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

CASE NUMBER: SP-2012-0382D **ZAP COMMISSION DATE:** June 18, 2013

PROJECT NAME: Republic Services of Austin – Recycling Center Grading Plan

ADDRESS: 10001 E US 290 Highway EB

APPLICANT: BFI Waste Systems of North America, LLC (Lee Kuhn)
3424 FM 973 Phone: 512-848-2306
Austin, TX 78761

APPELLANT: Coats Rose Yale Ryman & Lee, PC (John M. Joseph)
901 South Mopac Expressway Phone: 512-541-3599
Building 1, Suite 500
Austin, Texas 78746

AGENT: BFI Waste Systems of North America, LLC (Lee Kuhn)
3424 FM 973 Phone: 512-848-2306
Austin, TX 78761

CASE MANAGER: Christine Barton-Holmes, LEED AP, 974-2788
Christine.Barton-Holmes@AustinTexas.gov

APPLICABLE WATERSHED ORDINANCE: Decker Creek and Gilleland Creek,
Comprehensive Watershed Ordinance

AREA: 161.4 acres

EXISTING ZONING: I-RR

PROPOSED USE: Recycling center

LEGAL DESCRIPTION: 161.4 acres situated in the WH Sanders Survey 54 Abstract 690 of
Travis County.

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.

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Proposed Development:

The applicant proposes grading and associated improvements with this application.

Staff's Determination of Extension:

- A 180 day extension was requested by the engineer on April 22, 2013, prior to the expiration date of May 4, 2013. A 180-day extension was granted, extending the application expiration date to November 1, 2013. Due to the complexity of the remaining comments and the time required to obtain review by City of Austin and non-City of Austin entities, staff determined there was just cause to grant the extension.
- Extensions to the update deadline are standard practice by staff when unresolved issues are pending or when documents require City legal staff's review and approval.
- Issues that remained at the time the extension was granted:
 1. Rezoning hearings to change zoning to LI-PDA
 2. Dedicating easements by a separate instrument.
 3. Recordation of Unified Development Agreement.
 4. Obtain approval signatures by TXDOT and Travis County Transportation and Natural Resources.
 5. Confirmation from Environmental Resource Management that Environmental Assessment is accurate and meets requirements of the LDC and ECM.
 6. Posting of Fiscal Surety and Landscape Fees.

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 (John M. Joseph):

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

1. Not a permitted use under current zoning.
2. Zoning application filed February 22, 2013, three months after filing site plan application
3. Zoning change likely will not be processed before site plan expires
4. Site plan application is premature and should be withdrawn and resubmitted

Zoning and Platting Commission Action:

- UPDATE FOR JUNE 18 HEARING: the case was postponed to allow for review by the full Commission.
- UPDATE FOR JUNE 4 HEARING: the motion to deny the appeal failed 3 to 2 and did not have the effect of granting the appeal. No action is taken unless adopted by an affirmative vote of four members.

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- 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 November 1, 2013 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 Limited Purpose jurisdiction, and zoned I-RR with zoning case C14-2013-0015 pending to change the zoning to LI-PDA.

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

PROJECT INFORMATION

Site Area	161.4 acres	7,030,584 ft.	
Jurisdiction	Full Purpose		
Traffic Impact Analysis	N/A		
Capitol View Corridor	Not In View Corridor		
Proposed Access	US 290 EB		
I-RR Standards	Allowed/Required	Existing	Proposed
Floor-to-Area Ratio	NA	0	0
Building Coverage	20%	0 %	0
Impervious Coverage	25%	0%	.6%
Height	35'	0	NA
Parking	NA		NA

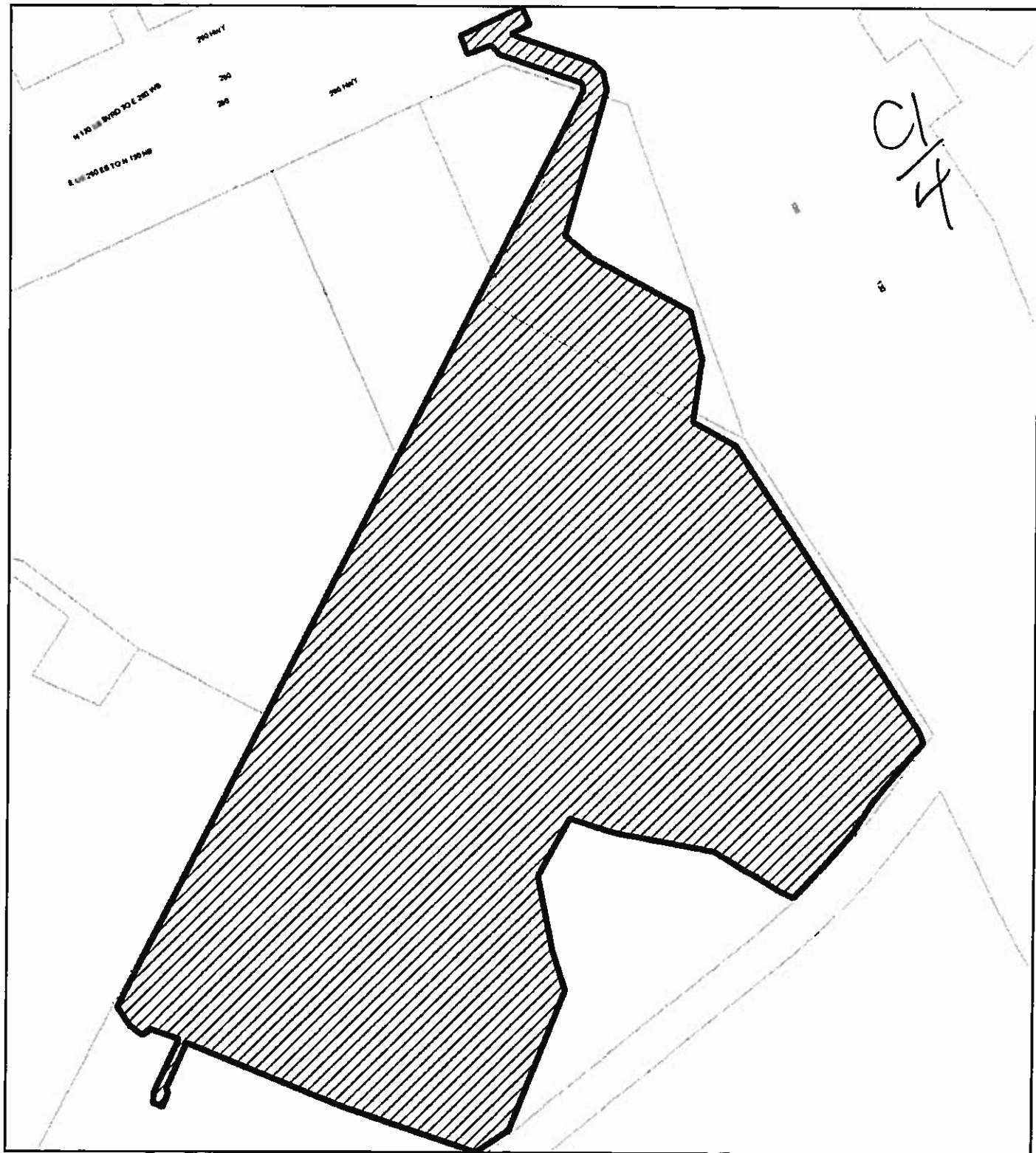
SURROUNDING CONDITIONS: Zoning/ Land Use

North: US 290, PUD (Undeveloped, agriculture)

East: I-RR, PUD (Agricultural, undeveloped, large-lot single-family)

South: P (Park)

West: CH-CO, 2-Mile ETJ (Agricultural, single-family, then warehousing)



Subject Tract



Base Map

CASE#: SP-2012-0382D
ADDRESS: 10001 E. US 290 Hwy.



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.



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 Planning and Development Review Department, City of Austin, at the address shown above. The deadline to file an appeal is 14 days after the decision of the Land Use Commission, or 20 days after an administrative decision by the Director. If you need assistance, please contact the assigned City contact at (512) 974-2680.

CASE NO. SP-2012-0382D

DATE APPEAL FILED 5/3/14

PROJECT NAME Republic Services
of Austin-Recycling Center

YOUR NAME John M. Joseph

PROJECT ADDRESS 10001 E Hwy 290,
Austin, TX 78653

SIGNATURE [Signature]

APPLICANT'S NAME BFI Waste Systems

YOUR ADDRESS 901 South Mopac,
Bldg 1, Suite 500, Austin, TX 78746

CITY CONTACT Christine Barton-Holmes

YOUR PHONE NO. (512) 541-3593 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. (Austin HB Residential, Ltd.)
- ☐ 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: 4/22/13

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:

See attached letter.

(Attach additional page if necessary.)

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

COATS | ROSE

A Professional Corporation

1/6

JOHN M. JOSEPH

jmjoseph@coatsrose.com
Direct Dial
512.541.3593

May 3, 2013

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: Republic Services of Austin-Recycling Center Grading Plan (SP-2012-0382D)

Dear Mr. Guernsey:

I am writing to you on behalf of this firm's client, Austin HB Residential Properties, Ltd. ("Austin HB"), an interested party in the above-referenced application. Pursuant to Sec. 25-1-88 and Sec. 25-1-182 of the City of Austin Land Development Code, Austin HB appeals the 180-day extension to submit an update that the Applicant, BFI Waste Services of Texas, L.P., was granted on April 22, 2013.

The subject grading plan is incidental to a "recycling operation center" the Applicant has proposed for the site. The Applicant's proposed center is not a permitted use under existing zoning. The Applicant has requested a zoning change to permit the recycling center, but the Applicant neglected to make this request until February 22, 2013, more than three months after it filed the subject site plan application. Due to this delay, there was no realistic chance that the proposed zoning change would be processed by staff and considered by City Council by the Applicant's site-plan update deadline. Indeed, there is no realistic chance that the proposed zoning change can be processed before the expiration of the new update deadline. The Applicant's site plan application accordingly is premature. The Applicant should withdraw and resubmit the application.

Austin HB is an interested party because it owns property within 500 feet of the subject property. You may contact Austin HB through my office regarding this matter but, in accordance with Sec. 25-1-183(1), its contact information is:

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
1753376.1/011074.000012

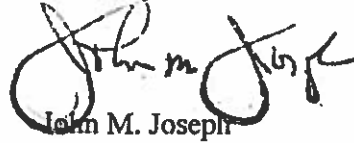
May 3, 2013
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Austin HB Residential Properties, Ltd.
Attn: John McCullough
1010 Rio Grande, Suite B
Austin, Texas 78701
(512) 419-7600

Thank you for your attention to this matter.

Sincerely,



John M. Joseph

cc: Christine Barton-Holmes, City of Austin
John McCullough, Austin HB Residential, Ltd.

4814-6106-7539, v. 1

1753376.1/011074.000012

C1/8

COATS | ROSE

A Professional Corporation

JOHN M. JOSEPH

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

December 11, 2012

VIA EMAIL

Benny Ho, Case Manager
City of Austin
505 Barton Springs Road, 4th Floor
Austin, Texas 78704

Re: Republic Services of Austin-Recycling Center Grading Plan (SP-2012-0382D)

Dear Mr. Ho:

We request that the following entities be registered as interested parties in the above-referenced case. Accordingly, the following entities should be provided copies of all documents generated in this case, including but not limited to applications, amendments, comments, extensions, and approvals related to the above-referenced case and should be notified of all hearings/settings.

1. Austin HB Residential Properties, Ltd. (owner of property located within 500 feet of the above-referenced case), Attn: John McCullough, (512) 419-7600, 1010 Rio Grande, Suite B, Austin, Texas 78701; jmccullough@galesi-austin.com; and
2. Coats Rose Yale Ryman & Lee, PC, Attn: John M. Joseph, (512) 541-3593, 901 South Mopac Expressway, Building 1, Suite 500, Austin, Texas 78746; jmjoseph@coatsrose.com.

Thank you for your attention to this matter.

Sincerely,



John M. Joseph

cc: John McCullough, Austin HB Residential Properties, Ltd.

Barton Oaks Plaza, 901 South MoPac Expressway, Building 1 Suite 500, Austin, Texas 78746

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

Web: www.coatsrose.com

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

1792810 1/011074 000001

November 1, 2012

City of Austin
Department of Watershed Protection & Development Review
P.O. Box 1088
Austin, Texas 78767

C1/a

Subject: Engineers Summary Letter

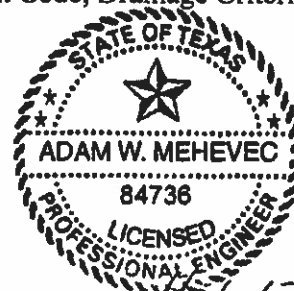
Project: Republic Services of Austin
Recycling Center Grading Project
10001 E US 290 HWY, Austin, Texas

1. PROJECT SIZE: 161.4 Acres (LOC 120.1 Acres)
2. WATERSHED: Decker and Gilleland
3. DEVELOPMENT TYPE: Grading
4. PROJECT PHASING: None
5. STORM DRAINAGE SYSTEM: Overland flow
6. EFFECT OF PROPOSED PROJECT ON:
 - a. Existing drainage system: Negligible
 - b. Future drainage system: No effect
 - c. Natural and traditional character of land and waterways: Short-term detrimental effects shall be minimized with temporary erosion control in accordance with City of Austin policy.

The Recycling Center grading project will consist of constructing an entrance driveway and road and excavating soil to use for final cover construction at the Sunset Farms landfill and to grade the site for future construction of the proposed Recycling Center. The existing site is undeveloped. The project will not be phased.

The project is designed and will be constructed in accordance with the design and construction standards of the City of Austin Land Development Code, Drainage Criteria Manual and the Environmental Criteria Manual.


Adam W. Mehevec
Registered Professional Engineer 84736



11-1-12
Firm F-36

REPUBLIC SERVICES OF AUSTIN

RECYCLING CENTER GRADING PLAN

DECKER CREEK & GILLELAND CREEK SUBURBAN WATERSHEDS

TOTAL SUBMITTAL DATE:	11/05/2012
ADDRESS:	10001 E US 290 HWY AUSTIN, TEXAS 78724
LEGAL DESCRIPTION:	181.4 ACRES SITUATED IN THE WILLIAM H SANDERS SURVEY NO. 30, ADJACENT SAN ANTONIO COUNTY, TEXAS AS RECORDED IN DOCUMENTS 2012151877 AND 2011159082.

SHEET INDEX

- C-1. COVER SHEET
- C-2. GENERAL NOTES
- C-3. PROPERTY MAP
- C-4. EXISTING CONDITIONS AND SLOPE MAP
- C-5. EROSION & SEDIMENTATION CONTROL PLAN
- C-6. SITE PLAN
- C-7. SEQUENCE OF GRADING ACTIVITIES
- C-8. EXISTING DRAINAGE CONDITION
- C-9. PROPOSED DRAINAGE CONDITION
- C-10. CHANNEL PROFILES/DETAILS
- C-11. DRAINWAY DETAILS
- C-12. POND DETAILS
- C-13. CULVERT DETAILS
- C-14. DETAILS
- C-15. CUT AND FILL EXHIBIT
- L-1. LANDSCAPE MASTER PLAN AND TREE LIST
- L-2. LANDSCAPE PLAN (1 OF 3)
- L-3. LANDSCAPE PLAN (2 OF 3)
- L-4. LANDSCAPE PLAN (3 OF 3)
- L-5. LANDSCAPE NOTES AND DETAILS
- OTF-1. C.E.F. IMITATION PLAN

DRIVEWAY PERMIT 010-12-35236-DP WAS ISSUED BY TxDOT ON APRIL 4, 2012 FOR THE PROPOSED DRIVEWAY.

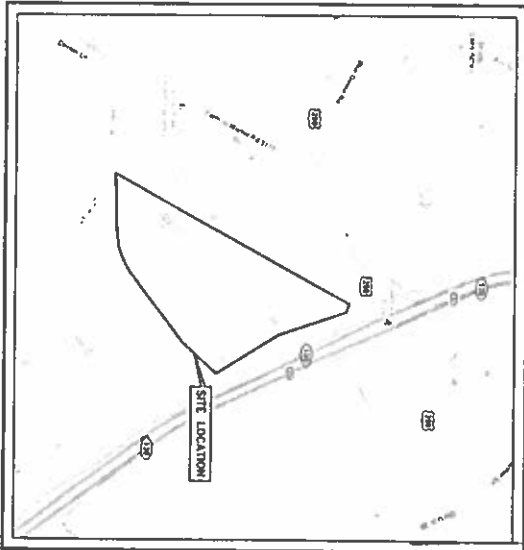
A LAND USE COMMISSION VARIANCE TO SECTION 23-B-241 OF THE COA LAND DEVELOPMENT CODE, FOR CUT AT DEPTHS FROM _____' TO _____' HAS BEEN APPROVED FOR THIS SITE BY THE ZONING AND PLATTING COMMISSION ON _____.

A LAND USE COMMISSION VARIANCE TO SECTION 25-6-342 OF THE COA LAND DEVELOPMENT CODE, FOR FILL AT DEPTHS FROM _____' TO _____' HAS BEEN APPROVED FOR THIS SITE BY THE ZONING AND PLATTING COMMISSION ON _____.

THE SITE IS COMPOSED OF 2 LOTS/TRACTS. IT HAS BEEN APPROVED AS ONE COHESIVE DEVELOPMENT. IF PORTIONS OF THE LOTS/TRACTS ARE SOLD, APPLICATION FOR SUBDIVISION AND SITE PLAN APPROVAL MAY BE REQUIRED.

THIS PROJECT IS LOCATED IN THE DECKER AND GALLELAND CREEK WATERSHEDS, WHICH ARE CLASSIFIED AS SUBURBAN WATERSHEDS.

THIS SITE SHALL BE DESIGNED, CONSTRUCTED, AND MAINTAINED IN CONFORMANCE WITH CHAPTER 25-8 OF THE CITY OF AUSTIN LAND DEVELOPMENT CODE AND CHAPTERS 64 AND 82 OF THE TRAVIS COUNTY CODE.



PROJECT LOCATION MAP
(A PORTION OF THIS SITE IS WITHIN THE 100 YR FLOODPLAIN AS PER
FEWA FIRM MAP NO. 48-350248-0H, DATED 28 SEPTEMBER 2006, FOR TRAVIS COUNTY, TEXAS)
(NOT SUBJECT TO COMPATIBILITY STANDARDS)
ARCHIVED PROJECT DATA

[illegible]

APPLICANT: BFI WASTE SERVICES OF TEXAS, LP dba
REPUBLIC SERVICES OF AUSTIN



REPUBLIC
SERVICES, INC.

Civil & Environmental Consultants, Inc.
 1000 Highway 100, Suite 100, Austin, TX 78740
 (512) 339-6000 • (512) 339-7394
 www.civilenv.com

LANDSCAPE ARCHITECT: LAND STRATEGIES INC.

Submitted: 6



CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

DATE

WATERSHED PROTECTION & DEVELOPMENT REVIEW

DATE _____

SP-2012-03821
SITE PLAN NO.

1

TRAVIS COUNTY TRANSPORTATION AND NATURAL RESOURCES

DATE _____

12-1602
DEVELOPMENT PERMIT NO.

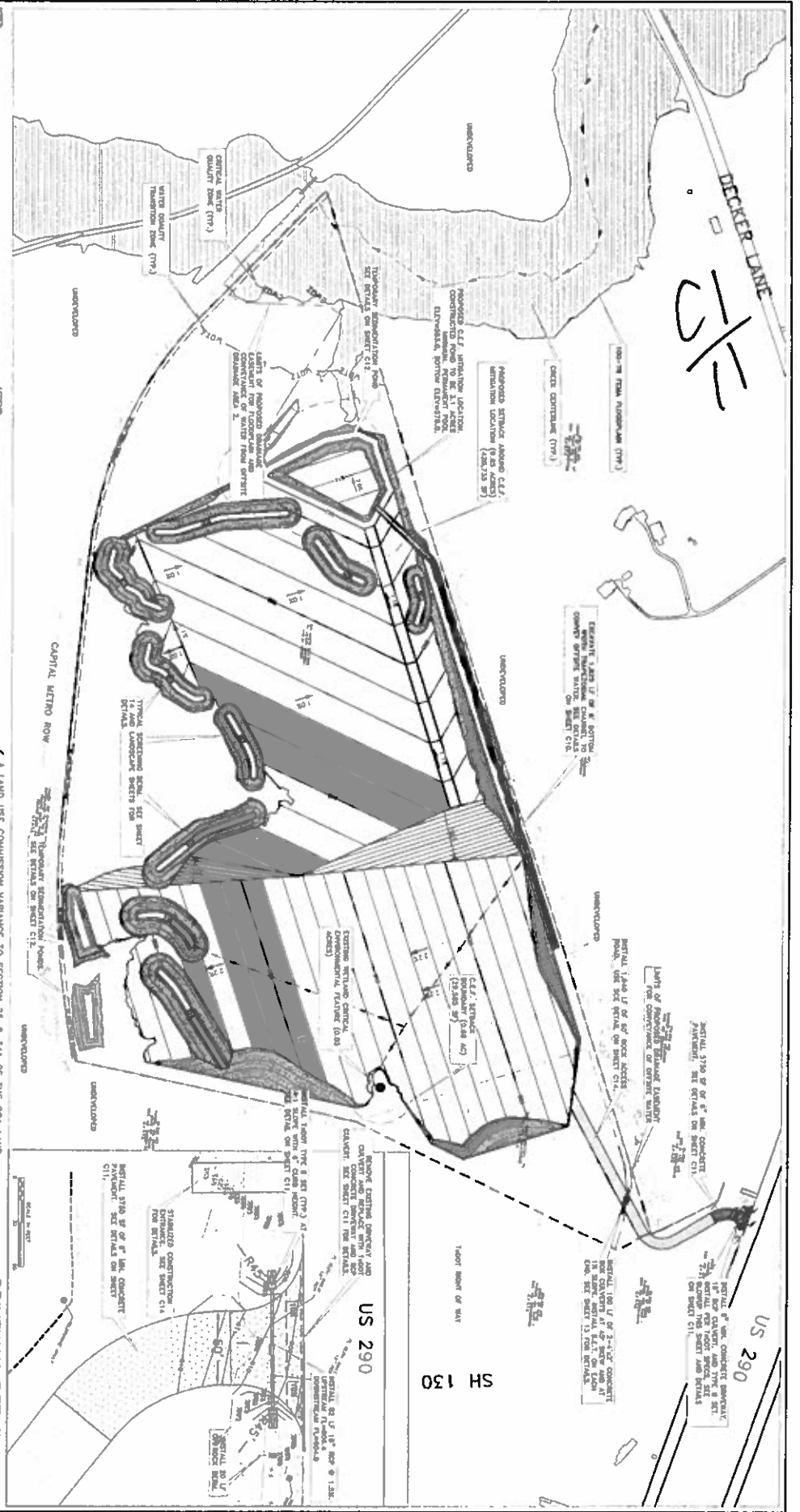
BOTH LOTS ASSOCIATED WITH THE AUSTIN OPERATIONS CENTER HAVE BEEN DETERMINED TO BE LEGAL LOTS BY THE CITY OF AUSTIN AND ARE EXEMPT FROM PLATTING REQUIREMENTS. SEE LAND STATUS DETERMINATIONS CRI-2012-0003 AND CRI-2012-0134.

NECESSARY FOR 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 ADVOCACY OF THEIR SUBMITTAL. WHETHER OR NOT THE APPLICATION IS REVIEWED FOR CODE COMPLIANCE BY CITY ENGINEERS.

THIS SITE IS NOT LOCATED OVER THE EDWARDS AQUIFER RECHARGE ZONE. THERE ARE NO WATER OR WASTEWATER IMPROVEMENTS PROPOSED AS PART OF THIS PROJECT.

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.

US 290



- DRIVEWAY DETAIL**

FILE NAME:	208 Insurance
CL-SPR Funding:	111 - 754
DELETED BY:	ADP
DELETED BY:	ADP
CREATED BY:	ADP
MOD:	
DATE:	

Sheet
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