



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, August 18, 2021 at 6:30 PM

Notice is hereby given that the Zoning and Planning Commission (ZAPCO) of the City of West Lake Hills, Texas, will hold a Remote Regular Meeting on the 18th day of August 2021 at 6:30 p.m., at which time the following items will be discussed, to-wit:

REMOTE ACCESS ONLY:

In accordance with the Open Meetings Act update from the Office of the Texas Attorney General issued March 19, 2020, the City Council of the City of West Lake Hills will conduct a telephonic meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID19).

The public may participate in this meeting by dialing in to the following toll free number: (346) 248-7799, Meeting ID 349 954 9035 Password: 387042

If you wish to speak during the meeting, please provide your name, phone number and the item number you wish to speak on to pzsec@westlakehills.org by 1:00 P.M. on August 18, 2021.

Members of the public who wish to submit their written comments in lieu of speaking shall submit their comments by emailing pzsec@westlakehills.org. Comments must be received by 1:00 P.M. on August 18, 2021.

1. Call to Order. Chairman Robert Meisel.
2. Consent Agenda The following items are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these item/s unless a Commission Member or citizen so requests.
 - A. Approval of the July 21, 2021 Regular Meeting Minutes

3. **Land Use 403 Skyline Drive:** Discussion/recommendation on an application for a variance request to encroach a front building setback (West Lake Hills Code Sec. 22.03.281 & 22.03.275). Benito Keiderling.
 - Section 22.03.275 – Building Setback Distances
 - Section 22.03.281 – Encroachment in a Building Setback
 - Section 22.03.281 – Impervious Cover
4. **Land Use 613 Rock Park Drive:** Discussion/recommendation on an application for a variance request related to density, building setbacks and tree removal (West Lake Hills Code Sec. 38.03.034, 22.03.281 and 22.03.304). Brad Walters agent for Christopher Crane.
 - Section 38.03.034 – More than two (2) single-family dwelling units per acre;
 - Section 22.03.281 – Encroachment in a building setback;
 - Section 22.03.304 – Tree Removal
5. **Land Use 3423 Bee Cave Road:** Discussion/recommendation on an application for a request for multiple variances to construct a new medical office building: 1) Removal of Six Trees 14 inches or greater (#5140, 15 Inch Live Oak, #5143, 14 Inch Live Oak, #5373, 14 Inch Cedar, #5374, 15 Inch Live Oak, #5385, 15 Inch Cedar and #5548, 15 Inch Cedar), 2) Building Height exceeds maximum permitted height, 3) Impervious Cover exceeds maximum permitted, 4) Cut and Fill exceeds maximum permitted; (West Lake Hills Code Sec. 22.03.170, 22.03.281, 22.03.249, 22.03.278 & 22.03.304). Peter Narvarte agent for KCBC LLC.
 - Section 22.03.170 – Site Disturbance (Excavation, Grading or Filling)
 - Section 22.03.281 – Schedule of Regulations. (Impervious Cover & Height)
 - Section 22.03.249 – Driveway, Parking and Loading Area Setbacks
 - Section 22.03.304 – Tree and Vegetation Removal and Replacement
6. **Land Use 402 Spiller Lane:** Discussion/recommendation on an application for a minor subdivision plat for a property zoned R-1. (West Lake Hills Code Chapter 36). Agent Andrew Dodson for owner Robert Josey.
 - Section 36.01.018 Minor Plat
7. Adjournment. Chairman Robert Meisel.

Robert Meisel, Chairman
By Mark Littrell, Zoning & Planning
Secretary

Certificate

I certify that the above Notice of the August 18, 2021 Zoning & Planning Commission Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas by 13th day of August, 2021 at 5:00 pm. and will remain posted continuously until said meeting is convened.

By Mark Littrell, Zoning & Planning Secretary

The City of West Lake Hills is committed to compliance with the Americans with Disabilities Act. Reasonable accommodations and equal access to communications will be provided upon request.

All items on the agenda are for discussion and/or action. ZAPCO reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development).

CITY OF WEST LAKE HILLS, TEXAS
MINUTES OF A ZONING & PLANNING COMMISSION (ZAPCO) REGULAR MEETING
Wednesday, July 21, 2021 at 6:30 PM

1. Call to Order. Chairman Robert Meisel.

With a quorum present, Chairman Meisel called the meeting to order at 6:32 p.m. Members in attendance were Chairman Robert Meisel, Vice-Chairman Jim Pledger, Commissioners Bill Harwell, Laurie Maccini, Karen Bartoletti and James Vaughan.

2. Consent Agenda The following items are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these item/s unless a Commission Member or citizen so requests.
A. Approval of the June 16, 2021 Regular Meeting Minutes

**COMMISSIONER VAUGHAN MOVES TO APPROVE THE MINUTES.
COMMISSIONER HARWELL SECONDS.**

Commissioner Bartoletti: This is a general comment. We should have fewer direct quotes.

UNANIMOUS (5-0) APPROVAL.

3. Land Use 110 Reveille Road: Public Hearing and Discussion/recommendation on an application for a variance request to remove a tree with a diameter of greater than 14 inches (West Lake Hills Code Sec. 22.03.304). Zachary Mills.

A. Section 22.03.304 – Tree and Vegetation Removal and Replacement

Staff Report given by Director Grundman. Staff Recommendation: Approval

Presentation by Applicant

Zach Mills: The tree is in the middle of the building footprint and it limits what we can do with the lot. I will be planting a lot of new trees.

Public Hearing

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

Deliberation and Action

Commissioner Harwell: It appears there are other trees noted on the plat.

Zach: I've already gotten permission to get those removed by the city arborist. Tree #3783 is in rough shape.

Commissioner Maccini: Why wasn't there a full tree survey on the application?

Zach: All the trees are on the site plan here.

Commissioner Maccini: It doesn't list the ones that are going to be taken out.

Zach: Tree #3782 is the one in question. Tree #3783 is permitted to be removed. Tree #3780 is going to be removed.

Commissioner Maccini: Asks about tree protection for the overhanging trees during the construction of the second floor.

Chairman Meisel points out photos of the tree.

Commissioner Maccini: Asks about impervious cover.

COMMISSIONER BARTOLETTI MOVES TO RECOMMEND APPROVAL. COMMISSIONER HARWELL SECONDS BASED ON THE APPLICANT'S COMMITMENT TO REPLACE 27.75" FOR TREE #3782. UNANIMOUS (5-0) APPROVAL.

4. **Land Use 116 Skyline Drive:** Public Hearing and Discussion/recommendation on an application for a variance request to encroach a front building setback (West Lake Hills Code Sec. 22.03.281 & 22.03.275). Kim Power agent for Brian Sharples.

- A. Section 22.03.281 – Encroachment in a Building Setback
Section 22.03.275 – Building Setback Distances

Staff Report given by Director Grundman: Staff Recommendation: Denial based on lack of hardship. However, approval would not affect the adjacent properties. Three letters of support came in today.

Commissioner Bartoletti: Does it come right out to the property line?

Director Grundman: It's 10' from the property line.

Presentation by Applicant

Kim Power is the architect. This is a funky shaped lot on Skyline. The carport is in the setback but 20' from the street. Mature trees surround the parking area.

Brian Sharples is the property owner. This parking was there before the construction of the new house. We want a barrier between those trees and vehicles.

Public Hearing

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

Deliberation and Action

Commissioner Harwell: Is there lighting proposed in this area?

Brian: It would be nice to have it but not necessary.

Commissioner Maccini: The majority of the properties don't have covered parking in addition to a garage. I'm not seeing a hardship.

Commissioner Vaughan: I'm inclined to support this.

Commissioner Bartoletti: Although this isn't a compelling hardship, I do feel for people that have to park under Cedar trees. There are no burdens. I see it as a minor hardship and don't see any offsetting factors. This isn't going to trouble anybody.

Chairman Meisel: The roof becomes a structure.

Commissioner Maccini: There is not a treeless driveway on Reveille Road. If that's a hardship, we all have hardships.

Vice-Chairman Pledger: I'm leaning toward approval. I have a lot of sympathy for the situation.

COMMISSIONER BARTOLETTI MOVES TO RECOMMEND APPROVAL. COMMISSIONER VAUGHAN SECONDS. APPROVED (4-1). COMMISSIONER MACCINI OPPOSES.

5. **Land Use 201 West Spring Drive:** Public Hearing and Discussion/recommendation on an application for a variance request to (West Lake Hills Code Sec. 22.03.281). Rafael Acuna

A. Section 22.03.281 – Encroachment in a building setback

Staff Briefing given by Director Grundman. Staff Recommendation: Denial for lack of hardship.

Vice-Chairman Pledger: The house uses the existing foundation? On Page 58 it doesn't appear to be as wide as on Page 59. It looks like the new building is wider and closer to the property line than the proceeding house.

Director Grundman: The proposal would enclose that carport.

Presentation by Applicant

Rafael Acuna is the applicant. This property is .25 acres. All the trees will be protected and the second floor will be set back.

Public Hearing

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

Deliberation and Action

Commissioner Maccini: This is 100% design driven. A large house on a small lot.

Chairman Meisel: Is this a spec home?

Rafael: Yes.

Commissioner Vaughan: The previous home was a one-story. I didn't see a letter from the neighbor.

Director Grundman: I received it at 5:22 this afternoon. It is from Clark Hamilton and he supports the staff recommendation.

Clark Hamilton: It would be impossible to plant vegetation. The second floor does change the dynamic of that. It is a lot of house for that lot. We would have appreciated some outreach by the builder. That is my concern.

COMMISSIONER VAUGHAN MOVES TO RECOMMEND DENIAL FOR LACK OF HARDSHIP. VICE-CHAIRMAN PLEDGER SECONDS. UNANIMOUS (5-0) DENIAL.

6. **Land Use 613 Rock Park Drive:** Public Hearing and Discussion/recommendation on an application for a variance request related to density, building setbacks and tree removal (West Lake Hills Code Sec. 38.03.034, 22.03.281 and 22.03.304). Brad Walters agent for

Christopher Crane.

- A. Section 38.03.034 – More than two (2) single-family dwelling units per acre;
- Section 22.03.281 – Encroachment in a building setback;
- Section 22.03.304 - Tree and vegetation removal and replacement

Staff Report given by Director Grundman: Staff Recommendation: Denial for lack of hardship. There are no responses to the public notices.

Commissioner Maccini: Can you go into more depth with that agreement?

Director Grundman: It was done back in 2010. They were allowed to do 4 units.

Commissioner Bartoletti: To me the agreement doesn't provide any clue as to how we resolve this question. I don't think we have any information in this agreement.

Commissioner Vaughan: 5.2 is contradictory. I don't feel comfortable in determining what to do.

Commissioner Maccini: I share the same thing. Can the city lawyer look at it?

Director Grundman: I would recommend postponing so staff can get with the city attorney.

Presentation by Applicant

Christopher Crane: It was originally a 4-plex. The mayor at the time, Dave Claunch, and city manager, Robert Wood, came to me and discussed getting my property annexed to stop a storage facility. I was given this development agreement. I didn't feel I was getting support for it. We worked with city attorney Alan Bojorquez for months. I want to reduce the density for the neighborhood.

Brad Walters: I have been working with Mr. Crane for a while. Why are we asking for variances for the setbacks in an R-3 zoning when it was annexed was transitional. It is designed for larger lots. The side is 50' on each side. This lot is 105' wide. If the side setback is enforced there is no building area. I was surprised staff doesn't support this after asking for guidance. We thought that staff was supporting and this has been an unbelievable experience.

Christopher: If we postpone does that mean we come back next month?

Chairman Meisel: To August or September. We have to get with our counsel.

Christopher: We should address this as an amendment? I'm there. Is someone there that remembers this?

Commissioner Maccini: I'd love to have all conditions in the agreement.

Public Hearing

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

APPLICANT REQUESTS TO POSTPONE.

7. **Land Use 708 Split Rail Trail:** Public Hearing and Discussion/recommendation on an application for a variance request to remove two trees greater than 14 inches in diameter (West Lake Hills Code Sec. 22.03.304). Stephen Hawkins agent for Chris and Shanon Smith.

A. Section 22.03.304 – Tree and Vegetation Removal and Replacement

Staff Briefing by Director Grundman: Staff Recommendation: Approval of Tree #638 but not approval of Tree #490 because it could be saved.

Presentation by Applicant

Stephen Hawkins is the applicant. We have done several design changes to work around the trees and build the house inside the buildable area. We have 300 plus trees on the lot.

Public Hearing

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

Deliberation and Action

Commissioner Maccini: This is design driven.

COMMISSIONER MACCINI MOVES TO RECOMMEND DENIAL BASED ON LACK OF HARDSHIP. VICE-CHAIRMAN PLEDGER SECONDS. UNANIMOUS (5-0) DENIAL.

8. **Land Use 3423 Bee Cave Road:** Public Hearing and Discussion/recommendation on an application for a request for multiple variances to construct a new medical office building: 1) Removal of Six Trees 14 inches or greater (#5140, 15 Inch Live Oak, #5143, 14 Inch Live Oak, #5373, 14 Inch Cedar, #5374, 15 Inch Live Oak, #5385, 15 Inch Cedar and #5548, 15 Inch Cedar), 2) Building Height exceeds maximum permitted height, 3) Impervious Cover exceeds maximum permitted, 4) Cut and Fill exceeds maximum permitted; (West Lake Hills Code Sec. 22.03.170, 22.03.281, 22.03.249, 22.03.278 &

22.03.304). Peter Narvarte agent for KCBC LLC.

- A. Section 22.03.170 – Site Disturbance (Excavation, Grading or Filling)
 - Section 22.03.281 – Schedule of Regulations. (Impervious Cover & Height)
 - Section 22.03.249 – Driveway, Parking and Loading Area Setbacks
 - Section 22.03.304 – Tree and Vegetation Removal and Replacement

CHAIRMAN MEISEL ANNOUNCES THIS ITEM IS BEING POSTPONED TO AUGUST DUE TO NOTIFICATION ERROR.

- 9. Land Use 4101 Bee Cave Road: Public hearing and Discussion/recommendation on an application for a sign variance request (West Lake Hills Code Sec. 32.03.006, 32.01.016). Andrew Chapman agent for Eanes ISD.

- A. Section 32.03.006 – Freestanding Commercial Signs
 - Section 32.01.016 – Prohibited Signs

Staff Briefing by Director Grundman: Staff Recommendation: Denial. No public responses submitted.

Chairman Meisel: The Westbank Library has an approved sign?

Commissioner Bartoletti: Does the code prohibit a changeable message or LED sign?

Director Grundman: It's not an LED, it's the changeable letters portion.

Chairman Meisel: There is a changeable sign out there now.

Commissioner Bartoletti: Why does it violate the code?

Director Grundman: it appears based off the photo, the existing is a temporary sign due to road expansion.

Vice-Chairman Pledger: That has been on that property for 10 or 15 years.

Presentation by Applicant

Jeremy Trimble is the applicant. We have had changeable letters for 35 years. This is important on how to communicate with the students and community.

Public Notice

Chairman Meisel opened the meeting for public comments. Hearing none, the public comment section was closed.

Deliberation and Action

Chairman Meisel: I'm seeing two designs? Which one is the one you want?

Jeremy: The smaller sign.

Commissioner Maccini: Why is the sign location moving and the variance is for the size of the sign?

Jeremy: We did look at options. We had to move the sign because of the sidewalk. There are utilities under there due to the widening.

Commissioner Maccini: Are we asking for a size variance?

Jeremy: Yes by a small margin.

VICE-CHAIRMAN PLEDGER MOVES TO RECOMMEND APPROVAL. COMMISSIONER HARWELL SECONDS. AMENDED RECOMMENDATION TO ALLOW 28.75 SQ. FT. AND THE DESIGN ALLIGNS AS DESCRIBED ON PAGE 184 OF 193 OF THE PACKET.

UNANIMOUS (5-0) APPROVAL.

10. Adjournment. Chairman Robert Meisel.

Motion to adjourn the meeting made at 8:32 p.m. by Chairman Meisel with a Second by Vice-Chairman Pledger.

Motion to Adjourn carried unanimously by a vote of 5 ayes to 0 nays.

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

ZAPCO Secretary Mark Littrell

These minutes were approved on _____, 2021.



MULTIPLE VARIANCE
STAFF REPORT

August 18, 2021

Project Address: 403 Skyline Drive

Project Number: 16638

Agenda Item: Land Use: **403 Skyline Drive:** Discussion/recommendation on an application for a variance request to encroach a front building setback (West Lake Hills Code Sec. 22.03.281 & 22.03.275). Benito Keiderling.

- Section 22.03.275 – Building Setback Distances
- Section 22.03.281 – Encroachment in a Building Setback
- Section 22.03.281 – Impervious Cover

Applicant Information: Benito Keiderling

Hearing Dates:

August 18, 2021	ZAPCO
September 8, 2021	Board of Adjustment

Location: The subject property is located at 403 Skyline Drive.

Zoning & Site Characteristics:

The subject property is zoned R1 Family Residential.

The site is surrounded by single-family residential lots.

Background & Analysis:

The applicant is requesting multiple variances tied to a proposed new residence. The variances requested are for setback encroachment, building height and impervious cover.

- **A 20-foot encroachment into the front 50-foot setback, creating a setback of 30-feet;**
- **A requested height of 42-feet above natural grade, 12-feet over the maximum allowed;**
- **An impervious cover of 26.04%, 1.04% above the maximum allowed 25%.**

Variance Criteria Review:

When applying for a variance, the applicant has established by competent evidence that:

- 1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.**

The application states – *“After the first 45 ft. the lot slopes away substantially. Therefore, building the house with a 50 ft setback would result in extreme foundational difficulties, both in cost and execution. The house would sit high away from the ground and would require much greater height variance then we are presently requesting and would look worse. Also, the drainage would be much more difficult. By having the house at a 30 ft setback this would allow it to naturally sit on the slope, making the foundations a practical endeavor and using the less precipitous area of the lot to build. The height variance is there because with the sleep grade, its also difficult to not exceed that by at least a bit. The lot being 0.58 acres means that at 25% impervious cover, we are just a little bit tight on that so we would greatly appreciate having the additional 400 sq ft impervious cover to meet our already trimmed down plans.”*

- 2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.**

The application states – *“With the house set at 30 ft setback from front, we will be able to build the walk out basement into the slope and it will work well with the terrain and cause less erosion issues. We will be ensuring that there is good drainage in place and we’ll be replacing any trees that are removed to clear for building on other areas of the lot per the city guidelines.”*

- 3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.**

The application states – *“We have looked at building the house within the 50 ft setback from the front, but it would stick up too high above grade and make it double the difficulty for the foundations. Ultimately the topography of this lot on Skyline Dr presents some very unique challenges so we are requesting the variance to overcome these difficulties and build the house best suited to this lot’s unique characteristics.”*

- 4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.**

The application states – *“My wife and I are planning to raise a family in this home and therefore would like to be able to build this house that we’ve designed that suits our sized requirements. We’ve made every effort to scale back on height and size, building a smaller house then we originally planned, in an effort to minimize the variances requested.”*

5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.

The application states – *“We believe the variances requested are to overcome genuine hardships related to the topography and the size of the lot. We respect the city plan and have tried to minimize the variances requested on a truly challenging lot. Along with our architect, we feel the variances requested will mean the house fits in better on the lot then it otherwise would.”*

6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.

The application states – *“The lots on either side at 401 and 405 Skyline Dr have nice views to the side as well as out the back. The views out the side are what makes these lots special Having the house built at the 30 ft setback from the front instead of 50 ft setback will actually help in keeping our house up the slope and not obstructing their back porch views to the side. The neighbors on either side have advocated for this as well. We’ve also tried to minimize the height variance to have the house fit in with a lower profile considering the slope in question.”*

Outdoor Lighting

Outdoor lighting is not proposed with this variance request. Any outdoor lighting will need to comply with the City’s Code.

Compliance with Adopted Uniform Building Code

The property and future construction will have to comply with all applicable City codes.

Subdivision

This request will not change the subdivision.

Comprehensive Planning Analysis

The existing and future land use is in conformance with the City of West Lake Hills Master Plan.

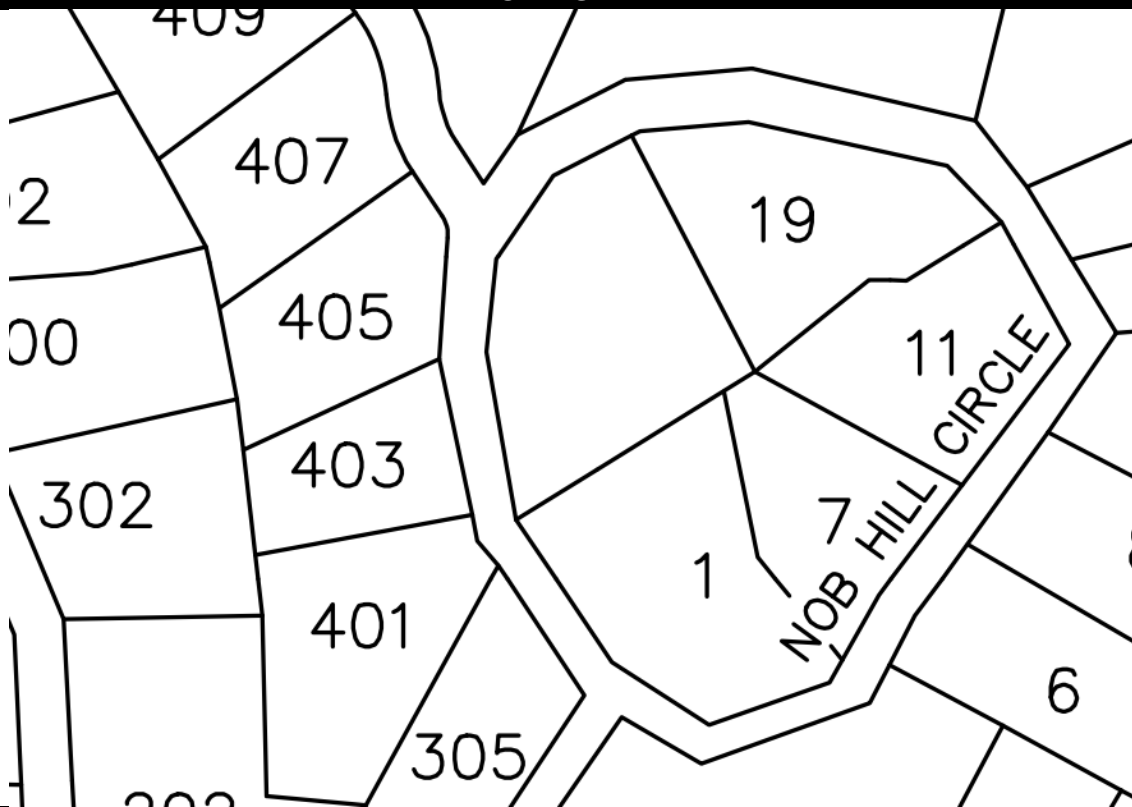
Staff Recommendation

Staff recommends DENIAL of the variance request based a lack of hardship. Understanding the topographical challenge on the lot, a case can be made for a hardship, however a 5,000 square foot house is not minimization.

Links to Relevant Code:

- [Sec. 22.03.281](#) [Schedule of Regulations](#)
- [Sec. 22.03.275](#) [Building Setback Distances](#)
- [Sec. 22.03.279](#) [Height of Structures](#)
- [Sec. 22.03.514](#) [Criteria and process required for granting variance](#)

ZONING MAP



AERIAL PHOTO



VARIANCE APPLICATION



Date Received: _____ Received By: _____
Amount Due \$ _____ Date Payment Received: _____
Admin Complete Date: _____ Permit No: _____

*****All applications and supporting documents should be submitted electronically to
pzsec@westlakehills.org and planner@westlakehills.org*****

APPLICANT & PROPERTY INFORMATION

The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

Property Owner: Benito Keiderling Phone: 5127090676

Email: [REDACTED]

Address: 403 Skyline Dr City: Westlake Hill State: TX Zip: 78746

Agent*: _____ Phone: _____

Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Property Address: 403 Skyline Dr City: Westlake Hill State: TX Zip: 78746

Property Information

Subdivision Name: Skyline Terrace Sec 02

Block: Sec 2 Lot: 13A TCAD Tax Parcel ID: 117408

Current Zoning Classification: R 1 Total Lot Size (Acres): 0.581

**Please submit Power of Attorney form designating authorized agent.*

PROJECT INFORMATION

Please list all variances being applied for: (Please be detailed-for tree variances, must include tree #, size, species; setback variances-which setback and how far is requested encroachment; for height specify how much height being requested; etc.)

- 1) Setback Variance - for front only - requesting 30 ft setback from front property line
- 2) Height Variance 12 ft over the 30 ft from grade in one place
- 3) Impervious Cover 400 sq ft variance beyond the 25%
- 4) _____
- 5) _____



VARIANCE APPLICATION

- 6) _____
- 7) _____
- 8) _____
- 9) _____
- 10) _____

Brief Description of project/why variances are needed: The lot is just over half an acre and is on a very

sloped lot. The upper part of the lot is more flat which makes it practical to build on and that's why we are asking for the 30 ft setback. The slope makes it very difficult not to exceed 30 ft from grade so we are asking for a bit more on the height. Lastly the lot is fairly small so the impervious cover challenges are there so we are requesting a small increase in impervious cover allowance also. It's a very challenging lot in size and especially the grade. Thank you

Variance Questionnaire *(Applicant must demonstrate a hardship for variance request. The ZAPCO Commissioners, Board of Adjustment/City Council consider these responses when evaluating your application.)*

1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.

After the first 45 ft, the lot slopes away substantially. Therefore building the house with a 50 ft setback would result in extreme foundational difficulties, both in cost and execution. The house would sit high away from the ground and would require much greater height variance than we are presently requesting and would look worse. Also the drainage would be much more difficult. By having the house at a 30 ft setback this would allow it to naturally sit on the slope, making the foundations a practical endeavor and using the less precipitous area of the lot to build. The height variance is there because with the steep grade, it's also difficult to not exceed that by at least a bit. The lot being only 0.58 acres means that at 25% impervious cover we are just a little bit tight on that so we would greatly appreciate having the additional 400 sq ft impervious cover to meet our already trimmed down plans.

2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?

With the house set at 30 ft setback from front, we will be able to build the walk out basement into the slope and it will work well with the terrain and cause less erosion issues. We will be ensuring that there is good drainage in place and we'll be replacing any trees that are removed to clear for building on other areas of the lot per the city guidelines.

3) What other alternatives have you considered? Why won't those other options alleviate the difficulty or hardship that you think exists?

We have looked at building the house within the 50 ft setback from the front but it would stick up too high above grade and make it double the difficulty for the foundations. Ultimately the topography of this lot on Skyline Dr presents some very unique challenges so we are requesting the variance to overcome these difficulties and build the house as best suited to this lot's unique characteristics.

4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?

My wife and I are planning to raise a family in this home and therefore we would like to be able to build this house that we've designed that suits our size requirements. We've made every effort to scale back on height and size, building a smaller house than we originally planned, in an effort to minimize the variances requested.



VARIANCE APPLICATION

5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?

We believe that the variances requested are to overcome genuine hardships related to the topography and size of the lot. We respect the city plan and have tried to minimize the variances requested on a truly challenging lot. Along with our architect, we feel the variances requested will mean the house fits in better on the lot then it otherwise would.

6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?

The lots on either side at 401 and 405 Skyline Dr have nice views to the side as well as out the back. The views out and to the side are what makes these lots special. Having the house built at the 30 ft set back from front instead of the 50 ft setback will actually help in keeping our house up the slope and not obstructing their back porch views to the side. The neighbors on either side have advocated for this as well. We've also tried to minimize the height variance to have the house fit in with a lower profile considering the slope in question.

AUTHORIZATION & ACKNOWLEDGEMENT

The above information is true to the best of my knowledge. I attest that the real property described is owned by me and all others as signed below. If the below is signed by the authorized agent of said property, the signature of the property owner must be included below or consent must be attached (Power of Attorney Form).

Signature

07/08/2021

Date

Benito Keiderling

Printed Name



VARIANCE APPLICATION

APPLICATION CHECKLIST

Zoning Change Application Checklist

- ☒ Completed, signed application
- ☐ Power of Attorney form, if applicable
- ☒ Proof of ownership of subject property
- ☒ Completed Variance Hardship Questionnaire
- ☒ Letter addressed to ZAPCO Chairperson explaining zoning change request and proposed use
- ☒ Property survey
- ☒ Proposed site plan with building setbacks clearly labeled
- ☒ Building elevations, if applicable
- ☐ Tree and topo survey, if applicable
- ☒ Preliminary plans for proposed project (pool plans, building plans, fence design, etc.)
- ☒ Photos of property showing existing conditions (for tree variances, include photos of proposed variance trees)
- ☒ Letters/emails of support from neighbors, if able to obtain
- ☐ Payment of application fees (*refer to Appendix A: Fee Schedule in the Code of Ordinances for current fees. Fees are due upfront with application.*)
- ☐ Other relevant information, as determined necessary by staff (for example, if variance is for cut/fill/retaining wall, you may be requested to provide a drainage report)

Variance Process and Information

- City staff will prepare public notification letters and will provide you a public notice sign to place on the property. You will be notified when the public notice sign is available to be picked-up.
- If you want to see example variance applications, please see the Agenda page on the City website at <https://www.westlakehills.org/> to view the latest ZAPCO, Council and BOA packets
- All variance applications are first considered by the Zoning and Planning Commission (ZAPCO), which is an advisory commission only. Final action is then determined by either City Council or Board of Adjustment, depending on the type of variance being requested.
- Agenda packets are digital and posted on the website the Friday prior to the meeting by 5pm. Staff will send you a meeting reminder email after the agenda and packet are posted.
- Applicants or a designated representative are required to attend/speak at each public hearing; otherwise you will risk postponement or denial for no-show. Applicants should keep remarks brief and the typical time allotment is 5 minutes for ZAPCO and 5 – 10 minutes for City Council/BOA.
- Please note ZAPCO is an advisory commission only – final action must be taken by City Council or BOA, depending on the type of variance. If ZAPCO recommends denial, you can still move forward to City Council/BOA unless you decide to withdraw or postpone your variance request.
- If City Council/BOA denies your variance, you have to wait one year before you can reapply for the same variance.
- If approved by City Council/BOA, variances expire within one year of the approval date if a permit application has not been filed to perform the scope of work related to the variance.



VARIANCE APPLICATION

STAFF NOTES

For Completion by Staff Only

Date public notification letters mailed: _____

Date of ZAPCO Meeting: _____

ZAPCO Recommendation: _____

Date of City Council/BOA Meeting: _____

City Council/BOA

Action: _____

Notes:

07/08/2021

Ben & Reetu Keiderling

403 Skyline Dr. Westlake Hills, TX 78746

Dear Zapco Chairperson,

This letter comes with our request for a variance for building our new family home on a challenging lot at 403 Skyline Dr.

The lot presents some unique difficulties with the size being just over half an acre and very sloped. We have worked with our architect to minimize the variances we have requested while still being able to build a home that meets our needs in raising a future family.

I have attached a couple letters from the neighbors.

Thank you very much for your time and consideration.

A handwritten signature in black ink, appearing to read 'Ben & Reetu', with a stylized flourish extending from the end.

Ben & Reetu

To Westlake Hills city council:

My name is Farhan Mansuri. I currently reside at 401 Skyline Dr. We support Ben Keiderling's request at 403 Skyline Dr for a reduced front setback variance. We expect Ben to use this variance to build closer to the front side of the property lot so the property is closer to the road.

This will keep our views intact and allow them to build where its most practical. The front setback variance will avoid the house jutting out from the hill. They are not requesting any side setback variances on either side of the house which we are happy about.

Thanks,

Farhan Mansuri

Variance

From: Randy Broesche [REDACTED]

To: [REDACTED]

Date: Monday, July 12, 2021, 9:31 AM CDT

Good Morning Ben,

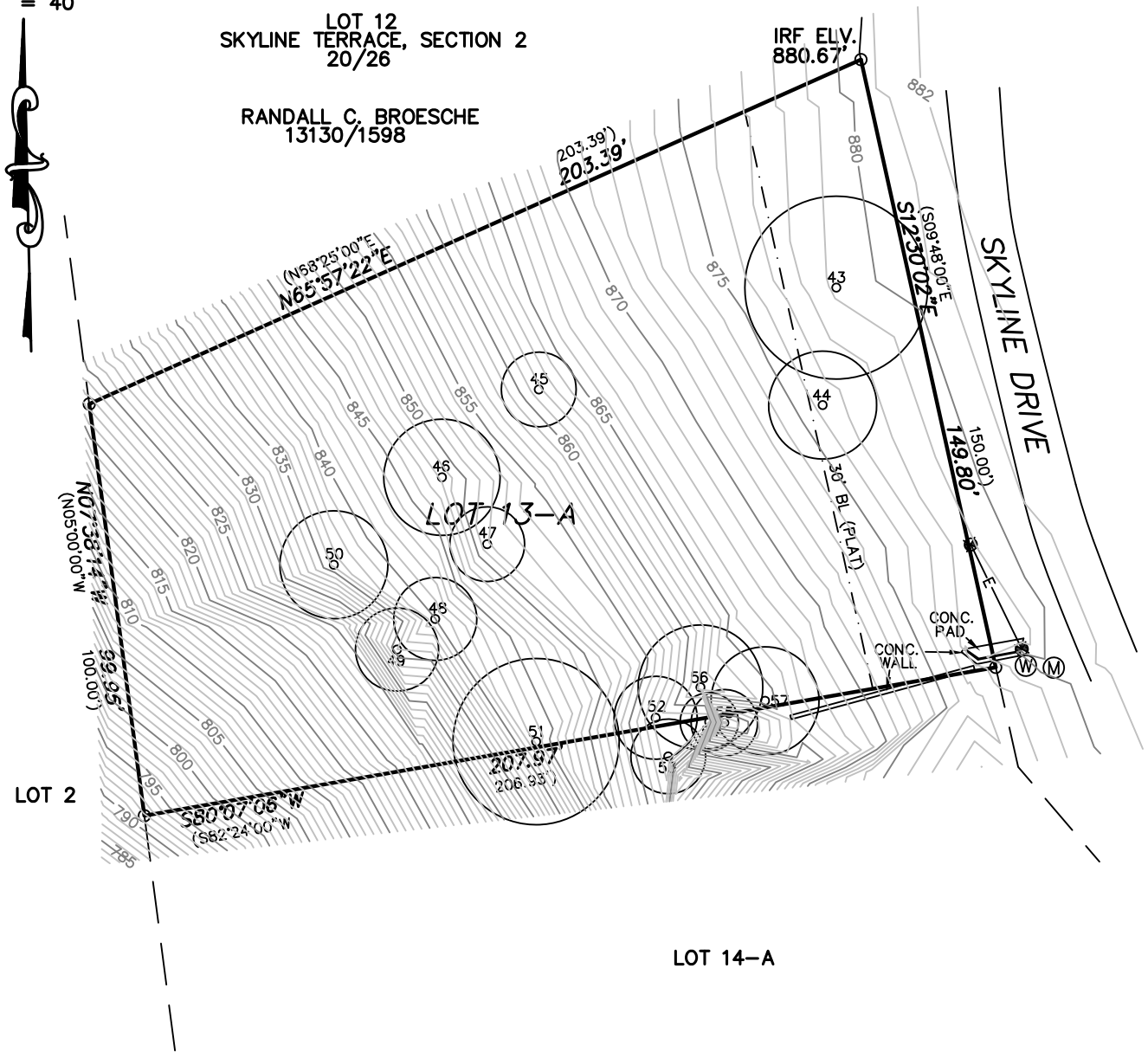
Regarding your inquiry about an adjustment to the setback line at 403 Skyline Drive, we are amenable to a reduction in the front setback line of your property. I completely understand the complications of the site and would support you obtaining a variance to reduce the front setback line. It's difficult to say exactly how far back we feel comfortable with, but would like to have a look with you when I return to Austin sometime in the next couple of weeks.

Thanks for being a good neighbor—we look forward to working with you!

Randy

Spirale
Randy Broesche
405 Skyline Dr.
Austin, TX 78746
512.923.9538 (pho)
[REDACTED]

SCALE
1" = 40'



TREE LIST		
TAG#	TYPE	SIZE
43	LIVE OAK TWIN	14.0" & 15.0"
44	LIVE OAK	13.0"
45	SPANISH OAK TRIPLET	4.0", 4.0" & 5.0"
46	SPANISH OAK TRIPLET	4.0", 6.0" & 9.0"
47	SPANISH OAK TWIN	5.0" & 6.0"
48	SPANISH OAK TWIN	7.0" & 9.0"
49	SPANISH OAK	10.0"
50	SPANISH OAK TRIPLET	5.0", 5.0" & 8.0"
51	SPANISH OAK TWIN	11.0" & 15.0"
52	SPANISH OAK	10.0"
53	SPANISH OAK	9.0"
54	SPANISH OAK	7.0"
55	SPANISH OAK	8.0"
56	SPANISH OAK TRIPLET	6.0", 7.0" & 9.0"
57	SPANISH OAK TWIN	8.0" & 9.0"

RESTRICTIVE COVENANTS OF RECORD AS
ITEMIZED HEREIN: VOLUME 20, PAGE 26,
PLAT RECORDS; VOLUME 947, PAGE 539,
DEED RECORDS, TRAVIS COUNTY, TEXAS.
(DOES AFFECT THIS TRACT)

TELEPHONE EASEMENT AS RECORDED IN
VOLUME 744, PAGE 532, DEED RECORDS,
TRAVIS COUNTY, TEXAS.
(BLANKET EASEMENT--DOES AFFECT THIS
TRACT)

LEGEND	
○	= IRON ROD SET
()	= RECORD PER PLAT
PUE	= PUBLIC UTILITY EASEMENT
DE	= DRAINAGE EASEMENT
BL	= BUILDING LINE
⊗	= POWER POLE
—E—	= O/H POWERLINE
⊙	= WATER METER
Ⓜ	= MAIL BOX

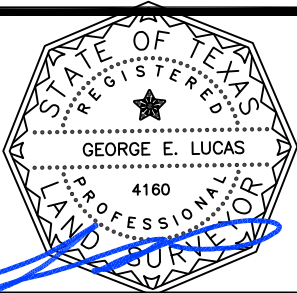
ADDRESS: 403 SKYLINE DRIVE, WEST LAKE HILLS, TEXAS

LEGAL DESCRIPTION: LOT 13A, A RESUBDIVISION OF LOT 13 & 14, SKYLINE TERRANCE, SECTION TWO, ACCORDING TO THE
MAP OR PLAT THEREOF RECORDED IN VOLUME 40, PAGE 40, PLAT RECORDS, TRAVIS COUNTY, TEXAS.

CERTIFICATION

THE UNDERSIGNED DOES HEREBY CERTIFY TO THE PARTIES LISTED BELOW THAT THIS
PLAT CORRECTLY REPRESENTS A SURVEY MADE UPON THE GROUND OF THE PROPERTY
SHOWN HEREON, AND THAT THERE ARE NO ENCROACHMENTS OF VISIBLE IMPROVEMENTS,
EXCEPT AS SHOWN HEREON, AND THAT THIS PROPERTY HAS ACCESS TO A PUBLIC ROADWAY,
EXCEPT AS SHOWN HEREON.

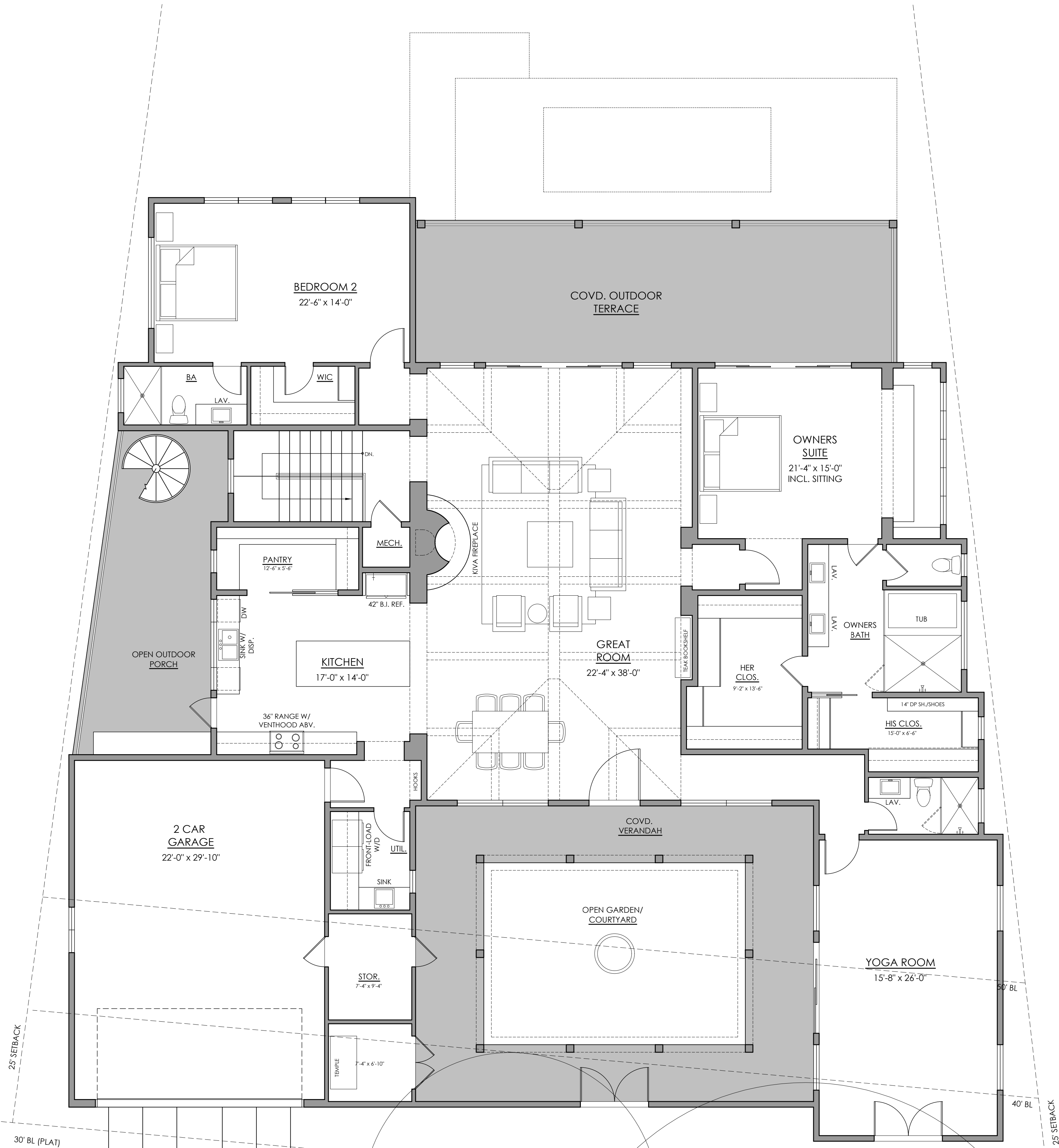
BUYER: BENITO R. KEIDERLING AND REETU SHARMA
TITLE CO: TEXAS NATIONAL TITLE COMPANY
G.F.#: T-139549 LENDER: N/A



PLAN No.: 2020-3031

SURVEY DATE: NOVEMBER 29, 2020

GEORGE E. LUCAS R.P.L.S. 4160



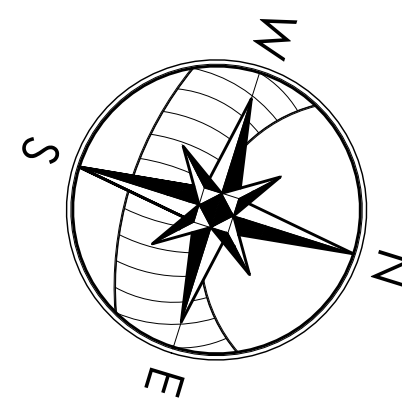
IMPERVIOUS CALCULATIONS	
SITE AREA	25,311 SF
MAX IMPERVIOUS (25%)	6,327 SF
RESIDENCE, PORCHES	5,700 SF
LOWER WOOD DECK (@50%)	214 SF
POOL (100%)	148 SF
DRIVEWAY	329 SF
AC PADS & RET./LANDSC WALLS	200 SF
CURRENT IMPERVIOUS	6,591 SF

MAIN LEVEL FLOOR PLAN

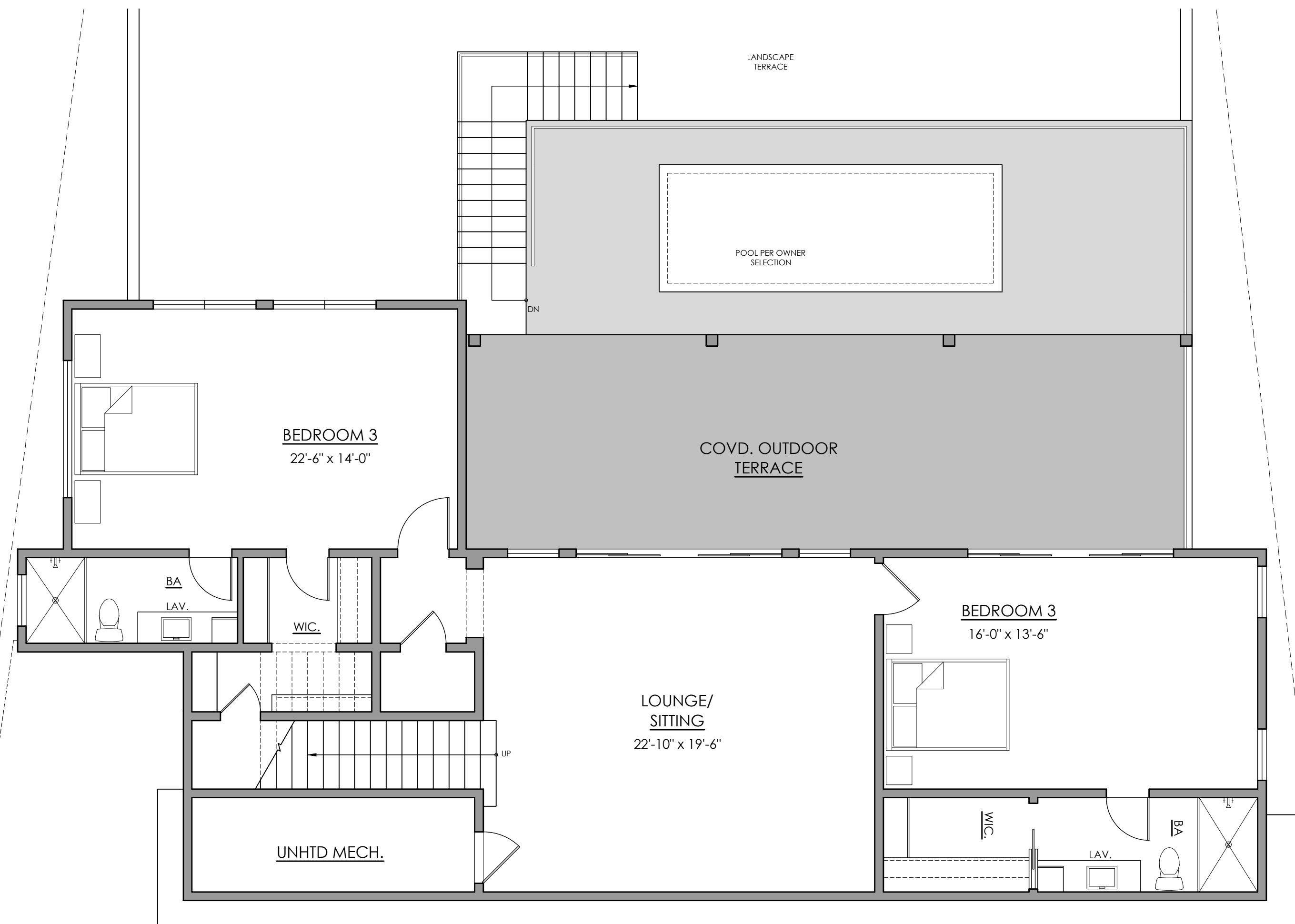
SCALE: 3/16" = 1'-0"
21024 5/26/2021

SQUARE FOOTAGE CALCULATIONS

MAIN HEATED	3,389 SF
LOWER HEATED	1,598 SF
TOTAL HEATED	4,987 SF
GARAGE	693 SF
UPPER COVD.PORCHES/STORAGE	1,225 SF
LOWER PORCH	528 SF
TOTAL COVD. (UNHEATED) (EXCLUDES LOWER MECH. & STORAGE)	2,446 SF



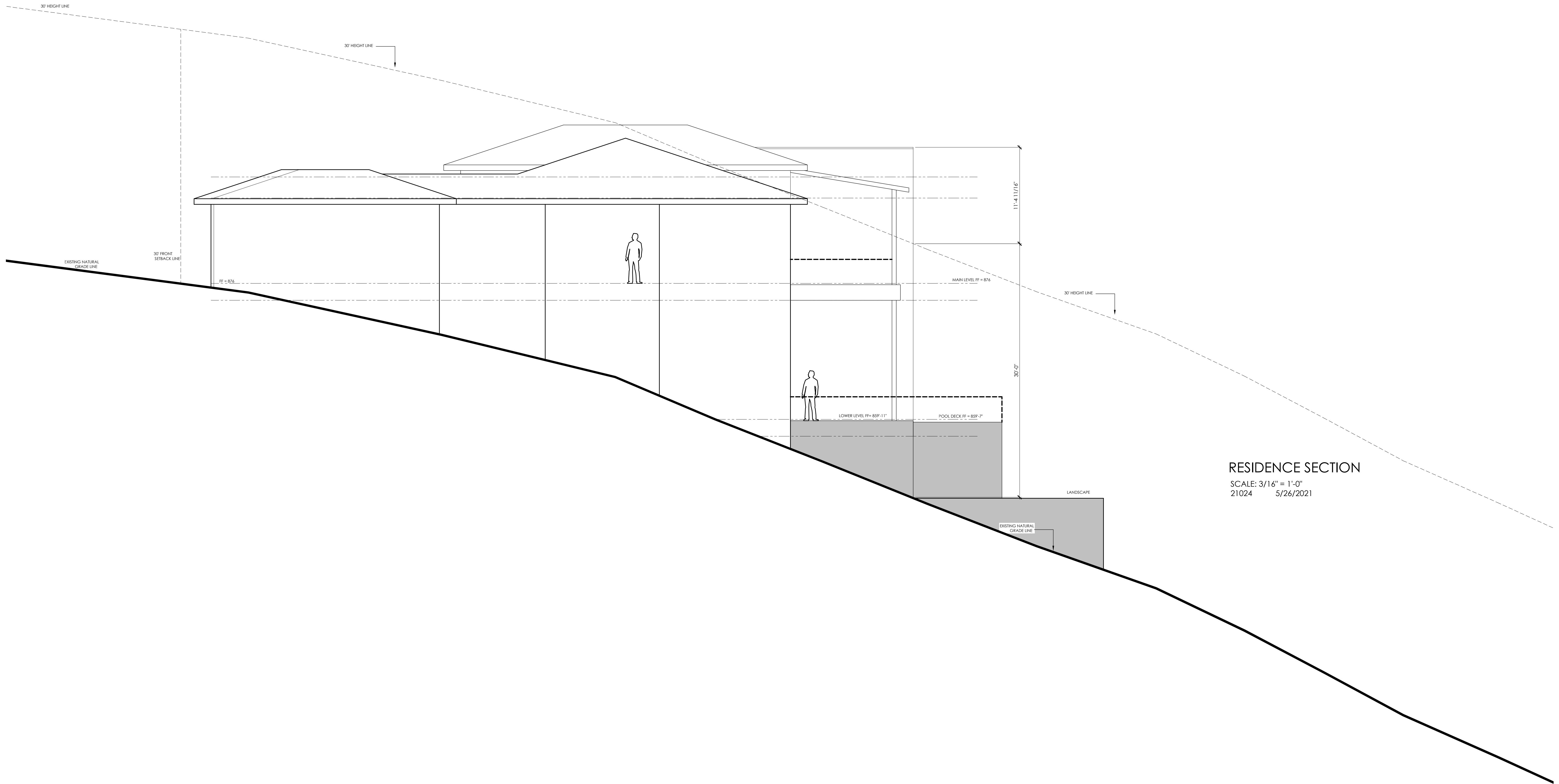
KIEDERLING & SHARMA RESIDENCE
403 SKYLINE DR. AUSTIN TX



LOWER LEVEL FLOOR PLAN

SCALE: 3/16" = 1'-0"
21024 5/26/2021

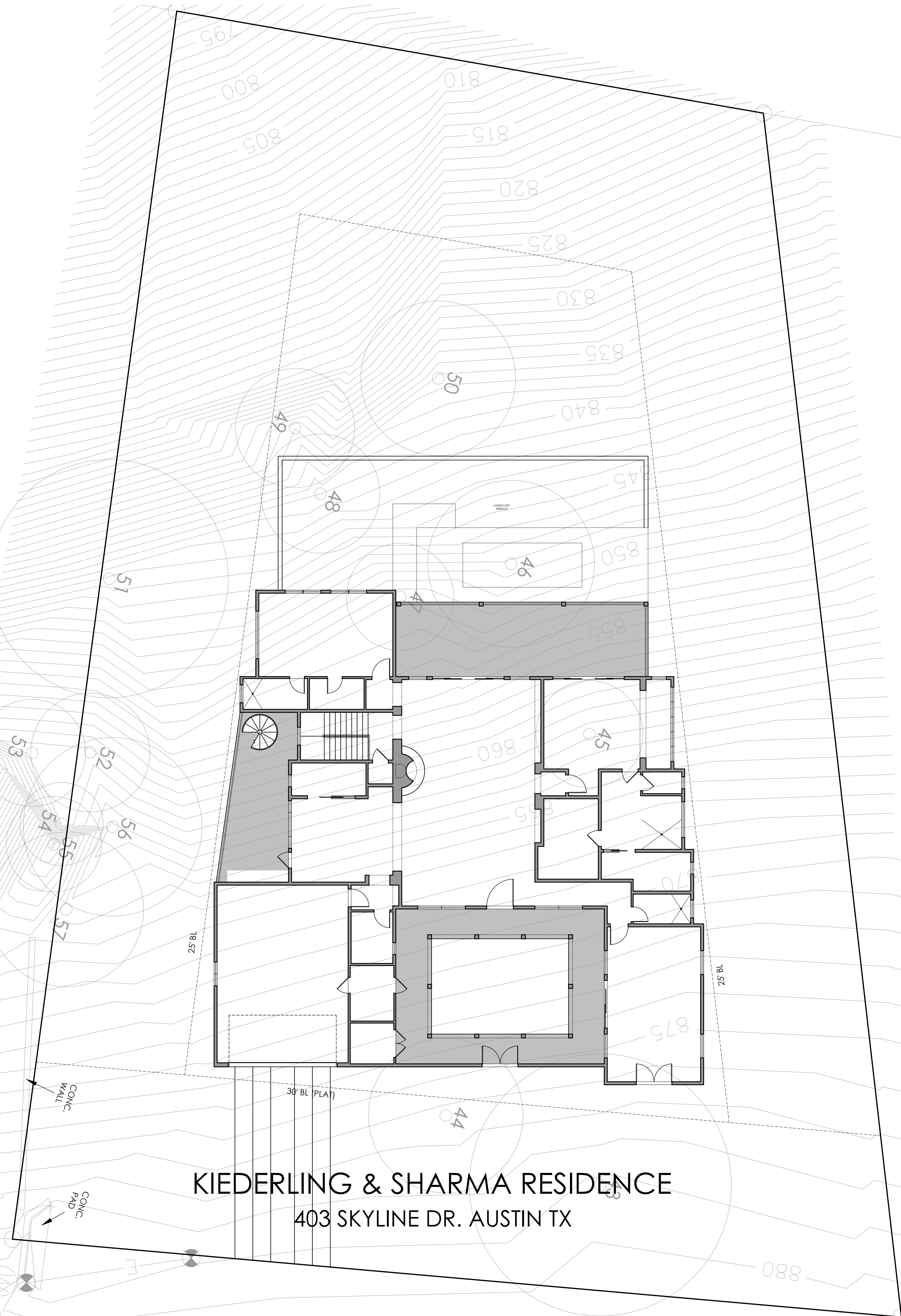
KIEDERLING & SHARMA RESIDENCE
403 SKYLINE DR. AUSTIN TX



RESIDENCE SECTION
SCALE: 3/16" = 1'-0"
21024 5/26/2021

KIEDERLING & SHARMA RESIDENCE
403 SKYLINE DR. AUSTIN TX

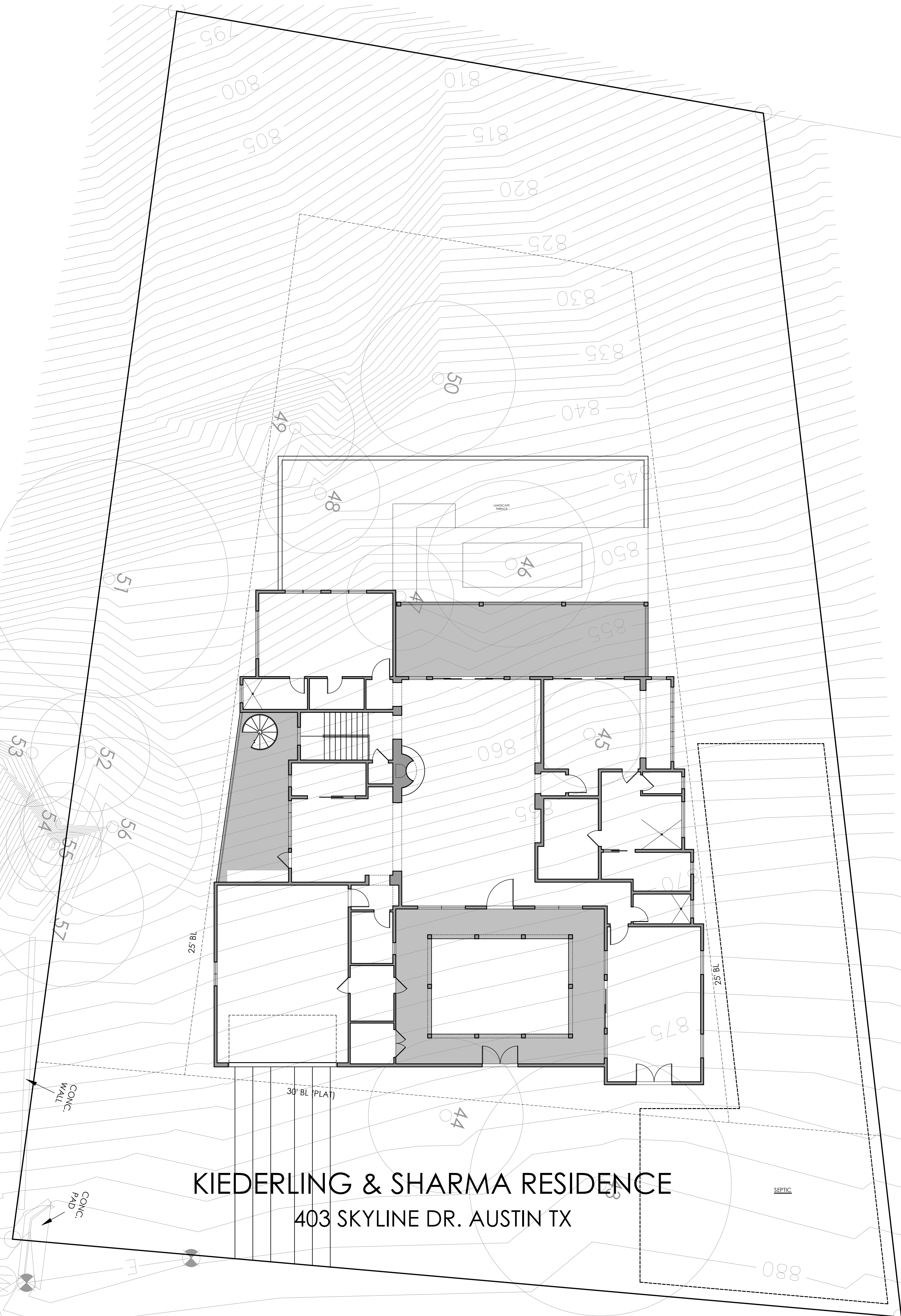
LOT 13-A
25,311 Sq Ft
0.581 ACRES



KIEDERLING & SHARMA RESIDENCE
403 SKYLINE DR. AUSTIN TX

SITE PLAN
SCALE: 1" = 10'-0"
21024 5/26/2021

LOT 13-A
25,311 Sq Ft
0.581 ACRES



KIEDERLING & SHARMA RESIDENCE
403 SKYLINE DR. AUSTIN TX

SITE PLAN
SCALE: 1" = 10'-0"
21024 7/8/2021

403 Skyline Dr
Westlake Hills, TX 78746

Lot Photos













MULTIPLE VARIANCE
STAFF REPORT

August 18, 2021

Project Address: 613 Rock Park Drive

Project Number: 16676

Agenda Item: Land Use: **613 Rock Park Drive:** Discussion/recommendation on an application for a variance request related to density, building setbacks and tree removal (West Lake Hills Code Sec. 38.03.034, 22.03.281 and 22.03.304). Brad Walters agent for Christopher Crane.

- Section 38.03.034 – More than two (2) single-family dwelling units per acre;
- Section 22.03.281 – Encroachment in a building setback;
- Section 22.03.304 – Tree Removal

Applicant Information: Brad Walters agent for Christopher Crane

Hearing Dates:

July 21, 2021	ZAPCO (Postponed)
August 18, 2021	ZAPCO
September 8, 2021	Board of Adjustment/City Council

Location: The subject property is located at 613 Rock Park Drive.

Zoning & Site Characteristics:

The subject property is zoned R3 Transitional Residential.

The site is surrounded by single-family residential lots.

Background & Analysis:

The applicant is requesting the following dimensional standard variances for a building addition on an existing dwelling unit.

- **Density:**
 - Applicant is proposing 2 single-family dwelling units on a lot that is 0.4242 acres;
- **Encroachment in a Building Setback:**
 - Applicant has requested the following setbacks:

- Front – 30 feet;
- Side – 10 Feet;
- Rear – 20 Feet;
- **Tree Removal:**
 - T105 – 17-Inch Live Oak;
 - T106 – 15-Inch Cedar Elm;
 - T138 – 15- and 17-Inch Hackberry;

The property is subject to a development agreement that is included in the packet. The applicant has reduced the density down from eight units to two units. In addition to the reduction in density, the applicant is also proposing a shared driveway which is preferred per code (Section 22.03.175(4)). The density is being reduced from four total units down to 2 total units.

Variance Criteria Review:

When applying for a variance, the applicant has established by competent evidence that:

1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.

The application states – *“The owner entered into the annexation and development agreement with the City in good faith. The owner’s re-development rights per the development agreement would be effectively taken.”*

2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.

The application states – *“One of the requested variance trees is a Hackberry, considered by many to be an undesirable invasive species. The property is heavily wooded and nine (9) trees exceeding 14” are to remain.”*

3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.

The application states – *“The property has many large trees. Other alternatives would result in additional tree variances.”*

4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.

The application states – *“Two detached single-family homes is low density compared to a multifamily building, which would be allowed per the development agreement.”*

5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.

The application states – *“The proposed use is consistent with the zoning district intent as described below in the language from the City code: R3 district is intended to provide a transitional zone between nonresidential districts and R-1 one-family districts where structures may be clustered to better utilize property topography and to better provide buffering greenbelts between traffic thoroughfares and the adjacent R-1 one-family residential districts.”*

6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.

The application states – *“The R-3 property is adjacent to commercial zoned property and multi-family projects.”*

Outdoor Lighting

Outdoor lighting is not proposed with this variance request. Any outdoor lighting will need to comply with the City’s Code.

Compliance with Adopted Uniform Building Code

The property and future construction will have to comply with all applicable City codes.

Subdivision

This request will not change the subdivision.

Comprehensive Planning Analysis

The existing and future land use is in conformance with the City of West Lake Hills Master Plan.

Staff Recommendation

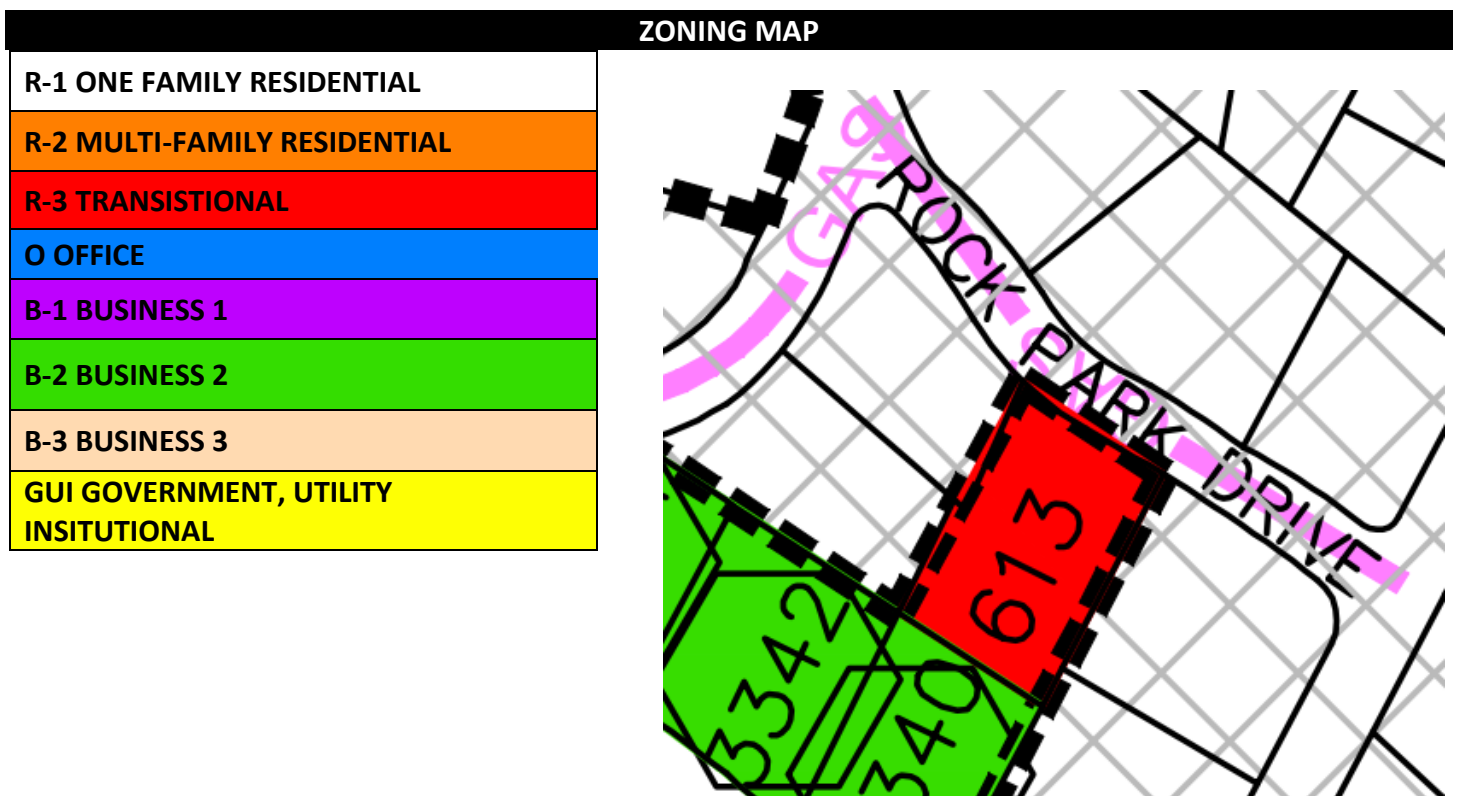
Staff recommends APPROVAL of the variances as requested. The applicant has made efforts to minimize the variances requested and has worked in good faith with the city dating back to 2010 and the development agreement and annexation.

- The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.
- There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.
- There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.

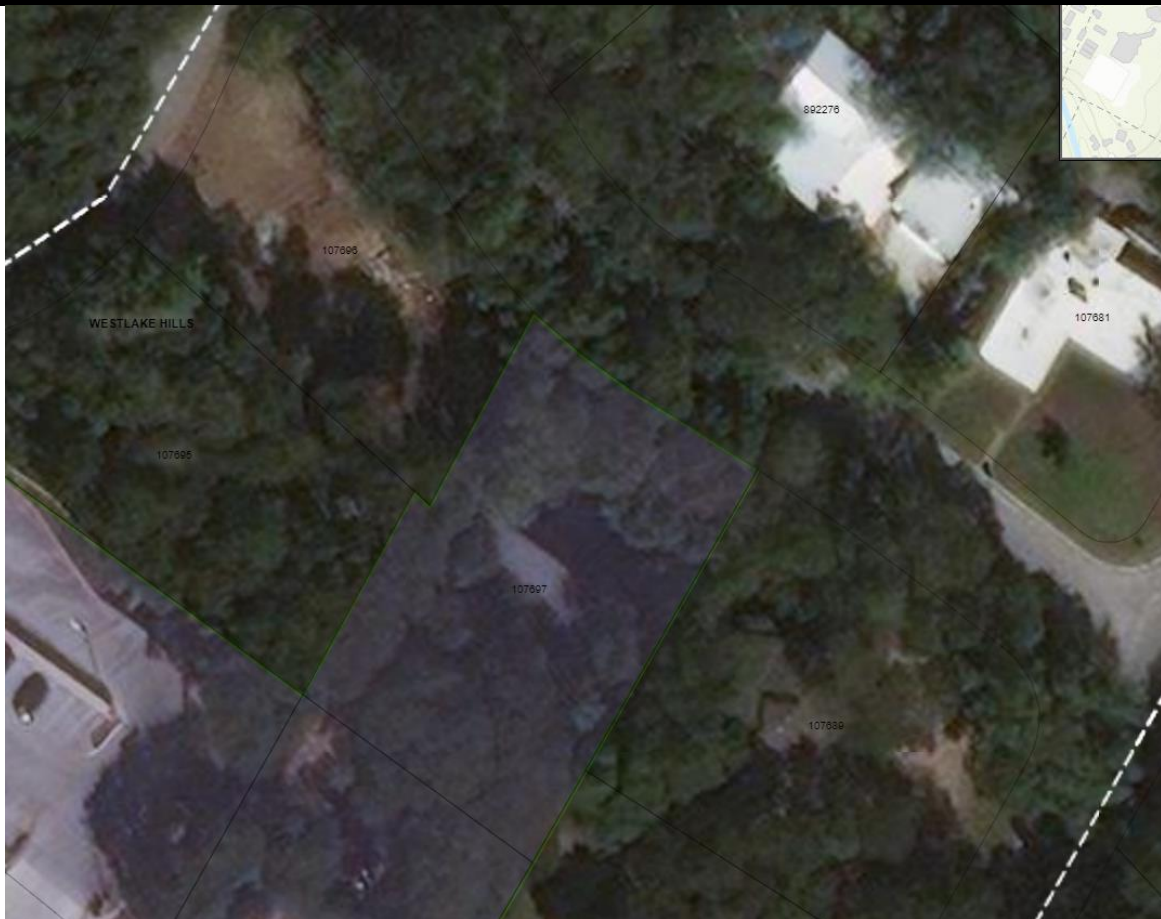
- The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
- The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.
- The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.

Links to Relevant Code:

- [Sec. 22.03.281 Schedule of Regulations](#)
- [Section 22.03.304 – Tree Removal](#)
- [Section 38.03.034 – More than two \(2\) single-family dwelling units per acre;](#)
- [Sec. 22.03.514 Criteria and process required for granting variance](#)



AERIAL PHOTO



VARIANCE APPLICATION



Date Received: _____	Received By: _____
Amount Due \$ _____	Date Payment Received: _____
Admin Complete Date: _____	Permit No: _____

****All applications and supporting documents should be submitted electronically to
pzsec@westlakehills.org and planner@westlakehills.org****

APPLICANT & PROPERTY INFORMATION

The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

Property Owner: Christopher Crane Phone: (512) 777-1287

Email: [REDACTED]

Address: 613 Rock Park Drive City: Westlake Hills State: TX Zip: 78746

Agent*: Brad Walters Phone: (512) 788-2449

Email: [REDACTED]

Address: 3300 Bee Caves Rd, #650-1174 City: Austin State: TX Zip: 78746

Property Address: 613 Rock Park Drive City: Westlake Hills State: TX Zip: 78746

Property Information

Subdivision Name: Westwood Villas

Block: Section 2 Lot: 9 TCAD Tax Parcel ID: 107697

Current Zoning Classification: R-3 Transitional Residential Total Lot Size (Acres): 0.43

**Please submit Power of Attorney form designating authorized agent.*

PROJECT INFORMATION

Please list all variances being applied for: (Please be detailed-for tree variances, must include tree #, size, species; setback variances-which setback and how far is requested encroachment; for height specify how much height being requested; etc.)

- 1) More than two single-family dwelling units per acre (Sec. 38.03.034)
- 2) Side setback of 10' vs. 50' per city code (Sec. 22.03.281)
- 3) Front setback of 30' vs. 50' per city code (Sec. 22.03.281)
- 4) Rear setback of 20' vs. 50' per city code (Sec. 22.03.281)
- 5) Remove 17" Live Oak #105



VARIANCE APPLICATION

- 6) Remove 15" Cedar Elm #106
- 7) Remove 24.5" Hackberry #138
- 8) _____
- 9) _____
- 10) _____

Brief Description of project/why variances are needed: _____

The City and the Owner entered into an annexation and development agreement that allows the Owner to re-develop the property to its "maximum density" subject to a 50% impervious cover limitation.

The requested variances are necessary for the Owner to re-develop the property as allowed by the development agreement.

Variance Questionnaire *(Applicant must demonstrate a hardship for variance request. The ZAPCO Commissioners, Board of Adjustment/City Council consider these responses when evaluating your application.)*

1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.

The Owner entered into the annexation and development agreement with the City in good faith. The Owner's re-development rights per the development agreement would effectively be taken.

2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?

One of the requested variance trees is a Hackberry, considered by many to be an undesirable invasive species. The property is heavily wooded and nine (9) trees exceeding 14" are to remain.

3) What other alternatives have you considered? Why won't those other options alleviate the difficulty or hardship that you think exists?

The property has many large trees. Other alternatives would result in additional tree variance requests.

4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?

Two detached single family homes is low density compared to a multifamily building, which would be allowed per the development agreement.



VARIANCE APPLICATION

5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?

The proposed use is consistent with the zoning district intent as described below in the language from the city code:

R-3 district is intended to provide a transitional zone between nonresidential districts and R-1 one-family residential districts where structures may be clustered to better utilize property topography and to better provide buffering greenbelts between traffic thoroughfares and the adjacent R-1 one-family residential districts.

6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?

The R-3 property is adjacent to commercial zoned property and multifamily properties.

AUTHORIZATION & ACKNOWLEDGEMENT

The above information is true to the best of my knowledge. I attest that the real property described is owned by me and all others as signed below. If the below is signed by the authorized agent of said property, the signature of the property owner must be included below or consent must be attached (Power of Attorney Form).

DocuSigned by:

Brad Walters

858B3B76D7444F3...

5/20/2021

Signature

Date

Brad Walters

Printed Name



VARIANCE APPLICATION

APPLICATION CHECKLIST

Variance Application Checklist

- ☐ Completed, signed application
- ☐ Power of Attorney form, if applicable
- ☐ Proof of ownership of subject property
- ☐ Completed Variance Hardship Questionnaire
- ☐ Property survey
- ☐ Proposed site plan with building setbacks clearly labeled
- ☐ Building elevations, if applicable
- ☐ Tree and topo survey, if applicable
- ☐ Preliminary plans for proposed project (pool plans, building plans, fence design, etc.)
- ☐ Photos of property showing existing conditions (for tree variances, include photos of proposed variance trees)
- ☐ Letters/emails of support from neighbors, if able to obtain
- ☐ Payment of application fees (*refer to Appendix A: Fee Schedule in the Code of Ordinances for current fees. Fees are due upfront with application.*)
- ☐ Other relevant information, as determined necessary by staff (for example, if variance is for cut/fill/retaining wall, you may be requested to provide a drainage report)

Variance Process and Information

- City staff will prepare public notification letters and will provide you a public notice sign to place on the property. You will be notified when the public notice sign is available to be picked-up.
- If you want to see example variance applications, please see the Agenda page on the City website at <https://www.westlakehills.org/> to view the latest ZAPCO, Council and BOA packets
- All variance applications are first considered by the Zoning and Planning Commission (ZAPCO), which is an advisory commission only. Final action is then determined by either City Council or Board of Adjustment, depending on the type of variance being requested.
- Agenda packets are digital and posted on the website the Friday prior to the meeting by 5pm. Staff will send you a meeting reminder email after the agenda and packet are posted.
- Applicants or a designated representative are required to attend/speak at each public hearing; otherwise you will risk postponement or denial for no-show. Applicants should keep remarks brief and the typical time allotment is 5 minutes for ZAPCO and 5 – 10 minutes for City Council/BOA.
- Please note ZAPCO is an advisory commission only – final action must be taken by City Council or BOA, depending on the type of variance. If ZAPCO recommends denial, you can still move forward to City Council/BOA unless you decide to withdraw or postpone your variance request.
- If City Council/BOA denies your variance, you have to wait one year before you can reapply for the same variance.
- If approved by City Council/BOA, variances expire within one year of the approval date if a permit application has not been filed to perform the scope of work related to the variance.



VARIANCE APPLICATION

STAFF NOTES

For Completion by Staff Only

Date public notification letters mailed: _____

Date of ZAPCO Meeting: _____

ZAPCO Recommendation: _____

Date of City Council/BOA Meeting: _____

City Council/BOA

Action: _____

Notes:

Chairman Robert Meisel
Westlake Hills Zoning and Planning Commission
911 Westlake Drive
Westlake Hills, Texas 78746

June 21, 2021

Re: 613 Rock Park Drive – Variance Requests

Dear Mr. Chairman:

We are requesting the minimum number of variances we believe are reasonably required to re-develop the property as contemplated in the attached Development Agreement dated July 14, 2010.

Upon annexation, or shortly thereafter, the City of Westlake Hills (the “City”) determined that the property would be zoned R-3 Transitional Residential. Compliance with the development standards of the R-3 zoning category would effectively prohibit the re-development of the property, as described below.

1. More than two single-family dwelling units per acre (Sec. 38.03.034)
 - a. The property is 0.43 acres. Compliance with this development standard would appear to prohibit the re-development of any residential units on the property, which currently holds a 4-unit apartment building.
2. Side setback of 10' vs. 50' per city code (Sec. 22.03.281)
 - a. The property is approximately 106' wide at the street frontage. Compliance with 50' side setbacks would leave a 17' wide building area. The current structure complies with the 10' side setbacks that are shown on the plat. We request that our proposed re-development of the property be allowed to conform to the 10' side setbacks shown on the final plat.
3. Front setback of 30' vs. 50' per city code (Sec. 22.03.281)
 - a. The property is approximately 175' deep. Compliance with a 50' front setback would unreasonably restrict the re-development of the property and would be inconsistent with the intent of the attached development agreement. We request that our proposed re-development of the property be allowed to comply with the 30' front setback line shown on the final plat.
4. Rear setback of 20' vs. 50' per city code (Sec. 22.03.281)
 - a. The property is approximately 175' deep. Compliance with a 50' rear setback would unreasonably restrict the re-development of the property and would be inconsistent with the intent of the attached development agreement. We request that our proposed re-development of the property be allowed to comply with the 20' front setback line shown on the final plat.

5. Remove 17" Live Oak #105
 - a. The subject tree appears to be in poor health and the re-development plan preserves 10 trees that are 14" or greater. Strict compliance with this standard would be inconsistent with the intent of the attached development agreement.
6. Remove 15" Cedar Elm #106
 - a. The re-development plan preserves 10 trees that are 14" or greater. Strict compliance with this standard would be inconsistent with the intent of the attached development agreement.
7. Remove 24.5" Hackberry #138
 - a. The subject tree is considered by most to be an invasive species that is unstable. The re-development plan preserves 10 trees that are 14" or greater. Strict compliance with this standard would be inconsistent with the intent of the attached development agreement.

Thank you for your consideration.

Sincerely,

Brad Walters

Brad Walters

SPECIAL POWER OF ATTORNEY

KNOW ALL PERSONS BY THIS DOCUMENT that I Christopher M. Crane,
being the owner(s) of the property identified below, have made, constituted and appointed
Brad Walters to be my duly authorized representative in connection with
a variance application dated February 8, 2020 and relating to my property at
613 Rock Park Drive, to be heard by the Zoning and Planning
Commission and BOA/City Council of the City of West Lake Hills, Texas. All representations,
whether oral or written, made by the representative in support of the request have the full force
and effect of the applicant's approval. I do by this document constitute the above named
representative as my true and lawful attorney-in-fact to act in my name, place and stead, to do
and perform any act in connection with such application which I myself might perform or do if I
was personally present.



Property Owner/Applicant's Signature

900 Theresa Ave Austin TX 78703
Street Address City, State, Zip Code

(512) 410-9550
Phone Number

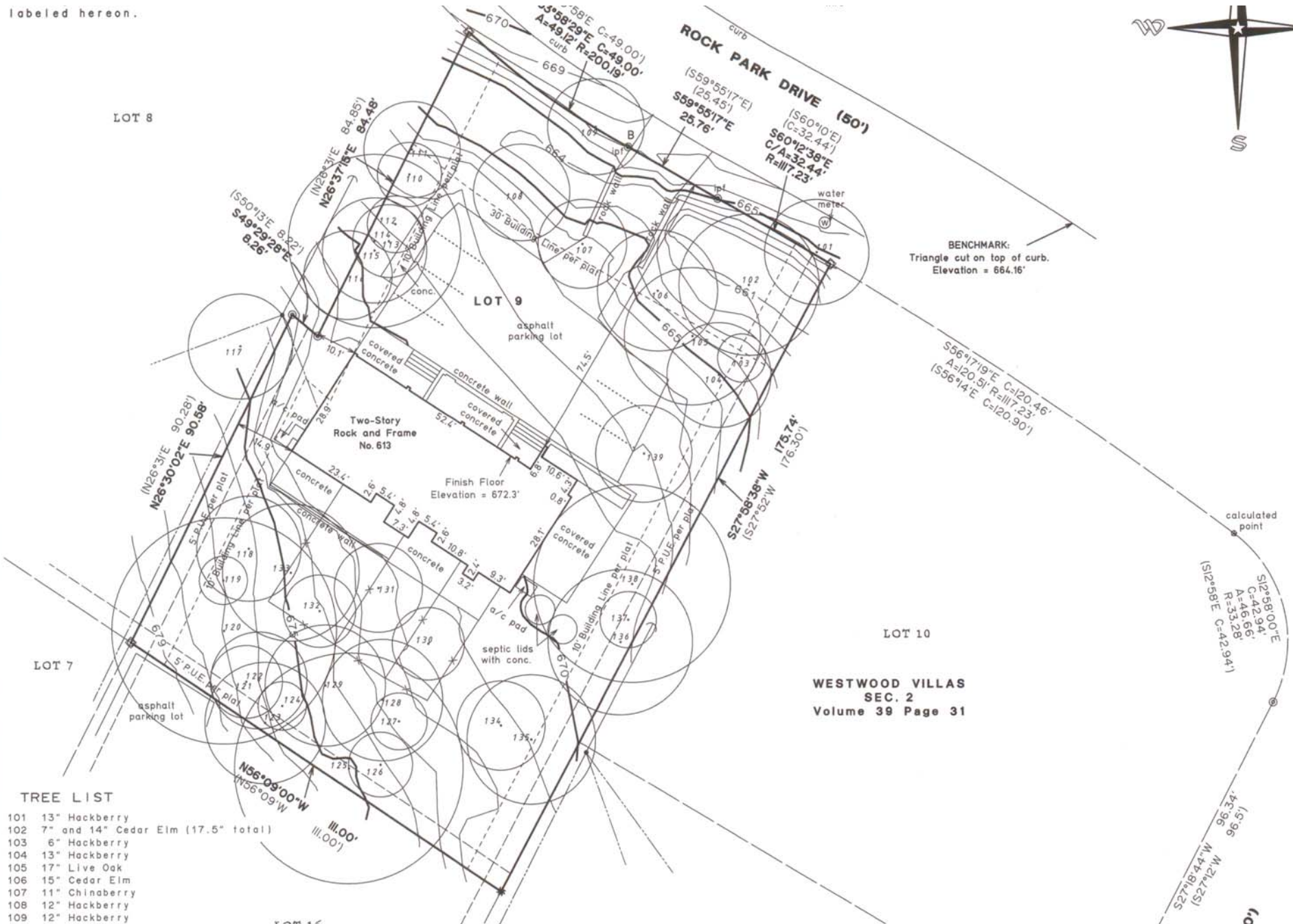
The instrument was acknowledged before me on this the 3rd day of February, 2020.

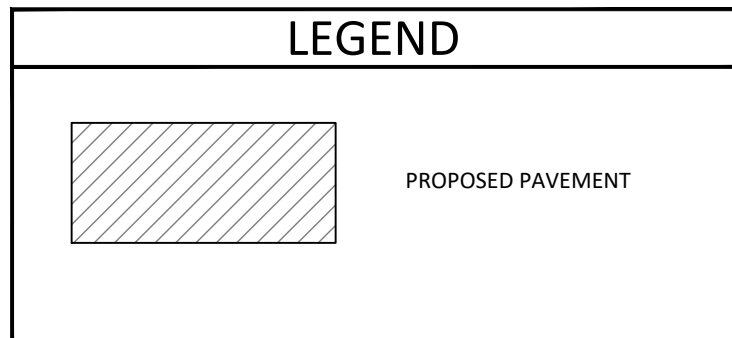


Notary Public in and for the State of Texas

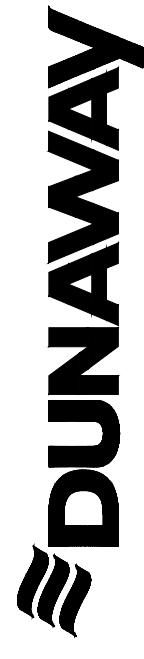


labeled hereon.



[illegible]

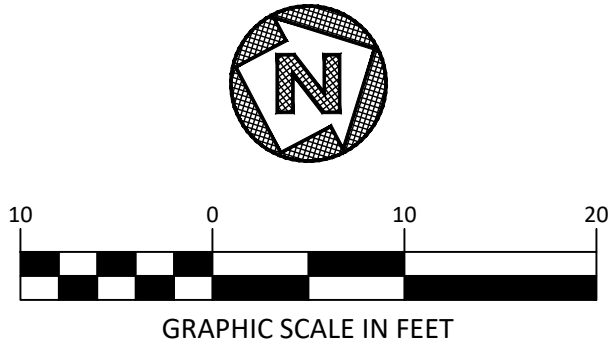
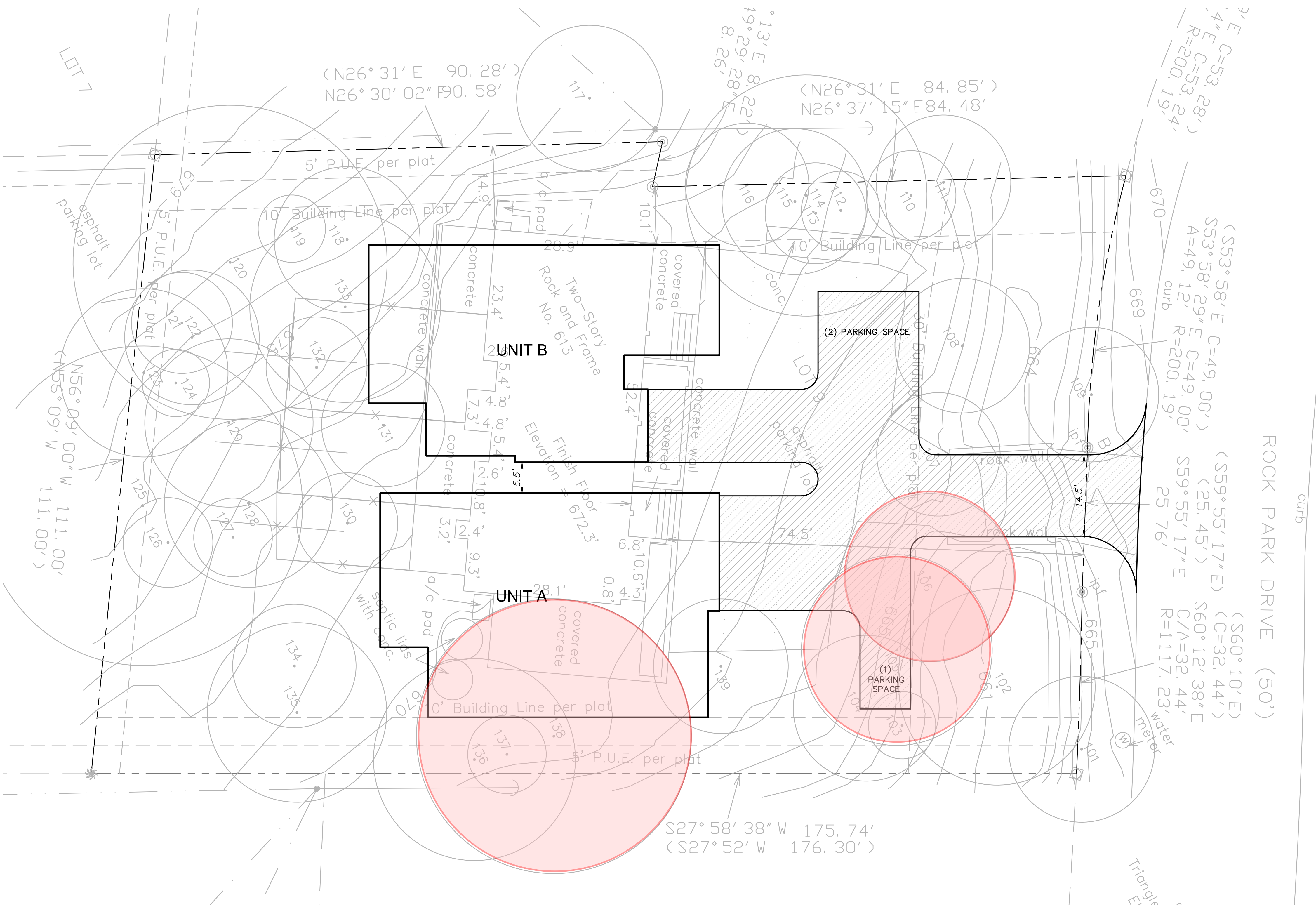
SITE PLAN



DUNAWAY
5707 Southwest Pkwy • Bldg. 2 • Suite 250 • Austin, Texas 78735
Tel: 512.306.8252
(TX REG. F-1114)

613 ROCK PARK DRIVE
613 ROCK PARK DRIVE
AUSTIN, TX 78746

JOB NO.
DESIGNED BY:
DRAWN BY:
CHECKED BY:
DATE:
SHEET:



LEGEND	
	PROPOSED PAVEMENT

TREE LIST	
101	13" Hackberry
102	7" and 14" Cedar Elm (17.5" total)
103	6" Hackberry
104	13" Hackberry
105	17" Live Oak
106	15" Cedar Elm
107	11" Chinaberry
108	12" Hackberry
109	12" Hackberry
110	8" Hackberry
111	12" Live Oak
112	7" Hackberry
113	9" Hackberry
114	13" and 15" Live Oak (21.5" total)
115	13" Live Oak
116	11" Hackberry
117	13" Chinaberry
118	13" Cedar Elm
119	6" Cedar Elm
120	6", two-9" and 16" Cedar Elm (28" total)
121	9" Cedar Elm
122	12" Cedar Elm
123	15" Cedar Elm
124	5" and 6" Cedar Elm
125	11", 14", and 16" Cedar Elm (28.5" total)
126	8" Live Oak
127	7" Live Oak
128	15" Cedar Elm
129	15" Cedar Elm
130	9" Texas Ash
131	11" Cedar Elm
132	9" Cedar Elm
133	17" Cedar Elm
134	11" Texas Ash
135	16" Texas Ash
136	18" Hackberry
137	7" Hackberry
138	15" and 17" Hackberry (24.5" total)
139	12" Arizona Ash

REVISIONS

NO.	DATE	DESCRIPTION

SITE PLAN

613 ROCK PARK DRIVE

613 ROCK PARK DRIVE
AUSTIN, TX 78746

DUNAWAY

5707 Southwest Pkwy • Bldg. 2 • Suite 250 • Austin, Texas 78735
Tel: 512.306.8252
(TX REG. F-1114)

JOB NO.

DESIGNED BY:

DRAWN BY:

CHECKED BY:

DATE:

SHEET:

613 Rock Park Drive A

Westwood Neighborhood

New Construction

Eanes ISD

613 Rock Park Drive A

Available Spring 2022



2889
sq ft



4
Beds



3.5
Baths

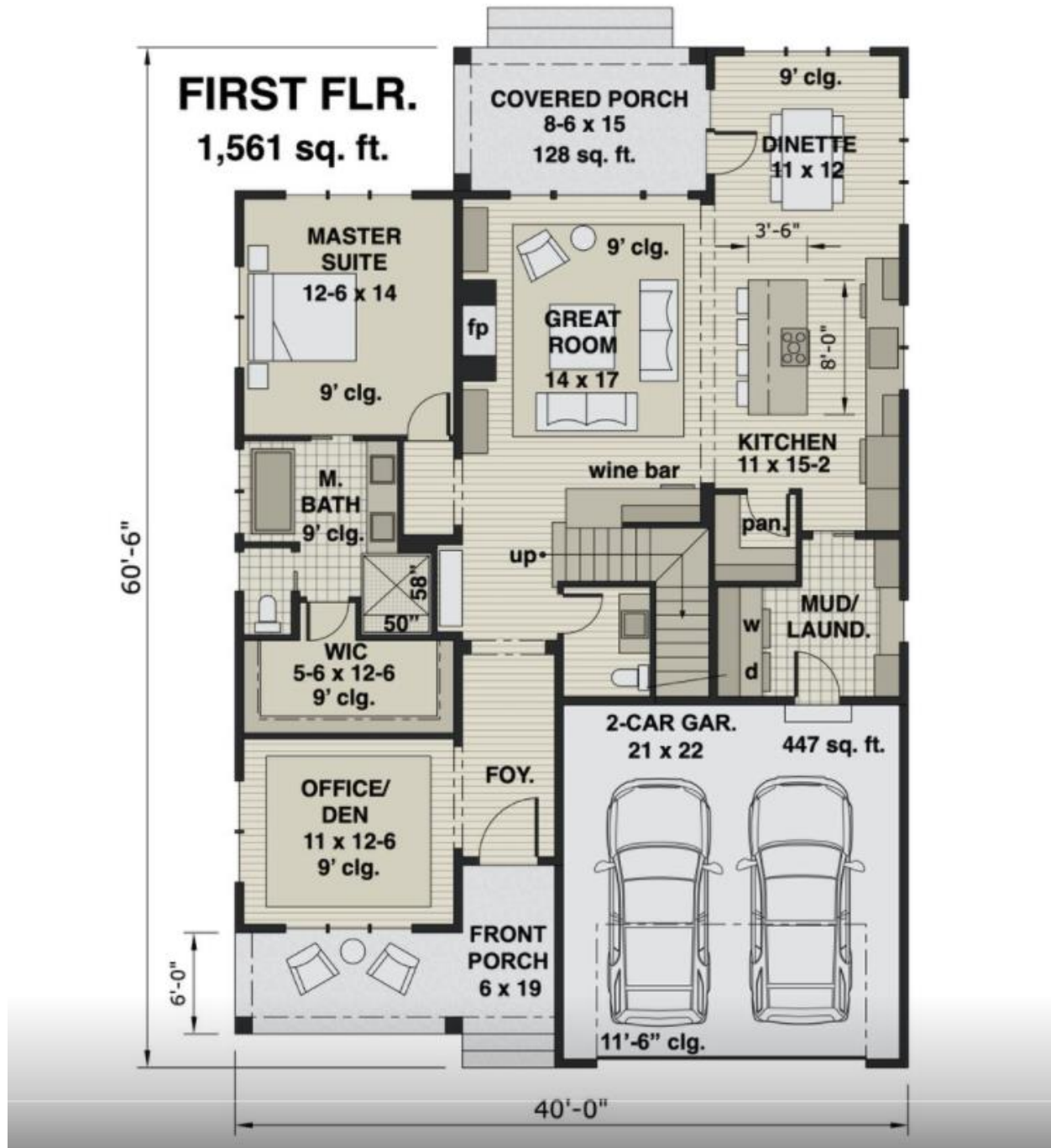


2
Floors



2
Garages







613 Rock Park Drive A



613 Rock Park Drive B

Westwood Neighborhood
613 Rock Park Drive B

New Construction
Available Spring 2022

Eanes ISD

2,580
Square Feet

4
Bedrooms

3
Bathrooms

1
Garage



Construction Specs

Foundation: Slab on Grade
Exterior Walls: 2x6
Roof Pitch: 12:12 Primary
Ceiling Height First Floor: 9'-0"
Ceiling Height Second Floor: 9'-0"
Exterior Cladding: Board and Batten, Lap Siding
Roof Cladding: Metal

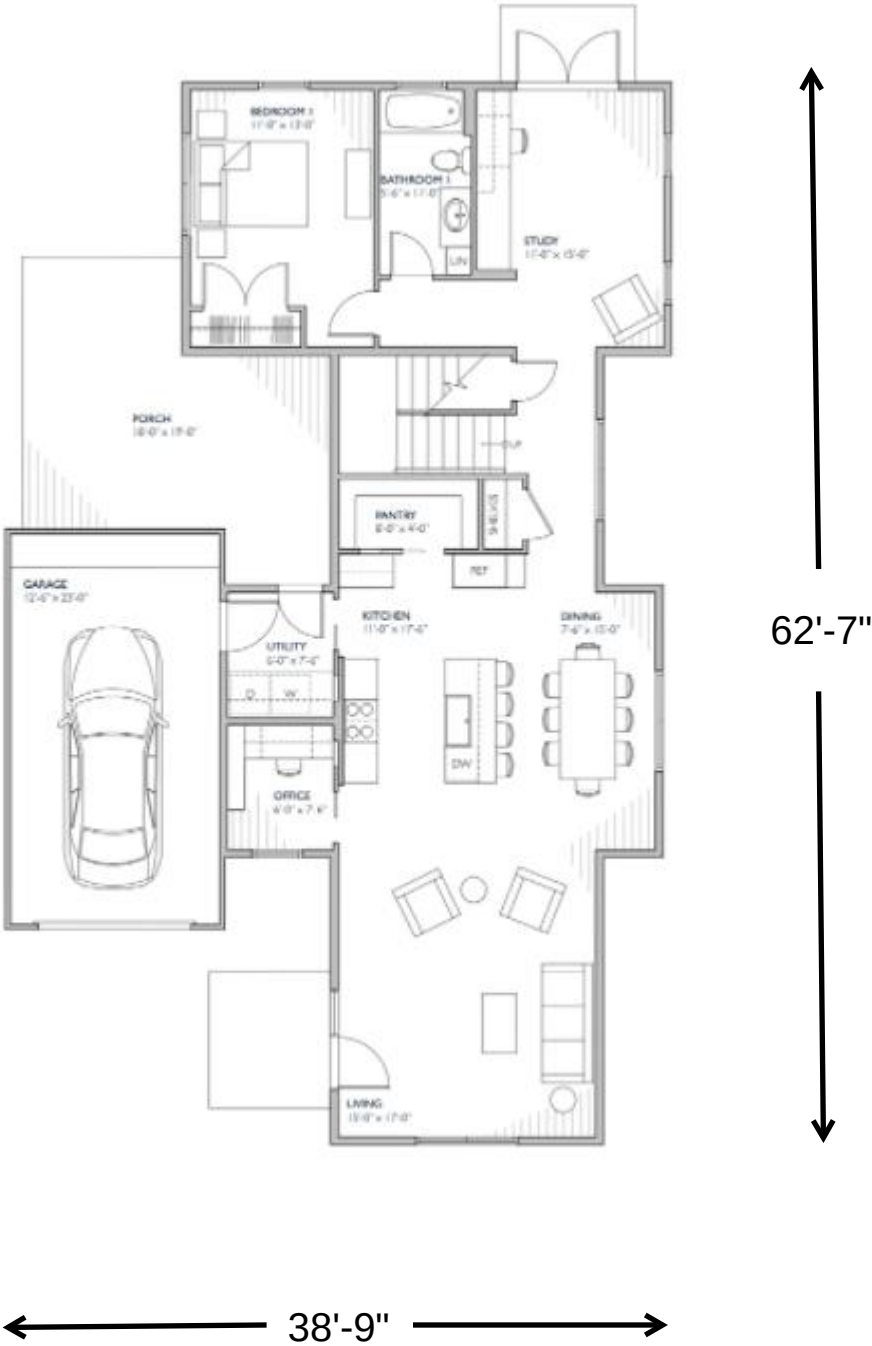
Living Specs

First Floor: 1368SF
Second Floor: 1212SF
Total Covered Area: 3227SF
Overall Dimensions: 38'-9" x 62'-7"
Garage Dimensions: 13'-0" x 23'-7"
Kitchen Dimensions: 11'-2" x 16'-6"

Enhancements

His and Hers Closets in Master Suite
Freestanding Tub in Master Bath
First Floor Guest Bedroom
Pass-thru Utility
Floating Shelves in Kitchen
Ceiling Fans in All Bedrooms

613 Rock Park Drive B





613 Rock Park Drive B



City of West Lake Hills

ORDINANCE ANNEXING AREA ON REQUEST OF AREA VOTERS

ORDINANCE NO. 378

AN ORDINANCE OF THE CITY OF WEST LAKE HILLS, TEXAS, ANNEXING A CERTAIN AREA INTO THE INCORPORATED MUNICIPAL BOUNDARIES OF THE CITY OF WEST LAKE HILLS, TEXAS ON REQUEST OF A MAJORITY OF THE QUALIFIED VOTERS RESIDING IN THE AREA; A REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING.

WHEREAS, Section 43.024 of the Texas Local Government Code authorizes a Type A general-law municipality to annex territory into its municipal boundaries (i.e., corporate limits or city limits) upon request of area voters if that territory is one-half mile or less in width and is contiguous to the municipality; and

WHEREAS, the City of West Lake Hills (City) is a Type A general-law municipality with the rights and privileges thereto; and

WHEREAS, the City Council of the City of West Lake Hills (City Council) has received an affidavit from three qualified voters in an area within the City's extraterritorial jurisdiction (ETJ) reflecting that a majority of the qualified voters in that area have requested annexation of the area into the City's corporate boundaries; and

WHEREAS, the area is one-half mile or less in length and is contiguous to the City; and

WHEREAS, in accordance with Section 43.024(c) of the Texas Local Government Code the Mayor has certified that the affidavit to the City Council and the City Council determines that it is in the best interests of the City to annex the area in accordance with that provision; and

WHEREAS, the City Council has conducted three public hearings regarding annexation of the area and has provided all required notices within the timeframes established under Chapter 43 of the Texas Local Government Code; and

WHEREAS, the City has prepared a service plan for the area to be annexed in accordance with Section 43.064 of the Texas Local Government Code providing for full municipal services to such area, which service plan was made available to the public and explained at the scheduled public hearings; and

WHEREAS, the City Council deems it to be in the best interest of the citizens of West Lake Hills to annex said territory into the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST LAKE HILLS, TEXAS:

1. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of West Lake Hills, and are hereby approved and incorporated into the body of this Ordinance as if copied herein in their entirety.

2. ANNEXATION OF TERRITORY

- A.** The area described in Exhibit “A”, which is attached hereto and incorporated herein for all purposes, is hereby annexed and brought within the municipal boundaries (i.e., corporate limits) of the City of West Lake Hills, and is made an integral part, hereof.
- B.** The official map and boundaries of the City of West Lake Hills are hereby amended and revised so as to include the area annexed.
- C.** A service plan prepared in accordance with applicable provisions of state law pertaining to annexation is attached hereto as Exhibit “B” and incorporated herein for all intents and purposes.
- D.** The owners and inhabitants of the area herein annexed are entitled to all of the rights and privileges of other citizens of the City of West Lake Hills and are hereby bound by all acts, ordinances and other legal actions now in full force and effect and those that may be hereafter adopted or enacted.

3. EFFECTIVE DATE

This ordinance is effective and the annexation achieved herein shall be final and complete upon adoption of this Ordinance on the date set forth below.

4. FILING

- A.** The City Secretary is hereby instructed to include this Ordinance in the records of the City and to have maps depicting the new municipal boundaries prepared, as necessary.
- B.** The Mayor is hereby instructed to file a certified copy of this Ordinance with the Travis County Clerk.

5. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences,

paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

6. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

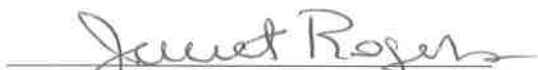
PASSED AND APPROVED this the 12th day of January 2011, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of the City of West Lake Hills, Texas.



THE CITY OF WEST LAKE HILLS


Dave Claunch, Mayor

ATTEST:


Janet Rogers, City Secretary

APPROVED AS TO FORM:

Alan J. Bojorquez, City Attorney

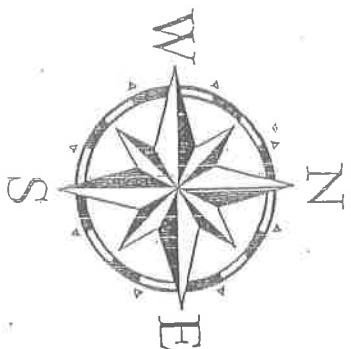
Exhibit “A”

Description of Area to be Annexed

The area to be annexed consists of five (5) distinct lots:

1. 613 Rock Park Drive (i.e., LOT 9 WESTWOOD VILLAS SEC 2)
2. 3340 Bee Cave Road (i.e., LOT 16 WESTWOOD VILLAS SEC 2)
3. 3342 Bee Cave Road (i.e., LOT 16 LESS 0.0610 ACR WESTWOOD VILLAS SEC 1)
4. 3344 Bee Cave Road (i.e., LOT 17 LESS 0.0600 ACR WESTWOOD VILLAS SEC 2)
5. 100 Bulian Lane (i.e., LOT 15 WESTWOOD VILLAS SEC 2)

Close-Up of Proposed Annexation Area



Legend

- West Lake Hills City Limits
- Roads
- Parcels to be Annexed *
- Proposed Annexation Area



* Parcels were annexed on 4/12/11.



Exhibit "B"

ANNEXATION SERVICE PLAN FOR PROPERTY ANNEXED BY ORDINANCE 378

I. DESCRIPTION OF PROPERTY ANNEXED BY ORDINANCE 378

- Tract 1: 613 Rock Park Drive (i.e., LOT 9 WESTWOOD VILLAS SEC 2)
- Tract 2: 3340 Bee Cave Road (i.e., LOT 16 WESTWOOD VILLAS SEC 2)
- Tract 3: 3342 Bee Cave Road (i.e., LOT 16 LESS 0.0610 ACR WESTWOOD VILLAS SEC 1)
- Tract 4: 3344 Bee Cave Road (i.e., LOT 17 LESS 0.0600 ACR WESTWOOD VILLAS SEC 2)
- Tract 5: 100 Bulian Lane (i.e., LOT 15 WESTWOOD VILLAS SEC 2)

II. MUNICIPAL SERVICES

Municipal services to the properties described above shall be furnished by or on behalf of the City of West Lake Hills, Texas, in the following ways:

POLICE PROTECTION

1. Traffic patrols, radio responses, watch list and other standard police services, as are provided throughout the City, shall be provided on the effective date of annexation.
2. Traffic signals, traffic signs, street markings, and other traffic control devices shall be installed as needed in accordance with appropriate studies and traffic standards and in accordance with City policies and procedures.

FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

Fire protection will be provided by a separate political subdivision, Travis County Emergency Services District No. 9.

Emergency medical services will be provided by Austin-Travis County EMS.

SOLID WASTE COLLECTION

The City of West Lake Hills will provide solid waste collection at the same level and with the same terms and conditions as it is provided in the rest of the City on the effective date of annexation.

OPERATION AND MAINTENANCE OF PUBLIC WATER AND WASTEWATER FACILITIES

1. Water facilities will be maintained by a separate political subdivision, Water Control and Improvement District No. 10.
2. Wastewater service will be available on the effective date of annexation with the same terms and conditions as it is made available in the rest of the City.

OPERATION AND MAINTENANCE OF PRIVATE ACCESS EASEMENTS AND/OR PUBLIC ROADS AND STREETS (INCLUDING LIGHTING)

1. Emergency maintenance of streets (repair of hazardous chuckholes, measures necessary for traffic flow, etc.) will begin on the effective date of annexation.
2. A program of standard maintenance and repairs, as is provided throughout the City, shall commence on the effective date of annexation.

MAINTENANCE OF PARKS, PLAYGROUNDS, AND SWIMMING POOLS

The City of West Lake Hills does not own or maintain any parks, playgrounds, or swimming pools.

MAINTENANCE OF ANY OTHER PUBLICLY-OWNED FACILITY, BUILDING OR SERVICE WITHIN THE AREA TO BE ANNEXED

There is no existing publicly owned facility, building or service within the area to be annexed.

BUILDING INSPECTIONS

Construction inspection shall be available and shall be required upon annexation. The City of West Lake Hills provides consultation with commercial developers and residential builders in order for them to meet the building code requirements of the City of West Lake Hills. The City shall also inspect existing structures in the area to be annexed and on-site inspection services for new construction in every aspect of construction except for those inspection conducted by other entities such as Austin Energy and Travis County Emergency Services District No. 9.

SANITATION (PRIVATE SEWAGE FACILITY) INSPECTIONS

The annexed property may have private sewage facilities maintained by property owners and shall be inspected by City of West Lake Hills as per Section 86 of the West Lake Hills Code, as amended, if necessary.

PROPERTY OWNER FILE

The City maintains a property owner file for each parcel of land and the file will contain a permanent record of all permits issued and inspections completed and other applicable documents pertaining to the property on the effective date of annexation.

PLANNING AND ZONING

The planning and zoning jurisdiction of the City will be extended to the annexed area on the effective date of annexation. The City's Zoning and Planning Commission, after study, will recommend to the Council appropriate zoning for the area annexed.

CAPITAL IMPROVEMENTS

The City of West Lake Hills is not contemplating capital improvements in the area to be annexed. However, after the effective date of annexation, the City shall initiate the acquisition or construction of capital improvements necessary for providing municipal services adequate to serve the area. Adequacy shall be determined according to the City's ordinances, rules, regulations, and policies for the expansion and extension of infrastructure in other areas of the municipality with similar topography, land use and population density. In areas where improvements are required, such infrastructure shall be provided within 10 years after the effective date of annexation. Upon the submission of a request for a subdivision, the City may require that the subdivider construct or improve streets and other capital improvements within and adjacent to the proposed subdivision.

OTHER SERVICES

1. Immediately upon annexation, all of the City's ordinances, including zoning, building, excavation, grading and landfill, site clearance, construction code, electrical code, plumbing code, mechanical code, etc., shall govern in the newly annexed area.
2. In addition, the City will exercise its jurisdiction over the annexed area and enforce all of its ordinances, such as signs, fireworks, firearms, hunting, noise, odors, solicitation, peddlers, litter, stray dogs, animals, etc.

III. GENERAL FINDINGS

The City Council of the City of West Lake Hills finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

City of West Lake Hills

Dave Claunch, Mayor

911 Westlake Drive
West Lake Hills, Texas 78746-4509



CITY COUNCIL MEMBERS:

Andrew Schwartz, Mayor Pro Tem

Davin Fillpot

Stan Graham

Jean Goehring

Spencer Stevens

Robert J. Wood, City Administrator

City Hall: (512) 327-3628

Fax: (512) 327-1863

www.westlakehills.org

cityhall@westlakehills.org

Police Department: (512) 327-1195

Fax: (512) 329-5517

March 31, 2011

Kiester, Lockwood & Ciccone, L.L.P.
611 West 14th Street
Austin, TX 78701

Re: Development Agreement between the City of West Lake Hills and Christopher M. Crane

To Whom It May Concern:

Enclosed please find a copy of the above referenced Development Agreement that was recorded in the Official Records of Travis County on March 16, 2011.

Please forward a copy of the recorded agreement to Christopher M. Crane for his files.

Sincerely,

Janet Rogers
City Secretary

Enclosure



Handwritten initials: JKH

City of West Lake Hills
Received
MAR 27 2011

City of West Lake Hills
Received
MAR 27 2011

CONFIDENTIAL ECONOMIC DEVELOPMENT COMMUNICATION

ETJ Development Agreement

between

City of West Lake Hills

&

Christopher M. Crane

July 14, 2010

TABLE OF CONTENTS

Recitals	3
Definitions	4
Public Benefits	5
Wastewater Infrastructure	6
Solid Waste	6
Property Development	6
Annexation	7
Duration	7
General Provisions	8
Exhibits	12

ETJ DEVELOPMENT AGREEMENT

STATE OF TEXAS

§

COUNTY OF TRAVIS

§

§

This Development Agreement (this “Agreement”) is between the **City of West Lake Hills**, (“City”), and **Christopher M. Crane** (“Owner”). In this Agreement, the City and Owner are sometimes individually referred to as a “Party” and collectively referred to as the “Parties”.

RECITALS:

WHEREAS, Owner possesses a four-unit, multi-family residential complex (the “Property”) located wholly within the extraterritorial jurisdiction (“ETJ”) of the City and in Travis County, Texas (the “County”), which is more fully described in *Exhibit A* attached hereto; and

WHEREAS, the City has adopted a Comprehensive Plan to guide the City in planning for future growth and development and the City Council finds that this Agreement is consistent with the Comprehensive Plan; and

WHEREAS, the City has determined that development agreements such as this will benefit the City by establishing land use controls; preserving a desired form of residential housing; providing for the construction of appropriate and necessary utility infrastructure; encouraging economic development; protecting the environment; preserving the scenic ambiance; and promoting the welfare of the citizens of the City and its ETJ; and

WHEREAS, this Agreement grants Owner a measure of predictability in terms of applicable municipal regulations and services; and

WHEREAS, this Agreement runs with the land, and thus shall be acknowledged by a Texas Notary Public, then filed in and among the land records of Travis County, and is binding upon subsequent purchasers of the Property, or any portions thereof; and

WHEREAS, the City is statutorily authorized to enter into such agreements with owners of property located in the City’s ETJ pursuant to Texas Local Government Code Section 212.172; and

WHEREAS, Owner and the City have conducted numerous public hearings, posted sufficient public notice, and received broad public input regarding the proposal contained within this Agreement.

City of West Lake Hills
Christopher Crane

ETJ Development Agreement
Page 3 of 14

NOW THEREFORE, FOR GOOD & VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, including the above recitals and the agreements set forth below, the City and Owner agree as follows:

ARTICLE 1. DEFINITIONS

1.1 General

Words and phrases used in this Agreement shall have the meanings set forth in this section. Terms that are not defined below, but are defined in the City's Code of Ordinances (the "Code"), shall be given the meanings set forth in the Code. Words and phrases not defined in the Code shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

1.2 Specific

Agreement: This contract between the City of West Lake Hills, Texas and Owner, including all Exhibits hereto, which are incorporated herein for all intents and purposes.

City: The City of West Lake Hills, an incorporated Type A, general-law municipality located in Travis County, Texas.

City Council: The governing body of the City of West Lake Hills, Texas, (i.e., the Board of Alderman).

City Limits: The incorporated municipal boundary of the City of West Lake Hills.

County: Travis County, Texas.

Effective Date: The date upon which this Agreement is executed by all Parties.

Impervious Cover: Manmade or constructed coverage of the natural ground with any structure or surface that impedes, inhibits or does not permit the absorption or passage of water into the subsurface of the natural land. Impervious cover includes, but is not limited to, buildings, parking areas, roads, streets, driveways, sidewalks, swimming pools, impermeable concrete, asphalt paving, compacted base material, and brick pavers on compacted base. Permeable pavement, pavers and manmade areas of compacted or uncompacted rock or stone shall be considered 100 percent (100%) impervious cover, regardless of how much water they allow to pass through to natural ground. Decks that allow the passage of water to natural ground shall be considered 50 percent (50%)

impervious cover. Roof overhangs/eaves are not considered impervious cover. For purposes of compliance with this Chapter, the term expressly excludes storage tanks for rainwater collection systems.

LCRA: The Lower Colorado River Authority, a quasi-governmental entity created and operating under the laws of the State of Texas, or its successor agency.

Master Plan: The master plan of the City, originally presented in 1979, as may be amended, modified or supplemented by the City, sometimes referred to as the Comprehensive Plan.

Owner: Christopher M. Crane, and any successor and assign; and any subsequent owner(s).

Property: Approximately 0.424 acres of land located in Travis County, Texas, at 613 Rockpark Drive (sometimes also referred to as “Rock Park” Drive), 78746 (LOT 9, WESTWOOD VILLAS, SEC 2), more fully described on the attached *Exhibit A*.

Septic System: A privately owned and operated on-site sewage facility (OSSF).

ZAPCO: The Zoning and Planning Commission, a volunteer citizen advisory board of the City of West Lake Hills that has been granted specific land use and development regulatory authority pursuant to City ordinances and state statutes.

ARTICLE 2. PUBLIC BENEFITS

- 2.1 Orderly Growth:** The City desires that development within its ETJ occur in an orderly manner in order to protect the health, safety and welfare of the City’s present and future citizens; preserve the environment; enhance property values; and provide for preservation and expansion of the City’s tax base. This Agreement will benefit the City by facilitating the annexation of property into the City Limits, thus expanding the tax base and the scope of the City’s regulatory authority.
- 2.2 Economic Development:** This Agreement serves a legitimate economic development purpose by perpetuating a use of land that is compatible with the nearby Bee Cave Road commercial area, but that will not adversely impact neighboring single-family or multi-family residences.
- 2.3 Provision of Housing:** Multi-family housing is scarce in the City. This Agreement preserves a type of housing for the City’s present and future citizens and allows for potential redevelopment of housing that will minimize negative environmental impacts and promote the aesthetic enhancement of the City Limits and its ETJ. Further, the development of housing in accordance with this Agreement will promote safe and attractive housing conditions and a self-sustaining community.

ARTICLE 3. WASTEWATER INFRASTRUCTURE

- 3.1 The City will not conduct regular Septic System inspections of the Property until the year 2020 or until such time as wastewater service is available to the Property, whichever comes first. Alternatively, the City will allow the septic system to be maintained and repaired as opposed to replaced as long as it can be repaired to operate in good and work like manner. Owner will maintain the Septic System and perform routine repairs necessary to ensure compliance with all City and State regulations. Nothing herein shall be interpreted as the City's waiver of Owner's legal obligations to keep Septic System in working order.
- 3.2 When, if ever, in accordance with its capital improvements plan, the City extends its centralized municipal wastewater system to the Property and commences the provision of wastewater service to the Property, the Property will be eligible to connect to and be served by that system. The City will waive the first ten thousand dollars (\$10,000.00) of all fees involved for Owner to connect. Any connection fees that exceed ten thousand dollars (\$10,000.00) at the time shall be paid for by Owner.

ARTICLE 4. SOLID WASTE

- 4.1. **Level of Service:** The City will provide each residential dwelling on the Property with the same level of municipal solid waste collection and disposal service as is provided to single-family residential dwellings.
- 4.2. **Fees for Service:** The fees for solid waste services provided to the Property shall be at the same rate as that charged to single-family dwellings in the City until such time as wastewater service is available to the Property.

ARTICLE 5. PROPERTY DEVELOPMENT

- 5.1. **Land Use:** The Property can continue to be used or redeveloped for multi-family residential purposes, including apartments, condominiums or townhouses.
- 5.2. **Density:** If Owner redevelops the Property, Owner is allowed under this Agreement to achieve the maximum density for the property so long as it does not exceed the impervious cover requirements as stipulated herein. If the Owner decides to redevelop the Property, then the City agrees to cooperate in good faith and approve of any permits, certifications or licensure requested by the Owner that are otherwise compliant with City and State regulations.
- 5.3. **Impervious Cover:** The Parties agree to limit the Impervious Cover on the Property to a maximum of fifty percent (50%) of the Property.

- 5.4. **Permits:** Upon the Effective Date of this Agreement, Owner may utilize or redevelop the Property consistent with this Agreement. Any future permits required by law for the construction, use or redevelopment of the Property shall be subject to this Agreement. Unless specifically provided for herein, the Property shall be subject to the City of West Lake Hills' Code of Ordinances.
- 5.5. **Deed Restrictions:** Owner agrees that all restrictive covenants for the Project shall reinforce the provisions of this Agreement, and shall be applied to all builders and subsequent buyers, and shall be appropriately drafted and filed to effectuate this intent and Agreement.

ARTICLE 6. ANNEXATION

The Parties acknowledge that this Agreement is contingent upon:

- (1) Owner submitting to the City a valid request for annexation;
- (2) the City granting such request; and
- (3) such request becoming effective so that the Property is formally annexed into the City Limits.

ARTICLE 7. DURATION

- 7.1. **Initial Term.** The term of this Agreement will commence on the Effective Date and continue for 25 years unless sooner terminated under this Agreement. This Agreement may be extended for a longer duration not to exceed an additional five (5) years upon mutual agreement of the Parties. In the event such an extension is agreed to all, provisions of this Agreement shall remain in full force and effect throughout the extension.
- 7.2. **Expiration.** After the Initial Term and any extension, this Agreement will be of no further force and effect. Expiration of this Agreement shall not affect the validity of any annexations or regulatory actions on the Property prior to the expiration date.
- 7.3. **Termination or Amendment.** This Agreement may be terminated or amended as to all of the Property at any time by mutual written consent of the City and Owner or may be terminated or amended only as to a portion of the Property by the mutual written consent of the City and Owner of only the portion of the Property affected by the amendment or termination. Neither the City or Owner may unilaterally amend or terminate this Agreement.

ARTICLE 8. GENERAL PROVISIONS

8.1. Assignment & Binding Effect:

- 8.1.1.** This Agreement, and the rights and obligations of Owner hereunder, may be assigned by Owner to a subsequent purchaser of all or a portion of the Property provided that the assignee assumes all of the obligations hereunder. Any assignment must be in writing, specifically describe the Property, set forth the assigned rights and obligations and be executed by the proposed assignee. A copy of the assignment document must be delivered to the City and recorded in the real property records as may be required by applicable law. Upon any such assignment, the assignor will be released of any further obligations under this Agreement as to the Property.
- 8.1.2.** The provisions of this Agreement will be binding upon, and inure to the benefit of the Parties, and their respective successors and assigns.
- 8.1.3.** Owner agrees that all restrictive covenants for the Property shall reinforce this Agreement. The Agreement shall be recorded in the Travis County land records to place subsequent purchasers on notice.

- 8.2. **Severability:** If any provision of this Agreement is illegal, invalid, or unenforceable, under present or future laws, it is the intention of the Parties that the remainder of this Agreement not be affected, and, in lieu of each illegal, invalid, or unenforceable provision, that a provision be added to this Agreement which is legal, valid, and enforceable and is as similar in terms to the illegal, invalid or enforceable provision as is possible.
- 8.3. **Governing Law, Jurisdiction & Venue:** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, as it applies to contracts performed within the State of Texas and without regard to any choice of law rules or principles to the contrary. The parties acknowledge that this Agreement is performable in *Travis County*, Texas and hereby submit to the jurisdiction of the courts of that County, and hereby agree that any such Court shall be a proper forum for the determination of any dispute arising hereunder.
- 8.4. **No Third Party Beneficiary:** This Agreement is not intended, nor will it be construed, to create any third-party beneficiary rights in any person or entity who is not a Party, unless expressly otherwise provided.
- 8.5. **Remedies for Default:** If either Party defaults under this Agreement, the non-defaulting Party will have all rights and remedies available under this Agreement and applicable law, including the right to institute legal action to enjoin any threatened or attempted violation of this Agreement or to enforce the defaulting Party's obligations under this Agreement by specific performance or writ of mandamus, or to terminate this Agreement. In the event of a default by the City, Owner will be entitled to seek a writ of mandamus, in addition to seeking any other available remedies. All remedies available to a Party will be cumulative and the pursuit of one remedy will not constitute an election of remedies or a waiver of the right to pursue any other available remedy.
- 8.6. **Reservation of Rights:** To the extent not inconsistent with this Agreement, each Party reserves all rights, privileges, and immunities under applicable laws.
- 8.7. **Attorneys Fees:** The prevailing Party in any dispute under this Agreement will be entitled to recover from the non-prevailing Party its reasonable attorney's fees, expenses and court costs in connection with any original action, any appeals, and any post-judgment proceedings to collect or enforce a judgment in accordance with Section 271.159 of the Texas Local Government Code, as amended.

- 8.8. **Waiver:** Any failure by a Party to insist upon strict performance by the other Party of any provision of this Agreement will not, regardless of the length of time during which that failure continues, be deemed a waiver of that Party's right insist upon strict compliance with all terms of this Agreement. In order to be effective as to a Party, any waiver of default under this Agreement must be in writing, and a written waiver will only be effective as to the specific default and as to the specific period of time set forth in the written waiver. A written waiver will not constitute a waiver of any subsequent default, or of the right to require performance of the same or any other provision of this Agreement in the future.
- 8.9. **Entire Agreement:** This Agreement contains the entire agreement of the Parties, and there are no other agreements or promises, oral or written, between the Parties regarding the subject matter of this Agreement. This Agreement may be amended only by written agreement signed by the Parties. An amendment to this Agreement may only be approved by an affirmative vote of at least three of the five (3 of 5) members of the City Council.
- 8.10. **Exhibits, Headings, Construction & Counterparts:** All exhibits attached to this Agreement are incorporated into and made a part of this Agreement for all purposes. The paragraph headings contained in this Agreement are for convenience only and do not enlarge or limit the scope or meaning of the paragraphs. Each of the Parties has been actively and equally involved in the negotiation of this Agreement. Accordingly, the rule of construction that any ambiguities are to be resolved against the drafting Party will not be employed in interpreting this Agreement or its exhibits. This Agreement may be executed in any number of counterparts, each of which will be deemed to be an original, and all of which will together constitute the same instrument. This Agreement will become effective only when one or more counterparts, individually or taken together, bear the signatures of all of the Parties.
- 8.11. **Time:** Time is of the essence of this Agreement. In computing the number of days for purposes of this Agreement, all days will be counted, including Saturdays, Sundays and legal holidays; however, if the final day of any time period falls on a Saturday, Sunday or legal holiday, then the final day will be deemed to be the next day that is not a Saturday, Sunday or legal holiday.
- 8.12. **Authority for Execution:** The City certifies, represents, and warrants that the execution of this Agreement has been duly authorized and that this Agreement has been approved in conformity with City ordinances and other applicable legal requirements. Owner certifies, represents, and warrants that the execution of this Agreement is duly authorized in conformity with Owner's authority.
- 8.13. **Property Rights:** Owner expressly and unconditionally waives and releases the City from any obligation to perform a takings impact assessment under the Texas Private Real Property Rights Act, Texas Government Code Chapter 2007, as it may apply to this Agreement, and the Property.

- 8.14. Notices:** Any notices or approvals under this Agreement must be in writing and may be sent by hand delivery, facsimile (with confirmation of delivery) or certified mail, return receipt requested, to the Parties at the following addresses or as such addresses may be changed from time to time by written notice to the other Parties:

CITY:

Original: Robert J. Wood
City Administrator
City of West Lake Hills
911 Westlake Drive
West Lake Hills, TX 78746
Tel: (512) 327-3628
Fax: (512)-327-1863

Copy to: Bojorquez Law Firm, PLLC
Attention: Alan J. Bojorquez
West Lake Hills City Attorney
12325 Hymeadow Dr., Ste. 2-100
Austin, Texas 78750
Tel: (512) 250-0411
Fax: (512) 250-0749

OWNER:

Original: Christopher M. Crane
613 Rockpark Drive
Austin, TX 78746

Copy to: Kiester, Lockwood & Ciccone, L.L.P.
611 West 14th Street
Austin, Texas 78701
Tel: (512) 477-5796
Fax: (512) 477-5821

Either City or Owner may change their mailing address at any time by giving written notice of such change to the other in the manner provided herein at least ten days prior to the date such change is effected. All notices under this Agreement will be deemed given on the earlier of the date personal delivery is effected or on the delivery date or attempted delivery date shown on the return receipt or facsimile confirmation.

ARTICLE 9. EXHIBITS

Exhibits: The following exhibits are attached to this Agreement, and made a part hereof for all purposes:

Exhibit A - Map depicting graphic illustration of the Property

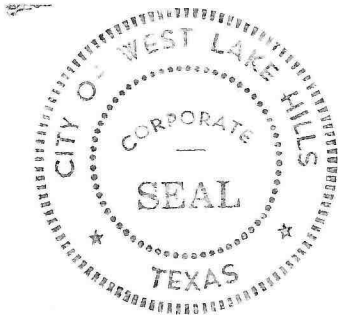
Exhibit B - Annexation Petition

STATE OF TEXAS

§
§
§

COUNTY OF TRAVIS

IN WITNESS WHEREOF, the undersigned Parties have executed this Agreement on the dates indicated below, to be effective on the date the last party signs.



CITY OF WEST LAKE HILLS:

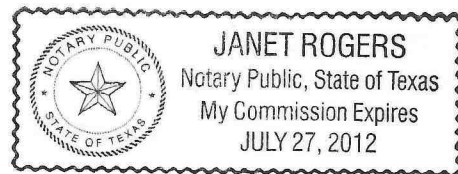
by: [Signature]
Dave Claunch, Mayor

date: 1/12/11

This instrument was executed by **Dave Claunch** before me on this, the 12th day of January 2010: 2011

[Signature]
Notary Public, State of Texas

My commission expires: 7/27/12



City of West Lake Hills
Christopher Crane

ETJ Development Agreement
Page 13 of 14

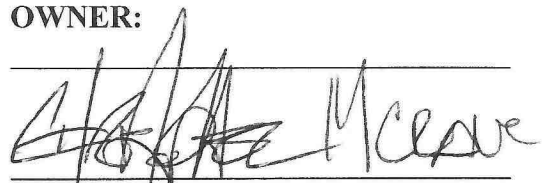
STATE OF TEXAS

COUNTY OF TRAVIS

§
§
§

OWNER:

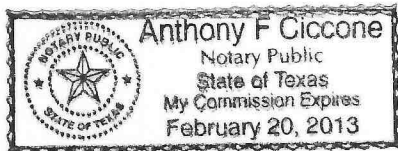
by:

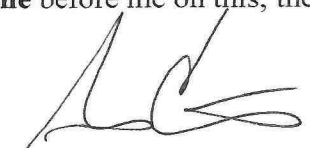

Christopher M. Crane

date:

7-27-2010

This instrument was executed by **Christopher M. Crane** before me on this, the 3rd day of Sept 2010.




Notary Public, State of Texas

My commission expires: 9/3/10

City of West Lake Hills
Christopher Crane

ETJ Development Agreement
Page 14 of 14



MULTIPLE VARIANCES
STAFF REPORT

August 18, 2021

Project Address: 3423 Bee Cave Road

Project Number: 16719

Agenda Item: Land Use: 3423 Bee Cave Road: Discussion/recommendation on an application for a request for multiple variances to construct a new medical office building: 1) Removal of Six Trees 14 inches or greater (#5140, 15 Inch Live Oak, #5143, 14 Inch Live Oak, #5373, 14 Inch Cedar, #5374, 15 Inch Live Oak, #5385, 15 Inch Cedar and #5548, 15 Inch Cedar), 2) Building Height exceeds maximum permitted height, 3) Impervious Cover exceeds maximum permitted, 4) Cut and Fill exceeds maximum permitted; (West Lake Hills Code Sec. 22.03.170, 22.03.281, 22.03.249, 22.03.278 & 22.03.304). Peter Narvarte agent for KCBC LLC.

- Section 22.03.170 – Site Disturbance (Excavation, Grading or Filling)
- Section 22.03.281 – Schedule of Regulations. (Impervious Cover & Height)
- Section 22.03.249 – Driveway, Parking and Loading Area Setbacks
- Section 22.03.304 – Tree and Vegetation Removal and Replacement

Applicant Information: Peter Narvarte agent for KCBC LLC

Hearing Dates:

January 20, 2021	ZAPCO (Postponed)
June 16, 2021	ZAPCO (Postponed)
July 21, 2021	ZAPCO (Postponed)
August 18, 2021	ZAPCO
September 8, 2021	Board of Adjustment/City Council

Location: The subject property is located at 3423 Bee Cave Road

Zoning & Site Characteristics:

The subject property is zoned B1 Business 1.

The site has O (Office) to the east, B2 (Business 2) to the north, GUI and Office to the west, and City of Austin Residential to the south.

Background & Analysis:

The applicant is requesting several variances to construct a new office building at this location. The proposed building would become the permanent location of several medical and dental offices. The building is 20,000sf is two stories with a building footprint of 10,000sf, which is a reduction from the original 30,000sf proposed building and includes a ground level parking garage in addition to surface parking.

There are existing buildings and parking areas on the site that will remain, including the Primrose School and Acton Academy.

Variance Request Summary:

Below is a summary of each of the requested variances:

- Site Disturbance: requesting up to 8 feet of cut and fill that includes retaining walls, code allowance is 6 feet.
- Height of building: requesting height variances for the proposed building – up to 37 feet. Maximum height allowed is 30 feet but up to 37 feet if incentives listed in the Code are met.
- Impervious cover: seeking variance/incentives approval to receive up to 41% impervious cover (base impervious cover allowance is 35% with up to 47% if incentives listed in Code are met)
- Tree variances: requesting the removal of six trees that are 14 Inches or greater (#5140, 15 Inch Live Oak, #5143, 14 Inch Live Oak, #5373, 14 Inch Cedar, #5374, 15 Inch Live Oak, #5385, 15 Inch Cedar and #5548, 15 Inch Cedar).

There are four emails opposing the request in the packet along with two emails supporting the variances.

Variance Criteria Review:

When applying for a variance, the applicant has established by competent evidence that:

1. The strict or literal enforcement of the terms of this chapter, because of special conditions, will result in unnecessary hardship to the applicant.

The application states – “We are looking to develop approximately 30,000 sf. During the planning for a location, size, and height, we considered the zoning, which is B-1, the current use on site, the impervious cover, drainage, and trees. The B-1 zoning limits us to a singular 15,000 sf footprint per building. If we were to propose building two buildings, we would far exceed impervious cover and remove more trees than we would like or would be acceptable.”

2. There will not be unreasonable disruption of the natural terrain or unreasonable destruction of existing flora.

The application states – “After consulting the West Lake Hills Drainage and Erosion Control Design Manual, Code of Ordinances Sec. 22.03.210, Sec. 22.03.170, and Article 22.03, we would propose building across a drainage valley and improving the capture and direction of the drainage. This will allow us opportunity to relocate/replant existing and new native landscaping elements with intentional irrigation that allow for the remaining and new flora to flourish.”

3. There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.

The application states – “We have reviewed 4 options including the option we are presenting.” (see application for details of the other three options)

4. The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.

The application states – “We have been thoughtful with our approach to this request...as local business owners and residents we are trying to keep the fabric of West Lake Hills intact and want to continue to operate our businesses in Westlake and become property owners.”

5. The variance does not violate the intent of the Zoning Ordinance or goals of the Comprehensive Plan.

The application states – “We believe there to be a specific challenge with the topography of the site that works directly opposed to the intent of City criteria and 22.03.281 Schedule of Regulations. As shown in the attached section view and street view from Bee Caves Road we believe there is a specific challenge for development on this site due to the topography.”

6. The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.

The application states – “The building we are proposing will sit within the compatibility setbacks for our zoning and the zoning around us as required by the WLH Code of Ordinances. The height we are proposing will place the top of the building approximately 10 feet above the existing tree line.”

Lighting

Outdoor lighting is not proposed with this variance request. Any outdoor lighting will need to comply with the City’s Code.

Building Code

The property and future construction will have to comply with all applicable City codes.

Subdivision

This request will not change the subdivision.

Comprehensive Planning Analysis

The goal of the master plan for nonresidential areas is to permit continued growth and development in a manner consistent with the needs of the residents of the City of West Lake Hills and in a manner complementary with the city’s rural character. Land in this area may be used for church, appropriate residential, commercial, office, school, or public purposes.

Staff Recommendation

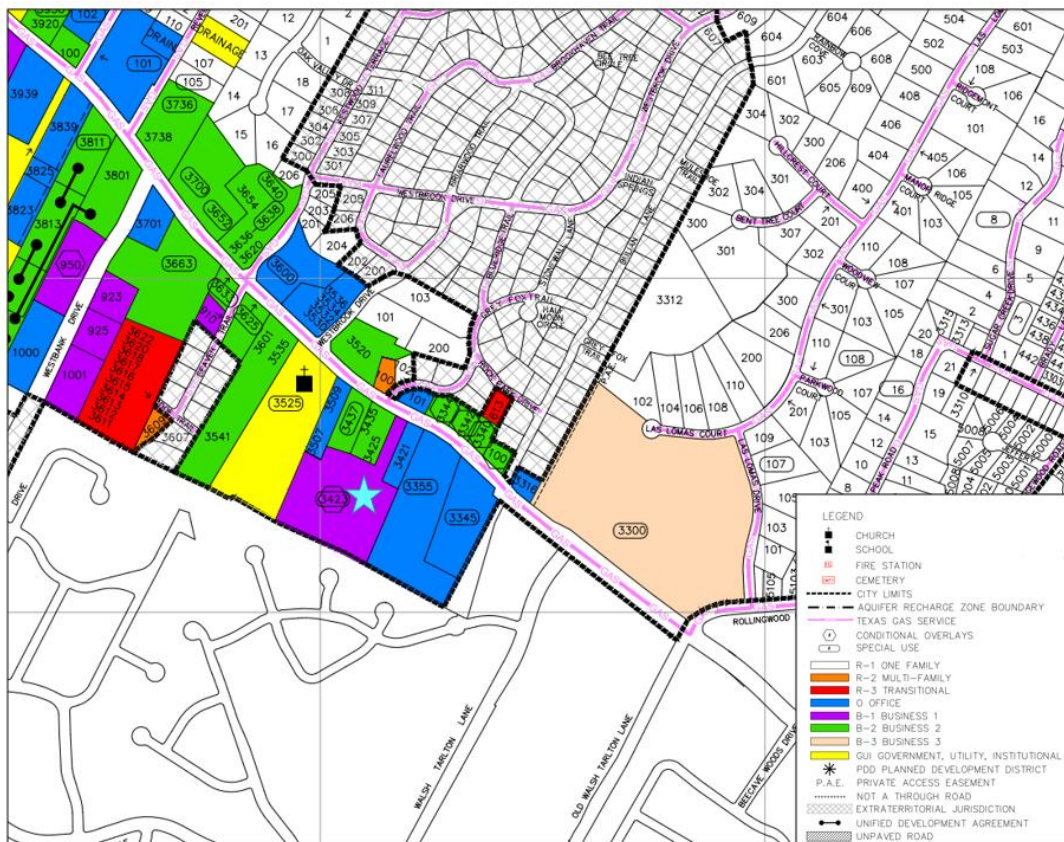
Staff recommends APPROVAL of the variance request based on the following findings of fact:

- There is no reasonable alternative to the requisite variance that will alleviate the difficulty or hardship complained of.
- The variance will not be greater than the minimum required to alleviate the difficulty or hardship complained of.
- The variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners.

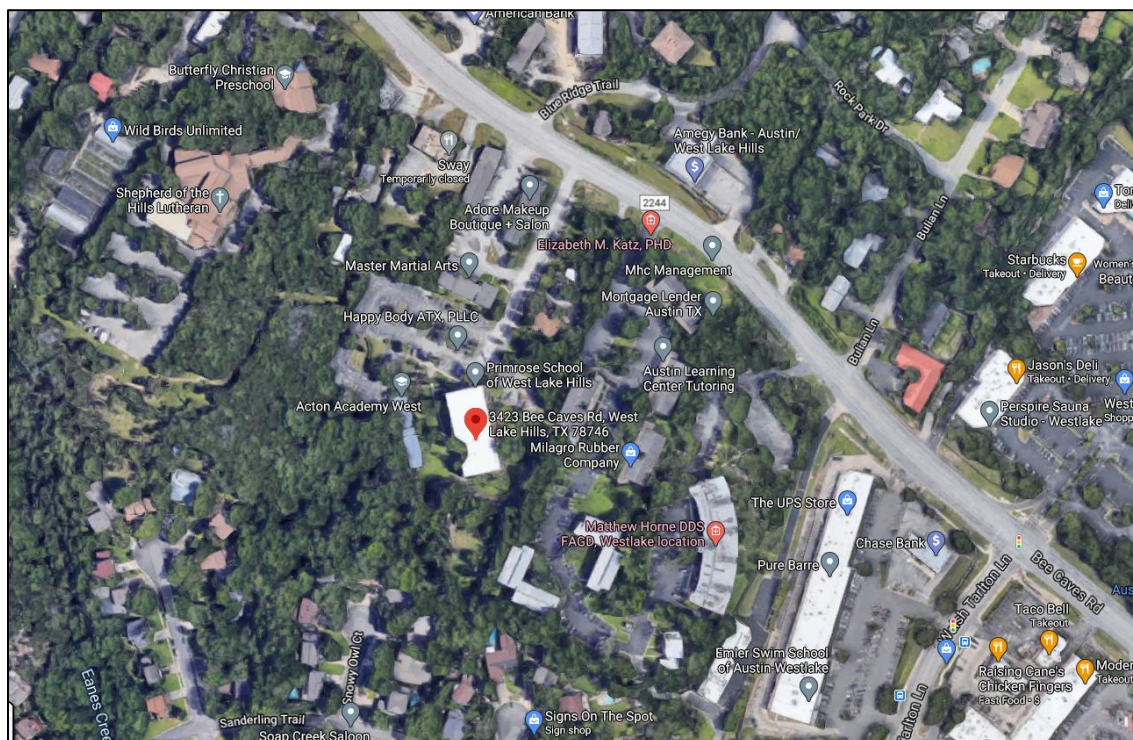
Links to Relevant Code:

- [Sec. 22.03.281 Schedule of Regulations](#)
- [Sec. 22.03.170 Site disturbance \(excavation, grading or filling\)](#)
- [Sec. 22.03.304 Tree and vegetation removal and replacement](#)
- [Sec. 22.03.514 Criteria and process required for granting variance](#)

Zoning:



Aerial:



VARIANCE APPLICATION



Date Received: _____ Received By: _____
Amount Due \$ _____ Date Payment Received: _____
Admin Complete Date: _____ Permit No: _____

****All applications and supporting documents should be submitted electronically to
pzsec@westlakehills.org and planner@westlakehills.org****

APPLICANT & PROPERTY INFORMATION

The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

Property Owner: KCBC, LLC Phone: 512-439-8628

Email: [REDACTED]

Address: 1221 S Mopac Expressway City: Austin State: TX Zip: 78704

Agent*: Peter Narvarte Phone: 512-563-6707

Email: [REDACTED]

Address: 701 South Lamar Suite C City: Austin State: TX Zip: 78704

Property Address: 3423 Bee Cave Rd City: West Lake Hills State: TX Zip: 78746

Property Information

Subdivision Name: Keene Brodie Phase 3

Block: _____ Lot: 2B TCAD Tax Parcel ID: 107838

Current Zoning Classification: B-1 Total Lot Size (Acres): 6.2301

***Please submit Power of Attorney form designating authorized agent.**

PROJECT INFORMATION

Please list all variances being applied for: (Please be detailed-for tree variances, must include tree #, size, species; setback variances-which setback and how far is requested encroachment; for height specify how much height being requested; etc.)

- 1) Impervious Cover (within the incentives allowed by WLH Code)
- 2) Height (within the incentives allowed by WLH Code)
- 3) Tree Removal above 14-inch diameter
- 4) Encroaching into the 5-foot Vegetative Buffer to the West along the entrance drive
- 5) Cut and Fill



VARIANCE APPLICATION

- 6) _____
7) _____
8) _____
9) _____
10) _____

Brief Description of project/why variances are needed: _____

We have a site zoned for B-1 Commercial development. This site has steep topography requiring us to be creative with location of the Project. This is our second approach with a more modest development. We have tried to address comments from ZAPCO, Council, and the Community regarding Safety, Height, Impervious Cover, Scale, Drainage, and site lines to the neighborhood.

Variance Questionnaire *(Applicant must demonstrate a hardship for variance request. The ZAPCO Commissioners, Board of Adjustment/City Council consider these responses when evaluating your application.)*

1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.

The steep topography is preventing a traditional design while balancing impervious cover, trees, parking, height, and access/egress.

2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?

Responded to in the letter for each Variance

3) What other alternatives have you considered? Why won't those other options alleviate the difficulty or hardship that you think exists?

Responded to in the letter for each Variance

4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?

Responded to in the letter for each Variance



VARIANCE APPLICATION

5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?

Responded to in the letter for each Variance

6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?

Responded to in the letter for each Variance

AUTHORIZATION & ACKNOWLEDGEMENT

The above information is true to the best of my knowledge. I attest that the real property described is owned by me and all others as signed below. If the below is signed by the authorized agent of said property, the signature of the property owner must be included below or consent must be attached (Power of Attorney Form).

Peter Narvarte

Digitally signed by Peter Narvarte
DN: cn=Pete, o=Central Axis in Management Group,
cn=Peter Narvarte
Reason: I attest to the accuracy and integrity of this document
Contact info: 512-265-8707
On W 2021.05.05 17:23:17-0500

Signature

Date

Pete Narvarte

Printed Name



VARIANCE APPLICATION

APPLICATION CHECKLIST

Zoning Change Application Checklist

- ☒ Completed, signed application
- ☒ Power of Attorney form, if applicable
- ☒ Proof of ownership of subject property
- ☒ Completed Variance Hardship Questionnaire
- ☐ Letter addressed to ZAPCO Chairperson explaining zoning change request and proposed use
- ☒ Property survey
- ☒ Proposed site plan with building setbacks clearly labeled
- ☒ Building elevations, if applicable
- ☒ Tree and topo survey, if applicable
- ☒ Preliminary plans for proposed project (pool plans, building plans, fence design, etc.)
- ☒ Photos of property showing existing conditions (for tree variances, include photos of proposed variance trees)
- ☐ Letters/emails of support from neighbors, if able to obtain
- ☐ Payment of application fees (*refer to Appendix A: Fee Schedule in the Code of Ordinances for current fees. Fees are due upfront with application.*)
- ☐ Other relevant information, as determined necessary by staff (for example, if variance is for cut/fill/retaining wall, you may be requested to provide a drainage report)

Variance Process and Information

- City staff will prepare public notification letters and will provide you a public notice sign to place on the property. You will be notified when the public notice sign is available to be picked-up.
- If you want to see example variance applications, please see the Agenda page on the City website at <https://www.westlakehills.org/> to view the latest ZAPCO, Council and BOA packets
- All variance applications are first considered by the Zoning and Planning Commission (ZAPCO), which is an advisory commission only. Final action is then determined by either City Council or Board of Adjustment, depending on the type of variance being requested.
- Agenda packets are digital and posted on the website the Friday prior to the meeting by 5pm. Staff will send you a meeting reminder email after the agenda and packet are posted.
- Applicants or a designated representative are required to attend/speak at each public hearing; otherwise you will risk postponement or denial for no-show. Applicants should keep remarks brief and the typical time allotment is 5 minutes for ZAPCO and 5 – 10 minutes for City Council/BOA.
- Please note ZAPCO is an advisory commission only – final action must be taken by City Council or BOA, depending on the type of variance. If ZAPCO recommends denial, you can still move forward to City Council/BOA unless you decide to withdraw or postpone your variance request.
- If City Council/BOA denies your variance, you have to wait one year before you can reapply for the same variance.
- If approved by City Council/BOA, variances expire within one year of the approval date if a permit application has not been filed to perform the scope of work related to the variance.



VARIANCE APPLICATION

STAFF NOTES

For Completion by Staff Only

Date public notification letters mailed: _____

Date of ZAPCO Meeting: _____

ZAPCO Recommendation: _____

Date of City Council/BOA Meeting: _____

City Council/BOA

Action: _____

Notes:



SPECIAL POWER OF ATTORNEY FORM

KNOW ALL PERSONS BY THIS DOCUMENT that I, Mitchell Johnson, KCBU
have made, constituted and appointed Peter Narvarte
to be my duly authorized representative in connection with an application dated 12/4/2020
to be heard by the Building Design Committee, Zoning & Planning Commission, and City
Council/Board of Adjustment of the City of West Lake Hills, Texas. All representations, whether
oral or written, made by the representative in support of the request have the full force and effect
of the applicant's approval. I do by this document constitute the above named representative as
my true and lawful attorney-in-fact to act in my name, place and stead, to do and perform any act
in connection with such application which I myself might perform or do if I was personally present.

Mitchell Johnson
Property Owner/Applicant Name

Mitchell Johnson
Property Owner/Applicant Signature

Mailing:

1221 S. Mopac Expy.
Street Address

Austin
City

TX
State

78746
Zip Code

Property:

3423 Bee Cave Rd.

Austin

TX

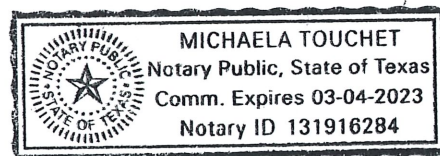
78746

512-439-8628

Property Owner/Applicant Phone Number

This instrument was acknowledged before me on this the 3rd day of Dec, 20 20.

Michaela Touchet
Notary Public in and for the State of Texas



June 9, 2021 (Resubmittal)

Chairman Robert Meisel
Westlake Zoning and Planning Commission
911 Westlake Drive
West Lake Hills, Texas 78746

Dear Mr. Chairman,

We represent a group of West Lake Hills physicians interested in purchasing and developing a permanent location in Westlake for their longstanding medical/dental practices. Drs. Vincent Cavaretta, Randy Kunik, Juan Vesga and David Yu have decades of experience serving the West Lake Hills community and will be partners in this project.

We presented to ZAPCO in March 2021 and were denied because we did not define a hardship. We also presented to Council in April. Our hardship for this proposed development is primarily the existing topography. Secondary hardship is maintaining parking agreements on site that support commercial businesses at 3425 Bee Caves and Sway.

In April we listened to the concerns raised by the Community and Council regarding scale, height, drainage, safety, and site lines and have revised our location and massing to better address those issues. Our current proposal is to take a more modest approach to our previous design with regard to height, location, and site lines. This letter attempts to answer the Variance Questions for each requested Variance. Below are the variances requested:

- **Cut and Fill** [Sec. 22.03.170]
- **Impervious Cover** [Sec. 22.03.281_III.(a)(i)]
- **Setbacks** [Sec. 22.03.249]
- **Removal of Trees** [Sec. 22.03.303-305]
- **Height of Building** [Sec. 22.03.278-280]

Thank you for taking the time to consider these requests.

Sincerely,

Peter Narvarte,
Vice President of Development
Central Austin Management Group
www.causmg.com // 512-563-6707

Encl:

- Variance Application [*December 2020 form*]
- Application Checklist Items

3423 Bee Cave Road – Variance Request Exhibit

Below is the list of 5 (five) requested variances:

1. Cut and Fill Variance [Sec. 22.03.170]

We request an increase of the cut/fill limits in the Code of Ordinances Sec. 22.03.170 Site disturbance (excavation, grading or filling), and the Drainage and Erosion Control Design Manual, Section 7.4.1 to allow 7-8 feet of cut and fill including retaining walls:

- 1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.
 - *With the existing topography and the resulting slopes, strict adherence to the cut/fill limits would eliminate the usability of this site. A 7-8 foot cut and fill is requested for the proposed buildings, drive aisles, parking and retaining walls to protect improvements and trees to the greatest extent possible. Currently, spalling asphalt due to existing slopes affect proposed and existing fire protection and parking for this site and our proposal attempts to correct and protect these issues.*
- 2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?
 - *The Cut/Fill variance will allow a greater use of flat areas without resulting in new slopes on grade changes that may unnecessarily remove existing vegetation.*
- 3) What other alternatives have you considered? Why won't those other options alleviate the difficulty or hardship that you think exists?
 - *Other alternatives included grading on slopes which will result in removal of existing vegetation, including the existing 100'+ vegetative site buffer that exists today between this development and the neighbors to the south. We believe this vegetation to be an asset for the neighbors and the tenants.*
- 4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?
 - *The increased cut/fill limits are the minimum departure from Code possible for topography on this site. Care will be taken to minimize conditions where the design approaches those limits outside the building envelope.*
- 5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?
 - *The increased cut/fill limits are the minimum departure from Code possible for topography on this site. The areas of cut and fill are designed to merge into the existing topography, not deviate from it. Retaining Walls will be implemented to minimize the areas of increased cuts and fills.*
- 6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?
 - *The topography and southern vegetative buffer of this site will preclude the effects of the cut/fill variance from being a nuisance to the neighbors. It has been requested so that, when the neighbors use the services intended for this office building, they may safely and comfortably drive, park, and walk into the proposed medical offices.*

To the greatest extent possible, great care has been taken to layout the drives, parking and buildings along natural contour lines while minimizing destruction of flora. In order to achieve that goal, the proposed development will need to convey the existing drainage way via a sufficiently sized pipe system beneath the building and the parking area as shown. The existing drainage way has existing slopes exceeding 35% and a variance will be required to fill in this drainage to construct the piped system. We propose a variance to the Drainage and Erosion Control Design Manual, Section 7.4.1 - CUT/FILL LIMITS, to allow a maximum of 8' of fill and 8' of cut, regardless of slope category, to facilitate design and construction of a building with parking area at drivable grades while accommodating parking area of the proposed Medical Office building. Please note that stormwater will be conveyed to the existing pond, maintaining the current drainage pattern.

2. **Impervious Cover** [Sec. 22.03.281.III.(a)(i)]

We request an increase of the impervious limits in the Code of Ordinances Sec. 22.03.281.III.(a)(i) to allow 41% impervious cover excluding credits.

- 1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.
 - *We request the additional impervious cover to be credited to our site under the Code provisions approved under Sec. 22.03.281.III.(a)(i). We intend to comply with the incentives detailed in that section as follows:*
 - o *i. Willing to consider item b for increased setbacks of the front and one side by more than 50% of the ordinance requirements which would allow 2% increase in impervious cover.*
 - o *ii. We would incorporate item g, low water consumption plumbing fixtures into the buildings which would allow a 1% increase.*
 - o *iii. We would consider item h for donation of ROW for a 2% increase to impervious cover*
 - o *iv. We would like to have a charrette with WLH to achieve as many points under item i as the city council would allow.*
 - *Item 1 – We would be creating a 3rd building on site which breaks up the architecture and massing on site instead of proposing one or more single buildings on a much larger footprint.*
 - *Item 2 – The site already includes some sidewalks on site and walkable areas in the existing greenspace that connect to neighboring properties. We would enhance those connection points and the connectivity on site.*
 - *Item 3 – We believe the site already does not impact street visibility due to the natural gradient and existing frontage buildings.*
 - *Item 4 – We have a small frontage but would endeavor to create a berm or a landscape feature that would allow the reduction of the view of parking area on the drive*
 - *Item 5 – We will be within our setbacks on all sides. There will be trees on 2 of the 4 sides to help with noise abatement methods.*
 - *Item 6 – The properties to the East and West are Commercial and to the South is protected by foliage and trees. The north are commercial buildings and Bee Caves.*
 - *Item 7 – We will create and revegetate open areas with indigenous landscaping.*
 - *Item 8 – We have a long-standing relationship with Michael Hsu Office of Architecture, and we have confidence in the ability of their office to provide a design that fits within the look and feel of Westlake Hills. We have shared rough massing with a rendering of the most prominent sides and are happy to have a discussion/charrette with council regarding design elements.*
- 2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?
 - *We are maintaining a large amount of canopy with the development and will plant additional landscaping to maintain the general character of the site in the proposed development. The clearing of cedar undergrowth and invasives will allow the original flora to thrive more, post development.*
- 3) What other alternatives have you considered? Why won't those other options alleviate the difficulty or hardship that you think exists?
 - *Other alternatives would include pervious pavers that would not meet fire code but may be used in select areas of the proposed site. This alone, would not make up the shortfall of impervious cover.*
- 4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?
 - *This development is requesting only the amount required for the building, parking and the fire lanes to protect these facilities. No additional impervious amenities are intended.*
- 5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?
 - *The code specifically includes credits that cover the impervious cover requested with this variance. The comprehensive plan was based upon that code, specifically, including the credits.*

- 6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?
 - *The impervious cover proposed will be situated 100 feet from residential properties and drainage improvements for all impervious cover will be required to attenuate all resulting immediate downstream flowrate increases from that impervious cover.*

3. **Vegetative Setback** [Sec. 22.03.249]

We request a decrease of the property line vegetative setback limits in the Code of Ordinances Sec. 22.03.249 (Driveway, parking and loading area setbacks) to allow a small area to have zero feet setback as requested along the property line with 3425 Bee Cave Rd. We have addressed this with Brian Rogers who is the owner of the property and he supports our request.

- 1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.
 - *The setback change is only for a portion of the site adjacent to the driveway that accesses Bee Cave Road. The additional parking will bring parking to the front of the property. We are suggesting this in an effort to address safety concerns for the schools by providing more parking in this area.*
- 2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?
 - *This parking would only be constructed in grassy areas which is reflected in our impervious cover calculations. We do not propose removal of any trees in this area as they are on the adjacent property.*
- 3) What other alternatives have you considered? Why won't those other options alleviate the difficulty or hardship that you think exists?
 - *We previously explored placing this parking under the building which caused for a height issue. We could place this parking deeper into the site but this would introduce traffic deeper into the site. We are trying to maintain a 4:1000sf parking ratio to prevent congestion and keep the existing parking agreements with 3425 Bee Caves tenants Synergy Studio and CDC Carpets as well as the parking agreement with Sway to the north.*
- 4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?
 - *Putting the additional safe parking elsewhere would result in the need for additional impervious cover. This will utilize an area with a single-loaded drive aisle and allow it to be double-loaded, and precluding the need for an additional drive aisle.*
- 5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?
 - *The goals in the zoning ordinance were to protect one landowner from imposing on another. The landowner adjacent to the area of the setback request is amenable to the change and is not imposed upon. Additionally, this allows us to keep the existing parking agreements with neighboring properties in place.*
- 6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?
 - *The landowner adjacent to the area of the setback request is amenable to the change and is not imposed upon.*

4. **Removal of Trees** [Sec. 22.03.303-305]

We request a variance to remove trees as described in the in the Code of Ordinances Sec. 22.03.304(d)(4)(A)(iv) (Tree and vegetation removal and replacement). We have attached a tree survey that has identified over 1,400 trees on site. The ordinance requires a variance from Council to remove trees over 14-inches in diameter. We are asking to remove eight (8) trees: Tree #5055 (16" Live Oak), #5140 (15" Live Oak), #5143 (14" Live Oak), #5373 (14" Cedar), #5374 (15" Live Oak), #5385 (15" Cedar), #5540 (21" Live Oak), and #5548 (15" Cedar).

- 1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.
 - *With the existing topography, the easement locations, the drainage area, and the existing buildings on site limit the location for development. The building location provides for the minimal removal of large trees for the use intended.*
- 2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?
 - *The considerable portion of the trees to be removed are cedars. We are attempting to save any trees among the ones listed that are on the edge of the area of impact of the building and adjacent parking. We will adhere to the code for replacement, replanting where possible, and fee in lieu of if necessary.*
- 3) What other alternatives have you considered? Why won't those other options alleviate the difficulty or hardship that you think exists?
 - *We previously proposed a different location that requested the removal of fewer live oaks. This location also required more height variance and had additional issues that were not desirable.*
- 4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?
 - *Our previous proposal requested fewer trees removed. For this proposed location we did reorient the building to a location that preserves some larger trees.*
- 5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?
 - *The intent of the zoning ordinance was written to preserve large trees for the enjoyment of the landowner and the neighbors. None of the trees proposed to be removed can be seen by the residential lots to the south of the site.*
- 6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?
 - *The removed trees will increase the use of the lot by the landowner. None of the trees proposed to be removed can be seen by the residential lots to the south of the site. A vegetative buffer will remain in place after the construction of the proposed development ranging from 105 feet to the property directly to the north and up to 300-feet to the property to the South.*

5. **Height of Building** [Sec. 22.03.278-280]

We request a variance for the height of the structure as required by 22.03.279 and 22.03.281 which states that we are allowed to build up to 30-feet in height y right for a B-1 zoned commercial building. We intend to comply with items 1-5 of height adjustments listed in Section 22.03.281 VIII (a) which would allow Council to approve an additional 7-foot height variance from natural grade. If these incentives were to be granted by Council then our building height would be entirely below this 37' feet height above natural grade. Our current proposal is responding to Council/Community comments regarding scale, height, location, and site lines.

- To respond to the concern of appropriate scale, we have reduced the overall square footage to 20,000sf which is split between two floors.
- To respond to the concern of height we are proposing a structure that has a second floor that steps back from the first floor footprint to manage the steep slope and keep a usable footprint on the second floor. This step back and reduced scale has allowed us to reduce the request for variance in height.
- To respond to location and safety, we pushed the entirety of the building to the west side of the property to separate construction traffic and doctor parking from the schools.

- To respond to site lines of employees and clients as well as light shining into back yards and homes we have configured the building in such a way that the short side of the building points to the residential neighborhood. This will allow us to have a clerestory façade on the south side that prevent clients from looking to the south. In the areas on the west and east, the architect will be able to use shading devices to prevent site lines to the south. We still believe that practically this will not be an issue we have responded with our design in an effort to address concerns from the Community.
- 1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.
 - *The proposed location is attempting to balance the topography with the impervious cover, the cut/fill, and the height variances. If we are allowed the incentives for an additional 7-feet then the building would be below this 37-foot limit in every location.*
 - 2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?
 - *We have described the disruption in the other variance requests. Allowing the building location and cut/fill variances will allow us to create some areas for additional flora and fauna.*
 - 3) What other alternatives have you considered? Why won't those other options alleviate the difficulty or hardship that you think exists?
 - *We previously proposed a different location that requested a height variance that was too much for the Council and the Community to support. We have also explored other locations on the site but they compromise either proximity to schools, proximity to COA residents, and too much height above what is allowed.*
 - 4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?
 - *All of the other locations explored and proposed cause for less tolerable conditions as mentioned above.*
 - 5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?
 - *This is a B-1 Zoned property which encourages commercial building. We have not asked for a larger footprint than Code requires and would add a 3rd building to our site. This building would be a Class-A medical office and would be designed in accordance with WLH code and comprehensive plan.*
 - 6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?
 - *The orientation and scale of the proposed building responds to concerns from tenants on this property and community members and council members. We are moving the construction and future traffic to the west side of the property, we are directing the short side of the building to the south so that we may control site lines with design elements. We have tried to keep the building central to the site. We have the support of two property owners to the north and will try to meet with neighbors to discuss their concerns with this new plan and explain how we have tried to address their previous concerns.*

~~June 9, 2021 (Resubmittal)~~ **July 13, 2021 (Updated)**

Chairman Robert Meisel
Westlake Zoning and Planning Commission
911 Westlake Drive
West Lake Hills, Texas 78746

Dear Mr. Chairman,

We represent a group of West Lake Hills physicians interested in purchasing and developing a permanent location in Westlake for their longstanding medical/dental practices. Drs. Vincent Cavaretta, Randy Kunik, Juan Vesga and David Yu have decades of experience serving the West Lake Hills community and will be partners in this project.

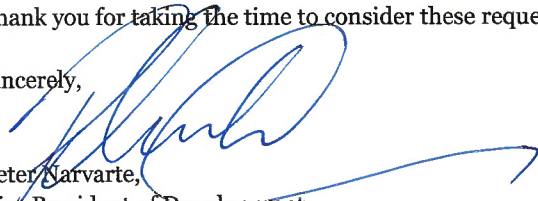
We presented to ZAPCO in March 2021 and were denied because we did not define a hardship. We also presented to Council in April. Our hardship for this proposed development is primarily the existing topography. Secondary hardship is maintaining parking agreements on site that support commercial businesses at 3425 Bee Caves and Sway.

In April we listened to the concerns raised by the Community and Council regarding scale, height, drainage, safety, and site lines and have revised our location and massing to better address those issues. Our current proposal is to take a more modest approach to our previous design with regard to height, location, and site lines. This letter attempts to answer the Variance Questions for each requested Variance. Below are the variances requested:

- **Cut and Fill** [Sec. 22.03.170]
- **Impervious Cover** [Sec. 22.03.281_III.(a)(i)]
- **Setbacks** [Sec. 22.03.249]
- **Removal of Trees** [Sec. 22.03.303-305] - **UPDATED**
- **Height of Building** [Sec. 22.03.278-280]

Thank you for taking the time to consider these requests.

Sincerely,



Peter Narvarte,
Vice President of Development
Central Austin Management Group
www.causmg.com // 512-563-6707

Encl:

- Variance Application [*December 2020 form*]
- Application Checklist Items

3423 Bee Cave Road – Variance Request Exhibit

Below is the list of 5 (five) requested variances:

1. Cut and Fill Variance [Sec. 22.03.170]

We request an increase of the cut/fill limits in the Code of Ordinances Sec. 22.03.170 Site disturbance (excavation, grading or filling), and the Drainage and Erosion Control Design Manual, Section 7.4.1 to allow 7-8 feet of cut and fill including retaining walls:

- 1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.
 - *With the existing topography and the resulting slopes, strict adherence to the cut/fill limits would eliminate the usability of this site. A 7-8 foot cut and fill is requested for the proposed buildings, drive aisles, parking and retaining walls to protect improvements and trees to the greatest extent possible. Currently, spalling asphalt due to existing slopes affect proposed and existing fire protection and parking for this site and our proposal attempts to correct and protect these issues.*
- 2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?
 - *The Cut/Fill variance will allow a greater use of flat areas without resulting in new slopes on grade changes that may unnecessarily remove existing vegetation.*
- 3) What other alternatives have you considered? Why won't those other options alleviate the difficulty or hardship that you think exists?
 - *Other alternatives included grading on slopes which will result in removal of existing vegetation, including the existing 100'+ vegetative site buffer that exists today between this development and the neighbors to the south. We believe this vegetation to be an asset for the neighbors and the tenants.*
- 4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?
 - *The increased cut/fill limits are the minimum departure from Code possible for topography on this site. Care will be taken to minimize conditions where the design approaches those limits outside the building envelope.*
- 5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?
 - *The increased cut/fill limits are the minimum departure from Code possible for topography on this site. The areas of cut and fill are designed to merge into the existing topography, not deviate from it. Retaining Walls will be implemented to minimize the areas of increased cuts and fills.*
- 6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?
 - *The topography and southern vegetative buffer of this site will preclude the effects of the cut/fill variance from being a nuisance to the neighbors. It has been requested so that, when the neighbors use the services intended for this office building, they may safely and comfortably drive, park, and walk into the proposed medical offices.*

To the greatest extent possible, great care has been taken to layout the drives, parking and buildings along natural contour lines while minimizing destruction of flora. In order to achieve that goal, the proposed development will need to convey the existing drainage way via a sufficiently sized pipe system beneath the building and the parking area as shown. The existing drainage way has existing slopes exceeding 35% and a variance will be required to fill in this drainage to construct the piped system. We propose a variance to the Drainage and Erosion Control Design Manual, Section 7.4.1 - CUT/FILL LIMITS, to allow a maximum of 8' of fill and 8' of cut, regardless of slope category, to facilitate design and construction of a building with parking area at drivable grades while accommodating parking area of the proposed Medical Office building. Please note that stormwater will be conveyed to the existing pond, maintaining the current drainage pattern.

July 13
June 9, 2021 ZAPCO letter

2. Impervious Cover [Sec. 22.03.281.III.(a)(i)]

We request an increase of the impervious limits in the Code of Ordinances Sec. 22.03.281 III.(a)(i) to allow 41% impervious cover excluding credits.

- 1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.
 - *We request the additional impervious cover to be credited to our site under the Code provisions approved under Sec. 22.03.281 III.(a)(i). We intend to comply with the incentives detailed in that section as follows:*
 - o *i. Willing to consider item b for increased setbacks of the front and one side by more than 50% of the ordinance requirements which would allow 2% increase in impervious cover.*
 - o *ii. We would incorporate item g, low water consumption plumbing fixtures into the buildings which would allow a 1% increase.*
 - o *iii. We would consider item h for donation of ROW for a 2% increase to impervious cover*
 - o *iv. We would like to have a charette with WLH to achieve as many points under item i as the city council would allow.*
 - *Item 1 – We would be creating a 3rd building on site which breaks up the architecture and massing on site instead of proposing one or more single buildings on a much larger footprint.*
 - *Item 2 – The site already includes some sidewalks on site and walkable areas in the existing greenspace that connect to neighboring properties. We would enhance those connection points and the connectivity on site.*
 - *Item 3 – We believe the site already does not impact street visibility due to the natural gradient and existing frontage buildings.*
 - *Item 4 – We have a small frontage but would endeavor to create a berm or a landscape feature that would allow the reduction of the view of parking area on the drive*
 - *Item 5 – We will be within our setbacks on all sides. There will be trees on 2 of the 4 sides to help with noise abatement methods.*
 - *Item 6 – The properties to the East and West are Commercial and to the South is protected by foliage and trees. The north are commercial buildings and Bee Caves.*
 - *Item 7 – We will create and revegetate open areas with indigenous landscaping.*
 - *Item 8 – We have a long-standing relationship with Michael Hsu Office of Architecture, and we have confidence in the ability of their office to provide a design that fits within the look and feel of Westlake Hills. We have shared rough massing with a rendering of the most prominent sides and are happy to have a discussion/charette with council regarding design elements.*
- 2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?
 - *We are maintaining a large amount of canopy with the development and will plant additional landscaping to maintain the general character of the site in the proposed development. The clearing of cedar undergrowth and invasives will allow the original flora to thrive more, post development.*
- 3) What other alternatives have you considered? Why won't those other options alleviate the difficulty or hardship that you think exists?
 - *Other alternatives would include pervious pavers that would not meet fire code but may be used in select areas of the proposed site. This alone, would not make up the shortfall of impervious cover.*
- 4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?
 - *This development is requesting only the amount required for the building, parking and the fire lanes to protect these facilities. No additional impervious amenities are intended.*
- 5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?
 - *The code specifically includes credits that cover the impervious cover requested with this variance. The comprehensive plan was based upon that code, specifically, including the credits.*

- 6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?
 - *The impervious cover proposed will be situated 100 feet from residential properties and drainage improvements for all impervious cover will be required to attenuate all resulting immediate downstream flowrate increases from that impervious cover.*

3. Vegetative Setback [Sec. 22.03.249]

We request a decrease of the property line vegetative setback limits in the Code of Ordinances Sec. 22.03.249 (Driveway, parking and loading area setbacks) to allow a small area to have zero feet setback as requested along the property line with 3425 Bee Cave Rd. We have addressed this with Brian Rogers who is the owner of the property and he supports our request.

- 1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.
 - *The setback change is only for a portion of the site adjacent to the driveway that accesses Bee Cave Road. The additional parking will bring parking to the front of the property. We are suggesting this in an effort to address safety concerns for the schools by providing more parking in this area.*
- 2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?
 - *This parking would only be constructed in grassy areas which is reflected in our impervious cover calculations. We do not propose removal of any trees in this area as they are on the adjacent property.*
- 3) What other alternatives have you considered? Why won't those other options alleviate the difficulty or hardship that you think exists?
 - *We previously explored placing this parking under the building which caused for a height issue. We could place this parking deeper into the site but this would introduce traffic deeper into the site. We are trying to maintain a 4:1000sf parking ratio to prevent congestion and keep the existing parking agreements with 3425 Bee Caves tenants Synergy Studio and CDC Carpets as well as the parking agreement with Sway to the north.*
- 4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?
 - *Putting the additional safe parking elsewhere would result in the need for additional impervious cover. This will utilize an area with a single-loaded drive aisle and allow it to be double-loaded, and precluding the need for an additional drive aisle.*
- 5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?
 - *The goals in the zoning ordinance were to protect one landowner from imposing on another. The landowner adjacent to the area of the setback request is amenable to the change and is not imposed upon. Additionally, this allows us to keep the existing parking agreements with neighboring properties in place.*
- 6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?
 - *The landowner adjacent to the area of the setback request is amenable to the change and is not imposed upon.*

4. **Removal of Trees** [Sec. 22.03.303-305]

We request a variance to remove trees as described in the in the Code of Ordinances Sec. 22.03.304(d)(4)(A)(iv) (Tree and vegetation removal and replacement). We have attached a tree survey that has identified over 1,400 trees on site. The ordinance requires a variance from Council to remove trees over 14-inches in diameter. We are asking to remove eight (8) trees: **Tree #5055 (16" Live Oak)**, #5140 (15" Live Oak), #5143 (14" Live Oak), #5373 (14" Cedar), #5374 (15" Live Oak), #5385 (15" Cedar), **#5540 (21" Live Oak)**, and #5548 (15" Cedar).

- 1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.
 - *With the existing topography, the easement locations, the drainage area, and the existing buildings on site limit the location for development. The building location provides for the minimal removal of large trees for the use intended.*
- 2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?
 - *The considerable portion of the trees to be removed are cedars. We are attempting to save any trees among the ones listed that are on the edge of the area of impact of the building and adjacent parking. We will adhere to the code for replacement, replanting where possible, and fee in lieu of if necessary.*
- 3) What other alternatives have you considered? Why won't those other options alleviate the difficulty or hardship that you think exists?
 - *We previously proposed a different location that requested the removal of fewer live oaks. This location also required more height variance and had additional issues that were not desirable.*
- 4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?
 - *Our previous proposal requested fewer trees removed. For this proposed location we did reorient the building to a location that preserves some larger trees.*
- 5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?
 - *The intent of the zoning ordinance was written to preserve large trees for the enjoyment of the landowner and the neighbors. None of the trees proposed to be removed can be seen by the residential lots to the south of the site.*
- 6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?
 - *The removed trees will increase the use of the lot by the landowner. None of the trees proposed to be removed can be seen by the residential lots to the south of the site. A vegetative buffer will remain in place after the construction of the proposed development ranging from 105 feet to the property directly to the north and up to 300-feet to the property to the South.*

UPDATE 7/13/21:

- ***See Attached Exhibit called "CAMG 3423 Bee Cave Tree Report" containing the report from Arborist Tree Mann Solutions LLC regarding the eight (8) trees that we originally asked for removal. We are adjusting our site parking and proposed decking to keep 2 live oaks 5055 and 5540. The adjusted site parking plan is also attached to reflect how we plan to keep 5055.***

5. **Height of Building** [Sec. 22.03.278-280]

We request a variance for the height of the structure as required by 22.03.279 and 22.03.281 which states that we are allowed to build up to 30-feet in height y right for a B-1 zoned commercial building. We intend to comply with items 1-5 of height adjustments listed in Section 22.03.281 VIII (a) which would allow Council to approve an additional 7-foot height variance from natural grade. If these incentives were to be granted by Council then our building height would be entirely below this 37' feet height above natural grade. Our current proposal is responding to Council/Community comments regarding scale, height, location, and site lines.

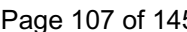
- To respond to the concern of appropriate scale, we have reduced the overall square footage to 20,000sf which is split between two floors.
- To respond to the concern of height we are proposing a structure that has a second floor that steps back from the first floor footprint to manage the steep slope and keep a usable footprint on the sec-

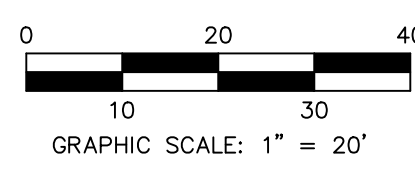
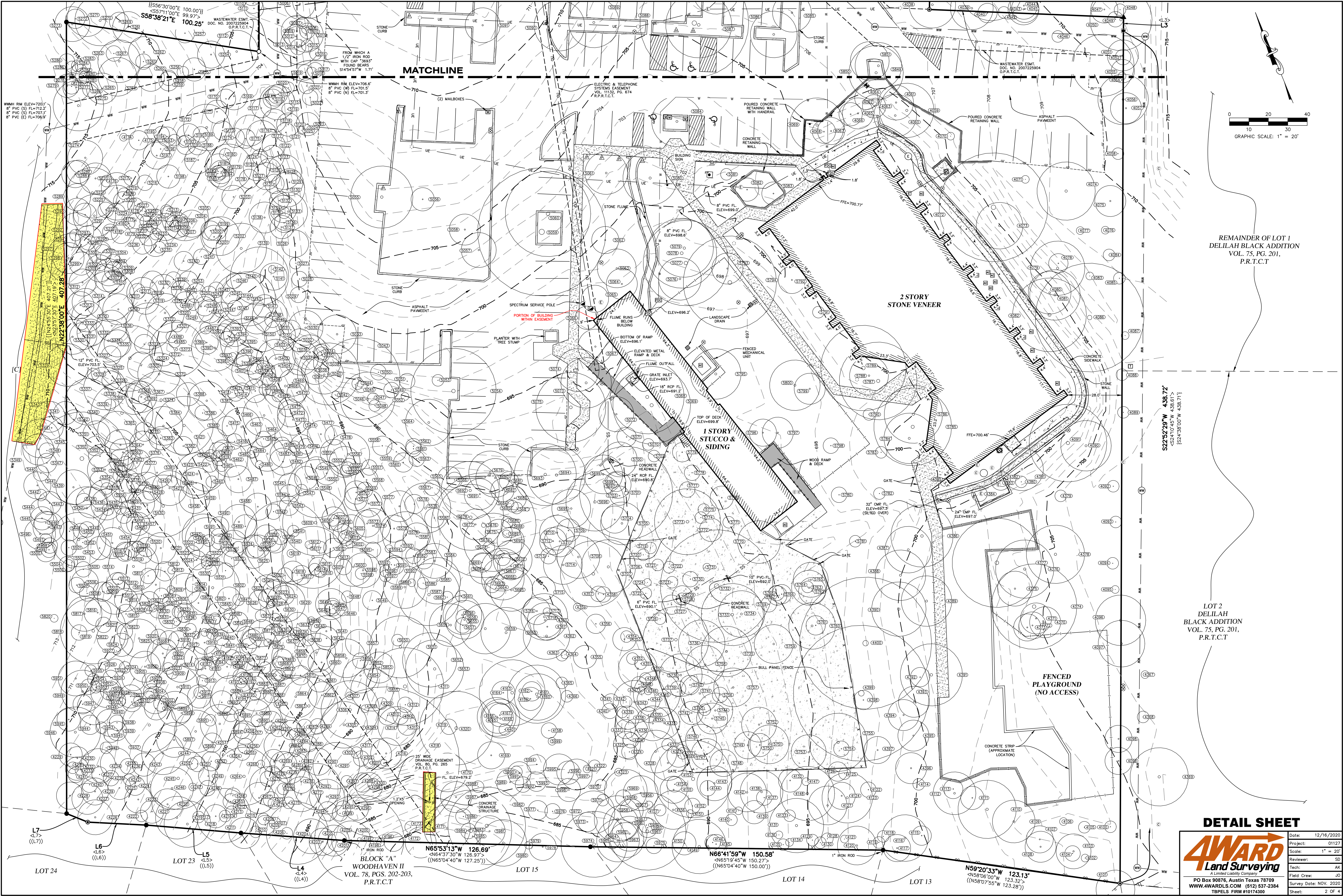
ond floor. This step back and reduced scale has allowed us to reduce the request for variance in height.

- To respond to location and safety, we pushed the entirety of the building to the west side of the property to separate construction traffic and doctor parking from the schools.
 - To respond to site lines of employees and clients as well as light shining into back yards and homes we have configured the building in such a way that the short side of the building points to the residential neighborhood. This will allow us to have a clerestory façade on the south side that prevent clients from looking to the south. In the areas on the west and east, the architect will be able to use shading devices to prevent site lines to the south. We still believe that practically this will not be an issue we have responded with our design in an effort to address concerns from the Community.
- 1) Describe in detail any special conditions you believe will result in unnecessary hardship to you if the terms of this ordinance are strictly or literally enforced.
 - *The proposed location is attempting to balance the topography with the impervious cover, the cut/fill, and the height variances. If we are allowed the incentives for an additional 7-feet then the building would be below this 37-foot limit in every location.*
 - 2) Why do you think the natural terrain and existing flora will not be unreasonably disrupted or destroyed if the variance you are requesting is granted?
 - *We have described the disruption in the other variance requests. Allowing the building location and cut/fill variances will allow us to create some areas for additional flora and fauna.*
 - 3) What other alternatives have you considered? Why won't those other options alleviate the difficulty or hardship that you think exists?
 - *We previously proposed a different location that requested a height variance that was too much for the Council and the Community to support. We have also explored other locations on the site but they compromise either proximity to schools, proximity to COA residents, and too much height above what is allowed.*
 - 4) Why do you believe the variance you are requesting is the minimum required to alleviate the difficulty or hardship you think exists?
 - *All of the other locations explored and proposed cause for less tolerable conditions as mentioned above.*
 - 5) Why do you believe your variance does not violate the intent of the Zoning Ordinance or the goals of the City's Comprehensive Plan?
 - *This is a B-1 Zoned property which encourages commercial building. We have not asked for a larger footprint than Code requires and would add a 3rd building to our site. This building would be a Class-A medical office and would be designed in accordance with WLH code and comprehensive plan.*
 - 6) Why do you believe your variance will not adversely affect neighboring properties or interfere with the enjoyment of these properties by their owners?
 - *The orientation and scale of the proposed building responds to concerns from tenants on this property and community members and council members. We are moving the construction and future traffic to the west side of the property, we are directing the short side of the building to the south so that we may control site lines with design elements. We have tried to keep the building central to the site. We have the support of two property owners to the north and will try to meet with neighbors to discuss their concerns with this new plan and explain how we have tried to address their previous concerns.*

UPDATE 7/13/21:

- *See Attached Exhibit called "210709_3423 Bee Cave_topo Ex" reflecting a side by side comparison of a flat lot versus the lot we are proposing. This is intended to show our hardship of topography as well as show how we are adjusting the building massing to accommodate the slope. To get completely under the 30' height from natural grade we would have to lower the building or push it back into the slope (which would also lower the building). We are backed up to easements/setbacks on the west side so we cannot push the footprint further west. If we were to lower the building any more, we would be battling flooding issues on the ground floor.*





REMAINDER OF LOT 1
DELLAH BLACK ADDITION
VOL. 75, PG. 201,
P.R.T.C.T.

S22°52'29"W 438.72'
S24°10'45"W 438.85'
S24°38'00"W 438.71'

LOT 2
DELLAH
BLACK ADDITION
VOL. 75, PG. 201,
P.R.T.C.T.

DETAIL SHEET

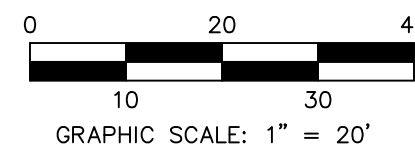


PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TPELS FIRM #10174590

Date:	12/16/2020
Project:	01127
Scale:	1" = 20'
Reviewer:	SD
Tech:	AK
Field Crew:	JO
Survey Date:	NOV. 2020
Sheet:	2 OF 4

SURVEY CONTROL POINT
GRID N: 10,073,468.54
GRID E: 3,094,892.92
ELEV.= 728.24'

RANCH TO MARKET ROAD 2244
(A.K.A. BEE CAVE ROAD)
(R.O.W. WIDTH VARIES)



REMAINDER
OF LOT 1
BEN ATWELL
ADDITION
VOL. 82, PG. 38
P.R.T.C.T.
OWNER: OFLP I LTD.
DOC. NO. 2005182002
O.P.R.T.C.T.

REMAINDER OF LOT 3
BRODIE KEENE
SUBDIVISION,
PHASE THREE
VOL. 80, PG. 265-266
P.R.T.C.T.
OWNER: TON HEIN HUYNH
VOL. 10681, PG. 46,
R.P.R.T.C.T.

REMAINDER OF LOT 1
BRODIE KEENE
SUBDIVISION
VOL. 65, PG. 60,
P.R.T.C.T.
OWNER: BEE CAVE
CENTER, LLC
DOC. NO. 2011095274,
O.P.R.T.C.T.

REMAINDER OF LOT 1
DELILAH BLACK ADDITION
VOL. 75, PG. 201, P.R.T.C.T.
OWNER: 3355 BEE CAVE ROAD, LTD.
VOL. 11446, PG. 1341, R.P.R.T.C.T.

DETAIL SHEET

4WARD
Land Surveying
A Limited Liability Company
PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TPELS FIRM #10174300

Date: 12/16/2020
Project: 01127
Scale: 1" = 20'
Reviewer: SD
Tech: AK
Field Crew: JO
Survey Date: NOV. 2020
Sheet: 3 OF 4
P:\01127\04\01127.dwg



REFERENCE

EXISTING TOPOGRAPHIC FEATURES FROM CADD FILE "SITE SURVEY - BeeCAVES update.modified20200817.dwg"; PREPARED BY OTHERS.

EXISTING TREES FROM CAD FILE DATED 12/2/2020 PROVIDED BY 4WARD LAND SURVEYING; PREPARED BY OTHERS.

EXISTING TOPOGRAPHIC CONTOUR LINES FROM 2012 CITY OF AUSTIN GIS; PREPARED BY OTHERS.

P:\300-000\304-831\CA00\DWG\CV00-PrelimEngineering\304831-CV00-PrelimEngineeringOnlyD - IMPERIOUS.dwg[EX.D.2.1C] LS:(6/9/2021 - ataylor) - LP: 6/9/2021 4:07 PM



SCALE IN FEET

0 40 80

THIS DOCUMENT IS
RELEASED FOR
REVIEW ONLY AND IS
NOT INTENDED FOR
PERMITTING,
CONSTRUCTION, OR
ANY OTHER PURPOSE
JAMES C. MASSARO
P.E. 92530 (TEXAS)
June 9, 2021

[illegible]

Civil & Environmental Consultants, Inc.
Texas Registered Engineering Firm F-38
3711 South MoPac Expressway • Building 1, Suite 550 • Austin, TX 78746
Ph: 512.439.0400 • Fax: 512.329.0096
www.ccecinc.com

**MEDICAL OFFICE BUILDING
3423 BEE CAVES ROAD
CITY OF WEST LAKE HILLS
TRAVIS COUNTY, TEXAS 78746**

DRAWING NO.:		DRAWING BY:		CEC
PROJECT NO:		CHECKED BY:		JCM
APPROVED BY:		DATE:		304831.0001
JCM		6/9/2021		JCM



3423 Bee Caves Road

Height Adjustment Update

Contact

Client

Location

Date

Image

Michael Hsu
Office Of Architecture

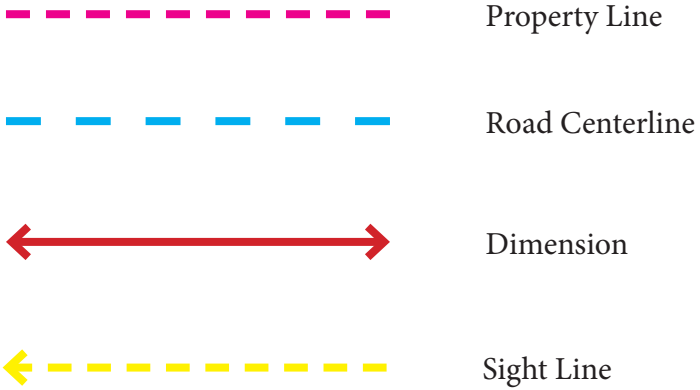
4910 Burnet Road
Austin, Texas 78756
(512) 706.4303

3423 Bee Caves Road

Austin, Texas

9 June 2021

Cover Page



Contact

Client

Location

Date

Image

Michael Hsu
Office Of Architecture

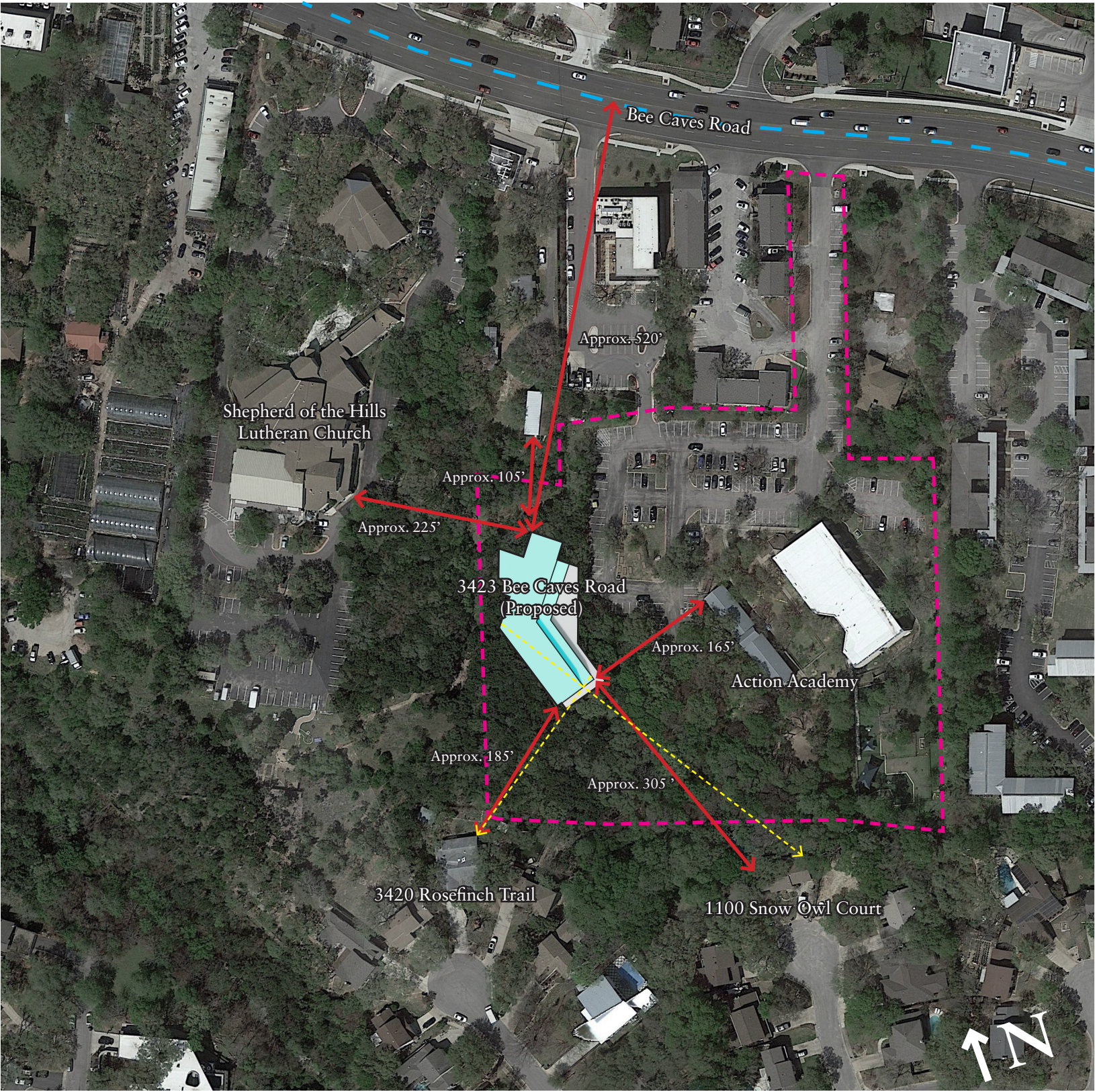
4910 Burnet Road
Austin, Texas 78756
(512) 706.4303

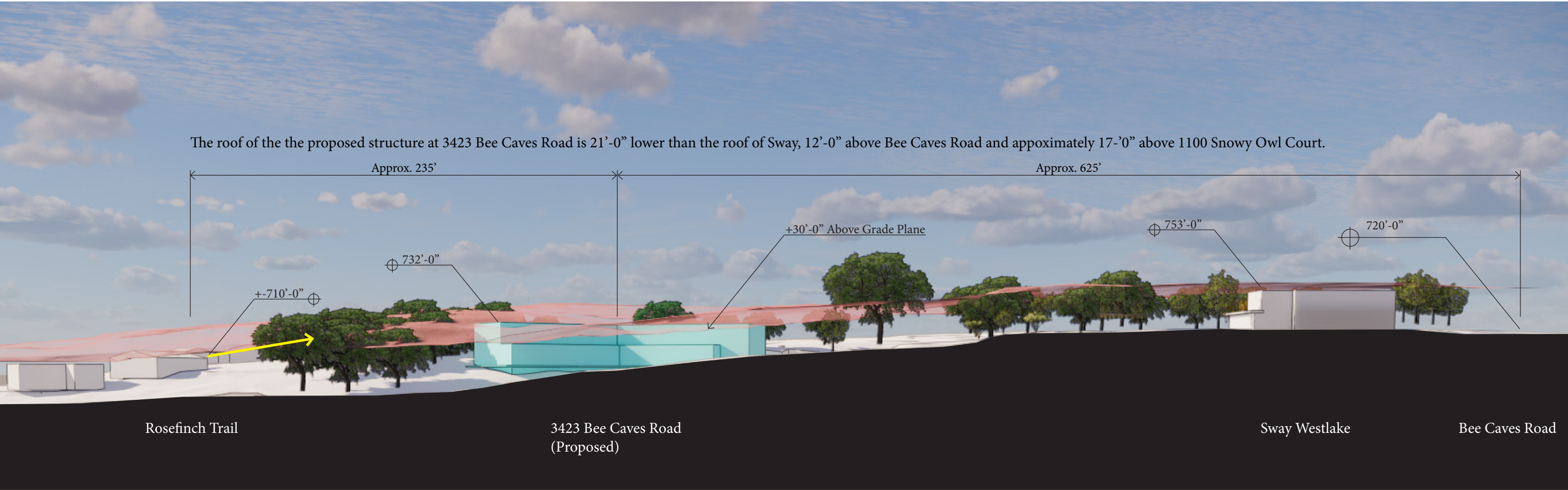
3423 Bee Caves Road

Austin, Texas

9 June 2021

Vicinity Map





Contact

Client

Location

Date

Image

Michael Hsu
Office Of Architecture

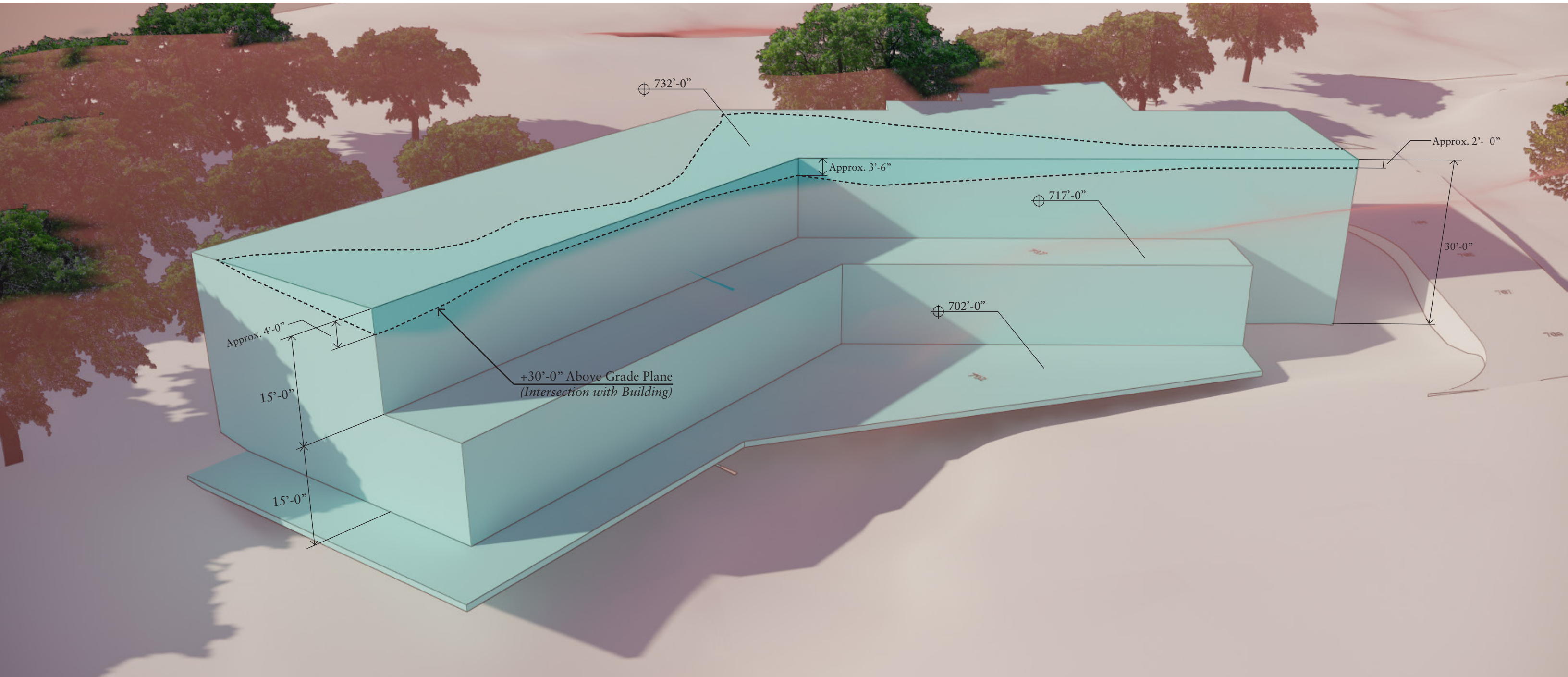
4910 Burnet Road
Austin, Texas 78756
(512) 706.4303

3423 Bee Caves Road

Austin, Texas

9 June 2021

Site Section



Contact

Client

Location

Date

Image

Michael Hsu
Office Of Architecture

4910 Burnet Road
Austin, Texas 78756
(512) 706.4303

3423 Bee Caves Road

Austin, Texas

9 June 2021

Aerial View



HUYNH TON HEIN
VOL. 10681, PG. 46

0-FT LOT

0-FT LOT LINE SETBACK PROPOSED

BEE CAVES ROAD (80' RIGHT-OF-WAY) BASIS OF BEARING

EXISTING 5-FT SETBACK TO REMAIN

DOC. NO. 2003-021500
KEVIN MCFARLEY

EXISTING 50-FT SETBACK TO REMAIN

LEGEND

	EXISTING MAJOR CONTOURS
	EXISTING MINOR CONTOURS
	EXISTING SETBACKS
	PROPOSED WALL
	PROPOSED MAJOR CONTOURS
	PROPOSED MINOR CONTOURS
	PROPOSED FIRE LANE
	PROPOSED BUILDING
	PROPOSED FRONT OF CURB
	PROPOSED BACK OF CURB
	PROPOSED STORM WATER PIPE
	EXISTING WASTEWATER MAIN
	EXISTING PAVEMENT STRIPING
	PROPOSED PAVEMENT STRIPING
	EXISTING WASTEWATER MANHOLE
	EXISTING TREES TO BE REMOVED
	EXISTING TREES

REVISION RECORD

[illegible]

CECINC
Texas Registered Engineering Firm F-38

Civil & Environmental Consultants, Inc.

3711 South MoPac Expressway • Building 1, Suite 550 • Austin, TX 78746

Ph: 512.439.0400 • Fax: 512.329.0096
www.cecinc.com

**MEDICAL OFFICE BUILDING
3423 BEE CAVES ROAD
CITY OF WEST LAKE HILLS
TRAVIS COUNTY, TEXAS 78746**

**OPTION D
SETBACK EXHIBIT**

DATE:	6/9/2021	DRAWN BY:	CEC
DWG SCALE:	1" = 20'	CHECKED BY:	JCM
PROJECT NO:	304831.0001		
APPROVED BY:	JCM		

DRAWING NO.:

EXHIBIT
SHEET 1 OF 1

THIS DOCUMENT IS
RELEASED FOR
REVIEW ONLY AND IS
NOT INTENDED FOR
PERMITTING,
CONSTRUCTION, OR
ANY OTHER PURPOSE
JAMES C. MASSARO
P.E. 92530 (TEXAS)
June 9, 2021

REFERENCE

EXISTING TOPOGRAPHIC FEATURES FROM CADD FILE "SITE SURVEY - BeeCAVES update.modified20200817.dwg";
PREPARED BY OTHERS.
EXISTING TREES FROM CAD FILE DATED 12/2/2020 PROVIDED BY 4WARD LAND SURVEYING; PREPARED BY OTHERS
EXISTING TOPOGRAPHIC CONTOUR LINES FROM 2012 CITY OF AUSTIN GIS; PREPARED BY OTHERS.

SCALE IN FEET



0 20

Peter Narvarte

From: Brian Rodgers [REDACTED]
Sent: Wednesday, April 7, 2021 6:50 AM
To: mayor@westlakehills.org; mayor@westlakehills.gov; wlhcc1@westlakehills.org; wlhcc1@westlakehills.gov; wlhcc2@westlakehills.org; wlhcc2@westlakehills.gov; wlhcc3@westlakehills.org; wlhcc3@westlakehills.gov; wlhcc4@westlakehills.org; wlhcc4@westlakehills.gov; wlhcc5@westlakehills.org; wlhcc5@westlakehills.gov
Cc: Anjali Naini; 'Mark pzsec'; smills@westlakehills.org; smills@westlakehills.gov
Subject: New Dental Office Project at 3421 Bee Caves Road

[External Email]

Use caution before opening links or attachments.

- Helpdesk

Dear Mayor and City Council,

Thirty years ago I purchased the Bee Cave Center at 3425 Bee Caves Road with my business partner, Kevin Reichle. The Bee Cave Center would be the most affected from the proposed dental practice building, and we fully support the project on the six acres behind us.

We believe in supporting local businesses and local owners. Over the years we have had three exemplary and considerate neighbors, from The Westlake Bible Church to Matt Mathias to the Keller group. We hope that this will continue with the addition of the dental and oral surgery building, whose responsible doctors have helped thousands of our friends and neighbors over the years, including Kevin's own two sons, now grown men.

New project opposition usually turns to complaints about traffic. I can tell you that we are very happy and relieved that a substantial amount of additional parking will be included. Our concerns have been that a developer would build an office building and use every existing space to meet parking criteria which would fully congest the drive lanes with both cars and pedestrians. With the proposed project, the layout offers a continuation of the relaxed campus feel, only achieved by allowing the height variance. If this project is voted down, we could fully expect a jammed and crammed operator given the increasing price of land, and the potential loss of the educational facilities from market rent pressure. With the proposed project, the tenant status is maintained and the acres of greenbelt protected.

We met with the principals of the project and know that any traffic safety concerns will be met with an assortment of traffic calming measures. It is not an issue for us. Our tenants will benefit from the additional customer base.

This project has our full support. We hope you vote in its favor and welcome them and their project.

Thank you,

Brian Rodgers
Logan Reichle
Landon Reichle

Owners, Bee Cave Center

Peter Narvarte

From: Patrick Jeffers [REDACTED]
Sent: Friday, March 12, 2021 12:03 PM
To: zapco@westlakehills.org; zapco@westlakehills.gov; anaini@westlakehills.org; Mark Littrell; pzsec@westlakehills.gov
Subject: 3423 Bee Caves Road

[External Email]

Use caution before opening links or attachments.

- Helpdesk

West Lake Hills City Council and Mayor,

As the Owner of Sway, the restaurant operating just to the north of this property, I am writing in support of the proposed development at 3423 Bee Caves Road. I feel that this building will be additive to the West Lake Hills community and harmonious with surrounding businesses, schools and residences.

Drs. Randy Kunik, Vincent Cavaretta, Juan Vesga and David Yu have practiced oral medicine in West Lake Hills for over 75 collective years. They have served our community as doctors, Eanes ISD parents and have supported West Lake Hills organizations and schools through volunteering and charitable giving. They currently practice right down the street and seek to build and invest in a permanent home for their businesses. This project is being designed specifically for them and they will occupy the majority of the new building.

Their use does not require visibility from Bee Caves Rd., and thus they have designed the building to be intentionally tucked away below the street to capture the treeline view from the site. There have been some references made to a three-story building, but in speaking with them, one of these "stories" is for their covered parking, which allows them to minimize surface parking and preserve green space. The new building's roofline will sit below that of our restaurant and will hardly be visible from Bee Cave Rd. The building is set back almost 250 feet (versus a allowable minimum of 40 feet) from the property line and is buffered by dense existing trees.

As a group of dentists with many young clients (including Randy's orthodontic practice), they see the proximity to our restaurant, the schools and youth-oriented businesses as beneficial to all. Acton, Primrose and Sandbox will continue to have access to enviable green space and circulation and parking on the site will be improved. Their practices are all appointment-based, which reduces traffic significantly in comparison with other potential occupants.

3423 Bee Caves is a rare 6+ acre site in desirable Westlake Hills. The proposed project, to be owned and occupied by this group of doctors, will preserve several acres of green space for decades to come. They are not looking to maximize rentable square footage with this plan and have proposed a new building that I believe is appropriately scaled to coexist nicely with the current landscape of tenants and businesses. As such, it is a plan that has my full support.

Thank you for your consideration.

Sincerely,

Patrick Jeffers

--

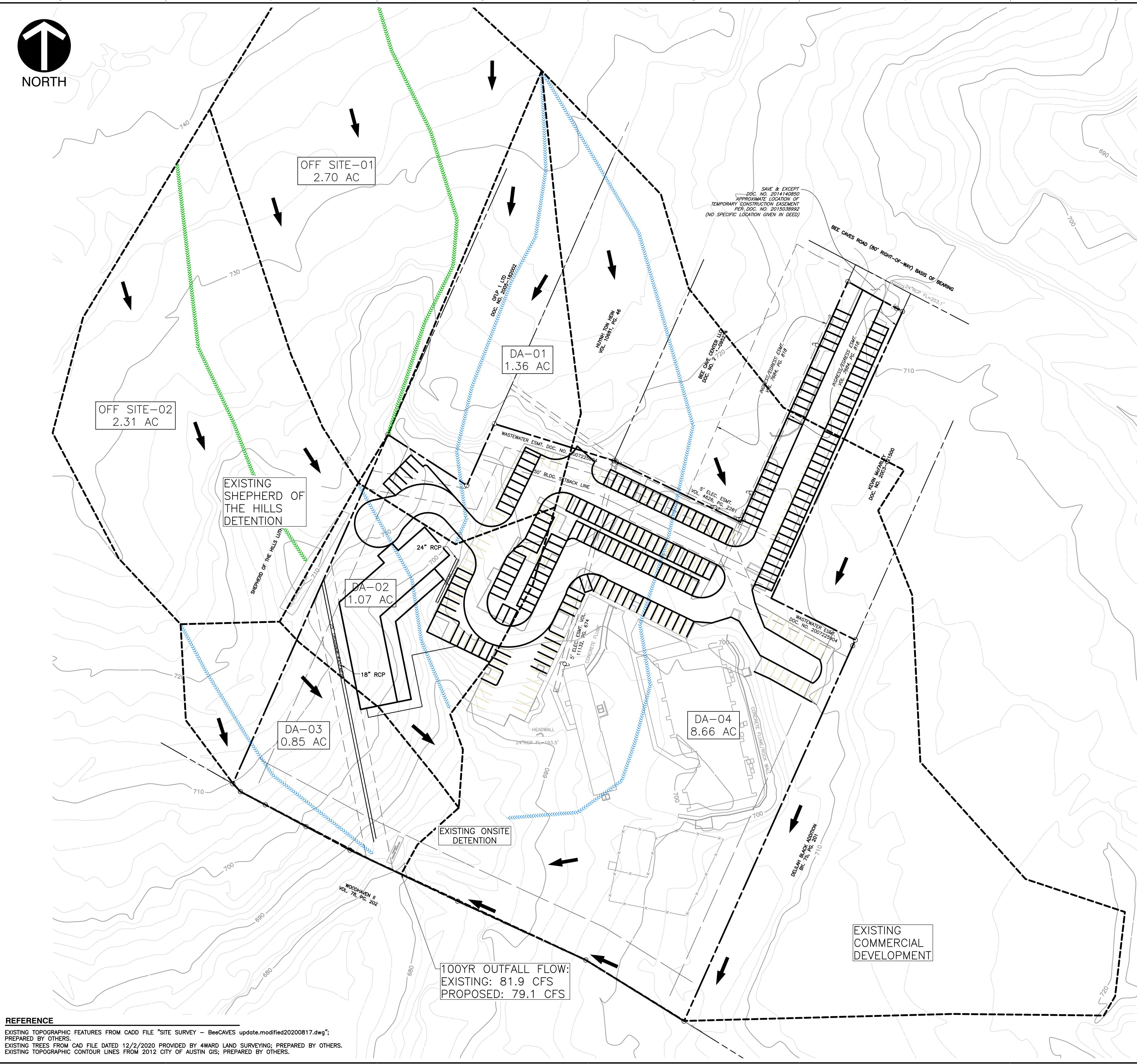
PATRICK JEFFERS
PARTNER

520 E OLTORF ST, AUSTIN, TX 78704
p (512)582-0844 | m (512)296-6324

[REDACTED]

NEWWATERLOO.COM

A:\300-2001\304-831\CA00\Draw\CA00-PrelimEngineering\304831-CA00-PrelimEngineering.dwg - 15/09/2021 - 4:59 PM



- LEGEND**
- EXISTING MAJOR CONTOURS
 - EXISTING MINOR CONTOURS
 - EXISTING SETBACKS
 - EXISTING EASEMENT BOUNDARY
 - PROPOSED WALL
 - 710** PROPOSED MAJOR CONTOURS
 - 702** PROPOSED MINOR CONTOURS
 - FIRE** PROPOSED FIRE LANE
 - PROPOSED BUILDING
 - PROPOSED FRONT OF CURB
 - PROPOSED BACK OF CURB
 - ST** PROPOSED STORM WATER PIPE
 - WW** EXISTING WASTEWATER MAIN
 - EXISTING PAVEMENT STRIPING
 - PROPOSED PAVEMENT STRIPING
 - DRAINAGE AREA BOUNDARY
 - TIME OF CONCENTRATION (Tc) DRAINAGE AREA (DA)
 - TIME OF CONCENTRATION (Tc) OFF SITE (OS) AREA

Time of Concentration (TR-55 method)						
Subbasin	Existing DA-01	Existing DA-02	Existing DA-03	Existing DA-04	Existing OS-01	Existing OS-02
Area sqft	59437.31	46630.28	37237.31	377129.43	117747.5	100628.32
Area ac.	1.36	1.07	0.85	8.66	2.70	2.31
Area sqmi	0.00213	0.00167	0.00134	0.01353	0.00422	0.00361
Impervious sqft	6383.24	7541.59	0.00	64062.66	65524.00	30189.00
Impervious %	11%	16%	0%	17%	56%	30%
Pervious Cn	75	75	75	75	75	75
Composite Cn	77	79	75	79	88	82
Sheet Flow						
Slope in/in	0.0100	0.0667	0.0350	0.0100	0.0200	0.0200
Length ft.	100	45	100	100	100	100
Roughness n	0.011	0.011	0.011	0.011	0.011	0.011
Time hr.	0.02	0.01	0.01	0.02	0.02	0.02
Shallow Concentrated						
Slope in/in	0.0306	0.0725	0.0703	0.0258	0.0240	0.0129
Length ft.	424.71	137.97	220.58	387.44	415.90	774.00
Paved? p/u	p	u	u	p	p	p
Time hr.	0.04	0.01	0.01	0.03	0.04	0.09
Channel Flow						
Slope in/in	0	0	0	0	0.01	0
Length ft.	0	0	0	0	101	0
Velocity fps	0	0	0	0	5	0
Time hr.	0.00	0.00	0.00	0.00	0.01	0.00
Summary						
Travel Time hr.	0.07	0.02	0.03	0.06	0.06	0.11
Tc min.	3.92	1.18	1.72	3.39	3.61	6.65
Lag Time min.	3.00	3.00	3.00	3.00	3.00	3.99

Time of Concentration (TR-55 method)				
Subbasin	Proposed DA-01	Proposed DA-02	Proposed DA-03	Proposed DA-04
Area sqft	59437.31	46630.28	37237.31	377129.43
Area ac.	1.36	1.07	0.85	8.66
Area sqmi	0.00213	0.00167	0.00134	0.01353
Impervious sqft	10939.41	26557.02	0.00	88233.63
Impervious %	18%	57%	0%	23%
Pervious Cn	75	75	75	75
Composite Cn	79	88	75	80
Sheet Flow				
Slope in/in	0.0100	0.0667	0.0350	0.0100
Length ft.	100	45	100	100
Roughness n	0.011	0.011	0.011	0.011
Time hr.	0.02	0.01	0.01	0.02
Shallow Concentrated				
Slope in/in	0.0379	0.0725	0.0703	0.0258
Length ft.	342.76	137.97	220.58	387.44
Paved? p/u	p	u	u	u
Time hr.	0.03	0.01	0.01	0.04
Channel Flow				
Slope in/in	0	0	0	0
Length ft.	0	0	0	0
Velocity fps	0	0	0	0
Time hr.	0.00	0.00	0.00	0.00
Summary				
Travel Time hr.	0.06	0.02	0.03	0.07
Tc min.	3.53	1.18	1.72	3.90
Lag Time min.	3.00	3.00	3.00	3.00

Notes:

1) Lag Times less than 3 min, are assumed to be 3 min, to correspond to a 5 minute minimum Time of Concentration.

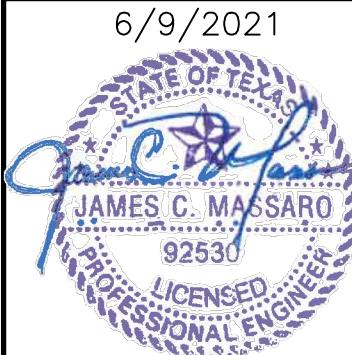
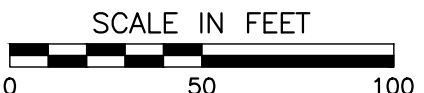
2) Calculations are based upon aerial photography, topography, and field observation of the existing conditions.

REFERENCE

EXISTING TOPOGRAPHIC FEATURES FROM CADD FILE "SITE SURVEY - BeeCAVES update.modified20200817.dwg"; PREPARED BY OTHERS.

EXISTING TREES FROM CAD FILE DATED 12/2/2020 PROVIDED BY 4WARD LAND SURVEYING; PREPARED BY OTHERS.

EXISTING TOPOGRAPHIC CONTOUR LINES FROM 2012 CITY OF AUSTIN GIS; PREPARED BY OTHERS.



REVISION RECORD

NO.	DATE	DESCRIPTION

Civil & Environmental Consultants, Inc.

3711 South MoPac Expressway - Building 1, Suite 550 - Austin, TX 78746

Ph: 512.439.0400 - Fax: 512.329.0096

www.cecinc.com

MEDICAL OFFICE BUILDING

3423 BEE CAVES ROAD

CITY OF WEST LAKE HILLS

TRAVIS COUNTY, TEXAS 78746

OPTION D

DRAINAGE EXHIBIT

DRAWING NO.: **EXHIBIT**

SHEET 1 OF 1

DATE: 6/9/2021
DWG SCALE: 1" = 50'
PROJECT NO: 304831.001
JCM
JCM
JCM



HUYNH TON HEIN
VOL. 10681, PG. 46

0-FT LOT

0-FT LOT LINE SETBACK PROPOSED

BEE CAVES ROAD (80' RIGHT-OF-WAY) BASIS OF BEARING

EXISTING 5-FT SETBACK TO REMAIN

DOC. NO. 2003-021500
KEVIN MCFARLEY

EXISTING 50-FT SETBACK TO REMAIN

LEGEND

	EXISTING MAJOR CONTOURS
	EXISTING MINOR CONTOURS
	EXISTING SETBACKS
	PROPOSED WALL
	PROPOSED MAJOR CONTOURS
	PROPOSED MINOR CONTOURS
	PROPOSED FIRE LANE
	PROPOSED BUILDING
	PROPOSED FRONT OF CURB
	PROPOSED BACK OF CURB
	PROPOSED STORM WATER PIPE
	EXISTING WASTEWATER MAIN
	EXISTING PAVEMENT STRIPING
	PROPOSED PAVEMENT STRIPING
	EXISTING WASTEWATER MANHOLE
	EXISTING TREES TO BE REMOVED
	EXISTING TREES

REVISION RECORD

NO	DATE	DESCRIPTION
----	------	-------------



CEC
Texas Registered Engineering Firm F-38

Civil & Environmental Consultants, Inc.

3711 South MoPac Expressway · Building 1, Suite 550 · Austin, TX 78746
Ph: 512.439.0400 · Fax: 512.329.0096

**MEDICAL OFFICE BUILDING
3423 BEE CAVES ROAD
CITY OF WEST LAKE HILLS
TRAVIS COUNTY, TEXAS 78746**

**OPTION D
SETBACK EXHIBIT**

DATE:	6/9/2021	DRAWN BY:	CEC
HWG SCALE:	1" = 20'	CHECKED BY:	JCM
PROJECT NO:	304831.0001		

THIS DOCUMENT IS
RELEASED FOR
REVIEW ONLY AND IS
NOT INTENDED FOR
PERMITTING,
CONSTRUCTION, OR
ANY OTHER PURPOSE
JAMES C. MASSARO
P.E. 92530 (TEXAS)
June 9, 2021

DRAWING NO.:

EXHIBIT
SHEET 1 OF 1

REFERENCE

EXISTING TOPOGRAPHIC FEATURES FROM CADD FILE "SITE SURVEY - BeeCAVES update.modified20200817.dwg";
PREPARED BY OTHERS.
EXISTING TREES FROM CAD FILE DATED 12/2/2020 PROVIDED BY 4WARD LAND SURVEYING; PREPARED BY OTHERS
EXISTING TOPOGRAPHIC CONTOUR LINES FROM 2012 CITY OF AUSTIN GIS; PREPARED BY OTHERS.

SCALE IN FEET



0 20

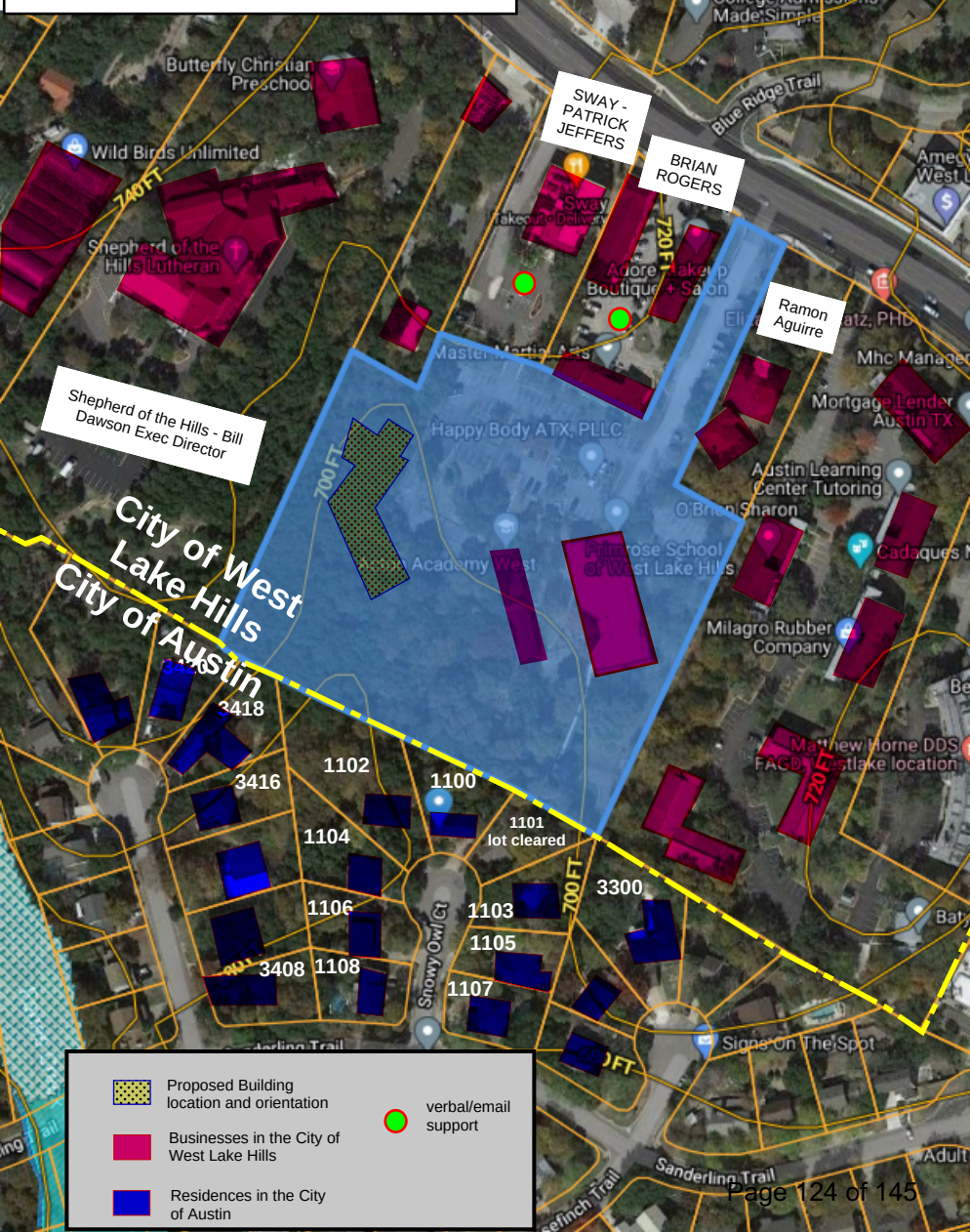


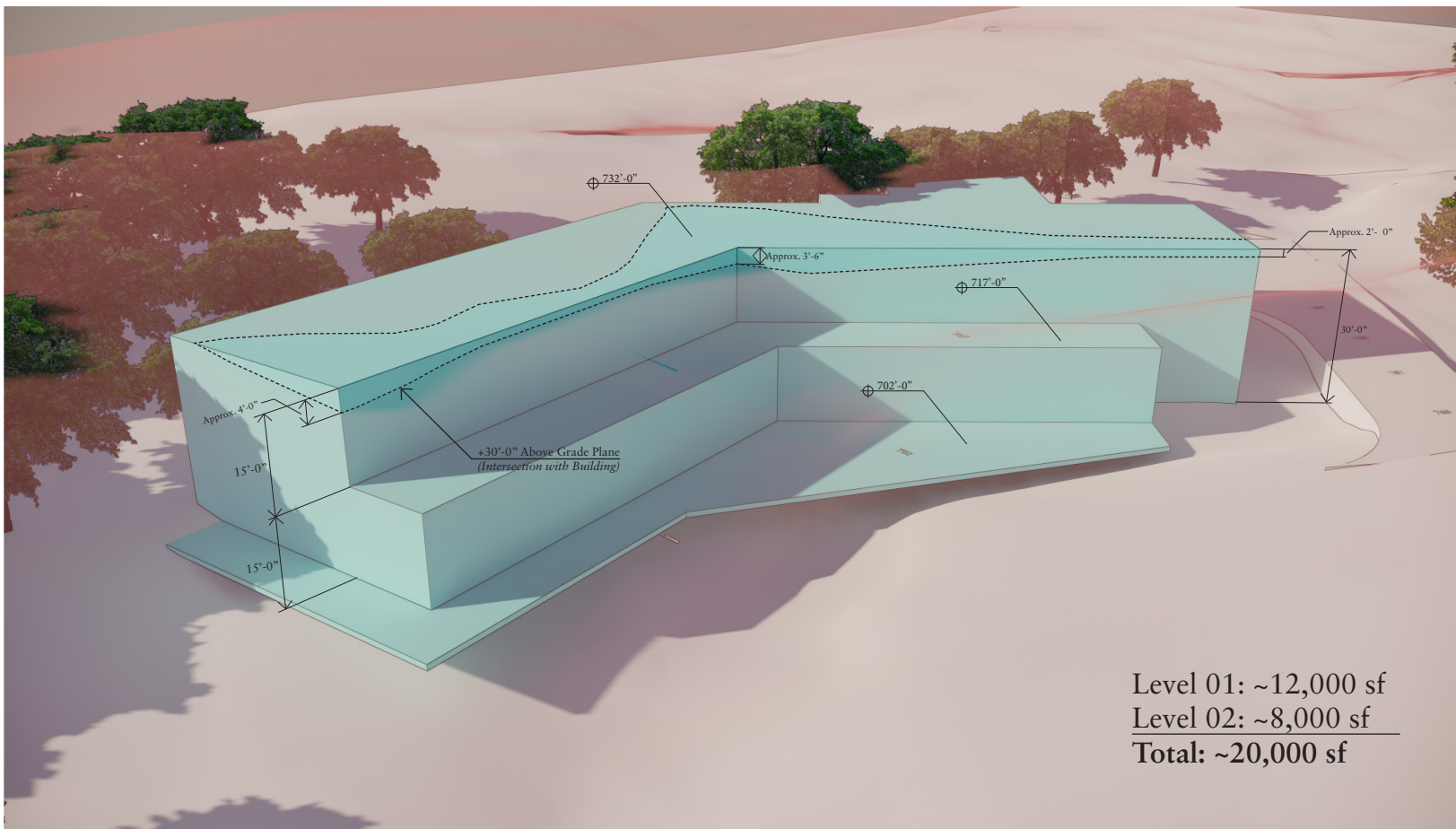
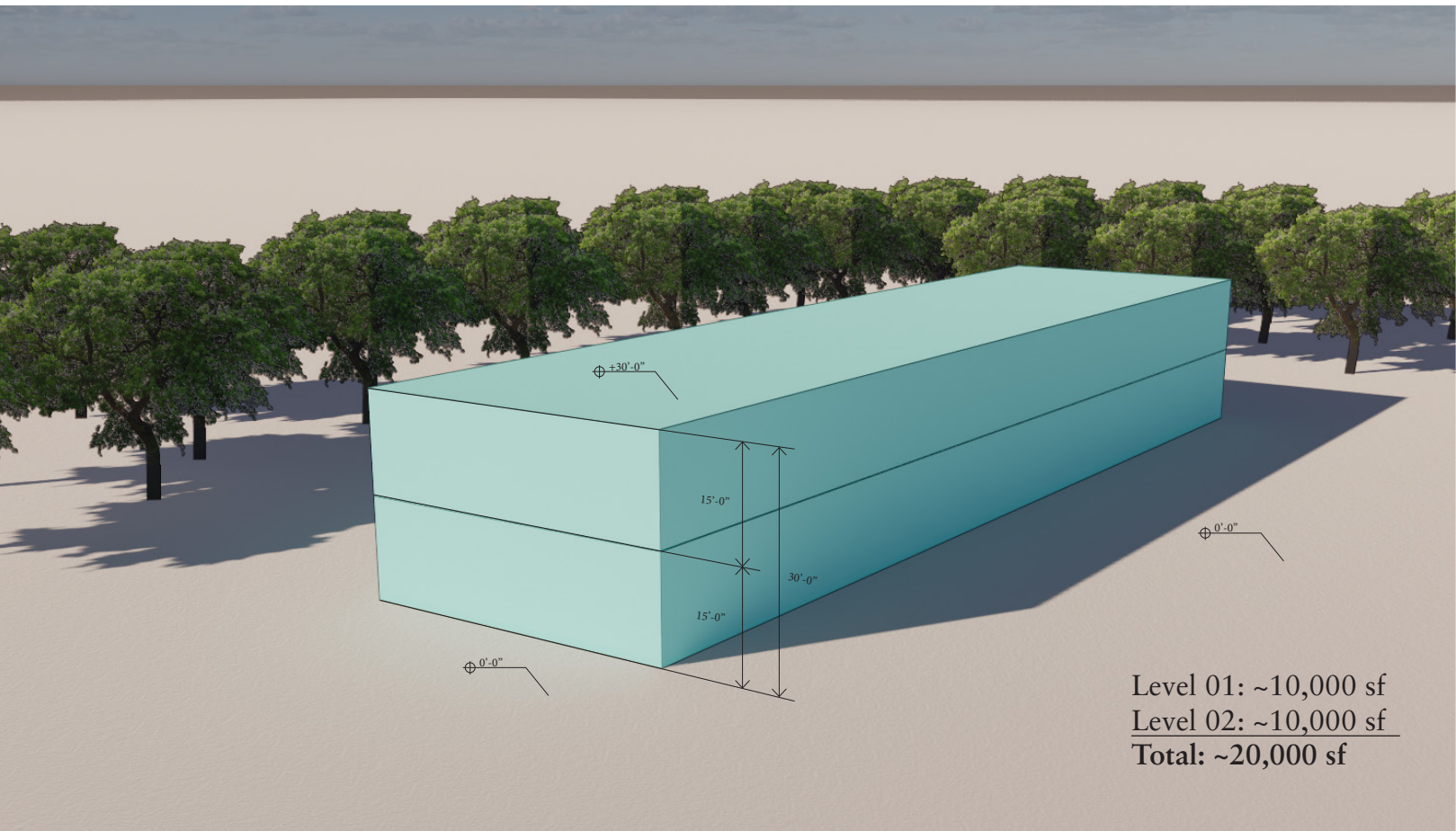
LEGEND	
	EXISTING MAJOR CONTOURS
	EXISTING MINOR CONTOURS
	EXISTING SETBACKS
	EXISTING EASEMENT BOUNDARY
	PROPOSED WALL
	710 PROPOSED MAJOR CONTOURS
	702 PROPOSED MINOR CONTOURS
	FIRE PROPOSED FIRE LANE
	PROPOSED BUILDING
	PROPOSED FRONT OF CURB
	PROPOSED BACK OF CURB
	PROPOSED STORM WATER PIPE
	ST EXISTING WASTEWATER MAIN
	WW
	EXISTING WASTEWATER MANHOLE
	EXISTING PAVEMENT STRIPING
	PROPOSED PAVEMENT STRIPING
	EXISTING TREES TO BE REMOVED
	EXISTING TREES TO REMAIN
	TREES TO BE REMOVED PER VARIANCE

TREE LIST		TREE LIST		TREE LIST	
NO.	DESCRIPTION	NO.	DESCRIPTION	NO.	DESCRIPTION
4174	2" LIVE OAK	5195	4" CEDAR	5333	3" CEDAR
4175	5" LIVE OAK 3-3	5196	5" CEDAR	5334	11" CEDAR
4176	3" CEDAR 2-2	5197	7" CEDAR	5335	7" CEDAR
4177	4" CEDAR	5198	6" CEDAR	5336	8" CEDAR
4178	2" CEDAR	5199	6" CEDAR	5337	11" CEDAR 9-3
4179	5" CEDAR 4-4	5200	5" LIVE OAK	5370	7" CEDAR
4180	3" CEDAR	5201	6" CEDAR	5371	11" CEDAR 6-5-4
4181	4" CEDAR	5202	10" CEDAR	5372	6" CEDAR
5020	3" HACKBERRY	5203	6" CEDAR	5373	14" CEDAR 11-8
5021	4" CEDAR	5204	7" CEDAR 5-3 MULTI	5374	15" LIVE OAK 10-9
5022	4" CEDAR ELM	5205	12" CEDAR 9-3	5385	15" CEDAR 10-9
5023	6" CEDAR	5206	4" CEDAR	5386	4" CEDAR
5024	2" CEDAR	5207	3" CEDAR	5387	10" CEDAR 5-5-4
5025	2" CEDAR ELM	5208	6" CEDAR	5388	6" CEDAR
5026	3" CEDAR	5209	3" CEDAR	5389	6" CEDAR
5027	3" CEDAR	5210	3" CEDAR	5390	12" CEDAR
5028	4" CEDAR ELM	5211	7" CEDAR 5-3	5391	4" CEDAR
5029	4" CEDAR ELM	5212	4" CEDAR	5392	4" CEDAR
5030	9" HACKBERRY	5213	3" LIVE OAK	5393	6" CEDAR
5031	5" HACKBERRY	5214	3" LIVE OAK	5394	6" CEDAR
5032	6" CEDAR 4-2-2	5215	3" CEDAR	5395	12" CEDAR 7-3-2
5033	10" ORATE MYRTLE 4-3-3-2-2-2	5216	4" LIVE OAK	5396	7" CEDAR
5034	4" HACKBERRY	5217	4" CEDAR	5397	2" CEDAR
5035	4" HACKBERRY	5218	3" CEDAR	5398	4" CEDAR
5036	9" CEDAR	5219	8" CEDAR	5399	4" CEDAR
5037	9" CHINABERRY	5220	8" CEDAR	5400	7" CEDAR 5-3
5038	7" CEDAR	5221	13" CEDAR 8-6-4	5401	8" CEDAR
5039	7" CEDAR	5222	11" LIVE OAK 8-5	5402	10" CEDAR 8-3
5040	13" CEDAR 9-7-6	5223	4" CEDAR	5403	3" CEDAR
5041	10" LIGUSTRUM 4-4-4-2-2	5224	5" CEDAR	5404	6" CEDAR
5042	2" HACKBERRY	5225	9" LIVE OAK 6-5	5405	3" CEDAR
5043	2" LIVE OAK 11-10	5226	5" CEDAR	5406	7" CEDAR 4-3-2
5044	3" HACKBERRY	5227	4" LIVE OAK	5407	4" CEDAR
5045	3" HACKBERRY	5228	4" CEDAR	5408	4" CEDAR 5-3
5046	14" CEDAR	5229	3" CEDAR	5409	3" CEDAR
5047	3" HACKBERRY	5230	3" CEDAR	5410	3" CEDAR
5048	3" HACKBERRY	5231	3" CEDAR	5411	6" CEDAR
5049	4" CEDAR ELM	5232	5" CEDAR	5412	4" CEDAR 3-2
5050	4" CEDAR ELM	5233	3" CEDAR	5413	3" CEDAR
5051	4" LIGUSTRUM	5234	6" CEDAR	5414	4" CEDAR
5052	2" CEDAR ELM	5235	3" CEDAR	5415	5" CEDAR
5053	3" LIGUSTRUM	5236	3" CEDAR	5416	5" CEDAR
5054	22" LIVE OAK	5237	6" CEDAR	5417	5" CEDAR
5055	18" LIVE OAK	5238	6" CEDAR 5-3	5418	6" CEDAR 5-3-2
5056	6" LIVE OAK	5239	4" CEDAR	5419	4" CEDAR
5057	9" ORATE MYRTLE 4-3-3-3-1	5240	4" CEDAR	5420	8" CEDAR
5058	8" ORATE MYRTLE 3-2-2-2	5241	4" CEDAR	5421	8" CEDAR
5059	33" LIVE OAK 17-17-14	5242	4" CEDAR	5422	9" CEDAR
5060	22" LIVE OAK	5243	4" CEDAR	5423	10" CEDAR
5113	5" LIVE OAK	5244	4" CEDAR	5424	8" CEDAR 5-3-2
5114	5" LIVE OAK	5245	4" CEDAR	5425	4" CEDAR
5115	9" LIVE OAK 7-4	5246	4" CEDAR	5426	11" CEDAR
5116	5" LIVE OAK	5247	6" CEDAR	5427	3" CEDAR
5117	6" CEDAR	5248	6" CEDAR	5428	12" CEDAR ELM
5118	6" CEDAR	5249	8" CEDAR	5429	7" CEDAR 4-4-2
5119	3" HACKBERRY	5250	5" CEDAR	5430	5" LIGUSTRUM
5120	6" CEDAR	5251	5" CEDAR	5431	6" CEDAR
5121	5" CEDAR	5252	5" CEDAR	5432	7" CEDAR
5122	5" CEDAR	5253	5" CEDAR	5433	8" CEDAR
5123	6" CEDAR	5254	6" CEDAR	5434	2" HACKBERRY
5124	4" CEDAR	5255	6" CEDAR	5435	6" CEDAR
5125	7" CEDAR	5256	3" LIVE OAK	5436	4" CEDAR
5126	6" CEDAR	5257	4" LIVE OAK	5437	7" CEDAR
5127	7" CEDAR	5258	5" LIVE OAK	5438	5" HACKBERRY
5128	9" CEDAR	5259	5" LIVE OAK	5439	4" CEDAR
5129	7" CEDAR	5260	7" CEDAR	5440	3" CEDAR
5130	9" HACKBERRY	5261	11" CEDAR 7-4-3	5441	2" CEDAR
5131	5" CEDAR	5262	10" CEDAR 7-6	5442	9" CEDAR
5132	5" CEDAR	5263	8" HACKBERRY 5-3-3	5443	15" CEDAR
5133	10" LIVE OAK 7-6	5264	9" LIVE OAK 6-5	5444	6" CEDAR ELM
5134	7" LIVE OAK 5-3	5265	13" LIVE OAK 7-5-5	5445	6" CEDAR
5135	3" LIVE OAK	5266	6" LIVE OAK	5446	6" CEDAR
5136	5" LIVE OAK	5267	7" LIVE OAK	5447	7" CEDAR
5137	6" LIVE OAK 4-3	5268	7" LIVE OAK	5448	5" CEDAR
5138	8" CEDAR	5269	7" CEDAR	5449	5" CEDAR
5139	13" CEDAR 7-6-6 MULTI	5270	7" CEDAR	5450	4" CEDAR
5140	15" LIVE OAK 10-6-4	5271	6" CEDAR	5451	4" CEDAR
5141	7" LIVE OAK	5272	9" LIVE OAK	5452	7" CEDAR
5142	4" CEDAR	5273	3" LIGUSTRUM	5453	9" CEDAR
5143	14" LIVE OAK 12-4	5274	4" CEDAR	5454	2" CEDAR
5144	6" LIVE OAK	5275	4" CEDAR	5455	15" CEDAR
5145	4" CEDAR	5276	4" CEDAR	5456	6" CEDAR ELM
5146	8" CEDAR	5277	4" CEDAR	5457	6" CEDAR
5147	6" CEDAR	5278	13" CEDAR 9-4-3	5458	6" CEDAR
5148	9" CEDAR	5279	8" LIGUSTRUM 6-3	5459	6" CEDAR
5149	4" CEDAR	5280	6" CEDAR	5460	6" CEDAR
5150	9" CEDAR	5281	4" CEDAR 4-3	5461	11" CHINABERRY
5151	8" CEDAR	5282	3" CEDAR	5462	11" LIGUSTRUM 5-5-5
5152	7" CEDAR	5283	4" LIVE OAK	5463	5" HACKBERRY
5153	7" CEDAR	5284	5" LIVE OAK	5464	5" HACKBERRY
5154	7" CEDAR	5285	7" LIVE OAK	5465	5" HACKBERRY
5155	7" CEDAR	5286	7" LIVE OAK 5-3	5466	5" HACKBERRY
5156	12" CEDAR 5-5-3-3-3	5287	7" LIVE OAK 5-3	5467	5" HACKBERRY
5157	3" LIVE OAK	5288	4" LIVE OAK	5468	5" HACKBERRY
5158	3" LIVE OAK	5289	4" LIVE OAK	5469	5" HACKBERRY
5159	3" LIVE OAK	5290	7" CEDAR	5470	5" HACKBERRY
5160	3" LIVE OAK	5291	6" CEDAR	5471	5" HACKBERRY
5161	3" LIVE OAK	5292	9" LIVE OAK	5472	5" HACKBERRY
5162	3" LIVE OAK	5293	3" LIGUSTRUM	5473	5" HACKBERRY
5163	3" LIVE OAK	5294	4" CEDAR	5474	5" HACKBERRY
5164	3" LIVE OAK	5295	7" CEDAR 5-3	5475	5" HACKBERRY
5165	3" LIVE OAK	5296	7" CEDAR	5476	5" HACKBERRY
5166	3" LIVE OAK	5297	13" CEDAR 9-4-3	5477	5" HACKBERRY
5167	3" LIVE OAK	5298	8" LIGUSTRUM 6-3	5478	5" HACKBERRY
5168	3" LIVE OAK	5299	6" CEDAR	5479	5" HACKBERRY
5169	3" LIVE OAK	5300	4" CEDAR 4-3	5480	5" HACKBERRY
5170	3" LIVE OAK	5301	3" CEDAR	5481	5" HACKBERRY
5171	3" LIVE OAK	5302	3" LIVE OAK	5482	5" HACKBERRY
5172	3" LIVE OAK	5303	4" LIVE OAK	5483	5" HACKBERRY
5173	3" LIVE OAK	5304	5" LIVE OAK	5484	5" HACKBERRY
5174	3" LIVE OAK	5305	7" LIVE OAK	5485	5" HACKBERRY
5175	3" LIVE OAK	5306	7" LIVE OAK	5486	5" HACKBERRY
5176	3" LIVE OAK	5307	7" LIVE OAK 5-3	5487	5" HACKBERRY
5177	3" LIVE OAK	5308	4" LIVE OAK	5488	5" HACKBERRY
5178	3" LIVE OAK	5309	4" LIVE OAK	5489	5" HACKBERRY
5179	3" LIVE OAK	5310	6" CEDAR	5490	5" HACKBERRY
5180	3" LIVE OAK	5311	13" CEDAR 8-5-4-4	5491	5" HACKBERRY
5181	3" LIVE OAK	5312	7" CEDAR 4-3-3	5492	5" HACKBERRY
5182	3" LIVE OAK	5313	7" CEDAR	5493	5" HACKBERRY
5183	3" LIVE OAK	5314	7" CEDAR 5-4	5494	5" HACKBERRY
5184	3" LIVE OAK	5315	8" CEDAR	5495	5" HACKBERRY
5185	3" LIVE OAK	5316	8" CEDAR	5496	5" HACKBERRY
5186	3" LIVE OAK	5317	8" CEDAR	5497	5" HACKBERRY
5187	3" LIVE OAK	5318	8" CEDAR	5498	5" HACKBERRY
5188	3" LIVE OAK	5319	7" CEDAR	5499	5" HACKBERRY
5189	3" LIVE OAK	5320	10" CEDAR	5500	5" HACKBERRY
5190	3" LIVE OAK	5321	3" CEDAR	5501	5" HACKBERRY
5191	3" LIVE OAK	5322	12" CEDAR 10-4	5502	4" CEDAR ELM
5192	3" LIVE OAK	5323	8" CEDAR	5503	5" HACKBERRY
5193	3" LIVE OAK	5324	5" CEDAR 8-8-7-4	5504	5" HACKBERRY
5194	3" LIVE OAK	5325	7" CEDAR	5505	5" HACKBERRY
5195	3" LIVE OAK	5326	7" CEDAR	5506	5" HACKBERRY
5196	3" LIVE OAK	5327	7" CEDAR	5507	5" HACKBERRY
5197	3" LIVE OAK	5328	11" LIGUSTRUM 7-4-3	5508	5" HACKBERRY
5198	3" LIVE OAK	5329	9" CEDAR ELM	5509	5" HACKBERRY
5199	3" LIVE OAK	5330	9" CEDAR ELM	5510	5" HACKBERRY
5200	3" LIVE OAK	5331	9" CEDAR ELM	5511	5" HACKBERRY
5201	3" LIVE OAK	5332	9" CEDAR ELM	5512	5" HACKBERRY

THIS DOCUMENT
RELEASED FOR
REVIEW ONLY AND
NOT INTENDED

3423 Bee Cave Rd - Structure Map





Contact

Client

Location

Date

Image

Michael Hsu
Office Of Architecture

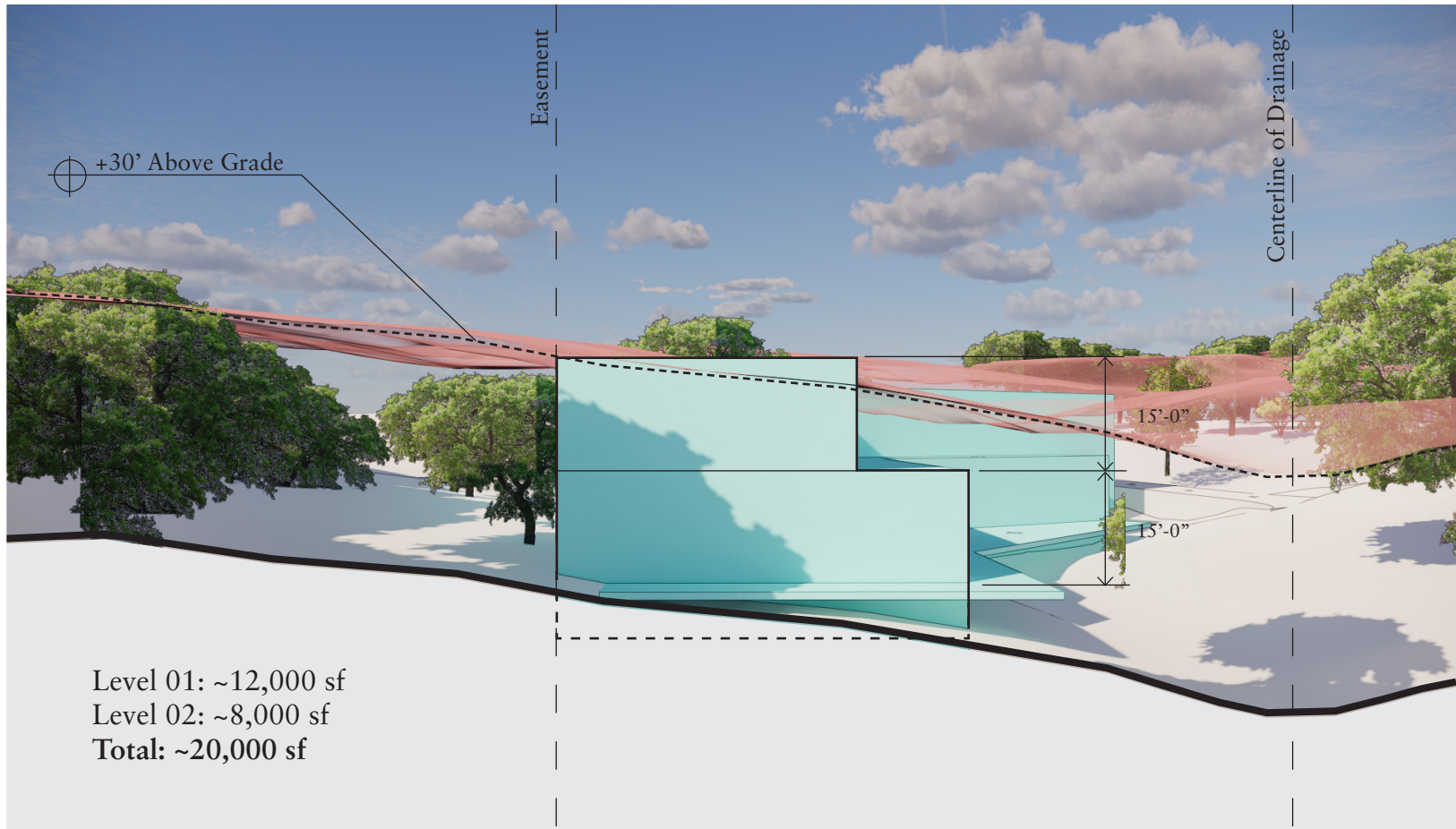
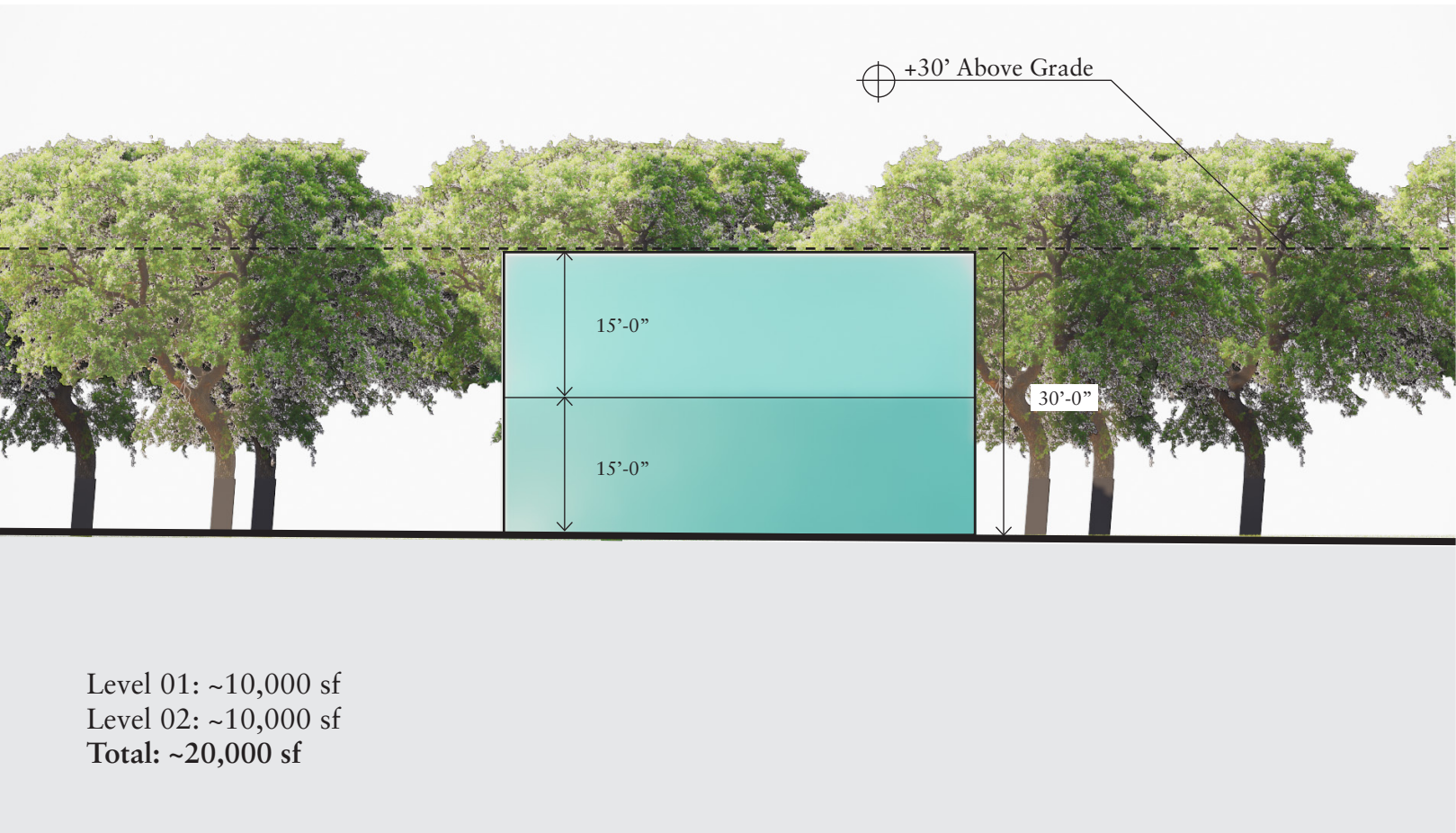
4910 Burnet Road
Austin, Texas 78756
(512) 706.4303

3423 Bee Caves Road

Austin, Texas

9 July 2021

Aerial View



Contact

Client

Location

Date

Image

Michael Hsu
Office Of Architecture

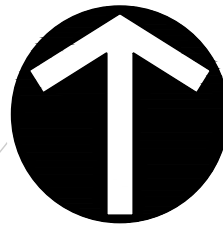
4910 Burnet Road
Austin, Texas 78756
(512) 706.4303

3423 Bee Caves Road

Austin, Texas

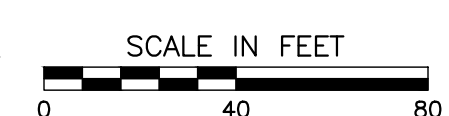
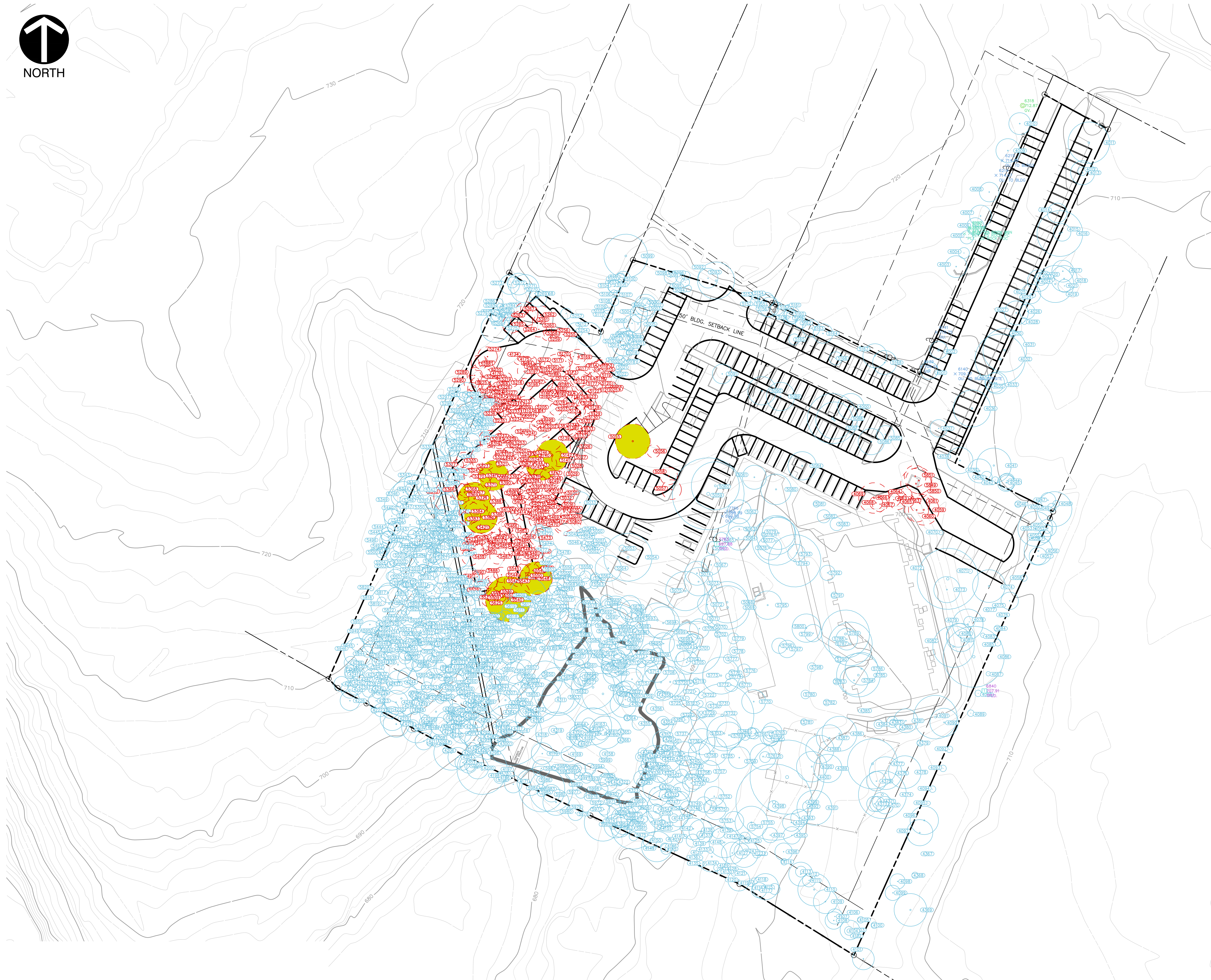
9 July 2021

Sections



NORTH

LEGEND	
	EXISTING MAJOR CONTOURS
	EXISTING MINOR CONTOURS
	EXISTING SETBACKS
	PROPOSED WALL
	710 PROPOSED MAJOR CONTOURS
	702 PROPOSED MINOR CONTOURS
	FIRE PROPOSED FIRE LANE
	PROPOSED BUILDING
	PROPOSED FRONT OF CURB
	PROPOSED BACK OF CURB
	ST PROPOSED STORM WATER PIPE
	WW EXISTING WASTEWATER MAIN
	EXISTING WASTEWATER MANHOLE
	EXISTING TREES TO BE REMOVED
	EXISTING TREES



From: [CHARLES PENLAND](#)
To: [zapco](#); [Anjali Naini](#); [Noah Cullis](#)
Cc: cstellfox@gmail.com
Subject: 3423 Bee Cave Road Variances
Date: Friday, July 16, 2021 9:46:46 PM

07/21/2021

Charles Penland
Christine Stellfox
1101 Snowy Owl Court
Austin, TX 78746
(512)636-9138
(512)636-6684

Re: 3423 Bee Cave Road,
Tree, Height, Impervious cover, Cut/Fill Variances

Dear City of West Lake Hills,

We are writing to express our objection to the variance requests on the 3423 Bee Cave Road property project. As owners of adjoining property we have many concerns to allowing the property to be developed in a manner that requires variances in multiple areas. We know as city government you do careful diligence before passing ordinances and regulations for the protection of our community and the environment. We also understand the importance of allowing development. You are tasked with the great responsibility of ensuring development is respectful to the community. This project is not respectful to the community. We believe by requesting variances of this amount and level these developers are being disrespectful to you and all your diligence, and we believe these developers are being disrespectful to the neighbors and the community. We ask you if allowing these multiple variances is in keeping with the spirit of the ordinances you have worked meticulously to pass.

We are in opposition to allowing the variances for impervious cover. Allowing the variance for a lesser area of impervious cover will forever negatively affect the rainfall runoff onto the surrounding properties that will cause flooding and harmful erosion. It will forever change the creeks and drainage patterns in the neighborhood. Without a planned detention pond it will allow for harmful chemicals to run off and seep into our ground contaminating our water supplies.

We are in opposition to allowing the variances for the cut and fill. Allowing the variance for this cut and fill request will forever change the natural drainage of the rain water runoff on to the surrounding properties. This variance will forever change the topography of the area and will cause flooding and harmful erosion to neighboring properties.

We are in opposition to allowing the variances for the height variance. This will negatively affect the neighborhood by not allowing natural light to reach the many heritage trees that we treasure so dearly, causing the trees to become sick and weak. We believe that it is disingenuous to ask for a

hardship for a height variance for plans that they themselves have had drawn. There is no natural reason for a hardship to allow the additional height.

We are in opposition to allowing a variance to cut any trees that are considered heritage hardwood trees and/or trees that add character to the community. These trees are a great value to the community. These trees contribute to the health and wellbeing of the community and that value can never be replaced. The impact to the neighborhood and community can never fully be recaptured if these heritage trees are allowed to be removed.

We are concerned that lighting that property every night will decrease the quality of life for the neighbors. We know that this property will need to be lit at night for security reasons therefore there is no way to come to a passable agreement. We are concerned that changing the drainage and erosion from this development will negatively impact the adjoining properties forever putting at risk the neighbors while removing all risks from this development's property owners. The developers say they can redirect the runoff with pipes under the building but we are not fooled, we all know that concrete and asphalt do not absorb water like the natural terrain does. We also know by redirecting that runoff the risk of flooding to the properties down slope is increased exponentially. We are concerned about the privacy of the neighboring houses, it's nice to represent the foliage as lush and full in spring and summer in a year where we have had ample amounts rain. Please remember this is not typical and when the foliage is dormant and shed the sight lines will be all open and this building will overlook bedroom windows and back yards. We are concerned for the tranquility of the memorial gardens. We are concerned that this is a planned multi-phase development and the developers are not being upfront about the total scope of the project. We are concerned that once this property is under the control of these overreaching owners and this development team the tenants currently under lease agreements will be removed and the existing buildings will be raised and replaced with additional development that is not in keeping with or respectful to the neighborhood, thus multiplying our concerns. We are concerned that this developer is taking advantage of your earning points system, to use you, to make this over high building look like it fits. They are disrespecting you to ask for points on items that they had included originally.

We genuinely appreciate the attempt of the developers to propose a new vision, but like the last design, this new design is not the right fit for this property. This development will put at risk the safety of the students of the schools that are currently tenants, during and after construction. This development will put at risk the safety of the neighbors with safety and flooding risks. This development will negatively impact property values to the neighboring residential properties thus placing a hardship on those property owners.

Thank you for your service to the community and for considering our objections to these multiple variances. Please consider not allowing these variances to be approved based on the negative impact and wellbeing to the community. Please consider the conscientiousness and thoroughness that you used when putting these regulations into effect and do not allow these variances as this will set a precedent for all future development in the city.

Sincerely;

Charles Penland
Christine Stellfox

From: [REDACTED]
To: [Ashby Grundman](#); [Mark Littrell \(PZSec\)](#); [mayor@mayor](#)
Subject: Opposition to proposed development at 3423 Bee Caves Rd.
Date: Thursday, August 12, 2021 11:56:07 AM

Hello West Lake Hills City Council, ZAPCO and Mayor,

I am once again writing to voice my opposition to the proposed development at 3423 Bee Caves Rd.

My understanding is that a 2-story medical office building is proposed for this location. This would be DEVASTATING to the safe, quiet environment that currently exists for many vital **kid-centric** businesses in this immediate area, including but not limited to:

- Primrose PreSchool
- Acton Academy (age 3-12)
- a school/therapy center for children with autism
- a center that provides mental health counseling
- Master Martial Arts studio
- Synergy Dance Studio

The amount of disruption that first, the construction of the project, and then the subsequent permanent increase in car traffic, pedestrian traffic, and deliveries that come with the operation of a medical office building will be incredibly damaging to the peaceful learning environment that currently exists here to support children. In addition, my understanding is that this proposed development will also require the removal of a number of trees/wildlife beyond what is allowed in the planning code, which should not be permitted to happen and will further destroy the current nurturing environment there.

As a resident of an adjacent neighborhood, and as a family with elementary aged children who have and will benefit from these businesses, I do NOT support this project and I urge you to oppose it as well. We do NOT need another medical office building in this area and especially not at this specific location that will directly and negatively impact so many wonderful existing businesses providing critical services to our kids and community.

Respectfully,
Katie Hastings

Katie Hastings AIA

[REDACTED]
512.653.2214 cell

From: [REDACTED]
To: mayor@mayor
Cc: [Anjali Naini](#); [Gordon Bowman](#); wlhcc1@wlhcc1; wlhcc2@wlhcc2; [Beth South](#); [WLHCC4](#); [Mark Littrell \(PZSec\)](#)
Subject: Re: ZAPCO meeting July 21, 2021
Date: Monday, August 9, 2021 2:23:04 PM
Attachments: [GoogleAppsLogo.png](#)

To the Planning and Zoning Commission Members,

I am the Owner of Sandbox ABA, one of the number of businesses in the complex of businesses located at 3423 Bee Cave Rd., backing up to Snowy Owl Ct. and Rosefinch Tr.

Our Center provides therapeutic treatment to young children with autism. We strive to help our children maximize their potential to live enriched and joy filled lives. We teach language, play, social and adaptive skills, with the aim of helping these children be able to learn in typical school settings. Individuals with autism have a wide variety of symptomology; among them is hyper-sensitivity to sensory events, such as loud noises, crowded spaces, social anxiety. We strive to provide a treatment setting that helps them feel safe and secure.

When looking for a site for a treatment center, we specifically looked for a location that was away from noise, congestion, traffic, as a way to provide a peaceful setting for treatment, safe enough away from the dangers of traffic, and quiet enough to provide a modicum of peace and privacy even while they are able to play outside on a playground.

We are thrilled to be able to share this space with other providers of services for children! These other services include a pre-school (Primrose), Acton Academy (K-12), mental health counseling, and martial arts and dance studios. Being near these other providers brings a sense of normalcy to our children's perspective – that they are among other children, all learning in their own ways. Indeed, when we first were scouting this location, the landlord billed the area as a learning enclave for children.

There is a developer proposing to destroy the critical quiet and safe enclave of these nested businesses in order to impose a three story medical office building and parking garage in the middle of these smaller structures. The amount of disruption created by the 1-2 year construction on top of the change in the 'protected' landscape, would be incredibly damaging to the quiet and peaceful environment cultivated by our businesses required to support children in their learning and therapy.

In addition, the nature of a medical office building necessitates a constant flow of patients, deliveries, employees whose ongoing activity will not only destroy the children's learning environment, but will also require the removal of a number of trees/wildlife beyond what is allowed in the planning code.

Finally, construction of the building would eat up the parking available to our, and other tenants, clients. Per our rental contract, parking is *"provided on a basis of four (4) spaces per one thousand (1000) rentable square feet."* This new building / construction is likely to violate the terms of the rental contracts of the tenants.

Please consider the harmful impact this construction and building would do to our special learning enclave! The children of Westlake deserve to have such an amazing space for such enriching learning opportunities.

Thank you for your consideration.

Rebecca Ryan
Founder/Owner
Sandbox ABA



Melissa D. Munoz
Administrative Director
Sandbox ABA
3423 Bee Cave Rd Suite 200
Austin, Texas 78746
ph: (512) 524-1374
fx: (512) 524-1355

www.sandboxaba.com

Like Us on Facebook: <https://www.facebook.com/sandboxABA>

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information or otherwise protected by law. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message

On Jul 19, 2021, at 4:50 PM, mayor@ mayor <mayor@westlakehills.gov> wrote:

Hi Melissa,
Apologies for the error on our part for not notifying you or Primrose. We will pull the item from our upcoming Zapco agenda, renotify and it will be heard at the Aug. 18 meeting. Our records indicate that we have received only 1 other email besides yours concerning the project - it was sent after 9:30 pm Friday, which was too late to be included in the Zapco packet.

I think, since this is a new application with different degrees of variance requests, that people should submit their comments on the current application instead of relying on their past objections to the project. I understand that there will likely be a lot of overlap between the 2. We do still have all of the emails nearby residents sent from the prior Zapco and council meetings for this project, and can include them in packets.

Again, apologies for our oversight and thanks for letting us know. Linda

Sent from my iPad

On Jul 19, 2021, at 2:47 PM, Melissa Munoz
[REDACTED] wrote:

Good afternoon!

I am writing you with some questions in regards to the ZAPCO meeting this Wednesday and the property at 3423 Bee Cave Rd. For some reason I thought we were supposed to get a 30 day notice of scheduled meetings of which we were not. The sign at the entrance of our building went up last week.

Also, I noticed that all of the letters regarding concerns from the tenants at this location as well as multiple neighbors that will be negatively impacted by the purposed building are not in the packet for Wednesday. Do we need to resubmit all of our concerns?

Please add Rebecca Ryan, owner of Sandbox ABA as a speaker for Wednesday. Her phone number is 512.590.0505 and the project number is: 16719

Thanks for your help,
Melissa

Good afternoon,

It was recently called to my attention that there are plans to build a 3 story office building complex with a parking garage where 3 schools for young children are located at 3423 Bee Cave Rd.

We all chose this space because it is safe and tucked away from traffic. Sandbox provides therapy services for young children with autism and we spend a lot of time outdoors.

If you are to allow this building, all traffic to and from will have to pass our schools, playgrounds and go directly through our parking lot. Not to mention all of the noise of the construction when our kids are sensitive to noise, Actons kids are in school trying to learn and Primrose kids have naps that are surely to be interrupted.

I was also under the impression that we were to receive a 30 day notice of scheduled ZAPCO meetings. The notification was posted last week.

We are all trying to stay in business and survive in the midst of a pandemic and we all provide services to children. I'm sure there is a more fitting location for this office building.

Thanks for your consideration and for helping us find a

solution that is best for all of the children we serve as this office building will affect the lives of hundreds of children and their families.

I appreciate your time,
Melissa

<GoogleAppsLogo.png>

Melissa D. Munoz
Administrative Director
Sandbox ABA
3423 Bee Cave Rd Suite 200
Austin, Texas 78746
ph: (512) 524-1374
fx: (512) 524-1355

www.sandboxaba.com

Like Us on Facebook: <https://www.facebook.com/sandboxABA>

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information or otherwise protected by law. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message

<GoogleAppsLogo.png>

From: [Nancy Gerard](#)
To: [Ashby Grundman](#); [Mark Littrell \(PZSec\)](#); [mayor@mayor](#)
Cc: [Nancy Gerard](#)
Subject: Request for variances for a proposed property at 3423 Bee Cave Road - Zoning and Planning meeting August 18, 2021 and BOA/City Council meeting September 8, 2021
Date: Tuesday, August 10, 2021 9:26:01 PM

> Please deny the variance requests to develop a new building for medical offices at the above address. I have lived at 1104 Snowy Owl Court for 28 years. My home is behind the proposed new building.

> Allowing the new building to be built, especially at its proposed height of 54 feet and allowing vegetation and tree removal, would negatively impact my property values and reduce the current sound and visual barrier to the buildings already on Bee Cave Road near my property. In addition, it would create more traffic which could endanger children using nearby Acton Academy West Austin and add more traffic to businesses adjacent to the proposed new building. And there would also be drainage issues with clearing brush and small trees near the proposed new building. A small Arroyo or wet weather creek is at the back of my property and I could experience more and heavier flows of stormwater through this creek.

>

> Thank you.

>

> Nancy Gerard
> 1104 Snowy Owl Court
> 512-413-6128
>



SUBDIVISION STAFF REPORT

August 18, 2021

Project Address: 402 Spiller Lane

Project Number: 16329

Agenda Item: Land Use: **402 Spiller Lane:** Discussion/recommendation on an application for a minor subdivision plat for a property zoned R-1. (West Lake Hills Code Chapter 36). Agent Andrew Dodson for owner Robert Josey.

- Section 36.01.018 Minor Plat

Applicant Information: Applicant Andrew Dodson for Owner Robert Josey

Hearing Dates:

August 18, 2021 **ZAPCO**

August 25, 2021 City Council

Location: The subject property is located on Spiller Lane at the intersection of Spiller Lane and Buckeye Trail.

Zoning & Site Characteristics:

The subject tract and adjacent properties are zoned R – 1 – One-Family Residential.

The subject is approximately 1.139 acres.

Background & Analysis:

The applicant submitted an application for a new single-family residence, but as a requirement of issuing a permit, the lot must be platted. The subdivision application for a minor plat would allow the City to issue the building permit for the new residence. There are no changes to the lot configuration or number of lots.

Subdivision Regulations:

This plat is following the current subdivision regulations in Chapter 36 of the Code for informational and procedural requirements.

Per State law (Local Government Code Chapter 212), cities must act on a plat within 30 days of being considered a complete application.

Lighting

There is no outdoor lighting proposed with this application.

Building Code

The property and future construction will have to comply with all applicable City codes.

Subdivision

The application is proposing an eight-lot residential subdivision.

Comprehensive Planning Analysis

The proposed current and future land use complies with the City's Comprehensive Plan.

Staff Recommendation

The staff recommendation is approval of the proposed subdivision plat as it complies with City Code and the Local Government Code.

Links to Relevant Code:

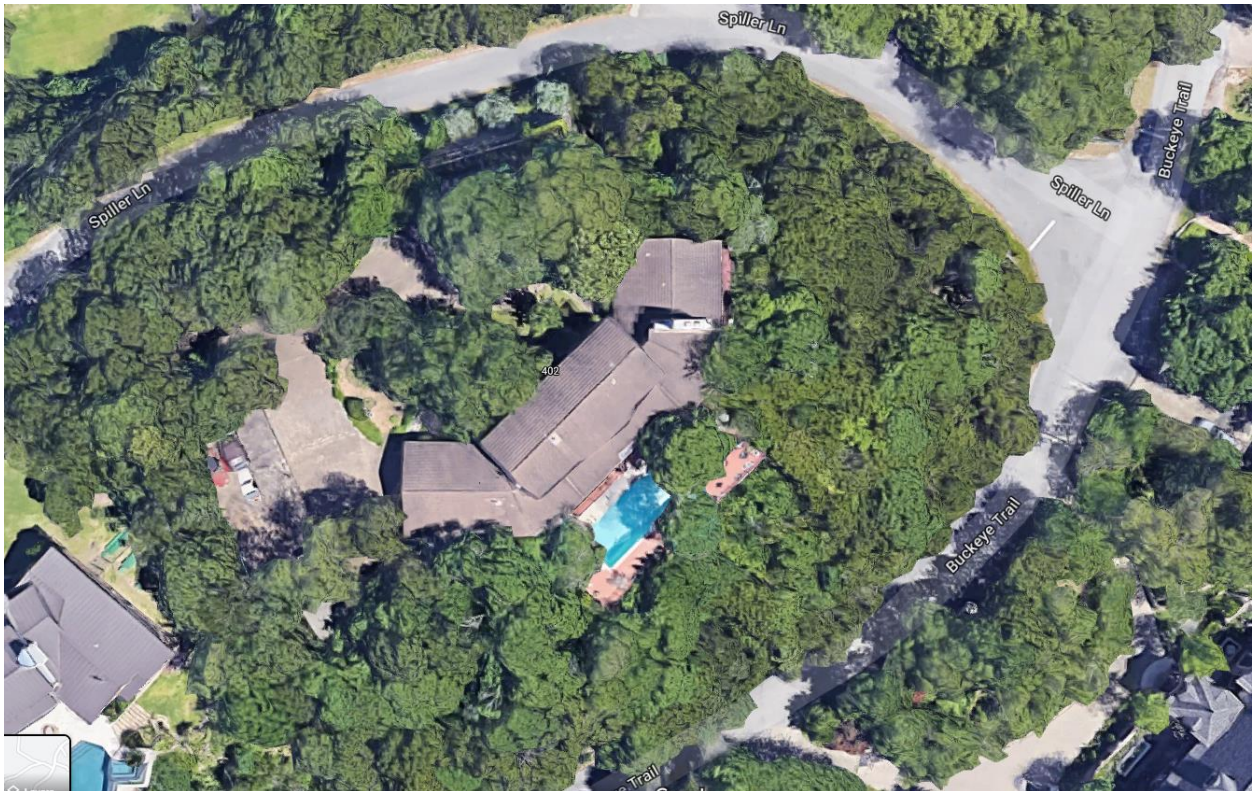
- [Sec. 22.03.281 Schedule of Regulations](#)
- [Chapter 36 Subdivisions](#)
- [Texas Local Government Code Chapter 212 Municipal Regulation of Subdivisions](#)

(Maps to follow)

Zoning:



Aerial:



SUBDIVISION APPLICATION



Date Received: _____ Received By: _____
Amount Due \$ _____ Date Payment Received: _____
Admin Complete Date: _____ Permit No: _____

****All applications and supporting documents should be submitted electronically to
pzsec@westlakehills.org and planner@westlakehills.org****

APPLICANT INFORMATION

The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

Property Owner: Robert Josey _____ Phone: 512-659-2627 _____

Email: _____

Address: 1703 W. 29th _____ City: Austin _____ State: TX _____ Zip: 78703 _____

Agent*: Andrew Dodson, PE _____ Phone: 512-748-3253 _____

Email: dodsoncivil@gmail.com _____

Address: 361 Middle Creek _____ City: Buda _____ State: TX _____ Zip: 78610 _____

**Please submit Power of Attorney form designating authorized agent.*

SUBDIVISION INFORMATION

Property Address: 402 Spiller Lane _____

Subdivision Name: Josey Subdivision _____

Tax Parcel ID: 115077 _____ Total Acreage: 1.07 _____

Type of Plat: Replat ☐ Amending Plat ☐ Minor Plat ☒ Preliminary Plat ☐ Major Plat ☐

Final Plat ☐ Plat Vacation ☐

Proposed number of lots: 1 _____ Will project be connecting to central sewer? Y ☒ N ☐

Current Zoning Classification: R1 _____ Proposed Land Use: Residential _____

Does subdivision require variances? Y ☐ N ☒

If the subject area is already subdivided, please complete below:



SUBDIVISION APPLICATION

Recorded in: Volume #: _____ Page #: _____ Instrument #: _____

Briefly describe purpose of project:

As requested by staff, final plat is being submitted to allow release of proposed building permits

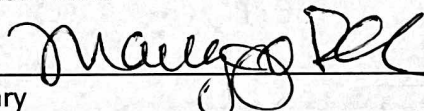
AUTHORIZATION & ACKNOWLEDGEMENT

The above information is true to the best of my knowledge. I attest that the real property described herein is owned by me and all others as assigned below. If the below signed applicant is not the owner of said property, the signature of the property owner must be included below or consent must be attached (Power of Attorney Form). If said property is owned by a corporation, please list title and name of corporation.

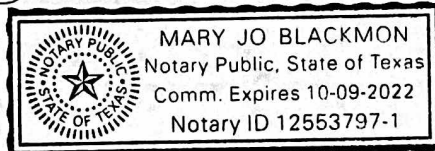

Signature

5/20/21
Date

Robert Jossey
Printed Name


Notary

5-20-2021
Date



APPLICATION CHECKLIST



SUBDIVISION APPLICATION

Application Requirements (refer to City Code Chapter 36)

- ☐ Completed, signed application
- ☐ Power of Attorney form, if applicable
- ☐ Tax certification
- ☐ Plat Document (must include required approval/signature blocks and other contents as required, depending on type of plat. Refer to Code Chapter 36 for all requirements)
- ☐ Proof of ownership of subject property
- ☐ Letter addressed to the chair of the Zoning & Planning Commission (if plat requires ZAPCO/City Council approval)
- ☐ Plat document prepared by surveyor/engineer, including all required signature blocks and plat notes
- ☐ Variance approval letter, if applicable
- ☐ Approvals from all other applicable entities (Water District 10, ESD 9, TxDOT, TCEQ, Austin Energy, OSSF/Sewer verification, etc.)
- ☐ Existing or proposed covenants and restrictions
- ☐ Construction Plans, if applicable
- ☐ Payment of application fees (including public notification fees) by check or credit card (*refer to Appendix A: Fee Schedule in the Code of Ordinances for current fees*). Call 512-327-3628 to pay by credit card or mail or drop off a check
- ☐ Traffic Impact Analysis, if applicable
- ☐ Other applicable information as required by staff and City Code

APPROVAL PROCESS & PROCEDURES

Public Hearings

Some types of subdivision applications require action by the Zoning and Planning Commission (ZAPCO), which meets on the third (3rd) Wednesday of the month (does not meet in December) and the City Council, which meets the second (2nd) and fourth (4th) Wednesdays of the month. All meetings are held in the Council Chambers at City Hall, 911 Westlake Drive at 6:30pm (ZAPCO) and 7:00pm (City Council). The agendas and meeting packets are posted on the City website the Friday before the meeting.

Pre-Application Meeting

Subdivision pre-application meetings are required before filing an application. Please schedule a meeting by contacting planner@westlakehills.org. A concept plan needs to be prepared prior to scheduling a pre-application meeting.

Complete Application

An application must be considered complete by staff (official filing date) in order to be routed for technical review or be placed on an agenda for consideration. The filing date is the tenth (10th) business day after a submission has been submitted to the City if the City Administrator or designee has not yet acted on the submission.

STAFF NOTES



SUBDIVISION APPLICATION

For Completion by Staff Only

Official Filing Date (Administratively Complete): _____

Date of ZAPCO Hearing: _____

ZAPCO Recommendation: _____

Date of City Council Hearing: _____

City Council Action: _____

Notes:



SPECIAL POWER OF ATTORNEY FORM

KNOW ALL PERSONS BY THIS DOCUMENT that I, Robert Josey
have made, constituted and appointed Andrew Dodson, PE
to be my duly authorized representative in connection with an application dated _____,
to be heard by the Building Design Committee, Zoning & Planning Commission, and City
Council/Board of Adjustment of the City of West Lake Hills, Texas. All representations, whether
oral or written, made by the representative in support of the request have the full force and effect
of the applicant's approval. I do by this document constitute the above named representative as
my true and lawful attorney-in-fact to act in my name, place and stead, to do and perform any act
in connection with such application which I myself might perform or do if I was personally present.

Robert Josey

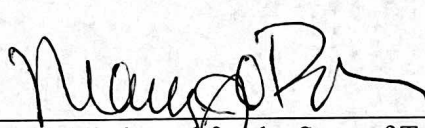
Property Owner/Applicant Name


Property Owner/Applicant Signature

1703 W. 24th Austin TX 78703
Street Address City State Zip Code

512-659-2627
Property Owner/Applicant Phone Number

This instrument was acknowledged before me on this the 20 day of May, 20 21.


Notary Public in and for the State of Texas

