ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION MEETING DATE:	January 19, 2022
NAME & NUMBER OF PROJECT:	HEB Austin No 33 SP-2020-0400D
NAME OF APPLICANT OR ORGANIZATION:	Joe York Jones & Carter
LOCATION:	12115 US-290, Austin, TX 78737
COUNCIL DISTRICT:	NA (Extraterritorial jurisdiction)
ENVIRONMENTAL REVIEW STAFF:	Pamela Abee-Taulli, Environmental Program Coordinator, Development Services Department, 512.974.1879, pamela.abee-taulli@austintexas.gov
WATERSHED:	Bear Creek Watershed and Barton Creek Watershed, Barton Springs Zone, Drinking Water Protection Zone
REQUEST:	Variance requests are as follows: 1. Request to vary from LDC 25-8-341 to allow cut to 12 feet. 2. Request to vary from LDC 25-8-342 to allow fill to 21 feet. 3. Request to vary from LDC 25-8-302(A)(2) to allow construction of a parking area on a slope with a gradient of more than 15 percent. 4. Request to vary from LDC 25-8-301 to allow construction of a driveway on a slope with a gradient of more than 15 percent.
STAFF RECOMMENDATION:	Staff recommends these variances, having determined the findings of fact to have been met.
STAFF CONDITION:	1. Applicant will restore illegal fill that currently exists on the site to original grade. 2. Applicant will use native plants appropriate for the Hill Country location for revegetation. 3. The applicant will provide mitigation in the form of payment or on-site plantings for removed trees with a diameter of 19 inches or greater at a rate of 100 percent.

Development Services Department
Staff Recommendations Concerning Required Findings

Project Name:	HEB Austin No 33
Ordinance Standard:	Watershed Protection Ordinance
Variance Request:	Request to vary from LDC 25-8-341 to allow cut in excess of 4 feet (maximum cut 12 feet).

Include an explanation with each applicable finding of fact.

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 The site descends from the northern boundary, at an elevation of 1195 feet above sea level, to the south-eastern corner, with an elevation of approximately 1089 feet.

The project has a large footprint, comprised of a surface parking lot and grocery store. The size and layout are based on HEB's standard practice for a suburban store.

A development of similar scale, on a similarly situated property, subject to the same code requirements received similar variances. HEB 10, at 7901 US-290, Austin, TX 78736, (SP-2019-0034C), received variances for cut to 7 feet, fill to 14 feet, construction of a building on slopes exceeding 25 percent, and construction of a parking area on slopes exceeding 15 percent. .

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 The variance is necessitated by the significant amount of grade change characteristic of the Hill Country. Development is concentrated in previously disturbed areas and placed so as to minimize construction on excessive slopes.

The proposed cut between 4 and 12 feet is to level the parking area and minimize the fill required for the store building.

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

Yes The proposed design accommodates both market and safety considerations, while placing the building, parking lot, and drive aisles so as to minimize deviation from regulations for grading and for construction on slopes.

Slopes over 15 percent grade comprise a small portion of the sixty-acre site. Additionally, the site has large areas of previous disturbance from unpermitted fill. Both of these factors contribute to making the proposed retail product a reasonable use of the property.

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

Yes Development with the variance does not create a probability of harmful environmental consequences. The majority of the site will remain undeveloped, with impervious cover capped at 25 percent of the net site area, as required by the Save Our Springs ordinance [LDC 25-8, Subchapter A, Article 13]

Development is concentrated in previously disturbed areas and placed so as to minimize construction on excessive slopes. The site has two areas of existing, unpermitted fill. The building will be placed on one of these and the other will be restored to original grade, with native vegetation. Also, the applicant proposes to restore stormwater flow to a wetland that was cut off by the illegal fill.

Finally, code-compliant erosion and sedimentation controls will be provided both during and after construction activities. All grading will be permanently stabilized in a code-compliant fashion.

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

Yes Water quality will be code-compliant and therefore equal to the water quality that would be provided without the variance. Because this site is in the Barton Springs Zone, water quality controls will meet the “non-degradation” standard required by the Save Our Springs ordinance. This means that runoff from the site shall cause no net increase in average annual pollutant load compared to existing conditions.

B. The Land Use Commission may grant a variance from a requirement of Section 25-8-422 (*Water Supply Suburban Water Quality Transition Zone*), Section 25-8-452 (*Water Supply Rural Water Quality Transition Zone*), Section 25-8-482 (*Barton Springs Zone Water Quality Transition Zone*), Section 25-8-368 (*Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*), or Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), after determining that::

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

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

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

Staff Determination: Staff recommends these variances, having determined the findings of fact to have been met. Staff recommends the following conditions.

1. Applicant will restore illegal fill that currently exists on the site to original grade.
2. Applicant will use native plants appropriate for the Hill Country location for revegetation.
3. The applicant will provide mitigation in the form of payment or on-site plantings for removed trees with a diameter of 19 inches or greater at a rate of 100 percent.

Environmental Reviewer (DSD)	*(Pamela Abee-Taulli)*	Date 1/13/2022
Environmental Review Manager (DSD)	*Mike McDougal* *(Mike McDougal)*	Date 1/13/2022
Environmental Officer (WPD)	*(Liz Johnston)*	Date 01/13/2022

Development Services Department
Staff Recommendations Concerning Required Findings

Project Name:	HEB Austin No 33
Ordinance Standard:	Watershed Protection Ordinance
Variance Request:	Request to vary from LDC 25-8-301 to allow construction of a driveway on a slope with a gradient of more than 15 percent.

Include an explanation with each applicable finding of fact.

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 The site descends from the northern boundary, at an elevation of 1195 feet above sea level, to the south-eastern corner, with an elevation of approximately 1089 feet.

The project has a large footprint, comprised of a surface parking lot and grocery store. The size and layout are based on HEB's standard practice for a suburban store.

A development of similar scale, on a similarly situated property, subject to the same code requirements received similar variances. HEB 10, at 7901 US-290, Austin, TX 78736, (SP-2019-0034C), received 4 variances – for cut to 7 feet, fill to 14 feet, construction of a building on slopes exceeding 25 percent, and construction of a parking area on slopes exceeding 15 percent.

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 The variance is necessitated by the significant amount of grade change characteristic of the Hill Country. Development is concentrated in previously disturbed areas and placed so as to minimize construction on excessive slopes.

The site proposes three access driveways, and all three cross slopes exceeding 15 percent grade. The driveway locations are dictated by state requirements for queuing distance from intersections and cannot be located so as to avoid crossing the slopes.

Driveway locations were determined, in conjunction with Hays County for accessibility of larger vehicles that will be needed for operations. Also, the driveways were placed to allow for adequate queuing along Nutty Brown Road to accommodate the new traffic signals at the driveway and the intersection with SH 290.

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

Yes The proposed design accommodates both market and safety considerations, while placing the building, parking lot, and drive aisles so as to minimize deviation from regulations for grading and for construction on slopes.

The site proposes three access driveways, and all three cross slopes exceeding 15 percent grade. The driveway locations are dictated by requirements for queuing distance from intersections and cannot be located so as to avoid crossing the slopes.

Two of the driveways are necessary to provide primary access from the two major roadways bordering the site and are therefore code compliant. The third driveway, accessing the loading dock at the back of the store, provides truck access that is separate from the customer access provided by the other two driveways. This third driveway cannot meet the standard of "necessary to provide primary access" required by LDC 25-8-301. However, the dedicated delivery driveway does satisfy the Transportation Criteria Manual guideline that freight loading facilities should be designed and located to minimize intermixing of truck traffic with other vehicular and pedestrian traffic on site. [TCM 9.3.0, #2] This one additional driveway is therefore the minimum deviation from code to allow safe use of the property.

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

Yes Development with the variance does not create a probability of harmful environmental consequences. The majority of the site will remain undeveloped, with impervious cover capped at 25 percent of the net site area, as required by the Save Our Springs ordinance [LDC 25-8, Subchapter A, Article 13]

Development is concentrated in previously disturbed areas and placed so as to minimize construction on excessive slopes. The site has two areas of existing, unpermitted fill. The building will be placed on one of these and the other will be restored to original grade, with native vegetation. Also, the applicant proposes to restore stormwater flow to a wetland that was cut off by the illegal fill.

Finally, code-compliant erosion and sedimentation controls will be provided both during and after construction activities. All grading will be permanently stabilized in a code-compliant fashion.

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

   Yes Water quality will be code-compliant and therefore equal to the water quality that would be provided without the variance. Because this site is in the Barton Springs Zone, water quality controls will meet the "non-degradation" standard required by the Save Our Springs ordinance. This means that runoff from the site shall cause no net increase in average annual pollutant load compared to existing conditions.

B. The Land Use Commission may grant a variance from a requirement of Section 25-8-422 (*Water Supply Suburban Water Quality Transition Zone*), Section 25-8-452 (*Water Supply Rural Water Quality Transition Zone*), Section 25-8-482 (*Barton Springs Zone Water Quality Transition Zone*), Section 25-8-368 (*Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long*), or Article 7, Division 1 (*Critical Water Quality Zone Restrictions*), after determining that::

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

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

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

Staff Determination: Staff recommends these variances, having determined the findings of fact to have been met. Staff recommends the following conditions.

1. Applicant will restore illegal fill that currently exists on the site to original grade.
2. Applicant will use native plants appropriate for the Hill Country location for revegetation.
3. The applicant will provide mitigation in the form of payment or on-site plantings for removed trees with a diameter of 19 inches or greater at a rate of 100 percent.

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Environmental Review Manager (DSD)	*Mike McDougal* *(Mike McDougal)*	Date 1/13/2022
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Development Services Department
Staff Recommendations Concerning Required Findings

Project Name:	HEB Austin No 33
Ordinance Standard:	Watershed Protection Ordinance
Variance Request:	Request to vary from LDC 25-8-342 to allow fill to 21 feet.

Include an explanation with each applicable finding of fact.

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

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   The project has a large footprint, comprised of a surface parking lot and grocery store. The size and layout are based on HEB's standard practice for a suburban store.

   A development of similar scale, on a similarly situated property, subject to the same code requirements received similar variances. HEB 10, at 7901 US-290, Austin, TX 78736, (SP-2019-0034C), received variances for cut to 7 feet, fill to 14 feet, construction of a building on slopes exceeding 25 percent, and construction of a parking area on slopes exceeding 15 percent.

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 The variance is necessitated by the significant amount of grade change characteristic of the Hill Country. Development is concentrated in previously disturbed areas and placed so as to minimize construction on excessive slopes.

The proposed fill between 4 and 21 feet is to level the building and minimize the cut required for the parking lot.

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

Yes The proposed design accommodates both market and safety considerations, while placing the building, parking lot, and drive aisles so as to minimize deviation from regulations for grading and for construction on slopes.

Slopes over 15 percent grade comprise a small portion of the sixty-acre site. Additionally, the site has large areas of previous disturbance from unpermitted fill. Both of these factors contribute to making the proposed retail product a reasonable use of the property.

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Development Services Department
Staff Recommendations Concerning Required Findings

Project Name:	HEB Austin No 33
Ordinance Standard:	Watershed Protection Ordinance
Variance Request:	Request to vary from LDC 25-8-302(A)(2) to allow construction of a parking area on a slope with a gradient of more than 15 percent

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Include an explanation with each applicable finding of fact.

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 The site descends from the northern boundary, at an elevation of 1195 feet above sea level, to the south-eastern corner, with an elevation of approximately 1089 feet.

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      Yes The variance is necessitated by the significant amount of grade change characteristic of the Hill Country. Development is concentrated in previously disturbed areas and placed so as to minimize construction on excessive slopes.

The parking lot is located and shaped to minimally impact steep slopes. Because of the widely spaced nature of the Hill Country slopes, it is difficult to design a large parking lot that avoids all slopes over 15 percent grade. The parking lot is pulled back from slopes at its periphery. The only slopes over 15 percent are in or near the center of the lot.

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

Yes The proposed design accommodates both market and safety considerations, while placing the building, parking lot, and drive aisles so as to minimize deviation from regulations for grading and for construction on slopes.

The parking lot is located and shaped to minimally impact steep slopes. Because of the widely spaced nature of the Hill Country slopes, it is difficult to design a large parking lot that avoids all slopes over 15 percent grade. The parking lot is pulled back from slopes at its periphery. The only slopes over 15 percent are in or near the center of the lot.

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Finally, code-compliant erosion and sedimentation controls will be provided both during and after construction activities. All grading will be permanently stabilized in a code-compliant fashion.

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

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;
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Staff Determination: Staff recommends these variances, having determined the findings of fact to have been met. Staff recommends the following conditions.

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Environmental Reviewer (DSD)	*(Pamela Abee-Taulli)*	Date 1/13/2022
Environmental Review Manager (DSD)	*Mike McDougal* *(Mike McDougal)*	Date *1/13/2022*
Environmental Officer (WPD)	*(Liz Johnston)*	Date 01/13/2022

December 9, 2021

ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION
Applicant Contact Information

Name of Applicant	Joseph York, P.E.
Street Address	4350 Lockhill Selma Rd. Suite 100
City State ZIP Code	San Antonio, Texas 78249
Work Phone	210-546-5511
E-Mail Address	kfelux@jonescarter.com
Variance Case Information	
Case Name	HEB Austin 33
Case Number	SP-2020-0400D
Address or Location	12021 W US 290, Austin, TX 78737
Environmental Reviewer Name	Pamela Abee-Taulli
Environmental Resource Management Reviewer Name	N/A
Applicable Ordinance	Watershed Protection Ordinance
Watershed Name	Bear Creek
Watershed Classification	☐Urban ☐ Suburban ☐Water Supply Suburban ☐Water Supply Rural ☑ Barton Springs Zone

December 9, 2021

Edwards Aquifer Recharge Zone	☑ Barton Springs Segment ☐ Northern Edwards Segment ☐ Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	☑ Yes ☐ No
Distance to Nearest Classified Waterway	Approx. 19,000 LF
Water and Waste Water service to be provided by	Water: West Travis County Public Utility Agency Wastewater: On-site wastewater treatment plant
Request	The variance request is as follows (Cite code references): Request to vary from LDC 25-8-341 to allow cut to 12 feet.

Impervious cover	Existing	Proposed
square footage:	22,930	585,011
acreage:	0.53	13.43
percentage:	0.87%	24.66%

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)	The existing topography of the subject tract consists of natural slopes ranging from 1%-35%. The site contains portions that are in excess of 15% slope. The highest point of the site is located along the northern boundary at an elevation of 1195 feet above sea level. The lowest point of the site is located at the south-eastern corner of the site at an elevation of approximately 1089 feet above sea level. The site is currently comprised of two tracts, a 1.01-acre tract and a 59.60-acre tract. The smaller tract is currently developed but will be demolished upon development, and the larger tract is undeveloped as pasture with brush and trees. According to the Natural Resource Conservation Soil Survey of Travis County, Texas, soils on the property are classified in 97.6% in Hydrologic Soil Group D and 2.4% in Hydrologic Soil Class C. The soils are predominantly Brackett-Rock outcrop comfort complex, with 1-8% slopes, Brackett-Rock outcrop real complex, with 8-30% slopes, and Krum Clay with 3-5% slopes. The site is in the Bear Creek Watershed which is classified as Barton Creek watershed.

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The site will have more than 4 feet of cut. Please see the letter for the plea for the variance. Also, see the Cut/Fill Exhibit for the areas that have more than 4 feet of cut along with the excessive slope areas.

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: HEB Austin 33

Ordinance: LDC 25-8-341

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 grade change on the site is drastic and development would not be possible without cutting more than four feet.

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 site has cut and fill more than four feet. When designing the site it was considered how to best balance the site based on the grading criteria for the client.

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

Yes / No — The site has excessive slopes and would not be suitable for a reasonable development if not cut more than four feet.

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

Yes / No — Retaining walls and 4:1 slopes back to natural ground are being used where possible. All slopes will be restored with native grasses.

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 — Water quality is provided for the site and is designed to the City of Austin ECM.

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 — N/A

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

Yes / No — N/A

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

Yes / No — N/A

**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

JONES | CARTER

3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741-7425
Tel: 512.441.9493
Fax: 512.445.2286
www.jonescarter.com

November 2, 2021

Pamela Abee-Tualli, LEED, CPESC
COA Development Services Department
One Texas Center
505 Barton Springs Road
Austin, Texas 78705

Re: Cut Variance (LDC 25-8-341)
HEB Austin 33
12021 W US 290, Austin, TX 78737
SP-2020-0400D

Dear Ms. Abee-Taulli:

On behalf of our client, H-E-B, Jones & Carter, Inc. is requesting an Environmental Commission variance of LDC Section 25-8-341, that there can not be more than four feet of cut.

The site has natural topography change of approximately 106 feet. The natural slopes are between 0% to 35% across the site. When designing the grading for the site, the maximum cut was used at the north end of the parking lot, and the Client's standards for grading were maximized to allow for the steepest grade while providing a sufficient design for pedestrian use. This process reduced the cut on other areas of the site to be below four feet. Others portions of the site with cut greater than four feet are within a water quality pond which is allowed, per the LDC 25-8-341.A.4, and an area with unpermitted fill. This area of unpermitted fill will have cut greater than four feet, but will be restoring the area to is natural conditions before the fill was introduced.

We feel that our design methodology complies with the intent of LDC 25-8-341, but due to the nature of the topography and size of the proposed development, we are unable to meet the letter of the rule and keep the cut below four feet.

If you have any questions or require additional information, please contact me at (210) 546-0057.

Sincerely,

Joseph York, P.E.

December 9, 2021

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Case Number	SP-2020-0400D
Address or Location	12021 W US 290, Austin, TX 78737
Environmental Reviewer Name	Pamela Abee-Taulli
Environmental Resource Management Reviewer Name	N/A
Applicable Ordinance	Watershed Protection Ordinance
Watershed Name	Bear Creek
Watershed Classification	☐Urban ☐ Suburban ☐Water Supply Suburban ☐Water Supply Rural ☑ Barton Springs Zone

December 9, 2021

Edwards Aquifer Recharge Zone	☑ Barton Springs Segment ☐ Northern Edwards Segment ☐ Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	☑ Yes ☐ No
Distance to Nearest Classified Waterway	Approx. 19,000 LF
Water and Waste Water service to be provided by	Water: West Travis County Public Utility Agency Wastewater: On-site wastewater treatment plant
Request	The variance request is as follows (Cite code references): Request to vary from LDC 25-8-342 to allow fill to 21 feet.

Impervious cover	Existing	Proposed
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acreage:	0.53	13.43
percentage:	0.87%	24.66%

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)	The existing topography of the subject tract consists of natural slopes ranging from 1%-35%. The site contains portions that are in excess of 15% slope. The highest point of the site is located along the northern boundary at an elevation of 1195 feet above sea level. The lowest point of the site is located at the south-eastern corner of the site at an elevation of approximately 1089 feet above sea level. The site is currently comprised of two tracts, a 1.01-acre tract and a 59.60-acre tract. The smaller tract is currently developed but will be demolished upon development, and the larger tract is undeveloped as pasture with brush and trees. According to the Natural Resource Conservation Soil Survey of Travis County, Texas, soils on the property are classified in 97.6% in Hydrologic Soil Group D and 2.4% in Hydrologic Soil Class C. The soils are predominantly Brackett-Rock outcrop comfort complex, with 1-8% slopes, Brackett-Rock outcrop real complex, with 8-30% slopes, and Krum Clay with 3-5% slopes. The site is in the Bear Creek Watershed which is classified as Barton Creek watershed.

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The site will have more than 4 feet of fill. Please see the letter for the plea for the variance. Also, see the Cut/Fill Exhibit for the areas that have more than 4 feet of fill along with the excessive slope areas. The unpermitted fill along Nutty Brown Road has blocked all natural drainage and storm water runoff that has historically drained through the CEF. As part of this development, we will be restoring the historic drainage path by utilizing a concrete culvert to once again allow stormwater runoff to drain through the CEF. Replacing the drainage path with a natural swale would have made the discharge velocity high and erosive. The box culvert allows the outfall velocity to be controlled and dampened with energy dissipaters.

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: HEB Austin 33

Ordinance: LDC 25-8-342

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 grade change on the site is excessive and development would not be possible without filling more than four feet.

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 site has cut and fill more than four feet. When designing the site it was considered how to best balance the site based on the grading criteria for the client.

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

Yes / <u>No</u> The site has excessive slopes and would not be suitable for reasonable development if not filled more than four feet.

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

<u>Yes</u> / No Retaining walls and 4:1 slopes back to natural ground are being used where possible. All slopes will be restored with native grasses.

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

<u>Yes</u> / No Water quality is provided for the site and is designed to the City of Austin ECM.

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 <u>N/A</u>

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

Yes / No <u>N/A</u>

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

Yes / No <u>N/A</u>

**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

JONES | CARTER

3100 Alvin Devane Boulevard, Suite 150
Austin, Texas 78741-7425
Tel: 512.441.9493
Fax: 512.445.2286
www.jonescarter.com

November 2, 2021

Pamela Abee-Tualli, LEED, CPESC
COA Development Services Department
One Texas Center
505 Barton Springs Road
Austin, Texas 78705

Re: Fill Variance (LDC 25-8-342)
HEB Austin 33
12021 W US 290, Austin, TX 78737
SP-2020-0400D

Dear Ms. Abee-Taulli:

On behalf of our client, H-E-B, Jones & Carter, Inc. is requesting an Environmental Commission variance of LDC Section 25-8-342, there can not be more than 4 feet of fill.

The site has natural topography change of approximately 106 feet. The natural slopes are between 0% to 35% across the site. When designing the grading for the site, the maximum cut was used at the north end of the parking lot, and the Client's standards for grading were maximized to allow for the steepest grade while providing a sufficient design for pedestrian use. The rear of the building was depressed four feet to make up some of the grade change. There is a 3:1 slope in landscaped areas to return the proposed contours to the natural ground as quickly as possible and reduce the fill required. Others portions of the site with fill greater than four feet are within a water quality pond which is allowed, per the LDC 25-8-342.A.4.

We feel that our design methodology complies with the intent of LDC 25-8-342, but due to the nature of the topography and size of the proposed development, we are unable to meet the letter of the rule and keep the fill below four feet.

If you have any questions or require additional information, please contact me at (210) 546-0057.

Sincerely,

Joseph York, P.E.

December 9, 2021

ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION
Applicant Contact Information

Name of Applicant	Joseph York, P.E.
Street Address	4350 Lockhill Selma Rd. Suite 100
City State ZIP Code	San Antonio, Texas 78249
Work Phone	210-546-5511
E-Mail Address	kfelux@jonescarter.com
Variance Case Information	
Case Name	HEB Austin 33
Case Number	SP-2020-0400D
Address or Location	12021 W US 290, Austin, TX 78737
Environmental Reviewer Name	Pamela Abee-Taulli
Environmental Resource Management Reviewer Name	N/A
Applicable Ordinance	Watershed Protection Ordinance
Watershed Name	Bear Creek
Watershed Classification	☐Urban ☐ Suburban ☐Water Supply Suburban ☐Water Supply Rural ☑ Barton Springs Zone

December 9, 2021

Edwards Aquifer Recharge Zone	☑ Barton Springs Segment ☐ Northern Edwards Segment ☐ Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	☑ Yes ☐ No
Distance to Nearest Classified Waterway	Approx. 19,000 LF
Water and Waste Water service to be provided by	Water: West Travis County Public Utility Agency Wastewater: On-site wastewater treatment plant
Request	The variance request is as follows (Cite code references): A variance is requested from LDC 25-8-301 construction of a driveway on slopes over 15%.

Impervious cover	Existing	Proposed
square footage:	22,930	585,011
acreage:	0.53	13.43
percentage:	0.87%	24.66%

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)	The existing topography of the subject tract consists of natural slopes ranging from 1%-35%. The site contains portions that are in excess of 15% slope. The highest point of the site is located along the northern boundary at an elevation of 1195 feet above sea level. The lowest point of the site is located at the south-eastern corner of the site at an elevation of approximately 1089 feet above sea level. The site is currently comprised of two tracts, a 1.01-acre tract and a 59.60-acre tract. The smaller tract is currently developed but will be demolished upon development, and the larger tract is undeveloped as pasture with brush and trees. According to the Natural Resource Conservation Soil Survey of Travis County, Texas, soils on the property are classified in 97.6% in Hydrologic Soil Group D and 2.4% in Hydrologic Soil Class C. The soils are predominantly Brackett-Rock outcrop comfort complex, with 1-8% slopes, Brackett-Rock outcrop real complex, with 8-30% slopes, and Krum Clay with 3-5% slopes. The site is in the Bear Creek Watershed which is classified as Barton Creek Zone watershed.

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The three proposed driveways are being built across slopes that are greater than 15%. The customer driveway off of US-290 is crossing slopes in excess of 15%, whereas the customer and delivery driveways off of Nutty Brown Rd. are merely crossing a "V" drainage channel and otherwise not being constructed on excessive slopes. Please see the excessive slopes map provided.

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: HEB Austin 33

Ordinance: LDC 25-8-301

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

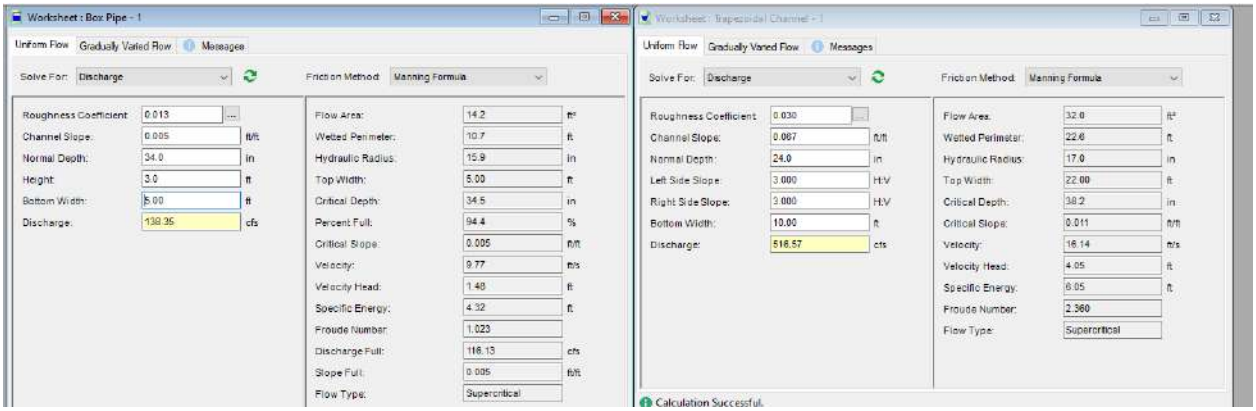
1. The requirement will deprive the applicant of a privilege available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

Yes / No HEB off of W Slaughter Ln and Escarpment Boulevard has three driveway accesses. Two are for primary access for customers and one is an additional access for vendor deliveries and trash service. 7-Eleven gas station across the road was provided two points of access and is significantly smaller than the HEB.

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 excessive slopes are from a natural earthen swale that is having the natural drainage pattern restored and unpermitted fill is being removed. The use of a box culvert brings reduces the risk of erosion that would be made from a natural earthen swale. The natural swale has a higher velocity than the box



culvert.

Energy Dissipation Calculations		
Discharge (cfs)	Velocity (ft/s)	Area (sqft)
138.35	9.77	
Velocity after Energy Dissipation	1.77	78

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

Yes / No The development is allowed by code to have a primary access off of each public road with sufficient frontage, as well as needs at least two ingress/egress points for proper traffic circulation and fire protection. Additionally, per the Transportation Criteria Manual (Sec. 9.30), freight loading, and trash facilities should be designed/located away from customer vehicular/pedestrian traffic to minimize intermixing and conflicts, and would require a separate access for these uses.

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

Yes / No The site location was chosen to reduce the impact and area of improvements that are on excessive slopes.

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 This does not effect water quality. Water quality for the site is provided.

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 N/A

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

Yes / No N/A

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

Yes / No N/A

**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

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Fax: 512.445.2286
www.jonescarter.com

November 2, 2021

Pamela Abee-Tualli, LEED, CPESC
COA Development Services Department
One Texas Center
505 Barton Springs Road
Austin, Texas 78705

Re: Driveway On Slopes Greater Than 15% (LDC 25-8-301)
HEB Austin 33
12021 W US 290, Austin, TX 78737
SP-2020-0400D

Dear Ms. Abee-Taulli:

On behalf of our client, H-E-B, Jones & Carter, Inc. is requesting an Environmental Commission variance of LDC Section 25-8-301, that driveways cannot be constructed on slopes greater than 15%.

The location of the driveways that are being built across areas that have slopes greater than 15% were determined by TxDOT and Hays County. Due to street improvements that are taking place on Nutty Brown Road, the driveway locations were set to comply with TxDOT and Hays County queuing spacing requirements for a signaled intersection. The driveway along US-290 has been approved by TxDOT, and the placement of this driveway was determined based on the location of other existing driveways and the spacing from the intersection from Nutty Brown Road. The locations of the driveways also allow for the easiest access for fire trucks, pedestrian vehicles, and operations trucks. Due to the restraints and placement of the driveways we feel that we have minimized the areas being built over slopes greater than 15%.

We feel that our design methodology complies with the intent of LDC 25-8-301, but we feel that the driveways were placed in the most optimum locations to have the least amount of area being built over slopes greater than 15%.

If you have any questions or require additional information, please contact me at (210) 546-0057.

Sincerely,

Joseph York, P.E.

December 9, 2021

ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION
Applicant Contact Information

Name of Applicant	Joseph York, P.E.
Street Address	4350 Lockhill Selma Rd. Suite 100
City State ZIP Code	San Antonio, Texas 78249
Work Phone	210-546-5511
E-Mail Address	kfelux@jonescarter.com
Variance Case Information	
Case Name	HEB Austin 33
Case Number	SP-2020-0400D
Address or Location	12021 W US 290, Austin, TX 78737
Environmental Reviewer Name	Pamela Abee-Taulli
Environmental Resource Management Reviewer Name	N/A
Applicable Ordinance	Watershed Protection Ordinance
Watershed Name	Bear Creek
Watershed Classification	☐Urban ☐ Suburban ☐Water Supply Suburban ☐Water Supply Rural ☑ Barton Springs Zone

December 9, 2021

Edwards Aquifer Recharge Zone	☑ Barton Springs Segment ☐ Northern Edwards Segment ☐ Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	☑ Yes ☐ No
Distance to Nearest Classified Waterway	Approx. 19,000 LF
Water and Waste Water service to be provided by	Water: West Travis County Public Utility Agency Wastewater: On-site wastewater treatment plant
Request	The variance request is as follows (Cite code references): Request to vary from LDC 25-8-302(A)(2) to allow construction of a parking area on a slope with a gradient of more than 15 percent.

Impervious cover	Existing	Proposed
square footage:	22,930	585,011
acreage:	0.53	13.43
percentage:	0.87%	24.66%

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)	The existing topography of the subject tract consists of natural slopes ranging from 1%-35%. The site contains portions that are in excess of 15% slope. The highest point of the site is located along the northern boundary at an elevation of 1195 feet above sea level. The lowest point of the site is located at the south-eastern corner of the site at an elevation of approximately 1089 feet above sea level. The site is currently comprised of two tracts, a 1.01-acre tract and a 59.60-acre tract. The smaller tract is currently developed but will be demolished upon development, and the larger tract is undeveloped as pasture with brush and trees. According to the Natural Resource Conservation Soil Survey of Travis County, Texas, soils on the property are classified in 97.6% in Hydrologic Soil Group D and 2.4% in Hydrologic Soil Class C. The soils are predominantly Brackett-Rock outcrop comfort complex, with 1-8% slopes, Brackett-Rock outcrop real complex, with 8-30% slopes, and Krum Clay with 3-5% slopes. The site is in the Bear Creek Watershed which is classified as Barton Creek watershed.

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	Parking Areas are being built across slopes that are greater than 15%. Please see the excessive slopes map provided.

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: HEB Austin 33

Ordinance: LDC 25-8-302

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 Due to the excessive slopes of the site, it was deemed that the current configuration was the best placement of the site. Moving the site will place parking areas over other excessive slopes.

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 site is covered in excessive slopes, the placement of the site was thought to be least impactful.

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

      Yes / No Excessive slopes cover most of the site. Any development of the site would most likely involve building on excessive slopes.

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

Yes / No The site location was chosen to reduce the impact and area of improvements that are on excessive slopes.

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 variance does not impact water quality facilities onsite, which have been designed in accordance with City code requirements.

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 N/A

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

Yes / No N/A

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

Yes / No N/A

**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

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Austin, Texas 78741-7425
Tel: 512.441.9493
Fax: 512.445.2286
www.jonescarter.com

November 2, 2021

Pamela Abee-Tualli, LEED, CPESC
COA Development Services Department
One Texas Center
505 Barton Springs Road
Austin, Texas 78705

Re: Parking Areas On Slopes Greater Than 15% (LDC 25-8-302)
HEB Austin 33
12021 W US 290, Austin, TX 78737
SP-2020-0400D

Dear Ms. Abee-Taulli:

On behalf of our client, H-E-B, Jones & Carter, Inc. is requesting an Environmental Commission variance of LDC Section 25-8-302, that parking areas cannot be constructed on slopes greater than 15%.

The site placement was determined to minimize where the buildings and driveways would be placed on excessive slopes. The current placement of the proposed development was determined to have the least impact on excessive slopes. Unfortunately, excessive slopes exist throughout most of the site, and moving the site improvements around would result in the parking areas still over excessive slopes.

We feel that our design methodology complies with the intent of LDC 25-8-302, but we feel that the parking areas were placed in the most optimum locations to have the least amount of area being built over slopes greater than 15%.

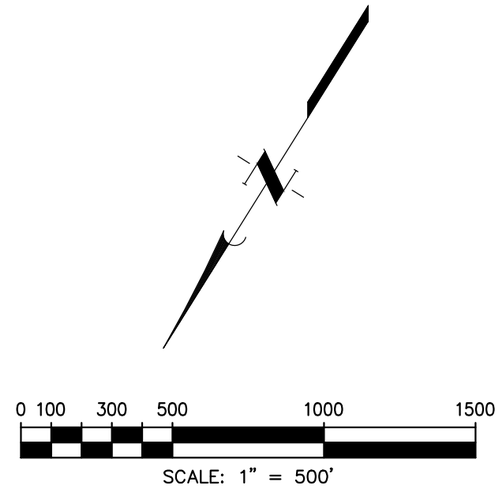
If you have any questions or require additional information, please contact me at (210) 546-0057.

Sincerely,

Joseph York, P.E.

EXHIBITS

EXHIBIT 1
OVERALL AERIAL VIEW



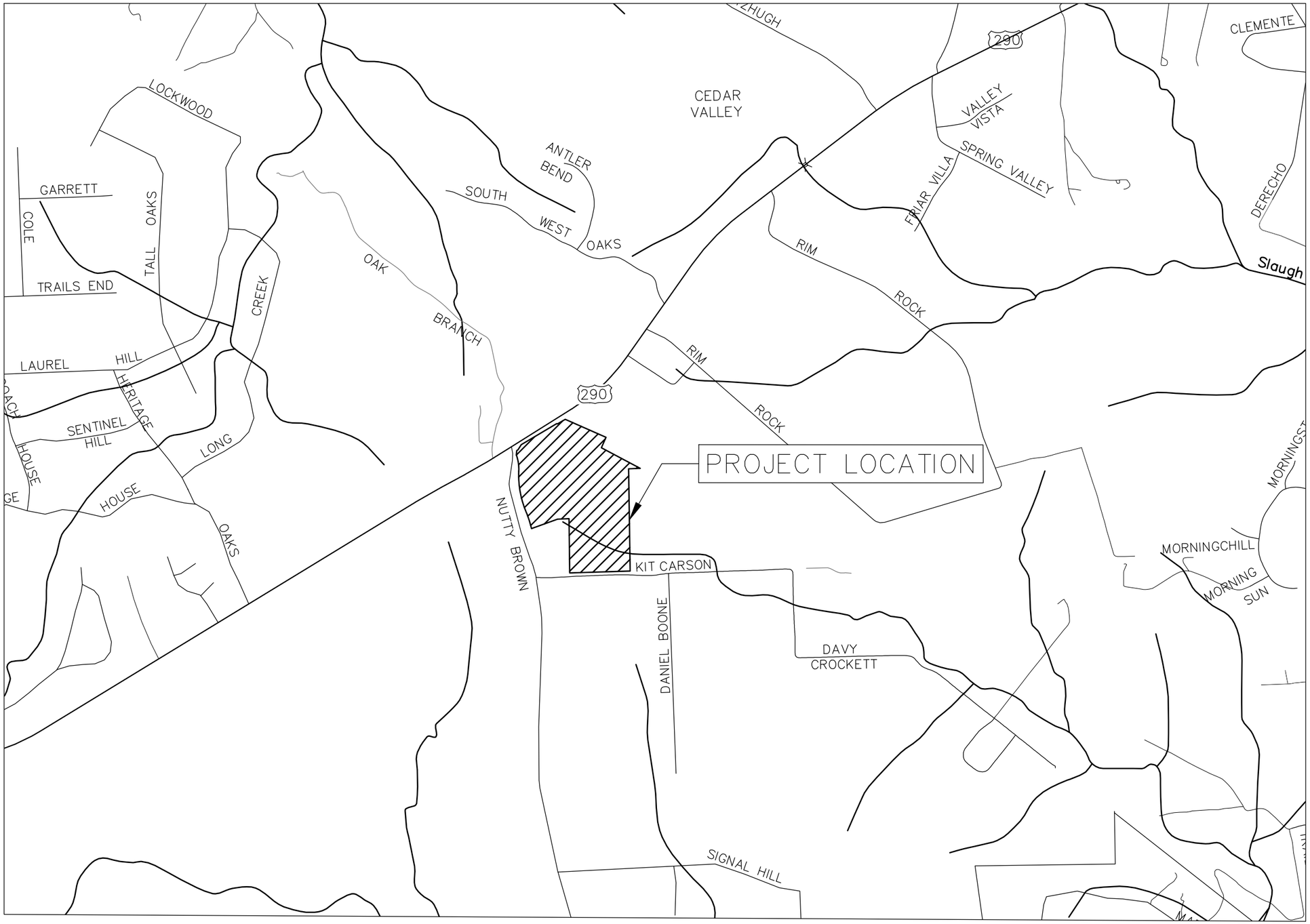
JONES | CARTER
Texas Board of Professional Land Surveying Registration No. 10046105
Texas Board of Professional Engineers Registration No. F-439
4350 Lockhill-Selma Road, Suite 100 • San Antonio, Texas 78249 • 210.494.5511
Austin * Brenham * Bryan * Dallas * Houston * Rosenberg * San Antonio * The Woodlands

H-E-B AUSTIN 33
AERIAL MAP

EXHIBIT 2
SITE PHOTOS

Site Photos

EXHIBIT 3
CONTEXT MAP



SCALE: 1"=1500'

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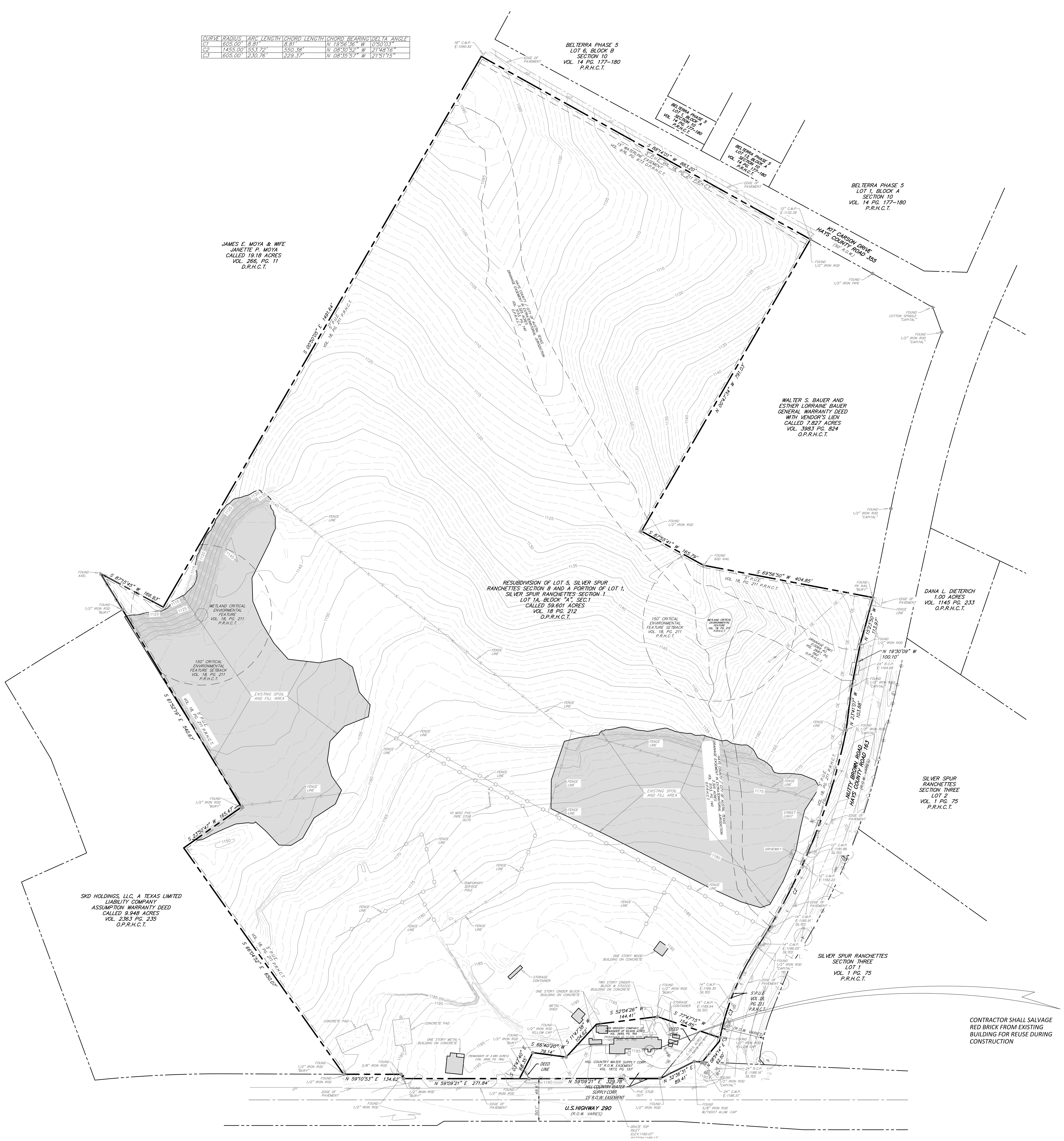
Austin * Brenham * Bryan * Dallas * Houston * Rosenberg * San Antonio * The Woodlands

H-E-B AUSTIN 33
VICINITY MAP

EXHIBIT 4

EXISTING TOPOGRAPHIC AND TREE MAP

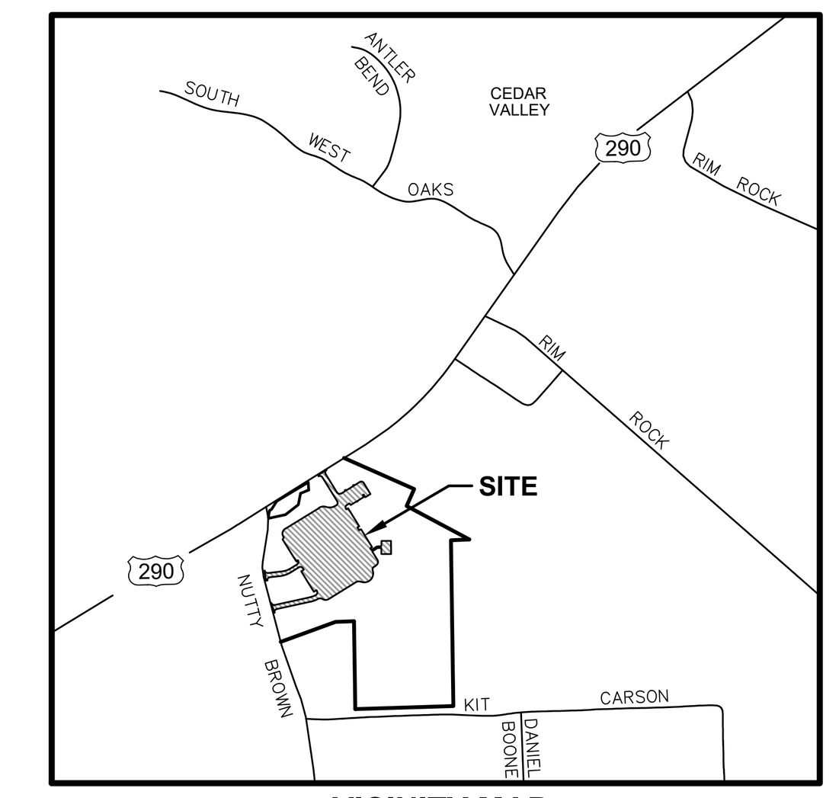
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	605.00'	8.81'	8.81'	N 19°56'36" W	0°50'03"
C2	1455.00'	553.72'	550.38'	N 08°30'52" W	21°48'16"
C3	605.00'	230.76'	229.37'	N 08°35'57" W	21°51'15"



CONTRACTOR SHALL SALVAGE RED BRICK FROM EXISTING BUILDING FOR REUSE DURING CONSTRUCTION

A1 EXISTING CONDITIONS PLAN

SCALE: 1" = 100'



VICINITY MAP
NOT TO SCALE

E6 VICINITY MAP

NOT TO SCALE

LEGEND

EXISTING / PROPOSED

1/2" IRON ROD FOUND
1/2" IRON ROD SET
IRON PIPE FOUND
NAIL FOUND
COMPUTED POINT
MONUMENT FOUND
POINT OF BEGINNING (P.O.B.)
BENCHMARK
RECORD INFORMATION ((XXX))
LIGHT POLE
POWER POLE
DOWN GUY
FIRE HYDRANT
WATER VALVE
WATER METER
GAS METER
GAS VALVE
WOOD FENCE
CHAIN LINK FENCE
WIRE FENCE
ELECTRICAL MANHOLE (EMH)
WASTEWATER MANHOLE (WWMH)
STORMSEWER MANHOLE (SSMH)
WATER MANHOLE (WTR)
CLEAN OUT (CO)
DRAINAGE INLET
CURB INLET
CURB & GUTTER
FIRE LANE
HANDICAPPED PARKING SPACE
SIGN
VARIABLE HEIGHT CONCRETE RETAINING WALL
ELECTRIC PULL BOX
ELECTRIC METER
ELECTRIC TRANSFORMER
TELEPHONE SERVICE BOX
BOLLARD
OVER HEAD ELEC. LINE (OE)
OVER HEAD TELEPHONE (OT)
STORM SEWER LINE (SS)
WATER LINE (W)
WASTEWATER LINE (WW)
FORCE MAIN (FM)
UNDERGROUND ELECTRIC (UE)
UNDERGROUND TELEPHONE (UT)
COMMUNICATION LINE (COMM)
GAS LINE (G)
PROPERTY LINE
CONTOUR (678)
SPOT ELEVATION (704)
CUT/FILL SLOPES
FLOW DIRECTION
CONCRETE SURFACE
EXISTING TREE
EXISTING TREE TO BE REMOVED

B6 LEGEND

NOT TO SCALE

FLOODPLAIN INFORMATION:

THERE ARE NO IDENTIFIED FLOOD HAZARD AREAS IN THE PLANNED AREA ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP (FIRM) NO. 48209C0128F, DATED SEPTEMBER 02, 2005. AND 48209C0130F, DATED SEPTEMBER 02, 2005

LEGAL DESCRIPTION:

BEING ALL OF THAT CERTAIN 60.609 ACRE TRACT OF LAND AS DESCRIBED IN DOCUMENT NUMBER 15013854 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, ALSO BEING ALL OF LOT 1A, BLOCK "A", SEC. 1 OF THE RESUBDIVISION OF LOT 5, SILVER SPUR RANCHETTES SECTION 3 AND A PORTION OF LOT 1, SLIVER SPUR RANCHETTES SECTION 1, A SUBDIVISION RECORDED IN VOLUME 18, PAGE 212 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS

BENCHMARKS:

ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) UTILIZING TRIMBLE'S CONTINUALLY OPERATION REFERENCE STATION (CORS) NETWORK AT THE TIME OF THE SURVEY.

TBM 2: A 5/8" IRON ROD WITH CAP STAMPED "JONES|CARTER" SET ON THE NORTHEAST CORNER OF NUTTY BROWN ROAD AND US 290. ELEV:1192.79'

TBM 4: A MAG NAIL WITH WASHER STAMPED "JONES|CARTER" SET ON THE WESTERN SIDE OF NUTTY BROWN ROAD NEAR THE SOUTHWESTERN CORNER OF THE SITE. ELEV:1170.44'

NOTE: CONTRACTOR TO VERIFY BENCHMARK LOCATIONS AND ELEVATIONS PRIOR TO CONSTRUCTION.

A6 PROJECT INFORMATION

NOT TO SCALE

02.12.2021 ISSUE 01

STATE OF TEXAS — JOSEPH E. YORK V — 124934 — LICENSED PROFESSIONAL ENGINEER — 8/30/2021

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
4350 Lockhill-Selma Road, Suite 100 • San Antonio, Texas 78249 • 210.494.5511

H-E-B

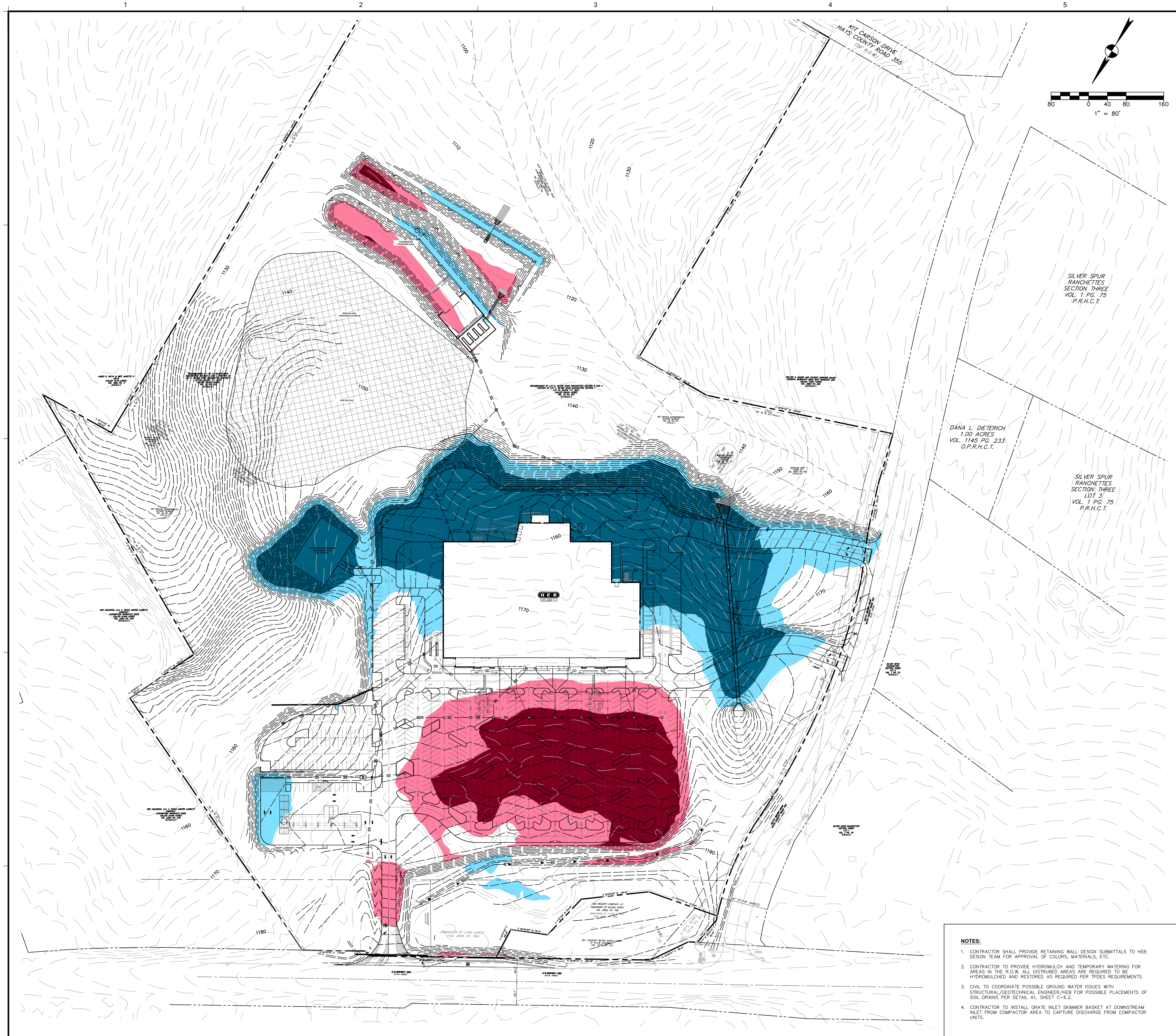
EXISTING CONDITIONS PLAN

HEB AUSTIN 33 #780
12021 W US 290
AUSTIN, TEXAS 78737

SCALE: AS INDICATED
CONSUL. PROJ. NO.: JONES|CARTER S0977-0004-04
DATE: 01.14.2021
SHEET NO. C-1.0

SP-2020-0400D

EXHIBIT 5
CUT-FILL MAP

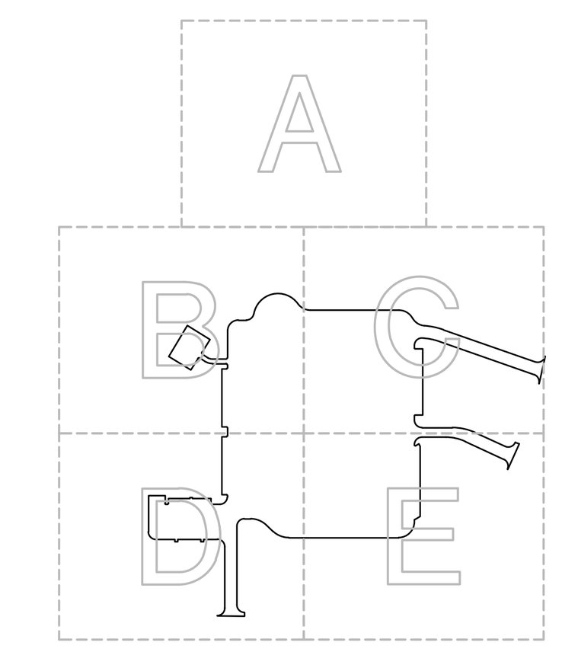


A1	OVERALL GRADING AND DRAINAGE PLAN
SCALE: 1" = 80'	

NOTES:

1. CONTRACTOR SHALL PROVIDE RETAINING WALL DESIGN SUBMITTALS TO HEB DESIGN TEAM FOR APPROVAL OF COLORS, MATERIALS, ETC.
2. CONTRACTOR TO PROVIDE HYDROMULCH AND TEMPORARY WATERING FOR AREAS IN THE R.O.W. ALL DISTRUBED AREAS ARE REQUIRED TO BE HYDROMULCHED AND RESTORED AS REQUIRED PER TPDES REQUIREMENTS.
3. CIVIL TO COORDINATE POSSIBLE GROUND WATER ISSUES WITH STRUCTURAL/GEOTECHNICAL ENGINEER/HEB FOR POSSIBLE PLACEMENTS OF SOIL DRAINS PER DETAIL A1, SHEET C–6.2.
4. CONTRACTOR TO INSTALL GRATE INLET SKIMMER BASKET AT DOWNSTREAM INLET FROM COMPACTOR AREA TO CAPTURE DISCHARGE FROM COMPACTOR UNITS.

A5	GRADING KEYNOTES
NOT TO SCALE	



KEY MAP
N.T.S.

E6	KEY MAP
NOT TO SCALE	

LEGEND

EXISTING PROPOSED

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET
- IRON PIPE FOUND
- NAIL FOUND
- COMPUTED POINT
- MONUMENT FOUND
- P.O.B. — POINT OF BEGINNING
- BENCHMARK
- (XXX) — RECORD INFORMATION
- LIGHT POLE
- POWER POLE
- DOWN GUY
- FIRE HYDRANT
- WATER VALVE
- WATER METER
- GAS METER
- GAS VALVE
- WOOD FENCE
- CHAIN LINK FENCE
- WIRE FENCE
- EMH — ELECTRICAL MANHOLE
- WWMH — WASTEWATER MANHOLE
- SSMH — STORMSEWER MANHOLE
- WTR — WATER MANHOLE
- CO — CLEAN OUT
- DRAINAGE INLET
- CURB INLET
- CURB & GUTTER
- FIRE LANE
- HANDICAPPED PARKING SPACE
- SIGN
- VARIABLE HEIGHT CONCRETE RETAINING WALL
- ELECTRIC PULL BOX
- ELECTRIC METER
- ELECTRIC TRANSFORMER
- TELEPHONE SERVICE BOX
- BOLLARD
- OE — OVER HEAD ELEC. LINE
- OT — OVER HEAD TELEPHONE
- SS — STORM SEWER LINE
- W — WATER LINE
- WW — WASTEWATER LINE
- FM — FORCE MAIN
- UE — UNDERGROUND ELECTRIC
- UT — UNDERGROUND TELEPHONE
- COMM — COMMUNICATION LINE
- G — GAS LINE
- PROPERTY LINE
- 678 — CONTOUR
- +704 — SPOT ELEVATION
- CUT/FILL SLOPES
- FLOW DIRECTION
- CONCRETE SURFACE
- 1170 — EXISTING TREE
- 1124 — EXISTING TREE TO BE REMOVED

CUT/FILL LEGEND

🟦	EMBANKMENT (FILL) OF 8'+
🟦	EMBANKMENT (FILL) OF 4'–8'
🟥	EXCAVATION (CUT) OF 4'–8'
🟥	EXCAVATION (CUT) OF 8'+

B6	LEGEND
NOT TO SCALE	

A6	PROJECT INFORMATION
NOT TO SCALE	

02.12.2021 ISSUE 01

STATE OF TEXAS
JOSEPH E. YORK V
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LICENSED
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12/9/2021

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4350 Lockhill-Selma Road, Suite 100 • San Antonio, Texas 78249 • 210.494.5511

H-E-B

OVERALL GRADING AND DRAINAGE PLAN

HEB AUSTIN 33 #780
12021 W US 290
AUSTIN, TEXAS 78737

SCALE: AS INDICATED
CONSUL.: JONES | CARTER
PROJ. NO.: S0977-0004-04
DATE: 01.14.2021
SHEET NO.: C-5.0
19 OF 46

SP-2020-0400D

Date: Nov 11, 2021, 9:51am User ID: KF
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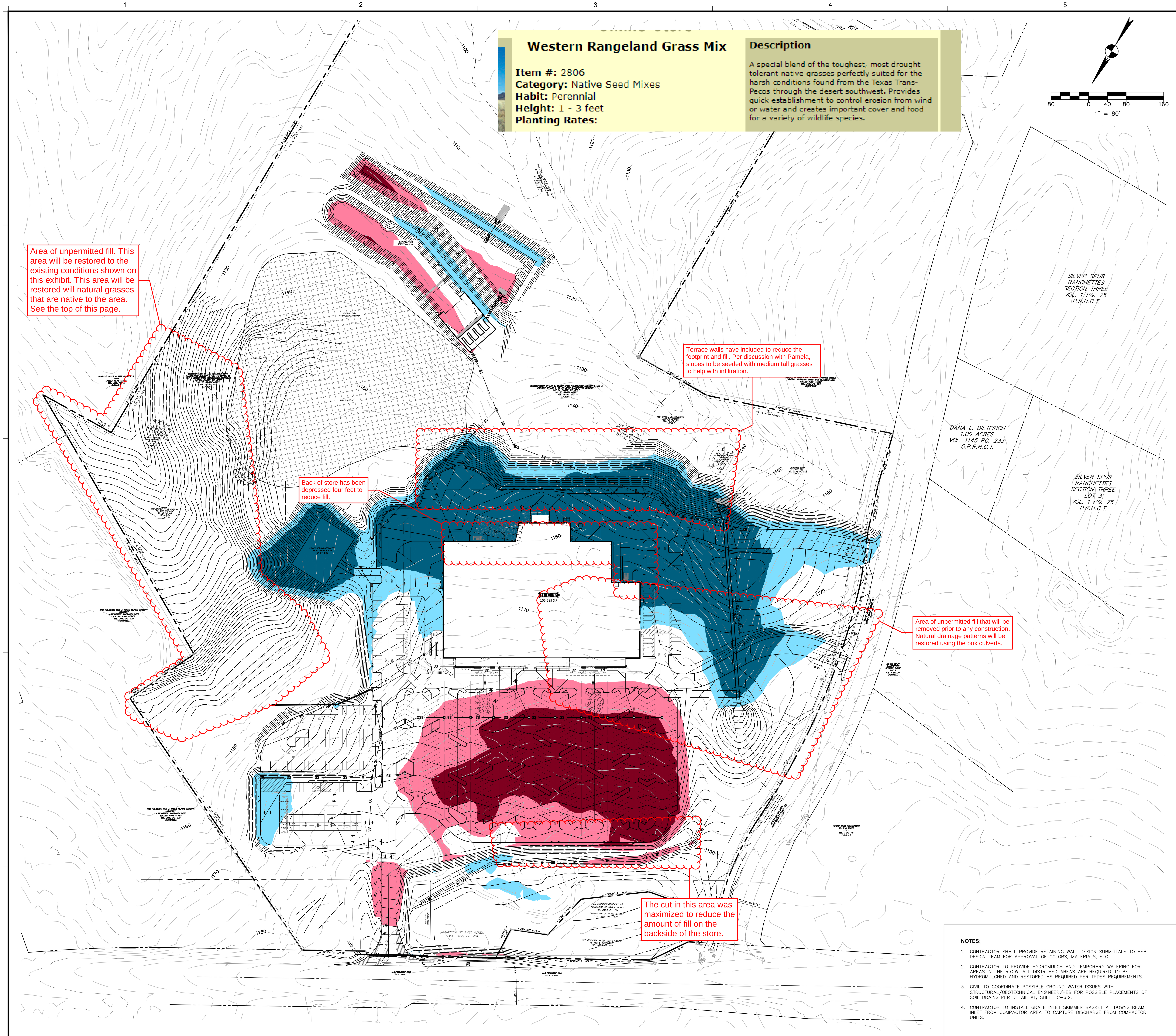

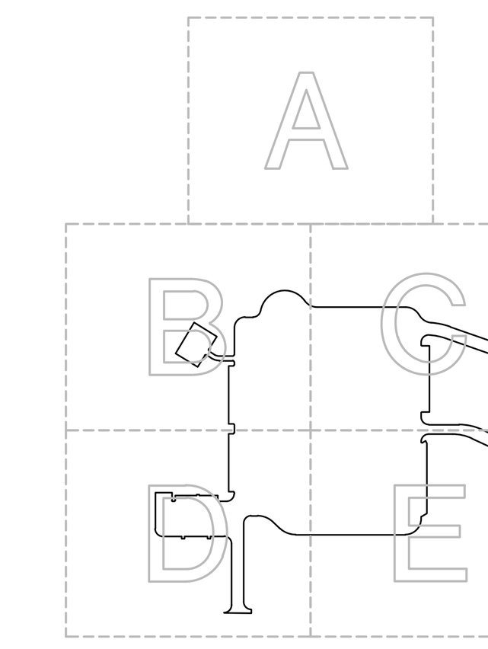

KEY MAP
N.T.S.

E6	KEY MAP
NOT TO SCALE	

LEGEND

EXISTING	PROPOSED	
		1/2" IRON ROD FOUND
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		WATER METER
		GAS METER
		GAS VALVE
		WOOD FENCE
		CHAIN LINK FENCE
		WIRE FENCE
EMH	EMH	ELECTRICAL MANHOLE
WWMH	WWMH	WASTEWATER MANHOLE
SSMH	SSMH	STORMSEWER MANHOLE
WTR	WTR	WATER MANHOLE
CO	CO	CLEAN OUT
		DRAINAGE INLET
		CURB INLET
		CURB & GUTTER
		FIRE LANE
		HANDICAPPED PARKING SPACE
		SIGN
		VARIABLE HEIGHT CONCRETE RETAINING WALL
		ELECTRIC PULL BOX
E	E	ELECTRIC METER
T	T	ELECTRIC TRANSFORMER
		TELEPHONE SERVICE BOX
		BOLLARD
OE	OE	OVER HEAD ELEC. LINE
OT	OT	OVER HEAD TELEPHONE
SS	SS	STORM SEWER LINE
W	W	WATER LINE
WW	WW	WASTEWATER LINE
FM	FM	FORCE MAIN
UE	UE	UNDERGROUND ELECTRIC
UT	UT	UNDERGROUND TELEPHONE
COMM	COMM	COMMUNICATION LINE
G	G	GAS LINE
		PROPERTY LINE
678	678	CONTOUR
+704	+704	SPOT ELEVATION
		CUT/FILL SLOPES
		FLOW DIRECTION
		CONCRETE SURFACE
1170		EXISTING TREE
1124		EXISTING TREE TO BE REMOVED

CUT/FILL LEGEND

🟦	EMBANKMENT (FILL) OF 8'+
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B6	LEGEND
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A1	OVERALL GRADING AND DRAINAGE PLAN
SCALE: 1" = 80'	

A5	GRADING KEYNOTES
NOT TO SCALE	

A6	PROJECT INFORMATION
NOT TO SCALE	

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H·E·B

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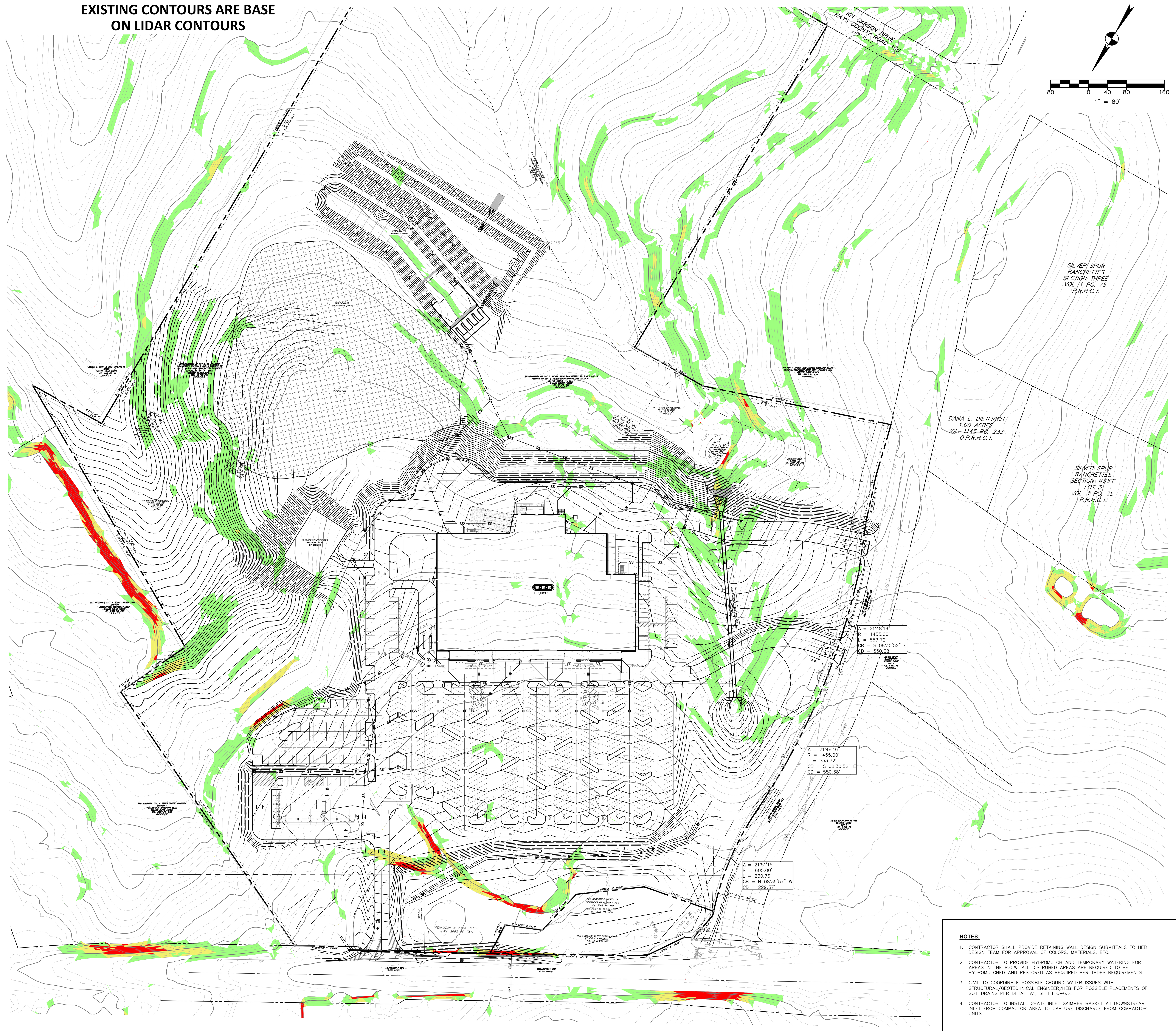
Date: Nov 11, 2021, 9:51am User ID: KF
File: K:\S0977\S0977-0004-04 HEB - Austin 33 Design\2 Design Phase\CAD\Plans\Site\Store\AUS33_Civil_C-5.2 Cut Fill Plan R1.dwg

EXHIBIT 6
SLOPE MAP

EXISTING CONTOURS ARE BASE ON LIDAR CONTOURS



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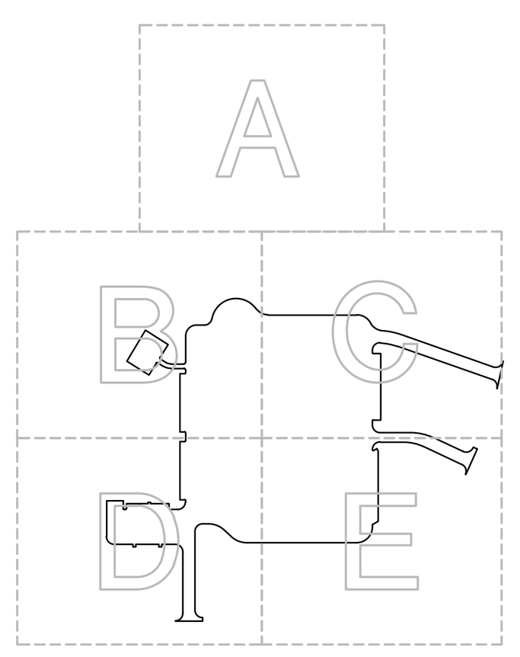
A1 OVERALL GRADING AND DRAINAGE PLAN
SCALE: 1" = 80'

A5 GRADING KEYNOTES
NOT TO SCALE



KEY MAP
N.T.S.

E6 KEY MAP
NOT TO SCALE

LEGEND

EXISTING PROPOSED

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET
- IRON PIPE FOUND
- NAIL FOUND
- COMPUTED POINT
- MONUMENT FOUND
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- (XXX) — RECORD INFORMATION
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- DOWN GUY
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- WATER METER
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- GAS VALVE
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- CUT/FILL SLOPES
- FLOW DIRECTION
- CONCRETE SURFACE
- 1170 — EXISTING TREE
- 1124 — EXISTING TREE TO BE REMOVED

SLOPE LEGEND WITH LIDAR CONTOURS

☐	SLOPES 0% – 15%
🟩	SLOPES 15% – 25%
🟨	SLOPES 25% – 35%
🟥	SLOPES 35%+

B6 LEGEND
NOT TO SCALE

A6 PROJECT INFORMATION
NOT TO SCALE

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H-E-B

OVERALL GRADING AND DRAINAGE PLAN

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SCALE: AS INDICATED
CONSUL. JONES | CARTER
PROJ. NO.: S0977-0004-04
DATE: 01.14.2021
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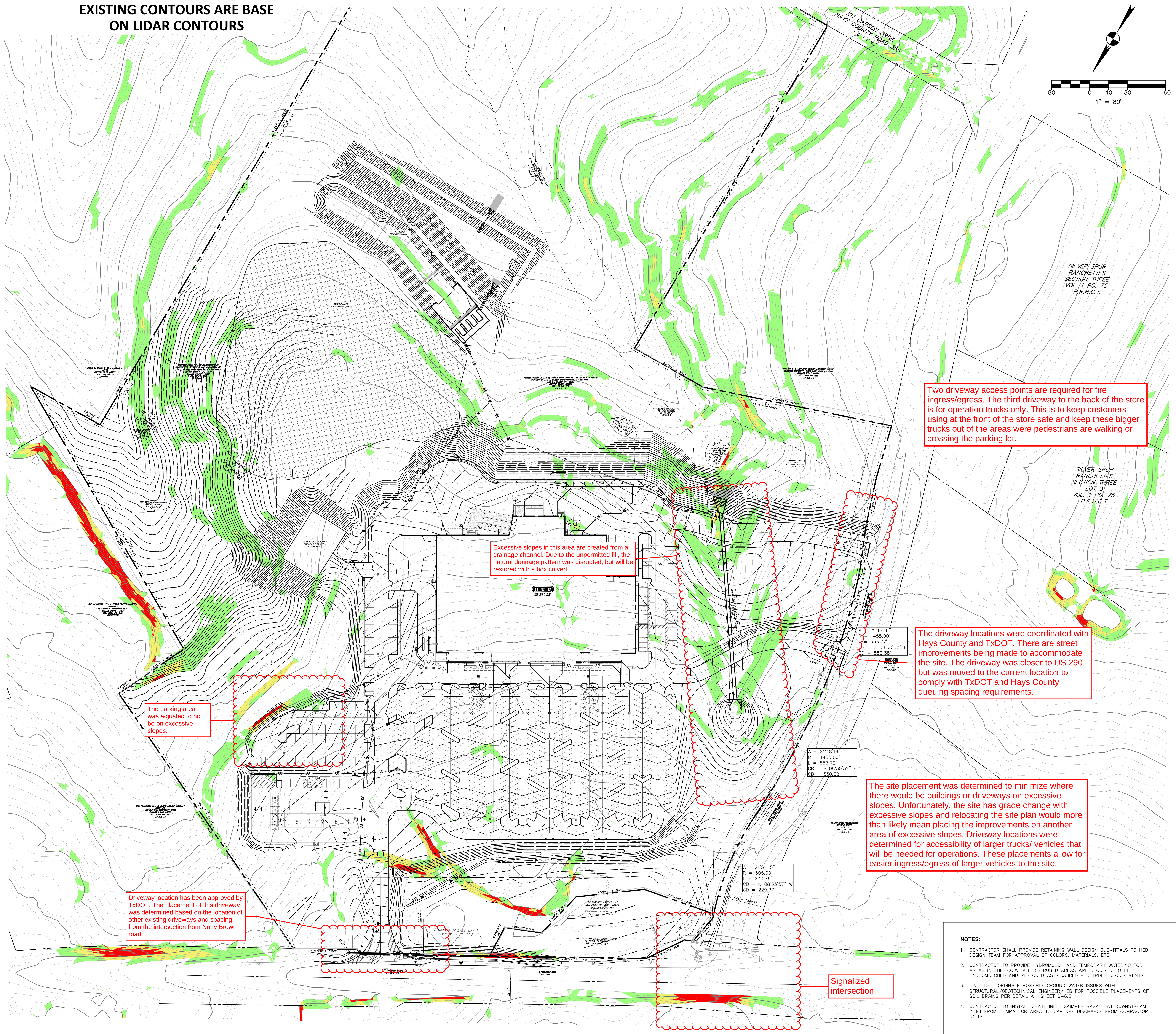

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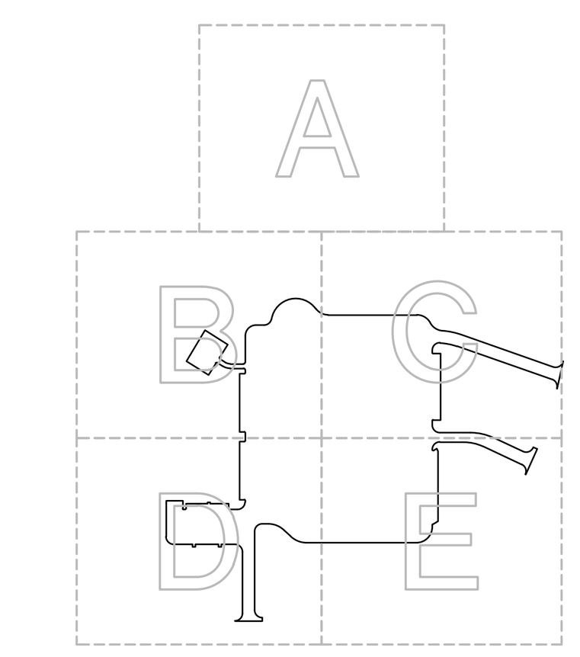
A1 — OVERALL GRADING AND DRAINAGE PLAN
SCALE: 1" = 80'

A5 — GRADING KEYNOTES
NOT TO SCALE



KEY MAP
N.T.S.

E6 — KEY MAP
NOT TO SCALE

LEGEND

EXISTING PROPOSED

1/2" IRON ROD FOUND
1/2" IRON ROD SET
IRON PIPE FOUND
NAIL FOUND
COMPUTED POINT
MONUMENT FOUND
POINT OF BEGINNING
BENCHMARK
RECORD INFORMATION
LIGHT POLE
POWER POLE
DOWN GUY
FIRE HYDRANT
WATER VALVE
WATER METER
GAS METER
GAS VALVE
WOOD FENCE
CHAIN LINK FENCE
WIRE FENCE
ELECTRICAL MANHOLE
WASTEWATER MANHOLE
STORMSEWER MANHOLE
WATER MANHOLE
CLEAN OUT
DRAINAGE INLET
CURB INLET
CURB & GUTTER
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FLOW DIRECTION
CONCRETE SURFACE
EXISTING TREE
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SLOPE LEGEND WITH LIDAR CONTOURS

⬜ SLOPES 0% – 15%
🟩 SLOPES 15% – 25%
🟨 SLOPES 25% – 35%
🟥 SLOPES 35%+

B6 — LEGEND
NOT TO SCALE

A6 — PROJECT INFORMATION
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H-E-B

OVERALL GRADING AND DRAINAGE PLAN

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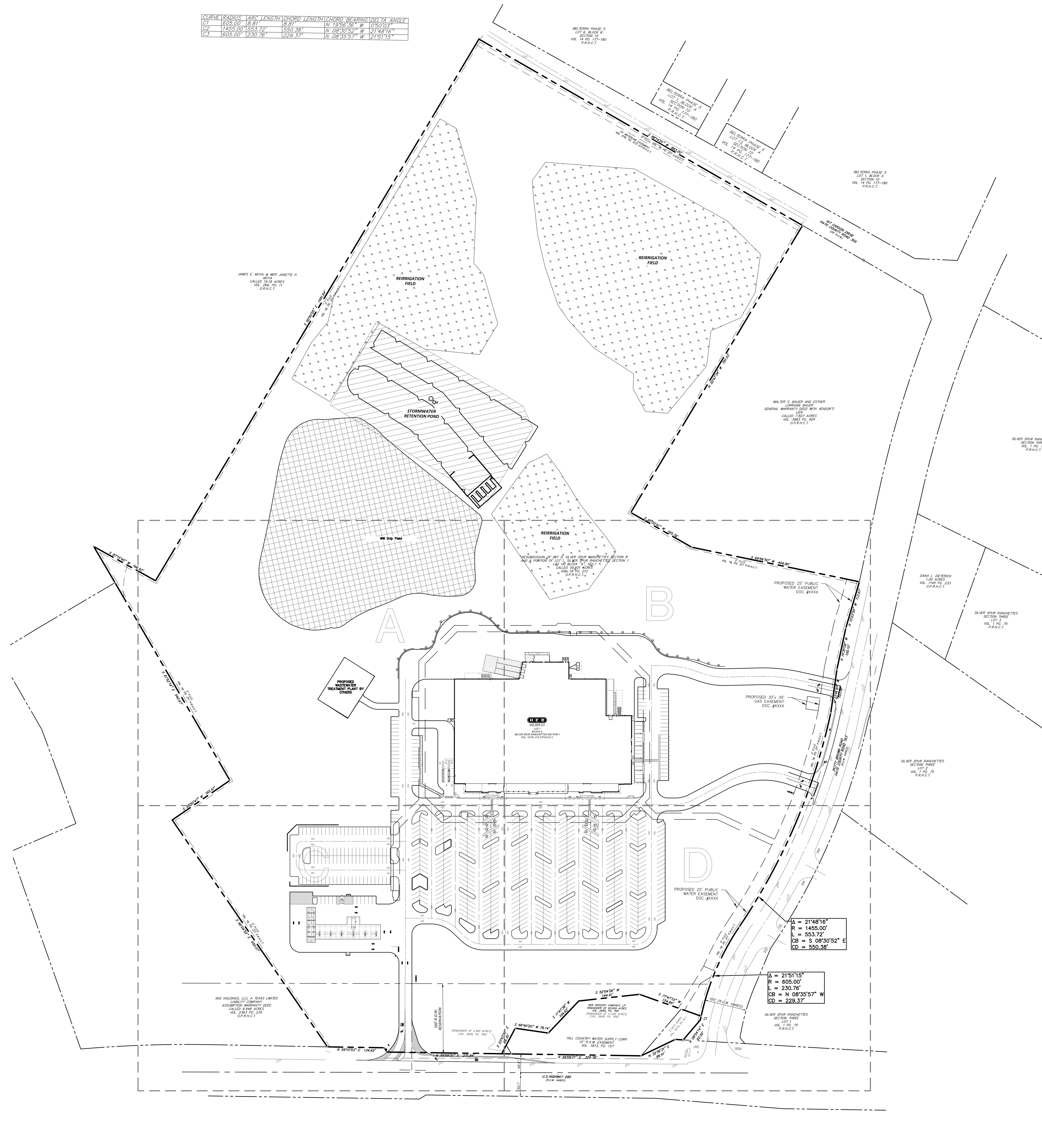
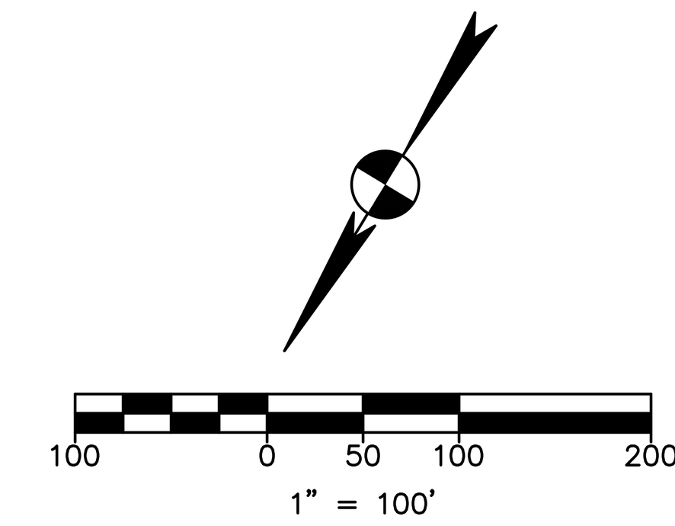
EXHIBIT 7
SITE PLAN





A1 OVERALL SITE PLAN
SCALE: 1" = 60'

Land Use Summary	
HEB Area	43.22 Ac
Fuel Station Area	1.01 Ac
WW Treatment Plant	0.19 Ac
WW Drip Field	4.32 Ac
Undeveloped Area	11.86 Ac
Total Site Area	60.60 Ac

Impervious Cover		
Net Site Area	2,328,282 s.f.	54.45 Ac
Proposed	553,212 s.f.	13.43 Ac
Allowable	581,962 s.f.	13.56 Ac
Excess	28,750 s.f.	0.13 Ac
Percent Impervious		24.66%

Landscape Requirements		
A. Total Site Area Disturbed	553,212 s.f.	60.60 Ac
B. Turf or Landscaped Area	581,962 s.f.	0.52 Ac
B/A	28,750 s.f.	0.85%

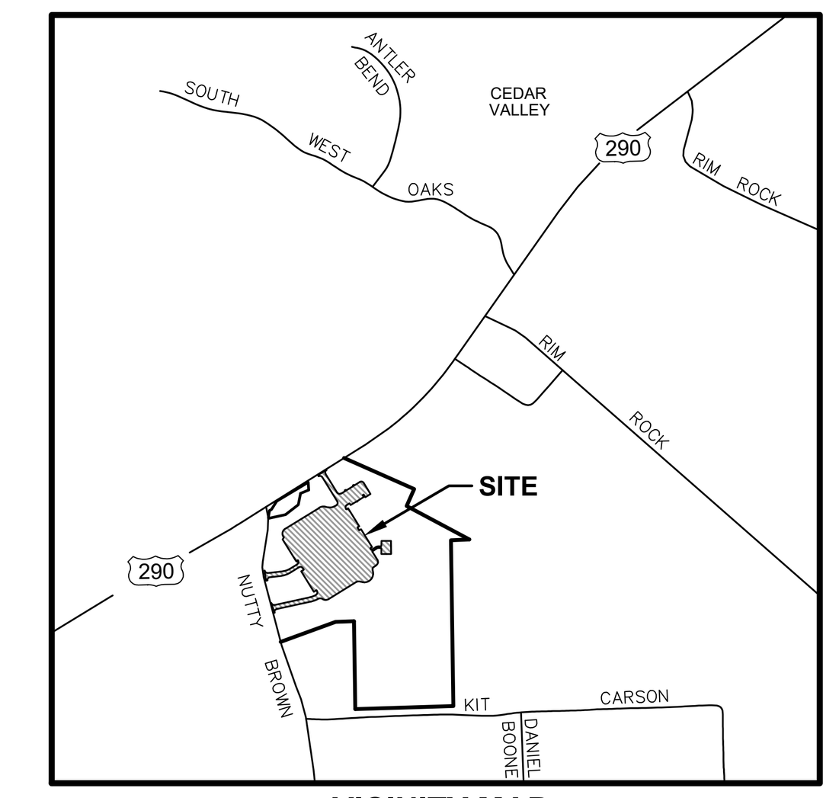
TRAFFIC & SIDEWALK SUMMARY TABLE	
BUILDING USE GROSS FLOOR AREA (SF) LAND AREA	RETAIL 107,104 SQ. FT. ±59.60 AC.
PARKING STORAGE STANDARDS MINIMUM PARKING RATIO MAXIMUM PARKING RATIO	 1.5:1,000 SQ.FT. 10:1,000 SQ.FT.
REGULAR MINIMUM REQUIRED PARKING MAXIMUM REQUIRED PARKING ACTUAL/PROPOSED PARKING PARKING PROVIDED WITHIN 300' PROPOSED PARKING RATIO:	 457 N/A 563 463 1:183
HANDICAP SPACE (ADA) (STORE) REQUIRED REGULAR HC PARKING REQUIRED VAN PARKING PROPOSED TOTAL HC PARKING	 10 2 12
HANDICAP SPACE (ADA) (FUEL STATION) REQUIRED REGULAR HC PARKING REQUIRED VAN PARKING PROPOSED TOTAL HC PARKING	 1 1 1
SIDEWALKS SIDEWALK WIDTH (FT) SIDEWALK LENGTH (FT) SIDEWALK AREA (SF)	 5 FT 1,731 FT 0

C5 SITE SUMMARY
NOT TO SCALE

1. 2.0' OVERHANG (TYP.)
2. 4" WHITE STRIPE
3. FIRE LANE SHALL HAVE 3" WHITE LETTERS STENCILLED ON 6" RED STRIPE STATING "FIRE LANE – NO PARKING" EVERY 50 FEET.
4. HEB OVAL MONUMENT SIGN. RE: ARCHITECT PLANS
5. HEB PYLON SIGN. RE: ARCHITECT PLANS
6. HEB FUEL PRICE SIGN RE: ARCHITECT PLANS
7. 4" BLUE STRIPE DESIGNATING PARTNER PARKING SPACES
8. VENDOR PARKING
9. INSTALL 18" CONCRETE STRIPS WITH PLANTER ISLANDS; RE: E5/C-6.0 WHEN USING SPRAY HEAP IRRIGATION.
10. INSTALL PRE-FABRICATED SPEED HUMPS PER MANUFACTURER'S RECOMMENDATIONS. SEE BELOW FOR WEBSITES OF APPROVED MANUFACTURERS:
    - www.trafficcalmingproducts.com/products/product-detail.cfm?productID=92
    - www.parkinglotstore.com/trafficsafety/index.htm#speedhumps

    SPEED OR HIGHWAY BUMPS SHOULD NOT BE PLACED WITHIN 30 FEET OF ANY AREA DESIGNATED AS A PEDESTRIAN CROSS WALK.
11. TEMPORARY MOBILE GENERATOR LOCATION; RE: D2/C-6.1
12. CONCRETE COMPACTOR PAD
    INSTALL A 8' WIDE X 30' (MIN.) CONCRETE PAD FOR THE MAIN WAREROOM COMPACTOR
    INSTALL A 8' WIDE X 24' (MIN.) CONCRETE PAD FOR THE PRODUCE COMPACTOR
    NOTE: PAD MUST EXTENDED A MINIMUM DISTANCE OF 5 FEET IN FRONT OF THE COMPACTOR. REFER TO THE ARCHITECTS PLANS FOR DETAILS AND SPECIFICATIONS FOR THE COMPACTOR UNITS. REFER TO STRUCTURAL PLANS FOR THE COMPACTOR PAD PAVEMENT RECOMMENDATIONS AND SPECIFICATIONS.
13. LANDSCAPE END ISLAND RE: E3/C-6.0

A5 KEYNOTES
NOT TO SCALE



VICINITY MAP
NOT TO SCALE

E6 VICINITY MAP
NOT TO SCALE

LEGEND

EXISTING / PROPOSED

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- 1/2" IRON ROD SET
- IRON PIPE FOUND
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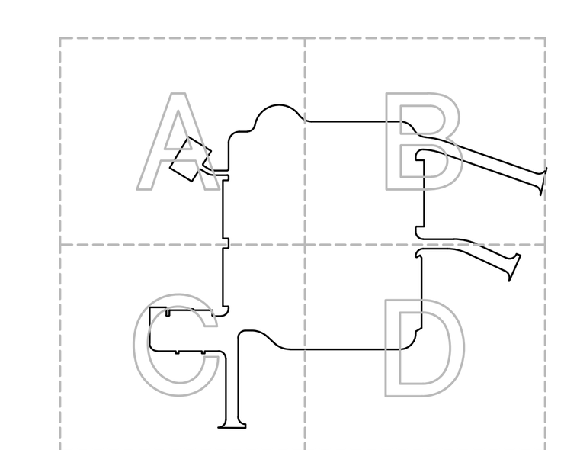
- +704 — SPOT ELEVATION
- CUT/FILL SLOPES
- FLOW DIRECTION
- CONCRETE SURFACE
- 1170 — EXISTING TREE
- 1124 — EXISTING TREE TO BE REMOVED



KEY MAP
N.T.S.

B6 LEGEND
NOT TO SCALE

FLOODPLAIN INFORMATION:

THERE ARE NO IDENTIFIED FLOOD HAZARD AREAS IN THE PLANNED AREA ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP (FIRM) NO. 48209C0128F, DATED SEPTEMBER 02, 2005. AND 48209C0130F, DATED SEPTEMBER 02, 2005

LEGAL DESCRIPTION:

BEING ALL OF THAT CERTAIN 60.609 ACRE TRACT OF LAND AS DESCRIBED IN DOCUMENT NUMBER 15013854 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, ALSO BEING ALL OF LOT 1A, BLOCK "A", SEC. 1 OF THE RESUBDIVISION OF LOT 5, SILVER SPUR RANCHETTES SECTION 3 AND A PORTION OF LOT 1, SLIVER SPUR RANCHETTES SECTION 1, A SUBDIVISION RECORDED IN VOLUME 18, PAGE 212 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS

BENCHMARKS:

ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) UTILIZING TRIMBLE'S CONTINUALLY OPERATION REFERENCE STATION (CORS) NETWORK AT THE TIME OF THE SURVEY.

TBM 2: A 5/8" IRON ROD WITH CAP STAMPED "JONES|CARTER" SET ON THE NORTHEAST CORNER OF NUTTY BROWN ROAD AND US 290. ELEV:1192.79'

TBM 4: A MAG NAIL WITH WASHER STAMPED "JONES|CARTER" SET ON THE WESTERN SIDE OF NUTTY BROWN ROAD NEAR THE SOUTHWESTERN CORNER OF THE SITE. ELEV:1170.44'

NOTE: CONTRACTOR TO VERIFY BENCHMARK LOCATIONS AND ELEVATIONS PRIOR TO CONSTRUCTION.

A6 PROJECT INFORMATION
NOT TO SCALE

ISSUE 01 — 02.12.2021

STATE OF TEXAS — JOSEPH E. YORK V — 124934 — LICENSED PROFESSIONAL ENGINEER — 8/30/2021

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
4350 Lockhill-Selma Road, Suite 100 • San Antonio, Texas 78249 • 210.494.5511
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H-E-B

OVERALL SITE PLAN

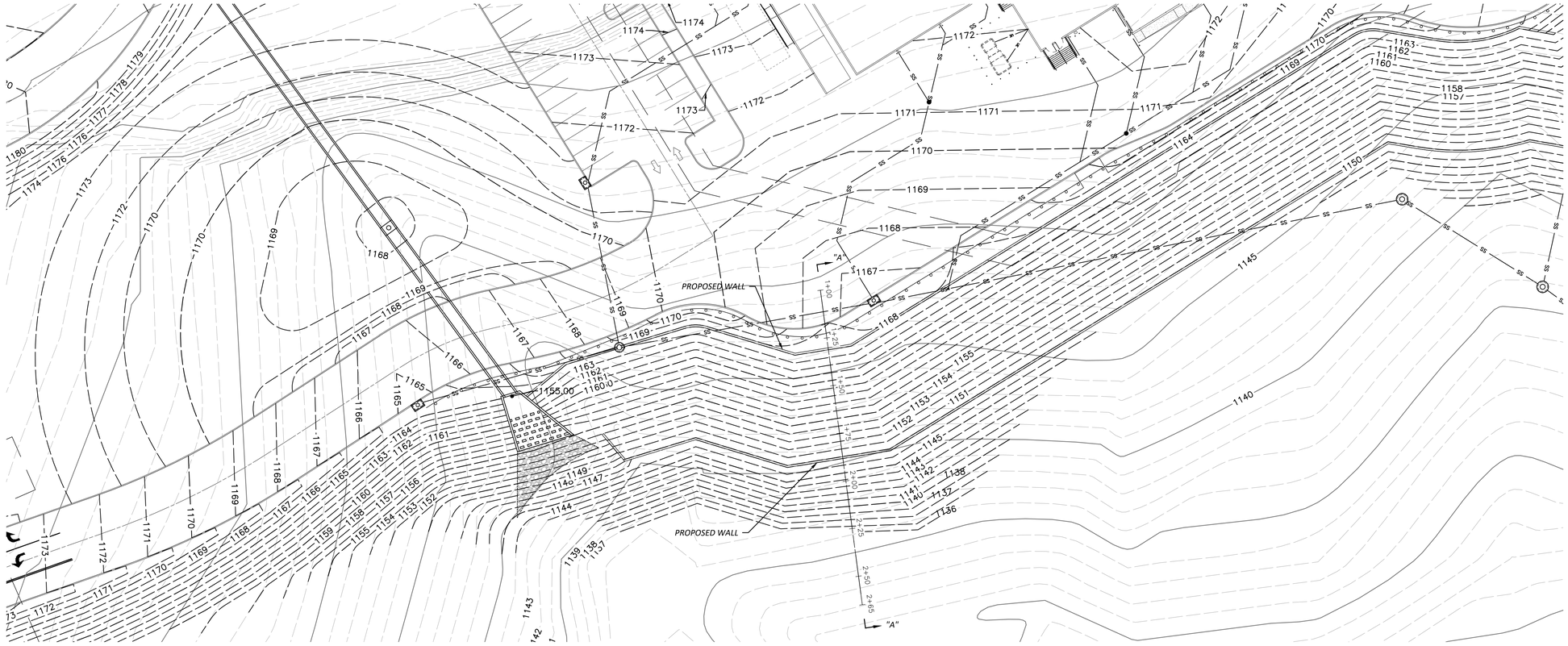
HEB AUSTIN 33 #780
12021 W US 290
AUSTIN, TEXAS 78737

SCALE: AS INDICATED
CONSUL. JONES|CARTER
PROJ. NO.: S0977-0004-04
DATE: 01.14.2021
SHEET NO. C-2.3
15 OF 61

SP-2020-0400D

Date: Aug 31, 2021, 10:57am User ID: KF
File: K:\S0977\s0977-0004-04 heb - austin 33 design\2 design phase\CAD\Plans\Site\Store\AUS33_Civil_C-2.3 Site Plan Overall.dwg

EXHIBIT 8
TERRACE WALL PROFILE

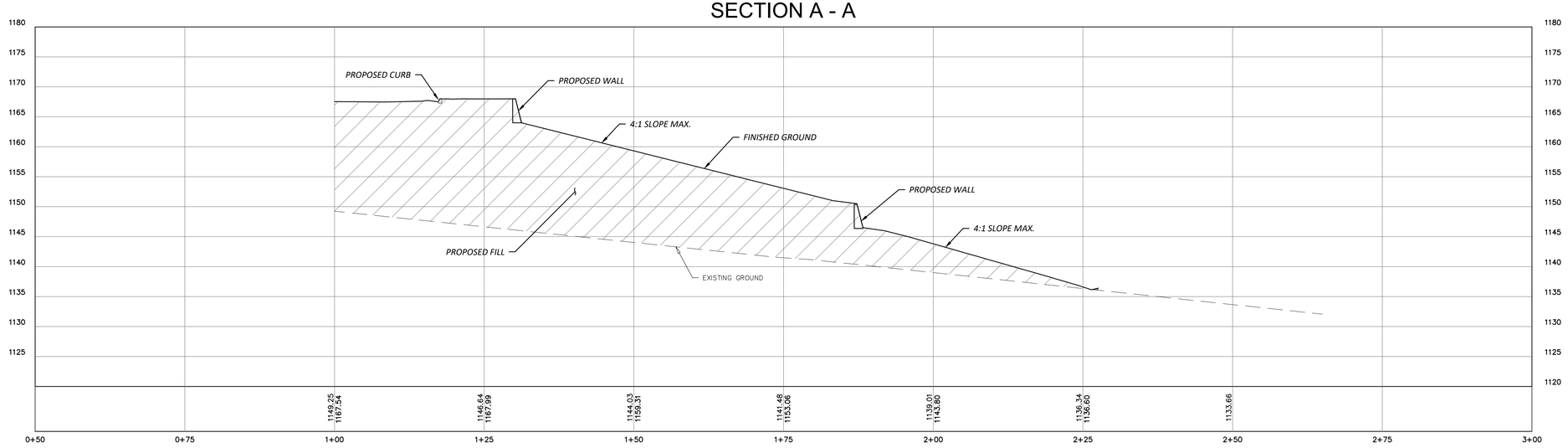


0 10 20 30 60 90

SCALE: 1" = 30'

STATE OF TEXAS
JOSEPH E. YORK V
124934
LICENSED PROFESSIONAL ENGINEER
12/1/2021

SECTION A - A



0 5 10 20 30

SCALE: 1" = 10'

JONES | CARTER
Texas Board of Professional Engineers Registration No. F-439
4350 Lockhill-Selma Road, Suite 100 • San Antonio, Texas 78249 • 210.494.5511

JOB NUMBER S0977-0004-04

AUSTIN 33

REAR WALL EXHIBIT

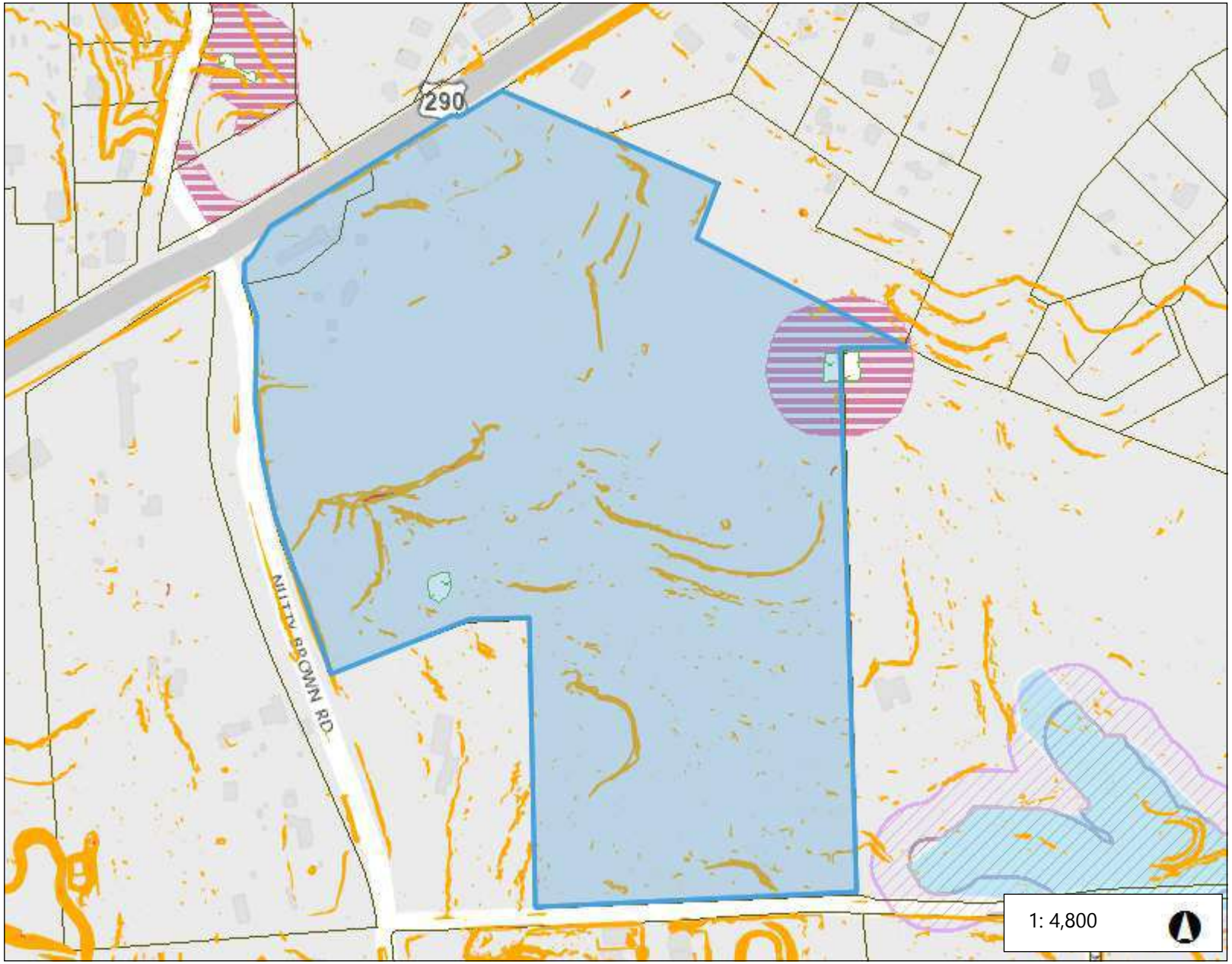
11/12/2021

K:\S0977\S0977-0004-04 HEB - Austin 33 Design\2 Design Phase\CAD\Exhibits\Rear Wall Exhibit.dwg KS: November 12, 2021

EXHIBIT 9

ENVIRONMENTAL MAP

Property Profile



Legend

- Lot Line
- FEMA Floodplain
  - 100 Year (Detailed-AE)
  - 100 year (Shallow-AO)
  - 100 Year (Approx-A)
  - X Protected by Levee
  - 500 Year
- Creek Buffers/Waterway Setba
  - Critical Water Quality Zone
  - Water Quality Transition Zone
- Wetland
- CEF Setback
- > 15% Slope
  - 15 - 60% Slope
  - 60% Slope or Higher

Notes

0.2 0 0.08 0.2 Miles

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed:

EXHIBIT 10

ENVIRONMENTAL RESOURCES INVENTORY

Environmental Resource Inventory
Waiver Request Form

For The City of Austin
Related to LDC 25-8-121(D) or City Code 30-5-121(D)

GENERAL SITE INFORMATION:

1. SITE/PROJECT NAME: HEB Austin No. 33

2. COUNTY APPRAISAL DISTRICT PROPERTY ID (#'s): Hays County (R15484, R144958)

3. ADDRESS/LOCATION OF PROJECT: 12225 US 290, Austin, TX 78737

4. WATERSHED: Bear Creek

5. THIS SITE IS WITHIN THE *(Check all that apply)*

Edwards Aquifer Recharge Zone* *(See note below)*	☐YES	■No
Edwards Aquifer Contributing Zone*	■YES	☐No
Barton Spring Zone*	■YES	☐No

**(as defined by the City of Austin – LDC 25-8-2 or City Code 30-5-2)*

6. DOES THIS PROJECT PROPOSE FLOODPLAIN MODIFICATION? ... ☐YES** ■NO

IF YES, THEN DO ANY OF THE FOLLOWING CONDITIONS APPLY? *(check all that apply):*

- ☐ *(1) The floodplain modifications proposed are necessary to protect the public health and safety;*
- ☐ *(2) The floodplain modifications proposed would provide a significant, demonstrable environmental benefit, as determined by a **functional assessment** of floodplain health as prescribed by the Environmental Criteria Manual(ECM), or*
- ☐ *(3) The floodplain modifications proposed are necessary for development allowed in the critical water quality zone under LDC 25-8-261or 25-8-262, City Code 30-5-261 or 30-5-262.*
- ☐ *(4) The floodplain modifications proposed are outside of the Critical Water Quality Zone in an area determined to be in poor or fair condition by a **functional assessment** of floodplain health.*

**** If yes, then a Functional Assessment must be completed and attached to the ERI (see ECM 1.7 and Appendix X in the Environmental Criteria Manual for forms and guidance) unless conditions 1 or 3 above apply.**

7. DOES THIS PROJECT PROPOSE AN UTILITY LINE PARALLEL TO AND WITHIN THE CRITICAL WATER QUALITY ZONE? .....☐YES*** ■NO

*****If yes, then riparian restoration is required by LDC 25-8-261(E) and a Functional Assessment must be completed and attached to the ERI (see ECM 1.5 and Appendix X in the Environmental Criteria Manual for forms and guidance).**

REQUIRED INFORMATION FOR WAIVER REQUEST:

Pursuant to LDC 25-8-121(D) or City Code 30-5-121(D), the Director of the Watershed Protection Department (WPD) may permit an applicant to exclude information that is required in ERI report if the Director determines that the information is unnecessary because of the scope or nature of the proposed development. Please provide the requested information below to WPD for review. **Please be advised, if granted, this waiver may be rescinded in the future, if new information is discovered during the review process that requires that an ERI be completed for this site.**

1. ____ A **NARRATIVE DESCRIPTION** of current site conditions and justifications to support the granting of the waiver request are attached at the end of this form.
   Reference EA For Narrative of current conditions
2. . ____ The following **MAPS** of the site is attached:
   Reference EA For Maps

(Map Information available at http://www.austintexas.gov/GIS/DevelopmentWebMap/Viewer.aspx)

- ☐ Site Location Map
- ☐ Historic Aerial Photo at least 15 years old
- ☐ Current Aerial Photo
- ☐ Topographic Map with a 2 feet contour interval

To the best of my knowledge, the responses to this form accurately and thoroughly reflect all information requested.

Kyler Felux	210-546-0057
Print Name	Telephone
Kyler Felux	kfelux@jonescarter.com
Signature	Email Address
Jones|Carter	12/22/20
Name of Company	Date

WATERSHED PROTECTION DEPARTMENT USE ONLY.

The waiver requested from LDC 25-8-121(D) of City Code 30-5-121(D) for the above reference project has been:

☐ Denied x Approved ☐ Rescinded ☐ Approved with TCEQ Geologic Assessment

(see below)

Reasoning for denial:

- ☐ Formal and/or administrative variances are required for this proposed development.
- ☐ Critical Environmental Features are present on or within 150 feet of site boundaries.
- ☐ The information provided is incomplete (see comments below).
- ☐ Denied, but the following sections can be omitted (see comments below).
- ☐ Other

Comments:

Reasoning for Approval ***(This form must be included with submittal materials and referenced in your Engineer's Report and/or Summary):***

- ☐ No Critical Environmental Features are present on or within 150 feet of the site boundaries.
- ☐ The site has existing impervious cover and no significant undisturbed natural areas.
- ☐ No floodplains, slopes >15%, CWQZs, WQTZs, wetlands, and the Edwards Aquifer contributing zone are present on site and TCEQ Geologic Assessment has been completed and will be submitted *(Only for sites within the Edwards Aquifer).*
- X Other: attached EA contains the info

Comments: Attached EA acceptable, ERI format waived. ERM REVIEW PURVIEW STILL REQUIRED DURING REVIEW PROCESS

Andrew Clamann

ERM Reviewer (Print Name)

If you have questions on how to fill out this form, please contact the Watershed Protection Department at 512/974-2550.

30 October 2014

Environmental Resource Inventory
Endangered Species Habitat Assessment
City of Austin Land Development Code (Section 25-8-121)
Compliance Report

RE: **60-Acre Nutty Brown Road Tract, Austin, SH 290 @ Nutty Brown Road, Hays County, Texas**
HJN 140014 EA

1.0 INTRODUCTION

This report provides the results of an environmental resource inventory conducted by Horizon Environmental Services, Inc. (Horizon) on an approximately 60-acre tract of land located southeast of the intersection of State Highway (SH) 290 and Nutty Brown Road (Appendix A, Figures 1 and 2). Horizon conducted the field reconnaissance on 27 January 2014. Horizon spent a minimum of 2 person-hours in the field evaluating the site and surrounding area, and completed the assessment process by conducting a review of existing literature.

2.0 ENVIRONMENTAL SETTING

2.1 LAND USE

The northwestern portion of the subject site is currently utilized as a restaurant/amphitheater and dirt parking areas known as the Nutty Brown Cafe. The northeastern portion of the subject site is currently utilized as a mobile Recreational vehicle (RV) park. No current land use was observed on the southern portion of the subject site. The Photographs of the subject site are provided in Appendix B. The following land uses border the subject site:

North:	SH 290, Oak Branch Drive, vacant land Commercial, multi-family residential, single-family residential, roadways
South:	Kit Carson Drive and a high-density single-family residential (SFR) community with associated roadways
East:	Rural SFR home site and vacant woodland
West:	Nutty Brown Road, and vacant woodland

CORPORATE HEADQUARTERS
1507 South IH 35 ★ Austin, Texas 78741 ★ 512.328.2430 ★ Fax 512.328.1804 ★ www.horizon-esi.com
Certified WBE/HUB/DBE/SBE

2.2 VEGETATION

The subject site is situated within the Live Oak-Ashe Juniper Parks vegetational area of Texas (Gould, 1975). Vegetation observed on the subject site includes Ashe juniper (*Juniperus ashei*), plateau live oak (*Quercus fusiformis*), cedar elm (*Ulmus crassfolia*), sugarberry (*Celtis laevigata*), Texas prickly pear (*Opuntia engelmannii*), johnsongrass (*Sorghum halapense*), black willow (*Salix nigra*), honey mesquite (*Prosopis glandulosa*), cedar elm (*Ulmus crassifolia*), chinaberry (*Melia Azedarach*) and little bluestem (*Schizachyrium scoparium*).

Very limited wetland vegetation was observed on the subject site within the banks of a creek located on the northeast boundary which includes black willow (*Salix nigra*) and common spikerush (*Eleocharis palustris*).

2.3 TOPOGRAPHY AND SURFACE WATER

This site is within the Contributing Zone of the Edwards Aquifer (COA, 1998; TCEQ, 2014). Topographically, the site ranges from approximately 1080 to 1280 feet above mean sea level (USGS, 1986). Drainage on the subject site occurs primarily by overland sheet flow in a northwest-to-southeast direction into an on-site tributary of Bear Creek. None of the subject site lies within the 100-year floodplain (FEMA, 2005; 2008). A review of the National Wetland Inventory maps showed no potential wetland areas on the subject site (USFWS, 1993).

2.4 SOILS

Soils mapped within the subject site include the following:

TABLE 1 – SOILS

SOIL NAME	SOIL TYPE	SOIL DEPTH (FEET)	UNDERLYING MATERIAL	PERMEABILITY	AVAILABLE WATER CAPACITY	SHRINK-SWELL CAPACITY
Brackett-Rock outcrop-Comfort complex, undulating (BtD)	gravelly clay loam	1.4	weakly cemented limestone interbedded with thin layers of indurated limestone	moderately slow	very low	low
Brackett-Rock outcrop-Real complex, steep (BtG)	gravelly clay loam	1.2	weakly cemented limestone interbedded with thin strata of shaly clay	moderately slow	very low	low
Krum clay, 3 to 5 % slopes (KrC)	clay	4.5	clay	moderately slow	medium	high

Source: NRCS, 2014

2.5 EDWARDS AQUIFER ZONE

The subject site is found within the Edwards Aquifer Contributing Zone (COA, 1998 and TCEQ, 2014). The Contributing Zone of the Edwards Aquifer includes all watersheds that feed runoff into rivers and streams that flow over the Recharge Zone (TCEQ, 1999). TCEQ rules regulate activities in the portions of the Contributing Zone that are within the counties already regulated by the Edwards Aquifer Rules. These areas are generally north and west of the Recharge Zone (TCEQ, 1996).

2.6 GEOLOGY

A review of existing literature shows the site is underlain by the upper Glen Rose Formation (Kgr(u)) (UT-BEG, 1981). The upper member of the Glen Rose Limestone is relatively impermeable and described as the lower confining unit of the Edwards Aquifer. It has a maximum thickness of about 350 to 500 feet. Stair-step topography is characteristic of the upper member of the Glen Rose Limestone. The Upper Glen Rose Limestone is described as yellowish-tan, thinly bedded limestone and marl (Garner and Young, 1976). The upper member of the Glen Rose Limestone is relatively more thinly bedded, more dolomitic, and less fossiliferous than the lower member of the Glen Rose Limestone. The top of the upper member of the Glen Rose Limestone is red-stained, lumpy, irregular, and bored, with oysters cemented onto the surface (Rose, 1972).

2.7 WATER WELLS

A review of the records of the Texas Water Development Board (TWDB) revealed no documented water wells on the subject site and within 150 feet from the subject site (TWDB, 2014). No evidence of water wells was observed on the subject site during Horizon's site reconnaissance.

The results of this assessment do not preclude the existence of additional undocumented/abandoned wells. If a water well or casing is encountered during construction, work should be halted near the feature until the TCEQ is contacted.

3.0 CRITICAL ENVIRONMENTAL FEATURES

The City of Austin definition of a critical environmental feature (CEF) includes caves, sinkholes, springs, wetlands, bluffs, canyon rimrock, water wells within the Edwards Aquifer, and significant recharge features located over the Edwards Aquifer Recharge Zone. Two potential CEF as defined by the City of Austin was found on or within 150 feet from the subject property. The first CEF (S-1) is a wetland pond which is mapped on the west central portion of the Property. It is Horizon's opinion that this stock pond temporarily impounds water for limited amounts of time that has allowed sparse, low quality wetland vegetation such as spikerush and black willow to establish. A 50' buffer established along the pond edge and would adequately

protect this CEF feature. All features are mapped in Figure 3 (Appendix A) and photographs are provided in Appendix B.

The 2nd CEF (S-2) is described as a wetland CEF and an associated biological resource buffer which was mapped on the northeast boundary of the subject site as identified on the City of Austin Development Web Map (COA, 2014). This wetland CEF is more accurately described as the headwaters of an ephemeral creek that lies at the base of a large stockpile of imported fill material (photos attached). A 50' buffer established along the centerline of the creek and extending to the southeast off the subject site would adequately protect this CEF feature. All features are mapped in Figure 3 (Appendix A) and photographs are provided in Appendix B.

4.0 ENDANGERED SPECIES HABITAT ASSESSMENT

Literature and agency file searches were conducted to identify the potential occurrence of any federally listed endangered species in the vicinity of the subject site. The following federally listed species may be found in Hays County: Austin blind salamander (*Eurycea waterlooensis*), Barton Springs salamander (*Eurycea sosorum*), black-capped vireo (*Vireo atricapilla*), Comal Springs drypoid beetle (*Stygoparnus comalensis*), Comal Springs riffle beetle (*Heterelmis comalensis*), fountain darter (*Etheostoma fonticola*), golden-cheeked warbler (*Dendroica chrysoparia*), Peck's cave amphipod (*Stygobromus pecki*), San Marcos gambusia (*Gambusia georgei*), San Marcos salamander (*Eurycea nana*), Texas blind salamander (*Typhlomolge rathbuni*), Texas wild-rice (*Zizania texana*) (USFWS, 2014). Additionally, the USFWS lists the following migratory bird species as potentially occurring in many or all Texas counties: whooping crane (*Grus americana*), Eskimo curlew (*Numenius borealis*), interior least tern (*Sterna antillarum athalassos*), and piping plover (*Charadrius melodus*).

The subject site is not underlain by a geologic formation that is known to form caves or voids that may provide habitat for terrestrial karst invertebrates. The subject site is mapped as Zone 4 (areas that do not contain potential endangered cave species habitat) by Veni and Associates (1991).

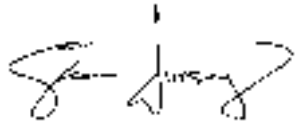
Examination of the Texas Parks and Wildlife Department (TPWD) Natural Diversity Database indicated no documented occurrence(s) of listed species on or within a 0.5-mile radius of the subject site (TPWD, 2014).

Golden-cheeked warbler habitat in central Texas typically consists of mature Ashe juniper (*Juniperus ashei*) and broad-leaved oak woodlands, with a high percentage of canopy coverage within and adjacent to incised canyons of central Texas. It is Horizon's opinion that the subject site does not exhibit habitat characteristics for the golden-cheeked warbler.

Black-capped vireos typically nest in distinctive and dense scrubby mottes (to about 6 feet high) interspersed in open grassland within central Texas. Common vegetation within these mottes includes shin oak (*Quercus sinuate* var. *breviloba*), plateau live oak (*Quercus fusiformis*), evergreen sumac (*Rhus virens*), Texas persimmon (*Diospyros texana*), agarita (*Berberis trifoliolata*), and Ashe juniper. It is Horizon's opinion that the subject site does not exhibit habitat characteristics for the black-capped vireos.

It is Horizon's opinion that the subject site does not provide potentially suitable habitat for any of the federally listed endangered species that occur in Hays County. Additionally, it is Horizon's opinion that any occurrence of the federally listed migratory bird species on the subject site would be temporary in nature, and that development of the site would not adversely impact the species.

For Horizon Environmental Services, Inc.



Shannon Dorsey
Principal

30 October 2014
Date

4.0 REFERENCES

(COA) City of Austin. *Austin Watershed Regulation Areas.* Austin, Texas: City of Austin, Department of Planning and Development. 30 January 1998.

_____. *City of Austin GIS*. Development Web Map <http://www.austintexas.gov/GIS/developmentwebmap/Viewer.aspx>. Accessed 23 January 2014.

(ESRI) Environmental Systems Research Institute, Inc. Street Map North America Data Layer. ESRI, Redlands, California. 2009.

(FEMA) Federal Emergency Management Agency. Flood Insurance Rate Map (FIRM) Panel No. 48209C0128F, Hays County, Texas. 2 September 2005.

_____. Federal Emergency Management Agency. Flood Insurance Rate Map (FIRM) Panel No. 48453C0555H, Travis County, Texas. 26 September 2008.

Garner, L.E., and K.P. Young. *Environmental Geology of the Austin Area: An Aid to Urban Planning*. Report of Investigations 86. The University of Texas at Austin, Bureau of Economic Geology. 1976.

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(NRCS) US Department of Agriculture, Natural Resources Conservation Service. Web Soil Survey, <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>. Accessed 23 January 2014.

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(TCEQ) Texas Commission on Environmental Quality. *Complying with the Edwards Aquifer Rules: Administrative Guidance,* revised August 1999.

(TCEQ) Texas Commission on Environmental Quality. Edwards Aquifer Protection Program. Edwards Aquifer Viewer, <http://gis.tceq.state.tx.us/website/iredwards1/viewer.htm>. Accessed 23 January 2014.

(TPWD) Texas Parks and Wildlife Department. T/E and Rare Species Elemental Occurrences, Natural Diversity Database. Wildlife Division, Habitat Assessment Program, Austin, Texas. 7 February 2014.

(TWDB) Texas Water Development Board. Water Information Integration and Dissemination System. TWDB Groundwater Database (ArcIMS), <http://wiid.twdb.state.tx.us/ims/wwm_drl/viewer.htm?DISCL=1&>. Accessed 23 January 2014.

(USDA) US Department of Agriculture. Aerial photography, Signal Hill NW, Texas, digital ortho quarter quad. National Agriculture Imagery Program, Farm Service Agency, Aerial Photography Field Office. 2012.

(USFWS) US Department of the Interior, Fish and Wildlife Service. National Wetland Inventory Map, Signal Hill, Texas. 1993.

(USFWS) US Department of the Interior, Fish and Wildlife Service. Southwest Region Ecological Services Office. Endangered Species, Lists of Species by County for Texas, Hays County, <http://www.fws.gov/southwest/es/EndangeredSpecies/lists/default.cfm>. Accessed 23 January 2014.

(USGS) US Geological Survey. 7.5-minute series topographic maps, Signal Hill, Texas, quadrangle. 1986.

(UT-BEG) University of Texas Bureau of Economic Geology, Proctor, C.V., Jr., T.E. Brown, J.H. McGowen, N.B. Waechter, and V.E. Barnes. *Geologic Atlas of Texas*, Austin Sheet, Francis Luther Whitney Memorial Edition. 1974; revised 1981.

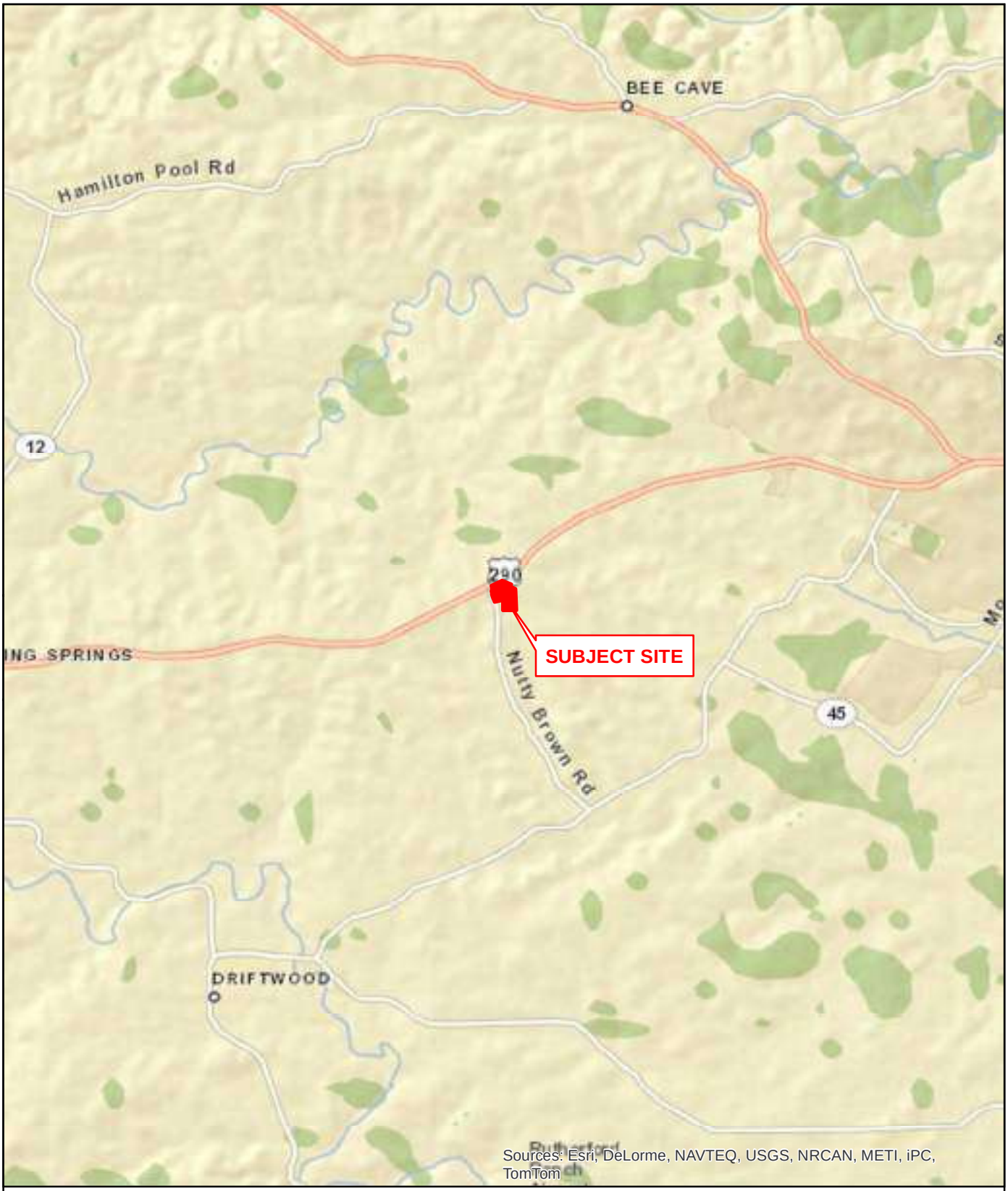
Veni, George, and Associates. *Endangered Cave Species Karst Zone Map*, Signal Hill quadrangle. George Veni and Associates. Austin, Texas. 1991.

Horizon
Environmental Services, Inc.

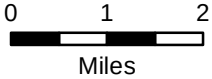
APPENDIX A

FIGURES

Q:\Proj. 2014\140014 - 60-acre Nutty Brown Tract\Graphics\140014A01vic.mxd | CEC | 1-23-2014



MAP SOURCE: ESRI, DATA & MAPS DVD, 2009.



Horizon Environmental Services, Inc.

FIGURE 1

VICINITY MAP
60-ACRE NUTTY BROWN TRACT
SH 290 AT NUTTY BROWN ROAD
AUSTIN, HAYS COUNTY, TEXAS

Q:\Proj. 2014\140014 - 60-acre Nutty Brown Tract\Graphics\140014A02aer_2012.mxd | CEC | 1-23-2014

MAP SOURCE: USDA, 2012.

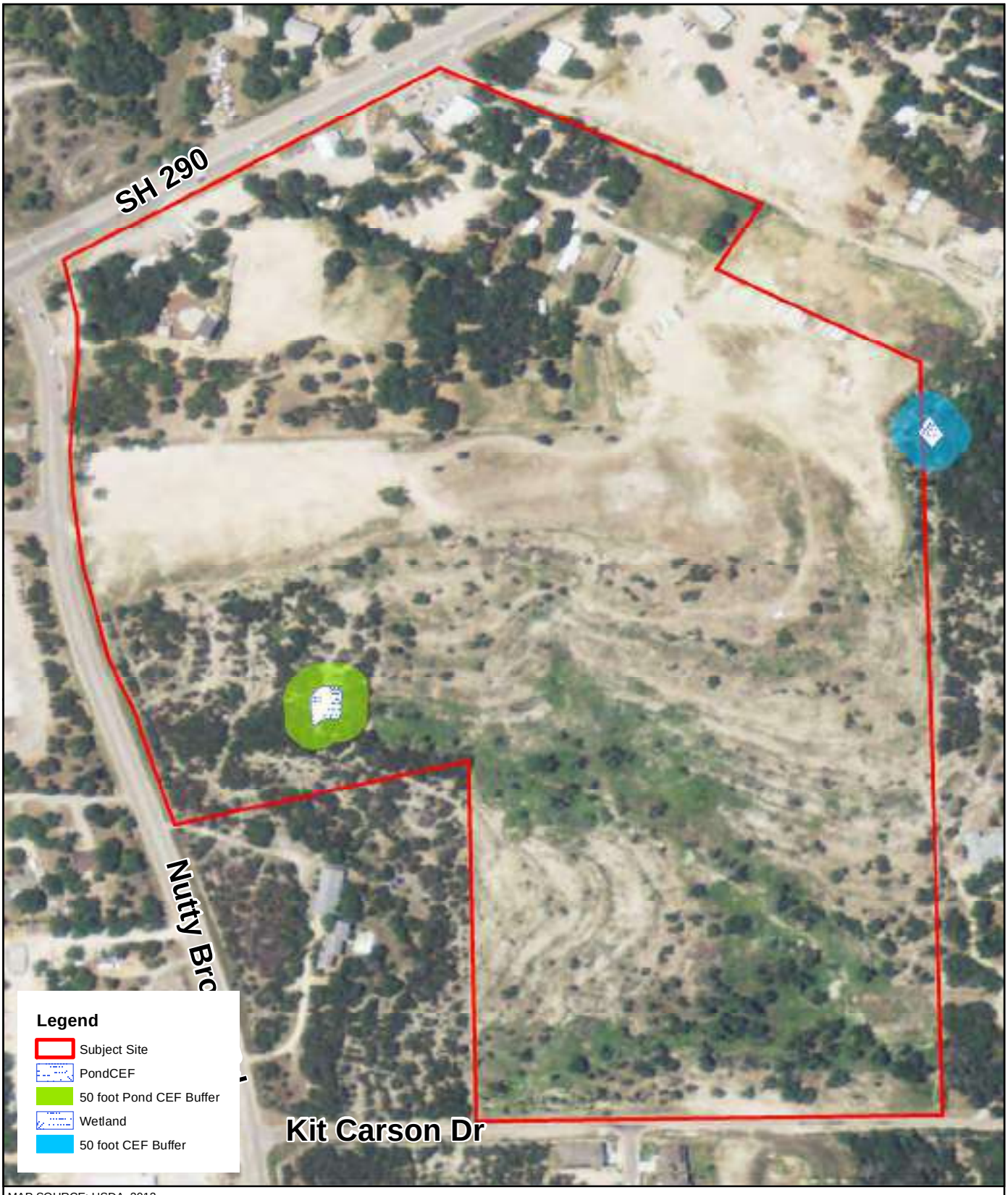
0 250 500
Feet

Horizon
Environmental Services, Inc.

FIGURE 2

2012 AERIAL PHOTOGRAPHY
60-ACRE NUTTY BROWN TRACT
SH 290 AT NUTTY BROWN ROAD
AUSTIN, HAYS COUNTY, TEXAS

Q:\Proj. 2014\140014 - 60-acre Nutty Brown Tract\Graphics\140014A04CEF2w_buffer.mxd | GLS | 10-30-2014



MAP SOURCE: USDA, 2012.

N

0 150 300
Feet

Horizon Environmental Services, Inc.

FIGURE 3

CRITICAL ENVIRONMENTAL FEATURE MAP
60-ACRE NUTTY BROWN TRACT
SH 290 AT NUTTY BROWN ROAD
AUSTIN, HAYS COUNTY, TEXAS

Horizon
Environmental Services, Inc.

APPENDIX B

SITE PHOTOGRAPHS

Photo 1: CEF S-1 Stock Pond

Photo 2: CEF S-1 Stock Pond Wetland Vegetation

Photo 3: CEF S-2 Head of Stream at Edge of Fill Material

Horizon
Environmental Services, Inc.

APPENDIX C

CEF WORKSHEET

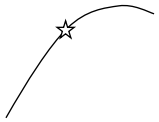
City of Austin Site Review Critical Environmental Feature Worksheet

1	Project Name:	60-acre Nutty Brown Tract	5	Primary Contact Name:	Shannon Dorsey
2	Project Address:	SH 290 at Nutty Brown Rd	6	Phone Number:	512-328-2430
3	Date:	2/10/2014	7	Prepared By:	C. Carrell
4	Environmental Assessment Date:	1/27/2014	8	CEFS Located? {yes,no} :	YES

9	FEATURE TYPE {Wetland,Rimrock,Recharge Feature,Seep,Spring}	FEATURE ID (eg S-1)	FEATURE LONGITUDE (WGS 1984 in Meters)		FEATURE LATITUDE (WGS 1984 in Meters)		WETLAND DIMENSIONS (ft)		RIMROCK DIMENSIONS (ft)	
			coordinate	*notation*	*coordinate*	*notation*	X	Y	Length	Avg Height
	Wetland	S-1	-97.97157	DD	30.205928	DD	56	70		
	Wetland	S-2	-97.96822	DD	30.20757	DD	30	30		

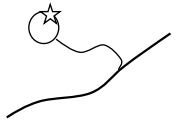
City of Austin Use Only WPDRD CASE NUMBER:	

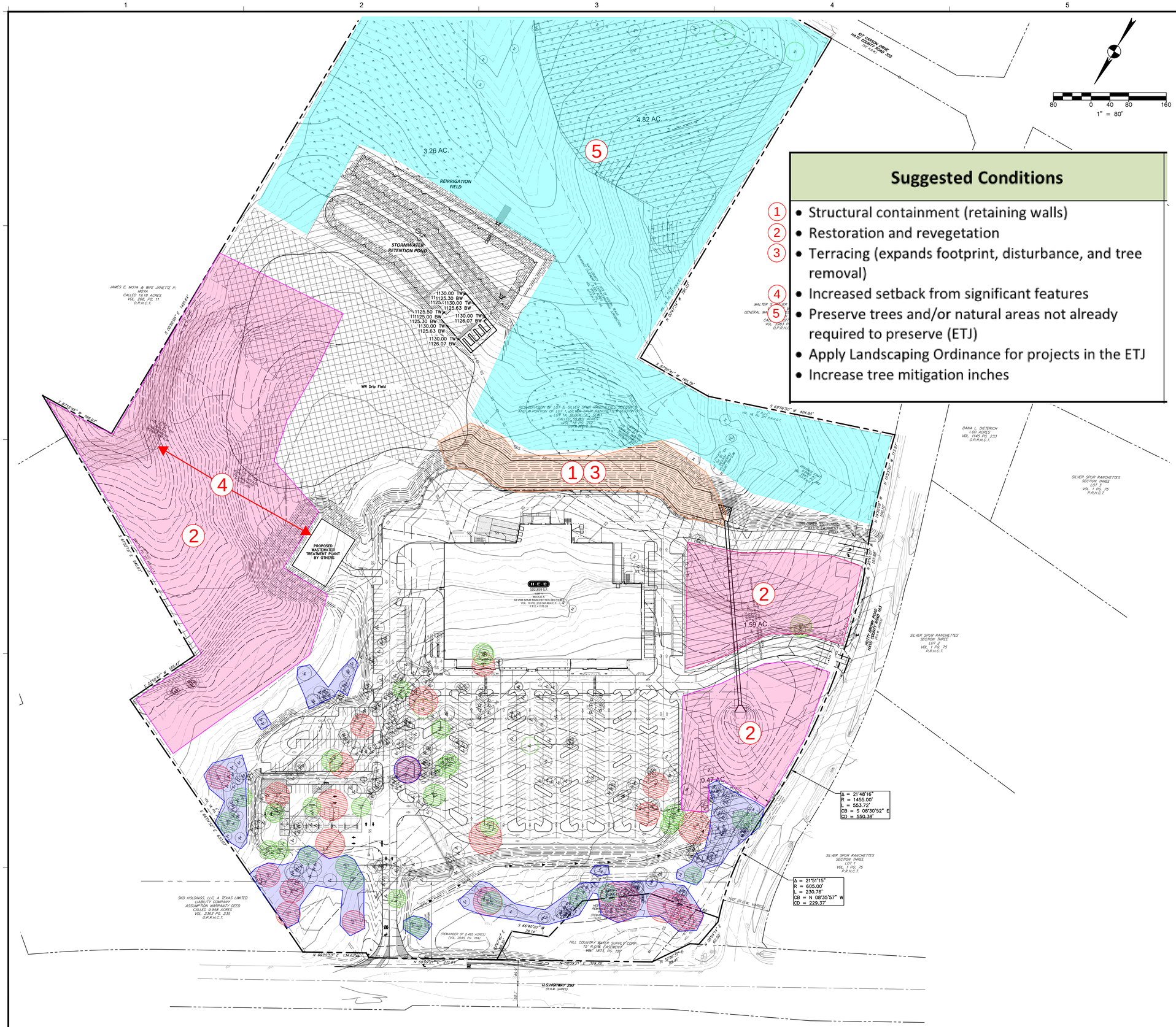
For rimrock, locate the midpoint of the segment that describes the feature.



For wetlands, locate the approximate centroid of the feature and the estimated area.

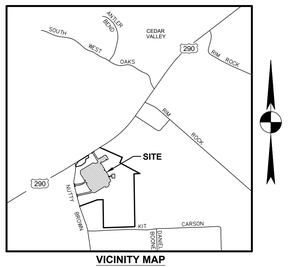
For a spring or seep, locate the source of groundwater that feeds a pool or stream.





Suggested Conditions

1. Structural containment (retaining walls)
2. Restoration and revegetation
3. Terracing (expands footprint, disturbance, and tree removal)
4. Increased setback from significant features
5. Preserve trees and/or natural areas not already required to preserve (ETJ)
- Apply Landscaping Ordinance for projects in the ETJ
- Increase tree mitigation inches



VICINITY MAP
NOT TO SCALE

E6 VICINITY MAP

NOT TO SCALE

LEGEND

EXISTING	PROPOSED	
●		1/2" IRON ROD FOUND
○		1/2" IRON ROD SET
⊙		IRON PIPE FOUND
▲		NAIL FOUND
△		COMPUTED POINT
◎		MONUMENT FOUND
P.O.B.		POINT OF BEGINNING
		BENCHMARK
(XXX)		RECORD INFORMATION
		LIGHT POLE
		POWER POLE
		DOWN GUY
		FIRE HYDRANT
		WATER VALVE
		WATER METER
		GAS METER
		GAS VALVE
		WOOD FENCE
		CHAIN LINK FENCE
		WIRE FENCE
EMH	EMH	ELECTRICAL MANHOLE
WWMH	WWMH	WASTEWATER MANHOLE
SSMH	SSMH	STORMSEWER MANHOLE
WTR	WTR	WATER MANHOLE
CO	CO	CLEAN OUT
		DRAINAGE INLET
		CURB INLET
		CURB & GUTTER
		FIRE LANE
		HANDICAPPED PARKING SPACE
		SIGN
		VARIABLE HEIGHT CONCRETE RETAINING WALL
		ELECTRIC PULL BOX
E	E	ELECTRIC METER
T	T	ELECTRIC TRANSFORMER
		TELEPHONE SERVICE BOX
		BOLLARD
OE	OE	OVER HEAD ELEC. LINE
OT	OT	OVER HEAD TELEPHONE
SS	SS	STORM SEWER LINE
W	W	WATER LINE
WW	WW	WASTEWATER LINE
FM	FM	FORCE MAIN
UE	UE	UNDERGROUND ELECTRIC
UT	UT	UNDERGROUND TELEPHONE
COMM	COMM	COMMUNICATION LINE
G	G	GAS LINE
		PROPERTY LINE
678	678	CONTOUR
704	704	SPOT ELEVATION
		CUT/FILL SLOPES
		FLOW DIRECTION
		CONCRETE SURFACE
179		EXISTING TREE
124		EXISTING TREE TO BE REMOVED

TREE LARGER THAN 18"

TREE LARGER THAN 24"

Trees that can be preserved

This exhibit has been created from tree files dated 2014 to 2015.

B6 LEGEND

NOT TO SCALE

FLOODPLAIN INFORMATION:

THERE ARE NO IDENTIFIED FLOOD HAZARD AREAS IN THE PLANNED AREA ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP (FIRM) NO. 48209C0128F, DATED SEPTEMBER 02, 2005, AND 48209C0130F, DATED SEPTEMBER 02, 2005.

LEGAL DESCRIPTION:

BEING ALL OF THAT CERTAIN 60.609 ACRE TRACT OF LAND AS DESCRIBED IN DOCUMENT NUMBER 15013854 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, ALSO BEING ALL OF LOT 1A, BLOCK "A", SEC. 1 OF THE RESUBDIVISION OF LOT 5, SILVER SPUR RANCHETTES SECTION 3 AND A PORTION OF LOT 1, SILVER SPUR RANCHETTES SECTION 1, A SUBDIVISION RECORDED IN VOLUME 18, PAGE 212 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS

BENCHMARKS:

ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) UTILIZING TRIMBLE'S CONTINUALLY OPERATION REFERENCE STATION (CORS) NETWORK AT THE TIME OF THE SURVEY.

TBM 2: A 5/8" IRON ROD WITH CAP STAMPED "JONESCARTER" SET ON THE NORTHEAST CORNER OF NUTTY BROWN ROAD AND US 290, ELEV.=1192.79'

TBM 4:A MAG NAIL WITH WASHER STAMPED "JONESCARTER" SET ON THE WESTERN SIDE OF NUTTY BROWN ROAD NEAR THE SOUTHWESTERN CORNER OF THE SITE, ELEV.=1170.44'

NOTE: CONTRACTOR TO VERIFY BENCHMARK LOCATIONS AND ELEVATIONS PRIOR TO CONSTRUCTION.

A6 PROJECT INFORMATION

NOT TO SCALE

A1 OVERALL TREE EXHIBIT

SCALE: 1" = 80'

INTERIM REVIEW
Not intended for construction, bidding or permit purposes.
Engineer: JOSEPH E. YORK V
P.E. Serial No.: 124934
Date: OCTOBER 2020

JONES|CARTER
Texas Board of Professional Engineers Registration No. F-439
4301 Lockhill-Selma Road, Suite 100 • San Antonio, Texas 78249 • 210.494.5511

H-E-B

TREE EXHIBIT

HEB AUSTIN 33 #780
12021 W US 290
AUSTIN, TEXAS 78737

SCALE: AS INDICATED
CONSULT.: JONES|CARTER
PROJ. NO.: 33977.0004.04
DATE: 01.14.2021
SHEET NO.: 1

SP-2020-0400D

Date: Jan 06, 2022, 10:31am User ID: KS
File: K:\33977\33977-0004-04 HEB - Austin 33 Design\2 Design Phase\CAD\Exhibits\Tree Exhibit.dwg

All the trees in the Cyan colored areas are proposed to be undisturbed.