the land) is covered with cedar trees and scattered live oaks and cedar elms.

The 269-acre drainage area consists of IH-35 and adjacent commercial and light industrial development and extends from Williamson Creek north along IH-35 to the Ben White interchange. Approximately 120 acres of this area already has (or will have once the site is developed) some type of water quality controls onsite, thus the effective drainage area for analysis is 149 acres.

To treat water routed to the proposed site, Crespo has developed the construction documents for a 1-acre bioretention/extended detention pond. A bioretention/extended detention pond is a Low Impact Development (LID) facility that utilizes the chemical, biological and physical properties of plants, soil and soil micro-organisms to remove pollutants from storm water runoff. In addition to the settling out of pollutants during detention, pollutants are removed

through a number of chemical and physical processes such as adsorption, filtration, volatilization and ion exchange. Bioretention/extended detention designs can also have positive contributions through improved site aesthetics, increases in local biological diversity and reduction of "heat island" effects. Bioretention/extended detention facilities also often require less intensive maintenance than other types of water quality designs.

The Limits of Construction for the pond have been delineated to be 2.7 acres and the footprint of the pond is less than 1-acre. A portion of the pond is in the CWQZ and the remainder lies within the WQTZ. For this project, the CWQZ was delineated as follows: it begins 200 feet off the Williamson Creek centerline (CL), then meets up with the existing conditions 100-yr floodplain, then stops at 400 ft off of Williamson CL, per the Environmental Criteria Manual. Exhibit 1 shows the CWQZ delineation.

The proposed pond will provide removal of pollutants from storm water runoff originating upstream of the pond and will reduce pollutant impacts of future development in the area. The detention volume of the pond is 4.6 acre-feet at the flow line of the spillway, which is approximately 1.4 times the volume of the runoff from the mean annual storm. The pond features vegetated benches and a 0.4 acre-feet sediment forebay (which is included in the total pond volume).

To achieve the necessary water quality volume, preserve canyon rimrock and provide required pond features, some cuts will exceed 4 feet. All cuts are restored and stabilized as part of the pond embankment and grading. Much of the cut area forms the bioretention areas where enhanced vegetation is provided. Rock riprap, stacked rock and boulders are used for stabilization.

Analysis of Alternatives

Before selecting the current pond type (bioretention and extended detention) in 2007, Crespo performed the preliminary engineering for a wet pond at the same site location in 2005. In the conceptual design performed in 1998, it was determined that a wet pond would achieve enhanced removal of certain pollutants (especially nutrients) than other treatment options; however, the 2005 study indicated that there was considerable expense related to the clay liner and the excavation, which made a wet pond cost prohibitive. A bioretention pond was considered as an alternative to a wet pond.

Findings of Fact

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

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development?

YES: There are special circumstances applicable to the property where strict application deprives the property owner (the City of Austin) privileges or safety enjoyed by other similarly situated property.

This site is the only feasible site for the water quality pond and strict limitation of the 4 foot cut limit would prevent the best use and environmental benefit of the site.

The storm sewer system constructed as part of the IH-35/Ben White improvements routed storm water runoff to the project site with the goal of improving water quality in Williamson Creek. If water quality controls are not constructed at the site, the untreated runoff from this highly urbanized area will continue to enter Williamson Creek.

The current design of the project was developed to minimize cuts into limestone bedrock and preserve canyon rimrock located on-site while providing water quality benefits to Williamson Creek. Preservation of the canyon rimrock did result in some cuts greater than 4 feet in other locations in order to obtain the pond volume and bioretention features. No other water quality control designs such as a wet pond or sedimentation/filtration ponds allow capture of a similar volume of runoff without extensive regrading and destruction of environmentally sensitive features.

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences?

YES: The project demonstrates minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences.

Departure from the ordinance will occur only to the extent required to incorporate existing rock faces, some of which are canyon rimrock (see attached photos), into the design and provide sufficient volume for the capture of storm water runoff. This facilitates the reasonable use of this property as providing water quality control for an urbanized watershed while allowing preservation of critical environmental features. See attached Sheets P01 and P03 from the planset.

There are no significant harmful environmental consequences associated with the requested variance. The proposed design would provide considerable environmental benefits in terms of water quality and preservation of critical environmental features (canyon rimrock). All cuts will be stabilized and revegetated to an enhanced level. Stabilization has been designed and shown on the plans for all cut areas.

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land.

YES: The proposed pond does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land.

No special privileges arise from the aspects of the proposed design for which the variance is requested. The sole use of the site will be for treatment of storm water runoff and all the benefits accruing from use of this site are public in nature. Construction of water quality ponds is a typical variance allowed for similarly situated properties with similar timing. Without approval of this variance, the important water quality function of this water quality retrofit cannot be achieved.

4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property?

Not applicable.

We respectfully request approval of the above referenced variance request. If you have any questions or require additional information, please contact me at 512-343-6404 extension 101.

Variance Requested by:

L. Stephen Stecher, P.E., CFM
President, Crespo Consulting Services, Inc.

cc: Mrs. Virginia Rohlich, City of Austin Watershed Protection and Development Review Dept.
Mr. Darryl Haba, City of Austin Public Works Dept.

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CIP ID# 5282.007
SP-2008-0227D

RE: Request for Land Use Commission Variance to Section 25-8-342 of the City of Austin Land Development Code for Fill Requirements

Dear Mr. Oskouipour,

On behalf of the City of Austin Watershed Protection and Development Review Department (WPDRD), this letter is formally notifying you of our intent to request an administrative variance from the requirements of the following Land Development Code Section:

LDC 25-8-342 Fill Requirements

(A) Fill on a tract of land may not exceed four feet of depth, except:
(1) in an urban watershed;
(2) in a roadway right-of-way;
(3) under a foundation with sides perpendicular to the ground, or with pier and beam construction;
(4) for utility construction or a wastewater drain field, if the area is restored to natural grade;
(5) in a state-permitted sanitary landfill located in the extraterritorial jurisdiction, if:
(a) the fill is derived from the landfill operation;
(b) the fill is not placed in a critical water quality zone or a 100-year floodplain;
(c) the landfill or excavation has an erosion and restoration plan approved by the City; and
(d) all other applicable City Code provisions are met.
(B) A fill must be restored and stabilized.
(C) Fill for a roadway must be contained within the roadway clearing width described in Section 25-8-322 (Clearing For A Roadway).

Source: Subsections 13-7-16(a), (b), (c), and (e); Ord. 990225-70; Ord. 031211-11.

4131 Spicewood Springs Rd., B-2 • Austin, Texas 78759-8658 • Phone 512/343-6404 • Fax 512/343-8120 • www.crespoinc.com

The project, as proposed, represents the minimum departure necessary from City requirements to accomplish the environmental goals of the City. The proposed pond represents the most feasible and environmentally responsible option for the COA, and mitigation is provided for this variance. All fill is restored and stabilized as part of the pond embankment and grading.

Please consider our supporting discussion in your decision to grant this administrative variance.

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Crespo

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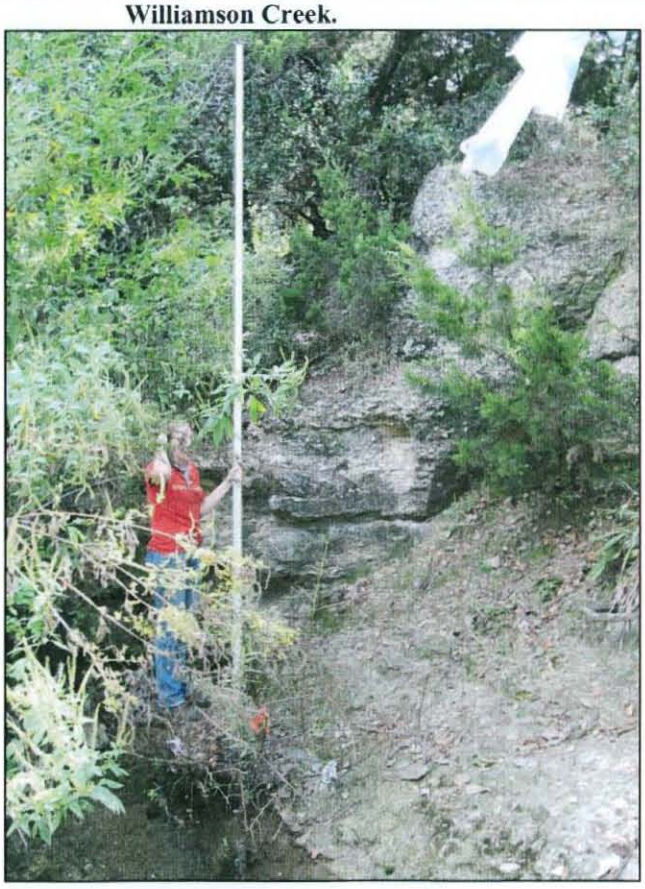
Mr. Darryl Haba, City of Austin Public Works Dept.

Photo 1. Canyon rimrock

Photo 2. Canyon rimrock

Photo 3. Canyon rimrock confines the edges of the east bank.

Photo 4. Canyon rimrock on the east bank near confluence with Williamson Creek.



3b part 3

Williamson Creek

IH-35 NORTHBOUND ACCESS ROAD

S45°00'W 200.00' CENTERLINE IH35

EXISTING TUNNEL OUTLET

N33°52'30"E 179.69'

APPX. LOCATION OF 15-FOOT TUNNEL

N26°58'43"E 201.46'

N33°52'30"E 252.91'

N80°42'12"W 61.51'

EXISTING 27" RCP OUTFALL FROM SMALL STORM SEWER SYSTEM

0 10 20 40
(IN FEET)
1 in.= 20 ft.
(HALF SCALE)

LEGEND

- CEF - Canyon Rimrock
- Critical Water Quality Zone
- Existing Contours
- Proposed Contours
- Rock Riprap Access Path
- Earthen Access Path with Mulch Cover
- Earthen Access Path with Gravel Cover

Variance Requests for:
LDC 25-8-392 CWQZ
LDC 25-8-281 CEF Buffer Zone

Ben White/IH-35 Bioretention/
Extended Detention Pond

September 30, 2008

Crespo Consulting Services, Inc.
Civil & Environmental Engineering

EXHIBIT A

36 part 3

IH-35 NORTHBOUND ACCESS ROAD

Williamson Creek

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EXHIBIT A