



ENVIRONMENTAL COMMISSION MOTION 20180117 007a

Date: January 17, 2018

Subject: 6409 City Park Road (Champion Tract)

Motion by: Wendy Gordon, PhD

Seconded by: Linda Guerrero

RATIONALE:

WHEREAS, City Council has asked the Environmental Commission to determine if Ordinance No. 20161110-006 (the 2016 Amendment) pertaining to the development of Champion Tract 3 is environmentally superior to the 1996 Compromise Settlement Agreement (the 1996 Agreement); and

WHEREAS, Champion Tract 3 supports endangered species habitat and serves as nesting grounds of endangered golden-cheeked warblers; and

WHEREAS, several tributaries to Bull Creek run through the property; and

WHEREAS, the property is subject to significant development constraints such as topography, floodplain, trees, and applicable ordinances; and

WHEREAS, environmental waivers were negotiated outside the public process and without the review of the Environmental Commission; and

WHEREAS, the full extent of what can be developed on this tract is unknown because a holistic analysis was not completed; and

WHEREAS, the neighbors' valid petition granting standing to object before City Council was stripped at the last moment by the developer's moving the boundary so as to invalidate their petition; and

WHEREAS, development of the property is subject to the Hill Country Roadway Ordinance (HCRO) and the HCRO is in many ways more restrictive than other ordinances and provisions under which the city granted environmental waivers; and

WHEREAS, the intent of the HCRO is to preserve the rural and scenic characteristics of roads like this segment of 2222, and the 2016 Amendment includes environmental waivers that drastically compromise the intent of the HCRO by allowing greater building height, reduced setbacks, and a more intensive use; and

WHEREAS, the HCRO requires at least 40% of the natural area of the site be protected or over 18 acres in this case; and

WHEREAS, the restrictive covenant contained with the 2016 Amendment does not conserve 30 acres in perpetuity in the way a true conservation easement would, and allows for future city councils to alter it; and

WHEREAS, TXDOT has indicated it would not allow use of an existing cut on the eastern-most portion of the property because of its proximity to the Highway 360 onramp; and

WHEREAS, a variance would be required to connect the western and eastern portions of the property via a bridge; thus, creating uncertainty associated with development of the eastern portion of the property; and

WHEREAS, compared to the 1996 Agreement with a daily trip limit of 1330, the 2016 Amendment allows 2100 trips or greater than 50% more trips and is contrary to the intent of the HCRO; and

WHEREAS, the 1996 Agreement prohibited certain construction activities, the 2016 Amendment provides waivers for a wide range of provisions under the Lake Austin Watershed Ordinance and the HCRO; and

WHEREAS, the 1996 Agreement limited development on steep slopes, the 2016 Amendment provides for much greater development on slopes of 15-25%, 25-35%, and greater than 35% grades; and

WHEREAS, tree loss is substantial with the removal of greater than 2200 surveyed trees of over 6" and possibly significantly more; and

WHEREAS, tree mitigation was not addressed in the 2016 Amendment; and

WHEREAS, no analysis has been conducted on the impact of tree removal on site stability and runoff; and

WHEREAS, cut and fill waivers will not maintain slope stability, protect fragile environments, prevent concentration of runoff, reduce erosion and sedimentation, and protect surface and groundwater quality by minimizing sediment discharges; and

WHEREAS, degradation of these environmental ordinances sets a bad precedent by granting excessive environmental waivers outside the public process and by doing so undermines public confidence; and

WHEREAS, the 2016 Amendment is confusing and complex and riddled with waivers that will make enforcement near impossible; and

WHEREAS, current City Code would never allow development of this tract to this extent.

THEREFORE, the Environmental Commission finds that the 2016 Amendment is not necessarily environmentally superior to the original 1996 Agreement and cannot be recommended as presented. These findings do not imply endorsement of the 1996 Agreement. We respectfully urge City Council to renegotiate the provisions within a public process and to ask the Environmental Commission to review any new agreement.

VOTE 7-2

For: B. Smith, Thompson, Istvan, Neely, Maceo, Guerrero, and Gordon

Against: Creel and H. Smith

Abstain: None

Recuse: None

Absent: Perales and Coyne

Approved By:

A handwritten signature in cursive script that reads "Peggy Maceo". The signature is written in black ink and is positioned above the printed name.

Peggy Maceo, Environmental Commission Vice Chair