



City of Austin Development Services Department
6310 Wilhemina Delco Drive / 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. SPC-2023-0357C -

DATE APPEAL FILED Dec. 23, 2024

PROJECT NAME North Trail Office Park

YOUR NAME Marcus Shaftel

PROJECT ADDRESS 6601 N Capital of Texas
Highway NB, Bull Creek Watershed

SIGNATURE *Marcus Shaftel*

YOUR ADDRESS 6504 Brownwood Court
Austin, TX 78731

APPLICANT'S NAME Bull Creek Market LLC

YOUR PHONE NO. (512) 779-8849 WORK

CITY CONTACT Christine Barton-Holmes

(512) 779-8849 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) Dec. 17, 2024.
- 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 Date of Decision: _____
- Replacement site plan Date of Decision: _____
- Land Use Commission Approval/Disapproval of a Site Plan Date of Decision: Dec. 17, 2024
- Waiver or Extension Date of Decision: _____
- Planned Unit Development (PUD) Revision Date of Decision: _____
- Other: _____ Date of Decision: _____

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

STATEMENT: Please provide a statement specifying the reason(s) you believe the decision under appeal does not comply with applicable requirements of the Land Development Code:

see attached

(Attach additional page if necessary.)

Applicable Code Section: see attached

SITE PLAN APPEAL
SPC-2023-0357C - North Trail Office Park
STATEMENT AND APPLICABLE CODE SECTIONS

Wastewater Service

1. The Site Plan violates § 25-4-192(A) which requires that "[a] subdivision within 100 feet of a public wastewater system must be connected to the public wastewater system."
2. The Site Plan violates § 25-4-192(B) which requires that "wastewater lines to serve each lot must be installed before a lot may be occupied."
3. The Site Plan violates Plat Note #2 of the Champion 360 Subdivision which reinforces §25-4-192 and provides a publicly enforceable restriction on the project by requiring that the property connect to the City's wastewater system.
4. The Site Plan violates §25-1-3 which clearly establishes that the requirements of Title 25 are cumulative of requirements that are imposed by ordinances, rules, or regulations, or by private easements, covenants, restrictions, or agreements. A site plan is not permitted to trump requirements (i.e., plat notes) of a subdivision.

Land Status Determination

5. The Site Plan violates §25-4-2 and Texas Local Government Code §212.004(a) by misapplying provisions related to the exceptions for subdivision (i.e., a Land Status Determination) on a lot that has already been subdivided.
6. The Site Plan violates Texas Local Government Code §212.004(a) by applying a Land Status Determination to a property that necessitates Right-of-Way Dedication to the Texas Department of Transportation to acquire access to the property.

Vested Rights Determination

7. The Site Plan violates §25-1-541 in applying vested rights without a proper Vested Rights Determination that includes findings of fact. Without such Vested Rights Determination, current code applies and all portions of the Site Plan not compliant with current code are violations of the current code. Hill Country Roadway Ordinance
8. The Site Plan violates §25-6-415(A) which limits the number of access points to a Hill Country Roadway from a site to two.
9. The Site Plan violates §25-6-416(B)(4) which prohibits access to a portion of a Hill Country Roadway that has a grade of eight percent (8%) or more.

10. The Site Plan violates §25-2-1105 by not identifying waivers to the Hill Country Roadway Ordinance. If the Settlement Agreement does not apply, the 100 feet setback should be restored.
11. The Site Plan does not reflect height calculations for Hill Country Roadway Ordinance are included to ensure compliance with §25-2-1124.
12. The Site Plan does not reflect 40% natural area requirements pursuant to Sec. 2.7 of the Environmental Criteria Manual.
13. The Site Plan does not reflect revegetation criteria for a Hill Country Roadway site, pursuant to Section 5, Appendix A of the Environmental Criteria Manual.
14. The Site Plan does not reflect mitigation (restoration) requirements for Hill Country Roadway sites, pursuant to Sec. 3.5.4 of the Environmental Criteria Manual.

Lake Austin Ordinance

15. The Site Plan violates Sec. 9-10-394(b) of the Lake Austin Ordinance, which prohibits the placement of buildings on steep slopes greater than 35% grade. As reflected on Sheet 29, 1,184 square feet of building has been placed on slopes greater than 35%.
16. The Site Plan violates Sec. 9-10-392 of the Lake Austin Ordinance which requires overland sheet flow to be maintained wherever possible. The drainage system places the runoff into pipes rather than relying on overland.
17. The Site Plan violates Sec. 9-10-409, which limits cut and fill to no more than 4 feet. This occurs in the northwest corner of the property, both inside and outside of the area depicted as Dedicated R.O.W. (or R.O.W. donation on some sheets). This is not permitted under the Lake Austin Ordinance and would require a variance, with a recommendation from the Environmental Commission which has not occurred. Please note that a Land Status Determination cannot be used to dedicate right-of-way, and the 2023 Subdivision does not reflect this R.O.W. dedication.
18. The Site Plan violates Sec. 9-10-409, which limits cut and fill to no more than 4 feet, also in the area to be used as the water quality control pond. Even if the Settlement Agreement permits the cut and fill for the water quality control pond.