



City of Austin Planning and Development Review Department
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

SITE PLAN APPEAL

Alisa Lange
5/31/11
2011

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-2010-0071C.MGA

DATE APPEAL FILED 5/31/11

PROJECT NAME Tarleton 360 Townhomes

YOUR NAME Lynne Harrison-David

PROJECT ADDRESS 2500-2530 Walsh

SIGNATURE _____

Tarleton Road

YOUR ADDRESS 3201 Foxfire, Austin,

TX 78746

APPLICANT'S NAME CRV LOOP 360 LP.

YOUR PHONE NO. (512) 767-0877 WORK

CITY CONTACT Sue Welch

(512) 330-0672 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) May 17, 2011.
- ☐ 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: The Commission's decision on May 17, 2011

Date of Decision: _____

Date of Decision: _____

Date of Decision: _____

Date of Decision: May 17, 2011

Date of Decision: _____

Date of Decision: May 17, 2011

*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 letter

Applicable Code Sections: Section 25-1-181 et seq. and 25-5-149 (appeal), LDC Sections 25-2-1123 (Construction on Slopes), 25-2-1122 (Floor-To-Area Ratio of a Nonresidential Building) and 25-2-1124 (Height of Building)

Lynne Harrison-David, Chair
Earl Holderness, Vice Chair
Mark May, Treasurer
Dianne Pingree, Acting Secretary

**SOUTH BEECAVE WOODS
NEIGHBORHOOD ASSOCIATION**

P.O. Box 160434
Austin, Texas 78716-0434
(512) 767-0877
southbeecavewoodsna@gmail.com

Joe Fanzo
2011 MAY 31 PM 03:22:52

May 31, 2011

Mr. Greg Guernsey, Director
City of Austin
Planning and Development Review Department
505 Barton Springs Road, 5th Floor
Austin, Texas 78701

Re: SPC-2010-0071C.MGA - Tarlton 360 Townhomes; Notice of Appeal

Dear Mr. Guernsey:

I am the Chair of the Executive Committee of the South Beecave Woods Neighborhood Association ("SBWNA"). Pursuant to Sections 25-1-181 *et seq.* and 25-5-149 of the City of Austin Land Development Code (the "Code") and the attached appeal form, I hereby appeal the Land Use Commission's decision of the site plan application and waivers on May 17, 2011 for the above reference project. I specifically object to the granting of the following waivers:

LDC Sections 25-2-1123 (Construction on Slopes);
25-2-1122 (Floor-To-Area Ratio of a Nonresidential Building); and
25-2-1124 (Height of Building).

In addition, I object to any Managed Growth Agreement ("MGA") being granted for this project, including the 5-year MGA recommended on May 17th.

I hereby request a public hearing to be scheduled with the City Council at which I and members of the SBWNA can voice our opposition to the waivers requested by this project. In addition, please note that I specifically object to the "second" vote taken by the Zoning and Platting Commission ("ZAP") on May 17th, which was not made in accordance with ZAP's rules and/or Texas law and accordingly should be declared void.

In addition to my letter (copy included) to ZAP, dated May 23, 2011, I wish to emphasize that the change in voting occurred after the time the item was declared closed and votes taken, and after SBWNA executive members had left the meeting. Of the seven speakers raising objections, only one remained. I also wish to include that discussions occurred between commissioners and

the developers / developers representatives during the recess, where SBWNA had no input and were not invited into these discussions.

Thank you for your assistance with this important matter.

Very Truly Yours,

Lynne Harrison David

Lynne Harrison-David, Chair
SBWNA Executive Committee

1/30/2017 10:03:27 AM
2017-01-30 10:03:27 AM

Lynne Harrison-David, Chair
Earl Holderness, Vice Chair
Mark May, Treasurer
Dianne Pingree, Acting Secretary

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NEIGHBORHOOD ASSOCIATION**

P.O. Box 160434
Austin, Texas 78716-0434
(512) 767-0877
southbeecavewoodsna@gmail.com

Bea Hanger
MAY 23 2011

May 23, 2011

Zoning and Platting Commission
Austin City Hall
301 West 2nd Street
Austin, Texas 78701

Re: SPC-2010-0071C.MGA - Tarlton 360 Townhomes

Dear Commission Members:

On behalf of the South Beecave Woods Neighborhood Association, I wish to request a review of the voting decisions pertaining to the above item, on the agenda at the Zoning and Platting Meeting, May 17, 2011.

Our objections are based on the fact that a second vote was taken after the waivers were denied by a 3-2 vote and after the members of the neighborhood left the meeting, which had been closed to further testimony. In particular, we do not believe the second vote complied with ZAP rules, which state:

10.200 Conduct of Public Hearings

10.210 The Commission shall use the following order of procedure for public hearings:

[procedure for supporters and opposition to speak]

10.217 *Public hearing is closed and no further testimony is taken from the public.*

[...]

10.230 *Items on the agenda may be acted upon by one motion*, provided however that the Commission may not consider items earlier than the time stated on the agenda. . . .

]

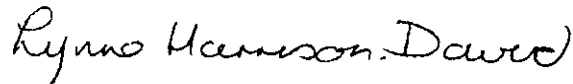
10.400 ***Revision or amendment of previous action*** by the Commission – The Commission may rescind or amend a previous action at the request of two or more Commissioners. Such a request ***must be based on new evidence*** judged to be material to a correct decision of the Commission and must be made within fourteen (14) days at the date of the session in which the action to be rescinded or amended was taken. The decision to rescind or amend may be effected by an affirmative vote of a ***two-thirds majority of the Commission***.

Not only was no new evidence obtained after the waivers were denied, but 2/3 of the Commission (*i.e.* 5 members) did not vote in favor of reversing that decision. We further note that “new information” could not have been collected during the recess, which would have contravened the Texas law and the Commission’s Bylaws. See Article 7 Sections A & C (requiring compliance with the Open Meetings Act and prohibiting a closed meeting without the approval of the city attorney). Furthermore, the Commission invited the developer to speak after the hearing had been closed and a vote taken.

In view of the above violations, we respectfully request that ZAP issue a statement confirming that its original decision denying the waivers stands. The developer has already filed an appeal of ZAP’s decision and should City Council want to permit the waivers, it can do so with the benefit of the neighborhood’s input as to the conditions that should be placed on any such approval. By ZAP confirming its original vote, City Council and the City Attorney will not be burdened by addressing these procedural irregularities.

Thank you for your assistance with this important matter.

Very Truly Yours,



Lynne Harrison-David, Chair
SBWNA Executive Committee

cc: Karen Kennard
David Armbrust
Earl Holderness
Mark May
Dianne Pingree