



### **ITEM FOR ENVIRONMENTAL COMMISSION AGENDA**

**COMMISSION MEETING  
DATE:** 4/17/19

**NAME & NUMBER OF  
PROJECT:** Jaylee Business Park  
SP-2018-0455D

**NAME OF APPLICANT OR  
ORGANIZATION:** Carlson, Brigance & Doering, Inc

**LOCATION:** 2709 N FM 620 RD  
Austin, TX 78734

**COUNCIL DISTRICT:** 2-Mile ETJ

**ENVIRONMENTAL  
REVIEW STAFF:** Alex Butler, Environmental Review Specialist Senior, Development  
Services Department, (512) 974-2067, Alex.Butler@austintexas.gov

**WATERSHED:** Running Deer Creek Watershed, Water Supply Rural, Drinking Water  
Protection Zone

**REQUEST:**

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.

**STAFF  
RECOMMENDATION:**

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

**VARIANCE  
CONDITIONS:**

1. Commercial landscaping in accordance with Land Development Code Chapter 25-2, Subchapter C, Article 9 and the Environmental Criteria Manual Section 2; excluding Hill Country Roadway Requirements.
2. Tree mitigation in accordance with current Land Development Code and Environmental Criteria Manual requirements, and 'No Mow' signs placed in the 40% Natural Area Buffer.

## **Staff Findings of Fact and Exhibits**



Development Services Department  
Staff Recommendations Concerning Required Findings

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Project Name: Jaylee Business Park  
Ordinance Standard: Watershed Protection Ordinance  
Variance Request: Cut exceeding four feet in depth (25-8-341)

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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. Due to site constraints placed on the owner by TxDOT right-of-way easements that would otherwise allow the development on a different, flatter portion of the site, the development must be concentrated in the southwest corner of the site where the natural topography is more dramatic. Because Texas Accessibility Standards restrict the amount of gradient and slope change between buildings, and because of the ingress and egress requirements to public rights-of-way, and to take advantage of natural topography for the purposes of drainage and water quality, the property must be graded above the allowable four feet in order to meet compliance and develop within all the other Land Development Code requirements (e.g., impervious cover limitations, 40% natural area buffer requirements, water quality requirements).

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 concentration of the proposed development in the southwest corner of the site is determined by the TxDOT right-of-way easement restrictions and the use of the natural topography for drainage purposes. Because of the natural topography of this portion of the tract, and the required ingress and egress to the site, and the required accessibility slope and gradient changes between the buildings, the need for cut in excess of four feet is required.

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

Yes. The total area of cut required above the allowable four feet is limited through the use of retaining walls around the proposed building and parking lot areas.

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

Yes. The concentration of the proposed development in the southwest corner of the site allows for the preservation of trees and provides a larger contiguous natural area buffer beyond that required by the Land Development Code. Additionally, the amount of cut needed on the site is balanced by the amount of fill needed, reducing the amount of excess materials hauled off site.

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 use of retaining walls limits the amount of grading, creating more stable slopes and limiting the potential for erosion and sedimentation. The proposed grading also allows for a slower runoff rate, which provides for greater infiltration and a lower runoff rate.

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: commercial landscaping in accordance with Land Development Code Chapter 25-2, Subchapter C, Article 9 and the Environmental Criteria Manual Section 2; excluding Hill Country Roadway Requirements.



Environmental Reviewer  
(DSD)

*Alex Butler*

Date 3/26/2019

Environmental Review  
Manager (DSD)

*Mike McDugal*

Date 3/26/2019

Environmental Officer  
(WPD)

*CA*

Date 3/28/2019



Development Services Department  
Staff Recommendations Concerning Required Findings

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Project Name: Jaylee Business Park  
Ordinance Standard: Watershed Protection Ordinance  
Variance Request: Fill exceeding four feet in depth (25-8-342)

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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. Due to site constraints placed on the owner by TxDOT right-of-way easements that would otherwise allow the development on a different, flatter portion of the site, the development must be concentrated in the southwest corner of the site where the natural topography is more dramatic. Because Texas Accessibility Standards restrict the amount of gradient and slope change between buildings, and because of the ingress and egress requirements to public rights-of-way, and to take advantage of natural topography for the purposes of drainage and water quality, the property must be graded above the allowable four feet in order to meet compliance and develop within all the other Land Development Code requirements (e.g., impervious cover limitations, 40% natural area buffer requirements, water quality requirements).

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 concentration of the proposed development in the southwest corner of the site is determined by the TxDOT right-of-way easement restrictions and the use of the natural topography for drainage purposes. Because of the natural topography of this portion of the tract, and the required ingress and egress to the site, and the required accessibility slope and gradient changes between the buildings, the need for fill in excess of four feet is required.

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

Yes. The total area of fill required above the allowable four feet is limited through the use of retaining walls around the proposed building and parking lot areas.

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

Yes. The concentration of the proposed development in the southwest corner of the site allows for the preservation of trees and provides a larger contiguous natural area buffer beyond that required by the Land Development Code. Additionally, the amount of fill needed on the site is balanced by the amount of cut needed, reducing the amount of excess materials hauled off site.

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 use of retaining walls limits the amount of grading, creating more stable slopes and limiting the potential for erosion and sedimentation. The proposed grading also allows for a slower runoff rate, which provides for greater infiltration and a lower runoff rate.

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, and ‘No Mow’ signs placed in the 40% Natural Area Buffer.

Environmental Reviewer  
(DSD)

Environmental Review  
Manager (DSD)

Environmental Officer  
(WPD)

\_\_\_\_\_*Alex Butler*\_\_\_\_\_

\_\_\_\_\_*Mike McDougal*\_\_\_\_\_

\_\_\_\_\_*CA*\_\_\_\_\_

Date 3/26/2019

Date 3/26/2019

Date 3/28/2019

## **Applicant Form and Findings of Fact**



## ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

### PROJECT DESCRIPTION

#### Applicant Contact Information

Name of Applicant	Gwendolyn Gates/ Carlson, Brigrance & Doering, Inc
Street Address	5501 W. William Cannon Drive
City State ZIP Code	Austin, TX 78749
Work Phone	512-280-5160
E-Mail Address	ggates@cbdeng.com

#### Variance Case Information

Case Name	Jaylee Business Park
Case Number	SP-2018-0455D
Address or Location	2709 N. FM 620 Road
Environmental Reviewer Name	Alex Butler
Environmental Resource Management Reviewer Name	Liz Johnston (from completeness check review)
Applicable Ordinance	Ord. 031211-11; 031211-4; Title 25-Section 25-8-341 (Cut Requirements),
Watershed Name	Running Deer Creek Watershed
Watershed Classification	<input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input checked="" 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	976 feet, Waterway is across FM 620 Road to the west, FM 620 Rd. is uphill from the site.
Water and Waste Water service to be provided by	Water by WCID #17 and Wastewater by OSSF, permitted by Travis County
Request	The variance request is as follows (Cite code references): Request for variance to allow cut on slopes greater than 15% between 4 feet and 8 feet (Title 25-Section 25-5-341 (Cut Requirements)).

Impervious cover	Existing	Proposed
square footage:	<u>0</u>	<u>47,187</u>
acreage:	<u>5.742</u>	<u>1.083</u>
percentage:	<u>0%</u>	<u>20%</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>The project located in the Running Deer Creek Watershed and the City of Austin Drinking Water Protection Zone is comprised of 3.4 acres of development on 5.71 acres located entirely in the Upland Zone and is part of Cardinal Hills Estates, Unit 14, Lots 40-41, &amp; 58-65, in the City of Austin 2-mile ETJ. The site is generally described as partially wooded rangeland and has not been developed. This topography of the site ranges from 815 feet above sea level at the northwest end to approx. 772 feet at the southeast end of the property. The soils are Brackett soils, rolling (BID), clay loam with a gravelly surface layer approx. 0-4 feet deep with limestone and marl underlining material. The site is not located within the Edwards Aquifer Recharge, Transition or Contributing Zones. There are no critical environmental features and the site was reviewed by SWCA Environmental Consultants (SWCA) and assured there is no golden-cheeked warbler habitat on or adjacent to the property and no potential exists for the warbler to occur on the property. The site is situated within the Edwards Plateau vegetational area of Texas and includes live oak, spanish oak, cedar elm and hackberry trees and agarita, sumac, yaupon, dewberry, pricklypear, and native forbs and grasses. There are trees over 19" on the site and a high majority of the trees are being saved and 40% of the site area is being undisturbed to remain a natural buffer zone. There is no Critical Water Quality Zone, Water Quality Transition Zone or Floodplains on the site. The site is completely</p>	

	surrounded by commercial development.	
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Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The project complies with all current codes except for Title 25 – Section 25-8-341 for cut greater than 4 feet but less than 8 feet and on a small number of slopes with a gradient of more than 15%. The Slope Map and Cut-Fill Exhibit sheets are attached. The Project requires cut of greater than 4 feet in order for Bldg. 2 and Bldg 2 parking to be located within Texas Accessibility Standards to Bldg 1 and within proximity to FM 620 Rd and Swing Lane driveways to be within the 20% impervious cover limitations. The total area of Cut greater than 4 feet but less than 6.9 feet outside of drainage facilities is 5,511 s.f. (2.2% of total site area) and cut of the of 4 feet to 5 feet for the drainage facilities is 1,017 s.f. (0.4% of total site 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: Jaylee Business Park

Ordinance: Ord. 031211-11; 031211-4; Title 25-Section 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 / No

The property is in the Water Supply Rural and Drinking Water Protection Zone in the Austin 2-mile ETJ. The property is restricted to no more than 20% impervious cover and a 40% natural buffer area. The property also has TxDot restricted access to North FM 620 Road, not allowing driveway accesses to Lots 62-65, which would be a flatter sloped area of the project. The low point of the property is in the southeast corner. Due to the restriction of access to FM 620 Road being a Right-In Only access, Swing Lane access is required to the site for traffic to turn right or left onto FM 620 Road; therefore, the development on the entire 5.742 Acres must be confined to the southwest corner of the



property for access, and to fit drainage facilities in the southeast corner at the low point. This location is also needed to comply with the 20% IC limit and the 40% natural buffer area requirement. The topography is also shown on the Cut-Fill Exhibit.

A variance for cut/fill up to 8 feet was granted to the property to the south, Lakeway Storage, SP-2016-0202D, which had a similar situation. The consolidation of the development in the southwest corner of the property allows the Owner to achieve a minimum use of the entire property (originally 10 lots) while still complying with the impervious cover limitations, providing water quality and detention facilities and maintaining a 40% natural area buffer with the granting of a variance granting cut activities that exceed the limitations set forth in the Code.

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 layout and design actually enhance the environment protection by concentrating the project in the southwest corner of the property and allowing all the water quality and detention facilities to be located in the natural low point of the site. The location of the developed area also allows for the preservation of more trees and a larger contiguous natural buffer area that can remain undisturbed rather than revegetated.

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

Yes / No

Cut activities beyond the terms established by the Code are limited by use of retaining walls and pony walls on Building 1 and retaining walls at the parking to Building 2, at additional expense to the Owner. These areas of additional cut are limited to areas at the buildings and parking against the buildings to maintain more existing trees and natural undisturbed areas. Note: The amount of cut on the property is balance by the amount of fill (related fill variance) to not have excess materials hauled off-site. The amount needed of cut exceeding the code limitation is only 3.09% of the entire site.

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

Yes / No

The variance does not create probability of harmful environmental consequences, but limits the disturbances to existing natural site vegetation and trees. The drainage facilities are also designed to provide more buffering of storm runoff. The proposed design provides for more stable slopes with a reduction in erosive hazard.

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**

By the use of retaining walls, water quality controls are improved by reducing the size and scope of material needed to construct them. Flattening of these areas also allows for a slower runoff rate, and maintaining more natural area will reduce the chance for erosion brought about by steeper slopes and grades. The overall water quality and detention facilities proposed by this development will lower the runoff of the existing conditions by 8.9 cfs in a 100-yr event.

- 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 / No**

There is no Critical Water Quality Zone and/or Water Quality Transition Zone on the project. There is no floodplain on the project. There is no work that would impact the Lake (Sec. 25-8-368), as the property is not near or on the water.

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

**Yes / No**

The project will be economically burdened and prevent reasonable use without the variance approval. The project as designed is preserving 40% of the property as an undisturbed natural buffer area.

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

**Yes / No**

The variance would approve minimum cut on small areas of 15% slopes, providing reasonable economic use of the entire property without negatively affecting the environment. The code requirement limits cut to 4 feet and the minimum deviation on the project is proposing a small amount of cut over 4 feet but less than 8 feet (most of the cut exceeding the code is between 4 and 6 feet).

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



## ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

### PROJECT DESCRIPTION

#### Applicant Contact Information

Name of Applicant	Gwendolyn Gates/ Carlson, Brigrance & Doering, Inc
Street Address	5501 W. William Cannon Drive
City State ZIP Code	Austin, TX 78749
Work Phone	512-280-5160
E-Mail Address	ggates@cbdeng.com

#### Variance Case Information

Case Name	Jaylee Business Park
Case Number	SP-2018-0455D
Address or Location	2709 N. FM 620 Road
Environmental Reviewer Name	Alex Butler
Environmental Resource Management Reviewer Name	Liz Johnston (from completeness check review)
Applicable Ordinance	Ord. 031211-11; 031211-4; Title 25-Section 25-8-342 (Fill Requirements),
Watershed Name	Running Deer Creek Watershed
Watershed Classification	<input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input type="checkbox"/> Water Supply Suburban <input checked="" 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	976 feet, Waterway is across FM 620 Road to the west, FM 620 Rd. is uphill from the site.
Water and Waste Water service to be provided by	Water by WCID #17 and Wastewater by OSSF, permitted by Travis County
Request	The variance request is as follows (Cite code references): Request for variance to allow fill between 4 feet and 8 feet (Title 25-Section 25-5-342 (Fill Requirements)). A very small amount of this fill is on slopes greater than 15% for the installation of the driveway and culvert, and to provide the retaining walls and berms for the WQ/Detention Facilities.

Impervious cover	Existing	Proposed
square footage:	<u>0</u>	<u>47,187</u>
acreage:	<u>5.742</u>	<u>1.083</u>
percentage:	<u>0%</u>	<u>20%</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)	The project located in the Running Deer Creek Watershed and the City of Austin Drinking Water Protection Zone is comprised of 3.4 acres of development on 5.71 acres located entirely in the Upland Zone and is part of Cardinal Hills Estates, Unit 14, Lots 40-41, & 58-65, in the City of Austin 2-mile ETJ. The site is generally described as partially wooded rangeland and has not been developed. This topography of the site ranges from 815 feet above sea level at the northwest end to approx. 772 feet at the southeast end of the property. The soils are Brackett soils, rolling (BID), clay loam with a gravelly surface layer approx. 0-4 feet deep with limestone and marl underlining material. The site is not located within the Edwards Aquifer Recharge, Transition or Contributing Zones. There are no critical environmental features and the site was reviewed by SWCA Environmental Consultants (SWCA) and assured there is no golden-cheeked warbler habitat on or adjacent to the property and no potential exists for the warbler to occur on the property. The site is situated within the Edwards Plateau vegetational area of Texas and includes live oak, spanish oak, cedar elm and hackberry trees and agarita, sumac, yaupon, dewberry, pricklypear, and native forbs and grasses. There are trees over 19" on the site and a high majority of the trees are being saved and 40% of the site area is being undisturbed to	

	remain a natural buffer zone. There is no Critical Water Quality Zone, Water Quality Transition Zone or Floodplains on the site. The site is completely surrounded by commercial development.	
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Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The project complies with all current codes except for Title 25 – Section 25-8-342 for fill greater than 4 feet but less than 8 feet and on a small number of slopes with a gradient of more than 15%. The Slope Map and Cut-Fill Exhibit sheets are attached. The Project requires fill of greater than 4 feet in order for Bldg. 1 and associated parking and driveway onto Swing Lane to connect the project from FM 620 Rd. The project requires that it be in this southwest corner to comply with the 20% impervious cover limitations and still have access to both FM 620 Rd. and Swing Lane. The total area of Fill greater than 4 feet but less than 6.5 feet outside of drainage facilities is 5,358 s.f. (2.1% of total site area) and fill of 4 feet but less than 5.5 feet for the drainage facilities is 594 s.f. (0.2% of total site area). The use of rock and concrete retaining walls are used to limit the amount of fill required.
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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: Jaylee Business Park

Ordinance: Ord. 031211-11; 031211-4; Title 25-Section 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 / No

The property is in the Water Supply Rural and Drinking Water Protection Zone in the Austin 2-mile ETJ. The property is restricted to no more than 20% impervious cover and a 40% natural buffer area. The property also has TxDot restricted access to North FM 620 Road, not allowing driveway accesses to Lots 62-65, which would be a flatter sloped

area of the project. The low point of the property is in the southeast corner. Due to the restriction of access to FM 620 Road being a Right-In Only access, Swing Lane access is required to the site for traffic to turn right or left onto FM 620 Road; therefore, the development on the entire 5.742 Acres must be confined to the southwest corner of the property for access, and to fit drainage facilities in the southeast corner at the low point. This location is also needed to comply with the 20% IC limit and the 40% natural buffer area requirement. The topography is also shown on the Cut-Fill Exhibit. A variance for cut/fill up to 8 feet was granted to the property to the south, Lakeway Storage, SP-2016-0202D, which had a similar situation. The consolidation of the development in the southwest corner of the property allows the Owner to achieve a minimum use of the entire property (originally 10 lots) while still complying with the impervious cover limitations, providing water quality and detention facilities and maintaining a 40% natural area buffer with the granting of a variance granting fill activities that exceed the limitations set forth in the Code.

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 layout and design actually enhance the environment protection by concentrating the project in the southwest corner of the property and allowing all the water quality and detention facilities to be located in the natural low point of the site. The location of the developed area also allows for the preservation of more trees and a larger contiguous natural buffer area that can remain undisturbed rather than revegetated.

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

Yes / No

Fill activities beyond the terms established by the Code are limited by use of rock and concrete retaining walls on the WQ and Detention Facilities, at additional expense to the Owner, and locating the WQ basins next to the driveway at the Swing Lane driveway area. The Fill activities were additionally limited by creating a grate inlet low point in that area. In order to provide handicap accessible access to Building 1, fill activities are required in the parking and sidewalk from the driveway. The driveway connection to Swing Lane was dictated by the existing driveway to the south. Note: The amount of fill on the property is balanced by the amount of cut (related cut variance) to not have excess materials required. The amount needed of fill exceeding the code limitation is only 2.59% of the entire site.

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

**Yes / No**

The variance does not create probability of harmful environmental consequences, but limits the disturbances to existing natural site vegetation and trees. The drainage facilities are also designed to provide more buffering of storm runoff. The proposed design provides for more stable slopes with a reduction in erosive hazard.

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**

By the use of retaining walls, water quality controls are improved by reducing the size and scope of material needed to construct them. Flattening of these areas also allows for a slower runoff rate, and maintaining more natural area will reduce the chance for erosion brought about by steeper slopes and grades. The overall water quality and detention facilities proposed by this development will lower the runoff of the existing conditions by 8.9 cfs in a 100-yr event.

- 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 / No**

There is no Critical Water Quality Zone and/or Water Quality Transition Zone on the project. There is no floodplain on the project. There is no work that would impact the Lake (Sec. 25-8-368), as the property is not near or on the water.

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

**Yes / No**

The project will be economically burdened and prevent reasonable use without the variance approval, see above narratives. The project as designed is preserving 40% of the property as an undisturbed natural buffer area.

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

**Yes / No**

The variance would approve minimum fill over the code 4 feet on small areas of 15% slopes, providing reasonable economic use of the entire property without negatively affecting the environment. The code requirement limits cut to 4 feet and the minimum

March 26, 2019

deviation on the project is proposing a small amount of cut over 4 feet but less than 8 feet (most of the cut exceeding the code is between 4 and 6 feet).

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





## **Applicant Exhibits**



# PROJECT VICINITY MAP

Legend

 JAYLEE BUSINESS PARK

 PROJECT BOUNDARY





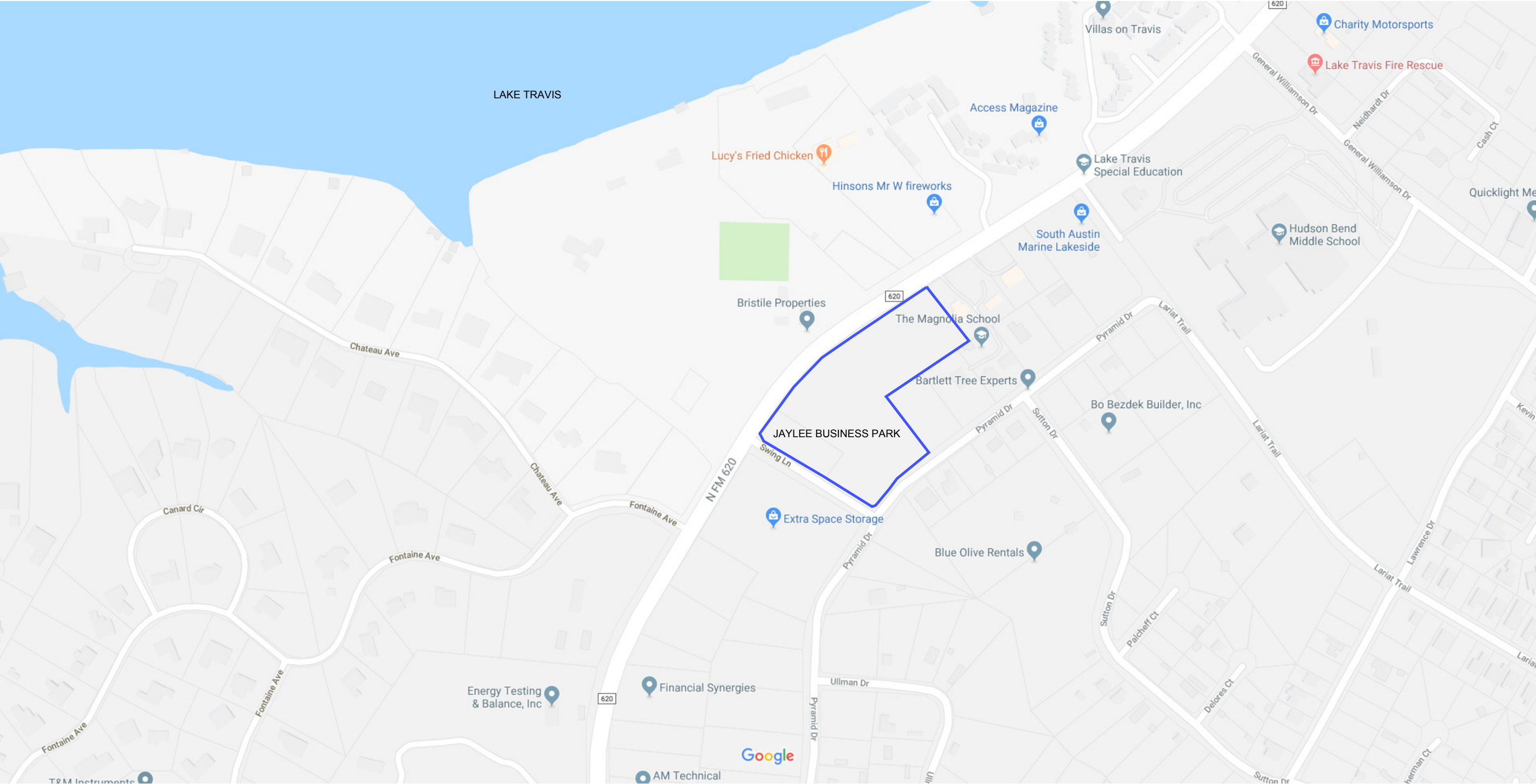
AERIAL PHOTO OF SITE

Legend

- JAYLEE BUSINESS PARK
- PROJECT BOUNDARY












Lake Travis


**Aline Auto Parts & Outdoor Power Development**  
Environmental Map

 Project Boundary


**FEMA**


 Zone AE


 Creeks


 10ft Contours

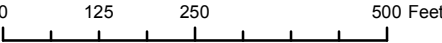
**Water Quality Buffer**

 CWQZ


 WQTZ

 Erosion Haz. Buffer


 2ft Contours



0 125 250 500 Feet



N  
W E  
S



Carlson, Brigrance & Doering, Inc.  
Civil Engineering ♦ Surveying

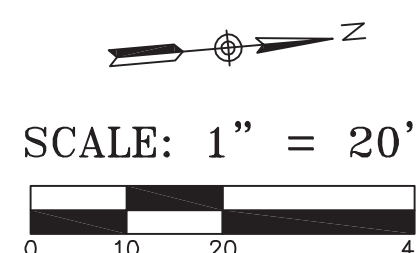


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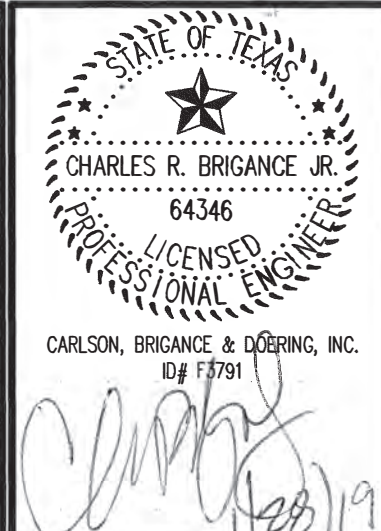


SLOPE MAP LEGEND	
	EXISTING MINOR CONTOURS
	EXISTING MAJOR CONTOURS
	PROPERTY LINES
	SLOPES 0-15% (NOT HATCH)
	SLOPES 15-25%
	SLOPES 25-35%
	SLOPES >35%

DEVELOPMENT ON SLOPES AREA SUMMARY	
SLOPES 15-25%	770 S.F. FOR DRIVEWAY TO FM 620 RD. 451 S.F. FOR DRIVEWAY AND CULVERT TO SWING LANE 1,874 S.F. FOR WQ/DETENTION POND
SLOPES 25-35%	1,882 S.F. FOR DRIVEWAY TO FM 620 RD.
SLOPES >35%	147 S.F. FOR DRIVEWAY CULVERT TO SWING LANE
	NONE



1 SLOPE MAP  
SCALE: 1" = 40'



DATE	BY:	DATE	BY:
	CRB / GSA		GSA
REVISION			

Carlson, Brigance & Doering, Inc.  
FIRM ID #E3791

Civil Engineering    Surveying  
5501 West Loop South, Suite 200, Houston, Texas 77049  
Phone No. (312) 280-5160    www.cbdlab.com

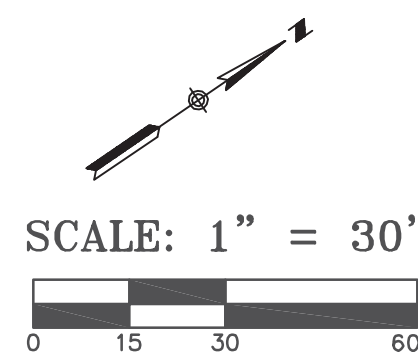
PROJECT: JAYLEE BUSINESS PARK - FM 620  
2709 N. FM 620 ROAD, AUSTIN, TEXAS 78724

SHEET NAME: SLOPE MAP

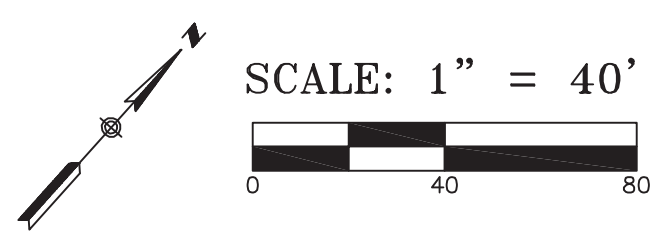
DATE: APR., 2017  
JOB NUMBER: 4913  
SHEET NO.: C-801  
39 OF 40

SP-2018-0455D









Line Table			Curve Table						
Line #	Length	Direction	Curve #	Length	Radius	Chord Direction	Chord Length	Tangent	DELTA
L1	23.82	N59°38'38"E	C1	158.66	456.03	S42°15'22"W	157.86	80.14	19°56'02"E
L2	90.05	S52°29'12"W	C2	32.07	20.88	S76°25'28"W	29.01	20.17	88°00'44"E
L3	8.43	S30°48'28"W	C3	377.91	1070.92	N39°21'19"E	375.95	190.94	20°13'08"E
L4	5.56	N23°14'45"E	C4	185.80	1085.92	N34°11'42"E	185.57	93.13	9°48'11"E
L5	87.55	N47°07'04"E	C5	1.36	19.96	N58°18'16"W	1.36	0.68	75°17'41"E
L6	108.52	N47°07'04"E	C6	38.94	25.00	N15°22'27"W	35.12	26.97	84°14'25"E
L7	30.13	N27°58'15"E							
L8	7.95	N59°59'40"W							

SP-2028-04552

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Line Table			Curve Table						
Line #	Length	Direction	Curve #	Length	Radius	Chord Direction	Chord Length	Tangent	DELTA
L1	23.82	N54°39'38"E	C1	158.66	456.03	S47°15'22"W	157.86	80.14	19°56'02"
L2	90.05	S52°29'12"W	C2	32.07	20.88	S76°25'29"W	29.01	20.17	88°00'44"
L3	8.43	S30°49'28"W	C3	291.81	1075.92	N37°00'57"E	290.92	146.81	15°32'24"
L4	30.20	N29°14'45"E	C4	185.80	1085.92	N34°11'42"E	185.57	93.13	9°48'11"
L5	87.55	N47°07'04"E	C5	1.36	19.96	N58°18'18"W	1.36	0.88	3°54'17"
L6	108.52	N47°07'04"E							
L7	30.13	N27°58'15"E							
L8	7.95	N59°59'40"W							

APPROVAL OF THESE PLANS BY THE CITY OF AUSTIN INDICATES COMPLIANCE WITH APPLICABLE CITY REGULATIONS ONLY. APPROVAL BY OTHER GOVERNMENTAL ENTITIES MAY BE REQUIRED PRIOR TO THE START OF CONSTRUCTION. THE APPLICANT IS RESPONSIBLE FOR DETERMINING WHAT ADDITIONAL APPROVALS MAY BE NECESSARY.

## 1 OVERALL SITE PLAN

SCALE: 1" = 40'

GENERAL CONTRACTOR IS REQUIRED TO CONTACT LAKE TRAVIS FIRE RESCUE UPON COMMENCEMENT OF THIS PROJECT FOR A PRE-CONSTRUCTION MEETING. SCHEDULE THIS MEETING ON WWW.FIREINSPECTION360.COM AT LEAST TWO DAYS IN ADVANCE.

A PRE-CONSTRUCTION MEETING WITH THE ENVIRONMENTAL INSPECTOR IS REQUIRED PRIOR TO ANY SITE DISTURBANCE.

### SITE PLAN RELEASE NOTES:

- 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 DEPT.
- 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 SERVICE WILL BE PROVIDED BY TRAVIS COUNTY WCD #17 AND WASTEWATER SERVICE IS BY OSSF, APPROVED AND PERMITTED BY TRAVIS COUNTY.
- ALL EXISTING STRUCTURES SHOWN TO BE REMOVED WILL REQUIRE A DEMOLITION PERMIT FROM THE CITY OF AUSTIN DEVELOPMENT SERVICES DEPT.
- 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.

### APPENDIX Q-1 - NET SITE AREA

NOTE: NET SITE AREA IS ONLY APPLICABLE TO WATERSHEDS CLASSIFIED AS WATER SUPPLY SUBURBAN / WATER SUPPLY RURAL / BARTON SPRINGS ZONE

Total Gross Site Area = 5.742 Acres 250,134 sf

#### SITE DEDUCTIONS:

Critical water quality zone (CWQZ) = 0.00 Acres  
Water quality transition zone (WQTZ) = 0.00 Acres  
Wastewater irrigation areas = 0.18 Acres

Deduction subtotal = 0.18 Acres

Upland area (gross area minus total deductions) = 5.42 Acres

#### NET SITE AREA CALCULATION:

Area of Uplands with Slopes 0-15% = 5.39 X 100% = 5.394 Acres  
Area of Uplands with Slopes 15-25% = 0.025 X 40% = 0.010 Acres  
Area of Uplands with Slopes 25-35% = 0.003 X 20% = 0.001 Acres  
Area of Uplands with Slopes >35% = 0.000 X 0% = 0.000 Acres

Net Site Area (subtotal) = 5.405 Acres

SEE SLOPE MAP ON SHEET 10

### APPENDIX Q-2 - IMPERVIOUS COVER

WATER SUPPLY SUBURBAN/WATER SUPPLY RURAL/BARTON SPRINGS ZONE

WATER QUALITY TRANSITION ZONE  
Water Quality Transition Zone outside of 100-yr floodplain (NON-FP WQTZ) = 0.000 Acres

ALLOWABLE IMPERVIOUS COVER  
Impervious cover allowed at 0% X NON-FP WQTZ = 0.000 Acres  
Impervious cover allowed at 20% X NET SITE AREA = 5.405 Acres

#### ALLOWABLE IMPERVIOUS COVER BREAKDOWN BY SLOPE CATEGORY

Total acreage 15-25% = 0.03 Acres X 10% = 0.003

#### PROPOSED TOTAL IMPERVIOUS COVER

Impervious Cover in NON-FP WQTZ = 0.00 Acres = 0.0%  
Impervious Cover in Uplands Zone = 1.08 Acres = 20.0%  
Total proposed impervious cover = 1.08 Acres = 20.0%

#### PROPOSED IMPERVIOUS COVER ON SLOPES

Slope Categories	Acres	AC	Impervious Cover	
			Building and other Impervious Cover	Driveways Roadways
0-15%	5.71	1.06	18%	0.01
15-25%	0.025	0.025	0.000%	0.00
25-35%	0.003	0.00	0%	0.00
Over 35%	0.00	0.00	0%	0.00
Total Site Area	5.74	AC	18%	

## LEGEND

88.	TREE TO REMAIN	---	PROPOSED EASEMENT
---	PROPERTY LINE	---	EXISTING EASEMENT
---	SETBACK LINE	---	EXISTING OH ELECTRIC/TELE
---	PROP. STD. CURB	---	EXISTING POWER POLE
+	BENCHMARK	+	EXISTING WATER METER
+	EXISTING SIGN-ROAD	+	EXISTING WATER VALVE
+	EXISTING TRAFFIC SIGNAL	+	EXISTING AIR RELEASE VALVE
+	NEW WASTEWATER CLEANOUT	+	EXISTING WATER MANHOLE
+	NEW WATER VALVE	+	EXISTING WASTEWATER MANHOLE
+	NEW FIRE HYDRANT	+	EXISTING GAS VALVE
+	NEW WATER METER WITH BFP	+	EXISTING FIRE HYDRANT
+	FIRE BACKFLOW PREVENTER VAULT	+	EXISTING LIGHT POLE
		+	EXISTING ELECTRIC MANHOLE
		+	EXISTING TELEPHONE PEDESTAL
		+	EXISTING STORMSEWER MANHOLE

SEE ESC SHEET 8 (C-101) FOR BENCHMARK DATA

**WARNING!!!!**  
REVIEW THE SEQUENCE OF CONSTRUCTION ON THE GENERAL NOTES SHEET PRIOR TO BEGINNING CONSTRUCTION.

### FIRE PROTECTION NOTES:

- FIRE SPRINKLER SYSTEMS TO BUILDINGS TO BE PREPARED BY FIRE PROTECTION ENGINEER. CONTRACTOR TO VERIFY ALL FIRE LINE SIZES TO BUILDINGS WITH FIRE PROTECTION ENGINEER PRIOR TO CONSTRUCTION OF FIRE LINES. CONTACT ENGINEER IF FIRE LINE SIZES SHOWN ARE LESS THAN THOSE REQUIRED BY FIRE PROTECTION ENGINEER.

### WARNING:

- COMPARE THE GRADING PLAN TO LANDSCAPE PLAN BEFORE INSTALLATION OF THE LANDSCAPING. ENSURE THAT THE GRADING IS THE SAME. DIFFERENCES MIGHT EXIST DUE TO DIFFERENCES IN PURPOSE FOR THAT SHEET. RESOLVE ANY DIFFERENCES WITH ENGINEER AND LANDSCAPE ARCHITECT PRIOR TO FINAL GRADING.
- 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."
- COMPARE THE CURB STOPS SHOWN ON THE GRADING PLAN TO THE CURB STOPS SHOWN ON THE SITE PLAN. RESOLVE ANY DIFFERENCES WITH ENGINEER AND SITE PLANNER PRIOR TO ORDERING THE CURB STOPS.

OVERALL SITE CALCULATIONS - A-Line Autoparts & Outdoor Power  
9/28/2018

Total Site Area: 250,134 sf or 5.742

	Existing	Proposed	Allow/Req. Notes
Site Area (sf)	250,134	250,134	--
Site Area (AC)	5.74	5.74	--
Net Site Area (AC)	5.40	5.40	--
Impervious Cover (sf)	0	47,187	--
Impervious Cover (%)	0	20.0%	--
Building Foundation Area (sf)	0	18,486	20% Per overall development calcs
Building Coverage (%)	0	7.4%	--
Total Floor Area (sf)	0	47,187	--
Floor to Area Ratio	0.00	47,187	1:1
Building Height (ft)	--	32'	60'
Open Area (%)	--	81.1%	5%

### Impervious Cover Summary

Buildings	Existing IC Area (sf)	Proposed IC Area (sf)	Use	Bldg. Ht. (story/ft)	Foundation Fin. Fl. El.
-Bldg 1	-	10,080	Office/Indoor Sales/Storage	1/26'-6"	791.50
-Bldg 1	-	646	Indoor Servicing	1/15'-11"	791.5-790.87
-Bldg 2	-	7,760	Office/retail Use	1/24'-0"	794.90
Total Bldgs:	-	18,486			

### Paving

- Ph 1-Drives & Parking  
- Ph 2-Drives & Parking  
- Ph 1-Sidewalks  
- Ph 2-Sidewalks

Total Impervious cover 47,187  
Open Area 250,134 202,947 1.083 AC

### Parking Summary

Type Parking	Existing	Proposed	
Totals	-	49	See below for required spaces
- Total	-	46	
- Total (Standard)	-	0	30% allowed per LDC 25-6-477
- Total (compact)	-	3	Based on 25-50 spaces
- Total (Accessible)	-	0%	
- Percent compact	-	0%	

#### Required Parking:

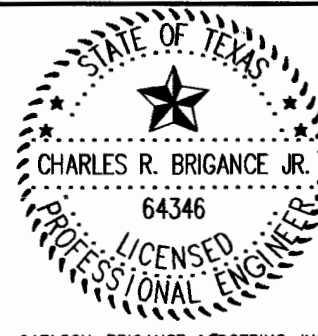
	Sq. Ft.		
Bldg 1 Office	212	1	Based on 1/275 s.f.
Bldg 1 Indoor Storage	6,534	7	Based on 1/1000 s.f.
Bldg 1 Indoor Sales Area	3,334	7	Based on 1/500 s.f.
Bldg 1 Indoor Servicing	646	1	Based on 1/1000 s.f.
Total Required Spaces		16	
Bldg 2 Office	7,760	28	Based on 1/275 s.f.
Bldg 2:		28	Total Required Spaces
Total Proposed Parking:		17	
Bldg 1	-	17	
Bldg 2	-	31	
Total:	-	49	

#### Off-Street Loading Requirements:

S.F. of Floor Area 10,080 1 Reqmt for Bldg 1 Only

Bicycle Requirement - 6 2 sp./Commercial Use per Appendix A, Part 2

\* From Title 25-6 Article 7, Division 4, Appendix A, Schedule A



CARLSON, BRIGRANCE & DOERING, INC.

11/13/18

DESIGNED BY: CRP/CGG

DRAWN BY: CGG/ABP

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REVISION

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## Carlson, Brigrance & Doering, Inc.

Civil Engineering ❖ Surveying

CBD Project No. 4913

Date: 01/29/19

City of Austin – Development Services Department  
Attn: Mr. Rodney Gonzales, Asst. City Manager  
P.O. Box 1088  
Austin, Texas 78767

RE: Jaylee Business Park, 2709 N. FM 620 Rd, SP-2018-0522D  
Variance Request From Title 30 – Sections 25-8-341 (Cut Requirements) & Findings of Fact

Dear Mr. Gonzales:

On behalf of our client, Jaylee, LTD, respectfully are requesting the City's consideration in support of a variance from Title 30 Sections 25-8-341 (Cut Requirements) for grading on the above-referenced project and presents the outlined Findings of Fact.

The project located in the City's Drinking Water Protection Zone is comprised of 3.4 acres of development on 5.71 acres located entirely in the Upland Zone and is part of Cardinal Hills Estates, Unit 14, Lots 40-41, & 58-65, in the City of Austin 2-mile ETJ.

As illustrated on the attached Cut - Fill Exhibit, most of the cut occurs at the Building 1 and associated Building 1 west parking. However, there are small areas associated with the detention and water quality pond facilities. We are respectfully requesting a variance to allow cuts from 4' to 7' in the areas depicted on the attached Exhibit.

We feel that it's important to note that the area where the variance is being requested is not located within 100 feet of a classified waterway and the project is using retaining walls to limit the impact of the cut-fill and preserve more trees and natural area. The cut at Building 2 has been kept at 10' out from the building on the north side in order to provide natural lighting into the building and allow us to drain runoff away from the building.

We believe that this minimum departure from the ordinance is justified in order to provide a safe and useable project based on the following Findings of Facts.

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development? Y/N

Yes. The property is required to have impervious cover (IC) of less than 20% and a 40% natural buffer area. The property also has TxDot restricted access to North FM 620 Road, not allowing a

driveway access on Lots 62-65, which would be on the flatter sloped area of the project. Due to the restriction of access to FM 620 Road being a Right-In Only access and the need to also have access to Swing Lane for the traffic to turn right or left onto FM 620 Road, the development must be located in the southwest corner of the property. This location is also needed to comply with the 20% IC limit and the 40% natural buffer area requirement. The topography within this corner is relatively steep as shown on the attached Slope Map. The existing topography is also shown on the Cut-Fill Exhibit. The consolidation of the development in the southwest corner of the property allows the Owner to achieve a minimum use of the entire property (originally 10 lots) while still complying with the impervious cover limitations, providing water quality and detention facilities and maintaining a 40% natural area buffer with the granting of a variance granting cut activities that exceed the limitations set forth in the Code.

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences? Y/N

Yes. Cut activities beyond the terms established by the Code are limited by use of retaining walls and pony walls on Building 1, at additional expense to the Owner. These areas of additional cut and fill are limited to areas at the buildings and parking against the buildings to maintain more existing trees and natural undisturbed areas and to provide for more stable slopes with a reduction in erosion hazard.

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land. Y/N

Yes. The necessity of cut activities beyond the terms of the Code is not special or unique to the area in which this project is located. The property to the south, Lakeway Storage, SP-2016-0202D, was also granted a variance from Sec. 25-8-42 for cut up to 8 feet. The granting of this variance would only provide the property with an acceptable level of development, of which other properties in the area exceed.

4. Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance? Y/N

Yes. By the use of retaining walls, water quality controls are improved by reducing the size and scope of material needed to construct them. Flattening of these areas also allows for a slower runoff rate, and maintaining more natural area will reduce the chance for erosion brought about by steeper slopes and grades.

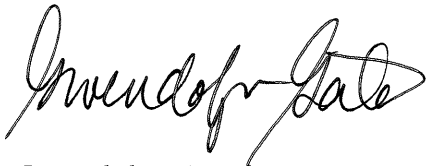
Jaylee Business Park, SP-2018-0522D  
Variance Request Findings of Fact  
March 21, 2019

5. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property? Y/N

N/A. There are no Critical Water Quality Zone and/or Water Quality Transition Zone on the project.

We appreciate the opportunity to submit this request, and stand available to answer any questions that may arise.

Respectfully Submitted,  
CARLSON, BRIGANCE & DOERING, INC.

A handwritten signature in black ink, appearing to read "Gwendolyn Gates", with a stylized flourish at the end.

Gwendolyn Gates  
Project Manager





## Carlson, Brigrance & Doering, Inc.

Civil Engineering ❖ Surveying

CBD Project No. 4913

Date: 01/29/19

City of Austin – Development Services Department

Attn: Mr. Rodney Gonzales, Asst. City Manager

P.O. Box 1088

Austin, Texas 78767

RE: Jaylee Business Park, 2709 N. FM 620 Rd, SP-2018-0522D  
Variance Request From Title 30 – Section 25-8-342 (Fill Requirements) &  
Findings of Fact

Dear Mr. Gonzales:

On behalf of our client, Jaylee, LTD, respectfully are requesting the City's consideration in support of a variance from Title 30 Sections 25-8-342 (Fill Requirements) for grading on the above-referenced project and presents the outlined Findings of Fact.

The project located in the City's Drinking Water Protection Zone is comprised of 3.4 acres of development on 5.71 acres located entirely in the Upland Zone and is part of Cardinal Hills Estates, Unit 14, Lots 40-41, & 58-65, in the City of Austin 2-mile ETJ.

As illustrated on the attached Cut - Fill Exhibit, most of the fill occurs at the Swing Lane driveway and Building 1 parking and sidewalks near the Swing Lane driveway. However, there are small areas associated with the detention and water quality pond facilities. We are respectfully requesting a variance to allow fill from 4' to 8' in the areas depicted on the attached Exhibit.

We feel that it's important to note that the area where the variance is being requested is not located within 100 feet of a classified waterway and the project is using retaining walls to limit the impact of the cut-fill and preserve more trees and natural area.

We believe that this minimum departure from the ordinance is justified in order to provide a safe and useable project based on the following Findings of Facts.

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development? Y/N

Yes. The property is required to have impervious cover (IC) of less than 20% and a 40% natural buffer area. The property also has TxDot restricted access to North FM 620 Road, not allowing a driveway access on Lots 62-65, which would be on the flatter sloped area of the project. Due to

the restriction of access to FM 620 Road being a Right-In Only access and the need to also have access to Swing Lane for the traffic to turn right or left onto FM 620 Road, the development must be located in the southwest corner of the property. This location is also needed to comply with the 20% IC limit and the 40% natural buffer area requirement. The topography within this corner is steeper than further north, as shown on the attached Slope Map. The existing topography is also shown on the Cut-Fill Exhibit. The consolidation of the development in the southwest corner of the property allows the Owner to achieve a minimum use of the entire property (originally 10 lots) while still complying with the impervious cover limitations, providing water quality and detention facilities and maintaining a 40% natural area buffer with the granting of a variance granting fill activities that exceed the limitations set forth in the Code.

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences? Y/N

Yes. Fill activities beyond the terms established by the Code are limited by use of retaining walls at the Water Quality pond, at additional expense to the Owner. These areas of additional Fill are limited the Swing Lane driveway to parking at Building 1 to maintain accessibility and transition the grade from FM 620 Road to Swing Lane. The location of the Swing Lane driveway was dictated by the existing driveway to the south.

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land. Y/N

Yes. The necessity of fill activities beyond the terms of the Code is not special or unique to the area in which this project is located. The property to the south, Lakeway Storage, SP-2016-0202D, was also granted a variance from Sec. 25-8-42. The granting of this variance would only provide the property with an acceptable level of development, of which other properties in the area exceed.

4. Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance? Y/N

Yes. By the use of retaining walls, water quality controls are improved by reducing the size and scope of material needed to construct them. Flattening of these areas also allows for a slower runoff rate, and maintaining more natural area will reduce the chance for erosion brought about by steeper slopes and grades.

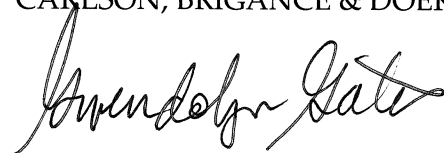
Jaylee Business Park, SP-2018-0522D  
Variance Request  
January 29, 2019

5. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property? Y/N

N/A. There are no Critical Water Quality Zone and/or Water Quality Transition Zone on the project.

We appreciate the opportunity to submit this request, and stand available to answer any questions that may arise.

Respectfully Submitted,  
CARLSON, BRIGANCE & DOERING, INC.

A handwritten signature in black ink, appearing to read "Gwendolyn Gates", written in a cursive style.

Gwendolyn Gates  
Project Manager