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MEMORANDUM

TO: Betty Baker, Chairperson
Zoning and Platting Commission Members

FROM: Sherri Sirwaitis
Planning and Development Review Department

DATE: June 23, 2014

RE: C14-2014-0047 (Overlook at Spicewood Springs) Information Request

At Zoning and Platting Commission meeting on June 17, 2014, two members of the public spoke at Citizen Communication concerning the Commission's recommendation on zoning case C14-2014-0047. The Commission was concerned about the comments made at Citizen Communication and has asked the staff to put an item on their next meeting agenda to request a review of information for this case. The Commission cannot rescind and reconsider action on this case because the Commission did not place the case back on an agenda within 14-days of closing the public hearing per Section 25-2-282(B) the Land Development Code. However, the Zoning and Platting Commission stated that they will revisit the information presented by the staff, look at the recommendation that they made and decide if they would like to send a memo/letter forward to the City Council concerning their review of the information for this case.

Zoning case C14-2014-0047 (Overlook at Spicewood Springs) went before the Zoning and Platting Commission on May 20, 2014. The Commission held a public hearing and listened to both those in favor and opposed to the proposed rezoning. The staff report included all of the standard review information, including Environmental comments, for the case. The Commission voted to approve the proposed GO-CO zoning, with conditions:

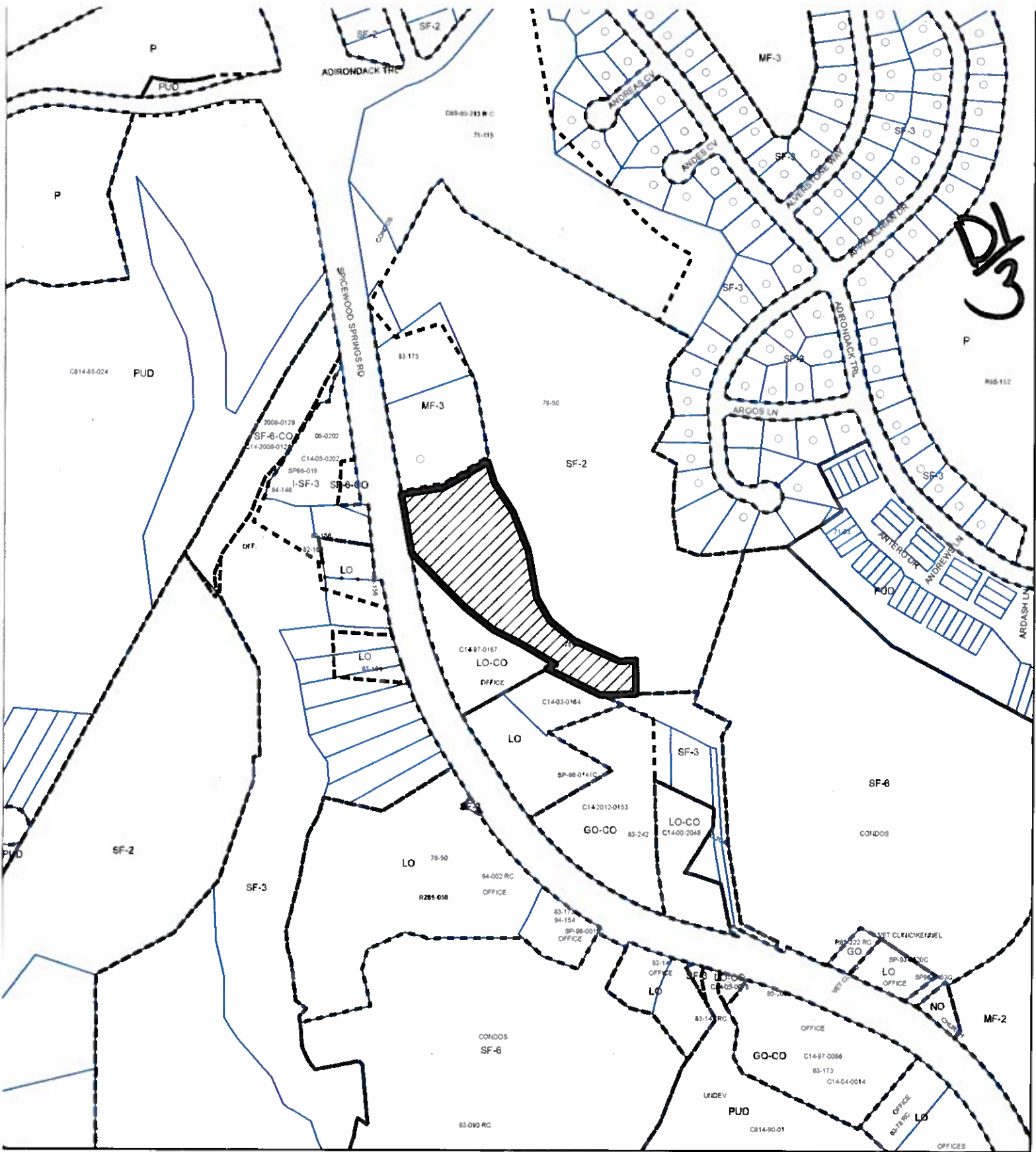
5/20/14: Approved the staff's recommendation for GO-CO zoning, with the condition that other than the 15-foot front yard setback, the site shall be limited to all other LO district site development standards, and include ROW dedication requirement (5-1, J. Meeker-No, R. McDaniel-absent); G. Rojas-1st, C. Banks-2nd.




The minutes from the May 20, 2014 Zoning and Platting Commission meeting were approved by the Commission by consent on June 3, 2014 (Vote: 6-0-1, R. McDaniel-abstain). The zoning case

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was then sent forward to City Council. On June 12th, the North Austin Civic Association (NACA) neighborhood requested a postponement of the case to the August 7, 2014 City Council meeting.

In conjunction with the proposed rezoning case, the applicant filed a site plan for the property at 4920 Spicewood Springs Road. During the administrative review of this site plan (case SP-2014-0141C), members of the neighborhood association have requested additional information involving environmental features/CEFs and tree removal/protection for this property. The City staff will be present on July 15th to address any questions from the Commissioners in relation to the previous land use/zoning discussion and about the status of the administrative site plan review for this property.



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

ZONING

ZONING CASE#: C14-2014-0047



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.

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1" = 400'

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4. **Rezoning:** **C14-2014-0037 - The Sealy**
Location: 801 West Wells Branch Parkway, Harris Branch Watershed
Owner/Applicant: Sealy & Company (Michael Sealy)
Agent: Garrett-Ihnen Civil Engineers, Inc. (Steve Ihnen, P.E.)
Request: IP-CO, GR-CO to GR
Staff Rec.: **Recommendation Pending**
Staff: Sherri Sirwaitis, 512-974-3057, sherri.sirwaitis@austintexas.gov,
Planning and Development Review Department

The motion to postpone to June 17, 2014 by request of staff was approved by Commissioner Gabriel Rojas, Commissioner Cynthia Banks seconded the motion on a vote of 6-0; Commissioner Rahm McDaniel was absent.

5. **Rezoning:** **C14-2014-0046 - Fort Dessau Condominiums**
Location: 13826 Dessau Road, Harris Branch Watershed
Owner/Applicant: Continental Homes of Texas, LP (Richard Maier)
Agent: Alice Glasco Consulting (Alice Glasco)
Request: SF-2-CO to LR-MU
Staff Rec.: **Recommended**
Staff: Sherri Sirwaitis, 512-974-3057, sherri.sirwaitis@austintexas.gov,
Planning and Development Review Department

Public hearing closed.

The motion to approve staff's recommendation for LR-MU district zoning was approved on the consent agenda by Commissioner Patricia Seeger, Commissioner Gabriel Rojas seconded the motion on a vote of 5-0-1; Commissioner Rahm McDaniel was absent, Commissioner Sean Compton abstained.

6. **Rezoning:** **C14-2014-0047 - Overlook at Spicewood Springs**
Location: 4920 Spicewood Springs Road, Bull Creek Watershed,
Owner/Applicant: Joseph Benford and Richard A. Haberman Trust (Danny Haberman)
Agent: CIVILE, LLC (Lawrence M. Hanarahan)
Request: SF-2 to GO
Staff Rec.: **Recommendation of GO-CO**
Staff: Sherri Sirwaitis, 512-974-3057, sherri.sirwaitis@austintexas.gov,
Planning and Development Review Department

Public hearing closed.

The motion to approve staff's recommendation of GO-CO district zoning was approved by Commissioner Gabriel Rojas, Commissioner Cynthia Banks seconded the motion on a vote of 5-1; Commissioner Jason Meeker voted against the motion (nay), Commissioner Rahm McDaniel was absent.

Rhoades, Wendy

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From: [REDACTED]
Sent: Sunday, June 22, 2014 8:21 AM
To: Rhoades, Wendy
Subject: Re: Please advise

Wendy, yes I would like this postponed, Laszlo can send you an email or call you if need be, he agrees to July 15th.

Karen

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

From: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
To: kesironi <kesironi@aol.com>
Sent: Fri, Jun 20, 2014 4:30 pm
Subject: RE: Please advise

Karen,

You may wish to send the Commission members correspondence (sending it through me is fine) requesting a postponement of this item to the next available meeting date which is Tuesday, July 15th, also to be held at in Room 325 of the One Texas Center. Will Laszlo Hertzeg also be a party to the postponement request? My reason for asking is that if one person requests postponement, and another is anticipating additional information to be provided at the July 1st meeting, then that could create a more difficult decision-making process for the Commission. Postponement requests are acted upon at the ZAP meeting.

It is expected that ZAP will have a quorum on July 1st (there are almost always subdivisions that have to be acted on in order to meet the provisions of State law, hence the ongoing need for a quorum).

Wendy

From: [REDACTED]
Sent: Friday, June 20, 2014 2:30 PM
To: Rhoades, Wendy
Subject: Re: Please advise

Good afternoon,

I have just realized this is the July 4th week, and I have a conflict. As there anyway to postpone this. The Commissioners might be away as well. There has to be a quorum yes?

Thank you,

Karen Sironi

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

From: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>
To: kesironi <kesironi@aol.com>
Cc: Courtney, Lynda <Lynda.Courtney@austintexas.gov>
Sent: Thu, Jun 19, 2014 4:05 pm
Subject: RE: Please advise

Good afternoon Karen,

Unfortunately, staff is unable to locate the referenced Master Plan for FM 2222, 360, Mesa Drive and Spicewood Springs Road in our Department's library or zoning resources (I have approximately 20 different City initiated Area Studies prepared for different areas of the City during the 1970s and 1980s, and it is not contained in those two binders).

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On May 20th, the Commission voted to approve the proposed GO-CO zoning, with conditions, for the Overlook at Spicewood Springs case (C14-2014-0047). Staff prepared a rezoning ordinance that reflects Commission's action. On June 17th, the Commission asked staff to place an item on the July 1, 2014 Zoning and Platting Commission agenda to request additional review of information on the case. (As information, ~~the Commission~~ is unable to rescind and reconsider their action on May 20th because two commissioners did not sponsor a request to place the case back on an agenda within 14 days as outlined in the Land Development Code.) The Commission stated that they will revisit the information presented by the staff for this case, look at the recommendation they made and decide if they would like to send a memo/letter forward to the City Council concerning their review of the information. Ms. Sirwaitis has requested that environmental, transportation and site plan staff attend the Commission meeting in order to make sure that the staff is able to address questions that may arise during the Commission meeting and also at the City Council meeting on August 7, 2014.

The primary purpose of Staff review for zoning changes is to evaluate whether the zoning change is appropriate for a particular location, and the review information presented in the zoning staff report is often general in nature. The site plan provides additional details regarding the placement, height and massing of buildings, and related infrastructure (roadways, driveways, utilities). In addition, the more restrictive of development standards applies, and as an example, if the zoning district establishes a maximum impervious cover of 90% and the watershed regulations limit impervious cover to 40%, then the watershed regulations limit the amount of impervious cover on the property to 40%.

Please note that the July 1st Zoning and Platting Commission meeting will be held at 6 p.m. on the 3rd Floor (Room 325) of the One Texas Center, located at 505 Barton Springs Road (portions of City Hall will be remodeled during July, August and September to accommodate Council redistricting, hence the relocation of the ZAP meeting to the One Texas Center). Surface and garage parking is available at the One Texas Center. The City Council meeting will be held at the Commissioners Courtroom, Travis County Administration Building located at 700 Lavaca Street. I am unsure about the provision or availability of parking.

I hope this information is helpful to you.

Sincerely,
Wendy Rhoades

My apologies,

I forgot to mention the *biggest* issue and that was the Commissioners think they only sent this forward with one variance the set back of 15 ft rather than 25 feet, in line with Imagine Austin (even though this is *not* a zone for high density and should not be waved). Again improper information from Staff.

How this is rectified I don't think it can be. Unless you step in and correct the wrong that has been done by your staff.

Karen

From: ~~kcarini@abrtexas.com~~
Sent: Thursday, June 19, 2014 7:43 AM
To: Courtney, Lynda; Rhoades, Wendy
Subject: Please advise

Good morning Ladies,

As you know I have been gathering research and information with respect to yet another proposed development on Spicewood Springs Road, called the "Overlook at Spicewood Springs", (developer Scott Taylor of Sierra Concepts).

I have been a steward of Bull Creek since the 1980's and both Watershed and PARD is familiar with me, and probably not in pleasant way.

That fact that the ABR building went forward is beyond my comprehension as you know. To remind you, out there exists a master plan for this area I worked on as a member of the NWACA Executive Committee. It appears I am the only surviving member of that group. The ownness has been placed on me to prove what I say, even by the current NWACA

Board. I think if they were to be treated this way they would not stand for it.

Just to refresh the facts about this new project let me state them briefly.

This project is in the Edwards Aquifer Recharge Zone, the Bull Creek Watershed, Zone 1 of the GCW Habitat, and has a creek and springs on the site. Hence the name Spicewood Springs.

At the meeting on May 30th there was no support for the Commissioners and when asked Staff, Sherri Sirwaittis , had no response. While the Wood Hollow Restaurant had all the necessary environmental information. This one had *none*,

That is not acceptable ..

This week I stood up for the Citizens input and stated that, as well as much more. This single vote destroyed all the work we did in the 1980's and has changed the neighborhood that is in an sensitive environment and is not being treated as such. The damage that has been done can not be reversed. I won't waste your time with all the details. I will however ask that Ms. Sirwaittis be required to answer to this and her demeanor at these hearings. My colleague observed her rolling her eyes as I spoke and mentioned that staff had not presented this case accurately with the facts.

Because the incorrect information was sent forward to Council 40% vs 70 % impervious cover the Commissioners will be reviewing what was said at their next meeting.

Both meeting are viewable don't just take my word for it.

Sincerely,

Karen Sironi

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