

C3
1

APPEAL OF AN ADMINISTRATIVE DECISION ON A SITE PLAN

CASE NUMBER: SPC-2013-0214C

ZAP COMMISSION DATE: February 11, 2014

PROJECT NAME: Canyons at Rob Roy

ADDRESS: 800 N. Capital of Texas Highway southbound

AGENT: Hanrahan-Pritchard Engineering (Stephen Jamison P.E.)
8333 Cross Park Drive Phone: (512) 459-4737
Austin, TX 78703

APPELLANT: William Frank King Phone: (512) 567-7125
24 Pascal Lane
Austin, TX 78746

OWNER: Brandywine Acquisitions Partners, LP.
Leon Shadowen, Vice President Phone: (804) 521-1823
300 Arboretum Place, Suite 330
Richmond, VA 23236

CASE MANAGER: Nikki Hoelter Phone: (512) 974-2863
Nikki.hoelter@austintexas.gov

APPLICABLE WATERSHED ORDINANCE: Comprehensive Watershed Ordinance
Bee Creek (Water Supply Rural)

AREA: 16.82 acres

EXISTING ZONING: PUD

PROPOSED USE: Administrative and Business Office

LEGAL DESCRIPTION: Lot 1, Block A Rob Roy 360

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.

- 03/2
- 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.

Proposed Development:

The applicant proposes to construct a 3 story administrative and business office building, which will include 88,000 square feet of office space, with one level of below surface parking, surface parking, and a sedimentation/filtration pond on an undeveloped tract of land.

Land Use Summary:

The site is in the full purpose jurisdiction of the City of Austin, and located in the Loop 360 Low Intensity Hill Country Roadway Corridor. The Davenport Ranch PUD allows for “office” land use on this tract of land. The PUD also specifies the site development regulations permitted for the site. Access will be taken from South Capital of Texas Highway. Water service is proposed to be served by WCID #10.

An amendment to the PUD, C814-88-0001.10 Canyons at Rob Roy, is currently in process. The amendment would change the permitted land use for the subject tract from “office” to “multi-family”.

If the PUD amendment is approved before the site plan is approved, the site plan would not be in compliance with their zoning. This site plan would need to be withdrawn and a new application would be required to continue with the multi-family development.

Staff’s Determination of Extension:

- A 180 day extension was requested by the engineer on January 6, 2014, prior to the expiration date of January 15, 2014. A 180-day extension was granted, extending the application date to July 14, 2014. Due to the applicant’s justification for the extension, coordinating the off- site waterline alignment and off-site easements, 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.
- The Land Development Code does not give specific criteria for extending the update deadline to a site plan application; only stating “director determines that good cause exists for the extension.
- Issues that remained at the time the extension was granted:
 1. Addressing comments related to Subchapter E, Commercial Design Guidelines.
 2. Approval by WCID#10 for water service.
 3. Approval of transportation, environmental, site plan, water quality, drainage, heritage tree and site plan plumbing reviews. All reviews are required to obtain a site plan permit

03/3

4. Texas Department of Transportation sign-off for access onto Capital of Texas Highway.
5. Posting of Fiscal Surety.
6. The applicant needed additional time to address all outstanding comments before the site plan could be scheduled before the Zoning and Platting Commission in order for the Hill Country Roadway site plan to be approved.

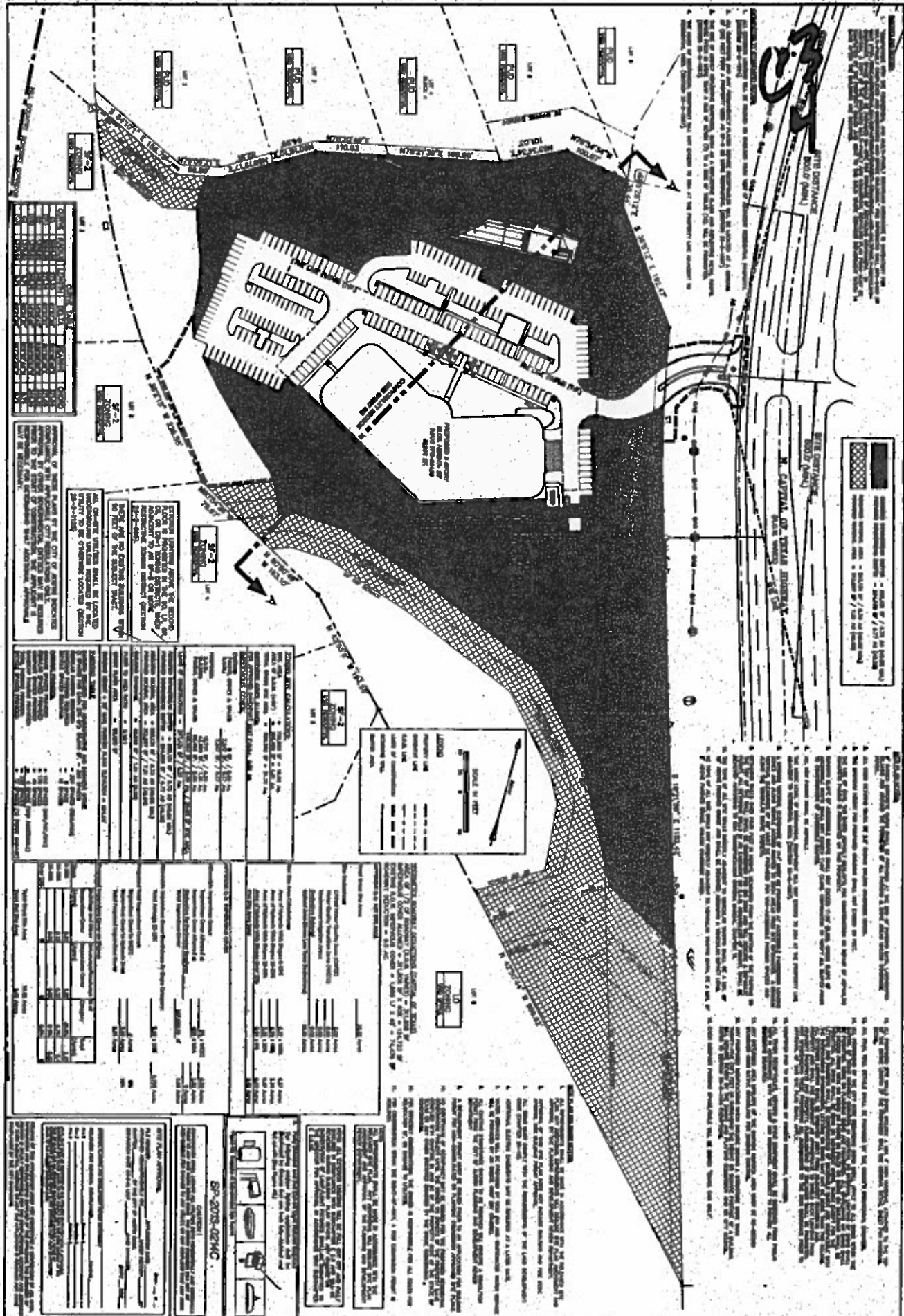
If the current site plan is not granted the requested extension; the application expires, the applicant may re-file the same plan and pay additional fees to continue the review process in obtaining a site development permit.

Appellant Issues (William Frank King):

Mr. King asserts that the applicant has failed to demonstrate how the project will provide adequate water service to the property for fire protection and domestic water

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.



File Project: Robroy360.dwg SITE
 Job No. 988-29 Blueprint: PLAT
 Date: 8/27/98 Checked by: BRU Drawn by: JH
 Revision 1
 Revision 2
 Revision 3
 Revision 4



THE CANYONS AT ROB ROY
OVERALL SITE PLAN
800 CAPITAL OF TEXAS HWY. NORTH
AUSTIN, TEXAS

HANRAHAN • PRITCHARD ENGINEERING, INC.
 CONSULTING ENGINEERS
 6001 W. PARKWAY #400
 AUSTIN, TEXAS 78739
 OFFICE: 512-476-1100 FAX: 512-476-1101
 hpe@hpe.com

HPE

NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMITTING	8/27/98	JH	BRU
2	ISSUED FOR CONSTRUCTION	8/27/98	JH	BRU
3	ISSUED FOR RECORD	8/27/98	JH	BRU

NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMITTING	8/27/98	JH	BRU
2	ISSUED FOR CONSTRUCTION	8/27/98	JH	BRU
3	ISSUED FOR RECORD	8/27/98	JH	BRU

NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMITTING	8/27/98	JH	BRU
2	ISSUED FOR CONSTRUCTION	8/27/98	JH	BRU
3	ISSUED FOR RECORD	8/27/98	JH	BRU

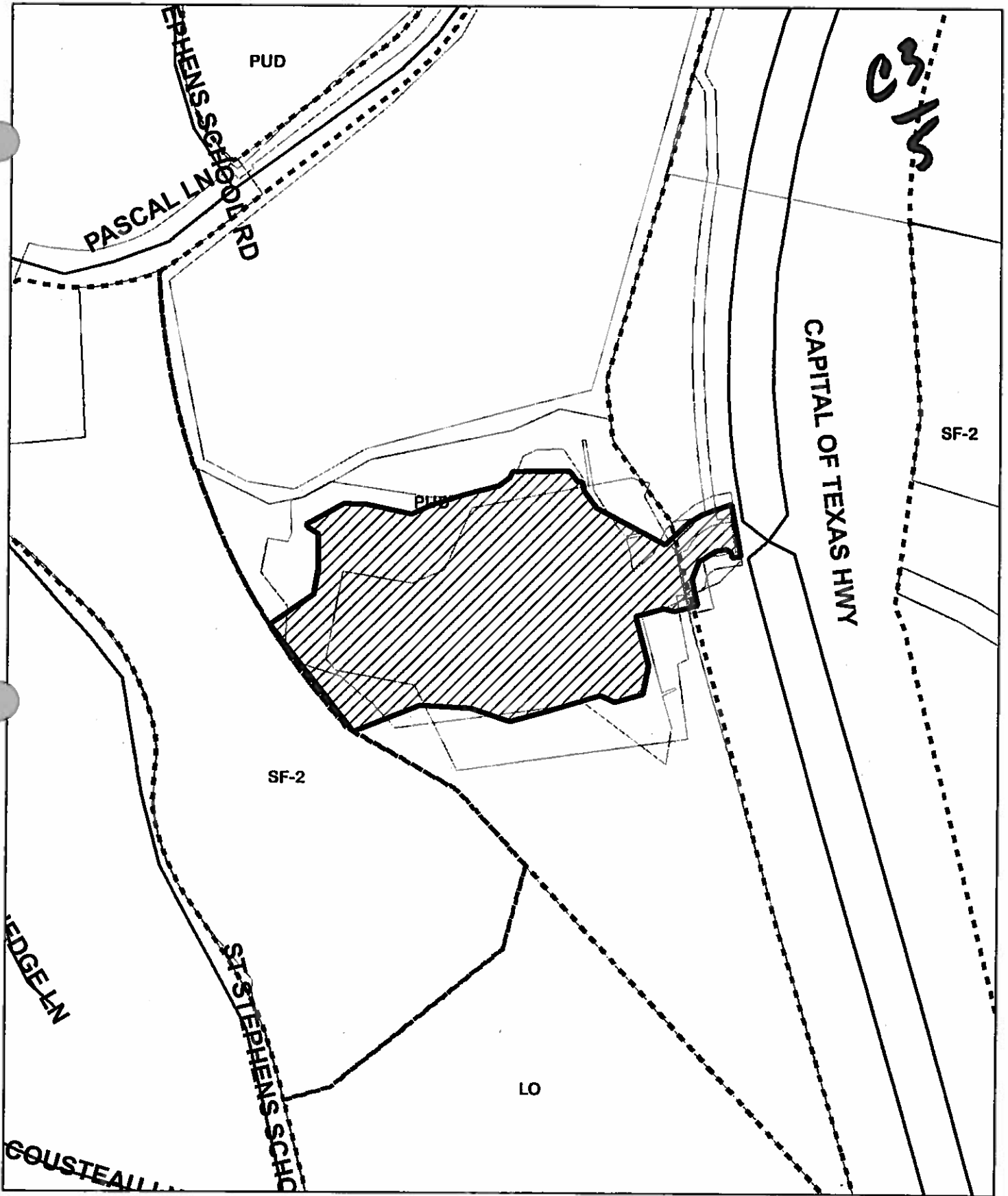
NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMITTING	8/27/98	JH	BRU
2	ISSUED FOR CONSTRUCTION	8/27/98	JH	BRU
3	ISSUED FOR RECORD	8/27/98	JH	BRU

NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMITTING	8/27/98	JH	BRU
2	ISSUED FOR CONSTRUCTION	8/27/98	JH	BRU
3	ISSUED FOR RECORD	8/27/98	JH	BRU

NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMITTING	8/27/98	JH	BRU
2	ISSUED FOR CONSTRUCTION	8/27/98	JH	BRU
3	ISSUED FOR RECORD	8/27/98	JH	BRU

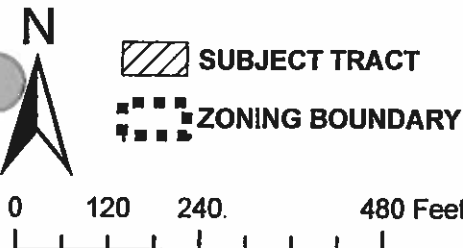
NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMITTING	8/27/98	JH	BRU
2	ISSUED FOR CONSTRUCTION	8/27/98	JH	BRU
3	ISSUED FOR RECORD	8/27/98	JH	BRU



NO.	DESCRIPTION	DATE	BY	CHECKED
1	ISSUED FOR PERMITTING	8/27/98	JH	BRU
2	ISSUED FOR CONSTRUCTION	8/27/98	JH	BRU
3	ISSUED FOR RECORD	8/27/98	JH	BRU



SITE PLAN

CASE#: SPC-2013-0214C
 ADDRESS: 800 N Capital of Texas Highway
 CASE NAME: Canyons of Rob Roy
 MANAGER: Nikki Hoelter (974-2863)



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

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.

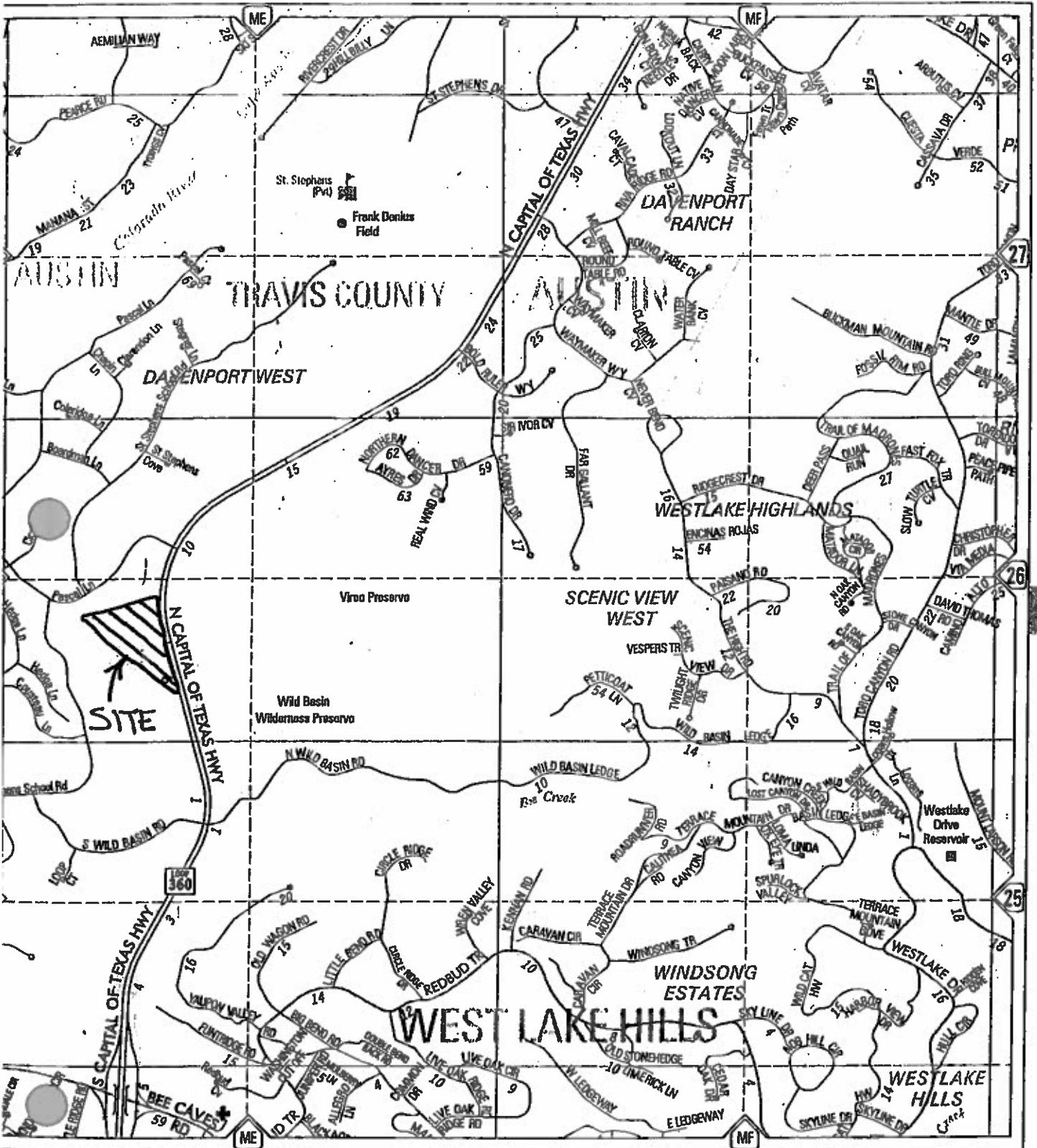
This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

OPERATOR: Nikki Hoelter

03/6



CONTINUED ON MAP 523



CONTINUED ON MAP 552

CONTINUED ON MAP 583

CONTINUED ON MAP 554



03
/

§ 25-1-88 EXTENSION OF UPDATE DEADLINE.

(A) An applicant may request that the responsible director extend a deadline for submitting an update to an application by filing a written request and justification with the responsible director before the expiration of the deadline.

(1) The responsible director must give notice under Section 25-1-133(B) (*Notice Of Applications And Administrative Decisions*) of an extension request under this subsection.

(2) The responsible director may grant an extension request under this subsection if the responsible director determines that good cause exists for the extension. An extension period may not exceed the length of the original time period for submitting an update to the application.

(3) An interested party may appeal the responsible director's decision under this subsection to the Land Use Commission.

(B) If the time required for staff review of an application exceeds the review time provided by this title, the responsible director shall extend the deadline for submitting an update to an application for a time period equal to the number of days by which the actual time for review exceeds the review time provided by this title. The responsible director shall notify the applicant of the new deadline for submitting an update.

§ 25-1-182 INITIATING AN APPEAL.

An interested party may initiate an appeal by filing a notice of appeal with the responsible director or building official, as applicable, not later than:

- (1) the 14th day after the date of the decision of a board or commission; or
- (2) the 20th day after an administrative decision.

Hanrahan • Pritchard Engineering, Inc.

8333 Cross Park Drive
Austin, Texas 78754

HPE

Phone: 512.459-4734
Fax: 512.459.4752
E-Mail: Info@hp-eng.com
TX PE Firm Reg. #416

*C3
1/4*

January 6, 2014

Nikki Hoelter
City of Austin
Planning and Development Review Department
505 Barton Springs Road
Austin, Texas 78704

*180 Day granted
Ext. granted
1/6/13*

Re: The Canyons at Rob Roy
SP-2013-0214C
Request for Extension

Dear Nikki,

We hereby request a 180 day extension to the original 180-day review period, (deadline 01/15/2014), for the above referenced application. Although we are diligently pursuing the clearance of all remaining comments and expect to clear them as soon as possible, due to coordination/negotiations with WCID #10 and the Rob Roy HOA regarding the proposed offsite water line alignment and proposed offsite easements, it does not appear that we will have the required information submitted, reviewed and/or approved before our deadline expires.

Your consideration of our request is appreciated. Please let me know if you have any questions or need any additional information.

Sincerely,



Stephen R. Jamison, P.E.
Hanrahan Pritchard Engineering, Inc.





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

C3
/4

January 6, 2014

Stephen R. Jamison, P.E.
Hanrahan-Pritchard Engineering, Inc.
8333 Cross Park Drive
Austin, Texas 78754

Subject: Canyons of Rob Roy (SPC-2013-0214C)

Dear Mr. Jamison,

Your request for an extension to the time period allowed by Chapter 25-1-88 to submit an update for Canyons of Rob Roy (SPC-2013-0214C) has been reviewed. Due to unresolved issues, it is staff's determination that a 180-day extension should be granted. You now have until **July 14, 2014 to clear all comments** and comply with the provisions of the Land Development Code. A 180-day extension is granted pursuant to Chapter 25-1-88, which allows the granting of such an extension **one time only**. Please be aware if all comments are not cleared by this date, you will need to submit a new application and fees.

If you have any questions, please contact me at 512-974-2863.

Sincerely,

Nikki Hoelter, Case Manager
Planning and Development Review Department



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

03/10

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 (ZAP or PC), 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. SPC-2013-0214C DATE APPEAL FILED 1/24/14
 PROJECT NAME Canyons of Rob Roy YOUR NAME William Frank King
 PROJECT ADDRESS 800 W. Capital of TX Hwy. SIGNATURE [Signature]
 APPLICANT'S NAME Hannah Pritchard YOUR ADDRESS 24 Pascal Ln. Austin, TX 78746
 CITY CONTACT Wikki Hoelter YOUR PHONE NO. (512) 567-765 WORK () 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)
- 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.
- 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)

- | | |
|---|---------------------------------|
| <input type="checkbox"/> Administrative Disapproval/Interpretation of a Site Plan | Date of Decision: _____ |
| <input type="checkbox"/> Replacement site plan | Date of Decision: _____ |
| <input type="checkbox"/> Land Use Commission Approval/Disapproval of a Site Plan | Date of Decision: _____ |
| <input checked="" type="checkbox"/> Waiver or Extension | Date of Decision: <u>1/6/14</u> |
| <input type="checkbox"/> Planned Unit Development (PUD) Revision | Date of Decision: _____ |
| <input type="checkbox"/> Other: _____ | 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:

No demonstration of how the project will provide adequate water service to the tract to provide domestic service and fire protection.

(Attach additional page if necessary.)

Applicable Code Section: 25-1-88 and 25-1-182

31

INTERESTED PARTY INFORMATION

Interested parties are specifically defined in section 25-1-131 of the City Code. To view the Code on-line, go to this link:
http://www.amlegal.com/austin_bv/

Besides the applicant or owner listed in an application, a person can become an interested party if they communicate an interest to the City through the case manager and if they satisfy at least one of the following criteria: 1) they occupy a primary residence that is within 500 feet of the site of the proposed development; 2) they are the record owner of property within 500 feet of the site of the proposed development; or 3) they are an officer of an environmental or neighborhood organization that has an interest in the site of the proposed development or whose declared boundaries are within 500 feet of the site of the proposed development.

If a person satisfies the criteria to become an interested party, they must communicate an interest by either delivering a written statement to the Land Use Commission conducting the hearing or appearing and speaking for the record at the public hearing. A person may also provide a written statement to the Case Manager or by making telephone contact with the Case Manager. The communication must: 1) generally identify the issues of concern; 2) include the person's name, telephone phone number, and mailing address; and 3) if the communication is by telephone, be confirmed in writing.

Written comments concerning the site plan application may be submitted to the case manager on this form. Comments on a separate form should include the case number and the contact person listed on the notice.

Case Number: SPC-2013-0214C
Contact: NIKKI HOELTER, 512-974-2863 or
Cindy Castillas, 512-974-3437

I meet the requirements for and request to be an interested party.

W. Hayden Fairbank Knuts 512
Name (please print) Telephone number

24 PASCAL LANE AUSTIN TX 78746
Address(es) affected by this application (Street, City, ZIP Code)

24 PASCAL LANE AUSTIN TX 78746
Mailing address (Street, City, ZIP Code)

Nikki Hoelter 2/24/2013
Signature Date

Comments:

We reached agreement with the
previous site developer on certain
restrictions on the building. Those
agreements were with the land and
were recorded. We want to see
sets this developer knows them.

Mail comment forms to:
City of Austin
Planning and Development Review Department
Attn: Nikki Hoelter
P. O. Box 1088
Austin, TX 78767-1088

Hoelter, Nikki

03/12

From: william king <williamfrankking@gmail.com>
Date: Monday, January 27, 2014 8:29 PM
To: Hoelter, Nikki
Cc: John M. Joseph; Kelly Wright; Herb Harris; Ed Burbach (sbc) (edburbach@sbcglobal.net)
Subject: Fwd: Site Plan Appeal for the Canyons at Rob Roy (Case No. SPC-2013-0214C)
Attachments: 2902_001.pdf

I am William Frank King and am an Interested Party in the above mentioned case and have filed an appeal to your giving a 180 day extension for the Site Plan. Kelly Wright sent me your email attaching the letter the Developer used to justify the extension. I am on the Rob Roy HOA Board and know that there are NO ongoing "coordination/negotiations with the Rob Roy HOA". This assertion is false.

William Frank King
24 Pascal Ln
512 567 7125

Begin forwarded message:

From: Kelly Wright <kwright@coatsrose.com>
Subject: FW: Site Plan Appeal
Date: January 27, 2014 at 12:00:10 PM CST
To: "williamfrankking@gmail.com" <williamfrankking@gmail.com>
Kimberly Buck <kbuck@coatsrose.com>

FYI

From: Hoelter, Nikki [<mailto:Nikki.Hoelter@austintexas.gov>]
Sent: Monday, January 27, 2014 11:59 AM
To: Kelly Wright
Cc: John M. Joseph; Kimberly Buck; Pamela Madere
Subject: RE: Site Plan Appeal

Hi Kelly, I wanted to be sure you had a copy of the extension letter the engineer submitted.

Nikki Hoelter, Senior Planner
Land Use Review
Planning and Development Review Department
City of Austin
nikki.hoelter@austintexas.gov
Phone: 974-2863
Supervisor: Lynda Courtney, 974-2810
lynda.courtney@austintexas.gov

From: Kelly Wright [<mailto:kwright@coatsrose.com>]
Sent: Monday, January 27, 2014 8:16 AM
To: Hoelter, Nikki