

Correspondence Regarding Postponement

From: Jeff Howard < >

Sent: Tuesday, July 16, 2019 11:01 AM

To: Brian Showers < >; Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>

Cc: A. Ron Thrower () < >; Laci M. Ehlers < >; Victoria <

Subject: RE: FW: Commissioner Evan's Postponement Request for Item C-1 on 7-16-19 ZAP Commission Meeting

Sherri,

The applicant supports Commissioner Evans' postponement request. While Mr. Showers continues to raise the prior zoning case and its history (which includes postponement requests from the neighborhood and no willing ness to compromise at all on its part), this is an entirely new zoning case. The most recent amendment was the result of feedback we received as we approached council consideration.

As you know, the applicant was prepared to hear this case on July 2, 2019 but moved it to July 16, 2019 at the request of the neighborhood to avoid any conflict with July 4th vacation plans. So conflict with neighborhood vacation plans has previously been considered and accommodated. In addition, it was ZAP (not the applicant) that sought the briefing on the Fire Code changes (especially since the neighborhood has made fire safety an issue in the zoning case). The briefing on the Fire Code changes has been delayed by staff (not the applicant).

Given that ZAP commissioners specifically requested this briefing to understand the impacts of the Fire Code changes, and given that fire safety is an issue that the neighborhood has raised, it would seem to make sense that ZAP be given the opportunity to hear that information and consider its impact in the zoning case. While it is unfortunate that the staff briefing is not going to happen as planned, we would have hoped the neighborhood would have accommodated the request as it would bring better information to the decision making process - information on an issue the neighborhood itself has raised. It is interesting that the neighborhood would rather ZAP go forward tonight without the benefit of that briefing.

In any case, the applicant supports the postponement request.

Jeffrey S. Howard

Partner

Barton Oaks Plaza, Building II

901 South MoPac Expy | Ste 225

Austin, Texas 78746

512.328.2008 phone

512.328.2409 fax

www.mcleanhowardlaw.com

From: Brian Showers

Sent: Tuesday, July 16, 2019 10:18 AM

To: Sirwaitis, Sherri <Sherri.Sirwaitis@austintexas.gov>

Cc: Jeff Howard <A. Ron Thrower

Subject: Re: FW: Commissioner Evan's Postponement Request for Item C-1 on 7-16-19 ZAP Commission Meeting

Hi Sherri,

Since receiving this last night, I have spoken to several neighbors as well as Mr. Howard regarding another potential postponement.

While we would have appreciated it if this new code could have been passed in time or for the commission to be briefed on it, we are put in a tough position of weighing the likelihood and timeliness of that happening vs another delay. We have several neighbors who have cancelled, changed or rearranged family vacations in order to be at the meeting tonight. Adding to that are the number of people who have made work and childcare arrangements. Given that there have been 10+ last minute postponements or amendments on this case (and the prior case), we feel we are in the unenviable position of needing to oppose this postponement request.

When I spoke with Mr. Howard, he stated that he planned to speak in favor of a postponement despite our opposition. So, I think we will need to leave it up to the commission to decide which of these non-ideal scenarios is best.

Thank you,

Brian Showers