

**SNEED, VINE & PERRY**  
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June 20, 2017

Ms. Lindsey Oskoui  
Director of Planning  
City of Bee Cave  
4000 Galleria Parkway  
Bee Cave, Texas 78738

Re: Lake Travis Independent School District (LTISD) Educational Facilities-Phase 3  
(Middle School 3) Site Development Plan Permit and Non-Point Source Pollution  
Control Plan Permit Application; Variance Request

Dear Ms. Oskoui:

This firm represents LTISD with respect to its Site Development and NPS Plan permits application for Middle School 3, its campus, and associated utility and access construction (Middle School 3 Improvements). LTISD requests a variance to the requirement to post fiscal security with the NPS pollution control permit as required by Sections 20.04.103(c)(4) and 20.04.114 of the City Code.

Granting the variance will not be detrimental to the public safety, health, or welfare, and will not be injurious to other property or to the owners of other property, and the variance will not prevent the orderly development or use of other property in the vicinity because LTISD is a public entity. Funding for the construction of Middle School 3 will come from the proceeds of bonds issued by LTISD.

This variance is based on the unique characteristic of LTISD being a public entity which is a condition and/or characteristic not applicable generally to other property.

Due to the strict accounting and auditing requirements required for the expenditure of public bond proceeds, the requirement to post fiscal security pursuant to Sections 20.04.103(c)(4) and 20.04.114 of the City Code will be a particular hardship to LTISD.

Since proceeds from publicly issued bonds will fund the construction of the Middle School 3 Improvements, the intent of Sections 20.04.103(c)(4) and 20.04.114 of the City Code will be achieved.

Lindsey Oskoui  
June 20, 2017  
Page 2

LTISD greatly appreciates the City Council granting this same variance in 2009 for the construction of the LTISD Transportation and Distribution Center.

Please let us know if you need any additional information regarding this variance request.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Kleeman", with a long horizontal flourish extending to the right.

Robert Kleeman

RJK/dm

cc: Robert Winovitch, LTISD Facilities Director  
Danny Martin, Malone Wheeler



CIVIL ENGINEERING \* DEVELOPMENT CONSULTING \* PROJECT MANAGEMENT

November 30, 2017

Ms. Lindsey Oskoui  
Director of Planning  
City of Bee Cave  
4000 Galleria Parkway  
Bee Cave, Texas 78738

RE: Lake Travis Independent School District (LTISD) Educational Facilities –  
Phase 3 (Middle School 3) Site Development Plan Permit and Non-Point of Source Pollution Control  
Plan Permit Application; Variance Request  
Malone/Wheeler, Inc. Project No. 16-027

Dear Ms. Oskoui,

This firm represents LTISD with respect to its Site Development and NPS Plan permits application for the Middle School 3, campus, and associated utility and access construction (Middle School 3 Improvements). LTISD requests a variance to the requirement to construct impervious cover up stream of water quality controls as required by Section 20.04.044 (e) (1) of the City of Bee Cave Code of Ordinances.

The original submittal of the Middle School 3 Phase 3 Site Plan showed Vail Divide extending south past the proposed reconfiguration of the Vail Divide intersection and transitioning into a two-lane private bus drive that then entered the southside of the Middle School 3 campus. All impervious cover for the private bus drive was upstream of and drained to the water quality controls. During the review of the Site Plan the City of Bee Cave required that Vail Divide be extended south maintaining the four lane median divided roadway to the south property line of the LTISD 136.06 acre tract. Compliance with this requirement resulted in the creation of the 9,533 square feet of impervious cover downstream of water quality controls.

The design of this four lane median divided roadway had to meet horizontal and vertical design criteria for a 35 mile per hour design speed. At the southern terminus this road way is on a downhill grade to allow for its future extension south. Due to this downhill grade there is approximately 9,533 square feet of roadway pavement, impervious cover, that is downhill of the last two curb inlets that pipe stormwater runoff from the street to the water quality controls. This situation will be resolved in the future with the southern extension of the roadway, drainage improvements and additional water quality controls that are planned to be located near the proposed bridge crossing at Little Barton Creek. At the southern terminus of the four-lane median divided driveway, there will be traffic barricades; a rock berm across the end of the pavement section to return the drainage in the roadway to a sheet flow condition and collect and detain the run-off from the 9,533 square feet of roadway and an area of native vegetation through which the runoff will flow prior to the drainage leaving the LTISD property.



Granting the variance will not be detrimental to the public safety, health, environment, or welfare, and will not be injurious to other property or to the owners of other property. The variance will not prevent the orderly development or use of other property in the vicinity because the 136 acre tract will be used solely for public educational purposes. Further, the property will not be subdivided or sold for private development.

Compliance with Section 20.04.044. (e) (1) of the City Code, will be achieved when Vail Divide is extended south. Please let us know if you need additional information regarding this variance request.

Sincerely,  
Malone/Wheeler, Inc. F-786



Danny R Martin, P.E.  
Project Manager

cc. Robert Winovitch, LTISD Facilities Director  
Robert Kleeman, Sneed, Vine and Perry, P.C.



CIVIL ENGINEERING • DEVELOPMENT CONSULTING • PROJECT MANAGEMENT

November 13, 2017

Ms. Lindsey Oskoui  
Director of Planning  
City of Bee Cave  
4000 Galleria Parkway  
Bee Cave, Texas 78738

RE: Lake Travis Independent School District (LTISD) Educational Facilities –  
Phase 3 (Middle School 3) Site Development Plan Permit and Non-Point of Source Pollution Control  
Plan Permit Application; Variance Request  
Malone/Wheeler, Inc. Project No. 16-027

Dear Ms. Oskoui,

This firm represents LTISD with respect to its Site Development and NPS Plan permits application for Middle School 3, its campus, and associated utility and access construction (Middle School 3 Improvements). LTISD requests a variance to the requirement to perform field sampling on the areas designated as re-irrigation areas as required by Section 1.6.7.4 of the City of Austin Environmental Criteria Manual as referenced in the City of Bee Cave's Technical Construction Standards and Specifications Manual as referenced by City of Bee Cave Code Section 20.04.006.

The permanent water quality controls for the Middle School 3 project are retention re-irrigation systems. The re-irrigation areas are to have the minimum steps performed to establish infiltration rates. One is a desktop study using US Soil Conservation Service Soil Survey for Travis County which was performed. The infiltration rate for the re-irrigation areas from the Survey was 0.20 to 0.63 inches per hour. The lowest infiltration rate of 0.20 inches per hour was used to determine the size of the re-irrigation areas. Another is field sampling for soil depth and soil qualities. Terracon, Inc. performed a geotechnical investigation on the Middle School Site and bored 40 sampling holes over the approximate 40 acres of proposed impervious areas and disturbed areas. The minimum soil depth was recorded at 12 inches and all other soil depths were exceeding 12 inches up to 48 inches of soil depth.

We believe that our steps for evaluating the soils infiltration rate are sound and that using the lowest published infiltration rate provides for a factor of safety.

Granting the variance will not be detrimental to the public safety, health, or welfare, and will not be injurious to other property or to the owners of other property, and the variance will not prevent the orderly development or use of other property in the vicinity because the 136 acre tract will be used solely for public educational purposes. Further, the property will not be subdivided or sold for private development.




This variance is based on the unique characteristic of LTISD being a public entity which has a duty to its residents to open Middle School No. 3 for the 2019 school year. This is a condition and/or characteristic not applicable generally to other property.

Due to the short time period available to construct Middle School No. 3 for opening in 2019, the field sampling of soils over the re-irrigation areas will be expensive and will delay construction which will be a particular hardship to LTISD.

The intent of Section 20.04.006 of the City Code, the TCSS Manual, and the City of Austin ECM will be achieved. Please let us know if you need additional information regarding this variance request.

Sincerely,  
Malone/Wheeler, Inc. F-786

  
Danny R. Martin, P.E.  
Project Manager

cc. Robert Winovitch, LTISD Facilities Director  
Robert Kleeman, Sneed, Vine and Perry, P.C.



CIVIL ENGINEERING • DEVELOPMENT CONSULTING • PROJECT MANAGEMENT

October 2, 2017

Ms. Lindsey Oskoui  
Director of Planning  
City of Bee Cave  
4000 Galleria Parkway  
Bee Cave, Texas 78738

RE: Lake Travis Independent School District (LTISD) Educational Facilities –  
Phase 3 (Middle School 3) Site Development Plan Permit and Non-Point of Source Pollution Control  
Plan Permit Application; Variance Request  
Malone/Wheeler, Inc. Project No. 16-027

Dear Ms. Oskoui,

This firm represents LTISD with respect to its Site Development and NPS Plan permits application for Middle School 3, its campus, and associated utility and access construction (Middle School 3 Improvements). LTISD requests a variance to the requirement to dedicate a water quality easement for all water quality controls as required by Section 20.04.111 of the City Code.

Granting the variance will not be detrimental to the public safety, health, or welfare, and will not be injurious to other property or to the owners of other property, and the variance will not prevent the orderly development or use of other property in the vicinity because the 136 acre tract will be used solely for public educational purposes. Further, the property will not be subdivided or sold for private development.

This variance is based on the unique characteristic of LTISD being a public entity which has a duty to its residents to open Middle School No. 3 for the 2019 school year. This is a condition and/or characteristic not applicable generally to other property.

Due to the short time period available to construct Middle School No.3 for opening in 2019, the preparation of field notes for all ponds and re-irrigation areas will be expensive and will delay construction which will be a particular hardship to LTISD.

LTISD will execute and record a Declaration of Restrictive Covenants and Access Easement to the City. The access easement will grant to the City a blanket easement over the entire 136 acre tract for the purpose of monitoring the water quality controls. The Declaration of Restrictive Covenants and Access Easement will require LTISD to operate and maintain the water quality controls. The intent of Section 20.04.111 of the City Code will be achieved.

Please let us know if you need additional information regarding this variance request.



Sincerely,  
Malone/Wheeler, Inc. F-786

Danny R Martin, P.E.  
Project Manager

cc. Robert Winovitch, LTISD Facilities Director  
Robert Kleeman, Sneed, Vine and Perry, P.C.







CIVIL ENGINEERING • DEVELOPMENT CONSULTING • PROJECT MANAGEMENT

October 2, 2017

Ms. Lindsey Oskoui  
Director of Planning  
City of Bee Cave  
4000 Galleria Parkway  
Bee Cave, Texas 78738

RE: Lake Travis Independent School District (LTISD) Educational Facilities –  
Phase 3 (Middle School 3) Site Development Plan Permit and Non-Point of Source Pollution Control  
Plan Permit Application; Variance Request  
Malone/Wheeler, Inc. Project No. 16-027

Dear Ms. Oskoui,

This firm represents LTISD with respect to its Site Development and NPS Plan permits application for Middle School 3, its campus, and associated utility and access construction (Middle School 3 Improvements). LTISD requests a waiver to the requirement to record a development plat as required by Section 30.02.009 of the City Code. In the alternative, LTISD requests a waiver to the requirement to record the development plat before beginning development as required by Section 30.02.009 of the City Code. Under the alternative waiver request, LTISD would record the development plat upon completion of Middle School No. 3.

Granting the variance will not be detrimental to the public safety, health, or welfare, and will not be injurious to other property or to the owners of other property, and the variance will not prevent the orderly development or use of other property in the vicinity because information required to be included on a development is duplicative of the information shown on the site development plan and the 136 acre tract will be used solely for public educational purposes.

This variance is based on the unique characteristic of LTISD being a public entity which has a duty to its residents to open Middle School No. 3 for the 2019 school year. To meet this deadline, construction on Middle School No. 3 must begin by early December 2017. This is a condition and/or characteristic not applicable generally to other property.

Due to the short time period available to construct Middle School No. 3 for opening in 2019, the preparation and recording of a development plat will delay construction which will be a particular hardship to LTISD. Further, Middle School No. 3 is a complex construction project and the site development plan is likely to be modified several times during construction. Applying for and obtaining Council approval of an amended development plat after every modification to the site development plan would be unduly burdensome.



The standards for approval of a development plat, as set forth in Section 30-02.009(e), are effectively incorporated into the site development plan, as approved by the City, Travis County, ESD No. 6 and the West Travis County Public Utility Authority. The intent of Section 30.02.009 of the City Code will be achieved.

Please let us know if you need additional information regarding this variance request.

Sincerely,  
Malone/Wheeler, Inc. F-786

  
Danny R Martin, P.E.  
Project Manager

cc. Robert Winovitch, LTISD Facilities Director  
Robert Kleeman, Sneed, Vine and Perry, P.C.





CIVIL ENGINEERING • DEVELOPMENT CONSULTING • PROJECT MANAGEMENT

October 2, 2017

Ms. Lindsey Oskoui  
Director of Planning  
City of Bee Cave  
4000 Galleria Parkway  
Bee Cave, Texas 78738

**RE:** Lake Travis Independent School District (LTISD) Educational Facilities –  
Phase 3 (Middle School 3) Site Development Plan Permit and Non-Point of Source Pollution Control  
Plan Permit Application; Variance Request  
Malone/Wheeler, Inc. Project No. 16-027

Dear Ms. Oskoui,

This firm represents LTISD with respect to its Site Development and NPS Plan permits application for Middle School 3, its campus, and associated utility and access construction (Middle School 3 Improvements). LTISD requests a variance from any applicable City regulation requiring the posting of fiscal security for improvements other than water controls. If the City asserts Section 30.06.002 of the City Code applies to the Middle School No. 3 project, then LTISD, without waiving its rights under Chapter 245, Texas Local Government Code requests a variance or waiver from the requirement to post fiscal security pursuant to Section 30.06.002 of the City Code. A separate variance request relating to posting fiscal security for water quality controls was previously submitted to the City.

Granting the variance will not be detrimental to the public safety, health, or welfare, and will not be injurious to other property or to the owners of other property, and the variance will not prevent the orderly development or use of other property in the vicinity because LTISD is a public entity. Funding for the construction of Middle School 3 will come from the proceeds of bonds issued by LTISD.

This variance is based on the unique characteristic of LTISD being a public entity which is a condition and/or characteristic not applicable generally to other property.

Due to the strict accounting and auditing requirements required for the expenditure of public bond proceeds, the requirement to post fiscal security will be a particular hardship to LTISD.

Since proceeds from publicly issued bonds will fund the construction of the Middle School 3 Improvements, the intent of City Code provisions requiring the posting of fiscal security will be achieved.



Please let us know if you need additional information regarding this variance request.

Sincerely,  
Malone/Wheeler, Inc. F-786



Danny R Martin, P.E.

Project Manager

cc. Robert Winovitch, LTISD Facilities Director  
Robert Kleeman, Sneed, Vine and Perry, P.C.