

April 16, 2013

C10

To Zoning and Platting Commissioners  
City of Austin

**Reference: Waters at Willow Run**

Dear Commissioners,

Unfortunately, our MUD board meeting was scheduled for the same time as tonight's commission meeting. We are appealing the site plan extension application for the Waters at Willow Run. Too many issues and areas of concern have not been sufficiently addressed. We believe they should be prior to moving forward. The extension creates additional uncertainty for our neighbors and other stakeholders in the area. We respectfully ask that you have these issues addressed prior to moving forward.

Wells Branch neighbors continue to encounter deficiencies related to the location of this project and do not believe these questions have been sufficiently answered. We 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.

We respect the City's process and have followed it closely. We believe, however, the issues in question warrant additional oversight and examination. Our neighbors in the area have done extensive work in vetting these issues and have consulted with several subject-matter experts. Our concerns regarding this development have been echoed by Senator Kirk Watson.

We respectfully ask that you and the other members of the commission look into this matter further. It is critical to our entire neighborhood and the surrounding area.

**Outstanding Issues of Concern**

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 bus 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.

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.

Thank you, commissioners, for your consideration of these issues. We look forward to hearing from you.

Sincerely,

Donna Howe  
President,  
Wells Branch MUD

4-16-13 Zoning and Platting Commission, Item 10

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>> The first item, then, of discussion will be

item 10 -- I beg your pardon?

>> [indiscernible - no mic]

>> We aren't doing postponements yet.

>> Madame Chair, there is a --

>> Just a second.

I am going to take Item 10 and then we will go  
back to postponements and other discussion.

Is that all right?

>> Yes.

>> Thank you.

Item 10, site plan appeal, Waters of Willow  
Run.

This is an appeal of an administratively  
approved 180-day extension to application  
updates to -- to the application updates  
deadline.

Can we hear from staff, please?

>> Yes, hi, good evening. I am Donna Galati

with planning and development review, here with case SP-2012-0276C, Waters of Willow Run.

This is located at 15433 FM 1325 road.

The applicant filed an extension to the update deadline on February 25th, which was prior to the expiration date of March 11.

They identified many big-ticket items.

This case had to go to a lot of -- a lot of organizations outside of the City of Austin. So the more entities involved in the site plan approval, the longer that site plan application might take.

Granting it a 180-day extension to update deadline is a very standard practice in site plan review.

Most site plans do get a 180-day extension to update deadline.

The Land Development Code requires that we send notice of such an extension, and that notice must include the right to appeal by any registered, interested parties, and that has -- that was appealed and that's why we are here today.

Some of the approvals that the -- I guess the applicant, in their request for an extension to identify several approvals that they need, the applicant has received some of those approvals, so it is just more evidence that the applicant is working towards, you know, approving all of their requirements, clearing all of the staff comments.

The site plan does remain administrative, so all of the administrative regulations are still under review by city staff and will continue to be under review by city staff.

If this commission denies the appeal, the application deadline remains extended and the applicant's application continues.

If this Commission approves the appeal, the site plan application will expire and then the applicant can take the same set of plans back through our intake department and pay a new set of fees.

It would be distributed again to staff and we would issue comments. Given that it would be the same set of plans, we would issue comments of where we are at this point in time.

That concludes my presentation.

Thank you.

>> I have a question.

Ms. Galati, do you feel that the applicant has been diligently working on clearing all of the items that remain?

>> Yes.

The appeal -- the 180-day extension request was issued on -- was requested on February 25th.

There were many organizations they still needed to go through.

Since that extension, several of those have been taken care of and another update has been turned in to city staff, so we have an update to the plans that are for our administrative review that's in right now.

Probably due within the next week.

>> Thank you.

>> Thank you.

>> If this is approved -- the subdivision, were there any variances?

>> No.

>> So it is rezoned on the requirements under city, county, state?

>> Yes.

And at this time they have administrative city staff requirements that have not been cleared yet on the site plan but that's part of the request for the extension.

>> That's a matter of process?

>> Yes.

>> Okay.

Commissioners, any questions?

Can we hear from the appellant, please?

>> Thank you, Commission, my name is Scott Swain.

I am here on behalf of the Wells Branch Neighborhood, and Donna Howe filed the appeal. It is a regular Tuesday night board meeting for the Wells Branch M.U.D. board and that's why they can't be here so I have been asked to come out and submit the statement.

In -- they are appealing the site extension because there is too many insufficiently answered questions, and I believe that these extensions -- this extension would be detrimental certainly to the neighbors and stakeholders, and we respectfully ask the issues be addressed before moving forward. You may have gotten this letter and email, I

know -- I understand that it bounced back in a lot of cases and some of you would have gotten it.

But I can leave it in the record here.

>> Go ahead.

You can read it into the record if you wish.

>> I would rather not read it.

It is rather lengthy.

>> Okay.

>> Any other information that you have for the Commission?

>> Personally, no.

>> None at all, then?

>> Like I say, I am the messenger.

>> Is anyone else supporting your appeal?

>> Supporting my appeal here today?

No.

>> Anyone else to speak on this matter?

>> Commissioners, can I have a motion, please, to close the public hearing?

>> So moved.

>> Second.

>> All Those in Favor, Say "Aye."

Aye.

Commissioners, what's your pleasure?

I am sorry.

Yes, sir.

>> I didn't hear you.

>> I move to reopen the public hearing.

>> Commissioners, may I have another motion to rescind the motion to close the public hearing?

Aye.

Yes, sir.

It is your turn, sir.

>> I am here on agenda 10.

Okay.

I am John Woodley, and I have issues for the -- that the developer has not been doing, such as he refused to build sidewalks beyond his property line to be ADA compliant.

And there is no public transportation.

The nearest full-time public transportation is 2.2-miles from the site, and there is actually no sidewalks along the 1325 for safety reasons, or more ADA compliance.

The City of Austin has an implementation report for ADA accessibility on their website that I don't feel it's meeting.

And I can send some information later because

I don't have a lot of the paperwork printed out  
and it's pretty lengthy.

>> Sir, you are representing who?  
Who do you represent?

>> I am a concerned citizen.

>> Staff member, the comments that have been  
made about the sidewalks...

>> What about the comments made about the  
sidewalks?

>> I am going to ask her.

>> I am reading this information up there.

>> Hi.

Again, there are sidewalks proposed along 1325  
in -- within the property line of this project.

>> If I am understanding him correctly, his  
concern is that it does not extend beyond the  
property line.

Is that correct?

>> I believe so.

But for this site plan, we are only reviewing  
for the sidewalk requirements within their  
limits --

>> I understand.

I am just trying to determine where he  
was -- okay.

The things that this gentleman brought to our  
attention, is there anything that would make  
the approval of the subdivision in error?

>> No, it wouldn't change the nature of this  
site plan, although I did receive an email from  
them earlier today and I can forward it to  
appropriate transportation staff who might be  
able to provide some additional information.

>> Is it a clarification of information, or is  
it new information?

>> About sidewalks beyond the site plan?  
I really -- I really wouldn't be able to speak  
to that.

>> I think he also mentioned ADA. Is that  
correct?

>> This site plan will be reviewed for any ADA  
requirements within the site plan.

This site plan does have sidewalks leading  
from the proposed buildings to the property  
line.

>> Okay.

Does that help?

He is reading.

>> I missed the question.



>> You missed the question?

>> Yes.

It goes off when you...

>> I am sorry. I asked, sir: The compliance with sidewalk installation met ordinance requirements.

It is not required of this applicant to install or improve sidewalks beyond the boundary of his property.

Does that -- does that clarify that issue for you?

>> I am not sure I understand your question. My concern is that it -- it does not -- he is not allowing the property to be ADA accessible from beyond his property.

And like to the intersection of Shoreline, for example.

>> I understand your concern, but it is sort of like my not -- putting a sidewalk in front of my house. I can't put it in my neighbor's house.

>> You can put it in the right-of-way.

>> Sir, you -- it's not your property.

>> The right-of-way is county property and city municipal.

>> Sir, it's not your property on which to put a sidewalk.

I am sorry, I am -- I am confusing you, and I think I am making something that would be easier for you to sit down with the applicant and compromise and see what they could offer or perhaps do to expand the sidewalk, but it's not a requirement.

We can't require it.

They can volunteer it.

But we cannot require it.

I am sorry, I understand your concerns, but you understand, we cannot deal with property beyond this application.

Is there anything else you would like to express to the Commission?

>> Not at this time.

>> Commissioners, do you have any questions? We appreciate your coming.

We appreciate your involvement.

And perhaps negotiating with the developer may accomplish some of your wishes, okay?

Thank you, sir.

Commissioners, could we have a motion to close

the public hearing and approve -- deny the  
appeal, sorry.  
Close the public hearing, deny the appeal?  
>> Is there anyone else?  
>> I would like to make a motion to close the  
public hearing and deny the appeal.  
>> I will second.  
>> All Those in Favor, Say "Aye."  
Aye.  
Anyone opposed?  
Okay.  
Now we will go back to the agenda.  
[End of Item Number 10].

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## 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.

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Case Number: SP-2012-0276C

Contact: Donna Galati, 512-974-2733

Elsa Garza, 512-974-2308

Public Hearing: Zoning and Planning Commission, Apr 16, 2013

Your Name (please print) JUVENAL PALACIOS

4221 HODGES DR 1325

Your address(es) affected by this application

Palacios

Signature

Daytime Telephone: 512 917 6618

Date

4-8-13

☒ I am in favor  
☐ I object

Comments:

WE NEED LOW INCOME HOUSING. WE NEED TO HELP THESE FAMILIES. I REQUEST MY PAST, NO ONE HELPED US, I AM NOW ABLE TO HELP.

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

City of Austin

Planning and Development Review - 4<sup>th</sup> floor

Donna Galati

P. O. Box 1088

Austin, TX 78767-1088

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and:

- occupies a premises
- or proposed development
- is the record owner
- proposed development
- is an officer or
- interest in or
- property or

A notice of application department no later than 10 days available from the

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Public Hearing: Zoning and Planning Commission, Apr 16, 2013

Debra Stubblefield

Your Name (please print)

4212 mocha Tr Austin TX 78728

Your address(es) affected by this application

Debra Stubblefield

4.10.13

Signature

Date

Daytime Telephone: 512 576 1717

Comments: 1 no resources (stores/gas station/public transportation/school buses) in that area.

2 Excessive burden on the already over quota wells branch elementary (no buses-kids will have to walk along major road with no sidewalks on 1825!!)

3 Entry in fact from 1825 very dangerous & close to a rd 4 shoreline - potential for kids serious accidents - cars and pedestrians from the complex

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Donna Galati

P. O. Box 1088

Austin, TX 78767-1088

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800-766-2478 ext. 442

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Contact: Donna Galati, 512-974-2733

Elsa Garza, 512-974-2308

Public Hearing: Zoning and Platting Commission, Apr 16, 2013

LINDA MOORELY  
Your Name (please print)

4106 WORVELANE Austin 78728

Your address(es) affected by this application

Linda Moorely  
Signature

4.11.13  
Date

Daytime Telephone:

Comments: I OBJECT to the project.

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

City of Austin

Planning and Development Review - 4<sup>th</sup> floor

Donna Galati

P. O. Box 1088

Austin, TX 78767-1088