

**HEB AUSTIN NO 33**

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Environmental Program  
Coordinator,  
Development Services  
Department*

**12115 US-290**

**SP-2020-0400D**

# PROJECT LOCATION

 Edwards Aquifer Recharge

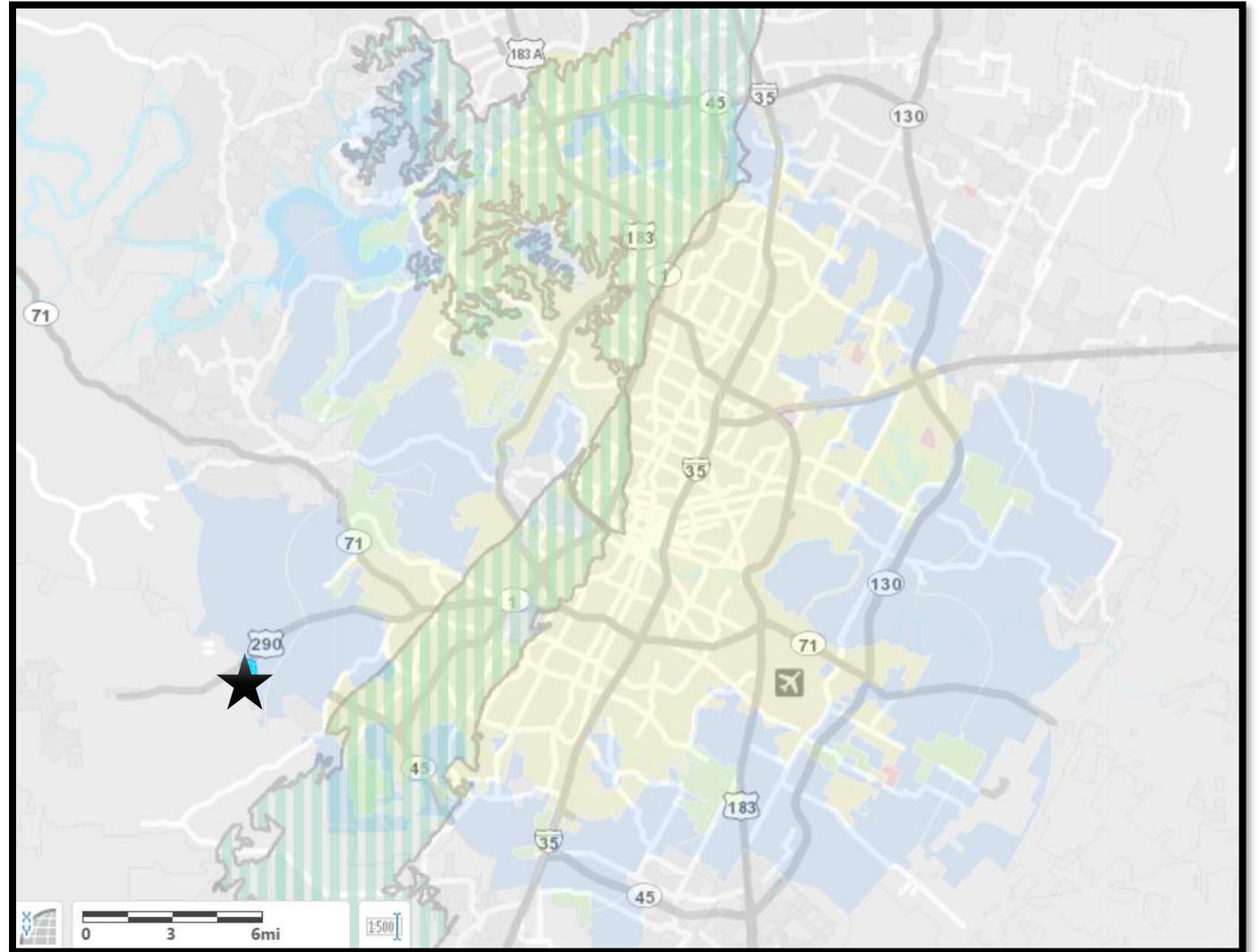
Zone

 Jurisdiction

 FULL PURPOSE

 LIMITED PURPOSE

 EXTRATERRITORIAL



# PROPERTY DATA

- Bear Creek Watershed
- Barton Springs Zone
- Drinking Water Protection Zone
- Extraterritorial Jurisdiction (Hays County)
- No creeks or creek buffers; two (2) wetland Critical Environmental Features
- Council District: NA



# VARIANCE REQUESTS

Land Development Code § 25-8-341  
- CUT REQUIREMENTS. (A) Cuts on a tract of land may not exceed four feet of depth.

1. The variance request is to allow **cut** over 4 feet to 12 feet.

Land Development Code § 25-8-342  
- FILL REQUIREMENTS. (A) Fill on a tract of land may not exceed four feet of depth.

2. The variance request is to allow **fill** over 4 feet to 21 feet.

# VARIANCE REQUESTS

Land Development Code § 25-8-302 - CONSTRUCTION OF A BUILDING OR PARKING AREA. (A) A person may not construct: (2) ...a parking area on a slope with a gradient of more than 15 percent.

3. The variance request is to allow **construction of a parking area** on a slope with a gradient of more than 15 percent.

Land Development Code § 25-8-301 - CONSTRUCTION OF A ROADWAY OR DRIVEWAY. (A) A person may not construct a roadway or driveway on a slope with a gradient of more than 15 percent unless the construction is necessary to provide primary access to: (1) at least two contiguous acres with a gradient of 15 percent or less.

4. The variance request is to allow **construction of a driveway** on a slope with a gradient of more than 15 percent.

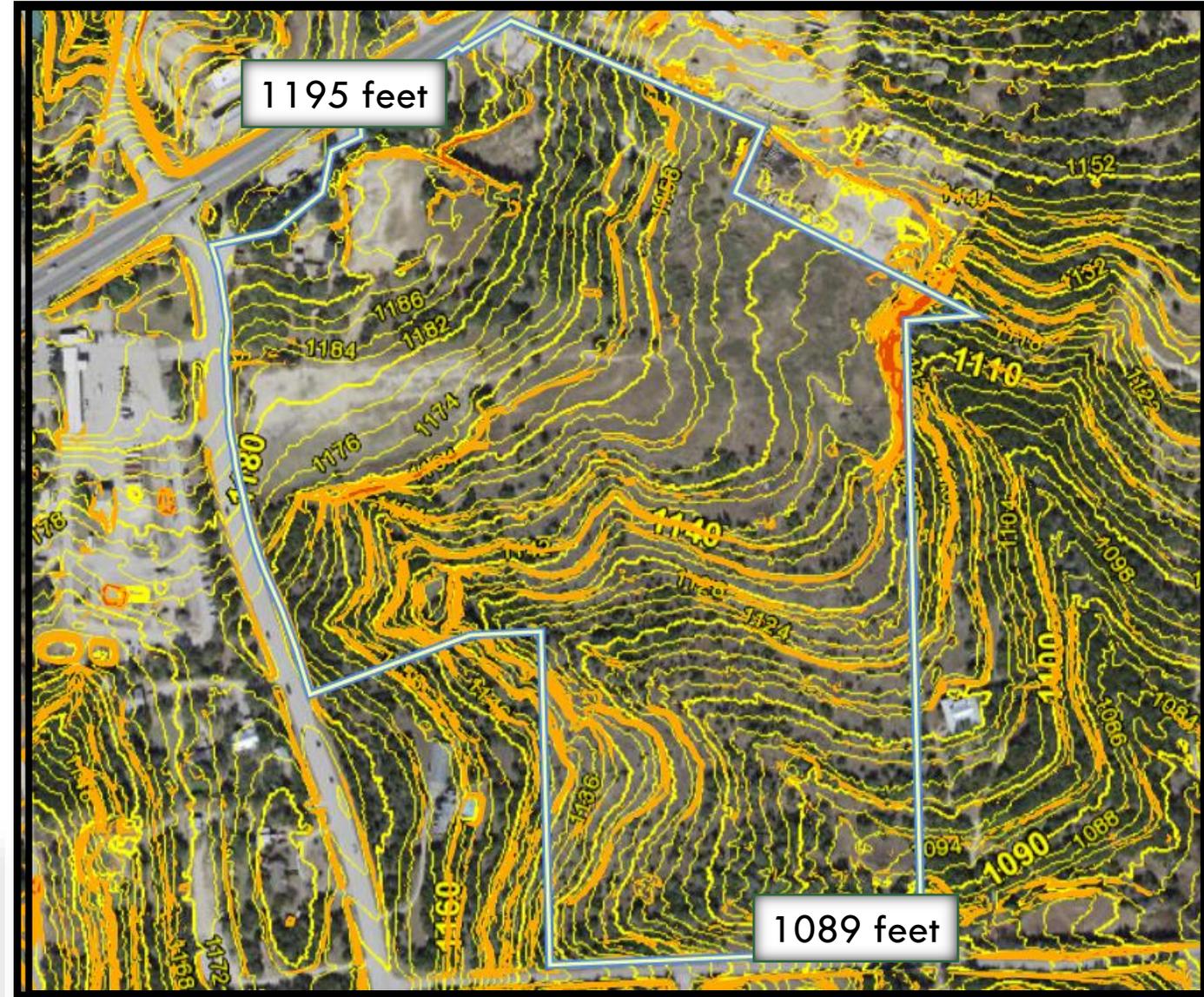
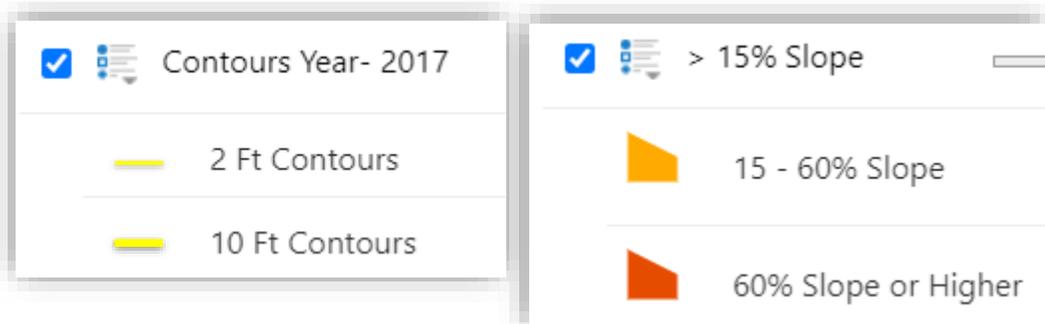
## BACKGROUND

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



# BACKGROUND

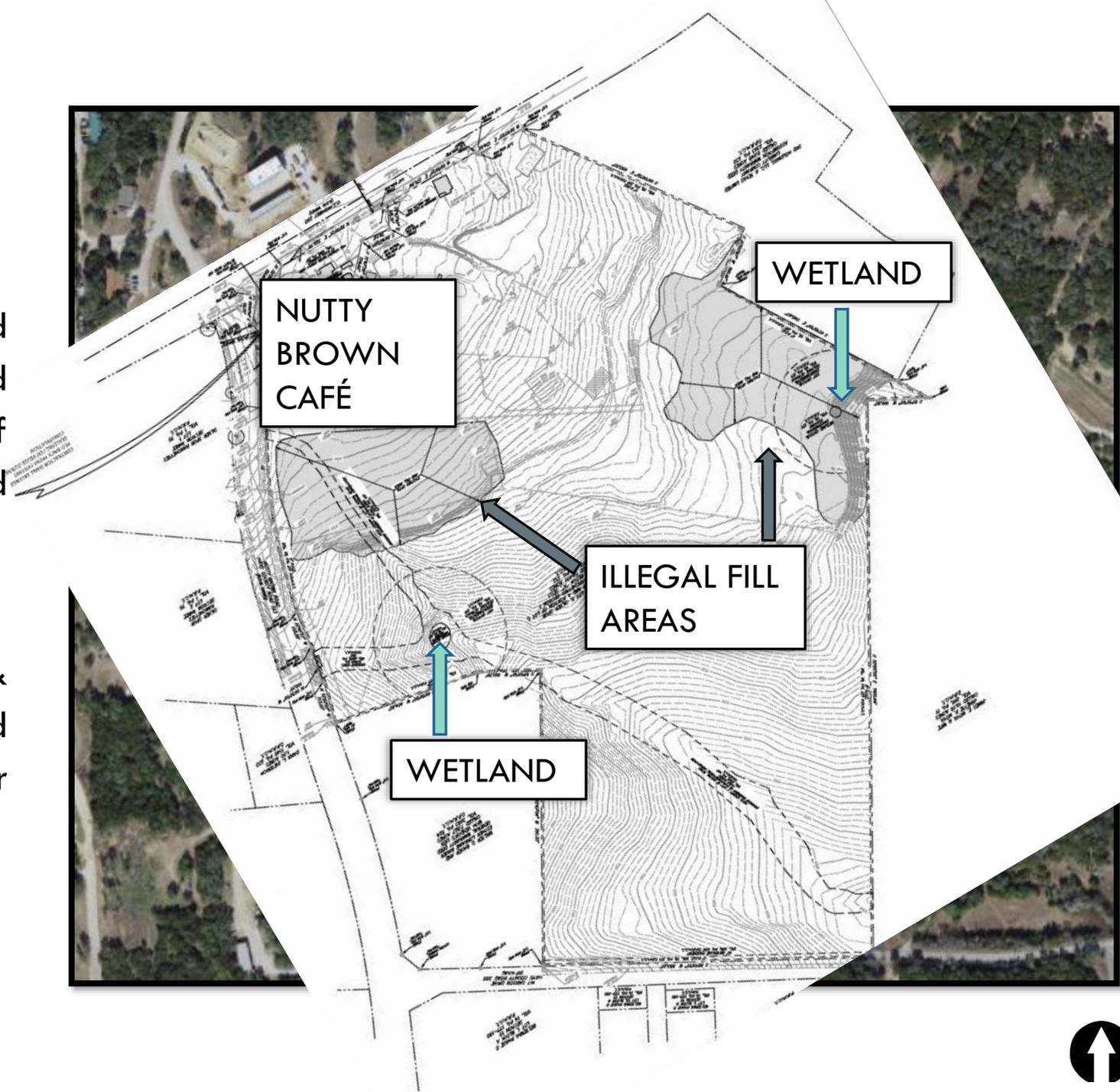
The variances are necessitated by the naturally descending and broadly terraced Hill-Country slopes characteristic of the area.



# BACKGROUND

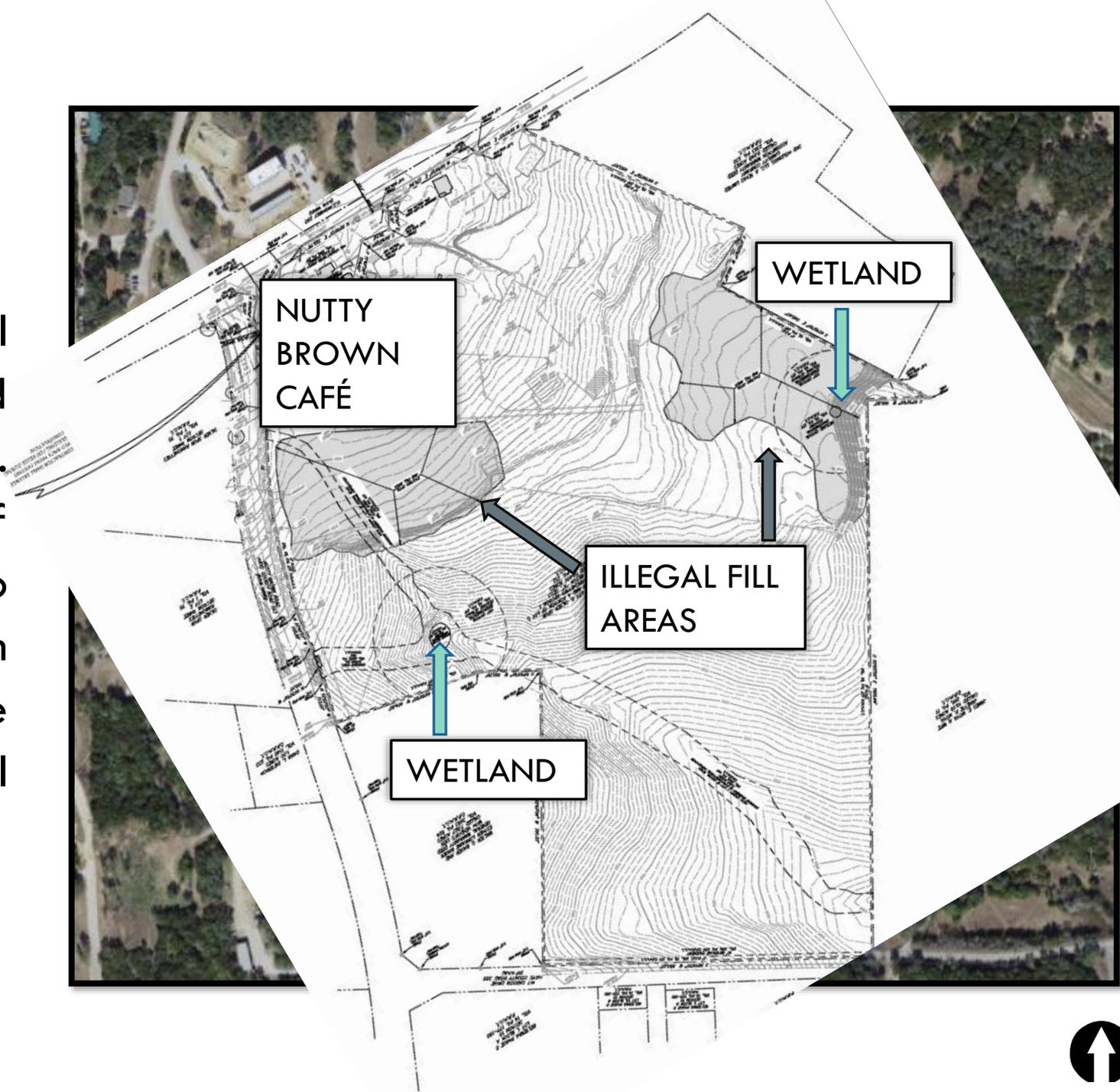
For over a decade, the site has had unpermitted fill material, which changed both the topography and hydrology of the area, cutting off flow to a wetland critical environmental feature.

Additionally, the Nutty Brown Café & Amphitheater had illegally expanded and increased its impervious cover beyond the allowable limit.



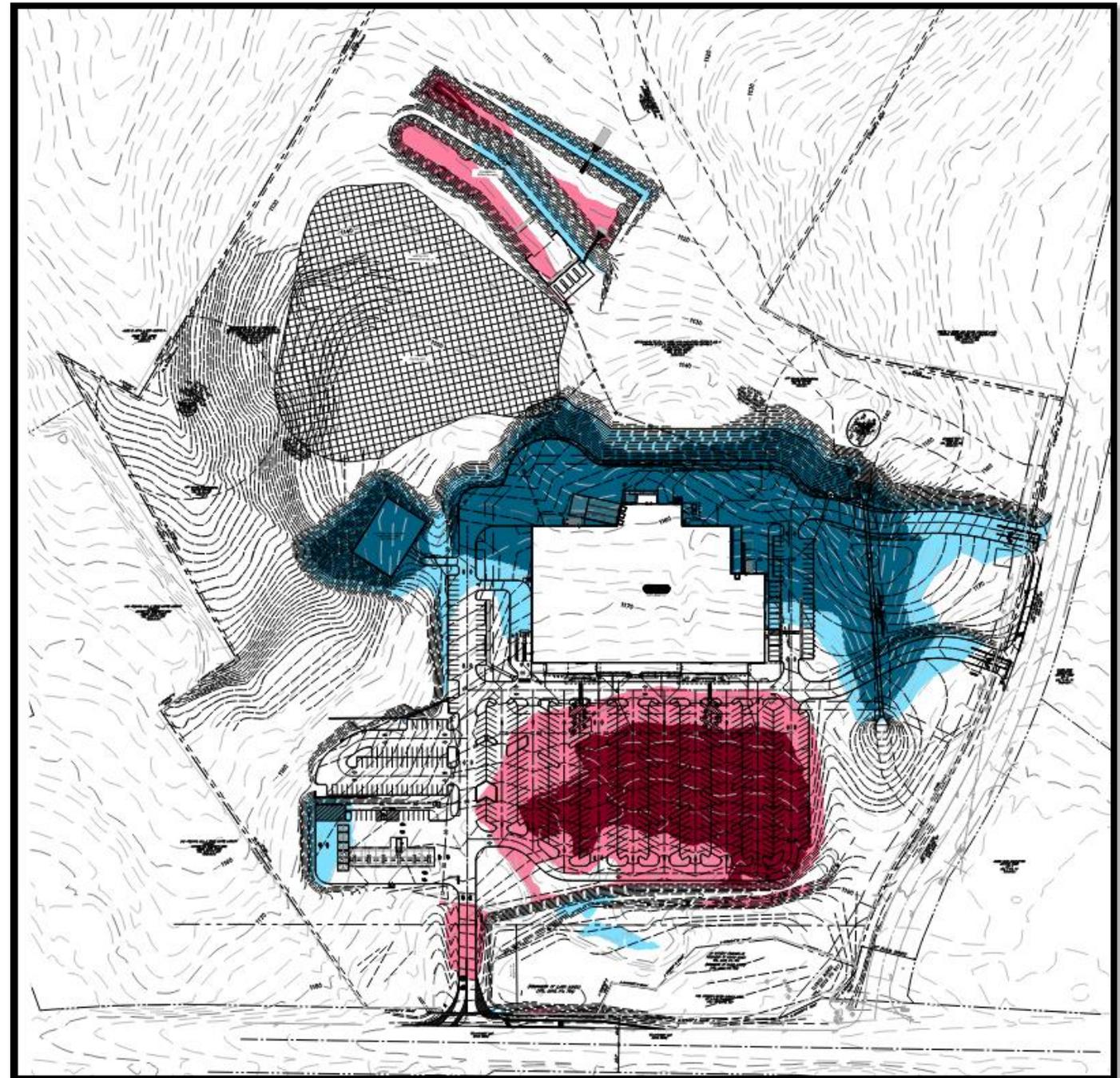
# BACKGROUND

As part of this project, HEB will remove the unpermitted development and the illegal fill. Areas outside of the footprint of the HEB project will be returned to original grade and restored with native vegetation. Drainage to the two wetland critical environmental features will be restored.

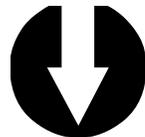


# VARIANCE REQUEST 1

Allow **cut** over 4 feet to 12 feet.



	EXCAVATION (CUT) OF 4'-8'
	EXCAVATION (CUT) OF 8'+

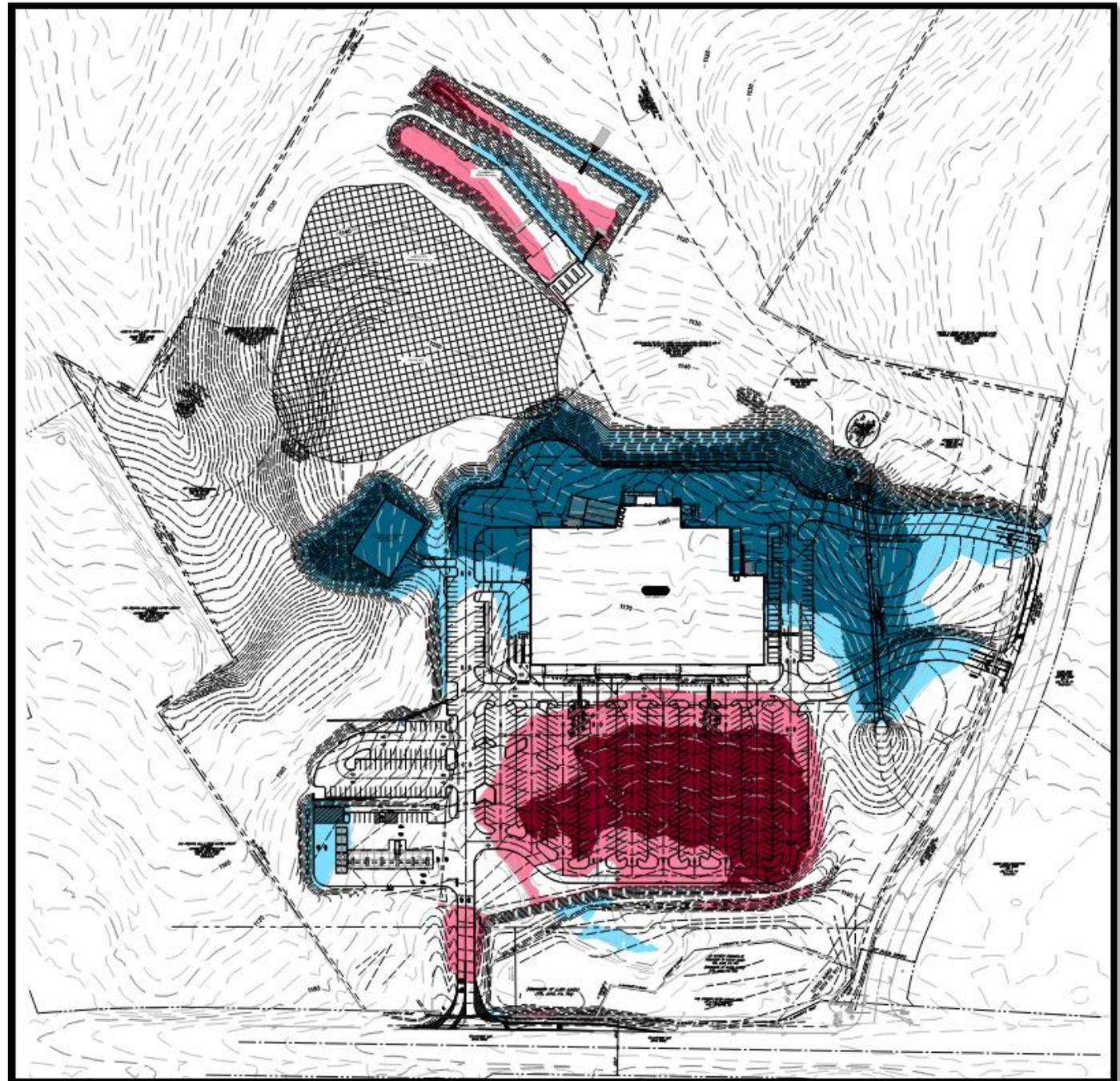
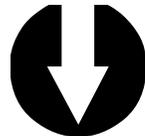


# VARIANCE REQUEST 1 & 2

Allow **cut** over 4 feet to 12 feet.

Allow **fill** over 4 feet to 21 feet.

	EMBANKMENT (FILL) OF 8'+
	EMBANKMENT (FILL) OF 4'-8'
	EXCAVATION (CUT) OF 4'-8'
	EXCAVATION (CUT) OF 8'+



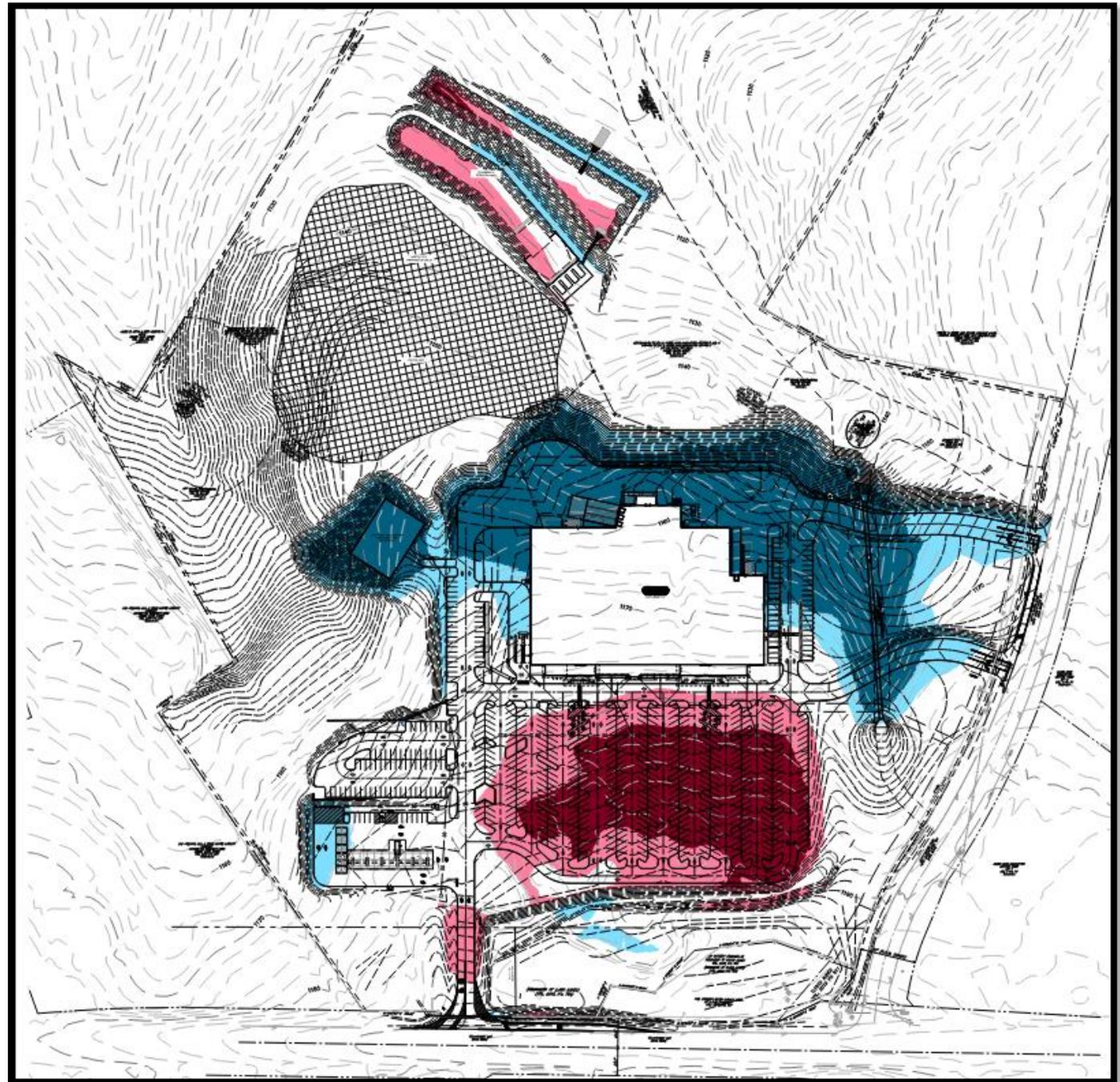
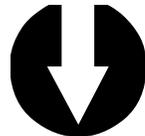
# VARIANCE REQUEST 1 & 2

Allow **cut** over 4 feet to 12 feet.

Allow **fill** over 4 feet to 21 feet.

The grading is to level the parking and building.

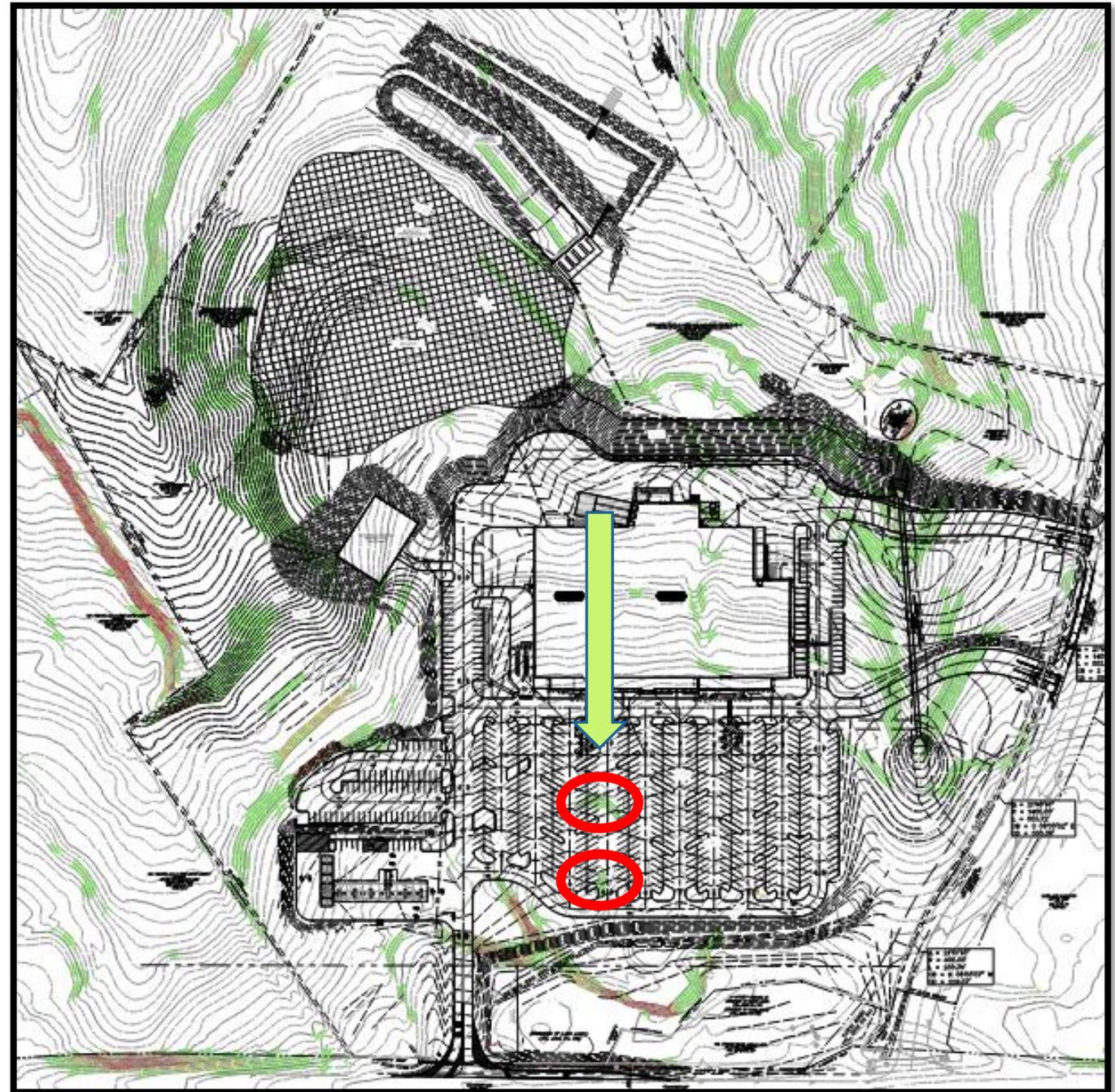
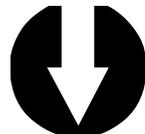
	EMBANKMENT (FILL) OF 8'+
	EMBANKMENT (FILL) OF 4'-8'
	EXCAVATION (CUT) OF 4'-8'
	EXCAVATION (CUT) OF 8'+



# VARIANCE REQUEST 3

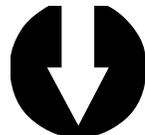
Allow **construction of a parking area** on a slope with a gradient of more than 15 percent.

	SLOPES 0% - 15%
	SLOPES 15% - 25%
	SLOPES 25% - 35%
	SLOPES 35%+



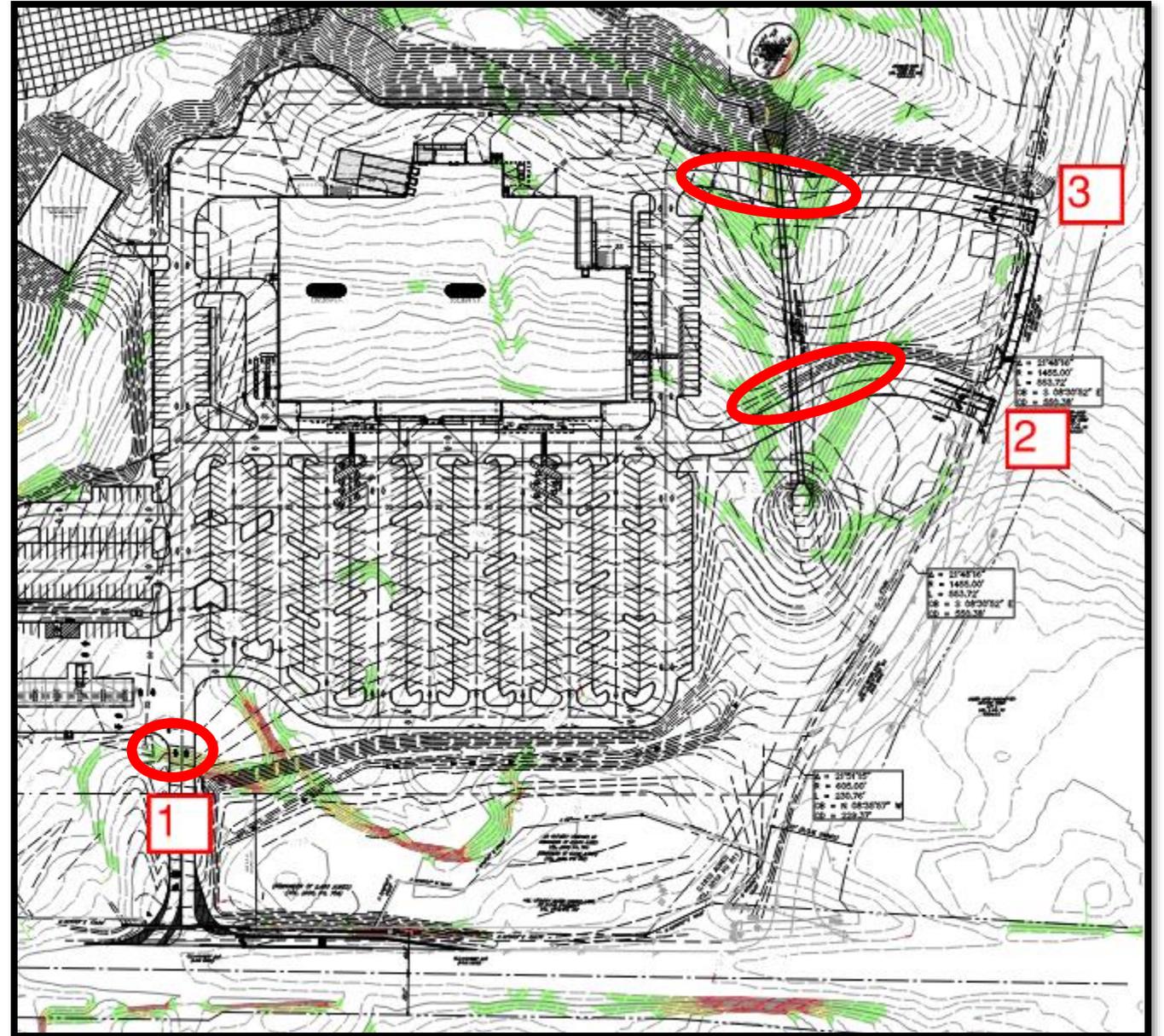
# VARIANCE REQUEST 3

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.



# VARIANCE REQUEST 4

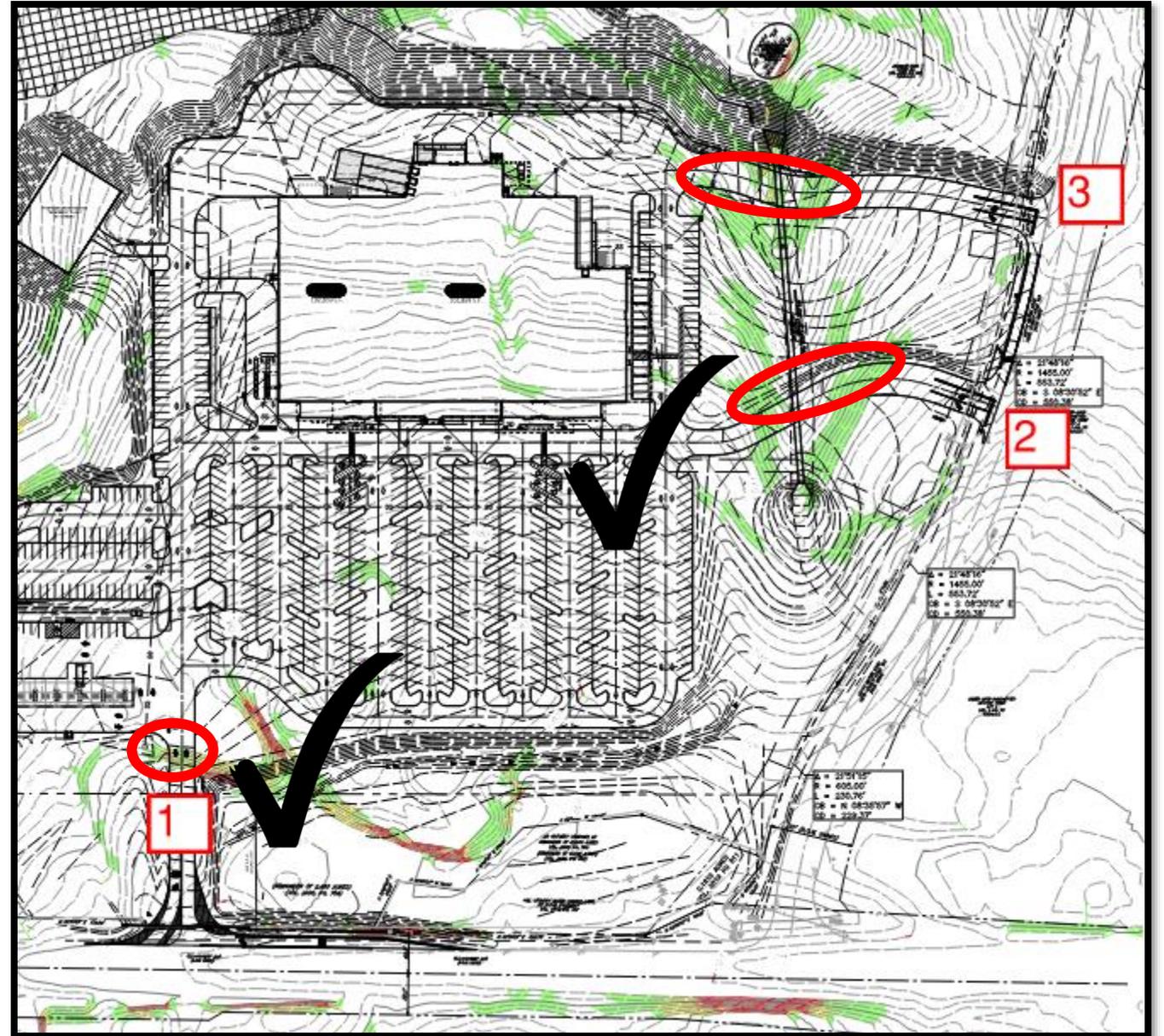
Allow **construction of a driveway** on a slope with a gradient of more than 15 percent.



# VARIANCE REQUEST 4

## Driveways 1 & 2

- Necessary primary customer access from the major roadways.
- Code compliant.

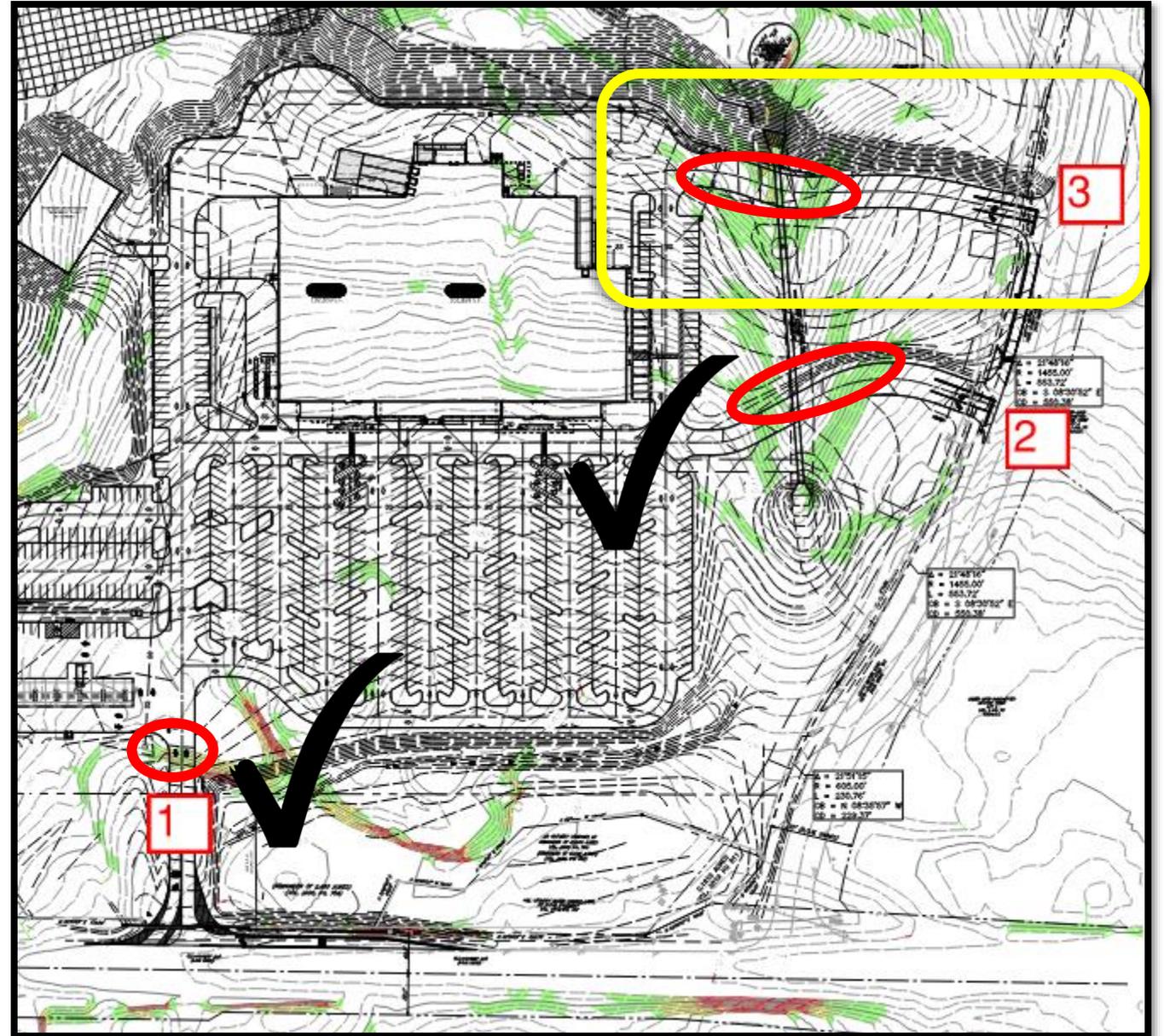


# VARIANCE REQUEST 4

## Driveway 3

- Truck access for loading dock
- Not “necessary to provide primary access” LDC 25-8-301].

But – satisfies 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]



# STAFF RECOMMENDATION

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.

**THANK YOU**

QUESTIONS?

