

CITY OF AUSTIN – PLANNING AND DEVELOPMENT REVIEW DEPARTMENT
SITE PLAN APPLICATION – MASTER COMMENT REPORT



CASE NUMBER: SP-2007-0688C(XT)
REVISION #: 00
CASE MANAGER: Lynda Courtney

UPDATE: U2
PHONE #: 974-2810

PROJECT NAME: Wells Branch Commercial
LOCATION: 1205 W WELLS BRANCH PKWY

SUBMITTAL DATE: November 20, 2012
REPORT DUE DATE: December 4, 2012
FINAL REPORT DATE: December 3, 2012

STAFF REPORT:

This report includes all staff comments received to date concerning your most recent site plan submittal. The comments may include requirements, recommendations, or information. The requirements in this report must be addressed by an updated site plan submittal.

The site plan will be approved when all requirements from each review discipline have been addressed. However, until this happens, your site plan is considered disapproved. Additional comments may be generated as a result of information or design changes provided in your update.

If you have any questions, problems, concerns, or if you require additional information about this report, please do not hesitate to contact your case manager at the phone number listed above or by writing to the City of Austin, Planning and Development Review Department, P.O. Box 1088, Austin, Texas 78704.

UPDATE DEADLINE (LDC 25-5-113):

It is the responsibility of the applicant or his/her agent to update this site plan application. **The final update to clear all comments must be submitted by the update deadline, which is December 28, 2012.** Otherwise, the application will automatically be denied. If this date falls on a weekend or City of Austin holiday, the next City of Austin workday will be the deadline.

EXTENSION OF UPDATE DEADLINE (LDC 25-1-88):

You may request an extension to the update deadline by submitting a written justification to your case manager on or before the update deadline. Extensions may be granted for good cause at the Director's discretion.

UPDATE SUBMITTALS:

A formal update submittal is required. You must make an appointment with the Intake Staff (974-2689) to submit the update. Please bring a copy of this report with you upon submittal to Intake.

Please submit 2 copies of the plans and 2 copies of a letter that address each comment for distribution to the following reviewers. Clearly label information or packets with the reviewer's name that are intended for specific reviewers. No distribution is required for the Planner 1.

REVIEWERS:

Planner 1 : Rosemary Ramos
Drainage Construction : Beth Robinson
Traffic Control : Javier Martinez

Drainage Construction Review - Beth Robinson - 974-6312

Update 2: (initial comments from Kevin Selfridge)

DC 2. Furnish engineer's report for this extension including engineer's summary letter and any study which addressed conveyance of off-site storm runoff for the 100 Y fully developed storm event and which addresses the proposed channel improvements abutting the existing pond.

U1: Please provide an offsite drainage area map within the plan set showing contributing flows to site. It also appears that there are offsite flows being conveyed through site. Please also provide a drainage area map showing the contributing areas along with associated calculations.

U2: Please have sealing engineer submit comment responses. Please have engineer call to setup meeting.

DC 3. Explain and clarify if this project was accepted into and will be participating in the Wells Branch M.U.D.'s regional detention program. If this is the case, please add a note to the cover sheet indicating to effect:

'This project was accepted into the Wells Branch M.U.D. Regional Stormwater Program per letter of approval from _____ dated _____.'

Even if the project is participating in the M.U.D.'s RSMP program, a hydrologic summary for the proposed 2,10,25 and 100 year storm runoff event for the site should be shown on the drainage plan(s) as part of the permanent public record for the project. Please add this information to Sheet 6.

U1: It is unclear from engineer's report how detention requirements are being met. The calculations provided show an increase in the 2, 10, 25 and 100 year storm events. Please provide a Point of Analysis on Sheet 6 with a summary table indicating existing and proposed flow to this point for the 2, 10, 25 and 100 year storm events. A correction to plan set will need to be filed prior to approval of this extension.

U2: Please have sealing engineer submit comment responses. Please have engineer call to setup meeting.

DC6. It is my understanding that a notice of code violation was issued for this site. This violation needs to be resolved prior to approval of extension. Please provide an update. If a meeting is needed to resolve this issue please contact this reviewer.

U2: Please have sealing engineer submit comment response and call to setup a meeting with my supervisor, Andy Linseisen, P.E. on this issue.

Austin Water Utility Review - Neil Kepple - 972-0077

WW1. Comments released

Traffic Control Review - Javier Martinez - 974-1584

ALL COMMENTS RECEIVED MAY NOT BE ALL OF THE DEFICIENCIES IN THE PLAN SET. IT IS NOT THE RESPONSIBILITY OF THIS REVIEWER TO IDENTIFY EVERY INDIVIDUAL DEFICIENCY. THE SEALING ENGINEER IS RESPONSIBLE FOR ENSURING THAT NOT ONLY MY COMMENTS ARE ADDRESSED, BUT ANY AND ALL ISSUES OF SAFETY ARE ADDRESSED AS WELL.

I spoke with the engineer and this plan is under appeal at this time. She will resubmit at a later time to address any work in the R.O.W. (water and wastewater taps)

End of Report

SARAH PUTNAM CROCKER CROCKER CONSULTANTS

4808 W William Cannon

Austin Texas 78749

December 28, 2012

Mr. Greg Guernsey, Director
Planning and Development Review Department
City of Austin
P.O. Box 1088
Austin Texas
78767

RE: DENIAL OF SITE PLAN EXTENSION SP-2007-0688C (XT)

Dear Mr. Guernsey,

I initiated the site plan extension process set forth in Section 25-5-62 on December 29, 2011. A copy of the receipt for completeness check and the January 23, 2012 formal submittal are attached. The expiration date for SP-2007-0688C was March 25, 2012.

My client spent twenty seven months obtaining the original site development permit due to unusual off-site issues that were beyond his control. The issue in 2007 (and today) is a beaver dam that is located approximately ½ mile downstream of the subject property.

By 2007 the dam had created an upstream wetland area that extended to Wells Branch Parkway and included a 5.65 acre sedimentation/filtration pond that was built in 1987 to accept the run-off from a portion of Wells Branch Parkway and four fully developed sites. 1.60 acres of this pond is located on my clients' property and in 2007 the pond had been inundated to the point that the outfall structure was completely submerged.

Unfortunately the City site plan file contains no documentation of the extensive discussions and negotiations between the applicant and staff that led to the approval and release of the site development permit. Although I accompanied a team of Watershed Protection staff to the site in September of 2007 and observed them documenting the dam and the upstream conditions there is no mention of this event in the file either.

Please be advised of the following sequence of events that constitute a denial of the site plan extension request:

- **February 15-** The initial comments are issued. Kevin Selfridge, drainage and water quality reviewer, request a new summary letter and a study for conveyance of off-site

storm runoff for the 110Y fully developed storm event and a hydraulic summary for the proposed 2, 10, 25 and 100 year storm events. Given the condition of the drainage easement the engineer cannot address these comments. The pond for all practical purposes has ceased to exist, the boundary of the wetland area is unknown and a licensed engineer can't produce a drainage analysis or a study on conditions created by beaver dam.

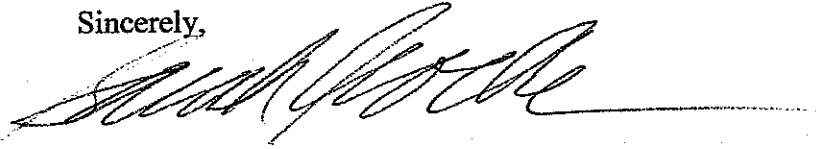
- **April 24** - My client receives a Notice of Ordinance/Land Development Code Violation from the City of Austin (work order # 12-1913) which would require my client to bring a "the pond" into compliance.
- **April**- Kevin Selfridge retires.
- **May 30**- I attend a meeting with Kelly Raspberry, William Fordyce, and Roxanne Jackson. I provided the historical background and a copy of the 1987 plans for the pond. The purpose of this meeting was to explore a way to memorialize the previous decisions regarding the pond and ways to resolve the Notice of Violation. The lot adjacent to my clients' property, where the original detention pond was located, was platted as a drainage easement and is owned by Pham Hue who purchased the property at a tax sale. On May 30 the only party that had received a Notice of Violation regarding the pond was my client.
- **June 25**- Sue Welch approved an extension for this application to December 23, 2012
- **August 1**- A site plan correction is approved to clear Water and Wastewater comments.
- **August**- Case manager Sue Welch retires.
- **September 12**- I ask Lynda Courtney, the new case manager, to assign Leslie Daniels to this case as the drainage reviewer.
- **September 18**- I receive an email from Kelly Raspberry which states that the recommendations on the Violation Notice are dependent on our comment response to COA reviewers.
- **September 26** -I attend a meeting with Andy Linseisen and Leslie Daniels and, once again, provide the historical background, chronology and explain why we cannot address the comments issued by Kevin Selfridge.
- **September 27**- I sent Andy and Leslie an email to confirm my understanding of how the drainage comments will be addressed.
- **October 11**- The update is submitted and Intake is asked to route the drainage package to Leslie Daniels.
- **October 22**- I discover that Beth Robinson, not Leslie Daniels, has been given the update.
- **October 26**- Update comments are issued. Beth Robinson reissues the Kevin Selfridge previous comments and adds a comment which states that the Notice of Violation must be cleared before the extension will be approved.
- **November 1**- After meeting with Beth Robinson it's clear that the drainage comments cannot be addressed due to the fact that there is no accepted engineering rationale for producing a study and calculations for conditions created by a beaver dam.

The City was well aware of the negative impact the beaver dam had created for the drainage basin when they issued the site development permit in 2009 yet nothing has been done to address the situation for the past three years. However, staff has continued to approve site plan corrections and building permits for the fully developed upstream properties without asking a

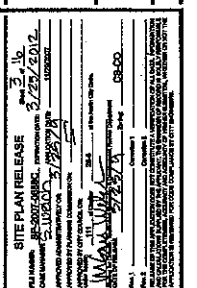
single applicant to meet the standards being set for my client, whose property isn't developed. In 2010 staff approved a site plan correction that allowed HEB to build a new car wash despite the fact that HEB has no on-site structural controls and conveys 100% of their untreated runoff into this pond.

I have spent the past eleven months attempting to resolve these issues. Therefore I respectfully request that the denial of SP- SP-2007-0688C (XT) be placed on the first available Zoning and Platting Commission agenda.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sarah Crocker', with a long horizontal line extending to the right.

Sarah Crocker
Authorized Agent





City of Austin

Founded by Congress, Republic of Texas, 1839
Planning and Development Review Department
One Texas Center, 505 Barton Springs Road
P.O. Box 1088, Austin, Texas 78767

February 6, 2013

Sarah Crocker
Crocker Consultants
4808 W. William Cannon
Austin, TX 78749

RE: Denial of Site Plan Extension Denial Appeal
SP-2007-0688C(XT)

Dear Ms. Crocker:

On February 5, 2013, the Zoning and Platting Commission of the City of Austin denied the request for an appeal of the denial of a site plan extension for SP-2007-0688C, "Well's Branch Commercial". The denial of the appeal was decided by a vote of 4-1. The site plan is expired, and any proposal for development of this site will require the submittal, review, and approval of a new site plan.

If you have any other questions or comments, please feel free to call me at 974-2810.

Sincerely,

Lynda J. Courtney
Development Services Process Coordinator
Planning and Development Review Department

**SARAH PUTNAM CROCKER
CROCKER CONSULTANTS**

4808 W William Cannon

Austin Texas 78749

February 6, 2013

Mr. Greg Guernsey, Director
Planning and Development Review Department
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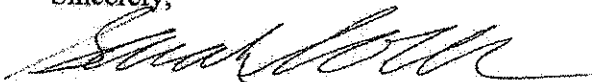
RE: APPEAL OF ZAPCO DENIAL OF THE APPEAL SITE PLAN EXTENSION SP-2007-0688C (XT) TO CITY COUNCIL

Dear Mr. Guernsey,

Attached you will find correspondence from Lynda Courtney which confirms the Zoning and Platting Commissions denial of my appeal of the denial of the above referenced site plan extension.

As per Section 25-5-62, Subsection D, I hereby request an appeal of the February 5 decision of the Zoning and Platting Commission to City Council. Please schedule this appeal on the first available City Council agenda. My client has been in the appeal process for thirteen months.

Sincerely,



Sarah Crocker
Authorized Agent