



ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION MEETING DATE: March 4, 2020

NAME & NUMBER OF PROJECT: HEB 10
SP-2019-0034C

NAME OF APPLICANT OR ORGANIZATION: Joe Farias
Stantec Consulting Services

LOCATION: 7901 W US 290 Hwy, Austin, TX 78749

COUNCIL DISTRICT: District 8

ENVIRONMENTAL REVIEW STAFF: Pamela Abee-Taulli, Environmental Review Specialist Senior,
Development Services Department, 512-974-1879

WATERSHED: Williamson Creek Watershed, Barton Springs Zone Classification,
Edwards Aquifer Contributing Zone, Drinking Water Protection Zone

REQUEST: Variance request is as follows:

1. Request to vary from LDC 25-8-341 to allow cut in excess of 4 feet (maximum cut 7 feet) in the Barton Springs Zone.
2. Request to vary from LDC 25-8-342 to allow fill in excess of 4 feet (maximum fill 14 feet) in the Barton Springs Zone.
3. Request to vary from LDC 25-8-302(A)(1) to construct a building on a slope with a gradient of more than 25 percent.
4. Request to vary from LDC 25-8-302(A)(2) to construct a parking area that is not a parking structure on a slope with a gradient of more than 15 percent.

**STAFF
RECOMMENDATION:**

Staff recommends this variance, having determined the findings of fact to have been met, with the following conditions:

1. Engineered structural containment for fill exceeding 4 feet;
2. No non-organic mulch (including stone of any size) allowed in the landscaped areas;
3. Rainwater harvesting storage tanks shall have a total volume of at least 3,000 gallons;
4. Condensate storage tanks shall have a total volume of at least 3,000 gallons;
5. Cut shall be limited to a maximum of 7 feet and limited to the areas as generally noted on the site plan; and
6. Fill shall be limited to a maximum of 14 feet and limited to the areas as generally noted on the site plan.



Development Services Department
Staff Recommendations Concerning Required Findings

Project Name: HEB 10
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 7 feet) in the Barton Springs Zone.

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 elevation rises briefly and then slopes down, southward from Hwy. 290 toward an unclassified waterway (draining less than 64 acres). With a gross site area of 30.3 acres, 29.2 acres are relative flat. 1.0 acres have slopes between 15 and 25 percent, 0.1 acres have slopes from 25 to 35 percent, and there are no slopes over 35 percent.

The project has a large footprint, comprised of a surface parking lot and grocery store. The proposed cut between 4 and 7 feet is to level the parking area and make it even with the store.

Owners of similarly situated properties have been allowed to grade more than 4 feet in the Barton Springs Zone.

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 design provides increased environmental protection by building engineered structural containment for fill over 4 feet. This will decrease the development footprint, increase the amount of undisturbed area, and minimize chances for erosion during the construction process.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;
- Yes Development with the variance is the minimum deviation from the code requirement necessary to allow construction of this project.
- 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.

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

Yes Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance as water quality controls, structural containment of the fill, and erosion and sedimentation controls will be used as required by current code.

- 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 determines that the findings of fact have been met. Staff recommends the following conditions:

1. Engineered structural containment for fill exceeding 4 feet;
2. No non-organic mulch (including stone of any size) allowed in the landscaped areas;
3. Rainwater harvesting storage tanks shall have a total volume of at least 3,000 gallons;
4. Condensate storage tanks shall have a total volume of at least 3,000 gallons;
5. Cut shall be limited to a maximum of 7 feet and limited to the areas as generally noted on the site plan; and
6. Fill shall be limited to a maximum of 14 feet and limited to the areas as generally noted on the site plan.


Environmental
Reviewer (DSD)



(Pamela Abee-Taulli)

Date: 2/26/20

Environmental Review
Manager (DSD)



(Mike McDougal)

Date: 2/26/20

Environmental Officer
(WPD)



(Chris Herrington)

Date: 2/27/20



Development Services Department
Staff Recommendations Concerning Required Findings

Project Name: HEB 10
Ordinance Standard: Watershed Protection Ordinance
Variance Request: Request to vary from LDC 25-8-342 to allow fill in excess of 4 feet in the Barton Springs Zone.

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 slopes generally southward from Hwy. 290 toward an unclassified waterway (draining less than 64 acres). With a gross site area of 30.3 acres, 29.2 acres are relative flat. 1.0 acres have slopes between 15 and 25 percent, 0.1 acres have slopes from 25 to 35 percent, and there are no slopes over 35 percent.

The project has a large footprint, comprised of a surface parking lot and grocery store. The proposed fill between 4 and 14 feet is to provide a single-level parking lot, grocery store, and access for delivery trucks at the back.

Owners of similarly situated properties have been allowed to grade more than 4 feet in the Barton Springs Zone.

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 design provides increased environmental protection by building engineered structural containment for fill over 4 feet. This will decrease the development footprint, increase the amount of undisturbed area, and minimize chances for erosion during the construction process.

- b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;
 - Yes Development with the variance is the minimum deviation from the code requirement necessary to allow construction of this project.
- 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.]

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

Yes Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance as water quality controls, structural containment of the fill, and erosion and sedimentation controls will be used as required by current code.

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

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Staff Determination: Staff determines that the findings of fact have been met. Staff recommends the following conditions:


1. Engineered structural containment for fill exceeding 4 feet;
2. No non-organic mulch (including stone of any size) allowed in the landscaped areas;
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(Mike McDougal)

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Environmental Officer
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(Chris Herrington)

Date: 2/27/20



Development Services Department
Staff Recommendations Concerning Required Findings

Project Name: HEB 10
Ordinance Standard: Watershed Protection Ordinance
Variance Request: Request to vary from LDC 25-8-302(A)(1) to construct a building on a slope with a gradient of more than 25 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 applicant proposes to construct a single-story grocery store and a surface parking lot on a sloped site.

Owners of similarly situated properties have been allowed to construct a building on a slope with a gradient of more than 25 percent in the Barton Springs Zone.

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;

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