

C10/1

## **APPEAL OF AN ADMINISTRATIVE EXTENSION ON A SITE PLAN APPLICATION**

**CASE NUMBER:** SP-2012-0276C      **ZAP COMMISSION DATE:** April 16, 2013

**PROJECT NAME:** Waters at Willow Run

**ADDRESS:** 15433 FM 1325 Rd.

**APPLICANT:** Waters at Willow Run LP (Michael N. Nguyen)  
1310 N White Chapel Blvd, Suite 100      Phone: 817-410-7712  
Southlake, TX 76092

**APPELLANT:** Wells Branch MUD (Donna Howe)  
3000 Shoreline      Phone: 512-657-9289  
Austin, Texas 78728

**AGENT:** Vickrey & Associates, Inc. (Steven G. Frost)  
1717 W 6<sup>th</sup> St., Suite 234      Phone: 512-494-8014  
Austin, TX 78703

**CASE MANAGER:** Donna Galati, 974-2733  
Donna.Galati@austintexas.gov

**APPLICABLE WATERSHED ORDINANCE:** Walnut Creek & Rattan Creek  
Comprehensive Watershed Ordinance

**AREA:** 14.234 acres

**EXISTING ZONING:** MF-3-CO

**PROPOSED USE:** Multifamily Residential

**LEGAL DESCRIPTION:** Lot 1, Block A, Waters at Willow Run, C8J-2012-0129-0A

### **Description of Appeal:**

An appeal to an administrative extension of update deadline. [LDC Section 25-1-88].

- Extension of Update Deadline, LDC Section 25-1-88(A), an applicant may request of the director that the deadline of a site plan application be extended by filing a written request and justification prior to the deadline of that application.
- Under LDC Section 25-1-88(A)(3), Extension of Update Deadline – an interested party may appeal the responsible director's decision under this subsection to the Land Use Commission.

C10/2

**Proposed Development:**

The applicant proposes the construction of 13 multifamily residential buildings consisting of 241 units, a leasing center building, parking, drives, detention and water quality, and utilities.

**Staff's Determination of Extension:**

- A 180 day extension was requested by the engineer on February 25, 2013, prior to the expiration date of March 11, 2013. A 180-day extension was granted, extending the application expiration date to September 7, 2013. Due to the complexity of the remaining comments and the time required to obtain review by City of Austin and non-City of Austin entities, staff determined there was just cause to grant the extension.
- Extensions to the update deadline are standard practice by staff when unresolved issues are pending or when documents require City legal staff's review and approval.
- Issues that remained at the time the extension was granted:
  1. The approval of Water Pollution Abatement Plan (WPAP) and Sewage Collection System Plan (SCS) permits by Texas Commission on Environmental Quality (TCEQ).
  2. Reviews by Housing and Urban Development (HUD) and Texas Department of Housing and Community Affairs (TDHCA).
  3. Final review and approval by Lower Colorado River Authority (LCRA) and ONCOR Electric.
  4. Dedicating easements by a separate instrument (rather than by plat).
  5. Obtain approval signatures by Williamson County, Travis County Transportation and Natural Resources, and Austin Water Utility.
  6. Subdivision plat will be approved and recorded prior to site plan approval.
  7. Posting of Fiscal Surety.
- Since the extension was granted, the WPAP and SCS have been obtained (#1). The LCRA and ONCOR Electric have approved the plans (#3).

If the current site plan is not granted the extension and the application expires, the applicant may re-file the same plan to obtain a site development permit.

**Appellant Issues (Donna Howe):**

The following list outlines the attached appellant letter found within this backup material:

1. Proximity of power lines and communication towers.
2. Emergency services responders
3. Round Rock Independent School District
4. Ride Share
5. Water service
6. Fire Flow
7. Drainage

C10  
/3

**Zoning and Platting Commission Action:**

- Under LDC Section 25-1-88(3), Extension of Update Deadline – an interested party may appeal the responsible director’s decision under this subsection to the Land Use Commission.
- The commission may grant the appeal or determine the extension is valid.
  - If the appeal is granted, the site plan application expires. The applicant may then submit a new application to continue the review process. Once all administrative requirements are met, a site plan permit will be issued.
  - If the appeal is denied, the site plan application will remain extended. The applicant will have until September 7, 2013 to clear all remaining comments and obtain a site plan permit.

**Land Use Summary:**

This site is within the Limited Purpose jurisdiction, and zoned MF-3-CO. The conditional overlay in the zoning ordinance requires the following:

- Traffic generation may not exceed 2,000 trips per day.
- Development is may not exceed a density of 17 units per acre.
- The development of the property along the northeast and east property lines, adjacent to the existing single family use, shall comply with compatibility standards.

The site plan complies with all conditional overlays in addition to the remaining MF-3 regulations.

The site plan will comply with all ordinance requirements prior to approval and release.

**PROJECT INFORMATION**

Site Area	14.234 acres	650,033.04 sq. ft.	
Jurisdiction	Limited Purpose		
Traffic Impact Analysis	N/A		
Capitol View Corridor	Not In View Corridor		
Proposed Access	FM 1325		
	Allowed/Required	Existing	Proposed
Floor-to-Area Ratio	75:1	0	0.4146:1
Building Coverage	55%	0 %	20.35%
Impervious Coverage	65%	0%	56.87%
Height	40' or 3 stories	0	36'3" 3 story
Parking	462		465

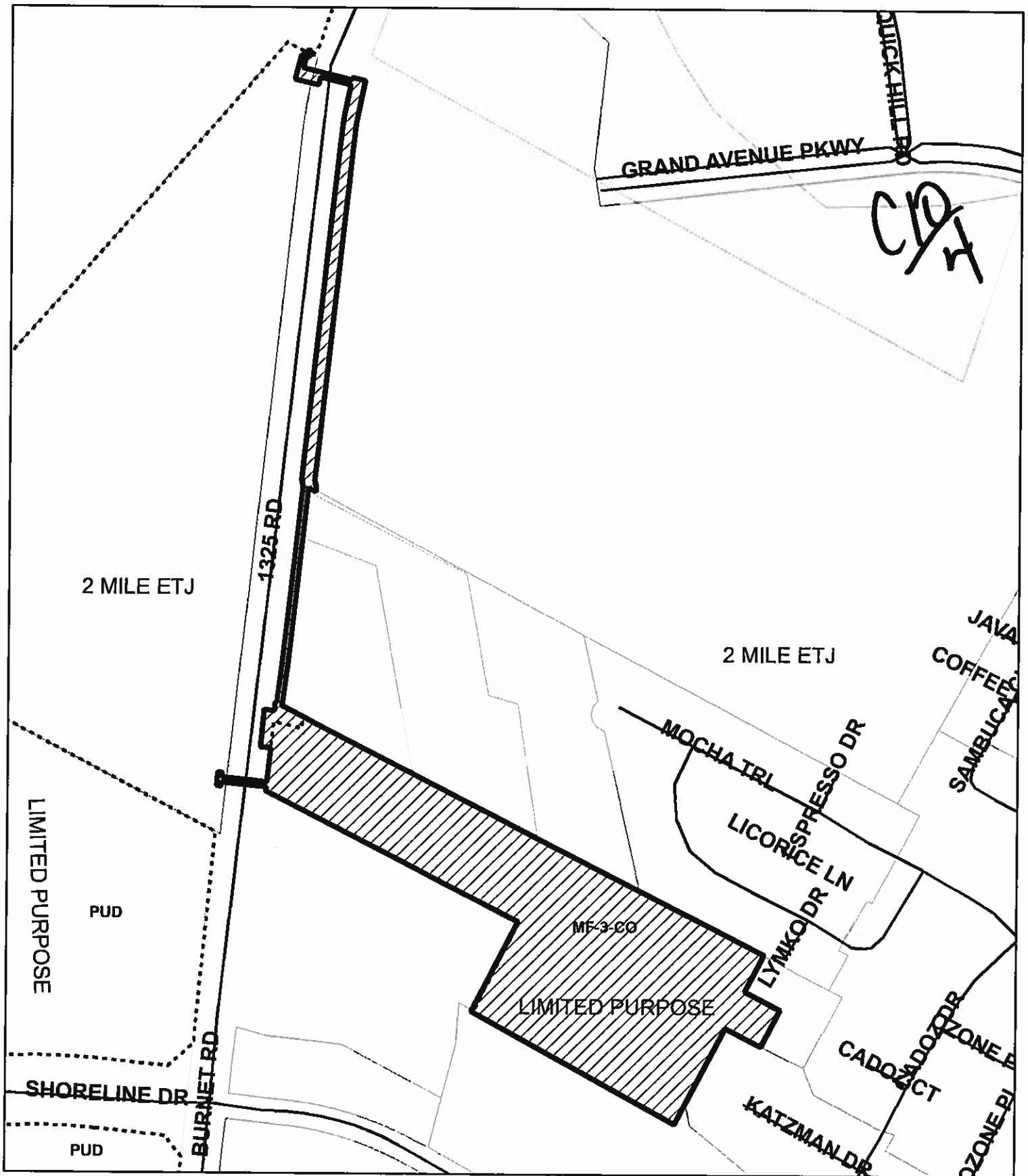
**SURROUNDING CONDITIONS: Zoning/ Land Use**



**North:** 2-Mile ETJ (Convenience Storage)

**East:** 2-Mile ETJ (Single Family)

**South:** 2-Mile ETJ (Plant Nursery)

**West:** FM 1325, then 2-Mile ETJ (Multi-family)



 **SUBJECT TRACT**  
 **ZONING BOUNDARY**

0 187.5 375 750 Feet

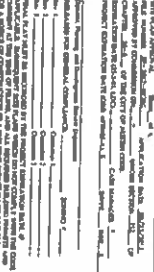
**SITE PLAN**  
**CASE#:** SP-2012-0276C  
**ADDRESS:** 15433 FM 1325 Rd  
**CASE NAME:** Waters at Willow Run  
**MANAGER:** Donna Galati

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



**OPERATOR:** Donna Galati



**VICKREY & ASSOCIATES, Inc.**  
CONSULTING ENGINEERS

C10  
6

25 February 2013

Ms. Donna Galati  
City of Austin Planning & Development Review Department  
505 Barton Springs Road, 4<sup>th</sup> Floor  
Austin, Texas 78704

RE: Request for Extension to Waters at Willow Run Site Plan, SP-2012-0276C

Dear Ms. Galati:

This letter is to request a 180 day extension for the Waters at Willow Run Site Plan, SP-2012-0276C. This extension is needed because of the extensive jurisdictional review of this project, which is in both Travis and Williamson Counties, within two watersheds, and although it is within the desired development zone, it is also on the recharge zone, which requires both a WPAP and an SCS permit from TCEQ. This is in addition to a TxDOT driveway permit, and a TxDOT utility permit for 2100 feet of off-site wastewater line for this project, and the acquisition of easements from four different land owners.

This project is for affordable housing through HUD and TDHCA, and hearings and reviews by those two agencies have also added to the amount of time it has taken to acquire all needed permits. Approval by the LCRA and ONCOR electric for the site plan and plat was also required because they both have transmission main easements crossing this property.

Additionally, it has recently been determined that easements shown by final plat must be dedicated by separate Instrument. This will delay approval of the final plat and site plan while these easements are reviewed.

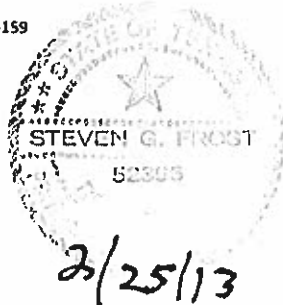
Many of the above permits have been approved, but in view of the time it will take for processing these easements, a site plan extension is needed to complete this project.

In view of the above, I would appreciate your support for a 180 day extension for this project. Please contact me if you have any questions concerning this request.

Sincerely,

VICKREY & ASSOCIATES, INC.  
Texas Board of Professional Engineers Registration #F-159

*Steven G. Frost*  
Steven Frost  
Senior Project Manager



Appellant Backup

C10  
7



City of Austin Planning and Development Review Department  
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

C10/8

**SITE PLAN APPEAL**

If you are an applicant and/or property owner or interested party, and you wish to appeal a decision on a site plan application, the following form must be completed and filed with the Director of Planning and Development Review Department, City of Austin, at the address shown above. The deadline to file an appeal is 14 days after the decision of the Land Use Commission, or 20 days after an administrative decision by the Director. If you need assistance, please contact the assigned City contact at (512) 974-2680.

CASE NO. 2013-022406PR SP-2012-0276C

DATE APPEAL FILED 3/26/13

PROJECT NAME: Waters at Willow Run

YOUR NAME Wells Branch MUD (Donna Howe)

SIGNATURE \_\_\_\_\_

PROJECT ADDRESS: 15433 FM 1325

YOUR ADDRESS 3000 Shoreline

Austin, TX 78728

Austin, TX 78728

APPLICANT'S NAME: Atlantic Housing

Foundation (Michael Nguyen)

YOUR PHONE NO. (512) 657-9289 WORK

CITY CONTACT Donna Galati

(512) 238-9090 HOME

**INTERESTED PARTY STATUS:** Indicate how you qualify as an interested party who may file an appeal by the following criteria: (Check one)

- ☐ I am the record property owner of the subject property
- ☐ I am the applicant or agent representing the applicant
- ☐ I communicated my interest by speaking at the Land Use Commission public hearing on (date) \_\_\_\_\_

X I communicated my interest in writing to the Director or Land Use Commission prior to the decision (attach copy of dated correspondence).

**In addition to the above criteria,** I qualify as an interested party by one of the following criteria: (Check one)

- ☐ I occupy as my primary residence a dwelling located within 500 feet of the subject site.
- ☐ I am the record owner of property within 500 feet of the subject site.

X I am an officer of a neighborhood or environmental organization whose declared boundaries are within 500 feet of the subject site.

**DECISION TO BE APPEALED\*:** (Check one)

- ☐ Administrative Disapproval/Interpretation of a Site Plan
- ☐ Replacement site plan
- ☐ Land Use Commission Approval/Disapproval of a Site Plan

X Waiver or Extension

- ☐ Planned Unit Development (PUD) Revision
- ☐ Other: \_\_\_\_\_

Date of Decision: \_\_\_\_\_

Date of Decision: \_\_\_\_\_

Date of Decision: \_\_\_\_\_

Date of Decision: \_\_\_\_\_

Date of Decision: \_\_\_\_\_

Date of Decision: \_\_\_\_\_

\*Administrative Approval/Disapproval of a Site Plan may only be appealed by the Applicant.

**STATEMENT:** Please provide a statement specifying the reason(s) you believe the decision under appeal does not comply with applicable requirements of the Land Development Code:

Please see attached.

(Attach additional page if necessary.)

Applicable Code Section: \_\_\_\_\_



C10  
9

Wells Branch MUD, a registered interested party, wishes to appeal the Waters at Willow Run located at 15433 FM 1325, Austin, TX 78728. Its corresponding case number is 2013-022406PR. It is also listed with case number 2012-085603SP. Our concerns are outlined below. Thank you for your consideration of these significant issues.

We continue to encounter deficiencies related to the location of this project and officially request that the City of Austin explore it further. Wells Branch neighbors have extensive experience with successful affordable housing and the elements that make it work. In fact, 44 percent of all affordable housing in Northwest Travis County is located in Wells Branch. The proposed site is not indicative of the same successful model already established in the neighborhood.

1. The 'tower fall zone' of the high-tension power line towers and the communications towers located within the boundaries of the property. Do these towers pose a risk in the event that they collapse? Different tower designs are built to 'fall' in a certain manner; the question is pending as to how these are designed to fall and the risk they may pose to residents.
2. Questions remain about who the responding fire, EMS and police agencies would be for the property. Factors to be considered are that the property is in the City of Austin, but in Williamson County and outside of the response area of our fire department, Travis County ESD #2. It is known that ESD#2 does not respond to the storage facility next door to the property.
3. The applicant has said that he has written emails from the Round Rock Independent School District (RRISD) that it would provide bus service to Wells Branch Elementary School. RRISD has not had school service within two miles of Wells Branch Elementary for past three years.
4. The applicant indicated he had made arrangements for Ride Share service that would be based on the property in lieu of public transportation. While this may be a promise from Atlantic Housing, there is no enforceable obligation to continue to provide for such service.
5. It appears that this development intends to derive potable water from the City of Austin's Martin Hill Reservoir. Owing to design and operational problems, this reservoir does not provide sufficient water pressure to all areas within its original design service area. The City of Austin does not provide sufficient water pressure to service this area.

This facility which was designed with an overflow elevation of 1015 feet MSL and now operates to an elevation as low as 980 feet MSL. This operation level translates to a static pressure of only 35 psi (State minimum requirement) at a nominal ground elevation of 900 feet MSL and does not allow for any system losses.

All of the finish floor elevations shown on these plans are near 900 feet MSL and low water pressure should be anticipated at times. While State minimum water pressure may be observed at the master meter, lower pressures will be observed at individual buildings. This situation is precisely the situation that has occurred in North Austin MUD No. 1

C10/10

It should be noted that portions of this District that experience low water pressures below State minimum standards are actually situated lower than the geographical area of the Waters at Willow Run. North Austin MUD No.1 was required to design and construct water pressure booster stations to correct the problem and establish adequate water pressure at all times. It should be noted that the City of Austin generally requires a minimum water pressure of 50 psi which is not possible with this proposed service from the Martin Hill Reservoir without pressure increasing facilities.

While exceptions to the TCEQ rules are possible, TCEQ criteria generally requires that booster stations taking water directly from a main utilize an air gap with a ground storage tank to protect the main. Depending on the final design and any criteria exceptions, these facilities could cost in the million dollar range particularly if ground storage is required.

6. We are not certain what the fire flow requirements are for this project. The plans however show a single feed 8-inch main for fire flow up to about 800 feet into the property at which point it splits into a loop. This main will provide approximately 1680 gpm at a flow velocity of 10 fps which is excessive but none the less marginally acceptable. Friction losses in an 8-inch line will approach 7 feet per 100 feet at velocities of 10 feet per second. This loss indicates that this 8-inch main facility will experience excessive pressure losses in excess of 25 to 30 psi and sufficient fire flow pressure of 20 psi does not appear to be feasible. Based on this preliminary analysis this 8-inch line cannot provide sufficient fire flow to all buildings within this project. In addition this main is not looped and is therefore subject to reduced reliability.
7. Drainage from this project will be collected and treated/detained at a central location and then finally discharged onto adjacent property. Although it is difficult to assess at this time without additional data and information, it appears that the concentrated flow may exceed the preexisting flow at the point of discharge from the detention pond. This possibility is not clear from the information we have and may require a drainage easement from the adjacent property owner.

Applicant Backup

C10  
/ 11

**VICKREY & ASSOCIATES, Inc.**  
**CONSULTING ENGINEERS**

8 April 2013

V&A 2349-002

C10  
12

Ms. Donna Galati  
City of Austin Planning & Development Review Department  
505 Barton Springs Road, 4<sup>th</sup> Floor  
Austin, Texas 78704

RE: **Waters at Willow Run Site Plan, SP-2012-0276C**  
**Affordable Housing Multi-Family Project**  
**Additional Information for Extension Appeal**

Dear Ms. Galati:

This letter is to provide additional information concerning the request for a 180 day extension for the Waters at Willow Run Site Plan, SP-2012-0276C, an affordable housing multi-family project located at 15433 FM 1325. I would like to provide an additional level of detail for the Zoning and Platting Commission's consideration of this appeal.

Section 25-1-88 of the LDC allows an extension of an update deadline if the director determines that good cause exists for the extension. Given below is a description of the jurisdictional status of the site, and permits required prior to issuance of a site plan:

- The site is located in Limited Purpose Annexation;
- The site is in both Williamson and Travis Counties;
- The site falls on the boundary between two watersheds;
- The site requires extension of about 2100 feet of wastewater line;
- The site requires crossing FM 1325 for water service;
- The site requires approval of Service Extension Requests for both water & wastewater;
- The site is located on the Northern Edwards Aquifer, but within the desired development zone;
- The site requires both a WPAP and an SCS permit from TCEQ;
- The site requires a TxDOT driveway permit;
- The site requires a TxDOT utility permit for utilities within the ROW of FM 1325;
- The site requires site plan approval from the LCRA because of their Transmission Line crossing the site;
- The site required site plan approval from ONCOR Electric, because of their Transmission Line crossing the site;
- The site has emergency services provided by both Travis ESD #2 and Williamson County ESD #9, but is subject to review by the Austin Fire Department;
- A basic development permit is required from Travis County;
- A final plat must be approved prior to approval of the site plan the City of Austin.
- Because this is an affordable housing project, review by Texas Department for Housing and Community Affairs (TDHCA) and Housing and Urban Development (HUD) was also required.

To date, we have had SER's approved for water and wastewater by Austin Water Utility, and we are negotiating with other property owners to get needed easements for the wastewater extension. Both the LCRA and ONCOR have approved our site plan for work within their transmission easements. TxDOT has



Ms. Donna Galati  
8 April 2013  
Page 2

CID  
13

approved our driveway permit location. Additionally, Austin FD has approved our plan, and the two Emergency Service Districts have agreed to provide Emergency Services to this project as designed.

The acquisition of off-site wastewater easements is currently being finalized. Austin Water Utility has also requested that on-site water and wastewater easements on this site be dedicated by separate instrument rather than by final plat. This requires time to process easements through City Legal, which is currently overburdened with the number of documents requiring review and approval. Additionally, staff later decided a drainage easement originally shown to be dedicated by final plat was also preferred to be dedicated by separate instrument.

An update for a final plat for this project was submitted on February 7<sup>th</sup>, 2013, but comments have not been received back from staff. Until the final plat is approved, the site plan cannot be approved. The initial plat submittal apparently was not circulated to Travis County under the joint review, and Travis County plat comments are still outstanding.

Given the complexity of permitting for this project, and the need for a final plat for site plan approval, I would appreciate the Commission's support for a 180 day extension for this project.

Sincerely,

VICKREY & ASSOCIATES, INC.  
Texas Board of Professional Engineers Registration #F-159

*Steven G. Frost*

Steven G. Frost, PE  
Senior Project Manager

