

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

CASE: SP-2018-0455D

ZAP COMMISSION DATE: 05/07/2019

PROJECT NAME: Jaylee Business Park

APPLICANT: Jaylee Ltd.
(Jim Arnold)

AGENT: Carlson, Brigance & Doering, Inc
(Gwendolyn Gates)

ADDRESS OF SITE: 2709 N FM 620 Rd

COUNTY: Travis

AREA: 5.742 acres

WATERSHED: Running Deer Creek (Water Supply Rural)

JURISDICTION: 2- Mile ETJ

EXISTING ZONING: N/A

PROPOSED DEVELOPMENT:

The proposed project consists of two commercial buildings with parking, utilities, and other associated site improvements.

DESCRIPTION OF VARIANCE:

The applicant is requesting to vary from LDC 25-8-341 to allow cut above allowable four feet to no more than eight feet of depth and requesting to vary from LDC 25-8-342 to allow fill above allowable four feet to no more than eight feet of depth.

STAFF RECOMMENDATION:

The findings of fact have been met and staff recommends approval with conditions stated in the EV Variance support material.

ENVIRONMENTAL BOARD ACTION:

April 17, 2019: The Environmental Commission recommends support of the Jaylee Business Park variance request for cut (LDC 25-8-341) and fill (LDC 25-8-342) to no more than 8 feet of depth with conditions (see attached back-up for EV Commission conditions).

ENVIRONMENTAL REVIEW STAFF: Jonathan Garner
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PHONE: 512-974-1665

SITE PLAN CASE MANAGER: Rosemary Avila
Rosemary.avila@austintexas.gov

PHONE: 512-974-2784

**ENVIRONMENTAL COMMISSION MOTION 20190417 008b**

Date: April 17, 2019

Subject: SP-2018-0455D Jaylee Business Park cut (LDC 25-8-341) and fill (LDC 25-8-342) variance request to no more than 8 feet of depth

Motion by: Hank Smith

Seconded by: Mary Ann Neely

RATIONALE:

WHEREAS, 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 (LDC) requirements; and

WHEREAS, 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 LDC. 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; and

WHEREAS, 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.

THEREFORE, the Environmental Commission recommends support of the Jaylee Business Park variance request for cut (LDC 25-8-341) and fill (LDC 25-8-342) to no more than 8 feet of depth with the following;

Staff Conditions:

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

Environmental Commission Conditions:

1. The applicant agrees to mitigate runoff from RR 620 through their internal pond system to provide additional environmental protection of approximately 1.2 acres
2. Compliance with dark-sky exterior lighting standards in LDC Chapter 25-2 Subchapter E, Article 2, 2.5.2 (*Exterior Lighting*).

VOTE 7-0

For: Creel, Thompson, Neely, Coyne, Neely, H. Smith and B. Smith

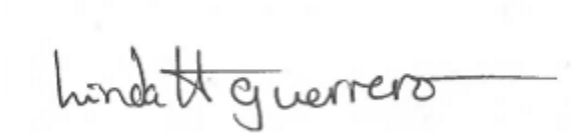
Against: None

Abstain: None

Recuse: None

Absent: C. Smith, Guerrero, and Maceo

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 to the right.

Linda Guerrero, Environmental Commission Chair

**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, Brigrance & 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

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

Include an explanation with each applicable finding of fact.

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

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

Yes. 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 McDougal

Date 3/26/2019

Environmental Officer
(WPD)

CA

Date 3/28/2019



Development Services Department
Staff Recommendations Concerning Required Findings

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

Include an explanation with each applicable finding of fact.

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

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

Yes. 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)

Alex Butler

Date 3/26/2019

Environmental Review
Manager (DSD)

Mike McDougal

Date 3/26/2019

Environmental Officer
(WPD)

CA

Date 3/28/2019

Applicant Form and Findings of Fact

March 26, 2019



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

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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, & 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>	

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	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

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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.

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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.**

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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

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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

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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

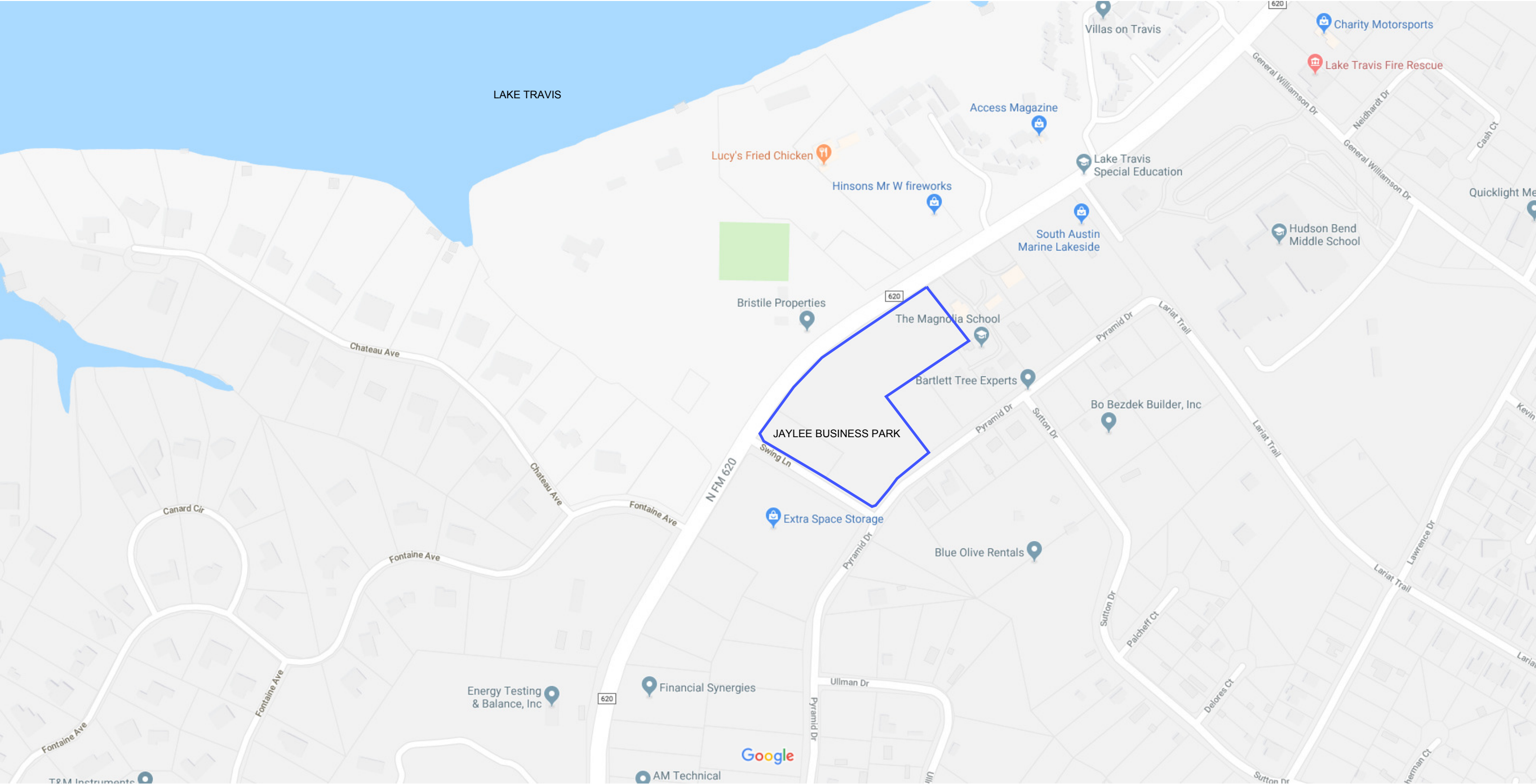
deviation on the project is proposing a small amount of cut over 4 feet but less than 8 feet (most of the cut exceeding the code is between 4 and 6 feet).

**Variance approval requires all above affirmative findings.

Applicant Exhibits











Lake Travis


Aline Auto Parts & Outdoor Power Development
Environmental Map


 Project Boundary


 Zone AE


 CWQZ

 WQTZ


 Erosion Haz. Buffer


 Creeks

 10ft Contours

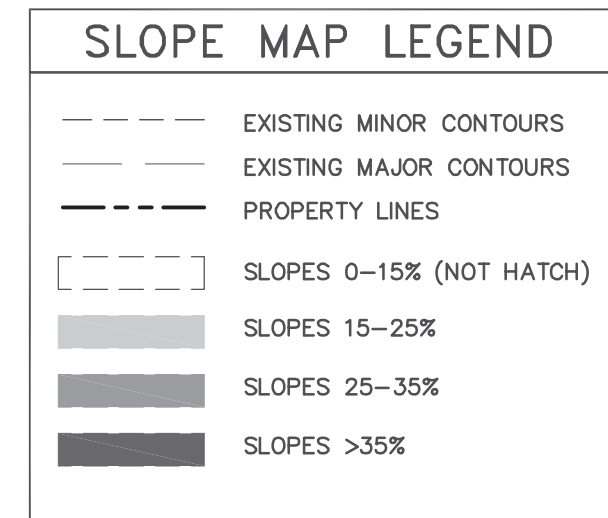
 2ft Contours

0125250500 Feet

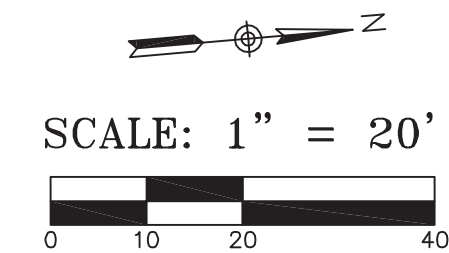


 Carlson, Brigrance & Doering, Inc.
Civil Engineering ♦ Surveying

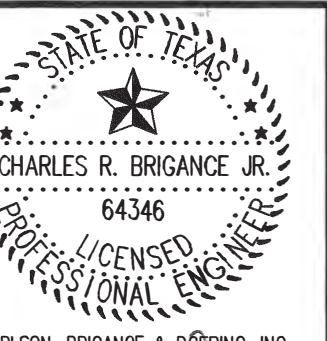
This topographic map displays the terrain around Lake Travis, with elevation contours ranging from 740ft to 840ft. The map features a red-outlined project boundary and a blue-outlined creek network. Key locations are labeled: 'F M 620', 'PYRAMID', 'LARIAT', and 'SWING'. A legend in the bottom right corner defines the symbols for the Project Boundary, FEMA Zone AE, CWQZ, WQTZ, Erosion Haz. Buffer, Creeks, 10ft Contours, and 2ft Contours. A scale bar (0 to 500 feet) and a north arrow are also present. The map is titled 'Aline Auto Parts & Outdoor Power Development Environmental Map' and is attributed to Carlson, Brigrance & Doering, Inc., Civil Engineering & Surveying.



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. 147 S.F. FOR DRIVEWAY CULVERT TO SWING LANE
SLOPES >35%	NONE



1 SLOPE MAP
SCALE: 1" = 40'



RESON, BRIGANCE & LUERING, INC.
ID# F5791

12819

DESIGNED BY: CRB / GSG	DRAFTED BY: GSG
------------------------------	-----------------------

[illegible]

Carson, Dingle & Doring, Inc.
FIRM ID #F3791

erding ◆ Survey ◆ A

2501 West William Canyon Dr. ♦ Tucson, AZ 85719
Phone No. (512) 280-5160 ♦ www.cbdeng.com



2709 N. FM 620 ROAD, AUSTIN, TEXAS 78734

JUL 1 1976

SHEET NAME:

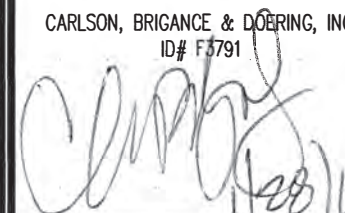
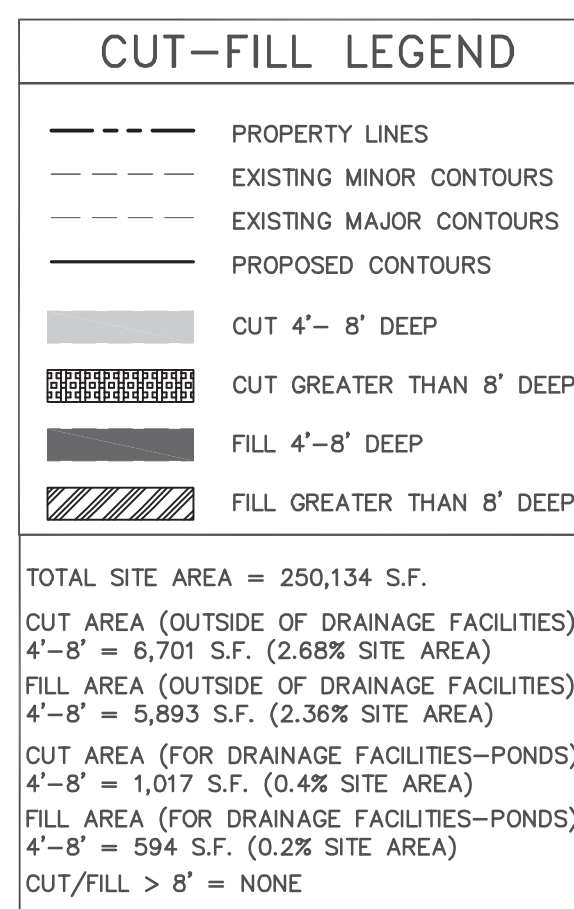
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NUMBER
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801

of 40

SP-2018-04550

[illegible]

FIRM ID #F3791

Civil Engineering ♦ Surveying
5501 West William Cannon Dr. ♦ Austin, Texas 78749
Phone No. /512/ 290 5160 ♦ www.civil-engineers.com



2709 N. FM 620 ROAD, AUSTIN, TEXAS 78734

CJT - Full Exhibit

PROJECT:

SHEET NAME:

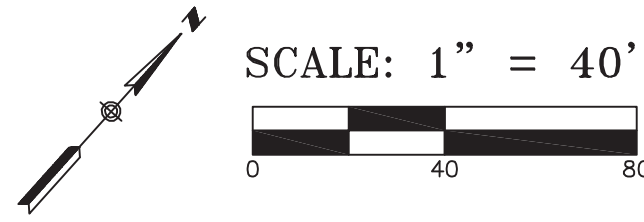
JOB NUMBER
4913

SHEET NO.
C-802

40 of 40



1 EXISTING CONDITIONS
SCALE: 1" = 40'



LEGEND	
	TREES
	PROPERTY LINE
	EXISTING MINOR CONTOURS
	EXISTING MAJOR CONTOURS
	EXISTING EASEMENT
	SETBACK LINE
	BENCHMARK
	EXISTING OH ELECTRIC/TELE
	EXISTING UNDERGROUND TELE/CABLE
	EXISTING PUBLIC SIDEWALK
	EXISTING WATER LINE
	EXISTING POWER POLE
	EXISTING WATER METER
	EXISTING WATER VALVE
	EXISTING FIRE HYDRANT
	EXISTING LIGHT POLE
	EXISTING ELECTRIC MANHOLE
	EXISTING TELEPHONE PEDESTAL
	EXISTING SIGN-ROAD

NOTE:
BENCH MARKS: *BM-1: CP-CIRS ELEV= 783.97
*BM-2: 10002-6 BRASS DISC FOUND IN CONCRETE ELEV= 804.20
*BM-3: 4- BRASS DISC FOUND IN CONCRETE ELEV= 798.42
*BM-4: 2- BRASS DISC FOUND IN CONCRETE ELEV= 795.92

WATER LINES SHOWN PER: SURVEY, WCD#17 GIS RECORDS AND AS-BUILT RECORDS
WASTEWATER LINES SHOWN PER: NONE
ELECTRIC LINES SHOWN PER: SURVEY (EXACT LOCATION OF UNDERGROUND LINES IS UNKNOWN, GROUND APPURTENANCES FOUND ONLY.)
GAS LINES SHOWN PER: NO GAS SERVICE AVAILABLE
TELEPHONE LINES SHOWN PER: UNKNOWN
CABLE LINES SHOWN PER: UNKNOWN
STORM LINES SHOWN PER: SURVEY AND COA GIS. NO PUBLIC STORM SEWER SYSTEM AT PROJECT SITE

TREE LIST			
TAG	TYPE	CHAR	RADIUS
T1	LIVE OAK	1X	9
T2	LIVE OAK	1X	9
T3	LIVE OAK	1X	11
T4	LIVE OAK	1X	10
T5	LIVE OAK	1X	15
T6	HACKBERRY	1X	7
T7	LIVE OAK	1X	20
T8	LIVE OAK	1X	12
T9	LIVE OAK	1X	9
T10	LIVE OAK	1X	11
T11	LIVE OAK	1X	5
T12	LIVE OAK	1X	10
T13	LIVE OAK	1X	12
T14	LIVE OAK	1X	11
T15	LIVE OAK	1X	16
T16	LIVE OAK	2X	17
T17	LIVE OAK	2X	11
T18	LIVE OAK	1X	10
T19	LIVE OAK	1X	14
T20	LIVE OAK	1X	16
T21	LIVE OAK	1X	14
T22	LIVE OAK	1X	11
T23	LIVE OAK	1X	10
T24	LIVE OAK	1X	13
T25	LIVE OAK	1X	21
T26	LIVE OAK	1X	11
T27	LIVE OAK	1X	9
T28	LIVE OAK	1X	9
T29	LIVE OAK	1X	10
T30	LIVE OAK	1X	11
T31	LIVE OAK	1X	10
T32	LIVE OAK	1X	14
T33	LIVE OAK	1X	5
T34	LIVE OAK	1X	10
T35	LIVE OAK	1X	8
T36	LIVE OAK	1X	9
T37	LIVE OAK	1X	7
T38	LIVE OAK	1X	10
T39	LIVE OAK	1X	24
T40	LIVE OAK	1X	14
T41	LIVE OAK	1X	10
T42	LIVE OAK	1X	10
T43	LIVE OAK	1X	7
T44	LIVE OAK	1X	10
T45	LIVE OAK	1X	10
T46	LIVE OAK	1X	10
T47	LIVE OAK	1X	20
T48	LIVE OAK	1X	10
T49	LIVE OAK	1X	16
T50	LIVE OAK	1X	9
T51	LIVE OAK	1X	12
T52	LIVE OAK	2X	27
T53	LIVE OAK	1X	14
T54	LIVE OAK	1X	12
T55	LIVE OAK	1X	9
T56	LIVE OAK	2X	17
T57	LIVE OAK	1X	10
T58	LIVE OAK	1X	19
T59	SPANISH OAK	1X	10
T60	LIVE OAK	1X	9
T61	LIVE OAK	1X	9
T62	LIVE OAK	1X	6
T63	LIVE OAK	1X	9
T64	LIVE OAK	1X	9
T65	LIVE OAK	1X	6
T66	LIVE OAK	1X	9
T67	LIVE OAK	1X	8
T68	LIVE OAK	1X	9
T69	LIVE OAK	1X	20
T70	LIVE OAK	1X	9
T71	LIVE OAK	1X	11
T72	LIVE OAK	1X	8
T73	LIVE OAK	1X	9
T74	LIVE OAK	1X	10
T75	LIVE OAK	1X	8
T76	LIVE OAK	1X	10
T77	LIVE OAK	1X	12
T78	LIVE OAK	1X	9
T79	LIVE OAK	1X	8
T80	LIVE OAK	1X	8
T81	LIVE OAK	1X	6
T82	LIVE OAK	1X	8
T83	LIVE OAK	1X	8
T84	LIVE OAK	1X	7
T85	LIVE OAK	1X	6

TREE SURVEY CONDUCTED BY
WALKER TEXAS SURVEYORS ON
APRIL 18TH, 2014

Line Table			Curve Table				
Line #	Length	Direction	Curve #	Length	Radius	Chord Direction	Chord Length
L1	23.82	N54°39'38"E	C1	158.66	456.03	S42°15'22"W	157.86
L2	90.05	S52°28'12"W	C2	32.07	20.88	S76°25'29"W	29.01
L3	8.43	S30°49'28"W	C3	377.91	1070.92	N39°21'19"E	375.95
L4	5.6	N29°14'45"E	C4	185.80	1085.92	N34°11'42"E	185.57
L5	87.55	N47°07'04"E	C5	1.36	19.96	N58°18'18"W	1.36
L6	108.52	N47°07'04"E	C6	38.94	25.00	N15°22'27"W	35.12
L7	30.13	N27°58'15"E					
L8	7.95	N69°39'40"W					

SP-2018-0455D

CHARLES R. BRIGRANCE, JR.
64346
LICENSED PROFESSIONAL ENGINEER
STATE OF TEXAS

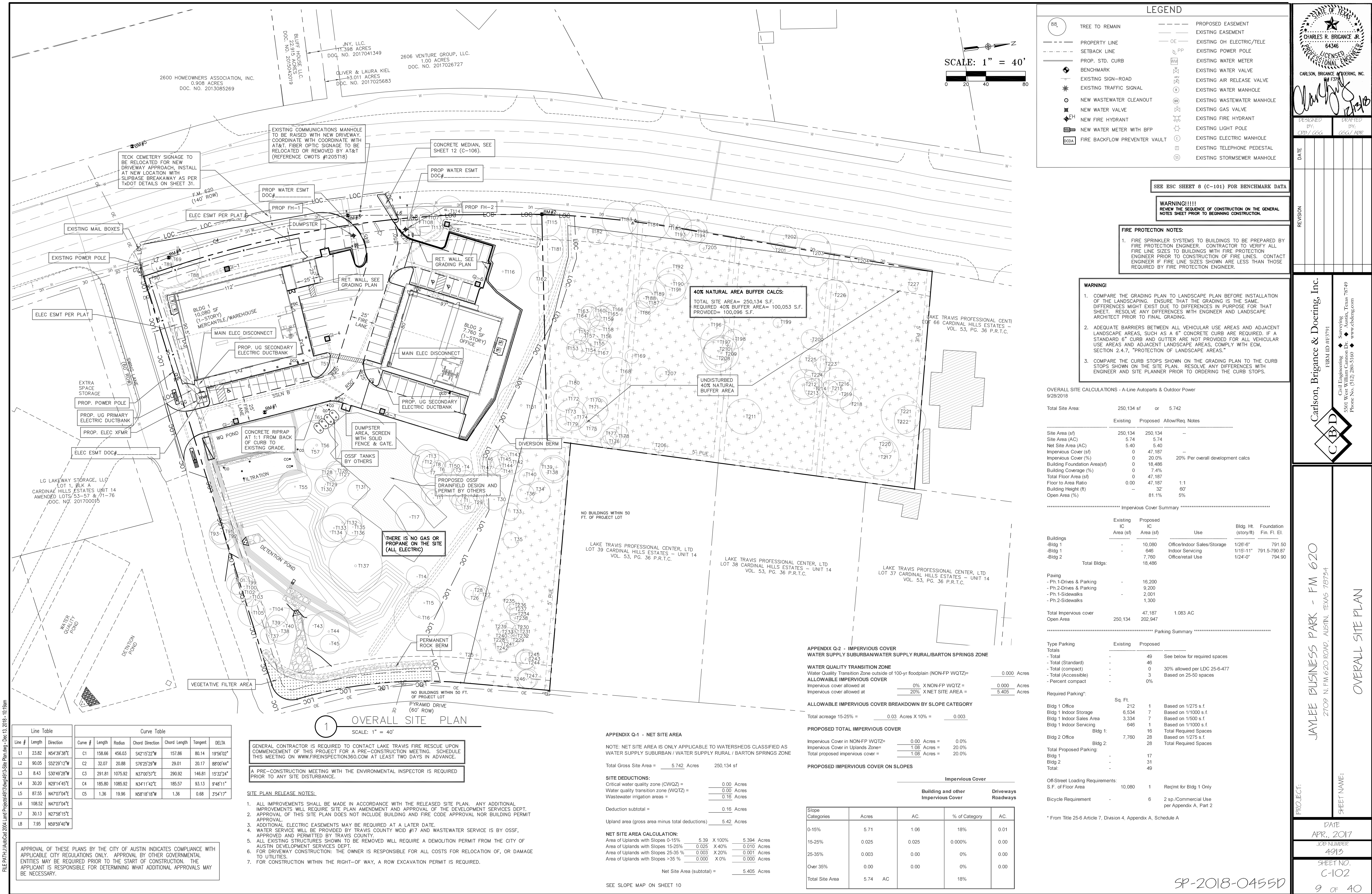
Carlson, Brigrance & Doering, Inc.
FIRM ID #33791

CBD

DATE: APR. 19, 2017
JOB NUMBER: 1913
SHEET NO. 1 of 43

PROJECT: JAYLEE BUSINESS PARK - FM 620
2709 N. FM 620 ROAD, AUSTIN, TEXAS 78734

SHEET NAME: EXISTING CONDITIONS





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

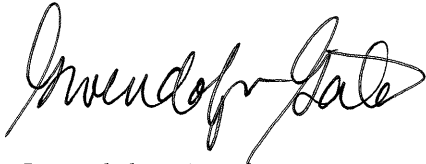
March 21, 2019

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.

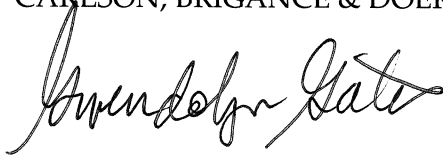
Jaylee Business Park, SP-2018-0522D
Variance Request
January 29, 2019

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