

# **AESA22-0004b Cyrene at Hickory Creek (Barrel Strap Residential)**

**September 26, 2023  
City Council**



# Purpose/Request

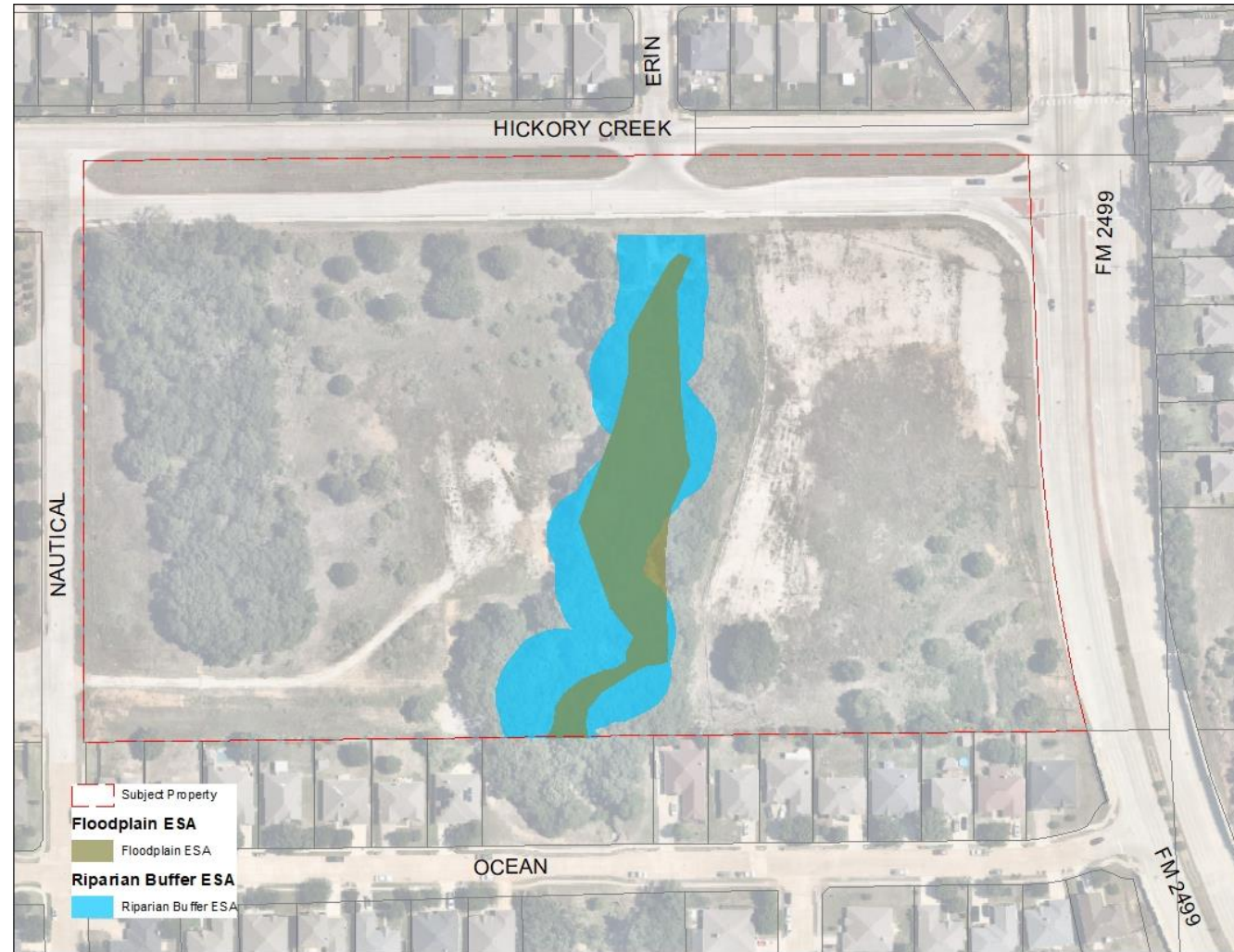
- Approve an Alternative ESA Plan, mitigation for the permanent removal of 0.66 acre complex of Riparian Buffer and Undeveloped Floodplain
- Restoration and improvement to ecological services offered by the remainder 1.234 acres of an ESA complex
- Staff recommends approval

- 9/26/2023**



# ESA Field Assessment

- A complex of a Riparian Buffer and Undeveloped Floodplain on an unnamed tributary to Bryant Branch of Hickory Creek.
- Provides ecological services
  - habitat, bank stabilization, water quality



# Impacts to ESAs

- Residential road that aligns with a median opening on Hickory Creek Rd.
- Retaining walls
- Outfall structures and riprap
- Trail on the east side of the remainder ESAs that is intended to be dedicated to Parks and Recreation



# Mitigation Plan

- Improve current habitat conditions in the remainder 1.234 acres of ESAs and open space
  - Privet removal plan
  - Native vegetation planting plan
- Through a tree inspection post construction, any trees in the ESAs that were damaged or destroyed will be mitigated at the applicable ratio in DDC Section 7.7.4.
- Up to 10% of the remainder area (0.123 acre) may be temporarily disturbed to address any FEMA requirements and mitigated at the rate listed in the AESA Plan.



# Notification

- **Website Notice:** September 7, 2023
  - **Newspaper Notice:** September 10, 2023
  - **Posted Signs:** March 12, 2023
  - **Mailed Notices:**
    - 200 ft. Public Hearing Notices mailed: 70
    - 500 ft. Courtesy Notices mailed: 163
  - **Responses:**
    - In Opposition: 4 (4.45%)
    - In Favor: 0
    - Neutral: 0
- Neighborhood Meeting:** March 11, 2023



# Recommendation

The Planning and Zoning Commission voted [6-1] recommending **approval** of the request with the following conditions.

1. Land disturbances within Environmentally Sensitive Areas are limited to the Development Impact Area, as described in Exhibit “A” and depicted in Exhibit “B”.
2. The two-phase mitigation plan, as described in Exhibit “E”, will commence during the winter months of December of the same year or January of the subsequent year in which the development has received permission from the City to clear and grade for development. The development shall achieve initial planting goals within the mitigation area prior to the issuance of any building permits.
3. Temporary land disturbances of up to 10 percent (0.123 acres) of the remaining Environmentally Sensitive Areas, as described in Exhibit “C” and depicted in Exhibit “D” , may be proposed by the applicant to satisfy any remaining drainage design requirements and may be approved by City Staff, provided that the disturbed land be restored by following the mitigation plan.
4. Notwithstanding the limited administrative approval in condition 3, the City reserves the right to require approval by ordinance any amendments or alternations to the Alternative ESA Plan.

# Recommendation

5. Following the installation and inspection of the revegetation, the Property owner shall submit an annual report to the Environmental Services and Sustainability Director during the first three (3) years describing the cumulative mitigation work performed and the survivability of the plantings and existing trees for staff review and inspection, as described in Exhibit “E”. Within 30 days of approval of the report by staff, the applicant shall replace any plants that were identified in the report as removed, destroyed, or dead; and mitigate at the applicable ratios in DDC Section 7.7.4 for any existing trees that were removed, destroyed or dead.
6. The Property owner retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the AESA Property, and the responsibility to implement and enforce the requirements of the Alternative ESA Plan, and cure any defaults of the Alternative ESA Plan.