

**SITE PLAN REVIEW SHEET
ENVIRONMENTAL VARIANCE REQUEST ONLY**

CASE: SP-2018-0299D

ZAP COMMISSION DATE: 6/18/2019

PROJECT NAME: 6420 Bee Caves Road

APPLICANT: Travis Robinson, PE
Principal Engineer

AGENT: Optimized Engineering
1501 Bunton Creek Ste 106
Kyle, TX 78640
(512) 887-3191

ADDRESS OF SITE: 6420 Bee Caves Road

COUNTY: Travis

AREA: 4.563 acres

WATERSHED: Lake Austin (Water Supply Rural)

JURISDICTION: Full Purpose

EXISTING ZONING: N/a (2-mile ETJ)

PROPOSED DEVELOPMENT:

The applicant is proposing one office building and parking with associated improvements.

DESCRIPTION OF VARIANCE:

The applicant requests the following:

1. Request to vary from LDC 25-8-341 to allow cut above allowable four feet to no more than eight feet of depth.
2. Request to vary from LDC 25-8-342 to allow fill above allowable four feet to no more than eight feet of depth.
3. At the time of the Environmental Commission meeting, the applicant requested to vary from LDC 25-8-423(C), to exceed the impervious cover limit of 40% Net Site Area to no more than 50% Net Site Area. However, since the time of the Environmental Commission meeting, the applicant has redesigned the site so that the variance is no longer requested.

STAFF RECOMMENDATION:

Staff recommends that the required findings of fact have been met.

ENVIRONMENTAL BOARD ACTION:

April 3, 2019: The Environmental Commission did not provide a recommendation on the variance requests for 6420 Bee Caves Road.

ZONING AND PLATTING COMMISSION ACTION:

ENVIRONMENTAL REVIEW STAFF: Jonathan Garner
Jonathan.Garner@austintexas.gov

PHONE: 512-974-1665

CASE MANAGER: Jonathan Davila
Jonathan.Davila@austintexas.gov

PHONE: 512-974-2414

Staff Findings of Fact and Exhibits



Development Services Department
Staff Recommendations Concerning Required Findings

Project Name: 6420 Bee Caves Rd
Ordinance Standard: Watershed Protection Ordinance
Variance Request: Cut exceeding four feet in depth (25-8-341)

Include an explanation with each applicable finding of fact.

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

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

Yes. The lot has significant topography in the front and rear of the tract, contains mature trees, and is narrowest along the public street frontage. These factors limit the site plan design alternatives and dictate that the building pad and parking be provided uphill, setback from FM 2244, and positioned on the flattest portion of the tract. The small area of cut over four feet (~4 sq. ft.) is required to construct the driveway across the slopes in order to access the buildable portion of the site uphill of the steep slopes. Without the cut needed to construct the driveway on this property, the owner is left without a reasonable use of the property.

2. The variance:

- a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

Yes. The variance is required to access the flatter, more buildable portion of the site. Because of the need to construct a driveway across the steep slopes in order to access the buildable portion of the site, a variance for cut in excess of four feet of depth is required in order to obtain access and meet slope and cross-slope requirements for driveway construction.

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

Yes. The amount of cut exceeding four feet in depth required to access the buildable portion of the site, and to ensure constructability of the access drive, is approximately four square feet.

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

Yes. The location of the building and associated parking lot is contained within the flatter, more buildable portion of the site, which limits the amount of erosion and sedimentation that may be generated during construction or during the life of the project.

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

Yes. Currently, the site contains no water quality or detention improvements. The proposed site plan includes water quality and detention facilities that meets compliance with current Land Use Development requirements.

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

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

Not Applicable

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

Not Applicable

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

Not Applicable

Staff Determination: Staff determines that the findings of fact have been met. Staff recommends the following condition: tree mitigation in accordance with current Land Development Code and Environmental Criteria Manual requirements.

Environmental Reviewer
(DSD)

Alex Butler

Date 3/26/2019

Environmental Review
Manager (DSD)

Mike McDaughal

Date 3/26/2019

Environmental Officer
(WPD)

GA

Date 3/28/2019

Applicant Form and Findings of Fact



Development Services Department
Staff Recommendations Concerning Required Findings

Project Name: 6420 Bee Caves Rd
Ordinance Standard: Watershed Protection Ordinance
Variance Request: Fill exceeding four feet in depth (25-8-342)

Include an explanation with each applicable finding of fact.

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

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

Yes. The lot has significant topography in the front and rear of the tract, contains mature trees, and is narrowest along the public street frontage. These factors limit the site plan design alternatives and dictate that the building pad and parking be provided uphill, setback from FM 2244, and positioned on the flattest portion of the tract. The small area of fill over four feet (~2,650 sq. ft.) is required to construct the driveway needed to access the buildable portion of the site uphill of the steep slopes. Without the fill needed to construct the private driveway on this property, the owner is left without a reasonable use of the property.

2. The variance:

- a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

Yes. The variance is required to access the flatter, more buildable portion of the site. Because of the need to construct a driveway across the steep slopes in order to access the buildable portion of the site, a variance for fill in excess of four feet of depth is required in order to obtain access and meet slope and cross-slope requirements for driveway construction.

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

Yes. The amount of fill exceeding four feet in depth required to access the buildable portion of the site, and to ensure constructability of the access drive, is approximately 2,650 square feet (~1.35 percent of the gross site area).

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

Yes. The location of the building and associated parking lot is contained within the flatter, more buildable portion of the site, which limits the amount of erosion and sedimentation that may be generated during construction or during the life of the project.

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

Yes. Currently, the site contains no water quality or detention improvements. The proposed site plan includes water quality and detention facilities that meets compliance with current Land Use Development requirements.

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

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

Not Applicable

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

Not Applicable

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

Not Applicable

Staff Determination: Staff determines that the findings of fact have been met. Staff recommends the following condition: tree mitigation in accordance with current Land Development Code and Environmental Criteria Manual requirements.

Environmental Reviewer
(DSD)

Alex Butler

Date 3/26/2019


Environmental Review

Manager (DSD)

Mike McDougal

Date 3/26/2019

Environmental Officer
(WPD)



Date 3/28/2019



Development Services Department
Staff Recommendations Concerning Required Findings

Project Name:	6420 Bee Caves Rd
Ordinance Standard:	Watershed Protection Ordinance
Variance Request:	Exceed allowable impervious cover for a commercial development [25-8-423(C)]

Include an explanation with each applicable finding of fact.

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

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

Yes. The tract contains two separate watershed classifications; Water Supply Suburban and Water Supply Rural. The proposed site plan design restricts all development to be wholly contained within the Water Supply Suburban classification in order to preserve the area of the tract within the Water Supply Rural watershed; the more restrictive of the two watershed classifications. If the net site area of the two watershed classifications were considered as a single net site area, the proposed site plan would comply with the environmental and water quality regulations of the Land Development Code for a Water Supply Suburban watershed.

2. The variance:
 - a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

Yes. The variance is required so that the proposed total impervious cover can be contained within the Water Supply Suburban portion of the site, which is the less restrictive watershed classification.

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

Yes. The proposed impervious cover is less than would be allowed if the two watershed impervious cover limits were to be combined as a whole.

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

Yes. The variance will allow for all development to be contained within a less sensitive watershed. Additionally, a Restrictive Covenant will be placed on the Water Supply Rural portion of the tract for it to remain undisturbed and undeveloped in perpetuity.

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

Yes. Currently, the site contains no water quality or detention improvements. The proposed site plan includes water quality and detention facilities that meets compliance with current Land Use Development requirements.

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

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

Not applicable.

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

Not applicable.

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

Not applicable.

Staff Determination: Staff determines that the findings of fact have been met. Staff recommends the following condition: place a Restrictive Covenant on the Water Supply Rural portion of the tract that restricts any future development from occurring.

Environmental Reviewer
(DSD)

Alex Butler

Date 3/26/2019

Environmental Review
Manager (DSD)

Mike McDaugal

Date 3/26/2019

Environmental Officer
(WPD)

GA

Date 3/28/2019

March 26, 2019



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Travis Robinson, P.E.
Street Address	1501 Bunton Creek, Suite 106
City State ZIP Code	Kyle, TX 78640
Work Phone	512-887-3191
E-Mail Address	travis@optimizedeng.com

Variance Case Information

Case Name	6420 FM 2244 ROAD SITE DEVELOPMENT PERMIT
Case Number	SP-2018-0299D
Address or Location	6420 FM 2244 Road
Environmental Reviewer Name	Alex Butler
Environmental Resource Management Reviewer Name	Not Applicable
Applicable Ordinance	Section 25-8-341 of the Land Development Code Cut Requirements
Watershed Name	Bee Creek (Rural), Eanes Creek (Suburban)
Watershed Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input checked="" type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone

March 26, 2019

Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input checked="" type="checkbox"/> Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Distance to Nearest Classified Waterway	1,250 feet to Eanes Creek.
Water and Waste Water service to be provided by	Water by Travis Co. WCID No. 17, Waste Water by OSSF
Request	The variance request is as follows: Variance to the requirements of Section 25-8-341 limiting cut on a tract of land in excess of 4 feet of depth.

Impervious cover	Existing	Proposed
square footage:	0	37,461.6 SF
acreage:	0	0.86 acres
percentage:	0	19.15%
Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)	<p>The property consists of 4.49 acres within the City of Austin ETJ (extra-territorial jurisdiction). Within the tract of land, 2.01 acres is located within the Water Supply Suburban Watershed that flows to Eanes Creek, and 2.48 acres is located within the Water Supply Rural Watershed that flows to Bee Creek. All of the impervious cover for this project is proposed within the Suburban Watershed, and the 0.23 acres of impervious cover allowed within the Rural Watershed is proposed to be transferred within the Suburban Watershed.</p> <p>The pie-shaped property becomes narrower at the southern portion of the tract, along the frontage of FM 2244. As shown on the tree survey and site plan, the site contains several large, protected trees that have been incorporated into the site plan. Another significant feature of the site is the steep topography, which results in approximately 54 feet of fall at the northern portions of the site and approximately 45 feet of fall towards the southern portions of the site. In the middle of the site, there is 2.14 acres with a slope of 0 – 15% on which the medical office and associated parking is proposed.</p> <p>Section 25-8-301 allows for construction of driveways on slopes in excess of 15% when it is necessary in order to provide primary access to a minimum of 2 contiguous acres with a gradient of 15% or less. The proposed development meets the intent and specifications of this criteria, as no alternative access to the building site is feasible. However,</p>	

March 26, 2019

	construction of the driveway on the sloped area requires cut in excess of 4 feet but not greater than 8 feet.	
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Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The area of construction that requires cut in excess of 4 feet of depth is 4 SF. The attached "Cut and Fill Exhibit" indicates the specific areas of the driveway that require excess fill and excess cut.
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FINDINGS OF FACT

As required in LDC Section 25-8-41 in order to grant a variance, the Land Use Commission must make the following findings of fact:

Include an explanation with each applicable finding of fact.

Project: SP-2018-0299 – 6420 FM 2244 Road Site Development Permit

Ordinance: Section 25-8-341 of the City of Austin Land Development Code

- A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:
1. The requirement will deprive the applicant of a privilege available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

Yes / No

Prohibiting cut and fill in excess of four feet deprives the applicant of the privilege that owners of other similarly situated properties and developments are entitled. The lot has significant topography, contains mature trees, and is narrowest along the public street frontage. These factors limit the site plan design alternatives and dictate that the building pad and parking be provided uphill, setback from FM 2244, and positioned on the flattest portion of the tract. Not allowing for development of the private driveway on this property leaves the owner without a reasonable use of the property.
 2. The variance:

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- a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

Yes / No The variance from the Code requirements is not necessitated by the scale, layout, construction method, or design decisions of the applicant. From the early stages of the project, the site constraints have been recognized and accommodated to the greatest extent possible. The proposed 15,000 square foot medical office building and associated site improvements are not out of scale for the tract or an attempt to maximize the development potential of the site. The variance is required to access that portion of the site that is flatter and more conducive to the building site. Regardless of the size, layout, or design of the building site, a variance that allows cut and fill in excess of four feet of depth would be required in order to obtain access through the steepest portion of the tract to the flattest portion of the tract.

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

Yes / No The proposed deviation from the Code is the minimum amount necessary to allow for reasonable use of the property. The deviation is required to access the buildable portion of the site and ensure constructability of the access drive. The variance is **not** being sought as a way of maximizing the development potential of the site.

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

Yes / No The requested variance does not increase the probability of harmful environmental consequences. To the greatest extent possible, the design protects the existing environmental features such as the mature trees and dramatic topography and incorporates these features into the site plan.

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

Yes / No Currently, the site contains no water quality or detention improvements. The proposed site plan includes water quality and detention facilities, but without the requested variance to enable access to the buildable portion of the site, no water quality or drainage improvements will be constructed.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-368 (Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

The above described additional variance determination requirements are not applicable to this site.

1. The criteria for granting a variance in Subsection (A) are met;
Yes / No **Not applicable**
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;
Yes / No **Not applicable**
3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.
Yes / No **Not applicable**

****Variance approval requires all above affirmative findings.**

March 26, 2019



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Travis Robinson, P.E.
Street Address	1501 Bunton Creek, Suite 106
City State ZIP Code	Kyle, TX 78640
Work Phone	512-887-3191
E-Mail Address	travis@optimizedeng.com

Variance Case Information

Case Name	6420 FM 2244 ROAD SITE DEVELOPMENT PERMIT
Case Number	SP-2018-0299D
Address or Location	6420 FM 2244 Road
Environmental Reviewer Name	Alex Butler
Environmental Resource Management Reviewer Name	Not Applicable
Applicable Ordinance	Section 25-8-342 of the Land Development Code Fill Requirements
Watershed Name	Bee Creek (Rural), Eanes Creek (Suburban)
Watershed Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input checked="" type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone

March 26, 2019

Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input checked="" type="checkbox"/> Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Distance to Nearest Classified Waterway	1,250 feet to Eanes Creek.
Water and Waste Water service to be provided by	Water by Travis Co. WCID No. 17, Waste Water by OSSF
Request	The variance request is as follows: Variance to the requirements of Section 25-8-342 limiting fill on a tract of land in excess of 4 feet of depth.

Impervious cover	Existing	Proposed
square footage:	0	37,461.6 SF
acreage:	0	0.86 acres
percentage:	0	19.15%
Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)	<p>The property consists of 4.49 acres within the City of Austin ETJ (extra-territorial jurisdiction). Within the tract of land, 2.01 acres is located within the Water Supply Suburban Watershed that flows to Eanes Creek, and 2.48 acres is located within the Water Supply Rural Watershed that flows to Bee Creek. All of the impervious cover for this project is proposed within the Suburban Watershed, and the 0.23 acres of impervious cover allowed within the Rural Watershed is proposed to be transferred within the Suburban Watershed.</p> <p>The pie-shaped property becomes narrower at the southern portion of the tract, along the frontage of FM 2244. As shown on the tree survey and site plan, the site contains several large, protected trees that have been incorporated into the site plan. Another significant feature of the site is the steep topography, which results in approximately 54 feet of fall at the northern portions of the site and approximately 45 feet of fall towards the southern portions of the site. In the middle of the site, there is 2.14 acres with a slope of 0 – 15% on which the medical office and associated parking is proposed.</p> <p>Section 25-8-301 allows for construction of driveways on slopes in excess of 15% when it is necessary in order to provide primary access to a minimum of 2 contiguous acres with a gradient of 15% or less. The proposed development meets the intent and specifications of this criteria, as no alternative access to the building site is feasible. However,</p>	

March 26, 2019

	construction of the driveway on the sloped area requires fill in excess of 4 feet but not greater than 8 feet.	
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Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	Construction of the access drive requires fill in excess of 4 feet of depth within an area of approximately 2,650 SF. The attached "Cut and Fill Exhibit" indicates the specific areas of the driveway that require excess fill and excess cut.
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FINDINGS OF FACT

As required in LDC Section 25-8-41 in order to grant a variance, the Land Use Commission must make the following findings of fact:

Include an explanation with each applicable finding of fact.

Project: SP-2018-0299 – 6420 FM 2244 Road Site Development Permit

Ordinance: Section 25-8-342 of the City of Austin Land Development Code

- A. Land Use Commission variance determinations from Chapter 25-8-41 of the City Code:
1. The requirement will deprive the applicant of a privilege available to owners of similarly situated property with approximately contemporaneous development subject to similar code requirements.

Yes / No

Prohibiting cut and fill in excess of four feet deprives the applicant of the privilege that owners of other similarly situated properties and developments are entitled. The lot has significant topography, contains mature trees, and is narrowest along the public street frontage. These factors limit the site plan design alternatives and dictate that the building pad and parking be provided uphill, setback from FM 2244, and positioned on the flattest portion of the tract. Not allowing for development of the private driveway on this property leaves the owner without a reasonable use of the property.
 2. The variance:

March 26, 2019

- a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

Yes / No The variance from the Code requirements is not necessitated by the scale, layout, construction method, or design decisions of the applicant. From the early stages of the project, the site constraints have been recognized and accommodated to the greatest extent possible. The proposed 15,000 square foot medical office building and associated site improvements are not out of scale for the tract or an attempt to maximize the development potential of the site. The variance is required to access that portion of the site that is flatter and more conducive to the building site. Regardless of the size, layout, or design of the building site, a variance that allows cut and fill in excess of four feet of depth would be required in order to obtain access through the steepest portion of the tract to the flattest portion of the tract.

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

Yes / No The proposed deviation from the Code is the minimum amount necessary to allow for reasonable use of the property. The deviation is required to access the buildable portion of the site and ensure constructability of the access drive. The variance is **not** being sought as a way of maximizing the development potential of the site.

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

Yes / No The requested variance does not increase the probability of harmful environmental consequences. To the greatest extent possible, the design protects the existing environmental features such as the mature trees and dramatic topography and incorporates these features into the site plan.

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

Yes / No Currently, the site contains no water quality or detention improvements. The proposed site plan includes water quality and detention facilities, but without the requested variance to enable access to the buildable portion of the site, no water quality or drainage improvements will be constructed.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-368 (Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

The above described additional variance determination requirements are not applicable to this site.

1. The criteria for granting a variance in Subsection (A) are met;
Yes / No **Not applicable**
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;
Yes / No **Not applicable**
3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.
Yes / No **Not applicable**

****Variance approval requires all above affirmative findings.**

March 26, 2019



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Travis Robinson, P.E.
Street Address	1501 Bunton Creek, Suite 106
City State ZIP Code	Kyle, TX 78640
Work Phone	512-887-3191
E-Mail Address	travis@optimizedeng.com

Variance Case Information

Case Name	6420 FM 2244 ROAD SITE DEVELOPMENT PERMIT
Case Number	SP-2018-0299D
Address or Location	6420 FM 2244 Road
Environmental Reviewer Name	Alex Butler
Environmental Resource Management Reviewer Name	Not Applicable
Applicable Ordinance	Section 25-8-423(C) of the Land Development Code Allowable Impervious Cover for Commercial Development
Watershed Name	Bee Creek (Rural), Eanes Creek (Suburban)
Watershed Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input checked="" type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone

March 26, 2019

Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment <input checked="" type="checkbox"/> Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Distance to Nearest Classified Waterway	1,250 feet to Eanes Creek.
Water and Waste Water service to be provided by	Water by Travis Co. WCID No. 17, Waste Water by OSSF
Request	The variance request is as follows: Variance to the requirements of Section 25-8-423(C) to exceed the amount of impervious cover within the Water Supply Suburban portion of the site to 49.7%.

Impervious cover	Existing	Proposed
square footage:	0	37,461.6 SF
acreage:	0	0.86 acres
percentage:	0	19.15%
Provide general description of the property (slope range, elevation range, summary of vegetation / trees, summary of the geology, CWQZ, WQTZ, CEFs, floodplain, heritage trees, any other notable or outstanding characteristics of the property)	<p>The property consists of 4.49 acres within the City of Austin ETJ (extra-territorial jurisdiction). Within the tract of land, 2.01 acres is located within the Water Supply Suburban Watershed that flows to Eanes Creek, and 2.48 acres is located within the Water Supply Rural Watershed that flows to Bee Creek. All of the impervious cover for this project is proposed within the Suburban Watershed, and, a variance to credit the 0.23 acres of impervious cover allowed within the Rural Watershed for use in the Suburban Watershed is requested.</p> <p>The pie-shaped property becomes narrower at the southern portion of the tract, along the frontage of FM 2244. As shown on the tree survey and site plan, the site contains several large, protected trees that have been incorporated into the site plan. Another significant feature of the site is the steep topography, which results in approximately 54 feet of fall at the northern portions of the site and approximately 45 feet of fall towards the southern portions of the site. In the middle of the site, there is 2.14 acres with a slope of 0 – 15% on which the medical office and associated parking is proposed.</p>	

March 26, 2019

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	Although the LDC allows for the transfer of development intensity within a single site plan, it does not contemplate situations in which the single site plan contains two upland water supply classifications. The site plan proposes all impervious cover within the Water Supply Suburban portion of the site. The 0.23 acres of impervious cover allowed within the Water Supply Rural portion of the tract is not being used within the Water Supply Rural area, but that impervious cover is necessary within the Water Supply Suburban portion of the tract. The total impervious cover allowed in the upland zone is 0.86 acres. However, the total impervious cover allowed in the Water Supply Suburban portion of the uplands is 0.63 acres. The request is to increase the amount of impervious cover allowed within the Water Supply Suburban area of the site by the amount of impervious cover allowed in the Water Supply Rural area.
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FINDINGS OF FACT

As required in LDC Section 25-8-41 in order to grant a variance, the Land Use Commission must make the following findings of fact:

Include an explanation with each applicable finding of fact.

Project: SP-2018-0299 – 6420 FM 2244 Road Site Development Permit

Ordinance: Section 25-8-423(C) City of Austin Land Development Code

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

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

Yes / No The lot has significant topography, contains mature trees, and is narrowest along the public street frontage. In addition to these constraints, the tract also contains two separate upland water supply classifications. These factors limit the site plan design alternatives and dictate that the building pad and parking be provided uphill, setback from FM 2244, and positioned on the flattest portion of the tract. If the net site area that happens to span to water supply classifications were considered as a single net site area, the proposed site plan would comply with the environmental and water quality regulations of the Land Development Code. Most owners are able to design a site within the context of a net site area that is calculated using topographic data. Development should not be required to occur within the Water Supply Rural

March 26, 2019

Watershed if it can more appropriately contained within the Water Supply Suburban Watershed.

2. The variance:

- a) Is not necessitated by the scale, layout, construction method, or other design decision made by the applicant, unless the design decision provides greater overall environmental protection than is achievable without the variance;

Yes / No The variance from the Code requirements is not necessitated by the scale, layout, construction method, or design decisions of the applicant. From the early stages of the project, the site constraints have been recognized and accommodated to the greatest extent possible. The proposed 15,000 square foot medical office building and associated site improvements are not out of scale for the tract or an attempt to maximize the development potential of the site. The variance is required to allow for the maximum impervious cover that would be allowed per the calculated net site area to be contained within the Water Supply Suburban portion of the site.

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

Yes / No The proposed deviation from the Code is the minimum amount necessary to allow for reasonable use of the property. The deviation is required to access the flattest, most buildable portion of the site. Adjusting the site plan to the north in order to maximize the amount of impervious cover within the Water Supply Rural portion of the tract is not feasible, as the additional driveway length would increase the overall impervious cover required and increase the degree of non-compliance. The variance is **not** being sought as a way of maximizing the development potential of the site.

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

Yes / No The requested variance does not increase the probability of harmful environmental consequences. To the greatest extent possible, the design protects the existing environmental features such as the mature trees and dramatic topography and incorporates these features into the site plan. The variance will allow for all development to be contained within a less sensitive watershed. Therefore, increased environmental protections are achievable with the variance than if the variance were not granted.

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

Yes / No Currently, the site contains no water quality or detention improvements. The proposed site plan includes water quality and detention

March 26, 2019

facilities, but unless the requested variance is granted no water quality or drainage improvements will be constructed.

- B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-422 (Water Quality Transition Zone), Section 25-8-452 (Water Quality Transition Zone), Article 7, Division 1 (Critical Water Quality Zone Restrictions), or Section 25-8-368 (Restrictions on Development Impacting Lake Austin, Lady Bird Lake, and Lake Walter E. Long):

The above described additional variance determination requirements are not applicable to this site.

1. The criteria for granting a variance in Subsection (A) are met;
Yes / No **Not applicable**
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;
Yes / No **Not applicable**
3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.
Yes / No **Not applicable**

****Variance approval requires all above affirmative findings.**

Applicant Exhibits



Item C-05

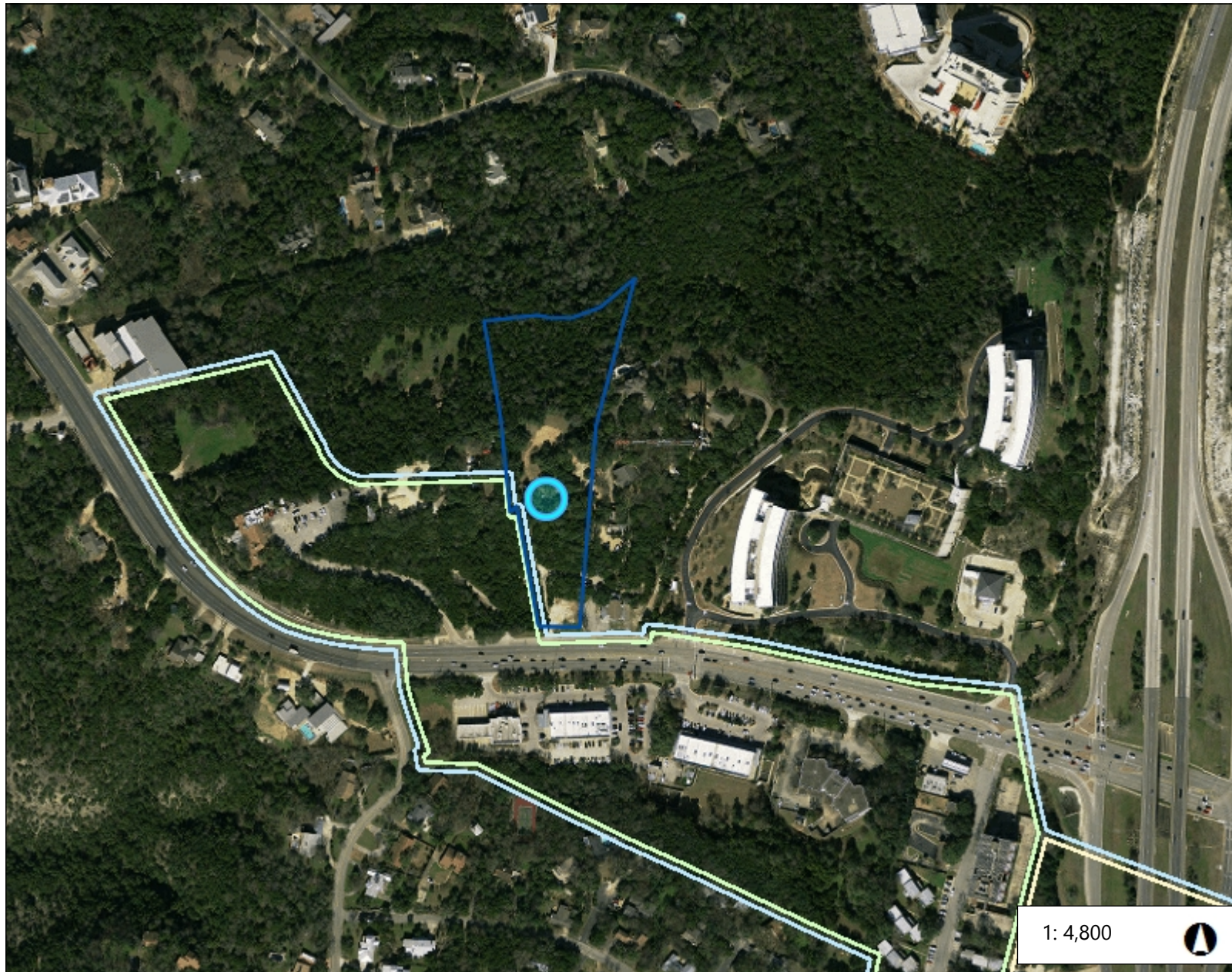
Property Profile

27 of 38

Legend

Jurisdiction

- FULL PURPOSE
- LIMITED PURPOSE
- EXTRATERRITORIAL JURISDICTION
- 2 MILE ETJ AGRICULTURAL AGR
- OTHER CITY LIMITS
- OTHER CITIES ETJ



1: 4,800



0.2 0 0.08 0.2 Miles

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed:

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey. This product has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Notes

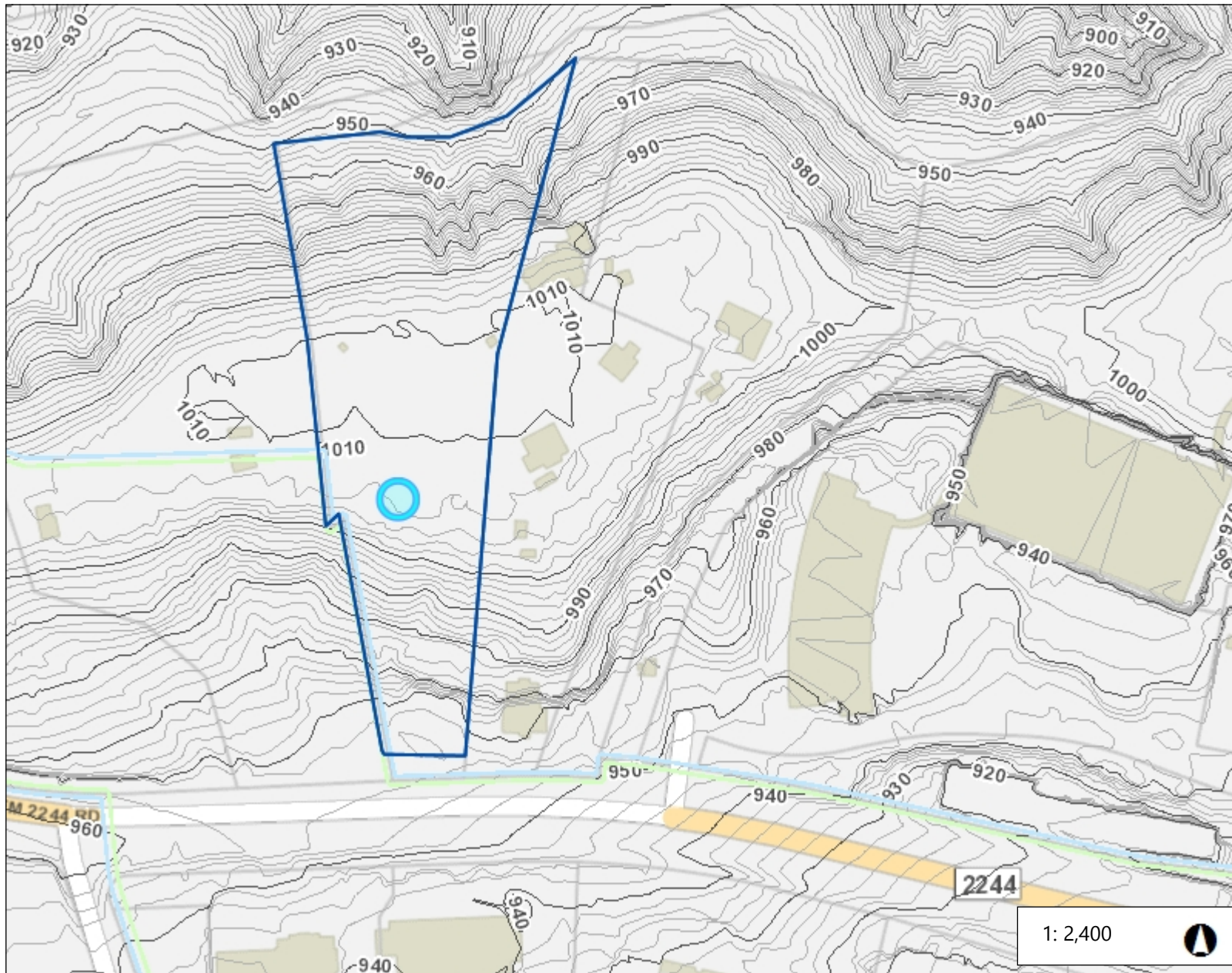


Item C-05

Property Profile

28 of 38

Legend



Jurisdiction

- FULL PURPOSE
- LIMITED PURPOSE
- EXTRATERRITORIAL JURISDICTION
- 2 MILE ETJ AGRICULTURAL AGR
- OTHER CITY LIMITS
- OTHER CITIES ETJ

Contours Year 2012

- 2 Ft Contours
- 10 Ft Contours

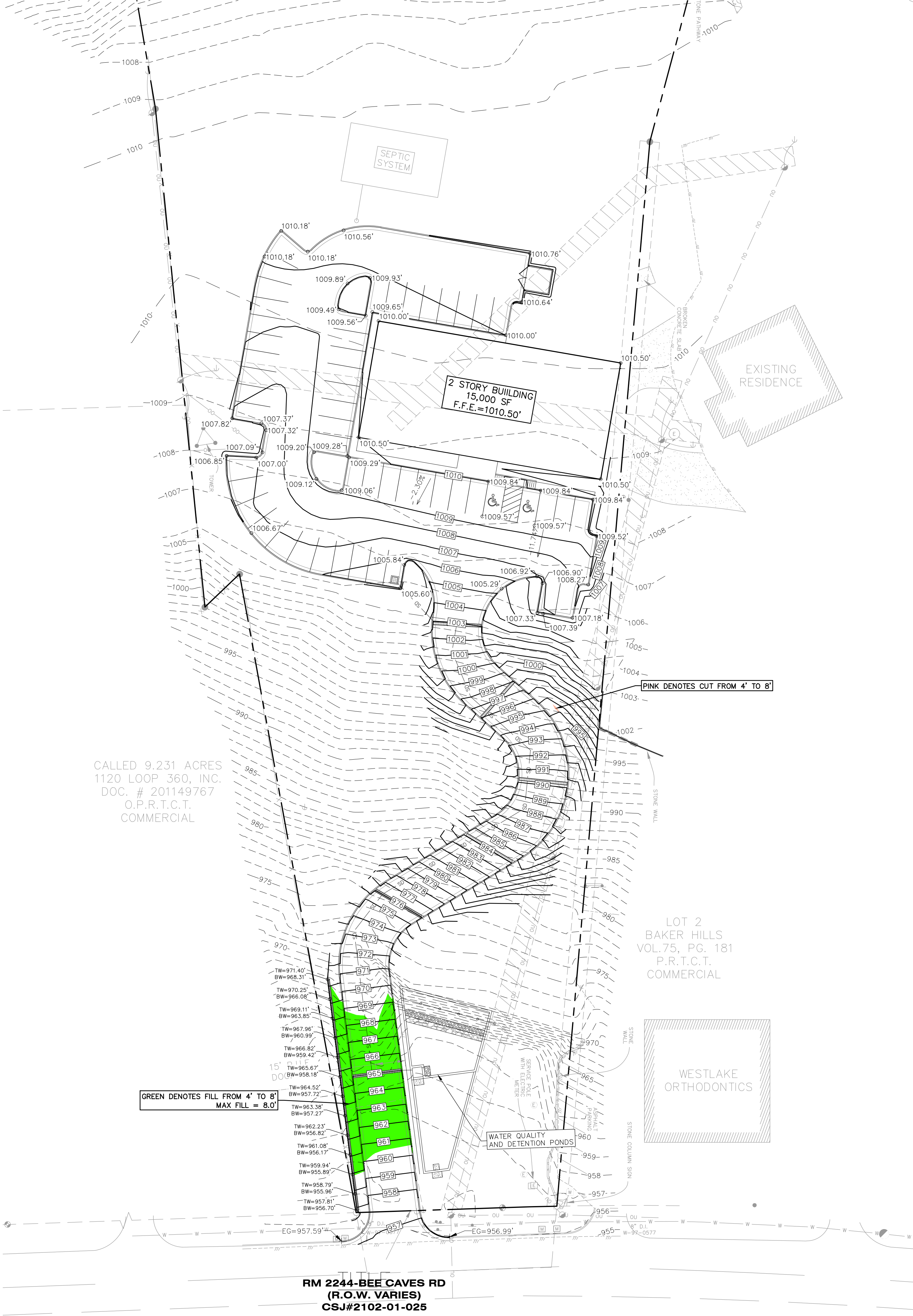
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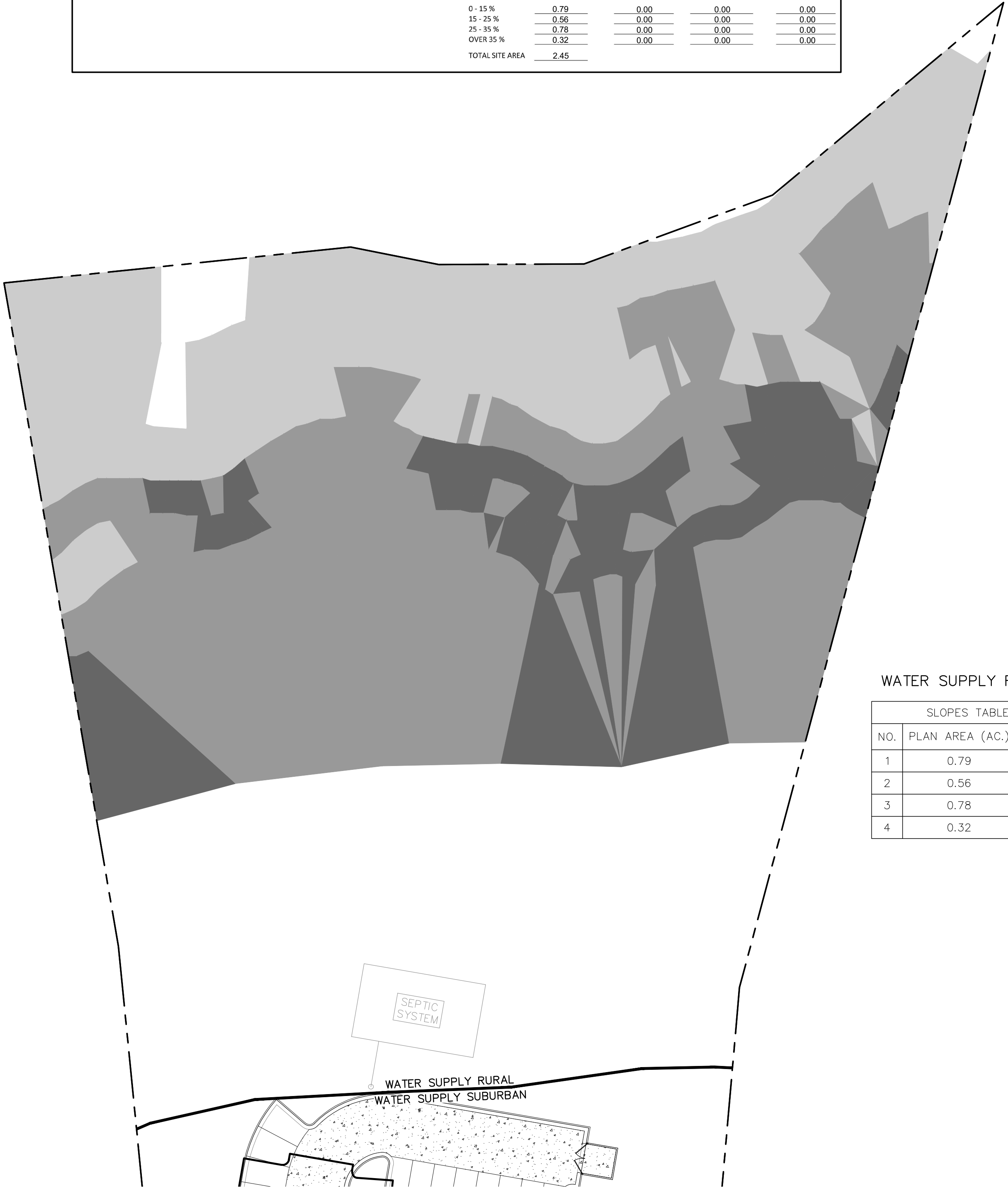
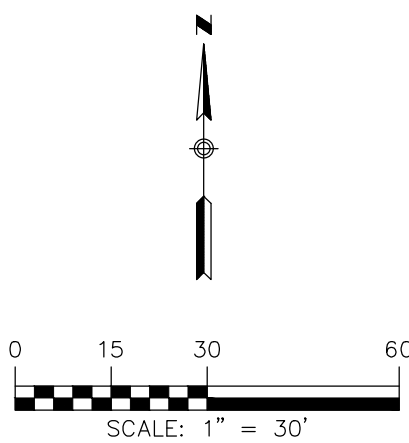
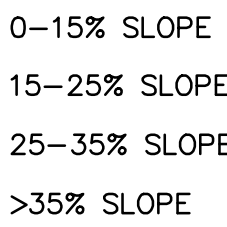
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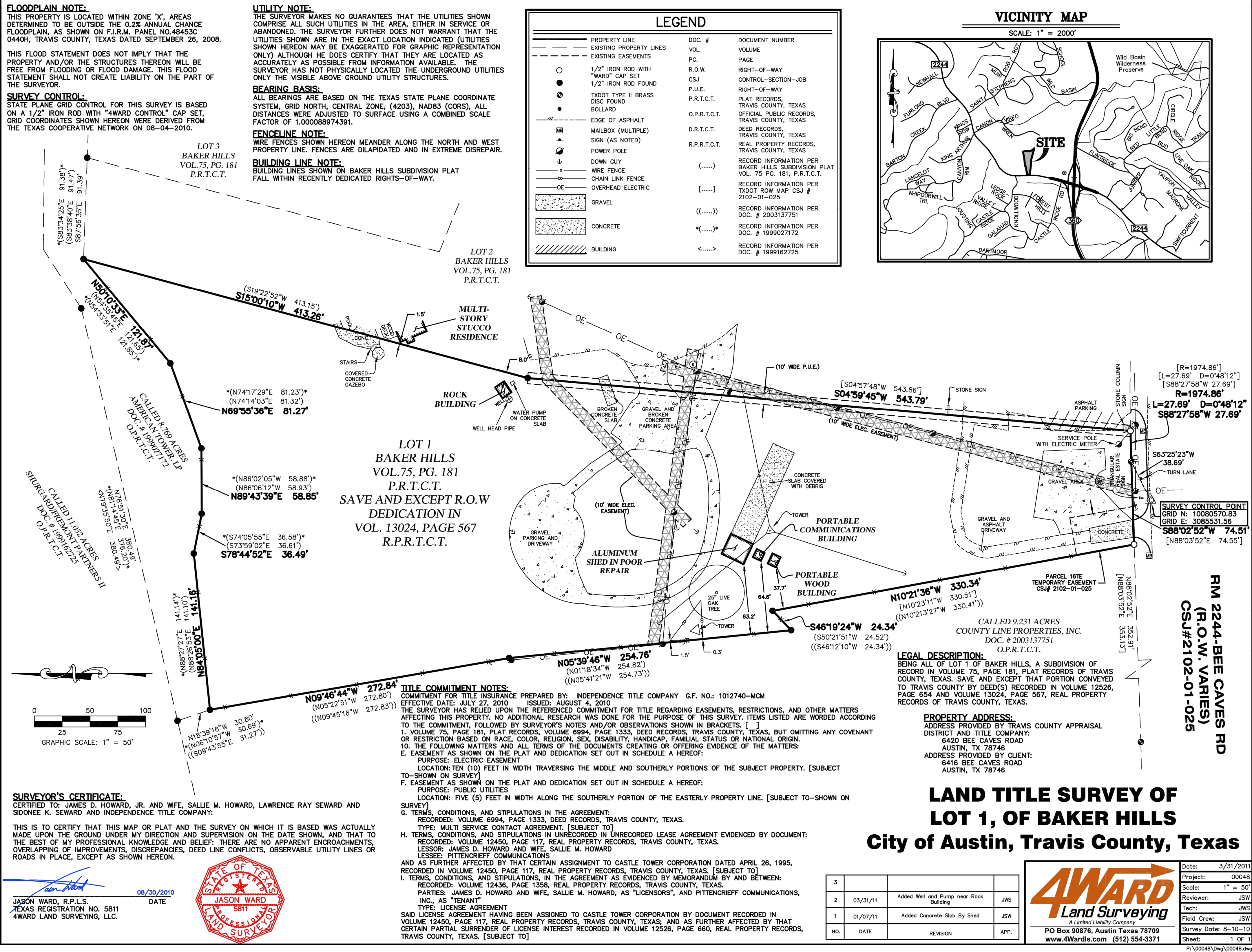
NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed:

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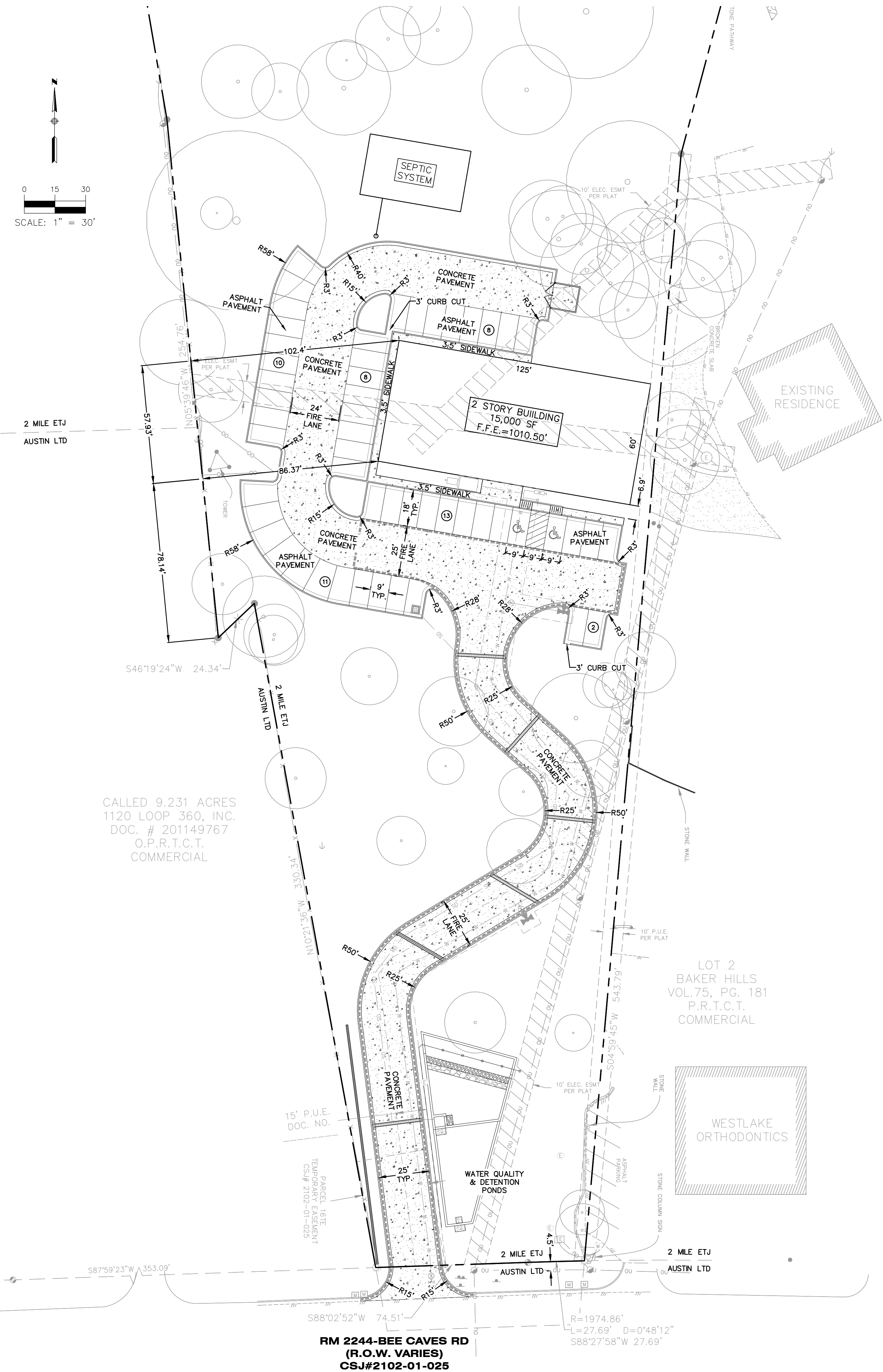
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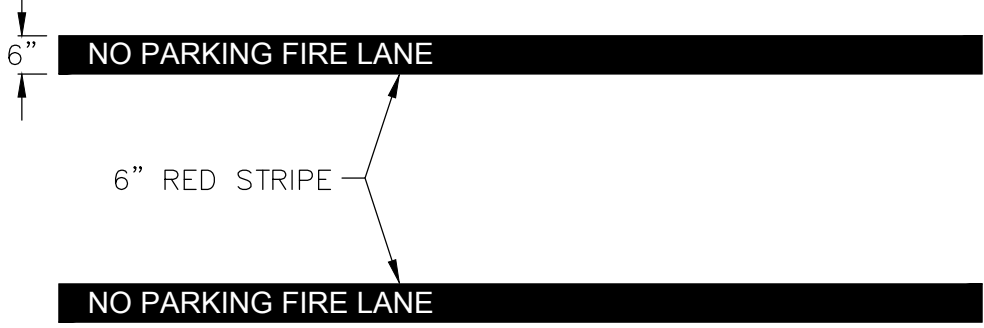
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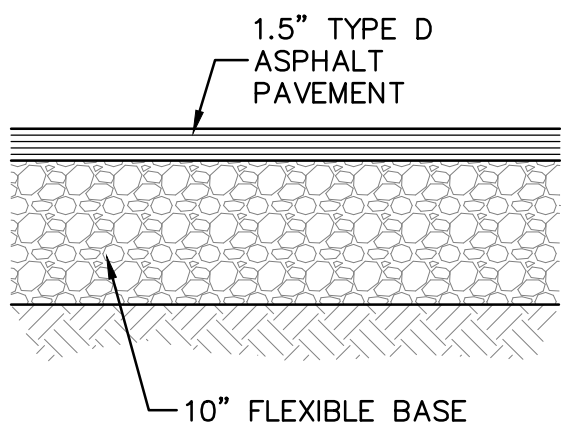
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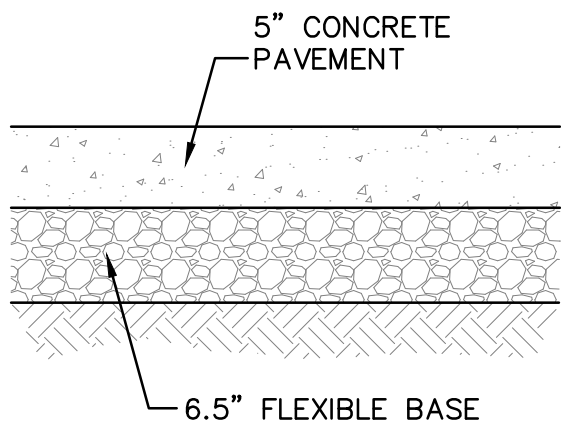
FIRE LANE NOTES:
STRIPING - THE TOP FACE OF ROAD CURBS SHALL BE PAINTED UTILIZING RED TRAFFIC PAINT.
A. IF NO CURBS ARE PRESENT, A SIX INCH (6") WIDE STRIPE PAIGNED OF TRAFFIC RED PAINT SHALL BE PAINTED ON THE DRIVING SURFACE TO SHOW THE BOUNDARIES OF THE LANE.
B. THE WORDS "NO PARKING FIRE LANE" SHALL BE SPACED AT A MAXIMUM OF 12 FEET APART, ALONG THE LENGTH OF THE FIRE LANES.
SEE ILLUSTRATION BELOW.



1 FIRE LANE DETAIL
N.T.S.



2 ASPHALT PAVEMENT SECTION
N.T.S.



3 CONCRETE PAVEMENT SECTION
N.T.S.

- NOTES:
- ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS OTHERWISE STATED.
 - ALL SIDEWALKS SHALL HAVE A CROSS SLOPE OF NO GREATER THAN 2.0%.

- NOTES:
- THIS PLAN SHALL NOT BE A SUBSTITUTE FOR A THOROUGH REVIEW BY A REGISTERED ACCESSIBILITY SPECIALIST (RAS) NOR A CONFIRMATION OF ABSOLUTE COMPLIANCE WITH TEXAS ACCESSIBILITY STANDARDS (TAS).
 - APPROVAL OF THESE PLANS BY THE CITY OF AUSTIN INDICATES COMPLIANCE WITH APPLICABLE CITY REGULATIONS ONLY. COMPLIANCE WITH ACCESSIBILITY STANDARDS SUCH AS THE 2010 STANDARDS FOR ACCESSIBLE DESIGN OR THE 212 TEXAS ACCESSIBILITY STANDARDS WAS NOT VERIFIED. THE APPLICANT IS RESPONSIBLE FOR COMPLIANCE WITH ALL APPLICABLE ACCESSIBILITY STANDARDS.
 - SLOPES ON ACCESSIBLE ROUTES MAY NOT EXCEED 1:20 UNLESS DESIGNED AS A RAMP. [ANSI403.3]
 - ACCESSIBLE PARKING SPACES MUST BE LOCATED ON A SURFACE WITH A SLOPE NOT EXCEEDING 1:50. [ANSI 502.5]
 - ACCESSIBLE ROUTES MUST HAVE A CROSS-SLOPE NO GREATED THAN 1:50. [ANSI 403.3]

PARKING TABLE			
USE	AREA OF USE	PROVIDED SPACES	TYPE
MEDICAL OFFICE	15,000 SF	52	STANDARD

Optimized Engineering

www.optimizedeng.com

1501 BUNTON CREEK RD

SUITE 106

KYLE, TX 78640

F-15307

(512) 887-3191

SITE PLAN

SHEET

6420 FM 2244 ROAD

JOB NAME

SITE DEVELOPMENT PERMIT

PROJECT

DATE

MARCH 2019

DRAFTED BY:

TAR

DESIGNED BY:

TAR

JOB NUMBER

17.043

SHEET

13

OF

24

STATE OF TEXAS

TRAVIS A. ROBINSON

114513

LICENSED PROFESSIONAL ENGINEER

03/14/2019

**Optimized
Engineering**
www.optimizedeng.com

1501 Bunton Creek Rd, Ste 106
Kyle, TX 78640
512.887.3191
TBPE FIRM F-15307

March 19, 2019

Environmental Commission and Land Use Commission
City of Austin
201 W. 2nd Street
Austin, TX 78701

Subject: SP-2018-0299D – 6420 FM 2244 Road Site Development Permit

Findings of Fact for Requested Variance of Section 25-8-341 Cut Requirements

Dear Commission Members:

Site conditions and constraints at the property referenced above necessitate a variance from the requirements of the Land Development Code that limits fill and cut on a tract to no more than four feet in depth. The only access to the developable portion of the site is through a portion of the tract with slopes are in excess of 15 percent. Per Section 25-8-301 of the Austin Land Development Code, driveways on slopes in excess of 15 percent are permitted when necessary to provide primary access to a minimum of two contiguous acres with a gradient of 15 percent or less.

The “Cut and Fill Exhibit” included with this variance application demonstrates that no alternative access to the building site is feasible, and the criteria for constructing a driveway on a steep slope is satisfied as follows:

1.35 acres 0% – 15% slope in Suburban Watershed
+ 0.79 acres 0% – 15% slope in Rural Watershed
2.14 acres 0% – 15% contiguous site area

The need for a variance to allow fill and cut greater than four feet is intrinsically tied to the criteria within the Land Development Code that allows for driveway construction through steep grades in order to access to the buildable portion of the site. No cut or fill depths in excess of eight feet are proposed.

The following findings of fact are offered for the consideration and justification of variances to allow for cut and fill in excess of four feet but less than eight feet at this site.

1. Prohibiting cut and fill in excess of four feet deprives the applicant of the privilege that owners of other similarly situated properties and developments are entitled. The lot has significant topography, contains mature trees, and is narrowest along the public street frontage. These factors limit the site plan design alternatives and dictate that the building pad and parking be provided uphill, setback from FM 2244, and positioned on the flattest portion of the tract. Not

allowing for development of the private driveway on this property leaves the owner without a reasonable use of the property.

2. The variance from the Code requirements is not necessitated by the scale, layout, construction method, or design decisions of the applicant. From the early stages of the project, the site constraints have been recognized and accommodated to the greatest extent possible. The proposed 15,000 square foot medical office building and associated site improvements are not out of scale for the tract or an attempt to maximize the development potential of the site. The variance is required to access that portion of the site that is flatter and more conducive to the building site. Regardless of the size, layout, or design of the building site, a variance that allows fill and cuts in excess of four feet of depth would be required in order to obtain access though the steepest portion of the tract to the flattest portion of the tract.

The proposed deviation from the Code is the minimum amount necessary to allow for reasonable use of the property. The deviation is required to access the buildable portion of the site and ensure constructability of the access drive. The variance is **not** being sought as a way of maximizing the development potential of the site.

The requested variance does not increase the probability of harmful environmental consequences. To the greatest extent possible, the design protects the existing environmental features such as the mature trees and dramatic topography and incorporates these features into the site plan.

3. The development proposed with the variance will result in water quality that is at least equal to water quality achievable without the variance. Currently, the site contains no water quality or detention improvements. The proposed site plan includes water quality and detention facilities, but without the requested variance to enable access to the developable portion of the site, no water quality or drainage improvements will be constructed.

Thank you for your consideration of these findings. Your support and approval of variances to the cut and fill requirements of the Land Development Code is essential to this project. If you have any questions or want to discuss this information in more detail please contact me at travis@optimizedeng.com or 512-887-3191.

Best Regards,



Travis A. Robinson, P.E.
Principal Engineer

**Optimized
Engineering**
www.optimizedeng.com

1501 Bunton Creek Rd, Ste 106
Kyle, TX 78640
512.887.3191
TBPE FIRM F-15307

March 19, 2019

Environmental Commission and Land Use Commission
City of Austin
201 W. 2nd Street
Austin, TX 78701

Subject: SP-2018-0299D – 6420 FM 2244 Road Site Development Permit

Findings of Fact for Requested Variance of Section 25-8-342 Fill Requirements

Dear Commission Members:

Site conditions and constraints at the property referenced above necessitate a variance from the requirements of the Land Development Code that limits fill and cut on a tract to no more than four feet in depth. The only access to the developable portion of the site is through a portion of the tract with slopes are in excess of 15 percent. Per Section 25-8-301 of the Austin Land Development Code, driveways on slopes in excess of 15 percent are permitted when necessary to provide primary access to a minimum of two contiguous acres with a gradient of 15 percent or less.

The “Cut and Fill Exhibit” included with this variance application demonstrates that no alternative access to the building site is feasible, and the criteria for constructing a driveway on a steep slope is satisfied as follows:

1.35 acres 0% – 15% slope in Suburban Watershed
+ 0.79 acres 0% – 15% slope in Rural Watershed
2.14 acres 0% – 15% contiguous site area

The need for a variance to allow fill and cut greater than four feet is intrinsically tied to the criteria within the Land Development Code that allows for driveway construction through steep grades in order to access to the buildable portion of the site. No cut or fill depths in excess of eight feet are proposed.

The following findings of fact are offered for the consideration and justification of variances to allow for cut and fill in excess of four feet but less than eight feet at this site.

1. Prohibiting cut and fill in excess of four feet deprives the applicant of the privilege that owners of other similarly situated properties and developments are entitled. The lot has significant topography, contains mature trees, and is narrowest along the public street frontage. These factors limit the site plan design alternatives and dictate that the building pad and parking be provided uphill, setback from FM 2244, and positioned on the flattest portion of the tract. Not

allowing for development of the private driveway on this property leaves the owner without a reasonable use of the property.

2. The variance from the Code requirements is not necessitated by the scale, layout, construction method, or design decisions of the applicant. From the early stages of the project, the site constraints have been recognized and accommodated to the greatest extent possible. The proposed 15,000 square foot medical office building and associated site improvements are not out of scale for the tract or an attempt to maximize the development potential of the site. The variance is required to access that portion of the site that is flatter and more conducive to the building site. Regardless of the size, layout, or design of the building site, a variance that allows fill and cuts in excess of four feet of depth would be required in order to obtain access though the steepest portion of the tract to the flattest portion of the tract.

The proposed deviation from the Code is the minimum amount necessary to allow for reasonable use of the property. The deviation is required to access the buildable portion of the site and ensure constructability of the access drive. The variance is **not** being sought as a way of maximizing the development potential of the site.

The requested variance does not increase the probability of harmful environmental consequences. To the greatest extent possible, the design protects the existing environmental features such as the mature trees and dramatic topography and incorporates these features into the site plan.

3. The development proposed with the variance will result in water quality that is at least equal to water quality achievable without the variance. Currently, the site contains no water quality or detention improvements. The proposed site plan includes water quality and detention facilities, but without the requested variance to enable access to the developable portion of the site, no water quality or drainage improvements will be constructed.

Thank you for your consideration of these findings. Your support and approval of variances to the cut and fill requirements of the Land Development Code is essential to this project. If you have any questions or want to discuss this information in more detail please contact me at travis@optimizedeng.com or 512-887-3191.

Best Regards,



Travis A. Robinson, P.E.
Principal Engineer



1501 Bunton Creek Rd, Ste 106
Kyle, TX 78640
512.887.3191
TBPE FIRM F-15307

March 19, 2019

Environmental Commission and Land Use Commission
City of Austin
201 W. 2nd Street
Austin, TX 78701

Subject: SP-2018-0299D – 6420 FM 2244 Road Site Development Permit

Findings of Fact for Requested Variance of Section 25-8-423(C) Impervious Cover Requirements for a Commercial Use

Dear Commission Members:

Site conditions and constraints at the property referenced above necessitate a variance from the requirements of the of the above referenced section of the Land Development Code. The property contains two separate watersheds, and although transfers of development intensity may be considered within a single site plan, a transfer within a single site plan but across watersheds is not contemplated. Therefore, this request is to allow for the impervious cover allowed within the Rural Watershed to be credited towards the impervious cover calculations in the Suburban Watershed. No impervious cover is proposed within the Rural Watershed.

NET SITE AREA DEVELOPMENT INTENSITY SUMMARY

IMPERVIOUS COVER	RURAL WATERSHED UPLAND ZONE	SUBURBAN WATERSHED UPLAND ZONE	NET SITE AREA (COMBINED FOR BOTH WATERSHEDS)
ALLOWED	0.23 ACRES (20%)	0.63 ACRES (40%)	0.86 ACRES
PROPOSED	0.00 ACRES (0%)	0.78 ACRES (49.7%)	0.78 ACRES

The following findings of fact are offered for the consideration and justification of the variance to increase the amount of impervious cover allowed within the Water Supply Suburban portion of the site.

1. The requirement deprives the applicant of the privilege that owners of other similarly situated properties and developments are entitled. The lot has significant topography, contains mature trees, and is narrowest along the public street frontage. In addition to these constraints, the tract also contains two separate upland water supply classifications. These factors limit the site plan design alternatives and dictate that the building pad and parking be provided uphill, setback from FM 2244, and positioned on the flattest portion of the tract. If the net site area

that happens to span to water supply classifications were considered as a single net site area, the proposed site plan would comply with the environmental and water quality regulations of the Land Development Code. Most owners are able to design a site within the context of a net site area that is calculated using topographic data. Development should not be required to occur within the Water Supply Rural Watershed if it can more appropriately be contained within the Water Supply Suburban Watershed.

2. The variance from the Code requirements is not necessitated by the scale, layout, construction method, or design decisions of the applicant. From the early stages of the project, the site constraints have been recognized and accommodated to the greatest extent possible. The proposed 15,000 square foot medical office building and associated site improvements are not out of scale for the tract or an attempt to maximize the development potential of the site. The variance is required to allow for the maximum impervious cover that would be allowed per the calculated net site area to be contained within the Water Supply Suburban portion of the site.

The proposed deviation from the Code is the minimum amount necessary to allow for reasonable use of the property. The deviation is required to access the flattest, most buildable portion of the site. Adjusting the site plan to the north in order to maximize the amount of impervious cover within the Water Supply Rural portion of the tract is not feasible, as the additional driveway length would increase the overall impervious cover required and increase the degree of non-compliance. The variance is **not** being sought as a way of maximizing the development potential of the site.

The requested variance does not increase the probability of harmful environmental consequences. To the greatest extent possible, the design protects the existing environmental features such as the mature trees and dramatic topography and incorporates these features into the site plan. The variance will allow for all development to be contained within a less sensitive watershed. Therefore, increased environmental protections are achievable with the variance than if the variance were not granted.

3. The development proposed with the variance will result in water quality that is at least equal to water quality achievable without the variance. Currently, the site contains no water quality or detention improvements. The proposed site plan includes water quality and detention facilities, but unless the requested variance is granted no water quality or drainage improvements will be constructed.

Thank you for your consideration of these findings. Your support and approval of variances to the cut and fill requirements of the Land Development Code is essential to this project. If you have any questions or want to discuss this information in more detail please contact me at travis@optimizedeng.com or 512-887-3191.

Best Regards,



Travis A. Robinson, P.E.
Principal Engineer