



CITY OF WEST LAKE HILLS, TEXAS
NOTICE OF BOARD OF ADJUSTMENT (BOA) REGULAR MEETING
Wednesday, September 8, 2021 at 7:00 PM

Notice is hereby given that the Board of Adjustment (BOA) of the City of West Lake Hills, Texas, will hold a Regular Meeting on the 8th day of September 2021 at 7:00 p.m., in the Council Chamber, Municipal Building, 911 Westlake Drive, West Lake Hills, Texas, at which time the following items will be discussed, to-wit:

REMOTE ACCESS:

Due to the COVID-19 Stage 5 status in Travis County, any citizens or applicants that wish to speak at the meeting are encouraged to attend virtually, as the number of people in the chambers will be limited due to physical distancing. Facial Coverings are not required, but highly recommended, and will be available for any that need one.

Join Zoom Meeting: Copy and Paste the link below:
<https://us02web.zoom.us/j/89942211870?pwd=TWxFRU1udzBLWFFJLy9HaVZweHZTdDz09>

Meeting ID: 899 4221 1870
Passcode: 961517

If you wish to listen to the meeting via telephone: Dial (346) 248-7799, Meeting ID 899 4221 1870, Password: 961517.

If you wish to speak during the meeting, please provide your name, phone number and the item number you wish to speak on to citysec@westlakehills.gov by 1:00 P.M. on September 8, 2021.

Members of the public who wish to submit their written comments in lieu of speaking shall submit their comments by emailing citysec@westlakehills.gov. Comments must be received by 1:00 P.M. on September 8, 2021.

1. Call to Order

2. Citizen Communications The City Council Welcomes Public Comments at this Point on any Issue. If the Issue is Listed on the Agenda, the Speaker May Choose to Comment During the Public Comment Period or When the Specific Agenda item is Taken Up by the Council Later in the Meeting. The Council Cannot Respond to Matters Not Listed on the Agenda Until a Future Meeting. Speakers Shall Limit Their Comments to Five (5) Minutes Each
3. Consent Agenda All Consent Agenda Items Listed are Considered to be Routine by the City Council and Will be Enacted by One (1) Motion. No Separate Discussion or Action on any of the Items is Necessary Unless Desired by a Council Member or Citizen
 - a. Approval of the August 11, 2021 Regular Meeting Minutes
4. Land Use 3423 Bee Cave Road: Discuss And Consider Action 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
DUAL ACTION BOA/COUNCIL
 - a. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.
5. Land Use 403 Skyline Drive: Discuss and Consider Action on an application for a variance request to encroach a front building setback and building height. (West Lake Hills Code Sec. 22.03.281, 22.03.279 & 22.03.275). Benito Keiderling.
 - a. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.
6. Land Use 613 Rock Park Drive: Discuss and Consider Action 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.
DUAL ACTION BOA/COUNCIL
 - a. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.
7. Adjournment

Approved by: Linda Anthony, Mayor

Certificate

I certify that the above Notice of the September 8, 2021 Board of Adjustment Regular Meeting was posted on the bulletin board at the Municipal Building, 911 Westlake Drive, West Lake Hills, Texas on Friday, September 3, 2021 by 5:00 pm. and will remain posted continuously until said meeting is convened.

Signed by: Stephanie Mills, City 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. City Council 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 BOARD OF ADJUSTMENT (BOA) REGULAR MEETING
Wednesday, August 11, 2021 at 7:00 PM

1. Call to Order

With a quorum present, Mayor Anthony called the meeting to order at 7:05 p.m. Members in attendance were Mayor Linda Anthony, Mayor Pro Tem Walker, Councilmembers Brian Plunkett, Beth South and Gordon Bowman. Councilmember Rhonda McCollough was absent

2. Citizen Communications The City Council Welcomes Public Comments at this Point on any Issue. If the Issue is Listed on the Agenda, the Speaker May Choose to Comment During the Public Comment Period or When the Specific Agenda item is Taken Up by the Council Later in the Meeting. The Council Cannot Respond to Matters Not Listed on the Agenda Until a Future Meeting. Speakers Shall Limit Their Comments to Five (5) Minutes Each

Mayor Anthony opened the meeting for public comments. Hearing none, the public comment section was closed

3. Consent Agenda All Consent Agenda Items Listed are Considered to be Routine by the City Council and Will be Enacted by One (1) Motion. No Separate Discussion or Action on any of the Items is Necessary Unless Desired by a Council Member or Citizen
- a. Approval of the July 14, 2021 Regular Meeting Minutes
 - b. **701 S Capital of Texas Hwy Suite E590 (Taco Deli):** Adopt an Ordinance for a Special Use Permit Request to Allow the Sale of Alcoholic Beverages in a Restaurant for On-Site and Off-Site Consumption for Property Zoned B – 3 – Business 3 District (West Lake Hills Code Sec. 38.03.038 & Article 38.04). The applicant is Bryan Poff.
 - c. **902 Redbud Trail:** Adopt an Ordinance for a Special Use Permit Request to Allow a Guest Quarters for a property zoned R-1 – One Family Residential (West Lake Hills Code Sec. 38.03.032). Applicant Samy Aboel-Nil.

Motion for Approval made by Councilmember Plunkett with a Second by Mayor Pro Tem Walker

Motion for Approval carried by a vote of 5 ayes to 0 nays, with Councilmember McCollough absent

4. Land Use 116 Skyline Drive: Public Hearing and Discuss and Consider Action 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

a. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.

Motion for Approval made by Mayor Anthony with a Second by Councilmember Plunkett

Motion for Approval carried by a vote of 5 ayes to 0 nays, with Councilmember McCollough absent

5. Land Use 201 West Spring Drive: Public Hearing and Discuss and Consider Action 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

a. Public Hearing: All Persons Wishing to Speak for or Against Shall be Heard.

This item was withdrawn at the request of the Applicant

6. Adjournment

Motion to adjourn the meeting made at 7:15 p.m. by Mayor Pro Tem Walker with a Second by Councilmember South

Motion for Approval carried by a vote of 5 ayes to 0 nays, with Councilmember McCollough absent

Respectfully submitted,

Linda Anthony, Mayor

ATTEST:

Stephanie Mills, City Secretary

These minutes were approved on _____, 2021.

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

1. Call to Order. Chairman Robert Meisel.

With a quorum present, Vice-Chairman Jim Pledger called the meeting to order at 6:33 p.m. Members in attendance were 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 July 21, 2021 Regular Meeting Minutes

COMMISSIONER VAUGHAN MOVES TO APPROVE THE MINUTES. COMMISSIONER HARWELL SECONDS. UNANIMOUS (4-0) APPROVAL.

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

Director Grundman gives the Staff Report. Staff Recommendation: Denial due to lack of hardship. Three letters of support are attached.

Commissioner Harwell: The lot adjacent to this, 401 Skyline, has a garage that is very close to the street. Did they receive a variance for a setback?

Vice-Chairman: This is a very steep lot.

Director Grundman: The topography of the lot could play into it. I don't think there was minimization.

Presentation by Applicant

Benito Keiderling is the owner. The lot is a very steep slope. The house on either side are not far from the street for the same reason. It would actually line up with the other houses. The height is very challenging because of the slope. The final thing is the lot is just over half an acre. We will keep the landscape very beautiful. That's what we love about West Lake Hills.

Public Hearing

Vice-Chairman Pledger opened the meeting for public comments.

Eric Upton lives at 302 Redbud Trail which is immediately down the hill. We have lived here for 35 years. I'm philosophically against the height limit.

Vice-Chairman Pledger closes the Public Hearing and reconvenes the meeting.

Deliberation and Action

Commissioner Maccini: All the requests are design driven. I don't see the hardship. A 5,000 sq. ft. house is not mitigating with regards to impervious cover. They are all based on the house design and no hardship, in my opinion.

Commissioner Vaughan: On page 27 of the packet, the left side would be the front of the house?

Director Grundman: The left side is Skyline Drive.

Commissioner Vaughan: This does seem pretty complex to me. All the houses on Skyline have the same problems. The extra 11 feet, you could cut off the pool deck.

Director Grundman: The black line is the natural grade. The height has to be 30' max above that.

Commissioner Vaughan: Thank you for clarifying. A small section of a second story, correct?

Vice-Chairman Pledger: This is a design driven issue. There aren't very many hardships relative to height.

Commissioner Vaughan: I mis-interpreted this diagram.

Commissioner Bartoletti: I would recommend approval on the front setback but struggling with the other two.

COMMISSIONER BARTOLETTI MOVES TO RECOMMEND APPROVAL OF FRONT SET BACK BUT DENIAL OF THE OTHER TWO VARIANCE REQUESTS. COMMISSIONER HARWELL SECONDS. UNANIMOUS (4-0) APPROVAL.

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

Commissioner Maccini requests going into Executive Session.

ZAPCO went into Executive Session at 7:00 p.m. and reconvened in Open Session at 7:13 p.m.

Director Grundman gives the Staff Briefing. Staff Recommendation: Approval as presented. No responses to notices.

Presentation by Applicant

Christopher Crane is the owner. I could give a history but would that be helpful? The first proposal was in 2017 to 12 units. I re-worked it so I came back with another proposal and really struggled with the process of getting permits. We kept reducing the size and I feel I made a great effort to be compliant and we are building really good homes for the area.

Commissioner Maccini: Did you consider a single family dwelling there?

Christopher Crane: I'm surrounded by multi-family and a bank.

Brad Walters: Duplexes are directly across.

Public Hearing

Vice-Chairman Pledger opened the meeting for public comments. Hearing none, the public comment section was closed.

Deliberation and Action

Commissioner Vaughan: I'm in favor of all variances as presented. I think he did a favor for the city. I feel obligated to abide by that.

Commissioner Maccini: I do wish a single family dwelling but I understand.

COMMISSIONER VAUGHAN MOVES TO RECOMMEND APPROVAL OF ALL VARIANCES AS REQUESTED. COMMISSIONER HARWELL SECONDS. UNANIMOUS (4-0) APPROVAL.

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

Director Grundman gives the Staff Briefing. Staff Recommendation: Approval.

Vice-Chairman Pledger: If they meet the incentives they can eliminate the height?

Director Grundman: Council would have to make a ruling on that.

Commissioner Bartoletti: If our determination do we want the council to have the option to approve if incentives are met?

Director Grundman: You can have no recommendation.

Presentation by Applicant

Peter Narvarte is the applicant. After guidance we reduced the scale. We pushed it away from the schools and toward Shepherd of the Hills. We reduced the size to 20,000 sq. ft. We've tried to listen to everybody and address their concerns. I appreciate your time.

Commissioner Bartoletti: Could you address the parking issue?

Peter: The first time we had a garage; we removed that.

Commissioner Vaughan: About the schools, how long do those leases last?

Peter: We have the property under contract. I know they have an option to extend. Acton has another five years and Primrose has options.

Commissioner Harwell: Do you know the number of staff and clients that would use the parking?

Peter: 4 per 1,000. Employees, 25-30 people. There wouldn't be traffic on Friday or weekends.

Public Hearing

Vice-Chairman Pledger opened the meeting for public comments.

Jessica Blacklock: I'm a resident and business owner in Westlake. The new proposal is deeply concerning. There has been no effort to address the school concerns.

David Linton: We appreciate the opportunity, with wife Laura. We have two children that attend Acton. We've spoken at previous meetings against the proposal.

Mark Barrier: My property is immediately south of Bee Cave. I appreciate the effort the developer has made to bring it down. The building will actually move closer to my property. The impervious cover is an issue due to the increase. All the drainage runs off to our property. The package does mention drainage improvements but we don't know how this is going to happen. I feel we still need to oppose those.

Public hearing is closed.

Deliberation and Action

Commissioner Harwell: My biggest concern is the ingress and digress of the property. I can see the need for a new stop light to accommodate the cars that will be going to this property. That is a bigger concern than height or impervious cover.

Commissioner Vaughan: I still have a hard time with a hardship on this property. The hardship is a financial hardship which we cannot consider.

Commissioner Maccini: There aren't hardships. Flooding is a concern of the homeowners. This is purely design driven.

COMMISSIONER MACCINI MOVES TO RECOMMEND DENIAL FOR LACK OF HARDSHIP. COMMISSIONER BARTOLETTI SECONDS. UNANIMOUS (4-0). DENIAL.

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

Director Grundman gives the Staff Briefing. Staff Recommendation: Approval due to conforming to Code.

Presentation by Applicant

Andrew Dodson is the applicant for Dr. Josey. This is one item that needed to be cleaned up so we could move forward with the building permit.

Commissioner Maccini: The plat, it doesn't change the restriction for the home?

Director Grundman: No, it would have to conform to code.

Public Hearing

Vice-Chairman Pledger opened the meeting for public comments. Hearing none, the public comment section was closed.

Deliberation and Action

**COMMISSIONER MACCINI MOVES TO RECOMMEND APPROVAL.
COMMISSIONER VAUGHAN SECONDS. UNANIMOUS (4-0) APPROVAL.**

7. Adjournment. Chairman Robert Meisel.

Meeting is adjourned at 8:02 p.m.

Respectfully submitted,

ROBERT MEISEL, CHAIRMAN

ATTEST:

ZAPCO Secretary Mark Littrell

These minutes were approved on _____, 2021.



MULTIPLE VARIANCES
STAFF REPORT

September 8, 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 propose 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.

It is worth noting that there are instances of commercial/office uses abutting residential properties all along Bee Cave Road, and this proposed building is 119 feet from the rear property line and the setback per code is 40 feet, so it is about three times as far as the code minimum from the adjacent residential properties.

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.

Zoning and Planning Commission Recommendation

ZAPCO voted to recommend denial unanimously (4-0).

Staff Recommendation

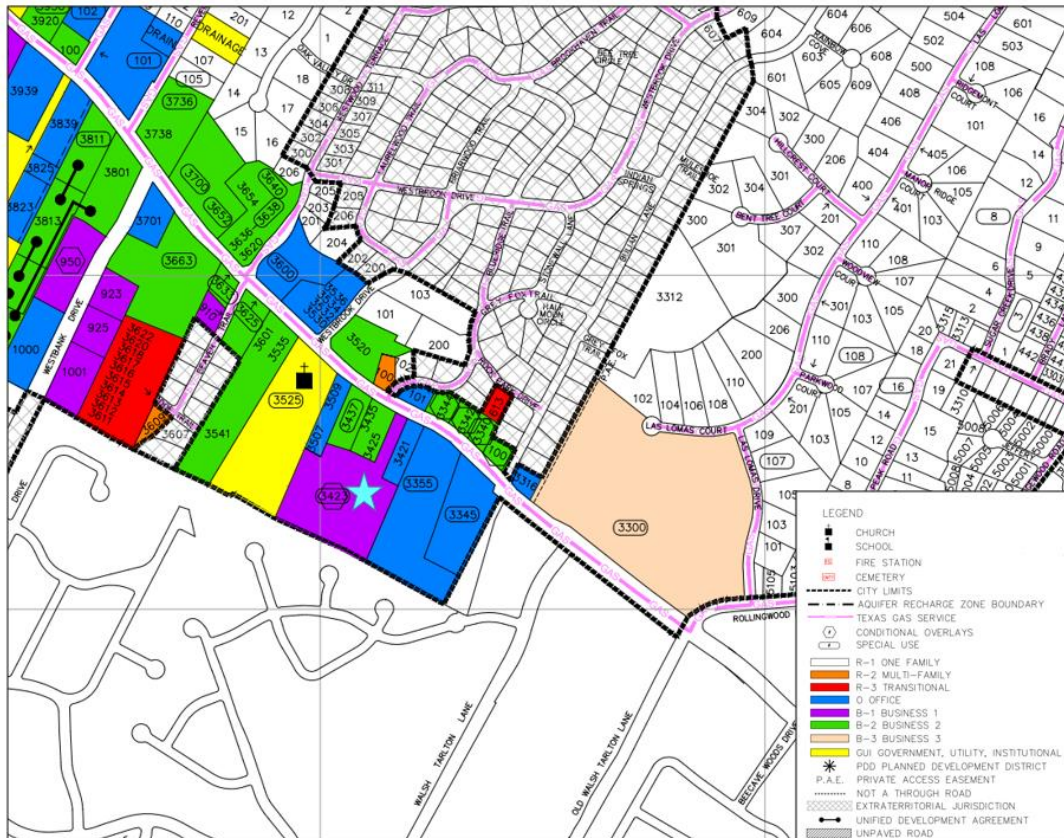
Staff recommends APPROVAL of the variance request based on the following findings of fact:

- 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.

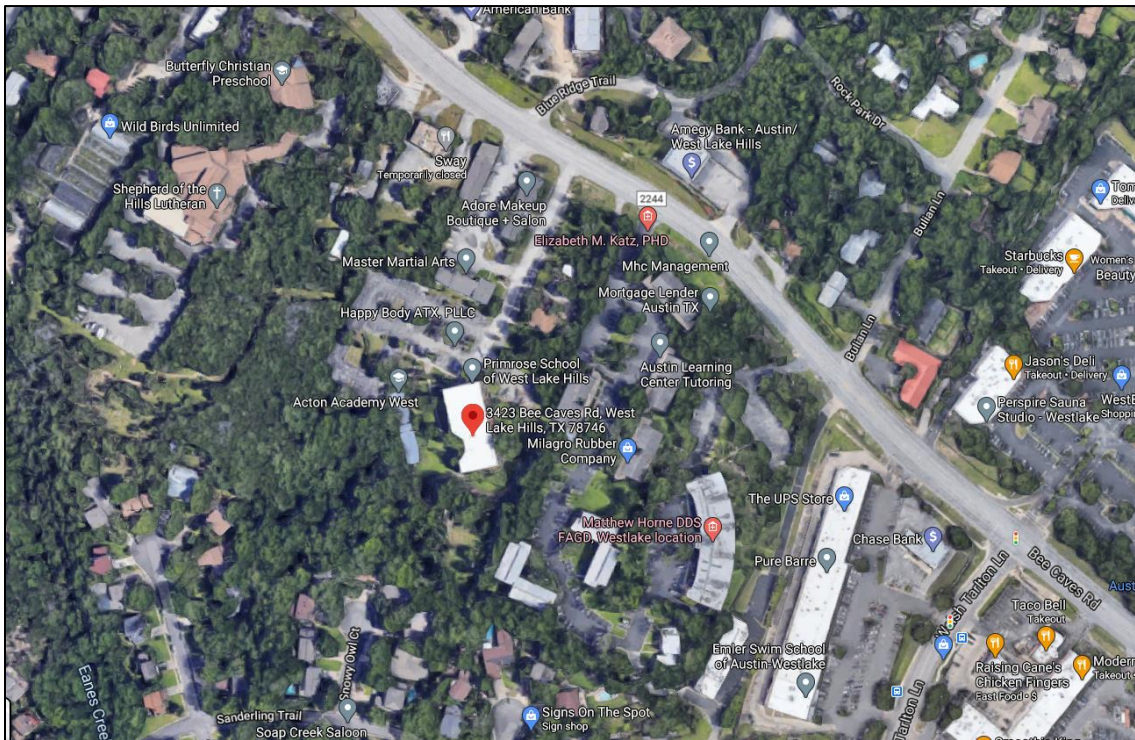
Links to Relevant Code:

- [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=US, o=Central Axis in Management Goup,
c=Spain, email=p.narvarte@caimg.com
Reason: I attest to the accuracy and integrity of this document
Content type: 1.3.256.10.1
Date: 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

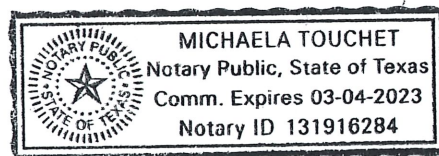
78746

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.

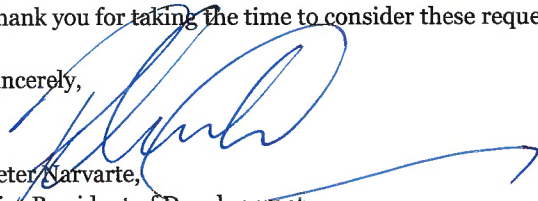
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In April we listened to the concerns raised by the Community and Council regarding scale, height, drainage, safety, and site lines and have revised our location and massing to better address those issues. Our current proposal is to take a more modest 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:

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- **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:

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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.*
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 - *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.
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 - *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.

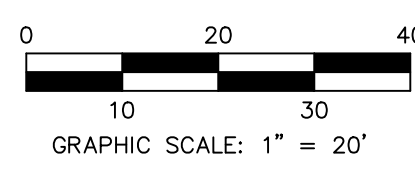
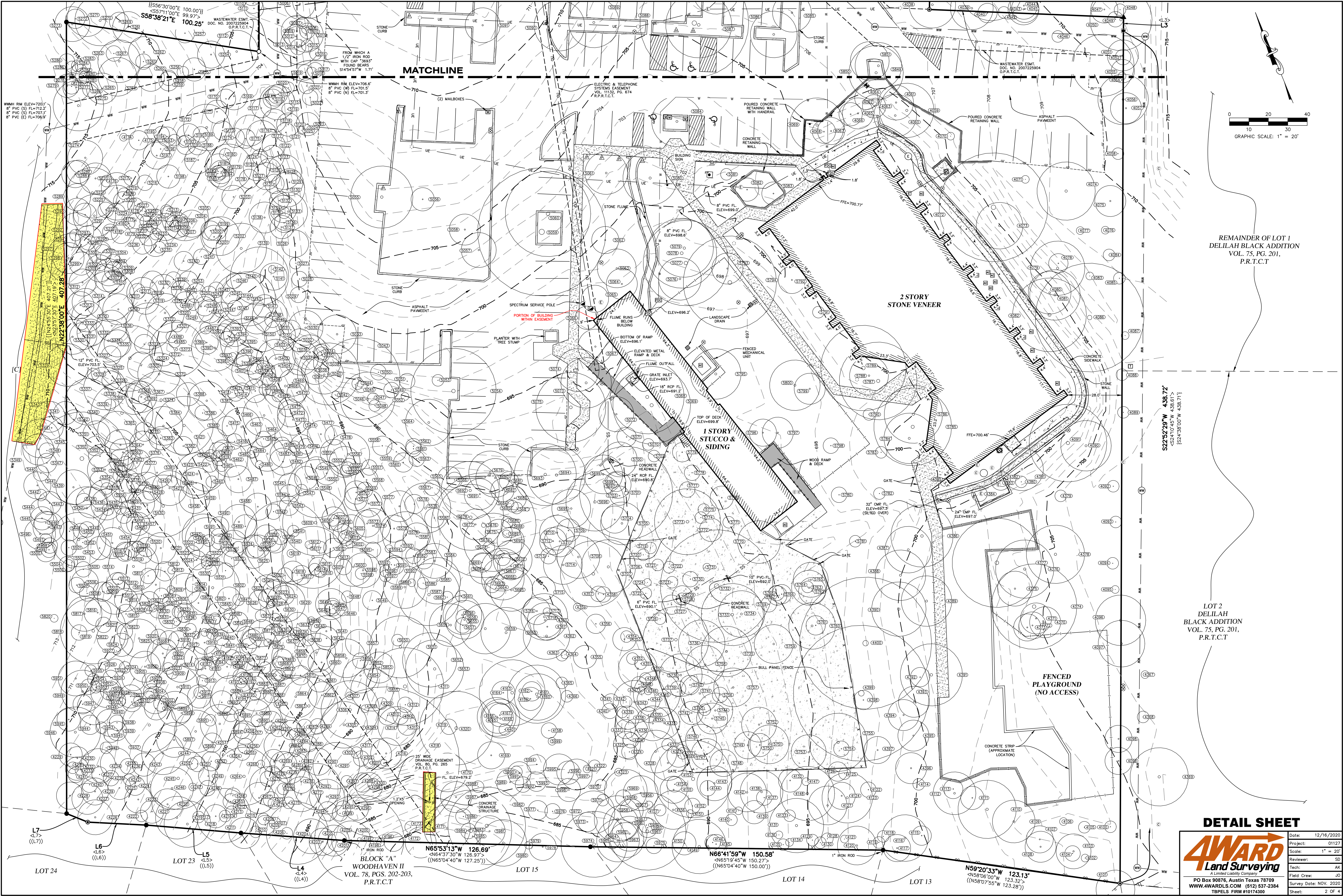
- To respond to the concern of appropriate scale, we have reduced the overall square footage to 20,000sf which is split between two floors.
- To respond to the concern of height we are proposing a structure that has a second floor that steps back from the first floor footprint to manage the steep slope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

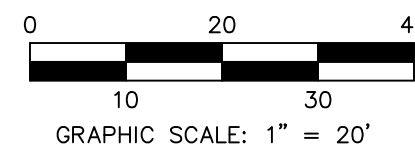


PO Box 90876, Austin Texas 78709
WWW.4WARDLS.COM (512) 537-2384
TPELS FIRM #10174300

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

TREE LIST

NO.	DESCRIPTION
4000	12" LIGUSTRUM 6-4-4-3
4001	5-4-35 CRATE MYRTLE 6-6-6-6(x3)-4(x4)-3(x10)
4002	16" CRATE MYRTLE 4-4-4-4-4-4-3
4003	10" LIVE OAK
4004	5" LIVE OAK
4005	5" LIVE OAK
4006	8" LIVE OAK
4007	10" LIVE OAK
4008	9" LIVE OAK
4009	11" LIVE OAK
4010	10" LIVE OAK
4011	16" CRATE MYRTLE 6-5-4-4-4-4-3
4012	4" HACKBERRY
4013	11" HACKBERRY
4014	5 CRATE MYRTLE 4-3-2-2-2-2
4015	8" LIGUSTRUM
4016	21" LIGUSTRUM 9-8-8-7
4017	10" LIVE OAK
4018	12" LIVE OAK
4019	17" LIVE OAK
4020	4" PERSIMMON 2-2-2-2
4021	5" LIVE OAK
4022	6" CEDAR ELM
4023	3" LIGUSTRUM
4024	9" LIGUSTRUM 4-3-3-3
4025	9" JERUSALEM THORN 6-5
4026	7" PERSIMMON 3-2-2-2-2
4027	5 CRATE MYRTLE 1-4-4-4
4028	3" JERUSALEM THORN
4029	2" CEDAR ELM
4030	3" LIGUSTRUM 2-2
4031	20" LIVE OAK
4032	22" LIGUSTRUM 9-2-6-5-4-4
4033	10" CEDAR ELM
4034	5" HACKBERRY
4035	2" HACKBERRY
4036	17" CRATE MYRTLE 5-4-4-4-4-4-2-2
4037	8" CEDAR ELM
4038	12" HACKBERRY
4039	11" CEDAR ELM
4040	5" CEDAR ELM 4-2
4041	16" CEDAR
4042	3" HACKBERRY
4043	8" CEDAR ELM
4044	7" CEDAR ELM
4045	7" CEDAR ELM
4046	3" SUMAC
4047	5" LIGUSTRUM 4-3-2
4048	3" HACKBERRY
4049	4" HACKBERRY
4050	15" CEDAR ELM 12-5
4051	8" HACKBERRY
4052	4" CEDAR ELM
4053	15" LIVE OAK
4054	2" HACKBERRY
4055	6" CEDAR 4-3
4056	12" CEDAR 5-4-3-3-3
4057	5" HACKBERRY
4058	3" LIVE OAK
4059	14" CEDAR 6-4-4-3-2
4060	10" CEDAR 5-3-3-2-2
4061	8" LIVE OAK 7-2
4062	2" CEDAR ELM
4063	6" CEDAR 4-3
4064	6" CEDAR 3-3-2
4065	8" CEDAR 5-3-2
4066	6" CEDAR 4-2-2
4067	7" CEDAR 9-7-3
4068	6" CEDAR ELM
4069	15" HACKBERRY 10-9
4070	2" LIVE OAK
4071	2" ASH
4072	26" MESQUITE 9-7-6-5-5-4-3-3
4073	11" MESQUITE 5-4-4-3
4074	15" LIVE OAK
4075	8" MESQUITE 3-2-2-2-2-2
4076	5" LIVE OAK
4077	2" ASH
4078	5" MESQUITE
4079	13" MESQUITE 6-4-4-3-3
4080	10" MESQUITE 4-4-3-3-3
4081	12" MESQUITE 5-4-3-3-3
4082	19" HACKBERRY
4083	5" LIVE OAK
4084	3" CEDAR ELM
4085	3" ASH
4086	27" MESQUITE 9-8-6-6-6-5-5
4087	2" CEDAR ELM
4088	3" CEDAR ELM
4089	3" CEDAR ELM
4090	13" MESQUITE 4-4-4-4-3-2
4091	20" MESQUITE 6-6-6-6-5-4
4092	3" CEDAR ELM
4093	3" CEDAR ELM 2-2
4094	3" CEDAR ELM
4095	2" CEDAR ELM 1-1
4096	13" CEDAR ELM 9-7
4097	12" CEDAR 8-7
4098	7" CEDAR ELM
4099	7" CEDAR ELM
4100	3" CEDAR ELM
4101	10" LIVE OAK
4102	2" HACKBERRY
4103	9" CEDAR ELM
4104	4" PERSIMMON 2-2-2-2
4105	3" ASH
4106	6" CEDAR ELM
4107	7" CEDAR ELM
4108	8" CEDAR ELM
4109	11" CEDAR ELM
4110	15" HACKBERRY 11-8
4111	6" CEDAR ELM
4112	11" CEDAR ELM
4113	5" CEDAR ELM
4114	3" CEDAR ELM
4115	5" CEDAR ELM
4116	12" CEDAR ELM
4117	7" CEDAR
4118	3" HACKBERRY
4119	3" CEDAR ELM
4120	10" CEDAR ELM
4121	2" HACKBERRY
4122	4" HACKBERRY
4123	13" HACKBERRY
4124	7" CEDAR
4125	3" HACKBERRY
4126	5" HACKBERRY
4127	10" LIVE OAK AD*
4128	3" HACKBERRY
4129	3" HACKBERRY 2-2
4130	3" PERSIMMON
4131	14" CEDAR
4132	6" LIGUSTRUM
4133	3" HACKBERRY
4134	2" HACKBERRY
4135	3" HACKBERRY
4136	2" CEDAR ELM
4137	4" LIGUSTRUM
4138	15" LIGUSTRUM 8-6
4139	6" LIGUSTRUM
4140	3" HACKBERRY
4141	2" HACKBERRY
4142	10" LIGUSTRUM 8-3
4143	9" CEDAR ELM
4144	4" CEDAR ELM
4145	5" CEDAR AD
4146	4" HACKBERRY
4147	2" LIGUSTRUM
4148	14" LIGUSTRUM 8-6-4-2
4149	13" CEDAR 10-3-3
4150	6" HACKBERRY
4151	2" LIGUSTRUM
4152	4" LIGUSTRUM
4153	20" CEDAR 17-6
4154	4" CEDAR ELM
4155	7" CEDAR ELM 5-3
4156	10" LIGUSTRUM 8-3
4157	3" LIGUSTRUM
4158	4" LIGUSTRUM
4159	6" CEDAR ELM
4160	12" LIGUSTRUM 5-5-5-4
4161	15" CEDAR ELM 10-9
4162	5" CEDAR
4163	17" RED OAK
4164	6" LIGUSTRUM 4-3
4165	8" CEDAR ELM
4166	10" LIVE OAK

TREE LIST

NO.	DESCRIPTION
4167	6" CEDAR ELM
4168	10" LIVE OAK
4169	7" CEDAR ELM
4170	10" HACKBERRY
4171	12" LIGUSTRUM 6-5-5-2
4172	8" HACKBERRY
4173	3" HACKBERRY
4174	2" LIVE OAK
4175	5" CEDAR 3-3
4176	6" CEDAR 4-3
4177	4" CEDAR
4178	2" HACKBERRY
4179	6" CEDAR 4-4
4180	3" CEDAR
4181	4" CEDAR
4182	4" CEDAR
4183	4" CEDAR
4184	3" CEDAR
4185	5" CEDAR
4186	6" CEDAR
4187	3" CEDAR
4188	4" CEDAR
4189	4" CEDAR
4190	4" LIVE OAK
4191	3" LIGUSTRUM
4192	9" CEDAR ELM
4193	3" LIVE OAK
4194	3" LIVE OAK
4195	10" LIVE OAK
4196	5" HACKBERRY
4197	23" LIGUSTRUM 8-8-7-6-5-3
4198	2" CEDAR ELM
4199	4" CEDAR 3-2
4200	10" CEDAR 8-3
4201	5" CEDAR
4202	8" CEDAR
4203	8" CEDAR 6-4
4204	9" CEDAR
4205	16" CEDAR 8-7-5-4
4206	3" CEDAR
4207	3" CEDAR
4208	3" CEDAR
4209	5" CEDAR
4210	3" CEDAR
4211	5" CEDAR ELM
4212	2" CEDAR
4213	3" CEDAR 2-1
4214	3" CEDAR
4215	14" LIVE OAK
4216	6" CEDAR
4217	16" LIVE OAK
4218	12" CEDAR
4219	11" LIGUSTRUM 8-4-2
4220	16" LIVE OAK
4221	6" CEDAR 4-3
4222	3" CEDAR
4223	7" CEDAR 5-4
4224	5" CEDAR
4225	6" LIVE OAK
4226	9" LIVE OAK
4227	8" LIVE OAK
4228	7" LIVE OAK
4229	6" LIVE OAK
4230	3" CEDAR
4231	3" CEDAR
4232	6" LIVE OAK
4233	3" CEDAR
4234	9" CEDAR
4235	8" CEDAR
4236	3" LIVE OAK
4237	3" LIVE OAK
4238	4" CEDAR
4239	7" CEDAR
4240	4" CEDAR
4241	4" CEDAR 3-2
4242	3" LIVE OAK
4243	6" CEDAR
4244	11" CEDAR
4245	16" LIVE OAK 11-5-4
4246	11" CEDAR
4247	10" LIVE OAK
4248	4" CEDAR
4249	5" CEDAR
4250	3" LIVE OAK
4251	4" CEDAR
4252	5" CEDAR
4253	5" CEDAR
4254	4" CEDAR
4255	4" CEDAR
4256	4" CEDAR
4257	6" CEDAR 4-3
4258	4" CEDAR
4259	5" CEDAR
4260	2" CEDAR
4261	4" CEDAR
4262	3" CEDAR
4263	8" CEDAR ELM
4264	15" CEDAR
4265	4" CEDAR
4266	4" CEDAR 3-2
4267	8" CEDAR
4268	2" CEDAR
4269	6" CEDAR
4270	4" CEDAR
4271	4" CEDAR
4272	10" CEDAR 6-5-3
4273	4" LIVE OAK
4274	3" CEDAR
4275	3" CEDAR
4276	2" HACKBERRY
4277	9" CEDAR
4278	6" CEDAR
4279	3" CEDAR
4280	8" CEDAR
4281	7" CEDAR
4282	4" CEDAR
4283	3" CEDAR
4284	3" CEDAR
4285	3" CEDAR 2-1
4286	5" CEDAR
4287	4" CEDAR
4288	4" CEDAR
4289	6" CEDAR 5-2
4290	7" CEDAR
4291	12" CEDAR
4292	12" CEDAR
4293	9" CEDAR 7-4
4294	5" CEDAR
4295	10" CRATE MYRTLE 3-3-3-3-3-3
4296	6" CEDAR
4297	3" CEDAR
4298	5" CEDAR
4299	7" CEDAR
4300	3" CEDAR
4301	3" CEDAR
4302	4" CEDAR
4303	3" CEDAR
4304	1" LIGUSTRUM
4305	12" LIVE OAK
4306	15" LIVE OAK
4307	2" LIGUSTRUM
4308	2" CEDAR
4309	3" CEDAR
4310	5" CEDAR
4311	20" LIVE OAK 15-9
4312	4" CEDAR
4313	4" LIVE OAK
4314	10" LIVE OAK
4315	5" HACKBERRY
4316	8" LIVE OAK
4317	8" LIVE OAK
4318	39" LIVE OAK 19-17-13-10
4319	4" HACKBERRY
4320	19" CHINABERRY 13-11
4321	4" CEDAR
4322	6" CEDAR
4323	2" HACKBERRY
4324	4" HACKBERRY
4325	4" CEDAR
4326	4" CEDAR ELM
4327	11" CEDAR ELM 8-6
4328	8" LIVE OAK
4329	6" HACKBERRY
4330	3" CEDAR ELM
4331	3" CEDAR ELM
4332	4" CEDAR ELM
4333	8" CEDAR ELM
4334	9" CEDAR ELM

TREE LIST

NO.	DESCRIPTION
4335	4" CEDAR ELM
4336	5" LIVE OAK
4337	5" HACKBERRY 3-3
4338	6" LIVE OAK
4339	3" BUNELIA
4340	8" CEDAR
4341	4" CEDAR
4342	3" HACKBERRY
4343	5" LIVE OAK 4-3
4344	6" CEDAR 4-3
4345	12" CEDAR ELM
4346	2" HACKBERRY
4347	2" HACKBERRY
4348	4" HACKBERRY
4349	10" CEDAR ELM
4350	10" CEDAR ELM
4351	3" LIGUSTRUM 4-1-1
4352	5" LIGUSTRUM 4-3
4353	3" LIGUSTRUM 2-2
4354	6" CEDAR
4355	5" CEDAR
4356	5" CEDAR
4357	4" CEDAR
4358	4" CEDAR
4359	3" LIGUSTRUM
4360	9" CEDAR ELM
4361	7" CEDAR 5-4
4362	17" CEDAR ELM
4363	3" CEDAR
4364	2" CEDAR
4365	3" CEDAR
4366	3" CEDAR
4367	2" CEDAR ELM
4368	3" CEDAR ELM
4369	5" CEDAR
4370	8" CEDAR ELM
4371	8" CEDAR ELM
4372	8" CEDAR ELM
4373	7" CEDAR ELM
4374	22" HACKBERRY
4375	8" CEDAR ELM
4376	15" CEDAR ELM
4377	23" CEDAR 17-11
4378	15" CEDAR ELM
4379	11" LIVE OAK
4380	3" ASH
4381	11" MESQUITE 8-5
4382	4" HACKBERRY
4383	3" HACKBERRY
4384	4" HACKBERRY
4385	4" HACKBERRY
4386	16" CEDAR ELM
4387	12" CEDAR
4388	10" CEDAR
4389	13" CEDAR ELM
4390	14" HACKBERRY
4391	16" CEDAR ELM
4392	5" CEDAR
4393	8" CEDAR ELM
4394	8" CEDAR ELM
4395	8" CEDAR ELM
4396	8" CEDAR ELM
4397	7" CEDAR
4398	3" CEDAR
4399	33" CEDAR 11-9-8-7-7-5-4-4
4400	32" CEDAR 9-9-9-9-8-5-5
4401	3" LIVE OAK
4402	11" MOUNTAIN LAUREL 3-3-3-3-2-2-2
4403	11" MOUNTAIN LAUREL 3-3-3-3-2-2-2
4404	3" ASH
4405	12" CEDAR 7-5-5
4406	5" CEDAR
4407	5" CEDAR
4408	5" CEDAR
4409	5" CEDAR
4410	5" CEDAR
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4480	5" CEDAR
4481	5" CEDAR
4482	5" CEDAR
4483	5" CEDAR
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4490	5" CEDAR
4491	5" CEDAR
4492	5" CEDAR
4493	5" CEDAR
4494	5" CEDAR
4495	5" CEDAR
4496	5" CEDAR
4497	5"



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

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ANY OTHER PURPOSE.
JAMES C. MASSARO
P.E. 92530 (TEXAS)
June 9, 2021

DRAWING NO.:

EXHIBIT
SHEET 1 OF 1

**OPTION D
IMPERVIOUS COVER EXHIBIT**

DATE:	6/9/2021	DRAWN BY:	CEC
DWG SCALE:	1" = 40'	CHECKED BY:	JCM
PROJECT NO:	304831.0001		
APPROVED BY:	JCM		

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

CEC
Texas Registered Engineering Firm # 39

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

REVISION RECORD

DESCRIPTION

NO	DATE
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T



3423 Bee Caves Road

Height Adjustment Update

Contact

Client

Location

Date

Image

Michael Hsu
Office Of Architecture

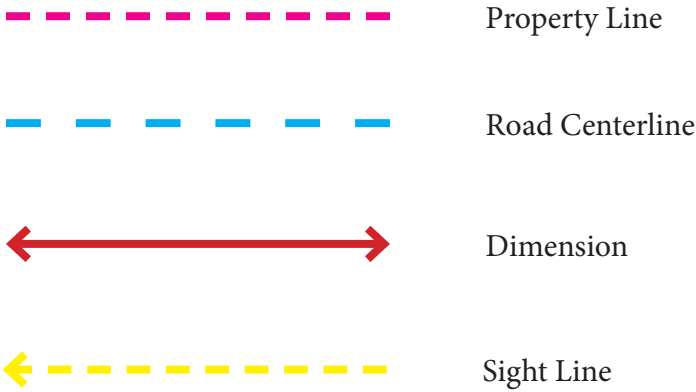
4910 Burnet Road
Austin, Texas 78756
(512) 706.4303

3423 Bee Caves Road

Austin, Texas

9 June 2021

Cover Page



Contact

Client

Location

Date

Image

Michael Hsu
Office Of Architecture

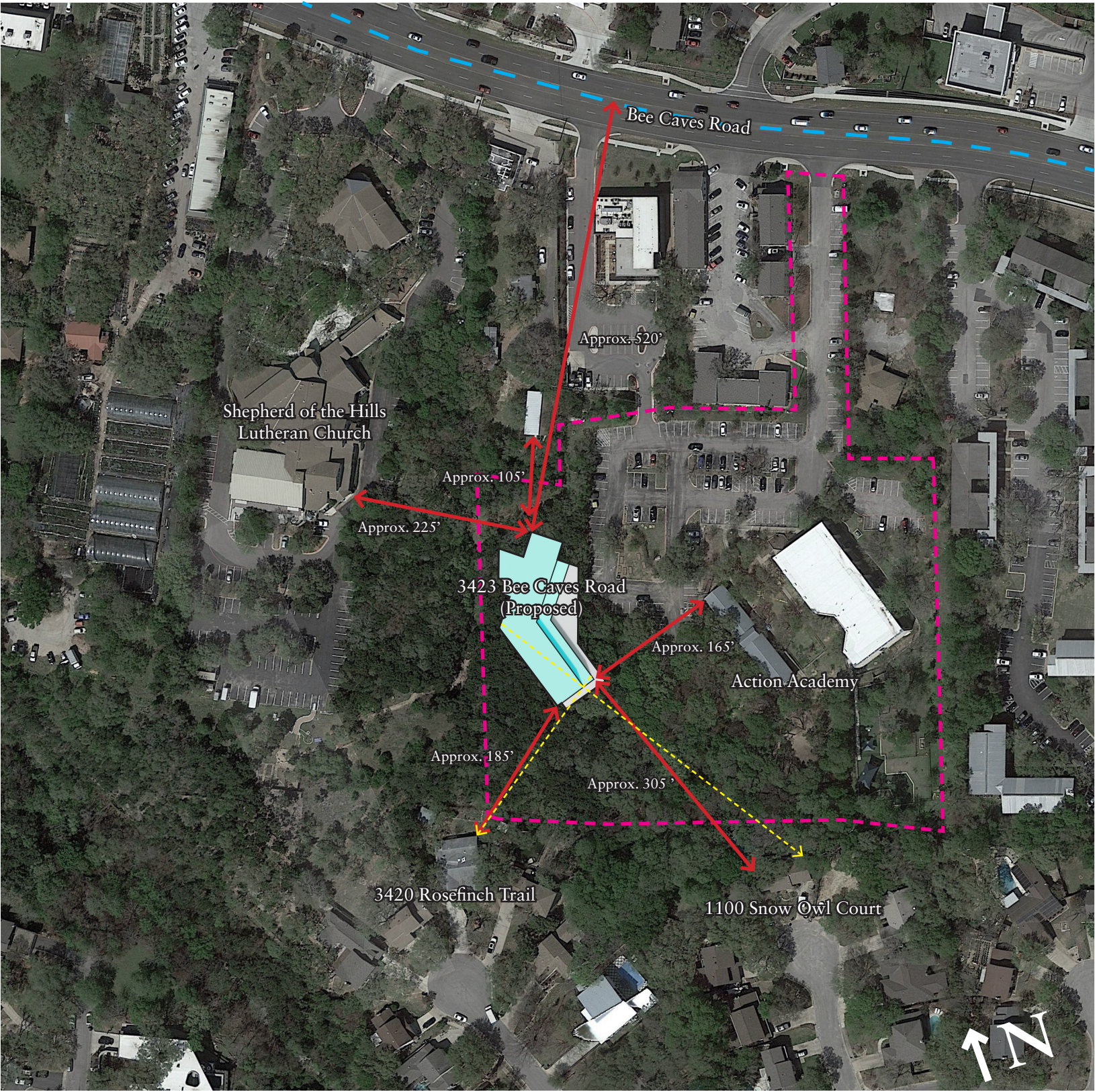
4910 Burnet Road
Austin, Texas 78756
(512) 706.4303

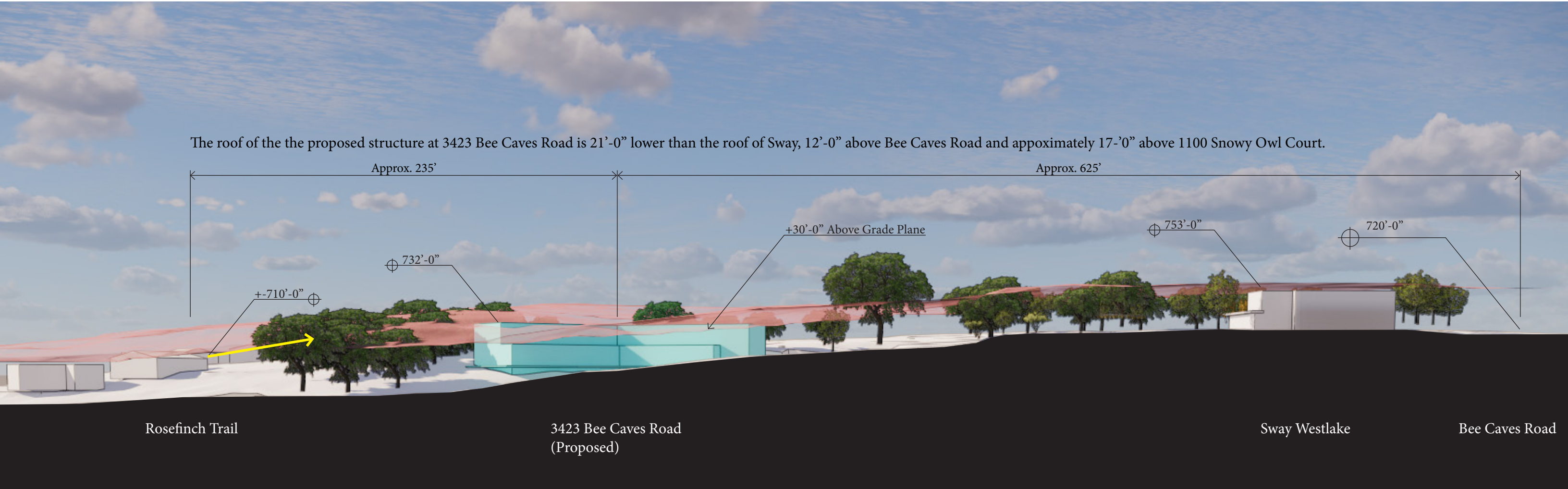
3423 Bee Caves Road

Austin, Texas

9 June 2021

Vicinity Map





Contact

Client

Location

Date

Image

Michael Hsu
Office Of Architecture

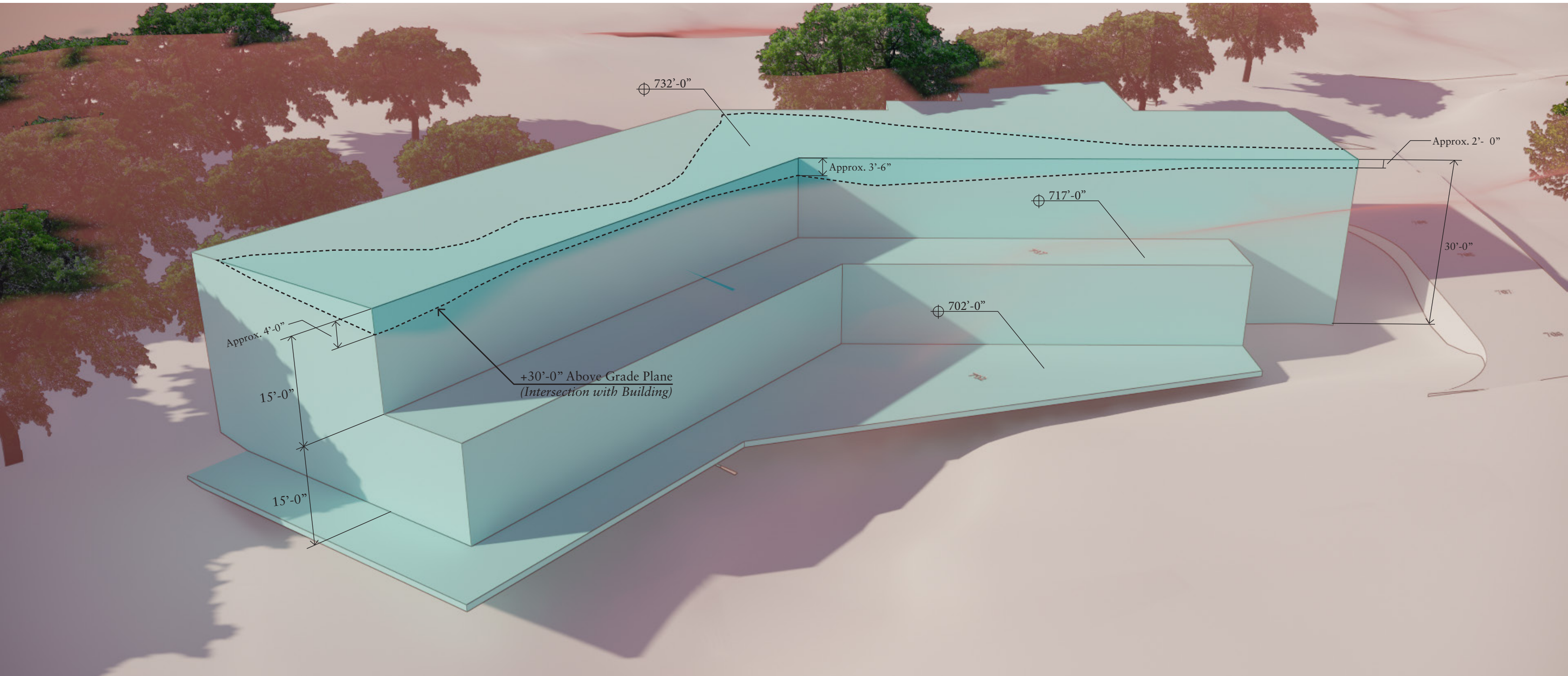
4910 Burnet Road
Austin, Texas 78756
(512) 706.4303

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]

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Texas Registered Engineering Firm T-38
3711 South Mac 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 NC

EXHIBIT

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ANY OTHER PURPOSE
JAMES C. MASSARO
P.E. 92530 (TEXAS)
June 9, 2021

REFERENCE

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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

A horizontal scale bar with a black and white checkered pattern. It is labeled "SCALE IN FEET" above it. The bar has markings at 0 and 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

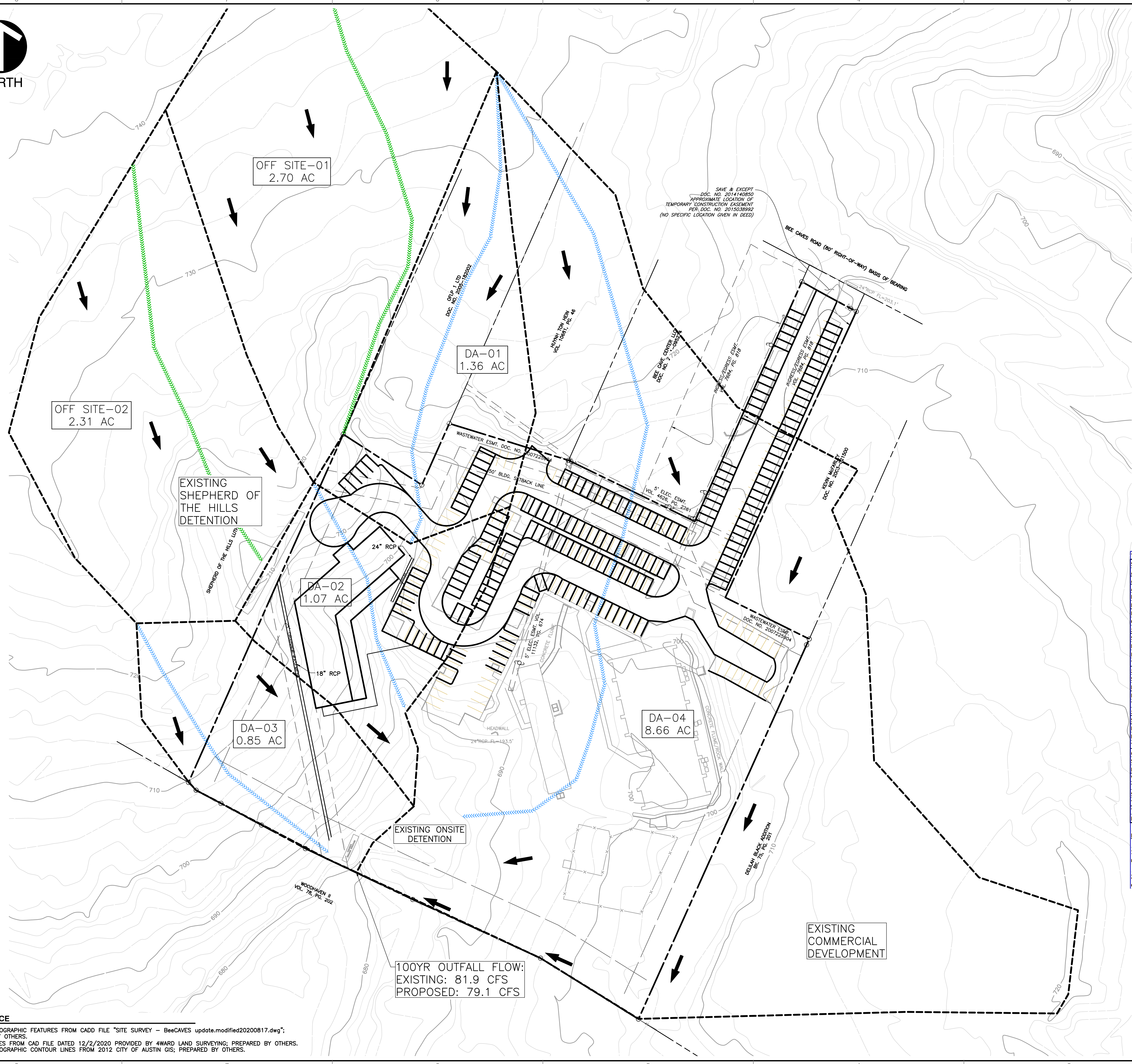
520 E OLTORF ST, AUSTIN, TX 78704
p (512)582-0844 | m (512)296-6324

[REDACTED]

NEWWATERLOO.COM



NORTH



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 (T_c)
DRAINAGE AREA (DA) |
| >>>>>>>>>>>>>>>>>>>> | TIME OF CONCENTRATION (T_c)
OFF SITE (OS) AREA |

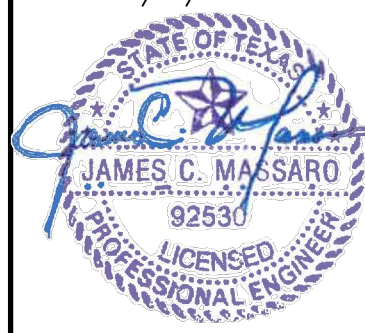
Time of Concentration (TR-55 method)							
Subbasin	Existing DA-01	Existing DA-02	Existing DA-03	Existing DA-04	Existing OS-01	Existing OS-02	
Area	sq/ft	59437.31	46630.28	37237.31	377129.43	117747.5	100628.32
Area	ac.	1.36	1.07	0.85	8.66	2.70	2.31
Area	sqmi	0.00213	0.00157	0.00134	0.01353	0.00422	0.00361
Impervious	sq/ft	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	u	u	u	p	p	p
Time	hr.	0.04	0.01	0.01	0.03	0.04	0.09
Shallow Concentrated							
Slope	in/in	0.0000	0.0385	0.0000	0.0267	0.0000	0.0000
Length	ft.	0.00	78.00	0.00	448.98	0.00	0.00
Paved?	p/u	u	u	u	u	u	u
Time	hr.	0.00	0.01	0.00	0.05	0.00	0.00
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)		Proposed DA-01	Proposed DA-02	Proposed DA-03	Proposed DA-04
Subbasin					
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	0.1000
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
Paved2	p/ft u				
Time	hr.	0.03	0.01	0.01	0.04
Shallow Concentrated					
Slope	in/in	0.0488	0.0385	0.0000	0.0341
Length	ft.	81.95	78.00	0.00	351.79
Paved2	p/ft u				
Time	hr.	0.01	0.01	0.00	0.03
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 minute minimum Time of Concentration.
- 2) Calculations are based upon aerial photography, topography, and field observation of the existing conditions.

6/9/202



REVISION RECORD

DESCRIPTION

NO	DATE
----	------

C&E
Texas Registered Engineering Firm 1-38
Civil & Environmental Consultants, Inc.
3711 South MoPac Expressway · Building 1, Suite 550 · Austin, TX 78746

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

**OPTION D
DRAINAGE EXHIBIT**

6/9/2021	DRAWN BY:	CEC
1" = 50'	CHECKED BY:	JCM

304831.0001	
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304831.0001	
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304831.0001	
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DRAWING NO.:

EXHIBIT
SHEET 1 OF 1

SHEET 1 OF 1



HUYNH TON HEIN
VOL. 10681, PG. 46

0-FT LOT

0-FT LOT LINE SETBACK PROPOSED

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
 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
	EXISTING WASTEWATER MANHOLE
	EXISTING TREES TO BE REMOVED
	EXISTING TREES

REVISION RECORD

[illegible]

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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**

**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

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JAMES C. MASSARO
P.E. 92530 (TEXAS)
June 9, 2021

SCALE IN FEET

A horizontal scale bar with a black and white checkered pattern. It is labeled "SCALE IN FEET" at the top. Below the bar, there are markings for 0 and 20.

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.



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	5201	4" CEDAR	5334	11" CEDAR
4176	3" CEDAR 2-2	5202	7" CEDAR	5335	7" CEDAR
4177	4" CEDAR	5203	6" CEDAR	5336	8" CEDAR
4178	2" CEDAR	5204	7" CEDAR 5-3 MULTI	5337	11" CEDAR 9-3
4179	5" CEDAR 4-4	5205	12" CEDAR 9-3	5370	7" CEDAR
4180	3" CEDAR	5206	4" CEDAR	5371	11" CEDAR 6-5-4
4181	4" CEDAR	5207	3" CEDAR	5372	6" CEDAR
5020	3" HACKBERRY	5208	6" CEDAR	5373	14" CEDAR 11-8
5021	4" CEDAR	5209	3" CEDAR	5374	15" LIVE OAK 10-9
5022	4" CEDAR ELM	5210	3" CEDAR	5385	15" CEDAR 10-9
5023	6" CEDAR	5211	7" CEDAR 5-3	5386	4" CEDAR
5024	2" CEDAR	5212	4" CEDAR	5387	10" CEDAR 5-5-4
5025	2" CEDAR ELM	5213	3" LIVE OAK	5388	6" CEDAR
5026	3" CEDAR	5214	3" LIVE OAK	5389	6" CEDAR
5027	3" CEDAR	5215	3" CEDAR	5390	12" CEDAR
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5030	9" HACKBERRY	5218	3" CEDAR	5393	6" CEDAR
5031	5" HACKBERRY	5219	8" CEDAR	5394	6" CEDAR
5032	6" CEDAR 4-2-2	5220	8" CEDAR	5395	12" CEDAR 7-3-2
5033	10" ORATE MYRTLE 4-3-3-2-2-2	5221	13" CEDAR 8-6-4	5396	7" CEDAR
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5037	9" CHINABERRY	5225	9" LIVE OAK 6-5	5400	7" CEDAR 5-3
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5196	7" CEDAR	5332	4" CEDAR	5507	4" CEDAR

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.



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ANY OTHER PURPOSE.
JAMES C. MASSARO
P.E. 92530 (TEXAS)
June 9, 2021

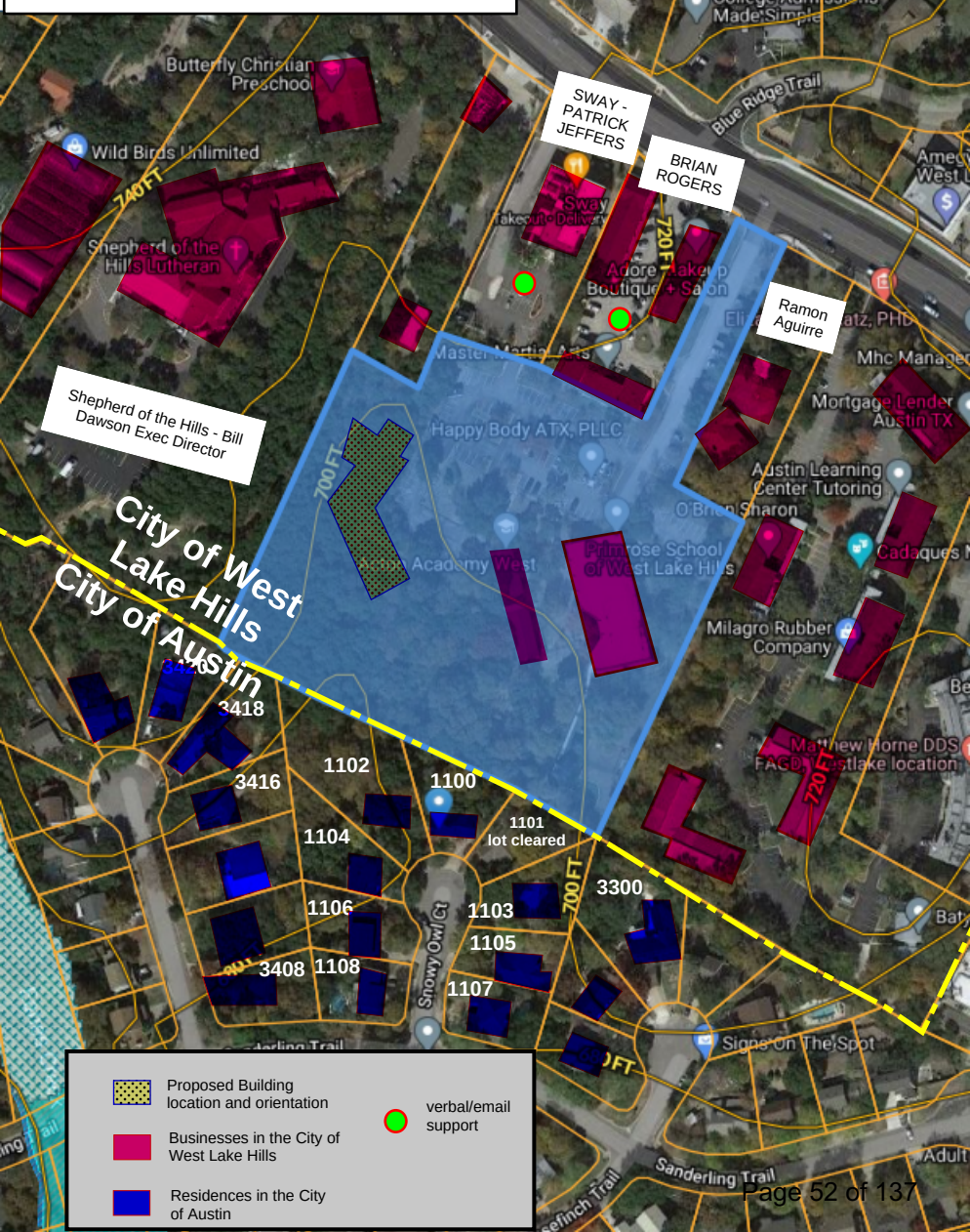
Civil & Environmental Consultants, Inc.
3711 South MoPac Expressway - Building 1, Suite 550 - Austin, TX 78746
Ph: 512.439.0400 - Fax: 512.329.0096
www.cecinc.com

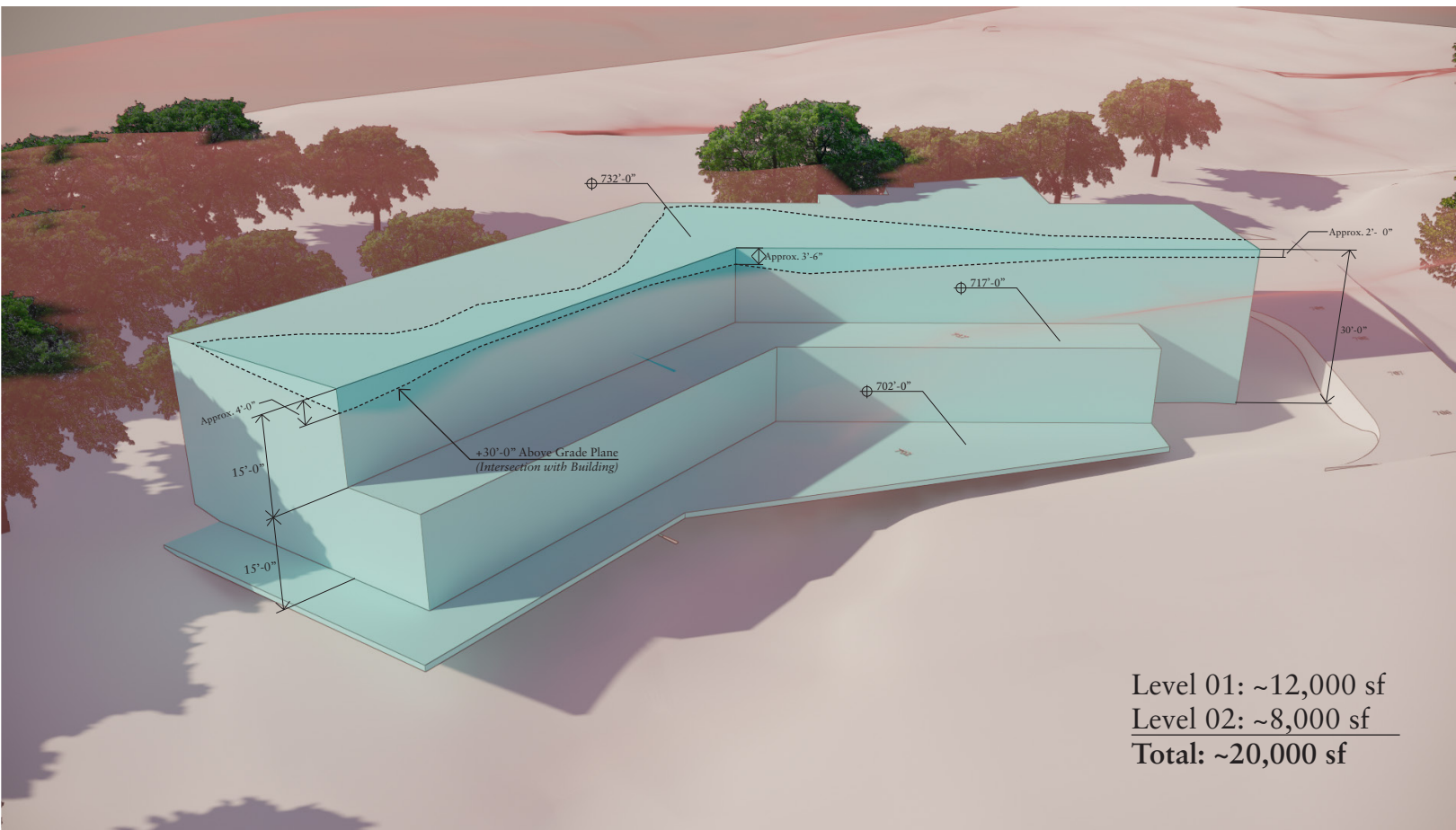
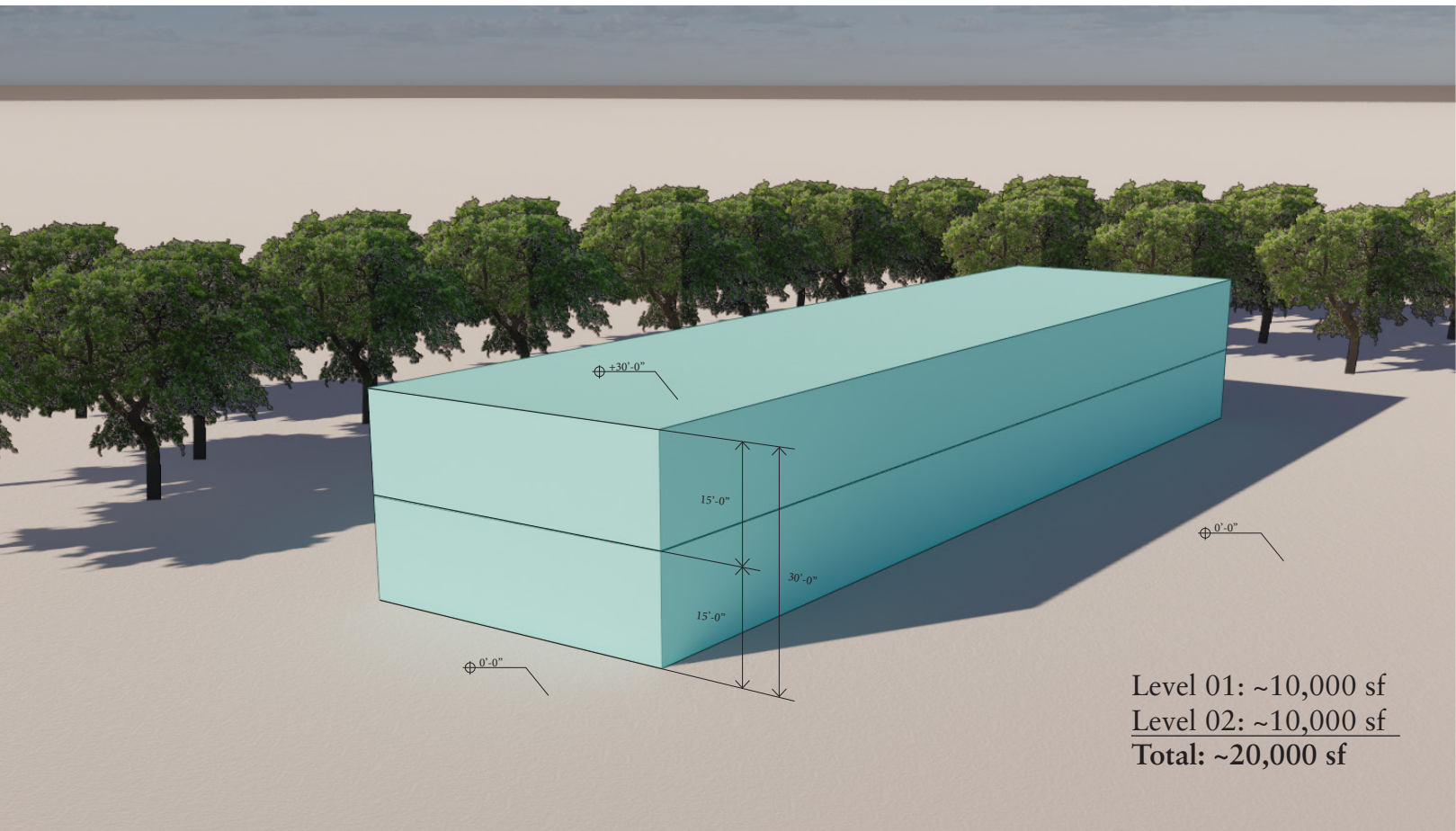
MEDICAL OFFICE BUILDING
3423 BEE CAVES ROAD
CITY OF WEST LAKE HILLS
TRAVIS COUNTY, TEXAS 78746

OPTION D
TREE EXHIBIT
DATE: 6/9/2021
DWG SCALE: 1" = 20'
PROJECT NO: 30483.001
DRAWING NO: SHEET 1 OF 1

EXHIBIT

3423 Bee Cave Rd - Structure Map





Contact

Client

Location

Date

Image

Michael Hsu
Office Of Architecture

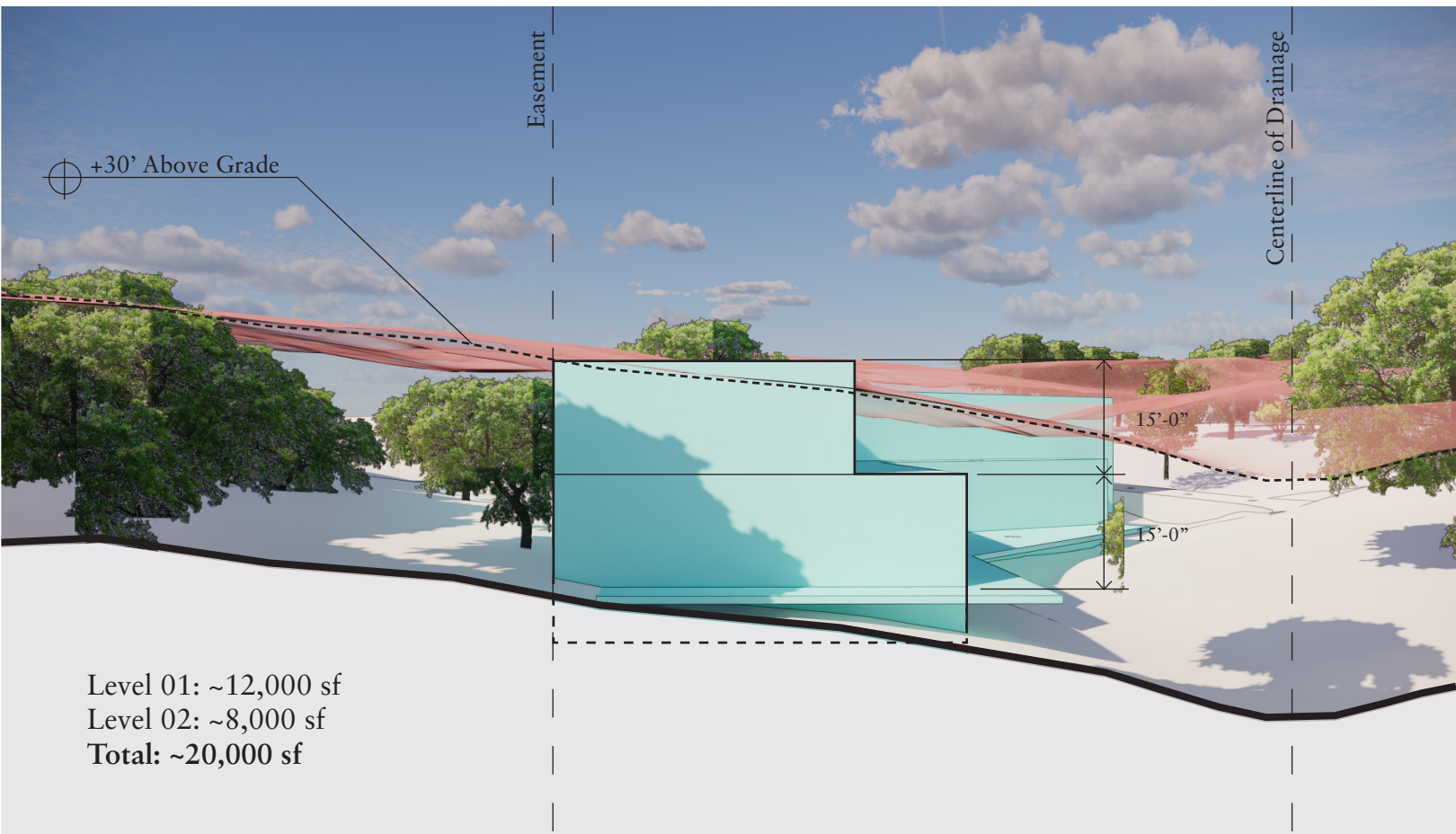
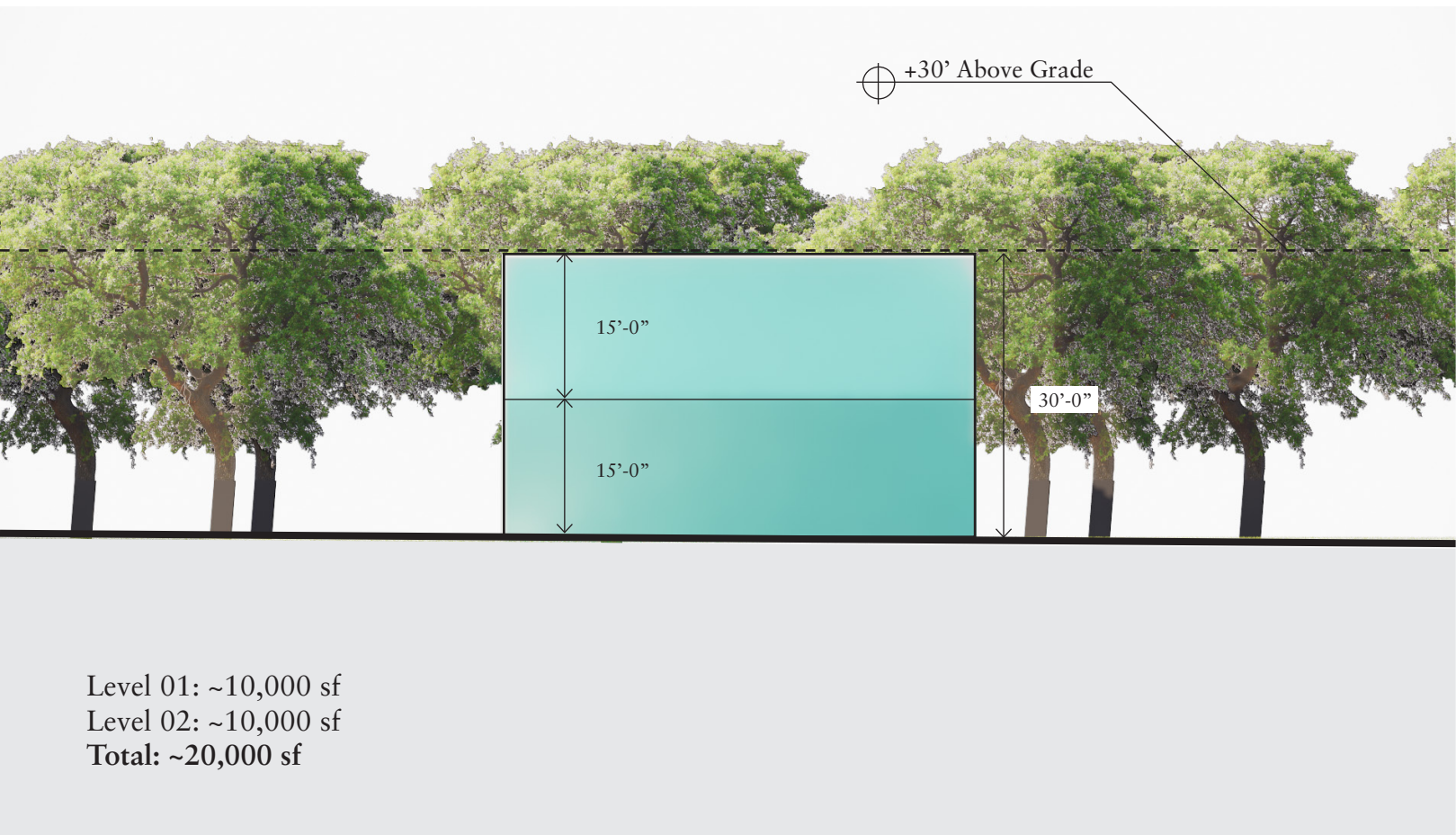
4910 Burnet Road
Austin, Texas 78756
(512) 706.4303

3423 Bee Caves Road

Austin, Texas

9 July 2021

Aerial View



Contact

Client

Location

Date

Image

Michael Hsu
Office Of Architecture

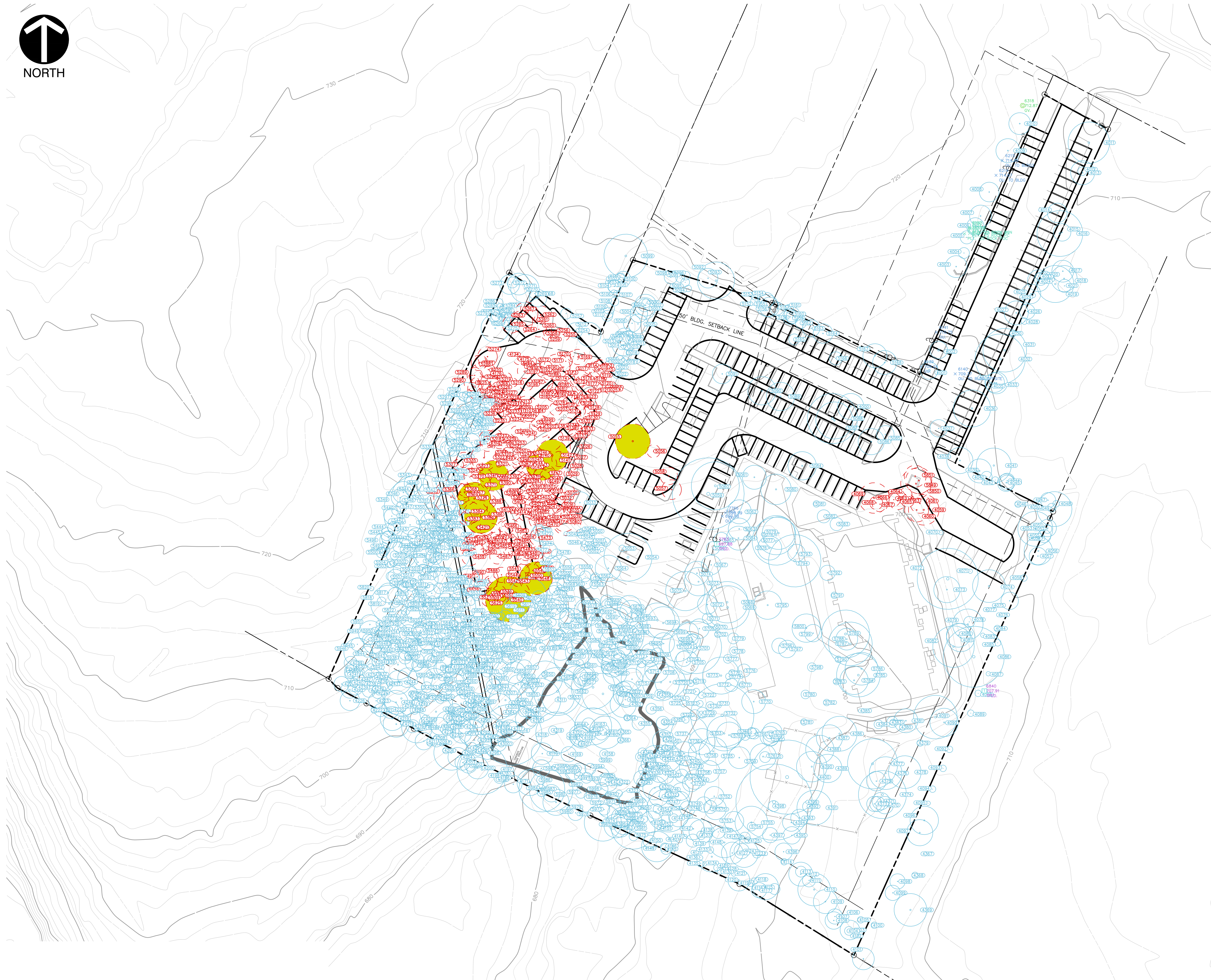
4910 Burnet Road
Austin, Texas 78756
(512) 706.4303

3423 Bee Caves Road

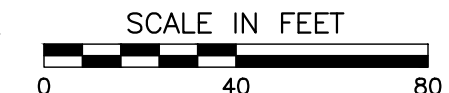
Austin, Texas

9 July 2021

Sections



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

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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>

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<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
>



MULTIPLE VARIANCE
STAFF REPORT

September 8, 2021

Project Address: 403 Skyline Drive

Project Number: 16638

Agenda Item: Land Use: **403 Skyline Drive:** Public Hearing and Discuss and Consider Action on an application for a variance request to encroach a front building setback and building height (West Lake Hills Code Sec. 22.03.281, 22.03.279 & 22.03.275). Benito Keiderling.

- Section 22.03.275 – Building Setback Distances
- Section 22.03.281 – Encroachment in a Building Setback
- Section 22.03.279 – Building Height

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 original application asked for three variances. To exceed the maximum impervious cover by 1.04%, to exceed the maximum height by 12 feet and to encroach in the front setback by 20 feet. They have amended the application after the ZAPCO meeting and are now asking for the following variances:

- **A 20-foot encroachment into the front 50-foot setback, creating a setback of 30-feet;**
- **A requested height of 36-feet above natural grade, 6-feet over the maximum allowed;**

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 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.”*

- 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 than 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 than 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.

Zoning and Planning Commission Recommendation

ZAPCO voted to recommend approval of the front setback variance, but denial of the height and impervious cover variances unanimously, (4-0).

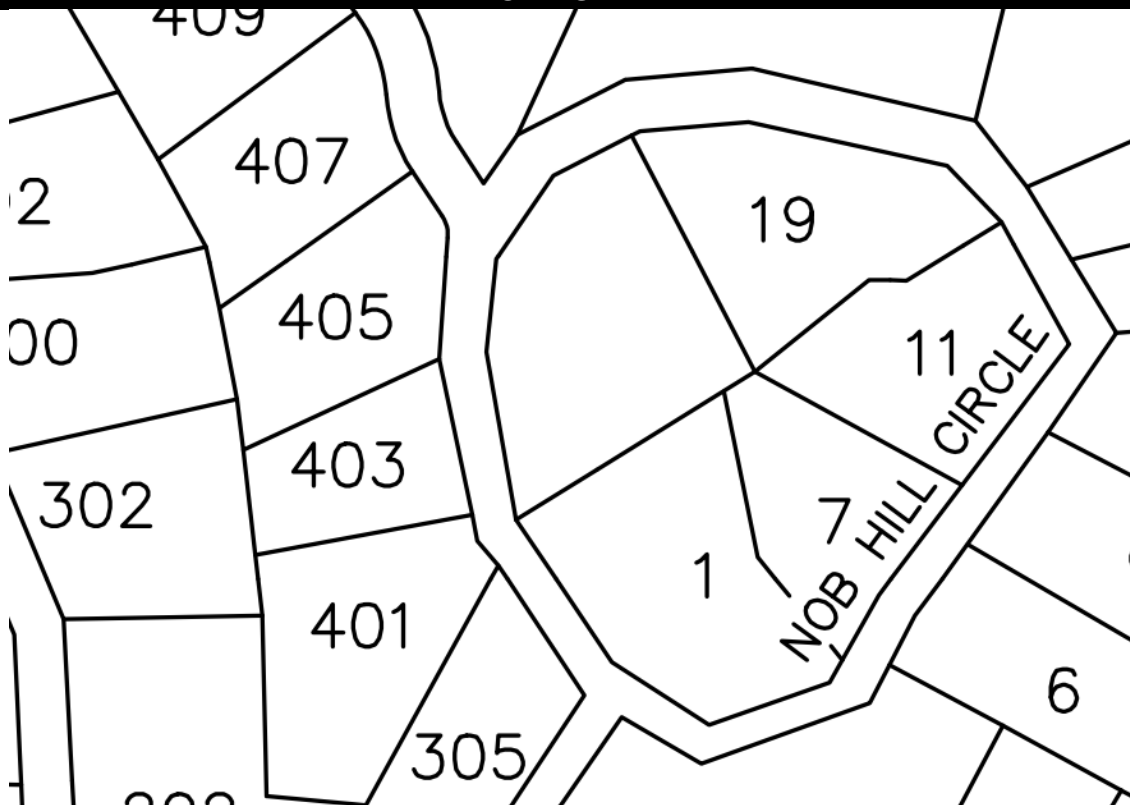
Staff Recommendation

Staff recommends DENIAL of the variance request based on 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. The applicant has made efforts to reduce the height encroachment and has removed the impervious coverage variance, and with that staff feels the applicant is making an effort towards compliance, however, still feels that there is a lack of hardship for the height variance.

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



08/27/2021

Ben Keiderling – Owner at 403 Skyline Dr. Westlake Hills, TX 78746

RE: REMOVING IMPERVIOUS COVER VARIANCE / REDUCED HEIGHT VARIANCE

Dear Mayor of Westlake Hills,

This letter is to notify that we are entirely removing one variance and substantially reducing the other from the original request for 3 variances to build our home at 403 Skyline Dr.

This lot is very difficult due to the slope, especially from around 50 ft point where it really drops off. We've worked hard with our architect to further minimize the variances while still being able to build a home that fits the lot and neighborhood.

Due to the difficulties, we originally requested a variance for some impervious cover, height and setback. However, upon review of the plans following input from the Zapco meeting we've taken everything into consideration and made the following additional changes:

1. We have reduced the house size so impervious cover is now in compliance. The original request was for some additional impervious cover. The lot size is just over 0.5 acre (0.58 acre) at which point per city code, impervious cover is reduced to 25% which makes it a challenging sized lot. Attached are the revised plans bringing impervious cover into compliance.
2. Reducing height by a further 5 ft. We removed a roof deck so now the height variance request is down to 6 ft, just at the back. Most of the house is already in compliance and below the 30 ft line. It is just the very back corner that goes above the 30 ft. because the lot slopes very sharply downhill. If that back corner was at 30ft then the back bedroom ceiling height would be 5 ft. We designed the house with the upside-down plan and a walkout basement which was not what we really wanted but to keep the height variance request to an absolute minimum. Following the ZAPCO meeting, we have now also removed the roof deck to further reduce the height variance. The remaining height variance is only on the very outside corner as can be seen in the plans where it is so steep and drops off. We've also kept the roof pitch low profile to reduce height and will be putting the AC in the basement due to limited attic space as a result.

My wife and I really value the City of Westlake and its beauty which is why we are excited to build our home here. We would have loved the house all on one floor which would have exceeded impervious cover or a second floor above, but that would have far exceeded 30ft, so we've adapted with the inverted walk out basement and a low-profile design. The remaining variances we request are in alignment in both height and setback with the neighbors' homes contending with this same steep slope and are based on the practical challenges of the lot rather than our own personal preferences.

Thank you very much for your time and consideration, we appreciate it greatly!

Best Regards,

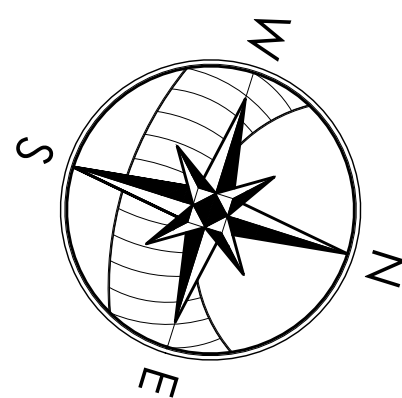
Ben Keiderling

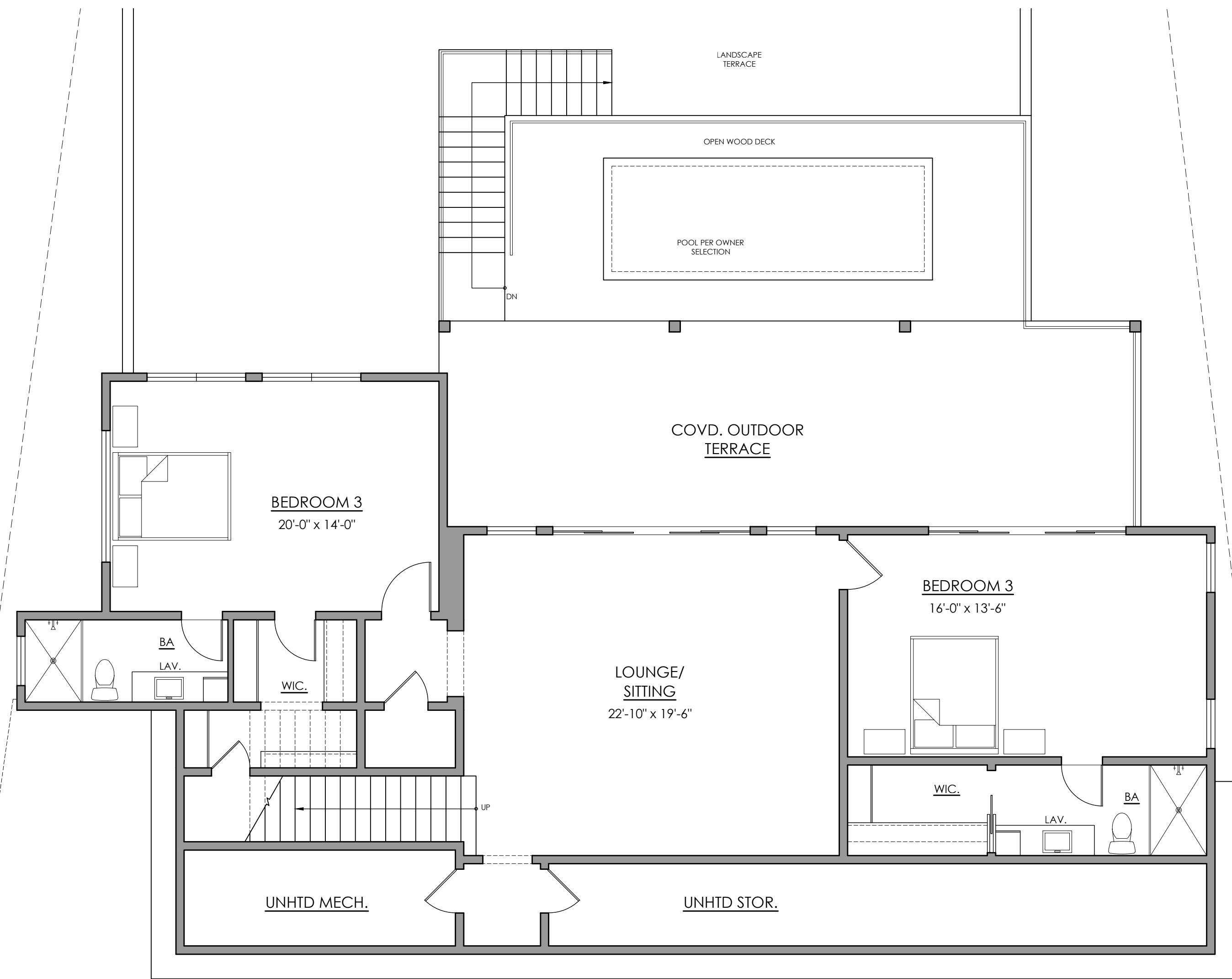
LOT 13-A
25,311 Sq Ft
0.581 ACRES



KIEDERLING & SHARMA RESIDENCE
403 SKYLINE DR. AUSTIN TX

SITE PLAN
SCALE: 1" = 10'-0"
21024 8/26/2021





LOWER LEVEL FLOOR PLAN

SCALE: 3/16" = 1'-0"
21024 8/26/2021

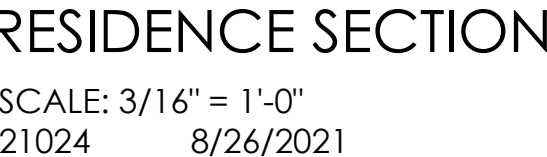
KIEDERLING & SHARMA RESIDENCE
403 SKYLINE DR. AUSTIN TX

CORNERSTONE
ARCHITECTS

7000 BEE CAVES RD. SUITE 200 AUSTIN TX 78746 512.329.0007

CA

CORNERSTONEARCHITECTS.LLP.COM



CORNERSTONE
ARCHITECTS

7000 BEE CAVES RD. SUITE 200 AUSTIN TX 78746 512.329.0007

 CORNERSTONEARCHITECTS.LP.COM

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

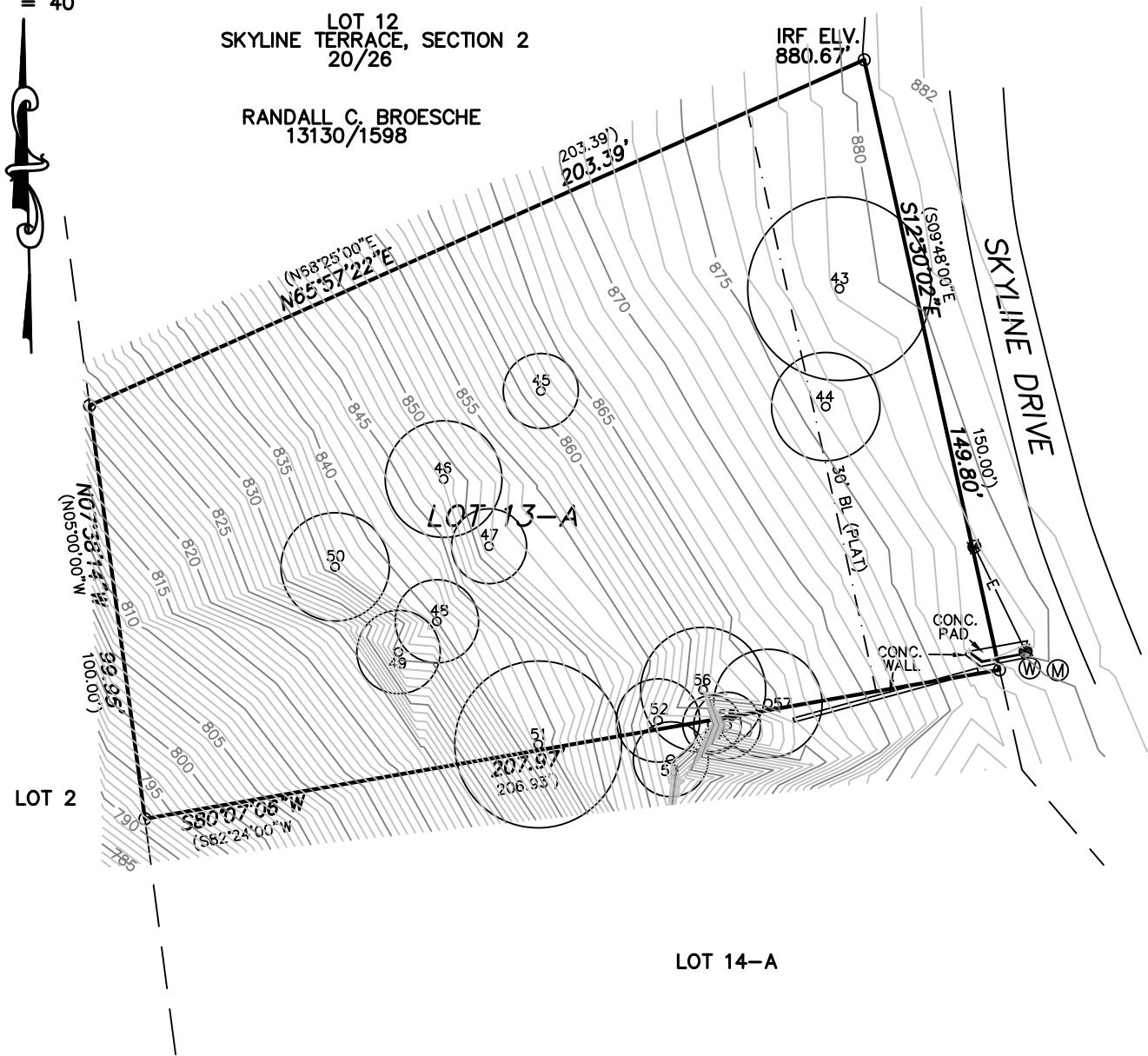
Spirale
Randy Broesche
405 Skyline Dr.
Austin, TX 78746
512.923.9538 (pho)
[REDACTED]

CELCO SURVEYING
REG. # 10193975
TEL: 830-214-5109

SURVEY PLAT

301 MAIN PLAZA, SUITE 387
NEW BRAUNFELS, TEXAS 78130
eddie@celcosurveying.com
www.celcosurveying.com

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
- PP = POWER POLE
- E— = O/H POWERLINE
- WM = WATER METER
- MB = MAIL BOX

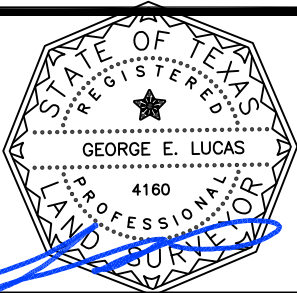
ADDRESS: 403 SKYLINE DRIVE, WEST LAKE HILLS, TEXAS

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



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

PLAN No.: 2020-3031

SURVEY DATE: NOVEMBER 29, 2020

403 Skyline Dr
Westlake Hills, TX 78746

Lot Photos













MULTIPLE VARIANCE
STAFF REPORT

September 8, 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.

Zoning and Planning Commission Recommendation

ZAPCO voted to recommend approval unanimously (4-0).

Staff Recommendation

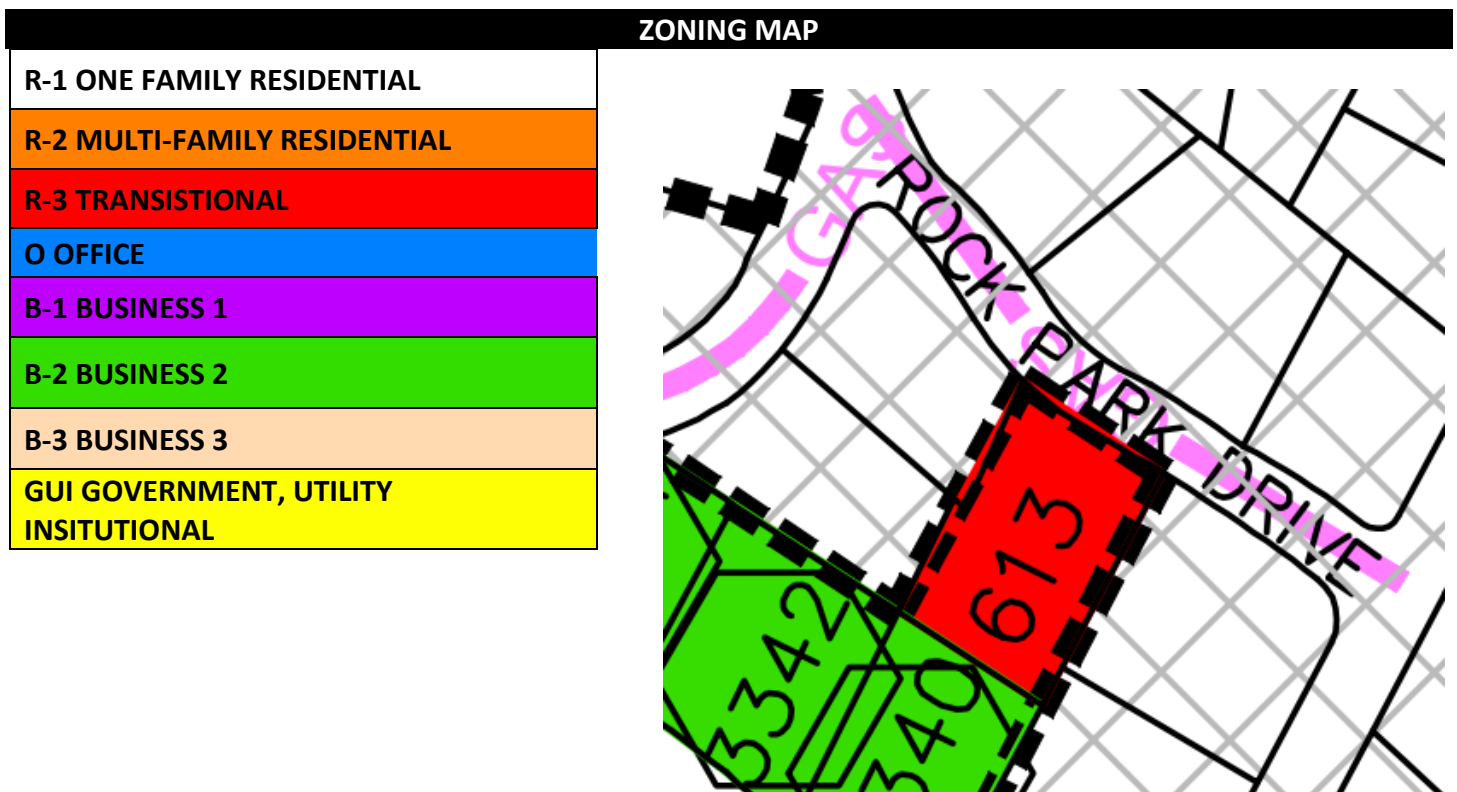
Staff recommends APPROVAL of the variances as requested. The applicant has made efforts to minimize the variances requested and has worked in good faith with the city dating back to 2010 and the development agreement and annexation.

- 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.

Christopher M. Crane

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.

[Signature]

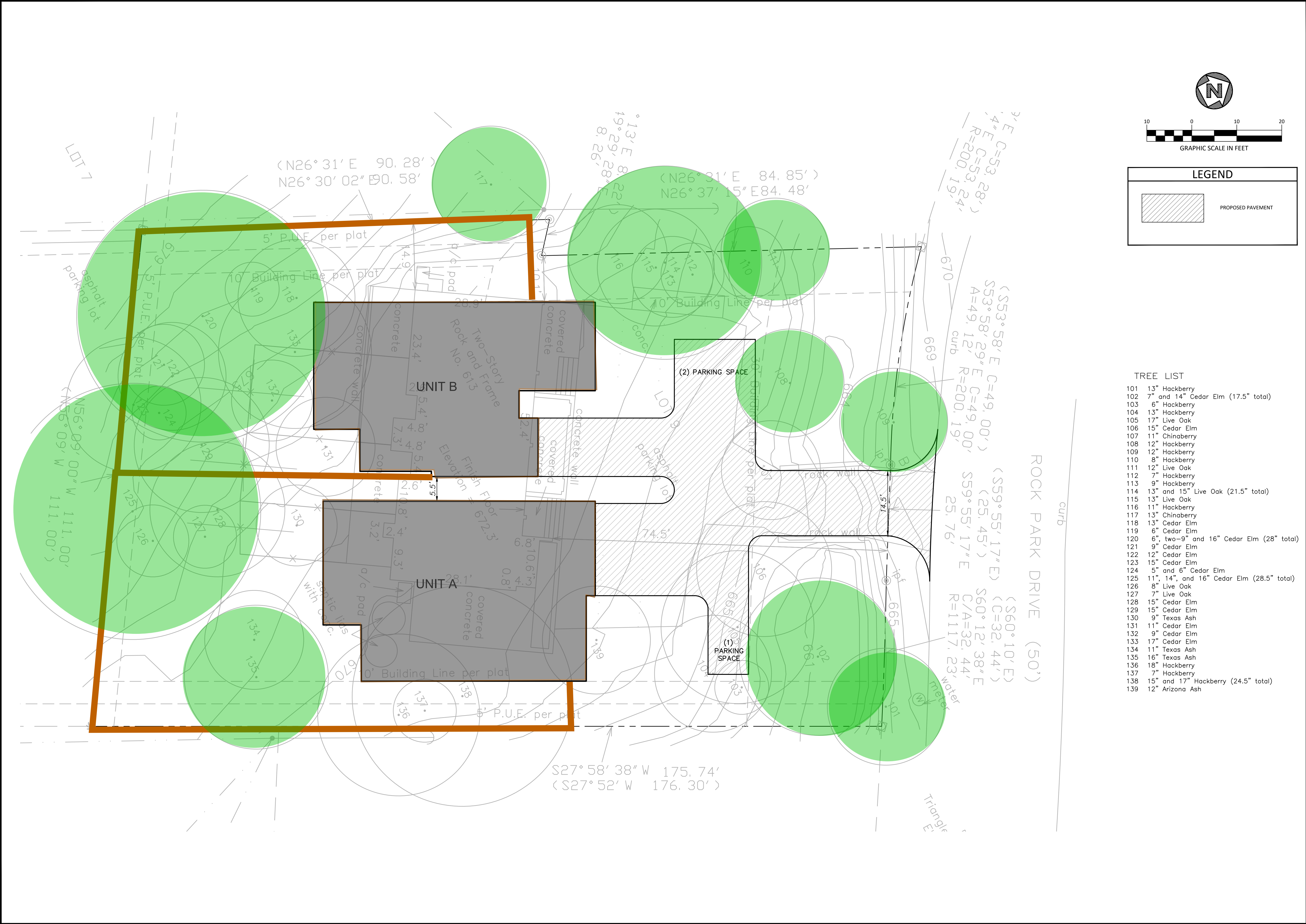
Notary Public in and for the State of Texas





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

Page 102 of 137

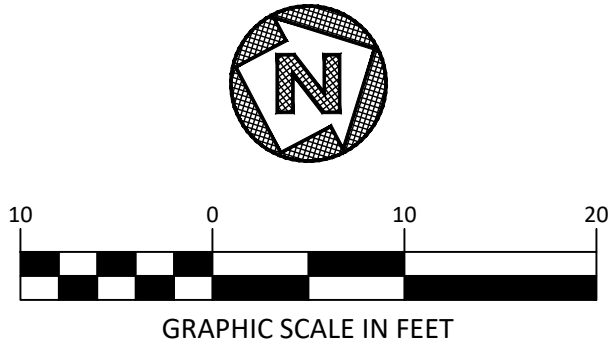
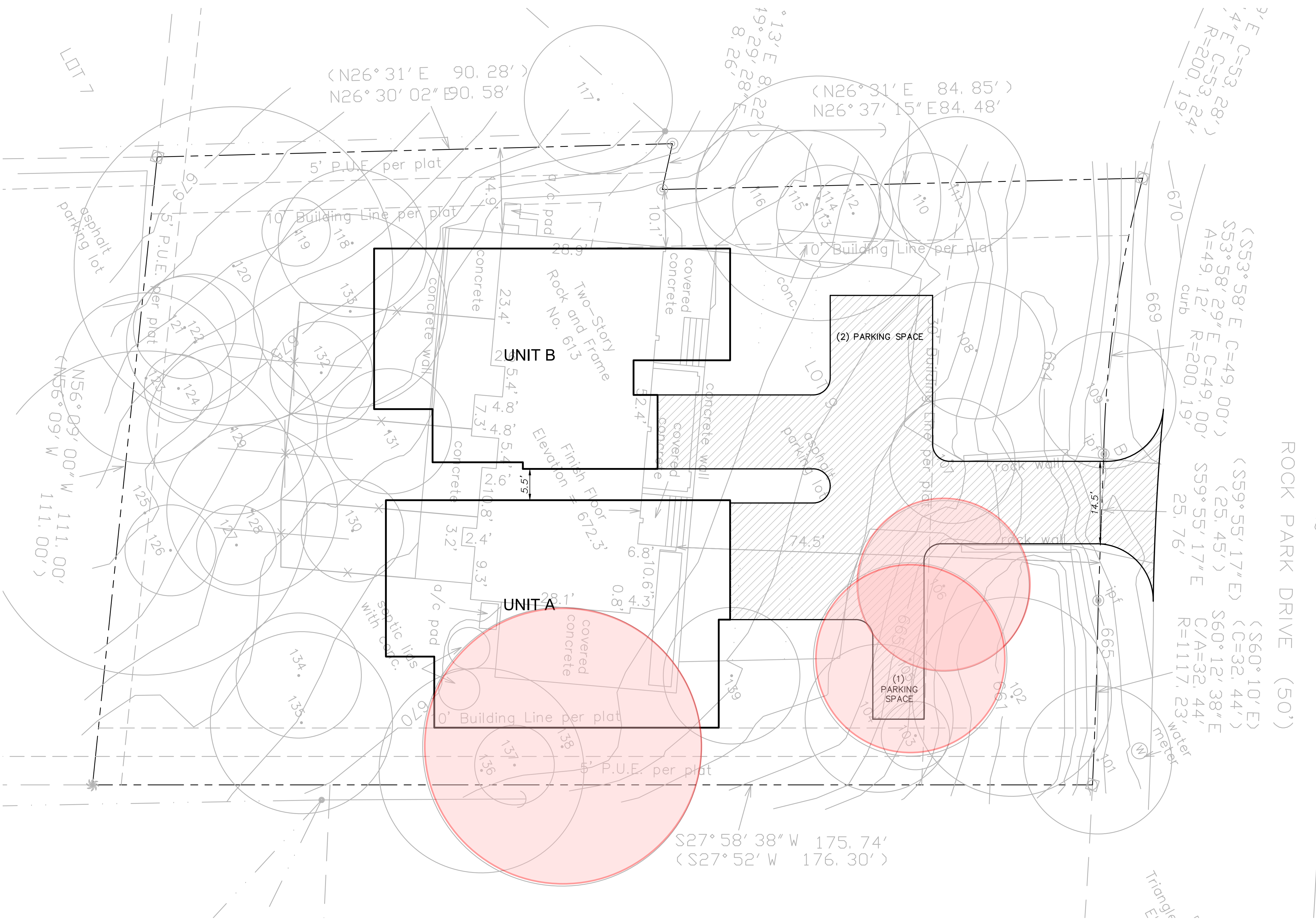


REVISIONS		DESCRIPTION	
NO.	DATE		

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.	DESCRIPTION

SITE PLAN

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:

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

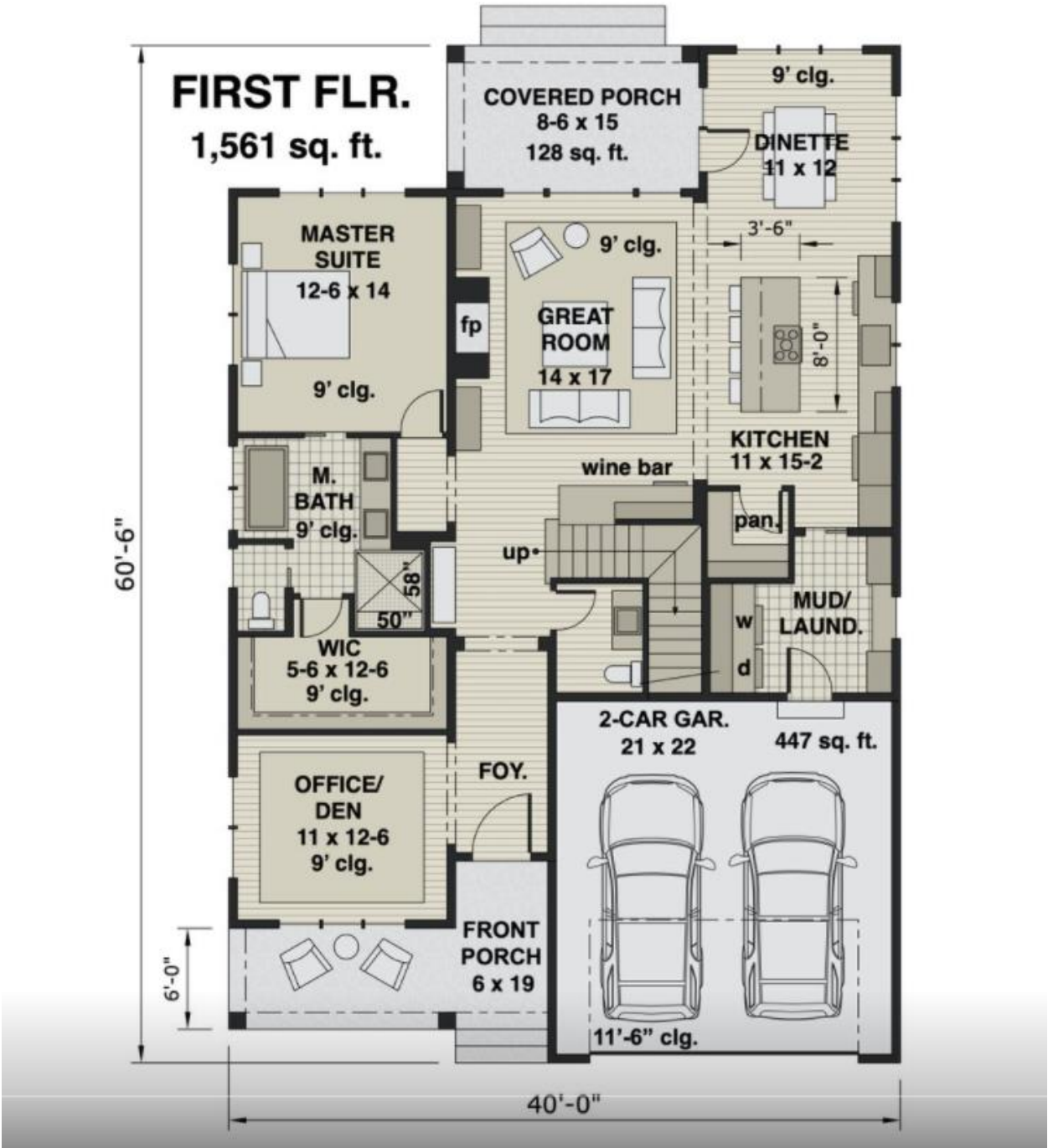


2
Floors



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

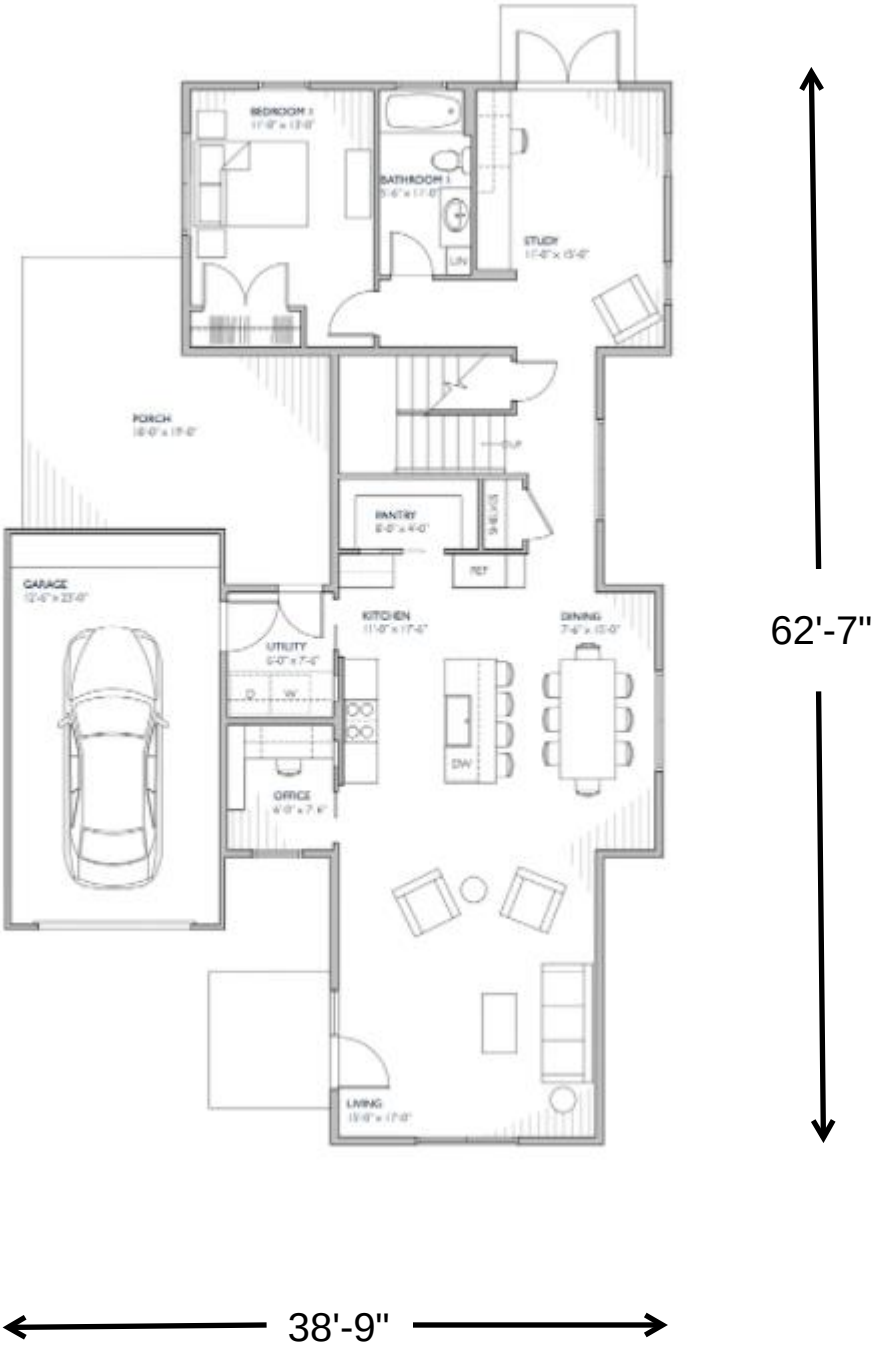
Living Specs

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.

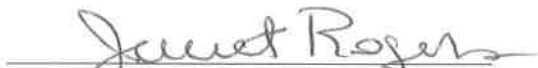
PASSED AND APPROVED this the 12th day of January 2011, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of the City of West Lake Hills, Texas.



THE CITY OF WEST LAKE HILLS


Dave Claunch, Mayor

ATTEST:


Janet Rogers, City Secretary

APPROVED AS TO FORM:

Alan J. Bojorquez, City Attorney

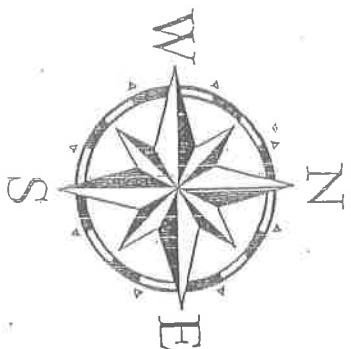
Exhibit "A"

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.



— West Lake Hills City Limits

— Roads

Parcels to be Annexed

Proposed Annexation Area



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



TRV

41 PGS

2011038380

Handwritten initials

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

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ETJ DEVELOPMENT AGREEMENT

STATE OF TEXAS

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COUNTY OF TRAVIS

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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

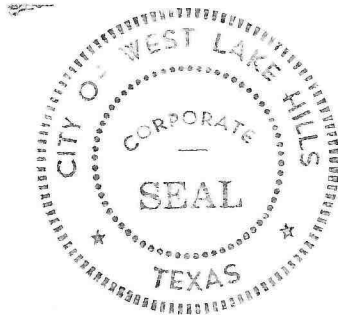
Exhibit B - Annexation Petition

STATE OF TEXAS

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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:

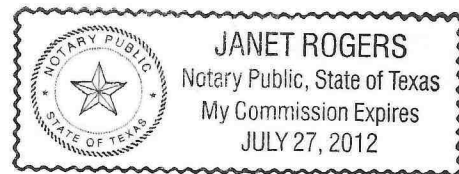
by: [Signature]
Dave Claunch, Mayor

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
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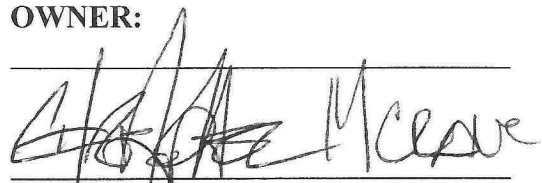
STATE OF TEXAS

COUNTY OF TRAVIS

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OWNER:

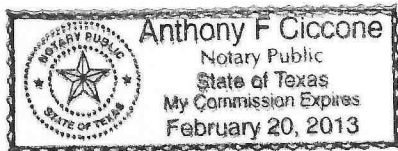
by:

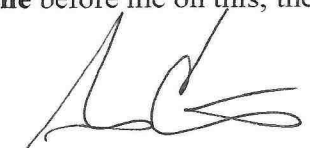

Christopher M. Crane

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
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