

**SUBDIVISION REVIEW SHEET****CASE NO.:** C8J-2018-0208**ZAP DATE:** August 20, 2019**SUBDIVISION NAME:** Live Oak Springs Preliminary Plan**AREA:** 51 acres**LOT(S):** 32**OWNER/APPLICANT:** Artek Investments (David Knapp)**AGENT:** Civil Insite, LLC (Gregg Andrulis)**ADDRESS OF SUBDIVISION:** 9406 Morning Hill Dr.**DISTRICT NUMBER:** N/A**GRIDS:** WY17**COUNTY:** Travis**WATERSHED:** Slaughter Creek**JURISDICTION:** 2-Mile ETJ**EXISTING ZONING:** N/A**MUD:** N/A**NEIGHBORHOOD PLAN:** N/A**PROPOSED LAND USE:** single-family residential

**ADMINISTRATIVE WAIVERS:** The applicant has requested an administrative waiver to the requirement to plat the entire tract. The applicant is the owner of the balance of the tract and does not wish to plat the remainder of the property at this time.

**VARIANCES:** None**SIDEWALKS:** Sidewalks will be provided on one side of all internal streets.

**DEPARTMENT COMMENTS:** The request is for approval of the Live Oak Springs. The proposed plat is composed of 32 lots on 51 acres, (30 residential lots and 2 open space/drainage lots). The lots will take access via an internal street network via the extension of Morninghill Drive to Zyle Road. The plat has been approved for adequate fire flow by the Travis County Fire Marshall's office. Water service will be provided by the West Travis County Public Utility Agency and on-site septic will be provided for wastewater. The developer will be responsible for all costs associated with any required improvements.

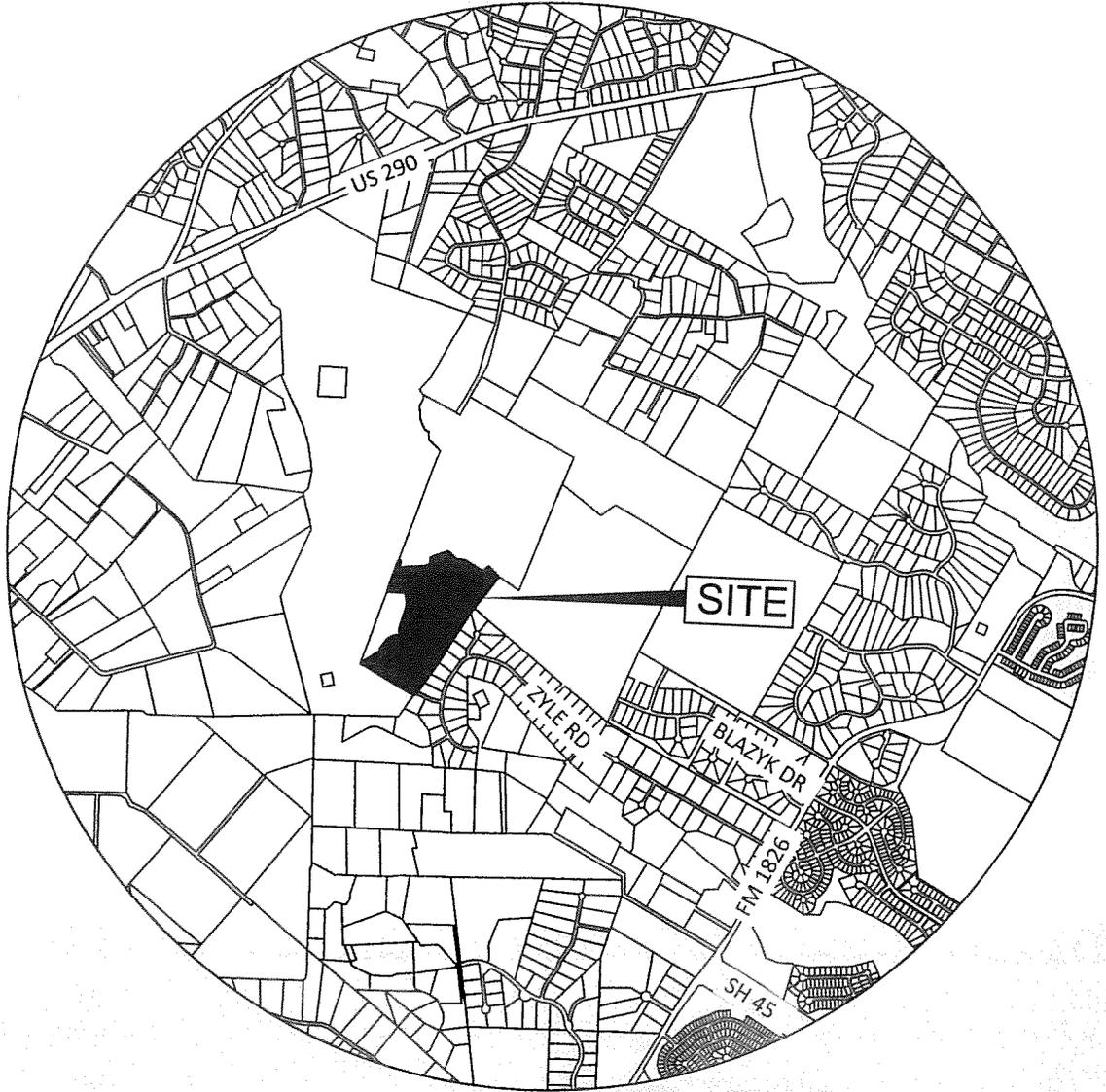
**STAFF RECOMMENDATION:** The staff recommends approval of the plat. This plat does meet all applicable State and City of Austin LDC requirements.

**ZONING AND PLATTING COMMISSION ACTION:**

**CITY STAFF:** Don Perryman

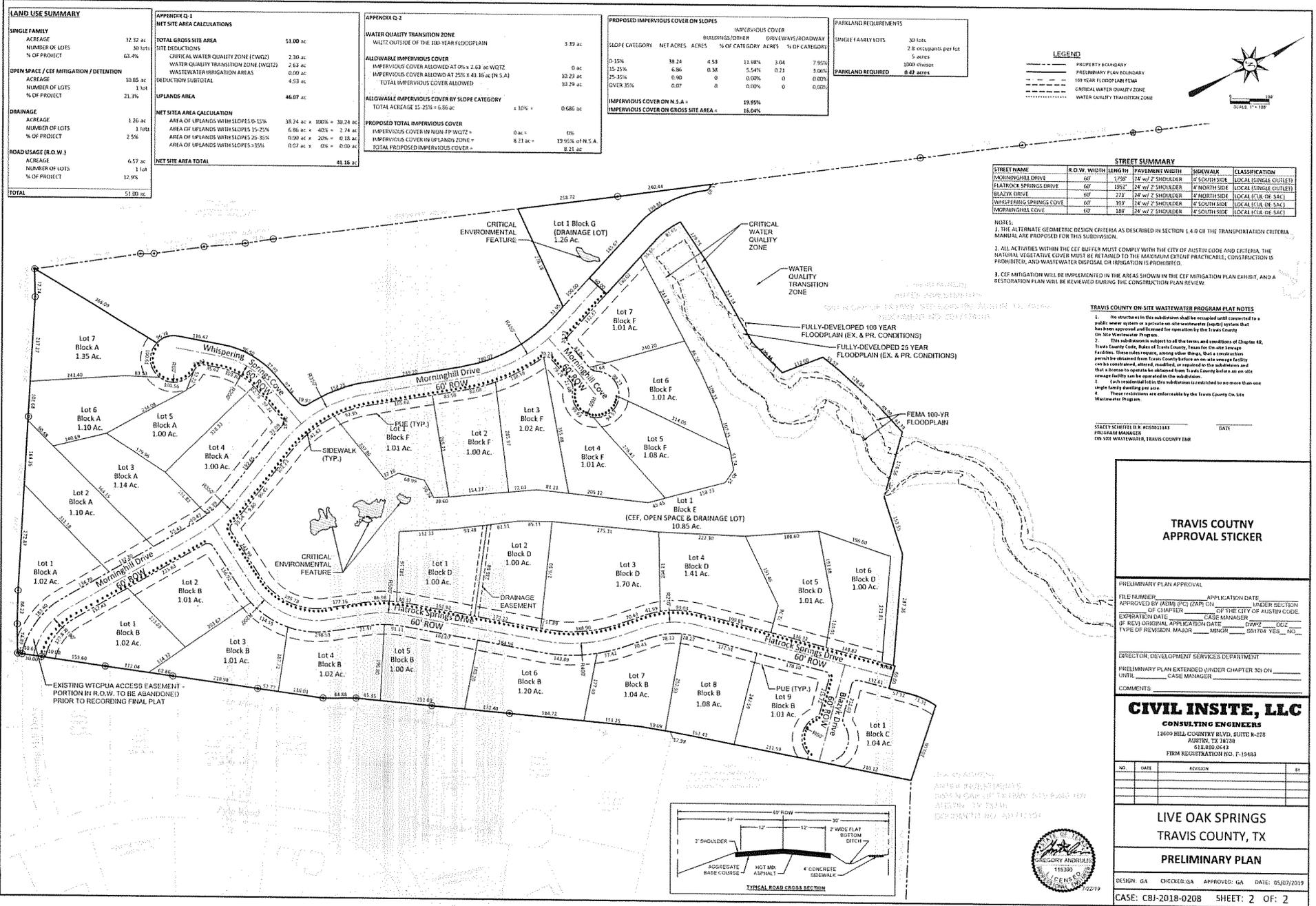
**E-mail:** [don.perryman@austintexas.gov](mailto:don.perryman@austintexas.gov)

**PHONE:** 512-974-2786



1" = 3000'

LOCATION MAP



David Knapp, Manager Artek Investments LLC  
3801 North Capital of Tx Hwy  
Suite E240-180  
Austin, Tx 78746

February 7, 2019

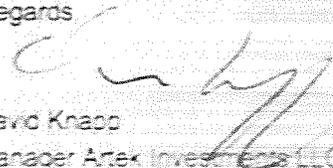
David Knapp, Manager Artek Investments LLC  
3801 North Capital of Tx Hwy  
Suite E240-180  
Austin, Tx 78746

Subject: Balance of Tract

As the sole manager of Artek Investments LLC, which solely owns the 164.60 acres of land out of the William S Holton Survey, No 57, Abstract No 378, it is my responsibility under the City of Austin regulation 30-2-34 to request all owners of land that is a portion of this tract and contiguous to the land included in the application for Live Oak Springs to provide written confirmation that (a) the owner's land is not a legal lot or tract; and (b) the owner must plat the land before the city may approve a development permit or a utility company may provide initial or additional service.

As Artek Investments LLC is the sole owner of both the 46.9 acres associated with the Live Oak Springs application and the remaining balance of tract, 117.7 acres, this letter serves both the request for written confirmation and the written confirmation that the balance of tract is not a legal lot or tract and that it must be platted before the city may approve a development permit or a utility company may provide initial or additional service.

Regards

  
David Knapp  
Manager Artek Investments LLC

Don, I am requesting a postponement of the Live Oak Springs hearing at the August 20 Zoning and Platting commission meeting. A request was also made by Friends of Zyle Road on Tuesday morning, and I too am making this request since my husband and I had planned to be out of town on the 20th.

As a resident living on Morninghill Drive this project will severely impact our home and access to Zyle Road. There are several factors in the phasing plan of the development that cause great concern.

1. This is the same plan that was rejected last year. Now the owner is devising a way to get his 86 lots through a phasing program. This is being done without a second access as required by City of Austin Code.
2. Also, there is no mention of the replacement of mail boxes on Morninghill Drive due to the street construction.
3. Our concerns regarding safety for our residents remain a huge issue which is not addressed in these documents.

Please advise me if a delay can be approved so our neighborhood can have time to review this latest proposal.

Thanks,  
Diane Chapa  
9405 Morninghill Drive

Andrew,

I wanted to send a formal letter asking to postpone the review of this case by 1 month. It is schedule to be heard next Tuesday the 20th, we (Derecho Drive - Southwest Hills Neighborhood) is asking for one month delay. We believe this is a reasonable request as:

1. We have been meeting consistently with the city staff about the Balance of Tract letter for this case and we were just provided that this week and haven't had time to review that with the neighborhood.
2. Last year during the ZAP and City Council review of this case, the neighborhood wanted to proceed with the City Council review in early Sept, but the developer asked to delay that by 1 month, which the neighborhoods agreed to and I believe it is standard city practice to grant both sides a delay; this is our delay ask.
3. Many of the people who are on the "interested party list" didn't receive notice of the hearing, I am 500 ft from the land so I received notice just 8 days before the ZAP meeting, which is disappointing since I have met with the city and county at least 10 times about this development and wasn't given any notice other then the letter.
4. The neighborhoods are mostly families and Tuesday is the first day of school, this meeting is at 6 pm, which will reduce the number of concerned citizens. Please remember we packed the City Council hall last time, since this is so important to 2 neighborhoods and over 200 families.

Net/net, we feel that the Balance of Tract letter is a good start, but not completely in line with what we had talked about with the city/county staff and would like more then 5 business days to review this critical document that will dictate the developers ability to side-step city/count laws.

Regards  
Erick

Dear Mr Perryman,

I'm writing in regard to the above referenced case concerning the proposed Live Oak Springs development.

It has come to our attention that the developer/owner is now proposing to expand the scope of development through a phasing scheme. However, this is virtually the same plan that was rejected last year, and still lacks a second access as required by City of Austin Code.

Moreover, insufficient notice has been given to the neighbors, especially given that it was over the summer break. In fact many persons of interest within neighborhood still have not been notified.

Our concerns regarding safety for our residents remain a huge issue which is not addressed in the document provided. Out of sincere concern for the safety of our young family and those of our neighbors, we request a one month postponement of the ZAP hearing to allow people to return home and receive proper notice as required by statute.

Sincerely,

John and Michelle Peralta  
11308 Midmorning Dr  
Austin TX 78737

Dear Mr's Rivera and Perryman,

I write as a 40-year resident of Zyle Road to ask respectfully that the hearing regarding the Live Oak Springs proposal be postponed one month so that the residents of Zyle Road have an opportunity to be informed of the proposal and to state our case as well.

The persons on the street with whom I have spoken believe that this "new" proposal is the same plan that was rejected last year, and that the landowner is attempting to circumvent the plan that was rejected through a "phasing program" for the 86 lots he would like to develop WITHOUT a second access as required by the City of Austin Code.

The residents of Zyle Road have concerns for the safety of our residents (including children, and in a number of cases, grandchildren), issues which are not addressed in these documents. Ours is still a neighborhood where our children ride their tricycles, bikes, and sometimes ponies, down the road, and play kickball, etc.

In addition to these continuing concerns, it is the case many of our neighbors living on our road were not notified of the meeting--we sincerely hope that the insufficient notice was not a deliberate attempt to circumvent appropriate community input in these discussions. The one-month delay would allow our community to be informed in greater detail of the proposal and to take part in the deliberations concerning it.

Sincerely,  
Richard and Susan Howard

Hi Andrew and Don,

I'm a resident of Zyle Road and am concerned about the proposed plan for the Live Oak development. I'm just now learning that there is a ZAP meeting next week about this. I would like to attend, but given short notice, I'm not able to reschedule planned business travel.

As you know, residents of Zyle Road are very concerned about the impact of this development on the overall safety of our neighborhood. The road is not intended to handle or capable of handling the amount of traffic that would accompany the several phases and added scale of this project as proposed. Not to mention the lengthy disruption that would be caused by the construction.

We would very much appreciate a postponement of the consideration of this at ZAP so that Zyle Road residents have sufficient time to plan to attend.

Thank you for your consideration.

Best regards,  
Ed Bryson  
8701 Zyle Road  
Austin, TX 78737

Hello Mr.'s Rivera and Perryman:

As a resident of the Southwest Hills Subdivision I would like to respectfully ask for a 1 month postponement of the ZAP hearing for the above referenced case, so that the neighborhood can review the final documents including the Balance of Tract agreement to ensure it aligns to what has been discussed.

Thank you for your consideration.

Sincerely,

*Glenn*

Hello Mr Don Perryman

Bobby Loyd here at 9414 Zyle Rd

You know I understand that anybody has the right do what they please with their property.

But after almost 5 yrs you know this is wrong. This is just one of those bad investments. There is healthy growth in this town and this is not one of them. There is a safety factor here that everyone seems to be just overlooking. The road on Zyle is not built for this.

I don't care what kind of research has been done it is called common sense which nobody seems to have here.

At night you have to pull over to pass an oncoming vehicle. During the you have to do the same with vendors and just every days happens on this road.

And now you want to add gravel/concrete/lumber and every other vehicle coming down this road. Where my driveway is and if you take any of the easement away from me I will have a hard time parking in my driveway.

Nobody in there right mind would push for this development. If totally absurd.

There has to be another way in otherwise there are going to be major problems for all.

Thanks

Sincerely

Bobby Loyd

Please postpone this case. Our neighborhood need more time to analyze and prepare a response.

Ann E. Clift, CPA, PLLC

9937 Derecho Drive

Austin, TX 78737

512-301-3160

Cell 512-924-5358

FAX 888-562-8940

I am requesting the meeting on the issue referenced above be postponed for a month. The neighborhood only recently became aware of this meeting and has not had the opportunity to meet to address some of the Zyle Road issues.

Thank you,

Jana Kuhar

Zyle Rd

Don,

I live in Southwest Hills and I, along with many of my neighbors are asking for a 1 month delay of the ZAP hearing so we will have the opportunity to review the final documents including the Balance of Tract agreement to ensure it aligns wo what has been discussed. It is scheduled for next Tuesday, August 20th.

Please consider,

Sincerely,

Rhonda Hudson

REALTOR® GRI, VLB

HomesATX

512-751-5435

Hello Andrew and Don,

I am writing in regards to Live Oak Springs referenced above. I am requesting a postponement hearing. Because:

1. I am a fence neighbor bordering the land in question and never received a notice about the hearing. (Only learned about this through neighbors)
2. Have never met with the new engineers/developer to discuss Zyle Road concerns.
3. When the Knapp's had asked for a postponement last year, we granted one without question.

Thank you for your consideration.

My best,  
Shannon Owen

Good Morning Andrew and Don,

I live in the Southwest Hills neighborhood and just found out yesterday there is a new development with the Live Oak Springs case.

We are asking for a 1 month delay from next Tuesday's meeting as there are several neighbors who are just coming off of summer vacations busy getting their children ready for back to school/activities next week.

We have not had a sufficient amount of time to review, discuss, and get the word out to all neighbors about this meeting and the documents up for discussion.

As one of the stay at home moms, who has more time to follow up and respond to issues concerning our neighborhood, I urge you to please give all our working families sufficient opportunity to attend all future meetings. Less than 1 week notice to organize for the Tuesday ZAP meeting - on the first week AISD starts back up school - seem egregious. My daughters first day of school is Tuesday and I already concerned how I am going to get childcare with only a 4 day notice for a meeting that starts at 6 pm. I know our neighborhood cares deeply about this issue and they will want an opportunity to participate.

Thank you for your consideration,

Kim Myers  
9609 Derecho Bend  
512-284-2319

Gentlemen:

I am requesting a postponement in the hearing for Live Oak Springs due to the facts that we did not receive notice of the hearing date until August 6, when we had already made plans to be out of town for a work conference. Also, we have never met the new developer and want to speak with them before a hearing.

Cheers  
Jim

**Jim Cubberley** -  
281-832-9344  
Spec's Wholesale Wine, liquor, and supplies  
1340 Airport Commerce Dr, Ste 200  
Austin, Texas 78741

Dear Mr. Perryman & Mr. Riviera,

We received notice of the 8/20 hearing for this case by mail on 8/13. One week is not adequate notice and respectfully ask for a postponement. The Zyle neighborhood organization is also requesting a postponement but want to send you our individual concerns as well.

First and foremost, this appears to be a phased approach to the exact same proposal that ZAP already rejected. We expected a revised proposal that fits the allowed use of the land with no variances. Doing the same plan in phases does nothing to mitigate the reasons it was already rejected. We understand and respect the rights of the property owner but the limited access to the property, environmental concerns and other issues existed at the time he purchased it. Do not penalize the entire community for his benefit.

On behalf ourselves and all 8 homeowners directly adjacent to the Live Oak project, any plan you consider should include a requirement for the developer to provide a minimum 30' conservation easement or greenbelt between existing development. Precedent was set by the adjacent Overlook development (60' I think) so this is not an unreasonable request. By my estimates this is well under an acre from the entire project. Setback rules would be inadequate since they are often HOA managed and unenforced.

Thank you for your time and consideration.

Dane Perkins

11208 Morningstar Circle

Austin, TX 78737

512-351-5688

Hello Mr. Rivera and Perryman,

My name is Doug Fierro, I am one of the HOA board members for our community, The Overlook At Lewis Mountain, located in Travis County off 1826. Our community is very close to the Live Oak Springs development. It has come to our attention on very short notice that the developer / owner for this project requested a meeting with the Zoning and Platting Commission on August 20 2019. Due to the short notice, we have not had time to properly communicate this information to our homeowners and gather feedback on what actions if any we should take in response. This time of year families are taking summer vacation and traveling. We kindly request that this case (C8J-2018-0208) be postponed to a later date as our community is potentially affected by the outcome of your meeting.

Members of our HOA will try to attend your committee meeting in person regarding this case as well.

Sincerely,

Doug Fierro, HOA board member, Overlook at Lewis Mountain  
CC: Stephen Long, Mac McKinney, HOA board members, Overlook at Lewis Mountain

I am asking for a 1 month postponement of the ZAP hearing so that the neighborhood can review the final documents including the Balance of Tract agreement to ensure it aligns to what has been discussed.

Respectfully  
Halsey M Settle, MD  
Southwest Hills  
Sent from my iPhone  
Happy Settle

Dear Sirs,

I live in the Southwest Hills neighborhood, adjacent to this project. We feel we didn't get enough notice based on the city negotiating a "Balance of Tract" letter with the developer. I am writing to ask for a 1 month postponement of the ZAP hearing so that the neighborhood can review the final documents including the Balance of Tract agreement to ensure it aligns to what has been discussed.

Sincerely,  
Cindy Goldman  
9713 Derecho Drive  
Austin, TX 78737

Dear Sirs,

My family and I respectively request a 1 month postponement of the ZAP hearing on Case # C8J-2018-0208 Live Oak Springs. We were only given 6 business days notice before the ZAP hearing. Our family and HOA would like to have time to review the final document including

the Balance of Track agreement to ensure it aligns with what we previously discussed with the city and county members.

Sincerely yours,  
Thomas, Dixie, Justine, and Morgan

As Zyle Road residents who will be affected by any development in this area, we feel like we have not received adequate notice of this hearing. A few years ago I requested via email that my name be added to the list of residents to be notified by the city of any and all plans & hearings associated with this development. I only found out about the hearing last week through Zyle Road neighbors. We really could use more notice so that we can plan to attend the relevant hearings.

As you are aware, the City of Austin ZAP denied the developers bid for a variance to build a bridge across Slaughter Creek to facilitate the building of 80 homes. While it looks like the developers have change plans to build 30 home on 47-acres, we are concerned that this will be an end run around the rules and that later they will come in with plans to build additional homes, or sell the remaining acreage and have another developer build additional homes. This is certainly in violation of the spirit and intent of the codes and laws regarding this development.

The scale of this development is the concern of Zyle Road residents. We are not opposed to the landowners building the 30 homes as allowed by the county, but we opposed to the developers potentially skirting the rules to build a more dense development. The safety of Zyle Road residents will be impacted by a larger development.

Again, we feel like we are not receiving adequate notice of this hearing which will go a long way in determining the future of our long standing neighborhood. We respectfully request a postponement to allow us adequate time to prepare and attend the hearing.

Thanks for your time and attention.

DON & KATIE CASH  
9419 ZYLE ROAD  
AUSTIN, TEXAS 78737

512-301-1296