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**APPEAL OF AN ADMINISTRATIVE DECISION ON A SITE PLAN
REVIEW SHEET**

CASE NUMBER: SP-2010-0338D

ZAP COMMISSION

HEARING DATE: July 5, 2011

PROJECT NAME: Harris Branch Interceptor Lower A

ADDRESS: 11949 Arlington Mill Rd

OWNER: City of Austin – Austin Water Utility (Yvonne Gil Vallejo) Phone: 703-6637
2600 Webberville Rd
Austin, TX 78702

OWNER'S AGENT: Chan Partners (Tom Curran) Phone: 480-8155

APPELLANTS: Harris Branch Master Association, Inc (John McCullough) Phone: 419-7600
Austin HB Residential Properties, LTD (John McCullough) Phone: 419-7600

APPELLANTS' AGENT: Coats Rose (John Joseph) Phone: 541-3593

CASE MANAGER: Sarah Graham Phone: 974-2826
sarah.graham@ci.austin.tx.us

DESCRIPTION OF AN APPEAL:

An appeal of 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(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 requesting to construct a wastewater interceptor adjacent to Harris Branch Creek, near the creek's crossing with State Highway 130 upstream to a point near the creek's crossing with Harris Branch Road. The intent of this CIP project is to provide a wastewater interceptor for the projected fully developed contributing watershed and to take the existing Harris Branch wastewater lift station and wastewater package treatment plant (located near Arlington Mill Rd) offline. The project begins just west of SH 130, where it will connect to the 36-inch diameter Harris Branch Interceptor Lower B (another project currently under review by City staff). The project consists of approximately 7,700 linear feet of 30-inch Fiber Reinforced Plastic Mortar (FRPM) pipe and approximately 1,800 linear feet of 36-inch FRPM pipe.

SUMMARY STAFF RECOMMENDATION:

Staff recommends denial of the appeal. Austin Water Utility has stated they continue to work on clearing remaining staff comments, including but not limited to obtaining the remaining easements through affected private property. AWU stated that 6 out of 17 required easements are in final negotiations, 2 others are in probate, and the remaining 9 easements will likely need to go into condemnation.

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Staff's Determination of Extension:

A 180-day extension was requested by the owner's agent on May 19, 2011, prior to the expiration date of May 21, 2011. A 180-day extension was granted on May 19, 2011, extending the application date to November 17, 2011. Due to the complexity of the remaining comments, 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. Easements, both temporary and permanent, needed to be finalized and recorded.
2. Environmental variances related to construction within the Critical Water Quality Zone, which will require Commission-approval.
3. Tree mitigation plan for removed trees.
4. Fiscal surety required for erosion/sedimentation controls.
5. Final approval from Travis County and TxDOT.

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 [Austin HB Residential Properties, Ltd (John McCullough) and Harris Branch Master Association, Inc (John McCullough), as represented by Coats Rose (John Joseph)]:

Asserts that there is not good cause for the extension, and that the necessary easements/property acquisitions have not been diligently pursued.

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.

NEIGHBORHOOD ORGANIZATIONS:

284—Harris Branch Residential Property Owners Assn.
511—Austin Neighborhoods Council
786—Home Builders Association of Greater Austin
1037—Homeless Neighborhood Assn.
1075—League of Bicycling Voters
1106—Gilleland Creek Neighborhood Association
1113—Austin Parks Foundation
1200—Super Duper Neighborhood Objectors and Appealers Organization
1224—Austin Monorail Project
1228—Sierra Club, Austin Regional Group
1236—The Real Estate Council of Austin, Inc
1238—Manor ISD Population and Survey Analysis



SITE PLAN



SUBJECT TRACT



ZONING BOUNDARY

0 625 1,250 2,500 Feet

CASE#: SP-2010-0338D
ADDRESS: 11949 ARLINGTON MILL RD
MANAGER: SARAH GRAHAM



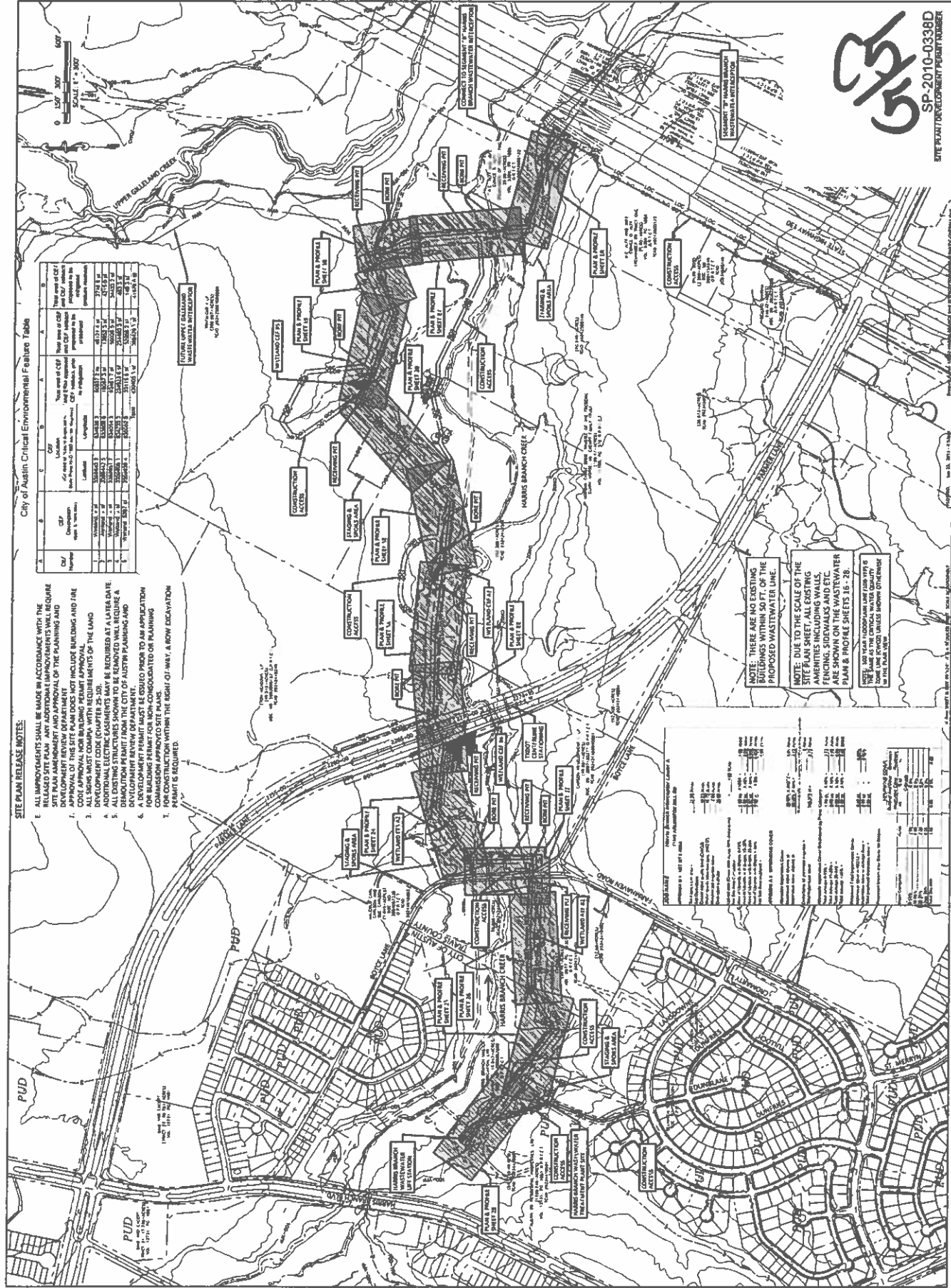
This map has been produced by site plan review for the sole purpose of geographic reference.
No warranty is made by the City of Austin regarding specific accuracy or completeness.

 **ZONING BOUNDARY**

0 625 1,250 2,500 Feet



This map has been produced by site plan review for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



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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 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. SP-2010-03381D

DATE APPEAL FILED 6/7/11

PROJECT NAME Harris Branch

YOUR NAME John M. Joseph*

Interceptor Lower A

SIGNATURE John M. Joseph

PROJECT ADDRESS 11949 Arlington
Mill

YOUR ADDRESS 1717 W. 6th St. Ste. 420
Austin, TX 78703

APPLICANT'S NAME Tom Curran

YOUR PHONE NO. (512) 541-3593 WORK

CITY CONTACT Sarah Graham

() HOME

* On behalf of Harris Branch Master Association, Inc.

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: 180 day extension

Date of Decision: _____

Date of Decision: _____

Date of Decision: _____

Date of Decision: _____

Date of Decision: _____

Date of Decision: 5/19/11

*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:

There is not good cause for the extension. The city is aware
that it does not own all of the property covered by the
site plan. The city has not diligently pursued acquiring
the property.

(Attach additional page if necessary.)

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

COATS | ROSE

A Professional Corporation

C5/7

JOHN M. JOSEPH

jmjoseph@coatsrose.com
Direct Dial
(512) 541-3593

June 7, 2011

Via Email and Regular Mail

Greg Guernsey, Director
Planning & Development Review Department
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

RE: Harris Branch Interceptor Lower A; Case No. SP-2010-0338D

Dear Mr. Guernsey:

I am writing to you on behalf of this firm's client, Harris Branch Master Association, Inc. ("Client"), owner of portions of the property that are included in Case No. SP-2010-0338D. Pursuant to Sec. 25-1-88 and Sec. 25-1-182 of the City of Austin Land Development Code, our Client appeals the 180 day extension. Please also see the information below:

1. Appellant - Harris Branch Master Association, Inc. (owner of portions of the property that are included in Case No. SP-2010-0338D), Attn: John McCullough, (512) 419-7600, 1010 Rio Grande, Suite B, Austin, Texas 78701;
2. Applicant - Tom Curran with Chan & Partners Engineering;
3. 180 day extension to the time period to submit an update;
4. May 19, 2011;
5. Harris Branch Master Association, Inc. holds fee simple title to parcels of real property on which portions of the project referenced in SP-2010-0338D are to be constructed and, therefore, is an interested party; and
6. There is not good cause for the extension. The City is aware that it does not own all of the property covered by the site plan. The City has not diligently pursued acquiring the property.

1717 W. 6th Street, Suite 420 Austin, Texas 78703

Phone: 512-469-7987 Fax: 512-469-9408

Web: www.coatsrose.com

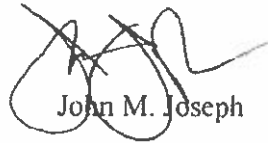
HOUSTON | CLEAR LAKE | AUSTIN | DALLAS | SAN ANTONIO | NEW ORLEANS

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Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "John M. Joseph", written over a circular stamp or seal.

John M. Joseph



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

CB/9

SITE PLAN APPEAL

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CASE NO. SP-2010-0338D

DATE APPEAL FILED 6/7/11

PROJECT NAME Harris Branch

YOUR NAME John M. Joseph*

Interceptor Lower A.

SIGNATURE John M. Joseph

PROJECT ADDRESS 11949 Arlington
Mill

YOUR ADDRESS 1717 W. 6th St. Ste 420
Austin, TX 78703

APPLICANT'S NAME Tom Curran

YOUR PHONE NO. (512) 541-3593 WORK

CITY CONTACT Sarah Graham

HOME

* On behalf of Austin HB Residential Properties, Ltd.

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: 180 day extension

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

Date of Decision: _____
Date of Decision: _____
Date of Decision: _____
Date of Decision: _____
Date of Decision: _____
Date of Decision: 5/19/11

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:

There is not good cause for the extension. The City is aware that it does not own all of the property covered by the site plan. The City has not diligently pursued acquiring the property.
(Attach additional page if necessary.)

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

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A Professional Corporation

05/10

JOHN M. JOSEPH

jnjoseph@coatsrose.com
Direct Dial
(512) 541-3593

June 7, 2011

Via Email and Regular Mail

Greg Guernsey, Director
Planning & Development Review Department
City of Austin
505 Barton Springs Road, 5th Floor
Austin, Texas 78704

RE: Harris Branch Interceptor Lower A; Case No. SP-2010-0338D

Dear Mr. Guernsey:

I am writing to you on behalf of this firm's client, Austin HB Residential Properties, Ltd. ("Client"), owner of portions of the property that are included in Case No. SP-2010-0338D. Pursuant to Sec. 25-1-88 and Sec. 25-1-182 of the City of Austin Land Development Code, our Client appeals the 180 day extension. Please also see the information below:

1. Appellant -- Austin HB Residential Properties, Ltd. (owner of portions of the property that are included in Case No. SP-2010-0338D), Attn: John McCullough, (512) 419-7600, 1010 Rio Grande, Suite B, Austin, Texas 78701;
2. Applicant -- Tom Curran with Chan & Partners Engineering;
3. 180 day extension to the time period to submit an update;
4. May 19, 2011;
5. Austin HB Residential Properties, Ltd. holds fee simple title to parcels of real property on which portions of the project referenced in SP-2010-0338D are to be constructed and, therefore, is an interested party; and
6. There is not good cause for the extension. The City is aware that it does not own all of the property covered by the site plan. The City has not diligently pursued acquiring the property.

1717 W. 6th Street, Suite 420 Austin, Texas 78703
Phone: 512-469-7987 Fax: 512-469-9408
Web: www.coatsrose.com

HOUSTON | CLEAR LAKE | AUSTIN | DALLAS | SAN ANTONIO | NEW ORLEANS

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Thank you for your attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "John M. Joseph", is written over a faint, circular, light-colored stamp or watermark.

John M. Joseph

Graham, Sarah

C5/12

From: Tom Curran [tomc@chanpartners.com]
Sent: Thursday, May 19, 2011 3:39 PM
To: Graham, Sarah
Subject: RE: SP-2010-0338D - Case nearing expiration reminder

Attachments: 2011-05-19 extension request.PDF

May 21, 2011

180
Nov. 17, 2011



2011-05-19
extension request.P..

Hi Sarah,

Attached is a request for time extension on the referenced permit application. Thank you very much for the reminder. Please let me know if you need anything else.

*Tom Curran, PE
*Chan & Partners Engineering, LLC
4319 James Casey Street, Suite 300
Austin, Texas 78745
(512) 480-8155

-----Original Message-----

From: Graham, Sarah [mailto:Sarah.Graham@ci.austin.tx.us]
Sent: Tuesday, May 10, 2011 4:20 PM
To: tomc@chanpartners.com
Subject: SP-2010-0338D - Case nearing expiration reminder

FYI, this site plan, SP-2010-0338D, is set to expire on May 21, 2011. You can ask for an extension if you don't think all comments will be cleared prior to that date. The request must be received prior to the expiration date, either as an email or in a letter, with the requested amount of days and the reason for the needed extension. The maximum amount of days the applicant can request is 180 days.

Sarah Graham
Senior Planner, City of Austin
Planning and Development Review
T. 512-974-2826
E. sarah.graham@ci.austin.tx.us
Supervisor: Lynda Courtney, Lynda.Courtney@ci.austin.tx.us

-----Original Message-----

From: amanda@ci.austin.tx.us [mailto:amanda@ci.austin.tx.us]
Sent: Saturday, May 07, 2011 12:31 PM
To: Graham, Sarah
Subject: Case nearing expiration reminder for Sarah Graham

Please review cases coming up for expiration

Case Number: SP-2010-0338D



Chan & Partners Engineering, LLC

4319 James Casey Street, Suite 300 Austin, Texas 78745

Phone (512) 480-8155 Fax (512) 480-8811

TBPE Firm Registration No. F-13013

www.chanpartners.com

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May 19, 2011

Ms. Sarah Graham
City of Austin Senior Planner
505 Barton Springs Road, Suite 400
Austin Texas 78703

Re: Harris Branch Interceptor Lower A
SP-2010-0338D
Site Development Permit Application Extension Request

Ms. Graham:

On behalf of the City of Austin Water Utility, Chan & Partners Engineering, LLC, is submitting this request for an extension to the time period allowed by Chapter 25-1-88 to submit an update for the Austin Water Utility Harris Branch Interceptor Lower A project, SP-2010-0338D. We respectfully ask for a 180-day extension pursuant to Chapter 25-1-88 while the applicant continues to work on acquisition of temporary and permanent easements for the project.

Please let us know if you require any additional information to review this extension request. Thank you for your reminder of the permit duration, and for your consideration of this request.

Sincerely,

Chan & Partners Engineering, LLC

Tom Curran, PE
Vice President



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

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May 19, 2011

Tom Curran
Chan & Partners Engineering
4319 James Casey Street, Suite 300
Austin, TX 78745

Subject: Harris Branch Interceptor Lower A - SP-2010-0338D

Dear Mr. Curran,

Your request submitted on May 19, 2011 for an extension to the time period allowed by Chapter 25-1-88 to submit an update for Harris Branch Interceptor Lower A - SP-2010-0338D 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 November 17, 2011 in which to submit an update to the plan, respond to all comments and comply with the provisions of the Land Development Code. Please be aware if all comments are not cleared by November 17, 2011, this case will expire and you will need to submit a **new** application and fees.

If you have any questions, please contact me at 974-2826 or Julie Lipton at 974-2693.

Sincerely,

Sarah Graham, Case Manager
Planning and Development Review Department

Xc: Interested Parties

SCANNED



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

C5/15
FILE COPY

May 24, 2011

Dear Citizen:

Because you are a registered interested party regarding the site plan for Harris Branch Interceptor Lower A, Case Number SP-2010-0338D, 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 November 17, 2011 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 974-2826.

Sincerely,

Sarah Graham

Case Manager

Planning and Development Review Department

20th day after
admin decision =
June 8, 2011