



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. SPC-2014-0086C

DATE APPEAL FILED 11/10/14

PROJECT NAME Springdale Multifamily

YOUR NAME DeWayne Lofton

SIGNATURE DeWayne Lofton

PROJECT ADDRESS 5605 Springdale Rd

YOUR ADDRESS P.O. Box 14206 Austin, TX

78761

APPLICANT'S NAME Ryan Companies

YOUR PHONE NO. (512) 929-0776 WORK

CITY CONTACT Nikkie Hoelter

(512) 461-8563 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) 10/28/14.
- ☐ 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: \_\_\_\_\_

Date of Decision: \_\_\_\_\_

Date of Decision: \_\_\_\_\_

Date of Decision: 10/28/14

Date of Decision: \_\_\_\_\_

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:

Please see attached

(Attach additional page if necessary.)

Applicable Code Section: 25-5-145 - EVALUATION OF CONDITIONAL USE SITE PLAN

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Case #: SPC-2014-0086C

Project name: Springdale Multifamily

Project Address: 5605 Springdale Rd

This appeal is filed on behalf of the Pecan Springs/Springdalehills Neighborhood Association. We are an interested party in one or more categories of interested parties.

Prior to filing this appeal, we have been in communication with the applicant (Ryan Company) regarding this proposed development. We meet several times over many months in the hope we could find some common ground regarding this development, which was mutually beneficial to both the neighborhood and the applicant. However, after many discussions we were unable to reach an agreement regarding the development and we formally opposed it at the October 28, 2014 Planning Commission meeting.

At that time, we were item 55 of 59 on the agenda that night. After having sat around for eight hours, this case came to be heard by the Commission at 2:00 a.m. The Commissioners although respectful did not give us proper consideration and we were more or less rushed through the process, having approximately 10 minutes to discuss this case and our issues. We do not believe we have had a proper vetting of the issues surrounding this case and we are filing this appeal to further develop the issue of whether we have a right to oppose this project.

In 2007 this property was up-zoned with the support of this neighborhood association. At that time, we agreed to the up-zoning with the intent of being able to have a say over how the property was ultimately developed in the future. We asked for the conditional use to be placed on the property, so we would have the opportunity to engage with the future developer over how the land was developed and for what uses as our primary objective in this area is homeownership. In this instance, that objective was conveyed to the applicant at the onset of our many conversations with them.

In the eleventh hour, we are now being told by the applicant, the conditional use on the property grants them an exclusive right to develop multifamily on the site, even in spite of neighborhood objections to same. We disagree they have an exclusive right to the development or the site plan approval. Specifically we object on the following basis.

Pursuant to §25-5-145 Evaluation of Conditional Use Site Plans. Section (B)(6) states the use must comply with the goals and objectives of a neighborhood plan adopted by city council. This development sits within an approved neighborhood plan that was adopted in 2002, and this development does not comply with the stated goals and objectives. The number one stated goal in our neighborhood plan is homeownership. This proposed use does not comply with the primary stated objective. In addition, this development sits within the East Austin Overlay District. Based on its location, developers are required to work with neighborhoods and interested parties to ensure their rights and voices are heard and protected. While the applicant has engaged this neighborhood in conversations, they have not engaged in good faith communications and it appears they have only engaged us for the purposes of satisfying this requirement.

Section (C)(2) states in part, ...may not adversely affect vehicular traffic, including reasonably anticipated traffic. Springdale road in this area is already burdened with heavy traffic. Because the applicant chose to develop the site just under what would have triggered a traffic impact study, we do not know the true cumulative effect this development will have on the area in terms of increased traffic. The business immediately adjacent to this development (Region 13 ESC) has for years complained to the association as well as the City of Austin, that traffic is an issue in this area. During rush hour we routinely have cars using the turn lanes as travel lanes and drive against traffic on the wrong side of the road in an attempt to get around the traffic which is backed up. This development will further exacerbate this issue. In addition to this, there are several other proposed developments within a block of this development. They will bring additional cars to this area and a cumulative traffic study needs to be done to take into account the net effect all the vehicular traffic will have on this already stressed and congested part of Springdale Road. At a minimum we feel this development should be required to obtain a traffic study, as well as an impact study on the local school, something that would have been triggered had the development had 300 units or more. It appears as though they have limited the number of units to 290 in an attempt to skirt this requirement.

For the reasons stated above we formally object to this development. In addition to the stated reasons, we were hoping the applicant would build into the development some retail space for the community. We have stated over and over to them, we would be willing to support the development if it contained a community benefit. We have determined that community benefit to be dedicated retail space within the sight. They have proposed what they have termed "token" retail and we do not find it acceptable as a way to gain our support. The retail space we are requesting is of the same kind and quality that is being built all over Austin as part of the VMU development. As such, we feel as though we are not asking for something that isn't already being done throughout this community. Springdale Road is one of our neighborhoods core transit corridors and would qualify for this type of development. In the absence of the applicant meeting our request, we would urge you to deny the conditional use of this property for the reasons stated. In addition, we reserve the right to amend our position as further information is developed.