Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: 33
AGENDA DATE: Thu 01/12/2006
PAGE: 1 of 2

SUBJECT: Set a public hearing on an appeal by applicant Tumbleweed Investment Joint Venture of the Zoning and Platting Commission's denial of applicant's extension requests for a site plan; Rancho La Valencia, SP-01-0356D, located at 9512 FM 2222. (Suggested date and time: January 26, 2006, at 6:00 p.m., City Hall Council Chambers, 301 West 2nd Street)

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING DEPARTMENT: Watershed Protection and Development Review **DIRECTOR'S AUTHORIZATION:** Joe Pantalion

FOR MORE INFORMATION CONTACT: George Zapalac, 974-2725; Nikki Hoelter, 974-2863; Joan Esquivel, 974-3371

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: October 18, 2005 - Zoning and Platting Commission denied appeal and denied three-year extension request.

The applicant is requesting a one-year administrative extension to an approved site plan, Rancho La Valencia, which would extend the life of the plan to February 14, 2006. They are also requesting a three-year extension, which would then extend the site development permit to February 14, 2009. The project proposes to construct 89 condominium units within 55 buildings, water quality and detention ponds, parking, drives and utilities on 9.748 acres. Current site conditions consist of two vacant buildings, the main drive, silt fencing, tree protection, utilities and a water quality pond.

The site plan was approved on February 14, 2002. At that time, the site was located within the City's two-mile ETJ, which did not provide for zoning regulations or enforcement. The project met all applicable regulations at that time.

On September 26, 2002, this site was annexed into the Full Purpose Jurisdiction of the City and given the zoning district designation of I-RR, interim rural residential. It's also located on an identified Hill Country Roadway, and subject to the Hill Country Roadway ordinance requirements. The applicant has requested that the site plan be maintained under a grandfathered status. However, the current site plan allows for commercial development, not condominiums, and, therefore, the condominiums would be considered a new project. Staff has made a determination to deny the extension request, because the site plan does not substantially comply with the requirements that would apply to a new application for site plan approval [Section 25-5-62(C)]. Specifically, this project does not comply with the current zoning district, I-RR or the Hill Country Roadway requirements.

The Zoning and Platting Commission heard the case on October 18, 2005 and upheld staff's recommendation to deny the appeal of the Director's denial of a one-year administrative extension to an approved site plan (5-4). City Code allows for Commission decisions on site plans to be appealed to the

City Council. The Commission also upheld staff's recommendation to deny the three-year extension request, (9-0).

Tumbleweed Investment Joint Venture is appealing the Zoning and Platting Commission's decision to deny the appeal and three-year extension request on the basis that the project is ongoing, and all infrastructure, utilities, and ponds have been constructed.

RANCHO LA VALENCIA
SITE PLAN APPEAL OVERVIEW

Proposed Development:

- The applicant proposes to construct 89 condominium units within 55 buildings, water quality and detention ponds, parking, drives and utilities on 9.74 acres.

- The site is located within the West Bull Creek, partially within the Edwards Aquifer Recharge Zone.

- The site plan was approved on 2/14/02; at that time the site was located within the 2-mile ETJ. At the time of approval, the plan complied with all applicable development regulations. It was not required to conform to zoning regulations and Hill Country Roadway requirements.

- On 9/26/02, the site was annexed into the Full Purpose Jurisdiction of the City, and given the zoning designation of I-RR, Interim Rural Residential.

- Currently located on a Hill Country Roadway, FM 2222.

Applicant Request:

- The applicant is requesting approval of a 1 year administrative extension to an approved site plan, which would extend the expiration of the site development permit to 2/14/05.

- In addition, the applicant is requesting an additional 3 year extension to the life of the site development permit, which would extend the permit to 2/14/08.

Development Issues:

- The development is located within the Lot 1, Block A Tumbleweed Subdivision. The proposed use for this subdivision was commercial.

- Project does not comply with the current zoning, I-RR, and has not requested a zoning change.

- The project would also be subject to the Hill Country Roadway requirements, but at this time is not in conformance.

- Two notices of violation are outstanding, one for construction activity outside the limits of construction, and one for development not in accordance with the released site plan.

Staff's Recommendation:

- Deny the applicant's request for a 1 year and 3 year extension to the site development permit, because it does not comply with the requirements that would

apply to a new application for site plan approval, Section 25-5-62(C). Specifically this project does not comply with the current zoning district I-RR nor the Hill Country Roadway requirements.

Zoning and Platting Commission Action:

- On October 18, 2005, ZAP upheld the Director's decision to not recommend the one year extension request and voted to deny the appeal, (9-0). On this same date ZAP also upheld staff's recommendation to deny the request for a 3 year extension (9-0).

APPEAL OF AN ADMINISTRATIVE DECISION FOR A SITE PLAN EXTENSION AND REQUEST FOR A 3-YEAR EXTENSION

CASE NUMBER: SP-01-0356D(XT) **ZAP DATE:** October 18, 2005
October 4, 2005

ADDRESS: 9512 RM 2222

PROJECT NAME: Rancho La Valencia

APPLICANT: Tumbleweed Investment Joint Venture (Charles Turner)
4309 Palladio
Austin, Tx, 78731

AGENT: LOC Consultants (Sergio Lozano)
1000 E. Cesar Chavez St., Suite 100
Austin, TX 78702

APPELLANT: Sergio Lozano

WATERSHED: West Bull Creek (Partially within Edwards Aquifer Recharge Zone)

AREA: 9.748 acres

EXISTING ZONING: I-RR, Interim-Rural Residential

PROPOSED USE: This project proposes to construct 89 condominium units within 55 buildings, water quality and detention ponds, parking, drives and utilities on 9.748 acres.

APPLICABLE WATERSHED ORDINANCE: Current Land Development Code for water quality.

CASE MANAGER: Nikki Hoelter, 974-2863
Nikki.hoelter@ci.austin.tx.us

PROJECT INFORMATION: (PRIOR TO ANNEXATION)
EXIST. ZONING: 2-mile ETJ **PROPOSED USE:** Condominiums
ALLOWED F.A.R.: N/A
MAX. BLDG. COVERAGE: N/A
MAX. IMPERV. CVRG.: 40%
REQUIRED PARKING: N/A
EXIST. USE: Vacant

SUBDIVISION STATUS: Lot 1, Block A, Tumbleweed Subdivision

ZONING AND PLATTING COMMISSION ACTION: Postponed to October 18, 2005, by the applicant, Consent (6-0).

PREVIOUS APPROVALS: C8-95-0061.0A; Lot 1, Block A, Tumbleweed Subdivision – Approved 4/5/1996
SP-01-0356D; Rancho La Valencia site plan – Approved 2/14/2002

BACKGROUND:

The site plan for this project was approved on February 14, 2002, which proposed 55 condominium buildings, water quality and detention ponds, parking, drives and utilities. At the time of approval the plan met all applicable regulations. The site is located on FM 2222, about ½ mile east of RM 620. Current site conditions consist of 2 vacant buildings, the main drive, silt fence, some tree protection, utilities and a water quality pond.

Prior to site plan approval the existing subdivision was submitted and approved, which allowed for commercial development on the 9.748 acre tract. A restrictive covenant was executed with the subdivision that required parkland be dedicated "before the property may be used or developed for any residential purpose". The parkland dedication fee was paid on February 14, 2002, which was the date of site plan approval.

At the time of approval of the both the subdivision and site plan, the subject property was located within the City of Austin's 2-Mile Extra Territorial Jurisdiction; therefore, not requiring the site plan to conform to zoning regulations, and Hill Country Roadway requirements. On September 26, 2002 this site was annexed into the Full Purpose Jurisdiction of the City, and given the zoning district designation of I-RR, interim rural residential. Since that time the owner or his agent has not requested the zoning be changed to conform to city regulations to allow for this development.

There have been two notices of violations given by the Environmental Inspector for construction activity outside the limits of construction at the wastewater receiving and off-site waterline tie in. Due to current litigation between the two owners, compliance has not been attained.

On February 14, 2005, the applicant submitted a request for a one year administrative extension to the site plan, which would extend the life of the plan to February 14, 2006. The director denied the request for a one year extension. After the applicant was informed of the denial of the extension on August 9, 2005, an appeal was filed the next day, August 10, 2005.

The applicant has also requested a 3 year extension to the site plan, due to the additional time needed by his client to work out legal issues with the owners. The request was made after the one year extension was denied in conjunction with the appeal.

SUMMARY COMMENTS ON SITE PLAN APPEAL:

After review by staff it was determined that this project did not meet the criteria for approval of an extension, because the site plan did not substantially comply with the requirements that would apply to a new application for site plan approval [Section 25-5-62(C)]. Specifically, this project does not comply with the current zoning district of I-RR, Interim Rural Residential nor the Hill Country Roadway requirements.

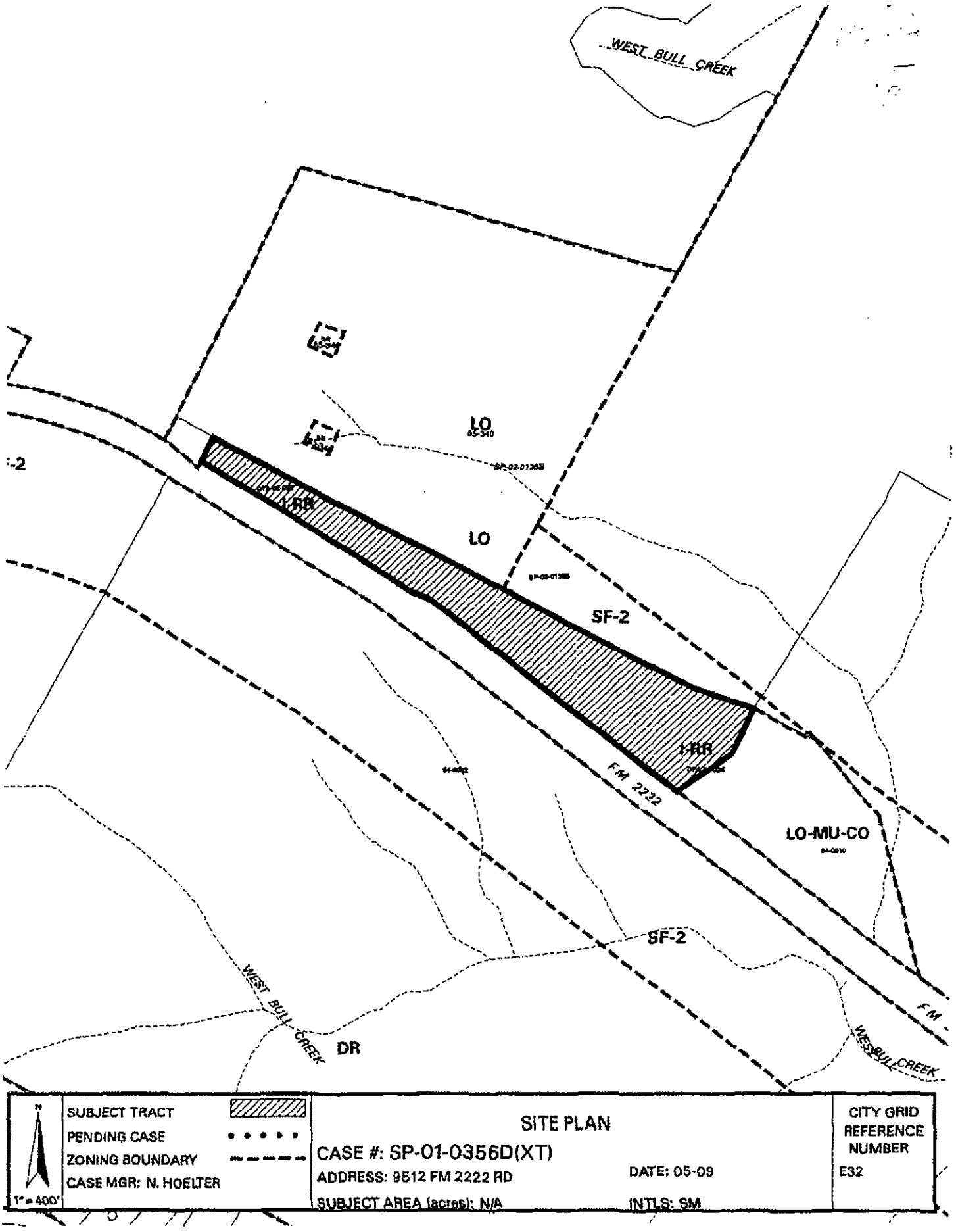
In order for this plan to comply with current Land Development Code regulations, it would need to receive waivers from Section 25-2-1123 – Construction on Slopes, 25-2-1124 – Building Height, 25-2-1125 – Location of On-site Utilities, 25-2-1127 – Impervious Cover, 25-2-1022 –

Native Trees (landscape plan), 25-2-1023 – Roadway Vegetative Buffer, 25-2-1024 - Restoring Roadway Vegetative Buffer, 25-2-1025 - Natural Area, 25-2-1026 – Parking Lot Medians and 25-2-1027 – Visual Screening. The Land Use Commission would be the authority to approve or deny these waivers from the Hill Country Roadway Ordinance, but at this time waivers have not been requested.

This plan would also be required to comply with the current zoning district regulations for I-RR, such as limit the height to 35 feet, decrease dwelling units to one unit, front setback of 40 feet, rear setback of 20 feet, decrease the building coverage to 20% and decrease the impervious cover to 25%. Current impervious cover is 40%; the height, building coverage and floor to area ratio is not known because applications which fall outside the full purpose jurisdiction are not required to provide that information. The Board of Adjustment would have the authority to approve any variances to the zoning regulations.

ISSUES:

The issue before the Commission is whether to grant or deny the appeal of the Director's decision to disapprove the site plan extension. If the appeal is denied, a new application conforming to current regulations is required. If the appeal is approved, the site plan would be extended for one year from the original expiration date, to February 14, 2006. The Commission also has the option to extend the site plan for up to three additional years beyond this date per the applicant's request.


WEST BULL CREEK
LO
LO
RR
SF-2
I-RR
FM 2222
LO-MU-CO
SF-2
WEST BULL CREEK
DR
WEST BULL CREEK
FM
SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: N. HOELTER
1" = 400'
SITE PLAN
CASE #: SP-01-0356D(XT)
ADDRESS: 9512 FM 2222 RD
DATE: 05-09
SUBJECT AREA (acres): N/A
MTLS: SM
CITY GRID REFERENCE NUMBER
E32

LOC Consultants
RANCHO LA VALENCIA
9518 RR 2222
AUSTIN, TEXAS
NTS

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

SITE PLAN APPEAL

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 Planning Commission, 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. SP-01-0356D
PROJECT NAME Rancho Valencia
PROJECT ADDRESS 9512 RR 2222 Austin, TX
APPLICANT'S NAME Sergio Lozano
CITY CONTACT Nikki Hoelter

DATE APPEAL FILED 11-01-05
YOUR NAME Sergio Lozano-Sanchez, P.E
SIGNATURE
YOUR ADDRESS 1005 E Cesar Chavez Austin TX 78702
YOUR PHONE NO. (512) 499-0908 WORK
(512) 587-1236 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 Planning Commission public hearing on (date) _____
- ☐ I communicated my interest in writing to the Director or Planning 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	Date of Decision: 8-09-05
☐	Replacement site plan	Date of Decision:
☒	Planning Commission Approval/Disapproval of a Site Plan	Date of Decision: 10-18-05
☐	Waiver or Extension	Date of Decision:
☐	Planned Unit Development (PUD) Revision	Date of Decision:
☐	Other: _____	Date of Decision:

*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:

Please see attached letter.

(Attach additional page if necessary.)

Applicable Code Section: _____

November 1, 2005

City of Austin
Watershed Protection and Development Review Department
505 Barton Springs Road
Austin, Texas 78704

RE: Rancho Valencia

To Whom It May Concern:

We disagree with the City staffs determination on denying the requested exemption for the above referenced project because this project has been ongoing. All the infrastructure has been constructed and inspected, the utility connections for each one of the units was installed and inspected, all the water quality and detention ponds have been completed and the only item remaining to complete this project is the construction of the single family dwellings.

Sincerely,

Sergio Lozano-Sanchez, P.E.
Principal

CC: File

East Cesar Chavez Austin, Texas 78702-4208 Ph. 512.499.0908 Fax 512.499.090
www.loc.consultants.com

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

SITE PLAN APPEAL

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 Planning Commission, 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. SP-01-0356d

PROJECT NAME

Rancho Valencia

PROJECT ADDRESS

9512 FM RR22

APPLICANT'S NAME Sergio Lozano

CITY CONTACT Nikki Hoelter

DATE APPEAL FILED 8/10/05

YOUR NAME Sergio Lozano

SIGNATURE

YOUR ADDRESS ~~1000 E.Cesar Chavez St.~~
Austin, Texas 78702

YOUR PHONE NO. (512) 499 0908 WORK
(512) 587 7236 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 Planning Commission public hearing on (date) _____
- ☐ I communicated my interest in writing to the Director or Planning 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 — Date of Decision: _____
- ☐ Replacement site plan — Date of Decision: _____
- ☐ Planning Commission Approval/Disapproval of a Site Plan — Date of Decision: _____
- ■ Waiver or Extension — Date of Decision: 8/10/05
- ☐ Planned Unit Development (PUD) Revision — Date of Decision: _____
- ☐ Other: _____ — Date of Decision: _____

*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:

As discussed in a telephone conversation between Susan Scallon and myself, the reason why the particular project has not proceed with the construction of the dwelling units, due to pending litigation.
This project has continued progress during the life of the site plan i.e. the past three years all infrastructure has been finalized, including Water, Water Waste Water, Water Quality and Detention Ponds. Building Permits we were requested for 6 units but no activity was taken in this respect due to pendir litigation.

Applicable Code Section: _____

August 8, 2005

Nikki Hoelter
City of Austin
505 Barton Springs
Austin, Texas 78704
VIA FACSIMILE
(512) 974-3010

RE: Rancho Valencia (SP-01-0356D)

Dear Nikki,

Via this letter, I am respectfully requesting you to extend the above referenced site plan for an additional period of three years, which is the amount of time my client needs to complete the project in it's entirety. I believe this request will have to be considered by the Planning Commission and/or City Council and may take some time to be heard and approved.

Please inform me of any modifications to our application or any additional information in order to be recognized for this extension in time.

Sincerely,

Sergio Lozano-Sanchez, P.E.
Principal

CC: File
Eddy Jones

East Cesar Chavez Austin, Texas 78702-4208 Ph. 512.499.0908 Fax 512.499.090
www.loccconsultants.com

Hoelter, Nikki

From:	Peter Torgrimson [petertorgrimson@prodigy.net]
Sent:	Tuesday, October 04, 2005 1:49 PM
To:	Betty Baker; Melissa Hawthorne; John Philip Donisi; Jay A. Gohil; Clarke Hammond; Janis Pinnelli; Keith Jackson; Joseph Martinez; Teresa Rabago
Cc:	Hoelter, Nikki
Subject:	RE: SP-01-0356D(XT)- 9512 2222 Site Plan Extension Appeal Hearing - Rancho La Valencia

Commissioners,

Please deny the Rancho La Valencia site plan extension and its appeal (agenda items 3 and 4) at the October 4 Zoning and Platting Commission meeting.

This development should conform to the established development requirements for the City of Austin, in particular the Land Development Code for new site plan approval applications, the Hill Country Roadway Ordinance and all current zoning.

Thank you,

Peter Torgrimson
Regional Affairs Coordinator
Long Canyon Homeowners Association, Inc.
Long Canyon Phase II Homeowners Association, Inc.

Hoelter, Nikki

From: Skip Cameron [scameron@austin.rr.com]
Sent: Wednesday, September 28, 2005 11:32 AM
To: Betty Baker; Melissa Hawthorne; John Philip Donisi; Jay Gohil; Clarke Hammond; Janis Pinnelli; Keith Jackson; Joseph Martinez; Teresa Rabago; Hoelter, Nikki
Subject: SP-01-0356D(XT)- Oct. 4 - 9512 2222 Site Plan Extension Appeal Hearing -

Please see that this site plan extension and its appeal are denied.
The site plan does not comply with the requirements of the Land Development Code that would apply to a new application for site plan approval. The site is now within the City's full purpose jurisdiction and would be required to comply with current zoning and the Hill Country Roadway ordinance.

Skip Cameron, President
Bull Creek Foundation
8711 Bluegrass Drive
Austin, TX 78759-7801
(512) 794-0531
--
for more information www.bullcreek.net

For a better people mobility solution see www.acprt.org

Hoelter, Nikki

From: Carol Lee [clee@austin.rr.com]
Sent: Thursday, September 29, 2005 3:20 PM
To: Hoelter, Nikki; 'Teresa Rabago'; 'Betty Baker'; 'Clarke Hammond'; 'Janis Pinnell'; 'Jay Gohil'; 'John Philip Donisi'; 'Joseph Martinez'; 'Keith Jackson'; 'Melissa Hawthorne'
Subject: 9512 2222 Site Plan Extension Appeal Hearing - Rancho La Valencia

Dear Commission Members and CofA Planner, I am writing to ask that you support denial of the site plan extension request for SP-01-0356D(XT) that is scheduled for hearing on 4 October 2005.
The site plan does not comply with the requirements of the Land Development Code that would apply to a new application for site plan approval. The site is now within the City's full purpose jurisdiction and should be required to comply with current zoning and restrictions, including the Hill Country Roadway Ordinance.

Sincerely,
Carol Lee
Glenlake Neighborhood
Austin, TX
clee@austin.rr.com
512.794.8250