

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

CASE: SP-2016-0607D

ZAP COMMISSION DATE: March 5th, 2019

PROJECT NAME: Junction Athletic Complex

APPLICANT: Lucky 13 Holdings, LLC
(Lindsey Rosenthal)

AGENT: Texas Engineer Solutions
(Connor Overby)

ADDRESS OF SITE: 8921 W US 290 Highway

COUNTY: Travis

AREA: 69 acres

WATERSHED: Slaughter Creek

JURISDICTION: 2-Mile ETJ

EXISTING ZONING: 2-Mile ETJ

PROPOSED DEVELOPMENT:

The applicant is proposing to construct an indoor/outdoor sports complex with fields, courts, and pools.

DESCRIPTION OF VARIANCES:

The applicant requests to construct in the Water Quality Transition Zone, 13-2-563; Fill exceeding four feet of depth, 13-7-16(a); Cut exceeding four feet of depth, 13-7-16(b)

STAFF RECOMMENDATION:

The findings of fact have been met and staff recommends approval for construction in the Water Quality Transition Zone, 13-2-563. The findings of fact have **not** been met and staff does **not** recommend approval for fill exceeding four feet of depth, 13-7-16(a) and cut exceeding four feet of depth, 13-7-16(b)

ENVIRONMENTAL BOARD ACTION:

February 6th, 2019: The Environmental Commission recommends support of all variance requests for with the following conditions with a 7-2 Vote:

- 1) Structural containment of fill greater than four feet in the vicinity of the fire access road
- 2) Tree mitigation in accordance with current code
- 3) All outdoor lighting will be compliant with Dark Skies standards
- 4) Fields will be seeded with native seed mixes and a mowing regime worked out with City of Austin staff to allow one field to succeed into riparian vegetation.

ZONING AND PLATTING COMMISSION ACTION:

N/A

ENVIRONMENTAL REVIEW STAFF: Jonathan Garner

PHONE: 974-1665

Jonathan.Garner@austintexas.gov

CASE MANAGER: Clarissa Davis

PHONE: 974-1423

Clarissa.Davis@austintexas.gov



ENVIRONMENTAL COMMISSION MOTION 20190206 008c

Date: February 6, 2019

Subject: Junction Athletic Complex (SP-2016-0607D)

Motion by: Katie Coyne

Seconded by: Andrew Creel

RATIONALE:

WHEREAS, the findings of fact have been met for fill over four feet for an access driveway, but findings have not been met for cut and fill exceeding four feet in other portions of the proposed project; and

WHEREAS, the applicant is proposing to develop the site in order to place water quality controls outside the Water Quality Transition Zone, which is environmentally superior to what they could otherwise construct, but requires a variance for cut and a variance for fill greater than four feet; and

WHEREAS, the fire access road is required around the building and its construction requires fill greater than four feet; and

WHEREAS, the proposed rain garden requires a small amount of fill exceeding four feet; and

WHEREAS, the impervious cover of 22 percent is under the 25 percent allowable with transfers.

THEREFORE, the Environmental Commission recommends approval of the variance requests for cut exceeding four feet of depth, fill exceeding four feet of depth, and construction in the Water Quality Transition Zone with the following conditions:

- Structural containment of fill greater than four feet in the vicinity of the fire access road
- Tree mitigation in accordance with current code
- All outdoor lighting will be compliant with Dark Skies standards
- Fields will be seeded with native seed mixes and a mowing regime worked out with City of Austin staff to allow one field to succeed into riparian vegetation.

VOTE 7-2

For: Creel, C. Smith, Thompson, Guerrero, Coyne, Gordon, and B. Smith

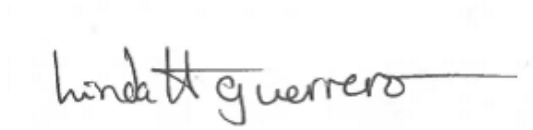
Against: Neely and Maceo

Abstain: None

Recuse: H. Smith

Absent: None

Approved By:

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

Linda Guerrero, Environmental Commission Chair

**ITEM FOR ENVIRONMENTAL COMMISSION AGENDA**

COMMISSION MEETING DATE REQUESTED: February 6, 2019

NAME & NUMBER OF PROJECT: Junction Athletic Complex SP-2016-0607D

NAME OF APPLICANT OR ORGANIZATION: Connor Overby, Texas Engineering Solutions, (512) 904-0505 x 204

LOCATION: 8921 W US Highway 290, Austin, TX 78736

COUNCIL DISTRICT: Not applicable; the site is located in the 2-Mile Extraterritorial Jurisdiction

PROJECT FILING DATE: December 27, 2016

DSD/ENVIRONMENTAL STAFF: Jonathan Garner, Environmental Program Coordinator, (512) 974-1665, Jonathan.Garner@austintexas.gov

WPD/ERM STAFF: Andrew Clamann, Environmental Scientist Senior, (512) 974-2694, Andrew.Clamann@austintexas.gov

WATERSHED: Slaughter Creek, Water Supply Rural

ORDINANCE: 941205-A

REQUEST: Variance request is as follows:

1. Construction in the Water Quality Transition Zone, 13-2-563
2. Fill exceeding four feet of depth, 13-7-16(a)
3. Cut exceeding four feet of depth, 13-7-16(b)

STAFF DETERMINATION:

1. Staff recommends approval, with conditions
2. Staff does not recommend approval
3. Staff does not recommend approval

REASONS FOR DETERMINATION:

1. Findings of fact have been met
2. The findings of fact have not been met
3. The findings of fact have not been met

Staff Findings of Fact and Exhibits



Development Services Department
Staff Recommendations Concerning Required Findings

Project: JUNCTION ATHLETIC COMPLEX SP-2016-0607D
Ordinance Standard: 1992 Land Development Code, as amended by Ord. 941205-A
Variance Request: Construction in the Water Quality Transition Zone, 13-2-563

Include an explanation with each applicable finding of fact.

A. Land Use Commission variance determinations from Chapter 13-2-505 of the City Code:

1. The requirement will prevent the owner of the property from enjoying the privileges or safety associated with other similarly situated property with similarly timed development.

Yes. All public frontage adjacent to this platted property is located within the Water Quality Transition Zone (WQTZ) as defined by the City of Austin. Without allowing for the development of the private driveway to cross the WQTZ, the property owner is left without a reasonable economic use of the entire property, including a joint use access easement with the neighboring property due to construction on slopes requirements.

2. The variance:

- a) Is the minimum departure from the terms of the terms and other requirements of the Land Development Code necessary to avoid such deprivation of privileges enjoyed by other property owners and to facilitate a reasonable use.

Yes. The proposed access drive crosses the smallest amount of Water Quality Transition Zone possible to provide adequate access to the site.

- b) Will not create significant probabilities of harmful environmental consequences.

Yes. All drainage from the proposed access drive is collected and treated within rain gardens, meeting all design requirements of the Save Our Springs initiative. No known endangered species habitats or CEFs will be disturbed by the proposed access driveway crossing the WQTZ.

- c) Is not a special or unique condition created as a result of the method by which a person voluntarily subdivides or develops the land.

Yes. Due to the location of the Water Quality Transition Zone as defined by the City of Austin, this variance would be required for any development or use of this property.

B. Additional Land Use Commission variance determinations for a requirement of Section 13-5-523 (Water Quality Transition Zone), Section 13-2-543 (Water Quality Transition Zone), Section 13-2-563 (Water Quality Transition Zone), or Section 13-7-23 (Critical Water Quality Zones):

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

Yes. Criteria within Subsection (A) is met for granting this variance.

2. The application of such provisions leaves the property owner without any reasonable, economic use of the entire property;

Yes. All public frontage adjacent to this platted property is located within the Water Quality Transition Zone as defined by the City of Austin. Without allowing for the development of the private driveway, the property owner is left without a reasonable economic use of the entire property.

3. The variance is the minimum departure from the terms and other ordinance requirements necessary to establish a reasonable, economic use of the entire property.

Yes. The proposed access drive crosses the narrowest amount of the Water Quality Transition Zone possible to establish a reasonable, economic use of the property. It begins at the existing driveway apron and curves directly towards the nearest uplands zone.

C. Development with the variance will result in water quality that is equal to or better than would be achieved under compliance with the Code without the variance requested.

Yes. All Water Supply Rural water quality requirements are met with the proposed development.

Staff Recommendation: Staff recommends, with conditions.

Environmental Reviewer:  Date 1-22-19

Environmental Review Manager: Michael McDougal Date 1-22-19

Environmental Officer:  Date 1/25/2019



Development Services Department
Staff Recommendations Concerning Required Findings

Project: JUNCTION ATHLETIC COMPLEX SP-2016-0607D
Ordinance Standard: 1992 Land Development Code, as amended by Ord. 941205-A
Variance Request: Fill exceeding four feet of depth, 13-7-16(a)

Include an explanation with each applicable finding of fact.

A. Land Use Commission variance determinations from Chapter 13-2-505 of the City Code:

1. The requirement will prevent the owner of the property from enjoying the privileges or safety associated with other similarly situated property with similarly timed development.

Yes. Fill depths exceeding four feet are necessary for the access drive so the owner of the property will not be prevented from enjoying the privilege of accessing their site from the right-of-way. Additionally, existing site topography and off-site flows entering the site requires the conveyance of off-site flows across the access drive, which necessitates a culvert and an increase in excess fill material.

No. Concurrently, due to the siting and size of the building, outdoor pool, and a future Phase 2 parking structure, excess fill material is required for the fire access drives around the structures to meet slope requirements set forth by the Travis County Fire Marshall. However, this is not a unique condition of the property because any other proposed development may be able to be situated on the property such as to avoid the need for excess fill material for fire access drives. Therefore, the excess fill material for fire access drives is a unique condition created as a result of the method of land development by the applicant.

No. Thirdly, a small area of excess fill material is needed for the water quality control facility berm. The applicant states the orientation of the uplands area on the property and the requirement to dedicate 40% of the uplands as a contiguous undisturbed area requires the developed areas to be narrow in width and deep into the property in order to facilitate a reasonable use of the land. However, per Ordinance 941205-A, LDC 13-2-563(e) is amended to allow water quality controls in the Water Quality Transition Zone. Therefore, the applicant would be able to design the site to accommodate the required water quality volume without exceeding the allowable depth of fill by extending the width and breadth of the controls into the Water Quality Transition Zone.

2. The variance:
 - a) Is the minimum departure from the terms and other requirements of the Land Development Code necessary to avoid such deprivation of privileges enjoyed by other property owners and to facilitate a reasonable use.

Yes. The amount of fill exceeding four feet is limited to what is necessary to provide access to the site and to allow for the implementation of culverts to convey off-site drainage flows.

No. However, the amount of fill exceeding four feet to allow acceptable fire access drive slope requirements for the Travis County Fire Marshall and to allow the necessary fill needed for the height of the water quality control berm is beyond the minimum departure from the terms and conditions of the Land Development Code to facilitate a reasonable use.

- b) Will not create significant probabilities of harmful environmental consequences.

Yes. All proposed fill embankments are to be fully revegetated and permanently stabilized in order to reduce the probability of harmful environmental consequences.

- c) Is not a special or unique condition created as a result of the method by which a person voluntarily subdivides or develops the land.

Yes. Any and all development which would provide reasonable use of this property will be required to provide access to the site, as well as convey off-site drainage flows across any access point currently available on this site.

No. However, the excess fill material for fire access drives to meet slope requirements set forth by Travis County Fire Marshall, and to provide the necessary fill needed for the height of the water quality control berm is only required due to the unique condition created as a result of the method of land development by the applicant.

- B. Additional Land Use Commission variance determinations for a requirement of Section 13-5-523 (Water Quality Transition Zone), Section 13-2-543 (Water Quality Transition Zone), Section 13-2-563 (Water Quality Transition Zone), or Section 13-7-23 (Critical Water Quality Zones):

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

No. All criteria within Subsection (A) are not met for granting this variance.

2. The application of such provisions leaves the property owner without any reasonable, economic use of the entire property;

Yes. Any and all development which would provide reasonable, economic use of this property will be required to provide access to the site and convey off-site drainage flows across any access point currently available on this site.

No. However, due to the unique condition created as a result of the method by which the land is being developed by the applicant, not every development would be required to provide excess fill material to meet the fire access drive slope requirements set forth by Travis County Fire Marshall or provide the proposed height of the water quality control berm.

3. The variance is the minimum departure from the terms and other ordinance requirements necessary to establish a reasonable, economic use of the entire property.

Yes. This variance is the minimum departure from the terms and other ordinance requirements necessary to establish a reasonable, economic use of the property by allowing site access while also conveying off-site drainage flows.

No. However, other portions of the proposed site development that require fill to exceed four feet in depth exceeds the minimum departure from the terms and other ordinance requirements due to the method by which the land is being developed by the applicant.


- C. Development with the variance will result in water quality that is equal to or better than would be achieved under compliance with the Code without the variance requested.

Yes. The development proposed will provide water quality that is equal to or better than would be achieved under compliance with the Code for all proposed impervious cover of the access driveway and the fire access drives, which will be directly conveyed to primary and secondary water quality controls, exceeding the non-degradation requirements of the Barton Springs Zone.

Staff Recommendation: Staff recommends the variance to allow excess fill necessary to provide access to the site. Staff does not recommend the variance to allow excess fill necessary for the fire access driveways or the water quality control berm.

Environmental Reviewer:  Date 1-22-19

Environmental Review Manager: Michael McDougal Date 1-22-19

Environmental Officer:  Date 1/25/2019



Development Services Department
Staff Recommendations Concerning Required Findings

Project: JUNCTION ATHLETIC COMPLEX SP-2016-0607D
Ordinance Standard: 1992 Land Development Code, as amended by Ord. 941205-A
Variance Request: Cut exceeding four feet of depth, 13-7-16(b)

Include an explanation with each applicable finding of fact.

A. Land Use Commission variance determinations from Chapter 13-2-505 of the City Code:

1. The requirement will prevent the owner of the property from enjoying the privileges or safety associated with other similarly situated property with similarly timed development.

No. Any other similarly situated property with similarly timed development would be required to meet water quality standards for the proposed development.

While the proposed development is located in the 2-mile ETJ where parking regulations in the Land Development Code are not applicable, the proposed surface parking and a future Phase 2 multi-level parking garage are based on the applicant's estimation of future parking need for the proposed density and type of use of the property. Notwithstanding, the applicant meets the allowable impervious cover limit, but only with a code-compliant Transfer of Development Intensity allowed in LDC 13-2-565(a). However, whereas all stormwater runoff from impervious cover surfaces must be treated through water quality controls, the applicant has designed the water quality controls that result in a need for an excess depth of cut above the allowable four feet; resulting in a unique condition created as a method of land development by the applicant. Additionally, per Ordinance 941205-A, LDC 13-2-563(e) is amended to allow water quality controls in the Water Quality Transition Zone. Therefore, the applicant would be able to design the site to accommodate the required water quality volume without exceeding the allowable depth of cut by extending the width and breadth of the controls into the Water Quality Transition Zone.

2. The variance:
 - a) Is the minimum departure from the terms and other requirements of the Land Development Code necessary to avoid such deprivation of privileges enjoyed by other property owners and to facilitate a reasonable use.

Yes. The amount of cut exceeding four feet is limited to what is necessary to meet the required water quality volume in accordance with the Land Development Code, Environmental Criteria Manual, and the Save Our Springs Initiative. No other areas of the proposed development require cut to exceed four feet in depth.

- b) Will not create significant probabilities of harmful environmental consequences.

Yes. All proposed cuts are to be fully revegetated and permanently stabilized in order to reduce the probability of harmful environmental consequences. In addition, appropriate temporary erosion controls will be provided to minimize the probability of harmful environmental consequences.

- c) Is not a special or unique condition created as a result of the method by which a person voluntarily subdivides or develops the land.

No. The applicant states the orientation of the uplands area on the property and the requirement to dedicate 40% of the uplands as a contiguous undisturbed area requires the developed areas to be narrow in width and deep into the property in order to facilitate a reasonable use of the land.

However, per LDC 13-2-563(e), water quality controls are permitted in the Water Quality Transition Zone. Therefore, the applicant would be able to design the site to accommodate the required water quality volume without exceeding the allowable depth of cut by extending the width and breadth of the controls into the Water Quality Transition Zone.

- B. Additional Land Use Commission variance determinations for a requirement of Section 13-5-523 (Water Quality Transition Zone), Section 13-2-543 (Water Quality Transition Zone), Section 13-2-563 (Water Quality Transition Zone), or Section 13-7-23 (Critical Water Quality Zones):

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

No. All criteria within Subsection (A) are not met for granting this variance.

2. The application of such provisions leaves the property owner without any reasonable, economic use of the entire property;

No. Any and all development which would provide reasonable, economic use of this property will be required to provide water quality controls to treat stormwater runoff from impervious cover surfaces. However, due to the unique condition created as a result of the method by which the land is being developed by the applicant, excess cut to meet water quality volume requirements is unnecessary because the water quality controls are able to be placed or extended into the Water Quality Transition Zone to allow more surface area than depth while meeting the same volume requirements.

3. The variance is the minimum departure from the terms and other ordinance requirements necessary to establish a reasonable, economic use of the entire property.

Yes. The variance is the minimum departure from the terms and other ordinance requirements necessary to establish a reasonable, economic use of the property in order to provide appropriate water quality volume for stormwater runoff.

- C. Development with the variance will result in water quality that is equal to or better than would be achieved under compliance with the Code without the variance requested.

Yes. The development proposed will provide water quality that is equal to or better than would be achieved under compliance with the Code for all proposed impervious cover, which will be directly conveyed to primary and secondary water quality controls, exceeding the non-degradation requirements of the SOS Ordinance.

Staff Recommendation: Staff does not recommend.

Environmental Reviewer:



Date 1-22-19

Environmental Review Manager:

Michael McDougal

Date 1-22-19

Environmental Officer:



Date 1/25/2019

Applicant Form and Findings of Fact

September 13, 2018

**ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM****PROJECT DESCRIPTION****Applicant Contact Information**

Name of Applicant	Connor Overby, P.E., CPESC – Texas Engineering Solutions
Street Address	8921 W US Highway
City State ZIP Code	Austin, TX 78736
Work Phone	512-904-0505
E-Mail Address	coverby@txengs.com

Variance Case Information

Case Name	Junction Athletic Complex
Case Number	SP-2016-0607D
Address or Location	8921 W US Highway 290, Austin
Environmental Reviewer Name	Jonathan Garner
Environmental Resource Management Reviewer Name	Joan Balogh & Andrew Clamann
Applicable Ordinance	Ordinance 941205-A
Watershed Name	Slaughter Creek
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

September 13, 2018

Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment X Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	X Yes <input type="checkbox"/> No
Distance to Nearest Classified Waterway	0' – Devil's Pen Creek is located adjacent to property boundary
Water and Waste Water service to be provided by	Water: Western Travis County PUA Wastewater: On-site Septic
Request	The variance request is as follows: A variance Section 13-2-563 of Ordinance 910221-E is requested in order to locate and access driveway within the Water Quality Transition Zone.

Impervious cover	Existing	Proposed
square footage:	55,102	244,807
acreage:	1.265	5.62
percentage:	1.83%	22.05%
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>This property is to be reviewed under regulations in effect at the time of the original plat application date due to the vested rights granted by Section 43.002 of the Texas Local Government Code. In concurrence with City staff and the existing approved site plan (expired), the property is subject to Ordinance 941205-A. This is an ordinance readopting and amending the composite ordinance (Ordinance 911017-B and Ordinance 910221-E). Page 4 of Ordinance 911017-B specifically modifies Ordinance 860508-V and this ordinance establishes this project to be within a Water Supply Rural watershed.</p> <p>The Junction Athletic Complex is a proposed indoor and outdoor sports facility. The property consists of approximately 70 acres of mostly undeveloped land, including approximately 18 acres of Critical Water Quality Zone, 27 acres of Water Quality Transition Zone, and 10 acres of transfer acreage restricted from any and all development. City of Austin 100 year fully-developed floodplain is located on-site and is completely contained within a newly recorded drainage easement. This site contains sections of and tributaries to Devil's Pen Creek with a mix of mesquite, oak, pecan, and other native trees. Heritage Trees are not defined within the applicable ordinance. The uplands area of this property consist of slopes ranging from 0-15% within elevations of approximately 970-990' MSL. Eight (8) critical environmental features have been identified on this site, consisting of seven (7) wetlands and one (1) seep.</p>	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	The construction of a private driveway is not listed as allowable development within Section 13-2-563 of Ordinance 910221-E.
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FINDINGS OF FACT

As required in LDC Section 13-2-505, 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: Junction Athletic Complex

Ordinance: 910221-E

A. Land Use Commission variance determinations from Chapter 13-2-505 of the City Code:

1. The requirement will prevent the owner of the property from enjoying the privileges or safety associated with other similarly situated property with similarly timed development.

Yes / No All public frontage adjacent to this platted property is located within the water quality transition zone or the critical water quality zone as defined by the City of Austin. Without allowing for the development of the private driveway, the property owner is left without a reasonable economic use of the entire property.

2. The variance:
 - a) Is the minimum departure from the terms of the terms and other requirements of the Land Development Code necessary to avoid such deprivation of privileges enjoyed by other property owners and to facilitate a reasonable use;

Yes / No The proposed access drive utilizes an existing driveway stub and crosses the smallest amount of the water quality transition zone as possible to provide adequate access to the site.

- b) Will not create significant probabilities of harmful environmental consequences.

Yes / No Drainage from the proposed access drive is collected and treated within rain gardens, meeting all design requirements of the City of Austin. No known habitats or CEFs will be disturbed by the proposed access driveway.

- c) Is not a special or unique condition created as a result of the method by which a person voluntarily subdivides or develops the land;

Yes / No Due to the location of the water quality transition zone as defined by the City of Austin, this variance would be required for any development or use of this property.

- B. Additional Land Use Commission variance determinations for a requirement of Section 13-5-523 (Water Quality Transition Zone), Section 13-2-543 (Water Quality Transition Zone), Section 13-2-563 (Water Quality Transition Zone), or Section 13-7-23 (Critical Water Quality Zones):

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

Yes / No Criteria within Subsection (A) is met for granting this variance.

2. The application of such provisions leaves the property owner without any reasonable, economic use of the entire property;

Yes / No All public frontage adjacent to this platted property is located within the water quality transition zone or the critical water quality zone as defined by the City of Austin. Without allowing for the development of the private driveway, the property owner is left without a reasonable economic use of the entire property.

3. The variance is the minimum departure from the terms and other ordinance requirements necessary to establish a reasonable, economic use of the entire property.

Yes / No The proposed access drive crosses the smallest amount of transition zone possible to establish a reasonable, economic use of the property. It begins at the existing driveway apron and curves directly towards the nearest uplands zone.

- C. Development with the variance will result in water quality that is equal to or better than would be achieved under compliance with the Code without the variance requested.

Yes/No All water quality requirements are met with the proposed development.

**Variance approval requires all above affirmative findings.

TEXAS ENGINEERING SOLUTIONS

3815 S. Capital of Texas Highway, Suite 300

Austin, Texas 78704

P: (512) 904-0505

F: (512) 904-0509

TBPE Firm #11206



July 2, 2018

City of Austin
Planning and Development Review
One Texas Center, 505 Barton Springs Road
Austin, TX 78704

RE: Junction Athletic Complex (SP-2016-0607D) – Driveway within Transition Zone Variance Request – Ordinance 910221-E §13-2-563

To whom it may concern:

The Junction Athletic Complex is a proposed indoor and outdoor sports facility located along the frontage of West US Highway 290 between the intersections of LedgeStone Terrace and Tara Lane. The 69.12-acre site makes up the entirety of Lot 1, Block A of Best Technologies Center as recorded on September 18th, 1996 in Volume 97, Page 256 of the Official Public Records of Travis County, Texas. The site resides within the City of Austin 2-mile ETJ and is within Travis County. Development of this tract will include a single 2-story building, a parking structure proposed in a future phase, pool area, and all necessary civil infrastructure required to support these improvements.

This property is to be reviewed under regulations in effect at the time of the original plat application date due to the vested rights granted by Section 43.002 of the Texas Local Government Code. In concurrence with City staff and the existing approved site plan (expired), the property is subject to Ordinance 941205-A. This is an ordinance readopting and amending the composite ordinance (Ordinance 911017-B and Ordinance 910221-E). Page 4 of Ordinance 911017-B specifically modifies Ordinance 860508-V and this ordinance clearly establishes this project to be within a Water Supply Rural watershed.

Please note that Sec13-2-563 of Ordinance 910221-E(b)(3) states that drainage facilities are allowed within the Water Quality Transition Zone. Additionally, Ordinance 941205-A amends Section 13-2-563(e) to state, "Water quality controls are permitted in the water quality transition zone."

On behalf of Lucky 13 Holdings, LLC, Texas Engineering Solutions is requesting the following variance for the Site Plan of the Junction Athletic Complex.

- Per §13-2-563 of Ordinance 910221-E, driveways are prohibited from being located within the Water Quality Transition Zone. We request that an access driveway be permitted within the Water Quality Transition Zone.

Site frontage along US Highway 290 is entirely located within either Water Quality Transition Zone or Critical Water Quality Zone as defined by the City of Austin. An existing TxDOT Driveway is currently located on the subject property within the Transition Zone. It is proposed that access is taken from this existing driveway as no alternate access points to public right-of-way are available to this property.. The northern, southern, and eastern edges of the property are bound by tributaries to Devils Pen Creek and its associated waterway buffers. The western edge if the property is bound by a single-family property.

Therefore, it is requested that this variance be granted.

If you have any questions or comments, please feel free to call. Thank you for your time and consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Overby', with a horizontal line extending to the right.

Connor Overby, P.E., CPESC
Texas Engineering Solutions
Project Manager
512-904-0505 x 204

December 20, 2018



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Connor Overby, P.E., CPESC – Texas Engineering Solutions
Street Address	8921 W US Highway
City State ZIP Code	Austin, TX 78736
Work Phone	512-904-0505
E-Mail Address	coverby@txengs.com

Variance Case Information

Case Name	Junction Athletic Complex
Case Number	SP-2016-0607D
Address or Location	8921 W US Highway 290, Austin
Environmental Reviewer Name	Jonathan Garner
Environmental Resource Management Reviewer Name	Joan Balogh & Andrew Clamann
Applicable Ordinance	Ordinance 941205-A
Watershed Name	Slaughter Creek
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

December 20, 2018

Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment X Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	X Yes <input type="checkbox"/> No
Distance to Nearest Classified Waterway	0' – Devil's Pen Creek is located adjacent to property boundary
Water and Waste Water service to be provided by	Water: Western Travis County PUA Wastewater: On-site Septic
Request	The variance request is as follows: A variance from Section 13-7-16(a) of Ordinance 910221-E is requested in order to place fill exceeding four feet of depth, but not exceeding eight feet of depth.

Impervious cover	Existing	Proposed
square footage:	55,102	244,807
acreage:	1.265	5.62
percentage:	1.83%	22.05%
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>This property is to be reviewed under regulations in effect at the time of the original plat application date due to the vested rights granted by Section 43.002 of the Texas Local Government Code. In concurrence with City staff and the existing approved site plan (expired), the property is subject to Ordinance 941205-A. This is an ordinance readopting and amending the composite ordinance (Ordinance 911017-B and Ordinance 910221-E). Page 4 of Ordinance 911017-B specifically modifies Ordinance 860508-V and this ordinance establishes this project to be within a Water Supply Rural watershed.</p> <p>The Junction Athletic Complex is a proposed indoor and outdoor sports facility. The property consists of approximately 70 acres of mostly undeveloped land, including approximately 18 acres of Critical Water Quality Zone, 27 acres of Water Quality Transition Zone, and 10 acres of transfer acreage restricted from any and all development. City of Austin 100 year fully-developed floodplain is located on-site and is completely contained within a newly recorded drainage easement. This site contains sections of and tributaries to Devil's Pen Creek with a mix of mesquite, oak, pecan, and other native trees. Heritage Trees are not defined within the applicable ordinance. The uplands area of this property consist of slopes ranging from 0-15% within elevations of approximately 970-990' MSL. Eight (8) critical environmental features have been identified on this site, consisting of seven (7) wetlands and one (1) seep.</p>	

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	Section 13-7-16 (a) of Ordinance 910221-E states that no fill on any tract of land shall exceed a maximum of four feet of depth. However, the current site plan proposes areas which include the access drive and fire lane where fill depth will exceed four feet of depth, but not more than eight feet of depth.
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FINDINGS OF FACT

As required in LDC Section 13-2-505, 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: Junction Athletic Complex

Ordinance: 910221-E

A. Land Use Commission variance determinations from Chapter 13-2-505 of the City Code:

1. The requirement will prevent the owner of the property from enjoying the privileges or safety associated with other similarly situated property with similarly timed development.

Yes / No

Without fill depths exceeding four feet for the access drive, the owner of the property will be prevented from enjoying the privilege of accessing their site. Due to existing site topography, culverts are necessary to convey off-site drainage across any access provided to the site from a public right-of-way.

In addition, without fill depths exceeding four feet around the fire access drive, the owner of the property will be prevented from enjoying the safety associated with their property. The excess fill material allows for fire access driveways to meet slope requirements set forth by the Travis County Fire Marshal.

2. The variance:
 - a) Is the minimum departure from the terms of the terms and other requirements of the Land Development Code necessary to avoid such deprivation of privileges enjoyed by other property owners and to facilitate a reasonable use;

Yes / No

The amount of fill exceeding four feet is limited to what is necessary to avoid the deprivation of privilege enjoyed by the property owner. There is no fill greater than four feet in areas other than the proposed access drive and the perimeter of the building where the fire access drive is located.

The amount of fill over four feet is necessary to provide culverts for off-site drainage and acceptable driveway slopes for the Travis County Fire Marshall.

- b) Will not create significant probabilities of harmful environmental consequences.

Yes / No

All proposed fill embankments are to be fully revegetated and permanently stabilized in order to reduce the probability of harmful environmental consequences.

- c) Is not a special or unique condition created as a result of the method by which a person voluntarily subdivides or develops the land;

Yes / No

Any and all development which would provide reasonable use of this property will be required to convey off-site drainage across any access point currently available on this site. This is not a special or unique condition created as a result of the method of subdivision or land development.

Due to the orientation of the uplands area on this property and the requirement to dedicate 40% of the uplands as a natural buffer, any and all development would require that the developed areas be narrow in width and deep into the property in order to facilitate a reasonable use of the land.

This required development layout means that emergency service vehicles must have access routes around the perimeter of the developed space. The proposed design ensures that cuts do not exceed the allowable four foot limit; however, this would require that the fill is greater than the four foot limit in order to meet specific design slopes for the fire access road as approved by the Travis County Fire Marshal.

- B. Additional Land Use Commission variance determinations for a requirement of Section 13-5-523 (Water Quality Transition Zone), Section 13-2-543 (Water Quality Transition Zone), Section 13-2-563 (Water Quality Transition Zone), or Section 13-7-23 (Critical Water Quality Zones):

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

Yes / No

The criteria within Subsection (A) are met.

2. The application of such provisions leaves the property owner without any reasonable, economic use of the entire property;

Yes / No

Any and all development which would provide reasonable, economic use of this property will be required to convey off-site drainage across any access point currently available on this site.

In addition, the application of the provisions denies the property owner the ability to have a fire access drive, which provides a safe use of the property meeting the slope requirements set forth by the Travis County Fire Marshal.

3. The variance is the minimum departure from the terms and other ordinance requirements necessary to establish a reasonable, economic use of the entire property.

Yes / No

This variance is the minimum departure from the terms and other ordinance requirements necessary to establish a reasonable, economic use of the property by allowing site access with conveyance of off-site drainage while also providing the required slopes for a fire access driveway. There is no fill greater than four feet in areas other than the proposed access drive and the perimeter of the building where the fire access drive is located. The fill required for the fire access lane is located entirely within the uplands zone.

- C. Development with the variance will result in water quality that is equal to or better than would be achieved under compliance with the Code without the variance requested.

Yes/No

Development with the variance will allow for the proposed impervious cover from the access driveway to be directly conveyed to primary and secondary water quality controls.

**Variance approval requires all above affirmative findings.

TEXAS ENGINEERING SOLUTIONS

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TBPE Firm #11206



December 7, 2018

City of Austin

Planning and Development Review

One Texas Center, 505 Barton Springs Road

Austin, TX 78704

**RE: Junction Athletic Complex (SP-2016-0607D) –
Fill Exceeding Four Feet of Depth Variance Request – Ordinance 910221-E §13-7-16(a)**

To whom it may concern:

The Junction Athletic Complex is a proposed indoor and outdoor sports facility located along the frontage of West US Highway 290 between the intersections of LedgeStone Terrace and Tara Lane. The 69.12-acre site makes up the entirety of Lot 1, Block A of Best Technologies Center as recorded on September 18th, 1996 in Volume 97, Page 256 of the Official Public Records of Travis County, Texas. The site resides within the City of Austin 2-mile ETJ and is within Travis County. Development of this tract will include a single 2-story building, a parking structure proposed in a future phase, pool area, and all necessary civil infrastructure required to support these improvements.

This property is to be reviewed under regulations in effect at the time of the original plat application date due to the vested rights granted by Section 43.002 of the Texas Local Government Code. In concurrence with City staff and the existing approved site plan (expired), the property is subject to Ordinance 941205-A. This is an ordinance readopting and amending the composite ordinance (Ordinance 911017-B and Ordinance 910221-E). Page 4 of Ordinance 911017-B specifically modifies Ordinance 860508-V and this ordinance clearly establishes this project to be within a Water Supply Rural watershed.

Please note that Sec13-2-563 of Ordinance 910221-E(b)(3) states that drainage facilities are allowed within the Water Quality Transition Zone. Additionally, Ordinance 941205-A amends Section 13-2-563(e) to state, "Water quality controls are permitted in the water quality transition zone."

On behalf of Lucky 13 Holdings, LLC, Texas Engineering Solutions is requesting the following variance for the Site Plan of the Junction Athletic Complex.

- Per §13-7-16(a) of Ordinance 910221-E, site fill material may not exceed four feet in depth from existing grade. We are requesting that fill material be placed in excess of four feet of depth, but not in excess of 7.96 feet in depth.

Without fill material exceeding four feet of depth, access to this site cannot be reasonably obtained. Existing site topography and drainage requires the conveyance of off-site flows across an access driveway, necessitating a culvert and an increase in fill material needed. In addition, this excess fill material allows for fire access driveways to meet slope requirements set forth by the Travis County Fire Marshal.

Therefore, it is requested that this variance be granted.

If you have any questions or comments, please feel free to call. Thank you for your time and consideration of this request.

Sincerely,


Connor Overby, P.E., CPESC
Texas Engineering Solutions
Project Manager
512-904-0505 x 204



December 20, 2018



ENVIRONMENTAL COMMISSION VARIANCE APPLICATION FORM

PROJECT DESCRIPTION

Applicant Contact Information

Name of Applicant	Connor Overby, P.E., CPESC – Texas Engineering Solutions
Street Address	8921 W US Highway
City State ZIP Code	Austin, TX 78736
Work Phone	512-904-0505
E-Mail Address	coverby@txengs.com

Variance Case Information

Case Name	Junction Athletic Complex
Case Number	SP-2016-0607D
Address or Location	8921 W US Highway 290, Austin
Environmental Reviewer Name	Jonathan Garner
Environmental Resource Management Reviewer Name	Joan Balogh & Andrew Clamann
Applicable Ordinance	Ordinance 941205-A
Watershed Name	Slaughter Creek
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

December 20, 2018

Edwards Aquifer Recharge Zone	<input type="checkbox"/> Barton Springs Segment <input type="checkbox"/> Northern Edwards Segment X Not in Edwards Aquifer Zones
Edwards Aquifer Contributing Zone	X Yes <input type="checkbox"/> No
Distance to Nearest Classified Waterway	0' – Devil's Pen Creek is located adjacent to property boundary
Water and Waste Water service to be provided by	Water: Western Travis County PUA Wastewater: On-site Septic
Request	The variance request is as follows: A variance from Section 13-7-16 (b) of Ordinance 910221-E is requested in order to excavate cut exceeding four feet of depth, but not exceeding six feet of depth.

Impervious cover	Existing	Proposed
square footage:	55,102	244,807
acreage:	1.265	5.62
percentage:	1.83%	22.05%
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>This property is to be reviewed under regulations in effect at the time of the original plat application date due to the vested rights granted by Section 43.002 of the Texas Local Government Code. In concurrence with City staff and the existing approved site plan (expired), the property is subject to Ordinance 941205-A. This is an ordinance readopting and amending the composite ordinance (Ordinance 911017-B and Ordinance 910221-E). Page 4 of Ordinance 911017-B specifically modifies Ordinance 860508-V and this ordinance establishes this project to be within a Water Supply Rural watershed.</p> <p>The Junction Athletic Complex is a proposed indoor and outdoor sports facility. The property consists of approximately 70 acres of mostly undeveloped land, including approximately 18 acres of Critical Water Quality Zone, 27 acres of Water Quality Transition Zone, and 10 acres of transfer acreage restricted from any and all development. City of Austin 100 year fully-developed floodplain is located on-site and is completely contained within a newly recorded drainage easement. This site contains sections of and tributaries to Devil's Pen Creek with a mix of mesquite, oak, pecan, and other native trees. Heritage Trees are not defined within the applicable ordinance. The uplands area of this property consist of slopes ranging from 0-15% within elevations of approximately 970-990' MSL. Eight (8) critical environmental features have been identified on this site, consisting of seven (7) wetlands and one (1) seep.</p>	

December 20, 2018

Clearly indicate in what way the proposed project does not comply with current Code (include maps and exhibits)	Section 13-7-16 (b) of Ordinance 910221-E states that no cut on any tract of land shall exceed a maximum of four feet of depth. However, the current site plan proposes cut depths exceeding four feet of depth, but not more than six feet of depth within the biofiltration pond.
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FINDINGS OF FACT

As required in LDC Section 13-2-505, 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: Junction Athletic Complex

Ordinance: 910221-E

A. Land Use Commission variance determinations from Chapter 13-2-505 of the City Code:

1. The requirement will prevent the owner of the property from enjoying the privileges or safety associated with other similarly situated property with similarly timed development.

Yes / No Due to the orientation of the uplands area on this property and the requirement to dedicate 40% of the uplands as a natural buffer, any and all development that would provide a reasonable, economic use of the property would require that the developed areas (including the water quality ponds) be narrow in width and deep into the property in order to facilitate a reasonable use of the land.

2. The variance:
 - a) Is the minimum departure from the terms of the terms and other requirements of the Land Development Code necessary to avoid such deprivation of privileges enjoyed by other property owners and to facilitate a reasonable use;

Yes / No The amount of cut over feet is limited to what is necessary to meet the required water quality volume in accordance with the ECM and the Save Our Springs Initiative. Some factors that constrained the design include: the shape of the property relative to the topography, 40% uplands buffer zone, and the waterway setbacks.

- b) Will not create significant probabilities of harmful environmental consequences.

Yes / No All proposed cuts are to be fully revegetated and permanently stabilized in order to reduce the probability of harmful environmental consequences. Appropriate temporary erosion controls will be provided to minimize the probability of harmful environmental consequences.

- c) Is not a special or unique condition created as a result of the method by which a person voluntarily subdivides or develops the land;

Yes / No Due to the orientation of the uplands area on this property and the requirement to dedicate 40% of the uplands as a natural buffer, any and all development (including the water quality ponds) would require that the developed areas be narrow in width and deep into the property in order to facilitate a reasonable use of the land.

- B. Additional Land Use Commission variance determinations for a requirement of Section 13-5-523 (Water Quality Transition Zone), Section 13-2-543 (Water Quality Transition Zone), Section 13-2-563 (Water Quality Transition Zone), or Section 13-7-23 (Critical Water Quality Zones):

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

Yes / No The criteria within Subsection (A) are met.

2. The application of such provisions leaves the property owner without any reasonable, economic use of the entire property;

Yes / No Due to the orientation of the uplands area on this property and the requirement to dedicate 40% of the uplands as a natural buffer, any and all development that would provide a reasonable, economic use of the property would require that the developed areas (including the water quality ponds) be narrow in width and deep into the property in order to facilitate a reasonable use of the land.

3. The variance is the minimum departure from the terms and other ordinance requirements necessary to establish a reasonable, economic use of the entire property.

Yes / No The amount of cut over feet is the minimum departure from the terms and other ordinance requirements to meet the required water quality volume in accordance with the ECM and the Save Our Springs Initiative. Some factors that constrained the design include: the shape of the property relative to the topography, 40% uplands buffer zone, and the waterway setbacks.

December 20, 2018

- C. Development with the variance will result in water quality that is equal to or better than would be achieved under compliance with the Code without the variance requested.

Yes/No

Development with the variance will result in water quality that is better than would be achieved under compliance with the Code without the variance requested by providing additional water quality volume.

**Variance approval requires all above affirmative findings.

TEXAS ENGINEERING SOLUTIONS

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TBPE Firm #11206



December 7, 2018

City of Austin

Planning and Development Review

One Texas Center, 505 Barton Springs Road

Austin, TX 78704

**RE: Junction Athletic Complex (SP-2016-0607D) –
Cut Exceeding Four Feet of Depth Variance Request – Ordinance 910221-E §13-7-16(b)**

To whom it may concern:

The Junction Athletic Complex is a proposed indoor and outdoor sports facility located along the frontage of West US Highway 290 between the intersections of LedgeStone Terrace and Tara Lane. The 69.12-acre site makes up the entirety of Lot 1, Block A of Best Technologies Center as recorded on September 18th, 1996 in Volume 97, Page 256 of the Official Public Records of Travis County, Texas. The site resides within the City of Austin 2-mile ETJ and is within Travis County. Development of this tract will include a single 2-story building, a parking structure proposed in a future phase, pool area, and all necessary civil infrastructure required to support these improvements.

This property is to be reviewed under regulations in effect at the time of the original plat application date due to the vested rights granted by Section 43.002 of the Texas Local Government Code. In concurrence with City staff and the existing approved site plan (expired), the property is subject to Ordinance 941205-A. This is an ordinance readopting and amending the composite ordinance (Ordinance 911017-B and Ordinance 910221-E). Page 4 of Ordinance 911017-B specifically modifies Ordinance 860508-V and this ordinance clearly establishes this project to be within a Water Supply Rural watershed.

Please note that Sec13-2-563 of Ordinance 910221-E(b)(3) states that drainage facilities are allowed within the Water Quality Transition Zone. Additionally, Ordinance 941205-A amends Section 13-2-563(e) to state, "Water quality controls are permitted in the water quality transition zone."

On behalf of Lucky 13 Holdings, LLC, Texas Engineering Solutions is requesting the following variance for the Site Plan of the Junction Athletic Complex.

- Per §13-7-16 (b) of Ordinance 910221-E, site cut material may not exceed four feet in depth from existing grade. We are requesting that cuts in excess of four feet of depth be allowed, but not in excess of 5.22 feet in depth.

The cuts in excess of four feet of depth only occur in the partial bio-filtration/sedimentation pond. The amount of cut over feet is the minimum departure from the terms and conditions of the Land Development Code to meet the required water quality volume in accordance with the ECM and the Save Our Springs Initiative. Some factors that constrained the design include: the shape of the property relative to the topography, the waterway setbacks, and the requirement to designate a 40% uplands buffer zone.

Therefore, it is requested that this variance be granted.

If you have any questions or comments, please feel free to call. Thank you for your time and consideration of this request.

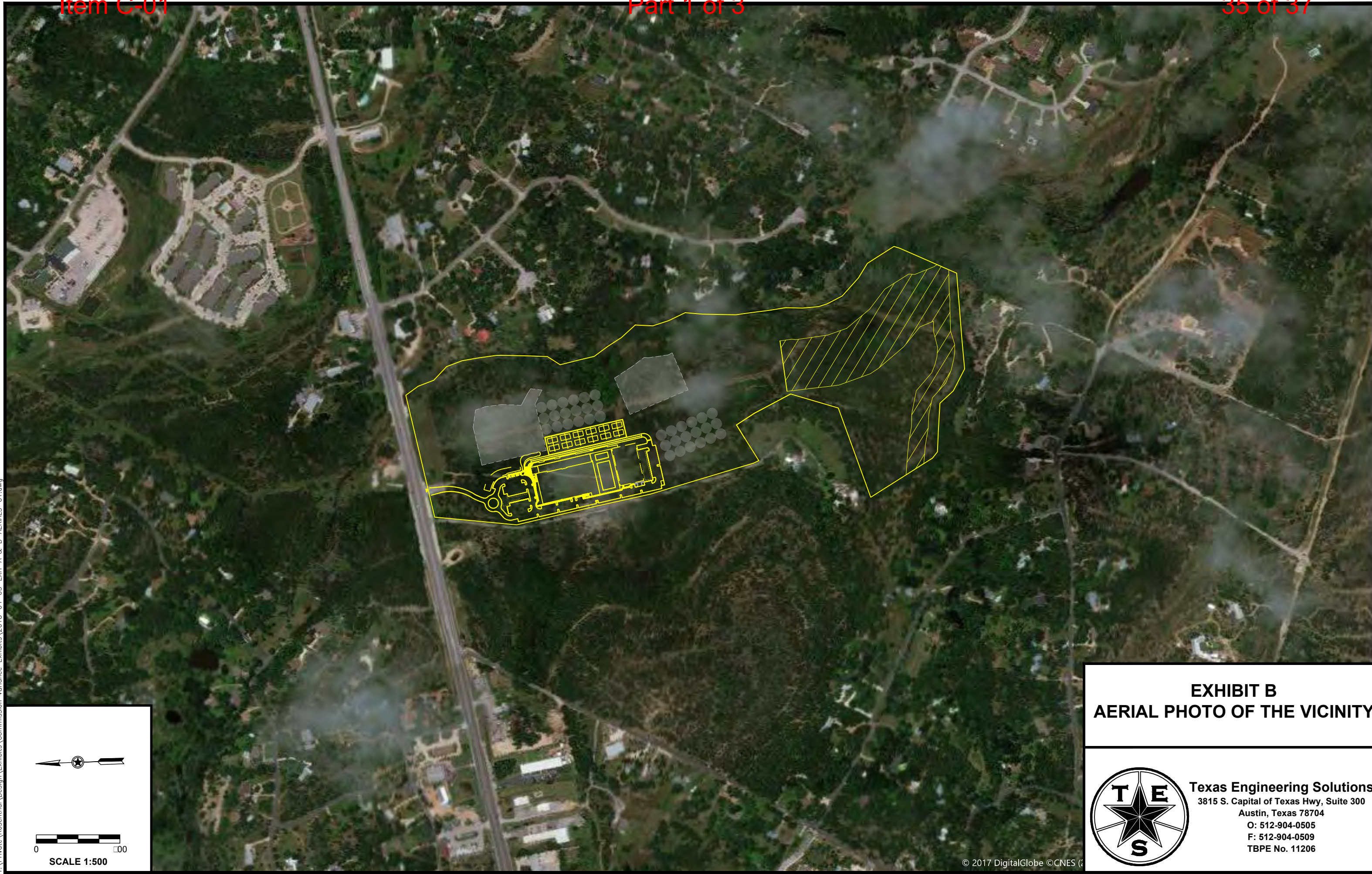
Sincerely,



Connor Overby, P.E., CPESC
Texas Engineering Solutions
Project Manager
512-904-0505 x 204



12/7/18

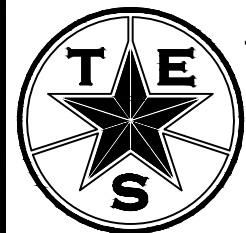


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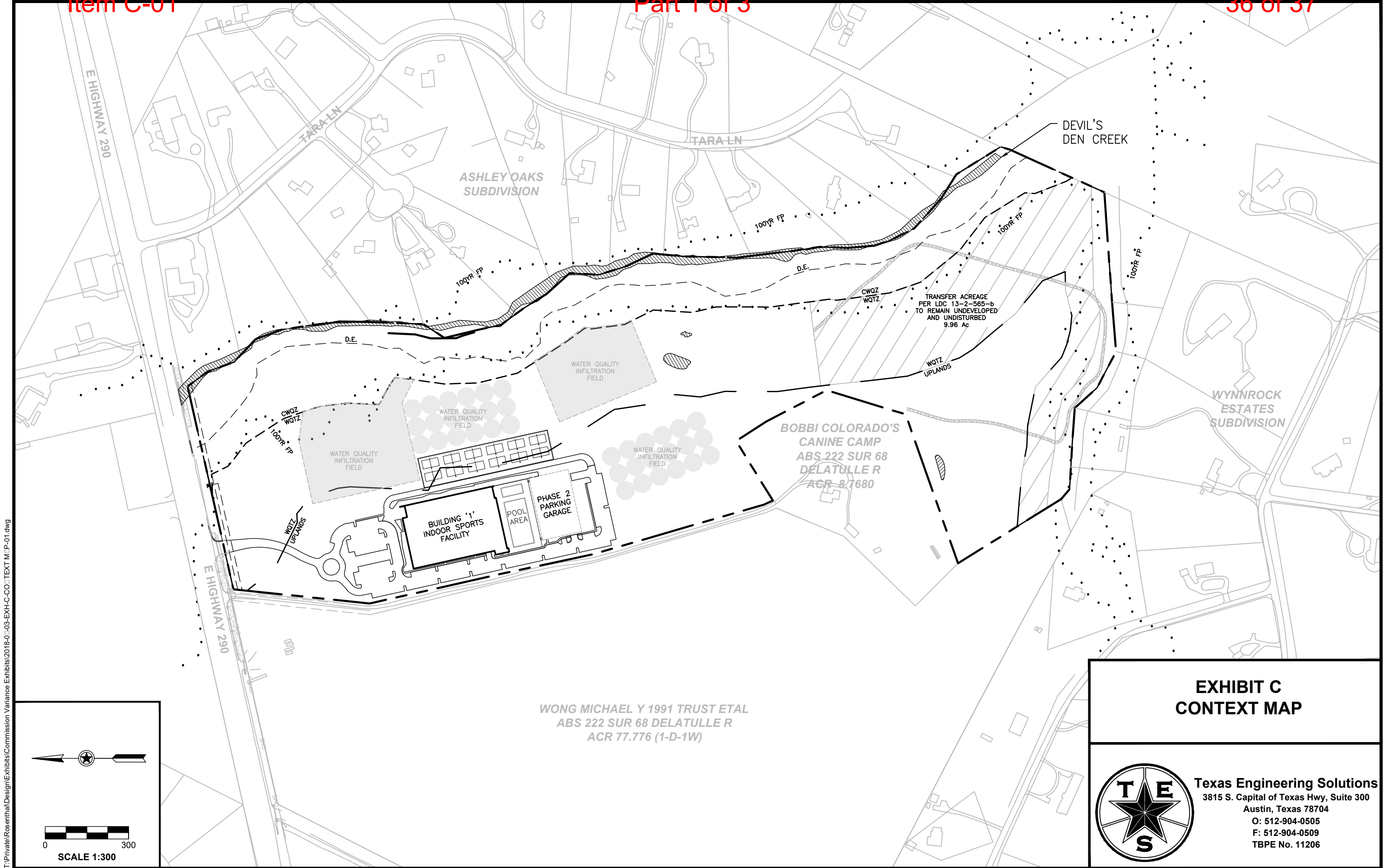


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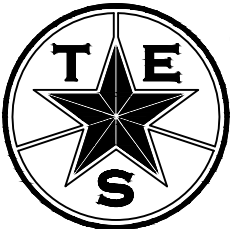
EXHIBIT B AERIAL PHOTO OF THE VICINITY



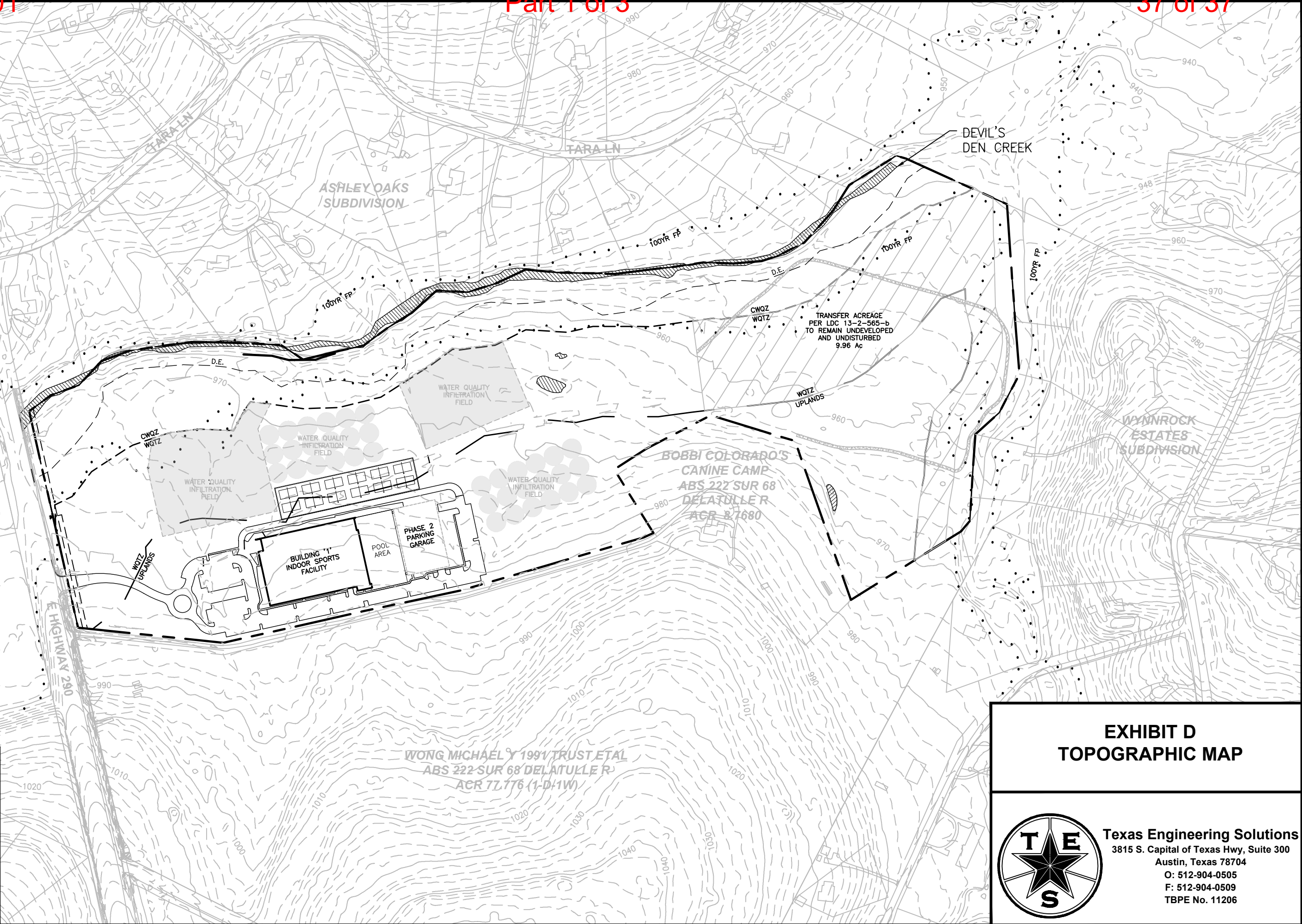
Texas Engineering Solutions
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Austin, Texas 78704
O: 512-904-0505
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TBPE No. 11206



**EXHIBIT C
CONTEXT MAP**



Texas Engineering Solutions
3815 S. Capital of Texas Hwy, Suite 300
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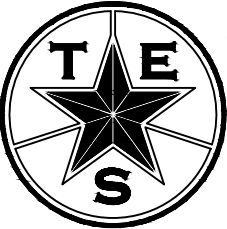


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SCALE 1:300

**EXHIBIT D
TOPOGRAPHIC MAP**



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