

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

CASE: SP-2018-0565D

ZAP COMMISSION DATE: 02/04/2020

PROJECT NAME: Ventura at Parmer Lane

APPLICANT: Dominion Development, LLC.

AGENT: Kimley-Horn

ADDRESS OF SITE: 8407 E. Parmer Lane, Austin, TX 78653

COUNTY: Travis

AREA: 31.29ac.

WATERSHED: Gilleland Creek

JURISDICTION: 2-Mile ETJ

EXISTING ZONING: N/A (project is located in 2-Mile ETJ)

PROPOSED DEVELOPMENT: Multi-family development (216 units) with associated paving, utility, drainage, and water quality improvements

DESCRIPTION OF VARIANCE:

The applicant requests the following:

1. Request to vary from LDC 25-8-261 to allow development in a critical water quality zone.
2. Request to vary from LDC 25-8-341 to allow cut more than four feet in depth within 100 feet of a classified waterway.
3. Request to vary from LDC 25-8-342 to allow fill more than four feet in depth within 100 feet of a classified waterway.

STAFF RECOMMENDATION:

Staff does not recommend these variances, having determined that the findings of fact have not been met.

ENVIRONMENTAL BOARD ACTION:

12/04/2019: The Environmental Board voted in (10) favor, (0) against, (0) absentia

ZONING AND PLATTING COMMISSION ACTION:

ENVIRONMENTAL REVIEW STAFF: Jonathan Garner, Development Services Department

PHONE: 512-974-1665

CASE MANAGER: Randall Rouda, Development Services Department

PHONE: 512-974-3338



ENVIRONMENTAL COMMISSION MOTION 20191204 008a

Date: December 4, 2019

Subject: Ventura at Parmer Lane, SP-2018-0565D

Motion by: Andrew Creel

Seconded by: Wendy Gordon

RATIONALE:

WHEREAS, the Environmental Commission recognizes that the provision of affordable housing in the City of Austin is vital to ensure a resilient and equitable future for our City; and

WHEREAS, the Environmental Commission recognizes that the applicant has worked to design improvements to the site that would have overall environmental benefits, including reduction in impervious cover and the protection of heritage trees.

THEREFORE, the Environmental Commission recommends approval of the requested variances: to vary from LDC 25-8-261 to allow development in a critical water quality zone, to vary from LDC 25-8-341 to allow cut more than four feet in depth within 100 feet of a classified waterway, and to vary from LDC 25-8-341 to allow fill more than four feet in depth within 100 feet of a classified waterway with the following Environmental Commission conditions:

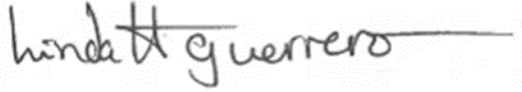
1. A restricted covenant to limit total development to 30% impervious cover
2. Commitment from the applicant to protect or mitigate at 300% any heritage trees removed on site
3. Restoration and preparation of a management plan for riparian zones approved by the Watershed Protection Department.
4. The applicant will continue to work in good faith with the Watershed Protection Department to ensure site scale environmental superiority.
5. Mitigate wetland impacts at a 1:1 ratio
6. Utilization of native and adapted plantings site wide, including planting plans with Blackland Prairie species
7. Compliance with dark skies design standards
8. Both CWQZ crossings will incorporate a span bridge that is not less than 20' from the creek centerline in lieu of culvert crossings, (with potential additional culverts beyond the 40 ft span as needed) and incorporate structural controls to further reduce cut and fill required in the critical water quality zone.

VOTE 10-0

For: Bedford, Smith, Creel, Thompson, Guerrero, Coyne, Nill, Neely, Maceo, and Gordon

Against: None
Abstain: None
Recuse: Ramberg
Absent: None

Approved By:

A handwritten signature in black ink that reads "Linda Guerrero". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Linda Guerrero, Environmental Commission Chair

Staff Findings of Fact and Exhibits



Development Services Department
Staff Recommendations Concerning Required Findings

Project Name:	Ventura at Parmer Lane SP-2018-0565D
Ordinance Standard:	Watershed Protection Ordinance
Variance Request:	LDC 25-8-261 – to allow development in a critical water quality zone

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.

No The property contains uplands that are completely developable without the need for a variance from the Land Development Code. The majority of the parcel can be developed without the additional crossing of the critical water quality zone. Although the private drive crossing the critical water quality zone would allow for more development on the property, the Land Development Code does not provide an allowance for non-complying development of a parcel to maximize the amount of development that can occur on the property. Additionally, an alternative access route from the neighboring property could be available through a joint use access easement.

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;

No The proposed private drive crossing the critical water quality zone is a design decision made by the applicant. The majority of the property can be developed without the requested crossing of the critical water quality zone. An alternative means of access from a neighboring property could be available. The design decision does not provide greater overall environmental protection.

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

No Access into the property and development of a portion of the uplands is allowed by code, and the proposed development on this portion of the property complies with all code requirements. The secondary proposed private drive crossing the critical water quality zone requires additional variances to the Land Development Code for its construction.

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

No The proposed private drive crossing the critical water quality zone requires additional variances to the Land Development Code for its construction, as well as a significant portion of modification to the 100-year floodplain and restoration and mitigation of impacted wetland critical environmental features.

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

Yes The proposed private drive crossing the critical water quality zone will have inlets and storm pipes to collect all stormwater runoff to be conveyed to the water quality and detention facilities on site.

- 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;

No Alternative access routes may be available through a joint use access easement with the neighboring property. Additionally, the construction method proposed requires additional variances to the Land Development Code requirements.

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

No The property contains uplands that are completely developable without the need for a variance from the Land Development Code. Although the private drive crossing the critical water quality zone would allow for more development on the property, the Land Development Code does not provide an allowance for development of a parcel of land to occur without meeting all code requirements, including access.

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

No Access into the property and development of a portion of the uplands is allowed by code, and the proposed development on this portion of the property complies with all code requirements. The secondary proposed private drive crossing the critical water quality zone requires additional variances to the Land Development Code for its construction.

Staff Determination: Staff determines that the findings of fact have not been met. Therefore, staff does not recommend approval of the variance request.

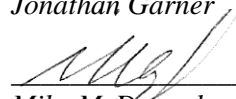
Environmental Reviewer
(DSD)



Jonathan Garner

Date: 11-13-2019

Environmental Review
Manager (DSD)



Mike McDougal

Date: 11-13-2019

Environmental Officer
(WPD)



Chris Herrington

Date: 11/25/2019



Development Services Department
Staff Recommendations Concerning Required Findings

Project Name: Ventura at Parmer Lane SP-2018-0565D
 Ordinance Standard: Watershed Protection Ordinance
 Variance Request: LDC 25-8-341 to allow cut of more than four feet within 100 feet of a classified waterway

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.

No The portion of cut exceeding four feet and within 100 feet of a classified waterway is for the construction of a private drive crossing a critical water quality zone that is also not allowed by the Land Development Code. Were the depth of cut within 100 feet of a classified waterway within the four foot restriction of LDC 25-8-341, all other areas of cut exceeding four feet in depth but not more than eight feet on the property would be allowable through an administrative environmental variance.

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;

No There are alternative methods of constructing a private drive spanning a classified waterway that would not require cut in excess of four feet.

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

No Alternate methods of construction exist that would not require an amount of cut in excess of that allowed by the Land Development Code.

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

No The excess cut will result in modifications to the floodplain, including loss of native vegetation and soils that aid in riparian health and floodplain function.

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

No Alternate methods of construction exist that would not require an amount of cut in excess of that allowed by the Land Development Code. The method chosen will result in an excess loss of native soils and riparian vegetation, as well as create potential for creek channel incising, degradation of downstream water quality, loss of aquatic habitat, and replace the void with concrete structures.

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;

N/A

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

N/A

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

N/A

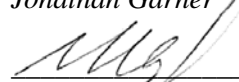
Staff Determination: Staff determines that the findings of fact have not been met. Therefore, staff does not recommend approval of the variance request.

Environmental Reviewer
(DSD)


Jonathan Garner

Date: 11-13-2019

Environmental Review
Manager (DSD)


Mike McDougal

Date: 11-13-2019

Environmental Officer
(WPD)


Chris Herrington

Date 11/25/2019



Development Services Department
Staff Recommendations Concerning Required Findings

Project Name: Ventura at Parmer Lane SP-2018-0565D
 Ordinance Standard: Watershed Protection Ordinance
 Variance Request: LDC 25-8-342 to allow fill of more than four feet within 100 feet of a classified waterway

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.

No The portion of fill exceeding four feet and within 100 feet of a classified waterway is for the construction of two private drives crossing a critical water quality zone. One of these drives is allowed by the Land Development Code, for it is necessary to facilitate the development or redevelopment of a designated corridor or center as recommended in the Imagine Austin Comprehensive Plan [LDC 25-8-262(D)(1)]. The other private drive crossing the critical water quality zone is not allowed by the Land Development Code and is seeking an additional variance. Were the depth of fill within 100 feet of a classified waterway within the four foot restriction of LDC 25-8-342, all other areas of fill exceeding four feet in depth but not more than eight feet on the property would be allowable through an administrative environmental variance.

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;

No There are alternative methods of constructing a private drive spanning a classified waterway that would not require fill in excess of four feet.
 - b) Is the minimum deviation from the code requirement necessary to allow a reasonable use of the property;

- No Alternate methods of construction exist that would not require an amount of fill in excess of that allowed by the Land Development Code.
- c) Does not create a significant probability of harmful environmental consequences.
- No The excess fill will result in modifications to the floodplain, including loss of native vegetation and soils that aid in riparian health and floodplain function.
3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.
- No Alternate methods of construction exist that would not require an amount of fill in excess of that allowed by the Land Development Code. The method chosen will result in additional soil within a floodplain area and on a slope that has the potential to be highly erosive and cause sediment deposition in the creek, will contain backfill areas of construction with rock riprap that prevents infiltration of water and the growth of riparian vegetation, and causes additional construction activities in the floodplain to mitigate for the area of floodplain replaced by excess fill material.

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;
- N/A
2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property;
- N/A
3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.
- N/A

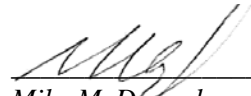
Staff Determination: Staff determines that the findings of fact have not been met. Therefore, staff does not recommend approval of the variance request.

Environmental Reviewer
(DSD)


Jonathan Garner

Date: 11-13-2019


Environmental Review
Manager (DSD)



Mike McDougal

Date: 11-13-2019

Environmental Officer
(WPD)



Chris Herrington

Date 11/25/2019

Applicant Form and Findings of Fact



October 22, 2019

City of Austin
505 Barton Springs Road, 4th Floor
Austin, TX 78704

**RE: *Environmental Commission Variance Request
Ventura at Parmer Lane (SP-2018-0565D)***

To Whom It May Concern:

On behalf of our client, Dominion, Inc., Kimley-Horn is requesting a waiver from LDC 25-8-261 to cross the Critical Water Quality Zone.

Per the attached Environmental Commission Variance Application Form Findings of Fact, this waiver is required to allow for the development of a tract of land bounded by East Parmer Lane to the North, and SH 130 to the South and West. This crossing will provide access to 2.5 otherwise developable acres of land and establish approximately 72 multifamily units within the Desired Development Zone. The entire 216 unit apartment complex is located along an Imagine Austin Corridor and near a Town Center as denoted in the Imagine Austin Comprehensive Plan. This variance requests one crossing of the CWQZ.

Your favorable consideration of this request is appreciated. Should you require additional information, please contact me at (512) 350-5703 or rob.smith@kimley-horn.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. J. Smith".

Robert J. Smith, P.E.
Project Manager
Kimley-Horn and Associates, Inc.



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Robert J. Smith, P.E.
Street Address	10814 Jollyville Road, Building 4, Suite 300
City State ZIP Code	Austin, TX 78759
Work Phone	512-418-4517
E-Mail Address	Rob.smith@kimley-horn.com

Variance Case Information

Case Name	Ventura at Parmer Lane
Case Number	SP-2018-0565D
Address or Location	8407 E Parmer Lane, Austin, TX 78653
Environmental Reviewer Name	Jonathan Garner
Environmental Resource Management Reviewer Name	Andrew Clamann
Applicable Ordinance	25-8-261
Watershed Name	Gilleland Creek
Watershed Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone

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	On-Site
Water and Waste Water service to be provided by	AWU
Request	The variance request is as follows: 25-8-261 CWQZ Development

Impervious cover	Existing	Proposed
square footage:	<u>169,788</u>	<u>333,501</u>
acreage:	<u>3.89</u>	<u>7.66</u>
percentage:	<u>12.47%</u>	<u>24.49%</u>
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>Commercial development and single-family residences currently exist on the property, and there is a substantial amount of gravel and impervious cover within the current CWQZ from previous development that will be removed and revegetated.</p> <p>97.5% of the property falls within the 0% to 15% slope category. The remainder property has slopes exceeding 15% slope.</p> <p>The property ranges in elevation from 565 to 524 MSL.</p> <p>On-site soils are Type D Expansive Clays and is identified as Blackland Prairie.</p> <p>Multiple wetland CEF's, and Critical Water Quality Zones exist within the site. Fully developed 100-year and 500-year floodplains exist within the site.</p>	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	Due to TXDOT driveway spacing and Travis County ESD #12 fire access requirements, a private drive aisle crossing the CWQZ is necessary to reach otherwise developable land on the property.
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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: Ventura at Parmer Lane

Ordinance: 25-8-261 CWQZ Development

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 Access is limited to the otherwise developable land located within the 0% to 15% slope category by the CWQZ. In order to comply with the International Fire Code Appendix D, as adopted by Travis County Emergency Service District #12, regarding two points of access to the site and TxDOT driveway spacing criteria, the proposed grades will need to exceed the cut and fill allowed by Chapter 30.

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 Ventura at Parmer Lane is a multifamily development generally designed to follow the existing topography to preserve the natural character of the property. In addition, multiple water quality and detention basins have been placed in natural low areas to preserve the existing drainage patterns.

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

Yes Ventura at Parmer Lane has been designed to minimally deviate from the code to allow for two access points meeting TCESD#12 requirements. The percentage of the property exceeding the allowable cut/fill for this property is 10.6%.

Based on input from City staff, the final grades were reduced to below 8ft cut/fill (to minimally deviate from code) by increasing the number of storm sewer culverts under the roadways crossing the CWQZ and while maintaining Drainage Criteria Manual requirements for conveyance of the 100-year storm.

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

Yes The proposed roadways and associated drainage system have been designed to protect the natural character and function of the Critical Environmental Features and Critical Water Quality Zones by ensuring they receive the required surface water runoff quantity and quality needed to promote wetland and floodplain health.

The proposed design preserves the natural drainage patterns by detaining and treating stormwater in multiple basins throughout the property.

In addition, the proposed design removes the +/-150,000 sf of existing impervious cover located in the CWQZ and restoration of the CWQZ with 609S seed mix and native plantings.

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

Yes The proposed design adheres to all water quality requirements outlined within the Environmental Criteria Manual and as such, will result in water quality that is at least equal to water quality achievable without the variance. Biofiltration ponds have been sized to treat all proposed impervious cover on the site.

- 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):

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

Yes This request meets the criteria set forth in Section (A).

October 22, 2019

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

Yes The site will be developed with approximately 25% impervious cover, compared to the 60% allowable in suburban watersheds. In addition to the fire code requirements mentioned above, the site lies along an Imagine Austin Corridor.
3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.

Yes As mentioned above in A.2.b, the CWQZ crossing is designed to minimally deviate from code in order to comply with Travis County ESD #12 fire code requirements. The design of the drive aisle has been chosen to avoid impacts to environmental areas in order to reach the otherwise developable land across the CWQZ.

**Variance approval requires all above affirmative findings.



October 22, 2019

City of Austin
505 Barton Springs Road, 4th Floor
Austin, TX 78704

**RE: *Environmental Commission Cut/Fill Variance Request
Ventura at Parmer Lane (SP-2018-0565D)***

To Whom It May Concern:

On behalf of our client, Dominium, Inc., Kimley-Horn is requesting a Cut/Fill waiver from LDC 25-8-341 & 25-8-342. The request is to cut more than 4-feet and fill more than 4-feet.

Per the attached Environmental Commission Variance Application Form Findings of Fact, this waiver is required to allow for the development of a tract of land bounded by East Parmer Lane to the North, and SH 130 to the South and West. This development will provide approximately 216 multifamily units within the Desired Development Zone and is located along an Imagine Austin Corridor and near a Town Center as denoted in the Imagine Austin Comprehensive Plan. The maximum cut proposed with this variance request is 6.1 feet and the maximum fill proposed with this variance request is 7.9 feet.

Your favorable consideration of this request is appreciated. Should you require additional information, please contact me at (512) 350-5703 or rob.smith@kimley-horn.com.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. J. Smith".

Robert J. Smith, P.E.
Project Manager
Kimley-Horn and Associates, Inc.



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Robert J. Smith, P.E.
Street Address	10814 Jollyville Road, Building 4, Suite 300
City State ZIP Code	Austin, TX 78759
Work Phone	512-418-4517
E-Mail Address	Rob.smith@kimley-horn.com

Variance Case Information

Case Name	Ventura at Parmer Lane
Case Number	SP-2018-0565D
Address or Location	8407 E Parmer Lane, Austin, TX 78653
Environmental Reviewer Name	Jonathan Garner
Environmental Resource Management Reviewer Name	Andrew Clamann
Applicable Ordinance	25-8-341
Watershed Name	Gilleland Creek
Watershed Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone

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	On-Site
Water and Waste Water service to be provided by	AWU
Request	The variance request is as follows: 25-8-341 Cut Requirements

Impervious cover	Existing	Proposed
square footage:	<u>169,788</u>	<u>333,501</u>
acreage:	<u>3.89</u>	<u>7.66</u>
percentage:	<u>12.47%</u>	<u>24.49%</u>
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>Commercial development and single-family residences currently exist on the property, and there is a substantial amount of gravel and impervious cover within the current CWQZ from previous development that will be removed and revegetated.</p> <p>97.5% of the property falls within the 0% to 15% slope category. The remainder property has slopes exceeding 15% slope.</p> <p>The property ranges in elevation from 565 to 524 MSL.</p> <p>On-site soils are Type D Expansive Clays and is identified as Blackland Prairie.</p> <p>Multiple wetland CEF's, and Critical Water Quality Zones exist within the site. Fully developed 100-year and 500-year floodplains exist within the site.</p>	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	Per the attached cut/fill exhibit, there are areas the require cuts greater than 4'.
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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: Ventura at Parmer Lane

Ordinance: 25-8-341 Cut Requirements

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 Access is limited to the otherwise developable land located within the 0% to 15% slope category by the CWQZ. In order to comply with the International Fire Code Appendix D, as adopted by Travis County Emergency Service District #12, regarding two points of access to the site and TxDOT driveway spacing criteria, the proposed grades will need to exceed the cut and fill allowed by Chapter 25.

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 Ventura at Parmer Lane is a multifamily development generally designed to follow the existing topography to preserve the natural character of the property. In addition, multiple water quality and detention basins have been placed in natural low areas to preserve the existing drainage patterns.

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

Yes Ventura at Parmer Lane has been designed to minimally deviate from the code to allow for two access points meeting TCESD#12 requirements. The percentage of the property exceeding the allowable cut/fill for this property is 10.6%.

Based on input from City staff, the final grades were reduced to below 8ft cut/fill (to minimally deviate from code) by increasing the number of storm sewer culverts under the roadways crossing the CWQZ and while maintaining Drainage Criteria Manual requirements for conveyance of the 100-year storm.

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

Yes The proposed roadways and associated drainage system have been designed to protect the natural character and function of the Critical Environmental Features and Critical Water Quality Zones by ensuring they receive the required surface water runoff quantity and quality needed to promote wetland and floodplain health.

The proposed design preserves the natural drainage patterns by detaining and treating stormwater in multiple basins throughout the property.

In addition, the proposed design removes the +/-150,000 sf of existing impervious cover located in the CWQZ and restoration of the CWQZ with 609S seed mix and native plantings.

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

Yes The proposed design adheres to all water quality requirements outlined within the Environmental Criteria Manual and as such, will result in water quality that is at least equal to water quality achievable without the variance. Biofiltration ponds have been sized to treat all proposed impervious cover on the site.

- 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):

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

N/A to this variance request.

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

N/A to this variance request.

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

N/A to this variance request.

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



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Robert J. Smith, P.E.
Street Address	10814 Jollyville Road, Building 4, Suite 300
City State ZIP Code	Austin, TX 78759
Work Phone	512-418-4517
E-Mail Address	Rob.smith@kimley-horn.com

Variance Case Information

Case Name	Ventura at Parmer Lane
Case Number	SP-2018-0565D
Address or Location	8407 E Parmer Lane, Austin, TX 78653
Environmental Reviewer Name	Jonathan Garner
Environmental Resource Management Reviewer Name	Andrew Clamann
Applicable Ordinance	25-8-342
Watershed Name	Gilleland Creek
Watershed Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input type="checkbox"/> Water Supply Rural <input type="checkbox"/> Barton Springs Zone

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	On-Site
Water and Waste Water service to be provided by	AWU
Request	The variance request is as follows: 25-8-342 Fill Requirements

Impervious cover	Existing	Proposed
square footage:	<u>169,788</u>	<u>333,501</u>
acreage:	<u>3.89</u>	<u>7.66</u>
percentage:	<u>12.47%</u>	<u>24.49%</u>
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>Commercial development and single-family residences currently exist on the property, and there is a substantial amount of gravel and impervious cover within the current CWQZ from previous development that will be removed and revegetated.</p> <p>97.5% of the property falls within the 0% to 15% slope category. The remainder property has slopes exceeding 15% slope.</p> <p>The property ranges in elevation from 565 to 524 MSL.</p> <p>On-site soils are Type D Expansive Clays and is identified as Blackland Prairie.</p> <p>Multiple wetland CEF's, and Critical Water Quality Zones exist within the site. Fully developed 100-year and 500-year floodplains exist within the site.</p>	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	Per the attached cut/fill exhibit, there are areas the require fills greater than 4'.
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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: Ventura at Parmer Lane

Ordinance: 25-8-342 Fill Requirements

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 Access is limited to the otherwise developable land located within the 0% to 15% slope category by the CWQZ. In order to comply with the International Fire Code Appendix D, as adopted by Travis County Emergency Service District #12, regarding two points of access to the site and TxDOT driveway spacing criteria, the proposed grades will need to exceed the cut and fill allowed by Chapter 25.

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 Ventura at Parmer Lane is a multifamily development generally designed to follow the existing topography to preserve the natural character of the property. In addition, multiple water quality and detention basins have been placed in natural low areas to preserve the existing drainage patterns.

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

Yes Ventura at Parmer Lane has been designed to minimally deviate from the code to allow for two access points meeting TCESD#12 requirements. The percentage of the property exceeding the allowable cut/fill for this property is 10.6%.

Based on input from City staff, the final grades were reduced to below 8ft cut/fill (to minimally deviate from code) by increasing the number of storm sewer culverts under the roadways crossing the CWQZ and while maintaining Drainage Criteria Manual requirements for conveyance of the 100-year storm.

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

Yes The proposed roadways and associated drainage system have been designed to protect the natural character and function of the Critical Environmental Features and Critical Water Quality Zones by ensuring they receive the required surface water runoff quantity and quality needed to promote wetland and floodplain health.

The proposed design preserves the natural drainage patterns by detaining and treating stormwater in multiple basins throughout the property.

In addition, the proposed design removes the +/-150,000 sf of existing impervious cover located in the CWQZ and restoration of the CWQZ with 609S seed mix and native plantings.

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

Yes The proposed design adheres to all water quality requirements outlined within the Environmental Criteria Manual and as such, will result in water quality that is at least equal to water quality achievable without the variance. Biofiltration ponds have been sized to treat all proposed impervious cover on the site.

- 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):

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

N/A to this variance request.

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

N/A to this variance request.

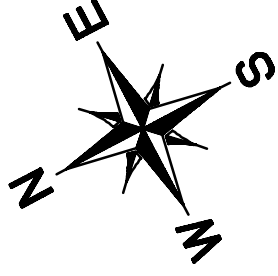
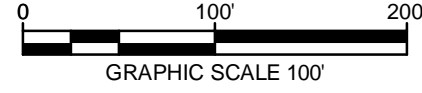
3. The variance is the minimum deviation from the code requirement necessary to allow a reasonable, economic use of the entire property.


N/A to this variance request.

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

Applicant Exhibits

Plotted By: Burks, Kevin Date: October 21, 2019 04:09:30pm File Path: \\AUSFP01\Data\Project\AUS_Civil\069264301 - Ventura Farmer Lane\Cad\Exhibits\PlanSheets\Site Aerial.dwg



<div style="text-align: center;"> <h1>VENTURA PARMER LANE</h1> <p>CITY OF AUSTIN TRAVIS COUNTY, TEXAS</p> </div>	<div style="text-align: center;"> <h2>SITE EXHIBIT WITH AERIAL</h2> </div>	KHA PROJECT	 <p>Kimley»Horn</p> <p>10814 JOLLYVILLE ROAD AVALLON IV SUITE 300 AUSTIN, TX 78758 PHONE: 512-418-1791 FAX: 512-418-1791 WWW.KIMLEY-HORN.COM © 2019 KIMLEY-HORN AND ASSOCIATES, INC. TBPE Firm No. 928</p>	No.	REVISIONS	DATE	BY

Plotted By:Burks, Kevin Date:October 21, 2019 04:20:00pm File Path:K:\AUS-Civil\069264301 - Ventura Parmer Lane\Card Plan Sheets\0 - Overall Site Plan.dwg
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

EAST PARMER LANE
(A.K.A. FARM TO MARKET 734)
(R.O.W. VARIES)

STATE HIGHWAY 130
(R.O.W. VARIES)

VENTURA PARMER BUILDING INFORMATION TABLE					
BUILDING ID	TYPE A	TYPE B	CLUBHOUSE	TOTAL	BLDG. COVER
BUILDING #S	1,3,5	2,4,6,7	-	-	-
BUILDING HEIGHTS (FT)	30.875	30.875	14	-	-
FIRST FLOOR AREA (SF)	11350	15037	5088	-	-
NUMBER OF BUILDINGS	3	4	1	8	-
TOTAL BUILDING COVERAGE	34050	60148	5088	99286	7.3%

INNOVATIVE WATER MANAGEMENT	
TOTAL REQUIRED LANDSCAPE AREA	31340 SQ. FT.
50% OF TOTAL REQUIRED LANDSCAPE AREA	15670 SQ. FT.
PROVIDED AREA FOR COMPLIANCE	16233 SQ. FT.

PARKING TABLE	
MULTI FAMILY	
ACREAGE	31.29 ACRES
TOTAL UNITS	216 UNITS
TOTAL BUILDINGS	7 BUILDINGS
CLUBHOUSE	1 BUILDING
PROVIDED	
STANDARD SPACE	386 SPACES PROVIDED
STANDARD ACCESSIBLE SERVICE PARKING	6 SPACES PROVIDED
VAN ACCESSIBLE SERVICE PARKING	13 SPACES PROVIDED
TOTAL	405 SPACES PROVIDED
BIKE PARKING	
SPACES REQUIRED (5% OF PROVIDED SPACES)	21 SPACES REQUIRED
BIKE SPACES (PER COA DETAIL 7105-1)	24 SPACES PROVIDED
TOTAL	24 SPACES PROVIDED

IMPERVIOUS COVER	EXISTING	PROPOSED
GROSS SITE AREA (AC)	-	31.29
IMPERVIOUS COVER (SF)	169788	348138
IMPERVIOUS COVER (%)	12.46%	25.54%
BUILDING COVER (SF)	12302	101153
BUILDING COVER (%)	0.90%	7.42%

OPEN SPACE DATA TABLE		
TOAL AREA	31.29	AC
OPEN SPACE REQUIRED (5%)	1.565	AC
OPEN SPACE PROVIDED	2.061	AC

CWQZ BUFFER AVERAGING TABLE	
EXISTING CRITICAL WATER QUALITY ZONE	20.38 AC
AREAS PROPOSED FOR REDUCTION	-1.60 AC
AREAS PROPOSED FOR EXPANSION	1.86 AC
PROPOSED CRITICAL WATER QUALITY ZONE	20.41 AC

LEGEND

—	PROPERTY LINE
—	PROPOSED WASTEWATER LINE
—	PROPOSED WATER LINE
⊕	PROPOSED WASTEWATER MANHOLE
⊙	PROPOSED WASTEWATER CLEANOUT
⊙	PROPOSED FIRE HYDRANT
⊕	PROPOSED TAPPING SLEEVE & VALVE
—	EXISTING OVERHEAD POWER LINE
—	EXISTING WATER LINE
—	EXISTING WASTEWATER LINE
—	EXISTING STORM SEWER LINE
⊕	EXISTING POWER POLE
⊙	EXISTING FIRE HYDRANT
⊙	EXISTING WATER METER
⊕	EXISTING WASTEWATER MANHOLE
- - -	ADA ROUTE

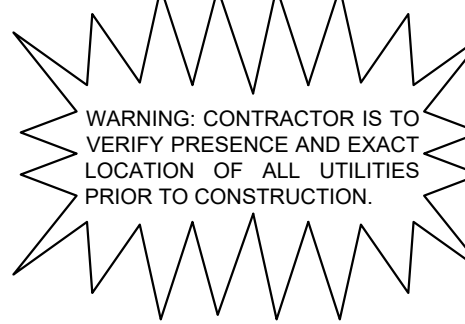
- NOTES:
- TREES AND TOPOGRAPHY BASED UPON SURVEY BY 4WARD PROFESSIONAL LAND SURVEYING, INC. IN JANUARY, 2018. NO WARRANTY IS EXPRESSED OR IMPLIED AS TO THEIR ACCURACY.
 - ALL FIRE DEPARTMENT ACCESS DRIVES/ROADS TO HAVE A MINIMUM 14" VERTICAL CLEARANCE.
 - ESTABLISH FIRE ZONES AS SHOWN ON SITE BY PAINTING CURB RED. STENCIL THE WORDS "FIRE ZONE/TOW-AWAY ZONE", IN WHITE LETTERS AT LEAST 3 INCHES HIGH AT 35-FOOT INTERVALS ALONG THE CURB. ALSO, SIGNS SHALL BE POSTED AT BOTH ENDS OF A FIRE ZONE. ALTERNATE MARKING OF THE FIRE LANES MAY BE APPROVED BY THE FIRE CHIEF PROVIDED THE FIRE LANES ARE CLEARLY IDENTIFIED AT BOTH ENDS AND AT INTERVALS NOT TO EXCEED 35 FEET. SEC. 801.42
 - ALL PARKING SPACES SHALL HAVE MINIMUM 7'-0" VERTICAL CLEARANCE.
 - WARNING SIGNS ARE REQUIRED TO BE PLACED UNDER THE OVERHEAD ELECTRIC LINES TO MAKE ALL PERSONNEL AWARE OF THE ELECTRIC HAZARD.
 - EVERY HANDICAP ACCESSIBLE PARKING SPACE SHALL BE IDENTIFIED BY A SIGN CENTERED 5 FEET ABOVE THE PARKING SURFACE, AT THE HEAD OF THE PARKING SPACE. THE SIGN MUST INCLUDE THE INTERNATIONAL SYMBOL OF ACCESSIBILITY AND STATE RESERVED, OR EQUIVALENT LANGUAGE. SUCH SIGNS SHALL NOT BE OBTAINED BY A VEHICLE PARKED IN THE SPACE AND SHALL MEET THE CRITERIA SET FORTH IN UBC, 3108(c) AND ANSI A117.1-1986-4.6.2.
 - CONTRACTOR TO FIELD VERIFY LOCATION AND ELEVATION OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.
 - CAUTION: DO NOT PLACE THE STAGING AREA IN CLOSE PROXIMITY TO OVERHEAD ELECTRIC LINES.
 - ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
 - ALL RADI TO BE 2' UNLESS OTHERWISE NOTED.
 - SLOPES ON ACCESSIBLE ROUTES MAY NOT EXCEED 1:20 UNLESS DESIGNED AS A RAMP.
 - THE MAXIMUM SLOPE OF A RAMP IN NEW CONSTRUCTION IS 1:12. THE MAXIMUM RISE FOR ANY RAMP RUN IS 30 IN.
 - ACCESSIBLE ROUTES MUST HAVE A CROSS-SLOPE NO GREATER THAN 1:50.
 - GROUND SURFACES ALONG ACCESSIBLE ROUTES MUST BE STABLE, FIRM, AND SLIP RESISTANT.
 - ALL LANDSCAPED AREAS ARE TO BE PROTECTED BY SIX-INCH WHEEL CURBS, WHEELSTOPS, OR OTHER APPROVED BARRIERS AS PER EGM 2.4.7.
 - COMPLIANCE WITH THE COMMERCIAL AND MULTIFAMILY RECYCLING ORDINANCE IS MANDATORY FOR MULTIFAMILY COMPLEXES WITH 100 OR MORE UNITS AND BUSINESSES WITH 100 OR MORE EMPLOYEES (AUSTIN CITY CODE, SEC. 15-6-01).
 - ADEQUATE BARRIERS BETWEEN ALL VEHICULAR USE AREAS AND ADJACENT LANDSCAPE AREAS, SUCH AS A 6" CONCRETE CURB ARE REQUIRED. IF A STANDARD 6" CURB AND GUTTER ARE NOT PROVIDED FOR ALL VEHICULAR USE AREAS AND ADJACENT LANDSCAPE AREAS, COMPLY WITH EGM, SECTION 2.4.7, "PROTECTION OF LANDSCAPE AREAS".
 - ALL FDC'S TO BE TWO 2'-1" SIAMESE CONNECTIONS.
 - ALL IMPROVEMENTS SHALL BE MADE IN ACCORDANCE WITH THE RELEASED SITE PLAN, ANY ADDITIONAL IMPROVEMENTS WILL REQUIRE SITE PLAN AMENDMENT AND APPROVAL OF THE DEVELOPMENT SERVICES DEPARTMENT.
 - APPROVAL OF THIS SITE PLAN DOES NOT INCLUDE BUILDING AND FIRE CODE APPROVAL NOR BUILDING PERMIT APPROVAL.
 - ADDITIONAL ELECTRIC EASEMENTS MAY BE REQUIRED AT A LATER DATE.
 - WATER AND WASTEWATER SERVICE WILL BE PROVIDED BY THE CITY OF AUSTIN.
 - ALL EXISTING STRUCTURES SHOWN TO BE REMOVED WILL REQUIRE A DEMOLITION PERMIT FROM THE CITY OF AUSTIN DEVELOPMENT SERVICES DEPT.
 - A DEVELOPMENT PERMIT MUST BE ISSUED PRIOR TO AN APPLICATION FOR BUILDING PERMIT FOR NON-CONSOLIDATED OR PLANNING COMMISSION APPROVED SITE PLANS.
 - FOR DRIVEWAY CONSTRUCTION: THE OWNER IS RESPONSIBLE FOR ALL COSTS FOR RELOCATION OF, OR DAMAGE TO UTILITIES.
 - FOR CONSTRUCTION WITHIN THE RIGHT-OF-WAY, A ROW EXCAVATION PERMIT IS REQUIRED.
 - THERE ARE NO BUILDINGS WITHIN 50 FEET OF SITE IN ADJOINING PROPERTIES.
 - THIS PLAN MATERIALLY ADHERES TO ALL APPLICABLE ZONING, SITE DEVELOPMENT, AND BUILDING CODE ORDINANCES.

BENCHMARKS

- BM #1:
1. SQUARE CUT ON TOP OF CONCRETE CURB ON THE SOUTHSIDE OF EAST PARMER LANE ±1.056' EAST OF STATE HIGHWAY 130, ±45' NORTHEAST OF THE EAST CORNER OF TRACT 3
ELEVATION=538.76'
- BM #2:
1. SQUARE CUT ON TOP OF CONCRETE CURB ON THE SOUTH SIDE OF EAST PARMER LANE ±270' EAST OF STATE HIGHWAY 130, ±44' NORTH OF THE NORTH CORNER OF TRACT 2
ELEVATION=540.94'

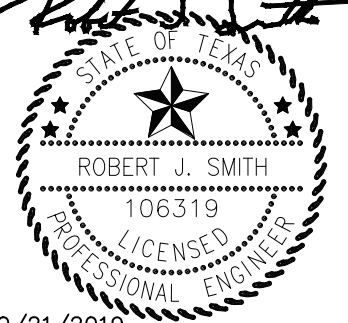


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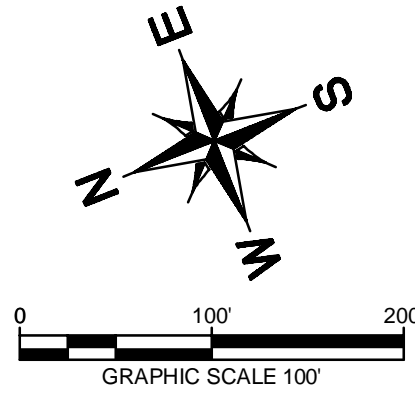
KHA PROJECT	069264301
DATE	OCTOBER 2019
SCALE:	AS SHOWN
DESIGNED BY:	KJB
DRAWN BY:	JMW
CHECKED BY:	RJS



OVERALL SITE PLAN

VENTURA AT PARMER LANE

8407 E PARMER LANE
CITY OF AUSTIN ETJ
TRAVIS COUNTY, TEXAS

SHEET NUMBER
18 OF 76



Number	Minimum Elevation	Maximum Elevation	Area (AC)	Color
1	-6.10	-4.00	0.36	
2	-4.00	0.00	6.24	
3	0.00	4.00	7.03	
4	4.00	7.99	2.97	

**EAST PARMER LANE
(A.K.A. FARM TO MARKET 734)
(R.O.W. VARIES)**

0.18 ACRES
E290/PARMER, LTD.
DOC. NO. 2013144296
R.P.R.T.C.T.

365.243 ACRES
AUSTIN HB RESIDENTIAL
PROPERTIES, LTD.
VOL. 13100, PG. 1
R.P.R.T.C.T.

17.865 ACRES
PARCEL NO. 191
STATE OF TEXAS
DOC. NO. 2004142528
O.P.R.T.C.T.

**STATE HIGHWAY 130
(R.O.W. VARIES)**

13.360 ACRES
PARCEL NO. 192
(PART 2)
STATE OF TEXAS
DOC. NO. 2006146393
O.P.R.T.C.T.

BENCHMARKS

TBM #1:
1. SQUARE CUT ON TOP OF CONCRETE CURB ON THE
SOUTHSIDE OF EAST PARMER LANE $\pm 1,056'$ EAST OF
STATE HIGHWAY 130, $\pm 45'$ NORTHEAST OF THE EAST
CORNER OF TRACT 3
ELEVATION=538.76'

TBM #2:
1. SQUARE CUT ON TOP OF CONCRETE CURB ON THE
SOUTH SIDE OF EAST PARMER LANE $\pm 270'$ EAST OF
STATE HIGHWAY 130, $\pm 44'$ NORTH OF THE NORTH
CORNER OF TRACT 2
ELEVATION=540.94'

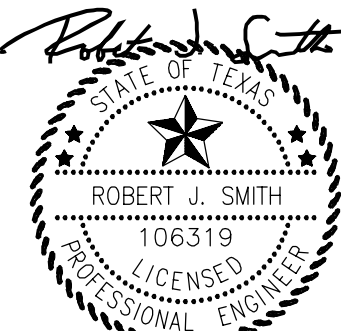


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Call before you dig.**

WARNING: CONTRACTOR IS TO
VERIFY PRESENCE AND EXACT
LOCATION OF ALL UTILITIES
PRIOR TO CONSTRUCTION.

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78759
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10/22/2019

KHA PROJECT 069264301	DATE OCTOBER 2019	SCALE: AS SHOWN	DESIGNED BY: KJBJ	DRAWN BY: JMW	CHECKED BY: RJS
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CUT FILL EXHIBIT

VENTURA AT
PARMER LANE

8407 E PARMER LANE
CITY OF AUSTIN ETJ
TRAVIS COUNTY, TEXAS

SHEET NUMBER

EX OF 76