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APPEAL OF AN ADMINISTRATIVE EXTENSION ON A SITE PLAN APPLICATION

CASE NUMBER: SP-2014-0126D **ZAP COMMISSION DATE:** November 4, 2014

PROJECT NAME: Circle K - Convenience Store

ADDRESS: 2609 W Pecan St

APPLICANT: American Bank of Texas (Jerry Griffin)
PO Box 1234 Phone: 903-813-5917
Sherman, TX 75091

APPELLANT: Aaron Rhinehart
1320 Miss Allisons Way Phone: 512-964-5365
Pflugerville, TX 78660

APPELLANT: Sheri (Marquis) Jones
15520 Emmaleighs Ln Phone: 512-970-0410
Pflugerville, TX 78660

AGENT: Mercury Permits (David Steele)
2006 E Cesar Chavez Phone: 512-708-1171
Austin, TX 78702

CASE MANAGER: Rosemary Avila, 974-2784
rosemary.avila@austintexas.gov

APPLICABLE WATERSHED ORDINANCE: Gilleland Creek, Comprehensive Watershed Ordinance

AREA: 1.604 acres

EXISTING ZONING: N/A, 2-mile ETJ

PROPOSED USE: Convenience Store

LEGAL DESCRIPTION: 1.604 acres, being Lot 1, Block B, Sarah's Creek Commercial Section One. Doc. No. 200400247, O.P.R.T.C.T.

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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.

Proposed Development:

The applicant is proposing a convenience store (4,480 square feet) with gas pumps, parking, drive, and other associated site improvements.

Staff’s Determination of Extension:

- A 180 day extension was requested by the engineer on September 29, 2014, prior to the expiration date of October 12, 2014. A 180-day extension was granted, extending the application expiration date to April 10, 2015. 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. Obtain approval signatures by TXDOT, Fire Marshall, and Travis County Transportation and Natural Resources.
 2. Posting of Fiscal Surety.
 3. Clearing remaining comments and ensuring compliance with all code and criteria.

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 (Aaron Rhinehart):

The following list outlines the attached appellant letter included with this backup material:

1. Extension was granted prior to receipt of notification of an extension request 25-1-88 A.
2. No notification of an extension request was given- required under 25-1-88, 25-1-133.
3. No time was allowed for appeal of extension request prior to granting of extension.
4. 3 ½ months passed between staff and extension request with no communications or updates. This does not constitute as good cause unless documentation exists that the project was being worked on regularly in that time period. 25-1-88A(2)

Appellant Issues (Sheri (Marquis) Jones):

The following list outlines the attached appellant letter included with this backup material:

1. Homeowners Association were not notified in advance that the extension was being considered.
2. The applicant has not contacted the owner’s association regarding easement.

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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 April 10, 2015 to clear all remaining comments and obtain a site plan permit. If the comments are not cleared by the deadline, the permit will expire.

Land Use Summary:

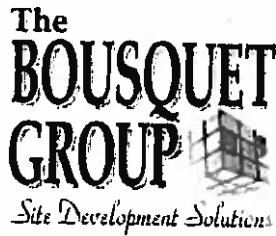
This site is within the 2 mile ETJ jurisdiction, there is no zoning in the ETJ.
The site plan will comply with all ordinance requirements prior to approval and release.

PROJECT INFORMATION

Site Area	1.604 acres	69,891 square feet	
Jurisdiction	2 mile ETJ		
Traffic Impact Analysis	N/A		
Capitol View Corridor	Not In View Corridor		
Proposed Access	Sarah’s Creek Drive & W Pecan Street (FM 1825)		
<i>I-RR Standards</i>	Allowed/Required	Existing	Proposed
Floor-to-Area Ratio	NA	0	.064:1
Building Coverage	NA	0	6.4%
Impervious Coverage	NA	0	56.8 %
Height	NA	0	23’ 6”
Parking	NA	0	27

SURROUNDING CONDITIONS: Zoning/ Land Use

- North:** City of Pflugerville city limits
- East:** 2-Mile ETJ (Single Family)
- South:** 2-Mile ETJ (Single Family)
- West:** 2-Mile ETJ (undeveloped)



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Site Development Engineers
501 S. Carroll Blvd. Ste. 201
Denton, TX 76201
940.566.0088
940.566.0008 fax
travis@tbgolutions.com

Site
Investigation
17/13/14

To: Rosemary Avila,

Date: 9/29/14

Site
Development
Plan

We would like to formally request a 180-day extension to the review deadline for the following project. We are in the process of re-designing the drainage and detention system for the site per the City's comments.

Storm Water
Pollution
Prevention
Plan

Case Number: SP-2014-0126D

Project Name: Circle K - Convenience Store

Expiration Date: Oct 12, 2014

Copy of
Site Plan
10/1/14

Please let me know if you have any questions or need additional information

Thank you for your help,

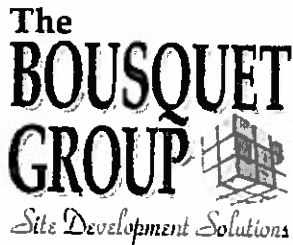
Landscaping
and/or
Erosion Plans

Jeff Morrison

Environmental
Phase

The Bousquet Group, Inc.
Site Development Engineering and Consulting
501 South Carroll Blvd, Ste. 201
Denton, TX 76201
940.566.0088 office
940.566.0008 fax
817-905-5154 cell
www.tbgolutions.com

Geotechnical
Evaluation



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Site Development Engineers
501 S. Carroll Blvd. Ste. 201
Denton, TX 76201
940.566.0088
940.566.0008 fax
travis@tbgsolutions.com

Site
Investigation
Analysis

To: Rosemary Avila
Planner III
City of Austin
505 Barton Springs Road
Austin, Tx 78704

Site
Development
Plans

Re: Reasons for 180 Extension request

The following are several reasons that the 180 day extension to the submittal date was requested.

Storm Water
Pollution
Prevention
Plan

1. Water quality pond, storm sewer pipe sizes, flow lines and grading were redesigned due to different hydrologic calculation methods required by the city which increased the required pond size.

Topographic
Boundary
Survey

2. City requested drainage channel between our site and adjacent property to the east of us. 25' Drainage easement and channel were proposed to be split with 12.5' on each property. After approximately 45 days of negotiations no agreement could be made with adjacent property owner. Drainage and grading had to be redesigned on to all the adjacent offsite storm water to be caught on our property and routed to TxDot ROW.

Landscape and
Irrigation Plans

3. Re-evaluation of off-site Drainage coming onto the proposed site.

4. Due to change in pond, retaining wall needed to be redesigned.

Environmental
Phase I

5. Getting answers and supporting documents for City comments from County, City and State etc took a significantly longer turnaround time than expected.

6. Txdot coordination/approval needed prior to City submittal due to revisions to the off-site drainage going to TxDot ROW

Geotechnical
Exploration

7. The amount of comments that we needed to address. These were not comments like "add this note". A good portion of the comments were comments that affected the design of the site.

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

October 1, 2014

Jeff Morrison
The Bousquet Group
501 S. CARROLL BLVD.
DENTON TX 76201

Subject: Circle K - Convenience Store Project (SP-2014-0126D)

Dear Mr. Morrison,

Your request dated September 29, 2014, for an extension to the time period allowed by Chapter 25-1-88 to submit an update for the Circle K - Convenience Store Project SP-2014-0126D has been reviewed. Staff finds justification for your request. Therefore, a 180-day extension has been granted for your application pursuant to Chapter 25-1-88, which allows the granting of such an extension. Section 25-1-88 also allows an interested party to appeal the responsible director's decision under this subsection to the Land Use Commission.

You now have until April 10, 2015 in which to submit an update to the plan, respond to all comments and comply with the provision of the Land Development Code. Please be aware if all comments are not cleared by April 10, 2015, this case will expire and you will need to submit a new application.

If you have any questions, please contact me at (512) 974-2784.

Sincerely,

Rosemary Avila, Case Manager
Planning and Development Review Department



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

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October 1, 2014

Dear Citizen:

Because you are a registered interested party regarding the site plan Circle K - Convenience Store Project, Case Number SP-2014-0126D we are notifying you of the most recent administrative decision concerning this application. The applicant has requested an extension to the time period allowed by Chapter 25-1-88 to submit an update. Due to unresolved issues, it is staff's determination that a 180-Day extension should be granted. The applicant now has until April 10, 2015 to comply with all provisions of the Land Development Code.

An interested party may appeal the responsible director's decision under Section 25-1-88 to the Land Use Commission. 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 the 20th day after an administrative decision [25-1-182].

If you need any additional information, please call me at (512) 974-2784.

Sincerely,

Rosemary Avila, 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

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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 Watershed Protection 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. SP-2014-0126D
PROJECT NAME Circle K
Convenience Store Project
PROJECT ADDRESS 2604 W. Petar
Pluegerville, TX 78660
APPLICANT'S NAME _____
CITY CONTACT Rosemary Avila

DATE APPEAL FILED 10-13-14
YOUR NAME Sheri (Mangis) Jones
SIGNATURE Sheri Jones
YOUR ADDRESS 15550 Emmaleigh Lane
Pluegerville, TX 78660
YOUR PHONE NO. (512) 970-0410 WORK
(512) 252-3394 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)

- Administrative Disapproval/Interpretation of a Site Plan
- Replacement site plan
- Land Use Commission Approval/Disapproval of a Site Plan
- Waiver of Extension
- Planned Unit Development (PUD) Revision
- Other: _____

Date of Decision: _____
Date of Decision: _____
Date of Decision: 10-1-14
Date of Decision: 10-1-14
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:

Homeowners were not notified in advance that the extension was being considered - The applicant has not contacted the Owner's Association regarding the subject.

(Attach additional page if necessary.)

Applicable Code Section: 25-1-88

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

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 Watershed Protection 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. SP-2014-01267
PROJECT NAME Circle K Convenience store
PROJECT ADDRESS 2609 W Pecan St Austin, Tx 78660
APPLICANT'S NAME Mercury Permits Inc.
CITY CONTACT Reinhard Avila

DATE APPEAL FILED 10-13-14
YOUR NAME Aaron Rhinehart
SIGNATURE Aaron Rhinehart
YOUR ADDRESS 1370 Moss Allison's Way Pflugerville, Tx 78660
YOUR PHONE NO. () _____ WORK
(512) 964-5365 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)

- Administrative Disapproval/Interpretation of a Site Plan
- Replacement site plan
- Land Use Commission Approval/Disapproval of a Site Plan
- Waiver or Extension
- Planned Unit Development (PUD) Revision
- Other: _____

Date of Decision: _____
Date of Decision: _____
Date of Decision: _____
Date of Decision: 10-1-2014
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:

Extension was granted prior to receipt of notification of an extension request § 25-1-88 A
no notification of an extension request was given - requested under § 25-1-88 25-1-83
notification of Extension grant was given per § 25-1-87 (B). no time was allowed for appeal
(Attach additional page if necessary.) of extension request prior to grant.
3 1/2 months passed between staff review and extension request with no communication or updates - This
does not constitute good cause unless documentation
exists that the project was being worked on regularly in that
time period. 25-1-89A(2)

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



CASE NUMBER: SP-2014-0126D
REVISION #: 00
CASE MANAGER: Rosemary Avila
UPDATE: U0
PHONE #: 512-974-2784

PROJECT NAME: Circle K - Convenience Store
LOCATION: 2609 W PECAN ST

SUBMITTAL DATE: May 6, 2014
REPORT DUE DATE: June 3, 2014
FINAL REPORT DATE: June 11, 2014
8 DAYS HAVE BEEN ADDED TO THE UPDATE DEADLINE

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 October 12, 2014.** 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 5 copies of the plans and 6 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 and only the letter is required for Austin Water Utility.

REVIEWERS:

- Drainage Construction: Jay Baker
- Environmental: Liz Johnston
- Planner 1: Cindy Casillas
- Site Plan: Rosemary Avila
- Site Plan Plumbing: Cory Harmon
- Transportation: Bryan Golden
- Water Quality: Jay Baker
- Austin Water Utility: Neil Kepple

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Water Quality Review - Jay Baker - 512-974-2636

Release of this application does not constitute a verification of all data, information, and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy, and adequacy of his/her submittal, whether or not the application is reviewed for code compliance by city engineers.

DATE: 5/27/14
ORIGINAL COMMENTS:
FORMAL UPDATE REQUESTED

Please provide a comment response letter with the update addressing each of the following comments. All engineering representations must be signed by the responsible engineer. Additional comments may be issued as additional information is received.

LANDFILL

WQ 1. Provide landfill certification in accordance with LDC 25-1-83.

WATER QUALITY PLANS

Sheet 11:

- WQ 2. Move the R-3 table to the water quality sheet.
- WQ 3. Delineate the water quality controlled areas to correspond with the area in the R-3 table with assumed impervious cover. I could not reconcile the acreage against the proposed drainage areas.
- WQ 3. Ensure that all the R-3 table items are completed, including the orifice sizing for the 48 hour minimum drawdown time.
- WQ 4. Route the proposed underdrain pipe along the outside of the proposed pond with at least one accessible cleanout in the line.
- WQ 5. Include a detail for the underdrain discharge outlet detail including an orifice plate as needed.
- WQ 6. Include additional splitter details including the orifices for conveyance into the pond.
- WQ 7. Provide erosion control measures around the orifices and the gabion wall.
- WQ 8. Revise the filtration bed detail to be in accordance with ECM Figure 1-56a.
- WQ 9. It is unclear why you are proposing a clay liner under the pond. Please review.
- WQ 10. Include a gabion wall detail.
- WQ 11. Add Hazardous Materials Interceptor(HMI) for the fueling and dispensing areas in accordance with industry standards.

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Underground Storage Tanks Review - Craig Carson - 512-974-3024

UST 1: This site is in the Austin 2 mile ETJ and not in the Edwards Aquifer, therefore it is not in the City of Austin UST Program's jurisdiction.

Site Plan Plumbing Review - Cory Harmon - 512-974-2882

Civil Engineer –

Please revise the Utility Plan:

1. Provide an irrigation backflow preventer. Illustrate the location of the irrigation backflow preventer. Indicate the size and type of irrigation backflow preventer.
2. Provide a high hazard backflow preventer for the air/water stand. Illustrate the location of the air/water stand backflow preventer. Indicate the size and type of air/water stand backflow preventer.
3. Provide additional clean outs on the wastewater line. [Clarification: Section 719.1 of the 2012 Uniform Plumbing Code states that "Cleanouts shall be placed inside the building near the connection between the building drain and the building sewer or installed outside the building at the lower end of the building drain and extended to grade. Additional building sewer cleanouts shall be installed at intervals not to exceed one-hundred (100) feet in straight runs and for each aggregate horizontal change in direction exceeding one-hundred and thirty-five (135) degrees."]

Site Plan Review - Rosemary Avila - 512-974-2784

- SP1. Number each sheet submitted and indicate the total number of sheets on each sheet (e.g. 2 of 4). Number the cover sheet as #1. Sheet numbers must be consecutive whole numbers with no letter or decimal suffixes such as A, B, C or .1, .2, .3.
- SP2. Show correct the project title on the cover sheet: Circle K - Convenience Store. Add Industrial Waste signature line to the cover sheet. Remove the TxDot signature line.
- SP3. Add the information title block (case name, address, and page description) to pages 2 & 3.
- SP4. Show the submittal date on the cover sheet as April 7, 2014.
- SP5. Show Owners name, address, and telephone number on the cover sheet. (Include the same information for Landscape Architect).
- SP6. Show correct street address on each sheet, 2609 W. Pecan Street.
- SP7. Provide a blank 3 1/2" x 5" approval space in the lower right hand corner of the cover sheet. Note: No signature blocks should be within the approval space. Please remove the signature block from all the other sheets except the cover sheet.

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- SP8. Have you shown all existing and future dedicated easements, including joint access, drainage, conservation, utility, communication, etc? Indicate volume and page or document number, or dedication by plat. All buildings, fences, landscaping, patios, flatwork and other uses or obstructions of a drainage easement are prohibited, unless expressly permitted by a license agreement approved by the City of Austin authorizing use of the easement.
- SP9. Please indicate the case number in the lower right margin of each sheet, SP-2014-0126D.
- SP10. Please change all references to Watershed Protection and Development Review Department to Planning and Development Review Department.
- SP11. Provide building coverage (in sq. ft. and percentage), impervious coverage (in sq. ft. and percentage), gross floor area, height, and FAR. This is not for comparison against maximum limitations (as the site is in the ETJ and there is no zoning); this is for calculation purposes.
- SP12. Show the location of all existing and proposed utility facilities on the site and adjacent right-of-way, including the exact locations and types of all utility lines, underground and overhead.
- SP13. Add the following note: "Approval of these plans by the City of Austin indicates compliance with applicable City regulations only. Approval by other governmental entities may be required prior to the start of construction. The applicant is responsible for determining what additional approvals may be necessary."
- SP14. Show the following site plan release notes on the site plan:
- a) All improvements shall be made in accordance with the released site plan. Any additional improvements will require site plan amendment and approval of the Planning and Development Review Department.
 - b) Approval of this Site Plan does not include Building and Fire Code approval nor building permit approval.
 - c) All signs must comply with requirements of the Land Development Code (Chapter 25-10).
 - d) Additional electric easements may be required at a later date.
 - e) Water and wastewater service will be provided by the City of Austin [or identify the service provider if other than the City of Austin].
 - f) All existing structures shown to be removed will require a demolition permit from the City of Austin Planning and Development Review Department.
 - g) A development permit must be issued prior to an application for building permit for non-consolidated or Planning Commission approved site plans.
 - h) For driveway construction: The owner is responsible for all costs for relocation of, or damage to utilities.
 - i) For construction within the right-of-way, a ROW excavation permit is required.
- SP15. Note all adjoining land uses on the site plan sheet. Show all existing buildings on adjoining lots within 50 feet of the site. If no buildings exist on adjoining lots, note this on the site plan sheet.
- SP16. **FIRE MARSHAL REVIEW:** The Travis County Fire Marshal's office has requested all preliminary plans, final plats, and site plans be sent by the applicant directly to the Fire

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Marshal's office rather than to the local ESD for review. The Fire Marshal's office will determine if the local ESD has review authority of subdivisions and site plans and, if so, will forward the plans to the local ESD for review and comments. Please contact Mike Slaughter (Mike.Slaughter@co.travis.tx.us) if you have any questions.

- SP17. Add the following note: "Approval of these plans by the City of Austin indicates compliance with applicable City regulations only. Approval by other governmental entities may be required prior to the start of construction. The applicant is responsible for determining what additional approvals may be necessary."

FLASH DRIVE REQUIREMENT

- SP18. All applications submitted for completeness check after 5/10/10 for Administrative Site Plan Revision, Consolidated Site Plan, Non-Consolidated Site Plan, CIP Streets and Drainage, Major Drainage/Regional Detention, and Subdivision Construction Plans will require the additional items listed in Exhibit VII of the application packet on a USB flash drive prior to release of permit. The flash drive must be taken directly to the Intake Dept by the applicant after site plan approval. For more information, contact the Intake Staff. ***Please make sure all necessary signatures are on the final plan set, and verify with your case manager that all comments are cleared, before bringing in the Mylars for approval.***

Environmental Review - Liz Johnston - 512-974-1218

Please be advised that additional comments may be generated as update information is reviewed. If an update has been rejected, reviewers are not able to clear comments based on phone calls, emails, or meetings, but must receive formal updates in order to confirm positive plan set changes.

Cover Sheet Notes

- EV 1 According to the 1704/Chapter 245 determination submitted with the project's application and signed by the owner of the property, the project is a new project and is subject to current rules. Therefore, please remove the note on the cover sheet that suggests that the project is subject to rules in effect on March 14, 1994.

General Notes Sheet

- EV 2 Add Environmental Criteria Manual (ECM) Appendix P-1 erosion control notes to the general notes sheet.
- EV 3 Add ECM Appendix P-2 notes to the general notes sheet.
- EV 4 Revise the sequence of construction to match the ECM Appendix P-4 sequence of construction. Please consider removing #7 from the standard P-4 sequence of construction regarding the midconstruction conference, which is not required in this watershed. [ECM 1.4.1.2(C) and (D)]

Impervious Cover Comments

- EV 5 Please provide watershed impervious cover calculations as per ECM Appendix Q2. Due to the recent adoption of the Watershed Protection Ordinance, updated Q2 tables can be found here (see tables for suburban watersheds):
http://www.austintexas.gov/sites/default/files/files/Planning/Rules/backup14_23.pdf The

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watershed impervious cover limit is 65% gross site area for suburban watersheds located in the ETJ.

Demolition Sheet (if applicable)

- EV 6 Please add a note to the demolition plan stating: "A preconstruction meeting with the Environmental Inspector is required prior to any site disturbance."
- EV 7 Please correct and/or remove all notes on the demolition sheet referring to other city jurisdictions or staff from other cities (for example, Cleburne).

ESC and Tree Protection Requirements [LDC 25-7-61,65, 25-8-181,182,183,184]

- EV 8 Please include tree numbers on the demolition sheet, ESC and grading sheet.
- EV 9 Show the location of the concrete washout area on the ESC sheet.
- EV 10 Add the following notes or revise existing notes to the ESC sheet:
"If disturbed area is not to be worked on for more than 14 days, disturbed area needs to be stabilized by revegetation, mulch, tarp or revegetation matting. [ECM 1.4.4.B.3, Section 5, I.]

Environmental Inspector has the authority to add and/or modify erosion/sedimentation controls on site to keep project in-compliance with the City of Austin Rules and Regulations. [LDC 25-8-183]

Contractor shall utilize dust control measures during site construction such as irrigation trucks and mulching as per ECM 1.4.5(A), or as directed by the Environmental Inspector.

The contractor will clean up spoils that migrate onto the roads a minimum of once daily. [ECM 1.4.4.D.4]"

- EV 11 Please designate a staging area and temporary spoils area and provide additional silt fencing on the downhill side of spoils area. [ECM 1.4.4.B.3]
- EV 12 Please remove the proposed inlet protection within the ROW. Sediment must be prevented from entering into the ROW.
- EV 13 Show all utility lines on the ESC sheet. [ECM 1.4.2.B]
- EV 14 Provide a limits of construction line (LOC) on the ESC sheet. [ECM 3.3.2 (C)]
- EV 15 For rough cut ponds, sediment traps, and sediment basins dewatering skimmers must be designed to dewater at the surface. Provide a ECM Figure 1.4.5.K.1 in the plan set and show the dewatering skimmer location.

Landscape Fees and ESC Fiscal Surety [LDC 25-1-82, 25-7-65, 25-8-234]

- EV 16 Provide a fiscal estimate for erosion/sedimentation controls and revegetation based on Appendix S-1 of the Environmental Criteria Manual. For sites with a limit of construction greater than one acre, the fiscal estimate must include a \$3000 per acre of LOC clean-up fee. The approved amount must be posted with the City prior to permit/site plan approval. [LDC 25-8-186, ECM 1.2.1, ECM Appendix S-1]

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Landscape & Tree Preservation

EV 17 This project is located in the 2-mile ETJ and therefore no landscaping requirements or tree preservation regulations apply to this project. Please remove the landscape plan and tree protection plan from the permit plan set (you may certainly install landscaping and preserve trees as shown, but the City of Austin will not review/approve it the proposed landscaping). For trees that are to be preserved, please consider showing tree protection on the ESC sheet, with silt fence and grading outside of the tree protection fence.

Flood Plain Review - Henry Price - 512-974-1275

No comments.

Industrial Waste Review - Jonathan Bode - 512-972-1060

May 27, 2014
Update #0
Approved

IW1. The proposed utility plan is approved. Henceforth, any changes made with respect to: Water, auxiliary water (e.g., reclaim, rain water, well water, etc.) or wastewater lines/service connections, water meters, the location of sample ports, the location of two-way cleanouts or manholes (City or private), or backflow preventers must be resubmitted to the Special Services Division for review.

Transportation Review - Bryan Golden - 512-974-3124

- TR1. This site is located outside the City's zoning jurisdiction and is subject only to transportation requirements of the subdivision ordinance.
- TR2. A driveway permit must be obtained from Travis County to take access to a County-maintained road. Written approval from Travis County is needed prior to site plan release. Contact Travis County at 854-9383 for more information (Sarah's Creek Rd).
- TR3. A driveway permit must be obtained from Texas Department of Transportation to take access to a State-maintained road. Written approval from TXDOT is needed prior to site plan release. Contact Gary Morris, TxDOT – Austin Driveway Permit Office, at 832-7112 or via email: gmorri4@dot.state.tx.us for more information (Pecan Street).
- TR4. Please add the following note to cover sheet "Approval of these plans by the City of Austin indicates compliance with applicable City regulations only. Approval by other governmental entities may be required prior to the start of construction. The applicant is responsible for determining what additional approvals may be necessary."

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Austin Water Utility Review - Neil Kepple - 512-972-0077

WW1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

FYI: For plan review status contact Pipeline Engineering at 972-0220. The Landowners Engineer will be notified by Pipeline Engineering once the red-lines/comments are ready for pickup at the Austin Water Utility Waller Creek office located at 625 E. 10th St., Austin, TX 78701. Response comments and corrections, along with the original redlines, must be returned to the assigned Pipeline Engineering reviewer at the Waller Creek office.

Drainage Construction Review - Jay Baker - 512-974-2636

Release of this application does not constitute a verification of all data, information, and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy, and adequacy of his/her submittal, whether or not the application is reviewed for code compliance by city engineers.

DATE: 5/27/14

ORIGINAL COMMENTS:

FORMAL UPDATE REQUESTED

Please provide a comment response letter with the update addressing each of the following comments. All engineering representations must be signed by the responsible engineer. Additional comments may be issued as additional information is received.

ENGINEERING REPORT

- DC 1. The drainage from this project is proposed to tie in to the TXDOT system. Provide signoff from TXDOT when available.
- DC 2. The off-site drainage area to the east of the project is proposed to be diverted around the site in a drainage channel. The off-site conveyance will need to be based on upstream fully developed conditions for the 100 year storm and be contained within the property in a drainage easement, minimum 25 feet for open channel flow. Provide plan and profile of the proposed channel and the storm sewer system demonstrating that the 100 year HGL will be contained within the drainage easement and ROW.
- DC 3. The detention pond will need to be designed for the 2 and 10 year storms in addition to the 25 and 100 year storms as indicated.
- DC 4. The pond will need to be designed utilizing an SCS methodology tool. Include excerpt of the design methodology in the report and include the electronic files in a jacket as

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supporting information. Include all calculations pertaining to assumed impervious cover, curve numbers, time of concentration, etc... used in the modeling of the detention pond.

- DC 5. The report indicates that this project is compatible with the Sarah's Creek Drive drainage plans. Provide a copy of those plans to confirm compatibility with the proposed plan.

COVER SHEET

- DC 6. Revise the responsibility note on the cover sheet to read as follows:
"Release of this application does not constitute a verification of all data, information and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy and adequacy of his/her submittal, whether or not the application is reviewed for Code compliance by City engineers."

GENERAL CONSTRUCTION NOTES

- DC 7. Provide General Construction Notes in accordance with the Application Packet, Exhibit III.

SITE PLAN

- DC 8. Show location of all buildings within 50 feet of the site.
- DC 9. Label all major proposed drainage infrastructure including detention and water quality ponds as well as channels and waterways.
- DC 10. Take measures to ensure that the drainage inlets on the south side are not encroaching into the WW easement.

DRAINAGE PLAN(S)

Sheet 7:

- DC 11. Drainage channel on the eastern perimeter will need to be contained within the property in a drainage easement and meet DCM 6.4.1 criteria. See DC 2.
- DC 12. Grate drains are typically not used in grassy areas since they are subject to clogging. Since this may impact drainage from the south properties, consider the use of 4 sided area drains at this location.
- DC 13. The inlet structure proposed at the end of the proposed eastern channel is shown to be an outlet structure. A 4 sided area drain should also be used at this location.

Sheet 8:

- DC 14. The off-site drainage areas should be identified based on the contributing areas coming on the site and should be delineated accordingly. See DC 2.
- DC 15. Show and confirm if there is any contributing drainage areas from the southern properties and provide conveyance as needed. Provide copy of the drainage plans for that subdivision to ensure compatibility.

STORMWATER MANAGEMENT FACILITIES

Sheet 11:

- DC 16. Add Q Summary Table (existing and proposed) for the 2, 10, 25 and 100 year storms.
- DC 17. Add stage/storage/discharge table for the pond and control structure. Include supporting calculations for the proposed control structure.

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DC 18. Add transverse and longitudinal cross sections for the ponds, showing the 2, 10, 25 and 100 year WSELS.

DC 19. Add construction details for the proposed control structure, and other structures such as the pond retaining walls. Consider fencing on the proposed structures for fall protection.

Electric Review - David Lambert - 512-322-6109

EL 1. Comments clear. Not served by Austin Energy.

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact listed on a notice); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

or additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SP-2014-0126D

Contact: Rosemary Avila, 512-974-2784 or

Natalia Rodriguez, 512-974-3099

Public Hearing: Zoning and Platting Commission, Nov 4, 2014

ARNOLDO A. AGUILAR

Your Name (please print)

15536 EMMALEIGH'S LANE, PELLUCEVILLE, TX 78660

Your address(es) affected by this application

[Signature]

Signature

10-26-14

Date

Daytime Telephone: (512) 251-6889 / 512

Comments: I'M AGAINST ANY GAS STATION WITH FUEL FUMES, WE ALREADY HAVE 3 GAS STATIONS AROUND, CIRCLE K. ANOUNCING CONVINIENCE STORE THEY HAD TO SAID THE STORE WITH GAS STATION THAT WHY EVERY BODY UNDERSTAND FUMES FROM FUEL VENTS AND DISPENSING WILL BE IN YOUR NEIGHBORHOOD AND I'M AGAINST.

If you use this form to comment, it may be returned to:

City of Austin
 Planning and Development Review - 4th floor
 Rosemary Avila
 P. O. Box 1088
 Austin, TX 78767-1088

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SITE PLAN APPEAL

CASE#: SP-2014-0126D

ADDRESS: 2609 W Pecan St

CASE NAME: Circle K - Convenience Store

MANAGER: Rosemary Avila



SUBJECT TRACT



ZONING BOUNDARY

0 80 160 320 Feet

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

