

Environmental Services and Sustainability Report

AESA25-0001c/Spencer Road Industrial

City Council District #1

The applicant, IDI Logistics, LLC, represented by Addison Brown, has requested an Alternative Environmentally Sensitive Areas (AESA) Plan to allow for modifications to Environmentally Sensitive Areas (ESAs) located on the subject property. The ESAs will be removed to allow for appropriate access to serve the industrial development. The ecology along the length of the stream on the subject property will be improved to better serve the stream.

Denton designates and provides regulations that limit land-disturbing activities to protect water quality, provide habitat, provide critical wildlife corridors, and other ecological services that are offered by ESAs. Properties are assessed for ESA, including a review of the official ESA map.

If a property owner wishes to disturb an ESA beyond the limited encroachments authorized by right within Section 7.4 of the Denton Development Code approval of an AESA Plan must first be obtained. Approval of an AESA Plan requires two public hearings, the first at the Planning and Zoning Commission for a recommendation and the second at the City Council for ultimate action.

EXISTING ENVIRONMENTALLY SENSITIVE AREAS:

An Environmentally Sensitive Areas Field Assessment (ESA25-0001) found an unnamed tributary of Pecan Creek traverses the property and was found to be supported by a floodplain in its natural state. The floodplain is studied and narrow as the stream is intermittent. The stream is also supported by a riparian buffer of the regulatory distance of 50', making the riparian buffer wider than the floodplain at times. On the far east side of the property there are 3.19 acres of Cross Timbers Upland Habitat contiguous with a forested area of greater than 10 acres.

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Figure 1: Existing Environmentally Sensitive Areas.

PROPOSED DEVELOPMENT:

42.6 acres of land is proposed to be graded and prepared for industrial warehouse buildings, with associated utilities, roads, and parking lots. The layout of the proposed development maximizes preservation of Environmentally Sensitive Areas. However, an unavoidable impact to the overlapping Riparian Buffer (0.12 acres) and Undeveloped Floodplain ESA (0.09 acres), for a total of 0.23 acres of ESA surrounding and protecting the stream is proposed in order to place an internal road for fire access.

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PROPOSED MITIGATION PLAN:

In exchange for the removal of 0.23 acres of ESAs the applicant is proposing to improve the ecological functionality of the forested Riparian Buffer by removing the invasive and highly damaging plant, privet. Privet, primarily Chinese privet, was found throughout the length of the stream and surrounding land. Removal procedures will be created and followed by the applicant with a goal of 95% eradication of the plant from the 3.52-acre area.

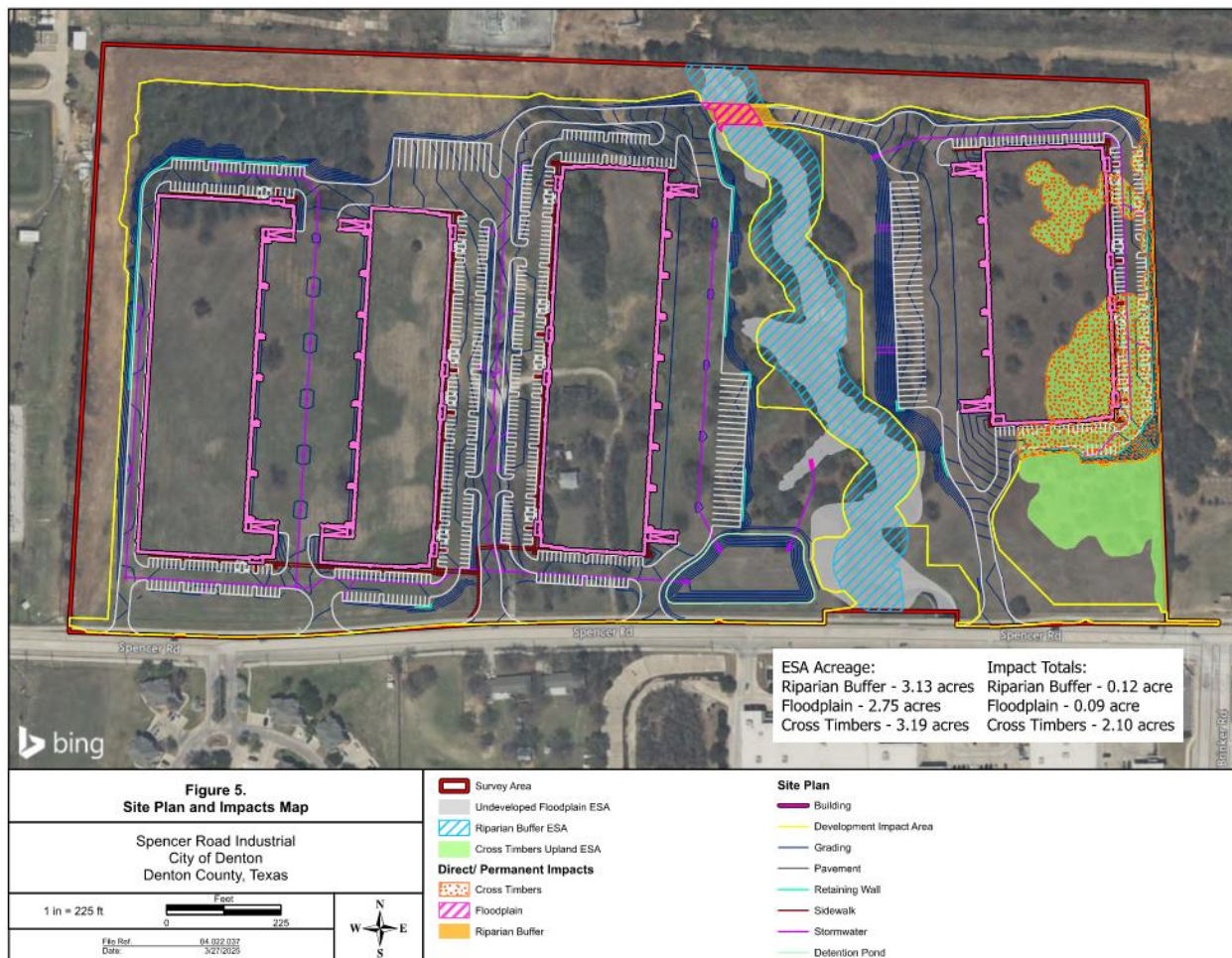


Figure 2: Proposed site plan. The ESA impacts are to cross the stream and the mitigation area will occur within the remainder of the ESAs along the length of the stream.

CONSIDERATIONS:

Section 2.8.4 of the Denton Development Code provides the criteria for approval of an Alternative ESA Plan. The criteria are listed below, and a full analysis provided.

Mitigation goals are obtained by creating, expanding, and/or improving ESAs.

The current Riparian Buffer has limited vegetation and wildlife. The AESA Plan aims to expand and improve the area's ecological functions. The new AESA land is expected to support a wider variety of native plants valuable to water quality and habitat. This aligns with the ESAs' goals of preserving natural and ecological resources.

0.23 acres of ESA will be removed and the remainder 3.48 acres of Riparian Buffer will be ecologically improved.

Mitigation goals are obtained by preserving ESAs above the minimum requirements, exchanges between different types of ESAs, installing pollution prevention controls, and/or implementing best management practices or any other approaches that result in the improvement of the environment being impacted.

Removing the invasive species, privet, will improve the ecology of the area by removing the competition and damaging traits imposed by the plant. This will give native species and opportunity to repopulate the stream segment and surrounding land.

Areas offered as mitigation are linked to existing or planned open space or conserved areas to provide an overall open space system.

The improved AESA feature will remain hydrologically connected to surrounding land.

Development is arranged for maximizing access and utilization of the ESAs by citizens. Areas offered as mitigation are placed either in a lot or lots that incorporate a permanent conservation easement, a preserved habitat, restrictive covenants, or such other legal mechanism to allow for the long-term conservation of said areas. Such legal mechanisms shall limit any future land disturbing activity or construction within the ESAs, shall run with the land, and shall be binding upon all successors and assigns of the current owner.

The stream segment and surrounding ESAs will be placed in a drainage easement, restricting the land from future land improvements.

The alternative ESA plan shall demonstrate that the property owner's alternative proposal results in a high-quality development meeting the intent of the standards in this DDC.

By creating improved habitat, the proposed project maximizes the use of space and results in a greater ability to provide improve water quality leaving the overall site, as well as creating a diverse habitat, serving to address water quantity.

RECOMMENDATION:

Staff recommends **approval** of the request and the proposed ordinance with the following conditions.

1. Land disturbances within Environmentally Sensitive Areas are limited to the Property described on **Exhibit "A"** and depicted on the map provided on **Exhibit "B"**;
2. Clearing on the AESA Property described in **"Exhibit "C"** and depicted on the map provided on **Exhibit "D"** shall comply with the AESA Plan in **Exhibit "E"** and immediately commence upon issuance of the clear and grade permit for the development;
3. All improvements described in the Mitigation Activities portion of the AESA Plan in **Exhibit "E"** must commence prior to the issuance of the first building permit;
4. Notwithstanding Condition No. 2 and with prior approval from the Director of Environmental Services and Sustainability, the Property Owner may begin the improvements described in the Mitigation Activities portion of the AESA Plan in **Exhibit "E"** on a date certain within the next appropriate growing season;
5. Invasive plants removed as a part of the approved AESA Plan shall continue to be monitored and targeted for removal for a minimum of three (3) years from the time of their initial removal and until the conditions of the AESA Plan have been met;
6. Upon receipt of the third annual report, City of Denton staff will perform an inspection. If the inspection confirms that the conditions of the AESA Plan have been met, Director of Environmental Services and Sustainability will issue a letter of acceptance;
7. All perpetual maintenance activities in the AESA Plan shall be recorded on corresponding platting for the Property; and
8. The Property Owner retains all responsibility and shall bear all costs and liabilities related to (i) ownership, operation, upkeep, and maintenance of the AESA Property; (ii) implementation and enforcement of the requirements of the AESA Plan; and (iii) any actions needed to cure any defaults of the AESA Plan.