

## AGENDA



Thursday, October 18, 2007

**Item(s) to Set Public Hearing(s)**  
**RECOMMENDATION FOR COUNCIL ACTION****Item No. 47**

---

**Subject:** Set a public hearing to consider an appeal by The Creek at Riverbend Homeowner's Association, of the Zoning and Platting Commission's decision to approve a Site Plan Extension for SPC-99-0227A and SP-03-0031B, located at 4339 Westlake Drive. (Suggested date and time: November 1, 2007, at 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX.)

**Fiscal Note:** There is no anticipated fiscal impact. A fiscal note is not required.

**For More Information:** George Zapalac, 974-2725; Lynda Courtney, 974-2810

**Boards and Commission Action:** The Zoning and Platting Commission approved staff recommendation to extend the life of the site plans three years on July 17, 2007. The site plans had already received a one year administrative extension.

---

The site plans being appealed for a commercial development that include five office buildings, 2 parking garages, a driveway to Loop 360 and drainage ponds. The development is located in the Davenport West Planned Unit Development area.

The owner requested that the Zoning and Platting Commission grant a 3-year extension to the site plan. A one-year extension has already been granted by the Director of the Watershed Protection and Development Review Department. No modifications of the site plan are proposed.

On July 17, 2007, the Zoning and Platting Commission extended the site plans for three years, to May 7, 2010. Chris Marich, President of the Creek at Riverbend Homeowner's Association, is appealing the Zoning and Platting Commission's decision to approve the extensions on the basis that residents of the area wished to amend the restrictive covenant between the owner of the project and the homeowners association.

The restrictive covenant is a private agreement between the homeowners and the developer signed during the PUD zoning case. The City was not a party to the restrictive covenant. The provisions of the restrictive covenant do not address issues that are relevant to the review and approval of the site plan.

Staff recommends denial of the appeal because the application complies with all site development regulations.