

H-E-B Store #10

Environmental Commission Variance



TBPE No. 6324

TBPLS No. 10194230

January 10, 2020



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Reece Whitley
Street Address	1905 Aldrich St, Suite 300
City State ZIP Code	Austin, TX 78723
Work Phone	512-328-0011
E-Mail Address	Reece.Whitley@stantec.com

Variance Case Information

Case Name	H-E-B Store #10
Case Number	SP-2019-0034C
Address or Location	7901 West Highway 290 US
Environmental Reviewer Name	Pamela Abee-Taulli
Environmental Resource Management Reviewer Name	Pamela Abee-Taulli
Applicable Ordinance	Ordinance 920903-D
Watershed Name	Williamson Creek Watershed
Watershed Classification	<input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input checked="" type="checkbox"/> Barton Springs Zone

Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input checked="" type="checkbox"/> Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Distance to Nearest Classified Waterway	5270 feet
Water and Waste Water service to be provided by	City of Austin
Request	The variance request is as follows (Cite code references:

Impervious cover	Existing	Proposed
square footage:	<u>0</u>	<u>322,344</u>
acreage:	<u>30.29</u>	<u>30.29</u>
percentage:	<u>0%</u>	<u>25%</u>

Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)	<p>The proposed H-E-B Store #10 located at 7901 West Highway 290 US in the full purpose jurisdiction of City of Austin, Travis County, Texas. A site vicinity map has been provided as Vicinity Map Exhibit. The proposed development will consist of approximately 88,000 square feet of retail grocery store with on-site parking.</p> <p>The Proposed site is a ±30.96 acre tract of undeveloped land with nature vegetation, small and heritage cedar and oak trees, and a gradual slopes of 1% to 12%. The surface elevations range from a low point elevation of ±908 Mean Sea Level (MSL) located at the east end of the tract, to a high point elevation of ±977 MSL located on the west edge of the property along FM 1826. Overall, the property slopes west to east, draining toward the existing channel within the property.</p> <p>According to the US Department of Agriculture’s Web Soil Survey, the property consists of soil classified as Brackett-Rock outcrop complex (BID) and Volente silty clay loam (VoD), and Hydraulic Soils Group C and D. According to the Natural Resources Conservation Service (NRCS), soils in these groups have a high runoff potential. There are no critical environmental features on or within 150 feet of the property. An Environmental Resource Inventory by Horizon dated July 27, 2017 is included.</p> <p>The proposed site is classified as Williamson Creek Watershed, Barton Creek Contributing Zone, as Defined by the City of Austin. The site is located in the Edward’s Aquifer Contributing Zone, and no portion of the site is located in the</p>
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	Edward's Aquifer Recharged Zone.
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Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The proposed H-E-B Store #10 required up to 8 feet of cut and more than 8 feet of fill.
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FINDINGS OF FACT

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

Include an explanation with each applicable finding of fact.

Project: H-E-B Store #10

Ordinance:

A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:

1. The requirement will deprive the applicant of a privilege available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

Yes No

The requirement from Chapter 25-8-41 City of Austin code is restricting the proposed H-E-B Store #10 to provide:

- Sidewalks within the parking lot that comply with Texas Accessibility Guidelines
- Fire Access that complies with IFC throughout the site.
- 5% maximum grade within the parking lot which would prevent vehicle doors from swinging and hitting adjacent vehicles.
- Provide safe routes for customers from vehicle to store under wet/icy conditions.

2. The variance:

- a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

Yes No

The City of Austin standard for parking of 1:270 is considerably higher than most cities in Texas. It's more common to find parking requirements of 1:200 in central and south Texas. In our years of operating grocery stores in this region, we know that our stores do not perform well with parking lots at a 1:200 ratio. A typical HEB store this size might have 100 employees on an average day, and considerably more during peak times. The more customers we see in a store, the more employees we tend to have as with most retail businesses. We set our standard for parking our stores at 1:150.

In order to provide greater overall environmental protection for large scale parking, the proposed H-E-B Store #10 proposed to use all the captured condensate for landscape irrigation.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

Yes No

The minimum deviation of the code requirement will allow the proposed H-E-B Store #10 to:

- reduce the amount of cut for the proposed building and parking lot.
- reduce the amount of fill for the proposed building and parking lot.
- Place the proposed building and parking lot near the intersection of HWY 290 and FM 1826.
- Reduce amount of large tree from being demo from the building and parking lot layout.

- c) Does not create a significant probability of harmful environmental consequences.

Yes No

To ensure the proposed H-E-B Store #10 does not create significant probability of harmful environmental consequences, the Retention/Irrigation pond has been designed to treat all proposed impervious cover.

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

Yes / No

the Retention/Irrigation pond has been designed to treat all proposed impervious cover without any additional variance.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-368 (Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

1. The criteria for granting a variance in Subsection (A) are met;

Yes / No [provide summary of justification for determination]

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

Yes / No

The requirement for the 8 feet cut/fill prevents the reasonable development of the property. With the approved variance the following could be achieved:

- reduce the amount of cut for the proposed building and parking lot.
- reduce the amount of fill for the proposed building and parking lot.
- Place the proposed building and parking lot near the intersection of HWY 290 and FM 1826.
- Reduce amount of large tree from being demo from the building and parking lot layout.

3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

Yes / No

This variance will allow the proposed H-E-B Store #10 to maximize the allowable impervious cover with the less amount of cut, fill and maintain a maximum of 5% slope for the safety of the public.

**Variance approval requires all above affirmative findings.

Exhibits for Commission Variance

- Aerial photos of the site
- Site photos
- Aerial photos of the vicinity
- Context Map—A map illustrating the subject property in relation to developments in the vicinity to include nearby major streets and waterways
- Topographic Map - A topographic map is recommended if a significant grade change on the subject site exists or if there is a significant difference in grade in relation to adjacent properties.
- For cut/fill variances, a plan sheet showing areas and depth of cut/fill with topographic elevations.
- Site plan showing existing conditions if development exists currently on the property
- Proposed Site Plan- full size electronic or at least legible 11x17 showing proposed development, include tree survey if required as part of site or subdivision plan
- Environmental Map – A map that shows pertinent features including Floodplain, CWQZ, WQTZ, CEFs, Setbacks, Recharge Zone, etc.
- An Environmental Resource Inventory pursuant to ECM 1.3.0 (***if required by 25-8-121***)
- Applicant's variance request letter

LIST OF EXHIBITS

EXHIBIT 1 AERIAL PHOTOS OF THE SITE..... 1

EXHIBIT 2 SITE PHOTOS..... 2

EXHIBIT 3 AERIAL PHOTOS OF THE VICINITY 3

EXHIBIT 4 CONTEXT MAP 4

EXHIBIT 5 TOPOGRAPHIC MAP..... 5

EXHIBIT 6 FOR CUT/FILL VARIANCES..... 6

EXHIBIT 7 SITE PLAN..... 7

EXHIBIT 8 PROPOSED SITE PLAN 8

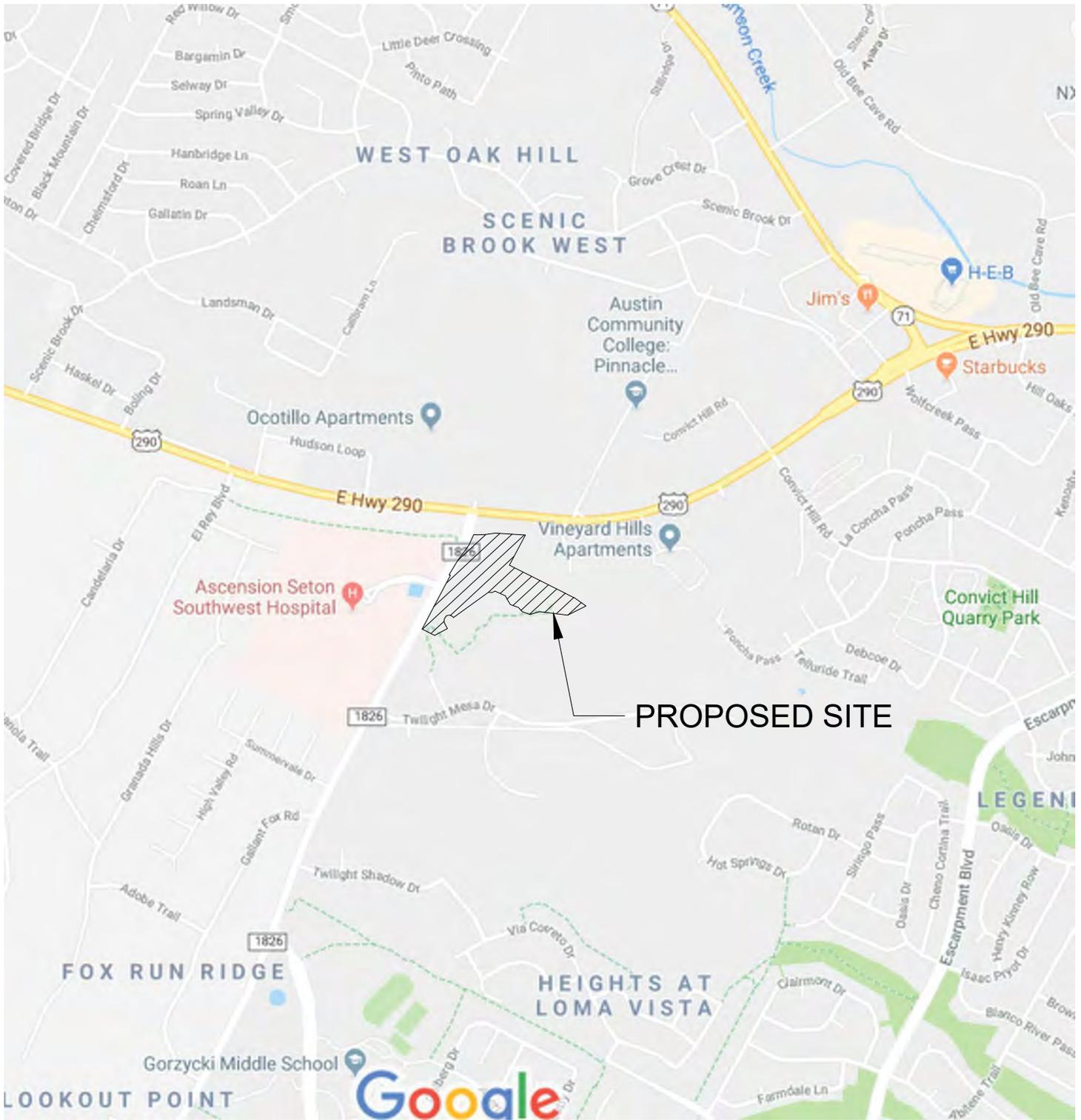
EXHIBIT 9 ENVIRONMENTAL MAP 9

EXHIBIT 10 ENVIRONMENTAL RESOURCE INVENTORY..... 10

EXHIBIT 11 VARIANCE REQUEST LETTER..... 11

EXHIBITS

EXHIBIT 1 AERIAL PHOTOS OF THE SITE



V:\2220\ACTIVE\222010831\CIVIL\DRAWING\EXHIBITS\ATTACHMENT A-ROAD MAP.DWG
1/10/2020 12:25 PM

MAY 2019
222010831



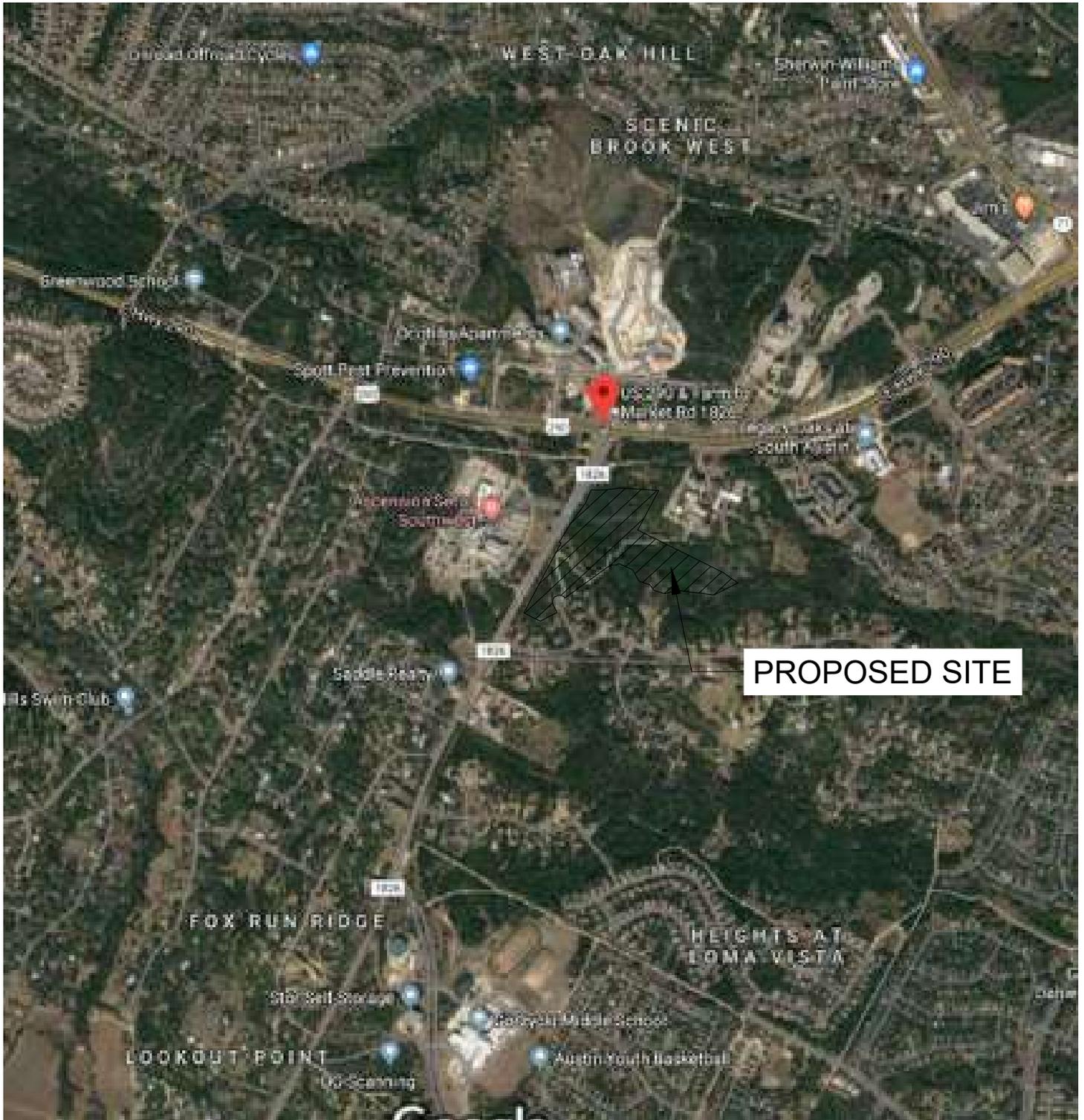
Stantec Consulting Services Inc. TBPE # F-6324
 1905 Aldrich Street Suite 300 TBPLS # 10194230
 Austin TX 78723-3544
 Tel: (512) 328-0011
 www.stantec.com

The Contractor shall verify and be responsible for all dimensions. DO NOT scale the drawing - any errors or omissions shall be reported to Stantec without delay.
 The Copyrights to all designs and drawings are the property of Stantec. Reproduction or use for any purpose other than that authorized by Stantec is forbidden.

Client/Project
 H-E-B, LP
 H-E-B STORE #10
 AUSTIN, TX

Figure No.
 1.0

Title
 EXHIBIT
 ROAD MAP EXHIBIT



V:\2220\ACTIVE\222010831\CIVIL\DRAWING\EXHIBITS\ATTACHMENT A ROAD MAP.DWG
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PROPOSED SITE



MAY 2019
222010831



Stantec Consulting Services Inc. TBPE # F-6324
 1905 Aldrich Street Suite 300 TBPLS # 10194230
 Austin TX 78723-3544
 Tel: (512) 328-0011
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Client/Project
 H-E-B, LP
 H-E-B STORE #10
 AUSTIN, TX

Figure No.
 1.0

Title
**EXHIBIT
 ROAD MAP EXHIBIT**

EXHIBIT 2 SITE PHOTOS

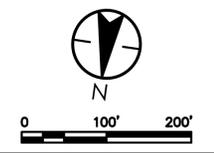




EXHIBIT 4 CONTEXT MAP

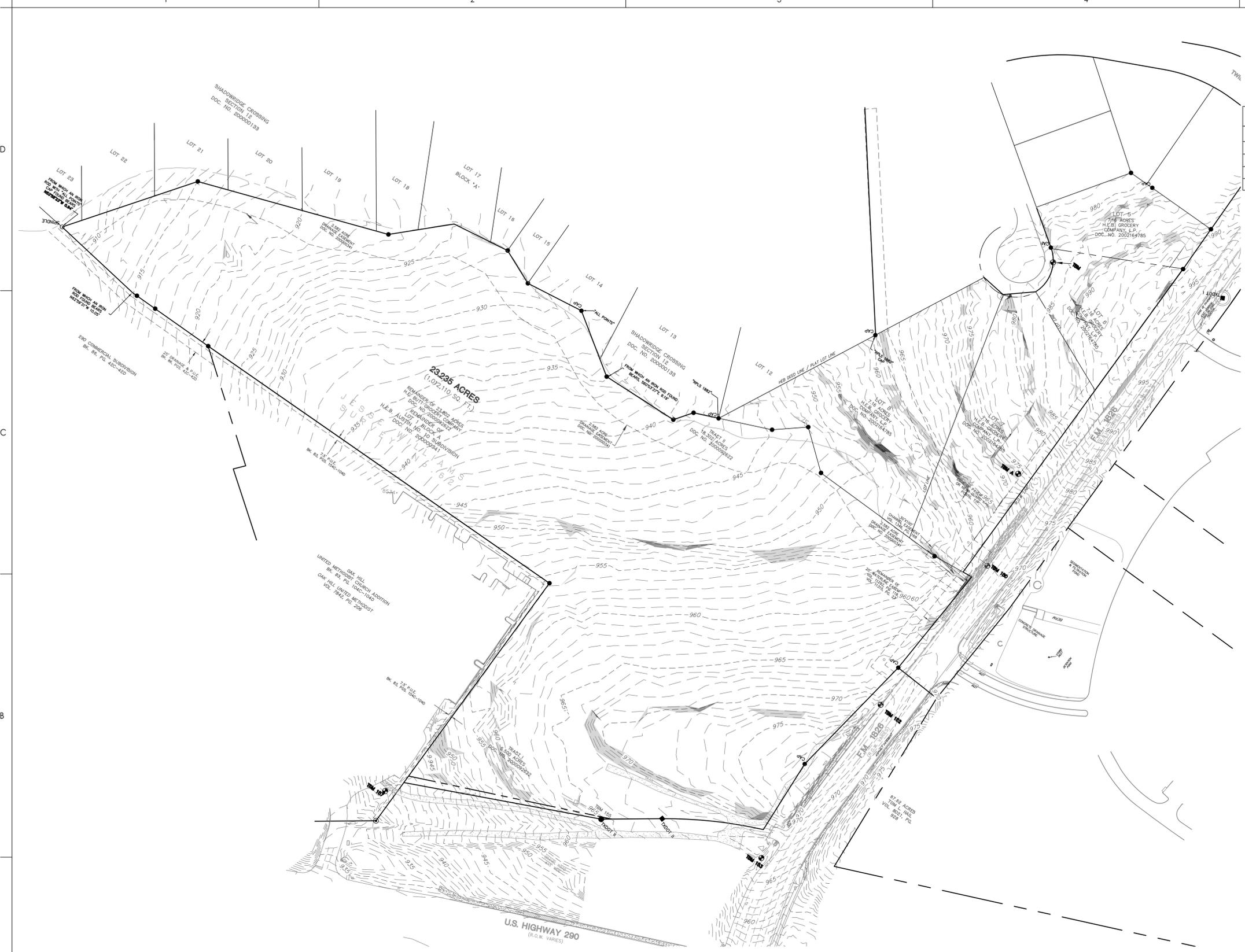


Number	Minimum Slope	Maximum Slope	Area (Acres)	Color
1	0.00%	15.00%	29.2	
2	15.00%	25.00%	1.0	
3	25.00%	35.00%	0.1	
4	35.00%	ABOVE 35.00%	0.0	
TOTAL			30.3	



Slopes Table

Number	Minimum Slope	Maximum Slope	Area (Acres)	Color
1	0.00%	15.00%	29.2	
2	15.00%	25.00%	1.0	
3	25.00%	35.00%	0.1	
4	35.00%	ABOVE 35.00%	0.0	
TOTAL			30.3	



THE LOCATION OF EXISTING UNDERGROUND AND OVERHEAD UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND AND OVERHEAD UTILITIES.

FOR CITY USE ONLY:

SITE PLAN APPROVAL Sheet 63 of 63 APPLICATION DATE: 1/24/2019
 APPROVED BY COMMISSION ON: _____ UNDER SECTION 112 OF CHAPTER 25-5 OF THE CITY OF AUSTIN CODE.
 EXPIRATION DATE (25-5-81.LDC) _____ CASE MANAGER J. SILTALA
 PROJECT EXPIRATION DATE (ORD.#070905-A) _____ DWPZ DDZ

Director, Planning and Development Review Department
 RELEASED FOR GENERAL COMPLIANCE: _____ ZONING: CS & LI
 Rev. 1 _____ Correction 1 _____
 Rev. 2 _____ Correction 2 _____
 Rev. 3 _____ Correction 3 _____

FINAL PLAN MUST BE RECORDED BY THE PROJECT EXPIRATION DATE. IF APPLICABLE. SUBSEQUENT SITE PLANS MUST COMPLY WITH THE CODE CURRENT AT THE TIME OF FILING, AND ALL REQUIRED BUILDING PERMITS AND/OR A NOTICE OF CONSTRUCTION (IF A BUILDING PERMIT IS NOT REQUIRED), MUST ALSO BE APPROVED PRIOR TO THE PROJECT EXPIRATION DATE.

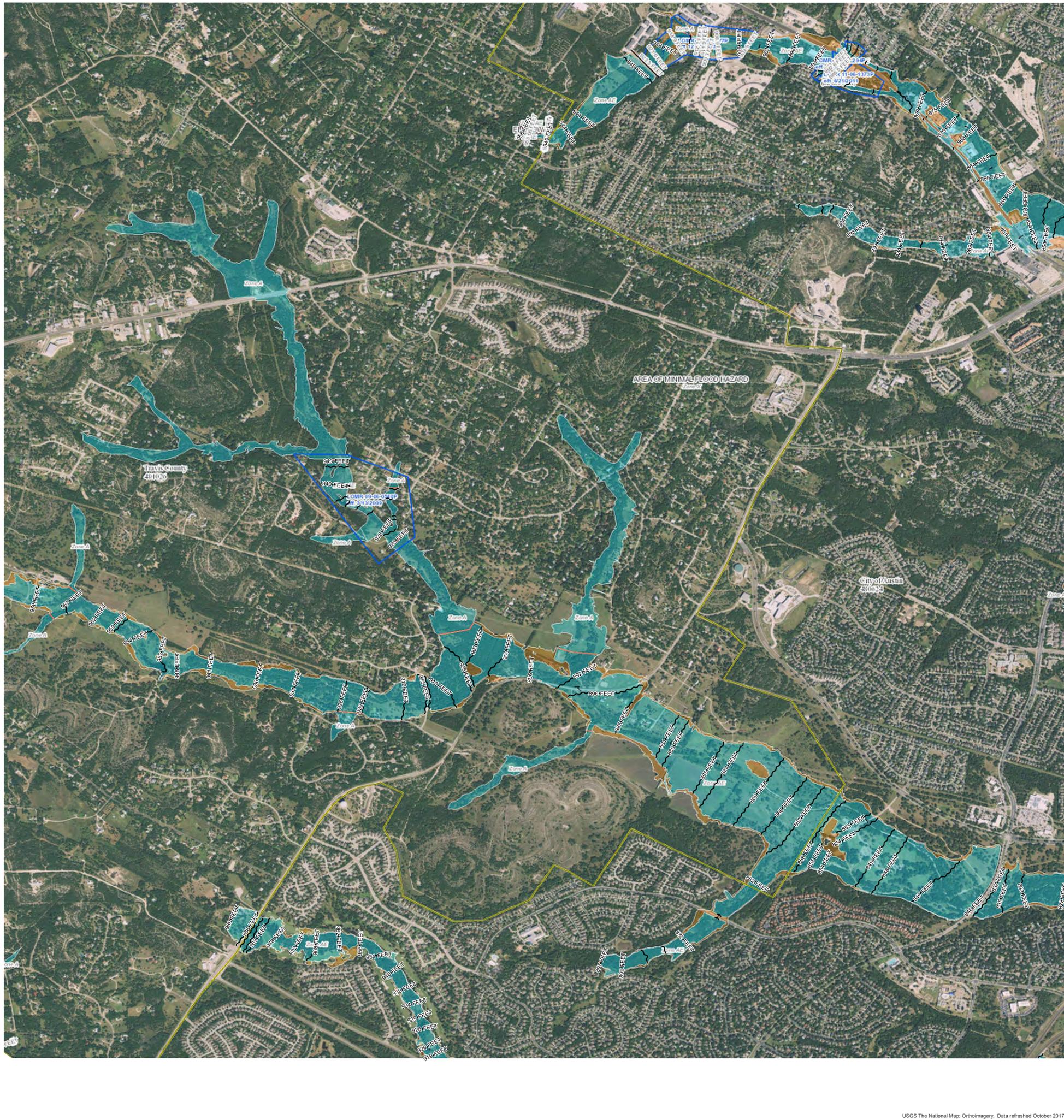


Client/Project
 H-E-B, LP
 646 S FLORES STREET, SAN ANTONIO, TX 78204
 H-E-B STORE #10
 7901 WEST HIGHWAY 290
 AUSTIN, TEXAS 78703

Project No.: 222010831
 File Name: 10831C01_101_SDM
 Scale:
 Dwn. TP JF 2020.01.02
 Dwn. Dsgn. Chkd. YYYY.MM.DD

Title
 EXISTING GROUND
 SLOPE MAP

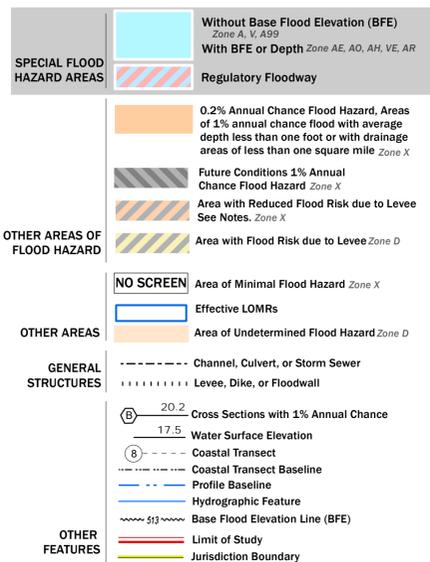
Revision: 0 Sheet: 09 of 63
 Drawing No.
09



USGS The National Map: Orthoimagery. Data refreshed October 2017. 30°11'1.73"N

FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT



NOTES TO USERS

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with this FIRM, including historic versions, the current map date for each FIRM panel, how to order products, or the National Flood Insurance Program (NFIP) in general, please call the FEMA Map Information eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Flood Map Service Center website at <http://msc.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Flood Map Service Center at the number listed above.

For community and countywide map dates refer to the Flood Insurance Study Report for this jurisdiction. To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Basemap information shown on this FIRM was provided in digital format by USDA, Farm Service Agency (FSA). This information was derived from NAIP, dated April 11, 2018.

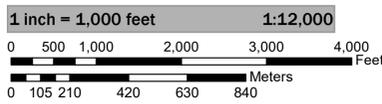
This map was exported from FEMA's National Flood Hazard Layer (NFHL) on 11/28/2018 2:41:28 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time. For additional information, please see the Flood Hazard Mapping Updates Overview Fact Sheet at <https://www.fema.gov/media-library/assets/documents/118418>.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date.

SCALE

Map Projection: GCS, Geodetic Reference System 1983; Vertical Datum: NAVD83. For information about the specific vertical datum for elevation features, datum conversions, or vertical monuments used to create this map please see the Flood Insurance Study(FIS) Report for your community at <https://msc.fema.gov>



NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP

TRAVIS COUNTY, TEXAS AND INCORPORATED AREAS
PANEL 560 OF 730

Panel Contains:

COMMUNITY	NUMBER	PANEL
TRAVIS COUNTY	481026	0560
CITY OF AUSTIN	480624	0560
VILLAGE OF BEAR CREEK	481679	0560