

AGENDA



Thursday, February 14, 2008

**Action on Executive Session
RECOMMENDATION FOR COUNCIL ACTION****Item No. 74**

Subject: Consider an application for a limited adjustment under Chapter 25-8, Subchapter A, Article 12, Land Development Code (SOS Initiative Ordinance) for a development project for Encino Trace located at 5707 Southwest Parkway and set a public hearing if required. (This limited adjustment concerns development in the Barton Springs Zone.) (Related to item #68)

Koontz-McCombs, LLC, owner of a tract of land located at 5707 Southwest Parkway, has requested a limited adjustment from SOS regulations, pursuant to City Code Sections 25-1-251, 25-1-252, and 25-8-518. These provisions set out a two phase process for considering an application for adjustment. This action item constitutes phase one.

In phase one, City Council must determine whether application of SOS regulations to the development violates the United States Constitution, Texas Constitution, or federal or state statutes. If Council, by a three quarters majority vote, finds a violation, then a phase two public hearing will be set for February 28, 2008 to determine the minimum adjustment required. If Council does not find a violation, the application for the adjustment is denied.

Under the phase one process, the application was submitted to the Director of the Watershed Protection and Development Review Department. The Law Department has reviewed the application, and the application, along with the recommendation of the City Manager, is now being presented for Council consideration. The City Manager's recommendation is pending.